

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 32-74, “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh” (Zone Change from Special Residential Type 2 ‘R2-1’ Zone to Special Residential Type 1 ‘R1-35’ Zone, and Amendments to the Special Residential Type 1 ‘R1-35’ Zone, 229 Green Bay Road)

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 32-74, as amended, of the former Township of Pittsburgh;

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

1. By-Law Number 32-74 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh”, as amended, is hereby further amended as follows:
 - 1.1. Map 3 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the lands municipally known as 239 Main Street, Barriefield from ‘R2-1’ to ‘R1-35’, as shown on Schedule “A” attached to and forming part of By-Law Number 2021-____.
 - 1.2 Section 9(3)(ii) of the By-Law is amended as follows:
 - (a) By renaming the zone provision from “R1-35” to “R1-35, 229 Green Bay Road (Barriefield)”;
 - (b) Section 9(3)(ii)(f) is deleted and replaced with the following:

“(f) Rear Yard Depth (minimum): 1.8 metres”;

- (c) Section 9(3)(ii)(i) is amended to include the following as subsection (ii) thereof:
- “(ii) The existing 2.0 square metre shed at the northeast corner of the property shall comply with the following provisions:
- i) East Lot Line Setback – 0 metres
 - ii) North Lot Line Setback – 1 metre
 - iii) Any alteration, addition or reconstruction of the shed shall comply with the requirements set out in Section 9(3)(ii)(i)(i).”;
- (d) Section 9(3)(ii)(j)(i) is deleted and replaced with the following:
- “(i) exclusive of accessory buildings and structures, attached garages with or without dwelling space below or above, steps, unenclosed porches, verandahs, balconies, decks, and patios (maximum): - 144.2 square metres”;
- (e) Section 9(3)(ii)(m) is deleted and replaced with the following:
- “(m) Height To Eave (maximum): - 5.0 metres
- For the purposes of the R1-35 Zone "Height to Eave" shall mean the vertical distance between the finished floor level of the storey immediately above a basement or cellar and the point at which the eave meets the exterior wall.”;
- (f) Section 9(3)(ii)(s) is deleted and replaced with the following:
- “(s) intentionally deleted”;
- (g) Section 9(3)(ii)(t) is deleted and replaced with the following:
- “(t) intentionally deleted”;
- (h) Section 9(3)(ii)(u) is deleted and replaced with the following:
- “(u) intentionally deleted”;
- (i) Section 9(3)(ii)(v) is deleted and replaced with the following:
- “(v) intentionally deleted”; and
- (j) Section 9(3)(ii)(y) is deleted and replaced with the following:
- “(y) Yard Encroachments:
- The provisions of Section 5(23)(b) shall not apply except

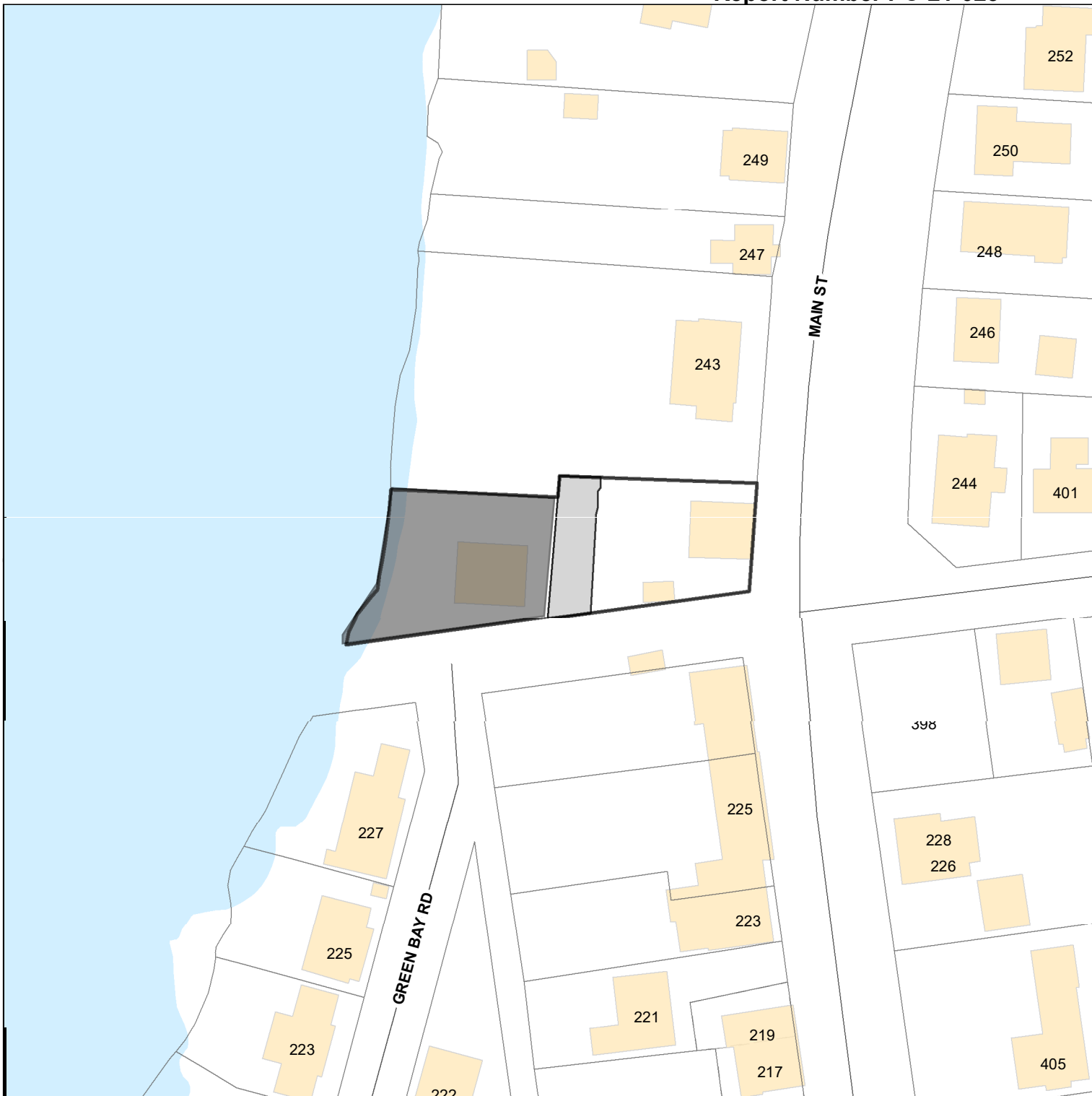
- (i) Stairs Above Grade:
May project into any required yard a maximum distance of 1.2 metres from the principal structure, provided they are no closer than 1.2 metres to any lot line.
- (ii) Stairs At Grade:
May be located in any required yard, provided they are no closer than 0.6 metres to any lot line.
- (iii) Uncovered Patios And Uncovered Decks:
Uncovered patios and uncovered decks which have a finished elevation, exclusive of handrails and other such appurtenances, not more than 0.6 metres above the finished grade of the said uncovered patio or uncovered deck, may be located in any required yard, provided the following maximum lot coverage and minimum setback requirements are maintained:
 - (a) Lot Coverage (maximum) 18 percent
 - (b) West Lot Line Setback (minimum) 5 metres
 - (c) North Lot Line Setback (minimum) 6 metres
 - (d) East Lot Line Setback (minimum) 4.8 metres
 - (e) South Lot Line Setback (minimum) 1.2 metres”

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

Given all Three Readings and Passed: [Meeting date]

John Bolognone
City Clerk

Bryan Paterson
Mayor



Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. © 2019 The Corporation of the City of Kingston.



Planning Services
a department of
Community Services

SCHEDULE 'A' TO BY-LAW NUMBER

File Number: D14-027-2020
Address: 229 Green Bay Rd, 239 Main St

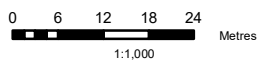
Legend

Reference By-Law 32-74, Map 3

- Rezoned from R2-1 to R1-35
- Amend R1-35 zone provisions

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
passed this _____ day of _____ 2021.



