

---

# Regional Commercial Study Update City of Kingston



May, 2006

Prepared for the City of Kingston

**S&L** Sorensen Gravely Lowes  
P L A N N I N G   A S S O C I A T E S   I N C .

**urbanMetrics inc.**

*market, economic and strategic advisors*

# Table of Contents

## Executive Summary

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2</b>	<b>CONTEXT .....</b>	<b>2</b>
2.1	COMMERCIAL POLICY CONTEXT .....	3
2.2	CONCEPT OF RETAIL HIERARCHY .....	4
<b>3</b>	<b>EVOLUTION OF COMMERCIAL DEVELOPMENT IN RECENT YEARS .....</b>	<b>8</b>
<b>4</b>	<b>COMMERCIAL DEVELOPMENT IN KINGSTON .....</b>	<b>13</b>
<b>5</b>	<b>REVIEW OF 1999 KINGSTON REGIONAL COMMERCIAL SYSTEM STUDY .....</b>	<b>18</b>
5.1	STUDY OVERVIEW .....	18
5.2	KEY FINDINGS AND RECOMMENDATIONS OF THE STUDY .....	19
5.3	REVISITING THE FINDINGS AND RECOMMENDATIONS OF THE STUDY .....	20
<b>6</b>	<b>OTHER ISSUES .....</b>	<b>33</b>
6.1	OPPORTUNITIES FOR NEW COMMERCIAL AREAS/TOURIST ATTRACTIONS .....	33
6.2	NEED FOR MIXED USE POLICIES THAT INCLUDE COMMERCIAL .....	33
6.3	RESIDENTIAL PERMISSION IN COMMERCIAL DESIGNATIONS .....	34
6.4	NEED FOR MARKET STUDIES OR OTHER STUDIES FOR NEW DEVELOPMENT APPLICATIONS .....	34
6.5	IMPLICATION OF APPLICATIONS TO PERMIT COMMERCIAL USES IN INDUSTRIAL AREAS .....	36
<b>7</b>	<b>COMMERCIAL POLICY OF OTHER MUNICIPALITIES .....</b>	<b>37</b>
7.1	ST. CATHARINES .....	37
7.2	CAMBRIDGE .....	38
7.3	BARRIE .....	39
7.4	THE TOWN OF WHITBY .....	40
7.5	BRAMPTON .....	42
7.6	COMMERCIAL POLICY TRENDS .....	43
7.7	COMMERCIAL POLICY OPTIONS .....	45
7.8	SPECIFIC POLICY RECOMMENDATIONS .....	48
<b>8</b>	<b>CONCLUSIONS .....</b>	<b>55</b>

## APPENDICES

Appendix A: Chart of Current Planning Policies of the Three Former Municipalities

## Executive Summary

### *Background*

The Regional Commercial Study Update (RCSU) was commissioned in 2005 to review commercial policies and make recommendations with respect to harmonizing the commercial policies of the three Official Plans, which have remained in force after amalgamation of Kingston Township, Pittsburgh Township and the former City into the new, expanded City in 1998. The Study did not undertake new analyses but relied on the findings of the 1999 Regional Commercial Systems Study, with updates from more recent commercial approvals and other City information.

### *Study Overview*

The Regional Commercial Study Update reviewed and compared the Official Plan policies of the former municipalities, reviewed the findings of the 1999 Regional Commercial Systems Study, commented on more recent trends in retailing, reviewed approaches of other communities, and addressed issues that the City is facing, including conversion of industrial sites to commercial use, and policy strategies to re-position older commercial areas for new activities.

The RCSU makes specific recommendations with respect to a commercial hierarchy for the enlarged City, and modifications or additions to planning policies. The Study findings were used to create revised commercial planning policies and mapping that will be capable of incorporation into the new Official Plan.

### *Kingston is a regional centre*

Kingston is the centre of a larger, regional trade area. While the population of the City and immediate surroundings (primary trade area) was 130,000 in 2001, the area that relies on Kingston for many of its regional goods is much larger, at approximately 206,000 in 2001. Kingston is also a centre of tourism due to its historic resources, its waterfront location at the gateway to the Thousand Islands, and its many activities and amenities.

### *Population growth is much less than expected & Tourism has declined*

The population growth of the City and surrounding region, as well as the tourism expansion, that were forecast in 1999 by the Regional Commercial Systems Study have not been achieved. Population growth between 1996 and 2001 was only 1%, rather than the almost 10% that had been forecast, and tourism actually declined rather than grew. Stevens and Associates produced new projections in March, 2003 which estimate only half as much growth for the Kingston area between 2001 and 2021 compared to the 1999 RCSS projections. This trend to slower growth has major implications for the amount of commercial development, including retail facilities, that can be supported in the City and the amount of new land or commercial floor space that will be needed in relation to the amount currently approved.

<i>The City appears to have an oversupply of commercial land for its long term needs</i>	The 1999 RCSS concluded that the City had ample commercial land to serve its needs (at much more optimistic growth forecasts) until 2021. Since that time, over 100 acres of additional land has been designated for commercial purposes and the City is in receipt of further applications or preliminary requests to consider large additional areas for conversion to commercial use - most often from former industrial designations. It would appear that the City already has an oversupply of commercial land for its long-term needs.
<i>An oversupply of commercial land can have negative consequences</i>	Unlike other types of land use, competition created by an over-supply of commercial land can lead to the failure of centres that the City may wish to maintain in order to fulfill specific roles and serve the public in convenient locations. In extreme conditions, an oversupply of land can create “blight”. Abandoned, premises not only tarnish the image of the neighbourhoods in which they are located, but also tarnish the image of economic vitality and prosperity of the City. Municipalities generally strive to keep the supply of available commercial land only slightly greater than the warranted demand, to allow for some choice, but not unbridled competition, and they consider the potential impacts of new commercial applications carefully in the context of the planned commercial hierarchy and a geographic balance of locations.
<i>Kingston’s commercial structure arises from its three former municipalities</i>	Kingston’s commercial structure has developed in the context of three independent municipalities with different, and sometimes competing, goals for commercial development. The three Official Plans have different categories of commercial use, with differing performance requirements, and varying mixtures of other land uses permitted within commercial designations. These categories should be harmonized.
<i>Healthy commercial development is vital to the support and character of the downtown</i>	Kingston’s downtown is the multi-functional centre in the City that accommodates major civic and institutional uses as well as serving as a tourist destination and vibrant, mixed use node. Healthy commercial development of both retail and office uses is vital to the maintenance of its health, activity level, pedestrian focus, and to its fundamental character. Its setting of preserved, historic buildings, parks and waterfront connection provide an enviable combination of attractions that contribute to the amenity of the area and to its tourist draw.
<i>Additional policy needed</i>	Currently, the Official Plan lacks policy to clearly define the intended roles of the downtown and has few policies to protect the commercial function in the downtown from excessive competition from other areas. New policy has been suggested.
<i>Regional scale retailing is primarily focused near</i>	The Cataraqui Centre in former Kingston Township and the more recent development of “big box” uses along nearby areas of Gardiners Road, Midland Avenue and Princess Street constitute the City’s major node of regional retail uses, serving not only residents of the City but

*Princess St.  
and Gardiners  
Road*

also those in surrounding communities. This area has accommodated the more recent commercial trend to larger uses on independent or grouped sites and has thus brought a host of different national retail users to the City. The area is largely automobile oriented and is generally not pedestrian focused.

*Kingston  
Township's  
Official Plan  
has limited  
market tests &  
more are  
needed*

In other municipalities, the development of such a strong node of retail uses has sometimes undermined the planned function of nearby District centres and has even contributed to the decline of historic downtown areas. In Kingston, the decline of retail use on the former K-Mart site on Bath Road, and the decline of Frontenac Mall are partially related to the prominence of the retail node around the Cataraqui Town Centre. The policies of the Official Plan of the former Township that govern this area require market impact studies only for developments within the "Core" designation that exceed 10,000 sq.m. Market tests are recommended at 5,000 sq.m. for applications throughout the City.

*Recommended  
that Portsmouth  
Village and  
Williamsville.  
develop as  
"main street"  
areas*

Two areas of the City, Portsmouth Village and 'Upper Princess Street', retain a historic character of street-oriented, "mixed use" buildings. It is recommended that these areas be designated as "Main Streets" with policies that would preserve the street-oriented, pedestrian focus and mixture of uses, including retail. Currently the City's policy of combining Upper Princess, the Kingston Centre and Lower Princess St. as a "business system" creates long and confusing policy which undermines the key significance of the historic downtown (Lower Princess St). It also diminishes the redevelopment potential of 'Upper Princess' Street (from Division St. to Concession) with a character based focus and a mixture of residential and retail uses. As a more meaningful name for the area, "Williamsville" is suggested.

*Redevelopment  
of outdated  
arterial sites*

Some older Arterial Commercial sites, particularly along Princess Street, have lost most of their retail function. Proactive policy to enable redevelopment, to residential use, where appropriate, is suggested.

*Policies  
providing a  
"moderate"  
level of control  
are  
recommended*

Commercial policy options for the new Official Plan varying from "strict control" to "limited control" were discussed and "moderate control" was recommended in Kingston's circumstances. Additional tests including market studies should be required for re-designations to commercial use, to add new commercial sites, or to expand current sites beyond their intended function. The recommended commercial hierarchy is:

*Recommended  
Commercial  
hierarchy*

The Downtown  
Regional Commercial  
Main Street Commercial  
District Commercial  
Arterial Commercial  
Neighbourhood Commercial

# 1 Introduction

On January 1, 1998, the former City of Kingston was amalgamated with the Township of Kingston and with Pittsburgh Township to create a City of approximately 110,000 and an area of 450 square kilometres. Currently, it still remains governed by the three Official Plans of the former municipalities. Each municipality had a different commercial hierarchy, differing definitions of commercial development and independent structure. These differences create confusion and unequal treatment of commercial applications from different parts of the newly amalgamated City.

In March 1999, the City of Kingston released its Regional Commercial System Study, prepared by Dillon Consulting Limited, W. Scott Morgan and Paterson Planning & Research Limited. This report involved a detailed review of the commercial structure of the three former municipalities and made recommendations as to how they can be rationalized into a set of policies to be implemented through a new Official Plan. Since that time, significant changes have occurred in the retail market in general and specifically in Kingston. As the new Official Plan has not yet been compiled, the City has commissioned a review of the 1999 study to determine the validity of its conclusions in today's market environment.



The City is in the process of preparing a new Official Plan. This Regional Commercial Study Update is intended to review the current Official Plan policies in the context of today and by reference to the updated recommendations of the Kingston Regional Commercial System Study of 1999 in order to produce an integrated and updated Commercial policy framework for the new City. The analysis was undertaken between September 2005 and May 2006 and reflects the City's commercial approvals in that timeframe.

## 2 Context

The 1999 Kingston Regional Commercial System Study was undertaken over several years and produced a comprehensive database for the area covered by the three former municipalities. In this Study, the database was accepted as fundamentally valid, and therefore only very limited updating was required by the City. The 1999 Kingston Regional Commercial Study determined that there was then 9,500,000 sq.ft. of commercial space<sup>1</sup> and an additional 75 vacant acres of commercial land in large parcels<sup>2</sup>. Based on the projected population of Kingston and its Trade Area, the Study concluded that there was no need for additional commercial land within the next 20 years. The recently completed Comprehensive Land Use Survey prepared for the City by J.L. Richards concluded that there was approximately 1,600 acres of commercial land or approximately 3.3% of the land parcels in the City comprising approximately 1.5% of the total land area of the expanded City.<sup>3</sup>

Since the time of the 1999 Study, additional commercial land has been added, particularly in the former Township of Kingston. A Costco has recently opened in the Cataraqui North neighbourhood, north of Princess Street on Centennial Drive. Much of the vacant inventory of designated land in the former Township of Kingston has also been developed or is under construction, particularly along Midland Avenue; however, sizeable vacant parcels still remain. Since the time of the 1999 KRC Study, the population of Kingston and the region have failed to meet the expected population growth, and tourism has actually declined rather than grown. In this context of additional sites having been approved while population growth has lagged significantly below projected levels, it appears that the City has an over-supply of commercial land. If these conditions continue, this situation is likely to result in increasing vacancies in older commercial developments and may potentially undermine the planned function of some areas and could also lead to blighted areas.

With respect to office sites, the permission and encouragement of offices in the *Business Park* designation of the former Kingston Township, as well as on sites along Sir John A. Macdonald Boulevard at Highway 401 and at John Counter Boulevard, enables the development of large areas of new office space with surface parking. Smaller offices and institution uses have become tenants in former storefronts in older retail strip plazas along the arterial roads of the City. Offices are permitted in almost all Commercial or Industrial designations. These areas provide accessible and affordable space but will compete with office buildings in the downtown where the provision of parking is more expensive.

---

<sup>1</sup> Kingston Regional Commercial System Study (KRCSS), 1998, p. 18.

<sup>2</sup> KRCSS, p. 19.

<sup>3</sup> Comprehensive Land Use Survey, 2005, p. 20. It should be noted that the Comprehensive Land Use Survey included categories of commercial use that were not counted in the 1998 Study.

## 2.1 Commercial Policy Context

In general, the essence of the Ontario planning process is the appropriate allocation and distribution of land uses for future growth and change. In the words of *The Planning Act*, an Official Plan is “to manage and direct physical change and the effects on the social, economic and natural environment of the municipality”. For retail land uses, the intent of planning should be to guide development in accordance with the public interest, but not to intervene in the market place in ways that may restrict economic activity or regulate or interfere with normal business competition. In allocating appropriate amounts of land for commercial use, the goal is to provide sufficient opportunity to accommodate a wide range of commercial development in appropriate locations, to serve the public. Such allocation must also recognize that an over-supply of commercial land, particularly retail sites, can lead to the abandonment of older developments and such abandonment can lead to unbalanced distribution of commercial facilities in terms of convenience to the public, or may result in blight if redevelopment opportunities cannot be found, and also can detract from the health and vitality of the downtown, or other locations. These are matters of public interest concern.

One aspect of the guidance to be provided by an Official Plan is to identify appropriate locations for retail land uses, recognizing the diverse characteristics and locational requirements of different types of retail facilities needed to meet the demands of the public for goods and services of all types. In the case of commercial development, particular support is provided for downtowns and mainstreet areas. These areas are not merely commercial centres but generally are the cultural, civic and historic hearts of their communities, requiring a healthy commercial core to support their multi-functional and mixed use character.

The Provincial Policy Statement includes policies for “Building Strong Communities” which include:

1.1 Managing and Directing land use to Achieve Efficient Development and Land use Patterns

*1.1.1 Healthy, liveable and safe communities are sustained by:*

- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long term needs<sup>4</sup>; and*

1.7 Long Term Economic Prosperity

*1.7.1 Long term economic Prosperity should be supported by:*

- b) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;*
- f) providing opportunities for sustainable tourist development.*

---

<sup>4</sup> long term needs are generally defined as up to 20 years by s. 1.1.2 of the PPS, unless alternate time periods have been established for given areas of the Province



The Ontario planning process for retail commercial land uses has traditionally involved inquiry into certain public interest questions regarding impact on the "planned function" of commercial locations, especially downtown areas. As a result of this concern, market impact and planning studies are often required to support applications for new development, even on sites that are designated for retail commercial use in the Official Plan. Such provisions attempt to balance the supply of new commercial sites with the ability of the market to absorb such development without impact to the planned function intended and without creating blight or other detriment to the public interest.

In dealing with the retail sector of the commercial structure, land use planners are fundamentally concerned with two key determinations:

- the categorization of retail facilities in terms of the level of each in the "retail hierarchy", and
- the spatial distribution related to the requirements of various types of trade areas and the pattern of communities and neighbourhoods

## 2.2 Concept of Retail Hierarchy

The concept of "retail hierarchy" assists in distinguishing between the different levels and types of retail goods and services, as provided by different types and locations of retail facilities. These distinctions are important in planning for retail land uses, since it is the appreciation of different levels in the hierarchy that contributes to the understanding of "planned function" as a term describing the essential planning intent for the various retail commercial facilities in a municipality. This is an approach that is most readily applicable to shopping centres, especially in relatively suburban areas, where a well-differentiated array of shopping nodes exists at the various levels - from locally-significant up to regionally-significant centres. The cultural and historic significance of the downtown raises it to the top of the hierarchy, despite the fact that it may no longer contain the large anchor tenants typical of the community or regional level shopping centres located within the City.

In differentiating between various retail areas in terms of their respective positions in the functional hierarchy, it is the following three factors that, in our experience, are most meaningful in classifying a particular shopping area according to the appropriate level in the hierarchy:

- 1) the type of location relative to the road network serving the area,
- 2) the nature and extent of the trade area, and
- 3) the type and number of anchor tenants.

Some types of specialized retail areas are difficult to position within a hierarchy. In Kingston, these areas include large stretches of arterial commercial development that mix neighbourhood-oriented, district level, and auto related uses with hospitality uses and auto-serving use.

The Lower Princess Street area (or downtown), as well as more historic main street development found on Upper Princess Street (between Division St. and Concession St.) and along King Street in Portsmouth Village also have a historic quality and mixture of uses that do not fall within pure retail categorization. These historic areas require individual recognition because of their particular characteristics and functions, such as greater public sector investment, fractured ownership patterns, pedestrian orientation (rather than car-orientation), heritage values, and diverse range of retail as well as service commercial, entertainment, office and public administrative uses. The Lower Princess Street area is the traditional downtown of the City, while Upper Princess Street and King Street through Portsmouth Village contain many “main street” attributes.



Portsmouth Village “main street”

The levels of a retail hierarchy customarily contain (from base to top):

- **Local or convenience retail** occurring in a relatively large number of locations. These are located throughout residential areas, each offering its local residents a limited array of frequently-required goods and services, such as would be found in a jug milk store or variety store. These locations are often not reflected on a map. Such uses are

permitted in Residential designations of both the former City of Kingston Official Plan and in the Kingston Township Official Plan but are not identified on the Land Use map of the former City. They are indicated on the Maps of the former Townships.

- **Neighbourhood-level shopping** plazas serve each neighbourhood area with a variety of goods and services, including personal services, banks and drug stores. In some cases, these areas also provide smaller food or supermarket shopping. The commercial grouping at Bath Road and Collins Bay Rd., or the Weller Street plaza would meet this description. This category is often developed along major roads such as Princess Street, Bath Road or Division Street in Kingston and mixes with community-level services and auto oriented uses to form part of a longer arterial strip development.
- **District-level shopping centres or Nodes** of development serve larger areas overlapping several neighbourhoods, with a wider variety of stores to meet weekly shopping needs, such as a supermarket, a discount department store and other outlets providing most household staples. Kingslake Plaza, Bayridge Plaza or Frontenac Mall are examples of such centres and the Kingston Centre and nearby sites that form part of the Central Business System could be considered as such a Node of development. The Village Centre in former Pittsburgh Township is intended to fulfill this role but might more accurately be categorized as a Neighbourhood Centre currently.
- **Regional shopping centres or Nodes** of commercial development are relatively few in number and serve very large areas with the types of specialized, higher-order goods found in full-line department stores, and major specialty chains. The Cataraqui Town Centre and the large floor plate users found in the "Core Area" designation of the Kingston Township Official Plan reflect this type of development that attracts a regional market.
- The **Central Business District**, or **Downtown**, is typically the historical commercial focal point for a community. In most communities, the downtown contains the largest concentration of commercial space, although its retail function is often subordinate to that of regional shopping centres or power centre nodes. As is the case with downtown Kingston, the majority of commercial space is comprised of specialty retailers, convenience uses, hospitality uses, entertainment and tourist venues, personal and business services and financial institutions. Most downtowns are also the central focal point for civic uses and employment.

**Arterial Commercial** development or **Highway Commercial** is often categorized outside of the retail hierarchy. Often major arterial roads have formerly been highways and have developed with uses catering to the travelling public such as motels, automobile service stations and restaurants. Arterial commercial areas have also been the location for uses requiring large sites, such as garden centres or lumber yards.



Within the former City of Kingston Official Plan, the *Arterial Commercial* category has been used more generously to include convenience and neighbourhood serving retail as well as sites for large retail users. Offices and service uses are also permitted. “*The Loop*” commercial designation in former Kingston Township, which extends along Princess Street and Bath Roads also is a permissive commercial category. Retail shops of all types, entertainment and automobile uses, institutions and offices are permitted.

Mixed use residential and commercial developments are encouraged in this category, yet residential use is prohibited in the *Arterial Commercial* designation of the former City (which also covers Bath Rd. and Princess Street within the former boundary). There is considerably less arterial road development within Pittsburgh Township and it is found primarily within the *Highway Commercial* category.

The former City of Kingston Official Plan also has a *Highway Commercial* category that is focused towards the needs of the travelling public and permits accommodations, restaurants, and gas stations. Special uses, such as banquet halls, recreation and entertainment uses that cater to a larger district are also permitted but offices, residential use and industrial uses are prohibited. This category shares many of the uses found in the *Arterial Commercial* category but unlike that category, discourages both large retail sites and smaller retail uses catering to the general public. This designation is limited to one location at the south side of Highway 401 at Division Street, which has been the major entrance to the City. Because it applies to only one area, it could be combined as a special Arterial Commercial area.

In summary, the commercial policy structure of the current amalgamated City of Kingston is confusing due to the different approaches taken by each of the former municipalities and the unusual structure of a “*Central Business System*” with three distinctly different types of retail areas in the former City. Generally the current structure is also extremely permissive, particularly in the area of the former Kingston Township. There are few requirements for studies of impacts of new retail development, and these are only for developments of over 10,000 sq. metres within the extensive area covered by either ‘*the Loop*’ or ‘*the Core*’ designations and for smaller developments of 3,000 sq.m. outside of these designations of former Kingston Township. Offices are a permitted use in a broad array of commercial and also industrial designations in addition to in the downtown, and residential permission within a commercial designation are treated in differing ways by the various Official Plans.

### 3 Evolution of Commercial Development in Recent Years

Retail development has undergone significant change in the past years. Growth in the retail sector, while remaining strong in recent years, is not equally evident in all sectors of the retail industry. Traditional full-line department stores have seen their market shares erode. Even in the period preceding the failure of the Eatons chain, there were many such closures of downtown Eaton stores. There have been relatively few openings of new Sears or Bay stores in recent years.



The discount or promotional department store sector has also been in a state of flux. As a result of acquisitions and mergers, only two major operators, Zellers and Wal-Mart, remain in business. In addition, both chains have shown a very strong preference for new locations in unenclosed shopping centres or free-standing formats. The reduced costs of construction and maintenance for unenclosed development formats are significant factors in this trend, as is the greater individual visibility and immediacy of access that is provided by the open concept or "power centre" format of development.

Partly as a consequence of these trends, department stores have not often been available to anchor new regional and community shopping malls and to assist in the development of these types of enclosed shopping complexes. With very few exceptions, such as the "Vaughan Mills" mega-mall north of Toronto, enclosed regional malls are no longer being proposed. In a number of cases where, after strenuously contested Municipal Board hearings, new regional mall proposals gained approval, they have not proceeded or are not being built in that form<sup>5</sup>.

It is not that regional retailing has not been expanding, for it has. Rather, it is that regional retail growth is occurring primarily in different formats than those which made enclosed malls viable. Nor is there any certainty that the enclosed department store anchored shopping centre will again become a viable development format in the foreseeable future. This does not mean that Kingston's existing enclosed malls are necessarily out-dated, since these represent locational decisions and investment decisions already made. The non-traditional format undertaken at the Rio Can/Trinity sites on Gardiners Road is indicative of the movement away from enclosed mall developments.

