

**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Zone Change from ‘B3.204’ Zone to “URM2” and Introduction of Exception Number ‘E154’, (47-67 Village Drive))**

**Passed:** [Meeting Date]

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

**Whereas** the subject lands are identified as “Not Subject to this By-Law” on Schedule 1 of the Kingston Zoning By-Law;

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

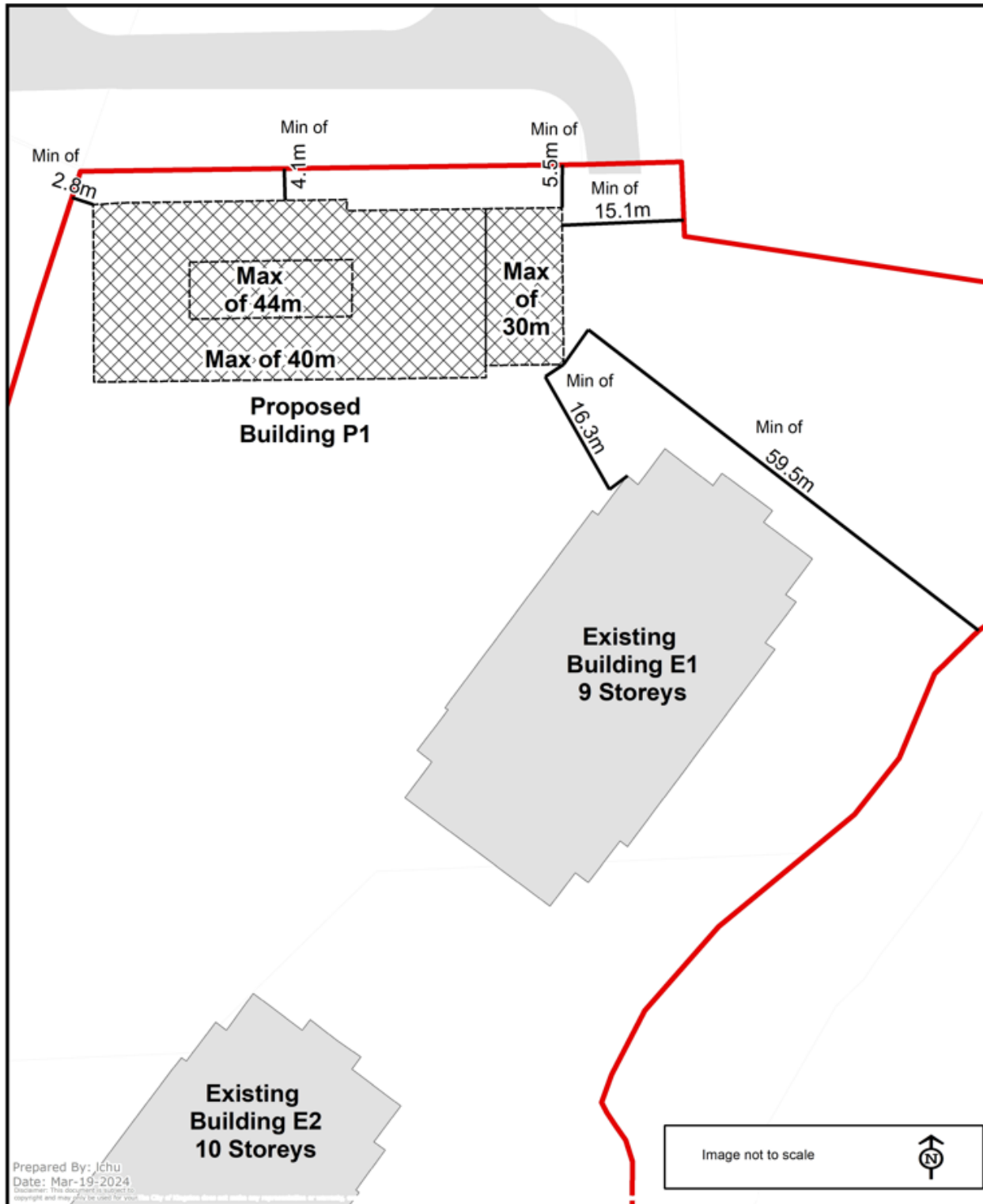
**Therefore be it resolved that** the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-Law Number 2022-62”, is amended as follows:
  - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘URM2.’, as shown on Schedule “A” attached to and forming part of this By-Law.
  - 1.2. Schedule E – Exception Overlay is amended by adding Exception Number E154, as shown on Schedule “B” attached to and forming part of this By-Law.
  - 1.3. By adding Exception Number E154 in Section 21 – Exceptions, as follows:

“**E154.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) The maximum number of **principal buildings** permitted is 3;
    - (b) The minimum number of required **parking spaces** per **dwelling unit** is 0.73;

- (c) The minimum number of required **visitor spaces** per **dwelling unit** is 0.03;
- (d) The minimum number of required **car-share spaces** is 2.0;
- (e) The maximum **building heights** are specified on Figure E154, with a maximum 0.5 metre variance on noted dimensions permitted; and
- (f) The minimum **building setbacks** are specified on Figure E154, with a maximum 5% variance on noted dimensions permitted.
- (g) Figure E154



2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-Law and the provisions of City of

Kingston By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, no longer apply to the lands.

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

Given all Three Readings and Passed: [Meeting Date]

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**Janet Jaynes**  
City Clerk

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**Bryan Paterson**  
Mayor



Planning  
Services

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

Address: 47 and 67 Village Dr.  
File Number: D14-007-2023

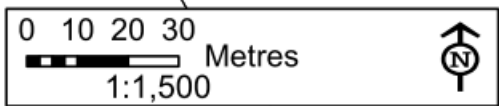
### Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

 Lands to be Zoned URM2

### Certificate of Authentication

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

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





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

Address: 47 and 67 Village Drive  
File Number: D14-007-2023

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

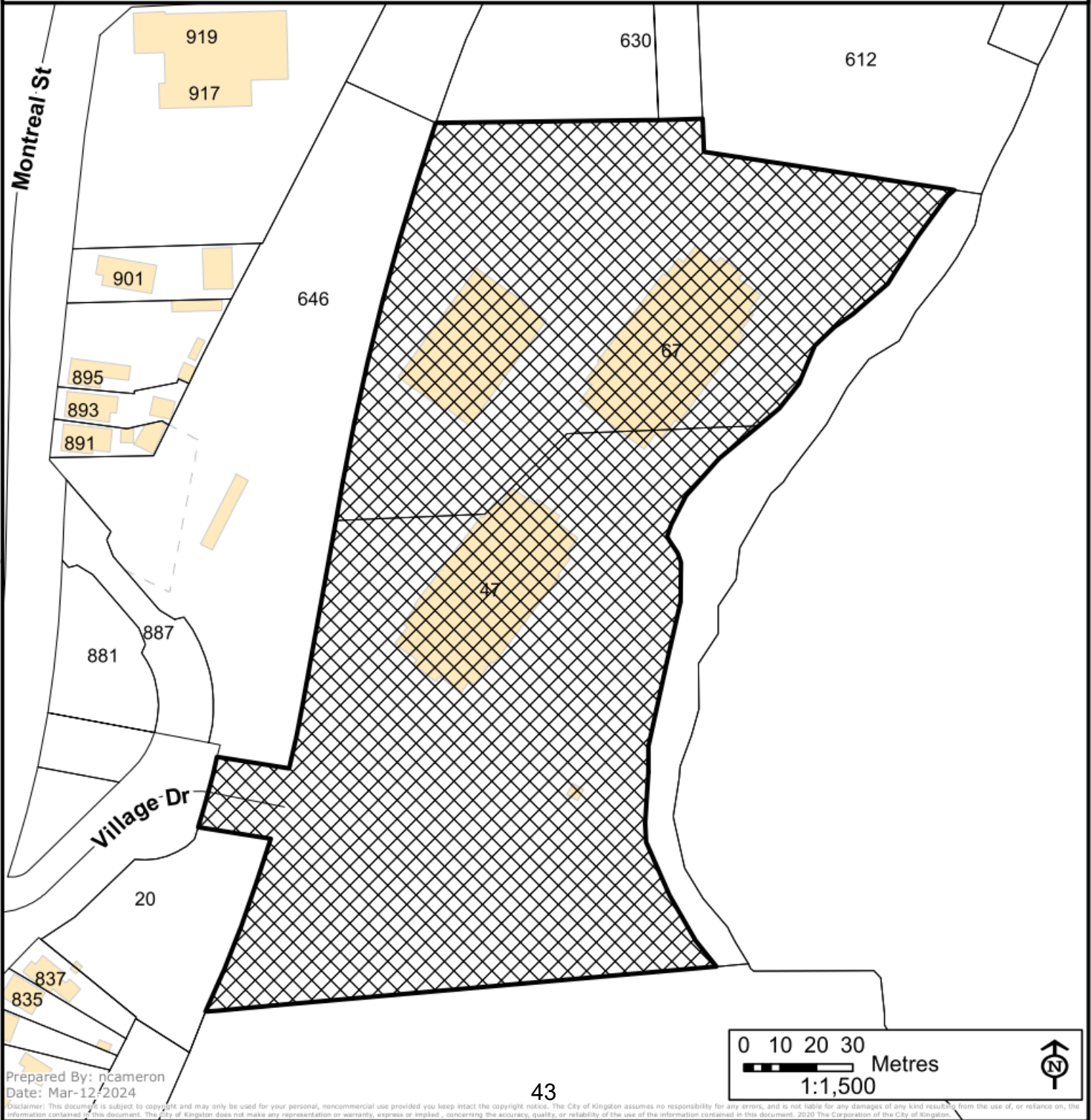
 Lands to be added as Exception E154

### Certificate of Authentication

This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**By-Law Number 2024-XXX**

**A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 93,  
2360 Princess Street)**

**Passed:** [Meeting Date]

**Whereas** a Public Meeting was held regarding this amendment on April 4, 2024;

**Now Therefore** the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Policy as Section 10C.4.25.1:  
  
“**10C.4.25.1** Notwithstanding the provisions of Section 10C.4.23, 10C.4.24 and 10C.4.25 hereof to the contrary, on the property located at 2360 Princess Street the following provisions shall apply:
  - a. The existing commercial buildings can be converted to contain residential dwelling units. The minimum residential density requirements do not apply to the conversion of the existing commercial buildings.
  
2. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

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

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**Bryan Paterson**  
**Mayor**



**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Transfer of Lands into the Kingston Zoning By-Law and Introduction of Exception Number E160 (2360 Princess Street))**

**Passed:**

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

**Whereas** the subject lands are identified as “Not Subject to this By-Law” on Schedule 1 of the Kingston Zoning By-Law; and

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law to incorporate the subject lands into the Kingston Zoning By-Law and to introduce a new exception number;

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-Law Number 2022-62”, is amended as follows:
  - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘CG’, as shown on Schedule “A” attached to and forming part of this By-Law.
  - 1.2. Schedule E – Exception Overlay is amended by adding Exception Number ‘E160’, as shown on Schedule “B” attached to and forming part of this By-Law.
  - 1.3. By adding the following Exception Number E160 in Section 21 – Exceptions, as follows:

“**E160.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) The existing commercial buildings can be converted to contain a maximum of 107 **dwelling units**;
    - (b) The enhanced bike parking facilities requirements described in Clause 7.3.13. do not apply.”

2. The lands shown on Schedule "A" attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-Law and the provisions of City of Kingston By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

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

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**Bryan Paterson**  
**Mayor**




Planning Services

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

Address: 2360 Princess Street  
File Number: D35-001-2024

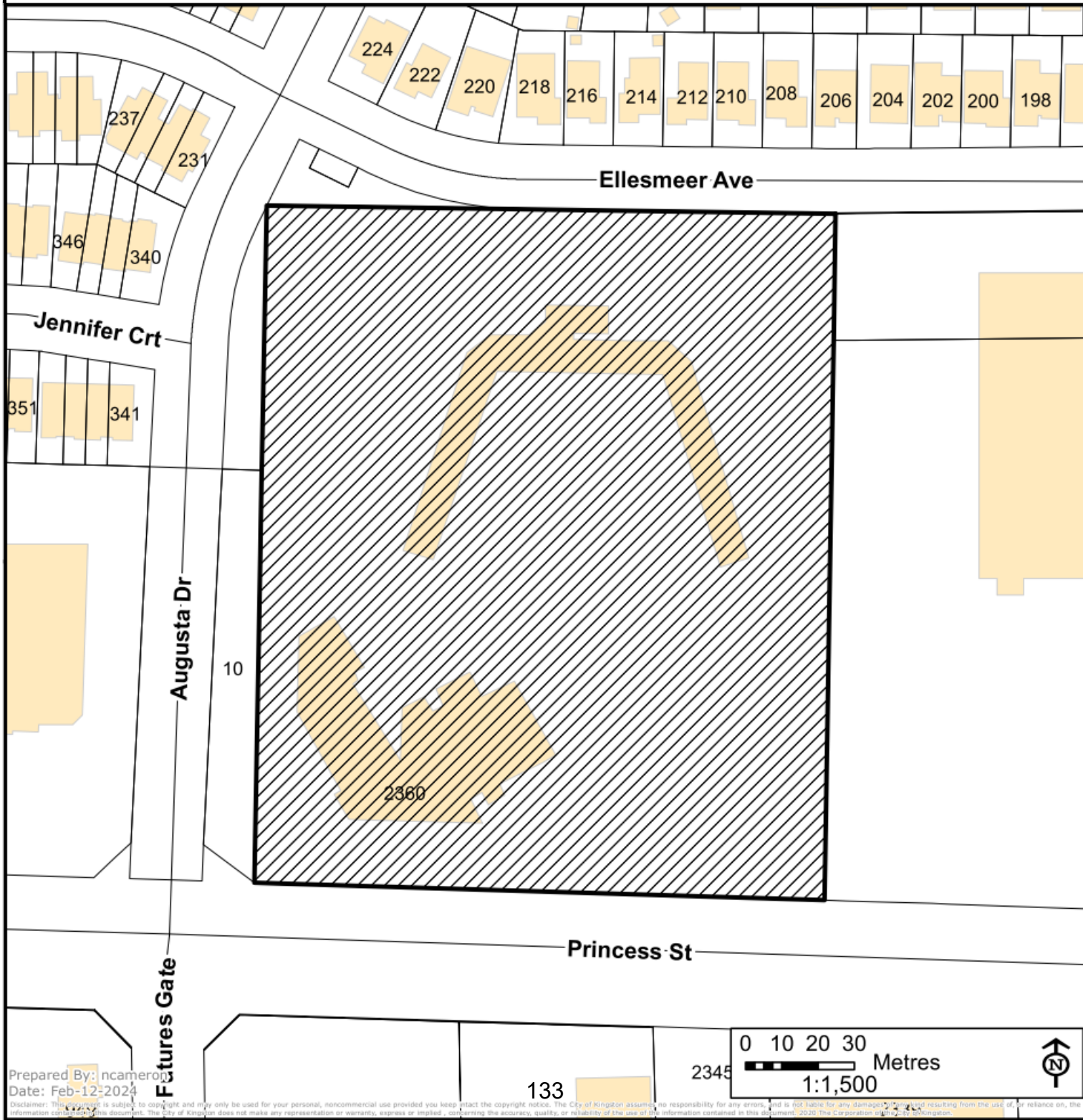
### Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

 Lands to be Rezoned from 'Not Subject to this By-law' to 'CG'

### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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