Mayor

Clerk

By-Law Number 2021-XXX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 73)

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on February 18th, 2021;

Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The City of Kingston Official Plan is hereby amended by the following map change which shall constitute Amendment Number 73 to the Official Plan for the City of Kingston:
 - (a) **Amend** Schedule '11-C', 'Servicing Constraints' by removing the known 'Sewer Capacity' servicing constraint from the lands located along Highway 15, as shown on Schedule 'A' to By-Law Number 2021-X.
 - (b) **Amend** Schedule '11-C', 'Servicing Constraints' by adding a new known 'Sewer Capacity' servicing constraint area to the lands as shown on Schedule 'A' to By-Law Number 2021-X.
2. That the City of Kingston Official Plan, as amended, be further amended as follows:
 - (a) **Amend** Section 3.3.11.b.(ii)(a) by deleting the reference to "KFL&A Public Health" and replacing it with the following: "the City or applicable approval authority".
 - (b) **Amend** Section 3.3.11.b.(ii)(a) by deleting the words "and the St. Lawrence Community" after the words "Hamlet of Sunnyside" and deleting the word "do" and replacing it with the word "does".
 - (b) **Amend** Section 3.3.11.b.(ii)(b) by deleting the reference to "KFL&A Public Health" and replacing it with the following: "the City or applicable approval authority".
 - (d) **Amend** Section 3.3.11.b.(ii)(b) by deleting the words "and the St. Lawrence Community" after the words "Hamlet of Sunnyside".
3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or

more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

John Bolognone
City Clerk

Bryan Paterson
Mayor



Schedule 'A'
to By-Law Number _____
Official Plan Amendment Number 73

Planning Services

Project: City of Kingston,
Second Residential Units and Bedroom Limits
File Number: D35-001-2021

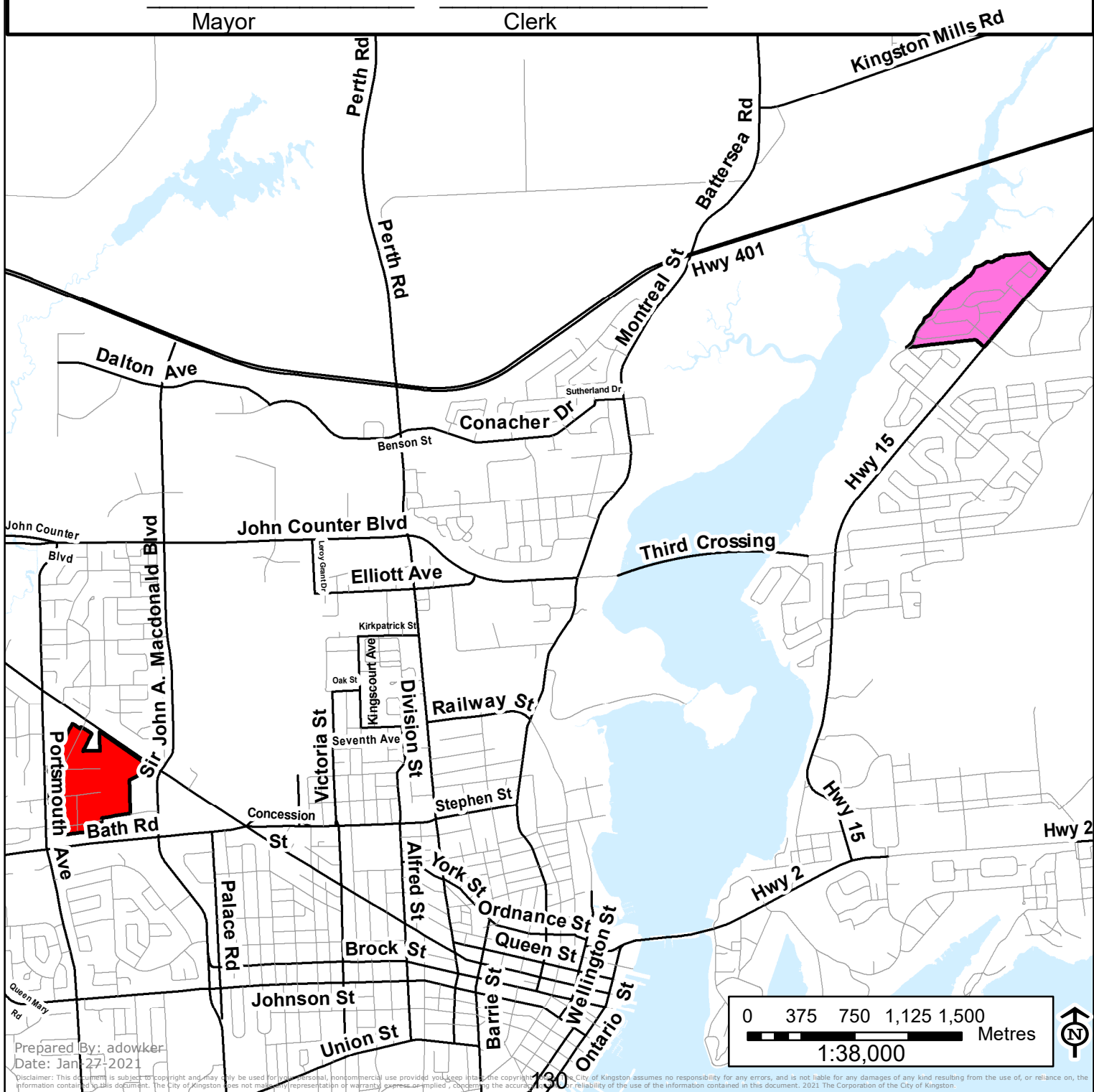
**Amendment to Schedule '11-C',
Servicing Constraints**

- Add new Known 'Sewer Capacity' Constraint Area
- Remove Known 'Sewer Capacity' Constraint Area

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2021.

Mayor Clerk



Prepared By: adowker
Date: Jan 27, 2021

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, reliability, or the use of the information contained in this document. 2021 The Corporation of the City of Kingston.

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston” (Second Residential Units, Bedroom Limits)

Passed: [Meeting Date]

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

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

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

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. By amending Schedule M, Second Residential Units Constraint Overlay, as shown on Schedule “A” attached to and forming part of By-Law Number 2021-XX.
 - 1.2. By deleting the definition of “Bachelor Dwelling Unit” in Section 4.6 and replacing it with the following:

“**Bachelor Dwelling Unit** means a dwelling unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.”
 - 1.3. By adding a new definition for “Bedroom” in Section 4 Definitions as follows:

“**4.7B Bedroom** means a habitable room within a dwelling unit that is not:

 - a) a common area, being:

- (i) a living room open to all occupants of the unit; or
 - (ii) a dining room open to all occupants of the unit;
 - b) an area used for sanitary purposes, such as a washroom;
 - c) an area used for cooking purposes, such as a kitchen;
 - d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
 - e) a circulation space, such as a stairway or hallway;
 - f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
 - g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or
 - h) a room without a window or alternative source of natural light.”
- 1.4. Section 5.43 “Dwelling Units” is deleted in its entirety and replaced with the words “Intentionally deleted.”
- 1.5. Section 5.45, as amended, is hereby further amended as follows:
- 1.5.1. By amending Section 5.45(i) by deleting the words “permitted principal uses in any zone:” and replacing them with the words “principal uses in any zone where that dwelling type is a listed permitted use:”
 - 1.5.2. By amending Section 5.45(ii)(a) by deleting the words “KFL&A Public Health.” and inserting “the City or applicable approval authority;”
 - 1.5.3. By amending Section 5.45(ii)(a) by deleting the last sentence thereof.
 - 1.5.4. By amending Section 5.45(ii)(b) by deleting the words “KFL&A Public Health” and inserting “the City or applicable approval authority”.
 - 1.5.5. By amending Section 5.45(ii)(b) by deleting the last sentence thereof.
 - 1.5.6. By deleting the text in Section 5.45(xv) in its entirety and replacing it with the following, “A Second Residential Unit shall comply with the minimum parking space requirements and the maximum bedroom requirements of this By-Law.”

