

**Council Meeting Number 18-2021  
Addendum  
Tuesday, August 10, 2021**

**Reports**

The consent of Council is requested for the **addition** of Report Number 74: Received from the Planning Committee.

**Report Number 74: Received from the Planning Committee**

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows from the Planning Committee Meeting held on August 5, 2021:

**1. Approval of Application for Official Plan & Zoning By-Law Amendment & Plan of Subdivision – 199, 215, 227 and a portion of 183 Weller Avenue, 16, 33, 40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110, and 140 Compton Street, 190, 200, 210 and 220 Wilson Street (Rideau Heights)**

**That** the applications for Official Plan and zoning By-Law amendment and draft plan of subdivision (File Number D35-004-2018) submitted by the City of Kingston, on behalf of City of Kingston, for the property municipally known as 199, 215, 227 and a portion of 183 Weller Avenue, 16, 33, 40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110, and 140 Compton Street, 190, 200, 210 and 220 Wilson Street (Rideau Heights), be approved; and

**That** the City of Kingston Official Plan, as amended, be further amended, amendment number 64, as per Exhibit A (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-21-047; and

**That** By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-21-047; and

**That** in accordance with the provisions of subsection 45(1.4) of the Planning Act, the owner(s) of the properties subject to the site-specific B1.567 and B1.568 Zones shall be permitted to apply to the Committee of Adjustment for minor variances from the provisions of Zoning By-Law Number 8499 (as amended or replaced), before the second anniversary of the day on which the Zoning By-Law was amended; and

**That** the draft plan of subdivision be subject to the conditions as per Exhibit D (Draft Plan of Subdivision and Standard Conditions) to Report Number PC-21-047; and

**That** Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the By-Law; and

**That** the amending By-Laws be presented to Council for all three readings.

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**(See By-Law Number (16), 2021-144 attached to the Addendum as schedule pages 1-3)**

**(See By-Law Number (17), 2021-145 attached to the Addendum as schedule pages 4-8)**

**(See Exhibit D of Report Number PC-21-047 attached to the Addendum as schedule pages 9-21)**

**By-Laws**

The consent of Council is requested for the **addition** of By-Law Numbers (16) and (17).

- (16) A By-Law to Amend the City of Kingston Official Plan (Amendment Number 64, 190, 200, 210 & 220 Wilson Street; 16, 33, 40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110 & 140 Compton Street; 183, 199, 215 & 227 Weller Avenue)

Three Readings

Proposed Number 2021-144

**(Clause 1, Report 74)**

- (17) A By-Law to Amend By-Law Number 8499, "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston" (Zone Change from Site-Specific Multiple Family Dwelling 'B1.65' Zone, One-Family Dwelling and Two-Family Dwelling 'A5' Zone and General Recreation Park 'P' Zone to Site-Specific Multiple Family Dwelling 'B1.567' Zone, 190, 200, 210 and 220 Wilson Street; 16, 33, 40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110 and 140 Compton Street; and 183, 199, 215 and 227 Weller Avenue, and Zone Change from Site-Specific Multiple Family Dwelling 'B1.65' Zone to Site-Specific Multiple Family Dwelling 'B1.568' Zone, 33, 31, 51, 61, 71 and 81 Compton Street)

Three Readings

Proposed Number 2021-145

**(Clause 1, Report 74)**

**By-Law Number 2021-XX**

**A By-Law to Amend the City of Kingston Official Plan (Amendment Number 64, 190, 200, 210 & 220 Wilson Street; 16, 33, 40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110 & 140 Compton Street; 183, 199, 215 & 227 Weller Avenue)**

**Passed:** [Meeting Date]

**Whereas** a public meeting was held regarding this amendment on April 18, 2019;

**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 64 to the Official Plan for the City of Kingston:
  - (a) **Amend** Schedule '3-A', 'Land Use', of the City of Kingston Official Plan, to re-designate the lands shown on Schedule 'A' to By-Law Number 2021-\_\_\_, from 'Open Space' to 'Residential'.
2. 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]