**Schedule 'B'  
to By-Law Number**  
Address: 2360 Princess St.  
File Number: D35-001-2024

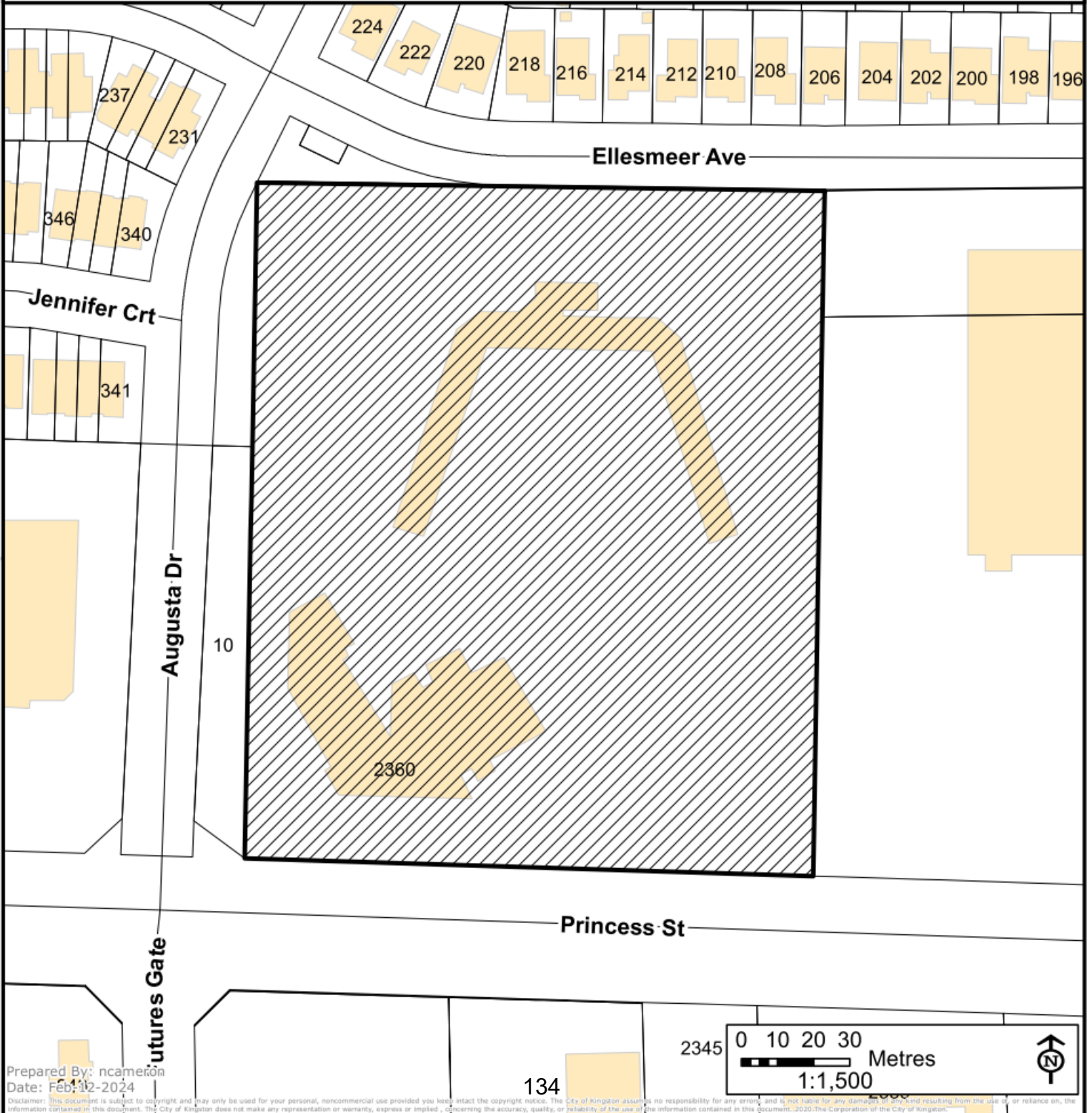
**Kingston Zoning By-Law 2022-62  
Schedule E - Exception Overlay**

Lands to be Zoned E160

**Certificate of Authentication**

This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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



**By-Law Number 2024-XXX**

**A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 94, 4085, 4091 and 4097 Bath Road)**

**Passed:** [Meeting Date]

**Whereas** Public Meetings were held regarding this amendment on June 16, 2022 and March 21, 2024;

**Now Therefore** the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The City of Kingston Official Plan is hereby amended by the following map change which shall constitute Amendment Number 94 to the Official Plan for the City of Kingston.
  - a. **Amend** Schedule ‘3-A’, ‘Land Use’, of the City of Kingston Official Plan, to re-designate the lands shown on Schedule ‘A’ to this By-Law, from ‘Residential’ to ‘Open Space’.
  - b. **AMEND** Schedule ‘3-D’, ‘Site Specific Policies’, of the City of Kingston Official Plan, so as to remove portions of the property located at 4085, 4091 and 4097 Bath Road, as shown on Schedule ‘B’ to By-law Number 2024-\_\_\_\_, from Site Specific Policy Area Number 15.’
  - c. **AMEND** Schedule ‘3-D’, ‘Site Specific Policies’, of the City of Kingston Official Plan, so as to designate portions of the property located at 4085, 4091 and 4097 Bath Road, as shown on Schedule ‘B’ to By-law Number 2024-\_\_\_\_, as Site Specific Policy Area Number 76.’
  - d. **AMEND** Schedule ‘8-A’, ‘Natural Heritage Area ‘B’’, of the City of Kingston Official Plan, so as to adjust the boundary of the Significant Woodland and Significant Valleyland in accordance with Schedule ‘C’ to this By-law.’
2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.17.76:

**4091 Bath Road, Schedule 3-D, SSP Number 3.17.76**

- 1.1.1. That the property located at 4085, 4091 and 4097 Bath Road, shown on Schedule 3-D as Area 76 is intended to accommodate a phased condominium development. Notwithstanding the policies in Section 2.4.4, the minimum density for the lands shall be 28 units per net hectare. For the purposes of calculating density on this site, a net hectare does not include land that is (or will be) dedicated to the City for public purposes or land

which is designated as an Environmental Protection Area or as Open Space.

The condominium development is intended to accommodate a mix of housing types including single detached dwellings and stacked townhomes. The single detached dwellings are permitted to accommodate up to two additional residential units within the dwelling despite not being located on a separate residential lot, provided the Condominium Declaration is structured to permit these additional residential units.

The lands within the Open Space designation within this Site-Specific Policy Area contain significant natural heritage features and areas as shown on the natural heritage schedules of the Official Plan. These lands are intended to be protected in a naturalized state to preserve these features and no development is permitted.

3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the Planning Act, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the Planning Act, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

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

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**Bryan Paterson**  
**Mayor**





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

Address: 4085, 4091 and  
4097 Bath Road  
File Number: D35-014-2021

**Official Plan - Schedule 3 Land Use**

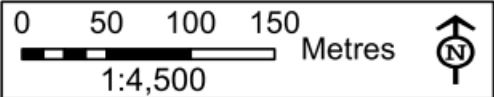
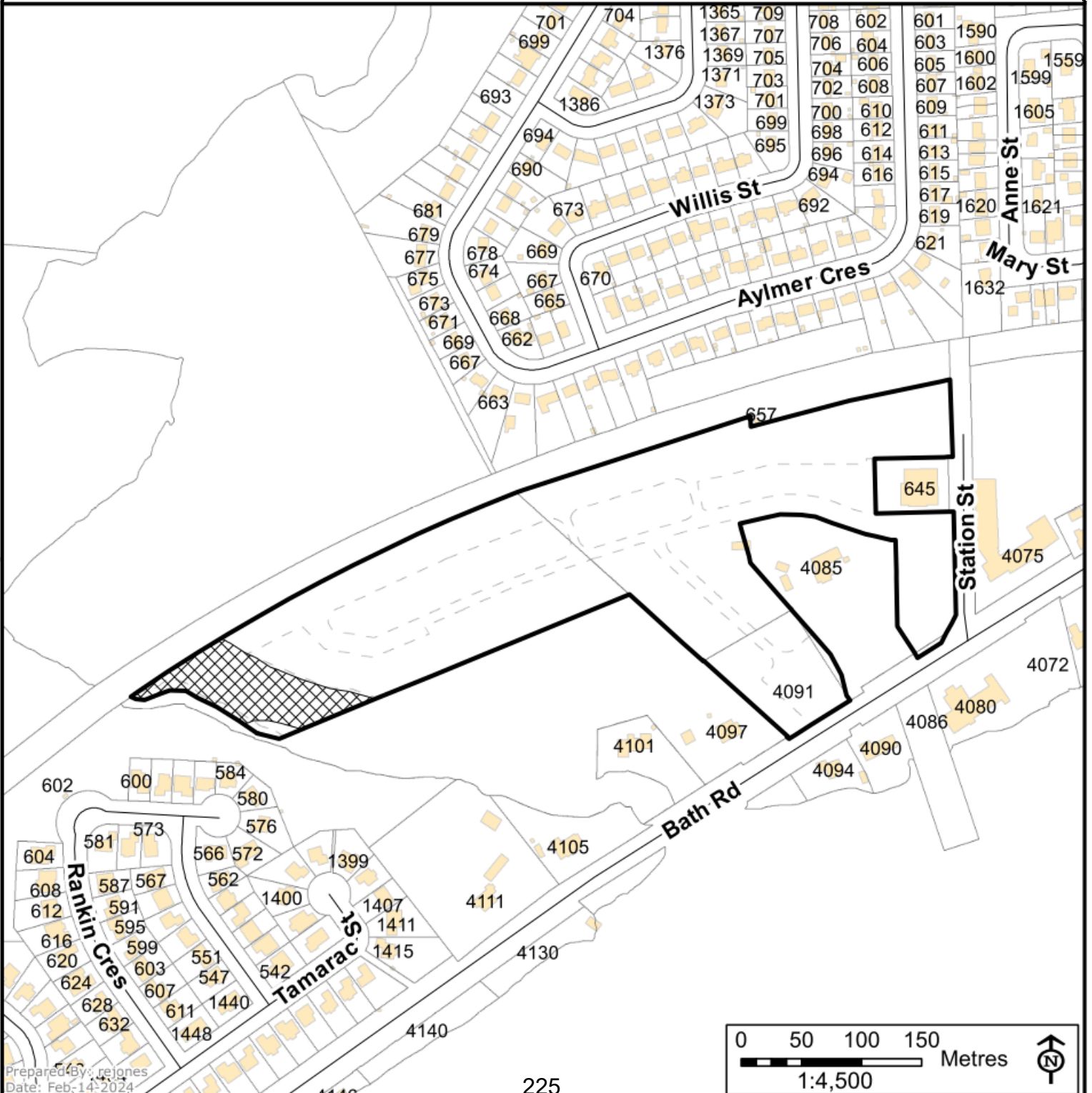
- Subject Lands
- Lands to be redesignated to Open Space