- 1.5.7. By amending Section 5.45(xvi) by deleting the words “that is within a Principal Dwelling Unit (i.e. not a detached second residential unit), and is located at the side or rear of the Principal Dwelling Unit,”.
- 1.5.8. By amending Section 5.45(xvi) by moving the last three sentences to a new clause (xvii).
- 1.5.9. By amending new Section 5.45(xvii), first sentence, by deleting the words “this Section” and inserting “subsection (xvi) above,”
- 1.5.10. By amending former Section 5.45(xvii) by deleting the words “subsection (xvi)” and inserting “subsection (xvii)”.
- 1.5.11. By deleting former Section 5.45(xviii) in its entirety.
- 1.5.12. By renumbering former Section 5.45(xvii) to 5.45(xviii).
- 1.5.13. By adding new clauses (xxi), (xxii), and (xxiii), following Section 5.45(xx) as follows:
- “(xxi) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted within the existing Principal Dwelling Unit.
 - (xxii) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted to be attached to the Principal Dwelling Unit if the Second Residential Unit conforms to the provisions of this By-Law and the Second Residential Unit does not in any way increase a situation of non-compliance.
 - (xxiii) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted in a detached building if the detached building complies with this By-Law.”
- 1.5.14. By deleting former Section 5.45(xxi) in its entirety and replacing it with the following:
- “(xxiv) A Second Residential Unit in a detached building is not subject to the accessory use regulations in Section 5.17 of this By-Law unless otherwise indicated below, and shall be permitted in accordance with the provisions of subsections (i) to (xxiii) above and the following additional provisions:
 - (a) a detached Second Residential Unit shall only be located within a rear yard or interior side yard and:

- I. a detached Second Residential Unit shall not be located closer than 1.2 metres from the rear lot line;
 - II. a detached Second Residential Unit shall not be located closer than 1.2 metres from the interior side lot line;
 - III. the maximum height of a detached Second Residential Unit shall be the lesser of: 4.6 metres, measured to the highest point of the building; or one-storey above finished grade. For the purposes of this section, “storey” means that portion of a building between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Where the ceiling of a basement is at least 1 metre above finished grade, the basement shall be deemed to be a storey;
 - IV. a solid privacy fence with a minimum height of 1.8 metres shall be established in accordance with the following provisions:
 - A. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established along the interior side lot lines and rear lot lines adjacent to the rear yard;
 - B. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the interior side lot line closest to the detached Second Residential Unit extending from the intersection of the interior side lot line with the rear lot line and shall extend to the nearest part of the principal residential unit measured to the front lot line; or
 - C. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with both subsections (A) and (B) above.
- (b) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5.17 of this By-Law;
 - (c) a detached Second Residential Unit shall comply with the minimum front yard depth and exterior side yard depth requirement of the zone in which it is located;

- (d) a detached Second Residential Unit shall comply with the minimum distance separation formulae; and
- (e) for the purpose of establishing a detached Second Residential Unit, the existing dwelling unit shall be considered the Principal Dwelling Unit.”

1.6. Section 5, as amended, is hereby further amended by adding a new Section 5.46 as follows:

1.6.1. **“5.46 Maximum Number of Bedrooms**

- (i) In the A, A1, A2, A3, A4, A5, A6, A7 and A8 Zones, a maximum of 8 bedrooms is permitted on a lot, in the aggregate, notwithstanding the number of dwelling units on the lot.
- (ii) In the B, B1, B2, B3, and E Zones where there are two or less dwelling units on a lot, a maximum of 8 bedrooms is permitted on the lot, in the aggregate.
- (iii) Notwithstanding anything to the contrary, the expansion, repair or renovation of a building or structure that does not comply with the requirements of this section is permitted, provided that the expansion, repair or renovation: (a) does not increase the number of bedrooms; (b) conforms to the provisions of this By-Law; and (c) does not in any way increase a situation of non-compliance.”

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

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk


Bryan Paterson
Mayor



**Schedule 'A'
to By-Law Number _____**

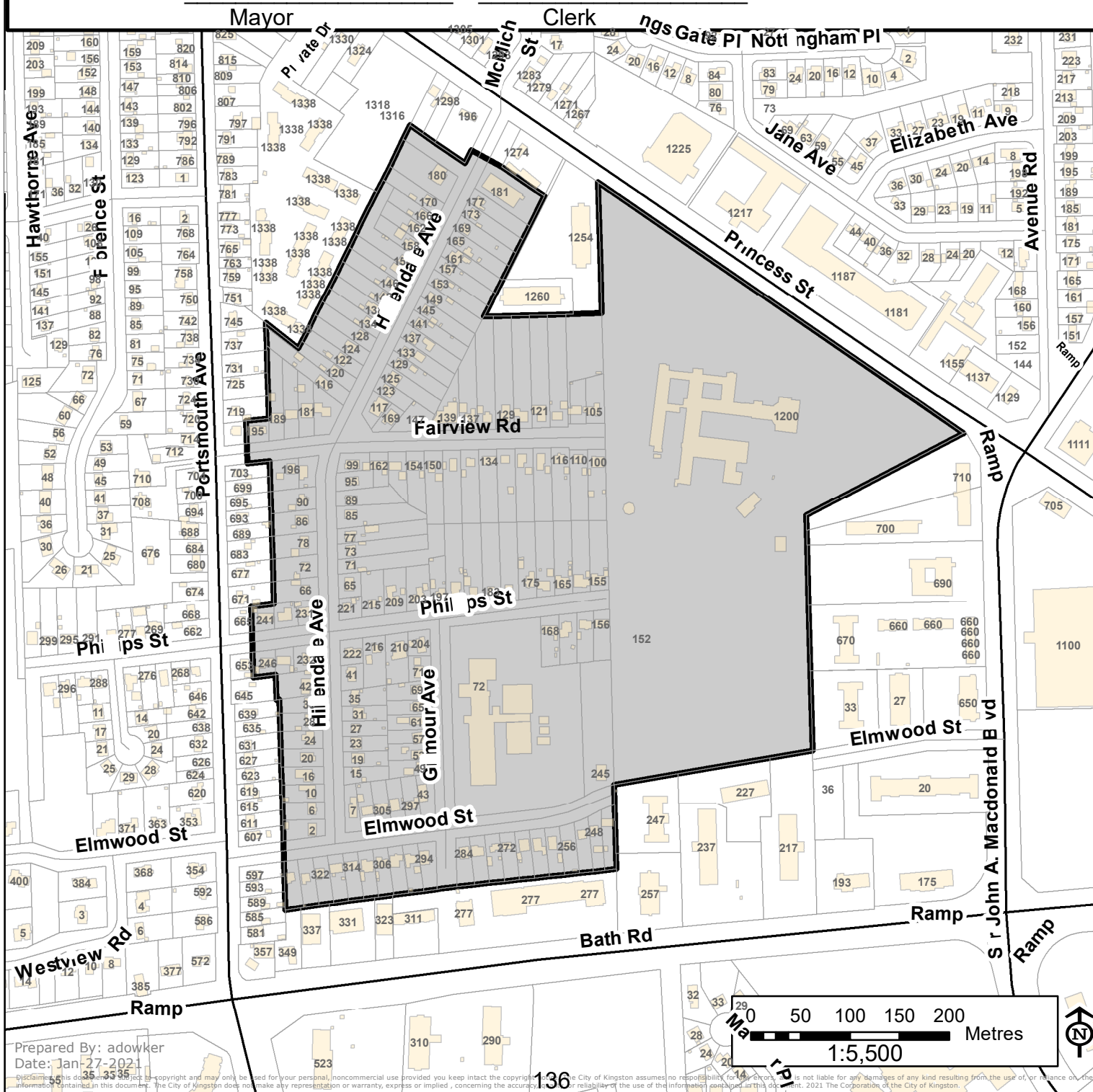
Project: City of Kingston,
Second Residential Units and
Bedroom Limits
File Number: D35-001-2021

**Reference By-Law 8499
Amendment to Schedule 'M'**

 Add new 'Sewer Capacity Limitations'
Constraint Area near Fairview Road

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2021.