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**John Bolognone**  
City Clerk

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**Bryan Paterson**

**Mayor**



**By-Law Number 2021-XXX**

**A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of The Corporation of the City Of Kingston” (Zone Change from Site-Specific Multiple Family Dwelling ‘B1.65’ Zone, One-Family Dwelling and Two-Family Dwelling ‘A5’ Zone and General Recreation Park ‘P’ Zone to Site-Specific Multiple Family Dwelling ‘B1.567’ Zone, 190, 200, 210 and 220 Wilson Street; 16, 33, 40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110 and 140 Compton Street; and 183, 199, 215 and 227 Weller Avenue, and Zone Change from Site-Specific Multiple Family Dwelling ‘B1.65’ Zone to Site-Specific Multiple Family Dwelling ‘B1.568’ Zone, 33, 41, 51, 61, 71 and 81 Compton Street)**

**Passed:** [Meeting Date]

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

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

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

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
  - 1.1 Map 7 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from a site-specific Multiple Family Dwelling ‘B1.65’ zone, a One-Family Dwelling and Two-Family Dwelling ‘A5’ zone and a General Recreation Park ‘P’ zone to a site-specific Multiple Family Dwelling ‘B1.567’ zone and a site-specific Multiple Family Dwelling ‘B1.568’ zone, as shown on Schedule “A” attached to and forming part of By-Law Number 2021-

- 1.2 By adding the following Sections 567 and 568 to Part VIII – Exceptions to the Various Zone Classifications, as follows:

**“567. (190, 200, 210 and 220 Wilson Street; 16, 33, 40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110 and 140 Compton Street; and 183, 199, 215 and 227 Weller Avenue)**

Notwithstanding the provisions of Section 5 and Section 14 hereof to the contrary, on the lands designated ‘B1.567’ on Schedule ‘A’ hereto, the following regulations shall apply:

- (a) Additional Permitted Uses: The following non-residential uses shall be permitted in the ground floor of a multiple family dwelling:
  - i. Retail stores
  - ii. Neighbourhood stores
  - iii. Offices
  - iv. Banks or financial institutions
  - v. Libraries, art galleries or museums
  - vi. Day care centres
  - vii. Community centres
- (b) Minimum Front Yard: 7.0 metres, subject to the following provisions:
  - i. A minimum front yard of 4.0 metres is permitted from a lot line abutting a public street other than Compton Street, Wilson Street or Weller Avenue.
  - ii. For a multiple family dwelling, a minimum front yard of 2.4 metres is permitted from a lot line abutting a public street other than Compton Street, Wilson Street and Weller Avenue.
  - iii. For a multiple family dwelling, a minimum front yard of 4.0 metres is permitted from a lot line abutting Compton Street.
  - iv. Any lot line abutting a public street shall be considered a front lot line.
- (c) Minimum Side Yard: 3.0 metres
- (d) Any lot line not abutting a public street shall be considered a side lot line.
- (e) Maximum Density: 65 dwelling units per net hectare
- (f) Minimum Parking Ratio: 0.7 parking spaces per dwelling unit
- (g) Parking shall be permitted off-site on a lot that is not more than 400 metres from the lot upon which the main building(s) is situated.
- (h) Parking Space Dimensions:

- i. The minimum size of a standard parking space shall be 2.6 metres wide and 5.2 metres long.
  - ii. The minimum length of Type A and Type B accessible spaces shall be 5.2 metres.
- (i) Bicycle Parking Space Dimensions:
- i. The minimum size of a bicycle parking space shall be 0.3 metres wide and 1.8 metres long.
- (j) Notwithstanding the provisions of Section 5.4, loading spaces are not required.
- (k) Amenity Area
- i. Section 5.27(b) of this By-Law does not apply to any amenity area.

