City of Kingston

Official Plan

Approved January 27, 2010

Five-year Review Approved August 29, 2017

Consolidated as of October 15, 2021

(This office consolidation has been prepared for convenience purposes only. For accurate reference, consult copies of the official by-laws in the Office of the City Clerk)

City of Kingston Official Plan Amendments

File Number	Applicant	Property Location	Planner	OPA Number	SSPA Number	OLT Appeal	Approved By-Law	OP Section/ Schedule
D09-050-2009	John Howard Society	771 Montreal Street	J. Budd	**1**	38	–	By-Law No. 2010-51 passed March 2/10, Cl. (1), Rpt. 37 NOTE: By-Law Number 2010-50 **withdrawn** (not required – created for former City OP)	3.17.38 Sch 3-D
–	Ontario Realty Corporation	–	–	OMB Order PL100149		Yes	Aug. 25, 2010 Attachment 1 to OMB Order, Sch "A"	Various
–	2103228 Ontario Inc., Queen Street Dock	–	–	OMB Order PL100149	36	Yes	Aug. 25, 2010 Attachment 1 to OMB Order, Sch "B"	3.17.36
–	Kingston Terminal Properties Limited	2237 Princess Street	–	OMB Order PL100149	39	Yes	Aug. 25, 2010 Attachment 1 to OMB Order, Sch "C"	3.17.39 Sch 3-A Sch 3-D
–	Kingston Terminal Properties Limited	2215 Princess Street	–	OMB Order PL100149	40	Yes	Aug. 25, 2010 Attachment 1 to OMB Order, Sch "D"	3.17.40 Sch 3-A Sch 3-D
D09-049-2009	James & Lois Roettger	1371 Spooner Road	J. Budd	**2**	41	–	By-Law 2010-90, Passed May 4, 2010 Cl. (5), Rpt. 65	3.17.41 Sch 3-D
D09-052-2010	City of Kingston	Princess Street & Alexander Street (1293-1343 Princess St)	C. Chan	**3**	42	–	By-Law 2010-166 Cl. 1, Rpt 106 **WITHDRAWN** By-Law 2010-182 Cl. 1, Rpt 116 **WITHDRAWN** By-Law 2010-199 passed Sept. 21/10, Cl. 1, Rpt. 125	3.17.42 Sch 3-D
D09-047-2009	Baxter Farm Subdivision	Highway 15, North of Biscayne Ave.	K. Fraser	**4**	RC-1-2	Yes	Sec. 10B.14.2 (10B.14.2.1-14.2.4) (RC-1-2) OMB Order PL100828; Issued April 1, 2011	10B.13.2 RC-1-2
D09-046-2009	Queen's University	390 King Street West	J. Budd	**5**	–	–	By-Law 2010-188, Passed Sept. 7, 2010 Cl. 3, Rpt. 116	Sch 3-A
D09-055-2010	Administrative Amendments	City-wide	S. Bolton	**6**	–	–	By-Law 2011-89, Passed June 21, 2011 Cl. 1, Rpt. 68	Various Sch 2 Sch 3-A, 3-B, 3-C, Sch 13
D09-038-2008	Duffe Lane Cottage Association	Duffe Lane (14 single family)	S. Chew	**7**	43	–	By-Law 2010-226, Passed Nov. 16, 2010 Cl. 3, Rpt. 143	3.17.43 3-D
D09-054-2010	Skyline Real Estate Holdings Inc.	722, 730 & 766 John Counter Blvd.	K. Fraser	**8**	44	–	By-Law 2010-229, Passed Nov. 16, 2010 Cl. 5, Rpt. 143	3.17.44 3-D

File Number	Applicant	Property Location	Planner	OPA Number	SSPA Number	OLT Appeal	Approved By-Law	OP Section/ Schedule
D09-057-2011	Comerica Bank	369 Dalton Ave.	C. Chan	**9**	45	–	By-law 2011-107, Passed Aug. 16, 2011 Cl. 4, Rpt. 83	3.17.45 3-D
D09-059-2011	Agricultural Official Plan Amendment	City-wide	S. Bolton	**10**	–	Yes	By-law 2012-59 Passed Mar. 6, 2012 Cl. 1, Rpt. 37 OMB Order PL120409; Issued March 14, 2013	3-B 3-C
D09-058-2011	Berkdale Financial Services Ltd.	555 O'Connor Dr.	K. Fraser	**11**	46	–	By-law 2011-123, Passed Sept. 20, 2011 Cl. (d), Rpt. 93	3.17.46 3-D
D09-051-2010	1278804 Ontario Corporation	3480 Princess St.	J. Budd	**12**	–	–	By-law 2012-52 Passed Feb. 21, 2012 Cl. 4, Rpt. 33	3-A
D09-061-2011	Homestead Land Holdings Limited	725 Highway 15	K. Fraser	**13**	RC-1-3	–	By-law 2012-54 Passed Feb. 21, 2012 Cl. 5, Rpt. 33	10B.13.3 RC-1-3
D09-066-2012	Braebury Homes Corp.	351 Select Dr.	J. Budd	**14**	47	–	By-law 2012-125 Passed July 19, 2012 Cl. 4, Rpt. 85	3.17.47 3-D
D09-056-2011	Lafarge	1338-1362 McAdoos Lane	K. Fraser	**15**	–	–	By-law 2012-128 Passed Aug. 14, 2012 Cl. 1, Rpt. 92	3-B
D09-071-2012	Administrative Amendments	City-wide	C. Chan	**16**	RC-1-4	–	By-law 2013-98, Passed April 23, 2013 Cl. 1, Rpt. 63	Various RC-1-4
D09-069-2012	City of Kingston	1396 Highway 15	K. Fraser	**17**	–	–	By-law 2013-14 Passed Dec. 18, 2012 Cl. 1, Rpt. 13	Sch RC-1
D09-070-2012	Home Base Housing	540 Montreal St.	J. Budd	**18**	48	–	By-law 2013-16 Passed Dec. 18, 2012 Cl. 3, Rpt. 13	3.17.48 3-D
D09-068-2012	Secondary Suites	City-wide	J. Budd	**19**	–	–	By-law 2013-41 Passed Feb. 5, 2013 Cl. 1, Rpt. 34	various
D09-074-2012	Westendorp Enterprises Inc.	1709 Westbrook Rd.	K. Fraser	**20**	31	–	By-law 2013-154, Passed July 17, 2013 Cl. 7, Rpt. 93	3.17.31
D09-003-2013	City of Kingston	Williamsville Main Street Study	S. Bolton	**21**	–	–	By-law 2013-147, Passed July 17, 2013 Cl. 1, Rpt. 93	Various Sch 3-A, Sch 13, Sch PS-1
D09-073-2012	Homestead Land Holdings	58 Leroy Grant Dr.	J. Budd	**22**	–	–	By-law 2013-92 Passed April 11, 2013 Cl. 1, Rpt. 57	3-A
D09-007-2013	Kingston Community Health Centres	263 & 267 Weller Ave.	A. Adams	**23**	49	–	By-law 2013-169, Passed August 13, 2013 Cl. 5, Rpt. 103	3.17.49 3-A 3-D

File Number	Applicant	Property Location	Planner	OPA Number	SSPA Number	OLT Appeal	Approved By-Law	OP Section/ Schedule
D09-009-2013	City of Kingston - Casino Gaming Facilities	City-wide	S. Bolton	**24**	–	Yes	By-law 2014-125 Passed July 16, 2014 Cl. 4, Rpt. 78 OMB Order PL140920, Issued Nov 10, 2015	1.4 3.4.G.8
D09-012-2013	Homestead Land Holdings	50 Old Mill Road	J. Budd	**25**	–	–	By-law 2014-110, Passed June 17, 2014 Cl. 4, Rpt. 73	3-A
D09-016-2014 D14-072-2014	OPSEU & King-ston Lions Club	824 John Counter Blvd	L. Lambert	**26**	50	–	By-law 2014-107 Passed June 17, 2014 Cl. 2, Rpt. 73	3-D 3.17.50
D09-001-2013 D14-002-2013	Homestead Land Holdings	735 & 745 Highway 15	K. Fraser	**27**	RC-1-3 & RC-1-5	–	By-law 2014-123 Passed July 16, 2014 Cl. (3), Rpt. 78	RC-1-3 & RC-1-5 10B.13.5
D09-021-2014	Commercial Policies – Rideau Community Secondary Plan	752 Highway 15 760 Highway 15	S. Agarwal	**28**	RC-1-6 & RC-1-7	–	By-law 2014-172 Passed Oct. 7, 2014 Cl. (1), Rpt. 107	RC-1-6 RC-1-7 various
D09-018-2014	Administrative Amendments	City-wide	J. Budd	**29**	–	–	By-law 2015-82 Passed April 21, 2015 Cl. (5), Rpt. 39	Various
D09-015-2014	Minimum Distance Separation Residential Care Facility	City-wide	K. Fraser	**30**	–	–	By-law 2014-161 Passed Sept. 23, 2014 Cl. (4), Rpt. 98	3.3.D.3 3.3.D.4 3.3.D.5 3.3.D.6 3.3.D.7
D09-011-2013	Marilyn Taylor	1163 Centennial Dr.	L. Lambert	**31**	–	–	By-law 2015-58 Passed Mar 24, 2015 Cl. (2), Rpt. 28	10C.3.34 10.C.4.17 Sch 2 CN-1
D09-014-2014	M & E Holdings Inc.	530 Maple Lawn Dr.	L. Lambert	**32**	–	–	By-law 2014-190 Passed Nov. 18, 2014 Cl. (2), Rpt. 112	3-B
D09-017-2014	PRK Developments	493-497, 460-468 & 480 Princess St. & 10 Creighton St.	M. Venditti	**33**	51	Yes	By-law 2015-61, Passed March 25, 2015 Cl. (4), Rpt. 28 OMB Order PL150371 issued December 8, 2017	3-A PS-1 3-D 3.17.51
D09-022-2014	Stoneybrook Development Corp.	13, 15 & 17 Grange St.	L. Lambert	**34**	–	–	By-law 2015-96 Passed May 19, 2015 Cl. (2), Rpt. 50	3-A
D09-023-2014	Keyes, Sand & Stone	3501 Pine Grove Rd.	T. Gkotsis	**35**	–	–	By-law 2015-94 Passed May 19, 2015 Cl. (1), Rpt. 50	3-C
D09-064-2012	0862506 B.C. Ltd.	2611 Isle of Man Rd.	L. Lambert	**36**	–	–	By-law 2015-125 Passed July 14, 2015 Cl. (3), Rpt. 68	3-C
D09-034-2015	City of Kingston	Williamsville Main Street Study	S. Bolton	**37**	–	–	By-law 2015-180 Passed Oct. 6, 2015 Cl. e), Rpt. 92	PS-1 10E.1.17. b
D09-002-2013	Cruickshank Properties Corporation	2185 & 2215 Perth Rd.	A. Adams	**38**	26	–	By-law 2015-173 Passed Oct. 6, 2015 Cl. b), Rpt. 92	3-B 3-D Sch. 12 3.17.26.c.

