

**Special Council Meeting Number 25-2021  
Addendum  
Tuesday, November 9, 2021**

**Communications**

The consent of Council is requested for the **addition** of Communication Numbers 25-975 through 25-995.

25-975 Correspondence received from Adam Shipowick with respect to Leahurst College letter to City of Kingston re Second Draft Zoning By-Law, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule pages 1-6)

25-976 Correspondence received from Curtis Branscombe, Martin Group of Companies, with respect to Second Draft Zoning Bylaw Update, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule pages 7-12)

25-977 Correspondence received from David L.A. Gordon with respect to Comments on the new Zoning By-Law, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule page 13)

25-978 Correspondence received from Derek Fenlon with respect to Triangular corner lots, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule pages 14-15)

25-979 Correspondence received from Don Bennett with respect to Front yard definition, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule page 16)

**Special Council Meeting Number 25-2021**  
**Addendum**  
**Tuesday, November 9, 2021**

- 25-980 Correspondence received from Donald Mitchell with respect to City of Kingston – New Zoning By-Law Updates, dated November 5, 2021.
- (Distributed to all members of Council on November 9, 2021)
- (Attached to Addendum as schedule pages 17-20)
- 25-981 Correspondence received from Robert P. Tchegus with respect to Rideau Acres, Part Lot 40, Concession 5 – New Zoning By-Law, dated November 4, 2021.
- (Distributed to all members of Council on November 9, 2021)
- (Attached to Addendum as schedule pages 21-23)
- 25-982 Correspondence received from Grace Carter with respect to City of Kingston – New Zoning By-Law Updates, dated November 5, 2021.
- (Distributed to all members of Council on November 9, 2021)
- (Attached to Addendum as schedule pages 24-25)
- 25-983 Correspondence received from Harold Leroux with respect to Feedback on New City Zoning By-Law, dated November 5, 2021.
- (Distributed to all members of Council on November 9, 2021)
- (Attached to Addendum as schedule pages 26-31)
- 25-984 Correspondence received from Holly Newitt with respect to Second Draft Zoning By-Law Review – Student Village Housing, dated November 3, 2021.
- (Distributed to all members of Council on November 9, 2021)
- (Attached to Addendum as schedule pages 32-37)
- 25-985 Correspondence received from Joan Bowie with respect to Walkways to Secondary Suites, dated November 6, 2021.
- (Distributed to all members of Council on November 9, 2021)
- (Attached to Addendum as schedule pages 38-43)

**Special Council Meeting Number 25-2021  
Addendum  
Tuesday, November 9, 2021**

- 25-986 Correspondence received from Kingscourt Community Association with respect to KCA new insight into Zoning By-Law, dated October 30, 2021.  
  
(Distributed to all members of Council on November 9, 2021)  
  
(Attached to Addendum as schedule pages 44-47)
- 25-987 Correspondence received from Kyle Nielissen, Forefront Engineering, with respect to Creekside – New Zoning By-Law Impacts, dated November 8, 2021.  
  
(Distributed to all members of Council on November 9, 2021)  
  
(Attached to Addendum as schedule pages 48-51)
- 25-988 Correspondence received from Mary Farrar with respect to By-Law and MetalCraft Marine, dated November 5, 2021.  
  
(Distributed to all members of Council on November 9, 2021)  
  
(Attached to Addendum as schedule page 52)
- 25-989 Correspondence received from Michele Pacey with respect to 8 Bedrooms/Lot in the draft Zoning By-Law, dated October 29, 2021.  
  
(Distributed to all members of Council on November 9, 2021)  
  
(Attached to Addendum as schedule pages 53-54)
- 25-990 Correspondence received from Michael Keene with respect to Zoning By-Law review, dated November 5, 2021.  
  
(Distributed to all members of Council on November 9, 2021)  
  
(Attached to Addendum as schedule pages 55-57)
- 25-991 Correspondence received from Rachel MacKnight with respect to New Zoning By-law Project: Red Exception Zones, dated November 4, 2021.  
  
(Distributed to all members of Council on November 9, 2021)  
  
(Attached to Addendum as schedule pages 58-59)

**Special Council Meeting Number 25-2021  
Addendum  
Tuesday, November 9, 2021**

25-992 Correspondence received from Shirley Bailey, President, Frontenac Heritage Foundation, with respect to Comments on Second Draft Zoning By-Law, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule pages 60-63)

25-993 Correspondence received from William Kennedy with respect to City of Kingston - New Zoning By-Law Updates, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule pages 64-81)

25-994 Correspondence received from William Kennedy with respect to Further comments on draft By-Law, dated November 4, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule pages 82-84)

25-995 Correspondence received from Youko Leclerc-Desjardins, Fotenn, with respect to New ZBL – KHBA – Sight triangles, dated November 5, 2021.

(Distributed to all members of Council on November 9, 2021)

(Attached to Addendum as schedule pages 85-86)

**Flaherty, Laura**

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**From:** Shipowick, Adam [REDACTED]  
**Sent:** November 5, 2021 6:42 PM  
**To:** NewZBL  
**Cc:** Elizabeth Turcke  
**Subject:** Leahurst College Letter to City of Kingston re Second Draft Zoning By-law  
**Attachments:** 2021-11-05 - Leahurst College Ltr to City of Kingston re Second Draft Zoni(125255616.2).pdf

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On behalf of Leahurst College, attached is a letter with respect to the New City of Kingston Draft Zoning By-law.

Thank you,



**Adam Shipowick**  
Urban and Regional Land Use Planner  
[REDACTED]  
Bay Adelaide Centre, East Tower, 22 Adelaide St. W, Toronto, ON, Canada M5H 4E3

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# LEAHURST

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## COLLEGE

November 5, 2021

**Delivered by Email (NewZBL@cityofkingston.ca)**

Laura Flaherty (MacCormick)  
Project Manager, Planning Services  
NewZBL@cityofkingston.ca  
613-546-4291, ext. 3157

Dear Ms. Flaherty:

**Re: Leahurst College Comments on Kingston's Draft Zoning By-law**

Leahurst College is pleased to provide comments on the City's Draft Zoning By-law - Second Draft (the "Draft ZBL") for consideration by Planning Staff.

This letter is further to the Leahurst College letter submitted to the City, dated October 17, 2021, and further to our meeting with James Bar and Sukriti Agarwal on October 27, 2021.

Leahurst College is a private school that teaches children from grades 5 to 12 and is currently located at The Woolen Mill on Cataraqi Street. Leahurst College is a small but growing school. We are committed to fostering in our students a sense of community. We have built a warm and accepting community of caring teachers and motivated students. Leahurst is a school where students are encouraged to think for themselves, kindness is at the core of all we do, and the halls are filled with laughter. Our school offers enriched academic programming alongside Leahurst-designed courses such as "Problem Solving & Strategic Thinking", "Be Nice" and "Leadership". We are committed to excellence and genuinely support both our students and faculty as they endeavour to excel.

For clarity and ease of reference our comments are provided numerically and by topic below.

### Comment 1 – Protecting Existing Schools

- Given the varied locations of existing schools throughout the City, we appreciate the inclusion of Section 6.15.3 in the Draft ZBL with respect to protecting established school uses, and we recommend that Section 6.15.3 be preserved and/or enhanced in the next iteration of the Draft ZBL.

### Comment 2 – Schools as Permitted Use in New Zoning By-law

- Currently, schools are limited in where they can operate as-of-right. We understand that the City is carefully considering appropriate locations for school permissions across the City as part of its larger Zoning By-law consolidation exercise. Against that backdrop, we suggest

that the City consider changes that will ensure the new Zoning By-law is as flexible as possible with respect to permitting schools in appropriate locations across the City.

- The Province encourages the development of complete communities that can meet residents' needs for daily living. This includes providing convenient access to a number of amenities, including community facilities such as schools. As Kingston's communities continue to evolve, the location of future school sites should be considered in a broad spectrum of zone categories.

#### Comment 3 - Public vs Private Schools

- We commend the City for its work thus far to remove distinctions between public and private schools. Schools regardless of being public or private have similar characteristics, demands and considerations from a land use planning perspective. The current Zoning By-law establishes different land use criteria and zoning permissions for public and private schools. We affirm that both public and private schools should be measured by the same principles.
- The Draft ZBL definition of school should make reference to public and private interchangeably.

#### Comment 4 - Differentiation Between Elementary and Secondary Schools

Under the Draft ZBL an 'Elementary School' is defined as,

“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.” [emphasis added]

Under the Draft ZBL a 'Secondary School' is defined as,

“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.” [emphasis added]

- It has been our observation throughout municipalities across southern Ontario, that most Zoning By-law definitions of school, do not include the specificity of detailing the grade ranges for elementary and secondary. The inclusion of these descriptors, limit the flexibility available to schools to change over time and may ultimately inhibit the efficient delivery of educational services. We suggest that elementary and secondary are implied terms and do not require grade ranges to be specified. For example some schools could straddle both definitions, such as a “middle school”. While we feel that including grade references in the above definitions is unnecessary, should the City wish to retain them for whatever reason, we would insist on the retention of the word “typically” in both draft definitions of 'elementary school' and 'secondary school' which we believe provides some appropriate flexibility and discretion when considering school uses, which can vary in terms of the grades taught at any particular location.

- If the definitions are to be maintained, with grade references, we would like the City to consider situations where a public or private provider, accommodates grades captured by both the elementary and secondary school definitions and if such school would be permitted equally where an elementary or secondary school is listed as a permitted use.

Comment 5 – Keeping Schools Safe

- We understand there are legal complexities with respect to how certain uses may or may not be able to be zoned. As an education provider the safety of our students in the classroom and in the neighbouring community, is paramount. To the extent that certain uses, such as safe injection sites and similar type uses may be considered incompatible with schools, we encourage the City to consider all possible means by which schools can be buffered from such operations.

Comment 6 – School Policies Under the Kingston Official Plan

- We understand that a number of the particular and prescriptive regulations found in the current and Draft ZBL, stem from Official Plan policy. Those policies, on a consistency/conformity basis have subsequently been brought forward into the Draft ZBL. A number of those provisions could be problematic in terms of granting the City the necessary flexibility when considering requests from school operators and ultimately being able to consider different ways of accommodating school uses across the City.
- In particular, under Section 3.2 the Official Plan details nuanced criteria for the establishment of elementary and secondary schools. Therein, under each section 3.2.1 and 3.2.2 respectfully, public and private schools are treated differently.

- Elementary Schools (3.2.1)

Public	- Permitted on all lands designated Residential.
Private	- Permitted by zoning in Institutional or Commercial designations - Permitted in Residential subject to a rezoning application and site plan control review.

- Secondary Schools (3.2.2)

Public	- Permitted on all lands designated Residential on sites that have adequate size with access from an arterial or collector road. - Permitted in the Institutional and Arterial Commercial designations. - 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
Private	- Permitted in the Institutional and Arterial Commercial designations - May be permitted in any Residential designation if located on a



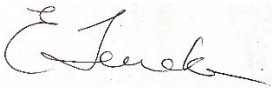
	collector or arterial road, subject to a rezoning application and site plan control review
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- As stated earlier, both public and private schools share the same characteristics and should be treated the same under the Draft ZBL.
- We understand that the current Zoning By-law consolidation exercise aims to harmonize the amalgamated jurisdictions under one comprehensive Zoning By-law. While we understand the enormity of that undertaking we also suggest that it may be a prudent and opportune time to assess and address some of the Official Plan policies regarding schools. It is clear to us that the current, nuanced Official Plan policies may be having the consequence of limiting the ability of the City to effectively address zoning matters related to schools.

In summary, we again thank the City for the opportunity to allow us a voice in this process. We understand the importance of this exercise for all stakeholders. With that in mind we want to express that not all schools are created equal and that some flexibility is warranted in order for education providers to meet the needs of students in the best way possible. We look forward to continued dialogue with the City as we all work toward an enhanced educational environment for the students of the City of Kingston.

We thank you for your consideration of these comments in the next Draft ZBL. We would be pleased to schedule a meeting at your convenience to further discuss these issues.

Elizabeth Turcke



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Head of School  
Leahurst College

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No:** 25-975

**Flaherty, Laura**

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**From:** Curtis Branscombe [REDACTED]  
**Sent:** November 5, 2021 4:05 PM  
**To:** Flaherty, Laura  
**Cc:** NewZBL; 'Paul Martin'  
**Subject:** Comments from Martin Group - Second Draft New Zoning Bylaw  
**Attachments:** Martin Group Letter - New Zoning Bylaw - Nov.5.21.pdf

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Laura,

Attached please find comments from the Martin Group of Companies with regards to the Second Draft of the New Zoning Bylaw.

Thank you,

Curtis Branscombe  
**Martin Group of Companies**  
400-1473 John Counter Blvd.  
Kingston, ON, K7M 8Z6  
[REDACTED]



# R. Paul Martin Construction Co. Ltd.

*a division of the Martin Group of Companies*

November 5, 2021

Laura Flaherty MCIP RPP  
Project Manager, City of Kingston  
216 Ontario Street  
Kingston, ON, K7L 2Z3

## **RE: Second Draft Zoning Bylaw Update**

Upon release of the Second Draft of the New Zoning Bylaw -City File No. D14-043-2016 & D09-004-2021, The Martin Group of Companies has performed a review of the properties owned by R. Paul Martin Construction Co. Ltd. and Bob Martin Construction Ltd. Below we have provided our concerns with the Second Draft, specifically with the handling of Zoning Exceptions and the Two-Year Moratorium following the date of repeal and replacement of the zoning bylaws. We have also included, in Appendix A, a list of the reviewed properties and indicated any properties where we have specific concerns.

### **Zoning Exceptions (Site-Specific Zones)**

As illustrated on the City of Kingston's draft zoning map, it is our understanding that properties that hold a site-specific zoning have been split into three categories; (a) Red-properties that were issued site-specific zoning prior to the 2010 Official Plan and are assumed not to comply with the new official plan; (b) Green-properties that were granted site-specific zoning after the 2010 Official Plan and are assumed to comply; (c) Yellow (added after the initial release of the draft)-site-specific zones that were previously red, but cover several properties and merit review for efficiency.

There have been three options presented to deal with these Zoning Exceptions:

- a) Full review of all existing site-specific zones – this option has effectively been precluded as resources are not available to do such a comprehensive review.
- b) Carryover Green, (and possibly Yellow) properties into the new zoning, and remove Red properties from the new zoning and having the provisions of the existing zoning bylaw continue to apply for these few exceptions.
- c) Repeal the zoning for the Red properties and have owners either exist as legal non-conforming and/or lose their existing permissions.

Most of our properties are site-specific, and are identified as Red; we therefore would like to state that we strongly favour the removal of Red properties from the new zoning and having the provisions of the existing bylaw continue to apply. There are a few reasons for this, provided below:

### **Official Plan Conflicts**

Some site-specific zones in effect reflect a more appropriate use for the context of the area. In some of these cases there may be a conflict with the official plan, even though the site-specific zoning is more desirable for the land owner, the community and the surrounding context.