**568. (33, 41, 51, 61, 71 and 81 Compton Street)**

Notwithstanding the provisions of Section 5 and Section 14 hereof to the contrary, on the lands designated 'B1.568' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Minimum Rear Yard: 4.0 metres
- (b) Line of Corner Lots: Buildings on corner lots shall have a minimum side yard of 4 metres abutting a street
- (c) Any lot line not abutting a public street shall be considered a side lot line.
- (d) Maximum Density: 60 dwelling units per net hectare
- (e) Maximum Height: 4 storeys
- (f) Minimum Parking Ratio: 0.7 parking spaces per dwelling unit
- (g) Parking Area Location:  
Notwithstanding the provisions of Section 5.3B(e):
  - i. There are no restrictions on the location of on-site parking areas
  - ii. Front yard parking is permitted with a minimum setback of 6.2 metres from the front lot line
  - iii. Where front yard parking is provided, a landscaped buffer is required within the required setback
  - iv. No setback or landscaped buffer is required where front yard parking is provided in a tandem arrangement which includes a garage.
- (h) Parking Space Dimensions:
  - i. The minimum size of a standard parking space shall be 2.6 metres wide and 5.2 metres long.
  - ii. The minimum length of Type A and Type B accessible spaces shall be 5.2 metres.
- (i) Bicycle Parking Space Dimensions:



- i. The minimum size of a bicycle parking space shall be 0.3 metres wide and 1.8 metres long.
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]

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**







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

File Number: D35-004-2018  
Address: 190, 200, 210 and 220 Wilson Street; 16, 33,  
40, 41, 51, 61, 70, 71, 81, 94, 100, 106, 110 & 140  
Compton Street 183, 199, 215, and 227 Weller Ave

Reference By-Law 8499, Map 7

Rezoned from

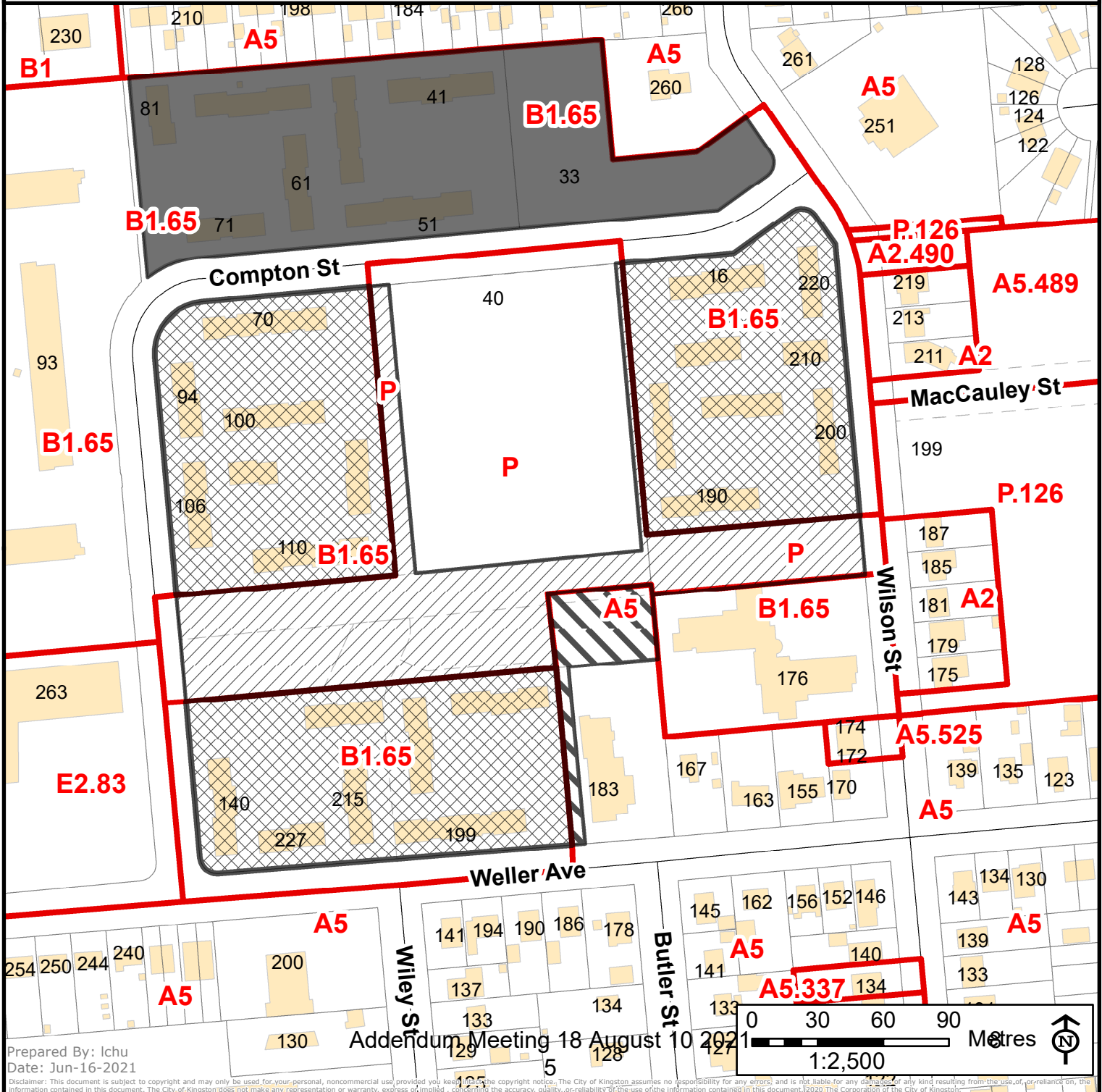
-  A5 to B1.567
-  P to B1.567
-  B1.65 to B1.568
-  B1.65 to B1.567

**Certificate of Authentication**

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk





**DRAFT PLAN of SUBDIVISION**  
BLOCKS C, D, DD, E, EE, G, GG, H, HH, K, KK, L & M  
REGISTERED PLAN No. 1592  
CITY of KINGSTON  
COUNTY of FRONTENAC



**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51.17(A-L) OF THE PLANNING ACT**

- a. Shown On Draft Plan
- b. Shown On Draft Plan
- c. All Lands Owned, or In Which the Applicants Have An Interest Are Shown On the Key Plan.
- d. Residential
- e. Shown On Draft Plan
- f. Shown On Draft Plan
- g. Shown On Draft Plan
- h. Municipal Water Supply
- i. Shallow Clay Loam
- j. Shown On Draft Plan
- k. Road Maintenance, Garbage Collection, Phone, Cable, Gas, Sanitary and Hydro
- l. Shown On Draft Plan

**LEGEND**

- LANDS TO BE SUBDIVIDED
- - - FUTURE EASEMENT

SITE DATA			
LAND USE	LOTS & BLOCKS	AREA ± UNITS	DENSITY
RESIDENTIAL	BLOCK 101	0.80 ha	49 61.22 u/ha
	BLOCK 102	0.21 ha	49 233.33 u/ha
	BLOCK 103	0.79 ha	30 41.10 u/ha
	BLOCK 104	0.31 ha	32 109.23 u/ha
	BLOCK 105	1.44 ha	79 54.68 u/ha
	BLOCK 106	1.30 ha	87 51.54 u/ha
SUB-TOTAL RESIDENTIAL		4.79 ha	306 63.88 u/ha
STREETS/EASEMENTS	MUNICIPAL RIGHT OF WAY	0.70 ha	
PARKLAND	BLOCK 107	1.37 ha	
EXISTING RESIDENTIAL	BLOCK 108	0.33 ha	
TOTAL		7.192 ha	306 42.58 u/ha



