



**City of Kingston  
Report to Planning Committee  
Report Number PC-24-014**

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**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 21, 2023  
**Subject:** Recommendation Report  
**File Number:** D14-004-2022  
**Address:** 36 Durham Street  
**District:** Williamsville  
**Application Type:** Zoning By-Law Amendment  
**Owner:** Nathan Blaine Patry  
**Applicant:** Arcadis, formerly known as IBI Group Inc.

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**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

**Executive Summary:**

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by Arcadis, formerly known as IBI Group Inc., on behalf of Nathan Blaine Patry, with respect to the subject site located at 36 Durham Street.

The subject lands are currently developed with a single-detached house with a large rear yard. This application proposes to re-zone the property to permit a semi-detached house as a permitted use to facilitate the development of such a dwelling on a newly severed parcel. The new proposed semi-detached house would be located on the southern portion of the property

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and would include two new four-bedroom homes with a total of eight new bedrooms. Each unit within the proposed semi-detached house would have a separate entrance at the front of the house and one parking space located in the interior side yard.

The owner has submitted two concurrent consent applications to sever the existing property into a total of three parcels: one parcel for the existing single-detached house; and one parcel for each unit of the semi-detached house. The consent applications include conditions which require approval of this zoning by-law amendment.

The property is currently designated Residential in the City of Kingston Official Plan. The property is zoned UR5 (Urban Residential Zone 5) in the Kingston Zoning By-Law.

The proposal would result in two new homes contained within a new semi-detached house on the subject property. The proposed development represents an appropriate scale of infill development within the City's urban serviced areas and, as such, is consistent with the Provincial Policy Statement and conforms with the City of Kingston Official Plan.

**Recommendation:**

**That** the Planning Committee recommends to Council:

**That** the application for a zoning by-law amendment (File Number D14-004-2022) submitted by Arcadis, formerly known as IBI Group Inc., on behalf of Nathan Blaine Patry, for the property municipally known as 36 Durham 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 Schedules A & B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-014; 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:****Background and Decision Date**

In accordance with By-Law Number 2007-43, this application was subject to a pre-application meeting held on February 10, 2022, with Planning Services and various other departments and agencies. Following this, a complete application submission was made by the applicant on August 24, 2022.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before November 20, 2022 which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

The applicant has been working with staff to address technical comments related to servicing and storm water management, taking the application beyond the 90 days after a complete application was received. Staff have reviewed the revised information and have no further technical concerns with preparing this report to advance a recommendation for consideration by the Planning Committee and Council.

**Site Characteristics**

The subject property is located at 36 Durham Street and is designated Residential in the City of Kingston Official Plan. The subject property is zoned UR5 (Urban Residential Zone 5) in the Kingston Zoning By-Law.

The subject property is located within the Urban Boundary, on the southwest corner lot at the intersection of Durham Street and Toronto Street (two local roads) and abuts three residential uses also within the UR5 Zone (250 Toronto Street, 47 Park Street, and 40, 42, and 44 Durham Street).

The subject property is located within walking distance from the intersection of Princess Street and Victoria Street (an arterial road and a collector road, respectively) which provides access to public transit and active transportation routes, and numerous commercial uses located within the Williamsville Zone 1 mixed use zone. The site is within walking distance from Kingston Memorial Centre, Churchill Park, and Rideau School Parkette making it well-situated in relation to existing public parks.

**Proposed Application and Submission**

The applicant is proposing to re-zone the subject property to permit the development of a semi-detached house. The existing single-detached house is proposed to remain on a proposed retained lot.

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The proposed new semi-detached house would include two new four-bedroom homes, for a total of eight new bedrooms in the aggregate. Each unit within the proposed semi-detached house would have a separate entrance at the front of the house and one vehicle parking space located in the interior side yard.

The owner has submitted two concurrent consent applications to sever the existing property into a total of three parcels: one parcel for the existing single-detached house; and one parcel for each unit of the semi-detached house. The consent applications include conditions which require approval of this zoning by-law amendment.

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

- Site Survey
- Site Plan
- Architectural Elevations
- Floor Plans
- Servicing Plan
- Grading Plan
- Archeological Assessment (Stage 1-2)
- Stormwater Management Report
- Servicing Report
- Planning Justification Report
- Draft By-Law
- Owner's Authorization Letter

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 Provincial Policy Statement (PPS) promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario. The PPS directs municipalities to focus their growth within settlement areas where full municipal services are available. Development is to promote active transportation and support transit, while providing for a range and mix of housing options and densities to meet projected housing needs for current and future residents.

The subject property is within the Urban Boundary of the City of Kingston, which would be considered a Settlement Area as defined by PPS. The proposed development will create two

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new residential units on lands that will be fully serviced within the City's defined settlement area, which is consistent with the PPS. A detailed review of the applicable policies is attached in Exhibit D.

### **Official Plan Considerations**

The subject property is designated Residential in the Official Plan (Exhibit E). The goal of the residential land use designation is to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods. The proposed development would be considered infill, as described in the Official Plan, as it seeks to encourage intensification and sustainability by developing a currently underused lot.

The subject property is located within the Urban Boundary as shown in Schedule 2 of the Official Plan, which is where future growth is desired. Intensification which results in an increased residential density is desirable, provided the proposed development can demonstrate compatibility with existing land uses in the area. The proposed development meets the compatibility criteria of the Official Plan, as the proposed development does not involve any change to the existing dwelling on the subject property, and it is not anticipated that there will be any shadowing, loss of privacy, or environmental damage to the proposed new semi-detached house. It is not anticipated that there will be any adverse impacts on neighbours, given the proposed rear and interior setbacks which provide adequate space for outdoor amenity area and spatial separation between neighbouring homes.

Functional needs of residents would be met by the proposed development, which includes delineated pedestrian access by way of a 1.2 metre walkway to each entrance of the proposed semi-detached house. While concerns have arisen regarding vehicular parking for the proposed semi-detached house, the proposed development is compliant with the minimum parking space requirements in the Kingston Zoning By-Law. The driveways serving each semi-detached house would have sufficient space to extend in length to add one additional parking space per lot, should the need for additional parking arise in the future.

The proposed development conforms to the policies of the City of Kingston Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

### **Zoning By-Law Discussion**

The subject application has been reviewed against the Kingston Zoning By-Law, being the zoning by-law in force the date this report was written. The proposed zoning by-law to amend the Kingston Zoning By-Law is included in Exhibit A.

The site is located within the Urban Residential 5 (UR5) Zone under the Kingston Zoning By-Law (Exhibit G). The applicant proposes to re-zone the northern portion of the property, which contains the existing single detached house and to apply an Exception Overlay to address the zoning deficiencies created by the proposed severance. The southern portion of the site is

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proposed to be rezoned to an Urban Residential 8 (UR8) zone with an Exception Overlay as the UR8 zone permits a wider ranger of housing types, including a semi-detached house.

Table 1 provides a review of the proposal for the existing single-detached house against the UR5 zone which would regulate the property under the Kingston Zoning By-Law.

**Table 1: Existing Single-Detached House (Part 1 on the Plan)**

Provision	Kingston Zoning By-Law Number 2022-62 (UR5 Zone)	Proposed Exception E81
Front Yard and Exterior Yard	3.6.17 In the case of a corner lot, the shorter lot line abutting a street is deemed the front lot line and the longer lot line abutting a street is deemed an exterior lot line.	The yard abutting Durham Street shall be deemed to be the front yard and the yard abutting Toronto Street shall be deemed to be the exterior yard.
Maximum Building Depth/Rear Setback	Table 11.6.1 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	Part 1: (b) 3.0 metres

**Front and Exterior Yards**

The existing single-detached house at 36 Durham Street has legal non-complying front and exterior setbacks and is oriented towards Durham Street. The proposed severance would cause the lot line along Toronto Street to become shorter than the lot line along Durham Street which would cause the lot line along Toronto Street to become the front lot line and the lot line along Durham Street to become the exterior lot line.

The amendment to deem the yard abutting Durham Street as the front yard and to deem the yard abutting Toronto Street as the exterior yard enables the property to maintain its current orientation. There are no concerns with the potential for adverse effects associated with shadowing or overlook as a result of the exception regarding front and exterior yards, given that they recognize the existing house situated on the property.