This more recent form of retailing to Ontario in the form of big box stores and power centres (grouping of several big box or new format retailers), began in the early 1990's at a time when a recession had

---

<sup>5</sup> For example, proposals for enclosed regional shopping malls were approved in the early 1990s by the OMB in Cambridge and Barrie but have not proceeded. After some years elapsed, subsequent amendments were obtained to permit power centre or unenclosed development instead.



made the public more interested in lower prices than in personal service. In Canada, many power centres began with big box tenants such as a warehouse membership club and home improvement centres. They have since evolved from their “bare bones” discount warehouse beginnings to account for the greatest portion of new retail development over the past 15 years. At the same time, the decline in the department store sector in Canada resulted in a complete halt to the construction of new enclosed malls in Canada between 1990 and 2005. The halt to new enclosed mall construction was also combined with the closure of some mid-sized malls that were unable to effectively re-tenant after the loss of their department store anchors.

With the lack of traditional enclosed mall development, big box retailers have captured a very significant share of the market for new retail development. Their success reflects consumer preference for lower cost, variety and the discount warehouse format. The range of merchandise at power centres is expanding as traditional retailers are coaxed into the big box market due to the limited supply of alternative commercial development formats. The popularity of power centres relies largely upon automobile ownership for accessibility to these sites and to enable the transport, particularly of bulk purchases. Frequently, shoppers will drive within a site to visit different outlets. For the elderly, students, or the poor who lack access to automobiles, power centre shopping is a less attractive offering, but these groups generally have less disposable income and thus are not the focus of retail marketers, although their needs are important to planning considerations.

The emergence of “new urbanism” in community planning has resulted in a focus on town centre and main street retailing in new communities, including the development of lifestyle type centres. A trend has been for planning policies to encourage retailing that replicates the traditional mainstreet, through the use of mixed-use zoning, street related stores, and design guidelines that incorporate public space elements. The town centre is usually seen as the focal point for residential or employment district development. In some new and primarily affluent communities, town centres are developed in an open air, pedestrian friendly format, combining commercial, entertainment, institutional and civic uses. Sidewalk cafes, live-work units, public squares and recreation trails are incorporated to introduce humanizing elements into the suburban landscape.

As an alternative to the power centre that has been criticized for lacking aesthetic form, not adapting to non-automobile trips, and lacking appeal to the upscale market, some development companies are turning to the “lifestyle centre”, which attempts to strike a balance between the mall shopping experience and the need for big box specialty tenants to create a regional draw. The International Council of Shopping Centers (ICSC) defines a lifestyle centre as follows:

*“Most often located near affluent residential neighborhoods, this center type caters to the retail needs and “lifestyle” pursuits of consumers in its trading area. It has an open-air configuration and typically includes at least 50,000 square feet of retail space occupied by upscale national chain specialty stores. Other elements*



*differentiate the lifestyle center in its role as a multipurpose leisure-time destination, including restaurants, entertainment, and design ambience and amenities such as fountains and street furniture that are conducive to casual browsing. These centers may be anchored by one or more conventional or fashion specialty department stores.” (ICSC)*

Now the retail development of choice in the USA, as the National Research Centre in the US states, “lifestyle centers are to the 2000’s as power centers were to the 1990’s”. There are over 100 lifestyle centres in the US, with over one third built since 2000, and more in the pipeline.

In Canada, lifestyle centres have been difficult to develop owing to a range of factors, including inclement winter weather, a shortage of “unique” and high end specialty retailers, and a lack of large high income concentrations needed to support these types of centres. Hybrids of the US lifestyle centres – referred to as “power towns” are beginning to emerge in Canada. These include a mix of big box and “main street” retailing, with fewer high-end tenants than lifestyle centres, but with a greater emphasis on exterior design features.

Power centres continue to enhance their tenant selections and design standards, while enclosed regional mall owners are expanding, remerchandising and repositioning their properties to maintain their competitiveness and relevance to today’s consumers. Established retail chains, which once exclusively leased mall locations have developed strategies to compete more effectively against new format retailing, including expansion, relocation, refurbishing, spin-offs, differentiation, and consolidation. Some chains are expanding their size, merchandise selection and range of service to enable them to better adapt to power centre retailing.

Some supermarkets are now including a wide range of non-grocery merchandise, such as pharmaceuticals, cosmetics, home furnishings, electronics, apparel, other general merchandise and a range of services (including health clubs, dry cleaners, medical centres, etc.). Drugs stores and department stores are also expanding their merchandise to include food. This has resulted in supermarket and drug store sizes that are significantly larger than their traditional counterparts.

These trends have had a significant impact on commercial planning policy, particularly with respect to all levels of the retail hierarchy. For example, neighbourhood centre sites were usually planned to be anchored by a traditional 30,000 to 50,000 square foot supermarket anchor and a similar amount of ancillary space, requiring some 5 to 10 acres. Today, some individual supermarkets of up to 140,000 square feet or larger are being developed in conjunction with other big box retailers at strategic intersections and highway interchanges, replacing the need to plan for smaller neighbourhood oriented developments in certain locations, and often impacting existing small centres in existence. These large format supermarkets contain many of the stores and services typically found in entire neighbourhood shopping centres such as financial services, a pharmacy, photos, flowers, housewares and take out food.

This retail “supersizing” has had a more profound impact on the middle-sized shopping centres, which once relied on a single discount department store and supermarket anchor. As discount retailing has

become so ingrained in the function of power centres and because the traditional community or district centre sites were too small or poorly located to support big box clusters, a number of mid-sized centres have lost their tenants and been converted to non-retail uses. In many cases, the function of these centres is being replaced by the power centre.

For the most part, however, the largest enclosed regional shopping centres have continued to thrive due to their scale and lack of new enclosed competition. However, to address new retailing trends, many have been forced to replace older anchors with new format retailers and to accommodate big box tenants on “out parcels” situated within their parking areas.

These trends have influenced both development and planning policies in a number of ways.

- Many developing municipalities that had designated lands for landmark commercial and mixed use projects intended as a centre piece for new community development have had to accommodate power centre type retailing that bore little resemblance to the initial concepts. Kanata Town Centre in Ottawa, for example was intended to be an enclosed regional shopping centre. While the initial phase of the actual development was little more than a big box centre, a more pedestrian-oriented second phase has involved fronting many of the uses on pedestrian linkages, and higher urban design standards.
- A number of municipalities are now faced with the potential closure or downsizing of smaller district centres that are replaced with modern large format supermarkets which are capable of providing an extensive array of both merchandise and services. The issue faced by planners is whether residents are better served by a multiple number of older and limited service stores near to their homes or by a single large format supermarket capable of serving a larger area with enhanced services and merchandise selections.
- Some sites originally designated as part of the retail hierarchy are not large enough to accommodate the needs of large format retailers, and may lose their function if anchor tenants cannot compete or choose to move to new locations.
- Because large format retailing requires space extensive sites and in some cases has a large wholesaling component, many developers prefer business park locations, which can put a strain on the local supply of employment lands. Locations in proximity to 400 series highways are also important to enable large format retailers to serve regional markets. This can also create a conflict for municipalities, in that these locations are often the same ones most desirable for employment lands.
- Cinemas were once an expected component of downtown commercial areas. In recent years, however, continued competition from other entertainment formats, such as DVD's, pay-per-view television, and hand-held viewing devices, have resulted in a decline in the cinema industry. The response by the industry to create mega-plex theatre complexes, has focused its attention on large greenfield sites rather than on land-constrained older



commercial cores. In general, however, entertainment uses are still seen as an important component to a downtown area as they provide activity and support for restaurants and retail uses after the business day. Some municipalities have attempted to limit their development outside of the downtown to keep this activity as a stimulus. Other municipalities, such as Peterborough, have been fortunate to have a cinema complex occupy existing space within the downtown (in space vacated by Eaton's) and serve to revitalize the area.

Additional factors influencing the evolution of development formats are the changes in specific operations and space requirements of many retailers. There is also an increasing trend to expand traditional merchandise lines, particularly by discount department stores, supermarkets and drug stores. For example, Wal-Mart now sells a wide range of grocery items in its Canadian stores and is the largest food retailer in the United States where its supercentre stores combine a full supermarket with a larger discount department store. Loblaws has stores equal to the size of many department stores, with about half of the floor space devoted to non-food items and services. The new Shoppers Drug Mart stores now have food freezers, while London Drugs in western Canada is the largest or second largest electronics suppliers in most markets in which they compete.

Several of the successful trends in retail innovation involve the use of larger and more flexible premises, and a greater degree of individual identity, than are readily provided in an enclosed mall. In some cases, the larger floor areas permit an outlet to compete by offering the consumer a fuller breadth or depth of merchandise than would be possible in a smaller mall store. In other cases, the need for large floor plates may be related to the competitive need for cost savings by integrating the display and storage of merchandise and thereby minimizing handling and moving costs. With the changes in merchandise mix and floor plate size, it is often difficult to use traditional commercial policy categories to plan types of shopping nodes.

Among the largest floor plates are Home Depot, a comparatively recent entrant into the Kingston market, and Costco Wholesale. Most new format retailers, however, are much smaller and are potential candidates for location in larger floor plates or on the edges of the downtown area or in other existing commercial areas of the City including arterial road and mall locations. The opening of Giant Tiger in the Upper Princess Street area is an example of the re-use of a larger floor plate in an existing location close to the downtown.

Although the specific built form and location of retailing has changed, the locational requirements of retail uses remain the same in Kingston, as in all cities. The key requirements continue to be:

- Centrality,
- Accessibility, and
- Visibility

to the market that is being served, whether it is local or regional.

## 4 Commercial Development in Kingston

Kingston's commercial structure has developed from the hierarchies of the three former municipalities. Downtown Kingston is still the historic focal point for commercial activity in the region. Over time, however, several other major nodes have become established in the City and Kingston Township, such as the Kingston Centre and Cataraqui Town Centre.

While at one time Bath Road in the former Kingston Township had developed into a secondary retail strip, including a number of discount department store anchored plazas, its function has largely been transferred to a more recent large format retail cluster along Gardiners Road.

### *Downtown Kingston*

The **Lower Princess Street** area between Division Street and the harbour is the traditional downtown of the City. Its historic buildings, parks, offices and institutional buildings, as well as the strong retail focus of Princess Street and waterfront hotels contribute to the attraction of the area as a significant tourist destination. The presence of a residential population both within and adjacent to the downtown also contributes to the vitality of the area and provides support for retail uses. Many of the retail uses are smaller, individual stores or restaurants that are well suited to the smaller footprint of the older buildings and to creating a stimulating pedestrian environment, particularly along Princess Street. The side streets have a more varied typology.

The proximity of Queen's University, the Royal Military College and the military base to the downtown contributes to the activity, mixed use and market support for the area. Hospitality uses and tourism are also important facets of the downtown. The elderly, students and others who do not own a car are able to live and function in the downtown due to the convenient presence of grocery stores, financial institutions, and a variety of retail and service uses.



There is some undeveloped land within the downtown, particularly in the North Block, that has the potential to expand the uses and services of this area.

**Upper Princess Street** is the area between Division and Concession Street. It is an older commercial strip area with a variety of uses and building typologies. It includes older motels, two story mixed use (office and retail, or residential above retail and service uses), interspersed with auto sales and repair uses. The area is bordered by residential neighbourhoods, and, particularly near Division Street, is close to Queen's University. Recently, a



number of newer uses have located in the area and are assisting to re-vitalize it. These include a Shoppers Drug Mart, Giant Tiger and the LCBO as well as a retirement residence.

**West Princess Street** is the area around the Kingston Centre at Princess Street and Sir John A. Macdonald Boulevard. This older mall development with adjacent retail uses is anchored by a new Loblaws store and a Canadian Tire. It has benefited from a recent re-furbishing. The surrounding apartment uses and the presence of the transit terminal contribute support for the area in addition to the adjacent neighbourhoods.

### ***The Central Business System***

The *Lower Princess Street* area, *Upper Princess Street* and *West Princess Street* are linked, both physically, and by the current Official Plan policy that designates them as the *Central Business System* within the former City. They also share a common zoning category. All three areas have a mix of uses and share common policy to permit medium and high density residential uses up to 5 or 6 storeys. Each area also includes offices. The latter two areas primarily serve the surrounding neighbourhoods, as opposed to the regional, civic, and tourist focus of the downtown.

### ***The Core Area***

In the former Township of Kingston, regional commercial development has been centred on the Cataraqui Centre, an enclosed mall which is anchored by Sears, Zellers and The Bay and is located at the foot of Midland Avenue at Princess Street. High density residential use adjacent to the mall forms part of the "Core" designation of the Official Plan. More recent development along Midland Avenue includes a new format Loblaws and a large Wal-Mart; both on individual sites that form part of the Core designation in the Official Plan.

***The Loop (Arterial Commercial)***

The regional retailing has also extended to the Rio Can power centre development along the east side of Gardiners Road between Taylor Kidd Boulevard and the railway that includes Home Depot and a cinema complex as well as a large and increasing number of “box” retailers.



This area of arterial commercial development that includes car dealerships is designated “*The Loop*” in the Kingston Township Official Plan and includes arterial development on Bath and Princess Streets. While residential and mixed residential-commercial uses are permitted in the Official Plan, few such uses have developed in the area. Car dealerships, lumber yards, older strip mall development and some newer uses such as Chapters and Value Village are interspersed through the area, with a number of older motels located along Princess Street within *The Loop* designation.

The proliferation of new development in Kingston Township near Princess Street and Gardiners Road has had some negative effect on existing centres, including Frontenac Mall on Bath Road where the former Wal-Mart store has been re-tenanted by three smaller users after a period of vacancy and the K-mart Plaza, where the former discount retailer was located has been converted to a public storage depot and bingo hall. An apartment building recently approved on this site will provide affordable housing and provide a new direction for this outmoded retail commercial location.



*Frontenac Mall - vacant Wal-Mart & vacant restaurant*

***Arterial Commercial & Highway Service Commercial***

*Arterial Commercial* development also continues along Bath Road and Princess Street on the east side of Little Cataraqui Creek, in the former City. Princess Street, between Sir John A. Macdonald Boulevard and the Little Cataraqui Creek, is the location of a number of hotels and motels including the Ambassador Hotel and Conference Centre, Comfort Inn, Peachtree Inn and the Best Western Motel. Vehicle dealerships, older strip malls and a grocery store are amongst the mixture of uses in the area. Offices and community uses have replaced retail uses in a number of the older strip malls. The train station is located farther to the west but is not directly related to the area, except that the tourist uses would be the most proximate to its location.

At the Division Street entrance to the City from Highway 401, a significant node of *Highway Service Commercial* development has occurred including restaurants, gas stations, and motels. A proposal has been made, and approved, to create a regional Outlet Mall in this location on Dalton Avenue.

***District Commercial***

Nodes of commercial development serving a local population exist throughout the enlarged City. For the most part, these are in the form of plazas and generally have a food store as an anchor. These areas include LaSalle Plaza, Kingslake Plaza, Bayridge Plaza in former Kingston Township and 'the Village Centre' in former Pittsburgh Township. The Kingston Centre might be considered the largest of these uses. Built in a main street format, Portsmouth Village is designated District Commercial and includes a variety of small uses in a street-related setting, as part of its historic village structure. In Kingston Township

***Neighbourhood Commercial***

The former City contains a number of smaller commercial and service uses that are found within neighbourhoods and scattered along major entry roads like Division Street, Montreal Street and Sydenham Road. Similar small uses exist in the former Townships along Bath Road, Princess Street, and former Highway 15. These include convenience stores, gas stations, personal service outlets, small scale restaurants, and video outlets. Some older, local uses do not have the parking and site plan requirements that would be applied today and have not been mapped in the former City. In former Kingston Township such sites were designated Commercial but not differentiated into a hierarchy. It may be difficult to show small sites clearly on maps of the expanded City and this will be an issue for the Official Plan.

**Offices**

While office use is included in the commercial category, it is a more stable use than retail, which is constantly evolving in terms of its form and often of its specific location preferences. In Kingston, the predominant focus of offices is in the downtown, where they contribute positively to the economy and activity of the area. Many downtown offices are related to the civic or hospital uses that are nearby. A new office building will be built as part of Block D in the downtown and additional opportunity for office development in the downtown exists in the North Block.

A more recent node of office development has occurred at Sir John A. Macdonald Boulevard and John Counter Boulevard, and the Province has converted a number of buildings on the Psychiatric Hospital site for institutional office use. A number of offices formerly located in the downtown have relocated to these more suburban, auto-oriented, locations where surface parking is generally free.

Smaller, local serving, professional and community service, offices are scattered throughout the city in locations above stores, in plaza units and in freestanding form. The Official Plan provisions of both the former City and of both Townships encourage office development as a component of Business Parks. Much of the area that has been designated for *Business Park* remains undeveloped and provides generous opportunity for new office development in the City. This category of land use is considered as an Industrial category, although it is capable of accommodating a generous share of office uses that are not necessarily related to industrial operations.

**Vehicle Dealerships**

Many of the car dealerships have re-developed or relocated onto new sites along Bath Road, Princess Street West, or Gardiners Road since the 1999 Kingston Regional Commercial System Study. As a result, it is questionable whether the opportunity to create a multi-dealership auto mall, as suggested by the 1999 Kingston Regional Commercial Study, still exists in the City.

## 5 Review of 1999 Kingston Regional Commercial System Study

Although only seven and a half years have passed since the Kingston Regional Commercial System Study was prepared by Dillon Consulting, W. Scott Morgan and Patterson Planning & Research Limited, changes have occurred in the retail and commercial development industries. Other significant redirections have occurred with regards to demographic, technological and tourism trends that also have also impacted the market for commercial development, both globally and in the Kingston area specifically.

The purpose of this review is to identify how these changes may have affected the findings and conclusions of the 1999 Regional Commercial System Study. It is not our intent to critique the methodology of that report or to evaluate the veracity of the data and assumptions of study, except as they may be impacted by events and trends that could not have been foreseen during the preparation of the study.

### 5.1 Study Overview

This study was prepared by a consortium of three consulting firms. As described in the executive summary for that 1999 Study, the purpose of the original study was to:

*develop an information base, long term strategy and monitoring program for the management and growth of commercial land uses in the new City of Kingston. The Regional Commercial System Study provides strategic direction to assist the new City in developing the ultimate commercial hierarchy, land use designations and supporting commercial policies for the new City of Kingston Official Plan.*<sup>6</sup>

The study was, to a large extent, motivated by the amalgamation of the former City of Kingston, Kingston Township and Pittsburgh Township, which had occurred prior to its commencement. With the emergence of large format retailing and the looming obsolescence of a number of existing retail models, there was a need to rationalize and update the planning policies of the three former municipalities.

The study represented a comprehensive analysis of the factors affecting Kingston's commercial structure, including:

- A review of commercial trends and their implications with respect to the Kingston market;

---

<sup>6</sup> Kingston Regional Commercial System Study, p. 1.

- A commercial needs analysis, which incorporated, telephone surveys, licence plate surveys, tourist surveys, and an inventory of regional commercial space;
- Trade Area population projections;
- A commercial policy review; and
- Urban design considerations.

## 5.2 Key Findings and Recommendations of the Study

The 1999 Study culminated with six key findings and an equal number of recommendations, which have been summarized as follows:

1. **The City has sufficient land designated in the three Official Plans (OP's) to accommodate retail commercial growth over the next 20 years.**

**Corresponding Recommendation:** That future applications to amend the Official Plan to permit major commercial developments be evaluated within the context of the recommended commercial hierarchy, the policies of the new Official Plan, and the projected market demand.

2. **The commercial hierarchies of the former municipalities are adequate, but that they should be integrated into a single hierarchical structure, particularly with respect to the upper levels of the hierarchy.**

**Corresponding Recommendation:** That the commercial hierarchies contained in the Official Plans of the former municipalities be consolidated into the following categories:

- Predominant Commercial District/CBD;
- Predominant Regional Shopping Centre District;
- Highway Commercial
- Arterial Commercial
- District Commercial; and,
- Business Park.

3. **Future commercial growth is expected in both Downtown Kingston and the Cataraqui/Kingston Township Core. Downtown Kingston, which is predominantly pedestrian oriented complements Cataraqui Centre/Kingston Township Core, which caters to suburban automobile supported shopping trips.**

**Corresponding Recommendation:** That planning policies reinforce the Kingston CBD as the "Predominant Commercial District" and the Cataraqui Centre/Kingston Township Core Area as the "Predominant Regional Shopping Centre District".



4. **New office space demand, projected at about 200,000 square feet to the year 2001, should be accommodated in Downtown Kingston, in vacant units, infill development or redevelopment of underutilized/obsolete properties.**

**Corresponding Recommendation:** In the short term, future office development should be concentrated in Downtown Kingston.

5. **The Upper Princess Street Commercial District (from Division Street to Kingston Centre) is not meeting the policy intent of the Kingston Official Plan to consolidate the district with anchor tenants at either end and include a full and diversified land use mix.**

**Corresponding Recommendation:** The City should explore remediation measures for Upper Princess Street, including: urban design improvements; intensification of nodal and gateway areas; land acquisition for parking; adaptive re-use of underutilized properties; and designating the area as a Business Improvement Area (BIA).

6. **New sectors of commercial activities appropriate for Kingston include: an urban entertainment centre, automotive sales malls, auto care service malls, power centres and a manufacturers outlet mall.**

**Corresponding Recommendation:** That these sectors be provided for in the new OP.

### 5.3 Revisiting the Findings and Recommendations of the Study

In order to review the continued validity of these findings and recommendations, we have addressed each one individually in the following sections. In a subsequent section, we have also addressed other issues that have arisen since the preparation of the Regional Commercial System Study.

#### **Finding/Recommendation 1: Kingston Has Sufficient Commercial Lands Designated for the Next 20 Years and Should be Cautious in Designating New Commercial Projects**

This conclusion is still valid and even more critical than expressed in the 1999 Commercial Study. The expected market growth identified in the 1999 commercial study was substantially greater than that which has actually occurred, based on more recent Census data. Furthermore, population projections undertaken as recently as 2003, anticipate future growth at significantly lower levels than that on which the conclusions of the Commercial Study were based. This finding has been further supported by recent developments and their effect on the commercial structure.

#### **Population Projections**

Figures 5-1 and 5-2 illustrate the difference between the actual population growth occurring between 1996 and 2001 and that anticipated by the 1999 Commercial System Study. We would note that

three projections were prepared for the Trade Area<sup>7</sup>: A high projection”, which was described in the study<sup>8</sup> as appearing “overly optimistic”, as well as a “base case projection” and “low projection”. It was expected that growth would fall between the low case and the base case. The future demand on which the findings of the Commercial Study were based, were derived using the base case projection.

As illustrated in Figures 5-1 and 5-2, actual population growth in the Trade Area between 1996 and 2001 was substantially lower than anticipated in the Commercial Study. The detailed calculations to support these figures, including the composition of each Zone and Sector have been provided in the Appendix Section.

**Figure 5-1**  
**Population Growth 1996-2001**  
**Actual vs. Commercial Study Projections**

	1996 Actual <sup>(1)</sup>	2001 Actual <sup>(1)</sup>	2001 Projected (Base Case)	2001 Projected (Low Scenario)
Primary Trade Area Sector 1	125,368	126,796	137,600	133,000
Primary Trade Area Sector 2	3,449	3,627	3,720	3,690
<b>TOTAL PRIMARY TRADE AREA</b>	<b>128,817</b>	<b>130,423</b>	<b>141,320</b>	<b>136,690</b>
Secondary Trade Area Sector 1	14,599	15,187	15,930	15,770
Secondary Trade Area Sector 2	31,455	31,423	32,580	32,530
Secondary Trade Area Sector 3	5,727	5,785	6,000	5,980
Secondary Trade Area Sector 4	23,223	23,197	24,320	24,250
<b>TOTAL SECONDARY TRADE AREA</b>	<b>75,004</b>	<b>75,592</b>	<b>78,830</b>	<b>78,530</b>
<b>TOTAL TRADE AREA</b>	<b>203,821</b>	<b>206,015</b>	<b>220,150</b>	<b>215,220</b>

SOURCE: urbanMetrics inc.