File Number	Applicant	Property Location	Planner	OPA Number	SSPA Number	OLT Appeal	Approved By-Law	OP Section/ Schedule
D09-013-2014	Creekside Valley Development Inc.	1350-1370 Woodfield Cres.	L. Lambert	**39**	52	Yes	By-law 2015-175 Passed Oct. 6, 2015 Cl. c), Rpt. 92 **Appeal Withdrawn**	Sch. 2 3-A,3-D, & 13, 3.17.52
D09-028-2015	Tamarack (Cataraqui West 2) Corp.	355 & 380 Holden St.	A. Adams	**40**	–	–	By-law 2015-188 Passed Oct. 20, 2015 Cl. 2), Rpt. 98	CW-1, 10D.4.1
D09-027-2015	1025970 Ontario Inc.	1110 & 1150 Gardiners Rd.	L. Lambert	**41**	53	–	By-law 2015-190 Passed Oct. 20, 2015 Cl. 3), Rpt. 98	3-A 3.17.53. 3-D
D09-038-2015	City of Kingston	530 Maple Lawn Dr.	L. Lambert	**42**	–	–	By-law 2016-4 Passed Dec. 1, 2015 Cl. (1), Rpt. (4)	3-B
D09-036-2015	City of Kingston	621 & 623 King St. W.	A. Adams	**43**	54	–	By-law 2016-18 Passed Dec. 15, 2015 Cl. (2), Rpt. (10)	3-D 3.17.54.
D09-032-2015	Golden Mile Prop. Dev. Corp.	823 Highway 15	S. Agarwal	**44**	–	–	By-law 2016-7 Passed Dec. 1, 2015 Cl. (3), Rpt. (4)	RC-1
D09-035-2015	Cataraqui Granite Co.	Pt of 3175 Unity Rd.	S. Agarwal	**45**	–	–	By-law 2016-20 Passed Dec. 15, 2015 Cl. (3), Rpt. (10)	3-B
D09-063-2012	2292922 Ontario Inc.	2130 Isle of Man Rd.	L. Lambert	**46**	55	Yes	OMB Order PL130603 OMB Order PL130607 Subsection 22 (7) of the Planning Act Dated Feb. 11, 2014	3-C, 3-D
D09-033-2015	City of Kingston	80 Daly Street, 50 MacCauley Street, and 199 Wilson Street	L. Lambert	**47**	–	–	By-law 2016-58 Passed Mar. 11, 2016 Cl. (1), Rpt. 29-16-7	3-A
D09-008-2013	ABNA Investments LTD / DREAM	23 Soccer Lane	L. Lambert	**48**	56	–	By-law 2016-114 Passed June 7, 2016 Cl. (1), Rpt. 62	3-A, 3-D
D09-026-2014	McIntosh Perry Consulting Engineers	1145 McAdoo's Lane	L. Lambert	**49**	–	–	By-law 2016-139 Passed June 23, 2016 Cl. (3), Rpt. 73	3-B
D09-037-2015	City of Kingston	Five Year Review	G. Newman	**50**	61	Yes	By-law 2017-57, Passed Mar 7, 2017, Cl. (1), Rpt. 34-2017 **All Appeals Withdrawn**	Various
D35-001-2016	Cataraqui Region Conservation Authority	1572 Sunnyside Rd.	L. Lambert	**51**	57	–	By-law 2016-201 Passed Nov. 1, 2016 Rpt. 105-2016	Sch. 2, 3-B, 3-D, 3.17.57
D09-030-2015	Taggart (Gardiners) Corporation	700 Gardiners Rd.	A. Adams	**52**	58	–	By-law 2017-45 Passed Feb 7/17 Cl. (2), Rpt. 23	Sch. 2, 3-A, 3-D, 5 3.17.58
D09-024-2014	G. Williams Paving Limited	1397 Sydenham Rd.	L. Lambert	**53**	–	–	By-law 2017-18 Passed Dec 20/16 Cl. (2), Rpt. 10	3-B
D35-006-2016	Anchor Concrete & Red Rock Enterprises	1645 Sydenham Rd & 1456 Aley St	L. Lambert	**54**	59	–	By-law 2017-30 Passed Jan 10/17 Cl. (1), Rpt. 16	Sch. 3-B, 3-D, 8-B, 3.17.59
D35-004-2016	IBI Group 906010 Ontario Limited	556 Princess St.	A. Didrikson	**55**	60	Yes	By-law 2017-37 Passed Jan 24/17 Cl. (3), Rpt. 21 **Appeal Withdrawn**	Sch.3-D, 3.17.60

File Number	Applicant	Property Location	Planner	OPA Number	SSPA Number	OLT Appeal	Approved By-Law	OP Section/ Schedule
D35-001-2017	Quinte Crane	193 Resource Road	C. Wicke	**56**	62	–	By-law 2017-139 Passed Jul.11/17 Cl. (1), Rpt. 81	Sch 3-D, 3.17.62
D09-075-2012	Ontario Infrastructure and Lands Corporation	752 King Street West	M. Venditti	**57**	–	–	By-law 2017-186 Passed Sep. 5/17 Cl. (1), Rpt. 92	10F, Sch. 3-A, 3-D, KPC-1
D35-004-2017	Frontenac Club Inc.	225 King Street East	S. Bolton	**58**	–	–	By-law 2017-231 Passed Nov 7/17 Cl. (3), Rpt. 109	Sch 3-A DH-1 DH-2 DH-3
D35-006-2017	Axion Development Corporation Limited	133 Dalton Avenue	A. Eusebio	**59**	–	–	By-law 2018-62 Passed Mar 6/18 Cl. (3), Rpt. 30	Sch 3-A
D35-007-2017	Martian Properties Inc.	1201 McAdoo's Lane	A. Furniss	**60**	63		By-law 2018-59 Passed Mar 6/18 Cl. (1), Rpt. 30	Sch 3-B, 3-D, 3.17.63
D35-005-2016	Podium Developments	575-611 Princess Street and 510 Frontenac Street	J. Sands	**61**	64	Yes	LPAT Decision PL180674 Dated Feb. 13/19 By-law 2018-110 Passed June 26/18 Cl. (3), Rpt. 61	Sch. 3-D, 3.17.64
D35-002-2017	Fotenn Consultants Inc. & IN8 (Sage Kingston) Developments Inc.	652 & 662-670 Princess Street and 551 Victoria Street	L. Lambert	**62**	65	–	By-law 2018-125 Passed July 10/18 Cl. (4), Rpt. 66	Sch. 3-D, 3.17.65
D09-039-2015	Homestead Land Holdings Ltd.	18 & 51-57 Queen Street and 282 Ontario Street	J. Sands	**63**	66	Yes	–	–
D35-004-2018	City of Kingston	199, 215 & 227 Weller Avenue, 16, 33, 40, 41, 51, 61, 71, 81, 70, 94, 100, 106, 110 & 140 Compton Street, 190, 200, 210 and 220 Wilson Street, and portion of 183 Weller Avenue	C. Wicke	**64**	–	–	By-Law 2021-144 Passed Aug. 10/21 Cl. (1), Rpt. 74	Sch. 3-A
D35-003-2018	City of Kingston	City-wide (second residential units)	A. Furniss	**65**	–	–	By-Law 2019-86 Passed June 18/19 Cl. (3), Rpt. 52	Sch. 11-C, Various
D35-004-2019	City of Kingston	Front yard parking	S. Agarwal	**66**	–	–	By-Law 2019-144 Passed Oct. 1/19 Cl. (b), Rpt. 77-2019	4.6.59, 4.6.60
D35-003-2019	BPE Development Inc. & Fotenn Consultants	2285 and 2311 Battersea Road	J. Bar	**67**	–	–	By-Law 2020-119 Passed Sep. 15/20	Sch 3-B
D35-008-2017	RAW Design Inc.	305 Rideau Street	J. Bar	**68**	–	–	By-Law 2020-77 Passed May 5/20 Cl. (2), Rpt. 39	Sch 3-A Sch 3-D

File Number	Applicant	Property Location	Planner	OPA Number	SSPA Number	OLT Appeal	Approved By-Law	OP Section/ Schedule
D35-001-2020	ABNA Investments Inc.	9 North Street	J. Bar	**69**	–	–	By-Law 2020-165 Passed Nov. 3/20 Cl. (1), Rpt. 87	Sch 3-A
D35-002-2019	Michael Gabryel	2305 Isle of Man Road	W. Albakry	**70**	–	–	By-Law 2020-154 Passed Oct. 6/20 Cl. (3), Rpt. 75	Sch 3-C
D35-003-2020	City of Kingston	Williamsville Main Street Corridor	S. Bolton	**71**	–	Yes	By-Law 2021-01 Passed Dec. 1/20 Cl. (1), Rpt. 4	Sch 3-A Sch PS-1 3.4.C.9, 10E.1
D35-007-2020	Patry Inc.	2274 Princess Street	L. Lambert	**72**	67	–	–	–
D35-001-2021	City of Kingston	City-wide: Second Residential Units	M. Robidoux	**73**	–	Yes	By-Law 2021-62 Passed Apr. 6/21 Cl. (2), Rpt. 41 **Under Appeal**	–
D09-002-2021	City of Kingston	City-wide: Community Improvement Plan Policies	L. Sthamann	**74**	–	–	By-Law 2021-71 Passed Apr. 6/21 Cl. (1), Rpt. 43	Sch 10 9.8.2, 9.8.5 to 9.8.8
D35-008-2020	Kingston Home Base Housing	464 Albert Street and 620 Princess Street	G. Grant	**75** Repealed	68 Repealed	–	By-Law 2021-127 Passed Jul. 13/21 **Repealed**	Sch 3-A Sch 3-D Sch PS-1 3.17.68
D35-008-2020	Kingston Home Base Housing	464 Albert Street and 620 Princess Street	G. Grant	**6**	69	–	By-Law 2021-129 Passed Jul. 13/21 Cl. (1), Rpt. 70	Sch 3-A Sch 3-D Sch PS-1 3.17.69

Foreword

City of Kingston Official Plan

The City of Kingston Official Plan, as recommended to City Council by the Planning Committee of Council at its meeting of July 2, 2009, was adopted by the Council of The Corporation of the City of Kingston as By-law Number 2009-105 dated July 15, 2009.

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

Prior to adoption and in accordance with the provisions of the *Planning Act* and after giving required notice, a formal Open House was held by the City on June 8, 2009 for the purpose of making adequate information available to the public regarding the Official Plan. The Open House was followed by a formal Statutory Public Meeting, also held in accordance with the provisions of the *Planning Act*, by the Planning Committee at its meeting of June 18, 2009 for the purpose of giving the public an opportunity to make representations in respect of the Official Plan.

The Ministry of Municipal Affairs and Housing formally reviewed the Official Plan, as adopted by City Council as By-law Number 2009-105, and submitted a number of proposed modifications to the Plan that were outlined in a letter to the City dated November 6, 2009. The City reviewed the proposed modifications, proposed a number of City-initiated technical changes and responded to the Ministry in a resolution passed by City Council at its meeting of December 1, 2009. The Ministry of Municipal Affairs and Housing then issued a Notice of Decision on January 6, 2010.

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

This October 15, 2021 consolidated version of the Official Plan includes all approvals and modifications made to the Plan after January 27, 2010 up to and including

September 30, 2021. Anyone reading and relying on this version should review the relevant Official Plan documents and schedules to determine how the policies in the document(s) and schedule(s) relate to any proposed development and/or site.

This consolidation has been prepared for convenience. For precise reference to any policies or map schedules contained within the Plan, please consult the City of Kingston Planning Services Department.

This foreword does not form part of the Official Plan.