**Minimum Rear Yard Setback**

The minimum rear yard setback in the UR5 zone is 7.5 metres. This provision was implemented to ensure sufficient separation between properties to ensure adequate outdoor amenity area and to minimize impacts between adjacent uses.

There are no concerns with the potential for impacts on adjacent properties as the existing single-detached house currently has outdoor amenity area within the spacious interior yard

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located west of existing house. The house on the adjacent property to the west, municipally known as 40-44 Durham Street, is well set back from the abutting interior lot line and is separated by an accessory building which limits any potential impacts on the neighbouring property.

Given the diagonal placement of the existing house on the subject property, there is additional open space to the southeast of the house at 36 Durham Street, should additional outdoor amenity area be desired on the subject property.

Table 2 provides a review of the proposed semi-detached house against the UR8 zone which would regulate the property under the Kingston Zoning By-Law.

**Table 2: Proposed Semi-Detached House (Parts 2 and 3 on the Plan)**

Provision	Kingston Zoning By-Law Number 2022-62 (UR8 Zone)	Proposed Exception E82
Minimum Lot Area	Table 11.9.1 Semi-Detached House: 277.5 square metres per dwelling unit	195 square metres
Minimum Lot Frontage	Table 11.9.1 13.7 metres	11.3 metres
Minimum Front Setback	Table 11.9.1 (a) 6.0 metres	3.1 metres
Maximum Building Depth/Rear Setback	Table 11.9.1 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	4.9 metres
Minimum Front Setback for Decks and Porches	Table 4.20.4 3.5 metres	2.4 metres

**Minimum Lot Area and Frontage:**

The intent of the minimum lot area and minimum lot frontage requirements in the urban residential area are to ensure that lots have sufficient space to accommodate a house, a driveway and the required vehicle parking space(s), a walkway to ensure safe pedestrian



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access to the house, side yards wide enough to access rear yard, and a cohesive visual appearance with the surrounding neighbourhood.

The proposed semi-detached house is designed in such a way to ensure that the property will be functional as there is sufficient space to accommodate the house, driveways, the required vehicle parking spaces, walkways, and side yards which enable rear yard access. In addition, the proposed semi-detached house would have a similar lot area and frontage to other semi-detached houses in the area (e.g., 41 Durham Street, 43 Durham Street, 55 Park Street, and 57 Park Street). As such, the proposed intensification to allow a semi-detached house on lots with a reduced minimum lot area and frontage would maintain the existing character of the neighbourhood.

#### Minimum Setbacks:

The intent of the minimum front setback for a house or porch attached to the house is to ensure that there is sufficient spatial separation between the dwelling and the front lot line to provide vehicle parking, ensure similar setbacks to adjacent properties to limit land use compatibility issues, allow sufficient space for utility related infrastructure, and to reinforce the residential character of the neighbourhood.

There are no concerns with the reduced front setback for the house and porch as the vehicle parking is provided in the generous interior side yards. There are no concerns with the potential for adverse effects associated with shadowing or overlook as a result of the reduced front setbacks, as the proposed semi-detached house will be setback similarly to the two abutting properties at 36 Durham Street and 250 Toronto Street which would limit land use compatibility issues and maintain the character of the existing neighbourhood. Utilities Kingston has been circulated and has no concerns with the proposed front setbacks with regard to utility related infrastructure.

The intent of the minimum rear setback for a house is to ensure that there is sufficient outdoor amenity area on a property, and to ensure similar setbacks to adjacent properties to limit land use compatibility issues.

There are no concerns with the reduced rear setback for the proposed semi-detached house as sufficient outdoor amenity area is proposed and because the rear setback is similar to the abutting property located at 250 Toronto Street. Additionally, the proposed semi-detached house has a similar rear setback to the interior setback at 36 Durham Street which currently provides outdoor amenity area in the generous interior side yard. The plans provided by the applicant include a zone compliant rear deck for each unit in the semi-detached house in addition to the landscaped open space which exceeds the minimum landscaped open space requirements which would ensure sufficient outdoor amenity space for the future residents.

#### Other Applications

The property is also the subject of two applications for consent under the *Planning Act* (File Numbers D10-038-2023 and D10-039-2023). These applications propose to sever the existing

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property into a total of three parcels: one parcel for the existing single-detached house; and one parcel for each unit of the semi-detached house. The consent applications include conditions which require approval of this zoning by-law amendment.

### 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

At the time this report was finalized, two comment letters have been received from members of the public. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Below is a summary of public comments received to date. All original public comments are available in Exhibit K of this report.

- Comment: Concerns regarding the amount of parking for the two new units, and that one parking space should be provided per bedroom.

Response: The proposal is not seeking a reduction in the number of required parking spaces as parking spaces are calculated by the number of dwelling units rather than by the number of bedrooms in accordance with Section 7 of the Kingston Zoning By-Law. Additional space to the west would enable both driveways to add a second tandem parking space, should a second parking space be needed in the future.

- Comment: Concerns regarding local water and wastewater infrastructure updates, including concerns regarding low water pressure.

Response: Utilities Kingston has confirmed that the local infrastructure is relatively new, at approximately 20 years old. Utilities Kingston has confirmed that the pressures in the area are within the provincial recommended guidelines and that there are no plans for improvements, as improvements are not required.

- Comment: Concerns regarding construction noise and traffic in the neighbourhood.

Response: The addition of two new residential dwellings is not anticipated to cause a significant increase in traffic, pollution, or noise.

- Comment: Concerns regarding new developments on Princess Street, which overlook and are visible from residential properties.

Response: This application is not related to the new developments on Princess Street.

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- Comment: Concerns regarding intensification of the neighbourhood, and potential impact on property values and neighbourhood attractiveness.

Response: The addition of a new semi-detached house is not anticipated to impact neighbourhood attractiveness. Property values are not a Planning consideration.

### **Effect of Public Input on Draft By-Law**

Public input has not impacted the draft by-law.

### **Conclusion**

In conclusion, Planning Services recommends approval of the Zoning By-Law Amendment application for the lands known municipally as 36 Durham Street.

This application is consistent with the Provincial Policy Statement and conforms with the City of Kingston Official Plan and complies with the Kingston Zoning By-Law. The proposal represents good land use planning and is an appropriate development given character of the surrounding area.

### **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

Kingston Zoning By-Law Number 2022-62

### **Notice Provisions:**

A Public Meeting was held respecting this application on November 3, 2022. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 20 days in advance of the Recommendation Meeting. In addition, notices were sent by mail to 393 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard on October 25, 2022.

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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 the writing of this report, two pieces of correspondence have been received and all planning related matters have been addressed within the body of this report. Any 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

Sarah Oldenburger, Planner, 613-546-4291 extension 3288

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Draft By-Law and Schedules A & B to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2021)
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use Map
- Exhibit F Conformity with the Official Plan
- Exhibit G Kingston Zoning By-Law Number 2022-62 Map
- Exhibit H Proposed Site Plan
- Exhibit I Site Photographs
- Exhibit J Public Notice Map

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Exhibit K    Public Comments

**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘UR5’ to ‘UR8’ Zone, and Introduction of Exception E81 and Exception E82 (36 Durham Street))**

**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;

**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 1 – Zoning Map is amended by changing the zone symbol from ‘UR5’ to ‘UR8’, as shown on Schedule “A” attached to and forming part of this By-Law;
  - 1.2. Schedule E – Exception Overlay is amended by adding Exception ‘E81’ and Exception ‘E82’, as shown on Schedule “B” attached to and forming part of this By-Law;
  - 1.3. By adding the following Exception Number E81 and Exception Number E82 in Section 21 – Exceptions, as follows:

“**E81.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) For the purposes of the exception overlay, the yard abutting Durham Street shall be deemed to be the **front yard** and the yard abutting Toronto Street shall be deemed to be the **exterior yard**.
    - (b) The minimum **rear setback** is 3.0 metres.”

“**E82.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) The minimum **lot area** is 195 square metres;

- (b) The minimum **lot frontage** is 11.3 metres;
  - (c) The minimum **front setback** is 3.1 metres;
  - (d) The minimum **rear setback** is 4.9 metres; and
  - (e) The minimum **front setback** for a **porch** is 2.4 metres.”
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]

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**Janet Jaynes**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**



Planning  
Services

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

Address: 36 Durham Street  
File Number: D14-004-2022

### Reference Kingston Zoning By-Law Schedule 1 - Zoning Map

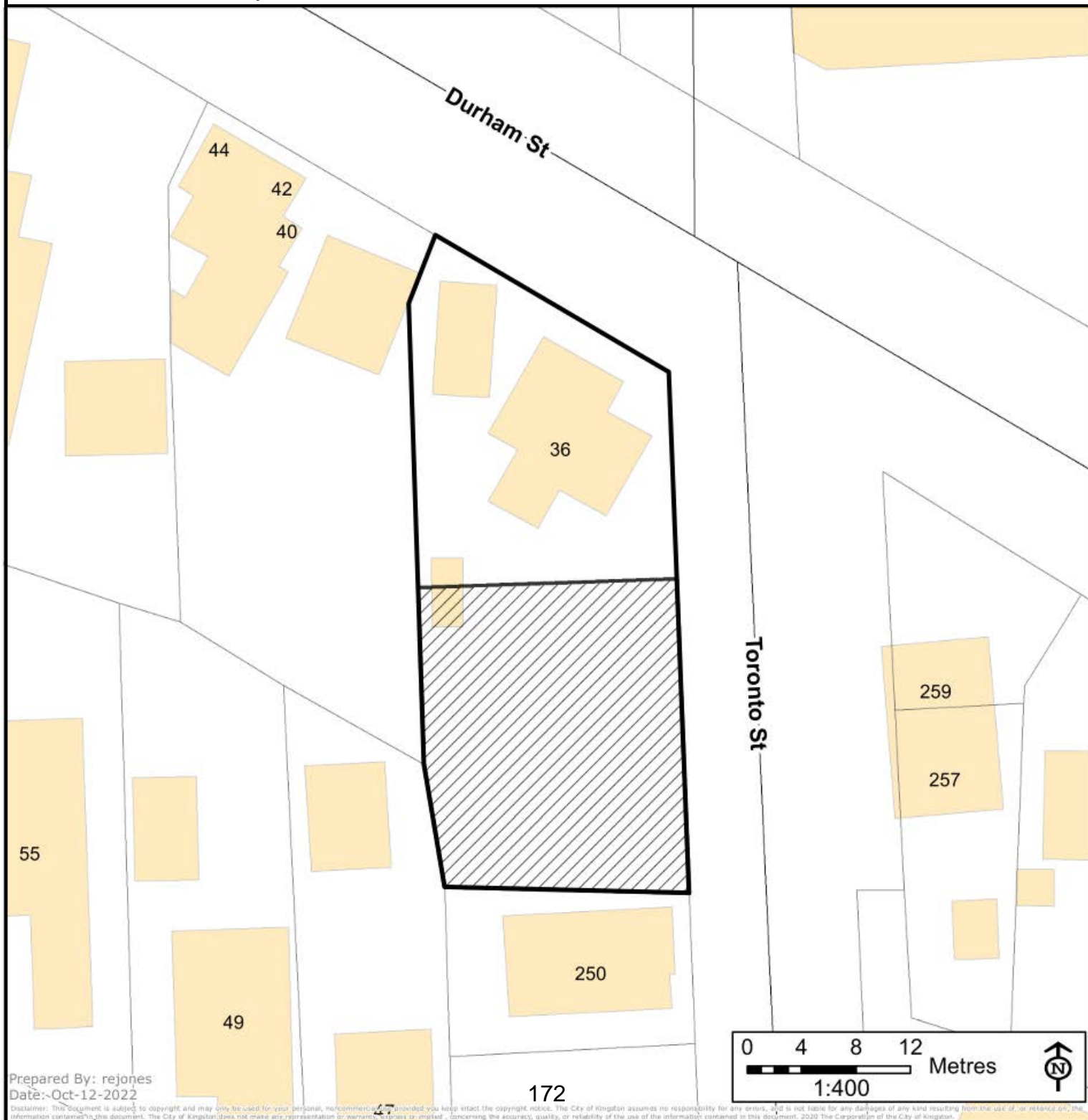
 Lands to be Rezoned from UR5 to UR8

### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk









Planning Services

### Schedule 'B' to By-Law Number

Address: 36 Durham Street  
File Number: D14-004-2022

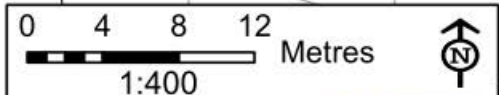
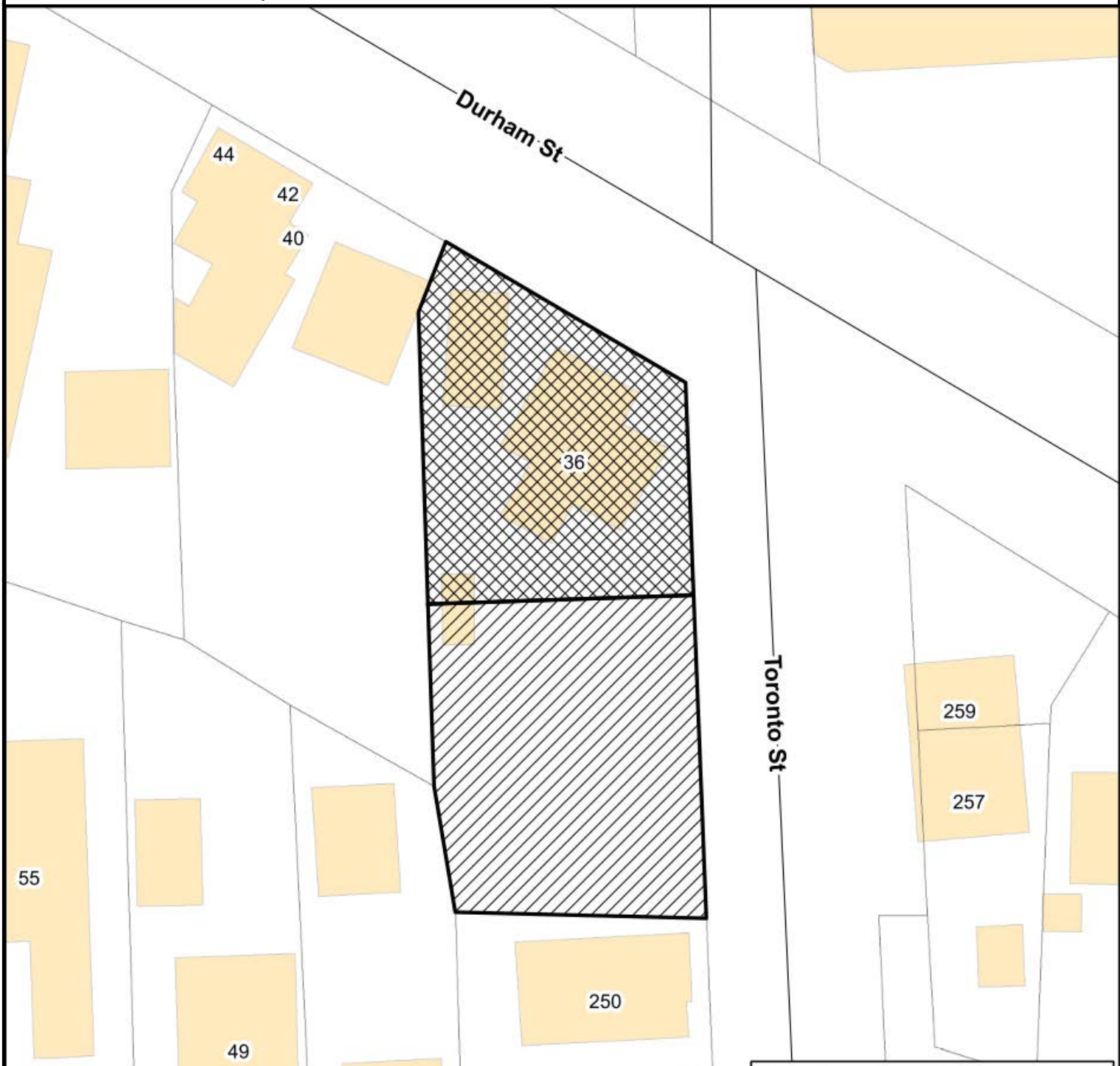
### Zoning By-Law 2022-62 Schedule E - Exception Overlay

