



**City of Kingston  
Report to Planning Committee  
Report Number PC-21-061**

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**To:** Chair and Members of the Planning Committee  
**From:** Paige Agnew, Commissioner, Community Services  
**Resource Staff:** Tim Park, Director, Planning Services  
**Date of Meeting:** October 13, 2021  
**Subject:** Public Meeting Report  
**File Number:** D14-043-2016 and D09-004-2021  
**Address:** City-wide (location in DASH shown as 216 Ontario Street)  
**Application Type:** New City-wide Zoning By-Law and Official Plan Amendment  
**Applicant:** City of Kingston

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**Council Strategic Plan Alignment:**

Theme: 1. Demonstrate leadership on climate action

Goal: 1.5 Develop and promote incentives for residents to reduce their energy use and become part of city-wide solutions to meet Kingston's carbon neutral target.

Theme: 2. Increase housing affordability

Goal: 2.1 Pursue development of all types of housing city-wide through intensification and land use policies.

Goal: 2.2 Build a significant number of new residential units with a range of affordability.

Goal: 2.4 Promote secondary suites and tiny homes.

Theme: 3. Improve walkability, roads and transportation

Goal: 3.2 Enhance public safety through active transportation and a focus on pedestrian access and enforcement.

October 13, 2021

Page 2 of 32

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Goal: 4.2 Foster Innovative arts, culture and social enterprises

**Executive Summary:**

The following is a Public Meeting report to the Planning Committee regarding the City's proposed new City-wide Zoning By-Law (New ZBL) and the associated application for an Official Plan Amendment (OPA) initiated by City of Kingston. The New ZBL and OPA will apply to all lands within the municipal boundaries of the City of Kingston. This report describes the proposed New ZBL and OPA and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive report.

As outlined in [Report Number 20-229](#) and [Report Number PC-21-022](#), staff in Planning Services are in the third and final phase of the new zoning by-law project (New ZBL), with the ultimate goal of bringing a final document for Council's consideration in early 2022. Phase three began in September of 2020 and is being completed primarily in-house by staff in Planning Services, with all text and mapping being completed by Staff. Phase three included non-statutory public meetings on specific topics through a series of four Discussion Papers, including a discussion paper entitled [The Power of Parking: A New Parking Paradigm for Kingston?](#), which was co-authored by consultant Brent Toderian of Toderian Urbanworks.

On August 6, 2021, staff released the second draft of the New ZBL to the public, complete with the [text of the draft by-law](#) and the [by-law maps and schedules](#). On September 2, 2021, the City initiated a proposed [Official Plan Amendment](#) to enable the New ZBL to better implement the intent of the Official Plan policies, to clarify existing provisions, to allow additional residential units and to allow for complementary uses within places of worship. The second draft of the New ZBL includes the draft zoning recommendations of the [Central Kingston Growth Strategy](#) that is ongoing concurrently with the New ZBL project. The CKGS work was recently the subject of a non-statutory public meeting at Planning Committee ([Report PC-21-052](#)). These are just preliminary recommendations and are subject to change pending the remainder of the public engagement on this project and the ultimate decisions of Planning Committee and Council. Any revisions to these recommendations through the CKGS work will be incorporated into the New ZBL.

As indicated on pages 8 and 9 of the [Second Draft Highlights](#) document that was released with the second draft, while this public meeting is intended to allow the public and members of Planning Committee the opportunity to ask questions and provide feedback on any and all elements proposed in the second draft of the New ZBL or the proposed OPA, staff are also specifically seeking feedback on the ultimate approach to Subsection 5.5. and the Exceptions Overlay for the final draft of the New ZBL.

October 13, 2021

Page 3 of 32

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,  
Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

October 13, 2021

Page 4 of 32

**Options/Discussion:**

**Public Meeting Process**

Anyone who attends a Planning Committee Public Meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the proposed by-law and Official Plan amendment.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed or the Official Plan amendment is adopted, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Kingston before the by-law is passed or the Official Plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The Planning Committee will consider a comprehensive report and recommendation from Planning Services, respecting the subject application, at a future meeting. The public is provided an additional opportunity to make oral submissions on the matter at the time the Committee considers the comprehensive report from staff. The Committee will make its recommendation to City Council at the future meeting.

All persons who made oral or written submissions, or have requested notification in writing, will be given written notice of the future meeting(s) of the Planning Committee at which time the subject application will be considered. Anyone wishing to be notified of Council’s decision on the subject application must submit a written request to:

Laura Flaherty, Project Manager  
The Corporation of the City of Kingston  
Planning Services  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 extension 3157  
lflaherty@cityofkingston.ca

**Background – Phase One and Phase Two**

Discussions about the New ZBL project began in 2011, with “Phase One” of the project: a 3-Report Study providing detailed analyses, options and recommendations for various zoning issues and the process and format for preparing a new zoning by-law. The resulting final report was the [Zoning Issues and Strategy Study – Zoning Strategy Report \(December 14, 2012, accepted by Council on February 5, 2013\)](#) and [Appendices](#).

October 13, 2021

Page 5 of 32

“Phase Two” of the New ZBL project began in January 2015, when Council awarded a Contract for the Five Year Update to the Official Plan and the New ZBL project ([Report Number 15-030](#)). Dillon Consulting, in association with Lloyd Phillips & Associates Limited and Andre Scheinman were awarded the contract based on their proposal. At the time, the proposal focused on the consolidation of the five existing zoning by-laws and, where required, updates to the standards to ensure consistency and conformity with the Provincial Policy Statement and Official Plan.

The consulting team lead by Dillon Consulting completed two background reports, Zoning Framework Report (September 30, 2015) and Zoning Standards Report (January 27, 2016), which led to the completion of the [first draft](#) of the New ZBL on October 27, 2016. At the time of the release of the first draft, work on the Official Plan Update was ongoing with the same project consultant.

In response to the first draft of the New ZBL, staff received feedback from the public, internal staff and technical stakeholders identifying a number of “bucket issues”, as described in [Report Number 18-135](#). Work on the New ZBL project was put on hold in early 2017 to allow staff to dedicate the time and resources towards the Official Plan Update as well as the newly directed [Central Kingston Growth Strategy](#) (CKGS) projects, which would also ensure that the anticipated zoning recommendations from the CKGS and updated OP policies could be included in the second draft of the New ZBL. The Official Plan Update came into effect in August of 2017, and all appeals were withdrawn by May of 2019.

### **Background – Phase Three**

In September 2020, staff began work on the third and final phase of the project, which is primarily being completed “in house” by Planning Services staff, including all background research, stakeholder consultation, zoning by-law drafting and its associated mapping. Phase Three includes an expanded scope of work that not only consolidates the existing zoning by-laws, but harmonizes, modernizes and simplifies the New ZBL. This is achieved by continuing to consolidate some standards (in accordance with the Phase Two scope of work) while also tweaking or rethinking various provisions to ensure conformity with the Official Plan. This also allows the City to take advantage of the opportunity presented through the creation of a brand new zoning by-law to create forward-thinking provisions to propel the future growth and development in Kingston in a manner that helps to achieve the City’s strategic priorities and policies.

As part of Phase Three, a series of “Discussion Papers” were the subject of non-statutory public meetings at Special Meetings of Planning Committee, with the intent of allowing focused conversation on some of the major tweak and rethink topics leading up to the release of the second draft of the New ZBL.

- [PC-21-042 – Tiny Houses, Shipping Containers and Additional Residential Units](#);
  - [PC-21-031 – Schools and Places of Worship](#);
  - [PC-21-032 – Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks](#);
- and

October 13, 2021

Page 6 of 32

- [PC-21-040 – The Power of Parking: A New Parking Paradigm for Kingston?](#)

On August 6, 2021, staff in Planning Services released the second draft of the New ZBL to the public. The purpose and effect of the new City-wide Zoning By-Law will be to restrict the use of land and the erection, location and use of buildings within the entire municipality of the City of Kingston. After the by-law is in force, no land shall be used and no building shall be erected, altered or used in any manner except in conformity with the provisions of the by-law.

At the same time, work on the [Central Kingston Growth Strategy](#) (CKGS) resulted in the release of the [final recommendations report prepared by WSP Canada Group Ltd.](#) The zoning recommendations were included in the second draft of the New ZBL. Staff are continuing to seek feedback on these recommendations which may result in future amendments in the fall of this year. Any amendments to these zoning recommendations through the CKGS work will be incorporated in the New ZBL prior to final recommendations being made on the New ZBL project.

On September 2, 2021, the City-initiated a proposed [Official Plan Amendment](#) to enable the New ZBL to better implement the intent of the Official Plan policies, to clarify existing provisions, to allow additional residential units and to allow for complementary uses within places of worship. The proposed amendments relate to: tiny houses and additional residential units; places of worship and schools; protection of riparian corridors and the composition of the Environmental Protection Area designation; on-farm diversified uses and agriculture-related uses; complementary uses within employment areas; and various technical housekeeping amendments that do not affect the intent of existing policies.

### **Proposed Application and Submission**

In support of the second draft of the New ZBL and the proposed OPA, the City has released the following:

- [Second Draft of New ZBL – Text](#);
- [Second Draft of New ZBL – Maps and Schedules](#);
- [Second Draft Highlights](#);
- [Proposed OPA – Draft By-law](#);
- Proposed OPA – Justification;
- Proposed OPA – Expanded Version of Draft By-law with Justifications; and
- Proposed OPA – Tracked Changes Version of Official Plan.

### **Provincial Policy Statement (PPS)**

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the use of land and development in Ontario, supporting the Province's goal to enhance the quality of life for all Ontarians. The intent of the PPS is to provide for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the

October 13, 2021

Page 7 of 32

natural and built environment. The PPS is intended to be complemented by local policies addressing matters of municipal interest, allowing official plans to provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth.

The PPS seeks to support our collective well-being, now and in the future, through well managed land use. It focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. Strong, livable and healthy communities are those that promote and enhance human health and social well-being, while being economically and environmentally sound and resilient to climate change. Land use changes must be managed carefully to ensure efficient development patterns are achieved while accommodating appropriate development to meet the full range of current and future needs and ensuring that significant or sensitive resources, as well as areas that pose a risk to public health and safety, are avoided. The PPS encourages municipalities to permit and facilitate a wide range of housing options, including new development as well as residential intensification.

Efficient development patterns are those that optimize the use of land, resources and public investment in infrastructure and public service facilities. Efficient development patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces and transportation choices that increase the use of active transportation and transit before other modes of travel. Efficient development patterns minimize undesirable effects of development on resources, permit better adaptation and responses to the changing climate and support the long-term financial well-being of the Province and municipalities.

Natural heritage, water, agricultural, mineral, cultural heritage and archaeological resources provide important environmental, economic and social benefits. A key provincial interest is the long term management and wise use of these resources, ensuring that the resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety. The protection of these resources allows the production of food and fibre, minimizes environmental and social impacts, provides for recreational opportunities and meets the Province's long term needs. Strong communities are inextricably linked to a clean and healthy environment and strong economy. Long-term prosperity, human and environmental health and social well-being take precedent over short-term considerations.

The passage of a new City-wide zoning by-law must be consistent with the PPS and must conform with the Official Plan. The PPS states that "zoning... by-laws are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning...by-laws up-to-date with their official plans and this Provincial Policy Statement." At present, the City of Kingston has five main zoning by-laws that are in force in different areas of the City, with four additional remnant zoning by-laws that apply to smaller areas of the City. The five main zoning by-laws include:

1. [City of Kingston By-Law Number 8499](#) (originally enacted in 1974);
2. [Downtown and Harbour Zoning By-Law Number 96-259](#) (originally enacted in 1996);

October 13, 2021

Page 8 of 32

3. [Township of Kingston Zoning By-Law Number 76-26](#) (originally enacted in 1976);
4. [Cataraqui North Zoning By-Law Number 97-102](#) (originally enacted in 1997); and
5. [Township of Pittsburgh Zoning By-Law Number 32-74](#) (originally enacted in 1976).

The existing zoning by-laws are a legacy of the former townships that pre-date the amalgamation of the City of Kingston in 1998. They were enacted in the 1970s and 1990s and are not reflective of Provincial Policy Statement (2020) or the City's current Official Plan, which came into force in 2010, with a five-year update completed in 2017. They are a patchwork of outdated standards, with different standards applied depending what area of the City a property is located in. They do not adequately protect resources, restrict certain types of housing and employment opportunities and do not adequately prioritize appropriate transportation choices or investments in infrastructure in the City.

The New ZBL will create a consistent set of standards that are applied across the entire City, with standards being measured the same no matter what neighbourhood a property is located in. The New ZBL will implement matters of provincial interest identified in the PPS through appropriate, modern day standards to protect natural heritage, water, agricultural, mineral, cultural heritage and archaeological resources. It will update parking and transportation provisions in a manner that prioritizes active transportation and transit over the private automobile. It will assist in the promotion of efficient development patterns by allowing for a range of housing, including affordable housing, employment, recreation and parks to be provided in areas that will optimize the use of land, resources and public investment in infrastructure and public service facilities.

A detailed evaluation of the New ZBL and the proposed OPA against the applicable policies of the Provincial Policy Statement will be included in a future comprehensive report.

### **Official Plan Considerations**

The PPS states that official plans are the most important vehicle for implementation of the Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans are required to identify matters of provincial interest and set out appropriate land use designations and policies.

The City of Kingston Official Plan sets out land use planning policies to manage and direct physical land use changes while protecting natural and cultural heritage, managing resources and necessary supporting infrastructure. The Official Plan is intended to guide development in Kingston until 2036, with a municipal comprehensive review every five years in accordance with the Province's requirements in the *Planning Act*. After the New ZBL is enacted, it is expected that future updates to the Official Plan will be complemented by proposed amendments to the New ZBL to ensure that the zoning provisions are continuously updated as policies are amended.



October 13, 2021

Page 9 of 32

The Official Plan includes a high level strategic policy direction in Section 2 to outline key planning principles and strategic directions that apply to all land use designations in the City. Sustainable development, climate change resiliency, principals and phasing of growth, phasing of municipal infrastructure and transportation, the protection of stable areas, land use compatibility principles, economic development and the protection of resources are the fundamental, underlying philosophies covered by the policies of Section 2. The fundamental structure of the City is shown on Schedule 2, the City Structure map, which organizes the City's fundamental physical structure with an intent to address the underlying philosophy and high level organization of future development in general areas of the City.

Section 3 of the Official Plan arranges geographic areas of the City into specific land use designations with written policies connected to Schedule 3, the Land Use map. The land use designations are the backbone of the Official Plan that regulate the character and intended function of each area, along with types of land uses that are permitted. The land use designations include various residential, commercial, institutional, employment, open space, waterfront, environmental protection, prime agricultural, rural and mineral resource areas. Section 3 also includes site specific policies that include detailed direction for individual properties in the City.

Section 4, Infrastructure & Transportation, includes policies about water, sewage, stormwater management, on-site services, utilities, transportation and the management of solid waste. The policies seek to provide infrastructure in an orderly, environmentally sound and fiscally prudent manner. They recognize that reliable and safe services are required to sustain the long-term land uses and development that are planned for the City. The transportation policies seek to increase sustainable means of travel and reduce the reliance on the automobile through policies that promote compact forms of development with mixes of uses and increased densities reducing the need for travel and supporting public transit.

The protection of health and safety is a focus of Section 5, with policies focused on the proper management of natural and human-made hazards in a manner that protects human life and health while avoiding adverse effects on living areas and sensitive uses. The policies seek to avoid, minimize and buffer sources of pollution so that the quality of life of residents will be improved and sustained over the long-term. Specific policies related to natural hazards include flooding, wave uprush, unstable slopes, steep slopes, wildland fires and karst topography. Human made hazards such as climate change, contaminated sites, landfills and former pits or quarries are identified, along with sources of adverse effects such as noise, odour, vibration, air pollution and water pollution. The policies seek to protect the quality and quantity of source water that is used to supply drinking water by mitigating or eliminating threats.

Section 6 establishes the City's main environmental policies through the identification of the natural heritage system as one that is important for natural features, their ecological function, the protection of animal and plant habitats, and the conservation of natural resources such as water. The policies seek to protect and encourage the stewardship and restoration of the natural heritage system by directing development away from natural heritage features and areas including areas of natural and scientific interest (ANSIs), fish habitat, provincially significant

October 13, 2021

Page 10 of 32

wetlands, significant coastal wetlands and locally significant wetlands, rivers, streams and inland lake systems and riparian corridors. Development is not permitted within habitats of endangered or threatened species. Development of lands adjacent to these natural heritage features is not permitted unless it has been demonstrated that there will be no negative impacts on the features or their ecological functions. Policies seek to protect trees, woodlands, valleylands, wildlife habitat and unevaluated wetlands, including linkages and corridors. Policies related to energy conservation and production acknowledge that the need has never been greater to conserve energy and to use it wisely and efficiently, and to find more sustainable means of producing energy. The City of Kingston wants to be a leader in energy conservation, efficiency and sustainable energy production to minimize greenhouse gas emissions.

The cultural heritage and archaeology policies of Section 7 aim to conserve and protect built heritage resources, protected heritage properties and cultural heritage landscapes. Detailed policies are provided for the Rideau Canal UNESCO World Heritage Site and its adjacent lands, in addition to policies related to designated Heritage Conservation Districts, identified heritage character areas and archaeological resource conservation. The promotion of the City as a centre for arts and culture is a goal of this Section through the inclusion of spaces, facilities and services that can generate and sustain cultural vitality. Public art, museums, collections and other intangible cultural heritage resources are also supported by the policies.

Section 8 establishes policies that are intended to contribute to the sense of place through fundamental urban design considerations that help to shape the relationship between buildings, landscape elements and streetscape features. Urban design principles have both aesthetic and functional elements, with an important role in helping to achieve compatibility between new development and surrounding properties. Specific policy areas and secondary plans are found in Section 10 of the Official Plan and are the detailed policies for specific areas of the City that result from major policy projects.

Overall, the Official Plan manages future growth with high level policies that are structured to be prudent and responsive to changing conditions. At the same time, there are fundamental objectives and matters of Provincial interest that are not expected or intended to change. These high level policies are meant to be implemented through other, more specific municipal by-laws, such as a zoning by-law. Zoning by-laws must conform with the policies of the Official Plan.

The creation of a new City-wide zoning by-law provides the City with an opportunity to create modern and forward-thinking zoning provisions that implement the policies of the Official Plan. The second draft of the New ZBL has been amended in a number of areas to bring the zoning provisions into conformity with the general vision of the Official Plan and the specific requirements that are articulated in many areas of the City. It is important to note that, due to the high level nature of the Official Plan policies, there is more than one way for a zoning by-law to conform with the policies. On any given property, the standards proposed in the second draft of the new zoning by-law represent one of the ways to implement the Official Plan.

The second draft of the new zoning by-law contains modernized parking and intensification provisions that will further strategic priorities related to climate action, housing affordability and

October 13, 2021

Page 11 of 32

smart growth and updated natural resource provisions that will better protect the natural environment in a consistent and appropriate manner across the City. The second draft will assist in the conservation of cultural heritage resources, will provide opportunities for a range of housing to be provided, allows for appropriate commercial businesses to thrive and will ensure employment lands are protected and used in a manner that achieves the vision of the Official Plan. Human and natural hazards are considered with appropriate standards to protect against known hazards. A detailed evaluation of the New ZBL against the applicable policies will be included in a future comprehensive report.

Finally, the ultimate passage of the new City-wide zoning by-law is not intended to prevent future rezoning applications from being submitted or considered on a site-specific basis, as there may be more than one way to conform with the Official Plan depending on the unique property features and the development potential planned by the policies of the Official Plan. While the *Planning Act* does contain a two year moratorium on the submission of rezoning applications following the passage of a City-wide zoning by-law, Council will have an opportunity to declare by resolution that rezoning applications are permitted (specific applications, classes of applications or all applications in general). The future comprehensive report will include options for Council's consideration related to this moratorium.

### **Second Draft of Proposed City-wide Zoning By-Law**

There are many changes that have been made since the first draft was released in October of 2016. This report includes some of the highlights of the changes, identifying areas where the second draft has tweaked some provisions and done a rethink of other provisions in an effort to ensure the new City-wide Zoning By-Law is harmonized with current Official Plan policies and is as simple and modern as possible.

At a high level, the second draft of the New ZBL has been updated to provide a cleaner, more modern look and in a manner that aims to provide a more accessible framework for all users with less legal jargon. The word "shall" has been removed from the language and replaced with clearer requirements that are written in plain language. The second draft of the document has been revised throughout by updating the layout and format of the zoning provision tables for consistency and to remove unnecessary legal jargon wherever possible. Some of the sections have been reordered in an attempt to provide clarity and a better flowing document, resulting in changes to section numbers from the first draft to the second draft. All section references in this report are based on the second draft of the New ZBL. The second draft of the New ZBL is included in Exhibit A.

A detailed evaluation of the proposed New ZBL against the applicable policies of the Provincial Policy Statement and the Official Plan will be included in a future comprehensive report. The following summary provides a highlight of some of the revisions included in the second draft:

#### **Rethinking Residential Uses**

The first draft of the new zoning by-law included a number of "special" residential use provisions, including community home, community support house, rooming house, bed

October 13, 2021

Page 12 of 32

and breakfast, residential care facility, housing crisis shelters and recovery homes. These special residential use provisions aligned with the policies of the Official Plan that were in effect at the time. However, since then, the Official Plan has been revised through the Five-Year Official Plan Update, which came into force on August 29, 2017, removing a number of these distinctions.

The second draft has been amended to remove most distinctions between different types of residential units and living arrangements, aligning with the Five-Year Official Plan Update, with the intent of ensuring the residential permissions are inclusive and focused on equitable housing opportunities for all residents. The framework is intended to focus the City's zoning rules on the fundamental land use impacts and remove distinctions between different living arrangements in an attempt to accommodate all residents and all housing needs in the community. Rather than creating a zoning framework focused on the type and term of lease or rental agreement or ownership agreement, the zoning by-law is instead focused on the residential use of the property and the built form of the residential building.

The framework provided in the second draft does not speak to the length of time someone may be staying in a dwelling unit, whether it is a short-term stay or a long-term stay. It does not include language focused on the people who live in the unit, whether they are considered to be a "household" or a "family", and it does not stipulate anything related to the situation that caused them to reside in the building. The zoning by-law includes a definition of "dwelling unit" that is intended to replace all of the former residential uses with one comprehensive and inclusive definition, in an effort to ensure that the zoning by-law does not exclude certain types of residential uses in residential areas. The only distinctions that remain in the second draft align with the Official Plan policy distinctions related to "group homes" and "special needs facilities". Group homes are defined as being considered a dwelling unit in the second draft, and special needs facilities are permitted in institutional, hamlet institutional, hamlet commercial and appropriate commercial zones, aligning with the criteria established for these uses in the Official Plan.

On June 1, 2021, the City's [Short-term Rental Licensing By-Law Number 2021-10](#) (the "STR By-law") came into force and implements the bed and breakfast policies of the Official Plan. The Official Plan also includes specific provisions for rooming and boarding houses, which are regulated through the lodging house requirements of the [By-Law to License, Regulate and Govern Certain Businesses \(By-Law Number 2006-213\)](#) and the Ontario Building Code.

Finally, a new definition of a co-living unit has been added in the second draft for public feedback, in accordance with the recommendations of the [Mayor's Task Force on Housing](#), with corresponding Specific Use Provisions in Section 6. The proposed approach in the second draft is to allow for co-living units to be permitted where apartment buildings are permitted. This will allow for added flexibility for the layout and design of units within an apartment building and would allow for the creation of a new form of housing in Kingston that may result in lower rents in a manner that aligns with the Mayor's Task Force on

October 13, 2021

Page 13 of 32

Housing recommendation to “welcome co-living buildings where apartments share common areas and rental costs per unit are lowered”.

### **Subsection 1.5. Repeal of Existing By-Laws**

The second draft has added clauses to aid in the interpretation of former general zoning by-laws for legacy exceptions and minor variances. It is important that interpretation provisions are as clear and directive as possible in order to ensure a smooth transition from the existing zoning by-laws to the new zoning by-law.

### **Subsection 1.8. Non-Conformity and Non-Compliance**

The arrangement of the non-conformity and non-compliance subsection has been amended to align with the permissions granted by Section 34(9) of the *Planning Act*. The intent of this amended section is to provide equal permissions for legal non-conforming uses and legal non-complying buildings as those granted by the *Planning Act* with additional permissions provided specifically for legal non-complying buildings, which allows further development to occur as-of-right if it does not further increase the extent of non-conformity and if it complies with all applicable provisions of the zoning by-law.

### **Clause 2.1.8. Intent and Rules of Interpretation**

A new section has been added to identify the hierarchy of provisions to be complied with. The zoning by-law has been created in a manner that includes various maps, schedules and text. This section is important for interpretation to ensure the rules are as clear as possible.

### **Clause 3.2.14. Definition of Building**

The definition of structure has been removed from the second draft and has been incorporated into the definition of building. Everything that is regulated by the second draft is either considered to be a use or a building. The intent of this change is to provide a clearer direction for future interpretations. In the past, there has been much confusion about whether something is considered a structure or a building, with no value added as the zoning by-laws have the same standards applied to both structures and buildings. The amendments remove the uncertainty and remove unnecessary language for a more user-friendly experience with a much clearer intent about the zoning provisions.

### **Clauses 3.8.2. and 3.6.9. Definition of Height and Flat Roof**

The definition of height has been revised to provide clearer parameters related to different roof typologies. Rather than defining different types of roof lines, the focus of the definition in the second draft is whether the roof is flat or sloped. This approach allows for different architectural designs and provides a framework that better aligns the intent of the zoning by-law with the ultimate built form of a residential building. In the second draft, for

October 13, 2021

Page 14 of 32

accessory buildings, mixed-use buildings and non-residential buildings, height is measured to the highest point of the building.

A new definition of flat roof has been included in the second draft specifying that, where at least 50 percent of the roof area has a slope of 10 percent or less, the roof is considered to be flat. For residential buildings with a flat roof, building height is measured to the highest point of the building. For residential buildings with a sloped roof, building height is measured at the mid-point between the eaves and the highest point of the building.

Clarification has been added to the definition of height for steep slopes to better align with the Ontario Building Code. This clarification will help to ensure that the permitted building height is not artificially increased by modifying the roof line in a manner that doesn't meet the intent of the zoning by-law.

### **Clause 3.6.7. Finished Grade**

The definition of finished grade has been revised to ensure the provision can be easily implemented in the review and submission of building permit plans, while maintaining the original intent of the definition from the first draft. The first draft required that an infinite number of points around the perimeter of a building be used to calculate an average in order to determine the grade level, while the second draft proposes to use 4 points that represent the outermost corners of a building in order to calculate the average of the finished grade.

### **Clause 3.23.8. Definition of Waterbody**

The definition of 'waterbody' has been replaced. An updated definition was formulated through the [Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks](#) to better communicate what is to be regulated through the waterbody setback and what is not to be regulated.

### **Subsection 4.1. Accessory Uses and Buildings**

The layout of the accessory uses and buildings section has been amended for clarity, to better identify provisions that apply to all accessory uses and buildings, versus those which apply specifically to accessory uses and buildings associated with residential uses.

### **Subsection 4.3. Amenity Area**

A new clause has been added to recognize the different residential amenity area provisions that apply in the downtown zones and the main street commercial zones. The provisions have also been revised to apply to lots with 3 or more dwelling units. This has been added to reflect the existing standards that apply to these specific areas and apply to the same classes of buildings that amenity area requirements currently apply to.

October 13, 2021

Page 15 of 32

**Subsection 4.6. Sight Triangles**

The content of the sight triangles section has not been amended since the first draft of the new zoning by-law was published in October of 2016. This information is continuing to be reviewed by technical staff to ensure that the standard appropriately aligns with the goals of the Active Transportation Master Plan and the Road Safety Plan. While no amendments have been included in the second draft, further refinements and amendments may be proposed in the future final draft.

**Subsection 4.7. Drive Through Provisions**

The layout of the drive-through provisions section has been amended for clarity and to better align with the language of the planting strip provisions.

**Subsection 4.9. Generally Permitted Uses**

The layout of the generally permitted uses subsection has been amended for clarity.

**Subsection 4.12. Items Exempt from this By-Law**

A new section has been added to the second draft to provide specific direction about components that are not intended to be regulated by the zoning by-law. Historically, staff have faced challenges with the language of the existing zoning by-laws being very broad and reaching into matters that are beyond what is intended to be regulated in the zoning by-law. Many of these components are regulated through other means (i.e., the Fence By-Law or the Sign By-Law) or are features where there are no intended requirements from a zoning perspective.

**Subsection 4.13. Building Components Exempt from Specific Provisions**

A new section has been added for clarity around components of buildings that are located wholly below grade or buildings that are located on specific lands such as public parks. The existing zoning by-laws do not provide clear direction about building components that are located wholly below grade, and whether setbacks from property lines or setbacks from waterbodies apply, and whether these components should be included in different calculations on a property.

**Subsections 4.14. and 4.15. Temporary Uses and Occasional Uses**

The layout and provisions of the temporary use and occasional use subsections have been amended in the second draft for clarity. New occasional use provisions have been added for trade shows, specific day retail sales and public markets to reflect experiences with these uses and the provisions of the existing zoning by-laws. Provisions that specifically permitted temporary uses in other sections of the first draft have been moved into this subsection in the second draft.

October 13, 2021

Page 16 of 32

**Subsection 4.16. Planting Strip Provisions for Non-Residential uses**

This subsection has been amended in the second draft for clarity. The language of the first draft was confusing and difficult to understand. This has been amended for clarity and to assist in providing a more user-friendly zoning by-law.

**Clause 4.17.5. Lot Creation Surplus to Farming**

New provisions have been added in the MDS section related to lot creation that is surplus to farming. This is consistent with the OP policies and the PPS.

**Subsection 4.18. Projections Above Maximum Height**

This section has been amended in the second draft for clarity. Amended provisions for mechanical penthouses, green roofs and other roof structures are aligned with the approach taken in the recent update to the Williamsville Main Street Study.

**Subsection 4.19. Projections into Required Setbacks**

This section has been amended for clarity. Clause 4.19.3. has been revised into table format to assist with interpretation.

**Subsection 4.20. Decks, Porches and Balconies for Residential Uses**

Provisions for decks, porches and balconies have been moved from the Projections into Required Setbacks subsection into their own subsection of the General Provisions. Within this new subsection, balconies have been given specific provisions that better align with the way a balcony is designed by measuring a balcony based on its projection from the main wall, its setback from a lot line and the length of the balcony relative to the main wall.

The provisions that apply to decks and porches have been clarified to remove the maximum projection and replace it with a maximum area calculated based on the lot area. The intent of the revisions is to provide a clearer set of requirements that are connected to the size of the lot on which they are located, rather than treating every lot equally regardless of the lot area. This is consistent with the approach to the size of principal buildings and accessory buildings, which are calculated based on the lot area and is meant to bring the deck and porch provisions into better alignment with the remainder of the standards that apply on a lot.

**Subsection 4.22. Setbacks from Railway Rights-of-Way and Rail Yards**

The second draft has been amended to include comprehensive setback requirements, fencing requirements, and noise/safety berm requirements from railway rights-of-way and separation distances to rail yards in accordance with the railway proximity criteria established by CN Rail. The provisions better address the safety and well-being of future



October 13, 2021

Page 17 of 32

occupants in proximity to railway activities and are intended to protect the future viability of the railway corridors.

**Subsection 4.23. Setbacks from Waterbodies**

This subsection has been amended for consistency with the language in the Official Plan and as part of the work completed in conjunction with the [Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks](#).

**Subsection 4.24. Setbacks from Natural Gas Pipelines**

The second draft has been amended to include comprehensive setback requirements for various types of buildings and other features from natural gas pipelines in accordance with policy 5.30. of the Official Plan and the requirements of TransCanada Pipelines. The provisions better address the safety and well-being of future occupants in proximity to natural gas pipelines and are intended to ensure adequate access for emergencies, operations and maintenance.

**Subsection 4.27. Walkways for All Residential Uses**

The existing zoning by-laws do not contain provisions requiring walkways from the front lot line to the principal exterior entrance of a principal dwelling unit, however, walkways are required for second residential units. A new section has been added requiring a walkway to be provided for all residential dwelling units, including principal and additional residential units.

The second residential unit provisions introduced the requirement to provide a walkway in the existing zoning by-laws in 2019 to ensure that all second residential units have a functional and accessible pedestrian entrance, a designated pathway for emergency services personnel and are designed in a manner that recognizes the importance of safety principles (CPTED - Crime Prevention Through Environmental Design). The walkway requirements align with urban design and active transportation policies of the Official Plan.

This is a requirement that should not just apply to second residential units, but to all residential units in the City. Ensuring the functionality, safety and accessibility of all residential units is of fundamental importance and is an appropriate new standard to apply to new or intensified residential development.

**Subsection 4.28. Maximum Number of Bedrooms**

Amendments to the existing zoning by-laws were passed by Council in 2021 as detailed in [Report Number PC-21-026](#) to establish limitations on the number of bedrooms within residential zones to limit activity and occupancy levels in lower density residential buildings. A new subsection has been added to the second draft reflecting these amendments.

October 13, 2021

Page 18 of 32

**Subsection 5.1. Floodplain Overlay**

The floodplain overlay has been updated to distinguish between the floodplain and the wave uprush area, in consultation with the Cataraqui Region Conservation Authority. The area subject to the wave uprush area is subject to an additional provision which recognizes existing uses and their ability to expand legal non-complying buildings in connection with these permitted uses.

**Subsection 5.4. Additional Residential Units Overlay**

The former second residential units overlay has been replaced with the additional residential units overlay to recognize the change in provincial legislation. The additional residential unit provisions were the subject of a public meeting at Planning Committee, as detailed in the [Discussion Paper about Tiny Houses, Shipping Containers and Additional Residential Units](#).

**Subsection 5.5. Exception Overlay**

The site-specific exceptions have been removed from the zoning maps (previously identified on the zoning maps with a number contained within square brackets) into a standalone overlay, enabled by Section 5.5. Within this Exception Overlay, two different categories of exceptions are intended to be created:

1. Legacy Exceptions (Corresponding with Section 23) – these are the existing site-specific exceptions that were passed under the existing zoning by-laws.
2. Exceptions (Corresponding with Section 24) – these will be the new exceptions that are passed under the new Kingston Zoning By-law after it is passed by Council.

In the first draft, all existing site-specific exceptions were identified as being carried forward. In the second draft, staff have identified potential Official Plan conformity issues with this approach for older exceptions that were passed prior to the date the current Official Plan came into force on January 27, 2010. The City cannot pass a zoning by-law that does not conform to the current Official Plan. As such, existing site-specific exceptions that do not conform to the Official Plan cannot be carried forward into the new Kingston Zoning By-Law.

Staff have not made a determination on the appropriate approach to dealing with the older exceptions at this time and have prepared the second draft in a manner to properly facilitate this conversation with the public and all members of Council through consultation on the second draft. Schedule 5, the Exception Overlay, currently identifies three categories of exceptions:

1. “Passed Before Current OP or Does Not Conform with Current OP” (shown in red)

October 13, 2021

Page 19 of 32

These are the existing site-specific exceptions that were passed prior to the date the current Official Plan came into force on January 27, 2010. These exceptions may or may not conform with the current, in force Official Plan policies. This category also includes 8 exceptions that were passed between January 27, 2010 and the date that the Official Plan Update amendments came into force on August 29, 2017, where amendments in the Official Plan Update mean that these exceptions may no longer conform with the current, in force policies of the Official Plan.

2. “Legacy Exception that Conforms with Current OP” (shown in green)

These are the existing site-specific exceptions that were passed after the date that the current Official Plan came into force on January 27, 2010 (excluding the 8 exceptions referred to above). This category also includes 31 exceptions that were passed prior to the date the current Official Plan came into force, where the exceptions have corresponding site-specific Official Plan policies that align with the site specific zoning exception. The intent is to bring the text of these exceptions into Section 23 (Legacy Exceptions), with proper modifications to align the exception references with the new Kingston Zoning By-law exception number, and identify them on the Exception Overlay map.

3. “New Exception to Conform with Current OP” (shown in blue)

There is 1 new exception that is proposed to be created in the new Kingston Zoning By-Law in order to align with a site-specific Official Plan policy. The intent is to bring this exception into Section 24 (Exceptions) and identify it on the Exception Overlay map.

Staff are seeking feedback on the appropriate approach to the exceptions that fall into Category 1 (“Passed Before Current OP or Does Not Conform with Current OP”). Staff will also be seeking feedback from the Mayor and all members of Council on this same topic at a Special Meeting of Council this fall. Right now, there are two potential approaches that have been identified for these exceptions:

1. Remove these properties from the new Kingston Zoning By-Law, giving these properties a “hole” on all of the relevant mapping which states that these properties are not subject to the new Kingston Zoning By-Law. This approach would also require that the existing zoning by-laws are not repealed in their entirety and that the existing zoning by-laws will continue to apply to these properties. If this approach is taken, the intent would be that amendments are made to the new Kingston Zoning By-Law to eventually bring all properties into the new Kingston Zoning By-Law.
2. Allow for the legal non-conforming use provisions of the *Planning Act* and the corresponding provisions in Section 1.8. of the new Kingston Zoning By-law to apply to these properties, without recognizing the existing exceptions.

October 13, 2021

Page 20 of 32

Note: Some exceptions that fall into Category 1 are area-wide exceptions in employment areas or neighbourhood wide exceptions in certain residential zones. Staff are continuing to explore the appropriate approach to exceptions that fit into this category. Staff look forward to receiving feedback from the public, the Mayor and members of Council on this topic.

### **Subsection 6.1. Tiny Houses**

Garden suites have been renamed as Tiny Houses and the subsection has been amended to be consistent with the provisions of the additional residential units overlay, while recognizing that the *Planning Act* requires any garden suite to be permitted through a Temporary Zoning By-Law.

The proposed provisions were the subject of a public meeting at Planning Committee, as detailed in the [Discussion Paper about Tiny Houses, Shipping Containers and Additional Residential Units](#). As a result of feedback received at that public meeting and in response to the discussion paper, the proposed definition of “building” has been amended to include tiny houses, when they have been permanently placed on the ground by removing the wheels and connected to permanent services, so that they are no longer considered a temporary, portable tiny house, and would be subject to the requirements that apply to permanent, detached additional residential units.

### **Subsection 6.3. Home Offices and Home Occupations**

A new definition of home office has been added to distinguish home offices from home occupations, as a reflection of the recent proliferation of work from home and remote-working arrangements during the COVID-19 pandemic. Home offices are permitted in any dwelling unit.

The home occupation provisions have been amended to replace the floor area restriction of 25% with a restriction ensuring that the floor area dedicated to the home occupation is less than the floor area of the dwelling unit. This will continue to ensure that home occupations are accessory to the principal dwelling unit on a lot but provides added flexibility for home occupations that require additional floor area without any added adverse land use impacts.

Restrictions related to the type of goods for sale on a property have been removed in recognition that many home occupations, such as hair salons, offer complementary products with services they provide. This also recognizes that many home businesses that produce craft products or other similar products may provide a value-added product on top of a product that was purchased outside of the home. There are also e-commerce-based home businesses where products may be purchased and sold without any customers physically attending the business to complete a purchase. From a city-wide zoning by-law perspective, the second draft focuses on the scale of the use relative to the principal dwelling unit and provides added flexibility to those who are looking to establish a small-scale home occupation in their homes. Aligning with the proposed permissions for

October 13, 2021

Page 21 of 32

additional residential units and tiny houses, the home occupation provisions allow for detached accessory buildings to be used for the home occupations.

#### **Subsection 6.4. Kennels**

The kennel provisions from the first draft were based on the recommendations of Dillon Consulting in the Zoning Framework Report. The definition of kennel in the first draft was based on the definition in the existing Township of Kingston Zoning By-Law 76-26, with slight modifications. The Zoning Framework Report did not provide specific rationale for the kennel provisions that were recommended to be included in the first draft. Upon our review of the best practices of other municipalities, it appears that the recommended standards were based on the standards in the Ottawa zoning by-law, which were by far the most restrictive provisions out of the zoning by-laws reviewed in our best practices study.

Staff undertook a review of the best practices of other municipalities in Ontario. Of the 37 zoning by-laws that were reviewed, 32 by-laws had references to kennels in some capacity. About half of those by-laws included a specific definition but did not specifically permit kennels in any zones, did not have specific provisions for kennels and rather, only permitted kennels in site-specific scenarios or specifically excluded them from being considered a home occupation. 14 of the 32 zoning by-laws included specific performance standards where kennels were permitted in general zone categories.

Of the 14 by-laws that included specific provisions, the majority included a general separation distance from a dwelling unit on a neighbouring lot (ranging between 60 and 300 metres). Additional performance standards such as lot area, lot frontage, setbacks and lot coverage were employed in various capacities with no clear best practice employed by other municipalities.

The revised definition of kennel in the second draft more closely aligns with the definitions of other municipalities and has been edited for clarity. The kennel provisions have been amended in the second draft to remove the distinction between different size kennels and provide standards that are more reflective of the general rural provisions provided elsewhere in the second draft, with a specific setback provision to neighbouring residential dwellings, which aligns with the approach taken by a number of other municipalities in Ontario. The amendments rely on the underlying zone categories to establish the appropriate lot areas, frontages, lot coverage and setbacks from lot lines.

#### **Subsection 6.7. Outdoor Patios**

The specific use provisions for outdoor patios have been updated to remove requirements that are outside of the scope of a zoning by-law (such as permitted occupancy loads) and have been revised for clarity and to better align with Staff's experience processing applications for outdoor patios. The provisions are intended to strike a balance between minimizing the potential for adverse impacts on neighbouring properties while providing flexibility for commercial and hospitality uses to establish outdoor patios.

October 13, 2021

Page 22 of 32

**Subsection 6.12. Backyard Hen Coops and Pigeon Lofts**

The amendments proposed to the Animal By-Law include specific provisions related to backyard hen coops, backyard hen runs and pigeon lofts. New sections have been added to the second draft for consistency between the Animal By-law and the second draft, including setbacks, separation distances, height and floor area provisions. This also ensures that the standards applicable to backyard hen coops and pigeon lofts are appropriate and properly mitigate adverse land use impacts.

**Subsections 6.14. and 6.15. Places of Worship and Schools**

New complementary uses are proposed to be permitted as of right in places of worship, with new subsection 6.14. permitting a range of educational, community, social and commercial uses to occupy floor area that is developed for the place of worship. The second draft of the New ZBL has removed the funding distinction from the definitions of elementary school and secondary school, treating public and private elementary schools the same and public and private secondary schools the same. Additional clarifications have been included in subsection 6.15. allowing portables to be permitted on school properties as long as they comply with provisions that apply to the main building and ensuring that combined elementary and secondary schools are properly accounted for in the New ZBL.

The changes to the places of worship and school provisions were the subject of a public meeting, as outlined in the [Discussion Paper about Schools and Places of Worship](#).

**Section 7. Parking, Loading and Bike Parking Provisions**

The first draft of the new zoning by-law did not include the proposed parking, loading and bicycle parking provisions. The second draft includes these provisions in Section 7, which are largely a reflection of work that was completed as part of the Discussion Paper entitled "[The Power of Parking: A New Parking Paradigm for Kingston?](#)", which was the subject of stakeholder engagement events and a public meeting at Planning Committee in June 2021.

The second draft includes various reconsiderations from the "Initially Favoured Options" outlined in "the Power of Parking". It is Planning Staff's intention to provide further detail of the various reconsiderations in a more comprehensive staff report. That report would include additional details on why such reconsiderations have been made following stakeholder and public engagement and further staff consideration, and ultimately, how the revisions are felt to best reflect Staff's interpretation of the various public interest issues and opportunities involved with this complex and creative work.

In the meantime, the following summary list outlines the reconsiderations in the second draft. This list is intended to help readers of the second draft who have read "the Power of Parking" easily identify where changes in thinking have occurred since its release:

October 13, 2021

Page 23 of 32

**Parking Minimums for Heritage and Affordable Housing:** For additional clarity, the only proposed buildings that would truly have no minimum parking requirement at all, are heritage buildings. Although affordable housing projects would have no general parking requirement, they would have both an accessible parking requirement and a visitor parking requirement. Although heritage buildings would not be required to build accessible parking if they choose to build no parking at all, if they choose to build some parking, they will have to provide accessible parking based on the required ratio first.

**Parking Minimums and Incentives/Cash-In-Lieu:** If a proposal wishes to further reduce the minimum parking beyond the reduced minimum ratios, the reconsidered approach no longer proposes incentives for car-share, bike facilities etc. The intentions of the previously proposed incentives are now proposed to be addressed through regulations (discussed below). The reconsidered approach would see the retention of an updated cash-in-lieu of parking by-law that would allow further reduction beyond the reduced minimums (potentially to as low as zero general parking), with funds being used primarily to support the establishment of a successful car-share system, and potentially other enhancements to alternatives to car use and ownership. Such funds will not be used to provide additional off-site parking. The current amounts collected via cash-in-lieu will be updated/increased to better reflect a strategic portion of the cost of parking construction.

**Car-share Parking Space Regulations:** Rather than seeking to use reductions in parking minimums as an incentive for car-share spaces, a requirement that 5% of the total number of parking spaces for multi-unit residential buildings be established as car-share spaces is now proposed (heritage and affordable housing projects are excluded). This requirement will be combined with the newly proposed incentive connected to the parking maximum (discussed below). The By-law will also allow all car-share spaces to be used temporarily as additional visitor parking if car-share service is not available in the city, or if car-share service capacity does not currently exist to include the building in question.

**Parking Requirements Along Transit Corridors:** In the areas of the City referred to as PA3 and PA4 (essentially public transit corridors), the distances to the corridors have been changed from 400 metres to 600 metres to match the definition of walking distance in the Official Plan. Further, to better reflect the reality of the way people actually travel from home to public transit routes via alternatives to motor vehicles, that distance is now shown in the schedule via available public walking connections rather than “as the crow flies.” The second draft also includes a provision where, if an applicant can establish to the City’s satisfaction that any part of a property is within a real 600 metre walk (even if it is not shown on the map), a proposal can take advantage of the reduced parking requirement. This allowance is expected to represent an incentive for property owners to improve more direct walkable connections to public transit routes where they may currently not exist and also reflects the fact that this map is being established at a specific moment in time and public pathways are continuously being expanded.

**Parking Maximums:** The proposed maximum ratio for multi-unit residential in PA3, PA4 and PA5 has been reduced from 1.5 to 1.0 spaces per dwelling unit in the second draft. In

October 13, 2021

Page 24 of 32

PA1 and PA2, the maximum ratio remains at 1.0 spaces per dwelling unit. However, a new incentive has been included in the second draft that would allow the maximums to increase.

In PA1 and PA2, applicants are allowed to increase parking to as high as 1.25 spaces per dwelling unit, in return for constructing all additional parking spaces beyond 1.0 ratio to be “Electric Vehicle Ready” (as defined in the By-Law) AND if one additional car-share space (beyond those required in the newly proposed regulation discussed previously) is provided for every 4 general parking spaces above the 1.0 ratio. Similarly, for areas PA3, PA4 and PA5, applicants may be allowed to increase parking beyond 1.0 to as high as 1.5 spaces per dwelling unit, in return for the same Electric Vehicle Ready and car-share expectations noted above.

**Parking for Compact Vehicles:** In multi-unit residential projects, up to 10% of the general and visitor parking spaces (not including the accessible or car-share spaces), may be sized for compact vehicles, with 2.4 metre by 4.8 metre dimensions initially proposed.

**Enhanced Bike Parking Spaces:** The second draft proposes an increase in the percentage of larger bike spaces (cargo bikes, carriers, trailers, accessible bikes, etc.) from 5% to 10%. Further, 10% of provided bike parking spaces must have an electric outlet for e-bike plug-ins, and all bike lockers provided must have outlets for e-bike plug-ins. 50% of short-term bike parking spaces must be weather protected. Maintenance area space of sufficient size to accommodate repair and maintenance of bikes must be provided in projects where there are more than 25 long-term bike parking spaces required, with such space provided within the long-term bike parking area.

### **Subsection 8.1. Permitted Uses in Prime Agricultural Zones**

In accordance with the Provincial Policy Statement and the Official Plan, new residential uses in the prime agricultural zone have been limited as accessory uses to principal agricultural uses. Existing residential uses have been recognized as legal principal uses.

### **Sections 11. and 12. Urban Residential Zones**

The number of residential zones has increased as a result of the recommendations of the Central Kingston Growth Strategy (CKGS). This has resulted in the creation of two different categories of residential zones: Urban Residential Zones (UR) and Urban Multi-Residential Zones (URM) in Sections 11 and 12. The Reddendale area has been placed in its own zone to recognize the zoning by-law amendment for this area approved by Council on October 1, 2019.

The additional residential zones are more reflective of the character of specific neighbourhoods and allow for intensification areas to be given URM zoning in a manner that best aligns with the intended intensification in the area.



October 13, 2021

Page 25 of 32

### **Section 13. Heritage Zones**

Three heritage zones have been created to align with the Heritage Conservation Districts: HCD1 Zone – Village of Barriefield, HCD2 Zone – Market Square, HCD3 Zone – Old Sydenham.

The creation of three new zones specifically catered to the heritage conservation districts in the City allows for the creation of unique zoning standards that are better reflective of the heritage conservation policies that apply to these areas. The zone standards have been drafted in a manner that aligns with the policies of the applicable Heritage Conservation District plan and is reflective of the existing and planned built form in the areas.

### **Section 15. Commercial Zones**

The Mainstreet Commercial zone has been split into 2 subzones to align with the recommendations of the Addendum to the Williamsville Main Street Study. The updated Mainstreet Commercial zones align with the recommendations of the recently adopted amendments to the existing zoning by-laws through the Addendum to the Williamsville Main Street Study.

Additional changes to the names and zone nomenclature for commercial zones have been made in the second draft for better alignment with language of the Official Plan and the recommendations of the [Commercial Land Review](#). Finally, the downtown zone section has been removed and incorporated into the commercial zones. Mapping has been updated to change “CD” to “DT1” and “DT2”, “CL” to “CN”, “CS1” to “CD”, “CS2” to “CR”, which aligns with the changes to the zone nomenclature in the text of the second draft. Note that the former “CMS” zone has been moved to the Heritage Zones category and renamed HCD2, reflective of the applicable Heritage Conservation District.

Staff are continuing to ensure that the commercial use permissions align with the policies of the Official Plan and the Commercial Lands Study and that the zone maps are consistent with the Official Plan land use designations.

### **Sections 15.3., 15.4., 15.10., 15.11., 15.12. Mandatory Ground Floor Commercial**

New ground floor commercial requirements have been added to HCD2, CM1, CM2, DT1, DT2 and HB zones have been added, with a new Non-Overlay Schedule 3 depicting the lands that are subject to this requirement.

The Official Plan indicates specific lands that are required to have ground floor commercial in the Downtown & Harbour Specific Policy Area (10A policies and Schedule DH-3) and the Williamsville Main Street area (10E policies and Schedule PS-1). The creation of these new regulations and the new Non-Overlay Schedule 3 allows for the New Zoning By-law to align the requirements with the Official Plan in a manner that doesn't broadly require ground floor commercial across all areas of the downtown.

October 13, 2021

Page 26 of 32

**Section 16. Employment Zones**

Since the first draft was prepared as more of a consolidation exercise of the existing zoning by-laws, the mapping in the first draft did not align with the distinction between Business Park Industrial and General Industrial land use designations in the Official Plan. The mapping of the employment zones has been updated to better align with the mapping of the in-force Official Plan, aligning the M1 Zone with the Business Park Industrial land use designation, the M2 and M3 Zones with the General Industrial land use designations, the M5 Zone with the Waste Management Industrial land use designation and the M4 Zone with areas that have been zoned for service commercial uses in accordance with the complementary use policies of the Official Plan.

The permitted uses within the Employment Zones have been refined to better align with the permissions in the Official Plan and performance standards have been updated to better reflect the intended development in these areas. A new provision has been added to each of the Employment Zones confirming that the intent of the New ZBL is to allow for minor variance for complementary uses in accordance with the proposed amendments to the complementary use policies of the Official Plan.

**Section 18.4. Development Reserve Zone**

The uses permitted in the DR zone have been reduced to existing residential uses or existing industrial uses, along with agricultural uses in the rural area.

The intent of the development reserve zone is to allow for existing residential uses, industrial and agricultural uses (where they are located in the rural area). Any future development in the DR zone should be subject to a site-specific zoning by-law amendment to rezone the property to a more appropriate zone category, as such, the permitted uses have been reduced to ensure new uses go through an appropriate planning process.

**Section 19. Environmental Protection Area Zone**

The EPA Zone provisions and mapping were the subject of a public meeting at Planning Committee, as detailed in the [Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks](#).

Please note there are a few areas that are currently included in the Provincially Significant Wetlands (PSW) mapping provided by the Province, but Staff are anticipating that these areas will be removed from the PSW mapping prior to the final draft in consultation with the Ministry of Natural Resources and Forestry. In the event these mapping changes are not made prior to the final recommendations, the boundaries of the EPA land use designation and corresponding EPA Zone will be adjusted to align with the PSW mapping at that time.

October 13, 2021

Page 27 of 32

## Section 20. Zoning Maps

Zoning Maps have been updated for consistency with the Official Plan, to reflect changes that were made in the final approved Five-Year Official Plan Update, to reflect recommendations of the Williamsville Main Street, Reddendale and CKGS Studies and to update the exceptions. Minor changes have been made throughout the mapping to correct mapping errors and inconsistencies. Through the ongoing review of the second draft, it is expected that further revisions and modifications to the proposed zone maps will continue to be made to ensure full conformity and alignment with the policies of the Official Plan.

### Proposed Official Plan Amendment

Through the creation of the second draft of the New Zoning By-law, staff identified several areas where amendments to the Official Plan are required to better implement the existing policy intent through the New ZBL, to clarify some of the existing permissions, to allow additional residential units and to allow complementary uses within places of worship. An overview of the applicable policies of the Provincial Policy Statement (PPS) is included below. A further detailed evaluation of the proposed OPA against the applicable policies of the PPS will be included in a future comprehensive report. The amendments can be summarized into the following six themes and generally explained as follows:

#### Additional Residential Units and Tiny Houses

Section 3.3.11. of the Official Plan provides primary policy direction to establish a second residential unit, with additional sections of the Official Plan providing supplementary policy. The proposed amendment seeks to replace the term 'second residential unit' with the term 'additional residential unit', implementing recent changes to the *Planning Act*. The amended policies would enable a maximum of one additional residential unit to be located attached or internal to a principal dwelling unit and a maximum of one additional residential unit to be detached from the principal dwelling unit, which is consistent with recent changes to the *Planning Act* and PPS.

Section 3.3.D.7. provides primary policy direction on Garden Suites, which the Official Plan defines as "a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable". The proposed amendment seeks to replace the term "Garden Suite" with the more modern term of "Tiny House", which is the terminology that will be used within the New ZBL, and revise the policies to focus on the land use rather than the users.

Section 1.1.1 of the PPS indicates that healthy, liveable and safe communities are sustained, in part, by the provision of an appropriate affordable and market-based range and mix of residential types, including additional residential units. Section 1.4.3 provides further guidance to permit and facilitate "all housing options required to meet the social, health, economic and well-being requirements of current and future residents", where the definition of housing options includes additional residential units and tiny houses. The proposed amendment would transition the existing second residential unit policies to apply

October 13, 2021

Page 28 of 32

to additional residential units and clarify the process of establishing a tiny house within the municipality. The proposed amendments enable intensification and increased housing options within the municipality.

### **Places of Worship and Schools**

Sections 3.2.1 and 3.2.2 of the Official Plan provide policy direction on elementary and secondary schools, respectively, and currently differentiate between publicly- and privately-funded schools despite these uses being similar in function and operation. The proposed amendment would remove the distinction between public and private schools to enable the New Zoning By-law to regulate the land use based on the use of the facility, rather than the users.

Section 3.2.4 provides the designations where places of worship will be permitted by the Official Plan, subject to various constraints. Places of worship have traditionally provided space for religious services but have transitioned over time to function as important community gathering places by providing meeting space for clubs and organizations during off-peak hours. Places of worship are distributed throughout the municipality and often include a variety of features to support large gatherings, such as cooking facilities, offices and gymnasiums. The proposed amendment seeks to acknowledge the complementary uses that places of worship commonly provide within the community, such as educational uses, daycare centres and catering kitchens. The proposed amendment would enable the New Zoning By-law to better regulate places of worship and facilitate these complementary uses as of right.

Section 1.1.1 of the PPS indicates that places of worship are an important component within healthy, liveable and safe communities and Section 3.1.5 indicates the schools are prohibited within hazardous lands and hazardous sites, but otherwise the PPS does not provide specific policy direction on these land uses. The proposed amendment seeks to establish various complementary uses for places of worship to acknowledge the breadth of services that can be provided by these facilities to support the community. With respect to schools, the proposed amendment would remove the funding distinction between public and private schools and would not permit schools within hazardous lands.

### **Environmental Protection Areas**

The proposed amendments would adjust the method by which the Official Plan would protect riparian corridors, being the lands within 30 metres of a waterbody, while maintaining the existing level of protection. Riparian corridors would be removed from the list of features that comprise the Environmental Protection Area designation, in favour of protecting the features through Natural Heritage 'B' policies and amendments to the 'Ribbon of Life' policies. The proposed amendments would maintain protection for these environmentally sensitive lands.

'Riparian Corridors' are identified as a Natural Heritage 'A' feature within Section 6.1 of the Official Plan and are shown as a 30 metre buffer from waterbodies on Schedule 7 of the

October 13, 2021

Page 29 of 32

Official Plan. Section 3.10 indicates that the Environmental Protection Area (EPA) designation is composed of Natural Heritage 'A' features. Development is generally prohibited from lands designated EPA, with the exception of riparian corridors; Section 3.10.2.1 allows development within the EPA designation on existing lots of record, provided the designation relates solely to a riparian corridor. The New ZBL cannot effectively implement the conditionality associated with this existing Official Plan policy. Without an Official Plan amendment, the New ZBL would be required to place all lands within 30 metres of a waterbody in a zone that prohibits development, which is not the existing intention of Section 3.10.2.1 of the Official Plan.

Amendments to Section 6.1 and Schedules 7 and 8 are proposed to transition 'riparian corridors' from a Natural Heritage 'A' feature to a Natural Heritage 'B' feature. Development is prohibited within a Natural Heritage 'B' feature, unless an Environmental Impact Assessment has confirmed no negative impacts. Further amendments are proposed to Section 3.9.2. to clarify that 'riparian corridors' and 'Ribbon of Life' generally refer to the same lands within 30 metres of a waterbody and that the intent of Section 3.9.2 is to a text-based policy and that waterbodies do not need to be shown on a schedule of the Official Plan in order to receive protection from development. Section 3.9.6 identifies existing exemptions for development within 30 metres of a waterbody for existing lots of record. Amendments to Section 3.10 are proposed to reflect the transition of riparian corridors to a Natural Heritage 'B' feature. The proposed amendments alter the method the Official Plan would use to protect lands within 30 metres of a waterbody from development while maintaining the existing level of protection.

Section 2.1 of the PPS directs that natural features and areas shall be protected for the long-term and identifies the natural heritage features and their adjacent lands that are of provincial interest. Development is not permitted within these areas, unless, in certain instances, it has been demonstrated that there will be no negative impacts on the features or their ecological functions. Section 2.2 provides various directions to planning authorities to protect, improve or restore the quality and quantity of water at a watershed scale. In particular, planning authorities are directed to identify water resource systems, including natural heritage features and surface water features, which are necessary for the ecological and hydrological integrity of the watershed. Development and site alteration are directed away from sensitive surface water features such that their hydrologic functions are protected, improved, or restored.

### **On-Farm Diversified Uses and Agriculture-Related Uses**

Amendments are proposed to the Official Plan to provide greater clarity on the process to establish on-farm diversified uses and agriculture-related uses, including amendments to the existing review criteria.

Sections 3.11.4. and 3.11.5. of the Official Plan provide the primary policy direction for agriculture-related uses and on-farm diversified uses within Prime Agricultural Areas, with Sections 3.12.2. and 3.12.3. permitting the uses within the Rural Lands in accordance with

October 13, 2021

Page 30 of 32

the above noted policies. The intent of the existing policies is to protect agricultural uses while allowing on-farm diversified uses or agriculture-related uses that are compatible. The proposed amendment continues the existing intent to protect agricultural uses by introducing the requirement for on-farm diversified or agriculture-related uses to be established through a minor variance application. This site-specific approach ensures that each application will satisfy the revised compatibility criteria.

Sections 1.1.5.2 and 2.3.3 of the PPS indicate that on-farm diversified uses and agriculture-related uses are permitted uses within the rural lands and prime agricultural areas within municipalities, provided the uses are compatible with and do not hinder surrounding agricultural operations. The PPS further indicates that these uses will be regulated in accordance with provincial guidelines, or municipal guidelines that maintain similar objectives. The proposed amendment seeks to protect agricultural uses from incompatible development by requiring on-farm diversified uses and agriculture-related uses to be established through a minor variance application. The proposed amendment would revise the review criteria to establish these uses and makes reference to applicable provincial guidance documents.

### **Complementary Uses within Employment Areas**

Amendments are proposed to the Official Plan to provide greater clarity on the process to establish a complementary use within an employment area designation, including the introduction of review criteria.

Section 3.6. of the Official Plan indicates that complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees by having personal services and amenities in close proximity to employment uses. Sections 3.6.12. and 3.6.14. provide guidance on appropriate locations and size limitations for complementary uses, whereas Section 3.6.16. requires complementary uses to be established and regulated by separate zoning categories. The proposed amendment maintains the existing intent of the policies while providing greater clarity on the process to establish a complementary use, including the introduction of review criteria to ensure land use compatibility and protection for the employment lands. Further, the proposed amendment seeks to ensure the employment areas are appropriately supported by broadening the potential for complementary uses to all lands designated Business Park Industrial or General Industrial.

Section 1.3.1. of the PPS directs municipalities to provide a mix and range of employment and broader mixed uses to meet long-term needs and to maintain a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. Section 1.3.2. provides specific direction for employment areas and directs municipalities to protect and preserve employment areas for current and future uses and to provide the infrastructure necessary to support current and projected needs. The proposed amendment seeks to maintain the existing intent of the Official Plan to allow complementary uses in appropriate quantities and locations to serve and support

October 13, 2021

Page 31 of 32

employment areas, while protecting the key employment uses of these lands. The proposed amendment would clarify the process to establish a complementary use within an employment area designation. The amendment includes the introduction of review criteria to establish a complementary use, which includes various provisions to protect the employment uses.

### **Housekeeping**

Various technical amendments are proposed to the Official Plan to update section numbering, references to review agencies and to provide clarity to existing policies where the amendments do not alter the existing interpretation. The housekeeping amendments are consistent with the Provincial Policy Statement as they are technical in nature and do not alter the interpretation of existing policies.

The proposed draft by-law to amend the Official Plan is included in Exhibit B. A general summary of the amendments, their consistency with the PPS and their conformity to the general intent of the existing Official Plan are included in Exhibit C.

### **Public Comments**

Since the first draft was released, and in response to the discussion papers that have been the subject of consultation in 2021, staff have received a number of comments and suggestions to the text and mapping of the new zoning by-law. A comprehensive comment and response matrix is included in Exhibit D, which provides detailed responses to all of the formal comments that were received prior to the release of the second draft of the New ZBL. Exhibit E includes all written comments that have been received since the release of the second draft on August 6, 2021.

Staff will provide a comprehensive comment and response matrix with responses to all written comments in the future comprehensive report.

### **Technical Circulation Process**

The application has been circulated to a number of internal departments and external agencies for review and comments. The responses to the technical circulation will be addressed in the technical review and included in the comprehensive report for consideration at a future Planning Committee meeting.

### **Existing Policy/By-Law:**

The proposed amendment will be reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes will be consistent with the Province's and the City's vision of development. The following documents will be assessed:

October 13, 2021

Page 32 of 32

**Provincial**

*Planning Act*

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

**Notice Provisions:**

Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in The Kingston Whig-Standard 20 days in advance of the Public Meeting.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

Laura Flaherty, Project Manager, Planning Services, 613-546-4291 extension 3157

**Other City of Kingston Staff Consulted:**

Sukriti Agarwal, Manager, Policy Planning

**Exhibits Attached:**

Exhibit A Second Draft of Proposed Kingston Zoning By-Law

Exhibit B Proposed Official Plan Amendment – Draft By-Law

Exhibit C Proposed Official Plan Amendment – Justification

Exhibit D Comment and Response Matrix for Comments Prior to Second Draft

Exhibit E Public Comments on Second Draft





Kingston Zoning By-law Number \_\_\_\_\_

Second Draft – August 6, 2021

## Table of Contents

Table of Contents .....	i
Section 1: Administration .....	1
Section 2: Interpretation of This By-law.....	8
Section 3: Definitions.....	17
Section 4: General Provisions.....	62
Section 5: Overlay Provisions .....	87
Section 6: Specific Use Provisions .....	100
Section 7: Parking, Loading and Bike Parking Provisions .....	109
Section 8: Rural Zones .....	138
Section 9: Hamlet Zones .....	145
Section 10: Rural Industrial Zones.....	151
Section 11: Urban Residential Zones .....	158
Section 12: Urban Multi-Residential .....	185
Section 13: Heritage Zones.....	211
Section 14: Institutional Zones .....	223
Section 15: Commercial Zones.....	230
Section 16: Employment Zones.....	254
Section 17: Transportation and Utilities Zones.....	264
Section 18: Open Space Zones.....	269
Section 19: Environmental Zones.....	274
Section 20: Zoning Maps.....	275
Section 21: Overlay Schedules.....	275
Section 22: Non-Overlay Schedules.....	275
Section 23: Legacy Exceptions.....	276
Section 24: Exceptions .....	277
Section 25: Holding Zones.....	278
Section 26: Temporary Zones .....	280
Section 27: Amendments to this By-law.....	281

## Kingston Zoning By-Law Number \_\_\_\_\_

A by-law to regulate the **use** of lands and the size and location of **buildings** within the City of Kingston, pursuant to Section 34 of the *Planning Act* R.S.O. 1990, c. P.13.

The Council of the Corporation of the City of Kingston enacts as follows:

### Section 1: Administration

#### 1.1. Title of This By-law

- 1.1.1. This By-law is composed of the text, Zoning Maps and Schedules, and may be cited as the "Kingston Zoning By-law".
- 1.1.2. Any references to "this By-law" mean the Kingston Zoning By-law.

#### 1.2. Area to Which This By-law Applies

- 1.2.1. The provisions of this By-law apply to all lands within the municipal boundaries of the City of Kingston as shown on the Zoning Maps in Section 20 of this By-law, attached to and forming part of this By-law.
- 1.2.2. All lands under **waterbodies** within the municipal boundaries of the City of Kingston are subject to this By-law in addition to the requirements of both federal and provincial legislation.

#### 1.3. Compliance with Applicable Law

- 1.3.1. A **person** must not **use** or **develop** any **lot** or **building** within the City of Kingston except in full compliance with all of the provisions of this By-law.
- 1.3.2. This By-law is not interpreted so as to reduce or mitigate any other by-law, provision, regulation, or restriction lawfully imposed by the **City** or any other **public authority** having jurisdiction to do so.
- 1.3.3. Nothing in this By-law serves to relieve any **person** from the obligation to comply with the provisions and requirements of any by-law of the **City** in force from time to time or the obligation to obtain any license, permit, authority, or approval required under the by-laws of the **City**.

- 1.3.4.** In the event of a conflict between this By-law and any general or special **City** by-law, this By-law prevails.
- 1.3.5.** No other by-law, provision, regulation or Act is interpreted so as to reduce or mitigate any provision of this By-law, unless, the other by-law, provision, regulation or Act was specifically intended to affect zoning and the **public authority** responsible for the by-law, provision, regulation or Act has the jurisdiction to do so.

#### **1.4. Effective Date of This By-law**

- 1.4.1.** This By-law comes into force and takes effect the day it was passed, if no appeals are filed, or where one or more appeals are filed, when ordered by the Ontario Land Tribunal in accordance with the provisions of the *Planning Act*.

#### **1.5. Repeal of Existing By-laws**

- 1.5.1.** The **former general zoning by-laws** as defined in Section 3 of this By-law are repealed upon the date this By-law comes into full force and effect.
- 1.5.2.** Notwithstanding Clause 1.5.1., the applicable **former general zoning by-laws** apply to assist in the interpretation of any minor variance referred to in Clause 1.7.1. in the context of this By-law. Where a conflict exists between the provisions of this By-law and the applicable **former general zoning by-laws** in respect of the interpretation of any minor variance referred to in Clause 1.7.1., the provisions of this By-law prevail.

#### **1.6. Transition Provisions**

##### **Complete Applications for a Building Permit**

- 1.6.1.** Nothing in this By-law prevents the **development** or **use** of a **lot** or a **building** for which a complete application for a building permit was received by the **City** on or before (date of passing of this By-law), if the **development** or **use** complies, or the building permit application is amended to comply, with the provisions of the applicable **former general zoning by-law** as it read immediately prior to the passing of this By-law.

## Other Types of Complete Applications

- 1.6.2.** Where a complete application was received by the **City** on or before the date of passing of this By-law for the **development** or **use** of a **lot** or one or more **buildings**, approval may be granted in the context of the applicable **former general zoning by-law** as it read immediately prior to the passing of this By-law, for one or more of the following applications:
1. one or more minor variances pursuant to Section 45 of the *Planning Act*;
  2. site plan control approval pursuant to Section 41 of the *Planning Act*;
  3. consent pursuant to Section 53 of the *Planning Act*;
  4. draft plan of subdivision approval or draft plan of condominium approval pursuant to Section 51 of the *Planning Act*;
  5. payment in lieu of parking agreement pursuant to Section 40 of the *Planning Act*; and
  6. a part lot control exemption approval pursuant to Section 50 of the *Planning Act*.
- 1.6.3.** Where the **development** or **use** of a **lot** or one or more **buildings** qualifies under Clause 1.6.2., a building permit may be issued after final approval is received for all required applications and if the **development** or **use** complies, or the building permit application for the **development** or **use** is amended to comply, with the provisions of the applicable **former general zoning by-law** as it read immediately prior to the passing of this By-law.
- 1.6.4.** Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.6.1. and 1.6.2. beyond the issuance of the final building permit upon which the exemptions are founded.
- 1.6.5.** Clauses 1.6.1., 1.6.2., 1.6.3. and 1.6.4. are repealed in their entirety three years after the date of passing of this By-law.

## 1.7. Minor Variances

### Continuation of Finally Approved Variances

- 1.7.1.** Within the three-year period following the passage of this By-law until the Clauses 1.6.1. to 1.6.4. are repealed in accordance with Clause 1.6.5., a building permit may be issued in the context of the applicable **former general zoning by-law** as it read immediately prior to the passing of this By-law for any **development** subject to one or more approved minor variances under the provisions of the applicable **former general zoning by-law**.
- 1.7.2.** After the three-year period in Clause 1.6.5. expires and Clauses 1.6.1. to 1.6.4. are repealed, finally approved minor variances under the provisions of the applicable **former general zoning by-law** may be relied upon only if the zoning provision respecting the minor variance is the same or more permissive in this By-law than in the **former general zoning by-law**.

## 1.8. Non-Conformity and Non-Compliance

### Legal Non-Conforming Uses

- 1.8.1.** A **use** that is not permitted by this By-law, but which was lawfully **used** for such purpose on the day of passing of this By-law, is considered a legal non-conforming **use**. Nothing in this By-law applies to prevent a legal non-conforming **use**, so long as it continues to be **used** for that purpose.

### Legal Non-Complying Buildings

- 1.8.2.** A **building** that does not meet the provisions of this By-law, but which lawfully existed on the day of passing of this By-law, is considered to be a legal non-complying **building**. Nothing in this By-law applies to prevent a legal non-complying **building** so long as it continues to exist.
- 1.8.3.** If a **lot** contains a legal non-complying **building**, nothing in this By-law applies to prevent the further **development** of such **lot**, provided the **development**:
- 1.** Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
  - 2.** Complies with all other applicable provisions of this By-law.

- 1.8.4.** If a **lot** contains a legal non-complying **building**, nothing in this By-law applies to prevent the **development** of an **accessory building** on the **lot**, provided that the **development**:
- 1.** Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
  - 2.** Complies with all other applicable provisions of this By-law.

### Legally Existing Lots

- 1.8.5.** A **lot** in existence on the day of passing of this By-law that does not meet the minimum **lot area** or **lot frontage** provisions of the underlying Zone is permitted to be **used** and **buildings** are permitted to be **developed** provided the **use** conforms with this By-law and the **buildings** comply with all other provisions of this By-law, including Subsection 4.8. requiring frontage on a public street.

### 1.9. Conveyances to Public Authorities

- 1.9.1.** No **person** is deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any **lot** has or have been conveyed to or acquired by any **public authority**.
- 1.9.2.** Where any portion of a **lot** is taken by the **City** for the purpose of a **street** widening, daylighting triangle, turning lane or other similar **use**, existing **buildings** shall not be deemed to be legal non-conforming as a result of the reduced **setbacks** or reduced **lot area**.
- 1.9.3.** Where any portion of a **lot** is taken by the **City** for the purpose of a **street** widening, daylighting triangle, turning lane or other similar **use**, then the permitted **development** must be calculated on the entire **lot area** including the area taken by the **City**. For clarity, this includes provisions that are measured based on **lot area**, such as **floor space index** or **lot coverage**.
- 1.9.4.** Where any portion of a **lot** is taken by the **City** for the purpose of a **street** widening, daylighting triangle, turning lane or other similar **use**, new **development** must comply with **setbacks** to the **lot lines** as they exist at the time of **development**.

## 1.10. Administration of This By-law

- 1.10.1.** Unless otherwise stated, this By-law is administered and enforced by the Director of Planning Services, or their designate. In the event of organizational changes, this By-law is administered and enforced by another employee designated by **Council**.

### Technical Revisions to this By-law

- 1.10.2.** Provided that the purpose and intent of this By-law is not affected, the Director of Planning Services may undertake the following technical revisions without a formal amendment being required to this By-law:
1. Changing numbering, cross-references and the arrangement of text, tables and schedules;
  2. Revisions to the base mapping and parcel fabric updated from the Ontario Land Registry Office; and
  3. Correcting **lot** and feature boundary errors.

## 1.11. Remedies

- 1.11.1.** Where any matter or thing is required to be done by a **person** under the provisions of this By-law, **Council** may direct that in default of it being done by said **person**, such matter or thing may be done by the **City** at the sole expense of the **person** and the expense thereof with interest may be recovered by the **City** in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25.

## 1.12. Validity or Severability

- 1.12.1.** If a decision of a court of competent jurisdiction declares that one or more of the provisions of this By-law, including anything contained in the Zoning Maps, are invalid and the judgment does not affect the validity of the remaining portions of this By-law, then the remaining portions are in full force and effect until repealed.

## 1.13. Enforcement and Penalties

- 1.13.1.** Every **person** who contravenes this By-law is guilty of an offence, and on conviction is liable:
1. On a first conviction, to a fine of not more than \$25,000.00; and



2. On a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the **person** was first convicted.

**1.13.2.** Every corporation that contravenes this By-law is guilty of an offence, and upon conviction is liable:

1. On a first conviction, to a fine of not more than \$50,000.00; and
2. On a subsequent conviction, to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

**1.13.3.** In addition to any other remedy or any penalty provided by law, where a conviction has been entered, any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

## Section 2: Interpretation of This By-law

### 2.1. Language and Meaning

#### General

- 2.1.1.** In this By-law, if words, terms or phrases are formatted in a **bold** font, they have the meaning provided in Section 3, Definitions. The definitions and interpretations set out in Section 3 apply and any words not specifically defined in this By-law carry their ordinary meaning.
- 2.1.2.** Definitions are given in this By-law to aid in the understanding and the implementation of the true spirit, intent, and meaning of this By-law. They are not to be used to avoid an obligation imposed by this By-law or any requirement enacted in a substantive provision of this By-law.
- 2.1.3.** Notwithstanding the tense used in a provision:
- 1.** Every provision of this By-law must be applied to the circumstances as they exist at the time in question;
  - 2.** Every obligation imposed by this By-law is a continuing one so long as either the **use**, the circumstances, the reason for the obligation, or the events which caused, precipitated or gave rise to the obligation continue; and
  - 3.** Any reference to legislation or provisions or regulations or sections thereof approved by another **public authority** includes any amendments to or successions thereof.

#### Singular and Plural Words

- 2.1.4.** In this By-law, unless otherwise specifically indicated:
- 1.** Words used in the singular number include the plural and vice versa;
  - 2.** This By-law is gender neutral and, accordingly, any reference to one gender includes all genders; and
  - 3.** Word variations, for example: comply, complying, compliance, complies, have a similar meaning.

### Including or Excluding

**2.1.5.** In this By-law, the word “including” or “excluding” are not intended to be exhaustive.

### Minimum and/or Maximum Provisions

**2.1.6.** The provisions of this By-law must be held to be the minimum provisions, unless the word “maximum” is used, in which case the maximum provision must apply. If both a minimum and a maximum provision are specified, then both provisions must apply.

### Intent and Rules of Interpretation

**2.1.7.** This By-law is remedial in nature and must be interpreted in a benevolent manner and read and applied in a way that will ensure the effective implementation of its provisions.

**2.1.8.** All provisions of this By-law that apply to a **lot** must be complied with. The intended hierarchy of provisions in Sections 1 through 24, must be as follows (from the highest ranking to the lowest ranking):

- 1.** Sections 1, 2 and 3: Administration, Interpretation of this By-law and Definitions;
- 2.** Sections 5 and 21: Overlay Provisions and Overlay Schedules;
- 3.** Sections 23 and 24: Legacy Exceptions and Exceptions;
- 4.** Section 20: Zoning Maps;
- 5.** Schedule 22: Non-Overlay Schedules;
- 6.** Sections 8 through 19: Provisions for Specific Zone Categories;
- 7.** Section 6: Specific Use Provisions;
- 8.** Section 4: General Provisions; and
- 9.** Section 7: Parking, Loading and Bike Parking Provisions.

**2.1.9.** Notwithstanding the hierarchy of provisions in Clause 2.1.8., where two or more provisions of this By-law are applicable, all provisions must be complied with or,

where it is not possible to comply with all applicable provisions, the most restrictive provision must be complied with.

- 2.1.10. Where a **use** takes place outside of a **building** but a provision of this By-law regulates that **use** inside of a **building**, the provision must apply as though the actual area occupied by the **use** is in a **building**, so that the true spirit, intent, and meaning of this By-law is implemented.
- 2.1.11. Where a provision is tied to the **use** of a **lot** or **building**, such provision must apply where any portion of the **lot** or **building** is **used** for such purpose.

## 2.2. Parts of This By-law

### Items that are Part of This By-law

- 2.2.1. Zoning Maps, Overlay Schedules, Non-overlay Schedules, Appendices, Figures, and text contained in clauses, subclauses, paragraphs, subparagraphs and items form part of this By-law.
- 2.2.2. Tables form part of this By-law and are used throughout to present permitted **uses** and provisions in a concise format and are structured with columns (vertical) and rows (horizontal) with titles.

### Items that are not Part of This By-law

- 2.2.3. Titles, headings, subheadings, diagrams, footnotes, indices, notes, table of contents, illustrations, and references to former enactments or enabling legislation do not form part of this By-law and are editorially inserted for convenience of reference only.

## 2.3. Structure of This By-law

### System of Division

- 2.3.1. The system of division and numbering of the provisions of this By-law are as follows:

**Section 1. - Title**

**Subsection 1.1. – Heading**

**Text - Subheading**

**Clause 1.1.1. – Text**

Subclause 1. - Text

Paragraph (a)

Subparagraph (i)

Item (1)

**2.4. Establishment of Zones**

**2.4.1.** This By-law establishes the Zones listed in Table 2.4.1. and places all lands subject to this By-law in one or more of the Zones in accordance with the Zoning Maps in Section 20 of this By-law.

**Table 2.4.1. - List of Zones**

<b>Zone Name</b>	<b>Zone Code</b>
Prime Agricultural Area Zone	AG
General Rural Area Zone	RU
Rural Residential Zone	RUR
Limited Service Rural Residential Zone	LSR
Rural Commercial Zone	RC
Hamlet Residential Zone	HR
Hamlet Commercial Zone	HC
Hamlet Institutional Zone	HI
Rural Industrial Zone	RM1
Rural Heavy Industrial Zone	RM2
Mineral Resource and Extraction Zone	MX1
Heritage District Zone 1 (Village of Barriefield)	HCD1
Heritage District Zone 2 (Market Square)	HCD2
Heritage District Zone 3 (Old Sydenham)	HCD3
Urban Residential Zone 1	UR1
Urban Residential Zone 2	UR2
Urban Residential Zone 3	UR3

<b>Zone Name</b>	<b>Zone Code</b>
Urban Residential Zone 4	UR4
Urban Residential Zone 5	UR5
Urban Residential Zone 6	UR6
Urban Residential Zone 7	UR7
Urban Residential Zone 8	UR8
Urban Residential Zone 9	UR9
Urban Residential Zone 10	UR10
Urban Residential Zone 11	UR11
Urban Residential Zone 12	UR12
Urban Residential Zone 13	UR13
Urban Multi-Residential Zone 1	URM1
Urban Multi-Residential Zone 2	URM2
Urban Multi-Residential Zone 3	URM3
Urban Multi-Residential Zone 4	URM4
Urban Multi-Residential Zone 5	URM5
Urban Multi-Residential Zone 6	URM6
Urban Multi-Residential Zone 7	URM7
Urban Multi-Residential Zone 8	URM8
Urban Multi-Residential Zone 9	URM9
Urban Multi-Residential Zone 10	URM10
Urban Multi-Residential Zone 11	URM11
Urban Multi-Residential Zone 12	URM12
Urban Multi-Residential Zone 13	URM13
Institutional Minor Zone	IN1
Institutional Major Zone	IN2
Correctional Facility Zone	G1
Military Installation Zone	G2
Neighbourhood Commercial Zone	CN
Mainstreet Commercial Zone 1	CM1

<b>Zone Name</b>	<b>Zone Code</b>
Mainstreet Commercial Zone 2	CM2
Arterial Commercial Zone	CA
District Commercial Zone	CD
Regional Commercial Zone	CR
General Commercial Zone	CG
Marine Commercial Zone	CW
Central Downtown Zone 1	DT1
Central Downtown Zone 2	DT2
Harbour Zone	HB
Business Park Zone	M1
General Industrial Zone	M2
Heavy Industrial Zone	M3
Employment Service Zone	M4
Waste Management Zone	M5
Airport Zone	TA
Transportation Terminal Highway and Railway Zone	TR
Utility Installation or Corridor Zone	TU
Minor Open Space Zone	OS1
Major Open Space Zone	OS2
Development Reserve Zone	DR
Environmental Protection Area Zone	EPA

## **2.5. Zone Boundaries**

- 2.5.1.** The Zoning Maps identify different areas, called Zones, into which this By-law divides the **City** and show the Zone codes given to these areas. The Zones may be cited by either their Zone code or their Zone name.
- 2.5.2.** Where the boundary of any Zone shown on the Zoning Maps:

1. Follows a **street, private street**, utility **right-of-way**, railway **right-of-way**, or watercourse, it must be considered to follow the **centre line** of such **street, private street**, utility **right-of-way**, railway **right-of-way**, or watercourse;
2. Substantially follows **lot lines** shown on the Zoning Maps or the electronic consolidation of the Zoning Maps, it must be considered to follow such **lot lines**;
3. Follows a **street** and, if the **street** is closed, the land in the said closed **street** is considered to be included in the Zone of the adjoining land and if such **street** forms a boundary between two or more different Zones, it must be considered to follow the **centre line** of that closed **street**; and
4. Passes through a **lot** and the distance is not indicated, it must be considered to be located as measured using the scale of the Zoning Map.

**2.5.3.** Where a **lot** is divided into more than one Zone, the Zone boundary is not treated as a **lot line** and each portion of the **lot** must be **used** in accordance with the provisions of the underlying Zone. In the case of a conflict, the more restrictive provision applies.

**2.5.4.** Where any **lot** or **building** is **used** for more than one purpose as provided in this By-law, the **lot** or **building** must comply with the provisions of this By-law relating to each **use**. In the case of a conflict, the more restrictive provision must apply.

**2.5.5.** All land within the municipal boundary of the **City** located under a **waterbody** is zoned EPA.

## 2.6. Zone Labels and Provisions

### Subzones (Reserved for Future Use)

**2.6.1.** Subzones are created by adding a number or a capital letter to the primary Zone code, and have the effect of modifying the **uses** or the provisions of the primary Zone to the extent set out in the text of the provisions for that Subzone.

### Holding Zones

**2.6.2.** Holding Zones are created by adding a hyphen and upper case "H" (e.g., "-H") to the Zone code on the Zoning Maps, and have the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of the corresponding



Holding Zone until this By-law has been amended to remove the Holding Zone in accordance with Section 36 of the *Planning Act*. The provisions of the corresponding Holding Zone are included in Section 25 of this By-law.

- 2.6.3.** Holding Overlays are created by identifying specific lands and adding a hyphen and upper case "H" (e.g., "- H") to the Overlay Maps, and have the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of the corresponding Holding Overlay until this By-law has been amended to remove the **lot** from the Holding Overlay in accordance with Section 36 of the *Planning Act*.

### Temporary Zones

- 2.6.4.** Temporary Zones are created by adding a hyphen and upper case "T" followed by a number (for example: "R2-T1") to the Zone code on the Zoning Maps, and have the effect of applying temporary **use** provisions pursuant to Section 39 of the *Planning Act*. Lands designated in this manner must be subject to all provisions of the underlying Zone except as otherwise provided by the Temporary Zone provisions. Upon the expiry date of the Temporary Zone provisions, the temporary **use** of such **lots** or **buildings**, as may be specified, must cease, and **use** of the Temporary Zone symbol must be discontinued. The provisions of the corresponding Temporary Zone are included in Section 26 of this By-law.

### Height Limit

- 2.6.5.** The maximum permitted **height** is established in the underlying Zone, Subzone, Legacy Exception Overlay, Exception Overlay or provision, in metres and/or number of **storeys**. **Height** may also be shown in terms of **height** in metres above sea level, indicated by the term 'a.s.l.' following the number in parenthesis.

### Tables

- 2.6.6.** The Tables in Sections 8 to 19 inclusive of this By-law present the principal zoning provisions for permitted **uses** in each Zone. The main permitted **uses** are listed, and the applicable provisions are provided in the rows associated with each permitted **use**. The columns provide the type of provision that is associated with the permitted **use** associated with each row.

### Additional Provisions

- 2.6.7.** Additional provisions are presented in conjunction with the permitted **uses** and zoning provisions that are presented in the Tables with each Zone. The references to

an additional provision in the permitted **uses** and zoning provisions presented in the Tables are indicated with small numbers in superscript adjacent to the upper right of the large numbers in the Tables. In some cases where a number of additional provisions may apply, the Table may include a note directing the reader to the additional provisions below the Table.

## 2.7. One Lot for Zoning Purposes

- 2.7.1. Where a **development** contains one or more **uses**, in one or more **buildings**, on one or more **lots**, the boundaries of all **lots** corresponding with such **development** is considered as one **lot** for the purposes of compliance with this By-law provided that the **development** is planned, designed, operated and managed as a single entity by a single owner or a group of owners or tenants acting in collaboration.

## Section 3: Definitions

### 3.1. A

**3.1.1. Accessible Space** means a designated **parking space** identified by prescribed pavement markings and signage which is reserved for the exclusive **use** of **persons** with disabilities.

**3.1.2. Accessible Aisle** means a designated area which is reserved for the exclusive use of **persons** with disabilities, immediately adjacent to one or two **accessible spaces**.

**3.1.3. Accessory** means subordinate and naturally, customarily and normally incidental to and exclusively devoted to a **principal use** or **building**, and located on the same **lot**.

**3.1.4. Additional Residential Unit** means a **dwelling unit**, which is **accessory** to a **principal dwelling unit**, and is located on the same **lot** as the **principal dwelling unit**. An **additional residential unit** is either a **second residential unit** or a **third residential unit**.

**3.1.5. Affordable Unit** means:

For affordable rental housing, a **dwelling unit** that has an initial affordable rent level set at less than or equal to 80% of the average market rent. The **affordable unit** must be secured through an agreement registered on title of the property during the affordability term requiring:

1. An affordability term set for a minimum of 20 years; and
2. Following the initial occupancy, during the affordability term, the rent must not increase by more than the annual *Residential Tenancies Act* guideline increase.

For affordable ownership housing, a **dwelling unit** where the sale price is at least 10% below the average resale price.

**3.1.6. Agricultural Sales Establishment** means the **use** of any **lot** or **building** having as its **principal use** the storage and display of agricultural implements for sale, rent, or lease and may include facilities for the repair and maintenance of such implements as an **accessory use**.

**3.1.7. Agricultural Use** means the **use** of any **lot** or **building** for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of

other animals for food, fur, fibre, recreation, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and riding stables, including, but not limited to **livestock facilities**, manure storages, value-retaining facilities.

**3.1.8. Agricultural Related Use** means a **use** of any **lot** or **building** for farm-related commercial and/or farm-related industrial uses that are directly related to **agricultural uses** in the area, support **agricultural uses**, benefit from being in close proximity to **agricultural uses** and provide direct products and/or services to **agricultural uses** as a primary activity.

**3.1.9. Agricultural Source Material** means any of the following treated or untreated materials, other than a commercial fertilizer or compost that meets the "Guideline for the Production of Compost in Ontario" prepared by the Ministry of Environment, Conservation and Parks, that is capable of being applied to land as nutrients:

1. Manure produced by farm animals, including associated bedding materials;
2. Run-off from farm-animal yards and manure storages;
3. Wash-waters from **agricultural uses** that have not been mixed with human waste;
4. Organic materials produced by intermediate operations that process materials described in 1., 2. and 3. above; and
5. Anaerobic digestion output, if:
  - (a) The anaerobic digestion materials were treated in a mixed anaerobic digestion facility; and
  - (b) At least 50%, by volume, of the total amount of anaerobic digestion materials were on-farm anaerobic digestion materials.

**3.1.10. Airport Facilities** means all facilities related to aircraft landing and take-off, including runways, taxiways, aprons, hangars and navigational aids. Facilities may also include terminals, maintenance, warehousing, manufacturing, training, communications, environmental reporting, aviation-related retail commercial, charter operations, air courier service, management or other related operations of the airport or airport-related tenants and may include automobile rental, **retail stores**, food concessions and **restaurants** as **accessory uses**.

- 3.1.11. Amenity Area** means an area exterior to a residential **building**, or an interior area common to all **dwelling units** within a residential **building**, which is designed and intended primarily for the leisure and recreation of the occupants of the **building**.
- 3.1.12. Angular Plane** means an imaginary upwardly inclined plane set at an angle to the horizontal, commencing either at intersection with a vertical plane, such as a **build-to-plane**, at a prescribed elevation above grade, which may coincide with a **storey** or a distance from grade, or at grade, which may coincide with a **lot line**.
- 3.1.13. Animal Care** means the **use** of any **lot** or **building** for medical, grooming, training or similar services for animals, but does not include a **kennel** or an **animal shelter**.
- 3.1.14. Animal Shelter** means the **use** of any **lot** or **building** for the care of lost, abandoned or neglected animals and operated by a **public authority** or semi-public authority or by a not-for-profit organization.
- 3.1.15. Apartment Building** means a **building** that is **used** for the purpose of four or more **dwelling units** or four or more **co-living units**, or combination thereof, and configured in such a manner that the **dwelling units** and/or **co-living units** share a common external access to the outside through a common vestibule and corridor system. An **apartment building** does not include any other type of **building** defined herein.
- 3.1.16. Attic** means unoccupied space between the roof and the ceiling of the top **storey** or between a partial wall and a sloping roof.
- 3.1.17. Automobile Body Shop** means the **use** of any **lot** or **building** for the painting and/or repairing of the exterior and/or the undercarriage of **motor vehicle** bodies but does not include a **salvage yard**.
- 3.1.18. Automobile Repair Shop** means the **use** of any **lot** or **building** for the servicing and repair of **motor vehicles** that may also be operated in conjunction with a towing service and other similar **uses**, including the sale of the required components.
- 3.1.19. Automobile Sales Establishment** means the **use** of any **lot** or **building** for the display and sale of new or used **motor vehicles** and may include **accessory uses**, including the servicing and repair of **motor vehicles**, an **automobile body shop**, the sale of **motor vehicle** parts and products and the leasing or renting of **motor vehicles**.

3.2. B

- 3.2.1. **Bachelor Dwelling Unit** means a **dwelling unit** within which the common areas and areas intended for sleeping are combined into a single room. For the purpose of this By-law, a **bachelor dwelling unit** is deemed to contain one **bedroom**.
- 3.2.2. **Backyard Hen** means a domesticated female chicken that is at least four months old and is registered or licensed by the **City** in accordance with the By-law to Regulate Animals.
- 3.2.3. **Backyard Hen Coop** means an **accessory building** where **backyard hens** are kept and which includes nest boxes for egg laying, perches for the **backyard hens** to sleep on and food and water containers.
- 3.2.4. **Backyard Hen Run** means a secure **building** attached to a **backyard hen coop** that allows **backyard hens** to access outside.
- 3.2.5. **Balcony** means an unenclosed or partially enclosed platform that is attached to and only directly accessible from within a **building**. A **balcony** includes associated guards, fencing, walls, **visual screen** and other associated features.
- 3.2.6. **Banquet Hall** means the **use** of any **lot** or **building** in which facilities are provided for the gathering of people for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served, but excludes a **restaurant**.
- 3.2.7. **Basement** means that portion of a **building** where the ceiling is less than 1.0 metres above **finished grade**.
- 3.2.8. **Basement Storey** means a **storey** that is located below the **first storey**.
- 3.2.9. **Bay Window** means a window that projects outward from an exterior wall of a **building** but does not include any **gross floor area** of the **dwelling unit**.
- 3.2.10. **Bedroom** means any room in a **dwelling unit** that is not:
1. A common area, being:
    - (a) A living room open to all occupants of the unit; or
    - (b) A dining room open to all occupants of the unit;
  2. An area used for sanitary purposes, such as a washroom;

3. An area used for cooking purposes, such as a kitchen;
4. An area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
5. A circulation space, such as a stairway or hallway;
6. A room less than 6 square metres in area where there are built-in cabinets and/or closets;
7. A room less than 7 square metres in area where there are no built-in cabinets and/or closets; or
8. A room without a window or alternative source of natural light.

**3.2.11. Bike space** means an unobstructed area that is designed to be **used** for the parking or storage of one bike.

**3.2.12. Block** means an area of land comprised of one or more **lots** that is bounded on all sides by a **street**.

**3.2.13. Body Rub Parlour** means the **use** of any **lot** or **building** where a body rub is performed, offered, or solicited, but does not include body rubs that are performed for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario. For the purpose of this definition, "body rub" means to knead, manipulate, rub, massage, touch or stimulate a person's body by any means.

**3.2.14. Building** means anything that is comprised of components joined together and that stands, more or less, permanently in one place. A **building** includes all components such as walls, roof, floors, structural systems, columns, plumbing, fixtures, service systems, private sewage systems, **decks, porches**, canopies, architectural features, chimneys, mechanical systems and any component that is attached to a **building**. The following are considered to be **buildings**:

1. A shipping container, sea can or similar storage container when placed on the ground for any purpose other than loading and unloading a shipment in conjunction with an industrial or commercial use for up to maximum of 28 consecutive calendar days; and
2. A **tiny house** when installed more or less permanently in one place by removing the wheels and connecting to permanent services.

This definition excludes all items that are designed to be easily portable and all items listed in Clause 4.12.1. of this By-law.

- 3.2.15. Building Depth** means the horizontal distance between the required **front setback** and the **principal building's rear wall**, measured perpendicular to the **front setback**.
- 3.2.16. Building Frontage** means the **building** façade that fronts on a **street line** where access to the **building** is available.
- 3.2.17. Building Supply Store** means the **use** of any **lot** or **building** for the retail sale or rental of equipment, construction supplies and accessories, including **outdoor storage** of **building** materials, which may include: lumber; millwork; cement; siding; roofing; plumbing or electrical supplies; heating, cooling or ventilation supplies; fireplaces; windows; paints; wall coverings; and floor coverings.
- 3.2.18. Build-to-Plane** means a vertical plane which runs parallel to, and at a specified distance from, a **street line**. The location of the **build-to-plane** is established by measuring from, and perpendicular to, the **street line** to the nearest part of any **main wall** of any **building** on a **lot**.

### 3.3. C

- 3.3.1. Campground** means the **use** of any **lot** or **building** for providing overnight or short term accommodation for recreational vehicles, travel trailers, motor homes, and tents, but not a **mobile home**, and includes **accessory** services and facilities normally incidental and subordinate to such a **use** including common washroom lavatory and bathing facilities, indoor and/or outdoor recreation areas, picnic areas and an entrance kiosk.
- 3.3.2. Call Centre** means the **use** of any **lot** or **building** established to transmit or receive a high volume of phone calls to provide technical support, customer service, sales or similar client services.
- 3.3.3. Canopy** means a roof-like architectural feature projecting more than 0.3 metres from the exterior face of a **building**.
- 3.3.4. Car-share** means the practice where a number of people share the use of one or more cars that are owned by a car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees



based on time and/or kilometers driven, and set membership requirements of the car-sharing organization.

- 3.3.5. Car-share Space** means a **parking space** that is reserved for the exclusive **use** of a **car-share vehicle**.
- 3.3.6. Carwash** means the **use** of any **lot** or **building** for the washing of one or more **vehicles** at any one time.
- 3.3.7. Casino Gaming Facility** means the **use** of any **lot** or **building** for the purpose of providing slot machine or table game wagering or betting, authorized and licensed by the Province of Ontario.
- 3.3.8. Catering Service** means the **use** of any **lot** or **building** for the preparation of meals in full or in part for consumption at a location other than the premises in which the meal is prepared.
- 3.3.9. Cemetery** means the **use** of any **lot** or **building**, or part thereof for the interment of human remains and which may include a crematorium, mausoleum, or columbarium as licensed under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33.
- 3.3.10. Centre Line** means an imaginary line which equally divides the width of a **right-of-way** allowance, including a **street**.
- 3.3.11. Chief Building Official** means the municipal official appointed pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 and includes his or her authorized representatives.
- 3.3.12. City** means the Corporation of the City of Kingston.
- 3.3.13. Club** means the **use** of any **lot** or **building** by clubs, groups, or organizations for the purposes of providing for meeting places, social functions, and regular membership gatherings.
- 3.3.14. Commercial Motor Vehicle** means any **vehicle** which displays commercial lettering or commercial licence plates and also includes construction equipment which is self-propelled or designed to be towed, a taxi, a delivery **vehicle**, and a driving school **vehicle**, in addition to any "commercial motor vehicle" as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8.

- 3.3.15. Commercial Parking Lot** means the **principal use** of any **lot** or **building**, with or without a fee being charged, for the parking of **motor vehicles**. **Commercial parking lot** includes **drive aisles**, **parking spaces** and components necessary to support the **use**, and excludes any area where **motor vehicles** for sale or repair are kept or stored.
- 3.3.16. Common Element** means a **lot** or **building** forming part of the common elements of a Condominium Plan pursuant to the Condominium Act. This may include private roads, common walkways, common sidewalks and common amenity areas within a plan of condominium.
- 3.3.17. Community Garden** means the **use** of any **lot** or **building** managed and maintained by a group of individuals for the purpose of cultivation of plants for personal consumption and includes other forms of urban agriculture such as tree planting projects or similar uses.
- 3.3.18. Community Centre** means the **use** of any **lot** or **building** where members of the public are provided with health services, social support services, cultural, social or recreational programs or life/work skills training programs and where neither overnight care nor living accommodation is available. Permitted **accessory uses** include **day care centres**.
- 3.3.19. Complementary Use** means the **use** of any **lot** or **building** which is separate from the **principal use** of the **lot** and is not subordinate or incidental to such **use**, but is a **use** which provides support and services to enhance the **principal use**.
- 3.3.20. Conservation Use** means the **use** of any **lot** for the protection of natural heritage features for the purpose of long-term protection of the natural heritage resource.
- 3.3.21. Construct** means to do anything in the erection, installation, extension or alteration or repair of a **building** and includes the installation of a **building** unit fabricated or moved from elsewhere.
- 3.3.22. Contractor's Yard** means the **use** of any **lot** or **building** by a construction company, landscaper, or contractor for the storage and maintenance of equipment and materials **used** or rented by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies **used** by the business.
- 3.3.23. Convert** means to change the **use** of an existing **lot** or **building**, or a part thereof, to another **use**.

- 3.3.24. Co-Living Unit** means the **use** of an **apartment building** intended for residential accommodation where private bedrooms and/or living spaces share the **use** of one common kitchen and may share common washroom facilities or living spaces.
- 3.3.25. Cornice** means an exterior horizontal projection or ornamental moulding along the top of a **building**, wall, arch or column.
- 3.3.26. Corner Lot** means a **lot** situated at the intersection of and abutting two or more **streets**, or parts of the same **street**, where the inside angle of intersection or projected angle at the intersection of the tangents of the **street lines** is less than 135 degrees, except **lots** at the start of cul-de-sacs where the angle may exceed 135 degrees.
- 3.3.27. Correctional College** means the **use** of any **lot** or **building** for the training of correctional service staff.
- 3.3.28. Correctional Institution** means the **use** of any **lot** or **building** for a **correctional institution** as defined by the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.
- 3.3.29. Council** means the Municipal Council of the Corporation of the City of Kingston.
- 3.3.30. Creativity Centre** means the **use** of any **lot** or **building** as the workplace of a photographer, artist, craftsperson or any other similar creative field, and includes galleries for the display of art for viewing and purchase, and any accessory instruction facilities where such creative field is taught.
- 3.4. D**
- 3.4.1. Day Care Centre** means the **use** of any **lot** or **building** licensed pursuant to the *Child Care and Early Years Act*, 2014, S.O. 2014, c.11, Sched. 1, that receives more than five children, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours. A **day care centre** may also include care offered or supplied on a regular schedule to adults for a portion of a day, but which does not provide overnight accommodation.
- 3.4.2. Deck** means a **building** component that is an uncovered and unenclosed or partially enclosed platform, which may or may not be attached to one or more walls of a **building**. A **deck** includes its associated guards, fencing, walls, **visual screens**, stairs and other associated features. A **deck** may or may not have a foundation.

**3.4.3. Density** means the ratio of the number of **dwelling units** or **co-living units** to one net developable hectare of **lot area**.

**3.4.4. Department Store** means the **use** of any **lot** or **building** that sells several lines of merchandise, which may include two or more of the following lines of merchandise, where no one particular line comprises the primary offering: apparel, jewelry, cosmetics and toiletries, furniture, home furnishings, appliances, electronics, sporting goods, toys, photo equipment, hardware, auto accessories, and other household goods and services.

**3.4.5. Develop or Development** means to:

1. Create a new **lot**;
2. Create a new **use**;
3. **Convert** to a different **use**;
4. Alter **landscaped open space**, a **landscaped berm**, a **planting strip** or any other landscaping feature required pursuant to this By-law;
5. Construct **driveways**, **drive aisles**, **parking spaces**, **parking lots** or **loading spaces** on a **lot**; and
6. Alter, enlarge, erect, build, **construct**, reconstruct, relocate, **renovate** or restore **buildings** or parts thereof;

**Develop or development** does not include:

1. Activities that create or maintain infrastructure authorized under an environmental assessment process;
2. Works subject to the *Drainage Act*, R.S.O. 1990, c. D.17; or,
3. Underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential where advanced exploration has the same meaning as under the *Mining Act*, R.S.O. 1990, c. M.14.

**3.4.6. Ditch** means a small to moderate excavation created to channel water.

**3.4.7. DNAPLs** (Dense Non-Aqueous Phase Liquids) means chemicals or a mixture of chemicals that are denser than water, do not mix with water and when spilled can sink and contaminate groundwater aquifers and surface water bodies. Examples of

**DNAPLs** include but are not limited to furniture stripper; nail polish; dry cleaning fluid; aerosols; coolants; polychlorinated biphenyls (PCBs); creosote and degreasers.

- 3.4.8. Drinking Water Threat** means an activity or condition that, according to a risk assessment prepared in accordance with the *Clean Water Act, 2006*, S.O. 2006, c.22, adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the Regulations to the *Clean Water Act* as a **drinking water threat**. A **drinking water threat** may be classified by the risk assessment as significant, moderate or low.
- 3.4.9. Drive Aisle** means an internal roadway immediately adjacent to a **parking space** which provides vehicular access to and from a **parking space** and is not a **driveway**.
- 3.4.10. Drive-Through** means a **building component** that provides or dispenses products or services through an attendant or a window or an automated machine to patrons remaining in **motor vehicles**, including associated stacking lane, speaker system, microphone system, signage, order board or other similar facilities, but does not include a **gas station** or **carwash**.
- 3.4.11. Driveway** means a defined area providing access for **motor vehicles** from a **street** or **private street** to facilities such as a **parking lot, commercial parking lot, parking space, loading space, private garage**, but excludes a **drive aisle**.
- 3.4.12. Duplex** means a residential **building** that is **used** for the purpose of two **principal dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance either directly to the outside or through a common vestibule, with one **dwelling unit** entirely above the other.
- 3.4.13. Dwelling Unit** means the **use** of a **building**, comprised of one or more **habitable rooms** designed to provide at least one washroom and kitchen for residential accommodation. This definition excludes recreational vehicles, travel trailers, tent trailers, motor homes or trailers otherwise designed.
- 3.5. E**
- 3.5.1. Elementary School** means the **use** of any **lot** or **building** for academic instruction typically offered from kindergarten to grade eight including public, private or separate schools, but does not include a **training facility**. Permitted **accessory uses** include **day care centres**.

