

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Introduction of Exception E170 and Addition of Holding Overlay H239 (40 Hyperion Court))

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”);

And Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law.

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule E – Exception Overlay is amended by adding Exception ‘E170’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. Schedule F – Holding Overlay is amended by adding Holding Overlay ‘H239’, as shown on Schedule “B” attached to and forming part of this By-Law;
 - 1.3. By adding the following Exception Number E170 in Section 21 – Exceptions, as follows:

“**E170.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

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

- (v) **Fitness Centre**
 - (vi) **Laundry Store**
 - (vii) **Personal Service Shop**
 - (viii) **Recreation Facility**
 - (ix) **Wellness Clinic;**
 - (b) The calculation for the number of bike spaces and **end-of-trip bike facilities** will be determined based on the individual units within the **building**, and not on the overall **building**;
 - (c) Clause 7.3.16. does not apply to a **change of use**;
 - (d) A **retail store** is permitted only as an **accessory use** to a **principal use** on the **lot** and must not exceed 25% of the **gross floor area** of the **building**; and
 - (e) **Outdoor Storage:**
 - (i) Minimum **rear setback** is 3.0 metres;
 - (ii) Minimum **interior setback** is 3.0 metres; and
 - (iii) Maximum area of **outdoor storage** is 25% of lot area.”
- 1.4. By adding the following Hold Number H239 in Section 22 – Holding Conditions, as follows:

“**H239.** The Holding Overlay applies only to a **Day Care Centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements; and
- (b) A Record of Site Condition (RSC) signed by the qualified person who prepared it, along with a copy of all supporting studies, and which meets the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the **City**, as applicable.”

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

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor