



**City of Kingston
Report to Planning Committee
Report Number PC-25-002**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: January 9, 2025
Subject: Recommendation Report
File Number: D14-011-2024
Address: 73 Sydenham Street and 145 William Street
District: 10 - Sydenham
Application Type: Zoning By-Law Amendment
Owner: Jason O'Brien
Applicant: Jason O'Brien and Fotenn Consultants

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by Jason O'Brien and Fotenn Consultants, with respect to the subject site located at 73 Sydenham Street and 145 William Street.

The property is located on the northeast corner of the intersection of Sydenham Street and William Street and contains a two and a half storey dwelling which has been operating as a bed and breakfast since 1996 and is known as the Secret Garden Inn. The property is designated individually under Part IV of the *Ontario Heritage Act* and is also designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District.

January 9, 2025

Page 2 of 18

The subject site is designated Residential in the Official Plan and is zoned Heritage Zone 3 - Old Sydenham Zone (HCD3) in Kingston Zoning By-Law Number 2022-62.

The applicant is proposing to operate a restaurant within the existing building on the property, which would be open to the public, in addition to the existing, legal non-conforming hospitality use of the property. The applicable HCD3 zone permits specific residential and non-residential uses such as churches but does not permit commercial uses. The purpose and effect of the proposed Zoning By-Law amendment is to establish an Exception Overlay to the HCD3 zone to permit a hotel use, which would recognize the existing legal non-conforming use of the property and allow for an associated restaurant as a complementary use. Site-specific standards to recognize existing conditions, such as fire escape setbacks and a parking space on the William Street frontage, are also incorporated into the zoning by-law amendment. The proposal does not require any expansion to the existing building or exterior changes to the property.

The recommended zoning by-law amendment would allow for a neighbourhood commercial-scale restaurant to operate from an existing building of heritage significance, in a neighbourhood characterized by walkable streets and proximity to the City centre. The proposal, as revised through technical review, is consistent with the Provincial Planning Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-011-2024) submitted by Jason O'Brien and Fotenn Consultants, on behalf of Jason O'Brien, for the property municipally known as 73 Sydenham Street and 145 William Street, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-25-002; and

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

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

January 9, 2025

Page 3 of 18

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

January 9, 2025

Page 4 of 18

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:

Amy Didrikson, Senior Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3296
adidrikson@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of July 15, 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 13, 2024, which is 90 days after a complete application was received, after which they can exercise their right to appeal the file to the Ontario Land Tribunal for non-decision. The applicant has been working to address technical review matters, taking the timeframe beyond the 90 days.

January 9, 2025

Page 5 of 18

Site Characteristics

The subject property is municipally addressed as 73 Sydenham Street and 145 William Street and is approximately 490 square metres in area with approximately 22 metres of frontage on Sydenham Street and approximately 20 metres of frontage on William Street (Exhibit B – Key Map). The site was designated individually under Part IV of the *Ontario Heritage Act* in 1984 and was designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District in 2015.

The subject property contains a 2.5-storey red brick dwelling, constructed in 1888, which has been converted to contain 7 guest rooms and a basement apartment where an on-site operator resides (Exhibit J – Site Photographs, and Exhibit I – Floor Plans). The property includes a courtyard patio to the north, and a parking space fronting onto William Street which can accommodate the dimensions of an accessible space (Exhibit H – Site Plan).

The subject property is surrounded by residential uses, with the exception of Sydenham Street United Church to the west (Exhibit C - Neighbourhood Context). A number of legal non-conforming commercial uses exist within proximity of the subject property in the Sydenham neighbourhood, including the Rosemount Inn and Hochelaga Inn on Sydenham Street, and a restaurant at 175 Bagot Street.

The site is well served by Kingston Transit as it is within walking distance of the Kingston Transit downtown transfer point on Brock Street. The subject property is well connected by sidewalks and is within walking distance of Princess Street and City Park within 600 metres. The subject property is also in proximity to bike lanes on Johnson Street, approximately 75 metres to the north.

Proposed Application and Submission

The applicant is proposing to operate a small restaurant within the existing building on the property, which would be open to the public, in addition to the existing, legal non-conforming hospitality use of the property. The proposed restaurant will maintain the same hours of operation associated with the existing hospitality use, recognizing proximity to adjacent sensitive residential uses. Overnight guests are offered breakfast, lunch and dinner, and meals are served indoors or on the patio. The existing occupancy of the hotel is 16 and there is seating capacity in the dining areas and outdoor patio for 16 people. It is also understood that the bed and breakfast occasionally hosts small weddings. While a building permit will be required to establish fire separations and other interior building code requirements for a restaurant, the proposal does not require any expansion to the existing building or exterior changes to the property.

The applicable HCD3 zone permits a range of residential uses and specific non-residential uses such as churches but does not permit commercial uses. The purpose and effect of the proposed Zoning By-Law amendment is to establish an Exception Overlay to the HCD3 zone to permit a hotel use, which would recognize the existing legal non-conforming use of the property and allow for an associated restaurant as a complementary use. Site-specific standards to recognize

January 9, 2025

Page 6 of 18

existing conditions, such as fire escape setbacks and a parking space on the William Street frontage, are also incorporated into the Exception Overlay.

As a result of the technical review of the application, the proposed Zoning By-Law amendment presented initially at the Community Meeting on September 5, 2024 was refined to include specific parameters around the existing and proposed use, to reflect the small-scale, neighbourhood commercial characteristics that contribute to land use compatibility in this context. This includes permission for a hotel with an accessory dwelling unit and the following characteristics:

- A maximum of 7 guest rooms;
- A restaurant with a maximum gross floor area of 60 square metres;
- A commercial patio with a maximum area of 55 square metres; and
- A banquet hall is permitted as an occasional use.

The latter permission for a banquet hall is intended to permit the occasional use of the property to host small weddings.

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

A Planning Justification Report prepared by Fotenn Planning + Design, dated July 11 2024;

A Conceptual Site Plan, prepared by Fotenn Planning + Design, dated June 26, 2024;

Floor Plans (Existing Conditions);

Sewer Use By-law - Discharger Information Report – Short Version; and,

A Servicing Plan, illustrating existing service connections.

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 the City of Kingston Urban Boundary which would be considered a Settlement Area as defined by the Provincial Planning Statement (PPS).

January 9, 2025

Page 7 of 18

Settlement Areas are to be the focus of growth, developed with a mix and range of land uses. The subject property is also located within the downtown Centre, which is a node that would be considered a Strategic Growth Area according to definitions in the PPS. Strategic Growth Areas are locations that have been identified by municipalities to be the focus for accommodating intensification and a mix uses in a more compact built form, while protecting matters of provincial interest, such as cultural heritage resources. The subject lands are located in a heritage conservation district connected by a network of sidewalks to Princess Street, Hotel Dieu Hospital and the Central Business District. The subject property is also in proximity to the downtown bus transfer point and cycling lanes.

Consistent with policy encouraging a mix of uses to foster economic competitiveness, the proposal would permit a complementary restaurant which would be open to the public in addition to overnight guests of the hospitality use operating on-site. The proposal allows for the existing kitchen and seating areas to be available for members of the public within a winter shoulder season when tourist traffic to the City is lower, which in turn strengthens employment opportunities of the existing use on site.

In summary, the recommended Zoning By-Law amendment is consistent with the Provincial Planning Statement (2024) as it will contribute to the achievement of complete communities and a reduction in greenhouse gas emissions, conserve cultural heritage resources and make efficient use of land and resources and will enable employment opportunities associated with proposed mix of complementary uses on site.

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

Official Plan Considerations

Based on a review of Official Plan policy considerations, the proposal represents a compatible and appropriate form of development which will add to the mix of uses available within walking distance for residents of the surrounding neighbourhood without adverse effects. Through the submitted Planning Justification, site plan, floor plan and existing servicing information, the applicant has demonstrated that the proposed small-scale restaurant on the subject property is an appropriate complementary use to the existing hospitality use on site, which will retain built heritage fabric and be supported by existing services and transportation infrastructure.

The subject property is located within a mixed-use Centre as shown on Schedule 2 – City Structure and is designated Residential in the Official Plan (Exhibit E – Official Plan, Land Use). The property is located at the intersection of two local roads (Sydenham Street and William Street) within the Old Sydenham Heritage Conservation District as shown on Schedule 9.

The goal of the Residential land use designation is to respond to the housing needs of the City by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods. While permitted uses in the residential designation are primarily forms of housing, non-residential uses that support residential neighbourhoods and are compatible are also permitted. The Residential land use designation allows for small-scale convenience commercial uses or neighbourhood commercial uses, without the need for an Official Plan Amendment, on a site-specific basis for a low-rise

January 9, 2025

Page 8 of 18

residential site. Neighbourhood commercial uses include a range of retail uses and personal services that can enhance amenities within walking distance of residents while remaining compatible with a residential setting.

The proposed restaurant, available to members of the public in addition to guests of the hotel, is consistent with uses contemplated within residential neighbourhoods through section 3.4.F and in the Neighbourhood Commercial zone of the Kingston Zoning By-Law. This proposed change to land use permissions on the property has the potential to increase activity on, and traffic to, the site; however, the restaurant is proposed to operate only in combination with the existing hospitality use and within the ground floor of the existing building and outdoor patio and will not result in additional indoor or outdoor seating. The property is also well connected to the surrounding neighbourhood through sidewalks and active transportation infrastructure. At the scale and scope defined through the recommended zoning by-law amendment, the proposed restaurant is not anticipated to result in undue adverse impacts to the surrounding neighbourhood.

The subject property meets the intent of locational criteria for neighbourhood commercial uses in the Official Plan through being located at a peripheral location at the intersection of two streets, and well connected to residents through active transportation infrastructure. In addition, the existing site layout generally conforms with the development considerations for a neighbourhood commercial use and a commercial patio set out in the Official Plan. The existing, small-scale outdoor patio is defined and screened by fencing, including privacy fencing adjacent to the residential lot to the north.

The subject property is designated individually under Part IV and is designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District. The proposed development is intended to conserve the existing built heritage resources on the subject property and no exterior alterations are proposed or required. Through the conservation of the existing built heritage resource, the proposal conforms to policy criteria specific to the Old Sydenham Heritage Conservation District (HCD) and will ultimately contribute to the viability of the commercial business operating within the existing heritage building.

The applicant's proposal is considered by Planning staff to be in conformity with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The site is subject to the Kingston Zoning By-Law Number 2022-62 and is zoned Heritage Zone 3 - Old Sydenham ('HCD3' zone). The HCD3 zone permits a range of residential uses and specific non-residential uses such as churches but does not permit commercial or hospitality uses. A zoning by-law amendment is required to permit a restaurant to operate within the existing building.

Through the required zoning by-law amendment application, the applicant has requested that the existing legal non-conforming hospitality use be recognized through permitting a hotel as-of-right. As a result of the technical review of the application, the proposed Zoning By-Law amendment presented initially at the Community Meeting on September 5, 2024, was refined to

January 9, 2025

Page 9 of 18

include specific parameters around the existing and proposed use, to reflect the small-scale, neighbourhood commercial characteristics that contribute to land use compatibility in this context.

Site-specific standards to recognize existing conditions, such as fire escape setbacks and a parking space on the William Street frontage, are also incorporated into the site-specific Zoning By-Law amendment. As a result of the technical review, specific parameters were incorporated to more closely align with existing conditions, such as specifying the area of the existing courtyard patio. This reflects the understanding that existing conditions are not proposed to change and that any exterior changes will be required to comply with the Kingston Zoning By-Law.

The recommended Zoning By-Law amendment (Exhibit A) applies a site-specific Exception Overlay (E185) to the HCD3 zone. The following table provides a comparison of the existing Zoning By-Law provisions that apply to the property with those of the proposed Exception Overlay E185. The modifications to the existing zoning of the subject property are discussed below in relation to the intent of the Kingston Zoning By-Law provisions.

Provision	Requirement of the Kingston Zoning By-Law 2022-62	Proposed Exception Overlay (E185)
Permitted Uses in the HCD3 Zone Table 13.1.2	Residential <ul style="list-style-type: none"> • Apartment building • Semi-detached house • House • Townhouse Non-residential <ul style="list-style-type: none"> • Community centre • Elementary school • Library • Museum • Place of Worship 	Permit following additional permitted use: <p style="margin-left: 40px;">A hotel with an accessory dwelling unit and the following characteristics:</p> <p style="margin-left: 40px;">A banquet hall is permitted as an occasional use;</p> <p style="margin-left: 40px;">A maximum of 7 guest rooms;</p> <p style="margin-left: 40px;">A restaurant with a maximum gross floor area of 60 square metres; and,</p> <p style="margin-left: 40px;">An outdoor patio with a maximum area of 55 square metres.</p>

January 9, 2025

Page 10 of 18

Provision	Requirement of the Kingston Zoning By-Law 2022-62	Proposed Exception Overlay (E185)
Minimum Rear Setback in the HCD3 Zone Table 13.4.1 (Row 5)	(b) non-residential buildings: equal to the height of the rear wall	Minimum rear setback (North side): 1.4 metres *This amendment is proposed to recognize an existing condition.
Minimum Interior Setback in the HCD3 Zone Table 13.4.1 (Row 7)	(d) non-residential buildings: 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres	Minimum interior setback (East side): 0 metres *This amendment is proposed to recognize an existing condition.
Additional Provisions for Lots Zoned HCD3 Dormer Provisions Section 13.4.2.1	<p>Dormers are permitted, provided that:</p> <p>(a) The front wall of the dormer is setback a minimum of 0.4 metres from the main wall;</p> <p>(b) The side wall of the dormer is setback a minimum of 1.0 metre from the edge of the roof on which it is located; and</p> <p>(c) The maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located.</p>	<p>The following dormer provisions apply to the building existing on the date of passing of this By-Law:</p> <p>The front wall of an existing dormer may be setback 0 metres from the main wall;</p> <p>The side wall of an existing dormer may be setback 0 metres from the edge of the roof on which it is located; and</p> <p>Maximum cumulative length of all existing dormers on the same portion of a sloped roof may exceed 50% of the length of the roof on which it is located.</p> <p>*This amendment is proposed to recognize an existing condition.</p>
Additional Provisions for Lots Zoned HCD3	<p>Parking is not permitted in the front yard of any lot.</p>	<p>Parking is permitted in the front yard.</p>

January 9, 2025

Page 11 of 18

Provision	Requirement of the Kingston Zoning By-Law 2022-62	Proposed Exception Overlay (E185)
Location of Parking Section 13.4.2.2		*This amendment is proposed to recognize an existing condition in the front yard on William Street.
Planting Strip Provisions for Non-Residential Uses Section 4.16.1	<p>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 [...] HCD3 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. 	<p>A planting strip is not required where an interior lot line or rear lot line of a lot used for a non-residential use abuts a residential use in the HCD3 Zone.</p> <p>*This amendment is proposed to recognize the existing site conditions associated with the hospitality use.</p>
Projections into Required Setbacks – Fire escapes in the HCD3 zone Table 13.4.1 and Section 4.19.1	Fire escapes must comply with setback requirements applicable to the main building in the HDC3 zone. Exceptions under section 4.19.1 apply to certain architectural features in the HCD2 zone but not the HCD3 zone.	Fire escapes may be setback 0 metres from the interior lot line .