Prepared By: adowker
Date: Jan-27-2021

This document is the property of the City of Kingston and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the City of Kingston. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, reliability, or the use of the information contained in this document. 2021 The Corporation of the City of Kingston.

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 96-259, “Downtown and Harbour Zoning By-law of The Corporation of the City of Kingston” (Second Residential Units)

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 96-259, as amended, of the former City of Kingston;

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

1. By-Law Number 96-259 of The Corporation of the City of Kingston, entitled “Downtown and Harbour Zoning By-law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

1.1. By deleting the definition of “Dwelling Unit, Bachelor” in Section 4 Definitions and replacing it with the following:

“DWELLING UNIT, BACHELOR means a residential unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.”

1.2. By adding a new definition of “Bedroom” in Section 4 Definitions as follows:

“Bedroom means a habitable room within a residential unit that is not:

a) a common area, being:

- (i) a living room open to all occupants of the unit; or
- (ii) a dining room open to all occupants of the unit;

b) an area used for sanitary purposes, such as a washroom;

- c) an area used for cooking purposes, such as a kitchen;
 - d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
 - e) a circulation space, such as a stairway or hallway;
 - f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
 - g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or
 - h) a room without a window or alternative source of natural light.”
- 1.3. Section 5.13B (“Dwelling Unit”) is deleted in its entirety and replaced with the words, “Intentionally deleted.”.
- 1.4. Section 5.38, as amended, is hereby further amended as follows:
- 1.4.1. By amending Section 5.38(a) by deleting the words “permitted principal uses in any zone:” and replacing them with the words “principal uses in any zone where that dwelling type is a listed permitted use:”.
 - 1.4.2. By deleting the text in Section 5.38(l) in its entirety and replacing it with the words, “A Second Residential Unit shall comply with the minimum parking space requirements of this By-Law.”
 - 1.4.3. By amending Section 5.38(m) by deleting the words “that is within a Principal Residential Unit (i.e. not a detached second residential unit), and is located at the side or rear of the Principal Residential Unit,”.
 - 1.4.4. By amending Section 5.38(m) by moving the last three sentences to a new clause (n).
 - 1.4.5. By amending new Section 5.38(n) by deleting the words “this Section” and inserting “subsection (m) above”.
 - 1.4.6. By renumbering former Section 5.38(n) to 5.38(o).
 - 1.4.7. By amending former Section 5.38(n) by deleting the words “subsection (m)” and replacing it with the words “subsection (n)”.
 - 1.4.8. By deleting in its entirety former Section 5.38(o) as follows: “The use of a separate Driveway to provide unobstructed access to a detached Second Residential Unit may be provided where the Driveway and parking space requirements of this By-Law are met.”.

- 1.4.9. By adding new clauses (r), (s), and (t) following the former Section 5.38(q) as follows:

“(r) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted within the existing Principal Residential Unit.

(s) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted to be attached to the Principal Residential Unit if the Second Residential Unit conforms to the provisions of this By-law and the Second Residential Unit does not in any way increase a situation of non-compliance.

(t) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted in a detached building if the detached building complies with this By-Law.”

- 1.4.10. By deleting former Section 5.38(r) in its entirety and replacing it with the following:

“(u) A Second Residential Unit in a detached building is not subject to the accessory use regulations in Section 5.1 of this By-Law unless otherwise indicated below, and shall be permitted in accordance with the provisions of subsections (a) to (t) above and the following additional provisions:

- (i) a detached Second Residential Unit shall only be located within a rear yard or interior side yard and:
 - a. a detached Second Residential Unit shall not be located closer than 1.2 metres from the rear lot line;
 - b. a detached Second Residential Unit shall not be located closer than 1.2 metres from the interior side lot line;
 - c. the maximum height of a detached Second Residential Unit shall be the lesser of: 4.6 metres, measured to the highest point of the building; or one-storey above finished grade. For the purposes of this section, “storey” means that portion of a building between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Where the ceiling of a basement is at least 1 metre above finished grade, the basement shall be deemed to be a storey; and

- d. A solid privacy fence with a minimum height of 1.8 metres shall be established in accordance with the following provisions:
 - i. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established along the interior side lot lines and rear lot lines adjacent to the rear yard;
 - ii. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the interior side lot line closest to the detached Second Residential Unit extending from the intersection of the interior side lot line with the rear lot line and shall extend to the nearest part of the Principal Residential Unit, measured to the front lot line; or
 - iii. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with both subsections (i) and (ii) above.
 - (ii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5.1.4 of this By-Law;
 - (iii) a detached Second Residential Unit shall comply with the minimum front yard depth and exterior side yard depth requirement of the zone in which it is located;
 - (iv) a detached Second Residential Unit shall comply with the minimum distance separation formulae; and
 - (v) for the purpose of establishing a detached Second Residential Unit, the existing Dwelling Unit shall be considered the Principal Residential Unit.”
2. That this by-law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 76-26, “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston” (Second Residential Units, Bedroom Limits)

Passed: [Meeting Date]

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

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

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

1. By-Law Number 76-26 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. By amending Schedule D, Second Residential Units Constraint Overlay, as shown on Schedule “A” attached to and forming part of By-Law Number 2021-XX.
 - 1.2. By deleting the definition of “Bedroom” in Section 4 Definitions and replacing it with the following:

“(16A) “Bedroom” means a habitable room within a dwelling unit that is not:

 - a) a common area, being:
 - (i) a living room open to all occupants of the unit; or
 - (ii) a dining room open to all occupants of the unit;
 - b) an area used for sanitary purposes, such as a washroom;
 - c) an area used for cooking purposes, such as a kitchen;

- d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
 - e) a circulation space, such as a stairway or hallway;
 - f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
 - g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or
 - h) a room without a window or alternative source of natural light.”
- 1.3. By deleting the definition of Bachelor Dwelling Unit in Section 4(45)(b) and replacing it with the following:
- ““Bachelor Dwelling Unit” means a dwelling unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.”
- 1.4. Section 5(4)(b) (Kitchen) is deleted in its entirety and replaced with the words “Intentionally deleted.”
- 1.5. Section 5(4)(c) (Entrance) is deleted in its entirety and replaced with the words “Intentionally deleted.”
- 1.6. Section 5(30), as amended, is hereby further amended as follows:
- 1.6.1. By amending Section 5(30)(a) by deleting the words “permitted principal uses in any zone:” and replacing them with the words “principal uses in any zone where that dwelling type is a listed permitted use:”
 - 1.6.2. By amending Section 5(30)(b)(i) by deleting the words “KFL&A Public Health” and inserting the words “the City or applicable approval authority”.
 - 1.6.3. By amending Section 5(30)(b)(i) by deleting the last sentence thereof and replacing it with the following: “For clarity, Principal Dwelling Units that are connected to the municipal water distribution system in the Hamlet of Sunnyside do not require confirmation of water supply in order to remove the holding provision;”
 - 1.6.4. By amending Section 5(30)(b)(ii) by deleting the words “KFL&A Public Health” and inserting “the City or applicable approval authority”.

- 1.6.5. By amending Section 5(30)(b)(ii) by deleting the words “and the St. Lawrence community”.
- 1.6.6. By deleting the text in Section 5(30)(p) in its entirety and replacing it with the words “A Second Residential Unit shall comply with the minimum parking space requirements and the maximum bedroom requirements of this By-Law.”
- 1.6.7. By deleting the text in Section 5(30)(q) in its entirety and replacing it with the words, “In the R1, R2, R3, R4, R5 and D Zones located within the Urban Boundary as shown in Schedule D, the exterior entrance to a Second Residential Unit shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Dwelling Unit building or the front lot line. In the A1, A2 and ER Zones and the R1 and D Zones located outside the Urban Boundary as shown in Schedule D, the exterior entrance to a Second Residential Unit shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the driveway.”
- 1.6.8. By adding a new clause (r) with the words, “For the purposes of subsection (q) above, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.”
- 1.6.9. By amending former Section 5(30)(r) by deleting the words “subsection (q)” and inserting the words “subsection (r)”.
- 1.6.10. By deleting former Section 5(30)(s) in its entirety.
- 1.6.11. By renumbering former Section 5(30)(r) to Section 5(30)(s).
- 1.6.12. By adding new clauses (v), (w), and (x) following Section 5(30)(u) as follows:
 - “(v) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted within the existing Principal Dwelling Unit.
 - “(w) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted to be attached to the Principal Dwelling Unit if the Second Residential Unit conforms to the provisions of this By-Law and the Second Residential Unit does not in any way increase a situation of non-compliance.

(x) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted in a detached building if the detached building complies with this By-Law.”

1.6.13. By deleting former Section 5(30)(v) in its entirety and replacing it with the following:

“(y) A Second Residential Unit in a detached building is not subject to the accessory use regulations in Section 5(1) of this By-Law unless otherwise indicated below, and shall be permitted in accordance with the provisions of subsections (a) to (x) above and the following additional provisions:

- (i) a detached Second Residential Unit shall only be located within a rear yard or interior side yard and:
 - a. a detached Second Residential Unit shall not be located closer than 1.2 metres from the rear lot line;
 - b. a detached Second Residential Unit shall not be located closer than 1.2 metres from the interior side lot line;
 - c. the maximum height of a detached Second Residential Unit shall be the lesser of: 4.6 metres, measured to the highest point of the building; or one-storey above finished grade. For the purposes of this section, “storey” means that portion of a building between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Where the ceiling of a basement is at least 1 metre above finished grade, the basement shall be deemed to be a storey;
 - d. a solid privacy fence with a minimum height of 1.8 metres shall be established in accordance with the following provisions:
 - i. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established along the interior side lot lines and rear lot lines adjacent to the rear yard;
 - ii. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the interior side lot line closest to the detached Second Residential Unit extending from the intersection of the interior side lot line with the rear lot line

and shall extend to the nearest part of the Principal Dwelling Unit measured to the front lot line; or

- iii. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with both subsections (i) and (ii) above.
 - (ii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5(1)(b) of this By-Law;
 - (iii) a detached Second Residential Unit shall comply with the minimum front yard depth and exterior side yard depth requirement of the zone in which it is located;
 - (iv) a detached Second Residential Unit shall comply with the minimum distance separation formulae; and
 - (v) for the purpose of establishing a detached Second Residential Unit, the existing Dwelling Unit shall be considered the Principal Dwelling Unit.”
- 1.7. Section 5, as amended, is hereby further amended by adding a new clause 5(32) as follows:

“(32) Maximum Number of Bedrooms

- (i) In the R1 and D Zones located within the Urban Boundary as shown on Schedule D, a maximum of 8 bedrooms is permitted on a lot, in the aggregate, notwithstanding the number of dwelling units on the lot.
 - (ii) In the R2, R3, R4 and R5 Zones where there are two or less dwelling units on a lot, a maximum of 8 bedrooms is permitted on the lot, in the aggregate.
 - (iii) Notwithstanding anything to the contrary, the expansion, repair or renovation of a building or structure that does not comply with this requirement is permitted, provided that the expansion, repair or renovation: (a) does not increase the number of bedrooms; (b) conforms to the provisions of this By-Law; and (c) does not in any way increase a situation of non-compliance.”
2. That this by-law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor



**Schedule 'A'
to By-Law Number _____**

Project: City of Kingston,
Second Residential Units and
Bedroom Limits
File Number: D35-001-2021

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2021.

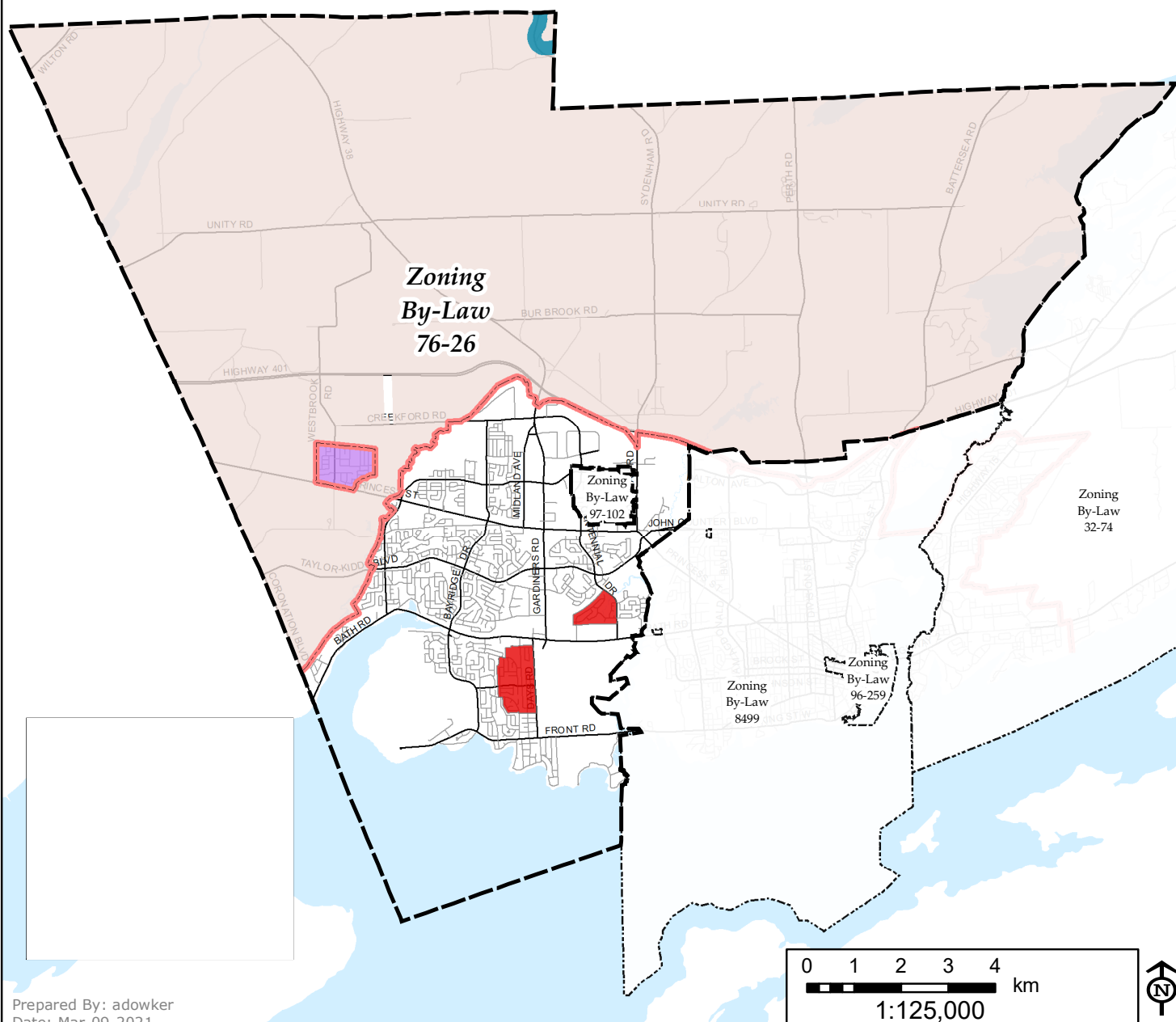
**Reference By-Law 76-26
Amendment to Schedule 'D'**

Add new layer as shown:

 Urban Boundary

Mayor

Clerk



Prepared By: adowker
Date: Mar-09-2021

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2021 The Corporation of the City of Kingston.