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Appendix A: Wildland Fire Hazard Areas

Appendix B: Unstable Bedrock (Potential Karst Topography)

Context

Kingston is at the east end of Lake Ontario, where the Lake flows into the St. Lawrence River, and at the confluence of the Little and Great Cataraqui Rivers. The fluidity of space and occupancy of the Kingston region is very complex and multi-faceted. In the early 1600s, the first Europeans began to arrive in Southern Ontario, the north shore of Lake Ontario and the area originally known by the First Nations Haudenosaunee Peoples as Katarokwi (now Kingston). The area was shared with Anishinaabe First Nations groups for both gathering, camping and trading. In the Mohawk language, the name Katarokwi means *a place where there is clay* or *where the limestone is*, while the French translation of the Algonquin use of the term Cataracoui, means *great meeting place*.

European settlement began with the French in 1673 and the area soon became an important area to the French for fur trading. The region was briefly of strategic importance during the Seven Years' War, and was captured by British forces in 1758. With the British establishing a more permanent colony along the north shore of Lake Ontario, and in particular with their occupation and expansion of the Katarokwi area, the Anishinaabe Mississauga First Nations who had established a community in the region in the early 1700's ceded Kingston and the surrounding territory to the British crown in 1783 with the signing of the Crawford Purchase.

As the American-based United Empire Loyalists, sympathizers with the British during the American Revolution of 1776, agreed to move peacefully into British Upper Canada territory during the late 1700's early 1800's, trading with the Iroquois Confederacy and Anishinaabe peoples continued in Katarokwi. As the community grew and flourished as an important site for political and judicial institutions over the 18th and 19th centuries, Market Square, behind what is now Kingston City Hall was the main trading location where food stuffs, tobacco and hides exchanged hands between *Indigenous Peoples of Canada*, the United Empire Loyalists and other recent immigrants to the established British Colony of Upper Canada.

Kingston is known for its rich and diverse heritage as a military, trading, commercial, and penal centre. It is the home of Queen's University (1841) and the Royal Military College of Canada (1874). It also has the cathedrals of the Anglican Diocese of Ontario and the Roman Catholic Archdiocese of Kingston. It was the first capital of the united Canadas and the political home of Sir John A. Macdonald, a father of confederation and the first prime minister of Canada. Kingston's economy and development are influenced by its proximity to Toronto, Montreal, Ottawa, and the United States. Kingston now serves as the commercial and institutional focus for the wider region of eastern Ontario. The growing population continues to represent diverse cultural, language and faith-based identities, while Kingston's substantial scenic, historic and leisure assets attract tourists from around the world.

On January 1, 1998, the former City of Kingston amalgamated with the Township of Kingston and Pittsburgh Township to create a City having an area of 450 square kilometres. The 2011 Census population of the amalgamated City of Kingston was

123,410 persons. The City is characterized by urban (serviced) lands abutting Lake Ontario, the St. Lawrence River and the Great Cataraqui River, and rural areas comprised of inland lakes and a variety of natural heritage features and resources.

The Official Plan is a key part of the planning policy structure that will guide land use decisions in the City. The aim of the Official Plan is to reflect the City's vision for the future based on the shared views of its citizens and the policy framework established by the Province. The City's goal of making itself the most sustainable municipality in Canada is reflected throughout the document as is the desire to generate and sustain cultural vitality. In addition, the Plan allows the City to evolve in a way that will contribute to the City's prosperity and provide a range of opportunities for housing, recreation, arts, culture and employment.

The Official Plan recognizes the stewardship responsibilities that result from two UNESCO (United Nations Educational Scientific and Cultural Organization) inscriptions. UNESCO inscribed the Rideau Canal and associated fortifications as a World Heritage Site in 2007 and the Frontenac Arch as a UNESCO Biosphere Reserve in 2002, as shown on Schedule 1.

Schedule 1 – Regional Context

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

- Kingston Waterfront Master Plan, 2016;

- Commercial Land Review, 2016;
- Cataraqui Source Protection Plan, 2015;
- Design Guidelines for Communities and Residential Lots, 2015;
- Employment Land Strategy Review, 2015;
- Kingston Transportation Master Plan, 2015;
- Integrated Cultural Heritage and Cultural Tourism Strategy, 2014;
- Kingston Climate Action Plan, 2014;
- Municipal Housing Strategy & 10-year Municipal Housing and Homelessness Plan, 2013;
- Population, Housing and Employment Projections Study, 2013;
- Rideau Corridor Landscape Character Assessment and Planning and Management Recommendations, 2013;
- Urban Forest Management Plan, 2011;
- Parks and Recreation Master Plan, 2010;
- Kingston Culture Plan, 2010;
- Sustainable Kingston Plan, 2010;
- Agricultural Study, 2007;
- Downtown and Harbour Architectural Guidelines Study, 2007;
- Central Cataraqui Region Natural Heritage Strategy, 2006;
- Regional Commercial Study Update, 2006;
- Waterfront Strategy (Background Report), 2006;
- City Owned Industrial Land Development Strategy, 2005;
- Kingston Transportation Master Plan, 2004;
- Urban Growth Strategy, 2004;
- Cycling and Pathways Study, 2003; and

- Downtown Action Plan, 2003.

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

Section 1. Overview

The Official Plan, also called the “Plan”, is the document in which the City of Kingston, also called the “City”, sets out its land use planning goals and policies that guide physical *development*, protection of natural and cultural heritage, resource management, and necessary supporting *infrastructure*. This Official Plan repeals and replaces the former City of Kingston Official Plan, and the Township of Kingston and Township of Pittsburgh Official Plans, except for specified secondary plans.

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

1.1 The Role of the Official Plan

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

This Official Plan is intended to guide *development* in Kingston until 2036, but it will be reviewed every five years in accordance with the requirements of the *Planning Act* and may be amended by the City to reflect changing circumstances or new priorities for resource protection, growth or *development*.

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

1.2 The Elements and Structure of the Plan

Section 1

The Official Plan consists of both written policy and attached schedules and appendices. This Plan is organized into 10 main sections. It is organized to move from fundamental and broadly-based planning principles, strategic policy approaches, and structural organization of the City to the more specific land use policies, resource and utility policies, implementation tools, and then to secondary plans, which are more detailed provisions for specific geographic areas of the City. This introduction is Section 1.

Cross-references within the text are intended to be helpful in reading the Official Plan, but do not anticipate every situation. The Official Plan should be read in its entirety to ensure that all applicable policies have been considered.

Section 1.4 includes definitions for terms noted in italics, and used in the body of the Plan. Many are quoted from the 2014 Provincial

Policy Statement. Where a term is not defined, the City will rely on its common or ordinary meaning.

Section 2 Section 2 establishes the strategic policy direction for the City of Kingston and includes such matters as the City's approach to growth and *intensification*, the *Urban Boundary*, and the fundamental structure as illustrated on Schedule 2. It is a statement of how the citizens want to see their City developed. Matters found in this section are considered of prime significance to the future development of the City and apply to all sections of the Official Plan. Proposals that are contrary to the strategic intent of the Plan, or are not anticipated by the Plan, will require more detailed supporting study and rigorous analysis than those that meet the strategic intent of the Official Plan.

Section 3 Section 3 contains detailed policies for each type of land use designation and includes Schedule 3, the Land Use schedule of the City, which is shown over three maps – Schedules 3-A, 3-B and 3-C. Schedule 3-D refers to individual sites that have specific approved policy provisions, but are not yet built. Schedules 12 and PS-1 also refers to this section.

Section 4 Section 4 contains policies relating to supporting physical *infrastructure*, including roads and other means of transportation, municipal water, sanitary sewer and stormwater management, solid waste management, and the provision of various utilities. Schedules 4, 5 and 6 refer to this section.

Section 5 Section 5 consists of policies related to the protection of health and safety, including the management of hazards in flood-prone areas, contaminated sites, and issues of noise, vibration and odour emissions. This section also contains policies related to source water protection. Schedule 11-A and Appendices A and B refer to potential hazards. Schedule 11-B refers to source water protection.

Section 6 Section 6 deals with the natural environment by applying an ecosystem approach to protecting *natural heritage features and areas* and *ecological functions*. These are discussed and illustrated as a *natural heritage system* on three separate maps for each of Schedules 7 and 8. This section also contains policies related to energy, which, together with the environmental policies, contribute to the *sustainability* of the City by protecting its natural and physical resources.

Section 7 Section 7 deals with *cultural heritage resources*, including individual buildings, cultural heritage districts, cultural landscapes, *intangible cultural heritage resources*, museums, *arts and culture*, including

public art, and *archaeological resources*. Schedule 9 refers to this section.

Section 8 Section 8 includes urban design policies and approaches to *development* within the City.

Section 9 Section 9 contains policies related to the implementation of the Plan. These include studies, *community improvement plans*, by-laws, means of subdividing land, as well as various other tools and measures. This section also contains policies that relate to the administration and interpretation of the Plan. Schedules 10 and 13 refer to this section.

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

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

1.3 How to Read the Official Plan

Introduction The introductory paragraphs of each section of the Plan provide a context for the policies that follow.

Goals The Goals provide the overall direction that is sought by the more specific policies that follow.

Policies The Policies provide specific direction and often refer to areas on the map schedules for locational reference and clarity of intent. Policies will be implemented through a wide variety of mechanisms, including:

- regulatory tools such as zoning by-laws, subdivision guidelines, and the site plan control by-law and associated guidelines;
- through programs undertaken by the City and higher levels of government; and
- through incentives or direct investment decisions of the City.

The policies of the Plan are to be read as a whole and no single policy or group of policies is intended to be given greater weight than any other policy or group of policies, except as it relates to the clarification of secondary plan policies as described in Section 9.2.6.

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

Operative Parts of the Plan

The introductory paragraphs of each section of the plan, goals, policies, tables, definitions, schedules, and specific policy areas and secondary plans referenced in Sections 1.4 to 10, inclusive, are all operative parts of the Plan.

Sub-Headings Sub-headings that are not numbered are intended as helpful reference markers to categories of policy text and are not intended as operative parts of the Plan.

Added Policies Some sections of the Plan have special sub-areas where additional policies apply in addition to the general policies of that designation. For instance, within the Commercial land use designation there are additional policies that apply to various types or designations of commercial land use. In such cases, the general policies of the introductory section are also intended to apply, unless they are explicitly excluded in the text that describes a specific sub-category or land use designation.

Secondary Plans Secondary plans and specific policy areas provide more detailed direction for *development* in specific areas of the City. They are consolidated in Section 10 for ease of reference, and are subject to all other policies of the Plan. New secondary plans will be required over time and are expected to be prepared prior to approval of *development* in large or complex areas in the City.

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

1.4 Definitions

Accessory Use

Means a separate use, building or structure which is subordinate to, naturally, customarily and normally incidental to and exclusively devoted to the principal use, building or structure and is located on the same lot but not designed or intended for human habitation unless specifically permitted.

