



**City of Kingston
Report to Planning Committee
Report Number PC-24-018**

To: Chair and Members of the Choose committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: February 15, 2024
Subject: Community Meeting Report – Proposed Housing and Administrative Amendments
File Number: D01-002-2024

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 Community Meeting Report enclosing information about the proposed City-initiated amendments to the Official Plan, zoning by-laws, the Delegated Authority/Planning By-law (By-law Number 2006-75) and the Fees & Charges By-law (By-law Number 2005-10) to implement administrative updates and to better support the construction of more housing through various initiatives including, but not limited to, new permissions for 4 units per lot in low-rise residential areas, upzoning a portion of the Campus Expansion Area for 6-storey multi-unit residential buildings, allowing affordable housing in most areas of the City, supporting housing innovation, delegating more applications as minor zoning by-law amendments to the Director of Planning Services and reducing certain planning application fees, streamlining the approval process for multi-unit residential buildings along certain express transit routes, allowing the conversion of some existing non-residential buildings into residential, and allowing employers and institutions to build workforce and institutional housing.

A number of the proposed amendments are connected to the initiatives identified in the City's Housing Accelerator Fund application (Detailed in [Report Number 23-172](#), with further initiatives

February 15, 2024

Page 2 of 6

identified in the Council Motion moved on November 21, 2023, as amended – refer to pages 857 to 860 of the [Meeting Minutes](#)). The proposed amendments are summarized in Exhibit A to this Report, entitled Summary and Rationale, with detailed amendments included in Exhibits B to H.

February 15, 2024

Page 3 of 6

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

February 15, 2024

Page 4 of 6

Options/Discussion:

Non-Statutory Community Meeting

The purpose of this non-statutory Community Meeting is to provide the staff with an opportunity to present draft policy amendments in the early stages of the planning process and to seek feedback from the public and members of Planning Committee before complete applications are submitted. Anyone who attends a Community Meeting may present an oral submission, and/or provide a written submission on the proposal being presented.

The following information is included as exhibits to this report in support of the City’s proposed housing and administrative amendments:

- Summary and Rationale (Exhibit A)
- Proposed Amendments to the Official Plan (Excerpts) – Tracked Changes (Exhibit B)
- Proposed Amendments to Kingston Zoning By-law – Tracked Changes (Exhibit C)
- Proposed Amendments to the Delegated Authority By-law (Excerpts) – Tracked Changes (Exhibit D)
- Proposed Amendments to the Former Zoning By-laws (Numbers 32-74, 76-26, 8499, 96-259 and 97-102) (Exhibit E)
- Draft By-law to Amend the Fees and Charges By-Law Number 2005-10 (Exhibit F)
- Proposed Area-Wide, Site-Specific and Mapping Changes (Exhibit G)
- Proposed Express Transit Area Framework (Exhibit H)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up an Address”, selecting the “Search by Record Information” drop down and searching for file number D01-002-2024.

Statutory Public Meeting

Following this initial round of public consultation, the City intends to formally initiate the proposed applications. A statutory Public Meeting will be scheduled at a later date and further Notice regarding the complete applications and Public Meeting will be provided in accordance with the *Planning Act*.

Existing Policy/By-Law

Planning Act

Provincial Policy Statement, 2020

City of Kingston Official Plan

Kingston Zoning By-law Number 2022-62

Township of Pittsburgh Zoning By-law Number 32-74

February 15, 2024

Page 5 of 6

Township of Kingston Zoning By-law Number 76-26

City of Kingston Zoning By-law Number 8499

Downtown and Harbour Zoning By-law Number 96-259

Cataraqui North Zoning By-law Number 97-102

Delegated Authority Planning By-Law Number 2006-75

Fees and Charges By-Law Number 2005-10

Notice Provisions

Notice of this community meeting was provided through an advertisement in the Kingston Whig-Standard on January 23, 2024 and emailed notice was provided to members of the public who have registered to receive email updates from Planning Services.

Financial Considerations

None

Contacts:

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Summary and Rationale

Exhibit B Proposed Amendments to the Official Plan (Excerpts) – Tracked Changes

Exhibit C Proposed Amendments to Kingston Zoning By-law – Tracked Changes

Exhibit D Proposed Amendments to the Delegated Authority By-law Number 2006-75 (Excerpts) – Tracked Changes

Exhibit E Proposed Amendments to the Former Zoning By-laws (By-law Number 32-74, 76-26, 8499, 96-259 and 97-102)

Exhibit F Draft By-law to Amend the Fees and Charges By-Law Number 2005-10

Exhibit G Proposed Area-Wide, Site-Specific and Mapping Changes

February 15, 2024

Page 6 of 6

Exhibit H Proposed Express Transit Area Framework

Summary & Rationale

City of Kingston - Proposed Housing and Administrative Amendments
D01-002-2024

THEME 1: Align Documents with Bill 23 and Allow 4 Units

Official Plan Amendments

- Summary of Proposed Change:** Delete the “Stable Areas” policies and replace with Locational Criteria for Low-Rise, Mid-Rise and High-Rise Residential (move existing Low Density, Medium Density and High Density policies out of the Residential Land use designation section (3.3.A, 3.3.B and 3.3.C) into 2.6, remove density ranges, remove conversion policies and amend building types). Cross references to stable areas and locational criteria updated throughout. Terminology related to low-rise, mid-rise and high-rise residential updated throughout.

Policies Affected: 2.6, Former 3.3.A, 3.3.B and 3.3.C, Schedules CW1, KPC-1 and RC-1

Rationale: The existing Stable Areas policies in Section 2.6 of the Official Plan are fundamentally intended to prevent “stable” neighbourhoods from changing. The policies establish a framework for assessing when a neighbourhood is stable by looking at, among other matters, density and types of uses, architectural character, land ownership and limited new development applications altering land assembly/built form. The policies do not allow for new forms of development that are different from the “prevailing pattern of development in terms of density, activity level, built form or type of use”.

The existing Stable Areas policies are contrary to the changes that were made by Bill 23 to the “additional residential unit” framework (which automatically supersede contrary policies in the Official Plan), as described in [Report Number 23-020](#). The Bill 23 permissions are in effect and not only allow change, but direct new residential units and change in prevailing building types and density in all stable neighbourhoods.

Similarly, the existing framework in the Official Plan that establishes different residential building types through policies 3.3.A, 3.3.B and 3.3.C (low density, medium density and high density) is fundamentally at odds with the permissions of Bill 23 described above. The existing low, medium and high density residential policies confuse the assessment by connecting residential building type with a numerical density (based on number of units against the area of the property). Fundamentally, the two concepts (density versus building type) are separate considerations and the policies are written in a manner that is primarily connected to the building type, not the numerical density.

With the existing approach, many “low density” building types are actually considered “medium density” or “high density” when looking at the numerical density range established in each category. So these “low density” building types are now automatically permitted by Bill 23, yet do not meet locational criteria established by the existing framework for “medium density” or “high density” proposals. Additionally, the existing policies are embedded in the “Residential” land use designation, but are referenced in a variety of land use designations that permit residential buildings.

The proposed changes focus the definition of building types on built form by changing the terminology to “low-rise”, “mid-rise” and “high-rise” and completely disconnect the conversation from a density range since density is reliant on lot area and number of units, which are not indicative of the building type or built form. The changes move the whole policy framework into Section 2.6, out of the Residential land use designation policies to reflect the fact that these policies apply anywhere residential building types are proposed, not just in the residential land use designation. The proposed changes maintain the existing locational criteria for mid-rise and high-rise residential building types, just relocate it out of 3.3.B. and 3.3.C. into 2.6.

- Summary of Proposed Change:** In the rural area, rename “additional residential units” to “additional rural units” and move policy framework out of the Residential Land use designation section (3.3) into the Specific Use section (3.2), and amend policies to reflect the rural focus.

Policies Affected: Definitions, Former 3.3.11 (Now 3.2.17)

Rationale: With the changes made to the *Planning Act* as a result of Bill 23, the changes identified above to the former stable neighbourhood policies and the addition of fourth residential units in the urban area, the Official Plan needs to distinguish between additional units in an urban context versus those in the rural area. Our current policies permit 3

residential units on residential lands in the rural area and the proposed amendments maintain this permission with necessary “rural” terminology changes to reflect other amendments proposed through this work.

3. **Summary of Proposed Change:** Update References to Site Plan Control throughout the OP to align with Bill 23 updates.

Policies Affected: Throughout OP

Rationale: As described in [Report Number 23-020](#), Bill 23 made changes to the types and forms of development that are subject to site plan control and the matters that can be secured. Changes are proposed throughout the OP to better align with the changes to Bill 23.

4. **Summary of Proposed Change:** Update text to reflect changes to the role of conservation authorities by Bill 23 and associated regulations through the removal of reference to Cataraqui Region Conservation Authority in policies outside of natural hazards and source water protection.

Policies Affected: Throughout OP

Rationale: As described in [Report Number 23-020](#), Bill 23 made changes to the role of conservation authorities, focusing their municipal role on their core mandate: natural hazards. Amendments are proposed throughout the text of the Official Plan to remove reference to the Cataraqui Region Conservation Authority where the language speaks to natural heritage or other matters that are not their core mandate.

5. **Summary of Proposed Change:** New policies 9.6.27 and 9.6.28 have been introduced to address the land lease community permissions introduced through Bill 23 and allow for stratified consent applications.

Policies Affected: New 9.6.27 and 9.6.28

Rationale: Bill 23 introduced changes to permit land lease communities to proceed through site plan control. In addition, with the changes to the low-rise residential forms that are now permitted in the majority of urban residential neighbourhoods, the proposed amendments recognize the potential to allow for stratified consent applications to establish private ownership of a variety of housing forms. The proposed changes will better support new home ownership options through streamlined processes where they otherwise would have required more costly land division applications in order to meet the criteria of the Official Plan.

Zoning By-Law Amendments

6. **Summary of Proposed Change:** All urban residential properties with a house, semi-detached house and townhouse are permitted to be developed with 3 residential units. This permission was introduced through the passage of the new Kingston Zoning By-law in April of 2022, then subsequently expanded with the Province’s Bill 23 changes coming into effect.

Through these amendments, staff are proposing a further expansion beyond the Bill 23 permissions to allow for the construction of 4 residential units on these same properties in the urban area, which could take the form of a house with up to 4 units, or a house with up to 3 units plus 1 detached accessory house. All Zones that are impacted by this change have a new row added to the performance standard table to identify the maximum number of dwelling units that are permitted per lot (four).

In connection with the expanded fourth unit permission, amendments are also included to:

- i. Create a new Holding Overlay map (Schedule D3) to ensure that an application to lift the Holiday Overlay is required to demonstrate there is appropriate capacity to support the construction of a fourth unit. A note has been added to this section to ensure property owners are aware that there are limitations in the number of plumbing fixtures that are permitted under the Ontario Building Code that are dependent on the size of the water service to a property. Many areas of the City have a water service size that will limit the number of plumbing fixtures. Applicants are encouraged to contact the City early in the design process to determine the number of plumbing fixtures that will be permitted.
- ii. Change bedroom maximum from 8 to 12 bedrooms where the Holding Overlay has been lifted for the fourth unit.

Provisions Affected: New 4.28.2., 5.4.5., Tables 11.2.1., 11.3.1., 11.4.1., 11.5.1., 11.6.1., 11.7.1., 11.8.1., 11.9.1., 11.10.2., 12.2.1., 12.4.1., 12.5.1., 12.6.1., 13.2.2., 13.4.1., 14.3.2.

Rationale: Existing low-density urban properties on full municipal services have been the focus of Provincial/Federal discussion to ensure municipalities are supporting as much infill housing possible to help address the current housing crisis. Constructing new residential units on existing properties that are already provided with the full suite of municipal services (water,

wastewater, hydro, snow removal, waste removal etc.) is a cost-effective way to help address the housing crisis and helps to increase residential density while alleviating the need to expand costly municipal services for lower density housing forms. Through requests that have been received by the Canada Mortgage and Housing Corporation (CMHC) in connection with the City's Housing Accelerator Fund (HAF) application, City Council passed a motion on November 21, 2023 directing staff to include fourth units in the HAF application and subsequently consult on the proposed amendments to bring this into effect. Details about the City's HAF application are provide in [Report Number 23-172](#), with further initiatives identified in the Council Motion moved on November 21, 2023, as amended – refer to pages 857 to 860 of the [Meeting Minutes](#).

As described in [Report Number PC-21-042](#), the City's approach to allowing "additional residential units" (second units, then third units) has been evolving over the last number of years along-side the changing external forces that impact the availability and cost of housing. As detailed in [Report Number 23-020](#), Bill 23 made further changes which automatically supersede those in the Kingston Zoning By-law and currently permit:

- i. A maximum of two residential units in the main residential building when there is a maximum of one residential unit in a detached accessory building; or
- ii. A maximum of three residential units in the main residential building when there are no residential units in a detached accessory building.

The proposed amendments align with the request from CMHC and the Council directed amendments to the City's HAF application and will allow existing low density properties on full municipal services to be developed in a manner that increases the number of residential units in a cost-effective and climate-conscious manner. Increasing the assessed value of existing serviced properties benefits all property owners in the City by contributing to a greater City-wide property assessment value without requiring a greater amount of municipal services, thereby helping to alleviate the extent of City-wide property tax increases. The existing performance standards are largely maintained, with the exception of the maximum number of bedrooms, which is proposed to increase to 12 bedrooms per lot only where a fourth unit is constructed to ensure that the bedroom permissions support and align with the expanded unit count.

The proposed Holding Overlay for the fourth unit will ensure that all technical and functional elements are satisfied including any servicing, transportation or heritage elements that may be identified on any individual property.

- 7. Summary of Proposed Change:** The foundation of the low-rise residential buildings has fundamentally changed as a result of the Bill 23 amendments that automatically permit 3-unit buildings on virtually all unconstrained urban residential properties and the proposed amendments described above to increase the permission to 4 units as-of-right on these same properties.

The proposed amendments delete the individual definitions of single detached houses, duplexes and triplexes and replace them with one simplified definition of "house". The definitions of "semi-detached house" and "townhouse" have been updated to focus on the land division element that is inherent to the Bill 23 changes, with new language recognizing the potential for semi-detached houses and townhouses to be converted in a manner that increases the number of residential units up to 4 per lot.

In conjunction with the changed definitions noted above, the definition of apartment building has been expanded to cover a larger variety of buildings and has added more flexibility to the layout of potential units/access to those units.

The former Additional Residential Unit (ARU) permissions have been separated out to better regulate the urban versus rural areas. In the rural area, the existing 3-unit permissions are proposed to be maintained, with slight terminology differences changing the language to "additional rural units", "second rural unit" and "third rural unit". The performance standards for additional rural units have been moved out of the Overlay section (formerly 5.4) and into a new general provision in 4.30. The previous gross floor area restriction has been removed to allow more flexibility with the configuration and size of additional rural units.

In the urban area, however, the former ARU framework is unnecessarily complicated by Bill 23 and the additional permission to add a fourth unit. Rather than considering second, third or fourth units within the principal building as "accessory" units and continuing to track that information in perpetuity (for the purposes of zoning), they are now considered to be principal units since that is how they function on the property. The former ARU framework that applied to ARUs in a detached accessory building has been translated over to new "accessory house" permissions in the general provisions as new section 4.29. The previous gross floor area

restriction has been removed to allow more flexibility with the configuration and size of accessory houses.

The former Additional Residential Unit Overlay section (5.4) has been updated to reflect the new Bill 23 terminology related to houses, additional rural units and accessory houses and has focused the overlay section specifically on housing constraints rather than providing performance standards for those uses. Schedule D1 and D2 have been updated to remove the Westbrook sewer capacity constraint area (as the constraint no longer exists) and to add a sewer capacity constraint area in a portion of the area bounded by Princess Street, Sir John A MacDonald Boulevard, Bath Road and Portsmouth Avenue (this constraint is identified in the former by-laws, however was missed in the mapping of the original Kingston Zoning By-law). Schedules D1 and D2 have also been updated to align with the text-based changes described above and a new schedule D3 has been added to require an application to remove the Holding Overlay before a fourth unit is permitted.

The restriction on basement units in urban areas has been expanded to include basement storeys. Language has been added to clarify that the restriction on basement dwelling units within the sewer surcharging areas applies only to situations where the entire floor area of a dwelling unit is in the basement. It does not restrict habitable floor area of a dwelling unit from being in a basement where a portion of the floor area of such dwelling unit is located at or above the first storey.

In both the urban and rural areas, new language has been added to continue to permit additional residential units in places of worship (as established through the approval of the Kingston Zoning By-law).

Provisions Affected: New 3.1.3.A., 3.1.4., 3.1.15., New 3.3.27.A., New 3.3.27.B., Former 3.4.12., New 3.8.14., 3.18.10., 3.18.11., 3.19.2., 3.19.5., Former 3.19.13., 3.20.2., 3.20.7., Former 3.20.13., 4.27.4., 4.29., 4.30., 5.4., 5.5.5., 6.4.2., Section 11, Section 12, Section 13, Table 14.1.2., Table 14.3.2., Schedule D1 and Schedule D2, new Schedule D3

Rationale: Similar to the changes that are proposed to the low-rise residential framework and additional rural unit framework, changes are proposed to the zoning by-law that would convert the existing “additional residential unit” (ARU) into an “additional rural unit” framework to maintain the same permissions.

With this change, the remainder of the existing ARU framework is now unnecessarily complicated and requires simplification for the long-term administration of the By-law. The proposed changes allow for the simplification of low-rise residential building types and allow the zoning provisions to focus only on the elements that are necessary to be regulated for built form, infrastructure capacity, functionality and land use compatibility matters.

- 8. Summary of Proposed Change:** In conjunction with the changes noted above, the Urban Residential Zones (UR Zones) have been refined, consolidated and simplified. Previously there were 13 separate UR Zones plus an additional 6 subzones, which were largely necessary to reflect the different low-rise building types that were permitted by the former zoning by-laws pre-Bill 23. As a result of Bill 23 and the proposed 4th unit permission, the text and mapping is proposed to be amended to consolidate a number of similar UR Zones and subzones since all of the low-rise building types are now permitted in all zones, while also updating the performance standard tables to recognize land division elements that are inherent with Bill 23 for semi-detached houses and townhouses (lot area, lot frontage, interior setbacks and aggregate of interior setbacks).

The following summarizes the proposed consolidation of the UR Zones and Subzones:

- i. Former UR1, UR2, UR3 – Now UR1
- ii. Former UR1.A, UR2.A, UR3.A – Now UR2
- iii. Former UR1.B, UR2.B, UR3.B – Now UR3
- iv. Former UR4 – Remains UR4
- v. Former UR5 – Remains UR5
- vi. Former UR9, UR10, UR12, UR13 – Now UR6
- vii. Former UR6, UR7 – Now UR7
- viii. Former UR8 – Remains UR8
- ix. Former UR11 – Now UR9

Similar changes are reflected throughout the URM, HCD, DR and IN2 Zones where the low-rise residential buildings are referenced.

Provisions Affected: Schedule 1, Sections 11, 12 and 13, Subsections 14.3 and 18.4

Rationale: The proposed changes simplify the approach to classifying and regulating low density residential zones in a manner that continues to reflect the prevailing built form and performance standards in each low-rise residential neighbourhood in the City while allowing for

the construction of new infill residential units in different configurations and building types. The introduction of new performance standards for semi-detached houses and townhouses proactively plans for future consent applications and ensures the land division principles in the Official Plan are maintained.

9. **Summary of Proposed Change:** A new interpretation clause has been added to allow for existing garages to be converted into a residential unit without requiring relief from the zoning by-law for the existing location/size.

Provisions Affected: New 4.29.4.7.

Rationale: The proposed language provides opportunities for existing homeowners to easily convert existing garages into second, third or fourth units by recognizing the existing setbacks, height and other zoning provisions that regulate the size and location of a building on a property. The intent is to better support existing structures being retrofitted into residential units, which would allow for much needed infill housing to be constructed in a more cost-effective and environmentally friendly manner within buildings that already exist in residential neighbourhoods.

10. **Summary of Proposed Change:** In conjunction with the Bill 23 changes to the low-rise residential buildings, performance standards related to amenity area, parking, and bike parking have been refined to suit the intent of the changes. Further changes are proposed to the amount of amenity area required in PA1 to PA3.

Provisions Affected: 4.3.1., 4.3.2., Table 7.1.1., 7.3.3., 7.3.13., Table 7.3.1., 7.4.8.

Rationale: The proposed changes refine the low-rise residential standards in a manner that ensures each dwelling unit is livable, functional and supported by necessary infrastructure.

11. **Summary of Proposed Change:** In conjunction with Bill 23 removing site plan control for developments with up to 10 residential units, a new requirement has been added for developments with between 5 and 10 units to provide dedicated waste and recycling storage areas.

Provisions Affected: 4.25.4.

Rationale: The zoning by-law and site plan approval process work together to ensure specific elements are provided for the functionality of a property given the nature of the use, density and level of intensity. Requiring the provision of dedicated waste and recycling areas through zoning will ensure this functional need is planned for and met on residential properties with between 5 and 10 dwelling units where they are no longer subject to site plan control. The intent of the 1.5 metre by 0.6 metre area is to provide enough storage area for standard garbage, compost and recycling bins to be provided for each residential unit (0.5 metres of width for each bin).

12. **Summary of Proposed Change:** In conjunction with the Bill 23 changes to the low-rise residential buildings and the proposed changes to the definition of house, a new performance standard has been introduced in the RUR, LSR, RC and HAM Zones to regulate the maximum number of principal dwelling units that are permitted per lot to maintain the existing permissions in the Rural Area.

Provisions Affected: Tables 8.4.1., 8.5.1., 8.6.1., 8.7.1.

Rationale: This proposed change aligns with the changes identified earlier and recognizes that a maximum number of dwelling units is a performance standard that is necessary to be introduced in these zones given the changed “house” definition.

THEME 2: Support Affordable Housing

Official Plan Amendments

13. **Summary of Proposed Change:** Update existing definitions related to affordable housing for consistency with Provincial definitions contained in the updated *Development Charges Act* and to provide a more consistent basis for referencing the various terms connected to affordable housing developments (Affordable Housing Development, Attainable Unit, Affordable Ownership Unit, Affordable Rental Unit, Affordable Housing, Market Unit, Mixed Market Housing Development).

Policies Affected: Definitions

Rationale: With the changes to the *Development Charges Act*, it is important that municipal definitions align with provincial definitions of affordable ownership units and affordable rental units to ensure that required housing data reporting is based on consistent definitions. New

terms have been created to ensure that the policies speaking to affordable housing are interpreted in a consistent manner.

14. **Summary of Proposed Change:** A new policy has been added to permit affordable housing developments in all land use designations except those that are constrained or inappropriate for residential uses (such as Employment, Environmental Protection, Prime Agricultural, Rural Industrial and Mineral Resource Areas).

Policies Affected: New 3.2.18.

Rationale: The construction of new affordable housing is one of the highest priority matters of public interest. At present, it is treated as an equal to all other housing and only permitted in limited land use designations. The proposed language allows new affordable housing developments more broadly in the Official Plan, where an application to amend the zoning by-law or an application for minor variances would only need to focus on the compatibility, infrastructure and other constraints of the Official Plan, rather than requiring those applications to demonstrate that the use is appropriate. The intent is to help streamline the development application process to better support the construction of affordable units.

Zoning By-Law Amendments

15. **Summary of Proposed Change:** Update “affordable unit” definition and add new “arm’s length” definition for consistency with Provincial definitions contained in the updated *Development Charges Act* and the changes described above to the Official Plan.

Policies Affected: Definitions (3.1.5. and New 3.1.16.)

Rationale: Same rationale as above.

THEME 3: Support Housing Innovation and Upzone Areas for New Housing Construction (Campus Expansion Area)

Official Plan Amendments

16. **Summary of Proposed Change:** Within the Regional Commercial, District Commercial and Arterial Commercial designations, residential use permissions have been updated to better align with expected forms of mid-rise and high-rise residential developments and remove existing requirements related to adjacency and linkages to residentially designated lands.

Policies Affected: 3.4.B.8.

Rationale: The Regional Commercial, District Commercial and Arterial Commercial designations apply in locations across the City that are desirable to support mid-rise and high-rise residential development. The existing residential policies in each of these designations are proposed to be refined to better reflect the suitability of new housing construction without having to address policies related to adjacency/linkages to residentially designated lands.

17. **Summary of Proposed Change:** Removed prohibition on mobile homes and added policies to better support alternative housing options such as tiny house communities and modular construction.

Policies Affected: Former 3.3.D.6 and 3.3.D.7, new 3.2.24

Rationale: Through the consultation that was done during Kingston Zoning By-law 2022-62 on the additional residential unit provisions, staff received feedback from members of the public requesting that the existing prohibition on mobile homes be removed from the Official Plan to better support housing diversity and equity in the City. The proposed changes remove the existing prohibition, allowing for mobile homes to simply be considered a house and permitted where other houses are permitted. The City has no control over the look or architecture of a house – right now, if someone wanted to build a house on a permanent foundation that is identical to a mobile home in every other way, they can do that (as long as it meets the zoning standards). The removal of this prohibition opens up new opportunities to support a more affordable form of housing with little change when considering the existing rights for houses on permanent foundations.

The new proposed policies better reflect newer and emerging housing trends by giving direction to appropriate locations for tiny house communities, while also recognizing the need to better support modular construction by considering the constraints of the built form when considering future development applications.

Zoning By-Law Amendments

18. **Summary of Proposed Change:** Proposed changes amend the definition of a building and the specific use permissions in 6.1. to recognize tiny houses, mobile homes, modular homes and other similar innovative housing technologies as a house.

Provisions Affected: 3.2.13., 3.13.9., 3.20.3., 4.6.4., 4.12.1.11., 6.1.1. and 6.1.2.

Rationale: This change aligns with the amendments in the OP to remove the prohibition on mobile homes and better support alternative housing options such as tiny house communities, and modular construction.

19. **Summary of Proposed Change:** Four of the blocks in the Campus Expansion Area (bounded by Johnson Street to the north, University Avenue to the west, Earl Street to the south and Division Street to the east, bisected by Aberdeen Street and William Street) are proposed to be upzoned to accommodate residential or mixed-use buildings up to 6-storeys in height. The proposed amendments apply the existing URM8 zone across the entirety of these 4 blocks (currently only the properties located along Johnson Street are within the URM8 zone), while excluding properties from the upzoned URM8 zone that have been identified as potentially having heritage value. The proposed amendments also establish a new Exception that exempts developments in this area from providing parking spaces and reduces specific standards to better support the construction of new residential units in this key location in the City. In addition, a new Holding Overlay is proposed to be created which would require applicants to submit specific technical studies prior to the development of these lands (such as those related to servicing, transportation, heritage, etc.).

Provisions Affected: Sections 21 & 22, Schedules 1, E & F

Rationale: The Campus Expansion Area has long been envisioned as an area that has potential to support residential intensification in a location that is highly desirable. While a portion of the lands were recently upzoned to the URM8 zone through the work of the Central Kingston Growth Strategy (CKGS), this is an area of the City that is still serviced by combined sewers, so the CKGS did not identify this area for immediate redevelopment to allow time for infrastructure upgrades to occur. Through the public consultation process on the CKGS, this area was identified as an area that can support residential intensification.

With the recent development pressures in this area, the combined sewer system is anticipated to be upgraded through a sewer separation project which may eventually create new servicing capacity that would support intensification of these existing properties. While the proposed amendments will establish the zoning framework as-of-right, a “hold” is proposed to be placed to ensure that any future development will be required to submit necessary technical studies such as a servicing report, transportation impact study, heritage impact assessment, etc.

THEME 4: Implement Changes to Streamline the Development Review Process

Official Plan Amendments

20. **Summary of Proposed Change:** Amendments have been made to the list of materials required for a complete application to align with staff’s recommended changes to the development review process.

Provisions Affected: 9.12.3.

Rationale: A number of changes were recently made to the development review process in response to fee refund sections of the *Planning Act* (detailed in [Report Number 11-132](#), Bill 109, the *More Homes for Everyone Act, 2022*). The changes are intended to streamline the development review process while maintaining the ability for the public to meaningfully participate and comment on proposed applications before recommendations are made for Council’s consideration. The proposed changes to the list of complete application requirements aligns with the process changes.

21. **Summary of Proposed Change:** Alternative measures for informing and obtaining the views of the public (notices and public meetings) have been identified in new policies 9.12.6 to 9.12.9 to allow enhanced notice requirements through the creation of a dedicated planning notices website and planning email list rather than the use of newspaper notices.

Provisions Affected: New 9.12.6 to 9.12.9

Rationale: In connection with the process changes described above, changes are proposed to establish alternative notice and public meeting requirements for specific types of applications. The changes would allow for staff to use a dedicated City website for planning notices, and

would require staff to send emailed notices to people who have signed up for a planning notices listserv. These changes are intended to ensure better notification processes for the affected application types.

In addition, with Bill 23 removing the statutory public meeting requirement for draft plan of subdivision applications, the changes propose a framework where a commenting period would be established for written comments. Where no written comments are received during the commenting period, no public meeting will be held. If public comments are received, a public meeting will be scheduled. This change is intended to streamline the process in accordance with the *Planning Act* where no public concerns are raised while maintaining the public meeting requirement for applications subject to the interest of residents. The proposed change would be consistent with the City's current approach to processing delegated authority consent applications, where a public meeting is only held if comments are provided during the commenting period.

Similarly, for minor zoning by-law applications that are already delegated to the Director of Planning Services, the proposed changes would establish a similar commenting period to receive feedback. If there are no written comments received, no public meeting will be held before a decision is made.

Delegated Authority By-Law (Planning) Amendments

- 22. Summary of Proposed Change:** Amend By-law 2006-75 "A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority" to fully delegate the passing of a Holding Symbol removal to the Director of Planning as a minor zoning by-law amendment. Update minor zoning by-law amendment permissions to allow for removal of constraint areas where there is no longer a constraint or the creation of a new constraint area where there is a new identified constraint.

Provisions Affected: 4(i), 13(a).

Rationale: When combined with the proposed changes to the Official Plan that would allow for a streamlined public meeting process where there are no objections on a minor zoning by-law amendment, the proposed amendments to the delegated authority by-law would allow staff to more efficiently process applications that are truly minor or technical in nature.

Fees And Charges By-Law Amendments

- 23. Summary of Proposed Change:** In conjunction with the changes to the delegated authority provisions noted above, amendments are proposed to the Fees and Charges By-law to reduce the planning application fees for applications to remove the Holding Overlay connected with low-rise residential buildings up to 4 dwelling units on one property (\$500 rather than \$2,485.25).

Provisions Affected: Schedule M, Zoning Table

Rationale: The proposed reduction in fees associated with Holding Overlay removals for low-rise residential buildings is intended to better support the construction of additional residential units within existing neighbourhoods through lesser planning application fees, with anticipated cost reductions associated with a more streamlined delegated authority process.

THEME 5: Allow Conversion of Existing Non-Residential Buildings into Residential

Official Plan Amendments

- 24. Summary of Proposed Change:** A new policy has been added to allow for the conversion of existing non-residential buildings in select locations identified within the Kingston Zoning By-law into either residential or mixed use buildings, despite any policies establishing the permitted uses in an underlying land use designation or policies establishing required densities.

Policies Affected: 3.2.27.

Rationale: This proposed policy aligns with the new proposed framework within the Kingston Zoning By-law that would enable the conversion of existing buildings along key transit corridors in the City to residential uses. The proposed framework is intended to support owners of existing underutilized properties to convert non-residential buildings into residential or mixed use buildings with zoning language that recognizes the size and location of existing buildings.

Zoning By-Law Amendments

- 25. Summary of Proposed Change:** In conjunction with the language added to the Official Plan, a new Non-Residential Conversion Overlay has been added to Subsection 5.7 of the Kingston Zoning By-law to permit the construction of existing non-residential buildings in specific locations (identified on a new Schedule G) to be converted into residential or mixed-use buildings.

Provisions Affected: New 5.7 and New Schedule G

Rationale: The proposed conversion permissions are intended to support the construction of new residential units in locations close to transit in a manner that allows for easy conversion of existing, underutilized buildings. The proposed language includes a Holding Overlay requiring technical matters such as servicing, noise, heritage and transportation to be addressed through a site-specific application to lift the Holding Overlay where required.

THEME 6: Streamline Approval Process for Multi-Unit Buildings along Express Transit Routes

Official Plan Amendments

- 26. Summary of Proposed Change:** New policies have been created to streamline the residential or mixed use development process along specific Express Transit Routes in the City by allowing them to proceed through a minor variance process. The proposed policies are connected directly to mapping that is proposed in the Kingston Zoning By-law, which identifies specific heights along the Express Transit Routes, and creates new technical criteria that must be addressed through the minor variance application. The policies also create expanded notice requirements to ensure that public notice for this type of minor variance would be equivalent to the public notice that is provided for site specific amendments to the zoning by-law.

Policies Affected: 3.2.28. to 3.2.32.

Rationale: The proposed streamlined application process is intended to recognize that the Official Plan already focuses residential intensification to the primary nodes and corridors across the City, which align with the areas serviced by Express Transit. The policy does not apply to areas that have already been upzoned in the past, have sensitive heritage elements or are otherwise not appropriate locations to include in this initiative (such as the Williamsville Main Street, the upzoned areas of the CKGS, Downtown, etc.).

The policy still requires applicants to provide all necessary technical studies to support the development proposal and proceed through a full technical review and public consultation process with expanded notice requirements. The framework is intended to provide more certainty with respect to the expected built form while streamlining the length of time it takes to proceed through the application and lessening costs to an applicant.

Zoning By-Law Amendments

- 27. Summary of Proposed Change:** In conjunction with the new streamlined minor variance framework policies that are proposed in the Official Plan along the Express Transit Routes, amendments are proposed to the Kingston Zoning By-law which would create a new Express Transit Area Overlay in Section 5.8. and a new Schedule H. The intent of the new framework is to identify the locations that would be subject to the streamlined minor variance process and to identify performance standards that are expected to be implemented through the minor variance process including height and certain standards such as setbacks from the streetwall, lot coverage, etc.

Provisions Affected: New 5.8 and New Schedule H

Rationale: The proposed framework aligns with the streamlined minor variance process created through the Official Plan and ensures that an appropriate expectation is set through the Kingston Zoning By-law to guide these site specific applications. While some standards (such as setbacks) are expected to be established through the minor variance process to recognize the diversity of properties and locations, the framework provides some guiding performance standards and ensures that all applicable general provisions (such as parking, bike parking, amenity area, etc.) will apply to the review of the application.

THEME 7: Allow Employers and Institutions to Build Workforce and Institutional Housing

Official Plan Amendments

- 28. Summary of Proposed Change:** A new definition of “workforce and institutional housing” is included to recognize residential units or co-living units that are owned/leased by an employer or institution directly to persons who are either employed by such employer or persons who attend an institution on a full-time basis (such as a student or equivalent). The proposed OPA will create a new general policy that allows workforce and institutional housing in any land use designation (except areas that are inappropriate for housing such as Environmental Protection, Prime Agricultural or Employment Areas). The policy clearly states that it is expected that the employer/institution will retain ownership of the development, or the City will rezone it to remove the residential permissions. The policy also prohibits future land division other than land lease communities.

Policies Affected: 3.2.24.

Rationale: Through various conversations with employers and institutions across the City, the housing crisis has been identified as a significant barrier to the growth and success of their organizations, with current labour shortages causing significant impacts across the region, province and country. The proposed policy is intended to support employers and institutions in helping to solve the housing crisis for people directly connected to their organizations (as employees, students or an equivalent), which may open up housing opportunities for new populations of people (workforce, students, etc.) who plan to move to Kingston. The proposed OPA would require each housing proposal to individually proceed through a site-specific zoning by-law amendment in the future to ensure that all necessary technical and functional elements are satisfied, however, enabling this policy in the OP opens up many opportunities across the City (including the rural area) to expand the intensity and type of residential units in a way that will help employers and institutions find housing solutions for persons directly connected and integral to the success of their organizations, which will in turn help to relieve pressure on the overall demand for housing.

THEME 8: Implement Administrative Amendments

Official Plan Amendments

- 29. Summary of Proposed Change:** Remove language directing specific types of uses from being subject to site plan control and language stating performance standards that will be regulated through zoning.

Policies Affected: Throughout OP

Rationale: The OP is not required to identify specific types of uses that are subject to site plan control or provide general language about types of zoning standards that will be used. These policies do not add value to the Official Plan and give rise to inconsistencies between policies and the implementing by-laws. The proposed changes reduce overlap, redundancies and unnecessary administrative amendments as implementing by-laws change over time.

- 30. Summary of Proposed Change:** Remove reference to specific Provincial ministries throughout OP and replace with “Province”.

Policies Affected: Throughout OP

Rationale: We are experiencing a time of significant change from a legislative, regulatory and ministerial perspective in the Province. The Official Plan currently references specific provincial Ministries that are responsible for administering various processes in many locations. With changing names of ministries and changing responsibilities, the administration of this detail in the Official Plan has become an unnecessary burden, where a formal Official Plan Amendment is necessary to reflect every provincial change. In the end, there is no added benefit to this level of specificity since the Province is not bound by municipal Official Plan policies and those Provincial requirements apply regardless of whether the Official Plan identifies them. The proposed changes reduce unnecessary administrative amendments that may be required in the future connected to the quickly changing Provincial landscape.

- 31. Summary of Proposed Change:** Delete unnecessary definitions that are not used in the text of the Official Plan or are unnecessary to specifically define (kilovolt, megawatt, nameplate generating capacity, run-of-river system, solar energy, volt, watt, wind energy).

Policies Affected: Definitions

Rationale: Definitions should only be identified in the Official Plan where there is a need to define a term differently than the standard, ordinary meaning or where there is no standard meaning. There is no need to define terms that are (A) not used in the Official Plan and (B) not different than a standard, ordinary meaning of the term.

- 32. Summary of Proposed Change:** Section 3.2 has been refocused to include a variety of policies for specific uses that are permitted across a variety of land use designations. Previously this section focused on Community Facilities only, however, a number of specific uses better fit into this section including bed and breakfast operations, on and off-campus housing, rooming and boarding houses, the updated additional rural unit policies, the new workforce and institutional housing policies, other affordable housing policies and policies related to tiny houses and modular homes.

Policies Affected: New 3.2.

Rationale: Like the existing policies related to low, medium and high density residential being located in the incorrect section of the Official Plan (embedded within the Residential land use designation), there are other specific uses that were improperly embedded in this designation in 3.3.D., despite the policies intending to apply in other land use designations. The proposed changes relocate and update these policies by refocusing Section 3.2. to a variety of “specific uses” rather than just “community facilities”. This ensures that these policies apply anywhere these uses are permitted, rather than just within the Residential land use designation.

- 33. Summary of Proposed Change:** Policies related to demolition control have been moved from 3.3. to Section 9. Redundant policies related to condominium conversion, housing stock, property standards by-law have been removed from 3.3 in favour of the existing Section 9 policies.

Policies Affected: Former 3.3.13., new 9.5.33.

Rationale: The existing language of the Official Plan is redundant in many ways. All policies of the Plan apply equally, unless there is specific direction otherwise. The proposed changes remove some of the redundant policies and relocate some of the 3.3.D. policies into Section 9 where they are better suited.

- 34. Summary of Proposed Change:** The height and density bonus provisions have been deleted from 9.5.25. to 9.5.30. and are proposed to be replaced with a new Community Benefits Charges strategy through a separate by-law.

Policies Affected: Former 9.5.25. to 9.5.30.

Rationale: As described on Pages 5 and 6 of [Report Number 23-093](#), the Province replaced the former height and density bonusing provisions of the *Planning Act* with a new Community Benefits Charges By-law framework. The existing policies are no longer applicable and are proposed to be deleted.

- 35. Summary of Proposed Change:** A new definition of “Provincial Policy” has been added to replace specific reference to “Provincial Policy Statement” and the “PPS” throughout the Official Plan and references to specific provincial policy numbers have been removed.

Policies Affected: Definitions

Rationale: In spring of 2023, the provincial government released a draft “Provincial Planning Statement” for public comment. It is anticipated that the new Provincial Planning Statement will be issued by the provincial government in the near future to replace the existing Provincial Policy Statement, 2020. In anticipation of the terminology change and any future terminology changes, the proposed definition of “Provincial Policy” allows for the Official Plan to be more flexible and recognize successor policy statements issued under section 3 of the *Planning Act*.

- 36. Summary of Proposed Change:** References to “Heritage Kingston” have been replaced with “Kingston Heritage Properties Committee”.

Policies Affected: Throughout

Rationale: Kingston Heritage Properties Committee is the successor committee to Heritage Kingston. The mandate and activities of the Kingston Heritage Properties Committee addresses the broad array of issues, opportunities and projects related to the planning and property-based aspects of Kingston’s cultural heritage.

- 37. Summary of Proposed Change:** The reference to “Heritage Impact Statement” has been replaced throughout the document with “Heritage Impact Assessment”, which is the commonly used terminology in the majority of other municipalities.

Policies Affected: Throughout

Rationale: The proposed language reflects the common terminology used across Ontario and is more reflective of the need to complete a fulsome assessment of the cultural heritage elements of a proposal.

38. **Summary of Proposed Change:** The policy speaking to the future construction of the Third Crossing has been deleted.

Policies Affected: Former 2.5.12.

Rationale: The construction of the Third Crossing (named the Waaban Crossing) is complete and this policy is no longer required.

39. **Summary of Proposed Change:** The terminology throughout the OP has been amended to refer to Holding Overlay rather than Holding symbol.

Policies Affected: Throughout

Rationale: The Kingston Zoning By-law changed the approach to holding provisions by creating a separate Holding Overlay, rather than embedding a “-H” symbol directly in the zoning maps. This has added functionality with the interactive zoning maps and is an easier dataset to administer and maintain. The proposed language reflects this change.

40. **Summary of Proposed Change:** Language has been added to the combined sewer policy in the Official Plan to recognize that there are limitations to the amount of new development that can occur in areas affected by combined sewers.

Provisions Affected: 4.2.4.

Rationale: The proposed amendment recognizes existing capacity limitations and will ensure that property owners contact Utilities Kingston early in the process to determine if there are limitations to the amount of new development that can be supported on a property.

Zoning By-Law Amendments

41. **Summary of Proposed Change:** The legal non-conformity provisions have been updated to consolidate the permissions for legally existing lots in the urban and rural areas into one simple permission by deleting Clauses 1.8.6. and 1.8.7. and amending Clause 1.8.5.

Provisions Affected: 1.8.5. and former 1.8.6. and 1.8.7.

Rationale: This proposed change provides added flexibility for lots in the rural area and supports the establishment of smaller scale agricultural uses or other permitted uses where the underlying zoning already permits the use.

42. **Summary of Proposed Change:** Zone names have been added to the Sections in the Table of Contents.

Provisions Affected: Table of Contents

Rationale: This change is proposed to support members of the public who are not familiar with the relationship between individual Zones and the Zone Categories.

43. **Summary of Proposed Change:** Amendments have been made to the text to clarify the intent of the ZBL and correct terminology (lands under waterbodies, amenity area definition, lot frontage definition, private sewage system definition, separation distance definition, setback definition, walking distance definition, waterbody definition, minimum height of an accessory building, exterior stairs, planting strips for non-residential uses, decks & porches, walkways, exception overlay, off-site parking spaces, etc.)

Provisions Affected: 2.5.7., 3.1.11., 3.12.16., 3.16.22., 3.19.7., 3.19.8., 3.23.1., 3.23.9., 4.1.1.2., 4.1.2.6., 4.16.1., 4.19.3., 4.20.2., Table 4.20.4., 4.27.1., 5.5.1., 5.5.3., 6.3.2.3., 7.1.12., 7.2.3., Table 16.5.1.

Rationale: These proposed changes better clarify the intent of the ZBL.

44. **Summary of Proposed Change:** To better regulate accessory buildings on waterfront lots, a new permission has been added allowing a detached private garage to be located in the front yard.

Provisions Affected: 4.1.2.7.

Rationale: This proposed change aligns with existing built form and ensures that private garages and driveways are located along the road side of a property, rather than bringing them closer to the waterfront (requiring longer driveways, less permeable surfaces and potentially increasing the risk of contaminants in more environmentally sensitive areas).

- 45. Summary of Proposed Change:** Amendments are proposed to the regulation of private sewage systems to recognize that they are not necessarily located below existing grade when the septic bed is established.
- Provisions Affected:** 4.13.2., 4.13.3., 4.13.4.
- Rationale:** This technical change continues to exempt septic systems from specific requirements in a manner that recognizes the typical design and construction techniques of the whole system.
- 46. Summary of Proposed Change:** The minimum width of a walkway for residential uses has been reduced from 1.2 metres to 1.1 metres.
- Provisions Affected:** 4.27.1.1.
- Rationale:** The proposed reduction in minimum width aligns with the requirements of the Ontario Building Code.
- 47. Summary of Proposed Change:** A new provision has been added to the walkway standards to allow for minor localized protrusions to project into the walkway.
- Provisions Affected:** 4.27.1.5. (a) and (b).
- Rationale:** The introduction of permitted projections allows added flexibility based on staff's experiences administering this section of the zoning by-law, while ensuring that the intent of a functional walkway is maintained.
- 48. Summary of Proposed Change:** Amendments are proposed to the driveway width provisions to allow for all driveways on residential properties to be widened to 9 metres within the front and exterior yards to accommodate one additional parking space, regardless of the lot frontage, while maintaining the maximum width of the driveway at the point it intersects with the street line.
- Provisions Affected:** 7.4.8.2. (former), 7.4.8.5. and 7.4.8.6.
- Rationale:** The proposed amendments remove the prohibition of parking spaces parallel to the street and will allow for more flexibility to accommodate additional parking spaces on residential properties, opening up the ability to provide extra parking in support of additional residential units and infill residential developments.
- 49. Summary of Proposed Change:** Amendments are proposed to the walkway requirements to allow for walkways and driveways to overlap on existing residential properties, subject to certain requirements.
- Provisions Affected:** 4.27.5.
- Rationale:** Existing developed properties were laid out before the zoning by-law introduced the requirement to provide a walkway for residential uses. While many of these properties are constrained in terms of providing the necessary walkway and driveway due to existing building locations, they are appropriate for further residential development contemplated by Bill 23 and the proposed introduction of fourth units. The proposed change allows for new dwelling units to be added and recognizes the ability for the walkway and driveway provisions to overlap in certain areas on the lot in a manner that prioritizes the safety of pedestrians while providing flexibility that supports the construction of appropriate new houses.
- 50. Summary of Proposed Change:** Amendments are proposed to the minimum driveway width to reduce it from 3.0 metres to 2.6 metres to better align with parking space dimensions. Changes are proposed to recognize parallel parking spaces being accessed from either a one-way or two-way drive aisle. A change is also proposed to the perpendicular drive aisle space to provide a dimension for internal roads in a parking lot that are not used for accessing parking spaces (6.0 metres).
- Provisions Affected:** Table 7.4.1., 7.4.8.5.
- Rationale:** The proposed changes align the minimum driveway width with the minimum parking space width and support the reduction in paved surfaces on properties across the City. The other proposed changes are technical in nature and provide clarity for the proper implementation of the By-law.
- 51. Summary of Proposed Change:** The maximum driveway width in the rural area has been increased to 9 metres.
- Provisions Affected:** 7.4.1.
- Rationale:** The proposed change aligns with non-residential uses in the urban area and provides added flexibility in the layout and functionality of driveways that is appropriate in the rural area.

- 52. Summary of Proposed Change:** The term “gas station” has been changed to “service station” and updated to include oil change facilities in the description of the principal use. The terminology has been updated throughout the By-law.
- Provisions Affected:** Former 3.7.4., new 3.19.7.A.
- Rationale:** This technical change reflects the broader nature of the use.
- 53. Summary of Proposed Change:** Banquet halls have been removed from the list of permitted uses in the RU Zone.
- Provisions Affected:** Table 8.1.2.
- Rationale:** The RU Zone generally aligns with the Rural Lands designation in the Official Plan, which permits agricultural uses, some recreational uses and houses. This change better aligns the zoning by-law with the intent of the Rural Lands designation.
- 54. Summary of Proposed Change:** The minimum lot frontage for a house in the RU Zone has been reduced from 90 to 60 metres.
- Provisions Affected:** Table 8.3.1.
- Rationale:** This proposed change better aligns the Kingston Zoning By-law with the lot frontage requirements of the former zoning by-law.
- 55. Summary of Proposed Change:** A number of the UR, URM and HCD Zones, as well as the IN2 Zone, which were introduced through the Central Kingston Growth Strategy include front setback and exterior setback performance standards that were intended to recognize the existing front setback and exterior setbacks as legal where they are less than the zoning standard. Language is proposed in all instances to clarify that this legalization applies to the existing building plus any further development that enlarges or alters the building to allow for additions/renovations where they otherwise comply with the By-law.
- Provisions Affected:** Tables 11.6.1., 11.7.1., 11.8.1., 11.9.1., 12.4.1., 13.2.2., 13.4.1. and 14.3.2.
- Rationale:** This proposed change continues to maintain the intent of the standards that were introduced through the CKGS, while adding flexibility to accommodate new construction and development on the properties in a manner that is consistent with and complementary to the existing built form.
- 56. Summary of Proposed Change:** The table of permitted uses in the Commercial Zones has been updated to remove uses that are not permitted in any of the zones.
- Provisions Affected:** Table 15.1.2.
- Rationale:** This is a technical change with no impact on zoning interpretation or permissions.
- 57. Summary of Proposed Change:** The language in the M1 Zone requiring planting strips has been updated to better align with the language regulating planting strips in the general provisions (4.16.)
- Provisions Affected:** Former 16.2.2.3., now 16.2.2.3. and 16.2.2.4.
- Rationale:** This technical change better clarifies the intent of the zoning by-law and aligns it with the general provisions.
- 58. Summary of Proposed Change:** New accessory building provisions have been added for rural residential lots to confirm that the performance standards of the parent zone apply except for existing undersized lots. Where a lot existed as of the date of passing of the by-law that is smaller than the required minimum lot size, a new provision has been added to permit an additional 5% of lot coverage to accommodate accessory buildings.
- Provisions Affected:** 4.1.2.3.
- Rationale:** A number of rural residential lots are smaller than the minimum lot area requirement. In these instances, a new permission is required to allow for additional lot coverage for accessory buildings.
- 59. Summary of Proposed Change:** Clarification has been added to the school portable provisions to confirm that only setbacks apply to the siting of a portable on a school property and no additional bike spaces, accessible spaces, etc. are required to be provided.
- Provisions Affected:** 6.15.1.
- Rationale:** With the temporary nature of a school portable and the timing of placing a portable a school property years after the completion of site works including parking areas, loading areas, bike parking areas, etc., the proposed amendments will ensure that setbacks apply

while exempting portables from standards that might not be feasible given the existing build-out of the property.

- 60. Summary of Proposed Change:** For decks and porches under 1.2 metres in height, clarification language has been added to the required front and exterior setbacks to ensure the requirement applies as the lesser of the required front setback by the Zone, or the 3.5 metres stipulated in the table.

Provisions Affected: Table 4.20.4.

Rationale: In some instances, the required front setback and exterior setback for the principal building on the lot is less than 3.5 metres, so the proposed language ensures that porches and decks are permitted to be built to the same setback as the principal building.

- 61. Summary of Proposed Change:** The definition of lot frontage has been simplified as a linear measurement between the two side lot lines at the point where they intersect with the front lot line.

Provisions Affected: 3.12.16.

Rationale: With the existing definition measuring lot frontage at the required front setback between a line connecting the mid point of the front and rear lot lines, the measurement varies greatly across all areas of the City and is overly complicated (especially where front setback is dependent on setback of adjacent properties). The proposed definition is intended to simplify the calculation of lot frontage and apply it consistently across the City without relying on other complex performance standards.

- 62. Summary of Proposed Change:** An exception has been added for RUR lots to allow accessory buildings in the front yard.

Provisions Affected: 4.1.2.1.

Rationale: The proposed amendment is reflective of historical permissions, the layout of existing RUR lots and the character of RUR areas. The proposed amendment will allow for the flexible placement of detached garages and other accessory structures on RUR lots.

- 63. Summary of Proposed Change:** The maximum height projection of mechanical and other building components on a rooftop has increased to 5 metres (from 3.5 metres), with the maximum area increasing to 30% (from 10%).

Provisions Affected: 4.18.2.

Rationale: The proposed amendment reflects staff's experiences working on development applications and is more reflective of the construction needs of multi-unit residential buildings. The proposed amendment is more consistent with previous permissions in the former zoning by-laws.

- 64. Summary of Proposed Change:** Additional language has been added to clarify that bike spaces and active transportation installations that are required by the By-law are exempt from setbacks and other performance standards in Subsection 4.12.

Provisions Affected: 4.12.1.18.

Rationale: The proposed amendment is consistent with the original intent of the by-law and is added for clarity.

- 65. Summary of Proposed Change:** The maximum horizontal length of each face of a building occupied by balconies has increased from 30% to 45%.

Provisions Affected: 4.20.1.2.

Rationale: The proposed amendment is consistent with staff's experiences administering this new section of the By-law through development applications and will allow for additional flexibility and outdoor living area to be provided for future residents in multi-unit buildings.

- 66. Summary of Proposed Change:** Clarification language has been added to confirm that the barrier free building component exemption only applies where setbacks are more restrictive in the applicable Zone.

Provisions Affected: 4.21.1.

Rationale: This proposed amendment is consistent with the original intent of the By-law and is added for clarity.

- 67. Summary of Proposed Change:** Urban Multi-Residential Zone has been added to the list of zones where waste and recycling facilities are required to be screened from adjoining properties.

Provisions Affected: 4.25.2.

Rationale: The proposed amendment is consistent with the original intent of the By-law and is added to address an oversight in identifying the URM Zones in the list.

68. **Summary of Proposed Change:** Commercial waste and recycling bins were previously required to comply with the requirements applicable to a principal building. The proposed amendments limit them to an interior, exterior or rear yard and requires a setback of 1.2 metres from a lot line.

Provisions Affected: 4.25.3.

Rationale: The existing requirement is onerous and creates challenges with site circulation and truck movements. The proposed amendments are more reflective of the actual impact a commercial waste and recycling bins have and ensure that site functionality can be optimized without creating adverse impacts on adjacent properties.

69. **Summary of Proposed Change:** The interpretation clause speaking to the use of the terminology “the site specific by-law” in a Legacy Exception has been amended to also include new Exceptions created under this By-law.

Provisions Affected: 5.5.4.

Rationale: The proposed amendment to this interpretation clause will allow staff to continue to establish the date that the legal permissions come into effect for new Exceptions, not just Legacy Exceptions under the former by-laws.

70. **Summary of Proposed Change:** The additional car-share parking spaces required to allow more than the maximum spaces has been removed, while retaining the requirement that all spaces above the maximum are EV Ready.

Provisions Affected: 7.1.15.

Rationale: Based on staff’s experience administering this section of the by-law on development applications, it has been observed that the car-share parking space requirements are too high and are resulting in an over-supply of parking that will not realistically be used for car-share in the future at this scale. In order to maintain the fundamental goal of the Power of Parking, which is to reduce the overall supply of parking (especially unused parking), staff are proposing amendments to ensure that the Kingston Zoning By-law does not contribute to the real parking problem (too much parking).

71. **Summary of Proposed Change:** In the parking, bike parking and loading space sections, the “addition or change of use” of existing buildings has been amended to remove “change of use” and just focus this interpretation provision on net new construction, rather than retrofits of existing developed properties.

Provisions Affected: 7.1.19., 7.3.16.

Rationale: Based on staff’s experience administering this section of the by-law on development applications, it has been observed that the requirement to retrofit existing, and often constrained, sites that have already been fully developed when a change of use is occurring to accommodate more parking, bike parking, or loading is not a realistic or achievable objective. The proposed amendments ensure that new requirements apply to new construction and will allow for existing developed sites to continue to be used even if a change of use occurs.

72. **Summary of Proposed Change:** The minimum number of car-share and visitor spaces has been reduced and a new requirement to provide a short-term delivery parking space has been added for multi-unit residential buildings.

Provisions Affected: Table 7.1.1.

Rationale: Based on staff’s experience administering this section of the by-law on development applications, it has been observed that the minimum number of car-share and visitor parking spaces are too high, resulting in an over-supply of parking that will likely not be used to full capacity based on the number of spaces being provided. In order to maintain the fundamental goal of the Power of Parking, which is to reduce the overall supply of parking (especially unused parking), staff are proposing amendments to ensure that the Kingston Zoning By-law does not contribute to the real parking problem (too much parking).

Further, staff have observed a need and public interest in securing dedicated spaces for short-term delivery vehicles (food delivery, online purchase deliveries, etc.). A new requirement has been added to reflect this, which speaks to confirming the location and signage associated with such short-term delivery parking space through the site plan review process.

- 73. Summary of Proposed Change:** New language has been added to provide more clarity for bike parking facilities associated with non-residential buildings that are occupied by multiple tenants (separate units).
- Provisions Affected:** 7.3.2.
- Rationale:** The proposed amendments clarify that the By-law requires a new building to comply with the bike requirements when it is being constructed based on the uses anticipated. The language allows for flexibility for tenanted buildings by providing the option to provide one central bike facility or spread the bike infrastructure proportionately across the separate units.
- 74. Summary of Proposed Change:** The proportion of horizontal, vertical and stacked bike spaces has been simplified to simply state a maximum of 75% of the spaces are permitted as vertical spaces. The remainder can be provided as horizontal or stacked, which would allow for the lower level of the stacked bike spaces to be provided in lieu of the dedicated horizontal spaces.
- Provisions Affected:** 7.3.7.4.
- Rationale:** The proposed amendments align with staff's experience administering this section of the by-law and will allow for a more flexible use of bike parking facilities while still ensuring that the overall supply and functionality of bike facilities meets the intent of the Power of Parking.
- 75. Summary of Proposed Change:** The long-term bike parking space requirements for low density forms of housing such as houses, semi-detached houses, townhouses and accessory houses has been simplified to provide more flexibility while ensuring that secure bike facilities are provided.
- Provisions Affected:** 7.3.8.1.
- Rationale:** Based on staff's experience reviewing building permit and development applications, more flexibility is required to better reflect space constraints and the security of bike spaces on lower density housing forms. The proposed amendments will continue to ensure that secure bike spaces are provided while also providing more flexibility with how those are implemented on an individual basis.
- 76. Summary of Proposed Change:** A number of minor amendments are proposed to the horizontal, vertical and stacked bike space requirements to be more consistent and apply standards equally across all bike parking types. Further, amendments are proposed to only require the formal access aisle where 4 or more bikes are provided in a common area.
- Provisions Affected:** 7.3.10., 7.3.11. and 7.3.12.
- Rationale:** The proposed amendments align the horizontal bike space requirements (access aisle width) with the other two types of bike spaces (vertical and stacked) and will ensure proper functionality while simplifying the technical requirements in bike storage areas. The proposed change to the access aisle, only requiring it in bike storage areas where 4 or more bikes are parked will ensure that larger facilities are supported and will provide more flexibility for smaller bike rooms to be accommodated in smaller forms of development.
- 77. Summary of Proposed Change:** The minimum percentage of enhanced bike parking facilities has been adjusted from 10% to 5%.
- Provisions Affected:** 7.3.13.
- Rationale:** The proposed amendments reduce the number of enhanced facilities based on staff's experience and observations administering this section of the By-law, while still ensuring every development provides secure enhanced bike parking spaces.
- 78. Summary of Proposed Change:** The approach to regulating the number of required bike parking spaces has been simplified to apply ratios primarily based on the Zone in which a property is located, with a number of specific ratios for uses that require a specialized approach. This replaces a use-specific ratio for every use in the by-law, allowing for tenants and uses to change within an existing building without impacting the approach to bike parking facilities.
- Provisions Affected:** Tables 7.3.1. and 7.3.2.
- Rationale:** The proposed amendments are a simpler approach to regulating bike parking, ensuring that the predominant regulation is a common standard across a whole zone.
- 79. Summary of Proposed Change:** The requirement for a loading space to be provided with a visual screen has been removed.
- Provisions Affected:** Former 7.5.7.

Rationale: This requirement is more appropriately reviewed on a site specific basis through site plan approval and may take many forms while serving other technical needs beyond visual screening (such as noise mitigation).

- 80. Summary of Proposed Change:** The visual screen requirement for outdoor storage in the RM1 Zone has been amended to require a minimum 1.8 metre height.

Provisions Affected: 9.2.2.1.(c)

Rationale: The proposed amendment is consistent with the visual screen requirement of the M1, M2 and M3 zones for outdoor storage.

- 81. Summary of Proposed Change:** Approximately 1200 properties are still subject to the former zoning by-laws as 'red exceptions' as detailed in Report Number [PC-23-037](#) and [21-267](#). These red exceptions are subject to old site-specific zoning exceptions that were approved prior to the current Official Plan. When Council approved the Kingston Zoning By-law on April 26, 2022, the red exceptions were identified as "Not Applicable" on the Zoning Map, which means that they are not subject to the new Kingston Zoning By-law and are still subject to the applicable former zoning by-law (Kingston Township By-law 76-26, Pittsburgh Township By-law 32-74, City of Kingston By-law 8499, Cataraqui North By-law 97-102 or the Downtown and Harbour By-law 96-259).

The proposed amendments to all five former zoning by-laws would have the effect of deleting the existing text of those by-laws and replacing it with new text that will require the red exceptions to comply with the Kingston Zoning By-law, even though they are technically still part of the former by-laws. The proposed amendments identify the zones and red exceptions that are still in effect in the former zoning by-laws, with a column identifying an "Applicable Zone" from the Kingston Zoning By-law. Interpretation provisions are included that would require future development on the red exception properties to comply with the Kingston Zoning By-law as though it were subject to the Kingston Zoning By-law, with specific interpretation provisions for how the text of the red exception will be reviewed (consistent with the approach to interpreting Legacy Exceptions under the Kingston Zoning By-law).

Provisions Affected: Entirety of the former zoning by-laws (Kingston Township By-law 76-26, Pittsburgh Township By-law 32-74, City of Kingston By-law 8499, Cataraqui North By-law 97-102 and Downtown and Harbour By-law 96-259)

Rationale: The former by-laws do not benefit from many of the innovative or progressive provisions introduced through the initial passing of the Kingston Zoning By-law in April of 2022 (as described in detail in [Report Number PC-22-018](#)), or any of the forward-thinking amendments that are being proposed to the Kingston Zoning By-law through the work described in this document. The former zoning by-laws have outdated general provisions, such as outdated approaches to the protection of natural heritage, parking or setbacks from hazards like floodplains or railways.

While staff could dedicate a significant amount of time individually reviewing the red exceptions for conformity with the current Official Plan, the proposed amendments to the former zoning by-laws allow staff to "translate" the former zoning by-laws so all red exceptions can be reviewed as though they are part of the Kingston Zoning By-law (but without having to review them for conformity with the Official Plan since they are still part of the former by-laws).

With the upcoming Official Plan project commencing in 2024, staff's finite time is better spent working on the Official Plan project, especially when it is known that the policies of the Official Plan will be changing (so efforts may be completed wasted reviewing zoning provisions against existing policies). Following the completion of the Official Plan project, red exceptions will be dealt with to ensure that all properties can formally be brought into the Kingston Zoning By-law.

The proposed approach will ensure that all properties in the City will immediately benefit from the forward-thinking and housing-supportive provisions of the Kingston Zoning By-law, while also ensuring that all properties across the City are required to comply with current approaches to the protection of the natural heritage system, parking and hazards.

Proposed Amendments To The Official Plan

City of Kingston - Proposed Housing and Administrative Amendments
D01-002-2024

This document provides excerpts of the Official Plan that are subject to proposed amendments identified in the “Summary and Rationale” document (proposed deletions shown in red and additions shown in blue). The amendments are provided for public consultation purposes only. Sections of the Official Plan that are not subject to proposed amendments are not included in this document:

Foreword

City of Kingston Official Plan

The City was notified in a letter dated February 3, 2010 that the Official Plan, as modified by the Minister of Municipal Affairs and Housing, was approved and came into force on January 27, 2010 with the exception of four matters under appeal that were referred to the former Ontario Municipal Board (also formerly known as the Local Planning Appeal Tribunal and now known as the Ontario Land Tribunal through (Ontario Municipal Board file number PL100149).

Official Plan Amendment Number 50, being the five-year update to the Official Plan, was adopted by the Council of The Corporation of the City of Kingston as By-law Number 2017-57 dated March 7, 2017. On August 8, 2017 the Ministry of Municipal Affairs and the Ministry of Housing posted notice of their decision on Official Plan Amendment Number 50, with modifications. Official Plan Amendment Number 50 came into effect on August 29, 2017 with the exception of matters appealed to the former Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board). As of May 7, 2019, all appeals had been withdrawn. All amendments made through the five-year update to the Official Plan are therefore in effect.

Context

Schedule 1 – Regional Context

In preparing the Official Plan, ~~the Provincial Policy Statement~~ and updates to the *Planning Act* are reflected along with the results of many individual background studies completed since amalgamation, including the following:

Section 1. Overview

1.1 The Role of the Official Plan

The *Planning Act* of Ontario requires municipalities to prepare, and regularly review, an Official Plan in order to manage and direct physical change. ~~The Provincial Policy Statement, as amended,~~ contains matters of provincial interest that must also be reflected adequately in Official Plans. The *Planning Act*, *Municipal Act*, and the *Ontario Heritage Act* authorize the use of specific tools, such as zoning by-laws, and site plans to implement policies of the Official Plan. The foundation for many of these more detailed implementing provisions must be established in the Official Plan. Once an Official Plan is approved, no by-law or public work can be undertaken that is contrary to the Official Plan, unless the Plan is amended.

1.2 The Elements and Structure of the Plan

Section 1

Section 1.4 includes definitions for terms noted in italics, and used in the body of the Plan. Many are quoted from ~~the 2014 Provincial Policy Statement.~~ Where a term is not defined, the City will rely on its common or ordinary meaning.

Section 10

Section 10 contains detailed specific policies for the Downtown and Harbour Area, ~~and~~ the Princess Street Corridor [and Central Kingston](#), and completed secondary plans that have been prepared to guide more complex, or substantially evolving, areas of the City. These include the Rideau Community, Cataraqui North and Cataraqui West [and Kingston Provincial Campus](#) Secondary Plans. These subsections form part of the Plan and are to be read together with the main text. Schedules DH-1, DH-2, DH-3, DH-4, RC-1, CN-1, CW-1, ~~and~~ PS-1, [KPC-1 and CK-1](#) refer to this section.

1.4 Definitions

Accommodation Costs

~~In terms of affordable housing, M~~means:

- a. in the case of ownership housing, includes the mortgage, principal, and interest (based on a 25-year amortization, 10 percent down payment and the chartered bank administered mortgage rate for a conventional 5 year mortgage as reported by the Bank of Canada at the time of application) plus property taxes, ~~GST-HST~~ and any other mandatory costs associated with purchasing the units, and heat, hydro, and hot water; and
- b. in the case of rental housing, the gross monthly rent that includes utilities, heat, hydro, and hot water.

unless otherwise stipulated in a senior level government program which may define accommodation costs differently.

Additional ~~Residential~~ Rural Unit

Up to two dwelling units which are ancillary to a *principal residential unit*, and are located on the same lot therewith in the Rural Area.

Adjacent Lands (Natural Heritage)

Those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or determined by the City based on ~~municipal~~ approaches that achieve the same objectives.

Affordable Housing Development

A development where 100% of residential units are affordable rental units and/or affordable ownership units. An affordable housing development may take the form of any residential building type contemplated by this Plan. An affordable housing development may also include commercial uses or other non-residential uses in accordance with the policies of this Plan.

Affordable Ownership Unit

A residential unit not intended for use as a rented residential premises for which:

a. the price is no greater than the lesser of:

- the income-based affordable purchase price for the residential unit (in the year in which the unit is sold) set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; or
- 90 per cent of the average purchase price identified for the residential unit (in the year in which the unit is sold) set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; and

b. the residential unit is sold to a person who is dealing at *arm’s length* with the seller.

Affordable Rental Unit

A residential unit intended for use as a rented residential premises for which:

a. the rent is no greater than the lesser of:

- the income-based affordable rent for the residential unit set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; or
- the average market rent identified for the residential unit set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; and

b. the tenant is dealing at *arm's length* with the landlord.

Affordable Housing

An affordable rental unit and/or an affordable ownership unit.

~~a. in the case of ownership housing, the least expensive of:~~

- ~~• housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or~~
- ~~• housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.~~

~~b. in the case of rental housing, the least expensive of:~~

- ~~• a unit for which the accommodation cost does not exceed 30 percent of gross annual household income for low and moderate income households; or~~
- ~~• a unit for which the accommodation cost is at or below the average market rent of a unit in the regional market area.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Arm's Length

Has the same meaning as arm's length in section 251 of the *Income Tax Act* (Canada) with necessary modifications.

Attainable Unit

A residential unit that is an "attainable residential unit" as defined by the *Development Charges Act*.

Bed and Breakfast Operations

An operator-occupied detached dwelling offering short-term lodging for compensation to the travelling and vacationing public. Guest rooms or suites ~~are limited in the zoning by-law, and~~ may include a private bath, but must not include cooking facilities. Breakfast and other meals, services, facilities or amenities may be offered exclusively to guests.

Comprehensive Review

~~For the purposes of policies 1.1.3.8 and 1.3.2.2 of the Provincial Policy Statement, a~~An official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

- is based on a review of population and employment projections; considers alternative directions for growth or *development*; and determines how best to accommodate the *development* while protecting provincial interests;
- utilizes opportunities to accommodate projected growth or *development* through *intensification* and *infill development*; and considers physical constraints to accommodating the proposed *development* within existing *settlement area* boundaries;

- is integrated with planning for *infrastructure* and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
- confirms sufficient water quality, quantity, and assimilative capacity of receiving water are available to accommodate the proposed *development*;
- confirms that sewage and water services can be provided in accordance with Provincial Policy policy 1.6.6 of the Provincial Policy Statement; and,
- considers cross-jurisdictional issues.

Conserve(d) (Cultural Heritage)

The identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact ~~statement~~assessment. Mitigative measures and/or alternative *development* approaches can be included in these plans and assessments.

Contributory Woodlands

Woodlands that do not meet the criteria for *significant woodlands* as established by the ~~Ontario Ministry of Natural Resources and Forestry~~Province or the Central Cataraqui Region Natural Heritage Study (2006).

Controlled Area

The area subject to ~~Ministry of Transportation~~Provincial approvals that is upon or within:

- a. 45 metres of any limit of a *controlled-access highway* or upon or within 395 metres of the centre point of an intersection;
- b. 45 metres of any limit of a *King's Highway* or upon or within 180 metres of the centre point of an intersection;
- c. 800 metres of any limit of a *King's Highway* and *controlled access highway*, for the purpose of a shopping centre, stadium, fairground, racetrack, drive-in theatre or any other purpose that cause persons to congregate in large numbers; or,
- d. 400 metres of any limit of *controlled-access highway* for the purpose of placing, erecting, or altering an electricity transmission and distribution system, pole line, or other transmission line.

Development

The creation of a new lot, the creation of a new land use or a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a. activities that create or maintain *infrastructure* authorized under an environmental assessment process;

- b. works subject to the *Drainage Act*; or,
- c. underground or surface mining of *minerals* or advanced exploration on mining lands in *significant* areas of *mineral* potential where advanced exploration has the same meaning as under the *Mining Act*.

For the purpose of this Plan, development includes redevelopment, which is the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Endangered Species and Threatened Species

A species listed or categorized as an “Endangered Species” or as a “Threatened Species” on the ~~Ontario Ministry of Natural Resources and Forestry~~Province’s official species at risk list, as updated and amended from time to time.

Habitat of *Endangered Species* and *Threatened Species*

- a. with respect to a species listed on the Species at Risk in Ontario List as an *endangered species* or *threatened species* for which a regulation made under clause 55(1)(a) of the *Endangered Species Act*, 2007 is in force, the area prescribed by that regulation as the habitat of the species; or
- b. with respect to any other species listed on the Species at Risk in Ontario List as an *endangered species* or *threatened species*, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the ~~Ontario Ministry of Natural Resources and Forestry~~Province; and
- c. places in the areas described in clause a) or b) whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

(Added by By-Law Number 2017-57, OPA Number 50)

Hazardous Forest Types for Wildland Fire

Forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the ~~Province~~Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

~~Kilovolt (kV)~~

~~One thousand volts, and is used to describe the capacity of conductors used to transmit or distribute electricity.~~

~~Kilowatt (kW)~~

~~One thousand watts, and is used to describe the capacity to produce electrical energy.~~

Market Unit

A residential unit that is not an affordable ownership unit, affordable rental unit or attainable unit.

Megawatt (MW)

~~One million watts, and is the unit used to describe the size/capacity of generation facilities to produce electrical energy.~~

Mixed Market Housing Development

~~A development that includes a mixture of market units and/or attainable units along with affordable housing. A mixed market housing development may take the form of any residential building type contemplated by this Plan. A mixed market housing development may also include commercial uses or other non-residential uses in accordance with the policies of this Plan.~~

~~Nameplate Generating Capacity~~

~~With respect to an electricity generation facility, the total instantaneous electricity generating capacity of all generation units in a facility.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Provincial Highway

Any highway under the jurisdiction of the ~~Ministry of Transportation~~Province including a *King's Highway* and any part of these designated as *controlled-access highway* and includes any roadway under the jurisdiction of the ~~Ministry of Transportation~~Province (includes Highway 401, Highway 15 north of Highway 401, and Loyalist Parkway west of Collins Bay Road).

Provincial Policy

~~The Provincial Policy Statement, 2020, or any successor policy statements issued under section 3 of the Planning Act on matters relating to municipal planning that are of provincial interest.~~

Qualified Person

An individual with ~~the required~~ the required qualifications and/or credentials related to a field of study ~~and who is therefore appropriate for to~~ conducting a study and/or ~~providing~~ providing an expert opinion that has been required by the City. The qualifications and credentials of the *qualified person* must be to the satisfaction of the City, or where appropriate, are defined by relevant legislation, regulation and standards.

~~Run-of-river System~~

~~A hydroelectric energy system that does not disrupt surrounding lands through the installation of dams and other infrastructure, and does not affect the flow of the waterbody or its ecology.~~

Settlement Areas

Urban areas and rural *settlement areas* within municipalities (such as cities, towns, villages, and hamlets) that are:

- a. built up areas where *development* is concentrated and which have a mix of land uses; and,
- b. lands which have been designated in an official plan for *development* over the long term planning horizon provided for in ~~policy 1.1.2. of the Provincial Policy Statement, 2014~~. In cases where land in designated growth areas is not available, the *settlement area* may be no larger than the area where *development* is concentrated.

Significant

While some *significant* resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation:

- a. in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially *significant* ~~by the Ontario Ministry of Natural Resources and Forestry~~ using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to locally *significant wetlands*, *wetlands* that have been evaluated using the evaluation procedures established by the Province, and that are deemed to be important, but that are not deemed to be provincially *significant*;
- c. in regard to *valleylands*, an area identified by the Central Cataraqui Region Natural Heritage Study in 2006 or identified using criteria established by the ~~Ontario Ministry of Natural Resources and Forestry~~ Province which occurs in a valley or other landform depression that has water flowing through or standing for some period of the year and is ecologically important because it provides short term storage for storm and melt waters, performs nutrient and sediment transport, provides fish and wildlife habitat, or forms natural linkages and corridors between other *natural heritage features and areas*;
- d. in regard to *woodlands*, an area identified by the Central Cataraqui Region Natural Heritage Study in 2006 or identified using criteria established by the ~~Ontario Ministry of Natural Resources and Forestry~~ Province which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past forest management history;
- e. in regard to other *natural heritage features and areas*, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- f. in regard to *mineral* potential, means an area identified as provincially *significant* through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and,
- g. in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to the understanding of the history of a place, an event, or a people.

Solar Energy

~~Energy from the sun that is converted to produce electricity or heat.~~

Tiny House

A residential unit ~~one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and~~ that is designed to be portable.

Transit-supportive

In regard to land use patterns, means *development* that improves the viability of transit and the quality of the experience of using transit. It often refers to compact, ~~mixed-~~ use mixed use *development* that has a high level of employment and residential densities.

Urban Boundary

The Urban *Settlement Area* Boundary as per ~~the Provincial Policy Statement (2014)~~, which for the purposes of this municipality, predominantly includes lands on full services, as shown on Schedule 2.

Volt (V)

~~The measure of electrical potential difference between two points in an electrical field, and is the amount of electrical “pressure” required to cause an electrical current to flow through a wire.~~

Watt (W)

~~A standard unit used to measure amounts of electrical power, and is used to describe the size of an electrical generation system.~~

Wildland Fire Assessment and Mitigation Standards

The combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry Province to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, *infrastructure* and property from wildland fire.

Wind Energy

~~Energy from the wind that is converted by a wind charger or wind turbine to produce electrical energy.~~

Workforce and Institutional Housing

Residential units or co-living units that are owned and leased by an employer or institution specifically to persons who are employed by such employer or institution, or persons who attend such institution as a full-time student or equivalent.

Section 2. Strategic Policy Direction

2.1 Sustainable Development

City Initiatives

- 2.1.5. In the design and operation of City buildings, land, equipment and facilities, the City will seek to lead by example through initiatives that promote *sustainability*, including but not limited to:
- a. use of energy efficient design and green building practices, ~~and the application of the City's Municipal Green Building Policy;~~
 - b. water and waste reduction and recycling practices;
 - c. protection and acquisition of waterfront properties and ecologically valuable *natural heritage features and areas*;
 - d. use of streetscape design that coordinates movement of pedestrians, cyclists and transit, and addresses accessibility matters through the application of *universal design principles*;
 - e. use of sustainable practices, products, landscaping, *green infrastructure* and materials;
 - f. vehicle acquisition and operation to reduce greenhouse gases;
 - g. adaptive re-use and promotion of *cultural heritage resources*;
 - h. municipal investment, private incentive programs, and possible partnerships with private enterprise;
 - i. promotion of the City's *brownfields* program; and
 - j. promoting and encouraging increased access to and availability of, healthy foods.

2.2 City Structure

Housing Districts

- 2.2.5. 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 in a manner that ensures land use compatibility while supporting the construction of new housing. 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.

Business Districts

- 2.2.6.** Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:
- a. areas of interface with *sensitive uses* are addressed so that *compatible* development is achieved and there is no *adverse effect* on the *sensitive use* or to the proposed employment use(s);
 - b. an upgraded visual appearance is maintained at gateways as defined in Section 8.11, along major roads and the interface with any Centre, Corridor or Housing District shown on Schedule 2;
 - c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the ~~Ministry of the Environment and Climate Change~~ Provincial Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;
 - d. uses which generate large amounts of traffic or have intensive on-site operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without *adverse effects* on the planned transportation system, the nearby Housing Districts, Centres or Corridors; and,
 - e. regional commercial uses, institutions, *recreation* or hospitality uses will be restricted to limited locations that will not undermine the business park, industrial or technological uses intended as the focus of Business Districts.

Centres and Corridors

- 2.2.7.** The City's existing Centres and Corridors, as shown on Schedule 2, are areas of mixed use and mixed buildings, including employment, residential, commercial and supporting uses and facilities. These will be the areas where *intensification* will be focused, and where greater densities of residential and non-residential development will be permitted. Corridors are identified as those areas that provide linkages between Centres and are accordingly well-suited to accommodate priority transit and a mix of uses that promote *active transportation*.

Intensification in the form of high-~~rise density~~ residential *development* proposed in a Centre or Corridor that is not subject to area specific planning policies, included in Section 10, will be considered subject to the policies of Section ~~3.3.C2.6~~ of this Plan. The technical policy framework established in Section 9.12 will be used to ensure that the proposal demonstrates: the need for the proposed supply of residential units taking into account population and housing forecasts; the appropriateness of the use, density, scale and massing of built form; how the proposal makes a positive impact to the neighbourhood character; how *adverse effects* have been mitigated; and, how the roads and *infrastructure* can accommodate the proposal. Technical analyses may be required to demonstrate conformity with the policy objectives of the Plan.

New Centres and Corridors

2.2.8. The delineation of new Centres and/or Corridors will be undertaken through the completion of a secondary plan or specific policy area plan which considers factors including, but not limited to: *compatible development* and land use change; *development* of underutilized sites and *brownfield sites*; servicing capacity; transit service enhancement; and, opportunities to increase community uses. The findings of the secondary plan or specific policy area plan will be implemented through official plan amendments which provide specific policies for land use, land use *compatibility*, density, scale, and massing of built form, and may also include specific policies for urban design, streetscape, and/or architectural expression. ~~Zoning and other regulatory controls will also be used to implement the findings of the Plan.~~

The process of undertaking a secondary plan or a specific policy area plan will include a comprehensive program of public consultation and multiple opportunities for engagement.

Major Institutions

2.2.13. Major Institutions have large landholdings, primarily held by upper levels of government, including the Canadian Forces Base, Collins Bay and Kingston Penitentiaries, the Kingston ~~Provincial Campus~~*Psychiatric Hospital* lands, along with multiple properties held by Queen's University. If such areas within the *Urban Boundary* (except for the Special Planning Areas referenced in Section 2.2.12 above) become available for *development*, they will be considered in the context of a secondary plan that includes analyses of transportation, *infrastructure*, and financial implications to be reviewed by the City.

Rural Areas

2.2.15. In Rural Areas, there are sites that have significance to more than one function or provide protection to more than one resource. Where there is a conflict, the City will be strongly guided by:

- a. the priorities expressed in ~~the Provincial Policy Statement~~ and other legislation or policy of the Province;
- b. the strategic and fundamental planning principles expressed in this section of this Plan; and
- c. the particular circumstances of the site in the context of existing *development* and the overall policies of this Plan.

2.4 Phasing of Growth

Provincial Policy ~~Statement~~

- 2.4.2. It is the intent of this Plan to be consistent with ~~the policies of the Provincial Policy Statement (PPS)~~. ~~The PPS~~ Provincial Policy supports residential *intensification*, *infill development*, and an appropriate range of housing types and densities needed to meet the projected requirements of current and future residents. It is the intent of the City to maintain, at all times, the ability to accommodate residential growth for a minimum of 10 years with lands that are designated and available for residential *development*. It is also the intent of this Plan to maintain lands with servicing capacity to provide at least a three year supply of *residential units* available through lands suitably zoned and lands that are draft-approved or registered plans of subdivision. This Plan will ensure sufficient land is made available to accommodate an appropriate range and mix of land uses to meet projected need for a time horizon of up to 20 years.

Minimum Residential Density

- 2.4.4. New residential *development* and new secondary plans are subject to the following policies and minimum densities:
- 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;
 - b. for large-scale *developments* and greenfield areas, a minimum of 37.5 *residential units* per net hectare is established for new residential *development* in order to be transit supportive;
 - c. for mixed use building *developments* in existing and proposed Centres and Corridors, a minimum density of 75 *residential units* per net hectare is established as the target for new residential *development* in order to support *active transportation* and transit; and,
 - 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 ~~rise density~~ residential to those

supporting ~~low-low-rise and mid-rise residential~~ ~~and medium densities~~, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.

Review of Order of Development

- 2.4.7. The City will review the Order of Development ~~every five years~~ in accordance with the legislated update of the Official Plan and the review of the Development Charges ~~and Impost Fees~~ By-laws in order to determine if there is a need and justification to include additional lands within the *Urban Boundary*. Through the process of a *comprehensive review*, the City will consider such matters as:
- a. actual population growth compared with projected growth and the projection used;
 - b. land availability and land absorption rates;
 - c. residential and employment land densities;
 - d. assessment of the commercial inventory;
 - e. status of planned *developments*;
 - f. *infrastructure* capacities and cost of needed improvements;
 - g. achievement of the goals and strategic policies of this Plan; and,
 - h. the avoidance of expanding the *Urban Boundary* on to *prime agricultural lands* in accordance with ~~Provincial Policy~~ ~~the PPS~~, if an Urban Boundary expansion is being contemplated.

(Amended by By-Law Number 2017-57, OPA Number 50)

Development Charges ~~& Impost Fees~~ By-laws

- 2.4.8. If a need is established to extend *development* beyond the *Urban Boundary* or into the Special Planning Areas, the calculated costs of extending or improving necessary *infrastructure* will be used to update the cost projections contained in the Development Charges ~~and Impost Fees~~ By-laws.

Comprehensive Review and Alteration to the Order of Development

- 2.4.9. The City will consider private *development* applications to alter the Order of Development, only as part of a *comprehensive review* that involves a review of the Official Plan and Development Charges ~~and Impost Fees~~ By-laws. In most cases, an application to amend the Order of Development prior to a *comprehensive review* will be considered premature. However, Council may direct that such a *comprehensive review* occur at any time due to exceptional circumstances or opportunities for the City.

Evaluation Report

- 2.4.11. An evaluation report includes the following five components:

Financial Implementation Plan

- e. A financial implementation plan to be prepared by the applicant in consultation with the City and to the satisfaction of the City. The financial implementation plan must demonstrate how the proposed secondary plan area relates to:
 - any by-law passed by the City under the *Development Charges Act*;
 - ~~any by-law passed under the *Municipal Act* for Impost Fees;~~
 - any capital reserve program;
 - any city policies covering cost-sharing arrangements for the extension or expansion of on-site and off-site municipal services; and,
 - any policies relating to the timing and phasing of *development*.

2.5 Phasing of Municipal Infrastructure and Transportation

Transit Priority

- 2.5.11. The use of transit will be supported and encouraged through the *development* of ~~mixed-use~~mixed use areas and ~~mixed-use~~mixed use buildings, the *development* of Corridors and more intense ~~mixed-use~~mixed use Centres, and through the increase of densities within newer areas, *compatible* uses and *infill* with *complementary uses*, and appropriate *development* of under-utilized and *brownfield sites*.

~~Strategic New Transportation Facilities~~

- ~~2.5.12. The Third Crossing of the Great Cataraqui River/Rideau Canal, as shown conceptually on Schedule 2, was approved as a priority by the City in 2004 when it endorsed the Kingston Transportation Master Plan. The municipal class environmental assessment for the Crossing was endorsed by Council in 2012 and received Provincial approval in 2013. Construction of the Crossing is dependent on Council approval of the project, acquisition of necessary permits, approvals, lands and funding. In the broader road network context, the Third Crossing construction and the John Counter Boulevard reconstruction would form part of a critical east-west linkage, which would be further supported by north-south roadway improvements.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Shared Parking

- 2.5.1~~3~~2. The City will work together with major institutions and employers to promote the shared use of new parking, which should be strategically located to encourage carpooling, transit use or private busing, and

pedestrian and cycling accessibility wherever possible, particularly in the Central Business District, east of Division Street.

~~Ministry of Transportation~~Provincial Coordination

2.5.143 Where a change in phasing may have an impact to a *controlled area*, the ~~Ministry of Transportation~~Province will be consulted to ensure the integration of municipal planning initiatives with provincial transportation planning.

2.6 Locational Criteria for ~~Protecting Stable Areas~~Residential Development

~~The housing crisis is a local, provincial and national problem, where the supply of housing does not meet the demand and where the cost of buying or renting has increased beyond what is considered affordable for many Canadians. It is a complex issue that has touched all residents, with the greatest and most inequitable impact on those populations who have the fewest resources and/or are most vulnerable.~~

~~Housing affordability is a general term that looks at the overall cost of all forms of housing across the broad spectrum including supportive housing, *affordable housing*, *attainable units* and *market units*, including rental and ownership tenures. It is well understood that the housing crisis is a multi-faceted problem contributed to by a variety of factors that are ultimately preventing the available supply of housing keeping pace with the increasing demand.~~

~~This Plan supports an increase in the overall supply of all forms of housing in appropriate locations to address housing affordability and the housing crisis. The *development* of new low-rise, mid-rise and high-rise residential uses will be guided by principles of land use *compatibility* that respect the quality of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment, and intensity in order to avoid or mitigate *adverse effects*.~~

~~Many neighbourhoods in the City of Kingston have remained stable for generations and are expected to remain so during the lifetime of this Plan. The protection of neighbourhoods is a fundamental concern of residents. In accordance with Section 2.2, Housing Districts are planned to remain stable whereas Centres and Corridors are the areas within which change and *intensification* are intended. The Secondary Planning Areas, Specific Policy Areas and Future Planning Study Areas illustrated in Schedule 13 have been, or are planned to be, subject to strategic planning activities intended to support land use change and *development*. Accordingly, while some portions of these areas may be characterised as stable, other areas are expected to undergo fundamental change. This section sets out the strategic planning approach to address *development* applications for change in stable areas and guides the City in responding to applications that have the potential to destabilize an area.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Goal:

To support an increase in the overall supply of all forms of housing in appropriate locations and in a manner that ensures *compatible* development and land use.

To maintain or improve the City's quality of life by having a pattern of cohesive neighbourhoods and districts, by directing development to areas of the City for which strategic planning activities have been undertaken, or are planned to be undertaken, and by managing the degree of change that is warranted in stable areas to achieve *compatible* development and land use.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Low-Rise, Mid-Rise and High-Rise Residential Building Types

2.6.1. Low-rise residential buildings are the predominant form of housing in the City's urban neighbourhood system, both in number of units and physical area. They represent low profile, ground oriented types of housing including, but not limited to, houses, semi-detached dwellings, duplexes, triplexes, rowhouses, townhouses, stacked townhouses and accessory houses. Low-rise buildings are generally up to 3 or 4 storeys in height.

2.6.2. Mid-rise residential buildings represent buildings that are taller than low-rise buildings while maintaining a pedestrian scale and relationship to the street including small-scale apartments and mixed use buildings with residential units. Mid-rise residential buildings are generally between 4 and 6 storeys in height, but may be outside of this range depending on the context and ability to meet the compatibility and locational criteria for mid-rise buildings.

2.6.3. High-rise residential buildings primarily include apartments and mixed use buildings with residential uses that are taller than a mid-rise building.

Appropriate Locations for New Low-Rise, Mid-Rise and High-Rise Residential

2.6.4. New low-rise residential buildings are appropriate in existing low-rise residential areas and in greenfield areas that have been planned for low-rise residential through the policies of this Plan.

2.6.5. New mid-rise residential buildings should generally be located:

- a. on a site that is appropriate given the context of surrounding land uses;
- b. adjacent to, or within *walking distance* of, commercial areas;
- c. in an area that has access to public transit; and,
- d. within *walking distance* of parkland, open space or community facilities.

2.6.6. New high-rise residential buildings should generally be located:

- a. within:
 - a Centre or Corridor;

- an area planned for high-rise residential in a Secondary Plan or a Specific Policy Area Plan; or
 - the periphery of a low-rise or mid-rise residential neighbourhood;
 - b. within walking distance of areas designated for commercial use (i.e., any of the uses within the Commercial Hierarchy except for Neighbourhood Commercial);
 - c. within walking distance of parkland, open space or community facilities; and
- on an existing arterial or collector road.

of Stable Areas

~~2.6.1. — It is the intent of this Plan to promote *development* in areas where change is desired while protecting stable areas from incompatible *development* or types of *development* and rates of change that may be destabilizing.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~2.6.2. — Stable areas are those which are fulfilling their intended function and generally have the following neighbourhood characteristics:~~

~~a well-established land use pattern in terms of density, type of use(s) and activity level;~~

~~a common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section;~~

~~a stable pattern of land ownership or tenure;~~

~~a consistent standard of property maintenance with relatively little vacancy in land or building occupancy;~~

~~a limited number of applications for *development* that would alter the established pattern of land assembly and built form; and,~~

~~a sufficient base of social and physical *infrastructure* to support existing and planned *development*.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~
~~2.6.3. — 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:~~

~~*infill development* that is limited and designed to complement the area's existing built form, architectural and streetscape character, and level of activity;~~

~~on lands designated Residential, *intensification* through the *development of additional residential units* that is undertaken in accordance with Section 3.3.11 is considered to be *compatible* with stable areas;~~

~~on lands designated Residential, *intensification* through conversion within the existing building envelope provided it is demonstrated the conversion is *compatible* with existing development taking into account the policies of Section 2.7; and~~

~~*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:~~

~~complement existing uses in the area;~~

~~support a transition in density and built form;~~

~~support *active transportation* and public transit; and~~

~~be *compatible* with existing *development* taking into account the policies of Section 2.7 of this Plan.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

~~2.6.4. Types of land use and accepted *development* standards for stable areas will be set out in the zoning by-law.~~

Avoid Destabilization

~~2.6.5. *Intensification* of a form that does not satisfy at least one of the factors outlined in Section 2.6.3 of this Plan will require an official plan amendment. A planning rationale submitted in support of the amendment, and any additional technical studies deemed necessary must address the following land use matters:~~

- ~~a. the rationale for the location of the development, especially if the site does not have frontage on an arterial road or collector road;~~
- ~~b. how the proposal maintains or enhances the planned function and land use pattern of the area;~~
- ~~c. its impact on neighbourhood character, including, but not limited to, how it protects the character of buildings and streetscapes to provide for an orderly transition, as well as preservation or enhancement of landscaping;~~
- ~~d. the precedent of change to the area in terms of land use, built form/ massing, architectural expression, landscaping, and streetscaping, with an understanding that new construction does not in-and-of itself represent a positive precedent;~~
- ~~e. its *compatibility* with abutting and surrounding land uses, and the ability to mitigate any undue *adverse effects* through measures~~

~~such as building separation, massing transition and privacy screening;~~

- ~~f. the proper functionality of the site, including, but not limited to, ingress/egress and circulation; and~~
- ~~g. the ability of roads or *infrastructure* to accommodate the proposal.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~2.6.6. If the City has determined that a *development* proposal does not meet the land use matters outlined in Section 2.6.5 of this Plan, then the proposed *development* may be deferred and the City may direct that a broader land use study, or secondary plan, be undertaken. In such circumstances, it is premature for the development proposal to proceed in advance of further study. The land use study or secondary plan shall determine:~~

- ~~a. the suitability of the site or area to accommodate the proposal and the merits to the public of such a *development*;~~
- ~~b. the impacts on the surrounding area, on existing or planned *infrastructure*, as well as suitable means of mitigating impact, such as buffers or noise walls, and providing *infrastructure* improvements, if warranted;~~
- ~~c. the desirability or potential of establishing new functional land use boundaries to continue the stability of the remaining area;~~
- ~~d. the viability of the remainder of the area or land use designation to continue its intended function if the proposal was developed; and,~~
- ~~e. the impact from the intended *development*, planned *infrastructure* or service levels on other areas or land use designations within the City that have been planned for the type of *development* proposed and their continued ability to function or develop as intended.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~Interim Control By-law~~

~~2.6.7. The City may pass an interim control by-law in order to advance a broader land use study, or secondary plan, as contemplated in Section 2.6.6.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

2.7 Land Use Compatibility Principles

Land Use Compatibility Matters

2.7.3. The land use *compatibility* matters to be considered under Section 2.7.2 include, but are not limited to:

- a. shadowing;

- b. loss of privacy due to intrusive overlook;
- c. increased levels of light pollution, noise, odour, dust or vibration;
- d. increased and uncomfortable wind speed;
- e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of *active transportation* or transit;
- f. environmental damage or degradation;
- g. diminished service levels because social or physical *infrastructure* necessary to support a use or area are overloaded;
- h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;
- i. visual intrusion that disrupts the streetscape or buildings;
- j. degradation of *cultural heritage resources*;
- k. architectural incompatibility in terms of scale, style, massing and colour; or,
- l. the loss or impairment of *significant* views of cultural heritage resources and natural features and areas to residents; or
- l.m. *adverse effects on neighbouring properties related to stormwater management or drainage.*

Mitigation Measures

- 2.7.4. Mitigation measures may be used to achieve development and land use *compatibility*. Such measures may include one or more of the following:
- a. ensuring adequate setbacks and minimum yard requirements;
 - b. establishing appropriate transition in building heights, coverage, and massing;
 - 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.

~~*Planning Act* tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement~~

~~mitigative measures that achieve compatible land use change and development.~~

Guidelines and Studies

- 2.7.7. When assessing *development* applications or undertaking new *development* area studies, the City may require urban design guidelines, a heritage impact ~~statement assessment~~ or an *environmental impact assessment*, and other studies as appropriate, to be prepared by the proponent and at the expense of the proponent, and approved by the City. This is to assist in assessing impacts, to provide means of appropriate transition or mitigation, or to foster cohesive and improved conditions. At any stage of the application process, the City may require such studies to undergo a peer review at the proponent's expense.

2.8 Protection of Resources

Policies:

Natural Heritage System

- 2.8.1. The City recognizes that the *ecological functions* of the *natural heritage system* and the biodiversity of its components are inter-related and function together to contribute to sustaining human health and economic welfare, as well as providing habitat for plant and animal communities. The City, in consultation with the ~~Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry~~ Province, and Fisheries and Oceans Canada, as appropriate, intends to protect *significant* elements of the *natural heritage system*, as more specifically discussed in Sections 3.10 and 6 of this Plan, and illustrated on Schedules 3, 7 and 8 and the secondary plans included in Section 10 of this Plan. It is the intent of the City to support and participate in stewardship programs in partnership with conservation organizations.

2.9 Economic Development

Tourism

- 2.9.3. In recognition of the many *cultural heritage resources* and *natural heritage features and areas* that attract tourists to the City, and the contribution of the tourist industry to the City's economy, the City will support the implementation of the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy and a range of initiatives designed to expand the City's tourism potential, following sustainable tourism practices, including:
- a. fostering the City's reputation as a centre for cultural heritage in North America through support for the *cultural heritage resources* of the City including specific conservation and enhancement programs

or projects, in consultation with ~~Heritage~~ Kingston Heritage Properties Committee, Tourism Kingston, agencies of other levels of government responsible for *cultural heritage resources* and community partners and stakeholders;

Section 3. Land Use Designations & Policy

3.1 Generally Permitted Uses

Public Utilities

3.1.1. Municipal *infrastructure*, stormwater management facilities, small-scale electricity transmission facilities, and oil and natural gas pipelines may be permitted in all land use designations, provided they can be made *compatible* with surrounding uses, and that all works are carried out in accordance with the *Environmental Protection Act* and other Provincial Ministry of the Environment and Climate Change regulations.

Electricity generation facilities and electricity transmission and distribution infrastructure is permitted in any land use designation subject to Provincial Ministry of the Environment and Climate Change regulations and the applicable policies of ~~the Provincial Policy Statement~~.

3.1.2. Transmission corridors and pipelines must be planned for and protected in accordance with ~~the Provincial Policy Statement~~ and may be zoned in a separate utility zone. The use of service rights-of-way and utility corridors by multiple utilities is encouraged.

Parks

3.1.5. Parks are generally permitted in all land use designations. Parks are only permitted in areas shown as Environmental Protection Area if approved in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry Province, and/or Parks Canada. In the Prime Agricultural Area and Mineral Resource Area, and areas with mineral and aggregate reserves as shown on Schedules 3 and 12, parks are permitted only as accessory uses, subject to the policies of the respective designation.

Home Occupations

3.1.7. Home occupations are permitted subject to the following:

- a. the area devoted to the home occupation within the *residential unit* is limited ~~, as set out in the zoning by-law,~~ to ensure that the home occupation is subordinate and accessory to the principal residential use;

3.2 ~~Community and Care Facilities~~ and Specific Use Policies

~~Community facilities support educational, social, cultural or religious activity within the City and are permitted in many land use categories. Community facilities are often owned and operated by different levels of government or not-for-profit groups, but are smaller and more local in scale than uses designated as Institutional. Such uses are generally permitted within the land use categories set out below, unless otherwise stated, and are subject to policies in the applicable sections of this Plan.~~

Specific uses land uses are appropriate in a variety of land use designations subject to specific considerations. These uses can be generally classified as community facilities, public uses, institutional uses and certain types of residential uses. The specific uses identified in this section are permitted in the identified land use designations, subject to the identified criteria.---

Goal:

~~To allow specific uses across a variety of land use designations subject to identified criteria, provide for social, educational, cultural or religious facilities that support the function and operation of many land uses in the City in locations that are convenient and compatible with adjacent land uses.~~

Policies:

Centres for Care for Children or Adults

3.2.3. Centres providing care during the day for infants and children, as well as adults with special needs, are permitted in the Residential designation within ~~mid-rise and high-rise residential areas~~ medium and high density zones. These are permitted in a low-~~rise residential area~~ density zone subject to rezoning. Childcare centres are also permitted in the Main Street Commercial designation, and in the Central Business District. Childcare centres are permitted in all schools, places of worship, community centres, and are permitted as an *accessory use* to all permitted uses in Commercial, Institutional and Hamlet designations. Centres providing care during the day for infants and children, as well as adults with special needs will not be permitted in *hazardous lands* or *hazardous sites*.

Special Needs Facilities

3.2.10. *Special needs facilities* are permitted in specific zones in residential, commercial and institutional areas, ~~subject to the provisions of the zoning by-law~~. Proposals for new *special needs facilities* must address the land use compatibility criteria of Section 2.7 of this Plan. When considering a proposal for a new *special needs facility*, Council will have regard for:

- a. the scale and intensity of the proposed facility;

- b. proximity and access to commercial, community support facilities and transit;
- c. adequate parking, and landscaped and amenity areas;
- d. appropriate site services and utilities; and,
- e. the size of the floor area used for counseling services, offices or other accessory uses, ~~which may be limited in the zoning by-law.~~

Site Plan Control

~~3.2.11. The development of any new special needs facility, including the conversion of, or addition to, an existing building, may be subject to site plan control.~~

~~(Added by By-Law Number 2017-57, OPA Number 50)~~

Group Homes

~~3.2.11. Group Homes are permitted in residential zones, as well as in certain commercial and institutional zones, subject to the provisions of the zoning by-law.~~

Bed and Breakfast Operations

~~3.2.12. Bed and breakfast operations will be regulated through the Short-Term Rental By-law.~~

On-Campus and Off-Campus Housing

~~3.2.13. Council recognizes that the City shares an interest along with Queen's University, St. Lawrence College, the Royal Military College and private landowners for ensuring that on-campus and off-campus housing is affordable, safe, and sanitary.~~

~~3.2.14. Any new or redeveloped residential uses intended as off-campus housing must be designed and built to be viable for a wider housing market. The City may therefore restrict density by limiting the number of bedrooms or habitable rooms per residential unit through the zoning by-law. Sections 2.6, 2.7 and 8 of this Plan must be addressed in the review of off-campus housing proposals.~~

~~3.2.15. The City will continue to use its powers of inspection, and may use its powers of legislation to license rental accommodation.~~

Rooming & Boarding Houses

~~3.2.16. The City will continue to regulate rooming and boarding houses through a licensing by-law and a central register.~~

Additional Rural Units

~~3.2.17. Additional rural units are permitted on lands where a detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use or where a place of worship is located in a zone in the Rural Area, subject to the following criteria:~~

- a. a maximum of two *additional rural units* are permitted on a lot, of which a maximum of one *additional rural unit* may be in a detached building;
- b. the zoning by-law will restrict *additional rural units* in areas that have known or potential servicing constraints through the use of holding provisions or other overlay provisions. The City will evaluate opportunities to reduce or remove known or potential servicing constraint areas, based upon a review of servicing capacities and other applicable land use planning matters and will amend the constraint areas in the zoning by-law accordingly;
- c. *additional rural units* are not permitted in a floodplain;
- d. an *additional rural unit* shall not be severed from the lot containing the *principal residential unit*; and,
- e. a parking space for an *additional rural unit* may be located in a permitted driveway that is within a front yard. *Tandem parking spaces* are permitted to facilitate an *additional rural unit*.

Affordable Housing

3.2.1218. *Affordable housing* is a specific term for housing that is considered affordable for *low and moderate income households*. Rental housing is considered affordable when it accounts for no more than 30% of the gross annual household income for low and moderate income rental households.

At present, the construction of *affordable rental units* is primarily provided by non-profit organizations, supported by the City of Kingston and sometimes funded in different capacities by the three levels of government (municipal, federal and provincial). In recent years, the demand for *affordable rental units* has accelerated more quickly than the construction of new *affordable housing developments* and *mixed market housing developments*, which confirms that local non-profits and existing government funding approaches are not enough to fund and build the number of *affordable units* that are required.

While the intent of this Plan is to support new housing construction in appropriate locations to help with housing affordability overall, the construction of new *affordable units* is a fundamental matter of public interest that is prioritized over all other housing forms in this Plan.

Accordingly, despite the permitted uses in the underlying land use designation, *affordable housing developments* are permitted in all land use designations, except for Employment Areas, Environmental Protection Areas, Prime Agricultural Areas (except where they are in a permitted building form), Rural Industrial, and Mineral Resource. *Affordable housing developments* are permitted in the Open Space designation where the construction of new buildings or conversion of existing buildings is permitted, but should not be constructed in Open Space areas that are

intended to remain in a natural state. Affordable housing developments must meet all other applicable policies of this Plan.

3.2.19. The City's affordable housing initiatives are designed to support development of housing that is affordable for low and moderate income households and to help households transition out of core housing need. Affordable housing initiatives are designed to provide a full range of housing in terms of tenure, affordability, accessibility, and locations in different urban residential neighbourhoods, to increase choice for low and moderate income households. Such initiatives include:

- a. a minimum target that 25 percent of all new housing in the City be affordable to low and moderate income households.
- b. where community benefits charges are required to be paid, the affordable housing contribution may take the form of affordable housing construction on-site, the conveyance of land near the proposed development site, or monetary payment for the purpose of constructing affordable housing, with each site negotiated on an individual basis;
- c. a Municipal Non-Profit Housing Corporation or other not-for-profit housing associations that may acquire, assemble, rehabilitate or dispose of lands, buildings or structures for the purpose of providing residential units;
- d. the use of surplus lands owned by the municipality and other governmental agencies be considered for affordable housing as promoted in Section 9.9.4 of this Plan;
- e. promoting the development of not-for-profit housing projects by cooperative and not-for-profit housing organizations;
- f. the use of upper storey space in mixed use commercial development through such mechanisms as reduced parking requirements, financial incentives, or other programs;
- g. participation in programs of higher levels of government, and conformity with legislation of higher levels of government;
- h. other initiatives suggested through the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013), as may be amended from time to time;
- i. monitoring the development and availability of affordable housing, including by:
 - tracking the percentage and number of new affordable housing units, with reference to the 25 percent target and information provided as required in Section 9.12.2.c.;
 - tracking the number of affordable housing units that receive affordable housing capital funding;

- tracking the number of building permits issued for *accessory houses and additional residential rural units*; and,
- other methods as may be developed;
- j. encouraging *intensification* and a mix of densities in new communities as a way to promote affordability; and,
- k. promoting the use of *accessory houses and additional residential rural units as affordable housing*.

(Amended by By-Law Number 2013-41, OPA Number 19)

(Amended by By-Law Number 2017-57, OPA Number 50)

(Amended by By-Law Number 2022-61, OPA Number 82)

Additional Rural Units

~~**3.3.11.** Additional residential units are permitted on lands where a detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use or where a *place of worship* is located in a residential zone, provided they are in accordance with the zoning by-law and subject to the following criteria:~~

- ~~A maximum of two *additional residential units* shall be permitted on a lot, of which a maximum of one *additional residential unit* may be in a detached building.~~
- ~~Notwithstanding subsection 3.3.11.a, the zoning by-law will restrict *additional residential units* in areas that are known or potential servicing constraints through the use of holding provisions or other overlay provisions. The City will evaluate opportunities to reduce or remove known or potential servicing constraint areas, based upon a review of servicing capacities and other applicable land use planning matters and will amend the constraint areas in the zoning by-law accordingly.~~
- ~~*Additional residential units* shall not be limited by minimum lot area or maximum density requirements established in the zoning by-law, but may be included in the calculations of density where minimum density requirements are established;~~
- ~~*Additional residential units* are prohibited on a lot containing a boarding house or lodging house. A detached *additional residential unit* is prohibited on a lot containing a *tiny house*;~~
- ~~*Additional residential units* shall not be permitted in a floodplain.~~
- ~~An *additional residential unit* shall not be severed from the lot containing the *principal residential unit*.~~
- ~~Applications seeking parking relief in support of an *additional residential unit* must satisfy all of the following locational criteria:~~

- ~~(i) the property is within walking distance of an express Kingston Transit bus route;~~
- ~~(ii) the property is within walking distance of commercial uses; and~~
- ~~(iii) the property is within walking distance of parkland, open space or community facilities.~~

~~For the purposes of this subsection, walking distance shall be measured using the actual path of travel, such as along a road network (e.g., sidewalk, cycle lane, etc.) or other publicly accessible space.”~~

- ~~— A parking space for an additional residential unit may be located in a permitted driveway that is within a front yard. Tandem parking spaces shall be permitted to facilitate an additional residential unit.~~

~~(Ministerial Modification, OPA Number 50)~~

~~(Amended by By-Law Number 2019-86, OPA Number 65)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

Tiny Houses & Communities and Modular Homes

~~**3.3.D.62.20.** *Tiny houses*, modular homes, mobile homes and other similar innovative or emerging housing trends are considered by this Plan to be residential buildings and Section 2.6 applies in determining the appropriate location based on the scale of the building. will be permitted as a temporary use in accordance with the “garden suite” provisions of the *Planning Act*, and subject to the following provisions:~~

~~**3.2.21.** Tiny communities are an emerging trend in housing that co-locates many *tiny houses* (which are designed to be mobile) or many small houses (on permanent foundations) on one property, where resources and infrastructure may be shared and where shared community facilities may exist. Tiny communities take many shapes, configurations and ownership forms. Due to the unique nature of every tiny community, it is not possible to provide a one-size fits all as-of-right zoning framework that considers the necessary compatibility and infrastructure considerations. This Plan supports tiny communities as an innovative form of housing that can provide affordable or attainable rental or ownership opportunities in locations that are appropriate for low-rise residential buildings, subject to the applicable policies of Section 2.6 and 2.7, and all other policies of this Plan that apply to new low-rise residential developments. Where a tiny community qualifies as an *affordable housing development*, it is subject to Section 3.2.18.~~

~~**3.2.22.** Modular homes are houses that are primarily constructed off-site, often in a manufacturing facility, and are moved either in pieces or as a whole~~

~~building to a property where they are permanently installed. They are an innovative housing solution that may result in decreased costs or increased construction speed, opening up opportunities for new housing construction where certain resources, construction techniques and/or skilled labour may otherwise be constrained. Modular homes are an innovative housing solution that is supported by this Plan when designed in a manner that meets the Ontario Building Code. Where a modular home does not meet standard zoning provisions due to fixed construction designs and techniques, minor variance applications or, where necessary, rezoning applications, may give consideration to the constraints of modular housing construction in order to support the innovation and efficiency provided by this construction technique.~~

~~a tiny house shall be considered a detached additional residential unit for the purposes of 3.3.11 and must comply with all additional residential unit policies;~~

~~sufficient parking, landscaping and buffering are provided;~~

~~the property owner has entered into an agreement with the City with respect to such matters as installation, maintenance, removal and occupancy of the tiny house and has posted suitable financial security with respect to the agreement in accordance with the Planning Act;~~

~~a certificate of occupancy will be required prior to occupancy; and,~~

~~where the property is served by individual on-site sewage services, approval of a tiny house is subject to consultation with the City or applicable approval authority.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

Non-Residential Conversion

~~Subject to the principals of land use compatibility outlined in Section 2.7 of this Plan, it is acknowledged that intensification through the conversion of existing vacant or underutilized non-residential buildings for residential use may be appropriate in certain locations.~~

~~Despite the permitted uses in the underlying land use designations and despite policies within this Plan establishing density target or limits, a Holding provision will be established in the implementing zoning by-law to identify lands where existing non-residential buildings may be converted to residential use in the form of mixed use development or an apartment building.~~

~~No amendment is required to this Plan where a the conversion of a building from non-residential use to residential use is proposed and the following matters are addressed through a Hold removal application:~~

Workforce and Institutional Housing

3.2.24. ~~The City recognizes the importance of supporting both employers and institutions in helping to solve the housing crisis through more permissive~~

residential policies that would support the construction of residential developments on lands owned by employers or institutions when those lands are used for workforce and institutional housing. Accordingly, despite the permitted uses in the underlying land use designation, workforce and institutional housing is permitted in all land use designations, except for Employment Areas, Environmental Protection Areas, Prime Agricultural Areas (except where they are in a permitted building form), Rural Industrial, Mineral Resource and any Open Space areas that are intended to remain in a natural state. No amendment is required to this Plan where the following matters are addressed to the satisfaction of the City through either a site specific zoning by-law amendment or a temporary use by-law (depending on the nature of the workforce and institutional housing):

- a. demonstration that the proposal is consistent with Provincial Policy;
- b. where located in an area that is subject to policies related to source water, noise, vibration, airport zoning restrictions, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, demonstration that the proposal complies with the applicable policies; and
- c. demonstration that all applicable technical, functional and compatibility policies of this Plan are satisfied.

3.2.25. As the intent of policy 3.2.24. is to support employers and institutions to provide housing for their employees or full time student populations, the City's expectation is that the ownership of these properties will remain under the employer or institution or it will no longer be considered workforce and institutional housing. Where it is determined that lands are subsequently sold by the employer or institution, the City may rescind the zoning permissions by rezoning the properties back to the former applicable zone.

3.2.26. Where a site specific zoning by-law amendment or temporary use by-law is approved under policy 3.2.24., no subdivision or land division is permitted, except for land lease communities in accordance with Section 9.6.27.

Non-Residential Conversion

3.2.27. Despite the permitted uses in the underlying land use designations and policies within this Plan establishing density targets or limits, the conversion of existing non-residential buildings into buildings with residential units is permitted in areas identified as "Non-Residential Conversion Area" on Schedule G of the Kingston Zoning By-law in accordance with the provisions of the Zoning By-law.

Express Transit Areas - Intent

3.2.28. It is the primary intent of this Plan to support increased residential or mixed use permissions on properties with frontage along “Express Transit” identified on Schedule H of Kingston Zoning By-law as an Express Transit Area.