1) Census of Canada. Population figures have not been adjusted for Census undercount.

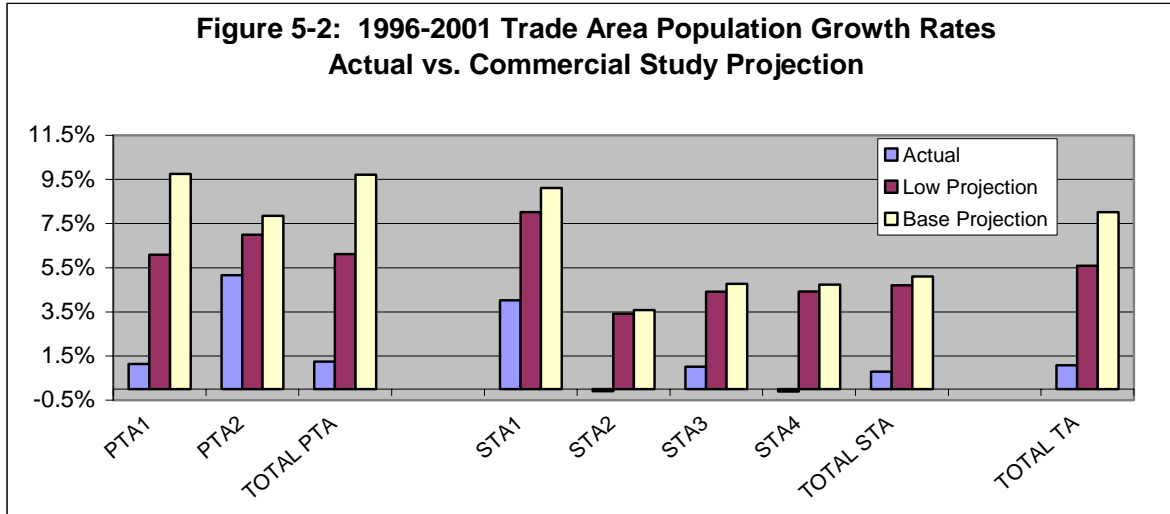
2) 1998 Kingston Regional Commercial System Study.

As illustrated by Figure 5-1, the actual population for the total Trade Area in 2001 was only 206,000 compared to the base case projection of over 220,000, a difference of over 14,000 persons. The difference with respect to the Primary Zone was almost 11,000 persons. These are very significant

<sup>7</sup> Kingston's Trade Area was determined through the use of licence plate and on-site customer surveys. It extends covers a broad area extending from Picton in the west, to approximately Mallorytown in the east, and just of north of Highway 7 in the North. It was divided into a Primary and Secondary Zone, and further divided into 6 Sectors. The Primary Zone comprised the former Greater Kingston Area, including the former City of Kingston and the former Townships of Kingston, Pittsburgh and Ernestown, as well as Wolfe, Amherst and Howe Islands and the Village of Bath. The Secondary Zone included the balance of the study area.

<sup>8</sup> Commercial Structure Study, p. III-10.

differences. Because the Commercial Study projected future demand using the “Residual Growth Model”<sup>9</sup>, the projected population growth rates are critical to the conclusions with regards to future space requirements. As illustrated by Figure 5-2, the actual growth occurring between 1996 and 2001 was a fraction of that projected in both the base and low cases.



For the Primary Trade Area, the population grew by only 1.2% compared to a projected 9.7% in the base case. For the total Trade Area, the population growth amounted to only 1.1% compared to a projected base case of 8.0%.

More recent projections for the City of Kingston and the Kingston Census Metropolitan Area (CMA) were commissioned by the City of Kingston. These projections, issued on March 20, 2003, were prepared by Stevens Associates. We would note that the City or CMA boundaries do not correspond with the zones and sectors analyzed by the Commercial Study. Furthermore Statistics Canada made subsequent changes to the boundaries of the Kingston CMA subsequent to the completion of the Commercial Study. However, it is possible to reconstruct the Commercial Study projections to correspond with the Kingston CMA boundaries used in the Stevens projections. This area which is wholly contained in the Commercial Trade Area, comprises about 70% of the 2001 Trade Area population and includes the most urbanized areas with the highest prospects for future growth.

As with the Commercial Study Projections, the Stevens projections develop 3 scenarios: a high, medium and low. The medium projection is considered as the “most likely”, with the high and low projections reflecting the “uncertainty” in growth in the Kingston Area.<sup>10</sup>

<sup>9</sup> The residual technique is a commonly used methodology for determining future commercial space requirements and has been used appropriately in the 1998 Kingston Commercial Structure Study.

<sup>10</sup> Population and Housing Projections 2001 to 2026 for Kingston CMA and the City of Kingston, March 20, 2003, Stevens Associates. p. 29

**Figure 5-3**  
**Kingston CMA Projected Population 2001-2021**  
**1998 Commercial Study Projections vs. 2003 Stevens Projections**

	Total Kingston CMA Population					
	1996	2001	2006	2011	2016	2021
Census Population						
Commercial Study Base Case	144,528	156,022	169,879	186,624	204,656	224,092
Stevens Medim Projection	144,528	146,838	153,943	161,082	170,297	181,535
	Periodic Growth					
	1996-2001	2001-2006	2006-2011	2011-2016	2016-2021	1996-2021
Commercial Study Base Case	11,494	13,857	16,745	18,031	19,437	79,564
Stevens Medim Projection	2,310	7,105	7,139	9,215	11,238	37,007

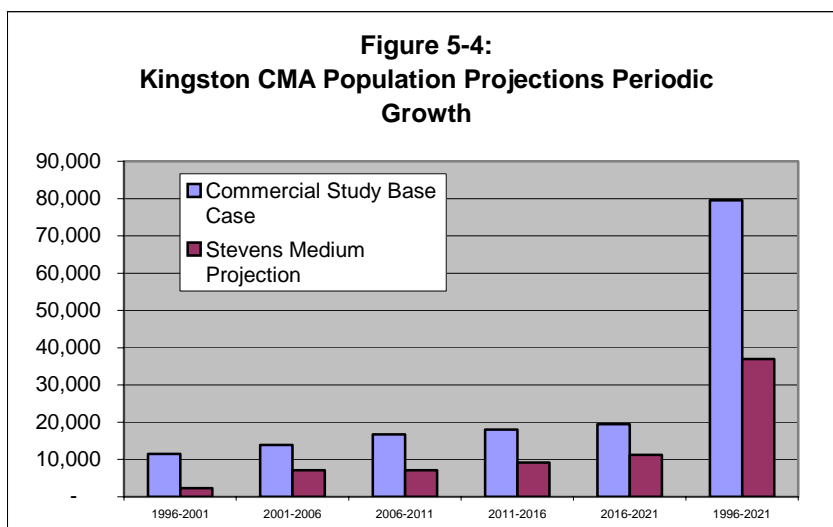
SOURCE: urbanMetrics inc.

As illustrated by Figure 5-3, the medium growth projections of the more recent Stevens study are substantially lower than the base case projections relied on by the Commercial Study. Between 1996 and 2021, the new Stevens projections anticipate less than half of the growth assumed in the Commercial Study. Even the Stevens High Projection (Not Shown on the Table) represents growth of 24,000 persons less than the Commercial Study Base Case. The difference in rates of growth between the two sets of projections is further illustrated in Figure 5-4.

It is beyond the scope of this review to analyze the detailed assumptions behind each set of projections. Based on the 2001 Census population data, and the 2003 projections prepared by Stevens Associates, however, it is likely that the population increases relied on by the Commercial Study, at least in the short term have been overstated. As a result, the amount of new commercial space that can be supported in Kingston is likely significantly less than that identified in the 1999 Commercial Study.

We would also note that since the Study was completed in 1999, a number of significant events have

occurred to impact the Ontario and Kingston tourism industries, particularly with regards to US visitors. These have included the September 11 tragedy in 2001, the outbreak of SARS and the blackout in 2003, the war in Iraq and negative US sentiment towards Canada's position, and an



increase in border crossing security. These events and a decline in the Region's tourism base were not anticipated in the Commercial Study:

*In the Base-Case scenario, the tourist inflow level was held constant for future years. This is a conservative approach which is consistent with the methodology employed in other commercial needs studies. A Low-Case scenario for tourism was not prepared as a consistent decline in tourism inflow over the planning period was considered unlikely given expected economic growth.(although it is likely that the level of inflow will fluctuate and could decline slightly between years).<sup>11</sup>*

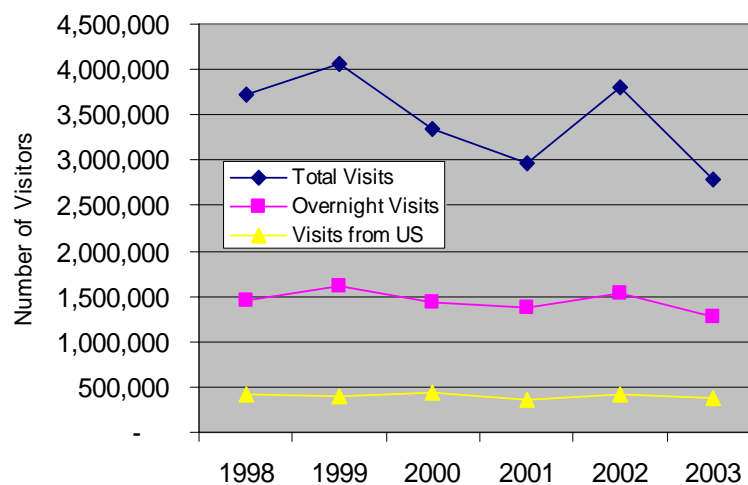
Figure 1-5 illustrates the change in visitation to Frontenac County, including Kingston between 1999 and 2003, based on the Travel Survey data published by the Ontario Ministry of Tourism and Recreation. Unfortunately post 2003 data is not available at this point and 2003 was a particularly hard hit year for the Ontario tourism industry. However, as illustrated by Figure 1-5, a significant decrease has occurred in total, overnight and US visitation between 1999 when the Commercial Study was completed and 2003.

Overall visitation declined by approximately 26% over this period.

In 2004, the Kingston Economic Development Corporation (KEDCO) reported somewhat of a recovery based on visitors to the downtown visitor information centre.

In the longer term, it is difficult to predict how tourism to the Kingston Area will change, although with the higher value of the Canadian dollar and the US plans of passport requirements for visitors traveling between Canada and the United States, combined with the above noted events, the local tourism prospects are more precarious than envisioned in the Commercial Study.

**Figure 1-5: Historic Visitation to Frontenac County and Kingston**



SOURCE: urbanMetrics inc. based on Ontario Ministry of Tourism and Recreation Travel Survey Data.

<sup>11</sup> Commercial System Study. p. 18.

As a result, the inflow estimates used in the Commercial Study, may also be over stated, at least with respect to the short term projections.

The results of our review of the population and tourism data released subsequent to the completion of the Commercial Study leads to the conclusion that the Kingston market is fairly tight and is limited in its ability, at least in the short term, to accommodate additional development. This is further borne out by two market studies conducted in 2004:

- Kircher Research Associates, Trinity Power Centre Retail Market Demand and Impact Analysis, Gardiners Road and Taylor-Kidd Boulevard, March 5 2004; and,
- Tate Economic Research Inc. (TER), Wal-Mart Relocation Market Demand and Impact Analysis, January 6, 2004.

Although there is some difference in Trade Areas and the population forecast methodologies, the future growth rates employed in these studies are more in line with those developed by Stevens, than with the more optimistic estimates on which the Commercial Study was derived. It is also revealing that in the Kircher Study, which was undertaken in support of a 250,000 square foot power centre including a 50,000 square foot supermarket, a large portion of sales to this centre would be derived from sales transfer from other stores, rather than from market growth. For example, in 2006 almost 60% of the sales volume to the 175,000 square foot DSTM (Department Store Type Merchandise) component would be due to transfer of sales from other local retailers. By 2011, over 30% of the sales are still being drawn from other retailers. Even larger proportions of transfer are required by the supermarket. In 2006, 65% of sales are derived from transfer, and in 2011, almost 50% of the stores sales are still derived from transfer from other local supermarkets.

Similarly, although the TER study suggested that there was sufficient market demand to re-tenant the vacated Wal-Mart on Bath Road, the store remained unoccupied for a considerable period and has been re-tenanted by three small uses with comparatively weak retail draw, that cannot be compared to the commercial anchor that Wal-Mart provided. Furthermore, the former K-Mart store on Bath Road has been converted from a department store to a public storage depot and Bingo hall, further pointing to the limited capacity of Kingston to absorb large amounts of new retail space. A new affordable housing apartment project has recently been approved for the site transitioning it away from retail use.

We would note, however, that as new retail formats and technologies are introduced, it is part of the natural evolutionary process for more modern facilities to replace older retail vehicles. For any real estate product, this may require relocation to more flexible sites able to accommodate the changing real estate and operational requirements of new store types. To some extent, in Kingston this is occurring as the retail function along Bath Road has gravitated north to Gardiners Road. Some of the new development along Gardiners Road is not growth related, but the replacement of older functions with new retail formats, although it has also been accompanied by a number of new retailers to the

City. This relocation of retail development is not necessarily a negative situation, but one which requires some caution when reviewing new retail applications.

In reviewing the warranted space analysis and applying the revised population estimates, the acreage warranted in Kingston for new retail development is a fraction of the 86.2 to 107.1 acres identified in the Commercial Study between 1996 and 2021. At the same time, the space in the pipeline is still significant and now likely exceeds demand. It includes:

- The current expansion of the Gardiners Rd Centre by Rio Can/Trinity is estimated at 230,000 – 250,000 square feet. This would equate to land area of approximately 22 acres.
- The site of the future Sail Point Outlet Mall commercial site on Dalton Avenue, is approximately 13.6 acres in size.
- A commercial development has been proposed for the Lafarge site at Gardiners Road and Princess Street. The site area is about 24 acres.
- The commercial parcel at the south west corner of Dalton Ave and Division Street is approximately 38 acres in size.
- The acreage of the four designated commercial parcels at the intersection of Princess and Taylor-Kidd are approximately 21 acres in total.

These parcels alone amount to some 120 acres. Additional commercial development potential likely exists on smaller vacant parcels and at existing shopping centres with approved expansion capability. Furthermore, there are vacancies in current commercial sites. The prolonged vacancy at Frontenac Mall would equate to a further 10 to 12 acres of available commercial land, had it remained untenanted.

The former K-mart store also sits on a commercial site, although it has been converted for public storage and is moving away from retail uses. It has been proposed as an affordable housing site.

Based on this assessment, the amount of vacant designated commercial space very likely exceeds demand at least to the year 2021.<sup>12</sup>

**As a result, caution should be used when evaluating any application for new commercial space to ensure that it complies with the policies of the Official Plan and that it will not cause blight to occur in existing retail areas.**

+ + +

---

<sup>12</sup> It has not been a component of this Review to undertake a study or analysis of the Commercial Land Inventory

**Finding/Recommendation 2: The Commercial Hierarchies and Categories Of the Official Plans of the Former Municipalities Should be Consolidated in the New Official Plan**

It continues to be imperative that the Kingston's commercial structure be consolidated into a single hierarchy through a consistent set of policies throughout the former municipalities.

As would be expected, the former City of Kingston contains the most extensive commercial areas including the Central Business System (which includes the historic downtown in the Lower Princess Street area), and also has the most extensive policy guidance for commercial development. It has four categories of Commercial designation that are mapped (Central Business System, Arterial Commercial, District Commercial, & Highway Service Commercial) as well as a category of Neighbourhood Commercial that permits convenience commercial uses in residential areas and is not included on the Land Use map. Limited commercial uses are also permitted in the Industrial designation and on specific sites by exception to the general provisions of the applicable, non-commercial category, land use policies.

The former Township of Kingston also contains a large concentration of commercial uses including a regional shopping centre and other regional uses in large format form. There is only one category of Commercial designation mapped in the Official Plan but the General Policies describe a hierarchy within this single designation and more detailed description of the intent of various areas is provided under Special Policy Areas, or in the Secondary Plans. More specific policy guidance within the single Commercial category is provided by reference to geographic areas, including "the Core Area", that includes the Cataraqui Mall regional shopping centre, and "the Loop" which includes the arterial roads adjacent to the Core area. A mixture of uses, including residential, is permitted in both of these areas. Local commercial uses are permitted within residential neighbourhoods and some commercial uses are permitted in the Industrial and Business park categories.

Former Pittsburgh Township has the least amount of commercial development. Its Official Plan contains a commercial hierarchy of four categories (Village Centre, Neighbourhood Centre, Shopping Centre Commercial and Highway Commercial). Unlike the other two Official Plans, convenience commercial uses in the Neighbourhood Commercial category are mapped. While existing Shopping Centre Commercial areas and Highway Commercial Areas are identified, the Official Plan discourages any further such uses in order to maintain support for the Village Centre.

Appendix A contains a comparison, in chart format, of the current planning policies of the three former municipalities. The Kingston Official Plan currently has 57 pages of commercial policy in comparison with the 3 pages in the Kingston Township Official Plan or 4 pages in the Official Plan of former Pittsburgh Township.

The Official Plan of the former City has objectives for each category of commercial use, with objectives and policies for the Central Business System as a whole as well as each of its individual components, including the historic downtown or Lower Princess Street area and further policy for each related character area, such as the Harbour. While the policies are extremely comprehensive,



the commercial matters of greatest significance are difficult to discern and are somewhat overwhelmed by the extent of the overall policy text. In creating new policy for the enlarged City area, greater clarity might be achieved by more succinct policy provisions.

Commercial policy in the former Kingston Township Official Plan is scattered between General policies and more specific Commercial policies. The mapping of only one unified category of Commercial development makes it difficult to distinguish what type of commercial development is intended, or exists, in various areas.

Policy for commercial developments in former Pittsburgh Township is primarily found in the Secondary Plans. The policy regime is more developed than the limited commercial uses that have occurred to date. Even very minor commercial operations, such as a gas station, are mapped.

While different titles of commercial category are used in the individual Official Plans, many of the permitted uses and principles of development are similar. For instance, the Arterial Commercial policies of the former City Official Plan are similar in intent to the policies for “the Loop” in Kingston Township’s Official Plan and to the Highway Commercial policies of the former Pittsburgh Township.

Based on our review of the existing policies and current trends we would suggest the following hierarchy of designations, which differ somewhat from the hierarchy recommended in the Commercial Study.

#### **Potential Commercial Structure**

- **CBD or Downtown** (Lower Princess Street only, and introduce notion of “mandatory ground floor retail streets” while relaxing this requirement elsewhere in the downtown);
- **Regional Node** (Cataraqui Mall & Midland/Gardiners Road – Core Area+);
- **Main Street** (Upper Princess Street, Portsmouth Village,);
- **District Commercial** (West Princess, Bayridge Plaza, ‘Village Core’ in former Pittsburgh Twp. etc.); and,
- **Arterial Commercial** (incl. the Loop, including Highway Commercial as special sub-section);
- **Neighbourhood Commercial** (small scale<sup>13</sup>).

---

<sup>13</sup> – very small, local uses be accessory to another use and not mapped

+ + +

**Finding/Recommendation 3: Additional Policy Provisions Are Necessary for the Downtown**

Within the former City, the *Central Business System*, focused on Princess Street between the harbour and Sir John A. Macdonald Boulevard, has three distinct commercial precincts that include the historic “downtown” or Lower Princess Street, the Upper Princess Street area which is a mixture of uses and streetscape typologies that have developed over the years on a major main street linkage to the core, and the Kingston Centre which is a shopping centre and transportation hub. By linking these three distinct areas under the banner of “Central Business System”, the primacy of the downtown is obscured.

The historic downtown with its preserved stone buildings, charming courtyards, and connection to the harbour, is a tourist draw as well as a high quality pedestrian experience for residents of Kingston. This area remains unique within the enlarged City, and should have stronger policy provisions to re-enforce the significance of the commercial function as a vital ingredient of the traditional multi-functional downtown, and as a key component of the tourist attraction to the downtown area.

Specific recommendations include:

- adding tests for large-scale new proposals in other areas to ensure that they will not negatively impact the commercial function of the downtown
- strengthening the policy role of Lower Princess Street as the historic downtown and top of the commercial hierarchy (due to the critical contribution of retail and office uses to the character and activity level of this historic area)
- acknowledging the significance of retail uses that support the local downtown residents, such as food shopping, & encouraging the retention of these uses
- noting the significance of entertainment uses to the downtown to encourage vitality in the evenings and compliment tourism
- continuing to allow ground floor commercial on each property in the downtown (permissive) but also mandating retail and other commercial uses on the ground floor in locations where continuous commercial use is critical (by reference to a map of “mandatory ground floor commercial streets”), including Princess Street so that a high pedestrian level of activity can be maintained in those areas. On other, more remote, streets in the downtown, other types of development such as residential could occur in ground floor space, provided that the ground floor is capable of conversion to a commercial use in future.

**Finding/Recommendation 4: Office Space Development Should be Concentrated Downtown**

Since the Commercial Study was completed, Kingston has been the recipient of a number of new design-build office projects, including calls centres by Bell Canada and the Assurant Group and a new facility for Canada Customs and Revenue Agency. However, as with the retail sector, absorption has not kept pace with new supply increases resulting in significant rises in vacancy rates. A number of downtown offices have relocated to suburban locations. J.J. Barnicke reports that the City's office vacancy rate had reached as high as 13%, with the highest rates in the downtown core.

A strong office sector is important to the success of downtowns, particularly because they support the daytime market for a wide range of services. In today's urban economy, the downtown workforce bolsters the retail and service sector and supports the market for activities that will attract other visitors.

As such, the recommendation of the Commercial Study to encourage new office development in the core is still valid. However, it must be recognized that the generous permission for offices in the extensive Business Park designations (that have not yet been developed to date), provides ample opportunity for new office development to select alternative locations. The City may have to proactively take action to assist in attracting office development downtown such as developing parking structures to accommodate this use at reasonable cost.

**Finding/Recommendation 5: Remediation Measures for Upper Princess Street**

Current Official Plan policy for the Upper Princess Street area describes it as part of the Central Business System and as an area in the process of consolidating as a District with anchor development at either end.

One of the Official Plan principles is "to encourage a full and diversified commercial land use mix". Given the increase in new commercial lands that have been developed in recent years and the remaining 'greenfield' inventory of commercial sites, it is unlikely that Upper Princess Street will attain a "full commercial land use mix" or continuous commercial development of each property in the planning period. The area has a mixture of auto uses, older motel accommodation, stores, and services with a mixture of building typologies. There have been recent positive signs of re-investment in the area that contribute to a commercial attraction and pedestrian presence but these uses, including Giant Tiger, a florist and a drugstore cater primarily to the surrounding residential district.

The Official Plan contains policies for streetscape improvements and encouragement for new development to provide continuous commercial building fronts to strengthen the area and promote pedestrian development. Buildings with heights of 5 or 6 storeys are permitted. It may not be possible to provide continuous ground floor retail use in this area, given the strength of the nearby Lower Princess Street area and the number of available sites in the City for this type of use. Consideration might be given to encouraging street-related redevelopment and additional pedestrian activity through residential buildings. A retirement building currently has developed in the District and

is an example of this potential. By adding additional population to the area, a greater support for commercial uses will be created and the increased pedestrian activity will be a stimulus.

