



**City of Kingston
Report to Planning Committee
Report Number PC-24-054**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: October 10, 2024
Subject: Recommendation Report
File Number: D35-003-2024 and D12-004-2024
Address: 1519 Shira Drive (Site 1) and property at northwest corner of Bayridge Drive and Cataraqui Woods Drive (Site 2)
District: Loyalist-Cataraqui
Application Type: Official Plan, Zoning By-Law Amendment, and Amending Subdivision Agreement
Owner: Tamarack (Cataraqui West 2) Corporation
Applicant: Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: See above

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding applications for an Official Plan, zoning by-law amendment, and amending Subdivision Agreement submitted by Fotenn Consultants Inc., on behalf of Tamarack (Cataraqui West 2) Corporation, with respect to the two properties subject to this application which consists of the properties located at 1519 Shira Drive and the property at the northwest corner of Bayridge Drive and Cataraqui Woods Drive.

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The proposed redesignation would facilitate the development of 11 residential lots on the property located at 1519 Shira Drive (Site 1) which measures 0.5 hectares in size and is situated at the northeast corner of Holden Street and Shira Drive. Site 1 is currently designated a combination of District Commercial and Mid-Rise Residential and is proposed to be redesignated to Mid-Rise Residential. In concert with the redesignation of Site 1, the application seeks to allow a future commercial development upon a 0.6-hectare portion of the property located at the northwest corner of Bayridge Drive and Cataraqi Woods Drive (Site 2), located some 230 metres east of Site 1, by redesignating Site 2 from its current Low-Rise Residential designation to the District Commercial designation.

In addition to the proposed Official Plan amendment, the applicant also seeks Zoning By-Law amendments to zone Site 1 as Urban Residential 3 (UR3) and Site 2 as District Commercial (CD) with site-specific provisions applying to Site 2 which generally carry over the site-specific provisions which relate to Site 1.

With regards to the development of the 11 residential lots at Site 1, which was initially created through registered plan of subdivision 13M-127 as Block 181, the use of Part Lot Control is intended to further subdivide the existing commercial block. In order to ensure that the development proceeds in an orderly manner and that future residents are aware of their obligations, the applicant has also submitted an application to amend the existing Subdivision Agreement registered on title of the property. The amended Subdivision Agreement would only apply to Site 1 and would address issues related to grading and drainage and implement the recommendations of the Noise Impact Study.

The proposed Official Plan and zoning by-law amendments will allow for the repositioning of the commercial space within the Cataraqi West Secondary Plan area and provide compatible residential development on serviced lands within the urban boundary. The amending Subdivision Agreement will ensure appropriate measures are taken during the development of the residential lots planned for Site 1. The relocated commercial and residential locations are compatible with the surrounding uses and will fulfill the intent of the Secondary Plan area to create a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its residents. Additional commercial opportunities can also be explored with the relocation as the subdivision has not built up around the area where the District Commercial lands are being relocated. The proposal, is consistent with the Provincial Planning Statement, conforms to the Official Plan, and represents good land use planning.

Recommendation:

That the Planning Committee recommends to Council on October 15, 2024:

That the applications for Official Plan and zoning by-law amendments (File Number D35-003-2024 and D12-004-2024) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Cataraqi West 2) Corporation, for the property municipally known as 1519 Shira Drive and the property at the northwest corner of Bayridge Drive and Cataraqi Woods Drive, be approved; and

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That the City of Kingston Official Plan, as amended, be further amended, amendment number 98, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-054; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-054; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That Council approve the Amending Subdivision Agreement (File Number D35-003-2024 and D12-004-2024) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Catarqui West 2) Corporation, for Block 181 of Plan 13M-127 municipally known as 1519 Shira Drive; and

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

p.p.

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, Special Projects	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Statutory Public Meeting

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Ian Clendening, Senior Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3126
iclendening@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application. A complete application was submitted by the applicant and was deemed to be complete as of June 10, 2024. A Community Meeting was held at Planning Committee on September 5, 2024. A summary of the feedback received at the Community Meeting is provided in the Public Comments section of this Report.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before October 8, 2024, which is 120 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT). The applicant has been working with staff to address technical comments taking the application beyond the 120 days after a complete application was received. Staff have reviewed the revised information and have no further technical

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concerns with preparing this report to advance a recommendation for consideration by the Planning Committee and Council.

Site Characteristics

The amendments relate to two properties within the Cataraqui West neighbourhood both of which front onto the north side of Cataraqui Woods Drive with Site 1 situated some 400 metres west of Bayridge Drive while Site 2 is situated approximately 60 metres east of Bayridge Drive (Exhibit C). Site 1, which is located at 1519 Shira Drive is currently vacant has a lot area of approximately 0.5 hectares with approximately 69 metres of frontage along Holden Street, 71 metres along Shira Drive and 67 metres along Cataraqui Woods Drive. Site 2 forms an approximately 0.6 hectare portion of the vacant lands located at the northwest corner of Bayridge Drive and Cataraqui Woods Drive.

Both properties are located within the Cataraqui West Secondary Plan Area of the Kingston Official Plan with Site 1 forming a part of the Woodhaven Phase 4 subdivision while Site 2 is planned for a future phase of development.

The surrounding area of both sites can be described as predominantly comprising of residential uses characterized by a mix single-detached, semi-detached and townhouse dwellings. To the north of Site 1 is the Kingston West Catholic Elementary School, while to the south of the site exists a self-storage facility which occupies a property extending the distance between Site 1 and the western limit of the property associated with Site 2. In addition to the institutional facilities in the immediate area, the sites fronting onto Kingston Transit route 19 and within walking distance of various existing and planned public parks. Existing commercial offerings which exist along the Princess Street corridor are located approximately 700 metres south of either site. Both sites directly front upon a multi-use pathway which traverses along Cataraqui Woods Drive and south along Bayridge Drive.

Site 1 is currently designated a primarily District Commercial with a small section designated Mid-Rise Residential which appears to represent a carry over of a previous mapping error. The property is zoned Development Reserve (DR) with a Legacy Exception (L288) which allows both a variety of commercial uses as well as the residential uses of the Urban Residential 3 (UR3) zone. Site 2 is currently designated Low-Rise Residential which is reflected in the site's current Urban Residential 3 (UR3) zone.

Proposed Application and Submission

The proposed redesignation effectively switches the location of the commercial block within the Woodhaven community and would facilitate the development of 11 residential lots on the property located at 1519 Shira Drive (Site 1).

Site 1 is currently designated a combination of District Commercial and Mid-Rise Residential and is proposed to be redesignated to Mid-Rise Residential. At the same time, the application seeks to redesignate Site 2 from its current Low-Rise Residential designation to the District Commercial designation.

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In addition to the propose Official Plan amendment, the applicant also seeks Zoning By-Law amendments to zone Site 1 Urban Residential 3 (UR3) and Site 2 as District Commercial (CD) with an Exception Overlay generally carrying over the existing site-specific provisions from Site 1.

With regards to the development of the 11 residential lots at Site 1, the use of Part-lot Control is intended to further subdivide the existing commercial block. In order to ensure that the development proceeds in an orderly manner and that future residents are aware of their obligations, the applicant has also submitted an application to amend the existing Subdivision Agreement registered on title of the property. The amended Subdivision Agreement (Exhibit L) would only apply to Site 1 and would address issues related to grading and drainage and implement the recommendations of the Noise Impact Study.

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

- Planning Justification Report
- Conceptual Site Plan
- Servicing Report
- Noise Impact Feasibility Study

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Provincial Planning Statement

The Provincial Planning Statement (2024) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The subject lands are located within Kingston’s settlement area which are intended to be the focus of growth and development. Within settlement areas, land use patterns are intended to be based on a density and mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure, and support active transportation. Both of the properties subject to the application are either fully serviced, or will be through the typical process of subdivision development. The relocated commercial block is within closer proximity to a greater number of existing homes and continues to be located on the Kingston Transit #19 bus route as well as a multi-use trail helping to support active transportation. The homes on Shira Drive and Holden Street would provide additional housing near the schools and transportation stations.

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

Official Plan Considerations

Site 1 is designated a combination of District Commercial and Mid-Rise Residential, and Site 2 is designated Low-Rise Residential within the Cataraqui West Secondary Plan of the Official

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Plan. The application would redesignate Site 1 as Mid-Rise Residential and Site 2 as District Commercial.

The proposed development maintains the general intent and philosophy of the Official Plan, and specifically that of the Cataraqui West Secondary Plan by relocating the commercial block to a location more conducive to its future success and potential expansion to a larger commercial offering. The relocated commercial block is of marginally larger size (i.e., 0.1 hectares) and located in closer proximity to an Arterial Road helping to facilitate a larger customer base. The measures taken to support the marketability and ultimate viability of the commercial block will assist in fulfilling underlying objectives of the area to create a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its residents.

Both the proposed residential block at Site 1 and the commercial block at Site 2 are compatible with their surrounding areas as Site 1 is already surrounded by similar residential development, while Site 2 is currently vacant and being developed for low rise residential development which would ultimately benefit from this type of medium-scale commercial amenity. At the time of ultimate development of the commercial block, site plan control will be used to implement measures to ensure no adverse impacts such as lighting, noise, and other potential issues.

Based on the proposed 11 lots at Site 1 the overall net density of the block would be 22 units per hectare which would be marginally less than the range of 25 to 75 units per net hectare planned for the Mid-Rise Residential designation. Notwithstanding this marginal disparity, the lower density can be justified as the site makes use of an irregular, 'L-shaped', corner lot, and when viewed in the context of the initial Woodhaven Phase 4 subdivision which created 231 residential lots at a density of 30 units per net hectare. Given that the proposal does not substantively increase or decrease the amount of land for the residential or commercial uses overall, there is no anticipated impact on the land supply for each use and the change in use does not justify a market feasibility study.

As infrastructure already exists in the area of Site 1 where 11 homes are proposed, there is no anticipated financial implications associated with the proposed change in use. Similarly, at such time as the property containing Site 2 is subdivided, the development of services will form a part of the Subdivision Agreement and subsequent development.

The proposed relocation of the commercial block would not create an undesirable precedent, as the proposed development is consistent with the Provincial Planning Statement, and the overall intent of the Official Plan, and will achieve the more immediate development of residential housing and facilitate a more desirable commercial block.

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

Zoning By-Law Discussion

Site 1 is zoned Development Reserve (DR), and Site 2 is zoned Urban Residential 3 (UR3). Site 1 is also subject to an Overlay Exception (L288) which allows for the uses permitted in the UR3 Zone and an assortment of commercial uses subject to various regulations. It is the intention of

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the Zoning By-Law amendment to generally carry over the existing uses and regulations which relate to Site 1 over to Site 2, and vice versa.

Table 1 – Zoning Comparison Table: Existing Commercial and Proposed Commercial Site

Zone Provision	Site 1 - Existing Exception L288	Site 2 - Proposed District Commercial (CD) Zone	Site 2 - Proposed Exception (E173)
Permitted Uses	<p>(i) Uses permitted in the UR3 Zone in accordance with the provisions of the UR3 Zone.</p> <p>(i) Uses permitted in former Section 22(1)(b) of former zoning by-law 76-26:</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 department store; • a dry-cleaning or laundry outlet; • a florist shop; • a gasoline retail facility; • a laundromat; • a library; • a personal service shop; • a pet shop; • a public use, in accordance with the provisions of Section 5(18) hereof; • a recreational establishment; • a restaurant; • a retail nursery; • a retail store; 	<ul style="list-style-type: none"> • animal care • banquet hall • club • commercial parking lot • community centre • creativity centre • day care centre • department store • entertainment establishment • financial institution • fitness centre • garden centre • service station • grocery store • laundry store • library • museum • office • personal service shop • place of worship • recreation facility • restaurant • retail store • special needs facility • training facility • wellness clinic 	<p>Additional permitted uses:</p> <ul style="list-style-type: none"> (i) mixed use building; (ii) apartment building; (iii) house developed in accordance with the UR3 Zone provisions (iv) semi-detached house developed in accordance with the UR3 Zone provisions (v) townhouse developed in accordance with the UR3 Zone provisions

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Zone Provision	Site 1 - Existing Exception L288	Site 2 - Proposed District Commercial (CD) Zone	Site 2 - Proposed Exception (E173)
	<ul style="list-style-type: none"> • a supermarket; • a taxi stand or bus station; • a day nursery. <p>(ii) A mixed commercial/residential development; and</p> <p>(iii) A place of worship.</p>		
Prohibited Uses	<p>(i) an auditorium</p> <p>(ii) a department store</p> <p>(iii) a gasoline retail facility</p> <p>(iv) a retail nursery</p> <p>(v) a taxi stand or bus station</p>		<p>(i) auditorium;</p> <p>(ii) department store;</p> <p>(iii) service station;</p> <p>(iv) garden centre;</p> <p>(v) transportation depot;</p>
Building Height	<p>Height of Building (maximum):</p> <p>(i) Mixed commercial/residential building 6 storeys or 20 metres, whichever is less;</p> <p>(ii) Apartment dwelling house 6 storeys or 20 metres, whichever is less;</p> <p>(iii) Commercial building 11 metres or one storey; and</p> <p>(iv) Other uses 10.7 metres</p>		<p>The maximum building height is as follows:</p> <p>(i) Mixed use building: the lesser of 6 storeys or 20 metres;</p> <p>(ii) Apartment building: the lesser of 6 storeys or 20 metres;</p> <p>(iii) Non-residential building: 11 metres or one storey;</p>
Size Restrictions	<p>Gross Leasable Floor Area (maximum): 2,000 square metres for all non-residential uses</p> <p>Retail Gross Floor Area (maximum): 300 square metres for any individual use.</p>		<p>The maximum gross floor area is 2,000 square metres for all non-residential uses;</p> <p>The maximum gross floor area is 300 square metres for any defined use engaged in a retail capacity;</p>

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Zone Provision	Site 1 - Existing Exception L288	Site 2 - Proposed District Commercial (CD) Zone	Site 2 - Proposed Exception (E173)
Planting Strip	Planting Strip Adjoining Residential Zoned Lands: 3.0 metres.	<p>General Provisions: Where any lot is used for a non-residential use and the interior lot line or rear lot line abuts a residential use or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, RUR Zone, LSR Zone or DR Zone, then:</p> <ol style="list-style-type: none"> 1. A minimum 3.0 metre wide planting strip must be provided along the portion of the lot line that abuts such use or lot; 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. 	