- 3.5.2. Electric Vehicle** means a **motor vehicle** that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries.
- 3.5.3. Electric Vehicle Ready** means a **parking space** designed and constructed to be ready for the future installation of **electric vehicle supply equipment**.
- 3.5.4. Electric Vehicle Supply Equipment** means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an **electric vehicle**.
- 3.5.5. End-of-Trip Bike Facility** means a dedicated area in a non-residential building where at least 1 shower and 1 private change room are provided for cyclists.
- 3.5.6. Entertainment Establishment** means the **use** of any **lot** or **building** for the provision of entertainment or amusement without the necessity of active participation by the user and includes such **uses** as an arena, movie theatre, cinema, concert hall, playhouse, arcade, bingo and public dance hall, or similar **use** when the **principal** focus of the **use** is spectating for entertainment.
- 3.5.7. Exterior Lot Line** means the **lot line**, other than a **front lot line**, of a **corner lot** which abuts the **street**.

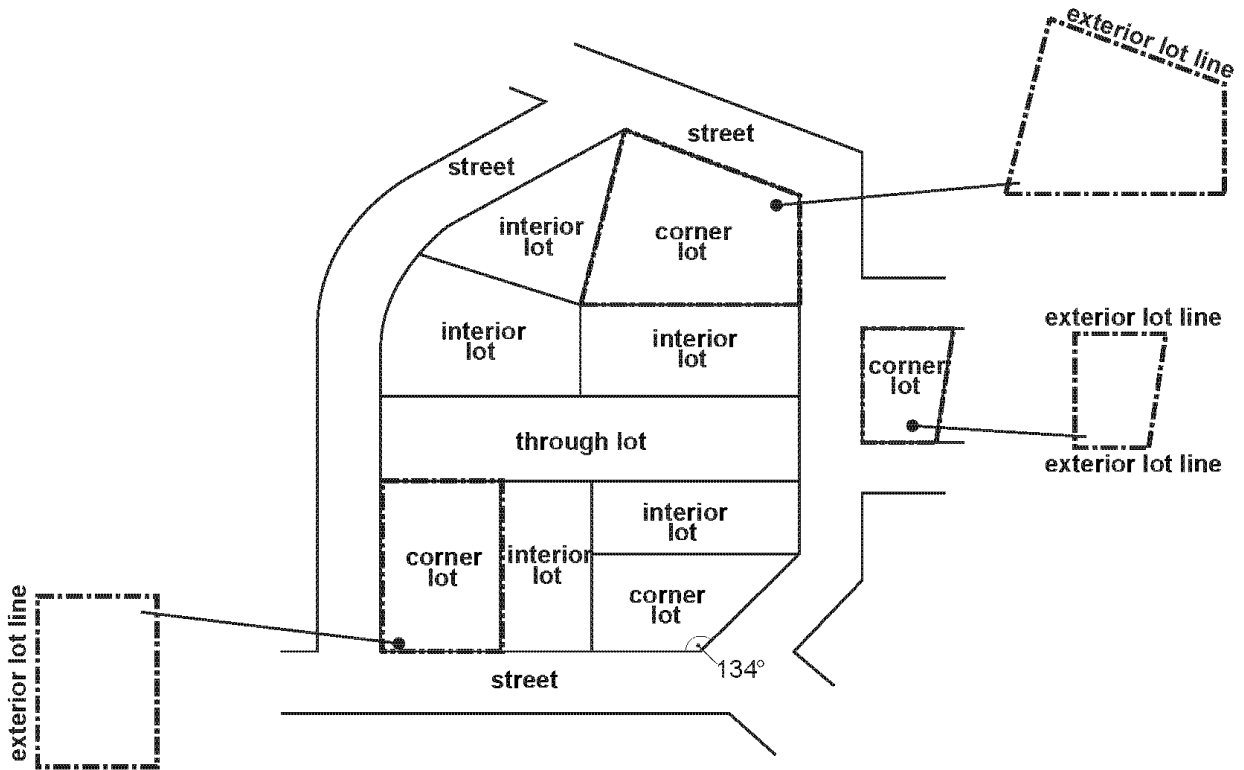


Diagram 3.5.7. – Exterior Lot Line

- 3.5.8. **Exterior Setback** means the setback between the **exterior lot line** and the nearest part of any **building** on the **lot**.
- 3.5.9. **Exterior Yard** means a **yard** extending from the **front yard** to the **rear lot line** between the **exterior lot line** and the nearest part of any **building** on the **lot**.

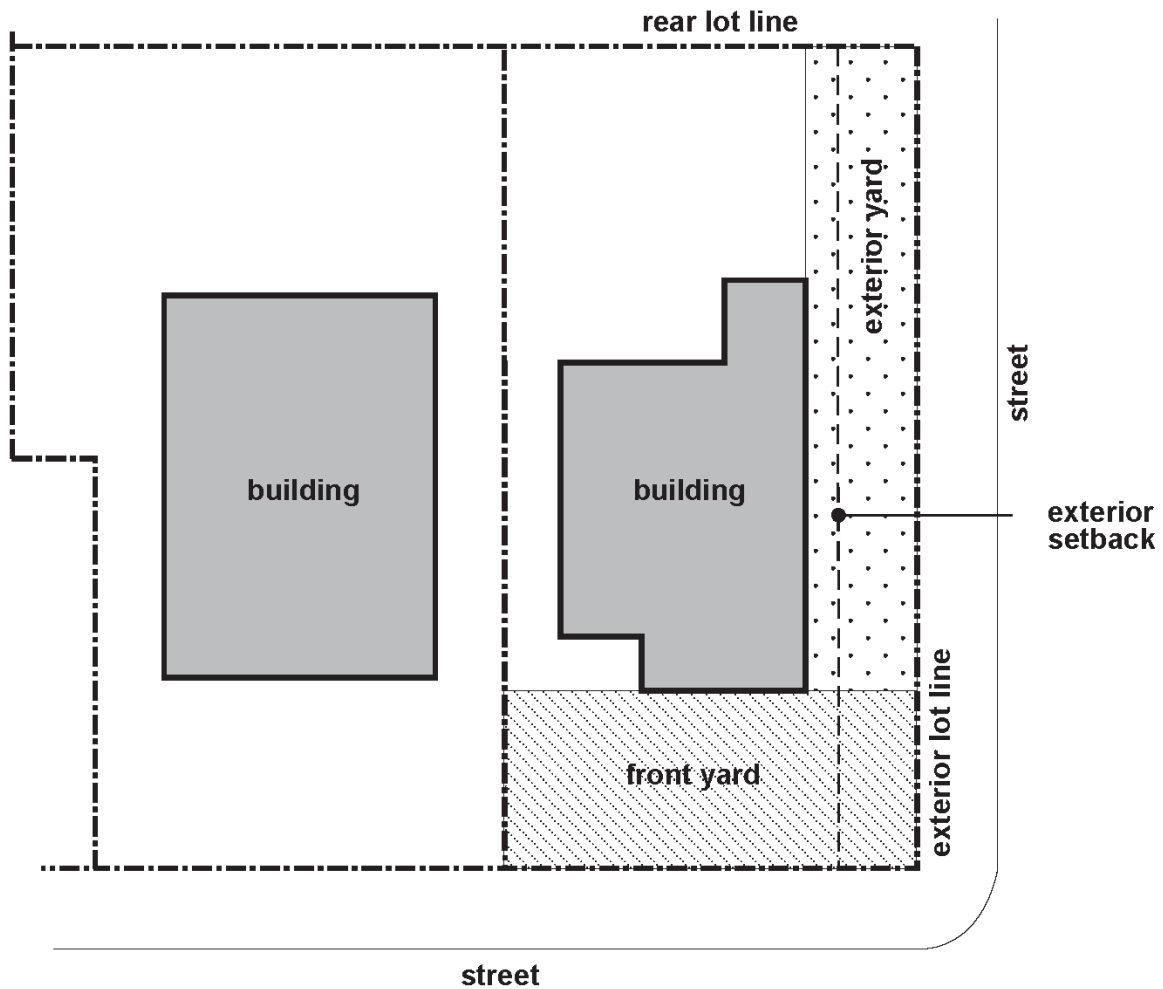


Diagram 3.5.9. – Exterior Setback and Exterior Yard

3.6. F

- 3.6.1. **Factory Outlet** means the **use** of any **lot** or **building** as an **accessory** to a manufacturing **use** offering goods for sale which are manufactured entirely on the same **lot** as the **factory outlet**.
- 3.6.2. **Fairgrounds** means the **use** of any **lot** or **building** where fairs, circuses or exhibitions are held primarily outdoors, and includes any **accessory** and temporary **buildings**.
- 3.6.3. **Feedmill** means the **use** of any **lot** or **building** as a commercial or industrial scale mill for the processing, blending, grinding and mixing of grains, seeds and concentrates.



- 3.6.4. Fence** means a physical barrier or partition made of wood, metal or other substance that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every door, gate and other closure that forms part of a fence, and which is regulated by the City of Kingston By-law Number 2003-405, A By-law to Regulate Fences, or any successor legislation.
- 3.6.5. Ferry Terminal** means the **use** of any **lot** or **building** for the docking of ferry boats which may carry **persons**, cargo, **motor vehicles** or other **vehicles** across a **waterbody**, including **accessory** administrative **offices**, food concessions, **retail stores** or other similar **uses**.
- 3.6.6. Financial Institution** means the **use** of any **lot** or **building** wherein money management services are provided and includes a bank, trust company, credit union, financial company, mortgage company, loan company, cheque cashing company, or investment company.
- 3.6.7. Finished Grade** means the average elevation of the ground surface at the base of the **main wall**, measured at the four most distant points representing the outermost corners of the **building**.
- When used in reference to any a round **building** or another **building** that does not have corners, means the average elevation of the ground surface at the base of the **building**, measured around the perimeter.
- 3.6.8. First Storey** means the **storey** with its floor closest to **finished grade** and which has a floor level that is located at or above **finished grade**.
- 3.6.9. Fitness Centre** means the **use** of any **lot** or **building** in which facilities are provided for fitness or athletic activities such as body-building, endurance training, yoga, exercise and fitness classes, or other similar **uses** where the **principal** focus is fitness. **Fitness centres may** include associated facilities such as a sauna, a **swimming pool** and a solarium and **accessory uses** such as a food concession and **retail store**.
- 3.6.10. Flat Roof** means a roof where at least 50% of the area of the roof, when viewed from a horizontal plane, has a pitch less than 10 degrees from the horizontal.
- 3.6.11. Floor Space Index** means the **gross floor area** of all **buildings** on a **lot** divided by the **lot area**. "FSI" means **floor space index**.

- 3.6.12. Food Truck** means the **use** of any **lot** for a vehicle, whether motorized or manually propelled, from which refreshments and/or food are sold for public consumption, including carts, wagons, trailers and **motor vehicles**.
- 3.6.13. Forestry Use** means the **use** of any **lot** or **building** for raising and harvesting of trees, including the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products, but excludes a **garden centre** or building product outlet.
- 3.6.14. Former General Zoning By-law** means:
1. By-law Number 8499 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
  2. By-law Number 8402 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
  3. By-law Number 9087A of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
  4. By-law Number 8950 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
  5. By-law Number 3077 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
  6. By-law Number 96-259 of the former City of Kingston, being the Downtown and Harbour Zoning By-law as amended, and its predecessor zoning by-laws as applicable;
  7. By-law Number 76-26 of the former Township of Kingston as amended, and its predecessor zoning by-laws as applicable;
  8. By-law Number 97-102 of the former Township of Kingston, being the Cataraqui North Zoning By-law as amended, and its predecessor zoning by-laws as applicable; and
  9. By-law Number 32-74 of the former Township of Pittsburgh as amended, and its predecessor zoning by-laws as applicable.
- 3.6.15. Freehold** means a **lot** or **building** where the ownership does not include any **common element**.

**3.6.16. Front Lot Line** means, in the case of an **interior lot**, the line dividing the **lot** from the **street**.

In the case of a **corner lot**, the shorter **lot line** abutting a **street** is deemed the **front lot line** and the longer **lot line** abutting a **street** is deemed an **exterior lot line**.

In the case of a **corner lot** which is also a **through lot**, the **front lot line** is the **lot line** opposite to the **lot line** that does not abut a **street**.

In the case of a **through lot** or a **corner lot** whose **exterior lot lines** are the same length, the **lot line** where the **principal** vehicular access to the **lot** is provided is deemed to be the **front lot line**.

In the case of a waterfront **lot** with no **street line**, the **front lot line** is the **lot line** contiguous with the **waterbody**.

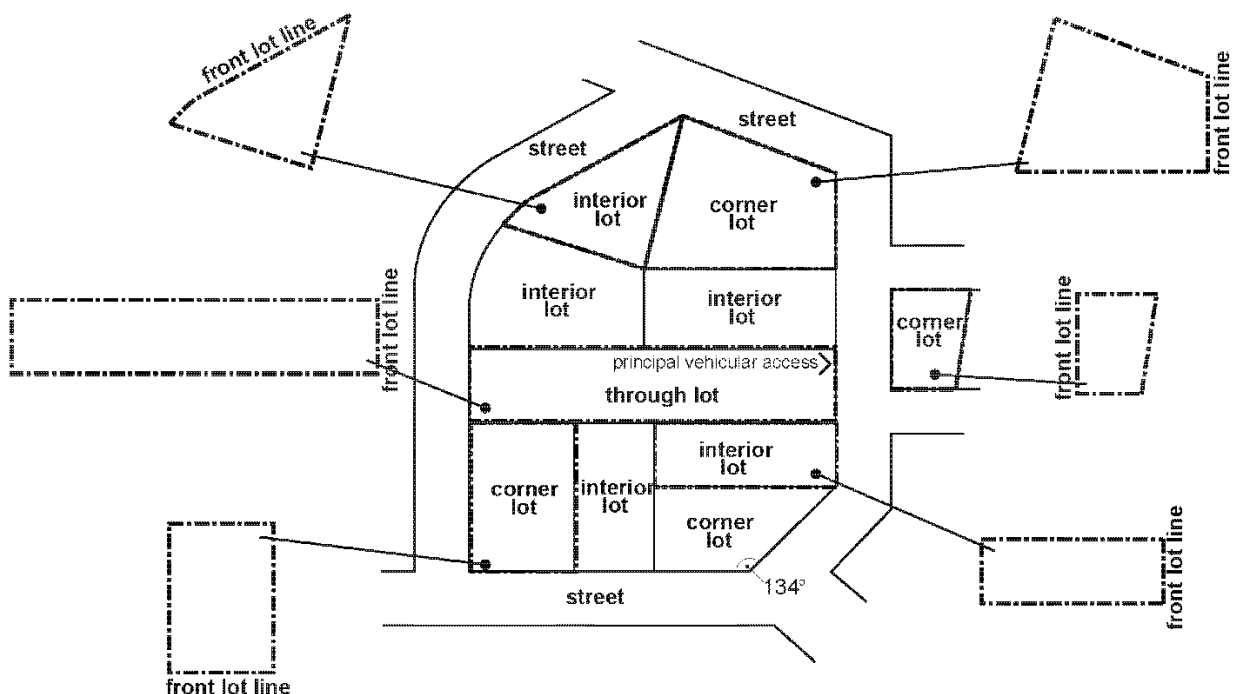


Diagram 3.6.16. – Front Lot Line

**3.6.17. Front Setback** means the **setback** between the **front lot line** and the nearest part of any **building** on the **lot**. Where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the **front setback** must be

determined by measuring the hypothetical point of intersection of the extension of the **front lot line** and the extension of the **exterior lot line**.

**3.6.18. Front Yard** means a **yard** extending across the full width of the **lot** between the **front lot line** and the nearest part of any **building** on the **lot**.

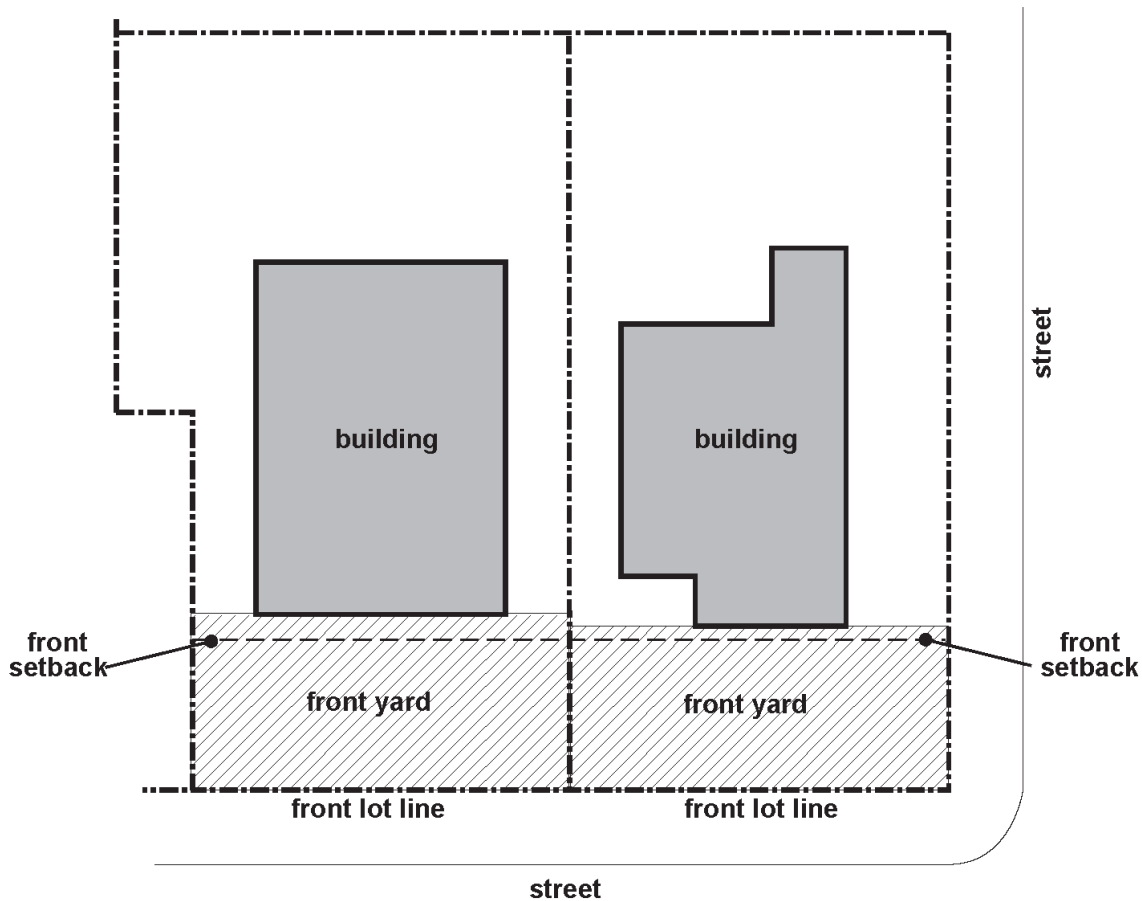


Diagram 3.6.18. – Front Setback and Front Yard

**3.6.19. Funeral Establishment** means the **use** of any **lot** or **building** established for the purpose of temporarily placing human remains and cremated human remains, so that **persons** may attend and pay their respects.

**3.7. G**

**3.7.1. Garage Sale** means the **use** of any **lot** or **building** for the sale of household goods by an occupant of a **dwelling unit**, on the same **lot** as the **dwelling unit**.

- 3.7.2. Garden Centre** means the **use** of any **lot** or **building** for the retail sale of trees, shrubs or plants, and which may include the **accessory** sale of soil, planting materials, fertilizers, lawn and garden tools, ornaments, and similar materials.
- 3.7.3. Gasoline Pump** means a **building** for the dispensing of **vehicle** fuels including gasoline, diesel, propane and natural gas but does not include a kiosk or any other **accessory building**.
- 3.7.4. Gas Station** means the **use** of any **lot** or **building** where **motor vehicle** fuel is kept for sale, including a **gasoline pump**, and may also include the following additional functions:
1. The sale of oil, grease, antifreeze, tire tubes, tire accessories, electrical light bulbs, spark plugs, and batteries for **motor vehicles**, etc.;
  2. The sale of convenience commercial goods and food as an **accessory use**;
  3. Facilities where **motor vehicles** are oiled, greased, and washed;
  4. Electrical charging stations for electric **motor vehicles**;
  5. Minor repairs essential to the actual operation of **motor vehicles** including ignition adjustment and tire inflation; and/or
  6. The sale of propane as an **accessory use**.
- 3.7.5. Golf Course** means the **use** of any **lot** or **building** for the purpose of playing golf and may include **accessory uses** such as a **restaurant**, food concession, driving range, the sale or rental of golf equipment, or a **banquet hall**.
- 3.7.6. Gravel Pit** means the **use** of any **lot** or **building** for open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for **construction**, manufacturing or industrial purposes, but excludes an excavation incidental to the **development** of a **building** for which a building permit has been granted by the **City**, or an excavation incidental to the **construction** of any public works. This definition includes a **wayside pit** or **wayside quarry**.
- 3.7.7. Grocery store** means the **use** of any **lot** or **building** devoted to the sale of perishable and non-perishable food including baked goods, fruits and vegetables, meat or butcher products and dairy products and may include an **accessory** food concession, delicatessen and **retail store**.

- 3.7.8. Gross Floor Area** means the total floor area of all floors of a **building** above **finished grade**, measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the **building** from another **building**, but excluding:
1. Areas of enclosed malls **used** as a common area between stores;
  2. Areas **used** for mechanical equipment, electrical equipment or similar service areas such as garbage or recycling rooms;
  3. Areas **used** for stairways and elevator shafts;
  4. Areas **used** as storage lockers or **balconies**;
  5. Areas **used** for loading spaces and required parking spaces;
  6. Any floor area with a floor to ceiling height of less than 1.8 metres;
  7. Area in an **attic** having headroom of 2.1 metres or less for at least half the **attic** floor area, unless otherwise specified; and
  8. **Balconies, porches, decks** and mezzanines.
- 3.7.9. Gross Leasable Area** means the total area of all floors in a **building** or part of a **building** usable for tenant occupancy and the tenants' exclusive **use**, including **basements**, mezzanines and integral storage areas, measured from the centre line of joint partitions and from outside wall faces, but not including public or common areas, such as **parking spaces** and **parking lots**, walls, corridors, stairways, elevators or machine or equipment rooms.
- 3.7.10. Group Home** means the **use** of a **lot** or **building** to provide supervised living accommodation as per the requirements of its residents, licensed and/or funded by the Province of Ontario or the Government of Canada, generally limited to 10 persons or fewer, exclusive of staff, living together as a single housekeeping unit. For the purpose of this By-law, a **group home** is considered to be a **dwelling unit**.
- 3.8. H**
- 3.8.1. Habitable Room** means any room in a **dwelling unit** that is capable of being **used** by one or more persons for living, sleeping, eating, food preparation or sanitation and includes a **bedroom**.

**3.8.2. Habitation Unit** means a living space in an institutional **building used** and occupied by one person.

**3.8.3. Height**, when used in reference to an **accessory building, mixed-use building** or a building with **non-residential uses**, means the vertical distance measured from **finished grade** to the highest point of the **building**.

When used in reference to the **first storey**, means the vertical distance measured from **finished grade** to the top of the ceiling of the **first storey**.

For **principal buildings** with a **residential use**, means the vertical distance from **finished grade** to:

- 1.** In the case of a **building** with a **flat roof**, the highest point of the **building**;
- 2.** In the case of a sloped roof, the average level between the eaves and highest point of the **building**; and
- 3.** For all other roof types, including a quonset hut or dome shaped roofs, the highest point of the **building**.

For the purpose of this definition, a roof with a slope 60 degrees or more to the horizontal and which is adjacent to occupied portions of a **building** is considered to be a **main wall**. Where the soffit projects more than 0.5 metres from the **main wall** on the horizontal, the slope is calculated at a point that is 0.5 metres from the **main wall**.

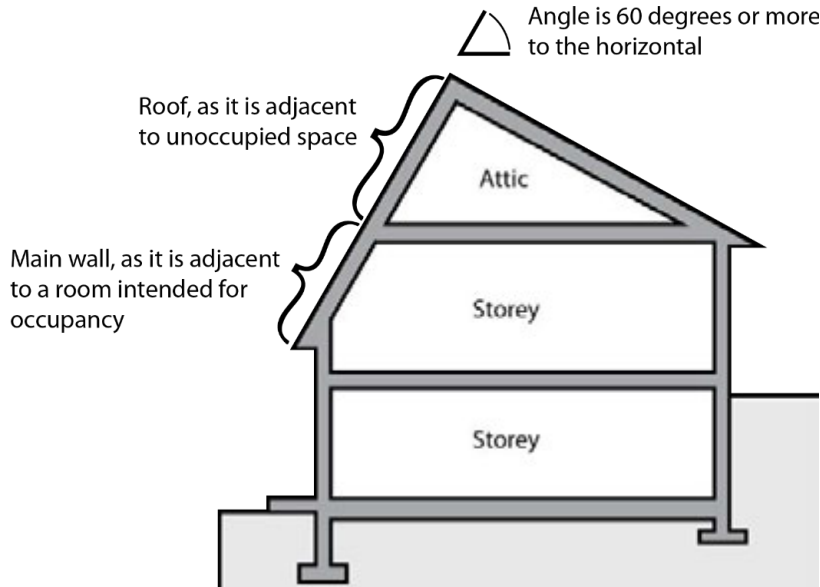


Diagram 3.8.3. – Roof with Slope of 60 Degrees or More

- 3.8.4. Heritage Building** means a **building** that is designated under the *Ontario Heritage Act*, or that is certified to be of significant architectural or historical value by a recognized, non-profit public organization whose primary object is the preservation of structures of architectural or historical significance and the certification has been accepted by the Chief Building Official.
- 3.8.5. Heavy Equipment or Truck Repair Shop** the **use** of a **lot** or **building** for the repair or servicing of heavy equipment or trucks and may include **accessory uses** such as wash facilities and driver services.
- 3.8.6. Heavy Industrial Uses** the **use** of a **lot** or **building** for:
1. The manufacture or processing or storage of products from raw materials; or
  2. The production or use or storage of flammable, explosive or other hazardous materials.
- 3.8.7. High Water Mark** means the highest water level that has been maintained for a sufficient duration (on an annual basis) as to leave physical evidence upon the landscape marking the boundary between that water level and upland areas. The boundary may be identified by:
1. An examination of the bed and bank of the waterbody, to determine where the presence and action of water has been so common and usual and long



continued in all ordinary years to mark upon the bed or bank a character distinct from that of the abutting upland; and/or

2. A distinction between either open water or dominant aquatic/wetland vegetation, and dominant upland vegetation.

- 3.8.8. **Home Day Care** means the **use** of a portion of a **dwelling unit** for the care of five children or fewer for reward or compensation where such care is provided in a private **dwelling unit**, other than the home of a parent or guardian of any such child, for a continuous period not exceeding 24 hours.
- 3.8.9. **Home Office** means the **use** of a portion of a **dwelling unit**, including an attached **private garage** or a detached **accessory building** located on the same **lot** as the **dwelling unit**, as an **office** space for a person residing in the **dwelling unit** where no customers, clients or in-person meetings are conducted on the **lot**. **Home office** includes remote-working and work from home arrangements where business is conducted virtually or over the phone.
- 3.8.10. **Home Occupation** means a **use** of a portion of a **dwelling unit**, including an attached **private garage** or a detached **accessory building** located on the same **lot** as the **dwelling unit**, as an occupation, business, trade, **home day care** or craft for a person residing in the **dwelling unit** that is subordinate to the **principal use** of the **dwelling unit**. **Home occupation** excludes a **home office**.
- 3.8.11. **Horizontal Bike Space** means a **bike space** that is provided in a horizontal format where no **bike spaces** are immediately above or below.
- 3.8.12. **Hospital** means the **use** of any **lot** or **building** that is established for the purposes of the treatment of patients and that is approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c. P.40 and may include a gift shop, cafeteria and other similar **accessory uses** normally associated with a hospital.
- 3.8.13. **Hotel** means the **use** of any **lot** or **building** for the temporary lodging of the travelling public or for recreation purposes and may include a **banquet hall**, meeting rooms, licensed lounge, **restaurant**, convenience store and gift shop as **accessory uses**, but excludes any short term rental as defined in the Short Term Rental By-law.

3.9. I

- 3.9.1. **Industrial Repair Shop** means the **use** of any **lot** or **building** for the repair of industrial articles through the **use** of machining, welding or fabrication.
- 3.9.2. **Institutional Use** means the **use** of any **lot** or **building** by any organization, group, or association for government, religious, charitable, educational, benevolent, health or welfare purposes and not for profit or gain, but does not include **uses** otherwise defined herein.
- 3.9.3. **Intake Protection Zone (IPZ)** means the area of land and water that contributes source water to a drinking water system intake within a specified distance, period of flow time (for example, two hours), and/or watershed area.
- 3.9.4. **Interior Lot** means a **lot** other than a **corner lot**.
- 3.9.5. **Interior Lot Line** means a **lot line**, other than a **rear lot line** that does not abut a **street**.

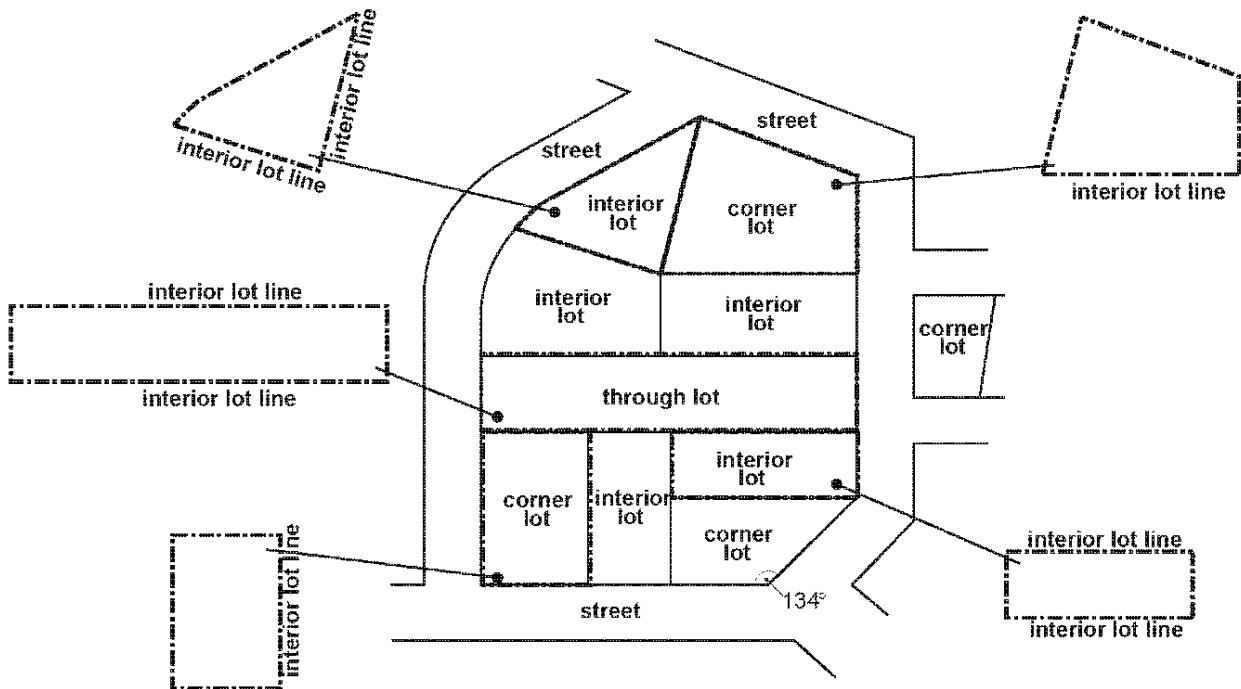


Diagram 3.9.5. – Interior Lot Line

- 3.9.6. **Interior Setback** means the **setback** between the **interior lot line** and the nearest part of any **building** on the **lot**.

3.9.7. **Interior Yard** means a yard extending from the front yard to the rear yard between the interior lot line and the nearest part of any building on the lot.

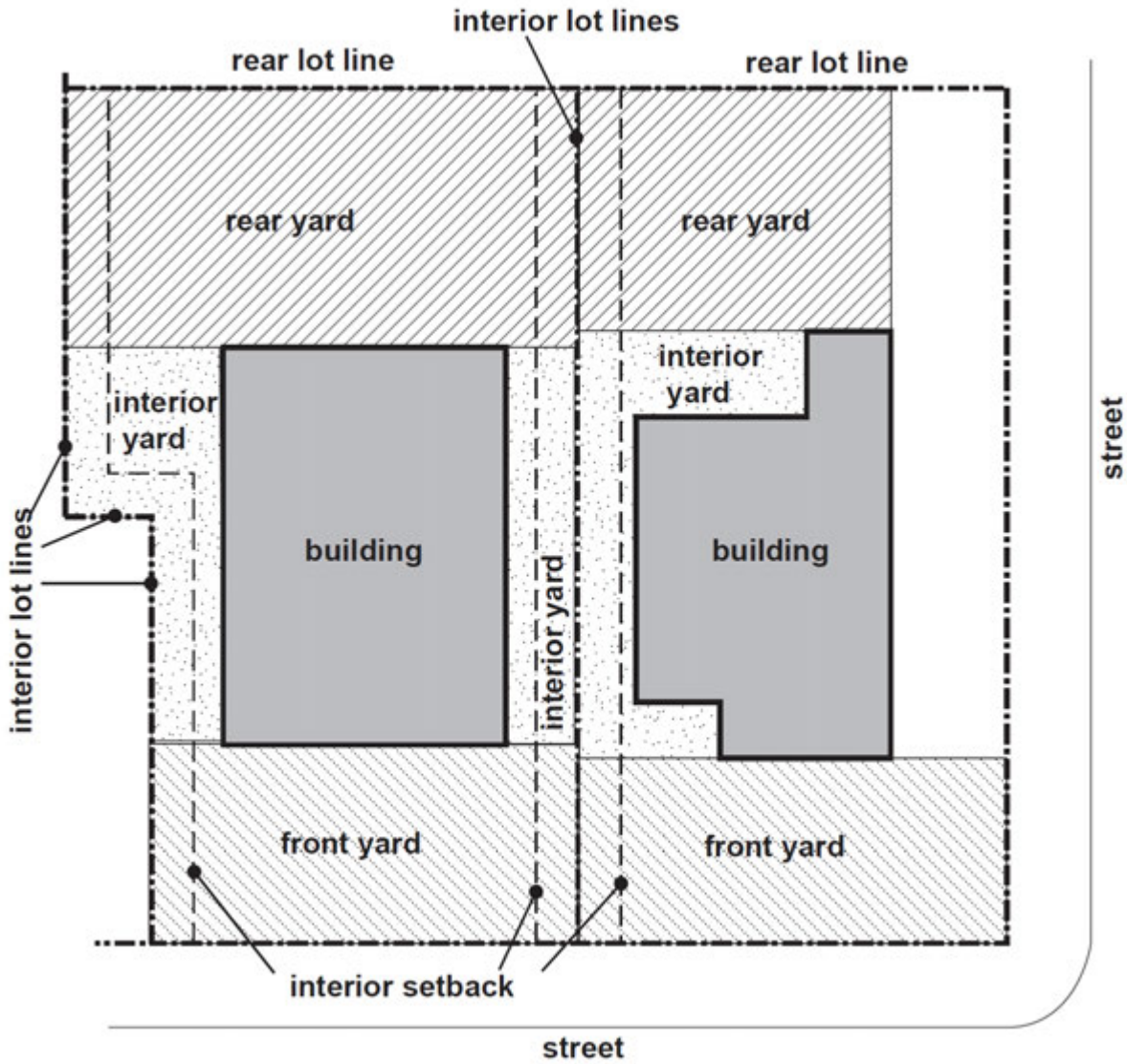


Diagram 3.9.7. - Interior Setback and Interior Yard

3.10. J

3.10.1. Reserved

3.11. K

**3.11.1. Kennel** means the **use** of any **lot** or **building** where the predominant economic activity consists of day boarding, overnight boarding or breeding of domestic household pets.

3.12. L

**3.12.1. Laboratory** means the **use** of any **lot** or **building** where experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for **use** on the **lot**. This definition excludes a **research establishment**.

**3.12.2. Landscaped Berm** means an outdoor area on a **lot** that has been designed for safety purposes as an earthen berm with side slopes not steeper than 2.5 to 1, adjoining and parallel to a railway **right-of-way** with returns at the ends.

**3.12.3. Landscaped Open Space** means an outdoor area on a **lot** that is **used** for soft landscaping that allows water to permeate into the ground (vegetation such as trees, shrubs, hedges, ornamental plantings, grass, groundcover or other similar plantings) or hard landscaping (brick, gravel, pavers, rocks, stones, **walkways**, **fences**, **patios**, exterior stairs, **porches** without a perimeter foundation, **decks** without a perimeter foundation, **swimming pools**, **outdoor patios** or other similar areas) or an area above a private sewage system, excluding:

1. **Driveways, drive aisles, parking spaces, parking lots, loading spaces** or anywhere a vehicle is parked or driven;
2. **Decks** or **porches** that have a perimeter foundation; **and**
3. Any area beneath, above or within any **building** (excluding a private sewage system, which is included in the calculation of **landscaped open space**).

**3.12.4. Laundry Store** means the **use** of any **lot** or **building** for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process. A **laundry store** includes a laundromat, where one or more clothes washing and drying machines are **used**.

- 3.12.5. Library** means the **use** of any **lot** or **building** for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for the purposes of study, reference and recreation.
- 3.12.6. Light Industrial Use** means the **use** of any **lot** or **building** for:
1. The manufacturing of previously prepared materials or finished parts or finished products; or
  2. Factory or assembly-line processes that involve manufacturing, processing, assembling or packaging of finished parts or products made from previously prepared materials.
- 3.12.7. Livestock** means beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals as identified in **minimum distance separation**, but excludes **backyard hens**.
- 3.12.8. Livestock Barns** means one or more permanent **buildings** located on a **lot** which are intended for housing **livestock**, and are structurally sound and reasonably capable of housing **livestock**.
- 3.12.9. Livestock Facility** means the **use** of any **lot** or **building** for **livestock barns** and **manure storage**, including all unoccupied **livestock barns** and unused manure storage.
- 3.12.10. Loading Space** means an unobstructed open, enclosed or partially enclosed area for the purpose of loading or unloading **vehicles** in conjunction with a permitted **use** or **building** on the same **lot**.
- 3.12.11. Long-term Bike Space** means a **bike space** that is **used** or
- 3.12.12. Lot** means a single parcel or tract of land that may be conveyed in compliance with the provisions of the *Planning Act*.
- 3.12.13. Lot Area** means the total surface area taken on a horizontal plane within all **lot lines** of a **lot**, excluding:
1. The area below the **high water mark** of a **waterbody**;
  2. Any lands which may be subject to the Floodplain Overlay;
  3. Any lands which have been or which will be dedicated to the **City** for public **streets**, public sidewalks, public open space, **parks** or public community

facilities including, but not limited to **libraries**, fire stations, and **recreation facilities**; and

4. Any lands zoned Environmental Protection Area.

**3.12.14. Lot Coverage** means the percentage of the **lot area** covered by a **building** or a **deck** that has a perimeter foundation or a **porch** that has a perimeter foundation, excluding private sewage systems, uncovered steps, patios, **swimming pools**, **decks** and **porches**, as well as **balconies**, **bay windows**, **canopies** and overhanging eaves which are 2.0 metres or more in height above the **finished grade**.

**3.12.15. Lot Depth** means the horizontal distance between the **front lot line** and **rear lot line** perpendicular to the **front lot line**. If the **front lot line** and **rear lot line** are not parallel, **lot depth** means the length of a straight line joining the midpoint of the **front lot line** with the midpoint of the **rear lot line**. If there is no **rear lot line**, **lot depth** means the length of a straight line joining the midpoint of the **front lot line** with intersection of the **interior lot lines** and/or **exterior lot line**.

**3.12.16. Lot Frontage** means the horizontal distance between the **interior lot lines** and/or **exterior lot lines** along the **front lot line**, with such distance being measured perpendicular to the line joining the mid-point of the **front lot line** with the mid-point of the **rear lot line** and at the minimum required **front setback**. In the case of a **lot** with no **rear lot line**, the point where two **interior lot lines** intersect is the point from which a line is drawn to the mid-point of the **front lot line**. Where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the **exterior lot line** is deemed to extend to its hypothetical point of intersection with the extension of the **front lot line**.

**3.12.17. Lot Line** means a line delineating any legal boundary of a **lot**.

**3.12.18. Lot Width** means the horizontal distance between the side **lot lines**, with such distance measured perpendicularly to the mid-point of the **lot depth**.

### 3.13. M

**3.13.1. Main Wall** means all portions of the exterior front, side and/or rear wall of a **building** and all structural components essential to the support of a fully enclosed space or roof.

**3.13.2. Manure storage** means permanent storage which is structurally sound and reasonably capable of storing manure and which typically contains liquid manure

(<18% dry matter) or solid manure ( $\geq$ 18% dry matter), and may exist in a variety of: locations (under, within, nearby, or remote from barn); materials (concrete, earthen, steel, wood); coverings (open top, roof, tarp, or other materials); configurations (rectangle, circular); and, elevations (above, below or partially above-grade).

- 3.13.3. Marina** means the **use** of any **lot** or **building** as a commercial venture providing transient and/or seasonal docking and mooring facilities where boats are berthed, stored, serviced, repaired or launched. A **marina** may include a yacht club, land based facilities for the winter storage of boats, boat servicing establishments, sale or rental of boats and boat accessories, the sale of marine fuels and lubricants, waste water pumping facilities, washroom and shower facilities, **laundry store**, boat launching ramp, boat lift/boat lifting equipment, administrative **offices** and marine-related instructional facilities. Accessory uses may include a **restaurant** or a **hotel** that support the **marina**.
- 3.13.4. Marine Facility** means the **use** of any **lot** or **building** to take a boat into or out of a **waterbody**, or to moor, berth, store, repair or construct a boat and which abuts a shoreline. This definition may include a boathouse, vertical storage for non-motorized boats, boat slip, boat launch ramp, boat lift, boat port, dock or marine railway, but excludes any **building used** for human habitation.
- 3.13.5. Mechanical Penthouse** means an enclosed or partially enclosed **building** component which houses mechanical, ventilation, electrical or other similar equipment only, other than a bulkhead, sited on the roof of a **building**.
- 3.13.6. Military Installation** means the **use** of any **lot** or **building** for military purposes, including armories, staff colleges, military **dwelling units**, training facilities, administrative **offices**, dining areas, enclosed storage areas, residential accommodation, **recreation facilities** or **museums**.
- 3.13.7. Minimum Distance Separation** means formulae and guidelines developed by the Province of Ontario, as amended from time to time, to separate **uses** so as to reduce incompatibility concerns about odour from **livestock facilities**.
- 3.13.8. Mixed Use Building** means a **building** that is **used** for the purpose of one or more **dwelling units** and one or more permitted **non-residential uses**.
- 3.13.9. Mobile Home** means a manufactured dwelling containing one **dwelling unit** that is a **principal building** and is designed to be made mobile, and constructed or manufactured to provide year-round living accommodations, but does not include recreational vehicles, travel trailers, tent trailers, motor homes or trailers otherwise

designed. A mobile home may include a **porches** or sunrooms as an **accessory building**.

**3.13.10. Mobile Home Park** means an area under single ownership and **used** exclusively for the siting of **mobile homes**, with **accessory** commercial facilities and recreational **uses** for residents, including any **buildings** in or on such **mobile home park**.

**3.13.11. Model Home** means a **single detached house, semi-detached house or townhouse used** temporarily for the purpose of an **office** and/or show room and/or sales centre to promote the sale of residential units within a draft approved plan of subdivision or plan of condominium proposed for registration.

**3.13.12. Motor Vehicle** means an automobile, motorcycle and motor-assisted bike unless otherwise indicated in the *Highway Traffic Act*, R.S.O. 1990, c. H.8. and any other **vehicle** propelled or driven otherwise than by muscular power, but does not include trains or other motorized **vehicles** running only upon rails, or a motorized snowmobile, boat, personal watercraft, trailer, camper, motor home, all-terrain vehicle, traction engine, farm tractor or road-building machine, as defined in the *Highway Traffic Act*.

**3.13.13. Municipal Services** means a **lot** that is serviced by both municipal water and municipal sewer.

**3.13.14. Museum** means the **use** of any **lot** or **building** that is open to the public and in which a collection of objects illustrating science, art, history or related types of information is kept for display and storage. **Museums** may include **retail stores** and food concessions as **accessory uses**.

### 3.14. N

**3.14.1. Natural Gas Pipeline** means pipes and installations for the transmission of natural gas.

**3.14.2. Non-Agricultural Source Material** means any of the following materials, excluding **Agricultural Source Materials**, if the materials are intended to be applied to land as nutrients:

1. Pulp and paper biosolids;
2. Sewage biosolids;



3. Anaerobic digestion output, if less than 50%, by volume, of the total amount of anaerobic digestion materials that were treated in a mixed anaerobic digestion facility were on-farm anaerobic digestion materials; and
4. Any other material that is not from an agricultural source and is capable of being applied to land as a nutrient.

**3.14.3. Non-Residential Building** means all **buildings** occupied by **non-residential uses** only.

**3.14.4. Non-Residential Use** means all **uses** that are not **residential uses**.

### 3.15. O

**3.15.1. Occasional Use** means the **use** of any **lot** or **building** which only occurs at limited and infrequent intervals.

**3.15.2. Office** means the **use** of any **lot** or **building** for conducting the affairs of businesses, professions, services, media studios, industries, governments, or other similar activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods. **Office** excludes a **wellness clinic**.

**3.15.3. On-Farm Diversified Use** means the **use** of any **lot** or **building** which is **complementary** to the **principal agricultural use** on a **lot**. **On-farm diversified uses** may include but are not limited to agri-tourism uses or other similar **uses** that produce value-added agricultural products.

**3.15.4. Organic Solvent** means compounds that contain carbon atoms able to dissolve solids, gases and liquids, including, but not limited to, methyl alcohol, benzene, acetone and ether. Depending on their physical properties, **organic solvents** can also be classified as **DNAPLs**.

**3.15.5. Outdoor Patio** means a surfaced, open space of land at grade or on the roof of a **building** which is used as an **accessory** extension of the **principal** commercial or hospitality **use** of the **lot** or **building**.

**3.15.6. Outdoor Storage** means the **use** of any **lot**, outside of a **building**, for the storage of goods, materials and equipment or the display and sale of goods, materials and equipment, outside of a **building**, but excludes a **parking lot**, a **loading space**, a **salvage yard** or an outside area on a permitted **agricultural use** for the storage of agricultural equipment.

3.16. P

- 3.16.1. Parapet** means the low protective or ornamental wall above the **cornice** of a **building**.
- 3.16.2. Park** means the **use** of any **lot** consisting largely of open space, which may include a outdoor recreational areas, sports fields, playgrounds, playfield, food concession, beach, outdoor theatres, or other similar **uses** in a manner that is generally accessible to the public.
- 3.16.3. Parking Lot** means the **accessory use** of any **lot** or **building** for the parking of more than 1 **motor vehicle** in a configuration where a **driveway** is not in line with and does not provide direct access to the **parking space**. **Parking lot** includes **drive aisles** and **parking spaces**, without a fee being charged, and excludes any area where **motor vehicles** for sale or repair are kept or stored. **Parking lot** excludes tandem parking spaces that are in line with and directly accessed from a **driveway**.
- 3.16.4. Parking Structure** means a **building** for the parking of four or more motor vehicles, but excludes a **private garage accessory** to a **single detached house, semi-detached house, duplex, triplex** or **townhouse**.
- 3.16.5. Parking Space** means an unobstructed area dedicated solely for the purpose of parking of a **motor vehicle** with unimpeded access directly from a **street, drive aisle** or **driveway**.
- 3.16.6. Partial Services** means a **lot** that is serviced by either municipal water or municipal sewer, but not both.
- 3.16.7. Patio** means a surfaced, open area of land at grade on a **lot** that is **used** for the purpose of amenity and provided with a stable, hard surface treatment. Patio excludes **driveways, drive aisles, parking spaces, parking lots, loading spaces** or anywhere a vehicle is parked or driven.
- 3.16.8. Person** means any human being, association, firm, partnership, corporation, agent or trustee, and their heirs, executors or other legal representatives of a **person** to whom the context can apply according to the law.
- 3.16.9. Personal Service Shop** means the **use** of any **lot** or **building** in which services involving the care of **persons** or their apparel are offered and includes a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon or similar service establishments as licensed by the **City**. The sale of merchandise is only permitted as an **accessory use** to the **principal** service provided.

- 3.16.10. Pigeon** means a bird from the family Columbidae and is registered or licensed by the **City** in accordance with the By-law to Regulate Animals.
- 3.16.11. Pigeon Loft** means an **accessory building** where **pigeons** are kept.
- 3.16.12. Place of Worship** means the **use** of any **lot** or **building** for the regular assembly of **persons** for the practice of religious worship, services, or rites.
- 3.16.13. Planting Strip** means the area of a **lot used** or intended to be **used** for the sole purpose of planting a row of trees or a continuous hedgerow of evergreens or shrubs and may include supplementary planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof. **Driveways, walkways** and similar features are permitted to cut across a planting strip perpendicularly.
- 3.16.14. Porch** means a **building** component that is an unenclosed or partially enclosed platform covered by a roof, and which is attached to a **main wall** of a **building**. A **porch** includes all associated guards, fencing, walls, **visual screens**, columns, roof, stairs and other associated features. A **porch** may or may not have a foundation.
- 3.16.15. Post-Secondary Institution** means the **use** of any **lot** or **building** as an educational institution instructing or examining students in many branches of advanced learning and conferring degrees, diplomas, certificates or other certifications including a university, college or other similar **use**.
- 3.16.16. Principal** means the main or primary purpose for which any **lot** or **building** is designed, arranged or intended.
- 3.16.17. Printing Establishment** means the **use** of any **lot** or **building** in which photocopying, photography, reproduction or binding services are provided to the public and other businesses.
- 3.16.18. Private Garage** means a **building** which is designed or **used** for the sheltering of **vehicles** and storage of household equipment **accessory** to the **principal residential use**. A **private garage** includes a carport.
- 3.16.19. Private Services** means a **lot** that is not serviced by municipal water or municipal sewer.
- 3.16.20. Private Street** means a private **right-of-way** that is **used** by **motor vehicles** which is not deeded to the **City** or any other **public authority** as a public **right-of-way**. A **private street** does not include a **street**.

- 3.16.21. Production Studio** means the **use** of any **lot** or **building** for producing photography, live broadcasts, motion pictures, audio or video recordings or transmissions or similar **uses**.
- 3.16.22. Public Authority** means any Federal, Provincial, Regional or Municipal agency including any commission, board authority, or department established by such agency.
- 3.16.23. Public Market** means the **use** of any **lot** or **building** where produce, meat, flowers, fruit, crafts, paintings and other items, largely produced by the vendor, are sold to the public at retail by vendors from individual stalls or stands.
- 3.16.24. Public Use** means the **use** of any **lot** or **building** for a public service by the City, any Conservation Authority established by the Province of Ontario, any Ministry or Commission of the Province of Ontario or Canada, any utility company, or any railway company authorized under the *Railway Act*.
- 3.17. Q**
- 3.17.1.** Reserved
- 3.18. R**
- 3.18.1. Rear Lot Line** means the **lot line** opposite to, and most distant from, the **front lot line**. In the case of a pie shaped lot or a lot where there is no **lot line** opposite to, and most distant from, the **front lot line**, there is no **rear lot line** but **rear yard setback** and other provisions calculated from a **rear lot line** must be taken from the point of intersection of the **interior lot lines** and/or **exterior lot lines**.

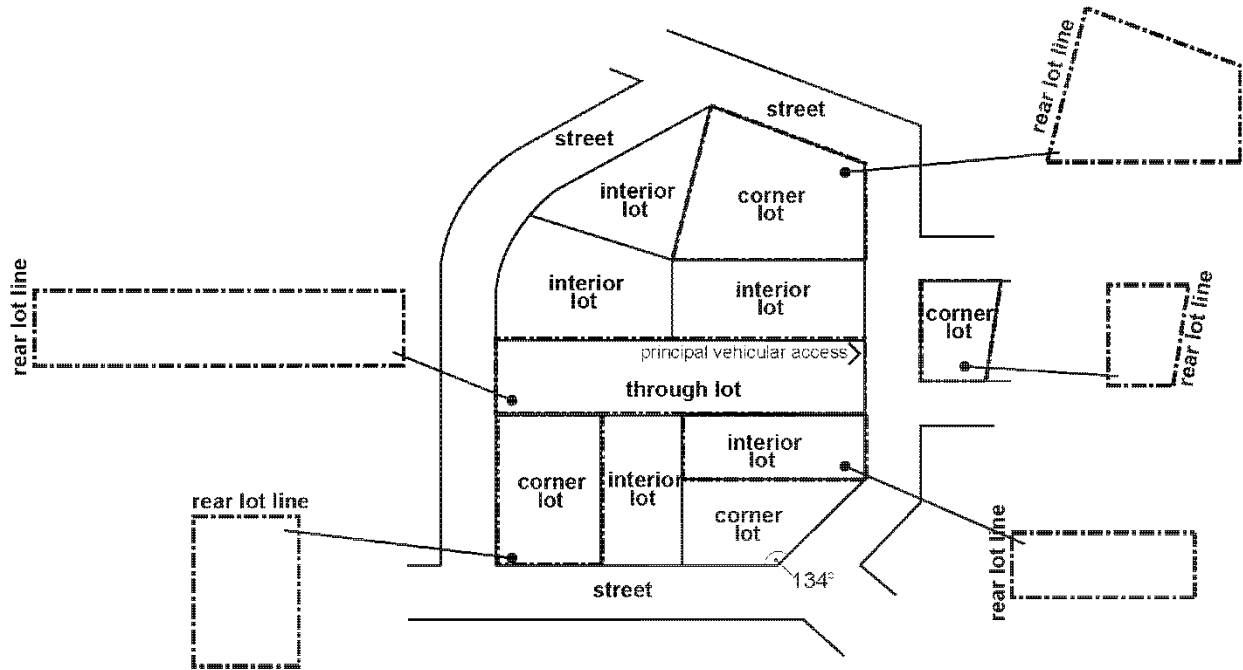


Diagram 3.18.1. – Rear Lot Line

- 3.18.2. Rear Setback** means the **setback** between the **rear lot line** and the nearest part of any **building** on the **lot**.
- 3.18.3. Rear Wall** means the portion of the **main wall** of the **principal building** that is farthest from the **front setback**. Projections, bay windows and chimney breasts of 0.5 metres or less are excluded.
- 3.18.4. Rear Yard** means a **yard** extending across the full width of the **lot** between the **rear lot line** and the nearest part of any **building** on the **lot**. In the case of a **corner lot**, the **rear yard** extends from the **interior lot line** to the **exterior yard** of the **lot** between the nearest part of any **building** on the **lot**.

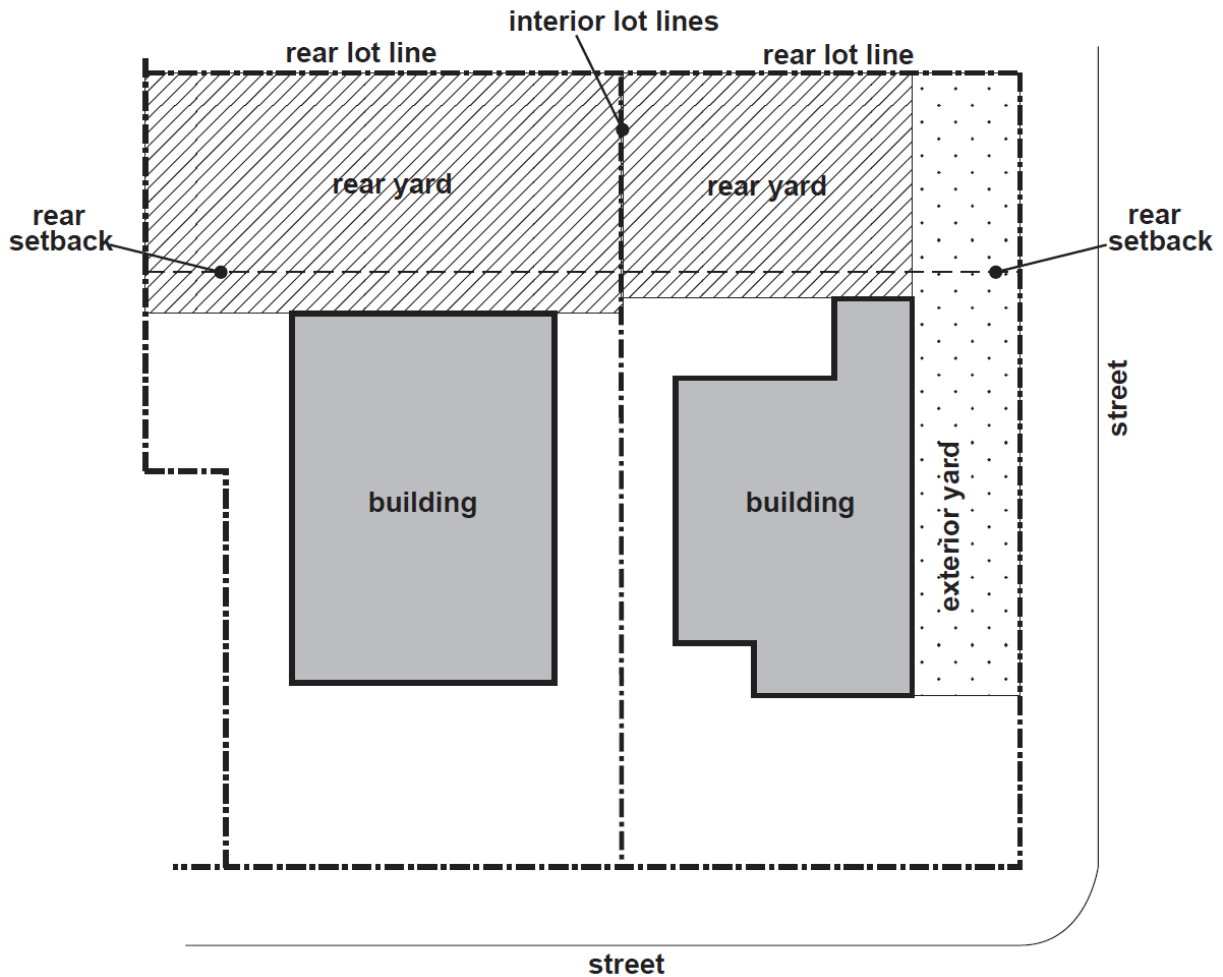


Diagram 3.18.4. – Rear Setback and Rear Yard

- 3.18.5. Recreation Facility** means the **use** of any **lot** or **building** for athletic or recreation activities, which may include a **community centre, club**, ice or roller skating rink, curling rink, indoor paintball facility, axe throwing, racquet club, **swimming pool**, golf driving range, billiard parlour and bowling alley or other similar **uses** where the **principal** focus of the **use** is the participation in athletic or recreation activities.
- 3.18.6. Recreational Vehicle Sales Establishment** means the **use** of any **lot** or **building** for the storage and display of boats, trailers, campers, motor homes, all-terrain vehicles and other similar equipment for sale, rent or lease but excludes **mobile homes** or **motor vehicles**. **Accessory uses** may include facilities for the repair and maintenance of such recreational **vehicles**.
- 3.18.7. Renovate** means the repair, strengthening, or restoration of a **building**, but does not include its replacement.

- 3.18.8. Repair Shop** means the **use** of any **lot** or **building** for the for servicing, repairing or refurbishing goods, appliances, furniture and small engines, excluding the repair of internal combustion engines, **motor vehicles** or other similar products.
- 3.18.9. Research Establishment** means the **use** of any **lot** or **building** for research, data collection and manipulation, and/or technical development of information or devices for application. This definition excludes a **laboratory**.
- 3.18.10. Residential Building** means a **single detached house, semi-detached house, duplex, triplex, townhouse, stacked townhouse, apartment** or a **mixed use building** containing a **dwelling unit**.
- 3.18.11. Residential Use** means a **dwelling unit, co-living unit, tiny house, mobile home,** or an **additional residential unit**.
- 3.18.12. Restaurant** means the **use** of any **lot** or **building** in which the **principal** business is the preparation and serving of food and/or beverages to the public for consumption on or off the premises, and which may include the preparation of food in a ready to consume state for consumption off the premises. A **restaurant** includes a take-out restaurant, a bakery, and other similar **uses**.
- 3.18.13. Retail Store** means the **use** of any **lot** or **building** for the sale, rental or lease of goods, merchandise, substances or commodities directly to the general public including pharmacies, convenience stores, markets, and other similar stores, but excludes **uses** that are otherwise defined herein.
- 3.18.14. Right-of-Way** means an area of land that is legally described in a registered deed for the provision of public or private access.
- 3.18.15. Rural Area** means the area delineated as "rural area" on Schedule 1 of this By-law.
- 3.19. S**
- 3.19.1. Salvage Yard** means the **use** of any **lot** or **building** where goods, wares, merchandise, articles or things are processed for further **use** and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open. This definition may include a junk yard, a scrap metal yard and an automobile wrecking establishment.
- 3.19.2. Second Residential Unit** means an **additional residential unit**, which is the first **accessory dwelling unit** located on the same **lot** as the **principal dwelling unit**.

- 3.19.3. Secondary School** means the **use** of any **lot** or **building** for academic instruction typically offered from grade nine to grade twelve including private, public or separate schools, but does not include a **training facility**. Permitted **accessory uses** include **day care centres**.
- 3.19.4. Self-Service Storage Facility** means the use of any **lot** or **building** for the purpose of providing individual secured storage units and other spaces to **persons** who are to have access to such units or spaces for the purpose of storing and removing property.
- 3.19.5. Semi-Detached House** means a **building** that is **used** for the purpose of two **dwelling units** and configured in such a manner that the **dwelling units** are divided vertically beside each other, with no portion of a **dwelling unit** entirely above another, with each **dwelling unit** having its own independent external access outside. The addition of an **additional residential unit** to a **semi-detached house** does not change a **semi-detached house** into any other type of **building**.
- 3.19.6. Sensitive Use** means **residential uses, day care centres, home day cares, parks, elementary schools, secondary schools, post-secondary schools, special needs facilities, hospitals** and any other similar **uses**.
- 3.19.7. Separation Distance** means the minimum horizontal distance between a **use** or **building** and a specific **use, lot, building** or other specified feature. **Separation distance** is measured as the most direct path between the two specified points, without regard to roads, **walkways**, sidewalks, or other surface transportation features.
- 3.19.8. Septage or Hauled Sewage** means raw, untreated liquids and solids that are pumped out of private sewage system tanks and holding tanks.
- 3.19.9. Setback** means the minimum horizontal distance between a **lot line** and the nearest part of any **building** on the **lot**, excluding such features that are specifically permitted to project into required **setbacks**. **Setback** includes **front setback, rear setback, interior setback** and **exterior setback**.
- 3.19.10. Shoreline** means any **lot line** or part thereof which abuts a **waterbody**.
- 3.19.11. Sight Triangle** means an unobstructed triangular area of land on a **corner lot** where the **front lot line** and **exterior lot line** intersect.
- 3.19.12. Sign** means any device, object or visual medium used to convey information by way of color, form, graphic, illumination, symbol or writing, displayed or intended to be



displayed on any **lot** or **building** to attract attention to a specific subject matter for identification, information or advertising purposes, and which is regulated by the City of Kingston By-law Number 2009-140, the By-law to Regulate Signs in the City of Kingston, or any successor legislation.

- 3.19.13. Single Detached House** means a **building** that is **used** for the purpose of one **dwelling unit** and configured in a manner that is freestanding and separate, with independent exterior walls, and does not include a **mobile home**. The addition of an **additional residential unit** to a **single detached house** does not change a **single detached house** into any other type of residential **building**.

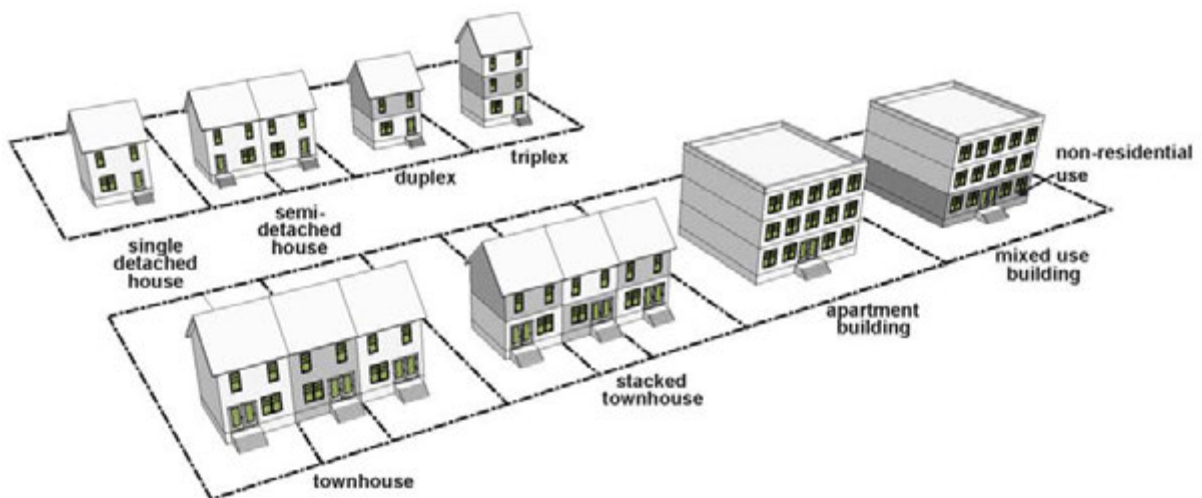


Diagram 3.19.13. – Residential Building Types

- 3.19.14. Special Needs Facility** means the **use** of any **lot** or **building** for housing providing a group living arrangement for people who have specific needs beyond economic needs and that is not a **group home**, including by not limited to needs such as mobility requirements or support functions required for daily living. This includes any dedicated facilities for such **use**.
- 3.19.15. Specific Day Retail Sales** means the use of any **lot** or **building** for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are **accessory** to the **principle** permitted **uses**.
- 3.19.16. Stacked Bike Space** means a **horizontal bike space** that is positioned above or below another **horizontal bike space**.

- 3.19.17. Stacked Townhouse** means a **building** that is **used** for the purpose of four or more **dwelling units** and configured in a manner that a portion of the **dwelling units** are located entirely or partially above the other portion of the **dwelling units**, and where each **dwelling unit** has its own independent external access outside.
- 3.19.18. Stadium** means the **use** of any **lot** where outdoor or partially enclosed facilities are provided primarily for the gathering of persons for civil, political, travel, religious, social, educational, recreational, or similar purposes or for the consumption of food or drink, excluding any other **use** otherwise defined herein.
- 3.19.19. Stepback** means the horizontal distance from the exterior wall of a specified **storey** to the exterior wall of the **storey** immediately below it. The horizontal distance must be measured in the direction that is opposite to the **lot line**, ensuring that the **stepback** moves towards the centre of the **lot**.
- 3.19.20. Stone Quarry** means the **use** of any **lot** or **building** from which stone is being or has been excavated, and that has not been rehabilitated, but does not include a **wayside pit or wayside quarry**.
- 3.19.21. Storey** means occupied space 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. Any portion of a **building** partly below ground is deemed a **storey** where any part of its ceiling is 1.0 metres or more above the level of the ground. An **attic** is not a **storey**.
- 3.19.22. Street** means a public **street** or highway in accordance with the terms of the *Municipal Act*, including a road reserve. A **street** does not include a **private street**.
- 3.19.23. Street Line** means the boundary between a **street** and a **lot**.
- 3.19.24. Streetwall** means the wall of a **building** or portion of a wall facing a **street line**.
- 3.19.25. Streetwall Height** means the vertical distance between the top of the **streetwall** and the **finished grade**.
- 3.19.26. Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel for the purpose of moving or holding water.
- 3.19.27. Swimming Pool** means a **building** that is a tank, pool, or artificial body of water which may be **used** for swimming or wading purposes and which has a possible maximum depth of water greater than 0.60 metres. A **swimming pool** includes a hot tub or whirlpool and includes all of its associated and unenclosed mechanical

equipment. A **swimming pool** excludes a pond, reservoir, stormwater management facility or any natural body of water.

3.20. T

- 3.20.1. **Tandem Parking Space** means a **parking space** that is only accessed by passing through another **parking space** from a **street, drive aisle** or **driveway**.
- 3.20.2. **Technology Industry** means the **use** of any **lot** or **building** for the manufacturing, assembling, packaging or storage of technology devices in an office, studio or laboratory setting.
- 3.20.3. **Third Residential Unit** means an **additional residential unit**, which is the second **accessory dwelling unit** located on the same **lot** as the **principal dwelling unit**.
- 3.20.4. **Tiny House** means a detached residential structure containing one **dwelling unit** that is **accessory** to a **principal** residential **building** and that is designed to be portable and provide year-round living accommodations in accordance with the garden suite provisions of the *Planning Act*, but does not include recreational vehicles, travel trailers, tent trailers, motor homes or trailers otherwise designed.
- 3.20.5. **Through Lot** means a **lot** bounded on opposite sides by a **street**. However, if the **lot** qualifies as being a **corner lot** and a **through lot**, such **lot** is deemed to be a **corner lot** for the purposes of this By-law.
- 3.20.6. **Tourism Use** means the **use** of any **lot** or **building** that has been designed and equipped for the purposes of tourism and may include visitor reception, tourist information, ticket and toll booths or interpretation facilities.
- 3.20.7. **Towing Compound** means the **use** of any **lot** or **building** for the temporary storage of towed **motor vehicles** and may include enclosed **outdoor storage**, but excludes a **salvage yard, automobile body shop** or **automobile repair shop**.
- 3.20.8. **Townhouse** means a **building** that is **used** for the purpose of three or more **dwelling units** and configured in such a manner that no **dwelling unit** is entirely or partially above another, with each **dwelling unit** having its own independent external access outside. The addition of an **additional residential unit** to a **townhouse** does not change a **townhouse** into any other type of residential **building**.
- 3.20.9. **Trade Show** means the **use** of any **lot** or **building** for an event held to bring together members of a particular industry to display, demonstrate, and promote

their latest products and services; which are **accessory** to the **principle** permitted **uses**.

- 3.20.10. Training Facility** means the **use** of any **lot** or **building** in which training or educational services are offered, but does not include an **elementary school**, **secondary school** or **post-secondary school**. A **training facility** may include but is not limited to the instruction of a trade, skill, service (such as driving), administration, dance, calisthenics, business, aviation, art, language, hairdressing, music, culture or sport.
- 3.20.11. Transformer Station** means the **use** of any **lot** or **building** for the generation, transmission or distribution of electricity.
- 3.20.12. Transportation Depot** means the **use** of any **lot** or **building** where buses, taxis, trucks, tractor trailers or other similar commercial vehicles are dispatched, rented, leased, maintained, stored or parked for commercial purposes, and includes any technical training facility directly associated with these vehicles, but excludes **uses** otherwise defined herein.
- 3.20.13. Transportation Terminal** means the **use** of any **lot** or **building** where buses or trains pick up and discharge fare-paying passengers, which may include **accessory offices**, **retail stores**, food concessions or **restaurants**.
- 3.20.14. Triplex** means a residential **building** that is **used** for the purpose of three **dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance, either directly from the outside, or through a common vestibule, with each **dwelling unit** entirely or partially above another. A **semi-detached house** with an **additional residential unit** is not a **triplex**.
- 3.21. U**
- 3.21.1. Unused Manure Storage** means a **manure storage** that does not currently store any manure, but that stored manure in the past and continues to be structurally sound and reasonably capable of storing manure.
- 3.21.2. Urban Area** means the area delineated as "urban area" on Schedule 1 of this By-law.
- 3.21.3. Use**, as a noun, means the purpose for which any **lot** or **building** is arranged, designed or intended to be occupied or maintained. As a verb, **use** means the doing or permitting of anything by the owner or occupant of any **lot** or **building** directly

or indirectly or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant, for the purpose of making **use** of the said **lot** or **building**.

### 3.22. V

- 3.22.1. Vehicle** means a **motor vehicle**, or other device, including motorized construction equipment, farm equipment, motor home, motorized mobility device, snowmobile, boat, recreational vehicle, and also including a trailer or farm implement or any other device which is capable of being driven, propelled or drawn by any kind of power, but excludes a bike or any other device powered solely by means of human effort.
- 3.22.2. Vertical Bike Space** means a **bike space** that is provided in a vertical format where no **bike spaces** are immediately above or below.
- 3.22.3. Visitor Space** means a **parking space** dedicated for the exclusive use of **motor vehicles** driven by people who do not reside in a **dwelling unit** on the **lot**.
- 3.22.4. Visual Screen** means an area on a **lot** that is intended to provide a visual barrier through the use of a continuous solid **fence**, solid wall or **planting strip**.

### 3.23. W

- 3.23.1. Walking Distance** means the minimum linear distance between a specific **use**, **lot**, or **building** and another specified feature along a pedestrian or mode of active transportation could reasonably travel. **Walking distance** is measured as the most direct path between the two specified features along **streets**, public sidewalks, publicly accessible **walkways** or other surface transportation features that are accessible to the public.
- 3.23.2. Walkway** means a hard surface treated path that provides pedestrian and/or active transportation access to the exterior entrance of a **building**.
- 3.23.3. Warehouse** means the **use** of any **lot** or **building** primarily for the storage of goods or materials and which may include as an **accessory use** a **wholesale establishment**.
- 3.23.4. Waste Disposal Area** means the **use** of any **lot** or **building** providing for the long-term storage or destruction of solid waste.

- 3.23.5. Waste Processing Site** means the **use** of any **building** for the **principal** purpose of sorting and processing waste to create a new product or raw material on site, and may include a recycling centre.
- 3.23.6. Waste Transfer Station** means the **use** of any **building** for the **principal** purpose of collection and storage of waste for shipment, and may include limited sorting or preparation of that waste to facilitate its shipment.
- 3.23.7. Water Frontage** means the straight line horizontal distance between the two most widely separated points on any one **shoreline** of a **lot**.
- 3.23.8. Water Supply Plant** means the **use** of any **lot** or **building** approved by the Ministry of Environment, Conservation and Parks, where water is treated for human consumption.
- 3.23.9. Waterbody** means a lake, canal, pond, **wetland**, river, watercourse, or municipal drain as defined by the *Drainage Act*, but does not include an artificially constructed swale or ditch intended for intermittent and minor surface drainage of residential lots.
- 3.23.10. Wastewater Treatment Facility** means the **use** of any **lot** or **building** approved by the Ministry of Environment, Conservation and Parks, where domestic and/or industrial sewage waste is treated by a private individual or corporation.
- 3.23.11. Wayside Pit or Wayside Quarry** means the **use** of any **lot** or **building** as a temporary pit or quarry opened and **used** by or for a **public authority** solely for the purpose of a particular project or contract of **street** construction and not located on the **street right-of-way**.
- 3.23.12. Wellhead Protection Area (WHPA)** means an area of land surrounding a well where human activities may need to be regulated to protect the quality and quantity of groundwater that supplies that well.
- 3.23.13. Wellness Clinic** means the **use** of any **lot** or **building** by physicians, dentists, physiotherapists, chiropractors, naturopaths, osteopaths, psychologists, therapists, registered massage therapists, optometrists or other similar practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment. A **wellness clinic** may include administrative **offices**, waiting rooms, treatment rooms, **laboratories**, pharmacies and dispensaries directly associated with the clinic, but excludes a **hospital**.

**3.23.14. Wetland** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of **wetlands** are swamps, marshes, bogs and fens. Periodically soaked or wet lands being **used** for **agricultural uses**, which no longer exhibit **wetland** characteristics, are not considered to be **wetlands** for the purposes of this definition.

**3.23.15. Wholesale Establishment** means the **use** of any **lot** or **building** for the storage or distribution of goods in large bulk or quantity to a business or **person** other than the end user or consumer.

**3.23.16. Workshop** means the **use** of any **lot** or **building** where manufacturing is performed by tradespeople requiring manual or mechanical skills and may include a machine shop, carpenter's shop, furniture maker's shop, locksmith's shop, gunsmith's shop, tinsmith's shop, commercial welder's shop or similar **uses** and excludes **uses** otherwise defined herein.

**3.24. X**

**3.24.1.** Reserved

**3.25. Y**

**3.25.1. Yard** means any open, uncovered space appurtenant to and located on the same **lot** as a **building**.

**3.26. Z**

**3.26.1.** Reserved

## Section 4: General Provisions

### 4.1. Accessory Uses and Buildings

#### Accessory Provisions for All Uses and Buildings

**4.1.1. Accessory uses and buildings** are permitted in all Zones, unless otherwise provided by this By-law, subject to the following provisions:

- 1.** The **principal use** or **building** must already be established on the same **lot** as the **accessory use** or **building**;
- 2.** **Accessory buildings** must comply with the Zone provisions that are applicable to the **lot**, except as specified in this Subsection;
- 3.** **Parking lots, driveways** and **parking structures** are permitted as an **accessory use** to a permitted **principal use**; and
- 4.** Treehouses and mechanical equipment which is installed outdoors, such as generators, air conditioners, heat pumps, transformers, solar panels or other similar equipment, are considered **accessory buildings** for the purpose of this By-law, except where they are enclosed in a **building** that is attached to the **principal building**, then they are considered a component of the **principal building** and must comply with the provisions of this By-law that apply to the **principal building**.

#### Additional Accessory Provisions for Residential Uses and Buildings

**4.1.2.** In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, or on any **lot** where the **principal use** of such **lot** is a **dwelling unit**, an **accessory building**, excluding a **marine facility**, must:

- 1.** Be located in a **rear yard** or **interior yard** and:
- 2.** In the **urban area**, the maximum **lot coverage** for all **accessory buildings** on one **lot** is 10%;
- 3.** The maximum **height** of an **accessory building** is 4.6 metres;



4. Must not be used for human habitation, except for a **tiny house**, an **additional residential unit** or a **home occupation**;
5. May encroach into the required **setback** on a **lot** provided that such **accessory building** must be **setback** a minimum of 1.2 metres from all **lot lines**;
6. Must maintain a minimum **separation distance** of 1.2 metres from the **principal building**; and
7. Must meet the minimum required **setback** from a **waterbody** in accordance with Clause 4.23.1.; and
8. Notwithstanding Subclause 7. and Clause 4.23.1., on a **lot** that existed as of the date of passing of this By-law, a maximum of one **accessory building** no greater than 10 square metres in area is permitted within the required 30 metre **setback**, provided that it maintains a minimum **setback** of 7.5 metres from the **high water mark**.

#### Additional Accessory Provisions for Buildings in the CM1 and CM2 Zones

- 4.1.3.** In a CM1 or CM2 Zone, an **accessory building** must be located in a **rear yard** or **interior yard** and:
1. The maximum lot coverage for all accessory buildings on one lot is 10%;
  2. The maximum **height** is 4.6 metres;
  3. May encroach into the required **rear setback** provided that such **accessory building** is **setback** a minimum of 1.2 metres from the **rear lot line**; and
  4. Must not be located closer to a **street line** than the **streetwall** of the **principal building**.

#### 4.2. Swimming Pools

- 4.2.1.** Notwithstanding any other provisions of this By-law to the contrary, an outdoor **swimming pool**, including all of its associated and unenclosed mechanical equipment, must be **developed** in accordance with the following provisions:
1. The minimum **setback** is 1.5 metres from a **swimming pool** to any **lot line**;

2. A **swimming pool** must not be located in a **front yard, exterior yard** or within any form of drainage management system such as a **swale** or **ditch**;
3. The maximum **height** of a **swimming pool** is 2.0 metres, excluding related equipment which must not exceed a maximum **height** of 4.5 metres. For the purpose of this Subsection, height of a **swimming pool** is the difference between the highest point of the **swimming pool** and the average grade level around the perimeter of the **swimming pool**;
4. A **swimming pool** must meet the minimum required distance from a **waterbody** in accordance with Subsection 4.23. of this By-law; and
5. For the purpose of this Subsection, **decks** and **buildings accessory** to a **swimming pool** are not considered related equipment and must comply with all other provisions of this By-law.

### 4.3. Amenity Area

- 4.3.1. A minimum of 18.5 square metres of amenity area must be provided for each dwelling unit on a lot with 3 or more dwelling units in a triplex, townhouse, stacked townhouse, apartment building or mixed use building. Where a townhouse or stacked townhouse are configured in a manner that each dwelling unit is located on its own individual lot, this requirement does not apply.
- 4.3.2. Notwithstanding Clause 4.3.1., in the CM1, CM2, DT1, DT2 and HCD2 zones, a minimum of 10.0 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot**.
- 4.3.3. **Amenity areas**, or any part thereof, must be designed and located so that the length does not exceed four times the width.
- 4.3.4. **Amenity areas**, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54.0 square metres.

### 4.4. Lot Servicing

- 4.4.1. In the **urban area**, a **lot** or **building** must not be **used or developed** unless there is adequate capacity in the sanitary sewer, stormwater sewer or stormwater management facility, and adequate potable water from a public water supply system, as determined by the applicable utility provider(s).

- 4.4.2.** In the **rural area**, a **lot** or **building** must not be **used** or **developed** unless there are: adequate public, private, or communal sewage disposal facilities; adequate storm drainage facilities; and, adequate potable water from a public, private, or communal water supply, as determined by the applicable service or utility provider(s).

## 4.5. Angular Planes and Build-to-Planes

### Angular Planes

- 4.5.1.** In addition to maximum **height**, in certain Zones the calculation of an **angular plane** is required in determining maximum **height**. Where the calculation of an **angular plane** is required, the following provisions apply:
- 1.** No part of a **building** is permitted to project above the **angular plane** unless otherwise specified in this By-law;
  - 2.** The maximum **height** provision for the specific Zone continue to apply in addition to the **angular plane** provisions; and
  - 3.** The **angular plane** commences at a specified **height** measured from the average existing grade of the **build-to-plane** and equals the length of the **street line**.

### Build-to-Plane

- 4.5.2.** Where the calculation of a **build-to-plane** is required the following provisions apply:
- 1.** The **height** of the **build-to-plane** must be the lesser of the maximum **height** for the underlying Zone, or the **height** specified for commencement of an **angular plane**;
  - 2.** The length of the **build-to-plane** equals the length of the **street line**; and
  - 3.** A minimum of 80% of the **main wall** of any **building constructed** along the **street line** must be **developed** at the **build-to-plane**. The balance of the **main wall** of the **building** must not encroach within the specified **setback** distance for the **build-to-plane**.

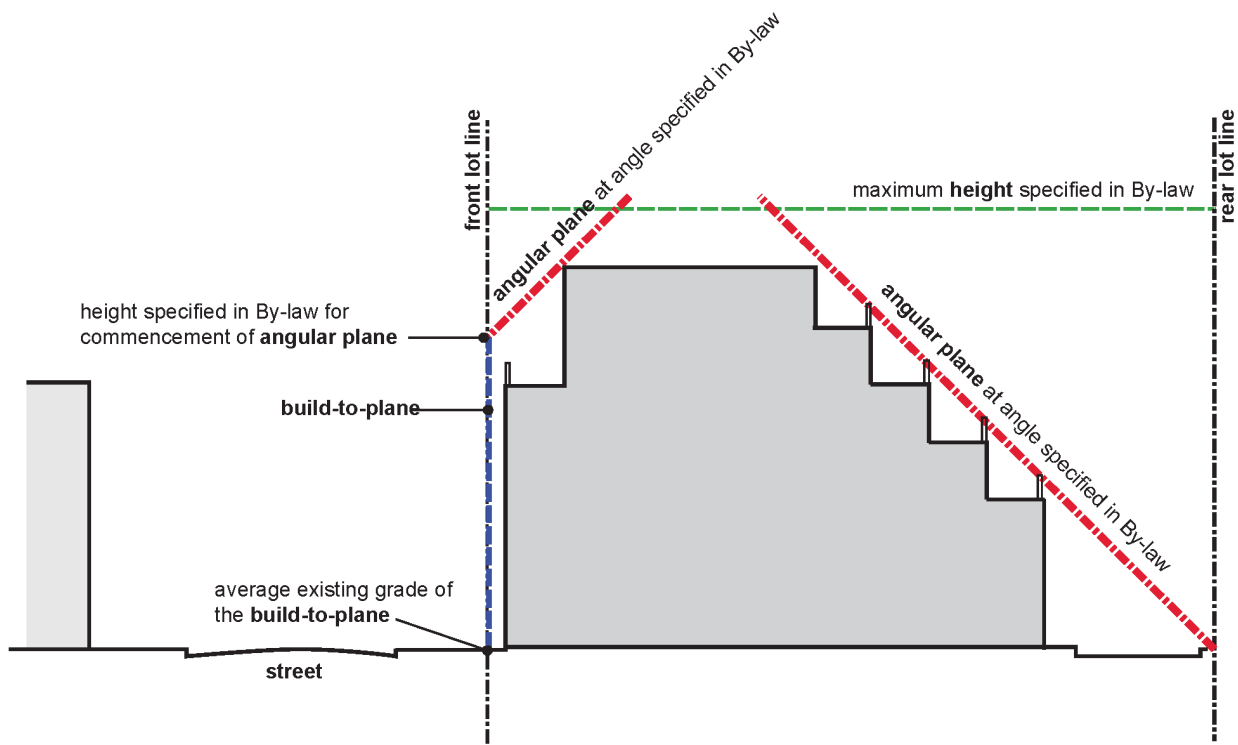


Diagram 4.5.2. – Angular Plane and Build-to-Plane

## 4.6. Sight Triangles

4.6.1. Notwithstanding any other provision of this By-law to the contrary, the following are prohibited within a **sight triangle**:

1. A **building**;
2. Any equipment, feature or landscaping, including a wall, tree, hedge, bush or other similar feature, which exceeds 1.0 metre in height above the elevation of the intersection of the two **centre lines** of the adjacent **streets**;
3. A **driveway, parking lot, commercial parking lot** or **parking space**; and
4. A grade level which exceeds the elevation of the intersection of the two **centre lines** of the adjacent **streets** by more than 1.0 metre.

4.6.2. The area within a **sight triangle** is determined by measuring from the point of intersection of the **front lot line** and the **exterior lot line** to a point along each

such **street line** as set out in Table 4.6.2., in accordance with the **street** type identified in Schedule 1 of this By-law, and a third line connecting the two points on the two **street lines**.

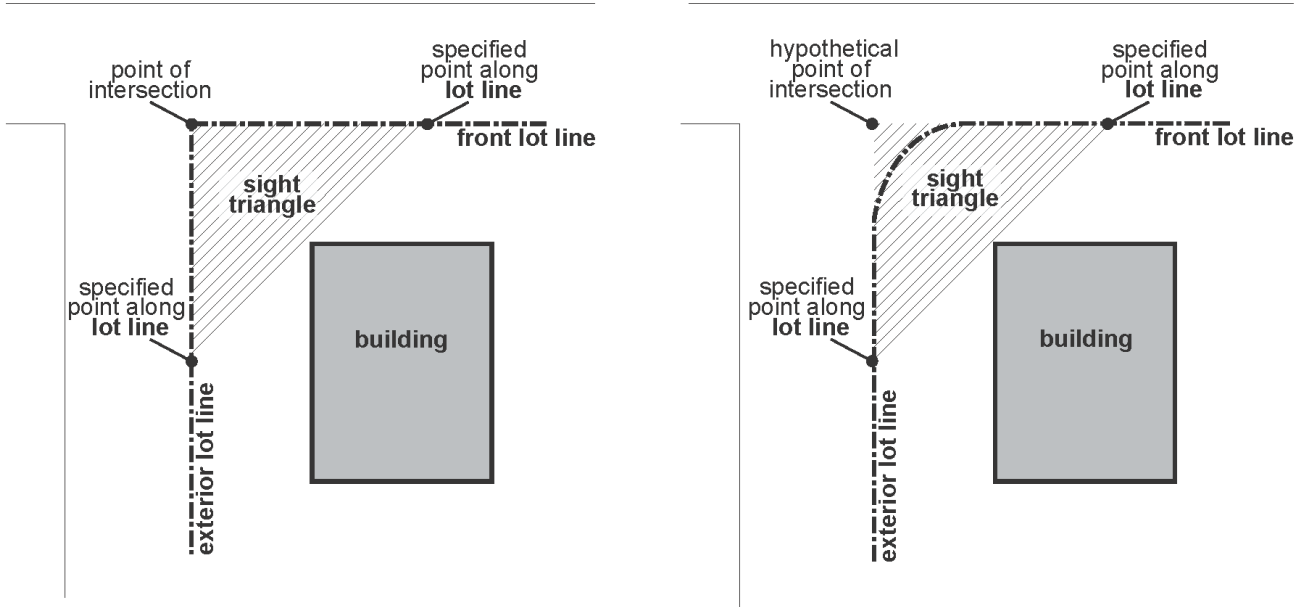


Diagram 4.6.2. – Sight Triangle

- 4.6.3.** Notwithstanding the definition of **sight triangle**, where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the area within the **sight triangle** is determined by measuring the hypothetical point of intersection of the extension of the **front lot line** and the extension of the **exterior lot line**.
- 4.6.4.** The provisions of this Subsection do not apply to any **lot** where the required **front setback** or **exterior setback** is zero.

Table 4.6.2. – Sight Triangle Provisions

		Type of Subject <b>Street Line</b>		
		Local Road	Collector Road	Arterial Road
Type of Intersecting <b>Street Line</b>	Local Road	4.5 metres	9.0 metres	9.0 metres
	Collector Road	9.0 metres	9.0 metres	30.0 metres
	Arterial Road	9.0 metres	30.0 metres	30.0 metres

## 4.7. Drive-Through Provisions

- 4.7.1.** The minimum **separation distance** from a **drive-through** to a **lot** within an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone is 15.0 metres.
- 4.7.2.** Where a **lot** is **used** for a **drive-through** and the **interior lot line** or **rear lot line** abuts a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, then:
1. a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **lot line** that abuts such **use** or **lot**; and
  2. the minimum height for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres.
- 4.7.3.** Where a **lot** is **used** for a **drive-through** and has a **street line** located on the opposite side of the **street** from a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HR Zone, HCD1 Zone, HCD3 Zone, RUR Zone, LSR Zone or DR Zone, then:
1. a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such **use** or **lot**.

## 4.8. Frontage on a Public Street

- 4.8.1.** A **lot** or **building** must not be **used** or **developed** unless the **lot**:
1. Has a **lot line** which is also a **street line**; and
  2. Has vehicular access to the **street** that coincides with the part of the **lot line** which is also a **street line**.
- 4.8.2.** Notwithstanding the definition of **street**, the following are deemed to be **streets** for the purpose of this Subsection:
1. A **private street** in the **rural area** that is subject to a registered **right-of-way** to a **lot** that does not directly front on a **street**.

## 4.9. Generally Permitted Uses

### Uses Permitted in all Zones

**4.9.1.** Notwithstanding any other provision of this By-law to the contrary, except where greater restrictions are provided in Overlay Provisions in Section 5 and water setback provisions of Subsection 4.23., any **lot** or **building** may be **used** or **developed** in any Zone, except for an EPA Zone, for any of the **uses** indicated in Subclauses 1 through 10 below. All **buildings developed** in conjunction with these **uses** must comply with all provisions of this By-law that apply to the **lot**, except for minimum **lot area** or minimum **lot frontage** requirements or where a particular **use** is specifically exempt from a provision:

1. municipal infrastructure, stormwater management facilities, electricity transmission facilities, oil and natural gas pipelines;
2. electricity generation facilities and electricity transmission and distribution infrastructure;
3. public utility installations required by any **public authority** or private utility for the provision of gas, oil, water, electricity, sanitary, storm water management, transportation, telephone communication and other similar utilities to the general public;
4. **public uses**, conservation areas, **conservation uses**, flood or erosion control facilities, or other similar uses;
5. tourism uses;
6. active and passive outdoor recreational uses;
7. **marine facilities**, which must not obstruct navigation or infringe upon established access rights. **Setbacks** that are measured from the **rear lot line** or a **waterbody** do not apply to **marine facilities**;
8. **community gardens** and urban agriculture that are not commercial operations, provided no **building** or part thereof, including an arbour or other such associated component, is permitted within 1.5 metres of a **street**;
9. a public transit facility; and
10. not-for-profit community food centres.

- 4.9.2.** Notwithstanding any other provision of this By-law to the contrary, except where greater restrictions are provided in Overlay Provisions in Section 5 and water setback provisions of Subsection 4.23., any **lot** or **building** may be **used** or **developed** for essential emergency service uses such as fire halls, police stations, ambulance stations, and similar public response uses in any Zone, except for EPA, AG and MX1 Zones. All **buildings developed** in conjunction with these **uses** must comply with all provisions of this By-law that apply to the **lot**.
- 4.9.3.** Notwithstanding any other provision of this By-law to the contrary, **parks** are permitted as the **principal use** of any **lot** or **building** in any Zone, except for the AG and MX1 Zones. **Parks** are only permitted an **accessory use** or **building** in the AG and MX1 Zones.

#### **4.10. Complementary Uses**

- 4.10.1.** **Complementary uses** are only permitted in Zones where they are specifically permitted by this By-law or in conjunction with a **use** where the definition specifically identifies permitted **complementary uses**.

#### **4.11. Prohibited Uses in All Zones**

- 4.11.1.** Notwithstanding any other provisions of this By-law to the contrary, the following **uses** and activities are prohibited in all Zones, either alone or in conjunction with other **uses**, except where specifically permitted by this By-law:
- 1.** Any activity or **use** prohibited by the *Environmental Protection Act*, R.S.O. 1990, c. E.19;
  - 2.** The incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes; and
  - 3.** Any **uses** or activities deemed unlawful under other Federal, Provincial, or Municipal acts, codes, or by-laws.

#### **4.12. Items Exempt from this By-law**

- 4.12.1.** This By-law is not intended to govern the erection or location of any of the following items, except where they are items that are specifically required to fulfill a provision of this By-law (for example a privacy **fence** for **outdoor storage**) or items that are specifically prohibited by this By-law (for example a **fence** within a **sight triangle**):



1. signs;
2. fences;
3. retaining walls and boundary walls (except where regulated by Section 4.24);
4. drop awnings;
5. clothes poles;
6. flag poles;
7. garden trellises and open air surfaced areas such as a pergola;
8. light standards (except where regulated by Section 4.24);
9. seasonal decorations;
10. public sidewalks, curbs and bollards;
11. planters, landscaping features, birdbaths and vegetation;
12. mailboxes, newspaper or similar dispensing or receiving boxes;
13. public art, statues and sculptures;
14. furniture;
15. play equipment, including but not limited to trampolines;
16. outdoor skating surfaces;
17. public transit installations, infrastructure, equipment and other similar public transit features;
18. all structures, equipment or other similar features permitted by the City to be located within the City's **street**, including **outdoor patios**; and
19. all equipment or structures provided in a public **park**.

#### 4.13. Building Components Exempt from Specific Provisions

- 4.13.1.** **Buildings** located in public **parks** are exempt from the provisions of this By-law which regulate the size and location of such **buildings**, including but not limited to **setbacks, height, building depth, lot coverage** and **landscaped open space**.
- 4.13.2.** Any **building** component that is located wholly below existing grade, including **basements, parking structures**, private sewage systems, or other similar **building** components, are exempt from the provisions of this By-law which regulate **setbacks** from **lot lines** or maximum **building depth**, but must comply with all other applicable provisions of this By-law.
- 4.13.3.** Notwithstanding Clause 4.13.2., **building** components that are located wholly below existing grade, including **basements, parking structures**, private sewage systems, or other similar **building** components, must comply with all **setback** provisions from **waterbodies**, natural heritage features, floodplains and other similar environmental protection areas, except:
- 1.** Where an existing private sewage system is updated or replaced with a new private sewage system, the new private sewage system must not be closer to the **waterbody**, natural heritage feature, floodplain or other environmental protection area than the existing private sewage system.
- 4.13.4.** For the purpose of this Subsection, “existing grade” means the existing grade of the portion of the **lot** immediately surrounding and/or on top of such component, prior to the **development** of such **building** or **building** component.

#### 4.14. Temporary Uses

##### Temporary Retail and Seasonal Sales

- 4.14.1.** Nothing in this By-law prevents an area outside of a **building** within a CN, CM1, CM2, CA, CD, CR, CG, CW, DT1, DT2, HCD2, HB, RC and HC Zone, which is **used** in conjunction with a business located on the same **lot**, to be **used** for the display or retail sales of seasonal produce or new merchandise, provided such area:
- 1.** Is seasonal in nature and does not include a permanent retailing area; and
  - 2.** Is not located within a fire lane, a **parking lot** or a **loading space** required to fulfill the provisions of this By-law, or a **driveway** or passageway which

provides an access route for vehicular traffic across the **lot** or to an improved **street** which abuts said **lot**.

### Temporary Construction Buildings and Equipment

- 4.14.2.** Notwithstanding any provision of this By-law to the contrary, the following temporary **buildings** or equipment are be permitted in any Zone, except an EPA Zone, during a period of **construction**:
- 1.** A temporary **building** or equipment essential to **construction** or a special event in progress on a **lot**;
  - 2.** A temporary **office** for the sale of residential **lots** or residential units;
  - 3.** In the **rural area**, a **mobile home** or a recreational vehicle as temporary accommodation for a period not to exceed two years while a permanent **dwelling unit** is being **developed** on the same **lot**; and
  - 4.** Any temporary sheds, scaffolds or other **buildings** incidental to **building construction** on the **lot** for so long as the same is necessary for work in progress which has neither been finished nor abandoned.
- 4.14.3.** The **setback** provisions of the underlying Zone and the parking provisions do not apply to the temporary **buildings** or equipment permitted by Subclauses 4.14.2.1., 4.14.2.3. and 4.14.2.4. All other provisions of this By-law apply, including Clause 4.23.1.
- 4.14.4.** The temporary **buildings** or equipment permitted by Clause 4.14.2. must be located on the **lot** only until such time as the **construction** has been completed or abandoned.

### Temporary Housing for Seasonal Farm Labour

- 4.14.5.** Notwithstanding any provision of this By-law to the contrary, temporary housing for seasonal farm labour is permitted in the AG Zone and must be located in a **building** which complies with all provisions of this By-law applicable to the **lot**.

### 4.15. Occasional Uses

- 4.15.1.** The following Zones and **uses** are permitted to have **occasional uses** as indicated:

1. In a **place of worship, elementary school** or **secondary school** or on any **lot** in a DT1, DT2, HCD2, OS1 and OS2 Zone, auction sales, bake sales, craft sales, plant and produce sales, seasonal sales, bingo, blood donor clinics, carwashes, benefit dances, festivals, shows, concerts, banquets, or other similar special events are permitted as an **occasional use**; and
2. **Garage sales** are permitted on any **lot** as an **occasional use**, with a maximum number of two **garage sales** being conducted on any one **lot** in any calendar year. A single **garage sale** consists of a maximum of two consecutive days.

### Trade Shows and Specific Day Retail Sales

- 4.15.2. **Trade shows** and **specific day retail sales** are permitted as an **occasional use** in Institutional Zones, the HI Zone and on any **lot** where the **principal use** is a **recreation facility, place of worship, community centre, club, hotel** or **banquet hall**.

### Public Markets

- 4.15.3. **Public markets** are permitted as an **occasional use** on any **lot** in a Commercial Zone, Institutional Zone or the OS1, OS2, HCD2, RC, HC, HI Zones in accordance with the following:

1. A **public market** may be located in a **parking lot** such that it temporarily prevents the **use** of a portion of the required or provided **parking spaces, drive aisles** or **driveways** of another **use** on the same **lot**, provided that the **public market** does not obstruct access to a fire route.

### 4.16. Planting Strip Provisions for Non-Residential Uses

- 4.16.1. Where any **lot** is **used** for a **non-residential use** and the **interior lot line** or **rear lot line** abuts a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, then:

1. a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **lot line** that abuts such **use** or **lot**; and
2. the minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres.

- 4.16.2.** Where a **lot** in an RM1, RM2, MX1, M1, M2, M3, M4, M5, TA, TR or TU Zone has a **street line** located on the opposite side of the **street** from a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, then:
- 1.** a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such **use** or **lot**.
- 4.16.3.** Notwithstanding Clauses 4.16.1. and 4.16.2., the height of vegetation planted in a required **planting strip** must comply with Section 4.6. of this By-law, where applicable.

## 4.17. Minimum Distance Separation

### New Non-Agricultural Uses

- 4.17.1.** The expansion or establishment of any new **use** that is not an **agricultural use** must comply with the requirements of the applicable **minimum distance separation** calculation (MDS I) from an existing **livestock facility**.
- 4.17.2.** Notwithstanding Clause 4.17.1., **minimum distance separation** calculation (MDS I) does not apply to applications for consent under Section 53 of the *Planning Act* for a residence surplus to a farming operation, where the **dwelling unit** and nearby **livestock facility** or anaerobic digester are located on a separate **lot** prior to the consent application, as the potential odour conflict already exists.

### New or Expanded Livestock Facilities

- 4.17.3.** New or expanded **livestock facilities** must comply with the applicable **minimum distance separation** calculation (MDS II).
- 4.17.4.** If a **cemetery** is closed or receives low levels of visitation, or is not connected to a **place of worship**, such **cemetery** will be treated as a Type A land use for the purpose of calculating **minimum distance separation** (MDS II) requirements in Clause 4.17.3.

### Existing Lots of Record

- 4.17.5.** The **minimum distance separation** requirements do not apply in the case of a new **use** that is not an **agricultural use** under this Subsection where a legal **lot** of record with an area of 1.0 hectare or less, existed as of the date of passing of this By-law,

and for which the proposed **use** is listed as a permitted **use** in the Zone in which the existing **lot** is located.

### Higher Standard to Govern

- 4.17.6.** Where more than one **minimum distance separation** and **setback** provision apply, the more restrictive provision prevails.

### Backyard Hen Coops and Pigeon Lofts

- 4.17.7.** **Accessory buildings constructed** in accordance with the **backyard hen coop** and **pigeon loft** provisions in Subsections 6.12. and 6.13 are exempt from all provisions in Subsection 4.17.

### 4.18. Projections Above Maximum Height

- 4.18.1.** The **height** provisions of this By-law do not apply to:

- 1.** Barn, corn crib, grain elevator, farm implement shed, feed or bedding storage use, silo or other similar **building** when used in conjunction with an **agricultural use**;
- 2.** A public bridge or other similar public infrastructure;
- 3.** Chimney and parapets;
- 4.** Hydroelectric transmission tower;
- 5.** Individual farm windmill;
- 6.** Municipal water tower;
- 7.** Non-commercial radio, television or telecommunications equipment; and
- 8.** Belfry, clock tower, cupola, ornamental domes, spires or steeples on a **place of worship** or a building containing a **public use**.

- 4.18.2.** Notwithstanding the **height** provisions of this By-law to the contrary, the following **building** components are permitted to project a maximum of 3.5 metres above the maximum permitted **height**, with a maximum area of 10% of the roof area on which they are located, in the aggregate, and a minimum **setback** from the edge of the roof equal to the vertical height of such **building** component:

1. Mechanical and service equipment penthouse, elevator or stairway penthouses;
2. Enclosed **building** components providing tenants with access to rooftop **amenity areas**; and
3. Skylights or other similar rooftop components.

**4.18.3.** Notwithstanding Clause 4.18.2., the following **building** components are permitted within the required **setback** from the edge of a roof line:

1. an enclosure dedicated only to stairs that are located at the edge of a **building**; and
2. a safety railing for rooftop areas accessible to residents of the **building**.

**4.18.4.** Notwithstanding the **height** provisions of this By-law to the contrary the following **building** components may exceed the maximum **height** provision by a maximum of 3.5 metres:

1. a static renewable energy device such as a solar panel or other similar devices that capture or conserve energy without visible motion or emissions;
2. architectural components supporting green roofs, a roof-top garden, or other similar rooftop sustainability elements; and
3. exterior residential **amenity areas**, rooftop terraces and all associated components such as railings, guards and furniture.

## 4.19. Projections into Required Setbacks

### Architectural Features in the DT1, DT2, HCD2 and HB Zones

**4.19.1.** In the DT1, DT2, HCD2 and HB Zones, **setback** provisions do not apply to fire escapes, **canopies** and awnings above doors and windows, **bay windows**, belt courses, sills, **cornices**, eaves and chimneys. The applicable provisions are as follows:

#### Fire Escapes

1. The maximum horizontal projection of fire escapes towards the **interior lot line** and **exterior lot line** is 1.2 metres from the foundation wall;
2. The minimum **interior setback** and **exterior setback** for fire escapes is 0.8 metres; and

3. The maximum horizontal projection of fire escapes towards the **rear lot line** is 1.5 metres.

#### Bay Windows

4. The maximum horizontal projection of a **bay window** toward the **front lot line, exterior lot line** and **rear lot line** is 1.2 metres from the foundation wall;
5. The minimum required front setback, exterior setback and rear setback for a bay window is 0.8 metres;
6. The maximum horizontal projection of a **bay window** toward an **interior lot line** is 0.8 metres from the foundation wall; and
7. The minimum **interior setback** of a **bay window** is 0.8 metres.

#### Belt Courses, Sills, Cornices and Eaves

8. The maximum horizontal projection of belt courses, sills, **cornices**, and eaves toward the **interior lot line** or **exterior lot line** is 0.5 metres from the foundation wall; and
9. The minimum **front setback and rear setback** of belt courses, sills, **cornices** and eaves is 0.8 metres.

#### Chimneys

10. The maximum horizontal projection of a chimney and its foundation, if any, toward any **lot line** is 0.3 metres from a foundation wall of the adjacent exterior wall of the **principal building**.

#### Architectural Features in Other Zones

- 4.19.2. In all Zones except the DT1, DT2, HCD2 and HB Zones, notwithstanding any provisions of this By-law to the contrary, sills, belt courses, chimneys, fireplace projections, **cornices**, eaves, gutters, parapets, pilasters or similar ornamental architectural features may project into any required **setback** a maximum distance of 0.5 metres, provided such feature is **setback** a minimum of 0.5 metres to any **lot line**.



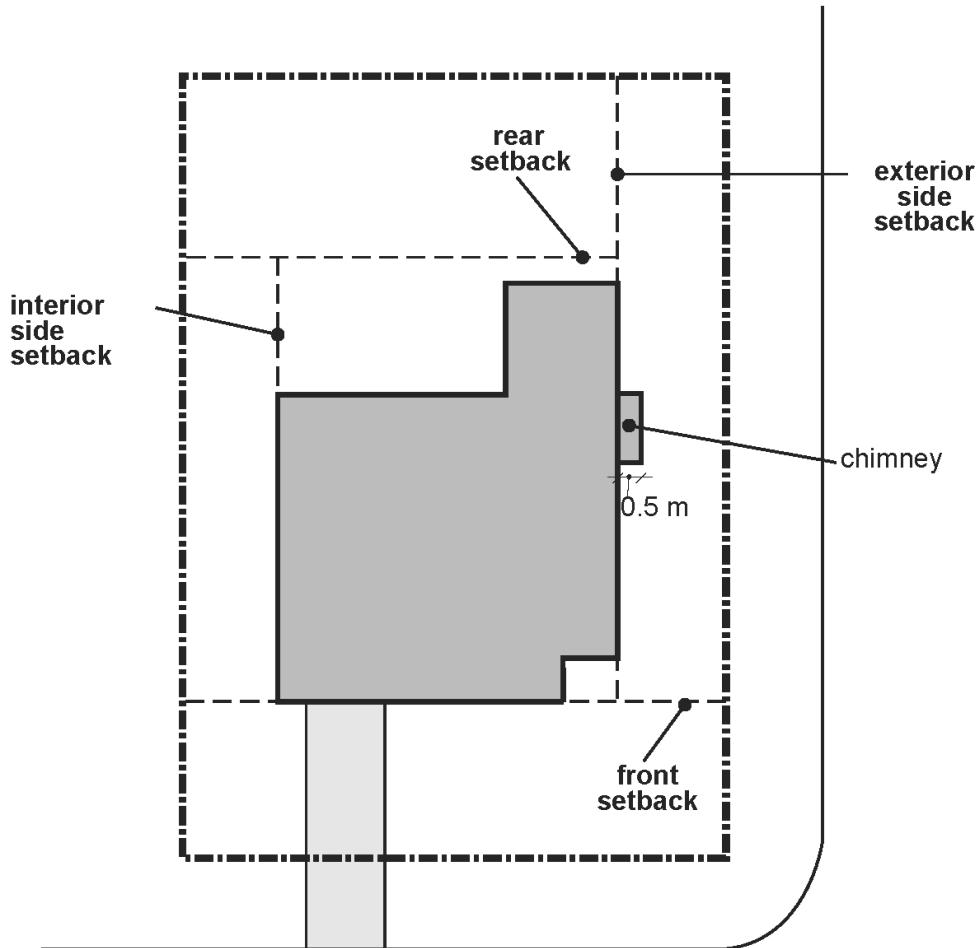


Diagram 4.19.2. – Chimney Projection

#### Exterior Stairs in Other Zones

- 4.19.3.** In all Zones except the DT1, DT2, HCD2 and HB Zones, notwithstanding any provisions of this By-law to the contrary, exterior stairs and their associated guards are permitted to project into any required **setback**, provided such exterior stairs are **setback** a minimum of 0.5 metres to any **lot line**.

## 4.20. Decks, Porches and Balconies

### Balconies

- 4.20.1.** Notwithstanding the **setback** provisions of this By-law to the contrary, **balconies** that project from the **main wall** of a **building** must comply with the following provisions:
- 1.** The maximum horizontal projection from the **main wall** is 2.0 metres;
  - 2.** A maximum of 30% of the horizontal length of the **main wall** of each **storey** may be occupied by **balconies**; and
  - 3.** The minimum **setback** from a **lot line** is 1.0 metres.
- 4.20.2.** Notwithstanding Clause 4.20.1., where a **balcony** is wholly enclosed and is covered with a roof, it must comply with the provisions that apply to the **principal building**.

### Decks and Porches

- 4.20.3.** In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, notwithstanding the **setback** provisions of this By-law to the contrary, a **deck** or **porch** are permitted, provided they:
- 1.** are not located within any form of drainage management system such as a **swale** or **ditch**;
  - 2.** comply with the provisions of Subsection 4.23. regulating **setbacks** from **waterbodies**; and
  - 3.** comply with the provisions of Table 4.20.3.
- 4.20.4.** In all Zones other than those regulated by Clause 4.20.3., **decks** and **porches** must comply with the provisions that apply to the **principal building**.

Table 4.20.3. – Decks and Porches

<b>Zoning Provision</b>	<b>Height no greater than 0.6 metres</b>	<b>Height greater than 0.6 metres up to 1.2 metres</b>	<b>Height greater than 1.2 metres</b>
1. Maximum surface area of floor level	10% of the <b>lot area</b>	10% of the <b>lot area</b>	Lesser of: 10% of the <b>lot area</b> or 30.0 square metres
2. Minimum <b>front setback</b>	3.5 metres	3.5 metres	Comply with Zone provision
3. Minimum <b>interior setback</b>	(a) <b>semi-detached house and townhouse</b> : 0.6 metres, except common party wall where it may be 0.0 metres if there is a common privacy <b>fence</b> at least 1.5 metres tall (b) all other <b>uses</b> : 0.6 metres	(a) <b>semi-detached house and townhouse</b> : Comply with Zone provision, except common party wall where it may be 0.0 metres if there is a common privacy <b>fence</b> at least 1.5 metres tall (b) all other <b>uses</b> : Comply with Zone provision	(a) <b>semi-detached house and townhouse</b> : Comply with Zone provision, except common party wall where it may be 0.0 metres if there is a common privacy <b>fence</b> at <b>least</b> 1.5 metres tall (b) all other <b>uses</b> : Comply with Zone provision
4. Minimum <b>exterior setback</b>	3.5 metres	3.5 metres	Comply with Zone provision
5. Minimum <b>rear setback</b>	2.0 metres	2.0 metres	4.0 metres

**4.20.5.** For the purpose of Clause 4.20.3., the maximum surface area of the floor level is calculated based on a cumulative floor levels of all **decks** and **porches** located on a **lot**.

**4.20.6.** For the purpose of Clause 4.20.3., the height of a **deck** and **porch** is measured from the average **finished grade** of the **deck** and **porch** to the top of the floor level of such **building** component, excluding the height of any safety railing, guard, privacy screen or other similar feature.

## Rooftop Terraces

- 4.20.7.** The provisions of Clauses 4.20.1. to 4.20.6. do not apply to a rooftop terrace which is located on the roof of a **building** above a **storey**. Rooftop terraces are permitted on the roof of a **building** and must comply with the Projections Above Maximum Height provisions of Subsection 4.18.

## 4.21. Barrier-Free Buildings

- 4.21.1.** In all Zones except the DT1, DT2, HCD2 and HB Zones, notwithstanding any provisions of this By-law to the contrary, unenclosed **building** components necessary to ensure that a **building** and its facilities can be approached, entered, and **used** by **persons** with disabilities in accordance with the *Building Code Act, 1992*, may project into any required **front setback**, **interior setback** or **exterior setback** provided that the **building** component is no closer than 0.3 metres from any **lot line** and is not located within any form of drainage management system such as a **swale** or **ditch**. The area of such barrier-free **building** component is excluded from the calculation of **lot coverage**.

## 4.22. Setbacks from Railway Rights-of-Way and Rail Yards

- 4.22.1.** Where a **lot** is adjacent to a principal main line railway **right-of-way**:

1. The minimum required **setback** of a **building** containing a **sensitive use** is:
  - (a) 30 metres, where a minimum 2.5 metre high **landscaped berm** is provided along the **lot line** adjacent to the **right-of-way**; or
  - (b) 120 metres.
2. A minimum 1.83 metre high chain link security **fence** must be provided along the **lot line** adjacent to the **right-of-way** for the entire length of the **lot line**, to be installed and maintained at the owner's expense.

- 4.22.2.** Where a **lot** is adjacent to a secondary main line railway **right-of-way**:

1. The minimum required **setback** of a **building** containing a **sensitive use** is:
  - (a) 30 metres, where a minimum 2.0 metre high **landscaped berm** is provided along the **lot line** adjacent to the **right-of-way**; or
  - (b) 120 metres.

2. A minimum 1.83 metre high chain link security **fence** must be provided along the **lot line** adjacent to the **right-of-way** for the entire length of the **lot line**, to be installed and maintained at the owner's expense.

**4.22.3.** Where a **lot** is adjacent to a principal branch line, secondary branch line or spur line railway **right-of-way**:

1. The minimum required **setback** of a **building** containing a **sensitive use** is:
  - (a) 15 metres, where a minimum 2.0 metre high **landscaped berm** is provided along the **lot line** adjacent to the **right-of-way**; or
  - (b) 120 metres.
2. A minimum 1.83 metre high chain link security **fence** must be provided along the **lot line** adjacent to the **right-of-way** for the entire length of the **lot line**, to be installed and maintained at the owner's expense.

**4.22.4.** Where a **lot** is not adjacent to such railway **right-of-way**, but is located in an area where a **building** with a **sensitive use** can be constructed within 120 metres of a railway **right-of-way**, Subclauses 4.21.1.1., 4.21.2.1. and 4.21.3.1. apply.

**4.22.5.** The minimum **separation distance** between a **sensitive use** and a rail yard is 300 metres.

## **4.23. Setback from Waterbodies**

**4.23.1.** The minimum **setback** from the **high water mark** of a **waterbody** for any **use** or **building**, including any part of a private sewage system, is 30.0 metres, except for:

1. Naturalized buffer to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems;
2. Naturalized buffer which screens views of **development** or creates natural spaces for passive recreation;
3. **Parks** or **conservation areas** that provide controlled access to the **waterbody**;
4. Public trail systems and interpretive centres;
5. **Marine facilities**;

6. **Marinas**, where they are permitted in the Zone applicable to the **lot**;
7. Existing **agricultural uses**;
8. Shoreline stabilization works; and
9. Utilities infrastructure including stormwater outfall, water treatment and pumping facilities and combined sewer overflow management facilities.

**4.23.2.** It is intended that additional **uses** or **buildings** may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the *Planning Act*.

#### 4.24. **Setbacks from Natural Gas Pipelines**

**4.24.1.** Notwithstanding any other provision of this By-law to the contrary, the minimum **setback** from a **lot line** abutting land that contains a natural gas pipeline is:

1. 7.0 metres for any **principal building**;
2. 7.0 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles; and
3. 3.0 metres for any accessory building, swimming pool, deck, patio and porch.

**4.24.2.** Where a natural gas pipeline is located on the same **lot**, the minimum **setback** from a registered **right-of-way** for the natural gas pipeline is:

1. 7.0 metres for any **principal building**;
2. 7.0 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles; and
3. 3.0 metres for any accessory building, swimming pool, deck, patio and porch.

#### 4.25. **Waste and Recycling**

**4.25.1.** Waste and recycling must not be stored on any **lot** in any Zone except within the **principal building** or an **accessory building** on such **lot** or in a container located in the **interior yard** or **rear yard** of such **lot**.

**4.25.2.** A waste or recycling storage area, including any loading or unloading area, which is visible from an adjoining site in an Urban Residential Zone, HCD1 Zone, HCD3 Zone,

CN, CM1, CM2, CA, CD, CR, CG, CW, HB, OS1 or OS2 Zone, a public open space, a **waterbody** or a **street** must have a **visual screen** at a minimum height that is equal to any bins or dumpsters stored within the waste or recycling storage area.

- 4.25.3.** A commercial waste or recycling dumpster or bin is regulated in the same manner as an **accessory building** in the underlying Zone in which it is located.

#### 4.26. Separation Distance for Residential Uses and MX1 Zones

- 4.26.1.** A minimum **separation distance** of 300.0 metres is required between a **residential use** and a **lot** in a MX1 Zone.

- 4.26.2.** A minimum **separation distance** of 500.0 metres is required between a **residential use** and a **lot** in the MX1 Zone with an operating quarry.

#### 4.27. Walkways for All Residential Uses

- 4.27.1.** An **additional residential unit** and a **principal dwelling unit** in a **single detached house, semi-detached house, duplex, triplex, townhouse, stacked townhouse, apartment** or **mixed use building** must be accessed by a **walkway**, subject to the following provisions:

- 1.** The minimum width of the **walkway** is 1.2 metres wide;
- 2.** In the **urban area**, the **walkway** must be provided from the **front lot line** to the main exterior entrance, or to stairs leading to the main exterior entrance, of every **dwelling unit** on a **lot**. Where **dwelling units** share a common main exterior entrance, the **walkway** must be provided to the common main exterior entrance;
- 3.** In the **rural area**, the **walkway** must be provided from the driveway containing the **parking space** for the **dwelling unit** to the exterior entrance, or to stairs leading to an exterior entrance, of every **dwelling unit** on a **lot**;
- 4.** The **walkway** must be separately delineated and measured distinctly from a required **driveway** and **parking space**. A vehicle must not park or be permitted to drive on top of any part of the **walkway**; and
- 5.** The **walkway** must be unobstructed up to a minimum height of 2.1 metres above grade.

- 4.27.2.** Clause 4.27.1. does not prevent the establishment of a gate across a **walkway** to access an exterior entrance accessed through a **fenced yard**.
- 4.27.3.** When a **building** with a **dwelling unit** has legal non-complying status in accordance with Subsection 1.8. of this By-law due to an insufficient **walkway**, this Subsection is not interpreted to require that the deficiency be made up prior to the renovation of the existing non-complying **building**. However further **development** which has the effect of adding one or more **bedrooms** or **dwelling units** is permitted to occur unless this Subsection is complied with.
- 4.27.4.** Where a **building** contains an **additional residential unit** as of the date of passing of this By-law, which didn't comply with the terms of the **former general zoning by-laws** when such unit was developed, and such **additional residential unit** does not comply with 4.27.1., the **additional residential unit** is deemed to be legal non-complying insofar as the **walkway** requirements of 4.27.1. only, subject to and in accordance with Clause 4.27.3.

#### **4.28. Maximum Number of Bedrooms**

- 4.28.1.** A maximum of 8 **bedrooms** is permitted per **lot**, in the aggregate, on:
- 1.** Any **lot** in the Urban Residential Zones, DR Zone and the HCD1 Zone; and
  - 2.** A **lot** in the Urban Multi-Residential Zone or the HCD3 Zone where there are 2 or less **principal dwelling units**.



## Section 5: Overlay Provisions

### 5.1. Floodplain Overlay

- 5.1.1.** No **use** or **building** is permitted within the area identified as “Floodplain Overlay” on Schedule A for any purpose other than the following **uses**, where the **use** is permitted by the underlying zone:
- 1. Agricultural use**, excluding a **building**;
  - 2. Conservation use**, excluding a **building**;
  - 3. Forestry use**, excluding a **building**;
  - 4. Marina**, excluding a **building**;
  - 5. Public use** excluding a **building**; and
  - 6.** Utility installations that are subject to the requirements of the *Environmental Assessment Act*.
- 5.1.2.** Notwithstanding Clause 5.1.1., where a **lot** is located within the area identified as the “Wave Uprush” area on Schedule A, **uses** existing as of the day of passing of this By-law are permitted and Clauses 1.8.2., 1.8.3. and 1.8.4. apply to the expansion of legal non-complying buildings in connection with these permitted **uses**.
- 5.1.3.** The Floodplain Overlay on Schedule A may be adjusted as a technical revision in accordance with Clause 1.10.2. of this By-law, where such adjustment lessens the extent of the floodplain in a manner that is supported by a technical assessment to the satisfaction of the Cataraqui Region Conservation Authority and the Director of Planning Services.

## 5.2. Source Water Protection Overlay

### Cana Wellhead Protection Area (Overlay)

- 5.2.1.** The area identified as “Cana Wellhead Protection Area” on Schedule B is subject to the following provisions:
- 1.** Within the portions of the Cana **Wellhead Protection Area** with a vulnerability score of 10 on Schedule B, the following **uses** and activities are prohibited:
    - (a) Waste disposal area** involving one or more of the following activities:
      - (i)** the application of agricultural source material, non-agricultural source material and untreated septage (i.e., hauled sewage) to land;
      - (ii)** storage of mine tailings;
      - (iii)** storage of fuel;
      - (iv)** land farming of petroleum refining waste;
      - (v)** landfilling of hazardous, municipal, and solid non-hazardous industrial or commercial waste; or
      - (vi)** liquid industrial waste injection into a well and PCB storage.
    - (b) Wastewater treatment facilities** and related infrastructure (i.e., sanitary sewers and related pipes, sewage treatment plant effluent discharges including lagoons and storage of sewage); and
    - (c)** Notwithstanding Paragraph (b), replacement, expansion or upgrade of lawfully existing **wastewater treatment facilities** is permitted.
  - 2.** Within the portions of the Cana **Wellhead Protection Area** with a vulnerability score of 8 on Schedule B, the following **uses** and activities are prohibited:
    - (a) Waste disposal area** involving one or more of the following activities:
      - (i)** landfilling of municipal, solid non-hazardous industrial or commercial waste; or
      - (ii)** liquid industrial waste injection into a well.

- (b) **Wastewater treatment facilities** involving the storage of sewage (e.g., treatment plant tanks).
  - (c) Notwithstanding Paragraph (b), replacement, expansion or upgrade of lawfully existing **wastewater treatment facilities** is permitted.
- 3. Within the Cana **Wellhead Protection Area** WHPA-A where the vulnerability score is 10 on Schedule B, any **non-residential use** that has the potential for the following activities is prohibited:
  - (a) Application of **agricultural source material** to land;
  - (b) Application of pesticides to land;
  - (c) The **use** of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard;
  - (d) The handling and storage of **DNAPLs**;
  - (e) The handling and storage of pesticide;
  - (f) The storage of **agricultural source material**;
  - (g) The handling and storage of **organic solvents**;
  - (h) The handling and storage of fertilizer;
  - (i) The handling and storage of road salt; or
  - (j) The storage of snow.
- 4. Within the Cana **Wellhead Protection Area** WHPA-B where the vulnerability score is 10 on Schedule B, any **non-residential use** that has the potential to involve the following activities is prohibited:
  - (a) Application of **agricultural source material** to land;
  - (b) The **use** of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard;
  - (c) The handling and storage of **DNAPLs**;
  - (d) The handling and storage of pesticide;
  - (e) The storage of **agricultural source material**;
  - (f) The handling and storage of **organic solvents**;

- (g) The handling and storage of fertilizer;
  - (h) The handling and storage of road salt; and
  - (i) The storage of snow.
5. Within the Cana **Wellhead Protection Area** WHPA-B where the vulnerability score is 8 on Schedule B and within the Cana **Wellhead Protection Area** WHPA-C, any **use** that has the potential for the handling and storage of **DNAPLs** is prohibited.
6. Within the Cana **Wellhead Protection Area** where the vulnerability score is less than 8 on Schedule B, any **use** that has the potential to involve the following activities is prohibited:
- (a) The handling and/or storage of more than 25.0 litres of **organic solvents**;
  - (b) The handling and/or storage of more than 2,500.0 kilograms or litres of commercial fertilizer and/or more than 250.0 kilograms or litres of pesticide at a facility where it is sold or stored for application at other sites, except where it is manufactured or processed;
  - (c) The handling and/or storage of more than 2,500.0 litres of liquid fuel;
  - (d) The handling and/or storage of more than 500.0 tonnes of road salt;
  - (e) At or above grade snow storage that is more than 1.0 hectare in area; and
  - (f) The handling and/or storage of PCBs.
7. Within the Cana **Wellhead Protection Area** WHPA-D on Schedule B the handling and/or storage of more than 25.0 litres of **DNAPLs** is not permitted.

### Intake Protection Zone – 1

- 5.2.2. Notwithstanding the provisions of the underlying Zone or other zoning provisions of this By-law, **Intake Protection Zone – 1** is subject to the following provisions:
- 1. Within the **Intake Protection Zone – 1** on Schedule B, any **use** that has the potential to involve the following activities is prohibited:
    - (a) The handling and/or storage of more than 250.0 litres of **DNAPLs** and/or **organic solvents**;

- (b) The handling and/or storage of more than 2,500.0 kilograms or litres of commercial fertilizer and/or 2,500.0 kilograms or litres of pesticide at a facility where it is sold or **used** for application at other sites, except where it is manufactured or processed;
- (c) The handling and/or storage of more than 2,500.0 litres of liquid fuel;
- (d) The handling and/or storage of more than 500.0 tonnes of road salt; or
- (e) At or above-grade snow storage that is more than 1.0 hectare in area.

### Intake Protection Zone – 2

**5.2.3.** Notwithstanding the provisions of the underlying Zone or other zoning provisions of this By-law, **Intake Protection Zone – 2** is subject to the following provisions:

1. Within the **Intake Protection Zone – 2** on Schedule B, any **use** that has the potential to involve the following activities is prohibited:
  - (a) The handling and/or storage of more than 250.0 litres of **DNAPLs** and/or **organic solvents**;
  - (b) The handling and/or storage of more than 2,500.0 kilograms or litres of commercial fertilizer and/or 2,500.0 kilograms or litres of pesticide at a facility where it is sold or **used** for application at other sites, except where it is manufactured or processed;
  - (c) The handling and/or storage of more than 2,500.0 litres of liquid fuel;
  - (d) The handling and/or storage of more than 500.0 tonnes of road salt; or
  - (e) At or above-grade snow storage that is more than 1.0 hectare in area.

### 5.3. Airport Noise Exposure Overlay

- 5.3.1. Notwithstanding any provision of this By-law to the contrary, **sensitive uses** are not permitted within the area above 30 NEF and NEP as shown on Schedule C of this By-law.

## 5.4. Additional Residential Units Overlay

5.4.1. **Additional residential units** must comply with this Subsection, all other applicable provisions of this By-law and Schedule D of this By-law.

### Location of Additional Residential Units

5.4.2. **Additional residential units** are only permitted:

1. As an **accessory use** to the following **principal buildings**, if such **building** is listed as a permitted **use** in the applicable Zone:
  - (a) **Single detached house**;
  - (b) **Semi-detached house**;
  - (c) **Townhouse**.
2. As an **accessory use** to a **place of worship** located within an Urban Residential Zone, Urban Multi-Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RU Zone or RUR Zone.

5.4.3. **Additional residential units** are not permitted:

1. On lands subject to the Floodplain Overlay as shown on Schedule A of this By-law;
2. On lands identified as "Constraint Area (Not Subject to Holding Symbol) – Sewer Capacity Limitations" on Schedule D of this By-law;
3. On lands identified as "" on Schedule D of this By-law;
4. On lands identified as "Constraint Area (Not Subject to Holding Symbol) – Sewer Surcharging (Combined Storm and Sewer)" on Schedule D of this By-law;
5. On lands identified as "Constraint Area (Not Subject to Holding Symbol) – Loughborough Lake (At-Capacity Lake)" on Schedule D of this By-law;
6. Within the **basement** of any **building** on lands identified as "Constraint Area (Not Subject to Holding Symbol) – Sewer Surcharging" on Schedule D of this By-law; or
7. On a **lot** containing two or more **principal dwelling units**.

**5.4.4.** In accordance with Clause 2.6.3., a Holding Overlay has been established in the area identified as "Water Supply/Water Quality Constraint Area - H" on Schedule D of this By-law. Prior to the removal of any **lot** from the Holding Overlay and the issuance of a building permit for an **additional residential unit**, the following conditions must be satisfied:

- 1.** the following conditions apply to an **additional residential unit** that is attached to the **principal building** and connects to the **private services** of the **principal building**:
  - (a)** A letter of opinion to the satisfaction of the City's Environment Director (or designate) from an independent, qualified professional must be submitted stating that the private water supply is sufficient to support the **additional residential unit** in combination with the normal operation of the principal **dwelling** on the **lot**. The qualified professional must hold a valid license to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo). The letter must be signed by the qualified professional and must demonstrate how the supply well will support the increased demand required by the **additional residential unit** while ensuring that neighbouring wells are not adversely impacted. In addition, the qualified professional must include a statement that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed **additional residential unit** in combination with the existing principal dwelling unit.
  - (b)** Approval of the private sewage system must be obtained from the City or applicable approval authority.
- 2.** the following conditions apply to a detached **additional residential unit** or an **additional residential unit** that is attached to the **principal building** and is not connecting to existing **private services**:
  - (a)** A Hydrogeological Study is to be completed to the satisfaction of the City's Environment Director (or designate) from an independent qualified professional (P.Eng.) or geoscientist (P.Geo). to determine that the groundwater quality and quantity is sufficient for the **additional residential unit** and will not adversely impact the water supply of adjacent lots and the principal dwelling. The Hydrogeological Study must be completed in accordance with the City's Standard for Hydrogeological Assessments. Adjustments to the requirements of a full hydrogeological



study to demonstrate the suitability of private water supply may be considered by the City's Environment Director (or designate). The Hydrogeological Study must also assess sewage system impact and demonstrate that:

- (i) the area of development is not hydrogeologically sensitive; and,
- (ii) the private sewage system is isolated from the receiving aquifer, or the impact of the **principal dwelling unit** plus the **additional residential unit** is less than 10 milligrams per litre nitrate-nitrogen at the property boundary.

- (b) Approval of the private sewage system must be obtained from the City or applicable approval authority.

**5.4.5.** In accordance with Clause 2.6.3., a Holding Overlay has been established in the area identified as "Servicing Capacity (Cana Subdivision) - H" on Schedule D of this By-law. Prior to the removal of any **lot** from the Holding Overlay and the issuance of a building permit for an **additional residential unit**, the following conditions must be satisfied:

- 1. A letter of opinion to the satisfaction of Utilities Kingston from a qualified professional confirming that water and/or wastewater capacity issues will not be experienced on the **lot** as a result of the establishment of an **additional residential unit**.

#### General Provisions for Attached and Detached Additional Residential Units

**5.4.6.** Where permitted in accordance with Clauses 5.4.1. to 5.4.5., **additional residential units** must comply with the following provisions:

- 1. **Additional residential units** must be connected to **municipal services** or **private services** to the satisfaction of the City of Kingston.
- 2. A maximum of two **additional residential units** are permitted per **lot** including a maximum of one **second residential unit** and a maximum of one **third residential unit**.
- 3. **Additional residential units** are exempt from provisions that:
  - (a) calculate **density** as a measure of **dwelling units** per net hectare;
  - (b) establish the maximum number of **dwelling units** on a **lot**; and

- (c) establish the minimum **lot area** per **dwelling unit** on a **lot**.
- 4. Where two **additional residential unit** are located on one **lot**:
  - (a) A maximum of one detached **additional residential unit** is permitted; and
  - (b) A maximum of one **additional residential unit** may be attached to or located within the **principal building**.
- 5. A **parking space** required for an **additional residential unit** is permitted in a **tandem parking space** configuration. The **parking space** for the **additional residential unit** must meet all other applicable provisions of this By-law.
- 6. **Additional residential units** must comply with the **walkway** provisions of Subsection 4.27. of this By-law and the maximum number of **bedroom** provisions of Subsection 4.28.
- 7. The **gross floor area** of the **additional residential unit** must be less than or equal to the **gross floor area** of the **principal dwelling unit**.

#### Attached Additional Residential Unit Provisions

- 8. An **additional residential unit** that is attached to the **principal building** or located within the **principal building** must comply with all provisions of Clauses 5.4.6.1. to 5.4.6.7. and must comply with all provisions applicable to the **principal building**.

#### Detached Additional Residential Unit Provisions

- 9. An **additional residential unit** in a detached **building** is exempt from Subsection 4.1. of this By-law governing **accessory uses** or **buildings**. In addition to meeting all provisions of Clauses 5.4.6.1. to 5.4.6.7., an **additional residential unit** in a detached **building** must comply with the following provisions:
  - (a) an **additional residential unit** in a detached **building** must be located within a **rear yard** or **interior yard** and must comply with the following provisions:
    - (i) minimum **rear setback** of 1.2 metres;
    - (ii) minimum **interior setback** of 1.2 metres;

- (iii) minimum **front setback** and **exterior setback** of the applicable Zone;
  - (iv) maximum **lot coverage** of all **accessory buildings** on a **lot** is 10% in the aggregate;
  - (v) maximum **height** of 4.6 metres; and
  - (vi) maximum **height** of 1 **storey**.
- (b) in the **urban area**, where an **additional residential unit** is located in a detached **building**, the **rear yard** or **interior yard** must be screened with a privacy **fence** with a minimum height of 1.8 metres as follows:
- (i) When the detached **additional residential unit** is located in a **rear yard**, the privacy **fence** must be established along all **interior lot lines** and **rear lot lines** adjacent to the **rear yard**;
  - (ii) When the detached **additional residential unit** is located in an **interior yard**, the privacy **fence** must be established along the **interior lot line** closest to the detached **additional residential unit** extending from the intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**; or
  - (iii) When the detached **additional residential unit** is located in both a **rear yard** and an **interior yard**, the privacy **fence** must be established in accordance with Subparagraphs (i) and (ii).
- (c) for the purpose of establishing a detached **additional residential unit**, the existing **dwelling unit** is considered the **principal dwelling unit**.

### Legal Non-Compliance

- 10. Where a **principal building** is legal non-complying in accordance with Subsection 1.8. of this By-law, an **additional residential unit** is permitted within the existing **principal building**.
- 11. Where a **principal building** is legal non-complying in accordance with Subsection 1.8. of this By-law, an **additional residential unit** is permitted to be attached to the **principal building** if any new construction associated with the **additional residential unit** complies with this By-law.

12. Where a **principal building** is legal non-complying in accordance with Subsection 1.8. of this By-law, an **additional residential unit** is permitted in a detached **building** if the detached **building** complies with this By-law.

## 5.5. Exception Overlay

- 5.5.1.** The Exception Overlay on Schedule E of this By-law has the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of the corresponding Legacy Exception in Section 23 and Exception in Section 24. Unless specifically amended by the Exception, all provisions of this By-law continue to apply.
- 5.5.2.** Notwithstanding Clause 1.5.1. of this By-law, the applicable **former general zoning by-laws** apply to assist in the interpretation of any Legacy Exception provision in Section 23 originally enacted under the applicable **former general zoning by-law**. Where a provision of this By-law is more restrictive than the applicable **former general zoning by-law** in respect of the interpretation of any Legacy Exception, the provision of the **former general zoning by-law** that was in force at the time of passing of the Legacy Exception prevails.

## Section 6: Specific Use Provisions

### 6.1. Tiny House

- 6.1.1. A **tiny house** is only permitted where a site-specific, Temporary Zoning By-law allows one.
- 6.1.2. Where a **tiny house** is permitted, a **tiny house** must comply with all provisions applicable to detached **additional residential units**.

### 6.2. Gasoline Pump

- 6.2.1. Where a gasoline pump is accessory to a gas station, the gasoline pump may be located in the front yard or exterior yard provided that:
1. The minimum **setback** from the **gasoline pump** to any **lot line** is 4.5 metres; and
  2. Where the **lot** is a **corner lot**, a **gasoline pump** must be at least 3.0 metres from a **sight triangle**.

### 6.3. Home Offices and Home Occupations

- 6.3.1. **Home offices** are permitted in all legal **dwelling units** and may be located in an **accessory building** to the **principal dwelling unit**.
- 6.3.2. A **home occupation** is permitted in all legal **dwelling units** and may be located in an **accessory building** to the **principal dwelling unit**. In addition to the provisions that apply to the **principal dwelling unit** and **accessory buildings**, a **home occupation** is subject to the following provisions:
1. Where the **home occupation** is located within the **principal dwelling unit**, the **gross floor area** of the **home occupation** must be less than the **gross floor area** dedicated to the **principal dwelling unit**;
  2. A maximum of one employee, other than a resident of the **dwelling unit**, is permitted to physically work in the **home occupation**;
  3. **Outdoor storage** of materials, equipment, or containers, exterior parking or storage of commercial or industrial **vehicles** or equipment, animal enclosures

or other outdoor manufacturing or processing activities are prohibited on any **lot** in conjunction with the **home occupation**; and

4. The following activities are prohibited as a **home occupation**:
  - (a) sale and servicing of **motor vehicles**, recreational **vehicles** or any motorized equipment;
  - (b) **kennel**; and
  - (c) cannabis production for any use other than personal use.

## 6.4. Kennels

- 6.4.1. Where a **kennel** is permitted by this By-law, the **kennel** may be located in the same **building** as the **principal dwelling unit**, subject to the provisions of Clause 6.4.2.
- 6.4.2. All components associated with a **kennel**, including **buildings** and all outdoor animal runs, are considered **buildings** for zoning purposes, and must comply with all applicable provisions of this By-law, as well as the following provisions:

### Location of Animal Runs

1. Outdoor animal runs associated with a **kennel** must be located in the **rear yard** or **interior yard**.

### Minimum Separation

2. A minimum **separation distance** of 120.0 metres is required between a **kennel** and all **dwelling units**, except for a **dwelling unit** located on the same **lot**.

- 6.4.3. Notwithstanding Subclause 6.4.2.2., when a **kennel** is established under the provisions of this By-law, the **construction** of a new **dwelling unit** on a separate **lot** does not render such **kennel** non-complying.
- 6.4.4. All **kennels** existing as of the date of passing of this By-law which would be made non-complying uses under Clause 6.4.2. are deemed to comply with this By-law.

## 6.5. Marine Facilities

**6.5.1.** A **marine facility** is permitted on any **lot** with a **lot line** that adjoins a **waterbody**. **Marine facilities** are exempt from all other provisions of this By-law, including the **waterbody** setbacks required by Clause 4.23.1., and:

1. Must have a minimum setback of 1.2 metres from the **interior lot line** and/or **exterior lot lines**, measured at the point there the **marine facility** intersects with the **lot line** that adjoins the **waterbody**;
2. Must not encroach on an adjacent **lot** as determined by measuring the hypothetical extension of the **lot lines** into the **waterbody**;
3. Where a **marine facility** includes a **building** with exterior walls and a roof, including a boathouse, such **building** must:
  - (a) Include a direct connection to the **waterbody**, either through an open boat slip internal to the **building** or a marine railway;
  - (b) Not exceed a height of 6.0 metres, with height being measured from **high water mark** of the **waterbody**; and
  - (c) Not exceed 1 **storey**.

## 6.6. Model Homes

**6.6.1.** Where a Model Home Agreement or a Subdivision Agreement permitting the construction of model homes has been executed by the owner and the City, more than one **single detached house**, **semi-detached house** or a **townhouse** may be **constructed** on a **lot** prior to registration of the plan of subdivision or plan of condominium subject to the following provisions:

1. The **use** must be permitted in the underlying Zone in which the **single detached house**, **semi-detached house** or **townhouse** is to be located;
2. The **model home** must not be occupied as a **dwelling unit** prior to the date of the registration of the subdivision plan or condominium plan;
3. The maximum number of **model homes** within one plan of subdivision or plan of condominium proposed for registration is equal to 10% of the total number of lots intended for **single detached house**, **semi-detached house** or



**townhouse** purposes within the plan of subdivision or plan of condominium proposed for registration, to a maximum of ten **model homes**;

4. The **model home** must comply with all other provisions of this By-law, as though **constructed** on the **lot** within the registered plan of subdivision or plan of condominium; and
5. The **model home** must comply with all applicable terms and conditions of the Model Home Agreement or Subdivision Agreement, as applicable.

## 6.7. Outdoor Patios

6.7.1. An **outdoor patio** is permitted as an **accessory use** on a **lot** containing a permitted commercial or hospitality **use**, or on the roof of a **building** on such **lot**, and must comply with the following provisions:

1. Where the **lot** has a **lot line** that is adjacent to a **lot** in an Urban Residential Zone, HCD1 Zone or HCD3 Zone:
  - (a) A minimum **separation distance** of 3.0 metres is required between an **outdoor patio** and such **lot line**;
  - (b) A continuous, solid privacy **fence** with a minimum height of 1.8 metres must be provided along the portion of such **lot line** adjacent to the **outdoor patio**;
2. **Outdoor patios** are permitted to occupy required **parking spaces** on a **lot** in Parking Area 1 or Parking Area 2, excluding **accessible spaces**, **car-share spaces** or **visitor spaces**; and
3. Notwithstanding the provisions of Section 7 of this By-law to the contrary, no additional **loading spaces** or **parking space** are required for an **outdoor patio**.

## 6.8. Co-Living Units

6.8.1. **Co-living units** are permitted in an **apartment building**.

6.8.2. Where this By-law sets a standard based on the number of **dwelling units** for **apartment buildings**, **co-living units** must comply with all provisions that apply to **dwelling units** at a ratio of 4 private bedrooms and/or living spaces to 1 **dwelling unit**.

## 6.9. Transportation Terminals

6.9.1. In addition to the **uses** permitted in the applicable Zone, the following **uses** are permitted within a **transportation terminal**:

1. **financial institution**;
2. **personal service shop**;
3. **restaurant**;
4. **retail store**; and
5. **repair shop**.

6.9.2. The **uses** permitted in Clause 6.9.1. must comply with the following provisions:

1. They must not be located in an EPA Zone;
2. Each individual occupancy must not exceed 50.0 square metres in **gross floor area**; and
3. The maximum cumulative **gross floor area** occupied by the permitted **uses** in Clause 6.9.1 is 100.0 square metres.

## 6.10. Propane Transfer Facilities

6.10.1. Where a permitted **use** or **building** includes a propane transfer facility that is regulated by the *Ontario Energy Act*, such **use** or **building** must comply with all applicable provisions of this By-law and:

1. The propane transfer facility must be **setback** a minimum of 50 metres from any **lot line**, or a greater distance if required by a regulating Provincial body.

## 6.11. Propane and Natural Gas Handling Facilities

6.11.1. Facilities relating to the handling and transfer of propane and natural gas which are not regulated by the *Ontario Energy Act*, including tanks and associated compressors, pumps and other similar facilities must:

1. not be located in any required **setback**; or

2. maintain a minimum **separation distance** of 30.0 metres to any **lot** where a **dwelling unit** is a **permitted use**.

## 6.12. Backyard Hen Coops

**6.12.1. Backyard hen coops and backyard hen runs** are permitted as **accessory buildings** on any **lot** where the permitted **principal use** of such **lot** is a **dwelling unit** or **agricultural use** and must comply with all provisions of Subsection 4.1. except as specifically regulated by this Subsection.

**6.12.2. Backyard hen coops and backyard hen runs** must comply with the following minimum setbacks:

1. **Rear lot line:** 1.2 metres;
2. **Interior lot line:** 1.2 metres; and
3. **Exterior lot line:** 1.2 metres.

**6.12.3. Backyard hen coops and backyard hen runs** are not permitted in a **front yard**, **interior yard** or **exterior yard**.

**6.12.4. Backyard hen coops and backyard hen runs** must be located a minimum **separation distance** of:

1. 15.0 metres from any **lot** that contains an **elementary school** or **secondary school**;
2. 7.5 metres from any **lot** that contains a **place of worship** or business; and
3. 3.0 metres from all windows and doors of residential **buildings** that are located on adjacent **lots**.

**6.12.5.** Where a conflict exists between the terms of Section 6.12. of this By-law and the terms of the Animal Control By-law, the more restrictive provision prevails.

## 6.13. Pigeon Lofts

**6.13.1. Pigeon lofts** are permitted as **accessory buildings** on any **lot** where the permitted **principal use** of such **lot** is a **dwelling unit** where such **lot** has a minimum **lot area** of 1,350 square metres or where the permitted **principal use** of such **lot** is an

**agricultural use**, and must comply with all provisions of Subsection 4.1. except as specifically regulated by this Subsection.

**6.13.2. Pigeon lofts** must comply with the following minimum setbacks:

1. **Rear lot line:** 6.0 metres;
2. **Front lot line:** 6.0 metres;
3. **Interior lot line:** 6.0 metres; and
4. **Exterior lot line:** 6.0 metres.

**6.13.3. Pigeon lofts** are not permitted in a **front yard, interior yard** or **exterior yard**.

**6.13.4.** The maximum **height** of a **pigeon loft** is 5.0 metres.

**6.13.5.** The minimum floor area of a **pigeon loft** is 1.0 square metre of floor area for every 10 pigeons.

**6.13.6.** The maximum floor area of a **pigeon loft** is 10 square metres.

**6.13.7. Pigeon lofts** must be located a **minimum separation distance** of 15.0 metres from residential **buildings** that are located on a different **lot**.

**6.13.8.** Where a conflict exists between the terms of Section 6.13. of this By-law and the terms of the Animal Control By-law, the more restrictive provision prevails.

## **6.14. Place of Worship**

**6.14.1.** Where a **place of worship** is permitted, the following **complementary uses** are permitted where they only occupy floor area that is **developed** to support the **principal use** of the **lot**:

1. educational uses;
2. programs of community, cultural or social benefit;
3. community assembly areas;
4. catering kitchens, provided they **use** existing kitchen facilities that support the **place of worship**;
5. **offices**;

6. **day care centres;**
7. cemetery;
8. **non-residential uses** that are permitted in the CN Zone as per Table 15.1.2.;
9. other **uses** that are similar in nature to Paragraphs 1. through 6.

## 6.15. Schools

- 6.15.1. Where an **elementary school** or **secondary school** is permitted, portable classrooms are permitted and must comply with all provisions that apply to the **lot** as though they are a **principal building**.
- 6.15.2. Where a **building** is occupied by both an **elementary school** and a **secondary school**, or a combination thereof, the provisions that apply to **secondary schools** apply.
- 6.15.3. Where an **elementary school** or **secondary school** existed as of the date of passing of this by-law, such **use** is considered to be a **permitted use** of the **lot** so long so long as the **building** continues to be **used** as an **elementary school** or **secondary school**, as the case may be.

## 6.16. Stadiums

- 6.16.1. **Stadiums** are not permitted as an **accessory use**.
- 6.16.2. Notwithstanding Clause 6.16.1., where a **stadium** lawfully existed as an **accessory use** prior to the passage of this By-law, the **stadium** is considered to be a permitted **use** on such property so long as the **stadium** continues to be **used** as a **stadium**.

## 6.17. Food Trucks

- 6.17.1. **Food trucks** that stand, more or less permanently in one place on a **lot**, are considered **buildings** in accordance with this By-law and must comply with all provisions of this By-law that apply to **buildings**, in addition to the provisions of Subclauses 6.17.2.1. to 6.17.2.7.
- 6.17.2. This By-law does not apply to **food trucks** that are not considered **buildings** pursuant to Clause 6.17.1., except as set out in Clause 6.17.3.
- 6.17.3. **Food trucks** must comply with the following provisions:

1. Requirements established in the Business Licensing By-law;
2. **Food trucks** are only permitted:
  - (a) on a **lot** where the applicable Zone permits a **restaurant**;
  - (b) as an **accessory use** on a **lot** where the applicable Zone permits commercial, employment and institutional uses as **principal uses**;
  - (c) as an **accessory use** to a **principal agricultural use** on a **lot** that is zoned AG or RU, to a maximum of one **food truck** per **lot**;
3. **Food trucks** are permitted to occupy a maximum of 2 required **parking spaces** on a **lot**, excluding **accessible spaces**, **car-share spaces** or **visitor spaces**;
4. **Food trucks** must be setback a minimum of 3.0 metres from all **lot lines**; and
5. **Food trucks** must comply with **sight triangle** provisions in Subsection 4.6. of this By-law.

## Section 7: Parking, Loading and Bike Parking Provisions

### 7.1. Parking Space Ratios

- 7.1.1.** The minimum number of **parking spaces**, maximum number of **parking spaces** and minimum number of **car-share spaces** set out in Table 7.1.1. must be complied with and located on the same **lot** as the corresponding **use** or **building**.
- 7.1.2.** This By-law places all lands subject to this By-law in one or more Parking Areas shown on Schedule 2 of this By-law. In accordance with Clause 7.1.1. of this By-law, required **parking spaces** are calculated by the ratio required for the applicable Parking Area. For the purpose of this By-law, the following nomenclature may be used interchangeably:
1. Parking Area 1 or PA1;
  2. Parking Area 2 or PA2;
  3. Parking Area 3 or PA3;
  4. Parking Area 4 or PA4; and
  5. Parking Area 4 or PA5.
- 7.1.3.** Notwithstanding Clause 7.1.2., where any portion of a **lot** in PA5 is within 600 metres **walking distance** of the "Kingston Transit Route" identified on Schedule 2, measured to the boundary of the **street line**, the Parking Area that applies to that portion of the "Kingston Transit Route" may apply to such **lot**.
- 7.1.4.** Where more than one Parking Area applies to one **lot**, the required **parking spaces** are calculated based on the Parking Area that requires the fewest number of **parking spaces**.
- 7.1.5.** Where a **lot** contains more than one **use**, the required number of **parking spaces** is the sum of all **parking spaces** required for each **use**.
- 7.1.6.** When the computation of the required number of **parking spaces** for each **use** on a **lot** results in a number containing a fraction, that minimum number of **parking spaces** required for each **use** must be increased to the next highest whole number if the fraction is equal to or greater than 0.5.

- 7.1.7.** Notwithstanding Clause 7.1.6. of this By-law, when the computation of the required number of **accessible spaces** results in a number containing a fraction, the minimum number of **accessible spaces** is increased to the next highest whole number.
- 7.1.8.** Where the required number of **parking spaces** identified in Table 7.1.1. is identified as a ratio per “person”, the number is calculated based on the maximum number of persons which can be accommodated within the **building** according to the *Building Code Act, 1992*, unless otherwise specified in this By-law.
- 7.1.9.** Where a maximum number of **parking spaces** is identified in Table 7.1.1., the maximum applies to the number of regular **parking spaces** for the **principal use** and excludes **accessible spaces, car-share spaces** and **visitor spaces**.

### Off-Site Parking Spaces

- 7.1.10.** Notwithstanding Clause 7.1.1. of this By-law, required **parking spaces** may be provided on a different **lot** than the **use** requiring the **parking spaces** in the following circumstances:
- 1.** For **non-residential uses**, off-site **parking spaces** must be provided within 150.0 metres of the **lot**; and
  - 2.** Where a **building** that exists as of the date of passing of this By-law is **converted** and results in an increase in the number of **dwelling units**, off-site **parking spaces** must be provided within 60.0 metres of the **lot**.

### Affordable Units and Heritage Buildings

- 7.1.11.** Notwithstanding Clause 7.1.1. of this By-law:
- 1.** For **affordable units**, no **parking spaces** or **car-share spaces** are required, except for **accessible spaces** and **visitor spaces**. Where **affordable units** are mixed with other **dwelling units** on a **lot**, this provision only applies to the units that are **affordable units**.
  - 2.** For **heritage buildings**, no **parking spaces, visitor spaces** or **car-share spaces** are required. Where **parking spaces** are provided, **accessible spaces** must be provided based on the ratio required by Clause 7.1.1. before other **parking spaces** are permitted to be provided.



### Incentive to Reduce Minimum Number of Parking Spaces

**7.1.12.** Notwithstanding Clause 7.1.1. of this By-law:

- 1.** For **apartment buildings, dwelling unit in mixed use building, stacked townhouse or common element townhouse**. The minimum number of **parking spaces** required may be reduced:
  - (a)** In accordance with the Cash-in-Lieu of Parking By-law.

### Incentive to Provide More Parking Spaces than the Maximum Permitted

**7.1.13.** Notwithstanding Clause 7.1.1. of this By-law:

- 1.** In PA1 and PA2, the maximum number of **parking spaces** permitted by this By-law may be increased to 1.25 **parking spaces** per **dwelling unit** if:
  - (a)** All parking spaces provided above the maximum ratio are **electric vehicle ready**; and
  - (b)** In addition to the **car-share spaces** required by Clause 7.1.1., 1 **car-share space** equipped with **electric vehicle ready** is provided for every 4 **parking spaces** provided above the maximum ratio.
- 2.** In PA3, PA4 and PA5, the maximum number of **parking spaces** permitted by this By-law may be increased to 1.5 **parking spaces** per **dwelling unit** if:
  - (a)** All parking spaces provided above the maximum ratio are **electric vehicle ready**; and
  - (b)** In addition to the **car-share spaces** required by Clause 7.1.1., 1 **car-share space** equipped with **electric vehicle ready** is provided for every 4 **parking spaces** provided above the maximum ratio.

### Electric Vehicle Supply Equipment Permitted

**7.1.14.** Notwithstanding Clause 7.1.1., **parking spaces** required or provided for any **use** may be used as part of **electric vehicle supply equipment**, whether or not a fee is charged for the **use** of such **electric vehicle supply equipment**.

### Car-share Spaces Permitted

**7.1.15.** Car-share spaces are permitted in any **parking lot, commercial parking lot** or a **parking structure** in any Zone.

### Temporary Use of Car-share Spaces

**7.1.16.** Where **car-share spaces** are required on a **lot**, such **car-share spaces** may be temporarily **used** as **visitor spaces** if no **car-share vehicles** occupy such spaces.

### Addition or Change to Existing Use – Parking Spaces

**7.1.17.** When a **lot** or **building** has insufficient parking on the date of passing of this By-law to conform to the provisions herein, this By-law is not interpreted to require that the deficiency be made up prior to the **construction** of any addition. However, an addition or change of **use** which has the effect of requiring additional **parking spaces** is not permitted unless the total number of required **parking spaces** is provided.

**Table 7.1.1. – Required Number of Parking, Visitor and Car-Share Spaces**

	<b>use</b>	<b>Number of Parking Spaces (minimum, unless otherwise specified)</b>
1.	<b>Residential</b> <b>(a) apartment</b> <b>(b) dwelling unit in mixed use building</b> <b>(c) stacked townhouse</b> <b>(d) common element townhouse</b>	<b>(a) Minimum number of parking spaces:</b> <b>PA1, PA2: 0.4 per dwelling unit</b> <b>PA3: 0.6 per dwelling unit</b> <b>PA4: 0.8 per dwelling unit</b> <b>PA5: 1.0 per dwelling unit</b> <b>(b) Minimum number of car-share spaces: 0.05 per dwelling unit</b> <b>(c) Minimum number of visitor spaces:</b> <b>PA1, PA2: 0.1 per dwelling unit</b> <b>PA3, PA4, PA5: 0.15 per dwelling unit</b> <b>(d) Maximum number of parking spaces: 1.0 per dwelling unit</b>
2.	<b>(a) duplex</b> <b>(b) freehold townhouse</b> <b>(c) semi-detached house</b> <b>(d) single detached house</b> <b>(e) triplex</b>	<b>PA1, PA2: 0.4 per dwelling unit</b> <b>PA3: 0.6 per dwelling unit</b> <b>PA4: 0.8 per dwelling unit</b> <b>PA5: 1.0 per dwelling unit</b>

	use	Number of Parking Spaces (minimum, unless otherwise specified)
3.	(a) garden suite (b) second residential unit	1 per dwelling unit
4.	home occupation	<b>PA1:</b> 0 spaces <b>PA2, PA3, PA4, PA5:</b> (i) Where an employee or customers attend on site: 1 space (ii) Where no employees or customers attend on site: 0 spaces
5.	third residential unit	0 spaces
6.	Other agricultural sales establishment	4 per 100 square metres of <b>gross floor area</b>
7.	agricultural use	0 spaces
8.	airport facilities	0 spaces
9.	animal care	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
10.	animal shelter	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
11.	automobile body shop	1 per bay
12.	automobile repair shop	1 per bay
13.	automobile sales establishment	1 per bay
14.	banquet hall	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
15.	building supply store	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
16.	call centre	1 per 100 square metres of gross floor area
17.	campground	1 per campsite
18.	carwash	1 per bay
19.	catering service	1 per 100 square metres of gross floor area
20.	cemetery	0 spaces

	use	Number of Parking Spaces (minimum, unless otherwise specified)
21.	club	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
22.	creativity centre	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
23.	community garden	0 spaces
24.	community centre	0.25 per person
25.	contractor's yard	1 per 100 square metres of <b>gross floor area</b>
26.	correctional college	0 spaces
27.	correctional institution	parking required for <b>office</b> area
28.	day care centre	1.5 per classroom
29.	department store	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
30.	elementary school	1.5 per classroom
31.	entertainment establishment	0.25 per person
32.	factory outlet	<b>PA1:</b> 0 spaces <b>PA2, PA3, PA4, PA5:</b> 1 per 100 square metres of <b>gross floor area</b>
33.	feedmill	1 per 100 square metres of <b>gross floor area</b>
34.	ferry terminal	1 per 100 square metres of <b>gross floor area</b>
35.	financial institution	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
36.	fitness centre	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
37.	food truck	0 spaces
38.	forestry use	0 spaces
39.	funeral establishment	0.25 per person
40.	garden centre	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>

	use	Number of Parking Spaces (minimum, unless otherwise specified)
41.	gas station	1 per bay
42.	golf course	2 per hole plus parking required for accessory uses
43.	gravel pit	0 spaces
44.	grocery store	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of gross floor area <b>PA4, PA5:</b> 4 per 100 square metres of gross floor area
45.	heavy equipment or truck repair shop	1 per 100 square metres of gross floor area
46.	heavy industrial use	1 per 100 square metres of gross floor area
47.	hospital	<b>PA1:</b> 0.5 per 100 square metres of gross floor area <b>PA2, PA3, PA4, PA5:</b> 1 per 100 square metres of gross floor area
48.	hotel	<b>PA1:</b> 0 <b>PA2, PA3:</b> 0.5 spaces per guest room <b>PA4, PA5:</b> 1 space per guest room
49.	industrial repair shop	1 per 100 square metres of gross floor area
50.	kennel	1 per animal run
51.	laboratory	1 per 100 square metres of gross floor area
52.	laundry store	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of gross floor area <b>PA4, PA5:</b> 4 per 100 square metres of gross floor area
53.	library	<b>PA1:</b> 0.5 per 100 square metres of gross floor area <b>PA2, PA3, PA4, PA5:</b> 1 per 100 square metres of gross floor area
54.	light industrial use	1 per 100 square metres of gross floor area
55.	livestock facility	0 spaces
56.	marina	1 per boat slip
57.	military installation	0 spaces
58.	museum	<b>PA1:</b> 0.5 per 100 square metres of gross floor area <b>PA2, PA3, PA4, PA5:</b> 1 per 100 square metres of gross floor area
59.	office	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of gross floor area <b>PA4, PA5:</b> 4 per 100 square metres of gross floor area

	use	Number of Parking Spaces (minimum, unless otherwise specified)
60.	personal service shop	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
61.	place of worship	0.25 per person
62.	post-secondary institution	3 per classroom plus parking required for <b>accessory uses</b>
63.	printing establishment	1 per 100 square metres of <b>gross floor area</b>
64.	production studio	1 per 100 square metres of <b>gross floor area</b>
65.	recreation facility	0.25 per person
66.	recreational vehicle sales establishment	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
67.	repair shop	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
68.	research establishment	1 per 100 square metres of <b>gross floor area</b>
69.	restaurant	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
70.	retail store	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
71.	salvage yard	1 per 100 square metres of <b>gross floor area</b>
72.	secondary school	2.5 per classroom
73.	self-service storage facility	1 per 100 square metres of <b>gross floor area</b>
74.	stadium	0.25 per person
75.	stone quarry	0 spaces
76.	technology industry	1 per 100 square metres of <b>gross floor area</b>
77.	towing compound	1 per 100 square metres of <b>gross floor area</b>
78.	training facility	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>

	use	Number of Parking Spaces (minimum, unless otherwise specified)
79.	transformer station	0 spaces
80.	transportation depot	1 per 100 square metres of <b>gross floor area</b>
81.	transportation terminal	1 per 100 square metres of <b>gross floor area</b>
82.	warehouse	1 per 100 square metres of <b>gross floor area</b>
83.	waste disposal area	1 per 100 square metres of <b>gross floor area</b>
84.	wastewater treatment facility	1 per 100 square metres of <b>gross floor area</b>
85.	water supply plant	1 per 100 square metres of <b>gross floor area</b>
86.	wellness clinic	<b>PA1:</b> 0 spaces <b>PA2, PA3:</b> 2 per 100 square metres of <b>gross floor area</b> <b>PA4, PA5:</b> 4 per 100 square metres of <b>gross floor area</b>
87.	wholesale establishment	1 per 100 square metres of <b>gross floor area</b>
88.	workshop	1 per 100 square metres of <b>gross floor area</b>

## 7.2. Accessible Parking Provisions

**7.2.1. Accessible spaces** must comply with all applicable provisions of Section 7 of this By-law, except as specifically required by the provisions of Subsection 7.2.

### Accessible Parking Design Standards

**7.2.2. Accessible spaces** must comply with the following minimum widths:

1. The minimum width of a Type A **accessible space** is 3.4 metres, with signage that identifies the space as “van accessible”; and
2. The minimum width of a Type B **accessible space** is 2.7 metres.

**7.2.3. Accessible spaces** must comply with the following minimum vertical clearances:

1. The minimum vertical clearance of an **accessible space** located in a **parking structure** is 2.1 metres; and
2. The minimum vertical clearance of all other **accessible spaces** is 2.9 metres.

**7.2.4.** An **accessible aisle** must be provided for each **accessible space** and may be shared by a maximum of two **accessible spaces**. **Accessible aisles** must:

- (a) Have a minimum width of 1.5 metres;
- (b) Extend the full length of the **accessible space**; and
- (c) Be marked with high tonal contrast diagonal lines where the surface is asphalt, concrete or some other hard surface.

**7.2.5.** All **accessible spaces** must:

- 1. Be marked by an identifying marker on the pavement consisting of the International Symbol of Access centred on the parking stall between 0.5 metres and 0.8 metres from the **drive aisle**; and
- 2. Have a maximum gradient of 5%.

#### Accessible Parking Ratios for Residential Uses

**7.2.6.** For **residential uses**, the minimum number of **accessible spaces** required by the following Subclauses must be provided on the same **lot** as the **use** or **building**:

- 1. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 1 and 12 **parking spaces**, one **parking space** must be a Type A **accessible space**;
- 2. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 13 to 100 **parking spaces**, 4% of the maximum number of permitted **parking spaces** must be **accessible spaces**;
- 3. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 101 to 200 **parking spaces**, one **parking space** plus 3% of the maximum number of permitted **parking spaces** must be **accessible spaces**;
- 4. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 201 to 1,000 **parking spaces**, two **parking spaces** plus 2% of the maximum number of permitted **parking spaces** must be **accessible spaces**; and
- 5. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is more than 1,000 **parking spaces**, eleven **parking spaces** plus 1% of the maximum number of permitted **parking spaces** must be **accessible spaces**.



- 7.2.7.** Notwithstanding Clause 7.2.6., where a **lot** contains a **single detached house, semi-detached house, duplex** or triplex where **parking spaces** are in line with and accessed directly from a **driveway**, no **accessible spaces** are required.

#### Accessible Parking Ratios for Non-Residential Uses

- 7.2.8.** For **non-residential uses**, the minimum number of **accessible spaces** required by the following Subclauses must be provided on the same **lot** as the **use** or **building**:
- 1.** Where 1 to 12 **parking spaces** are provided, one **parking space** must be a Type A **accessible space**;
  - 2.** Where 13 to 100 **parking spaces** are provided, 4% of the **parking spaces** must be **accessible spaces**;
  - 3.** Where 101 to 200 **parking spaces** are provided, one **parking space** plus 3% of the **parking spaces** must be **accessible spaces**;
  - 4.** Where 201 to 1,000 **parking spaces** are provided, two **parking spaces** plus 2% of the **parking spaces** must be **accessible spaces**; and
  - 5.** Where more than 1,000 **parking spaces** are provided, eleven **parking spaces** plus 1% of the **parking spaces** must be **accessible spaces**.
- 7.2.9.** Notwithstanding Clause 7.2.8., where the minimum number of **parking spaces** required by Clause 7.1.1. of this By-law is reduced through a minor variance or rezoning application in accordance with the *Planning Act* or by any section of this By-law or the Cash-in-Lieu of Parking By-law, the number of required **accessible spaces** is calculated based on the minimum number of spaces required by Clause 7.1.1., not the reduced number authorized by such minor variance or rezoning application or other permitted reductions.

#### Accessible Parking Ratio Requirements for All Uses

- 7.2.10.** Notwithstanding Clauses 7.2.6. and 7.2.8., where a **lot** contains a **use** with **parking spaces** that are reserved for exclusive use, such as law enforcement vehicles, emergency services vehicles, impounded vehicles, transportation fleets or other similar vehicles, such exclusive use **parking spaces** are not included in the calculation of the required number of **parking spaces** for the purpose of calculating **accessible spaces**.

- 7.2.11.** For the purposes of Clauses 7.2.6. and 7.2.8., the calculation of the required number of Type A and Type B **accessible spaces** must comply with the following provisions:
- 1.** Where an even number of **accessible spaces** is required, an equal number of Type A and Type B **accessible spaces** must be provided;
  - 2.** Where an odd number of **accessible spaces** is required, an equal number of Type A and Type B **accessible spaces** must be provided, but the additional **accessible space**, the odd-numbered space, may be either a Type A or a Type B **accessible space**;
  - 3.** Notwithstanding Subclause 2., where only one **accessible space** is required, it must be a Type A **accessible space**.

### 7.3. Bike Parking Provisions

#### Bike Space Ratios

- 7.3.1.** The minimum number of **long-term bike spaces** and **short-term bike spaces** required by the ratios set out in Table 7.3.1. must be provided on the same **lot** as the corresponding **use** or **building**.
- 7.3.2.** Where a **lot** contains more than one **use**, the required number of **bike spaces** is the sum of all **bike spaces** required for each **use**.
- 7.3.3.** Where a **lot** contains more than one **building**, the **bike space** requirements are calculated and provided for each **building** as though they are on their own individual **lot**, except for **common element townhouses** and **stacked townhouses** where the requirements may be calculated per **lot**.
- 7.3.4.** When the computation of required **bike spaces** results in a number containing a fraction, the minimum number of **bike spaces** required is increased to the next highest whole number if the fraction is equal to or greater than 0.5, unless otherwise required by this By-law.

#### Long-term Bike Space Requirements

- 7.3.5.** The **long-term bike spaces** required by Clause 7.3.1.:
- 1.** Must be provided in a secure, weather-proof enclosure accessed only by residents or occupants of the **building**;

2. Are not permitted in a **dwelling unit** or on the **balcony** of a **dwelling unit**;
3. Must be provided in a location that has access directly to a **street line** by way of a continuous pathway consisting of:
  - (a) A hallway, aisle, sidewalk or **walkway**;
  - (b) An elevator that permits bikes to the satisfaction of the City;
  - (c) A ramp, which may be provided as a wheel ramp along the side of a set of stairs if such ramp is a minimum of 0.15 metres wide and does not cut into the stair tread; and/or
  - (d) A **drive aisle** or **driveway**.

**7.3.6.** A minimum of 30% of the **long-term bike spaces** required by Clause 7.3.1. are required to be **horizontal bike spaces**. The remainder of the **long-term bike spaces** may be provided as **stacked bike spaces** or **vertical bike spaces**.

#### Short-term Bike Space Requirements

- 7.3.7.** The **short-term bike spaces** required by Clause 7.3.1.:
1. Must be provided as **horizontal bike spaces**;
  2. Must be provided at grade or on the **first storey** in a location that is accessible to the general public; and
  3. Must be provided in an easily accessible and well lit location no more than 15.0 metres **walking distance** from the main pedestrian entrance to the **building**;

#### Bike Space and Bike Aisle Dimensions

**7.3.8.** **Horizontal bike spaces** must:

1. Have minimum dimensions of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.9 metres;
2. Be provided with a bike rack where a lock is capable of securing the bicycle frame and front wheel; and
3. Be accessed by an aisle with a minimum width of 1.2 metres.

**7.3.9.** **Vertical bike spaces** must:

1. Have minimum dimensions of 0.6 metres wide by 1.8 metres vertical length, with a minimum horizontal clearance from the wall of 1.2 metres;
2. Be equipped with a storage rack that supports the bike without having the bike suspended by its wheels, and where a lock is capable of securing the bike to the rack;
3. Be provided with an assisted lift mechanism providing floor level access to the bike rack; and
4. Be accessed by an aisle with a minimum width of 1.2 metres.

**7.3.10. Stacked bike spaces** must:

1. Have minimum dimensions of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.2 metres;
2. Be equipped with a storage rack where a lock is capable of securing the bike to the rack;
3. Be equipped with an assisted lift mechanism providing floor level access to both **bike spaces**; and
4. Be accessed by an aisle with a minimum width of 1.2 metres.

### Enhanced Bike Parking Facilities for Multi-Unit Residential

**7.3.11.** For **apartment buildings, dwelling units in mixed use buildings, stacked townhouses** or **common element townhouses**, enhanced bike parking facilities must be provided in accordance with the following:

1. A minimum of 10% of the **long-term bike spaces** must be provided as larger **horizontal bike spaces** with minimum dimensions of 1.0 metres wide by 2.6 metres horizontal length, with a minimum vertical clearance of 1.9 metres;
2. A minimum of 10% of the **long-term bike spaces** must be provided in secure bike lockers that are provided with individual, secure enclosures where a private lock can be affixed and must include a standard electrical outlet;
3. A minimum of 10% of the **long-term bike spaces** provided in a shared bike room must be provided with access to one standard electrical outlet;

4. Where more than 25 **long-term bike spaces** are required, a bike maintenance area must be provided that is a sufficient size to accommodate repairs and maintenance of bikes, and must include a bike pump, bike repair stand and a bench; and
5. A minimum of 50% of the **short-term bike spaces** must be weather protected.

#### End-of-Trip Bike Facilities for Non-Residential Uses

- 7.3.12.** Where a **lot** or **building** is required to provide **long-term bike spaces** for any **non-residential use**, **end-of-trip bike facilities** must be provided at the following ratios:
1. Where 5 to 60 **long-term bike spaces** are required, 1 **end-of-trip bike facility**;
  2. Where 61 to 120 **long-term bike spaces** are required, 2 **end-of-trip bike facilities**;
  3. Where 121 to 180 **long-term bike spaces** are required, 3 **end-of-trip bike facilities**; and
  4. Where more than 180 **long-term bike spaces** are required, 4 **end-of-trip bike facilities**.
- 7.3.13.** Where **end-of-trip bike facilities** are required by Clause 7.3.12., clothing lockers must be provided at a minimum ratio of 1 clothing locker for every 1 **long-term bike space** required. Such clothing lockers must:
1. Have a minimum height of 0.9 metres, a minimum width of 0.3 metres and a minimum depth of 0.45 metres; and
  2. Be provided with a secure enclosure where a private lock can be affixed.

#### Addition or Change to Existing Use – Bike Spaces and End-of-trip Facilities

- 7.3.14.** Where a **lot** or **building** has insufficient **bike spaces**, **enhanced bike parking facilities** or **end-of-trip bike facilities** on the date of passing of this By-law to conform with the provisions herein, this By-law is not interpreted to require that the deficiency be made up prior to the **construction** of any addition or a change of **use** provided, however, any additional **bike spaces** or **enhanced bike parking facilities** or **end-of-trip bike facilities** required by this By-Law for such addition or change of **use** must be provided in accordance with all provisions of Subsection 7.3.

Table 7.3.1. – Required Number of Long-Term and Short-Term Bike Spaces

	<b>Use</b>	<b>Minimum Number of Long-Term Bike Spaces</b>	<b>Minimum Number of Short-Term Bike Spaces</b>
1.	Residential (a) apartment (b) dwelling unit in mixed use building (c) stacked townhouse (d) common element townhouse	0.9 per dwelling unit	0.1 per dwelling unit
2.	(a) duplex (b) freehold townhouse (c) semi-detached house (d) single detached house (e) triplex	—	—
3.	(a) garden suite (b) second residential unit	—	—
4.	home occupation	—	—
5.	third residential unit	—	—
6.	Other agricultural sales establishment	—	—
7.	agricultural use	—	—
8.	airport facilities	—	—
9.	animal care	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
10.	animal shelter	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
11.	automobile body shop	—	—
12.	automobile repair shop	—	—
13.	automobile sales establishment	—	—
14.	banquet hall	—	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
15.	building supply store	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
16.	call centre	0.1 per 100 square metres of <b>gross floor area</b>	—

	<b>Use</b>	<b>Minimum Number of Long-Term Bike Spaces</b>	<b>Minimum Number of Short-Term Bike Spaces</b>
17.	<b>campground</b>	—	—
18.	<b>carwash</b>	—	—
19.	<b>catering service</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
20.	<b>cemetery</b>	—	—
21.	<b>club</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
22.	<b>creativity centre</b>	—	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
23.	<b>community garden</b>	—	—
24.	<b>community centre</b>	—	0.1 per person
25.	<b>contractor's yard</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
26.	<b>correctional college</b>	—	—
27.	<b>correctional institution</b>	—	—
28.	<b>day care centre</b>	—	0.5 per classroom
29.	<b>department store</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
30.	<b>elementary school</b>	1 per classroom	1 per classroom
31.	<b>entertainment establishment</b>	—	0.1 per person
32.	<b>factory outlet</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
33.	<b>feedmill</b>	—	—
34.	<b>ferry terminal</b>	—	—
35.	<b>financial institution</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
36.	<b>fitness centre</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
37.	<b>food truck</b>	—	—
38.	<b>forestry use</b>	—	—
39.	<b>funeral establishment</b>	—	—
40.	<b>garden centre</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
41.	<b>gas station</b>	—	as required for <b>accessory uses</b>

	<b>Use</b>	<b>Minimum Number of Long-Term Bike Spaces</b>	<b>Minimum Number of Short-Term Bike Spaces</b>
42.	<b>golf course</b>	—	—
43.	<b>gravel pit</b>	—	—
44.	<b>grocery store</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
45.	<b>heavy equipment or truck repair shop</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
46.	<b>heavy industrial use</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
47.	<b>hospital</b>	—	0.1 per 100 square metres of <b>gross floor area</b>
48.	<b>hotel</b>	—	as required for <b>accessory uses</b>
49.	<b>industrial repair shop</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
50.	<b>kennel</b>	—	—
51.	<b>laboratory</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
52.	<b>laundry store</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
53.	<b>library</b>	—	0.2 per 100 square metres of <b>gross floor area</b>
54.	<b>light industrial use</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
55.	<b>livestock facility</b>	—	—
56.	<b>marina</b>	—	—
57.	<b>military installation</b>	—	—
58.	<b>museum</b>	—	0.2 per 100 square metres of <b>gross floor area</b>
59.	<b>office</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
60.	<b>personal service shop</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
61.	<b>place of worship</b>	—	0.1 per person
62.	<b>post-secondary institution</b>	—	3 per classroom plus parking required for <b>accessory uses</b>



	<b>Use</b>	<b>Minimum Number of Long-Term Bike Spaces</b>	<b>Minimum Number of Short-Term Bike Spaces</b>
63.	<b>printing establishment</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
64.	<b>production studio</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
65.	<b>recreation facility</b>	—	0.1 per person
66.	<b>recreational vehicle sales establishment</b>	—	—
67.	<b>repair shop</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
68.	<b>research establishment</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
69.	<b>restaurant</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
70.	<b>retail store</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
71.	<b>salvage yard</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
72.	<b>secondary school</b>	1 per classroom	2 per classroom
73.	<b>self-service storage facility</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
74.	<b>stadium</b>	—	0.1 per person
75.	<b>stone quarry</b>	—	—
76.	<b>technology industry</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
77.	<b>towing compound</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
78.	<b>training facility</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
79.	<b>transformer station</b>	—	—
80.	<b>transportation depot</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
81.	<b>transportation terminal</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
82.	<b>warehouse</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
83.	<b>waste disposal area</b>	0.1 per 100 square metres of <b>gross floor area</b>	—

	<b>Use</b>	<b>Minimum Number of Long-Term Bike Spaces</b>	<b>Minimum Number of Short-Term Bike Spaces</b>
84.	<b>wastewater treatment facility</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
85.	<b>water supply plant</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
86.	<b>wellness clinic</b>	0.2 per 100 square metres of <b>gross floor area</b>	3 plus 0.2 per 100 square metres of <b>gross floor area</b>
87.	<b>wholesale establishment</b>	0.1 per 100 square metres of <b>gross floor area</b>	—
88.	<b>workshop</b>	0.1 per 100 square metres of <b>gross floor area</b>	—

## 7.4. Shared Parking

**7.4.1.** Notwithstanding Clause 7.1.5. of this By-law, where a **lot** contains more than one **use**, the required number of **parking spaces** may be shared, provided that the minimum number of **parking spaces** required for a **lot** is determined as follows:

1. the minimum number of **parking spaces** required for each **use** is calculated using the applicable provisions of Subsection 7.1. of this By-law and the parking occupancy rate (% of required **parking spaces**) as set out in Table 7.4.1.;
2. the minimum number of **parking spaces** required for each parking period is the total of the **parking spaces** required for all **uses** during that parking period; and
3. the minimum number of **parking spaces** required for the **lot** is equal to the greatest number of **parking spaces** required for any parking period.

**7.4.2.** For the purposes of Clause 7.4.1. and Table 7.4.1., the parking periods are further defined as follows:

1. Morning – between the hours of 12:00 a.m. and 11:00 a.m.;
2. Noon – between the hours of 11:00 a.m. and 1:00 p.m.;
3. Afternoon – between the hours of 1:00 p.m. and 6:00 p.m.; and
4. Evening – between the hours of 6:00 p.m. and 12:00 a.m.

Table 7.4.1. – Parking Occupancy Rate

Use	Period	Parking Occupancy Rate (%)			
		Morning	Noon	Afternoon	Evening
visitor space	Weekday	0	35	35	100
	Weekend	10	70	70	100
office	Weekday	100	90	95	10
	Weekend	10	10	10	0
wellness clinic	Weekday	100	100	100	0
	Weekend	100	100	0	0
retail store	Weekday	60	90	90	90
	Weekend	80	100	100	70
restaurant	Weekday	20	100	30	100
	Weekend	20	100	50	100

## 7.5. Driveway, Drive Aisle & Parking Space Requirements

- 7.5.1.** The minimum length, width and vertical projections of **parking spaces** and minimum width of **driveways** and **drive aisles** set out in Table 7.5.1. must be complied with for all **parking spaces**, **accessible spaces** and **car-share spaces**, except as specifically required by Subsection 7.2.
- 7.5.2.** The minimum vertical clearance for all **parking spaces**, **driveways** and **drive aisles**, except for **accessible spaces**, is 2.1 metres.
- 7.5.3.** The maximum angle of intersection between a **driveway** and a **street line** is 60 degrees.
- 7.5.4.** In the **urban area**, all **parking lots**, **drive aisles**, **driveways** and **parking spaces** must be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 7.5.5.** Where **parking spaces** are accessed by a perpendicular **drive aisle**, and such **drive aisle** is a dead-end, a 1.5 metre deep turnaround area must be provided along the width of the **drive aisle**, with a 1.0 metre radius between the **parking space** and the turnaround area.
- 7.5.6.** For the purpose of this By-law, the width of a **driveway** or **drive aisle** is measured perpendicular to the direction in which a **motor vehicle** drives.

**7.5.7.** For the purpose of this By-law, vehicle projection for angled **parking spaces** is measured perpendicular to the **drive aisle**.

**Table 7.5.1. – Minimum Parking Space and Drive Aisle Dimensions**

<b>Orientation of Parking Space Relative to Driveway or Drive Aisle</b>	<b>Minimum Parking Space Width</b>	<b>Minimum Parking Space Length or Vehicle Projection (measured perpendicular to drive aisle)</b>	<b>Minimum Driveway or Drive Aisle Width</b>
In line with and accessed directly from <b>driveway</b>	2.6 metres	6.0 metre length	3.0 metre <b>driveway</b>
In line with and accessed directly from <b>driveway</b> in a <b>tandem</b> configuration	2.6 metres	12.0 metres length	3.0 metre <b>driveway</b>
Perpendicular to <b>drive aisle</b>	2.6 metres	5.5 metre length	6.7 metre <b>drive aisle</b>
Parallel to <b>drive aisle</b>	2.6 metres	6.7 metre length	6.7 metre <b>drive aisle</b>
45 degree angle from one-way <b>drive aisle</b>	2.75 metres	5.4 metre vehicle projection	4.2 metre <b>drive aisle</b>
50 degree angle from one-way <b>drive aisle</b>	2.75 metres	5.6 metre vehicle projection	4.4 metre <b>drive aisle</b>
55 degree angle from one-way <b>drive aisle</b>	2.75 metres	5.7 metre vehicle projection	4.5 metre <b>drive aisle</b>
60 degree angle from one-way <b>drive aisle</b>	2.75 metres	5.8 metre vehicle projection	4.8 metre <b>drive aisle</b>
65 degree angle from one-way <b>drive aisle</b>	2.75 metres	5.8 metre vehicle projection	5.0 metre <b>drive aisle</b>
70 degree angle from one-way <b>drive aisle</b>	2.75 metres	5.9 metre vehicle projection	5.4 metre <b>drive aisle</b>
75 degree angle from one-way <b>drive aisle</b>	2.75 metres	5.8 metre vehicle projection	5.7 metre <b>drive aisle</b>

## Additional Driveway and Parking Space Provisions for Ground Oriented Residential

- 7.5.8.** For **single-detached houses, semi detached houses, additional residential units, duplexes, triplexes** and **freehold townhouses**, the following provisions must be complied with:
- 1.** **Parking spaces** must be located in a permitted **private garage, driveway** or **parking lot**;
  - 2.** A **driveway** or a **parking space** within the required **front setback** or **exterior setback** is not permitted parallel to the **street line** where the **driveway** gains access;
  - 3.** **Parking lots** are only permitted in a **rear yard** or **interior yard**;
  - 4.** The maximum area of **parking lot** is 40 square metres, including **drive aisles**;
  - 5.** The maximum cumulative width of all **driveways** on a **lot** within the required **front setback** or **exterior setback** is the lesser of:
    - (a)** 6.0 metres; or
    - (b)** 40% of the length of the applicable **lot line**, provided that the minimum width of the **driveway** is 3.0 metres;
  - 6.** The maximum cumulative width of all **driveways** on a **lot** beyond the required **front setback** or **exterior setback** is 6.0 metres;
  - 7.** Notwithstanding Subclause 6., where the **driveway** leads to a **private garage**, the maximum width is the greater of 6.0 metres or the width of the **private garage**;
  - 8.** In the **urban area**, the maximum number of **driveways** is 1 per **lot**, except as follows:
    - (a)** On a **corner lot**, a maximum of 2 **driveways** are permitted and must be measured in accordance with the **street line** where the **driveway** gains access; and
    - (b)** Where two **principal units** in a **semi-detached house** are located on one **lot**, a maximum of 2 **driveways** are permitted.

### Additional Driveway and Parking Space Provisions for Multi-Unit Residential

**7.5.9.** For **common element townhouses, stacked townhouses, apartment buildings,** or a **dwelling unit** in a **mixed use building,** the following provisions must be complied with:

- 1.** Where the side of a **parking space** is obstructed by any part of a fixed object such as a wall, column, bollard, **fence** or pipe within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**, the minimum width of the **parking space** must be increased by 0.3 metres for each side that is obstructed;
- 2.** The maximum width of a **driveway** within the required **front setback** or **exterior setback** is 6.7 metres; and
- 3.** **Parking spaces** must be located in a permitted **private garage, parking structure, driveway** or **parking lot** in the **rear yard** or **interior yard**, except as follows:
  - (a)** **Visitor spaces** may be located in the **front yard** or **exterior yard** provided the **visitor space** is not closer than 3.0 metres to any **lot line** and not closer than 7.5 metres to any **street line**; and
  - (b)** A permitted **driveway** in the **front yard** or **exterior yard** may be used for the purpose of parking of a motor vehicle provided the **driveway** leads directly to one or more permitted **parking spaces**;
- 4.** Notwithstanding Clause 7.5.1., a maximum of 10% of **parking spaces** provided on a **lot**, excluding **accessible spaces, visitor spaces** and **car-share spaces**, are permitted to be **parking spaces** for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, with signage that identifies the space as "small car parking space".

### Additional Driveway and Parking Space Provisions for All Other Uses

**7.5.10.** For all **uses** other than those specified in Clauses 7.5.9. and 7.5.10., the following provisions must be complied with:

- 1.** Where the side of a **parking space** is obstructed by any part of a fixed object such as a wall, column, bollard, **fence** or pipe within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from

the front or rear of the **parking space**, the minimum width of the **parking space** must be increased by 0.3 metres for each side that is obstructed;

2. The maximum width of a **driveway** within the required **front setback** or **exterior setback** is 9.0 metres;
3. **Parking spaces** must be located in a permitted **parking structure, driveway** or **parking lot**; and
4. **Parking spaces** and **parking lots** are permitted in the **front yard, exterior yard, interior yard** or **rear yard**, provided they comply with **sight triangle** provisions and is not located within 3.0 metres of any **street line**, except:
  - (a) **Parking spaces** and **parking lots** in Employment Zones are only permitted in the **rear yard** and **interior yard**, except a maximum of 15% of the required **parking spaces** may be located in the **front yard** or **exterior yard**, provided they are no closer than 3.0 metres to any **street line**.

#### Legal Non-Complying Driveways and Parking Spaces

- 7.5.11.** Notwithstanding Clauses 7.5.9., 7.5.10. and 7.5.11., an existing **driveway** or **parking space** that does not meet the provisions of this By-law, but which lawfully existed on the day of passing of this By-law, is considered to be legal non-complying. Nothing in this By-law applies to prevent a legal non-complying **driveway** or **parking space** so long as it continues to exist.
- 7.5.12.** If a **lot** contains a legal non-complying **driveway** or **parking space**, nothing in this By-law applies to prevent the further **development** of such **lot**, provided the **development**:
1. Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
  2. Complies with all other applicable provisions of this By-law.
- 7.5.13.** If a **lot** contains a legal non-complying **driveway** or **parking space**, nothing in this By-law applies to prevent the **development** of an **accessory building** on the **lot**, provided that the **development**:
1. Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and

2. Complies with all other applicable provisions of this By-law.

## 7.6. Loading Space Provisions

### Loading Space Ratios

- 7.6.1. The minimum number of **loading spaces** required by the ratios set out in Table 7.7.1. must be provided on the same **lot** as the corresponding **use** or **building**.
- 7.6.2. Where a **lot** contains more than one **use**, the required number of **loading spaces** is the sum of all **loading spaces** required for each **use**.
- 7.6.3. Where a **lot** contains more than one **building**, the required number of **loading spaces** is calculated and provided for each **building** as though it was on an individual **lot**.
- 7.6.4. When the computation of required **loading spaces** results in a number containing a fraction, the minimum number of **loading spaces** required is increased to the next highest whole number if the fraction is equal to or greater than 0.5, unless otherwise required by this By-law.

**Table 7.7.1. – Number of Required Loading Spaces**

<b>Use</b>	<b>Gross Floor Area or Number of Dwelling Units</b>	<b>Number of Loading Spaces Required</b>
<b>Industrial Uses</b>	0 to 300.0 square metres	1
	Less than 300.0 to 2,500.0 square metres	2
	Less than 2,500.0 to 7,500.0 square metres	3
	More than 7,500.0 square metres	3 plus 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres
<b>Commercial Uses</b>	0 – 300.0 square metres	0
	Less than 300.0 to 2,500.0 square metres	1
	Less than 2,500.0 to 7,500.0 square metres	2
	More than 7,500.0 square metres	2 + 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres



Use	Gross Floor Area or Number of Dwelling Units	Number of Loading Spaces Required
Residential Uses	0 to 50 dwelling units	0
	51 to 399 dwelling units	1
	400 or more dwelling units	2

### Loading Space Dimensions

**7.6.5.** The minimum dimensions of a **loading space** are 3.5 metres wide by 9.0 metres long, with a minimum vertical clearance of 4.2 metres.

### Surface Treatment of Loading Spaces

**7.6.6.** All **loading spaces** must be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

### Location of Loading Spaces

**7.6.7.** **Loading spaces** must be located in the **rear yard** or in the **interior yard** and must be provided with a **visual screen** in such a manner that the **loading space** is not visible from a **street** or any abutting **residential use**.

**7.6.8.** A **loading space** must abut the **use** or **building** that requires the **loading space**.

**7.6.9.** Access to **loading spaces** must be provided by means of one or more unobstructed aisles which must:

- 1.** Have a minimum unobstructed width of 3.5 metres and a minimum vertical clearance of 4.2 metres;
- 2.** Provide sufficient space to permit the manoeuvring of **vehicles** on the **lot** so as not to obstruct, or otherwise cause a traffic hazard on, an adjacent **street**; and
- 3.** Lead directly from the **loading space** to a **street** or **private street**.

### Addition or Change to Existing Use – Loading Spaces

**7.6.10.** Where a **lot** or **building** has insufficient **loading spaces** on the date of passing of this By-law to conform with the provisions herein, this By-law is not interpreted to require that the deficiency be made up prior to the **construction** of any addition or a change of **use** provided, however, any additional **loading spaces** required by this

By-Law for such addition or change of **use** must be provided in accordance with all provisions respecting **loading spaces**.

## 7.7. Outdoor Storage of Vehicles in Urban Residential Zones

### Commercial Motor Vehicles

**7.7.1.** One **commercial motor vehicle** per **dwelling unit** is permitted on a **lot** in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, to a maximum of 3 **commercial motor vehicles** per **lot**.

**7.7.2.** The maximum rated capacity of a **commercial motor vehicle** is 2.0 tonnes.

### Storage of Recreational Vehicles, Watercraft, and Trailers in Urban Residential Zones

**7.7.3.** In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, no boat, personal watercraft, all-terrain **vehicle**, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational **vehicle**, or a utility trailer may be stored or parked on a **lot**, except for:

1. one boat which must not exceed 8.2 metres in length;
2. one motor home which must not exceed 8.2 metres in length;
3. not more than two personal watercraft, all-terrain **vehicles**, snowmobiles or other recreational **vehicles**, or any combination thereof;
4. one travel trailer, tent trailer or camper, which must not exceed 8.2 metres in length, exclusive of hitch or tongue; and
5. one utility trailer, which must not exceed 8.2 metres in length, exclusive of hitch or tongue.

**7.7.4.** The storage of boat, personal watercraft, all-terrain **vehicle**, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational **vehicle**, or a utility trailer permitted by Clause 7.7.3. must be in an **interior yard** or **rear yard**, and must not be:

1. closer than 1.0 metre from any **lot line**; and
2. in any required **parking space** or **sight triangle**.

## Temporary Parking of Recreational Vehicles, Watercraft, and Trailers in Driveways in Residential Zones

- 7.7.5.** Notwithstanding Clauses 7.7.3. and 7.7.4., in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, the temporary parking of the following **vehicles**, watercraft and trailers is permitted in a portion of a **driveway**, in a **front yard** or in an **exterior yard** on a **lot** between April 1 and October 31 of each year:
1. one boat which must not exceed 8.2 metres in length;
  2. no more than one motor home, travel trailer, tent trailer or camper, which must not exceed 8.2 metres in length, exclusive of hitch or tongue;
  3. no more than two personal watercraft; and
  4. no more than two all-terrain **vehicles** or a similar recreational **vehicle**.
- 7.7.6.** Notwithstanding Clauses 7.7.3. and 7.7.4., in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, the temporary parking of the following vehicles and trailers is permitted in a portion of a **driveway**, in a **front yard** or in an **exterior yard on a lot** between November 1 and March 31 of each year:
1. no more than two snowmobiles and associated trailers.
- 7.7.7.** The temporary parking of the **vehicles**, watercraft and trailers permitted by Clauses 7.7.5. and 7.7.6. must not be:
1. closer than 1.0 metre to any **lot line**;
  2. located in any required **parking space** or **sight triangle**; and
  3. located in the **parking lot** on a **lot** with a **mixed-use building** or an **apartment building**.

## Section 8: Rural Zones

### 8.1. All Rural Zones

- 8.1.1.** For the purposes of this By-law, Rural Zones include: Prime Agricultural Area Zone (AG), General Rural Area Zone (RU), Rural Residential Zone (RUR), Limited Service Rural Residential Zone (LSR) and Rural Commercial Zone (RC).
- 8.1.2.** **Uses** permitted in Rural Zones are limited to the **uses** identified in Table 8.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 8.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.
- 8.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 8.1.2., the following provisions apply:
1. Is permitted only as an **accessory use** to a **principal use** on the lot.
  2. New **single detached houses** are permitted only as **accessory uses** where an **agricultural use** is the **principal use** of the lot. **Single detached houses** existing as of the date of passing of this By-law are permitted to be **principal uses**.

Table 8.1.2. - Permitted Uses in the Rural Zones

Use	AG	RU	RUR	LSR	RC
Residential <b>dwelling unit in a mixed use building</b>	—	—	—	—	● <sup>1</sup>
<b>single detached house</b>	● <sup>2</sup>	●	●	●	● <sup>1</sup>
Other <b>agricultural sales establishment</b>	—	●	—	—	●
<b>agricultural use</b>	●	●	—	—	—
<b>animal care</b>	—	—	—	—	●
<b>banquet hall</b>	—	●	—	—	●
<b>campground</b>	—	—	—	—	●
<b>community centre</b>	—	●	●	—	●

Use	AG	RU	RUR	LSR	RC
club	—	—	—	—	●
elementary school	—	●	●	—	—
feedmill	—	●	—	—	●
fitness centre	—	—	—	—	●
forestry use	●	●	—	—	—
garden centre	—	—	—	—	●
golf course	—	—	—	—	●
hotel	—	—	—	—	●
kennel	●	●	—	—	—
library	—	●	●	—	●
livestock facility	●	●	—	—	—
marina	—	—	—	—	●
museum	—	●	●	—	●
office	—	—	—	—	● <sup>1</sup>
outdoor storage	—	—	—	—	● <sup>1</sup>
place of worship	—	●	●	—	●
recreation facility	—	—	—	—	●
retail store	—	—	—	—	● <sup>1</sup>
training facility	—	—	—	—	●
wholesale establishment	—	—	—	—	● <sup>1</sup>

## 8.2. Prime Agricultural Area Zone (AG)

**8.2.1.** The **use** of any **lot** or **building** in the AG Zone must comply with the provisions of Table 8.2.1.

Table 8.2.1. – AG Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum <b>lot area</b> (square metres)	40,000.0	40,000.0
2. Minimum <b>lot frontage</b> (metres)	90.0	90.0
3. Maximum <b>height</b> (metres)	—	—
4. Minimum <b>front setback</b> (metres)	7.6	7.6
5. Minimum <b>rear setback</b> (metres)	7.6	7.6
6. Minimum <b>exterior setback</b> (metres)	7.6	7.6
7. Minimum <b>interior setback</b> (metres)	9.0	12.0
8. Maximum <b>lot coverage</b>	10%	35%
9. Maximum number of <b>principal dwelling units per lot</b>	1.0	—

### Additional Provisions for Lots Zoned AG

**8.2.2.** In addition to the provisions of Table 8.2.1. **uses** in the AG Zone must comply with the following provisions:

1. When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached house**, a severance application for the surplus **single detached house** must meet all zoning provisions of the RUR Zone in Table 8.4.1. The surplus **single detached house** is deemed to be a permitted use on the severed **lot**; and
2. It is intended that **agricultural related uses** or **on-farm diversified uses** may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the *Planning Act*.

### 8.3. General Rural Area Zone (RU)

**8.3.1.** The **use** of any **lot** or **building** in the RU Zone must comply with the provisions of Table 8.3.1.

Table 8.3.1. – RU Provisions

Zoning Provision	livestock facility	single detached house	all other permitted uses
1. Minimum <b>lot area</b> (square metres)	100,000.0	10,000.0	40,000.0
2. Minimum <b>lot frontage</b> (metres)	90.0	90.0	90.0
3. Maximum <b>height</b> (metres)	—	—	—
4. Minimum <b>front setback</b> (metres)	60.0	7.6	7.6
5. Minimum <b>rear setback</b> (metres)	60.0	7.6	7.6
6. Minimum <b>exterior setback</b> (metres)	60.0	7.6	7.6
7. Minimum <b>interior setback</b> (metres)	60.0	9.0	12.0
8. Maximum <b>lot coverage</b>	—	10%	35%
9. Maximum number of <b>principal dwelling units</b> per lot	—	1.0	—

#### Additional Provisions for Lots Zoned RU

**8.3.2.** In addition to the provisions of Table 8.3.1. **uses** in the RU Zone must comply with the following provisions:

- 1.** When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached house**, a severance application for the surplus **single detached house** must meet all zoning provisions of the RUR Zone in Table 8.4.1. The surplus **single detached house** is deemed to be a permitted use on the severed **lot**.
- 2.** It is intended that **agricultural related uses** or **on-farm diversified uses** may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the *Planning Act*.

## 8.4. Rural Residential Zone (RUR)

**8.4.1.** The **use** of any **lot** or **building** in the RUR Zone must comply with the provisions of Table 8.4.1.

**Table 8.4.1. – RUR Provisions**

<b>Zoning Provision</b>	<b>single detached house</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0	(a) <b>Private Services</b> – 4,000.0 (b) <b>Partial Services</b> – 1,393.6
2. Minimum <b>lot frontage</b> (metres)	(a) <b>Private Services</b> – 36.5 (b) <b>Partial Services</b> – 30.5	(a) <b>Private Services</b> – 36.5 (b) <b>Partial Services</b> – 30.5
3. Maximum <b>height</b> (metres)	10.7	10.7
4. Minimum <b>front setback</b> (metres)	6.1	6.1
5. Minimum <b>rear setback</b> (metres)	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	6.1	6.1
7. Minimum interior setback (metres)	1.2	4.5
9. Minimum <b>landscaped open space</b>	30%	30%
9. Maximum number of <b>principal buildings per lot</b>	1.0	1.0



## 8.5. Limited Service Rural Residential Zone (LSR)

**8.5.1.** The **use** of any **lot** or **building** in the LSR Zone must comply with the provisions of Table 8.5.1.

**Table 8.5.1. – LSR Provisions**

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	As existing on the date of passing of this By-law
2. Minimum <b>lot frontage</b> (metres)	As existing on the date of passing of this By-law
3. Maximum <b>height</b> (metres)	9.0
4. Minimum <b>front setback</b> (metres)	7.5
5. Minimum <b>rear setback</b> (metres)	7.5
6. Minimum <b>exterior setback</b> (metres)	7.5
7. Minimum interior setback (metres)	4.5
8. Maximum lot coverage	15%
9. Maximum number of <b>principal buildings per lot</b>	1.0
10. Minimum <b>landscaped open space</b>	30%
11. Minimum <b>setback</b> from a <b>right-of-way</b> (metres)	7.5

## 8.6. Rural Commercial Zone (RC)

**8.6.1.** The **use** of any **lot** or **building** in the RC Zone must comply with the provisions of Table 8.6.1.

Table 8.6.1. – RC Provisions

<b>Zoning Provision</b>	<b>single detached house</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0	10,000.0
2. Minimum <b>lot frontage</b> (metres)	30.0	(a) <b>Private Services:</b> 45.0 (b) <b>Partial Services:</b> 30.0
3. Maximum <b>height</b> (metres)	12.0	12.0
4. Minimum <b>front setback</b> (metres)	3.0	3.0
5. Minimum <b>rear setback</b> (metres)	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	3.0	3.0
7. Minimum <b>interior setback</b> (metres)	0.0	0.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	10%	10%

### Additional Provisions for Lots Zoned RC

**8.6.2.** In addition to the provisions of Table 8.6.1., **uses** in the RC Zone must comply with the following provisions:

- 1.** Where **interior lot line** abuts a Zone other than a Rural Commercial Zone or Rural Institutional Zone, minimum **interior setback:** 6.0 metres;
- 2.** **Outdoor storage** is only permitted in the **rear yard**, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**; and
- 3.** Notwithstanding Subclause 2., in the case of an **automobile sales establishment**, **outdoor storage** is permitted provided that it is located a minimum of 1.0 metres from a **street line**.

## Section 9: Hamlet Zones

### 9.1. All Hamlet Zones

**9.1.1.** For the purposes of this By-law, Hamlet Zones include Hamlet Residential Zone (HR), Hamlet Commercial Zone (HC) and Hamlet Institutional Zone (HI).

**9.1.2.** **Uses** permitted in Hamlet Zones are limited to the **uses** identified in Table 9.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 9.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

**9.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 9.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the lot.

Table 9.1.2. - Permitted Uses in the Hamlet Zones

Use	HR	HC	HI
Residential single detached house	●	—	—
duplex	●	—	—
dwelling unit in a mixed use building	●	●	—
Other agricultural sales establishment	—	●	—
animal care	—	●	●
automobile sales establishment	—	●	—
banquet hall	—	●	●
building supply store	—	●	—
cemetery	—	—	●
community centre	●	●	●
creativity centre	—	●	—
club	—	●	●

Use	HR	HC	HI
day care centre	● <sup>1</sup>	● <sup>1</sup>	● <sup>1</sup>
laundry store	—	●	-
elementary school	●	●	●
fitness centre	—	●	●
garden centre	—	●	—
gas station	—	●	—
hotel	—	●	—
library	●	●	●
museum	●	●	●
office	—	●	—
outdoor storage	—	● <sup>1</sup>	—
personal service shop	—	●	—
place of worship	●	●	●
recreation facility	—	●	●
recreational vehicle sales establishment	—	●	—
repair shop	—	●	—
restaurant	—	●	—
retail store	—	●	—
secondary school	—	●	●
special needs facility	—	●	●
wellness clinic	—	●	●
wholesale establishment	—	● <sup>1</sup>	—

## 9.2. Hamlet Residential Zone (HR)

**9.2.1.** The **use** of any **lot** or **building** in the HR Zone must comply with the provisions of Table 9.2.1.

**Table 9.2.1. – HR Provisions**

<b>Zoning Provision</b>	<b>Residential uses</b>	<b>Non-Residential Uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0	10,000.0
2. Minimum <b>lot frontage</b> (metres)	(a) <b>Private Services</b> – 36.5 (b) <b>Partial Services</b> – 30.0	(a) <b>Private Services</b> – 36.5 (b) <b>Partial Services</b> – 30.0
3. Maximum <b>height</b> (metres)	10.7	10.7
4. Minimum <b>front setback</b> (metres)	6.1	6.1
5. Minimum <b>rear setback</b> (metres)	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	6.1	6.1
7. Minimum <b>interior setback</b> (metres)	1.2	3.5
8. Minimum <b>landscaped open space</b>	30%	30%
9. Maximum number of <b>principal buildings</b> per lot	1.0	1.0

### 9.3. Hamlet Commercial Zone (HC)

**9.3.1.** The **use** of any **lot** or **building** in the HC Zone must comply with the provisions of Table 9.3.1.

Table 9.3.1. – HC Provisions

<b>Zoning Provision</b>	<b>dwelling unit in a mixed use building</b>	<b>automotive service station</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0	10,000.0	10,000.0
2. Minimum <b>lot frontage</b> (metres)	30.0	38.0	(a) <b>Private Services:</b> 45.0 (b) <b>Partial Services:</b> 30.0
3. Maximum <b>height</b> (metres)	10.7	10.7	10.7
4. Minimum <b>front setback</b> (metres)	3.0	12.0	3.0
5. Minimum <b>rear setback</b> (metres)	7.5	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	3.0	12.0	3.0
7. Minimum <b>interior setback</b> (metres)	0.0 <sup>1</sup>	6.0	0.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	10%	5%	10%

#### Additional Provisions for Lots Zoned HC

**9.3.2.** In addition to the provisions of Table 9.3.1., **uses** in the HC Zone must comply with the following provisions:

- 1.** Where **interior lot line** abuts a Zone other than a Hamlet Commercial Zone or Hamlet Institutional Zone, minimum **interior setback**: 6.0 metres;
- 2.** **Outdoor storage** is only permitted in the **rear yard**, except:

- (a) In the case of an **automobile sales establishment**, **outdoor storage** is permitted in any **yard** provided that such **use** is **setback** 1.0 metres from any **street line**;
3. Notwithstanding any provisions of this By-law to the contrary, the following provisions apply to **driveways** on any **lot used** as a **gas station**:
- (a) The maximum width of a **driveway** is 9.1 metres, measured along the **street line**;
  - (b) The minimum **separation distance** between **driveways** on the same **lot** is 7.5 metres, measured along the **street line**;
  - (c) The minimum **separation distance** between a **driveway** and an intersection of **street lines** is 9.0 metres, measured along the **street line**;
  - (d) The minimum **setback** between an **interior lot line** and a **driveway** is 3.0 metres; and
  - (e) The minimum interior angle formed between the **street line** and the **centre line** of a **driveway** is 45 degrees.

## 9.4. Hamlet Institutional Zone (HI)

**9.4.1.** The **use** of any **lot** or **building** in the HI Zone must comply with the provisions of Table 9.4.1.

Table 9.4.1. – HI Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0
2. Minimum <b>lot frontage</b> (metres)	30.0
3. Maximum <b>height</b> (metres)	12.0
4. Minimum <b>front setback</b> (metres)	6.1
5. Minimum <b>rear setback</b> (metres)	7.5
6. Minimum <b>exterior setback</b> (metres)	6.1
7. Minimum <b>interior setback</b> (metres)	(a) where <b>interior lot line</b> abuts a Zone other than an HC or HI Zone: 7.6 metres; or (b) 0.0.
8. Maximum number of <b>principal dwelling units</b> per lot	1.0
9. Minimum <b>landscaped open space</b>	30%



## Section 10: Rural Industrial Zones

### 10.1. All Rural Industrial Zones

- 10.1.1.** For the purposes of this By-law, Rural Industrial Zones include Rural Industrial Zone (RM1), Rural Heavy Industrial Zone (RM2) and Mineral Resource and Extraction Zone (MX1).
- 10.1.2.** **Uses** permitted in Rural Industrial Zones are limited to the **uses** identified in Table 10.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 10.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.
- 10.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 10.1.2., the following corresponding provisions apply:
1. Is permitted only as an **accessory use** to a **principal use** on a **lot**.

Table 10.1.2. - Permitted Uses in the Rural Industrial Zones

Use	RM1	RM2	MX1
agricultural use	—	—	●
automobile body shop	●	—	—
automobile repair shop	●	—	—
building supply store	●	—	—
contractor’s yard	●	—	—
feedmill	●	—	—
forestry use	—	—	●
gravel pit	—	—	●
heavy equipment or truck repair shop	●	●	—
heavy industrial uses	—	●	—
industrial repair shop	●	—	—
light industrial use	●	●	—

Use	RM1	RM2	MX1
outdoor storage	● <sup>1</sup>	●	●
repair shop	●	●	—
salvage yard	—	●	—
stone quarry	—	—	●
transformer station	—	●	—
transportation depot	●	●	—
transportation terminal	●	—	—
warehouse	●	●	—
waste disposal area	—	●	—
waste processing site	—	●	—
waste transfer station	—	●	—
water supply plant	—	●	—
workshop	●	—	—

## 10.2. Rural Industrial Zone (RM1)

**10.2.1.** The **use** of any **lot** or **building** in the RM1 Zone must comply with the provisions of Table 10.2.1.

Table 10.2.1. – RM1 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0
2. Minimum <b>lot frontage</b> (metres)	30.0
3. Maximum <b>height</b> (metres)	20.0
4. Minimum <b>front setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other <b>lots</b> : 15.0
5. Minimum <b>rear setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 15.0 (b) all other <b>lots</b> : 7.5 <sup>1</sup>
6. Minimum <b>exterior setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other <b>lots</b> : 15.0
7. Minimum <b>interior setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 6.1 (b) all other <b>lots</b> : 3.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	10%
9. Maximum <b>lot coverage</b>	35%

### Additional Provisions for Lots Zoned RM1

**10.2.2.** In addition to the provisions of Table 10.2.1., **uses** in the RM1 Zone must comply with the following provisions:

**1. Outdoor storage** must:

- (a) Comply with **setback** and **lot coverage** provisions of this Zone as if the **outdoor storage** were a **building**;
- (b) Not be located in a **front yard** or **exterior yard**; and

- (c) Be provided with a **visual screen** in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than a Rural Industrial Zone.

### 10.3. Rural Heavy Industrial Zone (RM2)

**10.3.1.** The **use** of any **lot** or **building** in the RM2 Zone must comply with the provisions of Table 10.3.1.

Table 10.3.1. – RM2 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0
2. Minimum <b>lot frontage</b> (metres)	30.0
3. Maximum <b>height</b> (metres)	—
4. Minimum <b>front setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other <b>lots</b> : 15.0
5. Minimum <b>rear setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 15.0 (b) all other <b>lots</b> : 7.5 <sup>1</sup>
6. Minimum <b>exterior setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other <b>lots</b> : 15.0
7. Minimum <b>interior setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 12.0 (b) all other <b>lots</b> : 3.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—

#### Additional Provisions for Lots Zoned RM2

**10.3.2.** In addition to the provisions of Table 10.3.1., **uses** in the RM2 Zone must comply with the following provisions:

- 1.** No **interior setback** or **rear setback** is required along any portion of a **lot line** which abuts a railroad **right-of way**.

## 10.4. Mineral Resource and Extraction Zone (MX1)

**10.4.1.** The **use** of any **lot** or **building** in the MX1 Zone must comply with the provisions of Table 10.4.1.

Table 10.4.1. – MX1 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	10,000.0
2. Minimum <b>lot frontage</b> (metres)	30.0
3. Maximum <b>height</b> (metres)	—
4. Minimum <b>front setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other <b>lots</b> : 22.0 <sup>4</sup>
5. Minimum <b>rear setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other <b>lots</b> : 15.0 <sup>1,2,3,4</sup>
6. Minimum <b>exterior setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other <b>lots</b> : 22.0 <sup>4</sup>
7. Minimum <b>interior setback</b> (metres)	(a) where abutting a <b>lot</b> that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other <b>lots</b> : 15.0 <sup>1,2,3,4</sup>
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—

### Additional Provisions for Lots Zoned MX1

**10.4.2.** In addition to the provisions of Table 10.4.1., **uses** in the MX1 Zone must comply with the following provisions:

- 1.** No **interior setback** or **rear setback** is required along any portion of a **lot line** which abuts a railroad **right-of way**;
- 2.** Where a **gravel pit** abuts a **lot** in a Zone that permits a **residential use** or a DR Zone, minimum **interior setback** and **rear setback** of a **gravel pit**: 121.9 metres;

3. Where a **stone quarry** abuts a **lot** in a Zone that permits a **residential use** or a DR Zone, minimum **interior setback** and **rear setback** of a **stone quarry**:  
213.4 metres; and
4. A **building**, plant or product stockpile must:
  - (a) Have a minimum **setback** of 30.5 metres from any **lot line**; and
  - (b) Have a minimum **setback** of 91.4 metres of any **lot line** or part thereof which abuts a **lot** in a Zone that permits a **residential use** or a DR Zone.

## Section 11: Urban Residential Zones

### 11.1. All Urban Residential Zones

- 11.1.1.** For the purposes of this By-law, Urban Residential Zones include Urban Residential Zone 1 (UR1), Urban Residential Zone 2 (UR2), Urban Residential Zone 3 (UR3), Urban Residential Zone 4 (UR4), Urban Residential Zone 5 (UR5), Urban Residential Zone 6 (UR6), Urban Residential Zone 7 (UR7), Urban Residential Zone 8 (UR8), Urban Residential Zone 9 (UR9), Urban Residential Zone 10 (UR10), Urban Residential Zone 11 (UR1), Urban Residential Zone 12 (UR12) and Urban Residential Zone 13 (UR13).
- 11.1.2.** **Uses** permitted in Urban Residential Zones are limited to the **uses** identified in Table 11.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 11.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

Table 11.1.2. - Permitted Uses in the Urban Residential Zones

Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9	UR10	UR11	UR12	UR13
Residential duplex	—	●	●	—	●	—	—	●	●	●	—	●	●
semi-detached house	—	●	●	—	—	—	—	●	●	●	●	●	●
single detached house	●	●	●	●	●	●	●	●	●	●	●	●	●
townhouse	—	—	●	—	—	—	—	—	—	—	—	—	—
triplex	—	—	●	—	—	—	—	—	—	—	—	—	—
Other community centre	●	●	●	●	●	●	●	●	●	●	●	●	●
elementary school	●	●	●	●	●	●	●	●	●	●	●	●	●
library	●	●	●	●	●	●	●	●	●	●	●	●	●
museum	●	●	●	●	●	●	●	●	●	●	●	●	●



Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9	UR10	UR11	UR12	UR13
place of worship	•	•	•	•	•	•	•	•	•	•	•	•	•

## 11.2. Urban Residential Zone 1 (UR1)

**11.2.1.** The **use** of any **lot** or **building** in the UR1 Zone must comply with the provisions of Table 11.2.1.

Table 11.2.1. – UR1 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	450.0
2. Minimum <b>lot frontage</b> (metres)	15.0
3. Maximum <b>height</b> (metres)	(a) <b>flat roof</b> : 9.0 (b) all other roof types: 10.7
4. Minimum <b>front setback</b> (metres)	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum <b>rear setback</b> (metres)	The greater of: (a) 7.5 (b) 25% of the <b>lot depth</b>
6. Minimum <b>exterior setback</b> (metres)	6.0
7. Minimum <b>interior setback</b> (metres)	3.6
8. Minimum <b>landscaped open space</b>	30%
9. Maximum <b>lot coverage</b>	35%
10. Maximum number of <b>principal buildings</b> per lot	1.0
11. Minimum aggregate of <b>interior setbacks</b>	3.6 metres, of which one <b>interior setback</b> must be a minimum of 0.6 metres

### 11.3. Urban Residential Zone 2 (UR2)

**11.3.1.** The **use** of any **lot** or **building** in the UR2 Zone must comply with the provisions of Table 11.3.1.

Table 11.3.1. – UR2 Provisions

<b>Zoning Provision</b>	<b>semi-detached house</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	425.0 per <b>dwelling unit</b>	360.0
2. Minimum <b>lot frontage</b> (metres)	10.6	12.0
3. Maximum <b>height</b> (metres)	(a) <b>flat roof</b> : 9.0 (b) all other roof types: 10.7	(a) <b>flat roof</b> : 9.0 (b) all other roof types: 10.7
4. Minimum <b>front setback</b> (metres)	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum <b>rear setback</b> (metres)	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>
6. Minimum <b>exterior setback</b> (metres)	5.0	5.0
7. Minimum <b>interior setback</b> (metres)	(a) 1.8 metres (b) where a common party wall is located along a <b>lot line</b> : 0 metres	3.6
8. Minimum <b>landscaped open space</b>	30%	30%
9. Maximum <b>lot coverage</b>	40%	40%
10. Maximum number of <b>principal buildings per lot</b>	1.0	1.0

<b>Zoning Provision</b>	<b>semi-detached house</b>	<b>all other permitted uses</b>
11. Minimum aggregate of <b>interior setbacks</b>	—	3.6 metres, of which one <b>interior setback</b> must be a minimum of 0.6 metres

## 11.4. Urban Residential Zone 3 (UR3)

**11.4.1.** The **use** of any **lot** or **building** in the UR3 Zone must comply with the provisions of Table 11.4.1.

Table 11.4.1. – UR3 Provisions

<b>Zoning Provision</b>	<b>semi-detached house, townhouse</b>	<b>single detached house, duplex</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	225.0 per <b>dwelling unit</b>	320.0	360.0
2. Minimum <b>lot frontage</b> (metres)	10.6	10.6	12.0
3. Maximum <b>height</b> (metres)	(a) <b>flat roof</b> : 9.0 (b) all other roof types: 10.7	(a) <b>flat roof</b> : 9.0 (b) all other roof types: 10.7	(a) <b>flat roof</b> : 9.0 (b) all other roof types: 10.7
4. Minimum <b>front setback</b> (metres)	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum <b>rear setback</b> (metres)	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>
6. Minimum <b>exterior setback</b> (metres)	5.0	5.0	5.0
7. Minimum <b>interior setback</b> (metres)	(a) 1.8 metres (b) where a common party wall is located along a <b>lot line</b> : 0 metres	3.6 <sup>3</sup>	3.6 <sup>3</sup>
8. Minimum <b>landscaped open space</b>	30%	30%	30%

<b>Zoning Provision</b>	<b>semi-detached house, townhouse</b>	<b>single detached house, duplex</b>	<b>all other permitted uses</b>
9. Maximum <b>lot coverage</b>	45%	45%	45%
10. Maximum number of <b>principal buildings per lot</b>	1.0	1.0	1.0
11. Minimum aggregate of <b>interior setbacks</b>	—	5.0 metres, of which one <b>interior setback</b> must be a minimum of 0.6 metres	5.0 metres, of which one <b>interior setback</b> must be a minimum of 0.6 metres

## 11.5. Urban Residential Zone 4 (UR4)

**11.5.1.** Notwithstanding the provisions of Section 3 of this By-law to the contrary, the following definitions apply to **lots** in the UR4 Zone:

- 1. Finished Grade** means the average elevation of the undisturbed ground, measured at the two points where the required **front setback** meets the side **lot lines**.
- 2. Height**, when used with reference to a building or structure, means the vertical distance between the **finished grade** and the highest point of the **building**, exclusive of any accessory or auxiliary roof construction, such as an antenna, a chimney, a ventilation duct, an elevator or service penthouse, or a steeple.
- 3. Lot Coverage** means the percentage of the **lot area** covered by **buildings**, excluding the following:
  - (a)** unenclosed steps and **porches**;
  - (b)** **patios**;
  - (c)** **decks**; and
  - (d)** **balconies**, bay windows, canopies and overhanging eaves which are 2.0 metres or more in height above the **finished grade**.

**11.5.2.** The **use** of any **lot** or **building** in the UR4 Zone must comply with the provisions of Table 11.5.1.

**Table 11.5.1. – UR4 Provisions**

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	557.4
2. Minimum <b>lot frontage</b> (metres)	16.76
3. Maximum <b>height</b> (metres)	(a) <b>flat roof</b> : 9.0 (b) all other roof types: 10.7
4. Minimum <b>front setback</b> (metres)	6.1
5. Minimum <b>rear setback</b> (metres)	7.62
6. Minimum <b>exterior setback</b> (metres)	6.1
7. Minimum <b>interior setback</b> (metres)	(a) where there is an attached <b>private garage</b> : 1.22 metres

<b>Zoning Provision</b>	<b>all permitted uses</b>
	(b) where there is no attached <b>private garage</b> : 2.44 metres on one side and 1.22 metres on the other side
8. Minimum <b>landscaped open space</b>	30%
9. Maximum <b>lot coverage</b>	30%
10. Maximum number of <b>principal buildings per lot</b>	1.0



## 11.6. Urban Residential Zone 5 (UR5)

**11.6.1.** The **use** of any **lot** or **building** in the UR5 Zone must comply with the provisions of Table 11.6.1.

Table 11.6.1. – UR5 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	370.0
2. Minimum <b>lot frontage</b> (metres)	10.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) Where 2 adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average <b>front setbacks</b> of adjacent <b>buildings</b> (b) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average of 4.5 metres and the <b>front setback</b> of adjacent <b>building</b> (c) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 4.5 metres (d) Notwithstanding (a), (b) and (c), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than required, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	(a) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average of 4.5 metres and the <b>front setback</b> of adjacent <b>building</b> (b) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 4.5 metres (c) Notwithstanding (a) and (b), where a <b>building</b> existed as of the date of passing of this By-law and the <b>exterior setback</b> is less than required, the minimum <b>exterior setback</b> is the existing <b>exterior setback</b>

Zoning Provision	all permitted uses
7. Minimum <b>interior setback</b> (metres)	(a) <b>residential buildings:</b> 0.6 (b) <b>non-residential buildings:</b> 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>residential buildings:</b> 3.6 metres (b) <b>non-residential buildings:</b> —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings:</b> 1.0 (b) <b>non-residential buildings:</b> —
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings:</b> 18.0 (b) <b>non-residential buildings:</b> — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

### Additional Provisions for Lots Zoned UR5

**11.6.2.** In addition to the provisions of Table 11.6.1., the **use** of any **lot** or **building** in the UR5 Zone must comply with the following provisions:

- 1.** Notwithstanding the permitted **uses** listed in Table 11.1.2., a **semi-detached house** or a **townhouse** that existed as of the date of passing of this By-law is deemed to be a permitted **use** in the UR5 Zone, subject to the following provisions:
  - (a)** Where a common party wall is located along a **lot line**, the minimum **interior setback** is 0 metres along the **lot** with the common party wall and 3.0 metres from the other **interior lot line** and/or **exterior lot line**; and
  - (b)** Existing **semi-detached houses** and **townhouses** must comply with all other provisions of Table 11.6.1.

## 11.7. Urban Residential Zone 6 (UR6)

**11.7.1.** The **use** of any **lot** or **building** in the UR6 Zone must comply with the provisions of Table 11.7.1.

Table 11.7.1. – UR6 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	665.0
2. Minimum <b>lot frontage</b> (metres)	18.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) 7.5 (b) Notwithstanding (a), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than 7.5 metres, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	7.5
7. Minimum <b>interior setback</b> (metres)	(a) <b>residential buildings</b> : 1.2 (b) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>residential buildings</b> : 3.6 metres (b) <b>non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings</b> : 1.0 (b) <b>non-residential buildings</b> : —

<b>Zoning Provision</b>	<b>all permitted uses</b>
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings</b> : 18.0 (b) <b>non-residential buildings</b> : — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

## 11.8. Urban Residential Zone 7 (UR7)

**11.8.1.** The **use** of any **lot** or **building** in the UR7 Zone must comply with the provisions of Table 11.8.1.

Table 11.8.1. – UR7 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	555.0
2. Minimum <b>lot frontage</b> (metres)	(a) corner <b>lot</b> : 16.5 (b) all other <b>lots</b> : 15.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) 7.5 (b) Notwithstanding (a), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than 7.5 metres, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	7.5
7. Minimum <b>interior setback</b> (metres)	(a) <b>residential buildings</b> : 1.2 (b) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>residential buildings</b> : 3.6 metres (b) <b>non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings</b> : 1.0 (b) <b>non-residential buildings</b> : —

<b>Zoning Provision</b>	<b>all permitted uses</b>
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings</b> : 18.0 (b) <b>non-residential buildings</b> : — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

## 11.9. Urban Residential Zone 8 (UR8)

**11.9.1.** The **use** of any **lot** or **building** in the UR8 Zone must comply with the provisions of Table 11.9.1.

Table 11.9.1. – UR8 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	(a) <b>single detached house</b> : 418.0 (b) <b>duplex, semi-detached house</b> : 277.5 per <b>dwelling unit</b>
2. Minimum <b>lot frontage</b> (metres)	(a) <b>corner lot</b> : 16.5 (b) all other <b>lots</b> : 13.7
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) 6.0 (b) Notwithstanding (a), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than 6.0 metres, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	6.0
7. Minimum <b>interior setback</b> (metres)	(a) <b>single detached house, duplex</b> : 1.2 (b) <b>semi-detached house</b> : 2.4, except where a common party wall is located along a <b>lot line</b> , then 0 metres (c) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>single detached house, duplex</b> : 3.0 (b) <b>semi-detached house, non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—

Zoning Provision	all permitted uses
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings:</b> 1.0 (b) <b>non-residential buildings:</b> —
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings:</b> 18.0 (b) <b>non-residential buildings:</b> — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

**Additional Provisions for Lots Zoned UR8**

- 11.9.2.** In addition to the provisions of Table 11.9.1., the **use** of any **lot** or **building** in the UR8 Zone must comply with the following provisions:
- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.9.1. that are applicable to a **single detached house**.



## 11.10. Urban Residential Zone 9 (UR9)

**11.10.1.** The **use** of any **lot** or **building** in the UR9 Zone must comply with the provisions of Table 11.10.1.

Table 11.10.1. – UR9 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	(a) <b>single detached house</b> : 465.0 (b) <b>duplex, semi-detached house</b> : 418.0 per <b>dwelling unit</b>
2. Minimum <b>lot frontage</b> (metres)	(a) <b>corner lot</b> : 16.5 (b) all other <b>lots</b> : 12.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) 4.5 (b) Notwithstanding (a), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than 4.5 metres, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	4.5
7. Minimum <b>interior setback</b> (metres)	(a) <b>single detached house, duplex</b> : 1.2 (b) <b>semi-detached house</b> : 2.4, except where a common party wall is located along a <b>lot line</b> , then 0 metres (c) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>single detached house, duplex</b> : 3.6 (b) <b>semi-detached house, non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—

Zoning Provision	all permitted uses
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings:</b> 1.0 (b) <b>non-residential buildings:</b> —
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings:</b> 18.0 (b) <b>non-residential buildings:</b> — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

**Additional Provisions for Lots Zoned UR9**

**11.10.2.** In addition to the provisions of Table 11.10.1., the **use** of any **lot** or **building** in the UR9 Zone must comply with the following provisions:

- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.10.1. that are applicable to a **single detached house**.

## 11.11. Urban Residential Zone 10 (UR10)

**11.11.1.** The **use** of any **lot** or **building** in the UR10 Zone must comply with the provisions of Table 11.11.1.

Table 11.11.1. – UR10 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	(a) <b>duplex, semi-detached house</b> : 370.0 per <b>dwelling unit</b> (b) all other permitted <b>uses</b> : 465.0
2. Minimum <b>lot frontage</b> (metres)	15.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) 7.5 (b) Notwithstanding (a), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than 7.5 metres, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	7.5
7. Minimum <b>interior setback</b> (metres)	(a) <b>single detached house, duplex</b> : 1.2 (b) <b>semi-detached house</b> : 2.4, except where a common party wall is located along a <b>lot line</b> , then 0 metres (c) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>single detached house, duplex</b> : 3.0 (b) <b>semi-detached house, non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings</b> : 1.0

Zoning Provision	all permitted uses
	(b) <b>non-residential buildings:</b> —
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings:</b> 18.0 (b) <b>non-residential buildings:</b> — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

**Additional Provisions for Lots Zoned UR10**

**11.11.2.** In addition to the provisions of Table 11.11.1., the **use** of any **lot** or **building** in the UR10 Zone must comply with the following provisions:

- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.11.1. that are applicable to a **single detached house**.

## 11.12. Urban Residential Zone 11 (UR11)

**11.12.1.** Notwithstanding the provisions of Section 3 of this By-law to the contrary, the following definitions apply to **lots** in the UR11 Zone:

- 1. Linked Dwelling** means a **single detached house** that is linked to another **single detached house** by common underground masonry footing only.

**11.12.2.** The **use** of any **lot** or **building** in the UR11 Zone must comply with the provisions of Table 11.12.2.

Table 11.12.2. – UR11 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	(a) <b>single detached house</b> : 320.0 (b) <b>semi-detached house, linked dwelling</b> : 270.0 per <b>dwelling unit</b>
2. Minimum <b>lot frontage</b> (metres)	(a) corner <b>lot</b> with a <b>single detached house</b> : 14.0 (b) corner <b>lot</b> with a <b>semi-detached house, linked dwelling</b> : 20.0 (c) other <b>lot</b> with a <b>single detached house</b> : 10.6 (d) corner <b>lot</b> with a <b>semi-detached house, linked dwelling</b> : 18.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	6.0
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : 6.0 (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	6.0
7. Minimum <b>interior setback</b> (metres)	(a) <b>single detached house</b> with attached <b>private garage</b> : 1.2 (b) <b>single detached house</b> with no attached <b>private garage</b> : 1.2 metres on one side and 2.4 metres on other side

<b>Zoning Provision</b>	<b>all permitted uses</b>
	<p>(c) <b>semi-detached house</b> or <b>linked dwelling</b> with attached <b>private garage</b>: 1.2 metres on the side that is not attached to another <b>dwelling unit</b></p> <p>(d) <b>semi-detached house</b> or <b>linked dwelling</b> with no attached <b>private garage</b>: 2.4 metres on the side that is not attached to another <b>dwelling unit</b></p> <p>(e) <b>non-residential buildings</b>: 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres</p>
8. Minimum aggregate of <b>interior setbacks</b>	<p>(a) <b>single detached house, duplex</b>: 3.6</p> <p>(b) <b>semi-detached house, linked dwellings, non-residential buildings</b>: —</p>
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—
11. Maximum number of <b>principal buildings per lot</b>	<p>(a) <b>residential buildings</b>: 1.0</p> <p>(b) <b>non-residential buildings</b>: —</p>
12. Maximum <b>building depth</b> (metres)	—

**Additional Provisions for Lots Zoned UR11**

- 11.12.3.** In addition to the provisions of Table 11.12.2., the **use** of any **lot** or **building** in the UR11 Zone must comply with the following provisions:
- 1.** The minimum **separation distance** between the **main walls** above grade of a **linked dwelling** is 1.8 metres; and
  - 2.** Notwithstanding Clause 7.5.9., **driveway** widths that legally existed on a **lot** in the UR11 Zone as of the date of passing of this By-law are deemed to be permitted.

### 11.13. Urban Residential Zone 12 (UR12)

**11.13.1.** The **use** of any **lot** or **building** in the UR12 Zone must comply with the provisions of Table 11.13.1.

Table 11.13.1. – UR12 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	(a) <b>duplex, semi-detached house</b> : 370.0 per <b>dwelling unit</b> (b) all other permitted <b>uses</b> : 465.0
2. Minimum <b>lot frontage</b> (metres)	15.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) 4.5 (b) Notwithstanding (a), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than 4.5 metres, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	(a) 4.5 (b) Notwithstanding (a), where a <b>building</b> existed as of the date of passing of this By-law and the <b>exterior setback</b> is less than 4.5 metres, the minimum <b>exterior setback</b> is the existing <b>exterior setback</b>
7. Minimum <b>interior setback</b> (metres)	(a) <b>single detached house, duplex</b> : 1.2 (b) <b>semi-detached house</b> : 2.4, except where a common party wall is located along a <b>lot line</b> , then 0 metres (c) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>single detached house, duplex</b> : 3.0 (b) <b>semi-detached house, non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%

<b>Zoning Provision</b>	<b>all permitted uses</b>
10. Maximum <b>lot coverage</b>	—
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings:</b> 1.0 (b) <b>non-residential buildings:</b> —
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings:</b> 18.0 (b) <b>non-residential buildings:</b> — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>



## 11.14. Urban Residential Zone 13 (UR13)

**11.14.1.** The **use** of any **lot** or **building** in the UR13 Zone must comply with the provisions of Table 11.14.1.

Table 11.14.1. – UR13 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	(a) <b>duplex, semi-detached house</b> : 370.0 per <b>dwelling unit</b> (b) all other permitted <b>uses</b> : 465.0
2. Minimum <b>lot frontage</b> (metres)	15.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) Where 2 adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average <b>front setbacks</b> of adjacent <b>buildings</b> (b) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average of 4.5 metres and the <b>front setback</b> of adjacent <b>building</b> (c) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 4.5 metres (d) Notwithstanding (a), (b) and (c), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than required, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	(a) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average of 4.5 metres and the <b>front setback</b> of adjacent <b>building</b> (b) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 4.5 metres (c) Notwithstanding (a) and (b), where a <b>building</b> existed as of the date of passing of this By-law and the <b>exterior setback</b> is

Zoning Provision	all permitted uses
	less than required, the minimum <b>exterior setback</b> is the existing <b>exterior setback</b>
7. Minimum <b>interior setback</b> (metres)	(a) <b>single detached house, duplex</b> : 1.2 (b) <b>semi-detached house</b> : 2.4, except where a common party wall is located along a <b>lot line</b> , then 0 metres (c) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>single detached house, duplex</b> : 3.0 (b) <b>semi-detached house, non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum <b>lot coverage</b>	—
11. Maximum number of <b>principal buildings per lot</b>	(a) <b>residential buildings</b> : 1.0 (b) <b>non-residential buildings</b> : —
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings</b> : 18.0 (b) <b>non-residential buildings</b> : — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

### Additional Provisions for Lots Zoned UR13

**11.14.2.** In addition to the provisions of Table 11.14.1., the **use** of any **lot** or **building** in the UR13 Zone must comply with the following provisions:

- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.14.1. that are applicable to a **single detached house**.

## Section 12: Urban Multi-Residential

### 12.1. All Urban Multi-Residential Zones

**12.1.1.** For the purposes of this By-law, Urban Multi-Residential Zones include Urban Multi-Residential Zone 1 (URM1), Urban Multi-Residential Zone 2 (URM2), Urban Multi-Residential Zone 3 (URM3), Urban Multi-Residential Zone 4 (URM4), Urban Multi-Residential Zone 5 (URM5), Urban Multi-Residential Zone 6 (URM6), Urban Multi-Residential Zone 7 (URM7), Urban Multi-Residential Zone 8 (URM8), Urban Multi-Residential Zone 9 (URM9), Urban Multi-Residential Zone 10 (URM10), Urban Multi-Residential Zone 11 (URM11), Urban Multi-Residential Zone 12 (URM12) and Urban Multi-Residential Zone 13 (URM13).

**12.1.2.** **Uses** permitted in Urban Multi-Residential Zones are limited to the **uses** identified in Table 12.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 12.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

**12.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 12.1.2., the following corresponding provisions apply:

1. May only contain **non-residential uses** that are permitted in the CN Zone as per Table 15.1.2., where the **non-residential uses** are located only on the **first storey**.

**Table 12.1.2. - Permitted Uses in the Urban Multi-Residential Zones**

Use	URM 1	URM 2	URM 3	URM 4	URM 5	URM 6	URM 7	URM 8	URM 9	URM 10	URM 11	URM 12	URM 13
Residential apartment building	●	●	●	●	●	●	●	●	●	●	●	●	●
duplex	●	—	●	●	●	—	—	—	—	—	—	—	—
semi-detached house	●	—	—	—	—	—	—	—	—	—	—	—	—

<b>Use</b>	<b>URM 1</b>	<b>URM 2</b>	<b>URM 3</b>	<b>URM 4</b>	<b>URM 5</b>	<b>URM 6</b>	<b>URM 7</b>	<b>URM 8</b>	<b>URM 9</b>	<b>URM 10</b>	<b>URM 11</b>	<b>URM 12</b>	<b>URM 13</b>
<b>single detached house</b>	●	—	●	—	—	—	—	—	—	—	—	—	—
<b>stacked townhouse</b>	●	●	—	—	—	—	—	●	●	●	●	●	●
<b>townhouse</b>	●	●	—	●	●	—	—	—	—	—	—	—	—
<b>triplex</b>	●	—	●	●	●	●	●	—	—	—	—	—	—
<b>Other community centre</b>	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>day care centre</b>	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>elementary school</b>	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>library</b>	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>mixed use building</b>	—	—	—	—	—	—	—	● <sup>1</sup>	—	—	—	—	—
<b>museum</b>	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>place of worship</b>	●	●	●	●	●	●	●	●	●	●	●	●	●

## 12.2. Urban Multi-Residential Zone 1 (URM1)

**12.2.1.** The **use** of any **lot** or **building** in the URM1 Zone must comply with the provisions of Table 12.2.1.

Table 12.2.1. – URM1 Provisions

<b>Zoning Provision</b>	<b>semi-detached house, townhouse</b>	<b>single detached house, duplex</b>	<b>apartment building, stacked townhouse</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	180.0 per <b>dwelling unit</b>	300.0	540.0	360.0
2. Minimum <b>lot frontage</b> (metres)	7.5	10.0	18.0	12.0
3. Maximum <b>height</b> (metres)	10.7	10.7	10.7	10.7
4. Minimum <b>front setback</b> (metres)	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum <b>rear setback</b> (metres)	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>
6. Minimum <b>exterior setback</b> (metres)	5.0	5.0	6.0	6.0
7. Minimum <b>interior setback</b> (metres)	(a) 1.8 metres (b) where a common party	3.6	(a) 6.0 metres (b) where a common party	3.6

<b>Zoning Provision</b>	<b>semi-detached house, townhouse</b>	<b>single detached house, duplex</b>	<b>apartment building, stacked townhouse</b>	<b>all other permitted uses</b>
	wall is located along a <b>lot line</b> : 0 metres		wall is located along a <b>lot line</b> : 0 metres	
8. Minimum <b>landscaped open space</b>	30%	30%	30%	30%
9. Maximum <b>lot coverage</b>	45%	45%	45%	45%
10. Maximum number of <b>principal buildings per lot</b>	1.0	1.0	1.0	1.0
11. Minimum aggregate of <b>interior setbacks</b>	—	3.6 metres, of which one <b>interior setback</b> must be a minimum of 0.6 metres	—	3.6 metres, of which one <b>interior setback</b> must be a minimum of 0.6 metres

## 12.3. Urban Multi-Residential Zone 2 (URM2)

**12.3.1.** The **use** of any **lot** or **building** in the URM2 Zone must comply with the provisions of Table 12.3.1.

Table 12.3.1. – URM2 Provisions

<b>Zoning Provision</b>	<b>townhouse</b>	<b>apartment building, stacked townhouse</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	180.0 per <b>dwelling unit</b>	540.0	360.0
2. Minimum <b>lot frontage</b> (metres)	7.5	18.0	12.0
3. Maximum <b>height</b> (metres)	11.0	12.5	10.7
4. Minimum <b>front setback</b> (metres)	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing <b>front setbacks</b> of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum <b>rear setback</b> (metres)	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>	The greater of: (a) 7.5 metres (b) 25% of the <b>lot depth</b>
6. Minimum <b>exterior setback</b> (metres)	5.0	6.0	6.0
7. Minimum <b>interior setback</b> (metres)	(a) 1.8 metres (b) where a common party wall is located along a <b>lot line</b> : 0 metres	6.0	3.6

<b>Zoning Provision</b>	<b>townhouse</b>	<b>apartment building, stacked townhouse</b>	<b>all other permitted uses</b>
8. Minimum <b>landscaped open space</b>	30%	30%	30%
9. Maximum <b>lot coverage</b>	45%	45%	45%
10. Maximum number of <b>principal buildings per lot</b>	1.0	1.0	1.0
11. Minimum aggregate of <b>interior setbacks</b>	—	—	3.6 metres, of which one <b>interior setback</b> must be a minimum of 0.6 metres



## 12.4. Urban Multi-Residential Zone 3 (URM3)

**12.4.1.** The **use** of any **lot** or **building** in the URM3 Zone must comply with the provisions of Table 12.4.1.

Table 12.4.1. – URM3 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	370.0
2. Minimum <b>lot frontage</b> (metres)	10.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) Where 2 adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average <b>front setbacks</b> of adjacent <b>buildings</b> (b) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average of 4.5 metres and the <b>front setback</b> of adjacent <b>building</b> (c) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 4.5 metres (d) Notwithstanding (a), (b) and (c), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than required, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	(a) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 4.5 metres or the average of 4.5 metres and the <b>front setback</b> of adjacent <b>building</b> (b) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 4.5 metres (c) Notwithstanding (a) and (b), where a <b>building</b> existed as of the date of passing of this By-law and the <b>exterior setback</b> is

<b>Zoning Provision</b>	<b>all permitted uses</b>
	less than required, the minimum <b>exterior setback</b> is the existing <b>exterior setback</b>
7. Minimum <b>interior setback</b> (metres)	(a) <b>residential buildings</b> : 0.6 (b) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum aggregate of <b>interior setbacks</b>	(a) <b>residential buildings</b> : 3.6 metres (b) <b>non-residential buildings</b> : —
9. Minimum <b>landscaped open space</b>	30%
10. Maximum number of <b>principal buildings</b> per lot	(a) <b>residential buildings</b> : 1.0 (b) <b>non-residential buildings</b> : —
11. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings</b> : 18.0 (b) <b>non-residential buildings</b> : — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>
12. Maximum number of <b>principal dwelling units</b> per lot	6.0

## 12.5. Urban Multi-Residential Zone 4 (URM4)

**12.5.1.** The **use** of any **lot** or **building** in the URM4 Zone must comply with the provisions of Table 12.5.1.

Table 12.5.1. – URM4 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	(a) <b>duplex</b> : 335.0 per <b>dwelling unit</b> (b) <b>triplex, townhouse</b> : 285.0 per <b>dwelling unit</b> (c) <b>apartment building</b> : 870.0
2. Minimum <b>lot frontage</b> (metres)	18.0
3. Maximum <b>height</b>	—
4. Minimum <b>front setback</b> (metres)	7.5
5. Minimum <b>rear setback</b> (metres)	7.5 metres for <b>buildings</b> up to 5 <b>storeys</b> , then additional 1.2 metres for every <b>storey</b> above 5
6. Minimum <b>exterior setback</b> (metres)	7.5
7. Minimum <b>interior setback</b> (metres)	(a) <b>non-residential buildings</b> : equal to half the <b>height</b> of the <b>building</b> (b) <b>residential buildings</b> that are 1 <b>storey</b> : 1.8 (c) <b>residential buildings</b> that are 2 <b>storeys</b> : 3.0 (d) <b>residential buildings</b> that are greater than 2 <b>storeys</b> : 3.0 metres plus 1.2 metres for each additional <b>storey</b> above 2 (e) Notwithstanding (b), (c) and (d), for <b>townhouses</b> , where a common party wall is located along a <b>lot line</b> , then 0 metres
8. Minimum <b>landscaped open space</b>	30%

## 12.6. Urban Multi-Residential Zone 5 (URM5)

**12.6.1.** The **use** of any **lot** or **building** in the URM5 Zone must comply with the provisions of Table 12.6.1.

Table 12.6.1. – URM5 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
2. Minimum <b>front setback</b> (metres)	7.5
3. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : Where <b>parking spaces</b> are provided in the <b>rear yard</b> : 12.0 (b) <b>residential buildings</b> : Where <b>parking spaces</b> are not provided in the <b>rear yard</b> : 7.5 (c) <b>residential buildings</b> : Notwithstanding (b), where the <b>rear yard</b> is adjacent to the <b>interior yard</b> or a <b>park</b> on an adjacent <b>lot</b> : 6.0 (d) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
4. Minimum <b>exterior setback</b> (metres)	7.5
5. Minimum <b>interior setback</b> (metres)	(a) <b>residential buildings</b> : 3.0 (b) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres (c) Notwithstanding (a), for <b>townhouses</b> , where a common party wall is located along a <b>lot line</b> , then 0 metres
6. Minimum <b>landscaped open space</b>	30%
7. Maximum number of <b>principal dwelling units</b> per <b>building</b>	12.0
8. Maximum <b>density</b>	69 <b>dwelling units</b> per net hectare
9. Maximum <b>floor space index</b>	3.5

### Additional Provisions for Lots Zoned URM5

**12.6.2.** In addition to the provisions of Table 12.6.1., the **use** of any **lot** or **building** in the URM5 Zone must comply with the following provisions:

- 1.** The minimum **separation distance** between **residential buildings** on the same **lot** is 4.5 metres; and
- 2.** The minimum **separation distance** between the **rear wall** of a building on a **lot** in a URM5 Zone and the **rear wall** of a **residential building** located on a different **lot** is 15.0 metres.

## 12.7. Urban Multi-Residential Zone 6 (URM6)

**12.7.1.** The **use** of any **lot** or **building** in the URM6 Zone must comply with the provisions of Table 12.7.1.

Table 12.7.1. – URM6 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>front setback</b> (metres)	7.5
2. Minimum <b>rear setback</b> (metres)	equal to the <b>height</b> of the <b>building</b>
3. Minimum <b>exterior setback</b> (metres)	7.5
4. Minimum <b>interior setback</b> (metres)	(a) where adjacent to a <b>single detached house, duplex</b> or <b>semi-detached house</b> : equal to the <b>height</b> of the <b>building</b> (b) all other: equal to 50% of the <b>height</b> of the <b>building</b>
5. Minimum aggregate of <b>interior setbacks</b>	equal to 150% of the <b>height</b> of the <b>building</b>
6. Minimum <b>landscaped open space</b>	30%
7. Maximum <b>density</b>	123 <b>dwelling units</b> per net hectare
8. Maximum <b>floor space index</b>	1.0

### Additional Provisions for Lots Zoned URM6

**12.7.2.** In addition to the provisions of Table 12.7.1., the **use** of any **lot** or **building** in the URM6 Zone must comply with the following provisions:

- 1.** Where an **interior lot line** is adjacent to a **lot** with a **single detached house, duplex** or **semi-detached house** a privacy **fence** with a minimum height of 1.8 metres must be provided. Such privacy **fence** must:
  - (a)** be established 0.2 metres from the **interior lot line**; and
  - (b)** extend from the intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**.

## 12.8. Urban Multi-Residential Zone 7 (URM7)

**12.8.1.** The **use** of any **lot** or **building** in the URM7 Zone must comply with the provisions of Table 12.8.1.

Table 12.8.1. – URM7 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Maximum <b>height</b>	lesser of 13.5 metres or 4 <b>storeys</b>
2. Minimum <b>front setback</b> (metres)	(a) Where 2 adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : the greater of 2.0 metres or the average <b>front setbacks</b> of adjacent <b>buildings</b> (b) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the greater of 2.0 metres or the average of 1.0 metres and the <b>front setback</b> of adjacent <b>building</b> (c) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 3.5 metres
3. Minimum <b>rear setback</b> (metres)	7.5
4. Minimum <b>exterior setback</b> (metres)	3.5
5. Minimum <b>interior setback</b> (metres)	3.0
6. Minimum <b>landscaped open space</b>	30%
7. Maximum <b>density</b>	123 <b>dwelling units</b> per net hectare
8. Maximum <b>floor space index</b>	1.0

## 12.9. Urban Multi-Residential Zone 8 (URM8)

**12.9.1.** The **use** of any **lot** or **building** in the URM8 Zone must comply with the provisions of Table 12.9.1.

Table 12.9.1. – URM8 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	<b>apartment building, mixed use building, stacked townhouse:</b> 1,480.0
2. Maximum <b>height</b> (metres)	Lesser of 20.0 metres or 6 <b>storeys</b> , excluding a <b>basement storey</b>
3. Minimum <b>streetwall height</b> (metres)	12.0
4. Minimum <b>front setback</b> (metres)	2.0
5. Minimum <b>rear setback</b> (metres)	10.0
6. Minimum <b>exterior setback</b> (metres)	3.0
7. Minimum <b>interior setback</b> (metres)	3.0
8. Minimum <b>stepbacks</b> (metres)	(a) Where a <b>main wall</b> faces Johnson Street or Brock Street: (i) <b>storey 5</b> to 6: minimum 2.0 metres from the exterior wall of the 4 <sup>th</sup> storey
9. Minimum <b>landscaped open space</b>	10%
10. Maximum <b>lot coverage</b>	55%
11. Maximum <b>floor space index</b>	3.2

### Additional Provisions for Lots Zoned URM8

**12.9.2.** In addition to the provisions of Table 12.9.1., the **use** of any **lot** or **building** in the URM8 Zone must comply with the following provisions:

- 1.** Within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must meet Subclause 4.16.1.2. of this By-law;
- 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;



3. **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
4. Notwithstanding Clause 1.8.5., the minimum **lot area** required by Table 12.9.1. must be provided for a **lot** to be **developed** with an **apartment building**, a **mixed use building**, or **stacked townhouses**;
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and must comply with the following Paragraphs:
  - (a) For **lots** in the URM8 Zone located west of Albert Street, **development** of such **uses** must comply with the provisions of the UR5 Zone; and
  - (b) For **lots** in the URM8 Zone located east of Albert Street, **development** for such **uses** must comply with the provisions of the URM3 Zone.
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
  - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
  - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
  - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.9.2.5. do not require the removal of the “-H” Holding Symbol.

## 12.10. Urban Multi-Residential Zone 9 (URM9)

**12.10.1.** The **use** of any **lot** or **building** in the URM9 Zone must comply with the provisions of Table 12.10.1.

Table 12.10.1. – URM9 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	<b>apartment building, stacked townhouse:</b> 1,200.0
2. Maximum <b>height</b> (metres)	Lesser of 12.0 metres or 4 <b>storeys</b> , excluding a <b>basement storey</b>
3. Minimum <b>front setback</b> (metres)	3.0
4. Minimum <b>rear setback</b> (metres)	10.0
5. Minimum <b>exterior setback</b> (metres)	3.0
6. Minimum <b>interior setback</b> (metres)	3.0
7. Minimum <b>landscaped open space</b>	10%
8. Maximum <b>lot coverage</b>	55%
9. Maximum number of <b>principal buildings</b> per lot	1.0
10. Maximum <b>floor space index</b>	2.2

### Additional Provisions for Lots Zoned URM9

**12.10.2.** In addition to the provisions of Table 12.10.1., the **use** of any **lot** or **building** in the URM9 Zone must comply with the following provisions:

- 1.** Within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must meet Subclause 4.16.1.2. of this By-law;
- 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
- 3.** **Parking spaces** are prohibited in the **front yard** or **exterior yard**;

4. Notwithstanding Clause 1.8.5., the minimum **lot area** required by Table 12.10.1. must be provided for a **lot** to be **developed** with an **apartment building** or **stacked townhouses**;
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and must comply with the following Paragraphs:
  - (a) For **lots** in the URM9 Zone located east of Portsmouth Avenue, **development** of such **uses** must comply with the provisions of the UR6 Zone; and
  - (b) For **lots** in the URM9 Zone located west of Portsmouth Avenue, **development** of such **uses** must comply with the provisions of the UR7 Zone.
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
  - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
  - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
  - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.10.2.5 do not require the removal of the “-H” Holding Symbol.

## 12.11. Urban Multi-Residential Zone 10 (URM10)

**12.11.1.** The **use** of any **lot** or **building** in the URM10 Zone must comply with the provisions of Table 12.11.1.

Table 12.11.1. – URM10 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	<b>Apartment building, stacked townhouse:</b> 950.0
2. Maximum <b>height</b> (metres)	Lesser of 12.0 metres or 4 <b>storeys</b> , excluding a <b>basement storey</b>
3. Minimum <b>front setback</b> (metres)	3.0
4. Minimum <b>rear setback</b> (metres)	10.0
5. Minimum <b>exterior setback</b> (metres)	3.0
6. Minimum <b>interior setback</b> (metres)	3.0
7. Minimum <b>landscaped open space</b>	10%
8. Maximum <b>lot coverage</b>	55%
9. Minimum <b>lot depth</b> (metres)	32.0
10. Maximum <b>floor space index</b>	2.2

### Additional Provisions for Lots Zoned URM10

**12.11.2.** In addition to the provisions of Table 12.11.1., the **use** of any **lot** or **building** in the URM10 Zone must comply with the following provisions:

- 1.** Within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must meet Subclause 4.16.1.2. of this By-law;
- 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
- 3.** **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
- 4.** Notwithstanding Clause 1.8.5., the minimum **lot area** required by Table 12.11.1. must be provided for a **lot** to be **developed** with an **apartment building** or **stacked townhouses**;

5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR10 Zone; and
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
  - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
  - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
  - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.11.2.5. do not require the removal of the “-H” Holding Symbol.

## 12.12. Urban Multi-Residential Zone 11 (URM11)

**12.12.1.** Notwithstanding the definitions of **front lot line** and **rear lot line**, in the URM11 Zone:

1. Where a **lot** has a **street line** adjacent to Portsmouth Avenue and/or Woodstone Crescent, such **street line(s)** are deemed to be a **front lot line**.

**12.12.2.** The **use** of any **lot** or **building** in the URM11 Zone must comply with the provisions of Table 12.12.2.

Table 12.12.2. – URM11 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	<b>Apartment building, stacked townhouse:</b> 1,600.0
2. Maximum <b>height</b> (metres)	Lesser of 12.0 metres or 4 <b>storeys</b> , excluding a <b>basement storey</b>
3. Minimum <b>front setback</b> (metres)	3.0
4. Minimum <b>rear setback</b> (metres)	10.0
5. Minimum <b>exterior setback</b> (metres)	3.0
6. Minimum <b>interior setback</b> (metres)	3.0
7. Minimum <b>landscaped open space</b>	12%
8. Maximum <b>lot coverage</b>	55%
9. Maximum <b>floor space index</b>	2.2

### Additional Provisions for Lots Zoned URM11

**12.12.3.** In addition to the provisions of Table 12.12.2., the **use** of any **lot** or **building** in the URM11 Zone must comply with the following provisions:

1. **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
2. **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
3. A maximum of 1 **driveway** is permitted per **lot**;

4. Notwithstanding Clause 1.8.5., the minimum **lot area** required by Table 12.12.2. must be provided for a **lot** to be **developed** with an **apartment building** or **stacked townhouses**;
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR8 Zone; and
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
  - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
  - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
  - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.12.2.5. do not require the removal of the “-H” Holding Symbol.

## 12.13. Urban Multi-Residential Zone 12 (URM12)

**12.13.1.** For the purpose of the URM12 Zone, the following definitions apply:

- 1. Podium** means the base component of any **building** that is no greater than 20 meters in **height** (excluding mechanical penthouses) and only includes the **first storey** through sixth **storeys** of such **building**.
- 2. Tower** means any portion of any **building** that is greater than 20 metres in **height**, excluding a **podium**, below grade building components and mechanical penthouses.

**12.13.2.** Notwithstanding the definitions of **front lot line** and **rear lot line**, in the URM12 Zone:

- 1.** Where a **lot** has a **street line** adjacent to Bath Road and/or Sir John A. MacDonald Boulevard, such **street line(s)** are deemed to be a **front lot line**.

**12.13.3.** The **use** of any **lot** or **building** in the URM12 Zone must comply with the provisions of Table 12.13.3.

Table 12.13.3. – URM12 Provisions

Zoning Provision	all permitted uses
1. Maximum <b>height</b> (metres)	(a) <b>Podium</b> : Lesser of 20.0 metres or 6 <b>storeys</b> , excluding a <b>basement storey</b> (b) <b>Podium</b> and <b>Tower</b> combined: Lesser of 38.0 metres or 12 <b>storeys</b> , excluding a <b>basement storey</b>
2. Minimum <b>streetwall height</b> (metres)	12.0
3. Minimum <b>front setback</b> (metres)	3.0
4. Minimum <b>rear setback</b> (metres)	10.0
5. Minimum <b>exterior setback</b> (metres)	3.0
6. Minimum <b>interior setback</b> (metres)	3.0
7. Minimum <b>landscaped open space</b>	25%
8. Maximum <b>lot coverage</b>	60%
9. Maximum <b>floor space index</b>	6.0



### Additional Provisions for Lots Zoned URM12

- 12.13.4.** In addition to the provisions of Table 12.13.3., the **use** of any **lot** or **building** in the URM12 Zone must comply with the following provisions:
- 1.** Where a **main wall** faces Sir John A. MacDonald Boulevard and/or Bath Road, a minimum **stepback** of 3.0 metres must be provided from the **podium** to the **tower**;
  - 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
  - 3.** **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
  - 4.** The maximum floor plate of a **tower** is 790 square metres. **Tower** floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components;
  - 5.** The minimum **separation distance** between a **tower** and another **tower** is 25.0 metres;
  - 6.** The minimum **setback** from a **tower** to a **lot line** shared with an adjacent property is 12.5 metres;
  - 7.** Notwithstanding Subclause 6., where an adjacent property has already been developed with a **tower**, the **tower** is permitted to be located closer than 12.5 metres to the **lot line** shared with that adjacent property so long as the 25.0 metre **tower separation distance** is maintained;
  - 8.** The minimum **setback** from a **tower** to the exterior wall of the podium is 2.0 metres;
  - 9.** Notwithstanding Clause 2.5.3., where a **lot** is divided into more than one Zone, the Zone boundary is treated as a **lot line** and each portion of the **lot** must be used in accordance with the provisions of the underlying Zone;
  - 10.** **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the URM4 Zone; and
  - 11.** Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:

- (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
- (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.13.4.10. do not require the removal of the "-H" Holding Symbol.

## 12.14. Urban Multi-Residential Zone 13 (URM13)

**12.14.1.** The **use** of any **lot** or **building** in the URM13 Zone must comply with the provisions of Table 12.14.1.

Table 12.14.1. – URM13 Provisions

Zoning Provision	all permitted uses
1. Maximum <b>height</b> (metres)	Lesser of 20.0 metres or 6 <b>storeys</b> , excluding a <b>basement storey</b>
2. Minimum <b>streetwall height</b> (metres)	12.0
3. Minimum <b>front setback</b> (metres)	3.0
4. Minimum <b>rear setback</b> (metres)	10.0
5. Minimum <b>exterior setback</b> (metres)	3.0
6. Minimum <b>interior setback</b> (metres)	3.0
7. Minimum <b>landscaped open space</b>	30%
8. Maximum <b>lot coverage</b>	55%
9. Maximum <b>floor space index</b>	3.0
10. Minimum <b>stepbacks</b> (metres)	(a) Where a <b>main wall</b> faces Wright Crescent: (i) <b>storey 5 to 6</b> : minimum 2.0 metres from the exterior wall of the 4 <sup>th</sup> storey

### Additional Provisions for Lots Zoned URM13

**12.14.2.** In addition to the provisions of Table 12.14.1., the **use** of any **lot** or **building** in the URM13 Zone must comply with the following provisions:

- 1. Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
- 2. Parking spaces** are prohibited in the **front yard** or **exterior yard**;
- 3.** Notwithstanding Clause 2.5.3., where a **lot** is divided into more than one Zone, the Zone boundary is treated as a **lot line** and each portion of the **lot** must be used in accordance with the provisions of the underlying Zone;

4. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR8 Zone; and
5. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
  - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
  - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
  - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.14.2.4. do not require the removal of the “-H” Holding Symbol.

## Section 13: Heritage Zones

### 13.1. All Heritage Zones

- 13.1.1.** For the purposes of this By-law, Heritage Zones include Heritage Zone 1 - Village of Barriefield (HCD1), Heritage Zone 2 - Market Square (HCD2), and Heritage Zone 3 – Old Sydenham (HCD3).
- 13.1.2.** **Uses** permitted in Heritage Zones are limited to the **uses** identified in Table 13.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 13.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.
- 13.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 13.1.2., the following corresponding provisions apply:
1. Is permitted only as an **accessory use** to a **principal use** on the **lot** and must be located at or above the second **storey**.
  2. No portion of any **lot** within 30 metres of the **street line** of Highway 15 may be **used** for any purpose other than passive recreation.

Table 13.1.2. - Permitted Uses in the Heritage Zones

Use	HCD1	HCD2	HCD3
Residential apartment building	—	—	●
duplex	—	—	●
dwelling unit in a mixed use building	—	● <sup>1</sup>	—
semi-detached house	● <sup>2</sup>	—	●
single detached house	● <sup>2</sup>	—	●
stacked townhouse	—	—	—
townhouse	—	—	●
triplex	—	—	●
Other	—	●	—

Use	HCD1	HCD2	HCD3
animal care			
banquet hall	—	●	—
building supply store	—	●	—
commercial parking lot	—	●	—
community centre	● <sup>2</sup>	●	●
club	—	●	—
creativity centre	—	●	—
day care centre	—	●	—
department store	—	●	—
elementary school	● <sup>2</sup>	●	●
entertainment establishment	—	●	—
financial institution	—	●	—
fitness centre	—	●	—
grocery store	—	●	—
hotel	—	●	—
laundry store	—	●	—
library	● <sup>2</sup>	●	●
museum	● <sup>2</sup>	●	●
office	—	●	—
personal service shop	—	●	—
place of worship	● <sup>2</sup>	●	●
public market	—	●	—
recreation facility	—	●	—
repair shop	—	●	—
restaurant	—	●	—
retail store	—	●	—
training facility	—	●	—
wellness clinic	—	●	—



## 13.2. Heritage Zone 1 – Village of Barriefield (HCD1)

13.2.1. The following definitions apply to **lots** in the HCD1 Zone:

1. **Heritage Building** means a **building** that existed as of the date of passing of this By-law on a **heritage lot**.
2. **Heritage Lot** means the following **lots**, as they existed as of the date of passing of this By-law:
  - (a) 6-8, 10, 13, 14 and 16 Drummond Street;
  - (b) 7 and 9 George Street;
  - (c) 218 Green Bay Road;
  - (d) 228, 230, 232, 234, 236, 238, 244, 246 and 248 James Street;
  - (e) 202, 207, 210, 215, 217-219, 223-225, 226-228, 233, 239, 247, 249, 268 and 275 Main Street;
  - (f) 404, 406, 407, 412, 413, 414, 415, 419, 421 and 423 Regent Street;
  - (g) 2 Sharman’s Lane; and
  - (h) 404, 406 and 412 Wellington Street.
3. **Non-Heritage Lot** means all **lots** in the HCD1 Zone, excluding **heritage lots**.

13.2.2. The **use** of any **lot** or **building** in the HCD1 Zone must comply with the provisions of Table 13.2.2.

Table 13.2.2. – HCD1 Provisions

Zoning Provision	Heritage Lot	Non-Heritage Lot
1. Minimum <b>lot area</b> (square metres)	<b>Lot area</b> existing as of the date of passing of this By-law	370.0
2. Minimum <b>lot frontage</b> (metres)	<b>Lot frontage</b> existing as of the date of passing of this By-law	12.0
3. Maximum <b>height</b> (metres)	<b>Height</b> existing as of the date of passing of this By-law	(a) Where 2 adjacent <b>lots</b> with a <b>front lot line</b> on the same <b>street</b> are <b>heritage lots</b> : the lesser of 10.0 metres or the average of the



Zoning Provision	Heritage Lot	Non-Heritage Lot
		<b>height of the heritage buildings</b> on the adjacent <b>heritage lots</b> (b) For all other lots: 10.0
4. Minimum <b>front setback</b> (metres)	<b>Front setback</b> existing as of the date of passing of this By-law	3.0
5. Minimum <b>rear setback</b> (metres)	<b>Rear setback</b> existing as of the date of passing of this By-law	7.0
6. Minimum <b>exterior setback</b> (metres)	<b>Exterior setback</b> existing as of the date of passing of this By-law	3.0
7. Minimum <b>interior setback</b> (metres)	<b>Interior setback</b> existing as of the date of passing of this By-law	1.2
8. Minimum aggregate of <b>interior setbacks</b>	Aggregate of <b>interior setbacks</b> that existed as of the date of passing of this By-law	6.0
9. Minimum <b>landscaped open space</b>	<b>Landscaped open space</b> existing as of the date of passing of this By-law	30%
10. Maximum <b>lot coverage</b>	<b>Lot coverage</b> existing as of the date of passing of this By-law	25%
11. Maximum number of <b>principal buildings per lot</b>	1	1
12. Maximum number of <b>storeys</b>	Number of <b>storeys</b> existing as of the date of passing of this By-law	2

#### Additional Provisions for Lots Zoned HCD1

**13.2.3.** In addition to the provisions of Table 13.2.2., the **use** of any **lot** or **building** in the HCD1 Zone must comply with the following provisions:

- 1.** The maximum **height** of any **fence** or wall in the **front yard** is 1.0 metres;
- 2.** Any portion of a **lot** within 30.0 metres of the **street line** of Highway 15 must be maintained as **landscaped open space**;

3. Buildings must be **setback** a minimum of 30.0 metres from the **street line** of Highway 15;
4. **Parking** is not permitted in the **front yard** of any **lot**; and
5. The maximum **gross floor area** of a **non-residential building** is 275.0 square metres.

**13.2.4.** An addition to a **heritage building** must comply with the provisions that apply to a **non-heritage lot**, except the maximum **height** of an addition must not exceed a **height** that is 0.5 metres less than the **height** of the **heritage building**.

### 13.3. Heritage Zone 2 – Market Square (HCD2)

**13.3.1.** The **use** of any **lot** or **building** in the HCD2 Zone must comply with the provisions of Table 13.3.1.

Table 13.3.1. – HCD2 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Minimum <b>height</b>	See subclause 13.3.2.1.
4. Maximum <b>height</b> (metres)	See subclause 13.3.2.1.
5. Minimum <b>front setback</b> (metres)	Average of the existing <b>front setback</b> of immediately adjacent <b>buildings</b> fronting on the same <b>street</b>
6. Minimum <b>rear setback</b> (metres)	0.0
7. Minimum <b>exterior setback</b> (metres)	0.0
8. Minimum <b>interior setback</b> (metres)	0.0
9. Minimum <b>landscaped open space</b>	0.0
10. Minimum <b>lot coverage</b>	50%
11. Maximum <b>lot coverage</b>	100%
12. Maximum number of <b>dwelling units per lot</b>	123 <b>dwelling units</b> per net hectare

#### Additional Provisions for Lots Zoned HCD2

**13.3.2.** In addition to the provisions of Table 13.3.1., **uses** in the HCD2 Zone must comply with the following provisions:

**1. Height** provisions:

- (a)** The **height** of **buildings** that existed as of the date of passing of this By-law must not be increased;

- (b) The maximum **height** of any new **building** replacing a **building** that existed as of the date of passing of this By-law is equal to the **height** of the **building** that existed as of the date of passing of this By-law;
  - (c) The maximum **height** of any new **building** on a **lot** that was vacant as of the date of passing of this By-law is equal to the **height** of the highest **building** located within the same **block** and zoned HCD2;
  - (d) For **buildings** located on **corner lots**, the top of the highest projection along the **main wall** must not exceed 0.5 metres above the **height** of the highest **building** or the **height** of the highest parapet on a **building** located in the same **block** and zoned HCD2;
  - (e) For **buildings** located on **interior lots**, the top of the highest projection along the **main wall** must not exceed 0.5 metres above the higher parapet line of the two adjacent **buildings**;
  - (f) For **buildings** with a **flat roof**, the roof line must be lower than the parapet;
  - (g) The tower on the property municipally known as 200 Ontario Street is not defined as a parapet or a roof; and
  - (h) The minimum **height** of any new **building** replacing a building that existed as of the date of passing of this By-law is equal to the **height** of the **building** that existed as of the date of passing of this By-law.
2. Notwithstanding the provisions of Section 7 of this By-law:
- (a) No **loading spaces** are required; and
  - (b) **Parking spaces** are not permitted in the **front yard** of any **building**.
3. Any **building** erected on or before September 10, 1996 and located in the HCD2 Zone may be **converted** in such a manner as to contain one or more **dwelling units** subject to the provisions of the HCD2 Zone, provided that:
- (a) All **dwelling units** must be located at or above the second **storey**;
  - (b) Expansion or enlargement of the external walls or roof of the existing **building** is not permitted;
  - (c) Provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply;

- (d) **Drive-throughs** are prohibited; and
- (e) The maximum **gross floor area** of a **grocery store** is 275.0 square metres.

#### Ground Floor Commercial Uses

- 4. **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3 of this By-Law.
- 5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted uses, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

### 13.4. Heritage Zone 3 – Old Sydenham (HCD3)

**13.4.1.** The **use** of any **lot** or **building** in the HCD3 Zone must comply with the provisions of Table 13.4.1.

Table 13.4.1. – HCD3 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	370.0
2. Minimum <b>lot frontage</b> (metres)	10.0
3. Maximum <b>height</b>	(a) <b>flat roof</b> : lesser of 9.0 metres or 3 <b>storeys</b> (b) all other: lesser of 10.7 metres or 3 <b>storeys</b>
4. Minimum <b>front setback</b> (metres)	(a) Where 2 adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : the lesser of 3.5 metres or the average <b>front setbacks</b> of adjacent <b>buildings</b> (b) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 3.5 metres or the average of 3.5 metres and the <b>front setback</b> of adjacent <b>building</b> (c) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 3.5 metres (d) Notwithstanding (a), (b) and (c), where a <b>building</b> existed as of the date of passing of this By-law and the <b>front setback</b> is less than required, the minimum <b>front setback</b> is the existing <b>front setback</b>
5. Minimum <b>rear setback</b> (metres)	(a) <b>residential buildings</b> : — (b) <b>non-residential buildings</b> : equal to the <b>height</b> of the <b>rear wall</b>
6. Minimum <b>exterior setback</b> (metres)	(a) Where 1 adjacent <b>building</b> has a <b>front lot line</b> on the same <b>street</b> : the lesser of 3.5 metres or the average of 3.5 metres and the <b>front setback</b> of adjacent <b>building</b> (b) Where no adjacent <b>buildings</b> have a <b>front lot line</b> on the same <b>street</b> : 3.5 metres (c) Notwithstanding (a) and (b), where a <b>building</b> existed as of the date of passing of this By-law and the <b>exterior setback</b> is less than required, the minimum <b>exterior setback</b> is the existing <b>exterior setback</b>

Zoning Provision	all permitted uses
7. Minimum <b>interior setback</b> (metres)	(a) <b>semi-detached house, townhouse</b> : 3.5, except where a common party wall is located along a <b>lot line</b> , then 0 metres (b) <b>other residential buildings</b> where there are openings in the <b>main wall</b> facing the <b>interior lot line</b> : 1.2 (c) <b>other residential buildings</b> where there are no openings in the <b>main wall</b> facing the <b>interior lot line</b> : 0.6 (d) <b>non-residential buildings</b> : 3.0 metres plus 0.3 metres for each additional 0.6 metres in <b>height</b> above 4.6 metres
8. Minimum <b>landscaped open space</b>	30%
9. Maximum number of <b>principal buildings</b> per lot	(a) <b>residential buildings</b> : 1.0 (b) <b>non-residential buildings</b> : —
10. Maximum number of <b>principal dwelling units</b> per lot	(a) <b>residential buildings</b> : 6.0 (b) <b>non-residential buildings</b> : —
12. Maximum <b>building depth</b> (metres)	(a) <b>residential buildings</b> : 18.0 (b) <b>non-residential buildings</b> : — (c) Notwithstanding (a), the <b>rear wall</b> of the <b>principal building</b> must not be closer than 7.5 metres to the <b>rear lot line</b>

### Additional Provisions for Lots Zoned HCD3

**13.4.2.** In addition to the provisions of Table 13.4.1., **uses** in the HCD3 Zone must comply with the following provisions:

- 1.** Dormers are permitted on a roof that is not a **flat roof**, provided that:
  - (a)** The front wall of the dormer is **setback** a minimum of 0.4 metres from the **main wall**;
  - (b)** The side wall of the dormer is **setback** a minimum of 1.0 metre from the edge of the roof on which it is located; and

- (c) The maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located;
- 2. Notwithstanding the provisions of Clause 4.1.2., the minimum **setback** for **accessory buildings** in a **yard** adjacent to Lily Lane is 2.0 metres; and
- 3. Notwithstanding the provisions of Paragraph 5.4.6.4.(a) and Subclause 5.4.6.9., **accessory buildings** in a **yard** adjacent to Lily Lane are not permitted to be **used** as a detached **additional residential unit**.



## Section 14: Institutional Zones

### 14.1. All Institutional Zones

**14.1.1.** For the purposes of this By-law, Institutional Zones include Institutional – Minor Zone (IN1), Institutional – Major Zone (IN2), Correctional Facility Zone (G1) and Military Installation Zone (G2).

**14.1.2.** **Uses** permitted in Institutional Zones are limited to the **uses** identified in Table 14.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 14.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

**14.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 14.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the lot.

Table 14.1.2. - Permitted Uses in the Institutional Zones

Use	IN1	IN2	G1	G2
Residential dwelling unit in a mixed use building	● <sup>1</sup>	●	● <sup>1</sup>	● <sup>1</sup>
Other animal care	●	—	—	●
banquet hall	●	●	●	●
cemetery	●	—	—	●
community centre	●	●	●	●
correctional college	—	—	●	—
correctional institution	—	—	●	—
day care centre	● <sup>1</sup>	● <sup>1</sup>	● <sup>1</sup>	● <sup>1</sup>
hospital	—	●	—	●
institutional use	●	●	—	—
laboratory	—	●	—	—

Use	IN1	IN2	G1	G2
library	●	●	●	●
military installation	—	—	—	●
museum	●	●	●	●
place of worship	●	●	●	●
post-secondary institution	—	●	—	●
recreational facility	●	●	—	●
restaurant	—	—	—	●
retail store	—	—	—	●
secondary school	●	●	●	●
special needs facility	●	●	●	●
wellness clinic	●	—	—	●

## 14.2. Institutional – Minor Zone (IN1)

**14.2.1.** The **use** of any **lot** or **building** in the IN1 Zone must comply with the provisions of Table 14.2.1.

Table 14.2.1. – IN1 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	—
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	23.0
4. Minimum <b>front setback</b> (metres)	6.1
5. Minimum <b>rear setback</b> (metres)	a) Where the <b>rear lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 7.5 b) Where the <b>rear lot line</b> abuts a lot in all other Zones: 10.5
6. Minimum <b>exterior setback</b> (metres)	7.6
7. Minimum <b>interior setback</b> (metres)	a) Where the <b>interior lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the <b>interior lot line</b> abuts a lot in all other Zones: 6.1
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	1.0

### 14.3. Institutional – Major Zone (IN2)

**14.3.1.** The **use** of any **lot** or **building** in the IN2 Zone must comply with the provisions of Table 14.3.1.

Table 14.3.1. – IN2 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	—
4. Minimum <b>front setback</b> (metres)	0 <sup>2,3</sup>
5. Minimum <b>rear setback</b> (metres)	(a) For <b>lots</b> with a <b>lot depth</b> less than 30.0 metres: 25% of the <b>lot depth</b> (b) For all other <b>lots</b> : 7.5 <sup>2,3</sup>
6. Minimum <b>exterior setback</b> (metres)	50% of the <b>height</b> of the <b>building</b> to a maximum of 23.0 metres <sup>1,2,3</sup>
7. Minimum <b>interior setback</b> (metres)	23.0 metres <sup>1,2,3</sup>
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	—
11. Maximum <b>density</b> of housing owned by a <b>post-secondary institution</b> or medical institution	519 <b>habitation units</b> per net hectare

#### Additional Provisions for Lots Zoned IN2

**14.3.2.** In addition to the provisions of Table 14.3.1., **uses** in the IN2 Zone must comply with the following provisions:

- 1.** Aggregate **interior setback** and **exterior setback**: 61.0 metres, of which the **interior setback** or **exterior setback** is a minimum of 23.0 metres;
- 2.** For **buildings** adjacent to Collingwood Street (between Queen’s Crescent and Union Street), Union Street (between Collingwood Street and Alfred Street),

Alfred Street (between Union Street and Johnson Street), Johnson Street (between Alfred Street and Barrie Street), or Barrie Street (between Johnson Street and Clergy Street), all minimum **setbacks** are required to equal 1.5 times the **height** of the **building**; and

3. For **buildings** adjacent to Barrie Street (between Clergy Street and King Street), King Street (between Barrie Street and Collingwood Street), and Collingwood Street (between King Street and Queen's Crescent), all minimum **setbacks** are 7.5 metres.

## 14.4. Correctional Facility Zone (G1)

**14.4.1.** The **use** of any **lot** or **building** in the G1 Zone must comply with the provisions of Table 14.4.1.

Table 14.4.1. – G1 Provisions

<b>Zoning Provision</b>	<b>dwelling unit in a mixed use building</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	2,050.0	—
2. Minimum <b>lot frontage</b> (metres)	30.0	30.0
3. Maximum <b>height</b> (metres)	12.0	12.0
4. Minimum <b>front setback</b> (metres)	6.1	6.1
5. Minimum <b>rear setback</b> (metres)	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	6.1	6.1
7. Minimum <b>interior setback</b> (metres)	a) Where the <b>interior lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the <b>interior lot line</b> abuts a lot in all other Zones: 7.6	a) Where the <b>interior lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the <b>interior lot line</b> abuts a lot in all other Zones: 7.6
8. Minimum <b>landscaped open space</b>	30%	30%
9. Maximum <b>lot coverage</b>	—	—
10. Maximum number of <b>dwelling units per lot</b>	1.0	1.0

## 14.5. Military Installation Zone (G2)

**14.5.1.** The **use** of any **lot** or **building** in the G2 Zone must comply with the provisions of Table 14.5.1.

Table 14.5.1. – G2 Provisions

<b>Zoning Provision</b>	<b>dwelling unit in a mixed use building</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	2,050.0	8,000.0
2. Minimum <b>lot frontage</b> (metres)	30.0	90.0
3. Maximum <b>height</b> (metres)	12.0	23.0
4. Minimum <b>front setback</b> (metres)	7.5	7.5
5. Minimum <b>rear setback</b> (metres)	a) Where the <b>rear lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 7.5 b) Where the <b>rear lot line</b> abuts a lot in all other Zones: 10.5	a) Where the <b>rear lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 7.5 b) Where the <b>rear lot line</b> abuts a lot in all other Zones: 10.5
6. Minimum <b>exterior setback</b> (metres)	7.5	7.5
7. Minimum <b>interior setback</b> (metres)	a) Where the <b>interior lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the <b>interior lot line</b> abuts a lot in all other Zones: 9.0	a) Where the <b>interior lot line</b> abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the <b>interior lot line</b> abuts a lot in all other Zones: 9.0
8. Minimum <b>landscaped open space</b>	30%	30%
9. Maximum <b>lot coverage</b>	—	—

## Section 15: Commercial Zones

### 15.1. All Commercial Zones

**15.1.1.** For the purposes of this By-law, Commercial Zones include Neighbourhood Commercial Zone (CN), Mainstreet Commercial Zone 1 (CM1), Mainstreet Commercial Zone 2 (CM2), Arterial Commercial Zone (CA), District Commercial Zone (CD), Regional Commercial Zone (CR), General Commercial Zone (CG), Marine Commercial Zone (CW), Central Downtown Zone 1 (DT1), Central Downtown Zone 2 (DT2) and Harbour Zone (HB).

**15.1.2.** **Uses** permitted in Commercial Zones are limited to the **uses** identified in Table 15.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 15.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

**15.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 15.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the **lot** and must be located on or above the second **storey**.
2. Is permitted only as an **accessory use** to a **principal use** on the **lot**.

**Table 15.1.2. - Permitted Uses in the Commercial Zones**

Use	CN	CM1, CM2	CA	CD	CR	CG	CW	DT1, DT2	HB
Residential apartment building	—	●	—	—	—	—	—	●	—
dwelling unit in a mixed use building	●	●	—	—	—	●	—	●	—
stacked townhouse	—	●	—	—	—	—	—	—	—
townhouse	—	●	—	—	—	—	—	—	—
Other agricultural sales establishment	—	—	●	—	—	—	—	—	—



Use	CN	CM1, CM2	CA	CD	CR	CG	CW	DT1, DT2	HB
animal care	—	—	●	●	—	●	—	●	—
automobile sales establishment	—	—	●	—	—	●	—	●	—
banquet hall	—	●	●	●	●	●	—	●	—
building supply store	—	—	●	—	●	—	—	●	—
carwash	—	—	—	—	—	●	—	—	—
commercial parking lot	—	—	—	●	●	●	—	●	—
community centre	●	●	●	●	●	●	●	●	—
club	—	●	●	●	●	●	—	●	—
creativity centre	●	●	●	●	●	●	—	●	—
day care centre	● <sup>2</sup>	●	● <sup>2</sup>	● <sup>2</sup>	● <sup>2</sup>	● <sup>2</sup>	—	●	—
department store	—	—	—	●	●	—	—	●	—
entertainment establishment	—	●	●	●	●	—	—	●	—
ferry terminal	—	—	—	—	—	—	—	—	●
financial institution	—	●	●	●	●	●	—	●	—
fitness centre	—	●	●	●	●	●	—	●	—
gas station	—	—	●	●	●	●	—	●	—
grocery store	●	●	●	●	●	●	—	●	—
funeral establishment	—	●	●	—	—	●	—	●	—
garden centre	—	—	●	●	●	—	—	—	—
hotel	—	●	●	—	—	—	●	●	—
institutional use	—	—	—	—	—	●	—	—	—
laboratory	—	●	—	—	—	—	—	—	—
laundry store	●	●	●	●	●	●	—	●	—
library	●	●	●	●	●	●	●	●	—
marina	—	—	—	—	—	—	●	—	●
museum	●	●	●	●	●	●	●	●	—

Use	CN	CM1, CM2	CA	CD	CR	CG	CW	DT1, DT2	HB
office	●	●	● <sup>1</sup>	●	●	●	—	●	—
outdoor storage	—	—	—	—	—	—	● <sup>1</sup>	—	—
personal service shop	●	●	●	●	●	●	—	●	—
place of worship	●	●	●	●	●	●	●	●	—
public market	—	—	—	—	—	—	—	—	—
recreation facility	—	●	●	●	●	●	—	●	—
recreational vehicle sales establishment	—	—	●	—	—	●	—	—	—
repair shop	—	—	●	—	—	●	●	●	—
restaurant	●	●	●	●	—	●	●	●	●
retail store	●	●	●	●	●	●	●	●	●
secondary school	—	—	●	—	—	—	—	—	—
special needs facility	—	●	●	●	—	●	—	—	—
training facility	—	—	—	●	●	●	—	●	—
transportation depot	—	—	—	—	—	—	—	●	—
transportation terminal	—	—	—	—	—	—	—	●	—
wellness clinic	●	●	●	●	●	●	—	●	—
wholesale establishment	—	—	●	—	—	—	—	—	—

## 15.2. Neighbourhood Commercial Zone (CN)

**15.2.1.** The **use** of any **lot** or **building** in the CN Zone must comply with the provisions of Table 15.2.1.

Table 15.2.1. – CN Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	—
2. Minimum <b>lot frontage</b> (metres)	—
3. Maximum <b>height</b> (metres)	12.0
4. Minimum <b>front setback</b> (metres)	—
5. Minimum <b>rear setback</b> (metres)	6.0
6. Minimum <b>exterior setback</b> (metres)	1.8
7. Minimum <b>interior setback</b> (metres)	0.0
8. Minimum <b>landscaped open space</b>	10%
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	—

### Additional Provisions for Lots Zoned CN

**15.2.2.** In addition to the provisions of Table 15.2.1., **uses** in the CN Zone must comply with the following provisions:

1. The maximum permitted gross floor area of a fitness centre, financial institution, laundry store, personal service shop, repair shop, retail store, restaurant or grocery store is 185.0 square metres; and
2. The maximum permitted **gross floor area** of a **building** containing more than one commercial use is 929.3 square metres.

### 15.3. Mainstreet Commercial Zone 1 (CM1)

**15.3.1.** Notwithstanding the definitions of **front lot line** and **rear lot line**, in the CM1 Zone:

1. Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
2. Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the CM1, CM2 or other Commercial Zone are considered a **rear lot line**.

**15.3.2.** The **use** of any **lot** or **building** in the CM1 Zone must comply with the provisions of Table 15.3.1.

**Table 15.3.1. – CM1 Provisions**

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	—
2. Minimum <b>lot frontage</b> (metres)	—
3. Maximum <b>height</b> (metres)	The lesser of: (a) 20 metres (b) 6 storeys
4. Minimum and maximum <b>front setback</b> (metres)	(a) <b>front lot line</b> on Princess Street, Division Street, Concession Street or Bath Road: (i) <b>first storey</b> : minimum 3.0 metres, maximum 5.0 metres (ii) <b>storeys 2 to 4</b> : minimum 2.0 metres, maximum 5.0 metres (b) <b>front lot line</b> on all other streets: (i) <b>storeys 1 to 4</b> : minimum 2.0 metres, maximum 5.0 metres
5. Minimum <b>rear setback</b> (metres)	8.0
6. Minimum <b>exterior setback</b> (metres)	(a) <b>exterior lot line</b> on Division Street, Concession Street or Bath Road: (i) <b>first storey</b> : minimum 3.0 metres, maximum 5.0 metres

Zoning Provision	all permitted uses
	(ii) <b>storeys 2 to 4</b> : minimum 2.0 metres, maximum 5.0 metres (b) <b>exterior lot line</b> on all other streets: (i) <b>storeys 1 to 4</b> : minimum 2.0 metres, maximum 5.0 metres
7. Minimum <b>interior setback</b> (metres)	(a) where a <b>lot</b> has <b>front lot line</b> on Princess Street: 0.0 metres (b) all other <b>lots</b> : 1.2 metres
8. Minimum and maximum <b>stepbacks</b>	(a) <b>Front lot line</b> and/or <b>exterior lot line</b> : (i) <b>storey 5 to 6</b> : minimum 2.0 metres from the exterior wall of the 4 <sup>th</sup> storey
9. Minimum <b>landscaped open space</b>	—
10. Maximum <b>lot coverage</b>	70%
11. Maximum residential <b>density</b>	210 dwelling units per net hectare
12. Minimum <b>streetwall height</b> for all <b>buildings</b>	10.5 metres
13. Minimum floor to floor <b>height of first storey</b>	4.5 metres

### Additional Provisions for Lots Zoned CM1

**15.3.3.** In addition to the provisions of Table 15.3.1., **uses** in the CM1 Zone must comply with the following provisions:

#### Front Setback of Streetwall

- 1.** A minimum of 75% of the **streetwall** of a **building** must be built to the minimum required **front setback** for the **height** of the **streetwall**.

### Projecting Balconies

2. **Balconies** that project from the exterior wall of a **building** are only permitted above the fourth **storey** where the exterior wall faces a **street line**, and may only project to a maximum depth of 1.5 metres from the wall.
3. **Balconies** that project from the exterior wall of a **building** are only permitted above the second **storey** where the exterior wall faces a **lot line** that is not a **street line**, and may only project to a maximum depth of 2.0 metres from the wall.

### Ground Floor Commercial Uses

4. **Buildings** fronting on Princess Street are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3 of this By-Law.
5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

### Loading and Parking

6. **Loading spaces, parking spaces and parking lots** are not permitted in a **front yard** or **exterior yard**.

## 15.4. Mainstreet Commercial Zone 2 (CM2)

15.4.1. For the purpose of the CM2 Zone, the following definitions apply:

1. **Podium** means the base component of any **building** that is no greater than 20 meters in **height** (excluding mechanical penthouses) and only includes the **first storey** through sixth **storeys** of such **building**.
2. **Tower** means any portion of any **building** that is greater than 20 metres in **height**, excluding a **podium**, below grade building components and mechanical penthouses.

15.4.2. Notwithstanding the definitions of **front lot line** and **rear lot line**, in the CM2 Zone:

1. Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
2. Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the CM1, CM2 or other Commercial Zone are considered a **rear lot line**.

15.4.3. The **use** of any **lot** or **building** in the CM2 Zone must comply with the provisions of Table 15.4.1.

Table 15.4.1. – CM2 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	—
2. Minimum <b>lot frontage</b> (metres)	—
3. Maximum <b>height</b> (metres)	The lesser of: (a) 61.5 metres (b) 20 storeys
4. Minimum and maximum <b>front setback</b> (metres)	(a) <b>front lot line</b> on Princess Street, Division Street, Concession Street or Bath Road: (i) <b>first storey</b> : minimum 3.0 metres, maximum 5.0 metres (ii) <b>storeys 2 to 4</b> : minimum 2.0 metres, maximum 5.0 metres (b) <b>front lot line</b> on all other streets:

<b>Zoning Provision</b>	<b>all permitted uses</b>
	(i) <b>storeys 1 to 4:</b> minimum 2.0 metres, maximum 5.0 metres
5. Minimum <b>rear setback</b> (metres)	8.0
6. Minimum <b>exterior setback</b> (metres)	(a) <b>exterior lot line</b> on Division Street, Concession Street or Bath Road: (i) <b>first storey:</b> minimum 3.0 metres, maximum 5.0 metres (ii) <b>storeys 2 to 4:</b> minimum 2.0 metres, maximum 5.0 metres (b) <b>exterior lot line</b> on all other streets: (i) <b>storeys 1 to 4:</b> minimum 2.0 metres, maximum 5.0 metres
7. Minimum <b>interior setback</b> (metres)	(a) where a <b>lot</b> has <b>front lot line</b> on Princess Street: 0.0 metres (b) all other <b>lots:</b> 1.2 metres
8. Minimum and maximum <b>stepbacks</b>	(a) <b>Front lot line</b> and/or <b>exterior lot line:</b> (i) <b>storey 5 to 6:</b> minimum 2.0 metres from the exterior wall of the 4 <sup>th</sup> storey
9. Minimum <b>landscaped open space</b>	—
10. Maximum <b>lot coverage</b>	70%
11. Maximum residential <b>density</b>	(a) where a tower is <b>developed:</b> 480 dwelling units per net hectare (b) all other <b>lots:</b> 210 dwelling units per net hectare
12. Minimum <b>streetwall height</b> for all <b>buildings</b>	10.5 metres
13. Minimum floor to floor <b>height of first storey</b>	4.5 metres

#### **Additional Provisions for Lots Zoned CM2**

**15.4.4.** In addition to the provisions of Table 15.4.1., **uses** in the CM2 Zone must comply with the following provisions:



### Front Setback of Streetwall

1. A minimum of 75% of the **streetwall** of a **building** must be built to the minimum required **front setback** for the **height** of the **streetwall**.

### Projecting Balconies

2. **Balconies** that project from the exterior wall of a **building** are only permitted above the fourth **storey** where the exterior wall faces a **street line**, and may only project to a maximum depth of 1.5 metres from the wall.
3. **Balconies** that project from the exterior wall of a **building** are only permitted above the second **storey** where the exterior wall faces a **lot line** that is not a **street line**, and may only project to a maximum depth of 2.0 metres from the wall.

### Ground Floor Commercial Uses

4. **Buildings** fronting on Princess Street are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3 of this By-Law.
5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted uses, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

### Tower Conditions

6. The maximum floor plate of a **tower** is 790 square metres. **Tower** floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components.
7. The minimum **separation distance** between a **tower** and another **tower** is 25.0 metres.
8. The minimum **setback** from a **tower** to a **lot line** shared with an adjacent property is 12.5 metres.

9. Notwithstanding Subclause 8., where an adjacent property has already been developed with a **tower**, the **tower** is permitted to be located closer than 12.5 metres to the **lot line** shared with that adjacent property so long as the 25.0 metre **tower separation distance** is maintained.
10. The minimum **setback** from a **tower** to the exterior wall of the podium is 2.0 metres.

#### Loading and Parking

11. **Loading spaces, parking spaces and parking lots** are not permitted in a **front yard** or **exterior yard**.

## 15.5. Arterial Commercial Zone (CA)

**15.5.1.** The **use** of any **lot** or **building** in the CA Zone must comply with the provisions of Table 15.5.1.

Table 15.5.1. – CA Provisions

Zoning Provision	dwelling unit in a mixed use building	all other permitted uses
1. Minimum <b>lot area</b> (square metres)	1393.0	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0	0.0
3. Maximum <b>height</b> (metres)	13.7	13.7
4. Minimum <b>front setback</b> (metres)	3.0	3.0
5. Minimum <b>rear setback</b> (metres)	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	3.1	3.1
7. Minimum <b>interior setback</b> (metres)	0.0 <sup>1</sup>	0.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	20%	20%
9. Maximum <b>lot coverage</b>	—	—
10. Maximum number of <b>dwelling units per lot</b>	1.0	—

### Additional Provisions for Lots Zoned CA

**15.5.2.** In addition to the provisions of Table 15.5.1., **uses** in the CA Zone must comply with the following provisions:

1. Minimum **interior setback** where **interior lot line** abuts a Zone other than a Commercial Zone or Institutional Zone: 6.0 metres; and
2. Where a **parking lot** is adjacent to a sidewalk or **walkway**, a minimum 3.0 metre wide **planting strip** must be provided between such **parking lot** and sidewalk or **walkway**.

## 15.6. District Commercial Zone (CD)

**15.6.1.** The **use** of any **lot** or **building** in the CD Zone must comply with the provisions of Table 15.6.1.

Table 15.6.1. – CD Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	60.0
3. Maximum <b>height</b> (metres)	The lesser of: (a) 10.7 metres (b) one <b>storey</b>
4. Minimum <b>front setback</b> (metres)	3.0
5. Minimum <b>rear setback</b> (metres)	15.0
6. Minimum <b>exterior setback</b> (metres)	3.0
7. Minimum <b>interior setback</b> (metres)	0.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	10%
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units</b> per lot	—

### Additional Provisions for Lots Zoned CD

**15.6.2.** In addition to the provisions of Table 15.6.1., **uses** in the CD Zone must comply with the following provisions:

1. Minimum **interior setback** where the **interior lot line** abuts any Zone other than a Commercial Zone: 15.0 metres; and
2. **Outdoor storage** is prohibited.

## 15.7. Regional Commercial Zone (CR)

**15.7.1.** The **use** of any **lot** or **building** in the CR Zone must comply with the provisions of Table 15.7.1.

Table 15.7.1. – CR Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	60.0
3. Maximum <b>height</b> (metres)	—
4. Minimum <b>front setback</b> (metres)	3.0
5. Minimum <b>rear setback</b> (metres)	15.0
6. Minimum <b>exterior setback</b> (metres)	3.0
7. Minimum <b>interior setback</b> (metres)	15.0
8. Minimum <b>landscaped open space</b>	10% <sup>2</sup>
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	—

### Additional Provisions for Lots Zoned CR

**15.7.2.** In addition to the provisions of Table 15.7.1., **uses** in the CR Zone must comply with the following provisions:

- 1.** Where the **lot** is **developed** in phases, the required **landscaped open space** must be provided on a pro rata basis with the **construction** of **gross leasable area**; and
- 2.** No **outdoor storage** is permitted, except for the sole purpose of a **garden centre**.

## 15.8. General Commercial Zone (CG)

**15.8.1.** The **use** of any **lot** or **building** in the CG Zone must comply with the provisions of Table 15.8.1.

Table 15.8.1. – CG Provisions

Zoning Provision	dwelling unit in a mixed use building	gas station	all other permitted uses
1. Minimum <b>lot area</b> (square metres)	1,393.6	1,161.2	464.5
2. Minimum <b>lot frontage</b> (metres)	30.0	30.0	30.0
3. Maximum <b>height</b> (metres)	10.7	10.7	10.7
4. Minimum <b>front setback</b> (metres)	3.1	3.1	3.1
5. Minimum <b>rear setback</b> (metres)	7.5	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	3.1	15.2	3.1
7. Minimum <b>interior setback</b> (metres)	0.0 <sup>1</sup>	9.1	0.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	10%	5%	10%
9. Maximum <b>lot coverage</b>	—	20%	—
10. Maximum number of <b>dwelling units per lot</b>	1.0	—	—

### Additional Provisions for Lots Zoned CG

**15.8.2.** In addition to the provisions of Table 15.8.1., **uses** in the CG Zone must comply with the following provisions:

1. Minimum **interior setback** where abutting any Zone other than a Commercial Zone or an Institutional Zone: 3.1 metres;
2. Maximum permitted **gross leasable area** of a building containing more than one commercial use is 2,000.0 square metres, not including any floor area which is exclusively devoted to institutional, **office** or **residential use**; and
3. **Outdoor storage** is prohibited.

## 15.9. Marine Commercial Zone (CW)

**15.9.1.** The **use** of any **lot** or **building** in the CW Zone must comply with the provisions of Table 15.9.1.

Table 15.9.1. – CW Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	560.0
2. Minimum <b>lot frontage</b> (metres)	23.0
3. Maximum <b>height</b> (metres)	10.7
4. Minimum <b>front setback</b> (metres)	3.0
5. Minimum <b>rear setback</b> (metres)	15.0
6. Minimum <b>exterior setback</b> (metres)	3.0
7. Minimum <b>interior setback</b> (metres)	0.0 <sup>3</sup>
8. Minimum <b>landscaped open space</b>	10%
9. Maximum <b>lot coverage</b>	40%

### Additional Provisions for Lots Zoned CW

**15.9.2.** In addition to the provisions of Table 15.9.1., **uses** in the CW Zone must comply with the following provisions:

1. Minimum **interior setback** where **interior lot line** abuts a Zone other than a Commercial Zone: 9.0 metres; and
2. **Outdoor storage** is only permitted in the **rear yard**, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**.

## 15.10. Central Downtown Zone 1 (DT1)

**15.10.1.** The **use** of any **lot** or **building** in the DT1 Zone must comply with the provisions of Table 15.10.1.

Table 15.10.1. – DT1 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Minimum <b>height</b>	2 <b>storeys</b> , not less than 8.5 metres
4. Maximum <b>height</b> (metres)	(a) <b>Height at build-to-plane: 4 storeys</b> , not to exceed 17.0 metres (b) <b>Height under angular plane: 6 storeys</b> , not to exceed 25.5 metres
5. Minimum <b>front setback</b> (metres)	See subclause 15.10.2.1.
6. Minimum <b>rear setback</b> (metres)	See subclause 15.10.2.2.
7. Minimum <b>exterior setback</b> (metres)	0.0
8. Minimum <b>interior setback</b> (metres)	See subclause 15.10.2.2.
9. Minimum <b>landscaped open space</b>	—
10. Minimum <b>lot coverage</b>	50%
11. Maximum <b>lot coverage</b>	100%
12. Maximum number of <b>dwelling units per lot</b>	123 <b>dwelling units</b> per net hectare
13. Applicable <b>angular plane</b>	39 degrees
14. <b>Height</b> for commencement of <b>angular plane</b>	17.0

### Additional Provisions for Lots Zoned DT1

**15.10.2.** In addition to the provisions of Table 15.10.1., **uses** in the DT1 Zone must comply with the following provisions:



1. The minimum **front setback** and **build-to-plane** is the average of the existing **front setback** of immediately adjacent **buildings** fronting on the same **street**, subject to the following provisions:
  - (a) Where immediately adjacent **buildings** have different **front setbacks**, the **front setback** must be the same as the immediately adjacent **building** closest to the **street line**; and
  - (b) Where no adjacent **buildings** exist within the same **block**, fronting on the same **street**, the **front setback** and **build-to-plane** is at the **street line**;
2. The required minimum **interior setback** and **rear setback** is 0.0 metres, except where the **interior lot line** or **rear lot line** abuts a **lot** in an Urban Residential Zone, HCD1 Zone or HCD3 Zone, the minimum **interior setback** or **rear setback** is increased to half the **height** of the **building** or 6.0 metres, whichever is greater;
3. **Conversion** of commercial **buildings** existing as of the date of passing of this By-law for **residential use** is permitted, subject to compliance with all provisions of this By-law except provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply
4. **Commercial parking lot, parking spaces** and **parking lots** are only permitted in the **interior yard** or **rear yard**;
5. Notwithstanding Clause 4.23.1., the minimum **setback** from the **high water mark** of a **waterbody** for any **use** or **building** is 10.0 metres;
6. Minimum width of a waterfront **walkway**: 10.0 metres;
7. All waterfront **walkways** must be designed so that they are open from the ground to the sky and not covered by any component of any **building**;
8. For **parking structures**, the following provisions do not apply:
  - (a) The **build-to-plane** provisions;
  - (b) The minimum **height** provisions; and
  - (c) The minimum **lot coverage** provisions;
9. No **loading spaces** are required;
10. **Drive-throughs** are prohibited;

## Ground Floor Commercial Uses

- 11.** **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3 of this By-Law.
- 12.** Where ground floor commercial **uses** are required by Subclause 12., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted uses, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

## 15.11. Central Downtown Zone 2 (DT2)

**15.11.1.** The **use** of any **lot** or **building** in the DT2 Zone must comply with the provisions of Table 15.11.1.

Table 15.11.1. – DT2 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Minimum <b>height</b>	2 <b>storeys</b> , not less than 8.5 metres
4. Maximum <b>height</b> (metres)	4 <b>storeys</b> , not to exceed 17.0 metres
5. Minimum <b>front setback</b> (metres)	See subclause 15.11.2.1.
6. Minimum <b>rear setback</b> (metres)	See subclause 15.11.2.2.
7. Minimum <b>exterior setback</b> (metres)	0.0
8. Minimum <b>interior setback</b> (metres)	See subclause 15.11.2.2.
9. Minimum <b>landscaped open space</b>	—
10. Minimum <b>lot coverage</b>	50%
11. Maximum <b>lot coverage</b>	100%
12. Maximum number of <b>dwelling units per lot</b>	123 <b>dwelling units</b> per net hectare

### Additional Provisions for Lots Zoned DT2

**15.11.2.** In addition to the provisions of Table 15.11.1., **uses** in the DT2 Zone must comply with the following provisions:

- 1.** The minimum **front setback** and **build-to-plane** is the average of the existing **front setback** of immediately adjacent **buildings** fronting on the same **street**, subject to the following provisions:

- (a) Where immediately adjacent **buildings** have different **front setbacks**, the **front setback** must be the same as the immediately adjacent **building** closest to the **street line**; and
  - (b) Where no adjacent **buildings** exist within the same **block**, fronting on the same **street**, the **front setback** and **build-to-plane** is at the **street line**;
2. The required minimum **interior setback** and **rear setback** is 0.0 metres, except where the **interior lot line** or **rear lot line** abuts a **lot** in an Urban Residential Zone, HCD1 Zone or HCD3 Zone, the minimum **interior setback** or **rear setback** is increased to half the **height** of the **building** or 6.0 metres, whichever is greater;
3. **Conversion** of commercial **buildings** existing as of the date of passing of this By-law for **residential use** is permitted, subject to compliance with all provisions of this By-law except provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply
4. **Commercial parking lot, parking spaces** and **parking lots** are only permitted in the **interior yard** or **rear yard**;
5. Notwithstanding Clause 4.23.1., the minimum **setback** from the **high water mark** of a **waterbody** for any **use** or **building** is 10.0 metres;
6. Minimum width of a waterfront **walkway**: 10.0 metres;
7. All waterfront **walkways** must be designed so that they are open from the ground to the sky and not covered by any component of any **building**;
8. For **parking structures**, the following provisions do not apply:
  - (a) The **build-to-plane** provisions;
  - (b) The minimum **height** provisions; and
  - (c) The minimum **lot coverage** provisions;
9. No **loading spaces** are required;
10. **Drive-throughs** are prohibited;

## Ground Floor Commercial Uses

- 11. Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3 of this By-Law.
- 12.** Where ground floor commercial **uses** are required by Subclause 12., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted uses, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

## 15.12. Harbour Zone (HB)

**15.12.1.** The **use** of any **lot** or **building** in the HB Zone must comply with the provisions of Table 15.12.1.

Table 15.12.1. – HB Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	10.7
4. Minimum <b>front setback</b> (metres)	0.0
5. Minimum <b>rear setback</b> (metres)	0.0
6. Minimum <b>exterior setback</b> (metres)	0.0
7. Minimum <b>interior setback</b> (metres)	0.0
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	50%

### Additional Provisions for Lots Zoned HB

**15.12.2.** In addition to the provisions of Table 15.12.1., **uses** in the HB Zone must comply with the following provisions:

- 1.** No **loading spaces** are required;
- 2.** Notwithstanding Clause 4.23.1., the minimum **setback** from the **high water mark** of a **waterbody** for any **use** or **building** is 10.0 metres;
- 3.** No **outdoor storage** is permitted, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**;
- 4.** **Drive-throughs** are prohibited;

#### Ground Floor Commercial Uses

- 5.** **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as “Required Ground Floor Commercial” on Schedule 3 of this By-Law.

6. Where ground floor commercial **uses** are required by Subclause 5., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted uses, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

## Section 16: Employment Zones

### 16.1. All Employment Zones

- 16.1.1.** For the purposes of this By-law, Employment Zones include Business Park Zone (M1), General Industrial Zone (M2), Heavy Industrial Zone (M3), Employment Service Zone (M4) and Waste Management Zone (M5).
- 16.1.2.** **Uses** permitted in Employment Zones are limited to the **uses** identified in Table 16.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 16.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.
- 16.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 16.1.2., the following corresponding provisions apply:
1. Is required to operate within an enclosed **building**.
  2. Is permitted only as an **accessory use** to a **principal use** on the **lot** and is limited to a maximum **gross floor area** of 25% of the **gross floor area** of the **principal use**.
  3. Is limited only to convenience commercial uses in a **retail store**, in accordance with the complementary use policies of the Official Plan.
  4. Is permitted only as an **accessory use** to a **principal use** on the **lot**.
  5. Is permitted as a **principal use** and may occupy 100% **gross floor area** on the **lot**, in accordance with the complementary use policies of the Official Plan.

Table 16.1.2. - Permitted Uses in the Employment Zones

Use	M1	M2	M3	M4	M5
animal care	—	—	—	● <sup>5</sup>	—
animal shelter	—	—	—	●	—
automobile body shop	—	●	●	—	—
automobile repair shop	—	●	●	—	—



Use	M1	M2	M3	M4	M5
banquet hall	—	—	—	● <sup>5</sup>	—
call centre	●	—	—	● <sup>1</sup>	—
catering service	●	●	—	● <sup>1</sup>	—
contractor's yard	● <sup>1</sup>	—	—	● <sup>1</sup>	—
day care centre	—	—	—	● <sup>5</sup>	—
feedmill	—	●	—	—	—
financial institution	—	—	—	● <sup>5</sup>	—
fitness centre	—	—	—	● <sup>5</sup>	—
heavy equipment or truck repair shop	—	●	●	—	—
heavy industrial uses	—	—	●	—	—
hotel	—	—	—	● <sup>5</sup>	—
industrial repair shop	—	●	●	—	—
kennel	—	—	—	●	—
laboratory	●	—	—	● <sup>1</sup>	—
light industrial use	● <sup>1</sup>	●	●	● <sup>1</sup>	—
office	●	—	—	● <sup>1</sup>	—
outdoor storage	● <sup>4</sup>	● <sup>4</sup>	● <sup>4</sup>	—	●
personal service shop	—	—	—	● <sup>5</sup>	—
place of worship	—	—	—	● <sup>5</sup>	—
production studio	●	—	—	● <sup>1</sup>	—
recreational facility	—	—	—	● <sup>5</sup>	—
repair shop	● <sup>1</sup>	●	●	● <sup>1</sup>	—
research establishment	●	—	—	● <sup>1</sup>	—
restaurant	—	—	—	● <sup>5</sup>	—
retail store	● <sup>2</sup>	● <sup>2</sup>	● <sup>2</sup>	● <sup>3</sup>	● <sup>2</sup>
salvage yard	—	—	—	—	●
self-service storage facility	—	●	●	—	—

Use	M1	M2	M3	M4	M5
technology industry	● <sup>1</sup>	●	—	● <sup>1</sup>	—
towing compound	—	●	●	—	●
training facility	● <sup>1</sup>	—	—	● <sup>1</sup>	—
transportation depot	● <sup>1</sup>	●	●	● <sup>1</sup>	—
warehouse	● <sup>1</sup>	●	●	● <sup>1</sup>	—
waste disposal area	—	—	—	—	●
waste processing site	—	—	—	—	●
waste transfer station	—	—	—	—	●
wastewater treatment facility	—	—	●	—	●
water supply plant	—	—	●	—	—
wellness clinic	—	—	—	● <sup>5</sup>	—
wholesale establishment	● <sup>1</sup>	●	●	● <sup>1</sup>	—
workshop	● <sup>1</sup>	●	●	● <sup>1</sup>	—

## 16.2. Business Park Zone (M1)

**16.2.1.** The **use** of any **lot** or **building** in the M1 Zone must comply with the provisions of Table 16.2.1.

Table 16.2.1. – M1 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	25.0
3. Maximum <b>height</b> (metres)	15.0
4. Minimum <b>front setback</b> (metres)	6.0 <sup>2</sup>
5. Minimum <b>rear setback</b> (metres)	7.5 <sup>2</sup>
6. Minimum <b>exterior setback</b> (metres)	6.0 <sup>2</sup>
7. Minimum <b>interior setback</b> (metres)	6.0 <sup>2</sup>
8. Minimum <b>landscaped open space</b>	15%
9. Maximum <b>lot coverage</b>	—

### Additional Provisions for Lots Zoned M1

**16.2.2.** In addition to the provisions of Table 16.2.1., **uses** in the M1 Zone must comply with the following provisions:

- 1. Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in a Zone other than an Employment Zone and:
  - (a)** Must comply with the **setback** provisions as if such **use** were a **building**;
  - (b)** Must not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**;
  - (c)** Must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone; and
  - (d)** Must have an area no greater than 20% of the **lot area**;
- 2.** Where a **lot line** abuts a **lot** in any Zone other than an Employment Zone, or has a **street line** located on the opposite side of the **street** from a **lot** in a Zone other than an Employment Zone:

- (a) A minimum 3.0 metre wide **planting strip** is required adjacent to any such **lot line** or **street line** in accordance with the provisions of Subsection 4.16. of this By-law; and
  - (b) Where the **lot line** is an **interior lot line** or **rear lot line**, the minimum **setback** from the **lot line** is 15.0 metres.
- 3. All **parking lots** must be surfaced with asphalt, concrete, lockstone or a similar material approved by the City.
- 4. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

### 16.3. General Industrial Zone (M2)

**16.3.1.** The **use** of any **lot** or **building** in the M2 Zone must comply with the provisions of Table 16.3.1.

Table 16.3.1. – M2 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	21.0
3. Maximum <b>height</b> (metres)	15.0
4. Minimum <b>front setback</b> (metres)	8.0
5. Minimum <b>rear setback</b> (metres)	7.5 <sup>2</sup>
6. Minimum <b>exterior setback</b> (metres)	6.0
7. Minimum <b>interior setback</b> (metres)	6.0 <sup>2</sup>
8. Minimum <b>landscaped open space</b>	15%
9. Maximum <b>lot coverage</b>	—

#### Additional Provisions for Lots Zoned M2

**16.3.2.** In addition to the provisions of Table 16.3.1., **uses** in the M2 Zone must comply with the following provisions:

- 1. Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in a Zone other than an Employment Zone and:
  - (a)** Must comply with the **setback** provisions as if such **use** were a **building**;
  - (b)** Must not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**;
  - (c)** Must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone; and
  - (d)** Must have an area no greater than 20% of the **lot area**;
- 2.** Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 15.0 metres; and

3. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

## 16.4. Heavy Industrial Zone (M3)

**16.4.1.** The **use** of any **lot** or **building** in the M3 Zone must comply with the provisions of Table 16.4.1.

Table 16.4.1. – M3 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	25.0
3. Maximum <b>height</b> (metres)	15.0
4. Minimum <b>front setback</b> (metres)	8.0
5. Minimum <b>rear setback</b> (metres)	7.5
6. Minimum <b>exterior setback</b> (metres)	6.0
7. Minimum <b>interior setback</b> (metres)	6.0
8. Minimum <b>landscaped open space</b>	15%
9. Maximum <b>lot coverage</b>	—

### Additional Provisions for Lots Zoned M3

**16.4.2.** In addition to the provisions of Table 16.4.1., **uses** in the M3 Zone must comply with the following provisions:

- 1. Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in a Zone other than an Employment Zone and:
  - (a)** Must comply with the **setback** provisions as if such **use** were a **building**;
  - (b)** Must not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**; and
  - (c)** Must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone;
- 2.** It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

## 16.5. Employment Service Zone (M4)

**16.5.1.** The **use** of any **lot** or **building** in the M4 Zone must comply with the provisions of Table 16.5.1.

Table 16.5.1. – M4 Provisions

Zoning Provision	all other permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	25.0
3. Maximum <b>height</b> (metres)	15.0
4. Minimum <b>front setback</b> (metres)	6.0
5. Minimum <b>rear setback</b> (metres)	7.5
6. Minimum <b>exterior setback</b> (metres)	6.0
7. Minimum <b>interior setback</b> (metres)	6.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	15%
9. Maximum <b>lot coverage</b>	—

### Additional Provisions for Lots Zoned M4

**16.5.2.** In addition to the provisions of Table 16.5.1., **uses** in the M4 Zone must comply with the following provisions:

- 1.** Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 15.0 metres; and
- 2.** **Outdoor storage** is prohibited;
- 3.** All **parking lots** must be surfaced with asphalt, concrete, or lockstone or a similar material approved by the City; and
- 4.** It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.



## 16.6. Waste Management Zone (M5)

**16.6.1.** The **use** of any **lot** or **building** in the M5 Zone must comply with the provisions of Table 16.6.1.

Table 16.6.1. – M5 Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	15.0
4. Minimum <b>front setback</b> (metres)	15.0
5. Minimum <b>rear setback</b> (metres)	15.0 <sup>1</sup>
6. Minimum <b>exterior setback</b> (metres)	15.0
7. Minimum <b>interior setback</b> (metres)	15.0 <sup>1</sup>
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—

### Additional Provisions for Lots Zoned M5

**16.6.2.** In addition to the provisions of Table 16.6.1., **uses** in the M5 Zone must comply with the following provisions:

- 1.** **Outdoor storage** must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone;
- 2.** Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 30.0 metres;
- 3.** All facilities for managing solid waste must be located within an enclosed **building** and **constructed** in such a manner that the waste material is not visible from a **street** or an adjacent non-industrial property; and
- 4.** It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

## Section 17: Transportation and Utilities Zones

### 17.1. All Transportation and Utilities Zones

- 17.1.1.** For the purposes of this By-law, Transportation and Utilities Zones include Airport Zone (TA), Transportation Terminal Highway and Railway Zone (TR) and Utility Installation or Corridor Zone (TU).
- 17.1.2.** **Uses** permitted in Transportation and Utilities Zones are limited to the **uses** identified in Table 17.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 17.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.
- 17.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 17.1.2., the following corresponding provisions apply:
1. Is permitted only as an **accessory use** to a **principal use** on the lot.

Table 17.1.2. - Permitted Uses in the Transportation and Utilities Zones

Use	TA	TR	TU
agricultural use	—	—	● <sup>1</sup>
airport facilities	●	—	—
club	●	—	—
ferry terminal	—	●	—
outdoor storage	—	—	● <sup>1</sup>
personal service shop	—	● <sup>1</sup>	—
restaurant	—	● <sup>1</sup>	—
retail store	—	● <sup>1</sup>	—
transformer station	—	—	●
transportation terminal	—	●	—
water supply plant	—	—	●

## 17.2. Airport Zone (TA)

**17.2.1.** The **use** of any **lot** or **building** in the TA Zone must comply with the provisions of Table 17.2.1.

Table 17.2.1. – TA Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	15.2
4. Minimum <b>front setback</b> (metres)	21.3
5. Minimum <b>rear setback</b> (metres)	7.6
6. Minimum <b>exterior setback</b> (metres)	21.3
7. Minimum <b>interior setback</b> (metres)	3.1
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	—

### 17.3. Transportation Terminal Highway and Railway Zone (TR)

**17.3.1.** The **use** of any **lot** or **building** in the TR Zone must comply with the provisions of Table 17.3.1.

Table 17.3.1. – TR Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	18.0
4. Minimum <b>front setback</b> (metres)	7.5
5. Minimum <b>rear setback</b> (metres)	0.0 <sup>1</sup>
6. Minimum <b>exterior setback</b> (metres)	7.5
7. Minimum <b>interior setback</b> (metres)	4.5
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	—

#### Additional Provisions for Lots Zoned TR

**17.3.2.** In addition to the provisions of Table 17.3.1., **uses** in the TR Zone must comply with the following provisions:

1. Bus stations must comply with the following:
  - (a) A minimum 3.0 metre wide **planting strip** must be provided along all **lot lines**.
2. Train stations must comply with the following:
  - (a) A minimum 7.5 metre wide **planting strip** must be provided along all **lot lines**.

## 17.4. Utility Installation or Corridor Zone (TU)

**17.4.1.** The **use** of any **lot** or **building** in the TU Zone must comply with the provisions of Table 17.4.1.

Table 17.4.1. – TU Provisions

Zoning Provision	all permitted uses
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	—
4. Minimum <b>front setback</b> (metres)	7.5
5. Minimum <b>rear setback</b> (metres)	7.5
6. Minimum <b>exterior setback</b> (metres)	6.0
7. Minimum <b>interior setback</b> (metres)	6.0
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	—

### Additional Provisions for Lots Zoned TU

**17.4.2.** In addition to the provisions of Table 17.4.1., **uses** in the TU Zone must comply with the following provisions:

- 1.** A minimum 4.5 metre wide **planting strip** must be provided along all **street lines**;
- 2.** Where a **lot** abuts a **lot** in an Institutional Zone or Commercial Zone, a minimum 3.0 metre wide **planting strip** must be provided adjacent to any such **lot line**, which must have a minimum **height** of 1.5 metres for the row of trees or a continuous hedgerow of evergreens or shrubs;

3. Where a **lot** is located on the opposite side of the **street** from an Institutional Zone or Commercial Zone, a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such Zone;
4. No planting strip is required adjacent to a **lot line** that abuts an Employment Zone, Transportation and Utilities Zone, or any combination of Zones thereof;
5. A minimum 4.5 metre wide **planting strip** must be provided along all other **lot lines**, which must have a minimum **height** of 1.5 metres for the row of trees or a continuous hedgerow of evergreens or shrubs.

## Section 18: Open Space Zones

### 18.1. All Open Space Zones

- 18.1.1.** For the purposes of this By-law, Open Space Zones include Minor Open Space Zone (OS1), Major Open Space Zone (OS2) and Development Reserve Zone (DR).
- 18.1.2.** **Uses** permitted in Open Space Zones are limited to the **uses** identified in Table 18.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 18.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.
- 18.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 18.1.2., the following corresponding provisions apply:
1. Is permitted only as an **accessory use** to a **principal use** on the **lot**;
  2. Is permitted if the **principal building** lawfully existed on the **lot** as of the date of passing of this By-law; and
  3. Is permitted in the **rural area**.

Table 18.1.2. - Permitted Uses in the Open Space Zones

Use	OS1	OS2	DR
Residential dwelling unit in a mixed use building	—	● <sup>1</sup>	● <sup>2</sup>
single detached house	—	● <sup>1</sup>	● <sup>2</sup>
Other agricultural use	—	—	● <sup>3</sup>
campground	—	●	—
cemetery	—	●	—
club	—	●	—
community centre	●	●	—
elementary school	—	●	—

Use	OS1	OS2	DR
fitness centre	—	●	—
forestry use	—	●	—
golf course	—	●	—
library	●	●	—
marina	—	●	—
museum	●	●	—
office	—	● <sup>1</sup>	—
place of worship	—	—	—
recreation facility	—	●	—
secondary school	—	●	—



## 18.2. Minor Open Space Zone (OS1)

**18.2.1.** The **use** of any **lot** or **building** in the OS1 Zone must comply with the provisions of Table 18.2.1.

Table 18.2.1. – OS1 Provisions

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0
3. Maximum <b>height</b> (metres)	—
4. Minimum <b>front setback</b> (metres)	4.5
5. Minimum <b>rear setback</b> (metres)	7.5
6. Minimum <b>exterior setback</b> (metres)	4.5
7. Minimum <b>interior setback</b> (metres)	7.5
8. Minimum <b>landscaped open space</b>	—
9. Maximum <b>lot coverage</b>	—
10. Maximum number of <b>dwelling units per lot</b>	—

### 18.3. Major Open Space Zone (OS2)

**18.3.1.** The **use** of any **lot** or **building** in the OS2 Zone must comply with the provisions of Table 18.3.1.

Table 18.3.1. – OS2 Provisions

<b>Zoning Provision</b>	<b>dwelling unit in a mixed use building, single detached house</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	a) <b>Municipal Services:</b> 371.6 b) <b>Partial Services:</b> 1,393.6 c) <b>Private Services:</b> 2,043.9	0.0
2. Minimum <b>lot frontage</b> (metres)	a) <b>Municipal Services:</b> 15.2 b) <b>Partial Services:</b> 30.5 c) <b>Private Services:</b> 45.7	0.0
3. Maximum <b>height</b> (metres)	23.0	23.0
4. Minimum <b>front setback</b> (metres)	6.1	7.5
5. Minimum <b>rear setback</b> (metres)	7.5	7.5
6. Minimum <b>exterior setback</b> (metres)	6.1	7.5
7. Minimum <b>interior setback</b> (metres)	1.2	7.5
8. Minimum <b>landscaped open space</b>	30%	—
9. Maximum <b>lot coverage</b>	35%	—
10. Maximum number of <b>dwelling units per lot</b>	1.0	—

## 18.4. Development Reserve Zone (DR)

**18.4.1.** The **use** of any **lot** or **building** in the DR Zone must comply with the provisions of Table 18.4.1.

Table 18.4.1. – DR Provisions

<b>Zoning Provision</b>	<b>dwelling unit in a mixed use building, single detached house</b>	<b>all other permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	0.0	0.0
2. Minimum <b>lot frontage</b> (metres)	0.0	0.0
3. Maximum <b>height</b> (metres)	—	—
4. Minimum <b>front setback</b> (metres)	7.6	6.1
5. Minimum <b>rear setback</b> (metres)	7.6	7.6
6. Minimum <b>exterior setback</b> (metres)	7.6	6.1
7. Minimum <b>interior setback</b> (metres)	7.6	7.6
8. Minimum <b>landscaped open space</b>	—	—
9. Maximum <b>lot coverage</b>	20%	20%
10. Maximum number of <b>dwelling units per lot</b>	1.0	—

## Section 19: Environmental Zones

### 19.1. Environmental Protection Area Zone (EPA)

**19.1.1.** No **use, building** or any part of a private sewage system is permitted in the EPA Zone, except:

1. Water quality management **uses**;
2. Flood control components or works;
3. Erosion control components or works;
4. Recreational or educational **uses**, generally of a passive nature, excluding associated **buildings**;
5. New public or private works or utilities such as pipelines, roads, bridges or parking areas, where such facilities are not feasible outside of the Environmental Protection Area;
6. **Marine facilities**;
7. **Parks and conservation uses**; and,
8. Legally existing **uses**, including **agricultural uses**, as of the date of passing of this By-law.

## Section 20: Zoning Maps

**Note for Second Draft:** Refer to interactive map for the Zoning Maps for the second draft.

## Section 21: Overlay Schedules

**Note for Second Draft:** Refer to interactive map for the Overlay Schedules for the second draft.

Schedule A – Floodplain Overlay

Schedule B – Source Water Protection Overlay

Schedule C – Airport Noise Exposure Overlay

Schedule D – Additional Residential Units Overlay

Schedule E – Exception Overlay

## Section 22: Non-Overlay Schedules

**Note for Second Draft:** Refer to interactive map for the Non-Overlay Schedules for the second draft.

Schedule 1 – Road Classification

Schedule 2 – Parking Areas

Schedule 3 - Required Ground Floor Commercial

## Section 23: Legacy Exceptions

**Note for Second Draft:** Refer to interactive map for Legacy Exceptions as per Clause 5.5.1. of this By-law. An explanation has been provided in the "Second Draft Highlights" document.

## Section 24: Exceptions

**Note for Second Draft:** Refer to interactive map for Exception as per Clause 5.5.1. of this By-law. An explanation has been provided in the "Second Draft Highlights" document.

## Section 25: Holding Zones

**Note for Second Draft:** Staff anticipate moving the holding provisions from the various zones and site-specific exceptions into this section for the final draft.

### 25.1. Provisions of Holding Zones

**25.1.1.** The following provisions apply to the holding zones in accordance with Clause 2.6.2.:

**1.** Holding Zone – “H1”

**(a)** Prior to the removal of any **lot** from the “-H1” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:

**(i)** The City is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

**(b)** Notwithstanding Subclause 1., **uses** that occur within the walls of a **building** that lawfully existed on the date of the passing of this By-law are permitted.

**2.** Holding Zone – “H2”

**(a)** Prior to the removal of any **lot** from the “-H2” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:

**(i)** Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the City, or that no Record of Site Condition is required for the proposed **development**.

**(b)** Notwithstanding Subclause 1., **uses** that occur within the walls of a **building** that lawfully existed on the date of the passing of this By-law are permitted.

**3.** Holding Zone – “H3”

**(a)** Prior to the removal of any **lot** from the “-H3” Holding Symbol and the issuance of a building permit for a **day care centre, place of worship,** and **hotel**, the following conditions must be satisfied:



- (i) A noise impact study which assesses the potential impact on future employment uses on surrounding properties, prepared by a qualified person has been completed to the satisfaction of the City; and
- (ii) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the City, or that no Record of Site Condition is required for the proposed **development**.

## Section 26: Temporary Zones

### 26.1. Provisions of Temporary Zones

**26.1.1.** The following provisions apply to the temporary zones in accordance with Clause 2.6.4.:

- 1.** Intentionally Left Blank
  - (a)** Intentionally Left Blank
    - (i)** Intentionally Left Blank

## Section 27: Amendments to this By-law

### 27.1. List of Amendments

**27.1.1.** Table 27.1.1. is provided for reference purposes only and provides a list of the amendments that have been made to this By-law from the date of passing of this By-law until the date of the published office consolidation.

Table 27.1.1. - List of Amendments

<b>Municipal Address</b>	<b>City File Number</b>	<b>Exception Number</b>	<b>By-law Number</b>	<b>LPAT Appeal</b>
Intentionally Left Blank	—	—	—	—

**By-Law Number 2021-XXX**

**A By-Law To Amend The City Of Kingston Official Plan (Amendment Number XX, city-wide)**

**Passed:** [Meeting Date]

**Whereas** The Corporation of the City of Kingston proposes to implement a New Zoning By-law to replace the existing zoning by-laws within the municipality;

**Whereas** amendments to the Official Plan are required to enable the New Zoning By-law to effectively implement the intent of the existing Official Plan policies;

**Whereas** a Public Meeting was held regarding this amendment on September 30, 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 changes which shall constitute Amendment Number XX to the Official Plan for the City of Kingston:
  - a. **Amend** the text of the Official Plan of the City of Kingston as shown on Schedule 'A' to this By-law; and
  - b. **Amend** the schedules of the Official Plan of the City of Kingston to reflect the amendments to the text of the Official Plan of the City of Kingston associated with riparian corridors by replacing the Official Plan schedule in the left column of the table below with the corresponding schedule of this By-law in the right column of the table below.

<b>Official Plan Schedule to be Replaced</b>	<b>Schedule in this By-law</b>
Schedule 3-A, 'Land Use'	Schedule 'B'
Schedule 3-B, 'Land Use'	Schedule 'C'
Schedule 3-C, 'Land Use'	Schedule 'D'
Schedule 7-A, 'Natural Heritage Area 'A''	Schedule 'E'
Schedule 7-B, 'Natural Heritage Area 'A''	Schedule 'F'

Schedule 7-C, 'Natural Heritage Area 'A''	Schedule 'G'
Schedule 8-A, 'Natural Heritage Area 'B''	Schedule 'H'
Schedule 8-B, 'Natural Heritage Area 'B''	Schedule 'I'
Schedule 8-C, 'Natural Heritage Area 'B''	Schedule 'J'
Schedule CN-1, 'Cataraqui North Neighbourhood Secondary Plan'	Schedule 'K'
Schedule CW-1, 'Cataraqui West Secondary Plan'	Schedule 'L'
Schedule RC-1, 'Rideau Community Secondary Plan'	Schedule 'M'
Schedule KPC-1, 'Kingston Provincial Camps'	Schedule 'N'

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]

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

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**Bryan Paterson**  
**Mayor**

Schedule 'A' to By-law Number 2021-XX

1. **Amend** the entirety of the Official Plan by deleting all existing instances of “garden suite” and replacing it with “tiny house”.
2. **Amend** the entirety of the Official Plan by deleting all existing instances of “garden suites” and replacing it with “tiny houses”.
3. **Amend** the entirety of the Official Plan by deleting all existing instances of “second residential unit” and replacing it with “additional residential unit”.
4. **Amend** the entirety of the Official Plan by deleting all existing instances of “second residential units” and replacing it with “additional residential units”.
5. **Amend** the entirety of the Official Plan by deleting all existing instances of “a second residential unit” and replacing it with “an additional residential unit”.
6. **Amend** Section 1.4. by adding the definition “Additional Residential Unit” to be defined as “Up to two dwelling units which are ancillary to a *principal residential unit*, and are located on the same lot therewith”.
7. **Amend** Section 1.4. by updating the title of the “Garden Suite” definition to “Tiny House” and reordering the definition within Section 1.4 in a way that follows alphabetical order.
8. **Amend** Section 1.4. by updating the definition of “On-farm Diversified Uses” by replacing “secondary” with “complementary” and deleting “home occupations, home industries”.
9. **Amend** Section 1.4. by deleting the “Second Residential Unit” definition.
10. **Amend** Section 3.1.7.g. by deleting the reference to “KFL&A Public Health” and replacing it with “the City or applicable approval authority”.
11. **Amend** Section 3.2.1. by deleting “Publicly-funded elementary schools are permitted on all lands designated Residential, and are also permitted in the Hamlet and Rural Lands designations. Private elementary schools are permitted by zoning in an Institutional or Commercial designation and are permitted in Residential or Rural Lands designations subject to a rezoning application and site plan control review, which will consider the suitability of the site and its location” and replacing it with “Elementary schools are permitted on all lands that are designated Residential, Hamlet and Rural Lands that are not in *hazardous lands or hazardous sites*”.
12. **Amend** Section 3.2.2. by deleting “Publicly-funded secondary schools are permitted on all lands designated as Residential on sites that have adequate size with access from an arterial or collector road. Public and private secondary schools are permitted in the Institutional and Arterial Commercial designations,

and may be permitted in any Residential designation if located on a collector or arterial road, subject to a rezoning application and site plan control review, which will consider the suitability of the site and its location” and replacing it with “Secondary schools are permitted on all lands in the Institutional and Arterial Commercial designations and may be permitted in any Residential designation if located on a collector or arterial road, subject to a rezoning application and site plan control review, which will consider the suitability of the site and its location”.

13. **Amend** Section 3.2.4. by deleting “all” after “Places of worship are permitted in” and replacing it with “most” and by deleting “in the zoning by law” and adding “*Complementary uses* such as educational uses, programs of community, cultural or social benefit, community assembly areas, catering kitchens, offices, day care centres and cemeteries are permitted in places of worship where they are limited in scale and utilize space that is provided for the *principal use*”.
14. **Amend** Section 3.3.11. by deleting “*Second residential units* are permitted in the Residential, Hamlet, Rural Lands and Prime Agricultural Area land use designations. *Second residential units* shall be located within single detached dwellings, semidetached dwellings, linked and row houses, as well as accessory buildings where a second residential unit does not already exist in the primary detached, semi-detached, linked or row house dwelling,” and replacing it with “*Additional residential units* are permitted on lands where a single detached dwelling, semi-detached dwelling, and townhouse are the permitted principal use or where a *place of worship* is located in a residential zone,”.
15. **Amend** Section 3.3.11.a. by deleting “The zoning by-law shall identify locations where second residential units are permitted, being all areas that permit single detached dwellings, semi-detached dwellings, and linked and row houses.” and replacing it with “A maximum of *two additional residential units* shall be permitted on a lot, of which a maximum of one *additional residential unit* may be detached and a maximum of one additional residential unit may be attached to or located in the principal building”.
16. **Amend** Section 3.3.11.b(ii)(a) deleting the reference to “KFL&A Public Health” and replacing it with “the City or applicable approval authority”.
17. **Amend** Section 3.3.11.b(ii)(b) by italicizing “additional residential unit” after “Hydrogeological Study required to establish” and by deleting the reference to “KFL&A Public Health” and replacing it with “the City or applicable approval authority”.
18. **Amend** Section 3.3.11.d. by deleting “Second dwelling residential units may be a prohibited use on a residential dwelling lot containing a garden suite, boarding house or lodging house, as defined in an implementing zoning by-law; and” and replacing it with “*Additional residential units* are prohibited on a lot containing a



boarding house or lodging house. A detached *additional residential unit* is prohibited on a lot containing a *tiny house*; and”.

19. **Amend** Section 3.3.11.e. by deleting “residential dwelling unit situated within a”.
20. **Amend** Section 3.3.11.f. by deleting “A detached *second*” and replacing it with “An *additional*”.
21. **Amend** Section 3.3.11.g. by deleting all instances of “residential dwelling lot” and replacing it with “property”.
22. **Delete** Section 3.3.D.5. in its entirety and renumber from this point forward.
23. **Amend** former Section 3.3.D.7. by deleting the existing wording and replacing with:

“*Tiny Houses* will be permitted as a temporary use in accordance with the “garden suite” provisions of the *Planning Act*, and subject to the following provisions:

  - a. a *tiny house* shall be considered a detached *additional residential unit* for the purposes of 3.3.11. and must comply with all *additional residential unit* policies;
  - b. sufficient parking, landscaping and buffering are provided;
  - c. the property owner has entered into an agreement with the City with respect to such matters as installation, maintenance, removal and occupancy of the *tiny house* and has posted suitable financial security with respect to the agreement in accordance with the *Planning Act*;
  - d. a certificate of occupancy will be required prior to occupancy; and,
  - e. where the property is served by *individual on-site sewage services*, approval of a *tiny house* is subject to consultation with the City or applicable approval authority.”
24. **Amend** Section 3.6.12. by deleting the existing wording and replacing with:

“Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses. Complementary uses listed within the Business Park Industrial and General Industrial designations will require a minor variance or zoning by-law amendment, as appropriate, prior to being permitted by the zoning by-law in accordance with the following:

- a) a minor variance application may be used to establish complementary uses that occupy generally 25 percent of the total floor area of all buildings located on a parcel of land, provided the complementary uses:
  - i. will provide a support or service to the employees within the employment area designations that are continuous to the subject parcel and that the support or service cannot be provided from an adjacent land use designation to such employment area;
  - ii. will not hinder or preclude any employment uses from establishing on any lands in the employment area designations due to principles of land use compatibility, in accordance with Section 2.7; and
  - iii. will be oriented towards the road frontage and contribute to an attractive and functional employment area.
- b) a zoning by-law amendment will be required to establish complementary uses that exceeds the threshold established for minor variances in a), including standalone complementary uses, and must demonstrate:
  - i. the criteria listed above in a) have been satisfied;
  - ii. will result in similar rates of employment as the primary permitted uses, in accordance with Section 2.3.7; and
  - iii. will not contribute to the fragmentation of continuous employment areas by generally being located at entrances or along edges of continuous employment areas that are visible from arterial or collector roads to assist in the transition between the employment uses and surrounding land uses.”

- 25. **Delete** Section 3.6.14. and renumber from this point forward.
- 26. **Delete** former Section 3.6.16. in its entirety.
- 27. **Amend** Section 3.6.A.1.i. by adding “Accessory” before “outdoor storage”.
- 28. **Amend** Section 3.6.A.6. by deleting “3.6.17” and replacing with “3.6.15”.
- 29. **Amend** Section 3.6.B.5. by deleting “3.6.17” and replacing with “3.6.15”.
- 30. **Amend** Section 3.6.C.5. by deleting “Section 3.6.17” and replacing with “Section 3.6.15”.

31. **Amend** Section 3.9.1. by adding “conservation uses” before “and transportation services”.
32. **Amend** Section 3.9.2. by deleting “the waterfront” and replacing with “a waterbody” and adding after the last sentence “This is intended to be a text-based policy and these lands are not required to be shown on a schedule of this Plan to receive protection under this policy. Generally, the “Ribbon of Life” and “riparian corridor”, as identified in Section 6.1.3, apply to the same lands.”
33. **Amend** Section 3.10.1. by adding “and” after “Schedule 3-A;”, deleting “and” after “systems;” and deleting “riparian corridors”.
34. **Amend** Section 3.10.2. by adding “or” before “a locally significant wetland” and deleting “or riparian corridors,”.
35. **Delete** Section 3.10.2.1. in its entirety.
36. **Amend** Section 3.11.4. by deleting the existing wording and replacing it with:

“Consideration to establish an agriculture related use on Prime Agricultural Lands may proceed by way of a Minor Variance Application provided it satisfies the following criteria:

  - a. The use is a farm related commercial or farm related industrial use in accordance with the Provincial Policy Statement and Publication 851- Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, or its successor;
  - b. the use is appropriate for the available rural services and does not require a level of road access, water and wastewater servicing, and utilities, that are found within the *Urban Boundary*;
  - c. the siting and design of the proposal ensures the provision of adequate off-street parking, loading, landscaping, and appropriate lighting, signage, buffering and setbacks;
  - d. that the building(s) associated with the agriculture-related use do not exceed 1,200 square metres of gross floor area; and
  - e. MDS I and II setbacks will not generally be required for the creation of agriculture related uses. Agriculture related uses will be considered a Type A land use where the use is related to food services, accommodation, agri-tourism uses, and retail operations.”
37. **Add** new Section 3.11.5. to read “Agriculture related uses that exceed the maximum gross floor area or are proposed on a lot separate from an active farm, whether on an existing non-farmed lot or through a severance application, will be considered on a site-specific basis through an amendment to this plan and/or a


zoning by-law amendment application, as applicable.” and renumber subsequent items from this point forward.

38. **Amend** former Section 3.11.5. by deleting the existing wording and replacing with:
- “*On-farm diversified uses* must be located on a farm, must be limited in area, and secondary to the principal *agricultural use* of the property. Consideration to establish an *on-farm diversified use* on Prime Agricultural Lands may proceed by way of a Minor Variance Application provided it satisfies the following criteria:
- a. The proposed use satisfies all applicable tests established through the Provincial Policy Statement and Publication 851 – Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, or its successor;
  - b. all buildings, parking areas, and outdoor areas will be limited to a maximum of 2% of the lot area, up to a maximum of 1 hectare;
  - c. the maximum gross floor area of a building associated with an *on-farm diversified use* shall not exceed 400 square metres;
  - d. any building or structure used must be capable of being converted or able to revert to a farming use when the *on-farm diversified use* ceases to exist;
  - e. the use is appropriate for the available rural services and does not require a level of road access, water and wastewater servicing, and utilities, that are found within the Urban Boundary;
  - f. the use ceases if the primary *agricultural use* ceases;
  - g. the use conforms with the compatibility criteria set out in Section 3.11.4; and,
  - h. MDS I and II setbacks are not required for the creation of *on-farm diversified uses*. However, *on-farm diversified uses* will be considered a Type A land use where the use is related to food services, accommodation, agri-tourism uses, and retail operations, where it meets the lot area and gross floor area requirements of Section 3.11.6.”
39. **Amend** former Section 3.11.6. by deleting “3.11.19” replacing it with “3.11.21”.
40. **Add** new Section 3.11.7. to read “On-farm diversified uses proposed on farm that exceed the lot occupancy and/or gross floor area requirements of Section 3.11.6. will be considered on a site-specific basis through an amendment to this plan and/or a zoning by-law amendment application, where applicable, and may be considered a Type B land use for the purpose of calculating MDS. Such

applications will also be subject to site plan control, where applicable.” and renumber subsequent items from this point forward.

41. **Amend** former Section 3.11.8 by deleting “KFL&A Public Health” and replacing with “the City or applicable approval authority”.
42. **Amend** former Section 3.11.11.b. by adding a period after at the end of the last sentence and adding “MDS I setbacks are not required for consent applications for a residence surplus to a farming operation, where the dwelling and nearby livestock facility or anaerobic digester are located on a separate lot prior to the consent, as the potential odour conflict already exists”.
43. **Amend** Section 3.12.3. by deleting “3.11.5” and replacing it with “3.11.6”.
44. **Amend** Section 3.12.15 by deleting the existing wording and replacing it with: “Where *individual on-site water and sewage services* can be accommodated to the satisfaction of the City or applicable approval authority, an *additional residential unit* is permitted in Rural Lands, subject to the *additional residential unit* policies in Section 3.3.11 of this Plan, or a tiny house is permitted in Rural Lands, subject to the policies of Section 3.3.D.6 and Section 9.5.20 of this Plan.”
45. **Amend** Section 3.13.3 by deleting the existing wording and replacing it with: “Where *individual on-site water and sewage services* can be accommodated to the satisfaction of the City or applicable approval authority, an *additional residential unit* is permitted in Rural Lands, subject to the *additional residential unit* policies in Section 3.3.11 of this Plan, or a *tiny house* is permitted in Rural Lands, subject to the policies of Section 3.3.D.6 and Section 9.5.20 of this Plan.”.
46. **Amend** Section 3.13.4.b. by deleting “City, KFL&A Public Health, and the Ministry of the Environment and Climate Change” and replacing with “City, the Ministry of the Environment and Climate Change, or applicable approval authority”.
47. **Amend** Section 3.17.12.d. by replacing “3.6.17 (b)” with “3.6.15 (b)”.
48. **Amend** Section 3.17.15.b. by deleting “KFL&A Public Health Unit” and replacing with “City or applicable approval authority”.
49. **Amend** Section 3.17.15.f. by deleting “KFL&A Public Health Unit” and replacing with “City or applicable approval authority”.
50. **Amend** Section 6.1.2. by adding “or” before “a locally significant wetland”, deleting “or a riparian corridor”, adding “and” after “Schedule 3-A;”, deleting “and” after “systems;” and deleting “riparian corridors.”

51. **Amend** Section 6.1.3. by deleting the “and” after “coastal wetlands;”, adding “and” after “corridors;” and adding “riparian corridors” to the end of the list of Natural Heritage “B” features.
52. **Amend** Section 9.5.20. by deleting “*garden suite* as defined in the *Planning Act*” and replacing it with “*tiny house*, in accordance with the “garden suite” provisions of the *Planning Act*”.



**Schedule 'B'**  
**to By-Law Number**  
File Number: XXX

**Certificate of Authentication**  
This is Schedule 'B' to By-Law Number \_\_\_\_, passed this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Official Plan, Schedule 3A, Land Use Designation**  
Removed Riparian Corridors from EPA designation

**Legend**

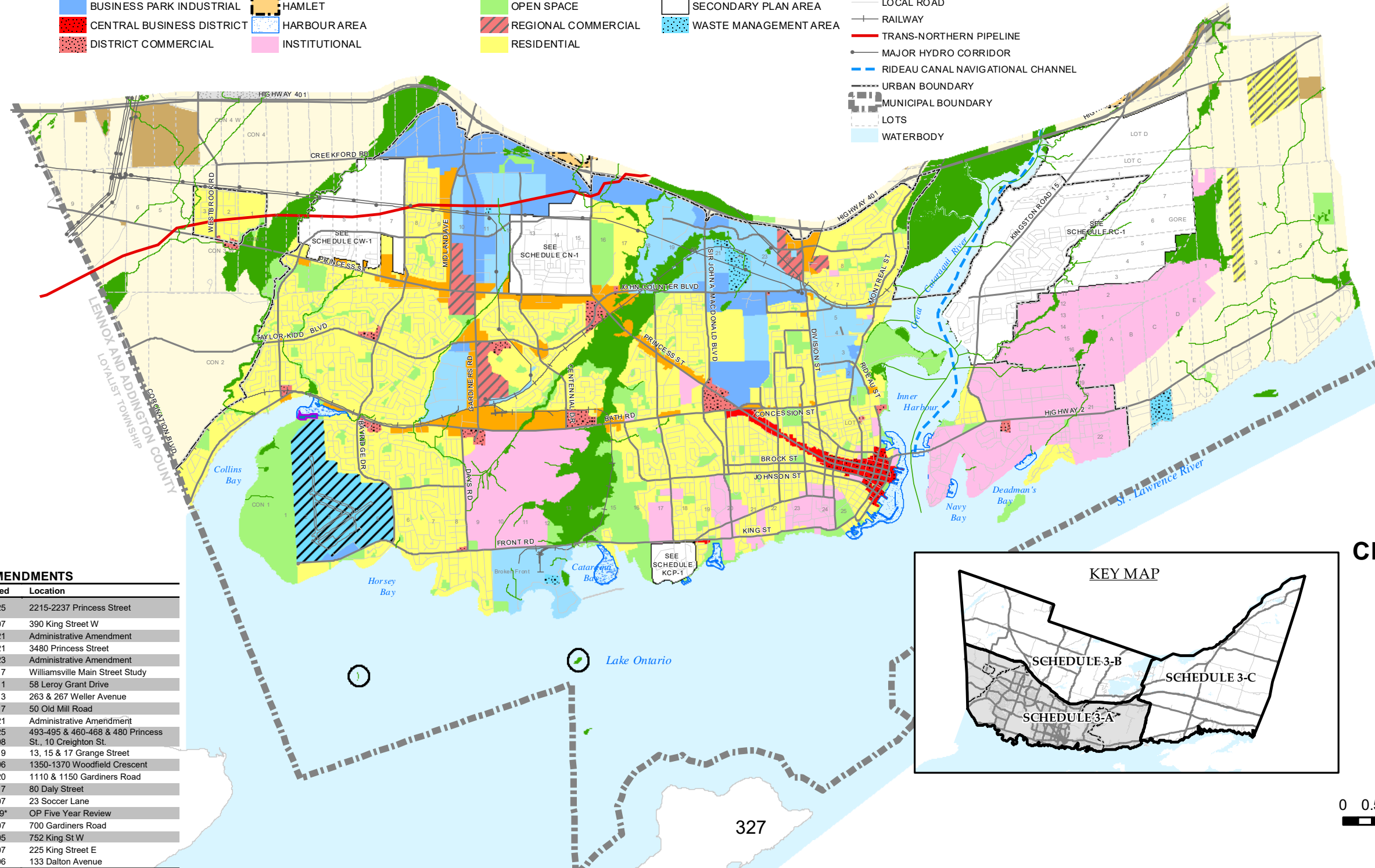
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| PRIME AGRICULTURAL AREA   | ENVIRONMENTAL PROTECTION AREA | MAIN STREET COMMERCIAL | RURAL LANDS           |
| AIRPORT                   | ESTATE RESIDENTIAL            | MARINA                 | RURAL COMMERCIAL      |
| ARTERIAL COMMERCIAL       | GENERAL INDUSTRIAL            | MINERAL RESOURCE       | RURAL INDUSTRIAL      |
| BUSINESS PARK INDUSTRIAL  | HAMLET                        | OPEN SPACE             | SECONDARY PLAN AREA   |
| CENTRAL BUSINESS DISTRICT | HARBOUR AREA                  | REGIONAL COMMERCIAL    | WASTE MANAGEMENT AREA |
| DISTRICT COMMERCIAL       | INSTITUTIONAL                 | RESIDENTIAL            |                       |

**Other Features**

- WATERCOURSES WITHIN EPA
- SUBJECT TO OMB APPEAL (OPA NO. 50)
- MAJOR ROAD
- LOCAL ROAD
- RAILWAY
- TRANS-NORTHERN PIPELINE
- MAJOR HYDRO CORRIDOR
- RIDEAU CANAL NAVIGATIONAL CHANNEL
- URBAN BOUNDARY
- MUNICIPAL BOUNDARY
- LOTS
- WATERBODY

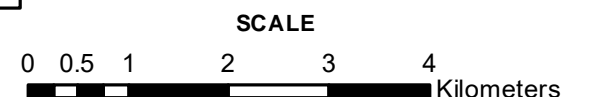
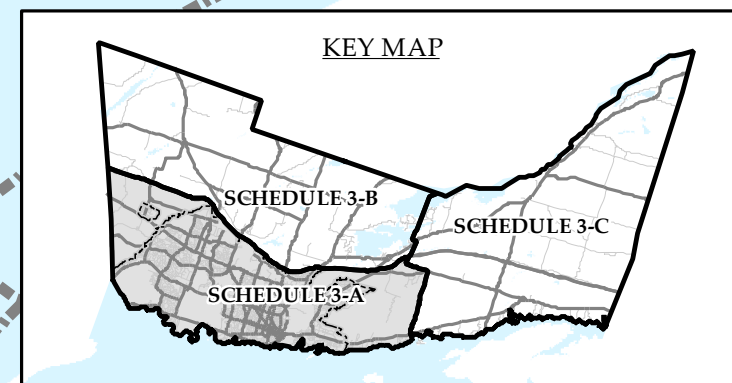
**NOTES**

- 1) CERTAIN LAND USE DESIGNATIONS INCLUDED IN THE LEGEND MAY NOT APPEAR ON THE MAP.
- 2) NOT ALL LOCAL PARKS ARE INCLUDED IN AN OPEN SPACE DESIGNATION.
- 3) COORDINATE SYSTEM UTM NAD83 ZONE 18.



**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE 3-A  
LAND USE**

Approved - August 29, 2017  
Consolidated - May 1, 2018



**OFFICIAL PLAN AMENDMENTS**

OPA No.	By-Law	Date Passed	Location
	OMB Order PL100149	2010-08-25	2215-2237 Princess Street
5	2010-188	2010-09-07	390 King Street W
6	2011-89	2011-06-21	Administrative Amendment
12	2012-52	2012-02-21	3480 Princess Street
16	2013-98	2013-04-23	Administrative Amendment
21	2013-147	2013-07-17	Williamsville Main Street Study
22	2013-92	2013-03-11	58 Leroy Grant Drive
23	2013-169	2013-08-13	263 & 267 Weller Avenue
25	2014-110	2015-06-17	50 Old Mill Road
29	2015-82	2015-04-21	Administrative Amendment
33	2015-61 PL150371	2015-03-25 2017-12-08	493-495 & 460-468 & 480 Princess St., 10 Creighton St.
34	2015-96	2015-05-19	13, 15 & 17 Grange Street
39	2015-175	2015-10-06	1350-1370 Woodfield Crescent
41	2015-190	2015-10-20	1110 & 1150 Gardiners Road
47	2016-58	2016-02-17	80 Daly Street
48	2016-114	2016-06-07	23 Soccer Lane
50	2017-57	2017-08-29*	OP Five Year Review
52	2017-45	2017-02-07	700 Gardiners Road
57	2017-186	2017-09-05	752 King St W
58	2017-231	2017-11-07	225 King Street E
59	2018-62	2018-03-06	133 Dalton Avenue



**Schedule 'C'  
to By-Law Number  
File Number: XXX**

**Official Plan, Schedule 3B, Land Use Designation**  
Removed Riparian Corridors from EPA designation

**Planning  
Services**

**Certificate of Authentication**

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Legend**

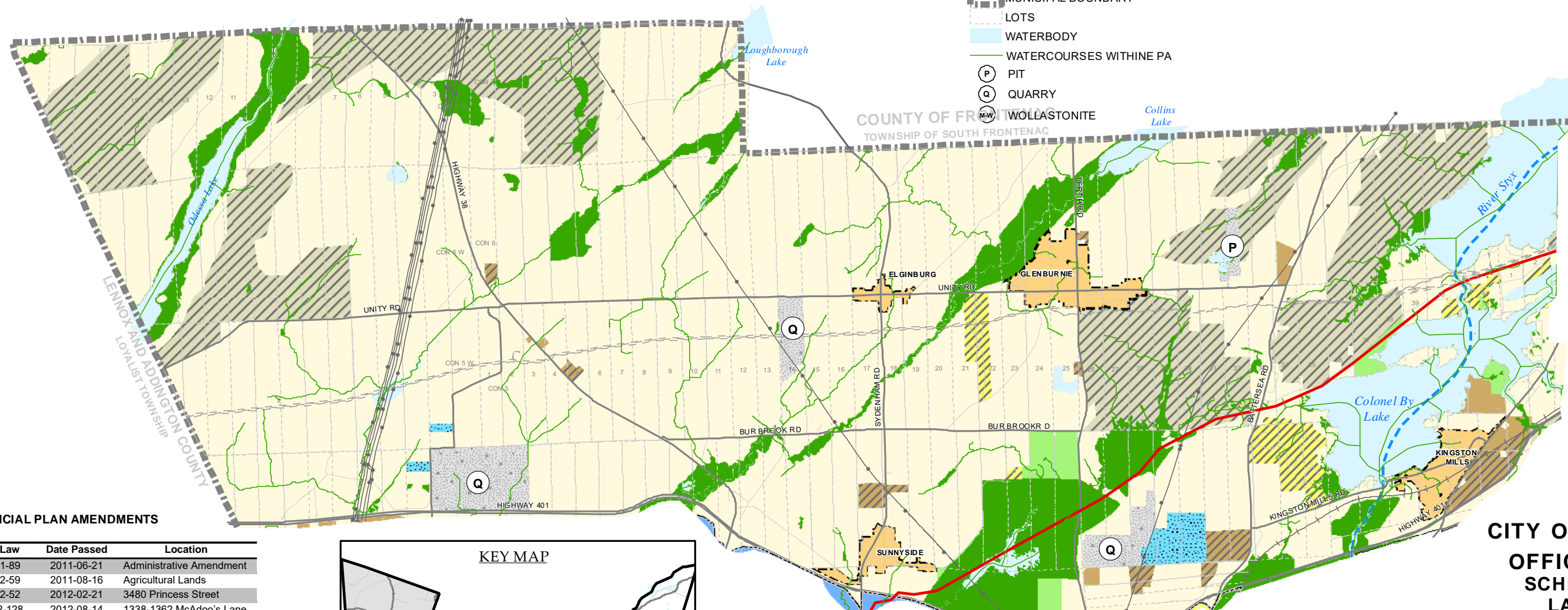
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|---------------------------|-------------------------------|------------------------|-----------------------|
| PRIME AGRICULTURAL AREA   | ENVIRONMENTAL PROTECTION AREA | MAINS TREET COMMERCIAL | RURAL LANDS           |
| AIRPORT                   | ESTATE RESIDENTIAL            | MARINA                 | RURAL COMMERCIAL      |
| ARTERIAL COMMERCIAL       | GENERAL INDUSTRIAL            | MINERAL RESOURCE       | RURAL INDUSTRIAL      |
| BUSINESS PARK INDUSTRIAL  | HAMLET                        | OPENS PACE             | SECONDARY PLAN AREA   |
| CENTRAL BUSINESS DISTRICT | HARBOUR AREA                  | REGIONAL COMMERCIAL    | WASTE MANAGEMENT AREA |
| DISTRICT COMMERCIAL       | INSTITUTIONAL                 | RESIDENTIAL            |                       |

**Other Features**

- MAJOR ROAD
- LOCAL ROAD
- RAILWAY
- URBAN BOUNDARY
- MAJOR HYDRO CORRIDOR
- TRANS-NORTHERN PIPELINE
- RIDEAU CANAL NAVIGATIONAL CHANNEL
- MUNICIPAL BOUNDARY
- LOTS
- WATERBODY
- WATERCOURSES WITHINE PA
- PIT
- QUARRY
- MINE FOR WOLLASTONITE

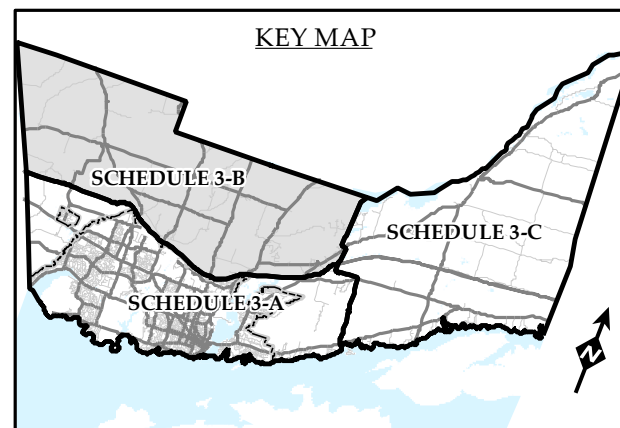
**NOTES**

- 1) CERTAIN LAND USE DESIGNATIONS INCLUDED IN THE LEGEND MAY NOT APPEAR ON THEM AP.
- 2) COORDINATE SYSTEM UTM NAD83 ZONE 18.
- 3) 'P' DENOTES PIT, 'Q' DENOTES QUARRY, AND 'M-W' DENOTES MINE FOR WOLLASTONITE. SEE SECTION 3.16.4 OF THIS PLAN FOR POLICY CLARIFICATION REGARDING STATUS OF ENVIRONMENTAL PROTECTION AREAS.



**OFFICIAL PLAN AMENDMENTS**

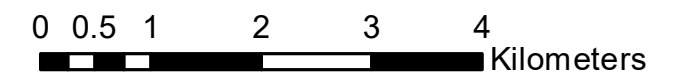
OPA No.	By-Law	Date Passed	Location
6	2011-89	2011-06-21	Administrative Amendment
10	2012-59	2011-08-16	Agricultural Lands
12	2012-52	2012-02-21	3480 Princess Street
15	2012-128	2012-08-14	1338-1362 McAdoo's Lane
16	2013-98	2013-04-23	Administrative Amendment
32	2014-190	2014-11-08	530 Maple Lawn Drive
38	2015-173	2015-10-06	2185 & 2215 Perth Road
42	2016-4	2015-12-15	530 Maple Lawn Drive
45	2016-20	2015-12-15	3175 Unity Road
49	2016-139	2016-06-23	1145 McAdoo's Lane
50	2017-57	2017-08-29*	OP Five Year Review
51	2016-201	2016-11-01	1572 Sunnyside Road
53	2017-18	2016-12-20	1397 Sydenham Road
54	2017-30	2017-01-10	1645 Sydenham Road
60	2018-59	2018-06-18	1201 McAdoo's Lane




**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE 3-B  
LAND USE**

Approved - August 29, 2017  
Consolidated - May 1, 2018

**SCALE**







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

File Number: XXX  
**Certificate of Authentication**

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Official Plan, Schedule 3C, Land Use Designation**  
Removed Riparian Corridors from EPA designation

**Legend**

PRIME AGRICULTURAL AREA	ENVIRONMENTAL PROTECTION AREA	MAIN STREET COMMERCIAL	RURAL LANDS	<b>Other Features</b>
AIRPORT	ESTATE RESIDENTIAL	MARINA	RURAL COMMERCIAL	
ARTERIAL COMMERCIAL	GENERAL INDUSTRIAL	MINERAL RESOURCE	RURAL INDUSTRIAL	
BUSINESS PARK INDUSTRIAL	HAMLET	OPEN SPACE	SECONDARY PLAN AREA	
CENTRAL BUSINESS DISTRICT	HARBOUR AREA	REGIONAL COMMERCIAL	WASTE MANAGEMENT AREA	
DISTRICT COMMERCIAL	INSTITUTIONAL	RESIDENTIAL		

**Other Features**

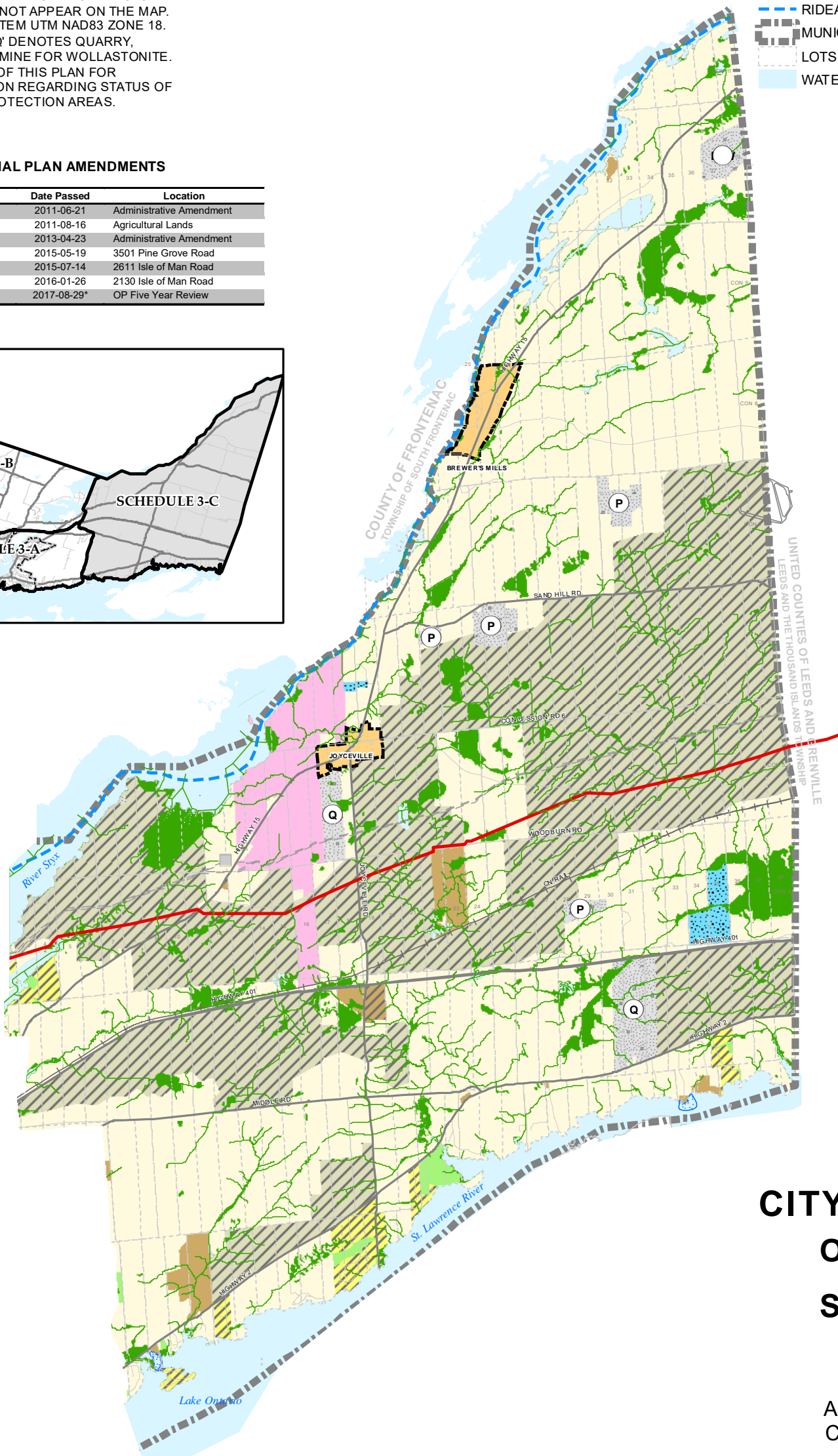
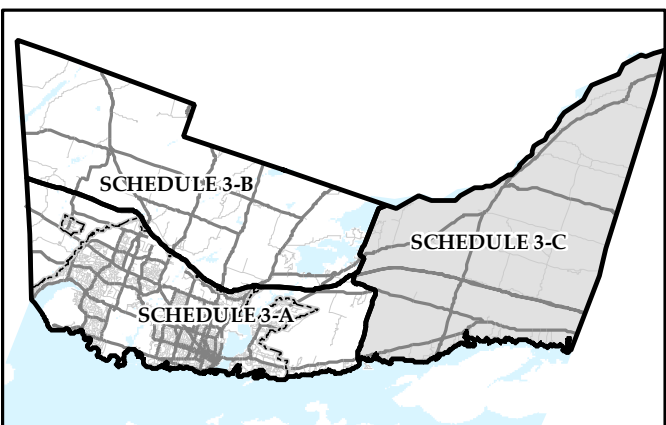
- TRANSCANADA COMPRESSOR STATION
- WATERCOURSES WITHIN EPA
- MAJOR PIPELINE
- TRANS-NORTHERN PIPELINE
- MAJOR ROAD
- LOCAL ROAD
- RAILWAY
- AIRPORT
- RIDEAU CANAL NAVIGATIONAL CHANNEL
- MUNICIPAL BOUNDARY
- LOTS
- WATERBODY

**NOTES**

1) CERTAIN LAND USE DESIGNATIONS INCLUDED IN THE LEGEND MAY NOT APPEAR ON THE MAP.  
2) COORDINATE SYSTEM UTM NAD83 ZONE 18.  
3) 'P' DENOTES PIT, 'Q' DENOTES QUARRY, AND 'M-W' DENOTES MINE FOR WOLLASTONITE. SEE SECTION 3.16.4 OF THIS PLAN FOR POLICY CLARIFICATION REGARDING STATUS OF ENVIRONMENTAL PROTECTION AREAS.

**OFFICIAL PLAN AMENDMENTS**

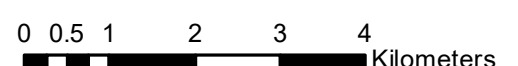
OPA No.	By-Law	Date Passed	Location
6	2011-89	2011-06-21	Administrative Amendment
10	2012-59	2011-08-16	Agricultural Lands
16	2013-98	2013-04-23	Administrative Amendment
35	2015-94	2015-05-19	3501 Pine Grove Road
36	2015-125	2015-07-14	2611 Isle of Man Road
46	2016-47	2016-01-26	2130 Isle of Man Road
50	2017-57	2017-08-29*	OP Five Year Review




**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE 3-C  
LAND USE**

Approved - August 29, 2017  
Consolidated - May 1, 2018

SCALE








**Schedule 'E'  
to By-Law Number**  
File Number: XXX  
**Certificate of Authentication**  
This is Schedule 'E' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mayor





**Official Plan, Schedule 7-A, Natural Heritage Area 'A'**  
Removed Riparian Corridors, added Watercourses within EPA as shown





\_\_\_\_\_  
Clerk

**LEGEND**

-  AREA OF NATURAL AND SCIENTIFIC INTEREST
-  LOCALLY SIGNIFICANT WETLAND
-  PROVINCIAALLY SIGNIFICANT WETLAND

**OTHER FEATURES**

-  MAJOR ROAD
-  LOCAL ROAD
-  RAILWAY
-  URBAN BOUNDARY

-  MUNICIPAL BOUNDARY
-  LOTS
-  WATERCOURSES
-  WATERBODY

**OFFICIAL PLAN AMENDMENTS**

OPA No.	By-Law	Date Passed	Location
50	2017-57	2017-08-29*	OP Five Year Review

**NOTES**

COORDINATE SYSTEM UTM NAD83 ZONE 18.



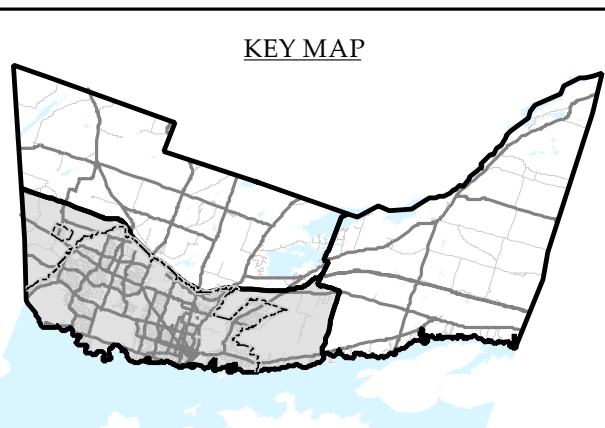
**CITY OF KINGSTON**  
**OFFICIAL PLAN**  
**SCHEDULE 7-A**  
**NATURAL HERITAGE AREA 'A'**

Approved - August 29, 2017  
Consolidated - November 1, 2019

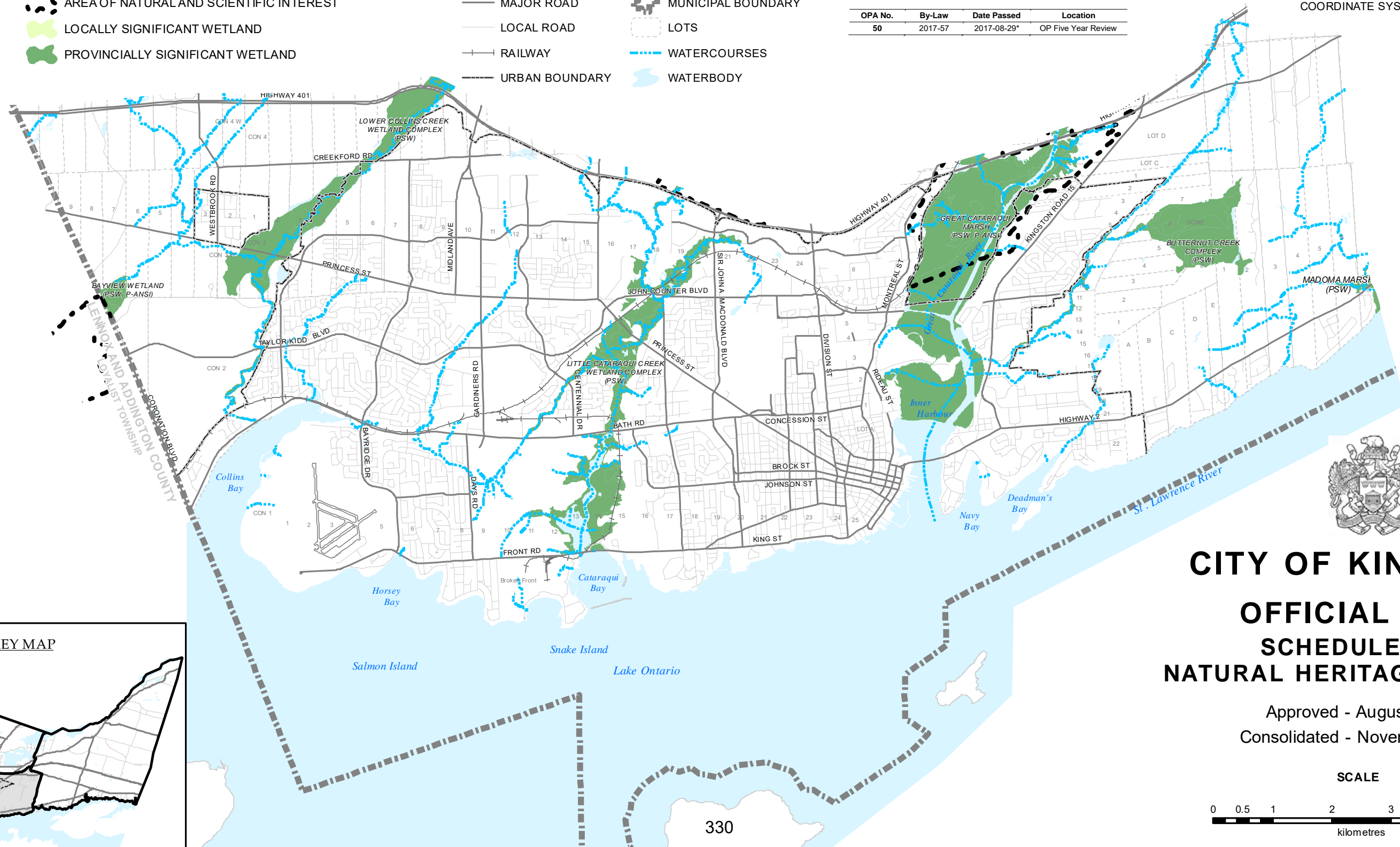
**SCALE**




1:68,121



**KEY MAP**





**Kingston**  
Planning Services

**Schedule 'F' to By-Law Number XXX**  
File Number: XXX  
**Certificate of Authentication**




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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Official Plan, Schedule 7-B, Natural Heritage Area 'A'**  
Removed Riparian Corridors, added Watercourses within EPA as shown

**LEGEND**

-  AREA OF NATURAL AND SCIENTIFIC INTEREST
-  LOCALLY SIGNIFICANT WETLAND
-  PROVINCIALLY SIGNIFICANT WETLAND

**OTHER FEATURES**

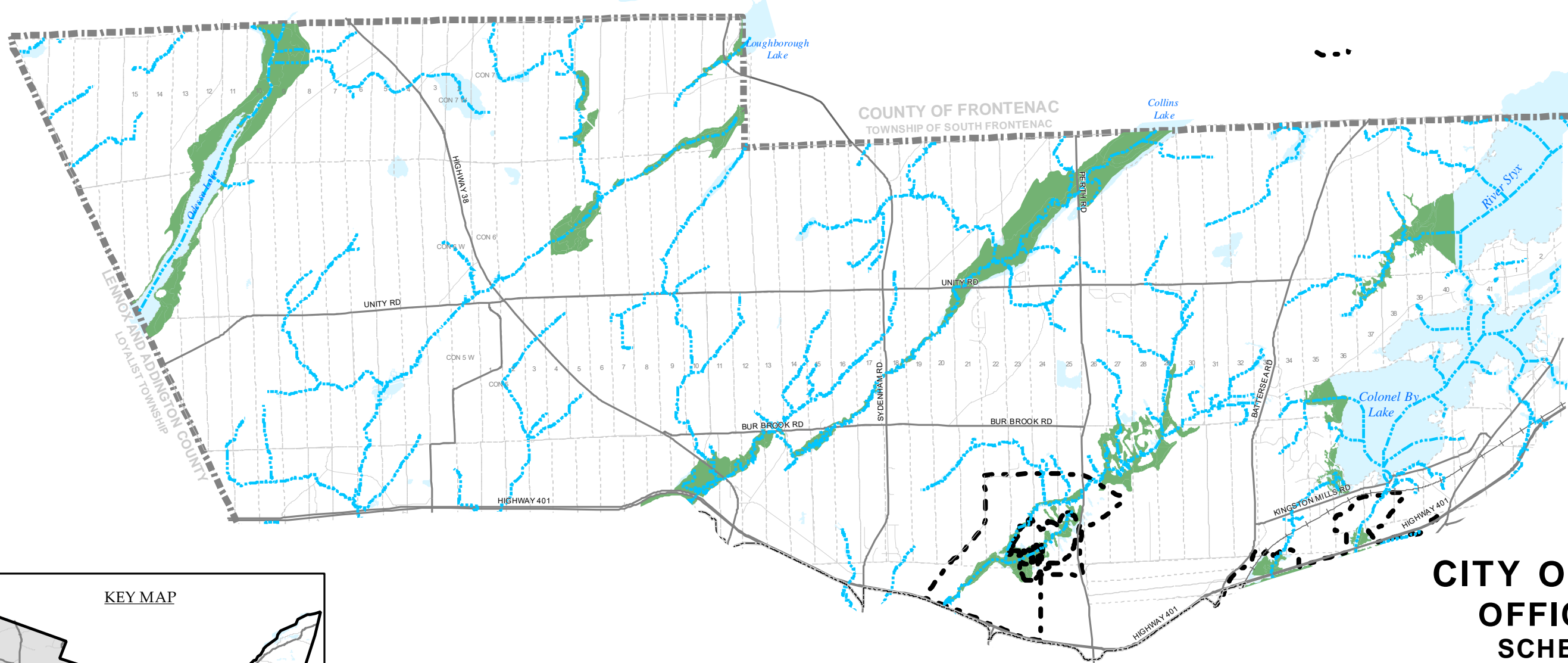
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-  LOCAL ROAD
-  RAILWAY
-  URBAN BOUNDARY
-  MUNICIPAL BOUNDARY
-  LOTS
-  WATERCOURSES
-  WATERBODY

**OFFICIAL PLAN AMENDMENTS**

OPA No.	By-Law	Date Passed	Location
50	2017-57	2017-08-29*	OP Five Year Review

**NOTES**

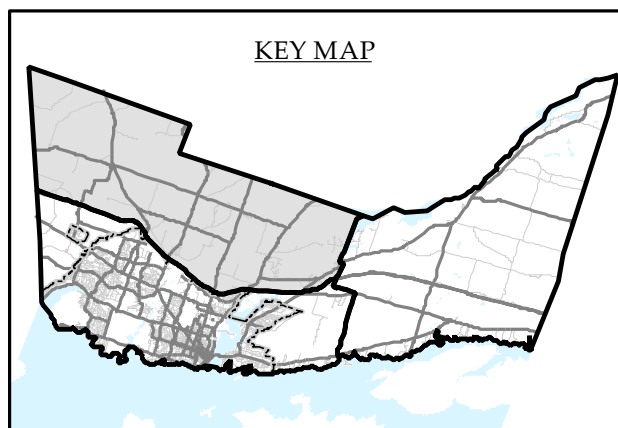
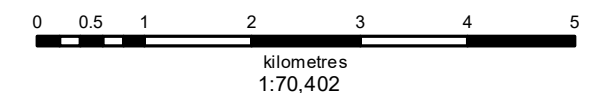
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**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE 7-B  
NATURAL HERITAGE AREA 'A'**

Approved - August 29, 2017  
Consolidated - November 1, 2019

SCALE





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

File Number: XXX

**Official Plan, Schedule 7-C, Natural Heritage Area  
'A'**

Removed Riparian Corridors, added Watercourses within EPA as shown

**Planning  
Services**

**Certificate of Authentication**

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**LEGEND**

- AREA OF NATURAL AND SCIENTIFIC INTEREST
- LOCALLY SIGNIFICANT WETLAND
- PROVINCIAALLY SIGNIFICANT WETLAND

**OTHER FEATURES**

- MAJOR ROAD
- LOCAL ROAD
- RAILWAY
- URBAN BOUNDARY
- MUNICIPAL BOUNDARY
- WATERCOURSES
- WATERBODY

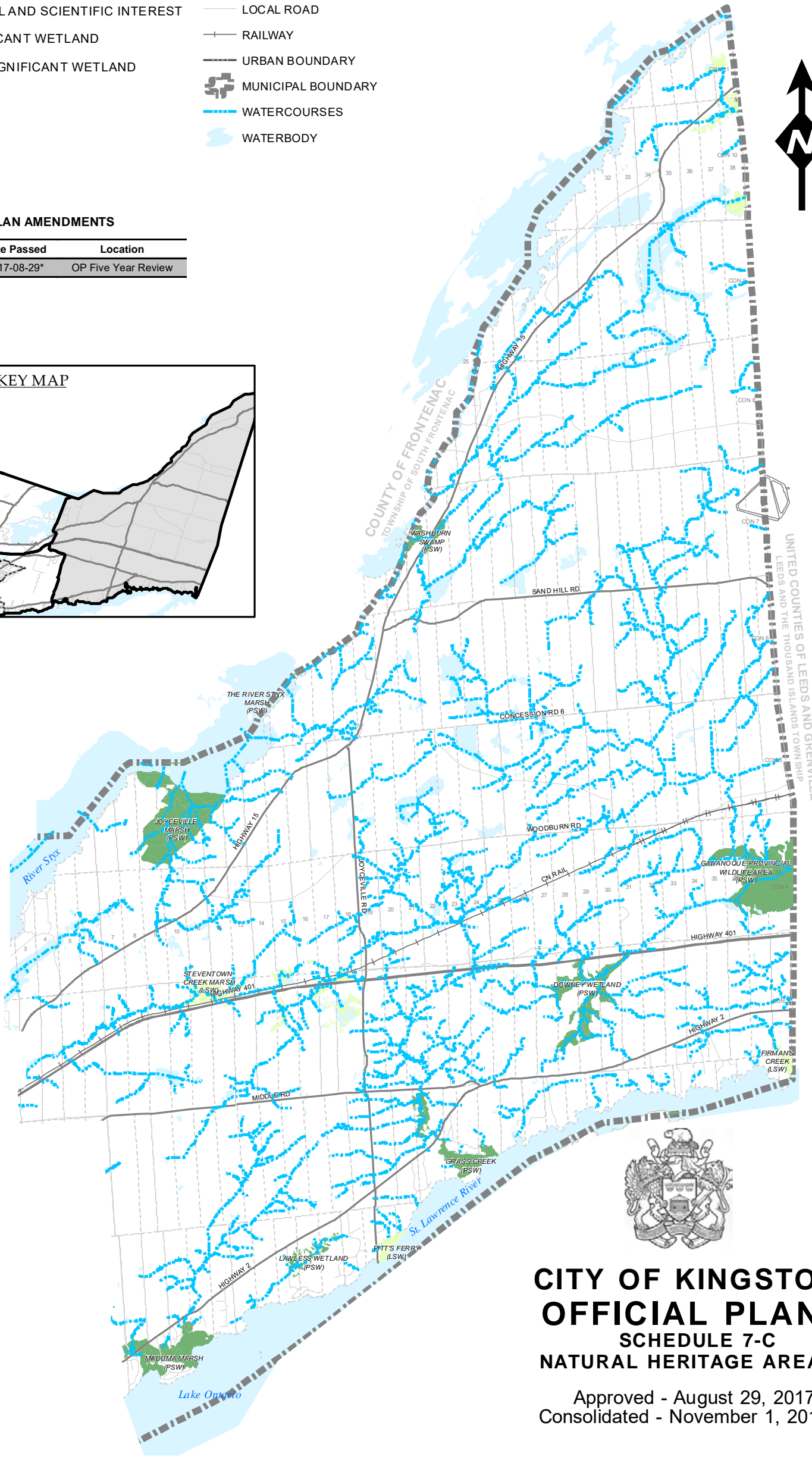
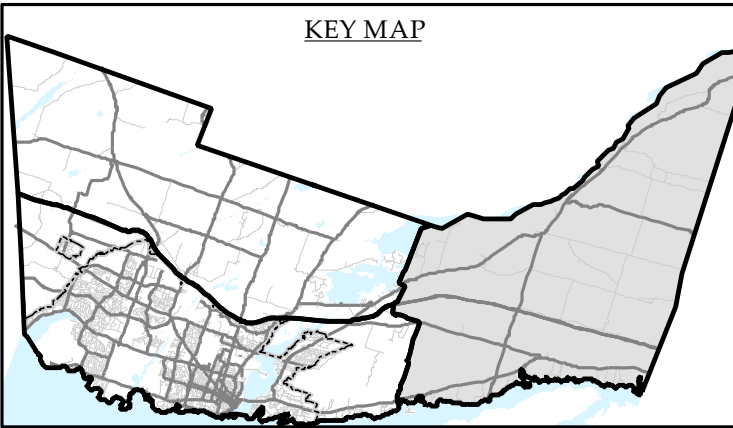
**NOTES**

COORDINATE SYSTEM UTM NAD83 ZONE 18.

**OFFICIAL PLAN AMENDMENTS**

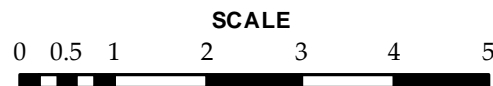
OPA No.	By-Law	Date Passed	Location
50	2017-57	2017-08-29*	OP Five Year Review

**KEY MAP**



**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE 7-C  
NATURAL HERITAGE AREA 'A'**

Approved - August 29, 2017  
Consolidated - November 1, 2019




SCALE

0 0.5 1 2 3 4 5

kilometres

1:80,783









**Schedule 'H'  
to By-Law Number  
XXX**  
Certificate of Authentication  
This is Schedule 'H' to By-Law Number \_\_\_\_, passed this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mayor








**Official Plan, Schedule 8-A, Natural Heritage Area  
'B'**  
Added Riparian Corridors as shown

\_\_\_\_\_  
Clerk

**LEGEND**

-  SIGNIFICANT WOODLAND
-  CONTRIBUTORY WOODLAND
-  RIPARIAN CORRIDORS
-  UNEVALUATED WETLAND
-  VALLEYLAND
-  LINKAGE

**OTHER FEATURES**

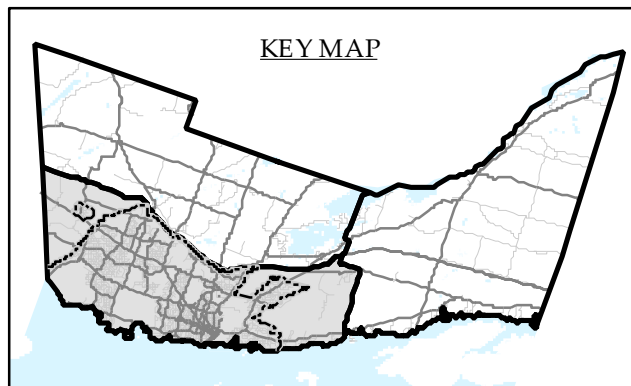
-  MAJOR ROAD
-  LOCAL ROAD
-  RAILWAY
-  URBAN BOUNDARY
-  MUNICIPAL BOUNDARY
-  LOTS
-  WATERBODY

**OFFICIAL PLAN AMENDMENTS**

OPA No.	By-Law	Date Passed	Location
50	2017-57	2017-08-29*	OP Five Year Review

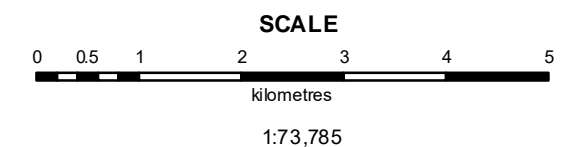
**NOTES**


- 1) COORDINATE SYSTEM UTM NAD83 ZONE 18.
- 2) WOODLAND MAPPING REFLECTS AERIAL PHOTOGRAPHY FLOWN IN 2004.



**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE 8-A  
NATURAL HERITAGE AREA 'B'**

Approved - August 29, 2017  
Consolidated - November 1, 2019











**Schedule 'I'  
to By-Law Number**  
File Number: XXX  
**Certificate of Authentication**  
This is Schedule 'I' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mayor








**Official Plan, Schedule 8-B, Natural Heritage Area 'B'**  
Added Riparian Corridors as shown

\_\_\_\_\_  
Clerk

**LEGEND**

-  SIGNIFICANT WOODLAND
-  CONTRIBUTORY WOODLAND
-  RIPARIAN CORRIDORS
-  UNEVALUATED WETLAND
-  VALLEYLAND
-  LINKAGE

**OTHER FEATURES**

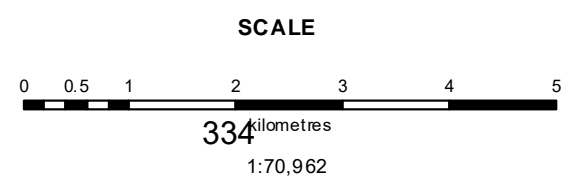
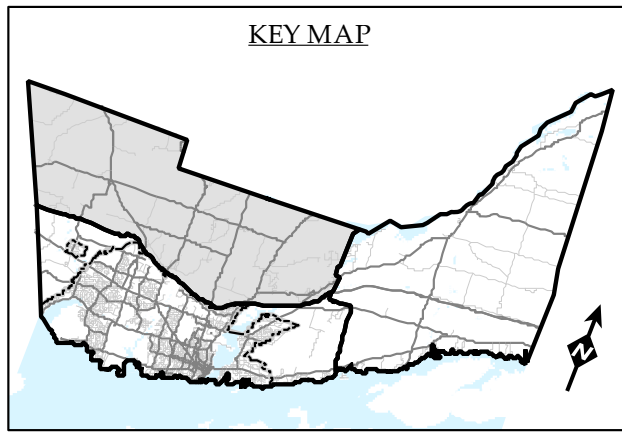
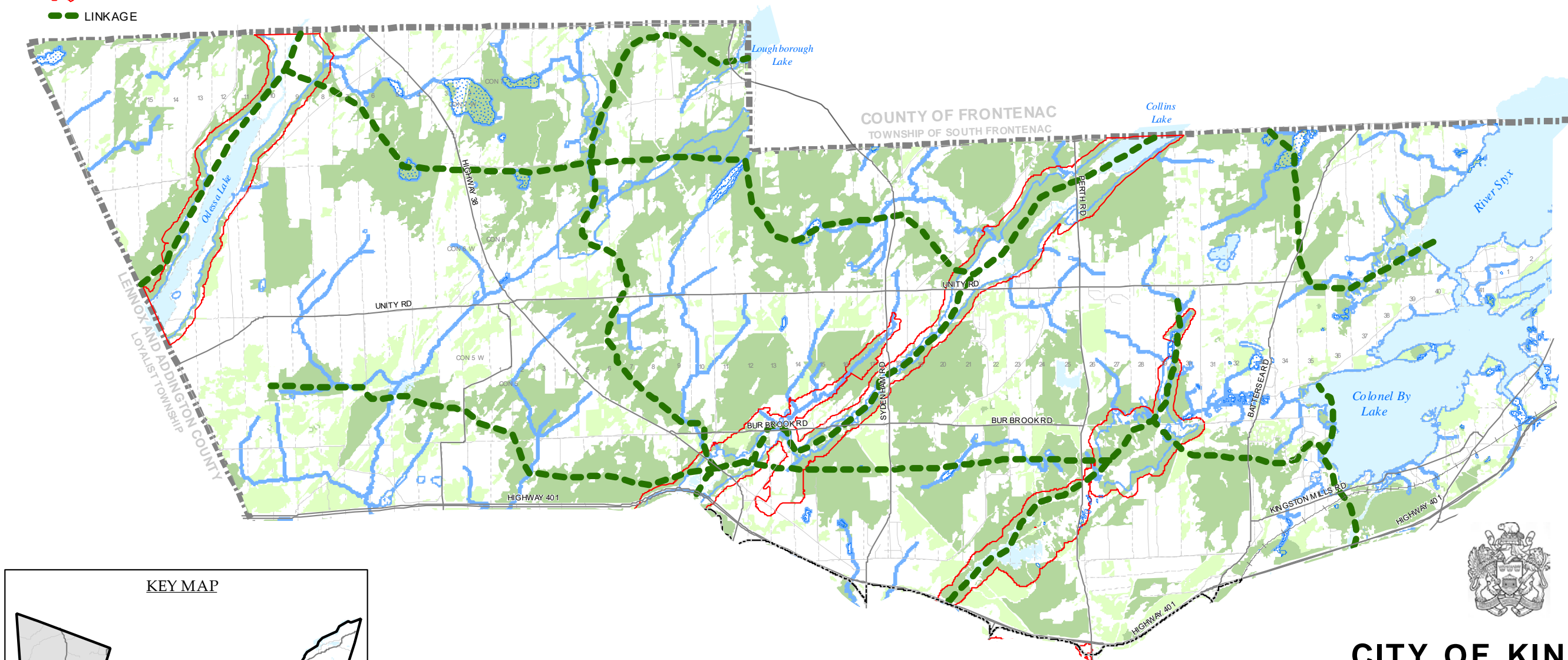
-  MAJOR ROAD
-  LOCAL ROAD
-  RAILWAY
-  URBAN BOUNDARY
-  MUNICIPAL BOUNDARY
-  LOTS
-  WATERBODY

**OFFICIAL PLAN AMENDMENTS**

OPA No.	By-Law	Date Passed	Location
50	2017-57	2017-08-29*	OP Five Year Review

**NOTES**


- 1) COORDINATE SYSTEM UTM NAD83 ZONE 18.
- 2) WOODLAND MAPPING REFLECTS AERIAL PHOTOGRAPHY FLOWN IN 2004.



**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE 8-B  
NATURAL HERITAGE AREA 'B'**

Approved - August 29, 2017  
Consolidated - November 1, 2019





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

File Number: XXX

**Certificate of Authentication**

Planning  
Services

**Official Plan, Schedule 8-C, Natural Heritage Area  
'B'**

Added Riparian Corridors as shown

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

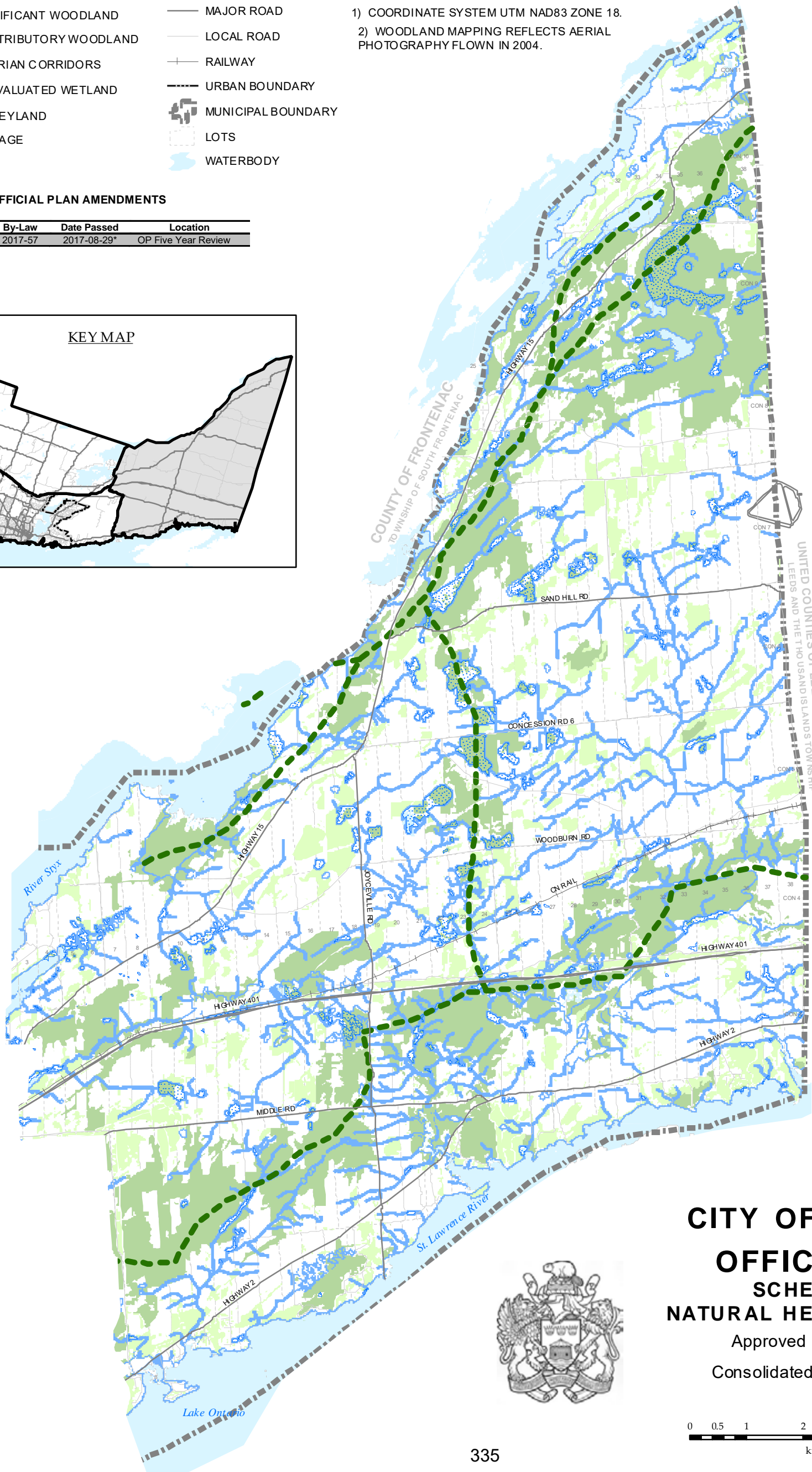
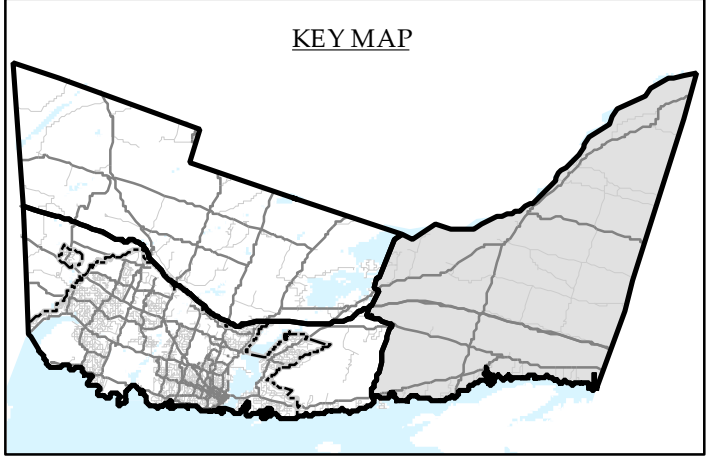
Mayor
Clerk

- LEGEND**
- SIGNIFICANT WOODLAND
  - CONTRIBUTORY WOODLAND
  - RIPARIAN CORRIDORS
  - UNEVALUATED WETLAND
  - VALLEYLAND
  - LINKAGE
- OTHER FEATURES**
- MAJOR ROAD
  - LOCAL ROAD
  - RAILWAY
  - URBAN BOUNDARY
  - MUNICIPAL BOUNDARY
  - LOTS
  - WATERBODY

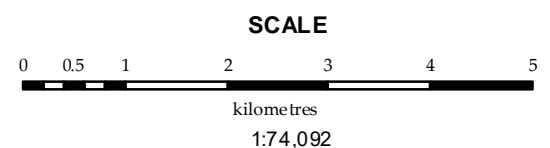
- NOTES**
- 1) COORDINATE SYSTEM UTM NAD83 ZONE 18.
  - 2) WOODLAND MAPPING REFLECTS AERIAL PHOTOGRAPHY FLOWN IN 2004.

**OFFICIAL PLAN AMENDMENTS**

OPA No.	By-Law	Date Passed	Location
50	2017-57	2017-08-29*	OP Five Year Review



**CITY OF KINGSTON**  
**OFFICIAL PLAN**  
**SCHEDULE 8-C**  
**NATURAL HERITAGE AREA 'B'**  
Approved - August 29, 2017  
Consolidated - November 1, 2019





# Schedule 'K' to By-Law Number

File Number: XXX

# Official Plan, Schedule CN-1, Cataraqui North Neighbourhood Secondary Plan

EPA designation updated to reflect removal of Riparian Corridors

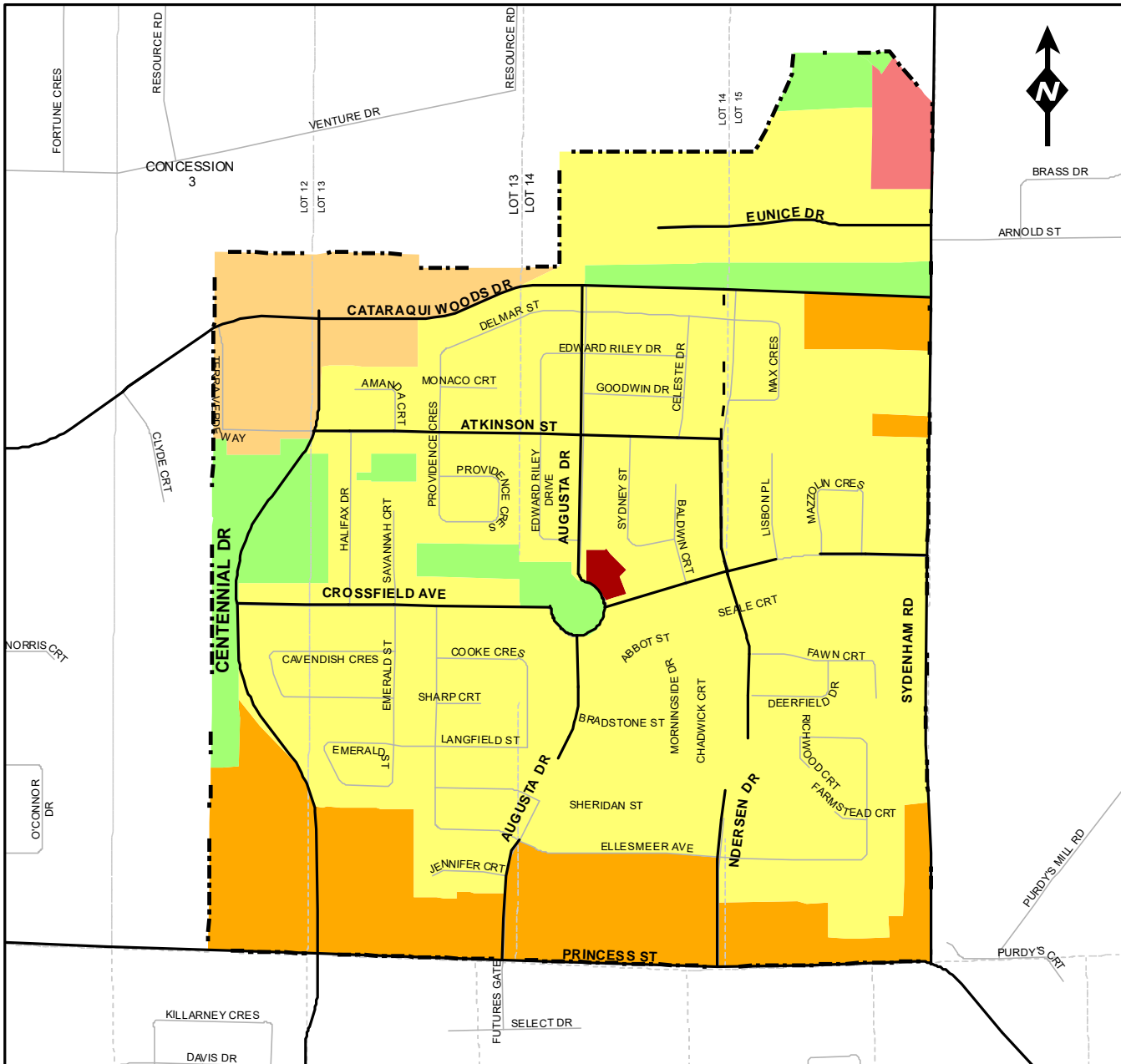
Planning Services

## Certificate of Authentication

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

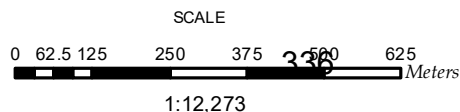


### LEGEND

- - - PROPOSED ROAD
- MAJOR ROAD
- LOCAL ROAD
- LOCAL ROAD
- AREA TO WHICH THIS SCHEDULE APPLIES
- <all other values>

### LAND USE

- Arterial Commercial
- Business Commercial
- District Commercial
- Neighbourhood Commercial
- Open Space
- Residential



## CITY OF KINGSTON OFFICIAL PLAN SCHEDULE CN-1

### CATARAQUI NORTH NEIGHBOURHOOD SECONDARY PLAN

Approved - August 29, 2017  
Consolidated - May 1, 2018





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

**Official Plan, Schedule CW-1, Cataraqui West Secondary Plan**

EPA designation updated to reflect removal of Riparian Corridors

File Number: XXX

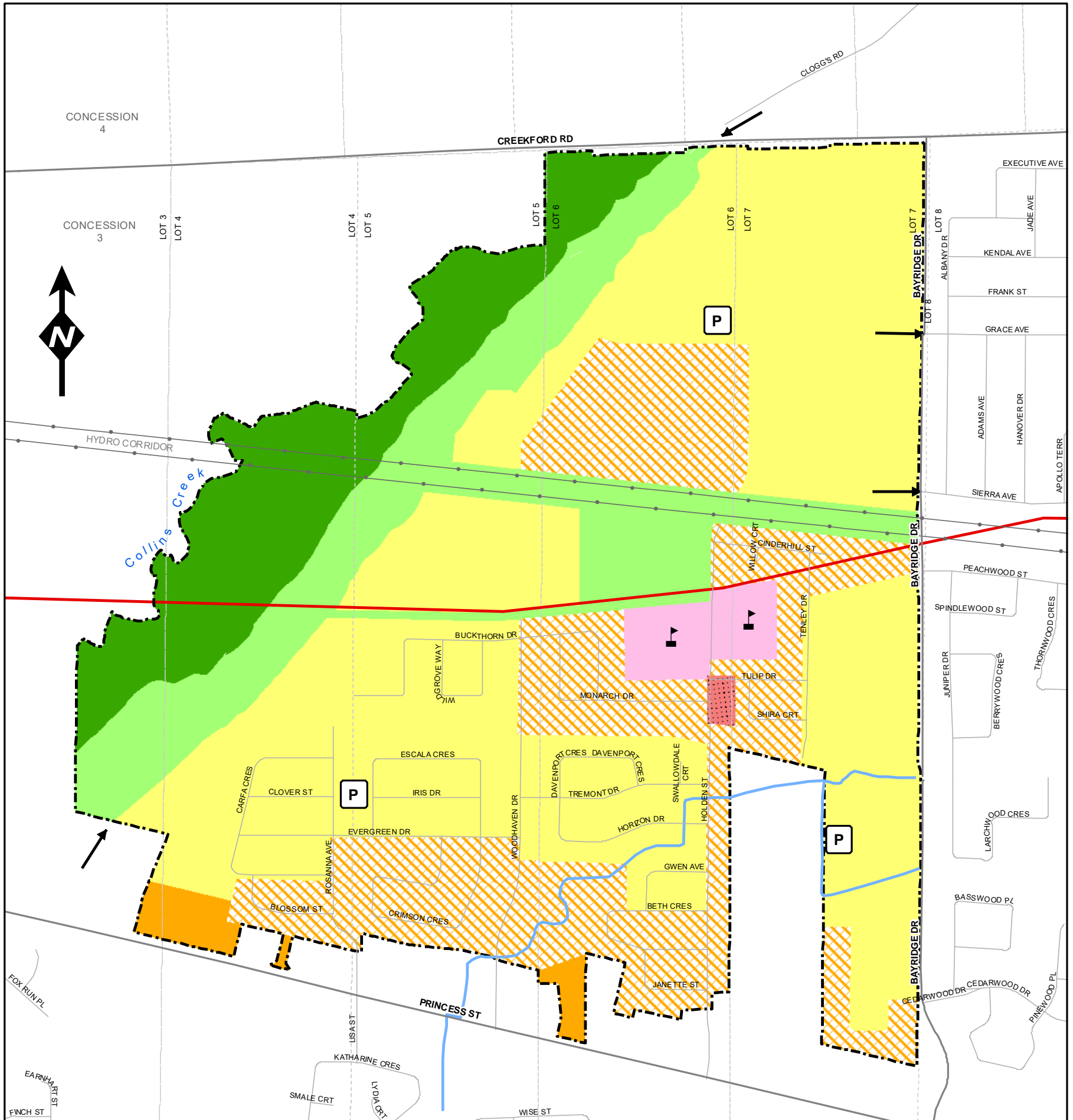
**Planning  
Services**

**Certificate of Authentication**

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**LEGEND**

- AREA TO WHICH THIS SCHEDULE APPLIES
- ARTERIAL COMMERCIAL
- DISTRICT COMMERCIAL
- ENVIRONMENTAL PROTECTION AREA
- INSTITUTION
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- OPEN SPACE

**OTHER FEATURES**

- MAJOR ROAD
- POTENTIAL ROAD LINKAGE TO BAYRIDGE DR
- TRANS-NORTHERN PIPELINE
- WATER COURSE

**OFFICIAL PLAN AMENDMENTS**

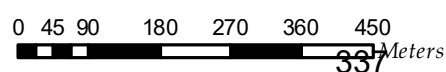
OPA No.	By-Law	Date Passed	Location
16	2013-98	2013-04-23	Administrative Amendment
29	2015-82	2015-04-21	Administrative Amendment
50	2017-57	8/29/2017*	OP Five Year Review




**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE CW-1  
CATARAQUI WEST  
SECONDARY PLAN**

Approved - August 29, 2017  
Consolidated - May 1, 2018

SCALE



1:9,582



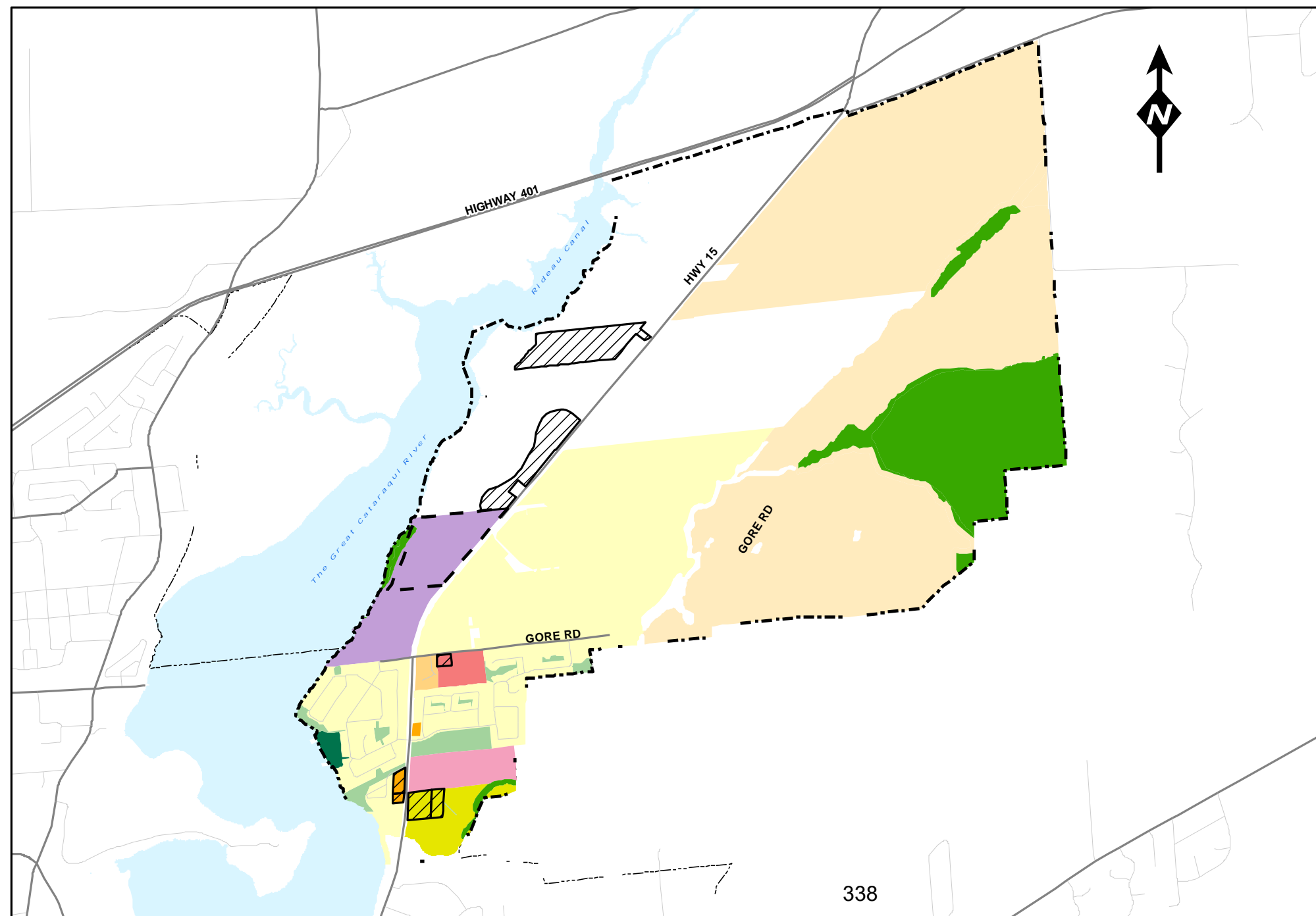
**Schedule 'M'**      Official Plan, Schedule RC-1, Rideau Community Secondary Plan  
**to By-Law Number**      EPA designation updated to reflect removal of Riparian Corridors  
 File Number: XXX  
**Certificate of Authentication**  
 This is Schedule 'M' to By-Law Number \_\_\_\_, passed this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**LEGEND**

- |                                     |                            |                               |                           |                |
|-------------------------------------|----------------------------|-------------------------------|---------------------------|----------------|
| SUBJECT TO OMB APPEAL (OPA NO. 50)  | LOW DENSITY RESIDENTIAL    | BUSINESS PARK INDUSTRIAL      | EXISTING QUARRY           | MAJOR ROAD     |
| AREA TO WHICH THIS SCHEDULE APPLIES | MEDIUM DENSITY RESIDENTIAL | MARINA                        | SITE SPECIFIC POLICY AREA | LOCAL ROAD     |
| HIGHWAY COMMERCIAL                  | HIGH DENSITY RESIDENTIAL   | ENVIRONMENTAL PROTECTION AREA |                           | URBAN BOUNDARY |
| DISTRICT COMMERCIAL                 | SPECIAL STUDY AREA         | OPEN SPACE                    |                           | WATERBODY      |
| NEIGHBOURHOOD COMMERCIAL            | INSTITUTIONAL              | RURAL                         |                           |                |



**OFFICIAL PLAN AMENDMENTS**

OPA No.	By-Law	Date Passed	Location
	2009-114	2009-08-04	217 Gore Road
4	OMB Order PL100828	2011-04-01	Baxter Farm
6	2011-89	2011-06-21	Administrative Amendment
13	2012-54	2012-02-21	725 Hwy 15
16	2013-98	2013-04-23	Administrative Amendment
17	2013-14	2012-12-18	1396 Hwy 15
27	2014-123	2014-07-16	725-745 Hwy 15
28	2014-172	2014-10-07	752-760 Hwy 15
29	2015-82	2015-04-21	Administrative Amendment
44	2016-7	2015-12-01	823 Hwy 15
50	2017-57	2017-08-29*	OP Five Year Review

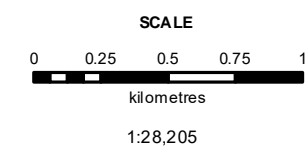
**NOTES**


THE SITE SPECIFIC POLICIES ASSOCIATED WITH THE SITE SPECIFIC POLICY AREAS CAN BE FOUND WITHIN SECTION 10B.14. FOR EXAMPLE, THE SITE SPECIFIC POLICIES FOR SITE SPECIFIC AREA RC-1-2 CAN BE FOUND IN SECTION 10B.14.2.

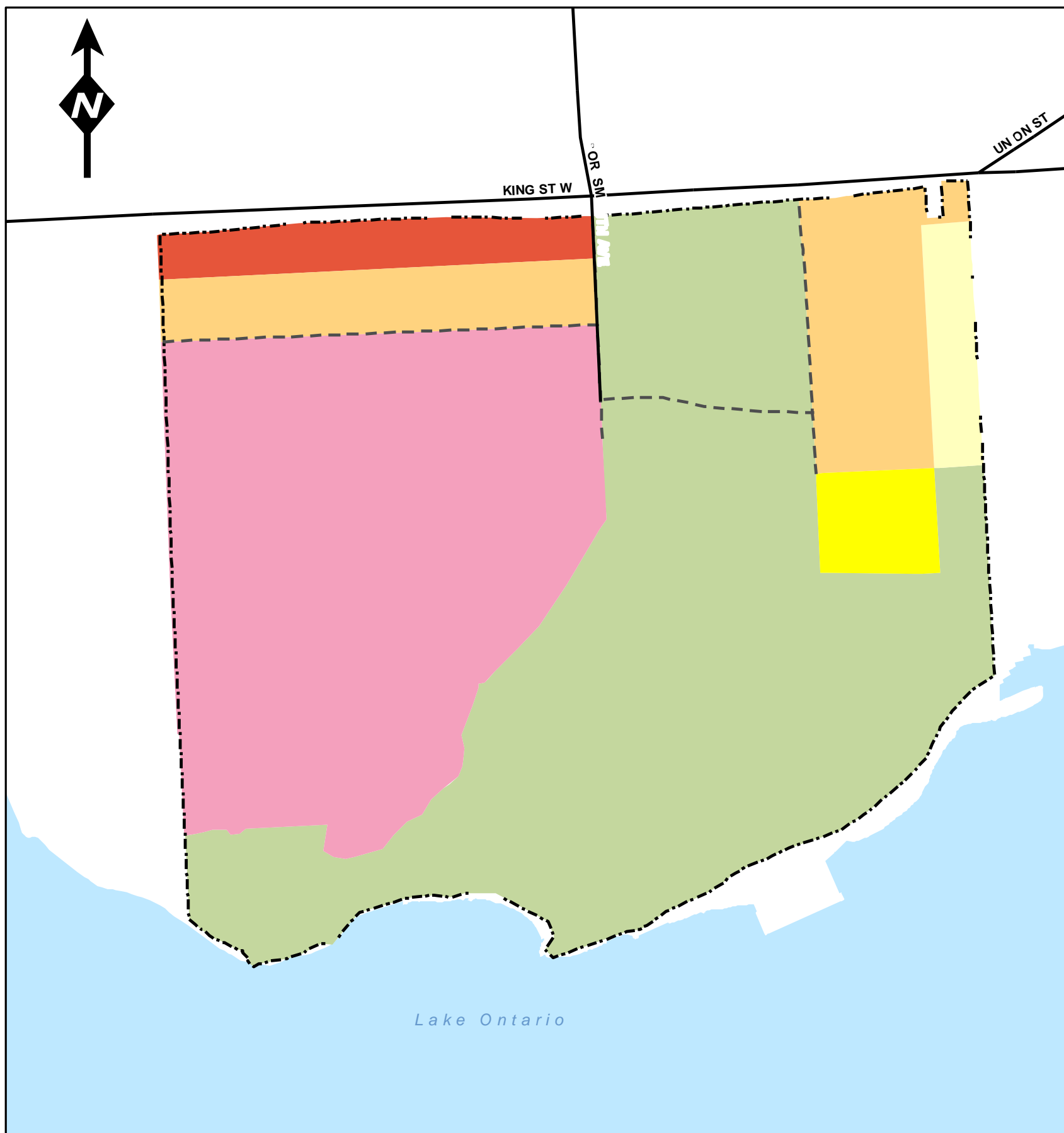


**CITY OF KINGSTON  
OFFICIAL PLAN  
SCHEDULE RC-1  
RIDEAU COMMUNITY  
SECONDARY PLAN**








Approved - August 29, 2017  
Consolidated - May 1, 2018






 <p><b>Planning Services</b></p>	<p><b>Schedule 'N' to By-Law Number</b></p> <p>File Number: XXX</p>	<p><b>Official Plan, Schedule KPC-1, Kingston Provincial Campus Secondary Plan</b></p> <p>EPA designation updated to reflect removal of Riparian Corridors</p>
	<p><b>Certificate of Authentication</b></p> <p>This is Schedule 'N' to By-Law Number ____, passed this ____ day of _____ 2021.</p>	
	<p>_____ Mayor</p>	<p>_____ Clerk</p>

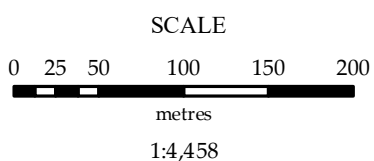


**LEGEND**

-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  HIGH DENSITY RESIDENTIAL
-  INSTITUTIONAL
-  MIXED USE
-  HERITAGE LANDSCAPE
-  ENVIRONMENTAL PROTECTION AREA

**OTHER FEATURES**

-  MAJOR ROAD
-  LOCAL ROAD
-  WATER BODY



**CITY OF KINGSTON**

**OFFICIAL PLAN  
SCHEDULE KPC-1**

**KINGSTON PROVINCIAL CAMPUS  
SECONDARY PLAN**

Approved - September 5, 2017; OPA No: 57  
Consolidation - May 1, 2018

## Proposed City-Initiated Official Plan Amendment

File Number: D09-004-2021

### New Zoning By-law

#### Proposed Official Plan Amendment

The City of Kingston has initiated an Official Plan amendment to better enable the New Zoning By-law to implement the intent of the existing Official Plan policies.

This document provides a general summary of the amendments, their consistency with the Provincial Policy Statement (2020) and their conformity to the general intent of the existing Official Plan. For further details on the proposed amendments, please review Schedule 'A' of the draft By-law, which provides an itemized list of the amendments. An expanded version of Schedule 'A' provides an explanation for each proposed amendment.

#### New Zoning By-law

The New Zoning By-law project has identified several areas where amendments to the Official Plan are required to better implement the existing policy intent. The amendments can be summarized into the following six (6) themes and generally explained as follows:

1. Additional Residential Units / Tiny Houses  
Amendments to the Official Plan are proposed to reflect recent *Planning Act* changes that replace 'second residential units' with 'additional residential units', which would enable one additional residential unit within a principal dwelling and one additional residential detached from the principal dwelling unit. Similarly, the Official Plan will replace the term 'Garden Suite' with the more modern term 'Tiny House'.
2. Places of Worship / Schools  
Amendments to the Official Plan are proposed to establish complementary uses for places of worship, which would enable a broader array of services to be provided to the community. Additionally, amendments to the Official Plan are proposed to remove funding distinctions between schools.
3. Environmental Protection Areas

Amendments are proposed to the Official Plan that would transition the method 'riparian corridors', being lands within 30 metres of a waterbody, are protected by the Official Plan.

4. On-Farm Diversified Uses / Agriculture-Related Uses

Amendments are proposed to the Official Plan to provide greater clarity on the process to establish on-farm diversified uses and agriculture-related uses, including amendments to the existing review criteria.

5. Complementary Uses within Employment Areas

Amendments are proposed to the Official Plan to provide greater clarity on the process to establish a complementary use within an employment area designation, including the introduction of review criteria.

6. Housekeeping

Various technical amendments are proposed to the Official Plan to update section numbering, references to review agencies and to provide clarity to existing policies where the amendments do not alter the existing interpretation.

**Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS)(2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests. The following discussion demonstrates that the proposed amendments to the Official Plan are consistent with the PPS.

New Zoning By-law

1. Additional Residential Units / Tiny Houses

Section 1.1.1 of the PPS indicates that healthy, liveable and safe communities are sustained, in part, by the provision of an appropriate affordable and market-based range and mix of residential types, including additional residential units. Section 1.4.3 provides further guidance to permit and facilitate "all housing options required to meet the social, health, economic and well-being requirements of current and future residents", where the definition of housing options includes additional residential units and tiny houses. The proposed amendment would transition the existing second residential unit policies to apply to additional residential units and clarify the process of establishing a tiny house within the municipality. The proposed amendments enable intensification and increased housing options within the municipality.

2. Places of Worship / Schools

Section 1.1.1 of the PPS indicates that places of worship are an important component within healthy, liveable and safe communities and Section 3.1.5 indicates the schools are prohibited within hazardous lands and hazardous sites, but otherwise the PPS does not provide specific policy direction on these land uses. The proposed amendment seeks to establish various complementary uses for places of worship to acknowledge the breadth of services that can be provided by these facilities to support the community. With respect to schools, the proposed amendment would remove the funding distinction between public and private schools and would not permit schools within hazardous lands.

3. Environmental Protection Areas

Section 2.1 of the PPS directs that natural features and areas shall be protected for the long-term and identifies the natural heritage features and their adjacent lands that are of provincial interest. Development is not permitted within these areas, unless, in certain instances, it has been demonstrated that there will be no negative impacts on the features or their ecological functions. Section 2.2 provides various directions to planning authorities to protect, improve or restore the quality and quantity of water at a watershed scale. In particular, planning authorities are directed to identify water resource systems, including natural heritage features and surface water features, which are necessary for the ecological and hydrological integrity of the watershed. Development and site alteration are directed away from sensitive surface water features such that their hydrologic functions are protected, improved, or restored.

The proposed amendment would adjust the method by which the Official Plan would protect riparian corridors, being the lands within 30 metres of a waterbody, while maintaining the existing level of protection. Riparian corridors would be removed from the list of features that comprise the Environmental Protection Area designation, in favour of protecting the features through Natural Heritage 'B' policies and amendments to the 'Ribbon of Life' policies. The proposed amendments would maintain protection for these environmentally sensitive lands.

4. On-Farm Diversified Uses / Agriculture-Related Uses

Sections 1.1.5.2 and 2.3.3 of the PPS indicate that on-farm diversified uses and agriculture-related uses are permitted uses within the rural lands and prime agricultural areas within municipalities, provided the uses are compatible with and do not hinder surrounding agricultural operations. The PPS further indicates that these uses will be regulated in accordance with provincial guidelines, or

municipal guidelines that maintain similar objectives. The proposed amendment seeks to protect agricultural uses from incompatible development by requiring on-farm diversified uses and agriculture-related uses to be established through a minor variance application. The proposed amendment would revise the review criteria to establish these uses and makes reference to applicable provincial guidance documents.

5. Complementary Uses within Employment Areas

Section 1.3.1 of the PPS directs municipalities to provide a mix and range of employment and broader mixed uses to meet long-term needs and to maintain a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. Section 1.3.2 provides specific direction for employment areas and directs municipalities to protect and preserve employment areas for current and future uses and to provide the infrastructure necessary to support current and projected needs. The proposed amendment seeks to maintain the existing intent of the Official Plan to allow complementary uses in appropriate quantities and locations to serve and support employment areas, while protecting the key employment uses of these lands. The proposed amendment would clarify the process to establish a complementary use within an employment area designation. The amendment includes the introduction of review criteria to establish a complementary use, which includes various provisions to protect the employment uses.

6. Housekeeping

The housekeeping amendments are technical in nature and do not alter the interpretation of existing policies and consistent with the Provincial Policy Statement.

## Official Plan Considerations

### New Zoning By-law

1. Additional Residential Units / Tiny Houses

Section 3.3.11 provides primary policy direction to establish a second residential unit, with additional sections of the Official Plan providing supplementary policy. The proposed amendment seeks to replace the term 'second residential unit' with the term 'additional residential unit'. The amended policies would enable a maximum of one additional residential unit to be located attached or internal to a principal dwelling unit and a maximum of one additional residential unit to be detached from the principal dwelling unit, which is consistent with recent changes to the *Planning Act* and PPS. Section 3.3.D.7 provides primary policy direction on Garden Suites, which the Official Plan defines as "a one-unit detached residential

structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”. The proposed amendment seeks to replace the term “Garden Suite” with the more modern term of “Tiny House”, which is the terminology that will be used within the New Zoning By-law, and revise the policies to focus on the land use rather than the users.

2. Places of Worship / Schools

Sections 3.2.1 and 3.2.2 of the Official Plan provide policy direction on elementary and secondary schools, respectively, and currently differentiate between publicly- and privately funded schools despite these uses being similar in function and operation. The proposed amendment would remove the distinction between public and private schools to enable the New Zoning By-law to regulate the land use based on the use of the facility, rather than the users.

Section 3.2.4 provides the designations where places of worship will be permitted by the Official Plan, subject to various constraints. Places of worship have traditionally provided space for religious services but have transitioned over time to function as important community gathering places by providing meeting space for clubs and organizations during off-peak hours. Places of worship are distributed throughout the municipality and often include a variety of features to support large gatherings, such as cooking facilities, offices and gymnasiums. The proposed amendment seeks to acknowledge the complementary uses that places of worship commonly provide within the community, such as educational uses, daycare centres and catering kitchens. The proposed amendment would enable the New Zoning By-law to better regulate places of worship and facilitate these complementary uses as of right.

3. Environmental Protection Areas

‘Riparian Corridors’ are identified as a Natural Heritage ‘A’ feature within Section 6.1 of the Official Plan and are shown as a 30 metre buffer from waterbodies on Schedule 7 of the Official Plan. Section 3.10 indicates that the Environmental Protection Area (EPA) designation is composed of Natural Heritage ‘A’ features. Development is generally prohibited from lands designated EPA, with the exception of riparian corridors; Section 3.10.2.1 allows development within the EPA designation on existing lots of record, provided the designation relates solely to a riparian corridor. The New Zoning By-law cannot effectively implement the conditionality associated with this existing Official Plan policy. Without an Official Plan amendment, the New Zoning By-law would be required to place all lands within 30 metres of a waterbody in a zone that prohibits development, which is not the existing intention of the Official Plan.



Amendments to Section 6.1 and Schedules 7 and 8 are proposed to transition 'riparian corridors' from a Natural Heritage 'A' feature to a Natural Heritage 'B' feature. Development is prohibited within a Natural Heritage 'B' feature, unless and Environmental Impact Assessment has confirmed no negative impacts. Further amendments are proposed to Section 3.9.2 to clarify that 'riparian corridors' and 'Ribbon of Life' generally refer to the same lands within 30 metres of a waterbody and that the intent of Section 3.9.2 is to a text-based policy and that waterbodies do not need to be shown on a schedule of the Official Plan in order to receive protection from development. Section 3.9.6 identifies existing exemptions for development within 30 metres of a waterbody for existing lots of record. Amendments to Section 3.10 are proposed to reflect the transition of riparian corridors to a Natural Heritage 'B' feature. The proposed amendments alter the method the Official Plan would use to protect lands within 30 metres of a waterbody from development while maintaining the existing level of protection.

4. On-Farm Diversified Uses / Agriculture-Related Uses

Sections 3.11.4 and 3.11.5 provide the primary policy direction for agriculture-related uses and on-farm diversified uses within Prime Agricultural Areas, with Sections 3.12.2 and 3.12.3 permitting the uses within the Rural Lands in accordance with the above noted policies. The intent of the existing policies was to protect agricultural uses while allowing on-farm diversified uses or agriculture-related uses that were compatible. The proposed amendment continues the existing intent to protect agricultural uses by introducing the requirement for on-farm diversified or agriculture-related uses to be established through a minor variance application. This site-specific approach ensures that each application will satisfy the revised compatibility criteria.

5. Complementary Uses within Employment Areas

Section 3.6 indicates that complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees by having personal services and amenities in close proximity to employment uses. Sections 3.6.12 and 3.6.14 provide guidance on appropriate locations and size limitations for complementary, whereas Section 3.6.16 requires complementary uses to be established and regulated by separate zoning categories. The proposed amendment maintains the existing intent of the policies while providing greater clarity on the process to establish a complementary use, including the introduction of review criteria to ensure land use compatibility and protection for the employment lands. Further, the proposed amendment seeks to ensure the employment areas are appropriately supported by broadening the

potential for complementary uses to all lands designated Business Park Industrial or General Industrial.

6. Housekeeping

Various technical amendments are proposed to the Official Plan to update section numbering, references to review agencies and to provide clarity to existing policies where the amendments do not alter the existing interpretation.

**Conclusion**

The proposed amendments are consistent with the Provincial Policy Statement (2020) and conform to the general intent of the City of Kingston Official Plan.

Section Category	Name	Date	Comment	Response
2.1. Language and Meaning - Shall	VS	2016-12-05	It is disappointing to see the word "shall" used extensively through the draft zoning by-law. It is a confusing word that is no longer in favour among legislative drafters in many English-language jurisdictions. It can be easily replaced. A document without "shall" is easier for average readers to understand (no one uses "shall" in conversation) and is less susceptible to (mis)interpretation and argument.  [Excerpt from a web site on the use of plain language: <a href="http://www.plainlanguage.gov/howto/wordsuggestions/shallmust.cfm">http://www.plainlanguage.gov/howto/wordsuggestions/shallmust.cfm</a> ]	The language throughout the second draft of the New ZBL has been amended to remove the word "shall".
2.1. Language and Meaning	HL	2021-01-28	With regard 4.14 sometimes the terms used are "...setback for...", for instance for a bay window, and sometimes "...a setback of...". I always thought "setback to" should be used. But in any case maybe this should be consistent.	Since a setback is defined as a unit of measurement (the minimum horizontal distance between one thing and another), the second draft uses the language "setback of".
2.1. Language and Meaning	HL	2021-01-28	The words "lot , building or structure" appear countless times in the by-law. However, in 1.8.2 "land, building or structure" is used. For consistency shouldn't this be changed to "lot,..".	"lot or building" is the preferred terminology in the second draft.
2.5.5. Zoning of Water	CC	2016-11-24	The water should all be zoned EPA rather than various designations, including OS2.	The zone maps have been amended to zone all mapped waterbodies EPA, corresponding with the text of 2.5.5.
3.1.12. Definition - Angular Plane	HL	2021-01-26	The definition of Angular Plane is not particularly clear. The definition is: Angular Plane means an imaginary flat surface that projects up at a specified angle from a specific point, such as a lot line, height, or a specific storey of a building. Firstly a plane is a flat surface; so there is some redundancy there. I think it should say "projects up at a specified angle to the horizontal." Also I don't think it should say "from a specific point" and then say "such as a lot line", as a line is not a point. Maybe it could be defined as follows: Angular Plan means an imaginary upwardly inclined plane set at an angle to the horizontal, commencing either at intersection with a vertical plane, such as a build-to-plane, at a prescribed elevation above grade, which may coincide with a storey or a distance from grade, or at grade, which may coincide with a lot line.	The second draft has been revised to include the definition suggested.

3.1.16. Definition - Attic	HL	2021-01-26	The definition of Attic seems to be way off. It is defined as follows: Attic means the space between the roof and the ceiling of any storey or between a partial wall and a sloping roof. This is clearly not an accurate definition. If a building has 4 storeys then the space between the ceiling of the 1st storey and the roof would not be an attic. It should say the uppermost storey. Here's the definition from the Ontario Building Code: Attic or roof space means the space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.	The second draft has been revised to include the definition suggested.
3.2.9. Definition - Bay Window	HL	2021-01-26	The definition of Bay Window is as follows: "Bay Window means a window that projects outward from an exterior wall of a building or structure but does not include any gross floor area of the dwelling unit." I don't know why the "...but does not include any gross floor area of the dwelling unit." is included in the definition. Why is it there? As, I think, not all bay windows extend to a floor perhaps a definition like the following is needed: Bay Window means a window that projects outward from an exterior wall of a building or structure and such projection may extend down to the adjacent floor level below. And then in the definition of Gross Floor Area add another exclusion as follows: 11. Any floor area associated with a bay window if that is the intent of second part of the definition for Bay Window.	The reason the definition specifies that no gross floor area is included, is that a projection that would include additional gross floor area would simply be considered part of the principal building and would not benefit from additional projection provisions. A bay window that should benefit from the additional provisions would not have a foundation that extends to the ground; rather it would be a true projection from the exterior wall of the building with the sole purpose of allowing greater window area and natural light, not expanding the floor area of the unit.
3.2.14. Definition - Building	HL	2021-01-26	The definition of Building is similar to but not totally aligned with that in the Building Code Act and I wonder why it is not. Buildings less than 10 square metres are still considered buildings in the Building Code Act if they contain plumbing. In addition there are "designated" structures that are deemed to be buildings such as signs, outdoor pools, solar collectors, etc. Please see the next item.	The intent of the Building Code Act and Zoning By-law are different. One of the main purposes of the Zoning By-law is to ensure land use compatibility and the reduction in adverse effects from one land use on another. Buildings that are less than 10 square metres have the ability to cause land use compatibility concerns, as such, they are included in the zoning by-law even though they may not be considered buildings under the Building Code.
3.2.14. Definition - Building	MD	2021-06-23	We noticed that you wanted to change the definition of the word "Building". a. CEPEO sometimes uses the containers for storage of school materials for more than 28 days. What impact will this change have on our schools?	The use of 28 days in the definition isn't meant to limit the duration any shipping container can be located on a property. It is merely meant to say that a shipping container that is used for true shipping purposes for

				<p>periods not exceeding 28 days doesn't need to meet the same requirements. Shipping containers used for long-term storage on school properties would be considered buildings in the zoning by-law and would be required to conform with all of the performance standards that apply to buildings on the property, such as setbacks, coverage, height, etc. Where they are considered a building, there is no limitation on the duration that they can be located there.</p>
3.2.14. Definition - Structure	DM	2016-11-02	<p>When is a multiplex of sports fields a structure? The height of the multi-light standards and the range of the acoustic and amplified noise create problematic impacts that are not managed within the site. The infrastructure for handling the traffic of 10,000 people is not present today around West Campus. Is the compounding growth to be adequately governed? With sports fields, it all seems to fall to site planning, as though game fields are merely park open spaces, and the history of that site planning process is that it just isn't... getting it done.</p>	<p>In the second draft of the zoning by-law, the term structure has been removed and combined into the definition of building. A sports field is not considered to be a building and noise is not regulated by the zoning by-law. The regulation of noise falls under the jurisdiction of the City's Noise By-law.</p>
3.2.14. Definition - Structure	HL	2021-01-26	<p>With regard to the definition of Structure in Sections 3 it states that "fences" are deemed not to be "structures." Yet in 4.1.6 Structures Exempt from Setbacks paragraph 2 it lists fences as the first item implying that fences are structures. Fences should be removed from the list in 4.1.6. as they have already been deemed not to be Structures in the definition. I see the references to the exclusion of fences as a structure in a number of clauses including 4.1.7.7, 14.2.2.7</p>	<p>Fences are intended to be regulated by the fence by-law, not the zoning by-law. A new section 4.12 (Items Exempt from this By-law) specifically identifies fences as an item that is exempt from the zoning by-law.</p>
3.2.14. Definition - Structure	HL	2021-01-26	<p>With regard to the definition of Structure one of the criteria is that it must be attached or fixed permanently to the ground. 4.1.1. it states that, for instance, air-conditioners are considered accessory structures. Most residential air conditioners/compressors sit on the ground but are not fixed to the ground. There are usually no foundations nor any fasteners to connect the air conditioner unit to a foundation. As such they would not, I would say, fall under the proposed definition of Structures. Frankly many out buildings/utility sheds also have no foundations and therefore would not be permanently fixed to the ground. Are these to be considered structures?</p>	<p>The second draft has combined building and structure into one definition of building. This definition has been amended to include anything that stands more or less permanently in one place. The intent of this change is to ensure that items that are placed in one location on the ground, are considered buildings and must comply with the zoning by-law requirements. As it relates to air-conditioners, a new provision has been added to 4.1.1.</p>

				to provide some clarity about when they are considered accessory buildings.
3.2.14. Definition - Structure	HL	2021-01-28	With regard to the definition of Structure it is not clear why signs, in general, are excluded. Large, free standing signs can have large foundations and significant structural members. Maybe there should be a size limit or some other criteria to designate them as structures. In the Building Code (e) signs are regulated by Section 3.15. of Division B and those that are not structurally supported by a building are considered designated structures and have to be designed under Part 4 (Structural) of the Code.	Signs are excluded because they are regulated by the Sign By-law and are not intended to be regulated by the zoning by-law.
3.2.18. Definition - Build to Plane	HL	2021-01-26	With regard to the definition of Build-to-Plane and Street Right-of-Way, Right-of-Way is defined as an "area of land". The Build-to-Plane definition states "The location of the build-to-plane is established by measuring from, and perpendicular to, the street right-of-way." How can one measure from an "area"? What part of the area do you measure from? In fact a distance perpendicular to a horizontal area would be a vertical measurement not an horizontal measurement. Shouldn't it really say "from the street line" or "from the nearest boundary of the right-of-way" or other appropriate wording? This appears Section 20 items 556 & 1183.	The definition of build-to-plane has been revised in the second draft to refer to the street line rather than the right-of-way to ensure the plane is measured from a specific line rather than an area.
3.3.20. Definition - Conservation Use	VS	2016-12-05	It seems that this definition is focused on the "planned management" of land rather than its long-term protection. Although long-term protection is a form of land management, the definition fails to recognize conservation properties and work being done by the municipality (see, for example, Loyalist Township), the local conservation authority and by land trusts, including the Nature Conservancy of Canada, Ontario Heritage Trust, Rideau Waterway Land Trust, and the Land Conservancy for Kingston, Frontenac, Lennox and Addington. These organizations hold lands in perpetuity to conserve them for ecological reasons. Could the conservation use definition convey this better?	The definition of conservation use has been amended to focus on long-term protection rather than planned management.
3.3.20. Definition - Conservation Use	CC	2016-11-24	Defining conservation use something like this: "Conservation Use means the protection of land and water for the purpose of preserving the natural heritage resource over the long term"	The definition of conservation use has been amended to focus on long-term protection rather than planned management.

3.3.21. Definition - Construct	HL	2021- 01-26	Construct is defined but mentions only Buildings and does not mention Structures. So to build a structure like a retaining wall or a sign base or an outdoor pool is not "construction" according to the by-law. As mentioned above the Building Code defines these as buildings. This by-law would appear to call them Structures and as such I think the word Structure should appear in the definition of Construct.	The term structure has been removed from the second draft of the new zoning by-law and has been replaced with one expanded definition of building.
3.4.5. Definition - Develop	HL	2021- 01-26	With regard to the definition of Develop, landscaping of a lot and paving is not considered Development of a lot as long as the "use" of the lot doesn't change. Is that correct? If an existing unpaved driveway and parking lot is then paved it would have an effect on the stormwater runoff from the site. How would this be controlled by the City, if at all.	The definition of develop has been revised to include landscaping and paving insofar as minimum landscaped open space areas and maximum driveway widths are concerned, however it is not intended to review detailed stormwater management designs on properties. If applicable to a site, the site plan control process is the City's mechanism to ensure appropriate stormwater management facilities are designed and provided.
3.6.7. Definition - Finished Grade	HL	2021- 01-26	The determination of how to calculate the Finished Grade is not clear and the calculation shown is incorrect. The determination of how to calculate Finished Grade in the definition is written as follows: "The finished grade is determined by taking the average of the elevation of the finished ground surface at every location of the change of grade along the outside walls of a building or structure." So what precisely does it mean by a "location of a change of grade." It seems to imply a point. The diagram 3.1.3 shows a constantly sloping grade along the sides of a building. Of course, for a constantly sloping grade there are an infinite number of locations of a change of grade elevation. Every point along the slope is a change of grade elevation. However the diagram shows 8 points, presumably at each point where the slope of the grade changes. So does change of grade mean change of the slope of the grade. In Diagram 3.1.3 eight (8) elevation points around a building are shown; 4 on each side and one in the back. Presumably the first elevation is the constant elevation along the front. The diagram implies that the addition of these eight points divided by 8 would give an average elevation grade. This is not the case. I've attached a revised diagram with a corrected calculation.	The definition of finished grade has been revised to ensure the provision can be easily implemented in the review of building permit plans, while maintaining the original intent of the definition from the first draft. The first draft required that an infinite number of points around the perimeter of a building be used to calculate an average in order to determine the grade level, while the second draft proposes to use 4 points that represent the outermost corners of a building in order to calculate the average of the finished grade.
3.6.7. Definition -	HL	2021- 01-26	Further to item 1 in diagram 3.1.3 the elevation at the top of a deck is shown as a grade elevation (elevation point 6). Where does this come from? How can the top	The definition of finished grade has been revised to ensure the provision can be easily implemented in the

Finished Grade			of a deck be included in a grade elevation? It would appear that adding such a deck would allow the height of the building to be increased. The higher the deck the higher the building can be because the deck would increase the "finished grade" elevation from which the height is measured. I don't think this makes sense!	review and submission of building permit plans, while maintaining the original intent of the definition from the first draft. The first draft required that an infinite number of points around the perimeter of a building be used to calculate an average in order to determine the grade level, while the second draft proposes to use 4 points that represent the outermost corners of a building in order to calculate the average of the finished grade.
3.6.8. Definition - First Storey	HL	2021-01-28	The definition of First Storey is as follows: "First Storey means the storey with its floor closest to finished grade." The definition of Storey includes the following: "...Any portion of a building partly below the level of finished grade shall be deemed a storey where its ceiling is at least 1.8 metres above finished grade. So what about a floor with its floor closest to finished grade but with a ceiling less than 1.8 metres above finished grade. It can be at one time, then, both the first storey and yet not a storey!"	The definition of storey has been amended with a 1.0 metre reference instead of 1.8 metres in accordance with recent amendments related to second residential units. The definition of First Storey includes "and which has a floor level that is located at or above finished grade". Since the first storey requires a floor level to be at or above grade, where a provision applies to the first storey, it specifically means the storey of the building that is located above grade.
3.7.8. Definition - Gross Floor Area	HL	2021-01-28	The definition of Gross Floor Area states "Gross Floor Area means the total floor area of all floors of a building or structure above finished grade, measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding..." The implication of this definition is that a party wall is either always an element that divides contiguous buildings or simply can be an element that divides contiguous buildings. But unlike the Building Code it doesn't state when a party wall can divide contiguous buildings into separate buildings. In the Building Code in clause 1.1.3 Building Size Determination it makes this statement with regard to firewalls and party walls with a fire rating. Should there, therefore, be a similar definition of Building Size or a reference to the Building Code or, at least, some clarification.	The zoning by-law and the OBC have a different intent when defining a building and gross floor area. Under the OBC, both a party wall and fire wall separate spaces however, a firewall (non-combustible) separates two "buildings" (as defined by the OBC) and a party wall is a common wall on the legal lot line separating dwelling, like a semi or townhouse, remains one building. From a zoning perspective, the intent of the definition of gross floor area is to calculate the size of a building relative to lot lines, not relative to fire separation walls (since there may one or more fire separation walls within a building (as defined by the zoning by-law) on one legal



				property). The use of the term party wall in the definition is appropriate, as it allows the zoning by-law to restrict the overall size of a building on a legal property.
3.7.8. Definition - Gross Floor Area	HL	2021-01-28	With regard to item 1, if the first floor (i.e. first storey) is below finished grade then it would not be included in the calculation!?! Is that what is wanted?	The definition of gross floor area is intended to capture floor area located at or above finished grade.
3.7.8. Definition - Gross Floor Area	HL	2021-01-28	With regard to Gross Floor Area one of the excluded items is 2. Areas below finished grade which is used for mechanical equipment; The "is" should be changed to "are." What about those used for electrical equipment? Should it not say, "...mechanical and electrical equipment."	The definition of gross floor area has been revised to exclude mechanical areas without reference to below grade and has been expanded to include electrical and other similar areas.
3.7.8. Definition - Gross Floor Area	HL	2021-01-28	Further to item 3 in my previous email with regard to the definition of Gross Floor Area, it only includes "...the total floor area of all floors of a building or structure above finished grade..." and then excludes "2. Areas below finished grade which is used for mechanical equipment;" Firstly I presume "Areas" means floor areas. Secondly how can these areas below finished grade be excluded when they were never included!	The definition of gross floor area has been revised to exclude mechanical areas without reference to below grade and has been expanded to include electrical and other similar areas.
3.12.3. Definition - Landscaped Open Space	HL	2021-01-28	With regard to the definition of Landscaped Open space, it includes the area occupied by a swimming pool but excludes space occupied by a structure. However it is not clear whether an in-ground or above-ground swimming pool is a structure or not. From the definition of Structure it would appear to be one. If it is a structure than there is a contradiction in the definition. So perhaps it should state that a swimming pool is not a structure with regard to this definition if, in fact, it would normally be considered a structure. If it is to be considered a structure I think it should say so under the definition of Swimming Pool.	The definition of landscaped open space has been revised for clarity, specifying features that are included in the calculation and features that are excluded from the calculation without relying on the definition of building.
3.13.9. Mobile Homes	MM	2021-07-01	It would be great for Kingston to have the ability to offer mobile park areas as a path to accessible and affordable tiny home, home or trailer ownership.	Policy 3.3.D.8. of the Official Plan states: "The existing mobile home park south of Weller Avenue is recognized by this plan, but no new freestanding mobile home units or mobile home parks are permitted

				<p>as permanent residential uses within the municipal boundary.”</p> <p>The intent of this policy is clear and it is outside the scope of the third phase of the New ZBL project to significantly alter the intent of this provision of the Official Plan. Staff are committed to evaluating this as part of the next municipal comprehensive review of the Official Plan to ensure the policies consider and plan for the full housing continuum.</p>
3.16.14. Definition - Porch	HL	2021-01-28	<p>The definition of porch is as follows: “Porch means a structure attached to a main wall of a building that may have a roof but with walls that are generally open and unenclosed.” So if the porch is enclosed is it or is it not a porch. Why are the words “generally open and unenclosed” used. What is the intent for including these. If an enclosed porch is a “Porch” then it is a porch. If the intent is that it not be a Porch then the word “generally” should be removed from the definition. The definition of Gross Floor Area has an exclusion for “enclosed porches” and if the intent that enclosed porches not be considered a porch then this definition would have to be modified. I think a clearer definition is required in any case. Also, if a porch doesn’t have a roof is it really a porch or a deck.</p>	<p>The definition of porch has been revised to specify that it is either unenclosed or partially enclosed. This means that any portion of a building that is fully enclosed would simply be considered part of the main building. The definition of gross floor area has been amended to simply refer to the defined porch, rather than “enclosed porch”.</p>
3.16.16. Definition - Principal	HL	2021-01-26	<p>The definition of Principal seems confusing. It is states as follows: Principal means the main or primary purpose for which any use, building or structure, or part thereof, is designed, arranged or intended. It is a purpose for which a building, a structure or a use is designed? Can a “use” be designed? Something can be designed for a use but I’m not sure a use can be designed. According to the definition of “Use” as a noun, this definition is saying that principal means a purpose for which a purpose is designed!? Maybe it should say Principal means the main or primary purpose or use for which any building or structure, or part thereof, is designed, arranged or intended.</p>	<p>The definition of principal has been revised as suggested.</p>

3.18.4. Rear Setback and Rear Yard	HL	2021-01-26	With regard to 3.1.11 why is the Rear Setback not aligned with the Rear Yard hatched area boundary at the buildings shown? It is shown some distance away from the buildings.	The intent of setbacks and yards are different. Setbacks are the minimum required distances from the building to the lot line. Yards are the actual distance from a building to a lot line. For instance, the minimum setback may be 4 metres, whereas the building may be constructed 6 metres from that lot line. The intent of yards in the zoning by-law is related to where things can be located on a lot relative to the actual building, so it is an important distinction to make to uphold the intent of different provisions.
3.18.13. Definition - Retail Store		2016-12-22	KFL&A Public Health recommends that the City of Kingston consider zoning bylaws that decrease or limit the outlet density of alcohol, tobacco and vaping products retailers, and eventually cannabis retailers. There is a body of evidence that suggests limiting outlet density reduces the harms associated with the use and misuse of these substances, and helps to create a safe and healthier community. As part of a comprehensive approach, decreased availability supports a reduction in overall use, a decrease in initiation by youth, and denormalizes the use of these substances within a population. Zoning restrictions could include but are not limited to: <ul style="list-style-type: none"> <li>• setting a limit to the number of retailers in a specific geographic area</li> <li>• prohibiting retailers within a specific distance of schools, community and recreation centres, public parks etc</li> <li>• prohibiting retailers along access routes to schools</li> <li>• requiring a minimum distance between retailers to avoid clustering</li> <li>• restricting retailer locations to a specific geographic area.</li> </ul>	The second draft of the New ZBL does not specifically define the types of products sold in stores or manufactured in employment areas – the focus of a zoning by-law is on the land use and its potential to negatively impact adjacent properties and the neighbouring area in accordance with the Official Plan policies. The City's licensing by-law would be the more appropriate mechanism to address the concerns related to the sale of alcohol, tobacco, vaping and cannabis products.
3.19.9. Definition - Setback	HL	2021-01-26	With regard to yard setback diagrams such as 3.1.2, 3.1.5 etc. the setbacks are shown to solid lines which give the impression that they are to the walls of a building on the lot. However the definition for setback is as follows: Setback means the minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot. Setback includes front setback, rear setback, interior side setback and exterior side setback. For many residential buildings with	The definition of setback has been revised to include specific reference to features that are permitted to project into required setbacks.

			pitched roofs, the roof overhangs the walls and is the nearest part to the lot line. I note that even City Planners are making this assumption; using the walls as the nearest part instead of the roof. I don't know how the wording or the diagram can be changed to give a heads up so this is not done.	
3.19.18. Definition - Stadium	DM	2016-11-02	Definition for Stadium aggressively models its language after something like an Entertainment Establishment and evaluate any validity to commercial operations on educational-focused land beyond a social health benefit, well frankly, I must find clear evidence of effective protections for residential homes. Ensuring mitigation of all the various adverse effects would seem paramount to keeping the families & homeowners content while maintaining the character of these stable neighbourhoods.	The definition of stadium has been amended to better align with the Ontario Building Code. A new specific use provision has been added to Section 6 that identifies that stadiums are not permitted as accessory uses and are always considered to be a principal use where they are located. Specific permissions have been included to allow for existing stadiums to be considered permitted, but future stadiums would be subject to a site-specific rezoning application in order to properly assess the impact of such use.
3.19.20. Definition - Stone Quarry and Gravel Pit	AS	2016-12-22	<p>The general comment Lafarge would like to make is that several routine and normal uses that occur in Provincially-approved (i.e. Aggregate Resource Act licensed) pit and quarry operations are not specifically identified as Permitted Uses. The Provincial Policy Statement in fact does exactly this in its definition of mineral aggregate operation, which in part, states: "associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products."</p> <p>Concern The Permitted Uses within the MX1 zone is too narrow if it simply allows for the excavation, and does not specifically allow for other types of uses that routinely occur at pits/quarries, some of which are defined in the Draft ZBL, eg.: contractor's yard; processing plant. Some uses at pits and quarries are not defined/addressed in the ZBL at all, eg.: - aggregate recycling operation. The importation, storage and processing of recyclable aggregate materials needs to</p>	<p>While the second draft was not revised to address this comment, Staff confirm that the requested revision will be incorporated into the final draft of the New ZBL by removing the term "stone quarry" and replacing it with the term "mineral aggregate operation", with a definition that is consistent with the Provincial Policy Statement and the Official Plan. The proposed definition is as follows:</p> <p><b>"Mineral Aggregate Operation</b> means the <b>use</b> of any <b>lot</b> or <b>building</b> for purposes that are under license or permit in accordance with the <i>Aggregate Resources Act</i>, including associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary</p>

			<p>be differentiated from how the Draft ZBL addresses the disposal, processing and transfer of 'waste'.</p> <p>Suggestion Perhaps the most efficient way to address this comment would be for the City to amend its definition of Stone Quarry and Gravel Pit to include wording taken from the above-stated PPS definition.</p>	<p>related products, but does not include a <b>wayside pit or wayside quarry.</b>"</p>
3.20.10. Definition - Training Facility	HL	2021-01-28	<p>With regard to Training Facility, the definition includes a studio for a music teacher. I noticed that allowable residential occupancies uses do not include a training facility. Does this mean that a music teacher can no longer teach music out of a studio in their home as a home based business. I presume they still can. So should the definition of Training Facility include for a number of students, say, "for 5 or more students at one time" or whatever number is appropriate.</p>	<p>This definition is intended where the training facility is the principal use of a property. In the case of a music teacher conducting a home occupation, they would be required to meet the provisions that apply to home occupations.</p>
3.23.9. Definition - Waterbody	HL	2021-01-28	<p>In 2.5.5. it states that "All land within the municipal boundary of the City located under a waterbody shall be zoned EPA." The definition of waterbody includes "...a drainage or irrigation channel." A ditch is defined as "... a small to moderate excavation created to channel water." So a ditch is a drainage channel. Likewise a swale would be a drainage channel. Clearly ditches and swales should not be zoned EPA I would suggest!! I think the definition of waterbody should be changed/modified with regard to drainage channels to exclude ditches and swales to some extent or this clause should be modified to limit the meaning of waterbody unless the intent of this clause is to actually zone ditches and swales as EPA zones.</p>	<p>The definition of waterbody has been revised in the second draft in a manner that is consistent with the approach outlined in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a>.</p>
4.1.2.6. Accessory Buildings	HL	2021-01-26	<p>With regard to 4.1.2 item 3, where is the 1.2 meter distance to be taken in relation to the accessory building. To the nearest part from the building or the middle of the unit. It is clear with lot line setbacks but is not completely clear for other measurements. Perhaps it should say "clear distance" if that is the intent.</p>	<p>A new definition of separation distance has been added to the second draft and this provision now specifically refers to the separation distance definition in order to calculate this requirement.</p>
4.2. Swimming Pools	HL	2021-01-26	<p>Is a swimming pool a structure? It would appear to be so according to the definition. Is it to be included in Lot Coverage? Should it appear in Diagram 3.1.9? Likewise as mentioned above if a shed has no foundation it is not permanently fixed to the ground and should not be included in Lot Coverage. I hope that is correct but it is not clear how this would be interpreted.</p>	<p>The term structure has been removed from the second draft of the new zoning by-law and has been replaced with one expanded definition of building. Swimming pools are considered buildings but are specifically regulated in the general provisions and identified as</p>

				either being included or excluded in various definitions (for example, included in landscaped open space but excluded from lot coverage).
4.4.1. Lot Servicing	HL	2021-01-28	With regard to 4.3.1 In the urban area, no person shall use or develop any lot, building or structure, or part thereof, in any zone unless there is adequate capacity in the sanitary sewer, stormwater sewer, or stormwater management facility, and water from a public water supply system. Where does the by-law define what is "adequate." It appears 20 times in the by-law. How will this be determined? I would think applicants would want to know what the criteria is up front? Should there be a definition of "adequate." Also the word "sufficient" is used 11 times. Likewise what is considered sufficient? Perhaps only one of these words should be used and that word defined.	The clause identified has been amended to specify that adequate is a term to be determined by the applicable utility service provider. In all instances where adequate is used in the second draft, reference has been made to the body that makes the determination of adequacy.
4.12. Boundary Wall - Height	HL	2021-01-26	Again with regard to the definition of Structure in Section 3 it states that retaining walls that have a height of 1.0 meter or less are not structures. From where is the height of 1 meter to be measured as there are two elevation of grade adjoining the structure; one on the lower side of the retaining wall and one on the high side. According to the definition of "finished grade" and the definition of "height" this is likely to cause some confusion. If the grade elevation on both sides doesn't vary then the 1 meter would be measured from the average of the two grade elevations which would be in accordance with the definition of finished grade. This means a wall could be as high as 2 meters from low side grade to high side grade with an average finished grade being 1 meter above the low side. I suspect this is not what is wanted. If a one meter height from grade on the low side to grade on the high side is what is wanted then the definition of finished grade with regard to retaining walls should state that it be considered from the low side only perhaps.	The new Items Exempt from this By-law section (4.12) has clarified that retaining walls and boundary walls are not intended to be regulated by the zoning by-law.
4.12. Boundary Wall - Height	HL	2021-01-26	On the same topic as item 7, if a site slopes and a retaining wall is constructed along the property line of this sloping site for, say, a 100 ft. length of wall, so that the finished grade on the low side elevation at the high end is 2 meters above the low side finished grade at the low end, the finished grade, according to the definition, would be the average elevation or 1 meter above the low end elevation. Therefore once again the retaining wall could still be 2 meters high at the low end	Please refer to response above.

			even if only the low side finished grade is considered. Perhaps in the definition of Structures it should state that for the case of retaining walls the "height" is to be the exposed face measured from the low side elevation to the high side elevation at any one location and not taken from the "finished grade" or words to that effect. Reference can be made to the 1.3 Interpretations of the Building Code where they use the expression "exposed height".	
4.12. Boundary Wall - Height	HL	2021-01-26	Further to item 7 & 8 and 4.1.6.1. boundary walls. With regard to a situation where a retaining wall runs along the boundary of a lot where is the 1.2 m of the boundary wall to be measured from. It would seem that it should be taken from finished grade at any location on the high side of the retaining wall. Once again on sloping sites the definition of finished grade as an average elevation should not apply to boundary walls.	Please refer to response above.
4.19. Projections into Required Setbacks	HL	2021-01-28	With regard to sub-section 4.14 Projections into Required Setbacks and the definition of Setback itself, thank you for your response to my item 3 in my previous email below. I think that subsection 4.14 invalidates the definition of Setback as currently written, as the definition states "...nearest part of any building or structure" and therefore should be modified in some fashion to perhaps something like "...nearest part of any building or structure on the lot excluding those parts exempted by this by-law." This is likely not the best wording but something I think is required to modify this definition.	Thank you for your suggestion. The definition of setback has been amended to include reference to exemptions that are permitted to project into required setbacks.
4.19. Projections into Required Setbacks	HL	2021-01-28	With regard to 4.14.2 it states "...provided they are no closer than 0.5 metres to any lot line." The word "they" implies a measurement from or to an object but it is not clear from where on the object the measurement is to be taken from. Perhaps it should say "...provided no part horizontally projects any closer than 0.5 metres to any lot line	The language has been modified to make this requirement clearer.
4.19. Projections into Required Setbacks - Chimneys	HL	2021-01-28	With regard to 4.14.1.(d) Chimneys it states, "(i) The maximum horizontal projection of a chimney toward any lot line shall be 0.3 metres from a foundation wall." Often a chimney will have a foundation and thus there will be an issue as to what this means. Perhaps "foundation wall of the adjacent principal exterior wall of the building or structure" should be used. Of course, then to, a foundation for a chimney, say, is not mentioned as an exemption to the setback requirements unless	The language has been modified as suggested.

			deemed to be part of the chimney, perhaps. So does this paragraph have to include foundations too, as follows: "(i) The maximum horizontal projection of a chimney and its foundation, if any, toward any lot line shall be 0.3 metres from the foundation wall of the adjacent principal exterior wall of the building."	
4.20. Projections into Required Setbacks - Enclosed Balconies	HL	2021-01-28	With regard to clause 4.14.1, I note it includes "enclosed balconies" with balconies italicized as a defined term. Balcony as defined does not include "enclosed balconies." So there is a contradiction here. So I think the definition of balcony has to change, perhaps, to remove any reference to "unenclosed or partially enclosed" and then add "excluding enclosed balconies" in every clause where the current definition would apply...or some such similar approach.	"Enclosed" has been removed. A balcony is either unenclosed or partially enclosed. If it is fully enclosed, then it is considered part of the building and required to comply with the provisions that apply to the building.
4.22. Setbacks from Railway Right-of-Way	RB	2016-11-17	<p>CN notes the inclusion of a railway setback, but none of the other important railway proximity criteria are included, such as those pertaining to safety barriers, fencing, notification, and noise and vibration mitigation. Please see attached documentation for this purpose.</p> <p>We also note that supplemental regulations in regard to the protection of other corridors and utilities have made their way into the by-law, but not for the railway.</p> <p>We respectfully submit that the draft should be amended in order to better address the safety and well-being of future occupants in proximity to railway activities, and also to protect the future capacity and viability of railway corridors, in conformity with applicable Ontario PPS policies.</p>	The second draft of the New ZBL has been modified as suggested to require the setbacks, separation distances, landscaped berm specifications and security fence requirements.
4.23. EPA & Ribbon of Life	VS	2021-05-10	How is the 30 m measured when there is a slope from the water's edge?	The 30 metre ribbon of life setback would be measured from the high water mark of the waterbody as a horizontal distance, regardless of the shoreline topography. In the case where there is a slope, the 30 metre setback would be measured from the toe of the slope. In areas where the slope may be more substantial or where erosion may be a concern, we would look to CRCA for any regulations under the Conservation



				Authorities Act relating to unstable slopes. There may be situations where the development would need to be located farther than 30 metres from the waterbody based on natural hazards (unstable slopes) and CRCA regulations, rather than natural heritage (30 metre setback).
4.23. EPA & Ribbon of Life	VS	2021-05-11	Are there any situations where the floodplain would be less than the highwater mark? By less than, I mean come first, be closer to the main water body? Are there situations in Kingston where the floodplain edge is more than 30 m from the highwater mark? In other words, where the whole 30m of the ribbon of life could potentially be flooded?	<p>Yes, there are areas where both situations could occur within the municipality. The extent of the floodplain depends on the waterbody and the surrounding topography, whereas the 30 metre setback is a spatial buffer from the high water mark that does not change with waterbody or topography.</p> <p>The approach being proposed in the New ZBL is to require a general 30 metre development setback from the high-water mark of a waterbody, but also to generally prohibit development within areas subject to a flooding hazard shown on Schedule A and outlined in Section 5.1.</p>
4.23. Setbacks from Waterbodies	HL	2021-01-26	With regard to 4.17 Setbacks from Waterbodies, it would seem that 30 m is excessive with regard to minor watercourses or drainage channels. With regard to a project to which I am an interested party there is a drainage ditch to one side of the 30m wide property. The Cataraqui Conservation Authority's submission to the City with regard to this development has described this ditch as a watercourse. This clause would then make it impossible to building any structure on the property! I think that is excessive. Maybe some exclusions should be made in the definition of Waterbody differentiating in some manor between large waterbodies like Lake Ontario and small watercourse like ditches.	The definition of waterbody has been revised in the second draft in a manner that is consistent with the approach outlined in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a> .
4.24. Setbacks	DQ	2021-06-25	TCPL's pipelines are defined as Infrastructure in the Provincial Policy Statement (PPS). Section 1.6.8.1 of the PPS states that 'planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation,	The second draft of the new zoning by-law has been amended to include the additional features as requested.

from Natural Gas Pipelines			<p>transit and electricity generation facilities and transmission systems to meet current and projected needs.' The Growth Plan (2020) also references the importance of protecting and maintaining planned infrastructure to support growth in Ontario. Appropriate setbacks of permanent and accessory structures to the rights-of-way are needed to manage the safety and integrity of the pipelines, as well as ensuring adequate access for emergencies, operations and maintenance. TCPL also utilizes guidelines to reflect changes to standards, codes, regulatory and legal requirements, to protect its pipelines. These guidelines are used to assess activities adjacent to the pipeline rights-of-way as crossings. Where possible, TCPL also seeks to implement zoning regulations that implement its guidelines. We have reviewed the first draft of the City's new Comprehensive Zoning By-law appreciate the inclusion of the setbacks related to natural gas pipelines in Section 4.18. Based on TCPL's updated guidelines, we request the following setbacks be added to Section 4.18:</p> <p>1. Permanent Buildings and Structures</p> <p>a. We request that the following uses as defined by the by-law be setback a minimum of 7 metres from the edge of the rights-of-way: i. Private driveways, parking spaces and parking areas.</p> <p>b. Accessory structures including pools, decks, patios and sheds should be setback a minimum 3 metres from the edge of the right-of-way. In addition, please confirm whether the following would be considered accessory structures: retaining walls, light standards, utility poles, structures without foundations.</p>	
4.27. Residential Uses - Accessible Access	DM	2016-12-01	<p>would it be possible to write in our ZBL that a residential building would need to provide access at grade for accessibility reasons (a potential avenue for ZBL exploration). This would be ideal for structures such as social housing, apartment buildings etc., so it might not be every building, but perhaps written in for specific structures and development projects.</p>	<p>While the accessibility of residential buildings is addressed within the Ontario Building Code, the second draft of the New ZBL has been amended to include new requirements for a minimum 1.2 metre wide walkway for all residential uses to ensure appropriate and safe pedestrian access to exterior entrances.</p>
5.3. Airport Noise	GB	2016-10-27	<p>Where is the NEF contour map for the airport?</p>	<p>In the first draft, the Airport Noise Exposure map in Schedule E included the NEF contour map. In the</p>

Exposure Overlay				second draft, the Airport Noise Exposure map is in Schedule C.
6.1. Tiny Houses	MM	2021-07-01	Please allow and create zoning for affordable and accessible tiny homes and trailers in Kingston.	Tiny houses were the subject of a public meeting at Planning Committee, as detailed in the <a href="#">Discussion Paper about Tiny Houses, Shipping Containers and Additional Residential Units</a> . As a result of feedback received at that public meeting and in response to the discussion paper, the proposed definition of "Building" has been amended to include tiny houses, when they have been permanently placed on the ground by removing the wheels and connected to permanent services, so that they are no longer considered a temporary, portable tiny house, and would be subject to the requirements that apply to permanent, detached additional residential units.
6.1. Tiny Houses	CW	2021-06-23	While I am glad we are moving in a forward direction, the proposed tiny house bylaw still discriminates against those who have the least. By not allowing portable tiny houses and keeping the ban on mobile parks, we are limiting tiny home ownership to people who are well off enough to be land owners. Those who already have a principal residence or those who can afford to buy land. I understand the current proposal could potentially increase rental units, but not at a rate for those at the lower end of the income spectrum. The kinds of tiny homes currently proposed are more likely to become trendy short term rentals or inlaw suites. I am a landlord and was an AirBnB host, I understand those markets. What I would like us to consider is a way to enable home ownership for those who have the least. The attached pictures and design diagram are for a house which a group of volunteer tradespeople have built. Our goal was to build a house for \$5k, and we did, but current pandemic pricing has pushed the full retail cost of the next house to \$6500. We can create lease to own options or we can gift a house like this to ODSP / OW recipients without penalty to their income; they are allowed \$10k	Policy 3.3.D.8. of the Official Plan states: "The existing mobile home park south of Weller Avenue is recognized by this plan, but no new freestanding mobile home units or mobile home parks are permitted as permanent residential uses within the municipal boundary."  The intent of this policy is clear and it is outside the scope of the third phase of the New ZBL project to significantly alter the intent of this provision of the Official Plan. Staff are committed to evaluating this as part of the next municipal comprehensive review of the Official Plan to ensure the policies consider and plan for the full housing continuum.

			<p>worth of gifts per year. These kinds of homes need to be independent of ownership from the land they might sit on, and pay rent for, as the people who might live in these kinds of homes can't afford to buy the land too.</p> <p>Through a steering committee composed of people experiencing homelessness, we see solutions like this as the most likely route to eliminating homelessness in Kingston, while also creating ownership options for low income workers. We would like to see Kingston embrace diverse micro communities of portable tiny homes with communal use of kitchens, bathrooms and laundry in a separate building, hence the need to lift the ban on mobile parks.</p>	<p>At present, the Official Plan does not contain policies that provide broad permissions for micro communities or portable tiny homes with communal use facilities. Since the New ZBL is required to conform with the Official Plan, this cannot be included within the new zoning by-law project at this time. If future amendments are made to the Official Plan to accommodate this form of use, the New ZBL can be amended at that time.</p>
6.1. Tiny Houses	EP	2018-03-01	<p>This appears to be an opportune time to look at accommodating tiny homes as a housing option in the new Zoning By-law.</p>	<p>Tiny houses were the subject of a public meeting at Planning Committee and are included in the second draft of the New ZBL, as detailed in the <a href="#">Discussion Paper about Tiny Houses, Shipping Containers and Additional Residential Units</a>. As a result of feedback received at that public meeting and in response to the discussion paper, the proposed definition of "Building" has been amended to include tiny houses, when they have been permanently placed on the ground by removing the wheels and connected to permanent services, so that they are no longer considered a temporary, portable tiny house, and would be subject to the requirements that apply to permanent, detached additional residential units.</p>
6.1. Tiny Homes	RM	2016-10-30	<p>Considering the possibility of constructing a Tiny Home somewhere in Kingston. Usually, the square footage is 400 square feet or less - is there a provision in the By-law for such a residence in rural or urban Kingston?</p>	<p>Please refer to response above.</p>
6.7. Outdoor Patios		2016-12-22	<p>Sidewalk patios and the seasonal use of sidewalks for patios can be a barrier to pedestrians if there is not sufficient provision made for pedestrians. The main enabling factor for pedestrians in a sidewalk patio bylaw is ensuring the inclusion of alternative passage for pedestrians. The movement of pedestrians is the primary use on the public sidewalks. Right of way patios that accommodate minimum</p>	<p>The zoning by-law does not apply to the City's right of way. Outdoor patios on private properties are addressed in Subsection 6.7. of the second draft. Applications for patios within the City's right of way are</p>

			<p>pedestrian clearway requirements will maintain safe and efficient pedestrian movement.</p> <p>Recommendation: Add a pedestrian clearway section bylaw so that every annual right of way patio permit specifies the required minimum width (1.5m) of the pedestrian clearway and any other pedestrian clearway conditions in a prominent area of the permit. Include a requirement that the approved patio area is subject to change, and must be adjusted to provide the required pedestrian clearway should there be changes to the sidewalk, including the addition of municipal infrastructure.</p>	<p>not subject to the zoning by-law and are reviewed separately on a site-specific basis.</p>
6.8. Co-Living Units	DM	2021-03-12	<p>There is some compelling arguments for purpose built co-shared dwellings. Appropriate (optimum) location and affordability are hard to control – can they be guided? Could there be separate control of high bedroom counts per dwelling unit, such as a separate zoning piece around distinct standards that maximized informal low-rise might be problematic to achieve but other more appropriate co-shares with high bedroom counts could meet in certain conditions), automatic site plan control regardless of number of dwelling units and maybe automatic opt-in for licensing that permits access to control and ensure amenity space requirements that might be unique to co-shares.</p> <p>Perhaps staff have already wrestled with purpose built co-sharing but I didn't see a definition for it in the first draft ZB and I know there have been conversations in the past about rooming houses etc. It seems the US housing market in cities with low vacancy rates, high rents and high property values are trending towards more shared housing. Affordability seems to only have a chance if the number of occupants goes up.</p>	<p>A new definition of co-living unit has been added with regulations identified in Section 6.8. Please refer to page 2 of the <a href="#">Second Draft Highlights</a> document for explanation of co-living units and the remainder of the changes to the residential uses within the second draft.</p>
6.14. Places of Worship	JS	2021-05-02	<p>We truly appreciated the opportunity to meet with you on February 26, 2021 and discuss plans for the new zoning bylaw. Consequently, it was very encouraging to read Report Number: PC-21-031 and see the subsequent press coverage upon its introduction this week.</p> <p>We certainly appreciate your understanding and receptiveness to accommodate the evolving role of 'places of worship' in the community.</p>	<p>Thank you for your feedback on the Places of Worship discussion paper.</p>

6.15. Schools	ET	2016-11-25	<p>The proposed definition of a "school" includes "...within the context of the elementary and secondary curriculum of the Province of Ontario...". It would appear that this does not include schools that choose to follow other curricula, such as Montessori schools (<a href="http://www.montessori-icme.com/method.html">www.montessori-icme.com/method.html</a>) and Waldorf schools (<a href="http://www.waldorfcurriculum.com">www.waldorfcurriculum.com</a>), or a customized curriculum, as is sometimes the case with exceptionally high needs children.</p>	<p>As outlined in the <a href="#">discussion paper about schools and places of worship</a>, the definitions of elementary school and secondary school have been revised to remove the reference to curriculum.</p>
6.15. Schools	ET	2016-11-25	<p>The existing 6 private/independent schools (Kingston Christian School, Martello School, Mulberry Waldorf School, King's Town School, Lakeshore School, Leahurst College) have not been accorded any zoning that would allow them to continue to operate in their existing locations.</p> <p>There is almost no zoning that would allow existing public or private/independent schools from changing locations (it appears that only the St-Mary's of the Lake property has an IN1 designation).</p> <p>There is almost no zoning that would allow for new public or private/independent schools to be opened (again, IN1 required).</p> <p>Existing public schools have been granted appropriate zoning, however, it appears that Winston-Churchill Public School and the new secondary school to be built on the QECVI site have not. We have not reviewed all schools.</p>	<p>As outlined in the <a href="#">discussion paper about schools and places of worship</a>, reference to the funding type has been removed from elementary schools and secondary schools to ensure that private and public schools are permitted in the same locations.</p>
6.15. Schools	ET	2016-11-25	<p>I receive a number of calls from parents whose children have autism and who are looking for a school that specializes in the education of these children. Leahurst College does not. Quintillion School in Kingston (2001) does offer programming for students with learning and social differences, but I understand that they do not specialize in autism at this point. Given the frequency of these calls, it would not surprise me if Kingston were to see a school (including secondary) open that specializes in autism spectrum disorders sometime in the next 5-10 years. The demand seems to be there and I believe that the city would be well-served with such a school. We believe that the city should ensure that</p>	<p>As outlined in the <a href="#">discussion paper about schools and places of worship</a>, the definitions of elementary school and secondary school have been revised to remove the reference to curriculum, which would allow for specialized schools to have the ability to be established without barriers.</p>

			specialized schools have the ability to open without barriers and to operate and serve specialized populations.	
6.15. Schools	ET	2016-11-25	In the past, educational providers were permitted to operate in many more zones than in the proposed zoning by-laws (ex. We believe that educational facilities were permitted in arterial commercial zones and that private day schools were permitted in residential zones A, A1, A2, A4, A5, B, B1, B2 and that public schools were exempt from most restrictions). In the current zoning by-laws, it appears that educational facilities no longer exist and private and public day schools can exist in most A and B zones.	As outlined in the <a href="#">discussion paper about schools and places of worship</a> , permissions for elementary schools and secondary schools have been updated to remove the distinction between funding method. The amendments in the second draft have also updated the zones where elementary schools are permitted (RU, RUR, HR, HC, HI, all Urban Residential Zones, all Urban Multi-Residential Zones, all Heritage Zones and OS2 zone) versus zones where secondary schools are permitted (HC, HI, all Institutional Zones, CA, OS2), in accordance with the Official Plan policies.
6.15. Schools	JM	2016-10-27	Why are schools no longer permitted in R2?	Please refer to response above.
6.15. Schools	MD	2021-06-23	What impact will this have on the placement of portables on our grounds? We are concerned that the implementation process for this type of equipment will be more difficult and will extend the implementation time as a result of the proposed amendment.	Clause 6.15.1. of the second draft addresses portables on school properties and identifies that they are required to comply with the provisions applicable to the main school building such as height, setbacks, lot coverage, etc.
7.1.1. Parking	VS	2021-06-23	POP, page 35 – “The policy changes for private realm parking discussed in this paper is not intended to shift the burden of providing parking to the City.”  Agree that reducing the number of spaces in private developments should not shift the burden of providing parking to the City.	Thank you for your feedback.
7.1.1. Parking	DM	2016-11-02	The draft by-law does not appear to address OP policy 3.5.A.5.a., which seems to imply full appropriate onsite parking requirements would apply for all West Campus development and additional (non-main) Queen's campus sites with the exception of the University & Kingston Health Sciences complex.	The first draft of the new zoning by-law did not include the proposed parking, loading and bicycle parking provisions. The second draft includes these provisions in Section 7, which are largely a reflection of work that was completed as part of the Discussion Paper entitled “ <a href="#">The Power of Parking: A New Parking Paradigm for</a>

				<a href="#">Kingston?</a> ". Post-secondary institutions will be required to provide parking in accordance with the New ZBL.
7.1.1. Parking	MD	2021-06-23	The CEPEO finds that this minimum number of spaces is high. We suggest 2 parking spaces per classroom in rural areas and 1.5 parking spaces per classroom in urban areas like the City of Ottawa. This can be problematic if we need to add portables and we need to add 3 parking spaces per portable. The impact of the space required on the students' school grounds would be far too great.	In the second draft of the New ZBL, parking for elementary schools is proposed at 1.5 spaces per classroom and parking for secondary schools is proposed at 2.5 spaces per classroom.
7.1.1. Parking	VS	2021-06-23	POP, page 31 – "The "Multi-Unit Residential Parking Supply Requirement Review" (Appendix B) was completed prior to these amendments and recommended parking ratios be applied on a per bedroom basis, rather than a per unit basis as an alternate method of addressing problems associated with high bedroom counts in multi-unit residential developments. Since a more direct bedroom count limitation has been adopted, parking standards can be simplified based on the Parking based on the number of bedrooms is the correct approach for many housing situations. The fact that there is now a "more direct bedroom count limitation" does not change the need to link parking to the number of bedrooms not the number of units.	<p>Parking requirements in zoning by-laws are not a science – there are limitations when applying parking ratios based on the number of dwelling units and there are limitations when applying parking ratios based on the number of bedrooms. While one may be more accurate in one scenario, the other may be more accurate in a different scenario depending on many variables that cannot be adequately addressed in the provisions of a zoning by-law.</p> <p>As stated in Section 3.1. of <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a>, one of the definitions of success that guided the initially favoured options is the creation of a parking approach that is easy to understand and implement, both initially, and over time as land uses change, without requiring the need for subsequent applications with little public interest value. The proposed parking ratio for residential uses in the second draft is based on the number of residential units, rather than bedrooms, which helps to achieve this definition of success.</p>
7.1.1. Parking	VS	2021-06-23	Nothing in the Power of Parking report speaks to allowing existing buildings to reduce their outdoor parking lot footprint. Some apartment buildings, for example,	The reduction of the minimum number of parking spaces in the City-wide zoning by-law will allow existing



			have vast parking lots that are not being fully used. The city needs to create a simple process so that landlords can apply to remove parking spaces without having to ask for a zoning by-law amendment. Converting the oversupply of some parking lot spaces to a mini-forest, green space, or community garden would be good sustainability practice and worth encouraging.	buildings to reduce the footprint of outdoor parking lots if they have more parking than what is required by the new zoning by-law. No zoning by-law amendment would be required. If the property is subject to site plan control, an application for site plan approval or an amendment to an existing site plan agreement may be required.
7.1.1. Parking	JF	2021-06-22	I'm not sure the goal of all Kingstonians is for Kingston to become "the most sustainable city in Canada" and if that is deemed to be the objective of this new policy there will likely be considerable pushback as it will dictate more stringent measures, at a more accelerated pace than most in the community are comfortable with; there were repeated references to awards the city has won – winning awards isn't the goal of this process	In 2010, the Sustainable Kingston Plan was approved by Council, identifying that achieving sustainability for Kingston requires fundamental changes in the way we live and to challenge long held assumptions about growth. The plan, while setting a long-term sustainability direction and framework, identified the ambition of making Kingston Canada's most sustainable city.
7.1.1. Parking	JF	2021-06-22	There is frequent reference to there being "too much parking"; I have never found that parking spaces are easy to find downtown – out in the township at the malls sure, but not downtown. There was a quote from a parking study that, "motorists park free 99 % of all trips" - that is not my experience; I only park free if I go to a shopping centre, never in the downtown core; there is a danger in using research data that really doesn't apply to this region.	As demonstrated in <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a> , extensive research was undertaken in formulating the initially preferred options, including the review of hundreds of parking studies in Kingston and Ontario.
7.1.1. Parking	JF	2021-06-22	The plan doesn't appear to acknowledge our climate; walking/biking/taking the bus around town are appealing options in decent weather, but for many months of the year walking/biking or standing at a bus stop in freezing winter weather doesn't appeal, if other options are available; if a bus breezes past you because it's full in the summer that's one thing, but in the winter, where it is not uncommon for buses on the main routes to be full ( especially around the Queen's & SLC area) waiting an additional twenty minutes for another bus is a deterrent to using public transportation.	The Provincial Policy Statement and Official Plan require the New ZBL to prioritize transportation choices that increase the use of active transportation and transit before other modes of travel. As policies that apply to Ontario in general and to Kingston specifically, they were written with the understanding of the seasons and with the understanding that improvements to these transportation modes are constantly being made to

				ensure that these transportation choices are appealing all year round.
7.1.1. Parking	JF	2021-06-22	<p>I feel the female perspective is missing from this paper in regard to transit/parking issues:</p> <ul style="list-style-type: none"> <li>- mothers with small children or more than one child are unlikely to find biking and riding the transit (with strollers) an easy option if other choices are available (while this applies to fathers as well, the main burden falls to mothers)</li> <li>- women are predominantly the care providers in families, taking elderly parents, or medically compromised family members to appointments, shopping etc.; these activities are challenging if public transit is the only option (biking certainly isn't); while the ACCESS bus is theoretically an option, there are significant booking constraints and there is no flexibility, e.g., if you are obliged to wait an extra half hour for your appt, you may miss your bus</li> <li>- when apartment units don't have parking and you need a car, you are obliged to find private parking; this typically means renting a parking spot, which is often in an area, not well lit or camera monitored; these arrangements aren't as safe as having access to parking in your own building, and women feel particularly vulnerable (this has been an issue for my daughter-in-law and several friends)</li> </ul>	Thank you for your perspective.
7.1.1. Parking	JF	2021-06-22	one quoted study indicated that having apartment building without assigned parking spots deterred people from having cars; this simply isn't true, anymore than apartment buildings without balconies deter people from buying patio furniture; if you need to have a car, you won't move into an apartment without parking, just as you wouldn't move into a building without a balcony if you enjoy having the opportunity to sit outside; removing parking spaces from buildings may limit choice, but it won't necessarily decrease car purchases	An apartment building without parking spaces would not appeal to a person who requires a parking space, thus deterring people who live in that building from having a car. In prime locations where there are other modes of transportation available and where a mix of uses are present, limiting choice to those residents who wish to take advantage of those opportunities is the intended outcome of this work.
7.1.1. Parking	JF	2021-06-22	the pandemic has altered our thoughts on public transit and has heightened our concerns about disease transmission; this concern isn't likely to diminish quickly given that the possibility of future pandemics is routinely raised as a possibility; during the pandemic having a car provided freedom, health and safety	Section 1.7 of the discussion paper discusses the impact that the COVID-19 pandemic has had on every element of our lives. While the long-term impacts of the pandemic are unknown, Planning Services staff are charged with creating policies to guide both the

				immediate and long-term future growth of the City. Staff will continue to monitor and observe the implementation of the new parking approach in the coming years as we recover from the pandemic.
7.1.1. Parking	JF	2021-06-22	the current transit plan fails to meet the needs of many Kingstonians and there are some major blind spots; when the new Providence Care Hospital was built, there was no change in the bus route – the bus still stops out on King Street; efforts were made by the hospital administration to convince the city to alter their bus routes to bring transit to the door, providing the same accessibility to PCH as there is to Hotel Dieu Hospital and Kingston General Hospital; I attended the one public transit meeting held annually the year prior to the opening of the new PCH and was told that a change to bus routes, e.g. to bring buses to the door of PCH, would not be made as it would disrupt the Express route schedule, and no changes could possibly be considered for at least five years; the transit system is mandated to provide equitable access to municipal services – but apparently not in this case; it is ludicrous that rehab hospital patients are obliged to walk the distance in from the bus stop, whether it is raining, snowing or sleeting or the sidewalks are icy; as a result, patients are much more likely to use a car to attend appointments or visit,	The new zoning by-law does not dictate transit routes. Rather, the new zoning by-law is looking to take advantage of improvements the City has made to the transit system through complementary policy meant to support existing transit routes.
7.1.1. Parking	JF	2021-06-22	there is no discussion of the percentage of seniors in Kingston who are unlikely to hop on a bike or be able to walk 2 – 3 blocks to a bus stop	The discussion paper seeks to ensure that the New ZBL provides a range of transportation options rather than solely supporting personal vehicles, recognizing that no single option is appropriate for everyone.
7.1.1. Parking	JF	2021-06-22	my overriding concern is that zealous parking changes will drive people out of the downtown area and it will cease to thrive; this happened in my former city, Kitchener, where city planners made a few disastrous decisions, including moving the popular, well attended outdoor farmer’s market to the inside of a municipal parking garage, which resulted in the downtown becoming an urban wasteland; I don’t want a similar fate for downtown Kingston	There are no changes proposed to the on-street, municipally owned supply of parking through the New ZBL. The New ZBL regulates parking on privately owned properties.
7.1.1. Parking	VS	2021-07-05	Large outdoor parking lots are not a best practice in the 21st century. They attract and retain heat and use valuable land for cars. This is not sustainable going	Staff agree that large outdoor parking lots are not preferred, as discussed on pages 40 and 41 of the

			forward. Therefore, for new multi-unit residential buildings, parking must be indoors (above or below ground).	<a href="#">Density by Design Issue and Options Report</a> . As stated in this report: “The best option to address parking is to build less of it. The next best option is to put as much of it as is feasible underground. Although a ban on above-grade parking (Option 1) likely isn’t viable, this should be considered the ultimate goal (if changes that make parking redundant don’t happen first), with timely steps to both reduce the amount of parking and increasing the amount below-grade over time.”
7.1. Parking	VS	2021-06-23	Underground parking must be the city’s preferred parking option. When a reduction in parking minimums is allowed, the cost savings achieved need to be paid to the city for affordable housing projects. Otherwise, parking space reductions are not going to have any impact on housing affordability. \$3,000 for cash in lieu of parking is a laughably low amount. POP page 67	Less parking is the City’s preferred option. Underground parking is preferred over surface parking. Please refer to response above.
7.1.1. Parking	VS	2021-07-05	Parking requirements must be based on the number of bedrooms in a building not on the number of units.	<p>Parking requirements in zoning by-laws are not a science – there are limitations when applying parking ratios based on the number of dwelling units and there are limitations when applying parking ratios based on the number of bedrooms. While one may be more accurate in one scenario, the other may be more accurate in a different scenario depending on many variables that cannot be adequately addressed in the provisions of a zoning by-law.</p> <p>As stated in Section 3.1. of <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a>, one of the definitions of success that guided the initially favoured options is the creation of a parking approach that is easy to understand and implement, both initially, and over time as land uses change, without requiring the need for subsequent applications with little public interest value.</p>

				The proposed parking ratio for residential uses in the second draft is based on the number of residential units, rather than bedrooms, which helps to achieve this definition of success.
7.1.1. Parking	VS	2021-07-05	The Power of Parking paper does not have any discussion of Park and Ride facilities. These are critical links in an active transportation and public transit network. A comprehensive approach to zoning must include the support for areas where people can leave their cars and continue their travel by bike or bus, or on foot.	<p>The City provides Park &amp; Ride lots for customers who wish to park their vehicles and ride Kingston Transit the rest of the way to their destination. Free parking at these locations is available on a first-come, first-serve basis at:</p> <ul style="list-style-type: none"> <li>• <a href="#">Montreal Street and Highway 401</a></li> <li>• <a href="#">INVISTA Centre</a> - 1350 Gardiners Road</li> <li>• <a href="#">Centre 70</a> - Corner of Days Road &amp; Front Road</li> <li>• <a href="#">Kingston Gospel Temple</a> - 2295 Princess Street</li> <li>• <a href="#">Jim Beattie Park</a> - 900 Henderson Boulevard</li> <li>• <a href="#">Innovation Drive</a> - east of Highway 15</li> </ul> <p>Most of these locations are along the City's express transit network and are served by the highest frequency transit service in the community. These locations align with the proposed approach to Parking Areas included in the second draft and explained in Section 3.2. of the discussion paper, and as updated on page 12 of the <a href="#">Second Draft Highlights</a> document.</p>
7.1.1. Parking	VS	2021-07-05	The city needs to provide a simple and straightforward process for landowners to use to convert existing and proven-superfluous outdoor parking to either green space (e.g. little forests or leash-free dog parks) or affordable housing.	The reduction of the minimum number of parking spaces in the City-wide zoning by-law will allow existing buildings to reduce the footprint of outdoor parking lots if they have more parking than what is required by the new zoning by-law. No zoning by-law amendment would be required. If the property is subject to site plan control, an application for site plan approval or an

				amendment to an existing site plan agreement may be required.
7.1.1. Parking	ND	2021-06-23	<p>In the June 17th ZOOM meeting with City Planning staff a distinction was made between Planning and Enforcement when concern for increased on-street parking was raised and with it concern for inadequate violation enforcement. With that, enforcement was set aside. The notion of increased on- street parking is recognized on page 39 of the 'Paper' and given the name 'spillover parking' as follows.</p> <p>"According to Donald Shoup, the manifest problem that minimum parking standards are designed to prevent is "spillover parking", (Shoup, "An Opportunity to Reduce Minimum Parking Requirements") or parking that is displaced from privately owned properties into nearby, municipally owned on-street parking spaces. This common assumption is founded on the idea that overly low minimum ratio will result in an undersupply of parking on a property, potentially impacting on-street parking and disrupting the local transportation system." So importantly the concerns for increased on-street parking, spillover parking, are recognized and indeed a problem to be addressed and prevented.</p> <p>Returning to the distinction made between Planning and Enforcement, that distinction then served to set aside further discussion in the meeting of enforcement concerns. Clearly Planning and Enforcement are distinct but I believe they are certainly related and with some co-dependence.</p> <p>To the extent that enforcement of on- street parking violations supports the objectives of the 'Paper', enforcement' should arguably take a higher profile in the 'Paper'. As noted below a recommendation from the Queens School of Urban and Regional Planning placed importance on enforcement with respect to Parking Planning.</p>	Thank you for your comments. Planning and Enforcement Staff work closely together to ensure that the zoning requirements are appropriate and set the stage for future enforcement to be successful.
7.1.1. Parking	FD	2021-06-23	<p>I am very happy to see the Zoning Bylaw Consolidation project has received increased emphasis, in 2021, at long last. This project is many years overdue.</p> <p>Since parking is such a central factor in all aspects of development, it is vitally important that Councillors, City staff, and the public understand as much about it as possible, as we debate and make decisions on Kingston's future. Creating parking is</p>	<p>Parking utilization is a critical factor in parking supply management. The on-street, surface, and structured public parking spaces that the City manages use a variety of systems to process payment or provide access that can provide a range of reports to inform utilization. The most accurate utilization information is presently</p>

			<p>expensive, as we all know.</p> <p>As a scientist, I have always believed in the paramount importance of accurate and complete information, before analysis, debate, and decision-making can take place.</p> <p>With this in mind, I believe that the rate of parking usage in Kingston is very much underestimated, under-emphasized, and misunderstood, as planning discussions involving parking confront us.</p> <p>I would like to advocate for complete information and transparency on usage rates of ALL City of Kingston parking lots, to start. Some material was provided on this, a couple of years ago, for two main downtown lots. But, as far as I know, NO DATA has been collected or supplied for the other lots, specifically on percentage of usage of parking spots at these lots. If we are to be efficient, we need to do better at collecting this basic data.</p>	<p>gathered at the City's two parking structures, Hanson and Chown, with gated access that allow occupancy to be measured at any point.</p> <p>Analyzing utilization at the remaining supply, both on-street and off-street, can be inferred at a high level from metered/Pay &amp; Display/mobile payment data however as there is no access control to these parking spaces true utilization must be captured through observation and manual counts. The City does complete observation and counts when required, typically to inform parking policy or pricing recommendations. Opportunities to enhance data about parking utilization are considered as part of any payment, access, or technology upgrade.</p>
7.1.1. Parking	SS	2021-06-23	<p>I commend the city for being proactive on this. I eagerly followed the Edmonton case and was delighted to see Kingston doing something similar.</p> <p>My first question relates to Queens University and how much engagement the city has had with the university. The student population is ever growing and increasingly putting pressure on the community for many things, particularly parking. Has the city been working with Queen's University to reduce the parking needs of both employees and students? Is there any possibility of imposing a parking ban for students living in residence? I'm thinking of the Standford policy of not issuing parking passes to those in residence.</p> <p>Also, I'm all for active transportation as an alternative to driving but it is not accessible to most people in Kingston as the roads are not safe due to car speed or they are too difficult to cross. I'm just not sure how many people will make that switch as the infrastructure isn't yet available for this.</p>	<p>Thank you for your comments. The City engages with Queens University on all policy projects and looks forward to continuing to collaborate on parking and transportation solutions that will contribute to achieving goals and priorities identified in <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a></p> <p>The City has made significant investments in infrastructure, supportive programming, resources and staffing to realize new active transportation routes and improvements in the City. This investment has been supported by "<a href="#">Walk N' Roll Kingston</a>" and is an ongoing project ensuring that active transportation routes permeate throughout the City. These investments will be supported by the New ZBL through the creation of requirements that will apply to privately owned</p>

			Finally, I am concerned that more drivers will begin parking on the sidewalks. This is sort of an education issue I suppose but in general, people tend to park on the sidewalk for short term parking if a spot is not available (see attached photo from 2 weeks ago). This creates accessibility issues.	properties to ensure necessary cycling infrastructure is provided for those wishing to take advantage of active transportation routes in the City.
7.1.1. Parking	LK	2021-06-23	I understand the need for new comprehensive policy and applaud the move toward forward-looking policy. With all this bold change, there is lots to consider and weigh out. I do wonder if proactive enforcement in problem parking areas may be a necessary step as the City tries to truly get a handle on existing parking problems, and break some bad habits/ outdated expectations we see time and again in our District.	City staff agree with your observation that addressing bad parking habits now will help set expectations for parkers who may inappropriately be considering on-street parking as a solution to their long-term parking needs. The City does proactively enforce existing parking regulations, including in the university and hospital zones and surrounding residential streets. The level of enforcement resources allocated can be and has been adjusted to address locations experiencing higher levels of parking violations. Additionally, existing parking regulations can be revised, and where necessary, new regulations added to more effectively manage parking behaviour.
7.1.1. Parking	LK	2021-06-23	Are increased parking restrictions and the "parking paradigm shift" required to address climate change being borne somewhat equitably across the City, or is more pressure to adapt being placed primarily on urban neighbourhoods and corridors? I note this concern especially in "destination neighbourhoods" where commuter parking currently outweighs resident parking by a significant factor. Note that the population in the urban core is already significantly responsible for active transportation/ car-free trips in Kingston.  Reduced minimums in new developments may put more street-parking pressure on already burdened "destination" or densely-inhabited neighbourhoods. It may also exacerbate the existing problem where backyards are illegally transformed into rental parking lots to meet parking demand.	As the City grows in the future, infill and intensification is expected to occur in locations that are best supported by active transportation and transit infrastructure with mixed land uses that support the daily needs of residents. While the "destination neighbourhoods" may currently experience an influx of commuter parking from neighbourhoods that don't have the same level of transportation options available, the goal of this work is to support infill and intensification where there are other options so that future trips to "destination neighbourhoods" might be done by alternative modes of transportation rather than the personal automobile.
7.1.1. Parking	LK	2021-06-23	Reduced minimums in new developments may put more pressure on near-campus neighbourhoods that have undergone significant ad-hoc densification in recent	Amendments to the zoning by-law are approved by either Council or the Committee of Adjustment. Parking



			<p>years. As houses transition from "family-occupied" to "student-occupied" the ratio of driving-aged populations (and therefore, cars) increases significantly. Furthermore, despite the bedroom limits of 8 bedrooms per site recently approved by Council (and appealed to the LPAT), it has been suggested that more bedrooms per site MAY continue to be approved by planning staff if it is deemed to be good planning policy. In the absence of good planning regulations, a great many excessively-sized units have been developed in SD over the years. It is not clear at present that there are solid planning barriers or even "planning will" to stop "overdevelopment" beyond 8 bedrooms per site. Given this unfortunate dynamic, it would seem more appropriate to tie parking limits to bedroom counts.</p>	<p>requirements in zoning by-laws are not a science – there are limitations when applying parking ratios based on the number of dwelling units and there are limitations when applying parking ratios based on the number of bedrooms. While one may be more accurate in one scenario, the other may be more accurate in a different scenario depending on many variables that cannot be adequately addressed in the provisions of a zoning by-law.</p> <p>As stated in Section 3.1. of <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a>, one of the definitions of success that guided the initially favoured options is the creation of a parking approach that is easy to understand and implement, both initially, and over time as land uses change, without requiring the need for subsequent applications with little public interest value. The proposed parking ratio for residential uses in the second draft is based on the number of residential units, rather than bedrooms, which helps to achieve this definition of success.</p>
7.1.1. Parking	LK	2021-06-23	<p>If there are no plans to limit parking provisions for large retail, perhaps there could be at least a requirement to include a significant number of large shade trees interspersed throughout lots to limit the heat island effect and buffer emissions.</p>	<p>The location of shade trees is reviewed on a site specific basis through applications for site plan approval, as trees are not regulated by the zoning by-law.</p>
7.1.2. Parking Areas	DM	2021-06-23	<p>Locational criteria should be used regarding aging populations and varying needs including persons of disability to inform and further subdivide the five parking areas. Younger generations are more likely to use alternative modes of travel (increasingly) though some will also have specific mobility needs and requirements that necessitate a vehicle to be considered.</p> <p>- An example, should parking requirements for infill housing near Kingston Centre, Rio Can and Cataraqui Centre and other intersections of zoning that form hubs</p>	<p>The second draft of the New ZBL has identified proposed parking areas based on their access to highest frequency transit in the City. The ZBL cannot distinguish provisions based on the age of the person or any other factors that would distinguish the zoning provision solely based on the location of specific populations.</p>

			<p>have zero parking requirements? Provided the housing is in active travel range of a majority of reasonable needs, such as but not limited to healthcare (dentist, doctor, pharmacist), varied shopping (most needs), grocery options etc.</p> <p>- There is opportunity to improve Accessibility if abundant accessible and or affordable housing is provisioned at commercial centres and parking may not be needed or utilized for some persons of disability?</p>	<p>Future amendments to the Official Plan through future policy projects and municipal comprehensive reviews may result in changes to policies that direct growth and infill housing opportunities. If infill policies in the Official Plan are proposed, corresponding changes to the New ZBL will also be proposed at that time.</p>
7.1.2. Parking Areas	VS	2021-06-23	<p>As stated, "one size doesn't fit all", POP page 36. Parking policy needs to reflect neighbourhood realities. When there is not enough parking, people convert lawns to driveways, squeeze their car into inappropriate spaces (blocking neighbour's driveways), and generally get into parking conflicts. Ask any urban city councillor or city by-law officer.</p>	<p>The second draft of the New ZBL has proposed parking areas to reflect neighbourhood realities and the different transportation options that exist in Kingston. The creation of a new City-wide zoning by-law is not a panacea to address all potential parking issues and conflicts in the City. Planning Services staff work closely with By-law Enforcement Officers to ensure that the provisions are enforceable and appropriate, but it is not expected that the creation of a new City-wide Zoning By-law will result in complete compliance or reduce the need for parking enforcement in the City.</p>
7.1.1. Parking	CH	2021-06-23	<p>We applaud the City's recent discussion paper, "The Power of Parking: A new Parking Paradigm for Kingston?". We believe this is an important topic for Kingston to grapple with. In it, we see considerations of reduced or zero parking requirements in some strategically located areas of the City. We fully endorse this strategy. Parking is definitely area, site and user-specific, and needs to be carefully considered to balance the needs of appropriate development with the impacts of those developments on mobility and the surrounding communities. We also agree that encouraging green initiatives and multimodal transportation options requires creative thinking. Reducing the dependency on the automobile, long-term, is an important way to reduce emissions and actively slow climate change.</p>	<p>Thank you for your comments.</p>
7.1.1. Parking	CH	2021-06-23	<p>Finally, the cost of providing parking with higher parking standards can be onerous or worse, antithetical to the developer being able to justify the development in the first place. For areas where intensification is targeted (ie. Williamsville), a lower</p>	<p>Thank you for your comments.</p>

			parking standard can make the difference between justifying moving forward with projects of a certain scale or not. For instance, we recently applied at 600 Princess Street with a building that is largely as-of-right for Williamsville (up to 6 storeys). That scale was partially feasible by a lower parking standard that would be accepted in principle by City planning staff and could be limited to one storey of underground parking. Underground parking easily costs \$40,000 per space or more as you dig deeper, particularly with Kingston’s bedrock underneath. Lowering parking standards in some areas where other transportation modes exist (bus, bike, walking, and aforementioned service supplements) means the difference between some projects moving forward or not. As a result, we see a direct correlation between the provision of parking, parking standards, and intensification planning policies, and both must be assessed together.	
7.1.1. Parking	JC	2021-06-17	The report cites staff having to spend too much time having to review parking proposals. A set policy designed to minimize staff time required is the right choice in many areas of the City. However, in the downtown and heritage districts of our City it will be essential for there to be skilled staff to review and develop site specific proposals. In this regard, I would note section 2.4 p 30 which says it is a good thing what was considered good practice a few years ago was not implemented. The same could be true for what we come up with today.!	The intent of the parking discussion paper is not to create policy that simply minimizes the amount of staff time required. The intent is to ensure that the focus of the policy is achieving all of the desired outcomes from an overall policy perspective – it is not a waste of staff time where policies are created with meaningful intent.
7.1.1. Parking	JC	2021-06-17	Long time building or business owners (as opposed to flippers) should be allowed to decide to have less parking or no parking and to bear the cost that might have on the rentability of their units or their business.	A zoning by-law cannot create provisions based on the owners or users of a building but based on the land use itself.
7.1.1. Parking	JC	2021-06-17	The assumption that people living downtown or near employment centres need less parking may not adequately consider: 1. Are they employed in those places or do other occupants of house have a longer commute? 2. Whether they have a job requiring car for site visits, sales, etc., or have school/arena transport and/or a secondary residence with no transit alternative, or other reasons for needing a car? 3. Pressure commuters to these areas place on availability of daytime parking for residents, caregivers, service providers, and guests. I do not know of anyone who	Parking requirements in zoning by-laws are not a science – there are limitations when applying parking ratios based on the land use, location, building size, etc. The intent of the parking discussion paper is to lessen the minimum number of required parking spaces overall, and to take advantage of opportunities to support alternative modes of transportation and transit. There are an infinite number of scenarios that may result in different parking demands on a property. Since

			bought a car because parking was available. I do know of many couples who after living downtown realized one car was enough or even more than enough, even though they had free parking available. Especially when they realized they could rent out their parking to pay for their transit costs.	all of those variables cannot be adequately addressed in the provisions of a zoning by-law (and since there is no proven formula for each scenario), the second draft proposes parking requirements that strike a balance between the parking needs of today and the broader City goals and objectives of tomorrow.
7.1.1. Parking	JC	2021-06-17	Need for downtown properties with no on-site parking (due to history or previous changes allowed by city) to have access to nearby affordable parking for personal/services use.	The City is not responsible for providing long-term parking for private individuals. Alternative parking arrangements are the responsibility of the property owner.
7.1.1. Parking	JC	2021-06-17	p44. Why does pandemic affect this decision? There may be reasons to delay, but this should not be the one relied upon.	Staff acknowledge that some commercial developments are the most consistent providers of excessive parking, often based on lease requirements to appease individual retailers within commercial destinations. Staff do not think it is appropriate at the present time (during the ongoing COVID-19 pandemic) to add restrictions on commercial retailers by limiting the number of parking spaces that can be provided. Parking in commercial leases is a complex arrangement between the landlords and lease holders, often with a specified number of parking spaces required to be provided for each individual lease holder. If maximums were enacted at this time, it would likely require a planning application to fill existing vacant commercial spaces simply due to existing parking being oversupplied. Once the pandemic is over, the economy recovers and the commercial landscape has settled, staff will re-evaluate this element.

7.1.1. Parking	JC	2021-06-17	Other option p 45. Given the huge range in bedrooms one unit may have, does not considering number of bedrooms in an all adult occupied unit make more sense when determining minimum of maximum?	A zoning by-law cannot create provisions based on the owners or users of a building but based on the land use itself. While one 4-bedroom house may be occupied by 1 adult who owns 1 car, a 2-bedroom house may be occupied by 4 adults who own 4 cars. Rather than over-requiring parking city-wide, the second draft of the new zoning by-law reduces the number of parking spaces required, relying on the property owner to provide more spaces if required (as long as they don't exceed maximum parking space requirements).
7.1.1. Parking	JC	2021-06-17	<p>The items below relate directly to on street parking, which although not currently controlled by ZBL must be considered in connection with any parking capacity review. Please give them some consideration and forward them to the appropriate people who regulate on street parking.</p> <p>A. Dedicating portions of street parking for residents only (like Toronto) and allowing installation (at residents' expense) of level one (ie. regular plug outlet) on post by these parking spots (with a locked outlet). My personal experience is one does not need Level 2 or 3 charging in the location where you are parked overnight and for other long periods.</p> <p>B. Getting rid of wintertime no overnight parking and having a system like Toronto's of alternating side of the street for on-street parking to facilitate street cleaning in spring, summer and fall and snow plowing in the winter.</p> <p>C. Limiting front yard parking so that alternate side of the street parking is possible or else compensating those who live on the side of the street where on street parking is allowed since that limits their use of their property</p> <p>D. In my view, at least 25% more should be charged by the City for commuter parking permits and for resident parking permits.</p>	Thank you for your comments about the City-owned supply of parking. Since the New ZBL does not regulate the City-owned supply, your comments have been provided to Transportation Services staff for their consideration outside of this project.
7.1.1. Parking	JR	2016-12-21	I'm writing on behalf of the thousands of kingstonians that live in the (but not limited to) high density urban areas that knowing or unknowing are in violation to the "old" and out dated zoning bylaw, preventing a working family with two vehicles from being in compliance with the bylaw. When the house they buy only	The parking provisions proposed in the second draft of the New ZBL do not limit the number of parking spaces that can be provided on low density residential properties. There are provisions related to driveway

			<p>has a single car garage. and under the current zoning bylaw there is no way for that family to legally park on their own property... I myself live in Woodhaven subdivision located in the west end of Kingston and can not imagine another possible 3000-4000 more houses to come in this growing neighbourhood with the current zoning only allowing for a one car house hold. I am in the process of bringing this matter up to the builders of Woodhaven subdivision which is a combination of the cities biggest and best, which is well known and advertised. To the people or organizations delaying this matter I ask this, using my personal property tax bill of \$3100 per year and lets call it 3000 houses upon completion of just Woodhaven (low side) that is 9.3 million in just property taxes and that figure is grossly under estimated not to mention the economic spin off of all that building. I ask how can any working family afford a house price of mid \$300,000s to, upon completion of this 4 phase neighborhood, the high \$600/750s and only need one member of the family to go to work. The fact of the matter is if the zoning does not change people just will not buy inside of the Kingston boundaries. I encourage anyone in charge of this matter to drive through Kingston in any of the urban areas and you will find 15-20% of people in violation of this outdated zoning that no longer applies to this growing city.</p>	<p>widths and the locations of parking spaces are consistent with the provisions that were recently updated in 2019 for low density residential properties, as detailed in <a href="#">Report Number PC-19-055</a>.</p>
7.1.1. Parking	JR	2016-12-21	<p>Most people like myself have tried and spent a lot of money to make or get around this bylaw by professionally installing walkways beside our driveways to park our vehicles on during the winter months. I must admit some with no problems at all from bylaw, myself included for the last two years. Now my family is faced with having to sell our home move our ten year old son away from his school and friends to a rural setting where these out dated bylaws will not effect his collage fund, with the expected bylaw fines I've been "threatened" with. Unless this outdated zoning is fixed I think a lot of people will be doing the same.</p>	<p>The proposed provisions related to driveway widths and the locations of parking spaces are consistent with the provisions that were recently updated in 2019 for low density residential properties, as detailed in <a href="#">Report Number PC-19-055</a>.</p>
7.1.11. Affordable Unit Parking	VS	2021-06-23	<p>POP page 11 – “The MTFH [Mayor’s Task Force on Housing] report recognizes that parking construction costs and all other soft costs are passed down to the eventual owner or tenant, so the creation of policies that reduce these costs will ultimately assist in the realization of a more affordable housing market in Kingston.”</p>	<p>As detailed on page 12 of the <a href="#">Second Draft Highlights</a> document, the second draft has been revised to require a number of the bike parking provisions that were previously being considered as an incentive in favour of the retention of the cash-in-lieu of parking by-law</p>

			Reducing the required number of parking spaces will not increase affordable housing. While it is true that parking requirements have costs that are passed on to buyers and tenants, the opposite conclusion, that buyers and tenants will see reduced costs when parking requirements are reduced, is unsubstantiated. The city needs a mechanism to receive funds in lieu of parking spaces that can be used for affordable housing.	where funds can be used to support the establishment of a successful car-share market in Kingston.
7.1.11. Affordable Unit Parking	VS	2021-06-23	<p>POP page 44 – “Eliminate parking minimums for all affordable housing developments. Where an application meets the definition of affordable housing in the Official Plan, there should be no minimum parking requirement” and page 43 – “It is important to recognize that the elimination of parking minimums for affordable housing and heritage properties doesn’t necessarily mean they will be constructed without parking, or even less parking. Rather, the applicants will be able to design the parking supply to meet their needs while considering parking requirements which vary greatly across affordable housing resident groups and heritage circumstances.”</p> <p>People living in affordable housing may have a higher need for parking spaces than other residents. Has any research been done to assess this? In Kingston, low-income earners may work early or late shifts that are not supported by public transit (for example, fast food service) or may need a vehicle to get to different work sites during the day (for example, house cleaners and personal support workers who have equipment and travel between clients). The recommendation to eliminate parking minimums for all affordable housing developments is troubling. The idea that parking needs will be determined in consideration of the “affordable housing resident group” will lead to arguments and inconsistency. What are the human rights implications of creating as a baseline that parking can be eliminated in affordable housing projects?</p>	The removal of a minimum parking requirement does not mean that there will be no parking spaces. It means that the affordable housing provider can provide the number of spaces suited to the future tenants without the City dictating an oversupply that results in additional costs being passed on to future tenants.
7.1.11. Affordable Unit Parking	VS	2021-06-23	POP, page 93, Litman, “Parking Requirement Impacts on Housing Affordability” – “Parking is a costly resource. Parking typically represents 10-20% of the cost of housing. This may be acceptable to most middle and upper income households, which tend to own multiple vehicles and can afford the extra expense, but for lower	The definition of Affordable Unit included in the second draft of the New ZBL is intended to ensure that developments that benefit from a zero minimum

			<p>income families generous parking requirements impose significant financial burdens.”</p> <p>Where is the evidence that removing (affordable housing) or reducing (other residential projects) parking requirements will lower the cost of housing? Yes, it will reduce building costs. By what mechanism will these savings be passed on to tenants or home buyers?</p>	<p>parking ratio are truly affordable units based on the rent or sale price of the unit.</p> <p>It is not the responsibility of the zoning by-law to regulate the cost of housing. The second draft of the zoning by-law seeks to avoid policy creation that unnecessarily contributes to inflated housing costs, however there are no legislated permissions that would allow the zoning by-law to regulate housing prices.</p>
7.1.11. Affordable Unit Parking	VS	2021-07-05	<p>The parking requirements for affordable housing should not be any different than for other housing. A blanket zoning provision with no parking requirement for affordable housing is discriminatory. It is also contrary to the city’s policy of moving towards mixed income buildings / developments and moving away from concentrations of low-income units.</p>	<p>Staff respectfully disagree with this position. The second draft includes an interpretation clause that promotes mixed income developments by allowing the affordable units to benefit from the zero parking requirement, but still requiring the parking to be supplied for the other units.</p>
7.1.11. Affordable Unit Parking	LK	2021-06-23	<p>There is much commendable thought in the new Power of Parking paper. I focus here on concerns that come to mind given the proposed changes.</p> <p>Equity: Is it reasonable to suggest that affordable housing and older seniors require no parking? Affordability is important, but does "no parking" allow for adequate living supports? Is it fair to target these populations with different standards than others? Is it appropriate to design and build housing aimed/ suitable only to a certain demographic / population (eg seniors? students?) May accessibility or the ability to find work be negatively impacted if there is no parking available?</p>	<p>The removal of a minimum parking requirement does not mean that there will be no parking spaces. It means that the affordable housing provider can provide the number of spaces suited to the future tenants without the City dictating an oversupply that results in additional costs being passed on to future tenants.</p> <p>As detailed on page 8 of the <a href="#">Second Draft Highlights</a> document, accessible parking will still be required for affordable units.</p>
7.1.11. Affordable Unit Parking	LK	2021-06-23	<p>Visits by care workers/ PSW's that support independent living can be made very difficult when parking is non-existent or very hard to come by. Older seniors and people requiring some financial support for housing may specifically be two groups that require external supports for independent living. Perhaps some greatly reduced minimum (for example 0.1 spaces per unit) would remove MOST parking requirement while ensuring SOME supportive parking space is provided. Otherwise</p>	<p>As detailed on page 8 of the <a href="#">Second Draft Highlights</a> document, accessible parking and parking for residential visitors will still be required for affordable units.</p>



			street parking will most definitely be used by service workers and providers (as currently occurs at 205 Bagot St).	
7.1.11. Affordable Unit Parking	DM	2021-06-23	At present, City of Kingston data seems to suggest that mid-rise and high-rise are the main housing form to meaningfully deliver 'Affordable housing". If located along corridors near commercial areas these higher density built forms may be the most Accessible and Affordable housing options. If there were mechanism to ensure Affordability occurred, recognizing that barrier free access is provisioned by legislation, then this is our City's optimum opportunity to increase affordability using a variety of funding models. If eliminating or reducing development parking requirements, it is appropriate that below market rate housing shall be provided as a must in these forms and areas.	The definition of Affordable Unit included in the second draft of the New ZBL is intended to ensure that developments that benefit from a zero minimum parking ratio are truly affordable units based on the rent or sale price of the unit.
7.1.12. Incentive to Reduce Parking Minimum	VS	2021-06-23	POP, page 97 Recommendation #3, SURP 826: Onsite Parking Requirements Update for the City of Kingston (2020) – "Establish Parking Benefit Districts in Central Neighbourhoods Residential permit areas near downtown should be converted into parking benefit districts as a pilot project. All generated revenue should be reinvested into the neighbourhood through sidewalk repairs, street trees, or cycling infrastructure. This aligns with Kingston's strategic objectives of prioritizing active transportation and building quality streets." This is a good idea and supports active transportation to complement the reduction in parking.	The new zoning by-law does not regulate the municipally owned supply of parking.
7.1.12. Incentive to Reduce Minimum Number of Parking Spaces	VS	2021-07-05	The city should not give away a reduction of parking requirements without receiving income from the savings to developers in return. Ideally, the funds would be used for affordable housing, otherwise for active transportation. There is no credibility in statements that reducing parking requirements will result in lower costs for tenants or buyers.	As detailed on page 12 of the <a href="#">Second Draft Highlights</a> document, the second draft has been revised to require a number of the bike parking provisions that were previously being considered as an incentive in favour of the retention of the cash-in-lieu of parking by-law where funds can be used to support the establishment of a successful car-share market in Kingston.
7.1.12. Incentive to Reduce Minimum	JC	2021-06-17	Re p 41. Why use reduced parking as a trading chip for needed infrastructure to support car-share parking, bike, transit vs requiring in ZBL that this infrastructure be provided?	As detailed on page 12 of the <a href="#">Second Draft Highlights</a> document, the second draft has been revised to require a number of the bike parking provisions that were previously being considered as an incentive in favour of

Number of Parking Spaces				the retention of the cash-in-lieu of parking by-law where funds can be used to support the establishment of a successful car-share market in Kingston.
7.1.12. Incentive to Reduce Minimum Number of Parking Spaces	JC	2021-06-17	Car share. Will Kingston follow Vancouver model of one car contribution to car share for each X reduction in required parking spots? This seems like a good idea.	At this point staff have not included this requirement in the second draft, but it is a great model that has been fundamental to the success of car-share in Vancouver. Staff are continuing to consider this requirement in relation to the cash-in-lieu of parking by-law amendments noted above.
7.1.12. Incentive to Reduce Minimum Number of Parking Spaces	JC	2021-06-17	Is it intended to limit car sharing to third party public car sharing businesses? In large buildings with underground parking, security is an issue making them unlikely to allow public car sharing. Yet many of them would be ideal candidates for car sharing limited to the occupants of the building, thereby guaranteeing that the number of parking spaces needed by building tenants would come down. Could car sharing be limited to occupants of building so underground parking remains secure and still get the parking requirement reduction? (P 54) I would note that at Homestead's information meeting for their 5 Gore development proposal they expressly said they found they needed the large level of parking they were proposing, despite their in town location. The City promoting a tenant only car share program could change that and has the potential of being extended to all Homestead buildings.	There are no proposed limitations on the type of car-sharing business that can occupy the spaces, whether they are tenant only or a broader business open to the general public. The intention would be to provide car-share spaces in publicly accessible portions of parking areas, where visitor parking is provided.
7.2. Accessible Parking	VS	2021-06-23	Every multi-unit residential building must have garage space with accessible parking. This can be underground or above ground. It is necessary so that people with disabilities that require accessible parking spaces can access their vehicles in winter or inclement weather without getting cold or wet, or without needing to clear snow of their vehicles. This should not be negotiable.	The number of accessible parking spaces will not be reduced, and the location of accessible parking spaces is reviewed through a detailed site plan application process on a site-specific basis in consultation with the City's Municipal Accessibility Advisory Committee (MAAC).
7.2. Accessible Parking	VS	2021-07-05	All accessible parking in a multi-unit building must be indoors. Note that fulfillment of point one would make this statement unnecessary.	Please refer to response above.

7.2. Accessible Parking	VS	2021-07-05	Any reduction in the overall number of required parking spaces must not result in a reduction in the number of accessible parking spaces currently required. The need for accessible parking does not diminish when the city tries to manage car use through reduced parking standards for people without mobility challenges.	Thank you for supporting one of the fundamental goals of <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a> , which seeks to ensure that while the number of standard parking spaces is reduced, the supply of accessible parking continues to be provided in a manner that prevents and eliminates barriers experienced by persons with disabilities. The second draft has been worded to ensure this.
7.2. Accessible Parking	DM	2021-06-23	<p>There are many barriers to a provision of Accessible and/or Below Market Rate housing in low-rise neighbourhoods. This new parking paradigm doesn't appear to offer anything to improve or eliminate existing barriers for persons of disability or those with economic challenges to secure appropriate housing in the largest land use areas dedicate to residential uses.</p> <ul style="list-style-type: none"> <li>- It should be recognized that the reduction or removal of requirements for parking in certain low-rise areas has the potential to make Accessible housing opportunities with parking harder to secure and that new infill is increasingly unlikely to provision parking opportunity for those that require vehicles for mobility reasons regardless of the degree of their lived needs.</li> <li>- What mechanism is in place to ensure that reduced development costs related to parking changes will be directly invested in provision of more housing with affordability let alone 'Affordable housing' in low-rise areas? There's data to suggest that with increased density the urban land values inflate without proactive interventions to enforce passing along the savings to active Affordable housing actions.</li> </ul>	<p>"Low-rise" areas are not expected to experience a significant difference in the minimum parking requirements, with parking for single detached houses, semi-detached houses and duplexes remaining relatively consistently with the existing requirements. The changed ratios are focused on higher density forms of housing.</p> <p>The definition of Affordable Unit included in the second draft of the New ZBL is intended to ensure that developments that benefit from a zero minimum parking ratio are truly affordable units based on the rent or sale price of the unit.</p>
7.2. Accessible Parking	DM	2021-06-23	<p>Enforcement of barrier free parking and its provision needs to be firmly in place and the municipality needs to retain the right to monitor and ensure continued provision and access for persons of disability.</p> <ul style="list-style-type: none"> <li>- How does the City propose to handle enforcement of improper use of Accessible parking? Noting this issue could become more problematic with less supply provisioned in future development by the zoning by-law.</li> <li>- How does the City propose to handle and enforce unintended conflicts of needs</li> </ul>	The City's parking enforcement officers monitor and enforce parking on public property only. The City's Private Property Parking By-Law 99-166 provides an option for property owners to obtain authorization to issue City of Kingston parking tickets on their designated properties. This ticketing authority includes the ability to enforce unauthorized parking in accessible

			<p>between general parking complements and AODA requirements?</p> <p>- How does the City propose to prevent the elimination of AODA parking after developments are complete? There's a potential for discrimination if barrier free parking is eliminated and the tenant screening process is able to prevent those with mobility needs from accessing housing. This might be more acute if general parking provision is reduced or eliminated. Is there data from other municipalities on this aspect?</p>	<p>parking spaces on the owner's property through the issuance of a \$300 fine.</p> <p>It is a requirement of the zoning by-law and any site plan control agreement that the minimum required number of accessible parking spaces be maintained as such. Any reduction or elimination of the minimum required accessible parking would constitute a violation of the zoning by-law and a breach of a site plan control agreement.</p>
7.2. Accessible Parking	DM	2021-06-23	<p>Relationship between Affordable Housing and Accessible housing should be one consideration and it may be that some developments provision greater supply of both. Are there permissions and opportunities to exceed the ZB requirements for parking in strategic developments that require more supply?</p>	<p>The maximum number of parking spaces identified in Table 7.1.1. of the second draft is intended to apply to general parking spaces and does not include accessible spaces, visitor spaces or car-share spaces.</p> <p>Clause 7.13.1. allows for developments to exceed the maximum number of general parking spaces through incentives.</p>
7.2. Accessible Parking	DM	2021-06-23	<p>Is it anticipated the changes proposed would alter the MAAC consultation process or the site plan approval process for barrier free parking considerations?</p>	<p>No changes are anticipated to the MAAC consultation in the site plan approval process.</p>
7.2. Accessible Parking	DM	2021-06-23	<p>Could reduced or removed parking requirements further constrict or negatively impact Accessible parking options because less overall space will be provisioned for general parking and thereby a space constraint for barrier free parking layout?</p>	<p>It is not anticipated that changes to minimum general parking requirements would have an impact on accessible parking. There are specific dimensions, ratios and requirements that apply to accessible parking spaces that are not connected to general parking spaces and will need to be met regardless of general parking.</p>
7.2. Accessible Parking	DM	2021-06-23	<p>Are there options that would be supported by the City of Kingston to provision Accessible parking using the public right of way, such as boulevard areas in some neighbourhoods, or on-street parking spaces if any development were unable to provide appropriate barrier free parking on site.</p>	<p>The provision of accessible parking spaces in the public right-of-way is intended to address demand for parking for persons with disabilities in proximity to public institutions and the downtown business district.</p>

			<p>- Further, if a tenant application process identified a need for Accessible parking would the City approve accommodation of parking needs off site using the public right of way or on-street opportunities assuming legal compliance for overall safety and provincial standards. This process has been problematic to ensure needs for the public in the past, would it be more favourable going forward if parking requirements were changed?</p>	<p>Where the ability to provide for parking on-site at a new development is limited, it is expected that developers would prioritize meeting the minimum accessible parking requirement before providing any additional general parking.</p> <p>An option exists for a person who holds an accessible parking permit and who resides at a property that does not have a driveway or any other parking on-site to enter into a licence agreement with the City for a reserved parking space on a public street in proximity to their residence. The fee to lease this parking space is currently \$12 per month.</p>
7.2. Accessible Parking	DM	2021-06-23	<p>It is worth considering that some measure of parking is required for those that do not identify as persons of disability but with varying needs requiring some level of accommodation and parking support. Minimums presumably will capture that some parking is required for legitimate mobility needs.</p> <p>- Consider also that ease of parking opportunity in key areas from parks to neighbourhoods to commercial areas is an accessibility need in addition to AODA barrier free requirements. Will on-street initiatives be undertaken as suggested by the SURP 826 Queen’s master program recommendations including performance-based pricing? It appears that Donald Shoup also proposes in his work a comprehensive approach that includes supportive actions beyond zoning requirement changes. Such actions should be considered as supportive of mobility needs of all people.</p>	<p>At this time, the proposed changes to parking policies are within the context of the new zoning by-law and apply to privately owned properties only. No changes to on-street parking policies are proposed.</p>
7.3. Bike Parking Provisions		2016-12-22	<p>Commercial zones often present barriers for pedestrians and cyclists as they often lack connected, accessible, and safe sidewalks and pathways from the active transportation network to retail and services. A great example of this type of barrier would be the Kingston Centre which lacks both accessible pathways and safe crossings for pedestrians accessing both the transit hub and retail outlets. Developers are currently required to demonstrate vehicle accessibility, a similar provision should exist for pedestrians and cyclists.</p>	<p>Thank you for this suggestion. This type of requirement is reviewed through the site plan approval process, where details can be reviewed on a site-specific basis in the context of the design proposed on a property.</p>

			<p>Recommendation: This section is an opportunity to include a bylaw requiring non-residential developers to accommodate pedestrians and cyclists and to conduct a traffic analysis if necessary. Developers must provide supplementary information regarding street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and network-wide scale. Any non-residential development must have a traffic impact analysis completed to assess its potential impact on pedestrian and bicycle traffic as well as parking patterns.</p>	
7.3. Bike Parking Provisions	VS	2021-07-05	<p>Bicycle storage facilities in a multi-unit building must include a repair station and individual storage lockers for 40% of the required bike parking.</p>	<p>Clause 7.3.11. of the second draft requires a bike maintenance area and 10% of the long-term bike parking to be provided in secure bike lockers.</p>
7.4. Shared Parking	DM	2021-06-23	<p>How does the City propose to handle sharing existing resources of parking?</p> <ul style="list-style-type: none"> <li>- Institutional, commercial and private provision of off street parking should be shared efficiently with viable mechanisms or agreements proactively in place. Are there examples from other municipalities of how this work is managed? There is potential for barrier free parking provision efficiencies where new infill development might use existing AODA compliant parking if it is in reasonable proximity. What drives this to occur? How would it work in consideration of the relevant AODA legislation?</li> <li>- Existing on-street parking might be used for close provision of AODA compliant parking for various zoning, especially housing might benefit from this opportunity? How might this occur?</li> </ul>	<p>The second draft includes shared parking provisions in Subsection 7.4. allowing different uses located on the same property to share required parking spaces.</p> <p>The policy changes for private realm contained in the second draft of the New ZBL is not intended to shift the burden of providing parking to the City, this includes the requirement for private properties to provide adequate accessible parking.</p>
7.4. Shared Parking	JC	2021-06-17	<p>Encourage, through enabling provisions in the ZBL, neighbours in older communities with predominantly row housing and laneways to group together (possibly partnered with a developer) to combine their existing parking areas and private lanes to build underground or semi-underground parking and, if they desire, additional infill housing above part of the parking area. This would (1) increase green space by having landscaping above the parking areas, (2) facilitate green roofs/solar on new roof tops; (3) take pressure off on street parking so is more availability for commuters to downtown destinations; (4) increase housing, especially housing suitable for aging home owners who could then free up their</p>	<p>The second draft includes shared parking provisions in Subsection 7.4. allowing different uses located on the same property to share required parking spaces. Proposals for shared parking and new infill opportunities should be discussed with Development Approvals staff in Planning Services.</p>

			large existing home for families; (5) facilitate in many cases improving at the same time old sewer or water connections and moving utility wires/services inside to the parking areas so less exposure to ice storms and the like.	
7.5. Parking	VS	2021-07-05	For new residential developments, adequate parking must be provided on site for each home, with sufficient on street parking for visitors and tradespeople, caregivers, etc. Garages must be of a sufficient size to allow for the parking of an average-sized car and for storage of a blue box, green bin, and at least two bicycles within the garage. Driveways need to be long enough for a longer vehicle.	The second draft of the New ZBL identifies the minimum number of spaces required on private properties, with minimum dimensions of driveways and parking spaces to ensure proper functionality.
7.5. Driveway, Drive Aisle & Parking Space Requirements	VS	2021-07-05	Encourage permeable driveways; penalize conversion of lawns to parking areas. See point 6. Inadequate parking spaces in residential developments leads to less groundwater absorption, not to mention conflicts among residents.	The zoning by-law regulates the minimum and maximum width of driveways for residential properties and requires a certain percentage of each property to be landscaped.
7.5. Driveway, Drive Aisle & Parking Space Requirements	DM	2021-06-23	Dimensional changes should be based on quantitative criteria not just approvals process or variance/amendment requests. Recognizing vehicles have trended larger in recent decades and that barrier free vehicles tend towards a heavier stock vehicle, are the proposed changes to the dimensional sizes of Accessible parking spots (all types) supported by quantitative data regarding vehicle heights, loading formats and other dimensional needs? o Seasonal criteria (ice, snow and inclement weather) should form some of the evaluation for location and provision of accessible parking (site plan) but dimensional changes at inception of design should ensure appropriate covered parking is possible before other constraints are applied. Will the proposed changes reasonably support this need for protected parking?	The proposed accessible parking space widths not only meet but exceed the requirements of the AODA. The AODA does not set a required length or vertical clearance for accessible spaces, however the second draft of the New ZBL establishes minimum length and vertical clearances for all parking spaces to ensure proper layout and functionality.  The required dimensions for accessible parking spaces are not anticipated to constrain the ability of developers to provide covered accessible parking spaces. Clause 7.2.3. establishes the minimum vertical clearance of accessible parking spaces located in parking structures versus all other accessible parking spaces to ensure

				parking structures can be easily designed to provide the required accessible spaces.
7.5. Driveway, Drive Aisle & Parking Spaces	JC	2021-06-17	Ban sloping sidewalks when accessing off street parking areas (whether a parking lot, driveway, or front yard parking space). Any allowed slope should be before or after the sidewalk. A sloped sidewalk is less accessible and unsafe in winter when icy (which is particularly the case when cars pack down snow on sidewalk when entering and leaving a parking area before any plowing occurs) or a salty slime. The slope also allows cars to enter and exit at a higher speed, increasing the danger. The current state of old Sydenham Ward sidewalks in the winter due to the slopes for increasing front yard parking leads many to walk on the road rather than the sidewalk. It is only a matter of time before the City will face a major law suit for the hazard it has allowed.	The zoning by-law regulates the shape and dimensions of walkways on private properties but not municipally owned sidewalks. The grades of walkways, driveways and landscaping are not regulated by the zoning by-law. For developments that are subject to site plan control, the grade of such features is reviewed through the site plan approval process.
7.6. Loading zones	JB	2018-05-02	-Need for realistic loading zones being incorporated into new developments in the Williamsville Main Street area. The city has failed to recognize that buildings like these (655 Princess) are student dorms, pretends this is housing for everyone and fails to really look at how they are used. Regularly see delivery trucks pulled up on the Princess St sidewalk. Food deliveries and taxis are very common too. When asked about loading zones with the new development at 495 Frontenac St., was told they (and visitor's bike parking) were not required. "Not required" does not mean they are not needed. Request to incorporate realistic parking and loading requirements.	As discussed in Section 3.11. of <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a> , loading space requirements have been proposed for residential developments across the City in the second draft (see Clause 7.6.1. of the second draft of the New ZBL).
7.7. Recreational Vehicles, Watercraft, and Trailers	DW	2017-08-21	Dates for having a boat in the driveway - suggests 1 May to 1 Nov if one is necessary. Also suggests a little "flexibility" on tickets if the fall is warm and some boaters keep out there until Nov. Maybe a December 1st removal date will prevent boats from being stored in the driveway.	In 2019, Council passed amendments to the existing zoning by-laws related to trailers, boats and recreational vehicles being parked in driveways, as detailed in <a href="#">Report Number PC-19-055</a> . Subsection 7.7. of the second draft of the New ZBL has been revised to be consistent with the provisions that were passed in 2019.



7.7. Outdoor Storage of Vehicles	CH	2018-04-23	Suggests that the City re-visit Zoning By-law Number 32-74 that prevents parking a trailer, RV, camper, etc. on driveways for more than 72 hours a month The information does not address a parking of a boat trailer in the driveway.	Please refer to response above.
7.7. Outdoor Storage of Vehicles	SK	2017-09-01	<p>-applaud and support the temporary parking language of Subsection 3, page 100</p> <p>-However, under some circumstances recreational vehicles, watercraft, and trailers etc. may reasonably require temporary parking in a driveway outside of the above-proposed time frames.</p> <p>-Recommend a modest additional clause to allow the temporary parking or storage of boats; motor homes, travel trailers, personal watercraft; all-terrain vehicles; or similar recreational vehicles in a portion of a driveway in a front yard for a period of (for example) not more than 72 hours in any one calendar month between November 1 of one year and March 31 of the following year.</p> <p>-Recommend an additional clause to permit the temporary parking or storage of a snowmobile in a portion of a driveway in a front yard for a period of (for example) not more than 72 hours in any one calendar month from April 1 to October 31 of each year.</p>	Please refer to response above.
7.7. Outdoor Storage of Vehicles	JB	2018-06-08	<p>Concerned regarding Zoning By-Law 76-26, sec 5.23</p> <p>Suggestions for new by-law:</p> <ul style="list-style-type: none"> <li>- Option 1 - Storage for summer months (this would limit snowmobile ownership).</li> <li>- Option 2 - Grant storage openly but limit the size (not to exceed 8.2 meters similar to current By-Law).</li> <li>- Enforce the current or new by-law fairly</li> <li>- Derelict and broken trailers, boats, etc. should continue to be strictly enforced similar to vehicles.</li> </ul>	Please refer to response above.
7.7. Outdoor Storage of Vehicles	AN	2018-06-29	<p>From time to time residents do need to have these items in the driveway to say, pack for a vacation or check the tires for safety, etc.</p> <p>I am wondering if the City of Kingston and the Bylaw Enforcement department might consider creating a "Permit" situation for some residents to apply for?</p> <p>The "temporary permit" could be based on a fee, which considers size or classification, duration of need, etc. If residents were encouraged to purchase a permit, it would generate funds for supervision of such items, AND also perhaps</p>	Please refer to response above.

			regulate (ie. discourage) the on-going storage of these items in residential neighbourhoods.	
7.7. Outdoor Storage of Vehicles	M	2018-06-29	Believes that a fair amount of Kingston residents would not be opposed to an amendment to the bylaw to allow parking of recreational vehicles in personal driveways	Please refer to response above.
7.7. Outdoor Storage of Vehicles	GC	2018-08-01	The existing by-law regarding trailer parking in driveways should be revised.	Please refer to response above.
7.7. Outdoor Storage of Vehicles	CF	2018-09-04	Re: ZBL 76-26, Section 5.23: Is there a functional reason for not permitting boats in a driveway? What is the difference between a boat and a car being in that spot in the driveway?	Please refer to response above.
7.7. Outdoor Storage of Vehicles	CF	2018-09-04	Re: ZBL 76-26, Section 5.23: believes that this by-law should to closely reviewed and changed to be more accommodating. Does not support Section 5.23; recommends that it should be changed in the zoning by-law update.	Please refer to response above.
7.7. Outdoor Storage of Vehicles	GC	2021-03-04	Know the by-law passed in 2019 and since this is a second draft re zoning could it be amended again??? I am asking because as of 1991 we have had a hardtop trailer on our driveway however got a warning ticket due to a neighbour 8 houses away who reports anything on Everyone in neighbourhood. This lady has now moved into a retirement home. I cannot park trailer on yard before I Apr and after 31 Oct. Feel I am victimized as everyone around me park trailers all year round. Do not want to be nasty neighbour complain on everyone else however hardtop trailer no bigger than a vehicle. My property can park 6 cars in driveway. I was the person who opt to solve problem and took a petition on all neighbours on our street and brought it to counsel. Should I contact bylaw officers re this situation??	In 2019, Council passed amendments to the existing zoning by-laws related to trailers, boats and recreational vehicles being parked in driveways, as detailed in <a href="#">Report Number PC-19-055</a> . Subsection 7.7. of the second draft of the New ZBL has been revised to be consistent with the provisions that were passed in 2019.  The proposed provisions were the subject of public consultation through a full planning process in 2019 and further amendments are not planned at this time as part of the new zoning by-law project.
8.1. Rural Residential, General Rural Area, Prime Agricultural Area	RL	2017-11-07	Farmers fields across the road are currently zoned A1 and are being proposed to be changes to RU and AG. What is the difference between RU and AG. If the zoning of a property is being changes, doesn't it require a separate zoning procedure?	The AG zone included in the second draft of the New ZBL aligns with the Prime Agricultural Area designation in the Official Plan. The RU and RUR zones are intended to align with the Rural Lands designation in the Official Plan.

<p>8.1. Rural vs. Rural Residential</p>	<p>CW</p>	<p>2017-01-03</p>	<p>There are many small rural residential lots in the City of Kingston that share similar characteristics and yet they are treated differently depending on whether they are zoned either RU or RUR. For example, the RU zone would require a minimum 9 metre interior side yard setback for dwellings and accessory buildings, while the RUR zone would require a minimum 1.2 metre setback for the same buildings. Based on the characteristics of these lots (e.g. dimensions, location of existing buildings and septic systems), a 9 metre side yard setback may preclude accessory buildings and structures on the majority of lots in a rural neighbourhood (or at least require an application for minor variance). What is the intended difference between the RU and RUR zones on these lots? Has the City considered applying the RUR zone to all small rural residential lots for consistency?</p>	<p>The proposed locations of the RU and RUR zones are based on the existing zoning by-law provisions that are currently in effect in the rural area in order to ensure that the performance standards that apply to these areas will be similar in the New ZBL.</p> <p>The RU (rural) zone category generally includes lands that are currently zoned A1 and A2 in Zoning By-law 32-74 or A1 and A2 in Zoning By-law 76-26. The RUR (rural residential) zone generally includes rural lands that are currently zoned ER, LSR, R1 or RR in Zoning By-law 32-74 or ER, R1 or R2 in Zoning By-law 76-26.</p>
<p>8.2. Prime Agricultural Zone</p>	<p>SH</p>	<p>2021-04-17</p>	<p>I have reviewed a copy of the City's draft new zoning by-law. I have noticed that lands located along florida road in the North west area of the City limits have been changed from A2 to RU lands in the new draft zoning by-law. This road is a major farming community with multiple farms located on the south/east half of florida road. It has been farmed for the past 200 years and without protection from development will be lost. Without the city protecting the currently used farm land as A2 it becomes opened up for developed under the RU designation. Severances have already been provided on this road on prime agricultural lands adjacent to farms within the 1000 ft set back requirement of existing barns (which raised concerns on why the rules were not followed). If the lands along florida road are changed to RU the existing farms will not survive. The city of kingston will see this lose if they current large farms in the area. I strongly advise the planning committee to reevaluate this area of the zoning plan to align with the provincial direction and planning act to protect current agricultural farmland that is in use and adjacent to active farms.</p> <p>Please provide confirmation that the city of Kingston will address this issue and provide an update to ensure it's official plan aligns with the provincial guidelines and future protection of our agricultural lands.</p>	<p>The AG zone included in the second draft of the New ZBL aligns with the Prime Agricultural Area designation in the Official Plan. The RU and RUR zones are intended to align with the Rural Lands designation in the Official Plan.</p> <p>The next OP Update is scheduled to commence in 2023. The current extent of Prime Agricultural designation in the Official Plan is based on the Provincial criteria and consultation with OMAFRA. It is expected that the future OP Update will include consultation with OMAFRA to determine if any amendments are required to the extent of the lands designated Prime Agricultural.</p>

8.4. Rural Residential	MV	2018-04-03	Does the proposed re-zoning of existing Estate Residential zoned area to Rural impact any of the services that are now provided to these areas?	The proposed change from the Estate Residential (ER) Zone of the former Pittsburgh Township Zoning By-law to the Rural Residential (RUR) Zone in the new City-wide Zoning By-law is not anticipated to impact services in areas of existing estate residential development.
11.1. Residential Provisions	HK	2016-02-18	I'm hoping that the new zoning by-laws won't have the annoying rear yard setback requirements that are based on the location of the rear wall of the 2 adjacent buildings. I've always felt that this is very unfair to land owners, whose ability to improve their sites depends on what their neighbors have done in the past. Everyone should be bound by the same rules, and clear quantifiable rear yard setbacks would put everyone on the same footing, and provide greater certainty for planning.	The draft zoning by-law does not include any standards based on the location of the rear wall of adjacent buildings.
11.1. Residential Uses	JM	2016-10-27	Differences between A5 vs. R2 - specifically as it pertains to properties in Portsmouth Village.	<p>The R2 Zone that was previously proposed in the first draft is no longer proposed as part of the second draft of the New ZBL in Portsmouth Village. The second draft of the New ZBL includes the draft zoning recommendations of the <a href="#">Central Kingston Growth Strategy</a> (CKGS) that is ongoing concurrently with the New ZBL project. Portsmouth Village is in the area that is subject to the CKGS. Portsmouth Village is proposed to be zoned UR12 in accordance with the recommendations of the CKGS.</p> <p>The CKGS was recently the subject of a non-statutory public meeting at Planning Committee (see <a href="#">Report PC-21-052</a>). These recommendations are subject to change pending the remainder of the public engagement on this project and the ultimate decisions of Planning Committee and Council. Any revisions to these recommendations through the CKGS work will be incorporated into the New ZBL.</p>

11.1. Residential Uses - AirBNB	GW	2016-11-12	How does the draft by-law deal with AirBNB type uses? It is a different use altogether and a "resident" should only be someone who permanently lives in a home.	AirBNB type uses, known as short term rentals, are regulated by the City's short term licensing by-law. The zoning by-law does not consider a short-term rental as a different use than a long-term rental, or a residence that is owner-occupied and, instead, focuses on the residential use and building form. Zoning by-laws do not regulate the users of a building, as such, do not distinguish a use based on the ownership, lease agreement, rental terms or any other occupancy related considerations. Please refer to page 2 of the <a href="#">Second Draft Highlights</a> document for further details about residential uses and the New ZBL.
11.1. Residential Uses - Student Housing	GC	2016-11-08	Is there a way to protect neighbourhoods from the impacts of student housing?	Thank you for your comments. Zoning by-laws regulate the use, not the users, of properties and buildings, as such, there is no reference to the people who occupy residential buildings in the New ZBL.
11.1. Residential Zones and Affordable Housing	LP	2021-02-07	I am reaching out to inquire if the new ZBL review will ensure that the ZBL is inclusive and isn't unknowingly being biased towards certain zones specifically single family front attached garage houses. By ensure the ZBL isn't being biased towards single family zones allows for medium to high density housing to be created to allow the city to be accepting of all housing types which could attract younger people to Kingston who can't afford single family housing.	As described in detail on page 2 of the <a href="#">Second Draft Highlights</a> document, the second draft has been amended to remove most distinctions between different types of residential units and living arrangements, aligning with the Five-Year Official Plan Update, with the intent of ensuring the residential permissions are inclusive and focused on equitable housing opportunities for all residents.
11.1. Residential Zones and 0.6 metre setback	HL	06-Jan-21	I thought the Zoning By-Law was to follow the Official Plan and not the other way around. With regard to Residential Zones there are 5 categories in total but two main categories(Low and Medium). The Official Plan has 3 main categories. What happened to High Density Residential Zone?	The passage of the new zoning by-law is required to conform with the Official Plan. As far as the number of residential zones in the zoning by-law, they aren't a direct comparison to the Official Plan density categories. Generally speaking, residential lands are designated "residential" in the Official Plan, not by

			<p>Also the side yard setbacks for many residential uses indicates an aggregate of 3.6m with a minimum of 0.6m on one side. Am I reading that correctly? I don't know that a person could even walk down the side of a building to get from the front to the back in that space. I also am not sure how a builder could even build a building so close to the lot line without entering the neighbouring lot. Certainly maintenance would be problematic. Can you advise where this number came from and what the purpose of it is. I presume it is based on intensification.</p>	<p>specific density, then there are specific criteria to review when assessing the location of a development application related to low, medium and high-density developments. Future work on the Density by Design project may create new zone categories for larger/taller residential building forms (similar to the Williamsville Main Street work that was recently adopted by Council), but it is not within the scope of the New ZBL project to pre-zone lands for this form of residential development since there are a significant number of factors that need to go into the creation of appropriate zone parameters.</p> <p>The 0.6 metre setbacks are located within zones that are subject to the Central Kingston Growth Strategy. This setback is proposed to be carried forward from the existing in-effect zoning by-law to the New ZBL. This is a minimum requirement; therefore, a greater setback can still be provided. The CKGS work was recently the subject of a non-statutory public meeting at Planning Committee (see <a href="#">Report PC-21-052</a>). These are just preliminary recommendations and are subject to change pending the remainder of the public engagement on this project and the ultimate decisions of Planning Committee and Council. Any revisions to these recommendations through the CKGS work will be incorporated into the New ZBL.</p>
13.1. Heritage	SB	2021-04-23	<p>The NZB has a provision for the downtown (attached) which requires that new buildings are aligned with existing structures, and the text also provides for other situations as well. If I am correct, the new downtown zone does not include all of Sydenham HCD, but appears to cover some of it. S. 6 of the Old Sydenham HCD</p>	<p>The Old Sydenham Heritage Conservation District area is within the boundaries of the Central Kingston Growth Strategy (CKGS). The CKGS work was recently the subject of a non-statutory public meeting at Planning</p>

			<p>Plan recommends alignment of front facades of new buildings. So there are a few suggestions that arise from this, just on the surface. Could the city look at applying S. 14.2.2 to a larger area than just the CD (downtown) zone? It may not be a heritage issue alone - the practicalities of allowing for new lots, and the aesthetics of the streetscape may be subjective, but one hopes that the NZB can set standards for future lot divisions.</p> <p>Will there be other provisions in the NZB which will deal with this type of situation where a new lot is created but parking must be accommodated?</p> <p>Is the city considering consultation with the Heritage Kingston Committee at some point? Early consultation is important instead of leaving HK committee members responding too late in the process.</p>	<p>Committee (see <a href="#">Report PC-21-052</a>). The HCD has been proposed to be included in a new heritage zone (HCD3). These are just preliminary recommendations and are subject to change pending the remainder of the public engagement on this project and the ultimate decisions of Planning Committee and Council. Any revisions to these recommendations through the CKGS work will be incorporated into the New ZBL.</p> <p>As discussed in Section 3.3. of <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a>, the second draft of the New ZBL includes a new provision (7.1.11.2.) that removes minimum parking requirements from designated heritage buildings.</p> <p>In collaboration with Heritage Services staff, Planning Staff will provide information to Heritage Kingston and the opportunity to connect with the New ZBL project team.</p>
13.1. Heritage Conservation Districts	SB	2016-11-24	<p>Would like the existing Heritage Conservation Districts to be acknowledged and addressed in the draft zoning by-law.</p>	<p>Three heritage zones have been created in the second draft to align with the Heritage Conservation Districts: HCD1 Zone – Village of Barriefield, HCD2 Zone – Market Square, HCD3 Zone – Old Sydenham.</p> <p>The creation of three new zones specifically catered to the heritage conservation districts in the City allows for the creation of unique zoning standards that are better reflective of the heritage conservation policies that apply to these areas. The zone standards have been drafted in a manner that aligns with the policies of the applicable Heritage Conservation District plan and is</p>

				reflective of the existing and planned built form in the areas.
14.1. Institutional Uses	DM	2016-11-02	Is there a limit to development and commercial activity for institutional zoning? What language could be added to protect homes from abuse of allowing substantial quantity of secondary uses? Additional uses, such as food outlets etc. are intended to be a complimentary support for the community of interest of Queen's students & faculty not primary commercial revenue or competition for surrounding commercial zoned businesses, is my impression from policy language. Is this correct? What proactive deliverables such as pathways, parking & mitigation are missing from educational-focused development that should be provided before commercial (additional) usage is allowed to impact neighbouring residential zones with a variety of adverse effects? What is required from other property and business owners, in similar policy sections, especially those operating secondary uses? Have we considered taxing revenue made from additional uses, such as the Juniper Café in the Tett Centre?	The definition of post-secondary institution is focused on the educational component. Accessory uses are permitted where post-secondary institutions are located and are intended to be subordinate to and exclusively devoted to the principal educational institution. The intent is to allow commercial businesses that are there to support the post-secondary institution (including the staff and students), not create a large commercial operation that is in itself a destination for those who are not affiliated with the institution.
14.1. Institutional Uses	SR	2016-11-21	Please review uses that are permitted as accessory uses within institutional zones. Ontario Superior Court decision regarding TDSB partnering with a sports management company to run third party activities on educationally zoned land.	The definition of stadium has been amended to better align with the Ontario Building Code. A new specific use provision has been added to Section 6 that identifies that stadiums are not permitted as accessory uses and are always considered to be a principal use where they are located. Specific permissions have been included to allow for existing stadiums to be considered permitted, but future stadiums would be subject to a site-specific rezoning application in order to properly assess the impact of such use.
15.1.2. Permitted Uses in Downtown Zones - Parking		2016-12-22	Currently permitted uses in the zones of central downtown and market square include parking lots. Recommendation: Is there an opportunity within this by-law review to include provisions that would balance new long-term parking on the periphery of these two zones and only short-term parking within? Additionally, this could be complimented by a parking strategy that would move current long-term parking	The uses proposed in the downtown area align with the permitted uses in the Official Plan. Future density by design work will focus on the policies that apply to the downtown and may result in revisions to the policies related to parking beyond those identified in <a href="#">The Power of Parking: A New Parking Paradigm for Kingston?</a>



			opportunities to the periphery of these zones and further support the City's 20% active transportation goal.	
15.3.1. Commercial Mainstreet – Rear Lot Line interpretation	JG	2016-11-15	The interpretation of rear property line in the existing zoning by-law (8499) is not consistent with the intent of the OP policy for this area - there is no rear property line for any property that wraps around the corner from Princess St onto the adjoining streets. I have read the new by-law with the relevant definitions. The draft by-law with the new definitions is better in terms of the Williamsville Main Street Study (WMSS) but I still have concerns that it could create confusion when it comes to the corner lots. My understanding of the WMSS is that the front lot line is meant to be the Princess Street lot line. In the Williamsville Main Street Study the cross streets were referred to as side streets. In the case of corner lots, the WMSS intends that the front lot line is Princess Street and the rear lot line is the lot line opposite the front lot line.	The CM1 and CM2 zones include a provision at the beginning of each zone clarifying the interpretation of lot lines in the WMSS area.
15.10.2.1. Build-to-Plane provision	HL	2021-01-26	With regard to 14.2.2 (b) Where no adjacent buildings exist within the block, fronting on the same street, the front setback and build-to-plane shall be at the street right-of-way. This is the same issue as above. Should it not say "...at the street line."	The provision has been amended as suggested.
18.1. Open Space and Reserve Zones	CC	2016-11-24	Horse Bay Parkette should be zoned OS1, not R1. Leave EPA zone where it is.	Horsey Bay Parkette will be zoned OS1 in the final draft of the New ZBL.
18.1. Open Space and Reserve Zones	VS	2016-12-21	One thing I noticed at a quick glance is an OS3 zone. Where is that defined?	The second draft includes OS1 and OS2 zones.
18.1. Open Space and Reserve Zones	VS	2016-12-05	From an ecosystem protection point of view, defining the OS 1 zone as minor open space and the OS 2 zone as major open space has it backwards. The only uses that are allowed in an OS 1 zone are storm water management and schools (more on that later). This means that these are important areas for conservation of natural habitats and processes.	The language in the second draft was unchanged from the first draft. Staff appreciate this suggestion and the final draft will be updated as suggested.

			<p>On the other hand, a variety of uses are allowed in the OS2 zone including accessory dwellings, outdoor theatres, campgrounds, etc. This means their ecological value is less important.</p> <p>I would suggest that the titles for these two zones be changed, perhaps as follows:</p> <p>From OS 1, minor open space to OS 1, protected open space From OS 2, major open space to OS 2, general open space.</p>	
18.1. Open Space and Reserve Zones - Permitted Uses	VS	2016-12-05	<p>I do not think it appropriate to allow a school to be built in an OS 1 zone. I appreciate that an outdoor education facility could be appropriate in an OS 2 zone. Should a school be an acceptable use in OS 1?</p>	Schools have been removed from the OS1 zone in the second draft.
18.1. Open space	CB	2018-07-13	<p>-Dunham Park should be rezoned as Open Space (OS). It is shown as a Residential Zone in the first draft. -EPA should not be tied exclusively to the ribbon of life. -Who owns Dunham Park?</p>	Dunham Park is owned by the municipality. It has been zoned as Open Space (OS2) in the second draft of the New ZBL.
19.1.1. Environmental Protection Zone - Provisions	VS	2016-12-05	<p>Note 2, section 18.1.4 says "No building or structure shall be developed within any EPA zone except with the written approval of the Cataraqui Region Conservation Authority." I read this section to mean that if the CRCA has no problem with a building in the EPA zone then it can go ahead. The CRCA is assessing the building from a water resource point of view. I submit that there are times when the city has different interests that must also be taken in to account. For example, the city's tourism industry benefits from the UNESCO world heritage designation of the Rideau Canal system. Although a building in the EPA zone might not contravene a water management regulation, it might be problematic for its impact and precedence on the cultural resource. I believe city council needs to approve buildings in the EPA zone as well.</p>	The second draft has been amended to remove this language.

19.1.1. EPA & Ribbon of Life	MF	2021-04-30	<p>1) I remain concerned about just "fish habitat". This gives the impression that nothing on land matters. What about "shoreline habitat" or "fish and wildlife habitat"?</p> <p>2) There is growing evidence about the benefits of natural shorelines - e.g. <a href="https://www.beshore.ca/importance_of_shorelines/">https://www.beshore.ca/importance_of_shorelines/</a> Can there be some mention somewhere about the value to the environment about natural shorelines (as opposed to "naturalized") and about the need to encourage landowners in this direction given Council's priorities?</p> <p>3) I remain concerned about "passive use" and the Tannery situation with the 30 m setback that could include the trail. Trails and "naturalized" setbacks for passive use are not in the spirit of a 30 metre setback that is supposed to benefit nature not just people.</p> <p>4) I remain confused about situations like the Tannery where if the city takes over ownership of the 30 metre setback, then surely it should mean that the 5% that the developer is supposed to contribute towards public use should mean that the trail is on his property, not on any part of the 30 metre setback.</p> <p>5) I am also concerned about the 10x10 thing. What I have noticed in South Frontenac where we have a cottage is that first the 10x10 platform is created, then a roof is put on along with a BBQ, table and chairs etc, and then walls are put up and it has become a cabin. This takes place over several years. It is the thin end of the wedge to allow a 10x10. Perhaps something a bit smaller?</p>	<p>As discussed in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a>, the second draft of the New Zoning By-law intends to implement the intent of the existing Official Plan policies. The Official Plan identifies 'fish habitat' as a Natural Heritage 'A' Feature and 'wildlife habitat' as a Natural Heritage 'B' feature, both of which are not mapped by the Official Plan but are to be considered in Environmental Impact Assessments. Section 3.9.2 of the Official Plan speaks to the value of natural shorelines. Questions related to a particular development proposal should be directed to the planner assigned to the file in DASH.</p> <p>The above noted discussion paper contemplated an exemption from the waterbody setback for one (1) accessory structure less than 10 square metres. The second draft of the New Zoning By-law has refined this approach and proposes a reduced setback of 7.5 metres, rather than a complete exemption. This approach is to recognize the existing residential properties that cannot satisfy the full 30 metre setback.</p>
19.1.1. EPA & Ribbon of Life	DW	2021-04-30	<p>we the neighbours on Safari Dr. appreciate your effort and that of staff to try to resolve the problems noted in the first issue of the draft zoning plan ,thank you very much.</p> <p>Below is a slide from the presentation last night these represent the one remaining item on the west side of Collins Creek regarding the flood plain. During the spring for the past 35 years the area west of the creek floods anywhere from 150 to 250 meters to the west . The concern we have if the designation on that side is changed to rural and DR31 from EPA (as previous)the owner of the field could build a berm and block the natural flood plain thus causing a severe change in the flow of Collins Creek.</p>	<p>The extent of the EPA zone on the west side of Collins Creek is based on the Provincially Significant Wetland (PSW) mapping provided by the Ministry of Natural Resources and Forestry (MNRF). Staff have consulted with MNRF on some adjustments to the PSW mapping throughout the City, but adjustments on the west side of Collins Creek are outside of the scope of the work that can be done prior to the completion of the New ZBL. If mapping updates are made by MNRF in the future, the New ZBL will be amended accordingly.</p>

				<p>The existing EPA zone boundary in ZBL 76-26 is likely based on the wetlands and the floodplain, whereas the new zoning by-law has separated floodplains from the EPA Zone and placed them in an overlay (Schedule A, with corresponding provisions in Section 5.1). Cataraqi Region Conservation Authority (CRCA) regulates development within 120 metres of a PSW and 15 metres of floodplains under Section 28 of the <i>Conservation Authorities Act</i>. The construction of a berm or the placement of fill within these regulated areas would not be permitted without a permit from CRCA. If you have any additional questions about this specific process, please contact the CRCA.</p>
19.1.1. EPA & Ribbon of Life	VS	2021-05-10	Could you please point me to the place in the draft zoning materials where it sets out how the 30 m is measured?	<p>Section 4.23 of the second draft of the New ZBL requires any use or building to be setback a minimum of 30 metres from the high-water mark of a waterbody. Definitions are included for high water mark (3.8.7) and waterbody (3.23.9).</p>
19.1.1. EPA & Ribbon of Life	VS	2021-05-10	How does the edge of the flood plain relate to the 30 m "ribbon of life"?	<p>The 30-metre ribbon of life setback is measured from the high-water mark and may or may not also include the floodplain. The New ZBL proposes to prohibit development within the floodplain by using an overlay (Schedule A, with corresponding provisions in Section 5.1) – which is a map that shows the affected areas and prohibits most forms of development.</p> <p>The 30-metre ribbon of life setback and floodplains are generally distinct concepts within the New ZBL; development is required to satisfy both. If the floodplain extended farther inland than 30 metres from</p>

				the high-water mark of the waterbody, development would need to satisfy the natural hazard setback (floodplain) and associated CRCA regulations in addition to the natural heritage setback (30 metre setback) required by Section 4.23.
19.1.1. EPA and R1	DW	2018-04-03	EPA and R1 zoning in Ridgewood/ Safari Drive area - the official plan did not properly take into account the existing approved zoning from way back	The second draft of the new zoning by-law proposes a residential zone for these properties, while maintaining a general 30 metre waterbody setback for any future development. Please note that the Provincially Significant Wetland (PSW) mapping provided by the Ministry of Natural Resources and Forestry (MNRF) currently includes this area as a PSW. Staff have consulted with MNRF on mapping adjustments in this area and anticipate new mapping to be published by MNRF removing the residential properties from the PSW. The second draft has zoned these properties residential in anticipation of amended PSW mapping being released. If mapping is not amended as anticipated, these lands will be required to be moved into the EPA zone prior to final recommendations on the New ZBL.
19.1.1. EPA Zone	CH	2017-02-27	Trying to compare the restrictions on development in or near EPAs under the draft new zoning bylaw, with the protection provided to EPAs under the assorted old zoning bylaws. Has the City produced an analysis?	The second draft of the new zoning by-law will provide greater protection for environmental features than the existing zoning by-laws by incorporating more up-to-date mapping from the Official Plan and by requiring a general 30 metre development setback from waterbodies, as described in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a> .
19.1.1. EPA Zone -	PC	2016-12-03	I live at 883 Safari Dr. and have become aware that there is a rezoning proposal to change the EPA on the east side of Collins Creek to include residences, mine	The second draft of the new zoning by-law proposes a residential zone for these properties, while maintaining

Boundary Expansion			<p>included, City streets, and underground and above ground utilities currently not in an EPA. I would appreciate being informed as to the rationale for expanding the EPA in this area. The benefit and criteria for proposed rezoning are not obvious to me. I would also like to know the restrictions this zoning imposes on home owners, the City, and the utilities. Is there a bylaw revision drafted to accompany the rezoning which spells out land use restrictions and activities within the proposed EPA zone?</p> <p>Another proposed zoning change which doesn't make sense is the reduction of the EPA on the west side of Collins Creek opposite my property. The proposed EPA reduction would result in the exclusion of the area where the creek floods and flows in the spring as well as a small bit of the creek itself. Expanding the EPA on the east side to include residences and streets while reducing the EPA on the west side to exclude where the creek currently flows and floods makes no sense.</p>	<p>a general 30 metre waterbody setback for any future development as described in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a>. Please note that the Provincially Significant Wetland (PSW) mapping provided by the Ministry of Natural Resources and Forestry (MNRF) currently includes this area as a PSW. Staff have consulted with MNRF on mapping adjustments in this area and anticipate new mapping to be published by MNRF removing the residential properties from the PSW. The second draft has zoned these properties residential in anticipation of amended PSW mapping being released. If mapping is not amended as anticipated, these lands will be required to be moved into the EPA zone prior to final recommendations on the New ZBL.</p> <p>The extent of the EPA zone on the west side of Collins Creek is based on the PSW mapping provided by MNRF. Adjustments to the PSW Mapping on the west side of Collins Creek are outside of the scope of the work that can be done prior to the completion of the New ZBL.</p> <p>The existing EPA zone boundary in ZBL 76-26 is likely based on the wetlands and the floodplain, whereas the new zoning by-law has separated floodplains from the EPA Zone and placed them in an overlay (Schedule A, with corresponding provisions in Section 5.1).</p>
19.1.1. EPA Zone - Boundary Expansion	DW	2016-11-26	Several neighbors and myself have just recently be made aware of a proposed zoning by law change to certain properties in Ridgewood from R1 to EPA. In addition there seems to be a change on the other side of Collins Creek to go from EPA to Rural of some kind. These proposed changes are very puzzling on a couple	Please review response to comment above.

			of accounts. 1)This takes entire properties on the Safari side of Collins Creek and makes them have EPA designation. (note these properties are very high and not in the flood plain. 2) the property on the other side of the creek which floods every year have somehow been proposed to change to rural from EPA.	
19.1.1. EPA Zone - Boundary Expansion	CW	2017-01-03	The draft zoning by-law map places the northwest corner of our property (3614 Accommodation Road) in the Environmental Protection Area zone. The EPA zone is supposed to reflect waterbodies and wetlands, however, the EPA zone in this location is offset from a woodland layer (where there is actually no woodland). The nearest waterbody is a dug pond approximately 70 metres to the northwest. We respectfully request that the EPA zone be properly applied to this area, and removed from our property.	3614 Accommodation Road is proposed to be zoned General Rural Area "RU" in the second draft of the New ZBL in accordance with the revisions outlined to the extent of the EPA zone in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a> .
19.1.1. – EPA Zone - Mapping	JG	2015-10-05	Existing zoning by-law (76-26) illustrates a much larger portion of the property as EPA than the Official Plan identifies within the EPA designation. Would like the new zoning by-law to have mapping that aligns with the Official Plan EPA designation.	As discussed in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a> , the existing zoning by-law provisions are not aligned with the current policies of the Official Plan and are inconsistently applied across the City. The New ZBL will apply the EPA zone and 30 metre setback from the high-water mark consistently across the City, implementing the policies of the Official Plan.
19.1.1. EPA Zone - Mapping	VS	2016-12-05	In looking at the EPA maps, it appears that some buildings have been built in EPA areas. Perhaps the EPA mapping is wrong. Perhaps the buildings received permission to be built there. If, on the other hand, a building was placed in an EPA area without permission then there needs to be some follow up with the builder and the owner. The city needs to act to protect the community interest in preserving EPA areas.	As discussed in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a> , the existing zoning by-law provisions are not aligned with the current policies of the Official Plan and are inconsistently applied across the City. The New ZBL will apply the EPA zone and 30 metre setback from the high-water mark consistently across the City, implementing the policies of the Official Plan.

				There may be situations where a use was legally established in accordance with earlier zoning by-laws but would not conform to the regulations of the New Zoning By-law. The New Zoning By-law provides direction on legal non-conforming uses in Subsection 1.8.
19.1.1. EPA Zone - Permitted Uses	CC	2016-11-24	Add to the definition of EPA another permitted use covering "conservation use" defining conservation use something like this: "Conservation Use means the protection of land and water for the purpose of preserving the natural heritage resource over the long term"	Conservation use has been added to Table 18.1.1. as a permitted use and defined in Section 3.3.20.
19.1.1. Environmental Protection Areas	VS	2021-07-08	<p>Powerpoint Submission entitled "Natural Heritage Zoning 21<sup>st</sup> Century Planning for Kingston", summary:</p> <ul style="list-style-type: none"> <li>- Differentiate between what is already built and what has not yet been built</li> <li>- Map the environmental features that should be in a prohibited zone (environmental protection areas, ANSIs, provincially significant wetlands, locally significant wetlands, fish habitat)</li> <li>- Ground truth the map</li> <li>- Note the recognized importance of the Rideau Waterway</li> <li>- Require a naturalized shoreline and limit breaks in it</li> <li>- Prohibit swimming pools and hot tubs in the 30 metre buffer and prohibit the emptying of pools and hot tubs into the water system</li> <li>- Consider defining the shoreline buffer so there is no ambiguity</li> <li>- Keep stringent requirements to protect PSWs, fish habitat, ANSIs</li> <li>- Consider holding zone for any new development in these areas until an EIS concludes no negative impacts</li> <li>- Assess lot grading for new development</li> <li>- Work with conservation authorities to develop a consistent approach</li> <li>- Related by-laws need to be in place to protect water systems (tree preservation, site alteration, site plan approval, stormwater utility, discharge by-law)</li> <li>- Ensure consistent application of zoning to waterfront properties</li> </ul>	Thank you for your detailed submission. The second draft of the New ZBL maps environmental features that should be in a prohibited zone as EPA, implements the ribbon of life and riparian corridor policies of the Official Plan through the introduction of a 30 metre setback from the high-water mark of a waterbody with appropriate definitions. The New ZBL will protect PSWs, fish habitat and ANSIs in a manner that is consistent with the Official Plan and will finally establish zoning provisions that are updated and consistently applied across the City, as detailed in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a> . The municipality has initiated discussions with the MNRF to adjust the mapped boundary of various natural heritage features to better reflect ground conditions.



			<ul style="list-style-type: none"> <li>- Make sure all city planners interpret by-law the same</li> <li>- Educate owners about zoning and processes</li> </ul>	
20. Mapping - Interactive Slider	HL	2020-12-08	<p>I have accessed the Planning and Development Map with the grey slider bar feature. I have to say the feature does not give a real side-by-side comparison. When one selects a site on one side of the grey bar the other side doesn't show the same properties with the updated by-laws. Instead the other side completes the map so that if you selected, say, the west half of the City on the left side of the grey bar the right side would show the east half of the City instead of also showing the west half but with the updated by-law. So there is no real side-by-side comparison. One has to zoom in and move the grey bar back and forth to get any kind of comparison which is kind of painful.</p>	<p>Thank you for your feedback on the interactive mapping for the first draft. The intent was not to provide a side-by-side comparison, rather provide the user the opportunity to slide the grey bar back and forth as an easy form of comparing two different layers of mapping (typically you would have to toggle different layers on and off to get the same effect). When the second draft was released, the City also created a new, standalone <a href="#">interactive mapping application</a> which is more user-friendly and allows members of the public to easily turn the zoning and schedules on and off on a property.</p>
N/A - General Comment	MC	2016-11-06	<p>New approach to zoning called SmartCode, distributed by the nonprofit Center for Applied Transect Studies (CATS) - wondering if this is something that can be implemented/used in Kingston?</p> <p>Here's the code and various resources: <a href="http://transect.org/codes.html">http://transect.org/codes.html</a>          These are various modules: <a href="http://transect.org/modules.html">http://transect.org/modules.html</a>          Here's a link directly to the code document: <a href="http://transect.org/docs/3000-BookletSC-pdf.zip">http://transect.org/docs/3000-BookletSC-pdf.zip</a></p>	<p>Thank you for your suggestion. While some of the ideas can be implemented within Ontario's Planning framework established by the <i>Planning Act</i>, there are a number of ideas that cannot be implemented in a zoning by-law and may be more appropriate for a development permit system, which is outside of the scope of the third phase of the New ZBL project.</p>
N/A - Healthy Eating		2016-12-22	<p>1. Promote the health of individuals, families and our community through: policies and practices that acknowledges how food contributes to physical, mental, spiritual, and emotional well-being; strategies to prevent and manage chronic diseases through access to adequate, healthy, safe, affordable and culturally appropriate food.</p> <p>a) Enhance the built environment to increase access to healthy food, including through transportation, safety and design. • Develop land use designations that enable retailers of healthy foods such as grocery stores, small food retailers and produce markets to be located within convenient walking, cycling, or public transit pathways of residential areas.</p>	<p>The second draft of the New ZBL does not specifically define the types of products sold in stores - the focus of a zoning by-law is on the land use and its potential to negatively impact adjacent properties and the neighbouring area in accordance with the Official Plan policies. The City's licensing by-law would be the more appropriate mechanism to address the concerns identified related to fast food restaurants or minimum separation distances.</p>

			<p>b) Increase access and availability of healthy foods in underserved or high-risk communities through incentives or other assistance for food retailers to locate there or to increase affordable healthy food and vegetables and fruit in existing stores. • Collaborate or work with KFL&amp;A Public Health to consider grocery store access in neighbourhoods with high deprivation or other access challenges.</p> <p>c) Implement land use and zoning policies that restrict unhealthy food and beverages. This may include zoning policies that restrict or limit the density of fast food establishments near schools. • This includes regulating the number of fast food restaurants by setting quotas, regulating the density of fast food in a set area, or establishing minimum distances between fast food and other institutional or residential areas.</p>	
N/A - Healthy Eating		2016-12-22	<p>2. Foster economic sustainability of our community through affordable agricultural land, and production, preparation, storage, distribution and consumption of regional food as an integral part of our economy.</p> <p>a) Communities can support local food through the various types of value-retention and value-added facilities, such as processing facilities, food hubs, farmers' markets, and mobile vendors.</p> <p>3. Protect our environment through preservation of local farmland; protection of watersheds and wildlife habitat; food production methods that sustain or enhance the natural environment in rural and urban settings; agriculture and land use policies that support the production of healthy sustainable food; and food waste reduction and recycling policies and practices.</p> <ul style="list-style-type: none"> <li>• Ensure higher building heights do not negatively impact urban agriculture (e.g., community gardens, Community Supported Agriculture (CSA), container gardens, edible landscapes, greenhouse agriculture, orchards, rooftop gardens, gardens and urban farms etc.) by shading plants. Include strategically placed shade in areas of urban agriculture to avoid interference with urban agriculture.</li> <li>• Complete assessment of land availability to consider areas for urban agriculture.</li> </ul>	<p>The second draft of the New ZBL protects agricultural land in accordance with the policies of the Provincial Policy Statement and the Official Plan. The proposed amendments to the Official Plan are intended to enable agricultural-related uses and on farm diversified uses to be permitted through a minor variance process, enabled through language proposed in the second draft.</p>
N/A - Demolition	HL	2021-01-26	<p>There is no definition of Demolish. Does not the Zoning By-Law control demolition of Buildings and Structures?</p>	<p>Section 34 of the <i>Planning Act</i> does not give municipalities the ability to control the demolition of buildings and structures through the zoning by-law.</p>

N/A - Green Roofs	DC	2021-04-29	I hope you will make it mandatory for tall buildings to have green roofs and to meet a standard of energy efficiency.	Thank you for your interest in the City's new zoning by-law project. Unfortunately, zoning by-laws are not able to mandate construction techniques or standards of efficiency. Please refer to the the Climate Leadership Plan and the Green Standard Community Improvement Plan.
N/A - Character	LP	2021-03-12	<p>Below is an interesting article that talks about the idea of ZBylaws becoming less restrictive to encourage yes in my back yard. Below is an excerpt I read from it and thought it was interesting. And hope this can help guide the work</p> <p><a href="https://www.theglobeandmail.com/opinion/article-yes-in-my-backyard-how-urban-planning-must-shift-to-meet-our/">https://www.theglobeandmail.com/opinion/article-yes-in-my-backyard-how-urban-planning-must-shift-to-meet-our/</a></p> <p>"This idea of character is both toxic and vague. It was born a century ago out of naked prejudice against racialized people, renters and any household arrangement that didn't include husband, wife and children. Somehow, this legacy is still with us."</p>	Thank you for your comments.
N/A - Character	LP	2021-04-12	<p>By adding more restrictions to the ZBA it stifles creativity and does not support housing that is affordable. I understand that this City has many established residents who are concerned about how development can affect their property values, can the City consider the future and plan for future residents who are still unsure of where they fit into housing, whether established residents like it or not it is the younger generation who is more vulnerable to lack of housing. Established residents seem to believe that Stable Neighbourhood and Maintain Character means No Change? and this lingo was born a century ago to keep renters, people of color and non-husband, wife and two children family units out of communities.</p> <p>How many applications does the City of Kingston have appealed and then send to LPAT? the time lost to this additional step is monies added to the housing. When a developer has additional time added to their schedule it is the end user who suffers</p>	Thank you for your comments. While many of these ideas are higher level planning principles established by the City's Official Plan, the language of the second draft of the New ZBL has been revised to be more inclusive and focused on equitable housing opportunities for all residents, as explained on pages 2 and 3 of the <a href="#">Second Draft Highlights</a> document.

			<p>not the developer.</p> <p>At the end of the development will happen and if there is a way the Zoning Bylaw could be less restrictive then this will greatly activate housing affordability. Please look at Policies to the west and try to figure why are they building that are affordable?</p> <p>Please look to Canadian Municipalities that are doing it right. I understand that Staff usually stays within Ontario, but Ontario is unaffordable would it not make sense to look at affordable regions? Single low income Families can not afford to comfortably in Ontario if purchasing a home is a goal to them they would be welcomed in places like AB. Consider to be innovative and out of the box when doing the New Zoning Bylaw</p>	
N/A - Site Specific	JC	2021-04-10	<p>The property located at 181 Barrie St is owned by the Province and managed by IO. Based on my review of the draft by-law, this property is proposed to be zoned as low density residential. However, the site is currently used as a laboratory by Ontario Public Health which is not included in the list of permitted uses. Was this considered by the City in your review and is there a particular reason why the existing use is not reflected in the draft zoning? We are concerned about creating a legal non-conforming situation and would request that the existing laboratory use be included as a permitted use. Please let me know if a formal comment letter is needed or we should wait for the next draft of the By-law to be released. I'm also happy to discuss further as needed.</p>	<p>The property is designated institutional in the Official Plan, as such, the mapping for the second draft has been updated to show this property as "IN2" - Institutional - Major Zone, to better align with the Official Plan designation. Laboratories are a permitted use in the IN2 zone.</p>
N/A – Site Specific	MK	2021-07-22	<p>On our client's behalf, we request that:</p> <ol style="list-style-type: none"> <li>1. The portion of the site zoned Multiple Family Dwelling Zone (B1) be rezoned as site-specific Medium Density Residential 4 Zone (R4.XXX) which includes the provisions of Site-Specific Policy Number 4 in the City of Kingston Official Plan.</li> <li>2. The portion of the site zoned One-Family Dwelling and Two-Family Dwelling (A5) be rezoned as site-specific Low Density Residential 2 Zone (R2.XXX) which includes the provisions of Site-Specific Policy Number 4 in the City of Kingston Official Plan.</li> </ol>	<p>As you are aware, in passing a zoning by-law, one of the tests that must be met is conformity with the policies of the Official Plan. The zoning proposed on this property in the second draft includes a UR10 zone along the street front and an EPA zone to the east, conforming with the Official Plan.</p>

			3. The portion of the site zoned Arterial Commercial (C2) be rezoned as site-specific Arterial Commercial Zone (CA.XXX) which includes the provisions of the Site-Specific Policy Number 4 in the City of Kingston Official Plan.	The second draft includes transition provisions in Subsection 1.6. which are intended to ensure that the passage of the new zoning by-law appropriately transitions specific types of complete applications that are in progress.
N/A - Project Timeline	FD	2020-11-17	<p>I wish to see City staff set a DEADLINE to complete this project. Then, having set the deadline, meet it. This would have to be directed by City Council. This deadline would be the end of 2021. I think it is attainable. If this deadline is not met, then, the Chief Administrative Officer should be fired, immediately, for cause, by City Council. Provincially directed amalgamation of municipalities in the Kingston region occurred on January 1, 1998, which is now coming up on 23 years ago. This Bylaw consolidation work is long past overdue. It is an ugly absurdity that it is not finished yet.</p> <p>We learned back in March of this year, upon the release of the Report from the Mayor's Task Force on Housing (the Committee had co-chairs Ted Hsu and Mary Rita Holland), that the lack of a comprehensive Zoning Bylaw in Kingston is directly holding up the City's true and required action on providing sufficient affordable housing. The Affordable Housing file has been in deep crisis for several years now, with a lengthening waiting list. Other Ontario cities, of which perhaps the best example is Hamilton, have moved much further on solving this problem in their communities. It is past time for Kingston to step up, show leadership, and solve the problem. This situation is completely unacceptable.</p> <p>Failure to complete this work in a timely manner amounts to nothing less than genocide against Kingston's most vulnerable communities. Set a deadline for this project. Get this vitally important work completed.</p>	Staff are working diligently to keep the final phase of the new zoning by-law project on time, with an aim to bring recommendations for final consideration in early 2022.
N/A - Site Specific	PM	2016-10-27	Please double check CS1[686]-H - believes the H has been lifted.	While the second draft still includes an H on this property, staff have confirmed that the existing zone (C5-4) is not subject to an H and this will be reflected in the final version of the New ZBL.

N/A - Site Specific	BD	2014-08-01	<p>G. Tackaberry and Sons Construction Company Limited (Tackaberry) owns and operates several aggregate licences within the City of Kingston. Recently, Tackaberry undertook a zoning change for their property located at 3893 Highway 15 to update the zoning from MX to MX-3(H).</p> <p>In completing this process, Tackaberry became aware that the City of Kingston is currently working to update their Comprehensive Zoning By-law. Tackaberry is providing this letter to help ensure that Tackaberry's aggregate reserve property to the south of 3893 Highway 15 remains zoned as MX. Attached is a map that notes the property in question, as well as a copy of the current zoning by-law map that shows the property zoned MX. Tackaberry requests that during the updating of the zoning by-law, City staff ensure that this property retains its current zoning and that Tackaberry be notified by City staff when progress and drafts are available for review.</p>	<p>The second draft of the New ZBL includes the 3893 Highway 15 property in the MX1-H zone, with a site specific exception identified on the Exception Overlay, aligning with the recent MX-3 approvals.</p>
N/A - Site Specific	HF	2018-02-06	<p>The subject lands are currently occupied by a stand-alone building containing a retail-warehouse (Plumbing Plus), printing establishment (KKP Kingston), and automotive use (The Auto Spa), as well as an accessory building used for storage purposes (see Figure 2). Emco has future plans to expand the Plumbing Plus facility within the existing structure to accommodate additional warehouse space. The expanded facility would also require outside storage of certain weather-resistant materials (i.e. pipes). Notwithstanding the additional warehouse space, the retail function would remain as the primary function of the facility. The subject lands are currently zoned General Commercial – Special (C2-9) in Kingston Township Zoning By-law 76-26 which permits, amongst other uses, a “retail store providing for the sale of products related to home repairs and improvements”. The Plumbing Plus store is permitted under this specific use category. Based on our review of the First Draft (October 27, 2016) of the new Zoning By-law, it is our understanding that the subject lands are proposed to be zoned General Commercial Zone (CG), which permits, amongst other uses, a “retail store”. It is presumed that the Plumbing Plus store would be permitted under this use category. The future intended use of the subject lands would suggest that the M2 Zone may be more appropriate in this</p>	<p>While the second draft of the New ZBL included these lands in the “CG” zone, staff have reviewed the Official Plan designation and confirm that the next draft of the New ZBL will include this property in the M2 zone. Staff are continuing discussions with the property owner related to the commercial use permissions in accordance with the policies of the Official Plan.</p>

			<p>instance, as the M2 Zone permits the intended uses, as well as Outdoor Storage, whereas the CG Zone does not contain provisions for such a use. Placing the subject lands within an Industrial Zone category would be in keeping with Schedule 3-A (Land Use) to the Official Plan, which indicates that the lands could be interpreted as being within the General Industrial designation (see Figure 3). Furthermore, an M2 Zone on the subject lands would be consistent with the zoning of abutting lands to the north, south, and west (see Figure 4) and reflective of the nature of the uses in the area west of the existing commercial uses along Gardiners Road. In addition to the above, we request that a “retail store” be permitted as a main use on the subject lands, rather than as an accessory use, in order to allow the Plumbing Plus use to continue operating as a legal use. As a “retail store” is also permitted within the currently proposed CG Zone, it is apparent that this use is deemed by Staff to be appropriate for the subject lands. Alternatively, a “retail store providing for the sale of products relating to home repairs and improvements” use which, as noted above, is currently permitted as a site-specific use on the subject lands, could be included as a site-specific use in the new Zoning By-law as well.</p>	
N/A - Site Specific	CC	2016-04-28	<p>Change Salmon Island zoning to EPA across the entire island. Ensure mapping for Snake Island accurately reflects that Snake is designated EPA.</p>	<p>Salmon Island and Snake Island are both proposed to be zoned EPA in the second draft.</p>
N/A - Site Specific	DP		<p>As the City is harmonizing the existing zoning bylaws including revising existing zones and proposing new and different zones for many properties, it seems appropriate to also update zoning for 1035, 1043 and 1051 Midland at this time to best align with the City of Kingston Official Plan.</p> <p>This portion of Midland is designated as commercial in the City of Kingston Official Plan – both the current version of the OP and the most recent draft of the proposed OP (refer to OP map excerpt).</p> <p>1035 and 1043 Midland are currently zoned Residential R1 in the Township of Kingston Zoning Bylaw 76-26. 1051 Midland is currently zoned General Commercial C2-55-H.</p> <p>For properties along Midland Avenue, only 1035 Midland and 1043 Midland currently remain zoned residential. Nearby and adjacent properties along the west side of Midland, including 2666 Princess</p>	<p>1035 and 1043 Midland Avenue are proposed to be zoned CG in the second draft of the New ZBL.</p>

			<p>Street to the south and 1051 Midland Avenue and 1057 Midland Avenue to the north are all currently zoned General Commercial C2 in the Township of Kingston Zoning Bylaw 76-26 (refer to current zoning map excerpt).</p> <p>The first draft of the new zoning bylaw shows these nearby commercially zoned areas as Commercial General CG (refer to current proposed zoning map excerpt). It is requested that the City update the zoning for 1035, 1043 and 1051 Midland to an appropriate commercial zone in keeping with the Official Plan and the neighbourhood. There is strong OP support for mixed use developments including higher density residential along the Princess Street Corridor including Midland Avenue Centre / node in the Princess Street Corridor Specific Policy Area as well as the High Density Residential Policies sections of the OP.</p>	
N/A - Site Specific	WH	2016-01-06	<p>Request that the lands owned by Juniper Lane Development Corporation, 681102 Ontario Limited and 1686713 Ontario Limited, being described as PIN 36083-0132, being Part Lot 16, Concession 2, Part 1, 13R-2700 save and except Part 1 FR663068 and Part 4, 13R-19580, remain unchanged in zoning (i.e., C2-36-H and I) and designation (i.e., Arterial Commercial &amp; Environmental Protection Area).</p>	<p>The zoning by-law must conform with the policies of the Official Plan, as such, the zoning on the subject parcel in the second draft is CG-H and EPA, with the lands also impacted Schedule A – Floodplain Overlay and Schedule E – Zoning Exception Overlay (Exception 970).</p> <p>As explained on page 8 of the <a href="#">second draft highlights document</a> (Item 5.5), staff have not made a determination on the appropriate approach to dealing with older exceptions at this time.</p>
N/A - Site Specific	CC	2016-11-24	<p>Near 926-934 Old Front Road - the DR zone within street right-of-way between EPA zone + private properties should be removed</p>	<p>While the DR zone was retained in the second draft, staff have reviewed this suggestion and this will be changed to a UR1 zone for the final draft, consistent with the adjacent residential zoning and consistent with the approach to zoning for street right-of-ways across the City.</p>
N/A - Site Specific	JD	2015-05-04	<p>I object to the bylaw due to administration oversight of lot legal description presently zoned Highway commercial in error as it is located in a cul-de-sac and is</p>	<p>The second draft of the New ZBL includes this property in the Hamlet Commercial zone (HC). In reviewing the</p>



			not located on a highway or have direct access to a highway as required for this type of zoning. To properly address the purpose of this bylaw this lot should be zoned in a residential group to better reflect its location and be included in bylaw #2015-XX for this reason. I believe that this was accidentally missed during the administrative review and should have been adjusted under administrative amendments to a residential classification as it is clearly incorrectly zoned also undoubtedly qualifies as to the specific purpose of the bylaw 2015-XX effects to clarify and correct errors this should be included in new zoning maps/laws at no additional cost to the owner at some later date to have the zoning oversight corrected to a residential classification.	context and the Official Plan policies for Hamlets, staff confirm that the 909 and 945 Old Kingston Mills Road properties will be moved into the Hamlet Residential (HR) zone.
N/A - Site Specific	MT	2016-11-28	Can you please confirm that the new site-specific zoning for 720 Princess Street (under File No. D14-06+-2014) will be carried through in the new ZBL?	The 720 Princess Street property has been shown on Schedule E – Zoning Exception Overlay (Exception 371) in the green category. As explained on page 8 of the <a href="#">second draft highlights document</a> (Item 5.5), staff have not made a determination on the appropriate approach to dealing with older exceptions at this time, but it is anticipated that exceptions in the green category will be carried forward in the text and mapping of the final draft of the New ZBL.
N/A - Site-Specific	MK	2017-04-20	<ol style="list-style-type: none"> <li>1. All of the site-specific zoning should be carried forward and applied to the subject sites;</li> <li>2. Where the uses from the current parent zones have not been carried forward, we ask that the City provide a rationale to justify the loss of existing land development permissions;</li> <li>3. Where uses exist in a parent zone and are not intended to be carried forward, please consider adding these uses to the site specific zone permissions to ensure that the development potential of site-specific zoning is not lost;</li> <li>4. Please provide a rationale for expanding the boundaries of the EPA zoning. If the EPA zoning simply reinforces the existing restrictions of the Official Plan EPA designation it does not appear to be necessary.</li> </ol>	<p>As explained on page 8 of the <a href="#">second draft highlights document</a> (Item 5.5), staff have not made a determination on the appropriate approach to dealing with older exceptions at this time.</p> <p>As discussed in the <a href="#">Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks</a>, the existing zoning by-law provisions are not aligned with the current policies of the Official Plan and are inconsistently applied across the City. The New ZBL will apply the EPA zone and 30 metre setback from the high water mark consistently</p>

				across the City, implementing the policies of the Official Plan.
N/A - Site-specific	ML	2017-06-16	<p>1. Request clarification regarding "minor repairs" included under the definition of an Automobile Service Station</p> <p>2. 2560 &amp; 2660 Princess St location - Request that a provision be added to the proposed site-specific provision 694 to recognize the existing garden centre use. Also request that Temporary Use provisions, pursuant to Section 4.9.1 of the Draft ZBL, apply to this property.</p> <p>3. 59 Bath Road location - request that site-specific provisions be added to recognize this existing car wash operation, and to recognize the existing 0m side yard setback from the existing building</p> <p>4. 1040 Division Street location - request that a car wash use be permitted on this site.</p>	<p>The New ZBL project is not intended to provide site-specific exceptions or rezoning of individual properties or circumstances.</p> <p>The definition of Automobile Service Station has been replaced with a new definition of Gas Station, with greater detail provided about the range of permitted uses in 3.7.4.</p>
N/A - Site-specific	NW	2018-05-07	<p>1450 McAdoo's Lane - OP Designation: Mineral Resource; ZBL: M5-1; Existing Use: Industrial</p> <p>The existing OP designation and Zoning do not match the long time use of the property. Looking to correct the zoning to reflect the long time use of the property. The adjacent parcel is designated MR but zoned M3. It's unclear why the subject property is not also zoned M3. Requested Zone Change: M5-1 to M3.</p> <p>1158 McAdoo's Lane - OP Designation: Waste Management Area; ZBL: A1; Existing Use: Salvage Yard</p> <p>Zoning does not match the existing OP designation. Applicant contemplating Waste Transfer Station however the applicant would like to correct the zoning to reflect the long time use of the property regardless of whether or not he proceeds. Requested Zone Change: A1 to M4.</p>	<p>The land use designation for 1450 McAdoo's Lane is Mineral Resource in the Official Plan. The New ZBL is required to conform with the Official Plan, as such, the proposed zoning in the second draft is MX1.</p> <p>While the second draft of the New ZBL includes 1158 McAdoo's Lane in the RU zone designation, staff have reviewed the Official Plan designation and confirm that the final draft of the New ZBL will zone this property as "RM2", consistent with the Official Plan and the adjacent property to the west.</p>
N/A - Site-specific	EM	2017-10-03	149 Collingwood - When the new by-law is implemented does the site specific zoning survive or does it disappear?	The 149 Collingwood Street property has been shown on Schedule E – Zoning Exception Overlay (Exception 203) in the green category. As explained on page 8 of the <a href="#">second draft highlights document</a> (Item 5.5), staff have not made a determination on the appropriate

				approach to dealing with older exceptions at this time, but it is anticipated that exceptions in the green category will be carried forward in the text and mapping of the final draft of the New ZBL.
N/A - Advisory Overlay for Parks Canada Lands	TG	2016-12-06	I am proposing that the City of Kingston delineate in their Zoning Bylaw any Federal lands owned by Parks Canada. I believe this could prevent possible issues in any future development. It would simply alert proponents and the municipality that development on these lands would be subject to Parks Canada regulations and policies. [Provided maps of lands owned by Parks Canada]	Thank you for your comment. An advisory map may be created as a separate, companion document to the final draft of the New ZBL to identify a number of areas where there may be additional regulations beyond the zoning provisions. If this advisory map is created, the lands owned by Parks Canada will be identified.
N/A – Stormwater	VS	2021-07-05	The city needs to establish a stormwater utility and begin charging a fee for stormwater generated on a site. Parking lots are significant generators of stormwater at an unrecovered cost to the city. See “Unflood Ontario” <a href="https://unfloodontario.ca/">https://unfloodontario.ca/</a>	Thank you for your suggestions. Zoning by-laws are not permitted to control stormwater runoff, as such, this is outside of the scope of the New ZBL project.

**Flaherty, Laura**

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**From:** WILLIAM KENNEDY [REDACTED]  
**Sent:** September 30, 2021 7:55 PM  
**To:** Oddie, Niall; Oosterhof, Gary; Chapelle, Simon; Bar, James; Flaherty, Laura  
**Subject:** Definitions of Accessory Use - consistency

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Official Plan:

Accessory Use: a separate use, building or structure which is subordinate to and exclusively devoted to the principal use, building or structure and located on the same lot but not designed or intended for human habitation unless specifically permitted.

- a. How can something be subordinate to and exclusively devoted at the same time?  
If you look at the Google definition below you will see you added "exclusively devoted to the principal use", which is not the common interpretation.
- b. Do you mean separate use, as the words say, meaning a different use, or do you mean a separated use? You do not say "physically separated" but that is what was told to me.
- c. It sounds like I could build a kayak trailer shed and also put a living space above it if it was specifically permitted. So I can have a shed with living space above of I get permission, but not a shed with no living space but storing a kayak?

Google Definition:

Accessory Use:

Google definition as used in land planning: accessory use refers to a use of a property that is incidental to its main use.

Accessory uses are permitted on any property in any zone subject to general provisions. The suitability of an accessory use is determined based on the permitted use of a property.

- a. This does not refer to having a building as a starting point, just a use.
- b. So the focus is SUITABILITY, rather than your definition of equal to the main use.  
A shed for personal use is suitable with the vacant property, suitable with R1 and A1 designation, suitable with the surrounding buildings which are residences, suitable with surrounding properties, suitable with surrounding uses, which include many different types of uses, such as farming, recreation, raising horses and using trails.
- c. Our land is permitted to be vacant, (as it is vacant) and used for personal purposes.  
Use of a kayak shed is consistent with that vacant land and personal use, consistent with being next to miles and miles of other properties using their sheds for personal purposes, either for residential, for farming or otherwise used.

Conclusions:

1. I appreciate you are looking into the definitions of residential use in your new zoning bylaw. Other definitions may require review as well.
2. Based on my comments above, I interpret the Official Plan to allow our kayak trailer shed and that our kayak trailer shed would be allowed without waiting for the revised zoning bylaw to be approved.
3. It is very confusing having to deal with definitions of the terms in 2 different documents, ie, official plans and zoning bylaws, when these definitions are different.
4. There are 2 layers of interpretation required as a result of this, and these may be consistent with each other, or they may be inconsistent with each other.

If the 2 definitions are different, this gives a wide matrix of interpretations, and then how do you choose of the several interpretations is right? Guiding principles, consistent definitions and then guidelines.

Zoning Bylaw.

The focus seems to be on a building only, ie must have a building first, and must be consistent with the ZONING, rather than the use, but there are many main uses which don't require a house or building and are not described by the zoning. Some zoning has sub uses like recreation, and there may be a,my types of other uses for residential problems that are consistent with residential but don't require a house or subordination.

Hope this helps.

Michelle Kennedy  


Sent from my iPad

**Flaherty, Laura**

---

**From:** Agarwal, Sukriti  
**Sent:** September 29, 2021 4:05 PM  
**To:** [REDACTED]  
**Cc:** NewZBL  
**Subject:** RE: Zoning Bylaw

Hello Matthew,

It was nice talking to you this morning.

The proposed zoning for the Kingscourt area reflects the work that was recently completed as part of the Central Kingston Growth Strategy. These recommendations are subject to change pending the remainder of the public engagement on this project and the ultimate decisions of Planning Committee and Council. If you have any comments on the proposed UR13 Zone, please do send them along.

With respect to your example below of a 40 feet x 100 feet lot, a residential building would be permitted that is a maximum of 29.5 feet in width and a maximum of 59 feet (18 metres) in depth. I just wanted to mention that the minimum lot frontage is proposed to be 15 metres (a little over 49 feet). So any new lots that do not meet this requirement would need to go through a planning application process.

A driveway located along the length of the building would affect the building width (i.e. the building would have to be narrower).

For shallower lots, the maximum building depth would end up to be lesser than 18 metres, as the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line. For longer lots, the building depth would still be capped at 18 metres. This is a different approach than that used in the existing zoning by-law.

For a semi-detached house or a duplex, the minimum lot area must be 740 square metres (approx. 7,965 sq. feet). Where both units of a semi-detached house are located on the same lot, the semi-detached house would be required to meet all of the regulations that are applicable to a single detached house.

The minimum required landscaped open space is 30% of the lot area. In reality, a building will not be able to cover 70% of the lot area, as driveways/required parking spaces would also need to be accommodated. The proposed definition of landscaped open space in the New Zoning By-Law also excludes decks or porches with perimeter foundation. The percentage of lot area occupied by an accessory building would also need to be taken into consideration.

Also as discussed, the zoning by-law cannot regulate the colour or materials of buildings.

Please do not hesitate to contact me if you have any questions.

Regards,

Sukriti



**Sukriti Agarwal, MCIP, RPP, AICP (she/her/hers)**

Manager, Policy Planning  
Planning Services

City of Kingston  
Located at: 1211 John Counter Boulevard  
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[sagarwal@cityofkingston.ca](mailto:sagarwal@cityofkingston.ca)



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**From:** Kingscourt Community Assoc . [REDACTED]  
**Sent:** September 28, 2021 1:02 PM  
**To:** Kingscourt Community Assoc . [REDACTED]  
**Subject:** Zoning Bylaw

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Mike,

I am including Michele and Cathleen as recipients. They may not want to be involved in this, but I know Michele is concerned about some renovations under way. This will shed light on what will be allowed in the future (and probably is allowed now). Michele, don't think I am roping into anything, please. I know your life must be busy. I just want to share information. Cahtleen, similarly, don't feel obligated to do anything with this.

I am copying the planner working on the Zoning Bylaws for her consideration. I am also including Ailsa who is interested in doing our social media just so she knows the kinds of things floating around. No posting expected on this yet.

Mike, I have read the Zoning Bylaw as I think it applies to Kingscourt. I have asked the Planning Department to call me to check out what I understand to be the case. So this is just preliminary feedback to you to let you know that, I too, am looking into this. I am not considering at this point any small secondary unit or garden unit as I am not sure how they would apply here.

I am going to convey my understanding in feet because I grew up with the imperial system.

So, let's consider a lot that is 40 feet by 100 feet in depth. (I think that is a reasonable starting point.) Please feel free to check out my conversions  
No building can be deeper that 60 feet (18 meters). And all buildings must cover no more than 70% of a lot. The front yard has to be at least 25 feet. (7 meters). No building with a flat roof can be more than 30 feet high (9 meters). A peaked roof can be slightly higher but I figure its mass would be slightly less than a flat roof, so I am concentrating on a flat roofed building. The combined setback from the side lot boundaries must be 10 feet (3.5 meters).

**Exhibit E**  
**Report Number PC-21-061**

I figure that a building in Kingscourt (Zone UR13) can be a maximum of 30 feet by 60 feet by 30 feet high on a 40 feet by 100 feet lot. It might be slightly wider on a wider lot. The building can only be a detached building or semi detached building (two dwellings side by side). A semidetached building would be hard to fit onto a property 40 feet wide. Each half would be 15 feet wide. The detached building can be a duplex (two units stacked.).

The result is that the building, in my view, could be massive adjacent to wartimers although its size in other settings might be considered modest. The way it is decorated, etc and its location on the property, (will it be set back to the maximum possible?) would make a big difference. I don't think the Zoning Bylaw can control the design of the building.

I think the new buildings on First Avenue and Kingscourt fit the conditions above and give one an idea how impactful such buildings would be.

Does this agree with your understanding?  
Matthew

Sent from Yahoo Mail. [Get the app](#)



**Flaherty, Laura**

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**From:** Flaherty, Laura  
**Sent:** September 28, 2021 1:24 PM  
**To:** 'WILLIAM KENNEDY'  
**Cc:** Oosterhof, Gary; Chapelle, Simon; Bar, James  
**Subject:** RE: Comments on proposed zoning bylaw

Good afternoon,

Thank you for providing your comments and opinions about the second draft of the new zoning by-law related to residential uses, vacant properties and accessory buildings. Your comments will be included in the future public meeting report to Planning Committee and form part of the public record on the new zoning by-law project.

As we work to prepare the next draft of the New Zoning By-law, we will consider your feedback and perspectives about the definition of residential use and the ability to construct accessory buildings without having a principal building on a lot.

If you have any specific questions you would like to discuss with me on the second draft of the New ZBL, please do not hesitate to contact me.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

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**From:** WILLIAM KENNEDY [REDACTED]  
**Sent:** September 23, 2021 8:44 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Cc:** Oosterhof, Gary <goosterhof@cityofkingston.ca>; Chapelle, Simon <schapelle@cityofkingston.ca>  
**Subject:** Comments on proposed zoning bylaw

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see my email below. These are some comments on your proposed zoning bylaw. Please send them to the other councillors also.

1. The purpose of residential use zoning is keep residential use areas separate from commercial use areas and separate from industrial use areas. It's purpose is NOT to allow use only if there is a house there, as we have been told. Our kayak trailer is 13 feet by 7 feet.
2. Note it is residential USE zoning that is appropriate, not just residential (ie. building only, excluding uses without houses built on the property) without the consideration that the land without a building on it would also be in use by the owner who has the property in a residential use zone, with an eye to building at some future date.
3. Within that separated residential use zone, there can be residences, vacant land, development land, abandoned residences, properties with odd buildings on it and no house, properties with driveways only, properties that are forested, all intermingled with parks, churches, small corner stores, etc.
4. So to say that residential means you cannot use your property for storage of personal property in a shed that is larger than a 10 by 10 shed means you are depriving us of a rightful residential use. This shed would not be commercial and it would not be industrial, it be for used for activities appropriate in a residential zone, by persons, just as a house would be for use by the resident.
5. Reading your bylaws, they seem to be written due to problems by abusers, and then incorrectly in anticipation of problems from us, and which are then imposed on everyone else, assuming they will also be a future abuser if they have a shed on their property.
6. I was told we could not do this because we might rent it out, we might play drums, that anything we build on the property other than a house is wrong, and will prompt us to do wrong things, because there is no house there.
7. I would like to point out you already have bylaws preventing us from renting it out, preventing us from disturbing the neighbours.
8. So you are punishing us for some person who has abused your bylaws, and you are punishing every other resident who has vacant land and wants to put a storage shed on it, when you have no reason to cast dispersions on us all. Like if I said some lady cannot be a councillor because some other lady councillor broke the law. Or a man can't be a doctor because some man doctor broke the law.
9. So I suggest a person writing zoning bylaws would have zoning principles and objectives, such as
  - fairness,
  - reflecting appropriate use,
  - reflecting reasonableness in use
  - consistency in use
  - practicality in use
  - flexibility in use
  - sensibility in use
  - understandability in use
  - ease of use
  - simple, not overly complicated in use
  - not onerous in use.

Planning principle is also to serve the needs of the citizens and owners.

If a person abuses their zoning use, you have other bylaws like a. noise standards and b. property standards and c. zoning use violations, to cover this.

These objectives are appropriate whether or not anyone like us wants to put up a shed on their property, as they apply in all cases.

10. Let's assume there is property with a residence and a garage.

Any of the following could happen:

a. The house can be rented out including the garage.

b. The homeowner can live in the house and rent out the garage.

c. The house with the garage could be rented out to noisy and obnoxious tenants.

d. The garage could be rented out to an obnoxious, noisy or dangerous person who puts his car in the garage every winter.

e. Any or all of the above could have people abusing one or many bylaws, causing trouble, making noise.

You have assumed that these homeowners are allowed to be there and would not cause undesirable events, but because I don't live there, that I will cause undesirable events?

11. I have lived in the house beside the lot from my birth in 1952 til I left for university and my parents owned the place until death in 2016. It was rented out for one year, no problems, in fact, external improvements were made by the tenant which increased the value of the property.

No one living in the house when we owned it ever caused any problems to any neighbours.

12. Even if we don't get permission to build this shed, these comments still apply for other persons and should be considered before the bylaw is passed. And are appropriate for all of the items in your bylaw, not just this issue.

13. Lifestyle and use of rural residential properties is vastly different in the types of things they can be used for, versus use of city properties which are very small in comparison.

14. Why does the use of a property require a house in order to use it for storage of the owner's recreational equipment?

The same use occurs, whether a house is there or not, so why is a house required?

You have made an assumption that we would be renting this out inappropriately, or doing something inappropriate, but what evidence do you have of that? We have provided evidence to the contrary.

15. Aren't you encouraging city gardens for food growing, yet we and others cannot put up a shed on a vacant lot to store a tractor and gardening equipment for larger scale gardening for food, plants providing oxygen and homes for bees and orchards for carbon sequestering?

16. I have not yet had a chance to read all the details of the new zoning bylaw.

17. I am told I cannot put the driveway in front of the house where a fire engine can drive right up to the centre of the house, I am not sure why.

I hope these comments help.

Please forward to all of the councillors.

Bill and Michelle Kennedy



Sent from my iPad

Begin forwarded message:

**From:** WILLIAM KENNEDY [REDACTED]  
**Date:** September 15, 2021 at 7:07:16 PM EDT  
**To:** [noddie@cityofkingston.ca](mailto:noddie@cityofkingston.ca), Simon Chapelle <[schapelle@cityofkingston.ca](mailto:schapelle@cityofkingston.ca)>, [goosterhof@cityofkingston.ca](mailto:goosterhof@cityofkingston.ca)  
**Subject:** Request for Kayak trailer shed on Unity Road lot

Thank you for the discussions and pointing out to us that we cannot put a simple shed to store our kayak trailer on our vacant property on Unity Road (size 15 by 20).

I looked at your definition of residential use in your proposed zoning bylaw. You have defined “residential” but you have not defined the word “use.”

Residential means for a personal or family uses, not for commercial or office uses. It does not mean “for a house”, rather it means not for commercial or office use. It means for life purposes, not business purposes.

Use means the purpose of the property, which can be for living, or for recreational purposes.

Use is a noun in your definition and for rural properties you see this use as only to build a house, so your definition is too narrow and useless when it comes to rural properties.

Since there is no separate category for recreational use, it is included as part of residential, as that is what people use vacant land for, ie for their pleasurable enjoyment of land which they cannot achieve on a postage stamp sized lot in the city. Example are vegetable gardening, growing berries, growing fruit trees, snowmobiling, hiking, nature walks, bike paths, playing sports with your friends, birdwatching, duck ponds, and running your dogs, or storage of their recreational equipment such as our kayak trailer which will not fit in your ten by ten shed, or storage of a tractor for gardening.

Your city is used to city definitions and somehow do not understand rural properties, issues, and lifestyle which cannot be achieved in the downtown of a city or in a subdivision. You need to reflect kingston township realities in your decisions.

Also Under your rules a person could not build a boathouse for their boat on their waterfront property if there was not a house on the property.

Many people do have summer use properties that do not have dwellings on them.

For country properties, a person should be able to do whatever they want with the existing vacant property, without the onerous requirement of putting on a house. This use would be inside existing bylaws which already forbid commercial use, unsafe use, nuisance use, etc.

Putting a house on the property does not change what will happen on the property. Either it is properly used recreationally personally by the owner, or it violates your other bylaws, whether there is a house there or not is irrelevant. Even a house on a lot can violate your other bylaws, but you don't forbid that.

A vacant rural property has to have some use rather than just sit there unused or build a house. A rural property has many more dimensions and possibilities for use than a city does due to its size.

We have one kayak trailer only that requires a shed. We have previously stored it in a storage facility but this is too costly and this doesn't make sense when the property is sitting there vacant.

Thank you very much for discussing this with us and please forward our comments on to the people revising the zoning bylaw, which is hundreds of pages. It is too bad they can't simplify things.

Bill and Michelle Kennedy  
[REDACTED]

Sent from my iPad

On Sep 15, 2021, at 4:32 PM, WILLIAM KENNEDY [REDACTED] wrote:

Hi Niall.

Thank you for talking to us today.

1. Would you please verify the zoning for the front lot at 1350 Unity Road and the zoning for the back portion backing onto Cronk Lake under the new zoning bylaw?

2. Does Section 4.1.2 item 8 allow us to build a shed for the kayak trailer?

The trailer is approximately 13 feet by 7 feet without kayaks on it.

The kayaks are 16.5 feet long which means we have to store them in our basement if we can't fit them in the shed.

3. What is the name of the person that we send any comments on the new zoning bylaw?

4. If we put a right of way down the east border of the front lot, can we put a shed on the back lot, if you do not allow it on the front?

5. We have submitted an application for a culvert to gain access to the property and this being dealt with by the Planning Dept. We need access to plant some deciduous trees and cut down a row of dead poplar trees and to get access to the kayak trailer shed.

Also there was a garden on the lot and we may want to resurrect that in the future. Bill used to care of his dad's garden on this lot.

Thanks for your help.

Bill and Michelle Kennedy  
[REDACTED]

Sent from my iPad

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 28, 2021 1:17 PM  
**To:** 'WILLIAM KENNEDY'  
**Cc:** Bar, James  
**Subject:** RE: New Zoning By-law definition of residential use

Good afternoon,

Thank you for your opinions and comments on the second draft of the City's new zoning by-law. We will consider your suggestions related to the definition of residential use and accessory buildings as we work to prepare the next draft of the New ZBL.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

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**From:** WILLIAM KENNEDY [REDACTED]  
**Sent:** September 24, 2021 10:51 AM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Subject:** Re: New Zoning By-law definition of residential use

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

1. Bylaw Definiton:

A. Your definition of residential building in the zoning bylaw describes the names of the different types of buildings.

Your definition of residential use has a description of more types of places to live but does not address USE of the land around the building, except to include more types of things which can lived in.

So this definition implies no use other than to live, [ie.no](#) driveway, no patio, no BBQ pit, no 10 x 10 shed, nothing. Layer to refer to use consistent with the designation of the building, but it is not defined except for 10 x 10 shed.

B. Land cannot be used to live inside, like a building. You say the use outside must be the same as inside, which is impossible.

Your quibble with our storage building seems to be:

- you have no definition of actual use of the land outside the building, except to say the same as inside the building which is physically impossible but I think you meant consistent with living, which I agree with.
- you wish to imagine uses that may never happen, (which are violations of other bylaws anyways, like noise and unsightly and hazardous), saying these will be a business which it would not be,
- you allow a bbq pit with obnoxious smoke smell so that neighbours are inconvenienced by having to close their windows at night during a hot summer evening, yet my harmless storage shed which hurts no one is not allowed.

2. My definitions:

Residential building - a structure meant to live in (as opposed to carry on a business in)  
Then you can list approved structures either here or in the bylaw itself.

Residential use designation - land to be used to construct a building or other type of living accommodation, and meant to allow a person to live in that building, and/or to carry out activities consistent with living a residential lifestyle.

3. Official Plan definition is residential unit is intended for use as residential premises and the definition of premises means together with its land and outbuildings.

4. THERE IS NO DEFINITION OF VACANT LAND in a residential zone, or residential hamlet. You can't just say there is no house, therefore you can't use it as residential storage, with no business or industrial activity being undertaken.

You can't say oh it might be in the future, that is nonsense. A single storage building in a residential neighbourhood is not a business.

4. Even if we did rent out such storage building, which we are not:

-this is a private arrangement between a single owner and a single renter, it is not a business. A business has regular and many recurring transactions every single day.

-renting out a single storage building would not bother any neighbours or create any meaningful extra traffic. It would likely be storage of something temporarily that is never visited regularly, or storage for the winter, neither of which create the burdens of a business or factory.

5. As to playing the drums and disturbing neighbours, we would not need a storage facility to do that, we could do that now with those drums they march with in parades.

6. A storage building is less unsightly than an ugly trailer sitting on the lot, covered with an ugly tarp, a tarp ripped apart by the winds falling on the ground and exposing the trailer which is now rusted from the rain and snow.

7. A trailer not inside a locked building can be easily stolen as there are trees on each of the lot which prevent the burglars from being seen by the neighbours.

8. There are many storage facilities on the properties on both sides of ours, including barns and sheds. How would ours be inconsistent?

9. Our storage shed would be much more beautiful than the unsightly rotting boats and other junk sitting on the property beside us.

10. In conclusion, I disagree that future violations of bylaws is a reason to deny a storage shed for a personal trailer used by the owners of the property.


This shed is not going to be used as a business, nor store anything related to a business, nor require visits by any one other than the owners, is not unsightly, is not inconsistent with the surroundings.

11. I have abandoned this quest as it is too stressful and not in time to solve my problem of using my own property to store a trailer for this winter so I can put our other car in our garage away from ice and snow and rust.

Our lot is so small there is no room for it in the front, and the back is too steep to bring a heavy trailer up and down, especially with our age, as the builder was too cheap to put in a proper amount of fill and the city does have any rules about that at all.

12. But I do believe you have a too narrow interpretation of the uses of vacant residential property as being only for a home, and that will affect many other people as well unfairly.

13. Aren't 10 x 10 sheds designed to be put in the smallest lots used in the city and so your bylaw allows this, but does not allow an equivalently larger size sheds for larger properties for larger needs associated with larger properties. Why not?

Hope this helps.  
Michelle Kennedy  


Sent from my iPad

On Sep 23, 2021, at 1:52 PM, Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)> wrote:

Good afternoon,

I'm the project manager on the City's new zoning by-law project. I have added your email address to our project email list. We send updates to the project email list when new documents are published and when events are scheduled.

The public meeting has been rescheduled for October 13<sup>th</sup> – the notice of cancellation and rescheduled public meeting is attached, which was sent to the project email list earlier this week.

Please do not hesitate to contact me should you have any questions or wish to provide comments on the second draft of the new zoning by-law.

Regards,  
Laura

<image001.png>

<image002.png> <image003.png> <image004.png>

**Laura Flaherty (MacCormick), MCIP RPP**  
**(she/her/hers)**

Project Manager, Planning Services



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**From:** WILLIAM KENNEDY [REDACTED]  
**Sent:** September 23, 2021 1:29 PM  
**To:** Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)>  
**Subject:** Re: New Zoning By-law

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I understand there will be a public meeting on this but it has been postponed.  
Please put me on the list to be notified when the public meeting is rescheduled.  
Thanks  
Michelle and Bill Kennedy  
[REDACTED]

Sent from my iPad

On Sep 10, 2021, at 2:42 PM, Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)> wrote:

Hello Michelle,

You can find the current draft of the New Zoning By-law on our website here:  
[https://www.cityofkingston.ca/documents/10180/16370131/Projects\\_Planning\\_NewZoningBylaw\\_Draft2.pdf/c0fd956e-4f42-36e7-0ff9-8340fd28d6a1?t=1628252884340](https://www.cityofkingston.ca/documents/10180/16370131/Projects_Planning_NewZoningBylaw_Draft2.pdf/c0fd956e-4f42-36e7-0ff9-8340fd28d6a1?t=1628252884340)

Engagement on this version closes on November 5<sup>th</sup>. Please let me know if you have any further questions.

Meghan

<image001.png>

<image002.png> <image003.png> <image004.png>

City of Kingston

Located at: 1211 John Counter Boulevard

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<Notice of a Cancelled and Rescheduled Public Meeting - OPA and ZBA - September 21, 2021.pdf>

**Flaherty, Laura**

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**From:** Flaherty, Laura  
**Sent:** September 28, 2021 12:23 PM  
**To:** 'Ken Dantzer'  
**Cc:** Lucas Vanderwel; Matt Blommestyn; Bar, James; Agarwal, Sukriti  
**Subject:** RE: New Zoning Bylaw review - UR3

Hi Ken,

Thanks for your comments on the UR3 zone. Staff are reviewing the appropriateness of the UR3 zone provisions and may make recommendations to adjust certain standards in future drafts of the New ZBL. If you have any more specific feedback in this regard, staff welcome your feedback.

Footnote 3 was a leftover from the first draft which stated "Aggregate of interior side setbacks: 5.0 metres, of which one interior side setback may be a minimum 0.6 metres.". In the second draft, this requirement was moved into the table and the footnote number should have been removed. It will be removed from future drafts.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

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**From:** Ken Dantzer [REDACTED]  
**Sent:** September 22, 2021 2:39 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>; Bar, James <jbar@cityofkingston.ca>; Agarwal, Sukriti <sagarwal@cityofkingston.ca>  
**Cc:** Lucas Vanderwel [REDACTED]; Matt Blommestyn [REDACTED]  
**Subject:** New Zoning Bylaw review - UR3

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Laura, James, Sukriti,

Please find this email as circulation of notes from our meeting,

For clarity I have separated these into separate emails as to not loose track of their individual conclusion.

Under the new zoning bylaws are two types of exceptions:

- ‘Aged exceptions’ in red – they are likely disappearing if no issue arises
- ‘New Exceptions’ in green – requesting of council to allow these exceptions to remain implemented.

Current assumed timing is: 2022 (3 years of grandfathering), potentially delayed by appealed to OLT.

A new application now is assumed to become an exception in the new zone.

Please find enclosed comments on the proposed zoning:

UR3 in general has been applied widely in greenfield areas, however:

1. UR3 does not have reasonable parameters in general, details such as the interior side yard would make in unacceptable in any normal subdivision.
2. Other details of UR3 are inconsistent with normal practice from the common zones in the areas we reviewed, making permanent and forthcoming lot fabric unusable.
3. Please confirm what Footnote 3 identifies.

<b>7. Minimum interior setback (metres)</b>	(a) 1.8 metres (b) where a common party wall is located along a lot line: 0 metres	3.6 <sup>3</sup>	3.6 <sup>3</sup>
---	---	------------------	------------------

4. R2-50 from the township zone is a zone that goes quite smoothly, this should be discussed amongst CaraCo, Taggart, Tamarack for ease of future coordination.

Thank you,

**Ken Dantzer**

**Development Manager**

**CaraCo Development Corporation**

Office: (613)542-8400;109

[ken@caraco.ca](mailto:ken@caraco.ca)

Fax: (613)544-9931

234 Concession Street, Suite 101, Kingston ON K7K 6W6

[www.caraco.ca](http://www.caraco.ca)

**CaraCo Group of Companies**

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 28, 2021 12:22 PM  
**To:** 'Ken Dantzer'  
**Cc:** Lucas Vanderwel; Matt Blommestyn; Bar, James; Agarwal, Sukriti  
**Subject:** RE: New Zoning Bylaw review - Cat North

Hi Ken,

Staff do not anticipate putting the general LDR zone into an exception. We are currently reviewing the appropriateness of the UR3 zone may make recommendations to adjust certain standards in future drafts of the New ZBL and may consider moving the LDR zoned areas into a different zone altogether. If you have any more specific feedback in this regard, staff welcome your suggestions.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** Ken Dantzer [REDACTED]  
**Sent:** September 22, 2021 2:39 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>; Bar, James <jbar@cityofkingston.ca>; Agarwal, Sukriti <sagarwal@cityofkingston.ca>  
**Cc:** Lucas Vanderwel [REDACTED]; Matt Blommestyn [REDACTED]  
**Subject:** New Zoning Bylaw review - Cat North

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Laura, James, Sukriti,  
Please find this email as circulation of notes from our meeting,  
For clarity I have separated these into separate emails as to not loose track of their individual conclusion.

Under the new zoning bylaws are two types of exceptions:

- 'Aged exceptions' in red – they are likely disappearing if no issue arises
- 'New Exceptions' in green – requesting of council to allow these exceptions to remain implemented.

Current assumed timing is: 2022 (3 years of grandfathering), potentially delayed by appealed to OLT.

A new application now is assumed to become an exception in the new zone.

Please find enclosed site specific comments on the proposed zoning:

Cat North

There are no 'Exceptions' to be implemented

No rezoning would have been required for the remaining phases, UR3 is not consistent with the as registered lot fabric

The action would be to put LDR as a green 'New Exceptions' – please advise when this can be confirmed.

For clarity: UR3 cannot be accepted.



Thank you,

**Ken Dantzer**

**Development Manager**

**CaraCo Development Corporation**

Office: (613)542-8400;109

[ken@caraco.ca](mailto:ken@caraco.ca)

Fax: (613)544-9931

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**CaraCo Group of Companies**

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 28, 2021 12:22 PM  
**To:** 'Ken Dantzer'  
**Cc:** Bar, James; Agarwal, Sukriti  
**Subject:** RE: New Zoning Bylaw review - 55 Cataraqui Woods Drive

Good afternoon Ken,

As discussed, staff have not determined the appropriate approach to older site specific exceptions and are currently seeking feedback from the public and members of Council in this regard. Details are included on page 8 (item 5.5.) of the [second draft highlights document](#). We anticipate that all exceptions that are currently shown in green will be carried forward into the final version of the new zoning by-law for Council's consideration, however, this information will not be confirmed until the final recommendations are made in early 2022 (they will be presented at a future statutory public meeting at Planning Committee, date TBD) and ultimately depend on the final decision of Council.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** Ken Dantzer [REDACTED]  
**Sent:** September 22, 2021 2:39 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>; Bar, James <jbar@cityofkingston.ca>; Agarwal, Sukriti <sagarwal@cityofkingston.ca>  
**Subject:** New Zoning Bylaw review - 55 Cataraqui Woods Drive

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Laura, James, Sukriti,

Please find this email as circulation of notes from our meeting,  
For clarity I have separated these into separate emails as to not loose track of their individual conclusion.

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- 'Aged exceptions' in red – they are likely disappearing if no issue arises
- 'New Exceptions' in green – requesting of council to allow these exceptions to remain implemented.

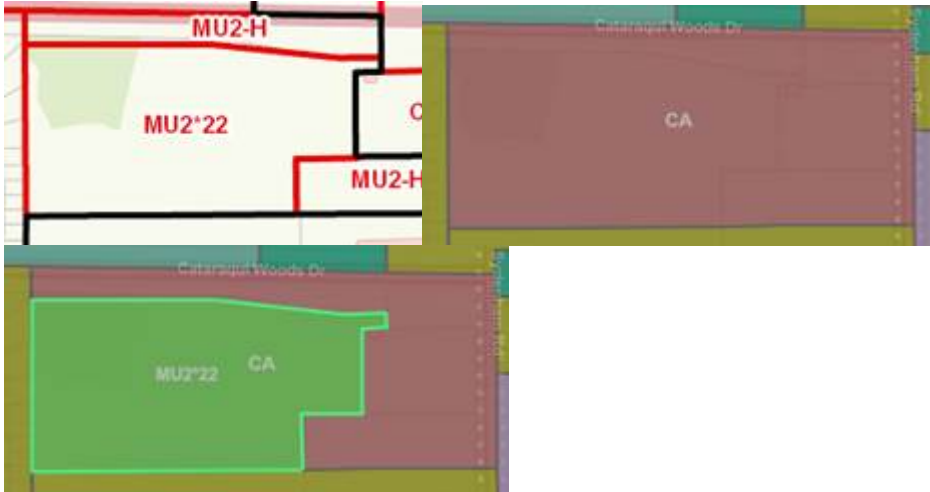
Current assumed timing is: 2022 (3 years of grandfathering), potentially delayed by appealed to OLT.

A new application now is assumed to become an exception in the new zone.

Please find enclosed site specific comments on the proposed zoning:

55 Cataragui Wood Drive

Assuming the green 'New Exceptions' are implemented, no issue, please advise when this can be confirmed.



Thank you,  
**Ken Dantzer**  
**Development Manager**  
**CaraCo Development Corporation**

Office: (613)542-8400;109  
[ken@caraco.ca](mailto:ken@caraco.ca)  
Fax: (613)544-9931  
234 Concession Street, Suite 101, Kingston ON K7K 6W6  
[www.caraco.ca](http://www.caraco.ca)  
**CaraCo Group of Companies**



**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 28, 2021 12:21 PM  
**To:** 'Ken Dantzer'  
**Cc:** Lucas Vanderwel; Matt Blommestyn; Bar, James; Agarwal, Sukriti  
**Subject:** RE: New Zoning Bylaw review - Woodhaven

Good afternoon Ken,

As discussed, staff have not determined the appropriate approach to older site specific exceptions and are currently seeking feedback from the public and members of Council in this regard. Details are included on page 8 (item 5.5.) of the [second draft highlights document](#). We anticipate that all exceptions that are currently shown in green will be carried forward into the final version of the new zoning by-law for Council's consideration, however, this information will not be confirmed until the final recommendations are made in early 2022 (they will be presented at a future statutory public meeting at Planning Committee, date TBD) and ultimately depend on the final decision of Council. We are reviewing the larger area-wide residential exceptions that are currently shown in red in your screenshot below and expect that they will be brought into the "green" in advance of the final recommendations.

Staff are in the process of reviewing the UR3 provisions and welcome any specific feedback you have related to the performance standards currently contained in the second draft and why they are not acceptable in general.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** Ken Dantzer [REDACTED]  
**Sent:** September 22, 2021 2:39 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>; Bar, James <jbar@cityofkingston.ca>; Agarwal, Sukriti

<sagarwal@cityofkingston.ca>

Cc: Lucas Vanderwel [REDACTED]; Matt Blommestyn [REDACTED]

Subject: New Zoning Bylaw review - Woodhaven

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Laura, James, Sukriti,

Please find this email as circulation of notes from our meeting,

For clarity I have separated these into separate emails as to not loose track of their individual conclusion.

Under the new zoning bylaws are two types of exceptions:

- 'Aged exceptions' in red – they are likely disappearing if no issue arises
- 'New Exceptions' in green – requesting of council to allow these exceptions to remain implemented.

Current assumed timing is: 2022 (3 years of grandfathering), potentially delayed by appealed to OLT.

A new application now is assumed to become an exception in the new zone.

Please find enclosed site specific comments on the proposed zoning:

Cat West (Woodhaven)

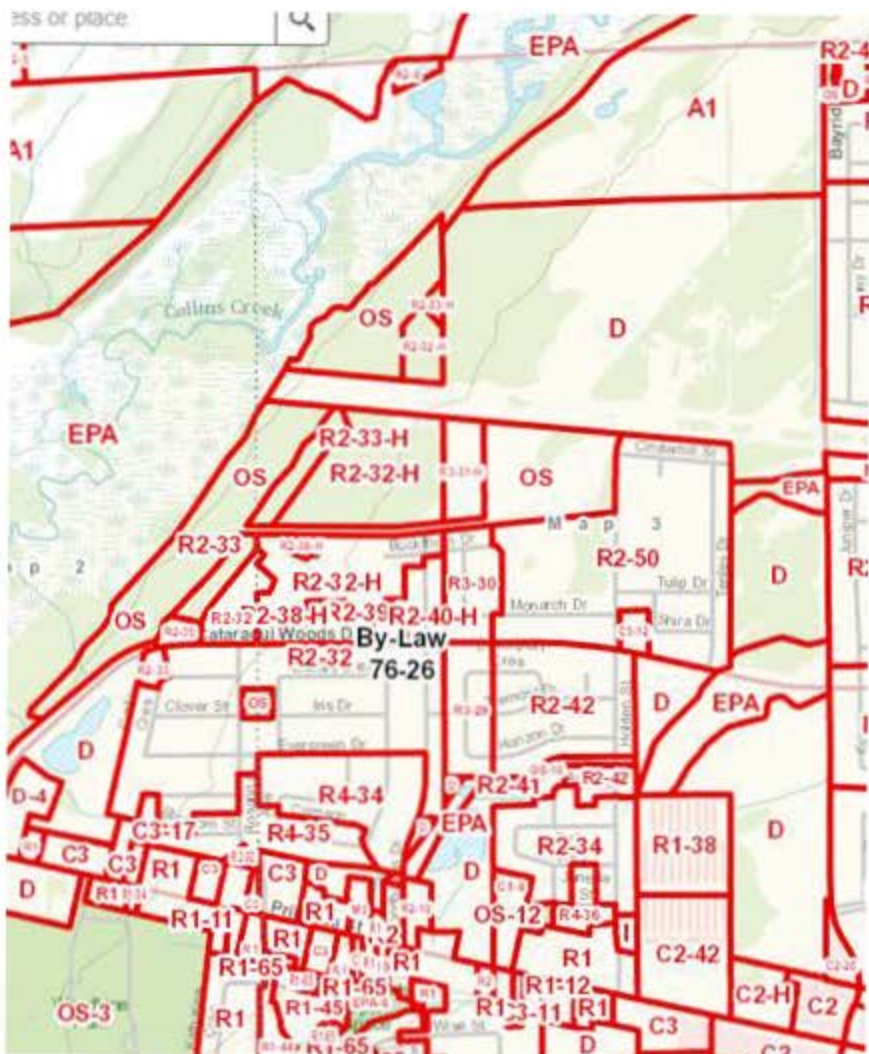
Assuming all:

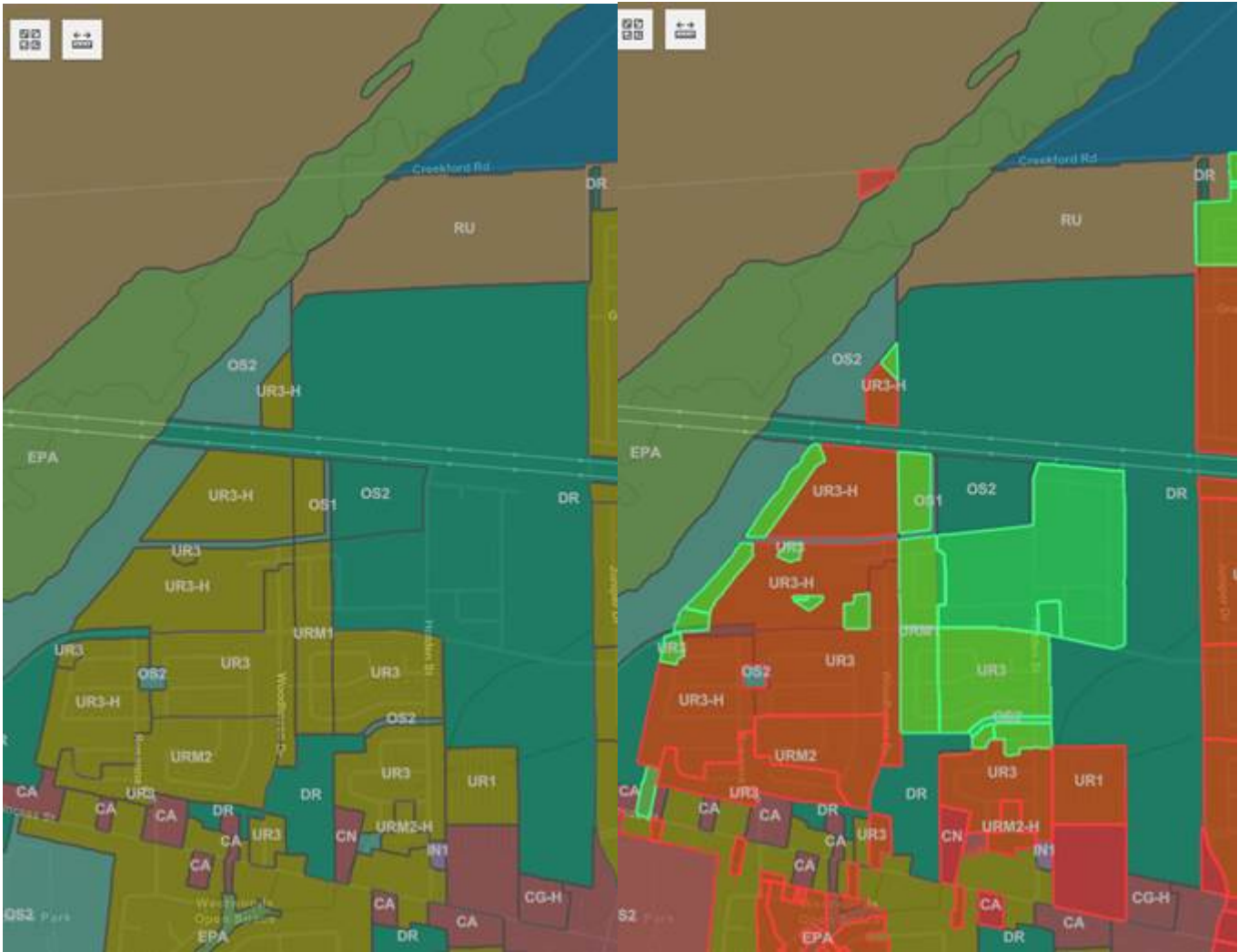
Red 'Aged exceptions' are changed to Green, AND

All Exceptions (Red/Green) are implemented,

No concern, please advise when this can be confirmed.

For clarity, UR# cannot be accepted in any of our lands. I





Thank you,  
**Ken Dantzer**  
Development Manager  
CaraCo Development Corporation

Office: (613)542-8400;109  
[ken@caraco.ca](mailto:ken@caraco.ca)  
Fax: (613)544-9931  
234 Concession Street, Suite 101, Kingston ON K7K 6W6  
[www.caraco.ca](http://www.caraco.ca)  
CaraCo Group of Companies

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 28, 2021 12:21 PM  
**To:** 'Ken Dantzer'  
**Cc:** Bar, James; Agarwal, Sukriti  
**Subject:** RE: New Zoning Bylaw review - the parkway

Hi Ken,

In reviewing the mapping of the second draft, the B1 zones of 8499 were intended to be moved into the URM4 zone, not the URM5 zone (as per the work done being done through the Central Kingston Growth Strategy). At this time we have directed our GIS staff to change this zone to the URM4 zone for future drafts of the New ZBL. Since this area is within the CKGS area, any revisions that are ultimately recommended through that work may supersede this direction.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** Ken Dantzer [REDACTED]  
**Sent:** September 22, 2021 2:39 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>; Bar, James <jbar@cityofkingston.ca>; Agarwal, Sukriti <sagarwal@cityofkingston.ca>  
**Subject:** New Zoning Bylaw review - the parkway

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Laura, James, Sukriti,  
Please find this email as circulation of notes from our meeting,  
For clarity I have separated these into separate emails as to not lose track of their individual conclusion.

Under the new zoning bylaws are two types of exceptions:

- 'Aged exceptions' in red – they are likely disappearing if no issue arises
- 'New Exceptions' in green – requesting of council to allow these exceptions to remain implemented.

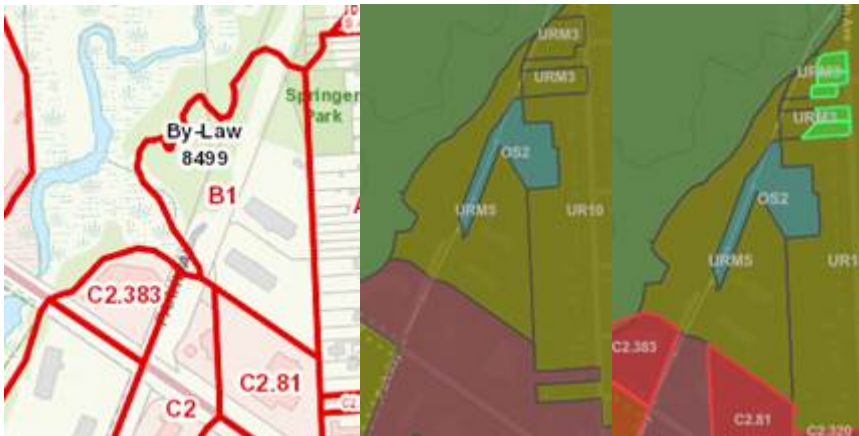
Current assumed timing is: 2022 (3 years of grandfathering), potentially delayed by appealed to OLT.

A new application now is assumed to become an exception in the new zone.

Please find enclosed site specific comments on the proposed zoning:

The Parkway:

There are no 'Exceptions' to implemented, though a major redevelopment of this property would require rezoning, I am concerned that the buildable volume of the property is reduced in a URM5 vs the original B1. Please advise how to address.



Thank you,

**Ken Dantzer**  
**Development Manager**  
**CaraCo Development Corporation**

Office: (613)542-8400;109

[ken@caraco.ca](mailto:ken@caraco.ca)

Fax: (613)544-9931

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[www.caraco.ca](http://www.caraco.ca)

**CaraCo Group of Companies**

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 28, 2021 12:20 PM  
**To:** 'Ken Dantzer'  
**Cc:** Lucas Vanderwel; Matt Blommestyn; Bar, James; Agarwal, Sukriti  
**Subject:** RE: New Zoning Bylaw review - Riverview

Good afternoon Ken,

As discussed, staff have not determined the appropriate approach to older site specific exceptions and are currently seeking feedback from the public and members of Council in this regard. Details are included on page 8 (item 5.5.) of the [second draft highlights document](#). We anticipate that all exceptions that are currently shown in green will be carried forward into the final version of the new zoning by-law for Council's consideration, however, this information will not be confirmed until the final recommendations are made in early 2022 (they will be presented at a future statutory public meeting at Planning Committee, date TBD) and ultimately depend on the final decision of Council. We are reviewing the larger area-wide residential exceptions that are currently shown in red (area wide residential exceptions that predate the 2010 OP) and expect that they will be brought into the "green" in advance of the final recommendations.

Staff are in the process of reviewing the UR3 provisions and welcome any specific feedback you have related to the performance standards currently contained in the second draft and why they are not acceptable in general.

On the EPA question in Riverview, staff are still working with MNRF staff in an attempt to address the discrepancy between the PSW boundary and the approved residential subdivision. We are hoping for a resolution on this item in the next few weeks and will provide confirmation as soon as possible.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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**From:** Ken Dantzer [REDACTED]  
**Sent:** September 22, 2021 2:39 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>; Bar, James <jbar@cityofkingston.ca>; Agarwal, Sukriti <sagarwal@cityofkingston.ca>  
**Cc:** Lucas Vanderwel [REDACTED]; Matt Blommestyn [REDACTED]  
**Subject:** New Zoning Bylaw review - Riverview

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Laura, James, Sukriti,  
Please find this email as circulation of notes from our meeting,  
For clarity I have separated these into separate emails as to not lose track of their individual conclusion.

Under the new zoning bylaws are two types of exceptions:

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- 'New Exceptions' in green – requesting of council to allow these exceptions to remain implemented.

Current assumed timing is: 2022 (3 years of grandfathering), potentially delayed by appealed to OLT.

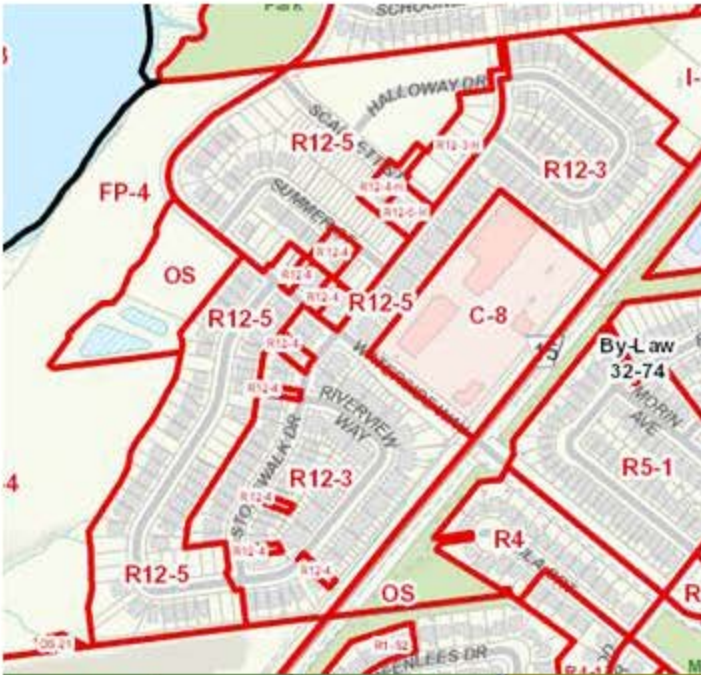
A new application now is assumed to become an exception in the new zone.

Please find enclosed site specific comments on the proposed zoning:

Riverview:

Assuming all green 'New Exceptions' are implemented, no issue, please advise when this can be confirmed.







\*note there is an issue with the difference in boundary of FP-4/EPA due to a mapping error, From my research with the applicants planner and engineer, this inconsistency should not exist. Niall is currently working on a OPA desk amendment with the province to see if a correction is possible, please advise when this can be confirmed.

For clarity:

1. UR3 is not an acceptable zone in Riverview
2. Having the EPA zone cover the residential lots is not acceptable, if the R zone boundary becomes implemented as an exception, this addresses the problem.

Thank you,

**Ken Dantzer**  
**Development Manager**  
**CaraCo Development Corporation**

Office: (613)542-8400;109

[ken@caraco.ca](mailto:ken@caraco.ca)

Fax: (613)544-9931

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**CaraCo Group of Companies**

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 28, 2021 8:40 AM  
**To:** 'WILLIAM KENNEDY'  
**Cc:** Bar, James; Oddie, Niall  
**Subject:** RE: A1 and A2 zones

Good morning,

The new zoning by-law has consolidated many of the existing zones across the existing five zoning by-laws into common zones, and has also updated specific zones in order to conform with provisions of the Official Plan. For the most part, the A2 zone in Zoning By-law 76-26 has been zoned either AG (Prime Agricultural) where the lands are designated Prime Agricultural Lands in the Official Plan) or RU (Rural), where the lands are designated Rural in the Official Plan. The updates are necessary to ensure conformity with the Official Plan policies.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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-----Original Message-----

From: Oddie, Niall <noddie@cityofkingston.ca>  
Sent: September 28, 2021 8:24 AM  
To: 'WILLIAM KENNEDY' [REDACTED]  
Cc: Bar, James <jbar@cityofkingston.ca>; NewZBL <NewZBL@cityofkingston.ca>  
Subject: RE: A1 and A2 zones

Ms. Kennedy,

Questions on the new Zoning By-law should be sent to [newZBL@cityofkingston.ca](mailto:newZBL@cityofkingston.ca)

Thank you,  
Niall

Niall Oddie M.Pl, MCIP, RPP (he/him/his)  
Senior Planner  
Planning Services

City of Kingston  
Located at: 1211 John Counter Boulevard  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3259  
noddie@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

-----Original Message-----

From: WILLIAM KENNEDY [REDACTED]  
Sent: September 27, 2021 7:48 PM  
To: Oddie,Niall <noddie@cityofkingston.ca>  
Subject: A1 and A2 zones

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

What is the rationale for eliminating A2 zone in the new proposed bylaw?

Michelle Kennedy  
[REDACTED]

Sent from my iPad

**Flaherty, Laura**

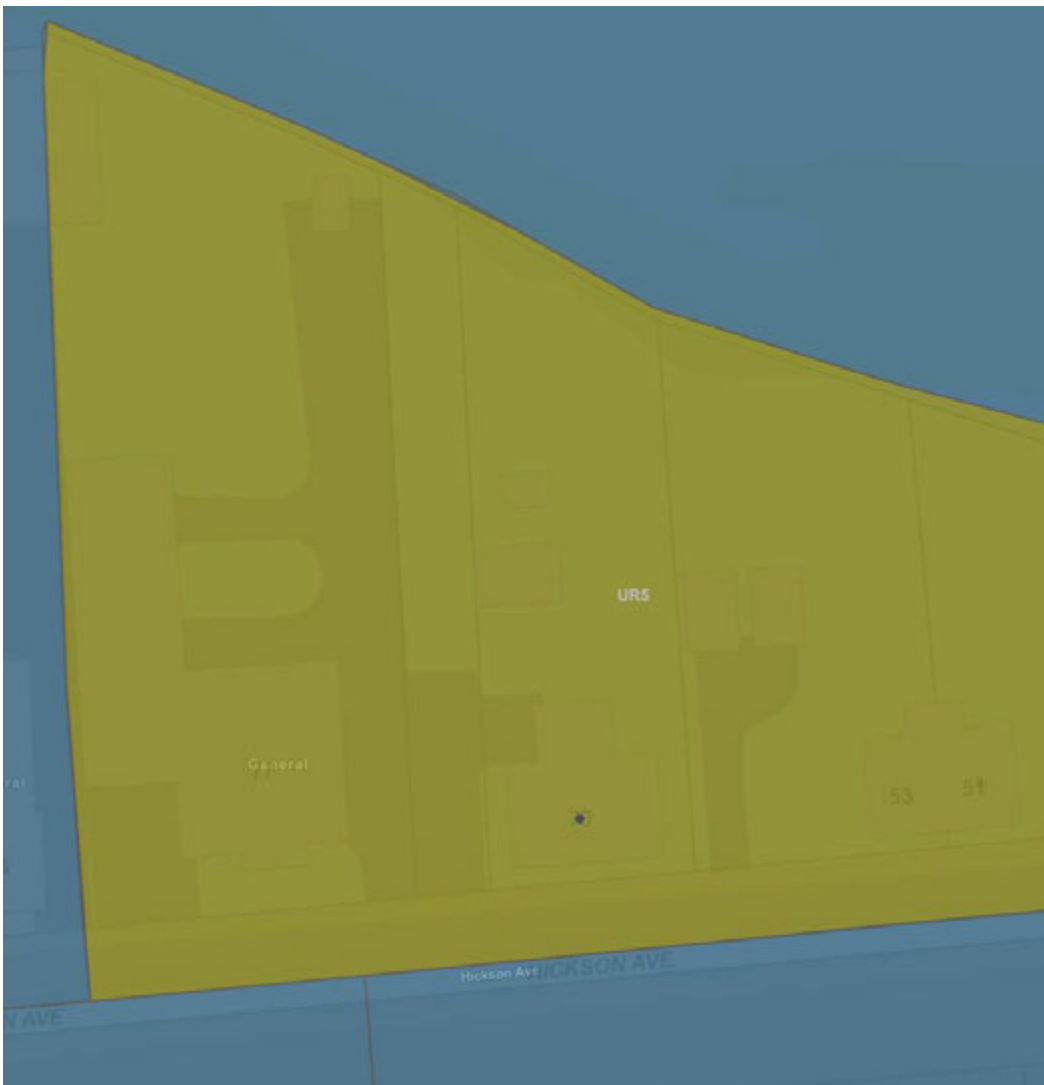
---

**From:** Flaherty, Laura  
**Sent:** September 27, 2021 12:53 PM  
**To:** 'William'  
**Subject:** RE: By\_Law\_Draft\_M2

Good afternoon,

My apologies for the delayed response to this inquiry - somehow your original email ended up in a spam folder and I just discovered it today.

The second draft of the New ZBL proposes to change the zoning of 75 Hickson Avenue to a residential zone (UR5), consistent with the residential land use designation in the Official Plan (see screenshot of the zone map from the [interactive mapping](#) below):



In addition to the zone map, the second draft of the New ZBL also included a new Schedule E – the Exceptions Overlay (this is also shown on the [interactive map](#) by toggling the “eye” button beside the Schedule E layer). As

explained on page 8 of [this document](#) (Item 5.5), staff have not made a determination on the appropriate approach to dealing with older exceptions at this time (which is the category that the 75 Hickson Ave exception falls into). This will be the subject of public consultation at the upcoming public meeting on October 13th.

Finally, staff are maintaining a project email list where we send out updates when new documents are uploaded and when events are scheduled. If you would like to be added to the list for future updates, please let me know.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP**  
**(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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-----Original Message-----

From: William [REDACTED]  
Sent: August 12, 2021 9:55 AM  
To: NewZBL <NewZBL@cityofkingston.ca>  
Subject: Re: By\_Law\_Draft\_M2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern

This is in regard to how existing residential will be treated in the new M2 zone.


75 Hickson Ave is currently in an M6 zone as M6.97 and as in City of Kingston By-Law Number 8499 "Restricted Area Zoning By-Law"

Exception 97

97. For those parcels of land designated M6.97 on Zoning Map Nos. 15 and 17, any building containing one or more dwelling units constructed or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this by-law by the City, which was constructed in accordance with all by-laws of the City in force at that date, shall be deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in Section 6.3 of this by-law or which has the effect of creating an additional unit within or attached to the said building shall be permitted.

My question is will the current exception be carried forward into the new By-Law?

There is also a section of property between 75 and 77 Hickson Ave currently shown as M6 and has been carried forward to the proposed By-Law. This no longer exist as shown. This strip of land was Quit Claimed by the City of Kingston and was then later split 50/50 in May 1998 (As per Instrument FR 684153) between 75 and 77 Hickson Ave. The property on either side of this section is currently treated (by exception 97) as residential and any future zoning should blend in this section of property as such.

Yours Truly  
William Neff  
75 Hickson Ave  
8/12/21  


**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 16, 2021 9:48 AM  
**To:** 'K Rocks'  
**Subject:** RE: bylaws

Good morning,

I'm the project manager on the City's new zoning by-law project. I've forwarded your comments related to speed limits to my colleagues in Transportation Services. I'm not sure what by-law you are referring to with the words "bylaw to adopt a plan for the planning of the city of Kingston" but I can provide you with some information about the new zoning by-law project.

The second draft of the new zoning by-law was released for public review and comment on August 6<sup>th</sup>. The links to the second draft (text plus mapping) can be found here:

Text: [second draft of the New Zoning Bylaw](#)

Map: [Draft New Zoning Bylaw Map](#)

The [second draft highlights](#) document provides a summary of some of the main changes between the first draft and the second draft. The [project webpage](#) and [Get Involved Kingston](#) page provide background and information about the new zoning by-law project.

If you have comments about the second draft of the new zoning by-law, please provide them in writing to [NewZBL@cityofkingston.ca](mailto:NewZBL@cityofkingston.ca). We are maintaining a project email list where we send project updates when events are scheduled or when new documents are released. If you would like to be added to the project email list, please contact me.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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**From:** K Rocks [REDACTED]  
**Sent:** September 16, 2021 2:40 AM  
**To:** NewZBL <NewZBL@cityofkingston.ca>  
**Cc:** K Rocks [REDACTED]  
**Subject:** bylaws

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Laura,

This originally was to be an email to the dept. in charge of road regulations and laws to inquire why (and not so much why really) but moreso to suggest fixing the issue of speed limits within the city but while searching a bit to find the right person to contact was astounded by just a couple of things I skimmed thru re: The city's official plan, bylaws and zoning and it raised a number of questions.

First my original concern that may need to be forwarded to someone other than yourself for explanation. If you could please do so on my behalf, I'd appreciate it. Take a drive down front road east or west from or to Bayridge drive to/from Tim's on King St/Front Rd. It's a 4.3 km stretch through an industrial artery and regardless of the bit of road work going on the speed limit change 5 times in that 4.3 km stretch and 6 times in 8km?? And not in even in the same direction! From Tims Westward, it goes as follows:

50 to 40 to 60 to 50 to 60 (as soon as you turn onto Bayridge dr ) and then back to 50 North of Coverdale. A bit much. Unreasonable for people to follow. This concern is really in conjunction with the new stunt driving laws in effect in July of this year. Some pretty stiff penalties for doing 80km/h in some spots or 90km/h in others, speeds not regularly driven by all but Ive often encountered as I travel down that road and it seemingly feels there is no harm, carelessness, or outrageous driving taking place, simply "driving to the feel" of traffic and the road.

My personal opinion, without the construction there, beyond 1040 King St. the speed limit should be 70km/h until Days Rd. Why is it necessary to drive so slow in front of Invista? Especially in the Summer when the stench of raw sewage seeps thru the AC vents along that stretch making for an agonizing 3 km or so drive. Its brutal and to have to deal with it daily can be daunting to say the least.

At the very least, if the provincial laws and penalties are going to be so stiff, let's not try and make a game out of it while travelling down Front rd. Please set one reasonable limit for speed along there.

My second concern and one that Ive had to deal with personally a number of times (and only cause I have an asshole for a neighbor) is the bylaw debacle that this city has. 23 years has passed since amalgamation and Im pretty sure the page on the city's website re: bylaw and zoning updating and consolidation has been exactly the same for 23 years. In fact I feel like the rest of the site was generated around that page like when they use to build a house around the oil tank dropped into the basement before the walls were built.

Do you know how many bylaws this city has and how it compares to other cities of similar size? Me either, I lost count at about 16000. Im wondering at times how necessary it is to be developing and creating new bylaws for things just adding to the mounting task of sorting this thing out. Shouldn't the city be focusing on consolidating all the old bylaws to reflect one set of laws that can be applied fairly across the city as a whole when needed? Cause I can assure right now they are not regardless of the ridiculous "complaint basis only" policy (That is an email for another day). As I mentioned the city's official plan earlier it ties in to my direct question to use as an example for my more general reference on new bylaws and also raises enforcement questions and the ultimate bottom line of tax payer money.

Now I did not even open the bylaw to investigate its content because the title of it was so mind blowing I cannot believe anytime or thought whatsoever was wasted on such a thing. Now there is probably some ignorance, or a lot of ignorance on my part to be questioning such a thing but with the challenging task that already lie before the city do we need a **bylaw to adopt a plan for the planning of the city of Kingston??** Really?? How much time effort and money was spent developing a law for the law makers and planners of the city to follow that was created by the law makers and planners of the city and assumingly enforced by the bylaw enforcement of the city? And, based on the complaint only moto, who would be doing the complaining? It's a bylaw for a plan to adopt a plan that no one has seen except the people who wrote it! The said plan might not even exist if the bylaw to adopt the plan is enacted upon and/or complained about.

Its an internal working of city council to plan the future of our city, you don't need a damn bylaw to adopt just a plan to plan the city's future, just do it. And don't mistake this with the content of the plan being debatable by the public, it always will be but that why you vote! ....It's a plan, by definition a detailed proposal on doing achieving something. Adopt – Chose to take up, follow, or use. Why why why does there need to be a bylaw on choosing to follow a proposal on achieving something??? It makes zero sense, none.

There are waaaayyyy too many stupid, redundant, unrealistic bylaws in this city. Quit wasting time writing them and put together a simple, realistic, book of laws that reflect people's general well being, the well being of the city as a whole and without infringing on people's personal rights to do as they wish within the confines of the law (s). Youre never going to please everyone in the city so don't waste time trying to do so by developing dumb bylaws, that may or may not address hypothetical situations created by a bunch of what if'ers and certainly there does not need to be bylaws on how to accept something that is a future endeavor of the city such as an official plan of. Ideas and hopes of council don't cost money, bylaws and their enforcement do.

Please help me understand or clarify why bylaws are developed in the first place and why we have so many and the plan to consolidate if there is one. If you've ever had to create argument for one because of an asshole neighbor it'll leave your head spinning trying to find the correct, up to date information. And unfortunately you cannot trust the piece of paper handed to you by the bylaw enforcement agents saying you are in contravene of a bylaw since even the info they have is at times not correct or up to date. I can personally attest to that discrepancy from experience.

To clarify and simplify what Im asking.

#1 Where is the filter on the bylaw making? Is everyone too afraid to tell someone that's the dumbest idea for a bylaw they've ever heard? Sometimes you gotta let people know they're being dumb or they just keep doing it and then you wind up with a room full of dumb people who think they are smart making dumb laws and what pops out in the end is our current bylaw situation no one has addressed in 23 years.

#2 What's the plan? The real plan? If there isn't one just say so. At least then I know what to continue to expect.

I will confess this, never did I think I'd see a third crossing to the east end before I'd see a book of consolidated bylaws. I'd have bet the house on it 20 years ago....and in a few more months I'd be homeless.

Please reply back to [REDACTED] at your convenience. This is not a pressing matter nor one that requires any sort of urgency. I'm sure there are bigger concerns out there to manage right now. Whenever you can is appreciated.

Regards,

Keith Halleran  
Resident  
Kingston

**Flaherty, Laura**

---

**From:** Harry Froussios [REDACTED]  
**Sent:** September 13, 2021 4:19 PM  
**To:** Flaherty, Laura  
**Cc:** [REDACTED]  
**Subject:** RE: City of Kingston - Notice of Complete Application and Public Meeting  
**Attachments:** RE Zoning By-law Update - Comments (655 Arlington Park Place); Ltr - City (Zoning Update Comments - Emco).pdf

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Laura,

I hope all is well. Further to below, I have reviewed the online mapping and noted that our client's lands are still proposed to be zoned General Commercial in the 2<sup>nd</sup> draft. Further to our last correspondence (attached), we were to receive additional information regarding our request but have not heard back over the past several months. Please advise if any consideration has been given to our letter of February 6, 2018 (attached), or if the response matrix can be provided for our review.

If you have any questions, please do not hesitate to contact me.

Regards  
Harry

Harry Froussios  
Zelinka Priamo Ltd.  
[REDACTED]

*Please note: During the COVID-19 Pandemic I will be working full-time from home. I do not have access to my office phone but can be reached via my cell, and by email. Stay Healthy!*

---

**From:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Sent:** Tuesday, September 7, 2021 3:14 PM  
**To:** NewZBL <NewZBL@cityofkingston.ca>  
**Subject:** City of Kingston - Notice of Complete Application and Public Meeting

Good afternoon,

Attached is a Notice of Complete Application and Public Meeting related to the City's New Zoning By-law Project and an associated application for an Official Plan Amendment.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.



February 6, 2018

Sukriti Agarwal  
Project Manager, Planning Division  
City of Kingston  
216 Ontario Street  
Kingston, ON  
K7L 2Z3

Dear Ms. Agarwal:

Re: Zoning By-law Update  
Emco Corporation  
655 Arlington Park Place  
Kingston, ON  
Our File: EMC/KNG/17-01

---

Zelinka Priamo Ltd., on behalf of Emco Corporation (“Emco”), is pleased to provide the following comments regarding the City of Kingston Zoning By-law Update process.

Emco is the current owner of the above-noted lands, which are located on the south side of Arlington Park Place, between Gardiners Road to the east, and Midpark Drive to the west. Surrounding uses include a mix of industrial, institutional, and commercial (see Figure 1). The subject lands are currently occupied by a stand-alone building containing a retail-warehouse (Plumbing Plus), printing establishment (KKP Kingston), and automotive use (The Auto Spa), as well as an accessory building used for storage purposes (see Figure 2).

Emco has future plans to expand the Plumbing Plus facility within the existing structure to accommodate additional warehouse space. The expanded facility would also require outside storage of certain weather-resistant materials (i.e. pipes). Notwithstanding the additional warehouse space, the retail function would remain as the primary function of the facility.

The subject lands are currently zoned General Commercial – Special (C2-9) in Kingston Township Zoning By-law 76-26 which permits, amongst other uses, a “retail store providing for the sale of products related to home repairs and improvements”. The Plumbing Plus store is permitted under this specific use category.

Based on our review of the First Draft (October 27, 2016) of the new Zoning By-law, it is our understanding that the subject lands are proposed to be zoned General Commercial Zone (CG), which permits, amongst other uses, a “retail store”. It is presumed that the Plumbing Plus store would be permitted under this use category.



FIGURE 1: LOCATION OF SUBJECT LANDS



FIGURE 2: SUBJECT LANDS

The future intended use of the subject lands would suggest that the M2 Zone may be more appropriate in this instance, as the M2 Zone permits the intended uses, as well as Outdoor Storage, whereas the CG Zone does not contain provisions for such a use. Placing the subject lands within an Industrial Zone category would be in keeping with Schedule 3-A (Land Use) to the Official Plan, which indicates that the lands could be interpreted as being within the General Industrial designation (see Figure 3). Furthermore, an M2 Zone on the subject lands would be consistent with the zoning of abutting lands to the north, south, and west (see Figure 4) and reflective of the nature of the uses in the area west of the existing commercial uses along Gardiners Road.

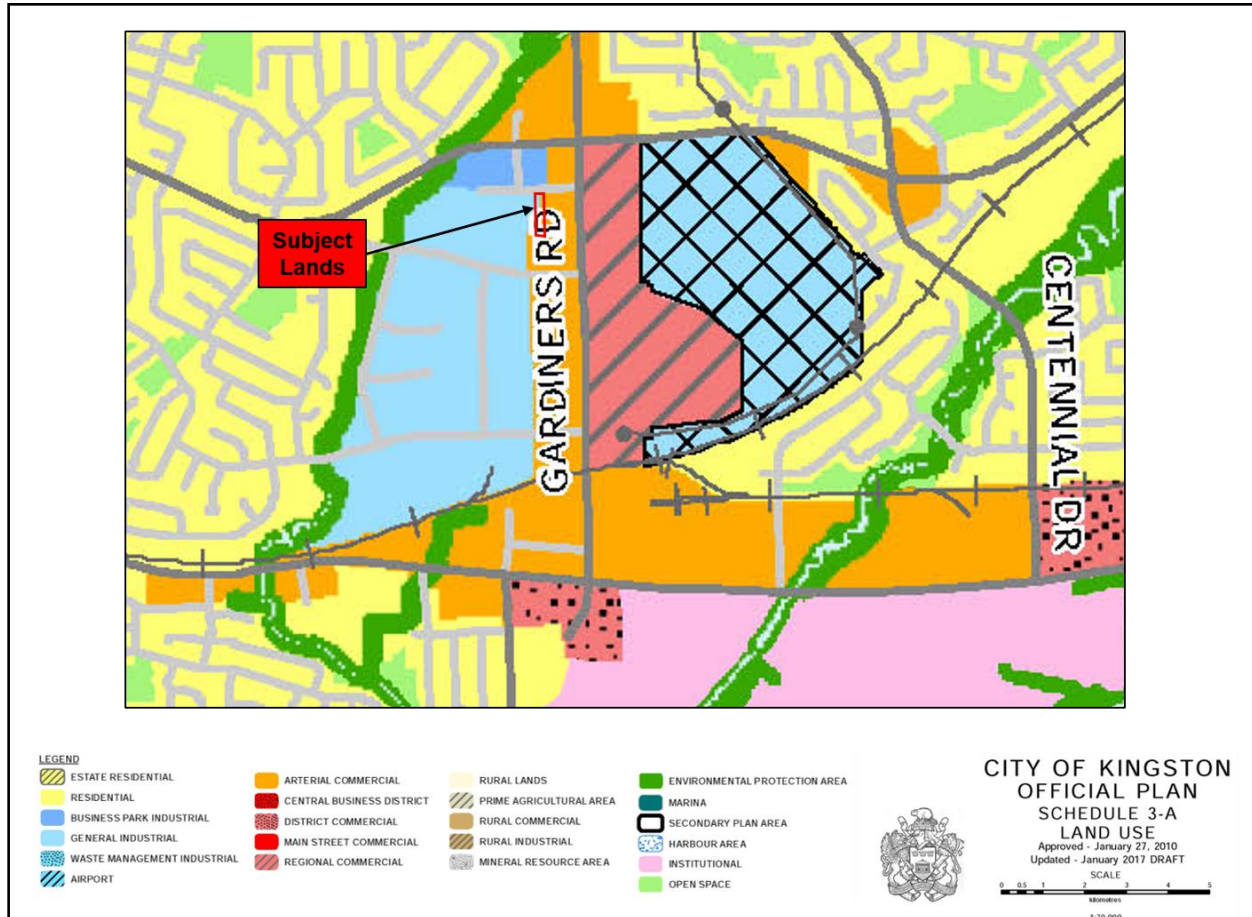
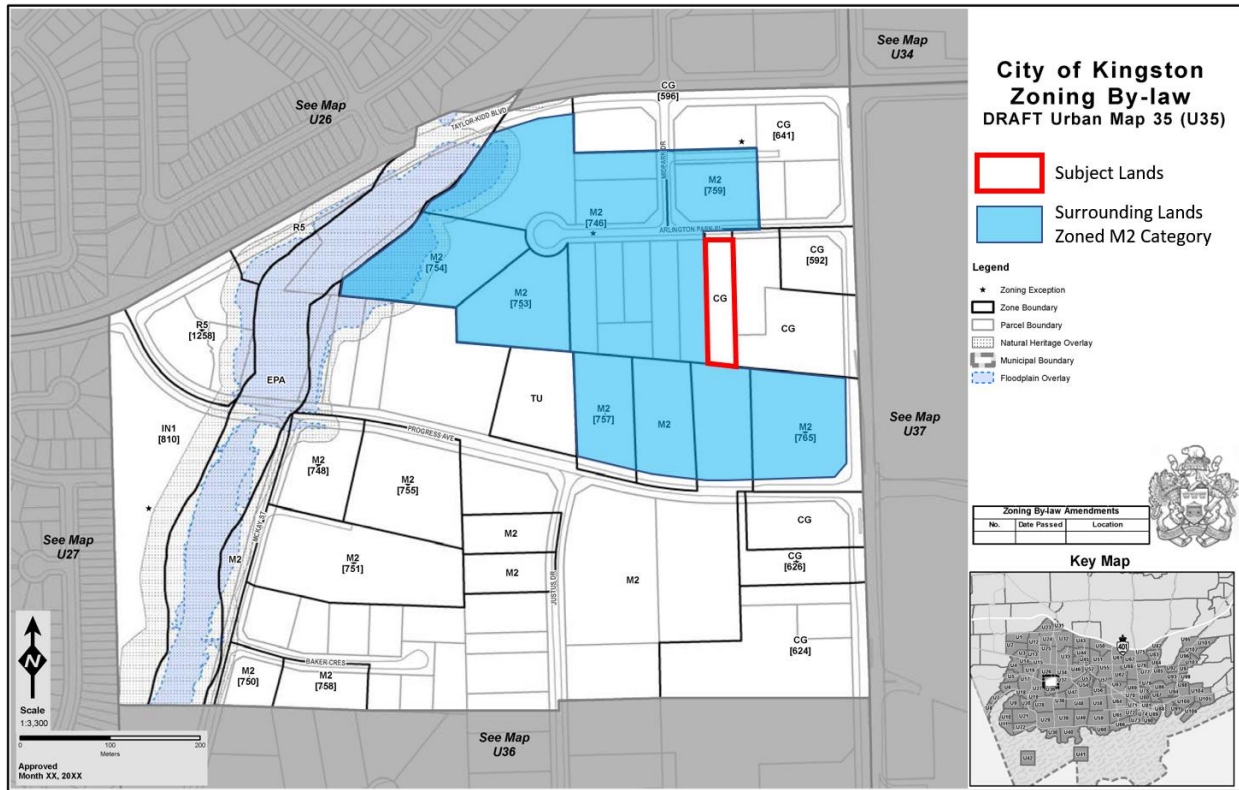


FIGURE 3: CITY OF KINGSTON OFFICIAL PLAN

In addition to the above, we request that a “retail store” be permitted as a main use on the subject lands, rather than as an accessory use, in order to allow the Plumbing Plus use to continue operating as a legal use. As a “retail store” is also permitted within the currently proposed CG Zone, it is apparent that this use is deemed by Staff to be appropriate for the subject lands. Alternatively, a “retail store providing for the sale of products relating to home repairs and improvements” use which, as noted above, is currently permitted as a site-specific use on the subject lands, could be included as a site-specific use in the new Zoning By-law as well.

Sukriti Agarwal  
 Project Manager, Planning Division  
 City of Kingston



**FIGURE 4: CITY OF KINGSTON ZONING BY-LAW (PROPOSED – FIRST DRAFT)**

We thank you for the opportunity to provide the above comments on behalf of our client and look forward to your comments.

If we can be of any assistance, please do not hesitate to contact the undersigned.

Yours very truly

**ZELINKA PRIAMO LTD.**

Harry Froussios, BA, MCIP, RPP  
 Senior Associate

cc: Emco Corporation



**Flaherty, Laura**

---

**From:** Canford [REDACTED]  
**Sent:** September 11, 2021 11:58 AM  
**To:** Flaherty, Laura  
**Subject:** Re: City of Kingston - Notice of Complete Application and Public Meeting

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That's great Laura. We geezers who remember times in the township before 76-26 can sometimes help. Just think, soon we'll be able to use **one** ZBL instead of at least three. In my 20 years on Committee of Adjustment, I had to reserve much of a file cabinet for the OPs and ZBLs we had to look at.

I was on Kingston township's Planning Board before they changed the Planning Act, and also served on the township's Committee of Adjustment. So lots of history!

Your approach makes good sense to me. I'll be glad that the Horsey Bay Parkette will be fixed as well.

On 10-Sep.-21 1:55 p.m., Flaherty, Laura wrote:

Hi Chris,

Thank you for the detailed background and history about the former land exchange and the straightening of Front Road. It is really interesting to hear about how land use planning and development used to happen (and explains a lot about the provisions in the existing zoning by-laws).

We are able to change the zoning of the road right of way to the UR1 zone, which is what would be consistent with the approach to street rights of way across the City. The area below the guardrail would be included in that UR1 zone as well (since we do not have a zone for a street ROW), but there is no development potential in that area based on the fact that it is a right of way for a municipally owned street (and also the fact that we have a 30 metre setback requirement from the high water mark of a waterbody in Subsection 4.23. of the second draft of the New ZBL).

If you are satisfied with this approach, I will instruct our GIS team accordingly.

Thank you,  
Laura

---

**From:** Canford [REDACTED]  
**Sent:** September 8, 2021 2:17 PM  
**To:** Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>  
**Subject:** Re: City of Kingston - Notice of Complete Application and Public Meeting

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Now I am writing about your point number two below. There is history here, but no rational reason why a road right of way should be zoned DR. The 10 metres or less of

land that lies below the guardrail should either be road right of way or open space. The land on the landward margin of Old Front Road should bear the same zoning as the lots along the street, namely UR1. DR is a "development reserve" and is logically a holding zone awaiting future development. That is highly inappropriate for a public shoreline in the City of Kingston. It should at minimum be OS, at best EPA. It has a guardrail at one margin, Lake Ontario at the other margin, a cliff between the guardrail and the fill, and about 10 metres of fill put in place a couple of decades ago to protect the road from washing away.

This road and its margin should **never** be in a potential development zone.

Let me talk about history. Shortly after I arrived in Kingston in 1969, Front Road was straightened, there was a land exchange between Dacon and Kingston township to facilitate the straightening, and our street became Old Front Road. At that time Smuggler's Cove did not exist.

Within a year of the road straightening operation, which went all the way to the boundary between the city and the township, a huge pile of fill was placed at the eastern end of Horsey Bay, at what then became 915 Front Road. That house is built on fill, and I watched several construction operations in subsequent years designed to keep its shoreline from washing away. The last extensive gabion works and concrete base were put in place a bit after we moved to 930 Old Front Road in 1986. The township had allowed the fill, and was possibly paving the way for more fill along Old Front Road for similar development. That of course would not be permitted now, along a shoreline that enjoys a good deal of public use. I see people fish all along the rock fill, and just now it had a number of people gazing skyward to watch the Snowbirds go by.

Please change the zoning on Old Front Road away from a development-potential zone. That's ancient history, a mistake in 1976, and a mistake today.

Chris Cannon

On 08-Sep.-21 8:53 a.m., Flaherty,Laura wrote:

Good morning,

Sorry I was unable to respond to your email yesterday.

1. I have asked our GIS team to revise the mapping to change Horsey Bay Parkette to OS1.

2. The DR zone along Old Front Road is located on top of the City's road right-of-way. It is not intended to flag this area as a future redevelopment area – this is a result of the consolidation of the existing zoning, which is also in a "D" zone. The New ZBL does not have a zone for City-owned street right-of-ways, and

instead carries the zoning of the adjacent parcels on to the street ROW (or uses the centreline of the ROW as the zone boundary between different zones). In this instance, the DR zone was carried forward from the existing zoning by-law to signal that no uses are permitted in this area. The alternative is to move this parcel into the same "R1" zone as the residential properties to the north of it – either way, no development is proposed on the City's ROW.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services  
City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

---

**From:** Canford [REDACTED]  
**Sent:** September 8, 2021 8:16 AM  
**To:** Flaherty,Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>  
**Subject:** Re: City of Kingston - Notice of Complete Application and Public Meeting

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Laura, no one has answered me about the zoning on the Horsey Bay Parkette and the road margins on Old Front Road from Front Road to the turn in Old Front. How can something be a parkette and not be open space? Why is our road, and the rip-rap-filled shoreline, zoned DR? There is nothing to develop.

Thank you for ensuring Snake and Salmon are zoned EPA.

Christine Cannon  
930 Old Front Road  
Kingston ON K7M 4M1

On 07-Sep.-21 3:14 p.m., Flaherty,Laura wrote:

Good afternoon,  
Attached is a Notice of Complete Application and Public Meeting related to the City's New Zoning By-law Project and an associated application for an Official Plan Amendment.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

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**Flaherty, Laura**

---

**From:** Joel Malcolm [REDACTED]  
**Sent:** September 10, 2021 9:10 AM  
**To:** Flaherty, Laura  
**Cc:** Agarwal, Sukriti; Bar, James  
**Subject:** Re: 318 Albert Street - New ZBL

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Thanks for the detailed response Laura! Yes please sign me up for the email list, as this new zoning bylaw is definitely going to shake some things up.

Hello James - based on the work my clients would like to do (three storeys of residential, 3 units total), we are hoping it is a tame enough request to pass through without a lengthy process; however, I know these things can sometimes take time.

Thanks,

**Joel Malcolm**

Licensed Assistant to Luca Andolfatto  
Bachelor of Management  
RE/MAX Service First Realty Inc., Brokerage

 [613-484-8555](tel:613-484-8555)

 [joelmalcolm@lucafirst.com](mailto:joelmalcolm@lucafirst.com)

 [www.lucafirst.com](http://www.lucafirst.com)



---

**From:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Date:** Friday, September 10, 2021 at 8:44 AM  
**To:** Joel Malcolm [REDACTED]  
**Cc:** Agarwal, Sukriti <sagarwal@cityofkingston.ca>, Bar, James <jbar@cityofkingston.ca>  
**Subject:** RE: 318 Albert Street - New ZBL

Good morning,

Thanks for your interest in the City's new zoning by-law project. The proposed zoning on the 318 Albert Street property in the second draft of the New ZBL is URM8-H, which is a new zone proposed through the draft zoning recommendations of the [Central Kingston Growth Strategy](#) that is ongoing concurrently with the New

ZBL project. The CKGS work was recently the subject of a public meeting at Planning Committee (see [Report PC-21-052](#)). These are just preliminary recommendations and are subject to change pending the remainder of the public engagement on this project and the ultimate decisions of Planning Committee and Council. Any revisions to these recommendations through the CKGS work will be incorporated into the New ZBL. I've copied Sukriti Agarwal, the Acting Manager of Policy Planning in relation to the CKGS project.

The proposed URM8-H zone developed through the CKGS is designed to allow for apartment buildings, mixed use buildings and stacked townhouses up to a maximum height that is the lesser of 20 metres or 6-storeys. There is a provision that requires a minimum lot area of 1,480 square metres in order to develop a property with this building form, along with a number of other applicable performance standards and the requirement to lift a Holding Symbol prior to development of those uses.

In addition to the zone map, the second draft of the New ZBL also included a new Schedule E – the Exceptions Overlay. As explained on page 8 of [this document](#) (Item 5.5), staff have not made a determination on the appropriate approach to dealing with older exceptions at this time (which is the category that the 318 Albert Street exception falls into). This will be the subject of public consultation at the upcoming public meeting on September 30<sup>th</sup>.

In response to your question about a potential minor variance, I've copied James Bar, the Manager of Development Approvals. In the absence of more detailed plans, it is difficult to say whether staff would be supportive of a development application in advance of the CKGS and New ZBL work being completed. I suggest touching base with James with more detailed information if you are interested in proceeding along this route.

Finally, we are maintaining a project email list for the New ZBL project. We send out updates when documents are uploaded and when events are scheduled. If you would like to be added to the project email list for future updates, please let me know.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP**  
**(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** Joel Malcolm [REDACTED]  
**Sent:** September 8, 2021 2:35 PM

To: Flaherty, Laura <lflaherty@cityofkingston.ca>

Subject: 318 Albert Street - New ZBL

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Laura!

InGi has forwarded me your way for questions regarding the new zoning by law coming into effect sometime in the future.

My question is in regards to the above noted property. It is currently a one storey unit zoned residential but with some commercial exemptions. As it is zoned now, there is a height limit of 10.7 m if additions were built. Based on the zoning map InGi sent me, this would be rezoned as URM7 with a max of 4 storeys and until 13.5 m.

The plan would be to build an additional two storeys on the building (for a total of three storeys) and have three residential units. Based on the new zoning I can see that URM7 qualifies as a triplex area. Just want to confirm that my understanding is correct, and there wouldn't be a required for rezoning once the new bylaw comes into effect in regards to the plans outlined above.

And as a follow up, if the property was purchased, would it be simple to obtain a minor variance in the interim that aligns with the new zoning bylaw? This would allow work to commence before the new zoning bylaw takes effect. The zoning for the property is currently A.347 (see attachment).

### **Joel Malcolm**

Licensed Assistant to Luca Andolfatto  
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**Flaherty, Laura**

---

**From:** Canford [REDACTED]  
**Sent:** September 8, 2021 1:54 PM  
**To:** Flaherty, Laura  
**Subject:** Re: City of Kingston - Notice of Complete Application and Public Meeting

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I will look forward to the change in Horsey Bay Parkette. I understood that many years ago the land at the parkette was privately owned. Partly explaining the D zone applied by the Township of Kingston. There is of course no excuse for it being other than OS1 now.

I will write you separately about the area along Old Front Road.

Chris Cannon

On 08-Sep.-21 8:53 a.m., Flaherty, Laura wrote:

Good morning,

Sorry I was unable to respond to your email yesterday.

1. I have asked our GIS team to revise the mapping to change Horsey Bay Parkette to OS1.
2. The DR zone along Old Front Road is located on top of the City's road right-of-way. It is not intended to flag this area as a future redevelopment area – this is a result of the consolidation of the existing zoning, which is also in a “D” zone. The New ZBL does not have a zone for City-owned street right-of-ways, and instead carries the zoning of the adjacent parcels on to the street ROW (or uses the centreline of the ROW as the zone boundary between different zones). In this instance, the DR zone was carried forward from the existing zoning by-law to signal that no uses are permitted in this area. The alternative is to move this parcel into the same “R1” zone as the residential properties to the north of it – either way, no development is proposed on the City's ROW.

Regards,  
Laura





**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services  
City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** Canford [REDACTED]  
**Sent:** September 8, 2021 8:16 AM  
**To:** Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>  
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Thank you for ensuring Snake and Salmon are zoned EPA.

Christine Cannon  
930 Old Front Road  
Kingston ON K7M 4M1

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Attached is a Notice of Complete Application and Public Meeting related to the City's New Zoning By-law Project and an associated application for an Official Plan Amendment.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services  
City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
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**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 8, 2021 11:58 AM  
**To:** 'Whyte, Pamela'  
**Cc:** 'MacKnight, Rachel'  
**Subject:** RE: City of Kingston - Notice of Complete Application and Public Meeting

Good afternoon,

The public meeting on September 30<sup>th</sup> is for the purpose of receiving public feedback on the second draft of the new zoning by-law and the proposed Official Plan amendments. No recommendations are being made or considered at this meeting – recommendations will be considered at a future public meeting (right now we are aiming for early 2022 on final recommendations). Notice of that future meeting will be provided in accordance with the Planning Act (just like the Notice you just received).

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** Whyte, Pamela [REDACTED]  
**Sent:** September 8, 2021 6:38 AM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Cc:** MacKnight, Rachel [REDACTED]  
**Subject:** RE: City of Kingston - Notice of Complete Application and Public Meeting

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Laura.

Thank you for this notice. Is it the intent that the OPA and new ZBL would be considered at this meeting or is for the purpose of public comment and a decision on their passing held at a future meeting.

Thanks! Pam

**Pamela Whyte, MCIP, RPP**  
Mobile – 613.293.6405

---

**From:** Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>  
**Sent:** Tuesday, September 7, 2021 3:14 PM  
**To:** NewZBL <[NewZBL@cityofkingston.ca](mailto:NewZBL@cityofkingston.ca)>  
**Subject:** [EXTERNAL] City of Kingston - Notice of Complete Application and Public Meeting

Good afternoon,

Attached is a Notice of Complete Application and Public Meeting related to the City's New Zoning By-law Project and an associated application for an Official Plan Amendment.

Regards,  
Laura



[\[cityofkingston.ca\]](http://cityofkingston.ca)



[\[facebook.com\]](https://www.facebook.com)



[\[twitter.com\]](https://twitter.com)



[\[youtube.com\]](https://www.youtube.com)

**Laura Flaherty (MacCormick), MCIP RPP**  
**(she/her/hers)**  
Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157  
[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)

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**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 7, 2021 12:33 PM  
**To:** 'Hannah France'  
**Cc:** NewZBL  
**Subject:** RE: NewZoning in Joyceville

Good afternoon,

Thank you for your interest in the City's new zoning by-law project. You are correct - the second draft of the new zoning by-law includes your property in both the HR and RU zones. Upon reviewing the zoning on your property against the Official Plan designation (the entire property is designated Hamlet in the OP), I think the zoning by-law would better conform with the Official Plan if the entire property is zoned HR (Hamlet Residential). This would also simplify the zoning on your property to have it all in the same zone.

From a consent perspective, any applications for consent would be viewed against the criteria established in the Official Plan and would be reviewed for conformity against the provisions of the zoning by-law. If you would like detailed feedback about a consent application on your property, I would be happy to connect you with a planner in Development Services who can guide you through the pre-application process or provide some initial feedback about an intended consent application.

In response to your question about the quarry - yes, it is designated as a quarry in the Official Plan and the second draft of the new zoning by-law allows for the continued use of that property as a quarry.

Do you have time to attend a virtual meeting with me or perhaps a phone call? I'd like to get a bit more background about the uses that currently exist on your property and uses that existed in the past in order to answer the remainder of your questions and walk you through the relevant provisions in the second draft of the new zoning by-law. If you are able to arrange a time to virtually meet with me, please let me know what days of the week/time of day is best for you.

Thank you,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP**  
**(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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-----Original Message-----

From: Hannah France [REDACTED]  
Sent: August 26, 2021 3:38 PM  
To: NewZBL <NewZBL@cityofkingston.ca>  
Subject: NewZoning in Joyceville

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi

I live at 3916 Highway 15, saw the new zoning bylaw designates me as "Hamlet" and the boundary cuts through the middle of my property. The northern bit remains rural- I guess based on a width from the road.

I have questions about this as follows:

Will it affect my ability in future to sever a lot from the property in the north end where it fronts on highway 15?;

Does it affect zoning permitting a home based business? I have a greenhouse growing nursery;

I also wish to apply for a federal cannabis micro cultivation licence and from my research so far believe I can qualify for a licence here. Will the City allow it under Hamlet designation, given I have a 20 year long established nursery business here?

Will the Quarry here on 15 be allowed to continue operating in the Hamlet?;

Can I apply for a rezoning to remain in rural zoning? I did farm here until 5 years ago and may want to continue.

Would love to know about the above and cannot find a description of The proposed Hamlet zoning. Thanks for any assistance you can give me

Steve France

Sent from my iPhone

**Flaherty, Laura**

---

**From:** Canford [REDACTED]  
**Sent:** September 6, 2021 8:26 AM  
**To:** NewZBL  
**Subject:** Zoning along Old Front Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

First of all, thank you for ensuring that both Snake and Salmon islands will be properly zoned EPA. And that the islands are now included in the zoning map.

Second, I am concerned about the zoning across the front of our home at 930 Old Front Road, and the Horsey Bay Parkette.

1. Why is the Horsey Bay Parkette not zoned Open Space?
2. Why is there a DR zone along part of Old Front Road, extending from Front Road along several lot widths? There is a guardrail right next to the road, then rip-rap fill. It is hardly an area of potential development.

Christine Cannon

930 Old Front Road  
Kingston ON K7M 4M1

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 1, 2021 12:26 PM  
**To:** [REDACTED]  
**Cc:** McLaren, Jeff; Agnew, Paige; Lambert, Lindsay  
**Subject:** RE: Question about new zoning by law (Reference #: 210818-000425)

Hi Kathryn,

That's a good suggestion and certainly one we will consider as we work through the issue in this area – we are trying to simplify the new zoning by-law in as many areas as possible. There are other elements that need to be considered beyond the permitted uses (such as the performance standards that apply currently versus those in the UR1/UR2/UR3 zones, such as lot frontage, setbacks, building height, lot coverage etc), so we will do a deeper dive into this issue to determine the best approach from an overall zoning perspective to ensure the new zoning by-law maintains similar standards to those in effect today.

From a public notice perspective, we do have a communications team that is dedicated to helping us reach as many members of the public possible. There have been social media posts, newspaper notices, media releases, technical briefings, articles in the Whig, Kingstonist and Global and even a few podcast episodes recently talking about the New Zoning By-law project, trying to reach a broader audience. If you have suggestions for ways that we can reach more people, we are open to your feedback on different/innovative approaches we can take in our communications strategy and public consultation.

Finally, we do have a project email list where we send out emails when new documents are posted or when events are scheduled. If you or any of your neighbours would like to be added to the project email list, please just send me an email requesting to be added to the project email list to receive all future updates in your inbox.

Regards,  
Laura

---

**From:** [REDACTED]  
**Sent:** September 1, 2021 9:22 AM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Cc:** McLaren, Jeff <jmclaren@cityofkingston.ca>; Agnew, Paige <pagnew@cityofkingston.ca>; Lambert, Lindsay <llambert@cityofkingston.ca>  
**Subject:** Re: Question about new zoning by law (Reference #: 210818-000425)

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Thank you Laura! Off the top of my head - why aren't we just a UR1 to keep it simple and avoid the risk of this overlay being re-written?

I have also talked to a lot of neighbours who had no idea this was happening and expressed concern. I only found out because I am on a city notification alert. Perhaps the city can do more to advise people before the November deadline?

Again. Thank you for the quick detailed reply. And welcome back to work 😊

Kathryn

Sent from my iPhone

On Sep 1, 2021, at 8:59 AM, Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)> wrote:

Good morning,

Thank you for your interest in the City's new zoning by-law project. Sorry for the delayed response to your inquiry – I was out of the office for much of August and am finally back and able to respond to emails.

You are correct, the proposed zoning on your property in the second draft is UR3. There is one area along Splinter Court that is proposed in the UR1 zone – these proposed zone boundaries align with the existing zoning by-law that applies to this area. It is important to note that, in addition to the UR3 zone, there is also an Exception Overlay that applies to your property, aligning with the existing area-specific exception from the existing zoning by-law (currently "R2-6").

While the UR3 zone does permit a range of residential buildings (duplex, semi-detached house, single detached house, townhouse and triplex), the language of the R2-6 exception is more restrictive and therefore the new zoning by-law would only permit a single detached dwelling and a semi-detached dwelling.

As described on page 8 (section 5.5) of the [Second Draft Highlights document](#), staff have not made a determination on the appropriate approach to dealing with older exceptions at this time and are continuing to explore the appropriate approach to exceptions that are neighbourhood-wide, such as the R2-6 exception. Staff appreciate your comments and are looking forward to receiving feedback from the public and all members of Council on the exceptions through the consultation scheduled on the second draft of the new zoning by-law. Staff will consider all feedback received in this regard prior to making final recommendations to Council.

For your reference I've included screenshots of the zone and exception overlay maps proposed in the second draft, as well as a screenshot of the existing zoning by-law below. If you have additional questions or wish to schedule a virtual meeting with me to discuss this in greater detail, please do not hesitate to contact me.

**Proposed Second Draft – Zone Map**

<image006.jpg>

**Proposed Second Draft – Exception Overlay Map**

<image011.jpg>

**Existing Zoning**

<image012.jpg>

Regards,  
Laura

<image001.png>

**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

<image002.png> <image003.png> <image004.png>

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)

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---

**From:** Lambert,Lindsay <[llambert@cityofkingston.ca](mailto:llambert@cityofkingston.ca)>

**Sent:** August 20, 2021 1:52 PM

**To:** [REDACTED]

**Cc:** McLaren,Jeff <[jmclaren@cityofkingston.ca](mailto:jmclaren@cityofkingston.ca)>; Flaherty,Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>

**Subject:** FW: Question about new zoning by law (Reference #: 210818-000425)

Good afternoon Kathryn,

Re: Reference Number Reference #: 210818-000425

By copy of this email, I am forwarding your questions and comments on the 2<sup>nd</sup> draft of the proposed Comprehensive Zoning By-Law to Laura Flaherty, Project Manager for her review and response. Laura is currently away, returning on August 26. Laura will reach out to you regarding your concerns about the proposed UR3 zoning on Rivermeade as soon as possible upon her return.

Lindsay

<image001.png>

**Lindsay Lambert MCIP, RPP (she/her/hers)**

Senior Planner  
Planning Services

<image002.png> <image003.png> <image004.png>

City of Kingston  
Located at: 1211 John Counter Boulevard,  
Mailing Address: 216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 ext. 2176  
[llambert@cityofkingston.ca](mailto:llambert@cityofkingston.ca)

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---

**From:** Marguerite <[mheer@cityofkingston.ca](mailto:mheer@cityofkingston.ca)>  
**Sent:** August 19, 2021 8:10 AM  
**To:** Planning Outside Email <[Planning@cityofkingston.ca](mailto:Planning@cityofkingston.ca)>  
**Subject:** FWD: Question about new zoning by law

**Service Request Type:** No Value  
**Reference #:** 210818-000425  
**Disposition:**

**City of Kingston Comments:**

---

The following issue has been submitted with the City of Kingston. Please investigate and reply to this email with your update.

**Customer Name:** Jeff McLaren

**Customer Contact:** [jmclaren@cityofkingston.ca](mailto:jmclaren@cityofkingston.ca)

**Customer Address:** 1227 Pixley Place, Kingston, Ontario,

**Mobile Phone:** 613-328-1638

**Home Phone:**

**Office Phone:** 613-888-4327 - Ext.

**Subject:**

Question about new zoning by law

Customer By Service Email (Jeff McLaren) (08/18/2021 05:04 PM)

Hello,

I received the email below about a zoning issue. Could a zoning specialist please contact Kathryn Kyle at [REDACTED] with the information sought?

Thank you,

Jeff McLaren  
Councillor - Meadowbrook-Strathcona  
Office: (613) 888-4327  
Cell : (613) 328-1638  
E-mail: [jmclaren@cityofkingston.ca](mailto:jmclaren@cityofkingston.ca)

P.S. Please contact me for any concerns you have with the City of Kingston - I look forward to helping you with them.

----- Original message -----

From: [REDACTED]  
Date: 2021-08-16 9:50 a.m. (GMT-05:00)  
To: "McLaren,Jeff" <[jmclaren@cityofkingston.ca](mailto:jmclaren@cityofkingston.ca)>  
Subject: Question about new zoning by law

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Hi Jeff

I live on Rivermeade Avenue and it recently came to my attention that we are proposed to be zoned UR3. I believe we are currently a single family detached zoning but do you know how I can confirm this and where I can go to voice my concerns. I did write to the planning division a week ago but have not heard back.

I am not clear on why we would be zoned UR3 when these are single family homes and Splinter Court (one street over) is to be zoned UR1 and seems similar to our street. Similarly. Westwood's remains UR1. They were built around the same time.

I bought this house knowing that apartments were not allowed. This is a cul de sac with young kids.

Anything that is currently a single family home should remain a single family home rather than being turned into a multi unit rental.

We have young families moving into this neighborhood as the older, original owners are selling and downsizing.

We already have done our part by being a mixed neighbourhood with - apartments, townhouses and single family.

Again. If you can advise me on what steps need to be taken to change our proposed zoning to UR1. Same as splinter. I would appreciate it!

Thank you!

Kathryn Kyle  
660 Rivermeade

Sent from my iPhone

**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** September 1, 2021 9:10 AM  
**To:** [REDACTED]  
**Cc:** 'Olga Xenodochidou'; 'Dongmei Chen'; 'Gavin Winston'; [REDACTED] 'Ivanna Tarnowecky'; 'Elvina Chu'; 'Mary Kennedy'; [REDACTED]  
**Subject:** RE: Inquiry about new proposed zoning by law draft 2 - for Rivermeade Avenue  
**Attachments:** RE: Question about new zoning by law (Reference #: 210818-000425)

Good morning,

I just provided a response to this inquiry in a separate email, but I see a number of other people were copied on this, so I am including my earlier response as an attachment to this email for everyone's information.

Please do not hesitate to contact me should you have any questions. I am happy to set up a virtual meeting to discuss this in greater detail if that would be helpful.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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---

**From:** [REDACTED]  
**Sent:** August 18, 2021 8:26 AM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Cc:** Olga Xenodochidou [REDACTED]; Dongmei Chen [REDACTED]; Gavin Winston [REDACTED]; [REDACTED]; Ivanna Tarnowecky [REDACTED]; Elvina Chu [REDACTED]; [REDACTED]; Mary Kennedy [REDACTED]  
**Subject:** Fwd: Inquiry about new proposed zoning by law draft 2 - for Rivermeade Avenue

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Hi Laura. Your name was provided by a neighbour who received a response from Mr Fisher. I wrote to him last week and have not heard back. He referred questions about the proposed new zoning to you, so I am forwarding the email I sent along to you 🙏. If you can respond to my questions, I would greatly appreciate it. I am only seeking to understand at this point what is happening and what UR3 means and why we are to be zoned UR3 when similar streets in this neighborhood (Splinter ct) and similar neighbourhoods (eg Westwoods) will not be and are proposed UR1.

Thank you in advance Kathryn Kyle  
660 Rivermeade Avenue

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** August 10, 2021 at 8:26:22 AM EDT  
**To:** [tfisher@cityofkingston.ca](mailto:tfisher@cityofkingston.ca)  
**Subject:** Inquiry about new proposed zoning by law draft 2 - for Rivermeade Avenue

Good morning Tim

Your name was given to me by a neighbour, Yuri Tarnowecky, who thought you might be the best resource for my question. I purchased what I understand is a single family residential on Rivermeade Avenue in 2018. It was when I bought and is my understanding that no rental units are permitted. I was looking at the new proposed zoning by law and it looks like our single family homes are slated to be zoned UR3. While Splinter Crt remains categorized as a UR1. Am I reading the proposed zoning correctly? That triplexes and duplexes will now be permitted on my street if the zoning is passed? If so, how do I express my concern and request that we be categorized as UR1? Another case in point, Westwoods is also categorized as UR1. This is a neighborhood that is similar to my street and every other street in meadowbrook that is on kingsdale, sunrise crescent, summerfield, millbrook, parkside crescent and our street, Rivermeade. These houses and these streets I mentioned are not built with the intention to be rentals. They were designed for families or multi generation families so kids can play safely and enjoy a community feel. People buying in here are families. I would like to keep it a family neighborhood and a quiet one. We have done our part by being a mixed neighborhood already with apartment buildings and multi units on melanie and Gavin Ct. Again, any assistance to interpret what I am reading is would be really appreciated 🙏. If I have it wrong, I want to know!

Thank you in advance,

Kathryn Kyle  
660 Rivermeade Avenue

Sent from my iPhone

**Flaherty, Laura**

---

**From:** Peter Splinter [REDACTED]  
**Sent:** August 30, 2021 3:06 PM  
**To:** Flaherty, Laura  
**Cc:** Agarwal, Sukriti; Agnew, Paige  
**Subject:** Re: New Zoning By-law Project - Release of Second Draft

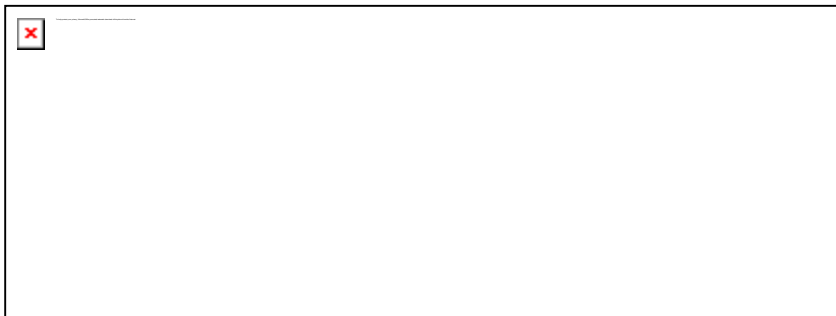
**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Laura,

Correct that is the location. I mentioned this ( I thought it was an error ) four or so years ago. I think I bought the land in 2000 and my staff cannot see anything about this part of the land being Institutional? The lands should be put rural like the other lands I own out there.

Do you have records of the zoning application to amend the zoning of the land??

Peter

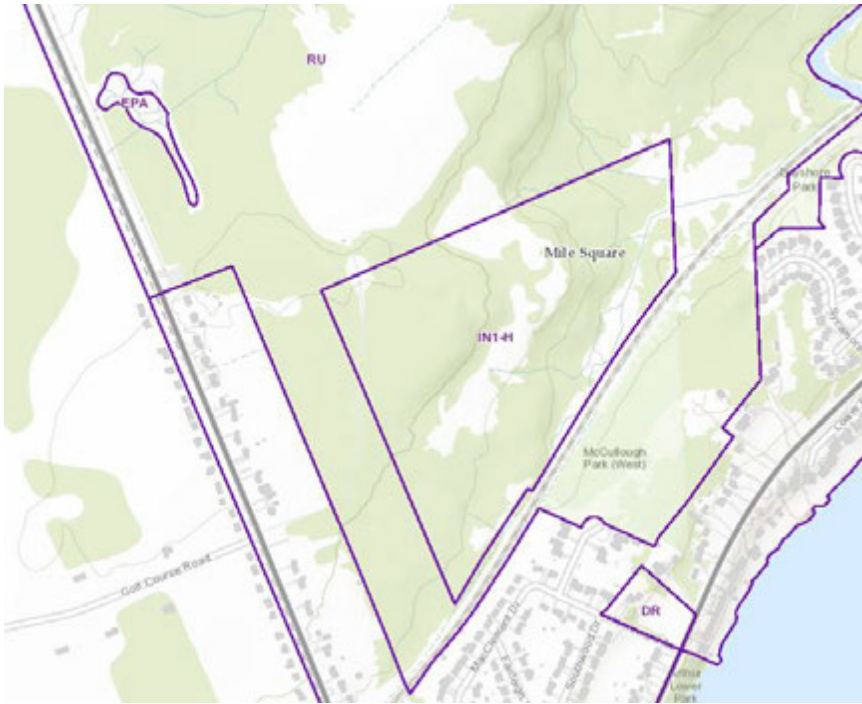


On Mon, Aug 30, 2021 at 11:19 AM Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)> wrote:

Hi Peter,

Thanks for your patience waiting for a response on this inquiry for my return to the office. I assume the area you are referring to is the area proposed IN1-H in the centre of the following map:





Assuming so, the "IN" in the instance is institutional, not industrial. This parcel is currently subject to a site specific exception in Zoning By-law 76-26 which was passed in 1996. Exception I-10 states:

"Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated I-10 on Schedule "A" hereto shall be used for no purposes other than nursing home and/or a public use in accordance with the following provisions:

(i) Removal of Holding Provision

Development of the lands within the I-10 Zone shall be delayed by the use of the Holding symbol "-H", until such time as:

a) the following municipal requirements have been complied with:

- i) the construction of the public road serving the proposed development to municipal standards;
- ii) demonstration to the satisfaction of the Township that the volume and pressure of municipal water supply are sufficient for fire-fighting purposes;
- iii) demonstration to the satisfaction of the Township, the Cataraqui Region Conservation Authority and the area Health Unit that the soil and drainage conditions are suitable for the installation of a private sewage disposal system and that such system would not adversely affect the quality and quantity of ground water;
- iv) submission of a stormwater management and drainage plan satisfactory to the Township and the Cataraqui Region Conservation Authority.
- v) renaming of Elizabeth Street in accordance with the Township's street naming conventions;

- vi) submission of a tree preservation and protection plan;
- b) confirmation that the owner has entered into an agreement with the Canadian National Railways.
- c) a Site Plan Agreement has been registered on title;
- d) and the "-H" has been removed by further amendment to this Bylaw."

The second draft of the new zoning by-law included a new exceptions overlay, as explained on page 8 of [this document](#) (Item 5.5) and staff have not made a determination on the appropriate approach to dealing with older exceptions at this time (as explained in the document linked above).

If you would like to relinquish the site specific institutional zoning permissions on this property, please confirm in writing that you no longer want the site specific exception to apply to these lands. The Official Plan designation on the lands is "Rural", as such, if you relinquish the site specific IN1-H zone, the zoning would likely be "RU" (rural) like the remainder of the lands in this area in conformity with the Official Plan designation.

Thank you,

Laura



**Laura Flaherty (MacCormick), MCIP RPP**

**(she/her/hers)**

Project Manager, Planning Services

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3



613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)

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---

**From:** Peter Splinter [REDACTED]  
**Sent:** August 6, 2021 5:08 PM  
**To:** Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>  
**Subject:** Re: New Zoning By-law Project - Release of Second Draft

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Hi Laura,

I own about 380 acres out in the west end, which is often referred to as part of a broader area called "Miles Square". The area of concern I have is east of Coronation Blvd. and North of Elmwood Subdivision. The map in the attachment you sent me shows about 30 acres as IN1-H. Right next to Queen Acres. That zoning cannot be correct. The land is owned by me and is farmland/natural. We brought this zoning problem up to the City a few years back, and I thought the error was looked after. The current plan still shows that small area as Industrial. Not sure where this Industrial zoning on my lands comes from??

Can you or another staff member in the City take a look at this and get back to me on Monday or Tuesday?

Thanks.

Peter



On Fri, Aug 6, 2021 at 1:17 PM Flaherty,Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)> wrote:

Good afternoon,

You are receiving this email because you are on the New Zoning By-law project email list. I am excited to announce that the second draft of the new Kingston Zoning By-law has been posted on the City's [project website](#) and the City's [Get Involved Kingston page](#). The second draft includes revised text and a new [interactive mapping platform](#) to explore the zoning maps and all of the related schedules. A document called "Second Draft Highlights" will be posted on the website early next week to identify some of the key changes between the first draft and the second draft.

The formal commenting period on the second draft will be open until November 5, 2021. I encourage those of you wishing to provide comments to explore the second draft provided on the City's [Get Involved Kingston page](#). A new interactive tool called Konveio offers an enhanced experience, allowing members of the public to provide comments directly in the PDF document and to view/respond to comments that others have provided. Comments may also be provided in writing via email to [NewZBL@cityofkingston.ca](mailto:NewZBL@cityofkingston.ca).

The second draft will be the subject of a statutory public meeting at a special meeting of Planning Committee on **Thursday, September 30<sup>th</sup> at 6 pm**. Planning Committee meetings are held virtually on the Zoom platform. If you are unable to participate on the Zoom platform, a call in option is also available. The meetings are also live streamed on the City's YouTube Channel if you simply wish to watch, but not participate. The meeting agendas and the Zoom registration information will also be published to the City's website the Friday before the meeting.

Finally, I will be out of the office starting on August 9<sup>th</sup>, returning August 26<sup>th</sup>. If there are any urgent matters related to the new zoning by-law project, please contact Paige Agnew ([pagnew@cityofkingston.ca](mailto:pagnew@cityofkingston.ca)) or Sukriti Agarwal ([sagarwal@cityofkingston.ca](mailto:sagarwal@cityofkingston.ca)) in my absence. I will respond to all non-urgent inquiries upon my return.

If you have any questions, please do not hesitate to contact me. We will continue to provide updates to this email list when events are scheduled or documents are uploaded in the future. If you would like to "unsubscribe" from this list, please email [NewZBL@cityofkingston.ca](mailto:NewZBL@cityofkingston.ca) requesting to be removed from the project email list.

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP**

**(she/her/hers)**

Project Manager, Planning Services

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3



613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)

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**Flaherty, Laura**

---

**From:** Flaherty, Laura  
**Sent:** August 30, 2021 2:34 PM  
**To:** 'Raymond Scott'  
**Cc:** Agnew, Paige  
**Subject:** RE: Climate action

Hello,

Thank you for your interest in the City's new zoning by-law project and for providing your comments related to climate action.

I suggest you review the most recent [blog post](#) authored by Paige Agnew and Brent Toderian about the work staff are doing on parking regulations in the new zoning by-law, and the discussion paper itself entitled "[The Power of Parking: A New Parking Paradigm for Kingston?](#)".

At face value, a new zoning by-law may not seem to be an important action related to the climate emergency, however, land use planning policies (especially zoning by-laws) are pivotal elements in municipal policy for climate action. Staff have identified opportunities to ensure our land use policies align with the City's strategic priorities about demonstrating leadership on climate action – these opportunities are clearly articulated in the Power of Parking discussion paper and staff have started this new conversation to ensure everyone connects the dots between parking policies and the climate emergency (as well as many other strategic priorities and policies).

Regards,  
Laura



**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

-----Original Message-----

From: Raymond Scott [REDACTED] >  
Sent: August 6, 2021 5:41 PM  
To: NewZBL <NewZBL@cityofkingston.ca>  
Subject: Climate action

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Hi. The city of Kingston has declared a CLIMATE EMERGENCY! Emergency means take immediate action. IF a house is on fire the fire people put the fire out. I ask WHY has there been little or no action to stop or at least slow down the climate EMERGENCY ?

Will the new bylaw help in any way to solve the climate EMERGENCY in Kingston ? Still the city runs 80 or more, mostly empty buses, constantly every day. They are polluting the atmosphere and making the Climate Crisis far worse. This is an example of exactly the WRONG thing to do !

Please consider forgetting about a new bylaw and put all your human and other resources into solving the CLIMATE EMERGENCY ! All of our LIVES depend on serious ACTION NOW !

And please tell the mayor, council and in fact all citizens WHY we all need to immediately take SERIOUS ACTION NOW.

Sincerely, Ray Scott. 965 Lancaster drive, Kingston, Ont. K7p2r7



Sent from my iPad

**Flaherty, Laura**

---

**From:** Michael Keene [REDACTED]  
**Sent:** August 17, 2021 1:49 PM  
**To:** Flaherty, Laura  
**Cc:** Jeffrey Francoz  
**Subject:** New Zoning By-law Review - 1081 Montreal Street  
**Attachments:** Letter Report.2021.08.10.pdf; 1081 Montreal Street updated Comment Letter, Fotenn, Aug-2021.pdf

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Laura,

We are working with Jeff Francoz on a project at 1081 Montreal Street. We had conducted a review of the first draft of the by-law and had great concerns. As part of our development application we had a tree inventory conducted along with a preliminary EIS which was only just completed a few days ago that found there were no significant features on the property. Within days of the EIS being completed the second draft of the by-law was released and we are pleased to see that the entire holdings of our clients lands have maintained their development rights through the carrying forward of the site specific zoning on the property.

I've attached our letter of support for the change along with the EIS that we conducted.

Happy to discuss.

Thanks, Mike

**Michael Keene, MCIP RPP**  
Principal, Planning + Development

**Note: our Kingston office has moved. Same building, now the third floor: Suite 315.**

**FOTENN**  
The Woolen Mill  
4 Cataraqui St, Suite 315  
Kingston, ON K7K 1Z7  
T 613.542.5454 ext. 221  
[fotenn.com](http://fotenn.com)

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# CITY OF KINGSTON DRAFT COMPREHENSIVE ZONING BY-LAW UPDATE

## 1081 MONTREAL STREET, KINGSTON

August 17, 2021

**Ms. Laura Flaherty**

Project Manager, Planning Services  
City of Kingston  
1211 John Counter Blvd  
Kingston, ON K7K 6C7

Via Phone: 613-546-4291, ext. 3157

Via Email: [lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)

**RE: City of Kingston Draft Comprehensive Zoning By-law update  
1081 Montreal Street**

Dear Ms. Flaherty,

Fotenn Planning + Design has been retained by Jeff Francoz to provide this comment letter on his behalf regarding the second draft of the City of Kingston Comprehensive Zoning By-law and related draft Official Plan and zoning by-law amendments. The commentary provided in this letter relates specifically to the property municipally known as 1081 Montreal Street. The intent of this letter is to provide formal comment related to the proposed policy and regulatory changes affecting the subject lands as described in the City of Kingston Draft Comprehensive Zoning By-law (second draft) dated August 10, 2021. A development application to construct an 8-storey senior's apartment is currently being prepared for the site. The first draft of the Comprehensive Zoning By-law proposed to rezone a portion of our client's site to Environmental Protection Zone (EPA). We do not believe that the proposed zoning under the first draft is appropriate. The second draft of the Comprehensive Zoning proposes to zone our client's site as Urban Multi-Residential 5 (URM5). We believe that this zone is appropriate given the property's existing zoning and the ecological study prepared in support of our client's development applications for the site.





Figure 1: Current and proposed zoning (Source: KMaps; City of Kingston)

### Environmental Screening and Constraints Analysis

An Environmental Screening and Constraints Analysis was undertaken by Ecological Services on August 10, 2021. The study evaluated the ecological potential and composition of the site and screened for potential natural heritage value or constraints. The study confirmed that most of the trees on the property are Manitoba Maple trees that grew following the abandonment of the site's historically agricultural use some time during the past half century. The Ecological Land Classifications (ELCs) confirmed on the site are Cultural Woodland (CUW), Cultural Savannah (CUS), Cultural Thicket (CUT), and Deciduous Woodland (FOD). Manitoba Maples were confirmed in each of the ELCs. The study found no significant woodlands or significant valleylands on the property. The Greater Cataraqui Marsh, a Provincially Significant Wetland (PSW) and an Area of Natural and Scientific Interest (ANSI) near the property, was found to not be impacted by development on the subject site, since the CN railway line forms a substantial and significant barrier between the site and the PSW and ANSI. No significant wetland was found on the property. Significant Wildlife Habitats were not observed on the property. Based on these findings, the study concluded that the site appears to have relatively low ecological value. No natural heritage features were observed on the site and the CN railway line to the east of the property was found to form a significant break between the site and nearby natural heritage features, limiting any potential negative impacts from the proposed development.

### Summary

Based on the findings of the study, we find the City's inclusion of our client's property within the Urban Multi-Residential (URM5) Zone to be appropriate. Should you have any questions or comments, please do not hesitate to contact the undersigned at 613.542.5454 x 221 or [keene@fotenn.com](mailto:keene@fotenn.com). We also ask to be notified of status updates related to the second draft of the new Comprehensive Zoning By-law, as well as of any decision made by Council.

Respectfully submitted,



Mike Keene, MCIP RPP  
Principal, Planning + Development  
Fotenn Planning + Design



Ecological Services  
R.R. 1, 3803 Sydenham Road  
Elginburg, Ontario K0H 1M0  
Phone: (613) 376-6916  
E-mail: mail@ecologicalservices.ca

August 10, 2021

Mr. Jeffrey Francoz  
Sterling Maple Corp.  
281 Davisville Avenue  
Toronto, Ontario M4S 1H1

Via Email: [jfrancoz@sterlingmaple.ca](mailto:jfrancoz@sterlingmaple.ca)

Dear Mr. Francoz:

**RE: ENVIRONMENTAL SCREENING AND CONSTRAINTS ANALYSIS  
1081 MONTREAL STREET  
KINGSTON**

Ecological Services was requested to review the property at 1081 Montreal Street and to assess its natural areas components, particularly with respect to the presence of significant woodland and ANSI presence on or adjacent to the site.

**Site Location:**

The subject property is located at 1081 Montreal Street in Kingston (Attachment 1). We visited the site on July 26, 2021 and walked it to assess its natural cover and potential constraints to development. No site development concept is yet available, but it is our understanding that the owner proposes to develop the site with a residential mid-rise tower, to be located in the center part of the site adjacent to its Montreal Street frontage and the existing stone ruins. It is also understood that the landowner may in future seek approval for a second tower further north on the property, but has no plans to seek development in the southern part of the site.

**Site Description:**

The entire site has been disturbed and/or altered in the past. 1954 aerial photography shows that it was then agricultural land (probably hay). Over the past half century, the farm use was abandoned, there has been a municipal sewage service line put through, and past aggregate extraction is reported; the site topography has been altered.

Vegetation on the property is now a mixture of types. The most common tree species observed was Manitoba Maple, which is debatably a non-native species, and is listed as invasive by some sources. We also found Black Locust, White Ash, Black Walnut, Black Cherry, Elm, and Poplar, largely consistent with the tree survey prepared by ArbreCare Tree Service. The site topography is uneven (see Attachment 1) and appears to be due to alteration over the years, extensive in some areas. The ruins of an old house close to Montreal Street, which are considered to be of historic value, will be excluded from the development area. The balance of the site is vegetated, and this vegetation cover has been mapped using the ecological land classification (ELC) system developed for southern Ontario (Lee et al. 1998<sup>1</sup>) in Attachment 2.

### **Ecological Land Classification:**

The site of the historic ruins is surrounded by Cultural Woodland (CUW), characterized by greater than 35% tree cover, here dominated by Manitoba Maple. Below, the dominant shrub is European Buckthorn, but we also found Lilac, Tartarian Honeysuckle, and Riverbank Grape. Ground cover consisted of Zig-zag Goldenrod, Avens, Virginia Creeper, burdock species, Garlic Mustard, and Motherwort. The access road and mowed areas (some under tree cover) are simply mapped as Cultural (CU) area.

The lower part of the site is also vegetated, ranging from Deciduous Woodland (FOD) at the north end of the site, and gradually losing its density of tree cover to become Cultural Woodland (CUW), Cultural Savannah (CUS), and Cultural Thicket (CUT). There was no clear distinction between most of these cover types, but rather a gradual thinning of the canopy.

The FOD block was on an area of higher elevation; it was dominated by Manitoba Maple, but there was a noticeable component of Black Locust (non-native species that has naturalized in much of southern Canada). Below, we found European Buckthorn and Black Locust saplings, Riverbank Grape, Creeping Charlie, Dog-strangling Vine, Avens, and Enchanter's Nightshade. At the toe of the fill, we found the same ELC type, but also an Eastern Cottonwood and Black Cherry. The heavy tree cover ended at this point.

The area south of this FOD area is mapped as a complex, as there was no clear delineation possible between ELC types. CUW had tree cover between 35% and 60%, and was once again dominated by Manitoba Maple. We also noted a large White Oak in this area, with European Buckthorn, Hawthorn spp., young ash trees, Tartarian Honeysuckle, and Staghorn Sumac. The CUS (tree cover between 25% and 35%) had similar species, and we also observed some Black Walnut. The CUT area (tree cover 25% or less, shrub cover 25% or more) was characterized by European Buckthorn, Tartarian Honeysuckle, Staghorn Sumac, and Nannyberry, still with a good component of Manitoba Maples.

We observed one area that we mapped more specifically as a Staghorn Sumac Cultural Thicket Type (CUT1-1). This area was heavily dominated by Staghorn Sumac, to the

exclusion of most other species. Again, a Manitoba Maple component was present, mostly at the edges of this polygon.

The southernmost section of the property narrows significantly, and is split by a mowed path that appears to coincide with the sewer easement. The central path is mowed, while the surroundings are characterized by shrubs and trees, with tree cover varying here, as elsewhere on the site. Once again, Manitoba Maple is the most common tree species, with patches of Staghorn Sumac; burdock and goldenrods were abundant below.

### **Screening for Natural Heritage Values/Potential Constraints:**

The Provincial Policy Statement (PPS, Ontario 2020<sup>2</sup>) lists a number of natural heritage values. The Natural Heritage Reference Manual (NHRM, OMNRF 2010<sup>3</sup>) gives detailed guidance on evaluation of these features and their associated ecological functions.

#### **1. Significant Wetlands**

The site is adjacent to the Greater Cataraqui River, and to its associated, provincially significant wetland (PSW), the Greater Cataraqui Marsh. The PSW wetland is entirely east of the CN railway line, and there was no wetland vegetation found on the subject property.

The PPS requires the assessment of lands within 120 m of the wetland, as “adjacent lands.” We note that the PSW is in close proximity to the railway line here. Based on interpretation of satellite imagery, the wetland boundary appears to lie within approximately 30 m (and greater) of the subject lands. We note, however, that the railway line and its associated embankment form a substantial and significant barrier between the two. Although the PSW would have to be considered in an impact assessment, we note that this railway line is an essentially impassible barrier for species trying to move from wetland onto adjacent upland in this area. This is based on the elevations involved, the nature of the embankment fill, and the rail line itself. It is probable that an assessment will conclude that development on the subject property will have no impact on the wetland.

#### **2. Significant Woodlands**

Woodlands, as defined by the PPS, are areas that meet the provincial ELC system definition for “forest.” This specifically excludes most of the wooded areas on the site, which are cultural woodland and shrubland types. The FOD forest patch at the north end of the site consists of approximately 0.2 hectares, mostly on the subject lands. This does not meet the size criterion for significant woodland as set out in the NHRM that, given the percentage forest cover in the Cataraqui River watershed, would be a minimum of 50 hectares. We briefly assessed other potential ecological functions and determined: no woodland interior habitat, no proximity to other significant natural heritage features, no linkages, no water protection, no woodland diversity, no uncommon characteristics, and no high economic or social values. Given the characteristics of the wooded areas, it

fulfils no criteria as directed by the NHRM, and would not be considered to be significant woodland.

### **3. Significant Valleylands**

The area does not meet the definition of valleylands in the PPS, and the presence of the railway line and associated embankment functionally disconnects it from the Greater Cataraqui River. This site does not contain significant valleylands.

### **4. Significant Wildlife Habitat**

Assessment of SWH on a site involves consideration of four main categories: habitat of seasonal concentrations of animals; rare vegetation communities or specialized habitat for wildlife; habitat of species of conservation concern; and animal movement corridors. The NHRM gives basic guidance, but more detail is given in the Significant Wildlife Habitat Technical Guide (OMNR 2000<sup>4</sup>) and its appendices, plus the SWH Criteria Schedules for Ecoregion 6E (OMNRF 2015<sup>5</sup>).

An impact assessment would go through these criteria in more detail. From our relatively limited knowledge of the site, it does not appear likely that any of the SWH criteria would be met for identifying SWH on this site.

The PPS also requires the assessment of lands within 120 m of the site, as “adjacent lands.” As the PSW lies within 120 m of the property, we do consider it likely that there is SWH within adjacent lands. As noted above in discussion of the wetland, the functional connection between the PSW and adjacent uplands in this location is effectively severed by the railway line and embankment. While an impact assessment would have to examine this potential constraint, it is probable that it would conclude that development on the subject property will have no impact on (the assumed) SWH.

It is noted that the site supports a number of generalist bird species (Northern Cardinal, Blue Jay, and American Robin were observed). Timing restrictions on the removal of woody vegetation (trees and shrubs) would likely be a recommended mitigation measure to ensure that there is no impact to birds protected under the Migratory Birds Convention Act.

### **5. Significant Areas of Natural and Scientific Interest**

The Cataraqui River Marsh is considered to be a provincially significant ANSI that presents very good examples of coastal and river valley wetland landform and vegetation, and a provincially and regionally significant biota (Ecological Services 2001<sup>6</sup>). The ANSI is not as extensive as the evaluated wetland, and does not extend west of the CN railway line in this area.

The site is not within an ANSI, but the PPS also requires the assessment of lands within 120 m of the site, as “adjacent lands.” Because much of the wetland is included in the

ANSI, a portion of ANSI/wetland (approximately consistent with the emergent wetland vegetation) does lie within adjacent lands of the north half of the subject property.

The ANSI was recognized for its representation, condition, and diversity, as well as ecological considerations and special features. These features and functions are all wetland related. As outlined above, based on interpretation of satellite imagery, the wetland boundary (and thus the ANSI) appears to lie within approximately 30 m (or more) of the subject lands. We note, however, that the railway line and its associated embankment form a substantial and significant barrier between the two. Although the ANSI would have to be considered in an impact assessment, we note that this railway line is an essentially impassible barrier for species trying to move from wetland onto adjacent upland in this area. This is based on the elevations involved, the nature of the embankment fill, and the rail line itself. It is our opinion that an assessment will conclude that development on the subject property will have no impact on the ANSI.

## **6. Fish Habitat**

There is no fish habitat on the subject property, so there will be no direct impact to fish or to fish habitat as a result of development on the property. Again, the PPS also requires the assessment of lands within 120 m of the site, as “adjacent lands.” The adjacent Greater Cataraqui River supports a wide variety of fish species. Given the presence of the railway line and its associated embankment, which form a substantial and significant barrier between the two, and given the elevations involved, the nature of the embankment fill, and the rail line itself, it is our opinion that an assessment will likely conclude that development on the subject property will have no impact on the adjacent fish habitat.

## **7. Habitat for Species at Risk**

The subject property falls across a number of UTM blocks (18UQ8101, 18IQ8102, 18UQ8201 and 18UQ8202). A review of the Natural Heritage Information Center (NHIC<sup>7</sup>) database found a significant number of species of conservation concern reported within the area, including several species at risk (Endangered or Threatened species). These fall into three categories, which are discussed below: historical sightings, upland species, and wetland/water species.

Historical sightings:

The NHIC database often includes historic sightings (from the mid to late 1800s), although it no longer provides the date information. In this case, reports of Northern Bobwhite and King Rail are believed to be such sightings. The eBird<sup>8</sup> and iNaturalist<sup>9</sup> databases include no sightings of these species on or near the subject property.

Upland species:

Upland species reported within the UTM squares included Bobolink and Eastern Meadowlark, Barn Swallow, and Eastern Milk Snake. There was no suitable habitat on

the property for the grassland bird species, no structures within which Barn Swallows could be nesting, and we note that Eastern Milk Snakes used to be considered a species of Special Concern, but are now ranked by the province as “Not at Risk” (NAR).

Wetland/water species:

Most of the reports in these four UTM squares were of species associated with the wetland and/or the river. They included Least Bittern and several turtle species (Stinkpot, Midland Painted, Northern Map, and Snapping). There is apparent habitat available for all of these species associated with areas of the wetland. Given the presence of the railway line and its associated embankment, which form a substantial and significant barrier between the subject property and the wetland and river, and given the elevations involved, the nature of the embankment fill, and the rail line itself, it is our opinion that an assessment will likely conclude that development on the subject property will have no impact on at-risk species.

### **Conclusion:**

The subject property appears to have fairly low ecological value, although it provides habitat opportunities for some common and tolerant wildlife species. With respect to the natural heritage values identified in provincial planning policy, we found no evidence to suggest that provincial criteria would be met to identify any significant values. We found no Significant Woodland on the property, and no part of the ANSI associated with the Cataraqui River Marsh.

We conclude that from a natural heritage perspective, the main constraints to development will be the consideration of adjacent lands, but we add that the railway line and embankment form such a significant and defined break in the landscape that development on the far side of that feature will be unlikely to have a negative impact. We anticipate that an impact assessment will recommend timing restrictions for the removal of woody vegetation, such that impacts to songbirds or bats using the property will be avoided.

Respectfully submitted,



Mary Alice Snetsinger  
Ecological Services

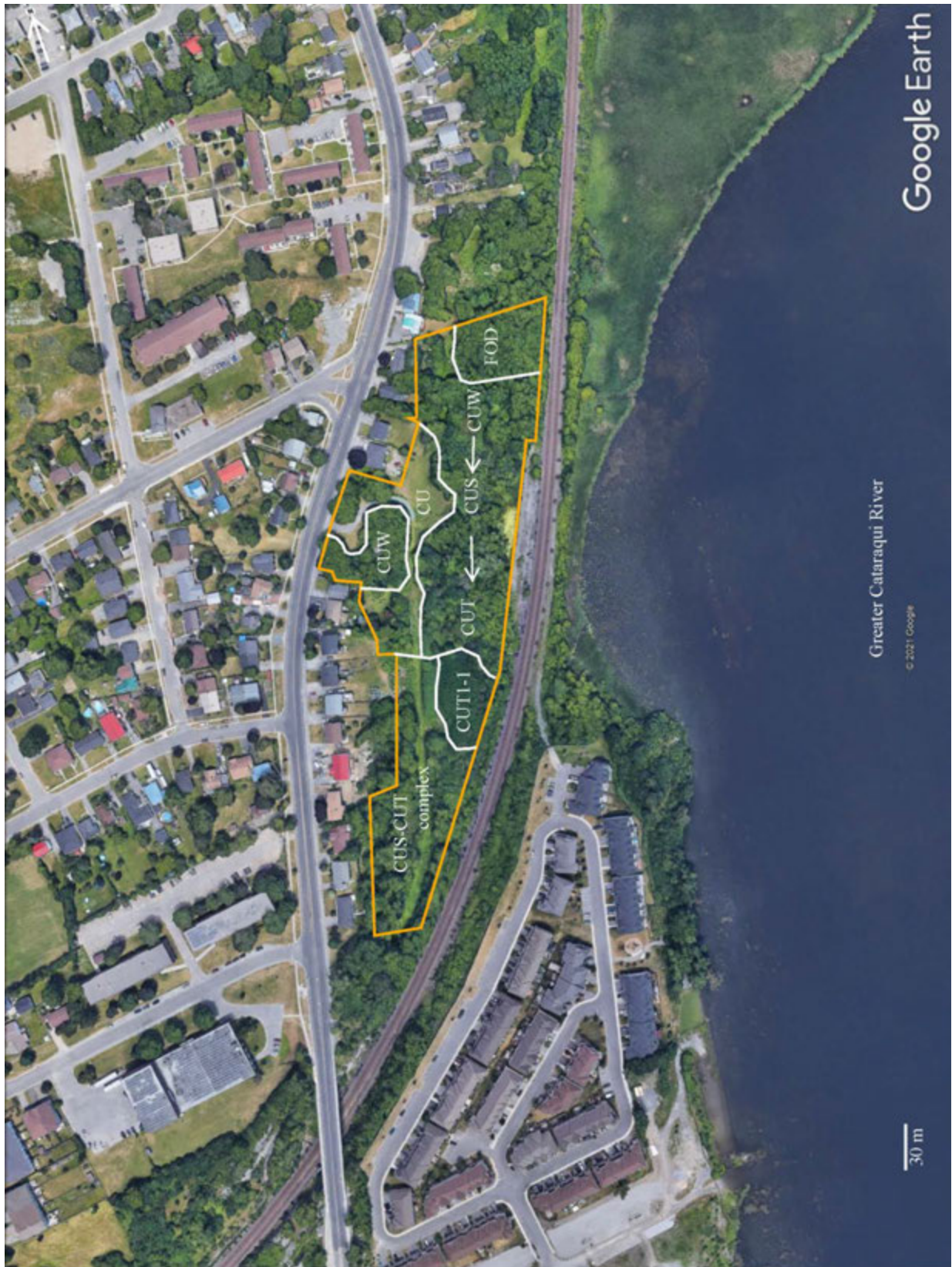


**Footnotes:**

1. Lee, H.T., W.D. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig and S. McMurray. 1998. Ecological Land Classification for Southern Ontario. First Approximation and Its Application. Ontario Ministry of Natural Resources, Southcentral Science Section, Science Development and Technology Transfer Branch. SCSS Field Guide FG-02. 225 pp.
2. Provincial Policy Statement. 2020. Issued under Section 3 of the *Planning Act*. Province of Ontario. 53 pp.
3. Ontario Ministry of Natural Resources. 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. 2<sup>nd</sup> edition. Toronto: Queen's Printer for Ontario. 248 pp.
4. Ontario Ministry of Natural Resources. 2000. Significant Wildlife Habitat Technical Guide. Fish and Wildlife Branch, Wildlife Section, Science Development and Transfer Branch, Southcentral Sciences Section. 139 pp., plus appendices.
5. Ontario Ministry of Natural Resources and Forestry. 2015. Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E. OMNRF Regional Operations Division, Peterborough, Ontario. 38 pp.
6. Ecological Services. 2001. Life Science Areas of Natural and Scientific Interest in Site District 6E-15. Prepared for the Ontario Ministry of Natural Resources, Kingston office. 168 pp., plus map.
7. Natural Heritage Information Center. 2021. Web site maintained by the Ontario Ministry of Natural Resources and Forests, with species rarity rankings in Ontario, and information on reported element occurrences.  
[http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR\\_NHLUPS\\_NaturalHeritage&viewer=NaturalHeritage&locale=en-US](http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage&locale=en-US)
8. eBird. Online tool that provides a database of submitted bird sightings by citizen scientists, managed by the Cornell Lab of Ornithology . <<http://ebird.org>>
9. iNaturalist. Online tool that provides a database of submitted species sightings by citizen scientists. iNaturalist is a joint initiative by the California Academy of Sciences and the National Geographic Society. <<http://inaturalist.org>>

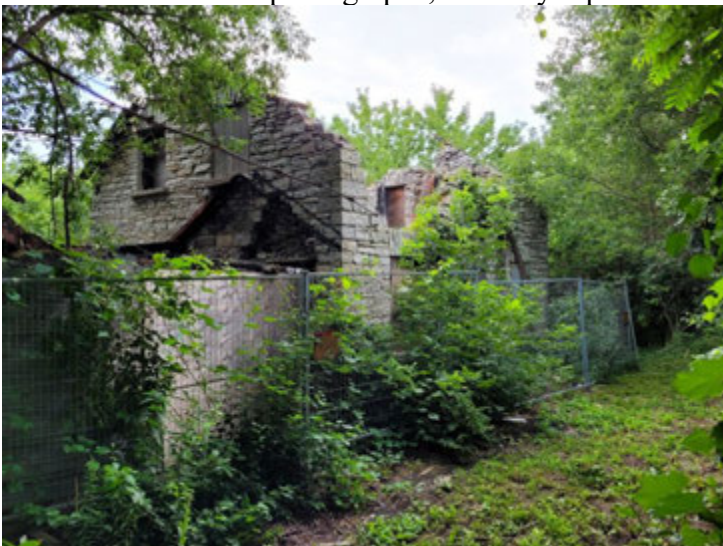


**Attachment 1.** Subject property, with frontage on Montreal Street, and lying west of the CN rail tracks. Base image from survey by Hopkins Chitty Land Surveyors, Inc., 2019.



**Attachment 2.** Ecological Land Classification (ELC), after Lee et al. (1998). See text for discussion. Annotated base image from Google Earth.

**Attachment 3.** Site photographs, taken by report author on July 26, 2021.



**Photo 1.** Historic ruins (fenced) surrounded by Cultural Woodland.



**Photo 2.** Looking northward along mowed (Cultural) area with Montreal St. apartment buildings at left, and Cultural Woodland (CUW) to the right and in the distance.



**Photo 3.** North end of property, looking from the northwest edge of the Deciduous Forest (FOD) into the forest block.



**Photo 4.** Boundary between Cultural Woodland (CUW) and Deciduous Forest (FOD), looking northwest. Note the steep drop from FOD to CUW on the terrain below.



**Photo 5.** Cultural Savannah (CUS) area with thin tree cover. Note the trash observed here and elsewhere on the site.



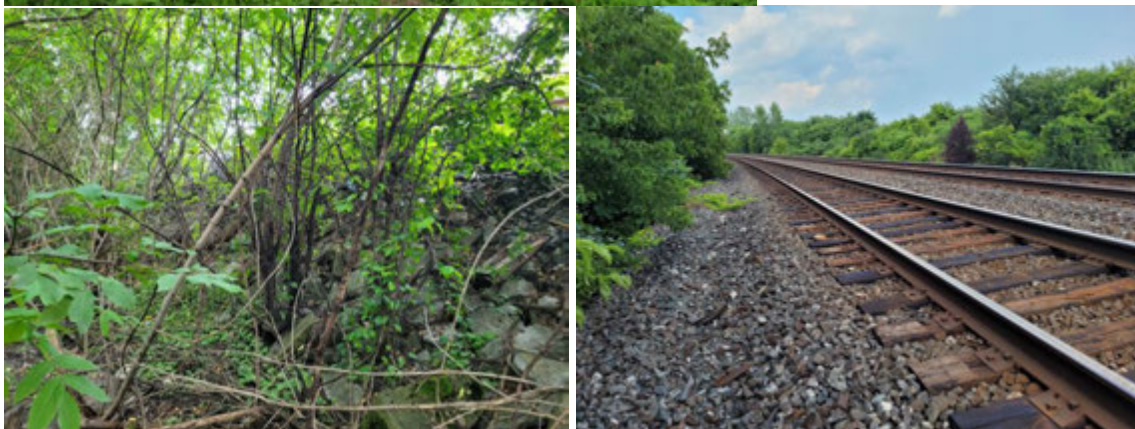
**Photo 6.** Cultural Thicket (CUT) area, tree component less than 25%, here with Tartarian Honeysuckle in the foreground.



**Photo 7.** Staghorn Sumac Cultural Thicket Type (CUT1-1) area.



**Photo 8.** Cleared easement, looking south toward the south end of the site. Note the surrounding vegetation, with dense shrubs and tree cover.



**Photos 9 and 10.** At the base of the railway embankment, looking north (left) and at the top of the railway embankment, looking north (right). Note the corresponding elevation difference on the far side of the embankment. See discussion in text.

**Flaherty, Laura**

---

**From:** Steve Harker [REDACTED]  
**Sent:** August 11, 2021 10:05 AM  
**To:** NewZBL  
**Cc:** Kiley, Robert; Holland, Mary Rita; McLaren, Jeff; Hutchison, Rob; Mayor of Kingston; Stroud, Peter; Hill, Wayne; Osanic, Lisa; Doherty, Bridget; Neill, Jim; Oosterhof, Gary; Chapelle, Simon; Boehme, Ryan N.  
**Subject:** get involved?

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Hello,  
What exactly is the point of zoning by laws and strategic plans?  
Caraco, Homestead and the like get exemptions to build their scattered vertical slums and new bridges to service their farm land devastating sprawl whenever they ask.

--

Get involved my ass,  
Steve Harker  
College St.  
Kingston  
[REDACTED]

**Flaherty, Laura**

---

**From:** Agnew, Paige  
**Sent:** August 10, 2021 9:46 PM  
**To:** 'John Clements'; Neill, Jim  
**Cc:** Hurdle, Lanie; Flaherty, Laura  
**Subject:** RE: Zoning Bylaw - Brock st Napier Street - Map amendment needed

Hi,

Yes that is correct John. We will ensure it is in the final version before it is presented to Council for adoption in early 2022.

Paige

---

**From:** John Clements [REDACTED]  
**Sent:** August 10, 2021 7:53 PM  
**To:** Neill, Jim <jneill@cityofkingston.ca>; Agnew, Paige <pagnew@cityofkingston.ca>  
**Cc:** Hurdle, Lanie <lhurdle@cityofkingston.ca>; Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Subject:** Re: Zoning Bylaw - Brock st Napier Street - Map amendment needed

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi:

This is John Clements. Thanks for getting back so quickly to Councillor Neill and myself regarding the corner of Brock and Napier Street. As I understand your note, this section of the new park will be rezoned to Open Space as part of the new zoning bylaw.

Please confirm.

Thank you.

John Clements

On Tuesday, August 10, 2021, 03:00:42 p.m. EDT, Agnew, Paige <[pagnew@cityofkingston.ca](mailto:pagnew@cityofkingston.ca)> wrote:

Good afternoon,

Below is the portion of the new Napier Street park that is included in a residential zone in the New ZBL. The current zoning is also residential (A Zone). We can certainly look into bringing this in the Open Space Zone, similar to other public parks in the New ZBL. This was an oversight on our part. Thanks for bringing to my attention and copying the



Project Manager Laura Flaherty on this to carry this detail through into next draft of the new ZBL before it goes to Council for a decision.



Best regards,

Paige

**Paige Agnew, MCIP, RPP (she/her/hers)**

**Commissioner**

**Community Services**

1211 John Counter Boulevard Kingston, ON K7K 6C7

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

(613) 546-4291 extension 3252

[pagnew@cityofkingston.ca](mailto:pagnew@cityofkingston.ca)

Follow my Blog @ <https://www.cityofkingston.ca/business/planning-and-development/official-plan/blog>



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

**From:** John Clements [REDACTED]  
**Date:** August 10, 2021 at 1:50:20 PM EDT  
**To:** "Neill,Jim" <[jneill@cityofkingston.ca](mailto:jneill@cityofkingston.ca)>  
**Subject:** Zoning Bylaw - Brock st Napier Street

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jim:

You may remember our discussion re the corner of Brock and Napier Street which is part of the new park but is still zoned residential. If I remember, Ms. Hurdle said it would be rezoned to OS when the comprehensive zoning bylaw came.

I looked at the proposed zoning bylaw and it appears not to include any changes to OS. Could you please let me know if I am reading the proposed bylaw wrong or if it is not included or can you have them change it?

Many thanks.

John  
[REDACTED]

**Flaherty, Laura**

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**From:** Agnew, Paige  
**Sent:** August 9, 2021 12:23 PM  
**To:** 'M&N Gurnick'  
**Cc:** Agarwal, Sukriti; Flaherty, Laura  
**Subject:** RE: Questions re New ZBL

Good afternoon,

The draft zoning map is available at this link:

<https://experience.arcgis.com/experience/c75cc543de99427894e0545b1715255e>

Kingscourt is proposed to be included in the UR13 Zone in the [second draft](#) of the new zoning by-law. The proposed permitted uses are included in Table 11.1.2, and include the following for Kingscourt: a duplex, semi-detached house, single detached house, community centre, elementary school, library, museum, and place of worship. Zone provisions applicable to the UR13 Zone are included in Section 11.14 of the draft by-law.

Apartment buildings are not included in Table 11.1.2 as this table includes proposed permitted uses specifically for the low density residential zones. Section 12 speaks to multi-residential zones and the proposed permitted uses for those zones, including an apartment building, are available in Table 12.1.2.

I hope this information is helpful. If you have further questions, please do not hesitate to contact me or Sukriti Agarwal (copied). Laura Flaherty the Project Manager is also copied to ensure your communication becomes part of the official record for this work.

Best regards,  
Paige

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**From:** M&N Gurnick [REDACTED]  
**Sent:** August 9, 2021 7:38 AM  
**To:** Agnew, Paige <pagnew@cityofkingston.ca>  
**Subject:** FW: Questions re New ZBL

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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**From:** M&N Gurnick [REDACTED]  
**Sent:** August 9, 2021 7:10 AM  
**To:** 'NewZBL@cityofkingston.ca' <[NewZBL@cityofkingston.ca](mailto:NewZBL@cityofkingston.ca)>  
**Subject:** Questions re New ZBL

Hi

Please tell me how to find the interactive zoning map?

Section 11 table 11.1.2 indicates ur6 (which I believe is the Kingscourt area) does NOT allow duplexes or semi-attached – but there are many in the area now and it is a good way to infill.

There appears to be no apartments in this table?

It appears there is a high level skills to read, understand and comment on this detailed report.

Thanks

Mike Gurnick