Within these Express Transit Areas, the development approvals process will be streamlined by allowing apartment buildings or mixed use buildings to proceed through a minor variance application. This streamlined approach is intended to better support residential intensification along the City’s priority corridors in a manner that supports new housing construction, transit and alternative modes of transportation, recognizing that the majority of these properties are located in one of the commercial designations which requires a complex process to allow for much needed residential *developments* in transit-oriented corridors. By accelerating the approval timeline, reducing costs associated with plans and technical studies and reducing municipal fees, the intent of this streamlined approach is to prioritize new multi-unit housing construction through new permissions and greater certainty, while ensuring that all technical matters are satisfied through an individual technical review process that provides public notice and an opportunity for the public to provide feedback.

The prioritization of multi-unit residential and mixed use *developments* through the Express Transit Area policies does not mean that commercial or other non-residential *developments* aren’t permitted as per all other applicable policies of this Plan. In no way are these policies intended to penalize *developments* that comply with all other policies of this Plan; however, these *developments* are not subject to the streamlined framework summarized above and must proceed in accordance with all other policies of this Plan.

Express Transit Areas - Policies

3.2.29. Despite all other policies of this Plan, including secondary plan or area specific policies that are contrary, on properties with frontage along “Express Transit” identified on Schedule H of Kingston Zoning By-law, apartment or mixed use *developments* are permitted and intended to proceed through a minor variance application in accordance with Section 45 of the *Planning Act*, subject to the applicant meeting the following criteria to the satisfaction of the City:

- a. the *development* generally maintains the built form established in the performance standards of the Express Transit Overlay of the Kingston Zoning By-law. Where variances are required to the established performance standards or where the standards are required to be established through the minor variance application, the applicant must demonstrate that the proposal conforms with the land use *compatibility* policies of Section 2.7. and other built form and urban design principles of this Plan;

- b. confirm or demonstrate that adequate capacity exists to provide water and wastewater services to the development to the satisfaction of Utilities Kingston and the City. There are areas of the City with capacity limitations, and it is recommended that applicants consult with Utilities Kingston through the City's pre-application process early to determine if there are any known capacity limitations;
- c. confirm or demonstrate that adequate stormwater infrastructure exists to service the development to the satisfaction of the City;
- d. when required by the City, a Traffic Impact Study, or in some cases, a Traffic Brief, will be required to be completed by the applicant to assess the impact on the adjacent road network, to confirm site access, and to identify any mitigation that may be required. There are areas of the City with transportation constraints, and it is recommended that applicants consult with the City through the pre-application process early to determine if there are any known constraints;
- e. where located in an area that would otherwise be subject to policies and regulations related to source water, noise, vibration, airport zoning restrictions, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, those policies apply in the review of the application for a minor variance. The applicant must demonstrate that the proposal complies with the applicable policies to the satisfaction of the City;
- f. where a property is designated Business Park Industrial or General Industrial, the applicant must demonstrate that the proposal is consistent with Provincial Policy that is in force at the time of the application;
- g. where a property is located within the boundary of the North King's Town study area, the land use and built form must conform with any Council-endorsed principles that are established in the study area; and,
- h. entering into an Agreement under Section 45(9) of the *Planning Act* that secures any condition as the committee considers advisable and as are set out in the decision, including the construction of the new *development* will be completed with all occupancy permits obtained within 3 years of the date of the Committee of Adjustment's approval, or the decision will automatically lapse. Where deemed appropriate by the Committee of Adjustment, the Committee may grant the provision of an additional year in response to an application requesting an extension of the timeline.

3.2.30. Where commercial uses or other non-residential uses are proposed within a mixed use *development* in the Express Transit Area, they are permitted

through this streamlined policy framework if the proposed non-residential use is permitted by the applicable land use designation identified on Schedule 3 of this Plan or is an appropriate commercial use to co-locate with residential uses in a mixed use *development*.

3.2.31. All other forms of *development* that are not considered in the Express Transit Area policies are not subject to this streamlined policy framework and must comply with all other applicable policies of this Plan.

3.2.32. Notice of a minor variance application proceeding in accordance with the Express Transit Area policies must comply with the requirements of the *Planning Act*, except the radius for the mailed notice must increase from 60 metres to 120 metres, and the number of days the notice is sent in advance of the hearing must increase from 10 days to 20 days. In addition, the notice sign that is posted on the property must be formatted and sized in the same manner as notice signs for site-specific amendments to the zoning by-law.

3.3 Residential Uses

The Residential land use designation on Schedule 3-A denotes urban residential land uses that are intended to be on full municipal services. Residential uses are primarily forms of housing including low-rise residential buildings, mid-rise residential buildings and high-rise residential buildings contemplated by Section 2.6~~detached, semi-detached or duplex dwellings, townhouses, and apartments~~ of various types, tenure, and density that respond to a wide range of housing needs. ~~Proposed additional residential units to be located in areas with or without municipal water and wastewater services are also included in this Section.~~ Uses that support residential neighbourhoods and are *compatible* with a residential setting are also included.

Permitted Uses

3.3.1. The predominant use of land in a Residential designation will be for various forms of housing contemplated by the low-rise, mid-rise and high-rise residential policies in Section 2.6.~~Community facilities~~ Specific uses are permitted in accordance with Section 3.2.

Neighbourhood Commercial

3.3.2. Where appropriate and *compatible*, small-scale convenience commercial uses are allowed ~~by zoning~~ within apartment buildings or on a site specific basis on a low-rise or mid-rise ~~edium density~~ residential site. Section 3.4.F provides detailed policies for neighbourhood commercial uses.

Zoning

~~3.3.3. The zoning by-law will establish standards for low, medium and high density areas, as well as standards for such matters as private open space, massing, height, setbacks, yards, accessory uses, and parking for vehicles and bicycles.~~

Green Building Design Features

- 3.3.34.** New *development* is encouraged and expected to incorporate “green building features” as recommended in Section 2.1.4 of this Plan, and must comply with the policies of all other sections of this Plan.

Home Occupations

- 3.3.54.** Home occupations are permitted subject to Section 3.1.7 of this Plan.

~~Existing Residential Areas Stable~~ New Low-Rise, Mid-Rise and High-Rise Residential Buildings

- 3.3.56.** ~~Sections 2.6 and 2.7 identify the various types of low-rise, mid-rise and high-rise residential building types, including the appropriate locations for each building type and the land use compatibility considerations that must be demonstrated for new low-rise, mid-rise and high-rise residential developments. Where a new residential building is proposed in a Residential designation, it must comply with Sections 2.6 and 2.7, and all other applicable policies of this Plan. Existing Housing Districts as shown on Schedule 2 are considered stable, unless otherwise identified by this Plan. Only minor changes in the predominant pattern of housing type, height or density, are permitted in accordance with Section 2.6.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Infill

- ~~**3.3.7.** 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:~~
- ~~a. confirmation that adequate municipal services can be provided;~~
 - ~~b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and~~
 - ~~c. demonstrated ability to achieve *compatible use and development* of the property taking into account the policies of Section 2.7.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Intensification

- ~~**3.3.8.** 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.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Conversion

- 3.3.9.** Residential *intensification* by converting an existing *residential unit* preferably on full municipal services or alternatively confirmed adequate

~~private water and on-site sewage system into two or more *residential units* may be permitted, subject to a zoning by-law amendment or site plan control review, if required. The creation of an *additional residential unit* in accordance with the policies of Section 3.3.11 of this Plan is not a conversion subject to the policies of this section. The conversion of an existing *residential unit* into two or more *residential units* must meet the following requirements to the satisfaction of the City:~~

- ~~a. alterations to exterior building design must be consistent with existing design, style and materials;~~
- ~~b. each *residential unit* must comprise a self-contained unit with clearly defined and safe access, and have its own kitchen, bathroom, and at least one common living area;~~
- ~~c. the maximum number of *residential units* in each dwelling, and the maximum number of bedrooms in each *residential unit*, may be limited in the zoning by-law;~~
- ~~d. each *residential unit* must provide adequate parking with unobstructed access on the property in accordance with the provisions of the zoning by-law respecting the number, size and location of spaces;~~
- ~~e. the size of any addition may be limited through zoning standards that address the maximum length of a building, maximum size of an addition, extent of attic conversions, or other matters as deemed appropriate by the City;~~
- ~~f. the *amenity area* must be large enough to be useful to residents of all *residential units*;~~
- ~~g. the privacy of adjoining residential properties will be assured by means of adequate screening, and any proposed addition will minimize impacts on overview or shadowing of adjacent residences;~~
- ~~h. cash-in-lieu of parkland may be taken by the City for new *residential units* created in accordance with the provisions of the parkland conveyance by-law;~~
- ~~i. provision of adequate full municipal services; and~~
- ~~j. any other issues that the City requires must be satisfied to ensure that the proposed conversion will provide a safe, healthy and convenient living environment for all residents over the long term.~~

~~(Amended by By-Law Number 2013-41, OPA Number 19)~~

~~(Ministerial Modification, OPA Number 50)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

Affordable Housing

- ~~3.3.10. The City's *affordable* housing initiatives are designed to support development of housing that is *affordable* for *low and moderate income households* and to help households transition out of *core housing need*. *Affordable* initiatives are designed to provide a full range of housing in terms of tenure, affordability, accessibility, and locations in different urban residential neighbourhoods, to increase choice for *low and moderate income households*. Such initiatives include:~~
- ~~a. a minimum target that 25 percent of all new housing in the City be *affordable* to *low and moderate income households*.~~
 - ~~b. in accordance with Section 9.5.25 of this Plan, where an increase in height, density or both, is requested, the City will place a high priority on the provision of *affordable* housing where community benefits are requested. This *affordable* housing contribution may take the form of *affordable* housing construction on-site, the conveyance of land near the proposed *development* site, or cash-in-lieu for the purpose of constructing *affordable* housing, with each site negotiated on an individual basis;~~
 - ~~c. a Municipal Non-Profit Housing Corporation or other not-for-profit housing associations that may acquire, assemble, rehabilitate or dispose of lands, buildings or structures for the purpose of providing *residential units*;~~
 - ~~d. the use of surplus lands owned by the municipality and other governmental agencies be considered for *affordable* housing as promoted in Section 9.9.4 of this Plan;~~
 - ~~e. promoting the *development* of not-for-profit housing projects by cooperative and not-for-profit housing organizations;~~
 - ~~f. the use of upper storey space in mixed use commercial development through such mechanisms as reduced parking requirements, financial incentives, or other programs;~~
 - ~~g. participation in programs of higher levels of government, and conformity with legislation of higher levels of government;~~
 - ~~h. other initiatives suggested through the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013), as may be amended from time to time;~~
 - ~~i. monitoring the development and availability of *affordable* housing, including by:
 - ~~• tracking the percentage and number of new *affordable* housing units, with reference to the 25 percent target and information provided as required in Section 9.12.2.c.;~~~~

- ~~• tracking the number of *affordable* housing units that receive *affordable* housing capital funding;~~
- ~~• tracking the number of building permits issued for *additional residential units*; and,~~
- ~~• other methods as may be developed;~~
- ~~j. encouraging *intensification* and a mix of densities in new communities as a way to promote affordability; and,~~
- ~~k. promoting the use of *additional residential units as affordable* housing.~~

~~(Amended by By-Law Number 2013-41, OPA Number 19)~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

Additional Residential Units

~~3.3.11. *Additional residential units* are permitted on lands where a single detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use or where a *place of worship* is located in a residential zone, provided they are in accordance with the zoning by-law and subject to the following criteria:~~

- ~~a. A maximum of two *additional residential units* shall be permitted on a lot, of which a maximum of one *additional residential unit* may be detached and a maximum of one *additional residential unit* may be attached to or located in the principal building.~~
- ~~b. Notwithstanding subsection 3.3.11.a, the zoning by-law will restrict *additional residential units* in areas that are known or potential servicing constraints through the use of holding provisions or other overlay provisions. The City will evaluate opportunities to reduce or remove known or potential servicing constraint areas, based upon a review of servicing capacities and other applicable land use planning matters and will amend the constraint areas in the zoning by-law accordingly.~~
- ~~c. *Additional residential units* shall not be limited by minimum lot area or maximum density requirements established in the zoning by-law, but may be included in the calculations of density where minimum density requirements are established;~~
- ~~d. *Additional residential units* are prohibited on a lot containing a boarding house or lodging house. A detached *additional residential unit* is prohibited on a lot containing a *tiny house*;~~
- ~~e. *Additional residential units* shall not be permitted in a floodplain.~~

- ~~f. An *additional residential unit* shall not be severed from the lot containing the *principal residential unit*.~~
- ~~g. Applications seeking parking relief in support of an *additional residential unit* must satisfy all of the following locational criteria:~~
- ~~(i) the property is within *walking distance* of an express Kingston Transit bus route;~~
 - ~~(ii) the property is within *walking distance* of commercial uses; and~~
 - ~~(iii) the property is within *walking distance* of parkland, open space or community facilities.~~

~~For the purposes of this subsection, *walking distance* shall be measured using the actual path of travel, such as along a road network (e.g., sidewalk, cycle lane, etc.) or other publicly accessible space.”~~

- ~~h. A parking space for an *additional residential unit* may be located in a permitted driveway that is within a front yard. *Tandem parking spaces* shall be permitted to facilitate an *additional residential unit*.~~

~~(Ministerial Modification, OPA Number 50)~~

~~(Amended by By-Law Number 2019-86, OPA Number 65)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

Condominium Conversion

- ~~3.3.12. Council may review applications to convert rental housing into condominium tenure on the basis of the City’s condominium conversion policies in accordance with the provisions of Section 9.6 of this Plan, and on other criteria that may be legislated by the Province.~~

~~(Amended by By-Law Number 2013-41, OPA Number 19)~~

Demolition Control

- ~~3.3.13. In order to preserve housing stock, particularly buildings with *heritage attributes* or housing that is in short supply in the City and serves a special segment of the population, the City may pass by-laws to regulate the demolition of housing, including by-laws under the *Ontario Heritage Act* as described in Section 7.~~

~~(Amended by By-Law Number 2013-41, OPA Number 19)~~

Retention of Housing Stock

- ~~3.3.14. The City encourages the conservation, retrofit and renewal of existing housing and may pass by-laws regulating matters of maintenance and safety.~~

~~(Amended by By-Law Number 2013-41, OPA Number 19)~~

~~Property Standards By-law~~

~~3.3.15. — The City recognizes the importance of enforcing the Property Standards By-law in regulating the maintenance and safety of the housing stock.~~

~~(Amended by By-Law Number 2013-41, OPA Number 19)~~

~~Site Plan Control~~

~~3.3.16. — Some forms of residential development will be subject to the site plan control policies of Section 9.5 of this Plan.~~

~~(Amended by By-Law Number 2013-41, OPA Number 19)~~

~~3.3.A — Low Density Residential Policies~~

~~3.3.A.1. — 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.~~

~~Maximum Density~~

~~3.3.A.2. — Low density residential uses include, but are not limited to, single detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouses and additional 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. Additional residential units shall not be limited by this maximum density requirement.~~

~~(Amended by By-Law Number 2015-82, OPA Number 29)~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~(Amended by By-Law Number 2019-86, OPA Number 65)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

~~Zoning~~

~~3.3.A.3. — The implementing zoning by-law will provide standards for housing types, building height, massing, setbacks, private open space, parking, and other criteria.~~

~~3.3.B — Medium Density Residential Policies~~

~~Density~~

~~3.3.B.1. — Medium density residential land uses include such building types as stacked townhouses, additional residential units, maisonettes, multiple dwelling conversions, walk-up or small-scale apartments, and mixed use buildings with commercial on the ground floor. The density range for medium density extends from 37.5 up to 75 units per net hectare, unless an approved secondary plan establishes alternative provisions.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)
(Amended by By-Law Number 2022-61, OPA Number 82)~~

Rezoning Requirements

~~3.3.B.2. — New medium density residential land uses may be approved through rezoning without amendment to this Plan, subject to the following:~~

- ~~a. — site plan control review;~~
- ~~ba. — availability of adequate municipal services;~~
- ~~cb. — provision of *amenity areas*, which are functional and provide *recreational* opportunities to the satisfaction of the City. Functional *amenity areas* are designed to be programmed, versatile, and well integrated;~~
- ~~dc. — adequate on-site parking for vehicles and bicycles for each *residential unit* and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the City deems appropriate; and,~~
- ~~ed. — protection of adjacent low density residential areas from *adverse effects* such as *overshadowing* and *excessive traffic*.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Locational Criteria

~~3.3.B.3. — New medium density residential *developments* must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this Plan.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~3.3.B.4. — In order to assess new medium density residential projects, the applicant must provide an analysis through a planning justification report. The analysis must address the location of the project. Generally, medium density residential projects will be located:~~

- ~~a. — on a site that is appropriate given the context of surrounding land uses;~~
- ~~b. — adjacent to, or within *walking distance* of, commercial areas;~~
- ~~c. — in an area that has access to public transit; and,~~
- ~~d. — within *walking distance* of parkland, open space or community facilities.~~

~~(Amended by By-Law Number 2011-89, OPA Number 6)~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Zoning

~~3.3.B.5. The zoning by-law will establish medium density residential zones categorized by type of dwelling, height and density, as well as other standards of significance. In general, low density housing types may not be included in medium density residential zones.~~

~~3.3.C High Density Residential Policies~~

~~High density residential uses will be directed to the Centres and Corridors identified in Schedule 2 to this Plan and to the areas planned for high density residential uses in Secondary Plans or Specific Policy Area Plans identified in Schedule 13. Proposals for new high density residential land use are encouraged to be located within *walking distance* of complementary land uses.~~

~~(Added by By-Law Number 2017-57, OPA Number 50)~~

Density

~~3.3.C.1. High density residential land uses primarily include apartments and mixed use buildings with residential uses commercial on the ground floor and a residential density of 75 units per net hectare or more, unless an approved secondary plan establishes other provisions.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Built Form

~~3.3.C.2. The density of a residential use is a function of the number of units per net hectare and is not always indicative of built form. Proposals for new high density residential that are not in keeping with the established built form of adjacent *development* must demonstrate *compatibility* with regard to both land use and built form considerations in accordance with the policies of Section 2.7 and Section 8.~~

~~(Added by By-Law Number 2017-57, OPA Number 50)~~

Locational Criteria

~~3.3.C.3. Proposals for new high density residential use which require a zoning by-law amendment or minor variance in support of factors that affect built form and the intensity of use shall generally satisfy the following locational criteria:~~

~~a. The subject property is located:~~

- ~~● within a Centre or Corridor;~~
- ~~● within an area subject to a Secondary Plan or a Specific Policy Area Plan provided such Plan permits high density residential use; or~~
- ~~● on the periphery of a low or medium density residential neighbourhood provided the proposal demonstrates conformity~~

~~to the policies of Sections 2.6 and 2.7 of this Plan, where applicable;~~

- ~~b. — the property is within *walking distance* of areas designated for commercial use (i.e., any of the uses within the Commercial Hierarchy except for Neighbourhood Commercial);~~
- ~~c. — the property is within walking distance of parkland, open space or community facilities; and~~
- ~~d. — the property is located on an existing arterial or collector road.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Urban Design Study

~~3.3.C.4. — Proposals for new high density residential use must be justified by a site-specific urban design study that demonstrates *compatibility* in accordance with the policies of Section 2.7, and conformity to the urban design policies of Section 8. The Study must consider, amongst other matters, architectural *compatibility* in terms of scale, style, and massing and colour.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Interior Conversions Resulting in High Density Residential

~~3.3.C.5 — An interior conversion in accordance with Section 2.6.3.c that results in high density residential is not subject to Section 3.3.C.3, although the development is encouraged to locate within *walking distance* of an arterial or collector road. Furthermore, the development is not subject to Section 3.3.C.4 and may be permitted without an urban design study.~~

~~(Added by By-Law Number 2017-57, OPA Number 50)~~

Transition in Density & Built Form

~~3.3.C.65. — New high density residential development must be designed to ensure a transition in density and built form, particularly along the periphery of Centres and Corridors, and areas for which a Secondary Plan or Specific Policy Area Plan has been established.~~

~~(Added by By-Law Number 2017-57, OPA Number 50)~~

Zoning

~~3.3.C.7. — The zoning by law will provide high density residential zones with categories for the type of dwelling, height, density, and other standards of significance. In general, low density housing types will not be permitted within high density residential zones.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~3.3.D — Special Residential Use Policies~~

~~Bed & Breakfast Operations~~

~~3.3.D.1. — *Bed and breakfast operations* are will be regulated through the *Short-Term Rental By-law*, permitted in single detached or semi-detached units in the City in accordance with the regulations of the applicable zoning by-law provided that:~~

- ~~a. — the owner and operator resides in the building;~~
- ~~b. — the property has access from a public road;~~
- ~~c. — the zoning by-law limits the number of guest rooms and sets standards for parking, landscaping and buffering;~~
- ~~d. — signage for all *bed and breakfast operations* will meet the requirements of the *Sign By-law*.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~On-Campus and Off-Campus Housing~~

~~3.3.D.2. — Council recognizes that the City shares an interest along with Queen's University, St. Lawrence College, the Royal Military College and private landowners for ensuring that on-campus and off-campus housing is *affordable*, safe, and sanitary.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~3.3.D.3. — Any new or redeveloped residential uses intended as off-campus housing must be designed and built to be viable for a wider housing market. The City may therefore restrict density by limiting the number of bedrooms or habitable rooms per *residential unit* through the zoning by-law. Sections 2.6, 2.7 and 8 of this Plan must be addressed in the review of off-campus housing proposals.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~3.3.D.4. — The City will continue to use its powers of inspection, and may use its powers of legislation to license rental accommodation.~~

~~Rooming & Boarding Houses~~

~~3.3.D.5. — The City will continue to regulate rooming and boarding houses through a licensing by-law and a central register.~~

~~Tiny Houses~~

~~3.3.D.6. — *Tiny houses* will be permitted as a temporary use in accordance with the "garden suite" provisions of the *Planning Act*, and subject to the following provisions:~~

- ~~a. — a *tiny house* shall be considered a detached *additional residential unit* for the purposes of 3.3.11 and must comply with all *additional residential unit* policies;~~

- ~~b. sufficient parking, landscaping and buffering are provided;~~
- ~~c. the property owner has entered into an agreement with the City with respect to such matters as installation, maintenance, removal and occupancy of the *tiny house* and has posted suitable financial security with respect to the agreement in accordance with the *Planning Act*;~~
- ~~d. a certificate of occupancy will be required prior to occupancy; and,~~
- ~~e. where the property is served by *individual on-site sewage services*, approval of a *tiny house* is subject to consultation with the City or applicable approval authority.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~(Amended by By-Law Number 2022-61, OPA Number 82)~~

~~Mobile Homes~~

- ~~3.3.D.7. The existing mobile home park south of Weller Avenue is recognized by this Plan, but no new freestanding mobile home units or mobile home parks are permitted as a permanent residential use within the municipal boundary.~~

3.4 Commercial Uses

Permitted Uses

- 3.4.2. Within Commercial designations shown on Land Use Schedule 3, a wide range of retail goods and services, offices, entertainment, and major *recreation* uses, and in some cases residential uses, are permitted, subject to the policies of this Plan. Uses will also be further specified in each type of designation, ~~and further regulated in the implementing zoning by-law.~~

Small-scale Uses (Neighbourhood Commercial Uses)

- 3.4.3. Small-scale, local commercial uses such as a convenience shop, coffee shop, hairdresser or barber may be permitted within Residential designations, ~~and in the zoning by-law~~ in accordance with Sections 3.3.2 and 3.4.F of this Plan, or as an *accessory use* in other designations. Such small-scale activities are not shown on Schedule 3.

Prohibited Uses

- 3.4.5. Prohibited uses in a Commercial designation generally include ~~single detached or semi-detached dwellings~~ *low-rise residential buildings*, long term outdoor storage, collision repair or towing yards, and industrial uses.

Transportation Study

- 3.4.12. The transportation study must demonstrate to the satisfaction of the City:

- a. that transit and *active transportation* access and movement are integrated and encouraged on the site;
- b. that vehicular access, parking for vehicles and bicycles, loading and circulation are managed on site;
- c. how *active transportation* and vehicular access and movement are coordinated with nearby sites or integrated with adjacent sites;
- d. how the site is expected to develop without unacceptable impact to the capacity and operation of the adjacent road system, including impacts on ~~Provincially-Ministry-of-Transportation~~ *controlled areas*;
- e. how the anticipated traffic impacts on surrounding *employment areas* and residential use on local roads are addressed; and,
- f. what transportation options (e.g., road widening, operational improvements, etc.) are needed to accommodate the proposal.

Holding ~~By-laws~~ Overlay

- 3.4.14. If demand is not warranted or sufficient *infrastructure* is not available, lands may be zoned with a Holding (~~"H"~~) symbol Overlay ("H") until warranted by improvements in municipal services or other *infrastructure*. Alternatively, such applications may be denied as premature.

Abatement Plans

- 3.4.15. Where any existing or proposed use either produces or is likely to produce noise, vibration, dust or odour emissions that could create a nuisance, the owner, operator or proponent must prepare an abatement plan to the satisfaction of Council and in conformity with ~~Provincial-Ministry-of-the-Environment-and-Climate-Change~~ guidelines and standards or any such further regulation implemented by the City, as applicable.

Site Plan Control

- 3.4.18. Through site plan control review and associated agreements, new Commercial *developments*, expansions or mixed use buildings will be required to:
- a. provide building design ~~and finishes to a standard~~ that complements abutting streets and non-commercial uses;

3.4.A The Central Business District

The planned function of the Central Business District (CBD) is to continue as a multi-faceted centre of the City and surrounding region. It includes a wide range of retail, business offices, entertainment, cultural and *recreational* facilities, tourism and hospitality facilities, personal services, as well as institutional, civic, open space and ~~medium-mid-rise and high-rise and high density~~ residential ~~uses~~. More specific guidance for the area is included in the Downtown and Harbour Specific Policy Area in Section 10A.

Residential Uses

- 3.4.A.4. New ~~medium and high density~~ mid-rise and high-rise residential ~~uses~~ in the Central Business District are subject to the specific policies of Section 10A and the compatibility policies of Section 2.7 of this Plan, ~~and must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3, respectively.~~

Specific Policy Area & Urban Design Guidelines

- 3.4.A.8. The Downtown Action Plan, the Urban Design Guidelines for the North Block Central Business District, (as may be amended), the Downtown and Harbour Area Architectural Guidelines Study and the ~~Downtown and Harbour Zoning By-law~~ Zoning By-law provide detailed direction for development in the Central Business District. The Downtown and Harbour Specific Policy Area in Section 10A provides guidelines for *development* in the core and as set out in Section 10A.2.7, requires ground floor commercial land use in specific locations.

3.4.B Regional Commercial

Cataraqi Centre

- 3.4.B.4. The Cataraqi Centre is a mixed use Centre shown on Schedule 2 at the intersection of Gardiners Road and Princess Street that contains regional retailing within an enclosed mall, adjacent to high ~~rise density~~ residential, employment and retail land uses. In this location, the Regional Commercial land use designation is intended to foster *intensification* with a pedestrian-focused mix of major office and high ~~rise~~ er density residential ~~land uses~~, which will support transit and *active transportation* and assist in achieving higher density targets.

Residential Uses

- 3.4.B.8. On Regional Commercial sites ~~that are not part of a Centre or Corridor on Schedule 2, medium or high density~~ mid-rise or high-rise residential ~~uses~~, either alone or in combination with commercial uses, ~~may be considered, provided that adequate residential amenity areas can be demonstrated, including active transportation linkages to adjoining residential neighbourhoods.~~

~~New residential development will be subject to a rezoning and site plan control review, in order to assess~~ are ~~is permitted subject to~~ appropriate heights, setbacks, density, access and linkages, ~~and to ensure that a public consultation process is undertaken.~~ New ~~medium~~ mid-rise and high-rise density residential *development* must address the ~~locational criteria of Sections 3.3.B.4 and 3.3.C.3 of this Plan, respectively, and the land use compatibility~~ criteria of Section 2.7. ~~Further, new residential development must address the~~ and the urban design policies of Section 8 of this Plan to ensure the built form of the *development* is compatible with that of adjacent uses. New residential *development* is encouraged to be oriented

towards public streets so as to contribute to the pedestrian environment and the overall character of *development*.

Major Office Buildings

- 3.4.B.9. Major office buildings are not permitted in the Regional Commercial designation, except in Centres and Corridors shown on Schedule 2. ~~The size of any office permitted will be regulated in the zoning by-law.~~

3.4.C Main Street Commercial

Other Permitted Uses

- 3.4.C.6. Community facilities and open space are also permitted in the Main Street Commercial designation. Specialized residential uses including senior citizen accommodation, boarding houses, *special needs facilities*, supportive housing, hostels and similar uses ~~are may be permitted by the zoning by-law.~~

3.4.D District Commercial

Criteria for Proposed Development

- 3.4.D.5. Any new District Commercial *development* or expansion will be required to:
- a. locate adjacent to an arterial or collector road that is in proximity to ~~medium mid-rise and high-rise and high density~~ residential uses;
 - b. develop on a single site that is planned in a comprehensive manner;
 - c. limit the individual use and total *development* size to one that is in keeping with the local service needs of the area and the intended function of a District Commercial designation;
 - d. limit traffic infiltration impact on local roads in the surrounding area;
 - e. meet the site plan control requirements of Section 3.4.18 to the satisfaction of the City; and,
 - f. prepare other studies that the City determines are needed to support the proposal as required by Section 9.12 of this Plan.

Zoning

- ~~3.4.D.7. The implementing zoning by-law will limit the size of a District Commercial *development*, and may also limit its component uses to a floor area and scale that is in keeping with local service area needs. Office uses will be limited and restricted to a maximum size in the zoning by-law and sufficient parking for vehicles and bicycles will be required.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Residential Development

3.4.D.87. Within a District Commercial designation, ~~medium and high~~ mid-rise and high-rise density residential ~~uses are~~ permitted subject to appropriate heights, setbacks, density, access and linkages as upper storey uses or as independent buildings. Such residential uses will be permitted, provided that ~~the City is satisfied that the site is adjacent to a Residential designated area, has the residential uses have~~ adequate residential amenity in terms of open space, access, and protection from noise or other impacts, ~~and that the site can be provided with active transportation linkages to the adjacent Residential designated area. New development will be subject to a rezoning and site plan control review in order to assess appropriate heights, setbacks, density, access and linkages, and to ensure that a public consultation process is undertaken.~~ Such proposals must comply with the density policies of Section 2.4, the land use compatibility principles of Section 2.7, and the urban design policies of Section 8 of this Plan. ~~New medium and high density residential developments must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3 of this Plan, respectively.~~

Kingston Centre

3.4.D.98. The Kingston Centre District Commercial area is a Centre on Schedule 2. As a Centre, it is intended for a broader combination of uses, including automotive, housewares, entertainment uses, as well as mid-rise medium or high rise density residential buildings. Over time, it is intended to redevelop and *infill* in a manner that will improve and extend the “main street” form of *development* from the adjacent Williamsville Main Street area.

3.4.D.109. *Development* within the Kingston Centre block, bounded by Princess Street, Bath Road and Sir John A. Macdonald Boulevard will only be considered in the context of:

- a. a plan for the entire site that addresses access, *active transportation* and vehicular circulation, underground or structured parking, the need for secure sheltered bicycle parking, site landscaping, and improvements to the streetscape that will enhance opportunities for wayfinding, *active transportation*, amenities, and increased *sustainability* of the site;
- b. a traffic impact analysis required to address the access points, turning motions, capacities and intersections of the streets abutting the block; and,
- c. a market justification study and impact assessment in accordance with Section 3.4.11 of this Plan, that addresses conformity with the designation, and the impact on the planned retail hierarchy, particularly on the function of the Central Business District and the Williamsville Main Street Commercial Area.

3.4.E Arterial Commercial

Permitted Uses

- 3.4.E.1. Permitted uses in the Arterial Commercial designation include a range of services that cater to the travelling public, uses that require large sites, or which require outdoor display such as vehicle sales lots or vehicle rental premises, hospitality uses, and automotive uses such as gas bars and service stations. Large floor-plate retail uses intended for a Regional Commercial designation are not included. Outdoor patio restaurants may be permitted in accordance with the policies of Section 3.4.G. Limited convenience commercial goods and services may also be permitted ~~with the size and type of use regulated in the zoning by-law~~. Office uses are permitted as an *accessory use* only.

Residential Development

- 3.4.E.4. Residential *development* of outmoded or under-utilized arterial commercial sites for ~~mid-rise-medium~~ or ~~high-rise-density~~ residential ~~use may be~~ permitted ~~without amendment to this Plan subject to appropriate heights, setbacks, density, access and linkages, and provided that the City is satisfied that the site is adjacent to a Residential designated area, has the provision of~~ adequate residential amenity in terms of open space, access, protection from noise or other impacts, ~~and that the site can be provided with active transportation linkages to the adjacent Residential designated area. New development will be subject to a rezoning and site plan control review in order to assess appropriate heights, setbacks, density, access and linkages, and to ensure that a public consultation process is undertaken.~~ Such proposals must comply with the density policies of Section 2.4, ~~compatibility criteria~~ policies of Section 2.7 and urban design policies of Section 8 of this Plan. ~~New medium and high density residential developments must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3 of this Plan, respectively.~~

Princess Street Corridor

- 3.4.E.5. Princess Street, between Sir John A. Macdonald Boulevard and Midland Avenue is shown as the Princess Street Corridor on Schedule 2. Enhanced transit is intended to provide opportunities for more intensive *development* and a broader range of uses. Permitted uses in this arterial commercial location include the uses generally permitted in this designation, institutional uses, and residential uses ~~on sites with suitable residential amenity and active transportation linkages to an adjacent residential neighbourhood~~. Along the Princess Street Corridor, new residential development is encouraged as mixed use buildings that contain commercial uses on the ground floor and residential units on upper floors.

Highway 401 & Division Street

- 3.4.E.9.** The Arterial Commercial designation at Highway 401 and Division Street is intended as a special node of activities catering to the travelling public. Only hospitality uses and limited convenience goods will be permitted in this location ~~by the zoning by-law~~. The permanent outdoor display of goods will be prohibited. Site plan control applications will be assessed in accordance with the policies of Section 8, particularly with regard to gateways to the City.

Zoning

- ~~**3.4.E.11.** The implementing zoning by-law may limit the size of any arterial commercial development. Office uses will generally be limited to accessory uses and may be restricted to a maximum size in the zoning by-law. Each building and each use will provide on-site parking and loading pursuant to the zoning by-law. On-site parking will be sufficient to meet peak operating period needs and will not be reduced to accommodate required loading or delivery areas.~~

3.4.F Neighbourhood Commercial

Form

- 3.4.F.3.** Neighbourhood commercial uses are typically small plazas or free-standing establishments. In older areas of the City, neighbourhood commercial uses are also found in ~~mixed-use~~ mixed use buildings containing one or more *residential units* above the commercial floor space. A cluster of neighbourhood commercial uses will include no more than four individual uses on independent sites.

Zoning By-law

- ~~**3.4.F.9.** The size and range of neighbourhood commercial uses may be further regulated by the zoning by-law.~~

3.4.G Restrictions for Specific Commercial Uses

Propane Transfer Facilities

- 3.4.G.2.** Propane transfer facilities include retail facilities open to the public, transfer facilities that are an *accessory use* to an industrial use that utilizes propane (including welding and construction companies), and bulk propane storage, which is considered to be an industrial use. Propane facilities are regulated by the *Ontario Energy Act*, and by provisions of this Plan, with respect to their location. It is the intent of this Plan to:
- a. regulate the locations of both commercial and industrial propane transfer facilities within the City;

- b. ensure that commercial propane facilities are located in a manner that minimizes any impacts on surrounding land uses, including visual intrusion, noise, odour and traffic related to such facilities through site plan control review and other agreements;
- c. require that commercial propane facilities are located in well-ventilated open areas that are a minimum of 50 metres from any property line, or a greater distance, if recommended by the Province, ~~or as may be specified in the implementing zoning by-law~~; and,
- d. provide operators of propane transfer facilities with notice of *development* applications within the facilities' hazard distance.

Site Plan Control

3.4.G.5. All outdoor patio restaurants must address the urban design policies of Section 8 of this Plan ~~and are subject to site plan control review~~, including the following considerations:

- a. the outdoor patio must be clearly defined and will provide barriers between it and other activity areas;
- b. an open, clear and direct accessible pathway must be maintained between the outdoor patio and the entry to the main building; and,
- c. the outdoor patio must be sited, buffered and adequately screened to mitigate the impacts of noise, lighting, and activity on neighbouring residential areas.

Drive-through Facilities

3.4.G.7. Drive-through facilities have particular operational characteristics. The City has an interest in the form and location of such uses to ensure that such uses will be appropriate for any particular site. Land use *compatibility* as per Section 2.7 of this Plan, parking, signage, landscaping, accessible linkages, and impacts on the streetscape and *active transportation* and vehicle environments will be key considerations in the review of new or expanding drive-through facilities. New drive-through facilities shall be located and designed to:

- a. ensure the safe, efficient and comfortable movement of pedestrians and cyclists;
- b. achieve a streetscape with buildings and storefronts oriented to the street; and
- c. achieve a comfortable, active and visually stimulating walking environment.

~~Detailed regulations for new or expanding drive-through facilities will be contained within the implementing zoning by-law. New or expanding drive-through facilities are subject to site plan control review. As part of the~~

~~development review process the proponent is required to submit such supporting studies and reports as set out in Section 9.12 of the Plan as may be relevant to enable the City to fully evaluate the proposed drive-through facility.~~

3.5 Institutional Uses

Permitted Uses

- 3.5.1.** The predominant land uses permitted in areas designated as Institutional as shown on Schedule 3 vary by the type of institution ~~and by the provisions of the zoning by-law~~. Community facilities may also be permitted in accordance with Section 3.2. The Institutional designation includes the following categories and *complementary uses* supportive of, or related to, the type of operation of each:

Zoning

- ~~**3.5.2.** Zoning appropriate for each use will be established in the zoning by-law.~~

Uses with General Industrial Characteristics

- 3.5.32.** The City will encourage institutionally operated uses that are more characteristic of industrial uses, such as vehicle storage compounds, printing operations, large-scale workshops, warehouse or storage facilities, and machine shops to locate within a General Industrial land use designation.

Parking

- 3.5.43.** Each institution must provide on-site parking within its Institutional designation, unless other arrangements are made with the City. Any residential use related to the primary institutional use must provide sufficient resident and visitor parking.
- 3.5.54.** Parking structures or underground parking will be encouraged, in order to preserve as much open space as possible.

Parking Studies

- 3.5.56.** The City will co-operate with Hotel Dieu Hospital, Kingston General Hospital, and Queen's University to carry out studies examining the provision of adequate parking and to minimize off-site impacts to surrounding areas.

Added Uses

- 3.5.76.** Institutions are encouraged to expand or develop further on sites currently designated Institutional, subject to satisfying the land use compatibility principles of Section 2.7 of this Plan.

Development Criteria

- 3.5.87.** Any *development* proposal of an institutional use that requires *Planning Act* approval, including site plan control review, will be assessed based on the following criteria:
- a. *compatibility* with the height, massing, bulk and scale of other surrounding institutional buildings or adjacent residential buildings;
 - b. the cultural heritage character of properties designated under the *Ontario Heritage Act* will be preserved and the functional use or re-use of such buildings will be promoted in accordance with the policies of Section 7 of this Plan;
 - c. *compatibility* with the architectural or heritage character of the surrounding buildings and area;
 - d. design and siting of proposed buildings or structures to preserve as much open space as possible;
 - e. access by means of an arterial or major collector road, to ensure traffic will not infiltrate into surrounding residential neighbourhoods or local residential streets;
 - f. provision of pedestrian and cycling facilities;
 - a. assessment of safety and convenience on the site, including lighting, sidewalks, location and treatment of parking areas, landscaped areas or building access locations;
 - b. buffering of any adjacent residential areas to minimize functional or visual impacts and the impacts of increased lighting and noise through such means as screening, berming, landscaping or fencing;
 - c. consideration of any proposed land use in accordance with the land use compatibility and design policies of Section 2.7 and Section 8 of this Plan; and,
 - d. building and site design in accordance with Section 2.1.4 of this Plan.

- 3.5.89.** Hospitals and care facilities and extended care complexes shall not be permitted to locate in *hazardous lands* and *hazardous sites*.

Official Plan Amendments

- 3.5.109.** Establishing any new Institutional designation, or the expansion of an institution onto lands designated for another use, will require an amendment to this Plan and will be assessed on the basis of necessary studies as determined by the City, as well as on the following criteria:
- a. the suitability of the existing road network, and any necessary improvements thereto, to accommodate the institutional use;

- b. the *compatibility* with surrounding land uses and means of mitigation if necessary, considered against the policies of Section 2.7 of this Plan;
- c. the availability of transit routes to serve the site;
- d. the ability of the surrounding road system to accommodate the projected traffic; and,
- e. the adequacy of municipal services to serve the site.

3.5.140. Where land or buildings designated as Institutional cease to be owned or operated by, or on behalf of, a public body, any new use that does not conform to the intent of this Plan will require an official plan amendment.

~~**3.5.12.** Section 9.12 of this Plan lists the studies which may be required to support proposals submitted to the City for consideration.~~

3.5.A Queen's University

Conversions, Infill and Heritage Buildings

3.5.A.3. The following policies apply to University *development* proposals regarding conversions, *infill* and heritage buildings:

- a. existing low-~~rise density~~ residential buildings owned by the University may continue to be used and may be renovated and updated for residential uses;
- b. any *development* or *infill* projects within the Institutional designation ~~are subject to site plan control review and~~ will be assessed for their conformity to the Campus Master Plan; and,
- c. the heritage character of the existing buildings fronting on Barrie Street will be protected and maintained to enhance the character of the Barrie Street streetscape, the character of properties within the Old Sydenham Heritage Conservation District, and the surrounding area.

Northerly Expansion of the Main Campus

3.5.A.7. The City may study the Campus Expansion Area as a possible location to accommodate residential *intensification*, in consultation with Queen's University and the public. Notwithstanding, it is the intent of this Plan that any future expansion of the Main Campus be directed to the Campus Expansion Area shown on Schedule 13, subject to the following policies:

- a. that any new northerly limit for the Institutional designation be considered in the context of specific analysis, or on the basis of a joint secondary planning analysis of the Campus Expansion Area by the City and the University's Campus Master Plan;
- b. that a strategy be adopted by Council to provide alternative accommodation, to replace or relocate any housing lost through the

land use conversion process, prior to any expansion of the Main Campus into the Campus Expansion Area;

- c. that the seven block area north of the Main Campus be recognized as being both a residential area and an area of potential university campus and building expansion;
- d. that the Campus Expansion Area be designated for residential purposes on Schedule 3-A in recognition of the long standing residential uses and buildings of the area;
- e. that residential *development* be permitted within the area subject to the Residential policies and Compatibility policies of this Plan and a rezoning for mid-rise or high-rise medium and high density residential proposals ~~and site plan control review, where applicable, (low density residential may occur without rezoning)~~;
- f. that any applications for residential *development* approval be circulated to the University for consideration for acquisition as part of any campus expansion program;
- g. that the Campus Expansion Area be identified as an area in which the long period of unfulfilled land use transition from residential to University uses has imposed a high level of neighbourhood and owner uncertainty which may warrant land use planning analysis; and,
- h. that such a planning analysis must also address the safety and convenience of adjacent neighbourhood residents.

3.6 Employment Areas (Industrial Designations and Policies)

Protection of Employment Areas

- 3.6.7. *Employment areas* will be protected from fragmentation, the intrusion of *sensitive uses* as defined by Provincial Ministry of the Environment and Climate Change guidelines, high traffic volumes or through traffic related to retail commercial uses or other land uses, and *adverse effects*.

Zoning By-law

- ~~3.6.14. The zoning by-law will establish specific provisions related to land use, setbacks, and lot coverage, for each of the specific Industrial designations identified by this Plan.~~

Development Criteria

- 3.6.154. Within *employment areas*, *development* is subject to the following requirements:

- a. land assembly, subdivision and consolidation, preferably implemented by plans of subdivision, is encouraged to create parcels of a size and configuration appropriate to contemporary industrial requirements;
- b. road access to individual landholdings is a primary consideration to facilitate the transition of vacant or underutilized lands to full industrial capability;
- c. each site must provide and clearly indicate access points that facilitate safe and functional entry and exit for vehicles, particularly by highway transport vehicles;
- d. each site must provide convenient and safe access for *active transportation* and accommodate transit. Where feasible, on-site pathways must be connected with the public sidewalk system, and with adjacent public spaces and trails;
- e. loading areas must be screened from abutting non-industrial uses, separated from vehicle and pedestrian traffic, and located in interior side yards or rear yards;
- f. parking is to be provided in accordance with Section 4.6 of this Plan for vehicles and bicycles. Parking for vehicles shall be designed in such a manner as to minimize conflicts between vehicles, cyclists and pedestrians wherever possible. Front yard parking is discouraged but may be considered to facilitate improved access and functionality particularly when building massing and lot configuration precludes the accommodation of parking in interior side yards or rear yards. In cases where front yard parking is necessary, landscaping shall be used to screen views of parking areas and design priority shall be given to accommodating safe non-vehicular access throughout the site;
- g. the design of new industrial buildings must be *compatible* with, and sensitive to, the characteristics of the existing surrounding *development*, and must take into consideration the existing natural constraints and features on the site;
- h. industrial buildings must be designed and constructed to an appropriate finished standard on all sides facing a road, a freeway or an abutting non-industrial use;
- i. the design of new industrial buildings must be appropriate in terms of scale, character, and design elements, including well-defined main entrances that are oriented to the public road, roof form and articulation, ~~and the use of high-quality exterior materials that are compatible with surrounding uses;~~

- j. service facilities and mechanical equipment must be designed and located with minimal visual impacts on surrounding properties, and for maximum safety for employees and the public;
- k. adequate screening and buffering in the form of fencing, berming and/or landscaping is required to minimize potential impacts between the proposed industrial use and neighbouring properties, particularly any adjacent Residential, Commercial, Institutional, or Environmental Protection Area designations;
- l. landscaping must be designed to enhance the overall aesthetic quality of each site, and where a site is adjacent to a *natural heritage feature or area*, special attention must be given to the landscape design in order to enhance and protect *natural heritage features and areas* and ensure no *negative impacts*;
- m. facilities for managing solid waste must be located within an enclosed structure sited away from the street or an abutting non-industrial use, and constructed in such a manner that the waste material is not visible from the street or an adjacent non-industrial property;
- n. outdoor storage of goods or materials must be fenced and screened from the view of roads or adjacent properties and will be limited within the Business Park Industrial designation;
- o. industrial uses requiring large amounts of outdoor storage, and those characterized by noise, odour and vibration, are restricted through the zoning by-law from locating near non-industrial areas;
- p. exterior lighting of any building or parking area is to be designed to deflect glare from adjacent properties while providing appropriate levels for safety and accessibility;
- q. a stormwater management plan prepared in conjunction with a *development* application must address the quality and quantity of stormwater as required by Section 4.3 of this Plan;
- r. high quality design treatments, based on the policies of Sections 3.6.A.6 and 8 of this Plan, are expected of any industrial facility located adjacent to non-industrial uses, on all lands designated as Business Park Industrial, and on any of the major gateways into the City, including Highway 401, Gardiners Road, Sir John A. Macdonald Boulevard, Division Street, Montreal Street, and Highway 15/Kingston Road 15; and,
- s. any industrial uses that may involve *hazardous substances* shall not be permitted to locate in *hazardous lands* and *hazardous sites*; and,
- ~~t. all *development* applications are subject to site plan control review.~~

Additional Criteria

3.6.1~~65~~. Additional *development* criteria specific to each Industrial designation is detailed in Sections 3.6.A, 3.6.B, and 3.6.C of this Plan.

3.6.A Business Park Industrial

Permitted Uses

- 3.6.A.1. The main uses permitted within the Business Park Industrial designation include:
- a. corporate administrative offices and government offices;
 - b. research and development facilities, including laboratories;
 - c. data processing facilities, including call centres;
 - d. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products;
 - e. administrative, professional and technical services, such as engineering and surveying firms, that support the above uses and are consistent with the image and amenity of a Business Park Industrial setting;
 - f. film or recording studio;
 - g. commercial school or training facility, provided the use is contained within an enclosed building(s);
 - h. the following light industrial uses, provided they are contained within enclosed buildings:
 - manufacturing, repairing, fabricating, processing and assembling operations;
 - construction and transportation activities and facilities;
 - storage, warehousing, and wholesale trade activities; and,
 - communications facilities and utilities.
 - i. accessory outdoor storage, subject to the following criteria, all of which must be satisfied:
 - the outdoor storage use does not front onto or abut a public road;
 - the area used to accommodate outdoor storage, ~~to be limited in the zoning by law,~~ is located to the rear or interior side yard of the property, preferably behind the primary building occupying the site;

- the outdoor storage use does not abut a lot which contains an existing residential use or lot in a residential zone;
- the outdoor storage use does not generate any emissions, dust, or debris that cannot be contained on-site; and,
- the outdoor storage area must be screened from view through landscaping and other measures that lessen the visual impact of the use.

Complementary Uses

3.6.A.2. The following uses are permitted as *complementary uses* within the Business Park Industrial designation:

- a. office and business services, such as printing and equipment repair, which are intended to serve the Business Park Industrial area;
- b. day care facilities and/or places of worship, provided that the *sensitive use* is compatible with the industrial uses in the area and located in such a manner (e.g., on the periphery of an *employment area*) so that it does not preclude the development potential of adjacent employment lands;
- c. hotels and/or conference facilities, including banquet halls, trade show buildings, and similar uses ~~to be defined in the implementing zoning by-law~~;
- d. restaurants, drive-through facilities, financial institutions, personal services, medical and paramedical uses, and convenience commercial uses;
- e. public and private parks and *recreation* facilities;
- f. parking lots and structures; and,
- g. sources of *renewable energy*, subject to the policies of Section 6.2 of this Plan.

Development Criteria

3.6.A.6. In addition to the general *development* requirements of Section 3.6.15 of this Plan, the following policies also apply to lands designated as Business Park Industrial:

- a. new *development* ~~must~~ should enhance the character of its surrounding area through appropriate site arrangement and high quality architecture and landscaping;

- b. building facades ~~must~~ should incorporate a mix of building materials and details to provide architectural interest on facades that are visible from public roads;
- c. less architecturally interesting facades of buildings ~~must~~ should be substantially set back and screened from public view by dense landscaping as an alternative to providing architectural detail;
- d. where function necessitates a basic, box-like building form, exterior design, such as a change in colour, material or plane, ~~must~~ should be introduced on exterior facades that are visible from public streets;
- e. the colour of exterior facades ~~will~~ should be in keeping with surrounding industrial buildings, and bright, contrasting colours will only be used for trims and accents; and,
- f. a high quality of landscaping ~~must~~ should be used to enhance the overall aesthetic of the site, as well as to define the property boundaries and main entrance of the building.

3.6.B General Industrial

Development Criteria

- 3.6.B.5. In addition to the general development requirements of Section 3.6.15 of this Plan, the following policies also apply to lands designated as General Industrial:

Outdoor Storage

- a. the extent of outdoor storage uses will be limited in the zoning by-law to specific zones, located in suitable areas and controlled through performance standards to limit visual impact on major roads, and non-industrial uses; and,

Setbacks from Sensitive Uses

- b. the zoning by-law will establish permitted uses and setbacks from Residential or other *sensitive use* designations in accordance with ~~Ministry of the Environment and Climate Change~~ Provincial Guidelines ~~guidelines~~ or any such further regulation implemented by the City, as applicable, in order to avoid any *adverse effects* to either the General Industrial use or to any *sensitive use* in an adjacent land use designation.

3.6.C Waste Management Industrial

~~Ministry of the Environment and Climate Change (MOECC) Provincial~~ Guidelines

- 3.6.C.6. Waste disposal, processing and transfer facilities must be established in accordance with the regulations and requirements of the ~~Ministry of the Environment and Climate Change (MOECC) Province~~, including:
- a. adequate separation distances between the waste management industrial use and any *sensitive use*;
 - b. where a use is permitted by an Environmental Compliance Approval ~~by~~ of the ~~MOECC Province~~, the zoning category must identify the site as a waste management site; and
 - c. once any portion of an area used for waste disposal, processing or transfer ceases, no further use may be made of the site without ~~MOECC Provincial~~ approval.

Former Waste Disposal Sites

- 3.6.C.9. No use may be made of land that has been used for waste disposal for 25 years from the date that such use ceased, without the prior approval of the ~~Ministry of the Environment and Climate Change Province~~.

Redesignation

- 3.6.C.10. Once the City has received confirmation that the site has been decommissioned and cleaned to the satisfaction of the ~~Province Ministry of the Environment and Climate Change~~, the redesignation of lands from Waste Management Industrial to another land use category may be considered.

3.8 Open Space

Accessory Uses

- 3.8.4. *Accessory uses* that may be permitted include community facilities in accordance with Section 3.2, and such buildings and structures as: *recreation* facilities and play structures; greenhouses; pergolas, gazebos, weather shelters and pavilions; change rooms and washroom facilities; parking areas; and, commercial or food outlet *accessory uses*. A place of worship or a wedding chapel may also be permitted as an *accessory use* ~~under the zoning by-law, as deemed appropriate~~.

3.9 Waterfront Protection

Relief from 30 metre Water Setback

- 3.9.8. Applications for relief from the 30 metre water setback, as outlined in the zoning by-law, must demonstrate how the proposal upholds the policy

objectives outlined in Section 3.9.2 and will require the submission of an *environmental impact assessment* and any other technical studies deemed necessary by the City. Further, *development* proposals must demonstrate how the natural aesthetic of the waterfront will be maintained or enhanced, and how spaces for passive recreation may be accommodated.

The City, in consultation with the ~~Cataraqi Region Conservation Authority, the Province Ministry of Natural Resources and Forestry~~, or other agency or Ministry, as appropriate, may tailor the requirements regarding the appropriate level of effort for the *environmental impact assessment* on a site specific basis depending upon the characteristics of the waterbody, the adjacent area, the nature of the proposed *development*, and any intervening *development* that exists within the “ribbon of life”.

It is the intent of this Plan that proposals for *development* within the “ribbon of life” also support the following policy objectives, as applicable:

- a. *Development* maximizes the water setback through building design and orientation, and the siting of servicing (e.g., private septic system);
- b. *Development* and *site alteration* result in minimal disturbance of native soils and shoreline vegetation within the “ribbon of life”; and
- c. Enlargement(s) to existing buildings, structures, or facilities occurs further from the water than the original building, structure or facility.

Cultural Heritage Resources

- 3.9.12. There is a high potential for *cultural heritage resources* to be located along shorelines and an archaeological study and/or heritage impact ~~statement~~ *assessment* may be required by the City for any proposed *development*. Site amenities that promote and sustain cultural vitality will be encouraged as part of *development* proposals.

3.9.A Harbour Areas

Permitted Uses

- 3.9.A.2. Permitted uses, ~~as established in the zoning by-law,~~ may differ for individual harbours. Uses may include water-related activities such as marine retail and mooring facilities, seasonal docking, dry docks, marine salvage and repair uses. Land-based uses such as yacht clubs, marinas, interpretive centres, a marine museum, tourism services and related services such as restaurants must be located in an appropriate designation.

Inner Harbour

3.9.A.8. The Kingston Inner Harbour has been the subject of much scientific study and review to determine how the area may be remediated, where warranted, and how it can be rehabilitated to a cohesive, desirable ~~mixed-use~~ mixed use waterfront area. The area, shown schematically on Schedule 13, will be included in the planning study for the North King's Town Secondary Plan.

3.9.B Marina Area

- 3.9.B.4.** Proposed *development* in the Marina Area on lands adjacent to provincially *significant wetlands*:
- a. must demonstrate that there will be no loss of *wetland* area or *negative impact* resulting from what is proposed; and,
 - b. is subject to an *environmental impact assessment* to be prepared by the proponent to the satisfaction of the ~~Conservation Authority and the~~ City, unless the appropriate public agency(s) determines that the *environmental impact assessment* is not necessary.

3.10 Environmental Protection Area

Permitted Uses

3.10.2. Uses within the Environmental Protection Area are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority, the ~~Ministry of Natural Resources and Forestry~~ Province, and/or Parks Canada as appropriate. Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works. *Recreational* or educational activities, generally of a passive nature, may be permitted in suitable portions of Environmental Protection Areas only if such activity will have no *negative impacts on natural heritage features and areas*, does not involve the use of structures or buildings, and is not subject to natural hazards. Where an Environmental Protection Area designation is solely tied to a local *area of natural and scientific interest*, or a locally *significant wetland*, consideration may be given to new *mineral mining operations* or *mineral aggregate operations* and access to *minerals* or *mineral aggregate resources*, subject to compliance with provincial and federal requirements.

Potential Permitted Uses

3.10.3. In consultation with the Cataraqui Region Conservation Authority, the Province ~~Ministry of Natural Resources and Forestry~~, or Parks Canada, as appropriate, other uses may be permitted, including:

- a. new public or private works or utilities such as pipelines, roads, bridges or parking areas, where such facilities are not feasible outside of the Environmental Protection Area;
- b. docks or boathouses, used only for the storage of boats and related equipment, and small craft access areas;
- c. public or private parks, and conservation uses; and,
- d. existing uses as of this Plan's date of adoption by Council.

Boundaries

3.10.4. Some of the boundaries of lands designated Environmental Protection Area result from the Council-endorsed Central Cataraqui Region Natural Heritage Study (2006), which acknowledged that the boundaries are approximate, and are to be more specifically delineated in consultation with the Cataraqui Region Conservation Authority or ~~the Province Ministry of Natural Resources and Forestry~~, as appropriate. *Provincially significant wetlands* and *areas of natural and scientific interest* (ANSIs) are determined ~~by the Ministry of Natural Resources and Forestry and their boundaries may only be altered with approval from the Ministry using evaluation procedures established by the Province.~~

Minor Boundary Adjustments

3.10.5 Minor adjustments to the boundaries of lands designated Environmental Protection Area may be permitted without amendment to this Plan. These adjustments will be reviewed by the City in consultation with the Cataraqui Region Conservation Authority and the ~~Ministry of Natural Resources and Forestry~~ Province as appropriate. An *environmental impact assessment* may be required in support of a minor boundary adjustment.

New Environmental Protection Areas

3.10.6 The identification of new *natural features and areas* listed under Section 3.10.1 of this Plan, being those that make up the Environmental Protection Area designation, will require an amendment to this Plan; however, updated mapping of provincially *significant wetlands* ~~issued by the Ministry of Natural Resources and Forestry~~ approved through the evaluation process established by the Province may be incorporated into the Official Plan without an amendment.

3.11 Prime Agricultural Area

It is the intent of this Plan to maintain a permanent and viable agricultural industry as a vital component of the economic base of the City and to provide employment and a sustainable source of local food supply. The Prime Agricultural Areas designated on Schedule 3 are areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of on-going agriculture. Prime Agricultural Areas may be identified ~~by the~~

~~Ontario Ministry of Agriculture and Food~~ using guidelines developed by the Province as amended from time to time. A Prime Agricultural Area may also be identified through an alternative agricultural land evaluation system approved by the Province. Prime Agricultural Areas were identified by the City in the Council-endorsed Agricultural Study (2007) using evaluation procedures supported by the Province. These lands have limited non-farm *development* and have evidence of commitments for long term agricultural production. The predominant form of land use is *agricultural uses* and *agriculture-related uses*. Such areas will be preserved for their agricultural function wherever possible.

Agriculture-Related Uses

- 3.11.4.** Consideration to establish an *agriculture related use* on Prime Agricultural Lands may proceed by way of a minor variance application provided it satisfies the following criteria:
- a. The use is a farm related commercial or farm related industrial use in accordance with ~~the Provincial Policy Statement~~ and Publication 851- Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, or its successor;

On-farm Diversified Uses

- 3.11.5.** *On-farm diversified uses* must be located on a farm, must be limited in area, and secondary to the principal *agricultural use* of the property. Consideration to establish an on-farm diversified use on Prime Agricultural lands may proceed by way of a minor variance application provided it satisfies the following criteria:
- a. The proposed use satisfies all applicable tests established through ~~the Provincial Policy Statement~~ and Publication 851 - Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, or its successor;
 - b. the maximum gross floor area of a building associated with an on-farm diversified use shall not exceed 400 square metres;
 - c. any building or structure used must be capable of being converted or able to revert to a farming use when the on-farm diversified use ceases to exist;
 - d. the use is appropriate for the available rural services and does not require a level of road access, water and wastewater servicing, and utilities, that are found within the *Urban Boundary*;
 - e. the use ceases if the primary agricultural use ceases; and,
 - f. MDS I and II setbacks are not required for the creation of on-farm diversified uses. However, on-farm diversified uses will be considered a Type A land use where the use is related to food services, accommodation, and retail operations, where it meets the requirements of Section 3.11.5. Uses associated with a banquet hall or event centre

shall be considered a Type B land use ~~any may be subject to site plan control.~~

- 3.11.6. On-farm diversified uses proposed on farm that exceed the gross floor area requirements of Section 3.11.5. will be considered on a site-specific basis through an amendment to this plan and/or a zoning by-law amendment application, where applicable, and may be considered a Type B land use for the purpose of calculating MDS. ~~Such applications will also be subject to site plan control, where applicable.~~

Additional Residential-Rural Unit

- 3.11.9. Where individual on-site water and sewage services can be accommodated to the satisfaction of the City or applicable approval authority, an *additional residential-rural unit* is permitted in the Prime Agricultural Area subject to the *additional ruralresidential unit* policies ~~contained in Section 3.3.11 of this Plan.~~

Mineral and Aggregates Extraction

- 3.11.24. The extraction of *mineral* and *mineral aggregate resources* is permitted in the Prime Agricultural Area designation as an interim use provided that the site is rehabilitated back to an *agricultural condition* in accordance with ~~the Provincial Policy-Statement~~

3.12 Rural Lands

Community Uses

- 3.12.5. New community facilities in accordance with Section 3.2 of this Plan, are permitted, including places of worship, community centres, libraries or *recreation* facilities. These uses are encouraged to locate within designated Hamlets that can accommodate such uses, ~~and it is the intent of this Plan to recognize such uses in the zoning by-law.~~

Additional Residential-Rural Units ~~and Tiny Houses~~

- 3.12.15. Where *individual on-site water and sewage services* can be accommodated to the satisfaction of the City or applicable approval authority, ~~an additional residential-rural units is are~~ permitted in Rural Lands, subject to the *additional residential-rural unit* policies ~~in Section 3.3.14 of this Plan, or a tiny house is permitted in Rural Lands, subject to the policies of Section 3.3.D.6 and Section 9.5.20 of this Plan.~~

Proposal for New Estate Residential Development

- 3.12.17. Approval of new areas of Estate Residential *development* is strongly discouraged by Council and, upon review of the following criteria, may be prohibited. Any proposal to expand or designate new Estate Residential areas requires an amendment to this Plan, rezoning, and a plan of

subdivision. All applications are required to demonstrate conformity to the following policies through submission of supporting plans and studies as may be required in accordance with Section 9.12 of this Plan, and prepared by *qualified persons* to the satisfaction of the City:

- a. Estate Residential *development* must be limited in scale, as follows:
 - the scale of the development is small such that it is clearly subordinate to Hamlets in the hierarchy of rural settlement;
 - the number of lots is limited such that it does not compromise the ability for Hamlets and other vacant lots of record designated Rural Lands to also accommodate a portion of the small share of rural growth forecasted during this Plan's horizon;
- b. the site has tree cover, varied topography or other interesting landscape characteristics suitable for residential *development* and these qualities are preserved in the proposed *development*;
- c. the open space amenity is preserved by clustering residential lots and protecting the *natural heritage system* from *development*;
- d. the distance from the urban area is sufficient to ensure that there are no future demands for extension of municipal water or sewer services and the City is satisfied that there will be no other undue financial demands on the municipality, and further to this:
 - the proposed *development* does not abut the *Urban Boundary*; and,
 - the proposed *development* does not abut a Hamlet designation;
- e. the soil and groundwater conditions are capable of supporting necessary *individual on-site water and sewage services* with no *adverse effects* on the proposed *development* lands, *adjacent lands* or on the surface water system as demonstrated by an engineering and hydrogeological report to the satisfaction of the City, Health Unit and ~~the Province Ministry of the Environment and Climate Change~~, as appropriate;
- f. access is from a public road that has been assumed by the City;
- g. in areas that abut a watercourse or water body, all setbacks are those set out in this Plan or such additional setback as may be determined ~~to the satisfaction of the City through consultation with the Cataraqui Region Conservation Authority~~, or as established in the implementing zoning by-law;

- h. where Estate Residential *development* is proposed on *adjacent lands* to the Rideau Canal, it does not impact upon the *natural heritage system* or *cultural heritage resources* of that setting;
- i. the minimum lot area is 1.0 hectare, or as may be determined by the above criteria, as applied to the site, ~~and established in the implementing zoning by-law~~; and,
- j. the area of influence in proximity to any Mineral or Mineral Aggregate Resource designation and the *minimum distance separation formulae* in proximity to *livestock operations* must be met.

Small-Scale Industrial and Commercial Uses

3.12.19. Small-scale industrial and commercial uses in the Rural Lands designation can provide a modest means of starting a business. The businesses that grow are expected to move to more urban settings. Other businesses may employ local craftspersons or artisans and remain small. New small-scale industrial and commercial uses are allowed by an amendment to the zoning by-law. Such amendments must set out specific limits on use, size, location and number of employees and are subject to the following criteria: ~~All new small-scale industrial and commercial uses in the Rural Lands designation are subject to the Site Plan Control By-law in accordance with the Planning Act.~~

- a. Small-scale commercial uses may be permitted in the Rural Lands designation provided the uses are limited in size, do not require municipal water or sewer services, and do not have *adverse effects* on adjacent land uses through noise, vibration, reduction of privacy, traffic or other impact or hazard.
- b. Small-scale industrial uses may be permitted in the Rural Lands designation provided the uses are limited in size, do not require municipal water or sewer services, and do not have *adverse effects* on adjacent land uses through noise, vibration, reduction of privacy, traffic or other impact or hazard. Small-scale industrial uses will be encouraged to locate adjacent to a similar use. Small-scale industrial uses will be directed away from *sensitive uses*, and in particular will be directed away from Hamlets, waterfront areas, and Estate Residential/residential clusters.

Loughborough Lake Watershed

3.12.20. The West Basin of Loughborough Lake is classified as an at-capacity lake trout lake by the ~~Province Ministry of Natural Resources and Forestry and the Ministry of the Environment and Climate Change~~. The creation of new lots, either by severance or by plan of subdivision, that are within 300 metres of the *high water mark* of this lake, or its tributaries, are prohibited, except where one or more of the following conditions exists:

- the leaching or disposal beds on each new lot are set back at least 300 metres from the shoreline of the lake, or its tributaries, or such that drainage from these beds would flow at least 300 metres to the lake, or its tributaries;
- the leaching or disposal beds on each new lot are located such that they would drain into the drainage basin of another waterbody, which is not at capacity;
- there is a need to separate existing, habitable dwellings each having *individual on-site water and sewage services*, provided that the land use would not change; and,
- the proposed new use has a scale and density that is less than currently exists on site and can demonstrate a net reduction of phosphorus loading on the lake. Prior to any *development* being approved, an *environmental impact assessment* and/or lake capacity assessment must be completed to the satisfaction of the municipality and the ~~Province Ministry of the Environment and Climate Change~~. The studies must, among other things, provide recommendations on implementation tools related to hydrogeology, soils and vegetation matters on site.

3.13 Hamlets

Additional ~~Residential Rural Units and Tiny Houses~~

- 3.13.3. Where *individual-on site water and sewage services* can be accommodated to the satisfaction of the City or applicable approval authority, ~~an additional residential rural units is are~~ permitted in a Hamlet designation, subject to the *additional residential rural unit* policies in ~~Section 3.3.11 of this Plan, or a tiny house is permitted in a Hamlet designation subject to the policies of 3.3.D.6 and Section 9.5.20 of this Plan.~~

Additional Hamlet Development

- 3.13.4. Additional *development* within a Hamlet designation will only be permitted under the following circumstances:
- a. on existing lots of record;
 - b. as infilling, provided the minimum lot size is generally 1 hectare, there is adequate access from a public road, and the lot can accommodate *individual on-site water and sewage services* to the satisfaction of the City, the ~~Province Ministry of the Environment and Climate Change~~, or applicable approval authority;
 - c. in accordance with the Cultural Heritage Resource policies of Section 7;

- d. in accordance with the consent policies of Section 9.6 of this Plan; and,
- e. in accordance with the area of influence policies of Section 9.6.14 of this Plan.

Zoning

~~3.13.10. The zoning by-law will recognize current uses and lots of record. Any new industrial, commercial or institutional use is subject to an application to rezone the property.~~

~~Ministry of Transportation~~ **Provincial** Review and Approval in Joyceville

~~3.13.11~~ **10** The Hamlet of Joyceville is largely within the ~~Provincially~~ **Ministry of Transportation (MTO)** controlled area and development in the controlled area is subject to ~~Provincial-MTO~~ review and approval.

3.14 Rural Commercial

Zoning

~~3.14.6. Provisions for suitable setbacks, areas of landscaped open space, adequate parking and loading areas, regulation of outside storage locations and materials, and other matters as appropriate, are to be established in the zoning by-law.~~

Additions or Expansions

~~3.14.7~~ **6**. Additions or expansions that require land to be added to existing large-scale rural commercial uses are discouraged, and any such proposal must be considered through an Official Plan amendment that addresses its impact on agricultural operations, conformity with the *minimum distance separation formulae*, and the ~~Ministry of the Environment and Climate Change~~ **Provincial** D-1 and D-6 Guidelines.

Criteria for New Development

~~3.14.8~~ **7**. Any proposal for a new or expanded Rural Commercial designation will be assessed subject to the following considerations and provisions:

- a. the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations;
- b. a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, *individual on-site water services* and *individual on-site sewage services*, setbacks, and buffering;
- c. the location and use must have no *negative impacts on natural heritage features and areas*, as proven through an *environmental impact assessment*, described in Section 6;

- d. a *residential unit* as an *accessory use* may be permitted on the same lot, provided that no severance is created and such residential use meets the *minimum distance separation formulae* and the ~~Ministry of the Environment and Climate Change~~ Provincial requirements for *sensitive uses* (D-6 Guideline); and
- e. a market justification study and impact assessment may be required that demonstrates to Council's satisfaction that:
 - the type and size of the proposed use are warranted;
 - the planned function of existing or approved commercially designated sites in the *Urban Boundary* will not be undermined;
 - the proposed use cannot be accommodated on or is not suitable on existing commercially designated sites in the *Urban Boundary*; and
 - the proposal meets other criteria as deemed appropriate by the City.

Consents and Minimum Lot Area

- 3.14.98.** Lot creation by consent for a new rural commercial use may be permitted, subject to the consent policies of Section 9.6 of this Plan, and provided that the new lot will require a minimum lot size of one hectare and maintain as much of the remnant parcel as is possible for rural and *agricultural uses*.

3.15 Rural Industrial

~~Designation and Zoning~~

- ~~3.15.6. — Proposals for new rural industrial uses, if approved, will be placed in an appropriate Rural Industrial designation and zoning category, or may be limited to a site-specific zoning provision.~~

~~Zoning~~

- ~~3.15.7. — Provisions for suitable setbacks, areas of landscaped open space, adequate parking and loading areas, regulation of outside storage locations and materials, and other matters as appropriate, are to be established in the zoning by-law.~~

Additions or Expansions

- 3.15.86.** Additions or expansions that require land to be added to existing large-scale rural industrial uses are discouraged, and any such proposal must be considered through an Official Plan amendment that addresses its impact on agricultural operations, conformity with the *minimum distance separation formulae* and the ~~Ministry of the Environment and Climate Change~~ Provincial D-1 and D-6 Guidelines.

Criteria for New Proposals

- 3.15.97.** Any proposal for a new or expanded Rural Industrial designation will be assessed subject to the following considerations and provisions:
- a. the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations;
 - b. a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, *individual on-site water and sewage services*, setbacks, and buffering;
 - c. the location and use must have no *negative impact* on *natural heritage features and areas*, as proven through an *environmental impact assessment*, described in Section 6; and,
 - d. a *residential unit* as an *accessory use* may be permitted on the same lot, provided that no severance is created and such residential use meets the *minimum distance separation formulae* and the ~~Ministry of the Environment and Climate Change~~ Provincial requirements for *sensitive uses* (D-6 Guideline).

Consents and Minimum Lot Area

- 3.15.408.** Lot creation by consent for a new rural industrial use may be permitted, subject to the consent policies of Section 9.6 of this Plan, and provided that the new lot will require a minimum lot size of one hectare and maintain as much of the remnant parcel as is possible for rural and *agricultural uses*.

3.16 Mineral Resource Areas

Mineral Resource Areas reflect areas of the City where provincially *significant mineral deposits* and *mineral aggregate resources* are known to exist, are licensed for extraction and are designated on Schedule 3 of this Plan.

Areas with a geology having a high potential for the discovery of new *mineral deposits* and *mineral aggregate resources* (also referred to as aggregate resources) are also identified in this Plan on Schedule 12. Such resource identified by the ~~Province Ministry of Northern Development and Mines and the Ministry of Natural Resources and Forestry respectively~~ will be protected for future extraction in accordance with the *Mining Act*, the *Aggregate Resources Act*, and all other government regulations and guidelines. These resources are to be extracted in accordance with all relevant legislation, and in a manner that considers the environment, the community and the other goals and objectives of this Plan, and exhausted resource areas must be appropriately rehabilitated.

- 3.16.9.** Protection of *mineral* resources and *mineral aggregate resources* for long term use and extraction is a priority of the City and a new designation that places land in a Mineral Resource Area designation on Schedule 3 is permitted in consultation with the Province. Aggregate operations vary

depending whether the operation is a pit, quarry, or a quarry below the water table, and the related scale of operation and provincial requirements will vary accordingly. Depending on the type of operation proposed, and the proximity of *sensitive uses* or environmental features involved, the City will consider the following:

- a. the location of the proposed site and its impact on adjoining communities;
- b. the size, scale and nature of the proposed use;
- c. the *compatibility* of the proposed use with adjacent existing and planned land uses and designations;
- d. the ease of access of the proposed site with respect to road patterns and traffic volumes, and the impact that increased truck traffic may have on communities or residents along those routes, and on the transportation system itself;
- e. the proposed landscaping and buffering to minimize the potential for *adverse effects*;
- f. the determination and assessment of potential *negative impacts* to *natural heritage features and areas* as demonstrated through the completion of an *environmental impact assessment*, prepared in accordance with the policies of Section 6 of this Plan;
- g. an archaeological assessment, in accordance with the [Provincial Ministry of Tourism and Culture's](#) screening criteria; and,
- h. information and studies that demonstrate that the quantity and quality of the groundwater and surface water, as well as the natural drainage in the area, are not adversely affected.

3.16.A Mineral Resource Area – Wollastonite

Location

- 3.16.A.2. A wollastonite deposit has been identified by the [Province Ministry of Northern Development and Mines](#) in the northeast portion of the City of Kingston; east of Highway 15 in Concession 10 of the former geographic Township of Pittsburgh. The location of the deposit is shown as Mineral Resource Area – Wollastonite on Schedule 3 of this Plan, and this area must be protected from development that is incompatible with mineral exploration, mineral extraction or mining.

3.16.B Mineral Resource Areas – Pits and Quarries

- 3.16.B.5. The above separation distances may be altered to reflect site-specific conditions related to such matters as land use *compatibility*, groundwater, noise, dust, vibration, and other appropriate matters without amendment to this Plan. In contemplating the reduction of the minimum distance

separation, the appropriate assessment is required to establish an appropriate distance, and investigate all of the potential impacts on the pit or quarry operation. ~~Separation distances will be reflected in the zoning by-law.~~

3.16.C Mineral Resource Reserve Areas

- 3.16.C.5. The City will work with the ~~Province Ministry of Natural Resources and Forestry~~ to develop a multi-staged terms of reference for Aggregate Impact Assessments that will take into consideration other nearby *sensitive uses* and the quality of aggregate resources.
- 3.16.C.7. *Development* may be permitted within an aggregate bedrock reserve area where it can be demonstrated, through a land use compatibility study, that existing *sensitive uses* would preclude or hinder the extraction of the mineral aggregate resource. A land use compatibility study undertaken for the purposes of supporting *development* must be completed in accordance with applicable provincial standards and may be subject to review by the ~~Province Ontario Ministry of Natural Resources and Forestry~~ or other agency having jurisdiction. Where a land use compatibility study demonstrates that extraction is precluded or hindered by existing *sensitive use(s)*, the City may determine that an Aggregate Impact Assessment, identified in Section 3.16.C.4 of this Plan, is not required.

3.17 Site Specific Policies

This Section sets out site specific approvals which have not been fully developed at the time of the Plan preparation. Given changes to the *Planning Act* and ~~the Provincial Policy Statement~~, it is the intent of the City to require:

- a. higher densities in specific locations noted in Section 2.3 of this Plan, in order to attain the City's *intensification* targets;
- b. in accordance with the *Planning Act*, decisions on applications must be consistent with ~~the Provincial Policy Statement~~, which involves among other matters, stronger policies to protect the *natural heritage system*, and higher targets for *affordable housing* and *intensification*; and,
- c. development in *controlled areas* to take place in accordance with ~~Provincial Ministry of Transportation~~ requirements.

Sites described below are identified on Schedule 3-D of this Plan.

128, 132 & 136 Ontario Street, Schedule 3-D, Site Specific Policy (SSP) Number 1

- 3.17.1. It is the policy of Council to permit the existing building on the properties municipally known as 128, 132 and 136 Ontario Street and shown on Schedule 3-D as Area 1 to be used for neighbourhood commercial or professional and business offices on the ground floor, and residential uses or professional and business offices on the upper floors in order to

encourage the preservation of a building which is designated under the *Ontario Heritage Act*.

Use of the building is subject to the following site specific policies in addition to any other relevant policies of this Plan:

- a. the ground floor commercial uses are restricted to neighbourhood commercial or professional and business offices, and the upper floor uses are restricted to residential use or professional and business offices provided that no major exterior alterations or additions to the existing building are permitted;
- b. that any proposed alterations to the roof line of the building and the construction of any proposed parking structure at the rear of the building are subject to ~~site plan control review~~, an application for a heritage permit, and approval by ~~Heritage-Kingston~~ Heritage Properties Committee and City Council;
- c. parking is to be provided for ~~both the commercial and~~ residential uses in accordance with the implementing zoning by-law; and,
- d. any surplus parking may be used by the Empire Life Insurance Company provided that access thereto is limited to William Street.

Inner Harbour, Schedule 3-D, SSP Number 8

3.17.8. The Official Plan recognizes the particular status of the Inner Harbour Area as a special residential policy area which was assessed in the context of the Inner Harbour Area Study. It is the policy of this Plan to permit the use and *development* of lands within the Inner Harbour Specific Policy Area shown on Schedule 3-D as Area 8 in accordance with the Residential policies of this Plan and the following specific policies:

The maximum permitted density is fifty (50) *residential units* per net hectare. However, an increase in density may be permitted pursuant to Section 37 of the *Planning Act* for the provision of the following:

- a. the establishment of assisted housing for special needs groups (i.e. rent-gearred-to-income, persons with disabilities) which is set aside for management by an organization or authority approved by the City of Kingston, in which case a maximum density increase of 15% or 7.5 *residential units* per hectare may be granted;
- b. dedication of parkland in excess of the required dedication, in which case a maximum density increase of 15% or 7.5 *residential units* per hectare may be granted; and,
- c. dedication of lands required for the provision of a new road allowance in which case a maximum density increase of 15% or 7.5 *residential units* per hectare may be granted.

In no instance will the total increase in density for provision of the above-noted matters exceed 25% or 12.5 *residential units* per hectare. Any

application for the *development* for residential purposes must be supported by a study designed in accordance with the ~~Provincial Ministry of the Environment and Climate Change~~ regulations and standards to assess on-site soil contamination, and identify remedial works and clean-up procedures required to eliminate health risks to the occupants of any residential *development*.

Mandatory filing of a Record of Site Condition is required if the change in use of land is from industrial or commercial to a residential land use.

Alcan District, Schedule 3-D, SSP Number 9

3.17.9. The Alcan District includes those lands located generally south of John Counter Boulevard, east of Sir John A. Macdonald Boulevard, west of Leroy Grant Drive and north of Princess Street, as identified on Schedule 3-D. The District includes those lands originally held by Alcan and used for industrial purposes. The Official Plan recognizes the particular status of the Alcan District as a special *development* area assessed in the context of the “*Alcan District Area Study (1993)*” which provides the basis for the policies of this Plan with regard to lands within the District.

The District is recognized by the Plan as an area which is in the process of land use transition from its historical industrial use, to a mix of residential and higher-order business park uses. Planning policies to guide this transition are included in site-specific policies for each of the land use areas within the District, which are also identified on Schedule 3. The Alcan District has a number of servicing and *development* issues which must be addressed prior to or in conjunction with any *development* of the District.

District Development Program

Any *development* or *infill* proposals within the Alcan District are subject to Section 2 of this Plan, the relevant Residential and Industrial policies of Section 3 of this Plan, associated policies, and the following:

a. Services and Utilities Policies

In addition to the services and utilities policies of this Plan, the provision and expansion of services within the Alcan District are subject to the following:

- prior to approval of any application for large-scale land division, a master drainage study on a District *watershed* basis is to be prepared to address the requirements of the City, the Cataraqui Region Conservation Authority, and the ~~Province Ministry of Natural Resources and Forestry~~;

East Side of Sir John A. Macdonald Blvd. – Residential, Schedule 3-D, SSP Number 11

3.17.11. The lands identified as Residential on Schedule 3-A and identified on Schedule 3-D as Area 11 on the east side of Sir John A. Macdonald Boulevard are intended to be developed as an integrated, energy efficient residential community with its own community focus including such facilities as parks, *recreation* areas, and neighbourhood commercial uses.

It is a policy of Council that these lands be developed in accordance with the Residential policies of this Plan and the following specific policies:

The maximum permitted overall density for this residential community is sixty-nine (69) *residential units* per net hectare. The permitted residential land uses must include a variety of housing types and densities ranging from single detached dwellings to multiple dwelling building types. Prior to any *development* taking place, a residential community plan must be prepared for the overall *development* of this area. This community plan must be prepared at the secondary plan level, to include, but not necessarily be limited to, the following planning issues:

- a. location criteria for land use categories and residential densities;
- b. the type and distribution of residential land uses as well as supporting land uses such as public open space and parkland, community facilities, and neighbourhood commercial uses;
- c. vehicular and pedestrian movement including linkages to and the effects on the City's existing transportation system as well as internal integration on a community basis;
- d. servicing for sanitary and stormwater drainage as determined in conjunction with the entire Alcan District as set out in Section 4 of this Plan;
- e. service *infrastructure* connection and integration;
- f. a strategy to resolve any outstanding required environmental approvals; particularly decommissioning of those lands known as the North Plant in accordance with the [Provincial Ministry of the Environment and Climate Change](#) guideline "Records of Site Condition – A Guide on Site Assessment, the Clean-up of *Brownfield Sites* and the Filing of Records of Site Condition" dated October 2004 (and other associated guidelines) must be completed in accordance with the Record of Site Condition Regulation 153/04;
- g. prior to any *development* occurring upon the site, a *qualified person* is required to undertake a verification sampling program to certify to the satisfaction of the [Province Ministry of the Environment and Climate Change](#) that the site has been made suitable for the use proposed;

**Northeast corner of Sir John A. Macdonald Boulevard, near Princess Street,
Schedule 3-D, SSP Number 12**

- 3.17.12.** The site identified on Schedule 3-D of this Plan as Area 12 contains a number of buildings, including a very large industrial building formerly owned by Alcan and referred to as the Alcan South Plant. The facility now contains a number of industrial uses and complementary uses. The property has frontage on Sir John A. Macdonald Boulevard and is accessible from both Sir John A. Macdonald Boulevard and Princess Street.
- a. The Employment Land Strategy (2015) recommended the redesignation of this site from General Industrial to Business Park Industrial. While the zoning by-law acknowledges some of the traditional general industrial uses on the property, it is the intent of this Plan for the uses on the property to evolve and transition over time to predominantly business park type uses. A limited number of these more general industrial uses will continue to be permitted in accordance with the site specific policies below.
 - b. The site is designated Business Park Industrial on Schedule 3-A of this Plan. The uses permitted are those listed in Section 3.6.A of this Plan, as well as the following:
 - i. Outdoor storage is permitted provided it is setback a minimum of 200 metres from Princess Street and 150 metres from Sir John A. Macdonald Boulevard, and provided the use is properly screened and/or buffered from Business Park Industrial uses and complementary uses that serve employment uses.
 - ii. Towing, automotive, and equipment rental provided such uses are screened and/or buffered from Business Park Industrial uses and complementary uses.
 - c. Complementary uses are permitted in accordance with Policies 3.6.12 and 3.6.13 as they read before approval of Official Plan Amendment Number 82 and that for the purposes of those policies, the site as it existed as of the date of adoption of this Plan is considered a 'single land holding', notwithstanding any future severance, division or conveyance of the site;
 - d. That any complementary uses contained or proposed to be contained within the footprint of a building which exists on the property as of the date of adoption of this Plan are exempt from the locational criteria of Section 3.6.14 (b) but subject to Section 3.6.14 (a) as those policies read on the day before approval of Official Plan Amendment Number 82;
 - e. Any Business Park Industrial uses or complementary uses will be screened and/or buffered from the more general industrial type uses on the property; and

- f. ~~Where It is the intent of this Plan that any~~ *development* of this site proceeds ~~through an application for~~ by way of a site plan ~~approval~~ control review in accordance with the City's Site Plan Control By-law, ~~and~~ the City, at its discretion, may require an overall concept and phasing plan for the entire site. Such concept and phasing plan may require additional information as described in Section 9.12.3.

4085 Bath Road, Schedule 3-D, SSP Number 15

3.17.15. Despite any provisions of this Plan to the contrary, the following site specific policies apply to the lands located east of Collins Creek, north of Bath Road and west of Station Street, more particularly described as Parts 1, 2 and 3 on Reference Plan 13R-7335, and shown on Schedule 3-D as Area 15.

- a. single detached dwelling house is permitted in addition to the other uses permitted by the Arterial Commercial policies of this Plan, to be included in a separate zoning category;
- b. the absence of piped municipal sewer services, *development* of permitted residential and commercial uses may proceed provided that the on-site servicing requirements of the Cataraqui Region Conservation Authority, the ~~Province Ministry of the Environment and Climate Change~~ and the City or applicable approval authority are satisfied;
- c. stormwater quality control measures, satisfactory to the Cataraqui Region Conservation Authority, the ~~Province Ministry of Transportation~~, the appropriate railway and the City, are required for any new commercial *development*;
- ~~d. new commercial development is subject to site plan control review;~~
- ed. any new buildings or additions to buildings are to be designed and located in a manner which complements the existing limestone building; and,
- fe. land severance may be granted provided that, in the absence of piped municipal sewer services, the minimum lot area and lot frontage for a single detached dwelling house is no less than 0.8 hectares and 60 metres respectively. A smaller lot area may be considered if such a reduced standard is acceptable to the ~~Province Ministry of the Environment and Climate Change~~ and/or the City or applicable approval authority.

Pt. Lot 3, Concession 5 W.A. 1875 Westbrook Road, Schedule 3-D, SSP Number 16

3.17.16. On the lands municipally known as 1875 Westbrook Road, shown on Schedule 3-D as Area 16, facilities (including land, buildings and structures) for the handling, receiving and temporary storage of liquid

petroleum, waste products and non-hazardous solids is permitted provided that:

- a. the facility is established and operated in accordance with the requirements and regulations of the ~~Province Ministry of the Environment and Climate Change~~;
- b. all waste transfer facilities are sited to minimize impact on adjacent uses and the natural environment;
- c. a minimum buffer of 42.7 metres will be established between the waste transfer use and any non-industrial use, and will be maintained with suitable vegetation or berming to screen surrounding uses and roadways;
- d. the maximum storage of liquid waste is limited to 68,100 litres;
- e. the maximum contaminated solid storage is limited to 299 tonnes;
- f. the temporary outdoor storage of materials related to the decommissioning or cleaning of petroleum storage tanks is permitted; and,
- g. a Holding provision to be employed in the zoning by-law will not be removed until a site *development* plan has been approved and any required securities paid, and an Environmental Compliance Approval for the operation of a waste transfer facility has been issued by the ~~Province Ministry of the Environment and Climate Change~~.

2-6 & 8 Cataraqui Street, Schedule 3-D, SSP Number 17

3.17.17. a. 2 – 6 Cataraqui Street

Within the District Commercial designation shown on Schedule 3-A and located at 2-6 Cataraqui Street, and shown on Schedule 3-D as part of Area 17, it is the intent of this Plan to recognize the historic character of the Woolen Mill building, its waterfront site and its unique mix of land uses. The building houses a mix of land uses ranging from artisan workshops to businesses and professional offices and a restaurant. It is the intent of this Plan to encourage the use of this old industrial building for a range of specialty type and incubator commercial, professional and business uses.

The building is historically designated, and is to be maintained as a prominent feature on the Inner Harbour waterfront. Parking for the building is to be provided on site. Where practical, residential uses clearly separated from the commercial and business uses may be permitted within the existing building.

Should the commercial, professional and business uses within the building cease to be viable, it is the intent of this Plan to support the *development* of the lands for residential purposes which are to be

located within the existing building as suitably altered within its heritage designation. The public trail along the waterfront areas of the site must be protected and developed for public purposes as part of any further *development* plans.

Mandatory filing of a Record of Site Condition is required if there is a change in use of land from industrial or commercial to a residential use.

b. 8 Cataraqi Street

Within the District Commercial designation shown on Schedule 3-A and located at 8 Cataraqi Street, and shown on Schedule 3-D as part of Area 17 it is the intent of this Plan to recognize the importance of the *development* of this site in conjunction with its waterfront location, the historic Woolen Mill building, Molly Brant Point to the east, and the linear park system created along the Great Cataraqi River/Rideau Canal to the south and east of the property.

The Official Plan recognizes a proposal for a mixed residential/commercial building of up to six storeys on the site. The architectural and site plans for the *development* of this property must ensure:

- that the historic Woolen Mill building retains its prominence on the Inner Harbour waterfront, especially as viewed from the water side and the LaSalle Causeway;
- that architecturally any proposed building(s) are *compatible* with the existing Woolen Mill building ~~in materials and design elements~~;
- that the placement of any new buildings on the site considers ways to protect sight lines of the Great Cataraqi River/Rideau Canal; and,
- that the site design incorporates universal design and appropriate streetscaping treatment, including hard and soft landscaping elements, to enhance pedestrian and vehicular access to the City's downtown.

It is the intent of this Plan to encourage the commercial use of the site for a range of specialty type and incubator commercial, professional and business uses. Internal blocks of the building may be developed as artisan/residential lofts subject to the permitted uses and regulations of the implementing zoning by-law. Parking for the building is to be provided on site, in accordance with the regulations of the zoning by-law, and appropriately buffered and screened from the abutting streets.

The public trail along the waterfront on the east side of this site is an important feature of the *development*. Pedestrian links from the pathway must connect through the site to any pedestrian systems built along Wellington Street. The public trail is subject to the Waterfront Pathway policies of Section 3.9.15 of this Plan.

Mandatory filing of a Record of Site Condition is required if there is a change in use of land from industrial or commercial to a residential use.

Barrett Court, Schedule 3-D, SSP Number 19

- 3.17.19.** On the lands shown on Schedule 3-D as Area 19, the uses permitted include planned unit townhouse dwellings, stacked townhouse dwellings, and apartment dwellings. The permitted density must not exceed 60 units per net hectare. The maximum height in a high-~~rise density~~ residential area will be 14 storeys. The properties in SSP Number 19 are also subject to the policies of Section 10B.2.18 to 10B.2.20.

Westbrook Meadows Seniors Apartment, Schedule 3-D, SSP Number 20

- 3.17.20.** In the Westbrook Meadows subdivision, in addition to low-~~rise residential buildings density residential uses~~, a senior citizens apartment is permitted on Block 106 of Plan 13M-64, shown on Schedule 3-D as Area 20, provided that it does not exceed a density of 47 units per net hectare.

North Block Central Business District, Schedule 3-D, SSP Number 22

- 3.17.22.** The Official Plan recognizes the special status of the North Block Central Business District Area as an area in the city core which was assessed in the context of an urban design study, analyzing the potential for long term *intensification* and *development* of the subject four and a half city blocks. The area, shown on Schedule 3-D as Area 22, is currently underdeveloped, but does contain large areas of parking that serve the downtown and a number of commercial uses, such as grocery stores, that provide key anchors to the downtown, and support residents living in the area.

It is the policy of Council to encourage the *development* of lands within the North Block Site Specific Policy Area in accordance with the approved *development* framework established for the Central Business District policies of this Plan, to establish a general policy approach to guide the area's transition and gradual *intensification*, and to provide direction to the formulation and review of any proposed land use change and/or *development* proposal.

Existing policies support a mix of uses in the area, with a predominance of commercial uses on the ground floor. The following provisions are intended to guide the gradual *intensification* in the future:

- a. With respect to building heights, the provisions of Section 10A apply, including the public meeting requirements, except that for building heights in excess of 25.5 metres, an urban design study will be required to show that the *development* would not overshadow surrounding buildings, that it would be *compatible* with the scale and massing of buildings which provide the built form context of the surrounding areas, and that it satisfies all other Plan policies.
- b. *Development* must strengthen pedestrian access by incorporating interlinking connections through and between the subject blocks, as well as outward from the area, with particular attention to improving connections towards Princess Street, and to including improved linkages to the proposed waterfront pathway on the harbour side of Ontario Street. In particular, a pedestrian connection will be sought to link Queen Street to Princess Street.
- c. In order to encourage a more pedestrian friendly form of retail *development* along King Street, the ground floor building face may be set back from the sidewalk to allow for an arcade form of *development*, characterized by a covered pedestrian walkway with supporting columns.
- d. Reduction of amenity space requirements as required in the ~~Downtown and Harbour~~-Zoning By-law may be considered, subject to the provision of alternate common amenity space, such as on rooftops, in internal courtyards, or mid-block walkways designed to improve pedestrian movement.
- e. The waterfront views are to be maintained along the municipal rights-of-ways of Queen Street and The Tragically Hip Way as shown on Schedule 9.
- f. As *development* takes place over time, the intent of these policies is to support the replacement of parking lots with above-grade parking structures, subject to the same build-to planes, minimum building height and minimum lot coverage provisions, as currently apply to other building forms in the area. Large structures such as a parking garage or a transportation terminal will be subject to design considerations in accordance with the policies of this Plan. Design considerations may include a façade treatment that will be harmonious with the intended massing and rhythm of design elements of the more traditional residential or office uses planned for the area.
- g. Traffic studies and parking impact studies that examine circulation in the immediate area of a *development* proposal, and the on and off-site traffic impacts, are required for each *development* proposal.

- h. Heritage buildings within the study area must be protected and *conserved* in accordance with Section 7, of this Plan, and deviations from this requires consultation with ~~Heritage~~-Kingston Heritage Properties Committee and approval of City Council.
- i. Archaeological protection must take place, as set out in Section 7 of this Plan, and in accordance with the recommendations of the Stage One Archaeological Assessment included as Appendix C in the Urban Design Guidelines for the North Block Central Business District (2004).
- j. This Official Plan sets out policies for fostering improved environmental quality and requiring site remediation of contaminated sites. The policies and the area subject to the *Community Improvement Plan* were updated in 2005, in order to start the implementation of Kingston's brownfields program. When proposing a change to a more sensitive land use, the owner must file a Record of Site Condition to demonstrate that the proposed land use is appropriate and in accordance with provincial legislation.
- k. These parcels of land are subject to an ~~'H'~~-Holding Symbol-Overlay ("H") under Section 36 of the *Planning Act* and in accordance with the policies of Section 9 of this Plan.

33, 37 and 41 Joseph Street, Schedule 3-D, SSP Number 23

3.17.23. The 0.69 hectare parcel of land municipally known as 33, 37 and 41 Joseph Street, and shown on Schedule 3-D as Area 23, is intended to be developed for residential or community facilities uses. The area may be developed exclusively as a residential use. However, a community facility may not occupy the whole property. It is the intent of this Plan that the lands develop in accordance with the following criteria:

- a. *development* is to be *compatible* with the surrounding residential uses;
- b. *development* must have regard for the existing industrial uses in the area and seek to minimize nuisances;
- c. *development* of the Community Facility is limited to a small-scale use, ~~the size of which is controlled through appropriate regulations in the implementing zoning by-law;~~
- d. *development* of the *special needs facility* is limited to a maximum occupancy of 30 persons; and,
- e. lands within this site specific policy may be zoned a Holding provision category in accordance with the provisions of the *Planning Act*, and Section 9 of this Plan.

...

2185 Perth Road, Schedule 3-D, SSP Number 26

3.17.26. Despite other provisions of this Plan, in the area shown on Schedule 3-D as Area 26, located in Part Lots 25 and 26, Concession 5, lying west of Perth Road and north of Bur Brook Road, the lands must be developed in accordance with the following policies:

- a. the uses permitted are those industrial uses which include an office associated with the industrial use, storage shed, equipment repair shop, contractor's yard, truck depot, weigh scale, scale house and outdoor storage;
- b. the uses permitted do not require *municipal sewer and water services*;
- c. no additional entrances are permitted accessing Perth Road from the lands designated Rural Industrial on Schedule 3-B; ~~and~~
(Amended by By-law Number 2015-173, OPA Number 38)
- d. adequate screening from adjacent residential uses and roadways to minimize the visual and auditory impact of the permitted uses must be provided through the use of setbacks, and such buffering mechanisms as fencing and planting strips; ~~and~~;
- e. ~~development is subject to site plan control review.~~

2069 Joyceville Road, Schedule 3-D, SSP Number 34

3.17.34. Notwithstanding the provisions of this Plan to the contrary, the lands located at 2069 Joyceville Road, shown on Schedule 3-D as Area 34, are limited to a compost finishing facility in accordance with the following policies:

- a. adequate buffering in the form of distance separation, berming, planting or other suitable techniques or devices, must be provided between the compost finishing facility and any adjacent non-compatible uses, including adjacent roadways;
- b. the compost finishing facility is to be established and operated in accordance with the requirements and regulations of the ~~Ministry of the Environment and Climate Change~~ Province; and,
- c. once all, or a portion of the area used for compost finishing facility purposes ceases to be used for such purpose, no further use may be made of the area without the approval of the ~~applicable~~ Minister of the ~~Environment and Climate Change~~, in accordance with the *Environmental Protection Act* and relevant Ministry Guidelines, with respect to compost finishing facility and *sensitive land uses*.

In the event that the property is not used for a compost finishing facility, the lands may be developed in accordance with the Rural Industrial

policies of Section 3.16 of this Plan, subject to an amending zoning by-law for the subject lands.

633 Fortune Crescent, Schedule 3-D, SSP Number 35

3.17.35. A bulk waste processing and transfer facility is permitted at 633 Fortune Crescent, shown on Schedule 3-D as Area 35, located in the Cataraqui Industrial Estates subdivision. The term ‘facility’ refers to buildings used for the receiving and handling of waste materials.

The general principles to be considered in the *development* and zoning of lands designated Waste Management Industrial – Site Specific Policy Area 35 are as follows:

- a. the permitted uses of the Waste Management Industrial land use designation, as outlined in Section 3.6.C of this Plan are permitted in accordance with those policies;
- b. waste transfer facilities are to be established and operated in accordance with the requirements and regulations of the ~~Ministry of the Environment and Climate Change~~ Province and/or applicable approval authority;
- c. the rehabilitation of waste disposal, processing and/or transfer facilities must comply with all applicable policies and regulations;
- d. waste transfer facilities are placed in a separate zone in the zoning by-law. A Holding ~~Symbol Overlay (“H”)~~ will apply to the zone until an Environmental Compliance Approval for operation of a waste transfer facility has been issued by the ~~Province~~ Ministry of the ~~Environment and Climate Change~~ or applicable approval authority;
- e. the maximum aggregate total of 100 tonnes per day of liquid and hazardous wastes will be accepted for processing and subsequent transfer; and,
- f. the maximum aggregate total of 200 tonnes per day of municipal/commercial non-hazardous waste will be accepted for processing and transfer.

1267 Princess Street to 1343 Princess Street, Schedule 3-D, SSP Number 42

3.17.42. The properties from 1267 Princess Street to 1343 Princess Street inclusive, are within the Arterial Commercial designation as shown on Schedule 3-A. The Plan recognizes that as these properties, shown on Schedule 3-D as Area 42, undergo a transition from low-~~rise residential density residential~~-uses to arterial commercial uses, the following site specific policies shall guide the *development* of these lands:

493-497 Princess Street, 2 and 10 Creighton Street, 460-468 and 480 Princess Street and 327 University Avenue

- 3.17.51. The properties located at 495 Princess Street and 333 University Avenue are intended to each accommodate an 11 storey ~~mixed-use~~mixed use building. The sites may be developed subject to the following:
- a. A height map shall be introduced through the zoning by-law to define the form of the building traditionally addressed through angular plane requirements.
 - b. The policies in Section 10E of the Official Plan with respect to Angular Plane shall not apply to the properties located in Special Policy Area 51.

Lands formally known as 700 Gardiners Road, Schedule 3-D, SSP Number 58

- 3.17.58. The 40.75 hectare lands located on the south side of Taylor-Kidd Boulevard, east of Gardiners Road, and abutting a hydro corridor to the east, are identified as a Housing District on Schedule 2 and designated 'Residential', 'District Commercial' and 'Open Space' on Schedule 3, and are shown on Schedule 3-D as Area 58.

It is intended that the lands will be developed with a mix of uses, including high-~~rise density~~ residential; ~~medium density mid-rise~~ residential; ~~low density low-rise~~ residential; commercial; a school; and open space. It is the intent of this plan that the lands will be developed in accordance with the following site specific policies, in addition to any other relevant policies of this Plan.

Residential

The Urban Residential Density of lands within the Residential designation and zoned within the implementing zoning by-law for residential uses shall be a minimum of 45 residential units per net hectare.

High-density residential buildings are permitted to front onto the main north-south road on the west of the special policy area, being a local road, if adequate access can be provided for *active transportation* and vehicles to an Arterial or Collector Road, and demonstrated to the satisfaction of the City through technical studies.

High-~~rise density~~ residential projects are encouraged to be oriented towards public streets so as to contribute to the pedestrian environment and the overall character of development, experienced from within the public realm. The siting of high-~~rise density~~ residential uses must demonstrate compatibility as considered against the policies of Section 2.7 of this Plan. Further, the design of any high-~~rise density~~ residential *development* must address the urban design policies of Section 8 to ensure the built form of the development is compatible with that of adjacent land uses.

The design and location of any high-~~rise density~~ residential use should contribute to the enhancement of the pedestrian environment by: supporting the establishment of pedestrian linkages between different land

uses thereby lessening local reliance on the private automobile; providing unconstrained and direct access to public transit stops; enhancing sightlines throughout the lands subject to these site-specific policies; and by incorporating infrastructure that will accommodate *active transportation*.

Schools

A secondary school is permitted within the Residential designation and is not required to have direct frontage onto an Arterial or Collector Road if adequate access is provided via Newport Avenue to Taylor-Kidd Boulevard.

Elementary schools are permitted in accordance with the policies of the Official Plan.

District Commercial

The intent of the District Commercial area is to serve the residents of the adjacent neighbourhood and wider community, promote community interaction by providing a visual identity from Taylor-Kidd Boulevard and provide *active transportation* linkages to adjacent residential and open space areas.

As the main visual identity to the overall development within the site specific policy area, all proposed development within the District Commercial area is encouraged to be designed so that:

- Buildings are to be oriented towards public sidewalks and public streets to complement and enhance the streetscape character of the south side of Taylor-Kidd Boulevard west of the subject site. Buildings located internal to the property should be orientated towards internal sidewalks and streets. Buildings oriented interior to the commercial site should include glazing and architectural details in their façade design so there are no blank masonry walls facing a public street or residential properties to result in both a public and internal streetscape that is pedestrian friendly. Solitary buildings surrounded by large open spaces will be discouraged so as to enhance the pedestrian streetscape;
- Building façades oriented towards public streets shall incorporate significant design elements, such as portions of glazing, so as to improve the streetscape, with blank building facades strongly discouraged;
- Buildings façades are strongly defined and given individual yet compatible identities;
- Building heights are encouraged to be a minimum of two storeys;
- Parking shall be designed in such a manner as to support the site, rather than dominate the site;

- Appropriate building setbacks and arrangement are incorporated into the site design to ensure compatibility with any abutting residential designations or sensitive land uses and to minimize any adverse effects to such uses, as demonstrated against the policies of Section 2.7;
- Planting strips, landscaped traffic islands, and/or paving articulation ought to be used to define vehicle routes and smaller parking courts that provide pedestrian walkways, improve edge conditions, and minimize the negative impact of surface parking;
- Loading and service areas are screened from prominent public areas and adjacent residential areas;
- The site design will contribute to the enhancement of *active transportation* and in particular will place a priority on connections between the site and adjacent uses including the parkland south of the commercial area and high-rise and medium-mid-rise density residential areas.

Mixed use buildings are encouraged within the District Commercial designation.

In accordance with policy 3.4.D.7 of the Plan, medium-mid-rise and high high-rise density residential uses are permitted as upper storey uses, above ground-floor commercial uses, or as independent buildings. In order to support the establishment of a mixed use community, being defined by these site specific policies, a minimum of 2,500 square metres of commercial uses shall be provided within the District Commercial designation.

575, 579, 601, 605, 611 Princess Street & 510 Frontenac Street, Schedule 3-D, SSP Number 64

3.17.64. The properties located at 575, 579, 601, 605, 611 Princess Street & 510 Frontenac Street, shown on Schedule 3-D as Area 64 are intended to accommodate a 10 storey mixed-use mixed use building. The site may be developed subject to the following:

- a. A height map shall be introduced through the zoning by-law to define the form of the building traditionally addressed through angular plane requirements.
- b. The policies in Section 10E of the Official Plan with respect to Angular Plane shall not apply to the properties located in Special Policy Area 64.
- c. Ground floor residential uses are permitted along Frontenac Street.

652 Princess Street 662-670 Princess Street & 551 Victoria Street, Schedule 3-D, SSP Number 65

3.17.65. The properties located at 652 Princess Street, 662-670 Princess Street & 551 Victoria Street shown on Schedule 3-D as Area 65 are intended to accommodate a 10 storey ~~mixed-use~~mixed use building and a standalone existing heritage building known as the former Carnovsky Bakery. The site may be developed subject to the following:

- a. A height map shall be introduced through the zoning by-law to define the form of the building (including mechanical penthouse[s]) traditionally addressed through angular plane requirements;
- b. The policies in Section 10E of the Official Plan with respect to angular plane shall not apply to the properties located in Special Policy Area 65; and
- c. Commercial use(s) shall wrap the corners of Princess and Victoria Streets and Princess and Nelson Streets. In the remaining frontage beyond the Princess/Victoria commercial wrap, ground floor residential uses are permitted along Victoria Street.

51-57 Queen Street and 18 Queen Street & 282 Ontario Street, Schedule 3-D, SSP Number 66

3.17.66. The properties located at 51 -57 Queen Street and 18 Queen Street & 282 Ontario Street, shown on Schedule 3-D as Area 66 are each intended to accommodate a ~~mixed-use~~mixed use, ~~high-rise density~~ residential building.

The Official Plan recognizes the special status of the North Block Central Business District Area as an area in the city core which was assessed in the context of an urban design study, analyzing the potential for long term *intensification* and *development* of the area. The subject area, shown on Schedule 3-D as Area 66, is currently underdeveloped, but does contain large areas of parking that serve the downtown and a number of commercial uses, such as grocery stores, that provide key anchors to the downtown, and support residents living in the area.

It is the policy of Council to encourage the *development* of lands within this Site Specific Policy Area in accordance with the approved *development* framework established for the Central Business District policies of this Plan, to establish a general policy approach to guide the area's transition and *intensification*, and to provide direction to the formulation and review of any proposed land use change and/or *development* proposal.

The following provisions are intended to guide the development of the subject lands:

- a. The floor area of ground floor commercial uses shall be regulated through the implementing zoning by-law.
- b. Residential amenities and building support uses such as lobbies, common areas and mechanical uses are permitted at grade,

including in those areas shown on Schedule DH-3 as having "Mandatory Commercial Frontage", subject to the requirements for ground floor commercial uses in the implementing zoning by-law.

- c. A height map shall be introduced through the zoning by-law to define the form of the building traditionally addressed through angular plane and building height requirements. The maximum height on Block 3 shall be 63 metres and the maximum height on Block 5 shall be 76 metres, with any exceptions to these height limits being identified in the implementing zoning by-law.
- d. Reduction of amenity space requirements as required in the ~~Downtown and Harbour~~ Zoning By-law may be considered, subject to the provision of alternate common amenity space, such as on rooftops, in internal courtyards, or mid-block walkways designed to improve pedestrian movement.
- e. The waterfront views are to be maintained along the municipal rights-of-ways of Queen Street and The Tragically Hip Way as shown on Schedule 9.
- f. Traffic studies and parking impact studies that examine circulation in the immediate area of a *development* proposal, and the on and off-site traffic impacts, are required for each *development* proposal.
- g. Heritage buildings within the study area must be protected and conserved in accordance with Section 7, of this Plan, and deviations from this requires consultation with ~~Heritage~~ Kingston Heritage Properties Committee and approval of City Council.
- h. Archaeological protection must take place, as set out in Section 7 of this Plan, and in accordance with the recommendations of the Stage One Archaeological Assessment included as Appendix C in the Urban Design Guidelines for the North Block Central Business District (2004).
- i. This Official Plan sets out policies for fostering improved environmental quality and requiring site remediation of contaminated sites. The policies and the area subject to the *Community Improvement Plan* were updated in 2005, in order to start the implementation of Kingston's brownfields program. When proposing a change to a more sensitive land use, the owner must file a Record of Site Condition to demonstrate that the proposed land use is appropriate and in accordance with provincial legislation.
- j. These parcels of land are subject to an ~~'H'~~ Holding Symbol Overlay ("H") under Section 36 of the *Planning Act* and in accordance with the policies of Section 9 of this Plan.

Section 4. Infrastructure & Transportation

Development Charges

- 4.1.3. Development charges ~~and impost fees~~ are levied by the City to offset the costs associated with servicing new *development*.

...

Legislation & Regulations

- 4.1.6. The City must ensure that all public works are carried out in accordance with the *Environmental Protection Act*, ~~Provincial~~ Ministry of the Environment and Climate Change regulations, and any other applicable legislation, regulation or requirement.

~~Ministry of Transportation~~ Provincial Permit Areas

- 4.1.8. In addition to all municipal requirements, a permit from the Province ~~Ministry of Transportation (MTO)~~ is required if a building structure, entrance, road or sign is proposed within the defined *controlled areas*. In addition, the ~~MTO~~ Province requires a municipality to obtain the consent ~~of the Minister~~ to open, close or divert any road entering upon or intersecting a *provincial highway*.

4.2 Municipal Water and Sewage

Separate Sanitary and Storm Sewers

- 4.2.4. The City will continue to separate, when feasible, sanitary and storm sewers in areas where combined sewers exist, and to co-ordinate, when possible, a sewer separation program with road reconstruction. There are limitations to the amount of new *development* that can be supported on properties serviced by combined sewers and on properties that have downstream sewers that are influenced by combined sewers before reaching a wastewater treatment plant. It is recommended that property owners consult with Utilities Kingston through the City's pre-application process early to determine if there are any known *development* limitations

Septage

- 4.2.14 Subject to the servicing hierarchy outlined in ~~the~~ *Provincial Policy Statement*, the City may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of reserve servicing capacity required for lot creation shall include confirmation of treatment capacity for hauled sewage from private communal sewage services and for *individual on-site sewage services*.

4.3 Stormwater Management

- 4.3.3.1 The development of naturalized stormwater management facilities, constructed with gentle slopes is promoted, and should be designed in accordance with ~~Provincial~~the Ministry of the Environment and Climate Change guidelines.

Provincial Highways

- 4.3.5 For *development* that is located adjacent to or in the vicinity of a *provincial highway* where drainage would impact the highway downstream, the stormwater management report must be reviewed and approved by the ~~Ministry of Transportatio~~Provincen.

4.4 Individual On-Site Services

Groundwater Supply Assessment

- 4.4.1. A Groundwater Supply Assessment in accordance with ~~Provincial~~Ministry of the Environment and Climate Change guidelines and the City's standards for Hydrogeological Assessments will be required for any *development* that is proposed for an area without municipal services.

4.6 Transportation

Cycling Routes and Pathways

- 4.6.9. It is the intent of the City to designate and develop bicycle routes and *active transportation* pathways on City streets, along off-street trails, and throughout public open space areas to encourage cyclists to travel within the City. The City will consider bicycle lanes in the planning of arterial and collector roads. Such routes and pathways will be generally developed using the broad framework of routes shown on Schedule 5, and on the basis of the following principles:
- a. the route system is continuous, well-signed and clearly defined to the public;
 - b. the route system provides links between major activity areas to encourage usage;
 - c. the system is designed to minimize conflicts between vehicular and *active transportation* facilities;
 - d. access points to any off-street pathway system are well-marked and clearly visible;
 - e. any cycling facilities are designed with regard to safety, emergency access, and maintenance functions; and,

- f. any proposals for crossings of *provincial highways* require the prior approval of the ~~Province Ministry of Transportation (MTO)~~, and trails along a ~~Provincial MTO~~ right-of-way are not permitted.

Transportation Impact Study Requirements

- 4.6.11. The City may require the proponent of any *development* to prepare a traffic impact analysis or a transportation study to the satisfaction of the City to address the requirements of Sections 4.6.1 through 4.6.10, and to assess the influence of *development* on *active transportation* movement, vehicular flows and traffic volumes, and *transportation demand management*. Any such analyses will assess the impact of the proposal on the roadways and, if needed, will recommend improvements necessary to accommodate the proposal, to discourage excessive through traffic, provide traffic calming measures, and maintain satisfactory service levels for all modes of transportation on public streets. The City may determine that such analyses may be subject to a peer review at the cost of the proponent. In addition, the ~~Province Ministry of Transportation~~ may require a property owner and/or the City to undertake, at their cost, a traffic impact analysis and subsequently the design and construction of warranted highway improvements related to a proposed *development*, as a requirement for the issuance of ~~Provincial Ministry~~ permits.