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 97-102, “The Cataraqui North Zoning By-law” (Second Residential Units, Bedroom Limits)

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 97-102, as amended, of the former Township of Kingston;

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

1. By-Law Number 97-102 of The Corporation of the City of Kingston, entitled “The Cataraqui North Zoning By-Law”, as amended, is hereby further amended as follows:
 - 1.1. Section 5.27 (Dwelling Unit) is deleted in its entirety and replaced with the words, “Intentionally deleted.”
 - 1.2. Section 5.29, as amended, is hereby further amended as follows:
 - 1.2.1. By amending Section 5.29(a) by deleting the words “permitted principal uses in any zone:” and replacing them with the words “principal uses in any zone where that dwelling type is a listed permitted use:”
 - 1.2.2. By deleting the text in Section 5.29(l) in its entirety and replacing it with the words, “A Second Residential Unit shall comply with the minimum parking space requirements and the maximum bedroom requirements of this By-Law.”
 - 1.2.3. By amending Section 5.29(m) by deleting the words “that is within a principal dwelling (i.e. not a detached second residential unit) and is located at the side or rear of the principal dwelling,”
 - 1.2.4. By amending Section 5.29(m) by moving the last three sentences to a new clause (n).

- 1.2.5. By amending new Section 5.29(n) by deleting the words “this Section” and inserting “subsection (m) above”.
- 1.2.6. By amending former Section 5.29(n) by deleting the words “Section 5.29(m)” and replacing it with the words “Section 5.29(n)”.
- 1.2.7. By deleting in its entirety Section 5.29(o) as follows: “The use of a separate driveway to provide unobstructed access to a detached second residential unit may be provided where the driveway and parking space requirements of this By-Law are met.”
- 1.2.8. By renumbering former Section 5.29(n) to 5.29(o).
- 1.2.9. By adding new clauses (r), (s), and (t) following Section 5.29(q) as follows:
- “(r) Where a principal residential unit is in a legal non-complying building, a Second Residential Unit shall be permitted within the existing principal residential unit.
- (s) Where a principal residential unit is in a legal non-complying building, a Second Residential Unit shall be permitted to be attached to the principal residential unit if the Second Residential Unit conforms to the provisions of this By-Law and the Second Residential Unit does not in any way increase a situation of non-compliance.
- (t) Where a principal residential unit is in a legal non-complying building, a Second Residential Unit shall be permitted in a detached building if the detached building complies with this By-Law.”
- 1.2.10. By deleting Section 5.29(r) in its entirety and replacing it with the following:
- “(u) A Second Residential Unit in a detached building is not subject to the accessory use regulations in Sections 5.3 and 5.4 of this By-Law unless otherwise indicated below, and shall be permitted in accordance with the provisions of subsections (a) to (t) above and the following additional provisions:
- (i) a detached Second Residential Unit shall only be located within a rear yard or interior side yard and:
- a. a detached Second Residential Unit shall not be located closer than 1.2 metres from the rear lot line;
- b. a detached Second Residential Unit shall not be located closer than 1.2 metres from the interior side lot line;

- c. the maximum height of a detached Second Residential Unit shall be the lesser of: 4.6 metres, measured to the highest point of the building; or one-storey above finished grade. For the purposes of this section, “storey” means that portion of a building between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Where the ceiling of a basement is at least 1 metre above finished grade, the basement shall be deemed to be a storey;
- d. a solid privacy fence with a minimum height of 1.8 metres shall be established in accordance with the following provisions:
 - i. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established along the interior side lot lines and rear lot lines adjacent to the rear yard;
 - ii. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the interior side lot line closest to the detached Second Residential Unit extending from the intersection of the interior side lot line with the rear lot line and shall extend to the nearest part of the principal residential unit measured to the front lot line; or
 - iii. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with both subsections (i) and (ii) above.
- (ii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5.3.1.5 and 5.4.3 of this By-Law;
- (iii) a detached Second Residential Unit shall comply with the minimum front yard depth and exterior side yard depth requirement of the zone in which it is located;
- (iv) a detached Second Residential Unit shall comply with the minimum distance separation formulae; and
- (v) for the purpose of establishing a detached Second Residential Unit, the existing dwelling unit shall be considered the principal residential unit.”

- 1.3. Section 5, as amended, is hereby further amended by adding a new Section 5.30 as follows:

“5.30 Maximum Number of Bedrooms

- (i) In the Ldr, Ldr1, Ldr/I, and Ldr/Nc Zones, a maximum of 8 bedrooms is permitted on a lot, in the aggregate, notwithstanding the number of dwelling units on the lot.
 - (ii) In the Mdr Zone where there are two or less dwelling units on a lot, a maximum of 8 bedrooms is permitted on the lot, in the aggregate.
 - (iii) Notwithstanding anything to the contrary, the expansion, repair or renovation of a building or structure that does not comply with this requirement is permitted, provided that the expansion, repair or renovation: (a) does not increase the number of bedrooms; (b) conforms to the provisions of this By-Law; and (c) does not in any way increase a situation of non-compliance.”
- 1.4. Section 6 as amended, is hereby further amended by deleting the definition of “Bedroom” and replacing it with the following:

“Bedroom

Shall mean a habitable room within a dwelling unit that is not:

- a) a common area, being:
 - (i) a living room open to all occupants of the unit; or
 - (ii) a dining room open to all occupants of the unit;
- b) an area used for sanitary purposes, such as a washroom;
- c) an area used for cooking purposes, such as a kitchen;
- d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
- e) a circulation space, such as a stairway or hallway;
- f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
- g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or

h) a room without a window or alternative source of natural light.”

- 1.5. Section 6 as amended, is hereby further amended by adding a new definition for “Bachelor Dwelling Unit” as follows:

“Bachelor Dwelling Unit

Shall mean a dwelling unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.”

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

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 32-74, “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh” (Second Residential Units, Bedroom Limits)

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 32-74, as amended, of the former Township of Pittsburgh;

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

1. By-Law Number 32-74 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh”, as amended, is hereby further amended as follows:
 - 1.1. By amending Schedule C, Second Residential Units Constraint Overlay, as shown on Schedule “A” attached to and forming part of By-Law Number 2021-XX.
 - 1.2. By adding a new definition for “Bedroom” in Section 4 Definitions as follows:

“(13A) **Bedroom** means a habitable room within a dwelling unit that is not:

 - a) a common area, being:
 - (i) a living room open to all occupants of the unit; or
 - (ii) a dining room open to all occupants of the unit;
 - b) an area used for sanitary purposes, such as a washroom;
 - c) an area used for cooking purposes, such as a kitchen;

- d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
 - e) a circulation space, such as a stairway or hallway;
 - f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
 - g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or
 - h) a room without a window or alternative source of natural light.”
- 1.3. By deleting the definition of Bachelor Dwelling Unit in Section 4 (37) c) and replacing it with the following:
- ““Bachelor Dwelling Unit” means a dwelling unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.”
- 1.4. Section 5(3)(c) (Kitchen) is deleted in its entirety and replaced with the words “Intentionally deleted.”
- 1.5. Section 5(3)(d) (Entrance) is deleted in its entirety and replaced with the words “Intentionally deleted.”
- 1.6. Section 5(32), as amended, is hereby further amended as follows:
- 1.6.1. By amending Section 5(32)(a) by deleting the words “permitted principal uses in any zone:” and replacing them with the words “principal uses in any zone where that dwelling type is a listed permitted use:”
 - 1.6.2. By amending Section 5(32)(b)(i) by deleting the words “KFL&A Public Health” and inserting “the City or applicable approval authority”.
 - 1.6.3. By amending Section 5(32)(b)(i) by deleting the last sentence thereof.
 - 1.6.4. By amending Section 5(32)(b)(ii) by deleting the words “KFL&A Public Health” and inserting “the City or applicable approval authority”.
 - 1.6.5. By amending Section 5(32)(b)(ii) by deleting the sentence, “Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that

there will be no negative sewage system impacts in accordance with the requirements noted above”.