January 9, 2025

Page 12 of 18

Provision	Requirement of the Kingston Zoning By-Law 2022-62	Proposed Exception Overlay (E185)
Outdoor Patio Separation Distance Section 6.7.1.1 (a)	An outdoor patio is permitted as an accessory use on a lot containing a permitted commercial or hospitality use , or on the roof of a building on such lot , and must comply with the following provisions: Where the lot has a lot line that is adjacent to a lot in an Urban Residential Zone, HCD1 Zone or HCD3 Zone: (a) A minimum separation distance of 3.0 metres is required between an outdoor patio and such lot line ;	A 55 square metre outdoor patio associated with the permitted hotel use may have a separation distance of 0 metres from a lot in the HCD3 Zone.

Permission for a Hotel Use with a Complementary Restaurant

A hotel is not currently permitted in the HCD3 zone, and is defined as follows according to section 3.8.13 of the Kingston Zoning By-Law: “Hotel means the use of any lot or building for the temporary lodging of the travelling public or for recreation purposes and may include a banquet hall, meeting rooms, licensed lounge, restaurant, convenience store and gift shop as accessory uses, but excludes any short term rental as defined in the Short Term Rental By-Law”.

Hotels are permitted in mixed-use and commercial zones of the Kingston Zoning By-Law such as the Williamsville and Downtown zones, and the Arterial Commercial and Marine Commercial zones. The intent of the Kingston Zoning By-Law is ultimately to ensure land use compatibility and as such this use is directed to where tourism traffic is concentrated and where there is inherent land use compatibility with similar, permitted non-residential uses.

The legal non-conforming hospitality use that has operated on the property since 1996 is permitted through the former permission for a boarding house in the former City of Kingston Zoning By-Law Number 8499, which is defined as follows: “Boarding House means a building or portion thereof in which rooms and meals are regularly provided for compensation to four or more persons other than the owner and members of his family, provided that this use is contained within a building erected on or before 1977 09 07. A Boarding House shall not include a group home”. The closest term in the Kingston Zoning By-Law to the existing hospitality use is a hotel. To lend certainty to existing operations and value added through the ZBA process, the

January 9, 2025

Page 13 of 18

applicant is requesting explicit permission for a hotel on the subject property to recognize the existing hospitality use.

The legal non-conforming hospitality use operates out of a 2.5 storey historic residence, converted to a small Inn, that has existed in the Sydenham ward since 1888 and includes 7 guest rooms as well as an accessory dwelling unit. Staff have no concerns with the compatibility of the existing hospitality use at this location. The use integrates into the fabric of the Old Sydenham Heritage Conservation District and maintains a scale and intensity similar to the surrounding neighbourhood, where apartment buildings and medium density development is permitted in the HCD3 zone.

The proposed restaurant, available to members of the public in addition to guests of the hotel, is consistent with uses contemplated within residential neighbourhoods through section 3.4.F and in the Neighbourhood Commercial zone of the Kingston Zoning By-Law. As discussed above in relation to Official Plan conformity, at the 60 square metre scale enabled by the recommended Zoning By-Law Amendment, there are no concerns with respect to potential adverse effects associated with this use in this location.

Through the technical review of the application, staff incorporated the following parameters around permission for a hotel in this context to recognize the small-scale, quasi-residential characteristics of the legal non-conforming use and have contributed to land use compatibility in this context. Parameters around the size of the proposed restaurant are also included to incorporate the scale of the use justified by the subject application. The land use permission in the recommended zoning by-law amendment permits a hotel with an accessory dwelling unit with the following characteristics:

- A maximum of 7 guest rooms;
- A restaurant with a maximum gross floor area of 60 square metres;
- A commercial patio with a maximum area of 55 square metres; and,
- A banquet hall is permitted as an occasional use.

The permission for a banquet hall as an occasional use is intended to permit the infrequent use of the property to host small weddings, which modifies the standard permission for a hotel that permits a complementary banquet hall without parameters around frequency of events. Occasional use is defined in the Kingston Zoning By-Law as “the use of any lot or building at limited and infrequent intervals”. Banquet hall is defined in the Kingston Zoning By-Law as “the use of any lot or building in which facilities are provided for the gathering of people for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served but excludes a restaurant”.

It is staff's opinion that this recommended additional use permission in the Exception Overlay maintains the intent of the Kingston Zoning By-law through recognizing a compatible, legal non-conforming hospitality use and introducing a neighbourhood-commercial scaled use permission

January 9, 2025

Page 14 of 18

in a location where these complementary uses can achieve compatibility with the surrounding neighbourhood.

Site-specific Exceptions to Recognize Existing Conditions

Through the site-specific exception Overlay, the applicant is seeking amendments to recognize specific, existing conditions. The exceptions are detailed in the above table and recognize: existing deficiencies to minimum setback requirements pertaining to the main building as well as a fire escape; existing deficiencies in relation to dormer provisions; existing conditions associated with the outdoor patio which is adjacent to a property in the HCD3 zone; parking in the front yard on William Street; and, the lack of a planting strip adjacent to lands in the HCD3 zone. It's notable that any future change to the property, such as an expansion to the existing building or outdoor patio, would be required to comply with all applicable requirements of the Kingston Zoning By-Law. The existing conditions with respect to setbacks, parking on William Street, fencing and buffering and the outdoor patio have been present for over 20 years without known adverse effect. As a result, staff have no concerns with recognizing these existing conditions, provided future changes demonstrate compliance with the Kingston Zoning By-Law or land use compatibility through a future *Planning Act* application.

Other Applications

There are no other planning applications. There is an open building permit application to establish a restaurant within the ground floor of the existing building (City File Number D30-0163-2024) and an open Licensing application to permit a food service premise (City File Number LCB20240000004).

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

The following is a summary of the public input received to date, including a summary of the feedback received at the Community Meeting on September 5, 2024. All original written public comments are available in Exhibit K of this report.

Comment: Concerned that the approval of a restaurant will lead to amplified music and noise impacts.

Response: The approval of the recommended zoning by-law amendment will permit a small-scale restaurant to operate within the ground floor of the existing building, and on an existing outdoor patio. However, the zoning by-law amendment does not over-ride the City of Kingston Noise By-Law. Any operator of a restaurant in this location, which is considered a "Residential Area" in the City's Noise By-Law, would not be permitted to have amplified music at any time, or audible noises associated with groups or gatherings

January 9, 2025

Page 15 of 18

after 9pm. It is understood that the outdoor patio for guests of the hospitality use currently closes at 9pm and will continue to close at this time with the introduction of the restaurant. Specifically, seating times for the restaurant, offering breakfast, lunch and dinner, will be 8am-11am, 12-4pm, 6-9pm. Reservations will be required. There are no concerns with the proposed hours of operation of this small-scale restaurant (that will make use of the existing outdoor patio) in relation to potential for noise impacts.

Comment: Concerned that the neighbourhood does not have adequate on-street parking and that this additional, permitted commercial use will worsen this condition.

Response: The proposed restaurant does not require any additional parking spaces according to the Kingston Zoning By-Law as non-residential uses and heritage properties do not have minimum parking requirements. There are a number of transportation options for visitors to the site. The property is well served by transit, being within walking distance to the downtown transfer point, and is also connected to the surrounding neighbourhood through sidewalks and active transportation infrastructure. There are ample opportunities within walking distance of the site to find parking spaces if visitors to site choose to travel by car, such as the Chown Memorial Garage (200 metres from the site), Frontenac County Courthouse Parking Lot (300 metres from the site), Robert Bruce Memorial Parking Lot (450 metres from the site) or the Hanson Memorial Garage (500 metres from the site). Given the transportation options available to the site, and public parking areas within walking distance, staff have no concerns with the ability of the area to support a neighbourhood commercial-scale restaurant without adverse effects to on-street parking.

Comment: Concerned that the neighbourhood currently experiences illegal parking and that a restaurant in this location will worsen this issue.

Response: As noted above, given the transportation options available to the site, and public parking areas within walking distance, staff have no concerns with the ability of the area to support a neighbourhood commercial-scale restaurant without adverse effects to on-street parking. The scale of the restaurant enabled by the proposed zoning by-law amendment is relatively small at 60 square metres and will make use of a seating capacity of 16. The restaurant will operate in addition to the existing hospitality use on the property.

The applicant has been made aware of illegal parking issues, specifically in the on-street "no parking zone" in front of the Secret Garden Inn and has indicated that the Inn is consistently leaving notes on vehicles and having vehicles towed when they have parked illegally or have blocked the existing Inn driveways. When there is overflow parking needed, guests are instructed to park at the Frontenac Courthouse or Chown parking garage.

Comment: The zoning by-law amendment to allow the proposed restaurant and to recognize the existing bed and breakfast is supported. The existing hotel and care of the

January 9, 2025

Page 16 of 18

existing property enhances the neighbourhood, and the proposed restaurant would be a great addition.

Response: Based on a comprehensive review, staff agree that the proposal represents appropriate and desirable development, and good land use planning, and recommend the enabling zoning by-law amendment for approval.

Comment: Concern that waste is not being placed at the curb appropriately on garbage days and is attracting rodents.

Response: The applicant has been made aware of this concern and has indicated that the Secret Garden Inn neatly places garbage, compost and recycling on their driveway and property in accordance with city guidelines for pick-up. There are no open property standards orders at this address.

Comment: Concern that the pond in the front yard of the property, and a related hose, creates a hazard with water spillage onto the sidewalk.

Response: The proposal and subject application does not include, or require, any exterior changes to the subject property. However, the applicant has been made aware of this concern. The applicant has indicated that the fishpond is seasonal with the pump starting in May and shutting down in October, and no water or spillover onto the sidewalk occurs.

Comment: Concern that public consultation has not included pro-active consultation with residents by the applicant or followed IAP2 principles.

Response: The public consultation process has followed requirements under the Planning Act and followed consistent local standards with respect to transparency of information. Following the receipt of a complete application, a Community Meeting was scheduled at the next available Planning Committee meeting, public notice signs were posted on the subject property and notices were mailed to residents within 120 metres of the subject property. Materials, contact information and application status is available to the public and interested parties at all times through the City's Development Approvals Services Hub. Comments from members of the public and interested parties are considered throughout the processing of the application and taken into consideration alongside the Planning policy and regulatory framework in place.

Effect of Public Input on Draft By-Law

Given public input related to potential conflicts with adjacent residential uses, such as noise and parking, staff looked closely at the hotel use enabled through the zoning by-law amendment and included refinements to reflect the small-scale, quasi-residential characteristics of the legal non-conforming use and have contributed to land use compatibility in this context. Parameters

January 9, 2025

Page 17 of 18

around the size of the proposed restaurant are also included to incorporate the scale of the use justified by the subject application.

Conclusion

The recommended zoning by-law amendment will apply a site-specific Exception Overlay to the existing HCD3 zone to recognize an existing legal non-conforming hospitality use (i.e. bed and breakfast) and to permit a restaurant, open to the public, within the existing building and on an existing outdoor patio on the subject property. The proposal will conserve the heritage building on-site and will not require any exterior alterations or upgrades to servicing. The site is conducive to active transportation with connections to sidewalks, transit and cycling lanes.

The proposed development will be compatible with surrounding land uses and will enhance the mix of uses available within walking distance of the surrounding neighbourhood, fostering a sustainable form of development. The proposal is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is 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*, a notice of the Statutory Public Meeting was provided by advertisement in The Kingston Whig-Standard 20 days in advance of the Public Meeting and notice signs were posted on-site.

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, 8 pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report.

January 9, 2025

Page 18 of 18

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

Contacts:

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

Amy Didrikson, Senior Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62

Exhibit B Key Map

Exhibit C Neighbourhood Context

Exhibit D Consistency with the Provincial Planning Statement

Exhibit E Official Plan, Land Use

Exhibit F Conformity with the Official Plan

Exhibit G Zoning By-Law Number 2022-62

Exhibit H Site Plan (Existing Conditions)

Exhibit I Floor Plans (Existing Conditions)

Exhibit J Site Photographs

Exhibit K Public Comments

By-Law Number 2025-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception E185 (73 Sydenham Street and 145 William Street))

Passed:

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

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

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule E – Exception Overlay is amended by adding Exception ‘E185’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. By adding the following Exception Number E185 in Section 21 – Exceptions, as follows:

“**E185.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) **Additional Permitted Use:**
 - (i) A **hotel** with an **accessory dwelling unit** and the following characteristics is permitted:
 - (ii) A banquet hall is permitted as an occasional use;
 - (iii) A maximum of 7 guest rooms;
 - (iv) A **restaurant** with a maximum gross floor area of 60 square metres; and,
 - (v) A commercial patio with a maximum area of 55 square metres.
 - (b) **Minimum Setbacks:**
 - (i) The following minimum **setbacks** apply to the **building** existing on the date of passing of this site specific By-law:
 - (1) Minimum **rear setback** (North side): 1.4 metres

- (2) Minimum **interior setback** (East side): 0 metres
 - (3) Despite subparagraph (i) above, any redevelopment of the lands subject to this Exception must comply with the applicable zone **setback** requirements.
 - (c) **Dormer** Provisions:
 - (i) The following **dormer** provisions apply to the **building** existing on the date of passing of this site specific By-law:
 - (1) The front wall of an existing **dormer** may be setback 0 metres from the **main wall**;
 - (2) The side wall of an existing **dormer** may be **setback** 0 metres from the edge of the roof on which it is located; and,
 - (3) Maximum cumulative length of all existing **dormers** on the same portion of a sloped roof may exceed 50% of the length of the roof on which it is located.
 - (d) Parking is permitted in the **front yard**;
 - (e) A **planting strip** is not required where an **interior lot line** or **rear lot line** of a **lot** used for a **non-residential use** abuts a **residential use** in the HCD3 Zone;
 - (f) Fire escapes may be **setback** 0 metres from the **interior lot line**; and,
 - (g) A 55 square metre **outdoor patio** associated with the permitted **hotel use** may have a **separation distance** of 0 metres from a **lot** in the HCD3 Zone.
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