Specific recommendations include:

- change in policy to further distinguish this area from the Lower Princess Street, or downtown area
- consideration of a “Main Street” designation that would emphasize built form and encourage a mixture of uses in addition to commercial use
- relaxation of the requirement for continuous retail development

**Finding/Recommendation 6: New Sectors, such as an Urban Entertainment Centre, Automotive Sales Malls, Auto Care Service Malls, Power Centres and a Manufacturers Outlet Mall Should be Accommodated in the Official Plan.**

Power Centres and Power Nodes (clusters of power centres and large format retailers on nearby parcels) have become the predominant form of new retail development in Canada and should be recognized in all relevant planning policy documents. Unlike, other parts of the retail hierarchy that can be described by their anchor tenants, power centres are more fluid and require a more broad definition in terms of size range and store types. This is not to say that size and tenant restrictions cannot be applied to specific sites for traffic, market impact and other considerations. Kingston has seen an extensive amount of this type of development since the 1999 Study and there are additional vacant sites designated to accommodate future uses, so this recommendation has largely been met since the time of the 1999 Study.

More recently in the United States has been a trend towards a hybrid development termed a “lifestyle centre”. This type of development combines the large format anchors of a power centre with the enhanced design and amenities offered by a regional shopping centre. These centres are typically laid out in open air formats, with a range of specialty retail tenants, boutiques, restaurants and entertainment venues. The introduction of large amounts of green space, outdoor furnishings and artwork, public event areas, and strict design schemes that are costly to implement, generally require sites in high income or tourist areas where above average rents can be supported.

In Canada, there are limited development opportunities for these types of developments owing to the limited number of high income concentrations and a limited number of high end specialty retail tenants. A scaled down version of the lifestyle centre – termed the “power town” or “power village”, is being contemplated in a number of locations, such as Deerfoot Meadows in Calgary, and Park Place in Barrie. The key component of these projects is more attention to urban design than the first generation of power centres.

Automotive Sales Malls have also become a popular development format, however, they are subject to a range of factors beyond the control of the municipality, such as manufacturer location strategies and the local dealer ownership structure. While the City should accommodate auto malls as a desirable development format, subject to traffic and other considerations, Kingston should provide for a variety of development formats with regards to new automobile dealerships.

Manufacturers Outlet Malls, which are popular in US tourist destinations, have a more limited opportunity in Canada, owing to our smaller manufacturing sector. There are, however, a number of successful Canadian examples, including Cookstown, Windsor, Niagara Falls and St. Jacobs. A proposal for a factory outlet mall has been made by Sail Point developments for a Kingston location. Owing to its location as a tourist centre near the US border, Kingston would be well suited to this kind of development, which would assist in bolstering the local tourism base and would not draw significantly from existing retailers. As a result, this type of use should be accommodated in the hierarchy.



Urban Entertainment Centres have tended to be more of a fad than a trend. Festival Hall in Toronto, cited as an example in the Commercial study, has struggled since its opening.

Even though some suburban “entertainment centres” have been developed, for practical purposes, they are little more than a large format theatre complemented by restaurant and fast food pads. These uses and development formats are probably best accommodated within the same policies as power centres.

While the above uses should be acknowledged in the Official Plan they can be accommodated within appropriate commercial land use categories.

## 6 Other Issues

### 6.1 Opportunities for New Commercial Areas/Tourist Attractions

Tourism is a mainstay in the Kingston economy, but more prone to fluctuation than other sectors, many of which have a strong government or education orientation. Downtown Kingston is clearly the central focal point for the regional tourism industry and should be recognized as such in the Official Plan. Policies should encourage the development of hospitality, specialty retail and other visitor services in the core and should be the principal location for new public sector investment.

The development of a new large venue entertainment centre downtown supports this role and should be bolstered through policies that ensure its integration into the downtown, through the development of complementary hospitality and entertainment facilities on adjacent sites. Parking, urban design and signage should also be used to ensure that this new facility does not function as a freestanding venue, but supports and is supported by other downtown businesses.

### 6.2 Need for Mixed Use Policies that Include Commercial

The former City of Kingston Official Plan contains a General Policy (3.3) that states that “*Where any development, redevelopment or conversion is proposed the following separation principles apply: a) the separation of land use types by designation is a basic principle of this Plan...*” This principle is at odds with the type of mixed use development found in the downtown and on traditional “main street” development. It is also a policy that may hinder the appropriate re-investment in outmoded commercial areas through the introduction of additional uses or a mixture of uses within buildings.

In the development of new commercial policy, it is suggested that the concept of mixed use development that includes a commercial element be better described and conditions under which a mixture of other uses would be accepted or even encouraged should be outlined.

Specific recommendations include:

- modifying section 3.3 (in the former City of Kingston OP) to describe circumstances under which a mixture of uses is desirable, such as in a downtown or “main street” setting
- consideration of a “Main Street” commercial designation for areas such as Upper Princess Street and Portsmouth Village that contain a main street character that is to be encouraged

- introduction of tests that would describe conditions under which a mixture of uses would be considered desirable in commercial areas, or former commercial areas where redevelopment is encouraged.

### 6.3 Residential Permission in Commercial Designations

There is a difference in policy between the former City, Pittsburgh Township and Kingston Township with respect to the permission for residential use in different commercial designations. These policies should be harmonized and conditions under which residential use is appropriate should be defined. The biggest discrepancy is related to the Arterial Commercial use category which permits auto service use, retail warehouse and auto-oriented uses. Within the former City, residential use is prohibited in this designation. In Kingston Township, arterial commercial uses are permitted within “*the Loop*” which extends along Princess Street, Bath Road and Gardiners Road. A residential permission, allowed under appropriate planning circumstances, in the Arterial Commercial designation may assist in transitioning outmoded commercial areas into a viable alternative use.

Specific suggestions include:

- introduction of tests or conditions under which residential uses may be permitted

### 6.4 Need for Market Studies or Other Studies for New Development Applications

Currently, only Kingston Township has a requirement for Market Studies to accompany new large development applications. Such studies are only required in two instances: for proposals over 10,000 square metres in The Core or The Loop and they must demonstrate that the application will not result in significant impact, such as urban blight or service reductions to existing areas in the Township; and for applications above 3,000 sq. metres for applications outside of *The Core* or *The Loop*. There is no requirement to test for impact on the downtown or of any other area within the unified City.



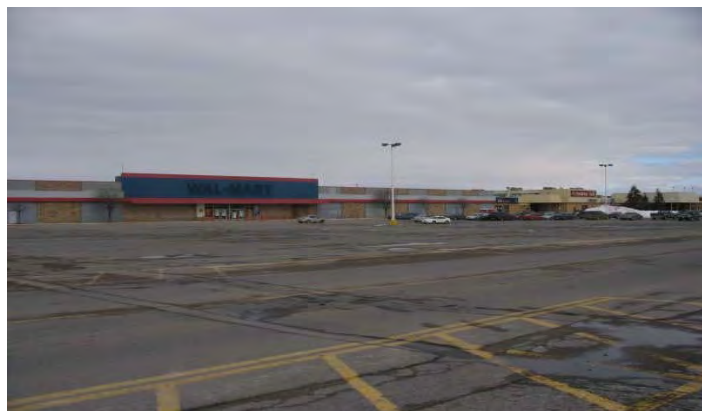
Costco is one of few uses that is generally above 10,000 sq. m.

Population growth in the City has been less than expected over the past 5 years and additional commercial land has been added to the inventory within that time period. The 1999 Study found no need for additional commercial land and it appears that this conclusion is still valid. Applications to add commercial land or to construct very large projects, thus should require some level of testing to ensure that the desired commercial structure will not be negatively impacted. It may also be desirable to add transportation studies for major developments.

It is recommended that policies be included that require market impact and other studies for applications to convert other land use categories to significant commercial use through an Official Plan application. In particular, in cases where major relocations to non-commercial sites are proposed, or even applications to relocate large commercial development (such as the recent Wal-Mart relocation), planning and market studies should be required to demonstrate the re-tenanting or reuse potential of the vacated site in accordance with the policies of the Official Plan. Some retailers use their lease permissions in the vacated space to prevent the re-tenanting of the space with similar uses, and thus the intended function of the retail centre or node may be lost. Tests are also desirable for applications seeking to change the categories within the Commercial Hierarchy, to extend existing commercial nodes or large sites, or for re-zoning applications that would have an impact on the Commercial Hierarchy of the City.

Specific suggestions include:

- introduction of requirement for market studies to accompany any application of 5,000 sq. m or more,
- policy that provides an option of requiring market studies in support of applications in a number of instances and in various commercial designations, if Council is concerned about impact on the planned hierarchy, loss of function if re-tenanting is not achieved, or impact on the Downtown



vacated anchor tenant at Frontenac Mall



## 6.5 Implication of Applications to Permit Commercial Uses in Industrial Areas

Because of the oversupply of commercial land and the limited growth of the Kingston commercial market, the as-of-right development of commercial uses in industrial areas should be strictly avoided. The former City of Kingston Official Plan limits commercial uses on industrial lands to the sale of goods made on the premises, auto body shops, and towing companies. Offices, convenience stores & restaurants are permitted in Business Parks. The former Kingston Township Official Plan permits local serving commercial uses in its industrial areas. Offices are permitted in General Industrial and Business Park Industrial Categories. The former Pittsburgh Township Official Plan has an "Industrial/Commercial" category that permits vehicle sales, service stations, factory outlets, warehouse retailers, building centres, nurseries, accessory retail & office, & tourist uses, eg motels, restaurants, recreation facilities. In the former Township's General Industrial areas only accessory commercial uses are permitted. These policies are generally supportive of a restrictive regulatory environment for commercial uses in industrial areas and should be co-ordinated into a single set of policies governing industrial lands within the new Official Plan. In general, commercial uses on industrial lands should be avoided. Commercial uses should be limited to those that could not otherwise be accommodated within the hierarchy and to very limited areas that would provide uses such as restaurants, financial outlets, printing shops, etc. that directly serve and support the function of the industrial area.

For economic development reasons, however, it would be inadvisable to restrict offices from locating in a business park environment. As noted above office development, where feasible, should be encouraged to locate downtown. In order to encourage such downtown office development in the face of cheaper "greenfield" land and affordable surface parking in a Business Park, the City may need to provide incentives to a downtown location, including affordable parking, perhaps in a municipal parking garage. Municipal government office activities, in particular, should be encouraged to concentrate in a downtown setting to demonstrate the continued commitment of the City to the downtown as a place to work.

Specific recommendations include:

- limiting the amount and size of office use in areas other than the downtown or Business Parks, through Zoning

## 7 Commercial Policy of Other Municipalities

The commercial hierarchies of Ontario cities of similar size will be described and discussed. It should be recognized that many of the more recent policies that have been adopted by municipalities are part of a broader urban region that provides both more competition and more opportunity to pull support from that larger regional population than is available in Kingston. Also some of these communities have a comparatively finite amount of commercial land (as well as other types of land) in comparison to the potential of numerous commercial areas within the amalgamated Kingston and this is relevant to the policies that are appropriate. Commercial policy approaches in new Official Plans of other municipalities will also be discussed as the approach may have merit, despite the dissimilarity of the municipality in comparison to the characteristics of Kingston.

Kingston, with a population of approximately 114,000 in 2001, is a small City that is the centre of a wider region in which it is clearly the dominant commercial focus. Both the City and surrounding region have experienced comparatively steady but modest growth in the past. Since the end of the 1990s, the growth in both the City and in the Region has dropped below projected levels and tourism has suffered an unexpected and unprecedented decline (after the extraordinary events of the 9-11 attack and the SARS outbreak). The commercial projections that were forecast by the City's 1999 Regional Commercial Study are therefore not being achieved and it appears that the City may have an over-supply of commercial land based on this more recent trend. Recommendations with respect to an appropriate structure for the City will be cognisant of this situation, although the structure of the commercial hierarchy is to some extent independent of the amount of land that is available.

### 7.1 St. Catharines

**St. Catharines** with a 2001 population of 129,000 is a City of similar size to Kingston but, unlike Kingston, it has virtually no vacant land and thus comparatively limited growth potential. Its commercial pattern has largely been set and has little opportunity for change compared with Kingston. St. Catharines' Official Plan contains policies for Industrial and Commercial land under the heading of Economic Activities. There is only one category of *Commercial* designation in the Official Plan, although there are clearly areas of differing function within the City, and the policy text describes a hierarchy of use based on market and location. In total, the Commercial policies comprise less than a dozen pages.

Permitted uses are primarily retailing, personal service and office use. Residential uses are permitted provided that they are located above or behind the commercial use and thus do not interrupt the commercial continuity, and that there is sufficient amenity area, and that noise, odour or dust are not issues. An Official Plan category of Mixed Commercial-Residential also exists within the Plan and permits commercial, residential and institutional uses. The City's Official Plan also has limited policy related to tourist uses and is supportive of the development of further tourist attractions.

The Plan prescribes locational criteria for commercial uses serving a regional population, and for those serving a community or neighbourhood population. Regional serving uses must locate adjacent to a provincial freeway and have a high level of transit accessibility, while community oriented commercial uses are to be located on arterial roads that have sufficient capacity. Commercial uses of all types are encouraged to locate at intersections to avoid strip development. Applications for commercial facilities of a regional scale are required to incorporate transit access into the circulation design.

Proponents of applications to amend the Plan to add a new commercial designation, or to extend an existing designation, may be required to submit market information in support of their proposal, particularly if it may impact the viability of the downtown, if it may create a land use incompatibility, or if the proposed size or location could have an impact on the planned function of the existing commercial structure. The City may impose an “H” zoning until sufficient market is available.

The Official Plan contains descriptive policies relating to the design and layout of commercial areas and contains design criteria against which new commercial proposals shall be evaluated. Special consideration is taken to avoid conflict between commercial and adjacent residential uses. Particularly for the Downtown and historic areas, zoning by-laws are required to set standards that will conserve and strengthen the special identity that exists. More detailed policies are contained in the Secondary Plan provisions for certain areas.

## 7.2 Cambridge

**Cambridge**, a City with a population of 110,000 in 2001, is similar in size to Kingston. Historically, it has developed from the amalgamation of the smaller communities of Galt, Preston and Hespeler and thus has distinct core areas. The City is close to the larger regional centre of Kitchener-Waterloo and is also close to the cities of Guelph, Hamilton and Mississauga, and within commuting distance to Toronto. Cambridge is subject to the jurisdiction of the upper tier Region of Waterloo Official Plan, which has policy guidance for regional scaled commercial facilities. These characteristics are distinct from those of Kingston.

The Commercial land use policies are found in Chapter 13 of the Official Plan, entitled “Business Environment Districts”. The Cambridge Official Plan contains specific policies to deal with each of the historic areas that are designated as “*Community Core Areas*”. They are centres of tourist and cultural activity in addition to retail and office areas and include the broad mixture of uses that is more typical of historic core areas. Official Plan policy encourages mixed use development, more compact urban form & permits exemptions from parking requirements. The policy guidance for these areas is largely independent of the newer planned commercial areas and they do not form part of the stated commercial hierarchy.

The Official Plan describes five classes of Commercial District by size as follows:

Class 1 (Regional Shopping Centre)

with at least 36,000 sq.m. but less than 53,882 sq.m. of gross leasable floor area;

Class 2 (Community Shopping Centre)

with at least 13,500 sq.m. but less than 36,000 sq.m. of gross leasable floor area;

Class 3 (Neighbourhood Shopping Centre)

with at least 5,000 sq.m. but less than 13,500 sq. m. of gross leasable floor area;

Class 4 (Hespeler Road)

comprising a portion of Hespeler Road;

Class 5 (Regional Power Centre)

providing no more than 46,450 sq.m. of gross leasable floor area

Official Plan policy describes the form and type of use permitted in each of these commercial Classes. The Plan states that new sites, or enlargements of existing designated sites, shall only be permitted by amendment to the Official Plan and if various studies have been prepared and approved by Council<sup>14</sup>. These studies include a “retail impact statement” for all Classes of proposed development, as well as a traffic study. For Class 1-3 proposals a statement of probable impact on the social and physical structure of the community or neighbourhood is also required.

The Official Plan also contains policies for smaller, Local Shopping Centres of less than 5,000 square metres that are “unclassified” and are permitted within the Class 4, Hespeler Road area, or in a Residential or Industrial Area, or by site specific amendment. Existing commercial strips are recognized but also “unclassified” and policy states that further strip development is discouraged. Special policies apply to development of specific uses including service stations, variety stores, hotels and motels and bed and breakfast establishments. Any commercial use not covered by a policy area may be permitted to continue but may only be enlarged if the location and site treatment are considered appropriate by Council.

## 7.3 Barrie

**Barrie** with its population of 103,700 in 2001, is the largest centre in its local region and is similar in size to Kingston. It has grown rapidly in the past 25 years but still contains expansion areas within its boundaries and a desire to expand further through future restructuring. In those respects, it has more similarity to Kingston than the constrained land situation of St. Catharines, or than Cambridge, which

---

<sup>14</sup> Regional Council must approve studies related to a Regional Power centre application

is surrounded by accessible and equal or larger centres. The Barrie Official Plan is however, an older document, originally adopted in 1985 and intended as a 15 year Plan. It has very limited policy to regulate commercial development or to deal with more recent commercial issues and trends.

The commercial hierarchy of the Official Plan is:

The City Centre (downtown) as a multi-functional, mixed use centre & focus of the transit system;

Regional Centre of 27,800 sq.m. to 79,000 sq.m. and containing at least one department store;

Community Centre of 9300 sq. m to 41,800 sq. m. and containing a junior department store and food store as anchors

General Commercial intended to serve the traveling public

Convenience Commercial to serve the surrounding residential neighbourhood

The Official Plan policy contains goals of distributing commercial facilities in convenient and accessible locations for the public. The Plan also provides that market impact tests may be required from proponents of new commercial development.

Barrie's role as the primary commercial centre of the region is highlighted by policy. The Official Plan, and its the companion zoning by-law, were quite permissive in terms of commercial uses allowed within Industrial designations. As a result, a great deal of commercial development, in particular regional "big box", or retail warehouse, development has occurred in areas once intended for industrial development. Sites with regional Highway exposure were encouraged to develop for regional commercial uses. This proliferation of commercial development has had a negative impact on Barrie's downtown and on strategic industrial land supply, and these impacts have led to more recent initiatives by the City to revitalize the downtown and to limit commercial development in industrial areas, in part through modification of its Official Plan policies.

## 7.4 The Town of Whitby

**The Town of Whitby** with a 2001 population of 87,416 is smaller than Kingston but is growing rapidly and has a projected population in 2006 of 106,500, which is comparable to that of Kingston. Like Kingston, it has growth potential and vacant land that could potentially be used for commercial purposes. The City is part of the Region of Durham and, although not the largest centre, it has developed a node of regional "big box" retailing that serves the Town and also surrounding municipalities within the Region.

The Region's Official Plan sets out comparatively detailed and prescriptive requirements for commercial development of "Central Areas", although this approach has been under review in the past few years and may be altered.

The Town of Whitby Official Plan has further developed the structure set out by the Region and has precise gross leasable space limits up to 2011 for different Central Areas within the Town. They are intended to develop as mixed use centres with a pedestrian focus and transit access, although the greenfield areas are distinctly suburban and have developed in an auto focused manner. There is a hierarchy to such centres as follows:

Major Central Area (serving a large portion of the municipality) containing *Major Commercial* development designation

- uses include a full range of retail, entertainment, cultural, recreational, community, personal service and office uses, as well as mixed commercial-residential
- up to 92,000 sq. m. gla (personal service & retail floor space)

Community Central Area (serving small segments of the total residential area) containing *Community Commercial* designation

- 5,500 to 15,000 sq.m. gla floor space and site area of 1.8 to 6 hectares
- intended to serve weekly shopping needs
- residential may be permitted in upper storeys

Local Central Area (providing for day to day needs of a neighbourhood)

- permitting local commercial and convenience commercial uses
- Local Commercial sites from 0.8 to 2.0 hectares and maximum 3500 sq. m. gla (retail & personal service uses)

Convenience Commercial generally less than 0.4 hectares and up to 1,000 sq.m. gla (retail & personal service floor space)

In addition to these categories, there are other commercial designations that do not form part of the hierarchy. They pertain to particular uses, including major regional serving "retail warehouse" uses or to historic nodes of commercial development that do not fit readily within the hierarchy. These designations include:

Commercial Node (limited to existing areas only)

Special Purpose Commercial (large sites requiring regional road exposure for uses such as home improvement, garden centres, motels, vehicle sales)

Special Activity Nodes (one Node recognizes a major tourist use and a second Node permits retail warehouse uses, in addition to other development)

The Town not only provides specific guidance about the amount and type of commercial development permitted in various locations, but also has limited the amount of area that is designated for commercial uses up to 2011 as determined by a Commercial Study that was undertaken by the Town. Any application to amend either the Zoning By-law or the Official Plan may require the preparation of a retail market impact analysis “to justify the need for additional floor space and to demonstrate that no undue impact on other existing and planned Central Areas”. Such analysis may require peer review by the Town at the expense of the proponent.

## 7.5 Brampton

**Brampton** is a rapidly growing municipality in the western GTA. The expansion of the 400 series highway network through the municipality has accelerated population growth and the demand for new retail facilities. The exceptional levels of growth have resulted in appearingly divergent commercial issues. In a number of new communities within the City, residential developers have been met with such high demand for housing that they have applied and received approvals to convert or downsize longer term commercial sites to accommodate more immediate residential pressures. Population densities in new communities have surpassed the initial expectations of planners. The consequence has been that the City is now experiencing commercial applications on lands that were originally intended for other purposes, such as industrial and residential.

At the same time, the City is protective of its “Four Corners” or historic core, which had gone through a period of decline and is now revitalizing, in part to the relocation of City Hall from a suburban shopping centre site to the downtown.

Brampton's commercial policies are addressed as part of the “Economic Base” section of the Official Plan, which supports the City's goal of encouraging a high ratio of employment to population. The City has adopted a hierarchical retail structure in the City. Policies affecting Regional Retail Areas and the Central Area are addressed in the Official Plan, while policies affecting specific local nodes, including district, neighbourhood and convenience centres are dealt with through the Secondary Plans, as are power centres.

The Official Plan encourages that new retail facilities be planned and managed as a unit or integrated, rather than to be developed as freestanding buildings or independent sites. Brampton is also one of the few municipalities that do not have an arterial/highway commercial designation in its Official Plan. This designation is dealt with at the Secondary Plan level, where it is given a more district serving function.

In terms of the Central Area, which includes both the historic downtown and the Queen Street commercial strip, the City provides for a wide range of uses to transform the strip to an area of higher

order and more intensive uses. Incentives such as parking exemptions and increased residential densities are outlined in the Official Plan to forward the revitalization of the Central Area. Strong policies are also in place to direct major entertainment uses to the Central Area. Market studies are required to support significant applications which deviate from the planned hierarchy.

Brampton's more rigid approach to the retail hierarchy has had both positive and negative consequences. On the one hand, it does provide greater certainty to developers and residents and its central core policies have helped to revitalize the historic core. However, the rigidity of the approach has had difficulty adapting to the exceptional pace of development.

In summary, there are a variety of approaches to commercial development found within the Official Plans of similarly sized municipalities. In general however, a hierarchy is described and the historic downtown or central areas form the top of the hierarchy or are exempted from the hierarchy but given special policy guidance due to their unique nature. A municipality, such as St. Catharines, which is largely developed and unlikely to experience growth or many new commercial applications can regulate its development with less rigorous Official Plan provisions. Municipalities which are experiencing rapid growth and/or have vacant land that could be seen as having commercial development potential generally require stronger policy direction. Commercial studies have been used to forecast the need for commercial space and specific space limitations are often included for types of commercial development and specific commercial locations.