Our property at 1475 John Counter, (City Place III), is an example of this. The property has a site-specific zoning that permits business park uses, and is currently part of the larger City Place Office Complex. However, the current Official Plan designates this property, (but not the adjacent City Place I or City Place II) outside of the employment lands/business park area, and therefore the new zoning would not be able to carry the zoning over.

If the existing site-specific zoning was not allowed to continue, this would force it into a non-conforming status and even possibly limit the ability to continue to offer these uses, even though it fits with the surround context and serves the community need.

### **Complex or Phased Projects**

There are many real estate projects that involve a multi-year approach for a variety of reasons. Nearly all, begin with the process of zoning to ensure that the contemplated uses for the property will be permitted prior to make subsequent investments and planning, marketing and building.

There are several properties that would have their site-specific zoning in place with specific intent, but are complex in nature, (i.e. pre-zoning industrial/commercial lands to be prepared to accept investment in employment uses), or are phased projects (i.e. large residential or mixed use projects that will often be built over 10-20 years).

Failure to allow these existing site-specific zones would negatively, and unfairly, affect these types of projects, which already prone to risk and delays.

### **Impacts on Housing**

Residential projects that have gained site-specific and are now waiting for available resources, (i.e. investment or human capital), or the proper market conditions, (e.g. waiting for population or infrastructure to grow in a certain area). Without permitting the existing zoning to continue, it would remove the owner's ability to quickly deploy housing once resources or market conditions allow for it. The owner would be forced to go through the zoning amendment process once again, adding many months or years onto the project and additional expense.

### **Reduction of Land Utility**

Without considering any specific issues, (as described above), there is the distinct reality that failure to review each site-specific zone may result in a reduction in the permissions/utility of an owner's land, regardless of whether or not that reduction is justified.

Therefore, if there are not sufficient Planning Staff resources to review each of these zones with concerned land owners, then the only option a land owner would have to see their concern addressed, would be through filing an appeal to the zoning bylaw.

In any event, multi-family residential projects that deal with height and/or density would require exception, at a minimum, as these projects are dealt with on a case-by-case bases and require a site-specific zone the vast majority of the time.

## **Two-Year Moratorium on Amendments**

Our second concern is with respect to the handling of the Two-Year Moratorium on zoning bylaw amendments. Following the passing of a New Comprehensive Zoning Bylaw, the Planning Act precludes municipalities and land owners from filing an application for zoning bylaw amendment for a two-year period from when council repeals and replaces all zoning bylaws. Council has the option however, to provide exception to this moratorium, in whole or in part, as they see reasonable and appropriate.

We suggest that a blanket exception to the moratorium be made, to allow zoning applications to continue during this two-year period. This seems prudent given the manner in which the new zoning bylaw exercise is being completed.

This particular zoning exercise is complicated process of amalgamating several zoning bylaws into a single zoning bylaw, and has not had a level of review that would merit the restriction of modifications of any kind for a two-year period. Furthermore, there are still outstanding bodies of work such as Density by Design and the North King's Town Secondary Plan that are intended to further shape the new zoning bylaw, and exceptions will be required to facilitate any gaps left by these incomplete works.

Sincerely,

Curtis Branscombe  
Martin Group of Companies

## Appendix A Martin Group Property Listing

Property	Current Zoning	Bylaw No.		Proposed New Zoning	Comments
900 Montreal Street	C2	8499		CA	satisfactory
917-919 Montreal Street	M2	8499		M2	satisfactory
16 Terry Fox Drive	M9.296-H	8499		M3	site-specific zoning should continue
339 Dalton Avenue	M9.220	8499		M1	site-specific zoning should continue
2880 Princess Street	R1-38, C2-42, D	76-26		CGI, UR1, DR	currently under application - site-specific zoning should continue
1475 John Counter Boulevard	M9.296	8499		M3	site-specific zoning should continue
1479 John Counter Boulevard	M9.496-H	8499		M1	site-specific zoning should continue
1471 John Counter Boulevard	M9.296	8499		M1	site-specific zoning should continue
1473 John Counter Boulevard	M9.296	8499		M1	site-specific zoning should continue
1600 Bath Road	C5-4-H	76-26		CD-H	site-specific zoning should continue
42 Terry Fox Drive	M.177, M	8499		M3	M2 - light industrial is more appropriate
95 Terry Fox Drive	M	8499		M3	M2 - light industrial is more appropriate

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No:** 25-976



**Flaherty, Laura**

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**From:** David Gordon [REDACTED]  
**Sent:** November 5, 2021 1:19 AM  
**To:** NewZBL  
**Subject:** Comments on the new zoning By-law

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Colleagues

Please accept this email as a comment on the draft new zoning bylaw  
The Konvelo system is difficult to access, and maddening to navigate and comment. Several comments have been lost along the way, when it crashes.

Parking is not permitted in the front yards in other HCDs but the new bylaw is silent on this in HCD3 (Sydenham). This seems to be a major mistake, This is a good provision to protect street trees, the urban tree canopy and heritage landscapes. It should also apply to the HCD3 zone.

Whole blocks in the Old Sydenham Ward have lost their street trees and front lawns / gardens for front yard parking. This is sad, since residents can rent on-street parking from the City for a modest sum.

Sincerely

David L.A. Gordon FCIP RPP AICP

[REDACTED]

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**  
**No: 25-977**

**Flaherty, Laura**

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**From:** Derek Fenlon [REDACTED]  
**Sent:** November 5, 2021 10:29 AM  
**To:** NewZBL  
**Cc:** Eusebio, Annemarie  
**Subject:** Triangular corner lots

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Good morning Laura (and everyone on the new ZBL team),

I received an email this morning notifying me that today is the deadline for public comments on the new ZBL. I think it is a wonderful culmination of years of work, overall. I just wanted to pass on my concerns around triangular/pie-shaped corner lots, like my own.

I live at 34 Plum St, which is an unusual lot (triangular, on the corner, as I've described -- see DASH or Google Maps). I worry that the current state of the bylaw does not recognize anywhere on my property as an exterior yard. That said, I may be reading things incorrectly, so I would be interested in your thoughts. Here's what I've found:

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**.

3.5.7. **Exterior Lot Line** means the **lot line**, other than a **front lot line**, of a **corner lot** which abuts the **street**.

Based on the descriptions in 3.6.16 and 3.5.7, above, one would reason that the Chestnut St side of my home is the exterior lot line. However, let's look closer at exterior lot line and exterior yard definitions...

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**.

Section 3.5.9, above, indicates that there must be a rear lot line to locate an exterior yard. So, let's look at how rear lot lines are defined.

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**.

Due to this note in 3.18.1 that “there is no rear lot line” in a pie-shaped lot, like my own, would you reason that triangular/pie-shaped lots do not have an exterior lot line or exterior yard either, since calculating an exterior yard requires the existence of a rear lot line?

I'll note that Annemarie Eusebio (CC'd) has been kindly supporting me in better understanding my unusual lot, and I've sent this same concern to her this week for her consideration, but I wanted to ensure it reached you before the deadline today.

Thank you for your consideration of this concern, and thank you for your continued work on this important project!

Derek

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**  
**No: 25-978**

**Flaherty, Laura**

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**From:** Don Bennett [REDACTED]  
**Sent:** November 5, 2021 11:40 AM  
**To:** Flaherty, Laura  
**Subject:** Front yard definition

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning

I was recently inquiring at the planning department about installing an inground pool on my property at 659 rivermeade ave .

I was informed that what I thought was my exterior side yard , by current bylaw, is defined as my front yard due to it being the shortest length on to the street. I am a corner lot. Even though the approved building permit allowed my house to face the longer side and driveway access on the long side as well. Because of the current definition of front yard , I own a property that has , what I thought a side exterior lot , that My family can not use to enjoy under the current bylaw. This should be addressed in the future bylaw changes, do you not agree?

Sent from my iPhone

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**  
**No: 25-979**

**Flaherty, Laura**

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**From:** Donald Mitchell [REDACTED]  
**Sent:** November 5, 2021 10:49 AM  
**To:** Flaherty, Laura; NewZBL  
**Subject:** RE: City of Kingston - New Zoning By-law Updates  
**Attachments:** ZB2ndmap.png

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Laura.

Hope you are staying well and healthy. More so, that the new environment where you're living is suiting you very well.

Too much going on and I hadn't looked at the interactive ZB 2<sup>nd</sup> draft map until today. It's excellent in my opinion. And I'm working through aspects of the second draft now. Late, I know but there's only so much time for this plus work.

Anyway, I had a query regarding the attached map section and a request for engagement. The query is the zoning designations of areas of the inner harbour land and water's edge. An example, why is Emma Martin Park in a TU zoning (albeit OS2 is acknowledge for the area) or why does CA zoning extend so far towards the water and the Tannery property? I'm also wondering about the designation of certain EPA areas but not the entire K&P trail and water's edge as open space and or EPA.

This the start of the overall query/conversation for the area. The request is whether there is possibility of members of the 'River First YGK' community group and/or it's science group to engage with you and the second draft of the ZB to ensure that we understand the implications of how the area is being zoned and whether there are opportunities to ensure/enhance the future uses and development of the area preserving the existing natural attributes and sensitivity of the whole area. Discern what are the implications of the zoning? I assume the work from NKT Secondary Plan informed this zoning but that was prior to recent developments and events and some of this area was out-of-scope for the NKT Secondary Plan process.

I'm a lay community member that has been liaising with the 'River First YGK' science team on behalf of the Sydenham District Association and have been given permission to try to set up a small group engagement if City staff are able and feel there is value to engage the zoning is this subject area. Thoughts?

Thanks in advance for your time and consideration of the matters.

Cheers Don.

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**From:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Sent:** November 5, 2021 10:06 AM

To: NewZBL <NewZBL@cityofkingston.ca>  
Subject: City of Kingston - New Zoning By-law Updates

Good morning!

You are receiving this email because you are on the New Zoning By-law project email list. A couple of updates and reminders:

1. The agenda for the November 9<sup>th</sup> Special Meeting of Council has been published on the Council Meeting website, with a link to download the Staff Report about the New Zoning By-law (containing staff's recommended approach to the older, "red" site-specific exceptions): <https://www.cityofkingston.ca/residents/city-calendar-events/-/calendar/QUmzuR567ExT/event/39042525>
2. Today (November 5<sup>th</sup>) is the deadline for public feedback and comments on the [second draft](#) of the New Zoning By-law and [proposed Official Plan Amendment](#) (OPA). Members of the public may continue to provide written comments at any point before Council makes a decision, however, providing the majority of your comments today (or even next week) ensures that staff have an opportunity to fully review and consider all comments and suggestions in preparing the next draft of the New Zoning By-law and OPA.
3. Two new layers have been added to the bottom of the "Layer Visibility" window on the [Interactive Map](#). "In Progress Draft Zoning Map (Post-Second Draft)" and "In Progress Draft Schedule E – Zoning Exceptions Overlay (Post-Second Draft)" are "live" versions of these two maps, so that members of the public can access up-to-date information as staff work on revisions to the mapping.

If you have any questions or comments, 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)**

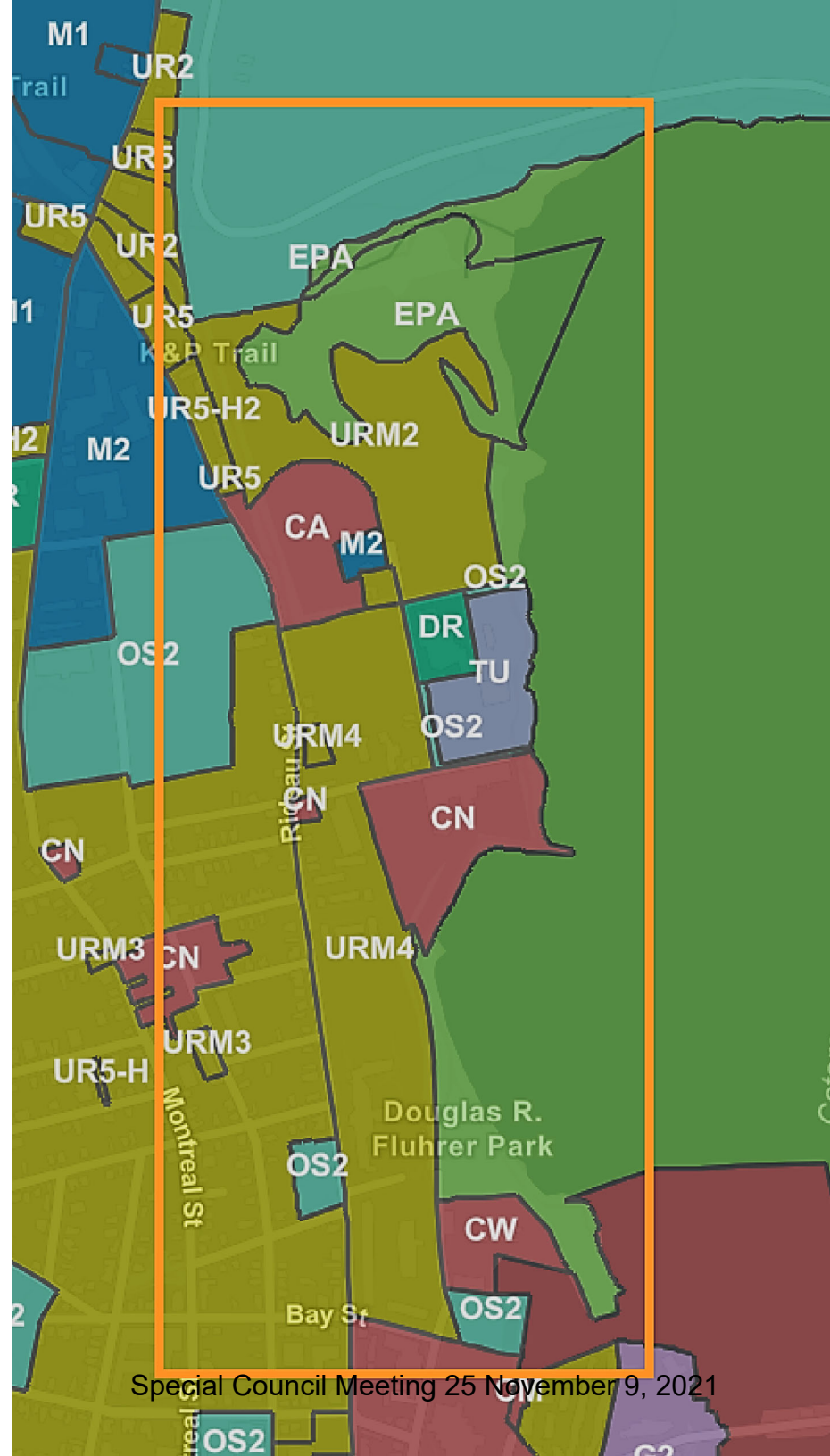
Project Manager, Planning Services

City of Kingston  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3157

[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)



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.



**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No: 25-980**



**Flaherty, Laura**

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**From:** Erica Wallace [REDACTED]  
**Sent:** November 8, 2021 2:00 PM  
**To:** NewZBL  
**Cc:** Robert Tchegus; Spencer Putnam  
**Subject:** Rideau Acres, Part Lot 40, Concession 5 – New Zoning By-Law  
**Attachments:** letter nov. 4.PDF

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Hello Laura,

Please see letter attached for the above noted matter.

Thank you,



**Erica Wallace**

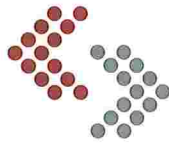
Legal Assistant – Real Estate  
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# Cunningham Swan

LAWYERS

• EST 1894 •

Robert P. Tchegus  
LSUC Certified Specialist (Real Estate)  
Direct Line: 613.546.8073  
E-mail: [rtchegus@cswan.com](mailto:rtchegus@cswan.com)

November 4, 2021

**Delivered by Email to [NewZBL@cityofkingston.ca](mailto:NewZBL@cityofkingston.ca)**

Laura Flaherty  
Project Manager, Planning Services  
City of Kingston  
216 Ontario St, Kingston, ON K7L 2Z3

Dear Ms. Flaherty:

**RE: Rideau Acres, Part Lot 40, Concession 5 – New Zoning By-Law  
Our File No. 35364-2**

We are the solicitors for Rideau Acres Ltd. and the Dick family, who have owned and operated the Rideau Acres Campground at 1014 Cunningham Road since 1971.

Rideau Acres is currently zoned CT-6 by section 17(3)(f) Township of Pittsburgh Zoning By-law 32-74. This special zone permits the existing seasonal recreational campground and accessory uses.

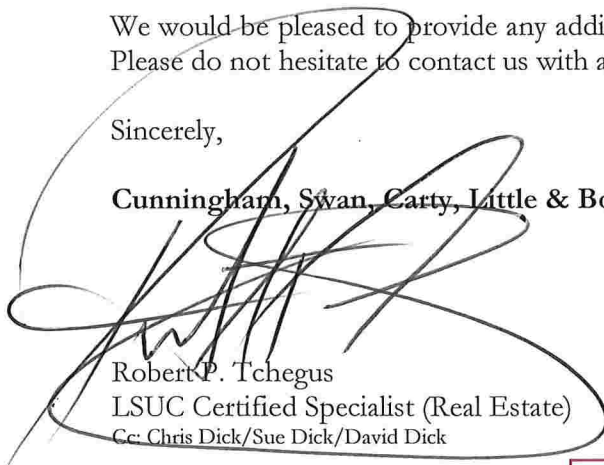
We are writing to request that the proposed City-wide Zoning By-Law continue to apply the same or similar uses and performance standards to Rideau Acres as are provided in the CT-6 zone. This will enable Rideau Acres Campground to continue to serve the public in compliance with zoning.

We respectfully submit that this zoning will be consistent with the City's Official Plan, of which Schedule 3-B designates the lands "Rural Commercial" and Sections 3.14.2 and 3.14.3 expressly permit larger scale commercial uses in the Rural Commercial designation.

We would be pleased to provide any additional information required to assist the City in its planning review. Please do not hesitate to contact us with any questions.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**

  
Robert P. Tchegus  
LSUC Certified Specialist (Real Estate)  
Cc: Chris Dick/Sue Dick/David Dick

TEL: 613-544-0211  
FAX: 613-542-9814  
EMAIL: [INFO@CSWAN.COM](mailto:INFO@CSWAN.COM)  
WEB: [WWW.CSWAN.COM](http://WWW.CSWAN.COM)

00517901.DOCX:

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No: 25-981**

**Flaherty, Laura**

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**From:** [REDACTED]  
**Sent:** November 5, 2021 10:23 AM  
**To:** Flaherty, Laura  
**Subject:** RE: City of Kingston - New Zoning By-law Updates

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I feel it is unfair to have to cover expenses to have a trailer (fold down hardtop no more bigger than a car) stored at another location when it could be parked on my driveway. I feel the bylaw should be revised as we cannot park trailer at side of house. Meanwhile a lot of neighbour in the Trillium area have a boat or trailer parked on their driveway. I have always had a trailer parked on driveway since 1991 however due to complaint from a neighbour 8 doors away I received warning. Not fair and please note neighbour went into retirement home. This neighbour complained all the time for anything. And had nothing to do. I am a senior and pay property taxes and feel it is an undue burden to have my rights taken away to do what I want on my property. Please note I was the one that took action and had signatures of home owners on Pembridge sign petition that I had Robert Kiley bring forward for Trillium area. Please please consider this burden and advise me results of second bylaw reading.

Grace Carter  
 [REDACTED]

**Sent:** November 5, 2021 10:06 AM  
**To:** NewZBL <NewZBL@cityofkingston.ca>  
**Subject:** City of Kingston - New Zoning By-law Updates

Good morning!

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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.

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION  
No: 25-982**

**Flaherty, Laura**

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**From:** Harold Leroux [REDACTED]  
**Sent:** November 5, 2021 4:10 PM  
**To:** Flaherty, Laura  
**Subject:** RE: Feedback on New City Zoning By-Law

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Laura,

Forget my comment below about italicizing defined terms. I see they are bolded which is equivalent. My mistake! Unfortunately I couldn't go through the document like I would have liked to. As I mentioned before I'm very much of a nitpicker but I hope some of the comments are helpful. I'm pretty sure that once this document gets out in the real world the users will find all kinds of unanticipated issues with it. I would suggest that after one year in use it should be revised to address some of the issues raised by the users in that first year.

1. ***"1.2.1 The provisions of this By-law apply to all lands..."*** I'm wondering if there should be an "unless noted otherwise." proviso at the head of this item.
2. **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.** What if deviations are approved by council as seems to happen with every "site-specific" application. Is there wording elsewhere that provides exceptions to this statement or is an "unless ..." or "except as..." revision required.
3. 1.3.4. I'm not sure why ***"any general or special"*** City by-law is included in the provision. Is there a by-law that is neither a general nor a specific by-law. If not then it should just say "any" City by-law.
4. 1.3.5. ***"...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."*** So if the other regulation or Act was not specifically intended to affect zoning and the public authority responsible but does so unintentionally which governs, this by-law or the provision, regulation or Act?
5. I find Section 1.9 confusing. 1.9.2 to 1.9.4 relate to land taken by the City. It seems some relief to the owner of this land if it is taken by the City. It would seem that this same relief is not granted to an owner if the land is taken by another **public authority**, say the province.
6. 1.9.2 It states the existing building shall not be deemed to be legal non-conforming as a result of setbacks and reduced lot areas. The question is what are they deemed as being? Legal conforming?; notwithstanding they are not conforming? Or are they illegal non-conforming? Instead of saying what they are not, why not say what they are?
7. **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 timing 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.**

"...such matter or timing may be done..." How can timing be done? It doesn't seem like something someone can do! It would seem some tweak is required.

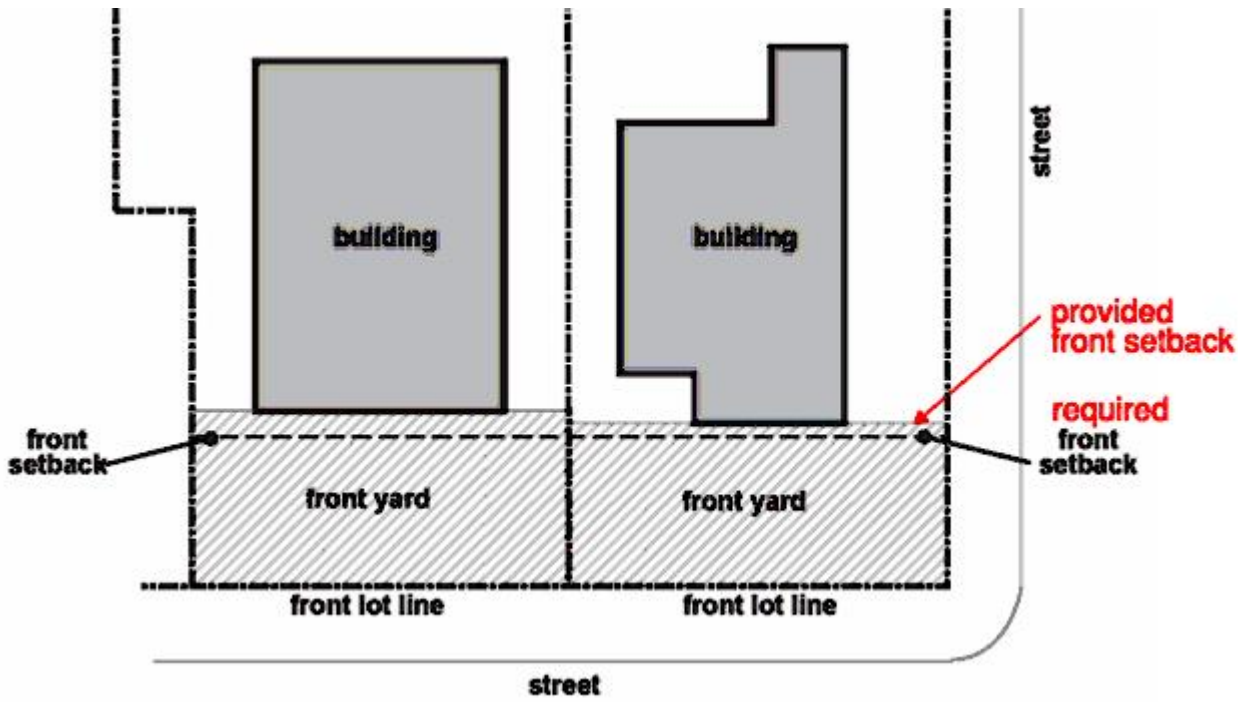
8. With regard to 1.13.1 and 1.13.2 a corporation is person as defined in the by-law. Should 1.13.2 not start off by saying "Notwithstanding 1.13.1..." Where does a Limited Partnership fall. As a corporation or a person? I presume "a person".

9. 2.1.2. I suspect this clause is well meaning but doesn't have any real force behind it. Who is to say what the true spirit, intent and meaning of the by-law is except as that true spirit, intent and meaning is expressed by words in the by-law that have been given a definition for context.
10. 2.1.3. 3. **Any reference to legislation or provisions or regulations or sections thereof approved by another public authority includes any amendments to or successions thereof.** Obviously legislation and regulations are constantly changing. So a development created at one time may be out of compliance with regulations created at a later date. So should there not be something like "...in force at the time" added at the end. Maybe this concept is dealt with elsewhere in the by-law.
11. **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.** What if it wasn't the intent in a certain case that the most restrictive provision should apply. Secondly, who is to decide as to which is the most restrictive provision. I have used similar language in contract tender packages but I've always added "...at the discretion of ?" The question mark would need to be filled in with perhaps "the City of Kingston" or the appropriate Authority Having Jurisdiction. Thus the City would be the arbiter of what is the most restrictive or more generally which provision is to apply.
12. **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.**

Is it best to add the wording at the end, namely; **"...so that the true spirit, intent, and meaning of this By-law is implemented."** Won't this just lead to disagreements. Once again who would be the arbiter of what the intent and spirit of the by-law is. Or maybe there are cases where the intent is that the area of the regulated use should not be considered as a building.

13. 3.6.8 First Storey & 3.7.8 Gross Floor Area. I see the definition of First Storey now differs from that in the Building Code. I don't think that these two legal documents so closely related to developments should have differing definitions. I don't know why there is a desire to only include floor areas that are completely above grade. First floor levels in the Building Code often have special design requirements because it is where people enter the building. So if a floor level is 300mm below grade on average it would not be considered the first floor as far as the Zoning By-Law would be concerned and not counted in the Gross Floor area? While in the building code it would.
14. With regard to the diagrams 3.6.18, 3.9.7 and 3.18.5 they show a dashed line for the front, interior and rear setbacks. The line shown as dashed does not coincide with a building. But the definition for setback says it is the distance between a lot line and a building. So what is shown is contrary to the definition. I assume that the dashed line in the diagram is the required setback and the hatched area is based on the provided setback. But I think it would be helpful to call them that.





15. **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,...**

An “or” statement is provided but shouldn’t it be an “and” statement. For a lot with a building and a deck and a porch all with perimeter foundations, coverage should be based the sum of the three.

16. Lot Coverage is a defined term but not bolded in Table 8.5.1. Likewise for interior setback in the same table.

17. Lot Coverage, Finished Grade and Height are redefined in 11.5.1. Shouldn’t they be in section 3 so that the definitions are all together? Or start the definition with an “Except as provided in 11.5.1...”

Likewise for definitions for Podium and Tower in 12.13.

18. Setback is defined as follows:

**Setback means the minimum horizontal distance between a lot line and the nearest part of any building on the lot, ...** Then the same word is used for setbacks from waterbodies, 4.23.

**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,...**

This appears to have no meaning as a setback is only defined as the distance between a lot line and a building. So I think either the definition of setback needs to be modified to include waterbodies and ‘uses’ or this clause needs to be modified, maybe as follows:

**For the purpose of this provision, the high water mark of a waterbody has an equivalent meaning to lot line in the definition of Setback.**

Likewise for 4.24.2. Can’t have a setback from a right-of-way as a right of way is not a lot line. So once again I think maybe the following wording may be necessary.

**For the purpose of this provision a right-of-way has an equivalent meaning to a lot line with regard to the definition of Setback.**

I’m also seeing the use of the defined term setback in 12.13.4. The use of the term Setback with regard to a Tower and is not the portion of the building that is closest to the lot line is problematic.



**19. 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.**

This refers to a exterior wall but it adds “...all structural components...” essential to the support of a fully enclosed space or roof. Well interior walls are essential to support a fully enclosed space. Are interior walls included in this definition or excluded. If it is meant to be only applicable to exterior walls then I think it should include some wording such as “all structural components of this/these exterior walls.”

**20. 3.13.13. Municipal Services means a lot that is serviced by both municipal water and municipal sewer.**

Should this say “...municipal sanitary sewer.” If not then it confusing. If a lot is serviced by a sanitary sewer but not a storm sewer, but a ditch instead, then is this lot provided with “Municipal Services” or not. I am an interested party in a number of proposed developments where the lot is characterized as being serviced by Municipal Services but without a storm sewer.

21. Under 4.20.1 Balconies, a balcony can be located within 1m of the lot line. So a balcony on an adjacent lot could only be 2m from another one on the first lot. Now if it is wholly enclosed it must comply with the provisions that apply to the ‘principal building’. So what this is saying is that a balcony by default is not part of the ‘principal’ building but if enclosed it is. Principal building being defined as the building housing the principal use for which it was designed. But what does wholly enclosed mean? It says “wholly enclosed and is covered with a roof.” Is it possible to be wholly enclosed and not have a roof? If I have a very small opening could I argue that this balcony is not wholly enclosed. Is a definition of ‘wholly enclosed’ required.

22. 12.9.1 In the Table the minimum front setback is 2m. I think this would be in violation of the requirement in the Building for a Fire Route to be a minimum of 3m away from an entrance. See below.

**3.2.5.5. Location of Access Routes**

**(1) Access routes required by Article 3.2.5.4. shall be located so that the principal entrance and every access opening required by Articles 3.2.5.1. and 3.2.5.2. are located not less than 3 m and not more than 15 m from the closest portion of the access route required for fire department use, measured horizontally from the face of the building.**

Thanks,  
Harold

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**From:** Harold Leroux [REDACTED]  
**Sent:** Tuesday, October 19, 2021 3:01 PM  
**To:** 'Flaherty,Laura' <lflaherty@cityofkingston.ca>  
**Subject:** Feedback on New City Zoning By-Law

Hello Laura,

I was unable to attend the Planning Committee meeting of October 13, where you presented the second draft of the New City Wide Zoning By-Law. I did see the video, however, on the City website and you gave an excellent presentation along with other members of your department. More than one speaker questioned various provisions including the lot area, lot coverage, and yard set- back requirements in the New City By-Law, with one stating they will result in larger lots and undermine the City’s goals for residential intensification and efficient land use. Two speakers had some affiliation with KHBA and two were from FOTENN who act as planning consultants for developers. No one, who was simply a member of the public and unaffiliated with any group, spoke at this meeting, at least not in relation to these issues. As such feedback on issues related to the City Wide Zoning by-law, such as those received at that meeting can be biased, in favour of the groups mentioned above and don’t necessarily represent consensus views of the residents of Kingston. I am writing this email to cast my vote against some of the objections raised in this meeting. I will give the reasons for this below.

From my brief, limited experience with “site-specific” re-zoning applications it has become clear to me that there is currently a sacred cow of Land Use Planning, that being intensification. All manner and degree of violation of zoning by-law provisions is being sought in these applications and being justified on the basis of intensification. In the applications I’ve been privy to, on lots neighbouring mine and one by the same developer elsewhere, I was/am shocked at what is being proffered. In one development every last tree will likely have to be cut down. In another development, the density is so great that lot setbacks cannot be achieved; so if relief from these transgressions is granted, numerous large, healthy trees will likely need to be cut down. Some of the trees earmarked for removal are estimated at 150 yrs old and one is 186 yrs old. The front and side yard setbacks requested are so short, in one development, that parked cars could not be accommodated on the lot and would partly rest in the street right of way and block sidewalks. As such, pedestrians would not be able to use the sidewalk and be forced on the street proper at each driveway where a car is parked. Also with regard to the reduced front and side setbacks the buildings or cars parked in driveways would also interfere with sight triangles at intersections. In one development there is so much imperious hard surface area, due to the intensity of development, that water is proposed to be stored in a large underground storage chamber. In another development it is proposed to truck snow off site because there is no room to store it on site. In a couple of developments condominium roads are proposed that are so narrow they could not accommodate a fire truck’s turning radius and where sidewalks are provided they run right beside the road with is no buffer between vehicle and pedestrian, because there is no shoulder in the right-of-way proposed that would allow a buffer. All this is portrayed as “an efficient use of land.” I think not! The cost of this kind of intensification is a loss of mature trees so vitally needed to combat climate change, no room to grow new trees because the front and rear yards are not big enough to accommodate the canopies of mature trees, stormwater flowing into City sewers and then into Lake Ontario; no doubt contributing to flooding in municipalities downstream, expending fossil fuels to truck snow off site because there is nowhere to place it on-site and unsafe roadways for motorists and pedestrians alike because there is no shoulder to the right of way. And roadways considered that won’t even accommodate the turning radius a fire truck. This is what is considered “efficient land use.” Is this really the City’s goal for intensification!

I will now comment on a few specifics in relation to some urban residential by-law provisions; mostly those raised in the Committee meeting, and will hopefully give some rationale as to why these provisions are needed. Many comments, unfortunately, will be a re-hash of a number of statements made above.

Specifically with regard to the front yard setback in the New City Zoning By-Law, it is shown as 6m for UR1, UR2 & UR3 but is noted as 6.1m for UR4. I would suggest this minor variation be corrected for consistency but I would recommend not reducing the value of this setback by any significant amount. The consequence of reducing the setback is three-fold. Firstly, as mentioned above, if the setback were less than 6.1m, a car parked in a driveway would likely not be fully accommodated on the lot thus likely blocking sidewalks, forcing pedestrians to walk around the vehicles on the roadway; who may be small children off to school or to catch a school bus. Any concurrent reduction in the lot frontage dimension would likely exacerbate this situation resulting in driveways so often that pedestrians would likely abandon any sidewalk completely and walk on the road. Cars blocking sidewalks would also prevent sidewalk snow clearing operations in the winter. Secondly, cars in driveways that partially sit in the right of way and buildings with reduced front or interior setbacks, may interfere with the Sight Triangle at corner lots especially on Condominium or Private roads with significantly reduced rights-of-way. Thirdly when the front yard setback is reduced there is insufficient room to accommodate the canopy of a mature tree on a lot. Trees need room to grow to maturity! Small front yards will result in the tree canopies interfering the with building envelopes, perhaps causing physical damage to each other, or affecting the line of sight from windows, resulting in the need to significantly prune the offending branch limbs or possibly cutting down the tree. The result of reduced front setbacks will be sterile communities devoid of nature, except for a small patch of grass, that I am already seeing in Kingston. We need mature trees in front yards and back yards in Kingston for many, many reasons.

With regard to interior setback, as a minimum there should be sufficient room to allow for maintenance and repair of the building exterior without having resort to requesting permission to access a neighbour’s land to effect these repairs or maintenance; which may not be forthcoming. From personal experience I had to replace the fascia boards on the gable end of the roof of my house from the side yard. Fortunately there was a little over a 5 ft. side yard setback and barely enough room to erect scaffolding. Another time a small excavator needed to enter the backyard but could only do so by travelling on the neighbour’s lot because there was insufficient side yard width on my lot. So I think the interior setback in the by-law of 1.8m is absolutely correct as a minimum. I see in some cases it increases to 3.6m. I think this may also be a good number if there are mature trees along the side lot line that would have to be cut down to

allow the 1.8m setback. If one excavates within 1.8 m of a healthy mature tree it will likely die and if this is within the Structural Root Zone(SRZ) there is potential the tree could collapse. Appropriate wording is required to accommodate this environmental consideration if you feel something like this should be adopted.

With regard to stormwater it states right in the City of Kingston Design Guidelines for Communities referenced in the Official Plan, that **“water should soak into the earth where it falls.”** We should abandon this philosophy only at our peril! We are seeing flooding more frequently now in Kingston and in other municipalities. So my opinion is that we need green space in the front yards and rear yards to reduce stormwater run-off to reasonable levels. Collecting larger and larger quantities of stormwater in pipes or storage chambers and ultimately releasing them into Lake Ontario is just not an environmentally friendly approach. With every municipality taking this approach it will no doubt lead to more frequent flooding downstream. With regard to rear yard setbacks I have no precise value to put forward at this time but simply want to cast my vote against too great a minimization in the rear yard setbacks. It should be sufficient to allow rainwater to soak in the earth and to allow trees to grow to maturity. I would suggest a rear yard less than 6.1m would likely be inadequate.

I have not yet had a chance to review the second draft of the new by-law in detail but I definitely would like to before the November 5 deadline. However I did quickly look at one issue that concerned me greatly in the current by-law and continues to concern me in this new by-law. That issue is the definition of “Street”. It is one of the most fundamental definitions in these by-laws. I have found that the new by-law, like the old by-law, defines Street in terms of a Public Street or Highway only. Specifically **private roads** are excluded from the definition as in the current by-law. This is very, very concerning to me because two of the re-zoning applications, I’ve discussed above, has indicated that they will provide a Condominium Road, which is a Private Road and therefore does not fall under this definition. As such, every one of the many, many, many by-law provisions defined in relation to streets would, then, not apply. For instance the New By-Law the definition of Front Lot Line is as follows: **“Front Lot Line means, in the case of an interior lot, the line dividing the lot from the street.”** This means the definition of Front Lot line would not pertain to all the lots facing this Private Road in the proposed developments I’ve mention. Therefore the definitions for Front Setback and Front Yard, and so on and so on, would also not apply. Surely this must be changed. I would suggest that wording like the following be added somewhere in the by-law. **“Notwithstanding that a private road is not a street , for the purpose of interpretation of the requirements of this by-law where lots border on a private road, the road will be deemed to be a street as defined in this by-law.”** I believe some such wording is required. In any case I strongly believe that something is required from a legal perspective otherwise anything goes simply by calling a street, a private road.

~~One simple improvement to the by law, I suggest, would be to italicize defined terms as is done in the Building Code. This would be helpful to users, I think.~~

The existing and new by-laws are prescriptive in nature. They are also what I would call “static” documents. What I mean by that is that each provision stands on its own. You either achieve it or you don’t. That is very limiting. Everything is connected to everything else. If a development violates one of the provisions it should be possible to compensate for that by exceeding some other provision or, in general, by providing something beneficial to the development and in the interest of the City. For instance if a developer provided a 3.6m side yard so that mature trees would not have to be cut down then perhaps the rear yard setback could be reduced, or the height of the building could be increased or whatever. I have written to you before that I believe a performance based by-law would be the ideal where the intent and rationale behind each provision is provided and it left up to the user whether to incorporate the prescriptive measure in the by-law or to try to achieve a performance equivalency in some other manner as an alternative. I realize that would be a huge undertaking and not possible now and, frankly, not in your mandate, I assume. I would suggest this as a longer term goal though

Finally consolidating and updating a zoning by-law is a monumental task and you and your colleagues deserve much praise for achieving this milestone. Anyhow, I hope my comments and suggestions are constructive. I do have much, much more to say on the feedback that was provided to you and the Committee at the meeting but the above is enough for one email.

Regards,  
Harold

## CITY COUNCIL MEETING OF:

November 9, 2021

COMMUNICATION

No. 25-983

31

**Flaherty, Laura**

---

**From:** Holly Newitt [REDACTED]  
**Sent:** November 3, 2021 4:35 PM  
**To:** Flaherty, Laura  
**Cc:** Michael Keene; [REDACTED]  
**Subject:** Second Draft Zoning By-law Review - Student Village Housing  
**Attachments:** Student Village Housing - Comment Letter 2 - Comprehensive Zoning By-law Review.pdf

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Laura,

We have reviewed the second draft of the zoning by-law again on behalf of Student Village Housing in light of the upcoming zoning changes resulting from the mapping error that was recently flagged. We are concerned that the new proposed zone limits the development potential of many of their sites and is not inline with the City's intentions for densification along Brock Street. The properties in question represent a significant quantity of consolidated land for which servicing upgrades have already occurred in order to better facilitate greater development densities in the future. Details can be found in the attached letter.

Thanks for your consideration. If you have any questions we are available to discuss.

Thanks and have a good evening,  
 Holly

**Holly Newitt, M.PL.**  
 Planner

**NOTE: Our Kingston office has moved! We are now on the third floor of The Woolen Mill: Suite 315.**

**FOTENN**  
 The Woolen Mill  
 4 Cataraqui St, Suite 315  
 Kingston, ON K7K 1Z7  
 [REDACTED]  
[fotenn.com](http://fotenn.com)

# COMPREHENSIVE ZONING BY-LAW REVIEW

## STUDENT VILLAGE HOUSING

1

November 3, 2021

**Ms. Laura Flaherty**

Project Manager, Planning Division  
Planning Building & Licensing Services  
City of Kingston  
1211 John Counter Blvd  
Kingston, ON K7K 6C7

Via Email:

**RE: Review of the Comprehensive Zoning By-law – 2<sup>nd</sup> Draft  
Student Village Housing Inc.**

Dear Ms. Flaherty,

Fotenn Planning + Design has been retained by Student Village Housing Inc. (SVH) to provide this comment letter on their behalf regarding the second draft of the Comprehensive Zoning By-law. Previously, Fotenn submitted a letter on behalf of SVH that expressed cautious optimism for the proposed Comprehensive Zoning By-law, specifically how the proposed zoning accurately reflected the intentions of the Official Plan and the Central Kingston Growth Strategy. Since then, the zoning of the Brock Street corridor, east of Alfred Street, has been changed from Urban Multi-Residential Zone 4 (URM4) to Urban Multi-Residential Zone 3 (URM3).

This represents a significant change in the development potential of the area and goes against the direction of the Central Kingston Growth Strategy. See Table 1 for a comparison of the proposed provisions. The Strategic Directions Report rationalized the intended intensification of this area based on its location along major corridors, an abundance of public and active transit routes, and proximity to Queen's University Main Campus. While the Final Recommendations Report removed a significant portion of lands from the proposed intensification area, see Figure 1, because of the need for further review, emanating from servicing constraints in the area, as well as the need for a market feasibility assessment of purpose-built rental apartments, which will be undertaken in the context of the next Official Plan update in 2023. These are not satisfactory reasons for excluding these lands or limiting their development through the new Zoning By-law. The properties owned by SVH in particular represent a significant quantity of consolidated land that has been retained over the past decades. Further, servicing upgrades have already occurred for the properties in question, in order to better facilitate greater development densities in the future.

The change of the zoning in the intensification area significantly reduces the number of properties, appropriately located within the central area of the City, to accommodate intensification and additional residential density and building height. The City previously provided strong rationale in the Strategic Direction Report for including the Campus Expansion Area and properties along the southern portion of Brock Street within the Johnson and Brock Corridor Area. These properties and the zoning of the corridor area should be altered to match that which was shared in the Strategic Directions Report.

As seen in the table below, the change from URM4 to URM3 significantly limits the density and built form of future development within the Brock Street corridor.

Provisions	URM3	URM4	Difference (4 to 3)
Permitted Residential Uses	Apartment building Duplex Single-detached Triplex	Apartment building Duplex Townhouse Triplex	No townhouses Yes singles
Minimum lot area	370 m <sup>2</sup>	(a) duplex: 335.0 per dwelling unit (b) triplex, townhouse: 285.0 per dwelling unit (c) apartment building: 870.0	Decreased, not tied to use
Minimum lot frontage	10 m	18 m	Decrease
Maximum height	Flat roof – lesser of 9 m or 3 storeys Other– lesser of 10.7 m or 3 storeys	n/a	Added provision
Minimum front setback	(a) Where 2 adjacent buildings have a front lot line on the same street: the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street: 4.5 metres (d) Notwithstanding (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback	7.5 m	Decrease, contextually determined
Minimum rear setback	Residential building – n/a	7.5 metres for buildings up to 5 storeys, then additional 1.2 metres for every storey above 5	Decrease
Minimum exterior setback	(a) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line	7.5 m	Decreased, contextual

Provisions	URM3	URM4	Difference (4 to 3)
	on the same street: 4.5 metres (c) Notwithstanding (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback is the existing exterior setback		
Minimum interior setback	Residential building – 0.6 m	(b) residential buildings that are 1 storey: 1.8 (c) residential buildings that are 2 storeys: 3.0 (d) residential buildings that are greater than 2 storeys: 3.0 metres plus 1.2 metres for each additional storey above 2 (e) Notwithstanding (b), (c) and (d), for townhouses, where a common party wall is located along a lot line, then 0 metres	Decreased, not contextual
Minimum aggregate of interior setbacks	Residential building – 3.6 m	n/a	New provision
Minimum landscaped open space	30%	30%	Same
Maximum number of principal buildings per lot	Residential building - 1	n/a	New provision
Maximum building depth	Residential building – 18 m Notwithstanding (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	n/a	New provision
Maximum number of principal dwelling units per lot	6	n/a	New provision



As seen in the figures below, the Strategic Directions Report (left) included the Campus Expansion Area within the proposed Johnson and Brock Street Expansion intensification area.



Figure 1: Johnson and Brock intensification area in the Strategic Directions Report (left) versus the Final Recommendations Report (right). (Source: City of Kingston)

### Summary

On our client's behalf, we request that:

1. The Johnson and Brock Corridor Area be zoned according to the development potential and intensification intentions for the area, aligning with the Kingston Central Growth Strategy Strategic Directions Report.
2. Specifically, the Brock Street Corridor, including University Avenue towards Johnson Street, retain the URM4 zoning as initially proposed in the second draft of the Comprehensive Zoning By-law.

We would be pleased to meet with City staff to further discuss our comments. 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).

Respectfully submitted,

Mike Keene, MCIP RPP  
Principal, Planning + Development  
Fotenn Planning + Design



**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No:** 25-984

## Flaherty, Laura

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**From:** Joan Bowie [REDACTED]  
**Sent:** November 6, 2021 3:39 PM  
**To:** Flaherty, Laura  
**Cc:** John Grenville  
**Subject:** Walkways to Secondary Suites

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Laura,

Attached here is part of a letter I wrote to the Fire Department in September.

"Recently in the University District there have been many secondary suites built. Some of these are as-of-right; others come through the planning process. I understand that they all must receive approval from the Fire Department in order to get the Building Permit.

My concern is access to the secondary suites or back yards. Tandem parking is allowed in the driveway but it is not always required to allow any right of way that would allow a stretcher or an equipped firefighter through to the back of the property. Applications that come through as attached secondary suites under a certain part of a by-law do require an unobstructed path. Others like the photo attached did not require a minor variance and so did not require an unobstructed path and were never presented to the public. I have enclosed a photo that shows just one of two vehicles that could park in this laneway."



I am pleased to see that **Subsection 4.27. Walkways for All Residential Uses** will deal with this issue. I assume that under the new zoning this “secondary suite” would not have been given a building permit because of an inadequate access route. However, does CPTED ( Crime Prevention Through Environmental Design) consider “eyes on the street” ? I recall when we had our walkabout a couple of years ago, we discussed side or back entrances that were not visible from the street. I would not feel comfortable walking down a laneway like this to find the entrance. Does the proposed new zoning by-law cover this issue?

Thank you for considering my question.

Joan Bowie









**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No: 25-985**

**Flaherty, Laura**

---

**From:** Kingscourt Community Assoc [REDACTED]  
**Sent:** October 30, 2021 4:05 PM  
**To:** Kingscourt Community Assoc .  
**Cc:** Agarwal, Sukriti  
**Subject:** Fw: KCA new insight into Zoning Bylaw

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello all,

I thought you would want to see the response of the Manager of Policy Planning, Ms Agarwal. She lays out the rationale for the change to 8 bedrooms maximum. With thanks to Sukriti for sharing this and to Mary for her comments.

I don't wish to take advantage of my role by emphasizing my opinion, but I think it is fair to offer my response to promote further analysis.

I recognize the various factors that Sukriti mentioned that call for a larger house. However, those considerations should not outweigh the need to protect family housing, affordability and maintenance of character of neighbourhoods. This applies especially to the Kingscourt neighbourhoods. I think a more nuanced approach would provide for a lower limit as suits certain neighbourhoods. Historic areas such as the wartime communities and those adjacent to post secondary institutions should be protected. Perhaps areas with more affordability should also be protected. Note that I am not against intensification. All along the borders of our District are properties on major corridors that cry out for extra density. Further, a 6 bedroom limit in Kingscourt pushes the limit, but does provide for a much more intensified community. I would propose that, in the case of a detached secondary unit, the limit could be raised to 7 bedrooms. That would allow for four bedrooms in the main building one bedroom in a secondary unit within the main building and two bedrooms in an external secondary unit (or various permutations).

It should also be considered that a resulting monster house with lots of bedrooms does not necessarily lead to intensification if it is occupied by an affluent family with few children

However, please note the mandate of the planners to simplify bylaws and exceptions runs counter to the idea of different bedroom limits for some areas. Double binds are common in our urban lives, eh?

Matthew

Sent from Yahoo Mail. [Get the app](#)

----- Forwarded Message -----

**From:** Agarwal, Sukriti <sagarwal@cityofkingston.ca>  
**To:** 'mary farrar' [REDACTED]; Kingscourt Community Assoc [REDACTED]  
**Cc:** NewZBL <newzbl@cityofkingston.ca>  
**Sent:** Friday, October 29, 2021, 03:58:26 p.m. EDT  
**Subject:** RE: KCA new insight into Zoning Bylaw

Good afternoon Mary and Matthew,

Thank you for your emails.

In April of this year, City Council passed zoning by-laws which create an 8 bedroom limit in certain residential zones. Those by-laws are currently under appeal to the Ontario Land Tribunal. At this time, it is staff's intent to carry the 8 bedroom limit into the new comprehensive zoning by-law.



Initially, staff had proposed a maximum of two bedrooms for a detached second residential unit, a maximum of three bedrooms for a second residential unit located within or attached to the principal dwelling, and a maximum of five bedrooms per dwelling unit for residential zones in the urban area containing three or less principal dwelling units on a lot. Several comments were received regarding this approach as summarized on pages 16 and 17 of the comprehensive report from March 2021 here:

[https://www.cityofkingston.ca/documents/10180/38870223/Planning-Committee\\_Meeting-08-2021\\_Report-PC-21-026\\_Citywide-OPA-ZBA.pdf/0b0df010-f873-a03d-64b8-6108e35f6e63?t=1616179458185](https://www.cityofkingston.ca/documents/10180/38870223/Planning-Committee_Meeting-08-2021_Report-PC-21-026_Citywide-OPA-ZBA.pdf/0b0df010-f873-a03d-64b8-6108e35f6e63?t=1616179458185)

Based on the feedback received, the proposal was changed to allow for a maximum of eight bedrooms, in the aggregate, on a lot. As noted in the comprehensive report, this was intended to provide a more flexible and equitable approach recognizing large households, multi-generational households and households with extended families by allowing the principal dwelling unit to accommodate all of the bedrooms that would otherwise not be permitted by the original draft provisions. This approach was also intended to provide for flexibility in terms of the design of second residential units.

I note that there will be an additional public meeting with respect to the new zoning by-law at the time of the comprehensive report, and you are welcome to make oral and/or written submissions to the Planning Committee regarding the maximum bedroom provisions.

Regards,

Sukriti



**Sukriti Agarwal, MCIP, RPP, AICP (she/her/hers)**

Manager, Policy Planning

Planning Services

City of Kingston

Located at: 1211 John Counter Boulevard

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 extension 3217

[sagarwal@cityofkingston.ca](mailto:sagarwal@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.

Hi Sukriti,

I do find the 8 bedrooms potentially destructive of neighbourhoods.

I do believe the number should be reduced to 6. Even that is a lot.

Mary Farrar

On Thursday, October 28, 2021, 11:12:16 p.m. EDT, Kingscourt Community Assoc [REDACTED] wrote:

Hello all,

We had an excellent meeting on traffic issues last night. We will send out a summary this weekend.

For now I (Matthew) wanted to inform you of an important issue in the new Draft Zoning Bylaw.

Attending meetings with the Frontenac Heritage Foundation I learned of something I missed. Thanks to David Gordon, Chair of School of Urban Planning at Queen's University, for alerting us to this issue.

The bylaw allows for 8 bedrooms per lot. This would be the sum of all bedrooms on the property. So if there were secondary suites their bedrooms would have to be counted. BUT if there weren't the dwelling could have 8 bedrooms.

This number of bedrooms encourages developers to buy homes and rent rooms to people. This is a serious problem in the Sydenham and Williamsville Districts, but could be a problem in Kingscourt as well. Professor Gordon pointed out that developers who build 8 bedrooms into a property and rent rooms for \$800 per month can receive \$96,000 per year. Families wanting to buy into the market can be left out. He also pointed out that when listed with MLS the seller must sell to the highest bidder, but can choose not to do so if selling privately. (One still can't discriminate on the basis of race or religion etc.) However, the seller selling privately can choose to sell to a family. Of course, sellers would have to choose to receive less for their houses.

Another implication of the 8 bedroom limit is that it encourages the building of large houses that may be out of character of the area.

The Planning staff said that they had originally included a lower max, (I think 6 bedrooms) but received negative input on that number. They said that the argument was that people needed rooms for dens and offices and bedrooms for each child and that 6 bedrooms restricted access to suitable housing. If you see 8 bedrooms as too many you need to contact planning at City Hall and let them know that 8 bedrooms is too many. They need to get a lot of feedback urging fewer bedrooms to influence their thinking on this.

Sent from Yahoo Mail. [Get the app](#)

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No:** 25-986

**Flaherty, Laura**

---

**From:** Kyle Nielissen [REDACTED]  
**Sent:** November 8, 2021 4:17 PM  
**To:** NewZBL  
**Cc:** Dustin Greene  
**Subject:** Creekside- New Zoning By-law Impacts  
**Attachments:** L-2021-11-08 - Creekside- New Zoning By-law Impacts.pdf

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Good Afternoon,

Attached are comments regarding the second draft of the New Zoning By-law for your consideration.

Feel free to reach out to discuss.

Sincerely,

Kyle Nielissen, P.Eng.  
Project Manager  
[REDACTED]



1329 Gardiners Road, Suite 210  
Kingston, ON, Canada K7P 0L8  
[REDACTED]

November 8, 2021

Laura Flaherty  
Project Manager, Planning Services  
City of Kingston  
216 Ontario Street  
Kingston, ON  
K7L 2Z3

**Regarding: City of Kingston New Zoning By-law – Creekside Valley Subdivision**

The following submission is regarding the new zoning by-law and its implications on Creekside Valley Subdivision, located at 1350-1370 Woodfield Crescent, Westbrook, Ontario.

Currently, the existing zoning onsite is R2-44-H. Proposed zoning is a UR2 zone.

The entire development is draft plan approved. Four phases of the subdivision are registered out of an estimated twelve phases.

The proposed UR2 zone does not conform with the approved draft plan nor studies completed on the property. The proposed provisions would further decrease the density developable onsite to a level that would not conform to the official plan minimum density. An official plan amendment to lower the required density was required onsite through the previous approvals. This would need further amendment as the proposed amendment does not conform with the official plan.

Furthermore, the front, rear, exterior, and interior setbacks have been increased lowering the buildable footprint onsite.

The maximum building height provision has been lowered and previously unapplicable provisions have been set such as minimum lot area and maximum lot coverage.

We recommend a zone be proposed onsite that conforms with the R2-44 zone and approved draft plan of subdivision. There should be no impacts to the buildable footprint onsite.

Note, the proposed zones require larger lots per unit of a semi than a single detached.

Refer to the comparison table appended.

We would be happy to discuss this further.

Sincerely,  
**FOREFRONT Engineering Inc.**



Kyle Nielissen, P. Eng.  
Project Manager  
[Kyle.Nielissen@Forefronteng.ca](mailto:Kyle.Nielissen@Forefronteng.ca)

Zoning Provisions	Second Draft: Urban Residential (UR2) Zone		By-law 76-26: R2-44-H Creekside Valley Subdivision
	Semi-Detached House	All Other Permitted Uses	
Minimum Lot Area (m <sup>2</sup> )	425.0 per dwelling unit	360.0	Not applicable
Minimum Lot Frontage (m)	10.6	12.0	<u>Single Detached Dwelling House</u> Corner Lot: 12.7m Other Lot: 9m  <u>Semi Detached Dwelling House</u> Corner Lot: 19m Other Lot: 15m  <u>Semi Detached Dwelling Unit</u> Corner Lot: 11.5m Other Lot: 7.5m
Maximum Height (m)	(a) flat roof: 9.0 (b) all other roof types: 10.7	(a) flat roof: 9.0 (b) all other roof types: 10.7	<u>Single Detached Dwelling House</u> 11m  <u>Semi Detached Dwelling House</u> 12m
Minimum Front Setback (m)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	i. 4.5m  ii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.  iii. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
Minimum Rear Setback (m)	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	6.0
Minimum Exterior Setback (m)	5.0	5.0	3.0
Minimum Interior Setback (m)	(a) 1.8 metres (b) where a common party wall is located along a lot line: 0 metres	3.6	<u>Single Family Dwelling House</u> 1.5m  <u>Semi Detached Dwelling House</u> 1.5m for a side that is not attached to another dwelling house
Minimum Landscaped Open Space	30%	30%	30%
Maximum Lot Coverage	40%	40%	Not applicable
Number of Principal Buildings per Lot	1.0	1.0	Not applicable
Minimum Aggregate of Interior Setbacks	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres	Not applicable

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No:** 25-987

**Flaherty, Laura**

---

**From:** mary farrar [REDACTED]  
**Sent:** November 5, 2021 3:02 PM  
**To:** Flaherty, Laura  
**Cc:** Bob Clark  
**Subject:** By-Laws an MetalCraft Marine

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Laura,

I gather today is the last day for comments and in all honesty I just haven't had the time to wrap myself around all of that amazing work that you have been doing.

With concern for the Inner Harbour, however, I would just like to ensure that MetalCraft Marine is zoned Industrial in keeping with the current draft of the North King's Town secondary plan.

It is a truly vibrant business, employing close to 100 people - a true asset to Kingston and to the Inner Harbour.

It would be terrible if it were to be zoned residential.

Thanks for all you are doing.

Have a great weekend.

Mary Farrar, President,

Friends of Kingston Inner Harbour

<http://www.friendsofinnerharbour.com>

[REDACTED]

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No: 25-988**



**Flaherty, Laura**

---

**From:** Agarwal, Sukriti  
**Sent:** November 2, 2021 10:16 AM  
**To:** [REDACTED]  
**Cc:** Flaherty, Laura; Park, Tim  
**Subject:** RE: Seriously, 8 Bedrooms/Lot in the Draft Zoning By-Law

Good morning Michele,

I am just following up on your email below.

In April of this year, City Council passed zoning by-laws which create an 8 bedroom limit per lot in certain residential zones. Those by-laws are currently under appeal to the Ontario Land Tribunal. At this time, it is staff's intent to carry the 8 bedroom limit per lot in the urban residential zones into the new comprehensive zoning by-law.

Initially, staff had proposed a maximum of two bedrooms for a detached second residential unit, a maximum of three bedrooms for a second residential unit located within or attached to the principal dwelling, and a maximum of five bedrooms per dwelling unit for residential zones in the urban area containing three or less principal dwelling units on a lot. Several comments were received regarding this approach as summarized on pages 16 and 17 of the comprehensive report from March 2021 here: [https://www.cityofkingston.ca/documents/10180/38870223/Planning-Committee\\_Meeting-08-2021\\_Report-PC-21-026\\_Citywide-OPA-ZBA.pdf/0b0df010-f873-a03d-64b8-6108e35f6e63?t=1616179458185](https://www.cityofkingston.ca/documents/10180/38870223/Planning-Committee_Meeting-08-2021_Report-PC-21-026_Citywide-OPA-ZBA.pdf/0b0df010-f873-a03d-64b8-6108e35f6e63?t=1616179458185)

Based on the feedback received, the proposal was changed to allow for a maximum of eight bedrooms, in the aggregate, on a lot. As noted in the comprehensive report, this was intended to provide a more flexible and equitable approach recognizing large households, multi-generational households and households with extended families by allowing the principal dwelling unit to accommodate all of the bedrooms that would otherwise not be permitted by the original draft provisions. This approach was also intended to provide for flexibility in terms of the design of second residential units.

I note that there will be an additional Public Meeting with respect to the new zoning by-law at the time of the comprehensive report, and you are welcome to make oral and/or written submissions to the Planning Committee regarding the maximum bedroom provisions.

Regards,

Sukriti



**Sukriti Agarwal, MCIP, RPP, AICP (she/her/hers)**

Manager, Policy Planning  
 Planning Services

City of Kingston  
 Located at: 1211 John Counter Boulevard



216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 extension 3217  
[sagarwal@cityofkingston.ca](mailto:sagarwal@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:** Michele Pacey [REDACTED]  
**Sent:** October 29, 2021 2:56 PM  
**To:** Park, Tim <[tpark@cityofkingston.ca](mailto:tpark@cityofkingston.ca)>  
**Subject:** Seriously, 8 Bedrooms/Lot in the Draft Zoning By-Law

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To the Planning Department

Hello:

I was alerted that the new Draft Zoning By-Law allows for 8 bedrooms per lot. I was told that the reason the Planning Department is upping the limit is that people complained that 6 bedrooms was too little.

It is as plain as the nose on all our faces that the only ones who would *complain* about a smaller, and more reasonable, 6 bedroom limit, are developers and investment property owners (aka the 1%). These are the same people who would build 8 bedrooms to a property, rent the rooms for \$1000 per month, and receive up to \$96,000 per year on these places. They are the same ones who buy up all the property (because they are the only ones who can afford it) and drive up house prices, forcing young families into crippling debt or out of the housing market altogether.

This untenable 8 bedroom limit also allows for the building of huge houses that don't at all fit the character of a cute neighborhood such as Kingscourt, where I live.

Please reconsider the limit. If you are actually working for the people of the city, and not the 1% - they don't need your help - please keep it to something reasonable, like the 6 bedroom limit that it was before.

Thanks,

Michele Pacey (Kingscourt, Kingston resident)

CITY COUNCIL  
MEETING OF:  
November 9, 2021

COMMUNICATION

No: 25-989

**Flaherty, Laura**

---

**From:** Michael Keene [REDACTED]  
**Sent:** November 5, 2021 5:14 PM  
**To:** Flaherty, Laura  
**Cc:** Martin Skolnick; MARTIN HOME SKOLNICK [REDACTED]  
**Subject:** Zoning by-law review  
**Attachments:** CZBL Review - Comment letter v.2.pdf

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Hi Laura,

I'm conducting a few property reviews for King's Town Development Corp over the next few days and manage to complete a review of their property at 55 Rideau Street. This is a large property with frontage on Rideau, Ordinance and Wellington Street. In the current by-law it split zoned with a broad but site specific zone along the Rideau Frontage. This is flagged as one of the "red" zones as it predates the official plan. Moving forward our preference would be for the entire site to be single zoned DT1 which is the proposed zone for the majority of the property.

Happy to discuss and we'll get you a few extra comments over the coming days as well.

**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



[fotenn.com](http://fotenn.com)

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# COMPREHENSIVE ZONING BY-LAW REVIEW

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November 5, 2021

**Ms. Laura Flaherty,**  
Project Manager, Planning Division  
Planning Building & Licensing Services  
City of Kingston

**RE: Review of Comprehensive Zoning By-law – 2<sup>nd</sup> Draft,  
55 Rideau Street, Kingston**

---

Dear Ms. Flaherty,

Fotenn has conducted a detailed review of the second draft of the City of Kingston's Comprehensive Zoning By-law as it relates to 55 Rideau Street, Kingston owned by King's Town Development Corporation. In general:

- / the proposed zoning accurately reflects the intentions of the Official Plan;
- / the site-specific zoning is being cleaned up to create more cohesive parent zones.

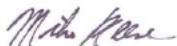
The table on the following pages details the changes and illustrates the properties in question.

We have the following comments for City staff to consider:

1. The site-specific zoning on the subject site should be removed to create a more unified Central Downtown zone for the entirety of the property and in line with the Official Plan policies for the property.

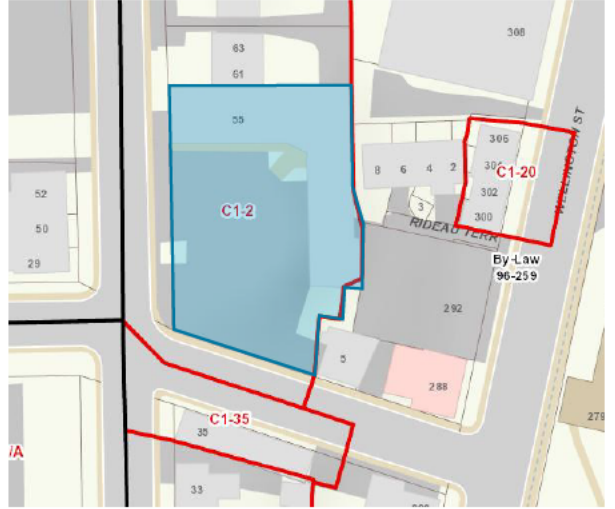

Over the coming weeks we anticipate providing you with a few additional comments on other properties owned by King's Town Development Corporation and/or properties owned by its Principals. If you have any questions or comments about the above, please do not hesitate to contact me at 613.542.5454 x 221 or [keene@fotenn.com](mailto:keene@fotenn.com).

Sincerely,



Mike Keene, MCIP, RPP

# COMPREHENSIVE ZONING BY-LAW REVIEW

Properties	Current Zoning	New Zoning	Changes/Recommendations
<p>1) 55 Rideau Street</p>	<p><b>Neighbourhood Fringe Commercial (C1-2)</b></p> <p>Notwithstanding Section 7.2.2.1, the maximum building height for buildings, or structures shall be as follows: Height at Build-to-Plane 4 storeys, not to exceed 17 metres (55 feet) Maximum Building Height 4 storeys, not to exceed 17 metres (55 feet)</p> 	<p><b>Central Downtown (DT1)</b></p> <p>/ Exception ID: 900</p> 	<p><b>The proposed zone better reflects the development potential of this site.</b></p> <p>It is recommended that the site-specific zoning be removed from the site.</p>

CITY COUNCIL  
MEETING OF:

November 9, 2021

**COMMUNICATION**  
No: 25-990

**Flaherty, Laura**

---

**From:** MacKnight, Rachel [REDACTED]  
**Sent:** November 4, 2021 12:12 PM  
**To:** NewZBL  
**Cc:** Whyte, Pamela  
**Subject:** New Zoning By-law Project: Red Exception Zones

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Laura and team,

Thanks for your presentations and correspondence during the New Zoning By-law project. We listened in on the public meeting on October 13<sup>th</sup>, 2021. Are you able to confirm that the Special Council Meeting concerning how to move forward on the “red” site-specific exceptions will take place **on November 9<sup>th</sup>**?

We are reviewing the new Zoning By-law on behalf of Canadian Tire Real Estate (CTREL). CTREL has two properties that are “Red – Exceptions that pre-date OP” on the “Draft Schedule E”:

- Proposed store at 151 Bath Road (Kingston Centre)
- Existing store at 2560 Princess Street (Cataraqui Centre)

We do have concerns on behalf of CTREL if these were to be removed.

We are putting together a formal response with some comments and clarifications that we will send as soon as possible.

Thank you,

Rachel

**Rachel MacKnight**

Planner | Urbaniste



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**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No: 25-991**

**Flaherty, Laura**

---

**From:** Shirley Bailey [REDACTED]  
**Sent:** November 5, 2021 7:12 AM  
**To:** Flaherty, Laura  
**Cc:** Agarwal, Sukriti  
**Subject:** Comments on Second Draft Zoning By-law  
**Attachments:** L\_Second Draft ZB Nov 4 21.pdf

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Hello Laura and Sukriti

Attached are some preliminary comments from the FHF. We'd be pleased to discuss these further with you.

Many thanks again for your participation in our Zoom event to discuss the draft ZB.

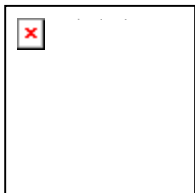
Shirley

--

Shirley Bailey, President  
Frontenac Heritage Foundation  
PO Box 27  
Kingston, ON K7L 4V6  
[REDACTED]

Check out our website at: [www.frontenacheritage.ca](http://www.frontenacheritage.ca)

FHF is a registered charity: 11923 4250 RR0001







PO BOX 27, Kingston,  
Ontario, Canada K7L4V6  
+1 343-363-1901

November 4, 2021

via email

Laura Flaherty, Project Manager  
Planning Services, City of Kingston  
216 Ontario Street  
Kingston, ON

Dear Laura

Re: Second Draft, Comprehensive Zoning By-law

First of all, thank you very much for taking the time to meet via Zoom with our membership on October 28 to discuss the comprehensive zoning by-law. Thank you also for the opportunity to provide comments on the second draft of the new comprehensive zoning by-law (ZB). We appreciate the challenges of bringing together five zoning by-laws to create one comprehensive document.

The Foundation's comments relate only to the downtown zones and the heritage zones.

**Need for a Heritage Overlay:** The FHF commends the City for incorporating three heritage zones into the new ZB to recognize the city's three heritage district plans. As staff will know, there are many Part IV designated properties outside the three heritage districts, and many are concentrated in the eight Areas of Heritage Character (nine, if one includes the King Street corridor) shown on Schedule 9 of the Official Plan. The Heritage Character Areas are shown as such because there are groupings of buildings which are listed, designated or worthy of such recognition. As an example, one critical policy in the Official Plan, S. 7.1.7 allows the City to ask for a Heritage Impact Statement when a cultural heritage resource is affected by a proposed development. The Foundation therefore asks that an additional overlay be added to the comprehensive ZB to recognize properties designated as Part IV which are outside the Heritage Districts, and also the Heritage Character Areas. The overlay would act as a trigger for a potential buyer to see that beyond the proposed zoning for a property, there are additional considerations related to heritage protection which should be considered.

**Apartment Building Definition:** Apartment buildings are defined across the ZB as having four or more units. In the (Sydenham) HCD3 zone, row 10 of the chart at S. 13.4.1 places a limit of six units on those buildings. In some of my old notes on the Sydenham District HCD, there are many buildings in the B zone (from ZB 8499) that based on site visits (counting meters) it was common for existing buildings to have multiple units. Most of the Old Sydenham District is in a B zone at present. Some of this information may be outdated, but my notes show that 116 Bagot had 7 units, 178 had 7 units. Even in the A zone, 45 West was noted as having six units. So while lots of the buildings have only one unit, there are a great many which have multiple units already in place. Therefore, given the proposed definitions and the current makeup of the district, the Foundation does not agree with deleting that defined term as suggested by others. Our view is that a six unit limit is reasonable.

In order to deal with the apartment building referenced on William Street (which must certainly include more than six units), we recommend that it be shown on the exceptions layer, as is 47 Wellington (currently being developed with 17 units in accordance with 1979 zoning).

**Dormer Provisions:** The *Downtown Residential Review* project recommended specific zoning provisions for dormers in 2004, and as a result, it appears that ZB 8499 was amended in 2005 (S. 6.3

(f) (ii) (4) through by-law 2005-212) to include those revisions. The *Old Sydenham HCD Plan* recognized (p. 79) that the B zone in ZB 8499 should have included the same dormer provisions. The Foundation supports the inclusion of the dormer provisions for the proposed HCD3 zone, but we are of the view that the dormer provisions should cover a much broader area – dormers are a critical design feature of residential buildings, whether heritage protected or not. This was also recognized in the council-endorsed *Design Guidelines for Residential Lots* (2015) which includes an entire section 6.5 on Dormers. Many important aspects are addressed in S. 6.5 of that document, and in our view, justify the inclusion of dormer definitions and related provisions in the new comprehensive ZB. The *Design Guidelines for Residential Lots*, we note, are now referenced in S. 8 Urban Design of the City's Official Plan, specifically S. 8.1.1 and 8.3. It is not enough however, to include such important provisions in an easily-overlooked document.

**Implications of New Parking Provisions:** The new parking provisions do not **require** parking for heritage properties, and in theory, this is a positive step. However, there should be provisions that apply to parking as a use of the land which will have a direct impact of the 'look' of the heritage district.

1. Under the General Provisions (4.1.1 (3) Parking lots, driveways and parking structures are permitted as an accessory use to a permitted principal use. Given that the Draft ZB also includes under 3.16.18 a definition for the term 'private garage', should the general provisions refer to both terms, 'private garages' and 'parking structures', or perhaps just the former?
2. Accessible Parking is required by Provincial legislation, and is this provided for?
3. In reviewing the existing provisions for the B zone in ZB 8499, which currently governs the Sydenham District, there are a number of provisions relating to built form on individual properties which will leave a vacuum if deleted entirely. For example, S. 5.3 B. (d) off-street (p. 143 of ZB 8499) has parameters for parking, especially ii) that parking be to the rear of a point midway between the front and rear wall of the main building, and iii) no closer to the street line than the nearest wall on a lot (which would not allow front yard parking). Will these provisions not be carried forward?

**Lanes in Proposed Zone HCD3:** As noted in a recent session, there are lanes other than Lily Lane which should be evaluated to determine whether they are owned by the city, and then whether additional residential units are allowed in those locations or are limited because of servicing concerns.

**Downtown Zoning Provisions:** In the case of the downtown, it appears that the intent is to bring forward the two major zones from ZB 96-259, except for the new parking provisions. The Foundation continues to support increased density that is compatible with the human scale of the city's core, and our view is that the heritage overlay would provide an added level of recognition for the longstanding provisions which apply to the Princess Street Heritage Character Area.

Thank you again, to you and Sukriti, for taking the time to assist in our zoom session on this project.

Regards,



Shirley Bailey, President

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION**

**No: 25-992**

**Flaherty, Laura**

---

**From:** WILLIAM KENNEDY [REDACTED]  
**Sent:** November 4, 2021 3:48 AM  
**To:** Oosterhof, Gary; Chapelle, Simon; Bar, James  
**Cc:** Oddie, Niall; Flaherty, Laura; Agarwal, Sukriti  
**Subject:** Re: Further comments on draft bylaw

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Hi James:

Thank you for your time and effort to respond to our concerns. It's appreciated.

I (Bill Kennedy) have some observations to make.

#### 1. City Staff Presentation to Council

The revised draft bylaw is hundreds of pages long, and I was hoping a slide would be devoted to each section to summarize the major changes in order to better educate me and others, because it is difficult to compare hundreds of pages from the old by-law to the new draft.

#### 2. Cutting Red Tape

If there is ever a time to cut red tape, it is now with the housing crisis. The drafting exercise should be accompanied by a cutting red tape initiative/announcement (e.g., City says its is expediting residential development reviews and approvals to 6 months) and the new draft bylaw should also be written from the view of cutting red tape.

Municipalities are said to be major contributors to the housing crisis due to bureaucratic wheels turning so slow thus limiting housing supply. Now Covid has intensified the divergence between supply and demand.

As far back as 2005, the PPS directed municipalities to set targets for affordable housing and to implement them. Here we are, 16 years later.

Also, a big priority of the Ontario government is to cut red tape. In MMAH's "Ontario Housing Supply Action Plan", 2019, 2 goals are to cut red tape and make housing more affordable.

#### 3. Agricultural Zoning

Why can't mills be on a large prime agricultural land operation? A big issue in ag is that our farmers harvest crops that get exported, and other countries do the value-added processing--not us. Why can't there be more than just professional offices and services run out of rural properties? Maybe look more carefully over what is proposed to see if it makes sense particularly from some of the rural trends I list below:

--reverse migration: city and town folk now moving to the country (Covid driven)

--more work at home, including the country

--more artisan operations (craft businesses, artists, etc.)

--more niche farming--specialty crops and vegetables grown on smaller acreages

--demise of the small dairy farmer (when I grew up at 1340 Unity Rd, there were dairy farms on either side--no more cows on Unity Rd between Division and Montreal streets--the slaughter house is also gone)

--more farmland sitting idle, particularly for smaller lots, with forest moving back in (good for biodiversity and to sequester carbon)

Did I see gas stations in a different zoning than auto repair shops (both often operate out of the same building)?

#### 4. Lifestyle

The thinking is to bring recreation into the rural zoning classification, but it is way more than that. Country living is a lifestyle, the mental (green therapy) and physical immersion in mother nature, getting away from the rat race, that people seek when they build and live on very large lots in the country. When it comes to wellbeing, rural living is a vital part of a person's identify, and this lifestyle aspect is far more important than just recreation. Should the new zoning bylaws make it easier for people to build and live in the country without cutting up the landscape?

#### 5. Public Consultation

Public consultation is a "dialogue" with stakeholders. To consult on the new draft bylaw is challenging, but can be done. So far the consultation effort looks passive, not proactive with a plan. Stakeholder groups need to meet staff in roundtables to discuss changes, e.g., calling in the builders' association, an agricultural organization, organizations that serve the homeless, etc. etc.

The wife and I were actually shocked we were given only the one time to speak and there was no rejoinder. That's not consultation. That says speak once and then shut up. I didn't get an answer on the issue of the adequacy of setbacks for structures from wetlands and moving or still water, particularly since the structures may hold concentrated pesticides with the possibility of a spill in the shed or nearby, leaching to the wetland/water, and causing localized environmental damage. Has MOE been consulted on this?

#### 6. The Need for Common Sense

When I spoke to council, I told them there is becoming a lack of an important commodity in the world called common sense.

The Kennedy's have experienced this lately and we just can't get over this experience so I'll repeat it once more. We have a kayak trailer, 7'x13', and would like to build a shed for it on our 173'x404' lot on 1350 Unity Road. But the bylaw sets out 10'x10' shed max. Why isn't the shed size for a puny city lot, scaled up to say 10'x15' or 15'x15' for a much larger country lot? Wouldn't that be common sense?

We also wanted to put a culvert on this lot and near the east boundary. But low and behold there was only one small tree growing outside of the 173' frontage, and it had to grow where we wanted the culvert. The city forest manager came out and said no can't cut down, but since the tree is growing directly under the hydro line, and it's lead branches are touching the neutral wire, Ontario Hydro will likely cut it down for you--and Hydro did just that. It was obvious that the tree would have to come down if not today, then tomorrow.

Just down from 1350 is Kelly's Ave, and nearby is a gigantic, majestic maple tree. Guess what. There were 5 of those maples planted at the same time along the 1350 Unity frontage, and they would be just as majestic today. My dad even tapped them for maple syrup. But for some bizarre reason, the municipality cut them down, and today the city wouldn't let us take down one small tree. Mind boggling. A twilight zone experience.

We also spent \$2,000 this year to plant 4 large trees at the back of the 1350 lot, but you couldn't exchange these on private property for cutting down the one municipal tree.

I guess the layers of municipal rules have been piled on so high and thick over the years, the rigidity allows no movement. I am now scared to build on this lot since the forthcoming experience maybe so gruelling and frustrating that I might experience a heart attack (just kidding--I like to exaggerate, but I am 70). I'll have to be hands off and let someone else take the beating.

#### 7. Strategic Planning

When it comes to revising the OP, you should have an idea of how many people are migrating to the rural areas now and over the next decades, how many farms are out there and what they do, are farms disappearing over time, how many of the millions of migrants arriving in Canada (Toronto) will head to Kingston and area, who is going to use the tiny house, etc. etc. This takes some time and a research and analysis budget but hopefully you can tap into other organizations' data bases.

Bill Kennedy

Looking forward to common sense

On Monday, October 18, 2021, 10:56:34 a.m. EDT, Bar,James <jbar@cityofkingston.ca> wrote:

Hello everyone,

Thank you Bill and Michelle for your comments. Councillor Oosterhof, I am including Laura and Niall on this email as well given their continued work on the new zoning by-law. We chat frequently about items brought up by members of the public to see how we can address them in the new zoning by-law, and with my former work as a rural planner, I have kept rural uses front of mind when working with Laura on the new by-law.

I am in receipt of several emails from Bill and Michelle and will respond to them all though this one email.

The policies of the Province and the City provide the framework for what can and cannot happen in the rural area. What the zoning does is lay out the parameters for what lands can be used for which is informed by the Provincial Policy Statement and the Official Plan. The main principles guiding development in the countryside are to keep as much land as possible in rural uses such as farming and forestry, with limited residential and non-residential uses permitted.

In the current Official Plan under Section 3.12.2, the permitted uses in the Rural Lands includes all agricultural uses that are permitted in Prime Agricultural, as well as sports and outdoor recreation activities such as equestrian centres, rod and gun clubs, winter sports clubs and facilities, and other such uses that require large area of land and a rural setting. The permitted uses you have identified are not criteria for being designated Prime Agricultural; certain uses are permitted in the designation based on what the intent of the designation is.

Rural Lands in the countryside have the greater list of permitted uses as prime agricultural lands are to be protected from non-farming uses. I do not understand the thought that you are losing any permitted uses by being zoned RU, as the permitted uses table in the new zoning by-law for the Rural Lands demonstrates that the RU Zone permits all uses of the AG Zone and then some. Please see page 138, table 8.1.2 of the New Zoning By-law by clicking the link below.

[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)

The proposed Official Plan amendment contains the parameters for considering on-farm diversified and agricultural related uses. In the zoning by-law, it is the intent of the proposed regulations to have those uses considered through a minor variance application where it meets the parameters outlined in the Official Plan. This approach is seen as straight forward and flexible as current proposals for such uses can only proceed via a zoning by-law amendment. The minor variance route also allows us to consider a broad number of uses for each category where it may be difficult to write regulations to capture all such uses. This is reflected in the new zoning by-law under regulation 8.2.2.2 and 8.3.2.2 found on pages 140 and 141 using the link above. The parameters in the proposed Official Plan amendment can be found on page 9 of the amendment under amendment 38. The link for the proposed Official Plan amendment can be found below.

[https://www.cityofkingston.ca/documents/10180/16370131/Projects\\_NewZoningBylaw\\_OfficialPlanAmendment.pdf/3b6271f4-5323-2983-a2d4-3034fb9714b3?t=1631124379877](https://www.cityofkingston.ca/documents/10180/16370131/Projects_NewZoningBylaw_OfficialPlanAmendment.pdf/3b6271f4-5323-2983-a2d4-3034fb9714b3?t=1631124379877)

The current zoning by-law's contain regulations to allow for home businesses in homes throughout the rural areas. This includes professional offices. Bed and breakfasts are permitted through the Short Term Rental licensing by-law subject to the regulations in that by-law. Home occupations and home offices will continue to be permitted in the new zoning by-law. Additionally, the by-law contains and will continue to contain regulations for the parking of trailers on a parcel.

We continue to work on permissions for recreational uses in the RU and AG zones. These will form part of the new zoning by-law draft and we will let you know what those will be in advance of any future public meeting on the provisions.

Please contact MPAC and the City's tax department for information on taxation as per the contact information in the previous email.

For a complete copy of the severance and minor variance files associated with your lands, please contact Blair Johnson in Clerks department at [bjohnson@cityofkingston.ca](mailto:bjohnson@cityofkingston.ca) as the Clerks department can scan and send you all the required information that is stored down in records.

Consultation on the new zoning by-law continues and we are working on the final pieces of engagement. We have not

specifically reached out to the Rural Advisory Committee but are contemplating how best to engage any final group that wants input into the new by-law.

Regarding your question on why Planning Act applications receive all three readings when they go to Council: The Council Procedural By-Law states the following:

12.62 Every by-law shall be read twice at the Meeting at which it is introduced and read a third time and passed before it is signed by the Mayor and Clerk.

12.63 Notwithstanding the provisions of Subsection 12.62 above, the following bylaws may receive all three (3) readings at the same Meeting:

- a) the Confirmation By-Law;
- b) by-laws enacted pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended or re-enacted from time to time; and
- c) by-laws for which staff have provided a written request for all three (3) readings at the same Meeting, and Council has approved such request.

Council has the discretion to determine in what manner a by-law is to receive authority and be enacted. In this case, by-laws enacted pursuant to the Planning Act undergo rigorous consultation with staff, external local agencies, the public, and have one or more meetings at Planning Committee, before appearing at Council. In addition, matters pertaining to the Planning Act are typically time sensitive having prescribed timelines to render decisions regarding such applications and there is a desire to expedite approval once it has reached Council for resolution in recognition of the rigorous consultation process.

Thank you,

James Bar, MPI, MCIP, RPP (he/him/his)  
Manager, Development Approvals  
Planning Services  
Community Services  
City of Kingston  
Located at 1211 John Counter Boulevard,  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 ext. 3213  
[jbar@cityofkingston.ca](mailto:jbar@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: Oosterhof, Gary <[goosterhof@cityofkingston.ca](mailto:goosterhof@cityofkingston.ca)>

Sent: Saturday, October 16, 2021 4:37 PM

To: WILLIAM KENNEDY [REDACTED]

Cc: Bar, James <[jbar@cityofkingston.ca](mailto:jbar@cityofkingston.ca)>; Chapelle, Simon <[schapelle@cityofkingston.ca](mailto:schapelle@cityofkingston.ca)>

Subject: Re: Further comments on draft bylaw

Hello Bill and Michelle.

Thanks for this overview.



You have provided excellent questioning and insight in the concerns and perspectives of rural landowners.

James, how can we be sure this valid feedback is reviewed and taken into consideration. I know that there has been over the years extremely little input from rural residents into the OP and yet we are so restricted and negatively impacted in so many ways. As a rural Councillor I know that the rural view is not heard or considered adequately.

This involvement and input by the Kennedy's is refreshing and valuable for all of us to consider.

How can we be sure that there are positive rural lens changes to the OP this time around?

Also.. when will this review be brought to the Rural Advisory Committee?

Thanks again.

Gary

Regards,  
Gary Oosterhof  
Countryside Councillor  
City of Kingston

> On Oct 16, 2021, at 12:03 PM, WILLIAM KENNEDY <

[REDACTED]  
[REDACTED] wrote:

- >
- > CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
- >
- >
- > I am attaching the 2011 report. There is also a background agricultural study of many pages.
- >
- > 1. Page 8 of the 2011 report.
- >
- > Prime agricultural land includes
- > a. forestry,
- > b. conservation,
- > c. low intensity outdoor recreation uses.
- > RU does not include these uses, but should. Lots of RU properties are huge acreage for these personal recreational activities.
- >
- > Our kayak trailer shed is consistent with low intensity outdoor use, and is legitimate in both RU and AG.
- >
- > We have all three uses of our property. We have a great area of forests, which are needed to combat global warming, we have EPA, we have PSW, and of course we use our for land recreational activities.
- >
- > So we are losing a lot by losing A1, A2 and going to RU. Why aren't we prime agricultural which has all those uses?
- >
- > The AG area in the bylaw for Glenburnie is a very small one compared to all the land and activities in Glenburnie ie that meets the criteria a. b. c. above plus a long list of other activities that I mentioned in other emails, like fishing, etc.
- >
- > 2. Zoning is for your use for planning, but it is also used by purchases and sellers of property to assess property potential and this affects market value and market value affects taxes.
- >
- > 3. Apparently there were 4 areas looked at only in this report, not everybody.
- > Apparently one of these areas was a small area of Glenburnie only that was considered to be prime agricultural. But it affects all of us greatly, based on the descriptions on page 8.





**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I forgot to put you councillors on my email below.

1. According to the report mentioned in my other email, there are several uses included in prime agricultural (AG) but NOT Rural:

- Home occupations
- Bed and breakfast
- Professional offices in homes
- trades related to agriculture, but only as accessory uses.