**METRIC**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
1. THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THE RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.  
2. THE SURVEY WAS COMPLETED ON 28TH DAY OF MARCH, 2018

LESLIE M. HIGGINSON SURVEYING LTD.  
June 12, 2019  
DATE  
Leslie M. Higginson  
LESLIE M. HIGGINSON  
ONTARIO LAND SURVEYOR

**Forefront Engineering Inc.**  
1328 Gardiners Road, Suite 210  
Kingston, ON, Canada K7P 0L8  
613.534.8338 fax  
1.888.884.9382 fax

Date Issued:

## Standard Conditions Of Draft Plan Approval

### 1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision, prepared by Leslie M. Higginson Surveying Limited, dated June 12, 2019 which shows the following:

- 6 new residential blocks (Blocks 101-106);
- 1 existing residential block (Block 108);
- 1 block for parkland (Block 107);
- 1 new roadway (Proposed Municipal Right of Way).

### 2. Streets and Civic Addressing:

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

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**3. Reserves and Easements:**

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

**4. Financial Requirements:**

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

**5. Subdivision Agreement:**

- (a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the Municipality shall be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

**6. Engineering Drawings:**

- (a) **That Prior to Final Plan Approval**, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's

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Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.

- (b) **That Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

**7. Revisions to Draft Plan:**

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

**8. Phasing:**

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.
- (b) That the **phasing** of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

**9. Zoning By-Law Compliance:**

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

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**10. Required Studies:**

- (a) **That Prior to Final Plan Approval**, the Owner shall submit a **Geotechnical Study**, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval** all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (c) **That Prior to Final Plan Approval**, the Owner shall submit a **Traffic Impact Report**, prepared by a professional engineer to the satisfaction of the Municipality. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the Report's recommendations to the satisfaction of the Municipality's Director of Engineering.
- (d) **That Prior to Final Plan Approval**, a **Stormwater Management Report** and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at its expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.
- (e) **That Prior to Final Plan Approval**, the Owner shall submit a detailed **Noise Impact Study** prepared to the satisfaction of the Municipality and the Ministry of Environment, Conservation and Parks. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

**11. Archaeological Assessment:**

- (a) That the Subdivision Agreement shall contain provisions that in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and the City of Kingston Heritage Planner (613-546-4291 ext 1844) must be immediately contacted.
- (b) That the Subdivision Agreement shall contain provisions that in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Government and Consumer Services (416-326-8404), the Cultural Program Branch of the Ministry of Heritage, Sport, Tourism and Culture



Industries (416-314-7132), and the City of Kingston Heritage Planner (613-546-4291 ext 1844) must be immediately contacted.

## 12. Stormwater Management:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.
- (b) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality, a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
  - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
  - ii) the location and description of all outlets and other facilities;
  - iii) storm water management techniques which may be required to control minor and major flows;
  - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
  - v) overall grading plans for the subject lands; and
  - vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (c) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.

## 13. Parkland Conveyance / Open Space / Environmental Protection Areas:

- (a) That the Owner conveys/dedicates up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the Municipality for functional park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey/dedicate lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.
- (b) That lands to be conveyed/dedicated for park or other public recreational purposes shall be subject to the following conditions:



- (i) **That all lands shall be left in an untouched, natural state.** All existing vegetation is to remain within the limits of the park site, including any significant trees at the property line. Existing grades/elevations are to be maintained at the property lines and within the park itself unless approval for site alteration is received in writing from the Manager of Culture, Parks and Recreation or designate.
- (ii) **That Prior to Assumption of the park,** the Manager of Culture, Parks and Recreation shall be in receipt of a clearance memo from the Manager of Environment indicating that the park site is environmentally clean.
- (iii) That the Owner shall enter into a Site Access Agreement with the Municipality to permit City staff to access the park site to complete pre-engineering, survey and design works for the park. This Agreement shall terminate once the Municipality is deeded the land as part of Final Plan Approval.
- (iv) **That Prior to the Commencement of any Clearing, Grubbing or Construction Work** within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:
  1. Install snow fencing around the periphery of the park site to protect the site. The Municipality will be responsible for the maintenance of the fence and its removal.
  2. Post signage to Municipality specifications, on all accessible sides of each park block, which indicates:
    - the future use of the block as a park;
    - that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
    - that all trees and other vegetation must not be disturbed.
- (v) **That Prior to Assumption of the park,** the Manager of Culture, Parks and Recreation or designate shall inspect the park site to ensure that the park is in a clean/natural state. The conditions on the site must be satisfactory to the Manager of Culture, Parks and Recreation prior to the removal of the snow fencing. Should the park blocks be in an unsatisfactory state, the Owner shall be held responsible for restoring the site to the Municipality's satisfaction.

