



**City of Kingston
Report to Planning Committee
Report Number PC-24-002**

To:	Chair and Members of the Planning Committee
From:	Paige Agnew, Commissioner, Growth & Development Services
Resource Staff:	Tim Park, Director, Planning Services
Date of Meeting:	December 7, 2023
Subject:	Recommendation Report
File Number:	D14-012-2023
Address:	1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street
District:	District 2 - Loyalist-Cataraqui
Application Type:	Zoning By-Law Amendment
Owner:	Clermont Investments Inc.
Applicant:	Boulevard Group

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by the Boulevard Group, on behalf of Clermont Investments Inc., with respect to the subject site located at 1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street.

The property is located south of Highway 401 to the west of the Cataraqui Estates Business Park and west of the Invista Centre recreation complex, with frontage on Macrow Street and

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Gardiners Road. An overall site plan has been approved for the site (File Number D11-407-2012) that includes three buildings that have been constructed, and two buildings identified as part of a future phase of development that will require a site plan modification application.

The subject site is designated Business Park Industrial in the Official Plan and is zoned M1 (Business Park Zone) in the Kingston Zoning By-Law with a Legacy Exception (L294). In accordance with Legacy Exception L294, complementary uses are currently restricted to 25% of the gross floor area on-site.

The purpose and effect of the proposed Zoning By-Law amendment is to permit an increased percentage of uses intended to complement business park uses (“complementary uses”), and to update the list of permitted uses on the subject property in accordance with the terminology of the Kingston Zoning By-Law. Complementary uses that would be permitted through the proposed zoning by-law amendment, in up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; banquet hall; day care centre; financial institution; fitness centre; laundry store; personal service shop; place of worship; recreational facility; restaurant; and, wellness clinic. The recommended zoning by-law amendment recognizes a minimum number of six loading spaces previously approved for the site and exempts existing buildings from long-term bike parking and end-of-trip bike facility requirements of the Kingston Zoning By-Law. The zoning by-law amendment also has the effect of eliminating a planting strip requirement that was not carried forward into the business park zones of the Kingston Zoning By-Law.

The recommended amendment includes the establishment of a Holding Overlay to ensure that the noise sensitive uses (i.e., day care centre and place of worship) are assessed through a Noise Impact Study and found to be compatible with surrounding land uses, prior to being permitted to be established on the subject lands.

No new buildings are proposed at this time; however, two future one-storey buildings totalling approximately 1,060 square metres are envisioned for the property through the approved site plan control application for the property (File Number D11-407-2012). The future buildings will require a site plan modification application, which will address detailed design matters such as the building envelope, accessibility and the configuration of additional paved parking surfaces and walkways.

The recommended zoning by-law amendment will increase permissions for a diversified mix of complementary uses on the subject property, which will ultimately support, and foster employment uses on the property and in the vicinity, and active transportation between employment and supportive uses. The site is well suited for the addition of complementary uses with its frontage along Gardiners Road and the uses will not have a negative impact on nearby employment uses. The proposal, as assessed through the technical review process, is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

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Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-012-2023) submitted by Boulevard Group, on behalf of Clermont Investment Inc., for the property municipally known as 1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street, be approved ; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-002; and

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

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER
Paige Agnew, Commissioner,
Growth & Development Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Statutory Public Meeting**

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

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

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Amy Didrikson, Intermediate Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3296
adidrikson@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application meeting on April 12 2023. Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of October 2, 2023.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before December 31, 2023, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the City will be required to refund the fees that were paid by the applicant on the subject application and the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

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Site Characteristics

The subject property is approximately 2.45 hectares in area and is located on the southwest corner of Gardiners Road and Macrow Street (Exhibit B – Key Map), which are both Arterial Roads according to Schedule 4 of the Official Plan. Highway 401 is approximately one kilometre north of the site.

A common element condominium applies to the lands, including five parcels of tied lands (POTLs) and common elements which include the parking area and landscaped areas. The property currently contains one 2880 square metre, two-storey building and two 473 square metre, one-storey buildings, internal roadways, landscaping and parking (Exhibit I – Site Photographs). The existing buildings contain a mixture of business park and commercial uses.

The property is in an area referred to as the Gardiners Road Industrial Park delineated in the 2015 Employment Land Strategy Review. The property abuts undeveloped lands to the west and north, which are in General Industrial and Business Park Industrial land use designations of the Official Plan, respectively. The property to the south contains employment uses, including a biotechnology research lab, and to the east of Gardiners Road is the City's Invista Centre recreation complex. Further to the south at 623-631 Fortune Crescent there are a number of commercial uses including restaurants and retail stores, as well as office space. Further to the east beyond Fortune Crescent along Centennial Drive is the Cataraqui Estates Business Park, approximately 700 metres from the subject property. Further to the west of Midland Avenue is a residential subdivision.

The property is connected to sidewalks and a pedestrian crosswalk at a signalized intersection along the property frontage on Gardiners Road. A stop for transit route 7 is located within walking distance of the subject property at Gardiners Road and Fortune Crescent, which provides service from the Invista Centre to the Rideau Heights neighbourhood. Bike infrastructure in the vicinity includes a bike lane on Cataraqui Woods Drive, which will eventually connect with a buffered bike lane on Midland Avenue according to the City's Active Transportation Master Plan. A connection to the K&P trail is also located approximately 700 metres to the northeast of the subject property.

Proposed Application and Submission

The subject property is currently developed with three buildings containing a mix of business park and complementary uses, including a freestanding restaurant. The site plan approved for the property identifies two future buildings which were indicated as a restaurant and a drive through restaurant, which would be considered complementary uses. To allow the future buildings to contain complementary uses, as well as to allow the existing complementary uses to remain, a zoning by-law amendment is required to permit an increased percentage of complementary uses.

The purpose and effect of the proposed Zoning By-Law amendment is to an increase in complementary use permissions from 25% to 49% of the gross floor area on the subject property, and to update the list of permitted uses on the subject property in accordance with the

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terminology of the Kingston Zoning By-Law. Complementary uses that would be permitted through the proposed zoning by-law amendment, in up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; banquet hall; day care centre; financial institution; fitness centre; laundry store; personal service shop; place of worship; recreational facility; restaurant; and, wellness clinic. The recommended zoning by-law amendment recognizes a minimum number of six loading spaces previously approved for the site and exempts existing buildings from long-term bike parking and end-of-trip bike facility requirements of the Kingston Zoning By-Law. The zoning by-law amendment also has the effect of eliminating a planting strip requirement that was not carried forward into the business park zones of the Kingston Zoning By-Law.

The recommended amendment includes the establishment of a Holding Overlay to ensure that the noise sensitive uses (i.e., day care centre and place of worship) are assessed through a Noise Impact Study and found to be compatible with surrounding land uses, prior to being permitted to be established on the subject lands.

No new buildings are proposed at this time; however, the two future one-storey buildings envisioned for the property through the approved site plan control application for the property (File Number D11-407-2012) total approximately 1,060 square metres. The future buildings will require a site plan modification application, which will address detailed design matters such as the building envelope, accessibility and the configuration of additional paved parking surfaces and walkways.

In support of the application, the applicant has submitted the following:

- Concept Site Plan (Approved Site Plan), prepared by McIntosh Perry (Exhibit H);
- Floor plans and elevations of existing buildings;
- A Servicing Feasibility Brief, prepared by Groundwork Engineering Ltd.; and,
- A Planning Justification Report prepared by the Boulevard Group.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The subject lands are located within the City of Kingston Urban Boundary which would be considered a Settlement Area as defined by the Provincial Policy Statement (2020). Settlement areas are to be the focus of growth, developed with a mix and range of land uses. The site is currently developed with a mix of employment uses and complementary uses. The proposal

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would permit an increased percentage of complementary uses intended to support the employment uses on site and in the vicinity, and ultimately support active transportation within the employment area. The proposed mix of land uses will diversify the economic base and make efficient use of land and resources, through fostering development of a site that is appropriately serviced by municipal water, wastewater, active and public transportation. Noise sensitive uses proposed on the property will be restricted by a recommended Holding Symbol until the required Noise Impact Study is provided.

The recommended Zoning By-Law amendment is consistent with the Provincial Policy Statement as it will promote economic development, represents a wise use of resources, and protects public health and safety.

A detailed review of the applicable policies is attached in Exhibit D – Consistency with the Provincial Policy Statement.

Official Plan Considerations

The subject lands are located within a Business District as shown on Schedule 2 – City Structure of the Official Plan. The zoning by-law amendment permits limited retail and service commercial uses that serve business activities, consistent with the strategic intent of Business Districts.

The subject property has a Business Park Industrial land use designation in the Official Plan (Exhibit E – Official Plan, land use), which is a form of employment land. The goal of the Business Park Industrial land use designation is to develop attractive areas for prestige office, research, light industrial, and similar employment uses at visible and easily accessed locations within the city. The main uses permitted within the Business Park Industrial designation include employment uses such as corporate administrative offices and government offices, research and development facilities, including laboratories, data processing facilities, including call centres, as well as certain light industrial uses, provided they are contained within enclosed buildings. Complementary uses, defined to include uses such as daycares, conference facilities, restaurants and recreation facilities are also permitted subject to applicable criteria. The new complementary uses enabled by the zoning by-law amendment are consistent with the uses contemplated in the Official Plan.

The subject application for zoning by-law amendment is required in accordance with the Official Plan which allows complementary uses to exceed 25% of the gross floor area on a site subject to meeting specific criteria. The proposal conforms to the required criteria to establish 49% complementary uses on the subject property, as the permitted uses will provide a similar rate of employment as the primary permitted uses will not hinder or preclude any employment uses from establishing on any lands in the employment area. The uses facilitated through the amendment will ultimately improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses.

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Staff are of the opinion that the proposal conforms with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The subject property is zoned Business Park (M1) zone in the Kingston Zoning By-Law, with a Legacy Exception L294 in Parking Area 5 (Exhibit G – Kingston Zoning By-Law Number 2022-62 Map). The M1 zone permits a range of employment uses such as a call centre, catering service, laboratory and office. The Legacy Exception includes business park uses permissions, carrying forward terminology from the Former Kingston Township Zoning By-Law, including data processing and related services; business offices; professional offices; laboratory, research, development facilities carried out within enclosed buildings; film or recording studio; printing establishment; and public uses. Complementary uses permitted by the Legacy Exception include a bank or financial institution; clinic; restaurant and patio; restaurant, freestanding; restaurant, take-out; dry cleaning and related services; and personal service shop and may establish in up to a maximum of 25% of the built gross floor area.

The purpose and effect of the proposed Zoning By-Law amendment is to permit an increased percentage of uses intended to complement business park uses (complementary uses), and to update the list of permitted uses in accordance with the terminology of the Kingston Zoning By-Law. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; banquet hall; day care centre; financial institution; fitness centre; laundry store; personal service shop; place of worship; recreational facility; restaurant; and, wellness clinic. The recommended zoning by-law amendment recognizes a minimum number of six loading spaces previously approved for the site and exempts existing buildings from long-term bike parking and end-of-trip bike facility requirements of the Kingston Zoning By-Law. The zoning by-law amendment also has the effect of eliminating a planting strip requirement that was not carried forward into the business park zones of the Kingston Zoning By-Law.

The proposed Zoning By-Law amendment would replace the existing Legacy Exception L294 in effect on the site and with a new Exception Overlay E138. Each of the modifications to the existing zoning of the subject property, is discussed below in relation to the intent of the Kingston Zoning By-Law provisions.

1. Refined Business Park Permitted Use Terminology:

The following table details the business park uses that are currently specified in the Legacy Exception L294 carried forward from Zoning By-Law Number 76-26, and the corresponding permitted business park uses in the applicable M1 parent zone. One of the effects of the Zoning By-Law amendment is to refine the list of permitted business park uses to align with the terminology of the Kingston Zoning By-Law, and to remove the redundant use terms of Legacy Exception L294.

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
(i) Data processing and related services	Research Establishment and a Call Centre	<p>Data processing and related services is undefined in Zoning By-Law 76-26 but is understood to correspond with the following use terms of the Kingston Zoning By-Law Number 2022-62:</p> <p>Research Establishment means the use of any lot or building for research, data collection and manipulation, and/or technical development of information or devices for application, excluding a laboratory.</p> <p>Call Centre means the use of any lot or building established to transmit or receive a high volume of phone calls to provide technical support, customer service, sales or similar client services.</p>
(ii) Business offices; (iii) Professional offices;	Office	<p>“Business office” and “Professional office” are undefined in Zoning By-Law 76-26 but are understood to correspond with the permission for an Office in the Kingston Zoning By-Law Number 2022-62:</p> <p>Office means the use of any lot or building for conducting the affairs of businesses, professions, services, media studios, industries, governments, or other similar activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods. Office excludes a wellness clinic.</p>

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
(iv) Laboratory , research, development facilities carried out within enclosed buildings;	Laboratory and Research Establishment	<p>The Legacy use permission for a laboratory, research, and development facility carried out within an enclosed building corresponds with permission for a Laboratory and Research Establishment in the Kingston Zoning By-Law Number 2022-62:</p> <p>Zoning By-Law 76-26 defines Laboratory as a building or portion thereof wherein scientific experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, test or investigations are manufactured or otherwise prepared for use on the premises.</p> <p>The Kingston Zoning By-Law defines a Laboratory as the use of any lot or building where experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the lot. This definition excludes a research establishment. See above for the definition of a Research Establishment.</p>
(v) Film or Recording Studio;	Production Studio	<p>“Film or Recording Studio” is undefined in Zoning By-Law 76-26 but is understood to correspond with the permission for an Production Studio in the Kingston Zoning By-Law Number 2022-62:</p>

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
(vi) Printing Establishment;	Light Industrial Use	<p>A printing establishment is undefined in Zoning By-Law 76-26 but is understood to correspond with permission for a Light Industrial Use in the Kingston Zoning By-Law Number 2022-62:</p> <p>Light Industrial Use means the use of any lot or building for production, processing, manufacturing, fabrication, assembly, or similar processes, including those that are technologically advanced or innovative, within a self-contained building where the processes have a low probability of fugitive emissions such as noise, odour, dust or vibration. This definition does not include any other use defined herein.</p>
(vii) Public use.	-	<p>The Legacy use permission for a Public Use corresponds with permission in all zones for a Public Use in the Kingston Zoning By-Law.</p> <p>In Zoning By-Law 76-26, a Public Use means a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, any telephone or telegraph company, or any railway company authorized under The Railway Act.</p> <p>Kingston Zoning By-Law includes the following comparable definition of Public Use:</p>

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
		<p>Public Use means the use of any lot or building for a public service by a public authority including the City, any conservation authority established by the Province of Ontario, any utility company, or any railway company authorized under the Canada Transportation Act, S.C. 1996 c. 10. Public use includes the use of any lot or building owned by a public authority by any other third party, including where the party is not a public authority, for any purpose authorized by the applicable public authority.</p>

As detailed above, the business park uses permitted in the Legacy Exception do not need to be specified in the new Exception as they are permitted in the applicable M1 zone, or in all zones of in accordance with section 4.9.1 of the Kingston Zoning By-Law.

2. Existing Permitted Complementary Uses Permitted in up to 49% of total Gross Floor Area:

The complementary uses detailed in the following table are currently permitted in up to 25% of the total gross floor area on the property as per the applicable M1 zone modified by Legacy Exception L294. The recommended zoning by-law amendment and exception overlay E138 would have the effect of refining and carrying forward these permitted uses under the terminology of the Kingston Zoning By-Law, and allowing these uses to occupy up to 49% of the total gross floor area on the property.

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
(i) Bank or financial institution;	Financial Institution	<p>A “bank or financial institution” is undefined in Zoning By-Law 76-26 but is understood to correspond with permission for a Financial Institution in the Kingston Zoning By-Law Number 2022-62.</p> <p>Financial Institution means the use of any lot or building wherein money management services are provided and includes a bank, trust company, credit union, financial company, mortgage company, loan company, cheque cashing company, or investment company</p>
(ii) Clinic ;	Wellness Clinic	<p>The Legacy use permission for a clinic corresponds with the term Wellness Clinic in the Kingston Zoning By-Law Number 2022-62. These corresponding definitions are detailed below for reference:</p> <p>Clinic means a building or part of a building that is used solely by physicians, dentists, and / or drugless practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, providing that all such uses have access only from the interior of the building or structure, but shall not include</p>

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
		<p>accommodation for in-patient care or operating rooms for major surgery.</p> <p>Wellness Clinic means the use of any lot or building by physicians, dentists, physiotherapists, chiropractors, nurses, naturopaths, osteopaths, psychologists, therapists, registered massage therapists, optometrists or other similar medically focused practitioners, for the purpose of consultation, diagnosis, and office treatment associated with such profession. A wellness clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but excludes a hospital.</p>
<p>(iii) Restaurant and patio;</p> <p>(iv) Restaurant, freestanding;</p> <p>(v) Restaurant, take-Out;</p>	Restaurant	<p>The Kingston Zoning By-Law does not distinguish between restaurants with patios, take out restaurants, or freestanding restaurants.</p> <p>Restaurant means the use of any lot or building in which the principal business is the preparation and serving of food and/or beverages to the public for consumption on or off the premises, and which may include the preparation of food in a ready to consume state for consumption off the premises. A restaurant includes a take-out restaurant, a bakery, and other similar uses.</p>

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
(vi) Dry cleaning and related services;	Laundry Store	<p>Zoning By-Law 76-26 includes defined terms that include dry cleaning but does not define “dry cleaning and related services”. This permitted complementary use is carried forward through permission for a Laundry Store, which is defined in the Kingston Zoning By-Law as follows:</p> <p>Laundry Store means the use of any lot or building for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process. A laundry store includes a laundromat, where one or more clothes washing and drying machines are used.</p>
(vii) Personal service shop.	Personal Service Shop	<p>A personal service shop in both Zoning By-Law 76-26 and the Kingston Zoning By-Law 2022-62 carry similar definitions as detailed below:</p> <p>Under Zoning By-Law 76-26, Personal Services Shop means an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.</p>

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
		Under the Kingston Zoning By-Law, Personal Service Shop means the use of any lot or building in which services involving the care of persons or their apparel are offered and includes a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon, spa or similar service establishments as licensed by the City. The sale of merchandise is only permitted as an accessory use to the principal service provided.

Permission for the above complementary uses in up to 49% of the total gross floor area on the property is consistent with the intent of the Zoning By-Law, as they will allow for complementary uses explicitly and implicitly contemplated by the Official Plan to establish in less than half of the total gross floor area on the property. The expanded gross floor area permissions for the above complementary uses on the site are all contemplated as principal permitted uses in the Employment Service (M4) zone in recognition that these uses can provide supportive services to employment areas.

3. New Complementary Use Permissions:

The complementary uses in the following table are not currently permitted by the applicable M1 zone or Legacy Exception L294 zone and are introduced into the recommended Exception Overlay E138. These complementary uses are permitted to occupy a maximum of 49% of the total gross floor area on the subject property. The corresponding definitions are detailed below.

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New Complementary Use Permissions	
Defined Complementary Use Permitted by Exception (E138)	Notes
Animal Care means the use of any lot or building for medical, grooming, training or similar services for animals, but does not include a kennel or an animal shelter.	Also permitted as a principal use in the Employment Service (M4) zone.
Animal Shelter means the use of any lot or building for the care of lost, abandoned or neglected animals and operated by a public authority or semi-public authority or by a not-for-profit organization.	Also permitted as a principal use in the Employment Service (M4) zone.
Banquet Hall means the use of any lot or building in which facilities are provided for the gathering of people for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served, but excludes a restaurant.	Also permitted as a principal use in the Employment Service (M4) zone.
Day Care Centre means the use of any lot or building licensed pursuant to the Child Care and Early Years Act, 2014, S.O. 2014, c.11, Sched. 1, for the purpose of providing temporary care for or supervision of children for a child's safety, wellbeing or development, in the absence of the child's parent or guardian and for a continuous period that does not exceed 24 hours. A day care centre may also include care offered or supplied on a regular schedule to adults for a portion of a day, but which does not provide overnight accommodation.	Also permitted as a principal use in the Employment Service (M4) zone. Permitted subject to the removal of the recommended Holding Overlay H230
Fitness Centre means the use of any lot or building in which facilities are provided for fitness or athletic activities such as body-building, endurance training, yoga, exercise and fitness classes, or other similar uses where the principal focus is fitness. Fitness centres may include associated facilities such as a sauna, a swimming pool and a solarium and accessory uses such as a food concession and retail store.	Also permitted as a principal use in the Employment Service (M4) zone.

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New Complementary Use Permissions	
Defined Complementary Use Permitted by Exception (E138)	Notes
Place of Worship means the use of any lot or building for the regular assembly of persons for the practice of religious worship, services, or rites.	Also permitted as a principal use in the Employment Service (M4) zone. Permitted subject to the removal of the recommended Holding Overlay H230
Recreational Facility means the use of any lot or building for athletic or recreation activities, which may include a community centre, club, ice or roller skating rink, curling rink, indoor paintball facility, axe throwing, racquet club, swimming pool, golf driving range, billiard parlour and bowling alley or other similar uses where the principal focus of the use is the participation in athletic or recreation activities.	Also permitted as a principal use in the Employment Service (M4) zone.

Permission for the above complementary uses in up to 49% of the total gross floor area on the property is consistent with the intent of the Zoning By-Law, as they will allow for complementary uses explicitly and implicitly contemplated by section 3.6.A.2 of the Official Plan to establish in less than half of the total gross floor area on the property. Through the application of a Holding Overlay for the Day Care Centre and Place of Worship uses, which are considered sensitive uses, a Noise Impact Study will be required to ensure the required mitigation measures can be implemented taking into consideration existing and planned industrial uses in the vicinity. The new complementary uses permitted on the site are all contemplated as principal permitted uses in the Employment Service (M4) zone in recognition that these uses can provide supportive services to employment areas.

4. Minimum Loading Space Requirements:

The Exception Overlay requires a minimum of six loading spaces for the property, which carries forward the same provision from the existing Legacy Exception. The site plan approved for the subject property (Exhibit H) includes seven proposed loading spaces, which exceeds this minimum requirement. The intent of the loading space requirements is to ensure employment zones and commercial uses have adequate, dedicated areas for loading to meet functional

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needs. There are no concerns with the ability for six loading spaces to meet the functional needs of the five buildings total buildings envisioned for the site. It is notable that the loading spaces in this instance are part of the common elements of the condominium that applies to the site, and as a result, are available to all tenants on the property. Carrying forward the existing minimum requirement will clarify requirements for the property under the Kingston Zoning By-Law, which requires buildings to be separately assessed for loading space requirements. As tenants change and uses fluctuate on the site, the zoning compliance of six total loading spaces will be able to be clearly ascertained as part of building permit reviews.

5. Exemption for Long-term Bike Space and End-of-trip Facility Requirements:

The three existing buildings on the subject property were developed under former Zoning By-Law requirements which did not require long-term bike spaces, which are required to be weather protected and secure, or end-of-trip facilities, such as showers. The Exception Overlay contains an exemption to recognize the compliance of the existing buildings on the subject property, while requiring long-term bike spaces and end-of-trip facilities for any new buildings developed on the subject property.

Zoning By-Laws are intended to be forward-looking, and not to apply requirements retroactively to existing development. Section 7.3.16. of the Kingston Zoning By-Law incorporates this intended effect by specifying that a deficiency is not required to be made up before the construction of any addition or a change of use provided that any additional bike spaces required by the Kingston Zoning By-Law for an addition or change of use are provided. As the tenants of existing buildings change, the exception will clarify that existing buildings are not required to be modified internally to meet these new requirements, which will facilitate zoning compliance reviews of building permits for tenant fit. However, new building construction on the subject property will be required to incorporate long-term bike parking and end-of-trip facilities going forward.

6. Removal of Landscaped Buffer Requirement from Legacy Exception:

Legacy Exception L294 contained a 7.0 metre landscaped planting strip requirement along the Gardiners Road frontage which modified a 10 metre requirement from the Business Park zone of Zoning By-Law 76-26. The applicant has requested that the legacy planting strip requirement be removed from the new Exception Overlay, given that the Kingston Zoning By-Law contains updated landscape strip standards, and there is an approved site plan for the property that incorporates the 7.0 metre planting strip requirement.

Planting strip requirements and landscaped open space requirements were updated in the Kingston Zoning By-Law, and updated standards were informed by recommendations from the Employment Land Strategy Review (2015). In particular, the Employment Land Strategy Review concluded that planting strip requirements be reduced to 3 metres, which is reflected in new, city-wide requirements for employment zones. Updated requirements for planting strips apply to ensure visual screening between differing zones and land uses to promote compatibility. For example, a 3.0 metre planting strip is required under section 16.2.2.3 of the Kingston Zoning By-

December 7, 2023

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Law when properties in an M1 Business Park zone abut any other zone, to ensure visual screening and land use compatibility.

The legacy planting strip requirement has been removed, as it no longer applies to properties to the north and south under the Kingston Zoning By-Law, and does not reflect updated requirements for business park zones. However, tree plantings will be sought along the Gardiners Road frontage for future buildings as part of future site plan modification applications on the subject property, consistent with policy applicable to gateways.

Other Applications

There have been a number of previous Planning Act applications at this address including:

2010 – A zoning by-law amendment application (File Number D14-194-2010) to amend the property from a restricted general industrial zoning to a business park zoning and permit business park and commercial uses.

2012 – A Site Plan Control application (File Number D11-407-2012) was approved to permit the construction of 3 commercial buildings.

2015 – A Final Plan of Condominium application (File Number D07-006-2015) to establishing a Common Elements Condominium Corporation for five parcels of tied land (POTL's).

2015 – Zoning By-Law Amendment to clarify interpretation of the subject property as one lot.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

A Public Meeting is being held on December 7, 2023, concurrently with a recommendation to Planning Committee.

As of the date of finalizing this report, there have been no public submissions related to the application.

Effect of Public Input on Draft By-Law

None

Conclusion

In conclusion, the proposed Zoning By-Law amendment will enable additional complementary use permissions to underutilized employment lands on full municipal services in the Urban Boundary,

December 7, 2023

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which will ultimately foster a diversified economic base and provide support and services to meet the needs of the primary business park uses without interfering with the intended function of its surrounding area. A Holding Overlay will apply to ensure that proposed sensitive uses can be compatible with existing and planned employment uses in the vicinity, before being established. The recommendation within this report is consistent with the PPS, conforms to the City's Official Plan and represents good land use planning.

Existing Policy/By-Law:

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

Provincial*Planning Act*

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to owners of 13 properties (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on November 28, 2023.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, no pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

December 7, 2023

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Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Amy Didrikson, Intermediate Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context (2023)
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use
- Exhibit F Conformity with the Official Plan
- Exhibit G Zoning By-Law Number 2022-62 Map
- Exhibit H Concept Site Plan (Approved Site Plan)
- Exhibit I Site Photographs
- Exhibit J Public Notice Notification Map

By-Law Number 2023-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Removal of Legacy Exception ‘L294’, Introduction of Exception Number ‘E138’ and Introduction of Holding Overlay ‘H230’ (1329, 1343, 1347, 1375 and 1393 Gardiners Road and 561 Macrow Street))

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law;

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-Law Number 2022-62”, is amended as follows:
 - 1.1. Schedule E – Exception Overlay is amended to remove Legacy Exception L294 and to add Exception Number E138, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule F – Holding Overlay is amended by adding Holding Overlay H230, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. By adding the following Exception Number E138 in Section 21 – Exceptions, as follows:

“E138. Despite anything to the contrary in this By-Law, the following provisions apply to the lands subject to this Exception:

 - (a) The following **complementary uses** are permitted, up to a maximum of 49% of the total **gross floor area**, in the aggregate:
 - (i) **Animal Care**
 - (ii) **Animal Shelter**
 - (iii) **Banquet Hall**

- (iv) **Day Care Centre**
- (v) **Financial Institution**
- (vi) **Fitness Centre**
- (vii) **Laundry Store**
- (viii) **Personal Service Shop**
- (ix) **Place of Worship**
- (x) **Recreation Facility**
- (xi) **Restaurant**
- (xii) **Wellness Clinic**

- (b) The lands subject to this Exception are deemed to be one lot for the purposes of interpreting zoning provisions;
- (c) **Long-term bike spaces** are not required for **buildings** existing on the date of passing of this By-Law at 1329, 1343 and 1347 Gardiners Road;
- (d) **End-of-trip bike facilities** for **non-residential uses** are not required for **buildings** existing on the date of passing of this By-Law at 1329, 1343 and 1347 Gardiners Road;
- (e) Despite clause (b) of this By-Law, **bike space** requirements and **end-of-trip bike facility** requirements are calculated and provided for each new **building** as though they are on their own individual lot; and
- (f) A minimum of 6 loading spaces must be provided.”

1.4. By adding the following Holding Number H230 in Section 22 – Holding Conditions, as follows:

“H230. The Holding Overlay only applies to a **day care centre** or a **place of worship**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.”

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

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Addresses: 1329, 1343, 1347, 1375 and
1383 Gardiners Rd. and 561 Macrow St
File Number: D14-012-2023

Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

Schedule E Exception Number

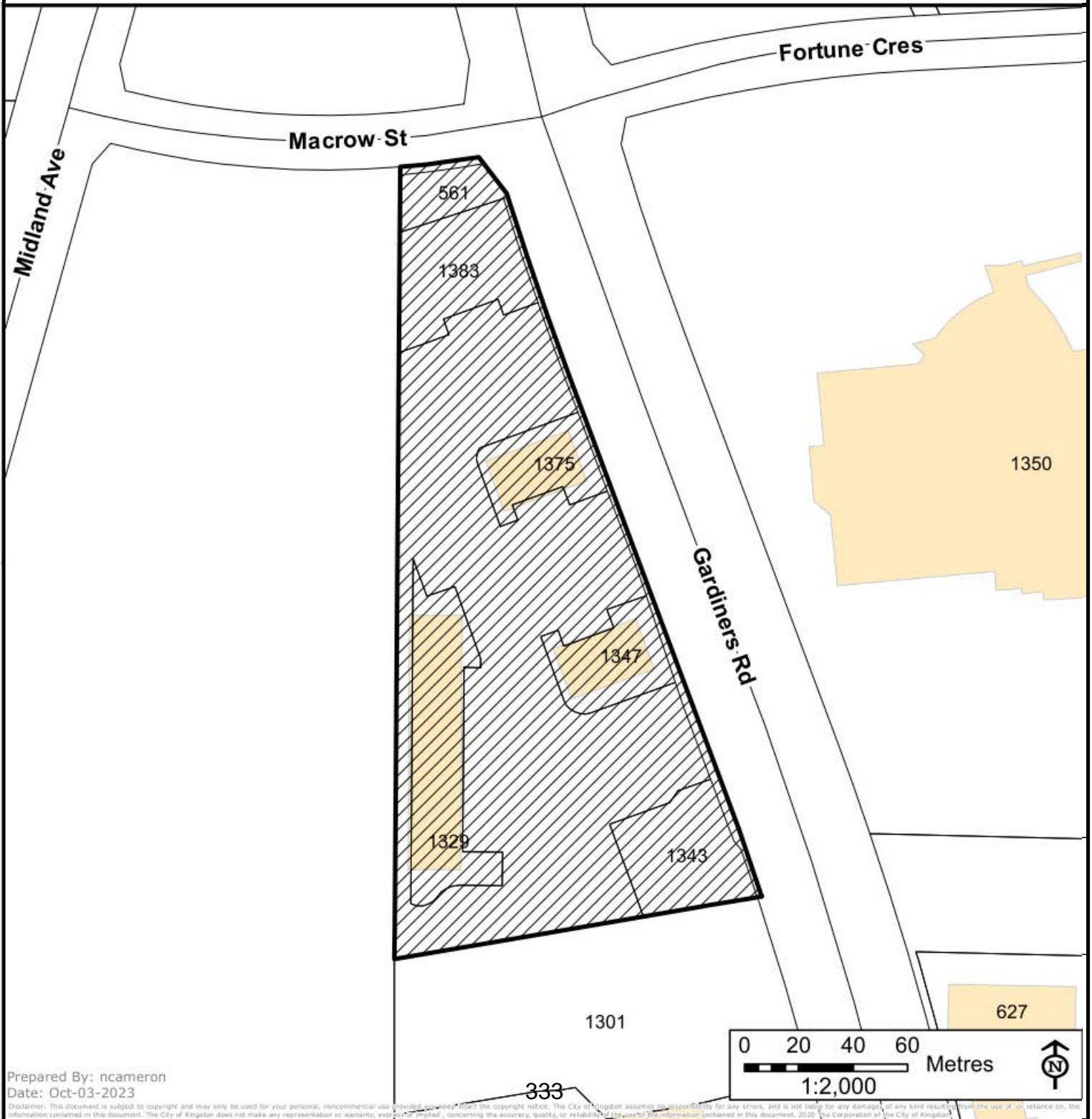
 Lands to be removed from L294 and added as E138

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor

Clerk






Planning
Services

Schedule 'B' to By-Law Number

Addresses: 1329, 1343, 1347, 1375 and
1383 Gardiners Rd. and 561 Macrow St
File Number: D14-012-2023

Kingston Zoning By-Law 2022-62 Schedule F - Holding Overlay

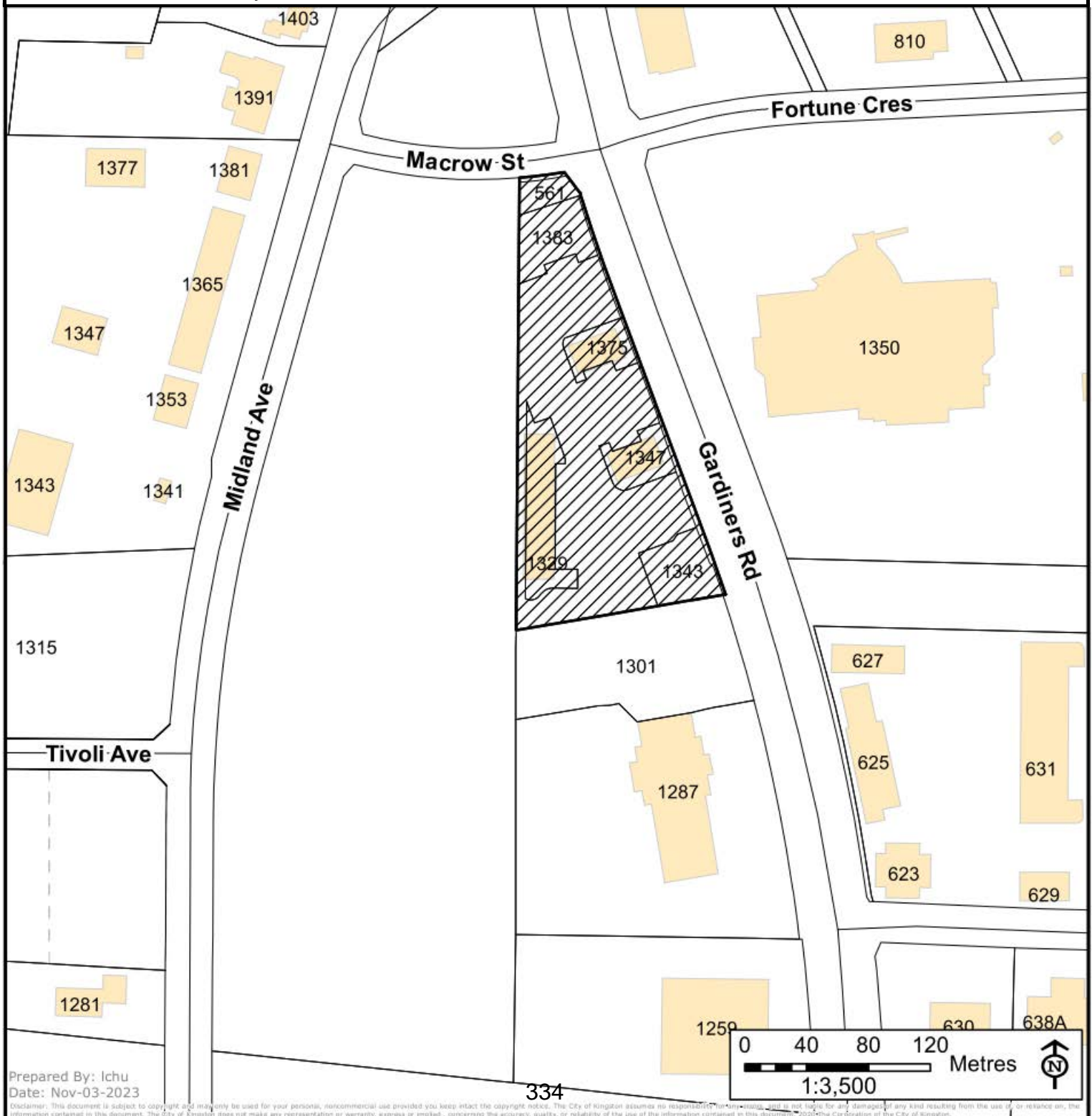
 Lands to be Added as H230

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 202__.

Mayor

Clerk



Prepared By: Ichu
Date: Nov-03-2023

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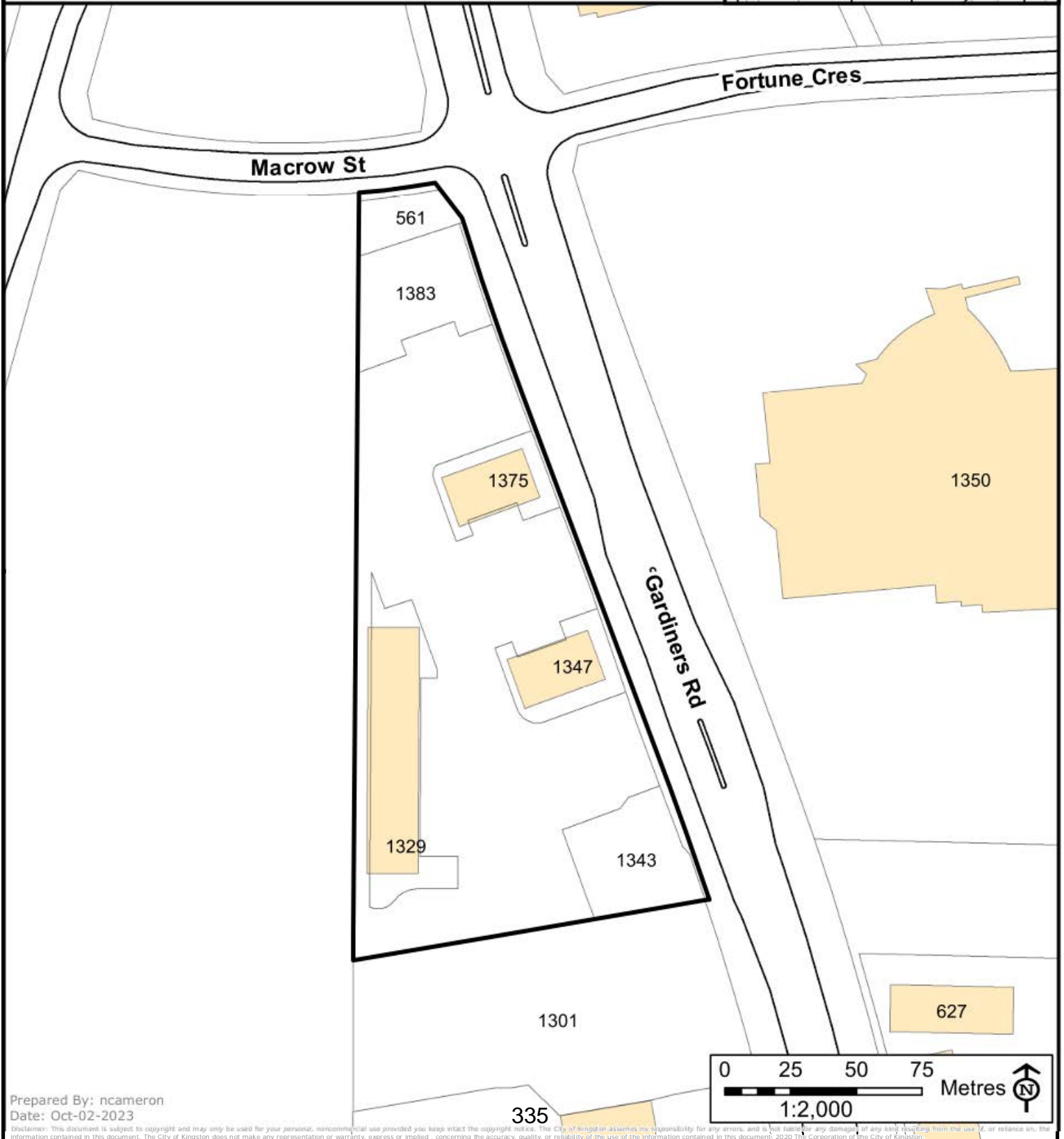
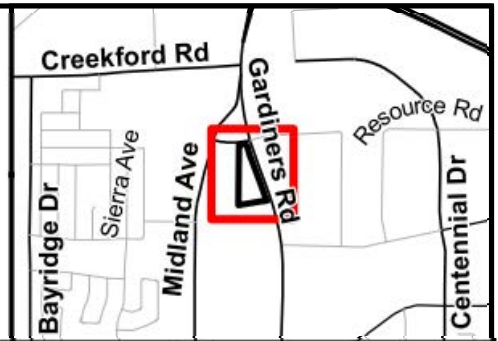
Planning Committee

Key Map

Address: 1329, 1343, 1347, 1375 and 1383 Gardiners Rd. and 561 Macrow St.




File Number: D14-012-2023

 Subject Lands





Addresses: 1329, 1343, 1347, 1375 and
1383 Gardiners Rd. and 561 Macrow St.
File Number: D14-012-2023

-  Subject Lands
 Property Boundaries
 Proposed Parcels



Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy livable and safe communities are sustained by:</p> <p>a) healthy, livable, and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.</p>	Building Strong Healthy Communities	<p>a) The complementary uses facilitated by the recommended zoning by-law amendment are expected to sustain the financial well-being of the municipality over time as it will allow for a diversity of economic uses to both provide employment uses and supportive service commercial uses.</p> <p>b) The subject lands are designated for employment uses in the Official Plan. The complementary uses enabled by the recommended zoning by-law amendment are contemplated under the Official Plan and will allow the City to meet its long-term economic needs.</p> <p>c) The recommended zoning by-law amendment includes a Holding Overlay which will require a Noise Impact Study for sensitive uses to ensure no public health and safety concerns are created.</p> <p>d)&e) The subject lands are located within the Urban Boundary of the City of Kingston and are designated for the</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.</p> <p>g) ensuring the necessary infrastructure and public service facilities are or will be available to meet current and projected needs.</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>		<p>proposed uses in the Official Plan. The subject property is accessible by transit and is located at the intersection of two Arterial Roads. Encouraging development on these underutilized lands represents an efficient and cost-effective form of development.</p> <p>g) The subject lands are serviced by existing municipal infrastructure and public service facilities. A Servicing Feasibility Brief was submitted with the subject application which has determined capacity is available for the range of permitted uses.</p> <p>h) The subject property does not contain any natural heritage features according to Schedules 7 and 8 of the Official Plan, and as such, the recommended zoning by-law amendment supports a land use pattern that conserves biodiversity.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Building Strong Healthy Communities	The subject lands are located within the Urban Boundary, which is the primary area designated for growth and development in the

Policy Number	Policy	Category	Consistency with the Policy
			City of Kingston Official Plan.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be development; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>	Building Strong Healthy Communities	<p>The subject lands are located in an employment area, designated for a range of employment and supportive uses. The mix of land uses enabled by the zoning by-law amendment will increase the range and extent of complementary uses possible on a fully serviced land parcel within the Urban Boundary on an Arterial Road in proximity to Highway 401, where water and sanitary capacity is available and transit infrastructure is available. Increasing development opportunities on the subject property, which is presently underutilized, makes use of existing infrastructure, and minimizes land consumption and servicing costs associated with extending settlement areas and services.</p> <p>Complementary uses in Business Park designations are intended to improve the quality of life and</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses. The subject property is well connected to sidewalks along Gardiners Road through signalized intersections from the subject property to surrounding employment uses.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	Building Strong Healthy Communities	<p>The zoning by-law amendment has the effect of increasing complementary use permissions for existing and future buildings within a serviced industrial park. The proposed uses are compatible with surrounding development. A holding overlay will be applied to the proposed day care and place of worship uses. To remove the holding overlay, the applicant will need to submit a Noise Impact Study to demonstrate these uses can be compatible with existing and planned employment uses in the vicinity.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	Building Strong Healthy Communities	The subject lands are located in an area designated for employment uses. General Industrial land uses are permitted on lands to the west of the subject property. In the event that a more sensitive use (Place of Worship or Day Care Centre) is proposed on the subject lands, the recommended Holding Overlay will ensure that a Noise Study prepared in accordance with Provincial standards and guidelines is conducted to ensure that those uses are appropriately designed to mitigate noise associated with existing and planned employment uses.
1.3.1	Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into	Building Strong Healthy Communities	The subject lands are located within the City's Urban Boundary in an area designated for employment land uses, and supportive complementary uses. The recommended zoning by-law amendment is consistent with policy promoting economic competitiveness as it provides flexibility to establish an appropriate mix of complementary uses,

Policy Number	Policy	Category	Consistency with the Policy
	<p>account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>		<p>on up to 49% of the gross floor area on site.</p>
1.3.2.1	<p>Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.</p>	Building Strong Healthy Communities	<p>The subject lands are designated for employment uses in the Official Plan. Utilities and transportation infrastructure is in place to support the existing and future employment development. The recommended zoning by-law amendment will strengthen the viability of these employment lands and support economic development.</p>
1.3.2.3	<p>Within employment areas planned for industrial or manufacturing uses, planning authorities shall</p>	Building Strong Healthy Communities	<p>The recommended zoning by-law amendment includes a day care facility and a</p>

Policy Number	Policy	Category	Consistency with the Policy
	prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.		place of worship as a permitted complementary use, which are considered noise sensitive uses. The Business Park Industrial designation limits complementary uses in order to preserve the primary employment function and to maintain land use compatibility within the Business Park. The recommended zoning by-law amendment applies a Holding overlay to ensure that permitted sensitive uses are appropriately designed to address potential negative impacts.
1.3.2.6	Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.	Building Strong Healthy Communities	The recommended zoning by-law amendment protects the employment area, as it does not seek to change employment land uses permitted on the subject property, which are permitted to occupy 100% of the gross floor area on site, but will allow flexibility for a maximum of 49% of the gross floor area to be occupied by complementary land uses.
1.6.3	Before consideration is given to developing new	Building Strong Healthy Communities	The subject lands are serviced by existing municipal infrastructure,

Policy Number	Policy	Category	Consistency with the Policy
	<p>infrastructure and public service facilities:</p> <p>a) the use of existing infrastructure and public service facilities should be optimized; and</p> <p>b) opportunities for adaptive re-use should be considered, wherever feasible.</p>		<p>including infrastructure such as sanitary and water services.</p>
1.6.6.1	<p>Planning for sewage and water services shall:</p> <p>a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:</p> <p>1. municipal sewage services and municipal water services; and 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;</p> <p>b) ensure that these systems are provided in a manner that: 1. can be sustained by the water resources upon which such services rely; 2. prepares for the impacts of a changing climate; 3. is feasible and financially viable over their lifecycle; and 4. protects human health and safety, and the natural environment;</p> <p>c) promote water conservation and water use efficiency;</p>	Building Strong Healthy Communities	<p>The required sewage and water service infrastructure is in place to support the range of proposed uses, as demonstrated by the Servicing Feasibility Brief submitted with the application.</p>





Policy Number	Policy	Category	Consistency with the Policy
	d) integrate servicing and land use considerations at all stages of the planning process; and e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.		
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	Building Strong Healthy Communities	The subject lands are serviced by municipal sewage service and municipal water services. The recommended zoning by-law amendment is intended to support the viability of development envisioned for the subject property, which is intended to include two future buildings. Additional development on the subject property will optimize the use of existing services.
1.6.6.7	Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize or prevent increase in contaminant loads; c) minimize erosion and changes in water balance and prepare for the impacts of a changing climate through effective management of stormwater,	Building Strong Healthy Communities	No changes to the subject property are proposed at this time; however, future buildings on the two undeveloped parcels of tied land will require Site Plan Control modification applications. The Site Plan Control modification process may require a Stormwater Management Report to evaluate any changes to existing drainage

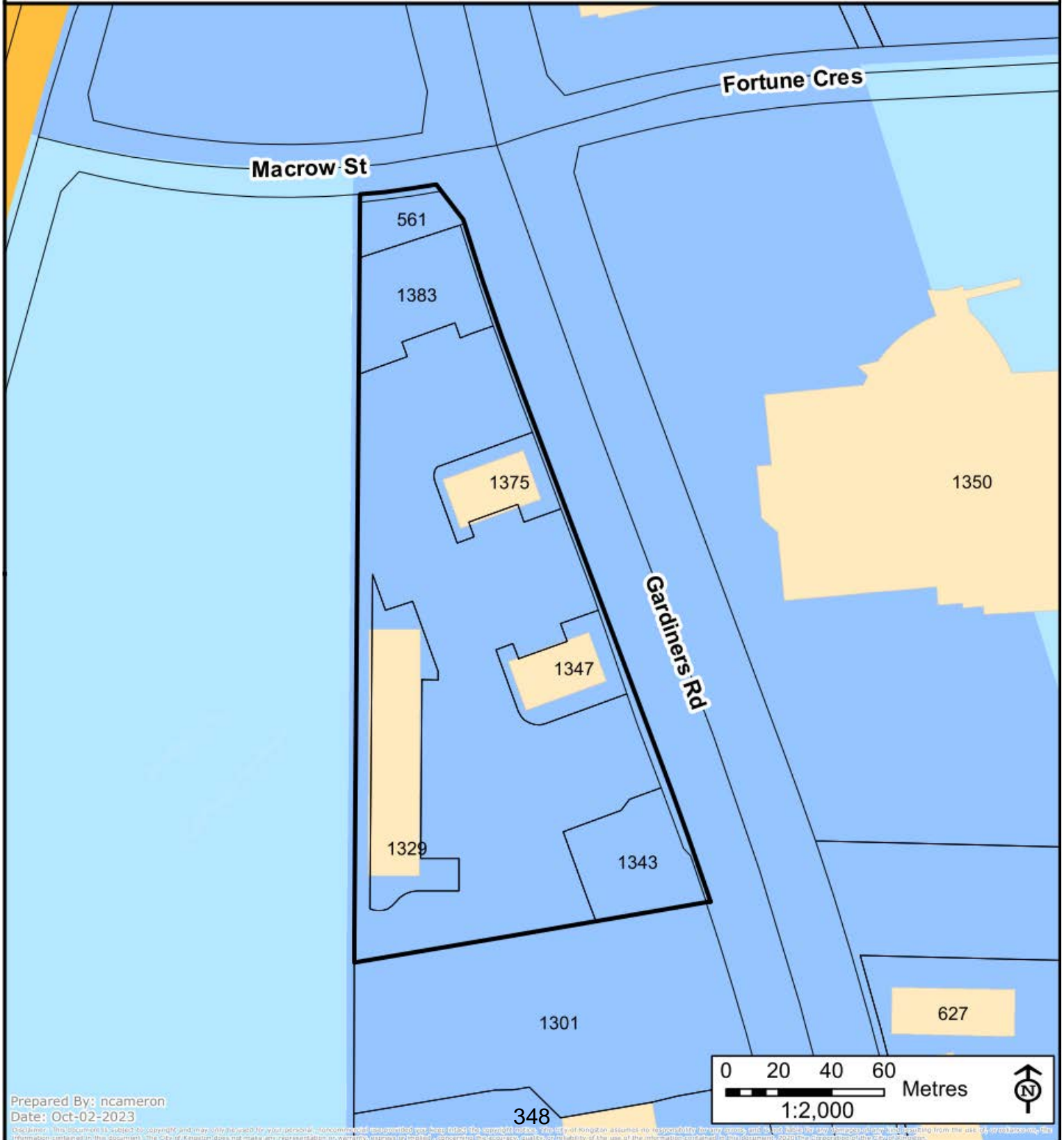
Policy Number	Policy	Category	Consistency with the Policy
	including the use of green infrastructure; d) mitigate risks to human health, safety, property damage and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.		conditions and to prepare recommendations for the proposed development.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	Building Strong Healthy Communities	The recommended zoning amendment is not expected to have an adverse impact on the existing or planned transportation system. A traffic impact study was not requested as part of the zoning by-law amendment application.
1.7.1	Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.	Building Strong Healthy Communities	The recommended zoning amendment would permit a wide range of employment and employment supportive uses, that are consistent with Official Plan policy, and which would support diversified economic opportunities. The recommended zoning by-law amendment will optimize the long-term availability and use of land, resources and infrastructure ultimately

Policy Number	Policy	Category	Consistency with the Policy
			by fostering development on a fully-serviced property on an Arterial Road with transit service available.
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <p>b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;</p> <p>c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;</p> <p>d) focus freight-intensive land uses to areas well serviced by major highways, airports, rail facilities and marine facilities.</p>	Building Strong Healthy Communities	<p>The subject lands are located within walking distance of an existing transit route, and planned cycling infrastructure as part of the Active Transportation Master Plan. Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees within employment areas by providing support and services in close proximity to employment uses: maintaining a range of supportive uses encourages the use of walking and cycling by employees of the business park.</p> <p>The amendment includes relief from long term bike parking requirements for existing buildings only, and requires these facilities to be incorporated into future buildings on the site.</p>

Planning Committee **Official Plan, Land Use**

Addresses: 1329, 1343, 1347, 1375 and
1383 Gardiners Rd. and 561 Macrow St.
File Number: D14-012-2023

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  BUSINESS PARK INDUSTRIAL
-  GENERAL INDUSTRIAL



Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; c. enhanced access to public amenities and spaces for all residents, visitors and workers; d. opportunities for sharing resources; e. direction of new development and key land uses to areas where they can best result in sustainable practices; g. maximized use of investments in infrastructure and public amenities; j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects; k. climate positive development; l. promotion of green infrastructure to complement infrastructure; m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and, 	Urban Areas - Focus of Growth	<p>The subject lands are located within in the Urban Boundary. Development facilitated by the zoning by-law amendment will achieve sustainability objectives by directing an appropriate mix of employment and complementary uses to a land parcel that is on full municipal water and sanitary services, has access to public transit services, and is adjacent to a major recreational complex. Development on the lands maximizes investments in infrastructure and public amenities.</p> <p>The proposed zoning by-law amendment will direct supportive land uses to an area that is well connected to active transportation infrastructure and signalized intersections, which will ultimately foster active transportation as employees access complementary services in close proximity, on foot.</p> <p>The lands are connected to surrounding residential areas by local transit route 7, and as a result directing an appropriate mix of employment, commercial and personal service uses can foster transit usage.</p> <p>There are no natural heritage features on the subject property according to schedule 7 or 8 of the Official Plan, and</p>

Policy	Category	Conformity with the Policy
n. an ecosystem approach to protecting the natural heritage system.		as a result, fostering development on the subject lands avoids encroachments into the natural heritage system.
<p>2.2.6 Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:</p> <p>a. areas of interface with sensitive uses are addressed so that compatible development is achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s);</p> <p>b. an upgraded visual appearance is maintained at gateways as defined in Section 8.11, along major roads and the interface with any Centre, Corridor or</p>	Business Districts	<p>The recommended zoning by-law amendment conforms to the strategic intent of Business Districts, by ensuring the uses on the property are primarily business park uses, and permitting limited supportive and service commercial uses, in accordance with policy under section 3.6.12. Through the limitation on the gross floor area permitted for complementary uses, the Zoning by-law amendment will not undermine the business park, industrial or technological uses intended as the focus of Business Districts.</p> <p>The proposed Holding Overlay will ensure that the sensitive uses of a place of worship or day care centre cannot be established until a Noise Impact Study is completed to ensure compatible development can be achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s).</p> <p>The subject lands have frontage and vehicular access to an Arterial Road (Gardiners Road), in proximity to a connection with Highway 401. There are no concerns with the ability of the transportation network to accommodate traffic generated by the uses permitted by the zoning by-law</p>

Policy	Category	Conformity with the Policy
<p>Housing District shown on Schedule 2;</p> <p>c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;</p> <p>d. uses which generate large amounts of traffic or have intensive on-site operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without adverse effects on the planned transportation system, the nearby Housing Districts, Centres or Corridors; and,</p> <p>e. regional commercial uses, institutions, recreation or hospitality uses will be restricted to limited locations that will not undermine the business park, industrial or technological uses intended as the focus of Business Districts.</p>		<p>amendment on the subject lands. A Traffic Impact Study was not requested as part of a complete Zoning By-Law Amendment application.</p>
<p>2.3.7 The City will promote and protect employment areas and pursue increased levels of job creation in the commercial, institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.</p>	<p>Employment</p>	<p>The recommended zoning by-law amendment will permit a range of business park and supportive uses on the subject lands, which will support diversified economic development opportunities, and facilitate future development that is consistent with the employment principles of growth.</p>

Policy	Category	Conformity with the Policy
<p>2.5.10. In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity and improve environmental conditions.</p>	<p>Phasing of Municipal Infrastructure and Transportation - Strategic Direction to Promote Active Transportation</p>	<p>See section 2.1.1</p> <p>The subject property is connected to surrounding business park uses, and the Cataraqui Estates Business Park through sidewalks and signalized intersections with pedestrian crosswalks. In accordance with section 3.6.12 of the Official Plan, incorporating complementary uses into employment lands reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses.</p>
<p>2.5.11 The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites</p>	<p>Phasing of Municipal Infrastructure and Transportation - Transit Priority</p>	<p>See section 2.1.1. The recommended zoning by-law amendment will allow for the appropriate mix of business park and complementary uses on the subject property, which is presently underutilized, and connected to public transit. Ultimately, the range of uses will draw residents to access the property through transit service available.</p>
<p>2.7.1 Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	<p>Compatible Development and Land Use Change</p>	<p>The existing development of the subject property includes a mix of complementary, commercial uses and business park uses, which has been compatible with surrounding land uses. The development enabled by the zoning by-law</p>

Policy	Category	Conformity with the Policy
		<p>amendment would allow for existing complementary uses to remain while allowing for additional complementary uses to establish in new buildings planned for the property. As a Noise Impact Study has not been submitted in support of sensitive day care centre and place of worship uses, this will be required before the recommended Holding Overlay is removed.</p> <p>A site plan has been approved for the subject property which was reviewed for functionality of the parking areas, and pedestrian circulation. Future development or changes to existing development will be subject to Site Plan Control to similarly ensure functionality as well as accessibility.</p>
<p>2.7.2 The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of the area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	<p>Compatible Development and Land Use Change</p>	<p>The application for zoning by-law amendment includes the submission of a Planning Justification report which addresses matters regarding land use compatibility. The subject lands are located within a Business Park land use designation, where increased complementary use permissions are contemplated as per the requirements of section 3.6.12. The recommended zoning by-law amendment includes the addition of a holding overlay to address additional protective measures to more sensitive uses to ensure that potential negative impacts can be</p>

Policy	Category	Conformity with the Policy
		mitigated, prior to establishing permission for a day care centre or place of worship.
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; or, 	Land Use Compatibility Matters	<p>The recommended zoning by-law amendment does not modify standards of the Kingston Zoning By-Law related to permitted building envelopes on the subject property, and as a result, compatibility with respect to shadowing and architectural incompatibility is maintained. The complementary use permissions established through the zoning by-law amendment are consistent with the uses contemplated in section 3.6.A.2. and will not result in increased levels of light pollution, noise, odour, dust or vibration.</p> <p>The subject lands have frontage and vehicular access to an Arterial Road (Gardiners Road), in proximity to a connection with Highway 401. There are no concerns with the ability of the transportation network to accommodate traffic generated by the uses permitted by the zoning by-law amendment on the subject lands. A Traffic Impact Study was not requested as part of a complete Zoning By-Law Amendment application.</p> <p>A Servicing Feasibility Brief submitted by Groundwork Engineering was submitted as part of the Zoning By-Law Amendment application, which was reviewed to the satisfaction of Utilities</p>

Policy	Category	Conformity with the Policy
i. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.		Kingston. There are no concerns that the additional permissions for complementary uses will overload water or sanitary services available to the subject property.
<p>2.7.4 Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; d. designing the building in a way that minimizes adverse effects; e. maintaining mature vegetation and/or additional new landscaping requirements; f. controlling access locations, driveways, service areas and activity areas; and, g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage. 	Mitigation Measures	<p>The recommended zoning by-law amendment does not modify standards of the Kingston Zoning By-Law related to setbacks or permitted building envelopes on the subject property. Future buildings on the subject property will be required to comply with all applicable standards of the Kingston Zoning By-Law, with the exception of loading space requirements which are specified based on the approved site plan for the subject property. The additional permissions for complementary uses are not anticipated to require additional mitigation measures through enhanced setbacks or development standards regulated through the Zoning By-Law. The day care and place of worship uses subject to the Holding Overlay will require a supporting Noise Impact Assessment that may recommend mitigation measures to ensure the uses can be made compatible with existing and planned uses in the vicinity. These mitigation measures will be required to be implemented through a site plan control application which</p>

Policy	Category	Conformity with the Policy
		is required for both of these uses under City By-law 2010-217.
<p>2.7.6 Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> a. suitable scale, massing and density in relation to existing built fabric; b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program; c. adequate land area and appropriate site configuration or provision for land assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and, parking and secure and appropriate bicycle facilities. 	Functional Needs	<p>The overall development of the site has undergone the Site Plan Control process (City File Number D11-407-2012) and includes appropriate setbacks, landscaping, site orientation, parking and general site performance to ensure the proper functioning of the lands. Any new development will be subject to a Site Plan Control modification process.</p> <p>The recommended Zoning By-Law amendment includes a provision that clarifies long-term bike parking requirements and end-of-trip facilities (e.g. shower and change facilities) apply only to new construction, in recognition that the retrofit requirements for new tenants in existing buildings may be challenging. As bike infrastructure is established in the area in accordance with the City of Kingston Active Transportation Master Plan, new building development on the subject property will be required to provide secure and appropriate bicycle facilities in accordance with this policy.</p>

Policy	Category	Conformity with the Policy
<p>2.9.1 It is the intent of this Plan to promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a. providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and complementary uses, and takes into account the needs of existing and future businesses; c. planning for, protecting and preserving employment areas for current and future uses; d. ensuring the necessary infrastructure is provided to support current and projected needs; and, e. encouraging the development of business incubators. 	<p>Economic Development Strategy</p>	<p>The recommended zoning by-law amendment conforms to strategic policy promoting economic development and competitiveness by enabling an appropriate mix of employment, commercial and supportive complementary uses on the lands that will also maintain the predominant use of the property for business park uses. Existing uses on the subject property include approximately 25% complementary uses, with two remaining buildings planned for the site which were intended to accommodate complementary uses. Allowing the existing uses to remain and enabling additional complementary uses on the site is intended to account for the needs of existing and future businesses, consistent with this policy.</p>
<p>2.9.2 The City supports a strong and diversified economic base and works collaboratively with other levels of government and various agencies, such as the Kingston Economic Development Corporation (KEDCO), in developing and implementing economic strategies that:</p>	<p>Economic Development Strategy</p>	<p>The proposed Zoning By-law Amendment will enable flexibility to provide a diversified economic base through additional complementary use permissions that retain the predominant use of the property as business park uses, which could include research and development initiatives in the areas of education, clinical health,</p>

Policy	Category	Conformity with the Policy
<p>a. promote employment opportunities for residents of all ages and abilities;</p> <p>b. support retention and expansion programs for existing and evolving employment sectors;</p> <p>c. promote development and investment opportunities in conjunction with the City's: available commercial and employment land base, including the commercial banking sector; institutional assets, particularly research and development initiatives in the areas of education, clinical health, national defence, technology and alternative energies; and,</p> <p>d. recognize and respond to evolving industry and market trends in a timely, innovative and sustainable manner.</p>		<p>national defence, technology and alternative energies, referenced in policy 2.9.2.</p>
<p>3.6.2 The City strongly supports a strong and diversified economic base. As outlined in the Employment Land Strategy Review, the City will continue to promote the City's four Business Parks: Cataraqui Estates Business Park; Clyde Business Park; Alcan Business Park; and, the St. Lawrence Business Park. Other specific means of supporting economic development by the City are set out in Section 2.9.</p>	<p>Support of Economic Base</p>	<p>The subject property is located approximately 700 metres from the Cataraqui Estates Business Park. The recommended zoning by-law amendment will enable a diversified employment base through providing additional complementary uses contemplated in Business Parks under section 3.6.A.2. of the Official Plan which can support the surrounding employment uses and the Cataraqui Estates Business Park.</p>
<p>3.6.4 The City will take an active role in preserving employment areas for future job growth. A sufficient supply</p>	<p>Employment Land Supply</p>	<p>The subject lands are located within the Urban Boundary and are located in a Business Park land use designation in the</p>

Policy	Category	Conformity with the Policy
<p>of land designated for employment uses must be maintained within the Urban Boundary in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property, and servicing needs.</p>		<p>Official Plan. The recommended zoning by-law amendment will maintain business park uses as the predominant permitted use on the site, while allowing for additional complementary use permissions as contemplated under section 3.6.A.2. of the Official Plan. The proposal will not remove the lands from the Business Park land use designation and will ensure a sufficient supply of land designated for employment uses is maintained within the Urban Boundary.</p>
<p>3.6.7 Employment areas will be protected from fragmentation, the intrusion of sensitive uses as defined by Ministry of the Environment and Climate Change guidelines, high traffic volumes or through traffic related to retail commercial uses or other land uses, and adverse effects.</p>	<p>Protection of Employment Areas</p>	<p>The proposal will not have the effect of fragmenting the employment area, as the predominant use of the property will continue to be for business park uses. The recommended Holding Overlay will ensure that day care and place of worship uses are evaluated through a Noise Impact Study to determine whether they can be made compatible with existing and planned employment uses, before they can be established. High traffic volumes are not anticipated to result from the increased complementary use permissions, that could result in adverse effects to the employment area.</p>
<p>3.6.12 Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees</p>	<p>Complementary Uses</p>	<p>The subject zoning by-law application is submitted in accordance with this policy to establish additional complementary use</p>

Policy	Category	Conformity with the Policy
<p>within the employment area by providing support and services in close proximity to employment uses.</p> <p>Complementary uses listed within the Business Park Industrial and General Industrial designations will require a minor variance or zoning by-law amendment, as appropriate, prior to being permitted by the zoning by-law in accordance with the following:</p> <p>a. a minor variance application may be used to establish complementary uses that occupy generally 25 percent of the total floor area of all buildings located on a parcel of land, provided the complementary uses:</p> <p>i) will provide a support or service to the employees within the employment area designations that are continuous to the subject parcel and that the support or service cannot be provided from an adjacent land use designation to such employment area;</p> <p>ii) will not hinder or preclude any employment uses from establishing on any lands in the employment area designations due to principles of land use compatibility, in accordance with Section 2.7; and</p> <p>iii) will be oriented towards the road frontage and contribute to an attractive and functional employment area.</p>		<p>permissions to 49% of the total gross floor area on the site, beyond the 25% currently permitted on the subject property. The additional complementary uses permitted through the amendment are consistent with the types of uses contemplated under section 3.6.A.2. of the Official Plan and are permitted in the Employment Service (M4) zone of the Kingston Zoning By-Law. These uses are understood to provide a supportive function to employment uses and to encourage active transportation. In terms of whether the support or service could be provided from an adjacent land use designation, it's notable that the subject property is in proximity to an Arterial Commercial land use designation on the west side of Midland Road which is intended to permit a range of services that cater to the travelling public, such as vehicle sales lots or vehicle rental premises, hospitality uses, and automotive uses such as gas bars and service stations. The new complementary uses enabled through the zoning by-law amendment are not envisioned in the Arterial Commercial land use designation.</p> <p>The Holding Overlay will ensure that a day care centre use or place of worship are not established until a Noise</p>

Policy	Category	Conformity with the Policy
<p>b. a zoning by-law amendment will be required to establish complementary uses that exceeds the threshold established for minor variances in a), including standalone complementary uses, and must demonstrate:</p> <p>i) the criteria listed above in clause a have been satisfied;</p> <p>ii) will result in similar rates of employment as the primary permitted uses, in accordance with Section 2.3.7; and</p> <p>iii) will not contribute to the fragmentation of continuous employment areas by generally being located at entrances or along edges of continuous employment areas that are visible from arterial or collector roads to assist in the transition between the employment uses and surrounding land uses.</p>		<p>Impact Study is completed and it has been demonstrated that these uses can be made compatible with existing and planned land uses, and will not hinder or preclude any employment uses from being established.</p> <p>The additional complementary uses permitted through the zoning by-law amendment, such as a fitness centre or an animal care use, will have a similar rate of employment as the primary permitted uses, which include business park uses such as a warehouse and a wholesale establishment.</p> <p>The permissions established through the zoning by-law amendment will not contribute to the fragmentation of the employment area, as they will maintain the predominant use of the property as business park uses. Furthermore, the location of the lands at the intersection of two Arterial Roads provides a buffer and transition to surrounding land uses in accordance with this policy.</p>
<p>3.6.13 On a single land holding equal to or greater than 10 hectares in area and designated for employment uses, complementary uses may be established in advance of a primary permitted use, provided the gross floor area of such complementary uses does not exceed five percent of the site's lot area. The intent of</p>	<p>Complementary Uses</p>	<p>No individual lot subject to this zoning by-law amendment is equal to or greater than 10 hectares. The subject property is 2.45 hectares in area and does not qualify under this policy section.</p>

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<p>this policy is to accommodate a limited amount of complementary uses that can be an asset in attracting permitted employment uses to a larger single land holding, provide an amenity to employees, and accordingly create a development that meets the City's objectives for employment lands.</p>		
<p>3.6.14 The zoning by-law will establish specific provisions related to land use, setbacks, and lot coverage, for each of the specific Industrial designations identified by this Plan.</p>	<p>Zoning By-law</p>	<p>The amendment does not propose any changes to the applicable M1 zoning with respect to setbacks and lot coverage. Additional complementary use permissions are recommended to modify the permitted uses of the M1 zone in accordance with sections 3.6.12 and 3.6.A.2.</p>
<p>3.6.A.1 The main uses permitted within the Business Park Industrial designation include:</p> <ul style="list-style-type: none"> a. corporate administrative offices and government offices; b. research and development facilities, including laboratories; c. data processing facilities, including call centres; d. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products; e. administrative, professional and technical services, such as engineering and surveying firms, that support the above uses and are consistent with 	<p>Business Park Industrial Permitted Uses</p>	<p>The proposed zoning by-law amendment has the effect of maintaining the primary permitted business park uses in the M1 zone of the Kingston Zoning By-Law, which implement the uses contemplated under section 3.6.A.1. These business park uses are permitted to occupy 100% of the gross floor area on the subject property under the recommended Zoning By-Law amendment, and complementary uses are limited to establishing in a maximum of 49% of the total gross floor area.</p>

Policy	Category	Conformity with the Policy
<p>the image and amenity of a Business Park Industrial setting;</p> <p>f. film or recording studio;</p> <p>g. commercial school or training facility, provided the use is contained within an enclosed building(s);</p> <p>h. the following light industrial uses, provided they are contained within enclosed buildings: manufacturing, repairing, fabricating, processing and assembling operations; construction and transportation activities and facilities; storage, warehousing, and wholesale trade activities; and, communications facilities and utilities;</p> <p>i. accessory outdoor storage, subject to the following criteria, all of which must be satisfied: the outdoor storage use does not front onto or abut a public road; the area used to accommodate open storage, to be limited in the zoning by-law, is located to the rear or interior side yard of the property, preferably behind the primary building occupying the site; the outdoor storage use does not abut a lot which is zoned for a non-industrial land use; the outdoor storage use does not generate any emissions, dust, or debris that cannot be contained on-site; and, the outdoor storage area must be screened from view through landscaping and other</p>		

Policy	Category	Conformity with the Policy
measures that lessen the visual impact of the use.		
<p>3.6.A.2 The following uses are permitted as complementary uses within the Business Park Industrial designation:</p> <ul style="list-style-type: none"> a. office and business services, such as printing and equipment repair, which are intended to serve the Business Park Industrial area; b. day care facilities and/or places of worship, provided that the sensitive use is compatible with the industrial uses in the area and located in such a manner (e.g., on the periphery of an employment area) so that it does not preclude the development potential of adjacent employment lands; c. hotels and/or conference facilities, including banquet halls, trade show buildings, and similar uses to be defined in the implementing zoning by-law; d. restaurants, drive-through facilities, financial institutions, personal services, medical and paramedical uses, and convenience commercial uses; e. public and private parks and recreation facilities; f. parking lots and structures; and, g. sources of renewable energy, subject to the policies of Section 6.2 of this Plan. 	Business Park Industrial Complementary Uses	<p>The recommended zoning by-law amendment establishes additional complementary use permissions in the M1 zone, which include complementary uses contemplated explicitly and implicitly in accordance with policy 3.6.A.2. For example, personal services such as animal care are permitted, and paramedical uses are included such as an animal shelter. These uses are similarly contemplated in the M4 (Employment Service) zone as uses that serve the employment area.</p>

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<p>3.6.A.3 A standalone complementary use may be permitted, without amendment to this Plan, subject to demonstrating conformity to Section 3.6.12 or 3.6.13.</p>	<p>Business Park Industrial Complementary Uses</p>	<p>The zoning by-law amendment continues to enable complementary uses based on the total gross floor area on the property, similarly to the existing Legacy Exception, and specifies that the property be interpreted as a single lot of record. An existing stand-alone complementary (restaurant) use has been established and is compliant with the existing zoning in effect. Additional, standalone complementary uses would be able to be established with zoning by-law amendment in conformity with Section 3.6.12. Section 3.6.13. does not apply.</p>
<p>3.6.A.4 New development that is considered incompatible with the Business Park Industrial designation, and is prohibited within the Urban Boundary, include the following:</p> <ul style="list-style-type: none"> a. automotive wrecking yards; b. scrap and salvage yards (except where such products are recycled as an input to a permitted employment use on the same site); c. pits and quarries; d. sanitary landfill sites; e. elementary and secondary schools; f. commercial uses except for those complementary uses permitted in the Business Park Industrial designation, and the retail accessory uses permitted in Section 3.6.11 of this Plan; and, 	<p>Business Park Industrial Prohibited Uses</p>	<p>The recommended zoning by-law amendment does not conflict with the prohibited uses listed in Section 3.6.A.4.</p>

Policy	Category	Conformity with the Policy
g. residential uses, except for caretaker or guard's quarters.		
<p>9.5.9 When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan; c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area; and, d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development; e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas; f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms 	Zoning Applications Planning Committee and Council Considerations	<p>The application seeks to establish additional permitted uses and complementary uses for lands within a developed business park. The additional complementary use permissions align with the complementary uses permitted within the Business Park Industrial designation. The proposal limits complementary uses to a maximum of 49% total floor area of the lot, which serves to ensure the subject lands continue to primarily be used for employment purposes. The proposed uses are compatible with surrounding uses, which include research and development uses to the south, recreational facilities to the east and employment service uses to the south east. No new development is proposed at this time; however, at a future date a site plan modification will be required for future buildings on the subject property, which are intended to reflect the character of existing development on the site.</p> <p>The current application will not set an undesirable precedent within the municipality as the Official Plan specifically contemplates expanded complementary use permissions in employment areas where criteria detailed above have been met.</p>

Policy	Category	Conformity with the Policy
<p>per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		
<p>9.5.21 The City may pass a holding by-law pursuant to the Planning Act that will include the symbol “H” in situations where the future use of the land (or buildings or structures) has been determined but where imminent development would be premature until various conditions are met, as set forth in the holding by-law, including any of the following:</p> <p>a. municipal roads, services and utilities have been extended or improved, or servicing capacity has been added or allocated to enable development;</p> <p>b. satisfactory financial arrangements have been made to enable development;</p> <p>c. phasing of the development has been determined;</p> <p>d. studies have been completed (and may also be peer reviewed) to the satisfaction of the municipality to justify or support initiation of development; or,</p> <p>e. conditions arising from any study, or conditions which address any other</p>	<p>By-Laws - Holding By-laws</p>	<p>A holding overlay will be applied to the proposed complementary uses of ‘day care centre’ and ‘place of worship’.</p>

Policy	Category	Conformity with the Policy
impediment to development have been satisfactorily met, or are deemed by the City to be no longer relevant.		



Planning Committee

Existing Zoning

Kingston Zoning By-Law 2022-62

Planning Services

Addresses: 1329, 1343, 1347, 1375 and 1383 Gardiners Rd. and 561 Macrow St.
File Number: D14-012-2023

Subject Lands

Schedule 1 Zoning Map

Zone

Not Subject to the Kingston Zoning By-law

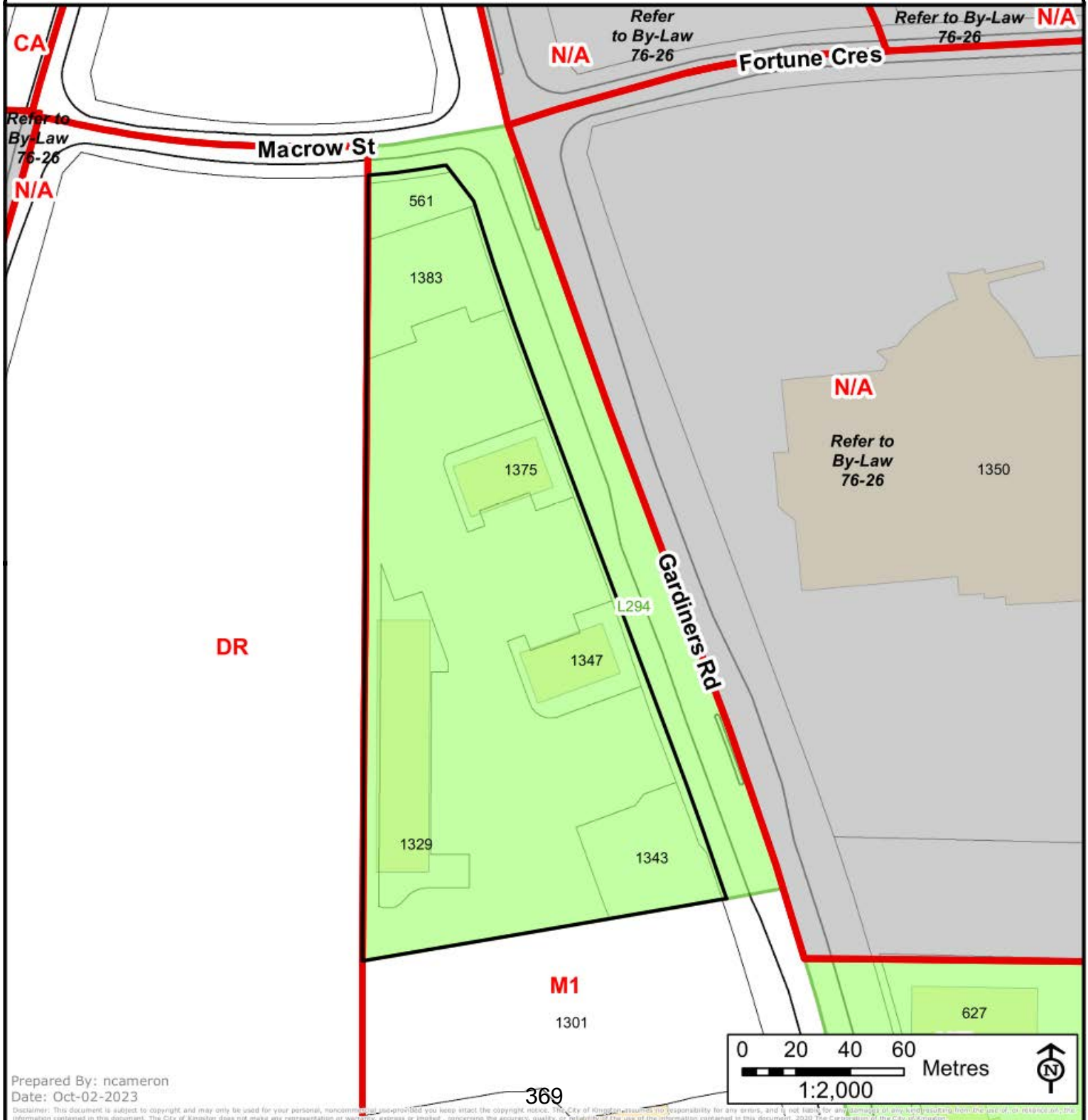
Schedule E - Exception Overlay

Legacy Exceptions (LXXX)

Exceptions (EXXX)

Schedule F - Holding Overlay

Holding Overlay (HXXX)



Site Photographs – D14-012-2023 – November 2, 2023



Figure 1: Street View of 1329 and 1347 Gardiners Road



Figure 2: Street View of 1375 Gardiners Road at the far right, 1347 Gardiners Road on the far left and 1329 Gardiners Road in the background.

Site Photographs – D14-012-2023 – November 2, 2023



Figure 3: Street view of 1343 Gardiners Road (Location of Future Building D)



Figure 4: Street view of 1383 Gardiners Road (Location of Future Building A).

Planning Committee

Public Notice Notification Map

Addresses: 1329, 1343, 1347, 1375
and 1383 Gardiners Rd. and 561
Macrow St.
File Number: D14-012-2023

- 120m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 13 Properties in Receipt of Notice (MPAC)