Accommodation Costs

In terms of *affordable* housing, means:

a. in the case of ownership housing, includes the mortgage, principal, and interest (based on a 25-year amortization, 10 percent down payment and the chartered bank administered mortgage rate for a conventional 5 year mortgage as reported by the Bank of Canada at the time of application) plus property taxes, GST and

any other mandatory costs associated with purchasing the units, and heat, hydro, and hot water; and

b. in the case of rental housing, the gross monthly rent that includes utilities, heat, hydro, and hot water

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

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

Active Transportation

Means human-powered travel, including but not limited to, walking, cycling, inline skating and accessible travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

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

Adjacent Lands (Cultural Heritage)

In terms of evaluating potential impacts of *development* and *site alteration* on *protected heritage properties*, means:

a. contiguous (abutting properties);

b. a property that is separated from a heritage property by a narrow strip of land used as a right-of-way, walkway, green space, park and/or easement and where the recognized *heritage attributes* of a protected property would be impacted by the proposed *development* and/or *site alteration*; and/or

c. those properties whose *heritage attributes* were identified within the following:

- a designation by-law enacted under the *Ontario Heritage Act;*
- a heritage easement enacted under the *Ontario Heritage Act;*
- a Heritage Conservation District Plan;
- a World Heritage Site Management Plan;
- a National Historic Site's Commemorative Integrity Statement, Management Plan, Federal Heritage Buildings Review Office report, or Reasons for Designation;
- City of Kingston's Official Plan; or

- Properties listed on a municipal registrar with recognized *heritage attributes* that would be impacted by the proposed *development* or *site alteration*.

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

Adjacent Lands (Natural Heritage)

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

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

Adjacent Lands (Petroleum, Mineral Deposits, and Aggregate Resources)

Those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of *mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. *Adjacent lands* are deemed to be those that are:

a. within 300 metres of a known unconsolidated deposit (e.g., sand, gravel, clay) or a mineral aggregate pit operation; or

b. within 500 metres of a known bedrock deposit or bedrock quarry operation.

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

Adjacent Lands (Transportation and Infrastructure Facilities)

In terms of protecting corridors and rights-of-way for *infrastructure,* means those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility, and may also include non-contiguous lands within a regulated setback from the existing or planned corridor, as defined in Provincial or municipal guidelines.

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

Adverse Effects

This means one or more of the following:

a. impairment of the quality of the natural environment for any use that can be made of it;

b. injury or damage to property or plant or animal life;

c. harm or material discomfort to any person;

d. an *adverse effect* on the health of any person;

e. impairment of the safety of any person;

f. rendering any property or plant or animal life unfit for human use;

g. loss of enjoyment of normal use of property; and

h. interference with the normal conduct of business.

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

Affordable

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

- housing for which the purchase price results in annual *accommodation costs* which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or

- housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

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

- a unit for which the *accommodation cost* does not exceed 30 percent of gross annual household income for *low and moderate income households*; or

- a unit for which the *accommodation cost* is at or below the average market rent of a unit in the regional market area.

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

Agricultural Condition

a. in regard to *specialty crop areas*, a condition in which substantially the same areas and the same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and

b. in regard to *prime agricultural land* outside of the *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

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

Agricultural Uses

The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm

buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

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

Agriculture-related Uses

Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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

Agri-tourism Uses

Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

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

Airport

A complex of runways and buildings for the take-off, landing and maintenance of aircraft, with facilities for passengers and freight, for which an *airport* certificate is in force.

Airside

The movement area of an *airport* or an aerodrome, including adjacent terrain and buildings or portions thereof, where access is controlled.

Amenity Area

An area exterior to the residential building, or a common interior area within a residential building, which is designed and intended primarily for the leisure and recreation of the occupants of the building.

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

Aquatic Species at Risk

Fish and mussels listed under Schedule 1 of the federal *Species At Risk Act* (SARA) or *Ontario's Endangered Species Act* (ESA).

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

Archaeological Resource(s)

Artifacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act.*

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

Areas of Archaeological Potential

Areas likely to contain *archaeological resources*. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

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

Areas of Natural and Scientific Interest (ANSI)

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Arts and Culture

Assets that strengthen local identity and pride and contribute to creating cultural vitality such as the visual arts, theatre, film, music, dance, literature and other creative activities. Museums, galleries and historic sites also form part of this definition as do festivals, traditional crafts, cultural practices and the creative industries that help to animate both tangible and intangible cultural heritage assets throughout the City.

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

Bed and Breakfast Operations

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

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

Biomass Energy

Energy produced through the conversion of biological material or waste into heat, electricity or fuel.

Buffer

In regard to *natural heritage features and areas,* refers to a width of land in which *development* or *site alteration* is limited or prohibited in order to protect the *natural heritage feature or area* or its *ecological function* from *negative impacts*.

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

Brownfield Sites

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built Heritage Resource

Means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

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

Casino Gaming Facility

Means any building developed and used for the purpose of providing slot machine or table game wagering or betting authorized and licensed by the Province of Ontario.

(OMB Case Number PL140920 Issue Date November 10, 2015)

Class I Industrial Facility

A place of business for a small-scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise; odour; dust; and/or vibration. These are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

Class II Industrial Facility

A place of business for medium-scale processing and manufacturing with outdoor storage of wastes or materials (i.e., it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise; odour; dust; and/or vibration; and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

Class III Industrial Facility

A place of business for large-scale manufacturing or processing, characterized by some or all of the following: large physical size; outside storage of raw and finished products; large production volumes; and, continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.

Climate Positive Development

An integrated planning of energy efficient buildings, low carbon transportation solutions, and waste and water management systems at the district scale that seeks to lower operational GHG emissions below zero.

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

Coastal Wetland

a. any *wetland* that is located on one of the Great Lakes or their connecting channels (for the City of Kingston, this would be the St. Lawrence River); or

b. any other *wetland* that is on a tributary to any of the above-specified waterbodies and lies, either wholly or in part, downstream of a line located two kilometres upstream of the 1:100 year floodline (plus *wave uprush*) of the large waterbody to which the tributary is connected.

Cogeneration Energy

Thermal energy (heat) and electrical energy produced at the same time using the same process.

Community Improvement Plan

A tool under the *Planning Act* that allows a municipality to direct funds and implement policy initiatives towards a specifically defined *community improvement project area.*

Community Improvement Project Area

A municipality, or an area within a municipality, where in the opinion of Council, community improvement is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social or community economic development reason.

Compatible (or Compatibility)

The ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another in a manner that will not have an undue physical or functional *adverse effect* on, existing or proposed *development* in the area, or pose an unacceptable risk to environmental or human health.

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

Complementary (Use)

Means a separate and independent use which is different from the predominant class of uses permitted in an area but is in keeping with the context of the overall mix of uses and, in a mutually beneficial fashion with the primary uses, provides support and services to meet the needs of the primary uses without interfering with the intended function of its surrounding area.

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

Comprehensive Rehabilitation

Rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

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

Comprehensive Review

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

- is based on a review of population and employment projections; considers alternative directions for growth or *development*; and determines how best to accommodate the *development* while protecting provincial interests;
- utilizes opportunities to accommodate projected growth or *development* through *intensification* and *infill development*; and considers physical constraints to accommodating the proposed *development* within existing *settlement area* boundaries;
- is integrated with planning for *infrastructure* and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
- confirms sufficient water quality, quantity, and assimilative capacity of receiving water are available to accommodate the proposed *development*;
- confirms that sewage and water services can be provided in accordance with policy 1.6.6 of the Provincial Policy Statement; and,
- considers cross-jurisdictional issues.

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

Conserve(d) (Cultural Heritage)

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

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

Contributory Woodlands

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

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

Controlled Access Highway

That part of the *King's Highway* which has been designated as a *controlled-access highway* under the *Public Transportation and Highway Improvement Act* and to which direct access is limited.

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

Controlled Area

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

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

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

Core Housing Need

A household that falls below at least one of the adequacy, affordability, or suitability standards and that would have to spend more than 30 percent of its gross income to

pay the *accommodation costs* for alternative local housing that is acceptable, i.e., meets all three of the following housing standards:

a. Adequate housing does not require any major repairs, as reported by residents;

b. *Affordable* housing costs less than 30 percent of gross household income for *low and moderate income households*; and

c. Suitable housing has enough bedrooms for the size and make-up of resident households, according to National Occupancy Standard requirements.

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

Cultural Heritage Landscape

A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including *Indigenous Peoples of Canada* community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

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

Cultural Heritage Resources

Cultural heritage is the legacy of physical artifacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations. Cultural heritage resources include human work, a place that gives evidence of human activity or has spiritual or cultural meaning, natural sites and “living heritage” such as stories, practices and traditions which has been determined to have cultural heritage value or interest. *Cultural heritage resources* encompass both tangible and *intangible cultural heritage resources* including: *protected heritage properties*; *built heritage resources*; *cultural heritage landscapes*; *archaeological resources*; paleontological resources, osteological/bio-archaeological resources; artifacts; monuments; and both documentary and material heritage.

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

Deposits of Mineral Aggregate Resources

An area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated Vulnerable Area (Drinking Water Sources)

Areas defined as *vulnerable*, in accordance with provincial standards, by virtue of their importance as a drinking water source.

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

Development

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

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

b. works subject to the *Drainage Act*; or,

c. underground or surface mining of *minerals* or advanced exploration on mining lands in *significant* areas of *mineral* potential where advanced exploration has the same meaning as under the *Mining Act.*

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

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

Dispute Resolution Protocol

A protocol prepared by the proponent of an *electricity generation facility* to the satisfaction of the City, which is engaged to resolve functionality and land use *compatibility* matters with the said *electricity generation facility* in a collaborative and timely manner with area landowners.

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

Ecological Function

The natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Electricity Generation Facility

A building or structure used for the generation of electrical power, the production of which may be supported by renewable energy, the combustion of natural gas, oil and propane, or cogeneration.

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

Electricity Transmission and Distribution System

Buildings, structures and infrastructure that facilitate the distribution of electric power such as hydro lines, transformers, transfer stations and switch gear but does not include an Electricity Generation Facility.

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

Employment Area

Areas of land designated in an official plan for clusters of business and economic uses including, without limitation:

a. manufacturing uses;

b. warehousing uses;

c. office uses;

d. retail uses that are associated with uses mentioned in clauses **a)** to **c)** but which do not include destination-oriented commercial and shopping uses such as large format retail uses; and,

e. facilities that are accessory to uses mentioned in clauses **a)** to **d).**

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

Endangered Species and Threatened Species

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

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

Energy Conservation

The practice of decreasing the quantity of energy used.

Environmental Impact Assessment (EIA)

An analysis performed by a *qualified person* with current knowledge in the field of biology, ecology, hydrology or other specialty as required by the specific circumstances that inventories and assesses the impact of a proposed *development* on *natural heritage features and areas,* and their *ecological function* and makes recommendations for measures to ensure the *development* has no *negative impacts*.

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

Environmental Protection Act

A statute of Ontario governing matters pertaining to the environment.

Erosion Hazard

The loss of land, due to human or natural processes that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a 100 year time span), an allowance for slope stability, and an erosion/erosion access allowance.

First Nations

Aboriginal peoples of Canada who are ethnically neither Métis nor Inuit.

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

Fish

Means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

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

Fish Habitat

Spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

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

Floodplain

See *Regulatory Floodplain*.

Floor Space Index

The ratio of building area to site area.

Freight-supportive

In regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods that may include policies or programs intended to support efficient freight movement through the planning, design, and operation of land use and transportation systems. Approaches may be recommended in guidelines adopted by the Province or based on municipal approaches that achieve the same objectives.

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

Garden Suite

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

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

Geothermal Energy

Energy derived from the heat generated or stored beneath the Earth's surface that is used for heating or cooling, or to produce electricity.

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

Great Lakes - St. Lawrence River System

The major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

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

Green Economy

An economy that results in improved human well-being and social equity, while substantially reducing environmental risks and ecological scarcities.

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

Green Infrastructure

Natural and human-made elements that provide ecological and hydrological functions and processes that may include components such as *natural heritage features and areas*, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

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

Green Jobs

Jobs that contribute substantially to preserving or restoring environmental quality, reduce energy, materials and water consumption, decarbonize the economy and minimize or altogether avoid generation of all forms of waste and pollution.

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

Group Home

A group home means premises used to provide supervised living accommodation as per the requirements of its residents, licensed and/or funded by the Province of Ontario or the Government of Canada, generally limited to 10 persons or fewer, exclusive of staff, living together as a single housekeeping unit.

(Ministerial Modification, OPA Number 50)

Ground Source Heat Pump

A heating and cooling system for buildings that uses a liquid to exchange heat with the ground or groundwater.

Groundside

The part of an *airport* or an aerodrome used for operations unrelated to the departure and arrival of aircraft.

Groundwater Feature

In terms of the *natural heritage system*, this refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of *Endangered Species* and *Threatened Species*

a. with respect to a species listed on the Species at Risk in Ontario List as an *endangered species* or *threatened species* for which a regulation made under clause 55(1)(a) of the *Endangered Species Act*, 2007 is in force, the area prescribed by that regulation as the habitat of the species; or

b. with respect to any other species listed on the Species at Risk in Ontario List as an *endangered species* or *threatened species*, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources and Forestry; and

c. places in the areas described in clause **a)** or **b)** whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

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

Hazardous Forest Types for Wildland Fire

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

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

Hazardous Lands

Property or lands that could be unsafe for *development* due to naturally occurring processes. Along the shorelines of the *Great Lakes – St. Lawrence River System,* this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, *erosion hazard* or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, *erosion hazard* or dynamic beach hazard limits. Along *river, stream and small inland lake systems,* this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or *erosion hazard* limits.

Hazardous Sites

Property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

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

Hazardous Substances

Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

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

Heritage Attributes

The principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including *significant* views or vistas to or from a *protected heritage property*).

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

High Water Mark

The highest water level that has been maintained for a sufficient duration (on an annual basis) as to leave physical evidence upon the landscape marking the boundary between that water level and upland areas.

The boundary may be identified by:

a. an examination of the bed and bank of the waterbody, to determine where the presence and action of water has been so common and usual and long continued in all ordinary years to mark upon the bed or bank a character distinct from that of the abutting upland; and/or
b. a distinction between either open water or dominant aquatic/wetland vegetation, and dominant upland vegetation.

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

High Quality (Aggregate Resources)

Primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

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

Highly Vulnerable Aquifer

An aquifer that is or is likely to be significantly and adversely affected from external sources, and includes the land above the aquifer.

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

Hydroelectric Energy

Energy obtained from the hydrologic cycle of water that is converted to produce electricity.

Hydrological Function

The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment, including its relation to living things.

Indigenous Peoples of Canada

The descendants of the original inhabitants of North America. The Canadian Constitution recognizes three groups of *Indigenous Peoples of Canada – First Nations*, *Métis* and *Inuit*. These are three separate peoples with unique heritages, languages, cultural practices and spiritual beliefs.

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

Individual On-site Sewage Services

Sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act*, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

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

Individual On-site Water Services

Individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infill

Refers to the *development* of a vacant or underutilized lot, or a consolidated number of lots. *Infill development* encourages *intensification* and *sustainability*.

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

Infrastructure

Physical structures (facilities and corridors) that form the foundation for *development*. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

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

Intake Protection Zone

The area of land and water that contributes source water to a drinking water system intake within a specified distance, period of flow time (for example, two hours), and/or watershed area.

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

Intangible Cultural Heritage Resource

Intangible cultural heritage resources, also known as “living heritage”, include the stories, practices, representations, and expressions, as well as the associated knowledge and the necessary skills that communities, groups and in some cases, individuals recognize as part of their cultural heritage and are transmitted from generation to generation. Intangible cultural heritage can be manifested through: oral traditions and expressions, including language; the performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and the universe; and, traditional craftsmanship.

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

Intensification

The *development* of a property, site or area at a higher density than currently exists through:

a. the re-use of *brownfield sites*;

b. the *development* of vacant and/or underutilized lots within previously developed areas;

c. *infill development*; and,

d. the expansion or conversion of existing buildings.

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

Inuit

Members of a group of indigenous people of northern Canada, who live in Nunavut, Northwest Territories, northern Quebec and northern Labrador. *Inuit* means “people” in the Inuit language – Inuktitut. The singular of *Inuit* is Inuk.

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

Kilovolt (kV)

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

Kilowatt (kW)

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

King's Highway

The system of highways designated by the Lieutenant-Governor in Council as the *King's Highway* under Section 7 of the *Public Transportation and Highway Improvement Act*.

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

Livestock Operation

One or more barns or permanent structures with livestock occupied portions, intended for keeping or housing of livestock. A *livestock operation* also includes all manure or material storage and anaerobic digesters.

Low and Moderate Income Households

a. In the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or,

b. In the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

Low Carbon Economy

An economy based on low or zero carbon power sources.

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

Major Facilities

Facilities which may require separation from *sensitive land uses*, including but not limited to *airports*, transportation *infrastructure* and corridors, rail facilities, *marine facilities*, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, electricity generation facilities and electricity transmission and distribution systems, and resource extraction activities.

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

Major Goods Movement Facilities and Corridors

Transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are *freight-supportive* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

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

Marine Facilities

Means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

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

Megawatt (MW)

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

Métis

People of mixed *First Nations* and European ancestry who identify themselves as *Métis*, as distinct from *First Nations* peoples, *Inuit* or non-*Indigenous Peoples of Canada*. The *Métis* have a unique culture that draws on their diverse ancestral origins, such as Scottish, French, Ojibway and Cree.

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

Minerals

Metallic *minerals* and non-metallic *minerals* as herein defined, but does not include *mineral aggregate resources* or petroleum resources. A metallic *mineral* means those *minerals* from which metals (e.g. copper, nickel, gold) are derived. Non-metallic *minerals* mean those *minerals* that are of value for intrinsic properties of the *minerals* themselves and not as a source of metal. They are generally synonymous with industrial *minerals* (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral Aggregate Operation

a. Lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;

b. for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

c. associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

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

Mineral Aggregate Resources

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material described under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings, or other material prescribed under the *Mining Act*.

Mineral Aggregate Resource Conservation

a. the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and

b. the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to *development* occurring.

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

Mineral Deposits

Areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral Mining Operation

Mining operations and associated facilities, or past producing mines with remaining *mineral* development potential that have not been permanently rehabilitated to another use.

Minimum Distance Separation Formulae

Formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

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

Municipal Sewage Services

A sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal Water Services

A municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002.

Nameplate Generating Capacity

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

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

Natural Heritage Features and Areas

Features and areas, including *significant wetlands*, *significant coastal wetlands*, other *coastal wetlands*, *fish habitat,* waters supporting *aquatic species at risk*, *significant woodlands*, *significant valleylands*, *habitat of endangered species and threatened species*, *significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

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

Natural Heritage System

A system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrological functions*, and working landscapes that enable *ecological functions* to continue. The Province has a recommended approach for identifying *natural heritage systems*. However, municipal approaches that achieve or exceed the same objective may also be used.

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

Negative Impacts

a. with respect to *individual on-site water and sewage services* and *partial services* means, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their related *hydrological functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;

b. in regard to protecting, improving or restoring the *quality and quantity of water* means, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive groundwater features*, and their related *hydrological functions*, due to single, multiple or successive *development* or *site alteration* activities;

c. in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat,* except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and

d. in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

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

Normal Farm Practices

A practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. *Normal farm practices* shall be consistent with the *Nutrient Management Act*, 2002 and regulations made under that Act.

On-farm Diversified Uses

Uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.

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

Paris Agreement

The Paris Agreement is an agreement under the United Nations Framework Convention on Climate Change to address climate change which was discussed in December of 2015 and signed by Canada on April 22, 2016.

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

Partial Services

a. *municipal sewage services* or private communal sewage services and *individual on-site water services*; and

b. *municipal water services* or private communal water services and *individual on-site sewage services*.

Prime Agricultural Land

Land that includes *specialty crop areas* and/or Canada Land Inventory Classes 1, 2 and 3 lands, as amended from time to time, in this order of priority for protection.

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

Principal Residential Unit

The main/core building intended for human habitation on a lot.

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

Protected Heritage Property

Property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation; and UNESCO World Heritage Sites.

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

Protection Works Standard

The combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, *erosion hazards* and other water-related hazards, and to allow access for their maintenance and repair.

Provincial Highway

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

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

Qualified Person

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

Quality and Quantity of Water

Is measured by indicators associated with *hydrological function* such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

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

Recreation(al)

Leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction, and the achievement of human potential.

Regulatory Floodplain

a. for Lake Ontario and the St. Lawrence River, the area affected by the regulatory 1:100 year water elevation plus an allowance for *wave uprush* and other water-related hazards;

b. for river and stream systems (including local inland lakes, except for some waterbodies that are associated with the Great Cataraqui River, as noted below) the area affected by the anticipated regulatory 1:100 year water elevation, plus an allowance for water-related hazards; or,

c. for those waterbodies that form part of the Great Cataraqui River Watershed and for which a regulatory 1:100 year water elevation has not yet been calculated, the maximum recorded water level, as determined by Parks Canada – Rideau Canal Office and the Cataraqui Region Conservation Authority (CRCA).

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

Renewable Energy Source

An energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, *solar energy*, *geothermal energy* or tidal forces.

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

Renewable Energy System

A system that generates electricity, heat, and/or cooling from a *renewable energy source*.

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

Residential Unit

A unit that consists of a self-contained set of rooms located in a building or structure, used or intended for use as residential premises, and contains kitchen and bathroom facilities that are intended for the use of the unit only.

Resilience

The ability of a system, entity, community or person to withstand shocks while still maintaining its essential functions and to recover quickly and effectively.

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

River, Stream and Small Inland Lake Systems

All watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Run-of-river System

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

Second Residential Unit

A dwelling unit which is ancillary to a *principal residential unit*, and is located on the same lot therewith.

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

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

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

Sensitive Use

Buildings, *amenity areas*, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive uses* may be a part of the natural or built environment. Examples may include, but are not limited to residences, day care centres, public parkland and educational and health facilities.

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

Settlement Areas

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

a. built up areas where *development* is concentrated and which have a mix of land uses; and,

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

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

Significant

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

a. in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially *significant* by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;

b. in regard to locally *significant wetlands, wetlands* that have been evaluated using the evaluation procedures established by the Province, and that are deemed to be important, but that are not deemed to be provincially *significant*;

c. in regard to *valleylands*, an area identified by the Central Cataraqui Region Natural Heritage Study in 2006 or identified using criteria established by the Ontario Ministry of Natural Resources and Forestry which occurs in a valley or other landform depression that has water flowing through or standing for some period of the year and is ecologically important because it provides short term storage for storm and melt waters, performs nutrient and sediment transport, provides fish and wildlife habitat, or forms natural linkages and corridors between other *natural heritage features and areas*;

d. in regard to *woodlands*, an area identified by the Central Cataraqui Region Natural Heritage Study in 2006 or identified using criteria established by the Ontario Ministry of Natural Resources and Forestry which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past forest management history;

e. in regard to other *natural heritage features and areas*, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;

f. in regard to *mineral* potential, means an area identified as provincially *significant* through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and,

g. in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to the understanding of the history of a place, an event, or a people.

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

Significant Groundwater Recharge Area

An area in which there is a volume of water moving from the surface into the ground and the groundwater serves either as source water or the water that supplies a coldwater ecosystem such as a brook trout stream.

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

Site Alteration

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

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

Solar Energy

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

Special Needs Facility

Any housing, including dedicated facilities, in whole or in part, that is not a group home, providing a group living arrangement for people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living.

(Ministerial Modification, OPA Number 50)

Specialty Crop Area

Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

a. soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;

b. farmers skilled in the production of specialty crops; and

c. a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

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

Surface Water Features

Water-related features on the earth’s surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation, or topographic characteristics.

Sustainability

Meeting the environmental, economic, social and cultural needs of the present without compromising the ability of future generations to meet their own needs (Adapted from the Brundtland Commission, 1987).

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

Tandem Parking Space(s)

A parking space that is only accessible by passing through another parking space from a street, lane, drive aisle or driveway.

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

Transit-supportive

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

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

Transportation Demand Management

A set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

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

Universal Design Principles

The seven principles by which the built environment can be designed in order to provide uniform accessibility and accommodate the abilities of all are as follows:

a. Equitable use: The design is useful and marketable to any group of users;

b. Flexibility in use: The design accommodates a wide range of individual preferences and abilities;

c. Simple and intuitive use: Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level;

d. Perceptible information: The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities;

e. Tolerance of error: The design minimizes hazards and the adverse consequences of accidental or unintended actions;

f. Low physical effort: The design can be used effectively and comfortably and with minimal fatigue; and

g. Size and space for approach and use: Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility.

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

Urban Agriculture

All food production that occurs within the *Urban Boundary* of the City of Kingston, which takes place on private land or in public open spaces, and is generally undertaken by individuals and non-profit community organizations, noting that the keeping of livestock, poultry or apiaries is subject to the By-law to Regulate Animals. *Urban Agriculture* includes, but is not limited to, allotment gardens, backyard gardens, community gardens, container gardens, edible landscapes, greenhouses, orchards, rooftop gardens, and urban farms.

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

Urban Boundary

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

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

Urban Residential Density (gross)

Number of *residential units* per gross hectare within a neighbourhood or other defined area, including roads, parks, schools, and related community or commercial uses.

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

Urban Residential Density (net)

Number of *residential units* per net hectare within a neighbourhood or other specified boundary used only for dwelling units, excluding roads, parks and other uses.

Valleylands

A natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Volt (V)

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

Vulnerable

Surface water or groundwater that can be easily changed or impacted.

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

Walking Distance

A distance, generally being no greater than 600 metres, which provides convenient access between two points.

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

Watershed

An area that is drained by a river and its tributaries.

Watt (W)

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

Wave Uprush

The rush of water up onto a shoreline or structure following the breaking of a wave; the limit of *wave uprush* is the point of furthest landward rush of water onto the shoreline.

Wayside Pits and Quarries

A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be *wetlands* for the purposes of this definition.

Wildland Fire Assessment and Mitigation Standards

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

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

Wildlife Habitat

Areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific *wildlife habitats* of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle, and areas that are important to migratory or non-migratory species.

Wind Energy

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

Woodlands

Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of *wildlife habitat*, outdoor *recreational* opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition of "forest." This includes both *contributory* and *significant woodlands*.

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

Section 2. Strategic Policy Direction

This Official Plan recognizes that the City of Kingston is subject to economic, social, and environmental forces that may change over time and may have competing or opposing demands.

The Official Plan has been structured to be prudent and responsive to changing conditions. At the same time, it will continue to promote fundamental objectives that are not expected or intended to change. This Strategic Policy Direction Section of the Official Plan is intended to identify clearly the City's primary objectives, its approaches to the protection of built and natural resources, and to *development* and *intensification*. The City's fundamental physical structure is shown on Schedule 2, "City Structure". This Section is intended to address the underlying philosophy of the organization of future *development* within the City and outline key planning principles and strategic directions that apply to all land use designations.

When amendments to the Official Plan are considered in the future, special regard is to be given to the policies of this Section, which sets out the City's growth management strategy, strategic structural components, as well as fundamental planning principles and criteria to be addressed when considering change.

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

2.1 Sustainable Development

The Official Plan sets out a vision for the City to the horizon year 2036. As Kingston grows and evolves over the course of this Plan, strategies to attain the *sustainability* of *development* will be emphasized. These include: conserving natural and built resources; reducing pollution and rehabilitating polluted areas; applying conservation practices; reducing energy consumption; promoting *green infrastructure*; enhancing the *green economy* and *low carbon economy*; supporting vulnerable populations; encouraging innovative and high-quality design; and, arranging and phasing land uses in a manner that reduces the consumption of land and energy and prevents premature public spending. The primary objective of this Plan is to help citizens and business owners learn about and implement the critical elements of sustainable living, thereby transforming the City of Kingston into one of the foremost sustainable cities on the continent. This, it is hoped, will "do our part" to address climate change. One of the tools to address sustainable *development* in Kingston will be the Integrated Community Sustainability Plan (Sustainable Kingston Plan), which is based on the cultural, economic, environmental and social pillars of sustainability.

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

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

Goal:

To protect, *conserve*, and strategically deploy the natural, cultural and built resources of the City in a manner that promotes *compatibility* between different functions; that reduces energy, land or resource consumption in order to reduce greenhouse gas emissions with the objective of reducing emissions by 15% by 2020 and 30% by 2030 over the 2011 baseline; that ensures that the City's strategy to mitigate greenhouse gas emissions is consistent with the long term goals identified in the *Paris Agreement*; that encourages sustainable forms of energy production and the use of *cultural heritage resources* to benefit the public good; that limits the need for undue extension of *infrastructure*, use of single occupancy vehicles or reliance on the private automobile; that fosters local sources of food which are sustainable; and promotes programs and practices that will produce increasingly sustainable *development* in the City.

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

Policies:

Urban Areas – Focus of Growth

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:

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 rehabilitate *brownfield sites* for re-use;

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;

j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects;

k. *climate positive development*;

l. promotion of *green infrastructure* to complement *infrastructure*;

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,

n. an ecosystem approach to protecting the *natural heritage system*.

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

Rural Areas – Limited Growth

2.1.2. Within Rural Areas, as shown on Schedule 2, growth will be limited and the natural assets, functions, and occupations that contribute to the general *sustainability* of the City as a whole will be supported through:

a. the protection of groundwater sources;

b. an ecosystem approach to protecting the *natural heritage system*;

c. the protection of *surface water features,* including inland lakes and rivers, Lake Ontario and the St. Lawrence River;

d. the extraction of *mineral* resources and the rehabilitation of depleted *mineral mining operation* sites, which must occur in a manner that is sensitive to the existing uses in the general area and in accordance with appropriate provincial legislation;

e. limiting the types of permitted *development* to those that support and are compatible with a resource based local economy and sustainable practices; and

f. promotion of agricultural opportunities, practices, and alliances that enhance agricultural employment as well as local food production, distribution, and consumption as an integral part of the local economy and the City's *sustainability* goals.

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

Sustainability through Secondary Plans & Evaluation Reports

2.1.3. In the preparation of secondary plans, and in the preparation of the evaluation reports for the Special Planning Areas and any Special Planning Areas that may be identified in the future the City will promote *sustainability* through:

a. encouraging transit-supportive densities (i.e., 37.5 units per net hectare) and a mix of uses that foster *active transportation*;

b. encouraging efficient development and land use patterns which accommodate an appropriate range and mix of uses to meet long-term needs and sustain the financial well-being of the City of Kingston and the Province for the long-term;

c. planning road design that promotes the operation of transit, ready access to transit stops, facilitates snow clearing and maintenance, and access by emergency vehicles;

d. designing and constructing *active transportation* pathways and linked routes for non-motorized vehicles;

e. incorporating passive *renewable energy sources*;

f. promoting *urban agriculture*;

g. protecting and enhancing the City's *natural heritage system* and *cultural heritage resources*;

h. promoting sustainable site proposals;

i. protecting and acquiring key waterfront properties;

j. promoting the City's program to clean up *brownfield sites*;

k. encouraging the creation of spaces, facilities and services that can generate and sustain cultural vitality; and,

l. encouraging *district energy facilities* in areas where higher density and higher intensity land uses with higher energy demands are concentrated.

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

Development Review

2.1.4. In reviewing *development* applications, the City will promote *sustainability* through:

a. encouragement of green building design to reduce greenhouse gases by adopting:

- energy efficient construction;
- renewable sources of energy for lighting and heating;
- 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.

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;

c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;

d. construction and operational practices that minimize waste and maximize re-use of resources;

e. practices that conserve or recycle materials, energy, or other resources;

f. design which promotes a reduction of automobile trips, *active transportation* and transit, including secured public access to bicycle storage and parking;

g. the creation of a mix of uses that support increased access to healthy foods;

h. the use of materials that have been extracted or recovered locally;

i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;

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,

k. development that suits the demographic and/or socio-economic needs of the community.

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

City Initiatives

2.1.5. In the design and operation of City buildings, land, equipment and facilities, the City will seek to lead by example through initiatives that promote *sustainability*, including but not limited to:

a. use of energy efficient design and green building practices, and the application of the City's Municipal Green Building Policy;

b. water and waste reduction and recycling practices;

c. protection and acquisition of waterfront properties and ecologically valuable *natural heritage features and areas*;

d. use of streetscape design that coordinates movement of pedestrians, cyclists and transit, and addresses accessibility matters through the application of *universal design principles*;

e. use of sustainable practices, products, landscaping, *green infrastructure* and materials;

f. vehicle acquisition and operation to reduce greenhouse gases;

g. adaptive re-use and promotion of *cultural heritage resources*;

h. municipal investment, private incentive programs, and possible partnerships with private enterprise;

i. promotion of the City's *brownfields* program; and

j. promoting and encouraging increased access to and availability of, healthy foods.

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

2.2 City Structure

The City is organized into broad, structural elements as shown on Schedule 2 and these are expected to remain as such during the life of the Plan. Within some of these structural areas, substantial change is expected while others will experience more gradual evolution. The City may be asked to respond to employment opportunities or types of housing that are not foreseen at the time of preparing this Official Plan.

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

Goal:

To promote the continued evolution of Kingston as a unique City with valued natural and built resources and a historic legacy, having an efficient, sustainable, accessible and strategic structure that best serves its citizens, businesses, workforce, and visitors.

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

Policies:

City Structure

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.

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

Transportation Network

2.2.2. The major transportation network shown on Schedule 2 represents the key facilities and linkages to achieve the intended City Structure.

Population

2.2.3. The City Structure is based on an expected medium population growth (i.e., base case) projection to 2036 of 18,180 new people, derived from the *City of Kingston and Kingston CMA Population, Housing and Employment Projections (2013)*. It is expected that, 9,130 new *residential units* will be required to accommodate projected growth and the trend to smaller household sizes. A total of approximately 9,210 new jobs are anticipated for the City of Kingston to 2036. The majority of the growth will be directed to lands located within the *Urban Boundary*.

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

Urban Boundary

2.2.4. The *Urban Boundary* shown by the dashed line on Schedule 2 has been established to recognize the substantially built up areas of the City where major sewer, water and transportation *infrastructure* has been planned. The land within the *Urban Boundary* will be the focus of growth and *development* in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the *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.

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

Housing Districts

2.2.5. Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor *development* (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.

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

Business Districts

2.2.6. Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:

a. areas of interface with *sensitive uses* are addressed so that *compatible* development is achieved and there is no *adverse effect* on the *sensitive use* or to the proposed employment use(s);

b. an upgraded visual appearance is maintained at gateways as defined in Section 8.11, along major roads and the interface with any Centre, Corridor or Housing District shown on Schedule 2;

c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;

d. uses which generate large amounts of traffic or have intensive on-site operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without *adverse effects* on the planned transportation system, the nearby Housing Districts, Centres or Corridors; and,

e. regional commercial uses, institutions, *recreation* or hospitality uses will be restricted to limited locations that will not undermine the business park, industrial or technological uses intended as the focus of Business Districts.

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

Centres and Corridors

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

Intensification in the form of high density residential *development* proposed in a Centre or Corridor that is not subject to area specific planning policies, included in Section 10, will be considered subject to the policies of Section 3.3.C 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.

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

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 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.

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

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

New Centres and Corridors

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

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

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

Major Open Space/ Environmental Area

2.2.9. The Major Open Space/Environmental Areas within the City that are shown on Schedule 2 encompass environmental areas and functions and *recreation* and trail resources. They contribute to the *sustainability* of the ecosystem by including areas that provide a respite from urban forms of *development*. The City will preserve this resource and augment its open space inventory in newly-developing areas, in *development* areas and particularly along the waterfront. Linkage areas will be of particular strategic importance in enabling the maximum use of open space areas as trails and walkways. The City may employ special measures including the

acquisition of community benefits (i.e., Section 37 Agreements under the *Planning Act*) to secure such areas for the benefit of the public.

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

Waterbodies

2.2.10. The City of Kingston is comprised of waterfront lands abutting Lake Ontario, the Great Cataraqui River, the St. Lawrence River, and many other local waterbodies which support a variety of passive and active land and water based pursuits. Kingston's Waterfront Master Plan (2016) includes a vision of a fully connected waterfront system within the *Urban Boundary* of the City and a system of waterfront nodes in Rural Areas.

The City will continue to support an integrated system of exceptionally designed and accessible waterfront spaces, and connections to these spaces, to enhance public access to the waterfront while preserving the integrity of associated natural features and their ecological function.

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

Area Specific Phasing

2.2.11. The Area Specific Phasing is applied to an area within the *Urban Boundary* that requires further study before *development* can commence. The studies required are set out in Section 2.4 of this Plan.

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

Special Planning Areas

2.2.12. The Special Planning Area lands include the Collins Bay Institution property and a portion of Canadian Forces Base Kingston. Both of these areas could be subject to further *development* in the future, but are currently being used for Federal Government purposes. As a result, they are unavailable for *development* in the foreseeable future. Should these lands become available for *development*, the policies of Section 2.4.6 of this Plan would apply. The studies required are set out in Sections 2.4.10 and 2.4.11 of this Plan.

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

Major Institutions

2.2.13. Major Institutions have large landholdings, primarily held by upper levels of government, including the Canadian Forces Base, Collins Bay and Kingston Penitentiaries, the Kingston Psychiatric Hospital lands, along with multiple properties held by Queen's University. If such areas within the *Urban Boundary* (except for the Special Planning Areas referenced in Section 2.2.12 above) become available for *development*, they will be

considered in the context of a secondary plan that includes analyses of transportation, *infrastructure*, and financial implications to be reviewed by the City.

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

Rural Areas

2.2.14. Rural Areas are comprised of a mix of land uses that support a diversification of the economic base, housing, and employment opportunities. These areas are comprised of lands protected for *agricultural uses* and *agricultural-related uses*, being designated Prime Agricultural Area or Rural Lands, as appropriate. Rural Areas also contain *natural heritage features*, many of which fall within the Environmental Protection Area and Open Space designations, as well as natural resources, designated Mineral Resource Area. The protection of the area's natural features will help to conserve biodiversity while maintaining water quality and the ecological benefits provided by nature. Lands designated Rural Commercial and Rural Industrial also support the rural economy within Rural Areas. These lands are distinct from rural *settlement areas*, designated Hamlets, which accommodate a mix of land uses that also support the rural community. The Estate Residential designation captures limited areas of residential land use in Rural Areas.

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

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

a. the priorities expressed in the Provincial Policy Statement and other legislation or policy of the Province;

b. the strategic and fundamental planning principles expressed in this section of this Plan; and

c. the particular circumstances of the site in the context of existing *development* and the overall policies of this Plan.

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

2.3 Principles of Growth

The City is projected to grow to 148,050 people, for an increase of 18,180 persons by 2036 based on the medium growth scenario forecast. This Plan anticipates approximately 9,210 new jobs by 2036. The City's goal is to strengthen its economy through robust job creation that is beyond that of the medium growth forecast.

The City's Population and Growth Model shows the number of households in Kingston is expected to increase faster than the rate of population growth, because the average number of people in each *residential unit* is declining. Average household size is expected to decline from 2.4 in 2011 to 2.3 in 2036. With this smaller household size, more housing units will be needed just to accommodate the current level of population. In total, approximately 9,130 new housing units will be needed in the City by 2036.

While household sizes may be declining, the *City of Kingston and Kingston CMA Population, Housing and Employment Projections* (2013) anticipate a decline in population beyond 2031. This decline has the potential to limit the demand for growth and development in the community over the long term. Taking this into account, development must be managed in a way that does not contribute to unnecessary outward growth and the extension or upgrading of services that may, over time, become underutilized.

The City will continue to support *compatible* forms of *intensification* so as to efficiently use *infrastructure*, minimize land consumption, support the use of public transit, reduce air and other forms of pollution, and thus foster sustainable growth in the City. Future population, housing and employment projections will be scoped to consider the potential effects of factors including, but not being limited to, declining average household size, inward/outward migration, and demographic shifts (e.g., aging baby boomers).

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

Goal:

To manage future growth within the Urban Boundary and in Rural Areas in a strategic and efficient manner that optimizes infrastructure and public investment, promotes diverse economic activity and prosperity, supports an attractive, accessible, safe and sustainable City, protects Kingston's cultural and natural resources, provides a variety of housing options for all residents, and helps achieve Council's strategic priority for "smart" growth.

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

Policies:

Growth Focus

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.

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

Intensification

2.3.2. In 2013, residential density within the City's *Urban Boundary* was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the *Urban Boundary* through *compatible* and complementary *intensification*, the *development* of under-utilized properties and *brownfield sites,* and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.

Secondary Planning Areas

2.3.3. Secondary Planning Areas, identified in Schedule 13 to the Plan, have been defined to guide area specific development in a manner which supports the creation of complete communities, being those locations where people can live, work and play without having to rely on private automobile use. The intent of this Plan is to increase the overall *residential unit* densities and mixed land use character of Secondary Planning Areas in order to more efficiently use *infrastructure*, promote transit use, and enhance the continued *sustainability* of the City's cultural and natural resources.

The following locations on Schedule 13 are prioritized for the preparation of secondary plans in accordance with the policies of Section 9.7.2. The City will pro-actively approach the owners of these lands and other stakeholders to encourage and work with them to complete secondary plans:

a. large sites in central locations that provide key opportunities for achieving the City's *intensification* targets:

- the southeast corner of Sydenham Road and Highway 401; (Planning Area Number 3);
- Kingston Provincial Campus (Planning Area Number 12);

b. the North King's Town area, which includes the Old Industrial and Inner Harbour areas (Planning Area Number 5);

c. the Princess Street Corridor and Centres (Planning Area Number 4); and

d. the Clogg's Road area (Planning Area Number 14).

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

Specific Policy Areas

2.3.4 Specific Policy Areas, identified in Schedule 13 to the Plan, are those areas which are largely developed and are experiencing fundamental change. Planning for such change may occur by way of a special area study (e.g., Williamsville Main Street Study), used to set expectations for guiding development and land use change.

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

Future Planning Study Areas

2.3.5 The Future Planning Study Areas, identified in Schedule 13, may be added to from time to time to address local issues (e.g., demographic shift, increased post-secondary school enrolment, rural development, etc.) that may affect growth and development in specific area contexts.

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

2.3.5.1 The delineation of the boundaries of any Future Planning Study Area will be considered at the outset of undertaking any area-specific planning study.

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

2.3.6 In accordance with the Central Accommodation Review, the City will undertake an *intensification* study of areas near to the campuses of Queen's University and St. Lawrence College (Planning Area Number 13 on Schedule 13) to identify locations that would be appropriate for larger scale, medium or higher density, residential development. Once complete, the findings of the Study will be implemented through Official Plan amendments and the use of regulatory controls (e.g., pre-zoning), as appropriate. The process of undertaking the Study will include a comprehensive process of public engagement and opportunities for stakeholder input.

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

Employment

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.

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

Cultural Heritage

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 contributes to tourism in both the urban and rural portions of the City.

Arts and Culture

2.3.9. Kingston's vibrant *arts and culture* will continue to be valued and recognized for its role in promoting and sustaining cultural vitality. *Arts and culture* are central components of the City's Integrated Cultural Heritage and Cultural Tourism Strategy. Spaces, facilities, and services that can generate and sustain cultural vitality throughout the community will be encouraged.

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

UNESCO World Heritage Designation

2.3.10. The Rideau Canal system and the associated fortifications, which include Fort Henry and the four Martello Towers of Fort Frederick, Murney, Shoal, and Cathcart, are designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is the City's intention to protect and enhance this natural and cultural heritage asset and develop, in a sustainable way, the tourism potential which may arise from this inscription.

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

Transportation

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.

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

Rural Areas

2.3.12. The planning for the lands shown as Rural Areas on Schedule 2 of this Plan must balance the resource protection objectives for agriculture, aggregates and *minerals* with the environmental objectives of the *natural heritage features and areas* and *watershed* management and the social objectives of protecting rural communities and the rural way of life.

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

Extensive Land Area Uses in Rural Areas

2.3.13. Rural Areas may accommodate land uses that require extensive land areas such as water management structures, solid waste disposal sites, *recreational* areas and industrial uses not suited to compact industrial parks. Planning for these types of uses requires the identification of the natural, agricultural and *mineral* resources that may be present in the area, the existing residential areas and Hamlets, and the policies of this Plan regarding land use change and the limits on creating lots in Rural Areas.

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

Mineral Resources

2.3.14. Areas of known *minerals* and *mineral aggregate resources* and areas of *mineral* and aggregate potential will be protected for future extraction under the *Aggregate Resources Act* and the *Mining Act*. It is the City's intent that the land area will be rehabilitated once the resource is depleted.

Natural Heritage System

2.3.15. *Significant natural heritage features and areas* and linkages comprising the *natural heritage system* will be protected utilizing an ecosystem approach.

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

Shoreline Protection

2.3.16. Shorelines of lakes and rivers are a valued visual, environmental, and *recreational* resource to be protected, and acquired, where feasible, to form a linked, public open space system.

Affordable Housing

2.3.17. The City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase *affordable* housing in the City, and for it to be located primarily within the *Urban Boundary* in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).

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

Accessibility

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.

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

2.4 Phasing of Growth

The physical structure of the City of Kingston is shown on Schedule 2 City Structure. The *Urban Boundary* includes existing and planned service areas, Areas of Specific Phasing and Special Planning Areas. Almost all of the City's future population and employment growth is planned to occur within this boundary in a controlled and phased manner. Some areas outside of and adjacent to the *Urban Boundary* have partial services and have had commitments for growth in prior Official Plans. These areas may be brought into the *Urban Boundary* at a future time if an expansion of the *Urban Boundary* is justified through a *comprehensive review*. Studies, analyses and commitments will be necessary prior to approving additional municipal services and enabling *development* in Areas of Specific Phasing and Special Planning Areas.