#### 14. Tree Inventory / Street Trees:

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the Municipality for a Tree Preservation plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 millimetres) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree By-Law which may, at the

Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the Municipality.

- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

**15. Canada Post - Community Mail Boxes:**

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

**16. Bell Canada Requirements:**

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

- i. that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
- ii. that the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.

- iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

**17. Utilities Requirements:**

- (a) **Prior to Final Plan Approval**, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.
- (b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.
- (c) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

**18. Warning Clauses:**

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

- (a) within the entire subdivision plan:
- “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”
  - “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet Municipality of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions”.
  - “Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances.”

- “Purchasers and/or tenants are advised that the planting of trees on Municipality boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice.”
- “Purchasers and/or tenants are advised that Canadian National or Canadian Pacific Railway Company(s), or its assigns or successors in interest, has a right-of-way within 300 metres from the subject lands, and there may be future alterations or expansions to the rail facilities or operations which may affect the living environment of the residents in the vicinity, notwithstanding any noise and vibration attenuating measures included in the development and individual dwellings(s): CNR/CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”
- “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
- “Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice.”

(b) abutting any open space, woodlot or storm water facility:

- “Purchasers and/or tenants are advised that the adjacent open space, woodlot or storm water management facility may be left in a naturally vegetated condition and receive minimal maintenance.”

(c) abutting a park block:

- “Purchasers and/or tenants are advised that the lot abuts “Headway Park”, and that noise and lighting should be expected from the designed active use of the park.”

(d) abutting a potential transit route:

- “Purchasers and/or tenants are advised that the following streets are currently used as transit routes: Compton Street, Weller Avenue, Wilson Street.

#### 19. Model Homes:

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

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**20. General Conditions:**

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied.
- (b) That the Owner shall pay any and all outstanding application fees to the Planning Services Department, in accordance with the Municipality's Fees and Charges By-Law.
- (c) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area to the requirements of the Zoning By-Law.
- (d) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (e) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.
- (f) **That Prior to Final Plan Approval**, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (g) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.
- (h) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

**21. Clearance Letters:**

- (a) **That Prior to Final Plan Approval**, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) **That Prior to Final Plan Approval**, the City is to be advised in writing by Canada Post the method by which Condition 15 has been satisfied.

**22. Lapsing Provisions:**

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of **five (5) years from the date of issuance of Draft Plan Approval** if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.

- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the *approval authority where there are extenuating circumstances*.

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**Notes To Draft Plan Approval:**

1. It is the Applicant's responsibility to fulfil the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning Services Department of the City of Kingston.
2. The Director of Planning Services shall have the authority to determine whether any exemptions to the Conditions of Draft Approval apply in respect of those portions of the lands owned by The Corporation of the City of Kingston.
3. **Prior to Final Plan Approval**, the Applicant shall submit to the Municipality of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
4. When requesting final approval, such a request must be directed to the Planning Services Department and be accompanied with:
  - Eight (8) mylars and four (4) paper prints of the completed Final M-Plan,
  - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
  - a Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.
5. All measurements in subdivision final plans must be presented in metric units.
6. Hydro One advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER – Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
7. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.