**Certificate of Authentication**

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk





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

Address: 4085, 4091 and  
4097 Bath Road  
File Number: D35-014-2021

**Certificate of Authentication**

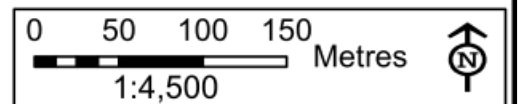
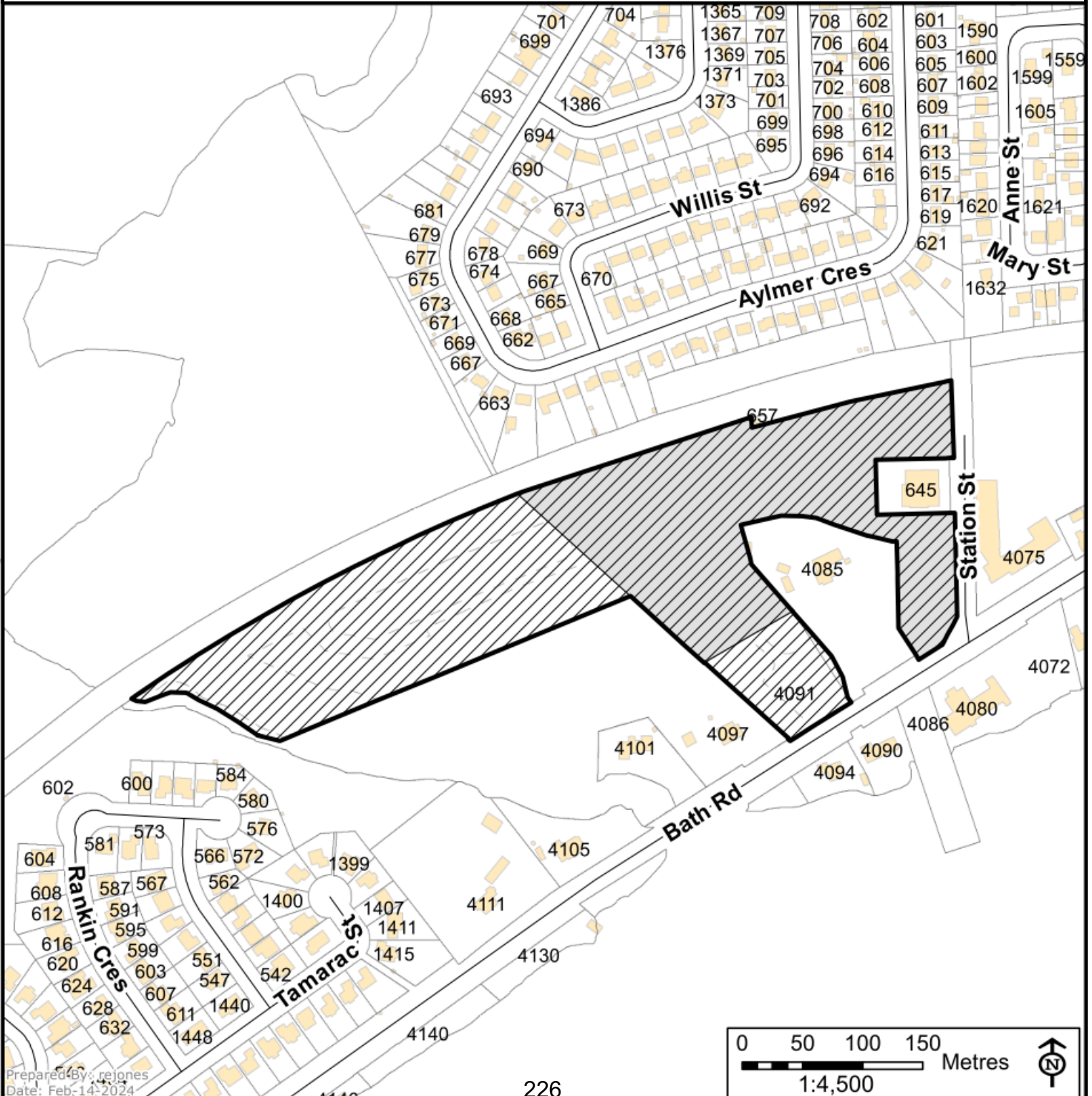
This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**Official Plan - Schedule 3D  
Site Specific Policy Area**

- Subject Lands
- Lands to be added as SSP 76
- Lands to be removed from SSP 15

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk







**Schedule 'C'  
to By-Law Number**

Address: 4085, 4091 and  
4097 Bath Road  
File Number: D35-014-2021

**Certificate of Authentication**

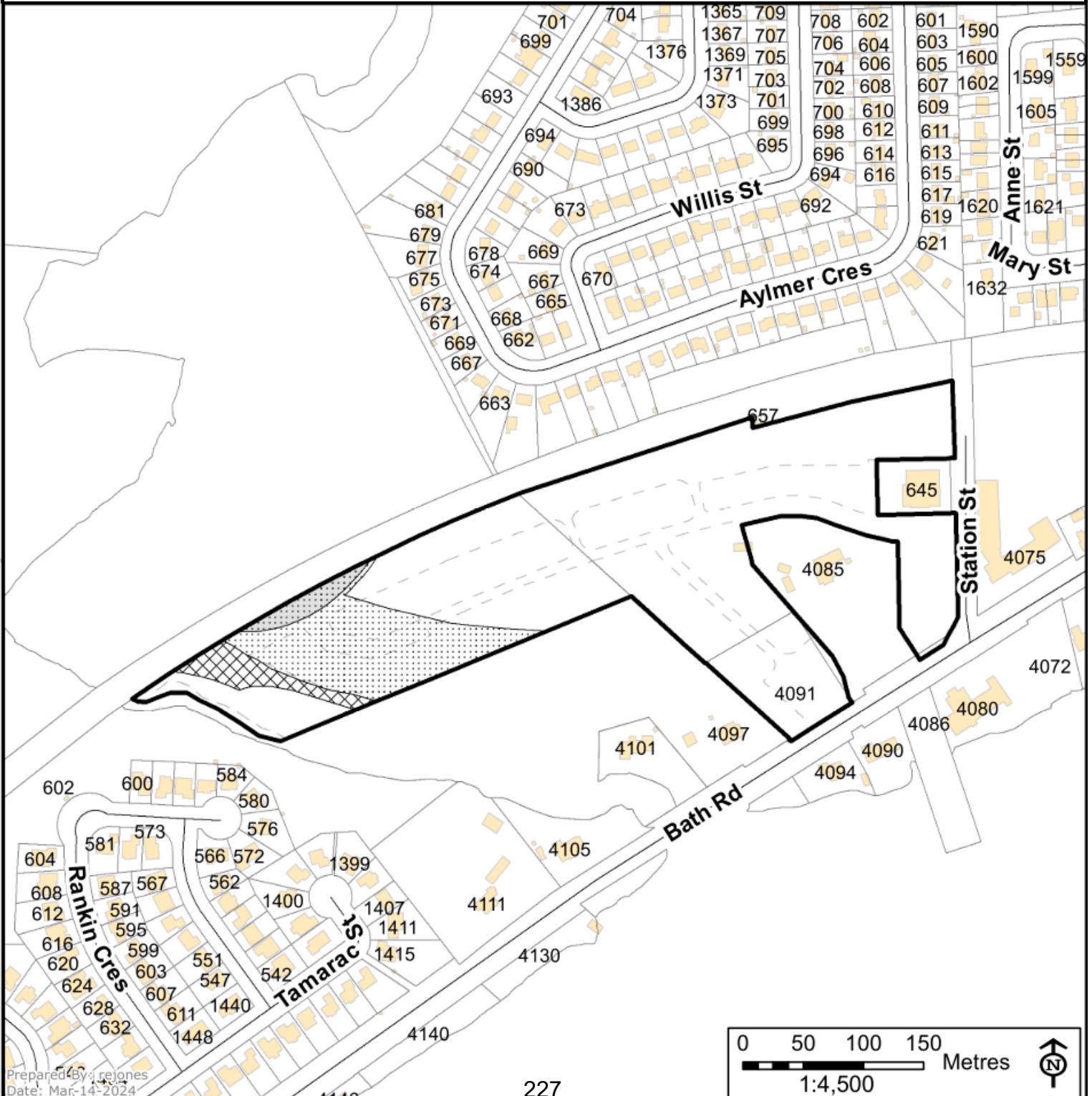
This is Schedule 'C' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**Official Plan - Schedule 8 Natural Heritage B**

- Subject Lands
- Lands to be Removed from Valleyland
- Lands to be Added to Significant Woodland
- Lands to be Removed from Significant Woodland

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Mayor

\_\_\_\_\_  
Clerk



**By-Law Number 2024-XX**

**A By-Law to Amend By-law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law, Zone Change from ‘DR’ Zone to ‘URM1’ Zone and ‘OS1’ Zone, Introduction of Exception Numbers E158 and E159, and Introduction of Holding Overlay H234 (4085, 4091 and 4097 Bath Road))**

**Passed:** [Meeting Date]

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

**Whereas** the subject lands are identified as “Not Subject to this By-law” on Schedule 1 of the Kingston Zoning By-law;

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law to incorporate the subject lands into the Kingston Zoning By-law and to introduce new exception numbers and a holding overlay;

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

1. By-law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
  - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, by adding the zone symbol ‘URM1’, and by

changing the zone symbol from 'DR' to 'URM1' and 'OS1' as shown on Schedule "A" attached to and forming part of this By-Law.

- 1.2. Schedule E – Exception Overlay is amended by adding Exception Numbers E158 and E159, as shown on Schedule "B" attached to and forming part of this By-Law.
- 1.3. Schedule F – Holding Overlay is amended by adding Holding Overlay 'H234' as shown on Schedule "C" attached to and forming part of this By-Law; and
- 1.4. By adding the following Exception Numbers E158 and E159 in Section 21 – Exceptions, as follows:

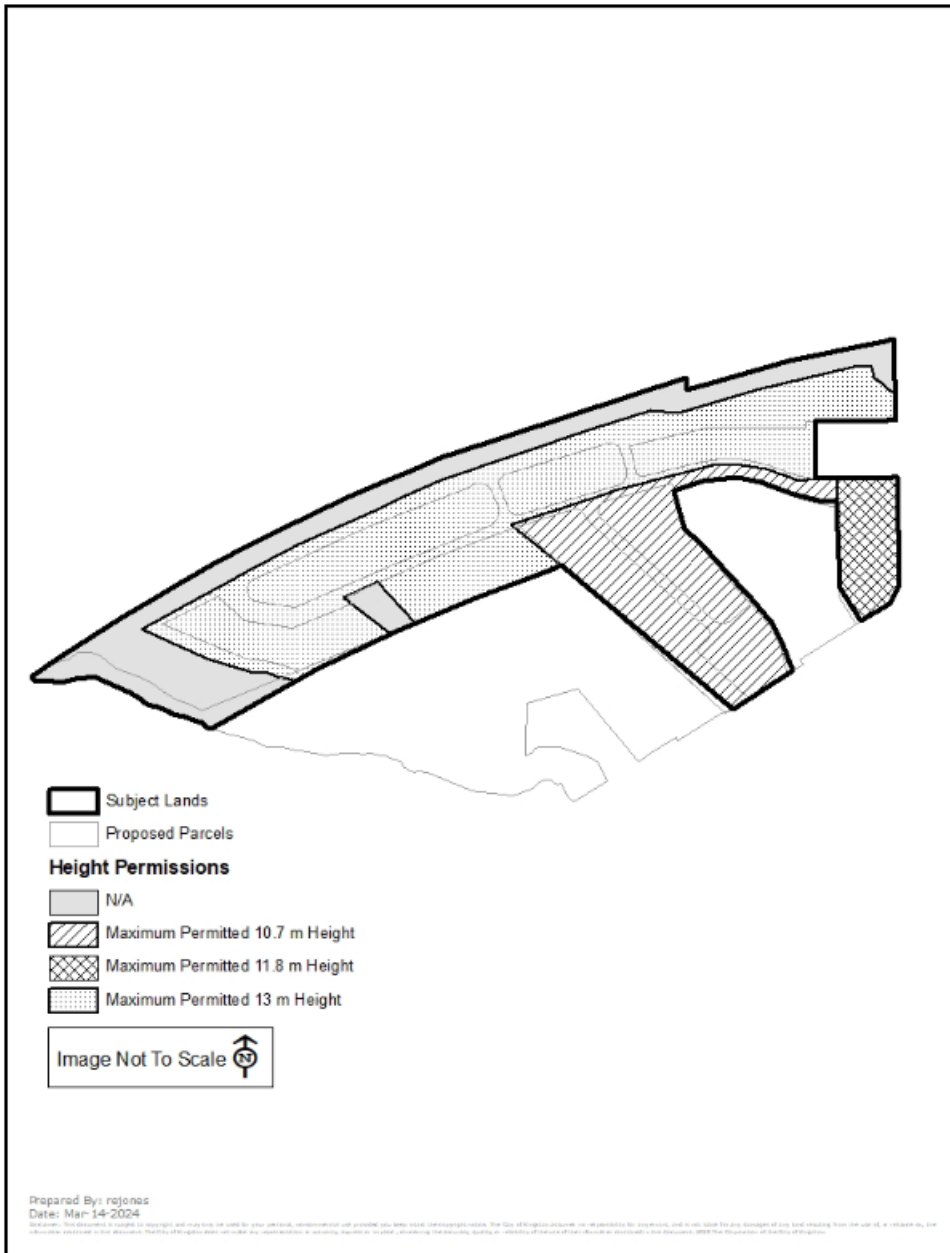
**"E158.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The following definition applies for the purpose of this Exception:

**End wall** means all portions of the exterior side walls of a building perpendicular to the **building frontage** and all structural components of these exterior side walls essential to support the roof.

- (b) General Provisions

- (i) The lands subject to this Exception are deemed to be one **lot** for the purposes of interpreting zoning provisions;
- (ii) The maximum **building heights**, including location thereof, are specified on Figure E158;
- (iii) **Figure E158**



- (iv) Despite the maximum **building heights** in Figure E158, stairway penthouses constructed for the sole purpose of providing access to rooftop **amenity areas** are permitted to project to a maximum total height of 13.6 metres, measured from the **finished grade** to the highest point of such stairway penthouse;
- (v) A maximum of 10 **model homes** in the form of **single detached houses** or **stacked townhouse dwelling units** are permitted in the aggregate;

- (vi) The minimum **density** of **dwelling units** per net hectare on the **lot** is 28 **dwelling units** per net hectare;
- (vii) The maximum number of **principal buildings** per **lot** does not apply;
- (viii) The minimum **setbacks** for any **building, private street, parking area and drive aisle** are as follows:
  - i. The minimum **setback** from an 'OS1' Zone is 7.5 metres;
  - ii. The minimum **setback** from the edge of McGuin Millrace archaeological site, as surveyed through a Stage 3 Archaeological Assessment, is 5.0 metres, except where documentation has been approved in writing to the satisfaction of the **City** in consultation with the provincial **public authority** having jurisdiction; and,
  - iii. The minimum **setback** from a **street line** abutting Bath Road is 14 metres;
- (ix) **Accessory buildings** must comply with the Zone provisions that are applicable to the lands subject to this Exception, except:
  - i. An **accessory building** may encroach into a required **setback**, provided that such **accessory building** must be **setback** a minimum of 6.0 metres from a **private street** and a minimum of 1.2 metres from all **lot lines**;
  - ii. Despite (b)(ix)(i), a detached **private garage** must be **setback** a minimum of 5.5 metres from a **private street**;
  - iii. The minimum **separation distance** between **stacked townhouses** and a detached **private garage** is 6.0 metres; and,
  - iv. Despite (b)(ix)(i), where an **accessory building** is located within 30 metres from the northern **lot line**, such **accessory building** must be setback a minimum of 1.2 metres from a **private street**.

(c) **Stacked Townhouses**

- (i) The minimum **separation distance** between triple **stacked townhouses** and any **residential building** is 6.0 metres;
- (ii) The minimum **separation distance** between double **stacked townhouses** and any **residential building** is 2.4 metres;
- (iii) The minimum **setback** from a **lot line** is 7.5 metres;
- (iv) The minimum **setback** from a **street line** abutting Station Street is 4.0 metres;

- (v) The minimum **setback** from a **private street** is 6.0 metres except, where an **end wall** abuts a **private street**, the minimum setback is 2.5 metres;
- (vi) **Porches** or **decks** that project from the **main wall** of a **stacked townhouse building** must comply with the following provisions:
  - i. The maximum surface area of floor levels of **porches** and **decks** for each triple **stacked townhouse building** is 100 square metres in the aggregate;
  - ii. The minimum setback of a **porch** or **deck**, excluding stairs and their associated guards, to a **private street** or to a **street line** abutting Station Street is 3.0 metres;
  - iii. Stairs and their associated guards connected to **porches** and **decks** are permitted to project into any required **setback**, provided such stairs are **setback** a minimum of 1.5 metres from a **private street** or to a **street line** abutting Station Street;
- (vii) Balconies that project from the **main wall** of a **stacked townhouse building** must comply with the following provisions:
  - i. The maximum horizontal projection of a balcony from the **main wall** is 2.0 metres; and,
  - ii. The minimum setback from a **lot line** is 1.2 metres;
- (viii) The minimum number of **visitor spaces** and **car-share spaces** required are as follows:
  - i. 3 **car-share spaces**; and,
  - ii. 0.06 **visitor spaces** per **dwelling unit**;
- (ix) The enhanced bike parking facilities described in Clause 7.3.13. do not apply.

(d) **Single Detached Houses**

- (i) The minimum **separation distance** between **single detached houses** is 2.4 metres;
- (ii) The minimum **setback** from any **lot line** is 7.0 metres except, where the **end wall** of a **single detached house** abuts a **lot line**, the minimum **setback** is 3.0 metres;
- (iii) The minimum **setback** from a **private street** is 4.0 metres;
- (iv) The minimum aggregate of **interior setbacks** does not apply;
- (v) A **deck** is not subject to the required **setbacks** that apply to a **single detached house**. A **deck** must comply with the following provisions:

- i. The maximum width of a **deck** is the width of the **building frontage** of the **single detached house**; and,
    - ii. The minimum **setback** from a **lot line** is 4.0 metres;
  - (vi) Each **single detached house** is permitted to have a **driveway** leading to a **private garage**, provided that the **driveway** is a maximum of 6.0 metres in width, and the limitation on the number of **driveways** per lot in Subclause 7.4.8.9 does not apply.
  - (e) **Single Detached Houses – Additional Residential Units**
    - (i) **Single detached houses** may accommodate up to two **additional residential units**, subject to and in accordance with a registered description under the *Condominium Act, 1998*;
    - (ii) The following provisions apply to **additional residential units** in **single detached houses** on lands subject to this Exception:
      - i. No **parking space** is required for a **third residential unit** in a **single detached house**;
      - ii. Where a **long-term bike space** is required for an **additional residential unit** in a **single detached house**, it is exempt from Clauses 7.3.7., 7.3.10., 7.3.11. and 7.3.12. and must:
        - 1. be provided in a secure, enclosed location, such as within an **accessory building**, or within a vestibule or other interior floor area that does not form part of a **dwelling unit**; and
        - 2. be provided in a location that has access directly to a **private street** by way of a a continuous pathway; and
      - iii. **Walkways** required under section 4.27 must be provided from a **private street** to the main exterior entrance, or to stairs leading to the main exterior entrance of every **dwelling unit** on the **lot**; and
      - iv. A maximum of 8 **bedrooms** are permitted per **single detached house** on the lands subject to this Exception.”
- “**E159.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
- (a) Despite the uses permitted by the applicable Zone, the only permitted use is a **conservation use**.”

- 1.5. By adding the following Holding Overlay H234 in Section 22 – Holding Conditions, as follows:
  - “**H234.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
    - (a) The **City** has received confirmation that noise mitigation measures have been installed on the Bell Utility Building or that alternative noise mitigation measures have been implemented, as specified and approved by a qualified acoustical consultant, to the satisfaction of the **City**.
    - (b) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed development.
    - (c) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**, in consultation with any federal or provincial **public authority** having jurisdiction. Required studies may include, but are not limited to, studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition.
    - (d) All agreements required by the **City** have been executed and registered on title, as appropriate.
    - (e) The Stage 3 archaeological assessment report has been accepted by the **public authority** having jurisdiction and associated agreements regarding protection and avoidance of the McGuin Millrace archaeological site recommended in the report have been executed to the satisfaction of the **City**.”
2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of Kingston By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.



Given all Three Readings and Passed: [Meeting Date]

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

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**Bryan Paterson**  
**Mayor**



**Schedule 'C'  
to By-Law Number**

Address: 4085, 4091 and 4097 Bath Road  
File Number: D35-014-2021




**Certificate of Authentication**

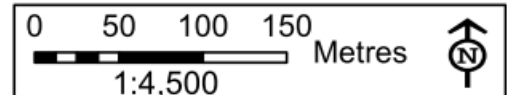
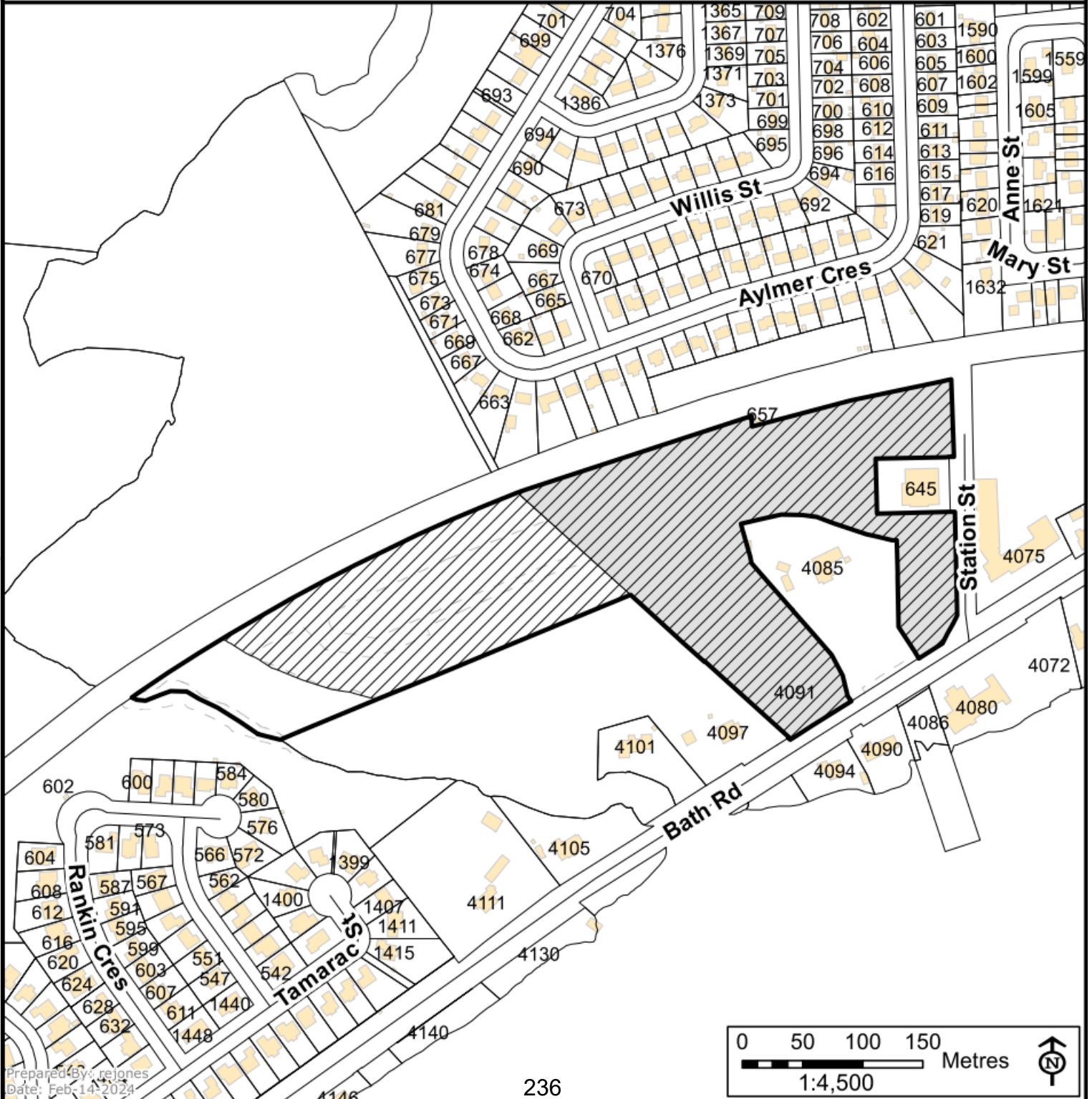
This is Schedule 'C' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

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

-  Subject Lands
-  Lands to be Added as H234
-  Lands to be Removed from H40



**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘DR’ Zone to ‘URM1’ ‘URM2’ and ‘CA Zone’ and Introduction of Exception Numbers ‘E155’, ‘E156’, ‘E157’, (1291 Midland Ave).**

**Passed:** [Meeting Date]

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

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

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
  - 1.1. Schedule 1 – Zoning Map is amended by changing the zone symbol from ‘DR’ to ‘URM1’, ‘URM2’, and ‘CA’, as shown on Schedule “A” attached to and forming part of this By-Law.
  - 1.2. Schedule E – Exception Overlay is amended to add Exception E155, D156, And E157, as shown on Schedule “B” attached to and forming part of this By-Law;
  - 1.3. By adding the following Exception Number E\_\_ in Section 21 – Exceptions, as follows:

“**E155.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) The minimum **lot area** is 153 square metres per **dwelling unit**;
    - (b) The minimum **lot frontage** is 5.5 metres;
    - (c) The minimum **interior setback** is 1.1 metres;
    - (d) The maximum **lot coverage** is 55%;

- (e) The minimum **driveway** width is 2.7 metres;
- (f) The maximum number of **parking spaces** per **dwelling unit** is 2.0;
- (g) The maximum cumulative width of all **driveways** on a **lot** within the required **front setback** or **exterior setback** is 2.7 metres;
- (h) Eaves and gutters are permitted within 0.15 metres of a **lot line**;
- (i) The minimum **interior setback** for a **deck** or **porch** with a height no greater than 0.6 metres is 0.40 metres, except along a common party wall where it may be 0.0 metres if there is a common privacy **fence** a minimum of 1.5 metres tall; and
- (j) The minimum **separation distance** from a registered **right-of-way** for a **pipeline** is 0.2 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles.”

“**E156.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The maximum **height** of an **apartment building** is 17.0 metres;
- (b) The maximum number of dwelling units is 49;
- (c) The minimum **front setback** is 3 metres;
- (d) The minimum **long-term bike space** requirement is 24 spaces, where all **long-term bike spaces** may be provided in a stacked configuration with a 1.5 metre access aisle;
- (e) The minimum number of larger **long-term bike spaces** is 0 spaces;
- (f) The minimum number of **long-term bike spaces** that must be provided in secure bike lockers is 0 spaces;
- (g) A **canopy** on the north side of an **apartment building** is permitted to project 0.85 metres into the required **setback**; and
- (h) The minimum **separation distance** from a registered **right-of-way** for a **pipeline** is 0.3 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles.”

“**E157.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The minimum **landscaped open space** is 15%;
  - (b) Where a **parking lot** is adjacent to a sidewalk or **walkway**, a **planting strip** is not required between such **parking lot** and sidewalk or **walkway**;
  - (c) A **loading space** located in the **rear yard** or **interior yard** does not require **visual screening**;
  - (d) A **planting strip** is not required along the **interior lot line** that abuts a **residential use** or undeveloped land in an Urban Residential Zone and Urban Multi-Unit Residential Zone; and
  - (e) The minimum **separation distance** from a registered **right-of-way** for a **pipeline** is 0.3 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles.”
2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

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

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**Bryan Paterson**  
**Mayor**



Kingston  
Planning  
Services

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

Address: 1291 Midland Ave.  
File Number: D14-007-2021

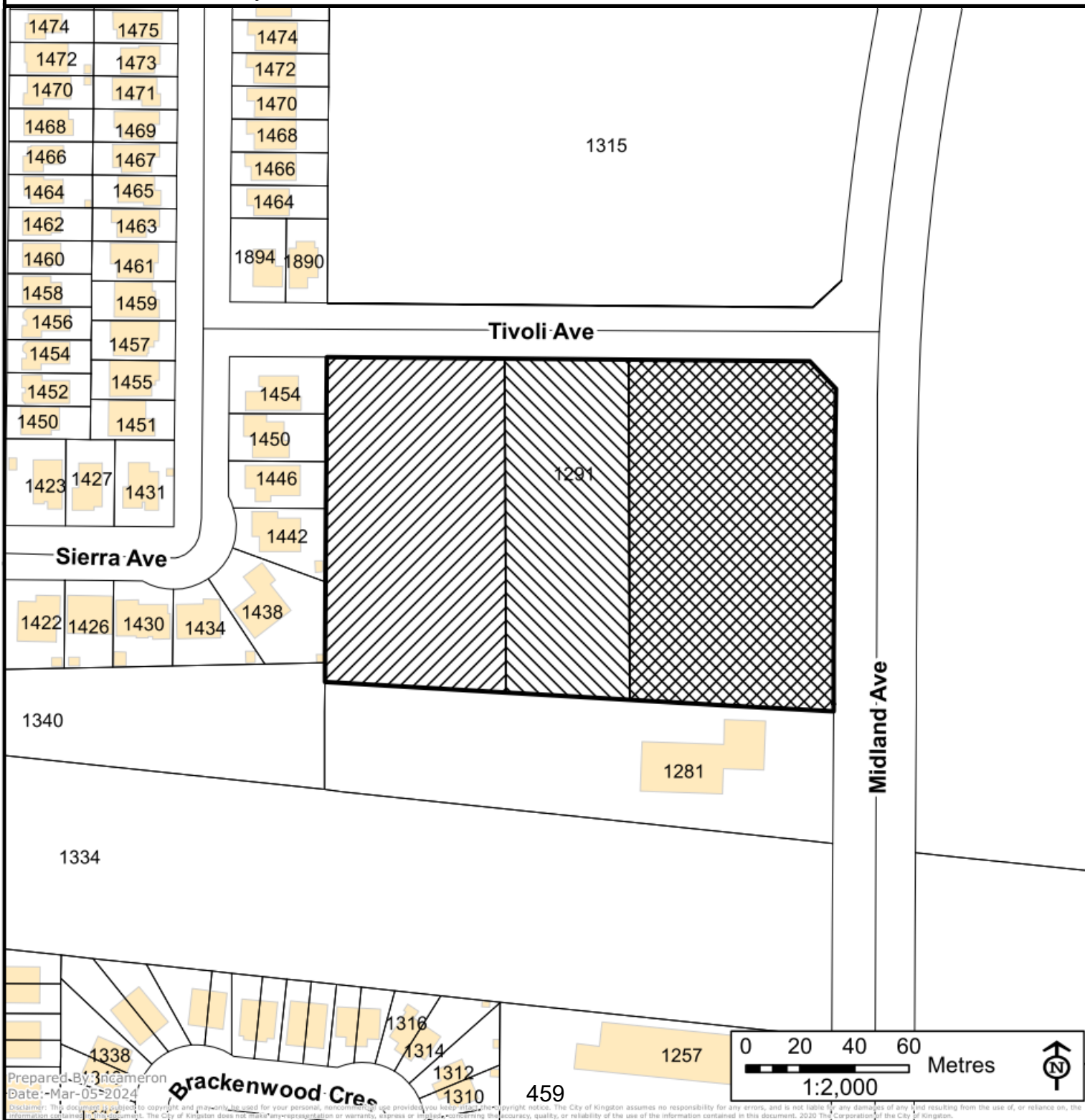
**Kingston Zoning By-Law 2022-62  
Schedule 1 - Zoning Map**

-  Lands to be Rezoned from DR to URM1
-  Lands to be Rezoned from DR to URM2
-  Lands to be Rezoned from DR to CA

**Certificate of Authentication**

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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







Standard Conditions Of Draft Plan Approval

**1. Approved Draft Plan:**

That this approval applies to the Draft Plan of Subdivision, prepared by Hopkins Chitty Land Surveyors Inc., dated February 26, 2024 which shows the following:

- Four residential blocks (Blocks 1-4); and
- One block for roadways, common elements, and a portion of the pipeline easement (Block 5).

**2. Streets and Civic Addressing:**

- That Prior to Final Approval**, the Owner shall submit proposed street names for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings. The Streets within this Plan shall be named to the satisfaction of the City, in consultation with the Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-law.
- That Prior to Final Plan Approval**, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
- For lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning and Development Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- That the Owner shall agree that the location and design of any **construction access** shall be approved by the Municipality and/or the appropriate authority.

**3. Reserves and Easements:**

- That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

**4. Financial Requirements:**

- That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- That Prior to Final Plan Approval**, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with



the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into the Subdivision Agreements.

- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.
- (d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

**5. Subdivision Agreement:**

- (a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

**7. Engineering Drawings:**

- (a) **That Prior to Final Plan Approval**, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Subdivision Agreement.

**8. Revisions to Draft Plan:**

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval** of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

**10. Zoning By-Law Compliance:**

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the *Planning Act*.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

**10. Consent(s) to Sever:**

- (a) **That Prior to Final Plan Approval**, the Owner shall complete Consent Applications D10-010-2021 and D10-011-2021.

**11. Required Studies:**

- (a) **That Prior to Final Plan Approval**, the Owner shall submit a **Geotechnical Study**, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). The acceptable method for this demonstration would be a **Phase I Environmental Site Assessment (ESA)** performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediation. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

Should site remediation be required to meet the applicable soil and ground water criteria set out in applicable guidelines, the Owner shall submit to the Municipality **Prior to Final Plan Approval**, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.

The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the Municipality, meet the applicable soil and ground water criteria.

- (c) **That Prior to Final Plan Approval** all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (d) **That Prior to Final Plan Approval**, the Owner shall submit a **Traffic Impact Report**, prepared by a professional engineer to the satisfaction of the Municipality. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary

by the Report's recommendations to the satisfaction of the Municipality's Director of Engineering.

- (e) **That Prior to Final Plan Approval, a Stormwater Management Report** and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality.
- (f) **That Prior to Final Plan Approval**, the Owner shall submit a detailed **Noise Impact Study** prepared to the satisfaction of the Municipality and the Ministry of Environment. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

## 12. Archaeological Assessment:

- (c) That in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.
- (d) That in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

## 13. Stormwater Management:

- (b) **That Prior to Final Plan Approval**, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.
- (c) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality, a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
  - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
  - ii) the location and description of all outlets and other facilities;
  - iii) storm water management techniques which may be required to control minor and major flows;

- iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
  - v) overall grading plans for the subject lands; and
  - vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (d) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.

**14. Parkland Conveyance / Open Space / Environmental Protection Areas:**

- (a) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the Municipality for functional park or other public recreational purposes. Where the subdivision exceeds 30 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of 1.2 hectares per 1,000 people, not to exceed 1 hectare per 300 Dwelling Units, up to a maximum of 10% of the Gross Land Area. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.

**15. Tree Inventory / Street Trees:**

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the Municipality for a Tree Preservation plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by an ISA Certified Arborist, and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree By-Law 2018-05 which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

**16. Canada Post - Community Mail Boxes:**

- (a) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mail boxes within the Plan, and shall identify such locations on drawings for approval by the City.
- (b) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the City, provide detailed design plans for the community mail boxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).
- (d) That prior to Final Plan Approval, the Owner shall enter into a Community Mailbox Developer Agreement and pay the Address Activation Fee with Canada Post Corporation for the installation of Community Mail Boxes as required by Canada Post.
- (e) That the Owner shall identify in all offers of purchase and sale, or lease for all lots and blocks within this Plan that mail delivery will be provided via a community mail box, provided that the Owner has paid for the activation and equipment installation of the community mail box, and the locations of all community mail boxes within this Plan. A Notice to Purchasers shall also be included in the Subdivision Agreement to this effect.

**17. Bell Canada Requirements:**

That the Owner shall meet the following conditions of Bell Canada:

- i. that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
- ii. that the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.
- iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of

communication/telecommunication services for emergency management services (ie., 911 Emergency Services).

**18. Trans-Northern Pipelines Requirements:**

- (a) The Owner acknowledges that Trans-Northern Pipelines Inc. has an existing registered right-of-way over a portion of the Owner's Lands. The Owner shall comply with the Canadian Energy Regulator Act, S.C. 2019, c.28, s. 10 and its regulations, and shall obtain all required approvals and permits by contacting Trans-Northern Pipelines Inc. prior to the commencement of any activity within the prescribed area.

**16. Enbridge Gas Requirements:**

- (a) That as a condition of final approval, the Owner/Developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

**19. Hydro One Requirements:**

- (a) **That Prior to Final Plan Approval**, the Owner/Subdivider shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.
- (b) That the following **Warning Clauses/Notices** as required by Hydro One shall be included in the Subdivision Agreement:  
"The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186-Proximity-of the Regulations for Construction projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20feet) to an energized 500 kV conductor. The distance for 230kV is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the Owner's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line. "  
(c) That temporary fencing must be installed along the edge of the right-of-way prior to the start of construction, at the Owner's expense.
- (d) That permanent fencing must be installed after construction is completed along the Hydro One corridor, at the Owner's expense.
- (e) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.
- (f) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

**20. Utilities Requirements:**

- (a) **Prior to Final Plan Approval**, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.
- (b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.

**21. Warning Clauses:**

That the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan

- (a) within the entire subdivision plan:
  - “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”
  - “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet Municipality of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions.”
  - “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
  - “Purchasers and/or tenants are advised that Ownership includes a share in a Common Elements Condominium which shall own the private roads.”
  - “Purchasers and/or tenants are advised that the roads and pathways within the development are privately owned by the Condominium Corporation and will not be assumed by the Municipality. There will be no municipal snowplowing or maintenance of any kind.”
- (d) abutting a transit route:
  - “Purchasers and/or tenants are advised that the following streets are used as transit routes: Midland Avenue and Tivoli Avenue.

**22. Model Homes:**

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the Municipality, setting

out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

### 23. General Conditions:

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied.
- (b) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality's Tariff of Fees By-Law.
- (c) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area to the requirements of the Zoning By-Law.
- (d) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (e) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.
- (f) **That Prior to Final Plan Approval**, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (g) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.
- (h) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

### 24. Clearance Letters:

- (a) **That Prior to Final Plan Approval**, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) **That Prior to Final Plan Approval**, the City is to be advised in writing by Canada Post the method by which Condition 16 has been satisfied.
- (c) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by Ontario Hydro the method by which Condition 19 has been satisfied.



- (d) **That Prior to Final Plan Approval**, the Owner shall provide written confirmation from Trans-Northern Pipelines Inc. that all required permits and approvals have been obtained.

**25. Lapsing Provisions:**

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of **three (3) years from the date of issuance of Draft Plan Approval** if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

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**Notes To Draft Plan Approval:**

1. It is the Applicant's responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning and Development Department of the City of Kingston.
2. **Prior to Final Plan Approval**, the Applicant shall submit to the Municipality of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
3. When requesting final approval, such a request must be directed to the Planning and Development Department and be accompanied with:
  - Eight (8) mylars and four (4) paper prints of the completed Final M-Plan,
  - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
  - a Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.
4. All measurements in subdivision final plans must be presented in metric units.
5. Hydro One advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER – Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
6. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.