- 1.6.6. By deleting the text in Section 5(32)(n) in its entirety and replacing it with the words, “A Second Residential Unit shall comply with the minimum parking space requirements and the maximum bedroom requirements of this By-Law.”
- 1.6.7. By deleting the text in Section 5(32)(o) in its entirety and replacing it with the words, “In the R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12 and D zones located within the Urban Boundary as shown in Schedule C, the exterior entrance to a second residential unit shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the principal dwelling unit building or the front lot line. In the A1, A2, RR, LSR and ER Zones and the R1 and D Zones located outside of the Urban Boundary as shown in Schedule C, the exterior entrance to a second residential unit shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the driveway.”
- 1.6.8. By adding a new clause (p) with the words, “For the purposes of subsection (o) above, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.”
- 1.6.9. By amending former Section 5(32)(p) by deleting the words “Section 5(32)(o)” and replacing it with the words “Section 5(32)(p)”.
- 1.6.10. By renumbering former Section 5(32)(p) to 5(32)(q).
- 1.6.11. By deleting in its entirety former Section 5(32)(q) as follows: “The use of a separate driveway to provide unobstructed access to a detached second residential unit may be provided where the driveway and parking space requirements of this By-Law are met.”
- 1.6.12. By adding new clauses (t), (u), and (v) following Section 5(32)(s) as follows:

“(t) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted within the existing Principal Residential Unit.

(u) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted to be attached to the Principal Residential Unit if the Second Residential Unit conforms

to the provisions of this By-Law and the Second Residential Unit does not in any way increase a situation of non-compliance.

(v) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted in a detached building if the detached building complies with this By-Law.”

- 1.6.13. By deleting former Section 5(32)(t) in its entirety and replacing it with the following:

“(w) A Second Residential Unit in a detached building is not subject to the accessory use regulations in Section 5(1) of this By-Law unless otherwise indicated below, and shall be permitted in accordance with the provisions of subsections (a) to (v) above and the following additional provisions:

- (i) a detached Second Residential Unit shall only be located within a rear yard or interior side yard and:
 - a. a detached Second Residential Unit shall not be located closer than 1.2 metres from the rear lot line;
 - b. a detached Second Residential Unit shall not be located closer than 1.2 metres from the interior side lot line;
 - c. the maximum height of a detached Second Residential Unit shall be the lesser of: 4.6 metres, measured to the highest point of the building; or one-storey above finished grade. For the purposes of this section, “storey” means that portion of a building between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Where the ceiling of a basement is at least 1 metre above finished grade, the basement shall be deemed to be a storey;
 - d. a solid privacy fence with a minimum height of 1.8 metres shall be established in accordance with the following provisions:
 - i. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established along the interior side lot lines and rear lot lines adjacent to the rear yard;
 - ii. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the interior side lot line closest to the

detached Second Residential Unit extending from the intersection of the interior side lot line with the rear lot line and shall extend to the nearest part of the principal residential unit measured to the front lot line; or

- iii. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with both subsections (i) and (ii) above.
- (ii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5(1) of this By-Law;
- (iii) a detached Second Residential Unit shall comply with the minimum front yard depth and exterior side yard depth requirement of the zone in which it is located;
- (iv) a detached Second Residential Unit shall comply with the minimum distance separation formulae; and
- (v) for the purpose of establishing a detached Second Residential Unit, the existing dwelling unit shall be considered the Principal Residential Unit.”

1.7. Section 5, as amended, is hereby further amended by adding a new Section 5(33) as follows:

1.7.1. “(33) **Maximum Number of Bedrooms**

- (i) In the R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12 and D Zones located within the Urban Boundary as shown in Schedule C, where there are two or less dwelling units on a lot, a maximum of 8 bedrooms is permitted on the lot, in the aggregate.
- (ii) Notwithstanding anything to the contrary, the expansion, repair or renovation of a building or structure that does not comply with this requirement is permitted, provided that the expansion, repair or renovation: (a) does not increase the number of bedrooms; (b) conforms to the provisions of this By-Law; and (c) does not in any way increase a situation of non-compliance.”

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

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor



**Schedule 'A'
to By-Law Number _____**

Project: City of Kingston,
Second Residential Units and
Bedroom Limits
File Number: D35-001-2021

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2021.


Mayor

Clerk





**Reference By-Law 32-74
Amendment to Schedule 'C'**

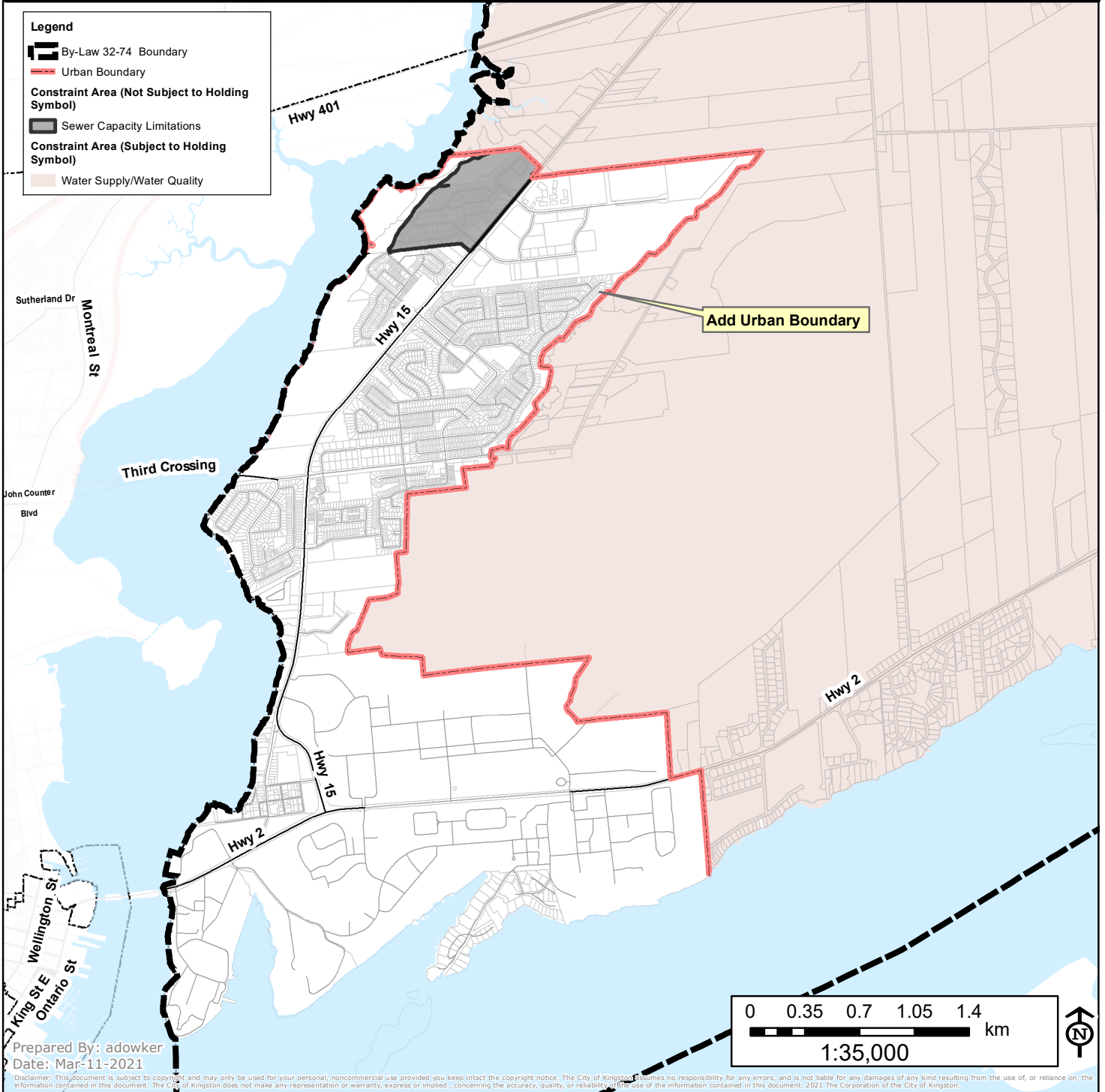
Add new layer as shown:

 Urban Boundary

 Remove existing 'Sewer Capacity Limitations'
Constraint Area along Highway 15

Legend

-  By-Law 32-74 Boundary
-  Urban Boundary
- Constraint Area (Not Subject to Holding Symbol)**
-  Sewer Capacity Limitations
Constraint Area (Subject to Holding Symbol)
-  Water Supply/Water Quality



Prepared By: adowker
Date: Mar-11-2021

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2021 The Corporation of the City of Kingston.