Wouldn't these apply to Rural as well? Covid has changed the world, home businesses are a new fact of life.

The main the difference according to the 2011 report, is rules around severing land for a house. So why not say that this is the main difference, rather than start describing a whole bunch of activities between the 2 categories that really shouldn't be different and is causing confusion.

2. Both AG and RU allow recreational activities, but there are different descriptions of what is allowed.

3. It seems the OP covers a lot of bases, but still has hang ups about prime use and secondary use and accessory use. Why the restrictions, other than the residential, industrial, commercial, rural/agricultural split? Basically you have no definition for primary use for rural, there are different primary uses but the nature of the land and the area is the same so the rules should be the same.

4. The bylaw then seems to get even more restrictive.

10 x 10 shed is the cutoff for not needing building permit, am I right? So I can put in a 10 x 10 shed no problem, but how did this get translated into anything over 10 x 10 is not allowed unless there is a house?

5. Once the OP was passed way back years ago, then this should have been used for making decisions on what is allowed, even if the bylaws weren't updated, as the OP gives the principle, the bylaws should only be giving the specifications for the principles, not yeses or no's.

Thanks for considering all of our comments. There is still a lot of reading for us to do.

Sent from my iPad

Begin forwarded message:

**From:** WILLIAM KENNEDY [REDACTED]  
**Date:** October 16, 2021 at 10:28:35 AM EDT  
**To:** James Bar <jbar@cityofkingston.ca>  
**Cc:** Niall Oddie <noddie@cityofkingston.ca>  
**Subject:** Re: Further questions (Kennedy's)

1. Apparently our zoning changed in 2011 with the Agricultural Study and the Official Plan. Am I correct that there were impacts on people who lost their farming status and became RU thus their property taxes became higher?

This explains a conversation we had with a neighbour several years ago who came up to us and said "I lost my agricultural status, how the hell did that happen?"

2. When we asked last week about notification to people of changes to zoning of their lands, the answer was that this is not done, we rely on public meetings and social media, etc.

However, when I read the report, it says that the first reading is also the second reading and the first reading is also the third reading.

So how do people get their input to you and how do you incorporate input on a change affecting people financially if the very first and only reading of the report is also the last reading?

Is this standard practice of the city to not allow the proper process of three readings of a report, to not allow time for consideration of these changes by those who are affected by these changes?

Who makes the decision of only having one reading instead of all three, who in the city or the councillors or both or whom?

3. In order for us to have a complete file, would you be able to provide the agreement or decision or whatever paperwork came out of the second application made by my mother, Mrs. Kennedy, to correct the zoning approved for the severance application in 1999. We can receive this electronically or by mail, whatever is easiest for you.

4. Also there seems to be an issue with the PSW maps being incorrect, and this does absolutely affect our property. We applied for tax rebate in 2018 with the province and never received it due to this mapping problem by the province, which is a different level of the government. If this problem gets sorted out, the PSW line should also be put on your interactive map. Apparently there is a staff member working on this problem so if this could be sorted out with the province that would be a great help. Please keep us informed when this is worked out.

Thanks for your help and hope this helps.

Bill Kennedy  
[REDACTED]

Sent from my iPad

On Oct 14, 2021, at 9:30 AM, Flaherty, Laura <lflaherty@cityofkingston.ca> wrote:

Good morning,

The background work is explained in this [Agricultural Study](#) along with additional amendments that were made by [Report Number PC-12-022](#).

Regards,  
Laura

[<image001.png>](#)

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

**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

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:** WILLIAM KENNEDY [REDACTED]  
**Sent:** October 13, 2021 8:23 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
**Subject:** Re: Further questions (Kennedy's)

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Where can we find the Provincial criteria of OMAFRA that you used?

Sent from my iPad

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The Official Plan land use designation maps dictate the difference. 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.

The current extent of the Prime Agricultural designation in the Official Plan is based on the Provincial criteria and consultation with OMAFRA. The next OP Update is scheduled to commence in 2023. 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.

Some information about property taxes can be found [here](#). Please contact Tax & Revenue Services at [tax@cityofkingston.ca](mailto:tax@cityofkingston.ca) with questions related to tax rates.

Please reach out to MPAC with questions about their assessment.

Regards,  
Laura

<image001.png>

Laura Flaherty (MacCormick), M

<image002.png> <image003.png> <image004.png>

(she/her/hers)

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**From:** WILLIAM KENNEDY [REDACTED]  
**Sent:** October 13, 2021 4:18 PM  
**To:** Flaherty, Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>; Bar, James <[jbar@cityofkingston.ca](mailto:jbar@cityofkingston.ca)>  
**Subject:** Re: Further questions (Kennedy's)

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How did you decide which A2 became RU and which A2 became prime agricultural land?

Is it based on

- a. existing use,
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There is no definition of how to know what is prime agricultural land.

Are the tax rates the same for A1, A2, RU, AG and how does this compare to the tax rate for vacant land?

How long will it take for MPAC to revise their system to include the new categories?

How does MPAC deal with over 300 utilities, all with different categories?

Sent from my iPad

On Oct 13, 2021, at 3:58 PM, Flaherty, Laura  
<[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)> wrote:

Good afternoon,

There was no discussion paper on the rural and agricultural zones - the topics covered in discussion papers were major, outstanding issues that were identified through the public review of the first draft of the zoning by-law before the project was put on hold.

The 5 rural zones were largely a result of the consolidation of the existing rural zones in Zoning By-laws 32-74 and 76-26. The following table generally summarizes the existing zones that were consolidated:

<b>FIRST DRAFT ZONE NAME</b>	<b>CODE</b>	<b>EXISTING ZONE (EXISTING ZBL)</b>
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Regards,  
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<image001.png>

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-----Original Message-----

From: WILLIAM KENNEDY  
[REDACTED]

Sent: October 13, 2021 2:40 PM

To: Oddie,Niall <noddie@cityofkingston.ca>

Subject: Further questions.

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Was there a working paper for rural and agricultural zones like there was for EPA?

What criteria is was used to set up the 5 different rural zones?

Thanks. Michelle Kennedy [REDACTED]

Sent from my iPad

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Thanks for your help and hope this helps.

Bill Kennedy  


Sent from my iPad

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Regards,  
Laura

[<image001.png>](#)

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**(she/her/hers)**

Project Manager, Planning Services

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

City of Kingston



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**Sent:** October 13, 2021 8:23 PM  
**To:** Flaherty, Laura <lflaherty@cityofkingston.ca>  
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Project Manager, Planning Services

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**To:** Flaherty,Laura <[lflaherty@cityofkingston.ca](mailto:lflaherty@cityofkingston.ca)>; Bar,James <[jbar@cityofkingston.ca](mailto:jbar@cityofkingston.ca)>  
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Regards,  
Laura

<image001.png>

**Laura Flaherty (MacCormick), M**

**(she/her/hers)**

Project Manager, Planning Services

<image002.png> <image003.png> <image004.png>

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Was there a working paper for rural and agricultural zones like there was for EPA?  
What criteria is was used to set up the 5 different rural zones?

Thanks. Michelle Kennedy [REDACTED]

Sent from my iPad

## CITY COUNCIL MEETING OF:

November 9, 2021

<b>COMMUNICATION</b> <b>No: 25-993</b>
---

**Flaherty, Laura**

---

**From:** WILLIAM KENNEDY [REDACTED]  
**Sent:** November 5, 2021 10:52 AM  
**To:** Flaherty, Laura; Mayor of Kingston; Chapelle, Simon; Oosterhof, Gary; Bar, James  
**Subject:** Re: City of Kingston - New Zoning By-law Updates

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

## Outstanding Issues:

1. PSW boundaries are incorrectly mapped by the provincial government. We applied for tax rebate for PSW land in 2018, still no solution. Your revised interactive map does not show PSW boundary, when it could, as we know where the boundary is, it is the computer printout that does not.

2. Even though your interactive map showed our property as agricultural, and the Official Plan includes recreational activities as part of agricultural since 1976, we were told we could not have a kayak trailer shed because we did not have a house on the lot. After too much wasted effort on our part it sits out in the rain and snow.

3. We were told this is what council has approved. No, they approved a superseding official plan, which means the bylaws are no longer in compliance for the last 45 years and therefore cannot be used as the guide.

The official plans seem to be well thought out, but the bylaws are 45 years out of date. When people are calling they should be given guidance according to the Official Plan, not the outdated bylaws. Maybe do that for the next 45 years.

4. What are the educational requirements and experience requirements for staff who are interpreting these bylaws? Are there official job descriptions for all city staff in all departments spelling out those requirements? If not, why not?

5. We were told to move the culvert location away from a tree and to be beside a hydro pole instead. We knew this would not fit rules for hydro poles but the person did not.

We were told the tree could not be taken down. But the forestry man sent a letter saying it was touching the hydro line, even though another one of your staff said it was not touching the line and could not be taken down.

6. Do you know how much it costs to install a culvert to meet your requirements? How will house buyers be able to afford a house with this exorbitant requirement?

What is the rationale for 20 to 27 feet culvert when only 10 feet is needed?

I would appreciate it if someone would get back to us on this question.

7. We participated in the last public meeting, which did not include the councillors.

We were shocked to find out that 50 per cent of the applications in the past were comprised of exceptions, while the planner consultant said that most of these were not actually exceptions, but in compliance.


This tells me that the City has a big problem with its understanding and interpretation of the official plan and the bylaws.

This fits with the experience the public has had with their interactions with the Planning department.

It would be useful to find what is causing this large number of invalid exceptions, is it lack of training, lack of clarity in the documents, lack of experience, lack of robust internal review, desire to raise money through variances, outdated bylaws that do not confirm to Official Plan, or something else?

8. I realize I am dealing with a city who forced people who needed a place to live to build a place to live on wheels because the city wished to discourage having that place to live for some reason. Was this based on outdated bylaws?

Hope this helps.

Bill and Michelle Kennedy  


Sent from my iPad

On Nov 5, 2021, at 10:06 AM, Flaherty, Laura <lflaherty@cityofkingston.ca> wrote:

Good morning!

You are receiving this email because you are on the New Zoning By-law project email list. A couple of updates and reminders:

1. The agenda for the November 9<sup>th</sup> Special Meeting of Council has been published on the Council Meeting website, with a link to download the Staff Report about the New Zoning By-law (containing staff's recommended approach to the older, "red" site-specific exceptions): <https://www.cityofkingston.ca/residents/city-calendar-events/-/calendar/QUmzuR567ExT/event/39042525>
2. Today (November 5<sup>th</sup>) is the deadline for public feedback and comments on the [second draft](#) of the New Zoning By-law and [proposed Official Plan Amendment](#) (OPA). Members of the public may continue to provide written comments at any point before Council makes a decision, however, providing the majority of your comments today (or even next week) ensures that staff have an opportunity to fully review and consider all comments and suggestions in preparing the next draft of the New Zoning By-law and OPA.
3. Two new layers have been added to the bottom of the "Layer Visibility" window on the [Interactive Map](#). "In Progress Draft Zoning Map (Post-Second Draft)" and "In Progress Draft Schedule E – Zoning Exceptions Overlay (Post-Second Draft)" are "live" versions of these two maps, so that members of the public can access up-to-date information as staff work on revisions to the mapping.

If you have any questions or comments, 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

[<image001.png>](#)

**Laura Flaherty (MacCormick), MCIP RPP  
(she/her/hers)**

Project Manager, Planning Services

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

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## CITY COUNCIL MEETING OF:

November 9, 2021

**COMMUNICATION**

**No: 25-994**



**Flaherty, Laura**

**From:** Youko Leclerc-Desjardins [REDACTED]  
**Sent:** November 5, 2021 4:25 PM  
**To:** Flaherty, Laura  
**Cc:** [REDACTED]  
**Subject:** New ZBL - KHBA - Sight triangles

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Laura,

I hope you are doing well. The KHBA submitted correspondence regarding the new zoning by-law on October 13<sup>th</sup>. This correspondence included a table comparing a proposed set of zone standards for new subdivisions to the provisions from relevant zones in the 2<sup>nd</sup> draft of the new ZBL. KHBA’s letter also included suggested changes to the minimum sight triangle requirements.

On behalf of the KHBA, we are requesting that the proposed sight triangles table from the October 13 letter be superseded by the table below. Reduced sight triangles are necessary to support the efficient use of land and in order without compromising traffic safety. For home builders, sight triangles often limit where driveways can be positioned on a new lot and therefore the requirements often conflict with accepted exterior side yard requirements (e.g. it may not be possible to build to a reduced exterior side yard when the sight triangle requirement dictates the placement of a driveway that leads to a greater exterior side yard). The purpose of sight triangles is to prohibit visual obstructions in proximity to intersections, to protect the public. As such, the proposed dimensions below have generally been accepted and implemented in new communities (e.g. Woodhaven, West Village, Creekside, etc.).

We ask that staff review the suggested dimensions below and incorporate these dimensions in the new ZBL. Please do not hesitate to contact us if you have any questions or if a call to discuss or clarify would be beneficial. We ask that you please also notify us of the staff decision regarding these dimensions once one has been made.

Sight Triangles – Proposed		Type of Subject Road		
		Local Road	Collector Road	Arterial Road
Type of Intersecting Road	Local Road	3.5m x 3.5m	4.5m x 8.5m + 8.5m x 4.5m	9.0m x 9.0m
	Collector Road	4.5m x 8.5m + 8.5m x 4.5m	8.5m x 8.5m	9.0m x 9.0m
	Arterial Road	9.0m x 9.0m	9.0m x 9.0m	9.0m x 9.0m

We also recommend a review be completed to determine appropriate sight triangles in the old City of Kingston (ZBL 8499), particularly given that the Collector Road and Arterial Road dimensions above, in particular, are unlikely to be feasible in those areas.

Have a great weekend.

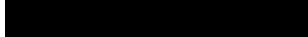
Best,  
 Youko

**Youko Leclerc-Desjardins, MCIP RPP**  
 Associate

**NOTE: Our Kingston office has moved! We are now on the third floor of The Woolen Mill: Suite 315.**

**FOTENN**

The Woolen Mill  
4 Cataraqi St, Suite 315  
Kingston, ON K7K 1Z7



[fotenn.com](http://fotenn.com)

**OUT OF OFFICE ALERT - COVID-19**

**Please be advised that Fotenn staff are currently working remotely in accordance with government recommendations for social distancing. I remain available by email, phone or video conference.**

Follow Us



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L'information transmise est strictement réservée à la personne ou à l'organisme auquel elle est adressée et peut être de nature confidentielle. Si vous avez reçu cette information par erreur veuillez contacter son expéditeur immédiatement par retour du courrier électronique puis supprimer cette information y compris toutes pièces jointes sans en avoir copié divulgué ou diffusé le contenu. Merci de votre coopération.

**CITY COUNCIL  
MEETING OF:**

November 9, 2021

**COMMUNICATION  
No: 25-995**