## 7.6 Commercial Policy Trends

With the demise of several department store chains and the trend towards individual sites for many traditional mall anchors, including food stores, the concept of comprehensive shopping "centres" is changing in favour of "nodes" (or proximate groupings) of commercial development.

The **City of Mississauga** has recently adopted a new Official Plan and has altered its commercial policy approach. At one time, Mississauga had a very prescriptive commercial policy regime that dictated the specific location, size and function of various commercial activities. The commercial categories were extensive and included *City Centre*, *Regional Commercial* (+55,740sq.m. gla), *District Commercial* (11,60 to 55,740 sq.m. gla), *Neighbourhood Commercial* (1,800 to 11,600 sq.m. gla), *Convenience Commercial* (below 1800 sq.m), *Arterial Commercial*, *Special Purpose Commercial*, *Automotive Commercial*, *Employment Commercial*, *Historic Commercial*, and *Office Commercial*. Applications for approval of commercial developments routinely required market analyses and transportation studies. Many of the designated sites were initially vacant with the surrounding community often being only partially developed. The rigid structure of the Official Plan led to numerous applications for amendment and to appeals at the OMB, and over time, alteration of some of the originally prescribed locations and intended hierarchy.

Since that time, the City has become almost fully developed and has also adopted a comprehensive and updated set of District Plans (or Secondary Plans) to more fully direct development of all



residential and employment districts within the City. The 2003 Official Plan has reduced the retail Commercial designations to four: *Mainstreet Commercial*, *General Commercial*, *Convenience Commercial* and *Motor Vehicle Commercial*. Offices are the primary use within an *Office* designation. In addition to these categories, commercial development is an important component of the “City Centre” and designated “Nodes” that are intended to have a compact form of development and a mixture of uses within a prescribed area. Urban design studies are required for development in these designated areas. Applications for amendment to the Official Plan may be required to produce traffic studies and/or urban design studies. Because the Official Plan is new, it is not known if this revised and comparatively limited structure will be adequate to respond to commercial applications.

The **City of Peterborough** with a population of 71,000 in 2001 is somewhat smaller than Kingston but it has a total trade area that is more comparable. The City undertook a Commercial Policy Review in 2000 to form the basis of revised Official Plan policy that would enable more flexible development of regional uses without damage to the downtown or the established hierarchy of centres. Based on a concern for the downtown, after the closure of Eaton’s, the City’s Official Plan contained a very restrictive policy regime that had effectively been a moratorium to major new development. As a result the City felt that it was losing commercial opportunities to surrounding municipalities and was failing to provide the broadest range of products and services to its residents.

The Study recommended adding regional commercial opportunities in locations adjacent to established centres and thus strengthening the planned major shopping centres by expanding these locations into “nodes” which could also accommodate free-standing “big box” (or “special purpose”) retail uses on nearby lands. This structure was intended to retain the traditional balance and convenient distribution of retail activity throughout the City and to maintain the central focus of the downtown. The revised commercial hierarchy consists of the *Central Area*, *Major Shopping Centre*, *Special Purpose Retail*, *Neighbourhood Centre* and *Service Commercial*.

The policy states that no new centres are anticipated during the life of the Plan and any application for a new centre must provide market justification. The amount of additional retail land that was added to the City was supported by a Commercial study that formed part of the policy review.

## 7.7 Commercial Policy Options

Land use planning policy has addressed particular attention to commercial policy in the interests of providing a range of goods and services in convenient locations for the public. Traditionally this has been done by means of a commercial hierarchy that addresses commercial needs for different types of goods and services in locations that are convenient to the public. Kingston currently has three Official Plans within its jurisdiction and must blend these into a single hierarchy.

The level of policy control with respect to commercial development varies from municipality to municipality and is generally tailored to the particular characteristics and needs of the specific town or city. The types of policy could be broadly categorized as strict control, moderate control or limited control. These categories have the following characteristics:

### Strict Policy Control

- clear and detailed commercial hierarchy
- detailed and prescriptive approach to range of uses, floor space and/or lot area for each category of use
- limited land designated beyond 5 or 10 year planning horizon
- onerous tests or studies (such as market impact) required to add or alter designated areas, uses or floor space

### Moderate Policy Control

- clear commercial hierarchy
- greater flexibility in terms of uses, floor space or land area
- usually, more generous land needs for 10+ years
- tests or studies (such as market impact) required for major changes to the hierarchy or for significant additions to the land inventory or for new locations not contemplated in the Official Plan

### Limited Policy Control

- limited or unclear commercial hierarchy
- limited or no restrictions on range of uses, size of sites, or leaseable area

- usually, a limited range of locations for commercial use and vacant sites, often due to full development of municipality
- tests, such as market impact are required in limited circumstances

Figure 7-1 (next page) illustrates the advantages and disadvantages of each approach. The approach used depends on the development pressures and broader economic goals of each municipality.

“Strict Policy Control”, which relies on a rigid hierarchical system is often used by rapidly growing municipalities and municipalities facing considerable pressure for new commercial development. Strict Control is also employed in municipalities that have faced a particular issue, such as impairment of the function of the downtown, and therefore wish to limit further damage or to restore the intended commercial function.

Policies of this nature help to protect existing commercial areas and commercial designations which would serve longer term markets. For example, a growing municipality would want to protect against the erosion of the market for a regional scale retail centre by restricting the number of smaller centres permitted in its trade area. This strategy was used by the Town of Caledon to protect a future “Community Shopping Centre” designation in Bolton, when it removed the broad permission for “retail stores” from highway commercial lands in the south end of the community.

“Limited Policy Control” is often used by largely developed municipalities and is sometimes influenced by economic development goals. In this case, applications for new commercial uses will likely be made with regards to redevelopment projects, which are difficult to identify at the time of the preparation of an Official Plan. In order to facilitate the redevelopment of obsolete real estate, municipalities take a more open ended approach with regards to permitted uses. The City of Toronto and the City of Mississauga have adopted this type of approach. Limited Policy guidance is also found in some older Official Plans and may be adequate to regulate commercial development in municipalities that are largely developed and expecting limited change.

Many municipalities adopt an approach between these two ends of the spectrum. In essence, they recognize that there are established commercial areas that would be vulnerable to excessive competition, while at the same time recognizing that sufficient land is designated in appropriate locations to serve growing parts of the community or to accommodate new types of commercial development. In fact, most municipalities fall into this “moderate” category and strive to provide clear policy guidance within a commercial hierarchy that permits for some flexibility. Often the land that is available for commercial development is sufficient for at least 10 years into the future so that there is flexibility of site locations.

• **Figure 7-1: The 3 Approaches to Commercial Policy**

Approach	Description	Examples	Benefits	Disadvantages
<b>Strict Policy Control - Rigid Hierarchy</b>	<p>A hierarchy is defined including convenience, neighbourhood, district and regional shopping areas.</p> <p>This is augmented by arterial commercial and other commercial designations.</p> <p>Often size and tenant restrictions are placed on each level of the hierarchy.</p>	<p>City of Cambridge</p> <p>Town of Whitby</p> <p>City of Brampton</p> <p>City of Guelph</p> <p>Town of Clarington</p>	<ul style="list-style-type: none"> <li>• Protects good distribution of commercial services for residents.</li> <li>• Protects important commercial nodes (e.g. downtown) from over-competition.</li> <li>• Provides for more control over where retail development occurs</li> </ul>	<ul style="list-style-type: none"> <li>• Potential for vacant sites where owners have no interest in commercial development</li> <li>• Lack of flexibility often results in more OMB hearings</li> <li>• More difficult to accommodate changing formats</li> </ul>
<b>Limited Policy Control - Open Market Approach</b>	<p>Fewer number of commercial categories and more flexibility for uses within each category.</p> <p>Often more lands are designated for commercial uses than are required.</p> <p>Market decides where and how large to develop. Works best in mature urban areas with minimal change expected in the retail structure.</p>	<p>City of Mississauga</p> <p>City of Toronto</p> <p>City of St. Catharines</p> <p>City of Barrie</p>	<ul style="list-style-type: none"> <li>• Facilitates business attraction</li> <li>• Accommodates options for redevelopment of older sites</li> <li>• More adaptable to changing retail formats</li> </ul>	<ul style="list-style-type: none"> <li>• Potential for overstoring and blight</li> <li>• Risk to important commercial nodes</li> <li>• Less control of where commercial development occurs.</li> <li>• May not result in optimal locational distribution for residents.</li> </ul>
<b>Moderate Policy Approach – Varied Approach</b>	<p>Designates retail nodes or areas, but is less prescriptive than the rigid hierarchical approach in terms of formats and uses within each area.</p> <p>Typically has fewer categories than the rigid approach.</p>	<p>Town of Ajax</p> <p>City of Peterborough</p>	<ul style="list-style-type: none"> <li>• Provides greater flexibility within each node</li> <li>• Allows for control over areas where retail can occur.</li> <li>• More flexibility to accommodate changing retail formats.</li> </ul>	<ul style="list-style-type: none"> <li>• Still has potential for overstoring</li> <li>• May not necessarily result in best function from a local service perspective.</li> </ul>

Kingston, as a City with its large amounts of vacant land, a probable over-designation of commercial land to meet the needs of the next 20 years, with considerable development pressure and possessing a vibrant downtown requiring continued support, is characteristic of a municipality requiring Moderate to Strict Control of commercial policy. At the moment, the policy regime is not only diverse (due to the different requirements of three Official Plans) but could be characterized as having moderate to limited policy control with generous permissions and amounts of commercial land, particularly in former Kingston Township.

## 7.8 Specific Policy Recommendations

We recommend that Kingston not only blend the policy regimes of the three former municipalities into a new, unified structure but also that the policy guidance and tests for changes to the structure, or for new land to be added, be increased. Without additional policy guidance, the City may face a situation where the planned function of existing centres is eroded by newly competing sites and there is the potential that some of these centres may not be able to be re-tenanted, and may become vacant. This has occurred along Bath Road on the former K-Mart site (depicted to the right) which has become a storage facility and Bingo hall.



Much of the new regional retailing in the Rio-Can Centre on Gardiners Road is just opening in early 2006, so its full impact on existing centres or the downtown may not be apparent at present. Within the three Official Plans now governing the City, there is not a clear sense of a retail hierarchy that distinguishes the intended role, location, function and market of various types of retail development. Each type of development within the hierarchy has different requirements for location, size, and physical development that relate to its intended function and market area (eg. neighbourhood vs. regional market; or frequently needed goods, such as food vs. infrequently purchased good, such as vehicles).

Commercial development, particularly retail development, is always evolving with new products and formats. It is not the intent of commercial policy to restrict competition, unless unbridled development threatens to result in the loss of functions and convenient locations that are important to the public. However, it is also not the intent of good commercial planning to readily enable the re-designation of land to commercial use when a sufficient supply already exists. There will always be pressure on the municipality by developers and commercial users to re-designate lower value land to commercial use. Unlike an oversupply of land for other uses, an oversupply of commercial land can lead to closures in locations that are convenient and valued by the public and can even lead to vacant and blighted properties, which are not in the public interest. Due to this concern, the Planning Act allows municipalities to protect commercial locations and functions in the public interest and the Provincial Policy Statement directs that the vitality of downtowns and mainstreet areas be maintained and, where possible, enhanced.

### Commercial Hierarchy

Throughout the City, not all existing commercially designated locations, sites or uses can respond equally to change and some commercial locations, uses or formats may become outmoded and be

replaced, as part of the City's healthy evolution. To the extent possible, it is helpful if commercial policy can retain sufficient flexibility to enable commercial designations to respond to arising trends, and also to provide for alternative non-commercial uses for sites which clearly are becoming marginal commercial sites, provided that the overall intent of the Official Plan and the commercial hierarchy can be maintained. However, this should not be considered a matter of 'the market merely taking its course', as 'the market's course' does not necessarily reflect what is in the best public interest. If the market merely takes its course, commercial development may concentrate in one location (as can be seen in Belleville). This not only creates problems of congestion but also can result in the loss of commercial development in locations that are convenient to the public and that contribute to the character of neighbourhoods and to the City as a whole. The intent of a commercial hierarchy is to set out the type of balance in terms of function and location that is desired in the City and it is necessary to continue to monitor commercial growth and test significant new applications to ensure that the intent of the hierarchy is being maintained.

### **Out-dated Sites**

On commercial sites that are clearly outdated and that are not significant to the commercial hierarchy, permission for residential development is recommended where the setting is appropriate for residential use. Sites along Princess Street and other former highways that had developed many years ago with small strip plazas, or hospitality uses that are no longer needed, and are in locations abutting existing neighbourhoods are examples of areas where permission for uses, other than commercial, may provide the flexibility that would assist in the transition and also contribute to intensification goals within the City.

### **Updated Commercial Study**

The commercial floor space in the City has not been studied in detail for approximately 10 years, and not since amalgamation. Although there appears to be a surplus of commercial land approved in the City, it is not known whether there may still be an inadequate supply of certain types of commercial land or whether some parcels of land that are currently designated for commercial use (such as the former K-Mart site) have in fact lost that function, or are likely to lose it in the future, or if there is a surplus of floor space for certain sizes of users and a lack of floor space for others. It is therefore recommended that the City undertake a study to update of its commercial inventory relative to the most recent population projections and that this intention be expressed in the commercial policy of the new Official Plan. Currently, the former City of Kingston's Official Plan has a similar policy.

### **Re-evaluation of "Central Business System" Designation**

The former City of Kingston Official Plan combines the commercial areas along Princess Street between Sir John A. Macdonald Boulevard and the waterfront as " the Central Business System"

(CBS). The entire expanded City now functions as a “business system” and so the term CBS applied to this area has little functional relevance. Part of this area, from Division Street to the waterfront, is the historic downtown; part of the area is a plaza and transit terminal (the Kingston Centre); and part of it (“Upper Princess”) is a mixed use area that is struggling to find its identity as the area in between. We recommend that the concept of a ‘Central Business System’ be abandoned and that the three sub-areas receive more relevant designations and different individual policy guidance. The Lower Princess Street area should be recognized as the Downtown, the Kingston Centre area serves a District Commercial function with re-development potential, and the Upper Princess Street area has a “main street” character and would benefit by having a distinctive name - such as “Williamsville” - and efforts directed to developing this as a main street, ‘character area’ of the surrounding neighbourhoods where pedestrian activity would be encouraged.

### **The Downtown**

The Downtown is an area that is given particular recognition by the Provincial Policy Statement because the commercial function of this area is critical to its health, character, pedestrian activity, and to the broader role of providing a unique civic identity. Kingston’s downtown is remarkably preserved and vibrant. It is a tourist attraction, as well as the civic focus of the municipality. Currently it is healthy and contains a range of stores, including national chains, which are not often found in the downtowns of cities outside of Toronto and Ottawa. However, the once-healthy downtowns of many other cities have eroded, in part due to excessive commercial competition elsewhere. For instance, Belleville has a scenic location for its downtown with stone buildings and the presence of the river. However with the concentration of new retail development near Highway 401 providing an overwhelming draw, it has largely lost its commercial support and thus lost its pedestrian activity, its attractiveness as a residential location, and its once dynamic character.

Once lost, vibrant commercial development can be very difficult to regain. For this reason, Kingston’s downtown is considered the top of the retail hierarchy because of the necessity of a strong commercial role in this specific location to support the civic importance, tourist draw, and the historic significance of the City’s core. It is equally important to scrutinize and regulate the extent of commercial development elsewhere to achieve a balance, so that other areas do not overwhelm and draw both existing commercial activity from the downtown as well as the potential of the downtown to grow in a balanced manner relative to other locations. A market study requirement for applications of 5,000 square metres, or more, is recommended so that the City is able to consider the potential impacts of larger developments.

The retail and office components are key to the support of the Downtown’s multi-faceted identity and pedestrian usage; to its attractiveness as a residential location; and to its function as a tourist draw. These roles for the Downtown need to be more clearly identified in Official Plan policy and protected during the consideration of commercial approvals elsewhere that could undermine uses in the downtown. It is recommended that the term “Downtown” be used to clearly identify the area’s role, as opposed to “Lower Princess Street”, which merely identifies its location. The widest range of commercial activity that is consistent with the built form structure of the downtown should continue to

be permitted. Until more specific design guidelines are developed, the current urban design criteria should continue to protect the character of the downtown. Uses currently permitted that do not contribute to the character of the area (e.g. auto sales, service stations, light industrial uses) should be eliminated or restricted to appropriate locations through zoning. Policies that are not related to commercial development, such as those pertaining to The Harbour or Market Square, should be relocated to a Secondary Plan for the Downtown, where individual character areas can be more fully described and more specific design guidelines could be incorporated.

Currently, the former City of Kingston Official Plan permits commercial use throughout all portions of the Downtown (and all portions of the CBS). Furthermore, commercial uses must occur within the ground floor of buildings. It is recommended that this general commercial permission be continued but that the requirement for ground floor commercial development be relaxed, or made more flexible, in outlying portions of the Downtown by permitting residential uses on the ground floor provided that the building is designed in a manner that would physically enable future commercial development. It is important to maintain a continuous commercial frontage to encourage pedestrian traffic. Such pedestrian traffic helps sustain a market for smaller, specialty uses and these uses contribute to tourist interest in the downtown. Therefore, it is recommended that the ground floor commercial requirement be emphasized along streets where there currently is a virtual continuous street front development of commercial uses that create vitality and pedestrian activity, as well as in areas of expansion on adjacent streets, where such commercial activity is particularly desirable as part of future redevelopment. A schedule illustrating such streets titled "Mandatory Ground Floor Commercial Development - Downtown" should be added to the Official Plan to illustrate this concept.

### Regional Commercial Development

In Kingston, the area within former Kingston Township, near Gardiner's Road and Princess Street has become a major node of regional shopping, containing the Cataraqui Town Centre indoor mall and the more recent Rio Can/Trinity plaza of "big box" stores along Gardiner's Road. As well, Costco has located close-by, north of Princess Street, and a large new Wal-Mart and new format Loblaws store are also located nearby on Midland Avenue. These stores further add to the commercial draw of the area. The node of retail development in this area likely has the greatest concentration of retail floor space in the City, containing branch stores of most of the national chains. The recent opening of additional stores in the Rio Can centre, added to the existing development, has provided Kingston with a wide range of the retail choice and most of the retail chain stores that could be sustained by the City and its regional draw. With the increase of commercial development, traffic congestion has increased along Gardiner's Road.





It is recommended that the City carefully review applications for re-zoning, or new commercial designations in this area, to be satisfied that more development will not have a negative impact on smaller District plazas nearby, or on the Downtown's function and future opportunity, or on the geographic balance of commercial development in the City. If there is support for additional Regional retail within Kingston, it may be desirable to look at different areas of the City to create a second node of such development. The benefits would include providing sites in areas that would more conveniently serve other portions of the City, a better balance of retail draw between the downtown and areas of regional development, and less increase in traffic congestion in the current Princess Street/Gardiner's Road location.

Certain regional commercial uses are of such size and range of merchandise that they are termed "category killers" because they tend to lead to closure of smaller uses carrying the same type of merchandise. Chapters (or Indigo) has been given this description in some centres. Such uses can be a strong anchor draw that will help sustain other smaller uses if located in a district centre or main street location. Within Kingston, it is unfortunate that the Chapters location on a free-standing site on an arterial road, does not assist in needed support in a location such as "Upper Princess" or in a struggling District Centre, such as Frontenac Mall, that has lost a strong anchor tenant (Wal-Mart). It is recommended that general retail uses such as this be restricted in arterial road locations and directed to District centres, main street areas or the downtown.

### Main Street Areas

Two areas of the City (apart from the Downtown) have a distinct 'main street character' of mixed uses, buildings constructed at the sidewalk edge, a high percentage of ground floor commercial use and a pedestrian orientation. The Portsmouth Village area is designated as a heritage area and also has older, stone buildings to contribute to its character value. It is a comparatively small area of the City but is of significance to a wider area due to its history and distinctive heritage character.

The area of "Upper Princess Street" now part of the Central Business System is the other area with a main street character that could be reinforced through re-development of outmoded uses, such as small car lots, that occupy a number of sites and interrupt the pedestrian flow. Portsmouth Village is currently designated as *District Commercial* and, due to its heritage designation, it is unlikely to change its character or to expand. "Upper Princess Street" between Division Street and Concession Street/Bath Road is designated as the middle portion of the *Central Business System*. It is recommended that a new category of "Main Street Commercial" be created and that it allow a mixture of uses in a format that continues the traditional mainstreet character.



A more distinctive name is recommended for the Upper Princess Street area and “Williamsville” has been suggested by staff at the City as a name historically suitable for the area. To encourage redevelopment and revitalization in this area, it is suggested that the current requirement for ground floor commercial use be relaxed and that residential uses be permitted. Introducing a provision that the ground floor of new developments should be physically capable of conversion to a commercial use (if such use becomes warranted), provides for the longer term expansion of commercial activity in the area and greater continuity of street-related retail uses in the future. Automotive permissions should be removed or limited to specific locations that will not be a detriment to pedestrian activity on the street. Parking should be located to the rear of buildings and common laneways encouraged and extended. Buildings up to 6 storeys are currently permitted with a potential for higher buildings if an urban design study is undertaken that is considered satisfactory. These provisions should remain to encourage infilling and intensification of the area and to provide additional market support for commercial ground floor uses along the street. In general, buildings should be built to the sidewalk, or if current buildings are set back, the front portion should form a patio or courtyard that will contribute to pedestrian interest. The establishment of a Business Association in the area and improvement of the public realm would also contribute to its revitalization and re-development.

### **District Commercial**

District commercial development has largely occurred in a plaza format anchored by a food store. The Bayridge Centre, Gardiner’s Road Towne Centre, The Village Town Centre, and Frontenac Mall are examples of this type of centre that is oriented to the supply of regularly used merchandise, including food, to a number of neighbourhoods. In order to provide convenient service to the public, it is important to have District centres in dispersed and balanced geographic locations throughout the City. The viability of existing centres can be undermined by large regional uses and also by large, new format food stores that may apply to locate on independent sites. It is recommended that any application for a new District Commercial Centre, or for an expansion beyond 5,000 sq.m. on an existing site, be required to prepare a market study, so that the City would be able to assess potential impact on current District commercial locations. A similar requirement for market studies for new development above 5,000 sq.m. in Regional Commercial locations will assist the City in identifying the potential impact of new regional proposals - especially for food store uses - on current District Commercial locations.

### **Arterial Commercial**

The Arterial Commercial category of the former City of Kingston Official Plan enables the development of a very broad range of commercial uses. The Loop designation in the former Township of Kingston allows an even wider range of uses, including non-commercial uses and residential development. Many of the permitted commercial uses are better suited to Regional Commercial or District Commercial sites to be consolidated with similar uses or to serve as an anchor function for smaller plazas and to limit the creation of strip development along major roads. It is

recommended that the range of uses in the Arterial Commercial category be limited to those that require an arterial road site. Uses such as motels and tourist accommodation, restaurants, automotive service stations and gas bars provide service to the travelling public and should be located on arterial roads. Certain other uses such as vehicle dealerships, nurseries or lumber yards that require large sites and often have open storage or display areas are also suitable for arterial roads and generally do not fit well into other commercial categories. These uses are not generally associated with high traffic volumes and should not impair the traffic function of such roads; however, driveway entrances should be combined wherever possible.

There appears to be a considerable over-supply of land in this category, much of it on older sites along Princess Street and other former highway routes. Such strip development along the major roads creates an unattractive appearance due to uneven setbacks, multiple signs, and mixture of uses. The numerous driveway entrances and turning movements are not conducive to the traffic-moving function of the roadways. A number of the older strip plazas and hospitality uses appear to be losing their commercial viability. It is recommended that, if the setting is suitable, residential permission be added to the Arterial Commercial category subject only to a re-zoning application to encourage the redevelopment and intensification of these marginal commercial sites in a manner that is suitable to their location on a major road and interface with existing residential areas.

The former City of Kingston Official Plan designates the Division Street entrance to the City as a *Highway Commercial* designation with policies very similar to the suggested Arterial Commercial category, except that retail uses such as lumber yards or vehicle sales would not be permitted and the area would cater instead to the needs of the travelling public. Because this designation involves only one site and because the policies are so similar to the Arterial Commercial category for the most part, it is recommended that this area be included as an Arterial Commercial site with a special policy to outline its importance as a gateway location serving the needs of the travelling public.

### **Neighbourhood Commercial**

Neighbourhood Commercial uses are small, local serving uses. It may be difficult to map these sites due to their small size and they may be shown only on Secondary Plan maps and in the zoning By-law as commercial permissions within the Residential area. Similarly small arterial road sites used as gas stations or individual restaurants may be too small to be defined on Official Plan maps of the expanded City and if so, it is recommended that they be shown on Secondary Plan Maps or in the Zoning By-law as commercial permissions in the Industrial or Agricultural area that they abut.

Industrial - limit offices, except in Business park, and limit retail to small nodes with uses directly related to service to the industrial area (restaurants, branch financial institutions, business or industrial supplies, propane depot, etc.)

## 8 Conclusions

The City of Kingston is currently governed by the three different Official Plans that governed each of the three former municipalities that now constitute the City. Each of these, deal with commercial categories and uses in a different way, resulting in unequal guidance for commercial applications in differing parts of the City. It is timely for the City to be looking at a new Official Plan to harmonize its commercial policies and for a Commercial Update that assesses its future commercial needs in light of its changing growth pattern.

Kingston has recently expanded its commercial uses with an array of retailers and strong growth in the regional retail sector, primarily on sites near the Cataraqui Centre in former Kingston Township. The historic downtown has remained the site of more specialty retailers, and uses that serve the resident population in the downtown area. The City currently has a good range of goods to serve its City and regional market, and a number of convenient locations for goods for its local population.

However, Kingston is growing more slowly than had been expected. The City also has a surplus of vacant, approved, commercial sites, and a number of retail locations that are declining or have lost their original function and should be considered for transition into other uses. Its tourist industry has also unexpectedly declined. Tourism has fallen in many other locations too due to fear from terrorist attacks and border crossing issues that have developed following 9-11, but this trend and its impact on the City must be considered.

Commercial development, particularly retail development, is always evolving with new products and formats. The current trend in retailing is to larger floor plate uses, many of which carry increasingly diverse merchandise lines that blur traditional categorization. It is not the intent of commercial policy to restrict competition. However, unbridled commercial development can result in the loss of functions and retail activity in convenient locations that are important to the public. Unbridled competition can also lead to abandoned sites and to blighted properties, which is an image that is not in the public interest, nor an image that the City would wish to portray. It is the protection of this public interest that is addressed by a planned retail hierarchy and by commercial policy designed to regulate the location and function of commercial activities. There will always be pressure on a municipality to re-designate lower value land for commercial use - clearly there is an economic incentive for applicants to do so. Unlike an oversupply of land for other uses, an oversupply of commercial land can lead to closures in locations that are valued by the public and can even lead to vacant and blighted properties, which are not in the public interest. Due to this concern, the Planning Act allows municipalities to protect commercial locations and functions in the public interest by means of policies designed to describe the intended retail hierarchy and locations.

The Provincial Policy Statement focuses particular concern on the preservation of downtowns. A downtown area typically has many functions, including a civic and institutional focus as well as retail and office uses. It is typically the historic “heart” of a community with a special symbolic quality. Its

character is sustained by vibrant activity and pedestrian focus and these characteristics are supported by a strong retail presence and pedestrian activity. The market for these retail uses includes a strong base of office and institutional workers during weekdays and a resident population during evenings and weekend periods. Thus the downtown consists of a mixture of uses that are mutually supportive - and office and retail uses are two key sectors of that successful mixture. The Planning Act thus allows particular protection for these uses in a downtown setting from the excessive competition of other locations.

Kingston is fortunate that its preserved heritage and lakefront location also provide a strong tourist draw for its downtown. Again, a mutually supportive relationship exists between visitors to the City and hospitality, recreation, and specialty retail uses that are located in the downtown. This tourism focus is another reason that vibrant retail uses and entertainment venues should be retained in this location and protected from excessive competition from other locations.



The recommendations and draft commercial policy that have been developed from this Commercial Study Update are a blending of current policy from the three existing Official Plans and creation of new policy initiatives that respond to the challenges that the City is currently facing and trends and circumstances that are expected in the coming years. Due to the current over-supply of commercially designated land in relation to the longer-term growth projections, it is recommended that the City apply more stringent tests when considering the approval of any additional sites or any major expansion to a current commercial site. It is also recommended that the City undertake a more comprehensive study and analysis of the location and functions of its current commercial land

inventory with respect to relevant trade areas and functions, in light of revised population projections. It may be appropriate to change the designations of some commercially designated sites after this more comprehensive analysis.

The approach of this Study Update has been to strive for a balance between providing opportunities for the greatest range of facilities to serve the public that can be supported by the local and regional market for Kingston, while protecting the unique area of the downtown, as well as appropriate retail functions in balanced locations that provide convenient service to all residents of the City. The proposed retail hierarchy sets out the intended function of various commercial uses and indicates specific sites through mapping.

The number of retail categories has been reduced to six. In terms of retail function, District Commercial and Main Street categories serve a similar function but the Main Street category describes a built form and mixture of uses that is different, and thus is more of a “character” designation. It is intended that this more specific vision and a significant name -“Williamsville” has been suggested - will assist the Upper Princess Street area in evolving into a more vibrant character area with new residential uses that will add to the vitality of the area and to its market. The establishment of a Business Association in the area would also assist in this purpose.

It is recommended that the permitted uses in an Arterial Commercial designation be limited to hospitality uses, vehicle sales, and a very limited number of large users, or convenience uses that serve the travelling public. Many older arterial road sites are currently in decline and have lost most of their original commercial function. Transition policies and tests are suggested to assist in the transition of these sites to other non-commercial uses.

Specific draft commercial Official Plan policies and schedules have been crafted to implement the findings and conclusions of this Commercial Study Update. They blend current policy and designations of the three current Official Plans with additional policy that has been suggested by this Study Update.

.

# APPENDIX A

## APPENDIX A

### OFFICIAL PLAN COMPARISON SUMMARY

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
<b>Context, or Goals/ Objectives Related to Commercial Policy</b>	<p><b>2.4.6</b> The City's central business system is the commercial retail, hospitality, administrative and office district of the City, the wider urban area and Eastern Ont. Within this "commercial business system", the Lower Princess Street Commercial Core is the historic central business district of the City.....</p> <p><b>2.5.4</b> to encourage and provide for growth &amp; expansion of the City's economic sectors including commerce...</p> <p><b>2.5.5</b> to maintain the vitality of the central business system &amp; provide for its growth... in the context of strategic growth management</p> <p><b>2.5.6</b> to support tourism as an important component of the City's economic base</p> <p><b>Commercial Objectives</b>  <b>4.9.2</b> a) to provide functional mix, balanced representation &amp; hierarchical organization  b) to provide for orderly distribution of commercial uses in accord with Sch. B  c) to provide a strong central core focus  d) to provide for long term orderly growth, development &amp; re-development as a system &amp; as discrete areas &amp; districts  e) to provide appropriate linkage policies to relate commercial dev. to other land use elements, services &amp; transportation</p>	(found with Secondary Plans)	<p><b>Vision</b>  <b>1B</b> The Village Centre (S.E. of Gore Rd &amp; Hwy 15) is to become the commercial and institutional core of Pittsburgh A special commercial/ industrial area at Joyceville Rd &amp; Hwy 401 is intended to provide an area for large scale retail uses.</p> <p>(Objectives also in Rideau Secondary Plan)</p>
<b>Specific Commercial Hierarchy References</b>	<p><b>Commercial Policy 4.9.5</b>  It is the policy of this Plan to recognize and further encourage the concentration of commercial uses into a hierarchy of commercial areas defined by size, function, and/or intended market. This Plan establishes 5 categories Including:  a) Central Business System  b) Highway Service Commercial  c) Arterial Commercial  d) District Commercial Centre  e) Neighbourhood Commercial</p>	<p><b>(General Policy) 2-4(1)(9)</b> This Plan recognizes a range of planned functions... The hierarchy consists of...:  <ul style="list-style-type: none"> <li>the Core Area;</li> <li>the Loop;</li> <li>community commercial centres;</li> <li>neighbourhood</li> </ul> </p>	(none)

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
		commercial centres; <ul style="list-style-type: none"> <li>• special districts; &amp;</li> <li>• convenience commercial uses</li> </ul> <i>(note: most of these categories are not land use categories on the map or in text)</i>	
<b>General Policies related to Commercial Uses</b>	<b>3.14.6 Parking in CBS</b> Council shall generally require parking to be provided on-site a) Council may permit required parking in the Lower Princess Commercial Core & Upper Princess Commercial District by way of spaces within 60 metres of site, through agreement on title	<b>2-4 Where We Work</b> The Plan is intended to contribute to the economic health of the Twp & area... <b>1)</b> encourages the creation & maintenance of employment opportunities by way of: a) retention of existing employment & creation of new opportunities, b) new retail & commercial development, d) office & prestige industrial along Gardiner's Rd at 401; e) development of tourist attractions; <b>8)</b> While seeking to promote new & innovative forms of business & commercial, it is also the intent to maintain & strengthen the overall commercial function, including planned function of existing areas. <b>9)</b> commercial hierarchy (see above)	(none)
<b>Generally Permitted/ Prohibited Uses</b>	<b>4.9.3 Permitted Uses</b> a) retail, office & service facilities b) complementary uses in specific designations, incl. cultural, recreational, entertainment, institutional, medium & high density residential, c) accessory uses, incl. storage, parking, warehousing & light ind. in	<b>3-9 Commercial</b> the buying & selling of goods and services, and office  <b>3-9 (12)</b> open storage is not permitted	(only in Sec. Plan for Rideau Community) 3.B.3 retail, service, entertainment, & office



O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
	certain designations <b>4.9.4. Generally Prohibited Uses</b> new, low density residential uses; new industrial uses		
<b>Commercial Category Policies</b>	<p><b>4.10 Central Business System</b> is focus of commercial land use in City and in urban area</p> <ul style="list-style-type: none"> <li>contains objectives &amp; sp. initiatives</li> <li>permits full range of commercial uses, + institutional, cultural, entertainment - except auto body &amp; similar</li> <li>permits medium and high density residential buildings</li> <li>permits residential above existing commercial</li> <li>accessory uses such as parking, storage, &amp; light industrial if they compliment commercial use</li> </ul> <p><b>4.10.6 Lower Princess Street Commercial Core (part of CBS)</b> Is historic central business district with links to residential &amp; harbour</p> <ul style="list-style-type: none"> <li>objectives include long term revitalization &amp; strengthening</li> <li>Core area comm. analysis proposed</li> <li>design guidelines for new or converted buildings &amp; uses</li> <li>hts. up to 5 or 6 storeys - or more with an approved design study</li> <li>medium &amp; high density res. permitted if ground floor is commercial</li> <li>spec. policy for harbour, &amp; City Hall Square</li> <li>parking &amp; laneway policies</li> </ul> <p><b>4.10.7 Upper Princess Street Commercial District (part of CBS)</b> former arterial strip in process of becoming district with anchors at both end</p> <ul style="list-style-type: none"> <li>includes objectives for urban design &amp; functional improvement</li> <li>commercial business analysis proposed</li> </ul>	<p><b>2.4(9) The Core</b> focus of higher order commercial &amp; business uses, incl, Regional Shopping Centre</p> <p><b>3-9 Commercial</b></p> <ul style="list-style-type: none"> <li>mixed use res.- commercial projects encouraged</li> <li>proposals over 10,000 sq.m. require ZBA &amp; may require market study</li> <li>long term storage is not permitted</li> <li>adequate parking must be provided</li> </ul>	

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
	<ul style="list-style-type: none"> <li>• hts of 5-6 storeys permitted</li> <li>• medium &amp; high density res. permitted if ground floor is commercial</li> <li>• long term parking strategy proposed</li> <li>• inter-connected rear parking encouraged</li> </ul> <p><b>4.10.8 West Princess Street West Commercial District (part of CBS)</b> lands along Princess St &amp; Bath Rd over to Sir John A. Macdonald Blvd., incl. shopping centre with aim to be more pedestrian friendly</p> <ul style="list-style-type: none"> <li>• includes objectives for diversified commercial mix, linkage to CBS, pedestrian access, limits on vehicular access, streetscape improvement &amp; transit connection point</li> <li>• hts of 5-6 storeys permitted</li> <li>• street amenity to be enhanced</li> <li>• continuous building facade encouraged</li> <li>• buffering between residential &amp; commercial</li> <li>• medium &amp; high density res. permitted if ground floor is commercial</li> <li>• studies req'd for new dev. within triangle of Princess, Bath &amp; Sir John A. MacDonald</li> <li>• on-site parking req'd &amp; new dev. to have underground parking, if feasible</li> </ul> <p><b>4.11 Highway Service Commercial</b> limited to near 401 &amp; oriented to traveling public for food, fuel &amp; accom. &amp; some district needs</p> <ul style="list-style-type: none"> <li>• recreation &amp; entertainment uses are also permitted</li> <li>• retail uses <u>not</u> for traveling public, or residential uses are prohibited</li> <li>• objectives include limiting locations &amp; recognizing Division St as major City entrance, streetscape &amp; traffic improvement aims</li> <li>• on-site parking and loading required</li> </ul>	<p><b>2.4(9) The Loop</b></p>	<p><b>2W. Highway Commercial</b> includes service stations, auto sales, motels, drive-in restaurants &amp; other eating establishments &amp; acc. retail - to discourage new uses in Rideau Sec Plan</p>

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
	<p><b>4.12 Arterial Commercial</b> intended for limited range of retail, service &amp; office use that is complementary to the Central Business System. Uses may require large sites and outdoor display, cater to driving public &amp; only be located on principal streets in malls or as stand alone, amusement arcades permitted only in malls</p> <ul style="list-style-type: none"> <li>permitted uses include hotels, motels, restaurants, auto sales &amp; service, recreation &amp; entertainment, building &amp; home furnishing stores, retail warehouses, small scale offices, convenience commercial, &amp; financial</li> <li>prohibited uses include large scale office, industrial or residential uses</li> <li>objectives include sharing of access, traffic &amp; visual considerations</li> <li>buildings are to have limited height, &amp; must have nec. parking on-site</li> <li>growth of Arterial Commercial areas is by infilling</li> <li>new Arterial Commercial need OPA</li> </ul> <p><b>4. 13 District Commercial</b> intended for frequent need uses that serve the surrounding area, located in smaller scale malls or plazas. Food stores or older uses may exist alone.</p> <ul style="list-style-type: none"> <li>permitted uses include food stores, specialty retail uses such as drug or hardware stores, personal service shops, financial services, restaurants, and small scale offices and medical uses.</li> <li>prohibited uses include dept. type stores, auto sales, retail warehouses, patio restaurants, large scale offices, industrial uses &amp; residential</li> <li>objectives include providing for uses that complement CBS and Arterial Commercial, rather than compete, limiting floor area and scale to suit</li> </ul>	<p>commercial corridors for building supplies, auto sales &amp; service uses, innovative or other major retail outlets</p> <p><b>3-9 Commercial</b></p> <ul style="list-style-type: none"> <li>mixed use commercial residential is encouraged</li> <li>proposals over 10,000 sq.m. require ZBA &amp; may require market study</li> <li>long term storage is not permitted</li> <li>adequate parking must be provided</li> </ul> <p><b>2.4 Community Commercial Centres</b> (no further description)</p> <p><b>3-9 Commercial</b></p> <ul style="list-style-type: none"> <li>proposals for new commercial development outside Core or Loop above 3,000 sq.m. require an amendment to the Zoning By-law &amp; must have a market study</li> <li>long term storage is not permitted</li> <li>adequate parking must be provided</li> </ul>	<p><b>2H. Recreation/Tourist Commercial</b> Permits recreation, camp grounds, cultural &amp; social facilities, accommodation</p> <p><b>2G.2.Industrial/Commercial</b> Permits vehicle sales, service stations, factory outlets, warehouse centres, nurseries, accessory retail &amp; office, &amp; Tourist uses, motels, recreation facilities (+ industrial uses)</p> <p><b>2V. Shopping Centre</b> -to be developed as a unit (no other policies in OP) - restricted to Village Centre only, in Rideau Sec Plan</p>

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
	<p>local needs, encouraging plaza development, minimizing impact on roads &amp; nearby residential uses.</p> <ul style="list-style-type: none"> <li>any new District Commercial or expansion needs OPA</li> <li>proponents of uses exceeding 2000sq.m. must submit market survey</li> </ul> <p><b>4.14 Neighbourhood Commercial</b> are small-scale, often free-standing &amp; serve day to day needs of the immediate neighbourhood. They may be within residential buildings</p> <ul style="list-style-type: none"> <li>permitted uses include corner stores, food stores of less than 223 sq.m., restaurants &amp; take-out restaurants, personal service uses such as hairdresser, shoe repair, dry cleaners</li> <li>prohibited uses include larger commercial uses, offices, patio restaurants, amusement arcades &amp; home occupations</li> <li>objectives include strictly limiting the number &amp; function of NC designations to serve only local needs &amp; site plan controls to limit adverse impacts</li> </ul>	<p><b>2-4 Neighbourhood Commercial Centre</b> (no further description)</p> <p><b>3-9 Commercial</b></p> <ul style="list-style-type: none"> <li>proposals for new commercial development outside Core or Loop above 3,000 sq.m. require an amendment to the Zoning By-law &amp; must have a market study</li> <li>long term storage is not permitted</li> <li>adequate parking must be provided</li> </ul>	<p><b>(Neighbourhood Centre in Rideau Sec. Plan only)</b> is to provide focal point &amp; convenience uses &amp; incl. medium density res. &amp; institutional uses</p> <p><b>(Barriefield Sec. Plan) Heritage Commercial</b> - small scale use + 3 res. units</p>
<b>Special Policies</b>	<p><b>4.15 Special Commercial Policies &amp; Buildings</b></p> <p><b>4.15.1 Automotive Service Uses</b></p> <ul style="list-style-type: none"> <li>- incl. gas bars &amp; service stations, car wash, car repair, body shops, &amp; towing compounds</li> <li>- gas stations &amp; bars, car washes &amp; spec. repair are primarily in commercial areas</li> <li>- repair &amp; service centres permitted in commercial or industrial</li> <li>- gas bars permitted with convenience commercial except in NC areas</li> </ul> <p><b>Propane transfer facilities</b></p> <ul style="list-style-type: none"> <li>- retail sale of propane permitted in commercial in assoc. with gas bars, service stations &amp; marina</li> </ul>	<p><b>2-4 Special Districts</b> intended to provide specialized services (no further description)</p>	<p><b>St. Lawrence spec. policy 2W.1.4</b> (* should be moved)</p>

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
	<p>-private, large scale propane depots, etc. permitted in industrial</p> <p><b>Outdoor Patio Restaurants</b>            -considered seasonal &amp; temporary &amp; shall not be enclosed            - permitted as accessory uses to hotels, restaurants &amp; taverns in Lower Princess, Upper Princess St. &amp; Arterial Commercial designations, subject to criteria</p>		
<b>Other Designations permitting Commercial Use</b>	<p><b>4.5 High Density Res</b>            -minor commercial to serve residents</p> <p><b>4.16 Industrial</b>            -sale of goods made on premises, auto body shops, towing companies            - offices, convenience stores &amp; restaurants permitted in Business Parks</p> <p><b>4.17 Institutional</b>            - convenience commercial uses permitted &amp; commercial uses related to research</p> <p><b>4.23 Harbour Area- Block D</b>            - permits hotel, theatres, restaurants</p>	<p><b>3-6 Hamlets</b>            permits stores</p> <p><b>3-10 General Industrial</b>            - permits commercial uses serving the area &amp; offices</p> <p><b>3-11 Light Industrial</b>            - permits commercial uses serving area</p> <p><b>3-13 Business Park Industrial</b>            - offices permitted (&amp; other non-retail uses)</p>	<p><b>Suburban Residential, &amp; Hamlets -</b>            permits local uses</p> <p><b>General Industrial</b>            Permits accessory commercial (private services)</p> <p>(Also <b>Marina &amp; Prestige Business Park</b> in Rideau Sec. Plan)</p>
<b>General Growth/ Expansion/ Conversion Policies</b>	<p><b>3.3 Separation of Land uses:</b> Where any development, redevelopment or conversion is proposed the following separation principles apply: a) the separation of land use types by designation is a basic principle of this Plan....            b) more than one use may be permitted, if functional compatibility can be demonstrated</p>	<p><b>3.9 (6) (Core &amp; Loop)</b>            -proposals for over 10,000 sq.m. require ZBA &amp; may require market study</p> <p><b>3.9.(7) - other areas</b>            - proposals for more than 3,000 sq.m require ZBA &amp; market impact study</p>	<p>(none, except in Rideau Sec. Plan)</p>
<b>Secondary Plan Policy</b>	(not part of O.P.)	<b>4-2.4 Cataraqui North</b> - contains 4 categories	<b>Rideau Community -</b>

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
		<ul style="list-style-type: none"> <li>• <u>Neighbourhood Convenience</u> centre;</li> <li>• <u>Business Commercial</u> (convenience uses for business &amp; residents)</li> <li>• <u>Mixed Use</u> (Princess St. &amp; one other location) permits residential above commercial</li> <li>• <u>General Commercial</u> -permits range of commercial use in 2 areas of Sydenham Rd</li> </ul>	<p><b>3B3</b> Includes <u>Village Centre</u>, which is to be focus <u>Shopping Centre Commercial</u> must demonstrate demand by market analysis &amp; not have adverse impact on Village Centre <u>Highway Commercial</u> will be limited so not to impact hwy 15 corridor or Village Centre <u>Neighbourhood Centre</u> permits convenience uses</p> <p><b>Military - Shopping Centre</b> Cross ref. to policies in Rideau Sec. Plan</p> <p><b>Heritage Commercial</b>, Barriefield permits small scale uses compatible with res'l</p> <p><b>St. Lawrence spec. policy 2W.1.4</b> (* should be moved)</p>
<b>Maps</b>	- all Commercial Categories are mapped except Neighbourhood Commercial	- only a single Commercial category mapped, except in Secondary Plan	- only Industrial Commercial (map 1)  -Shopping Centre Comm &

O.P. Policy	City of Kingston	Kingston Twp	Pittsburgh Twp
			<p>Heritage Commercial on Map 2 (CFB Kingston)</p> <p>- Village centre, Highway Commercial, Neighbourhood Commercial &amp; Shopping centre Commercial in Rideau Sec. Plan</p> <p>- "Commercial" mapped in St. Lawrence Community</p>
<b>Definitions</b>	- no Definitions section	- "the Loop" is defined by boundaries and intended as a Mixed use transit supportive area.	- no Definition section
<b>Mixed Use</b> (incl. Res'l) categories/ policies	- permitted in Lower Princess, Upper Princess	<b>3-9 (4)</b> mixed use residential/commercial development to be in separate zone category <b>4-2.4 Mixed use</b> category n Secondary Plan on Princess Street	(none)

# **COMMERCIAL LAND USE POLICIES**

## **1. GENERAL STATEMENT**

Kingston is a major commercial centre within Eastern Ontario. Council intends to support this regional role which is important to the economy and employment of the City. Council will also ensure that a wide range of commercial goods and services will be available in convenient and balanced locations within a planned retail hierarchy in order to meet the needs of the residents of the City, as well as tourists and those traveling from the broader region for retail goods, services and office uses.