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 3077, “A Restricted Area (Zoning) By-Law for the City of Kingston” (Second Residential Units, Bedroom Limits)

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 3077, as amended, of the former City of Kingston;

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

1. By-Law Number 3077 of The Corporation of the City of Kingston, entitled “A Restricted Area (Zoning) By-Law for the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Section 4A.19 is amended as follows:
 - 1.1.1. By deleting subsection (1)(b) thereof and marking it as “Intentionally deleted”.
 - 1.1.2. By deleting subsection (2) thereof and marking it as “Intentionally deleted”.
 - 1.1.3. By deleting subsection (3) thereof and marking it as “Intentionally deleted”.
 - 1.2. Section 9.4.10, as amended, is hereby further amended as follows:
 - 1.2.1. Section 9.4.10(a) is amended by deleting the words “permitted principal use in any Zone:” and replacing them with the words “principal use in a zone where that dwelling type is a listed permitted use:”.
 - 1.2.2. By deleting the text in Section 9.4.10(k) in its entirety and replacing it with the words, “A Second Residential Unit shall comply with the

minimum parking space requirements and the maximum bedroom requirements of this By-Law.”

- 1.2.3. By amending Section 9.4.10(l) by deleting the words “that is within a Principal Dwelling Unit (i.e. not a detached second residential unit) and is located at the side or rear of the Principal Dwelling Unit,”.
- 1.2.4. By amending Section 9.4.10(l) by moving the last three sentences to a new clause (m).
- 1.2.5. By amending new Section 9.4.10(m), first sentence, by deleting the words “this subsection” and inserting “subsection (l) above,”.
- 1.2.6. By amending former Section 9.4.10(m) by deleting the words “Section 9.4.10(l)” and inserting “Section 9.4.10(m)”.
- 1.2.7. By deleting former Section 9.4.10(n) in its entirety.
- 1.2.8. By renumbering former Section 9.4.10(m) to Section 9.4.10(n).
- 1.2.9. By adding new clauses (q), (r), and (s), following Section 9.4.10(p) as follows:

“(q) “Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted within the existing Principal Dwelling Unit.

(r) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted to be attached to the Principal Dwelling Unit if the Second Residential Unit conforms to the provisions of this By-Law and the Second Residential Unit does not in any way increase a situation of non-compliance.

(s) Where a Principal Dwelling Unit is in a legal non-complying building, a Second Residential Unit shall be permitted in a detached building if the detached building complies with this By-Law.”

- 1.2.10. By deleting former Section 9.4.10(q) in its entirety and replacing it with the following:

“(t) A Second Residential Unit in a detached building is not subject to the accessory building regulations in Section 9.2.7 of this By-Law unless otherwise indicated below, and shall be permitted in accordance with the provisions of subsections (a) to (s) above and the following additional provisions:

- (i) a detached Second Residential Unit shall only be located within a rear yard or interior side yard and:
 - a. a detached Second Residential Unit shall not be located closer than 1.2 metres from the rear lot line;
 - b. a detached Second Residential Unit shall not be located closer than 1.2 metres from the interior side lot line;
 - c. the maximum height of a detached Second Residential Unit shall be the lesser of: 4.6 metres, measured to the highest point of the building; or one-storey above finished grade. For the purposes of this section, “storey” means that portion of a building between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Where the ceiling of a basement is at least 1 metre above finished grade, the basement shall be deemed to be a storey;
 - d. a solid privacy fence with a minimum height of 1.8 metres shall be established in accordance with the following provisions:
 - i. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established along the interior side lot lines and rear lot lines adjacent to the rear yard;
 - ii. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the interior side lot line closest to the detached Second Residential Unit extending from the intersection of the interior side lot line with the rear lot line and shall extend to the nearest part of the principal residential unit measured to the front lot line; or
 - iii. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with both subsections (i) and (ii) above.
- (ii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 3.5 of this By-Law;

- (iii) a detached Second Residential Unit shall comply with the minimum front yard depth and exterior side yard depth requirement of the zone in which it is located;
- (iv) a detached Second Residential Unit shall comply with the minimum distance separation formulae; and
- (v) for the purpose of establishing a detached Second Residential Unit, the existing dwelling shall be considered the Principal Dwelling Unit.”

1.2.11. Section 9.4, as amended, is hereby further amended by adding a new clause 9.4.12 as follows:

“Section 9.4.12 Maximum Number of Bedrooms:

- (i) In the A Zone, a maximum of 8 bedrooms is permitted on a lot, in the aggregate, notwithstanding the number of dwelling units on the lot.
- (ii) Notwithstanding anything to the contrary, the expansion, repair or renovation of a building or structure that does not comply with this requirement is permitted, provided that the expansion, repair or renovation: (a) does not increase the number of bedrooms; (b) conforms to the provisions of this By-Law; and (c) does not in any way increase a situation of non-compliance.”

1.3. By adding a new definition for “Bedroom” in Section 10 Definitions as follows:

“10.62 **Bedroom**

“Bedroom” means a habitable room within a dwelling unit that is not:

- a) a common area, being:
 - (i) a living room open to all occupants of the unit; or
 - (ii) a dining room open to all occupants of the unit;
- b) an area used for sanitary purposes, such as a washroom;
- c) an area used for cooking purposes, such as a kitchen;
- d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;

- e) a circulation space, such as a stairway or hallway;
- f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
- g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or
- h) a room without a window or alternative source of natural light.”

- 1.4. By adding a new definition for Bachelor Dwelling Unit in Section 10 Definitions as follows:

“10.63 Bachelor Dwelling Unit

“Bachelor Dwelling Unit” means a dwelling unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.”

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

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 8402, “A By-Law to Amend By-Law Number 3078, Zoning By-Law for the 1930, 1931 and 1952 Annexation Areas (Zone Change from R1B Residential to R2B and R2 Residential and C1 Commercial – 33+- Acres Southwest Corner Counter Street and Sir John. A. MacDonald Boulevard)” (Bedroom Limits)

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 8402, of the former City of Kingston;

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

1. By-Law Number 8402 of The Corporation of the City of Kingston, entitled “A By-Law to Amend By-Law Number 3078, Zoning By-Law for the 1930, 1931 and 1952 Annexation Areas (Zone Change from R1B Residential to R2B and R2 Residential and C1 Commercial – 33+- Acres Southwest Corner Counter Street and Sir John. A. MacDonald Boulevard)”, is hereby amended as follows:
 - 1.1 Section 1(c), as amended, is hereby further amended by adding the following new paragraph at the end thereof:

“Maximum Number of Bedrooms

In the R2 Zone, a maximum of 8 bedrooms is permitted on a lot, in the aggregate.

For the purposes of this section, a “bedroom” means a habitable room within a dwelling unit that is not:

- a) a common area, being:
 - (i) a living room open to all occupants of the unit; or

- (ii) a dining room open to all occupants of the unit;
- b) an area used for sanitary purposes, such as a washroom;
- c) an area used for cooking purposes, such as a kitchen;
- d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
- e) a circulation space, such as a stairway or hallway;
- f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
- g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or
- h) a room without a window or alternative source of natural light.

A “bachelor dwelling unit” means a dwelling unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.

Notwithstanding anything to the contrary, the expansion, repair or renovation of a building or structure that does not comply with the maximum bedroom requirement is permitted, provided that the expansion, repair or renovation: (a) does not increase the number of bedrooms; (b) conforms to the provisions of this By-Law; and (c) does not in any way increase a situation of non-compliance.”

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

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor