



**City of Kingston
Report to Planning Committee
Report Number PC-24-003**

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: D14-013-2023
Address: 2103 McKendry Road
District: District 1 - Countryside
Application Type: Zoning By-Law Amendment
Owner: Peter Skebo
Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: 2.2 Support climate action and sustainability for residents, businesses and partners.

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 Peter Skebo, with respect to the subject site located at 2103 McKendry Road.

The subject property is a large, 24 hectare parcel of land located south of Unity Road, west of Battersea Road, and east of Perth Road, with frontage onto McKendry Road. The subject lands are designated Prime Agricultural Area and Environmental Protection Area in the Official Plan, and zoned as Prime Agricultural (AG) Area', Rural Residential (RUR), and Environmental Protection Area (EPA) in the Kingston Zoning By-Law.

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The property was recently subject to a technical consent application (File Number D10-010-2022) which has received provisional approval. The purpose of this consent application was to sever a one hectare lot containing an existing single-detached home and zoned as Rural Residential. Creation of new lots in Prime Agricultural Areas is discouraged by the Official Plan. However the severance of a lot containing an existing residence that is surplus to a farming operation is permitted under specific circumstances. A consent on Prime Agricultural Area lands must be conditional on a rezoning application to ensure that no new residential dwelling units will be permitted on the retained parcel.

In accordance with Provincial Policy and the City's Official Plan, a condition of provisional approval for the technical consent application for 2103 McKendry Road was that the applicant must apply for rezoning to prohibit any future residential development on the retained parcel. This application for a Zoning By-Law Amendment seeks to satisfy this condition of provisional approval.

Currently, the retained parcel is developed with an accessory dwelling unit and a cluster of non-residential buildings utilized as a repair shop for furniture and similar items. No new development is currently proposed for the subject lands.

The recommended zoning by-law amendment would allow for the continued use of the existing property as a repair shop with an associated accessory dwelling unit, while also preserving the potential of the subject lands for agricultural uses by prohibiting any further residential development. 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.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-013-2023) submitted by The Boulevard Group, on behalf of the owner Peter Skebo, for the property municipally known as 2103 McKendry Road, 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-24-003; 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 Initiatives	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:**Public Meeting & Comprehensive Report**

Planning Services is recommending the Public Meeting and comprehensive report are heard concurrently at the December 7, 2023, Planning Committee meeting based on the following:

- The proposal is compatible with the Provincial Policy Statement (2020) and the Kingston Official Plan;
- The proposal is considered minor in nature;
- The proposal will be contained within the existing approvals; and
- Combining the Public Meeting and the comprehensive report facilitates the streamlining of the development approval process, thereby decreasing application processing time.

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:

Jacob Slevin
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 2176
jslevin@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. A pre-application meeting was held on June 24, 2020 with Planning Services.

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Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of September 29, 2023.

A Community Meeting will be held at Planning Committee on December 7, 2023.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before December 28, 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).

Site Characteristics

The subject property, which is the retained parcel of the aforementioned recent consent application that has received provisional approval, is municipally known as 2103 McKendry Road. The property has an area of approximately 24 hectares with 166 metres of road frontage on an opened and maintained portion of McKendry Road and 1140 metres of frontage on the unopened road allowance of McKendry Road.

The property is currently designated Prime Agricultural Area and Environmental Protection Area in the Official Plan, and zoned as Prime Agricultural Area (AG), Rural Residential (RUR), and Environmental Protection Area (EPA) in the Kingston Zoning By-Law. The property is surrounded by a mix of residential, agricultural, and natural heritage uses (Exhibit C – Neighbourhood Context).

2103 McKendry Road is developed with a cluster of four buildings on the northern part of the property, which were originally used as a brick-making factory and are currently used as a repair shop for furniture and similar items. One building on the property is developed as an accessory dwelling unit, which is accessory to the repair shop use. The only agricultural use on the subject lands is the growing and cutting of hay. Existing natural heritage features, which are primarily located towards the south of the property, include watercourses, unevaluated wetlands, and valley lands.

Proposed Application and Submission

The applicant is proposing a zoning by-law amendment to restrict further residential development for the property located at 2103 McKendry Road, as a condition of a technical consent application (File Number D10-010-2022). This technical consent provided provisional approval for the creation of a new lot, one hectare in size and containing an existing single-detached house. As a condition of approval for this consent application, the retained 24 hectare parcel is required to obtain a zoning by-law amendment to restrict any future residential development on the retained parcel. The consent application received provisional approval on November 10, 2022. The applicant has two years to satisfy all conditions of approval.

No development is contemplated as part of this application. Approval of the proposed zoning by-law amendment will not enable any new development on the subject lands.

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

- A Planning Justification Report, dated September 2023
- Severance Sketch (Exhibit J)

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 lands are located in a rural area and not within a settlement area as defined by the Provincial Policy Statement. Rural areas are systems of land that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. The subject rural lands include agricultural uses, natural heritage features, and small scale residential development.

The proposed zoning by-law amendment will ensure the continued use of the subject property for agricultural uses, while ensuring that any proposal for future residential development will be subject to a comprehensive review. In addition to the agricultural uses, the subject property also contains several natural heritage features including wetlands, watercourses, and valley lands. As no housing or other development is proposed, this application supports the goal that rural settlement areas shall be the focus of growth and development. Nothing in this proposal will place additional demands on rural infrastructure or public services.

The restriction of future residential uses to preserve the existing agricultural use supports a diversified rural economic base. The proposal is compatible with the rural landscape and can be sustained by existing rural services. Protection of the subject agricultural lands from future residential development contributes to strong healthy communities, promotes the wise use and management of resources, and protects public health and safety.

Approval of this application will ensure that, if future residential development is proposed for the subject property, and additional zoning by-law amendment will be required. Through such a zoning by-law amendment application, there will be the opportunity to evaluate development through the appropriate studies to confirm that there will be no negative impacts on natural heritage, local agricultural practices, or adjacent land uses.

The application is consistent with the direction of the PPS. A detailed review of the applicable policies is attached in Exhibit E.

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Official Plan Considerations

The subject property is designated 'Prime Agricultural Area' and 'Environmental Protection Area' in the Official Plan (Exhibit F). The intent of the Prime Agricultural Area designation in the Official Plan is to maintain a permanent and viable agricultural industry in order to provide the City with employment and a sustainable source of local food supply. As such, permitted uses are limited to agricultural uses, agriculture-related uses, and on-farm diversified uses. Environmental Protection Areas are intended to be maintained in their natural and undisturbed habitat but may be used in some instances as passive recreational spaces in consultation with the appropriate technical agencies.

The Official Plan discourages the creation of new lots in Prime Agricultural Areas, however, new lot creation is permitted for an existing residential dwelling that is surplus to a farm operation. As a condition of the provisionally approved technical consent (File Number D10-010-2022), and in accordance with the Official Plan, a zoning by-law amendment is required to prohibit residential development on the retained parcel of the subject lands. The proposed zoning by-law amendment represents an appropriate manner of protecting the existing agricultural use from potentially adverse impacts caused by additional residential development on the subject property.

The restriction of future residential development on the subject lands via the proposed zoning by-law amendment is consistent with the policy direction of the Official Plan regarding the protection of land which is suitable to long term agricultural production from scattered development of land uses unrelated to agriculture. Furthermore, the proposed zoning by-law amendment is also consistent with Official Plan direction that Environmental Protection Areas be maintained in their natural state to preserve their function in sustaining the natural heritage system.

A detailed review of the applicable policies is attached in Exhibit G.

Zoning By-Law Discussion

The site is subject to the Kingston Zoning By-Law, and is zoned primarily as Prime Agricultural Area (AG) with some southern portions of the property zoned as Environmental Protection Area (EPA). The severed parcel of the subject lands, which has been provisionally approved through a technical consent application (File Number D10-010-2022), is zoned as Rural Residential (RUR). The property currently contains an active agricultural operation, natural heritage features, several buildings associated with a furniture repair business, and an accessory dwelling unit. As a condition of consent, the retained parcel of land is to be zoned to prohibit residential development in order to comply with the prime agricultural policies of the Official Plan.

The parent zones for the property are not proposed to change at this time. Approval of this zoning by-law amendment application will enable a site-specific exemption to the subject property prohibiting residential development, which will protect the prime agricultural lands for exclusively agricultural uses.

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Other Applications

A technical consent application ([File Number D10-010-2022](#)) to sever the existing residential dwelling at 2103 McKendry Road, which is surplus to agricultural operations on the property, was initially submitted on March 27, 2022. This technical consent application received provisional approval on November 10, 2022. As a condition of this provisional approval, a zoning by-law amendment is required to prohibit residential uses on the retained portion of the subject lands.

Following provisional approval of the consent application, a permission application ([File Number D13-015-2023](#)) was submitted on March 1, 2023 in order to permit the internal conversion of an existing legal non-conforming office building to an accessory dwelling unit. This accessory dwelling unit was deemed to be more compatible with the uses permitted in the zoning by-law than the previously existing non-conforming office use. Approval of the permission application was granted by the Committee of Adjustment on April 17, 2023.

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 with respect to this application, concurrent with the Comprehensive Report submission. There are no written public concerns or comments received at time preparing this report. Any correspondence received before the Public Meeting will be provided to the Committee and the applicant prior to the December 7, 2023, Public Meeting.

Effect of Public Input on Draft By-Law

No public comments were received at the time this report was written.

Conclusion

Staff recommends approval of the application for zoning by-law amendment as the new exception zone will prohibit the establishment of a residential use on the subject lot which is in keeping with the condition of provisional approval through the consent application. No new development is proposed and there will be no adverse impacts to neighbouring properties. The proposal is consistent with the Provincial Policy Statement and the City's Official Plan in protecting prime agricultural lands.

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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 24 property owners (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 December 4, 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

Financial Considerations:

None

Contacts:

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

Jacob Slevin, Planner, 613-546-4291 extension 2176

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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 Public Notice Notification Map
- Exhibit E Consistency with the Provincial Policy Statement
- Exhibit F Official Plan, Land Use
- Exhibit G Conformity with the Official Plan
- Exhibit H Zoning By-Law Number 2022-62, Schedule 1
- Exhibit I Site Photographs
- Exhibit J Severance Sketch

By-Law Number 2023-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception Number E139 (2103 McKendry Road))

Passed:

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 to introduce a new exception number;

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 by adding Exception Number ‘E139’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. By adding the following Exception Number E139 in Section 21 – Exceptions, as follows:

“E139. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) **“Residential uses** established after the date of passing of this by-law are prohibited.”
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

Address: 2103 McKendry Road
File Number: D14-013-2023

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

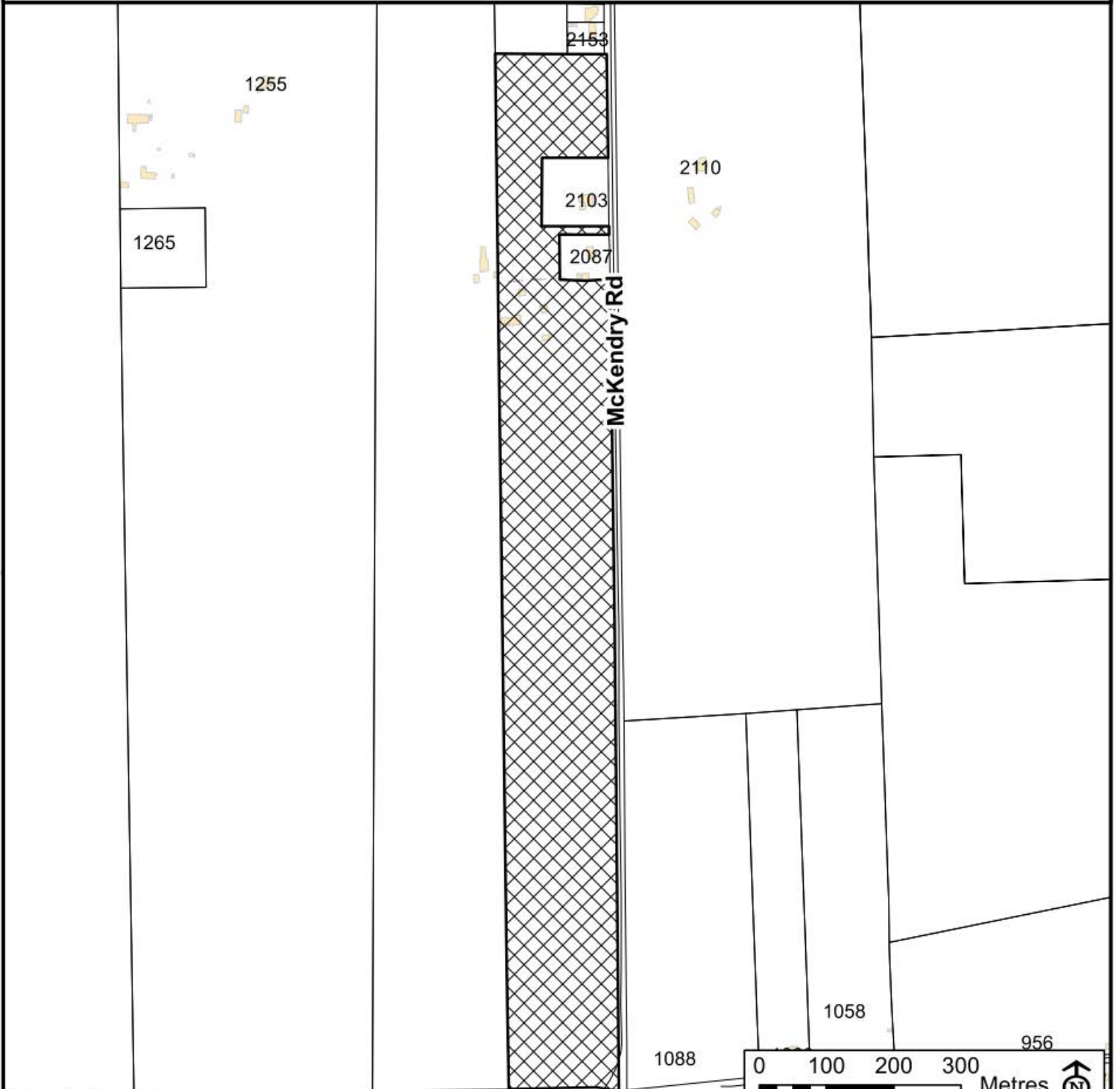
 Lands to be added as E139

Certificate of Authentication

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

Mayor

Clerk



Prepared By: rejones
Date: Nov-03-2023

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Planning Services

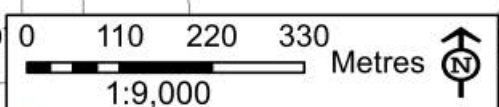
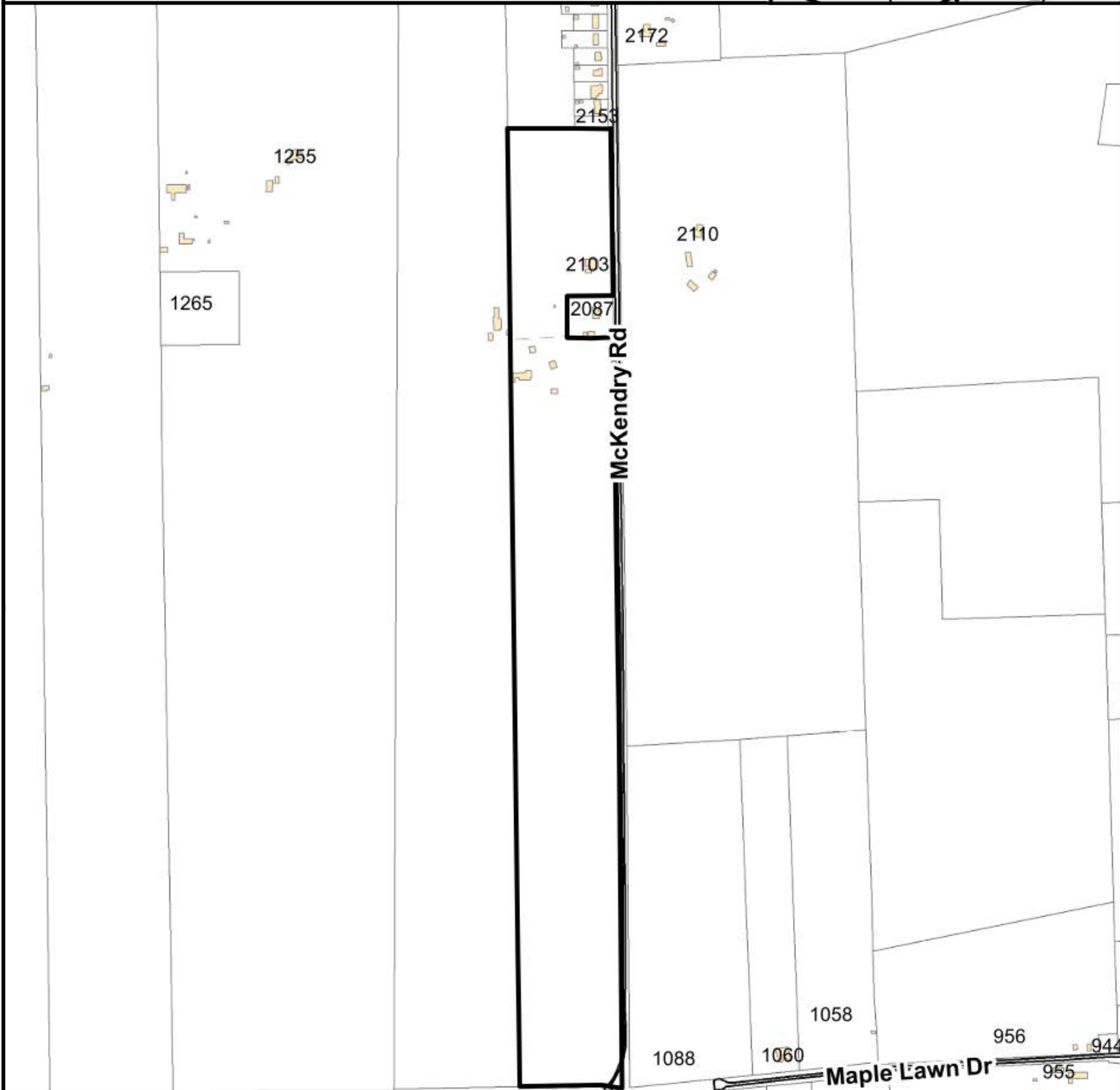
Planning Committee

Key Map

Address: 2103 McKendry Road

File Number: D14-013-2023

Subject Lands

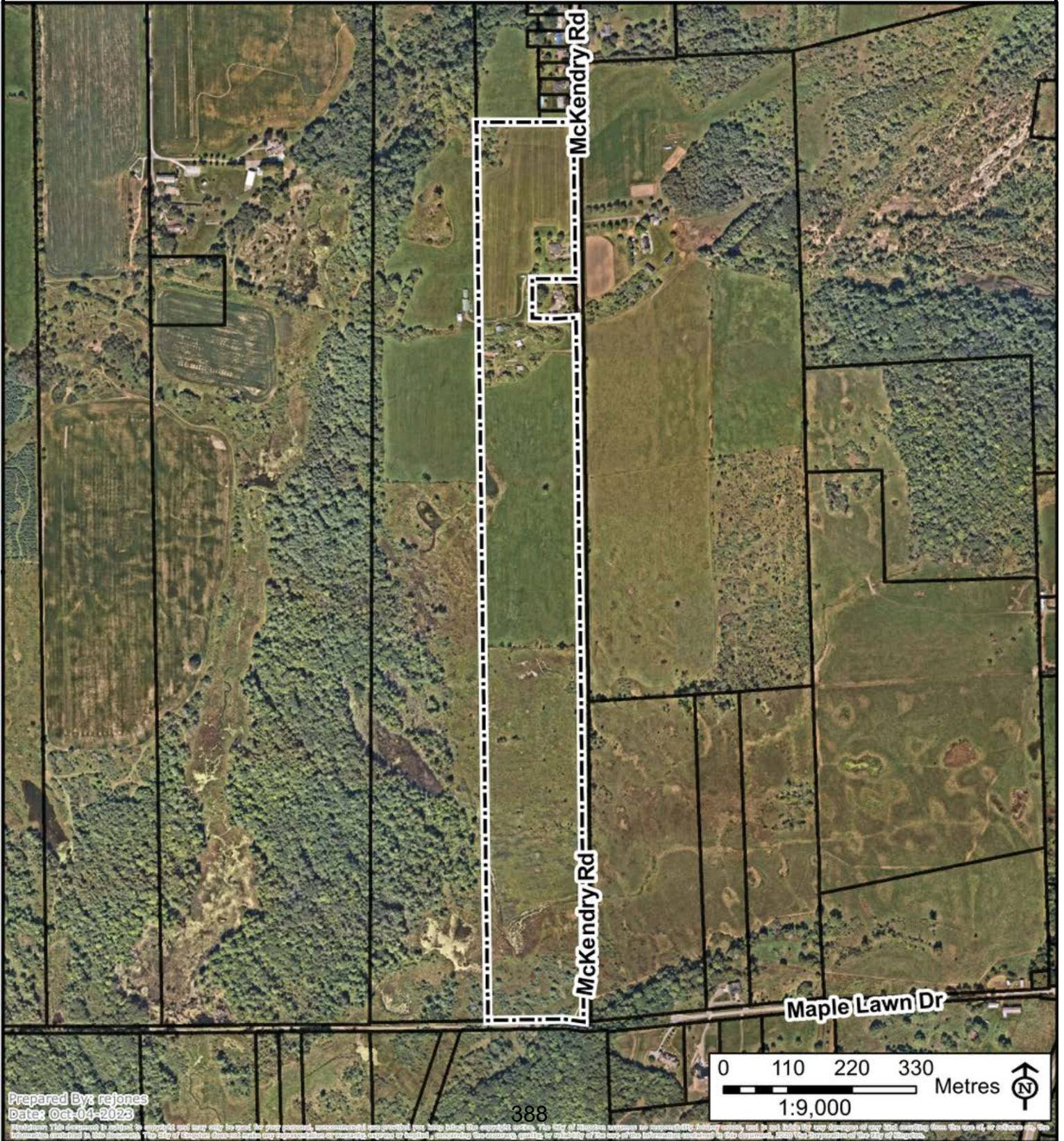




Planning Committee
Neighbourhood Context (2023)






Address: 2103 McKendry Road
 File Number: D14-013-2023

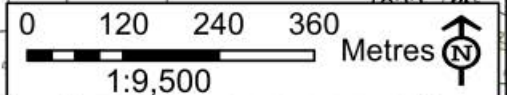
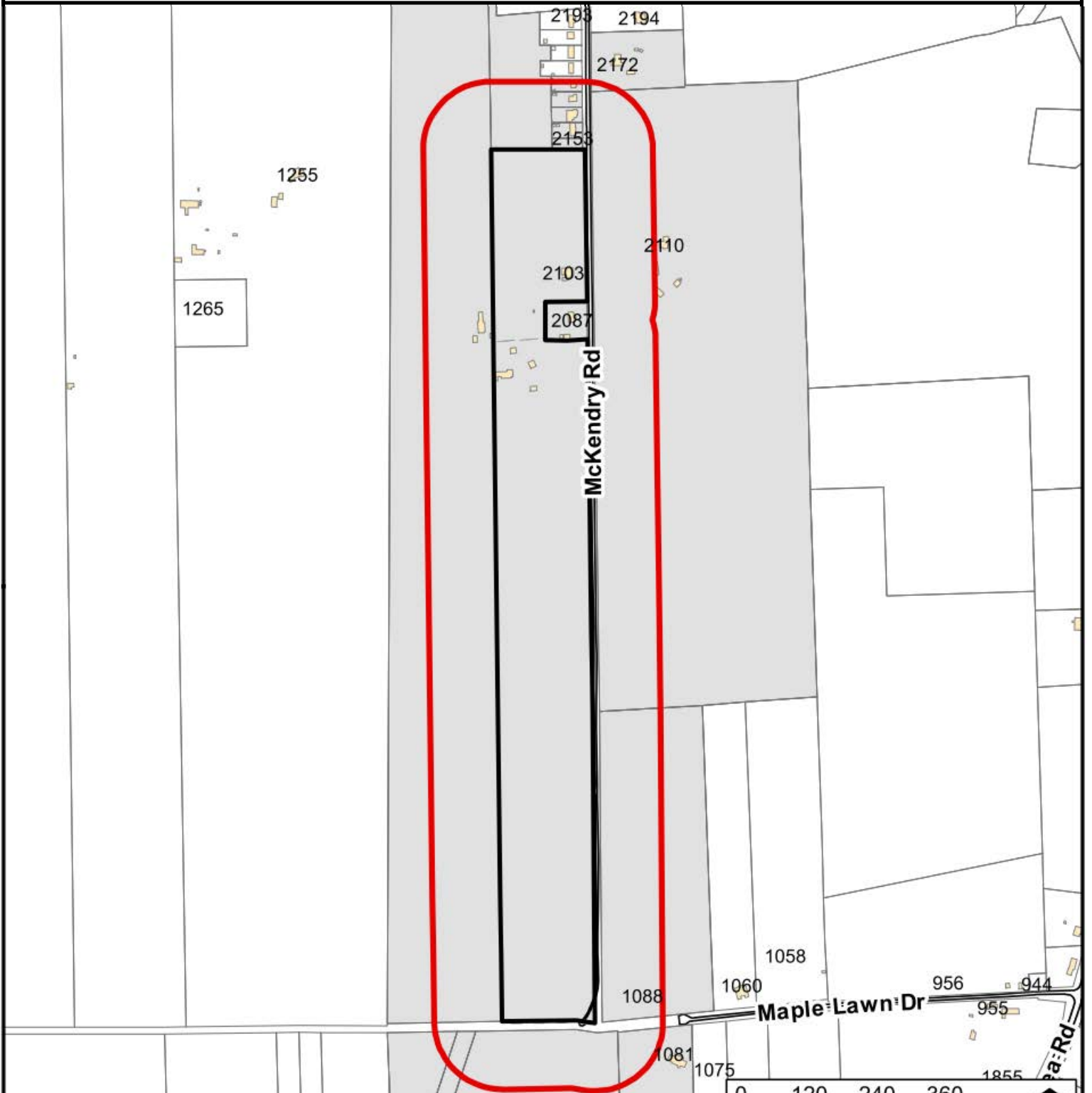
- Subject Lands
- Property Boundaries
- Proposed Parcels





Planning Committee
Public Notice Notification Map
Address: 2103 McKendry Road
File Number: D14-013-2023

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



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

Policy Number	Policy	Category	Consistency with the Policy
1.1.1.	<p>a) 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> <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</p>	Building Strong Healthy Communities	<p>The subject property is located in the rural area outside of any planned settlement area and is in an area which is serviced with individual private well and sewage disposal system.</p> <p>The proposal to prohibit a residential use on the subject property will protect the prime agricultural lands for agricultural purposes and prevent against inefficient land use patterns and development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that 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; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		
1.1.4.1	<p>Healthy, integrated and viable rural areas should be supported by:</p> <p>a) building upon rural character, and leveraging rural amenities and assets;</p> <p>b) promoting regeneration, including the redevelopment of brownfield sites;</p> <p>c) accommodating an appropriate range and mix of housing in rural settlement areas</p> <p>d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;</p> <p>e) using rural infrastructure and public service facilities efficiently;</p> <p>f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable</p>	Building Strong Healthy Communities	<p>By prohibiting residential development, the proposed zoning by-law amendment will protect the biodiversity of the existing natural heritage features on the property from potential adverse effects caused by residential development.</p> <p>Preservation of the prime agricultural lands for agricultural purposes will ensure there are opportunities for appropriate economic activities in prime agricultural areas.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>management or use of resources;</p> <p>g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;</p> <p>h) conserving biodiversity and considering the ecological benefits provided by nature; and</p> <p>i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.</p>		
1.1.4.4	Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.	Building Strong Healthy Communities	The subject property and its provisionally approved severed parcel are outside of a planned settlement area in the rural lands.
1.1.5.2	<p>On rural lands located in municipalities, permitted uses are:</p> <p>a) the management or use of resources;</p> <p>b) resource-based recreational uses (including recreational dwellings);</p> <p>c) residential development, including lot creation, that is locally appropriate;</p> <p>d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;</p> <p>e) home occupations and home industries;</p> <p>f) cemeteries; and</p> <p>g) other rural land uses.</p>	Building Strong Healthy Communities	<p>The provisionally approved severed parcel containing an existing residential dwelling and the existing accessory dwelling unit on the retained parcel represent form of locally appropriate residential development.</p> <p>The proposed zoning by-law amendment will prohibit additional residential development and ensure that the retained parcel will be preserved for agricultural uses.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	Building Strong Healthy Communities	The existing residential uses on the provisionally approved retained and severed lots are serviced by individual water and sewage services. By prohibiting residential development, the proposed exception will prohibit incompatible residential uses on prime agricultural lands.
1.1.5.7	Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.	Building Strong Healthy Communities	The proposed zoning by-law amendment will have the effect of protecting agricultural uses and directing residential development to more suitable areas.
1.1.5.8	New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.	Building Strong Healthy Communities	Minimum Distance Separation was evaluated through the consent application process and it was deemed that there were no livestock or manure storage facility within 1200 metres of the subject property.
1.2.6.2	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	By prohibiting residential development on the subject lands, the potential for future conflict between agricultural uses and sensitive residential land uses will be avoided.

Policy Number	Policy	Category	Consistency with the Policy
1.6.6.4	<p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.</p> <p>At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.</p>	Building Strong Healthy Communities	<p>The proposal will not result in the need to extend or create any new municipal water or sewage service.</p> <p>A hydrogeological assessment is not required for the retained parcel as a residential use will not be permitted on the property.</p>
1.8.1	Planning authorities shall support energy conservation and efficiency, improved air	Energy Conservation, Air	The establishment of the exception zone on the subject property will

Policy Number	Policy	Category	Consistency with the Policy
	<p>quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; 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; d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities; e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and 	<p>Quality and Climate Change</p>	<p>ensure the parcel of land will be maintained for agricultural purposes only.</p> <p>The protection of the existing agricultural use and natural heritage features on the subject property will support the City's initiative to improve air quality and combat climate change.</p> <p>The restriction of future residential uses on the retained agricultural parcel in the rural area will encourage more efficient patterns of land use development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	g) maximize vegetation within settlement areas, where feasible		
2.1.1	Natural features and areas shall be protected for the long term.	Wise Use and Management of Resources	The proposal to prohibit residential development on prime agricultural lands will protect the natural features and areas for the long term from residential development.
2.2.1	<p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <p>a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;</p> <p>b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;</p> <p>c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;</p> <p>d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;</p> <p>e) maintaining linkages and related functions among ground water features, hydrologic functions, natural</p>	Wise Use and Management of Resources	<p>The prohibition of residential development on the retained parcel will prevent additional strain from being placed on groundwater resources in the rural area.</p> <p>Natural heritage features on the subject property such as wetlands and watercourses will be protected from potential adverse impacts caused by residential development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>heritage features and areas, and surface water features including shoreline areas;</p> <p>f) implementing necessary restrictions on development and site alteration to:</p> <ol style="list-style-type: none"> 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; <p>g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;</p> <p>h) ensuring consideration of environmental lake capacity, where applicable; and</p> <p>i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.</p>		
2.3.1	Prime agricultural areas shall be protected for long-term use for agriculture.	Wise Use and Management of Resources	The establishment of the proposed exception zone will prohibit residential uses on the retained portion of land which will protect the lands for future agricultural uses.
2.3.3.3	New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.	Wise Use and Management of Resources	Minimum Distance Separation was evaluated through the consent application process and it was deemed that there were no livestock or

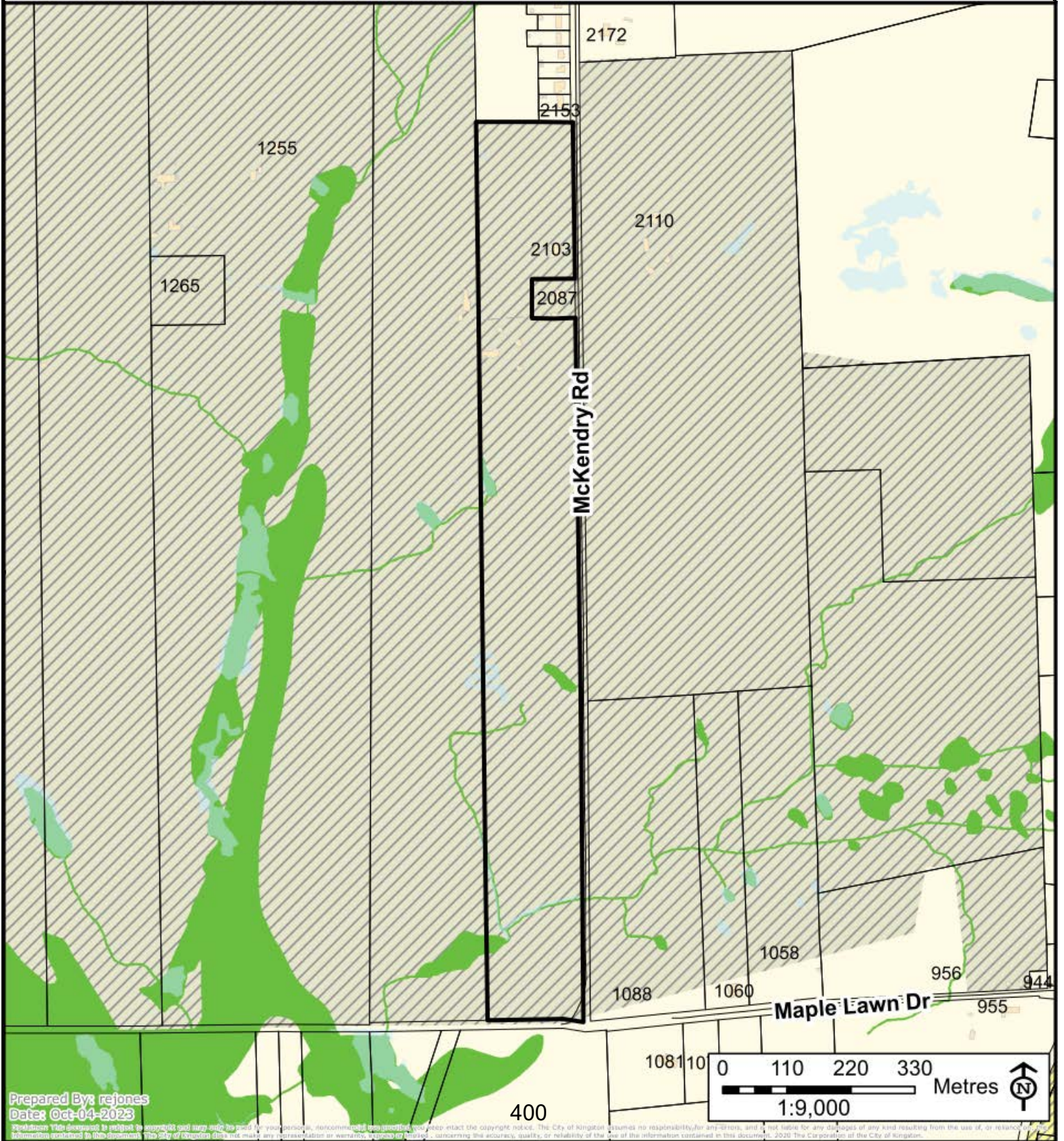
Policy Number	Policy	Category	Consistency with the Policy
			manure storage facility and conforms with MDS requirements.
2.3.4.1	<p>Lot creation in prime agricultural areas is discouraged and may only be permitted for:</p> <p>a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;</p> <p>b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;</p> <p>c) a residence surplus to a farming operation as a result of farm consolidation, provided that:</p> <ol style="list-style-type: none"> 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and <p>d) infrastructure, where the facility or corridor cannot be accommodated through the</p>	Wise Use and Management of Resources	<p>The severed lot on the subject property, which received provisional approval through consent application D10-010-2022, contains a single detached dwelling on private water and sewage disposal system. The severed lot meets the minimum size requirements of the Official Plan and Zoning By-Law.</p> <p>As a condition of provisional approval the retained parcel is required to be rezoned to prohibit residential development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	use of easements or rights-of-way.		
2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Wise Use and Management of Resources	<p>The provisionally approved severed parcel has been cleared of archeology.</p> <p>No development or site alteration is proposed for the retained parcel, and therefore no archeological assessment is required.</p>



Planning Committee
Official Plan, Existing Land Use
Address: 2103 McKendry Road
File Number: D14-013-2023

- Subject Lands
- PRIME AGRICULTURAL
- ENVIRONMENTAL PROTECTION AREA
- ESTATE RESIDENTIAL
- RURAL



Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.2. Within Rural Areas, as shown on Schedule 2, growth will be limited and the natural assets, functions, and occupations that contribute to the general sustainability of the City as a whole will be supported through:</p> <ul style="list-style-type: none"> a. the protection of groundwater sources; b. an ecosystem approach to protecting the natural heritage system; c. the protection of surface water features, including inland lakes and rivers, Lake Ontario and the St. Lawrence River; d. the extraction of mineral resources and the rehabilitation of depleted mineral mining operation sites, which must occur in a manner that is sensitive to the existing uses in the general area and in accordance with appropriate provincial legislation; e. limiting the types of permitted development to those that support and are compatible with a resource based local economy and sustainable practices; and f. promotion of agricultural opportunities, practices, and alliances that enhance agricultural employment as well as local food production, distribution, and consumption as an integral part of the local economy and the City's sustainability goals. 	<p>2.1 Sustainable Development</p>	<p>The proposal to prohibit residential development on the retained parcel will protect groundwater resources and limit permitted development to types that are compatible with the prime agricultural designation of the subject lands.</p> <p>The proposal will protect prime agricultural lands for future agricultural uses which satisfies the City's sustainability goals.</p>
<p>2.2.14. Rural Areas are comprised of a mix of land uses that support a diversification of</p>	<p>2.2 City Structure</p>	<p>The subject property is primarily designated as Prime Agricultural Area, with portions of</p>

Policy	Category	Conformity with the Policy
<p>the economic base, housing, and employment opportunities. These areas are comprised of lands protected for agricultural uses and agricultural-related uses, being designated Prime Agricultural Area or Rural Lands, as appropriate.</p> <p>Rural Areas also contain natural heritage features, many of which fall within the Environmental Protection Area and Open Space designations, as well as natural resources, designated Mineral Resource Area. The protection of the area's natural features will help to conserve biodiversity while maintaining water quality and the ecological benefits provided by nature.</p> <p>Lands designated Rural Commercial and Rural Industrial also support the rural economy within Rural Areas. These lands are distinct from rural settlement areas, designated Hamlets, which accommodate a mix of land uses that also support the rural community. The Estate Residential designation captures limited areas of residential land use in Rural Areas.</p>		<p>Environmental Protection Area designations towards the south of the property.</p> <p>The proposed Exception to restrict residential development will protect the Prime Agricultural and Environmental Protection Area lands from potential adverse impacts caused by residential development.</p>
<p>2.8.1. The City recognizes that the ecological functions of the natural heritage system and the biodiversity of its components are inter-related and function together to contribute to sustaining human health and economic welfare, as well as providing habitat for plant and animal communities. The City, in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and Fisheries and Oceans Canada, as appropriate, intends to protect</p>	<p>2.8 Protection of Resources</p>	<p>The proposed Exception to restrict residential development will protect natural heritage features on the subject lands from potential adverse impacts caused by residential development.</p>

Policy	Category	Conformity with the Policy
<p>significant elements of the natural heritage system, as more specifically discussed in Sections 3.10 and 6 of this Plan, and illustrated on Schedules 3, 7 and 8 and the secondary plans included in Section 10 of this Plan. It is the intent of the City to support and participate in stewardship programs in partnership with conservation organizations.</p>		
<p>2.8.4. Water is a resource that must be protected. In order to maintain the quality and quantity of water, the City will restrict development and site alteration near sensitive surface water or groundwater features and in areas of medium to very high groundwater sensitivity and will implement the policies of the Cataraqui Source Protection Plan as required.</p>	<p>2.8 Protection of Resources</p>	<p>The restriction of residential development will prevent additional strain from being placed on groundwater resources.</p>
<p>2.8.6. The City has designated Prime Agricultural Areas and has defined the long term expansion of its Urban Boundary to conserve such areas to provide greater investment security for farmers. Uses that support the agricultural industry will be located in close proximity to the use, preferably on lands of lower soil capability in the Rural Lands designation. As further outlined in Section 3.11 of this Plan, lot creation is discouraged in a Prime Agricultural Area designation.</p>	<p>2.8 Protection of Resources</p>	<p>The provisionally approved severed lot was created in compliance with the policies of Section 3.11.</p> <p>This proposal to prohibit residential development on the retained Prime Agricultural lands will conserve the lands for agricultural policies, in keeping with the goals of the Official Plan.</p>
<p>2.10.1. In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to:</p> <p>a. consider the potential impacts of climate change when</p>	<p>2.10 Climate Change Resiliency</p>	<p>Prohibiting residential development on the retained parcel which contains prime agricultural lands, will support the City's initiative to air quality and climate change.</p>

Policy	Category	Conformity with the Policy
<p>assessing the risks associated with natural hazards;</p> <p>b. consider the potential impacts of climate change and extreme weather events when planning for infrastructure, including green infrastructure, and assessing new development;</p> <p>c. support climate-resilient architectural design of buildings incorporating durable, reusable, sustainable materials and low impact technology for energy and stormwater management; and,</p> <p>d. explore opportunities to achieve climate positive development.</p>		
<p>3.3.11. Additional residential units are permitted on lands where a single detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use or where a place of worship is located in a residential zone, provided they are in accordance with the zoning by-law and subject to the following criteria:</p> <p>a. A maximum of two additional residential units shall be permitted on a lot, of which a maximum of one additional residential unit may be detached and a maximum of one additional residential unit may be attached to or located in the principal building.</p> <p>b. Notwithstanding subsection 3.3.11.a, the zoning by-law will restrict additional residential units in areas that are known or potential servicing constraints through the use of holding provisions or other overlay provisions. The City will evaluate</p>	<p>3.3 Residential Uses</p>	<p>An existing legal non-conforming office use associated with the non-conforming furniture repair operation on the property was converted into an additional residential unit via permission application D13-015-2023.</p> <p>The additional residential unit is serviced by private water and sewage disposal services.</p> <p>The proposed Exception zone for the subject property will prohibit additional residential units from being created on the retained parcel.</p>

Policy	Category	Conformity with the Policy
<p>opportunities to reduce or remove known or potential servicing constraint areas, based upon a review of servicing capacities and other applicable land use planning matters and will amend the constraint areas in the zoning by-law accordingly.</p> <p>c. Additional residential units shall not be limited by minimum lot area or maximum density requirements established in the zoning by-law, but may be included in the calculations of density where minimum density requirements are established;</p> <p>d. Additional residential units are prohibited on a lot containing a boarding house or lodging house. A detached additional residential unit is prohibited on a lot containing a tiny house;</p> <p>e. Additional residential units shall not be permitted in a floodplain.</p> <p>f. An additional residential unit shall not be severed from the lot containing the principal residential unit.</p> <p>g. Applications seeking parking relief in support of an additional residential unit must satisfy all of the following locational criteria:</p> <ul style="list-style-type: none"> (i) the property is within walking distance of an express Kingston Transit bus route; (ii) the property is within walking distance of commercial uses; and (iii) the property is within walking distance of parkland, open space or community facilities. <p>For the purposes of this subsection,</p>		

Policy	Category	Conformity with the Policy
<p>walking distance shall be measured using the actual path of travel, such as along a road network (e.g., sidewalk, cycle lane, etc.) or other publicly accessible space.”</p> <p>h. A parking space for an additional residential unit may be located in a permitted driveway that is within a front yard. Tandem parking spaces shall be permitted to facilitate an additional residential unit.</p>		
<p>3.10.1 The Environmental Protection Area designation includes the following natural features and areas:</p> <ul style="list-style-type: none"> • areas of natural and scientific interest (ANSIs); • fish habitat; • provincially significant wetlands, significant coastal wetlands and locally significant wetlands; • Snake and Salmon Islands, located in Lake Ontario, as shown in Schedule 3-A; and • rivers, streams and small inland lake systems. 	<p>3.10 Environmental Protection Areas</p>	<p>Natural heritage features on the subject lands which are designated as Environmental Protection Area include wetlands and streams.</p>
<p>3.10.2. Uses within the Environmental Protection Area are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and/or Parks Canada as appropriate.</p> <p>Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works. Recreational or educational activities, generally</p>	<p>3.10 Environmental Protection Areas</p>	<p>No development is proposed within the portion of the property designated as Environmental Protection Area.</p> <p>Natural heritage features on the subject lands will be protected from potential adverse impacts caused by nearby residential development on the subject lands.</p>

Policy	Category	Conformity with the Policy
<p>of a passive nature, may be permitted in suitable portions of Environmental Protection Areas only if such activity will have no negative impacts on natural heritage features and areas, does not involve the use of structures or buildings, and is not subject to natural hazards.</p> <p>Where an Environmental Protection Area designation is solely tied to a local area of natural and scientific interest, or a locally significant wetland, consideration may be given to new mineral mining operations or mineral aggregate operations and access to minerals or mineral aggregate resources, subject to compliance with provincial and federal requirements.</p>		
<p>3.11.1. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2 and 3 lands, and any associated Class 4 through 7 lands within the Prime Agricultural Area, in this order of priority</p>	<p>3.11 Prime Agricultural Area</p>	<p>The subject lands are currently used for the agricultural operation of growing and cutting hay.</p> <p>The proposal to prohibit a residential use on the subject property will protect the prime agricultural lands for agricultural purposes and will satisfy conditions of provisional approval for consent application D10-010-2022.</p>
<p>3.11.9. Where individual on-site water and sewage services can be accommodated to the satisfaction of the City or applicable approval authority, an additional residential unit is permitted in the Prime Agricultural Area subject to the additional residential unit policies contained in Section 3.3.11 of this Plan.</p>	<p>3.11 Prime Agricultural Area</p>	<p>The conversion of a legal non-conforming office to an additional residential unit was approved through permission application D13-015-2023 in accordance with the policies of Section 3.3.11 of the Official Plan. The additional residential unit is serviced by private water and sewage disposal services.</p>

Policy	Category	Conformity with the Policy
<p>3.11.12. Prime Agricultural Areas are intended to be preserved for agricultural purposes only. New lot creation is discouraged in Prime Agricultural Areas and is permitted only for the following:</p> <p>a. agricultural uses, provided that the lot is of a size appropriate for the types of agricultural uses common in the area and is also sufficiently large enough to adapt to potential future changes in type or size of agricultural use. The City requires a minimum lot area of 40 hectares when considering lot creation for agricultural uses;</p> <p>b. an existing residence that is surplus to a farming operation, resulting from a farm consolidation (which is the acquisition of additional farm parcels to be operated as one farm operation). Any new lot will be limited to a minimum lot size needed to accommodate the use and appropriate individual on site water and sewage services. Consent is subject to rezoning to ensure that no new residential dwelling will be permitted on any remnant parcel that may be created by such severance. MDS I setbacks are not required for consent applications for a residence surplus to a farming operation, where the dwelling and nearby livestock facility or anaerobic digester are located on a separate lot prior to the consent, as the potential odour conflict already exists;</p> <p>c. an agriculture-related use, subject to the consent policies of Section 9.6 provided that any new lot is limited to a minimum size needed to accommodate the</p>	<p>3.11 Prime Agricultural Area</p>	<p>The provisionally approved severed lot of the subject property is currently developed with a single detached dwelling on a private well and sewage disposal system. As an existing dwelling surplus to a farming operation, a one hectare parcel of land containing this detached dwelling was provisionally approved for severance through consent application D10-010-2022.</p> <p>As a condition of provisional approval the retained parcel is required to be rezoned to prohibit residential development which will prohibit future residential development on the retained prime agricultural lands.</p>

Policy	Category	Conformity with the Policy
<p>use, and the individual on-site water and sewage services can be provided, as set out in Section 4.4 of this Plan; and,</p> <p>d. utility corridors for facilities or public road infrastructure, in cases where easements or rights of way are not appropriate to accommodate the utility.</p>		
<p>3.11.15 The Committee of Adjustment or approval authority within the Prime Agricultural Area may require the registration of a warning on title stating that the lot created by consent is adjacent to a livestock operation or other agricultural operation, and therefore may be subject to noise, dust, odour and other nuisances associated with agricultural activities.</p>	<p>3.11 Prime Agricultural Area</p>	<p>As a condition of provisional approval of consent application D10-010-2022, a development agreement for the severed and retained lands must be registered on title. A clause is to be included in this development agreement advising future owners that any new residential development on the severed or retained lands shall be outside of the required calculated Minimum Distance Separation (MDS) setback from any neighbouring livestock facility or manure storage and all other applicable requirements at the time of building permit issuance.</p>
<p>4.4.1. A Groundwater Supply Assessment in accordance with Ministry of the Environment and Climate Change guidelines and the City's standards for Hydrogeological Assessments will be required for any development that is proposed for an area without municipal services.</p>	<p>4.4 Individual On-Site Services</p>	<p>The single detached dwelling on the provisionally approved severed parcel is already serviced by private water and sewage disposal services.</p> <p>The additional residential unit on the retained parcel is also serviced by private water and sewage disposal services.</p> <p>Additional residential development on the retained parcel will be restricted.</p>
<p>7.4.10. Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, Council will not take any action to approve the development, and</p>	<p>7.4 Archaeological Resource Conservation</p>	<p>As a condition of the consent application D10-010-2022, an archeological assessment for the severed parcel was required.</p> <p>An assessment is not required on the retained parcel as residential uses will be prohibited through</p>

Policy	Category	Conformity with the Policy
<p>the owner of such land will be requested to have studies carried out at the owner's expense by qualified persons in accordance with the Province's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and provide a copy of any correspondence from the Ministry of Tourism, Culture and Sport for any completed studies.</p>		<p>the establishment of the proposed exemption zone.</p>
<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; 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 	<p>9.5 By-Laws</p>	<p>As outlined throughout Exhibit G of this report, the proposed zoning by-law amendment is in conformity with the intent of all relevant Official Plan policies and schedules.</p> <p>The proposal to establish an Exception prohibiting residential uses on the subject Prime Agricultural lands is compatible with the AG zoning of the property and the existing agricultural use. Approval of the proposal will protect the natural heritage features on the property from adverse impacts caused by residential development.</p> <p>No new buildings or structures will be constructed resulting from this amendment. Approval of this proposal will not alter residential density. No impacts on municipal infrastructure or services will be caused as a result of this amendment.</p> <p>No comments from City staff or external agencies have expressed concern about this proposal. No comments from the public have been received at the time of writing this report.</p> <p>As the requirement for a zoning by-law amendment to prohibit future residential development following the severance of a</p>

Policy	Category	Conformity with the Policy
<p>loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms 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>surplus dwelling on agricultural lands is a standard requirement established in the Official Plan, no precedents will be created through approval of this proposal.</p>



Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 2103 McKendry Road
File Number: D14-013-2023

- Subject Lands
- Schedule 1 Zoning Map
- Zone

- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- HoldingOverlay (HXXX)

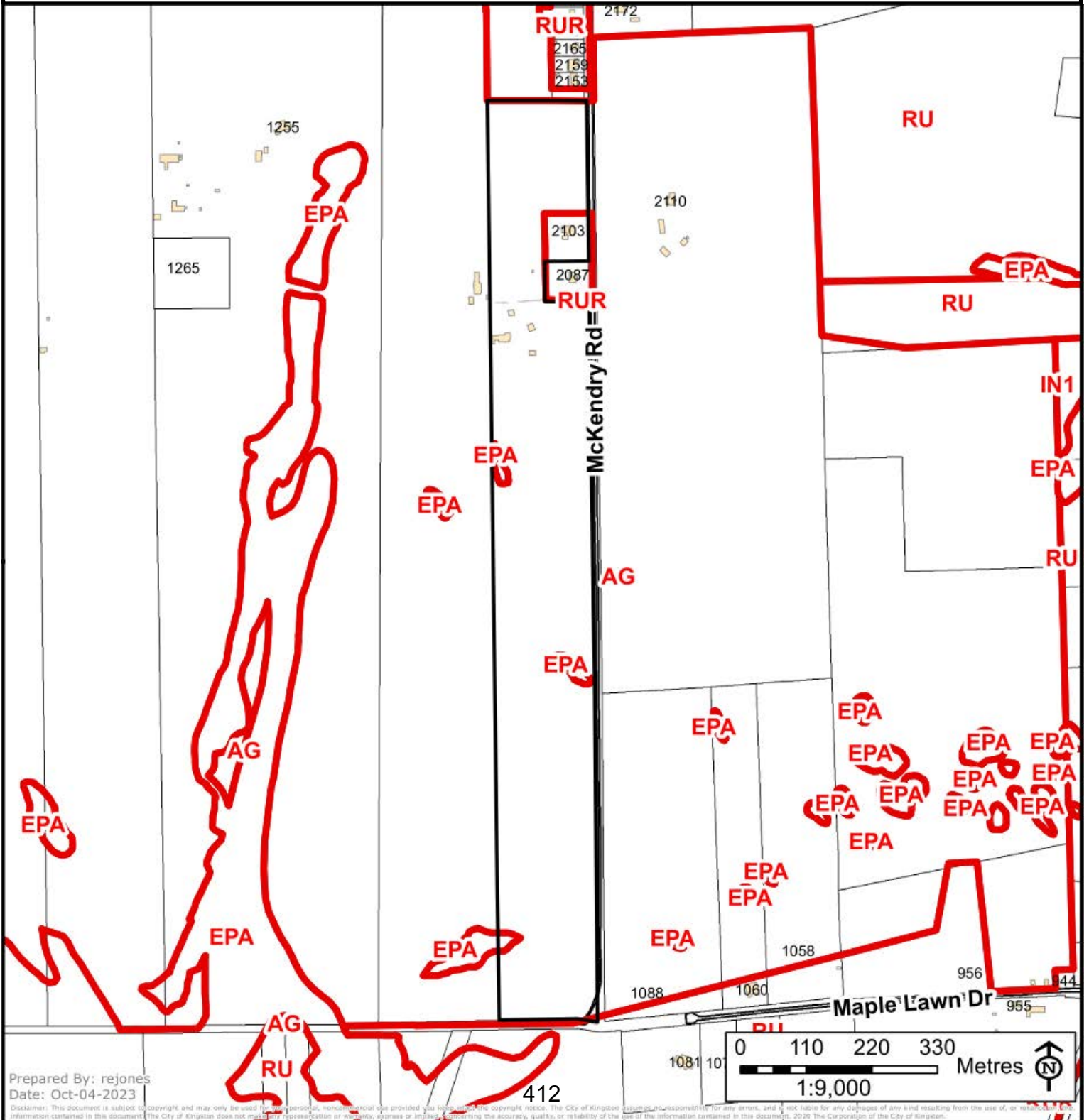




Figure 1: Field on the subject property, designated as Prime Agricultural Land in the Official Plan. Land is used for growing and cutting of hay.



Figure 2: Single detached house at 2103 McKendry Road. A one hectare parcel of land, including this detached house, was provisionally approved for severance through technical consent application D10-010-2022.



Figure 3: Former office building on the retained parcel of the subject lands, which was approved for conversion to an Additional Residential Unit through Permission application D13-015-2023.



Figure 4: Storage building on the retained parcel associated with the existing workshop use.



Figure 5: Exterior of the existing workshop building on the retained parcel. The workshop building is used for the repair of furniture and other similar items.



Figure 6: Interior of the workshop building.