The Downtown has particular regional significance as a cultural, administrative and historic centre of the City. The commercial facets of retail, service, entertainment and office uses are a vital component of the historic character and pedestrian activity level of this area, and will be protected and promoted in this role, as well as in their roles of providing service to residents or workers in the downtown, and encouraging visitors to the City.

The City has sufficient designated commercial land to meet the projected needs of the population during the timeframe of this Plan. It is not anticipated that any major extensions to currently designated areas, or significant new commercial areas will be established during this time without a full and comprehensive Commercial Inventory and Review supported by market analysis.

## **2. GOALS**

It is the intent of this Plan with respect to Commercial land uses:

- (a) to provide for the broadest range of commercial activities that can be supported by the population of the City and surrounding regional trade area, in convenient and balanced locations, within the established retail hierarchy of the City, and in accordance with the policies of this Plan;
- (b) to support and encourage growth of the Downtown, and to maintain the strategic commercial role of the Downtown with a healthy array of retail and office uses that also contribute to its civic, cultural, service, administrative, hospitality, entertainment, and residential functions, and continue its historic purpose;
- (c) to provide for the development, and potential redevelopment, of commercial lands as part of a commercial land use system as defined by the retail hierarchy and policies of this Plan;
- (d) to encourage a mixture of land uses that are mutually supportive with the predominant commercial land use activity in specific commercial



designations, particularly in the Downtown and Main Street Commercial areas;

- (e) to ensure that an adequate supply of commercial land is designated relative to the projected market support, and is available in the locations identified in this Plan. [An adequate supply of commercially designated land includes the redevelopment and intensification potential of commercial sites. It does not imply that a significant over-supply of commercial floor space would occur to such a degree that the planned retail hierarchy may be undermined, or the loss of function including planned expansion of existing designated areas could occur, particularly in the Downtown];
- (f) to promote pedestrian activity, safety and comfort, as well as transit accessibility to commercial locations, while also ensuring that the provision of adequate vehicular parking, access and traffic operations are considered in the approval of commercial sites;
- (g) to ensure through zoning, site plan and other administrative mechanisms that development of commercial areas will have minimal negative impact on adjacent residential, sensitive institutional, or environmental areas in terms of noise, lighting, surface runoff, location of service functions, or other matters;
- (h) to review new commercial proposals in sufficient detail to ensure that they will not undermine the planned role or locational balance of existing commercial designations shown on Schedule A and established by the retail hierarchy and policies of this Plan;

### **3. RETAIL HIERARCHY of COMMERCIAL DESIGNATIONS**

This Plan recognizes a range of planned commercial functions within a hierarchy that addresses the role, function, location, and intended market of different commercial designations.

#### **3.1 This Plan establishes 6 categories of Commercial designation in the following hierarchy:**

- Downtown
  - Regional Commercial
  - Main Street Commercial
  - District Commercial
  - Arterial Commercial
  - Neighbourhood Commercial
- (a) All categories are shown by reference to specific areas on Schedule A. Existing, local commercial uses may be included within Residential or other designations in the Zoning By-law.

- (b) The Arterial Commercial designation is a special purpose designation that does not fit well within the hierarchy, but is retained for limited and specialized goods and services. It is anticipated that a number of older, outmoded Arterial Commercial sites may redevelop for residential use during the timeframe of this Plan in accordance with policies of Section 9.2.(f).
- 3.2 Proposals for major new, or significantly expanded, retail developments outside of the Downtown that are beyond those anticipated by this Plan, including its Schedules, shall be subject to studies of Market Justification and Impact Assessment which demonstrate to Council's satisfaction that:
- the type and size of proposed facilities are warranted;
  - there will be no negative impact on the Downtown and that its ability to expand is not seriously impaired;
  - the planned function of existing, or approved, sites in the retail hierarchy will not be undermined; and
  - the geographic distribution of commercial functions and facilities will provide convenient service to all residents of the City.
- (a) The Market Justification and Impact Assessment described above may be required to be peer reviewed for the City at the proponent's expense.

## **4. GENERAL COMMERCIAL POLICIES**

### **4.1 COMMERCIAL INVENTORY AND REVIEW**

It is a Policy of this Plan that the City will undertake a focused Commercial Inventory Review of Kingston's commercial uses and areas. The Commercial Inventory Review is intended to update the inventory of commercial lands related to the land use categories and specified locations of the Official Plan and to correlate these with current population projections and relevant trade areas. The goal of the Commercial Inventory Review is to assess whether there is adequate commercial land and floor space to meet the needs of the City and its broader regional area for various commercial functions, while also ensuring that there is not such a surplus of land or commercial floor space, either in total or of a specific type or location, that it may lead to blighted areas or the loss of planned function of existing or designated commercial areas.

### **4.2 INTERFACE & IMPACT POLICIES**

- a) Loading and service areas shall face away from major roads, and shall be located, and/or adequately screened, to protect the amenity of adjacent residential or sensitive institutional areas. Lighting shall be directed away from such areas.
- b) Where any existing use, or proposed use, either produces or is likely to produce noise or odour emissions that create a nuisance, the owner, operator or proponent shall prepare an abatement plan to the satisfaction of Council and in conformity with Ministry of Environment Guidelines and standards.

- c) Stormwater runoff from commercial sites may be required to be stored, treated, and/or directed away from nearby sensitive ecological areas in order to protect such areas.

#### 4.3 SITE PLAN CONCERNS

- a) Through site plan approval and other agreements, new Commercial developments, expansions or redevelopments shall be required to:
  - i) provide building design and finishes to a standard that appropriately address abutting streets and non-commercial uses;
  - ii) minimize potential impacts on, or nuisance to, adjacent residential uses or sensitive institutional uses in terms of lighting, litter, noise, odours or commercial deliveries;
  - iii) provide adequate fencing, berms or landscaping to buffer abutting or adjacent residential uses;
  - iv) effectively minimize potentially adverse impacts of storm water runoff or other impacts on adjacent sensitive environmental areas;
  - v) provide clear vehicular access points that avoid principal roads, where possible, and facilitate separate vehicle access and exit movements;
  - vi) provide transit access locations;
  - vii) provide for pedestrian safety and convenience of movement both in parking areas and in the design of buildings, through such features as lighting, sidewalks, street furniture, landscaping, building entry locations and signage;
  - viii) provide solid waste storage in an enclosed structure that is located away from the street and adequately screened from residential uses, and that has adequate means of access for pick-up that is generally separated from the parking area. Refrigerated storage of food waste may be required where deemed necessary.
  - ix) appropriately fence or screen any outdoor storage of goods and materials that may be permitted.

## **5. DOWNTOWN**

### **5.1 GENERAL STATEMENT**

The Downtown, as shown on Schedules A and B, is not only a centre of commerce but is considered to be the civic heart of the City, a distinctive focal point within the broader region, and a tourist destination. It is the intent of this Plan that it continue to be supported and enhanced as the main concentration of business activities including retail, office, administrative and entertainment functions, as well as a broad range of other uses including higher density residential uses, major institutions, hotels and hospitality uses, cultural venues and places of worship, parks or other public open spaces. The historic character, dynamic pedestrian activity, and multi-functional role of the Downtown shall be retained and enhanced by the policies of this Plan and other civic actions. Retail and office activity, tourist facilities, civic activities, major institutions, and public entertainment venues are considered key elements that define and support the multi-faceted character and role of the Downtown, and they shall be protected, and encouraged to expand within the Downtown.

### **5.2 PERMITTED & PROHIBITED USES**

- (a) Within the Downtown a full and integrated land use mix is permitted including all levels of retailing, a broad range of services, hotels and hospitality services, recreation and entertainment uses, institutions, places of worship, and cultural venues. A full range of general and professional offices, and major office buildings are encouraged to locate in the Downtown, as are a range of higher density residential uses. In addition, parking lots and parking garages, parks, and open space, are permitted uses within the Downtown. Specialized residential uses including senior citizen accommodation, boarding houses, crisis care facilities, supportive housing, hostels, and similar uses are also permitted.
- (b) Large format retail uses may be permitted, provided that they can be accommodated in suitable locations, and that they can fit into the design parameters of the Downtown and contribute to its pedestrian oriented, historic character.
- (c) Accessory uses, including storage, and light industrial uses may be permitted if complementary to a commercial use and if they can meet the tests of Section 5.2.(b).
- (d) Automotive sales, gas stations or gas bars may be restricted to specific locations on the periphery of the Downtown.
- (e) Prohibited uses include: new low density housing (including duplexes or triplexes), new industrial uses, automotive machine shops, body shops, collision repair, towing compounds, or similar uses.

### 5.3 DOWNTOWN POLICIES

- (a) The planned function of the Downtown is to be a multi-faceted centre for the City and surrounding region, incorporating retailing of all types, business and professional offices, entertainment, cultural and recreational facilities, tourism and hospitality facilities, a wide array of personal and professional services, as well as institutional, civic, open space and higher density residential uses.
- (b) While the broadest practical range of commercial uses is permitted and encouraged in the Downtown, its particular priority commercial functions are:
  - i) specialty shopping and comparison shopping, that both attracts and serves residents from throughout the City and broader region;
  - ii) business and professional offices, civic activities, and related business service uses;
  - iii) food, and convenience shopping, personal and medical services, and similar facilities which reinforce and support the attractiveness of the Downtown for residential purposes, and
  - iv) hospitality and tourist uses, entertainment facilities, cultural venues, and other attractions that bring both residents and visitors to the Downtown.
- (c) In support and recognition of the importance of major office development to the vitality and synergy of uses in the Downtown, Council may, through zoning, limit the size or type of office uses permitted in other designations.
- (d) To maintain and foster the unique sense of place and human scale derived from the heritage streetscapes and the pedestrian activity of the Downtown, Council will adopt Design Guidelines and zoning standards, and direct other civic and private initiatives in a manner that will enhance pedestrian amenity, preserve heritage buildings, and foster compatible development or redevelopment.
- (e) Until more detailed Design Guidelines are prepared for individual areas of the Downtown, the following design principles shall be applied to new development, infilling, additions or redevelopment:
  - i) the design of new buildings or additions to buildings should be compatible with the architectural and heritage character of the surrounding area and maintain its visual cohesiveness;
  - ii) the ground floor building face(s) should be located at the sidewalk edge;
  - iii) horizontal elements such as shop front cornice, window heads and building cornice should be compatible with adjacent structures;
  - iv) new or altered rooflines and roof detailing should be compatible with surrounding buildings and structures;

- v) the design of new or altered buildings and their site layout should accommodate and promote pedestrian movement and comfort through such features as lighting, sidewalks, awnings or canopies and means of access that promote safety and convenience;
  - vi) multi-storey buildings abutting the street should avoid shadowing the street by stepping upper floors that are above adjacent roof lines, back from the street;
  - vii) where feasible, existing buildings are to be conserved, renovated and revitalized through conversion or compatible additions to extend their functional life. Where conservation is not feasible or desirable, demolition and new development shall be subject to the design policies of this section.
- (f) Buildings shall be at least two storeys (or equivalent height and facade treatment), while building heights of up to 5 or six storeys that conform to the above criteria are generally supported;
- i) buildings above five or six storeys that satisfy all Plan policies and are within a clearly drawn building envelope may be supported by Council without amendment to this Plan, subject to preparation of a site specific urban design study that is presented at a minimum of one advertised, Public meeting, and that may be peer reviewed at the applicant's expense;
- (g) Development in the Downtown is subject to the more detailed policies provided in [the Downtown Secondary Plan]<sup>1</sup>.
- (h) Medium and high density residential buildings are permitted in the Downtown, provided that on "Mandatory Commercial Frontage Streets" as indicated on Schedule B the ground floor is retained for commercial use, and development is subject to all other policies of this Plan including the Design Guidelines of subsection (e) above, or more specific Guidelines that may be adopted.
- (j) Where independent residential buildings are permitted in the Downtown on streets where ground floor retail is not mandatory (as indicated on Schedule B), they shall contribute to the pedestrian amenity of the street and shall be designed to complement the commercial storefront character of the Downtown. Any residential use of the ground floor must be constructed to be physically capable of conversion to a commercial use in the future by providing access directly at the level of the sidewalk, having adequate ceiling height, stair locations, and partition wall layout that enables a future conversion of the ground level for commercial use.
- (k) Residential conversion of upper floor commercial space, or conversion of older one and two family dwellings into multi-unit residential buildings, is

---

<sup>1</sup> a number of policies in the current OP dealing with "Lower Princess St." are not commercial policies & have not been repeated in this section. They could be part of the new OP text in another section or a Secondary Plan to be created.

permitted, provided that matters of access, light, adequate floor space and parking are satisfactorily addressed.

- (l) Public and private laneways and other rights-of-way are important for access and emergency service in the Downtown, and shall be preserved. Many laneways also contribute to the unique character of the area and provide convenient pedestrian routes that shall be maintained and extended, where possible, in the development of new projects.
- (m) Vehicle parking is vital to the health of the Downtown, but its provision requires more flexibility than in other parts of the City. The City intends to develop a long term parking strategy to address parking, but until that time, the following policies shall apply:
  - (i) new commercial developments or re-developments are encouraged to provide parking for their own use, and where feasible, are encouraged to incorporate underground parking or parking structures as part of the proposal;
  - (ii) commercial developments, redevelopments or renovations may be exempted from providing parking spaces pursuant to the zoning by-law;
  - (iii) residential development, including conversion of upper story commercial space to residential use, is required to provide necessary parking in accordance with the zoning by-law, but may be permitted to provide such space within 60 metres of the lot, through long term parking agreements if it is not possible to provide on-site parking;
  - (iv) new medium and high density residential developments are encouraged to provide parking on site in either underground space or parking structures;
  - (v) cash-in-lieu of parking may be accepted by Council, where it is not feasible to provide on-site parking, as required.
- (n) The Quay Developments Property at the northwest corner of Brock and Ontario Streets has additional policies found in Section 12.3.

## **6.0 REGIONAL COMMERCIAL**

### **6.1 GENERAL STATEMENT**

The Regional Commercial designation as shown on Schedule A is focused around the Cataraqui Town Centre and extends along portions of Princess Street, Midland Avenue and Gardiners Road. The planned function of the Regional Commercial designation is to provide a range of retail facilities in accessible locations for residents of the City and for the surrounding region. The retail facilities are distinguished from those in the Downtown by virtue of their location within a large enclosed mall anchored by major department stores, or as a grouping of large floor plate (or retail warehouse) uses requiring extensive sites and providing a range of merchandise that attracts shoppers from a regional area. Uses in the Regional Commercial designation

are intended to complement, rather than compete with, uses in the Downtown. Uses in the Regional Commercial designation are also not intended to undermine the function of District Commercial centres, intended to serve a more local population.

## 6.2 PERMITTED & PROHIBITED USES

- (a) Within the Regional Commercial designation, a broad range of retail use is permitted in a specialized format consisting either of uses within an enclosed shopping centre anchored by department stores, or large floor plate individual uses, generally located on an integrated site.
- (b) Some limited smaller uses that provide service to businesses and shoppers (including restaurants, financial institutions, and local offices) may be permitted on free-standing sites, preferably in conjunction with the shopping centre or on integrated large floor plate retail sites. The zoning by-law shall govern the extent and range of such uses.
- (c) Limited automotive uses, including gas stations or gas bars, are permitted within the Regional Commercial designation. Parking garages and structures are also permitted.
- (d) Large scale recreation or entertainment uses are permitted, if it can be demonstrated that they will not undermine these functions in the Downtown.
- (e) Medium and high density residential uses, either alone or in combination with commercial uses, may be permitted if adequate residential amenity can be demonstrated and the subject site is contiguous to a residential neighbourhood.
- (f) Prohibited uses include low density housing, long term open storage, vehicle sales, collision repair or towing yards, and industrial uses. Major office buildings are not permitted and are restricted to the Downtown and Business Park designations.

## 6.3 REGIONAL COMMERCIAL POLICIES

- (a) The planned function of the Regional Commercial designation is to provide a range of specialized retail facilities serving both the City and surrounding region. The Cataraqui Town Centre enclosed mall and adjacent portions of Gardiners Road, Princess Street and Midland Avenue form a node of Regional Commercial uses with large floor plate single uses which, due to their size, provide a range of merchandise that attracts a regional population.
- (b) With the exception of uses within the enclosed mall, new smaller-scale retail uses shall be strictly limited within the Regional Commercial designation.
- (c) Large scale entertainment, tourist or recreation uses may be permitted, if it can be demonstrated to the satisfaction of Council that the proposal will not have a negative impact on the Downtown, that the operation is compatible with adjacent uses, and that the existing road capacity can adequately support the use.



- (d) Medium or high density residential uses may be permitted on the edge of the Regional Commercial designation, on sites that are contiguous to an adjacent residential neighbourhood, provided that adequate residential amenity in terms of open space, access, protection from noise or other impacts can be demonstrated and the site can be provided with pedestrian linkage to the broader residential neighbourhood.
- (e) Access to Regional Commercial sites shall only be from an Arterial Road accommodating at least 4 lanes of traffic. To the extent possible, access points will be limited and co-ordinated with adjacent sites.
- (f) Regional commercial sites shall be designed to provide pedestrian amenity, transit accessibility and, where appropriate, linkage to adjacent sites. Loading and service areas shall face away from major roads and shall be located or adequately screened to protect the amenity of adjacent residential areas. Lighting shall be directed away from residential areas.
- (g) Proponents of any new Regional Commercial designation, an extension of a Regional Commercial designation, or a use requiring a Zoning Amendment to increase the floor space above 5,000 sq.m. within a current designation, shall be required to submit a Market Justification and Impact Assessment, and transportation studies to the satisfaction of Council to:
  - (i) identify on a site layout plan the intended uses and size of major uses, means of access and servicing, site circulations routes, parking and loading arrangements;
  - (ii) demonstrate that the proposal is warranted and will not undermine commercial uses in the Downtown or its ability to expand as planned;
  - (iii) demonstrate that the planned function of other Regional Commercial, Main Street Commercial, or District Commercial sites in the hierarchy within the relevant trade area will not be undermined;
  - (iv) illustrate how transit will be accommodated, and how vehicular access and circulation will be coordinated and/or integrated with nearby sites; and
  - (v) confirm that the site can develop without unacceptable impact to the capacity and operation of the adjacent road system.
- (h) If necessary, lands may be zoned with an "H" Holding category until warranted by population growth or traffic improvements.<sup>2</sup>
- (j) The Sailpoint Outlet Mall proposed for the Division and Highway 401 area is a special purpose Regional Commercial designation limited to large specialty discount outlet stores as further set out in Section 12.4.

---

<sup>2</sup> Currently the Official Plan sanctions the use of "H" holding zones only for servicing purposes. In the preparation of a new Official Plan, the "H" provisions could be expanded to govern a number of other circumstances where phasing is desired, including the release of commercial land when the market is warranted.

## **7.0 MAIN STREET COMMERCIAL**

### **7.1 GENERAL STATEMENT**

The Main Street Commercial designation as shown on Schedule A applies to the Williamsville Main Street area (that is contiguous with the Downtown along Princess Street), and to the Portsmouth Village commercial area on King Street West. Both of these areas contain historic buildings, are pedestrian oriented, and contain a mixture of uses including retail, service, residential, and office uses. It is the intent of this Plan that future development of these areas will preserve and continue this pattern with new buildings being located close to the sidewalk edge and parking being located to the rear. It is also intended that future development will include a mixture of uses within the area, and also potentially on a site. The Williamsville Main Street area serves the surrounding neighbourhoods and broader district, while the Portsmouth Village area has smaller uses and a more limited service area, but its distinct character is of interest and significance to the broader City.

### **7.2 PERMITTED & PROHIBITED USES**

- (a) Within the Main Street Commercial designation a broad range of retail uses, hospitality uses, financial and personal services, and small office buildings or upper storey office uses are permitted. Food stores, entertainment uses, commercial recreation uses, and small department stores are permitted uses, provided that they can fit into the design parameters of the designation and contribute to its character.
- (b) Residential uses are permitted as upper storey uses, or as independent buildings provided that they contribute to the pedestrian amenity of the street and are designed to complement the commercial storefront character of the street. Any residential use of the ground floor shall be designed to be physically capable of conversion to a commercial use in the future by providing access directly at the level of the sidewalk, having adequate ceiling height, stair locations and partition wall layout that would enable a future conversion.
- (c) Institutional uses, open space, and places of worship are also permitted uses. Specialized residential uses including senior citizen accommodation, boarding houses, crisis care facilities, supportive housing, hostels, and similar uses are permitted.
- (d) Automotive sales, gas stations or gas bars are discouraged and may be restricted to specific locations in the zoning by-law.
- (e) Prohibited uses include: new low density housing (including duplexes or triplexes), new industrial uses, automotive machine shops, body shops, collision repair, towing compounds, or similar uses.

### 7.3 MAIN STREET COMMERCIAL POLICIES

- (a) The planned function of Main Street Commercial areas is to provide a range of goods and services in a distinctive, mixed use, pedestrian focused, setting that serves the needs of several neighbourhoods and is of character interest and value to the broader City.
- (b) Commercial growth is intended to occur by means of infilling on vacant lands, or redevelopment of outdated uses (such as automotive sales lots), or renovations and additions to existing buildings, particularly those with historic merit.
- (c) New buildings are to be located at, or near, the sidewalk edge and oriented parallel to it, to provide a continuous building facade along the street in a manner that re-enforces the “main street” character of the area and encourages pedestrian movement, comfort and safety.
- (d) In the Williamsville Main Street area, building heights shall be at least two storeys (or of equivalent height and facade treatment), and may be up to 5 or 6 storeys in order to provide a main street character while also minimizing the impact of height on adjacent residential properties outside of this designation.
  - i) Buildings above five or six storeys that satisfy all Plan policies and are within a clearly drawn building envelope may be supported by Council without amendment to this Plan, subject to preparation of a site specific urban design study that is presented at a minimum of one advertised public meeting, and that may be required to be peer reviewed at the applicant's expense.
- (e) In the Williamsville Main Street area, vehicular access to or from commercial properties shall be restricted to frontages zoned for commercial use on Princess Street or adjacent side streets. Commercial traffic on local residential streets shall be discouraged, and may be prohibited. Combined access points and the development of a rear lane will be encouraged so that multiple access points do not unduly disrupt the continuity of the building facades along Princess Street. Movement between rear parking areas on adjacent sites is encouraged to be by means of a rear lane that also serves to separate parking areas from adjacent residential development beyond this designation.
- (f) Within the Portsmouth Village Main Street area, the historic significance and designation of existing buildings shall take precedence over site planning or parking policies of the Official Plan, if there is a conflict.
- (g) All new development, re-development or conversions shall provide parking pursuant to the zoning by-law and shall be encouraged to locate parking underground, or in structures. In limited circumstances, residential parking may be provided within 60 metres of the site through long term agreements, if it is not possible to locate sufficient parking on site.
- (h) The assembly of small or irregularly-shaped lots is encouraged, to create a more efficient development or re-development site and to better meet the policies and objectives of this section with respect to access, parking, building form and orientation, buffering, and pedestrian amenity.

- (j) The design of new or renovated buildings is encouraged to be compatible with the architectural and heritage character of the immediate area, through the use of materials, facade treatment, and design elements that will blend with and complement the predominant main street buildings.
- (k) Adequate buffering in the form of solid fenced screening, berming and landscaping shall be required to buffer commercial uses and adjacent residential neighbourhoods.
- (l) Princess Street will be a major transit route that will enhance accessibility to the Williamsville Main Street area. It is Council's intention to promote, through civic and private actions, the streetscape improvement of Main Street areas, the preparation of a parking strategy, and the formation of a Business Improvement Area in the Williamsville Main Street area.
- (m) Any extension of the Main Street designations on Schedule A will require an Amendment to this Plan, and will be subject to policies of S. 3.2.

## **8.0 DISTRICT COMMERCIAL**

### **8.1 GENERAL STATEMENT**

The District Commercial designations, as shown on Schedule A, are located throughout the City and serve the needs of several neighbourhoods in the surrounding district. They are generally located on, or in close proximity to, a principal road and are accessible to both vehicular traffic and pedestrians. In general, District Commercial uses have developed as plazas anchored by a grocery store and contain other uses such as a pharmacy, hardware store, and restaurants that provide limited but convenient facilities and services to the surrounding area. In older areas of the City, such uses may be located on independent but proximate sites. The geographic distribution of such uses in balanced locations throughout the City is important to provide readily accessible service to the public for such frequently used goods and services.

District Commercial uses, due to their limited range and scale, are intended to complement uses in the Downtown, Regional Commercial and Main Street designations rather than to compete with, or undermine, the function of those designated areas.

### **8.2 PERMITTED & PROHIBITED USES**

- (a) Within the District Commercial designation a limited range of retail and service uses are permitted including food stores, hardware stores and pharmacies, personal service shops, laundry and dry cleaners, restaurants, convenience commercial uses, gas bars, small scale medical and professional offices, branch financial institutions and convenience uses. Amusement arcades may be permitted if they form part of a multiple unit mall or plaza.

**RECOMMENDED POLICY**

May 2006

- (b) Prohibited uses within the District Commercial designation include department store type retailing, retail warehouses, automobile sales leasing or repair, major office uses, industrial uses, and residential uses. Outdoor storage of goods or materials is prohibited except for the seasonal or temporary display of goods that are adequately fenced and controlled.

**8.3 DISTRICT COMMERCIAL POLICIES**

- (a) The planned function of the District Commercial designation is to provide a comparatively limited range of the most frequently needed commercial goods and services in convenient and balanced locations throughout the City to serve the needs of the immediately surrounding neighbourhoods.
- (b) It is the policy of this Plan to provide for additional District Commercial uses through the development or redevelopment of existing District Commercial sites as shown on Schedule A.
- (c) Proponents of any new District Commercial designation, or of an extension or expansion that exceeds 5,000 square metres within a current designation, shall prepare a Market Justification and Impact Assessment and transportation study which specifically addresses the following:
  - i) the intended uses, and proposed size of major uses;
  - ii) the proposed floor area of the entire site, site layout, and building type;
  - iii) identified site access and circulation routes for pedestrians, automobiles, service or delivery vehicles, and public transit;
  - iv) the district market demand for the proposal;
  - v) the location, size and uses within any other District or Neighbourhood Commercial designation within the market area;
  - vi) the market impact on any existing or planned District or Neighbourhood Commercial Area within the anticipated market area including, where relevant, impact on similar types of use located in the Downtown or Main Street areas; and
  - vii) an assessment of the ability of adjacent streets to accommodate the proposed traffic.
- (d) Any new District Commercial development, expansion or redevelopment shall be required to:
  - i) locate adjacent to a principal road or on a collector street in proximity to medium and high density residential uses;
  - ii) develop on a single site that is planned in a comprehensive manner, usually as a small-scale mall or plaza;

- iii) limit the size of individual uses and of the total development to a size that is in keeping with the local service needs of the area and intended function of a District Commercial designation; and
  - iv) limit traffic infiltration impact on local roads in the surrounding area.
- (e) The implementing Zoning By-law shall limit the size of any District Commercial development, and may also limit its component uses, to a floor area and scale that is in keeping with local service area needs. All office uses shall be limited and restricted to a maximum size in the Zoning By-law.
- (f) Each building and each use shall provide for on-site parking and loading pursuant to the Zoning By-law. Parking shall be sufficient to meet peak operating period needs and shall not be reduced by location of loading or delivery areas.
- (g) It is desirable to maintain the function of District Commercial centres in the locations where they are currently approved to provide convenient service to the public. Where a proposed expansion of an anchor tenant within a District Commercial centre is unable to be accommodated on an existing District Commercial site or by expansion to that site, such proposed expansion, if supportable, will be encouraged to locate on a proximate site in order to maintain the function of the District Commercial designation in the same geographic location.
- (h) The Woolen Mill, located at 4 Cataraqui Street, is designated as a District Commercial site with special policies as set out in Section 12.2 that relate to its special building form and historic designation.
- (i) The Kingston Centre District Commercial area, on Princess Street at Bath Road, is larger than other District Commercial areas and provides service to a broader area of the City. It is intended, over time, to redevelop and infill in a manner that extends the Main Street form of development and accommodates a wider mixture of commercial and residential land uses, subject to the Site Specific policies of Section 12.5.

## **9. ARTERIAL COMMERCIAL**

### **9.1 GENERAL STATEMENT**

The Arterial Commercial designation as shown on Schedule A is intended to provide for hospitality uses, automotive uses and restaurants to serve the traveling public. The designation is also intended to accommodate uses such as garden centres, lumber yards or vehicle sales that require large sites on a major road to display goods, frequently in an outdoor setting. These uses serve a specialized population of travelers and visitors, or the infrequent needs of the City's general population. The Arterial Commercial designation is not intended to accommodate types of retail goods and services that are planned for other designations in the retail hierarchy.

## 9.2 PERMITTED & PROHIBITED USES

- (a) The Arterial Commercial designation is a specialized designation with a limited range of commercial uses. Uses that serve visitors and the traveling public such as hotels, motels, banquet halls, gas bars or service stations, and restaurants are permitted. Certain uses requiring large sites or meeting the infrequent needs of the general public are also permitted including garden centres, lumber yards, building supply outlets, veterinary clinics, automobile and vehicle sales with related service operations and limited repairs.
- (b) Limited amounts of convenience goods or services may be permitted in the Arterial Commercial designation to serve the traveling public, particularly in association with a gas bar, service station or hospitality use, and will be regulated by the Zoning By-law.
- (c) Outdoor patio restaurants may be permitted in accordance with the policies of Section 11.3, but may be restricted to certain locations in the Zoning By-law.
- (d) The City contains a number of older strip plazas that have developed along arterial roads that were former highways into the City. These sites, designated Arterial Commercial, contain a mixture of retail, office and service uses in addition to the uses currently permitted in the Arterial Commercial designation. The implementing zoning by-law for those existing sites may recognize a wider range of uses.
- (e) Prohibited uses within the Arterial Commercial designation include regional or local retail uses and services intended for other designations of the planned retail hierarchy. Large format (retail warehouse) uses intended for the Regional Commercial designation are not permitted. Industrial uses, office buildings, autobody, collision repair or towing yards are not permitted.
- (f) Residential re-development of outmoded Arterial Commercial sites for medium or higher density residential use may be permitted without amendment to this Plan provided that the City is satisfied that the site is contiguous to an adjacent residential neighbourhood, has adequate residential amenity in terms of open space, access, protection from noise or other impacts and that the site can be provided with pedestrian linkage to the broader residential neighbourhood. Approval of a re-zoning application will be required in order to assess appropriate heights, setbacks and density, and to ensure that a public process is undertaken.

## 9.3 ARTERIAL COMMERCIAL POLICIES

- (a) The planned function of the Arterial Commercial designation is to provide a comparatively limited range of services and retail goods that provide service to the traveling public and visitors, or that require large sites for specialized retail goods including vehicle sales, lumber yards and garden centres on sites with prime exposure to major roads.

**RECOMMENDED POLICY**

May 2006

- (b) It is the policy of this Plan to provide for additional Arterial Commercial uses primarily through the development or redevelopment of existing Arterial Commercial sites as shown on Schedule A.
- (c) Access points to the major road(s) shall be limited and shared with adjoining uses, where possible.
- (d) Neighbouring residential areas shall be suitably buffered from the noise, light or visual impacts of any proposed Arterial Commercial use or by the extension of an existing use, or redevelopment of an existing site.
- (e) Proponents of any new Arterial Commercial designation, or of an extension of a designation, or expansion that requires a re-zoning to permit more than 5,000 sq.m. within a current designation, shall prepare plans, a Market Justification and Impact Assessment and a transportation study which specifically addresses the following:
  - i) the intended uses and proposed size of use(s);
  - ii) the site layout including access, circulation and parking details; building type, height and proposed materials; landscaping and buffering proposed;
  - iii) the relationship to adjacent properties and/or buildings and identification of their use and land use designation;
  - iv) the market demand for the proposed use, and identification of other similar uses in the market area;
  - v) the market impact on other Arterial Commercial sites and, where relevant, on any Regional Commercial area; or the impact on similar uses located in, or planned for, the Downtown or Main Street areas; and
  - vi) an assessment of the ability of adjacent streets to accommodate the proposed traffic.
- (f) Any new Arterial Commercial development, expansion or redevelopment shall be required to:
  - i) limit access to principal roads that have the capacity to accommodate the proposed traffic volumes and turning movements;
  - ii) share access points, where possible, with adjacent Arterial Commercial uses;
  - iii) adequately screen and buffer adjoining residential uses from any negative impacts that may be created with respect to noise, lighting, building height or visual intrusion; and
  - iv) limit traffic infiltration impact on local roads in the surrounding area;



- (g) The implementing Zoning By-law may limit the size of any Arterial Commercial development. Office uses shall generally be limited to accessory uses and may be restricted to a maximum size in the Zoning By-law.
- (h) Each building and each use shall provide for on-site parking and loading pursuant to the Zoning By-law. Parking shall be sufficient to meet peak operating period needs and shall not be reduced by location of loading or delivery areas.
- (j) The Arterial Commercial designation at Highway 401 and Division Street is intended as the Division Street Gateway to the City, a high profile node of activities catering to the traveling public. Permitted uses and special site policies are found in Section 12.6.

## **10.0 NEIGHBOURHOOD COMMERCIAL**

### **10.1 GENERAL STATEMENT**

Neighbourhood Commercial uses include small-scale convenience uses that serve the immediately surrounding neighbourhood. Such uses are frequently found in free-standing commercial establishments, or as a minor component of a high density building, or in small plazas. In older areas of the City, Neighbourhood Commercial uses are found more frequently in mixed use buildings containing one or more residential units above the commercial floor space. A Neighbourhood Commercial designation is of such a minor scale that it may be mapped on Schedule A by symbol, and will be shown on Secondary Plans in accordance with the policies of this section. Neighbourhood Commercial designations are not intended to be a vehicle to expand any other Commercial designation of this Plan.

### **10.2 PERMITTED & PROHIBITED USES**

- (a) Neighbourhood Commercial uses include a limited range of convenience retail and service uses, including: “corner” stores, food stores of less than 223 square metres, a laundromat or dry cleaner, a video store, coffee shops and small take-out restaurants, personal services such as hairdressers or barbers, and similar small-scale, local retail uses or services.
- (b) Prohibited uses include larger scaled commercial uses with a market beyond the immediate neighbourhood, patio restaurants, and amusement arcades. Offices, industrial uses and free-standing residential uses are also not permitted.

### **10.3 NEIGHBOURHOOD COMMERCIAL POLICIES**

- (a) The planned function of Neighbourhood Commercial uses is to provide convenience goods and services that are generally within walking distance of the market being served in the immediate residential neighbourhood.
- (b) The number of locations and size of neighbourhood commercial establishments that are permitted shall be strictly limited and shall be

sufficient only for the convenience needs of the local area. No more than four individual uses on independent sites shall be permitted adjacent to each other or in proximity to the same intersection.

- (c) Wherever possible, a Neighbourhood Commercial use shall be located on the corner of two streets. The residential character and amenity of the surrounding neighbourhood shall be maintained by the design, size, and siting of any Neighbourhood Commercial use. These matters as well as landscaping concerns, parking and access shall be regulated in the Zoning By-law and through Site Plan control.
- (d) Each Neighbourhood Commercial use and any associated residential unit(s) shall provide for on-site parking in accordance with the Zoning By-law.
- (e) Where a new Neighbourhood Commercial designation is proposed, the proponent shall prepare a Market Justification and Impact Assessment for Council's consideration that:
  - i) details the proposed use, proposed floor area, parking and site plan arrangement;
  - ii) sets out the market area and population proposed to be served;
  - iii) includes an inventory of all commercial uses within, and proximate to, the proposed market area, including their use and floor area; and
  - iv) assesses the impact of the proposal on existing uses and on the planned function of the Retail Hierarchy of this Plan.

Such market report may be subject to a peer review by the City staff or consultant at the owner's expense.

## **11. SPECIAL COMMERCIAL USE POLICIES**

### **11.1 AUTOMOTIVE SERVICES**

- (a) Automotive and other vehicle services include such uses as gas bars, service stations, car washes, specialty repair shops (e.g. muffler, radiator, transmission, glass, paint), automotive machine shops, collision repair and towing compounds. These uses have differing degrees of retailing and frequently have quasi-industrial characteristics that have the potential to create land use compatibility and nuisance issues. As a result, they are permitted under different conditions and in different combinations in various land use designations.
- (b) With respect to such automotive and vehicle uses, it is the intent of this Plan that:
  - i) automotive and vehicle service uses shall be permitted or restricted according to the policies of the specific land use designation. Generally gas bars, service stations and car washes, and many specialty repair

uses are considered commercial uses, while machine shops, autobody repair and towing compounds, and certain more impactful auto repair uses are considered to be industrial uses;

- ii) gas bars and service stations are encouraged to locate on corner lots;
- iii) gas bars are permitted to locate with convenience commercial uses on sites that can adequately accommodate both uses, except in Neighbourhood Commercial designations; and
- iv) no outdoor storage of goods, materials, parts, derelict vehicles, or parts of derelict vehicles shall be permitted in conjunction with automobile and vehicle service uses.

## 11.2 PROPANE TRANSFER FACILITIES

- (a) Propane transfer facilities include retail facilities open to the public, and transfer facilities that are accessory to an industrial use that uses propane (including welding and construction companies), and bulk propane storage which is considered an industrial use. Propane facilities are regulated by the Ontario Energy Act, as well as by provisions of this Plan, with respect to their location.
- (b) It is the intent of this Plan with respect to Propane transfer Facilities to:
  - i) regulate the locations of both commercial and industrial propane transfer facilities within the City;
  - ii) ensure that commercial propane facilities shall be located in well-ventilated open areas that are adequately protected from potential vehicle collision, and shall be at least 15 metres from any property line abutting a residential land use;
  - iii) through site plan approval and agreements, ensure propane facilities shall be located in a manner that minimizes any impacts on surrounding land uses, including visual intrusion, noise, odour and traffic related to such facilities; and
  - iv) prior to the granting of any municipal approval, applicants of proposed facilities shall determine conformity with Provincial legislation and regulations.

## 11.3 OUTDOOR PATIO RESTAURANTS

- (a) Outdoor patio restaurants may be permitted as accessory uses to permitted hospitality uses including hotels, restaurants and taverns in the Downtown, Williamsville Main Street Area and in Arterial Commercial designations subject to the following restrictions:
  - i) food must be prepared within a permanent kitchen for delivery to the patio;
  - ii) washroom facilities within the main building must be available for use by patrons;

- iii) outdoor patio restaurants serving food and beverages are considered a seasonal use and therefore they shall not be enclosed by any permanent structure;
  - iv) regulations of the Liquor License Control Board of Ontario with respect to capacity and hours of closing are applicable; and
  - v) outdoor patios shall be located, buffered and screened to minimize the impact on any adjacent or nearby residential area.
- (b) Where an outdoor patio is proposed as an accessory use in an Arterial Commercial designation, it shall be restricted to a front or side yard, and properly buffered to prevent impacts from noise and activity on an abutting residential area or use.
- (c) All outdoor patio restaurants are to be subject to site plan approval including the following considerations:
  - i) the outdoor patio shall be clearly defined and shall provide barriers between it and other activity areas;
  - ii) an open, clear and direct walkway shall be maintained between the outdoor patio and the entry to the main building; and
  - iii) the outdoor patio shall be sited, buffered and adequately screened to mitigate the impacts of noise, lighting, and activity on neighbouring residential areas.
- (d) Where an outdoor patio is proposed as an accessory use on a public sidewalk, lane or other right of way, Council must be satisfied that the safety and convenience of both patrons and pedestrian traffic can be assured, and the following additional policies shall apply:
  - i) proponents must make formal application to Council, and if approval is granted it shall take the form of a lease formalized by By-law and may include an agreement to cover such works costs and conditions as Council deems appropriate;
  - ii) all applications shall include a description of the main use including location and number of washrooms, food and beverage preparation and service plans, and proposed means of access. Applicants may also be required to prepare an impact analysis that considers traffic flows and turning movements, transit locations and operations and pedestrian movements, and recommends any sidewalk extensions or alterations that may be necessary to accommodate the patio area without negative impact to these functions;
  - iii) engineering requirements for public services such as drainage catch basins, hydrants, utilities and bus stops must be maintained; and
  - iv) any sidewalk extension that is required to accommodate the patio restaurant shall be designed and implemented to incorporate the

streetscape theme of the area including signage, landscaping and street furniture.

## **12. SITE SPECIFIC POLICIES**

### **12.1 GENERAL STATEMENT**

There are a number of sites in the City designated for various commercial purposes which require additional or specialized policies. These special policies are designed to recognize particular locational, site, building or historic characteristics or to recognize a particular role within the community. These sites and their policies must meet the general spirit and intent of the Plan.

### **12.2 THE WOOLEN MILL**

The Woolen Mill is a designated historic site and a prominent feature on the Inner Harbour waterfront, at 4 Cataraqui Street. It houses a mixture of land uses ranging from artisans workshops, fledgling business and professional offices and a restaurant.

- (a) It is the intent of this Plan to encourage the use of this historic industrial building for a range of specialty-type uses including incubator commercial, business and professional office uses.
- (b) Where feasible, residential uses clearly separated from the commercial and business uses may be permitted within the existing building.
- (c) Parking necessary for uses in the building is to be provided on site.
- (d) Should the commercial, professional and business uses within the building cease to be viable, it is the intent of this Plan to support the redesignation of the lands for residential purposes which are to be located within the existing building as suitably altered within its heritage designation.
- (e) The public walkway along the waterfront areas of the site shall be protected and developed for public purposes as part of any further development or redevelopment plans.

### **12.3 THE QUAY DEVELOPMENTS PROPERTY**

The Quay Developments Property (The Quay) is located in the Downtown on the northwest corner of Brock and Ontario Streets, with frontage also onto Princess Street. Its location across from City Hall, City Hall Square, and adjacent to the Market Square Heritage District makes it a strategic redevelopment property. Development of the site shall be guided by the following policies and urban design principles:

- (a) The site shall be developed with a mixture of retail, office and residential uses that are located within a building that provides continuous and compatible infill on all street frontages, with particular emphasis on continuity through the corner of Brock and Ontario Streets.

- (b) The enhancement of pedestrian activity along Brock Street and Ontario Street is to be particularly considered in the use of the ground floor for commercial activity, the location of building entrances, display windows and other elements that will contribute to pedestrian amenity and interest.
- (c) The building design must reflect compatibility with surrounding built form in terms of the following elements:
  - i) building scale that respects the general scale of buildings in the skyline as seen from the water and the Causeway;
  - ii) appropriate delineation between ground and upper floors;
  - iii) colour and texture of building materials;
  - iv) corner articulation and relief detail; and
  - v) harmonious composition of building elements so that one does not overpower another.
- (d) The proposed building should not only be sympathetic to its environs, but should also be a distinctive entity with the ability to add a positive contribution to the surrounding area. Heights above six storeys may be permitted without an Official Plan Amendment, subject to the completion of an urban design study to the satisfaction of Council that is:
  - i) presented to the public, and the public's views and opinions sought through at least one public meeting advertised and held in the same manner as a public meeting concerning a municipally initiated amendment to the Official Plan;
  - ii) considered and approved by Council prior to the granting of any Planning Act approvals by the City for the development of the site; and
  - iii) used as a guideline document in the preparation and consideration of any related application for development.

#### 12.4 SAILPOINT OUTLET MALL

- (a) The Sailpoint Outlet Mall proposed on Dalton Street, in the Division and Highway 401 area is a special Regional Commercial designation limited to large specialty discount outlet stores within an integrated setting, attracting a regional market. Any other use shall require an amendment to this Plan and supporting market impact studies to show that the proposed uses and space are warranted, and will have no adverse impact on the Downtown, on other Regional Commercial designations, or to the planned function of sites within retail hierarchy of this Plan.

#### 12.5 THE KINGSTON CENTRE

- (a) The Kingston Centre District Commercial area, on Princess Street at Bath Road, is larger than other District Commercial areas. With the transit terminal

located on the site, the Kingston Centre is able to provide service to a broader area of the City and thus can support a broader range of uses.

- i) Notwithstanding the Permitted and Prohibited District Commercial Uses of Section 8.2, on the Kingston Centre District Commercial site, the Zoning By-law may permit a wider range of commercial uses including automotive, houseware, and entertainment uses, and may permit medium to high density residential buildings up to 5 or 6 storeys.
- (b) The Kingston Centre is contiguous with the Williamsville Main Street area and it is intended, over time, to redevelop and infill in a manner that will extend the Main Street form of development and will accommodate a wider mixture of commercial and residential land uses. The following special policies shall therefore apply to development in the Kingston Centre District Commercial Area:
  - i) Redevelopment or new buildings proposed within the block surrounded by Princess Street, Bath Road and Sir John A. Blvd. shall only be considered in the context of all of the following requirements:
    - a plan for the entire site that addresses, access, pedestrian and vehicular circulation, landscaping, and improvements to the streetscape that will enhance pedestrian amenity.
    - a traffic impact analysis addressing the access points, turning motions, capacities and intersections of the streets abutting the block will be required.
    - a commercial analysis that addresses conformity with the District Commercial designation, and the impact on the planned retail hierarchy, particularly with respect to the Downtown and the Williamsville Main Street areas, shall also be required.
  - ii) New or re-developed buildings shall be sited adjacent to the sidewalk of roads abutting the site and shall provide access locations and streetscape amenity that encourage pedestrian movement.
  - iii) Wherever possible, residential re-development shall provide underground parking or parking decks or structures as part of the development.

## 12.6 DIVISION STREET GATEWAY

- (a) The Arterial Commercial designation at Highway 401 and Division Street is intended as a distinctive gateway to the City and node of activities catering to the traveling public. The following special policies shall therefore apply:
  - i) Notwithstanding the Permitted and Prohibited Uses within the Arterial Commercial designation, retail uses permitted in the general Arterial Commercial designation such as lumber yards, vehicle sales or garden centres shall not be permitted within the Division Street Gateway area,

with the exception of some limited convenience uses that cater to the traveling public.

- ii) Through public works and the implementation of site plan control, as well as through private initiatives, it is intended to upgrade the streetscape of Division Street in this area.



Appendix AA  
**Other Official Plan Policy Requiring Change**

1. s. 3.3 SEPARATION OF LAND USES (former City of Kingston Official Plan)
  - add notion that a mix of land uses are desirable in certain categories including The Downtown, Main Streets
2. move some of the descriptive policies in the Lower Princess St. area of the CBS (former City OP) to a Secondary Plan or to another portion of the new Official Plan that is not dealing with commercial policy
3. provide that Neighbourhood Commercial uses and existing Local commercial uses (if any) be identified in Secondary Plans.
4. consider more detailed policy to guide re-development of the Williamsville Main Street area in a Secondary Plan.

# Map A

City of Kingston  
Commercial Study  
Update

## Commercial Designations

### Legend

- Downtown Commercial
- Regional Commercial
- Main Street Retail
- District Commercial
- Arterial Commercial
- Neighbourhood Commercial
- Shoreline