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Permitted uses

The change in the regulations for permitted uses and the size restrictions for non-residential development continue to implement the Official Plan policies while the language has been crafted to ensure a more simplified and consistent use of terminology used throughout the Kingston Zoning By-Law.

Planting Strip

Similar to the above noted efforts to simplify the wording of the exception, the specific requirement for a Planting strip has been removed in favour of the more detailed and nuanced provisions contained in the general provisions of the Kingston Zoning By-Law.

Other Applications

Subject to approval, the Site 1 property would be divided through the use of part-lot control.

With respect to Site 2, an application for Draft Plan of Subdivision must be approved by Council in order to create the lots, including the commercial lot. The Draft Plan of Subdivision must comply with the policies of the Official Plan and the layout and placement of the commercial block would be reviewed to ensure that the subdivision design meet the requirement of the Cataraqui West Secondary Plan Area. Given the anticipated size of the commercial development, the Site 2 property would be subject to Site Plan Control.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

At the time of writing no correspondence from the public had been received.

Effect of Public Input on Draft By-Law

No comments were received which would require changes to the draft by-law.

Conclusion

The proposed Official Plan and zoning by-law amendments will allow for the future development of a commercial space within the Cataraqui West Secondary Plan area and provide compatible residential development on serviced lands within the urban boundary. The amending Subdivision Agreement will ensure appropriate measures are taken during the development of the residential lots planned for Site 1. The relocated commercial and residential locations are compatible with the surrounding uses and will fulfill the intent of the Secondary Plan area to create a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its

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residents. It also allows for future considerations for a larger commercial block to provide a greater array of services to the nearby public. The proposal, is consistent with the Provincial Planning Statement, conforms to the Official Plan, and represents good land use planning and is therefore recommended for approval.

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Planning Act

Provincial Planning Statement, 2024

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 259 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on October 7, 2024.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, no pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

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Contacts:

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

Ian Clendening, Senior Planner, 613-546-4291 extension 3126

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend the Official Plan
- Exhibit B Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit C Key Map
- Exhibit D Neighbourhood Context
- Exhibit E Consistency with the Provincial Planning Statement
- Exhibit F Official Plan, Land Use
- Exhibit G Conformity with the Official Plan
- Exhibit H Zoning By-Law Number 2022-62
- Exhibit I Proposed Site Plan
- Exhibit J Site Photographs
- Exhibit K Public Notice Notification Map
- Exhibit L Amending Subdivision Agreement

By-Law Number 2024-XXX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 98, 1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge Drive)

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on September 5, 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 98 to the Official Plan for the City of Kingston.
 - (a) **Amend** Schedule 'CW-1', 'Cataraqui West Secondary Plan', of the City of Kingston Official Plan, so as to designate the property located at 1519 Shira Drive and portions of the property located at the northwest Corner of Cataraqui Woods Drive and Bayridge Drive, as shown on Schedule 'A' to By-law Number 2024-____, as 'Mid-Rise Residential' and 'District Commercial' respectively.
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]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Planning Services

Schedule 'A' to By-Law Number

Address: 1519 Shira Drive
File Number: D35-003-2024

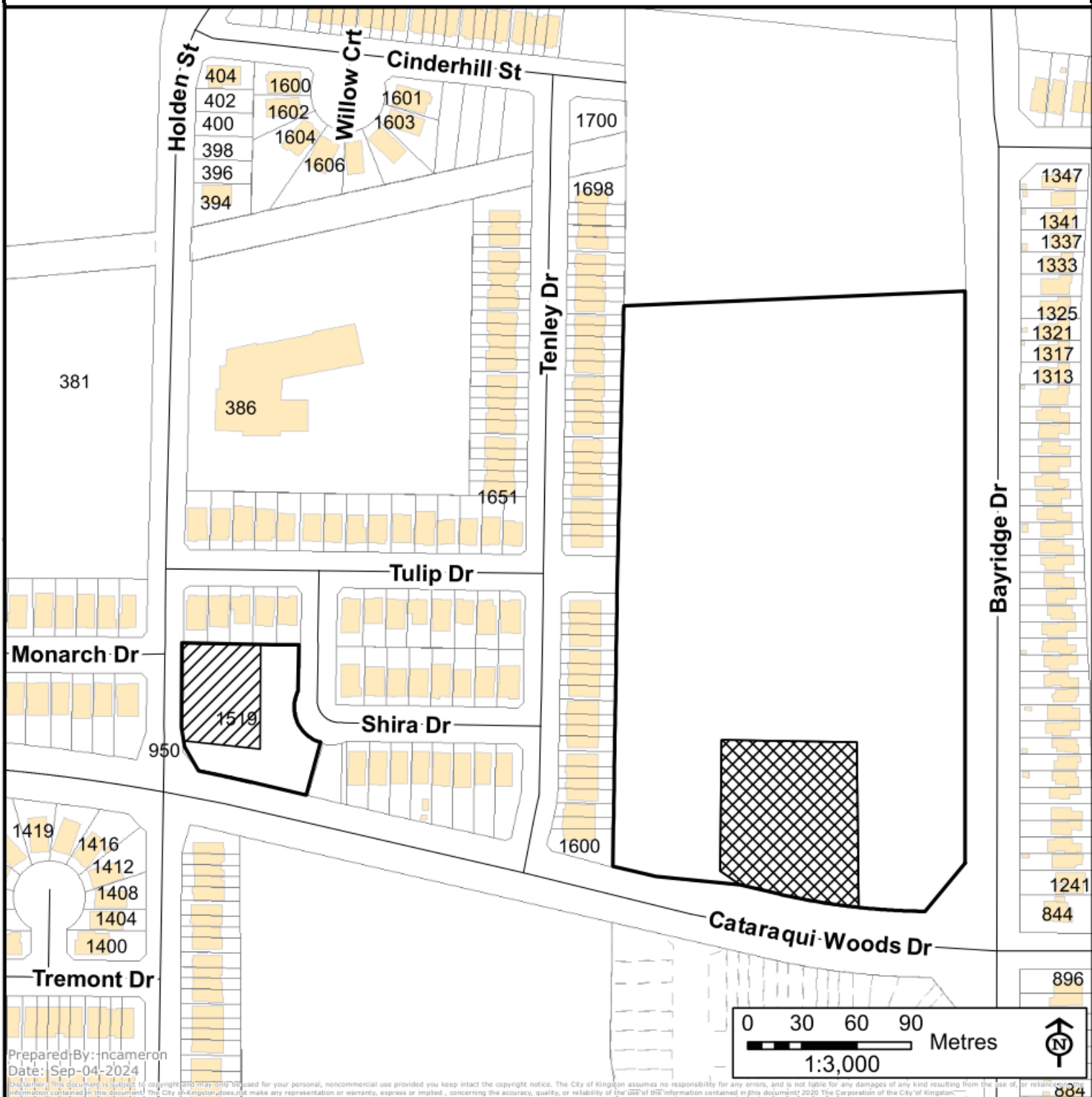
Official Plan - Schedule CW-1 Cataraqui West Secondary Plan

- Lands to be Redesignated from District Commercial to Mid-Rise Residential
- Lands to be Redesignated from Low-Rise Residential to District Commercial

Certificate of Authentication

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

Mayor Clerk



By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Zone Change to ‘UR3’ and ‘CD’, Removal of Exception ‘E21’, Removal of Legacy Exception ‘L288’, and Introduction of Exception Number ‘E173’ (1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge 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 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 ‘UR3’ and from ‘UR3’ to ‘CD’ as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. Schedule E – Exception Overlay is amended by removing Exception E21 and Legacy Exception L288, and by adding Exception E173, as shown on Schedule “B” attached to and forming part of this By-Law;
 - 1.3. By adding the following Exception Number E173 in Section 21 – Exceptions, as follows:

“**E173.** 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:
 - (i) **Mixed-use building**;
 - (ii) **apartment building**; and
 - (iii) **house, semi-detached house**, and **townhouse**, developed in accordance with the UR3 Zone provisions.

- (b) The following **uses** are prohibited:
 - (i) auditorium;
 - (ii) **department store**;
 - (iii) **service station**;
 - (iv) **garden centre**; and
 - (v) **transportation depot**.
 - (c) The minimum **lot area** provisions do not apply.
 - (d) The minimum **lot frontage** provisions do not apply.
 - (e) The maximum **lot coverage** is 30%.
 - (f) The maximum **building height** for:
 - (i) a **mixed-use building** is the lesser of 6 storeys or 20 metres;
 - (ii) an **apartment building** is the lesser of 6 storeys or 20 metres;
and
 - (iii) a **non-residential building** is 11 metres or 1 storey.
 - (g) The maximum **gross floor area** for all **non-residential uses** is 2,000 square metres.
 - (h) The maximum **gross floor area** for each individual **non-residential use** is 300 square metres.”
2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Planning
Services

Schedule 'A' to By-Law Number



Address: 1519 Shira Drive
File Number: D35-003-2024

Certificate of Authentication

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

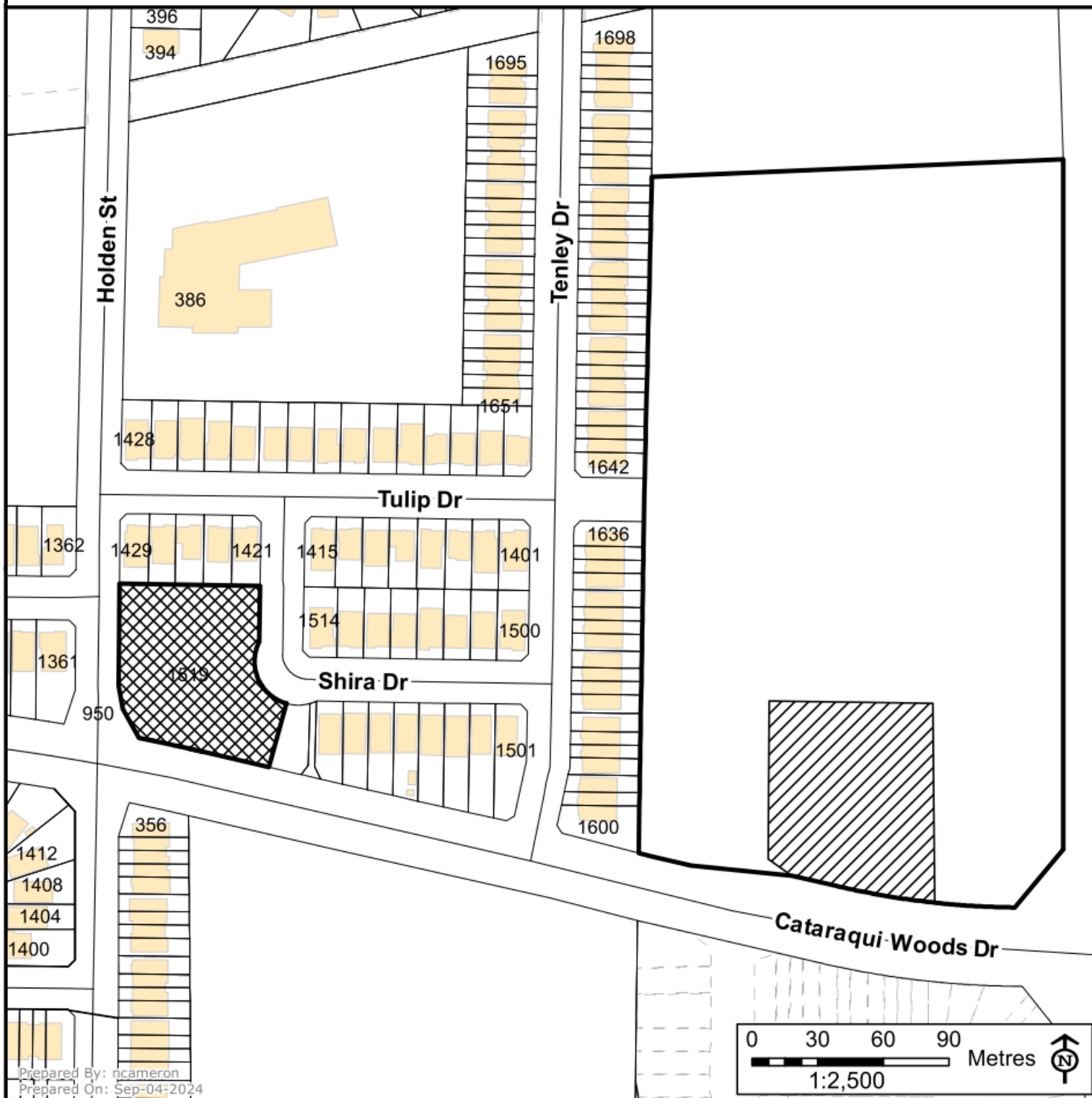
Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

Sch 1 New Zone

-  Lands to be Rezoned as CD
-  Lands to be Rezoned as UR3

Mayor

Clerk



Prepared By: ncameron
Prepared On: Sep-04-2024

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

Address: 1519 Shira Drive
File Number: D35-003-2024

Certificate of Authentication

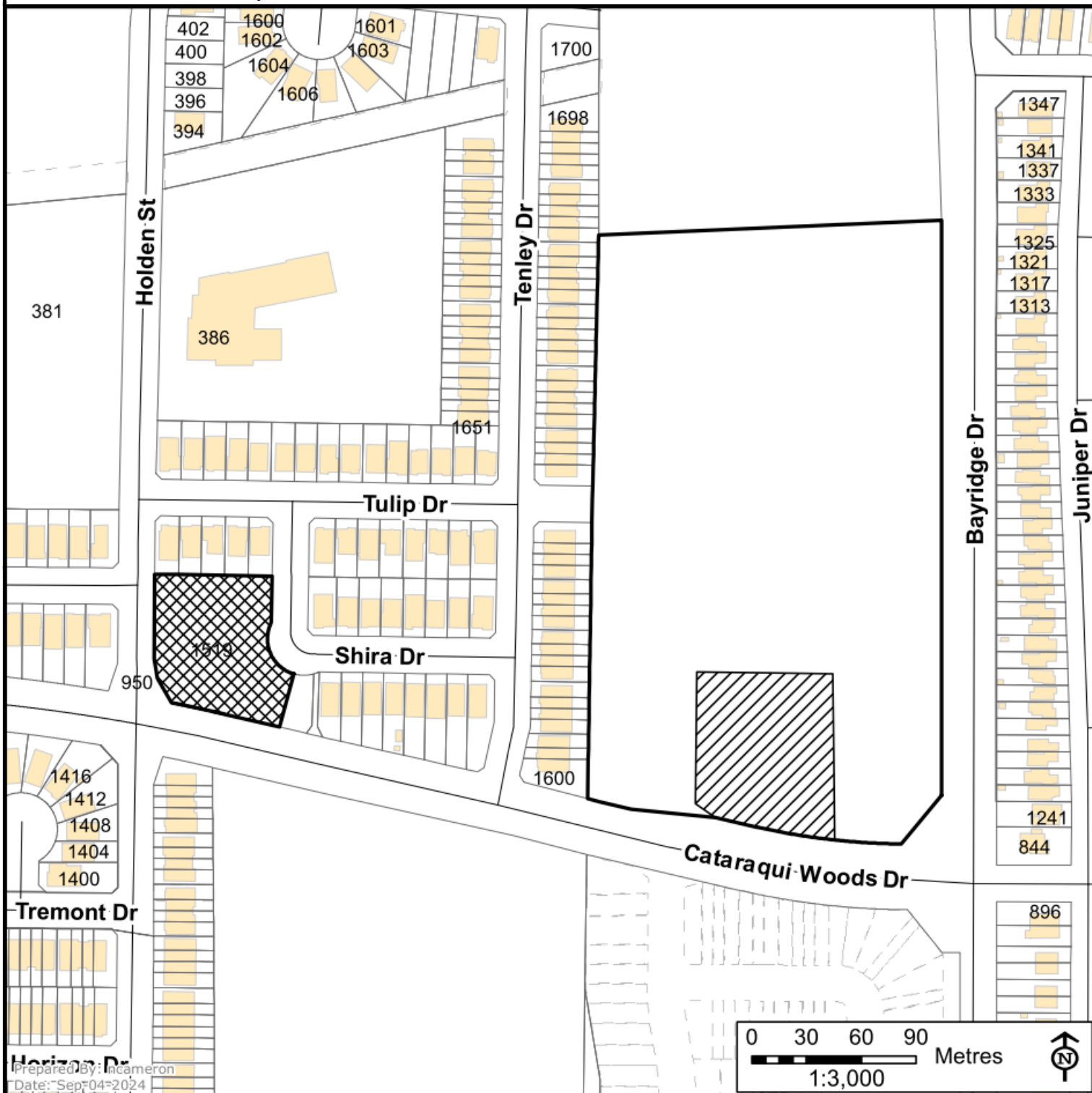
This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2024.

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

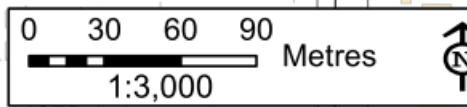
-  Lands to be removed from L288
-  Lands to be removed from E21 and added as E173

Mayor

Clerk



Prepared By: mcameron
Date: Sep 04 2024





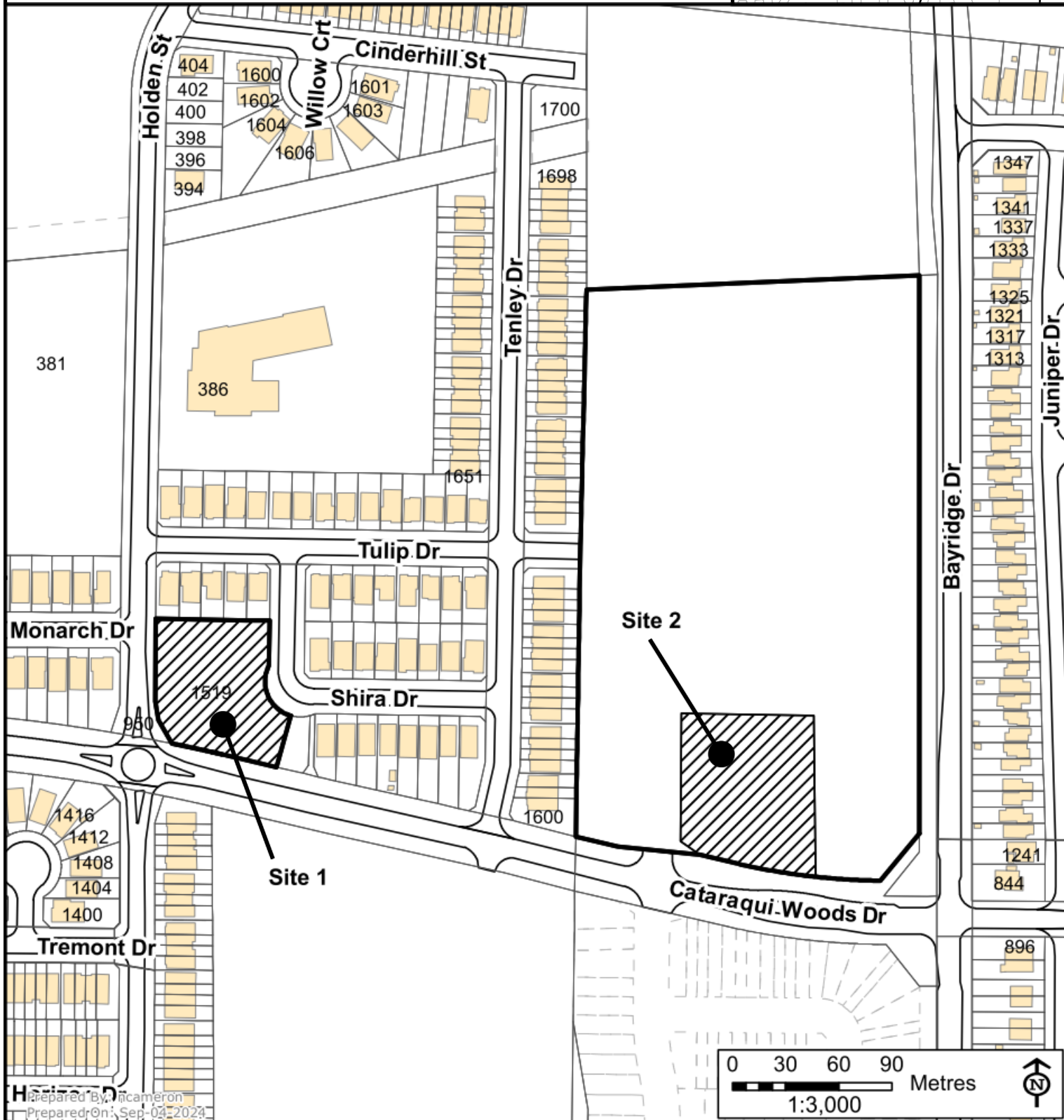
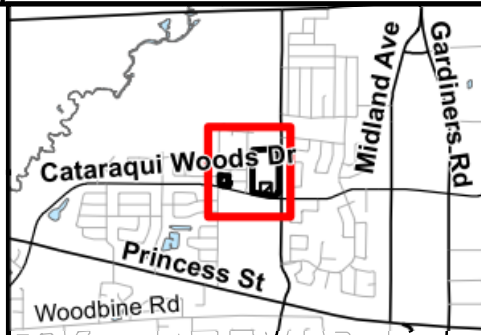
Planning Committee