Acquisition of Road Widening

- 4.6.20. Road widenings and new road allowances will be obtained in accordance with the *Planning Act* and this Plan in a fair, equitable and reasonable manner. Where *provincial highways* are affected, consultation with the ~~Ministry of Transportation Province~~ is required.

Front Yard Parking in Residential Areas

- 4.6.59. 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.

The following policies apply to front yard parking for low-~~rise~~, ~~medium-mid-rise~~ and ~~high-density-high-rise~~ residential *development*:

- a. New and existing low-~~rise-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 provisions of the zoning by-law; and,
- b. New ~~mid-rise-medium~~ or high-~~rise-density~~ *development* with grade-separated access, such as apartment buildings, mixed use buildings or walk-up apartment buildings, are not permitted to have

front yard parking unless it is buffered from the streetscape by distance, landscaping, berming, screening, fencing or similar features. For existing multi-unit residential buildings that were developed in accordance with past regulations and do not comply with the current parking requirements, consideration may be given to allowing limited front yard parking spaces, subject to Section 4.6.60.

Private Road Policies

4.6.62. Private roads are those roads which are not assumed by by-law, not a part of a plan of condominium, or maintained on a year round basis by a public road authority. All new lots should abut and have direct access to a public road. The following policies will apply:

- a. persons using private roads to gain access to property do so at their own risk. The City is under no obligation to provide any road dependent service such as maintenance, snow plowing or emergency vehicle access on any private road;
- b. when a private road has been reconstructed to the approval standard required by the City, the City may assume the road by by-law only if it directly abuts an existing public road which is maintained on a year round basis by a public road authority; and,

Lot Development on Private Roads

- c. the *development* of existing lots on private roads may be permitted for residential use. The conditions under which any *development* of such lots may occur, including the construction of a new dwelling, conversion of existing seasonal dwelling to year round use or the expansion of an existing dwelling, are subject to the following policies:

Zoning

- an appropriate zone should be established in the zoning by-law to identify affected properties. Its effect is to allow for the construction, alteration or addition to dwelling houses where access is by private road only; and,

Holding By-laws

- the lots will be placed in a Holding category pursuant to the *Planning Act*, signified by the addition of an “H” Holding Overlay symbol (“H”) indicating that a private road agreement must be entered into with the City. Upon application by the owner, the Holding symbol-Overlay will be removed by Council in accordance with the policies of Section 9.5.21 of this Plan.

4.7 Solid Waste Management

Former Waste Disposal Sites

- 4.7.7. Once all, or a portion of an area used for waste disposal purposes ceases to function, no further use may be made of the area without the approval of the Minister of the Environment and Climate Change, in accordance with *the Environmental Protection Act* and relevant [Ministry-Provincial Guidelines](#) with respect to waste disposal sites and *sensitive land uses*. Former waste disposal sites are shown on Schedule 6. The City will encourage the rehabilitation of former waste disposal sites for public benefits such as park, open space, reforestation, solar energy farm, or energy-from-waste facility.

Section 5. Protection of Health & Safety

Wildland Fires

- 5.7. *Development* shall generally be directed to areas outside the lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*. Risk factors for wildland fires include types and age of forest/vegetation, amount of underbrush and ladder fuels, and topography. Locations of potential *wildland fire hazard areas* have been identified by the [Province Ministry of Natural Resources and Forestry](#) and are shown in Appendix A.

Unstable Soils and Unstable Bedrock

- 5.8.1. Unstable soils include sensitive marine clays [leda] and organic soils. Sensitive marine clays can turn to liquid when disturbed, and organic soils erode and are easily compressed. Unstable soils cannot generally support structures. Proponents of *development* may be required to prepare a Geotechnical Study to determine the presence of any hazard associated with unstable soil and necessary mitigation measures. The [Province Ministry of Agriculture, Food and Rural Affairs \(OMAFRA\)](#) will be consulted for additional information related to potential locations of unstable soils.

Natural Hazard Mapping

- 5.9. The natural hazard area as shown on Schedule 11-A indicates the most landward location of the *regulatory floodplain* and lands that are known to be subject to flooding but for which floodplain mapping has not been prepared. The Cataraqui Region Conservation Authority should be consulted for additional or updated mapping and information regarding the natural hazard areas, including flooding hazards and erosion hazards. Information on the potential locations of wildland fire hazard areas, provided by the [Province Ministry of Natural Resources and Forestry](#), is

shown in Appendix A. Information on potential locations of karst topography, provided by the ~~Province Ministry of Northern Development and Mines~~, is shown in Appendix B.

Brownfields Mandatory Filing of Record of Site Condition

- 5.13. Mandatory filing of a Record of Site Condition (RSC) with the ~~Province Ministry of the Environment and Climate Change~~ is required for any Prohibited Change in land use (i.e. from industrial/commercial to residential or parkland) as required by Ontario Regulation 153/04, and filing of a Record of Site Condition may be required for any lands to be dedicated to the City. Clean-up of contaminated sites required for filing of an RSC must be done in accordance with the “Record of Site Condition Regulation” (O. Reg. 153/04) and with the ~~Provincial Ministry of the Environment and Climate Change~~ guideline “Records of Site Condition – A Guide on Site Assessment, the Clean-up of *Brownfield Sites* and the Filing of Records of Site Condition” dated October 2004 and associated guidelines or standards. The City may also request the filing of a Record of Site Condition when reviewing planning applications for *development* that may be contaminated but do not require mandatory filing.

Brownfields Off-site Contamination

- 5.14. As per Part X of the Environmental Protection Act, an owner may be required to notify the ~~Province Ministry of the Environment and Climate Change~~ and the City if contamination has spread beyond the *development* site. In such cases, the City may require an Off-Site Management Plan or Remedial Action Plan, or other plans or orders as may be required by the ~~Ministry of the Environment and Climate Change~~ Province, be implemented.

Development of Former Gas Stations

- 5.15. For *development* applications on current or former gas station sites, where a Prohibited Change in Use as per O.Reg. 153/04 is proposed, a Record of Site Condition is required to be filed with the ~~Province Ministry of the Environment and Climate Change~~. If the same gas station use is proposed to be continued, the City requires a letter of continued use from the Technical Standards and Safety Authority.

Existing or Former Landfill Sites

- 5.16. No new land use may take place within 30 metres of the perimeter of the fill area of an existing or a former landfill site that was or has been licensed for operation and/or closure as a waste disposal site by the ~~Ministry of the Environment and Climate Change~~ Province.
- 5.17. Any *development* proposal (including severance applications) proposed within 500 metres of the fill area of an existing or former landfill site that was or has been licensed for operation and/or closure as a waste disposal site by the ~~Province Ministry of the Environment and Climate Change~~, must

be supported by a study to determine *adverse effects* or risks to health. The study must address the following for operating landfill sites: landfill generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff and vectors and vermin. Studies of sites that are not operating must consider: ground and surface water contamination by leachate, surface runoff, ground settlement, visual impact, soil contamination and hazardous waste, and landfill generated gases. If previous studies have confirmed that the influence area of the former landfill site is less than 500 metres, the lesser distance authorized by the City may be used in the study. The requirement for a study, or the scope of the study may be reduced by the City if the *development* site is supported by a Record of Site Condition supporting the proposed *development* or use.

Abandoned Pits and Quarries

- 5.18. Abandoned pits and quarries are shown on Schedule 12. Where an abandoned pit or quarry exists, the City requires *development* applications to be supported by a study undertaken by a *qualified person* that:
- a. identifies any potential safety hazard; and
 - b. demonstrates that the site can be rehabilitated to mitigate the hazard in consultation with the ~~Province Ministry of Natural Resources and Forestry~~.

Known Mine Hazards

- 5.19. The ~~Provincial Ministry of Northern Development and Mines~~ records indicate that there is one abandoned mine within the municipal limits as shown on Schedule 12; however, it is not considered to be a hazard. The proponent of a *development* in the vicinity of the abandoned mine site is advised to determine the status of sub-surface rights ownership for properties in the vicinity of the abandoned mine, and proponents for such applications within one kilometre of known mine hazards are required:
- a. to consult with the ~~Province Ministry of Northern Development and Mines or the Ministry of Natural Resources and Forestry~~, as appropriate, and,
 - b. to conduct an impact assessment to determine whether hazards exist and, if so, whether suitable mitigation can be undertaken to allow *development* to occur.

Noise Study

- 5.21. The City of Kingston recognizes the importance of noise management. Any proposed *development* that has a *sensitive use* within the potential influence area as described in the Province's D-6 Guideline or between the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a *qualified person*

in accordance with ~~Provincial Ministry of the Environment and Climate Change~~ guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.

Rail Noise

- 5.22. The City requires a detailed noise study for all *sensitive uses* proposed within 300 metres of an active railway to the satisfaction of the City and CN. The study must be conducted by a *qualified person* in accordance with ~~Provincial Ministry of the Environment and Climate Change~~ guidelines, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.

Road Noise

- 5.24. Where *development* of a *sensitive use* is proposed within 500 metres of the Highway 401 right-of-way, or within 100 metres of an arterial road allowance, the City requires a noise study in accordance with ~~Provincial Ministry of the Environment and Climate Change~~ guidelines that demonstrates how acceptable noise levels can be achieved without the use of noise barriers.
- 5.25. Any *development* application that proposes a *sensitive use* within 500 metres of the Highway 401 right-of-way, or within 100 metres of an arterial or major collector road allowance or a future transit right-of-way, requires a detailed noise study to the satisfaction of the City. The study must be conducted by a *qualified person* in accordance with ~~Provincial Ministry of the Environment and Climate Change~~ guidelines, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.

Noise from Stationary Sources

- 5.26. Any use, including industrial, commercial, institutional or high-~~rise-density~~ residential, proposed to generate a stationary source of noise or vibration may be required to undertake a detailed noise and/or vibration study, to the satisfaction of the City. The study must be conducted by a *qualified person* in accordance with ~~Provincial Ministry of the Environment and Climate Change~~ guidelines, address all sources of noise and vibration, include recommendations for mitigation to meet the applicable criteria, and ensure that there is no *adverse effect* on an existing or planned *sensitive use*.
- 5.27. Where a *sensitive use* is proposed within 300 metres of a stationary source of noise, the City requires that a noise study be prepared to address the ~~Provincial Ministry of the Environment and Climate Change~~ noise guidelines. All related means of mitigation are required to be secured prior to approval of *development*.

Section 6. The Environment & Energy

6.1 Natural Heritage System

- 6.1.5. *Development and site alteration* will not be permitted in *fish habitat* or habitat of *aquatic species at risk*, except in accordance with provincial and federal requirements.

Development and site alteration will not be permitted adjacent to the habitat of *aquatic species at risk* unless an *environmental impact assessment* demonstrates that there will be no *negative impacts* on *natural heritage features and areas* or *ecological functions*, and that *Species At Risk Act (SARA)* and *Endangered Species Act (ESA)* provisions have been addressed. The *environmental impact assessment* must be completed in consultation with Fisheries and Oceans Canada. They will also provide guidance on how projects must be carried out to remain in compliance with the SARA (i.e., by modifying the project to avoid impact, development of appropriate mitigation, or acquiring a SARA permit to carry out the activities). The ~~Province~~ [Ministry of Natural Resources and Forestry](#) will provide guidance on how projects must be carried out to remain in compliance with the ESA.

Information about Species at Risk

- 6.1.6. This Plan does not identify the occurrences of *endangered species* or *threatened species* since this information may be confidential. Proponents must obtain this information from the ~~Province~~ [Ministry of Natural Resources and Forestry](#) and through the [Natural Heritage Information Centre](#) to screen locations for the known presence of species at risk. The City of Kingston will also access *endangered species and threatened species* data available from the ~~Ministry of Natural Resources and Forestry~~ [Province](#).

Adjacent Lands

- 6.1.8. The Province of Ontario's "Natural Heritage Reference Manual," as amended from time to time, specifies the *adjacent lands* for each category of *natural heritage features and areas*.

Development and site alteration are not permitted on *adjacent lands* to Natural Heritage "A" or "B" features shown on Schedules 7 and 8 respectively, unless it has been demonstrated that there will be no *negative impacts* on the *natural heritage features and areas* or on their *ecological functions*. In the review of any *development* or *site alteration*, an *environmental impact assessment* will be required as follows, unless otherwise directed by the City ~~in consultation with the Cataraqui Region Conservation Authority~~:

- a. within 120 metres of a provincially *significant wetland, significant coastal wetlands* and other *coastal wetlands*;
- b. within 50 metres of locally *significant wetlands*;
- c. within 120 metres of *fish habitat*;
- d. within 120 metres of *significant woodlands*;
- e. within 120 metres of *significant valleylands*;
- f. within 120 metres of *areas of natural and scientific interest – life science*;
- g. within 50 metres of *areas of natural and scientific interest – earth science*;
- h. within 120 metres of *significant wildlife habitat*;
- i. within 120 metres of the *habitat of endangered species and threatened species*, in accordance with the *Endangered Species Act*, and as tracked by the [Province Ministry of Natural Resources and Forestry “Natural Heritage Information Centre”](#); and
- j. within 120 metres of habitat of *aquatic species at risk*, in accordance with the *Species At Risk Act* and as tracked by the Federal Department of Fisheries and Oceans.

Boundaries

- 6.1.10.** The boundaries of some of the *natural heritage system* features are approximate and may require validation through field investigations. Where the boundaries of these features are considered inaccurate, an *environmental impact assessment* will be required to confirm the limits of the feature(s) and their associated ecological functions. In reviewing potential boundary adjustments, the City will consult with the Cataraqui Region Conservation Authority and the [Province Ministry of Natural Resources and Forestry](#), as appropriate. Minor adjustments to the boundaries of *natural heritage system* features, being Natural Heritage ‘A’ Features and Areas and Natural Heritage ‘B’ Features and Areas, may be permitted without amendment to this Plan. As outlined in Section 3.10.6, the identification of new Natural Heritage ‘A’ Features and Areas, listed in Section 6.1.2 of this Plan, will require an amendment to this Plan to ensure these features fall within an Environmental Protection Area designation. A zoning by-law amendment may be required to implement the objectives of the Official Plan amendment as they relate to boundary adjustments.

Ecological Site Assessment

- 6.1.13.** An ecological site assessment may be required for *development* in locations where *natural heritage features and areas* are not known so that

the need for an *environmental impact assessment* can be determined. This will involve:

- a. consultation with the City, the ~~Province Ministry of Natural Resources and Forestry~~, and the Department of Fisheries and Oceans to screen for known occurrences of *endangered species* or *threatened species* and species at risk; and,
- b. preliminary field investigations at the appropriate time of year to search for the presence of features such as the *habitat of endangered species and threatened species* or *significant wildlife habitat*.

Significant wildlife habitat may include: seasonal concentrations of animals (e.g. deer wintering areas, heronries, turtle nesting areas, etc.), specialized habitats and rare vegetation communities and habitats of species of special concern. The ~~Provincial Ministry of Natural Resources and Forestry~~ “Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules” for the identification of significant wildlife habitat should be used by proponents to help identify significant wildlife habitat.

If required, an ecological site assessment for the presence of *significant wildlife habitat* will be required for the following types of development:

- creation of more than three lots by plan of subdivision;
- change in land use, not including the creation of a lot, that requires approval under the *Planning Act*;
- consent for lands abutting: the Cataraqui River; Millhaven Creek; St. Lawrence River; the lower reaches of Collins, Little Cataraqui and Grass Creeks; River Styx; Lake Ontario; and, Collins, Colonel By, Cranberry, Leo, Loughborough, and Odessa Lakes.
- site plan application for recreational uses (e.g., golf courses, serviced playing fields, serviced campgrounds and ski hills) that require large-scale modification of terrain, vegetation or both.

If the ecological site assessment determines that an *environmental impact assessment* is required, then the *environmental impact assessment* will be conducted in accordance with the requirements of this Plan.

Environmental Impact Assessment (EIA)

- 6.1.14.** The “Guidelines for Environmental Impact Assessment” prepared by the Cataraqui Region Conservation Authority, as amended from time to time, or other guidelines used by the City to supplement the CRCA Guidelines, will guide the preparation of *environmental impact assessments*. In general, an *environmental impact assessment* must:

- a. be undertaken by a *qualified person* with current knowledge in the field of biology, ecology, hydrology or other specialty as required by the specific circumstances;
- b. use appropriately scaled maps to show topography, existing uses and buildings, and all existing *natural heritage features and areas* and *cultural heritage resources*, whether or not they have been deemed *significant* for the subject site and areas adjacent to it;
- c. use appropriately scaled maps with topographic contours to show proposed uses, proposed *site alteration* and/or *development*;
- d. provide a thorough inventory of flora and fauna and related habitat communities to be completed over a seasonal time span that is appropriate;
- e. provide relevant information on geology (*significant* landforms), hydrology or hydrogeology;
- f. summarize the best information available collected from other agency or scientific sources and discuss the *natural heritage features and areas*, and the associated *ecological functions*;
- g. review the *ecological functions* of the *natural heritage features and areas* identified including habitat needs and the contribution of the site to the *natural heritage system*;
- h. evaluate any unevaluated *wetlands* in accordance with the Ontario Wetland Evaluation System;
- i. assess the cumulative impacts of the *development* proposal and any other existing or known future proposals in the vicinity; and
- j. assess the impact of the proposed *development* or *site alteration* on the various attributes of the *natural heritage system* during and after construction, and:
 - recommend measures designed to ensure there is no disturbance of the feature, and that will result in no *negative impact*;
 - review alternative options and identify any monitoring requirements; and,
 - provide a professional conclusion as to whether the proposal is acceptable, considering potential impacts to *natural heritage features and areas*, related functions, and any proposed measures needed to protect the *natural heritage feature(s) or area(s)* affected, consistent with ~~the Provincial Policy Statement~~ and the policies of this Plan.

Scope of Environmental Impact Assessment

- 6.1.15. The scope and scale of any *environmental impact assessment* required by this Plan must be determined in consultation with the City, ~~the Cataraqui Region Conservation Authority~~, and/or other appropriate agency or Ministry. For areas having a particular value for their *natural heritage feature* or function, the distances noted in Section 6.1.8 may be increased in order to ensure that the *environmental impact assessment* adequately evaluates the impacts of a proposed *development* on the *natural heritage system*.
- 6.1.16. The City, in consultation with the ~~Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry~~ Province, or other agency or Ministry, as appropriate, may tailor the requirements regarding the appropriate level of effort for the *environmental impact assessment* on a site specific basis depending upon the characteristics of the *natural heritage feature*, the adjacent area, the nature of the proposed *development*, any intervening *development* that already exists within the *adjacent lands*, or other relevant factor that is identified.

Setbacks for Development

- 6.1.22. Setbacks from *natural heritage features and areas* are established based on the recommendations of an approved *environmental impact assessment* or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in consultation with the ~~Province~~ Ministry of ~~Natural Resources and Forestry~~, the Cataraqui Region Conservation Authority, or Parks Canada, as appropriate.

6.2 Energy Conservation and Production

Functionality and Compatibility

- 6.2.14. ~~Under the Green Energy Act, the City is not the approval authority for commercial wind energy and solar energy projects.~~ When the City has approval authority for a project, the proponent must demonstrate to the satisfaction of the City that:
- a. the proposed *electricity generation facility* is functional and *compatible* in accordance with Section 2.7 of this Plan;
 - b. if proposed on lands designated on Schedule 3 as Prime Agricultural Area or Mineral Resource Area, that there are no suitable alternate locations on poorer soils on the property to accommodate the proposed *electricity generation facility*; and,
 - c. the project will not compromise the agricultural lands or feasibility of agricultural production over both the short and long term.

Zoning By-law

~~6.2.16. In situations when the City has approval powers, the implementing zoning by-law will regulate *electrical generation facilities* regarding such matters as site area, massing, scale, site coverage, building or structural height, setbacks, mutual separation, parking and buffering provisions. Site plan review may also be required.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

District Energy

6.2.1716. The City supports and encourages the use of district energy systems. The City also supports the use of related alternative energy models, including micro-grids, combined heat and power, and electricity storage systems. The City supports incentives for developers to minimize total energy consumption of new development through the use of such district energy service models.

6.2.B Wind Energy

Wind Energy Systems

6.2.B.1. Wind energy systems may be used for the production of electricity, will be regulated in accordance with provincial and federal regulations, including but not limited to, requirements for all necessary Provincial Ministry of Transportation ~~P~~permits within *controlled areas*.

6.2.C Biomass Energy

Planning Requirements

6.2.C.8. All *biomass energy* systems are subject to:

- ~~a.~~ a zoning by-law amendment that recognizes the site-specific *development*; ~~and,~~
- ~~b.~~ *site plan control review*.

6.2.F Cogeneration Energy

~~6.2.F.4. All *cogeneration energy* systems are subject to site plan control review.~~

Queen's University

6.2.F.54. Nothing in this Plan restricts the operation or maintenance of the *cogeneration energy* system based at Queen's University, as existing on the effective date of this Plan.

Section 7. Cultural Heritage and Archaeology

7.1 Built Heritage Resources

Conservation Protocol

- 7.1.6. The City will protect and *conserve built heritage resources* in accordance with the best available cultural resource management protocols and Charters including, but not limited to, the following:
- a. UNESCO and International Council on Monuments and Sites (ICOMOS) Conventions and Charters;
 - b. the Standards and Guidelines for the Conservation of Historic Places in Canada, as amended from time to time; and,
 - c. the ~~Ontario Ministry of Tourism, Culture and Sport~~Provincet's eight guiding principles in the conservation of built heritage properties.

Heritage Impact ~~Statement~~Assessment

- 7.1.7. The City may require that a heritage impact ~~statement~~assessment be prepared by a *qualified person* to the satisfaction of the City for any *development* proposal, including a secondary plan, which has the potential to impact a *built heritage resource*. The scope of the heritage impact ~~statement~~assessment is determined in consultation with the City and must include information and assessment relevant to the circumstances, including alternative *development* approaches or mitigation measures to address any impact to the *built heritage resource* and its *heritage attributes*. A heritage impact ~~statement~~assessment may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact ~~statement~~assessment for any requests to de-designate a *protected heritage property*; such ~~statements~~assessments must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.

7.2 Protected Heritage Properties

City-owned Cultural Heritage Resources

- 7.2.1. The City must lead the community in the management of its *cultural heritage resources* by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties. It is the intent of this Plan to require that:
- a. the City protect and maintain all City-owned *cultural heritage resources* in accordance with a high standard of heritage conservation;

- b. City-owned *built heritage resources* be integrated into the community and put to adaptive re-use, where feasible and practical;
- c. in the event that the ownership status of a City-owned *built heritage resource* changes, the City must register a heritage easement on title to ensure that the continuous care of, and public access to, these resources are maintained; and,
- d. when the potential change in use or function of a City-owned *built heritage resource* is being contemplated, the potential adverse impacts must be carefully considered and mitigated, and preparation of a heritage impact statement assessment by a *qualified person* may be required.

Relocation of Protected Heritage Properties

7.2.3. All options for on-site retention of *protected heritage properties* must be exhausted before resorting to relocation. The following alternatives must be given due consideration in order of priority:

- a. on-site retention in the original use and integration with the surrounding or new *development*;
- b. on-site retention in an adaptive re-use;
- c. relocation to another site within the same *development*; and,
- d. relocation to another sympathetic site within the City.

A heritage impact statement assessment will be required as part of a proposal to relocate a *protected heritage property*.

Development and Site Alteration on Adjacent Lands

7.2.5. The City may permit *development* and *site alteration* on *adjacent lands* to a *protected heritage property* where the proposed *development* and *site alteration* has been evaluated, and it has been demonstrated through the preparation of a heritage impact statement assessment that the *heritage attributes* of the *protected heritage property* will be *conserved*.

7.3 Cultural Heritage Landscapes

Cultural Heritage Character Areas

- 7.3.6.** Where an area or landscape of specific heritage character is not designated, but is recognized for a specific heritage character, the following may be required:
- a. a heritage impact statement assessment where construction, alteration, demolition, or addition to a property located within a cultural heritage character area is proposed;

- b. the protection of viewplanes, such as those related to City Hall, Kingston fortifications, and the harbor; and,
- c. notification to relevant public agencies and appropriate *First Nations* groups of the existing and potential *cultural heritage resources* at an early planning stage to ensure that the objectives of heritage conservation are given due consideration in any public work project or assessment that may be undertaken.

7.3.A Rideau Canal UNESCO World Heritage Site

Site Plan Control

~~7.3.A.8. Development on lands abutting the Rideau Canal UNESCO World Heritage Site may be subject to site plan approval and accordingly ought to be considered against the terms of the City's Site Plan Control By-law, as applicable.~~

~~(Added by By-Law Number 2017-57, OPA Number 50)~~

Plan of Subdivision Required

7.3.A.98. Generally, division of land for new residential *development* along the Rideau Canal will only be permitted by plan of subdivision. Severances as set out in Section 9.6 of this Plan are allowed in rare instances where it can be demonstrated that potential *adverse effects* on the Rideau Canal and its environs can be effectively mitigated. This can be done through a heritage impact statement assessment or a visual impact statement and would require approval from the City in consultation with Parks Canada.

Development Criteria

- 7.3.A.910.** The following policies apply to *development* on lands which abut the Rideau Canal:
- a. Lot creation along the Rideau Canal will be discouraged where the natural channel of the Canal is less than 100 metres wide in order to ensure that waterfront development will not interfere with navigation.
 - b. Where *development* is proposed along a section of the Rideau Canal which is less than 100 metres wide, a *heritage impact statement assessment* will be required to confirm how the *natural heritage landscape* and cultural heritage value will be *conserved*.
 - c. *Development* on lands abutting the Rideau Canal must be setback a minimum of 30 metres from the shoreline unless it can be demonstrated through the completion of a *heritage impact statement assessment* that the *development* will maintain or enhance the *cultural heritage landscape* and *built heritage resources* associated with the Rideau Canal. In cases where development may impact the *cultural heritage landscape* or built heritage resources, a setback

greater than 30 metres, as determined through the *heritage impact statement assessment*, may be required.

- d. Native vegetation within 30 metres of the shoreline must be retained in its natural state, only allowing access to the waterfront by way of a path designed for limited pedestrian access with minimal disturbance to the natural features.
- e. New buildings should be designed to complement the *cultural heritage landscape* and *built heritage resources* associated with the Rideau Canal.
- f. The City will seek to acquire lands along the Rideau Canal to support the creation of a continuous open space corridor, with a particular focus within the *Urban Boundary*.

Consultation

- 7.3.A.104. The City will consult with Parks Canada ~~and the Cataraqui Region Conservation Authority~~ on all *development* applications affecting properties which are captured by the 30 metre overlay.

In-water Works

- 7.3.A.121. Under the federal Historic Canals Regulations, Parks Canada oversees all in-water works along the Rideau Canal. Docks, water access and boathouses, where permitted, must adhere to Parks Canada's Policies for In-Water and Shoreline Works and Related Activities and require a permit from Parks Canada before work can begin. Such activities must avoid negative impacts to fish, wildlife, navigation and the natural and visual qualities of the shoreline.

Heritage Impact ~~Statement Assessment~~ Required

- 7.3.A.132. *Development* is permitted only if potential *adverse effects* on the Canal and its environs can be remedied, as demonstrated through a heritage impact ~~statement assessment~~. The scope of the heritage impact ~~statement assessment~~ is to be determined in consultation with the City and Parks Canada and must include information relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the *cultural heritage landscape* and *built heritage resources* associated with the Canal.

Kingston Fortifications

- 7.3.A.143. The Kingston fortifications include Fort Henry and four Martello Towers: Fort Frederick, Murney, Shoal, and Cathcart. These fortifications, shown on Schedule 9, are designated as a World Heritage Site and as National Historic Sites. They contribute to the identity and sense of place of Kingston and link Kingston to its military past. They are also a valued contribution to the City's cultural tourism sector. To recognize and conserve the *cultural heritage resource* significance of the Kingston fortifications, the City, together with Parks Canada, will:

- a. conserve the *cultural heritage landscapes*, including the fields of fire of Fort Henry;
- b. conserve the views from Point Henry to Navy Bay, across Deadman Bay to Cedar Island, the Martello Towers, the St. Lawrence River, and the Kingston Harbour, as well as views to and from the fortifications;
- c. conserve *archaeological resources* in the area of all fortifications; and,
- d. identify, develop and promote the *intangible cultural heritage resources* associated with the history of the Kingston Fortifications in ways that benefit residents and engage visitors.

Rideau Canal Economic Development, Tourism and Recreation

7.3.A.1~~54~~. The City will work with Parks Canada, the other municipalities located adjacent to the Rideau Canal, and other agencies having jurisdiction to sustainably develop and promote the tourism potential of Ontario's only UNESCO World Heritage Site.

7.3.A.1~~56~~. The City supports opportunities for public access to the Rideau Canal. Existing public access to the shoreline will be retained and new access points, at strategic locations, may be secured at the time of *development* via land acquisition or access easements.

7.3.C Heritage Conservation Districts

Heritage Impact ~~Statement~~Assessment

7.3.C.5. A heritage impact ~~statement~~assessment may be required where construction, alteration, demolition, or addition to a property located within or adjacent to a heritage conservation district is proposed.

Old Sydenham Heritage Conservation District

7.3.C.9 The Old Sydenham Heritage Conservation District represents over 200 years of Kingston's history. The heritage character of the Old Sydenham Heritage Conservation District is that of a mature downtown residential neighbourhood of human scale, bounded by major institutions and by the shore of Lake Ontario. The Old Sydenham Heritage Conservation District includes: an exceptional concentration of the finest examples of 19th Century architecture; a distinctive street pattern offering historic views; important public buildings; Murney Tower National Historic Site, an early fortification and a component of the Rideau Canal and Kingston Fortifications UNESCO World Heritage Site and memorials; as well as expansive open spaces located in City Park and Macdonald Park. The landscaping, laneways, irregular setbacks as well as the variety of architecture form *heritage attributes* of this District. All properties within this District are "of interest" to the heritage significance of the area under

the *Ontario Heritage Act*. New *development* or any alterations must follow the Old Sydenham Heritage Area Heritage Conservation District Plan and must maintain the heritage buildings, features and landscapes, the topography, and archaeological sites and resources. The following specific matters must be addressed:

- a. The District is a ~~stable~~, pedestrian-focused historic neighbourhood of human scale which is a *significant cultural heritage resource* to be *conserved* and protected from proposed changes that could undermine its *heritage attributes*. Its *heritage attributes* include the following:
 - varied ages, styles and types of buildings;
 - important civic buildings including the courthouse & registry office, churches and a school, within a residential neighbourhood;
 - landmark buildings that dominate the skyline;
 - prominent buildings at street corners;
 - protected views down streets to the lake and parks;
 - tree-lined streets and dominating rear yards;
 - historic landscape elements (period planting layouts, walls, fences and street furniture);
 - a generally high standard of care and maintenance for buildings and landscapes;
 - physical evidence of historical associations with every stage of Kingston's history; and,
 - proximity to the downtown, major institutions (hospitals and university) and the lake.
- b. The District is intended to be protected through the ~~remain a stable area that conservations of~~ its heritage resources. Demolition shall be controlled through the *Ontario Heritage Act*. Additional *development* is limited to small scale alterations and *compatible infill* in accordance with the District Plan to reflect the massing and landscaping context of the District.
- c. The location and treatment of public *infrastructure* including utilities, roadway widths and surface treatments, rear lanes, sidewalks or pathways, street trees and boulevard size or treatments, and park installations will be planned and coordinated in a manner which is sympathetic to the heritage context of the District, in conformity with the policies and guidelines of the District Plan.
- d. City Park and Macdonald Park are special features within the cultural landscape of the Old Sydenham Heritage Conservation

District, and their structural components and heritage context will be *conserved*. Park master plans are recommended to address needs such as parking, signage, memorialisation type, location, design criteria, accessibility, tree care, *recreational* facilities and cultural resource conservation practices.

- e. The retrofitting of buildings to achieve energy efficiencies or the addition of private installations such as fire escapes, solar panels, wind turbines and telecommunication facilities will be regulated, where possible, in accordance with the District Plan to *conserve* the heritage character of individual properties and the cultural landscape quality of the District.
- f. The City will continue to monitor and manage vehicular parking within the Old Sydenham Heritage Conservation District, both on City streets and private properties, to minimize impact on the heritage character of the District.
- ~~g. The use of area-specific zoning requirements and, when appropriate, site plan control, within the District, may be utilized to implement the Official Plan and the District Plan.~~

7.3.D Heritage Character Areas

The City has a number of areas shown on Schedule 9 that may not, as yet, be determined as appropriate for designation under the *Ontario Heritage Act*, but which nonetheless are recognized as having a specific heritage character. A heritage impact ~~statement~~assessment, as outlined in Section 7.1.7, may be required where construction, alteration, demolition, or addition to a property located within an area of heritage character is proposed.

Lower Princess Street Heritage Character Area

- 7.3.D.1.** The Lower Princess Street Heritage Character Area recognizes the traditional downtown as a *significant cultural heritage resource*. It includes the streetscape, courtyards and laneways, *built heritage resources*, landscape elements, as well as the pedestrian activity, civic and commercial functions that maintain the historic function of the area. The arrangement of buildings, street orientation, pedestrian activity and continuity of height all contribute to the historic sense of place. It is the intent of this Plan to maintain the heritage integrity of the area with the application of the following heritage policies:
- a. *built heritage resources* within the area will be encouraged to be maintained as functional heritage buildings;
 - b. new buildings will reinforce and be *compatible* with the existing *built heritage resources*, and any upper storeys beyond the height of existing rooflines will be required to step back in accordance with the build-to plane provisions of Section 10A.4.6 of this Plan;

- c. the cultural heritage value of any building proposed for demolition shall be considered through the completion of a Heritage Impact ~~Statement~~ Assessment prior to its removal. Should demolition be approved, Section 7.1.8 of this Plan, pertaining to archival requirements, shall apply;
- d. building heights in the Lower Princess Street Heritage Character Area must comply with the provisions of Section 10A.4.6 of this Plan;
- e. restoration of heritage façades and *heritage attributes* and the application of sympathetic materials and historic styles is encouraged;
- f. new *development* must protect the height of City Hall as the dominant feature of the area, and should employ building materials that are *compatible* and sympathetic to the heritage character of the area;
- g. parking garages and structures must conform to the general design principles of this Plan and maintain the heritage character of the adjacent streetscape; and,
- ~~h.g.~~ h.g. site amenities that promote and sustain cultural vitality will be encouraged as part of *development* proposals.

Former Psychiatric Hospital Lands Heritage Character Area

7.3.D.4. The large institutional block between Lake Ontario and King Street West, just west of Portsmouth Village, contains *significant cultural heritage resources* of the City, including the former Rockwood Asylum, its buildings and designed landscape. Several parts of the site have been designated under the *Ontario Heritage Act* or have been identified as having cultural heritage value.

To protect the *significant cultural heritage resources* of this property, any proposed *development*, *site alteration* or change of use will be subject to the following policies:

- a. the cultural heritage landscape and the *built heritage resources* must be conserved;
- b. the *cultural heritage landscape*, described in the Heritage Assessment of Ontario Realty Corporation's Mental Health and Development Services Facilities (N00723 – Kingston Psychiatric Hospital) must be protected;
- c. *archaeological resources* are to be evaluated and *conserved*; and,
- ~~d. site plan control review will be required; and,~~

ed. a heritage impact statement assessment in accordance with Section 7.1.7 will be required to address any potential impact on *cultural heritage resources*.

7.4 Archaeological Resource Conservation

Register of Cultural Heritage Resources

7.4.4. The City's register of *cultural heritage resources* may include available archaeological site data and locations, and relevant mapping from the provincial archaeological database of the Province Ministry of Tourism, Culture and Sport, under the provisions of a municipal-provincial data sharing agreement. This site data and locations will be used internally for the purpose of heritage conservation planning and *development* review. The mapping database will be updated regularly when appropriate, as new archaeological sites are identified.

Locations Confidential

7.4.5. It is the policy of the City to keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance, and the inappropriate removal of resources, as per the Province Ministry of Tourism, Culture and Sport and the City of Kingston data sharing agreement.

Marine Archaeology

7.4.6. Within the boundaries of the City, there are marine archeological remains from the ancestral *Indigenous Peoples of Canada* period in the area through the modern era up to the last 50 years. When considering an application for *development* or *site alteration*, the City may require a marine archaeological assessment to be conducted by a *qualified person* pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified or considered to be likely, and could be impacted by shoreline and waterfront *developments*. Any marine *archeological resource* that is identified must be reported to the Province Ministry of Tourism, Culture and Sport.

Provincial Approval

7.4.7. All archaeological assessment reports must be provided to the Province, as per the Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and to the City for information purposes. All correspondence from the Province Ministry of Tourism, Culture and Sport on their review/acceptance of any archaeological assessment will be provided to the City.

Emergency Protection of Resources

- 7.4.8. A contingency plan must be prepared, with the advice of a licensed archaeologist and/or the ~~Province Ministry of Tourism, Culture and Sport~~ and adopted by by-law, for emergency situations to protect *archaeological resources* on accidental discoveries or under imminent threats.

Required Studies

- 7.4.10. Upon receiving information that lands proposed for *development* may include *archaeological resources* or constitute an *area of archaeological potential*, Council will not take any action to approve the *development*, and the owner of such land will be requested to have studies carried out at the owner's expense by *qualified persons* in accordance with the Province's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and provide a copy of any correspondence from the ~~Ministry of Tourism, Culture and Sport~~Province for any completed studies.

7.6 Public Art

- 7.6.5. The City will encourage the inclusion of public art in all major private sector *development* across the City using applicable planning tools and processes and in accordance with the policies of Sections ~~9.5.25 and~~ 9.8 of this Plan. Private sector developers are encouraged to follow the best practices established by the City for the acquisition and selection of public art. The City will provide guidance in the application of these practices.

7.7 Museums and Collections

- 7.7.5. ~~Heritage Kingston~~Heritage Programs Committee shall provide advice to Council respecting the two City-owned museums, City Hall National Historic Site and the civic collection ~~in accordance with the policies of Section 9.4.4 of this Plan.~~

7.8 Intangible Cultural Heritage

- 7.8.6. ~~Heritage Kingston~~Heritage Properties Committee shall provide advice to Council respecting the City's *intangible cultural heritage resources* in accordance with the policies of Section 9.4.4 of this Plan.

Section 8. Urban Design

Guiding Principles for Development of New Communities

- 8.2. The Design Guidelines for New Communities establish the following guiding principles that should be used to ensure the development of successful communities:
- a. foster attractive communities and a sense of place;

- b. create compact, accessible, ~~mixed-use~~mixed use communities;
- c. provide a variety of housing types;
- d. provide access and visibility to open spaces;
- e. encourage environmentally sustainable *development*;
- f. create a street network for *active transportation* and transit;
- g. integrate and highlight *cultural heritage resources*; and,
- h. encourage spaces, services and facilities that highlight *arts and culture* in a manner that generates and sustains cultural vitality.

Guiding Principles for Development of Residential Lots

8.3. The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential development is integrated into the existing built fabric, and is conducive to *active transportation*:

- ~~a. protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);~~
- ~~ba.~~ foster *developments* that are context appropriate;
- ~~be.~~ foster attractive developments which add to the existing sense of place;
- ~~cd.~~ provide a variety of housing types;
- ~~de.~~ ensure compact, accessible ~~mixed-use~~mixed use development;
- ~~ef.~~ encourage environmentally sustainable development; and,
- ~~fg.~~ integrate and highlight *cultural heritage resources*.

New Development

8.6. 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:

- 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 or; landscaped treatments, ~~building materials, exterior design elements or features~~;
- b. protecting *natural heritage features and areas* and *cultural heritage landscapes* through the siting, design and review of new *development*;

- c. promoting innovation in building design to create an interesting and varied built environment, to increase *sustainability* by improving energy efficiency, and to deliver barrier-free accessibility;
- 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,
- e. encourage spaces, services and facilities that highlight *arts and culture* in a manner that generates and sustains cultural vitality.

Multiple Building Projects

8.10. New multiple building *development* projects involve a number of separate buildings being built either at one time or in phases on an initial single landholding. It is the intent of Council to review multiple building projects in accordance with the following policies:

- a. in support of any *development* application, and as part of any site plan control application, the proponent of a multiple building *development* project must prepare an overall plan for the total project showing such features as:
 - building footprints and configurations;
 - parking areas and structures for vehicles and bicycles for each building;
 - lands devoted exclusively to each building, and where applicable, the location of *affordable housing units* in accordance with Section 3.3.409 of this Plan;
 - vehicle, cyclist and pedestrian access to the project and to each building;
 - *amenity areas* for each building, and associated lighting;
 - public open space areas and access where required;
 - stormwater management schemes;
 - site servicing details;
 - internal vehicular and *active transportation* movement;
 - landscaping details, buffering and screening in terms of a multi-level design proposal;
 - any proposed phasing for the project in order of sequence; and,
 - any intended future proposals for land division;

Gateways to the City

- 8.11. Several arterial roads provide principal entrances to the City for vehicular traffic from Highway 401. These roadways include Gardiners Road, Sir John A. Macdonald Boulevard, Division Street, Montreal Street and Highway 15 / Kingston Road 15. Further, Highway 2, Princess Street, Bath Road and Highway 15, north of Highway 401, accommodate principal entrances to the City, which may accommodate motorists and those employing *active transportation*. Each provides an important entry or “gateway” to the City. Treatment of these roadways is therefore a high priority. Any impacts on the *provincial highways* are subject to review by the ~~Ministry of Transportation~~Province.

Section 9. Administration & Implementation

Provincial Policy

- 9.1.1. The policies of this Official Plan are designed to be consistent with ~~the Provincial Policy Statement (2014)~~ in identifying appropriate land use designations and policies directing *development* to appropriate locations, to promote a sustainable environment, to protect natural and cultural resources, a healthy economy, and a strong community structure.

Section 2 Amendments

- 9.1.3. It is the intent of the Official Plan to provide a clearly articulated framework for review of land use decisions through the broad vision and fundamental principles presented in Section 2, the Strategic Policy Direction of this Plan and the more detailed policies contained in other sections. ~~It is not anticipated that the matters contained in Section 2 will change without a major and comprehensive review of this Plan, as required in provincial policy. Thus, any change to Section 2 is considered a major amendment requiring detailed study and consultation.~~

9.2 Interpretation

Boundaries

- 9.2.4. Boundaries of land use designations as shown on Schedules 3-A, 3-B, and 3-C are considered approximate, except where delineated by a defined secondary plan, a site specific policy, or where they coincide with fixed distinguishable features such as property lot lines, roads, rail lines, waterbodies, utility corridors, or other distinctive physical features. The boundaries of land use designations will be further defined through a review of: existing zoning by-laws; prevailing lot depths; lot patterns; orientation of lot frontages; and, land use patterns. Where deemed appropriate by the City, boundaries may be confirmed on the basis of a site inspection and the concurrence of agencies and authorities with

jurisdiction such as the Cataraqui Region Conservation Authority and the ~~Ministry of Natural Resources and Forestry~~ Province.

Conflict Between Policies

- 9.2.6. There should be no conflict between a policy of the Official Plan and the policies of the secondary plans or specific policy areas included in Section 10 of this Plan. Where an apparent conflict exists, the City will be asked to clarify the policy based on the general intent of this Plan and the more focused intent of the secondary plan, recognizing that decisions of Council, as required by the *Planning Act*, must be consistent with ~~the Provincial Policy Statement~~, as amended.

9.3 Official Plan Amendments

Amendments to this Plan

- 9.3.1. As required by the *Planning Act*, any amendment to this Plan must be consistent with ~~any Provincial Policy Statement~~ in effect on the day of the decision, and should any provincial plan come into effect for this municipality, any decision must also conform with, or not conflict with provincial plans that are in effect.

Criteria

- 9.3.2. Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:
- a. the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including *sustainability*, *stability* and *compatibility* outlined in Section 2, and consistency with provincial policy;
 - b. the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;
 - c. the *compatibility* of the proposal, or the adequacy of proposed mechanisms for achieving *compatibility*, with adjacent and planned uses, including *cultural heritage resources* and *natural heritage features and areas*;
 - ~~d. the potential of the proposal to cause instability within an area intended to remain stable;~~
 - ed.** the ability of the City's *infrastructure* to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned *infrastructure* improvements in other areas of the City;
 - fe.** the financial implications (both costs and revenues) to the City;

- gf. the degree to which approval of the amendment would establish an undesirable precedent; and,
- hg. consistency with ~~the Provincial Policy Statement~~ and ~~provincial~~ Provincial legislation and guidelines.

9.4 Delegated Authority & Advisory Committees

~~Heritage~~-Kingston Heritage Properties Committee

- 9.4.4. ~~Heritage~~-Kingston Heritage Properties Committee has been appointed in accordance with the *Ontario Heritage Act*. The committee's role is advisory and consultative. The mandate and activities of the committee should address the broad array of opportunities and projects presented by Kingston's heritage and intangible history. Accordingly, the committee membership should reflect a broad range of community perspectives. The committee will undertake the following tasks in accordance with the provisions of Section 7:
- a. assist the City Clerk in maintaining an inventory of properties and structures having cultural heritage value or interest;
 - b. advise Council on designations under the *Ontario Heritage Act* of real properties having cultural heritage value or interest;
 - c. advise Council on areas to be designated as Heritage Conservation Districts under the *Ontario Heritage Act*;
 - d. review plans referred to it by the City with respect to applications ~~to~~ for new construction, alteration and/or demolition/removal ~~of~~ structures or buildings ~~or elements on properties~~ that have been designated under the *Ontario Heritage Act* and advise Council with respect to such proposals;
 - e. provide advice to the planning process where heritage buildings resources are located on or adjacent to properties that are the subject of *development* applications, including, but not limited to, amendments to the official plan and zoning by-laws, severance and minor variance applications, and site plan control review;
 - f. support the implementation of the Kingston Culture Plan; and
 - ~~g. advise Council respecting best practices in the museums sector related to collections, exhibitions and programming for the two civic museums (MacLachlan Woodworking Museum and Pump House Steam Museum) and the broader Kingston museums community;~~
 - ~~h. advise Council on the management and development of the civic collection; and~~
 - i.g. promote public understanding of local history and appreciation of all *cultural heritage resources*.

Types of Zoning By-law Amendments that May be Delegated

- 9.4.6. Council may, by by-law, delegate its authority to make decisions with respect to the following types of zoning by-law amendments in accordance with the provisions of the *Planning Act*:
- a. removal of ~~additional residential unit constraint site-specific and area-wide Holding Overlays~~ areas where the City is satisfied that there are no longer constraints or technical requirements;
 - b. creation of new site-specific and area-wide Holding Overlays where a new constraint or technical requirement is identified;
 - c. amendments to the floodplain overlay when updated floodplain information becomes available;
 - ~~b.~~
 - ~~e.~~d. amendments related to the severance of surplus farm dwellings;
 - ~~d.~~e. amendments required to bring site specific zones from former zoning by-laws that conform with this Plan into the new zoning by-law; and
 - ~~e.~~f. for any site specific exception that is carried forward into the new zoning by-law during its appeal period, amendments required to delete site specific exceptions in the event of an appeal under the former zoning by-law.

9.5 By-Laws

- 9.5.2. The zoning by-law(s) will regulate the permitted use of land and may provide standards for ~~such~~ matters including, but not limited to as:
- a. permitted principal, *complementary* and *accessory uses*;
 - b. lot area and dimensions;
 - c. number of structures and buildings on a lot;
 - d. minimum and maximum floor area of buildings;
 - e. setbacks for buildings and structures, including setbacks for the protection of natural heritage features;
 - f. minimum and maximum density as measured by *floor space index* or by means of units per hectare;
 - g. minimum and maximum lot coverage (portion of a site occupied by a building or structure);
 - h. minimum and maximum height of a building or structure and provisions tied to an angular plane;

- i. requirements for parking for vehicles and bicycles or loading areas and spaces; and,
- j. requirements for landscaped open space or *amenity areas*.

Non-Conforming Uses

~~9.5.4. It is the intent of the City, wherever possible, to minimize the extent of non-conforming uses created in the zoning by-law.~~

~~9.5.5. Under certain circumstances, uses legally existing at the time of adoption of this Plan that do not conform to this Official Plan may continue to be recognized by the zoning by-law, if the City is satisfied with respect to the following criteria:~~

- ~~a. the use has achieved an acceptable level of *compatibility* with existing and planned uses;~~
- ~~b. the long term continuation will not detract from the general intent of this Plan;~~
- ~~c. the use does not involve hazardous activities or substances, and does not substantially contribute to water or air pollution;~~
- ~~d. the use does not perpetuate or create hazardous access or traffic conditions;~~
- ~~e. that undue hardship does not result from zoning in conformity with this Plan; and,~~
- ~~f. consideration of supporting representation by residents or affected property owners.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Non-Conforming Use

~~9.5.6. Any land use legally existing at the date of approval of the implementing zoning by-law that does not conform to the policies or schedules of the Plan is deemed a non-conforming use and should cease to exist in the long-run.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

Amendments to the Zoning By-law

9.5.74. 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.

Application Requirements

9.5.85. When considering a privately-initiated application to amend the zoning by-law, the City may require specific or representative plans be submitted, or that certain studies be completed so that the City is able to assess the

proposal more thoroughly. The additional information and studies that may be required are detailed in Section 9.12 of this Plan.

Planning Committee/Council Considerations

- 9.5.96.** When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:
- a. conformity of the proposal with the intent of the Official Plan policies and schedules;
 - b. *compatibility* of the proposal with existing uses and zones, *sensitive uses*, the *natural heritage system*, *cultural heritage resources*, and *compatibility* with future planned uses in accordance with this Plan;
 - c. *compatibility* of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;
 - d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for *development*;
 - e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or *amenity areas*;
 - f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, *floor space index*, and/or employees per hectare, as applicable;
 - g. the impact on municipal *infrastructure*, services and traffic;
 - h. comments and submissions of staff, agencies and the public; and,
 - i. the degree to which the proposal creates a precedent.

Conditional Zoning

- 9.5.107.** Council may, in conjunction with a zoning by-law passed pursuant to Section 34 of the *Planning Act*, impose one or more prescribed conditions on the use, erection or location of buildings or structures, and may require an owner of land to which the by-law applies to enter into an agreement with the City relating to the condition(s). This agreement may be registered against the lands to which it applies, and the City may enforce the agreement against the owner and any and all subsequent owners of the land.

Relief from Parking

- 9.5.118.** As established by the *Planning Act*, the City may enter into an agreement with any landowner or building occupant to exempt such owner or occupant from the provision of parking required by a zoning by-law in return for the payment of money and such agreement may be registered

on title, and considered a tax under the *Municipal Act*. The City will keep such revenue in a separate fund under the conditions required by the *Municipal Act*.

Community Planning Permit System

9.5.129. The City may introduce a Community Planning Permit System as an alternative method to zoning for certain types of land use or certain areas of the City. The Community Planning Permit System may combine zoning approval with site plan control review or other processes required by this Plan.

Committee of Adjustment

9.5.1310. In certain circumstances, it may be desirable to grant the extension or enlargement of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension or enlargement, the Committee of Adjustment will be satisfied that the legal non-conforming use continued to the date of application to the Committee and that the application would not extend such use beyond the area and site owned or used on the day of passage of the implementing zoning by-law for this Plan, as well as with the following considerations:

- a. consistency with provincial policy in effect at the time of the decision, and general conformity of the proposal with the intent of the policies and schedules of this Plan;
- b. *compatibility* of the proposal with existing uses and zones, the *natural heritage system*, *cultural heritage resources*, and with future planned uses in accordance with this Plan;
- c. *compatibility* of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area or for the type of *development*;
- d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for *development*;
- e. the suitability of the site for the proposal, including its ability to meet all usual standards of parking for vehicles and bicycles, open space or *amenity areas* as well as the lack of any potential for noise, odour, traffic conflict or other nuisance from the proposal;
- f. the impact on municipal *infrastructure*, services and traffic;
- g. comments and submissions by staff, agencies and the public; and,
- h. the degree to which the proposal may inhibit conforming uses or creates a precedent.

Extension or Enlargement of Non-conforming Use

- 9.5.1411.** No extension or enlargement of a non-conforming use will be granted by the Committee of Adjustment if traffic, noise or operating characteristics create or will increase *adverse effects* or nuisance factors which cannot be suitably mitigated, or if the proposal is within a land use designation that expressly prohibits such use.
- 9.5.1512.** The Committee of Adjustment may approve an application to extend or enlarge a non-conforming use to another use for such time and subject to such conditions as the Committee deems appropriate.
- 9.5.1613.** Where a non-conforming use is clearly incompatible or a hazard to adjacent uses, or interferes with the implementation of this Plan, Council may acquire the property to terminate the use or may exchange land to provide for the relocation of the use to a more appropriate area.
- 9.5.1714.** In some circumstances it may be appropriate to grant a change from one non-conforming use to another if the Committee of Adjustment is satisfied that:
- a. the proposed use is similar to the existing use or more in conformity with the planned use(s);
 - b. the site or building conditions will be substantially improved by the proposed change of use and can adequately accommodate the proposal;
 - c. the proposed use is generally *compatible* with surrounding uses and can meet parking for vehicles and bicycles and other site standards of the general area with accessibility considerations as well as those standards necessary for the proposed use;
 - d. the proposed use does not create any noise, traffic or operational nuisance that cannot be mitigated to an acceptable level;
 - e. municipal *infrastructure*, roads and access conditions can accommodate the proposed use; and,
 - f. the proposed use will not negatively impact surrounding lands or buildings or inhibit them from developing for their intended use.

Minor Variances

- 9.5.1815.** The Committee of Adjustment may grant a minor variance from the provisions of the zoning by-law or any other by-law that implements the Official Plan, if it is satisfied that the application meets the tests of the *Planning Act*. When reviewing an application for a minor variance the Committee of Adjustment must be satisfied that:
- a. the general intent and purpose of the Official Plan are maintained;
 - b. the general intent and purpose of the by-law being varied are maintained;

- c. the variance is minor in nature; and,
- d. the variance is desirable for the appropriate *development* or use of the land, building, or structure.

9.5.1916. In considering whether a variance is desirable for the appropriate *development* or use of the land, building or structure, the Committee of Adjustment will have regard for, but will not necessarily be limited to the following:

- a. the proposed *development* meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;
- b. the proposed *development* will be *compatible* with surrounding uses, buildings or structures and *development* standards associated with adjacent properties, and if necessary, incorporate means of alleviating *adverse effects* on abutting land uses as recommended in Section 2.7 of this Plan;
- c. the ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;
- d. the conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a *built heritage resource* or is within a Heritage District;
- e. if the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by ~~Heritage~~-Kingston Heritage Properties Committee for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a heritage impact statement assessment may be required to assist staff to determine if the resulting *development* is desirable;
- f. the resulting *development* has adequate *municipal water and sewage services* within the *Urban Boundary*, or is capable of providing *individual on-site water and sewage services* outside the *Urban Boundary*;
- g. whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;
- h. the Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in

Section 9.12 of this Plan that may be required to properly evaluate the application; and,

- i. the degree to which such approval may set an undesirable precedent for the immediate area.

The City will maintain a registry of all minor variance applications and all applicable Committee of Adjustment and Ontario ~~Land Tribunal~~Municipal Board Decisions.

Temporary Use By-law

- 9.5.2017.** The City may pass by-laws in accordance with the *Planning Act* to permit the temporary use of land, buildings or structures on a site (where such use would normally be prohibited by the by-law) for a period of up to 3 years, or up to 20 years ~~for a tiny house~~, in accordance with the “garden suite” provisions of the *Planning Act*, and may grant extensions of such a temporary use by-law for periods of up to 3 years each. In the case of a garden suite ~~tiny house~~, an owner may be required to enter into an agreement with the City in accordance with provisions of the *Planning Act*. Temporary use by-laws shall be passed in accordance with applicable policies of this Official Plan to ensure no long term *adverse effects* from the proposed temporary use.

Holding ~~By-laws~~ Overlay

- 9.5.2118.** The City may pass a holding by-law pursuant to the *Planning Act* that will include the ~~symbol “H”~~ Holding Overlay (“H”) in situations where the future use of the land (or buildings or structures) has been determined but where imminent *development* would be premature until various conditions are met, as set forth in the holding by-law, including any of the following:
- a. municipal roads, services and utilities have been extended or improved, or servicing capacity has been added or allocated to enable *development*;
 - b. satisfactory financial arrangements have been made to enable *development*;
 - c. phasing of the *development* has been determined;
 - d. studies have been completed (and may also be peer reviewed) to the satisfaction of the municipality to justify or support initiation of *development*; or,
 - e. conditions arising from any study, or conditions which address any other impediment to *development* have been satisfactorily met, or are deemed by the City to be no longer relevant.
- 9.5.2219.** The City will pass an amending by-law to remove the “H” when the circumstances have been achieved or conditions set out in the holding by-law have been fulfilled.

Interim Control

- 9.5.2320.** Where the City has by resolution or by-law determined that a study or review of land use policies in a certain area is necessary, it may pass an interim control by-law for a period of time as specified in the by-law prohibiting uses of land (or buildings and structures) except for uses specified in the interim control by-law. Notice of an interim control by-law is not required to be given prior to its passage but notice must be given within 30 days after its passage.

Extension of Interim Control By-law

- 9.5.2421.** The City may amend the interim control by-law to extend the period of time provided that the total period does not exceed two years from the date of passage of the original by-law and notice is provided as stated above. However, in accordance with the *Planning Act*, an interim control by-law will remain in effect where there has been an appeal of the land use by-law which has been adopted by the City after completion of the study.

~~Height and Density Bonus~~

- ~~9.5.25.~~ The City may approve a by-law authorizing an increase in height or density beyond that allowed in the zoning by-law pursuant to the *Planning Act*, in return for facilities, services or matters benefiting the public, including the following:
- ~~a.~~ providing a wide range of clearly specified and designed housing types, including *affordable* housing and housing for seniors and individuals with special needs;
 - ~~b.~~ providing parkland dedication beyond what is already required by this Plan;
 - ~~c.~~ protecting features of the *natural heritage system*, such as *woodlands*, beyond the parkland dedication requirements of the *Planning Act*;
 - ~~d.~~ improving access to public transit facilities;
 - ~~e.~~ providing universally accessible public areas, pathways, and connections to external public pathways/trail systems;
 - ~~f.~~ providing public and/or underground parking;
 - ~~g.~~ providing community and open space facilities such as small parks, day care centres, community centres, *recreation* facilities, cultural facilities;
 - ~~h.~~ *conserving cultural heritage resources*;
 - ~~i.~~ protecting or enhancing *significant views*;
 - ~~j.~~ providing public art;

- ~~k. providing green technology and sustainable architecture and alternative construction methods such as “green roofs” and LEED^R certified buildings;~~
- ~~l. providing streetscape improvements in accordance with Council-endorsed documents such as the Downtown Action Plan and that also enhance accessibility and wayfinding; and,~~
- ~~m. including local improvements identified in community design plans, *community improvement plans*, secondary plans, capital budgets or other implementing plans or studies.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

~~9.5.26. Each proposal for an increase in height and density must be assessed on a case by case basis, and be supported by such additional information and studies as deemed appropriate by the City, in order that Council ensures that:~~

- ~~a. the *development* resulting from the application of increased height and density does not impose *adverse effects* on neighbouring uses, and meets the general intent and purpose of the land use compatibility principles in Section 2.7 and the urban design principles as outlined in Section 8 of this Plan;~~
- ~~b. the *development* resulting from the application of increased height and density ensures that identified *cultural heritage resources* are *conserved*, as demonstrated through the completion of a *heritage impact statement* where required by the City;~~
- ~~c. the proposed increased height and density provision supports the strategic planning approach to guide and respond to *development* applications for change in areas of the City, as outlined in the policies of Section 2.6 of this Plan regarding stable areas and areas in transition;~~
- ~~d. there are adequate municipal services including water, sanitary sewers, stormwater management facilities and community services;~~
- ~~e. the transportation system can accommodate the increase in density;~~
- ~~f. the site is suitable in terms of size and shape, to accommodate the necessary on-site functions such as parking, landscaping and *recreational facilities* of universal design;~~
- ~~g. there is a reasonable planning relationship between the community benefits and the proposed *development*;~~
- ~~h. the value of the increased height and density is appraised by the developer and the value of the benefit to be provided is assessed compared to the increased value to the developer, so that there is~~

- ~~an equitable relationship between the established value of the increased height and density and its value to the community; and,~~
~~i. the *development* must constitute good planning and be consistent with the policies of this Plan.~~

~~(Amended by By-Law Number 2017-57, OPA Number 50)~~

- ~~9.5.27. Community benefits may be provided off-site, if they are located in close geographic proximity to the subject property. It must be demonstrated that the community benefits will have a positive impact on the immediate area experiencing the increased height or density provision.~~
- ~~9.5.28. Community groups will be consulted on the *development* application and the proposed benefit as part of the statutory public consultation process.~~
- ~~9.5.29. The owner will be required to enter into an agreement relating to the provision of facilities, land, or matters for which the bonus has been established in the by-law.~~
- ~~9.5.30. The increase in density or height will be approved through an amendment to the zoning by-law.~~

Site Plan Control

- 9.5.3122.** The entire area within the City of Kingston is designated as a Site Plan Control Area. The site plan control by-law, as amended from time to time under Section 41 of the *Planning Act*, affects all or part of the Site Plan Control Area. Applications submitted under this by-law will be subject to the provisions of the by-law, and any guidelines prepared by the City to guide its implementation. Council may deem certain types of *development* exempt from site plan control review.
- 9.5.3223.** Individual land use designations in this Plan establish criteria for the review of site plan control applications. Through the review of staff and agency circulation and consultation, the submission of required plans and any additional information and studies as detailed in Section 9.12 of this Plan, and the entering into of site plan control agreements, the City will use the process of site plan control review to:
- a. provide a safe, functional, and visually attractive environment;
 - b. encourage proposed *development* to relate compatibly to the scale, character and siting of abutting *development*;
 - c. minimize impacts on abutting uses;
 - d. deliver universal accessibility to community facilities and services such as transit;
 - e. provide security, convenience and amenity equitably for all people;
 - f. provide for safe access, parking and loading for vehicles and all forms of *active transportation* devices;

- g. provide a high standard of landscape amenity with consideration for accessibility, wayfinding and buffering of service areas while retaining natural features wherever possible;
- h. provide for control of stormwater and secure necessary service or utility easements and road widenings, as referenced in Section 4.6 of this Plan;
- i. require sustainable features to the extent that provincial legislation allows; and,
- j. provide for vaults, central storage and collection areas and other facilities and enclosures of universal design for the storage of garbage and other waste materials.

9.5.3324. Plans showing all buildings and structures to be erected and all facilities and works, including facilities incorporating accessible design principles or standards and provisions for universal access, to be provided in conjunction with the *development*, are required to be consistent with the provisions of Section 41 of the *Planning Act*. Drawings showing plan, elevations and cross-section views may be required for all buildings to be erected including buildings to be used for residential purposes, including residential buildings containing fewer than *25 residential units*.

9.5.3425. The above-noted drawings must be sufficient to display:

- a. the massing and conceptual design of the proposed building;
- b. the relationship of the proposed building to adjacent buildings, roads, and exterior areas, including parking for vehicles and *active transportation* devices and loading areas and access thereto;
- c. the provisions of interior walkways, stairs, elevators and escalators to which the public has access from roads, open spaces and interior walkways in adjacent buildings with consideration for universal design;
- d. matters ~~relating to exterior design~~, including, without limitation ~~to~~, the ~~character~~, scale, appearance and design features of buildings, the illumination of buildings, parking areas, loading areas, landscaped areas, signage, access and accessibility, and their sustainable design;
- e. sustainable design elements such as trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and *active transportation* parking facilities on any adjoining road under the City's jurisdiction; and,
- f. facilities incorporating accessible design principles or standards.

9.5.3526. Within the Site Plan Control Area for all classes of buildings, no building permit will be issued until site plan control approval has been secured.

Sunset clauses are normally added to the approval of a site plan control agreement indicating that approval will lapse unless construction commences within two years. Where approved conditions have been fulfilled, the municipality may issue a conditional approval in order to allow foundation work to proceed.

Property Maintenance ~~and Occupancy~~

- 9.5.3627.** The City will regulate property standards through its ~~Maintenance and Occupancy By-law and the~~ Property Standards By-law. These will continue to provide minimum standards for such matters as:
- a. structural maintenance, building access, and safety issues;
 - b. sewage and drainage;
 - c. plumbing, heating and electricity;
 - d. garbage disposal, pest control, and cleanliness;
 - e. clearance of weeds, abandoned vehicles, or other discarded materials or equipment from the property;
 - f. maintenance of fences, signs, retaining walls, and *accessory use* buildings and structures; and
 - g. maintenance of driveways, pathways, parking areas for vehicles and *active transportation* and landscaped areas.

Signage

- 9.5.3728.** The City will regulate the size, location and placement of signs, including accessible accommodation, through passage of a Sign By-law pursuant to the *Municipal Act*.

Development Charges ~~and Impost Fees~~

- 9.5.3829.** The City, pursuant to the *Development Charges Act* and *Municipal Act*, may undertake studies to assess the cost of *infrastructure* and facilities related to *development* and will require *development* proponents to contribute to such costs on a proportionate basis as established through provisions of a Development Charges ~~and Impost Fees~~ By-law.

Part Lot Control By-laws

- 9.5.3930.** The City may pass a by-law to exempt all or portions of lots within a registered plan of subdivision from part lot control so that lots can be further divided to permit *development*, without a consent or further plan of subdivision, in accordance with the *Planning Act*. Such enabling by-law may also be repealed or amended by the City.

Site Alteration By-law

- 9.5.4031.** The City's Site Alteration By-law regulates the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land within the municipality, in accordance with the provisions of the *Municipal Act*. The

Site Alteration By-law does not apply to site alterations proposed in areas regulated by Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the Cataraqui Region Conservation Authority.

Tree By-law

9.5.4132. The City will continue to enforce and monitor its by-law to prohibit or regulate the destruction or injury of trees within the municipality, in accordance with the provisions of the *Municipal Act*.

Demolition Control

9.5.33. In order to preserve housing stock, particularly buildings with *heritage attributes* or housing that is in short supply in the City and serves a special segment of the population, the City may pass by-laws to regulate the demolition of housing, including by-laws under the *Ontario Heritage Act* as described in Section 7.

9.6 Land Division

Applicable Policies

- 9.6.4.** Plans of subdivision must conform to the policies of this Plan, and to ~~the Provincial Policy Statement, as amended~~, and other requirements of senior levels of government. Council must be satisfied that:
- a. the proposed subdivision can be adequately supplied with municipal *infrastructure* and services in an economic manner if located within the *Urban Boundary*, or if located outside any *settlement areas*, the proposal is adequately supplied with *individual on-site water and sewage services*;
 - b. the proposed subdivision has been designed to integrate compatibly with transit and the broader transportation system, adjacent existing and planned land uses, and both the *natural heritage system*, and *cultural heritage resources*;
 - c. the plan of subdivision has been designed so there are no *negative impacts* on the *natural heritage features or areas* and designed to avoid natural and human-made hazards;
 - d. the proposed *development* addresses issues of *energy conservation* and *sustainability*;
 - e. the proposed subdivision is necessary, timely and in the public interest; and,
 - f. the design of the proposed plan of subdivision meets accepted design principles and standards of the City, and has had adequate regard for any urban design guidelines, land acquisition programs, or other policy initiatives that are relevant to the area.

Criteria for Consent Approval

- 9.6.13.** The creation of individual parcels of land by way of consent are subject to the following criteria:
- a. the lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;
 - b. proposed severances that would result in irregularly shaped lots are to be avoided where possible;
 - c. consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;
 - d. direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to *controlled areas* subject to ~~Ministry of Transportation~~Provincial review and approval;

Private Services and Consents

- 9.6.15.** In considering the creation of a new lot that is to be serviced by *individual on-site water* and *sewage services*, the following policies apply:
- a. all lots on private *individual on-site water services* must have sufficient area and frontage to protect groundwater quality;

Well Water Services

- b. the applicant must demonstrate that the soil and groundwater conditions are capable of supporting the necessary private potable well water system for the long term with no *negative impacts*;
 - c. the applicant will be required to submit a hydrogeological study or similar investigation to assess groundwater conditions as described in Section 4.4 of this Plan;
 - d. all lots on private *individual on-site sewage services* must be suitable or capable of supporting an acceptable sewage disposal system to the satisfaction of the City, Public Health and the ~~Ministry of the Environment and Climate Change~~Province;
- 9.6.27.** Land lease communities are residential developments where a house is privately owned while the land that the house is located on is leased. Land lease communities may take the form of any residential building type contemplated by this Plan and are permitted anywhere those residential building types are contemplated. Where permitted, land lease communities that establish a lease for a period between 21 and 49 years

are exempt from subdivision and part-lot control provided they obtain site plan control approval in accordance with the *Planning Act*.

9.6.28. Stratified consent is a form of consent that may be granted by the Committee of Adjustment where, rather than dividing a lot vertically into separately conveyable parcels, a lot is divided horizontally or in a manner that stratifies ownership in a three dimensional manner by layering conveyable parcels either partially or wholly on top of each other. Stratified consent applications also generally include an application to create easements, where any shared access (pedestrian and vehicular), maintenance obligations, financial considerations or shared resources/amenity is established in perpetuity in favour of each stratified lot.

An example of a stratified consent would be a triplex building where ownership parcels are created for the residential units that are layered on top of each other on the property and where easements are created over driveways, walkways, outdoor spaces and interior hallways benefitting the three residential units, with a description of how future costs and maintenance will be undertaken on the building and over the shared easement areas.

Stratified consent is supported by this Plan where the building type is permitted by the zoning by-law and where it can be demonstrated that all necessary easements and language will be registered on title to support the long-term functional, financial and maintenance obligations of future property owners.

9.7 Secondary Plans, Guidelines, & Studies

9.7.2.1. Locations that are priorities for preparation of secondary plans have been identified in Section 2.3.3 of this Plan. Secondary plans will be prepared, presented for public consultation, and adopted in the same manner as the Official Plan and are to be read in conjunction with Official Plan policy. A secondary plan, to be prepared by the City in partnership with affected land owners, will address and coordinate at a minimum, but not necessarily be limited to:

- a. identifying the study area and community boundaries;
- b. recognizing that all new *development* should move the City of Kingston forward towards its goal of being Canada's most sustainable city;
- c. providing for, and identifying the location of various proposed land uses including parks and open spaces, schools and community facilities and commercial area(s) intended to equitably meet the day to day needs of the residents;

- d. assigning a mix of residential (related to density, type and affordability) and/or non-residential land uses (related to jobs, employee density, and floor space);
- e. designing the road and pathway systems including all modes of *active transportation*, transit and vehicular movement within the study area including consideration of access points, design, traffic calming measures and any major off-site transportation improvements;
- f. ensuring *compatibility* with existing, planned or adjacent land uses, in particular building height if high-~~rise density~~ residential is ~~a land use~~ planned in the secondary plan;

9.8 Community Improvement

Implementation Strategies

- 9.8.7. In order to implement its community improvement policies, the City may:
- a. designate by by-law *community improvement project areas*, and prepare *community improvement plans* for the project areas in accordance with the *Planning Act*;
 - b. integrate community improvement projects with other public works and City programs and initiatives;
 - c. continue to support and encourage Business Improvement Areas (BIAs) in their efforts to maintain strong and viable business areas;
 - d. continue the enforcement of the Property Standards By-law with respect to residential, commercial and industrial building stock and lands;
 - e. continue to make applications to participate in all appropriate senior level government programs;
 - f. continue to support ~~Heritage~~-Kingston Heritage Properties Committee and heritage conservation programs and initiatives;

9.12 Consultation and Application Requirements

Submission Requirements for Applicable Applications

- 9.12.2. **Development Applications: Required Information and Material**
- a. Pursuant to the provisions of the *Planning Act*, Council and/or its designated approval authorities may require applicants to provide additional information or material to accompany the following *development* applications:
 - Official Plan amendments;
 - zoning by-law amendments;

- applications for plan of subdivision or condominium;
 - applications for site plan control;
 - consent applications; and,
 - applications for minor variance.
- b. In addition to the information and materials required under the *Planning Act* and any other legislation or regulation, as amended, the following must be provided by the applicant at the time of the filing of a *development* application for a planning approval listed in Section 9.12.2.a. above:
- description of the applicant's interest in the land (owner, tenant, purchaser);
 - identification of the registered land owner, if different from the applicant;
 - owner's authorization and consent to apply for the planning approval, if the owner is not the applicant;
 - identification of the agent for the applicant, if any, with written authorization from the applicant;
 - identification of the applicant's planner, if any;
 - owner's authorization / consent to use and disclose personal information and to allow site visits;
 - written confirmation of preconsultation with the municipality;
 - assessment roll number of the subject land(s);
 - the existing Official Plan designation and zoning for the property;
 - description and sketch of any existing or proposed easements and/or rights-of-way;
 - description and/or sketch of existing uses, previous uses and complete description (e.g. frontage and depth) of the subject lands;
 - description and/or sketch of the existing land uses adjacent to and within 500 metres of the subject lands;
 - description and/or sketch of the natural and artificial features on the subject lands and within 500 metres of the subject lands (e.g. buildings, railways, wells, roads, watercourses, drainage ditches, banks of rivers or streams, *wetlands*, wooded areas, etc.); and,
 - any studies identified by the City under Section 9.12.3 of this Plan.

- c. In addition to the information required in Section 9.12.2.b. above, an application for a plan of subdivision or condominium must also provide the following:
- identification of the Ontario Land Surveyor, if any;
 - analysis of housing affordability with reference to the policies identified in Section 3.3.40-9; and,
 - preliminary stormwater management report.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.12.3. Development Applications: Additional Information – Studies and Assessments

- a. In addition to the requirements of Section 9.12.2, additional information in the form of the studies or assessments listed in this Section may be required in order to consider a planning application complete.
- b. The additional information will be required as part of a complete application under the *Planning Act* in order to ensure that all the relevant and required information pertaining to a *development* application is available at the time of submission to enable Council or its designated approval authorities to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.
- c. In all instances, the number and scope of studies and assessments to be required for the submission of a complete application is appropriate and in keeping with the scope and complexity of the application.
- d. The additional information or material that may be required includes, but is not limited to, the following:
- Accessibility Assessment;
 - Aggregate Impact Assessment;
 - Aggregate Studies and background information pursuant to Section 3.16 of this Plan;
 - Agricultural Soils Assessment / Impact Analysis on Agricultural Lands or Operations;
 - Air Quality / Dust / Odour Study;
 - Arborist's Report;
 - Archaeological Assessment(s) and Impact Mitigation Report;
 - Architectural Control Guidelines;

- *Biomass Energy Generating System-Related studies;*
- Closure Plan;
- Commercial Inventory Assessment;
- Community Meeting Form;
- Community Services and Facilities Study;
- Compatibility Assessment;
- Comprehensive Employment Land Supply;
- Computer-Generated Three-Dimensional Building Mass Model;
- Concept Plan showing the ultimate use of the site, including access and internal movement;
- Construction Management Plan;
- Contaminated Site Assessment;
- Control Plan for lot grading and drainage;
- Decommissioning Plan (dismantling and removal of equipment);
- Design Guidelines;
- Design of Public Spaces Assessment;
- Ecological Site Assessment;
- Electromagnetic Interference Report;
- Emergency Management Plan;
- Energy and Carbon Emissions Impact Assessment;
- *Environmental Impact Assessment;*
- Environmental Implementation Report;
- Environmental Site Assessment(s) / Audit and/or Previous Land Use Inventory and/or Site-Specific Risk Assessment;
- Erosion and Sediment Control Plan;
- Farm Viability Study;
- Financial Impact Assessment / Analysis;
- *First Nations Consultation and/or Métis Consultation;*
- Floodplain Management / Slope Stability Report;
- Forest Management Plan;
- Geotechnical Study;
- Groundwater Impact Study / Well Interference Study;

- Height and Density Assessment / Analysis;
- Health Impact Assessment;
- Heritage Conservation Report;
- Heritage Impact Statement Assessment;
- Housing Affordability Analysis (for a Plan of Subdivision, Site Plan, or Plan of Condominium application);
- Housing Issues Report;
- Hydrogeological Report or Hydrogeological Sensitivity Study;
- Ice Throw Report for wind turbines;
- Influence Area Study for *development* in proximity to an open or closed waste management facility, industry, mine, pit, or quarry;
- Lake Capacity Assessment;
- Landscaping Plan / Natural Features Plan;
- Lighting Plan / Study;
- Marine Archeological Assessment;
- Market Justification & Impact Assessment;
- Minimum Distance Separation Formulae;
- Municipal Servicing Capacity Report;
- Natural Heritage Evaluation / Impact Study;
- Noise Impact and/or Vibration Impact Study;
- Nutrient Management Plan;
- Parking and/or Loading Study;
- Pedestrian-Level Wind Study;
- Planning Justification or Planning Rationale including, where required, feedback received at an Open House during pre-consultation and applicant's response to feedback;
- Public Consultation Strategy;
- Record of Site Condition;
- Section 59 Notice from the Risk Management Official;
- Servicing Report;
- Shade Audit, Shadowing Impact and/or Solar Access Assessment;
- Soil and Bedrock (Karst) Analysis;

- Solar Energy Generating System-Related Studies;
 - Statement confirming compliance with zoning by-law (for Site Plan Control);
 - Stormwater Management Report / Master Drainage Plan;
 - Structural Engineering Analysis;
 - Subdivision Demonstration Report;
 - Surface Water Impact Study;
 - Terrain Analysis Report;
 - Traffic Operations Assessment;
 - Transportation / Traffic Impact Study and/or Access Analysis;
 - Tree Inventory;
 - Tree Preservation & Protection Plan;
 - Urban Design Study/Guidelines;
 - Viewplane Assessment;
 - Visual Impact Study for *development* near any designated heritage building or site, including *development* along or near the World Heritage Site of the Rideau Canal and the Kingston Fortifications;
 - Water Supply Assessment;
 - Wave Uprush Study;
 - Wildland Fire Risk Assessment;
 - Wind/Climate Impact Study; and,
 - Wind Energy Generating System-Related Studies.
- e. Notwithstanding the required studies and assessments listed above in Section 9.12.3.d., Council may ask for any additional information that is considered reasonable and necessary in order to make a decision on a *development* application.

Qualified Persons and Peer Reviews

- f. All required reports and technical studies will be carried out by *qualified persons* retained by and at the expense of the proponent. The City may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the City at the proponent's expense. The peer review may be required by the City as part of a complete application.

9.12.4. Public Consultation and Notice

- a. Public participation is regarded as an essential part of the municipal planning process;
- b. A Public Consultation Strategy is required for all applications for Official Plan Amendment, Zoning By-law Amendment and/or Plans of Subdivision. The Public Consultation Strategy must satisfy the minimum requirements of the *Planning Act*. The City may require additional public consultation measures in order to deem an application complete, determined on a case by case basis;
- c. Proponents are encouraged to hold accessible community meetings in addition to the statutory public meetings in order to explain the details of the *development* proposal to residents and agencies;
- d. Public meetings must be held before proposals for Official Plan and zoning by-law amendments ~~and draft plans of subdivision~~ are dealt with by Council, in accordance with the *Planning Act*;
- ~~e. Notice of public meetings must be given in accordance with the *Planning Act*. The Municipality may, however, consider alternate notice procedures as provided for in the *Planning Act*;~~
- f.e. The Municipality requires the use of a temporary sign board placed on the property, to post the notice of an application of a site-specific Official Plan amendment, zoning by-law amendment, plan of subdivision, minor variance or consent and, where the proposal is greater than 300 square metres in new floor area, an application for site plan control;
- g.f. The specifications of the temporary signs include, but are not limited to size, wording, material, colour, lettering, location, installation and maintenance. These specifications are adopted by Council, through resolution, from time to time;
- h.g. For special issues, including but not limited to, new Official Plans and comprehensive zoning by-laws, the Municipality may consider additional means of public participation including open houses, public displays, area meetings, newspaper coverage, cable T.V. programming, internet postings and other similar means;
- i.h. Community design plans may be considered as a form of public consultation, or a way to resolve conflicts between residents and a proponent, in areas where density is proposed to be increased;
- j.i. Council may, by resolution, forego public notification and public meetings in connection with Official Plan, *community improvement plan*, and zoning by-law amendments if such amendments relate to matters that will not affect the policies and intent of the Official Plan

or *community improvement plan*, or the provisions of the zoning by-law in any material way, and may include the following matters:

- altering punctuation or language to obtain a uniform mode of expression;
- correcting clerical, grammatical, dimensioning or typographical errors;
- altering the number and arrangement of any provision;
- inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
- changing the format of a document;
- consolidating amendments; and,
- transferring official plan, *community improvement plan* and zoning by-law information to new base maps.

k.j. written and oral submissions from the public relating to applications for Official Plan amendment, zoning by-law amendment, plans of subdivision, plans of condominium, consent, and minor variance, received prior to the preparation of a staff report, will be summarized within the report to facilitate decision making. Where appropriate, the submissions will be consolidated into common or overlapping land use planning issues, in addition to an acknowledgement of other issues presented through the public consultation process. The notices of decision associated with planning applications will recognize written and oral submissions and the effect they have had, if any, on planning decisions; and

l.k. the City will create a Community Engagement Plan to develop strategies to improve public engagement for specific planning processes. This Plan will be informed through a consultative process with the public which will include specific efforts to engage *Indigenous Peoples of Canada*.

Alternative Measures for Informing and Obtaining the Views of Public

9.12.6. In accordance with Sections 17(19.3) and 34(14.3) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of site-specific amendments proposed to the Official Plan and zoning by-law that are initiated by a private property owner:

a. Notice (Informing the Public) of a statutory Public Meeting during a formal application for an amendment to the Official Plan and/or zoning by-law will be:

- provided at least 20 days in advance of the meeting;

- published on a dedicated planning notices webpage on the City of Kingston website;
- sent via email or mail to all individuals who have requested notice of the proposed amendments;
- sent via email to all individuals who have signed up to receive general planning notices;
- sent via mail to all property owners within 120 metre radius of the subject property; and
- posted on a development sign on the subject property.

9.12.7. In accordance with Sections 17(19.3) and 34(14.3) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of City-initiated amendments proposed to the Official Plan and zoning by-law:

a. Notice (Informing the Public) of a non-statutory Community Meeting and/or statutory Public Meeting during a formal application for an amendment to the Official Plan and/or zoning by-law will be:

- provided at least 20 days in advance of the meeting;
- published on a dedicated planning notices webpage on the City of Kingston website;
- sent via email or mail to all individuals who have requested notice of the proposed amendments; and
- sent via email to all individuals who have signed up to receive general planning notices.

9.12.8. In accordance with Section 34(14.3) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of minor zoning by-law amendments initiated by the City that have delegated authority in accordance with Policy 9.4.6:

a. Notice (Informing the Public) of a complete application for a delegated authority minor zoning by-law amendment will:

- be published on a dedicated planning notices webpage on the City of Kingston website;
- sent via email or mail to all individuals who have requested notice of the proposed amendments;
- be sent via email to all individuals who have signed up to receive general planning notices;
- identify a deadline for the submission of written comments or objections on the proposed application; and

- be provided at least 20 days in advance of the established deadline.
- b. To obtain the views of the public on the proposed minor zoning by-law amendment application, the City will:
 - receive written comments (support or object) during a 20-day “commenting period” following the Notice of Complete Application, and:
 - Where no written objections are made during the “commenting period” on the proposed application, no Public Meeting will be held; or
 - Where written objections are made during the “commenting period” on the proposed application, a Public Meeting will be held at Planning Committee to obtain views of the public on the proposed application.
- c. If the application proceeds to a Public Meeting, Notice (Informing the Public) of the Public Meeting will be:
 - provided at least 20 days in advance of the meeting;
 - published on a dedicated planning notices webpage on the City of Kingston website; and
 - sent via email or mail to all individuals who have requested notice of the proposed amendments;
 - sent via email to all individuals who have signed up to receive general planning notices.

9.12.9. In accordance with Section 51(19.3.1) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of proposed plans of subdivision:

- a. Notice (Informing the Public) of a complete application for draft plan of subdivision will:
 - meet all requirements of the *Planning Act* for a notice of complete application;
 - identify a “commenting period” with a deadline for the submission of written comments (support or object) on the proposed application; and
 - be provided at least 20 days in advance of the established deadline.
- b. To obtain the views of the public on the proposed application for draft plan of subdivision, the City will:

- receive written comments (support or object) during a 20-day “commenting period” following the Notice of Complete Application, and:
 - where no written objections are made during the “commenting period” on the proposed application, no Community Meeting will be held; and
 - where written objections are made during the “commenting period” on the proposed application, a Community Meeting will be held at Planning Committee to obtain views of the public on the proposed application.
- c. Notice (Informing the Public) of a Public Meeting will be:
 - provided at least 20 days in advance of the meeting;
 - published on a dedicated planning notices webpage on the City of Kingston website;
 - sent via email or mail to all individuals who have requested notice of the proposed amendments;
 - sent via email to all individuals who have signed up to receive general planning notices;
 - sent via mail to all property owners within 120 metre radius of the subject property; and
 - posted on a development sign on the subject property.

Section 10. Specific Policy Areas and Secondary Plans

10A. Downtown & Harbour Specific Policy Area

The harbour, as an extension of the downtown, has changed its focus over the years and now has a greater public emphasis that includes boating, hospitality uses, and ferry service to Wolfe Island. The area is largely developed but there are some opportunities for sensitive *infill* or *development* and there is *development* potential on the *brownfield sites* in the North Block area. ~~The Provincial Policy Statement~~ recognizes that “the long-term prosperity of a community is achieved, in part, by maintaining and enhancing the viability of its downtown”. Thus, particular attention is warranted to ensure that the health of the Downtown and Harbour Area is maintained and enhanced.

10A.1 Strategic Intent and Function

The harbour area is also intended to contain a mixture of uses with an emphasis on tourist and open space uses that provide a mutually supportive relationship with harbour activities and public access along the waterfront. In addition to the commercial, civic and harbour activities that characterize the Downtown and Harbour Area, high-~~rise~~er ~~density~~ residential-~~uses~~ and prominent buildings, such as City Hall and St. George’s Cathedral,

are important components of both the downtown and harbour areas that enhance their vitality and contribute to their unique “sense of place” within the municipality.

Range of Uses

10A.1.1. A broad mix of uses will be encouraged in the Downtown Area and in much of the Harbour Area (shown on Schedule DH-1), including the widest range of commercial use, as well as civic, institutional, open space, *recreation*, cultural and ~~mid-rise and high-rise~~ *density* residential ~~use~~ provided that such uses are supportive of its vitality, human scale, pedestrian activity, historic fabric and function.

10A.2 Land Use

As the City’s prime Centre as shown on Schedule 2, the widest range and mixture of land use is permitted with an emphasis on commercial uses that are supportive of all modes of *active transportation*, heritage character and related scale of the Downtown and Harbour Area. Civic and public institutions, marine and open space activities along the harbour, and ~~mid-rise~~ *medium* to high-~~rise~~ *density* residential ~~uses~~ all contribute to the vitality, and pedestrian focus of the area and are encouraged in this location in a form that maintains human scale and historic context.

Goal:

To support the heritage, commercial and civic function of the Downtown and Harbour Area by providing for a full, accessible, and integrated range of commercial, hospitality, civic, and community uses as well as open space, and ~~mid-rise and high-rise~~ *higher density* residential uses that are *compatible* in scale and type to the historic core.

Prohibited Uses

10A.2.4. New industrial or low-~~rise~~ *density* residential uses are not permitted.

~~Medium~~ **Mid-Rise** and **High-Rise-Density Residential Uses**

10A.2.13. ~~Mid-rise~~ *medium* and ~~h~~ **High-rise-Density R** residential uses are permitted in the Downtown, either above commercial ground floor space as mixed use buildings in the Central Business District, or as independent buildings on streets where ground floor retail is not mandatory as shown on Schedule DH-3, subject to demonstrating *compatibility* in accordance with Section 2.7 of this Plan. New ~~medium~~ *mid-rise* and high-~~rise~~ *density* residential uses must address the ~~locational~~ *compatibility* criteria of Sections ~~3.3.B.4 and 3.3.C.3~~ *2.7*, respectively. Specialized residential uses with universal access design including senior citizen accommodation, boarding houses, *special needs facilities*, supportive housing, hostels, and similar uses are also permitted in the Central Business District in accordance with the above conditions.

10A.5 Guidelines for Development

Queen Street Dock (Site 6)

- 10A.5.6. Development on the Queen Street Dock is subject to the policies of Section 3.17.36 of this Plan, and is also subject to Provincial Ministry of Transportation review and approval.

10A.6 Implementation

Zoning

- 10A.6.2. Zoning within the Downtown and Harbour Area will continue to reflect built form provisions as found in the ~~Downtown and Harbour~~ Zoning By-law, to ensure that the form of new *development* is *compatible* with the built heritage fabric and street-oriented pedestrian function of the Downtown and Harbour Area.

10B. Rideau Community Secondary Plan

10B.1 Objectives

- 10B.1.1. The land use and *development* policies for the Rideau Community, as outlined below and shown on Schedule RC-1, are divided into land use designations, as follows:
- a. Residential: Low-~~Rise-Density~~ Residential, ~~Medium-Density~~ Mid-Rise Residential and High-~~Rise-Density~~ Residential;

10B.2 Residential Policies

Home Occupations

- 10B.2.1. Home occupation uses may be permitted in the Low-~~Rise~~, ~~Medium~~ Mid-Rise, and High-~~Rise-Density~~ Residential land use designations in accordance with Section 3.1.7 of this Plan.

Community Facilities

- 10B.2.3. Community facilities are permitted in the Low-~~Rise-Density~~ Residential designation subject to an amendment to the zoning by-law and are limited to:

Low-~~Rise-Density~~ Residential

- 10B.2.13. Permitted uses in the Low-~~Rise-Density~~ Residential land use designation include ~~single detached dwellings, linked single dwellings, and semi-detached dwellings~~ all low-rise residential buildings.
- 10B.2.14. The overall density of *development* in Low-~~Rise-Density~~ Residential areas is intended to range from 10 to 30 units per net hectare of land.

- 10B.2.15.** Street townhouse dwellings and planned unit townhouse dwellings are permitted in Low-~~Rise-Density~~ Residential areas, subject to compliance with all of the following:
- a. the maximum building height is two storeys;
 - b. townhouse dwellings are permitted ~~by amendment to the zoning by-law~~;
 - c. the proposed townhouse *development* must conform to the residential policies of Section 3.3 of this Plan;
 - d. the total number of townhouse dwellings does not exceed 25 percent of the total number of *residential units* proposed in any plan of subdivision;
 - e. sufficient lands must be allotted for landscaping to protect the amenity of adjacent existing or proposed residential *developments*; and,
 - f. the location and number of townhouse dwelling units are to be *compatible* with the context of the overall *development*.

~~Mid-Rise Medium-Density Residential~~

- 10B.2.16.** Permitted uses in a ~~Medium-Mid-Rise Density~~ Residential land use designation include planned unit townhouse dwellings, street townhouse dwellings and apartment dwellings not exceeding three storeys.
- 10B.2.17.** The overall density of *development* in ~~Mid-Rise Medium-Density~~ Residential areas is intended to range from 31 to 45 units per net hectare of land.

~~High-Rise Density Residential~~

- 10B.2.18.** Within the High-~~Rise-Density~~ Residential land use designations, permitted uses include planned unit townhouse dwellings, stacked townhouse dwellings and apartment dwellings.
- 10B.2.19.** The overall *development* density in High-~~Rise-Density~~ Residential areas is not intended to exceed 60 units per net hectare of land.
- 10B.2.20.** The maximum building height in High-~~Rise-Density~~ Residential areas is 14 storeys.

10B.3 Commercial Policies

District Commercial

- 10B.3.16.** Permitted uses in the District Commercial areas include retail and service commercial, offices, restaurants, hotels, open air markets, food stores of 3,250 square metres or less, ~~medium-mid-risedensity~~ residential, open space, *recreational*, cultural, entertainment, and institutional uses that contribute to the vitality of the District Commercial areas, and are *compatible* with other District Commercial uses.

10B.3.28. ~~All proposed development in the District Commercial areas is subject to site plan control review.~~

~~(Amended by By Law Number 2014-172, OPA Number 28)~~

10B.3.29. No additional District Commercial areas are warranted in the Rideau Community through the life of this Plan. Any future application for the redesignation of lands to the District Commercial land use designation requires the following:

- a. a market study submitted by the proponent that demonstrates to the satisfaction of the City:
 - that there is a warranted demand for the proposed *development*; and
 - that the proposed *development* does not have a detrimental impact on current or future *development* in the District Commercial areas.
- b. the proposed *development* is *compatible* with existing and proposed adjacent *development* and transportation networks.

10B.9 Special Study Area Policies

10B.9.3. Various land uses must be considered including low-rise, mid-rise and high-rise residential~~high, medium, and low density forms of housing~~; public parks and pathways; community facilities such as municipal offices and library; neighbourhood commercial uses such as retail and service commercial; offices and institutions; *recreation*, cultural and entertainment facilities; and mixed-use *developments*.

10B.10 Servicing Policies

10B.10.2. All *development* is to be connected to the *municipal water and sewage services* and stormwater management *infrastructure*, except for those areas designated Rural Lands on Schedule RC-1 of this Plan, where *individual on-site water and sewage services* are permitted, subject to the approval of the Public Health Unit and the Province Ministry of the Environment and Climate Change.

10B.12 Transportation and Parking

10B.12.4. The function of Kingston Road 15, recognizing the *controlled area* around the interchange under the jurisdiction of the Province Ministry of Transportation, and Gore Road as arterial roads is maintained and enhanced in accordance with this Plan.

10B.13 Site Specific Policies

Baxter Farm Subdivision, SSP Number RC-1-2

10B.13.2.1. The lands shown as Low-~~Rise-Density~~ Residential on Schedule RC-1 will be developed with a low-~~rise-density~~ residential plan of subdivision in accordance with Section 10B.1.1, Land Use and Section 10B.2, Residential Policies.

10B.13.2.2. In conjunction with Section 10B.6, Open Space Policies, for the lands shown as Open Space on Schedule RC-1 and located between the Environmental Protection Area designation and the Low-~~Rise-Density~~ Residential designation the following policies will also apply:

- a. the permitted uses will include open space, parklands, a stormwater management facility, and a tree preservation area;
- b. within the tree preservation area native trees will be promoted and left largely undisturbed;
- c. the lands located within 30 metres of the Environmental Protection Area designation will be left largely in a natural state and new forest and shrub cover will be protected and enhanced where feasible;
- d. buildings, structures, pathways or other facilities will not be permitted within the defined tree preservation area.

725 Kingston Road 15, SSP Number RC-1-3

10B.13.3. On the lands located on the rear portion of 725 Kingston Road 15 and designated as High-~~Rise-Density~~ Residential, the following policies apply:

- a. the maximum number of dwelling units shall be 180;
- b. the maximum permitted density is 160 dwelling units/net ha; and,
- c. no lot frontage is required on the condition that access is provided by way of a shared right-of-way registered on title.

Kingston Road 15 ~~Medium-Low-RiseDensity~~ Residential, SSP Number RC-1-4

10B.13.4. For the ~~Medium-Low-RiseDensity~~ Residential area identified on Schedule RC-1 of this Plan as SSP Number RC-1-4, the following policies apply:

- a. permitted uses include small lot single detached dwellings, link single dwellings, semi-detached dwellings, planned unit townhouse dwellings and street townhouse dwellings;
- b. the overall density of development ranges from 27 to 45 units per net hectare of land;
- c. the total number of townhouse dwellings must not exceed 150 residential units on any land designated as ~~Medium-Low-RiseDensity~~ Residential;

- d. the maximum building height of townhouse dwellings is two storeys; and,
- e. lands are developed to ensure that small lot single detached dwellings, link single dwellings and semi-detached dwellings are located adjacent to the Low-~~Rise-Density~~ Residential area.

735 & 745 Kingston Road 15, SSP Number RC-1-5

- 10B.13.5.** On the lands located at 735 & 745 Kingston Road 15 and designated as High-~~Rise-Density~~ Residential, the following policies apply:
- a. the maximum number of dwelling units shall be 356; and,
 - b. Council must prioritize the public acquisition of a strip of land, no greater than 15 metres in width, along the east side of Kingston Road 15 to accommodate future municipal servicing requirements and to provide a linear pathway and buffer between Kingston Road 15 and adjacent development.

998 Highway 15, SSP Number RC-1-8

- 10B.13.8.** For the ~~Medium-Low-RiseDensity~~ Residential area identified on Schedule RC-1 of this Plan as SSP Number RC-1-8, the following policies apply:
- a. Permitted use include small lot single detached dwellings, link single dwellings, semi-detached dwellings, planned unit townhouse dwellings and street townhouse dwellings;
 - b. The overall density of development ranges from 26 to 45 units per net hectare of land; and
 - c. The maximum building height of townhouse dwellings is two storeys.

10C. Cataraqui North Secondary Plan

10C.1 Objectives

- 10C.1.3.** To encourage the *development* of a neighbourhood which is distinctive in nature and:
- a. fosters a strong sense of place;
 - b. provides for a wide range of housing opportunities for all ages and lifestyles and abilities, including *affordable housing* and barrier-free housing;

10C.2 General Policies

- 10C.2.3.** Electricity transmission and electricity distribution *infrastructure* is permitted in any land use designation subject to ~~Provincial~~Ministry of the

~~Environment and Climate Change~~ regulations and the applicable policies of ~~the Provincial Policy Statement~~.

10C.3 Residential Policies

10C.3.10. Residential lots abutting Centennial Drive and Cataraqui Woods Drive are subject to the following restrictions:

- a. private vehicular entrances will be prohibited;
- b. lot frontages will be reverse-faced or will be onto a service road which runs parallel to and adjoining either Centennial Drive or Cataraqui Woods Drive;
- c. where a reverse-faced frontage form of *development* is used, such lots will have deeper rear yard depths and corresponding lot depths will be deeper than otherwise required; and,
- d. noise attenuation studies may be required by the ~~Province~~ Province ~~Ministry of the Environment and Climate Change~~, in which case appropriate mitigative measures identified therein must be undertaken by the proponent.

10C.3.12. The zoning by-law will include separate zoning districts for low-~~rise, mid-rise and high-rise density, medium density and high density~~ residential *development*.

Low-~~Rise~~ Rise ~~Density~~ Residential Developments

10C.3.15. Permitted low-~~rise density~~ residential uses include single detached dwellings and two, three and four unit dwellings.

10C.3.16. The *development* density for low-~~rise density~~ residential uses ranges from 14 to 56 dwelling units per net hectare of land.

10C.3.17. Generally, no one low-~~rise density~~ residential dwelling type should exceed 40 percent of the housing stock that is built within that portion of a landholding that is zoned for low-~~rise density~~ residential *development*. In no case will the proportion of three and four unit dwellings exceed 25 percent of the total units.

10C.3.18. The maximum building height in low-~~rise density~~ residential areas is three storeys.

Mid-~~Rise~~ Rise ~~Medium Density~~ Residential Developments

10C.3.20. Any form of ~~medium density mid-rise~~ residential ~~housing~~, which conforms to the *development*, density and building height policies outlined below is permitted.

10C.3.21. Generally, no one ~~mid-rise medium density~~ residential dwelling type should exceed 75 percent of the total housing stock that is built within a

landholding that is zoned for ~~medium density mid-rise~~ residential *development*.

- 10C.3.22.** The overall density of *development* for ~~medium density mid-rise~~ residential is intended to range from 27 to 75 dwelling units per net hectare of land.
- 10C.3.23.** The maximum building height for ~~medium density mid-rise~~ residential uses is four storeys, and variations in building height that are sensitive to existing and proposed housing forms on adjoining lands is encouraged.
- 10C.3.24.** ~~Medium density Mid-rise~~ residential *development* must be located where it can be demonstrated to the satisfaction of Council that such uses are *compatible* with existing and proposed adjoining land uses, and generally, ~~medium density mid-rise~~ residential uses will be encouraged to locate on lands:
- a. adjoining existing or proposed high ~~rise density~~ residential *development*;
 - b. adjoining the Commercial Area along Princess Street;
 - c. along the central east-west and north-south roadways;
 - d. along or in close proximity to public transit routes; and,
 - e. adjacent to public open spaces, proposed school sites and the Neighbourhood Commercial area.

Multi-unit Buildings

- 10C.3.25.** Buildings containing ~~three four~~ residential units or more should be oriented to the street wherever possible in order to create a prominent building presence along the street and in a manner which is *compatible* with adjacent *development*.

Non-residential Uses

- 10C.3.26.** Non-residential uses which are *compatible* with ~~medium density mid-rise~~ residential *development* and provide for the service needs of local residents, such as day care facilities, medical offices, personal service shops or other similar uses, but excluding retail commercial uses, may be permitted provided that all of the following criteria are met:
- a. locations are restricted to those with good access to the surrounding neighbourhood, preferably on a corner lot;
 - b. *adverse effects* on adjacent residential and open space uses must be minimized;
 - c. building designs should be *compatible* with adjoining housing styles;
 - d. buffering may be required where proposed uses abut existing or proposed residential uses;

- e. the gross floor area must not exceed 185 square metres, and no more than two such uses may be grouped together;
- f. advertising and associated signs and exterior lighting must be designed and situated on the site so as to be *compatible* with adjoining residential uses; and,
- g. outdoor storage of goods and materials is not permitted.

10C.3.27. Proposed ~~medium-mid-rise density~~ residential *developments* are subject to ~~site plan control review and consideration of~~ the urban design principles as outlined in Section 8 of this Plan, and Section 10C.9.3 of this Secondary Plan.

High-~~Rise-Density~~ Residential Development

10C.3.28. Any form of high-~~rise-density~~ residential housing which conforms to the *development*, density and building height policies outlined below is permitted.

10C.3.29. The density of *development* for high-~~rise-density~~ residential ~~housing buildings~~ is intended to range from 27 to 125 dwelling units per net hectare of land.

10C.3.30. The maximum building height in high-~~rise-density~~ residential areas is eight storeys.

10C.3.31. High-~~rise-density~~ residential buildings must be oriented to the street in order to create a prominent building presence along the street and in a manner that is *compatible* with adjacent *development*.

10C.3.32. Integrating apartment buildings and other multiple dwelling housing forms with adjoining uses must be encouraged provided the clustering of such uses into isolated enclaves is avoided.

10C.3.33. High-~~rise-density~~ residential *development* may be located at the southeast corner of Cataraqi Woods Drive and Centennial Drive provided Council is satisfied the proposed *development* will be:

- a. within *walking distance* of existing or future commercial *developments* and public open space areas;
- b. *compatible* with existing and proposed adjacent land uses;
- c. on or close to public transit routes; and,
- d. on lands adjacent to a collector or arterial road as shown on Schedule CN-1.

High-~~Rise-Density~~ Residential Development

10C.3.34. High-~~rise-density~~ residential *development* may be located in the southwest corner of Centennial Drive and Cataraqi Woods, subject to the following restrictions:

- a. the maximum density is 175 dwelling units per net hectare of land;
and
- b. the maximum building height is 14 storeys.

Non-residential Uses

10C.3.35. Non-residential uses may be permitted on the ground floor of high-~~rise density~~ residential buildings, provided such uses are *compatible* with on-site and adjoining residential uses and are limited to personal services, professional offices, laundromats, dry cleaners or other similar uses.

Signage

10C.3.36. Advertising and associated signs related to non-residential uses in high-~~rise density~~ residential areas must be designed and situated so as to be *compatible* with adjoining residential uses.

10C.3.37. Outdoor storage of goods and materials is not permitted in high-~~rise density~~ residential areas.

10C.3.38. Proposed high-~~rise density~~ residential *developments* are subject to ~~site plan control review, and consideration of~~ the urban design principles as outlined in Section 10C.9.3 of this Secondary Plan, and Section 8 of the Official Plan.

10C.4 Commercial Policies

10C.4.7. Proposed Commercial *development* is subject to ~~site plan control review, and to~~ the urban design principles as outlined in Section 10C.9.3 of this Secondary Plan, and Section 8 of the Official Plan.

Business Commercial

10C.4.17. The business commercial area is located at the intersection of Centennial Drive and Cataraqi Woods Drive. High-~~rise density~~ residential uses are permitted at the southwest corner of Centennial Drive and Cataraqi Woods Drive in accordance with Section 10C.3.34 of this Plan. The business commercial area is intended to provide a range of business and commercial opportunities while serving three principal objectives, namely:

10D. Cataraqi West Secondary Plan

10D.3 Residential Policies

Permitted Uses

10D.3.1. There are two residential designations: Low-~~Rise Density~~ Residential; and ~~Medium-Mid-Rise Density~~ Residential. The predominant use of land in areas within a residential designation is for low-~~rise and mid-rise and medium density~~ residential uses. Other uses which are complementary to and serve the principal residential use such as public parks, home

occupations, *bed and breakfast operations*, institutional uses such as schools and places of worship, day care facilities, public uses and utilities in appropriate locations are also permitted.

General Residential Policies

- 10D.3.2.**
- a. variety in housing types and therefore ownership opportunities are encouraged in order to accommodate people's different and changing housing needs;
 - b. innovation in housing design is encouraged in order to create an interesting and varied neighbourhood and where energy efficiency and barrier-free accessibility are integrated as an important element in house design;
 - c. a minimum 25 percent of the total number of dwelling units in the Cataraqui West neighbourhood must qualify as *affordable housing* of this Plan, and be distributed throughout the Cataraqui West neighbourhood;
 - d. the provision of barrier-free pathways, sidewalks and bicycle paths must be designed to facilitate pedestrian connectivity throughout the residential areas, to schools, parks, and other focal points. Where cul-de-sacs are proposed, walkways and greenways are to be incorporated to ensure *active transportation* connectivity;
 - e. variety in mix of housing types and density of *development* is encouraged. Densities are to be calculated on a "net area basis". Net area is calculated as an area of one or more lots, blocks or parcels of land, the principal use of which is for residential purposes. Lands for other uses that complement basic residential uses are not included in the net area calculation;
 - f. residential lots abutting the passive open space along Collins Creek will have an increased rear yard setback to be implemented through the zoning by-law. The construction of accessory buildings and structures will be limited to the rear yard through the implementing zoning by-law;
 - g. reverse-faced residential lots are intended to have deeper lot and rear yard depths, pursuant to the implementing zoning by-law;
 - h. two elementary schools are shown conceptually on Schedule CW-1. Should the lands not be required for school purposes, they must be offered for sale to the City for non-residential, non-commercial, community use purposes only at fair market value based on the highest and best use of the land being ~~medium-mid-rise density~~ residential. If the City does not wish to purchase the lands within twelve (12) months of them being offered, they may then be developed in accordance with the ~~Medium Density Mid-Rise~~ Residential designation without the need to amend this Plan;

- i. local commercial uses are permitted within the residential designations, to be developed in accordance with Section 3.4.F of this Plan and the following:
 - in addition to Section 3.4 of this Plan, proposed *development* must be located on the corner of two streets, wherever possible;
 - in accordance with Section 3.4. of this Plan, local commercial uses are subject to site plan control review to ensure *compatibility* with adjacent uses and streets;
 - despite Section 3.4 of this Plan, the floor space of any individual local commercial use is not to exceed 223 square metres (2,400 sq. ft.) and no more than four such uses are to be grouped together, though exceptions may be considered on a case by case basis; and,
 - the proponent must demonstrate to the satisfaction of the City that consideration has been given to the current and projected demand for the proposed *development*; and,
- j. other non-residential uses may be permitted within the residential designations in accordance with Section 3.1 of this Plan.

Low-Rise-Density Residential

10.D.3.4. Within the Low-Rise-Density Residential designation:

- a. housing permitted includes single detached and two, three and four unit dwellings;
- b. the overall density of *development* is to range from 14 to 45 dwelling units per net hectare of land;
- c. a balanced mix of dwelling types is encouraged within the neighbourhood. In no case, however, will the proportion of three and four unit dwellings exceed 30 percent of the total units in any individual subdivision application; and
- d. maximum building height is three storeys.

Medium-Mid-RiseDensity Residential

10.D.3.5. Within the Medium-DensityMid-Rise Residential designation:

- a. all housing types that conform to the density and building heights outlined herein are permitted;
- b. the overall density of *development* within the Medium-Density-Mid-Rise Residential designation is to range from 25 to 75 dwelling units per net hectare of land irrespective of housing types;
- c. maximum building height is six storeys. Variation in height in a manner which is sensitive to existing and proposed housing forms on adjoining lands is encouraged; and

- d. buildings should be oriented to the street in order to create a prominent building presence along the street in a manner *compatible* with adjacent ~~Low-Density~~Low-Rise Residential areas.

10D.4 Commercial Policies

District Commercial

- 10D.4.1. The District Commercial designation is centrally located at the intersection of Cataraqui Woods Drive, a collector, and Holden Street. The District Commercial designation is intended to provide for the commercial service needs of the neighbourhood.

(Amended by By-Law Number 2015-188, OPA Number 40)

Principles to be considered in the zoning and *development* of land in the District Commercial designation are:

- a. uses such as a grocery store, convenience store, post office, bank, retail store, dry cleaner, restaurant, day care centre, place of worship and other minor institutional uses are encouraged;
- b. no outdoor storage is allowed;
- c. residential uses are permitted on floors above the ground (first) floor;
- d. buildings are to be oriented towards the street;
- e. it is the intent that the majority of parking is located at the rear or sides of buildings;
- f. the combined maximum gross floor area for all non-residential uses within the District Commercial area must not exceed 2,000 square metres;
- g. the retail gross floor area of any individual use should not exceed 300 square metres;
- h. maximum building height is six storeys; and
- i. should commercial service uses not be proposed for the District Commercial area following the commencement of construction of two thousand (2,000) *residential units* within the Cataraqui West neighbourhood, the lands may then be developed in accordance with the ~~Medium-Mid-Rise~~Density Residential designation without the need to amend this Plan.

10D.5 Institutional Policies

- a. the area designated Institutional is intended to be developed to accommodate two school sites. Should the lands not be required for school purposes, they will be offered for sale to the City for non-residential, non-commercial, community use purposes only at fair

market value based on the highest and best use of the land being ~~medium-mid-risedensity~~ residential. If the City does not wish to purchase the lands within twelve (12) months of them being offered, they may then be developed in accordance with the ~~Mid-Riseedium Density~~ Residential designation without the need to amend this Plan; and,

10D.7 Environmental Protection Policies

Areas of environmental significance and ecological sensitivity are designated Environmental Protection Area. This designation applies to lands within the Lower Collins Creek Wetland. The following policies and the applicable policies of this Plan apply:

- a. where a *development* project is proposed on lands adjacent to an Open Space designation that abuts an Environmental Protection Area, Council will, as part of its consideration of the *development* request, require the preparation and approval of *Environmental Impact Assessment* (EIA) in accordance with the intent of Section 3.10 of this Plan, ~~the Provincial Policy Statement~~, and the Guidelines for Environmental Impact Assessments;
- b. within Environmental Protection Areas, only public uses identified in Section 3.10 of this Plan, and consistent with the intent of ~~the Provincial Policy Statement~~ are permitted; and
- c. when considering a *development* project, Council must have regard for the *natural heritage system* considerations as set out in this Plan.

10D.8 General Policies

The following policies apply to all designations:

Permitted Uses in All Designations

- a. in all land use designations, except the Environmental Protection Area, public utilities, public uses, parkettes, and pathways are permitted provided such uses are necessary in the area, and are or can be made *compatible* with their surroundings. The existing gas pipeline and Hydro corridor and any approved stormwater management works are permitted in the Environmental Protection Area and any future *electricity generation facility* and *electricity transmission and distribution system* will be permitted in any land use designation subject to ~~Provincial Ministry of the Environment and Climate Change~~ regulations and the applicable policies of ~~the Provincial Policy Statement~~.

...

10D.9 Transportation Policies

Local roads are not shown on Schedule CW-1. The local roads system is intended to accommodate the requirements of *active transportation*, public transit, automobiles, service vehicles and other supporting features such as parking, laneways, loading areas, street furniture and tree planting all as may be deemed appropriate.

In the Cataraqui West neighbourhood:

- a. the transportation network is to complement the overall transportation network in the City as set out in Section 4.6 of this Plan;
- b. planned transportation networks are intended to:
 - encourage residents to use *active transportation* or public transit to gain access to parks and open spaces, commercial uses, public service facilities and *employment areas*;
 - optimize local traffic circulation patterns; and,
 - assist in defining the limits of a neighbourhood or non-residential *development*.
- c. the road design is intended to distribute traffic movement evenly over the entire neighbourhood road network, thereby encouraging a greater distribution of both vehicles and pedestrians throughout the neighbourhood;
- d. intersection improvements, not part of the City's Development Charges By-Law, or not included as part of municipal policies and practices relating to cost sharing are the responsibility of the developers. Improvements will be implemented through the *development* approvals process;
- e. noise studies may be required in accordance with [Provincial Ministry of the Environment and Climate Change](#) guidelines. Appropriate measures to mitigate *adverse effects* from vehicular noise identified by such studies must be undertaken by the *development* proponent;
- f. an amendment to this Plan will not be required where approvals such as variation in road allowance widths in Section 4.6 of this Plan are proposed;

10E. Princess Street Corridor Specific Policy Area

Cultural Heritage Resources and Character

- 10E.1.5.** The Williamsville Main Street has an evolving character that will continue to be defined by its role as a main transportation corridor and a priority transit route for the City. New *development* must protect, enhance, support or adaptively re-use cultural heritage resources. The heritage

character statement for the Williamsville corridor is as follows: “The Williamsville study area is a linear ~~mixed-use~~mixed use district with land uses and built form largely determined by the evolving nature of Princess Street.” The key heritage character defining element of the corridor is the pattern of streets and blocks determined by the juxtaposition of Princess Street and the existing street grid.

Urban & Sustainable Design

- 10E.1.7.** New *development* within the Williamsville Main Street shall be designed in accordance with the urban design principles developed through the addendum to the Williamsville Main Street Study (2020). Any application for new *development* will be reviewed ~~during the site plan control review process~~ in terms of its compatibility with the architectural character of the area in which it is located and based on the addendum to the Williamsville Main Street Study (2020).
- 10E.1.12.** The use of high quality and appropriate exterior building materials at ground level, particularly at the streetwall and areas that are visible from Princess Street, is an important design consideration to help new *development* support the public realm and fit within the planned context for Williamsville. New *development* ~~will~~should utilize primary exterior materials selected for their permanence, durability and energy efficiency.

Servicing Capacity

- 10E.1.41.** The review of a proposed *development* in Williamsville will ensure that the *development* does not compromise the servicing capacity of the area and/or hinder the development of other properties by limiting their access to servicing capacity. The Zoning By-Law may use a ~~holding symbol~~Holding Overlay (“H”) to ensure the availability of servicing and may contain a maximum density provision to protect the full build out of this area.

10F. Kingston Provincial Campus Secondary Plan

10F.2 Land Use Policies

- 10F.2.1.** The Kingston Provincial Campus Secondary Plan Area is to be developed in accordance with the land use designations shown on Schedule KPC-1. Land uses are divided into the following designations:
- Residential (Low-~~Rise-Density~~ Residential, ~~Medium-Density~~Mid-Rise Residential and ~~High-Density~~High-Rise Residential);
 - Mixed Use;
 - Institutional;
 - Heritage Landscape; and

- Environmental Protection Area.

10F.3 Residential Policies

The Low-~~Rise~~, ~~Medium-Mid-Rise~~ and High-~~Rise-Density~~ Residential designations are applied to areas of the Secondary Plan that will contain a variety of residential building types.

Permitted Uses

- 10F.3.3. The existing office uses within the Beechgrove complex are anticipated to be phased out over time as this area becomes available for residential development. Minor expansions to the existing office buildings in this area are permitted without an amendment to this Plan, ~~subject to site plan control review~~. New office buildings are not permitted.

Low-~~Rise-Density~~ Residential Policies

- 10F.3.6. Permitted uses within the Low-~~Rise-Density~~ Residential designation include ~~all low-rise residential buildings, single detached dwellings, linked single dwellings, and semi-detached dwellings~~.

(Added by By-Law Number 2017-186, OPA Number 57)

- 10F.3.7. The development density within the Low-~~Rise-Density~~ Residential designation shall range from 15-30 dwelling units per net hectare of land.

(Added by By-Law Number 2017-186, OPA Number 57)

- 10F.3.8. The maximum building height within the Low-~~Rise-Density~~ Residential designation shall be two (2) storeys to be compatible with the surrounding residential area and the buildings within the Heritage Landscape designation.

(Added by By-Law Number 2017-186, OPA Number 57)

- 10F.3.9. When considering new development within the Low-~~Rise-Density~~ Residential designation, the following design guidelines apply:

a. Site Design and Building Orientation

- Variations in front yard setbacks are encouraged throughout this area to provide for more interesting streetscapes, and/or to integrate and preserve existing natural features.
- Every effort should be made to retain existing mature trees in this area.
- Lot sizes in the Low-~~Rise-Density~~ Residential designation should be designed to reflect the lot pattern of the adjacent single-detached housing in the surrounding residential area.

b. Built Form, Height and Massing

- Building height within the ~~Low-Rise-Density~~ Residential designation is limited to (2) two storeys to be consistent with the surrounding residential area and significant heritage buildings.

c. Building Articulation and Detailing

- Building projections (i.e. porches, decks, canopies and stairs) are encouraged as transitional elements that provide access, amenity space and weather protection.
- Residential units with direct access to the street should have landscaped yard space, setbacks or low fences to create some privacy separation for these units and provide some semi-private outdoor space.
- Materials used in the design of the dwelling units should be compatible with the existing surrounding uses.
- To reduce the dominance of the garages along streetscapes, attached garages located at the front or side of the house shall be no wider than one half the width of the house and driveways shall be restricted to the width of the garage access.

~~Medium-Density~~ ~~Mid-Rise~~ **Density Residential**

- 10F.3.10.** Permitted uses within the ~~Medium-Density~~~~Mid-Rise~~ Residential designation include townhouses, maisonettes, walk-up and small-scale apartments.
- 10F.3.11.** The development density within the ~~Medium-Density~~~~Mid-Rise~~ Residential designation shall range from 30-75 dwelling units per net hectare of land.
- 10F.3.12.** The maximum building height within the ~~Medium-Density~~~~Mid-Rise~~ Residential designation shall be four (4) storeys.
- 10F.3.13.** ~~Medium-Density~~~~Mid-Rise~~ Residential areas shall be compatible with the character of the Heritage Landscape designation and enhanced through the preservation and/or planting of mature trees and shrubs along roadsides, pathways and on residential properties.
- 10F.3.14.** When considering new development in the ~~Medium-Density~~~~Mid-Rise~~ Residential designation, the following design guidelines apply:

~~High-Rise-Density~~ **Residential**

- 10F.3.15.** Permitted uses within the High-~~Rise-Density~~ Residential designation primarily include apartments.
- 10F.3.16.** The development density within the High-~~Rise-Density~~ Residential designation shall be a minimum density of 75 units per net hectare of land.

- 10F.3.17. The maximum building height within the High-~~Rise-Density~~ Residential designation shall be eight (8) storeys.
- 10F.3.18. When considering new development in the High-~~Rise-Density~~ Residential designation, the following design guidelines apply:

10F.4 Mixed Use Policies

- 10F.4.5. Pedestrian access is required to be provided mid-block to facilitate convenient access to the King Street West retail areas from the ~~Medium Mid-RiseDensity~~ Residential area and the Institutional area to the south.
- 10F.4.6. Vehicle access, parking and loading areas for the retail and residential uses shall be provided on the south side of the ~~mixed-use~~mixed use buildings that front on King Street West. Direct vehicular access to individual properties will not be permitted from King Street West.

10F.5 Institutional Policies

- 10F.5.2. The Institutional lands located immediately south of the ~~Medium-Mid-RiseDensity~~ Residential designated land will function as a transitional block and are anticipated to be used for part of the new hospital or accommodate other related uses, including offices.

10F.6 Heritage Landscape Policies

- 10F.6.3. The restoration, reuse and sensitive alteration of the significant heritage buildings are strongly encouraged. Any development of the significant heritage buildings is required to be supported by a Heritage Impact ~~Statement~~Assessment and subject to architectural and urban design guidelines to ensure the development is complementary to, and compatible with, and helps to enhance the cultural heritage resources of the Secondary Plan Area.
- 10F.6.9. Any development on the Kingston Provincial Campus shall require the preparation of a Heritage Impact ~~Statement~~Assessment.

10F.9 Transportation Policies

- 10F.9.4. A new east-west road, which generally coincides with the existing Hospital Lane, will connect the existing Estates Lane with Heakes Lane. The location of this road shall generally be in accordance with the recommendations of the Heritage Impact ~~Statement~~Assessment titled "Central Cultural Landscape Traversing Road Access", dated October 2013. This road shall be subject to the design requirements of the City.
- 10F.9.5. Future development on the Secondary Plan Area may result in the need for improvements to the transportation network. An additional Heritage

Impact Statement Assessment may be required to evaluate the impacts of any necessary improvements, particularly those within the Heritage Landscape designation.

10G. Central Kingston Specific Policy Area

10G.2 General Policies

Permitted Uses

10G.2.1. The predominant use of land will be for various forms of medium-mid-risedensity and high-rise density residential uses as outlined in the zoning by-law. Other generally permitted uses and community and care facilities are permitted in accordance with Sections 3.1 and 3.2 of this Plan. Neighbourhood commercial uses are permitted on the ground floor of buildings in the Johnson Street/Brock Street Area as identified on Schedule CK-1. Outdoor storage of goods and materials is not permitted.

General Development Policies

~~10G.2.17. New developments are subject to site plan control review.~~

~~(Added by By-Law Number 2022-61, OPA Number 82)~~

10G.2.178. Varying densities of *development*, calculated on a net area basis, is encouraged to ensure that a high proportion of residents live within *walking distance* of local facilities and services.

10G.2.198. Future *intensification* will generally require the consolidation of lots to meet minimum lot area requirements to accommodate taller buildings and densities contemplated by these policies and the zoning by-law.

Parking

10G.2.2019. Parking areas will be developed according to the following policies:

- a. Underground vehicular parking will be encouraged wherever feasible.
- b. Where surface parking is provided, it must be located at the rear of buildings or within an interior side yard.
- c. Planting strips, landscaped traffic islands, and/or paving articulation should be used to define vehicle routes and smaller parking courts that provide pedestrian walkways, improve edge conditions, and minimize the negative visual impact of surface parking.
- d. Preferential parking for bicycles, energy efficient vehicles and car-share services is encouraged.

Vehicle Access, Loading and Servicing

- 10G.2.204.** Vehicle access points and loading and servicing areas must be appropriately located, and developed in accordance with the following policies:
- a. Wherever possible, vehicular access to on-site parking, loading, and servicing facilities are expected to be provided from side streets and rear lanes.
 - b. Loading and service areas must be screened from prominent public areas and adjacent residential areas.
 - c. Service and drop-off area circulation must not interfere with accessible pedestrian circulation.
 - d. Garbage, loading, servicing, and utility functions shall be integrated within the interior of a building or located within the rear yard or interior side yard.

Rear Lanes

- 10G.2.221.** Rear lanes are encouraged to be used to provide access to on-site parking. Rear lanes will be developed in accordance with the following policies:
- a. Rear lanes should enter and exit onto adjacent side streets;
 - b. Where lanes provide access to rear parking facilities, the primary façade of the building should not face the lane, nor should the primary pedestrian ground level access be provided from a rear lane. Primary ground level access to buildings must be maintained from the street in order to encourage street activity and to facilitate pedestrian movement; and
 - c. Adjacent *developments* will be encouraged to coordinate their site designs to facilitate the creation and maintenance of a rear lane.

Parkettes

- 10G.2.232.** As *intensification* occurs, future *developments* are encouraged to include small parkettes in accordance with the following:
- a. Parkettes are intended to be small in size, to accommodate all-season uses, and to contain hardscape surfaces and elements, such as sitting areas and public art, along with adequate soft landscaping.
 - b. Where publicly accessible open space is required as part of the *development* of private property, this open space will be secured through parkland dedication, donation, acquisition, or a combination of these methods.

- c. Parkette features should reinforce the street edge and the parkette should be configured to allow for the functional design and placement of public amenities, such as street trees or benches.
- d. The final decision on the design of a parkette, and the facilities or amenities to be included in a parkette, will be at the discretion of the City.

Holding ~~Symbol~~Overlay

10G.2.243. The implementing zoning by-law may include a Holding ~~symbol~~Overlay (“H”):

- a. To ensure the availability of servicing; and,
- b. For the purposes of requiring a Transportation Impact Study.

10G.3 Area-specific Policies

Johnson Street /Brock Street Area

10G.3.2. The following additional policies apply to new *infill* and *intensification* in the Johnson Street/Brock Street intensification area.

- a. The maximum permitted building height in this area is six storeys. The zoning by-law will further regulate maximum building height in metres and storeys.
- b. The zoning by-law will establish minimum setbacks to facilitate an appropriate transition to surrounding residential built form. Where appropriate, the zoning by-law will also require vegetation buffers and other forms of visual screening adjacent to existing development.
- c. New *development* shall support a vibrant pedestrian environment by establishing and maintaining a continuous streetwall of four storeys in height.
- d. Despite clause c., a reduced streetwall may be considered where new *development* is proposed adjacent to or immediately impacting *protected heritage properties* in order to conserve, enhance, support or adaptively re-use such resources, where supported by a heritage impact ~~statement~~assessment.

PROPOSED AMENDMENTS TO THE KINGSTON ZONING BY-LAW

City of Kingston - Proposed Housing and Administrative Amendments
D01-002-2024

This document provides excerpts of the proposed amendments to the Kingston Zoning By-law as tracked changes (proposed deletions shown in red and additions shown in blue). For a summary and rationale of the proposed amendments, please refer to the “Summary and Rationale” document. The amendments are provided for public consultation purposes only. Sections of the Kingston Zoning By-law that are not subject to proposed amendments are not included in this document:



Kingston Zoning By-law Number 2022-62



Part 1 of 5: Sections 1 to 19

Table of Contents

Section 1:	Administration	Part 1, Page 1
Section 2:	Interpretation of This By-law	Part 1, Page 2
Section 3:	Definitions	Part 1, Page 3
Section 4:	General Provisions.....	Part 1, Page 10
Section 5:	Overlay Provisions.....	Part 1, Page 23
Section 6:	Specific Use Provisions	Part 1, Page 35
Section 7:	Parking, Loading and Bike Parking Provisions	Part 1, Page 37
Section 8:	Rural Zones (AG, RU, RUR, LSR, RC and HAM on Sch. 1)	Part 1, Page 51
Section 9:	Rural Industrial Zones (RM1, RM2 and MX1 on Sch. 1).....	Part 1, Page 59
Section 10:	Mixed Use Zones (WM1, WM2, DT1 and DT2 on Sch. 1).....	Part 1, Page 59
Section 11:	Urban Residential Zones (UR1 to UR13 on Sch. 1).....	Part 1, Page 62
Section 12:	Urban Multi-Residential Zones (URM1 to URM10 on Sch. 1)	Part 1, Page 83
Section 13:	Heritage Zones (HCD1, HCD2 and HCD3 on Sch. 1)	Part 1, Page 92
Section 14:	Institutional Zones (IN1, IN2, G1 and G2 on Sch. 1)	Part 1, Page 98
Section 15:	Commercial Zones (CN, CA, CD, CR, CG and CW on Sch. 1).....	Part 1, Page 102
Section 16:	Employment Zones (M1, M2, M3, M4 and M5 on Sch. 1)	Part 1, Page 106
Section 17:	Transportation and Utilities Zones (TA, TR and TU on Sch. 1)	Part 1, Page Error! Bookmark not defined.
Section 18:	Open Space Zones (OS1, OS2 and DR on Sch. 1).....	Part 1, Page 108
Section 19:	Environmental Zones (EPA on Sch. 1)	Part 1, Page Error! Bookmark not defined.
Section 20:	Legacy Exceptions ("LXXX" on Sch. E)	Part 2, Page 1
Section 21:	Exceptions ("EXXX" on Sch. E)	Part 3, Page 1
Section 22:	Holding Conditions ("HXXX" on Sch. F).....	Part 4, Page 1
Section 23:	Temporary Zones (-H on Sch. 1)	Part 5, Page 1
Section 24:	Amendments to this By-law.....	Part 5, Page 2

Kingston Zoning By-Law Number 2022-62

Section 1: Administration

1.1. Title of This By-law

1.1.1. This By-law is composed of the text in Sections 1 to 24 and the following schedules attached to and forming part of this By-law, and may be cited as the “Kingston Zoning By-law” or “ZBL 22-62”:

1. Schedule 1, Zoning Map;
2. Schedule 2, Parking Areas;
3. Schedule 3, Required Ground Floor Commercial;
4. Schedule 4, Road Classification;
5. Schedule A, Floodplain Overlay;
6. Schedule B, Source Water Protection Overlay;
7. Schedule C, Airport Noise Exposure Overlay;
8. Schedule D1, Urban Constraint Areas and Second Rural Unit Holding Overlay;
9. Schedule D2, Third Rural Unit Holding Overlay;
10. Schedule D3, Fourth Urban Residential Unit Holding Overlay;
- ~~8. Schedule D1, Additional Residential Units – Constraint Areas and Second Residential Unit Holding Overlay;~~
- ~~9. Schedule D2, Additional Residential Units – Third Residential Unit Holding Overlay;~~
- ~~1011. Schedule E, Exception Overlay; and~~
- ~~112. Schedule F, Holding Overlay;~~
13. Schedule G, Non-Residential Conversion Holding Overlay; and
14. Schedule H, Express Transit.;

Legally Existing Lots ~~in the Urban Area~~

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

Legally Existing Lots in the Rural Area

- ~~**1.8.6.** A **lot** in an AG Zone or RU Zone that is in existence on the date of passing of this By-law and is a minimum of 2.0 hectares in **lot area** is permitted to be **used** and **developed** for **agricultural uses** provided the **lot** was used for **agricultural uses** on the date of passing of this By-law and the **buildings** comply with all other provisions of this By-law, including Subsection 4.8. requiring frontage on a **street**.~~
- ~~**1.8.7.** A **lot** in a HAM Zone or RUR Zone in existence on the date of passing of this By-law that does not meet the minimum **lot area** or **lot frontage** provisions of the underlying Zone is permitted to be **used** and **buildings** are permitted to be **developed** provided the **use** conforms with this By-law and the **buildings** comply with all other provisions of this By-law, including Subsection 4.8. requiring frontage on a **street**.~~

Section 2: Interpretation of This By-law

- 2.5.7.** Despite Clause 2.5.1., Aall land within the municipal boundary of the **City** located under a **waterbody** is deemed to be zoned EPA where it meets the definition of **waterbody**.

Holding Zones

- 2.6.2.** Holding Overlays are created by identifying specific lands on Schedule D ~~and~~, Schedule F and Schedule G of this By-law and have the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the corresponding provisions until this By-law has been amended to remove the **lot** from the Holding Overlay in accordance with Section 36 of the *Planning Act*.

Section 3: Definitions

3.1.3.A. Accessory House means an **accessory building** that is **used** for the purpose of one **dwelling unit**, which is **accessory to house, semi-detached house, or townhouse in the urban area.**

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

3.1.5. Affordable Unit means:

For affordable rental housing, a **dwelling unit** ~~that has an initial affordable rent level set at less than or equal to 80% of the average market rent intended for use as a rented residential premises for which:~~

1. ~~The rent is no greater than the lesser of:~~

(a) ~~the income-based affordable rent for the **dwelling unit** set out in the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997", as it is amended from time to time; or~~

(b) ~~the average market rent identified for the **dwelling unit** set out in the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997", as it is amended from time to time; and~~

2. ~~The tenant is dealing at **arm's length** with the landlord; and~~

3. ~~The **affordable unit** **must be** secured through an agreement registered on title of the property during the affordability term requiring:~~

(a) ~~An affordability term set for a minimum of 20 years; and~~

(b) ~~Following the initial occupancy, during the affordability term, the rent must not increase by more than the annual *Residential Tenancies Act* guideline increase.~~

For affordable ownership housing, a **dwelling unit** ~~where the sale price is less than 10% below the average resale price. not intended for use as a rented residential premises for which:~~

1. ~~The price is no greater than the lesser of:~~

(a) the income-based affordable purchase price for the **dwelling unit** (in the year in which the unit is sold) set out in the "Affordable Residential Units for the Purposes of the *Development Charges Act, 1997*", as it is amended from time to time; or

(b) 90% of the average purchase price identified for the **dwelling unit** (in the year in which the unit is sold) set out in the "Affordable Residential Units for the Purposes of the *Development Charges Act, 1997*", as it is amended from time to time; and

2. The tenant is dealing at **arm's length** with the landlord.

3.1.7. Agricultural Use means the **use** of any **lot** or **building** for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and riding stables, including, but not limited to **livestock facilities**, manure storages, value-retaining facilities; or other agricultural activities such as the packaging, selling, sorting or storage of goods grown or raised on the lands.

3.1.11. Amenity Area means an area exterior or interior to a **residential building**, ~~or an interior area~~ which is common to and accessible by all **dwelling units** within a **residential building**, and which is designed and intended primarily for the leisure and recreation of the occupants of the **building**.

3.1.15. Apartment Building means a multi-unit residential building that is not otherwise defined in this By-law. **Apartment building** also includes **development with multiple multi-unit residential buildings on one lot, such as multiple townhouses or stacked townhouses** when they are located on one **lot used** for the purpose of four or more **dwelling units** or four or more **co-living units**, or combination thereof, and configured in such a manner that the **dwelling units** and/or **co-living units** share a common external access to the outside through a common vestibule and corridor system. An **apartment building** does not include any other type of **building** defined in this By-law.

3.1.16. Arm's Length has the same meaning as arm's length in section 251 of the *Income Tax Act* (Canada) with necessary modifications.

3.2.13. Building means anything that is comprised of components joined together and that stands more or less permanently in one place. A **building** includes all components such as walls, roof, floors, structural systems, columns, plumbing, fixtures, service systems, **private sewage systems**, **decks**, **porches**, canopies, architectural features,

chimneys, mechanical systems and any component that is attached to a **building**. The following are considered to be **buildings**:

1. A shipping container, sea can or similar storage container when placed on the ground for any purpose other than loading and unloading a shipment in conjunction with an industrial or commercial **use** for up to maximum of 28 consecutive calendar days;~~and~~

~~1. A **tiny house** when installed more or less permanently in one place by removing the wheels and connecting to permanent services.~~

This definition excludes all items that are designed to be easily portable and all items listed in Clause 4.12.1.

3.4.10. Drive-Through means a **building component** that provides or dispenses products or services through an attendant or a window or an automated machine to patrons remaining in **motor vehicles**, including associated stacking lane, speaker system, microphone system, signage, order board or other similar facilities, but does not include a **gas-service station** or **carwash**.

~~**3.4.12. Reserved Duplex** means a **residential building** that is **used** for the purpose of two **principal dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance either directly to the outside or through a common vestibule, with one **dwelling unit** entirely above the other.~~

3.7.4. Reserved Gas Station means the **use** of any **lot** or **building** where **motor vehicle** fuel is kept for sale, including a **gasoline pump**, and may also include the following additional functions:

- ~~1. The sale of oil, grease, antifreeze, tire tubes, tire accessories, electrical light bulbs, spark plugs, and batteries for **motor vehicles**, etc.;~~

~~The sale of convenience commercial goods and food as an **accessory use**;~~

- ~~1. **Carwash** as an **accessory use**;~~

- ~~1. Facilities where **motor vehicles** are oiled, greased, and washed;~~

- ~~1. Electrical charging stations for **electric vehicles**;~~

- ~~1. Minor repairs essential to the actual operation of **motor vehicles** including ignition adjustment and tire inflation; and/or~~

~~The sale of propane as an accessory use.~~

~~3.8.14. **House** means a ground oriented **residential building** that is **used** for the purpose one or more **principal dwelling units** on one **lot**. This includes, but is not limited to, a single detached house, duplex, triplex, rowhouse, **tiny house**, **mobile home** and other similar housing types. **House** also includes **buildings** that appear similar to a **semi-detached house** and **townhouse**, when the entire **building** is located on one **lot**.~~

3.12.12. Lot means a single parcel, tract of land or parcel of tied land, in each case that may be conveyed in compliance with the provisions of the *Planning Act* or the *Condominium Act, 1998*, excluding a unit, as that term is defined in the *Condominium Act, 1998*, or a **common element**. ~~Where a **lot** is divided in a stratified manner to allow for separate ownership of different levels of a **building**, it is still considered to be one **lot** for the purpose of this By-law, with the **lot lines** that exist at the level of the ground being the applicable boundaries for zoning interpretation purposes.~~

3.12.16. Lot Frontage means the ~~linear horizontal~~ distance measured between the two points of intersection of the interior lot lines and/or exterior lot lines ~~along the front lot line~~, with such distance being measured perpendicular to the line joining the mid-point of the **front lot line** with the mid-point of the **rear lot line** and at the minimum required **front setback**

~~In the case of a pie-shaped or an irregularly shaped **lot** where the **lot** narrows at the **street line**, with no **rear lot line**, **lot frontage** is the linear distance measured between two points on the point where two **interior lot lines** and/or **exterior lot lines** intersect at a linear distance that is 6 metres from the is the point from which a line is drawn to the mid-point of the **front lot line**. Measured along the interior lot lines and/or exterior lot lines.~~

Where a **corner lot** includes a **front lot line** and interior lot line and/or exterior lot line that do not intersect at one point, the interior lot line and/or exterior lot line is deemed to extend to its hypothetical point of intersection with the extension of the **front lot line**.

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

3.13.9. Mobile Home means a house manufactured dwelling containing one **dwelling unit** that is a principal building and is designed to be made mobile, and constructed or manufactured to provide year-round living accommodations, but does not include

recreational vehicles, travel trailers, tent trailers or motor homes. A mobile home may include **porches** or sunrooms as **accessory buildings**.

- 3.13.11. Model Home** means a **single detached house, semi-detached house or townhouse used** temporarily for the purpose of an **office** and/or show room and/or sales centre to promote the sale of residential units within a draft approved plan of subdivision under the **Planning Act** or a description under the **Condominium Act, 1998** proposed for registration.
- 3.16.4. Parking Structure** means a **building** for the parking of four or more motor vehicles, but excludes a **private garage accessory** to a **single detached house, semi-detached house, duplex, triplex** or townhouse.
- 3.16.22. Private Sewage System** means a **building** that is a sewage system as defined in O. Reg. 332/12 under the **Building Code Act, 1992** ~~that is owned, operated and managed by the owner or occupant of the property upon which it is located.~~
- 3.18.10. Residential Building** means a **house single detached house, semi-detached house, duplex, triplex, townhouse, stacked townhouse and apartment building**, as well as a **mixed use building** containing a **dwelling unit** ~~and, an detached accessory building house, containing an additional residential rural unit or and a tiny house.~~

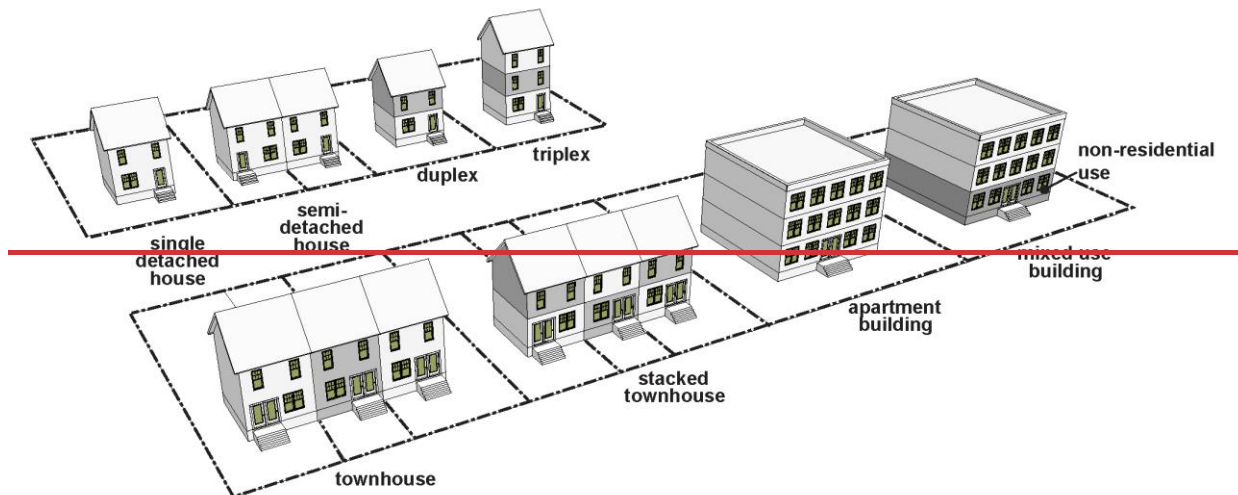


Diagram 3.18.10. – Residential Building Types

- 3.18.11. Residential Use** means a **dwelling unit, and a co-living unit, tiny house, mobile home, or an additional residential unit.**

- 3.19.2. **Second Residential-Rural Unit** means an additional residential-rural unit, which is the first **accessory dwelling unit** in chronological order of **development** located on the same **lot** as the **principal dwelling unit**.
- 3.19.5. **Semi-Detached House** means a ground oriented residential building that is used for the purpose of two **dwelling units** and configured in such a manner that the **dwelling units** are divided vertically beside each other, ~~with no portion of a dwelling unit entirely above another, with each dwelling unit having its own independent external access outside and with each principal dwelling unit being located on its own independent lot.~~ This definition also includes a **semi-detached house** that has been **converted** to accommodate more than one **dwelling unit** on a **lot** in the **principal building**, subject to the maximum number of **dwelling units** permitted by the applicable Zone. ~~The addition of an additional residential unit to a semi-detached house does not change a semi-detached house into any other type of building.~~
- 3.19.7. **Separation Distance** means the ~~minimum~~ horizontal distance between a **use** or **building** and a specific **use, lot, building** or other specified feature. **Separation distance** is measured as the most direct path between the two specified points, without regard to roads, **walkways**, sidewalks, or other surface transportation features.
- 3.19.7.A. **Service Station** means the use of any lot or building where motor vehicle fuel is kept for sale, including a gasoline pump, and/or a facility where oil changes or other minor maintenance tasks are performed on motor vehicles and may also include the following additional functions:
1. The sale of oil, grease, antifreeze, tire tubes, tire accessories, electrical light bulbs, spark plugs, and batteries for motor vehicles, etc.;
 2. The sale of convenience commercial goods and food as an accessory use;
 3. Carwash as an accessory use;
 4. Electrical charging stations for electric vehicles;
 5. Minor repairs essential to the actual operation of motor vehicles including ignition adjustment and tire inflation; and/or
 6. The sale of propane as an accessory use.
- 3.19.8. **Setback** means the ~~minimum required~~ horizontal distance between a **lot line** and the nearest part of any **building** on the **lot**, excluding such features that are

specifically permitted to project into required **setbacks**. **Setback** includes **front setback**, **rear setback**, **interior setback** and **exterior setback**.

- 3.19.13.** ~~**Single Detached House** means a **residential building** that is **used** for the purpose of one **dwelling unit** and configured in a manner that is freestanding and separate, with independent exterior walls, and does not include a **mobile home**. The addition of an **additional residential unit** to a **single detached house** does not change a **single detached house** into any other type of **residential building**.~~ Reserved
- 3.19.17.** **Stacked Townhouse** means a **residential building** that is **used** for the purpose of ~~four~~ five or more **dwelling units** and configured in a manner that a portion of the **dwelling units** are located entirely or partially above the other portion of the **dwelling units**, and where each **dwelling unit** has its own independent external access outside.
- 3.20.2.** **Third Residential Rural Unit** means an **additional residential rural unit**, which is the second **accessory dwelling unit** in chronological order of **development** located on the same **lot** as the **principal dwelling unit**.
- 3.20.3.** **Tiny House** means a ~~detached residential building house~~ containing one **dwelling unit** ~~that is accessory to a principal residential building and~~ that is designed to be portable and provide year-round living accommodations ~~in accordance with the garden suite provisions of the Planning Act~~, but does not include recreational vehicles, travel trailers, tent trailers or motor homes.
- 3.20.7.** **Townhouse** means a ground oriented **residential building** that is **used** for the purpose of three or more **dwelling units** and configured in such a manner that ~~no the dwelling units is entirely or partially above another are divided vertically beside each other~~, with each **dwelling unit** having its own independent external access outside and with each principal dwelling unit being located on its own independent lot, including both **freehold** and **common element lots**. This definition also includes a **townhouse** that has been **converted** to accommodate more than one **dwelling unit** on a **lot** in the **principal building**, subject to the maximum number of dwelling units permitted by the applicable Zone. The addition of an **additional residential unit** to a **townhouse** does not change a **townhouse** into any other type of residential **building**.
- ~~**3.20.13.** **Triplex** means a **residential building** that is **used** for the purpose of three **dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance, either directly from the outside, or through a common vestibule, with each **dwelling unit**~~

~~entirely or partially above another. A semi-detached house with an additional residential unit is not a triplex.~~

- 3.23.1. Walking Distance** means the ~~minimum~~ linear distance between a specific **use, lot, or building** and another specified feature along an active transportation route. **Walking distance** is measured as the most direct path between the two specified features along **streets**, public sidewalks, publicly accessible **walkways** or other surface transportation features that are accessible to the public.
- 3.23.9. Waterbody** means a lake, canal, pond, **wetland**, river, watercourse, seasonal watercourse or municipal drain as defined by the *Drainage Act*, but does not include an artificially constructed swale or ditch intended for intermittent and minor surface drainage of an area or a residential lots.

Section 4: General Provisions

4.1. Accessory Uses and Buildings

Accessory Provisions for All Uses and Buildings

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

Additional Accessory Provisions for Residential Uses and Buildings

- 4.1.2.** In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, an **accessory building**, excluding a **marine facility**, must comply with the following requirements:
- 1.** The **accessory building** must be located in a **rear yard, exterior yard** or **interior yard**; except in an RUR Zone where an **accessory building** is permitted in the **front yard**.
 - 2.** In the **urban area**, in addition to the **lot coverage** of the applicable Zone, the maximum **lot coverage** for all **accessory buildings** on one **lot** is 10% in the aggregate;
 - 3.** In the **rural area**, **accessory buildings** are subject to and included in the **lot coverage** provision of the applicable Zone, except:
 - (a)** Where a **lot** existed as of the date of passing of this By-law that is smaller than the minimum **lot area** of the applicable Zone, in addition to the **lot coverage** of the applicable Zone, the maximum **lot coverage** for all **accessory buildings** on the **lot** is 5% in the aggregate.
 - 34.** The maximum **height** of an **accessory building** is 4.6 metres;
 - 54.** The **accessory building** may encroach into the required **setback** on a **lot** provided that such **accessory building** must be **setback** a minimum of 1.2 metres from all **lot lines**;
 - 56.** The **accessory building** must comply with the minimum required **separation distance** from a **waterbody** in accordance with Clause 4.23.1.; and
 - 67.** Despite Subclause 5. and Clause 4.23.1., on a **lot** that existed as of the date of passing of this By-law, a maximum of one **accessory building** no greater than 10 square metres in area is permitted within the required 30 metre **setbackseparation distance**, provided that it maintains a minimum **separation distance** of 7.5 metres from the **high water mark**.
 - 8.** Despite Subclause 1, a detached **private garage** is permitted in the **front yard** on a waterfront **lot** and is required to comply with the required **front setback** applicable to the **principal building**.

Sleeping Accommodations and General Living Areas in Accessory Buildings

4.1.3. In the **urban area, accessory buildings:**

1. Are not permitted to be **used** as any type of sleeping accommodation, except for ~~additional residential units~~ **accessory houses** and **tiny houses** as permitted by this By-law; and
2. Are permitted to be **used** as general living areas, including but not limited to an amenity area, study, den, living room, recreational space, studio, **home office** or **home occupation**, subject to the following provisions:
 - (a) the **building** must be **accessory** to a **principal residential use**;
 - (b) the minimum **gross floor area** of the **first storey** of the **building**, excluding a mezzanine area, is greater than 10 square metres; and
 - (c) the **building** must comply with all other provisions that are applicable to an **accessory building** on the **lot**.
3. For clarity, an **accessory building used** as a general living area in accordance with Paragraph 2. is not considered a **bedroom**.

4.3. Amenity Area

- 4.3.1. A minimum of 18.5 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot** with ~~three~~ **four** or more **dwelling units** in a ~~triplex, townhouse, stacked townhouse, apartment building or mixed use building~~. Where a ~~townhouse or stacked townhouse~~ **are-is** configured in a manner that each **dwelling unit** is located on its own individual **lot**, this requirement does not apply.
- 4.3.2. Despite Clause 4.3.1., in ~~PA1, PA2 and PA3 the WM1, WM2, DT1, DT2 and HCD2 Zones~~, a minimum of 10.0 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot**.
- 4.6.4. Despite Clause 4.6.2., where a **development** is subject to a Site Plan Control application under Section 41 of the **Planning Act** or a plan of subdivision application under Section 51 of the **Planning Act**, such ~~sight~~ **triangle** may be reduced to the satisfaction of the **City** through the applicable process.

4.12. Items Exempt from this By-law

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

- 11.** Planters, landscaping features, birdbaths, rain barrels and vegetation;
- 12.** Mailboxes, newspaper, lending libraries or similar dispensing or receiving boxes;
- 18.** Active transportation installations, infrastructure, equipment and other similar active transportation features, including but not limited to bike racks, bike lockers, and canopies or other features that provide weather protection for **bike spaces**. For clarity, this exemption includes **bike spaces** and other active transportation installations that are required by this By-law;

4.13. Building Components Exempt from Specific Provisions

4.13.2. Any **building** component that is located wholly below existing grade, including **basements, parking structures**, geothermal devices, renewable energy devices, **private sewage systems**, or other similar **building** components, are exempt from the provisions of this By-law which regulate **setbacks** from **lot lines** or maximum **building depth**, but must comply with all other applicable provisions of this By-law.

4.13.3. **Private sewage systems** are exempt from the provisions of this By-law which regulate the size and location of a **building** including but not limited to **setbacks, separation distances, height** and **building depth**.

4.13.4. Despite Clauses 4.13.2. and 4.13.3., **building** components that are located wholly below existing grade, and including **basements, parking structures, geothermal devices, renewable energy devices, private sewage systems, or other similar building components**, must comply with all **setback** provisions from **waterbodies**, natural heritage features, floodplains and other similar environmental protection areas, except:

Temporary Construction Buildings and Equipment

4.14.2. Despite anything to the contrary in this By-law, the following temporary **buildings** or equipment are permitted in any Zone, except an EPA Zone or lands that are

subject to the Floodplain Overlay as per Subsection 5.1. or the **waterbody separation distance** of Subsection 4.23., during a period of **construction**:

3. In the **rural area**, a **mobile home**, **tiny house** or a recreational vehicle as temporary accommodation for a period not to exceed two years while a permanent **dwelling unit** is being **developed** on the same **lot**; and

4.16.2. Where a **lot** in an RM1, RM2, MX1, M1, M2, M3, M4, M5, TA, TR or TU Zone has a **street line** located on the opposite side of the **street** from a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, then:

1. A minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such **use** or **lot**; ~~and~~
2. The minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres; and
3. **Driveways, walkways** and similar features are permitted to cut across a **planting strip** perpendicularly.

4.18.2. Despite the **height** provisions of this By-law, the following **building** components are permitted to project a maximum of 3.55.0 metres above the maximum permitted **height**, with a maximum area of 4030% of the roof area on which they are located, in the aggregate, and a minimum **setback** from the edge of the roof equal to the vertical **height** of such **building** component:

Exterior Stairs in Other Zones

4.19.3. In all Zones except the DT1, DT2, HCD2 and HB Zones, despite anything to the contrary in this by-law, exterior stairs, ~~and including~~ their associated guards and any landing areas that are required by the *Building Code Act, 1992*, are permitted to project into any required **setback**, provided such exterior stairs are **setback** a minimum of 0.5 metres to any **lot line**.

4.20. Decks, Porches and Balconies

Balconies

4.20.1. Despite the **setback** provisions of this By-law, **balconies** that project from the **main wall** of an **apartment building** or **mixed use building** must comply with the following provisions:

1. The maximum horizontal projection from the **main wall** is 2.0 metres;
2. A maximum of ~~30~~**45**% of the horizontal length of each face of the **main wall** of each **storey** may be occupied by **balconies**; and
3. The minimum **setback** from a **lot line** is 1.0 metre.

4.20.2. Despite the **setback** provisions of this By-law, **balconies** that project from the **main wall** of a ~~house~~**single detached house, semi-detached house, duplex, triplex, semi-detached house**, **townhouse** or **stacked townhouse** must comply with the following provisions:

Decks and Porches

4.20.4. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, a **deck** or **porch** are not subject to the required **setbacks** that apply to the **principal building**. A **deck** or **porch** ~~.~~ including its associated guards and exterior stairs, must:

Table 4.20.4. – Decks and Porches

Zoning Provision	Height no greater than 0.6 metres	Height greater than 0.6 metres up to 1.2 metres	Height greater than 1.2 metres
1. Maximum surface area of floor level(s), <u>excluding the area of exterior stairs</u>	10% of the lot area	10% of the lot area	10% of the lot area , of which a maximum of 30.0 square metres is permitted at a height of 1.2 metres or greater
2. Minimum front setback	<u>The lesser of the Zone provision or</u> 3.5 metres	<u>The lesser of the Zone provision or</u> 3.5 metres	Comply with Zone provision
3. Minimum interior setback	(a) semi-detached house and townhouse : 0.6 metres, except along a common party wall where it may be 0.0 metres if there is a common	(a) semi-detached house and townhouse : Comply with Zone provision, except along a common party wall where it may be 0.0 metres if there is a	(a) semi-detached house and townhouse : Comply with Zone provision, except along a common party wall where it may be 0.0 metres if there is a

Zoning Provision	Height no greater than 0.6 metres	Height greater than 0.6 metres up to 1.2 metres	Height greater than 1.2 metres
	privacy fence a minimum of 1.5 metres tall (b) all other uses: 0.6 metres	common privacy fence a minimum of 1.5 metres tall (b) all other uses: Comply with Zone provision	common privacy fence a minimum of 1.5 metres tall (b) all other uses: Comply with Zone provision
4. Minimum exterior setback	<u>The lesser of the Zone provision or 3.5 metres</u>	<u>The lesser of the Zone provision or 3.5 metres</u>	Comply with Zone provision
5. Minimum rear setback	2.0 metres	2.0 metres	4.0 metres

4.21. Barrier-Free Buildings

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

4.25.2. A waste or recycling storage area, including any loading or unloading area, which is visible from an adjoining site in an Urban Residential Zone, Urban Multi-Residential Zone, HCD1 Zone, HCD3 Zone, CN, WM1, WM2, CA, CD, CR, CG, CW, HB, OS1 or OS2 Zone, a public open space, a **waterbody** or a **street** must have a **visual screen** at a minimum **height** that is equal to any bins or dumpsters stored within the waste or recycling storage area.

4.25.3. A commercial waste or recycling dumpster or bin is permitted in an interior yard, exterior yard or rear yard, and must be setback a minimum of 1.2 metres from a lot line. ~~regulated in the same manner as an accessory building in the underlying Zone in which it is located.~~

4.25.4. For residential buildings with five to ten dwelling units, a dedicated waste and recycling storage area must be provided inside a building or within the interior yard or rear yard, with minimum dimensions of 1.5 metres by 0.6 metres for each dwelling unit.

4.27. Walkways for All Residential Uses

4.27.1. All dwelling units, including those located in an accessory house, detached building with an additional rural unit, house, semi-detached house, a additional residential unit and a principal dwelling unit in a single detached house, semi-detached house, duplex, triplex, townhouse, stacked townhouse, apartment building or mixed use building must be accessed by a **walkway** that complies with the following provisions:

1. The minimum width of the **walkway** is 1.12 metres wide;
2. In the **urban area**, the **walkway** must be provided from a **street line** to the main exterior entrance, or to stairs leading to the main exterior entrance, of every **dwelling unit** on a **lot**. Where **dwelling units** share a common main exterior entrance, the **walkway** must be provided to the common main exterior entrance;
3. In the **rural area**, the **walkway** must be provided from the driveway containing the **parking space** for the **dwelling unit** to the exterior entrance, or to stairs leading to an exterior entrance, of every **dwelling unit** on a **lot**;
4. The **walkway** must be separately delineated and measured distinctly from a required **driveway** and **parking space** through a change in surface materials or line painting or other similar mechanism. A vehicle must not park on top of any part of the **walkway**; ~~and~~
5. The **walkway** must be unobstructed up to a minimum height of 2.1 metres above grade, with the exception of the following features that are permitted to project as localized protrusions into the **walkway**:
 - (a) Hydro or gas meters;
 - (b) Window sills, chimneys, fireplace projections, **cornices**, gutters, pilasters or similar architectural features.

4.27.4. Where a **building-house** contains an **additional residential unit** ~~dwelling unit~~ as of the date of passing of this By-law, which wasn't a permitted use didn't comply with the terms of in the **former zoning by-laws** when such **dwelling unit** was

developed, and such **additional residential unit dwelling unit** does not comply with 4.27.1., the **additional residential unit dwelling unit** is deemed to be legal non-complying insofar as the **walkway** requirements of 4.27.1.-only, subject to and in accordance with Clause 4.27.3.

4.27.5. Despite Subclause 4.27.1.4., where a **lot** was developed with a **residential building** and **driveway** as of the date of passing of this By-law, where the **lot** is **developed** in a manner that maintains, renovates and/or adds floor area to the existing **residential building** and has the effect of adding additional permitted **bedrooms** and/or **dwelling units** to the **lot** (either in the **principal building** or as an **accessory house**):

1. The **walkway** and **driveway** are permitted to overlap if:
 - (a) The portion of the **driveway** where the **walkway** overlaps does not contain any **parking spaces**; and
 - (b) The 1.1 metre wide **walkway** must be clearly delineated and distinct from the **driveway** through a change in surface materials or line painting or other similar mechanism; and
 - (c) A **sign** must be provided that clearly indicates that vehicles must use caution and yield to pedestrians using the **walkway**. It must also state that parking is prohibited on top of the **walkway**; and
2. Portions of a **walkway** are permitted to be less than 1.1 metres wide where the **walkway** is provided in an existing **yard** that is less than 1.1 metres in width if:
 - (a) the **walkway** is designed in a manner that provides the greatest possible **walkway** width based on the dimensions of the existing **yard**; and
 - (b) the **walkway** is a minimum of 0.8 metres wide at the narrowest point; and
 - (c) all portions of the **walkway** outside of the existing **yard** are a minimum of 1.1 metres wide.

4.28. Maximum Number of Bedrooms

4.28.1. A maximum of 8 **bedrooms** are permitted per **lot**, in the aggregate, on:

- 1.** Any **lot** in the Urban Residential Zones, DR Zone and the HCD1 Zone; and
- 2.** A **lot** in the Urban Multi-Residential Zone or the HCD3 Zone where there are 2 or less **principal dwelling units**.

4.28.2. Despite Clause 4.28.1., where the “Fourth Residential Unit Holding Area” established in Clause 5.4.5. is removed from a **lot**, a maximum of 12 **bedrooms** are permitted per **lot**, in the aggregate.

4.29. Accessory Houses in the Urban Area

4.29.1. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, IN2 Zone or DR Zone, an **accessory house** is permitted as an **accessory use** to a **house, semi-detached house, townhouse**, or a **place of worship**.

4.29.2. **Accessory houses** are exempt from the provisions of Subsection 4.1. but must comply with all other applicable provisions of this By-law including, but not limited to, the **walkway** provisions of Subsection 4.27., the bedroom provisions of Subsection 4.28., the **parking space** and **bike space** provisions of Section 7., and the housing constraint areas in Subsection 5.4.

4.29.3. **Accessory houses** are exempt from provisions that:

1. establish the maximum **density** as a measure of **dwelling units** per net hectare; and
2. establish the minimum **lot area** per **dwelling unit** on a **lot**.

Accessory House Provisions

4.29.4. Where permitted, an **accessory house** must comply with the following requirements:

1. **Accessory houses** are only permitted on a **lot** with three or less **dwelling units** in the **principal building**.
2. A maximum of one **dwelling unit** is permitted in an **accessory house**.
3. An **accessory house** must be located within a **rear yard** or **interior yard** and must comply with the following provisions:
 - (a) Minimum **rear setback** of 1.2 metres;
 - (b) Minimum **interior setback** of 1.2 metres;
 - (c) Minimum **front setback** and **exterior setback** of the applicable Zone;
 - (d) Maximum **lot coverage** of all **accessory buildings** on a **lot** is 10% in the aggregate;

- (e) Maximum **height** of 4.6 metres; and
- (f) Maximum **height** of 1 **storey**.
- 4. The **rear yard** or **interior yard** must be screened with a **privacy fence** with a minimum **height** of 1.8 metres as follows:

 - (a) When the **accessory house** is located in a **rear yard**, the **privacy fence** must be established along all **interior lot lines** and **rear lot lines** adjacent to the **rear yard**;
 - (b) When the **accessory house** is located in an **interior yard**, the **privacy fence** must be established along the **interior lot line** closest to the **accessory house** extending from the intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**; or
 - (c) When the **accessory house** is located in both a **rear yard** and an **interior yard**, the **privacy fence** must be established in accordance with Subclauses (a) and (b).
- 5. Where a **lot** is created through a plan of subdivision under the **Planning Act** or a description under the *Condominium Act, 1998* following the date of passing of this By-law, an **accessory house** must comply with the provisions of Subclauses 4.29.4.5. and 4.29.4.6., except:

 - (a) **Accessory houses** that are accessed by a **private street** or public laneway adjacent to the **rear lot line** must comply with the following provisions:

 - (i) the minimum **interior setback** is 0.0 metres;
 - (ii) the maximum **height** is the lesser of 7.5 metres or 2 **storeys**;
 - (iii) a **privacy fence** with a minimum **height** of 1.8 metres must be established along all **interior lot lines** adjacent to the **rear yard** and **interior yard**. No **privacy fence** is required along the **rear lot line**; and
 - (iv) despite Clause 4.27.1.4., the **walkway** requirements of Subsection 4.27. may be satisfied through the provision of an unobstructed 6.0 metre wide **private street** or public laneway connected to a **walkway** on the **lot**.

Legal Non-Compliance

6. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **accessory house** is permitted to be **developed** on the **lot** if it complies with all applicable provisions of this Subsection and all other applicable provisions of this By-law.
7. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone or DR Zone a **private garage** that existed on the date of passing of this By-law is permitted to be **converted** into an **accessory house** without any zoning relief required related to the location and size of the **private garage** on the **lot** as long as it complies with all other provisions of this Subsection that are not related to the location and size of the **private garage** and all other applicable provisions of this By-law.

4.30. Additional Rural Units in the Rural Area

- 4.30.1. In the AG, RU, RUR, LSR and HAM Zones, **additional rural units** are permitted only as an **accessory use** to a **house, semi-detached house, or place of worship**, if such **building** is listed as a permitted **use** in the applicable Zone and in accordance with this Subsection.
- 4.30.2. **Additional rural units** are exempt from the provisions of Subsection 4.1. but must comply with all other applicable provisions of this By-law including, but not limited to, the **walkway** provisions of Subsection 4.27., the **parking space** and **bike space** provisions of Section 7. and the housing constraint areas in Subsection 5.4.
- 4.30.3. **Additional rural units** are exempt from provisions that:
 1. establish the maximum **density** as a measure of **dwelling units** per net hectare; and
 2. establish the minimum **lot area** per **dwelling unit** on a **lot**.

General Provisions for Attached and Detached Additional Rural Units

- 4.30.4. Where permitted, **additional rural units** must comply with the following provisions:
 1. **Additional rural units** are not permitted on a **lot** containing two or more **principal dwelling units**.

2. Additional rural units must be connected to private services to the satisfaction of the City.
3. A maximum of two additional rural units are permitted per lot including a maximum of one second rural unit and a maximum of one third rural unit.
4. Where two additional rural units are located on one lot:
 - (a) A maximum of one detached additional rural unit is permitted; and
 - (b) A maximum of one additional rural unit may be attached to or located within the principal building.

Attached Additional Rural Unit Provisions

5. An additional rural unit that is attached to the principal building or located within the principal building must comply with all provisions of Clause 4.30.4. and must comply with all provisions applicable to the principal building.

Detached Additional Rural Unit Provisions

6. In addition to meeting all provisions of Clause 4.30.4., an additional rural unit in a detached accessory building must be located within a rear yard or interior yard and the accessory building must comply with the following provisions:
 - (a) Minimum rear setback of 1.2 metres;
 - (b) Minimum interior setback of 1.2 metres;
 - (c) Minimum front setback and exterior setback of the applicable Zone;
 - (d) Maximum lot coverage of all accessory buildings on a lot is 10% in the aggregate;
 - (e) Maximum height of 4.6 metres; and
 - (f) Maximum height of 1 storey.

Legal Non-Compliance

7. Where a principal building is legal non-complying in accordance with Subsection 1.8., an additional rural unit is permitted within the existing principal building if the development of the additional rural unit complies

with all other standards this By-law including, but not limited to, the **walkway** provisions of Subsection 4.27., the **parking space** and **bike space** provisions of Section 7. and the housing constraint areas in Subsection 5.4.

8. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional rural unit** is permitted to be attached to the **principal building** if any new **development** associated with the **additional rural unit** complies with this By-law.
9. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional rural unit** is permitted in a detached **accessory building** if the detached **accessory building** complies with this By-law.

Section 5: Overlay Provisions

5.4. ~~Additional Residential Units Overlay~~Housing Constraint Area Overlays

- 5.4.1. ~~Schedule D1, Urban Constraint Areas and Second Rural Unit Holding Overlay, Schedule D2, Third Rural Unit Holding Overlay, and~~ **Schedule D3, Fourth Urban Residential Unit Holding Overlay** have the effect of restricting the **development or use** of a **lot or building** in accordance with the provisions of this Subsection. **Additional residential units** must comply with Clauses 5.4.2. to 5.4.6., all other applicable provisions of this By-law and Schedules D1 and D2.

~~Location of Additional Residential Units~~

5.4.2. ~~Additional residential units rural~~are only permitted:

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

5.4.2. **Additional residential-rural units, accessory houses and the construction of new dwelling units beyond what legally existed on the date of passing of this By-law** are not permitted:

- ~~1.~~ On lands subject to the Floodplain Overlay in accordance with Subsection 5.1.;
- ~~2.~~ On lands identified as "Constraint Area – Sewer Capacity" on Schedule D1;
- ~~3.~~ Within the **basement** of any **building** on lands identified as "Constraint Area – Sewer Surcharging (Combined Storm and Sewer)" on Schedule D1;
- ~~41.~~ On lands identified as "**Rural** Constraint Area – Loughborough Lake (At-Capacity Lake)" on Schedule D1;
- ~~2.~~ On lands identified as "Urban Constraint Area – Sewer Capacity" on Schedule D1;
- ~~53.~~ Within a **basement** or **basement storey** on lands identified as "Urban Constraint Area – Sewer Surcharging (Combined Storm and Sewer)" on Schedule D1. For clarity, this provision only restricts the entirety of a **dwelling unit** from being located within a **basement** or **basement storey** – habitable floor area of a **dwelling unit** is permitted in a **basement** or **basement storey** when a **habitable room** of such **dwelling unit** is located at or above the **first storey**; and
- ~~4.~~ Within a **basement** or **basement storey** on lands identified as "Urban Constraint Area – Sewer Surcharging" on Schedule D1. For clarity, this provision only restricts the entirety of a **dwelling unit** from being located within a **basement** or **basement storey** – habitable floor area of a **dwelling unit** is permitted in a **basement** or **basement storey** when a **habitable room** of such **dwelling unit** is located at or above the **first storey**.
- ~~65.~~ On a **lot** containing two or more **principal dwelling units**.

5.4.34. In accordance with Clause 2.6.2., a Holding Overlay has been established in the area identified as "Water Supply/Water Quality" on Schedules D1 and D2. The "~~Second Residential-Rural Unit Holding Overlay~~ – Water Supply/Water Quality" on Schedule D1 only applies to the **development** of a **second residential-rural unit** and the "~~Third Residential-Rural Unit Holding Overlay~~ – Water Supply/Water Quality" on Schedule D2 only applies to the **development** of a **third residential-rural unit**. Prior to the removal of any **lot** from a Holding Overlay and the issuance of a

building permit for an **additional residential-rural unit**, the following conditions must be satisfied:

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

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

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

5.4.45. In accordance with Clause 2.6.2., a Holding Overlay has been established in the area identified as "Servicing Capacity (Cana Subdivision)" on Schedules D1 and D2. The "Second ~~Residential-Rural Unit Holding Overlay~~ – Servicing Capacity (Cana Subdivision)" on Schedule D1 only applies to the **development** of a **second residential-rural unit** and the "Third ~~Residential-Rural Unit Holding Overlay~~ – Servicing Capacity (Cana Subdivision)" on Schedule D2 only applies to the **development** of a **third residential-rural unit**. Prior to the removal of any **lot** from a Holding Overlay and the issuance of a building permit for an **additional residential-rural unit**, the following conditions must be satisfied:

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

5.4.5. In accordance with Clause 2.6.2., a Holding Overlay has been established in the area identified as "Fourth Residential Unit Holding Area" on Schedule D3 and only applies to the **development** of a fourth **dwelling unit** in a **house, semi-detached house, townhouse** or **accessory house** on one **lot** in chronological order of **development** of the **lot**. Prior to the removal of any **lot** from the Holding Overlay and the issuance of a building permit for the fourth **dwelling unit** in a **house, semi-detached house, townhouse** or **accessory house** on one **lot**, the following conditions must be satisfied:

1. The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed **development**;
2. All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition.

Note: There are limitations in the number of plumbing fixtures that are permitted under the Ontario Building Code that are dependent on the size of the water service to a property. Many areas of the City have a water service size that will limit the number of plumbing fixtures. Applicants are encouraged to contact the City early in the design process to determine the number of plumbing fixtures that will be permitted.

General Provisions for Attached and Detached Additional Residential Units

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

- ~~1.~~ **Additional residential units** must be connected to **municipal services** or **private services** to the satisfaction of the **City**.
- ~~2.~~ A maximum of two **additional residential units** are permitted per **lot** including a maximum of one **second residential unit** and a maximum of one **third residential unit**.
- ~~3.~~ **Additional residential units** are exempt from provisions that:
 - ~~(a)~~ establish the maximum **density** as a measure of **dwelling units** per net hectare;
 - ~~(b)~~ establish the maximum number of **dwelling units** on a **lot**; and
 - ~~(c)~~ establish the minimum **lot** area per **dwelling unit** on a **lot**.
- ~~4.~~ Where two **additional residential units** are located on one **lot**:
 - ~~(a)~~ A maximum of one detached **additional residential unit** is permitted; and
 - ~~(b)~~ A maximum of one **additional residential unit** may be attached to or located within the **principal building**.
- ~~5.~~ A **parking space** required for an **additional residential unit** is permitted in a **tandem parking space** configuration. The **parking space** for the **additional residential unit** must comply with all other applicable provisions of this By-law.
- ~~6.~~ **Additional residential units** must comply with the **walkway** provisions of Subsection 4.27. and the maximum number of **bedroom** provisions of Subsection 4.28.

~~7. The **gross floor area** of the **additional residential unit** must be less than or equal to the **gross floor area** of the **principal dwelling unit**.~~

~~Attached Additional Residential Unit Provisions~~

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

~~Detached Additional Residential Unit Provisions~~

~~9. An additional residential unit in a detached accessory building is exempt from Subsection 4.1. governing accessory uses or buildings. In addition to meeting all provisions of Subclauses 5.4.6.1. to 5.4.6.7., an additional residential unit in a detached accessory building must comply with the following provisions:~~

~~(a) An additional residential unit in a detached accessory building must be located within a rear yard or interior yard and the accessory building must comply with the following provisions:~~

~~(i) Minimum rear setback of 1.2 metres;~~

~~(i) Minimum interior setback of 1.2 metres;~~

~~(i) Minimum front setback and exterior setback of the applicable Zone;~~

~~(i) Maximum lot coverage of all accessory buildings on a lot is 10% in the aggregate;~~

~~(i) Maximum height of 4.6 metres; and~~

~~Maximum height of 1 storey.~~

~~(b) In the urban area, where an additional residential unit is located in a detached accessory building, the rear yard or interior yard must be screened with a privacy fence with a minimum height of 1.8 metres as follows:~~

~~(i) When the detached additional residential unit is located in a rear yard, the privacy fence must be established along all interior lot lines and rear lot lines adjacent to the rear yard;~~

- ~~(f) — When the detached additional residential unit is located in an interior yard, the privacy fence must be established along the interior lot line closest to the detached additional residential unit extending from the intersection of the interior lot line with the rear lot line to the intersection of the interior lot line with the required front setback; or~~
- ~~(f) — When the detached additional residential unit is located in both a rear yard and an interior yard, the privacy fence must be established in accordance with Subparagraphs (i) and (ii).~~
- ~~(c) — for the purpose of establishing a detached additional residential unit, the existing dwelling unit is considered the principal dwelling unit.~~

~~Detached Additional Residential Unit Provisions~~

- ~~10. — Where a lot was created through a plan of subdivision under the *Planning Act* or a description under the *Condominium Act, 1998* following the date of passing of this By-law, an additional residential unit in a detached building must comply with the provisions of Subclause 5.4.6.9., except:~~
 - ~~(a) — Additional residential units in a detached building that are accessed by a private street or public laneway adjacent to the rear lot line must comply with the following provisions:~~
 - ~~(i) — the minimum interior setback is 0.0 metres;~~
 - ~~(i) — the maximum height is the lesser of 7.5 metres or 2 storeys;~~
 - ~~(i) — a privacy fence with a minimum height of 1.8 metres must be established along all interior lot lines adjacent to the rear yard and interior yard. No privacy fence is required along the rear lot line; and~~
 - ~~(i) — despite Clause 4.27.1.4., the walkway requirements of Subsection 4.27. may be satisfied through the provision of an unobstructed 6.0 metre wide private street or public laneway connected to a walkway on the lot.~~

~~Legal Non-Compliance~~

- ~~11. Where a principal building is legal non-complying in accordance with Subsection 1.8., an additional residential unit is permitted within the existing principal building.~~
- ~~12. Where a principal building is legal non-complying in accordance with Subsection 1.8., an additional residential unit is permitted to be attached to the principal building if any new development associated with the additional residential unit complies with this By-law.~~
- ~~13. Where a principal building is legal non-complying in accordance with Subsection 1.8., an additional residential unit is permitted in a detached building if the detached building complies with this By-law.~~

5.5. Exception Overlay

- 5.5.1.** The Exception Overlay on Schedule E has the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of the corresponding Legacy Exception in Section 20 ~~and or~~ Exception in Section 21. ~~U~~ unless specifically amended by the Exception, all provisions of this By-law continue to apply.
- 5.5.3.** The Legacy Exceptions in Section 20 are drafted in the language of the applicable **former zoning by-law**, which may not be consistent with the language used in the balance of this By-law. Terminology contained in Section 20 is specific to the particular Legacy Exception and does not apply to the balance of this By-law. **Uses** referenced in Section 20 and not referenced elsewhere in this By-law are not to be construed as ~~different~~ distinct from those **uses** referred to in Sections 1 through 19 or Sections 21 through 24.
- 5.5.4.** ~~Where a Legacy Exception in Section 20 or Exception in Section 21 refers to “the site specific by-law”, the intent is to reference the implementing zoning by-law that established the Legacy Exception under the applicable former zoning by-law; or Exception under this By-law, as applicable.~~
- 5.5.5.** ~~Despite Clause 5.5.2., where a Legacy Exception only permits a select range of building types that are considered to be a house, semi-detached house or townhouse by this By-law, such Legacy Exception is interpreted to allow a house, semi-detached house or townhouse subject to the maximum number of dwelling units identified in the applicable Zone, of which a maximum of one dwelling unit is permitted in an accessory house or as a detached additional rural unit (as~~

applicable), and subject to compliance with all provisions of this By-law including all Housing Constraint Area Overlays in Subsection 5.4.

5.7. Non-Residential Conversion Overlay

5.7.1. All existing **buildings used**, either in part or as a whole, for **non-residential uses** on a **lot** identified as “Non-Residential Conversion Area” on Schedule G of this By-law are permitted to be **converted** to a **mixed use building** or an **apartment building** through the **construction** of one or more **dwelling units**.

5.7.2. The **conversion** of existing **buildings** permitted by Clause 5.7.1. does not require any zoning relief related to the location and size of the existing **building** and is exempt from Subsection 4.3. requiring **amenity area** and Subsection 4.16. requiring **planting strips**, but must comply with all other applicable provisions of this By-law.

5.7.3. In accordance with Clause 2.6.2, a Holding Overlay has been established in the area identified as “Non-Residential Conversion Area – Holding Overlay” on Schedule G. Prior to the removal of any lot from a Holding Overlay and the issuance of a building permit for a **conversion** in accordance with Clauses 5.7.1. and 5.7.2., the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed development;
- (b) All necessary studies, as determined by the **City** through the pre-consultation process, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, parking, soil, noise, natural heritage features, archeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (c) All agreements required by the **City** through the pre-consultation process, including site plan control, have been executed and registered on title, as appropriate.

5.8. Express Transit Area Overlay

5.8.1. All **lots** with a **street line** along a **street** identified as an Express Transit route subject to an identified height (in **storeys** and **metres**) on Schedule H of this By-law are intended to be **developed** with an **apartment building** or **mixed use building**

through a minor variance application in accordance with Section 45 of the **Planning Act** and the Express Transit Area policies of the Official Plan.

5.8.2. Where an **apartment building** or **mixed use building** is permitted through a minor variance in accordance with Clause 5.8.1., the provisions of Sections 8 to 21 of this By-law do not apply, and instead the performance standards in Table 5.8.2. and Clauses 5.8.3. and 5.8.4. apply. All other applicable provisions of this By-law must be complied with. It is the intent of this By-law to allow for minor variances to the performance standards where necessary due to the unique configuration, layout or location of a **lot** in accordance with the policies of the Official Plan.

Table 5.8.2. – Express Transit Area Performance Standards

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	=
2. Minimum lot frontage (metres)	=
3. Maximum height (metres and storeys)	The maximum height is the lesser of the number of storeys or height in metres identified along the street line of the lot on Schedule H of this By-law
4. Minimum and maximum front setback (metres)	To be determined through a minor variance application
5. Minimum rear setback (metres)	To be determined through a minor variance application
6. Minimum exterior setback (metres)	To be determined through a minor variance application
7. Minimum interior setback (metres)	To be determined through a minor variance application
8. Minimum stepbacks	(a) for lots where the maximum height is 6 storeys , the minimum stepbacks required along the front lot line and/or exterior lot line : (i) storeys 5 to 6: minimum 2.0 metres from the exterior wall of the 4 th storey (b) for lots where the maximum height is greater than 6 storeys , the minimum stepbacks required along the front lot line and/or exterior lot line :

	<p>(i) storeys 5 and above: minimum 3.0 metres from the exterior wall of the 4th storey</p> <p>(c) for all other lots: not applicable</p>
9. Minimum landscaped open space	10%
10. Maximum lot coverage	To be determined through minor variance application
11. Minimum floor to floor height of first storey	4.5 metres

5.8.3. Despite the definitions of **front lot line** and **rear lot line**, for the purpose of this Subsection, the **front lot line** is the **street line** along a **street** identified as “Express Transit”. If a **lot** has more than one **street line** along a **street** identified as “Express Transit”, then the shorter **lot line** is considered the **front lot line**.

5.8.4. In addition to the provisions of Table 5.8.2., **apartment buildings** or **mixed use buildings** permitted through a minor variance must comply with the following provisions:

1. The minimum **separation distance** between a **building** and a **lot** located in a **UR Zone** is:

 - (a) For **storeys 1 to 4:** 10 metres;
 - (b) For **storeys 5 to 6:** 15 metres; and
 - (c) For **storeys 7 and above:** 20 metres.
2. The main pedestrian entrance to the **building** must be located on the **main wall** facing the **front lot line**.
3. A minimum of 50% of the **front yard** and **exterior yard** must be soft landscaping that allows water to permeate into the ground (vegetation such as trees, shrubs, hedges, ornamental plantings, grass, groundcover or other similar plantings).
4. **Loading spaces, parking spaces** and **parking lots** are not permitted in a **front yard** or **exterior yard**.
5. **Parking structures** are not permitted to occupy any part of a **main wall** facing a **street line**.

6. At the second **storey** and above, the maximum horizontal length of one continuous plane of a **main wall** of a **building** facing the **front lot line** and **exterior lot line** is 30 metres before articulation is provided. Articulation must be provided in the form of relief for a minimum horizontal length of 6 metres along the **main wall** at a minimum depth of 2 metres from the face of the **main wall**.
7. For **buildings** greater than 10 **storeys** in **height**, the maximum floor plate of all **storeys** above the 4th **storey** is 800 square metres. Floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components.
8. Where a **lot** is adjacent to a lot in a UR Zone, within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must comply with Subclause 4.16.1.2.

Section 6: Specific Use Provisions

6.1. Tiny Houses, Mobile Homes and Innovative Housing Technologies

~~1.1.1. A **tiny house** is only permitted where a Temporary Zone allows one in accordance with Clause 2.6.3.~~

~~6.1.1. Where a **tiny Tiny houses** is, **mobile homes**, modular homes and other similar innovative housing technologies that result in the construction of a **dwelling unit** are considered a **dwelling unit** in a **residential building**. Where permitted permitted, a **tiny house** they must comply with all provisions applicable to:~~

- ~~1. the **principal residential building** in the **urban area** or **rural area**, as applicable; or~~
- ~~2. detached **additional residential-rural units** if it is located in the **rural area**; or~~
- ~~3. **accessory houses** if it is located in the **urban area**.~~

6.2. Gasoline Pump

6.2.1. Where a **gasoline pump** is **accessory** to a **gas-service station**, the **gasoline pump** may be located in the **front yard** or **exterior yard**, provided that:

6.3.2. A **home occupation** is permitted in all **dwelling units** and may be located in an **accessory building** to the **principal dwelling unit**. In addition to the provisions that apply to the **principal dwelling unit** and **accessory buildings**, a **home occupation** is subject to the following provisions:

- 3. **Outdoor storage** of materials, equipment, or containers, exterior parking or storage of commercial or industrial **vehicles** or equipment, animal enclosures or other outdoor manufacturing or processing activities are prohibited on any **lot** in conjunction with the **home occupation**, except as permitted by Clause 7.6.1; and**

6.6. Model Homes

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

Planning Act or a description under the *Condominium Act, 1998*, subject to the following provisions:

1. The **use** must be permitted in the underlying Zone in which the **single detached house, semi-detached house or townhouse** is to be located;
2. The **model home** must not be occupied as a **dwelling unit** prior to the date of the registration of the subdivision plan or condominium plan;
3. The maximum number of **model homes** within one plan of subdivision under the **Planning Act** or a description under the *Condominium Act, 1998* proposed for registration is equal to 10% of the total number of **lots** intended for **single detached house, semi-detached house or townhouse** purposes within the plan or description for registration, to a maximum of 10 **model homes**;

6.15. Place of Worship

- 6.14.2.** Dwelling units are permitted as an accessory use in a place of worship, to a maximum of four dwelling units in the urban area and three dwelling units in the rural area, inclusive of dwelling units in an accessory house or detached additional rural unit. Such dwelling units must comply with Subsections 4.29. or 4.30., or the Zone standards that apply to the principal building.

6.15. Schools

- 6.15.1.** Where an **elementary school** or **secondary school** is permitted, portable **classrooms** are permitted and must comply with all provisions-setbacks that apply to the **lot** as though they are a **principal building**. For clarity, provisions requiring additional bike spaces, accessible spaces, loading spaces or any other additional facilities do not apply to portable classrooms.

6.18. Seasonal Cabins

- 6.18.1.** In the **rural area**, where a **lot** is permitted to be used as a **single detached house** by the applicable Zone, a **cabin** is a permitted **principal use** and must comply with all provisions that apply to a **single detached house**.

Section 7: Parking, Loading and Bike Parking Provisions

Off-Site Parking Spaces

- 7.1.12.** Despite Clause 7.1.1., where a **building** that exists as of the date of passing of this By-law is **converted** resulting in an increase in the number of **dwelling units**, ~~required off-site parking spaces may be provided off-site must be provided~~ within 60.0 metres of the **lot**.

Affordable Units and Heritage Buildings

- 7.1.13.** Despite Clause 7.1.1.:
2. For ~~a lot that contains a designated~~ **heritage buildings**, no **parking spaces**, **visitor spaces** or **car-share spaces** are required. Where **parking spaces** are provided, **accessible spaces** must be provided based on the ratio required by Subsection 7.2. before other **parking spaces** may be provided.

Reduction in Minimum Number of Required Parking Spaces

- 7.1.14.** Despite Clause 7.1.1.:
1. For **apartment buildings**, **dwelling units** in a **mixed use building**, ~~and stacked townhouse townhouses or common element townhouse~~, the minimum number of **parking spaces** required may be reduced:

Permission to Provide More Parking Spaces than the Maximum

- 7.1.15.** Despite Clause 7.1.1.:
1. In PA1 and PA2, the maximum number of **parking spaces** permitted by this By-law may be increased to a maximum of 1.25 parking spaces per dwelling unit if: all parking spaces provided above the maximum ratio are electric vehicle ready.
 - ~~(a) All parking spaces provided above the maximum ratio are electric vehicle ready; and~~
 - ~~(b) In addition to the car-share spaces required by Clause 7.1.1., one car-share space that is electric vehicle ready must be provided for every four parking spaces provided above the maximum ratio.~~

2. In PA3, PA4 and PA5, the maximum number of **parking spaces** permitted by this By-law may be increased to a maximum of 1.5 parking spaces per dwelling unit if all parking spaces provided above the maximum ratio are electric vehicle ready.

~~(a) All parking spaces provided above the maximum ratio are electric vehicle ready; and~~

~~(b) In addition to the car-share spaces required by Clause 7.1.1., one car-share space equipped with electric vehicle ready is provided for every four parking spaces provided above the maximum ratio.~~

Addition ~~or Change~~ to Existing Use-Building – Parking Spaces

7.1.19. When a lot or building has insufficient parking on the date of passing of this By-law to conform to the provisions of this By-law, this By-law is not to be interpreted as requiring that the deficiency be made up prior to the construction of any addition, provided, however, any additional parking spaces required by this By-law for such addition must be provided in accordance with all provisions respecting parking spaces or change of use. However, an addition or change of use which has the effect of requiring additional parking spaces under this By-law is not permitted unless the total number of required parking spaces is provided.

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

	use	Number of Parking Spaces (minimum, unless otherwise specified)
1	<p>(a) apartment building (b) dwelling unit in mixed use building (c) stacked townhouse (d) common element townhouse</p>	<p>(i) Required number of parking spaces: PA1, PA2: minimum 0.4 to a maximum of 1.0 per dwelling unit PA3: minimum 0.6 to a maximum of 1.0 per dwelling unit PA4: minimum 0.8 to a maximum of 1.0 per dwelling unit PA5: minimum and maximum of 1.0 per dwelling unit</p> <p>(ii) In addition to (i), <u>where a lot contains 30 or more dwelling units, a the minimum number of:</u> - 1 car-share spaces: 0.05 per dwelling unit must be provided, <u>with 1 additional car-share space provided for every 50 dwelling units thereafter; and</u> - 1 short-term delivery parking space, <u>the location and signage of which must be provided to the satisfaction of the City through the site plan review process</u></p> <p>(iii) In addition to (i) and (ii), the minimum number of visitor spaces: PA1, PA2: 0.4<u>03</u> per dwelling unit PA3, PA4, PA5: 0.45<u>06</u> per dwelling unit</p>
2	<p><u>In the urban area:</u> (a) duplexhouse (b) freehold townhouse (c) semi-detached house (d) accessory house (e) additional residential unit (d) single detached house (e) triplex</p>	<p>PA1, PA2, PA3, PA4: 0.4<u>1.0</u> parking spaces per dwelling unit lot PA3: 0.6 per dwelling unit PA4: 0.8 per dwelling unit PA5: 1.0 per dwelling unit <u>for the first two dwelling units on a lot</u></p>
3	<p><u>In the rural area:</u> (a) dwelling unit</p>	<p><u>1.0 per dwelling unit</u></p>

	use	Number of Parking Spaces (minimum, unless otherwise specified)
4	home occupation	PA1: 0 parking spaces PA2, PA3, PA4, PA5: 0 parking spaces, except where an employee who does not reside in the dwelling unit, or a customer physically attend the lot, then 1 parking space (i) Where an employee or customers attend on site: 1.0 (ii) Where no employees or customers attend on site: 0
5	All other uses	—

Number of Required Accessible Spaces

7.2.3. In addition to the parking spaces required by Subsection 7.1., ~~The~~ the minimum number of **accessible spaces** required by the following Subclauses must be provided on the same **lot** as the **use** or **building**:

1. Where the number of **parking spaces** in Clause 7.2.2. is between 1 and 12 **parking spaces**, one ~~parking space must be a~~ **Type A accessible space**; is required;

7.2.4. Despite Clause 7.2.3., where a **lot** contains a ~~single detached house, semi-detached house, duplex, triplex,~~ additional **residential-rural unit, accessory house, tiny house** or ~~freehold~~ **townhouse** where **parking spaces** are accessed directly from a **driveway**, no **accessible spaces** are required.

Table 7.2.2. – Effective Ratios to Calculate Required Accessible Spaces

	Use	Effective Ratio
1.	residential use	1.0 per dwelling unit

	Use	Effective Ratio
2.	automobile body shop, automobile repair shop, automobile sales establishment, banquet hall, animal care, animal shelter, building supply store, carwash, club, creativity centre, department store, financial institution, fitness centre, garden centre, gas station , grocery store, laundry store, office, personal service shop, recreational vehicle sales establishment, repair shop, restaurant, retail store, service station , training facility, wellness clinic	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
3.	agricultural sales establishment, call centre, catering service, contractor's yard, correctional institution, equipment rental, factory outlet, feedmill, ferry terminal, heavy equipment or truck repair shop, heavy industrial use, hospital, industrial repair shop, laboratory, library, light industrial use, museum, production studio, research establishment, salvage yard, self-service storage facility, towing compound, transportation depot, transportation terminal, warehouse, waste disposal area, wastewater treatment facility, water supply plant, wholesale establishment, workshop	1 per 100 square metres of gross floor area
4.	community centre, entertainment establishment, funeral establishment, recreation facility, place of worship, stadium	0.25 per person
5.	agricultural use, airport facilities, cemetery, community garden, correctional college, food truck, forestry use, gravel pit, military installation, mineral aggregate operation, park, transformer station	—
6.	day care centre, elementary school, post-secondary institution, secondary school	2.0 per classroom
7.	campground	1 per campsite
8.	golf course	2 per hole
9.	hotel	1 per guest room
10.	kennel	1 per animal run
11.	marina	1 per boat slip

7.3. Bike Parking Provisions

Bike Space Ratios

- 7.3.1.** The minimum number of **long-term bike spaces** and **short-term bike spaces** required by the ratios set out in Table 7.3.1. and Table 7.3.2. or Table 7.3.3. must be provided on the same lot as the corresponding use or building. Despite the generalized Zone-based ratios provided in Table 7.3.2. for non-residential uses, the use-based ratios in Table 7.3.3. apply, except in the case of a multi-tenanted building with more than one principal use, then the generalized Zone-based ratios of Table 7.3.2. apply.
- 7.3.2.** Where a **lot** contains more than one **use**, the required number of **bike spaces** is the sum of all **bike spaces** required for each **use**. Where multiple tenants separately occupy spaces or units in one building, the required number of bike spaces is calculated based on the total number of bike spaces that are required for the entire building and may be provided as one central bike facility, or individually across the separate units in a manner that generally proportions the bike facilities based on the gross floor area of each unit. Where the ultimate use of each unit is unknown at the time of construction, the permitted use which generates the highest number of bike spaces must be used to calculate the required number of bike spaces.
- 7.3.3.** Where a **lot** contains more than one **building**, the **bike space** requirements are calculated and provided for each **building** as though they are on their own individual **lot**, ~~except for common element townhouses and stacked townhouses where the requirements may be calculated per lot.~~

Long-term Bike Space Requirements

- 7.3.7.** The **long-term bike spaces** required by Clause 7.3.1.:
- 1.** Must be provided in a secure, weather-proof enclosure with controlled access where a bicycle may be parked and secured for the long-term in a stable position with at least one point of contact with the frame of the bicycle;
 - 2.** Are not permitted in a **dwelling unit** or on the **balcony** of a **dwelling unit**;
 - 3.** Must be provided in a location that has access directly to a **street line** by way of a continuous pathway consisting of:
 - (a)** A hallway, aisle, sidewalk or **walkway**;

- (b) An elevator that permits bikes to the satisfaction of the **City**;
- (c) A ramp, which may be provided as a wheel ramp along the side of a set of stairs if such ramp is a minimum of 0.15 metres wide and does not cut into the stair tread; and/or
- (d) A **drive aisle** or **driveway**.

~~7.3.8.4. A maximum of 75% of the required **long-term bike spaces** are permitted to be provided as A minimum of 30% of the **long-term bike spaces** required by Clause 7.3.1. are required to be **horizontal bike spaces**. The remainder of the **long-term bike spaces** may be provided as **stacked bike spaces** or **vertical bike spaces**.~~

7.3.8. Despite Clause 7.3.7.:

1. Where a **long-term bike space** is required for a **house, semi-detached house, townhouse** and **accessory house**, it is exempt from Clauses 7.3.7., 7.3.10., 7.3.11. and 7.3.12. and must:
 - (a) be provided in a secure, enclosed location such as within an **accessory building**, or within a vestibule or other interior floor area that doesn't form part of a **dwelling unit**; and
 - (b) be provided with a continuous pathway that ensures clear access from the **street** to the **long-term bike space**.
2. Where a **building** that existed on the date of passing of this By-law is **converted** in a manner that results in the introduction of **dwelling units** or an increase in the number of **dwelling units**, it is exempt from Clauses 7.3.7.2. and 7.3.7.4.

Bike Space and Bike Aisle Dimensions

7.3.10. Horizontal bike spaces must:

3. Be accessed by an aisle with a minimum width of 1.5-2 metres; **where 4 or more bike spaces** are provided in a common bike storage area.

7.3.11. Vertical bike spaces must:

3. Be accessed by an aisle with a minimum width of 1.2 metres **where 4 or more bike spaces** are provided in a common bike storage area.

7.3.12. Stacked bike spaces must:

4. Be accessed by an aisle with a minimum width of 1.2 metres where 4 or more bike spaces are provided in a common bike storage area.

Enhanced Bike Parking Facilities for Multi-Unit Residential

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

1. A minimum of ~~105~~ 105% of the **long-term bike spaces** must be provided as larger **horizontal bike spaces** with minimum dimensions of 1.0 metre wide by 2.6 metres horizontal length, with a minimum vertical clearance of 1.9 metres and must be provided with access to one standard electrical outlet;
2. A minimum of ~~105~~ 105% of the **long-term bike spaces** must be provided in secure bike lockers that are provided with individual, secure enclosures where a private lock can be affixed and must include a standard electrical outlet;

Addition ~~or Change~~ to Existing ~~Use~~ Building – Bike Spaces and End-of-Trip Facilities

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

NOTE TO DRAFT: Tables 7.3.1., 7.3.2. and 7.3.3. are a delete and replace of existing Table 7.3.1., not tracked changes.

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

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	Residential (a) apartment building (b) dwelling unit in mixed use building (c) stacked townhouse	0.9 per dwelling unit	0.1 per dwelling unit
2.	(a) house (b) semi-detached house (c) townhouse (d) accessory house	(a) in the urban area: 1.0 per dwelling unit (b) in the rural area:	—
3.	home occupation	—	—

Table 7.3.2. – Required Number of Long-Term and Short-Term Bike Spaces for Non-Residential Uses by Zone

	Zone or Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	Rural Zones	—	—
2.	Rural Industrial Zones	—	—
3.	Non-residential uses in Mixed Use Zones, Urban Residential Zones, Urban Multi-Residential Zones and Heritage Zones	0.1 per 100 square metres of gross floor area	0.2 per 100 square metres of gross floor area
4.	Commercial Zones	0.1 per 100 square metres of gross floor area	0.2 per 100 square metres of gross floor area
5.	Employment Zones	0.1 per 100 square metres of gross floor area	—
6.	Transportation and Utilities Zones	—	—

Table 7.3.3. – Required Number of Long-Term and Short-Term Bike Spaces for Non-Residential Uses by Use

	Zone or Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	airport facilities, automobile body shop, automobile repair shop, automobile sales establishment, campground, carwash, cemetery, community garden, correctional college, correctional institution, feedmill, ferry terminal, food truck, forestry use, funeral establishment, golf course, hospital, hotel, kennel, marina, military installation, park, recreational vehicle sales establishment, service station	—	—
2.	banquet hall, library, museum	—	0.2 per 100 square metres of gross floor area
3.	community centre, entertainment establishment, place of worship, recreation facility, stadium	—	0.1 per person
4.	day care centre	—	0.5 per classroom
5.	elementary school, secondary school	1 per classroom	1.5 per classroom
6.	post-secondary institution	—	3 per classroom

Table 7.4.1. – Minimum Parking Space and Drive Aisle Dimensions

Orientation of Parking Space Relative to Driveway or Drive Aisle	Minimum Parking Space Width	Minimum Parking Space Length or Vehicle Projection (measured perpendicular to drive aisle)	Minimum Driveway or Drive Aisle Width
In line with and accessed directly from driveway	2.6 metres	6.0 metre length	2.63.0 metre driveway

In line with and accessed directly from driveway as tandem parking spaces	2.6 metres	12.0 metres length	3.0 2.6 metre driveway
Perpendicular to drive aisle	2.6 metres	5.5 metre length	6.7 metre drive aisle for the portion of the drive aisle used to access a parking space , and 6.0 metres for any internal circulation road that is not directly used to access a parking space
Parallel to drive aisle	2.6 metres	6.7 metre length	6.7-0 metre drive aisle for two-way traffic and 3.0 metre drive aisle for one-way traffic
45 degree angle from one-way drive aisle	2.75 metres	5.4 metre vehicle projection	4.2 metre drive aisle
50 degree angle from one-way drive aisle	2.75 metres	5.6 metre vehicle projection	4.4 metre drive aisle
55 degree angle from one-way drive aisle	2.75 metres	5.7 metre vehicle projection	4.5 metre drive aisle
60 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	4.8 metre drive aisle
65 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	5.0 metre drive aisle
70 degree angle from one-way drive aisle	2.75 metres	5.9 metre vehicle projection	5.4 metre drive aisle
75 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	5.7 metre drive aisle

Additional Driveway & Parking Provisions for Ground Oriented Residential in Urban Area

- 7.4.8.** In the urban area, on a lot with a ~~single detached house, semi-detached house, additional residential unit accessory house, duplex semi-detached house, triplex and or freehold townhouse~~, the following provisions must be complied with:
- 1.** Parking spaces must be located in a permitted private garage, driveway or parking lot;
 - 2.** ~~Parking spaces are permitted in tandem configuration A driveway or a parking space within the required front setback or exterior setback is not permitted parallel to the street line where the driveway gains access;~~
 - 3.** Parking lots are only permitted in a rear yard or interior yard;
 - 4.** The maximum area of a parking lot is 43 square metres, excluding drive aisles;
 - 5.** The maximum ~~cumulative~~ width of all driveways ~~on a lot at the point of intersection with within the required front setback lot line or exterior setback lot line~~ is the lesser of:
 - (a)** 6.0 metres; or
 - (b)** 40% of the length of the applicable street line, provided that the minimum width of the driveway is ~~3.0~~ 2.6 metres;
 - 6.** ~~Beyond the point of intersection with the lot line, the maximum cumulative width of all driveways on a lot beyond the required front setback or exterior setback is 6.0 metres, except:;~~
 - (a)** If a lot complies with and will continue to comply with the required landscaped open space and all other provisions of this By-law including all requirements of Clause 7.4.8., the driveway may be widened to accommodate one additional parking space to a maximum driveway width of 9.0 metres, if:
 - (i)** The increased driveway width is limited to the extent required to accommodate one additional parking space at a maximum dimension of 2.6 metres wide by 6 metres long plus any driveway area required to maneuver a vehicle into the additional parking space; and

- (b) ~~Despite Subclause 6., w~~Where the **driveway** leads to a **private garage**, the maximum width beyond the required **front setback** or **exterior setback** is ~~the greater of 6.0 metres or~~ the width of the **private garage** on the subject **lot**;

Additional Driveway & Parking Provisions for Multi-Unit Residential in the Urban Area

- 7.4.9.** In the **urban area**, on a **lot** with a ~~**common element townhouse**~~, ~~**stacked townhouse**~~, ~~**apartment building**~~, or a **dwelling unit** in a **mixed use building**, the following provisions must be complied with:

Additional Driveway & Parking Provisions for All Uses in the Rural Area

- 7.4.11.** In the **rural area**, on a **lot** with any permitted **use**, the following provisions must be complied with:
- 1.** The maximum width of a **driveway** within the required **front setback** or **exterior setback** is ~~6~~**9.0** metres;

Table 7.5.1. – Number of Required Loading Spaces

Use	Gross Floor Area or Number of Dwelling Units	Number of Loading Spaces Required
Employment Zones Uses	0 to 300.0 square metres	1
	More than 300.0 to 2,500.0 square metres	2
	More than 2,500.0 to 7,500.0 square metres	3
	More than 7,500.0 square metres	3 plus 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres
Commercial Uses	0 – 300.0 square metres	0
	More than 300.0 to 2,500.0 square metres	1
	More than 2,500.0 to 7,500.0 square metres	2

Use	Gross Floor Area or Number of Dwelling Units	Number of Loading Spaces Required
	More than 7,500.0 square metres	2 plus 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres
Residential Uses	0 to 50 dwelling units	0
	51 to 399 dwelling units	1
	400 or more dwelling units	2

Location of Loading Spaces

~~7.5.7. Loading spaces must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.~~

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

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

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

Addition ~~or Change~~ to Existing ~~Use Building~~ – Loading Spaces

7.5.109. Where a lot or building has insufficient loading spaces on the date of passing of this By-law to conform with the provisions of this By-law, this By-law is not to be interpreted as requiring that the deficiency be made up prior to the construction of any addition ~~or a change of use~~, provided, however, any additional loading spaces required by this By-Law for such addition ~~or change of use~~ must be provided in accordance with all provisions respecting loading spaces.

Section 8: Rural Zones

8.1. All Rural Zones

8.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 8.1.2., the following provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the lot.
2. New **single-detached houses** are permitted only as **accessory uses** where an **agricultural use** is the **principal use** of the lot. **Single-detached hHouses** existing as of the date of passing of this By-law are permitted to be **principal uses**.

Table 8.1.2. - Permitted Uses in the Rural Zones

Use	AG	RU	RUR	LSR	RC	HAM
Residential dwelling unit in a mixed use building	—	—	—	—	● ¹	●
single-detached house	● ²	●	●	●	● ¹	●
duplex	—	—	—	—	—	●
semi-detached house	—	—	—	—	—	●
Other agricultural sales establishment	—	●	—	—	●	●
agricultural use	●	●	—	—	—	—
agri-tourism	● ⁴	● ⁴	—	—	—	—
animal care	—	—	—	—	●	●
automobile sales establishment	—	—	—	—	—	●
banquet hall	—	●	—	—	●	●
building supply store	—	—	—	—	—	●
campground	—	—	—	—	●	—
cemetery	—	●	—	—	—	●
community centre	—	●	●	—	●	●
creativity centre	—	—	—	—	—	●

Use	AG	RU	RUR	LSR	RC	HAM
club	—	—	—	—	●	●
day care centre	—	—	—	—	—	●
elementary school	—	●	●	—	—	●
feedmill	—	●	—	—	●	●
fitness centre	—	—	—	—	●	●
forestry use	●	●	—	—	—	—
garden centre	—	—	—	—	●	●
gas station	—	—	—	—	—	●
golf course	—	—	—	—	●	—
grocery store	—	—	—	—	—	●
hotel	—	—	—	—	●	●
kennel	●	●	—	—	—	—
laundry store	—	—	—	—	—	●
library	—	●	●	—	●	●
marina	—	—	—	—	●	—
museum	—	●	●	—	●	●
office	—	—	—	—	● ¹	●
outdoor storage	—	—	—	—	● ¹	● ¹
personal service shop	—	—	—	—	—	●
place of worship	—	●	●	—	●	●
recreation facility	—	—	—	—	● ³	●
recreational vehicle sales establishment	—	—	—	—	—	●
repair shop	—	—	—	—	—	●
restaurant	—	—	—	—	—	●
retail store	—	—	—	—	● ¹	●
rural use	● ¹	●	● ¹	● ¹	● ¹	● ¹
secondary school	—	—	—	—	—	●

Use	AG	RU	RUR	LSR	RC	HAM
service station	=	=	=	=	=	●
special needs facility	—	—	—	—	—	●
training facility	—	—	—	—	●	—
wellness clinic	—	—	—	—	—	●
wholesale establishment	—	—	—	—	● ¹	● ¹

8.2. Prime Agricultural Area Zone (AG)

Table 8.2.1. – AG Provisions

Zoning Provision	existing single detached houses	all other permitted uses
1. Minimum lot area (hectares)	1.0	40.0
2. Minimum lot frontage (metres)	90.0	90.0
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	7.6
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	7.6
7. Minimum interior setback (metres)	9.0	12.0
8. Maximum lot coverage	10%	35%
9. Maximum number of principal dwelling units per lot	1.0	—

Additional Provisions for Lots Zoned AG

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

- 1.** When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached house**, a severance application for the surplus **single detached**

house must comply with all zoning provisions of the RUR Zone in Table 8.4.1. The surplus ~~single detached house~~ is deemed to be a permitted **use** on the severed **lot**;

Housing for Seasonal Farm Labour

3. Despite anything to the contrary in this By-law, housing for seasonal farm labour is permitted, subject to the following provisions:
 - (a) A maximum of one **building** is permitted for seasonal farm labour;
 - (b) Housing for seasonal farm labour may be in the form of a **cabin** or a ~~single detached house~~; and
 - (c) Housing for seasonal farm labour must comply with the **setback, height and lot coverage** provisions applicable to ~~single detached houses~~.

8.3. General Rural Area Zone (RU)

Table 8.3.1. – RU Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area (hectares)	1.0	(a) agricultural use : 40.0 (b) other uses : 4.0
2. Minimum lot frontage (metres)	90.0	90.0
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	7.6
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	7.6
7. Minimum interior setback (metres)	9.0	12.0
8. Maximum lot coverage	10%	35%
9. Maximum number of principal dwelling units per lot	1.0	—

Additional Provisions for Lots Zoned RU

8.3.2. ...

3. When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached-house**, a severance application for the surplus **single detached house** must comply with all zoning provisions of the RUR Zone in Table 8.4.1. The surplus **single detached-house** is deemed to be a permitted **use** on the severed **lot**;
4. Where a **lot** legally existed as of the date of passing of this By-law, is less than 1.0 hectare in area and was developed with a **single detached-house** as of the date of passing of this By-law, the standards of the RUR Zone in Table 8.4.1. apply to the **lot**; and

Housing for Seasonal Farm Labour

6. Despite anything to the contrary in this By-law, housing for seasonal farm labour is permitted, subject to the following provisions:
 - (a) A maximum of 1 **building** is permitted for seasonal farm labour;
 - (b) Housing for seasonal farm labour may be in the form of a **cabin** or a **single detached-house**; and
 - (c) Housing for seasonal farm labour must comply with the **setback, height and lot coverage** provisions applicable to **single detached-houses**.

8.4. Rural Residential Zone (RUR)

Table 8.4.1. – RUR Provisions

Zoning Provision	single detached-house	all other permitted uses
1. Minimum lot area	1.0 hectare	(a) Private Services – 4,000.0 square metres (b) Partial Services – 1,393.6 square metres
2. Minimum lot frontage (metres)	(a) Private Services – 36.5 (b) Partial Services – 30.5	(a) Private Services – 36.5 (b) Partial Services – 30.5

Zoning Provision	single detached house	all other permitted uses
3. Maximum height (metres)	10.7	10.7
4. Minimum front setback (metres)	6.1	6.1
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	6.1	6.1
7. Minimum interior setback (metres)	1.2	4.5
8. Maximum lot coverage	10%	—
9. Minimum landscaped open space	30%	30%
10. Maximum number of principal buildings per lot	1.0	1.0
<u>11. Maximum number of principal dwelling units per lot</u>	<u>1.0</u>	=

8.5. Limited Service Rural Residential Zone (LSR)

Table 8.5.1. – LSR Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	As existing on the date of passing of this By-law
2. Minimum lot frontage (metres)	As existing on the date of passing of this By-law
3. Maximum height (metres)	9.0
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	4.5
8. Maximum lot coverage	15%

Zoning Provision	all permitted uses
9. Maximum number of principal buildings per lot	1.0
10. Minimum landscaped open space	30%
11. Minimum setback from a right-of-way (metres)	7.5
<u>12. Maximum number of principal dwelling units per lot</u>	<u>1.0</u>

8.6. Rural Commercial Zone (RC)

Table 8.6.1. – RC Provisions

Zoning Provision	single-detached house	all other permitted uses
1. Minimum lot area (hectares)	1.0	1.0
2. Minimum lot frontage (metres)	30.0	(a) Private Services: 45.0 (b) Partial Services: 30.0
3. Maximum height (metres)	12.0	12.0
4. Minimum front setback (metres)	3.0	3.0
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	3.0	3.0
7. Minimum interior setback (metres)	0.0	0.0 ¹
8. Minimum landscaped open space	10%	10%
<u>9. Maximum number of principal dwelling units per lot</u>	<u>1.0</u>	<u>1.0</u>

8.7. Hamlet Zone (HAM)

Table 8.7.1. – HAM Provisions

Zoning Provision	Residential uses	dwelling unit in a mixed use building	Non-Residential Uses
1. Minimum lot area (hectares)	1.0	1.0	1.0
2. Minimum lot frontage (metres)	30.0	30.0	30.0
3. Maximum height (metres)	10.7	10.7	10.7
4. Minimum front setback (metres)	6.0	3.0	3.0
5. Minimum rear setback (metres)	7.5	7.5	7.5
6. Minimum exterior setback (metres)	6.0	3.0	3.0
7. Minimum interior setback (metres)	1.2	6.0 ¹	6.0 ¹
8. Minimum landscaped open space	30%	30%	30%
9. Maximum number of principal buildings per lot	1.0	—	—
<u>10. Maximum number of principal dwelling units per lot</u>	<u>2.0</u>	<u>2.0</u>	<u>—</u>

Additional Provisions for Lots Zoned HAM

8.7.2. In addition to the provisions of Table 8.7.1., **uses** in the HAM Zone must comply with the following provisions:

1. Where the **interior lot line** is adjacent to a **lot** that is not **developed** with a ~~single detached house, or semi-detached house or duplex~~, there is no minimum **interior setback** requirement;
2. Where an existing **building** was originally designed and constructed for a **non-residential use**, such **building** is permitted to be **converted** to a ~~single detached house, or semi-detached house or a duplex~~;
3. **Outdoor storage** is only permitted as an **accessory use** to a **non-residential use** where such **lot** is not adjacent to a **lot** that is **developed** with a **single**

~~detached house, or semi-detached house or duplex~~, subject to the following provisions:

- (a) **outdoor storage** is only permitted in the **rear yard**; and
 - (b) **outdoor storage** must comply with the setback provisions applicable to the **principal building**.
4. Despite Subclause 8.7.2.2., when **outdoor storage** is established under the provisions of this By-law, the subsequent **construction** of a new **single ~~detached house, or semi-detached house or duplex~~**, on an adjacent **lot** does not render such **outdoor storage** non-complying; and

Section 9: Rural Industrial Zones

9.2. Rural Industrial Zone (RM1)

Additional Provisions for Lots Zoned RM1

9.2.2. In addition to the provisions of Table 9.2.1., **uses** in the RM1 Zone must comply with the following provisions:

1. Outdoor storage must:

- (c) Be provided with a **visual screen** a minimum height of 1.8 metres and in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than a Rural Industrial Zone.

Section 10: Mixed Use Zones

10.1. All Mixed Use Zones

Table 10.1.2. - Permitted Uses in the Mixed Use Zones

Use	WM1, WM2	DT1, DT2
Residential apartment building	●	●
dwelling unit in a mixed use building	●	●
stacked townhouse	●	—

Use	WM1, WM2	DT1, DT2
townhouse	●	
Non-residential animal care	—	●
automobile sales establishment	—	●
banquet hall	●	●
building supply store	—	●
commercial parking lot	—	●
community centre	●	●
club	●	●
creativity centre	●	●
day care centre	●	●
department store	—	●
entertainment establishment	●	●
financial institution	●	●
fitness centre	●	●
gas station	—	●
grocery store	●	●
funeral establishment	●	●
hotel	●	●
laboratory	●	—
laundry store	●	●
library	●	●
museum	●	●
office	●	●
personal service shop	●	●
place of worship	●	●
public market	●	●

Use	WM1, WM2	DT1, DT2
recreation facility	●	●
repair shop	—	●
restaurant	●	●
retail store	●	●
<u>service station</u>	==	<u>●</u>
special needs facility	●	—
training facility	—	●
transportation depot	—	●
transportation terminal	—	●
wellness clinic	●	●

10.4. Downtown Zone 1 (DT1)

Additional Provisions for Lots Zoned DT1

10.4.2. ...

3. **Conversion** of commercial uses in buildings existing as of the date of passing of this By-law for **residential use** is permitted, subject to compliance with all provisions of this By-law except provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply;

10.5. Downtown Zone 2 (DT2)

Additional Provisions for Lots Zoned DT2

10.5.2. ...

3. **Conversion** of commercial uses in buildings existing as of the date of passing of this By-law for **residential use** is permitted, subject to compliance with all provisions of this By-law except provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply;

Section 11: Urban Residential Zones

11.1. All Urban Residential Zones

11.1.1. For the purposes of this By-law, Urban Residential Zones include Urban Residential Zone 1 (UR1), Urban Residential Zone 2 (UR2), Urban Residential Zone 3 (UR3), Urban Residential Zone 4 (UR4), Urban Residential Zone 5 (UR5), Urban Residential Zone 6 (UR6), Urban Residential Zone 7 (UR7), Urban Residential Zone 8 (UR8) and, Urban Residential Zone 9 (UR9), ~~Urban Residential Zone 10 (UR10), Urban Residential Zone 11 (UR11), Urban Residential Zone 12 (UR12) and Urban Residential Zone 13 (UR13).~~

Table 11.1.2. – Permitted Uses in the Urban Residential Zones

Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9
Residential duplex house									
semi-detached house									
single detached house									
Townhouse townhouse									
triplex									
Non-Residential community centre									
elementary school									
library									
museum									
place of worship									
secondary school									

11.2. Urban Residential Zone 1 (UR1)

Note to Draft: FORMER UR1, UR2 & UR3 ZONES – Table 11.2.1. is a Delete and Replace of Existing Tables 11.2.1., 11.3.1. and 11.4.1.

Table 11.2.1. – UR1 Provisions

Zoning Provision	house, semi-detached house and townhouse	non-residential buildings
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	(a) house : 10.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 6.0 per lot	10.0
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other: 10.7	(a) flat roof : 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	6.75	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.2 metres (b) Despite (a), where a common party wall is located along a lot line : 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%

Zoning Provision	house, semi-detached house and townhouse	non-residential buildings
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—
13. Maximum number of dwelling units per lot including accessory houses	4.0	—

11.3. Urban Residential Zone 2 (UR2)

Note to Draft: FORMER UR1.A, UR2.A & UR3.A ZONES – Table 11.3.1. is a Delete and Replace of Existing Tables 11.2.2., 11.3.2. and 11.4.2.

Table 11.3.1. – UR2 Provisions

Zoning Provision	house, semi-detached house and townhouse	non-residential building
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	(a) house : 12.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 6.0 per lot	12.0

Zoning Provision	house, semi-detached house and townhouse	non-residential building
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other: 10.7	(a) flat roof : 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	7.5	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.2 metres (b) Despite (a), where a common party wall is located along a lot line : 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—
13. Maximum number of dwelling units per	4.0	—

Zoning Provision	house, semi-detached house and townhouse	non-residential building
lot including accessory houses		

11.4. Urban Residential Zone 3 (UR3)

Note to Draft: FORMER UR1.B, UR2.B & UR3.B ZONES – Table 11.3.1. is a Delete and Replace of Existing Tables 11.2.3., 11.3.3. and 11.4.3.

Table 11.4.1. – UR3 Provisions

Zoning Provision	house, semi-detached house and townhouse	non-residential building
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	(a) house: 9.0 (b) semi-detached house: 7.5 per lot (c) townhouse: 6.0 per lot	9.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street: the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street: 3.0 metres	6.0
5. Minimum rear setback (metres)	6.0	equal to the height of the rear wall

Zoning Provision	house, semi-detached house and townhouse	non-residential building
6. Minimum exterior setback (metres)	2.4	2.4
7. Minimum interior setback (metres)	(a) 1.2 metres on one side and 0.6 metres on the other side (b) Despite (a), where a common party wall is located along a lot line : 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth	—	—
13. Maximum number of dwelling units per lot including accessory houses	4.0	—

Additional Provisions for Lots Zoned UR3-B

11.4.2. In addition to the provisions of Table 11.4.3-1, the **use** of any **lot** or **building** in the UR3-B Zone must comply with the following provisions:

- 1.** Where a **lot** ~~was vacant or~~ was created through a plan of subdivision under the *Planning Act* or a description under the *Condominium Act, 1998* following the date of passing of this By-law, **development** must comply with the following provisions:
 - (a)** Despite the minimum **front setback** listed in Table 11.4.3., the minimum **front setback** is 3.0 metres; and
 - (b)** Despite the minimum **lot frontage** listed in Table 11.4.3., the minimum **lot frontage** for a **corner lot** is:
 - (i)** 10.3 metres for a ~~single detached house or duplex~~;
 - (ii)** 8.8 metres per ~~dwelling unit~~lot for a **semi-detached house**; and
 - (iii)** 8.6 metres per ~~dwelling unit~~lot for a **townhouse**.

11.5. Urban Residential Zone 4 (UR4)

Note to Draft: SAME UR4 ZONE

Table 11.5.1. – UR4 Provisions

Zoning Provision	house, semi-detached house and townhouses single detached house	non-residential building
1. Minimum lot area (square metres)	557.4 (a) house : 557.4 (b) semi-detached house : 350.0 per lot (c) townhouse : 270.0 per lot	557.4
2. Minimum lot frontage (metres)	16.7 (a) house : 16.7 (b) semi-detached house : 10.0 per lot (c) townhouse : 8.0 per lot	16.7
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other roof types: 10.7	(a) flat roof : 9.0 (b) all other roof types: 10.7

Zoning Provision	<u>house, semi-detached house and townhouses</u> <u>single-detached house</u>	non-residential building
4. Minimum front setback (metres)	6.1	6.1
5. Minimum rear setback (metres)	7.6	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.1	6.1
7. Minimum interior setback (metres)	(a) where there is an attached private garage : 1.22 metres (b) where there is no attached private garage : 2.44 metres on one side and 1.22 metres on the other side <u>(c) Despite (a) and (b), where a common party wall is located along a lot line: 0 metres from the lot line with the common party wall and 1.22 metres from the other interior lot line</u>	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	30%	30%
11. Maximum number of principal buildings per lot	1.0	1.0
12. Maximum building depth	—	—
<u>13. Maximum number of dwelling units per lot including accessory houses</u>	<u>4.0</u>	<u>—</u>

11.6. Urban Residential Zone 5 (UR5)

Note to Draft: SAME UR5 ZONE

Table 11.6.1. – UR5 Provisions

Zoning Provision	<u>house, semi-detached house and townhouse</u> single detached house, duplex	non-residential uses
1. Minimum lot area (square metres)	370.0 (a) <u>house: 370.0</u> (b) <u>semi-detached house: 330.0 per lot</u> (c) <u>townhouse: 295.0 per lot</u>	370.0
2. Minimum lot frontage (metres)	(a) <u>house: 10.0</u> (b) <u>semi-detached house: 9.0 per lot</u> (c) <u>townhouse: 8.0 per lot</u> 10.0	10.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is for <u>the existing building and any further development that enlarges or alters the building is</u> the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing front setback

Zoning Provision	<u>house, semi-detached house and townhouse</u> single-detached house, duplex	non-residential uses
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	<p>(a) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building</p> <p>(b) Where no adjacent buildings have a front lot line on the same street: 4.5 metres</p> <p>(c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing exterior setback</p>	<p>(a) 4.5</p> <p>(b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing exterior setback</p>
7. Minimum interior setback (metres)	<p>(a) <u>house</u>: 0.6</p> <p>(b) <u>semi-detached house and townhouse</u>: where a common party wall is located along a lot line: 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line</p>	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	<p>3.6 metres(a) <u>house</u>: 3.2</p> <p>(b) <u>semi-detached house and townhouse</u>: =</p>	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—

Zoning Provision	house, semi-detached house and townhousesingle detached house, duplex	non-residential uses
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
<u>13. Maximum number of dwelling units per lot including accessory houses</u>	<u>4.0</u>	<u>—</u>

Additional Provisions for Lots Zoned UR5

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

~~1. Despite the permitted **uses** listed in Table 11.1.2., a **semi-detached house** or a **townhouse** that existed as of the date of passing of this By-law is deemed to be a permitted **use** in the UR5 Zone. Such **uses** must comply with the following provisions:~~

~~(a) Where a common party wall is located along a **lot line**, the minimum **interior setback** is 0 metres along the **lot** with the common party wall and 3.0 metres from the other **interior lot line** and/or **exterior lot line**; and~~

~~(b) All other provisions of Table 11.6.1, that apply to a **single detached house** with the exception of the minimum aggregate of **interior setbacks**.~~

11.7. Urban Residential Zone 6 (UR6)

Note to Draft: FORMER UR9, UR10, UR12 & UR13 ZONES – Table

11.7.1. is a delete and replace of Tables 11.10.1., 11.11.1., 11.13.1. and 11.14.1.

Table 11.7.1. – UR6 Provisions

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
1. Minimum lot area (square metres)	(a) house : 465.0 (b) semi-detached house : 280.0 per lot (c) townhouse : 250.0 per lot	465.0
2. Minimum lot frontage (metres)	(a) house : 15.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	the date of passing of this By-law and the front setback is less than required, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback	
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	<p>(a) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building</p> <p>(b) Where no adjacent buildings have a front lot line on the same street: 4.5 metres</p> <p>(c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback</p>	<p>a) 4.5</p> <p>(b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback</p>
7. Minimum interior setback (metres)	<p>(a) house: 0.6</p> <p>(b) semi-detached house and townhouse: where a common party wall is located along a lot line: 0 metres from the lot</p>	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	line with the common party wall and 1.2 metres from the other interior lot line	
8. Minimum aggregate of interior setbacks	(a) house : 3.0 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum number of dwelling units per lot including accessory houses	4.0	—

11.8. Urban Residential Zone 7 (UR7)

Note to Draft: FORMER UR6 & UR7 ZONES – Table 11.8.1. is a delete and replace of Tables 11.7.1. and 11.8.1.

Table 11.8.1. – UR7 Provisions

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
1. Minimum lot area (square metres)	(a) house : 555.0 (b) semi-detached house : 330.0 per lot (c) townhouse : 295.0 per lot	555.0
2. Minimum lot frontage (metres)	(a) house : 15.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	(a) corner lot : 16.5 (b) all other lots : 15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	setback is less than 7.5 metres, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback	setback is less than 7.5 metres, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback
7. Minimum interior setback (metres)	(a) house : 1.2 (b) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) house : 3.0 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum number of	4.0	—

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
dwelling units per lot including accessory houses		

11.9. Urban Residential Zone 8 (UR8)

Note to Draft: SAME UR8 ZONE

Table 11.9.1. – UR8 Provisions

Zoning Provision	house, semi-detached house and townhouse single detached house, duplex	non-residential uses
1. Minimum lot area (square metres)	418.0 (a) house: 418.0 (b) semi-detached house: 275.0 per lot (c) townhouse: 245.0 per lot	418.0
2. Minimum lot frontage (metres)	(a) corner lot: 16.5 (b) all other lots: 13.7 (a) house: 13.7 (b) semi-detached house: 9.0 per lot (c) townhouse: 8.0 per lot	(a) corner lot: 16.5 (b) all other lots: 13.7
3. Maximum height	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback <u>for the existing building and any further development that enlarges or alters the building is</u> the existing front setback	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback <u>for the existing building and any</u>

Zoning Provision	<u>house, semi-detached house and townhouses</u> <u>single detached house, duplex</u>	non-residential uses
		<u>further development that enlarges or alters the building</u> is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 6.0 metres, the minimum exterior setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing exterior setback	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 6.0 metres, the minimum exterior setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing exterior setback
7. Minimum interior setback (metres)	<u>(a) house: 1.2</u> <u>(b) semi-detached house and townhouse: where a common party wall is located along a lot line: 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line</u> ^{1.2}	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.0 <u>(a) house: 3.0</u> <u>(b) semi-detached house and townhouse: —</u>	—
9. Minimum landscaped open space	30%	30%

Zoning Provision	house, semi-detached house and townhouses single detached house, duplex	non-residential uses
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
<u>13. Maximum number of dwelling units per lot including accessory houses</u>	<u>4.0</u>	<u>—</u>

~~Additional Provisions for Lots Zoned UR8~~

~~11.9.2. In addition to the provisions of Table 11.9.1., the use of any lot or building in the UR8 Zone must comply with the following provisions:~~

- ~~1. Where both principal dwelling units in a semi-detached house are located on the same lot, the semi-detached house must comply with all provisions of Table 11.9.1. that are applicable to a single detached house.~~

11.10. Urban Residential Zone 9 (UR9)

Note to Draft: FORMER UR11 ZONE

11.10.1. Despite the provisions of Section 3, the following definitions apply to lots in the UR~~11~~9 Zone:

1. **Linked Dwelling** means a ~~single detached house~~ that is linked to another ~~single detached house~~ by common underground masonry footing only.

11.10.2. The use of any lot or building in the UR~~11~~9 Zone must comply with the provisions of Table 11.10.2.

Table 11.10.2. – UR~~119~~ Provisions

Zoning Provision	<u>house, semi-detached house, linked dwelling and townhouses</u> single detached house	non-residential use
1. Minimum lot area (square metres)	320.0 (a) house : 320.0 (b) semi-detached house : 270.0 per lot (c) townhouse : 240.0 per lot	320.0
2. Minimum lot frontage (metres)	(a) corner lot: 14.0 (b) other lot: 10.6 (a) house : 10.6 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	(a) corner lot : 14.0 (b) other lot : 10.6
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	6.0	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	(a) house with attached private garage : 1.2 (b) house with no attached private garage : 1.2 metres on one side and 2.4 metres on other side (c) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.6 (a) house : 3.2 (b) semi-detached house and townhouse : =	—

Zoning Provision	<u>house, semi-detached house, linked dwelling and townhouses</u> <u>single-detached house</u>	non-residential use
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—
<u>13. Maximum number of dwelling units per lot including accessory houses</u>	<u>4.0</u>	=

Additional Provisions for Lots Zoned UR~~191~~

11.10.3. In addition to the provisions of Table 11.10.2., the **use** of any **lot** or **building** in the UR~~119~~ Zone must comply with the following provisions:

1. The minimum **separation distance** between the **main walls** above grade of a **linked dwelling** is 1.8 metres; and
2. Despite Clause 7.4.8., **driveway** widths that legally existed on a **lot** in the UR~~119~~ Zone as of the date of passing of this By-law are deemed to be permitted.

Section 12: Urban Multi-Residential Zones

12.1. All Urban Multi-Residential Zones

Table 12.1.2. - Permitted Uses in the Urban Multi-Residential Zones

Use	URM1	URM2	URM3	URM4	URM5	URM6	URM7	URM8	URM9	URM10
Residential apartment building	●	●	●	●	●	●	●	●	●	●
duplex house	●	—	●	●	●	—	—	—	—	—
semi-detached house	●	—	—	—	—	—	—	—	—	—
single detached house	●	—	●	—	—	—	—	—	—	—
stacked townhouse	●	●	—	—	—	—	—	●	●	●
townhouse	●	●	—	●	●	—	—	—	—	—
triplex	●	—	●	●	●	●	●	—	—	—
Non-residential community centre	●	●	●	●	●	●	●	●	●	●
day care centre	●	●	●	●	●	●	●	●	●	●
elementary school	●	●	●	●	●	●	●	●	●	●
library	●	●	●	●	●	●	●	●	●	●
mixed use building	—	—	—	—	—	—	—	● ¹	—	—

Use	URM1	URM2	URM3	URM4	URM5	URM6	URM7	URM8	URM9	URM10
museum	●	●	●	●	●	●	●	●	●	●
place of worship	●	●	●	●	●	●	●	●	●	●
secondary school	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²

12.2. Urban Multi-Residential Zone 1 (URM1)

Table 12.2.1. – URM1 Provisions

Zoning Provision	semi-detached house, townhouse	single detached house, duplex house	apartment building, stacked townhouse	all other permitted uses
1. Minimum lot area (square metres)	180.0 per dwelling unit	300.0	540.0	360.0
2. Minimum lot frontage (metres)	7.5	10.0	18.0	12.0
3. Maximum height (metres)	10.7	10.7	10.7	10.7
4. Minimum front setback (metres)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum rear setback (metres)	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth

Zoning Provision	semi-detached house, townhouse	single detached house, duplexhouse	apartment building, stacked townhouse	all other permitted uses
6. Minimum exterior setback (metres)	5.0	5.0	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.8 metres (b) where a common party wall is located along a lot line: 0 metres	3.6	(a) 6.0 metres (b) where a common party wall is located along a lot line: 0 metres	3.6
8. Minimum landscaped open space	30%	30%	30%	30%
9. Maximum lot coverage	45%	45%	45%	45%
10. Maximum number of principal buildings per lot	1.0	1.0	1.0	1.0
11. Minimum aggregate of interior setbacks	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres
<u>12. Maximum number of dwelling units per lot including accessory houses</u>	<u>4.0</u>	<u>4.0</u>	<u>=</u>	<u>=</u>

12.3. Urban Multi-Residential Zone 2 (URM2)

Table 12.3.1. – URM2 Provisions

Zoning Provision	tTownhouse	apartment building, stacked townhouse	all other permitted uses
1. Minimum lot area (square metres)	180.0 per dwelling unit	540.0	360.0
2. Minimum lot frontage (metres)	7.5	18.0	12.0
3. Maximum height (metres)	11.0	12.5	10.7
4. Minimum front setback (metres)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres
5. Minimum rear setback (metres)	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth
6. Minimum exterior setback (metres)	5.0	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.8 metres (b) where a common party wall is located along a lot line : 0 metres	6.0	3.6
8. Minimum landscaped open space	30%	30%	30%

Zoning Provision	T ownhouse	apartment building, stacked townhouse	all other permitted uses
9. Maximum lot coverage	45%	45%	45%
10. Maximum number of principal buildings per lot	1.0	1.0	1.0
11. Minimum aggregate of interior setbacks	—	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres

12.4. Urban Multi-Residential Zone 3 (URM3)

Table 12.4.1. – URM3 Provisions

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

Zoning Provision	all permitted uses
	<u>building and any further development that enlarges or alters the building</u> is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings: — (b) non-residential buildings: equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street: 4.5 metres (c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing exterior setback
7. Minimum interior setback (metres)	(a) residential buildings: 0.6 (b) non-residential buildings: 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) residential buildings: 3.6 metres (b) non-residential buildings: —
9. Minimum landscaped open space	30%
10. Maximum number of principal buildings per lot	(a) residential buildings: 1.0 (b) non-residential buildings: —
11. Maximum building depth (metres)	(a) residential buildings: 18.0 (b) non-residential buildings: — (c) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line
12. Maximum number of principal dwelling units per lot <u>including accessory houses</u>	<u>(a) house, semi-detached house: 4.0</u> <u>(b) all other: 6.0</u>

Zoning Provision	all permitted uses
13. Maximum density	69 dwelling units per net hectare

12.5. Urban Multi-Residential Zone 4 (URM4)

Table 12.5.1. – URM4 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) duplexhouse : 335.0 (b) triplexsemi-detached house, townhouse : 270.0 per dwelling-unitlot
2. Minimum lot frontage (metres)	18.0
3. Maximum height	—
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5 metres for buildings up to 5 storeys , then additional 1.2 metres for every storey above 5
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	(a) non-residential buildings : equal to half the height of the building (b) residential buildings that are 1 storey : 1.8 (c) residential buildings that are 2 storeys : 3.0 (d) residential buildings that are greater than 2 storeys : 3.0 metres plus 1.2 metres for each additional storey above 2 (e) Despite (b), (c) and (d), for townhouses , where a common party wall is located along a lot line , then 0 metres
8. Minimum landscaped open space	30%
9. Maximum density	apartment building : 69 dwelling units per net hectare
<u>10. Maximum number of dwelling units per lot including accessory houses</u>	<u>(a) house, semi-detached house, townhouse: 4.0</u>

Zoning Provision	all permitted uses
	(b) all other permitted uses : see density requirement above

12.6. Urban Multi-Residential Zone 5 (URM5)

Table 12.6.1. – URM5 Provisions

Zoning Provision	all permitted uses
1. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
2. Minimum front setback (metres)	7.5
3. Minimum rear setback (metres)	(a) residential buildings : Where parking spaces are provided in the rear yard : 12.0 (b) residential buildings : Where parking spaces are not provided in the rear yard : 7.5 (c) residential buildings : Despite (b), where the rear yard is adjacent to the interior yard or a park on an adjacent lot : 6.0 (d) non-residential buildings : equal to the height of the rear wall
4. Minimum exterior setback (metres)	7.5
5. Minimum interior setback (metres)	(a) residential buildings : 3.0 (b) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres (c) Despite (a), for townhouses , where a common party wall is located along a lot line , then 0 metres
6. Minimum landscaped open space	30%
7. Maximum number of principal dwelling units per building	12.0
8. Maximum density	69 dwelling units per net hectare

Zoning Provision	all permitted uses
9. Maximum floor space index	3.5
<u>10. Maximum number of dwelling units per lot including accessory houses</u>	(a) house, semi-detached house, townhouse: <u>4.0</u> (b) all other permitted uses: see density requirement above

12.7. Urban Multi-Residential Zone 6 (URM6)

Table 12.7.1. – URM6 Provisions

Zoning Provision	all permitted uses
1. Minimum front setback (metres)	7.5
2. Minimum rear setback (metres)	equal to the height of the building
3. Minimum exterior setback (metres)	7.5
4. Minimum interior setback (metres)	(a) where adjacent to a single-detached house, duplex or semi-detached house: equal to the height of the building (b) all other: equal to 50% of the height of the building
5. Minimum aggregate of interior setbacks	equal to 150% of the height of the building
6. Minimum landscaped open space	30%
7. Maximum density	123 dwelling units per net hectare
8. Maximum floor space index	1.0

Additional Provisions for Lots Zoned URM6

12.7.2. In addition to the provisions of Table 12.7.1., the **use** of any **lot** or **building** in the URM6 Zone must comply with the following provisions:

1. Where an **interior lot line** is adjacent to a **lot** with a **single-detached house, duplex** or **semi-detached house** a **privacy fence** with a minimum **height** of 1.8 metres must be provided. Such **privacy fence** must extend from the

intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**.

Section 13: Heritage Zones

13.1. All Heritage Zones

Table 13.1.2. - Permitted Uses in the Heritage Zones

Use	HCD1	HCD2	HCD3
Residential apartment building	—	—	●
duplex	—	—	●
dwelling unit in a mixed use building	—	● ¹	—
semi-detached house	● ²	—	●
Ssemi-detached ingle detached house	● ²	—	●
stacked townhouse	—	—	—
Townhouse <u>townhouse</u>	● ² —	—	●
triplex	—	—	●
Non-residential animal care	—	●	—
banquet hall	—	●	—
building supply store	—	●	—
commercial parking lot	—	●	—
community centre	● ²	●	●
club	—	●	—
creativity centre	—	●	—
day care centre	—	●	—

Use	HCD1	HCD2	HCD3
department store	—	●	—
elementary school	● ²	●	●
entertainment establishment	—	●	—
financial institution	—	●	—
fitness centre	—	●	—
grocery store	—	●	—
hotel	—	●	—
laundry store	—	●	—
library	● ²	●	●
museum	● ²	●	●
office	—	●	—
personal service shop	—	●	—
place of worship	● ²	●	●
public market	—	●	—
recreation facility	—	●	—
repair shop	—	●	—
restaurant	—	●	—
retail store	—	●	—
training facility	—	●	—
wellness clinic	—	●	—

13.2. Heritage Zone 1 – Village of Barriefield (HCD1)

Table 13.2.2. – HCD1 Provisions

Zoning Provision	Heritage Lot	Non-Heritage Lot
1. Minimum lot area (square metres)	Lot area existing as of the date of passing of this By-law	370.0
2. Minimum lot frontage (metres)	Lot frontage existing as of the date of passing of this By-law	12.0
3. Maximum height (metres)	Height existing as of the date of passing of this By-law	(a) Where 2 adjacent lots with a front lot line on the same street are heritage lots : the lesser of 10.0 metres or the average of the height of the heritage buildings on the adjacent heritage lots (b) For all other lots : 10.0
4. Minimum front setback (metres)	Front setback existing as of the date of passing of this By-law	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 3.0 metres or the average of 3.0 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 3.0 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this

Zoning Provision	Heritage Lot	Non-Heritage Lot
		By-law and the front setback is less than required, the minimum front setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing front setback
5. Minimum rear setback (metres)	Rear setback existing as of the date of passing of this By-law	7.0
6. Minimum exterior setback (metres)	Exterior setback existing as of the date of passing of this By-law	3.0
7. Minimum interior setback (metres)	Interior setback existing as of the date of passing of this By-law	<u>(a) 1.2 metres</u> <u>(b) Despite (a), where a common party wall is located along a lot line: 0 metres 1.2</u>
8. Minimum aggregate of interior setbacks	Aggregate of interior setbacks that existed as of the date of passing of this By-law	6.0
9. Minimum landscaped open space	Landscaped open space existing as of the date of passing of this By-law	30%
10. Maximum lot coverage	Lot coverage existing as of the date of passing of this By-law	25%
11. Maximum number of principal buildings per lot	1	1
12. Maximum number of storeys	Number of storeys existing as of the date of passing of this By-law	2
<u>13. Maximum number of dwelling units per lot</u>	<u>4.0</u>	<u>4.0</u>

Zoning Provision	Heritage Lot	Non-Heritage Lot
<u>including accessory houses</u>		

Additional Provisions for Lots Zoned HCD1

13.2.4. An addition to a **heritage building** or a new building on a heritage lot must comply with the provisions that apply to a **non-heritage lot**, except the maximum **height** of an addition must not exceed a **height** that is 0.5 metres less than the **height** of the **heritage building**.

13.4. Heritage Zone 3 – Old Sydenham (HCD3)

13.4.1. The **use** of any **lot** or **building** in the HCD3 Zone must comply with the provisions of Table 13.4.1.

Table 13.4.1. – HCD3 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	370.0
2. Minimum lot frontage (metres)	10.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 3.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 3.5 metres or the average of 3.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 3.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback <u>for the existing building and</u>

Zoning Provision	all permitted uses
	<u>any further development that enlarges or alters the building</u> is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 3.5 metres or the average of 3.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 3.5 metres (c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing exterior setback
7. Minimum interior setback (metres)	(a) semi-detached house, townhouse : 3.5, except where a common party wall is located along a lot line , then 0 metres (b) other residential buildings where there are openings in the main wall facing the interior lot line : 1.2 (c) other residential buildings where there are no openings in the main wall facing the interior lot line : 0.6 (d) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum landscaped open space	30%
9. Maximum number of principal buildings per lot	(a) residential buildings : 1.0 (b) non-residential buildings : —
10. Maximum number of principal dwelling units per lot	(a) residential buildings : 6.0 (b) non-residential buildings : —

Zoning Provision	all permitted uses
12. Maximum building depth (metres)	(a) residential buildings: 18.0 (b) non-residential buildings: — (c) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line
13. Maximum density	69 dwelling units per net hectare
14. Maximum number of dwelling units per lot including accessory houses	(a) house, semi-detached house, townhouse: 4.0 (b) all other permitted uses: see density requirement above

Section 14: Institutional Zones

14.1. All Institutional Zones

Table 14.1.2. - Permitted Uses in the Institutional Zones

Use	IN1	IN2	G1	G2
Residential dwelling units in a mixed use building	● ¹	● ²	● ¹	● ¹
single detached house	—	● ²	—	—
semi-detached house	—	● ²	—	—
duplex	—	● ²	—	—
triplex	—	● ²	—	—
townhouse	—	● ²	—	—
apartment building	—	● ²	—	● ²
Non-residential animal care	●	—	—	●
banquet hall	●	●	●	●

Use	IN1	IN2	G1	G2
cemetery	●	—	—	●
community centre	●	●	●	●
correctional college	—	—	●	—
correctional institution	—	—	●	—
day care centre	● ¹	● ¹	● ¹	● ¹
hospital	—	●	—	●
institutional use	●	●	—	—
laboratory	—	●	—	—
library	●	●	●	●
military installation	—	—	—	●
museum	●	●	●	●
place of worship	●	●	●	●
post-secondary institution	—	●	—	●
recreation facility	●	●	—	●
restaurant	—	—	—	●
retail store	—	—	—	●
secondary school	●	●	●	●
special needs facility	●	●	●	●
wellness clinic	●	—	—	●

14.3. Institutional Major Zone (IN2)

Table 14.3.2. – IN2 Provisions

Zoning Provision	single detached house, semi-detached house, duplextownhouse	all other permitted uses
1. Minimum lot area (square metres)	(a) house : 370.0 (b) semi-detached house : 330.0 per lot (c) townhouse : 295.0 per lot 370.0	—
2. Minimum lot frontage (metres)	(a) house : 10.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot 10.0	—
3. Maximum height (metres)	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	—
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing front setback	(a) Area A : 1.5 times the height of the building (b) Area B : 7.5 (c) Area C : 7.5

Zoning Provision	single detached house, semi-detached house, duplex townhouse	all other permitted uses
5. Minimum rear setback (metres)	—	(a) Area A: 1.5 times the height of the building (b) Area B: 7.5 (c) Area C: the greater of 7.5 metres or 25% of the lot depth
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback <u>for the existing building and any further development that enlarges or alters the building</u> is the existing exterior setback	(a) Area A: 1.5 times the height of the building (b) Area B: 7.5 (c) Area C: 50% of the height of the building
7. Minimum interior setback (metres)	<u>(a) house: 0.6</u> <u>(b) semi-detached house and townhouse: where a common party wall is located along a lot line: 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line</u> 0.6	(a) Area A: 1.5 times the height of the building (b) Area B: 7.5 (c) Area C: 50% of the height of the building
8. Minimum aggregate of interior setbacks	<u>(a) house: 3.6</u> <u>(b) semi-detached house and townhouse: —</u> 3.6	—
9. Minimum landscaped open space	30%	—

Zoning Provision	single detached house, semi-detached house, duplex <u>townhouse</u>	all other permitted uses
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum density of habitation units	—	519 habitation units per net hectare
<u>14. Maximum number of dwelling units per lot including accessory houses</u>	<u>4.0</u>	<u>—</u>

Section 15: Commercial Zones

15.1. All Commercial Zones

Table 15.1.2. - Permitted Uses in the Commercial Zones

Use	CN	CA	CD	CR	CG	CW	HB
Residential apartment building	—	—	—	—	—	—	—

Use	CN	CA	CD	CR	CG	CW	HB
dwelling unit in a mixed use building	●	—	—	—	●	● ²	—
single detached house	—	—	—	—	—	● ²	—
stacked townhouse	—	—	—	—	—	—	—
townhouse	—	—	—	—	—	—	—
Non-residential							
agricultural sales establishment	—	●	—	—	—	—	—
animal care	—	●	●	—	●	—	—
automobile sales establishment	—	●	—	—	●	—	—
banquet hall	—	●	●	●	●	—	—
building supply store	—	●	—	●	—	—	—
carwash	—	—	—	—	●	—	—
commercial parking lot	—	—	●	●	●	—	—
community centre	●	●	●	●	●	●	—
club	—	●	●	●	●	—	—
creativity centre	●	●	●	●	●	—	—
day care centre	● ²	● ²	● ²	● ²	● ²	—	—
department store	—	—	●	●	—	—	—
entertainment establishment	—	●	●	●	—	—	—
ferry terminal	—	—	—	—	—	—	●
financial institution	●	●	●	●	●	—	—
fitness centre	●	●	●	●	●	—	—
gas station	—	●	●	●	●	—	—
grocery store	●	●	●	●	●	—	—

Use	CN	CA	CD	CR	CG	CW	HB
funeral establishment	—	●	—	—	●	—	—
garden centre	—	●	●	●	—	—	—
hotel	—	●	—	—	—	●	—
institutional use	—	—	—	—	●	—	—
laboratory	—	—	—	—	—	—	—
laundry store	●	●	●	●	●	—	—
library	●	●	●	●	●	●	—
marina	—	—	—	—	—	●	●
museum	●	●	●	●	●	●	—
office	●	● ¹	●	●	●	—	—
outdoor storage	—	—	—	—	—	● ²	—
personal service shop	●	●	●	●	●	—	—
place of worship	●	●	●	●	●	●	—
public market	—	—	—	—	—	—	—
recreation facility	—	●	●	●	●	—	—
recreational vehicle sales establishment	—	●	—	—	●	—	—
repair shop	—	●	—	—	●	●	—
restaurant	●	●	●	● —	●	●	●
retail store	●	●	●	●	●	●	●
secondary school	—	●	—	—	—	—	—
<u>service station</u>	—	● —	● —	● —	● —	—	—
special needs facility	—	●	●	—	●	—	—

Use	CN	CA	CD	CR	CG	CW	HB
training facility	—	—	●	●	●	—	—
transportation depot	—	—	—	—	—	—	—
transportation terminal	—	—	—	—	—	—	—
wellness clinic	●	●	●	●	●	—	—
wholesale establishment	—	●	—	—	—	—	—

15.6. General Commercial Zone (CG)

Table 15.6.1. – CG Provisions

Zoning Provision	dwelling unit in a mixed use building	gas -service station	all other permitted uses
1. Minimum lot area (square metres)	1,393.6	1,161.2	464.5
2. Minimum lot frontage (metres)	30.0	30.0	30.0
3. Maximum height (metres)	10.7	10.7	10.7
4. Minimum front setback (metres)	3.1	3.1	3.1
5. Minimum rear setback (metres)	7.5	7.5	7.5
6. Minimum exterior setback (metres)	3.1	15.2	3.1
7. Minimum interior setback (metres)	0.0 ¹	9.1	0.0 ¹
8. Minimum landscaped open space	10%	5%	10%
9. Maximum lot coverage	—	20%	—
10. Maximum number of dwelling units per lot	1.0	—	—

15.7. Marine Commercial Zone (CW)

Table 15.7.1. – CW Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	560.0
2. Minimum lot frontage (metres)	23.0
3. Maximum height (metres)	10.7
4. Minimum front setback (metres)	3.0
5. Minimum rear setback (metres)	15.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	0.0 ¹
8. Minimum landscaped open space	10%
9. Maximum lot coverage	40%
<u>10. Maximum number of dwelling units per lot</u>	<u>1.0</u>

Section 16: Employment Zones

16.2. Business Park Zone (M1)

Additional Provisions for Lots Zoned M1

16.2.2. ...

3. Where a **lot line** abuts a **lot** in any Zone other than an Employment Zone, ~~or has a **street line** located on the opposite side of the **street** from a **lot** in a Zone other than an Employment Zone:~~
 - (a) A minimum 3.0 metre wide **planting strip** must be provided along the portion of the ~~is required adjacent to any such **lot line** or **street line** in accordance with the provisions of Subsection 4.16. that abuts the **lot** in a Zone that is not an Employment Zone;~~

- (b) The minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres;
 - (c) **Driveways, walkways** and similar features are permitted to cut across the **planting strip** perpendicularly; and
 - (d) Where the **lot line** is an **interior lot line** or **rear lot line**, the minimum **setback** from the **lot line** is 15.0 metres.
4. Where a **lot** has a **street line** that is located on the opposite side of the **street** from any Zone other than an Employment Zone:
- (a) A minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to the Zone that is not an Employment Zone; and
 - (b) The minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres; and
 - (c) **Driveways, walkways** and similar features are permitted to cut across the **planting strip** perpendicularly.
45. All **parking lots** must be surfaced with asphalt, concrete, lockstone or a similar material approved by the **City**.
56. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

16.5. Employment Service Zone (M4)

Table 16.5.1. – M4 Provisions

Zoning Provision	all other permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	25.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	6.0
5. Minimum rear setback (metres)	7.5 ¹
6. Minimum exterior setback (metres)	6.0

Zoning Provision	all other permitted uses
7. Minimum interior setback (metres)	6.0 ¹
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Section 18: Open Space Zones

18.1. All Open Space Zones

Table 18.1.2. - Permitted Uses in the Open Space Zones

Use	OS1	OS2	DR
Residential single detached house	—	—	● ²
Non-residential agricultural use	—	—	● ³
campground	—	●	—
cemetery	—	●	—
club	—	●	—
community centre	—	●	—
elementary school	—	●	—
fitness centre	—	●	—
forestry use	—	●	—
golf course	—	●	—
library	—	●	—
marina	—	●	—

Use	OS1	OS2	DR
museum	—	●	—
office	—	● ¹	—
park	●	●	●
place of worship	—	—	—
recreation facility	—	●	—
secondary school	—	●	—

18.4. Development Reserve Zone (DR)

Table 18.4.1. – DR Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	—	—
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	6.1
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	6.1
7. Minimum interior setback (metres)	7.6	7.6
8. Minimum landscaped open space	—	—
9. Maximum lot coverage	20%	20%
10. Maximum number of dwelling units per lot <u>including accessory houses</u>	13.0	—

PROPOSED AMENDMENTS TO DELEGATED AUTHORITY BY-LAW

City of Kingston - Proposed Housing and Administrative Amendments
D01-002-2024

In conjunction with the proposed amendments to the Official Plan expanding the types of zoning by-law amendment applications that are considered to be “minor” zoning by-law amendments that are delegated to the Director of Planning Services (described in the Summary and Rationale document), amendments are also proposed to By-Law Number 2006-75, “A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority” (only select excerpts of By-law 2006-75 are included, black text is current language and tracked changes are the proposed amendments):

“4. Applications To Remove Holding Symbols:

- (i) Council’s power and authority with respect to the approval of uncontested applications to Remove ‘-H’ Holding Symbols is hereby delegated as a minor zoning by-law amendment to the Director of Planning, ~~Building and Licensing~~ Services or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate subject to and in accordance with the requirements of the *Planning Act* that apply to delegated minor zoning by-law amendments.
- (ii) Notwithstanding the provisions of Clause 4. (i) of this By-Law, City Council shall retain all powers and authority with respect to the approval of an application to Remove a ‘-H’ Holding Symbol where the applicant or other party contests the staff position on the application as to whether or not the conditions for removal of the ‘-H’ Symbol have been satisfied.
- (iii) That the Director of Planning, ~~Building and Licensing~~ Services or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate are hereby authorized to prepare any required agreement(s) and By-Law(s) implementing any such approval, in consultation with the Legal Services Department, and the Legal Services Department is hereby authorized to register such agreement(s) and By-Law(s);
- ~~(iv) That following approval of the application by the Director of Planning, Building and Licensing Services or, in the absence of the Director, the~~

~~Commissioner or the Acting Director or his / her Designate, and pursuant to Section 36(1) of the Planning Act, the implementing By-Law shall be presented to Council for enactment.~~

~~(v) That the Head of Council or the Presiding Officer in his/her absence and the City Clerk or the Acting Clerk in his/her absence are hereby authorized to sign such agreement(s) and By-Law(s)."~~

"13. Minor Zoning By-Law Amendments

- a) That Council hereby delegates to the Director, Planning Services or, in the absence of the Director, the Commissioner of Community Services or the acting Director or designate, the authority to:
- i. approve zoning by-law amendments to amend Schedules D1, D2, D3, F and G, 'Additional Residential Units Overlay' of the Kingston Zoning By-Law in a manner that removes an area from Holding Overlay, where the municipality is satisfied that there are no longer constraints or technical requirements that need to be satisfied~~has been provided with updated technical information from Utilities Kingston to demonstrate that an existing servicing constraint has been resolved~~
 - ii. approve zoning by-law amendments to amend Schedules D1, D2, D3, F and G of the Kingston Zoning By-law in a manner that adds an area to a Holding Overlay, where~~or~~ a new-servicing constraint or technical requirement has been identified;
 - ii. approve zoning by-law amendments to amend Schedule A, 'Floodplain Overlay' of the Kingston Zoning By-Law, where the municipality has been provided with updated technical information from Cataraqui Region Conservation Authority to demonstrate the location of the regulatory floodplain under the *Conservation Authorities Act*;
 - iii. approve zoning by-law amendments to prohibit future residential uses on agricultural lands, where the zoning by-law amendment is required as a condition of approval for a surplus farm dwelling consent application; and
 - iv. approve City-initiated zoning by-law amendments to bring lands subject to site specific zones within former zoning by-laws into the Kingston Zoning By-law, where the site specific zone conforms to the Official Plan and where the property owner does not contest the amendment,
- all subject to and in accordance with the requirements of the *Planning Act*.
- b) Despite anything to the contrary, the Director may, at their discretion, refer any application referred to in 13 a) of this By-Law to Council for a decision."

Proposed Amendments To The Former Zoning By-Laws

City of Kingston - Proposed Housing and Administrative Amendments
D01-002-2024

Approximately 1200 properties are still subject to the former zoning by-laws as 'red exceptions' as detailed in Report Number [PC-23-037](#) and [21-267](#). These red exceptions are subject to old site-specific zoning exceptions that were approved prior to the current Official Plan. When Council approved the Kingston Zoning By-law on April 26, 2022, the red exceptions were identified as "Not Applicable" on the Zoning Map, which means that they are not subject to the new Kingston Zoning By-law and are still subject to the applicable former zoning by-law (Kingston Township By-law 76-26, Pittsburgh Township By-law 32-74, City of Kingston By-law 8499, Cataraqui North By-law 97-102 or the Downtown and Harbour By-law 96-259).

The proposed amendments to all five former zoning by-laws would have the effect of deleting the existing text of those by-laws and replacing it with new text that will require the red exceptions to comply with the Kingston Zoning By-law, even though they are technically still part of the former by-laws. The proposed amendments identify the zones and red exceptions that are still in effect in the former zoning by-laws, with a column identifying an "Applicable Zone" from the Kingston Zoning By-law. Interpretation provisions are included that would require future development on the red exception properties to comply with the Kingston Zoning By-law as though it were subject to the Kingston Zoning By-law, with specific interpretation provisions for how the text of the red exception will be reviewed (consistent with the approach to interpreting Legacy Exceptions under the Kingston Zoning By-law). The amendments are provided for public consultation purposes only.

Township of Pittsburgh Zoning By-law Number 32-74

Delete the existing text of the by-law and replace with:

1. A by-law to regulate the use of the lands and the size and location of buildings on select properties within the former Township of Pittsburgh.
2. Any references to "this By-law" mean the Township of Pittsburgh Zoning By-law Number 32-74.
3. The provisions of this By-law apply to the lands identified on Schedule "A" of this By-law, as amended.
4. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule "A".
5. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule "A" of this By-law.
6. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-

law, in accordance with the “Kingston Zoning By-law Zone” identified in Table 1 for the Zone applicable to the property.

7. Despite 4, 5 and 6, where the Official Plan designates lands as an Environmental Protection Area, the applicable “Kingston Zoning By-law Zone” is the EPA Zone.
8. Despite 4, 5 and 6, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
9. Where a Holding Symbol (“-H”) applies to a property on Schedule “A”, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 1. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (c) All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A1	Not Applicable	RU
A1-1	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated A1-1 may be used for 1 detached single-family dwelling house in accordance with all other applicable provisions of the A1 Zone.	RU
A1-2	Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a), (b), and (c) to the contrary, the lands designated as “A1-2” on Schedule "A" attached hereto shall be used for no other purpose than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 1,200 square metres (ii) Lot Frontage (minimum): 30 metres (iii) Front Yard Depth (minimum): 13 metres	AG

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A1-3	<p>Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-3 on Schedule "A" hereto, shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 1,300 square metres (ii) Lot Frontage (minimum): 30 metres</p>	RUR
A1-4	<p>Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a) hereof to the contrary, the lands designated A1-4 on Schedule "A" attached hereto shall be used for no purpose other than the establishment of an Ontario Hydro transformer distribution station in accordance with the following provision:</p> <p>(i) Lot Area (minimum): 0.8 hectares</p>	RUR
A1-5	<p>Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated A1-5 on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 2 hectares (ii) Lot Frontage (minimum): 45 metres (iii) Interior Side Yard Width (minimum): 4.5 metres (iv) Rear Yard Depth (minimum): 7 metres (v) Dwelling Houses Per Lot Maximum (maximum): 1 only</p>	AG
A1-7	<p>Notwithstanding any provisions of Section 23(1) and Section 23(2) hereof to the contrary, the lands designated A1-7 on Schedule "A" attached hereto may be used for an automobile sales establishment and work shop for the repair or maintenance of vehicles, excluding a mobile home, a motor home or a travel trailer, subject to the following provisions:</p> <p>(i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 40 metres (iii) Front Yard Depth (minimum): 80 metres (iv) Interior Side Yard Width (minimum) 12 metres, except that the interior side yard width for an existing shed shall be 10 metres. (v) Dwelling Houses: No dwelling houses shall be permitted within the A1-7 zone. (vi) Parking Area Location: No parking space shall be located within 60 metres of the lot line abutting Highway No. 15 or within 30 metres of the eastern boundary of the A1-7 zone. (vii) Vehicle Storage: The number of vehicles for sale or repair shall not exceed 12. (viii) Outside Storage: There shall be no outside storage of automobile parts or inoperative vehicles. (ix) Work Shop Floor Area:</p>	AG

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>The maximum gross floor area of the work shop building shall not exceed 106 square metres.</p> <p>(x) Signs: Signs shall not be permitted provided that one legal sign not exceeding 0.8 square metres in size may be affixed to the exterior of the front wall of the work shop.</p>	
A1-8	<p>Notwithstanding the provisions of Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated "A1-8" on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 6 hectares (ii) Lot Frontage (minimum): 55 metres (iii) Dwelling Houses Per Lot (maximum): 1 only.</p>	RU, except the portion of the lot that is designated as a Prime Agricultural Area in the Official Plan must comply with the AG Zone
A1-9	<p>Notwithstanding the provisions of Section 5(11)(a), Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated as A1-9 on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 6 hectares (ii) Dwelling Houses Per Lot (maximum): 1 single family dwelling house only, provided that it involves a relocation of the dwelling house which existed on the subject lands on the date of enactment of this clause. (iii) Side Lot Lines: For the purposes of the A1-9 Zone, all lot lines which are not shoreline shall be deemed to be side lot lines.</p>	RU
A1-10	<p>Notwithstanding the provisions of Section 23(1)(b), Section 23(2)(a), Section 23(2)(e), and Section 23(2)(i) hereof to the contrary, the lands designated as A1-10 on Schedule "A" attached hereto may also be used for a bakeshop facility in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 2 hectares (ii) Dwelling Houses Per Lot (maximum): 1 single family dwelling house only (iii) Interior Side Yard Width (minimum): (a) On the western boundary of the A1-10 zone, the minimum interior side yard width shall be 10 metres. (b) On the eastern boundary of the A1-10 zone, the minimum interior side yard width shall be 0 metres for an existing barn. (iv) Lot Frontage (minimum) 85 metres</p>	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A1-13	<p>Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), and 23(2)(a) hereof to the contrary, the lands designated as A1-13 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use, in accordance with the following provision:</p> <p>(i) Lot Area (minimum): 2 hectares</p>	RU
A1-14	<p>Notwithstanding the provisions of Section 9 hereof to the contrary, on the lands designated 'A1-14' on Schedule "A" hereto, the following regulations shall apply:</p> <p>(i) Permitted Uses: In addition to the provisions of Section 9(1), the permitted uses shall also include a "commercial school", for the purpose of providing transport truck training.</p> <p>(ii) Prohibited Uses: Notwithstanding the provisions of Section 9(1), the following uses shall be prohibited:</p> <ul style="list-style-type: none"> • public garage; • automobile sales establishment; • car wash; <p>(iii) Maximum Floor Area: The maximum floor area for the commercial school permitted by clause (i) above shall be 55 square metres.</p> <p>(iv) Notwithstanding the provisions of Section 9(2)(c)(ii) and Section 5(16)(c) the minimum setback requirement for a commercial vehicle 5 tonnes or greater, including the trailers, from the front lot line shall be 65 metres.</p> <p>(v) Notwithstanding any provisions to the contrary the maximum number of commercial vehicles 5 tonnes or greater shall be limited to 2 commercial vehicles.</p> <p>(vi) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of Section 6 (6) of the Zoning By-Law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands, a Stage 1 Archaeological Assessment shall be submitted and approved by the Municipality.</p>	<p>- 2110 Deer Ridge Road: AG</p> <p>- 2210 Gibraltar Road, 2085 Hwy 15: RU</p>
A1-15	<p>Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a), and 23(2)(b) hereof to the contrary, the lands designated as A1-15 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 1 hectare</p> <p>(ii) Lot Frontage (minimum): 67 metres</p>	<p>- 2730 4th Concession Road: AG</p> <p>- 2605 & 2615 Middle Road: RUR</p>
A1-17	<p>Notwithstanding the provisions of Section 23(2)(a), and Section 23(2)(b) hereof to the contrary, the lands designated as A1-17 on Schedule "A" attached hereto may be used for a single family dwelling house in</p>	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	accordance with the following provisions: (i) Lot Area (minimum): 3.27 hectares (ii) Lot Frontage (minimum): 74.56 metres.	
A1-19	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-19 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.9 hectares (ii) Lot Frontage (minimum): 87 metres	AG
A1-20	Notwithstanding the provisions of Sections 23(2)(a) and 23(2)(e) hereof to the contrary, the lands designated as A1-20 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 1.8 hectares (ii) Interior Side Yard (minimum): 3 metres	AG
A1-21	Notwithstanding the provisions of Sections 23(2)(a) hereof to the contrary, the lands designated as A1-21 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares.	AG
A1-22	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), and 23(2)(a), and 23(2)(b) hereof to the contrary, the lands designated as A1-22 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares. (ii) Lot Frontage (minimum): 64 metres.	RUR
A1-24	Notwithstanding the provisions of Section 23(2)(a) hereof to the contrary, the lands designated as A1-24 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	RU
A1-25	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-25 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 2.0 hectares (ii) Lot Frontage (minimum): 78 metres	RU
A1-26	Notwithstanding the provisions of Section 23(1)(a), 23(1)(b), and 23(2)(a) hereof to the contrary, the lands designated as A1-26 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home	RUR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 1.0 hectare.	
A1-27	Notwithstanding the provisions of Section 23(2)(a), hereof to the contrary, the lands designated as A1-27 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 9.0 hectares	RU
A1-28	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a), and Section 23(2)(b) hereof to the contrary, the lands designated as A1-28 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use, in accordance with the following provisions: (i) Lot Area (minimum): 1.2 hectares (ii) Lot Frontage (minimum): 80 metres	AG
A1-29	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a), and Section 23(2)(b) to the contrary, the lands designated as A1-29 on Schedule "A" hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 1.4 hectares (ii) Lot Frontage (minimum): 50 metres	AG
A1-30	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a), and Section 23(2)(b) hereof to the contrary, the lands designated as A1-30 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 3.0 hectares (ii) Lot Frontage (minimum): 55 metres	AG
A1-32	Notwithstanding the provisions of Sections 23(1)(a) and (b) and Sections 23(2)(a), (b), (e) and (f) hereof to the contrary, the lands designated as A1-32 on Schedule "A" attached hereto shall be used for no other purpose than the establishment of a hydro electric regulating station in accordance with the following provisions: (i) Lot Area (minimum): 3700 square metres (ii) Lot Frontage (minimum): 60 metres (iii) Interior Side Yard (minimum): 9 metres (iv) Rear Yard Depth (minimum): 7 metres	AG
A1-34	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-34 on Schedule "A" attached hereto shall be used for no other purpose than a single detached dwelling or a home occupation in accordance with the following provisions:	AG

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(i) Lot Area (minimum): 0.9 hectares (ii) Lot Frontage (minimum): 66 metres	
A1-35	Notwithstanding the provisions of Section 23(2)(a) hereof to the contrary, the lands designated as "A1-35" on Schedule "A" attached hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 2.8 hectares	AG
A1-36	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as "A1-36" on Schedule "A" attached hereto shall be used for no other purpose than a single family dwelling or a home occupation in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 65 metres	RUR
A1-37	Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated as A1-37 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 1 hectare (ii) Lot Frontage (minimum): 30 metres	RUR
A1-38	Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated as A1-38 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 9 hectares (ii) Lot Frontage (minimum): 75 metres	RU
A1-39	Notwithstanding the provisions of Section 23(2)(a) hereof to the contrary, the lands designated as "A1-39" on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 1.4 hectare	RU
A1-40	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(b) hereof to the contrary, the lands designated as "A1-40" on Schedule "A" attached hereto shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.4 hectare (ii) Lot Frontage (minimum): 55 metres	AG
A1-41	Notwithstanding the provision of Section 23(2)(a) and 23(2)(b) hereof to the contrary, the lands designated as "A1-41" on Schedule "A" attached hereto, shall be used for no other purpose than one or more of the following uses: a detached single family dwelling house, a home occupation or a public use in accordance with the following provision: (i) Lot Area (minimum): 0.7 hectare	RUR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A1-42	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a), 23(2)(e) and 23(2)(f) hereof to the contrary, the lands designated as "A1-42" on Schedule "A" attached hereto shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.5 hectare (ii) Interior Side Yard Width (minimum): 4.5 metres (iii) Rear Yard Depth (minimum): 7.5 metres	RUR
A1-43	Notwithstanding the provisions of Section 23(2)(a) and (b) hereof to the contrary, the lands designated as "A1-43" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Lot Area (minimum): 1.5 hectares (ii) Lot Frontage (minimum): 75 metres	RU
A1-44	Notwithstanding the provisions of Section 23(2)(b) hereof to the contrary, the lands designated as "A1-44" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Lot Frontage (minimum): 40 metres	AG
A1-45	Notwithstanding the provisions of Section 23(2)(b) hereof to the contrary, the lands designated as "A1-45" on Schedule 'A' attached hereto, shall be developed in accordance with the following provision: (i) Lot Area (minimum): 5 hectares	RU
A1-46	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(e) hereof to the contrary, the lands designated as "A1-46" on Schedule 'A' attached hereto, shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 1 hectare (ii) Interior Side Yard Width (minimum): 4.5 metres	RUR
A1-47	Notwithstanding the provisions of Section 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(b) hereof to the contrary, the lands designated as "A1-47" on Schedule 'A' attached hereto, shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum) 0.4 hectares (ii) Lot Frontage (minimum) 60 metres	RU
A1-48	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(b) and 23(2)(c) to the contrary, the lands designated as A1-48 on Schedule 'A' hereto, shall be used for no other purpose other than one or more of the following uses: a single family dwelling house, a	RUR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 65 metres (iii) Front Yard Depth (minimum): 114 metres	
A1-49	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(e) hereof to the contrary, the lands zoned as "A1-49" on Schedule 'A' attached hereto, shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a semi-detached dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum) 2 hectares	RU
A1-50	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(e) hereof to the contrary, the lands designated as "A1-50" on Schedule "A" attached hereto shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public a use in accordance with the following provisions: (i) Lot Area (minimum): 3.5 hectares	RU
A1-51	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b) and Section 23(2)(a) hereof to the contrary, the lands designated as A1-51 on Schedule 'A' attached hereto shall be used for no other purpose than one or more of the following uses: a single family house dwelling house, a home occupation, or a public use in accordance with the following provision: (i) Lot Area (minimum) 2.5 hectares	RU
A1-52	Notwithstanding the provision Section 23(2)(b) hereof to the contrary, the lands designated as A1-52 on Schedule 'A' attached hereto shall be used in accordance with the following provision: (i) Where a lot abuts Middle Road the minimum lot frontage shall be 85 metres.	RU, except the portion of the lot that is designated as a Prime Agricultural Area in the Official Plan must comply with the AG Zone
A1-53	Notwithstanding the provisions of Section 23(1) and Section 5(7)(f) to the contrary, the lands designated as A1-53 on Schedule "A" hereto, shall be used for no other purpose than one or more of the following uses; a detached single family dwelling house, a public use or a home	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>occupation including the use of the existing garage for the storage of vehicles and material for a home occupation, in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 2.0 hectares</p>	
A1-54	<p>Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated A1-54 on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Area Minimum: 1 hectare</p> <p>(ii) Lot Frontage: 69.5 metres</p>	RUR
A1-55	<p>Notwithstanding the provisions of Section 23(2)(b) hereof to the contrary, the lands designated A1-55 on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Frontage: 76.2 metres</p>	RU
A1-56	<p>Notwithstanding the provisions of Section 23 hereof to the contrary, the lands designated 'A1-56' on Schedule 'A' hereto, shall be developed in accordance with the following provisions:</p> <p>(i) Lot Frontage (minimum): 44 metres</p> <p>(ii) Interior Side Yard (minimum): 6 metres</p>	RU, except the portion of the lot that is designated as a Prime Agricultural Area in the Official Plan must comply with the AG Zone
A1-57	<p>Notwithstanding the provisions of Section 23 hereof to the contrary, on the lands designated 'A1-57' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(i) Special Front Yard Restriction: Notwithstanding any provisions of this By-law to the contrary, no buildings or structures may be constructed on or in the ground within 80 metres of the front lot line, the lot line that abuts Isle of Man Road, while a Holding Symbol (-H) applies to the zone.</p> <p>(ii) Special Holding Symbol Provision: a. Notwithstanding the provisions of Section 6(6) to the contrary, development is permitted in accordance with the provisions of Section 23(1), Section 23(2) and Section 23(3)(ddd)(i). b. Notwithstanding the provisions of Section 5(24)(iii) to the contrary, the Holding Symbol shall only be removed upon written clearance provided by the Ministry of Culture of Ontario.</p>	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A1-58	<p>Notwithstanding the regulations in Section 5(7) of Zoning By-Law No 32-74 to the contrary, the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) No more than one person, other than a resident of the dwelling shall be employed in the home occupation; (ii) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential; (iii) The maximum gross floor area to be utilized for the purpose of a home occupation shall not exceed 31 square metres; (iv) The home occupation shall be permitted to sell goods, wares and merchandise not produced on the premises; (v) A minimum of 2 parking spaces shall be dedicated to the home occupation use; (vi) A home occupation shall be permitted within a private garage attached to the dwelling unit; (vii) A nursery/Garden Centre/Greenhouse use as defined in By-Law No. 32-74 is Prohibited; (viii) The outdoor display of goods, wares or merchandise shall be permitted on the lands immediately abutting the main structure and shall not exceed 31 square metres; and, (iv) No permanent outdoor display of goods, wares or merchandise is permitted. 	RU
A1-59	<p>Notwithstanding the provisions of Section 23 hereof to the contrary, the lands zoned as 'A1-59' on Schedule 'A' attached hereto, the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) Special Holding Symbol Provision: <ul style="list-style-type: none"> a) Notwithstanding the provisions of Section 5(24) to the contrary, the Holding symbol shall only be removed upon completion and Approval of the following: <ul style="list-style-type: none"> § A hydro-geological Study verifying adequate water quantity and quality; and § A Stage 1 Archaeological Assessment. 	RU
A2-1	<p>Notwithstanding the provisions of Sections 24(2)(a), 24(2)(b), and 24(2)(c) hereof to the contrary, the lands designated as "A2-1" on Schedule "A" hereto shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 0.2 hectares (ii) Lot Frontage (minimum): 45.5 metres (iii) Front Yard Depth (minimum): 10.5 metres 	RUR
A2-2	<p>Notwithstanding Section 5(1)(d)(iii), Section 5(14)(a), Section 5(14)(d), Section 5(14)(e)(vii), Section 24(1)(a), Section 24(1)(b), Section 24(2)(a) and Section 24(2)(i) hereof to the contrary, the lands designated as "A2-2" on Schedule "A" hereto may be used for a private park and a</p>	RC

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>commercial club (limited to party facilities) subject to the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 1.9 hectares (ii) Dwelling Houses Per Lot (maximum): 1 accessory dwelling house only. (iii) Buildings Related To Commercial Club: <ul style="list-style-type: none"> - only 1 building related to the commercial club shall be permitted and the maximum gross floor area of such building shall not exceed 240 square metres. (iv) Buildings Related To Private Park: <ul style="list-style-type: none"> - no new building shall be erected as an accessory use for the private park except that this shall not prevent the use of any existing building, located within the A2-2 Zone for such purposes. (v) Building Separation (minimum): 3.65 metres, provided that nothing shall prevent the expansion of an existing building having less than the required minimum building separation provided that the existing building separation is not further reduced. (vi) Parking Area Regulations: <ul style="list-style-type: none"> (a) Parking Requirements (minimum): parking spaces shall be provided, within the A2-2 Zone, at a rate of 1 space per 4 persons design capacity of the combined private park and commercial club facilities and at a rate of 1 space per dwelling unit. (b) Parking Area Location: <ul style="list-style-type: none"> - no parking space shall be located closer than 19 metres to any boundary of the A2-2 Zone. (c) Access: access to the A2-2 Zone shall be limited to a maximum of 3 driveways. 	
A2-3	<p>Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-3 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provision:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 2 hectares. 	RU
A2-4	<p>Notwithstanding the provisions of Section 24(2)(a), hereof to the contrary, the lands designated as A2-4 on Schedule "A" attached hereto shall be developed in accordance with the following provision:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 1.2 hectares. 	RU
A2-5	<p>Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b) and Section 24(2)(a) hereof to the contrary, the lands designated as A2-5 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provision:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 3.96 hectares. 	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A2-6	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-6 on Schedule "A" hereto may be used for a detached single family dwelling house, a farm, a farm produce outlet, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 6 hectares	RU
A2-7	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-7 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house or home occupation in accordance with the following provision: (i) Lot Area (minimum): 1.6 hectares	RU
A2-8	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as A2-8 on Schedule "A" hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 6.0 hectares	RU
A2-9	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), 24(2)(a), and 24(2)(e) hereof to the contrary, the lands designated as A2-9 on Schedule "A" hereto shall be used for no purpose other than a detached single family dwelling house and a home occupation in accordance with the following provisions: (i) Lot Area (minimum) 0.85 hectares (ii) Interior Side Yard Width (minimum) 4.5 metres	RUR
A2-10	Notwithstanding the provisions of Section 5(18)(a) and Sections 24(1)(a), 24(1)(b), 24(2)(a), 24(2)(c), and 24(2)(e) hereof to the contrary, the lands designated as A2-10 on Schedule "A" hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provisions: i) Lot Area (minimum): 0.8 hectares ii) Front Yard Depth (minimum): 10.0 metres iii) Interior Side Yard Width (minimum): 10.2 metres iv) Setback (minimum): 25.3 metres.	RUR
A2-11	Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), 24(2)(a), and 24(2)(b) hereof to the contrary, the lands designated as A2-11 on Schedule "A" hereto shall be used for no other purpose than a detached single family dwelling house in accordance with the following provisions: (i) Lot Area (minimum): 0.93 hectares (ii) Frontage (minimum): 76 metres.	RUR
A2-12	Notwithstanding the provisions of Sections 24(2)(a) and 24(2)(b) hereof to the contrary, the lands designated as A2-12 on Schedule "A" hereto shall be used in accordance with the following provisions:	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(i) Lot Area (minimum): 4.80 hectares (ii) Frontage (minimum): 76 metres.	
A2-13	Notwithstanding the provision of Sections 24(2)(a) and 24(2)(e) hereof to the contrary the lands designated as A2-13 on Schedule "A" hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 2.4 hectares (ii) Interior Side Yard Width (minimum): 11.0 metres.	RU
A2-14	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a), hereof to the contrary, the lands designated as A2-14 on Schedule "A" attached hereto may be used for a detached single family dwelling house and a home occupation, in accordance with the following provision: (i) Lot Area (minimum): 0.68 hectares	RUR
A2-15	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-15 on Schedule "A" hereto may be used for a detached single family dwelling house and a home occupation, in accordance with the following provision: (i) Lot Area (minimum): 1.0 hectares	RU
A2-16	Notwithstanding the provisions of Section 24(2)(a) and Section 24(2)(b), hereof to the contrary, the lands designated as A2-16 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 68 metres	RUR
A2-17	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as A2-17 on Schedule "A" attached hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 5.0 hectares	RU
A2-18	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as "A2-18" on Schedule "A" attached hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 1.5 hectares	RU
A2-19	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a) hereof to the contrary, the lands designated as "A2-19" on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, or a public use in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	AG
A2-20	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a) hereof to the contrary, the lands designated as	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>"A2-20" on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, or a public use, in accordance with the following provision:</p> <p>(i) Lot Area (minimum): 2.4 hectares</p>	
A2-21	<p>Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a) hereof to the contrary, the lands designated as "A2-21" on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, or a public use in accordance with the following provision:</p> <p>(i) Lot Area (minimum): 0.8 hectares</p>	<p>- 4009 Brewer's Mill Road: RU - 3815 Sand Hill Road: AG</p>
A2-22	<p>Notwithstanding the provisions of Section 24(1) and Section 24(2)(a) hereof to the contrary, the lands designated as "A2-22" on Schedule "A" attached hereto, shall be used for no purpose other than one or more of the following uses: an accessory dwelling house; a detached single family dwelling house; a cemetery; a farm; a farm produce outlet; a home occupation; a public use; or a specialized farm, in accordance with the following provision:</p> <p>(i) Lot Area (minimum): 4.0 hectares</p>	RU
A2-24	<p>Notwithstanding the provisions of Section 24(1), Section 24(2)(a), Section 24(2)(e) and Section 24(2)(f) hereof to the contrary, the lands designated as "A2-24" on Schedule "A" attached hereto, shall be used for no other purpose than one or more of the following uses: a detached single family dwelling house, a home occupation or a public use, accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 1.0 hectares (ii) Interior Side Yard Width (minimum): 9 metres (iii) Rear Yard Depth: 9 metres</p>	RUR
A2-25	<p>Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), 24(2)(b) and Section 5(22) herein, the lands designated as "A2-25" on Schedule 'A' attached hereto shall be used for one or more of the following uses only: a single family dwelling house; a home occupation; and a public use in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 0.8 hectare (ii) Lot Frontage (minimum): 70 metres (iii) Water Setback</p> <p>No building or structure, other than a marine facility, shall be located less than 50 metres from the high water mark.</p>	RUR
A2-26	<p>Notwithstanding the provisions of Section 24(1) and Section 5(7)(f) to the contrary, the lands designated as A2-26 on Schedule 'A' hereto, shall be used for no other purpose than one or more of the following uses; a detached single dwelling house, a public use or a home occupation including the use of the existing garage for the storage of</p>	RUR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	vehicles and materials for a home occupation, in accordance with the following provisions: (i) Lot Area (minimum) 1.0 hectares	
A2-27	Notwithstanding the provisions of Section 24(2)(a) and (b) hereof to the contrary, the lands designated A2-27 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area Minimum: 1.0 hectare (ii) Lot Frontage: 82.5 metres	RUR
A2-28	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as A2-28 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area Minimum: 1.34 hectare.	RU
A2-29	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated A2-29 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area: 1.529 hectares.	RU
A2-30	Notwithstanding the provisions of Section 24(1), Section 24(2)(a) and (e) hereof to the contrary, the lands designated 'A2-30' on Schedule "A" attached hereto shall be used for no purpose other than one or more of the following uses: A single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area Minimum: 1.0 hectare (ii) Special Setback from Railway Right-of-Way No part of the main dwelling house shall be located within 120 metres of a railway right-of-way; this exclusion area is identified as Part 2 of Reference Plan 13R-16172 (iii) Interior Side Yard Width (minimum to south lot line): 2 metres	RUR
A2-31	Notwithstanding the provisions of Section 24(1) hereof to the contrary, the lands designated as 'A2-31' on Schedule "A" attached hereto may also be used for a home occupation, including fireworks displays and wholesaling, located in an accessory structure in accordance with the following provisions in addition to any other requirements: (i) Maximum Permitted Floor Area for a home occupation – 55 square metres; (ii) Where the home occupation includes the storage of fireworks the following minimum setbacks will apply: (a) Setback from Road Allowance: 100 metres (b) Setback from Pipeline Easement: 200 metres (c) Setback from a Dwelling Unit: 90 metres (d) Setback from the existing Dwelling on the abutting property to the west: 150 metres.	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A2-32	<p>Notwithstanding the provisions of Section 5(24) -'H' Holding Zone Provisions to the contrary, the Holding (-H) symbol shall not be removed until the following conditions have been satisfied:</p> <ul style="list-style-type: none"> a. A hydrogeological study that satisfactorily demonstrates that an adequate supply of potable water is available for the existing and proposed development; b. An environmental impact assessment that is prepared in accordance with the Official Plan and is satisfactory to the City of Kingston and the Cataraqui Region Conservation Authority is submitted to the City; c. An archaeological study acceptable to the Ministry of Culture, Recreation and Citizenship is provided; and, d. The owner has entered in to a Site Plan Control Agreement that satisfactorily implements these studies. <p>No site alterations such as vegetation or tree removal or grading shall take place until the Holding symbol has been removed. Any alterations shall be restored to their pre-existing state before any required studies are conducted.</p>	RU
C	Not Applicable	RC
C-1	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated as "C-1" on Schedule "A" hereto may be used for an ice cream retail outlet and an ice cream products warehouse used in conjunction with such retail outlet.</p>	RC
C-4	<p>Notwithstanding the provisions of Section 15(1)(a), Section 15(1)(b), Section 15(2)(b), Section 15(2)(c), and Section 15(2)(e) hereof to the contrary, the lands designated as "C-4" on Schedule "A" attached hereto shall be used for no purpose other than a retail pet shop operation and a single family dwelling house in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Front Yard Depth (minimum): 6 metres (ii) Exterior Side Yard Depth (minimum): 3 metres (iii) Rear Yard Depth (minimum): 6 metres. 	RC
C-5	<p>Notwithstanding any provisions of this By-law to the contrary, the lands which are designated as "C-5" on Schedule "A" attached hereto may also be used for a shopping centre consisting of any of the uses permitted by Section 15(1)(b) hereof, including a convenience store, and shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) For the purpose of the "C-5" Zone, a recreational establishment shall not include an arcade or video machine entertainment centre. (ii) Interior Side Yard (minimum): 9 metres <p>For the purpose of the "C-5" Zone, the southern boundary of the Zone shall be deemed to be a side lot line.</p> <ul style="list-style-type: none"> (iii) Rear Lot Line: <p>For the purpose of the "C-5" Zone, the western boundary of the Zone</p>	CG

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	shall be deemed to be a rear lot line. (iv) Parking Area (minimum): 90 spaces.	
CH-1	Notwithstanding any provisions of this By-law to the contrary, the lands designated CH-1 on Schedule "B-2" hereto shall be used for no purpose other than a restaurant and an accessory dwelling house in accordance with the provisions of Schedule "B-2" hereto.	RC
CH-2	Notwithstanding the provisions of Section 16(1)(b) hereof to the contrary, the lands designated CH-2 on Schedule "A" hereto shall be used for no other purpose than one or more of the following uses: a home occupation, a motel, a Nursery/Garden Centre/Greenhouse, a public use, a retail outlet accessory to a permitted use, a rental cabin, a restaurant.	RC
CH-3	Notwithstanding any provisions of this By-law to the contrary, the lands designated CH-3 on Schedule "A" attached hereto shall be used for no purpose other than a highway service centre in accordance with the following definitions: (i) "Highway Service Centre" means an establishment providing a restaurant and engaged in the retail sale of fuel and/or lubricants for motor vehicles, including commercial motor vehicles, but not including a snowmobile or motorized snow vehicle. Accessory uses may include a business office, a tourist information facility, and minor maintenance or repair operations for motor vehicles and commercial motor vehicles, other than body work or painting. (ii) "Commercial Motor Vehicle" means a motor vehicle having attached thereto a truck or delivery body and includes an ambulance, a hearse, a bus, fire fighting apparatus, and a tractor used for hauling purposes on a public highway or public road.	RC
CH-4	Notwithstanding the provisions of Section 16(1)(b) hereof to the contrary, the lands designated "CH-4" on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a fruit and vegetable cart, an indoor country market, a home occupation, a motel, a Nursery/Garden Centre/Greenhouse, a public use, a rental cabin, and a restaurant, in accordance with the following provisions: (i) Interior Side Yard Width (minima): (a) No interior side yard is required where lots abut within the CH-4 zone. (b) On the eastern boundary of the CH-4 zone, the minimum interior side yard width shall be 2 metres from an existing dwelling house. (ii) Fruit and Vegetable Cart: (a) up to one fruit and vegetable cart not exceeding 10 square metres of lot coverage is permitted provided that: (i) it is located no closer than 1 metre to the front lot line; and (ii) it is in use not more than 5 months of each calendar year; and	RC

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(iii) during the months it is not in use, it is not located in the front yard.</p> <p>(iii) Indoor Country Market:</p> <p>(a) a country market is permitted provided that:</p> <p>(i) it is located wholly indoors;</p> <p>(ii) the sale of items is limited to: vegetables, fruits, jams, jellies, syrups, baked goods, eggs, honey, potted plants, crafts, or antiques; and</p> <p>(iii) the gross floor area does not exceed 250 square metres.</p>	
CH-6	<p>Notwithstanding any provisions of this By-law hereof to the contrary, the lands designated as CH-6 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: A convenience store and the uses permitted in Section 16(1)(a) and Section 16(1)(b).</p> <p>(ii) Special Provision: Where, at the time of passing of this By-law, any existing building or structure is not in conformity with the yard or setback requirements of Zoning By-law 32-74, the existing yard or setback shall be deemed to be the required yard or setback, only insofar as it affects the existing building or structure. Any alteration to a structure or building or any new construction of a structure or building shall be in conformity with Section 5 and Section 16 of Zoning By-law 32-74 as amended as the same shall then exist.</p>	RC
CH-8	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated CH-8 on Schedule "A" hereto shall be used for no other purpose than a motel, an accessory dwelling house, or a public use, in accordance with the following provisions:</p> <p>(i) Interior Side Yard Width (minimum):</p> <p>(a) on the southern boundary of the CH-8 Zone, the minimum interior side yard shall be 6 metres.</p>	RC
CH-9	<p>Notwithstanding the provisions of Section 16(1)(a) and Section 16(1)(b) hereof to the contrary, the lands designated as "CH-9" on Schedule "A" attached hereto, may be used for: a business office, a personal service shop, a professional office, a retail store, a day nursery, a recreational establishment, a merchandise service shop or a flea market.</p>	RC
CH-11	<p>Notwithstanding any provision of Section 16(1) to the contrary lands zoned as CH-11 on Schedule 'A', Map 4, and also shown on Schedule 'A' of By-Law No. 2006-109 may also be used for a "Car Wash". A privacy fence shall be installed to separate any non-residential uses from an abutting residential zone.</p>	CG
CL-1	<p>Notwithstanding the provisions of Section 14 hereof to the contrary, the lands designated as 'CL-1' on Schedule "A" attached hereto may be used in accordance with the following provisions:</p> <p>No person shall within any 'CL-1' Zone use any lot to erect, alter or use</p>	HCD1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>for any purpose except one or more of the following ‘CL-1’ uses, namely:</p> <ul style="list-style-type: none"> (a) Residential Uses: A maximum of two (2) dwelling units. (b) Non-residential Uses: Convenience store; A public use; Antique store; Art gallery; Artisans studio; Boutique; Clock shop; and Professional offices (medical doctor’s office, lawyer, or surveyor). <p>ZONE PROVISIONS</p> <p>No person shall within the ‘CL-1’ Zone use the lot and existing building to erect, alter or use for any purpose except in accordance with the following provisions:</p> <ul style="list-style-type: none"> (a) Lot area (minimum): 1100 square metres (b) Front yard depth (minimum): 7.5 meters (c) Exterior side yard (minimum): 7.5 meters (d) Interior side yard (minimum): 4.5 meters (e) Rear yard depth (minimum): 4 meters (f) Landscaped open space (minimum): 30% (g) Height of building (maximum): 9 metres; 4.7 metres on the easterly 6 metres of the existing building (h) Dwelling units per lot (maximum): 2 only (i) Parking (maximum): 6 parking spaces 	
CT-2	Notwithstanding any provisions of Section 17(1) hereof to the contrary, the lands designated CT-2 on Schedule "A" hereto may be used for an existing camping ground.	RC
CT-4	Notwithstanding the provisions of Section 17(1)(b) hereof to the contrary, the lands designated CT-4 on Schedule "A" attached hereto may be used for tour boat operations including a souvenir shop and accessory office facilities; and a tourist floating dwelling house.	CW
CT-5	Notwithstanding the provisions of Section 17(1) hereof to the contrary, the lands designated as CT-5 on Schedule "A" hereto shall be used for no purpose other than a rental cabin.	LSR
CT-6	<p>Notwithstanding any provisions of this By-law hereof to the contrary, the lands designated as CT-6 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted:</p> <p>An accessory dwelling house, an accessory dwelling unit, a tent, a trailer park, a recreational facility and a Park Model Home.</p> <p>Park Model Homes are subject to the following:</p> <ul style="list-style-type: none"> (a) the maximum number of Park Model Homes shall be 31; (b) no person shall reside in or otherwise use or occupy any Park Model Home from January 1 to March 31 inclusive of any year; (c) additions may be made to a Park Model Home provided no more than 48 square metres of gross floor area is added to any Park Model Home; 	RC

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(d) all Park Model Homes shall comply with Canadian Standards Association Standards Z241.</p> <p>(ii) Lot Frontage: 12 metres</p> <p>(iii) "Recreational Facility" means a building or structure or specified area planned for, used for or related to recreational, social or cultural activities whether indoors or outdoors and shall include playgrounds, parks, swimming pools, halls, tennis courts, shelters, and similar uses.</p> <p>(iv) Camp Lots:</p> <p>(a) "Camp Lots" means a parcel of land within a trailer park designated for occupancy by a travel trailer.</p> <p>(b) Maximum Number of Camp Lots: 289</p> <p>(c) Minimum Camp Lot Area: 185 square metres per camp lot.</p> <p>(v) Parking Areas:</p> <p>(a) 1 parking space for each camp lot, to be located on each camp lot.</p> <p>(b) 1 parking space per 10 camp lots to be provided for visitor parking.</p> <p>(c) Parking space requirements for recreational facilities shall be those identified for recreational establishments.</p> <p>(vi) Vehicular Driveways:</p> <p>All driveways established for the purpose of accommodating vehicular traffic shall have a minimum width of 6.096 metres for two-way traffic and 3.048 metres for one way traffic.</p> <p>(vii) Minimum Elevation:</p> <p>No building or structure shall be erected below a minimum elevation of 89.22 metres geodetic.</p> <p>(viii) Special Provisions:</p> <p>No recreational facility or camp lot shall be located closer than 30 metres to any lot line which abuts a residential use or undeveloped land in a residential zone.</p>	
D-2	<p>Notwithstanding the provisions of Section 25(1) and 25(2)(b) to the contrary, the lands designated as "D-2" on Schedule 'A' attached shall be used for no other purpose than one or more of the following uses: a farm, but not a specialized farm; a farm produce outlet; a personal recreation use of the owner; or a public use in accordance with the following provisions:</p> <p>(i) Lot Frontage (minimum): 0 metres</p>	DR
ER-4	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated ER-4 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Minimum Elevation:</p> <p>No opening to any building or structure shall be constructed below the minimum elevation of 76.8 metres (Canadian Geodetic Datum).</p> <p>(ii) Provincial Highway Setback:</p> <p>No building or structure shall be located less than 30.5 metres from any Provincial Highway.</p>	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(iii) Water Setback: No building or structure other than a marine facility shall be located less than 30.5 metres from the high water mark of the St. Lawrence River.	
ER-5	Notwithstanding the provisions of Section 7(1)(b) and Section 7(2) hereof to the contrary, the lands designated ER-5 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Special Use: An existing horse shelter designed and used by no more than six horses may be permitted as an accessory use on a lot with a minimum size of 3.2 hectares. (ii) Minimum Elevation: No buildings or structures shall be erected below a contour line of 76.9 metres (Canadian Geodetic Datum).	RUR
ER-8	Notwithstanding the provisions of Sections 5(1), 5(18), and 7(2) to the contrary, the lands designated as ER-8 on Schedule "A" hereto shall be used in accordance with the following provisions: (i) Accessory Use: garage existing as of at time of passing of this By-law may be located in the front yard no closer than 13.0 metres to the front lot line. (ii) Lot Area (minimum): 2 hectares.	RU
ER-9	Notwithstanding the provisions of Section 7(2)(a) hereof to the contrary, the lands designated as ER-9 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 1.6 hectares	RUR
FP	Not Applicable	EPA
I-1	Notwithstanding the provisions of Section 13(1)(b) hereof to the contrary, the lands designated I-1 on Schedule "A" attached hereto may be used for the production and maintenance of animals needed to meet the requirements of research facilities.	UR2
I-2	Notwithstanding the provisions of Sections 13(2) and 5(22) hereof to the contrary, the lands designated I-2 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Lot Frontage (minimum): 23 metres (ii) Interior Side Yard Width (minimum): 1 metre (iii) Water Setback (minimum): 1 metre	RU
I-3	Notwithstanding the provisions of Section 5(14)(a) and Section 13(1) hereof to the contrary, the lands designated as I-3 on Schedule "A" hereto shall be used for no purpose other than a nursing home in accordance with the following provision: (i) Parking Requirements (minimum): 1.5 parking spaces per 4 beds or fraction thereof.	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
I-4	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated as I-4 on Schedule "A" hereto shall be used for no other purpose other than a church in accordance with the following provisions:</p> <p>(i) Front Lot line: For the purposes of the I-4 Zone, the western boundary of the zone shall be deemed to be a front lot line.</p> <p>(ii) Interior Side Yard Width (minimum): 9 metres</p> <p>(iii) Rear Yard Depth (minimum): 10.5 metres</p> <p>(iv) Planting Strips: As part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.</p> <p>(v) Parking: (a) No parking shall be located within any required planting strip. (b) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required. (c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.</p>	RU
LSR	Not Applicable	LSR
LSR-1	<p>(i) Notwithstanding the provisions of Section 12(1)(a) hereof to the contrary, the lands designated LSR-1 on Schedule "A" attached hereto shall be used for no purpose other than one or more of the following uses: a detached single family dwelling house, a seasonal dwelling house and a farm.</p> <p>(ii) Notwithstanding any other provisions of this By-law hereof to the contrary, no buildings or structures, including accessory buildings and structures, other than a fence, shall be located closer than 440 metres to the rear lot line.</p>	LSR
LSR-2	<p>Notwithstanding the provisions of Section 12(2)(m) hereof to the contrary, the lands designated as "LSR-2" on Schedule 'A' attached hereto shall be developed in accordance with the following:</p> <p>(i) Direct vehicular access to a legal right-of-way shall be provided in the form of an unobstructed driveway or passageway at least 3.0 metres in width.</p>	LSR
LSR-4	<p>Notwithstanding the provisions of Section 12(1)(b) hereof to the contrary, the lands designated as "LSR-4" on Schedule 'A' attached hereto shall be developed in accordance with the following:</p> <p>(i) The permitted uses shall also include: a farm, but not including a specialized farm as defined herein; a home occupation;</p> <p>(ii) Direct vehicular access to a legal right-of-way shall be provided in the form of an unobstructed driveway or passageway at least 3.0 metres in width.</p>	LSR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
LSR-5	<p>Notwithstanding any provisions of Section 12 of the By-Law to the contrary, the lands designated as 'LSR-5' on Schedule 'A' attached hereto and municipally known as 992 Harmony Lane shall be developed in accordance with the following:</p> <p>(i) Any dwelling, accessory building or private sewer system shall be constructed a minimum of 30.0 metres away from the shoreline and within the 30.0 metre setback there shall be no soil disturbance or removal of existing vegetation.</p> <p>(ii) For the purposes of this By-Law, the height of a building shall be measured from the minimum elevation of the finished surface of the ground where it abuts the main building. The maximum height for a dwelling shall be 9.0 metres, measured to the highest point of the building, exclusive of any roof construction such as a chimney.</p> <p>(iii) The maximum height of any exterior wall shall be 7.0 metres.</p> <p>(iv) Mansard roofs are not permitted.</p>	LSR
M1-1	<p>Notwithstanding any provisions to this By-law hereof to the contrary, the lands designated as M1-1 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: Uses which are or may become obnoxious or offensive by reason of emission of odour, smoke, dust, noise, gas, fumes, cinders, vibration, refuse matter or water carried waste or which are or may become explosive, are specifically excluded. Subject to this qualification, the following uses are permitted:</p> <ul style="list-style-type: none"> - an accessory dwelling unit - a bakery - a business office - an equipment rental establishment - a factory outlet - a farm equipment sales establishment - a garden centre - an industrial mall - a manufacturing plant - a merchandise service shop - a personal service shop - a photographic establishment - a printing establishment - a public use - a recreational vehicle sales establishment - a showroom - a veterinary establishment - a warehouse <p>(ii) Number of Buildings per Lot: (a) No more than one building shall be located on a lot unless the Corporation has approved plans showing all existing buildings, access,</p>	RM1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>parking facilities, and other site features located on the lot and the proposed alterations and improvements of such features that will ensure that the additional building(s) will not detrimentally affect vehicular access, vehicular circulation, and will be properly integrated with other building(s) on the lot.</p> <p>(b) Where additional building(s) are proposed, all buildings shall conform to the provisions of the By-law and the distance between buildings shall be equal to the average height of the buildings concerned, but in no case shall the distance between buildings be less than 7.5 metres.</p> <p>(iii) Open Storage:</p> <p>(a) No person shall use any lot or part thereof for outside storage, sales, rental or display unless an area which has been specifically designed and set aside for such purpose and is fully integrated with the main use of that lot has been approved by the Corporation pursuant to Section 40 of the Planning Act, R.S.O. 1983.</p> <p>(b) Open storage shall not exceed forty percent (40%) of the lot area.</p> <p>(c) No open storage area shall be located within any required yard which abuts a residential use or residential zone boundary.</p> <p>(d) No open storage shall be located within six (6) metres of a street line.</p> <p>(iv) Planting Strips:</p> <p>(a) As part of any required yard, three (3) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.</p> <p>(b) Notwithstanding subparagraph (a) above, as part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip where a lot or any portion thereof abuts Highway No. 15 or a Special Restricted Rural (A1-14) Zone.</p> <p>(c) Notwithstanding subparagraphs (a) and (b) above, a planting strip is not required in an interior side yard which abuts an Industrial Zone.</p> <p>(v) Illumination:</p> <p>(a) No strings of lights shall be permitted.</p> <p>(b) Illumination shall not cause direct or indirect glare on a street that may interfere with pedestrian or traffic safety nor cause direct or indirect glare on land or buildings in a residential zone or used for residential purposes.</p> <p>(c) Illumination, except that required for the operation of a business or for security reasons, shall cease no later than 10:00 p.m. daily except in the case of a business remaining open later, in which case, illumination shall cease when the business closes to the public.</p> <p>(vi) Parking:</p> <p>(a) One row of visitor or executive parking, and an aisle providing ingress and egress thereto, shall be permitted in a front yard provided the row does not extend beyond the extremities of the front wall of the</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>building or each building, if more than one, and provided that no parking or aisle shall be located closer than 6 metres from the front line.</p> <p>(b) No parking shall be located within any required yard which abuts a residential use or a residential zone boundary.</p> <p>(c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.</p> <p>(d) Buffer planting shall be used to conceal parking areas in the front yard; and, plantings and/or fence and planting combinations may be used in side and rear yards. Where appropriate such buffering may form part of the required planting strip.</p> <p>(e) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required.</p> <p>(f) Parking Requirements (minimum): Type of Use Number of Parking Spaces Bakery 2.7 per 100 square metres of gross floor area Equipment Rental Establishment 5.4 per 100 square metres of gross floor area Factory Outlet 5.4 per 100 square metres of gross floor area Farm Equipment Sales 2.7 per 100 square metres of gross floor area Garden Centre 5.4 per 100 square metres of gross floor area Industrial Mall 5.0 per 100 square metres of gross floor area Manufacturing Plant 2.7 per 100 square metres of gross floor area Photographic Establishment 4.0 per 100 square metres of gross floor area Printing Establishment 4.0 per 100 square metres of gross floor area Recreational Vehicle Sales 2.7 per 100 square metres of gross floor area Showroom 5.4 per 100 square metres of gross floor area Veterinary Establishment 8.5 per 100 square metres of gross floor area Warehouse 2.7 per 100 square metres of gross floor area</p> <p>(vii) Special Provision: For the purposes of the M1-1 Zone a "Manufacturing Plant" means an establishment primarily engaged in the processing, altering, finishing, refinishing or assembly or similar production of various articles, commodities or things.</p>	
MD-1	<p>Notwithstanding any provisions of Section 21(1)(b) hereof to the contrary, the lands designated as MD-1 on Schedule "A" hereto, shall be used for no purpose other than a waste disposal area or an agricultural use with the approval of the Minister of Environment in accordance with Section 45 of the Environmental Protection Act.</p> <p>(i) For the purpose of the MD-1 zone, "waste disposal area" shall mean land upon, into, or in which waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste; and "waste" shall include ashes, garbage, refuse, and</p>	RM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	domestic waste but shall not include human body waste, toilet waste, liquid or waterborne culinary and sink waste, laundry waste, chemical waste, commercial or industrial waste, or drainage from a plumbing facility.	
MD-2	<p>Notwithstanding any provisions of Section 21(1)(b) and 21(2)(a) hereof to the contrary, the lands designated as MD-2 on Schedule "A" attached hereto shall be used for no purpose other than a sewage treatment facility, including a sludge transfer station but excluding incinerators for the incineration of industrial by-products in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Required Yards (minima): <ul style="list-style-type: none"> (a) From Provincial Hwy. No. 2: 122 metres (b) From eastern boundary of the MD-2 Zone: 46 metres (c) From the western boundary of the MD-2 Zone: 69 metres <p>For the purpose of the MD-2 Zone, the western boundary shall be deemed to be the lot line which abuts Gates Boulevard and extends from Highway No. 2 to La Salle Boulevard, and all other lot lines shall be deemed to be side lot lines.</p>	RM2
MVC-2	<p>Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 17A for the 'MVC' Zone shall apply to the 'MVC-2' zone except that:</p> <ul style="list-style-type: none"> (a) Additional Permitted Use: bank or financial institution (b) Maximum Front Yard Depth: 23.5 metres (c) Minimum Rear Yard Depth: 7.1 metres (d) Minimum Height Of Building: 5.2 metres (e) Minimum Number Of Storeys: 1 (f) There Shall Be No Minimum Number Of Row Buildings (g) Parking: Parking shall be required on the basis of 1 space per 18 square metres of gross floor area (h) A minimum 3 metre wide planting strip shall be provided along the north and south lot line (i) A drive through service facility accessory to a bank or financial institution use is permitted. 	CG
MX-2	<p>Notwithstanding the provisions of Section 20(1)b and 20(2) hereof to the contrary, lands designated MX-2 on Schedule "A" attached hereto may be used for an aggregate screening operation, an asphalt plant, a concrete batching plant, crushing plant or any combination of the foregoing uses and the lands shall be developed in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) Required Yards (minima) <ul style="list-style-type: none"> (a) Front: 90 metres (b) Interior Side: 60 metres (c) Rear: 90 metres (ii) Exceptions To Yards Requirements 	MX1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	Nothing shall prevent the location of an earth berm of uniform height and width from being located in a required front yard or a required rear yard provided that such berm is located no less than 30 metres from a front or rear lot line.	
MX-3	Notwithstanding the provisions of Section 5(11) and Section 20(1)(b) hereof to the contrary, the lands designated as MX-3 on schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Access through an abutting zone shall be permitted. (ii) Permitted uses shall be one or more of the following: a gravel pit; a stone quarry; a municipal service garage; a warehouse; a storage yard; a public use.	MX1
OS	Not Applicable	OS2
OS-2	Notwithstanding the provisions of Section 8(1)(b) hereof to the contrary, the lands designated OS-2 on Schedule "A" hereto may be used for a rifle and pistol club, including a firing range.	OS2
OS-4	Notwithstanding Section 22(1)(b) hereof to the contrary, the lands designated as "OS-4" on Schedule "A" hereto may be used for the establishment of a golf course and associated club house and pro shop facility provided that such associated club house and pro shop facility are located within the barn which existed on the subject lands on the date of the enactment of this clause. In the context of using the aforementioned barn for the purposes of a club house and pro shop facility, said barn may be renovated or expanded to contain a maximum gross floor area of 402 square metres provided that all other provisions of the OS-4 Zone are complied with.	RC
OS-6	Notwithstanding the provisions of Section 22(1)(b) hereof to the contrary, the lands designated OS-6 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Uses Permitted: A hotel or motel and the uses permitted in Section 22(1)(a) and Section 22(1)(b). (ii) Number of Rooms: The maximum number of hotel or motel rooms shall be twenty eight (28). (iii) Special Provision: The location of a hotel or motel shall be restricted to an addition, expansion or alteration of the existing golf club house building.	RC

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
OS-10	<p>Notwithstanding the provisions of Section 22(1)(a), Section (22(1)(b), Section 22(2)(d), Section 22(2)(e), Section 22(2)(f), and Section 22(2)(j) hereof to the contrary, the lands designated as "OS-10" on Schedule "A" attached hereto shall be used for no other purpose than a single family dwelling or a home occupation in accordance with the following provisions:</p> <p>(i) No building, structure or use shall be located closer than 30 metres to the boundaries of Block 42, R.P. 1844.</p> <p>(ii) Height Of Building (minimum): 9 metres</p> <p>(iii) One dwelling house only shall be permitted within the OS-10 Zone.</p>	OS2
R1	Not Applicable	HAM
R1-17	<p>Notwithstanding the provisions of Section 9(2) hereof to the contrary, the lands designated as R1-17 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <p>(i) Minimum Elevation: No dwelling house shall be erected with a floor elevation below 89.63 metres (Canadian Geodetic Datum).</p>	HAM
R1-18	<p>Notwithstanding Section 9(1)(a), Section 9(2)(b)(iii) and Section 9(2)(e) of this By-law to the contrary, the lands designated as R1-18 on Schedule "A" hereto shall be used for no purpose other than two existing single family dwelling houses and one additional single family dwelling house to be developed in accordance with the following provisions:</p> <p>(i) Lot Frontage (minima): 20 metres</p> <p>(ii) Interior Side Yard Width (minima): 7.6 metres except that where the side lot line is adjacent to the eastern boundary of the R1-18 Zone, the interior side yard width shall be a minimum of 27.74 metres</p> <p>For the purposes of the R1-18 Zone, the front lot line shall be deemed to be the lot line which abuts Canal Drive and all other lot lines shall be deemed to be side lot lines.</p>	HAM
R1-34	<p>Notwithstanding the provisions of Section 9(2)(b)(iii), hereof to the contrary, the lands designated as "R1-34" on Schedule "A" attached hereto shall be developed in accordance with the following provision:</p> <p>(i) Lot Frontage (minimum): 30 metres</p>	RUR
R1-39	<p>Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-39" on Schedule "A" attached hereto, shall be developed in accordance with the following provision:</p> <p>(i) Front Yard Depth (minimum): 39 metres</p>	RUR
R1-40	<p>Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-40" on Schedule "A" attached hereto, shall be</p>	RUR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	developed in accordance with the following provision: (i) Front Yard Depth (minimum): 62 metres	
R1-41	Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-41" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Front Yard Depth (minimum): 80 metres	RUR
R1-42	Notwithstanding the provisions of Section 9(1), 9(2)(a) and 9(2)(b) to the contrary, the lands designated as "R1-42" on Schedule 'A' attached shall be used for no other purposes than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 2 hectares (ii) Lot Frontage (minimum): 60 metres.	RU
R1-48	Notwithstanding the provisions of Section 9(1), 9(2)(b)(ii) and 9(3)(e) of this By-law to the contrary, the lands designated R1-48 on Schedule 'A' hereto shall be used for no other purpose than a detached single family dwelling house, home occupation or a public use in accordance with the following provisions: (i) Lot Area (minimum) 2,000 square metres (ii) Lot Frontage (minimum) 17 metres For the purposes of the R1-48 zone, 'Lot frontage' means the horizontal distance between the side lot lines and measured along the common property line with the public right-of-way.	RUR
RR-2	Notwithstanding the provisions of Section 8(2)(a), hereof to the contrary, the lands designated as RR-2 on Schedule "A" attached hereto may be used for a detached single family dwelling house, in accordance with the following provision: (i) Lot Area (minimum): 0.38 hectares.	RUR
RR-3	Notwithstanding the provisions of Section 8(2)(a) hereof to the contrary, the lands designated as RR-3 on Schedule "A" attached hereto may be used for a detached single family dwelling house, in accordance with the following provision: (i) Lot Area (minimum): 0.35 hectares.	RUR
RR-4	Notwithstanding the provisions of Section 8(2)(a) hereof to the contrary, the lands designated as RR-4 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.24 hectares.	AG
RR-9	Notwithstanding the provisions of Section 8(1) and Section 8(2) to the contrary, the lands designated as RR-9 on Schedule 'A' hereto, shall be used for no other purpose than one or more of the following uses: a detached single family dwelling house, a home occupation, or a public	RUR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	use, in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	

Township of Kingston Zoning By-law Number 76-26

Delete the existing text of the by-law and replace with:

1. A by-law to regulate the use of the lands and the size and location of buildings on select properties within the former Township of Kingston.
2. Any references to “this By-law” mean the Township of Kingston Zoning By-law Number 76-26.
3. The provisions of this By-law apply to the lands identified on Schedule “A” of this By-law, as amended.
4. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule “A”.
5. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule “A” of this By-law.
6. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the “Kingston Zoning By-law Zone” identified in Table 1 for the Zone applicable to the property.
7. Despite 4, 5 and 6, where the Official Plan designates lands as an Environmental Protection Area, the applicable “Kingston Zoning By-law Zone” is the EPA Zone.
8. Despite 4, 5 and 6, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
9. Where a Holding Symbol (“-H”) applies to a property on Schedule “A”, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 1. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:
 - (d) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (e) All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies

related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (f) All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A1	Not Applicable	RU, except: - 1096 McAdoos Lane: RM2
A1-2	Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a), (b), and (c) to the contrary, the lands designated as “A1-2” on Schedule "A" attached hereto shall be used for no other purpose than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 1,200 square metres (ii) Lot Frontage (minimum): 30 metres (iii) Front Yard Depth (minimum): 13 metres	RU
A1-3	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-3 on Schedule "A" hereto, shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 1,300 square metres (ii) Lot Frontage (minimum): 30 metres	RUR
A1-4	Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a) hereof to the contrary, the lands designated A1-4 on Schedule "A" attached hereto shall be used for no purpose other than the establishment of an Ontario Hydro transformer distribution station in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	TU
A1-5	Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated A1-5 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 2 hectares (ii) Lot Frontage (minimum): 45 metres (iii) Interior Side Yard Width (minimum): 4.5 metres (iv) Rear Yard Depth (minimum): 7 metres (v) Dwelling Houses Per Lot Maximum (maximum): 1 only	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A1-6	<p>Notwithstanding any provisions of Section 9 hereof to the contrary, the lands designated A1-6 on Schedule "A" hereto shall be used for no purpose other than a veterinary clinic and shall be used in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 3982 square metres (ii) Lot Frontage (minimum): 65 metres (iii) Front Yard Depth (minimum): 6 metres (iv) Rear Yard Depth (minimum): 12 metres (v) Outside animal pens or runs shall be prohibited. 	RC
A1-7	<p>Notwithstanding any provisions of Section 23(1) and Section 23(2) hereof to the contrary, the lands designated A1-7 on Schedule "A" attached hereto may be used for an automobile sales establishment and work shop for the repair or maintenance of vehicles, excluding a mobile home, a motor home or a travel trailer, subject to the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 40 metres (iii) Front Yard Depth (minimum): 80 metres (iv) Interior Side Yard Width (minimum) 12 metres, except that the interior side yard width for an existing shed shall be 10 metres. (v) Dwelling Houses: No dwelling houses shall be permitted within the A1-7 zone. (vi) Parking Area Location: No parking space shall be located within 60 metres of the lot line abutting Highway No. 15 or within 30 metres of the eastern boundary of the A1-7 zone. (vii) Vehicle Storage: The number of vehicles for sale or repair shall not exceed 12. (viii) Outside Storage: There shall be no outside storage of automobile parts or inoperative vehicles. (ix) Work Shop Floor Area: The maximum gross floor area of the work shop building shall not exceed 106 square metres. (x) Signs: Signs shall not be permitted provided that one legal sign not exceeding 0.8 square metres in size may be affixed to the exterior of the front wall of the work shop. 	RU
A1-8	<p>Notwithstanding the provisions of Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated "A1-8" on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 6 hectares 	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(ii) Lot Frontage (minimum): 55 metres (iii) Dwelling Houses Per Lot (maximum): 1 only.	
A1-9	Notwithstanding the provisions of Section 5(11)(a), Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated as A1-9 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 6 hectares (ii) Dwelling Houses Per Lot (maximum): 1 single family dwelling house only, provided that it involves a relocation of the dwelling house which existed on the subject lands on the date of enactment of this clause. (iii) Side Lot Lines: For the purposes of the A1-9 Zone, all lot lines which are not shoreline shall be deemed to be side lot lines.	RU
A1-11	Notwithstanding the provisions of Article (a) of Subsection (92) of Section 4, and Article (a) of Subsection (13) of Section 5 hereof to the contrary, the lands designated A1-11 on Schedule "A" hereto shall be used in accordance with the following provisions: (i) Elevation of Building Openings (minimum): 88.4 metres geodetic (ii) Front Lot Line For the purposes of determining the Lot Frontage, the Front Lot Line shall be deemed the lot line parallel to Bur Brook Road. (iii) Access to Improved Street No person shall erect any building or structure unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width and at a minimum elevation of 87.8 metres geodetic, is provided to an improved street.	RU
A1-12	Notwithstanding the provisions of Section 9(2) to the contrary, the lands designated 'A1-12' on Map 1 of Schedule "A" hereto may also include the following uses: • an office / shop in association with a rural related business; • enclosed and outside storage associated with such permitted business. (i) Notwithstanding the provisions of Section 9(2)(e) to the contrary, the following provision shall apply: • the minimum side yard requirement for the storage garage shall be 28 feet or 8.5 metres.	RC
A1-13	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), and 23(2)(a) hereof to the contrary, the lands designated as A1-13 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>home occupation, and a public use, in accordance with the following provision:</p> <p>(i) Lot Area (minimum): 2 hectares</p>	
A1-14	<p>Notwithstanding the provisions of Section 9 hereof to the contrary, on the lands designated 'A1-14' on Schedule "A" hereto, the following regulations shall apply:</p> <p>(i) Permitted Uses: In addition to the provisions of Section 9(1), the permitted uses shall also include a "commercial school", for the purpose of providing transport truck training.</p> <p>(ii) Prohibited Uses: Notwithstanding the provisions of Section 9(1), the following uses shall be prohibited:</p> <ul style="list-style-type: none"> • public garage; • automobile sales establishment; • car wash; <p>(iii) Maximum Floor Area: The maximum floor area for the commercial school permitted by clause (i) above shall be 55 square metres.</p> <p>(iv) Notwithstanding the provisions of Section 9(2)(c)(ii) and Section 5(16)(c) the minimum setback requirement for a commercial vehicle 5 tonnes or greater, including the trailers, from the front lot line shall be 65 metres.</p> <p>(v) Notwithstanding any provisions to the contrary the maximum number of commercial vehicles 5 tonnes or greater shall be limited to 2 commercial vehicles.</p> <p>(vi) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of Section 6 (6) of the Zoning By-Law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands, a Stage 1 Archaeological Assessment shall be submitted and approved by the Municipality.</p>	RU
A1-16	<p>Notwithstanding any provisions of the by-law to the contrary, the provisions of Section 9 for the 'A1 Zone shall apply to the 'A1-16' Zone except that:</p> <p>(a) A minimum 30 metre building and structure (including septic systems) setback from the high water mark shall be required. Within the 30 metre setback, there shall be no disturbance of soil or removal of vegetation.</p>	RUR
A2-1	<p>Notwithstanding the provisions of Sections 24(2)(a), 24(2)(b), and 24(2)(c) hereof to the contrary, the lands designated as "A2-1" on Schedule "A" hereto shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions:</p>	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(i) Lot Area (minimum): 0.2 hectares (ii) Lot Frontage (minimum): 45.5 metres (iii) Front Yard Depth (minimum): 10.5 metres	
A2-2	Notwithstanding Section 5(1)(d)(iii), Section 5(14)(a), Section 5(14)(d), Section 5(14)(e)(vii), Section 24(1)(a), Section 24(1)(b), Section 24(2)(a) and Section 24(2)(i) hereof to the contrary, the lands designated as "A2-2" on Schedule "A" hereto may be used for a private park and a commercial club (limited to party facilities) subject to the following provisions: (i) Lot Area (minimum): 1.9 hectares (ii) Dwelling Houses Per Lot (maximum): 1 accessory dwelling house only. (iii) Buildings Related To Commercial Club: - only 1 building related to the commercial club shall be permitted and the maximum gross floor area of such building shall not exceed 240 square metres. (iv) Buildings Related To Private Park: - no new building shall be erected as an accessory use for the private park except that this shall not prevent the use of any existing building, located within the A2-2 Zone for such purposes. (v) Building Separation (minimum): 3.65 metres, provided that nothing shall prevent the expansion of an existing building having less than the required minimum building separation provided that the existing building separation is not further reduced. (vi) Parking Area Regulations: (a) Parking Requirements (minimum): parking spaces shall be provided, within the A2-2 Zone, at a rate of 1 space per 4 persons design capacity of the combined private park and commercial club facilities and at a rate of 1 space per dwelling unit. (b) Parking Area Location: - no parking space shall be located closer than 19 metres to any boundary of the A2-2 Zone. (c) Access: access to the A2-2 Zone shall be limited to a maximum of 3 driveways.	RU
A2-3	Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-3 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 2 hectares.	RU
A2-4	Notwithstanding the provisions of Section 24(2)(a), hereof to the contrary, the lands designated as A2-4 on Schedule "A" attached hereto shall be developed in accordance with the following	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	provision: (i) LOT AREA (minimum): 1.2 hectares.	
A2-5	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b) and Section 24(2)(a) hereof to the contrary, the lands designated as A2-5 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 3.96 hectares.	RU
A2-6	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-6 on Schedule "A" hereto may be used for a detached single family dwelling house, a farm, a farm produce outlet, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 6 hectares	RU
A2-7	Notwithstanding the provisions of Section 5(1), Section 10(1) and Section 10(2) of this By-Law to the contrary, the lands designated 'A2-7' on Map 1 of Schedule "A" hereto may be developed in accordance with the following regulations: 1. Only Permitted Use: • a landscaping business which provides related service work off site; an office associated with the landscaping business; the repair and storage of equipment associated with the landscaping business; a landscape horticultural supplies holding yard for offsite service locations containing materials such as gravels, soils, stone, mulches, trees / shrubs; no retail sales will be permitted from the site. 2. Maximum Floor Area of Storage / Office / Garage: The maximum floor area of the landscaping business shall not exceed 267.11 square metres in the repair / office building and 210 square metres in the existing Quonset structure. 3. Use of the Repair / Office Building: The repair and office uses associated with the landscaping business shall only be located within the repair / office building. Said repair and office uses shall only be permitted in conjunction with the permitted landscaping business. 4. Use of the Quonset Building: The Quonset structure may be used for storage of tools and equipment and supplies pertaining to the permitted landscaping business. 5. Landscape Horticultural Supplies: Landscape horticultural supplies shall be permitted on site only for supply to off-site service locations, including gravels, soils,	RC

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>stone, mulches, trees and shrubs. No retail sales such as landscape horticultural supplies shall be permitted from the site.</p> <p>6. Perennial Propagation Yard: The perennial propagation yard shall be located on site and shall be used to grow perennials for offsite service locations only. No retail sales of perennials shall be permitted from this site.</p> <p>7. Advertising: All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.</p>	
C1-2	Notwithstanding the provisions of Section 18(1)(b) hereof to the contrary, the lands designated as C1 2 on Schedule "A" hereto, shall not be used for a convenience store.	CN
C1-3	Notwithstanding the provisions of Section 18(2)(h) hereof to the contrary, on the lands designated C1 3 on Schedule "A" hereof, the gross floor area of a shopping centre shall not exceed 1,100 square metres and no single use shall have a gross floor area of greater than 280 square metres.	CA
C1-4	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-4 Zone:</p> <p>7.3.4.1 Permitted Uses The only permitted uses shall be: (a) Commercial Uses Commercial Establishment; Specialty Retail Store Offices; Community or Recreation Centres; Club; Bank; Restaurant; Commercial Entertainment Establishment; Commercial Recreation Facility; Dry Cleaning Outlet Bake Shop; Amusement Arcade, provided the Amusement Arcade shall not be located closer to any school property than 300.0 metres (984 feet).</p> <p>(b) Non-Commercial Uses Apartment Dwelling; Senior Citizen Apartment Dwelling.</p> <p>7.3.4.2 Regulations (a) Maximum Density Notwithstanding Table 7.2, the maximum permitted density shall be 271.0 residential units per net hectare;</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(b) Number Of Units The maximum number of permitted residential units shall be 126;</p> <p>(c) Amenity Areas / Equipped Children's Play Areas Notwithstanding Section 5.5, the minimum amount of amenity area/equipped children's play area shall be a combined total of 4202 square metres (45,232 square feet);</p> <p>(d) Maximum Building And Structure Height Notwithstanding Table 7.2 and Section 5.19, the maximum building and structure height, including the mechanical penthouse shall be 117.5 metres (386 feet) geodetic;</p> <p>(e) Angular Plane Height Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.</p> <p>(f) Off-Street Parking Notwithstanding Table 7.2 and Section 5.22, the minimum number of off-street parking spaces shall be 248;</p> <p>(g) Maximum Gross Floor Area The maximum gross floor area of the commercial component of the building shall be 7000 square metres (75,350 square feet).</p>	
C1-6	<p>Notwithstanding any provision of this By-Law to the contrary, the lands designated 'C1-6' on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Permitted Uses: (a) A use authorized by Section 18(3)(c)(i) of this By-Law; (b) An automobile service station;</p> <p>(ii) Gross Floor Area (maximum) The combined total gross floor area of all permitted uses shall not exceed 2000 square metres.</p> <p>(iii) Holding Symbol '-H' That a Holding Symbol '-H' shall be applied to the 'C1-6' Zone as indicated on Schedule "A" attached hereto. In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of '-H' Symbols, the following shall be provided prior to the removal of the '-H' Symbol:</p> <ul style="list-style-type: none"> • an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Gardiners Road and Development Drive; and, • an executed Site Plan Control Agreement. 	CA
C1-7	<p>Maximum Building Height Notwithstanding Table 7.2 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 19.2 metres (63 feet).</p> <p>Angular Plane Height</p>	CN

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.	
C1-8	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-8 Zone:</p> <p>7.3.8.1 Regulations</p> <p>The regulations shall be as follows:</p> <p>(a) Maximum Building Height</p> <p>Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum building height shall be nine (9) storeys not to exceed 29.5 metres (96.7 feet).</p> <p>(b) Angular Plane</p> <p>The provisions of Section 5.6 and Section 7.2.3, of this By-Law shall not apply.</p> <p>(c) Fourth Storey Setback</p> <p>Commencing at the building height of 12.7 metres (41.7 feet), the building setback shall be 3.7 metres (12.2 feet) along the King Street block face, and 4.0 metres (13.2 feet) along the Clarence Street block face.</p> <p>(d) Permitted Height Exception</p> <p>Notwithstanding Section 5.19(i), an elevator shaft and a heating and cooling systems mechanical penthouse, with a gross floor area of 190 square metres (2045 square feet), and a maximum height of 8.66 metres (28.4 feet) shall be permitted above the ninth storey.</p> <p>(e) Maximum Gross Floor Area</p> <p>Maximum gross floor area shall be 13,985 square metres (150,538 square feet).</p> <p>(f) Off-Street Parking</p> <p>Notwithstanding Table 7.2 of this By-Law, the minimum number of off-street parking spaces shall be 227.</p>	CA
C1-10	<p>Notwithstanding the provisions of Section 18(1) to the contrary, the lands zoned 'C1-10' on Map 3 of Schedule "A" attached hereto shall only be used for a single detached dwelling or a business or professional office.</p> <p>Any non-residential uses shall be developed in accordance with the following provisions:</p> <p>(i) Gross Floor Area (maximum)</p> <p>Maximum permitted gross floor area shall be 120 square metres and contained within the existing building at the date of the passing of this by-law.</p> <p>(ii) Buffering (minimum)</p> <p>A solid fence 1.8 metres in height or a buffering strip of 2 metres in width shall be provided on the property where a non-residential use abuts a residential use.</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(iii) Parking Parking shall be in conformance with Section 5(16), Parking Area Regulations, of this By-Law.</p> <p>(iv) Deemed Compliant Notwithstanding the provisions of Section 18(2) to the contrary, the existing building shall be deemed to comply with the minimum setback requirements</p>	
C1-11	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-11 Zone:</p> <p>1. Regulations</p> <p>(a) Number Of Units The maximum number of residential units shall be fourteen (14).</p> <p>(b) Maximum Density Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 234.0 residential units per net hectare.</p>	CA
C2	Not Applicable	CA
C2-1	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C2-1 on Schedule "A" hereto may be used for a motel, a hotel, a convention centre, a place of worship, a day nursery, an arcade accessory to a permitted principal use, and an accessory dwelling unit located on the ground floor. Such lands shall be developed in accordance with the following provisions:</p> <p>(i) Tourist Establishments: Tourist establishments shall be developed on lands served by a public water system and a sanitary sewer system, in accordance with the following provisions:</p> <p>(a) Lot Area (Minimum): 7500 square feet plus 500 square feet for each guest room in excess of 4.</p> <p>(b) Lot Frontage (Minimum): 75 feet</p> <p>(c) Interior Side Yard (Width): 30 feet, provided that where the interior side yard lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.</p> <p>(d) Habitable Room Window: Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 30 feet from any interior side lot line or rear lot line.</p> <p>(e) Distance Between Buildings: Where more than one motel building is erected on the same lot, the minimum distance between the buildings shall not be less than 50 feet; provided that where two external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such two walls may be reduced to 10 feet</p> <p>For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>face and be parallel to each other. In the above paragraph, "angle of divergence" means the interior acute angle formed by and lying between such two external walls or their projections. (ii) Arcades: Arcades shall be permitted provided that such uses are accessory to and located within the same premises as a permitted principal use. (iii) Day Nurseries: Parking shall be provided at the rate of 1 space plus 1 space for each person employed in the day nursery operation.</p>	
C2-6	<p>Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-6 on Schedule "A" hereto may be used for a body shop.</p>	CA
C2-7	<p>Notwithstanding the provisions of Section 19(1) hereof to the contrary, the use of the lands designated C2-7 on Schedule "A" hereto shall be limited to one dwelling unit plus one or more of the following uses: an antique shop, a business or professional office, a clinic, a home occupation and a personal service shop.</p>	RUR
C2-9	<p>Notwithstanding any provision of Section 19(1) or Section 5(6)(b) of this By law to the contrary, the lands designated C2-9 on Schedule "A" hereto shall be used for no purpose other than the following: an automotive centre including an automatic car wash as an accessory use but excluding any facilities for the sale of gasoline or diesel fuel; an appliance rental shop; a bank; a boat sales establishment; a business or professional office; a clinic; a commercial club; a dry cleaning or laundry outlet; a funeral home; a laundromat; a merchandise service shop; a personal service shop; a private club; a recreational establishment; a restaurant; a retail store providing for the sale of products related to home repairs and improvements; a shopping centre consisting of any of the permitted uses listed herein; a theatre;</p>	<p>- 775 and 785 Gardiners Road: CA - 780 and 785 Taylor Kidd Blvd: M1</p>

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a union hall; a vehicle sales establishment; a veterinary clinic. The lands designated as C2-9 on Schedule "A" shall be used in accordance with the following special provisions: (i) Restrictions Adjacent To Flood Plans: No building or structure shall be erected or altered within 60 metres (200 feet) of a flood plain except with the approval of the local Conservation Authority. (ii) Gross Floor Area (maximum): The gross floor area of a shopping centre shall not exceed 1858.1 square metres (20,000 square feet) and no single use within such shopping centre shall have a gross floor area of greater than 185.9 square metres (2,000 square feet).</p>	
C2-10	<p>Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-10 on Schedule "A" hereto may be used for a church.</p>	CA
C2-11	<p>Notwithstanding any provisions of this By law to the contrary, on the lands designated as C2-11 on Schedule "A" hereto, no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right of way.</p>	CA
C2-15	<p>Notwithstanding the provisions of Subsection (1) of Section 19 hereof to the contrary, the lands designated C2-15 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Uses Permitted (a) Residential Uses: an accessory dwelling unit in the upper portion of a Non-Residential building. (b) Non-Residential Uses: an auditorium; an automatic car wash; an appliance rental shop; a bank; a beverage room; a boat sales establishment; a business or professional office; a clinic; a commercial club; a commercial school; a dry-cleaning or laundry outlet; a funeral home; a home occupation; an institute;</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a laundromat; a merchandise service shop; a vehicle sales or rental establishment; a parking lot; a personal service shop; a copy shop; a private club; a public use in accordance with the provisions of Section 5(18) hereof; a recreational establishment; a restaurant; a take-out restaurant; a retail store; an undertaking establishment; a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein. (ii) Retail Gross Leasable Area (maximum): 10,000 square metres.</p>	
C2-16	<p>Notwithstanding any provisions of Section 19 hereof to the contrary, the lands designated C2 16 on Schedule "A" hereto shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in Section 19(1) hereof provided that such uses are developed in accordance with the provisions of Section 19(2) and the following special provision: (i) Access To Improved Street: No access shall be permitted to or from Bayridge Drive.</p>	CA
C2-17	<p>Notwithstanding any provisions of Section 19(1) hereof to the contrary, the lands designated C2-17 on Schedule "A" hereto may be used for an existing manufacturing plant and accessory dwelling house provided that the facade of the exterior walls of each building is maintained in general harmony with the residential buildings permitted in the zone which such facade abuts.</p>	CA
C2-18	<p>Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated 'C2-18' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions: (i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-18 shall be used for no purpose other than one or more of the following: - an automatic car wash</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> - an automotive centre - a business or professional office - a gasoline retail facility - a public use in accordance with the provisions of Section 5(18) hereof - a retail store. 	
C2-19	<p>Notwithstanding the provisions of Section 19(1)(b) and 19(2)(k) hereof to the contrary, the following special provision shall apply to the lands designated C2-19 on Schedule "A" hereto:</p> <p>(i) the maximum gross leasable area of all buildings and structures permitted within the C2 19 Zone shall not exceed 6038.5 square metres.</p>	CA
C2-20	<p>Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated as C2-20 on Schedule "A" hereto shall be used for no purpose other than one or more of the following:</p> <ul style="list-style-type: none"> a business or professional office a clinic. 	CD
C2-21	<p>Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated as C2-21 on Schedule "A" hereto shall not be used for a supermarket and no automobile service station or gasoline retail facility shall be permitted on Lot 5 of Registered Plan 1724.</p>	CA
C2-22	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C2-22 on Schedule "A" hereto (described as Parts 1, 2, 3, 4 and 5, Reference Plan 13R 5750 and Parts 1, 2 and 3, Reference Plan 13R 6357) shall be used for no purpose other than a business or professional office, and a clinic.</p>	CD
C2-23	<p>Permitted Uses: Notwithstanding Section 19(1)(b) hereof to the contrary, the lands designated C2-23 shall be used for no other purpose than the following:</p> <ul style="list-style-type: none"> an automatic car wash; an automobile service station; an automotive centre; an appliance rental shop; a bank; a beverage room; a boat sales establishment; a business or professional office; a clinic; a commercial club; a commercial school; a dry cleaning or laundry outlet; 	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a funeral home; a gasoline retail facility; a home occupation; an institute; a laundromat; a merchandise service shop; a vehicle sales or rental establishment; a parking lot; a personal service shop; a copy shop; a private club; a public use in accordance with the provisions of Section 5(18) hereof; a restaurant; a take out restaurant; a retail store; an undertaking establishment; a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein.</p> <p>(ii) Side Yard Provision – Notwithstanding Section 19(2)(f)(ii) to the contrary, the existing building and any future additions may have a minimum side yard width of 2.5 metres along the east lot line; this side yard provision shall only apply to a maximum building length of 30 metres and shall include the length of the existing building.</p> <p>(iii) Open Storage Provision – Notwithstanding Section 19(2)(n) to the contrary, an open storage area may be located in a rear yard with a maximum area of 60 square metres; any open storage area shall be fenced and comply with the minimum yard requirements.</p>	
C2-24	<p>Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-24 on Schedule "A" hereto shall be used for no purpose other than one or more of the following:</p> <ul style="list-style-type: none"> a auditorium a bank a beverage room a business or professional office a clinic a commercial club a dry cleaning or laundry outlet a personal service shop a private club a public use in accordance with the provisions of Section 5(18) 	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>hereof a recreational establishment a restaurant a retail store a shopping centre consisting of any of the permitted uses listed herein.</p>	
C2-25	<p>Notwithstanding the provisions of Section 19(1)(b) and 19(3)(x) hereof to the contrary, the lands designated C2-25 on Schedule "A" hereto shall be used for no purpose other than a use authorized by Section 19(3)(x), an automobile dealership or an automotive centre.</p>	CA
C2-26	<p>Notwithstanding the provisions of Section 19(1)(b) and 19(3)(x) hereof to the contrary, the lands designated 'C2-26' on Schedule "A" attached hereto, shall be used for no other purpose other than a use authorized by Section 19(3)(x), a day care centre, a nursery school and a veterinary clinic. For the purpose of this section, a veterinary clinic is defined to mean a building where one or more licensed veterinarians and any associated staff provide medical, grooming, boarding operations or similar services. Accessory uses such as kennels and other similar uses shall be permitted. Any overnight boarding of animals shall be within the main building only.</p>	CA
C2-28	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C2-28 on Schedule "A" hereto may also be used for a day nursery, and such lands shall be developed in accordance with the following provisions: (i) The maximum gross leasable area of all retail commercial buildings and structures permitted within the C2-28 Zone shall not exceed 3,000 square metres.</p>	CA
C2-29	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C2-29 on Schedule "A" hereto shall be used for no purpose other than a funeral home, including an accessory residential unit, and such lands shall be developed in accordance with the following special provision: (i) Parking Requirements (minimum): Funeral Home In accordance with the provisions of Section 5(16)(a) hereof. Accessory residential unit 1 parking space.</p>	CN
C2-30	<p>Notwithstanding any provision of this By law to the contrary, the lands designated C2-30 on Schedule "A" hereto shall be used in accordance with the provisions of the C2 1 Zone and may also be used for the purpose of a Nursery/Garden Centre/Greenhouse.</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
C2-31	Notwithstanding any provision of this By law to the contrary, the lands designated C2-31 on Schedule "A" hereto shall be used in accordance with the provisions of the C2-1 Zone and may also be used for the purpose of a par 3 golf course.	CA
C2-32	Notwithstanding the provisions of Sections 19(1) and 19(2) hereof to the contrary, the lands designated C2-32 on Schedule "A" hereto shall be used for no purpose other than a business or professional office, and such use shall be developed in accordance with the following provision: (i) The maximum gross leasable area of all buildings and structures permitted within the C2-32 Zone shall not exceed 1,160 square metres.	CA
C2-33	Notwithstanding the provisions of Sections 19(1) hereof to the contrary, the lands designated C2-33 on Schedule "A" hereto may be used for a convenience store.	CA
C2-34	Notwithstanding any provision of this By law to the contrary, the lands designated C2-34 on Schedule "A" hereto shall be used in accordance with the provisions of the C2-24 Zone and may also be used for the purpose of an appliance rental shop, a commercial school, an institute, a laundromat, a merchandise service shop, a copy shop, a takeout restaurant, a supermarket or a veterinary clinic.	CA
C2-36	Notwithstanding the provisions of Section 5(1), 19(1) and 19(2) hereof to the contrary, the lands designated C2-36 on Schedule "A" hereto shall be used and developed in accordance with the following provisions. (i) Permitted Uses Principal use of the lands within the C2-36 Zone shall be restricted to one or more of the following: convention centre; an hotel; a motel; a public use in accordance with Section 5(18) hereof. (ii) Services No person shall, within the C2-36 Zone, use any lot or erect, alter or use any building or structure unless such a lot is served by a public water system and a sanitary sewer system. (iii) Accessory Uses Notwithstanding the provisions of Section 5(1) hereof to the contrary the following special provisions related to accessory uses shall apply: (1) Uses Permitted Commercial uses providing for the sale of goods and services	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>may be permitted provided that said uses are accessory to a permitted principal use. Accessory commercial uses may include those uses authorized by Section 19(1)(b) hereof, a place of worship, a day nursery, and an arcade.</p> <p>(2) Gross Floor Area The combined maximum gross floor area of permitted accessory commercial uses shall not exceed 2,000 square metres.</p>	
C2-37	<p>Notwithstanding the provisions of Section 19(1) and 19(2) hereof to the contrary, the lands designated C2-37 on Schedule "A" hereto shall be used and developed in accordance with the following provisions.</p> <p>(i) Permitted Uses</p> <p>(a) Principal use of the lands within the C2-37 Zone, and served by only a public water system or sanitary sewer system, shall be restricted to one or more of the following: an accessory dwelling unit, an antique shop, a business or professional office, a merchandise service shop, a retail store.</p> <p>(b) Principal use of the lands within the C2-37 Zone, and served by a public water system and a sanitary sewer system may be used in accordance with the provisions outlined in Section 19(1) and 19(2).</p> <p>(ii) Gross Floor Area The gross floor area of all buildings and structures on the lands within the C2-37 Zone shall not exceed 280 square metres unless the lands are served by a public water system and sanitary sewer system.</p>	CA
C2-38	<p>Notwithstanding the provisions of Clause (c) of Section 5(16), Clause (b) of Section 19(1), and Clauses (d), (e), (g), (h) and (o) of Section 19(2) hereof to the contrary, the lands designated C2-38 on Schedule "A" hereto shall be used for no purpose other than a use authorized by Section 19(3)(ai) hereof, and such uses shall be developed in accordance with the following provisions:</p> <p>(i) Front Yard Depth (minimum): 3.0 metres</p> <p>(ii) Exterior Side Yard Width (minima)</p> <p>(a) Adjacent to Bath Road (Highway Number 33): 6.0 metres or as required by the Ministry of Transportation, whichever is the greater.</p> <p>(b) Adjacent to Coverdale Drive: 3.0 metres</p> <p>(iii) Rear Yard Depth (minimum): 3.0 metres</p> <p>(iv) Parking Area Location: No part of any parking area shall be located closer to the</p>	CD

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>streetline of Coverdale Drive than the nearest part of any wall of a principal building.</p> <p>(v) Landscaped Open Space (minimum): 10%, provided that the Front Yard and Exterior Side Yard adjacent to Coverdale Drive shall be used for no purpose other than landscaped open space. This requirement however shall not prevent access to the lands in accordance with Section 5(16)(d) hereof.</p> <p>(vi) Gasoline Pump Island Location: May only be located in a required yard when such a yard is an exterior side yard adjacent to Bath Road (Highway Number 33). All other provisions of Section 19(2)(o) hereof shall apply.</p>	
C2-39	<p>Notwithstanding the provisions of Sections 19(1) and 19(2) hereof to the contrary, the lands designated C2-39 on Schedule "A" hereto may also be used for a church and such lands shall be developed in accordance with the following provisions:</p> <p>(i) Height Of Building (maximum): 6 storeys.</p>	CA
C2-41	<p>Notwithstanding the provisions of Section 5(19) and Section 19 hereof to the contrary, the lands designated C2-41 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Residential Uses: Accessory residential dwelling units within a non residential building.</p> <p>(ii) Non Residential Uses: All uses permitted by Section 19(1)(b) hereof; a convention centre a day nursery a hotel a motel a place of worship a Nursery/Garden Centre/Greenhouse</p> <p>(iii) Lot Coverage (maximum): 35%</p> <p>(iv) Dwelling Units Per Lot (maximum): 2</p> <p>(v) Yard Requirements Adjacent To Railway: No building shall be erected within 120 metres of a railway right of way. This distance may be reduced from 120 metres to 30 metres where a 2.5 metre high safety berm has been constructed adjoining and parallel to the railway right of way.</p> <p>(vi) Servicing Requirements: In the absence of full municipal sewerage services being available to lands zoned C2-41, no person shall use any lot or erect any building or structure without the approval of the area Health Unit and the Cataraqui Region Conservation Authority for</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	on site sewage disposal systems and storm water quality control measures, respectively.	
C2-42	<p>Notwithstanding the provisions of Section 4, Section 5(16), Section 19(1) and clauses (j), (l), (n) and (p) of Section 19(2) hereof to the contrary, the lands designated C2-42 on Schedule "A" hereto also may be used for a self-service storage facility, an accessory dwelling house and an accessory dwelling unit, provided said uses are developed and used in accordance with the following provisions:</p> <p>(i) Self-Service Storage Facility - means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.</p> <p>(ii) Dwelling Unit Area (minima):</p> <p>(a) Accessory Dwelling Unit In accordance with Section 19(2)(j)(i) hereof</p> <p>(b) Accessory Dwelling House 93 square metres</p> <p>(iii) Parking Area Regulations In accordance with Section 5(16) hereof.</p> <p>(iv) Open Storage - Self-Service Storage Facility: No open storage of goods or materials shall be permitted, except in accordance with the following provisions:</p> <p>(a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers).</p> <p>(b) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and clauses (f) and (g) of Section 19(2) hereof as if such open storage use were a building or structure provided, however, that such use complies with paragraph (a) above.</p> <p>(c) Notwithstanding paragraph (b) above, no open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential or Development (D) Zone.</p>	CA
C2-44	Notwithstanding the provisions of Clause (b) of Sections 5(15A), Clauses (a) and (c) of Section 5(16), Clause (h) of Section 19(2) and Clause (b) of Section 19(1) hereof to the contrary, the lands	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>designated C2 44 on Schedule "A" hereto shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in Section 19(1) hereof provided that such uses are developed in accordance with the provisions of Section 19(2) and the following special provisions:</p> <p>(i) Outdoor Seasonal Display Area An outdoor seasonal display and sales area may be located within a parking area provided that it occupies no more than four (4) parking spaces and provided that it meets all other requirements of Section 5(15A) hereof.</p> <p>(ii) Parking Area Regulations (a) Requirements (minimum): 66 parking spaces, each such parking space as defined in Schedule "C" hereto (b) Location: The uncovered surface parking area shall be permitted in all yards, or in an area between the streetline and the required setback.</p> <p>(iii) Landscaped Open Space (minimum): 8%</p>	
C2-45	<p>Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-45 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses:</p> <ul style="list-style-type: none"> an appliance rental shop; a bank; a business or professional office; a clinic; a commercial club; a commercial school; a convenience school; a convenience store; a dry cleaning or laundry outlet; a gasoline retail facility; an institute; a merchandise service shop; a parking lot; a personal service shop; a coffee shop; a private club; a public use; a recreational establishment; a restaurant; a take-out restaurant; a retail store; 	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein.</p>	
C2-49	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-49 on Schedule "A" hereto shall be used for no purpose other than a mini self-storage facility and such land use shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Height Of Building (maximum): 6 metres (20 feet) (ii) Any building(s), structure(s), or parking area associated with the mini self-storage facility shall be located within the area shown on Schedule "B-9" hereto, provided that a drive aisle shall be permitted within the easterly 25 foot setback. (iii) Removal Of Holding Provision: Development of the lands with the C2-49 Zone shall be delayed by the use of the Holding symbol "-H" until such time as: <ul style="list-style-type: none"> (a) a drainage plan satisfactory to the Township and the Cataraqui Region Conservation Authority have been completed and approved; (b) a Site Plan Agreement has been registered on title; and, (c) the "-H" has been removed by further amendment to this By-law. 	CA
C2-50	<p>Notwithstanding the '-H' applied pursuant to the Planning Act, the lands designated 'C2-50-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development.</p> <p>(2) Subject to the removal of the '-H' Symbol pursuant to the Planning Act, the lands shall be used in accordance with the permitted uses and regulations contained in Section 19 of this By-Law for the 'C2' General Commercial Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.</p> <p>(3) Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding the provisions of Subsection (2) of Section 19 hereof to the contrary, the lands located on the south side of Coverdale Drive, designated 'C2-50-H' on the Zoning Schedule attached hereto and forming part of By-Law Number 99-66 as Schedule "A", shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Uses Permitted/Prohibited <ul style="list-style-type: none"> (a) Notwithstanding the provisions of Section 19 (1)(b) of this By-Law, a Supermarket shall not be permitted on the lands zoned 'C2-50'. (b) Notwithstanding the provisions of Section 19 (1) (b) of this By- 	CD

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Law, a Convenience Store shall be permitted on the lands zoned 'C2-50' provided that the total floor area for all such uses does not exceed 300 square metres.</p> <p>(ii) Gross Leasable Area (maximum): The total gross leasable area of all retail commercial uses permitted within the 'C2-50' Zone shall not exceed 3,000 square metres.</p> <p>(iii) Height Of Building (maximum) Notwithstanding the provisions of Section 19(2) Subsection (l) of this By-Law, the maximum building height shall be 15.2 metres (50 feet).</p> <p>(4) The '-H' Symbol shall only be removed once the following conditions have been complied with:</p> <p>(i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant;</p> <p>(ii) All applicable Municipal and Agency requirements have been complied with;</p> <p>(iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and</p> <p>(iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act.</p>	
C2-52	<p>Notwithstanding the provisions of Section 19 (1)(b) and Section 19 (3)(x) hereof to the contrary, the lands designated 'C2-52' on Map Number 3 to Schedule "A" hereto shall be used for no purpose other than:</p> <p>(i) a use authorized by Section 19(3)(x) of this By-Law;</p> <p>(ii) an automobile dealership or an automotive centre;</p> <p>(iii) a free standing restaurant;</p> <p>(iv) an institute;</p> <p>(v) a vehicle sales and rental establishment;</p> <p>(vi) a parking lot;</p> <p>(vii) a copy shop;</p> <p>(vii) a take-out restaurant.</p>	CA
C2-53	<p>Notwithstanding the provisions of Section 19 (1) hereof to the contrary, the land designated C2-53 on Schedule "A" hereto may also be used for a rental outlet and a convenience store.</p>	CA
C2-54	<p>Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'C2-54' on Map 3 of Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Uses Permitted In addition to the uses permitted in Section 19(1) (a) and (b) and Section 19(3) (a), a Home Improvement Store as defined herein shall be permitted.</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(ii) Maximum Gross Floor Area A maximum gross floor area of 13 006 square metres shall be permitted for the Home Improvement Store use.</p> <p>(iii) Parking Notwithstanding the provisions of Section 5(16) of this By-Law, the minimum number of required off-street parking spaces shall be 512.</p> <p>(iv) Definitions For the purposes of the 'C2-54' Zone, the following definitions shall apply: Home Improvement Store means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies, and including retail outside storage.</p> <p>(v) Outdoor Storage Open storage of goods and materials accessory to the permitted Home Improvement Store use shall be permitted in the exterior side yard only, subject to a minimum setback of 23 metres from the street line and a maximum area of 2690 square metres, including any areas covered by a canopy.</p> <p>(vi) Removal Of Holding Provision Development of the lands within the 'C2-54' Zone shall be delayed by the use of the '-H' Holding Symbol. Use and Removal of the '-H' Symbol shall be in accordance with the provisions of Section 6(6) of this By-Law, as amended.</p>	
C2-55	<p>Notwithstanding the provisions of Section 19(3) (x) hereof to the contrary the lands designated C2-55 on Schedule "A" may also be used and developed for one or more of the following use: All uses permitted in the C2-24 zone:</p> <ul style="list-style-type: none"> - Free standing restaurants; and - Take out restaurants. 	CA
C2-56	<p>Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated C2-56 on Map 5 of Schedule "A" hereto shall be used in accordance with the following special provisions: (i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-56 on Schedule 'A' hereto shall be used for no purpose other than one or more of the following:</p> <ul style="list-style-type: none"> - an auditorium - an automobile service station - an appliance rental shop - a bank - a beverage room 	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> - a boat sales establishment - a builders merchant - a business or professional office - a clinic - a commercial club - a commercial school - a convenience store - a dry-cleaning or laundry outlet - a farm implement dealer - a gasoline retail facility - a merchandise service shop - a vehicle sales or rental establishment - a personal service shop - a copy shop - a private club <p>a public use in accordance with the provisions of Section 5(18) hereof</p> <ul style="list-style-type: none"> - a recreational establishment - a restaurant - a take out restaurant - a retail store - a rental establishment - a veterinary clinic - a wholesale use - a warehouse - a shopping centre consisting of any of the permitted uses listed herein. <p>(ii) Open Storage No open storage of goods or materials shall be permitted except in accordance with the following provisions:</p> <p>(a) Every open storage use shall be accessory to the use of the main building on the lot.</p> <p>(b) Every open storage use shall comply with the yard and setback provisions of Section 19(2) as if the open storage use were a building or structure.</p> <p>(c) An open storage use shall only be permitted to the rear of the existing buildings on the property.</p> <p>(d) Every open storage use shall be enclosed within a closed wooden, metal and/or plastic fence, extending at least six feet in height above the ground, constructed of durable materials and maintained in good condition.</p>	
C2-57	<p>Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated 'C2-57' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <p>(i) Notwithstanding the provisions of Section 19(1)(b) hereof to the</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>contrary, the lands designated C2-57 on Schedule 'A' hereto shall be used for no purpose other than one or more of the following:</p> <ul style="list-style-type: none"> - an auditorium - a bank - a beverage room a business or professional office - a clinic - a commercial club - a dry cleaning or laundry outlet - a personal service shop - a public use in accordance with the provisions of Section 5(18) hereof - a recreational establishment - a restaurant - a retail store - a shopping centre consisting of any of the permitted uses - a veterinary clinic is permitted as an accessory use to a retail store. 	
C2-58	<p>Notwithstanding any provisions of the By-Law to the contrary, the lands designated 'C2-58' on Map 3 of Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) In addition to the uses permitted in Section 19(1)(a) and (b), a Nursery/Garden Centre/Greenhouse shall be permitted; (ii) Open Storage of goods or materials accessory to the permitted Nursery/Garden Centre/Greenhouse use shall be permitted in the Rear Yard and Interior Side Yard only. (iii) Maximum Gross Leasable Area <p>Notwithstanding the provisions of Section 19(2)(k) hereof to the contrary, the gross leasable area of a shopping centre shall not exceed 3000 square metres. For the purpose of this provision the term "gross leasable area" shall not include floor area which is exclusively devoted to institutional, office or residential use.</p>	CA
C2-59	<p>Notwithstanding the provisions of Section 19(1) and (2) of this By-law to the contrary, the lands designated 'C2-59' on Map 1 of Schedule 'A' hereto may be used for:</p> <ul style="list-style-type: none"> (a) Residential Uses: two accessory dwelling units in the upper portion of a Non-Residential building (b) Non-Residential Uses an appliance rental shop; a bank; a beverage room; a boat sales establishment; a business or professional office; 	HAM

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a clinic; a home occupation; a merchandise service shop; a vehicle sales or rental establishment; a personal service shop; a copy shop; a private club; a public use in accordance with the provisions of Section 5(18) hereof; a recreational establishment; a restaurant; a take out restaurant; a retail store; a supermarket; a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein.</p>	
C2-60	<p>Notwithstanding the provisions of Section 5 (16)(a) to the contrary, the lands designated 'C2-60' on Schedule 'A' hereto shall have a minimum parking space requirement for the existing 'Department Store' use of 1.7 parking spaces per 100 square metres of Gross Leasable Area.</p>	CA
C2-61	<p>Notwithstanding the provisions of Section 19(1) and 19(2) to the contrary, the lands zoned 'C2-61-H' on Map 3 of Schedule "A" hereto shall only be used in accordance with the following special provisions: (i) The only permitted uses on the property shall be the following: a bank a business or professional office a clinic a dry-cleaning or laundry outlet a home occupation a laundromat a merchandise service shop a personal service shop a copy shop a public use in accordance with the provisions of Section 5(18) hereof a restaurant, to a maximum gross floor area of 223 square metres and shall not include a drive-through window a take-out restaurant, to a maximum gross floor area of 223 square metres a retail store, to a maximum gross floor area of 223 square metres</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a veterinary clinic an accessory dwelling unit in the upper portion of a Non-Residential building (ii) Development on this site shall be subject to site plan control. (iii) All required loading spaces shall be located in the rear yard or side yard not abutting a residential use. (iv) No open storage of goods or materials shall be permitted.</p>	
C2-62	<p>Notwithstanding the provisions of Section 19(1) and 19(2) to the contrary, the lands zoned 'C2-62' on Map 3 of Schedule "A" hereto and known municipally as 2040 Unity Road shall only be used in accordance with the following special provisions: The only permitted uses on the property shall be the following: (a) Residential Uses: an existing single detached dwelling. (b) Non Residential Uses: an appliance rental shop; a bank; a boat sales establishment; a business or professional office; a dry cleaning or laundry outlet; a home occupation; a merchandise service shop; a vehicle sales or rental establishment; a parking lot; a personal service shop; a copy shop; a public use in accordance with the provisions of Section 5(18) hereof; a retail store.</p>	HAM
C2-64	<p>Notwithstanding the '-H' Symbol applied pursuant to the Planning Act, the lands may be used in accordance with the provisions of Section 19 for the 'C2' Zone except that: (a) Additional Permitted Uses: church; prefabricated building products outlet; vehicle sales or rental establishment excluding accessory uses for the repair and maintenance of such vehicles. (b) Prohibited Uses: automatic car wash; automobile service station; boat sales establishment; gasoline retail facility; parking lot; vehicle sales or rental establishment; accessory dwelling unit. (c) Minimum Width Of A Planting Strip Abutting A "D" Zone: none</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(d) Deemed To Comply: The building existing as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 19 of this By-Law.</p> <p>2. Subject to the removal of the ‘-H’ Symbol pursuant to the Planning Act, a day nursery is a permitted use.</p> <p>3. The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:</p> <p>(i) Submission of a Record of Site Condition to the satisfaction of the City;</p> <p>(ii) All applicable Municipal and Agency requirements have been complied with;</p> <p>(iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,</p> <p>(iv) City Council has passed a further amendment to the Zoning By-Law to remove the ‘-H’ Symbol pursuant to the Planning Act.</p>	
C2-69	<p>Notwithstanding the provisions of Section 5 and Section 19 hereof to the contrary, the lands designated ‘C2-69’ on Schedule ‘A’ hereto, the following regulations shall apply:</p> <p>(i) Uses Permitted: Notwithstanding any provisions to the contrary only the following uses are permitted:</p> <p>(a) Residential Uses: an accessory dwelling unit.</p> <p>(b) Non-Residential Uses: an automobile service station; a beverage room; a boat sales establishment; a clinic; a commercial club; a commercial school; a landscape supply business; a merchandise service shop; a nursery/garden centre/greenhouse; offices as an accessory use to a permitted use; a public use in accordance with the provision of Section 5(18); a recreational establishment; a rental outlet; a restaurant; a take-out restaurant; a vehicle sales or rental establishment; a veterinary clinic.</p> <p>(ii) Definitions:</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>For the purpose of the 'C2-69' zone, the following definition shall apply: Landscape Supply Business shall mean the bulk storage and sale of landscaping and gardening supplies, such as soil, gravel, potting mix, sand and mulch, where the majority of materials sold from the premises are not in pre-packaged form</p> <p>(iii) Open Storage Area: (a) No open storage area shall be permitted within: (i) 1.0 metres of a lot line abutting Princess Street (ii) 3.0 metres of a lot line abutting John Counter Boulevard or Purdy's Court</p> <p>(a) Notwithstanding any other provision, display of pre-packaged landscape products will be permitted within the required 3.0 metres setback along John Counter Boulevard, but not within 1.5 metres of the lot line. (b) No storage of materials shall be greater than 4.0 metres in height</p> <p>(iv) Landscape Strip: (a) A minimum 3.0 metres wide landscape strip shall be provided along the lot line adjacent to Purdy's Court. (b) A landscape strip shall include a mixture of coniferous and deciduous trees which will provide a sight obscuring buffer.</p> <p>Parking: A landscape supply business shall provide a minimum of 5 parking spaces.</p>	
C2-72	<p>Notwithstanding the provisions of this By-Law to the contrary, the lands designated 'C2-72' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(a) Only Permitted Residential Uses: An accessory dwelling unit in the upper portion of a Non-Residential building</p> <p>(b) Only Permitted Non-Residential Uses: an appliance rental shop an auditorium an automatic car wash an automobile service station a bank a boat sales establishment a business or professional office a copy shop a clinic a commercial club a commercial school a convenience store a day nursery</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a dry-cleaning or laundry outlet a gasoline retail facility a home occupation an institute a laundromat a merchandise service shop a personal service shop a private club a public use in accordance with the provisions of Section 5(18) hereof a recreational establishment a restaurant a retail store a shopping centre consisting of any of the permitted uses listed herein a supermarket a take-out restaurant a vehicle sales or rental establishment, with limited service and/or repair operations a veterinary clinic a wholesale use accessory to a permitted use (c) Gross Floor Area (Maximum) The combined gross floor area of all uses shall not exceed 7,293 square metres. (d) '-H' Holding Zone Provisions: (i) That a Holding Symbol '-H' shall be applied to the 'C2-72' zone as indicated on Schedule 'A' attached hereto. The 'H' Holding provision applies to the following uses separately or in combination: Accessory dwelling unit in the upper portion of a non-residential building located at 607 Gardiners Road. A day nursery located at 607 Gardiners Road. (ii) In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of '-H' Symbols, the following provisions shall also apply: (a) The 'H' Holding provision may be removed for any one of the above listed uses or any combination of the above uses at such time as an applicable Record of Site Condition and all required supporting studies, prepared by a qualified person as defined by the City of Kingston, is completed to the satisfaction of the City of Kingston and adhering to all municipal and provincial requirements. (b) The 'H' Holding Zone provision will only be removed for the specified use(s) for which an approved Record of Site Condition and supporting studies are applicable. All other listed uses will</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>remain subject to the holding provision. A separate Record of Site Condition and supporting studies must be submitted for all subsequent requests to remove the holding provision to permit additional listed uses.</p>	
<p>C2-73</p>	<p>Notwithstanding the provisions of Section 19 and Section 5 hereof to the contrary, the lands designated 'C2-73' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(i) Permitted uses on the lands designated 'C2-73' shall be limited to the following:</p> <p>(a) Arterial Commercial Uses:</p> <ul style="list-style-type: none"> An Automatic Car Wash; An Automobile Service Station; A Gasoline Retail Facility; A Rental Outlet; A Coffee Shop; A Commercial Club; A Commercial School; An Institute; A Restaurant; A Take-Out Restaurant; A Drive-In Restaurant or Restaurant with Drive-Through; A Restaurant with Patio; A Beverage Room; A Veterinary Clinic; An Animal Hospital. <p>(b) Limited Convenience Commercial Uses:</p> <ul style="list-style-type: none"> A Day Nursery; A Dry-Cleaning or Laundry Outlet; A Copy Shop; A Retail Store; A Personal Service Shop; A Florist Shop; A Merchandise Service Shop; A Laundromat; A Bank. <p>(ii) Exterior Side Yard Width (Minimum): 5.7 metres;</p> <p>(iii) Interior Side Yard Width (Minimum): 7.5 metres;</p> <p>(iv) Rear Yard Depth (Minimum): 6.1 metres;</p> <p>(v) Setback</p> <p>The setback requirements of Section 5(20) regarding setback distances from buildings to public roadways shall not apply.</p> <p>(vi) Gross Floor Area:</p> <p>Limited convenience commercial uses shall have a maximum gross floor area of 500 square metres per commercial unit.</p> <p>(vii) Drive-Through Service Facility:</p>	<p>CA</p>

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(a) No drive through service facility shall be constructed or established within 50 metres of a residential zone;</p> <p>(b) A drive through service facility may be located in, or within 50 metres of a commercial zone that permits a residential use.</p> <p>(viii) '-H' Holding Zone Provisions:</p> <p>(a) The 'H' Holding provision applies only to a "Day Nursery" use.</p> <p>(b) The 'H' Holding provision may be removed at such time as a Record of Site Condition (RSC) signed by the Qualified Person who prepared it, along with a copy of all supporting studies, and which meet the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the City of Kingston.</p>	
C3-7	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C3 7 on Schedule "A" hereto may be used for a horse barn in accordance with the following provision:</p> <p>(i) Interior Side Yard Width (minima): 7 metres (24 feet)</p>	RU
C3-9	<p>Notwithstanding any provision of Section 20(1), Section 20(2)(f), Section 20(2)(h) and Section 20(2)(n) hereof to the contrary, the lands designated C3 9 on Schedule "A" hereto, may be used for an automobile body shop together with an existing dwelling house, used as an accessory dwelling house, provided that such uses are developed in accordance with the following provisions:</p> <p>(a) Exterior Side Yard Width (minimum):</p> <p>(i) Accessory dwelling house 7.620 metres</p> <p>(ii) Other uses 15.240 metres</p> <p>(b) REAR YARD DEPTH (minimum):</p> <p>(i) Accessory dwelling house 4.572 metres</p> <p>(ii) Other uses 45.720 metres</p> <p>(c) Open Storage:</p> <p>No open storage of goods, materials or motor vehicles shall be permitted except in accordance with the following provisions:</p> <p>(i) Every open storage use shall be accessory to the use of the main building on the lot.</p> <p>(ii) An open storage use shall only be permitted in yard other than a required yard, a front yard or an exterior side yard.</p>	RC
C3-14	<p>Notwithstanding the provisions of Sections 20(1) and 20(2) hereof to the contrary, the lands designated C3-14 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house, a florist shop, a Nursery/Garden Centre/Greenhouse and a public use, in accordance with Schedule "B-6" hereto.</p>	CD
C3-15	<p>Notwithstanding the provisions of Section 20(1) and 20(2)(e) to the contrary, the lands designated C3-15 on Schedule "A" hereto</p>	CN

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>may only be used for a retail store, restaurant and one dwelling unit, in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Front Yard Depth (minimum) 9.7 feet (ii) Gross Floor Area (maximum) 204 square metres (iii) Access No driveway will be permitted within 15 metres of any residentially zoned property. 	
C3-16	<p>Notwithstanding the provisions of Section 20 of this By-Law to the contrary, the lands designated 'C3-16' on Map 2 of Schedule 'A' hereto may be used and developed in accordance with the following regulations:</p> <ul style="list-style-type: none"> (i) Permitted Uses: The following uses shall be permitted: <ul style="list-style-type: none"> (a) Residential Uses a single-detached dwelling house; (b) Non-Residential Uses a boat sales establishment and accessory office, warehouse and showroom a travel trailer and/or mobile home sales establishment; a vehicles sales or rental establishment. (c) Non-Residential Uses On The Southern Portion Of The Site Within The Fill Line The subject lands lying between the fill line along Westbrook Creek (as determined by the Cataraqui Region Conservation Authority) and the existing chain link security fence will be permitted the following uses: <ul style="list-style-type: none"> (i) Outdoor storage; (ii) Boat storage building. (ii) Rear Yard Depth (minimum) 10 feet From the existing chain link fence located south of the fill line. (iii) Setbacks For Existing Buildings Existing buildings are hereby deemed to be in compliance with the minimum setbacks. Any new buildings or additions to existing buildings shall be built in accordance with the setback regulations of this By-Law. (iv) Use Of The Accessory Showroom The permitted showroom use shall be associated with the boat, travel trailer, mobile homes and vehicles sales or rental establishment only and shall be attached to the northeast side of the existing one storey garage, located on the property known municipally as 3667-3669 Princess Street. The maximum floor area permitted for a showroom shall not exceed 272 square meters. (v) Accessory Office Use The permitted office use shall only be associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental 	RC

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>establishment and shall be located within the existing one storey office building on the property known municipally as 3667-3669 Princess Street.</p> <p>(vi) Accessory Warehouse The warehouse use associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment shall be located to the south of the gas pipeline easement and be located within the one storey Quonset structures. The warehouse use shall only be permitted in conjunction with the permitted boat, travel trailer, mobile home, and vehicles sales or rental establishment located at 3667-3669 Princess Street. The warehouse structures will be permitted to encroach into the rear portion of the 'C3-16' Zone, south of the fill line extending to the perimeter fence located to the north of the Westbrook Creek. The warehouse will not be permitted to extend beyond the perimeter fence into the Westbrook Creek.</p> <p>(vii) Open Storage No open storage of goods or materials shall be permitted except in accordance with the following provisions:</p> <p>(i) Every open storage use shall be accessory to the use of the main building on the lot.</p> <p>(ii) An open storage use shall only be permitted in a rear yard.</p> <p>(iii) Notwithstanding paragraph (ii) above, in the case of a boat, travel trailer, mobile homes sales, vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer to a street than the minimum front yard setback.</p> <p>(iv) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.</p> <p>(viii) Outdoor Seasonal Display And Sales Area Nothing in this By-Law shall prevent an area set aside outside of a building or structure within a commercial zone, which is used in conjunction with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment located within the building or structure and located on the same lot, to be used for the display or retail sales of seasonal produce or new merchandise, provided such area:</p> <p>(a) Is seasonal in nature and does not include a permanent retailing area; and,</p> <p>(b) Is not located within a fire lane, a parking area or a loading space required to fulfill the provisions of the Zoning By-Law, or a driveway or passageway which provides an access route for vehicular traffic across the lot or to an improved street which abuts said lot.</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(ix) Parking Spaces (minimum) A minimum of 25 off street parking spaces shall be provided to accommodate all uses on the site.</p> <p>(x) Loading Space Regulations (minimum) One required loading space as per the requirements of Section 5(12).</p> <p>(xi) Advertising All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.</p>	
C4-1	<p>Notwithstanding the provisions of Section 21 hereof to the contrary, the lands designated 'C4-1' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(i) Definitions: For the purpose of the 'C4-1' zone, the following definition shall apply: Veterinary Clinic shall mean a building or part thereof used by a veterinarian(s) and their associated staff and services for the purpose of consultation, diagnosis, grooming, treatment, and necessary boarding of animals.</p> <p>(ii) Additional Permitted Use: Veterinary Clinic.</p>	CW
C5-1	<p>Notwithstanding the provisions of Section 22(1) and Section 22(2) hereof to the contrary, the lands designated 'C5-1' on Map Number 5 to Schedule "A" hereto shall be subject to the following provisions:</p> <p>(i) The permitted uses shall also include:</p> <ul style="list-style-type: none"> • public garages, and • wholesale businesses and warehouses; <p>(ii) The existing building on the westerly portion of the property shall be deemed to be conforming with respect to the minimum rear yard, maximum lot coverage and minimum landscaped area provisions of this By-law, provided there is no enlargement or expansion of the existing building.</p>	CD
C5-4	<p>Notwithstanding any provisions of this By-Law to the contrary, the lands designated C5-4 on Schedule 'A' may be used for the following uses in accordance with Section 22(2) herein:</p> <p>(a) uses existing as of July 14th, 2004;</p> <p>(b) an accessory dwelling unit (manager's residence) which shall be accessory to the indoor climate controlled self-service storage use;</p> <p>(c) apartment dwelling houses to a total on-site maximum of 360 dwelling units, in accordance with the 'R5-1' (Modified Residential Type 5) Zone requirements;</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(d) a park, in accordance with the 'OS' (General Open Space) Zone requirements.</p> <p>(2) Parking Spaces (minimum) Off street parking shall be in accordance with the regulations of Section 5(16) of this By-Law</p> <p>(3) The '-H' Holding Symbol applicable to this property shall be used and removed in accordance with the following: (a) provisions of Section 6(6) of By-Law Number 76-26; and (b) a Noise Study and proposed noise mitigation methods shall be provided to the satisfaction of the City of Kingston.</p>	
C5-5	Notwithstanding any provisions of Section 22(2) hereof to the contrary, the maximum gross floor area of all buildings and structures permitted within the C5 5 Zone shall not exceed 5250 square metres (56,500 square feet).	CD
C5-6	Notwithstanding the provisions of Sections 22(2) hereof to the contrary, the maximum gross leasable area of all buildings and structures permitted within the C5 6 Zone shall not exceed 10,000 square metres.	CD
C5-8	Notwithstanding any provisions of this By law to the contrary, the maximum gross leasable floor area of all buildings and structures permitted within the C5 8 Zone shall not exceed 2,445 square metres.	CD
C5-9	<p>Notwithstanding the provisions of Clauses (37) and (127) of Section 4, and Subsection (1) of Section 22 hereof to the contrary, the lands designated C5-9 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: a shopping centre which contains one or more of the following uses:</p> <ul style="list-style-type: none"> . an art gallery; . an auditorium; . a bank; . a banquet hall; . a beverage room; . a business or professional office; . a clinic; . a commercial club; . a commercial school; . a dry cleaning or laundry outlet; . a florist shop; . a gasoline retail facility; . a home improvement store; 	CR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> . a laundromat; . a library; . a personal service shop; . a pet store; . a public use, in accordance with the provisions of Section 5(18) hereof ; . a recreational establishment; . a restaurant; . a restaurant; take out; . a retail nursery; . a retail store; . a taxi stand or bus stop <p>(ii) Definitions: For the purpose of the C5-9 zone the following definitions shall apply:</p> <p>(a) "Retail Store" means a building or part of a building, where a single user occupies a minimum gross leasable are of 5,000 square feet, and shall not exceed a maximum gross leasable area of 80,000 square feet, and where the principal use is the sale at retail of goods, wares, merchandise, substances, articles or things, but does not include a DEPARTMENT STORE, supermarket or any other establishment otherwise defined or specifically names elsewhere in Zoning By-law 76-26. Notwithstanding the foregoing, the aforesaid minimum gross leasable area shall not apply to Retail Stores devoted primarily to selling, displaying or storing food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto. The maximum gross leasable area of any retail store other than a supermarket devoted primarily to selling food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto shall be 3,000 square feet The portion of any other Retail Store other than a supermarket devoted to the sale, display and storage of food or food products shall not exceed a gross leasable are of 3.000 square feet</p> <p>(b) "Department Store" means a building occupied by a store primarily engaged in general merchandising at retail of a wide range of commodities organized into a number of individual departments within such building.</p> <p>(c) "Department Store Type Merchandise (DSTM)" means a category of retail sales which covers goods typically found in Canadian department stores, as well as those sold in specialty stores which focus on only one, or a few, of the merchandise lines found in department stores, including but not limited to general merchandise, apparel/accessories, household furnishings</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(hardware, furniture, appliances, electronics, lighting), drugs/cosmetics, books, stationary, cards, jewellery, sporting goods, luggage, pets/pet supply, art and garden centre but excluding food stores, eating/drinking establishments, liquor/beer/wine stores, automotive related stores, home improvement/ building supply centres and personal service facilities such as barber shops, beauty salons, dry cleaners and shoe repair outlets.</p> <p>(d) “Non-Department Store DSTM” means Department Store Type Merchandise (DSTM) found in a RETAIL STORE, other than a Department Store.</p> <p>(e) “Home Improvement Store” means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies and including retail outside storage.</p> <p>(iii) Gross Leasable Area (maxima):</p> <p>(a) Home Improvement Store: 137,000 square feet</p> <p>(b) Sale of Food and Food Products other than a supermarket: 18,000 square feet</p> <p>(c) Non-department store DSTM uses: 330,000 square feet</p> <p>(iv) Retail Store Uses:</p> <p>Notwithstanding the provisions of Section 22(3)(i)(ii)(a) hereof to the contrary, a maximum of 24,100 square feet of the total non-department store DSTM space permitted may be occupied by RETAIL STORES with a gross leasable area of less than 5000 square feet.</p> <p>(v) Phasing</p> <p>(a) Notwithstanding the provisions of Section 22(3)(i)(iii) hereof to the contrary, the following phasing provisions shall apply to the development of the permitted uses:</p> <p>(i) Phase 1 A Home Improvement Store: A maximum of 150,000 square feet . Gross Leasable Area of non-department store DSTM uses food and food product uses Other uses</p> <p>(ii) Phase 2 A maximum 91,000 square feet Gross Leasable Area of non-department store DSTM uses</p> <p>(iii) Phase 2 shall not proceed until:</p> <p>(a) all applicable municipal requirements have been complied with, including satisfactory demonstration that introduction of the additional non-department store DSTM space into the community will not result in significant and demonstrable levels of impact in the form of urban blight and/or service reductions that are clearly harmful to the planned functions of existing commercial areas in</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>the Township.</p> <p>(b) All necessary agreements, including the site plan agreement between the Township and the owner/developer, have been executed.</p> <p>(c) After conditions (a) and (b) above have been fulfilled to the satisfaction of the Township, development of the balance of the permitted Gross Leasable Area shall be allowed.</p> <p>(vi) More Than One Lot In The Zone For the purpose of interpreting the provisions of this zone, the lands zoned C5-9 on Schedule "A" hereto, shall be considered to be one lot, and the provisions of this zone shall apply to the C5-9 zone as a whole.</p>	
C5-10	<p>Notwithstanding any provision of this By-Law to the contrary the lands zoned 'C5-10' on Schedule 'A', shall be used in accordance with the permitted uses set out in Section 22(1) and may include an automobile centre as defined in this section. Development shall be in accordance with the provisions of Section 22(2) and the following special provisions:</p> <p>(i) Notwithstanding Section 22(2)(h), the maximum combined Gross Leasable Area of all permitted uses on the site shall be 23,000 square metres.</p> <p>(ii) Any supermarket shall have a maximum gross leasable floor area of 5600 square metres.</p> <p>(iii) Rear yard (minimum) 3.0 metres</p> <p>(iv) Parking Spaces (minimum) 5.0 parking spaces per 100 square metres of Gross Leasable Area</p> <p>(v) Parking Module Size Notwithstanding any provisions to the contrary, where the parking angle is 90 degrees, the stall length shall be a minimum of 6.0 metres, the aisle width shall be a minimum of 6.0 metres, the centre to centre width of a double row with an aisle in between be a minimum of 18.0 meters and shall permit 2-way movement.</p> <p>(vi) Access Notwithstanding Section 5(16)(d)(i)(b), for driveways used for combined ingress and egress, the minimum width shall be 16 metres, measured 6 metres from the property line.</p> <p>(vii) Minimum Setback along Major Arterials Notwithstanding Section 5(20), the minimum building or structure setback along Gardiner's Road and Taylor Kidd Boulevard shall be 50 feet plus the required front or exterior side yard.</p> <p>(viii) Automobile Centre a) For the purposes of this section only, an automobile centre shall be defined as an establishment for the minor servicing of vehicles such as oil changing facilities and related operations. The retail sales of products related thereto shall be permitted.</p>	CR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Vehicle bodywork and painting establishments, commercial garages, muffler shops, tire shops and similar uses shall not be permitted.</p> <p>b) Any automobile centre operation shall be within a wholly enclosed building.</p> <p>(ix) Service Bay Doors Any service bay doors associated with a permitted use shall not be oriented to directly abut a public street.</p>	
C5-11	<p>Notwithstanding Section 22 and Section 5(16) of this By-Law 76-26 to the contrary, the lands designated 'C5-11' to Schedule 'A' hereto shall be subject to the following provisions:</p> <p>(i) In addition to the permitted uses in Section 22(1) the following use shall be permitted: automotive service and repair</p> <p>(ii) Maximum Lot Coverage shall be 29%</p> <p>(iii) Maximum Aggregate Gross Leasable Floor Area shall be 17,873 square metres</p> <p>(iv) Minimum Rear Yard Setback: 5.4 metres</p> <p>(v) One freestanding commercial building may be constructed for the purpose of facilitating a permitted use within the 'C5' Zone</p> <p>(vi) The minimum parking ratio requirement shall be 4.38 spaces per 100 square metres of gross floor area.</p> <p>(vi) Notwithstanding any provisions of Subsection 5(16)(l) Parking Space Dimensions, Schedule 'C' to the contrary, the following dimensions shall apply:</p> <p>(a) A parking stall with a 90 degree Parking Angle shall have a minimum stall length (dimension 'C') of 6.1 metres;</p> <p>(b) An Aisle Width (dimension 'D') shall be a minimum of 6.1 metres on which two-way traffic shall be allowed.</p> <p>(vii) Notwithstanding any regulations in Zoning By-Law Number 76-26 to the contrary a Seasonal Outdoor Display and Sales Area shall be permitted from April 01 to November 30 with a maximum area of 670 square metres;</p> <p>(viii) Open storage shall be permitted with the following provisions applied:</p> <p>a) maximum aggregate area of 325 square metres</p> <p>b) open storage area shall consist of the garden centre and pallet storage areas</p> <p>(ix) A Loading Door and/or Garage Door shall not face front lot line unless fully screened in accordance with a Site Plan approved by the City of Kingston. Loading Door is defined as a door to allow the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials;</p>	CR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	and a Garage Door is defined as a door for the primary function of allowing automobiles into a building.	
C7-1	<p>Notwithstanding the provisions of Section 23A(1)(b) and Section 5(16)(a) hereof to the contrary, the lands designated C7 1 on Schedule "A" hereto may be used for a Physical Fitness and Racquet Sports Centre provided that such use is developed in accordance with the following provision:</p> <p>(i) Parking Requirements (minima): Racquet Sports Court 5 parking spaces per court Employee Parking 1 parking space per employee Exercise Room 1 parking space per 1.5 persons design capacity</p>	CA
C7-3	<p>Notwithstanding the provisions of Sections 5(16)(d), 23A(1)(b) and 23A(2)(j) hereof to the contrary, the lands designated C7 3 on Schedule "A" hereto may also be used for an automobile service station, a gasoline retail facility, a retail store, an automatic car wash facility and a warehouse accessory to a permitted retail store; provided that the lands are developed in accordance with the following provisions:</p> <p>(i) Gross Leasable Area (maximum) The maximum gross leasable area of all buildings and structures permitted within the C7-3 Zone shall not exceed 13,100 square metres.</p> <p>(ii) Access Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways used for combined ingress and egress at least 12 metres but not more than 15 metres in width measured along and at the streetline and within the property for the lesser of a distance of 20 feet beyond the landscaped strip or the initial row of parking spaces.</p> <p>(iii) Open Storage Open storage of goods and materials accessory to a permitted retail garden centre use shall be permitted in the yard adjacent to the garden centre use only.</p>	CR
C7-4	<p>Notwithstanding the provisions of Sections 23A(1) and 23A(2) hereof to the contrary, the lands designated C7-4 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: a bank; a trust company; a business or professional office; a clinic; a day nursery; a hotel; a place of entertainment; a freestanding restaurant; a take out restaurant; an institutional use; a cinema; a personal service shop; a private club; a dry cleaning or laundry outlet; a public use in accordance with the provisions of</p>	CR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Section 5(18) hereof; a speciality food store; a home improvement store; a home furnishing outlet; a toy/hobby store; a general merchandise store, excluding department stores or junior department stores; a liquor/beer/wine store; a drug store; a convenience store; a nursery/garden centre; a speciality retail store; an apparel store provided such apparel store contains a minimum gross floor area of 5,000 square feet</p> <p>(ii) Lot Area (minimum): 5.6 hectares</p> <p>(iii) Front Yard Depth (minimum): 13.7 metres</p> <p>(iv) Exterior Side Yard Width (minimum): 13.7 metres</p> <p>(v) Rear Yard Depth (minimum): 13.7 metres</p> <p>(vi) Lot Coverage (maximum): 25%</p> <p>(vii) Height Of Building (maximum): 6 storeys</p> <p>(viii) Gross Leasable Floor Area (maximum): 14,680 square metres</p> <p>For the purposes of this provision, "gross leasable floor area" shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.</p> <p>(ix) Landscaped Open Space (minimum) 10%, of lot area; such landscaped open space being provided on a pro rata basis with the construction of the gross leasable area.</p> <p>(x) Open Storage No open storage of goods or materials shall be permitted, save and except in conjunction with and for the sole purpose of a nursery/garden centre.</p> <p>(xi) Parking Area Location: Notwithstanding the provisions of Section 5(16)(j) hereof to the contrary, the required parking area shall not form part of any street, lane or required loading space but may be provided on a lot other than the lot occupied by the building, structure or use for which the said parking area is required. The required parking area shall also be located either in the same zone as the lot occupied by the building, structure or use for which the said parking area is required or within an abutting zone which permits a parking lot.</p>	
C7-5	<p>Notwithstanding the provisions of Subsections (1) and (2) and Clauses (i), (ii), (v) and (viii) of Subsection (3)(d) of Section 23A hereof to the contrary, the lands designated C7-5 on Schedule "A" hereto shall be used and developed in accordance with the provisions of the C7-4 zone except that the following provisions shall apply to the lands zoned C7-5:</p> <p>(i) Uses Permitted: a supermarket, in addition to the uses permitted in the C7-4 zone.</p> <p>(ii) Lot Area (minimum): 3 hectares</p>	CR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(iii) Rear Yard Depth (minimum): 7.5 metres (iv) Gross Leaseable Floor Area (maximum): 8,400 metres For the purposes of this provision, "gross leasable floor area" shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.	
C7-6	Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 23A for the 'C7' Zone shall apply to the 'C7-6' Zone except that: (a) Notwithstanding the provisions of the Section 23A(1)(b) hereof to the contrary, the lands designated 'C7-6' on Schedule "A" hereto may also be used for a retail store. (b) Rear Yard Depth (minimum): no rear yard is required. (c) Notwithstanding the provisions of Section 5(16)(e), a minimum of 34 off-street parking spaces shall be provided.	CR
D	Not Applicable	DR
D-5	Notwithstanding the provisions of Section 29 hereof to the contrary, the lands designated 'D-5' on Schedule 'A' hereto, shall only be used for access to a use permitted in the 'C2-73' Zone.	DR
EPA	Not Applicable	EPA
EPA-4	Notwithstanding the provisions of Sections 5(6)(c) and 7(1) hereof to the contrary, the lands designated EPA-4 on Schedule "A" hereto also may be used and developed for the purposes of one single family dwelling house in accordance with the following special provisions: (i) No portion of any buildings or structures shall be permitted below an elevation of 88.71 metres (291.04 feet) geodetic. (ii) Lot Area (minimum): 10 hectares (25 acres)	EPA
EPA-6	Notwithstanding the provisions of Section 7(1) hereof to the contrary, the lands designated EPA-6 on Schedule "A" hereto may also be used for the purposes of a golf course. Development of a golf course on the lands zoned as EPA-6-H shall not be permitted until such time as: (a) The following environmental and engineering investigations have been completed and demonstrate to the satisfaction of Township Council and all pertinent regulatory agencies that the golf course proposal will not have adverse environmental impacts: (i) Hydrology and hydraulic modelling to determine the extent of the 1:100 year flood plain associated with Little Cataraqui Creek. (ii) Determination as to what portion of golf course developments/infrastructure can be permitted in flood susceptible	EPA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>areas based on applicable policy and guidelines.</p> <p>(iii) Confirmation of the extent of wetlands; identify and assess impacts on wetland function and wetland area, and detail actions necessary to prevent or mitigate any impacts from development.</p> <p>(iv) A turf management plan and a determination of impacts on storm water quality due to use of chemicals.</p> <p>(v) A storm water quality plan detailing appropriate measures to ensure that storm water quality will not adversely impact or alter the wetland aquatic habitat, or ground water.</p> <p>(vi) A storm water quantity plan detailing anticipated increases in run off and measures to deal with such impacts.</p> <p>(vii) A water taking plan to address the irrigation of a golf course in a manner which will not adversely affect ground water supply and quality, and base flow in Little Cataraqui Creek.</p> <p>(viii) Ensuring the retention of natural vegetation along the creek banks with a minimum 15 metre buffer strip; a minimum 30 metre strip is required adjacent to the wetland areas.</p> <p>(ix) Development of detailed plans for any creek crossings in a manner which will not impede the flow of flood water.</p> <p>(x) A comprehensive erosion and sediment control plan for before, during and after development and construction phases.</p> <p>(xi) The identification, assessment and proposed management of the Cataraqui Clay Ridges, a feature of natural and scientific interest on the subject lands.</p> <p>(xii) An on-site waste and sewage disposal plan.</p> <p>(xiii) The identification and assessment of impacts of the golf course on the recreational facilities at the Little Cataraqui Creek Conservation area.</p> <p>(b) A permit under the Fill, Construction and Alteration to Waterways Regulation has been issued by the Conservation Authority.</p> <p>(c) A cultural heritage resource assessment prior to any earth disturbance has been prepared; said assessment to be conducted by an archaeological consultant licensed pursuant to the Ontario Heritage Act in accordance with the Archaeological Assessment Draft Technical Guidelines, and completed to the satisfaction of the Ministry of Culture, Tourism and Recreation.</p> <p>(d) Council has approved a golf course development plan showing the location of all buildings and structures to be erected and showing location of all facilities and works to be provided in conjunction therewith. Township Council may require the owner of the land to provide to the satisfaction of, and at no expense to the municipality, any or all of the following:</p> <p>(i) Facilities to provide access to and from the lands.</p> <p>(ii) Vehicular loading and parking facilities, access driveways, and</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>the surfacing of such areas and driveways.</p> <p>(iii) Walkways and other means of pedestrian access.</p> <p>(iv) Lighting, including flood lighting of the land or of any buildings or structures thereon.</p> <p>(v) Walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands.</p> <p>(vi) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.</p> <p>(vii) Easements for the construction, maintenance or improvement of water courses, ditches, land drainage or sanitary sewage facilities and other public utilities of the municipality.</p> <p>(viii) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water.</p> <p>(e) All applicable municipal and agency requirements related to (a), (b), (c) and (d) above have been complied with.</p> <p>(f) Any agreements required by the Township have been registered on title.</p> <p>(g) The " H" symbol has been removed and the related provisions repealed by amendment to this by-law.</p>	
EPA-9	<p>Notwithstanding any of the provisions of this by-law hereof to the contrary, the lands designated EPA-9 on Schedule "A" may also be used for the purpose of a miniature golf course provided that the said use is developed and operated in accordance with the following special provisions:</p> <p>(i) that no buildings be permitted;</p> <p>(ii) that structures and parking areas be at a minimum elevation of 85.2 metres geodetic;</p> <p>(iii) that a 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.</p>	EPA
I	Not Applicable	EPA
I-2	<p>Notwithstanding the provisions of Sections 13(2) and 5(22) hereof to the contrary, the lands designated I-2 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Frontage (minimum): 23 metres</p> <p>(ii) Interior Side Yard Width (minimum): 1 metre</p> <p>(iii) Water Setback (minimum): 1 metre</p>	UR2
I-3	<p>Notwithstanding the provisions of Section 5(14)(a) and Section 13(1) hereof to the contrary, the lands designated as I-3 on Schedule "A" hereto shall be used for no purpose other than a nursing home in accordance with the following provision:</p>	UR2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(i) Parking Requirements (minimum): 1.5 parking spaces per 4 beds or fraction thereof.	
I-4	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated as I-4 on Schedule "A" hereto shall be used for no other purpose other than a church in accordance with the following provisions:</p> <p>(i) Front Lot line: For the purposes of the I-4 Zone, the western boundary of the zone shall be deemed to be a front lot line.</p> <p>(ii) Interior Side Yard Width (minimum): 9 metres</p> <p>(iii) Rear Yard Depth (minimum): 10.5 metres</p> <p>(iv) Planting Strips: As part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.</p> <p>(v) Parking: (a) No parking shall be located within any required planting strip. (b) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required. (c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.</p>	UR2
I-5	<p>Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-5 on Schedule "A" hereto shall be used for no purpose other than a church and an accessory dwelling unit and development on these lands shall be subject to the following provision:</p> <p>(i) The planting of any shrubs or trees within 6.1 metres of the right-of way of Taylor Kidd Boulevard shall be prohibited.</p>	UR2
I-6	<p>Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-6 on Schedule "A" hereto may be used for a single family dwelling house accessory to a church, provided that such use is developed in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 6,272 square metres (67,518 square feet)</p> <p>(ii) Dwelling Unit Area (minimum): (a) Single family dwelling house 92 square metres (1000 square feet)</p>	UR2
I-7	<p>Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-7 on Schedule "A" hereto shall only be used and developed in accordance with the following special provisions:</p> <p>(i) Permitted Uses:</p>	UR2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a Commercial School offering elementary education to children in kindergarten through Grade 8; a public use in accordance with the provisions of Section 5(18) hereof.</p> <p>(ii) Lot Area (minimum): 0.9 hectares (iii) Lot Frontage (minimum): 121 metres.</p> <p>For the purposes of this Section only, the Woodbine Road frontage shall be considered as the Lot Frontage.</p> <p>(iv) That any addition to the existing building located on the lands Zoned '1-7' shall be constructed in accordance with the requirements of Section 17 (2) of this By-law.</p>	
I-8	<p>Notwithstanding the provisions of Section 13(1)(a), and Section 13(1)(b), hereof to the contrary, the lands designated as "I-8" on Schedule "A" attached hereto shall be used for no other purpose than a school or a public use.</p>	<p>- 1477 Sydenham Road: HAM - 1028 Unity Road: RU</p>
I-9	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated I-9 on Schedule "A" hereto shall be used for no purposes other than municipal fire and policing services and development on these lands shall be in accordance with the following special provision:</p> <p>(i) Driveway width (maximum) 21.34 metres (70 feet)</p>	RU
I-11	<p>Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as 'I-11' on Schedule "A" hereto shall be developed in accordance with the following special provisions:</p> <p>(i) That notwithstanding the provisions of Section 17(1) (b), the uses on the site shall also include a Call-Centre and General Office Uses.</p> <p>(ii) That notwithstanding the provisions of Section 5(16)(d)(i), the current shared driveway with Centre 70 shall be the permitted access into Call-Centre.</p>	OS2
I-12	<p>Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 17 for the 'I' Zone shall apply to the 'I-12' Zone except that:</p> <p>(a) Uses Permitted: Institute Nursing home Associated row dwelling house Accessory uses to be located within and related to the institute or nursing home to service only the residents, employees or visitors to the institute, nursing home and associated row dwelling houses</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>including a day nursery, a medical clinic, personal service shop, a business or professional office, pharmacy, banking facility, convenience store, coffee shop, recreational uses, chapel and dining facilities.</p> <p>(b) Height Of Building (maximum): 16 metres (c) Dwelling Units Per Lot (maximum): 23</p> <p>2. The '-H' Symbol shall only be removed once the following conditions have been complied with:</p> <p>(i) Archaeological Assessment and Environmental Site Assessment to the satisfaction of the City; (ii) All applicable Municipal and Agency requirements have been complied with; (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and, (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act.</p>	
M1-1	<p>Notwithstanding any provisions to this By-law hereof to the contrary, the lands designated as M1-1 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: Uses which are or may become obnoxious or offensive by reason of emission of odour, smoke, dust, noise, gas, fumes, cinders, vibration, refuse matter or water carried waste or which are or may become explosive, are specifically excluded. Subject to this qualification, the following uses are permitted:</p> <ul style="list-style-type: none"> - an accessory dwelling unit - a bakery - a business office - an equipment rental establishment - a factory outlet - a farm equipment sales establishment - a garden centre - an industrial mall - a manufacturing plant - a merchandise service shop - a personal service shop - a photographic establishment - a printing establishment - a public use - a recreational vehicle sales establishment - a showroom - a veterinary establishment - a warehouse <p>(ii) Number of Buildings per Lot: (a) No more than one building shall be located on a lot unless the</p>	M5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Corporation has approved plans showing all existing buildings, access, parking facilities, and other site features located on the lot and the proposed alterations and improvements of such features that will ensure that the additional building(s) will not detrimentally affect vehicular access, vehicular circulation, and will be properly integrated with other building(s) on the lot.</p> <p>(b) Where additional building(s) are proposed, all buildings shall conform to the provisions of the By-law and the distance between buildings shall be equal to the average height of the buildings concerned, but in no case shall the distance between buildings be less than 7.5 metres.</p> <p>(iii) Open Storage:</p> <p>(a) No person shall use any lot or part thereof for outside storage, sales, rental or display unless an area which has been specifically designed and set aside for such purpose and is fully integrated with the main use of that lot has been approved by the Corporation pursuant to Section 40 of the Planning Act, R.S.O. 1983.</p> <p>(b) Open storage shall not exceed forty percent (40%) of the lot area.</p> <p>(c) No open storage area shall be located within any required yard which abuts a residential use or residential zone boundary.</p> <p>(d) No open storage shall be located within six (6) metres of a street line.</p> <p>(iv) Planting Strips:</p> <p>(a) As part of any required yard, three (3) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.</p> <p>(b) Notwithstanding subparagraph (a) above, as part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip where a lot or any portion thereof abuts Highway No. 15 or a Special Restricted Rural (A1-14) Zone.</p> <p>(c) Notwithstanding subparagraphs (a) and (b) above, a planting strip is not required in an interior side yard which abuts an Industrial Zone.</p> <p>(v) Illumination:</p> <p>(a) No strings of lights shall be permitted.</p> <p>(b) Illumination shall not cause direct or indirect glare on a street that may interfere with pedestrian or traffic safety nor cause direct or indirect glare on land or buildings in a residential zone or used for residential purposes.</p> <p>(c) Illumination, except that required for the operation of a business or for security reasons, shall cease no later than 10:00 p.m. daily except in the case of a business remaining open later,</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>in which case, illumination shall cease when the business closes to the public.</p> <p>(vi) Parking:</p> <p>(a) One row of visitor or executive parking, and an aisle providing ingress and egress thereto, shall be permitted in a front yard provided the row does not extend beyond the extremities of the front wall of the building or each building, if more than one, and provided that no parking or aisle shall be located closer than 6 metres from the front line.</p> <p>(b) No parking shall be located within any required yard which abuts a residential use or a residential zone boundary.</p> <p>(c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.</p> <p>(d) Buffer planting shall be used to conceal parking areas in the front yard; and, plantings and/or fence and planting combinations may be used in side and rear yards. Where appropriate such buffering may form part of the required planting strip.</p> <p>(e) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required.</p> <p>(f) Parking Requirements (minimum):</p> <p>Type of Use Number of Parking Spaces</p> <p>Bakery 2.7 per 100 square metres of gross floor area</p> <p>Equipment Rental Establishment 5.4 per 100 square metres of gross floor area</p> <p>Factory Outlet 5.4 per 100 square metres of gross floor area</p> <p>Farm Equipment Sales 2.7 per 100 square metres of gross floor area</p> <p>Garden Centre 5.4 per 100 square metres of gross floor area</p> <p>Industrial Mall 5.0 per 100 square metres of gross floor area</p> <p>Manufacturing Plant 2.7 per 100 square metres of gross floor area</p> <p>Photographic Establishment 4.0 per 100 square metres of gross floor area</p> <p>Printing Establishment 4.0 per 100 square metres of gross floor area</p> <p>Recreational Vehicle Sales 2.7 per 100 square metres of gross floor area</p> <p>Showroom 5.4 per 100 square metres of gross floor area</p> <p>Veterinary Establishment 8.5 per 100 square metres of gross floor area</p> <p>Warehouse 2.7 per 100 square metres of gross floor area</p> <p>(vii) Special Provision:</p> <p>For the purposes of the M1-1 Zone a "Manufacturing Plant" means an establishment primarily engaged in the processing,</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	altering, finishing, refinishing or assembly or similar production of various articles, commodities or things.	
M1-3	Notwithstanding the provisions of Section 24(1)(b) hereof to the contrary, the lands designated M1-3 on Schedule "A" hereto shall be used for no purpose other than: a manufacturing plant, a fabricating plant; a retail outlet, a wholesale outlet or a business office accessory to a permitted use listed in this clause.	RM1
M1-4	Notwithstanding the provisions of Sections 24(1) and 24(2) hereof to the contrary, the lands designated M1-4 on Schedule "A" hereto shall be used for no purpose other than a cartage or transport yard, or a public use, and such uses shall be developed in accordance with the following special provisions: (i) Lot Area (minimum): 6 hectares (15 acres) (ii) Required Yards (minima): 61 metres (200 feet), except that where a lot abuts an Industrial zone the minimum required yard requirements shall be in accordance with the provisions of Section 24(2)(c)(ii) hereof. (iii) Restrictions Adjacent to Creek: No building or structure shall be erected or altered within 15.24 metres (50 feet) of the centre line of the tributary of Glenvale Creek, except with the approval of the local Conservation Authority.	RM1
M1-7	Notwithstanding the provisions of Article (13)(a) of Section 5 and Article (1)(b) of Section 24 hereof to the contrary, the lands designated M1-7 on Schedule "A" hereto shall be used for no purpose other than: a cartage or transport yard; a commercial garage; a parking lot; a public garage; a public use in accordance with the provisions of Section 5(18) hereof; a retail outlet, a wholesale outlet or a business office accessory to a permitted use; a service shop; manufacturing plant; assembly plant, and a warehouse. Such lands shall be used in accordance with the following provision: (i) Access To Improved Street: No person shall erect any building or structure unless the lot, upon which such building or structure is proposed to be located, is provided with access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, from such lot to an improved street.	CA
M1-8	Notwithstanding the provisions of Section 24(1) to the contrary, the lands designated 'M1-8' on Map 1 of Schedule "A" hereto may be used in accordance with the following special provisions: (i) Notwithstanding the provisions of Sections 24(1) and 24(2), the lands designated as M1-8 on Schedule 'A' shall be used only for the following uses:	RM1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> • a cartage and transport yard; • a contractor’s yard; • an open storage use; • topsoil screening; and • a public use <p>(ii) Lot Area (minimum): 6 hectares (15 acres) (iii) Required yard (minimum): 61 metres (200 feet) Except that where the lot abuts an Industrial Zone the minimum required yard shall be in accordance with the provisions of 24(2) (c) of the By-law.</p>	
M1-9	<p>The lands designated as ‘M1-9’ located on the south side of McAdoo’s Lane and known municipally as 1351 McAdoo’s Lane shall be developed in accordance with the following provisions:</p> <p>(a) Uses Permitted: No person shall within the ‘M1-9’ Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses as set out in Section 24(1) of this By-Law. All uses as set out in Section 24(1) shall be permitted while the ‘-H’ Holding Symbol is in place.</p> <p>(b) Zone Provisions: No person shall within the ‘M1-9’ Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions of Section 24(2) of this By-Law and sub-section (c) below.</p> <p>(c) Holding Provision: The lands designated as ‘M1-9’ shall be subject to a ‘-H’ Holding provision. The use and removal of the ‘-H’ Symbol shall be in accordance with the provisions of Section 6(6) of this By-Law. Notwithstanding the provisions of Sections 24(1) and 24(2) of this By-Law, any existing or proposed industrial use on the lands zoned ‘M1-9-H’ shall not be permitted to draw ground water for the said use until such time as the ‘-H’ Holding Symbol has been removed. The ‘-H’ Symbol shall not be removed until such time as a detailed hydro-geologic study has been completed to demonstrate that ground water quality and quantity is sufficient to meet the needs of the uses on the subject lands and adjacent properties.</p>	RM1
M1-10	<p>Notwithstanding the provisions of Section 24(1) to the contrary, the lands designated ‘M1-10’ on Map 1 of Schedule “A” hereto shall only be used in accordance with the following special provisions:</p> <p>(ii) In addition to the uses permitted by Section 24(1) of this By-law, the following uses shall also be permitted: Self-Service Storage Facility; and</p>	RM1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Open Storage – Self Service Storage Facility;</p> <p>(iii) For the purposes of this Section, the following definitions shall apply:</p> <p>i. Self-Service Storage Facility: means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles. Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.</p> <p>ii. Open Storage – Self-Service Storage Facility: No open storage of goods or materials shall be permitted in a self-storage facility, except in accordance with the following provisions:</p> <ol style="list-style-type: none"> 1. Every open storage use shall be accessory to the main use of the Self-Service Storage Facility use and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles. 2. Every open storage use shall comply with the yard setback provisions of Section 5(20) and Section 24(2)(c)(ii) hereof as if such open storage use were a building or structure provided, however that such use complies with paragraph (i) above. 3. Every open storage use shall be limited to an area approved through the Site Plan Control process. 4. Notwithstanding (ii) above, no open storage use shall be located in a front yard, interior side yard or rear yard which abuts a Residential Zone or a Development 'D' Zone. 5. Every open storage use shall be enclosed within a fence consisting of at least eight-wire farm fence which is maintained in good condition. <p>iii. Recreational Vehicle: means any vehicle, or portable structure designed to be towed or carried by a vehicle, which is used for temporary recreational travel and/or accommodation and shall include motor homes, camper trailers, converted buses, boats and boat trailers or similar equipment.</p>	
M2-2	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-2 on Schedule "A" hereto may be used for a public garage.	M2
M2-4	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-4 on Schedule "A" hereto may be used for an equipment rental establishment.	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
M2-7	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-7 on Schedule "A" hereto may be used for a body shop.	M2
M2-8	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-8 on Schedule "A" hereto may be used for an animal hospital.	M2
M2-9	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-9 on Schedule "A" hereto may be used for a restaurant.	M2
M2-10	Notwithstanding the provisions of Section 25(1)(b) hereof to the contrary, the lands designated M2-10 on Schedule "A" hereto may be used for a commercial garage.	M2
M2-15	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-15 on Schedule "A" hereto may be used for a recreational establishment, a commercial club, a restaurant accessory to the recreational uses, and notwithstanding the generality of the foregoing may also be used for a roller rink, discotheque, an arcade, a games room and a tennis court.	M2
M2-16	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-16 on Schedule "A" hereto may be used for an existing business office and an existing professional office.	M2
M2-17	<p>Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-17 on Schedule "A" hereto may be used for: (80 26)</p> <ul style="list-style-type: none"> an open air market for the sale of fruits, vegetables, meat, fish, plants, flowers, antiques, crafts, artwork and other related items; a recreational establishment; a commercial club; a restaurant accessory to a permitted use listed in this special M2-17 Zone. <p>Notwithstanding the generality of the foregoing, the lands designated M2-17 on Schedule "A" may be used for a roller rink, discotheque, an arcade, a games room and a tennis court except that the sale or serving of alcoholic beverages shall be prohibited.</p>	M2
M2-21	<p>Notwithstanding the provisions of Section 25(1)(b) or Section 5(6)(b) of this By-Law to the contrary, the lands designated M2-21 on Schedule "A" hereto shall be used and developed in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) Permitted Uses: <ul style="list-style-type: none"> a business or professional office; 	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a private club; an assembly plant; a fabricating plant; a manufacturing plant; a processing plant; a public use, in accordance with the provisions of Section 5(18) hereof; a retail outlet, a wholesale outlet or a business office accessory to a permitted use; a service shop; a warehouse.</p> <p>(ii) Restrictions Adjacent To Flood Plains: (a) All exterior openings of all buildings shall be located above the minimum elevation of 85.1 metres geodetic surveys of Canada. (b) No building or structure shall be erected or altered within 6.5 metres (21.3 feet) of a flood plain except with the approval of the local Conservation Authority. No open storage shall be permitted on the property.</p>	
M2-22	<p>In addition to the uses permitted in Section 25(1)(b) and notwithstanding the provisions of Section 5(6)(b) of this By-Law to the contrary, the lands zoned M2-22 on Schedule "A" hereto may also be used for a business or professional office, a union hall, a free-standing restaurant, a church, a commercial school, an animal hospital, a clinic, a health club and such uses shall be developed in accordance with the following special provision: (i) Restrictions Adjacent To Flood Plains: No building or structure shall be erected or altered within 60 metres (200 feet) of a floodplain except with the approval of the local Conservation Authority.</p>	M2
M2-23	<p>Notwithstanding any provision of this By law to the contrary, the lands designated M2-23 on Schedule "A" hereto also may be used for a business or professional office and a clinic, and such lands shall be used in accordance with the following special provision: (i) Parking Requirements (minimum): Clinic, The greater of: (a) 8 parking spaces per full time practitioner, or (b) 1 parking space per 16.7 square metres (180 square feet) of gross floor area. (ii) Restrictions Adjacent To Flood Plains: No building or structure shall be erected or altered within 60 metres (200 feet) of a flood plain except with the approval of the local Conservation Authority.</p>	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
M2-24	Notwithstanding the provisions of Subsection (1) of Section 25 hereof to the contrary, the lands designated M2-24 on Schedule "A" hereto also may be used for the purpose of a Commercial Club for health, fitness and training and accessory uses thereto, which accessory uses may include, but not necessarily be limited to, an indoor swimming pool, facilities for serving light refreshments, professional offices and personal service shops.	M2
M2-25	Notwithstanding the provisions of Subsections (1) and (2) of Section 25 hereof to the contrary, the lands designated M2-25 on Schedule "A" hereto also may be used for the purpose of a health club provided that no portion of a health club use shall be located within 50 metres of the railway right of way, except with the written approval of Canadian National.	CA
M2-26	Notwithstanding the provisions of Subsections (1) and (2) of Section 25 hereof to the contrary, the lands designated M2-26 on Schedule "A" hereto also may be used for the purpose of a health club, and a food catering business and associated freestanding restaurant, in accordance with the following special provision: (i) Gross Floor Area (maximum): The gross floor area of the freestanding restaurant shall not exceed 185.8 square metres (2,000 square feet).	M2
M2-27	Notwithstanding any provisions of Section 25(1) hereof to the contrary, the lands designated M2-27 on Schedule "A" hereto also may be used for a commercial garage and an automobile body shop.	M2
M2-28	Notwithstanding the provisions of clause (b) of Section 25(1), and clause (c) of Section 25(2) hereof to the contrary, the lands designated M2-28 on Schedule "A" hereto may also be used for a business or professional office, a restaurant, a freestanding restaurant, and a take-out restaurant, provided that the aforementioned uses are developed and operated in accordance with the following special provisions: (i) Front Yard Depth (minimum): 20 feet (ii) Exterior Side Yard Width (minimum): 20 feet	M2
M2-29	Notwithstanding the provisions of Sections 25 (1) to the contrary, the lands designated 'M2-29' on Map 5 of schedule "A" hereto may also be used in accordance with the following special provisions: (i) The permitted uses set out in Section 25 (1) (b) shall also include the following uses: (a) a warehouse, in which goods, wares, merchandise, substances, articles or things are stored and displayed in a warehouse format and offered for sale, at wholesale or retail, to	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>other dealers, retail outlets, collectors and the general public, but shall not include a retail store as defined elsewhere in this By-Law. The retail sales shall not exceed forty-nine per cent (49%) of the total value of sales on the property;</p> <p>(b) a lunch counter, intended to serve primarily the customers of the uses permitted on the property, provided such lunch counter does not occupy a floor area in excess of 45 square metres and is located within the walls of the building in existence on the day of the passing of this By-Law;</p> <p>(c) a seasonal outdoor market for fruits, vegetables, antiques and crafts.</p> <p>(ii) Notwithstanding the provisions of Section 5 (16) (c) of this By-Law, a maximum of two (2) on-site parking spaces may be located within 25 feet of the street line.</p>	
M2-30	<p>Notwithstanding any provisions of Section 25 (1) hereof to the contrary, the lands zoned 'M2-30' on Schedule "A" hereto, may also be used for a medical clinic.</p>	M2
M3-1	<p>Notwithstanding the provisions of Section 26(1) and Section 26(2)(c)(ii) of this By-law to the contrary, the lands designated as "M3-1" on Schedule "A" attached hereto shall only be used for the following uses: a contractor's or a tradesman shop; a workshop; an accessory sales outlet, provided that such items for sale are manufactured on the property where the sales outlet is located, a public use in accordance with the provisions of Section 5(18) hereof; development shall be in accordance with the following provisions:</p> <p>(i) Maximum Building Coverage: 5000 square feet</p> <p>(ii) Maximum Open Storage Coverage: 2000 square feet</p> <p>(iii) Front yard</p> <p>(a) abutting an industrial or agricultural zone: 25 feet</p> <p>(b) abutting any other zone: 80 feet</p> <p>(iv) Side yard</p> <p>(a) abutting an industrial or agricultural zone: 20 feet</p> <p>(b) abutting any other zone: 40 feet</p> <p>(v) Rear yard</p> <p>(a) abutting an industrial or agricultural zone: 25 feet</p> <p>(b) abutting any other zone: 50 feet</p>	RM1
M3-2	<p>Notwithstanding the provisions of Section 26(1) to the contrary, the lands designated M3-2 on Map 5 of Schedule "A" attached hereto shall be used in accordance with the following special provisions:</p> <p>(i) In addition to the provisions of Section 19(1)(b) hereof to the contrary, the lands designated M3-2 on Schedule 'A' attached hereto may be used for one or more of the following:</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> - a commercial club - a private club - a recreational establishment 	
M3-3	<p>Notwithstanding the provisions of Section 26(2) to the contrary, the lands designated 'M3-3' on Map 3 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) Lot Frontage (minimum): 100 feet (ii) Accessory Dwelling house front yard depth (minimum): 15 feet (iii) Interior side yard width for industrial garage along southern interior lot line abutting M3 zone (minimum): 17 feet 	RM1
M4-1	<p>Notwithstanding the provisions of Section (27)(1) hereof to the contrary, the lands designated M4-1 on Schedule "A" hereto may also be used for a lumber yard, a cartage or transport yard, a waste processing site and a waste transfer station provided that said uses are developed and operated in accordance with the following definitions and provisions:</p> <ul style="list-style-type: none"> (i) "Waste Processing Site" means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal. (ii) "Waste Transfer Station" means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site. (iii) The provisions of Section 27(2) hereof shall apply. 	RM2
M4-3	<p>Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule "A" attached hereto may be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:</p> <ul style="list-style-type: none"> (i) "Waste Processing Site" means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal. (ii) "Waste Transfer Station" means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from 	M5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.</p> <p>b) Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule “A” attached hereto the following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.</p> <p>c) Notwithstanding the provision of Section 27(2), the lands designated Special Disposal Industrial ‘M4-3’ Zone on Schedule “A” attached hereto, shall be used in accordance with the Zone Provisions of the Restricted General Industrial ‘M6’ Zone, Section 28A(2).</p> <p>d) Notwithstanding any provisions to the contrary the maximum amount of waste to be received at lands designated ‘M4-3’ is limited to the following:</p> <ul style="list-style-type: none"> • Liquid industrial waste, including hazardous liquid waste: 125,000 litres per day • Non-hazardous solid waste: 100 tonnes <p>e) Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands designated ‘M4-3’.</p> <p>f) Notwithstanding any provisions to the contrary the maximum amount of waste that may be stored at lands designated ‘M4-3’, at any time is limited to:</p> <ul style="list-style-type: none"> • 125,000 litres of non-hazardous industrial waste and hazardous liquid waste; • 6 tonnes of solid waste consisting of residual waste and hazardous liquid waste; • 94 tonnes of non-hazardous or hazardous solid waste. <p>g) Notwithstanding any provisions to the contrary the storage of waste is further limited to the following:</p> <ul style="list-style-type: none"> • ninety six (96) 205 litre drums and/or twenty four (24) 1,000 litre totes and/or twenty four (24) 1,000 litre skids for transfer/temporary storage and/or processing of non-flammable liquids stored inside the processing building; • ninety-six (96) 205 litre drums for transfer and temporary storage of flammable liquids stored outside of the processing building and in accordance with the Ontario Fire Code and National Fire Code of Canada. • Four (4) tanks located within the beamed area of the processing building for transfer/processing and temporary storage of oily wastes, oils and concentrates from the evaporator and having the following storage capacities: <p>a) Tank 1: 35,000 litres;</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	b) Tank 2: 35,000 litres; c) Tank 3: 35,000 litres and d) Tank 4: 13,000 litres • Solid waste shall be stored within the confines of the processing building.	
M5	Not Applicable	EPA
M5-1	Notwithstanding the provisions of Section 28(1)(b) hereof to the contrary, the lands designated M5-1 on Schedule "A" hereto may be used for an aggregate screening operation, an asphalt plant, a concrete batching plant, a crushing plant or any combination of the foregoing uses.	MX1
M6-4	Notwithstanding any provisions of this By law to the contrary, the lands designated M6-4 on Schedule "A" hereto may be used as a contractor's or tradesman's shop or yard or as an establishment for the sale, service and rental of construction equipment in accordance with the following provisions: (i) Lot Area (minimum): 2,000 square metres (ii) Lot Frontage (minimum): 30.5 metres.	M2
M6-5	Notwithstanding any provisions of this By law to the contrary, the lands designated M6-5 on Schedule "A" hereto may be served by a public water system and a private sewer system and may be used for one or more of the following uses: a transportation depot a vehicle rental establishment.	M1
M6-6	Notwithstanding Section 28A(1)(b) hereof to the contrary, the lands designated M6-6 on Schedule "A" hereto may be used for the following purposes: a bank or financial institution a factory retail outlet accessory to any manufacturing establishment a bottling, food packaging or processing plant an apparel or finished textile plant a manufacturing plant a processing plant an assembling plant a newspaper or printing and binding plant an industrial supply operation business offices and/or training facilities related to industry and commerce to a maximum of 25% of the gross mall area an ambulance dispatch facility a warehousing and/or wholesale establishment a restaurant offices ancillary to the use of the individual tenant's portion of the	M1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	building an ancillary retail use, including showrooms and display provided that such use is limited to a maximum of 30% of the total area of the individual tenant's portion of the building; a public use in accordance with the provisions of Section 5(18) hereof including a fire hall and post office.	
M6-7	Notwithstanding any provisions of this By law to the contrary, the lands designated M6-7 on Schedule "A" hereto may be used as a contractor's or tradesmen's shop or yard in accordance with the following provisions: (i) Lot Area (minimum): 2,000 square metres (ii) Lot Frontage (minimum): 30.5 metres (iii) Front Yard Depth (minimum): 2.8 metres	M2
M6-8	Notwithstanding the provisions of Sections 28A(1) and 28A(2) hereof to the contrary, the lands designated M6-8 on Schedule "A" hereto may be served by a public water system and a private sewerage system, and may be used for a transportation depot, a vehicle rental establishment, and a Truck Stop in accordance with the following provisions: (i) Gross Floor Area Of Truck Stop (a) the maximum gross floor area of a Truck Stop permitted within the M6-8 Zone shall not exceed 3,450 square metres; and, (b) the total gross floor area of all accessory retail uses permitted within a Truck Stop shall not exceed 180 square metres.	M1
M6-9	Notwithstanding the provisions of Sections 28A(1) and 28A(2) hereof to the contrary, the lands designated M6-9 on Schedule "A" hereto may be used for a Freestanding Restaurant in accordance with the following provision: (i) Gross Floor Area (maximum): 25 square metres	M2
M6-10	Notwithstanding the provisions of Section 28(A) hereof to the contrary, the lands designated M6-10 on Schedule "A" hereto may also be used and developed in accordance with the following provisions: (i) Non-Residential Uses a. a bottling, food packaging or processing plant; b. an apparel or finished textiles plant; c. a bonded warehouse or custom brokers; d. a newspaper or printing and binding plant; e. a wholesale establishment; and f. a self-service storage facility (ii) Minimum Lot Area 0.9 acres (iii) Minimum Lot Frontage 110 feet (iv) Minimum Front Yard:	M1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>a) self-storage facility: 295 feet b) all other uses: 50 feet (v) Minimum Interior Side Yard (along common side yard line between 1240/1250 Gardiners Road and 1234 Gardiners Road only): 5 feet (vi) Self-Service Storage Facility: for the purposes of this Section, a self-service storage facility shall mean a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited. (vii) Any development on 1240/1250 Gardiners Road or 1234 Gardiners Road requiring a Site Plan Agreement or a Modified Site Plan Agreement shall require the said Agreement to be between the City of Kingston, the Owner(s) of 1240/1250 Gardiners Road and the Owner(s) 1234 Gardiners Road.</p>	
M6-13	<p>Notwithstanding the provisions of Subsection (1) of Section 28A hereof to the contrary, the lands designated M6-13 on Schedule "A" hereto shall be permitted an accessory retail use in accordance with the following provision: (i) Maximum permitted accessory retail space: 360 square feet</p>	M1
M6-14	<p>Notwithstanding any provisions of Section 28 hereof to the contrary, the lands designated as M6-14 on Schedule "A" hereto shall be developed in accordance with the following special provisions: i) That notwithstanding the provisions of Section 28A(1) hereof to the contrary, the lands designated 'M6-14' on Schedule "A" hereto may also be used for the following purposes: (a) A transportation depot (b) A retail outlet, wholesale outlet or a business office accessory to a permitted use (c) A cartage or transport yard (ii) That notwithstanding the provisions of 28A(1) and 28A(2) to the contrary, the use of the lands designated 'M6-14" on Schedule "A" hereto shall also be restricted as follows: (a) There shall be no underground fuel or chemical storage; (b) There shall be no outside storage of any material which may leach contaminants to the surface water if exposed to precipitation;</p>	M1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(c) There shall be no outside storage, washing or maintenance of vehicles or equipment without paved surfaces and oil/water interception;</p> <p>(d) All runoff from paved traffic surfaces must be directed to storm sewers and not allowed to infiltrate into the ground.</p>	
M6-15	<p>Notwithstanding any provisions of Section 28A(1) to the contrary, the lands designated 'M6-15' on Schedule 'A' attached hereto, may also be used in accordance with the following:</p> <p>(i) a transportation depot;</p> <p>(ii) a vehicle rental establishment;</p> <p>(iii) an accessory showroom, display area, and/or retail space associated with the following uses:</p> <p>a) an assembly plant, a fabricating plant, a manufacturing plant, or a processing plant for the advertising and sale of goods produced on-site within the primary use; or</p> <p>b) a warehouse.</p> <p>(iv) Maximum Floor Area The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:</p> <p>a) 25% of the gross floor area of an individual tenant's unit of the building, or</p> <p>b) 190 square metres of the individual tenant's unit of the building.</p>	M1
M6-17	<p>Notwithstanding any provisions of Section 28A(1) to the contrary, the lands designated 'M6-17' on Schedule 'A' attached hereto, may also be used for the following additional uses:</p> <p>i) a business office and/or training facilities related to industry and commerce;</p> <p>ii) a custom workshop;</p> <p>iii) an industrial supply operation;</p> <p>iv) an institutional use;</p> <p>v) a transportation depot (to be located within the General Industrial Designation 90-120 metres from the front property line)</p> <p>v) a warehouse and/or wholesale establishment; and</p> <p>vii) Maximum Floor Area The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:</p> <p>a) 25% of the gross floor area of an individual tenant's unit of the building, or</p> <p>b) 280 square metres of the individual tenant's unit of the building.</p>	M1
M6-18	<p>Notwithstanding the provisions of Section 28(1) to the contrary, the lands designated 'M6-18' on Map 3 of Schedule "A" hereto shall only be used in accordance with the following special</p>	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>provisions:</p> <p>(iv) In addition to the uses permitted by Section 28(1) of this By-law, the following uses shall also be permitted: transportation depot; and vehicle and automotive repair.</p> <p>(v) Prohibited Uses: retail sale of automotive parts, fluids and accessories.</p> <p>(vi) For the purposes of this Section only, the following definition shall apply: vehicle and automotive repair establishment: shall mean minor repairs, incidental replacement of parts and motor service to vehicles, automobiles and trucks.</p> <p>(vii) Notwithstanding any provisions of this By-law to the contrary, the vehicle and automotive repair use shall be restricted to 25% of the gross floor area permitted on the subject site.</p>	
M6-19	<p>Notwithstanding the provisions of Section 28A hereof to the contrary, on the lands designated 'M6-19' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>i) Permitted Uses: In addition to the provisions of Section 28A(1), the permitted uses shall also include: a. Accessory Wholesale Establishment; and b. Accessory Retail Use.</p> <p>ii) Maximum Gross Floor Area: The maximum combined gross floor area which may be devoted to an accessory wholesale use and/or accessory retail outlet use shall be equal to or lesser than the following: a) 25% of the gross floor area of an individual tenant's unit within the building.</p> <p>iii) Prohibited Uses: a. Accessory Dwelling Unit</p> <p>iv) Lot Area (minimum): 0.5 acres v) Lot Frontage (minimum): 100 feet Parking: In accordance with the provisions of Section 5(16) hereof.</p>	<p>- 1020 Gardiners Rd, 630 Fortune Cres: M1 - 505 O'Connor Dr, 607 Norris Crt, 590-598 Cataraqui Woods Dr, 620-626 Cataraqui Woods Dr: M2</p>
M6-20	<p>Notwithstanding the provisions of Section 28A(1) to the contrary, the lands Zoned 'M6-20' on Map 1 of Schedule "A" hereto shall only be used in accordance with the following special provisions:</p> <p>(i) Prohibited Uses: Accessory Dwelling Unit Dry-Cleaning, Laundry Plant</p> <p>(ii) Maximum Lot Coverage: 10%</p> <p>(iii) Notwithstanding Section 28A(1)(iii) to the contrary, open storage shall be permitted in the front yard with a minimum</p>	RM1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>setback of 15 metres from the property line abutting a public road. The open storage shall be screened with a continuous vegetated berm along the west property line and portion of the north property line abutting the residential use. The screening shall be in conformity with the regulations of the Restricted General Industrial 'M6' Zone.</p>	
M6-21	<p>Notwithstanding any provisions to the contrary, the lands zoned 'M6-21' on Map 3 of Schedule 'A' to By-Law Number 2006-107 may also be used in accordance with the following special regulations:</p> <p>(i) In addition to the uses permitted in Section 28A(1) and 28A(3)(b) of By-Law Number 76-26, the following uses shall also be permitted: Recreational uses, including an arena; Free-standing restaurant; and Accessory uses to the recreational uses including but not limited to a medical clinic, an office, meeting rooms, pro-shop, restaurant and coffee shop, provided such uses are ancillary to the main recreational use of the site.</p> <p>(ii) For the purposes of this Section, a recreational use shall be defined as a building, structure or lot used for such uses as an arena, outdoor playing fields (including such uses as, but not limited to, soccer fields, tennis courts, or skateboard park), field house, indoor or outdoor pool, or fitness facility.</p> <p>(iii) Recreational uses may be located in more than one main building on the site.</p> <p>(iv) Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 30 m² of gross floor area.</p>	M1
M6-22	<p>Notwithstanding the provisions of Section 28A hereof to the contrary, on the lands designated 'M6-22' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>vi) Permitted Uses: In addition to the provisions of Section 28A(1), the permitted uses shall also include: a. Accessory Wholesale Establishment; and b. Accessory Retail Use, for the purpose of selling motor homes and travel trailers only.</p> <p>vii) Prohibited Uses: a. Accessory Dwelling Unit; and b. Automotive Centre.</p>	M1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
OS-2	Notwithstanding the provisions of Section 8(1)(b) hereof to the contrary, the lands designated OS-2 on Schedule "A" hereto may be used for a rifle and pistol club, including a firing range.	RM2
OS-3	Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated OS-3 on Schedule "A" hereto shall be used for no purpose other than a public park or a public use in accordance with the provisions of Section 5(18) hereof. (For accurate reference please consult By-Law Numbers 77-20, 77-22 and 77-24).	OS2
OS-9	Notwithstanding any of the provisions of this by-law hereof to the contrary, the lands designated OS-9 on Schedule "A" are above the 85.5 metre geodetic elevation and also may be used for the purpose of an aquatic golf driving range provided that the said use is developed and operated on the subject lands with the following special provision that. (a) A 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.	OS2
OS-10	Notwithstanding the provisions of Section 22(1)(a), Section 22(1)(b), Section 22(2)(d), Section 22(2)(e), Section 22(2)(f), and Section 22(2)(j) hereof to the contrary, the lands designated as "OS-10" on Schedule "A" attached hereto shall be used for no other purpose than a single family dwelling or a home occupation in accordance with the following provisions: (i) No building, structure or use shall be located closer than 30 metres to the boundaries of Block 42, R.P. 1844. (ii) Height Of Building (minimum): 9 metres (iii) One dwelling house only shall be permitted within the OS-10 Zone.	OS2
OS-11	Notwithstanding the provisions of Section 8(1) to the contrary, the lands designated 'OS-11' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions: (i) Notwithstanding the provisions of Sections 8(1)(b), the lands designated as 'OS-11' on Schedule "A" may also be used for the following uses: <ul style="list-style-type: none"> • basketball courts; • a bicycle and skateboard park; • seasonal camping sites; • a miniature golf course; • mobile restaurant; • paintball • picnic areas; • playground; • parking areas; 	OS2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> • sport equipment rentals; and • volleyball courts. <p>(ii) Notwithstanding the provisions of Section 8(1)(b), the lands designated as 'OS-11' on Schedule "A" may be used for the following uses subject to the removal of the '-H' Holding Provision from the property;</p> <ul style="list-style-type: none"> • commercial club; • convenience store accessory to a permitted non-residential use specified herein; • a recreational establishment; and • a restaurant. <p>(iii) For the purposes of the 'OS-11' Zone a Mobile Restaurant shall be defined as follows: Mobile Restaurant: means a vehicle or trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other refreshment vehicles.</p> <p>(iv) Notwithstanding the provisions of Section 5(16)(a), on the lands designated as 'OS-11' on Schedule "A" the following parking requirements shall apply:</p> <ol style="list-style-type: none"> a. Campsites: 1 parking space per campsite; b. There shall be a minimum of 150 parking spaces located on the property zoned 'OS-11' including the required parking for each campsite as set out in subsection a. above. 	
R1-7	<p>Notwithstanding any provisions of Section 12(2)(b) or Section 12(2)(e) hereof to the contrary, the lands designated R1-7 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <ol style="list-style-type: none"> (i) Lot Frontage (minimum): 114 metres (ii) Interior Side Yard Width (minimum): 15 metres 	RU
R1-11	<p>Notwithstanding the provisions of Section 12(2)(b)(i)(b) hereof to the contrary, the lands designated R1-11 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <ol style="list-style-type: none"> (i) Lot Frontage (minimum): 30 metres 	UR2
R1-12	<p>Notwithstanding the provisions of Section 12(2)(a)(ii) and Section 12(2)(b)(i)(b) hereof to the contrary, the lands described as part of Lot 3, Registered Plan Number 448, Part of Lot 6, Concession III and designated R1-12 on Schedule "A" hereto, shall be developed in accordance with the following provisions:</p> <ol style="list-style-type: none"> (i) Lot Area (minimum): 929.0 square metres (10,000 square feet) (ii) Lot Frontage (minimum): 22.800 metres (75.10 feet) 	UR2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
R1-15	<p>Notwithstanding any provision of Section 12(1), Section 12(2)(b)(i)(c), Section 5(1)(e)(i), Section 5(16)(a) and Section 5(16)(h) hereof to the contrary, the lands designated R1-15 on Schedule "A" hereto, may be used for the purposes set out below provided that such uses are developed in accordance with the following provisions:</p> <p>(i) Uses Permitted:</p> <p>(a) Residential Uses: one single family dwelling house.</p> <p>(b) Non-Residential Uses: a catering business including one or more of the following uses: a kitchen facility; a garage for storing stock, loading catering trucks, making minor repairs to and cleaning catering trucks and overnight storage of catering trucks; and an office accessory to the catering business.</p> <p>(ii) Zone Provisions:</p> <p>(a) Lot Frontage (minimum): 30.48 metres (100 feet)</p> <p>(b) Location of Catering Business on Lot:</p> <p>(i) The operation of the catering business shall be restricted to the catering building except that nothing shall prevent the maintenance of an existing office within the permitted single-family dwelling house.</p> <p>(ii) The catering building shall be located no closer than 4.26 metres (14 feet) to any side or rear lot line or closer than 15.24 metres (50 feet) to the permitted single family dwelling house.</p> <p>(c) Gross Floor Area of Catering Building (maximum): 167.22 square metres (1,800 square feet).</p> <p>(d) Parking Requirements: Residential Use: 1 parking space per dwelling unit Catering Business: 1 parking space per 37.16 square metres (400 square feet) of gross floor area devoted to the catering business to be located in the rear or side yard only.</p> <p>(e) Parking Restrictions: All commercial vehicles devoted to the accessory catering business use shall be parked or stored overnight within an enclosed building or structure.</p>	RUR
R1-19	<p>Notwithstanding any provision of Section 12(2)(a)(iii) of this by-law to the contrary, the lands designated R1-19 on Schedule "A" hereto shall be used in accordance with the following:</p> <p>(i) Lot Area (minimum): 1,675 square metres</p>	RUR
R1-20	<p>Notwithstanding any provision of Section 12 hereof to the contrary, the lands designated R1 20 on Schedule "A" hereto may be used for the purpose of a retail store together with an accessory dwelling unit provided that such uses are developed in</p>	RUR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) such retail store shall be confined to the ground floor of the existing residential building; (ii) such accessory dwelling unit shall be confined to the existing residential building; and (iii) no parking area, other than an access driveway, shall be located within 3 metres of any street line or 1 metre of any lot line. 	
R1-26	<p>Notwithstanding the provisions of Section 12(2) hereof to the contrary, the lands designated R1-26 on Schedule "A" hereto shall be used in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 2,217 square metres (ii) Lot Frontage (minimum): 33 metres. 	HAM
R1-33	<p>Notwithstanding the provisions of Section 12(2)(a) hereof to the contrary, the lands designated R1-33 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 0.4 hectares (1 acre) 	HAM
R1-34	<p>Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-34 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 0.6 hectares (1.5 acres) (ii) Lot Frontage (minimum): 61 metres (200 feet) 	HAM
R1-37	<p>Notwithstanding the provisions of Section 12(2) hereof to the contrary, the lands designated as R1-37 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): <ul style="list-style-type: none"> (a) Lot served by only a public water system: 0.6 hectares (ii) Lot Frontage (minimum): <ul style="list-style-type: none"> (a) Lot served by only a public water system: 60.0 metres 	UR2
R1-38	<p>Notwithstanding the provisions of Clause (b) of Section 12(1) and Clause (i) of Section 12(2) hereof to the contrary, the lands designated R1-38 on Schedule "A" hereto also may be used for a self-service storage facility provided said use is developed and used in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Self-Service Storage Facility means a facility as defined in Clause (ap)(i) of Section (19)(3) hereof. (ii) Open Storage – Self-Service Storage Facility: No open storage of goods or materials shall be permitted, except in accordance with the following provisions: <ul style="list-style-type: none"> (a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers). 	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(b) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and clauses (e) and (f) of Section 12(2) hereof as if such open storage use were a building or structure provided, however, that such use complies with paragraph (a) above.</p> <p>(c) Notwithstanding (b) above, no open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential or Development (D) Zone.</p>	
R1-40	<p>Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-40" on Schedule "A" attached hereto, shall be developed in accordance with the following provision:</p> <p>(i) Front Yard Depth (minimum): 62 metres</p>	UR2
R1-41	<p>Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-41" on Schedule "A" attached hereto, shall be developed in accordance with the following provision:</p> <p>(i) Front Yard Depth (minimum): 80 metres</p>	RUR
R1-42	<p>Notwithstanding the provisions of Section 9(1), 9(2)(a) and 9(2)(b) to the contrary, the lands designated as "R1-42" on Schedule 'A' attached shall be used for no other purposes than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 2 hectares</p> <p>(ii) Lot Frontage (minimum): 60 metres</p>	RUR
R1-46	<p>Notwithstanding the provisions of Section 5(9)(e) hereof to the contrary, on the lands designated 'R1-46' on Schedule "A" hereto, a home occupation may include the sale of cleaned and / or repaired antique glass, china and porcelain not produced on the premises provided such items do not exceed 50 per cent of any goods displayed for sale, and the balance of the goods displayed for sale must be arts and crafts that are produced on the premises.</p>	UR2
R1-48	<p>Notwithstanding the provisions of Section 9(1), 9(2)(b)(ii) and 9(3)(e) of this By-law to the contrary, the lands designated R1-48 on Schedule 'A' hereto shall be used for no other purpose than a detached single family dwelling house, home occupation or a public use in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 2,000 square metres</p> <p>(ii) Lot Frontage (minimum): 17 metres</p> <p>For the purposes of the R1-48 zone, 'Lot frontage' means the horizontal distance between the side lot lines and measured along the common property line with the public right-of-way.</p>	UR2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
R1-50	<p>Notwithstanding the provision of Section 12 (3) hereof to the contrary, the lands designated 'R1-50' on Schedule "A" attached hereto, shall be used in accordance with the following regulations:</p> <p>(a) The following uses only shall be permitted:</p> <ul style="list-style-type: none"> (i) a single family dwelling house; (ii) a converted dwelling house; (iii) a photo studio – does not include any form of photo processing; (iv) a home occupation; (v) a public use in accordance with the provisions of Section 5 (18) hereof. <p>(b) Lot Frontage (minimum): 27.4 metres (89.8 feet).</p>	UR2
R1-52	<p>Notwithstanding the provisions of Section 12(2) to the contrary, on the lands designated 'R1-52' on Map 3 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) Lot Frontage (minimum): 130 feet. 	RUR
R1-54	<p>Notwithstanding the provisions of Section 12(1), 12(2), and 5(9) and 5(16) to the contrary, the lands designated 'R1-54' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) The maximum floor area of the business office and associated storage for the household cleaning operation shall not exceed 70 square metres. (ii) The owner of the household cleaning operation shall reside on the premises. (iii) No more than 20 people, other than a member of the family shall be employed by the business associated with the household cleaning operation and the office staff shall not exceed 2 persons. (iv) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house is being used for a purpose other than residential. (v) There shall be no goods, wares or merchandise, offered or exposed for sale or rent on the premises. (vi) The household cleaning operation shall not create or become a public nuisance, particularly in regard to noise, vibration, glare, fumes, odours or electrical interference in excess of that normally experienced in a residential neighbourhood. (vii) The household cleaning operation shall not interfere with television or radio reception. (viii) The household cleaning operation shall be restricted to the dwelling house. (ix) Stacked parking shall be permitted. The maximum employee/business vehicles at one time shall not exceed eight (8) vehicles. 	UR2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(x) Lot Area (Minimum): 1323.38 square metres. (xi) That the hook up to a municipal sewer line shall take place within a six (6) month period.</p>	
R1-55	<p>Notwithstanding the provisions of Section 12(1), 12(2)(a) and 12(2)(b) to the contrary, the lands designated as “R1-55” on Schedule “A” attached shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: i) Lot Area (minimum): 10,000 square feet ii) Lot Frontage (minimum): 100 feet</p>	RUR
R1-56	<p>Notwithstanding the provisions of Section 12 of this by-law to the contrary, the lands designated ‘R1-56’ on Map 1 of Schedule “A” hereto may be developed in accordance with the following regulations: (i) Permitted Uses: The only permitted uses shall be: (a) Residential Uses: a single-family dwelling house; a converted dwelling house. (b) Non-Residential Uses: a home occupation; a public use in accordance with the provisions of Section 5(18) hereof; and the sale of antiques in an accessory building. (ii) Maximum Gross Floor Area of the Accessory Building for the Sale of Antiques: The maximum gross floor area of the antique business shall not exceed 72 square metres and shall be located within the walls of the existing accessory dwelling located on the property at 1775 Highway 38. (iii) Use of the Accessory Building: The use associated with the antique business shall only be located within the accessory building on the property known municipally as 1775 Highway 38. The maximum floor area permitted shall be in accordance with Clause (ii) above and the business shall not be permitted to expand and will remain unserviced. (iv) Office Use: The office use associated with the antiques sales shall be located within the existing residential building on the property known municipally as 1775 Highway 38. The office use shall only be permitted in conjunction with the permitted sales of antiques in the accessory building located at 1775 Highway 38. (v) Parking Spaces (minimum):</p>	RU

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Off street parking shall be in accordance with the regulations of Section 5(16) of this by-law.</p> <p>(vi) Advertising: All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.</p>	
R1-57	<p>Notwithstanding the provisions of Section 4, Section 5(16), and Section 12 of this by-law to the contrary, the lands designated 'R1-57' on Map 1 of Schedule "A" hereto may be used for a self-service storage facility, provided said uses are developed and used in accordance with the following regulations:</p> <p>(i) Permitted Uses: The only permitted uses shall be:</p> <p>(a) Residential Uses: an existing two unit dwelling;</p> <p>(b) Non-Residential Uses: a self-service storage facility; a home occupation a public use in accordance with the provisions of Section 5(18) hereto</p> <p>(c) Front Yard Depth (minimum):</p> <p>(i) Two-unit dwelling: 10 feet (ii) Self-service storage facility: 30 feet (iii) Existing buildings are deemed to be in accordance with the site specific zone. Any new buildings will be built in accordance with the site specific provisions.</p> <p>(d) Interior Side Yard Width (minimum):</p> <p>(i) Self-service storage facility: 30 feet (ii) Self-Service Storage Facility – means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited. (iii) Open Storage – Self-Service Storage Facility: No open storage of goods or materials shall be permitted, except in accordance with the following provisions:</p> <p>(a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers)</p>	HAM

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(b) No open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential zone.</p> <p>(iv) Office Use: The office use associated with the self-service storage facility shall be located within the existing residential building on the property known municipally as 1414 Audrey Street. The office use shall only be permitted in conjunction with the permitted self-service storage facility located at 1414 Audrey Street.</p> <p>(v) Parking Spaces (minimum): Off street parking shall be in accordance with the regulations of Section 5(16) of this by-law.</p> <p>(vi) Buffer Strip That a landscaped buffer strip of a minimum 6.0 metres in width, shall be required between any abutting residential use and the proposed self-service storage units.</p>	
R1-60	<p>Notwithstanding the provisions of Section 12 of this by-law to the contrary, the lands designated 'R1-60' on Zoning Map Number 1 of Schedule "A" to this By-Law may be developed in accordance with the following provisions:</p> <p>(i) minimum required lot frontage: 30 metres.</p>	RUR
R1-66	<p>Notwithstanding the provisions of Section 12(2)(a), Section 12(2)(b)(i)(a), Section 12(2)(c), and Section 12(2)(e)(ii) hereof to the contrary, on the lands designated 'R-66' on Schedule "A" hereto, the following regulations shall apply:</p> <p>i) Lot Area (minimum): 350 square meters</p> <p>ii) Lot Frontage (minimum): 10.5 metres</p> <p>iii) Lot Yard Depth (minimum): 10 metres</p> <p>iv) Interior Side Yard (minimum where property line is shared with Part 2 of Reference Plan 377, known as 1616 Anne Street): 2.3 metres</p>	UR2
R1-67	<p>Notwithstanding the provisions of Sections 12(1) and 12(2) of this by-law, the lands zoned 'R1-67' on Schedule "A" to this by-law, may be used in accordance with the following provisions:</p> <p>(i) Permitted Uses: The only permitted uses shall be:</p> <p>(a) Residential Use: an existing semi-detached dwelling.</p> <p>(b) Non-Residential Uses: a home occupation; a public use in accordance with the provisions of Section 5(18) hereof.</p> <p>(ii) The existing semi-detached dwelling is required to be served by public water and sanitary sewer systems.</p> <p>(iii) For the purpose of lot area, lot frontage and side yard</p>	UR2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>regulations, the existing dwelling with common party walls shall be considered as one building occupying one lot.</p> <p>(iv) Lot Area (minimum): 766 square metres (8,245 square feet)</p> <p>(v) Lot Frontage (minimum): 22.8 metres (75 feet)</p> <p>(vi) Interior Side Yard Width (minimum): 2.72 metres (8.9 feet)</p> <p>(vii) Dwelling Unit Area (minimum): 164 square metres (1,765.3 square feet)</p>	
R2-1	<p>Notwithstanding any provision of Section 13(1)(a) hereof to the contrary, the lands designated R2-1 on Schedule "A" hereto shall be used for no purpose other than: a single-family dwelling house; a semi-detached dwelling house; or a duplex dwelling house.</p>	UR2
R2-8	<p>Notwithstanding the provisions of Sections 4(117), 5(18), 13(1)(a) and 13(2) hereof to the contrary, the lands designated R2-8 on Schedule "A" hereto shall be limited to a single family dwelling house and a semi detached dwelling house and such lands shall be used in accordance with the following provisions:</p> <p>(i) Lot Area (minimum):</p> <p>(a) Semi-detached dwelling house: 550 square metres</p> <p>(ii) Lot Frontage (minimum): Corner Lot Other Lot</p> <p>(a) Single-family dwelling house 18 metres 12 metres</p> <p>(iii) Dwelling Unit Area (minimum):</p> <p>(a) Single-family dwelling house: 83.5 square metres</p> <p>(iv) Public Use:</p> <p>For the purposes of the R2-8 Zone, the term Public Use as defined in Section 4(117) hereof shall be deemed to include a storm water management facility which has been approved by the Corporation; it being understood that once such a facility no longer is required, it shall be removed and the lands may be developed for residential purposes in accordance with this by-law.</p>	UR2
R2-14	<p>Notwithstanding the provisions of Section 13(1)(a) hereof to the contrary, the lands designated R2-14 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Residential Uses:</p> <ul style="list-style-type: none"> • a single-family dwelling house; • a semi-detached dwelling house; • a community residence <p>(ii) Single-family dwelling houses and semi-detached dwelling houses shall be developed in accordance with the provisions of the R2-9 Zone, being Section 13(3)(i) hereof.</p> <p>(iii) The whole of a single-family dwelling house or semi-detached</p>	UR3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	dwelling house, permitted herein, may be used for the purpose of a community residence.	
R2-29	<p>Notwithstanding the provisions of Section 5(16)(d)(iv) and Section 13 to the contrary, the lands designated 'R2-29' on Map 5 of Schedule "A" hereto may be used in accordance with the uses and provisions of the "R2-27" Zone with the following special provisions:</p> <p>(a) A maximum width of 2.5 metres of the driveway shall be permitted to be located within the sight triangle. There shall be no parking permitted within the required sight triangle at any time.</p> <p>(b) Any dwelling constructed on this property shall be required to be set back an additional 2.25 metres from the front lot line to provide parking on the lot in accordance with the provisions of the By-Law and outside of the sight triangle.</p> <p>(c) Exterior Side Yard (minimum): 4.5 metres</p>	UR3
R2-30	<p>Notwithstanding the provisions of Section 13 to the contrary, the lands designated 'R2-30' on Map 5 of Schedule "A" hereto may be used in accordance with the uses and provisions of the "R2-27" Zone with the following special provisions:</p> <p>(a) Exterior Side Yard (minimum): 4.5 metres</p>	UR3
R3-13	<p>Notwithstanding the provisions of Section 14(1), Section 14(2) or Section 5(16) hereof to the contrary, the lands designated R3 13 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) (a) Residential Uses: a semi detached dwelling house</p> <p>(b) Non Residential Uses: a home occupation; a parking area consisting of no more than five (5) parking spaces; a public use in accordance with the provisions of Section 5(18) hereof.</p> <p>(ii) Lot Area (minimum): (a) Semi detached dwelling house: 560 square metres.</p>	UR2
R4-1	<p>Notwithstanding the provisions of Section 15(1) and 15(2) hereof to the contrary, the lands designated R4-1 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Height of Building (maximum): 18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.</p> <p>(ii) Dwelling Units Per Lot (maximum): 74 units, provided that the total number of units in the R4-1 Zone shall not exceed 464.</p> <p>(iii) Rear Yard Depth (minimum): Notwithstanding any provision of this By law to the contrary, the</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>minimum required rear yard depth for any lot which abuts the Cataraqui Cemetery shall be 30.5 metres to the easterly most property boundary of the Cataraqui Cemetery.</p> <p>(NOTE: The following provisions apply to those lands in Auden Park which are zoned R4 1, Lot 6, Concession I:</p> <p>Auden Park R4 1</p> <p>Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-1 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <p>(iv) Number of Dwelling Units (maximum):</p> <p>The maximum number of dwelling units permitted shall not exceed a number that would generate more than 275 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>Dwelling Unit Type Number of Persons Generated per Unit</p> <p>Bachelor 1.0</p> <p>1 bedroom 1.5</p> <p>2 bedroom 2.5</p> <p>3 bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>The following is an example only and does not form part of this By law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,</p> <p>20 x 1.5 = 30</p> <p>14 x 2.5 = 35</p> <p>65 persons</p>	
R4-2	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4 2 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Dwelling Units Per Lot (maximum): 43 units, provided that the total number of units in the R4-2 Zone shall not exceed 77.</p>	URM2
R4-3	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-3 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Dwelling Units Per Lot (maximum): 29 units</p>	URM2
R4-4	<p>Notwithstanding any provisions of Section 15(2)(b) hereof to the contrary, the lands designated R4-4 on Schedule "A" hereto shall</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	be developed in accordance with the following provisions: (i) Lot Frontage (minimum): 66 feet.	
R4-7	Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-7 on Schedule "A" hereto shall be developed in accordance with the following provision: (i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 240 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table: Dwelling Unit Type Generated per Unit Number of Persons Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom The following is an example only and does not form part of this By law: an apartment proposal containing 9 bachelor units, 32 one bedroom units and 72 two bedroom units would generate, $9 \times 1.0 = 9$ $32 \times 1.5 = 48$ $72 \times 2.5 = 180$ 237 persons	URM2
R4-8	Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-8 on Schedule "A" hereto shall be developed in accordance with the following provision: (i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 290 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table: (i) Dwelling Unit Type Generated per Unit Number of Persons Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom.	URM1
R4-9	Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated as R4-9 on Schedule "A"	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 550 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>Dwelling Unit Type Generated per Unit Number of Persons Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>The following is an example only and does not form part this By law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,</p> <p>20 x 1.5 = 30 14 x 2.5 = 35 65 persons</p>	
R4-10	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-10 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Dwelling Units Per Block (maximum): 128 units, on each block shown on a registered plan of subdivision provided that the total number of units in the R4-10 Zone shall not exceed 376, and</p> <p>(ii) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 940 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>Dwelling Unit Type Generated per Unit Number of Persons Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>The following is an example only and does not form part of this By</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,</p> <p>20 x 1.5 = 30 14 x 2.5 = 35 65 persons</p>	
R4-11	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated as R4-11 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 1,743 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>Dwelling Unit Type Generated per Unit Number of Persons Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>The following is an example only and does not form part of this By-law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate, 20 x 1.5 = 30 14 x 2.5 = 35 65 persons</p>	URM2
R4-12	<p>Notwithstanding the provisions of Section 15(1) and 15(2) hereof to the contrary, the lands designated R4-12 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Height of Building (maximum): 18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.</p> <p>(ii) Dwelling Units Per Lot (maximum): 65 units</p> <p>(iii) Rear Yard Depth (minimum): Notwithstanding any provision of this By law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqui Cemetery shall be 22.8 metres so that no main building</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	wall is located closer than 22.8 metres to the easterly most property boundary of the Cataraqi Cemetery.	
R4-14	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-14 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <ul style="list-style-type: none"> (i) Dwelling Units Per Lot (maximum): 29 units (ii) Rear Yard Depth (minimum) <p>Notwithstanding any provision of this By law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqi Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly most property boundary of the Cataraqi Cemetery.</p>	URM2
R4-15	<p>Notwithstanding the ‘-H’ Symbol applied pursuant to the Planning Act, the lands zoned ‘R4-15-H’ may be used in accordance with the uses and buildings existing on the date of the passing of Amending By-Law Number 2006-103 and permitted ‘R4’ uses.</p> <p>2. Removal of ‘-H’ Holding Symbol</p> <p>The ‘-H’ Symbol shall only be removed once the conditions of Section 6(6) of By-Law Number 76-26 have been complied with.</p> <p>3. Subject to the removal of the ‘-H’ Symbol pursuant to the Planning Act, on the approximately 3.9 hectare parcel of land located at 920 Gardiners Road and zoned ‘R4-15-H’ on Zoning Map 5, the provisions of Section 15, ‘R4’ Zone shall apply to the ‘R4-15’ Zone except that the following regulations shall apply notwithstanding any provisions of the By-Law to the contrary:</p> <ul style="list-style-type: none"> (i) The following uses only shall be permitted: <ul style="list-style-type: none"> an apartment dwelling house; bank; a business or professional office; a clinic; a convenience store; a dry cleaning or laundry outlet; a florist shop; a Laundromat; a restaurant; a take-out restaurant; a retail store; and a public use in accordance with Section 5(18) hereof. (ii) More than One Main Building <p>More than one main building may be developed on the subject property subject to compliance with all other regulations.</p> <ul style="list-style-type: none"> (iii) Commercial and Non-commercial Development <p>Where permitted commercial and non-commercial uses are</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone										
	<p>located in the same building, the commercial uses shall be located on the ground floor of the building.</p> <p>(iv) Front Yard Depth (minimum): 6.1 metres.</p> <p>(v) Interior Side Yard Depth (minimum): 8 metres.</p> <p>(vi) Rear Yard Depth (minimum): 7.5 metres from top of fill.</p> <p>(vii) Flood Plain Regulation: 7.5 metres from top of fill.</p> <p>(viii) Density (maximum): 175 dwelling units per hectare.</p> <p>(ix) Height of Building (maximum:) 39.6 metres.</p> <p>(x) Parking Requirement Subject to Section 5(16).</p> <p>(xi) Loading Requirement Subject to Section 5(12).</p> <p>(xii) Minimum Setback along Major Arterials</p> <p>Notwithstanding Section 5(20), the minimum building or structure setback along Gardiners Road shall be 50 feet plus the required front yard.</p>											
R4-17	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated R4-17 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Number of Dwelling Units (maximum):</p> <p>The maximum number of dwelling units permitted in the R4-17 Zone shall not exceed a number that would generate more than 538 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <table border="0"> <tr> <td>Dwelling Unit Type</td> <td>Generated per Unit Number of Persons</td> </tr> <tr> <td>Bachelor</td> <td>1.0</td> </tr> <tr> <td>1 bedroom</td> <td>1.5</td> </tr> <tr> <td>2 bedroom</td> <td>2.5</td> </tr> <tr> <td>3 bedroom or greater</td> <td>3.5 plus 1.0 for each additional bedroom</td> </tr> </table> <p>The following is an example only and does not form part of this By law: an apartment proposal containing 9 bachelor units, 32 one bedroom units and 72 two bedroom units would generate,</p> <p>9 x 1.0 = 9</p> <p>32 x 1.5 = 48</p> <p>72 x 2.5 = 180</p> <p>237 persons</p> <p>(ii) The density of development proposed for any single ownership within the R4-17 Zone shall not exceed 200 persons per hectare. A single ownership may involve more than one lot.</p>	Dwelling Unit Type	Generated per Unit Number of Persons	Bachelor	1.0	1 bedroom	1.5	2 bedroom	2.5	3 bedroom or greater	3.5 plus 1.0 for each additional bedroom	URM2
Dwelling Unit Type	Generated per Unit Number of Persons											
Bachelor	1.0											
1 bedroom	1.5											
2 bedroom	2.5											
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom											
R4-23	<p>Notwithstanding the provisions of Sections 15(1)(a) and 15(2) hereof to the contrary, the lands designated R4-23 on Schedule "A" hereto shall be used for no purposes other than a nursing</p>	URM2										

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>home and a senior citizens' apartment dwelling house, and such uses shall be developed in accordance with the following special provision:</p> <p>(i) Yard Depth Adjacent To Western Property Boundary (minimum) nursing home 4.0 metres.</p>	
R4-28	<p>Notwithstanding the '-H' applied pursuant to the Planning Act, the lands designated 'R4-28-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development.</p> <p>2. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, the lands shall be used in accordance with the permitted uses and regulations contained in Section 15 of this By-Law for the 'R4' Residential Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.</p> <p>3. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding the provisions of Subsection (16)(c) of Section 5 and Subsections (1) and (2) of Section 15 hereof to the contrary, the lands located at the southeast corner of Coverdale Drive and Bayridge Drive, and designated 'R4-28-H' on the Zoning Schedule attached to and forming part of By-Law Number 99-66 as Schedule "A", shall be used in accordance with the following regulations:</p> <p>(i) Permitted Uses:</p> <p>(a) Residential Uses:</p> <p>(i) The residential uses permitted by the R4 Zone;</p> <p>(ii) A senior citizens' apartment dwelling house;</p> <p>(iii) A nursing home, which for the purposes of this Section shall include a rest home, retirement home or convalescent home.</p> <p>(b) Non-Residential Uses:</p> <p>(i) A medical clinic, pharmacy and groceteria provided such uses are located within a building containing a senior citizens' apartment dwelling house or nursing home and provided such uses are designed to serve only the residents or employees of the senior citizens' apartment dwelling house or nursing home in which they are located;</p> <p>(ii) A home occupation;</p> <p>(iii) A public use in accordance with the provisions of Section 5 (18) hereof.</p> <p>ii) Number of Permitted Dwelling Units / Beds (maximum): For any senior citizen apartment dwelling house or nursing home, or where a combined nursing home / senior citizens' apartment dwelling house is proposed, the maximum number of dwelling units / beds permitted shall not exceed a combined number that would generate more than 220 persons on the lands Zoned 'R4-</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>28'. The total number of persons generated by any such development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of beds / units by the number of persons in accordance with the following table:</p> <p>Number of Persons Dwelling Unit Type Generated Nursing Home Bed 1.0 Bachelor Unit 1.0 1 Bedroom 1.5 2 Bedroom 2.5 3 Bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>(iii) Lot Coverage (maxima) Notwithstanding the provisions of Section 15(2) Subsection (k) of this By-Law, the maximum percentage of lot coverage for any nursing home use shall be 50%.</p> <p>4. The '-H' Symbol shall only be removed once the following conditions have been complied with:</p> <p>(i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant; (ii) All applicable Municipal and Agency requirements have been complied with; (iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act.</p>	
R4-29	<p>Notwithstanding any provisions this By-Law to the contrary, the lands designated as "R4-29" on Schedule "A" attached hereto shall be used in accordance with Section 15(3)(x) or may be used as a parking lot for the abutting funeral home in accordance with the following provisions:</p> <p>i) Maximum number of parking spaces: 54 spaces ii) No parking space or parking area shall be located closer than 1 metres from the lot line of lot 4L or Registered Plan 13M-2 iii) No access to parking spaces or parking areas shall be provided directly from a public street iv) Use or development shall not be permitted until such time as the City of Kingston has approved a site development plan; such a plan shall include but not be limited to landscaping, buffering, grading and drainage v) In no way shall any part of the lands zoned R4-29 be used to calculate any Zoning requirement for the abutting C2-29 Zoning on the funeral home lands</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
R4-30	<p>Notwithstanding the provisions of Section 15(1) hereof to the contrary, the lands located at the west end of Vanguard Court and designated 'R4-30-H' on Schedule "A" hereto, shall be developed in accordance with the following provisions:</p> <p>(i) In addition to the uses permitted in the 'R4' Zone, as set out in Section 15(1) of this By-Law, a Nursing /Retirement Home and accessory medical and commercial uses related to a Nursing/Retirement Home shall be permitted. The permitted accessory commercial uses may include, but not necessarily be limited to, a medical clinic, a pharmacy, a beauty salon/barber shop, or a groceteria, provided that any such accessory commercial uses are located within the Nursing/Retirement home and are designed to serve only the residents or employees of the home.</p> <p>(ii) The '-H' Holding Symbol applicable to this property shall be used and removed in accordance with the provisions of Section 6(6) of By-Law Number 76-26.</p>	URM2
R4-31	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) of this By-Law, the lands designated as 'R4-31' on Schedule 'A' hereto shall be used for no purpose other than open space or amenity area in association with the adjacent institutional zone, or a semi detached dwelling in accordance with following provisions:</p> <p>(i) Lot Area (minimum) Semi-detached dwelling house: 7685 square feet Semi-detached dwelling unit: 3445 square feet</p> <p>(ii) Lot Frontage (minimum) Semi-detached dwelling house: 55 feet Semi-detached dwelling unit: 25 feet</p> <p>(iii) Exterior Side Yard Width (minimum) Semi-detached dwelling unit: 9 feet</p>	UR2
R4-33	<p>On the approximately 2.23 hectare parcel of land located at 2487-2491 Princess Street and zoned 'R4-33' on Zoning Map 5, attached to and forming part of By-Law Number 2006-102 as Schedule "A", the provisions of Section 5 (General Provisions) and Section 15, for the 'R4' Residential Type 4 Zone shall apply to the 'R4-33' Zone except that the following regulations shall apply notwithstanding any provisions of the By-Law to the contrary:</p> <p>(i) Notwithstanding the provisions of Section 15(1) of this By-Law, the following uses only shall be permitted:</p> <p>(a) senior citizen's apartment dwelling house, the maximum number of dwelling units shall not exceed 170; and</p> <p>(b) accessory uses to be located within and related to the senior citizen's apartment dwelling house, including but not limited to</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>such uses as a medical clinic, personal service shop, an office, pharmacy, banking facility, groceries, coffee shop, recreational uses, chapel and dining facilities, provided such uses are designed to serve only the residents, employees or visitors of the house.</p> <p>(ii) Interior Side Yard (minimum): 7.5 metres (iii) Rear Yard (minimum): 8.0 metres (iv) Dwelling Unit Area (minima) Bachelor dwelling unit: 400 square feet Dwelling unit containing 1 bedroom: 500 square feet Dwelling unit containing 2 bedrooms: 700 square feet</p> <p>(v) Lot Coverage (maximum): 35% (vi) Building Height (maximum): 27.5 metres (vii) Privacy Yard, Ground floor living room window and habitable room window (minimum): 1.2 metres (4 feet) (viii) Children’s Play Area: Not required (ix) Flood Plain Requirements (minimum setback): 7.5 metres (x) Yards Where Parking Permitted: Required parking is permitted within the front yard (xi) Notwithstanding Section 5(25)(a), encroachment of Ornamental Structures may project into any required yard to a maximum distance of 1 metre (3.3 feet) (xii) Notwithstanding Section 5(25)(b), an unenclosed porch, balcony or step may project into any required yard a maximum distance of 2 metres (6.56 feet) (xiii) For the purposes of the this Section, the privacy yard shall be clear and unobstructed by any parking area, may be reduced to 1.2 metres, and may contain joint pedestrian access.</p>	
R5-1	<p>Notwithstanding any provisions of Section 15A(2)(k) hereof to the contrary, the lands designated R5-1 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <p>(i) Height of Building (maximum): apartment dwelling house: 40 metres</p>	URM2
R5-2	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated as R5-2 on Schedule "A" hereto shall be used in accordance with the following provisions:</p> <p>(i) Uses Permitted an apartment dwelling house for the housing of the elderly; a church; a penal institution; a public use in accordance with the provisions of Section 5(18) hereof.</p> <p>(ii) Lot Frontage (minimum): 20.0 metres. (iii) Yard Depth Adjacent To All Property Lines (minima) 9.0</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>metres</p> <p>(iv) Height of Building (maximum): 18.3 metres, provided that the total number of storeys shall not exceed six (6).</p> <p>(v) Dwelling Units Permitted (maximum): 100</p> <p>(vi) Dwelling Unit Area (minimum): 42 square metres.</p> <p>(vii) Parking Requirements (minimum): 0.25 parking spaces per dwelling unit.</p> <p>(viii) Parking Area Location: No parking space shall be located closer than 2.0 metres to any lot line.</p> <p>(ix) Building Location And Buffering Required: Appropriate buffering techniques including building design, building orientation, lighting orientation and plantings shall be employed in the design of any project to both minimize any potential adverse impact of the housing project on adjacent lands and adequately protect the project site from any potential adverse impact of adjacent uses.</p> <p>(x) Deleted</p>	
R5-3	<p>Notwithstanding any provisions of Sections 15A(1) and 15A(2) hereof to the contrary, the lands designated R5-3 on Schedule "A" hereto shall be used for no purpose other than a housing project designed and developed solely for the purpose of housing the elderly, in accordance with the following provisions:</p> <p>(i) Rear Yard Depth (minimum): 8.5 metres</p> <p>(ii) Height of Building (maximum): 12.2 metres</p> <p>(iii) Dwelling Units Permitted (maximum): 50</p>	URM2
R5-4	<p>Notwithstanding the provisions of Sentence (16)(c) of Section 5 and Sentence (2)(k) of Section 15A hereof to the contrary, the lands designated R5-4 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Parking-Yards Where Permitted: All yards provided that no part of any parking area, other than a driveway, is located closer than 25 feet to any street line or flood plain.</p> <p>(ii) Height of Building (maximum) Apartment Dwelling House: 47 feet</p>	URM2
R5-5	<p>Notwithstanding any provisions of Section 15A(1) and 15A(2) hereof to the contrary, the lands designated R5-5 on Schedule "A" hereto shall be used in accordance with the following provisions:</p> <p>(i) Uses Permitted A retirement home A nursing home Accessory medical and commercial uses related to a retirement home or nursing home</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(ii) Interior Side Yard Width (minimum) ½ the height of the building or 9.5 metres whichever is greater	
R5-6	<p>Notwithstanding the provisions of Section 15A to the contrary, the lands designated 'R5-6' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <p>(i) For the purposes of defining yards the front yard of the property for zoning purposes shall be the property line abutting Princess Street.</p> <p>(ii) Uses Permitted A maximum of two apartment buildings shall be permitted with a combined maximum total of 235 apartment units.</p> <p>(ii) Interior Side Yard Depth A minimum interior side yard of 19.8 metres is required abutting the adjacent 'R4' and 'C2-24' property lines.</p> <p>(iii) Rear Yard Depth A minimum rear yard depth of 22.6 metres from Norwest Road is required.</p> <p>(iv) Maximum Building Height The maximum permitted height of the west tower shall be 39.6 metres The maximum permitted height of the east tower shall be 39.9 metres</p> <p>(v) Required Parking Spaces A minimum of 294 parking spaces shall be provided on the property; this total shall include the required number of barrier free parking stalls.</p> <p>(vi) Landscaped Open Space (minimum): 30% Children's Play Area There shall be no requirement for a children's play area on this site.</p> <p>(vii) Children's Play Area There shall be no requirement for a children's play area on this site.</p>	URM2
R5-7	<p>Notwithstanding any provisions of Sections 5(1), 5(6), 15A(1) and 15A(2) to the contrary, the lands designated R5-7 on Schedule 'A' shall be used in accordance with the following provisions:</p> <p>(i) Minimum Interior Side Yard: 3.0 metres</p> <p>(ii) Minimum Rear Yard: 9.0 metres</p> <p>(iii) Minimum Lot Area per Unit: 69 square metres</p> <p>(iv) Notwithstanding Section 5(16) to the contrary, a Maximum of 12 parking spaces shall be permitted in the exterior side yard</p> <p>(v) Notwithstanding Section 5(1) to the contrary, accessory uses are permitted in all yards provided the use is a minimum setback of 1.0 metre from the front lot line and 3.0 metres from any other lot line.</p> <p>(vi) For the east and north exterior walls the minimum privacy</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>yards in front of a habitable window shall be 3.0 metres. No driveways or pedestrian walkways are permitted within the privacy yard.</p> <p>(vii) Notwithstanding Section 15A(2)(n), Children’s Play Area to the contrary, a minimum of 4% of the lot area shall be used for passive recreation, which may be included in the calculation for required open space. The following provisions shall apply:</p> <p>a) The passive recreational space shall be located a minimum setback of 8 metres from any ground floor habitable window and a minimum setback of 15 metres from any street line.</p> <p>b) A 3.0 metre strip of land along the abutting property lines shall be used for no purpose other than a planting strip. The planting strip shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof.</p>	
R5-8	<p>Notwithstanding the provisions of Section 15A hereof to the contrary, the lands zoned ‘R5-8-H’ on Schedule ‘A’ hereto, the following regulations shall apply:</p> <p>i) Minimum Lot Frontage: 31 metres</p> <p>ii) Dwelling Unit Area (minimum): 1 bedroom dwelling unit – 53 square metres</p> <p>iii) Notwithstanding any provisions to the contrary, within the privacy yard, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 1.09 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2 ½ metres above the adjacent exterior ground level.</p> <p>iv) Notwithstanding Section 5(16)(c) to the contrary the following provision shall apply in the yard in which required parking area permitted for a residential-apartment dwelling house: Rear and interior side yard only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 7.62 metres to any street line and no closer than 3.0 metres to any side lot line or rear lot line where it abuts a residential zone.</p> <p>v) In addition to the Conditions for Removal of an –H Symbol in Section 6(6) hereof, a sidewalk shall be constructed on Blackburn Mews as part of the required offsite works from 810 Blackburn Mews to Taylor-Kidd Boulevard.</p>	URM2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	vi) Notwithstanding any provisions to the contrary a children’s play area is not required. vii) Notwithstanding any provisions to the contrary the required parking ratio shall be 1.08 parking spaces per dwelling unit. viii) Notwithstanding any provisions to the contrary, the minimum privacy yard for a ground floor habitable room window for an apartment dwelling house of more than 10 dwelling units shall be 2.8 metres on the southwest corner of the main structure and 4.6 metres on the northwest corner of the main structure.	

City of Kingston Zoning By-law Number 8499

Delete the existing text of the by-law and replace with:

1. A by-law to regulate the use of the lands and the size and location of buildings on select properties within the former City of Kingston.
2. Any references to “this By-law” mean the City of Kingston Zoning By-law Number 8499.
3. The provisions of this By-law apply to the lands identified on Schedule “A” of this By-law, as amended.
4. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule “A”.
5. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule “A” of this By-law.
6. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the “Kingston Zoning By-law Zone” identified in Table 1 for the Zone applicable to the property.
7. Despite 4, 5 and 6, where the Official Plan designates lands as an Environmental Protection Area, the applicable “Kingston Zoning By-law Zone” is the EPA Zone.
8. Despite 4, 5 and 6, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
9. Where a Holding Symbol (“-H”) applies to a property on Schedule “A”, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:

1. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (c) All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A	Not Applicable	UR5
A.40	On the approximately 0.12 hectare parcel of land located on the southeast corner of Division Street and Railway Street and designated A.40 on Zoning Map Number 17, any building in existence on the date of passing of this by-law shall be deemed to be in conformity with all provisions of this By-Law however: (a) the permitted uses for such building shall only be as follows: i. a bank, ii. a retail store or similar use, iii. a multiple family dwelling, (b) no enlargement, extension or structural alteration of any kind shall be permitted.	CN
A.41	On the approximately 0.14 hectare parcel of land located on the south side of Pine Street approximately 21.0 metres from Division Street and designated A.41 on Zoning Map Number 17 of this by-law, (a) an apartment building containing not more than 41 senior citizen apartments shall be a permitted use, subject to the provisions of Zone C, (b) the minimum number of required off-street parking spaces shall be in the order of one parking space for every four senior citizen apartments, plus 10 additional parking spaces.	URM3
A.44	On the approximately 0.24 hectare parcel of land located on the north side of Earl Street approximately 18.0 metres west of Alfred Street and designated A.44 on Zoning Map Number 30 of this by-law, the existing residential building providing accommodation primarily for students and owned by the Science 44 Co operative Inc. shall be deemed to be a building and use of land conforming to the provisions	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	of the A zone however no extension or enlargement to this building shall be permitted.	
A.106	On the approximately 1.62 hectare parcel of land designated A.106 on Zoning Map Number 31 within the structure located at the rear of the Frontenac County Court House, commonly referred to as "the Gaoler's Residence", a non-profit administration office for use by the Canadian Red Cross Society shall also be a permitted use.	IN2
A.119	<p>On the approximately 0.12 hectare parcel of land bounded by Barrie Street, Ordnance Street and York Street, known municipally as 391 Barrie Street, and zoned as "A.119" on Zoning Map Number 18 attached to and forming part of amending By-Law Number 2009-24 the permitted uses shall also include "Health Care Professional Office." The building and site development as of the date of the passing of this by-law shall be deemed to comply with the regulations of this Zoning By-Law. No additional floor space may be created unless approved by the Committee of Adjustment or additional amendment to the Zoning By-Law. For the purpose of the "A.119" zone, the following definition shall apply:</p> <p>Health Care Professional Office means a building used by health practitioners such as physicians, dentists, midwives, physiotherapists, and other similar professions, their staff, and their patients for the purposes of consultation, diagnosis and office treatment. The building may include administrative offices, waiting rooms, treatment rooms and other accessory rooms. This shall not include accommodation for in-patient care or operating rooms for major surgery.</p>	CN
A.123	<p>On the approximately 0.04 hectare parcel of land located on the east side of Nelson Street, north of Princess Street, and designated A.123 on Zoning Map Number 19 attached to and forming part of By-Law Number 8926 as Schedule "A",</p> <p>i. The permitted uses shall also include a minimum of ten parking spaces in exclusive association with uses located on the adjacent parcel of land designated C.123 on Zoning Map Number 19.</p> <p>ii. The parking area referred to in Section 123(a)i. shall be buffered with a wall or fence along the north and east boundaries.</p>	UR5
A.130	<p>On the approximately 0.12 hectare parcel of land located at the northwest corner of Clergy and Colborne Streets and designated A.130 on Zoning Map Number 18 attached to and forming part of By-Law Number 9016 as Schedule "A":</p> <ol style="list-style-type: none"> 1. An undertaker's establishment shall also be a permitted use. 2. This undertaker's establishment shall be subject to the provisions of the A zone except that: <ol style="list-style-type: none"> (a) the minimum required front yard shall be 1.5 metres, 	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(b) the maximum percentage of lot coverage shall be 41 per cent of the total lot area, (c) the maximum total building floor area for all buildings shall be 975.5 square metres.	
A.132	On the approximately 0.08 hectare parcel of land located at the Northwest corner of Clergy and Queen Streets and designated A.132 on a copy of Zoning Map No. 18 attached to and forming part of By-Law No. 90-64 as Schedule "A", the permitted uses shall also include offices for or in connection with businesses or professions, subject to the following regulations: (a) All uses shall be conducted entirely within the building existing as of the date of the passing of this by-law; (b) NO extension or enlargement of the existing building shall be permitted; (c) Parking shall be supplied in accordance with the minimums required in Section 5.3 of By-Law No. 8499, to a maximum of sixteen (16) parking spaces.	CN
A.139	On the approximately 0.53 hectare parcel of land located at the northeast corner of Bagot and Cataraqui Streets and designated A.139 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 9230 as Schedule "A", the permitted uses shall also include a Brewers Retail sales outlet and distributing warehouse.	CN
A.142	On the parcel of land identified as 298-394 Montreal Street and designated A.142 on copies of Zoning Map Number 17 and 18 attached to and forming part of By Law Number 9233, as Schedules "A" and "B", the permitted uses shall also include neighbourhood shores and a retail store selling office supplies provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.	URM3
A.143	On the parcel of land identified as 240-246 Montreal Street and Designated A.143 on a copy of Zoning Map Number 18 attached to and forming part of By Law Number 9233 as Schedule "B" the permitted uses shall also include a drive-in restaurant and neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A.145	On the parcel of land identified as 277 Montreal Street and designated A.145 on copies of Zoning Maps Number 17 and 18 attached to and forming part of By Law Number 9233 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.	CN
A.146	On the parcel of land identified as 285 Montreal Street and designated A.146 on copies of Zoning Maps Number 17 and 18 attached to and forming part of By Law Number 9233 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.	CN
A.147	On the parcel of land identified as 303 Montreal Street and designated A.147 on copies of Zoning Maps Number 17 and 18 attached to and forming part of By Law Number 9233 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.	CN
A.149	On the approximately 0.08 hectare parcel of land located on the west side of Bagot Street between Bay and Ordnance Streets and designated A.149 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 9234, as Schedule "A", the permitted uses shall also include an ambulance service operated by the Ministry of Health.	UR5
A.162	On the approximately 0.04 hectare parcel of land located at the southwest corner of Rideau and Catarqui Street and designated A.162 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 9385 as Schedule "A": i) The permitted uses shall also include a Group Home operated by the Kingston and District Association for the Mentally Retarded; ii) For the purpose of this Section, a Group Home shall be defined as a single housekeeping unit in a residential dwelling in which three to ten residents live as a family under responsible supervision, in accordance with provincial requirements, and consistent with the requirements of its residents. The home shall be licensed or approved	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	by the Province of Ontario. "Residents" for the purpose of this Section shall be defined as to exclude staff or receiving family.	
A.164	On the approximately 0.07 hectare parcel of land located on the east side of Division Street south of Stephen Street and designated A.164 on Zoning Map Number 17 attached to this by-law as Schedule "A"; i) the permitted uses shall also include business and professional offices; ii) repealed by By-Law Number 83-168 – 1983; iii) one parking space shall be provided for each 27.78 square metres of office space located on the said property.	UR5
A.166	On the approximately 0.2 hectare parcel of land located at the southeast corner of King Street East and Maitland Streets and designated A.166 on a copy of Zoning Map Number 31 attached to and forming part of By-Law Number 79-140 as Schedule "A": (a) The permitted uses shall also include professional offices having a maximum total floor area of 140 square metres provided they are located in the existing building; (b) A minimum of 1 parking space for every 28 square metres of professional office space shall be provided; (c) The required commercial off-Street parking spaces may be located in the front yard of the building.	HCD3
A.169	On the parcel of land identified as 73-75 Bay Street and 442 Bagot Street and designated A.169 on a copy of Zoning Map Number 18, attached to and forming part of By-Law Number 79-263 as Schedule "B", the permitted uses shall also include neighbourhood stores, provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of the passing of this by-law plus an area equal to 10 per cent of the previously described area.	UR5
A.170	On the parcel of land identified as 424 Bagot Street and designated A.170 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 79-263 as Schedule "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this by-law, plus an area equal to 10 per cent of the previously described area.	UR5
A.171	On the parcel of land identified as 212 Montreal Street and 68-70 Raglan Road and designated A.171 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 79-263 as Schedule "B", the permitted uses shall also include neighbourhood	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	stores and a retail florist shop provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this by-law plus an area equal to 10 per cent of the previously described area.	
A.172	On the parcel of land identified as 61-63 John Street and designated A.172 on copies of Zoning Maps Number 17 and 18 attached to and forming part of By Law Number 79-263 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this by-law plus an area equal to 10 per cent of the previously described area.	UR5
A.214	<p>On the approximately 0.134 hectare parcel of land located at the southeast corner of Concession Street and Alfred Street,, and designated A.214 on a copy of Zoning Map Number 19 attached to and forming part of By-Law Number 86-95 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 6.2 of this By-Law, the permitted uses shall also include neighbourhood stores and services, provided that these uses occupy the ground floor of the building only and contain no more than 430 square metres of floor space;</p> <p>(b) The maximum number of permitted dwelling units shall be six (6), containing a total floor space of not more than 430 square metres;</p> <p>(c) Notwithstanding the provisions of Section 5.3 of this by-law, the minimum number of required off-street parking spaces shall be nineteen (19);</p> <p>(d) Notwithstanding the provisions of Section 5.27 of this by-law, the minimum required amenity area shall be 96.8 square metres;</p> <p>(e) Notwithstanding the provisions of Section 6.3(b) of this by-law, the minimum required front yard shall be 3.86 metres;</p> <p>(f) Notwithstanding the provisions of Section 6.3(d) of this by-law, the minimum required rear yard shall be 0.6 metres;</p> <p>(g) Notwithstanding the provisions of Section 6.3(c) of this by-law, the minimum required side yard of the West side of the property shall be 3.86 metres.</p>	UR5
A.243	<p>On the approximately 0.035 hectare parcel of land located on the west side of Nelson Street South of Princess Street, known municipally as 182 Nelson Street, and designated 'A.243' on Zoning Map 19 of By-Law Number 8499, the following regulations shall apply:</p> <p>a) Notwithstanding the provisions of Section 6.2 of this by-law the permitted uses shall also include professional offices;</p> <p>b) The professional office use shall be restricted to the ground floor</p>	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>only of the building;</p> <p>c) The maximum permitted building depth shall be 16.95 metres;</p> <p>d) The aggregate side yard for the building on this property shall be 3.0 metres;</p> <p>e) The maximum ground floor area of the building on this property shall be 112.6 square metres;</p> <p>f) The second floor of the building shall be used for one (1) residential dwelling unit;</p> <p>g) The minimum number of required off-street parking spaces shall be four (4) for the non-residential use on the site, and one (1) space for the residential use, which space shall be provided within 60 metres of the property. In the event that the ground floor is used for a professional office other than a chiropractic clinic, the combined parking requirements for both floors shall be four (4) parking spaces instead of the five (5) stipulated above.</p> <p>h) Access to the required off street parking spaces shall be permitted by a single combined entrance / exit lane.</p>	
A.297	<p>On the approximately 0.027 hectare (265 square metre) parcel of land located on the northeast corner of Patrick Street and Markland Street, known municipally as 51 Patrick Street and designated 'A.297' on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 96-195 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 6.2 of this by-law, the permitted uses shall also include a triplex dwelling;</p> <p>(ii) The minimum number of required off-street parking spaces shall be three (3);</p> <p>(iii) The basement dwelling unit shall be confined within the walls of the building in existence as of the date of the passing of this by-law and shall contain a maximum floor area of 50 square metres.</p> <p>(iv) Notwithstanding the provisions of Section 6.3(a), 6.3(b), 6.3(c), 6.3(d) and 6.3(e) of this by-law, the existing building shall be recognized as non complying with respect to the regulations of the "A" Zone regarding Minimum Lot Area, Minimum Front Yard, Minimum Side Yard, Minimum Rear Yard and Maximum Percentage of Lot Coverage. No extension or enlargement of the existing building shall be permitted, however, alterations, include structural alterations, necessary for the normal maintenance and repair of the existing building will be permitted.</p>	UR5
A.334	<p>On the approximately 0.12 acre parcel of land located on the west side of Bagot Street, known municipally as 402 Bagot Street, and designated 'A.334' on a copy of Zoning Map Number 18 attached hereto and forming part of By-Law Number 2004-16, the following</p>	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 6.3(j) of this by-law, a structural alteration having the effect of adding new floor area to the principal building on the subject property shall be permitted, provided that:</p> <p>(a) the gross floor area of the principal building shall not exceed 390.2 square metres (4,200 square feet);</p> <p>(b) the additional new floor area permitted by the passing of this by-law shall not exceed 79.2 square metres (852 square feet) and shall be wholly contained within the third storey, and, the remaining 48 square metres (516 square feet) of “non-permitted” space on the third storey will be rendered inaccessible for use;</p> <p>(c) the four (4) units shall be contained within the walls of the building in existence as of the date of the passing of this by-law; and, any extension, expansion or structural alteration which has the effect of adding new floor area or dwelling units to the said multiple family dwelling, including dormer construction, shall be prohibited.</p>	
A.358	<p>On the approximately 453 square metre parcel of land known as 130 Helen Street and zoned as ‘A.358’ on Zoning Map Number 20 attached to and forming part of amending By-Law 2006-206: Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 6 for the “A” One Family and Two Family Residential Zone shall apply to the ‘A.358’ Zone except that:</p> <p>i) Permitted Use: Maximum of six dwellings units within the building in existence on the property on the day of the passing of this by-law.</p> <p>ii) Minimum Lot Area: 94 square metres per dwelling unit</p> <p>iii) Minimum Rear Yard: 6.1 metres</p> <p>iv) Maximum Building Height The maximum permitted height of any exterior wall exclusive of end gable shall be 7.9 metres</p> <p>v) Flat Roof Height A flat roof shall be permitted above the 7.9 metre exterior wall</p> <p>vi) Maximum Building Depth 16.7 metres</p> <p>vii) Minimum Off-Street Vehicle Parking: 1 parking space per dwelling unit</p> <p>viii) Parking: A maximum of three parking spaces shall be permitted within the front yard</p>	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A.368	<p>On the approximately 357 square metre parcel of land located north of Princess Street and on the west side of Frontenac Street, known municipally as 544 Frontenac Street, a maximum of 3 dwelling units shall be permitted in accordance with the following provisions:</p> <ul style="list-style-type: none"> i. Maximum Gross Floor Area shall be limited to the existing 580 square metres as approved by Committee of Adjustment Decision Notice D10 025-2005; ii. Maximum Residential Building Depth: 14.3 metres; and iii. Minimum Lot Area: 350 square metres. 	UR5
A.369	<p>On the approximately 546 square metre parcel of land located north of Princess Street and on the east side of Frontenac Street, known municipally as 551 Frontenac Street, the following provisions shall apply in addition to Section 13:</p> <ul style="list-style-type: none"> i) The minimum side yard setback shall be 0.2 metres on one side and 2.7 metres on the other side; ii) The maximum number of units shall be 3 units with 10 bedrooms. 	UR5
A.372	<p>On the approximately 532.4 square metre parcel of land known as 349 Mack Street and zoned as 'A.372' on Zoning Map 20 attached to and forming part of amending By-Law 2007-144:</p> <p>Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 6 for the "A" One-Family Dwelling and Two-Family Dwelling Zone shall apply to the 'A.372' Zone except the following:</p> <ul style="list-style-type: none"> i) In addition to the provisions of Section 6.2, a day care centre shall also be permitted. ii) Notwithstanding the provisions of Section 5.3, a minimum of three on-site parking spaces shall be provided for any use permitted in Section i) above. iii) The setbacks of the building existing at the date of the passing of this by law shall be deemed to comply. 	UR5
A.377	<p>Notwithstanding the provisions of Section 6.2 hereof to the contrary, on the lands designated 'A.377' on Schedule "A" attached hereto, the following regulations shall apply:</p> <ul style="list-style-type: none"> a) That the following additional use be permitted: <ul style="list-style-type: none"> • a 'Daycare Centre' b) That notwithstanding any regulations to the contrary a maximum aggregate driveway width of 8.1 metres is permitted. c) That notwithstanding any regulations in Section 5.3 to the contrary 	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	a maximum aggregate of 4 parking spaces is permitted in the front yard and exterior side yard.	
A.379	<p>On the approximately 0.42 hectare parcel of land known municipally as 342 Patrick Street, and zoned 'A.379' on Zoning Map Number 17 attached to and forming part of and amending By-Law Number 2008-161:</p> <p>i) A community facility shall be the only permitted use.</p> <p>ii) For the purpose of the 'A.379' Zone, the following definition shall apply: Community Facility means a building where members of the public are provided with educational, social, cultural, or religious programs and where neither overnight care nor living accommodation is available.</p> <p>iii) Notwithstanding the provisions of Section 5.3, a minimum of 29 off-street parking spaces shall be provided.</p> <p>iv) The building and site development as of the date of the passing of this by law shall be deemed to comply with the regulations of this Zoning By Law.</p>	UR5
A2	Not Applicable	UR7
A2.47	On the parcel of land identified as Lot 17, Reg. Plan 679, located on the north west corner of Forsythe Avenue and Wolfe Street and designated A2.47 on Zoning Map Number 26 of this by-law, a two-family dwelling which shall be of brick or brick veneer construction, with cottage type roof and one and one-half storeys high, shall be permitted.	UR7
A2.48	On the approximately 0.06 hectare parcel of land located on the south side of Johnson Street approximately 30.0 metres east of Mowat Avenue and designated A2.48 on Zoning Map Number 26 of this by-law, a two family dwelling which shall be of brick or brick veneer construction, with cottage type roof, two storeys high and of the same general appearance as the dwelling located on the lot immediately east of the subject property, shall be permitted.	UR7
A2.49	On the approximately 0.1 hectare parcel of land located on the south side of Princess Street approximately 91.0 metres east of Portsmouth Avenue and designated A2.49 on Zoning Map Number 12 a two-family dwelling shall be a permitted use.	CA
A2.354	On the approximately 0.14 hectare parcel of land located at the north-east corner of Johnson Street and Roden Street, known municipally as 1061 Johnson Street, and designated 'A2.354' on Map 25 of this by-law, the existing building may contain a maximum of three dwelling units.	UR7

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
A4.50	On the approximately 0.15 hectare parcel of land located on the east side of Victoria Street between Union Street and Earl Street and on the approximately 0.19 hectare parcel of land located on the east side of Victoria Street between Union Street and Earl Street, both parcels being designated A4.50 on Zoning Map Number 30 of this by-law, not more than a total of seven two-family dwellings shall be permitted to be constructed.	UR6
A5	Not Applicable	UR6
A5.52	On the approximately 0.07 hectare parcel of land located on the southwest corner of Mowat Avenue and Churchill Street and designated A5.52 on Zoning Map Number 28, (a) a Physiotherapy Clinic within the same building as a place of residence provided that the said premises continue to be the place of residence only for Hans Blaser or Vreni Blaser, shall be a permitted use, (b) the portion of the building so occupied by the Physiotherapy Clinic shall at no time occupy more than 116.0 square metres of floor area of the building including the basement, provided that at no time more than three Physiotherapists are engaged in the practice of physiotherapy on the subject lands.	UR6
A5.150	On the approximately 0.14 hectare parcel of land located on the west side of Mowat Avenue between Union Street and Baiden Street and designated A5.150 on a copy of Zoning Map Number 28 attached to and forming part of By-Law Number 9163 as Schedule "A", the permitted uses shall also include a row dwelling containing four dwelling units.	UR6
A5.252	On the approximately 0.06 hectare parcel of land located on the east side of Yonge Street south of King Street West, known municipally as 97, 99, 101 Yonge Street, and designated A5.252 on a copy of Zoning Map Number 29 attached to and forming part of By-Law Number 90-135 as Schedule "A", the following regulations shall apply: (a) Notwithstanding Section 11.2 of this by-law, the permitted uses shall also include a three (3) unit row dwelling and associated parking spaces; (b) Notwithstanding Section 11.3 of this by-law, the existing three (3) unit row dwelling shall be deemed to be conforming with respect to yard requirements, lot area, lot width and parking.	UR6
A5.314	On the approximately 0.12 hectare (.29 acre) parcel of land located on the east side of Montreal Street known municipally as 1135 Montreal Street, and designated 'A5.314' on a copy of Zoning Map Number 7 attached hereto and forming part of this by-law, the following regulations shall apply:	UR6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(i) In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex shall also be permitted use;	
A5.332	<p>On the approximately 0.09 hectare (.23 acre) parcel of land located on the west side of Division Street known as 666 Division Street, and designated 'A5.332' on a copy of Zoning Map Number 14 attached hereto and forming part of By-Law Number 2003-49, as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex shall also be permitted use, provided that the three units are contained within the walls of the building in existence as of January 21, 2003, the date of the passing of this by-law.</p>	UR6
A5.337	<p>On the approximately 0.08 hectare (0.20 acre) parcel of land located on the west side of Wilson Street, known as 134 Wilson Street and designated 'A5.337' on a copy of Zoning Map Number 7 attached hereto and forming part of By-Law Number 2003-369, as Schedule "A", the following regulations shall apply:</p> <p>In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex dwelling shall also be a permitted use, provided that the three units are contained within the walls of the building in existence as of September 9, 2003, the date of the passing of this by-law.</p>	UR6
A5.339	<p>On the approximately 0.08 hectare (0.20 acre) parcel of land located on the west side of Wilson Street, known as 130 Wilson Street and designated 'A5.339' on a copy of Zoning Map Number 7 attached hereto and forming part of Amending Zoning By-Law Number 2004-21, as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex dwelling shall also be a permitted use, provided that the three units are contained within the walls of the building in existence as of the date of the passing of this by-law.</p>	UR6
A5.376	<p>On the approximately 588 square metre parcel of land known as 880 Victoria Street and zoned as 'A5.376' on Zoning Map Number 14 attached to and forming part of amending By-Law 2008-136, notwithstanding any provisions of the by-law to the contrary, the provisions of Section 11 for the 'A5' Zone shall apply to the 'A5.376' Zone except that:</p> <p>(i) Additional Permitted Uses: Day Care Centre</p> <p>(ii) Notwithstanding the provisions of Section 5.3A(b), a minimum of 2 off-street parking spaces shall be provided for any use permitted in Section (i) above, which spaces may be a minimum of 2.5 metres</p>	UR6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>wide.</p> <p>(iii) Notwithstanding the provisions of Section 5.3B(c), parking may be provided in the front yard.</p> <p>(iv) Deemed to Comply: The building and site development existing as of the date of the passing of this by-law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 11 of this by-law.</p>	
A5.381	<p>On the approximately 929 square metre parcel of land known as 34 Barbara Avenue and zoned as 'A5.381' on Zoning Map Number 14 attached to and forming part of amending By-Law Number 2009-25, the following provisions shall apply:</p> <p>i) Additional Permitted Uses within the Building Existing as of the Date of the Passing of this By-Law: Multiple family dwelling containing no more than three dwelling units</p> <p>ii) Minimum Lot Area: 929 square metres</p> <p>iii) Minimum Number of Off-Street Vehicle Parking Spaces: 3 parking spaces</p> <p>iv) Deemed to Comply: The building, accessory garage and site development existing as of the date of the passing of this by-law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building or accessory garage on the site is removed, any new development shall be subject to the regulations of Section 11 of this by-law.</p>	UR6
B.54	<p>On the approximately 0.43 hectare parcel of land located on the southeast corner of Johnson Street and Bagot Street and designated B.54 on Zoning Map Number 31,</p> <p>(a) a residential building containing not more than 51 senior citizen apartments plus one dwelling unit shall be a permitted use of the land,</p> <p>(b) the minimum number of required off-street parking spaces shall be 30,</p> <p>(c) there shall be no regulations regarding:</p> <p>i. Percentage of Lot Occupancy</p> <p>ii. Minimum Front Yard</p> <p>iii. Minimum Rear Yard</p> <p>iv. Minimum Side Yard</p> <p>v. Courts</p> <p>vi. Density</p>	URM3
B.55	<p>On the approximately 0.06 hectare parcel of land located on the north side of Lower Union Street approximately 17.0 metres east of Bagot Street and designated A.55 on Zoning Map Number 31, a hospital as</p>	HCD3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	defined by the Public Hospitals Act, R.S.O. (1970) Chapter 378, shall be a permitted use of land.	
B.56	<p>On the approximately 0.18 hectare parcel of land located on the south side of Wellington Street between Gore and Earl Streets and designated B.56 Zoning Map Number 31, the provisions of the B zone shall apply except that:</p> <p>(a) the permitted uses shall also include:</p> <p>i. a residential building containing a maximum of seventeen selling units; and</p> <p>ii. Repealed by By-Law Number 79-140.</p> <p>(b) A maximum of three off-street parking spaces may be located in a yard other than the rear yard.</p>	HCD3
B.117	<p>On the approximately 0.16 hectare parcel of land located at the northeast corner of Division Street and Johnson Street, known as 329 Johnson Street and zoned 'B.117' on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 2005-143 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 13 of this by-law, the permitted uses shall also include:</p> <p>(a) a coffee shop with a maximum floor area of 150 square metres, located on the ground floor of the building</p> <p>(b) an office with a maximum floor area of 150 square metres, located on the ground floor of the building.</p>	URM3
B.179	<p>On the approximately 0.08 hectare parcel of land located on the south side of Lower Union Street between Ontario Street and King Street and designated B.179 on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 80-115 as Schedule "A", the existing multiple family dwelling containing seven dwelling units shall be deemed to be a use of land conforming with the provisions of this by-law. No owner of this multiple family dwelling shall alter the building or permit the alteration of the building unless he applies to Council or the Committee of Adjustment and receives consent to make such alteration.</p>	HCD3
B.180	<p>On the approximately 0.12 hectare parcel of land located on the east side of King Street East between West Street and Lower Union Street and designated B.180 on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 80-115 as Schedule "A", the existing multiple family dwelling containing sixteen dwelling units shall be deemed to be a use of land conforming with the provisions of this by-law. No owner of this multiple family dwelling shall alter the building or permit alteration of the building unless he applies to</p>	HCD3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	Council or the Committee of Adjustment and receives consent to make such alteration.	
B.191	On the approximately 0.075 hectare parcel of land located on the east side of King Street East south of Lower Union Street and designated B.191 on a copy of Zoning Map Number 31 attached to and forming part of By-Law Number 82-196 as Schedule "A", the permitted uses shall also include professional offices for architects, engineers, accountants, and lawyers provided that these uses are confined within the wall of the existing coach house building.	HCD3
B.219	On the 0.12 hectare parcel of land located at the southwest corner of Bagot Street at John Street a row dwelling containing a maximum of eight dwelling units shall be a permitted use of land subject to the following exceptions to the regulations for Zone B: (i) Permitted Uses: A row dwelling containing up to eight dwelling units. (ii) Front Yard: Bagot Street 3.0 metres minimum; – John Street 4.57 metres minimum; (iii) Amenity Area: 524 metres minimum.	URM3
B.228	On the approximately 221 square metre parcel of land located at the Southwest corner of Ontario and Earl Streets, and designated B.228 on a copy of zoning Map Number 31 attached to and forming part of By-Law Number 87-206 as Schedule "A", notwithstanding Section 13.3, the following regulations shall apply for construction of a four storey dwelling unit row house only: i) Minimum Front Yard: No Requirement ii) Minimum Side Yard: No Requirement iii) Minimum Rear Yard: No Requirement iv) Corner Lots: Front Yard: No Requirement v) Maximum Lot Coverage: 95 per cent vi) Maximum Density: 135 dwelling unit per hectare vii) Play Space and Amenity Area: Total 54 square metres viii) Parking: 3 Interior Spaces	URM3
B.229	On the approximately 0.024 hectare parcel of land located at 50 Earl Street (South side), and designated B.229 on a copy of Zoning Map Number 31 attached hereto and forming part of By-Law Number 87-223 as Schedule "A", the following regulations shall apply: (i) Notwithstanding any provision of Section 13 to the contrary, two dwelling units shall be permitted within the existing dwelling located thereon.	HCD3
B.306	On the approximately 0.14 hectare parcel of land located on the northwest corner of Johnson and Barrie Street, known municipally as 309-315 Johnson Street, and designated 'B.306' on the map attached	URM3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>to and forming part of By-Law Number 98-267 as Schedule “A”, the following regulations shall apply:</p> <p>(i) In addition to the uses permitted by Section 13.2 of this by-law a funeral home and associated parking shall also be permitted on lands designated ‘B.306’;</p> <p>(ii) The minimum number of required off-street parking spaces for the funeral home and any upper floor residential units shall be thirty-one (31);</p> <p>(iii) That notwithstanding the provisions of Section 13.3, Subsections (b), (c), and (d) of this by-law, the existing funeral home shall be recognized as non-complying with respect to the minimum building setback requirements along Johnson Street, Barrie Street and the north property boundary;</p> <p>(iv) That notwithstanding the provisions of Section 13.3, Subsection (g) of this by-law, the maximum percentage of lot coverage shall be 40 per cent.</p>	
B.351	<p>On the approximately 1255 square metre parcel of land located at 39 Russell Street, being Concession WGCR Part Farm Lot 1; RP 13R12917, Parts 1 and 2, between Division Street and Montreal Street and zoned as ‘B.351-H’ on the copy of Zoning Map Number 17 attached to and forming part of By-Law 2005-57 as Schedule “A”, the following regulations shall apply:</p> <p>(a) Purpose and Requirement for Removal of Holding Symbol: The use and removal of the ‘-H’ Holding Symbol shall be in accordance with the provisions of Section 5.39 of this by-law. To ensure the proper redevelopment of the lands, given the findings of the Environmental Site Assessment and Soils Investigations, development will not proceed until the following have been completed:</p> <ul style="list-style-type: none"> • an acceptable Remediation Plan is provided and carried out to the Municipality’s satisfaction; • that a Record of Site Condition (RSC) is filed with the Ministry of the Environment or that the City has declared that a RSC is not required; • a Site Plan Control Agreement is executed by the Owner, which Agreement shall incorporate the recommendations for site remediation and all other applicable municipal conditions. <p>(b) Permitted Interim Uses: In accordance with Section 5.39 (i) of this By-Law.</p> <p>(c) Zone Regulations When ‘-H’ Symbol Removed: Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 13 for the “B” Three and Six Family Dwelling Zone shall apply to the ‘B.351’ Zone except that:</p> <p>(i) notwithstanding the provisions of Section 13.2, the following additional uses shall be permitted:</p>	URM3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> • an office, not exceeding 250 square metres in gross floor area; (ii) the minimum rear yard shall be 4.0 metres; (iii) notwithstanding Section 5.3 of this by-law, the minimum number of off-street parking spaces to be provided on site shall be 8; (iv) notwithstanding Section 5.3 of this by-law, parking facilities may be located in front of the midway point between the front and rear walls of the main building; (v) development on the site shall be subject to Site Plan Control. 	
B.388	<p>Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'B.388' on Schedule "A" hereto, the following regulations shall apply:</p> <ol style="list-style-type: none"> 1. Shall have a total of 6 dwelling units; 2. Maximum Interior Side Yard Width of 2.5 metres; 3. Maximum lot coverage of 37.5 per cent; 4. Minimum Amenity and Play Space Area of 467 square metres 5. Minimum driveway width of 2.5 metres; and 6. A single vehicle ingress and egress shall be permitted. 	URM3
B1.57	<p>On the approximately 1.32 hectare parcel of land located on the south side of Nickle Avenue west of Curtis Crescent and designated B1.57 on Zoning Map Number 24, the maximum number of dwelling units that may be erected thereon shall be 120, nor shall any building be built which is over seven storeys in height.</p>	URM4
B1.59	<p>On the approximately 0.09 hectare parcel of land located on the south side of Johnson Street west of Yonge Street and designated B1.59 on Zoning Map Number 26, no outside stairway shall be permitted.</p>	UR7
B1.60	<p>On the approximately 0.3 hectare parcel of land located on the east side of Hillendale Avenue south of Princess Street and designated B1.60 on Zoning Map Number 21, the maximum density shall be 106.2 units per hectare and multiple family structures erected thereon shall be in substantial conformity with the site plans prepared by Regent Properties Company, copies of which are attached and form part of this by-law as Schedules "D-1", "D-2", "D-3", and "D-4".</p>	URM4
B1.62	<p>On the approximately 0.53 hectare parcel of land located between Mowat Avenue and Yonge Street south of Logan Street and designated B1.62 on Zoning Map Number 29, the maximum building height shall be 21.3 metres.</p>	URM4
B1.63	<p>On the approximately 0.77 hectare parcel of land located on the North side of Barbara Avenue west of Division Street and designated B1.63 on Zoning Map Number 14, the maximum density shall be 111.2 dwelling units per hectare.</p>	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
B1.64	<p>On the approximately 2.17 hectare parcel of land located on the southwest corner of Bath Road and Portsmouth Avenue and designated B1.64 on Zoning Maps Number 21 and Number 22 the erection and occupation of 56 three bedroom family units and 20 four bedroom family units shall be permitted provided that the location of the said buildings is in substantial conformity with the location shown on the site plan prepared by E.A. Cromarty, Architect, dated September 18, 1969, a copy of which is attached hereto and forms part of this by-law as Schedule "F".</p>	URM4
B1.65	<p>On those lands located north of Weller Avenue and west of Wilson Street and designated B1.65 on Zoning Maps number 3 and 7, the provisions of the B1 zone shall apply except as otherwise stipulated on Schedule "G" attached to and forming part of this by-law and/or as outlined in Section 65(a) as follows:</p> <p>(a) Development shall be permitted only if it is in substantial conformity with the site plan prepared by Headway Corporation Limited, dated April 10, 1972, a copy of which is attached to and forms part of this by-law as Schedule "G". The Schedule "G" is intended to allow development subject to the provisions of the B1 zone save and except that:</p> <ol style="list-style-type: none"> 1. Blocks B, D, H, J, L and M as shown on Schedule "G" shall be designated B1.65. <p>(a) Blocks D, H, L and M shall be used for 246 O.H.C. family housing units with land area of 5.22 hectares more or less;</p> <p>(b) Blocks H and M shall be modified to permit 1.0 parking space per unit;</p> <p>(c) Block J shall be modified to permit 1.0 parking space for each four units;</p> <p>(d) Blocks D, H, J, L and M shall be modified to permit buildings to be erected within the required set back and side yard area;</p> <p>(e) Block B shall be modified as follows:</p> <ol style="list-style-type: none"> (i) to permit a maximum of 267 dwelling units in three buildings, each of which is to have a maximum height of 6 storeys; (ii) to provide that off-street parking facilities may be located anywhere on the lot except that no parking space may be located within 30.5 metres of a street line. <p>(f) Blocks D, H, L and M shall be modified to permit buildings to be constructed at the rear of others and not fronting on a public street;</p> <p>(g) Block J shall be modified to permit a maximum of 53 dwelling units;</p> <ol style="list-style-type: none"> (2) Blocks B-1, BB, BBB, C, DD, HH, and JJ as shown on Schedule "G" shall be designated B1.65 but not permitting dwelling units; (3) Blocks E, EE, G, GG as shown on Schedule "G" shall be designated B1.65 but permitting the erection of a Day Care Centre 	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	only, and in the event the Blocks are not so used, then the said Blocks shall be used in perpetuity for Park purposes.	
B1.109	On those parcels of land consisting of approximately 4.82 hectares of land located south of Princess Street immediately east of the Little Cataraqui River and designated B1.109 on Zoning Map Number 11, the maximum number of permissible dwelling units shall be 326.	URM4
B1.110	On that parcel of land located adjacent to the Little Cataraqui River between Bath Road and Princess Street and designated B1.110 on Zoning Map Number 11, the maximum density shall not be greater than 35.8 units per ha.	EPA
B1.115	<p>On the approximately 1.05 hectare parcel of land located west of Portsmouth Avenue and south of Johnson Street and designated B1.115 on a copy of Zoning Map Number 24 attached to and forming part of By-Law Number 8759 as Schedule "A":</p> <ul style="list-style-type: none"> i. The permitted uses shall be group or row dwellings only; ii. The maximum number of dwelling units that may be permitted thereon shall be 30; iii. The requirements for Minimum Floor Area and Bachelor Dwelling Units shall be as follows: Minimum Floor Area (Per Dwelling Unit): Two to five family dwelling: 74.3 square metres Six or more family dwelling: 65.0 square metres Bachelor Apartment: 28.0 square metres Within a multiple family dwelling, not more than one bachelor apartment shall be permitted for every four family dwelling units. iv. The minimum number of required off-street vehicle parking spaces shall be in the ratio of 1.3 spaces per dwelling unit. v. Off-street vehicle parking facilities shall be provided on the same lot or premises as the referred to structure of use and may occupy any location thereon other than any required front yard space. vi. The Play Space requirements shall be as follows: (a) Where housing units are allowed and there are more than 40 housing units with more than one bedroom contained in one or more apartment buildings on the property, a Play Space of at least 2.3 square metres per housing unit shall be provided in one location. In projects of over 100 such housing units, the required space may be separated into two or more areas provided no one space is less than 232.0 square metres. (b) Play Spaces shall be located in rear areas, at ends of buildings or in other suitable locations on the property which will not impair views from living rooms or front entrances, and permit easy access from the housing units without encountering traffic hazards. 	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	vii. There shall be no requirements for the provisions of Amenity Areas.	
B1.116	<p>On the approximately 1.92 hectare parcel of land located west of Portsmouth Avenue and north of Nickle Avenue and designated B1.116 on a copy of Zoning Map Number 24 attached to and forming part of By-Law Number 8759 as Schedule "A":</p> <ul style="list-style-type: none"> i. The permitted uses shall be multiple family dwellings only; ii. The maximum number of dwelling units that may be permitted thereon shall be 178 units; iii. The requirements for Minimum Floor Area and Bachelor Dwelling Units shall be as follows: Minimum Floor Area (Per Dwelling Unit): Two to five Family dwelling: 74.3 square metres Six or more family dwelling: 65.0 square metres Bachelor apartment: 28.0 square metres Within a multiple family dwelling, not more than one bachelor apartment shall be permitted for every four family dwelling units. iv. The minimum number of required off-street vehicle parking spaces shall be in the ratio of 1 space per dwelling unit. v. Off-Street vehicle parking facilities shall be provide on the same lot or premises as the referred to structure or use and may occupy any location thereon other than any required front yard space. vi. The Play Space requirements shall be as follows: (a) Where housing units are allowed and there are more than 40 housing units with more than one bedroom contained in one or more apartment buildings on the property, a Play Space of at least 2.3 square metres per housing unit shall be provided in one location. In projects of over 100 such housing units, the required space may be separated into two or more areas provided no one space is less than 232.0 square metres. (b) Play Spaces shall be located in rear areas, at ends of buildings or in other suitable locations 	URM4
B1.121	<p>On the approximately 0.22 hectare parcel of land located on the east side of Montreal Street opposite Hickson Avenue and designated B1.121 on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 8784 as Schedule "A";</p> <ul style="list-style-type: none"> (a) the permitted uses shall only include a 12 unit apartment building and accessory buildings thereto; (b) the minimum required front yard shall be 5.8 metres; (c) the minimum number of required off-street parking spaces shall be 12. 	OS2
B1.134	On the approximately 1.0 hectare parcel of land located at the northwest corner of Montreal and Briceland Streets and designated	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	B1.134 on a copy of Zoning Map Number 7 attached to and forming part of By-Law Number 9052, as Schedule "A", the maximum permitted height shall be 10.7 metres.	
B1.181	<p>On the approximately 0.59 hectare parcel of land located on the west side of Ontario Street between West Street and Lower Union Street and designated B1.181 on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 80-115 as Schedule "A":</p> <ul style="list-style-type: none"> i. The only permitted use shall be a multiple family dwelling containing up to 89 dwelling units and up to 144 bedrooms and accessory buildings thereto. ii. The Maximum Front Yard shall be 6.10 metres and the Minimum Front Yard shall be 3.05 metres. iii. The Minimum Rear Yard shall be 8.2 metres. iv. The Minimum number of required off-street parking spaces shall be 82. v. The maximum building height shall be 20.5 metres or 98.0 metres above mean sea level, whichever is the lesser. The building shall have a maximum of seven storeys. vi. The external dimensions of the main building shall not exceed 57.0 metres by 22.0 metres. vii. Accessory buildings are to be as per Section 5.17 except that the Maximum Lot Coverage shall not exceed 10.4 per cent of the lot area. viii. The provisions of By-Law Number 8499 as described in Sections 5.3(a)(ii)(2), 14.2, 14.3(a), 14.3(c), and 14.3 (h) shall not apply. 	URM4
B1.182	<p>On the two parcels of land located on both sides of Eldon Hall Place at the southwest corner of Portsmouth Avenue and Bath Road and designated B1.182 on a copy of Zoning Map Number 21 attached to and forming part of By-Law Number 81-112 as Schedule "A":</p> <ul style="list-style-type: none"> i. The only permitted use shall be one multiple family dwelling containing up to a maximum of 83 dwelling units located on the north side of Eldon Hall Place, and accessory buildings thereto. ii. The required off-street parking facilities for this use may be located on both sides of Eldon Hall Place within the B1.182 zone. ii. the provisions of By-Law Number 8499 as described in Sections 5.3 B (e), 14.2 and 14.3 (d) shall not apply. 	URM4
B1.206	<p>On the approximately 1.53 hectare parcel of land located on the East side of King Street East North of Place D'Armes and West of Ontario Street, designated as B1.206 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 85-110 as Schedule "B", the maximum number of permitted dwelling units shall be 88 and the maximum permitted density shall be 58 dwelling units per hectare.</p>	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
B1.207	<p>On those parcels of land, located east of Rideau Street between Bay Street and River Street, designated as B1.207 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 85-110 as Schedule "B", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 14.2 of this by-law, the only permitted uses shall be:</p> <ul style="list-style-type: none"> (a) multiple family dwellings; (b) group dwellings, row dwellings; (c) senior citizen apartments; (d) group homes; (e) community halls; (f) bachelor apartments; (g) accessory buildings to any use permitted in the B1.207 zones; (h) churches and church halls. <p>(i) municipally operated home for the aged complex as described in Section 207, Subsection (iv).</p> <p>(ii) Notwithstanding Sections 14.3(d) and 14.3(h) of this by-law, the maximum permitted density shall be 50 dwelling units per net hectare, subject to the provisions of Subsection (iii) below.</p> <p>(iii) Notwithstanding Subsection (ii) above, the maximum permitted density may be increased up to 62.5 dwelling units per net hectare pursuant to the provisions of Section 36 of the Planning Act, 1983 on the following basis:</p> <ul style="list-style-type: none"> (a) Assisted Housing: subject to (iii) (d) below, one unit for each unit of assisted housing provided up to a maximum increase of 15 per cent of the maximum density provided for in Subsection (ii) above. (b) Parkland: subject to (iii) (d) below, a density increase equal to the number of dwelling units which could have been constructed on any lands dedicated as public parkland in excess of the minimum required parkland contribution up to a maximum of 15 per cent of the maximum density provided for in Subsection (ii) above. (c) New Road Allowance: subject to (iii) (d) below, a density increase equal to the number of dwelling units which could have been constructed on lands provided for a new public road allowance up to a maximum of 15 per cent of the maximum density provided for in Subsection (ii) above. (d) However, in no instance shall the total increase in density provided for in Subsections (iii) (a), (iii) (b) and (iii) (c) exceed 25% of the maximum permitted density provided for in Subsection (ii) above. (e) An agreement being entered into between the property owner and the City of Kingston which specifies the facilities, services or matters to be provided in exchange for an increase in density; (f) Any additional dwelling units permitted as an increase in density pursuant to (iii) (a), (b), (c) and (d) above shall be subject to all 	<p>URM4, except:</p> <ul style="list-style-type: none"> - 175, 205 Rideau St: IN2 - 1 Bay St: OS2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>applicable regulations of this By-Law.</p> <p>(iv) (a) On the approximately 3.34 hectare parcel of land located at the northeast corner of Rideau Street and North Street, a municipally operated home for the aged complex shall be permitted. This complex shall include a 170 bed home for the aged and a 70 bed senior citizen residence and may include accessory commercial type amenities to a maximum of 1000 square metres floor area designed to provide for the day-to-day needs of the residents and staff. Also permitted shall be an auditorium primarily for use by residents and staff.</p> <p>(b) Notwithstanding Section 5.3B(e), parking may be located to within not less than 7.5 metres of any lot boundary.</p>	
B1.234	<p>On the parcel of land located on the south side of King Street West, known municipally as 1000 King Street West and comprising the easterly 1.35 hectares of the property commonly known as the Richardson Dock, and designated 'B1.234' on Zoning Maps Number 27 and 28 attached to and forming part of By-Law Number 2001-48 as Schedules "A" and "B", the following regulations shall apply:</p> <p>(i) Notwithstanding Section 14.3 (d) of this By-Law, one (1) multiple family residential building containing a maximum of ninety-one (91) residential units shall be permitted.</p>	URM4
B1.236	<p>On the approximately 2.99 hectare parcel of land located on the East side of Montreal Street opposite the easterly ends of Weller Avenue and Drennan Street, and designated as B1.236 on a copy of Zoning Map Number 7 attached to and forming part of By-Law 88-188, as Schedule "A", the following regulations shall apply:</p> <p>(a) The maximum density shall not be over 55 dwelling units per hectare.</p> <p>(b) Neighbourhood convenience retail commercial uses shall also be permitted to a maximum 150 square metres of floor space.</p> <p>(c) In addition to (b) above, a maximum of 350 square metres of neighbourhood service type uses shall be permitted, which may include doctors' offices, retailing of medical and pharmaceutical supplies and a restaurant, not including take-out or drive-in service.</p> <p>(d) Maximum height shall not be over 10 metres except that one residential dwelling containing not more than 1,500 square metres on any of the upper three floors may be constructed to a height of not more than 19 metres above the elevation of Montreal Street at its nearest proximity to the said dwelling, and one further residential dwelling containing not more than 1,000 square metres on any floor above the third may be constructed to a height of 13 metres.</p> <p>(e) A minimum area of 2,000 square metres shall be exclusively allocated to areas for recreation/play space. These areas may be divided into not more than three parcels provided at least one has a</p>	DR

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>minimum area of 1,000 square metres. (f) No dwelling shall be located less than 30 metres from the boundary of the railway right of way.</p>	
B1.263	<p>On the lands located within the block bounded by Bay Street, Rideau Street, North Street and the old railway right-of-way and designated 'B1.263' on a copy of Zoning Map Number 18 attached to and forming part of By-Law Numbers 93 203 and 94-330, the following regulations shall apply:</p> <p>(i) The only permitted uses shall be:</p> <p>(a) row dwellings containing not more than thirty-three (33) dwelling units; including the three (3) accessory apartments located in three of the townhouse units along Bay Street;</p> <p>(b) accessory buildings to any use permitted in the 'B1.263' zone.</p> <p>(ii) The maximum building height, measured from Rideau Street, Bay Street and North Street adjacent to the site, shall be three (3) storeys.</p> <p>(iii) The minimum setback requirements shall be as follows:</p> <p>(a) For the townhouses fronting onto North Street: Minimum Front Yard: 6.0 metres Minimum Rear Yard: 6.0 metres Minimum Side Yard (adjacent to Wellington Street): 4.5 metres</p> <p>(b) For the townhouses fronting onto Bay Street: Minimum Front Yard: 7.5 metres Minimum Rear Yard: 4.5 metres Minimum Side Yard (adjacent to Wellington Street): 4.5 metres</p> <p>(c) For the townhouses fronting onto Rideau Street: Minimum Front Yard: 7.5 metres Minimum Rear Yard (northerly section of building): 5.72 metres Minimum Side Yard – Adjacent to Bay Street: 5.73 metres – Adjacent to North Street: 5.75 metres</p>	URM4
B1.264	<p>On the lands located within the block bounded by Bay Street, Rideau Street, North Street and the old railway right-of-way and designated 'B1.264' on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 94 330 as Schedule "A", the following regulations shall apply:</p> <p>(i) The only permitted uses shall be:</p> <p>(a) multiple family dwellings containing not more than eighty-five (85) dwelling units;</p> <p>(b) accessory buildings to any use permitted in the 'B1.264' zone.</p> <p>(ii) The maximum building height, measured from Wellington Street adjacent to the site, shall be seven (7) storeys.</p> <p>(iii) Notwithstanding the provisions of Section 14.3 (a) of this by-law, any multiple family dwelling constructed within the 'B1.264' Zone shall be located 7.5 metres from Wellington Street.</p>	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>i. Notwithstanding the provisions of Section 14.3 (b) of this by-law, any multiple family dwelling constructed within the 'B1.264' Zone shall be subject to the following minimum side yard setbacks: South Side: 26.5 metres; North Side: 43.5 metre</p> <p>(vi) The external dimensions for any multiple family dwelling constructed within the 'B1.264' Zone, measured from building corner to building corner, shall not exceed 70.8 metres in length and 22.2 metres in width.</p>	
B1.331	<p>On the approximately 1.49 hectare (3.7 acre) parcel of vacant land located on the west side of Division Street south of Elliott Avenue and north of Kirkpatrick Street and designated 'B1.331' on Zoning Map Number 8 attached to and forming part of By-Law Number 2002-183, as Schedule "A", the following provisions shall apply:</p> <p>(i) In addition to the uses permitted in Section 14.2 of this by-law for the 'B1' Zone, a Nursing / Retirement Home with a maximum of 220 beds and accessory medical and commercial uses related to the Nursing / Retirement Home shall also be permitted on the lands Zoned 'B1.331'. The permitted accessory commercial uses may include, but not necessarily be limited to, a medical clinic, a pharmacy, a beauty salon / barber shop, or a retail store, provided that any such accessory commercial uses are located entirely within the Nursing / Retirement Home and are designed to serve only the residents or employees of the home.</p> <p>(ii) For the purposes of this Section, a Nursing / Retirement Home shall be defined as a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hallway, but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and accessory medical and commercial facilities may also be provided.</p> <p>(iii) Notwithstanding the provisions of Section 14.3 (d) of this by-law, the maximum number of permitted dwelling units shall be 110.</p> <p>(iv) Where a combined nursing / retirement home and apartment complex may be proposed, the maximum number of dwelling units / beds permitted shall not exceed a combined number that would generate more than 220 persons on the lands Zoned 'B1.331'. The total number of persons generated by any such development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of beds / units by the number of persons in accordance with the following table: Dwelling Unit Type Number of Persons Generated Nursing Home Bed 1.0</p>	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	Bachelor Unit 1.0 1 Bedroom Unit 1.5 2 Bedroom Unit 2.5 3 Bedroom Unit 3.5 plus 1.0 for each or Greater Additional Bedroom (v) Notwithstanding the provisions of Section 14 of this by-law, the maximum permitted building height shall be four (4) storeys.	
B1.345	On the approximately 499.31 square metre parcel of land located at 23 to 25 West Street and zoned 'B1.345' on Zoning Map 31, the provisions of Section 14, for the 'B1' Multiple Family Dwelling Zone shall apply to the 'B1.345' Zone except that the following regulations shall apply notwithstanding any provisions of the by-law to the contrary: (a) Notwithstanding the provisions of Sections 14 (a), (b), and (c), the existing building shall be deemed conforming with respect to the minimum front, side and rear yard. (b) Minimum lot width: 9.30 metres (c) Maximum density: 124 dwelling units per hectare (d) Off-street parking: 1 space per dwelling unit (minimum); the required parking may be located in front of the midway point between the front and rear walls of the main building, and stacked parking shall be permitted.	HCD3
B1.360	On the approximately 1.1 hectare parcel of land located at the south-east corner of Bath Road and Sir John A. Macdonald Boulevard, known municipally as 94 Wright Crescent, and designated 'B1.360' on Schedule "A" to By-Law Number 2006-207, the maximum density shall be 105 dwelling units per hectare.	URM4
B1.361	On the approximately 0.8 hectare parcel of land located at the south east corner of Bath Road and Sir John A. Macdonald Boulevard, known municipally as 100 Wright Crescent, and designated 'B1.361' on Schedule A to By-Law Number 2006-207, the following provisions shall apply in addition to Section 14: i) Both the minimum side yard setback and the minimum rear yard setbacks shall be 0 metres. ii) The off-street parking requirement shall be 161 parking spaces, all of which must be located within 100 metres of the subject property.	URM4
B1.382	On the approximately 600 square metre parcel of land known as 225 and 227 Earl Street and zoned as 'B1.382' on Zoning Map Number 30 attached to and forming part of amending By-Law Number 2009-43, the following provisions shall apply to the entire area zoned 'B1.382': i) Minimum Front Yard: 3.0 metres ii) Minimum Side Yard: There shall be no minimum side yard setback	URM4

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	requirement for a residential building having two storeys or less. iii) Maximum Density: 140 dwelling units per hectare iv) Minimum Lot Width: 16.0 metres v) Projection into Yards: (a) A covered or uncovered unenclosed porch, deck, balcony or veranda may project out from the main building wall providing it is no closer than 1.5 metres to the front lot line. (b) A step may project out from the main building wall up to the front lot line. (c) There shall be no minimum setback from the interior side lot line of a common party wall for a covered or uncovered unenclosed porch, deck, balcony, step or veranda. vi) Minimum Number of Parking Spaces: 6 parking spaces vii) Minimum Size of a Parking Space: 2.58 metres wide by 6.0 metres long viii) Minimum Number of Bicycle Parking: 12 spaces.	
B2.199	On the approximately 0.80 hectare parcel of land located on the south side of Elliot Avenue between Douglas Avenue and Division Street (Block "J", Registered Plan Number 1656) and designated B2.199 on a copy of Zoning Map Number 8 attached to and forming part of By-Law Number 84-69 as Schedule "A": (i) The maximum permitted density shall be 42 dwelling units per net ha. (ii) Notwithstanding Section 15.3(k) of this By-Law, the maximum number of dwelling units per building shall be thirty-five (35).	URM5
B2.274	On the approximately 0.4 hectare parcel of land located in the block bounded by Yonge Street, Logan Street and Mowat Avenue, known municipally as 28 Yonge Street and designated 'B2.274' on a copy of Zoning Map Number 29, attached to and forming part of By-Law Number 93-255 as Schedule "A", the following regulations shall apply: (a) Notwithstanding the provisions of Section 15.3(j) of this by-law, the Maximum Number of Permitted Dwelling Units shall be eighteen (18); (b) Notwithstanding the provisions of Section 15.3(a) of this by-law, the Maximum Height shall be three (3) storeys provided the building height as defined in this by-law does not exceed 9.6 metres; (c) Notwithstanding the provisions of Section 15.3(c) of this by-law, the Minimum Front Yard shall be: On Yonge Street: 3.0 metres; On Logan Street: 2.0 metres; On Mowat Avenue: 3.0 metres; (d) Notwithstanding the provisions of Section 15.3(d) of this by-law, the Minimum Side Yard shall be 0.6 metres; (e) Notwithstanding the provisions of Section 15.3(e) of this by-law,	URM5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	the Minimum Rear Yard shall be 6.4 metres; (f) Notwithstanding the provisions of Section 15.3(g) of this by-law, the Maximum Percentage of Lot Occupancy shall be 82.7 per cent.	
B2.283	On the approximately 0.2 hectare parcel of land located on the east side of Yonge Street south of Logan Street, and designated 'B2.283' on a copy of Zoning Map Number 29 attached to and forming part of By-Law Number 94-129 as Schedule "A", the following regulations shall apply: (i) Notwithstanding the provisions of Section 15.3(j) of this by-law, the Maximum Number of Permitted Dwelling Units shall be eleven (11); (ii) Notwithstanding the provisions of Section 15.3(a) of this by-law, the Maximum Height shall be three (3) storeys provided the building height as defined in the by-law does not exceed 9.6 metres; (iii) Notwithstanding the provisions of Section 15.3(c) of this by-law, the Minimum Front Yard shall be: On Yonge Street – 2.0 metres; (iv) Notwithstanding the provisions of Section 15.3(d) of this by-law, the Minimum Side Yard shall be 2.0 metres; (v) Notwithstanding the provisions of Section 15.3(e) of this by-law, the Minimum Rear Yard shall be 3.2 metres; (vi) Notwithstanding the provisions of Section 15.3(g) of this by-law, the Maximum Percentage of Lot Occupancy shall be 85 per cent.	URM5
B3.68	On the approximately 0.97 hectare parcel of land located on the south side of King Street East and on the west side of West Street and designated B3.68 on Zoning Map Number 31, the existing multiple family dwelling shall be deemed to be a use of land conforming with the provisions of this by-law except that: (a) no parking in association with this use shall be permitted within 36.6 metres of the south side of King Street, (b) no extension, expansion or structural alteration of any kind to the said multiple family dwelling shall be allowed.	URM6
B3.69	On the approximately 0.95 hectare parcel of land located on the east side of Ontario Street south of Lower Union Street as extended and designated B3.69 on Zoning Map Number 31, any multiple family dwelling constructed, or for the construction of which a building permit has been issued by the building Inspector, before the date of passage of this by-law by the City which was constructed in accordance with all by-laws of the City, in force at that date, shall be deemed to be a use of land conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind to the said multiple family dwelling shall be allowed.	URM6
B3.133	On the approximately 1.98 hectare parcel of land located north of Elmwood Street and west of Sir John A. Macdonald Boulevard and	URM6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	designated B3.133 on a copy of Zoning Map Number 21 attached to and forming part of By-Law Number 9046 as Schedule "A", the maximum number of permissible dwelling units shall be 229.	
B3.135	On the approximately 10.7 hectare parcel of land located east of Rideau Street and north of River Street and designated B3.135 on Zoning Map Number 16 and 17 attached to and forming part of By-Law Number 9064 as Schedule "A" and "B", the maximum number of permitted dwelling units shall be 790.	URM6
B3.185	<p>On the approximately 3.4 hectare parcel of land located at the south east corner of Bath Road and Portsmouth Avenue and designated B3.185 on Zoning Map Number 21 attached to and forming part of By-Law Number 2002-55 as Schedule "A", the following provisions shall apply:</p> <ul style="list-style-type: none"> ii. The 150 unit apartment building shall have a maximum height of eleven storeys. iii. A coffee shop shall be a permitted accessory use within the 150 dwelling unit multiple family dwelling. iv. The building within which the coffee shop is located shall not contain any show or display windows associated with the use which is visible from the exterior of the building. v. There shall be no commercial signs visible from the exterior of the building. vi. Access to the coffee shop shall not be directly from the external part of the building. vii. Vehicle access to the property shall be limited to Portsmouth Avenue and Bath Road. There shall be no vehicle access from the property to Van Order Drive. viii. The minimum required amenity space shall be 15,215 square metres. ix. The property Zoned 'B3.185' shall be subject to a Holding Provision which shall only be removed once all of the applicable requirements of Section 5.39 of the Zoning By-law have been complied with. Following removal of the Holding Provision the apartment building of up to 150 units permitted under subsection (i) above, will be a permitted use. 	URM6
B3.200	On the approximately 0.086 hectare parcel of land located on the east side of Alfred Street north of Princess Street, known municipally as 353-355 Alfred Street, and designated B3.200 on a copy of Zoning Map Number 19, attached hereto and forming part of By-Law Number 84-176 as Schedule "A", the permitted uses shall also include professional offices provided that these offices are confined within the walls of the existing building.	URM6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
B3.202	<p>On the approximately 3.17 hectare parcel of land located on the north side of Bath Road between the two extensions of Elmwood Road, known municipally as 217-247 Bath Road, (Bowling Green Apartments) designated B3.202 on a copy of Zoning Map Number 21 attached to and forming part of By-Law Number 85-11 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding Section 16.3 (f) of this by-law, the maximum number of permitted dwelling units shall be 385.</p> <p>(ii) Notwithstanding Section 16.3 (c) of this by-law, the maximum percentage of lot occupancy shall be 102.9 per cent.</p> <p>(iii) Notwithstanding the provisions of Section 16.3 of this by-law, the minimum required rear yard shall be 20 metres.</p>	URM6
B3.204	<p>On the approximately 2.87 hectare parcel of land located on the East side of Montreal Street South of Elliot Avenue and designated B3.204 on a copy of Zoning Map Number 15 and Number 16 attached to and forming part of By-Law Number 85 10 as Schedule "A" and Schedule "B", the following regulations shall apply:</p> <p>(i) The maximum number of permitted dwelling units shall be 216;</p> <p>(ii) Notwithstanding the provisions of Section 16.3(f) of this by-law, the maximum permitted density shall be 75.3 dwelling units per hectare.</p>	URM6
B3.211	<p>On the approximately 3.72 hectare parcel of land located at the southwest corner of Queen Mary Road and Greenview Drive, and designated B3.211 on a copy of Zoning Map Number 22, Zoning Map Number 23 and Zoning Map Number 24 attached to forming part of By-Law Number 85-58 as Schedules "A", "B" and "C" respectively:</p> <p>(i) Notwithstanding Section 16.3(f) of this by-law, the maximum permitted density shall be 87.1 dwelling units per net hectare.</p> <p>(ii) The maximum number of permitted dwelling units shall be 324.</p>	URM6
B3.216	<p>On the approximately 3.74 hectare parcel of land located at 1102, 1106 and 1110 King Street West and commonly known as the Kingston Grain Elevator and designated as B3.216 on a copy of Zoning Map Number 27 attached to and forming part of By-Law Number 2007-176 as Schedule "A", the following regulations shall apply:</p> <p>(a) The permitted uses as listed in Section 16.2 shall be modified as follows:</p> <p>i. there shall be a maximum of three buildings containing up to a maximum of 343 dwelling units and separate free standing buildings containing up to 38 townhouse units;</p> <p>ii. That notwithstanding Section 16.2 to the contrary a retirement home use, as defined herein, shall be a permitted use;</p> <p>iii. the establishment of accessory uses complementary to a retirement home use, including but not limited to a hairdresser,</p>	URM6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>pharmacy and small scale retail use to a maximum of 10 per cent of the gross floor area. The accessory uses shall be exclusive to the retirement home residents and employees; and</p> <p>iv. also permitted shall be the on-shore facilities necessary for a marina including associated commercial and restaurant facilities, including a retail convenience store for primary use by residents as well as customers of the marina, all to a maximum floor area of 1000 square metres.</p> <p>(b) Notwithstanding Section 16.3 to the contrary, the following regulations shall apply:</p> <p>i. the front yard regulations shall not apply;</p> <p>ii. the side yard regulations shall not apply;</p> <p>iii. the rear yard regulations shall not apply;</p> <p>iv. the maximum lot occupancy shall be 210 per cent with the lands within the B3.216 zone shall being considered as one lot for zoning purposes;</p> <p>v. the density provisions shall not apply;</p> <p>vi. permit a dwelling unit equivalency ratio of 2 retirement home suites, as defined herein, to one dwelling unit (2:1 units) for a retirement home use to a maximum 154 retirement home suites; and</p> <p>vi. Notwithstanding Section 5.3 to the contrary, a reduced parking ratio of 0.60 parking spaces per retirement home suite shall apply to the retirement home use.</p> <p>vii. Notwithstanding Section 5.3 to the contrary, commercial uses, excluding the accessory retirement home uses but including the marina use, shall be supplied at the rate of one parking space per each 18.5 square meters of floor area.</p> <p>c) Retirement Lodge or Retirement Home Use: A residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided for the exclusive use of the residents.</p> <p>d) Retirement Home Suite: Shall be defined as a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven, but without full cooking facilities.</p>	
B3.249	(a) Notwithstanding the provisions of Section 16.2, the only permitted use shall be a senior citizens apartment containing not more than thirty dwelling units;	URM6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(b) Notwithstanding the provisions of Section 5.3B (d), parking for not more than eight vehicles may be located within not less than two metres from the street line.	
B3.316	<p>On the approximately 2.6 hectare (6.4 acre) parcel of land located on the south side of King Street West, known municipally as 1066 King Street West and comprising the westerly portion of the property commonly known as the Richardson Dock, and designated 'B3.316' on Zoning Maps Number 27 and 28 attached to and forming part of By-Law Number 2001-48 as Schedules "A" and "B", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 16.3 (f) of this by-law, two (2) multiple family residential buildings containing a maximum of two hundred and twenty-five (225) residential units in total shall be permitted;</p> <p>(ii) Notwithstanding the provisions of Section 16.3 (a) of this by-law, the proposed (easterly) building on the site shall be located no further than 50 metres from King Street West</p> <p>(iii) Notwithstanding the provisions of Section 16.3 (e) of this by-law, the total building mass for both buildings shall not exceed 27,000 square metres;</p> <p>(iv) Notwithstanding the provisions of Section 16.3 (g) and Section 5.3 of this by-law, a minimum of 220 underground parking spaces and a minimum of 109 surface parking spaces shall be provided on site for both buildings;</p> <p>(v) Notwithstanding the provisions of Section 5.3 (d) ii. of this by-law, surface parking shall be permitted to within 13.5 metres of the street line;</p> <p>(vi) Notwithstanding the provisions of Section 16.3 (b) of this by-law, the minimum side yard setback on the east side of the property shall be 9.86 metres and the minimum aggregate side yard shall be 25.8 metres.</p>	URM6
B3.346	<p>On the approximately 0.67 hectare parcel of land located at 41 Joseph Street, being Part of Lots 191 to 195 of Registered Plan C22, between Joseph Street and Fraser Street and zoned as 'B3.346' on the copy of Zoning Map Number 17 attached to and forming part of By-Law Number 2005-31 as Schedule "A", the following regulations shall apply:</p> <p>(a) Purpose and Requirement for Removal of Holding Symbol: The use and removal of the '-H' Holding Symbol shall be in accordance with the provisions of Section 5.39 of this by-law.</p>	URM6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>To ensure the proper redevelopment of the lands, given the findings of the Environmental Site Assessment and Soils Investigations, development for residential or community facility uses will not proceed until the following have been completed:</p> <ul style="list-style-type: none"> • An acceptable Remediation Plan is provided and carried out to the Municipality’s satisfaction and that a Record of Site Condition is filed with the Ministry of the Environment; • A Site Plan Control Agreement is executed by the Owner, which Agreement shall incorporate the recommendations for site remediation and all other applicable municipal conditions. <p>(b) Permitted Interim Uses: In accordance with Section 5.39 (i) of this by-law.</p> <p>(c) Zone Regulations When ‘-H’ Symbol Removed: Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 16 for the ‘B3’ Multiple Family Dwelling Zone shall apply to the ‘B3.346’ Zone except that:</p> <p>(i) Notwithstanding the provisions of Section 16.2, the following additional uses shall be permitted:</p> <ul style="list-style-type: none"> • Community Centre or Community Hall, including, but not necessarily limited to, counseling services, life skills groups, meeting spaces for clients of Home Base Non Profit Housing Inc. and other social service agencies, kitchen / cafeteria space, group counseling rooms, drop-in room, copies / supply room and offices for program staff and administration; • Crisis Care Shelter shall be limited to a maximum occupancy of 30 persons; <p>(ii) The maximum gross floor area for the additional permitted uses listed in Clause (c) (i) above shall be 800 square metres;</p> <p>(iii) No Crisis Care Facility, Community Centre or Community Hall use shall be located closer than 20 metres to any other residential zone;</p> <p>(iv) The maximum height of any building shall be 2 storeys, not to exceed 9.0 metres;</p> <p>(v) Notwithstanding the provisions of Section 16.3 (g) and Section 5.3 of this by-law to the contrary, off-street parking facilities for residential uses shall be provided at a ratio of 1 parking space for each of the first two units, plus 1 parking space for each additional 4 units;</p> <p>(vi) Notwithstanding the provisions of Section 16.3 (f) of this by-law to the contrary, the maximum permitted density shall be 69 units per net hectare.</p> <p>(vii) Notwithstanding the provisions of Section 5.33(iv) of this by-law to the contrary, a permitted Crisis Care Shelter use may occupy a portion of a Community Centre or Community Hall building.</p>	
C.74	On the approximately 0.23 hectare parcel of land located on the north side of Franklin Place and designated C.74 on Zoning Map Number	CG

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	20, the construction shall be restricted to a commercial and apartment complex containing a total of 48 dwelling units, 613 square metres of commercial area and a total of 100 parking spaces. It shall be substantially in conformity with the plan entitled "Proposed Commercial and Apartment Complex Scheme "F", prepared by E.A. Cromarty, Architect, dated November 1970, attached to and forming part of this by-law as Schedules "H-1", "H-2", "H-3", "H-4" and "H 5".	
C.75	On the approximately 0.22 hectare parcel of land located on the east side of Regent Street approximately 106.5 metres south of Princess Street and designated C.75 on Zoning Map Number 20, only a parking lot in association with a hotel shall be a permitted use of the land.	CN
C.123	On the approximately 0.04 hectare parcel of land located on the east side of Nelson Street, north of Princess Street, and designated A.123 on Zoning Map Number 19 attached to and forming part of By-Law Number 8926 as Schedule "A", i. The permitted uses shall also include a minimum of ten parking spaces in exclusive association with uses located on the adjacent parcel of land designated C.123 on Zoning Map Number 19. ii. The parking area referred to in Section 123(a)i. shall be buffered with a wall or fence along the north and east boundaries.	WM1
C.125	On the approximately 0.16 hectare parcel of land located on the east side of Albert Street and designated C.125 on a copy of Zoning Map Number 19 attached to and forming part of By-Law Number 8873 as Schedule "A", no buildings shall be located within 15.2 metres of Albert Street and the land within 15.2 metres of Albert Street shall be used for landscaping purposes only except that underground parking shall be permitted.	WM1
C.194	On the approximately 0.03 hectare parcel of land located on the east side of Drayton Avenue north of Princess Street, Known municipally as 7 Drayton Avenue, and designated C.194 on a copy of Zoning Map Number 20 attached to and forming part of By-Law Number 83-107 as Schedule "A": (i) The minimum number of required off-street parking spaces shall be four (4). (ii) Any commercial floor space in addition to the ground floor area of the existing building and shop as of the date of the passing of this by-law shall be subject to the parking requirements set out in Section 5.3 of this by law.	WM1
C.201	On the approximately 0.04 hectare parcel of land located on the east side of Victoria Street north of Princess Street, known municipally as 577 Victoria Street and designated C.201 on a copy of Zoning Map	WM1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	Number 19 attached to and forming part of By-Law Number 84-204 as Schedule "A" the only permitted uses shall be those which are in exclusive association with or accessory to the commercial use on the property located immediately to the south, known municipally as 647 Princess Street.	
C1.286	On the approximately 0.001 hectare (128.1 square metre) parcel of land located on the west side of Division Street, between Brock and Garrett Streets, known municipally as 154 Division Street and designated 'C1.286' on a copy of Zoning Map Number 19 attached to and forming part of By-Law Number 94-203 as Schedule "A", the following regulations shall apply: (i) Notwithstanding the provisions of C1 zoning, any C1 use of the existing building shall be confined to the ground floor thereof; (ii) Notwithstanding the provisions of Section 5.3 and Section 21.3(f) of this by-law, the minimum number of required off-street parking spaces shall be two (2) which shall be exclusively devoted to the neighbourhood commercial (C1) use of such building during normal business hours; (iii) Notwithstanding the provisions of Section 21.3(b) and 21.3(c) of this by-law, the existing building shall be deemed to be conforming with respect to rear yard and maximum percentage of lot coverage. There shall be no additions or expansion of the existing building which have the effect of reducing the existing rear yard or increasing the percentage of lot coverage, without prior municipal approval.	CA
C1.317	On the approximately 0.2 hectare (0.49 acre) parcel of land at the north-east corner of James and Montreal Street know as 351 Montreal Street, and designated 'C1.316' on the copy of Zoning Map Number 17 attached to and forming part of By-Law Number 2001-116 as Schedule "A", the following regulations shall apply: (i) Maximum lot coverage of 58 per cent. (ii) Minimum rear yard setback of 6 metres.	CN
C1.338	On the approximately 166 square metre parcel of land located at 19 Concession Street, and designated 'C1.338' on a copy of Zoning Map 19 attached to and forming part of By-Law Number 2004-5 as Schedule "A", the following regulations shall apply: (i) The following uses shall be permitted; restaurant; one residential dwelling unit, provided that such dwelling unit is located within a commercial structure. (ii) Maximum Height: 12.0 m	CN

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(iii) Minimum Rear Yard: 4.0 metres (iv) Maximum Percentage of Lot Coverage: 55 per cent (v) Accessory Buildings As per Section 5.17 of this by-law. (vi) Parking As per Section 5.3 of this by-law.	
C1.378	Notwithstanding the provisions of Section 6.2 hereof to the contrary, on the lands designated 'C1.378' on Schedule "A" attached hereto, the following regulations shall apply: a) That the following uses shall only be permitted on the ground floor: <ul style="list-style-type: none"> • Retail store; • Neighbourhood store; • Offices for or in connection with a business or profession; • Restaurant; and • Laundromat. b) That a single residential unit be a permitted use on the second floor; c) Notwithstanding Section 5.3 to the contrary parking regulations shall not apply to the subject property; d) Maximum percentage lot coverage is 100 per cent; and e) Minimum setback for all yards shall be 0.0 metre.	CN
C1.620	Notwithstanding the provisions of Section 5 and Section 21 hereof to the contrary, on the approximately 0.39 hectare parcel of land known municipally as 595 Bagot Street and 38 Charles Street and zoned 'C1.620' on Schedule 'A' hereto, the following regulations shall apply: a) Permitted Use: A community facility shall be the only permitted use. b) Definitions: "Community Facility" means the use of any lot, building or structure, or part thereof, for the provision of access to meals, health services, social support services, cultural, social or recreational programs, life/work skills training programs or other related services to members of the public. A community facility may also contain office space associated with the operation of the facility. c) Off-Street Parking: Notwithstanding the provisions of Section 5.3, a minimum of 22 off-street parking spaces shall be provided. d) Parking Design Standards: The minimum size of a parking space shall be 2.6 metres wide and 5.5 metres long. e) Accessible Parking Design Standards: Notwithstanding the provisions of Section 5.3A(d)(ii), the following	CD

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>regulations shall apply to accessible parking spaces:</p> <ul style="list-style-type: none"> i. Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 5.5 metres length. ii. Type B spaces shall have minimum rectangular dimensions of 2.6 metres width by 5.5 metres length. iii. An access aisle with minimum rectangular dimensions of 1.5 metres width and 5.5 metres length is required adjacent to Type A and Type B accessible parking spaces. 	
C2	Not Applicable	CA
C2.77	On the approximately 0.45 parcel of land located on the northeast corner of Sir John A. Macdonald Boulevard and Princess Street and designated C2.77 on Zoning Map Number 13, a wholesale business shall be a permitted use.	CD
C2.78	<p>On the approximately 0.09 hectare parcel of land located on the northwest corner of Concession Street and Macdonnell Street and designated C2.78 on Zoning Map Number 13, only the construction and operation of a gasoline bar and an attendant's building shall be permitted. The foregoing uses shall be subject to the regulations of the C2 zone except that:</p> <ul style="list-style-type: none"> (a) The minimum front yard shall be as follows: Buildings: 6.55 metres Gas Pumps: 2.6 metres (b) The minimum lot depth shall be 22.9 metres (c) The minimum ground floor area shall be 16.3 square metres 	CN
C2.80	On the approximately 0.21 hectare parcel of land located on the north side of Concession Street between Grey and Alfred Streets and designated C2.80 on Zoning Map Number 19, the minimum required front yard shall be 13.7 metres.	CA
C2.82	On the approximately 1.42 hectare parcel of land located on the north side of Princess Street east of Sir John A. Macdonald Boulevard and designated C2.82 on Zoning Map Number 13, the maximum height shall be 14.6 metres and the location of the building shall be in substantial conformity with the site plan prepared by Ala Kantti, Liff, Stefaniszyn, Architects, dated November 1971, a copy of which is attached to and forms part of this by-law as Schedules "I-1", "I-2", and "I-3".	CD
C2.101	<p>On the approximately 12.0 hectare parcel of land located east of Division Street north of Weller Avenue and designated C2.101 on Zoning Map Number 3:</p> <ul style="list-style-type: none"> (a) the permitted uses shall only be as follows: <ul style="list-style-type: none"> i. Offices in connection with businesses or professions, provided there is not over 604.0 square metres of office space per structure; 	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>ii. Banks; iii. Bowling alleys, theatres, auditoriums; iv. Brewer's retail store and liquor store; v. Motels or hotels; vi. Municipal and publicly owned utility and government buildings or facilities and telephone exchanges; vii. Indoor and outdoor athletic and sports facilities, including open or enclosed stadiums; viii. Accessory uses incidental solely to any of the above uses which may include restaurants, lunch counters and retail stores (including retail stores selling general service); ix. Repair and services for electrical and household equipment; x. Restaurants and lunch counters including drive-in restaurants; xi. Automobile sales, service and repair shops and gas bars, including diesel and propane fuels; xii. Neighbourhood stores excluding department stores of full line food stores; xiii. The combined maximum of the permitted uses listed in Paragraphs x., xi., and xii., above shall not exceed 2,800 square metres floor area. (b) The minimum side and rear yard requirements shall also include the following provisions: Wherever the subject property abuts a residential zone, a yard of not less than 19.4 metres wide shall be provided within the subject property. This yard shall be screened by a masonry wall not less than 1.4 metres in height, which shall extend to within 7.6 metres of the street line. Nothing other than a driveway shall be located in the yard.</p>	
C2.108	<p>On the approximately 0.32 hectare parcel of land located south of Counter Street west of Sir John A. Macdonald Boulevard and designated C2.108 on Zoning Map Number 10 the following provisions shall also apply: (a) The permitted uses shall only be as follows: i. Retail Stores (including retail stores selling general services) lunch counters, restaurants; ii. Offices in connection with a business or profession; iii. Banks; iv. Accessory buildings to any use permitted above. (b) Maximum Height: 9.0 metres (c) Minimum Front Yard: 7.5 metres (d) Minimum Lot Depth: 38.1 metres (e) Off-Street Parking As per Section 5.3 of this by-law however for C2 uses not specifically</p>	CN

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	designated in this Section 1 parking space shall be provided for every 28.0 square metres of store area including office space.	
C2.136	On the two parcels of land consisting of Approximately 1.82 hectares located east of Rideau Street and North of River Street and designated C2.136 on Zoning Map Number 17 attached to and forming part of By-Law Number 9064 as Schedule "A", the permitted uses shall only include a hotel and accessory uses thereto and convenience retail and service commercial facilities appropriate to the nature of the development which facilities shall be limited to a maximum area of 1,115.0 square metres.	CA
C2.156	On the approximately 0.11 hectare parcel of land located at the northwest corner of Connaught and Concession Streets and designated C2.156 on Zoning Map Number 19 attached to and forming part of By-Law Number 85-76 as Schedule "A", the following regulation shall apply: i. The permitted use shall only be an automotive repair shop that installs and services previously manufactured parts excluding body repairs, paint shop, exhaust system repairs, sale of new or used automobiles and the sale of gasoline; ii. Notwithstanding the provisions of Section 5.3 of this by-law, the minimum number of required off-street parking spaces shall be sixteen (16); iii. Notwithstanding the provisions of Section 22.3(d) of this by-law, there shall be no minimum required rear yard; iv. Notwithstanding the provisions of Section 22.3(c) of this by-law, there shall be no minimum side yard requirement on the west side of the property and the minimum required side yard on the east side of the property shall be 2.4 metres; v. Notwithstanding the provisions of Section 22.3(f) of this by-law, the minimum required lot depth shall be 41.0 metres.	CA
C2.174	On the approximately 0.36 hectare parcel of land located on the north side of Concession Street between Princess and Macdonnell Streets and designated C2.174 on a copy of Zoning Map Number 13 attached to and forming part of By Law Number 80-22 as Schedule "A": (a) The permitted uses shall also include an office building containing a maximum gross leasable area of 1858.0 square metres. (b) The permitted use listed in Section 174(a) shall be subject to the regulations for the C (Commercial) Zone, except that required on site parking spaces may be located in a front yard.	CA
C2.187	On the approximately 9.7 hectare parcel of land located on the west side of Division Street between Dalton Avenue and the Macdonald-Cartier Freeway (Highway Number 401) and designated as C2.187	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>on Zoning Maps Number 2 and 3, the permitted uses shall only be as follows:</p> <ul style="list-style-type: none"> i. a shopping centre containing the following: <ul style="list-style-type: none"> (1) a food store with a minimum gross leasable area of 3,251 square metres. (2) a department store with a maximum gross leasable area of 6,940 square metres. (3) additional retail, including offices with a combined maximum gross leasable area of 6,530 square metres provided that no one such retail store has a maximum gross leasable area exceeding 929 square metres which may include the following uses: <ul style="list-style-type: none"> (A) Banks (B) Bowling alleys, theatres, auditoriums (C) Brewers retail store and liquor store ii. Motels or hotels; iii. Indoor and outdoor athletic and sports facilities; iv. Municipal and publicly owned utility and government buildings or facilities and telephone exchange. 	
C2.197	<p>On the approximately 1.8 hectare parcel of land located on the South side of Princess Street West of the Parkway and designated C2.197 on a Copy of Zoning Map Number 11 attached to and forming part of By-Law Number 83-204 as Schedule "A":</p> <ul style="list-style-type: none"> (i) A buffer strip, with a minimum width of 6.1 metres as measured from the property line, shall be maintained along the westerly and southerly boundaries. No development shall be permitted within this buffer strip and no further dumping placing of fill shall be permitted. (ii) For the purpose of calculating the rear yard and side yard requirements only for any building or part thereof which is constructed on this property or on the adjacent land to the East Zoned C2 (Arterial) Commercial, that parcel of land containing approximately 0.01 hectares and designated EPA (environmental protection area) on Zoning Map Number 11 and described in Instrument Number 362739 as Registered in the Registry Division of Frontenac Number 13, shall be included in the said calculations. No buildings shall be permitted on the lands described in said Instrument Number 362739. (iii) The minimum elevation for any building openings shall be 76.6 metres geodetic. 	CA
C2.268	<p>On the parcel of land located on the north side of Princess Street west of Parkway, known municipally as 1473 Princess Street and designated 'C2.268' on a copy of Zoning Map Number 11 attached to and forming part of By Law Number 92 346 as Schedule "H", the following regulations shall apply:</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(i) the minimum elevation for any building openings shall be 77.6 metres geodetic.	
C2.269	On the parcel of land located on the south side of Princess Street west of Parkway, known municipally as 1550 Princess Street and designated 'C2.269 on a copy of Zoning Map Number 11 attached to and forming part of By-Law Number 92-346 as Schedule "H", the following regulations shall apply: (i) the minimum elevation for any building openings shall be 76.6 metres geodetic.	CA
C2.273	On the approximately 0.74 hectare parcel of land located on the south side of Princess Street east of Parkway, known municipally as 1440 Princess Street and designated 'C2.273' on a copy of Zoning Map Number 11 attached to and forming part of By-Law Number 93-103 as Schedule "A", the following regulations shall apply: (i) Notwithstanding the provisions of Section 22.2 (i) of this by-law, the permitted uses shall also include: (a) offices with a total maximum gross leasable area of 1795.16 square metres; and (b) the Loyola Community Learning Centre; (ii) The maximum size of any individual office use shall be 1000 square metres of gross leasable area; and (iii) The Loyola Community Learning Centre shall not be subject to subsection (ii) above.	CA
C2.308	On the approximately 0.1 hectare parcel of land located on the south side of Princess Street between Portsmouth Avenue and Hillendale Avenue, known municipally as 1344 Princess Street, and designated 'C2.308' on the map attached hereto and forming part of this by-law, the following regulations shall apply: (i) In addition to the provisions of Section 22.2 of this by-law, a maximum of one (1) dwelling unit shall be permitted provided it is located within the walls of the building in existence on the property on the day of the passing of this by-law; (ii) That notwithstanding the provisions of Section 22.3 (c) of this by-law, this minimum side yard on the west side of the existing building and any additions thereto shall be 2.1 metres (7.1 feet); (iii) That notwithstanding the provisions of Section 22.3 (c) of this by-law, the minimum side yard on the east side of the existing building and any additions thereto shall be 6.7 metres (22.1 feet). In addition to a driveway, parking spaces may also be located within this side yard; (iv) Notwithstanding the provisions of Section 5.3 and Section 22.3 (h) of this by-law, the minimum number of required off-street parking spaces for the psychiatrist's office and one (1) residential unit shall be	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>five (5); (v) That in the event that the existing building on the site is removed, any new building shall be subject to the regulations of Section 22.3 of this by-law.</p>	
C2.313	<p>On the approximately 0.7 hectare (1.8 acre) parcel of land located at the northwest corner of Elliott Avenue and Montreal Street, and designated 'C2.313' on a copy of Zoning Map Number 7 attached to and forming part of By-Law Number 2000-36 as Schedule "A", the following regulations shall apply: (i) In addition to the uses permitted in the 'C2' Zone, as set out in Section 22.2 of this by-law, medical offices and a nursery / garden centre / greenhouse shall also be permitted uses; (ii) Notwithstanding the provisions of Section 22.2 (i) of this by-law, the maximum amount of office space shall be 1350 square metres, provided that no one office use occupies a floor area in excess of 675 square metres; (iii) Notwithstanding the provisions of Section 22.3 (c) of this by-law, parking shall be permitted within the required side yard along the Elliott Avenue frontage of the property.</p>	CA
C2.320	<p>On the approximately 0.14 hectare (.36 acre) parcel of land located at 902 Portsmouth Avenue, and designated 'C2.320' on a copy of Zoning Map Number 11 attached to and forming part of By-Law Number 2001-182 as Schedule "A", the following regulations shall apply: (i) Notwithstanding the uses listed in Section 22.2 the only permitted uses shall be a professional office and an accessory residential unit. (ii) Notwithstanding the provisions of Section 22.3 (b) of this by-law, the minimum front yard requirement shall be 10 metres. (iii) Notwithstanding the provisions of Section 22.3 (h) the minimum number of parking spaces shall be six (6) spaces and shall be located in the rear yard. (iv) Notwithstanding the provisions of Section 22.3 (h) all parking will be restricted to the rear yard.</p>	CN
C2.335	<p>On the approximately 0.346 hectare parcel of land located on the north west corner of Sir John A. Macdonald Boulevard and Princess Street, known municipally as 1129 Princess Street and 144 & 152 Avenue Road, and designated 'C2.338-H' on a copy of Zoning Map Number 12 attached to and forming part of By-Law Number 2004-48 as Schedule "A", the following regulations shall apply: For the purposes of this by-law, the parcels of land comprising the 'C2.338' Zone shall be interpreted as being one parcel of land for by-law purposes; Notwithstanding Section 22.2(i) of By-Law Number 8499, office uses</p>	CA

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>shall be permitted without any maximum gross floor area limitation per building;</p> <p>Notwithstanding Section 22.3(d) of By-Law Number 8499, the minimum required rear yard shall be 30.0 metres.</p> <p>Notwithstanding any sections of By-Law Number 8499 to the contrary, a minimum 4.0 metre vegetated buffer shall be provided along the rear property line abutting the Residential Zone and along the northerly 38 metres of the east property line, extending from the rear property line and fronting Avenue Road.</p> <p>Notwithstanding any sections of By-Law Number 8499 to the contrary, a minimum 1.8 metre high fence of solid masonry (brick or limestone or patterned concrete) shall be constructed along the south and west limits of the minimum 4.0 metre vegetated buffer required by subsection (iv) above.</p> <p>That the Holding Symbol '-H' shall be applied to the 'C2.338' Zone as indicated on Schedule "A" attached hereto; and, that in addition to any provisions of Section 5.39 of By-Law Number 8499 respecting the use and removal of '-H' Symbols, the following shall be provided prior to the removal of the '-H' symbol:</p> <p>an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Sir John A. Macdonald Boulevard and Princess Street;</p> <p>2) an approved site plan for the subject lands providing planting details for the minimum 4.0 metre wide vegetated buffer and construction details of the solid barrier buffering adjacent to the abutting residential land uses;</p> <p>3) an executed Site Plan Control Agreement.</p> <p>(Note: Section 338A is hereby amended by changing the section number to account for a duplicate section numbering so that Section 338A will now be changed to read as Section 335 and inserted in the proper location.)</p>	
C2.383	<p>On the approximately 0.63 hectare parcel of land known municipally as 1469 Princess Street, and zoned 'C2.383' on Zoning Map Number 11 attached to and forming part of amending By-Law Number 2009-90, the following provisions shall apply:</p> <p>i) Notwithstanding the provisions of Section 22, a "commercial school" shall also be a permitted use.</p> <p>ii) Notwithstanding the provisions of Section 5.3, a minimum of 84 off-street parking spaces shall be provided.</p>	CA
C3.84	<p>On the approximately 6.84 hectare parcel of land located within the block bounded by Sir John A. Macdonald Boulevard, Princess Street and Bath Road, and designated C3.84 on Zoning Map Number 13 the maximum lot occupancy shall be not greater than 30 per cent, and the</p>	CD

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	number of parking spaces provided shall be not less than 4.8 spaces per 92.9 square metres of gross leasable area.	
C4	Not Applicable	WM1
E.71	<p>On the approximately 3.3 hectare (8.2 acre) property, generally bounded by Union Street, Division Street, Earl Street and University Avenue and zoned 'E.71' on Zoning Map 30 attached to and forming part of By-Law Number 2006-145, the provisions of the "E" Zone shall be in force where applicable except that:</p> <p>(a) In addition to the uses permitted in Section 17.2 of By-Law Number 8499, the following uses shall also be permitted: a bank; a drug and sundry store; a Laundromat; a dry cleaning outlet; a barber shop; a hairdresser or hair stylist service; and a bookstore.</p> <p>(b) the uses listed in (a) above shall not occupy more than 882.6 square metres of floor space in total.</p> <p>(c) buildings within which any of the uses mentioned in (a) above are located shall not contain any show or display windows associated with these uses and which are visible from the exterior of the building.</p> <p>(d) there shall be no commercial signs visible from the exterior of the building.</p> <p>(e) access to the uses listed in (a) above shall not be directly from the external part of the building but shall be from common corridors within the building, except that those uses which require direct service entrances from any street may have such entrance provided that they are used for that purpose only.</p> <p>(f) Building Setback from University Avenue (minimum): 6.0 metres Building Setback from Union Street (minimum): 9.53 metres Building Setback from Division Street (minimum): 0.0 metres Building Setback from Earl Street (minimum): 0.0 metres Interior Side Yard Setback East side (minimum): 3.2 metres Interior Side Yard Setback – West side (minimum): 3.6 metres</p>	IN2
E.100	On the approximately 0.24 hectare parcel of land located on the south side of Stuart Street, east of University Avenue and designated E 100 on Zoning Map Number 30, there shall be no minimum side yard requirements.	IN2
E.265	On the approximately 1.09 hectare parcel of land located on the north side of Union Street between Alfred Street and University Avenue, and designated 'E.265' on a copy of Zoning Map Number 30 attached	IN2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>to and forming part of By Law Number 92-136 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 17.3(a) of this by-law, the minimum setback requirements for the proposed library building shall be as follows: From Union Street: 6.79 metres From Alfred Street: 0.00 metres From University Avenue: 0.00 metres Rear Yard: 23.0 metres, which shall be measured between the rear wall of the library and the property line, notwithstanding any other structures located in the rear yard area.</p> <p>(ii) The maximum library building height, measured to the top of the mechanical shaft on Alfred Street, shall be 31.0 metres.</p> <p>(iii) Notwithstanding the provisions of Section 17.2 of this by-law, a six (6) unit row dwelling shall be permitted at the northwest corner of the property subject to the following regulations: (a) the minimum setback from Alfred Street shall be 2.4 metres; (b) the minimum sideyard setback on the north side of the dwelling shall be 2.0 metres; (c) a minimum of six (6) off-street parking spaces shall be provided in accordance with the provisions of Section 5.3 of this by-law.</p> <p>(iv) Notwithstanding the provisions of Section 17 of this by-law, the existing three (3) unit dwelling located at 174 University Avenue and the existing two (2) unit dwelling located at 176 University Avenue shall be deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in Section 6.3 of this by-law or which has the effect of creating an additional dwelling unit within or attached to the said buildings shall be permitted. A minimum of five (5) off-street parking spaces shall be provided in accordance with the provisions of Section 5.3 of this by-law.</p>	
E.275	<p>On the approximately 0.27 hectare parcel of land located at the southwest corner of Barrie Street and Earl Street, known municipally as 212-218 Barrie Street and 216 Earl Street and designated 'E.275' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 96-360 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding and in addition to the provisions of Section 17.2 of this by-law, the permitted uses shall also include church offices provided that this use is contained within the walls of the existing building located at 212 Barrie Street;</p> <p>(b) Notwithstanding the provisions of Section 17.3(a) of this by-law, the existing building at 212 Barrie Street shall be recognized as non</p>	IN2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>complying with respect to minimum front, side and rear yard requirements. No extension or enlargement of the existing building shall be permitted, however, alterations, including structural alterations, necessary for the normal maintenance and repair of the existing building shall be permitted;</p> <p>(c) Notwithstanding the provisions of Section 17.3(g) and Section 5.3 of this by-law, the minimum number of required off-street parking spaces for the church offices permitted in Subsection (a) herein shall be five (5);</p> <p>(d) Notwithstanding the provisions of Section 17.2 of this by-law, any permitted University uses, except associated surface parking, shall be contained within the walls of the existing building known municipally as 218 Barrie Street.</p>	
E.299	<p>On the approximately 0.054 hectare (544 square metre) parcel of land located on the north side of William Street between Division Street and Barrie Street, known municipally as 255 and 257 William Street, and designated 'E.299' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 97 59 as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 17.2 of this by-law, the permitted uses shall also include a three unit row dwelling;</p> <p>(ii) Any three unit row dwelling constructed on the property shall be subject to the following regulations:</p> <p>(a) The minimum number of required off-street parking spaces shall be three;</p> <p>(b) Notwithstanding the provisions of Section 6.3(a) and 6.3(d) of this By-Law, the existing building and any addition thereto shall be deemed to comply to the regulations of the "A" Zone regarding Minimum Lot Area and Minimum Rear Yard;</p> <p>(c) Notwithstanding the provisions of Section 6.3(b) of this by-law, the minimum front yard setback for any addition shall be the established front yard setback of the existing building and porch;</p> <p>(d) Notwithstanding the provisions of Section 6.3(e) of this by-law, the Maximum Percentage of Lot Coverage shall be forty (40) per cent;</p> <p>(e) Notwithstanding the provisions of Section 6.3(c) of this by-law, the Minimum Aggregate Side Yard shall be 3.2 metres, provided that the minimum side yard for any addition to the existing building shall be 0.76 metres;</p> <p>(f) Notwithstanding the provisions of Section 6.3(f) of this by-law, the maximum building height for any addition to the existing building shall be two storeys.</p>	UR5
E.317	<p>On the approximately 450 square metre parcel of land located on the southeast corner of Johnson and Division Streets, known municipally</p>	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>as 344 Johnson Street, and designated 'E.317' on Zoning Map Number 30 attached to and forming part of By-Law Number 2001-45 Schedule "A", the following regulations shall apply:</p> <p>(i) That notwithstanding the provisions of Section 17.2 of this by-law, the following uses shall also be permitted within the walls of the building in existence as of the date of the passing of this by-law:</p> <ul style="list-style-type: none"> • six (6) residential dwelling units; or • five (5) residential dwelling units in conjunction with a neighbourhood commercial use; <p>(ii) That the following uses shall constitute a neighbourhood commercial use as permitted in Clause (i) above: retail convenience store; corner food store; laundromat; restaurant; coffee shop; neighbourhood take-out food outlet; hairdresser; barber; shoe repair; and, dry cleaning pick up outlet.</p> <p>(iii) Any permitted neighbourhood commercial use shall be located on the ground floor of the building and shall not exceed 900 square feet of floor area.</p> <p>(iv) hat notwithstanding Section 5.3 of this by-law, that the owner be required to provide a minimum of 10 parking spaces.</p>	
E.321	<p>On the approximately 0.08 hectare parcel of land located on the east side of Alfred Street, between Union and Earl Streets, known municipally as 157 Alfred Street, and designated 'E.321' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 2001-193 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 17.2 of this by-law, the permitted uses shall also include two (2), three (3) unit dwellings;</p> <p>(b) The maximum number of permitted residential units on the lands Zoned 'E.321' shall be six (6);</p> <p>(c) Notwithstanding the provisions of Sections 17.3 (a) i. (3) of this by-law, the minimum front, side and rear yard requirements shall be as follows:</p> <p>Existing Building and Proposed Addition</p> <p>Front Yard: 3.3 metres (existing)</p> <p>Side Yard (north): 0.24 metres (existing)</p> <p>Side yard (south): 2.3 metres</p> <p>Rear Yard: 13.6 metres</p> <p>Proposed Building</p> <p>Front Yard: 3.0 metres</p> <p>Side Yard (north): 1.4 metres</p> <p>Side yard (south): 1.3 metres</p> <p>Rear Yard: 17.7 metres</p> <p>(d) Notwithstanding the provisions of Section 5.3 and Section 17.3 (g) of this By-Law, the minimum number of required off street parking</p>	IN2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>spaces shall be six (6). (e) The minimum play space and amenity area requirement for the permitted three unit dwellings shall be a total of 284.5 square metres.</p>	
E.327	<p>On the approximately 0.10 hectare parcel of land located on the east side of Alfred Street, between Johnson and Earl Streets, known municipally as 205 to 209 Alfred Street, and designated 'E.327' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 2002-103 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 17.2 of this by-law, the permitted uses shall also include two (2), three (3) unit dwellings;</p> <p>(b) The maximum number of permitted residential units on the lands Zoned 'E.327' shall be six (6);</p> <p>(c) Notwithstanding the provisions of Sections 17.3 (a) i. (3) of this by-law, the minimum front, side and rear yard requirements shall be as follows:</p> <p>205 Alfred Street Minimum Front Yard for house: 5.5 metres Minimum Front Yard for porch: 3.75 metres Minimum Side Yard (north) : 0.76 metres (existing) Minimum Side Yard (north): 1.2 metres (proposed addition) Minimum Side yard (south): 0.06 metres (existing) Minimum Side Yard (south): 1.2 metres (proposed addition) Minimum Rear Yard: 20.4 metres</p> <p>209 Alfred Street Minimum Front Yard for house: 5.75 metres Minimum Front Yard for porch: 4.1 metres Minimum Side Yard (north): 0.0 metres (existing) Minimum Side Yard (north) : 1.8 metres (proposed addition) Minimum Side yard (south): 1.85 metres (existing) Minimum Side Yard (south): 2.4 metres (proposed addition) Minimum Rear Yard: 20.4 metres</p> <p>(d) Notwithstanding the provisions of Section 5.3 and Section 17.3 (g) of this by-law, the minimum number of required off street parking spaces shall be six (6). (e) The minimum play space and amenity area requirement for the permitted six (6) dwelling units shall be a total of 400 square metres.</p>	UR5
E1.72	<p>On the approximately 2.83 hectare parcel of land located west of Sir John A. Macdonald Boulevard north of Union Street and designated E1.72 on Zoning Map Number 26, a Maximum height of 48.8 metres or 16 storeys shall be the permitted building height.</p>	IN2
E1.73	<p>For the parcel of land extending approximately 82.0 metres along the westerly boundary of the property owned by Queen's University,</p>	IN2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	located west of Sir John A. Macdonald Boulevard, south of Johnson Street and designated E1.73 on Zoning Map Number 26, a minimum rear yard of 10.7 metres shall be permitted.	
E1.289	<p>On the approximately 1.34 hectare (13410 square metre) parcel of land located on the Northwest corner of Union and College Streets, known municipally as 421 Union Street, and designated 'E1.289' on a copy of Zoning Map Number 26 attached to and forming part of By-Law Number 95-190 as Schedule "A", the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) Notwithstanding the provisions of Section 18.2 of this by-law, the only permitted uses shall be the Donald Gordon Centre and accessory uses or buildings thereto and other similar teaching or educational facilities; (ii) Notwithstanding the provisions of Section 18.3(a) of this by-law, the maximum building height shall be as follows: <ul style="list-style-type: none"> • new conference wing: one and one-half storeys or 6.9 metres above grade; • north wing: three (3) storeys or 9.3 metres above grade; • west wing: four (4) storeys or 11.9 metres above grade; For the purposes of this section, "grade" shall mean 99.0 metres geodetic, which is the existing grade level at Roselawn House and the Coach House. The "height" shall be the distance from grade to the top of the roof surface. (iii) Notwithstanding the provisions of Section 18.3(d) of this by-law, the minimum rear yard for any new construction shall be 4.2 metres; (iv) Notwithstanding the provisions of Section 18.3(b) of this by-law, the minimum required side yards for any new construction shall be: <ul style="list-style-type: none"> • on the west side of the property: 7.0 metres; • on the east side (College Street) of the property: 5.0 metres; (v) Notwithstanding the provisions of Section 18.3(e) of this by-law, the minimum lot width shall be 86.12 metres; (vi) Notwithstanding the provisions of Section 5.3 and Section 18.3(g) of this by-law, the minimum number of required off-street parking spaces shall be eighty (80); (vii) Notwithstanding the provisions of Section 5.4 and Section 18.3(h) of this by-law, the off-street loading facilities shall be located only on the west side of the property; (viii) There shall be no vehicle access to the site from College Street. 	IN2
E1.359	On the approximately 26 hectare parcel of land located at the north-west corner of Portsmouth Avenue and King Street West, known municipally as 100 Portsmouth Avenue, and designated E1.359' on Maps 24, 25 & 28 of this By-law, the following additional	IN2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>provisions shall apply:</p> <ol style="list-style-type: none"> 1. That the site may contain one (1) wind turbine with a maximum height of 35 metres and a maximum blade diameter of 8 metres; 2. Notwithstanding the provisions in Section 18.2 to the contrary a 'nursing home' use shall be a permitted use; 3. Notwithstanding any provisions in Section 18 to the contrary that the lands within the 'E1.359' Zone shall be considered as one lot for zoning purposes; and 4. Notwithstanding any other provision of this by-law to the contrary, the Holding (H) symbol applied to the zone may be removed upon the submission of a satisfactory noise report confirming that the proposed wind turbine complies with the Ministry of Environment Guidelines. 	
EPA	Not Applicable	EPA
M	Not Applicable	M2
M.96	<p>On the approximately 12.34 hectare parcel of land located on the north side of Counter Street, west of Lappan's Lane and designated M.96 on a copy of Zoning Map Number 9 attached to and forming part of By-Law Number 79-138 as Schedule "E", the following uses shall also be permitted:</p> <ol style="list-style-type: none"> i. Reconditioning and selling of used machinery. ii. Scrap ferrous and non-ferrous metal storage and processing. <p>The land to be used for scrap ferrous and non-ferrous metal outside storage shall be restricted to an area on the subject property north of a line 58 metres from Counter Street to be adequately screened with said screening to be satisfactory to the City.</p>	M5
M.175	<p>On the three parcels of land located on the north side of Counter Street and between Division Street and LeRoy Grant Drive and designated M.175 on a copy of Zoning Map Number 8 attached to and forming part of By-Law Number 80-42 as Schedule "A", all areas and facilities used for retail purposes as of the date of passing of this by-law shall be a permitted use. These areas may continue to be used for accessory retail uses.</p>	M3
M.177	<p>On the approximately 5.5 hectare parcel of land located on the north side of Counter Street west of Sir John A. Macdonald Boulevard and designated M.177 on copies of Zoning Maps Nos. 9 and 10 attached to and forming part of By-Law Number 80-94 as Schedules "A" and "B" respectively, the permitted uses shall also include:</p> <ol style="list-style-type: none"> (a) Banks (b) Radio and Television communication facilities (c) Offices (d) Printers 	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(e) Automobile Service Centres (f) Dry Cleaners.	
M.224 & M.282	On the approximately 2.78 hectare parcel of land located on the east side of Steve Fonyo Drive north of Terry Fox Drive, known municipally as 31 Steve Fonyo Drive, and designated 'M.224' and 'M.282' on a copy of Zoning Map Number 1 and Zoning Map Number 10 attached to and forming part of By-Law Number 93-354 as Schedule "A" and Schedule "B", the following regulations shall apply: (i) Notwithstanding the provisions of Section 31.A of this by-law, the permitted uses shall also include public or private recreation facilities.	M2
M.235	On the approximately 0.425 hectare parcel of land located on the north side of Counter Street opposite Indian Road, and designated as M.235 on a copy of Zoning Map Number 10 attached to and forming part of By-Law 88-52 as Schedule "A", the permitted uses shall also include an office building for the Kingston Construction Association.	M2
M.267	On the two (2) parcels of land located on the north and south sides of Dalton Avenue east of Don Street and designated 'M.267' on a copy of Zoning Map Number 2 attached to and forming part of By Law Number 92-346 as Schedule "B", the following regulations shall apply: (i) the minimum elevation for any building openings shall be 76.6 metres geodetic.	M3
M.271	On the approximately 0.48 hectare parcel of land located on the north side of Counter Street at Leroy Grant Drive and designated M.271' on a copy of Zoning Map Number 9 attached to and forming part of By-Law Number 92-345 as Schedule "A", the permitted uses shall also include an unlicensed (under the Liquor Licence Board of Ontario) restaurant only if primarily used in association with and accessory to the bus terminal use on the property located immediately to the east.	M3
M.287	On the approximately 0.80 hectare parcel of land located on the northwest corner of Counter and Rigney Streets, known municipally as 121 Counter Street, and designated 'M.287' on a copy of Zoning Map Number 8 attached to and forming part of By-Law Number 94-204 as "A", the following regulations shall apply: (i) In addition to the provisions of Section 31A of this by-law, the permitted uses shall also include: (a) a donut shop containing a maximum floor area of 74.3 square metres and providing seating for a maximum of twenty-four (24) persons intended to serve primarily the surrounding industrial area; (b) a "Mailboxes Plus" service, providing mailboxes for lease and accessory services such as photocopying and facsimile machines intended primarily for the lessees of the mailboxes. (c) an office, for the conduct of uses such as the practice of a	M3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>profession, the carrying on of a business or administration but shall not include a retail use.</p> <p>(d) a financial office, for the conduct of uses such as banking, trust companies, mortgage companies or investment companies.</p> <p>(ii) A minimum of eight (8) off-street parking spaces shall be provided for the exclusive use of the patrons of the donut shop and "Mailboxes Plus" service.</p> <p>(iii) Office and financial office uses shall be limited to a combined maximum floor area of 1500 square metres.</p>	
M.298	<p>On the approximately 6.04 hectare parcel of land located on the east side of Lappan's Lane, south of Dalton Avenue and immediately north of the main line of the Canadian National Railway, and designated 'M.298' on a copy of Zoning Map Nos. 2, 3, 8 and 9 marked as Schedules "A", "B", "C" and "D" attached hereto and forming part of By-Law Number 96-343, the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 31.A of this by-law, the permitted uses shall also include:</p> <p>(a) an automotive evolution centre and museum;</p> <p>(b) public or private, indoor or outdoor, recreation facilities;</p> <p>(c) accessory uses which are clearly subordinate to the uses permitted in (a) and (b) herein. Without limiting the generality of the foregoing, these accessory uses may include restaurants, snack bars, gift shops or pro shops; and</p> <p>(ii) The accessory uses permitted in (i)(c) herein, shall be designed to serve the principle uses on the lot and shall not occupy an area which is greater than twenty-five (25) per cent of the total floor area of all buildings on the lot;</p> <p>(iii) There shall be a minimum 30 metres building setback from the Canadian National Railway right-of-way in conjunction with a minimum 2.4 metres high earthen safety berm. The berm shall be a minimum of 2.4 metres above the grade at the property line, having side slopes not steeper than 2.5 to 1 and be located adjoining and parallel to the railway right-of-way with returns at the ends;</p> <p>(iv) The maximum height of any dome structure containing the permitted uses outlined in Subsection (i), Clauses (a) and (b) herein shall be 25 metres.</p>	M3
M.330	<p>On the approximately 0.4 hectare parcel of land located on the west side of Binnington Court, north of Dalton Avenue, known municipally as 190 Binnington Court, and designated as 'M.330' on a copy of Zoning map Number 1 attached to and forming part of By-Law Number 2002-129 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 31A.1 of this by-law to</p>	M3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>the contrary, professional office and financial services uses shall also be permitted in addition to the existing uses, provided that said professional office and financial service uses shall be contained within the walls of the building in existence as of the date of the passing of this by-law;</p> <p>(b) In accordance with the provisions of Section 224 of By-Law Number 8499, there shall be no outside storage or storage tanks permitted;</p> <p>(c) For the purposes of this section only, the permitted professional office and financial services uses shall include a professional office in which a service or consultation is given, including, but not necessarily limited to, the offices of a lawyer, a planner, an architect, a surveyor, an engineer, an insurance broker, a union local or a chartered accountant or financial services associated with a bank, a trust company, a mortgage company or an investment company.</p>	
M.362	<p>On the approximately 9.15 hectare parcel of land located at the north-east corner of the John Counter and Sir John A Macdonald Boulevards and designated 'M.362' on Schedule "A" to By-Law Number 2006-230, the following provisions shall apply in addition to Section 31A:</p> <p>i) The following use shall also be permitted: – restaurant with food commissary and catering activities.</p> <p>ii) The use listed in i) above shall not occupy in total more than 158 square metres of floor space.</p>	M2
M.380	<p>Notwithstanding the provisions of Section 31A hereof to the contrary, on the lands zoned 'M.380' on Schedule "A" hereto, the following regulations shall apply:</p> <p>a) All existing areas and facilities used for accessory retail purposes as of January 1, 2007 by a Supplies Dealer shall continue to be a permitted use to a maximum gross floor area of 760 square meters. The 760 square meters accessory retail use shall be a permitted use until such time as the primary use, defined herein as a "supplies dealer", ceases to exist at which time the following provisions shall apply to the whole of the property;</p> <p>Permitted Uses:</p> <ul style="list-style-type: none"> • Maximum 25 per cent gross floor area per unit for an accessory retail use. <p>b) All expansions to the existing building, or any new buildings, after January 1, 2007 shall be permitted a maximum 25 per cent gross floor area per unit for an accessory retail use.</p> <p>c) Maximum one vendor licensed to sell food on the subject property, excluding a restaurant.</p> <p>d) For purpose of the M.380 zone, Supplies Dealer means an</p>	M3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	establishment where the primary purpose is the storage and sale of household and agricultural goods, wares, and merchandise to the public.	
M.389	<p>652 Dalton Avenue</p> <p>Notwithstanding the provisions of Section 31A hereof to the contrary, on the approximately 0.96 hectare parcel of land known municipally as 652 Dalton Avenue, and zoned 'M.389' on Zoning Map Number 1 attached to and forming part of amending By-Law Number 2010-35, the following provisions shall also apply:</p> <p>a) Additional Permitted Uses Restaurant Business or Professional Office</p> <p>b) Minimum Front Yard: 8.5 metres</p> <p>c) Distance From Wetland: No development shall be within 30 metres of the boundary of the Little Cataraqui Creek wetland; an encroachment of up to 7 metres into the setback is permitted within 20 metres of the exterior side lot line, subject to the approval of the Cataraqui Region Conservation Authority.</p>	M3
M1.237	<p>On the approximately 0.75 hectare parcel of land on the East side of Division Street immediately south of the C.N.R. main line, the permitted uses shall also include:</p> <p>(i) furniture and floor or wall covering business; (ii) machine and tool rental and accessory sale business.</p>	M2
M2	Not Applicable	DR
M2.240	<p>On the approximately 0.83 hectare parcel of land located on the west side of Harvey Street between Hickson Avenue and Elliot Avenue, known municipally as 62-80 Harvey Street, and designated M2.240 on a copy of zoning map Number 15 attached to and forming part of By-Law Number 89-31 as Schedule "A", the permitted uses shall also include:</p> <p>(i) a machine and tool rental business and its accessory uses, including the sale of rental related supplies, the sale of outdoor power equipment and electrical power equipment, the sale of industrial contractors' equipment and the wholesale of a variety of products associated with the Rental operation.</p>	M2
M2.328	<p>On the approximately 1.04 hectare parcel of land located at the south west corner of Cassidy and Montreal Streets, and designated 'M2.328' on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 2002-51 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 25.(2) (c) and Section</p>	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	212 of this by-law, the permitted uses shall also include: <ul style="list-style-type: none"> • the sales of motor vehicles; and • the upholstering and re-upholstering of boat covers and tops. 	
M6	Not Applicable	M2
M6.97	For those parcels of land designated M6.97 on Zoning Map Nos. 15 and 17, any building containing one or more dwelling units constructed or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this by-law by the City, which was constructed in accordance with all by-laws of the City in force at that date, shall be deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in Section 6.3 of this by-law or which has the effect of creating an additional unit within or attached to the said building shall be permitted.	- 4-6 River St: UR5 - 47-75 Hickson Ave: UR5 - 363, 371, 477-485, 493, 511-525, 535, 541 Rideau St: UR5 - 15-21 McKenna Ave: M2 - 40-44 Hickson Ave: M2 - 753-765, 779 Division St: M2 - 83-137 Hickson Ave: M2 - 684-686, 576, 600-606 Montreal St: M2
M6.118	On those lands located west of Montreal Street and south of Railway Street and designated M6.97 and M6.118 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 8728 as Schedule "A", the permitted uses shall also include the storage, warehousing, distribution, fabrication and otherwise processing of new steel.	M1
M6.215	On the approximately 2.0 hectare parcel of land located on the West side of Montreal Street between Railway Street and Hickson Avenue,	UR5

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>known municipally as 734 Montreal Street and designated 'M6.215' on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 95-105 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 29.2(c) of this by-law, the permitted uses shall also include:</p> <p>(a) buildings and facilities used by the Royal Canadian Legion Branch 560 for Legion and community functions and events; and</p> <p>(b) public or private parks and recreational facilities.</p>	
M6.223	<p>On the approximately 0.64 hectare parcel of land located on the west side of Montreal Street north of Hickson Avenue and designated M6.223 on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 87-14 as Schedule "A", the following regulations shall apply:</p> <p>(i) the permitted uses shall also include a restaurant within the limits of the existing roofed building area and adjacent outside areas;</p> <p>(ii) there shall be no expansion or enlargement of the existing buildings.</p>	M2
M7	Not Applicable	URM2
M7.176	<p>On the approximately 0.60 hectare parcel of land located on the southeast corner of river Street and Orchard Street and designated M7.176 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 80-43 as Schedule "A":</p> <p>(a) The permitted uses shall also include:</p> <p>i. soap manufacturing;</p> <p>ii. chemical industries but excluding those which emit smoke or fumes obnoxious to humans or vegetation and excluding those with wastage materials unsuitable for a sewage treatment plant.</p>	UR5
M7.178	<p>Within the area designated M7.178 on a copy of Zoning Map Number 15 which is attached to and forms part of By-Law Number 80-77 as Schedule "A", the permitted uses shall also include:</p> <p>(a) a pest control service and associated retail store;</p> <p>(b) a bottling plant for soft drinks and associated warehouse and associated retail facilities.</p>	UR5
M7.285	<p>On the approximately 0.38 hectare parcel of land located on the south side of Railway Street between Division Street and Patrick Street, known municipally as 142 and 154 Railway Street, and designated M7.285 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 94-47 and By-Law Number 2000-261, as Schedule "A" the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 30.2 of this by-law, the permitted uses shall also include community centres and public or</p>	M2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>private recreation facilities;</p> <p>(ii) Notwithstanding the provisions of Section 5.3 of this by-law, the minimum number of required parking spaces for the uses listed in subsection (i) shall be forty (40).</p>	
M7.304	<p>On the approximately 0.21 hectare (2125.5 square metre) parcel of land located on the south side of Hickson Avenue, between McKenna Avenue and Hagerman Avenue, known municipally as 50 Hickson Avenue, and designated 'M7.304' on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 97-309 as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 30.2 of this by-law, the permitted uses shall also include community centres and public or private recreation facilities;</p> <p>(ii) Notwithstanding the provisions of Sections 5.3 and 30.3 (f) of this by-law, the minimum number of required off-street parking spaces for any community centre or public or private recreation facility use shall be eighteen (18);</p> <p>(iii) Notwithstanding the provisions of Sections 30.3 of this by-law, the minimum required front yard shall be 6.7 metres;</p> <p>(iv) Notwithstanding the provisions of Section 30.3 (b) of this by-law, the maximum percentage of lot coverage shall be 35 per cent; and</p> <p>(v) Notwithstanding the provisions of Section 30.3 of this by-law, any new additions to the existing buildings or any new building construction on the site shall maintain the existing building setbacks along the east and south property boundaries.</p>	M2
M9.220	<p>For the parcels of land containing 19.5 hectares located on the northeast and northwest sides of Sir John A. Macdonald-Cartier Freeway and designated 'M9.220' on a copy of Zoning Map Number 1 attached to and forming part of By-Law Number 93-24 as Schedule "A" the following regulations shall apply:</p> <p>(a) Notwithstanding Section 31B.2(a), the maximum height shall be 25.0 metres;</p> <p>(b) Notwithstanding Section 31B.2(b), the minimum lot area shall be 8000 square metres;</p> <p>(c) Notwithstanding Section 31B.2(g), the minimum lot occupancy shall be 40 per cent.</p>	M1
M9.296	<p>1471-1475 John Counter Boulevard and 16 Terry Fox Drive</p> <p>Notwithstanding the provisions of Section 31B.1 and 31B.2 hereof to the contrary, the lands designated 'M9.296-H' on Schedule "A" hereto, the following regulations shall apply:</p> <p>(a) Permitted uses are limited to:</p> <p>(i) Business park uses:</p> <p>(a) offices for or in connection with businesses or professions;</p>	<p>- 1471-1473 Sir John A MacDonald Blvd: M1</p> <p>- 1475 Sir John A.</p>

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(b) corporate administrative operations of an office nature;</p> <p>(c) data processing and related service, including call centre;</p> <p>(d) film or recording studio;</p> <p>(e) laboratory or research and development facility;</p> <p>(f) printing establishment;</p> <p>(g) technologically advanced manufacturing, fabricating and assembling operations for the production high value products (non-noxious);</p> <p>(h) commercial school;</p> <p>(i) education centre; and</p> <p>(j) public use.</p> <p>(ii) Complementary / commercial uses:</p> <p>(a) bank or financial institution;</p> <p>(b) clinic;</p> <p>(c) retail store;</p> <p>(d) pharmacy;</p> <p>(e) restaurant (including a maximum of one drive-through facility);</p> <p>(f) personal service shop; and</p> <p>(g) day care.</p> <p>(b) Complementary / commercial uses shall be limited to a maximum of 25 per cent of the total gross floor area of all buildings on the lands designated M9.296-H.</p> <p>(c) Accessory uses:</p> <p>(i) Accessory uses are permitted in accordance with the General Provisions;</p> <p>(ii) A maximum of 25 per cent of the total floor area for any single tenant or business may be used for the purposes of the display and retail sale of products manufactured, processed, fabricated or assembled on the premises.</p> <p>(d) Open storage is prohibited.</p> <p>(e) '-H' Holding Zone Provisions:</p> <p>(i) The '-H' Holding provision applies to a day care use.</p> <p>(ii) The '-H' Holding provision shall not be removed until the following conditions have been satisfied:</p> <p>(a) The submission of a Phase I Environmental Site Assessment and any subsequent assessment as necessary, including a Record of Site Condition, prepared by a qualified person as defined by the City of Kingston and completed to the satisfaction of the City of Kingston and which adheres to all applicable municipal and provincial requirements; and</p> <p>(b) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the City of Kingston and completed to the satisfaction of the City of Kingston and which adheres to all applicable municipal and provincial requirements.</p>	<p>MacDonald Blvd: M2 - 16 Terry Fox Dr: M2</p>

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	(f) The provisions of Section 31B.2(i), Subsection (ii) of this by-law prohibiting parking within ten metres (10 m) of the street line and requiring a landscaped berm to screen parking located between the building and street line shall not apply; and (g) The provisions of Section 31B.2(l) of this by-law requiring minimum landscaping areas shall not apply.	
M9.384	Notwithstanding the provisions of Section 31B.1 hereof to the contrary, for the lands designated 'M9.384' on Schedule "A" to By-Law Number 2009-93, the following regulations shall apply: <ul style="list-style-type: none"> • Permitted Uses shall be limited to the following: Automobile service station; accessory retail use to an automobile service station; A restaurant, including a drive through restaurant; A car wash; and Accessory building to any use permitted in the M9.384 Zone. • That notwithstanding any M9 provisions to the contrary the following C2 zone provisions shall apply: all of Section 22.3. 	M1
M9.392	Notwithstanding any provisions of Section 31B.1 hereof to the contrary, on the lands zoned 'M9.392' on Schedule "A" attached hereto, the following provisions shall apply: a) Permitted Uses: i) corporate administrative office ii) day care centre, accessory to a corporate administrative office b) Minimum Yards: i) north property line: 10.0 metres ii) east property line: 7.5 metres iii) south property line: 6.0 metres iv) west property line: 7.5 metres c) Minimum Lot Occupancy: 12 per cent d) Minimum Off-Street Parking: i) corporate administrative office: 2.96 parking spaces per 100 square metres of gross floor area ii) day care centre: 0.85 parking spaces per 100 square metres of gross floor area e) Minimum Off-Street Loading Facilities: i) 1 off-street loading space ii) Loading facilities shall be located at the rear or interior side of a building only. f) Landscaping Area: adjacent to existing or proposed street, not less than 7.5 metre of landscaped area, excluding driveway;	M2
OS1	Not Applicable	IN1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
OS2.99	For those parcels of land located north of King Street West, east of the Little Cataraqui River and designated OS2.99 on Zoning Map Number 27, any one or two family dwelling constructed, or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this by-law by the City, which was constructed in accordance with all by-laws of the City in force at that date, shall be deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alternation of any kind which does not conform with the regulations set out in section 6.3 of this by-law or which has the effect of creating an additional dwelling unit within or attached to the said building shall be permitted.	OS2
P2.217	On the approximately 2.31 hectares of water located on the south side of King Street West lying immediately west of the property commonly known as the Kingston Grain Elevator and designated as P2.217 as shown on a copy of Zoning Map Number 27 attached to and forming part of By-Law Number 86-144 as Schedule "A", the permitted uses shall also include the water based facilities necessary for the operation of a marina.	EPA

Downtown and Harbour Zoning By-law Number 96-259

Delete the existing text of the by-law and replace with:

1. A by-law to regulate the use of the lands and the size and location of buildings on select properties within the Downtown and Harbour Area of the former City of Kingston.
2. Any references to “this By-law” mean the Downtown and Harbour Zoning By-law Number 96-259.
3. The provisions of this By-law apply to the lands identified on Schedule “A” of this By-law, as amended.
4. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule “A”.
5. Table 1 includes a list of all of the Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule “A” of this By-law.
6. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the “Kingston Zoning By-law Zone” identified in Table 1 for the Zone applicable to the property.
7. Despite 4, 5 and 6, where the Official Plan designates lands as an Environmental Protection Area, the applicable “Kingston Zoning By-law Zone” is the EPA Zone.

8. Despite 4, 5 and 6, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
9. Where a Holding Symbol (“-H”) applies to a property on Schedule “A”, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 1. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:
 - (g) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (h) All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (i) All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
C1	Not Applicable	DT1
C1-2	Notwithstanding the provisions of Section 18(1)(b) hereof to the contrary, the lands designated as C1-2 on Schedule "A" hereto, shall not be used for a convenience store.	DT1
C1-4	Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-4 Zone: 1. Permitted Uses The only permitted uses shall be: (a) Commercial Uses Commercial Establishment; Specialty Retail Store Offices; Community or Recreation Centres; Club; Bank; Restaurant; Commercial Entertainment Establishment;	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Commercial Recreation Facility; Dry Cleaning Outlet Bake Shop; Amusement Arcade, provided the Amusement Arcade shall not be located closer to any school property than 300.0 metres (984 feet). (b) Non-Commercial Uses Apartment Dwelling; Senior Citizen Apartment Dwelling.</p> <p>2. Regulations</p> <p>(a) Maximum Density Notwithstanding Table 7.2, the maximum permitted density shall be 271.0 residential units per net hectare;</p> <p>(b) Number Of Units The maximum number of permitted residential units shall be 126;</p> <p>(c) Amenity Areas / Equipped Children’s Play Areas Notwithstanding Section 5.5, the minimum amount of amenity area/equipped children’s play area shall be a combined total of 4202 square metres (45,232 square feet);</p> <p>(d) Maximum Building And Structure Height Notwithstanding Table 7.2 and Section 5.19, the maximum building and structure height, including the mechanical penthouse shall be 117.5 metres (386 feet) geodetic;</p> <p>(e) Angular Plane Height Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.</p> <p>(f) Off-Street Parking Notwithstanding Table 7.2 and Section 5.22, the minimum number of off-street parking spaces shall be 248;</p> <p>(g) Maximum Gross Floor Area The maximum gross floor area of the commercial component of the building shall be 7000 square metres (75,350 square feet).</p>	
C1-5	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-5 zone:</p> <p>1. Regulations</p> <p>The regulations shall be as follows:</p> <p>a) Maximum Building And Structure Height Notwithstanding Section 7 and table 7.2, to the contrary, the maximum building shall not exceed 23.3 metres (76 feet).</p> <p>b) Angular Plane Height Notwithstanding the Angular Plane provisions of table 5.6, Section 7, table 7.2 and Section 7.2.3 to the contrary the Angular Plane provisions shall not apply.</p> <p>c) Maximum Gross Floor Area The maximum gross floor area shall be 6,800 square metres (73,195</p>	DT2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>square feet).</p> <p>d) Landscaped Open Space The minimum landscaped open space shall be 0.0 square metres.</p> <p>e) Yard Setbacks Notwithstanding Section 7 and table 7.2, to the contrary, no yard setback requirements shall apply.</p>	
C1-6	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-6 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Senior Citizen Apartment Dwelling.</p> <p>2. Regulations The regulations shall be as follows:</p> <p>(a) Number Of Units The maximum number of residential units shall be eighty (80).</p> <p>(b) Maximum Density Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 326 residential units per net hectare.</p> <p>(c) Off-Street Parking Notwithstanding Table 7.2 and Section 5.22 of this By-Law, the minimum number of off-street parking spaces shall be fourteen (14).</p>	DT1
C1-7	<p>(a) Maximum Building Height Notwithstanding Table 7.2 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 19.2 metres (63 feet).</p> <p>(b) Angular Plane Height Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.</p>	DT2
C1-8	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-8 Zone:</p> <p>1. Regulations The regulations shall be as follows:</p> <p>(a) Maximum Building Height Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum building height shall be nine (9) storeys not to exceed 29.5 metres (96.7 feet).</p> <p>(b) Angular Plane The provisions of Section 5.6 and Section 7.2.3, of this By-Law shall not apply.</p> <p>(c) Fourth Storey Setback Commencing at the building height of 12.7 metres (41.7 feet), the building setback shall be 3.7 metres (12.2 feet) along the King Street block face, and 4.0 metres (13.2 feet) along the Clarence Street block face.</p>	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(d) Permitted Height Exception Notwithstanding Section 5.19(i), an elevator shaft and a heating and cooling systems mechanical penthouse, with a gross floor area of 190 square metres (2045 square feet), and a maximum height of 8.66 metres (28.4 feet) shall be permitted above the ninth storey.</p> <p>(e) Maximum Gross Floor Area Maximum gross floor area shall be 13,985 square metres (150,538 square feet).</p> <p>(f) Off-Street Parking Notwithstanding Table 7.2 of this By-Law, the minimum number of off-street parking spaces shall be 227.</p>	
C1-9	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the C1-9 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Nursing Home.</p>	DT2
C1-10	<p>Notwithstanding the provisions of Section 18(1) to the contrary, the lands zoned 'C1-10' on Map 3 of Schedule "A" attached hereto shall only be used for a single detached dwelling or a business or professional office.</p> <p>Any non-residential uses shall be developed in accordance with the following provisions:</p> <p>(i) Gross Floor Area (maximum) Maximum permitted gross floor area shall be 120 square metres and contained within the existing building at the date of the passing of this by-law.</p> <p>(ii) Buffering (minimum) A solid fence 1.8 metres in height or a buffering strip of 2 metres in width shall be provided on the property where a non-residential use abuts a residential use.</p> <p>(iii) Parking Parking shall be in conformance with Section 5(16), Parking Area Regulations, of this By-Law.</p> <p>(iv) Deemed Compliant Notwithstanding the provisions of Section 18(2) to the contrary, the existing building shall be deemed to comply with the minimum setback requirements</p>	DT1
C1-11	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-11 Zone:</p> <p>1. Regulations</p> <p>(a) Number Of Units The maximum number of residential units shall be fourteen (14).</p> <p>(b) Maximum Density</p>	DT2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 234.0 residential units per net hectare.	
C1-12	<p>Notwithstanding any provisions of this By-Law to the contrary, the following shall apply to the C1-12 Zone:</p> <p>1. Permitted Use The permitted use shall be limited to the residential usage existing as of the date of passing of this By-Law.</p> <p>2. Regulations The main building on any lot shall be limited to the height, size and volume existing as of the date of passing of this By-Law.</p>	DT2
C1-13	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-13 Zone:</p> <p>1. Regulations The regulations shall be as follows:</p> <p>(a) Maximum Building Height Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 21 metres (69 feet);</p> <p>(b) Angular Plane The provisions of Section 5.6 and Section 7.2.3 of this By-Law shall not apply to the existing building or to the rebuilding or renovation of the existing building in accordance with Section 5.23.3 of this By-Law.</p> <p>(c) Fifth Storey Setback Commencing at the building height of not more than 17 metres from the western most portion of the building along Princess Street, the building setback shall be 3 metres (9.8 feet) along the Princess Street blockface and along the King Street blockface for the existing building or if the existing building is rebuilt or renovated in accordance with Section 5.23.3 of this By-Law.</p> <p>(d) Permitted Height Exception Notwithstanding Section 5.19(i) an elevator shaft and a heating and cooling system mechanical penthouse, with a gross floor area of 241 square metres (2,595 square feet), and a maximum height of 8 metres (26.3 feet) shall be permitted above the fifth storey.</p> <p>(e) Maximum Gross Floor Area The maximum gross floor area shall be 7,821 square metres (84,187 square feet) excluding the underground garage and roof top mechanical equipment area.</p>	DT2
C1-14	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-14 Zone:</p> <p>1. Regulations (a) Minimum Building Height Notwithstanding Table 7.2 of this By-Law, the minimum building height</p>	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>for any buildings in existence as of the date of the passing of this By-Law shall be one (1) storey.</p> <p>Any new buildings constructed within the C1-14 Zone shall comply with the Minimum Building Height regulations set out in Table 7.2 of this By-Law.</p> <p>(b) Minimum Lot Coverage</p> <p>Notwithstanding Table 7.2 of this By-Law, the minimum lot coverage shall be 28%.</p>	
C1-17	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-17 Zone:</p> <p>1. Regulations</p> <p>The regulations shall be as follows:</p> <p>(a) Maximum Building Height</p> <p>Notwithstanding the provisions of Section 7.2.2.1 of this By-Law, the maximum building height for buildings or structures shall be as follows:</p> <p>Height at Build-to-Plane 5 storeys, not to exceed 17 metres (55 feet)</p> <p>Maximum Building Height 7 storeys, not to exceed 23.16 metres (76 feet)</p>	DT2
C1-18	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-18 Zone:</p> <p>1. Regulations</p> <p>The regulations shall be as follows:</p> <p>(a) Maximum Building Height</p> <p>Notwithstanding Table 7.2, Section 5.19 and Section 7.2.2.1 of this By-Law, the maximum height for buildings or structures shall be as follows:</p> <p>Height at Build-to-Plane 8 storeys, not to exceed 28.5 metres (93.5 feet)</p> <p>Maximum Building Height 8 storeys, not to exceed 28.5 metres (93.5 feet)</p> <p>(b) Permitted Height Exception</p> <p>Notwithstanding Section 5.19 (i) of this By-Law, an elevator shaft and a heating, cooling and ventilating mechanical penthouse, with a gross floor areas of 645 square metres (6,945 square feet) and a maximum height of 5.45 metres (17.9 feet) shall be permitted above the eighth storey.</p> <p>(c) Build-To-Plane</p> <p>Notwithstanding the provisions of Table 7.2 and Section 7.2.1 of this By-Law, the build-to-plane shall be measured from the adjacent street rights-of-way as follows:</p> <p>Ontario Street 4.0 metres (13.1 feet)</p> <p>William Street 4.0 metres (13.1 feet)</p>	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(d) Angular Plane The provisions of Table 7.2, Section 5.6, Section 5.19 and Section 7.2.3 of this By-Law, with respect to angular plane, shall not apply to any building constructed within the 'C1-18' Zone.</p> <p>(e) Minimum Front Yard Notwithstanding the provisions of Table 7.2 of this By-Law, the minimum front yard (Ontario Street) for any building or structure shall be prescribed by the build-to-plane requirements of Subsection (c) above.</p> <p>(f) Minimum Exterior Side Yard Notwithstanding the provisions of Table 7.2 of this By-Law, the minimum exterior side yard (William Street) for any building or structure shall be prescribed by the build-to-plane requirements of Subsection (c) above.</p>	
C1-19	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-19 Zone:</p> <p>1. Regulations The regulations shall be as follows:</p> <p>(a) Minimum Front Yard Notwithstanding Table 7.2, hereof to the contrary, the front yard shall be measured at right angles from the front lot line to the nearest wall of a main building.</p> <p>(b) Minimum Side Yard Notwithstanding Table 7.2 and Section 7.2.5 hereof to the contrary, the minimum interior side yard for the extension as part of a building addition of the wall of the building existing on the date of the passing of this by-law and located at the south corner of the lot (known municipally as 258 King Street East, the "Architect's House") abutting a Residential zone shall be nil.</p> <p>(c) Maximum Building Height Notwithstanding Section 7.2.2.1 hereof to the contrary, the maximum building height for buildings, or structures shall be as follows: Height at Build-to-Plane 4 storeys, not to exceed 17 metres (55 feet) Maximum Building Height 4 storeys, not to exceed 17 metres (55 feet)</p> <p>(d) Minimum Lot Coverage Notwithstanding Table 7.2 hereof to the contrary, the minimum lot coverage shall be 35%.</p> <p>(e) Build-To-Plan Notwithstanding Section 7.2.1 hereof to the contrary, the build-to-plane shall not apply to a building addition to the "Architect's House".</p>	DT2
C1-20	<p>1. Purpose And Requirement For Removal Of Holding Symbol The use and removal of the '(H)' Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law.</p>	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>To ensure the safe development of the subject site, given the previous geotechnical findings of the nearby properties, development will not proceed until the following have been completed with respect to 300 Wellington Street and submitted to the satisfaction of the City of Kingston:</p> <ul style="list-style-type: none"> ● A report addressing the potential presence of chlorinated hydrocarbons; ● Additional information with respect to beryllium in the groundwater including a technical opinion on the nature of risk to residents; and ● An acceptable Remedial Action Plan is provided and carried out and that a Record of Site Condition is filed with the Ministry of the Environment. <p>2. Permitted Interim Uses Existing C1 uses</p> <p>3. Zone Regulations When Holding Symbol Is Removed Notwithstanding any provisions of the By-Law to the contrary, the following regulations shall apply to the C1-20 zone:</p> <p>(a) Permitted Uses The only permitted uses shall be the following: Art Gallery Office Florist Medical Office Photo or artist studio Townhouse dwelling to a maximum of 4 dwelling units Home occupations, subject to Section 5.20 of the Zoning By-Law</p> <p>(b) Regulations Maximum Residential Density 155 residential units per net hectare Minimum Amenity Area 2 square metres per dwelling unit Maximum Building Height 3 storeys, to a maximum of 12.2 metres</p> <p>(c) Groundwater Wells The installation and use of groundwater wells for any purpose other than environmental monitoring, remediation or geotechnical investigation will be prohibited.</p>	
C1-21	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-21' Zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Office Medical Office Photo or artist studio Semi-detached dwelling Home occupations, subject to Section 5.20 of the Zoning By-Law.</p> <p>2. Regulations</p>	DT2

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Minimum Building Height 2 storeys, minimum 8.0 metres Minimum Amenity Area total of 45 square metres, with no dwelling unit having less than 19 square metres 3. Expansion or enlargement of the external walls and roof of the existing building shall be permitted for the conversion to contain two dwelling units.</p>	
C1-22	<p>1. (H) Holding Symbol The use and removal of the 'H' Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law. The 'H' Holding Symbol shall not be removed until such time as: (i) All site servicing issues have been addressed to the satisfaction of the Municipality; (ii) A Record of Site Condition has been registered in accordance with Provincial regulations.</p> <p>2. Permitted Interim Uses Existing 'C1' uses</p> <p>3. Zone Regulations When 'H' (Holding Symbol) Is Removed Notwithstanding any provision of the By-Law to the contrary, the following uses and regulations shall apply to the C1-22 Zone: (a) Permitted Uses Permitted uses shall be as set out in Section 7.1 of this By-law, with the exception of the Prohibited Uses listed in Section 7.3.22.3 (b) hereafter. (b) Prohibited Uses Notwithstanding Section 7.1, Automotive Gas Bar, Automotive Sales Establishment, Automobile Service Station and Automobile Specialty Repair Shop shall be prohibited. (c) Maximum Building Height Notwithstanding Section 7.2.2.1 hereof to the contrary, the maximum building height for buildings or structures shall be as follows: • Height at Build-to-Plane, not to exceed 17 metres (55 feet) (storey limit deleted) • Maximum Along Angular Plane, not to exceed 25.5 metres (83 feet) (storey limit deleted) (d) Parking Structures Notwithstanding Section 7.2.9 of this By-Law, any parking structure constructed within the 'C1-22' Zone shall comply with the minimum and maximum building height requirements, the minimum lot coverage requirements and the build-to and angular plane requirements as set out in Table 7.2 and Sections 7.2.1, 7.2.2 and 7.2.3 of this By-Law. (An explanatory sketch from the Study may be added for explanatory purposes, but which will not form part of the Zoning By-law)”</p>	DT1

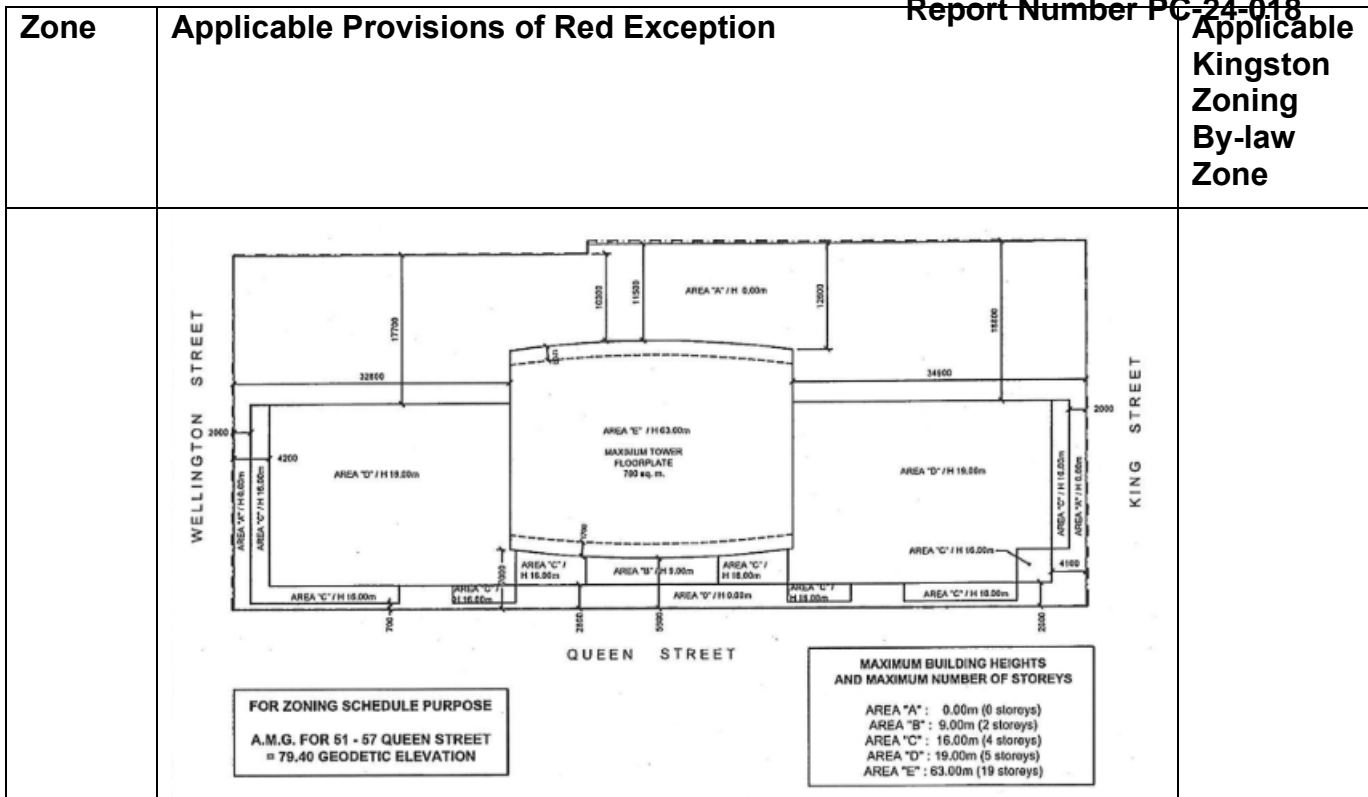
Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
C1-24	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-24' Zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only; Triplex dwelling; and, Home occupations, subject to Section 5.20 of the Zoning By Law.</p> <p>2. Regulations Minimum Side Yard 0.93 metres on west side and 1.3 metres on east side Minimum Lot Coverage 20%</p>	DT1
C1-25	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-25' Zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the forgoing uses are located on the ground floor only; Single detached dwelling; and, Home occupations, subject to Section 5.20 of the Zoning By-Law.</p> <p>2. Regulations Minimum Side Yard 0.27 metres on east side Minimum Lot Coverage 20%</p>	DT1
C1-26	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-26' zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Art Gallery, Office; Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only; Semi-detached dwelling; and, Home occupations, subject to Section 5.20 of the Zoning By-Law</p> <p>2. Regulations Minimum Side Yard 0.6 metres on west side of 140 Colborne Street Minimum Lot Coverage 37% Minimum Amenity Area total of 70 square metres</p>	DT1
C1-27	<p>Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 7 for the 'C1' Zone shall apply to the 'C1-27' Zone except that:</p> <p>1. Regulations The regulations shall be as follows: (a) Maximum Density Notwithstanding Table 7.2, the maximum permitted density shall be 258 residential units per net hectare;</p>	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(b) Number Of Units The maximum number of permitted residential units shall be 12; and,</p> <p>(c) Off-Street Parking Notwithstanding Section 5.22, the minimum number of off-street parking spaces shall be 7.</p>	
C1-28	<p>1. Regulations: Notwithstanding any provisions of the By-Law to the contrary, the following shall only apply to the 'C1-28' Zone: Conversion of Commercial Buildings for Residential Use Residential Uses may be permitted on the ground floor.</p>	DT1
C1-47	<p>Notwithstanding the provisions of this By-law to the contrary, for the lands designated 'C1-47' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>1. Definitions "Mixed Commercial/Residential Development" shall mean a building or structure which is used for a mixture of commercial and residential uses, with associated residential amenities and commercial uses permitted on a portion of the ground floor. No residential dwelling units are permitted on the ground floor. "Podium" shall mean all areas of the building outside of the Tower, shown as Areas 'B', 'C' 'D' and 'E' on Schedule 'B'. "Street Wall" shall mean all facades of a building adjacent to a lot line that abuts a public street. "Tower" shall mean the building area shown as Area "E" on Schedule 'B', floors 6 through 19 of the building. "Tower Floorplate" shall mean the gross floor area of each storey within a Tower, exclusive of inset and projecting balconies.</p> <p>2. Regulations (a) Building Height (i) The maximum building height at build to plane provisions shall not apply. (ii) The maximum angular plane provisions shall not apply. (iii) No part of the building shall exceed the height limits in metres as shown on Schedule 'B', attached hereto and forming part of this Bylaw, subject to the provisions of this zone allowing for variations in the building footprint and articulation from that shown on Schedule 'B'. (iv) Building Height (exemption) The height limits identified in (a) shall not apply to prevent the erection of decorative, functional, or mechanical elements approved under the Site Plan Agreement or required for the normal operations</p>	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>of the building and permitted uses, including but not limited to the following (whether singular or plural): window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, mechanical equipment and/or mechanical penthouse, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor amenity areas, wind mitigation features, chimney stack, exhaust flues, garbage chute overrun, elevator overrun, antennae, mast and public art elements.</p> <p>(b) Tower Setbacks (i) The Tower shall be setback as shown on Schedule 'B', attached hereto and forming part of this By-law. (ii) Notwithstanding subsection (a) and (b)(i) for the Tower portion of the building, a variance of up to 2 metres in the setbacks of the Tower as shown on Schedule 'B' will be permitted, provided that the setback of the Tower from the Queen Street frontage is no less than 5.0 metres and all other provisions of this by-law are satisfied;</p> <p>(c) Tower Floorplate The maximum permitted Tower Floorplate for 'Area E' as shown in Schedule 'B' for floors 6 through 19 shall be 790 square metres.</p> <p>(d) Tower Balconies (i) Balconies are permitted to project a maximum of 2.5 metres from the eastern facade of the Tower (King Street East facade) to a maximum length of 18.0 m. All inset balconies in the Tower shall be contained within Area 'E', as shown on Schedule 'B', subject to the provisions of subsection (b)(ii). (ii) All rooftop areas are permitted to be used for terraces.</p> <p>(e) Tower Facades (i) A minimum of 25% of the north and south facades shall be inset a minimum of 1.7 metres from the outermost face of the Tower facade, this shall include inset balconies; (ii) A minimum of 10% of the west facade shall be inset a minimum of 1.7 metres from the outermost face of the Tower facade, this shall include inset balconies;</p> <p>(f) Podium Setbacks (i) The Podium shall be setback as shown on Schedule 'B', attached hereto and forming part of this By-law. (ii) Notwithstanding subsection (f)(i), at grade setbacks are permitted to vary from the setbacks shown on Schedule 'B', attached hereto and forming part of this By-law, to permit additional outdoor active space along the street frontages of the site, to accommodate varied entrance configurations, vehicular ingress and egress to the building and site, and site servicing;</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(iii) Notwithstanding subsection (f)(i), for the Podium, a variance of up to 0.5 metres in the setbacks shown on Schedule 'B' will be permitted.</p> <p>(g) Podium Facade</p> <p>(i) Notwithstanding subsections (a)(iii) and (f)(i), for the portion of the Podium extending from the intersection of Queen Street and Wellington Street to the western limit of the Tower, the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres measured from the face of the Podium.</p> <p>(ii) Notwithstanding subsections (a)(iii) and (f)(i), for the portion of the Podium extending from the intersection of Queen Street and King Street to the eastern limit of the Tower, the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres measured from the face of the Podium.</p> <p>(h) Podium Balconies</p> <p>(i) On levels 2 through 5, balconies are permitted to project a maximum of 2.5 metres beyond the setback established in Schedule 'B' but shall not extend beyond the outermost Podium wall/Street Wall.</p> <p>(ii) All other balconies shall be inset within the setbacks established on Schedule 'B' of this By-law.</p> <p>(iii) All rooftop areas are permitted to be used for terraces.</p> <p>(i) Lot Coverage The lot coverage provisions shall not apply.</p> <p>(j) Density (maximum) There shall be no maximum density.</p> <p>(k) Ground Floor Requirements</p> <p>(i) The minimum ground floor height of all building spaces fronting on a public street shall be 4.5 metres, as measured from floor to floor.</p> <p>(ii) A minimum of 487 square metres of commercial uses in accordance with the 'C-1' zone shall be provided at the corner of King Street and Queen Street.</p> <p>(iii) Residential amenities and building support uses such as lobbies, common areas and mechanical uses are permitted at grade.</p> <p>(l) Art Gallery Space</p> <p>(i) A minimum of 241 square metres of space shall be provided at the corner of Wellington Street and Queen Street for the purpose of a Municipal Art Gallery, the terms and conditions to be established through the Section 37 Agreement, for a term of 10 years.</p> <p>(ii) In the event the Section 37 Agreement expires, the 241 square metre space may be used for amenity uses or commercial uses in accordance with the 'C1-47' zone.</p> <p>(m) Loading</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(i) The minimum number of loading spaces shall be 1.</p> <p>(ii) Loading spaces shall be accessed by an unobstructed access aisle of minimum 6.0 metres in width, minimum vertical clearance of 4.2 metres and provide sufficient space to permit the maneuvering of vehicles on site.</p> <p>(n) Off-Street Parking</p> <p>(i) All required parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.</p> <p>(o) Off-Street Accessible Parking</p> <p>(i) Type A spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.</p> <p>(ii) Type B spaces shall have minimum dimensions of 2.4 metres wide by 5.2 metres long.</p> <p>(iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B spaces.</p> <p>(iv) The minimum required vertical clearance of the required accessible spaces shall be 2.1 metres.</p> <p>(p) Off-Street Bicycle Parking</p> <p>(i) A minimum of 1 bicycle parking space shall be provided per residential dwelling unit.</p> <p>(ii) Up to a maximum of 25 percent of required on-site bicycle parking stalls are permitted to be securely located outdoors and exposed to the elements.</p> <p>(iii) Bicycle parking stalls shall have a minimum width of 0.3 metres and minimum length of 1.8 metres with a vertical clearance of 2.1 metres.</p> <p>(iv) Required bicycle parking may be accommodated within a storage area within a dwelling unit.</p> <p>(q) Holding Zone Provisions</p> <p>The use and removal of the Holding (-H) Symbol shall be in accordance with the provisions of Section 6.3 of this By-law.</p> <p>Removal of Holding Symbol</p> <p>The Holding (-H) Symbol shall not be removed until such time as the following requirements have been met to the satisfaction of the municipality:</p> <p>(i) Record of Site Condition prepared and registered by a qualified person as defined by the municipality and is completed to the satisfaction of the municipality with demonstrated adherence to all municipal and provincial requirements.</p> <p>Schedule 'B' to Exception C1-47</p>	



C1-48

Notwithstanding the provisions of this By-law to the contrary, for the lands designated 'C1-48' on Schedule 'A' hereto, the following regulations shall apply:

1. Definitions

"Mixed Commercial/Residential Development" shall mean a building or structure which is used for a mixture of commercial and residential uses, with associated residential amenities and commercial uses permitted on a portion of the ground floor. No residential dwelling units are permitted on the ground floor.

"Podium" shall mean all areas of the building outside of the Tower, shown as Areas 'B', 'C', 'D' 'E' and 'F' on Schedule C.

"Street Wall" shall mean all facades of a building adjacent to a lot line that abuts a public street.

"Tower" shall mean the building area shown as Area "F" on Schedule 'C' floors 8 through 23.

"Tower Floorplate" shall mean the gross floor area of each storey within a Tower, exclusive of inset and projecting balconies.

2. Regulations

(a) Building Height

(i) The maximum building height at build to plane provisions shall not apply.

(ii) The maximum angular plane provisions shall not apply.

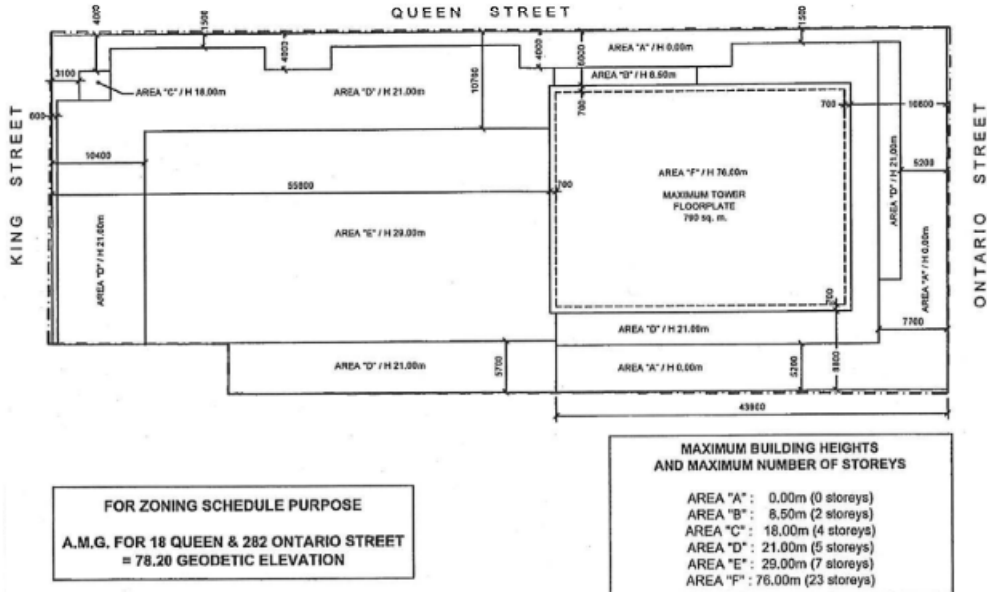
(iii) No part of the building shall exceed the height limits in metres as shown on Schedule 'C', attached hereto and forming part of this By-law, subject to the provisions of this zone allowing for variations in the building footprint and articulation from that shown on Schedule 'C'.

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Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(iv) Building Height (exemption) The height limits identified in (a) shall not apply to prevent the erection of decorative, functional, or mechanical elements approved under the Site Plan Agreement or required for the normal operations of the building and permitted uses, including but not limited to the following (whether singular or plural):</p> <ul style="list-style-type: none"> - window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, mechanical equipment and/or mechanical penthouse, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor amenity areas, wind mitigation features, chimney stack, exhaust flues, garbage chute overrun, elevator overrun, antennae, mast and public art elements. <p>(b) Tower Setbacks</p> <p>(i) The Tower shall be setback as shown on Schedule 'C', attached hereto and forming part of this By-law.</p> <p>(ii) Notwithstanding subsection (a) and (b)(i), for the Tower portion of the building, a variance of up to 2 metres in the setbacks of the Tower shown on Schedule 'C' will be permitted, provided that the setback of the Tower from the Queen Street frontage is no less than 5.0 metres and all other provisions of this by-law are satisfied;</p> <p>(c) Tower Floorplate The maximum permitted Tower Floorplate for 'Area F' as shown in Schedule 'C' shall be 790 square metres for floors 8 through 23.</p> <p>(d) Tower Balconies</p> <p>(i) East and West facade Balconies are permitted to project a maximum of 2.5 metres from the east and west facades of the Tower to a maximum of 30% of the building face.</p> <p>(ii) North and South facade Balconies are permitted to project a maximum of 2.5 metres from the north and south facade of the Tower to a maximum of 40% of the building face.</p> <p>(iii) Corner Balconies In addition to subsections (d)(i) and (d)(ii), that portion of a corner balcony that is outside of a projected building face shall be permitted.</p> <p>(iv) All rooftop areas are permitted to be used for terraces.</p> <p>(e) Tower Facades</p> <p>(i) A minimum of 40% of the north and south facades shall be inset a minimum of 0.7 metres from the outermost face of the Tower facade, this shall include inset balconies;</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(ii) A minimum of 10% of the east and west facade shall be inset a minimum of 0.7 metres from the outermost face of the Tower facade, this shall include inset balconies;</p> <p>(f) Podium Setbacks</p> <p>(i) The Podium shall be setback as shown on Schedule 'C', attached hereto and forming part of this By-law.</p> <p>(ii) Notwithstanding subsection (f)(i), at grade setbacks are permitted to vary from the setbacks shown on Schedule 'C', attached hereto and forming part of this By-law, to permit additional outdoor active space along the street frontages of the site, to accommodate varied entrance configurations, vehicular ingress and egress to the building and site, and site servicing;</p> <p>(iii) Notwithstanding subsection (f)(i), for the Podium, a variance of up to 0.5 metres in the setbacks shown on Schedule 'C' will be permitted.</p> <p>(g) Podium Facade</p> <p>(i) Notwithstanding (f)(i), for the portion of the Podium extending from the intersection of Queen Street and King Street to the western limit of the Tower the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres.</p> <p>(h) Podium Balconies</p> <p>(i) On levels 2 through 7 balconies are permitted to project a maximum of 2.5 metres beyond the setback established on Schedule "C" on the facades of the Podium, and shall not extend beyond the outermost Podium wall/Street Wall.</p> <p>(ii) All other balconies shall be inset within the setbacks established on Schedule "C" of this By-law</p> <p>(iii) All rooftop areas are permitted to be used for terraces.</p> <p>(i) Lot Coverage The lot coverage provisions shall not apply.</p> <p>(j) Density (maximum) There shall be no maximum density.</p> <p>(k) Ground Floor Requirements</p> <p>(i) The minimum ground floor height of all building spaces fronting on a public street shall be 4.5 metres, as measured from floor to floor.</p> <p>(ii) A minimum of 413 square metres of commercial uses in accordance with the 'C-1' zone shall be provided at the corner of King Street and Queen Street.</p> <p>(iii) A minimum of 115 square metres of commercial uses in accordance with the 'C-1' zone shall be provided at the corner of Ontario Street and Queen Street.</p> <p>(iv) The yard adjacent to Ontario Street abutting 100 percent of the street frontage, not including areas required to accommodate entrance configurations, vehicular ingress and egress to the site, and</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>site servicing, shall be programmed with active at grade uses including a patio or a use that is complementary to the commercial and/or amenity space.</p> <p>(v) Residential amenities and building support uses such as lobbies, common areas and mechanical uses are permitted at grade.</p> <p>(l) Loading</p> <p>(i) The minimum number of loading spaces shall be 1.</p> <p>(ii) Loading spaces shall be accessed by an unobstructed access aisle of minimum 6.0 metres in width, minimum vertical clearance of 4.2 metres and provide sufficient space to permit the maneuvering of vehicles on site.</p> <p>(m) Off-Street Parking</p> <p>(i) All required parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.</p> <p>(n) Off-Street Accessible Parking</p> <p>(i) Type A spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.</p> <p>(ii) Type B spaces shall have minimum dimensions of 2.4 metres wide by 5.2 metres long.</p> <p>(iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B spaces.</p> <p>(iv) The minimum required vertical clearance of the required accessible spaces shall be 2.1 metres.</p> <p>(o) Off-Street Bicycle Parking</p> <p>(i) A minimum of 1 bicycle parking space shall be provided per residential dwelling unit.</p> <p>(ii) Up to a maximum of 25 percent of required on-site bicycle parking stalls are permitted to be securely located outdoors and exposed to the elements.</p> <p>(iii) Bicycle parking stalls shall have a minimum width of 0.3 metres and minimum length of 1.8 metres with a vertical clearance of 2.1 metres.</p> <p>(iv) Required bicycle parking may be accommodated within a storage area within a dwelling unit.</p> <p>(p) Holding Zone Provisions</p> <p>The use and removal of the Holding (-H) Symbol shall be in accordance with the provisions of Section 6.3 of this By-law.</p> <p>Removal of Holding Symbol</p> <p>The Holding (-H) Symbol shall not be removed until such time as the following requirements have been met to the satisfaction of the municipality:</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(i) Record of Site Condition prepared and registered by a qualified person as defined by the municipality and is completed to the satisfaction of the municipality with demonstrated adherence to all municipal and provincial requirements.</p> <p>Schedule 'C' to Exception C1-48:</p>  <p>FOR ZONING SCHEDULE PURPOSE A.M.G. FOR 18 QUEEN & 282 ONTARIO STREET = 78.20 GEODETIC ELEVATION</p> <p>MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STOREYS</p> <ul style="list-style-type: none"> AREA "A": 0.00m (0 storeys) AREA "B": 8.50m (2 storeys) AREA "C": 18.00m (4 storeys) AREA "D": 21.00m (5 storeys) AREA "E": 29.00m (7 storeys) AREA "F": 76.00m (23 storeys) 	
CMS-1	<p>Notwithstanding any of the provisions of this By-Law to the contrary, the following regulations shall apply to the CMS-1 Zone.</p> <p>1. Regulations</p> <p>(a) Maximum Building Height Notwithstanding Section 8.2, the maximum permissible height for any building or structure shall be four (4) storeys not to exceed 16.46 metres (54 feet).</p>	HCD2
HR-2	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-2 Zone:</p> <p>1. Permitted Uses</p> <p>The following uses only shall be permitted in the (H)-HR-2 Zone:</p> <p>(a) Permitted Interim Uses Notwithstanding the (H) symbol applied pursuant to Section 36 of the Planning Act, R.S.O. 1990, the following uses shall be permitted:</p> <ul style="list-style-type: none"> (i) existing uses; (ii) outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and (iii) a waterfront pathway. <p>(b) PERMITTED USES WHEN HOLDING SYMBOL IS REMOVED Subject to the removal of the (H) symbol pursuant to Section 36 of the Planning Act, R.S.O. 1990 and the provisions of Section 9.3.2.3 of</p>	DT1

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>this By-Law, the following uses shall be permitted:</p> <ul style="list-style-type: none"> (i) A hotel and optional meeting rooms, including accessory support commercial uses. Maximum gross floor area of the hotel shall be 10,400 square metres (111,950 square feet). The hotel shall have a maximum of 144 suites. A suite shall not constitute a residential unit as defined in this By-Law. Maximum gross floor area of the optional meeting rooms shall be 540 square metres (5,815 square feet); (ii) An office / residential building. Maximum gross floor area of the office / residential building shall be 15,960 square metres (171,800 square feet). The residential portion of the building shall contain a maximum of 100 dwelling units; (iii) Notwithstanding Section 5.26 of this By-Law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; (iv) Waterfront Pathway. <p>2. Regulations</p> <p>The regulations for the above uses shall be as follows:</p> <p>(a) Maximum Building Height</p> <p>Notwithstanding Table 9.2 of this By-Law:</p> <ul style="list-style-type: none"> i) All heights, except for the office / residential building, shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres (256 feet) geodetic datum. The height for the office / residential building shall be measured vertically from the centre line at the intersection of Ontario Street and William Street being established at 79.58 metres (261 feet) geodetic datum; ii) The maximum height of the hotel shall be 32.0 metres; iii) The maximum height of the meeting rooms shall be 9.2 metres; iv) The maximum height of the office / residential building shall be 46.0 metres; v) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres (4.9 feet) above geodetic datum; vi) For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum. <p>(b) Minimum Yards</p> <p>Notwithstanding Section 9.2 of this By-Law:</p> <ul style="list-style-type: none"> i) Minimum setback from any street shall be thirteen (13) metres (42.5 feet); ii) Minimum setback from waterfront walkway shall be at least ten (10) metres (33 feet) over 50% of the walkway, which shall be totally accessible to the public. <p>(c) Off-Street Parking</p> <p>Notwithstanding Table 9.2 and Section 5.22.5 of this By-Law:</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>i) Within the 'HR-2 ' Zone, a minimum of 292 parking spaces shall be provided on the following basis for the permitted uses:</p> <ul style="list-style-type: none"> • residential uses — 1.0 parking space for each dwelling unit; • non-residential uses — parking for the office, hotel and meeting room uses shall be administratively and physically structured to provide for sharing of parking during alternate peak use periods; • occasional uses described in Section 9.3.2.1(b)(iii) —no parking requirements. <p>ii) Required parking shall comply with the “Parking Design” regulations of Section 5.22.4 of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision “underground” is deemed to be at or below 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.</p> <p>iii) Surface parking may be provided in the 'HR-2' Zone to a total maximum of 125 spaces.</p> <p>iv) Additional parking for the optional meeting rooms permitted in the 'HR-2' Zone, in excess of the total minimum number of spaces required in subsection i) above, may be located within the 'HR-3' Zone.</p> <p>v) Special Vehicle Parking shall be provided in accordance with the provisions of Section 5.22.6 of this By-Law.</p> <p>(d) Loading Areas Notwithstanding Table 9.2 of this By-Law, Loading Areas shall be provided in accordance with Section 5.21 of this By-Law.</p> <p>(e) Landscaped Open Space A minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (c) of Section 9.3.2.1 of this By-Law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this By-Law and which may include any area designated for vehicle parking or access.</p> <p>(f) Amenity Area The minimum amenity area requirements for each residential unit shall be in accordance with Section 5.5 of this By-Law.</p> <p>(g) Water's Edge Floodproofing And Erosion Control In accordance with Section 5.37 of this By-Law.</p> <p>(h) Accessory Buildings Or Structures In accordance with Section 5.1 of this By-Law.</p> <p>9.3.2.3 Requirements For Removal Of Holding Symbol The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 “HOLDING ZONES” of this By-Law and subject to the following specific requirements:</p> <p>(a) Confirmation of adequate sewage capacity has been provided by</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>Utilities Kingston; (b) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City of Kingston.</p>	
HR-3	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-3 Zone:</p> <p>1. Permitted Uses The following uses only shall be permitted in (H)-HR-3 Zone: (a) Permitted Interim Uses Notwithstanding the (H) symbol applied pursuant to Section 36 of the Planning Act, R.S.O. 1990, the following uses shall be permitted: (i) existing uses; (ii) outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and (iii) a waterfront pathway. (b) Permitted Uses When Holding Symbol Is Removed Subject to the removal of the (H) symbol pursuant to Section 36 of the Planning Act, R.S.O. 1990 and the provisions of Section 9.3.3.3 of this By-Law, the following uses shall be permitted: i) Office uses to a maximum of 930 square metres (10,000 square feet) of gross floor area located within the first two storeys of the residential building fronting onto Ontario Street; ii) Neighbourhood convenience commercial uses, including cafes, shops and boutiques, provided such uses are restricted to the ground floor area of the buildings and no one use exceeds a gross floor area of 250 square metres (2,690 square feet); iii) Residential uses, subject to the provisions of the 'B3' Zone of By-Law No. 8499 and the following provisions. Maximum gross floor area of the residential buildings, including any permitted office / commercial uses, shall be 42,915 square metres (461,950 square feet). The residential buildings shall contain a maximum of 325 dwelling units; iv) Notwithstanding Section 5.26 of this By-Law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; v) Waterfront Pathway.</p> <p>2. Regulations The following regulations shall apply to the above uses: (a) Maximum Building Height Notwithstanding Table 9.2 of this By-Law: i) All heights shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres (256 feet) geodetic datum; ii) The maximum permitted building height shall be 52 metres; iii) Within the boundaries of Earl Street, as extended to the water, the</p>	URM6

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>maximum height shall be 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum;</p> <p>iv) For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.</p> <p>(b) Minimum Yards Notwithstanding Section 9.2 of this By-Law and any other provisions to the contrary:</p> <p>i) Minimum setback from any street shall be thirteen (13) metres (42.5 feet);</p> <p>ii) Minimum setback from waterfront walkway shall be at least ten (10) metres (33 feet) over 50% of the walkway, which shall be totally accessible to the public.</p> <p>(c) Off-Street Parking</p> <p>i) Notwithstanding any other provisions to the contrary, parking shall be provided for the uses permitted within the ‘HR-3’ Zone in accordance with the provisions of Section 5.22 of this By-Law, except that for the occasional uses described in Section 9.3.3.1(b) iv) there shall be no parking requirements;</p> <p>ii) Required parking shall comply with the “Parking Design” regulations of Section 5.22.4 of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision “underground” is deemed to be at or below 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.;</p> <p>iii) Surface parking may be provided in the ‘HR-3’ Zone to a total maximum of 80 spaces;</p> <p>iv) Additional parking for the optional meeting rooms permitted in the ‘HR-2’ Zone, in excess of the total minimum number of spaces required in Section 9.3.2.2 (c) i), may be located within the ‘HR-3’ Zone.</p> <p>(d) Loading Areas Notwithstanding Table 9.2 of this By-Law and any other provisions to the contrary, Loading Areas shall be provided in accordance with Section 5.21 of this By-Law.</p> <p>(e) Landscaped Open Space Notwithstanding any other provisions to the contrary, a minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (b) iv) of Section 9.3.3.1 of this By-Law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this By-Law and which may include any area designed for vehicle parking or access.</p> <p>(f) Amenity Area The minimum amenity area requirements for each residential unit</p>	

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>shall be in accordance with Section 5.5 of this By-Law.</p> <p>(g) Water's Edge Floodproofing And Erosion Control In accordance with Section 5.37 of this By-Law.</p> <p>(h) Accessory Buildings Or Structures In accordance with Section 5.1 of this By-Law.</p> <p>9.3.3.3 Requirements For Removal Of Holding Symbol The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 "HOLDING ZONES" of this By-Law and subject to the following specific requirements:</p> <p>(a) Confirmation of adequate sewage capacity has been provided by Utilities Kingston;</p> <p>(b) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City of Kingston.</p>	
HR-4	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-4 Zone:</p> <p>1. Permitted Uses The permitted uses shall be limited to a Mixed Commercial/ Residential Development and accessory parking structures.</p> <p>2. Regulations The regulations shall be as follows:</p> <p>(a) Number Of Units The maximum number of residential units shall be eighteen (18).</p> <p>(b) Maximum Building Height Notwithstanding Table 9.2 of this By-Law, the maximum building height shall be 6 storeys not to exceed 27 metres (89 feet).</p> <p>(c) Maximum Commercial Gross Floor Area The maximum commercial gross floor area shall be contained within the ground floor of the building and shall not exceed 661 square metres (7,115 square feet).</p> <p>(d) Off-Street Parking Notwithstanding Table 9.2 of this By-Law, the minimum number of off-street parking spaces shall be thirty-five (35).</p> <p>(e) Amenity Area The minimum required Amenity Area/Children's Play Area shall be 1442 square metres (15,546 square feet).</p> <p>(f) Expansion There shall be no further expansion of the existing building or structures.</p>	HB
HR-5	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the HR-5 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Data Processing Establishment and a Computer Programming Establishment.</p>	HB

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
HR-6	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-6 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Bed and Breakfast Establishment provided such use is confined within the permanently docked ship known as the Alexander Henry.</p> <p>2. Regulations The regulations for the above use shall be as follows:</p> <p>(a) Definition Notwithstanding Sections 4 and 5.7 of this By-Law, and for the purposes of this Section only, Bed and Breakfast Establishment means the provision of guest rooms, with or without meals, for the temporary accommodation of the travelling or vacationing public and shall not include a “Restaurant”, “Hotel”, “Motel”, “Lodging House” or “Nursing Home” as defined herein, or any home licensed, approved or supervised under any general or special Act.</p> <p>(b) Off-Street Parking Notwithstanding Table 9.2, Section 5.7 and Section 5.22 of this By-Law, off-street parking for the guest rooms may be provided on site or on a lot not more than 60.0 metres (196 feet) from the lot upon which the Alexander Henry is located.</p>	HB

Cataraqui North Zoning By-law Number 97-102

Delete the existing text of the by-law and replace with:

1. A by-law to regulate the use of the lands and the size and location of buildings on select properties within the former Cataraqui North neighbourhood in the former Township of Kingston.
2. Any references to “this By-law” mean the Cataraqui North Zoning By-law Number 97-102.
3. The provisions of this By-law apply to the lands identified on Schedule ‘A’ of this By-law, as amended.
4. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule ‘A’.
5. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule ‘A’ of this By-law.
6. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the “Kingston Zoning By-law Zone” identified in Table 1 for the Zone applicable to the property.

7. Despite 4, 5 and 6, where the Official Plan designates lands as an Environmental Protection Area, the applicable “Kingston Zoning By-law Zone” is the EPA Zone.
8. Despite 4, 5 and 6, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
9. Where a Holding Symbol (“-H”) applies to a property on Schedule ‘A’, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 1. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (c) All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
LDR1*1	Notwithstanding the provisions and permitted uses of the ‘LDR1’ Zone, within the ‘LDR1*1’ Zone the following regulations shall apply: a) The permitted uses shall include a “private club” as defined in the Zoning By-Law, subject to the following special provisions; b) Maximum Gross Floor Area: 70 square metres; c) Required Parking spaces, not stacked: 2, one (1) of which must be for the disabled; d) Permitted driveway width: 7 metres	UR3
MDR*7	Notwithstanding any provisions of this By-Law to the contrary, the lands designated ‘MDR*7’ shall be used and developed in accordance with the following provisions: (i) In addition to the uses permitted in the ‘MDR’ Zone, the permitted uses shall include single detached dwellings on lots accessed by a rear lane only. (ii) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.	UR3

Zone	Applicable Provisions of Red Exception	Applicable Kingston Zoning By-law Zone
	<p>(iii) The minimum front yard depth for a single detached dwelling on a lot accessed by a rear lane shall be 4 metres. At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.</p> <p>(iv) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 10 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.</p> <p>(v) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.</p> <p>(vi) The minimum required interior side yard for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.</p> <p>(vii) The minimum required exterior side yard setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.</p> <p>(viii) The minimum required rear yard setback shall be 14.5 metres.</p> <p>(ix) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.</p> <p>(x) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.</p> <p>(xi) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.</p>	

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston

Passed: Date

Whereas pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, Council of The Corporation of the City of Kingston (the “City”) enacted By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as amended (the “Fees and Charges By-Law”); and

Whereas the Council of the City considers it necessary and desirable to amend the Fees and Charges By-Law;

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

1. Schedule “M” of By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as amended, is hereby further amended as follows:
 - a) The Zoning By-law Amendment table is deleted and replaced with the following:

“Zoning By-law Amendment

Fee Description	Unit	Fee
Minor Application (plus PN or PMN)	Application	\$4,023.55
Basic Fee (plus PN or PMN)	Request	\$8,165.35
Developments in excess of 3,000-metre square of floor area or 50 dwelling units (plus PN or PMN)	Application	\$13,331.65
Application submitted concurrently with an Official Plan (OP) Amendment (plus PN or PMN)	Application	\$4,023.55
Removal of ‘H’ Holding Overlay for residential buildings with up to 4 dwelling units on 1 property	Application	\$500.00
Removal of ‘H’ Holding Overlay for all other applications	Request	\$2,485.25
New Complete Application after Application is Withdrawn	Application	\$1,030.00

2. This By-Law will come into force and take effect on the date of its passing.

Given First and Second Readings: [Meeting Date]

Given Third Reading and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Proposed Area-Wide, Site-Specific And Mapping Changes

City of Kingston - Proposed Housing and Administrative Amendments
D01-002-2024

This document provides a summary of the proposed area-wide, site-specific and mapping amendments. Some of the area-wide and mapping amendments are identified in the “Summary and Rationale” document, however, the site-specific amendments are not. The amendments are provided for public consultation purposes only.

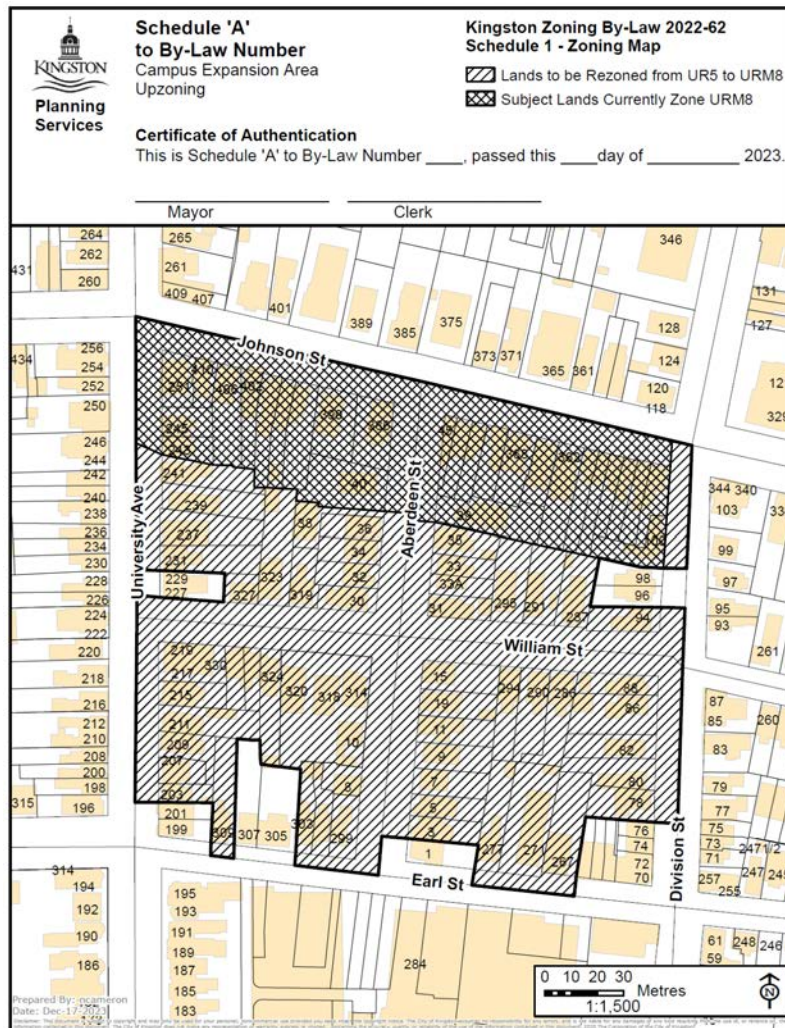
1. **Consolidate UR Zones:** In conjunction with the proposed text-based amendments to the low-rise residential building definitions and broader 4-unit permissions across all of the Urban Residential (UR) Zones described in the “Summary and Rationale” document, Schedule 1 of the Kingston Zoning By-law is proposed to be amended city-wide as follows:
 - Current UR1, UR2, UR3 will be relabeled UR1
 - Current UR1.A, UR2.A, UR3.A will be relabeled UR2
 - Current UR1.B, UR2.B, UR3.B will be relabeled UR3
 - Current UR4 – no changes (remains UR4)
 - Current UR5 – no changes (remains UR5)
 - Current UR9, UR10, UR12, UR13 will be relabeled UR6
 - Current UR6, UR7 will be relabeled UR7
 - Current UR8 – no changes (remains UR8)
 - Current UR11 will be relabeled UR9
2. **Amend Secondary Plan Labels:** The labels on Schedule RC-1, CW-1 and KPC-1 of the OP are proposed to be amended to reflect terminology changes connected to “low-rise”, “mid-rise” and “high-rise” residential identified in the Summary and Rationale document.
3. **596 MacDonnell Street:** Through Ontario Land Tribunal decision OLT-22-002394, amendments to the former Zoning By-law Number 8499 were approved that allow the construction of a triplex on the subject property. Due to the timing of the appeal and OLT decision following Council’s approval of the Kingston Zoning By-law, the triplex permissions granted by the OLT are not currently reflected in the Kingston Zoning By-law. Amendments are proposed to the Kingston Zoning By-law to reflect the OLT decision by creating a new exception in Section 21 and on Schedule E:
 - E81. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
 - (a) **Houses** must comply with the Zone provisions applicable to **houses**, except:

- (i) Minimum **lot area**: 417 square metres
- (ii) Minimum **front setback**: 4.2 metres
- (iii) Minimum **interior setback**: 1.1 metres
- (iv) Maximum **building depth**: 14.7 metres
- (v) Minimum **driveway** width: 2.6 metres
- (vi) Minimum **drive aisle** width: 4.8 metres
- (vii) Minimum **parking space** length: 5.2 metres
- (viii) Minimum **walkway**

- (1) For projections or balconies that are more than 1.2 metres in **height** above the **finished grade** and are located on the west side of a **dwelling unit**, a privacy barrier of a minimum height of 1.5 metres must be provided on the north side of each balcony or projection.
- (2) Minimum **walkway** described in Section 4.27 of Zoning By-Law 2022-62 may be 1.1 metres wide.

4. **170 Colborne Street**: This property was left in former City of Kingston Zoning By-law 8499 even though it did not have a red exception. Amendments are proposed to bring this property into the Kingston Zoning By-law by removing it from By-law 8499 and amending Schedule 1 of the Kingston Zoning By-law to identify a dual WM1 and WM2 zones (aligning with the two different height permissions granted by the underlying Williamsville Main Street permissions contained in Schedule PS-1 of the Official Plan).
5. **1653 and 1663 Venture Drive**: The properties are designated “General Industrial” in the Official Plan, however they were included in the OS1 Zone in the Kingston Zoning By-law in connection with the adjacent open space area for stormwater management. Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to rezone the entirety of these two properties in the M2 Zone, consistent with the underlying Official Plan designation.
6. **623-631 and 638 Fortune Crescent, 614 Norris Court, 615-621 Norris Court**: The subject properties are dual designated in the Official Plan, with the westerly portions designed “Business Park Industrial” and the easterly portions designated “General Industrial”. Through the passage of the Kingston Zoning By-law, the same boundary was carried forward resulting in two different zones applying to the subject properties. In the interest of simplifying the administration of the zoning on these properties, amendments are proposed to Schedule 1 of the Kingston Zoning By-law to bring the entirety of the 623-631 Fortune Crescent property into the M4 Zone, the entirety of the 638 Fortune Crescent property into the M2 Zone and the entirety of the 614, 615-621 Norris Court properties into the M1 Zone, which is supported by the land use boundary interpretation policy (9.2.4.) of the Official Plan.
7. **1104, 1122, 1125, 1128, 1134, 1139, 1140 and 1146 Westbrook Road**: The boundary of the RUR Zone in this area does not follow property lines. Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to zone the entirety of the properties identified above as RUR for the proper administration of the Kingston Zoning By-law.
8. **Upzone the Campus Expansion Area**: Connected to the Campus Expansion Area Upzoning described in the “Summary and Rationale” document, the following amendments are proposed to the Kingston Zoning By-law:

- Schedule 1 (Zoning Map) is proposed to be amended as shown in the image below:



- Create a new exception **E147** in Section 21 and on Schedule E in the area that will be zoned URM8 in the map above (replace L213, L172, L275 and E109 on the map, however the text of those exceptions will remain in Sections 20 or 21):

E147. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (b) Where **dwelling units** are **developed**, the minimum number of **dwelling units** is 11.
- (c) Where **co-living units** are **developed**, the minimum number of private **bedrooms** and/or living spaces in **co-living units** is 44.
- (d) The minimum **lot area** in Table 12.9.1. does not apply.
- (e) The minimum **interior setback** is 0 metres, except that a minimum 1.1 metre wide area must be provided at grade with an unobstructed **height** a minimum of 2.1 metres in the form of a **walkway** allowing exterior pedestrian access from the **front yard** to the **rear yard**. The **walkway** is permitted to overlap a **driveway** if it complies with Subclause 4.27.5.1.

- (f) There is no minimum **stepback** required where a **main wall** faces Aberdeen Street, Division Street, William Street or Earl Street.
 - (g) The maximum **floor space index** and **lot coverage** in Table 12.9.1. do not apply.
 - (h) Subclause 12.9.2.1. does not apply.
 - (i) Balconies are not permitted on a **main wall** that faces a **street line**.
 - (j) **Standard parking spaces, visitor parking spaces and car-share spaces** are not required.
 - (k) A minimum of 5 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot**.
 - (l) **Amenity area** is not permitted on the roof of a **building**.
 - (m) For the properties municipally known as 3, 5, 7, 9, 11, 15 and 19 Aberdeen Street, future **development** must maintain the **front setback** and reflect the uniform spacing of the front **main walls** facing Aberdeen Street, as they existed on the date of passing of the site-specific by-law, to the satisfaction of the City through the site plan review process. Any future **development** is encouraged to retain and adaptively reuse the existing **buildings** to the greatest extent feasible.
 - (n) For the property municipally known as 267 Earl Street, the **lot** is permitted to be developed in accordance with the provisions of the E109 Exception or in accordance with the provisions of this Exception.
 - (o) For the property municipally known as 271 Earl Street, the **lot** is permitted to be **developed** in accordance with the provisions of the L275 Exception or in accordance with the provisions of this Exception.
 - (p) For the property municipally known as 217-219 University Avenue and 330 William Street, the **lot** is permitted to be **developed** in accordance with the provisions of the L172 Exception or in accordance with the provisions of this Exception.
 - (q) For the property municipally known as 241 University Avenue, the **lot** is permitted to be **developed** in accordance with the provisions of the L213 Exception or in accordance with the provisions of this Exception.
- Retain existing holding overlay **H186** for the properties fronting on Johnson Street and create a new holding overlay **H232** in Section 22 and on Schedule F for the remainder of the properties that will be upzoned to URM8:

H232. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- (b) All necessary studies, as determined by the **City** through the pre-consultation process, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity,

transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (c) All agreements required by the **City** through the pre-consultation process, including site plan control, have been executed and registered on title, as appropriate.

9. **Joyceville Hamlet:** The Joyceville Hamlet was mislabelled in the AG Zone on Schedule 1 of the Kingston Zoning By-law, rather than being labelled in the HAM Zone. Amendments are proposed to correct Schedule 1 by rezoning all lands within the Joyceville Hamlet (designated Hamlet in the Official Plan) to the HAM Zone.
10. **3110 Princess Street:** The property is designated “Residential” in the Official Plan, however it was included in the CA Zone in the Kingston Zoning By-law in connection with the adjacent property at 3100 Princess Street. Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to rezone the entirety of this property in the UR2 Zone, consistent with the underlying Official Plan designation and the existing residential use of the property.
11. **4050 Howes Road:** A portion of the property is zoned RM1 on Schedule 1 of the Kingston Zoning By-law due to the zone that formerly applied to this area. Amendments are proposed to rezone the portion of this property so that the entire property is zoned RU on Schedule 1, aligning with the Official Plan designation and the existing use of the property.
12. **1610 Highway 15:** Policy 10.B.8.1. of the Official Plan permits an electrical contractor’s yard on the property. Amendments are proposed to Section 21 and Schedule E to create a new exception **E148** to permit electrical contractor’s yard:
 - E148.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
 - (a) In addition to the **uses** permitted by the applicable Zone, the following **use** is permitted:
 - (i) **Contractor’s yard.**
13. **275 Sydenham Street:** In order to support the adaptive reuse of the existing designated heritage building on the site and the construction of new affordable housing units, amendments are proposed to create a new site specific policy and rezone the property to allow for up to 200 residential units to be developed, a portion of which are proposed to be affordable units. The property is currently designated “Institutional” in the Official Plan and the language of the proposed site specific exception will introduce new residential and neighbourhood commercial permissions, as long as a portion of the residential units are affordable. The proposed zoning amendment will bring the property into the Kingston Zoning By-law as an IN1 zone, with a site-specific exception that allows for residential and neighbourhood commercial uses in the existing building.
 - Create a new site specific policy in the Official Plan, as follows: “On the property located at 275 Sydenham Street, shown on Schedule 3-D as Site Specific Policy Area Number XX,

permitted uses also include residential and neighbourhood commercial uses in a *mixed market housing development or affordable housing development.*”

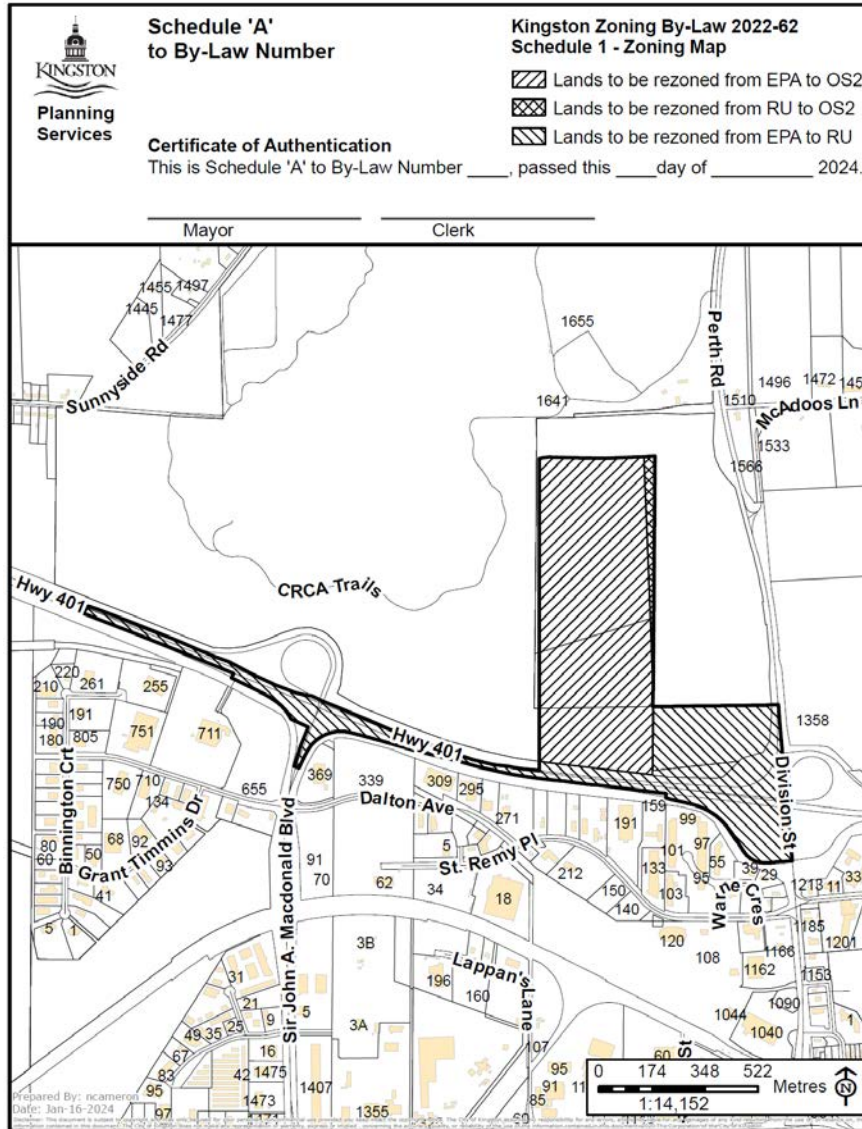
- In the Kingston Zoning By-law, zone the property IN1 on Schedule 1 and create a new exception **E149** to permit mixed uses (commercial and residential) in existing buildings:

E149. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) In addition to the **uses** permitted by the applicable Zone, the following **uses** are permitted within the **buildings** existing on the date of passing of the site specific by-law:
 - (ii) **dwelling units** in a **mixed use building**;
 - (iii) **apartment building**; and
 - (iv) all **uses** permitted in the CN Zone.
- (b) The maximum number of **dwelling units** is 200.
- (c) No **loading spaces** are required.
- (d) **Amenity area** is not required for **residential uses** in a **building** existing on the date of passing of the site specific by-law.
- (e) **Short-term bike spaces** or **long-term bike spaces** are not required for any **use** in a **building** existing on the date of passing of the site specific by-law.
- (f) **End-of-trip bike facilities** are not required for **non-residential uses** in a **building** existing on the date of passing of the site specific by-law.
- (g) The **buildings** existing on the date of passing of the site specific by-law are deemed to comply with the provisions of this By-law.

- 14. **655 Graceland Avenue:** The property was rezoned to permit a residential subdivision under the former zoning by-law. When translating these permissions into the Kingston Zoning By-law, the text of the exception was accurately carried forward into Schedule E and Section 20 as legacy exception L297, however, the underlying zone on Schedule 1 of the Kingston Zoning By-law is identified as the DR Zone (reflecting the zone that applied to the property before the subdivision was approved). Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to bring the entirety of this property into the UR2 Zone to align with the approved subdivision permissions contained in L297.
- 15. **36 Joseph Street:** The property is designated Residential in the Official Plan but carried forward industrial permissions in an M2 Zone on Schedule 1 of the Kingston Zoning By-law. Amendments are proposed to rezone the property to the DR Zone to ensure future development will be reviewed against the policies of the Official Plan.
- 16. **Northwest Corner of Perth Road and Highway 401:** Portions of the lands located in the northwest corner of Perth Road and Highway 401 are designated Open Space and Rural Lands in the Official Plan, however, they were included in the EPA Zone on Schedule 1 of the Kingston Zoning By-law. Amendments are proposed to Schedule 1 to align with the Official Plan

designation in this area by rezoning the lands to OS2 or RU (in a manner that is consistent with the underlying Official Plan designation), as identified in the map below:



- Schedule D1 to Kingston Zoning By-law:** In conjunction with the changes to the low-rise residential unit permissions described in the Summary and Rationale document, changes are proposed to replace Schedule D1 to align the mapping terminology with amendment to the text

of the Kingston Zoning By-law. This includes renaming Schedule D1 to “Urban Constraint Areas and Second Rural Unit Holding Overlay” and making the following updates to the legend:

- “Constraint Area” becomes “Constraint Areas”
- “Sewer Surcharging” becomes “Urban Constraint Area - Sewer Surcharging”
- “Sewer Surcharging (Combined Storm and Sewer Systems)” becomes “Urban Constraint Area - Sewer Surcharging (Combined Storm and Sewer)”
- “Sewer Capacity Limitations” becomes “Urban Constraint Area – Sewer Capacity”
- “Loughborough Lake (At-Capacity Lake)” becomes “Rural Constraint Area - Loughborough Lake (At-Capacity Lake)”
- “Second Residential Unit Holding Overlay” becomes “Second Rural Unit Holding Overlay”
- “Water Supply/Water Quality” becomes “Second Rural Unit - Water Supply/Water Quality”
- “Servicing Capacity (Cana Subdivision)” becomes “Second Rural Unit - Servicing Capacity (Cana Subdivision)”

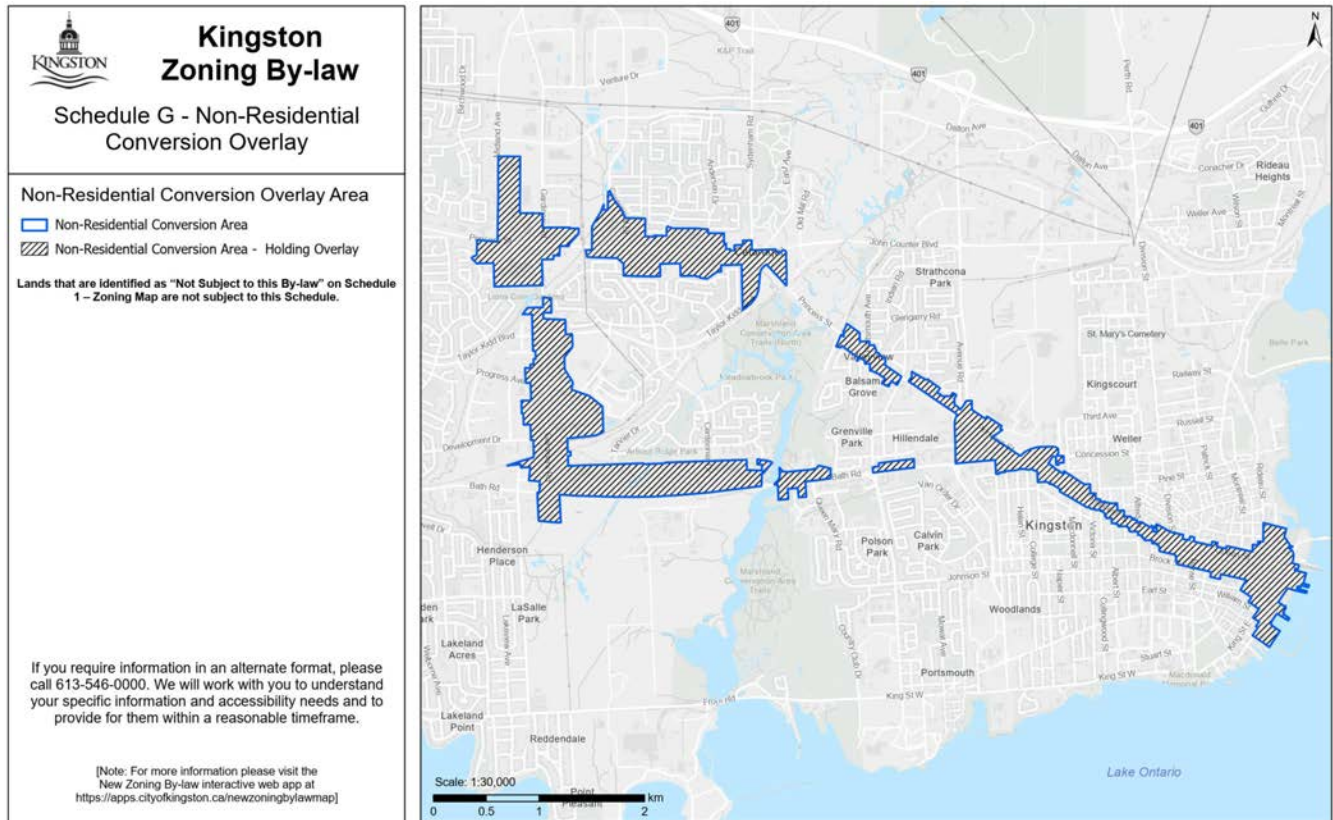
18. Schedule D2 to Kingston Zoning By-law: In conjunction with the changes to the low-rise residential unit permissions described in the Summary and Rationale document, changes are proposed to replace Schedule D2 to align the mapping terminology with amendment to the text of the Kingston Zoning By-law. This includes renaming Schedule D2 to “Third Rural Unit Holding Overlay”, and making the following updates to the legend:

- Rename “Third Residential Unit Holding Overlay” to “Third Rural Unit Holding Overlay”
- Rename “Water Supply/Water Quality” to “Third Rural Unit - Water Supply/Water Quality”
- Rename “Servicing Capacity (Cana Subdivision)” to “Third Rural Unit - Servicing Capacity (Cana Subdivision)”
- Delete “Constraint Area”
- Delete “Sewer Surcharging”
- Delete “Sewer Surcharging (Combined Storm and Sewer Systems)”
- Delete “Sewer Capacity Limitations”
- Delete “Loughborough Lake (At-Capacity Lake)”

19. New Schedule D3 to Kingston Zoning By-law: In conjunction with creation of new four unit permission in the urban area described in the Summary and Rationale document, changes are proposed to create a new Schedule D3 entitled “Fourth Residential Unit Holding Overlay” to apply a holding overlay to all lands within the urban area connected to the construction of a fourth residential unit.

20. New Schedule G to the Kingston Zoning By-law: In conjunction with the Non-Residential Conversion Overlay described in the Summary and Rationale document, changes are proposed to create a new Schedule G entitled “Non-Residential Conversion Overlay” to identify the lands

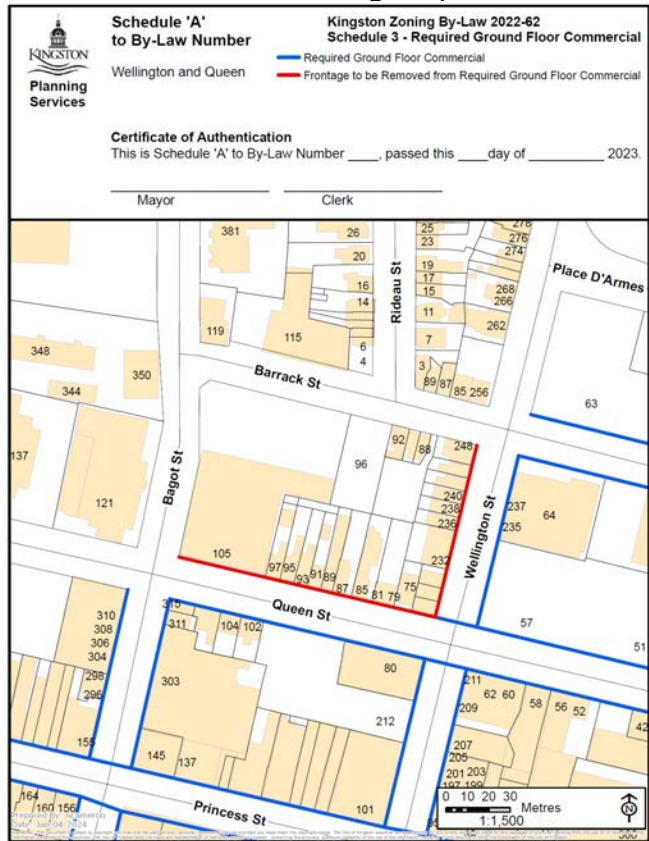
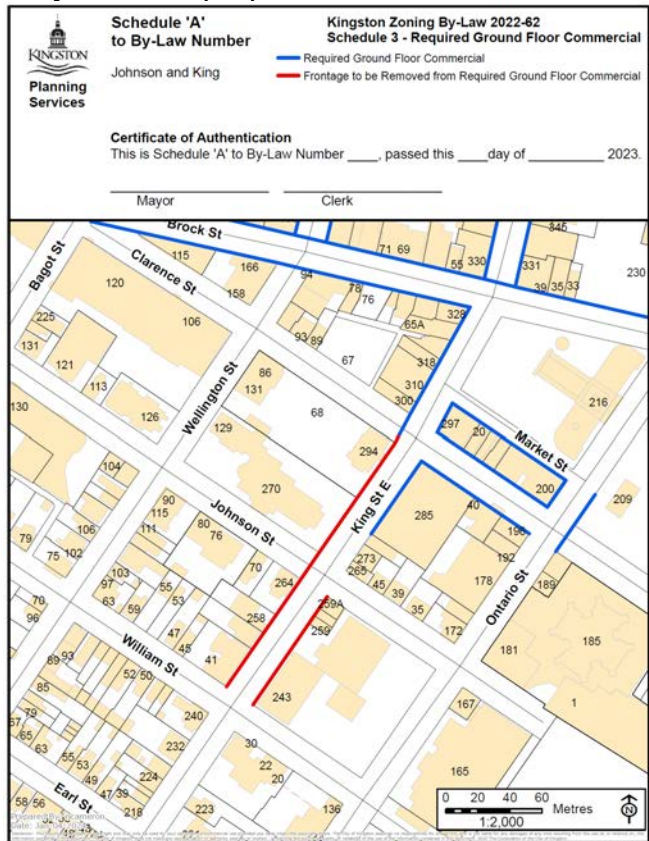
that are subject to this framework and to apply a holding overlay to all lands subject to this framework, as identified in the draft Schedule G below:



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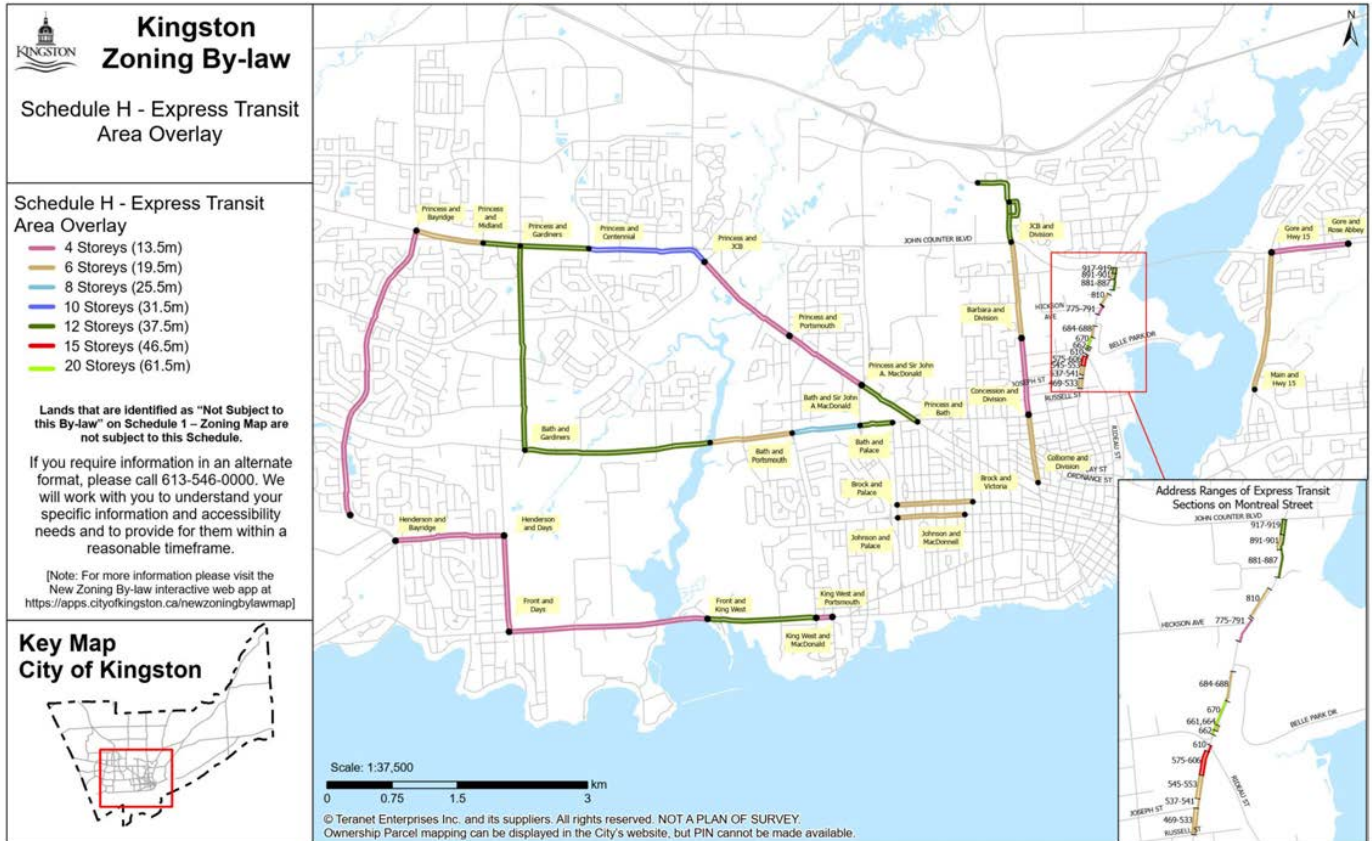
21. Amendments to Mandatory Commercial Frontage: Amendments are proposed to Schedule DH-3 of the Official Plan and Schedule 3 of the Kingston Zoning By-law to remove select

properties from the obligation to provide commercial space on the ground floor. The frontages subject to the proposed amendments are identified in red on the following maps:



22. **New Schedule H to the Kingston Zoning By-law:** In conjunction with the Express Transit Area Overlay described in the Summary and Rationale document, changes are proposed to create a

new Schedule H entitled “Express Transit Area Overlay” to identify the lands that are subject to this framework, as identified in the draft Schedule H below:

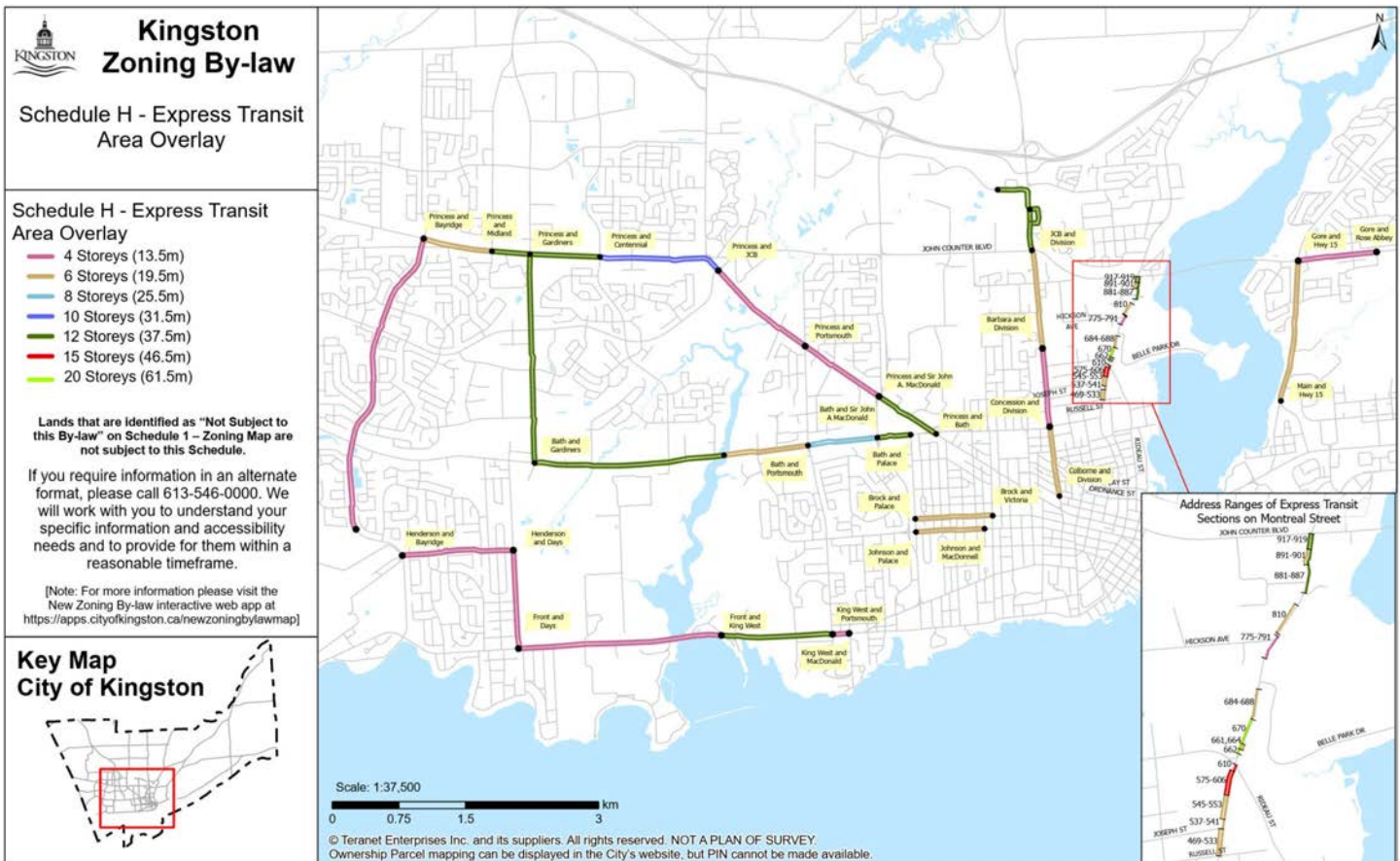


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Proposed Express Transit Area Overlay

City of Kingston - Proposed Housing and Administrative Amendments
D01-002-2024

This document provides the proposed Express Transit Area framework to be included in the Official Plan and zoning by-law as identified in the “Summary and Rationale” document. The amendments are provided for public consultation purposes only.



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Draft Official Plan Policy Language

“Express Transit Areas - Intent

3.2.28. It is the primary intent of this Plan to support increased residential or mixed use permissions on properties with frontage along “Express Transit” identified on Schedule H of Kingston Zoning By-law as an Express Transit Area.

Within these Express Transit Areas, the development approvals process will be streamlined by allowing apartment buildings or mixed use buildings to proceed through a minor variance application. This streamlined approach is intended to better support residential intensification along the City’s priority corridors in a manner that supports

new housing construction, transit and alternative modes of transportation, recognizing that the majority of these properties are located in one of the commercial designations which requires a complex process to allow for much needed residential *developments* in transit-oriented corridors. By accelerating the approval timeline, reducing costs associated with plans and technical studies and reducing municipal fees, the intent of this streamlined approach is to prioritize new multi-unit housing construction through new permissions and greater certainty, while ensuring that all technical matters are satisfied through an individual technical review process that provides public notice and an opportunity for the public to provide feedback.

The prioritization of multi-unit residential and mixed use *developments* through the Express Transit Area policies does not mean that commercial or other non-residential *developments* aren't permitted as per all other applicable policies of this Plan. In no way are these policies intended to penalize *developments* that comply with all other policies of this Plan; however, these *developments* are not subject to the streamlined framework summarized above and must proceed in accordance with all other policies of this Plan.

Express Transit Areas - Policies

- 3.2.29.** Despite all other policies of this Plan, including secondary plan or area specific policies that are contrary, on properties with frontage along “Express Transit” identified on Schedule H of Kingston Zoning By-law, apartment or mixed use *developments* are permitted and intended to proceed through a minor variance application in accordance with Section 45 of the *Planning Act*, subject to the applicant meeting the following criteria to the satisfaction of the City:
- a.** the *development* generally maintains the built form established in the performance standards of the Express Transit Overlay of the Kingston Zoning By-law. Where variances are required to the established performance standards or where the standards are required to be established through the minor variance application, the applicant must demonstrate that the proposal conforms with the land use *compatibility* policies of Section 2.7. and other built form and urban design principles of this Plan;
 - b.** confirm or demonstrate that adequate capacity exists to provide water and wastewater services to the development to the satisfaction of Utilities Kingston and the City. There are areas of the City with capacity limitations, and it is recommended that applicants consult with Utilities Kingston through the City's pre-application process early to determine if there are any known capacity limitations;
 - c.** confirm or demonstrate that adequate stormwater infrastructure exists to service the development to the satisfaction of the City;
 - d.** when required by the City, a Traffic Impact Study, or in some cases, a Traffic Brief, will be required to be completed by the applicant to assess the impact on the adjacent road network, to confirm site access, and to identify any mitigation that may be required. There are areas of the City with transportation constraints, and it is recommended that applicants consult with the City through the pre-application process early to determine if there are any known constraints;
 - e.** where located in an area that would otherwise be subject to policies and regulations related to source water, noise, vibration, airport zoning restrictions, *natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential*, or areas of archaeological

significance, those policies apply in the review of the application for a minor variance. The applicant must demonstrate that the proposal complies with the applicable policies to the satisfaction of the City;

- f.** where a property is designated Business Park Industrial or General Industrial, the applicant must demonstrate that the proposal is consistent with Provincial Policy that is in force at the time of the application;
- g.** where a property is located within the boundary of the North King's Town study area, the land use and built form must conform with any Council-endorsed principles that are established in the study area; and,
- h.** entering into an Agreement under Section 45(9) of the *Planning Act* that secures any condition as the committee considers advisable and as are set out in the decision, including the construction of the new *development* will be completed with all occupancy permits obtained within 3 years of the date of the Committee of Adjustment's approval, or the decision will automatically lapse. Where deemed appropriate by the Committee of Adjustment, the Committee may grant the provision of an additional year in response to an application requesting an extension of the timeline.

3.2.30. Where commercial uses or other non-residential uses are proposed within a mixed use *development* in the Express Transit Area, they are permitted through this streamlined policy framework if the proposed non-residential use is permitted by the applicable land use designation identified on Schedule 3 of this Plan or is an appropriate commercial use to co-locate with residential uses in a mixed use *development*.

3.2.31. All other forms of *development* that are not considered in the Express Transit Area policies are not subject to this streamlined policy framework and must comply with all other applicable policies of this Plan.

3.2.32. Notice of a minor variance application proceeding in accordance with the Express Transit Area policies must comply with the requirements of the *Planning Act*, except the radius for the mailed notice must increase from 60 metres to 120 metres, and the number of days the notice is sent in advance of the hearing must increase from 10 days to 20 days. In addition, the notice sign that is posted on the property must be formatted and sized in the same manner as notice signs for site-specific amendments to the zoning by-law."

Draft Kingston Zoning By-Law Language

5.8. Express Transit Area Overlay

- 5.8.1.** All lots with a **street line** along a **street** identified as an Express Transit route subject to an identified height (in **storeys** and **metres**) on Schedule H of this By-law are intended to be **developed** with an **apartment building** or **mixed use building** through a minor variance application in accordance with Section 45 of the **Planning Act** and the Express Transit Area policies of the Official Plan.
- 5.8.2.** Where an **apartment building** or **mixed use building** is permitted through a minor variance in accordance with Clause 5.8.1., the provisions of Sections 8 to 21 of this By-law do not apply, and instead the performance standards in Table 5.8.2. and Clauses 5.8.3. and 5.8.4. apply. All other applicable provisions of this By-law must be complied with. It is the intent of this By-law to allow for minor variances to the performance standards where necessary due to the unique configuration, layout or location of a **lot** in accordance with the policies of the Official Plan.

Table 5.8.2. – Express Transit Area Performance Standards

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres and storeys)	The maximum height is the lesser of the number of storeys or height in metres identified along the street line of the lot on Schedule H of this By-law
4. Minimum and maximum front setback (metres)	To be determined through a minor variance application
5. Minimum rear setback (metres)	To be determined through a minor variance application
6. Minimum exterior setback (metres)	To be determined through a minor variance application
7. Minimum interior setback (metres)	To be determined through a minor variance application
8. Minimum setbacks	<p>(a) for lots where the maximum height is 6 storeys, the minimum setbacks required along the front lot line and/or exterior lot line:</p> <p style="padding-left: 20px;">(i) storeys 5 to 6: minimum 2.0 metres from the exterior wall of the 4th storey</p> <p>(b) for lots where the maximum height is greater than 6 storeys, the minimum setbacks required along the front lot line and/or exterior lot line:</p> <p style="padding-left: 20px;">(i) storeys 5 and above: minimum 3.0 metres from the exterior wall of the 4th storey</p> <p>(c) for all other lots: Not applicable</p>

9. Minimum landscaped open space	10%
10. Maximum lot coverage	To be determined through minor variance application
11. Minimum floor to floor height of first storey	4.5 metres

- 5.8.3.** Despite the definitions of **front lot line** and **rear lot line**, for the purpose of this Subsection, the **front lot line** is the **street line** along a **street** identified as “Express Transit”. If a **lot** has more than one **street line** along a **street** identified as “Express Transit”, then the shorter **lot line** is considered the **front lot line**.
- 5.8.4.** In addition to the provisions of Table 5.8.2., **apartment buildings** or **mixed use buildings** permitted through a minor variance must comply with the following provisions:
1. The minimum **separation distance** between a **building** and a **lot** located in a UR Zone is:
 - (a) For **storeys** 1 to 4: 10 metres;
 - (b) For **storeys** 5 to 6: 15 metres; and
 - (c) For **storeys** 7 and above: 20 metres.
 2. The main pedestrian entrance to the **building** must be located on the **main wall** facing the **front lot line**.
 3. A minimum of 50% of the **front yard** and **exterior yard** must be soft landscaping that allows water to permeate into the ground (vegetation such as trees, shrubs, hedges, ornamental plantings, grass, groundcover or other similar plantings).
 4. **Loading spaces, parking spaces** and **parking lots** are not permitted in a **front yard** or **exterior yard**.
 5. **Parking structures** are not permitted to occupy any part of a **main wall** facing a **street line**.
 6. At the second **storey** and above, the maximum horizontal length of one continuous plane of a **main wall** of a **building** facing the **front lot line** and **exterior lot line** is 30 metres before articulation is provided. Articulation must be provided in the form of relief for a minimum horizontal length of 6 metres along the **main wall** at a minimum depth of 2 metres from the face of the **main wall**.
 7. For **buildings** greater than 10 **storeys** in **height**, the maximum floor plate of all **storeys** above the 4th **storey** is 800 square metres. Floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components.
 8. Where a **lot** is adjacent to a lot in a UR Zone, within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must comply with Subclause 4.16.1.2.