-  Lands to be Added as Exception Number E81
-  Lands to be Added as Exception Number E82

### Certificate of Authentication

This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor Clerk

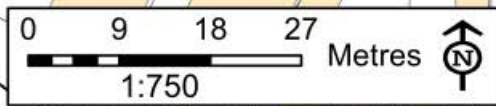
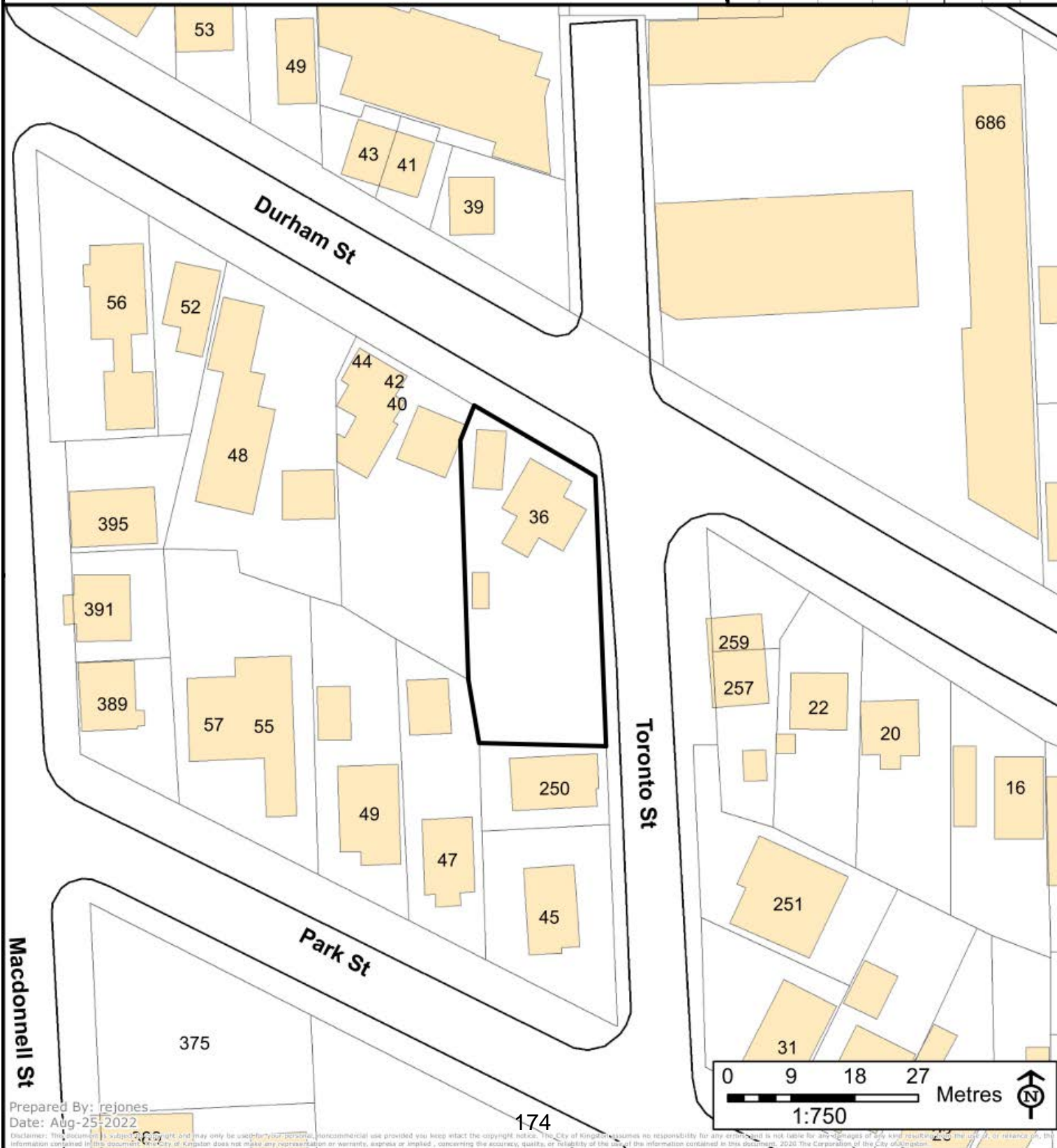


Prepared By: rejones  
Date: Oct-12-2022



Planning Committee  
**Key Map**  
Address: 36 Durham Street  
File Number: D14-004-2022

Subject Lands





Planning Committee  
**Neighbourhood Context (2021)**  
Address: 36 Durham Street  
File Number: D14-004-2022

- 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) 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</p>	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The application proposes minor intensification of a large underused residential lot which is located within the City of Kingston's Urban Boundary and which would be serviced by municipal infrastructure. The proposed semi-detached house will triple the total number of homes on the subject lands from 1 to 3 as proposed.</p> <p>The subject property is located on a property within walking distance of public parks, transit stops and commercial uses on Princess Street. Proximity to these amenities provides an opportunity for future residents to pursue a modal shift from automobile dependence to active transportation and transit usage.</p> <p>Accessibility for persons with disabilities is improved through the construction of two ground-oriented semi-detached homes which provide access via pedestrian walkways.</p> <p>The property does not contain any known natural or human-made hazards and is not</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	<p>infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption 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>		<p>anticipated to cause environmental or public health and safety concerns.</p> <p>The submission includes a servicing report which demonstrates how the owner will extend municipal services to the proposed homes on severed lots to make use of existing municipal services in the area.</p> <p>The proposal will intensify an existing built-up area, where no natural heritage features have been identified.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Settlement Areas	The subject property is within the Urban Boundary of the City of Kingston, which would be considered a Settlement Area as defined by the Provincial Policy Statement.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>b) are appropriate for, and efficiently use, the</p>	Settlement Areas	The proposal involves intensification of the subject lands to create two new four-bedroom homes. This will make efficient use of the land, as the subject property is located within the Urban Boundary and will be

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	<p>infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</p> <p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p> <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>		<p>serviced by full municipal services following the extension of nearby municipal services to the proposed severed lots.</p> <p>The proposed development is in close proximity to cycling infrastructure in Williamsville neighbourhood. The site is also within walking distance of multiple transit routes including the 501/502 Express Route.</p> <p>The proposed development, and location of existing transit infrastructure, is anticipated to support and encourage active transportation and transit use.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public</p>	Settlement Areas	<p>The proposed development involves the intensification of an underutilized residential site within the settlement boundary and will be serviced by municipal infrastructure following the extension of nearby municipal services to the proposed severed lots. Please refer to 1.1.1. and 1.1.3.2.</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	service facilities required to accommodate projected needs.		
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	Settlement Areas	Appropriate setbacks and development standards are incorporated into the site-specific zoning by-law amendment to enable a compatible, low density residential development, which is surrounded by residential land uses.
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas	Settlement Areas	The proposed development within the Urban Boundary will assist the City with reaching the intensification targets, while taking the local conditions into consideration.
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:  a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier	Housing	The proposed development adds to the mix of housing options in the neighbourhood through the introduction of two new four-bedroom units. As indicated above in Section 1.1.1. and 1.1.3.1, the proposed development represents an efficient use of land within the Urban Boundary and will be serviced by municipal infrastructure that is able to meet the needs of the proposed development. The low-density proposal

Policy Number	Policy	Category	Consistency with the Policy
	<p>municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> <li>1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and</li> <li>2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;</li> </ol> <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p>e) requiring transit-supportive</p>		<p>will be transit supportive.</p>



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	<p>development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</p> <p>f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</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> <ol style="list-style-type: none"> <li>1. municipal sewage services and municipal water services; and</li> <li>2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;</li> </ol> <p>b) ensure that these systems are provided in a manner that:</p> <ol style="list-style-type: none"> <li>1. can be sustained by the water resources upon which such services rely;</li> <li>2. prepares for the impacts of a changing climate;</li> <li>3. is feasible and financially viable over their lifecycle;</li> </ol>	Sewage, Water and Stormwater	A Servicing Report was prepared by a qualified person as part of the submission and confirms that the proposal can be adequately serviced by extending existing municipal water and sewer lines.

Policy Number	Policy	Category	Consistency with the Policy
	<p>and</p> <p>4. protects human health and safety, and the natural environment;</p> <p>c) promote water conservation and water use efficiency;</p> <p>d) integrate servicing and land use considerations at all stages of the planning process; an</p> <p>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. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.</p>		
1.6.6.2	<p>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.</p>	Sewage, Water and Stormwater	Please refer to 1.6.6.1.

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
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.	Transportation Systems	The subject property is well-serviced in regard to existing transit routes and municipal roads and the proposed development would make use of existing municipal infrastructure by extending nearby municipal infrastructure to the proposed severed lots. Please refer to 1.1.3.2.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation	Transportation Systems	The proposal represents appropriate intensification of a developed site within the Urban Boundary. The proposal will result in low density residential development that is within walking distance of a number of bus transit stops. The site is located in close proximity to cycling infrastructure in Williamsville neighbourhood. Please refer to 1.1.3.2.
1.7.1	Long-term economic prosperity should be supported by:  a) promoting opportunities for economic development and community investment-readiness;  b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;	Long-Term Economic Prosperity	The proposal to intensify a property with access to municipal services in the Urban Boundary optimizes the long-term use of land and adds to the mix of housing options available in the neighbourhood. The proposed design of the semi-detached house continues the character of the area and will not negatively impact any heritage feature.

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	<p>c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</p> <p>d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;</p> <p>e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</p> <p>f) promoting the redevelopment of brownfield sites;</p> <p>g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;</p> <p>h) providing opportunities for sustainable tourism development;</p> <p>i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;</p>		

Policy Number	Policy	Category	Consistency with the Policy
	<p>j) promoting energy conservation and providing opportunities for increased energy supply;</p> <p>k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and</p> <p>l) encouraging efficient and coordinated communications and telecommunications infrastructure.</p>		
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>a) promote compact form and a structure of nodes and corridors;</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</p>	Energy Conservation, Air Quality and Climate Change	The proposed, infill development in a location well connected to active transportation and transit infrastructure contributes to goals of reduced greenhouse gas emissions and sustainable development objectives under policy 1.8.1. The proposal will not result in the loss of any on-site trees. The proposal exceeds the landscaped open space requirements of the Zoning By-Law.

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	<p>uses to areas well served by major highways, airports, rail facilities and marine facilities;</p> <p>e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;</p> <p>f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and</p> <p>g) maximize vegetation within settlement areas, where feasible.</p>		
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</p>	Water	A Stormwater Management Report was prepared by a qualified person as part of the submission and confirms that the proposal can ensure sustainable stormwater practices on the subject lands.

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	<p>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 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"> <li>1. protect all municipal drinking water supplies and designated vulnerable areas; and</li> <li>2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;</li> </ol> <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</p>		

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	minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.		
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.	Cultural Heritage and Archaeology	An Archaeological Assessment was prepared by a qualified person as part of the submission and confirms that no features or materials of archaeological significance were recovered during the Stage 2 excavation.








Planning Services

# Planning Committee Official Plan, Existing Land Use

Address: 36 Durham Street  
File Number: D14-004-2022

-  Subject Lands
-  MAIN STREET COMMERCIAL
-  OPEN SPACE
-  RESIDENTIAL



**Demonstration of How the Proposal Conforms to the Official Plan**

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
<p><b>2.1.1.</b> Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> <li>a. appropriate (minimum) densities;</li> <li>b. land use patterns that foster transit and active transportation;</li> <li>c. enhanced access to public amenities and spaces for all residents, visitors and workers;</li> <li>e. direction of new development and key land uses to areas where they can best result in sustainable practices;</li> <li>g. maximized use of investments in infrastructure and public amenities;</li> <li>h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use;</li> <li>k. climate positive development;</li> </ul>	<p>Urban Areas – Focus of Growth</p>	<p>The subject property is located within the Urban Boundary and seeks an appropriate density in relation to the surrounding neighbourhood. The development is in a location that fosters transit and active transportation use, as the subject property is within walking distance of commercial uses and transit routes on Princess Street, and in close proximity to existing pedestrian and bicycle infrastructure. The proposed semi-detached house will be well-serviced in terms of access to public amenities (including existing roads, schools, and public parks), making the subject property a sustainable location for development. No trees are being removed as part of the proposed development.</p>
<p><b>2.1.4.</b> In reviewing development applications, the City will promote sustainability through:</p> <ul style="list-style-type: none"> <li>a. encouragement of green building design to reduce greenhouse gases by adopting: <ul style="list-style-type: none"> <li>• energy efficient construction;</li> <li>• renewable sources of energy for lighting and heating;</li> <li>• natural lighting;</li> <li>• design that reduces water consumption;</li> <li>• design which minimizes discharge into the sanitary sewers; and</li> <li>• design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and</li> </ul> </li> </ul>	<p>Development Review</p>	<p>The proposed semi-detached house is designed to use fewer building materials and land than a single detached house, given the existence of a common party wall instead of a fourth external wall. As such, each home will have less external exposure to the outside elements, making it more energy efficient, especially in the cooler seasons.</p> <p>All three lots would exceed the landscaped open space requirements in the Kingston Zoning By-Law, ensuring sufficient permeable surfaces on the subject lands.</p> <p>The semi-detached house would be well situated in proximity to</p>

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<p>stormwater re-use.</p> <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p> <p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>k. development that suits the demographic and/or socio-economic needs of the community</p>		<p>active transportation destinations, which would promote a reduction in automobile trips.</p> <p>The semi-detached house suits the needs of the community by providing a more affordable dwelling type when compared to a single detached house.</p>
<p><b>2.2.4.</b> The Urban Boundary shown by the dashed line on Schedule 2 has been established to recognize the substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth</p>	<p>Urban Boundary</p>	<p>The proposal conforms to strategic policy direction to focus of growth and development in the City within the Urban Boundary.</p>

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management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth.		
<b>2.2.5.</b> Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.	Housing Districts	This infill proposal conforms to the vision for the evolution of Housing Districts through gentle intensification making use of the underused lot while ensuring compatibility with the prevailing built form standards of height, density and setbacks that are found in the neighbourhood. Homes in the surrounding neighbourhood range in height from 1 to two and a half storeys and include a mix of single detached houses, semi-detached houses, and a triplex.
<b>2.3.1.</b> The focus of the City's growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning	Growth Focus	The subject property is located within the Urban Boundary. The proposed development will provide two additional dwelling units on municipal water and sewer services. The owner will be responsible for extending water and sewer services to the property in an orderly manner. A Servicing Report was prepared by a qualified person as part of the submission and confirms that the proposed semi-detached house can be adequately serviced.
<b>2.3.2.</b> In 2013, residential density within the City's Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary	Intensification	The proposal increases the residential density of the subject property, located within the Urban Boundary to 36 dwelling units per net hectare, in a compatible and complementary form of

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through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.		intensification.
<b>2.3.11.</b> In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.	Transportation	The proposal for two new dwelling units on the subject lands will facilitate active transportation through proximity to transit stops, connections to municipal sidewalks and the site's location within walking distance to a number of community facilities, public parks and commercial uses. The provision of a 1.2 metre walkway from the front lot line on Toronto Street to the main entrance of both new ground-oriented semi-detached houses provides accessibility for future residents and visitors.
<b>2.3.18.</b> Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of private properties with public access to do the same	Accessibility	The proposal would implement an accessible walkway to the semi-detached houses and a ground-oriented entrance as per 2.3.11.
<b>2.4.1.</b> The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in	Phasing of Growth - Vision	The proposal optimizes the efficient use of land through an infill development making use of the existing underused lot on full municipal services and will support

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<p>order to:</p> <ul style="list-style-type: none"> <li>a. reduce infrastructure and public facility costs;</li> <li>b. reduce energy consumption and greenhouse gas emissions;</li> <li>c. support active transportation and viable public transit;</li> <li>d. conserve agriculture and natural resources within the City; and</li> <li>e. reduce reliance on private vehicles.</li> </ul>		<p>the use of active transportation and public transit, through existing connections available to the property, to ultimately reduce reliance on private vehicles and reduce greenhouse gas emissions.</p>
<p><b>2.4.3.</b> It is the intent of this Plan to achieve an increase in the City’s net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	<p>Phasing of Growth - Residential Density</p>	<p>The proposal results in an increase in density on the site while maintaining the overall low density in an urban residential zone, in conformity with policy 2.4.3.</p>
<p><b>2.4.4.</b> New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <ul style="list-style-type: none"> <li>a. for the existing built-up residential areas, a net urban residential density of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below;</li> <li>d. a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.</li> </ul>	<p>Phasing of Growth - Minimum Residential Density</p>	<p>The proposal meets minimum density targets and directives in conformity with policy 2.4.4 by increasing the density of the site to 36 dwelling units per net hectare. The resulting density will be transit supportive, and will exceed the minimum density established for existing built-up residential areas.</p>
<p><b>2.4.5.</b> The City has established the following minimum targets for intensification to occur within the Urban Boundary. a. It is the intent of</p>	<p>Phasing of Growth - Intensification</p>	<p>The proposed development contributes to the percentage of new residential development to</p>

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
the City that 40 percent (%) of new residential development occur through intensification.	Targets	occur through intensification.
<p><b>2.4.6.</b> Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:</p> <p>a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;</p>	Order of Development - Urban Boundary	The proposed intensification on lands within the Urban Boundary with servicing capacity is consistent with the first priority for development.
<p><b>2.5.8.</b> Where intensification is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional development.</p>	Servicing Capacity	Servicing capacity exists for the increased density proposed for the site, as detailed in the Servicing Report submitted with the subject application, and as confirmed by Utilities Kingston through technical review.
<p><b>2.5.10.</b> 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>	Strategic Direction to Promote Active Transportation	The proposal does not require new road infrastructure and will foster the use of transit through the subject property's location in relation to existing bus routes, and active transportation infrastructure, such as sidewalks and bicycle infrastructure in the Williamsville neighbourhood.
<p><b>2.6.1.</b> It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from</p>	Stable Areas	The proposal seeks to add a gentle infill development which is compatible with the built form and density in the surrounding area, as

Policy	Category	Conformity with the Policy
incompatible development or types of development and rates of change that may be destabilizing.		there are other semi-detached houses in the neighbourhood on Toronto Street, Park Street, and Durham Street.
<p><b>2.6.3.</b> Stable areas will be protected from development that is not intended by this Plan and is not compatible with built heritage resources or with the prevailing pattern of development in terms of density, activity level, built form or type of use. The following types of intensification are generally considered appropriate within stable areas:</p> <p>a. infill development that is limited and designed to complement the area’s existing built form, architectural and streetscape character, and level of activity;</p> <p>d. intensification that requires a zoning by-law amendment or minor variance in support of factors that may affect the intensity of use (e.g., density, building height, reduction in parking and/or amenity areas, etc.) provided it can be demonstrated that the proposal will:</p> <ul style="list-style-type: none"> <li>• complement existing uses in the area;</li> <li>• support a transition in density and built form;</li> <li>• support active transportation and public transit; and</li> <li>• be compatible with existing development taking into account the policies of Section 2.7 of this Plan.</li> </ul>	Stable Areas	The proposal is designed to complement the neighbourhood’s existing built form and streetscape as it adds a ground oriented semi-detached house in a neighbourhood which currently has a variety of dwelling types, including single detached homes, semi-detached homes, and a triplex. The property is well serviced in relation to active transportation networks and public transit routes on Princess Street.
<p><b>2.7.1.</b> Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	Compatible Development and Land Use Change	The application demonstrates that the proposed development will be compatible with surrounding residential land uses, in terms of form and function. The built form is compatible with surrounding properties as detailed above in



Policy	Category	Conformity with the Policy
		Sections 2.2.5., 2.6.1 and 2.6.3.
<p><b>2.7.2.</b> 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 an 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>	Compatible Development and Land Use Change	The proposed development will be compatible with surrounding land uses as detailed below under Section 2.7.3. A Planning Justification Report was submitted with the application, which speaks to land use compatibility and the potential for adverse effects in conformity with Section 2.7.2.
<p><b>2.7.3.</b> 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"> <li>a. shadowing;</li> <li>b. loss of privacy due to intrusive overlook;</li> <li>c. increased levels of light pollution, noise, odour, dust or vibration;</li> <li>d. increased and uncomfortable wind speed;</li> <li>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;</li> <li>f. environmental damage or degradation;</li> <li>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</li> <li>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;</li> <li>i. visual intrusion that disrupts the streetscape or buildings;</li> </ul>	Land Use Compatibility Matters	<ul style="list-style-type: none"> <li>a. There are no undue adverse impacts anticipated with respect to shadowing.</li> <li>b. The proposed development limits the number of windows facing the interior side lot lines to prevent the loss of privacy, and does not include decks which would overlook onto neighbouring properties.</li> <li>c. Significant increases in levels of light pollution, noise, odour, dust or vibration are not anticipated in association with the continued residential use of the property.</li> <li>d. The development is not expected to result in an increase in wind speed.</li> <li>e. Increased traffic, resulting in adverse effects, is not anticipated given the modest scale of the proposal. The site is well-situated in relation to existing transit routes and active transportation connections, and the proposal is expected to foster these forms of transportation.</li> </ul>

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
<p>k. architectural incompatibility in terms of scale, style, massing and colour;</p>		<p>f. There are no natural heritage features on or adjacent to the subject property, and the proposed residential use is not anticipated to result in environmental damage or degradation.</p> <p>g. The applicant has demonstrated through the submission of a Servicing Report that there is available physical servicing capacity within the municipal system to accommodate the development, and Utilities Kingston has not identified any capacity constraints in this location.</p> <p>h. There are no reductions in the ability to enjoy a property as the result of the application. The existing home and 36 Durham Street and the two new homes will each have outdoor areas to enjoy on their respective lots.</p> <p>i. No visual intrusions are anticipated as the result of this application. The proposed semi-detached house is compatible with the surrounding neighbourhood with respect to height and setback from the front lot line.</p> <p>k. The proposed development will be architecturally compatible with the surrounding built form.</p>
<p><b>2.7.4.</b> Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <p>a. ensuring adequate setbacks and minimum yard requirements;</p> <p>b. establishing appropriate transition in building heights, coverage, and massing;</p>	<p>Mitigation Measures</p>	<p>The proposal includes setbacks and height which are similar to and compatible with the surrounding neighbourhood. Given similarity to surrounding homes, no additional mitigation measures are required.</p>

Policy	Category	Conformity with the Policy
<p>c. requiring fencing, walls, or berming to create a visual screen;  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.</p>		
<p><b>2.7.6.</b> 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> <p>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:</p>	<p>Functional Needs</p>	<p>The functional needs of the occupants or users of the building will be met as follows:</p> <p>a. The scale, massing, and density is similar to the built form and fabric of the surrounding neighbourhood;  b. The landscaped open space on the proposed and retained lot exceed the standards of the Kingston Zoning By-Law despite the decreased lot areas and setbacks proposed;  c. Adequate land area is available for the semi-detached house; and the site has been configured to improve both accessibility and the pedestrian environment through the provision of a walkway and a landscaped area along the front lot line;  d. The proposal will facilitate efficient use of existing transit service, as the semi-detached house will be within walking distance of numerous transit routes;  e. The proposal represents</p>

Policy	Category	Conformity with the Policy
<ul style="list-style-type: none"> <li>• site access;</li> <li>• pedestrian access to the building and parking spaces;</li> <li>• amenity areas;</li> <li>• building entry; and,</li> <li>• parking and secure and appropriate bicycle facilities.</li> </ul>		<p>appropriate intensification of a relatively large lot within the serviced area of the City;</p> <p>f. The development detailed on the Conceptual Site Plan illustrates clearly defined and safe pedestrian access to entrances, through the provision of a 1.2 metre walkway to the entrances of both new homes. Amenity areas and bicycle parking facilities are not required for a semi-detached house in the Kingston Zoning By-Law. The proposed driveways will provide the one required parking space for each new home.</p>
<p><b>2.10.1.</b> In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to:</p> <p>d. explore opportunities to achieve climate positive development.</p>	Resiliency	<p>The proposed development exceeds the minimum amount of landscaped open space required in the UR8 and UR5 zones, ensuring that the proposed lots will permit opportunities for climate positive landscaping and for the infiltration of storm water.</p>
<p><b>3.3.7.</b> Within existing stable residential areas, applications for infill must be located and organized to fit with neighbouring properties, including cultural heritage resources, and must satisfactorily address the following criteria:</p> <p>a. confirmation that adequate municipal services can be provided;</p> <p>b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and</p> <p>c. demonstrated ability to achieve compatible use and development of the property taking into account the policies of Section 2.7.</p>	Infill	<p>a. The proposed infill development has demonstrated through the submission of a Servicing Report that there is available physical servicing capacity within the municipal system to accommodate the development, and Utilities Kingston has not identified any capacity constraints in this location.</p> <p>b. and c. Demonstrated above in Section 2.7.3.</p>

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
<p><b>3.3.8.</b> Within the Urban Boundary, intensification through moderate increases in building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.</p>	<p>Intensification</p>	<p>The intensification is accommodated without any increase in building height.</p>
<p><b>3.3.14.</b> The City encourages the conservation, retrofit and renewal of existing housing and may pass by-laws regulating matters of maintenance and safety.</p>	<p>Retention of Housing Stock</p>	<p>The proposal includes the retention of an existing single detached house that has established itself into the context of the neighbourhood, while adding a new semi-detached house in a detached building on two new lots.</p>
<p><b>3.3.A.1.</b> Low density residential land uses and building types are the predominant part of the City's urban neighbourhood system, both in number of units and physical area. They represent low profile, ground oriented types of housing suitable for households.</p>	<p>Low Density Residential Policies</p>	<p>The proposal results in a low-density residential development with 36 dwelling units per net hectare in the form of one single detached house and a semi-detached house which would contain two units. The new semi-detached house would be a low profile, ground oriented housing that is suitable for a household.</p>
<p><b>3.3.A.2.</b> Low density residential uses include, but are not limited to, single detached dwellings, semi-detached dwellings, duplexes, triplexes, second residential units, and converted dwellings that have a density up to 37.5 units per net hectare of land, unless an approved secondary plan establishes alternative provisions. Second residential units shall not be limited by this maximum density requirement.</p>	<p>Low Density Residential Policies - Maximum Density</p>	<p>Compatibility detailed in Section 3.3.A.1. above.</p>
<p><b>3.3.A.3.</b> The implementing zoning by-law will provide standards for</p>	<p>Low Density Residential</p>	<p>The implementing zoning by-law provides standards for housing</p>

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
housing types, building height, massing, setbacks, private open space, parking, and other criteria.	Policies - Zoning	type and setbacks. The building height, landscaped open space, parking, and other criteria will continue to be regulated by the Kingston Zoning By-Law.
<b>3.8.13.</b> In accordance with the Planning Act and the policies of this Plan, the City requires as a condition of development, a land dedication to be conveyed to the municipality for park or other public recreational purposes. This can amount to up to 2 percent of the total land area in the case of land proposed for industrial or commercial development, and an amount of up to 5 percent in the case of land proposed for residential development. These provisions apply unless an alternative cash-in-lieu contribution is approved by the City, or a higher dedication is required for more intensive residential development, as required under Section 3.8.15.	Parkland Dedication	Cash-in-lieu of parkland will be taken by the City as part of the consent application process.
<b>3.8.16.</b> The City may request cash-in-lieu for all or part of any required land dedication under the Planning Act under the following circumstances:  a. where the parcel of land is either too small or poorly located to meet parkland needs; b. in an area that has excess parklands; c. where the condition of the land is unsuitable for park purposes; d. where no opportunity exists to enlarge existing neighbourhood parks; e. where there is no opportunity to obtain useful waterfront land; f. where a large development project is within reasonable walking	Cash-in-lieu	Cash-in-lieu of parkland will be taken by the City as part of the consent application process.

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
<p>distance to an existing park, provided that the trip does not involve crossing an arterial road; and,</p> <p>g. where the provision of cash-in-lieu from a large project would not result in an overload to the existing park(s).</p>		
<p><b>4.1.1.</b> New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>	<p>New Development</p>	<p>A Servicing Report was prepared by a qualified person as part of the submission and was reviewed by Utilities Kingston which found no issue.</p>
<p><b>4.3.4.</b> For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the management of stormwater from the existing development areas.</p>	<p>Stormwater Management - Quality and Quantity of Water</p>	<p>A Stormwater Management Report was prepared by a qualified person as part of the submission and was reviewed by the City's Storm Water Review staff which found no issue.</p>
<p><b>4.6.1.</b> As described in Section 2.5.11 of this Plan, the City intends to foster sustainability within the community and to reduce reliance on the automobile by satisfying travel demand through the efficient use of the existing infrastructure, and by providing the facilities and services to encourage walking, cycling and transit as priority universally accessed modes of travel, before expanding the City's road infrastructure.</p>	<p>Transportation - Strategic Direction</p>	<p>The site is well-situated in relation to existing transit routes and active transportation connections, and the proposal is expected to foster these forms of transportation.</p>

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
<p><b>4.6.27.</b> Development proponents may also be required to provide trees in the street boulevard, or in other locations as approved by the City, as a condition of development approval.</p>	<p>Street Trees</p>	<p>No replacement trees are required as no trees are being removed as part of this development.</p>
<p><b>4.6.28.</b> The City will augment its program of landscaping and street tree planting and replacement in many parts of the City to enhance the streetscape, particularly within the Urban Boundary.</p>	<p>Street Landscaping</p>	<p>As above in Section 4.6.27.</p>
<p><b>4.6.47.</b> It is the intention of this Plan to encourage a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation.</p>	<p>Parking</p>	<p>The proposal meets, but does not exceed, the minimum parking spaces required by the Kingston Zoning By-law.</p>
<p><b>4.6.59.</b> Front yard parking in residential areas has the potential to affect the visual amenity of the streetscape and the residential character of a neighbourhood. It is the intention of this Plan to preserve the character of existing neighbourhoods and maintain the designed character of new neighbourhoods.</p> <p>The following policies apply to front yard parking for low, medium and high density residential development:</p> <p>a. New and existing low density residential development with at-grade access, such as single-detached dwellings, semi-detached dwellings, and linked and row houses, will not have front yard parking except for parking in a permitted driveway as per the</p>	<p>Front Yard Parking in Residential Areas</p>	<p>The proposed semi-detached house has a decreased front setback which would prevent expansion of the driveway in front of the house.</p>



<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
provisions of the zoning by-law;		
<b>6.2.2.</b> The City promotes landscaping and tree planting programs that help to moderate summer and winter micro-climatic conditions.	Energy Conservation and Production - General	As above in Section 4.6.27.
<b>6.2.13.</b> The City promotes intensification based on principles of minimizing energy consumption through attention to building design and the design and installation of infrastructure, and densities that support active transportation and transit.	Energy Conservation and Production - General	The additional density proposed on the subject property, connected to active transportation infrastructure, in proximity to transit routes on Princess Street, is expected to support active transportation and public transit use.
<b>7.4.1.</b> The Archaeological Master Plan is intended to manage archaeological resources in the City and provide policy direction in assessing areas of archaeological potential.	Archaeological Master Plan	Archeological clearance of the property has been submitted with this application and was reviewed by the City's Heritage Planning staff which found no issue.
<b>7.4.2.</b> The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved.	Conservation of Archaeological Resources	As above in Section 7.4.1.
<b>7.4.10.</b> 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 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	Required Studies	As above in Section 7.4.1.

<b>Policy</b>	<b>Category</b>	<b>Conformity with the Policy</b>
Ministry of Tourism, Culture and Sport for any completed studies.		
<p><b>8.6.</b> The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <p>a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;</p> <p>d. achieving compatibility in land use and with a predominant architectural style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and</p>	New Development	The proposal achieves land use compatibility policy as above in Section 2.7.
<p><b>9.5.7.</b> Amendments to the zoning by-law will be made only after public notice and consultation as required by the Planning Act and consultation with affected authorities or agencies.</p>	Amendments to the Zoning By-law	Public notices have been provided in accordance with the requirements in the Planning Act, and the technical review has occurred in consultation with affected authorities and agencies.
<p><b>9.5.9.</b> When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p>	Planning Committee/Council Considerations	<p>a. The proposal conforms with the intent of the Official Plan policies and schedules as detailed in this table.</p> <p>b. The proposed low density</p>

Policy	Category	Conformity with the Policy
<p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</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>residential development is compatible with existing residential uses along Toronto Street in the existing residential zone. No natural or cultural heritage features have been identified on the subject property.</p> <p>c. The proposed buildings are compatible with existing residential uses in proximity and with the residential zoning standards of adjacent sites and is consistent with the City’s Design Guidelines for Residential lots as described above in Section 2.7.</p> <p>d. The site is on full municipal services, which is the first priority for urban development according to Subsection 2.4.6 of the Official Plan.</p> <p>e. The site is suitable for additional density given the proximity to transit, parks, and commercial and institutional services.</p> <p>f. The low-density development facilitated through the proposal is suitable relative to the neighbourhood, as described under Section 3.3.A.1.</p> <p>g. The subject site is on full municipal services, and will benefit from existing transit stops, and active transportation infrastructure in the surrounding area. Adverse impacts on the capacity of these services are not anticipated as a result of the introduction of the semi-detached house.</p> <p>h. The application has been circulated for technical review and there are no outstanding technical comments pertaining to the zoning</p>

Policy	Category	Conformity with the Policy
		<p>by-law amendment. Comments received from members of the public and Planning Committee are reviewed in staff's comprehensive report.</p> <p>i. The recommended zoning by-law amendment will establish two site-specific exceptions to permit the existing single detached house on a retained lot and a semi-detached house on two severed lots. The proposal has been evaluated based on the unique characteristics of the site and will not set an undesirable precedent.</p>



Planning Services

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

Address: 36 Durham Street  
File Number: D14-004-2022

Subject Lands  
Schedule 1 Zoning Map  
Zone

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





## Site Photographs

View of subject property from the intersection of Toronto Street and Durham Street.



View of rear yard of the subject property from Toronto Street, including the location of the proposed semi-detached house.

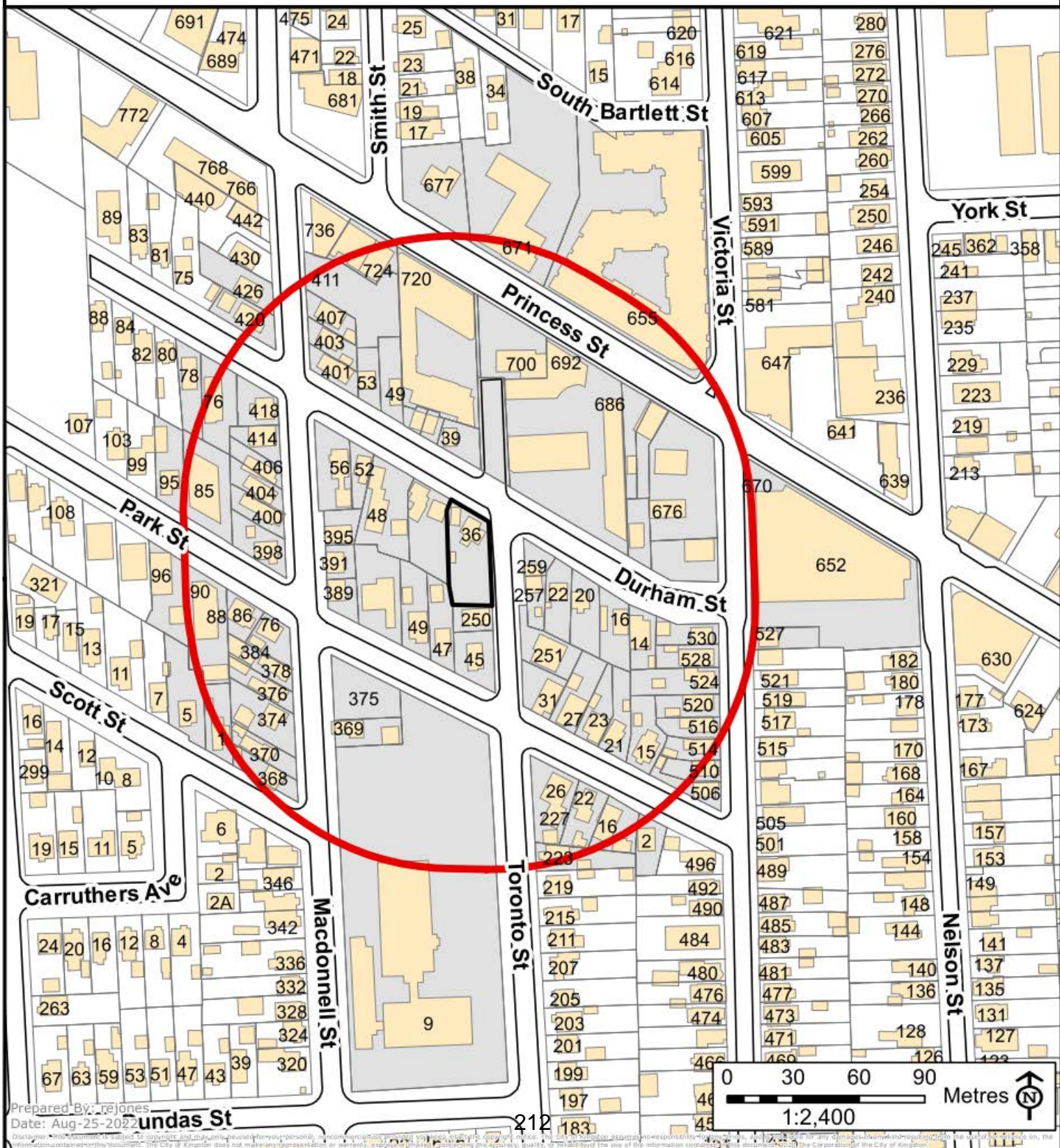




# CITY OF KINGSTON Public Notice Notification Map

Address: 36 Durham Street  
File Number: D14-004-2022

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





From: [REDACTED]  
To: [REDACTED]; [Oldenburger, Sarah](#)  
Subject: 36 Durham street  
Date: September 18, 2022 12:01:56 PM

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

Hello Ms. Oldenburger,


We are the owners of 250 Toronto street.

We are concerning the amount of parking allotted for these two new units. There are Only two parking spaces for total of eight bedrooms. It is not enough as it should be one parking space per bedroom. The street is already congested now with school and residents parking in the area.

Has it been any studies for the water and sewer as the infrastructures are old and outdated. We had problems with low water pressure last several years. Will there be any significant improvements to the surrounding area to accommodate for this new development?

Thank you for your attention to this matter.

Mike and Kit Mei Wheeler

From:   
To: [Oldenburger, Sarah](#)  
Subject: Planning Committee Meeting re: D14-004-2022  
Date: November 2, 2022 2:15:09 PM

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

I have received notice from the city concerning a proposed zoning amendment for 38 Durham Street (city file # D14-004-2022)

On behalf of myself at 49 Park Street and my neighbour at 47 Park Street, I would like our opposition to the proposal noted.

As residents of this street for more than 20 years, we have seen many changes to the neighbourhood. In the past 5 years, there has been constant construction including blasting and drilling in addition to regular construction noise and traffic. This has resulted in several multi-level buildings crammed in along Princess Street, many of which overlook and are visible from our lots.

These multi-level buildings are not coordinated to be similar or attractive (just take a look down Princess Street from about MacDonnell). Parking in this area is also minimal or non-existent, and this proposal does not include adequate space for additional spots.

As a taxpayer in the city of Kingston, I think further densification of this neighbourhood is detrimental to its existence, value and attractiveness. Please do not allow this property to be re-zoned as proposed.

Beth Fish  
Robert Garvin