Schedule 'A' to By-Law Number

Addresses: 73 Sydenham St and 145
William St
File Number: D14-011-2024

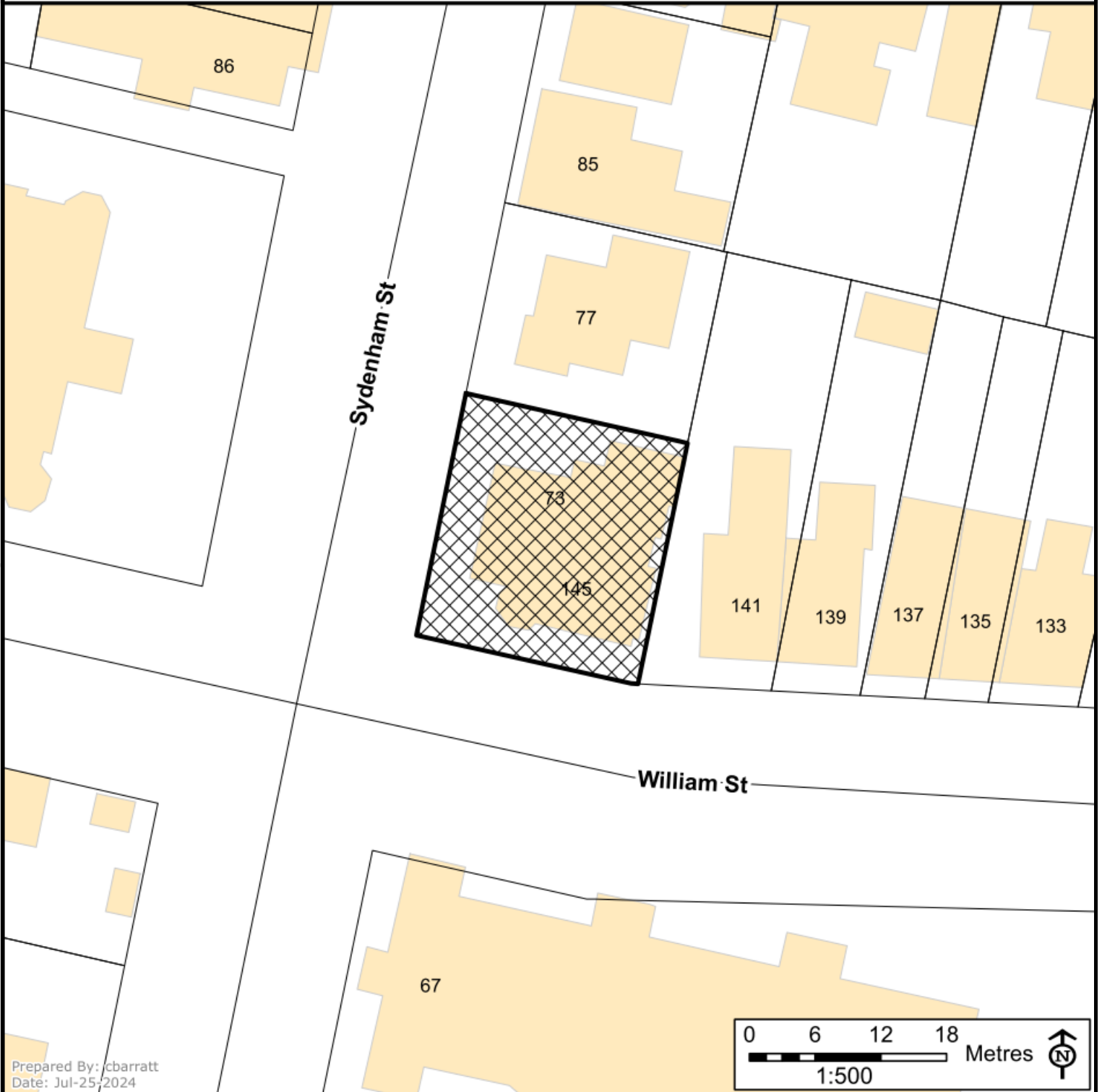
Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

 Lands to be added as E185

Certificate of Authentication

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

Mayor Clerk



Prepared By: cbarratt
Date: Jul-25-2024

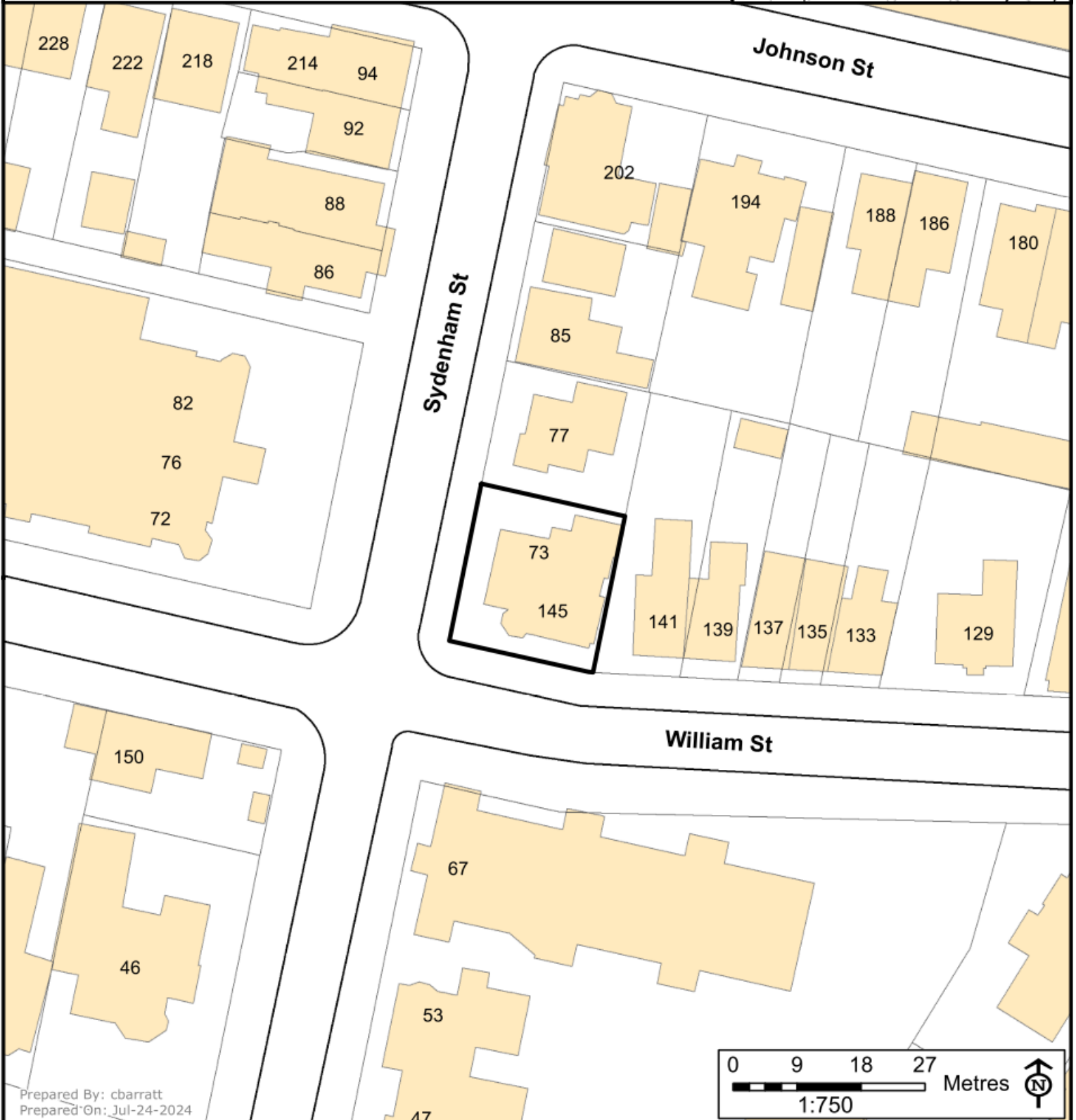
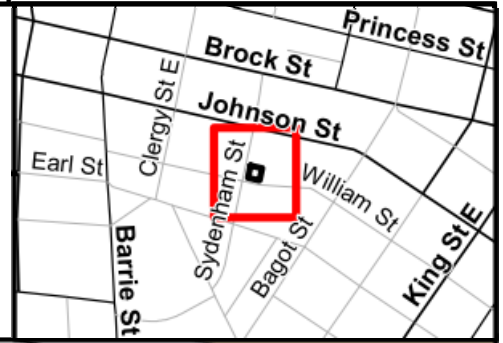
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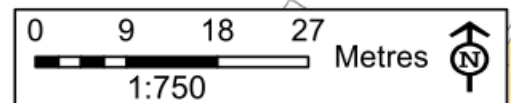
Planning Committee Key Map

Address: 73 Sydenham St and 145 William St
File Number: D14-011-2024
Prepared On: Jul-24-2024

 Subject Lands



Prepared By: cbarratt
Prepared On: Jul-24-2024





Planning Committee Neighbourhood Context

Address: 73 Sydenham St and 145 William St
File Number: D14-011-2024
Prepared On: Jul-24-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ebarratt
Prepared On: Jul-24-2024

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

Policy	Commentary
2.1 Planning for People and Homes	
<p>2.1.6. Planning authorities should support the achievement of complete communities by:</p> <p>a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;</p> <p>b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and</p> <p>c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.</p>	<p>'Complete community' is a newly defined term in the 2024 PPS. It means places such as mixed-use neighbourhoods that offer and support equitable access to the necessities of daily living for all people – a mix of jobs, a range of housing, transportation options, public service facilities, local stores and services.</p> <p>The proposal accommodates an appropriate mix of land uses within an existing heritage building and neighbourhood in proximity to the downtown core of the City. The property is accessible by a number of transportation options, including active transportation and transit. While there are no exterior changes proposed or required to accommodate the proposed, small-scale restaurant in the existing building, an existing front yard parking space on William Street, recognized by the recommended zoning by-law amendment is able to meet the minimum dimensions of an accessible parking space.</p>
2.3 Settlement Areas and Settlement Area Boundary Expansions	
<p>2.3.1.1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.</p>	<p>The subject lands are in a settlement area as defined by the Provincial Planning Statement (PPS). The subject lands are located within the City's urban boundary, where growth and development are directed. The subject property is located in the City's downtown Centre according to Schedule 2 of the Official Plan. This downtown Centre would be considered a strategic growth area according to the definition in the PPS, as node where intensification and a mix of uses are encouraged through strategic policy direction.</p>
<p>2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:</p>	<p>The proposed development will contribute to a compatible mix of uses through establishing land use permission for a small-scale restaurant open to the public in addition to a</p>

Policy	Commentary
<ul style="list-style-type: none"> a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation; d) are transit-supportive, as appropriate; and e) are freight-supportive. 	<p>long-standing, legal non-conforming hospitality use, a residential neighbourhood forming part of the downtown Centre. This increased mix of uses will efficiently use land and resources through making use of existing servicing and transportation infrastructure. Enabling a small-scale restaurant on the subject property, within walking distance of residents, visitors and workers and the downtown bus transit transfer point, fosters active transportation and transit usage, consistent with this policy.</p>
<p>2.3.1.3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.</p>	<p>Consistent with the characteristics of a complete community, the proposed establishment of a neighbourhood commercial -scale restaurant, open to the public, in proximity to residential and employment uses, will locate a complementary and compatible use within walking distance of residents.</p>
2.4 Strategic Growth Areas	
<p>2.4.1. Planning authorities are encouraged to identify and focus growth and development in strategic growth areas.</p>	<p>A strategic growth area in the PPS means within settlement areas, nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating intensification and a mix uses in a more compact built form. The subject property is located in the City's downtown Centre according to Schedule 2 of the Official Plan. This node is identified as the primary Centre of the City, having the most diverse uses and public facilities. The proposal supports development in a strategic growth area, through increasing the mix of compatible uses permitted in this Centre.</p>
2.8 Employment	
<p>2.8.1. Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b)</p>	<p>Consistent with this policy, the proposal supports a range of economic activities and ancillary uses, taking into consideration the needs of the existing business and compatibility in the context of the surrounding neighbourhood. The proposed restaurant,</p>

Policy	Commentary
<p>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;</p> <p>c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities;</p> <p>and e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.</p>	<p>open to the public, will foster employment opportunities associated with the operation of the non-residential use on the property. During the winter “shoulder season” in particular, where tourism traffic is lower, the restaurant will be able to fill existing seating capacity which is not needed by guests of the hospitality use.</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; d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and 	<p>The proposal supports the achievement of a complete community as described above, and fosters transit usage through expanding the mix of uses accessible by transit in this location.</p> <p>Through fostering active transportation and transit usage, the proposed development can contribute to a reduction in greenhouse gas emissions and can result in an improvement to air quality. The subject property does not contain any natural heritage features and can accommodate the proposed development within the existing building envelope. The proposal would be considered a form of and a strategic form of sustainable development that incorporates climate change considerations.</p>

Policy	Commentary
<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>3.2 Transportation Systems</p>	
<p>3.2.2. Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>Development on the subject property makes efficient use of existing infrastructure, through its location in a highly walkable neighbourhood with a network of sidewalk connections. The subject property is also in proximity to the downtown bus transfer point and cycling lanes on Johnson Street.</p>
<p>4.6 Cultural Heritage and Archaeology</p>	
<p>4.6.1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.</p>	<p>The property is designated individually under Part IV of the Ontario Heritage Act and is also designated under Part V of the Ontario Heritage Act as part of the Old Sydenham Heritage Conservation District. The small-scale hospitality use with a proposed public restaurant, operated out of a designated heritage property, with no proposed exterior alterations, respects the cultural heritage resource on the property and in the surrounding Old Sydenham Heritage Conservation District.</p>






Planning Services

Planning Committee Official Plan, Existing Land Use

Address: 73 Sydenham St and 145 William St

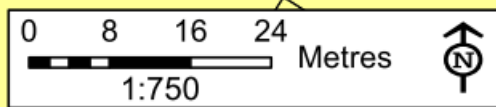
File Number: D14-011-2024

Prepared On: Jul-24-2024

-  Subject Lands
-  INSTITUTIONAL
-  RESIDENTIAL



Prepared By: cbarratt
Prepared On: Jul-24-2024



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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<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; c. enhanced access to public amenities and spaces for all residents, visitors and workers; d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices; f. promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and 	<p>Urban Areas – Focus of Growth</p>	<p>The proposal represents development that can achieve greater sustainability through meeting a number of criteria under section 2.1.1.</p> <p>The proposed establishment of a neighbourhood commercial - scale restaurant, open to the public, in proximity to residential and employment uses, will enable an enhanced mix of uses that foster active transportation by locating a complementary and compatible use within walking distance of residents, visitors and workers.</p> <p>See section 2.7 for analysis of land use compatibility.</p> <p>The subject lands are located within the Urban Boundary on full municipal water and sanitary services. There are no servicing upgrades anticipated to be required to accommodate the proposed development, and as a result, the proposal makes efficient use of municipal investment in infrastructure.</p> <p>The proposed development will be within the existing building on the subject property, which makes use of an existing designated heritage property without exterior alterations or impacts to mature trees or vegetation.</p> <p>There are no natural heritage features on the subject property according to schedule</p>

Policy	Category	Conformity with the Policy
<p>rehabilitate brownfield sites for re-use;</p> <p>i. parks that are planned to be accessed by urban residents within a ten minute walk and situated in locations that lessen the need for pedestrians to cross an arterial road or major highway;</p> <p>j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects;</p> <p>k. climate positive development;</p> <p>l. promotion of green infrastructure to complement infrastructure;</p> <p>m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and,</p> <p>n. an ecosystem approach to protecting the natural heritage system.</p>		<p>7 or 8 of the Official Plan and as a result, fostering development on the subject lands avoids encroachments into the natural heritage system.</p>
<p>2.1.4. In reviewing development applications, the City will promote sustainability through:</p> <p>a. encouragement of green building design to reduce greenhouse gases by adopting:</p> <ul style="list-style-type: none"> • energy efficient construction; • renewable sources of 	<p>Sustainable Development - Development Review</p>	<p>The proposed development promotes sustainability consistent with specific matters outlined under section 2.1.4 through the enhanced mix of uses that will be made available to residents in the Old Sydenham Conservation District.</p>

Policy	Category	Conformity with the Policy
<p>energy for lighting and heating;</p> <ul style="list-style-type: none"> • natural lighting; • design that reduces water consumption; • 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. <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p> <p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>g. the creation of a mix of uses that support increased access to healthy foods;</p> <p>h. the use of materials that have been extracted or recovered locally;</p>		<p>Through the public input received on the application, there were a number of comments submitted which reflected a desire for small-scale restaurant uses within walking distance, and as such, the proposal appears to suit the socio-economic needs of the community.</p>

Policy	Category	Conformity with the Policy
<p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>j. development that generates sufficient tax revenue to pay for the increased services (e.g., solid waste collection, fire and police services, snow clearing, etc.) that the City has to provide; and,</p> <p>k. development that suits the demographic and/or socio-economic needs of the community.</p>		
<p>2.2.1. The City will promote its development to the horizon year of 2036 based on the general elements of the City Structure as illustrated on Schedule 2. These elements are not expected to change substantially over the life of this Plan. These broad structural elements are not land use designations. The more detailed land use designations are shown on Schedule 3 and in the secondary plans included in Section 10.</p>	<p>Strategic Policy Direction - City Structure - City Structure</p>	<p>The subject lands are located in a “Centre” in Schedule 2. See related policy review further below.</p>
<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</p>	<p>City Structure - Urban Boundary</p>	<p>The subject lands are located within in the Urban Boundary on full municipal services.</p>

Policy	Category	Conformity with the Policy
<p>development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth 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>		
<p>2.2.7. The City's existing Centres and Corridors, as shown on Schedule 2, are areas of mixed use and mixed buildings, including employment, residential, commercial and supporting uses and facilities. These will be the areas where intensification will be focused, and where greater densities of residential and non-residential development will be permitted. Corridors are identified as those areas that provide linkages between Centres and are accordingly well-suited to accommodate priority transit and a mix of uses that promote active transportation.</p> <p>Intensification in the form of high-rise residential development proposed in a Centre or Corridor that is not subject to area specific planning policies, included in Section 10, will be considered subject to the policies of</p>	<p>Strategic Policy Direction - City Structure - Centres and Corridors</p>	<p>The subject property is located in the City's downtown Centre according to Schedule 2. The proposed development will contribute to the mix of uses envisioned for Centres through establishing land use permission for a small-scale restaurant open to the public in addition to a long-standing, legal non-conforming hospitality use.</p>

Policy	Category	Conformity with the Policy
<p>Section 2.6 of this Plan. The technical policy framework established in Section 9.12 will be used to ensure that the proposal demonstrates: the need for the proposed supply of residential units taking into account population and housing forecasts; the appropriateness of the use, density, scale and massing of built form; how the proposal makes a positive impact to the neighbourhood character; how adverse effects have been mitigated; and, how the roads and infrastructure can accommodate the proposal. Technical analyses may be required to demonstrate conformity with the policy objectives of the Plan.</p>		
<p>2.2.7.1. The Central Business District, being the Centre east of Division Street, is intended to remain as the primary Centre during the life of this Plan, having the most diverse uses and public facilities, and in a setting that fosters and respects its heritage resources, cultural vitality and commercial role. Increased public access to the water, active transportation and tourism will be promoted within this Centre. The Centre policies within the Central Business District (CBD) apply to infill lots and the North Block Area. It recognizes the importance of maintaining and conserving the heritage buildings and character of the</p>	<p>Strategic Policy Direction - City Structure - Centres and Corridors</p>	<p>The proposed land use enabled by the zoning by-law amendment is consistent with key functions that are promoted within the Centre Business District, namely tourism and active transportation. The recognition of the long-standing, legal non-conforming hospitality use will lend certainty to future operations which support tourism in the Central Business District. A public restaurant on the subject property will provide additional, neighbourhood commercial-scale amenities to the area, fostering active transportation.</p> <p>The small-scale hospitality use with a proposed public restaurant, operated out of a</p>

Policy	Category	Conformity with the Policy
<p>Lower Princess Street Heritage Character Area, as established in Sections 7.3 and 10A of this Plan. 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.</p>		<p>designated heritage property, with no proposed exterior alterations, respects the cultural heritage resource on the property and in the surrounding Old Sydenham Heritage Conservation District.</p>
<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>Principles of Growth – Growth Focus</p>	<p>The subject property is located within the Urban Boundary on full municipal services. The property will continue to utilize municipal water and sewer infrastructure and no changes are proposed to support the restaurant use. As part of the building permit required to establish the proposed 60 square metre restaurant, it is notable that no additional washroom facilities (or fixtures) are required.</p>
<p>2.3.7. The City will promote and protect employment areas and pursue increased levels of job creation in the commercial, institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.</p>	<p>Principles of Growth – Employment</p>	<p>The proposed restaurant, open to the public, will foster employment opportunities associated with the operation of the non-residential use on the property. During the winter "shoulder season" in particular, where tourism traffic is lower, the restaurant will be able to fill existing seating capacity which is not needed by guests of the hospitality use.</p>
<p>2.3.8. Cultural heritage resources will continue to be valued and conserved as part of the City's defining character, quality of life, and as an economic resource that</p>	<p>Principles of Growth – Cultural Heritage</p>	<p>The proposal will not result in exterior changes to a designated heritage property, with the proposed restaurant, open to the public, operating out of the existing building. Any</p>

Policy	Category	Conformity with the Policy
<p>contributes to tourism in both the urban and rural portions of the City.</p>		<p>new signage to advertise the restaurant will be required to obtain heritage permit approval.</p>
<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>Principles of Growth - Transportation</p>	<p>Enabling a small-scale restaurant on the subject property, within walking distance of residents, visitors and workers, through the recommended Zoning By-law Amendment fosters active transportation consistent with the Strategic Direction of the Kingston Transportation Master Plan.</p>
<p>2.3.18 Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of private properties with public access to do the same.</p>	<p>Principles of Growth – Accessibility</p>	<p>It has been demonstrated through the subject application that the parking space on William Street, recognized through permission in the front yard through the site-specific Zoning Amendment, has adequate dimensions to provide one accessible parking space on the subject property. It is understood that the on-site operator of the hospitality use and staff do not park on-site and as such, this accessible space is available to guests.</p>
<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; 	<p>Phasing of Growth - Vision</p>	<p>The proposal represents a form of sustainable development, through contributing to a mix of land uses that will assist in supporting active transportation and viable public transit and reducing reliance on private automobiles.</p> <p>See Section 2.1.1.</p>

Policy	Category	Conformity with the Policy
<p>c. support active transportation and viable public transit;</p> <p>d. conserve agriculture and natural resources within the City; and</p> <p>e. reduce reliance on private vehicles.</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:</p> <p>a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;</p>	<p>Phasing of Growth – Order of Development</p> <p>Urban Boundary</p>	<p>Consistent with the order of development outlined under section 2.4.6, the property is within the City’s defined urban boundary and is fully serviced. No expansion of water or sewer services are required to support the development.</p>
<p>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.</p>	<p>Phasing of Growth - Phasing of Municipal Infrastructure and Transportation - Strategic Direction to Promote Active Transportation</p>	<p>The subject property is connected to the surrounding residential neighbourhood and the downtown core through a network of sidewalks. The property is located at the intersection of two local roads, in proximity to bike lanes on Johnson Street approximately 75 metres to the north.</p>

Policy	Category	Conformity with the Policy
<p>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.</p>	<p>Phasing of Municipal Infrastructure and Transportation - Transit Priority</p>	<p>The site is well served by Kingston Transit and is within walking distance from the Kingston Transit downtown transfer point on Brock Street. A restaurant in this location supports transit usage, as transit is a viable option for residents outside the neighbourhood to travel to the property.</p>
<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>	<p>Land Use Compatibility Principles – Land Use Compatibility Matters</p>	<p>The application for zoning by-law amendment includes the submission of a Planning Justification report which addresses matters regarding land use compatibility. The limited potential for adverse effects and applicable mitigation measures are discussed in further detail under section 2.7.3.</p>
<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; c. increased levels of light pollution, noise, odour, dust or vibration; 	<p>Land Use Compatibility Principles – Land Use Compatibility Matters</p>	<p>The recommended zoning by-law amendment does not enable exterior changes to the subject property, and none are proposed or required as part of the subject application. As a result, compatibility with respect to shadowing and architectural consistency is maintained, and the cultural heritage resource on the property (designated under the <i>Ontario Heritage Act</i>) is</p>

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<ul style="list-style-type: none"> d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents; or 		<p>conserved. In addition, there are no changes resulting from the subject application that will result in adverse effects associated with stormwater management or drainage.</p> <p>The proposed restaurant, available to members of the public in addition to guests of the hotel, is consistent with uses contemplated within residential neighbourhoods through section 3.4.F and in the Neighbourhood Commercial zone of the Kingston Zoning By-Law. This proposed change to land use permissions on the property has the potential to increase activity on, and traffic to, the site; however, the restaurant is proposed to operate only in combination with the existing hospitality use and within the ground floor of the existing building and outdoor patio and will not result in additional indoor or outdoor seating. The property is also well connected to the surrounding neighbourhood through sidewalks and active transportation infrastructure. At the scale and scope permitted through the zoning by-law amendment, the proposed restaurant is not anticipated to result in undue adverse impacts related to traffic, light pollution, noise, odour, dust or vibration.</p> <p>There are no concerns that the restaurant enabled by the Zoning By-Law Amendment</p>

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<p>m. adverse effects on neighbouring properties related to stormwater management or drainage.</p>		<p>will overload water or sanitary services available to the subject property. As part of the building permit required to establish the proposed 60 square metre restaurant, it is notable that no additional washroom facilities (or fixtures) are required.</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> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; c. requiring fencing, walls, or berming to create a visual screen; d. designing the building in a way that minimizes adverse effects; e. maintaining mature vegetation and/or additional new landscaping requirements; f. controlling access locations, driveways, service areas and activity areas; and, g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage. 	<p>Land Use Compatibility Principles – Mitigation Measures</p>	<p>The subject property is flanked to the north and east by residential land uses. The existing hospitality use has operated alongside these residences since 1996. The courtyard on the north side is enclosed and visually screened from the neighbouring residential property to the north by a 1.8 metre fence. This existing fence meets the Kingston Zoning By-Law requirement for an outdoor patio in this context.</p> <p>The key mitigation measure employed in this instance to achieve land use compatibility is regulating the area of the proposed small-scale restaurant open to the public and recognizing the existing area of the outdoor patio and the small-scale and quasi-residential characteristics of the hospitality use that operates on the subject property.</p> <p>The non-residential use regulated and enabled through the recommended zoning by-law amendment is not anticipated to result in adverse</p>

Policy	Category	Conformity with the Policy
		effects as detailed under section 2.7.3.
<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> <ul style="list-style-type: none"> a. suitable scale, massing and density in relation to existing built fabric; b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City’s tree planting program; c. adequate land area and appropriate site configuration or provision for land assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: site access; 	<p>Land Use Compatibility Principles – Functional Needs</p>	<p>The site and context of the development proposal will continue to meet the long-term needs of the intended users or occupants. The existing, legal non-conforming hospitality use has operated on the subject property since 1996 and is supported by a site and location in the downtown Centre, in proximity to transit, active transportation infrastructure and public parking areas. The proposed restaurant does not require any additional parking spaces according to the Kingston Zoning By-Law as non-residential uses and heritage properties do not have minimum parking requirements. Bike parking requirements of the Kingston Zoning By-Law are also not triggered by the scale of the proposed restaurant.</p> <p>Comments received through the application processing indicate that there may be issues with illegal parking in the area, and shortages of on-street permit parking. While the parking available on the property is limited, this is characteristic of properties in the Old Sydenham Heritage Conservation District. There are ample opportunities within walking distance of the site to find parking spaces if visitors to the proposed restaurant on site choose to travel by car,</p>

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<p>pedestrian access to the building; and, parking spaces; building entry.</p>		<p>such as the Chown Memorial Garage (200 metres from the site), Frontenac County Courthouse Parking Lot (300 metres from the site), Robert Bruce Memorial Parking Lot (450 metres from the site) or the Hanson Memorial Garage (500 metres from the site). There are no concerns from a planning perspective that the functional needs of a neighbourhood commercial-scaled use can be accommodated in this context.</p> <p>The proposed restaurant use, in addition to the existing legal non-conforming hospitality use, will operate out of the ground floor and outdoor patio of the property, using the existing kitchen facilities. There are no exterior changes proposed to accommodate the proposed restaurant open to the public. Any future, permanent sign proposed to advertise a restaurant on site will be required to undergo a heritage permit process.</p>
<p>2.9.1. It is the intent of this Plan to promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a) providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; b) providing opportunities for a diversified economic base, including 	<p>Economic Development – Economic Development Strategy</p>	<p>The recommended zoning by-law amendment will enable a compatible neighbourhood commercial-scale restaurant to serve the surrounding area, and will recognize a small-scale hospitality use in this location. Consistent with policy 2.9.1, this will foster year-round operation of the existing non-residential use on the property and provide an appropriate mix and range of employment in this location</p>

Policy	Category	Conformity with the Policy
<p>maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and complementary uses, and takes into account the needs of existing and future businesses;</p> <p>c) planning for, protecting and preserving employment areas for current and future uses;</p> <p>d) ensuring the necessary infrastructure is provided to support current and projected needs; and,</p> <p>e) encouraging the development of business incubators.</p>		<p>and provide opportunities for a diversified economic base.</p>
<p>3.2.12. Bed and breakfast operations will be regulated through the Short-Term Rental By-law.</p>	<p>Specific Use Policies - Bed and Breakfast Operations</p>	<p>The legal non-conforming hospitality use on the subject property would qualify as a “Bed and breakfast” according to the definition in the Official Plan. According to Definitions in section 1.4 a “Bed and Breakfast” is “An operator-occupied detached dwelling offering short-term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath, but must not include cooking facilities. Breakfast and other meals, services, facilities or amenities may be offered exclusively to guests.” With the introduction of the restaurant serving members of the public in addition to guests, the proposed use no longer meets</p>

Policy	Category	Conformity with the Policy
		the definition of a “Bed and Breakfast” according to the Official Plan. It is understood through consultation with Licensing staff that the due to the hospitality use pre-dating the Short-Term Rental By-law, the hospitality use is regulated under Licensing By-law 2006-213.
<p>3.3.1. The predominant use of land in a Residential designation will be for various forms of housing contemplated by the low-rise, mid-rise and high-rise residential policies in Section 2.6. Specific uses are permitted in accordance with Section 3.2.</p>	<p>Land Use Designations & Policy - Residential Uses – Permitted Uses</p>	<p>The predominant, legal non-conforming hospitality use on the subject property, with an accessory dwelling unit, will not change as a result of the permissions recommended in the proposed zoning by-law amendment, which are intended to maintain the small scale, quasi-residential nature of the existing use. The recommended amendment will permit a small-scale convenience commercial restaurant use in accordance with neighbourhood commercial policies. Please see sections 3.3.2 and 3.4.F.</p>
<p>3.3.2. Where appropriate and compatible, small-scale convenience commercial uses are allowed within apartment buildings or on a site specific basis on a low-rise or mid-rise residential site. Section 3.4.F provides detailed policies for neighbourhood commercial uses.</p>	<p>Land Use Designations & Policy - Residential Uses – Neighbourhood Commercial</p>	<p>The recommended zoning by-law amendment recognizes a small-scale, legal non-conforming hospitality use on the subject property, which has demonstrated it is appropriate and compatible operation since 1996. The proposed, public restaurant on the ground floor of the converted single-detached building is consistent with the scale and nature of uses contemplated in the neighbourhood commercial policies. See further discussion</p>

Policy	Category	Conformity with the Policy
		with respect to compatibility under section 2.7.3.
<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>	<p>Land Use Designations & Policy - Commercial Uses - Small-scale Uses (Neighbourhood Commercial Uses)</p>	<p>The recommended zoning by-law amendment enables a new, small-scale restaurant use in the Residential destination in accordance with this policy. The compatible characteristics of the existing small-scale hospitality use with an accessory dwelling unit are reflected in the recommended the zoning by-law amendment, regulating a maximum of 7 guest rooms, as well as placing size restrictions and parameters on complementary uses. This maintains the intent of the permissions for limited, small-scale commercial uses in the Official Plan through permitting a small-scale commercial use with residential characteristics, which is compatible with the surrounding residential neighbourhood.</p> <p>Please see sections 3.3.2 and 3.4.F.</p>
<p>3.4.F.1. Neighbourhood commercial uses include a limited range of local retail uses or personal services intended to provide convenience goods and services to a limited market. Small take-out restaurants and live-work units are also permitted.</p>	<p>Land Use Designations & Policy - Neighbourhood Commercial - Permitted Use</p>	<p>Consistent with the permitted uses contemplated as a neighbourhood commercial land use in the residential designation, the use permitted through the zoning by-law amendment provides hospitality services and restaurant facilities, limited by the existing guest room and seating capacity of the converted single-detached dwelling.</p>

Policy	Category	Conformity with the Policy
<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>Land Use Designations & Policy - Neighbourhood Commercial - Function</p>	<p>Consistent with the intended function of neighbourhood commercial uses in the City, the zoning by-law amendment will enable a new, small-scale restaurant in a highly walkable area of the City's central business district, in proximity to residents of the Old Sydenham Heritage Conservation District.</p>
<p>3.4.F.3. Neighbourhood commercial uses are typically small plazas or freestanding 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>Land Use Designations & Policy - Neighbourhood Commercial - Form</p>	<p>The new public restaurant, and existing small-scale hospitality use recognized through the zoning by-law amendment will operate within a converted single-detached dwelling with an outdoor patio. This meets the intent of the form envisioned for neighbourhood commercial uses in older areas of the City, such as the Old Sydenham Heritage Conservation District. The proposal does not create a cluster of more than four neighbourhood commercial uses, as the surrounding land uses are predominantly residential with a community facility across the street (Sydenham United Church).</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>Land Use Designations & Policy - Neighbourhood Commercial - Form</p>	<p>The subject property is well located to serve the local area through a small-scale restaurant. The new restaurant use enabled by the zoning by-law amendment is strictly limited to the ground floor of the existing dwelling and existing outdoor patio. While in proximity to Princess Street and the downtown core, the subject property does not abut</p>

Policy	Category	Conformity with the Policy
		or expand any commercial designation on Schedule 2.
<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>Land Use Designations & Policy - Neighbourhood Commercial – Locational Criteria</p>	<p>No exterior changes are required to support the proposed restaurant, and as such, the amenity of the site and surrounding neighbourhood will be maintained. The property is characterized by large front porch, and landscaped front yard incorporating hard and soft landscaping treatments. The courtyard on the north side is enclosed and visually screened from the neighbouring residential property by a 1.8 metre fence. The proposed restaurant does not require any additional parking spaces according to the Kingston Zoning By-Law as non-residential uses and heritage properties do not have minimum parking requirements. Bike parking requirements of the Kingston Zoning By-Law are also not triggered by the scale of the proposed restaurant.</p> <p>Site plan control is not triggered by the proposal as exterior changes are not required.</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</p>	<p>Neighbourhood Commercial – Criteria for Development</p>	<p>The proposed, small-scale restaurant demonstrates compatibility with adjacent residential uses as described above under section 2.7.</p> <p>The existing site design generally satisfies the criteria for development outlined under section 3.4.F.6 as follows:</p>

Policy	Category	Conformity with the Policy
<p>residential uses as outlined in Section 2.7 of this Plan;</p> <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>		<p>The courtyard on the north side of the property, is enclosed and visually screened from the neighbouring residential property by a 1.8 metre fence. It is understood that overnight guests are offered breakfast, lunch and dinner, and meals are served indoors or on the patio, and that the existing occupancy of the hotel and seating capacity is 16. It is also understood that the bed and breakfast occasionally hosts small weddings. While feedback during the public consultation process suggested that there have been instances where music has been projected on the property, based on records available and public submissions in support of the subject application this appears to be out of the ordinary for the standard operation of the hospitality use on the property. As a lot within a residential area according to the City's Noise By-law, the site would not be permitted to have amplified music at any time, or audible noises associated with groups or gatherings after 9pm.</p>
<p>3.4.F.7. Where an outdoor patio is proposed as an accessory use to a neighbourhood commercial use, the City may impose restrictions on the hours of operation in order to minimize any land use compatibility</p>	<p>Neighbourhood Commercial – Outdoor Patios</p>	<p>The proposed restaurant will maintain the same hours of operation associated with the existing hospitality use, recognizing proximity to adjacent sensitive residential uses. The restaurant is proposed to have the following</p>

Policy	Category	Conformity with the Policy
<p>matters with abutting sensitive uses.</p>		<p>hours of operation and reservations will be required: 8am-11am, 12-4pm, 6-9pm</p> <p>The outdoor patio for guests currently closes at 9pm and will continue to close at this time with the introduction of the restaurant. After 9pm, audible noises associated with groups or gatherings are not permitted in residential areas according to the City's Noise By-Law. There are no concerns with the proposed hours of operation of the restaurant (that will make use of the existing outdoor patio).</p>
<p>3.4.F.8. Where a new neighbourhood commercial use is proposed, the proponent may be required to prepare a limited or scoped market justification study and impact assessment for Council's consideration that:</p> <ul style="list-style-type: none"> a. describes the proposed use, proposed floor area, parking and site plan arrangement; b. sets out the market area and population proposed to be served; and, c. includes an inventory of all commercial uses within, and close to, the proposed market area, including their uses and floor area. 	<p>Neighbourhood Commercial – Market Justification and Impact Assessment</p>	<p>No market justification study was requested due to the scale of the restaurant proposed to operate in addition to the existing, commercial hospitality use that has been operating since 1996.</p>
<p>3.4.G.3. Outdoor patio restaurants may be permitted as accessory uses to permitted hospitality uses, including hotels, restaurants and taverns in Commercial</p>	<p>Restrictions for Specific Commercial Uses – Outdoor Patios</p>	<p>See discussion specific to outdoor patios associated with neighbourhood commercial uses under section 3.4.F.7.</p> <p>The existing 55 square metre outdoor patio associated with</p>

Policy	Category	Conformity with the Policy
<p>designations, subject to the following restrictions:</p> <ul style="list-style-type: none"> a. food must be prepared within a permanent kitchen for delivery to the patio; b. outdoor patios must be located, buffered and screened to minimize the impact on any adjacent or nearby residential area; c. outdoor patio restaurants serving food and beverages are considered a seasonal use and therefore are not to be enclosed by any permanent structure; d. regulations of the Liquor License Control Board of Ontario with respect to capacity and hours of closing are applicable; e. washroom facilities within the main building must be available for use by patrons, and as required by the Ontario Building Code, sufficient washroom facilities are required in the main building to address the increased patron capacity related to the outdoor patio; and, f. underground vaults, valves, maintenance structures (manholes) meters, or any structures associated with above-ground and underground municipal infrastructure must be easily accessed at all times. 		<p>the legal non-conforming hospitality use is proposed to be used in conjunction with the proposed, complementary restaurant use. The recommended zoning by-law amendment meets the intent of Official Plan policy through allowing an outdoor patio associated with a complementary restaurant, at a neighbourhood commercial scale which is compatible with surrounding residential uses. The existing patio conforms to the intent of the restrictions under section 3.4.G.3. as follows:</p> <ul style="list-style-type: none"> a) food will be prepared within a permanent kitchen for delivery to the patio; b) the existing patio, where food is served to the guests of the bed and breakfast, is screened through a 1.8 metre fence where it abuts an adjacent residential lot. c) The patio is not proposed to be enclosed with a permanent structure. d) In addition to regulations of the Liquor License Control Board of Ontario with respect to hours of closing, the subject property is in a Residential area according to the City's Noise By-Law, and as such audible noises associated with groups

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		<p>or gatherings are not permitted after 9pm.</p> <p>e) No additional washrooms are needed on the premises to support the scale of the proposed restaurant use, according to requirements under the Ontario Building Code.</p> <p>f) Utilities Kingston will require access to a sanitary clean out, and contact information for access, in accordance with the Sewer By-Law 2008-192.</p>
<p>3.4.G.5. All outdoor patio restaurants must address the urban design policies of Section 8 of this Plan including the following considerations:</p> <p>a. the outdoor patio must be clearly defined and will provide barriers between it and other activity areas;</p> <p>b. an open, clear and direct accessible pathway must be maintained between the outdoor patio and the entry to the main building; and,</p> <p>c. the outdoor patio must be sited, buffered and adequately screened to mitigate the impacts of noise, lighting, and activity on neighbouring residential areas.</p>	<p>Restrictions for Specific Commercial Uses – Outdoor Patios</p>	<p>The existing outdoor patio meets the intent of the considerations under section 3.4.G.5, as it is a clearly defined and screened area of the property, separated from other activity areas (e.g. hotel guest arrival points). The patio has operated in conjunction with the meal service offered by the bed and breakfast in compliance with licensing and building code requirements, and will continue to do so. As demonstrated through the public feedback received through the application processing, there have been limited instances where noise has been identified as a concern, and based on a review of City records, no open or closed enforcement cases in this regard.</p>
<p>7.1.2. The City will recognize and conserve its built heritage resources and will promote</p>	<p>Built Heritage Resources – General Policies</p>	<p>The subject property is designated individually under Part IV and is designated</p>

Policy	Category	Conformity with the Policy
<p>the maintenance and development of an appropriate setting within and around all such sites.</p>		<p>under Part V of the <i>Ontario Heritage Act</i> as part of the Old Sydenham Heritage Conservation District. The proposed development is intended to conserve the existing built heritage resources on the subject property and no exterior alterations are proposed or required.</p>
<p>7.1.10. Conserving built heritage resources forms an integral part of the City’s planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this Section. This may include the following</p> <ul style="list-style-type: none"> a. designating real property under Part IV, or V of the Ontario Heritage Act, or encouraging the Province to designate real property under Part VI of the Ontario Heritage Act; b. requiring, as a condition of any approval, the retention of any built heritage resources found within a plan of subdivision, a plan of condominium, or on any parcel created by consent, or other land division approval; c. using zoning by-law provisions as appropriate, to 	<p>Conservation of Built Heritage Resources</p>	<p>The recommended Zoning By-Law Amendment incorporates provisions to recognize existing conditions on the property, and requires that any future expansion complies with the Kingston Zoning By-Law, as amended.</p>

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<p>conserve identified built heritage resources;</p> <p>d. using the provisions of Section 37 of the Planning Act in order to maintain the integrity of identified built heritage resources;</p> <p>e. using site plan control provisions of Section 41 of the Planning Act to ensure that new development on adjacent properties is compatible with the adjacent identified built heritage resources;</p> <p>f. using design guidelines to provide for sympathetic development of adjacent lands that are not designated, but which could impact the site of the built heritage resource;</p> <p>g. ensuring that archaeological resources are evaluated and conserved prior to any ground disturbance, in accordance with the City's Archaeological Master Plan and provincial regulations;</p> <p>h. in partnership with Kingston's Indigenous Peoples of Canada community, a Protocol outlining the working relationship with them and the City will be designed, approved and implemented; and</p> <p>i. using heritage easements as a means to protect significant built heritage resources, where appropriate.</p>		

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<p>7.3.C.4. Any private or public work or development that is proposed within or adjacent to a designated heritage conservation district must demonstrate that it respects and complements the identified cultural heritage value or interest and heritage attributes of the district or area.</p>	<p>Heritage Conservation Districts - Proposed Development</p>	<p>The application is intended to conserve the existing built heritage resource and introduce a complementary, small-scale restaurant that will complement the Old Sydenham Heritage Conservation District.</p>
<p>7.3.C.9 The Old Sydenham Heritage Conservation District represents over 200 years of Kingston's history. The heritage character of the Old Sydenham Heritage Conservation District is that of a mature downtown residential neighbourhood of human scale, bounded by major institutions and by the shore of Lake Ontario. The Old Sydenham Heritage Conservation District includes: an exceptional concentration of the finest examples of 19th Century architecture; a distinctive street pattern offering historic views; important public buildings; Murney Tower National Historic Site, an early fortification and a component of the Rideau Canal and Kingston Fortifications UNESCO World Heritage Site and memorials; as well as expansive open spaces located in City Park and Macdonald Park. The landscaping, laneways, irregular setbacks as well as the variety of architecture</p>	<p>Heritage Conservation Districts – Old Sydenham Heritage Conservation District</p>	<p>The proposed development will not require exterior alterations to the site or the existing heritage building on the subject property and will conserve the heritage attributes of the Old Sydenham Heritage Conservation District.</p>

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<p>form heritage attributes of this District. All properties within this District are “of interest” to the heritage significance of the area under the Ontario Heritage Act. New development or any alterations must follow the Old Sydenham Heritage Area Heritage Conservation District Plan and must maintain the heritage buildings, features and landscapes, the topography, and archaeological sites and resources. The following specific matters must be addressed:</p> <p>a. The District is a stable, pedestrian-focused historic neighbourhood of human scale which is a significant cultural heritage resource to be conserved and protected from proposed changes that could undermine its heritage attributes. Its heritage attributes include the following:</p> <ul style="list-style-type: none"> • varied ages, styles and types of buildings; • important civic buildings including the courthouse & registry office, churches and a school, within a residential neighbourhood; • landmark buildings that dominate the skyline; 		

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<ul style="list-style-type: none"> • prominent buildings at street corners; • protected views down streets to the lake and parks; • tree-lined streets and dominating rear yards; • historic landscape elements (period planting layouts, walls, fences and street furniture); • a generally high standard of care and maintenance for buildings and landscapes; • physical evidence of historical associations with every stage of Kingston’s history; and, • proximity to the downtown, major institutions (hospitals and university) and the lake. <p>b. The District is intended to remain a stable area that conserves its heritage resources. Demolition shall be controlled through the Ontario Heritage Act. Additional development is limited to small scale alterations and compatible infill in accordance with the District Plan to reflect the massing and landscaping context of the District.</p> <p>c. The location and treatment of public</p>		

Policy	Category	Conformity with the Policy
<p>infrastructure including utilities, roadway widths and surface treatments, rear lanes, sidewalks or pathways, street trees and boulevard size or treatments, and park installations will be planned and coordinated in a manner which is sympathetic to the heritage context of the District, in conformity with the policies and guidelines of the District Plan.</p> <p>d. City Park and Macdonald Park are special features within the cultural landscape of the Old Sydenham Heritage Conservation District, and their structural components and heritage context will be conserved. Park master plans are recommended to address needs such as parking, signage, memorialisation type, location, design criteria, accessibility, tree care, recreational facilities and cultural resource conservation practices.</p> <p>e. The retrofitting of buildings to achieve energy efficiencies or the addition of private installations such as fire escapes, solar</p>		

Policy	Category	Conformity with the Policy
<p>panels, wind turbines and telecommunication facilities will be regulated, where possible, in accordance with the District Plan to conserve the heritage character of individual properties and the cultural landscape quality of the District.</p> <p>f. The City will continue to monitor and manage vehicular parking within the Old Sydenham Heritage Conservation District, both on City streets and private properties, to minimize impact on the heritage character of the District.</p> <p>g. The use of area-specific zoning requirements and, when appropriate, site plan control, within the District, may be utilized to implement the Official Plan and the District Plan.</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> <p>a. foster developments that are context appropriate;</p>	<p>Urban Design – Guiding Principles for Development of Residential Lots</p>	<p>Consistent with the guiding principles under section 8.3, the proposal will integrate into the existing built fabric, and be context appropriate through incorporating a complementary mix of uses in the existing heritage building on-site. The site is conducive to active transportation with connections to sidewalks, transit and cycling lanes, and as a result</p>

Policy	Category	Conformity with the Policy
<p>b. foster attractive developments which add to the existing sense of place; c. provide a variety of housing types; d. ensure compact, accessible mixed use development; e. encourage environmentally sustainable development; and, f. integrate and highlight cultural heritage resources.</p>		<p>fosters a form of sustainable development that can reduce greenhouse gas emissions.</p>
<p>9.5.6. Any land use legally existing at the date of approval of the implementing zoning by-law that does not conform to the policies or schedules of the Plan is deemed a non-conforming use and should cease to exist in the long run.</p>	<p>By-Laws - Non-Conforming Uses</p>	<p>The legal non-conforming hospitality use operating on the property conforms to the policies and schedules of the Official Plan.</p>
<p>9.5.7. Amendments to the zoning by-law will be made only after public notice and consultation as required by the Planning Act and consultation with affected authorities or agencies.</p>	<p>By-Laws - Amendments to the Zoning By-law</p>	<p>Public notices have been provided in accordance with the requirements in the Planning Act, and the technical review has occurred in consultation with affected authorities and agencies.</p>
<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: a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future</p>	<p>By-Laws - Planning Committee / Council Considerations</p>	<p>a. The proposal conforms with the intent of the Official Plan policies and schedules as detailed in this table. b. The proposed restaurant, open to the public, in combination with the existing hospitality use on the subject property will be compatible with existing residential uses in the neighbourhood and Heritage Conservation</p>

Policy	Category	Conformity with the Policy
<p>planned uses in accordance with this Plan;</p> <p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		<p>District, which is zoned for a mix of ground-oriented dwelling types and multi-residential dwelling types and community facilities such as churches.</p> <p>There are no natural heritage features on the subject property.</p> <p>c. The small-scale restaurant enabled by the zoning by-law amendment will operate out of the ground floor of the existing 2.5 storey heritage building which will maintain compatibility with existing buildings and structures and with zoning standards of adjacent sites. The proposal conforms with Urban Design Guidelines for Residential Lots as described above.</p> <p>d. A neighbourhood-scale commercial use is warranted and desirable in this location, in accordance with numerous strategic growth management policies. The subject property is located in the downtown Centre and in the Urban Boundary on full municipal services, within walking distance of a complementary mix of land uses, at the intersection of two</p>

Policy	Category	Conformity with the Policy
		<p>streets in a residential setting.</p> <p>e. The site is suitable for the proposed neighbourhood commercial use given the active transportation options within the neighbourhood, and the transportation and servicing infrastructure available to the site. The characteristics of the existing hospitality use that has maintained compatibility with the neighbourhood are integrated into the enabling zoning by-law amendment.</p> <p>f. The scale and characteristics of the proposed use is suitable relative to the neighbourhood: the legal non-conforming hospitality use operates out of a 2.5 storey historic residence, converted to a small Inn, that has existed in the Sydenham ward since 1888 and includes 7 guest rooms as well as an accessory dwelling unit. Staff have no concerns with the compatibility of the existing hospitality use at this location. The use integrates into the fabric of the Old Sydenham Heritage Conservation District and maintains a scale and intensity</p>

Policy	Category	Conformity with the Policy
		<p>similar to the surrounding neighbourhood, where apartment buildings and medium density development is permitted in the HCD3 zone.</p> <p>The proposed restaurant, available to members of the public in addition to guests of the hotel, is consistent with uses contemplated within residential neighbourhoods through section 3.4.F and in the Neighbourhood Commercial zone of the Kingston Zoning By-Law.</p> <p>g. The subject site is on full municipal services, and will benefit from proximity to the downtown bus transfer point, and active transportation infrastructure in the surrounding area. Adverse impacts on the capacity of these services is not anticipated as a result of the introduction of a 60 square metre restaurant.</p> <p>h. The application has been circulated for technical review and there are no outstanding technical comments pertaining to the zoning by-law amendment.</p>

Policy	Category	Conformity with the Policy
		<p>Comments received from members of the public and Planning Committee are reviewed in staff's comprehensive report.</p> <ul style="list-style-type: none">i. The recommended zoning by-law amendment will establish a site -specific exception to recognize the existing hospitality use and permit the complementary restaurant, open to the public. The new, permitted use is expected to contribute positively to the range of amenities within walking distance in the Old Sydenham Heritage Conservation District and will not set an undesirable precedent.



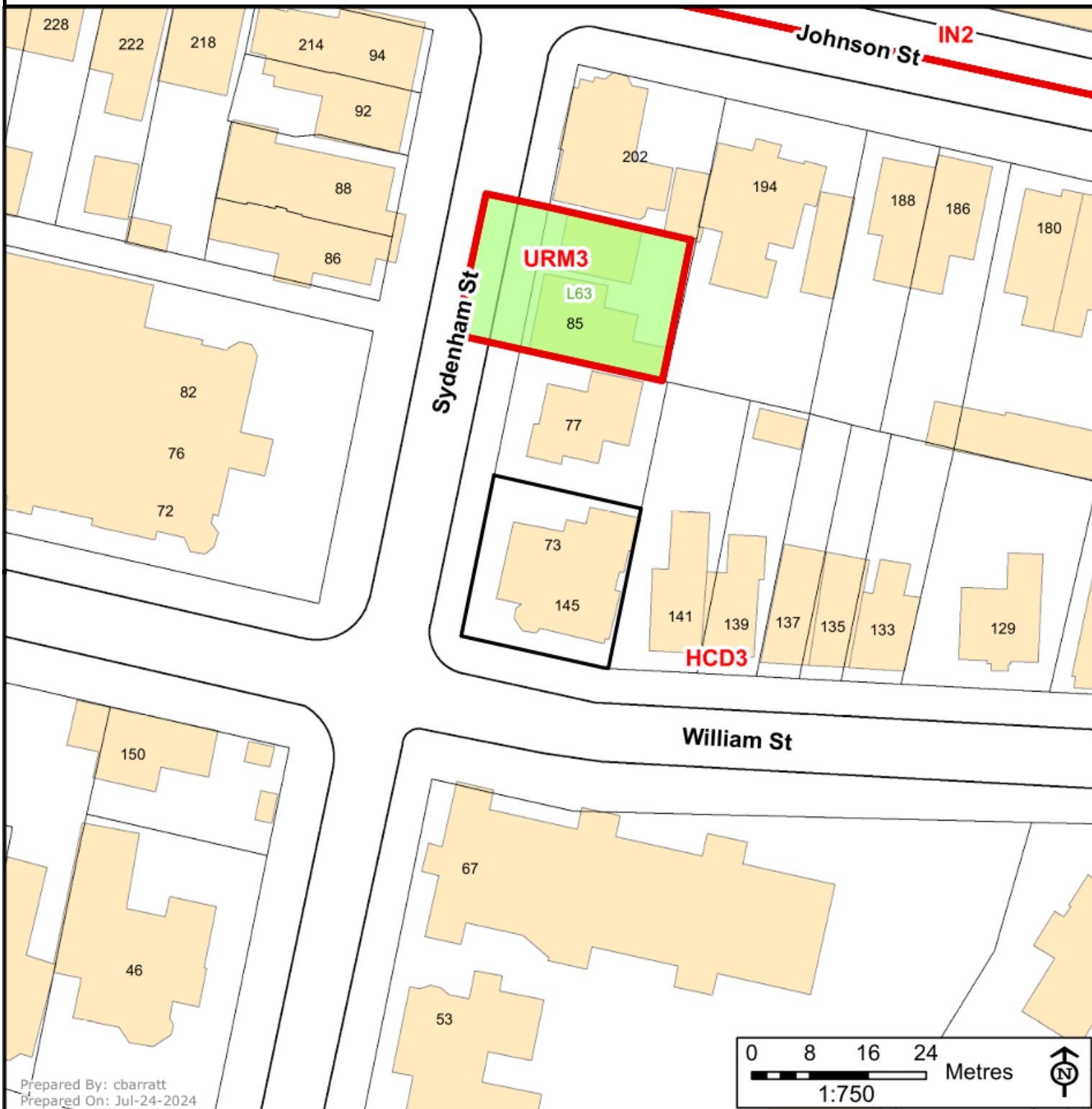
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 73 Sydenham St and 145 William St
File Number: D14-011-2024
Prepared On: Jul-24-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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



Prepared By: cbarratt
Prepared On: Jul-24-2024

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**73 Sydenham Street
Kingston Ontario**

Concept Plan



SITE INFORMATION

SITE AREA
Total Site Area: ~492.2m²

HEIGHT
Total: 3 Storeys (10.5m)

DEVELOPMENT STATISTICS

Building: 660m² (-7,104ft²)

PARKING	Required	Provided
Commercial:	N/A	1
Accessible Parking:	1	1
TOTAL PARKING		1

NOTES

- The base plan (lot lines, existing roads and surrounding areas) is based on the City's Open Data and aerial images. The lot lines, setbacks, and all dimensions need to be confirmed by a legal survey.
- This concept is part of a development concept report and is not a final plan. It is for informational purposes only. Any such report. This concept may require minor variances for setback reduction, parking, heights, etc.

- LEGEND**
- - - SUBJECT PROPERTY BOUNDARY
 - EXISTING LANDSCAPING
 - EXISTING INTERLOCKING PATIERS
 - BOUNDARY FENCE
 - EXISTING BUILDINGS



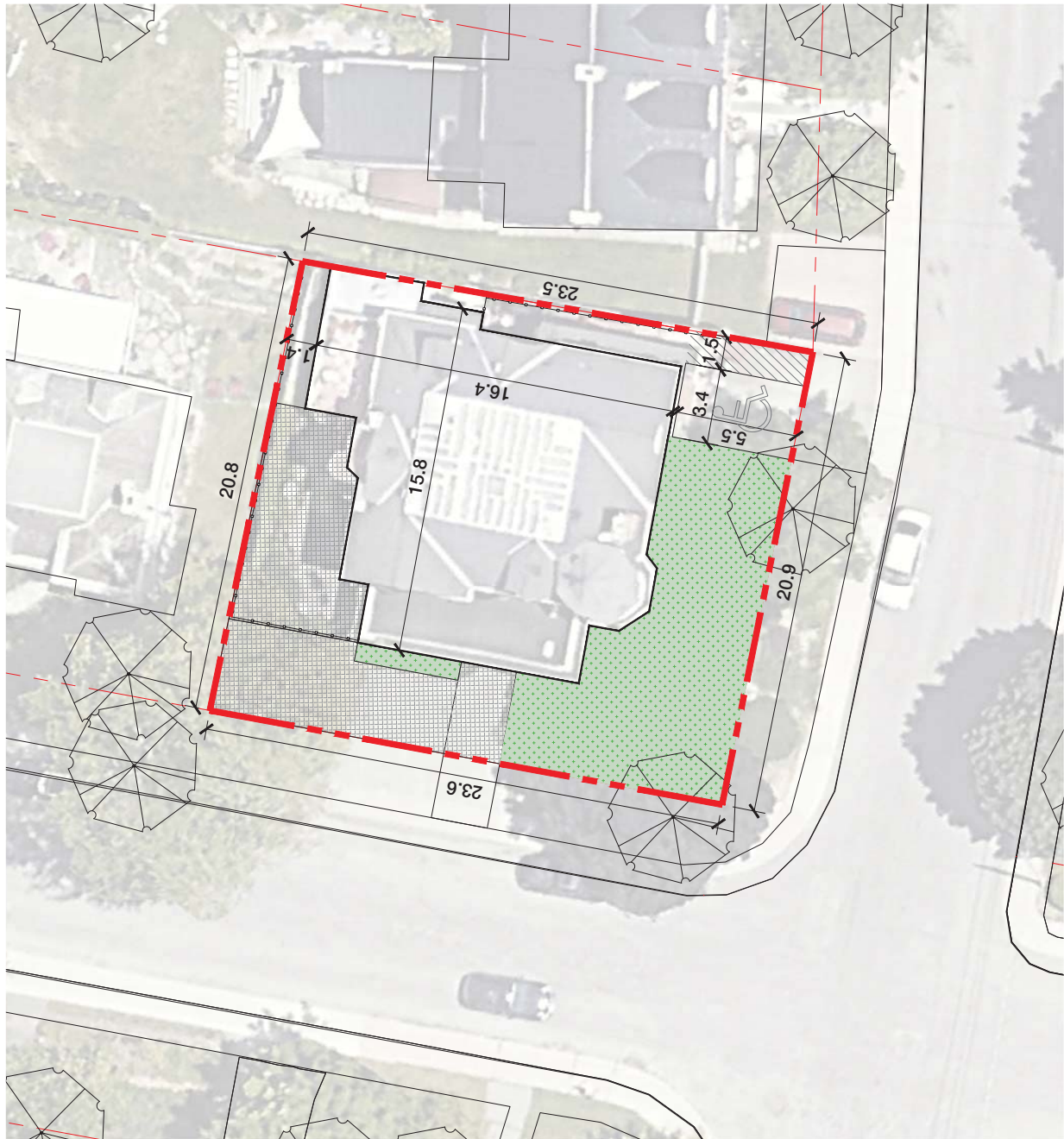
No. REVISION DATE BY
CLIENT

FOTENN
Planning + Design

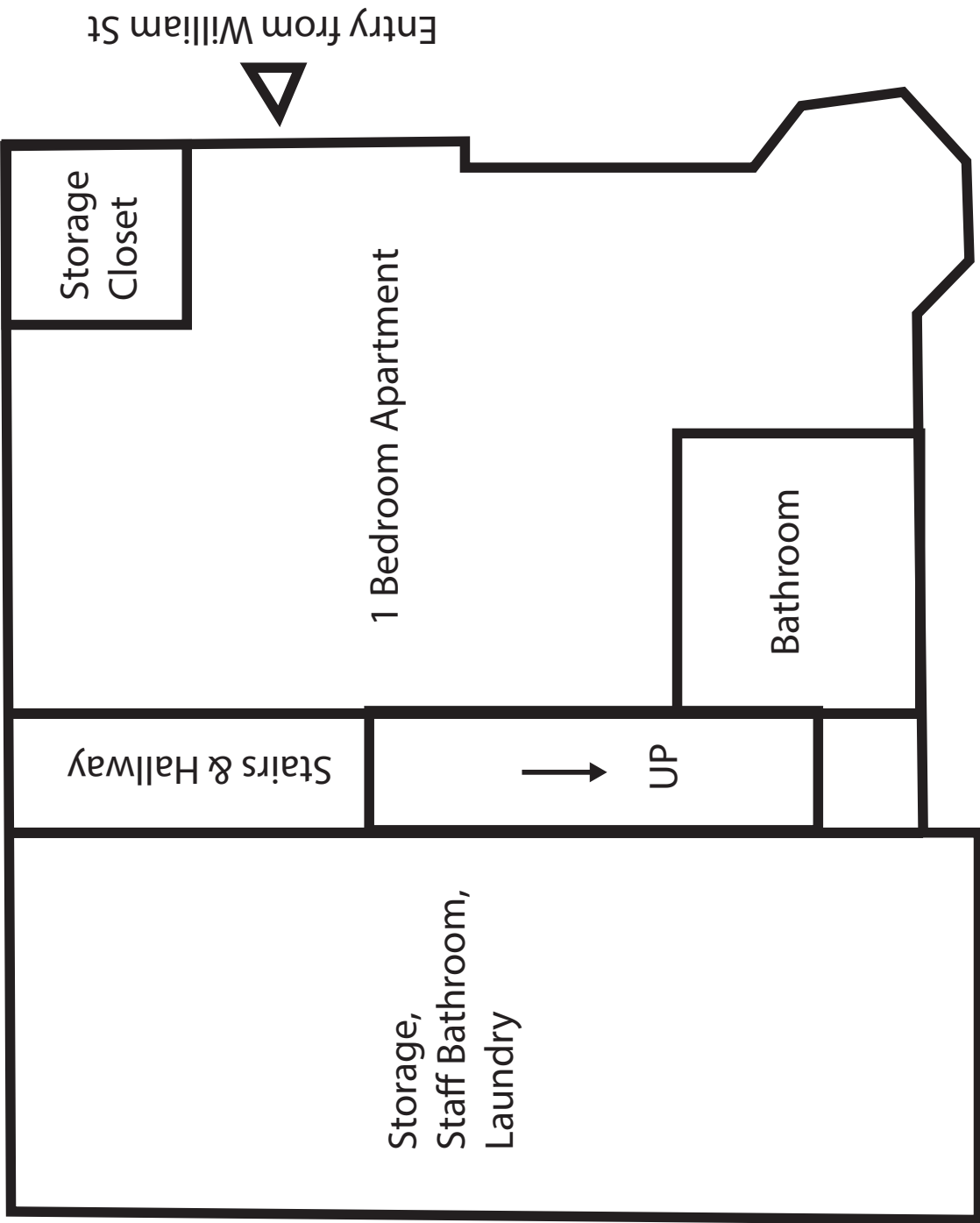
174 Spadina Ave, Suite 304, Toronto ON M5T 2C2
416.789.4530 www.fotenn.com

DESIGNED: JC
REVIEWED: ET
DATE: 2024.06.26

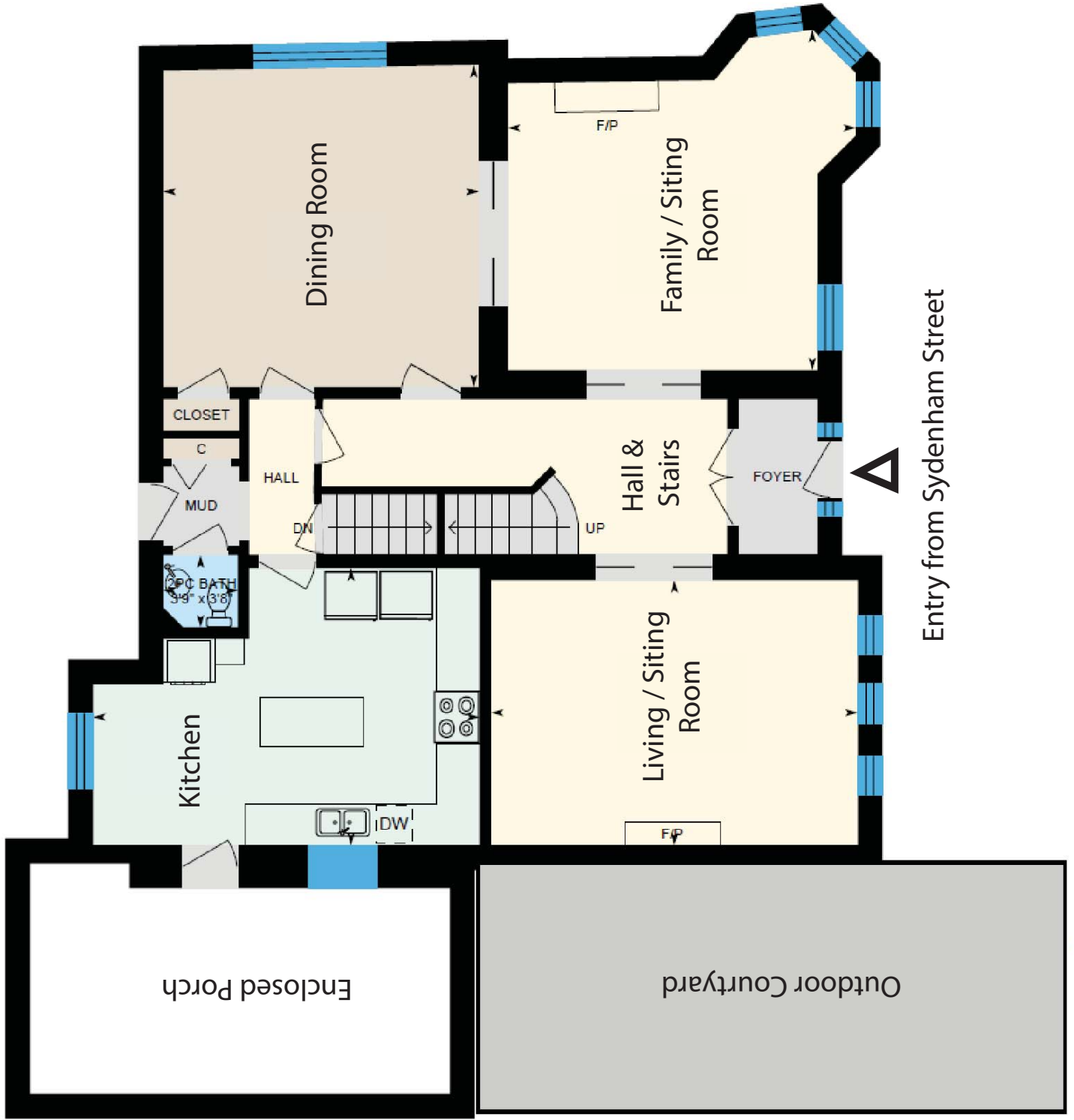
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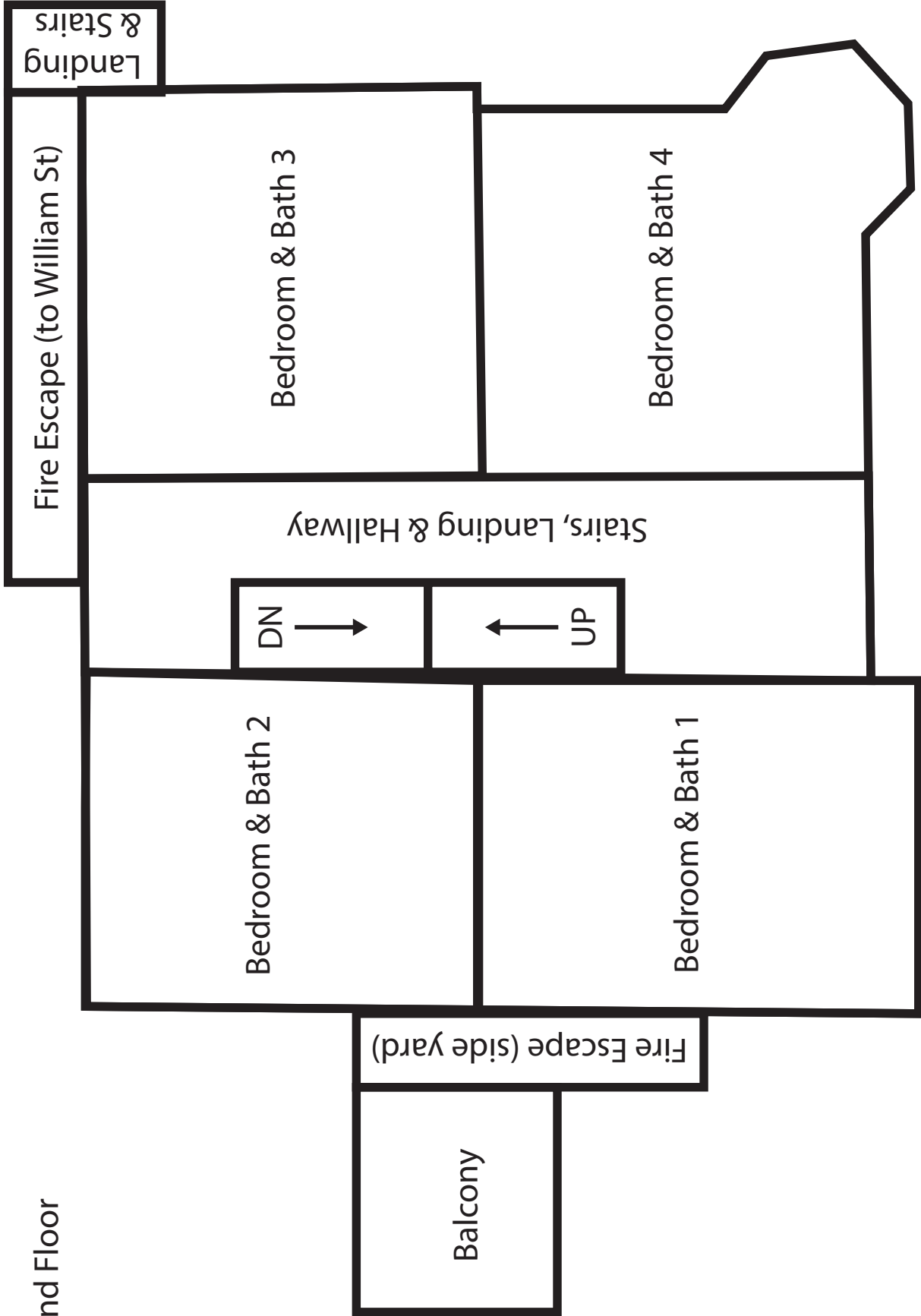
Basement



First (Main) Floor

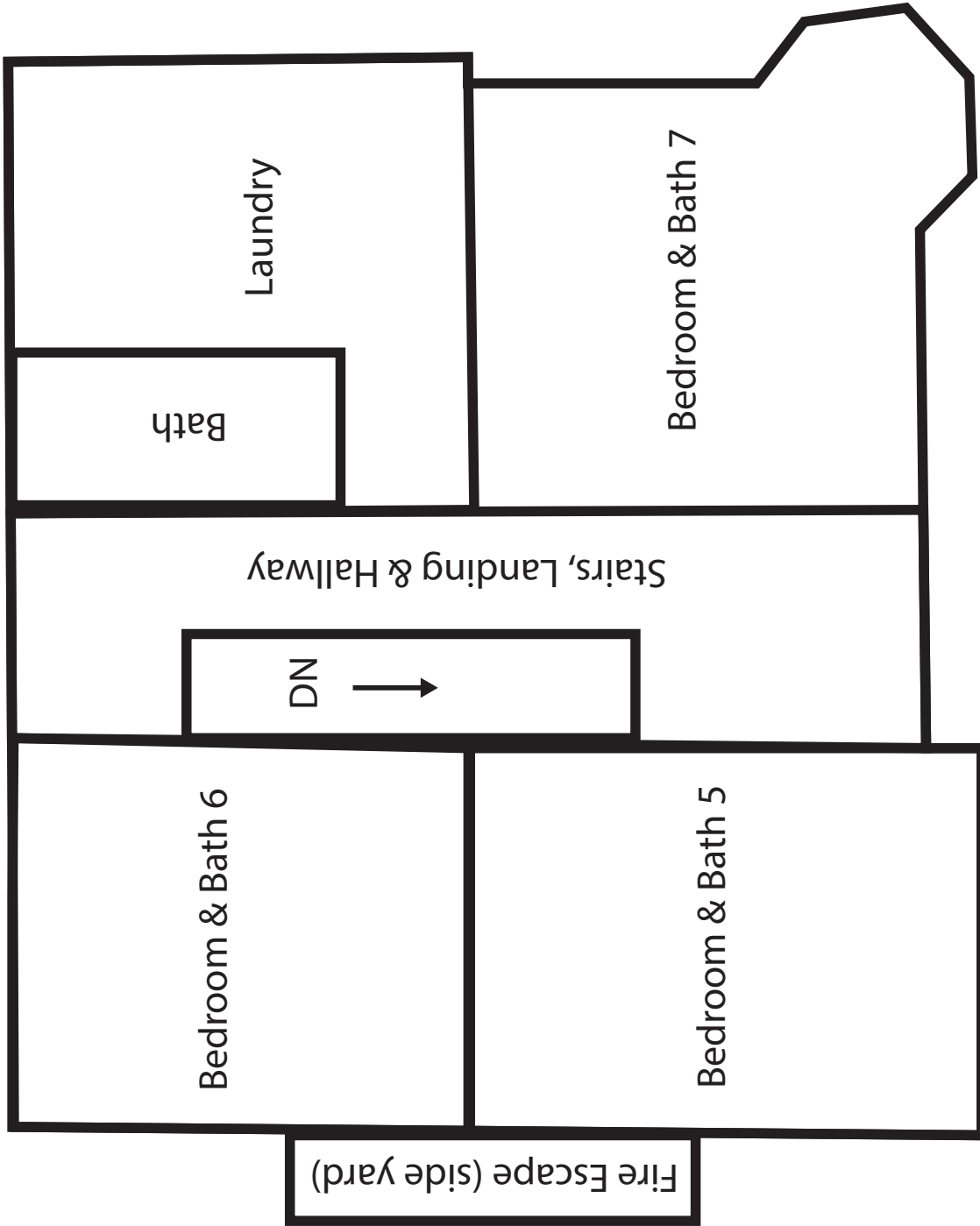


Entry from Sydenham Street



Second Floor

Third Floor



Site Photographs – December 10, 2024



Figure 1: Subject property as viewed from Sydenham Street frontage



Figure 2: Subject property as viewed from William Street frontage



Figure 3: Subject property, as viewed from Sydenham and William Street intersection.



Figure 4: Subject property, as viewed from Sydenham Street.

From: [David Gordon](#)
To: [Didrikson,Amy](#)
Subject: Proposed Zoning Amendment 73 Sydenham Street, File D-14-011-2024
Date: August 21, 2024 9:15:50 AM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Colleagues:

We own an apartment and live in the Annandale Apartments at 67 Sydenham Street, immediately across the street from the subject property.

We write to support the amendment to the Zoning Bylaw to recognize the Secret Garden as an existing non-conforming use with a restaurant and outdoor patio.

The Secret Garden is a great bed and breakfast and an excellent use for a large historic house in our neighbourhood, the Old Sydenham Ward Heritage Conservation District. It joins with the Rosemount Inn and Hochelaga Inn to add to the charm of the immediate area.

Another restaurant with an outdoor patio simply adds to the quality of life in the neighbourhood. The patio added to the Curry Original restaurant, one block away has added much enjoyment, and no difficulties, over the past few years.

We are not concerned about additional parking demand – the neighbourhood regularly hosts concerts with 900 people at the Spire, directly across the street, without severe difficulty.

Please approve this amendment to the zoning bylaw.

Sincerely

David L.A. Gordon and Katherine Rudder
67 Sydenham Street, [REDACTED]
Kingston ON
Canada K7L 3H2

Dr. David L.A. Gordon, FCIP RPP AICP P.Eng.
Professor
[School of Urban and Regional Planning](#)
[Department of Geography and Planning](#)
Queen's University

From: [Wayne Myles](#)
To: [Didrikson,Amy](#)
Subject: Application of Zoning Amendment for the Secret Garden
Date: August 26, 2024 4:10:57 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms Didrikson (City of Kingston):

We are writing in support of the application by the Secret Garden for a Zoning Amendment in order to establish a commercial dining option.

We are pleased that the Secret Garden has become part of our community as they have been remarkably good stewards by beautifying their grounds, renovating their historic property and supporting local events. The establishment of a dining venue within their current capacity will offer the local community a new option in addition to their specialized B and B services.

As residents of the Annandale we are neighbours of the Secret Garden and we would like to see them prosper.

We consider this application to be both positive and constructive for the community.

Sincerely

Wayne Myles and Johanne Mednick Myles

Proposed Zoning Amendment 73 Sydenham Street
File D-14-011-2024

Date: August 27, 2024

To Amy Didrikson:

I reside at the Annandale Condos at 67 Sydenham Street. I am writing to support the amendment to the Zoning Bylaw to recognize the Secret Garden as an existing non-conforming use with a restaurant and outdoor patio.

It is my understanding that there is to be no increase in the footprint from the existing liquor license, no additional construction nor additional capacity than the operation they have had since 2020.

The owner/operators of the property have been an excellent addition to our neighborhood and take pride in the property and community- just look at the renovations they've done and the amazing gardens! They are truly a gem in the Sydenham Ward.

I have spoken to Jason about the plans and my concerns regarding potential parking and noise issues (I live on the William side of the Annandale and it's amazing how much sound carries). My discussion with him has alleviated my concerns.

While parking and noise from the Inn has never been an issue, I was concerned the proposed plans could change that but with the amendment not changing how they currently operate or their capacity limits, I have no remaining concerns. Jason has assured me that they continue to have their own parking and will refer overflow patrons to the Chown Parking Garage and Frontenac County Courthouse public parking lot. Regarding noise, they will continue with their current practice of not having music played outside and service will end at 8pm- a very reasonable time.

Another unique dining option and cultural experience in a historic Inn will only enhance our neighbourhood and create jobs and tax revenue for the city.

Having Jason, and the Secret Garden, as neighbours has been a true blessing.

I request that you approve this amendment to the zoning bylaw.



Erin Gilroy
67 Sydenham Street



Sydenham Street United Church

82 Sydenham Street
Kingston, ON K7L 3H4
613-542-9616

admin@sydenhamstreet.ca www.sydenhamstreet.ca

Exhibit K
Report Number PC-25-002



Dear City of Kingston Planning Department,

We at The Spire Kingston are writing to express our strong support for the proposed amendment to the Zoning Bylaw, which would recognize The Secret Garden Inn as an existing non-conforming use of property, including its restaurant and outdoor patio.

The Secret Garden Inn is not only a cherished fixture in our neighborhood but also a valuable partner in the many events and programs we host at The Spire Kingston. Concerns regarding potential issues such as parking, noise, or traffic flow are unfounded. We have never encountered any problems with their patrons parking, and when overflow occurs, they responsibly utilize public lots at the Frontenac County Courthouse.

Our collaboration with The Secret Garden Inn has been consistently positive, particularly around food and accommodation for our speakers, entertainers, and guests. The addition of another dining option in our neighborhood would be a significant benefit to our patrons, staff, performers, and volunteers.

Should you have any questions, please feel free to call or email us. We respectfully urge the city to approve this amendment to the zoning bylaw.

Thank you for your consideration.

Sincerely,



Sam MacLeod
General Manager
He / Him
The Spire Arts & Community Hub
82 Sydenham Street
Kingston ON K7L 3H4
generalmanager@thespirekingston.org

From: [Severin Sanders](#)
To: [Didrikson, Amy](#)
Subject: The Secret Garden Inn
Date: September 5, 2024 11:37:14 AM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

My name is Severin Sanders and I am writing as a resident of Sydenham St. in support of the proposed zoning amendment by The Secret Garden Inn.

I have lived on this street for the past 3 years and continue to enjoy the beautiful scenery and warmth of the neighbourhood and its residents. With its meticulous gardens and friendly staff and guests, the Inn is an enormous contributor to what makes Sydenham Ward such an inviting place to live.

It is my understanding that the proposed zoning revisions will increase rather than diminish their contributions to the neighbourhood's charm and sense of community. I know that since moving here, the Inn has been serving breakfast and afternoon tea to guests, and not once have I had an issue with noise, sidewalk congestion, or parking availability.

I noticed that the Inn has their own parking spots as well as a "reservation only" sign for their tea service, both of which have likely lessened the foot and auto traffic on our block. It is my understanding that there are no plans to increase their seating capacity, so I believe that residents will continue to enjoy the neighbourhood without feeling congested by the number of patrons of the Inn.

Furthermore, since there are no plans to modify existing structures or take on large renovations to continue serving their guests, I believe that their proposal is warranted and deserves serious consideration from the city. As a resident, I am in full support of the proposed amendments.

Thank you for your time.

Regards,

Severin Sanders

From: [Anne Johnson](#)
To: [Didrikson, Amy](#)
Subject: Application D14-011-2024
Date: September 5, 2024 5:43:33 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

I own the house at 137 William St. It is currently rented but I intend to move back to the house(once our family home) in the next few years. I am happy that the Secret Garden Inn is a successful business and that the heritage building in which it is located has been so well maintained. That said, I have a number of concerns respecting this application that I would like to have addressed

The intention to open a restaurant that is open to the public in a residential area is worrying for two reasons:

First, there is already insufficient parking for full time residents of the neighbourhood. I just checked the City's DASH platform and see that currently there is a wait list for on-street parking. The lack of parking is of particular concern to older residents (yes there are some!) who have decreased mobility and whose safety may be at risk if they are forced to park on the street far from their homes. William St slopes downward at a sufficient grade that it can become icy in winter. Older residents should not have to accept greater risk to facilitate business activity. During the month of August, even before Queen's students returned to campus with their many cars, parking on William near our house, where we were doing work, was often impossible. I would like to know from the City how it intends to ensure that the parking shortage is not worsened if this application is granted.

Second, while I am sure that the restaurant planned by the applicant is one I would enjoy going to, the change in zoning will stay not with the applicant but with the premises. Should the applicant retire or sell the business to another, perhaps less discerning, less neighbourly business, our neighbourhood could see a different type of restaurant that might be more disruptive to people's ability to simply enjoy their own small quiet gardens and patios.

Before the application is granted I would ask what efforts were made by the planning consultants to engage with and determine the views of the surrounding community before submitting the application. This is not the best example of public participation that I've seen (it doesn't conform to IAP2 principles).

Yours truly,

Anne Johnson and Colin Banger

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From:
To: [Didrikson, Amy](#)
Subject: Restaurant at Secret Garden
Date: September 5, 2024 5:16:50 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Amy,

As discussed, here is a summary of my points concerning the planning meeting tonight.

I oppose the application for a restaurant at the Secret Garden B&B.

- Inadequate availability of parking
 - At the corner of Sydenham St. and William St. there is not enough available parking for all the various needs.
 - During the day the parking in the area is chiefly taken up by Hotel Dieu staff, Sydenham St. United Church staff and other businesses that rent there, other downtown workers (including Queens), the B&Bs (Secret Garden & Rosemont) and area residents. This leaves little room for other uses.
 - Most evenings there are regular meetings and events at Sydenham St. United Church (The Spire) which usually fill up available spaces. When the Cantabile Choir is practicing (two or three times a week) the area is packed with cars leaving no availability. When there is a concert presented the whole Sydenham district is overwhelmed with cars. Note that this might be partially alleviated if parking was allowed on both sides of Sydenham Street and/or William Street in that area.
- Lack of adherence to parking bylaws and lack of enforcement
 - Since the Secret Garden is on a corner there is no legal on street parking in front of the establishment. However, clients regularly use this space for parking (generally the same cars each time). This is also the case with the space on the north side of William St. across the street from Secret Garden. Because of the multitude of meetings, events and businesses that require parking these no parking areas regularly have cars parked there. When there are large events at the church cars are illegally parked throughout the neighbourhood. If the restaurant parking needs are added to the mix this problem will get worse.
 - There is inadequate enforcement of parking bylaws, particularly in the evenings and on weekends. The enforcement staff working the area are diligent and patrol as much as they can, however, there does not seem to be enough officers. People know there is little chance of getting a ticket evenings and weekends and take advantage. Management at Sydenham St. Church do not see it as their problem so do not act.
- Noise levels
 - The Secret Garden has had events where amplified music has been played (twice that we know of) which can be heard in the neighbourhood. If there is a restaurant added to the establishment the noise level would increase impacting the neighbourhood. Bylaws state that amplified music is not to be played in residential neighbourhoods 24/7.

These are the issues that I believe should be stated for the record.

Thank you.

From: [Dorianne Sager](#)
To: [Didrikson,Amy](#)
Subject: Proposed zoning amendment 73 Sydenham St
Date: September 15, 2024 2:12:08 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Amy,

As residents of 141 William St and direct neighbours of the Secret Garden Inn we would like to write in support of Jason's amendment to the zoning laws to allow a restaurant on site that can be open to the public.

We have lived on William St for the past 18 years and have seen the Secret Garden change hands a few times. Jason has been an excellent neighbour and a great caretaker of this historic property, he has initiated a number of costly renovations to maintain and protect the inn's heritage features. The gardens alone have done wonders for enhancing the neighbourhood! We do not have any concerns about increased noise or parking issues or traffic with this proposed amendment. The Spire regularly hosts musical events which brings in hundreds of people and yes, that does cause temporary parking issues, but the amendments Jason is proposing will in no way bring in those sorts of crowds. I have written to the city on a number of occasions with my concerns about traffic and parking on William St and they have nothing to do with allowing concerts at the Spire, or opening a restaurant at the inn that residents of the neighborhood can enjoy. These are all good things - and in a time when the downtown is literally sick with the misery of an uncontrolled drug epidemic, these kinds of improvements are absolutely vital to keeping Sydenham Ward a desirable place to live and a showcase for the City.

As for the issue of noise complaints we are not concerned with that as we know that the music played at both the Spire and at the Inn are acceptable and do not go on all night - which cannot be said for many of the street parties in the student houses that are rapidly surrounding us. If the City is really concerned with the spread of the student ghetto then it should be doing everything in its power to support the small, local businesses that enhance the Sydenham Ward neighbourhood and help create a sense of community.

Further - if the City is really concerned with increased traffic then please refer to my many letters of correspondence asking for a four way stop to be installed at the corner of William St. and Bagot St. The traffic that rips down Bagot St. and the number of cars parked along Bagot St. during the day at that intersection block the view of drivers and pedestrians alike and has been an issue for the past 18 plus years - and still nothing has been done!

Jason's amendment to allow a restaurant open to the public will in no way add to this existing problem and they have parking available, any residents who would eat at the restaurant would most likely walk and it simply isn't a big enough restaurant to attract fleets of car traffic.

So please take this letter as a record of our support for Jason's amendment and for all the work he has done to maintain and care for a heritage property that enhances our neighbourhood and strengthens our community.

Sincerely,

Dorianne Sager and Andrew Comber
141 William St.