Key Map

Address: 1519 Shira Drive
File Number: D35-003-2024
Prepared On: Sep-04-2024

Subject Lands

Area Subject to Re-Designation & Re-zoning



Prepared By: mcameron
Prepared On: Sep-04-2024

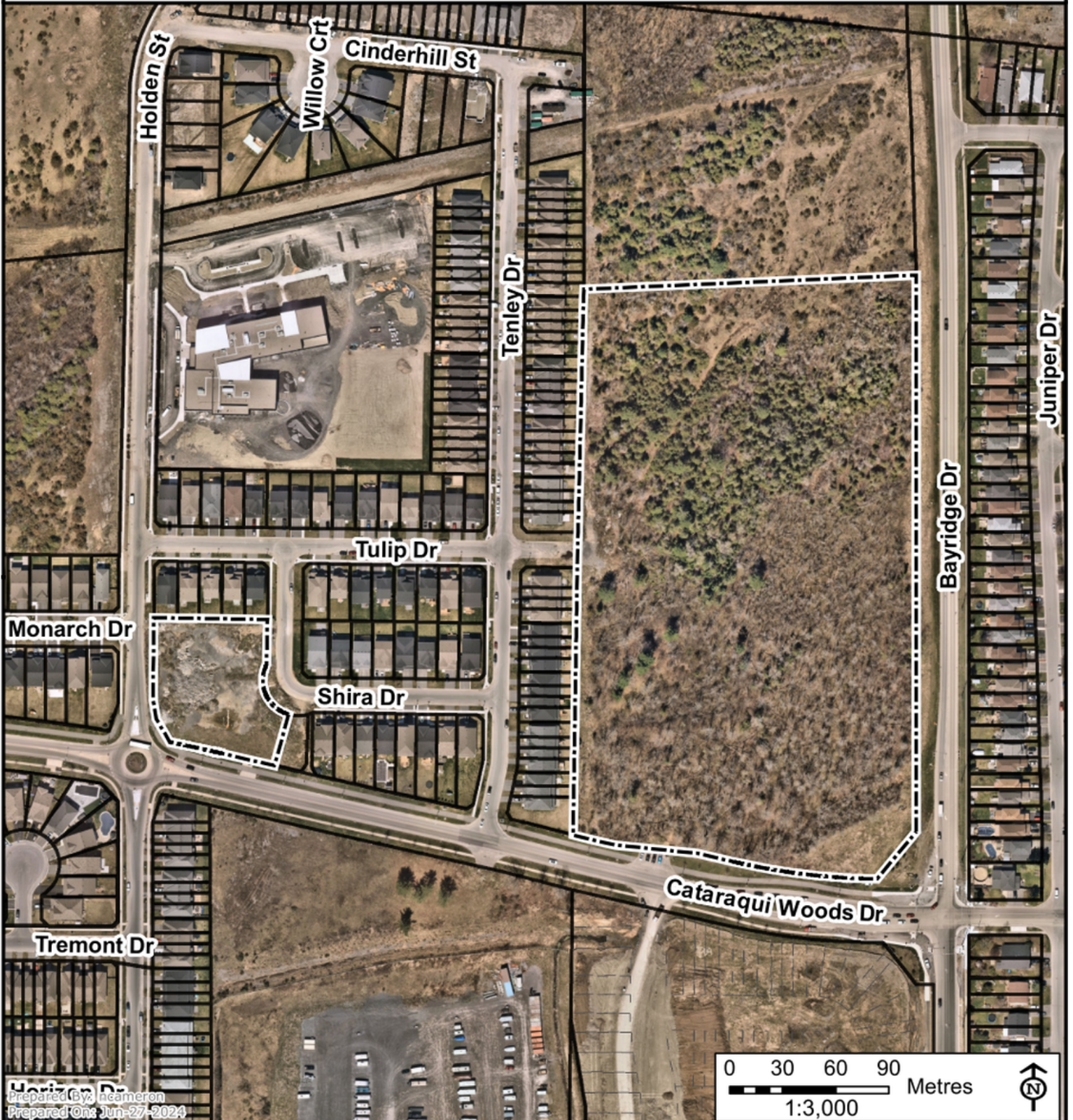
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Planning Committee
Neighbourhood Context

Address: 1519 Shira Drive
File Number: D35-003-2024
Prepared On: Jun-27-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: incameron
Prepared On: Jun-27-2024

Demonstration of How the Proposal is Consistent with the Provincial Planning Statement (2024)

Policy	Commentary
2.2 Housing	
<p>2.2.1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:</p> <ul style="list-style-type: none"> b) permitting and facilitating: <ul style="list-style-type: none"> 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3; c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations. 	<p>The proposed relocation of the commercial block would facilitate the early construction of an additional range of housing, in the form of single-detached dwellings, within the existing Woodhaven Phase 4 subdivision which already accommodates a range of single- and semi-detached dwellings and townhomes. The residential development (Site 1) makes use of an undeveloped commercial site which will be relocated to a slightly larger area of land closer to an Arterial Road.</p> <p>The residential density of the commercial block proposed for redesignation is 22 units per hectare which makes effective use of the irregular, 'L-shaped', corner lot. Within the context of the broader subdivision, the conversion of the commercial block to allow for 11 residential lots would have no impact on the overall density of 30 units per hectare. Based on the existing and surrounding density, and the fact that services already exist at Site 1, the development makes efficient use of land and infrastructure.</p> <p>At a later date, Site 2 would be developed in accordance with the prevailing Cataraqui West Secondary Plan policies and standard subdivision conditions at which point densities would be implemented to ensure the efficient use of land.</p> <p>Both sites are located on an existing transit route as well as a multi-use trail providing active transportation opportunities.</p> <p>As the commercial block has continued in an un-developed state, the intensification of this block would be consistent with the direction of the PPS.</p>

Policy	Commentary
2.8 Employment	
<p>2.8.1.1. Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; 	<p>The proposed amendments would allow for a slightly larger commercial block located at a more ideal location, in proximity to an Arterial Street. The commercial block is intended to provide for area residents and the more viable location would facilitate this.</p> <p>The proposed amendments would allow for a suite of uses which would provide a greater opportunity for employment.</p> <p>The commercial block continues to allow for a wide range of uses and allows for mixed-use developments to facilitate the development of complete communities.</p>
2.9 Energy Conservation, Air Quality and Climate Change	
<p>2.9.1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:</p> <ul style="list-style-type: none"> a) support the achievement of compact, transit-supportive, and complete communities; b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities; c) support energy conservation and efficiency; 	<p>See Section 2.2.1.</p> <p>Lot grading and drainage plans of the residential lots would be implemented through the amended subdivision agreement. Detailed design of the commercial block would be addressed through the standard subdivision process which would account for stormwater management and low impact development.</p>

Policy	Commentary
<p>d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and</p> <p>e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.</p>	
<p>3.5 Land Use Compatibility</p>	
<p>3.5.1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</p>	<p>The applicant has submitted a Noise Impact Study which established mitigation strategies for the sensitive (i.e., residential) land use to ensure compliance with provincial guidance set out in NPC-300. The recommendations will form a part of the amending subdivision agreement.</p>
<p>3.5.2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.</p>	<p>See 3.5.1.</p>

Policy	Commentary
3.6 Sewage, Water and Stormwater	
<p>3.6.2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.</p>	<p>Site 1 has immediate access to municipal services while Site 2 is located adjacent to core infrastructure which the future subdivision would connect into.</p>
<p>3.6.8. Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle; b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads; c) minimize erosion and changes in water balance including through the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and g) align with any comprehensive municipal plans for stormwater management that consider 	<p>Stormwater has been addressed for Site 1 through an update lot grading and drainage plan which will be implemented through the amending subdivision agreement. At a later date Site 2 will be developed in accordance with the City's standard subdivision design guidelines which will require appropriate stormwater management controls.</p>

Policy	Commentary
cumulative impacts of stormwater from development on a watershed scale.	
3.9 Public Spaces, Recreation, Parks, Trails and Open Space	
<p>3.9.1. Healthy, active, and inclusive communities should be promoted by:</p> <ul style="list-style-type: none"> a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; c) providing opportunities for public access to shorelines; and d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas. 	See Section 2.2.1.
4.1 Natural Heritage	
4.1.1. Natural features and areas shall be protected for the long term.	Site 1 is not occupied by any natural heritage features. Any natural heritage features associated with Site 2 would be appropriately protected through the standard development control processes.
4.6 Cultural Heritage and Archaeology	
4.6.1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.	Site 1 is has been fully cleared of Archaeology. Any archaeological features associated with Site 2 would be appropriately protected through the standard development control processes.

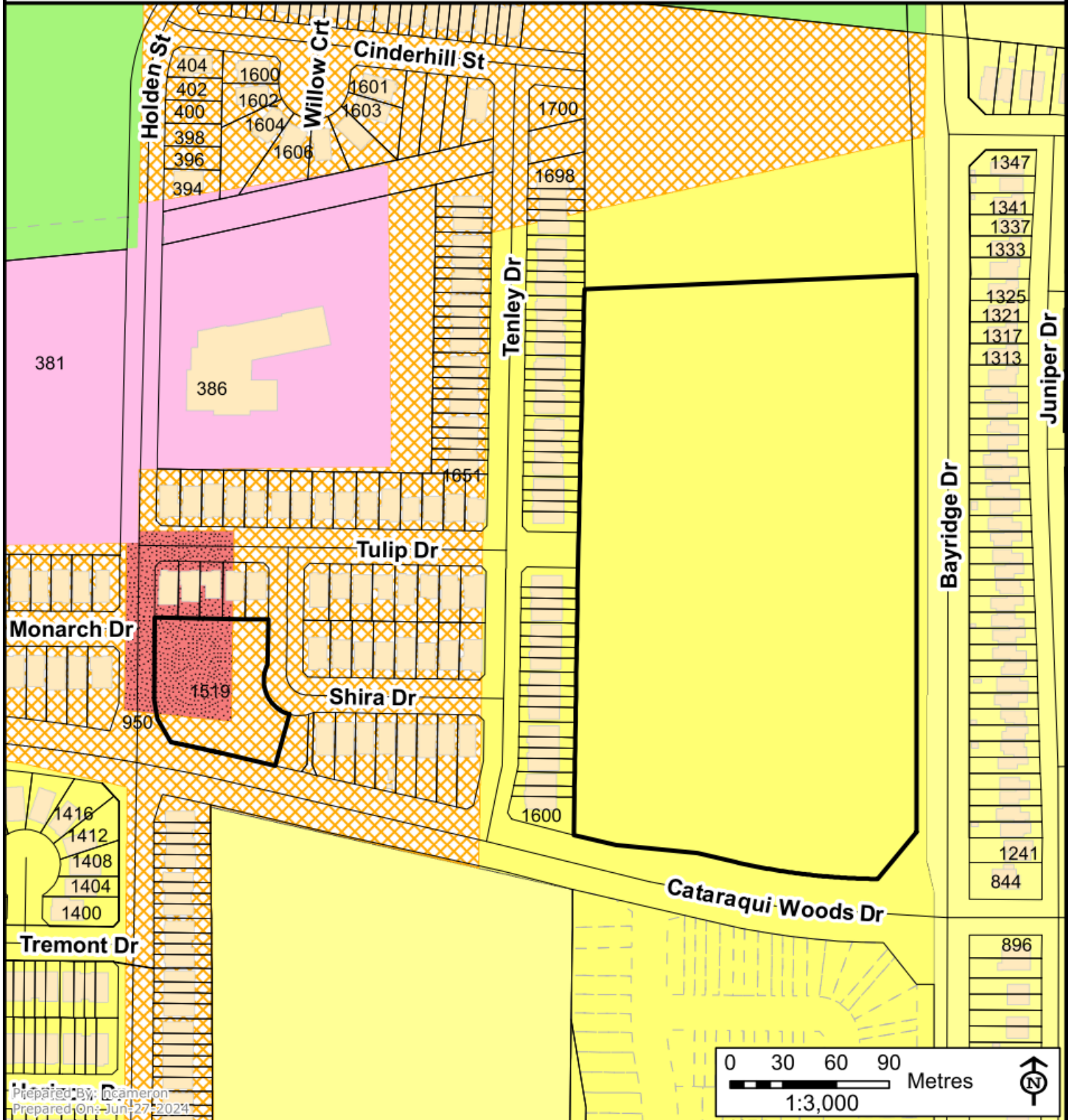
Policy	Commentary
4.6.2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.	See Section 4.6.1.
4.6.3. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.	See Section 4.6.1



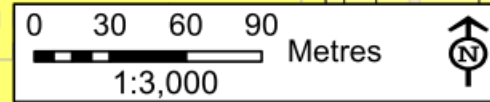
Planning Committee Official Plan, Existing Land Use

Address: 1519 Shira Drive
File Number: D35-003-2024
Prepared On: Jun-27-2024

- Subject Lands
- RESIDENTIAL
- SECONDARY PLAN AREA
- DISTRICT COMMERCIAL
- INSTITUTION
- LOW-RISE RESIDENTIAL
- MID-RISE RESIDENTIAL
- OPEN SPACE



Prepared By: R. Cameron
Prepared On: Jun-27-2024



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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Conformity with the Policy
Secondary Plan Objectives	
10D.1.2.a. create a safe, livable and healthy neighbourhood that has a sense of neighbourhood identity;	<p>The proposed relocation of the commercial block approximately 230 metres east of its current location where the site will be in close proximity to the intersection of a collector road (Cataraqi Woods Drive) and an arterial road (Bayridge Drive) is intended to increase the viability of the commercial block.</p> <p>The commercial block has proven challenging to develop at its current location, including at its former location at the southwest corner of Cataraqi Woods Drive and Holden Street, and measures taken to increase the viability of its future development will help ensure a community that provides the commercial amenities necessary to sustain a safe, livable and healthy neighbourhood that has a sense of neighbourhood identity.</p>
10D.1.2.b. create a neighbourhood that has a clear and cohesive physical structure that is harmonious and integrated with the existing adjacent neighbourhood;	<p>The proposed residential block (Site 1) is surrounded by similar residential uses and its development for this use would reinforce this structure in a harmonious manner. The relocated commercial block to Site 2 would bring the commercial development closer to an arterial street where this type of amenity forms a part of the typically expected form of development.</p>
10D.1.2.c. encourage the development of a neighbourhood centre that serves as a focus for neighbourhood activities. This may include a major park, community park, a neighbourhood centre, and educational institutions;	<p>See response in 10D.1.2.a</p>
10D.1.2.d. proceed with development in an environmentally sound and sustainable manner;	<p>Both sites are located on a Kingston Transit route and immediately front upon a multi-use pathway. The relocation of the commercial block will continue to reinforce the environmental sustainability of the development.</p>

Policy	Conformity with the Policy
<p>10D.1.2.e. encourage a neighbourhood development that takes advantage of the unique natural characteristics and features within and adjacent to it;</p>	<p>The relocated commercial block takes advantage of the arterial road while the residential block is located in closer proximity to the Kingston West Catholic Elementary School which is situated approximately 100 metres north of Site 1.</p>
<p>10D.1.2.f. encourage a variety of ground oriented housing forms and tenures which meet the needs of the population and which can respond to changes in the marketplace;</p>	<p>The 11 detached residential units will compliment existing suite of building typologies which exist within the Woodhaven Phase 4 subdivision which this block was initially a part of and consisted of single- and semi-detached homes and townhouse homes. The residential lots have the right to be developed with second, and third, additional residential units which would further increase the form and tenure within the subdivision including the ability to accommodate a wider range of housing affordability.</p>
<p>10D.1.2.g. Promote innovation in housing design, architecture, and site planning to foster a welcoming, people-friendly neighbourhood;</p>	<p>See response in 10D.1.2.f.</p>
<p>10D.1.2.h. encourage the development of a neighbourhood that is based on a high standard of urban barrier-free design on both public and private lands;</p>	<p>See response in 10D.1.2.d.</p>
<p>10D.1.2.i. preserve significant cultural heritage resources;</p>	<p>There are no significant cultural heritage resources associated with this site.</p>
<p>10D.1.2.j. encourage tree preservation practices so as to enhance the existing natural environment and the aesthetics of the built environment;</p>	<p>Site 1 does not have any substantive vegetation while Site 2 forms part of a larger block which will be cleared and graded to accommodate a future phase of the Woodhaven Master Planned community. The native vegetation at Site 2 will be replaced and/or compensated for with input from the City's forestry department.</p>
<p>10D.1.2.l. provide for the recreational needs of the neighbourhood and enhance the environment;</p>	<p>The site includes a 1.3 hectare area which accommodates a 0.46 hectare park and a 0.83 hectare open space storm water pond which will provide for active and passive recreation space</p>

Policy	Conformity with the Policy
10D.1.2.m. provide safe and integrated active transportation systems;	See response in 10D.1.2.d.
10D.1.2.n. provide for a balanced transportation system consisting of a hierarchy of roads, transit facilities, walkways and paths to accommodate efficient movement within the neighbourhood and beyond;	See response in 10D.1.2.d.
10D.1.2.o. encourage an urban form that is orderly, efficient and cost effective for servicing, stormwater management, transportation and public transit systems; and	<p>The proposed development of 11 homes on Site 1 will make better use of the existing commercial block which has failed to be developed into the City's commercial inventory. As existing infrastructure already services this block, the development of the residential lots will support an orderly and cost effective built form.</p> <p>The lands at Site 2 will be subdivided by way of the standard subdivision control processes in order to ensure that the layout and design of the subdivision will create an orderly and efficient built form.</p>
10D.1.2.p. encourage energy conservation through appropriate and efficient subdivision design and encourage the use of new technologies and best management practices.	The lands at Site 2 will be subdivided by way of the standard subdivision control processes.
10D.3 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;	See response in 10D.1.2.f.
10D.3.2.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;	See response in 10D.1.2.f.

Policy	Conformity with the Policy
<p>10D.3.2.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;</p>	<p>See response in 10D.1.2.f.</p>
<p>10D.3.2.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;</p>	<p>See response in 10D.1.2.h.</p>
<p>10D.3.2.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;</p>	<p>See response in 10D.1.2.f.</p>
<p>10.D.3.5. Within the Mid-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 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</p>	<p>The residential development of Site 1 would result in a density of 22 units per hectare which is marginally less than the 25 units per hectare minimum, but makes use of an irregular, ‘L-shaped’, corner lot. When viewed in the context of the initial Woodhaven Phase 4 subdivision which created this block, as well as 231 other residential lots, the development achieved a density of 30 units per net hectare which is well within the range set out in the Official Plan.</p> <p>The dwellings will be oriented towards Holden Street and Shira Drive ensuring a prominent building presence along the street.</p> <p>See also response in 10D.1.2.f.</p>

Policy	Conformity with the Policy
<p>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-Rise Residential areas.</p>	
<p>Commercial Policies</p>	
<p>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.</p>	<p>In order to achieve the overall development goals of the Cataraqui West Secondary Plan of a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its residents the commercial block is being moved 230 metres east of the Holden Street intersection to better facilitate a viable commercial space.</p> <p>See also response in 10D.1.2.a</p>
<p>Principles to be considered in the zoning and <i>development</i> of land in the District Commercial designation are:</p> <ul style="list-style-type: none"> 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 	<p>The relocated commercial block does not fundamentally change the uses permitted or the maximum size of commercial uses, but rather updates several of the definitions to be consistent with that of the Kingston Zoning By-law.</p>

Policy	Conformity with the Policy
<p>i. should commercial service uses not be proposed for the District Commercial area following the commencement of construction of two thousand (2,000) <i>residential units</i> within the Cataraqui West neighbourhood, the lands may then be developed in accordance with the Medium Density Residential designation without the need to amend this Plan.</p>	
Urban Areas – Focus of Growth	
<p>2.1.1. Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; e. direction of new development and key land uses to areas where they can best result in sustainable practices; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; k. climate positive development; 	<p>The proposed development is located within the Urban Boundary and represents an appropriate density.</p> <p>Both of the sites abut existing transit routes as well as a multi-use pathway which will help foster transit and active transportation.</p> <p>The relocated commercial block is intended to address ongoing issues related to the site’s viability and would address the needs of the community only if the site is economically viable.</p> <p>Site 1 is already connected to municipal services, while the development at Site 2 will connect to existing City services as part of the planned servicing for the future phase of the subdivision. This will help to maximize City investments.</p> <p>See also response in 10D.1.2.o</p>
<p>2.1.4. In reviewing development applications, the City will promote sustainability through:</p> <ul style="list-style-type: none"> a. encouragement of green building design to reduce greenhouse gases by adopting: <ul style="list-style-type: none"> • energy efficient construction; • renewable sources of energy for lighting and heating; • natural lighting; • design that reduces water consumption; 	<p>The proposed development represents the buildout and intensification of lands within the Urban Boundary. As such, the proposed development will improve the efficient use of available land within the urban boundary, as well as the efficient use of existing municipal servicing capacity and transportation infrastructure and services.</p> <p>The lot grading and drainage plans have been designed to accommodate the necessary storm water management controls. At such time as Site 2 is developed, the plan of subdivision</p>

Policy	Conformity with the Policy
<ul style="list-style-type: none"> • design which minimizes discharge into the sanitary sewers; and • design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use. b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat; d. construction and operational practices that minimize waste and maximize re-use of resources; e. practices that conserve or recycle materials, energy, or other resources; f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking; i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term; k. development that suits the demographic and/or socio-economic needs of the community. 	<p>would include a street tree planting plan to compensate for any loss in tree coverage.</p>
Urban Boundary	
<p>2.2.4. The Urban Boundary shown by the dashed line on Schedule 2 has been established to recognize the substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the</p>	<p>See response in Section 2.1.1.</p>

Policy	Conformity with the Policy
<p>Urban Boundary is subject to site-specific urban growth management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth.</p>	
Growth Focus	
<p>2.3.1. The focus of the City’s growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston’s Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.</p>	<p>See response in Section 2.1.1.</p>
Transportation	
<p>2.3.11. In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.</p>	<p>See response in 10D.1.2.d.</p>
Phasing of Growth - Vision	
<p>2.4.1. The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to:</p> <ul style="list-style-type: none"> a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit; d. conserve agriculture and natural resources within the City; and 	<p>See response in Section 2.1.1.</p>

Policy	Conformity with the Policy
<p>e. reduce reliance on private vehicles.</p>	
<p>2.4.2. It is the intent of this Plan to be consistent with <i>Provincial Policy</i>. <i>Provincial Policy</i> 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.</p>	<p>A review of the development proposal concludes that it is in conformity with the Provincial Planning Statement. For a detailed examination of the applicable policies, please see Exhibit E.</p>
<p>2.4.3. It is the intent of this Plan to achieve an increase in the City’s net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	<p>See Section 2.3.2.</p>
<p>2.4.6. Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows: a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;</p>	<p>The subject site is located within the urban boundary. See Section 2.1.1.</p>

Policy	Conformity with the Policy
Phasing of Municipal Infrastructure and Transportation	
2.5.8. Where intensification is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional development.	The proposal was circulated to all relevant departments and agencies and it was confirmed that there is sufficient service capacity to accommodate the proposed development.
2.5.10. In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity and improve environmental conditions	See Section 2.3.11.
2.5.11. The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.	The site is serviced with existing nearby transit opportunities.
Locational Criteria for Residential Development	
2.6.4. New low-rise residential buildings are appropriate in existing low-rise residential areas and in greenfield areas that have been	The detached dwellings proposed for Site 1 constitute a low rise form of development within an area where similar low-rise development already exist.

Policy	Conformity with the Policy
planned for low-rise residential through the policies of this Plan.	
<p>2.6.5. New mid-rise residential buildings should generally be located:</p> <ul style="list-style-type: none"> 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. 	Both sites meet the locational criteria for mid-rise development. Site 2 would allow for an apartment building or mixed-use building of up to six-storeys in addition to the commercial uses allowed on what is currently Site 1.
Land Use Compatibility Principles	
<p>2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	See Section 2.7.3.
<p>2.7.2. The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	See Section 2.7.3.
<p>2.7.3. The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook; 	The proposed zoning of Site 1 is consistent with that of the surrounding area and will not result in any undue shadowing, privacy concerns, or other adverse impacts. The relocated commercial block is on the north side of Cataraqui Woods Drive within an as-yet-to-be developed plan of subdivision which will factor in

Policy	Conformity with the Policy
<p>c. increased levels of light pollution, noise, odour, dust or vibration;</p> <p>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;</p> <p>f. environmental damage or degradation;</p> <p>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</p> <p>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;</p> <p>i. visual intrusion that disrupts the streetscape or buildings;</p> <p>j. degradation of cultural heritage resources;</p> <p>k. architectural incompatibility in terms of scale, style, massing and colour;</p> <p>l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents; or</p> <p>m. adverse effects on neighbouring properties related to stormwater management or drainage.</p>	<p>compatibility considerations. As a result of the location of Site 2 being on the north side of Catarauqui Woods Drive shadowing or privacy concerns related to the subdivision of lands currently being developed on the lands south of the site are minimized.</p> <p>See also response in Section 2.1.4.</p>
<p>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:</p> <p>a. ensuring adequate setbacks and minimum yard requirements;</p> <p>b. establishing appropriate transition in building heights, coverage, and massing;</p>	<p>The recommended measures and designs set out in the lot grading and drainage plans and the noise impact study prepared for Site 1 would be incorporated into the Amending Subdivision Agreement.</p> <p>To the extent any mitigation measures are necessary through the development of Site 2, these items would be addressed at either the Subdivision process or the Site Plan Control</p>

Policy	Conformity with the Policy
<p>d. designing the building in a way that minimizes adverse effects;</p> <p>e. maintaining mature vegetation and/or additional new landscaping requirements;</p> <p>f. controlling access locations, driveways, service areas and activity areas; and,</p> <p>g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.</p>	<p>process when development is proposed for the site.</p>
<p>2.7.6. Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <p>a. suitable scale, massing and density in relation to existing built fabric;</p> <p>b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program;</p> <p>c. adequate land area and appropriate site configuration or provision for land assembly, as required;</p> <p>d. efficient use of municipal services, including transit;</p> <p>e. appropriate infill of vacant or under-utilized land; and,</p> <p>f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and parking and</p>	<p>The proposed development amounts to the relocation of existing, planned, commercial and residential development.</p> <p>See response in Section 10D.1.2.a. and 10D.1.2.o.</p>

Policy	Conformity with the Policy
secure and appropriate bicycle facilities.	
Residential Uses	
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>See Section 2.5.8. See Section 2.7.4. See Section 2.7.3.</p>
<p>3.3.8 Within the urban boundary, intensification through moderate increases in building height or density, and gradual transition to more intense forms of housing may be approved at the edge of neighbourhoods, adjacent to transit routes, community facilities, significant areas of open space or adjacent to mixed-use Centres and Corridors.</p>	<p>See Section 2.1.1.</p>
Commercial Uses	
<p>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</p>	<p>The zoning for the relocated commercial block has been drafted to maintain the same type of uses as currently exist but using consistent language used within the Kingston Zoning By-law</p>

Policy	Conformity with the Policy
the implementing zoning by-law.	
<p>3.4.3. Small-scale, local commercial uses such as a convenience shop, coffee shop, hairdresser or barber may be permitted within Residential designations, 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.</p>	See section 3.4.2.
<p>3.4.4. Residential uses permitted will vary according to the policies of the individual designations.</p>	See section 3.4.2.
<p>3.4.5. Prohibited uses in a Commercial designation generally include single detached or semi-detached dwellings, long term outdoor storage, collision repair or towing yards, and industrial uses.</p>	See section 3.4.2.
<p>3.4.6. In order to maintain the significance and vitality of the Central Business District, the City may limit the size or extent of uses necessary to support the CBD, such as offices and entertainment uses, in other locations in the City. The City will monitor the proportion of new office development locating in Employment Areas relative to the Central Business District and may, subject to the results of a detailed study, set thresholds on the amount of office development in Employment Areas if the study has determined that office development in Employment Areas may be undermining the vitality of existing office space or the development of new office space in the Central Business District.</p>	The relocated commercial block is of marginally larger size (i.e., 0.6 hectares versus 0.5 hectares) which is not anticipated to have an impact on the commercial hierarchy which exists through the City.

Policy	Conformity with the Policy
<p>3.4.9. The City will require a proponent to conduct a commercial inventory assessment to the satisfaction of the City when proposing to convert lands from a Business Park Industrial or General Industrial designation to a Commercial designation. Additional studies will also be required when proposing to re-designate employment land, as per the policies of Section 3.6 of this Plan. The City may also require a proponent to conduct a commercial inventory assessment to the satisfaction of the City when proposing to convert lands from any other designation to a new Commercial designation and a demonstration of why the proposed use cannot be accommodated on an existing commercially designated property.</p>	<p>See Section 3.4.6.</p>
<p>3.4.10. Outside of the Central Business District, proponents of any new or expanded Commercial designation that proposes commercial development greater than 5,000 square metres in floor area, including an expansion of a Commercial designation or a proposal requiring a zoning by-law amendment to increase the floor area within a current Commercial designation by 5,000 square metres or more, must submit a market justification study and impact assessment, site plan, a transportation study undertaken to the satisfaction of Council, and other studies that the City deems necessary as outlined in Section 9.12.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

Policy	Conformity with the Policy
<p>3.4.11. The market justification study and impact assessment must demonstrate to Council's satisfaction that:</p> <ul style="list-style-type: none"> a. the type and size of the proposed facilities are warranted; b. there will be no negative impact on the Central Business District and that its market opportunity and value to the community as a commercial core will not be seriously impaired; c. the planned function of existing or approved sites in the retail hierarchy within the relevant trade area will not be undermined; and, d. the geographic distribution of commercial functions and facilities will continue to provide convenient service to all residents of the relevant trade area. 	<p>At this time a market justification study and impact assessment is not required.</p> <p>See also Section 3.4.2 and Section 3.4.6.</p>
District Commercial	
<p>3.4.D.2. In order to provide locally convenient service to the public, it is desirable to maintain the function of District Commercial designations in dispersed locations throughout the City. It is the policy of this Plan to provide for additional floor space primarily through the expansion or <i>development</i> of existing District Commercial sites as shown on Schedule 3, or as part of a future community, through designation in a secondary plan.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p>3.4.D.3. A District Commercial designation is generally between 2 and 12 hectares in size with a leasable area between 5,000 square metres and 30,000 square metres. While some existing centres in the City are smaller, the Kingston Centre exceeds these provisions. District</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

Policy	Conformity with the Policy
<p>Commercial designations may be in the form of a plaza with linked units or other format that meets the requirements of Sections 3.4.9, 3.4.10 and 3.4.11 to the satisfaction of the City.</p>	
<p>3.4.D.5. Any new District Commercial development or expansion will be required to:</p> <ul style="list-style-type: none"> a. locate adjacent to an arterial or collector road that is in proximity to medium 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. 	<p>See Section 3.4.2 and Section 3.4.6.</p>
Neighbourhood Commercial	
<p>3.4.F.2. The neighbourhood commercial land use is intended to provide small-scale convenience goods and services catering to residents in the immediate area who are generally within walking distance, and for this reason, such uses are not shown on Schedule 3 of this Plan.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

Policy	Conformity with the Policy
<p>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 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.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p>3.4.F.4. The number of locations and size of neighbourhood commercial establishments that are permitted will be strictly limited and will be sufficient only for the convenience needs of the local area. Neighbourhood commercial uses are not intended to be used to expand any other Commercial designation of this Plan.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p>3.4.F.5. Neighbourhood commercial uses will generally be located on the corner of a collector street. The residential amenity of the surrounding neighbourhood will be maintained or enhanced through design, accessibility, limited size of uses, siting of parking or service areas, landscaping, lighting, and access locations. Such matters will be regulated through site plan control review.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p>3.4.F.6. Any proposal for a new neighbourhood commercial use in a Residential designation shall be assessed subject to the following considerations:</p> <p>a. the proposed commercial use must demonstrate compatibility with adjacent residential uses as outlined in Section 2.7 of this Plan;</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

Policy	Conformity with the Policy
<p>b. buffering may be required between a proposed neighbourhood commercial use and abutting residential uses;</p> <p>c. advertising and associated signs and exterior lighting must be designed and situated on the site so as to be compatible with adjoining residential uses;</p> <p>d. the placement of all signage must be in accordance with the City's Sign By-law;</p> <p>e. outdoor storage of goods and materials is not permitted;</p> <p>f. parking is encouraged to be located at the rear or side of buildings;</p> <p>g. the principal entrance must be oriented to the street;</p> <p>h. building and site design must complement and contribute to a safe and desirable neighbourhood character; and</p> <p>i. a convenient, accessible and appealing streetscape is encouraged between the front of the building and the street curb.</p>	
Open Space	
<p>3.8.13. In accordance with the Planning Act and the policies of this Plan, the City requires as a condition of development, a land dedication to be conveyed to the municipality for park or other public recreational purposes. This can amount to up to 2 percent of the total land area in the case of land proposed for industrial or commercial development, and an amount of up to 5 percent in the case of land proposed for residential development. These provisions apply</p>	<p>Parkland will be secured through the standard processes under the Planning Act and the City's Parkland Dedication By-law</p>

Policy	Conformity with the Policy
<p>unless an alternative cash-in-lieu contribution is approved by the City, or a higher dedication is required for more intensive residential development, as required under Section 3.8.15.</p>	
<p>3.8.16. The City may request cash-in-lieu for all or part of any required land dedication under the Planning Act under the following circumstances:</p> <ul style="list-style-type: none"> a. where the parcel of land is either too small or poorly located to meet parkland needs; b. in an area that has excess parklands; c. where the condition of the land is unsuitable for park purposes; d. where no opportunity exists to enlarge existing neighbourhood parks; e. where there is no opportunity to obtain useful waterfront land; f. where a large development project is within reasonable walking distance to an existing park, provided that the trip does not involve crossing an arterial road; and, g. where the provision of cash-in-lieu from a large project would not result in an overload to the existing park(s) 	<p>See Section 3.8.13.</p>
<p>General Policies</p>	
<p>4.1.1. New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>	<p>See Section 2.5.8.</p>

Policy	Conformity with the Policy
Stormwater Management	
4.3.4. For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the management of stormwater from the existing development areas.	See response in Section 2.1.1.
Transportation	
4.6.1. As described in Section 2.5.11 of this Plan, the City intends to foster sustainability within the community and to reduce reliance on the automobile by satisfying travel demand through the efficient use of the existing infrastructure, and by providing the facilities and services to encourage walking, cycling and transit as priority universally accessed modes of travel, before expanding the City's road infrastructure.	See Section 2.3.11.
4.6.10. Improving connections between active transportation and transit will be required through such means as improved pedestrian amenities, connected on and off street cycling routes, bicycle storage, improved transit routing and amenities, and such site plan control matters as locating building entrances near sidewalks and transit stops, and providing weather protection for people using all modes of travel including transit users.	There are sidewalks along both Cataraqui Woods Drive and Bayridge Drive as well as a multi-use pathway.
4.6.28. The City will augment its program of landscaping and street tree planting and replacement in many parts of the City to enhance the	Street tree planting plans will be required through the final plan of subdivision application at such time as the Site 2 lands are developed.

Policy	Conformity with the Policy
streetscape, particularly within the Urban Boundary.	
4.6.38. Specific means of encouraging transit use include, but are not limited to: a. the careful location, design and site planning of high intensity uses;	The additional infill of the site will potentially help to increase the ridership of the proposed transit line in the near proximity to the site.
4.6.47. It is the intention of this Plan to encourage a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation.	Parking in accordance with the Zoning By-law is accommodated on site.
4.6.48. Parking areas will be provided for any land use in the City as specified by the zoning by-law. Special provisions to accommodate those with disabilities will be provided in all zones.	Accessible parking will be provided on the individual driveways as necessary.
4.6.61. The zoning by-law will be used to regulate the supply of accessible parking as required by provincial legislation. The location of accessible parking spaces shall provide enhanced accessibility through a consideration of factors including, but not limited to, the distance between parking spaces and accessible building entrances, security of the parking area, lighting of the area, protection from the weather, and ease of maintenance.	There are no dedicated accessible parking spaces within the proposed development which is consistent with other ground-oriented developments in Kingston that have the benefit of a driveway.
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	A noise study for Site 1 was submitted with the application and deemed acceptable by the City Engineering Department.

Policy	Conformity with the Policy
<p>satisfaction of the City. The study must be conducted by a qualified person in accordance with 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.</p>	
<p>Energy Conservation and Production</p>	
<p>6.2.2. The City promotes landscaping and tree planting programs that help to moderate summer and winter micro-climatic conditions.</p>	<p>See Section 4.6.28.</p>
<p>6.2.13. The City promotes intensification based on principles of minimizing energy consumption through attention to building design and the design and installation of infrastructure, and densities that support active transportation and transit.</p>	<p>See Section 2.1.1.</p>
<p>Guiding Principles for Development of Residential Lots</p>	
<p>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:</p> <ul style="list-style-type: none"> a. protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan); b. foster developments that are context appropriate; c. foster attractive developments which add to the existing sense of place; d. provide a variety of housing types; 	<p>See Section 2.6.3. and 10.D.3.4.</p>

Policy	Conformity with the Policy
<p>e. ensure compact, accessible mixed-use development;</p> <p>f. encourage environmentally sustainable development; and,</p> <p>g. integrate and highlight cultural heritage resources.</p>	
Accessibility and Safety	
<p>8.4. Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <p>a. providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;</p> <p>c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;</p> <p>e. providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places;</p> <p>f. promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>	<p>The development is for ground-oriented residential uses. The sidewalk throughout the site are 1.2 metres in width which meets AODA standards.</p> <p>Building entrances are clearly defined through garages and front doors.</p> <p>Adequate walkway widths are provided throughout the site.</p> <p>See also 10D.1.2.a.</p>

Policy	Conformity with the Policy
New Development	
<p>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:</p> <p>a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;</p> <p>b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development;</p>	<p>The design of the development is consistent with surround ground-oriented residential uses. The massing, scale, setbacks, etc. are compatible with the development of surrounding lands. Additional design elements will be considered through the final plan of subdivision and condominium.</p> <p>The site does not contain any significant natural or cultural heritage features.</p>
By-Laws	
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</p> <p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future</p>	<p>The proposal is for the relocation of the existing commercial block to a more viable location closer to an arterial street which is generally more conducive to commercial development; no substantive changes to the uses permitted are proposed and the relocation is consistent with the overall policies of the Official Plan.</p> <p>The surrounding area of Site 1 already accommodates similar residential development and there are no compatibility concerns. Site 2 is currently vacant and to the north of an subdivision currently being developed and there are no issues with incompatibility that cannot be accommodated through the standard subdivision and site plan control processes.</p> <p>As the sites relocate existing and planned development, the uses have already been</p>

Policy	Conformity with the Policy
<p>planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>	<p>warranted and justified, with the sites only being relocated.</p> <p>The development will not create a precedent given that the site is designated for residential use.</p>
Land Division	
<p>9.6.4. Plans of subdivision must conform to the policies of this Plan, and to Provincial Policy, as amended, and other requirements of senior levels of government. Council must be satisfied that:</p> <p>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;</p> <p>b. the proposed subdivision has been designed to integrate compatibly with transit and the broader transportation</p>	<p>The development is located within the urban boundary and will have adequate access to Municipal infrastructure and services. The sites have access to transit opportunities and a multi-use pathway.</p> <p>The development will not negatively impact any natural heritage features and natural hazards will be avoided. The development addresses issues of energy conservation and sustainability by developing a compact built form preventing further outward expansion of the Urban Boundary.</p>

Policy	Conformity with the Policy
<p>system, adjacent existing and planned land uses, and both the natural heritage system, and cultural heritage resources;</p> <p>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;</p> <p>d. the proposed development addresses issues of energy conservation and sustainability;</p>	

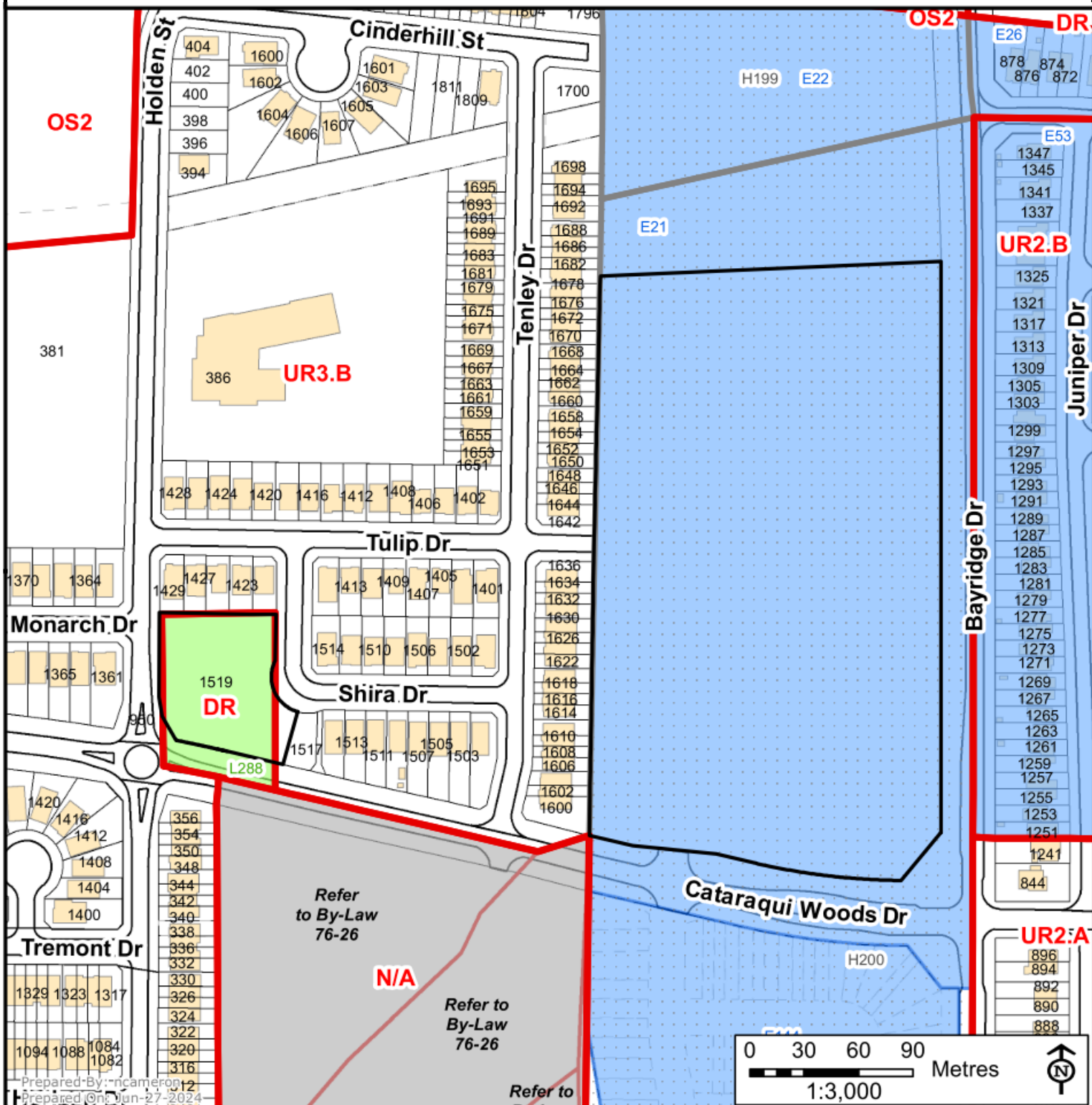


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 1519 Shira Drive
File Number: D35-003-2024
Prepared On: Jun-27-2024

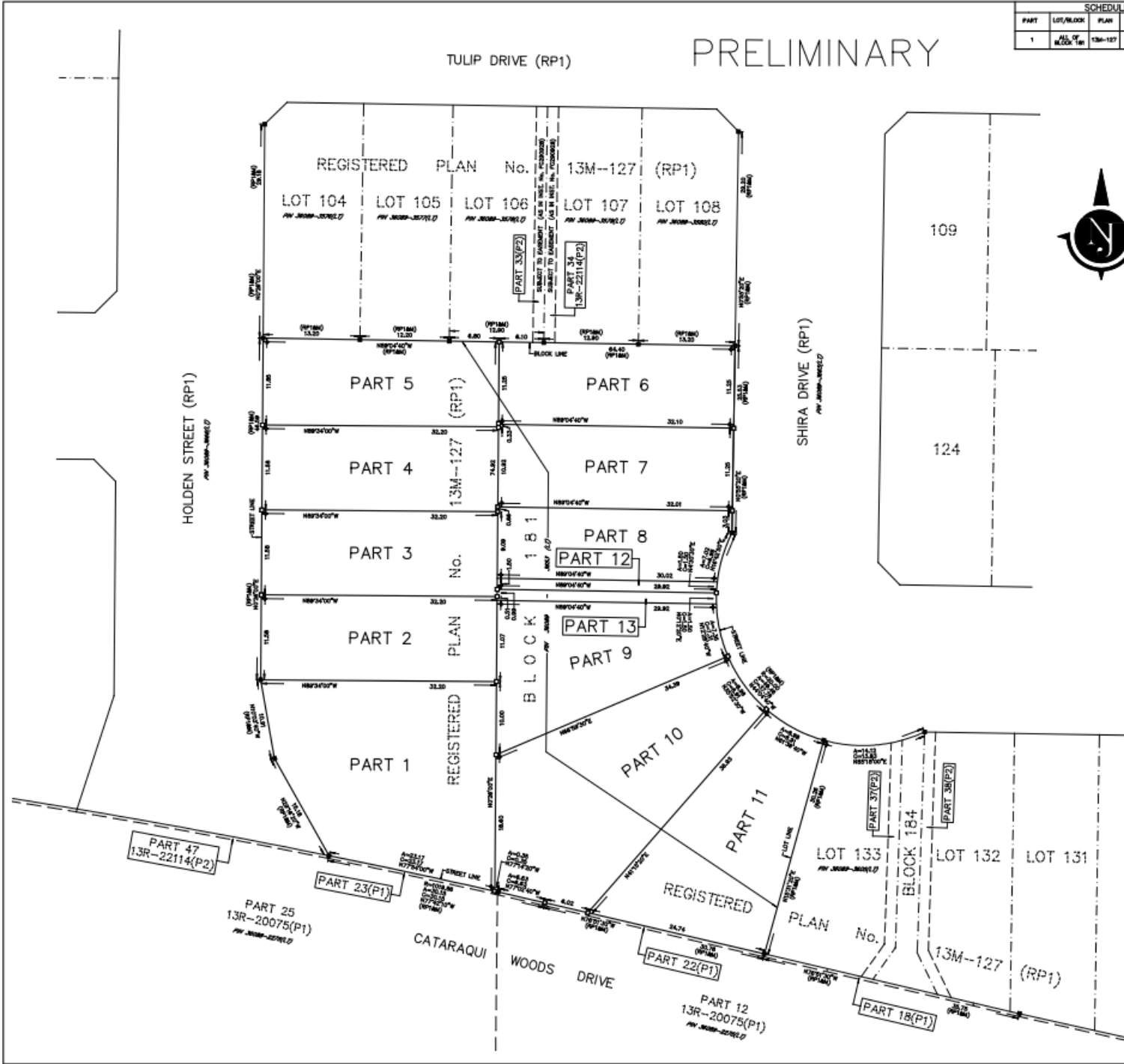
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: ncameron
Prepared On: Jun-27-2024
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PRELIMINARY

SCHEDULE			
PART	LOT/BLOCK	PLAN	FW
1	ALL OF BLOCK 181	13M-127	REVIS ALL OF FW 30266-30251(1)



PLAN OF SURVEY
OF BLOCK 181
REGISTERED PLAN No. 13M-127
CITY OF KINGSTON
(GEOGRAPHIC TOWNSHIP OF KINGSTON)
COUNTY OF FRONTENAC
SCALE: 1 : 250



THE INTENDED PLOT SIZE OF THIS PLAN IS 60MM IN HEIGHT BY 81MM IN WIDTH WHEN PLOTTED AT A SCALE OF 1:250

METRIC
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

HOPKINS CHITTY LAND SURVEYORS INC.
2024

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TILES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 10TH DAY OF JUNE 2024.

JUNE 10, 2024
DATE
LESLIE M. HOODS
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADSL SUBMISSION FORM NUMBER V-79499

NOTE & LEGEND:
BEARINGS SHOWN HEREIN ARE GRID BEARINGS REFERRED TO THE CENTRAL MERIDIAN 76° WEST, ZONE 18, OF NAD 83 (USNS ADJUSTMENT), & THE COORDINATE SYSTEM (USNS ELLIPSOID) AND ARE CORRECTED FROM HORIZONTAL CONTROL POINTS 02198250, 02198260 & 0219826000

POINT ID	NORTHING (M)	EASTING (M)
0219826001	488728.895	375946.433
0219826016	488861.683	323861.804
0219826003	488484.771	334827.790

COMBINED SCALE FACTOR: 0.999782861

ALL DISTANCES SHOWN HEREIN ARE HORIZONTAL GROUND DISTANCES. GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF SUBSEQUENT.

INFORMATION COORDINATE LABELS
OBSERVED REFERENCE POINT(S) DERIVED FROM GPS OBSERVATIONS 15MIN FROM THE DEMARCATION BOUNDARY AND BOUND MARKERS COORDINATED TO HORIZONTAL ACCURACY PER SEC. 14 (2) OF OREG. 246/73

POINT ID	NORTHING (M)	EASTING (M)
ORP A	000000	000000
ORP B	000000	000000
ORP C	000000	000000

COORDINATE QUANTITY IS THE RESULT OF APPLYING THE ESTABLISHED CORRECTION ON THIS PLAN.

SYMBOL	INDICATES	SURVEY MONUMENT PLANTED
SB	•	SURVEY MONUMENT FOUND
SB*	•	SHORT STAGNATED IRON BAR
SB**	•	STANDARD IRON BAR
SB***	•	IRON BAR
WT	•	WITNESS
CALC	•	CALCULATED
S	•	SET
M	•	MEASURED
13M	•	LESLIE M. HOODS/CHITTY
13M*	•	HOPKINS CHITTY LAND SURVEYORS INC.
RP1	•	REGISTERED PLAN No. 13M-127
P1	•	PLAN 13R-20075
P2	•	PLAN 13R-22114

DATED JUNE 10, 2024
PARTY DESIG: [] INSTRUMENT: [] CHECKED BY: [] PLAN BY: []
HOPKINS CHITTY LAND SURVEYORS INC.
1224 SANDHURST BOULEVARD, SUITE 105
KINGSTON, ONTARIO K7M 5G5
813.344-2024 (1-800-343-2023) www.hopkinschitty.com
FILE: KTN 13M-127, BL181 2021-0173 GND RPLAN COM BLC

Site Photos

Site 1 – View from Holden Street looking Northeast toward subject lands



Site 1 – View from Holden Street looking North toward subject lands



**Site 2 – View from future Shadybrooke Street (Woodhaven Phase 5-1) looking
Northeast toward subject lands**

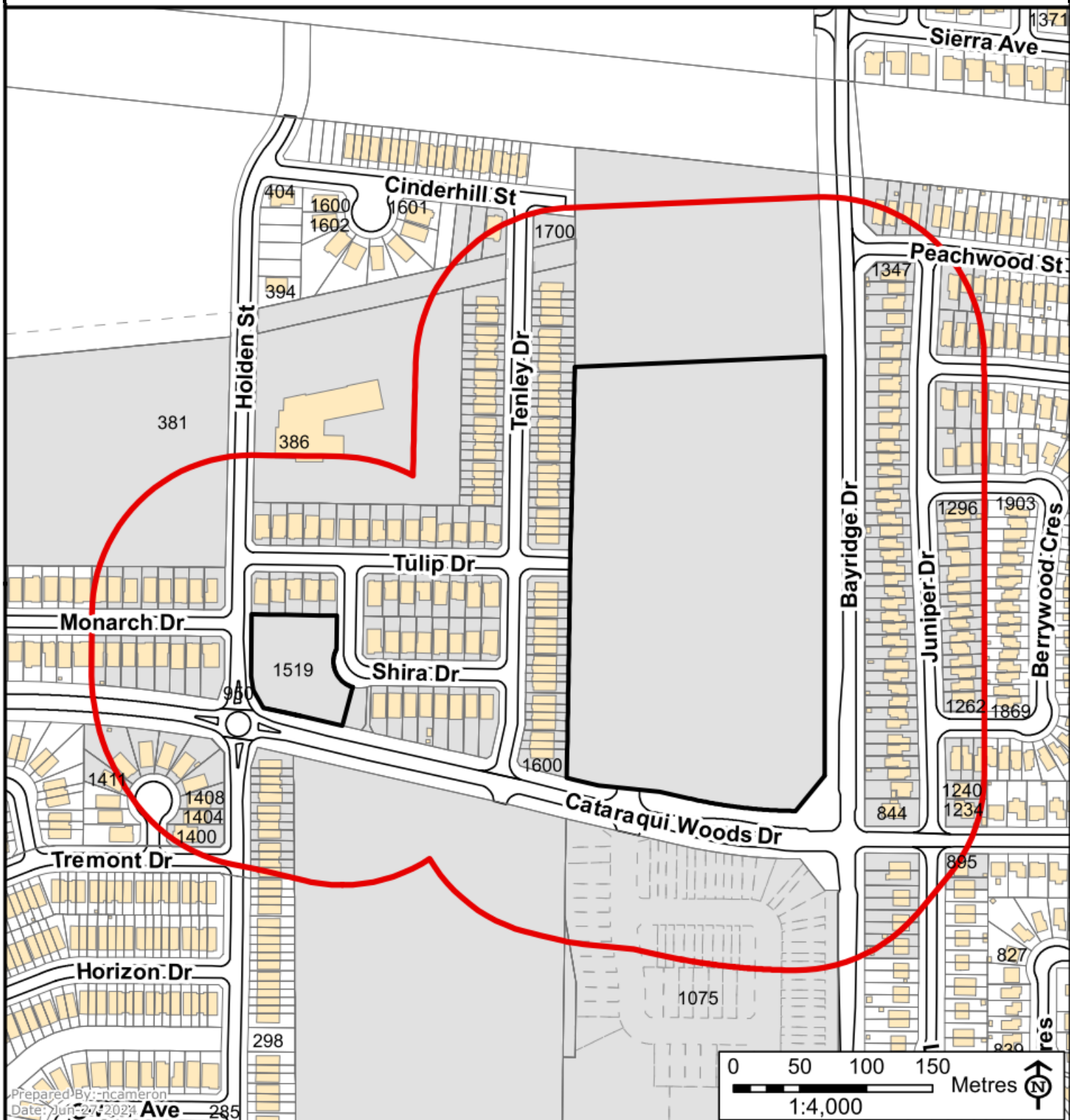




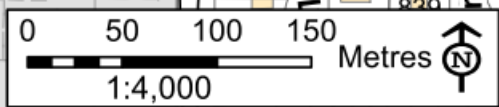
Planning Committee Public Notice Notification Map

Address: 1519 Shira Drive
File Number: D35-003-2024

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



Prepared By: ncameron
Date: Jun 27, 2024



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Amending Subdivision Agreement

This Agreement made this _____ day of _____, 2024.

Between:

The Corporation Of The City Of Kingston
Hereinafter referred to as the "Municipality"

Of The First Part

- and -

Tamarack (Cataraqui West 2) Corporation
Hereinafter referred to as the "Owner"

Of The Second Part

Whereas the Owner is the registered owner of those lands and premises located in the City of Kingston as more particularly described in Schedule "A" to this Agreement (the "Owner's Lands");

And Whereas the Owner's Lands are subject to a Subdivision Agreement dated October 4, 2019, and registered against the title to the Owner's Lands on October 15, 2019, as Instrument Number FC290926 (the "Original Subdivision Agreement");

And Whereas the Owner has applied to the Municipality to amend the Original Subdivision Agreement and approved engineering plans to provide for the development of Block 181 on Registered Plan 13M-127 (designated in the Original Subdivision Agreement as a commercial block) as a residential block in accordance with the terms of this Agreement;

And Whereas the Municipality and the Owner have agreed to amend the Original Subdivision Agreement as it relates specifically to the Owner's Lands;

Now Therefore Witnesseth that in consideration of the mutual covenants and agreements herein contained and good and other valuable consideration, the parties agree with each other as follows:

1. The Original Subdivision Agreement is hereby amended in accordance with those amendments more particularly described in Schedule "B" to this Agreement.
2. All covenants herein shall be construed as being joint and several and that, when the context so requires or permits, the singular number shall be read as if the plural were expressed, and the masculine gender as if the feminine or neutral gender, as the case may be, were expressed.
4. In all other respects, the terms of the Original Subdivision Agreement are confirmed and shall be complied with by the respective parties.
5. This Agreement and everything contained herein shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
6. The Owner agrees that if any section, clause or provision of this Agreement, is for any reason declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of the Agreement as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions

of this Agreement shall remain in full force and effect, notwithstanding that one or more provisions thereof shall be declared to be invalid.

7. The Owner hereby consents to the registration by the Municipality of this Agreement against the title to the Owner's Lands and, in accordance with s. 51(26) of the *Planning Act*, R.S.O. 1990, c. P.13 all of the terms and conditions of this Agreement may be enforced against the Owner and any and all subsequent owners of the Owner's Lands. Such registration shall be at the instance of the Municipality and its sole discretion.
8. The Owner agrees to pay all costs incurred by the Municipality to register this Agreement on title.

In Witness Whereof the parties hereto have affixed their Corporate Seals, under the hands of their proper signing officers, duly authorized in that behalf.

Signed, Sealed And Delivered) Tamarack (Cataraqui West 2)
) Corporation
in the presence of)
)
)
I have the authority to) _____
bind the Corporation) Barry Smith, President
)
)
)
) The Corporation Of The City Of
) Kingston
)
)
We have the authority to) _____
bind the Corporation) Bryan Paterson, Mayor
)
)
)
) _____
) Janet Jaynes, City Clerk
)
)

Schedule "A" Of Amending Subdivision Agreement

Woodhaven Phase 4, Block 181 13m-127

(City of Kingston File Numbers: D12-002-2018 & D12-004-2024)

Owner's Lands

Legal Description: Block 181, Plan 13m127; Together With An Easement Over Part Lot 6 Concession 3 Kingston Part 4 13r20813 As In Fr246925; City Of Kingston

PIN: 36089-3653 (LT)

Schedule “B” Of Amending Subdivision Agreement

Woodhaven Phase 4, Block 181 13m-127

(City of Kingston File Numbers: D12-002-2018 & D12-004-2024)

The Amendments

The Original Subdivision Agreement is hereby amended as follows:

- 1. Schedule “D”, Approved Plans For Works To Be Constructed, as it applies to the Owner’s Lands, is hereby amended by replacing “Drawing No. G2 - General Plan, Scale: 1:750 Revision 12, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario” with the following drawing:**

Drawing No. G2 - General Plan
Scale: 1:750
Revision 15, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

- 2. Schedule “D”, Approved Plans For Works To Be Constructed, as it applies to the Owner’s Lands, is hereby amended by replacing “Drawing No. LG3 - Grading Plan, Scale: 1:400 Revision 12, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario” with the following drawing:**

Drawing No. LG3 - Grading Plan
Scale: 1:400
Revision 17, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

- 3. Schedule “D”, Approved Plans For Works To Be Constructed, as it applies to the Owner’s Lands, is hereby amended by replacing “Drawing No. U2 - Utility Plan, Scale: 1:500 Revision 16, dated September 16, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario” with the following drawing:**

Drawing No. U2 - Utility Plan
Scale: 1:500
Revision 18, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

- 4. Schedule “D”, Approved Plans For Works To Be Constructed, as it applies to the Owner’s Lands, is hereby amended by replacing “Drawing No. U3 - Utility Plan, Scale: 1:500 Revision 18, dated September 16, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario” with the following drawing:**

Drawing No. U3 - Utility Plan
Scale: 1:500
Revision 20, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

- 5. Schedule “D”, Approved Plans For Works To Be Constructed, as it applies to the Owner’s Lands, is hereby amended by replacing “Drawing No. NF2 - Noise Attenuation and Fencing Plan, Scale: 1:500 Revision 8, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario” with the following drawing:**

Drawing No. NF2 - Noise Attenuation and Fencing Plan
Scale: 1:500
Revision 9, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

6. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. 8 - Monarch Drive, Sta: 1+400 to 1+560, Scale: v1:50, h1:500 Revision 7, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario" with the following drawing:**

Drawing No. 8 - Monarch Drive, Sta: 1+400 to 1+560
Scale: v1:50, h1:500
Revision 9, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

7. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. 14 - Shira Drive, Sta: 5+000 to 5+100, Scale: v1:50, h1:500 Revision 9, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario Drawing No. 15 - Shira Drive, Sta: 5+080 to 5+200" with the following drawing:**

Drawing No. 14 - Shira Drive, Sta: 5+000 to 5+100
Scale: v1:50, h1:500
Revision 11, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

8. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. 15 - Shira Drive, Sta: 5+080 to 5+200, Scale: v1:50, h 1:500 Revision 8, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario Drawing No. 16 - Details" with the following drawing:**

Drawing No. 15 - Shira Drive, Sta: 5+080 to 5+200
Scale: v1:50, h1:500
Revision 10, dated September 11, 2024
Prepared by Josselyn Engineering Inc., Kingston, Ontario

9. **Schedule "G", Special Conditions, is hereby amended by adding the following:**

"3.(p) Noise Report Requirements for Block 181

The lots closest to Cataraqui Woods Drive and/or Holden Street, Lots 1 to 5, inclusive, 10 and 11, as shown in the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, will require forced air heating with the provision for the future addition of central air conditioning. The following warning clauses shall be incorporated into every Agreement of Purchase and Sale or Lease for the foregoing lots:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria."

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

10. Schedule "G", Special Conditions, is hereby amended by adding the following:

"22. Noise Report Requirements For Block 181

The Owner shall implement noise control measures for the Owner's Lands in accordance with the plans as described in Schedule "D" and the recommendations of the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, as described below:

- (a) At Lots 1, 10 and 11, as shown in the Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A prepared by J.E. Coulter Associates Limited and dated June 6, 2024, a 2.0-metre-high acoustic fence extending along the rear yards adjacent to Cataraqi Woods Drive is recommended. The sound levels in the rear yard will be 55 dB Leq daytime or less, meeting the Ministry of the Environment, Conservation and Parks' noise criteria. The acoustic fence at Lot 11 is to dove-tail with the existing 2.0-metre-high acoustic fence at Lot 133 on Plan 13M-127. The extent of the acoustic fence is shown in Appendix A, Figure 3.
- (b) All acoustical barriers (fence and/or earth berming) must be solid. Any gaps at the base of the acoustic fence must be minimized and localized so as not to significantly affect the acoustical performance of the fence. As required by the Ministry of the Environment, Conservation and Parks, the fence must have a minimum surface density of 20 kg/m².

11. Schedule "H", Notice To Subsequent Purchasers, is hereby amended by adding the following text immediately after "Warning Clauses":

"Noise Report Requirements For Block 181:

The Owner shall implement noise control measures for the Owner's Lands in accordance with the plans as described in Schedule "D" and the recommendations of the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, as described below:

- (a) At Lots 1, 10 and 11, as shown in the Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A prepared by J.E. Coulter Associates Limited and dated June 6, 2024, a 2.0-metre-high acoustic fence extending along the rear yards adjacent to Cataraqi Woods Drive is recommended. The sound levels in the rear yard will be 55 dB Leq daytime or less, meeting MECP's noise criteria. The acoustic fence at Lot 11 is to dove-tail with the existing 2.0-metre-high acoustic fence at Lot 133 on Plan 13M-127. The extent of the acoustic fence is shown in Appendix A, Figure 3.
- (b) All acoustical barriers (fence and/or earth berming) must be solid. Any gaps at the base of the acoustic fence must be minimized and localized so as not to significantly affect the acoustical performance of the fence. As required by the Ministry of the Environment, Conservation and Parks, the fence must have a minimum surface density of 20 kg/m².
- (c) The lots closest to Cataraqi Woods Drive and/or Holden Street, Lots 1 to 5, inclusive, 10 and 11, as shown in the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, will require forced air heating with provision for the future addition of central air

conditioning. The following warning clauses shall be incorporated into every Agreement of Purchase and Sale or Lease for the foregoing lots:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria."

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"