Land in Rural Areas is intended for long term resource use for agriculture, mining and as the setting for existing Hamlets, estate and rural residences. A limited amount of additional residential growth is planned in Rural Areas.

The land uses within the *Urban Boundary* will generally be reviewed every five years. The City's *intensification* objectives have been based on population growth projections and the 2011-2013 Urban Residential Growth and Density Study Update, which indicates where residential *development* is both planned and anticipated to occur within the City of Kingston. Special Planning Areas have the potential to accommodate future growth and will be considered in the advancement of a long term servicing strategy for the City; the development of these lands, is largely dependent on their disposal to the private market by the federal government. The 2016 Pending and Committed Housing Report and the 2011-2013 Urban Residential Growth and Density Study Update demonstrate that the City of Kingston has sufficient land located within the *Urban Boundary* to accommodate residential and commercial growth to 2036 (i.e., 20 years).

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

Goal:

To guide growth within the *Urban Boundary* and to plan for future urban growth and *infrastructure* to ensure that the City develops in a compact and orderly manner within its ability to support a full range of utilities, *infrastructure* and social services. This should sustain the City's long term financial well-being.

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

Policies:

Vision

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:

a. reduce *infrastructure* and public facility costs;

b. reduce energy consumption and greenhouse gas emissions;

c. support *active transportation* and viable public transit;

d. conserve agriculture and natural resources within the City; and

e. reduce reliance on private vehicles.

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

Provincial Policy Statement

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

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

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

Residential Density

2.4.3. It is the intent of this Plan to achieve an increase in the City's net *urban residential densities* through promoting *intensification* and requiring minimum densities for residential *development*.

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

Minimum Residential Density

2.4.4. New residential *development* and new secondary plans are subject to the following policies and minimum densities:

a. for the existing built-up residential areas, a net *urban residential density* of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below;

b. for large-scale *developments* and greenfield areas, a minimum of 37.5 *residential units* per net hectare is established for new residential *development* in order to be transit supportive;

c. for mixed use building *developments* in existing and proposed Centres and Corridors, a minimum density of 75 *residential units* per net hectare is established as the target for new residential *development* in order to support *active transportation* and transit; and,

d. a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.

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

Intensification Targets

2.4.5. The City has established the following minimum targets for *intensification* to occur within the *Urban Boundary.*

a. It is the intent of the City that 40 percent (%) of new residential *development* occur through *intensification*.

b. It is the intent of the City that ten percent (10%) of new non-residential *development* occur through *intensification*.

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

Order of Development

2.4.6. Urban *development* within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:

Urban Boundary

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*;

Area Specific Phasing

b. lands shown as Area Specific Phasing within the *Urban Boundary* also have the first priority for *development*, but are subject to the area specific policies of Sections 2.5.6 and 2.5.7 of this Plan;

Special Planning Areas

c. lands located in the Special Planning Areas within the *Urban Boundary* are currently unavailable for *development* as they are committed to their existing institutionally-related uses for the foreseeable future. If the status of these areas changes and they become available, the City must review any *development* proposal in accordance with the Order of Development policies of Section 2.4.7 of this Plan. *Development* will only proceed when all the requirements of the evaluation report as set out in Section 2.4.11 of the Plan have been fulfilled to the satisfaction of the City. An amendment to Schedule 2 will be required to incorporate the secondary plan prior to the approval of any *development* applications.

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

Review of Order of Development

2.4.7. The City will review the Order of Development every five years in accordance with the legislated update of the Official Plan and the review of the Development Charges and Impost Fees By-laws in order to determine if there is a need and justification to include additional lands within the *Urban Boundary*. Through the process of a *comprehensive review*, the City will consider such matters as:

a. actual population growth compared with projected growth and the projection used;

b. land availability and land absorption rates;

c. residential and employment land densities;

d. assessment of the commercial inventory;

e. status of planned *developments*;

f. *infrastructure* capacities and cost of needed improvements;

g. achievement of the goals and strategic policies of this Plan; and,

h. the avoidance of expanding the *Urban Boundary* on to *prime agricultural lands* in accordance with the PPS, if an Urban Boundary expansion is being contemplated.

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

Development Charges & Impost Fees By-laws

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

Comprehensive Review and Alteration to the Order of Development

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

Evaluation Report Procedure

2.4.10. An evaluation report will be prepared prior to the City granting any *development* approval affecting lands included in the Area Specific Phasing, and the Special Planning Area. The evaluation report must be undertaken to the satisfaction of Council. Any or all components of the evaluation report may be required to undergo a peer review on behalf of the City at the proponent's expense. Despite the completion of an evaluation report, *development* will only commence upon the City's approval of an official plan amendment.

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

Evaluation Report

2.4.11. An evaluation report includes the following five components:

Comprehensive Review

a. A *comprehensive review* to be prepared by the affected land owners or proponent to the satisfaction of the City that focuses on

the supply of, and demand for, lots, buildings or types of uses in the urban area. The *comprehensive review* must be completed and approved by Council before other components of the evaluation report are commenced. The City may require that the study undergo a peer review by an independent third party;

Secondary Plan

b. A secondary plan to be prepared by the City in accordance with Section 9.7.2 of this Plan and in partnership with the affected land owners;

Master Servicing Infrastructure Plan

c. A master servicing plan is required for the preparation of the secondary planning area for all *infrastructure* such as piped municipal water supply and sewage disposal systems, stormwater management, and electrical, gas and communications systems. Such a plan will be coordinated by the City in partnership with Utilities Kingston and completed at the expense of the proponents. Without limiting the generality of the foregoing, the master servicing plan must address at a minimum:

- the internal servicing requirements for the secondary planning area;
- the off-site impacts, upstream and downstream, of the servicing of the secondary planning area, including, but not limited to:
    - plant and station capacities and upgrades and expansions required to the water distribution and sanitary sewer collection systems;
    - an assessment of necessary upgrades and/or expansions related to each system's current capacity and availability;
- the requirements for stormwater management that has considered future planning requirements within the *watershed* or sub-watershed, and the protection of both the *quality and quantity of water* and groundwater resources;
- the location, timing and costs of both on-site and off-site servicing necessary to support both the secondary plan *development* in its entirety and any proposed phasing;
- confirmation by telecommunication and other utility providers that services can be provided to support the proposed *development*;

- the provision of appropriate locations for large telecommunications or utility equipment or structures to be located on cluster sites, where possible; and,

- the cost sharing arrangements for over-sizing of the service systems between owners in the secondary plan area and those owners in adjacent upstream or downstream areas.

Phasing & Timing Program

d. A phasing and timing program to be developed by the City in partnership with the affected landowners or proponents for the entire secondary planning area to establish a phasing sequence and to project potential timing. The phasing and timing program must:

- identify residential neighbourhoods located within the secondary planning area and provide for the phased sequential *development* of those areas to create an orderly *development* pattern;

- identify the planned sequential *development* of other land uses including business parks, commercial areas and institutional uses to create an orderly *development* pattern;

- design the layout of all on-site and off-site piped water and sanitary sewer services, transportation improvements and stormwater management systems to ensure that such facilities are planned in accordance with a phasing program;

- confirm that parks, and public service facilities (including libraries, *recreation*, fire protection and education facilities) can be provided in accordance with a phasing program; and,

- establish timing for the identified phasing of *development.*

Financial Implementation Plan

e. A financial implementation plan to be prepared by the applicant in consultation with the City and to the satisfaction of the City. The financial implementation plan must demonstrate how the proposed secondary plan area relates to:

- any by-law passed by the City under the *Development Charges Act*;

- any by-law passed under the *Municipal Act* for Impost Fees;

- any capital reserve program;
- any city policies covering cost-sharing arrangements for the extension or expansion of on-site and off-site municipal services; and,
- any policies relating to the timing and phasing of *development*.

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

Study Completion and Costs

2.4.12. In order to complete an evaluation report, all five of the component studies must be completed unless policies of this Plan indicate otherwise. The cost of preparing the component studies may be shared between the City and the landowners or proponents.

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

2.5 Phasing of Municipal Infrastructure and Transportation

Decisions regarding municipal *infrastructure* often involve a longer timeframe than 20 years to ensure proper efficiencies. Consideration of the City's *Urban Boundary*, and the adjacent areas has direct bearing on *infrastructure* decisions and on the previous commitments made to the areas of the City with previous planning approvals and investment in *partial services*.

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

Goal:

To provide all areas within the *Urban Boundary* with a full range of municipal *infrastructure*, including pedestrian and cycling routes, public transportation and roads over the long term, through orderly extension or expansion. This will be done in a manner that fosters compact *development* and *sustainability* while still within the City's ability to construct, finance and maintain.

Policies:

Phasing

2.5.1. *Development* within the City will be coordinated with land use planning and phased according to the City's ability to provide adequate transportation access and municipal *infrastructure,* including full water, sewer and stormwater management services within the urban area. The lands within the *Urban Boundary*, except for the Special Planning Areas, are the priority *development* areas. Special Planning Areas shown on Schedule 2 anticipate long-term *infrastructure* planning.

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

2.5.1.1 Transportation and municipal *infrastructure* will be provided in an efficient and cost-effective manner, including promoting *green infrastructure*. Transportation, *municipal infrastructure*, and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services.

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

Capacity Allocation

2.5.2. The City will determine the allocation of servicing capacity in consultation with Utilities Kingston. The determination of reserve servicing capacity shall include treatment capacity for hauled sewage for *individual on-site sewage services*.

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

Capacity Constraint Strategy

2.5.3. Where servicing capacity constraints exist, the City intends to use provisions of the *Planning Act*, including holding by-laws, temporary use by-laws, and draft plan or site plan lapsing provisions to ensure that servicing capacity is not hoarded, and that public investment in *infrastructure* is used efficiently. Allocated servicing capacity that is not utilized because a development's draft approval has lapsed may be re-allocated to other *developments*, at the discretion of the City.

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

Development Approval Delay

2.5.4. *Development* approval may be delayed until identified servicing constraints are resolved and necessary *infrastructure* is constructed or is scheduled to be in place.

Area Specific Phasing Policies

2.5.5. *Development* will proceed in accordance with the Order of Development policies established in Section 2.4.6 of this Plan, as well as fulfillment of area specific requirements as set out below.

Westbrook East

2.5.6. The property east of Westbrook, south of the Hydro corridor, and west of Collins Creek is included within the *Urban Boundary* and shown as Area Specific Phasing on Schedule 2 and is subject to the following specific policies:

a. an evaluation report reduced in its scope, as set out in Section 2.4.11, for the Westbrook East area must include a secondary plan

and related master servicing plan and financial implementation plan. For the purposes of this *development*, a secondary plan means a concept plan that shows the proposed *development* on the subject lands, and how it interacts with adjacent developed lands in terms of road layout, parkland, the *natural heritage system*, access to Princess Street and future access to Creekford Road; and,

b. the evaluation report must be undertaken within the broader context of the study area shown on Figure 2 of the 1997 Westbrook Community Plan and in consultation with the appropriate Hydro authority.

(OMB Order Number PL100149 dated August 25, 2010)

Clogg's Road (North of Creekford Road)

2.5.7. Subject to the availability of municipal *infrastructure* capacity and in accordance with the Urban Growth Strategy study as set out in the policies of Section 2.4, the Clogg's Road area (shown as area 14 on Schedule 13) may develop provided that the final arrangement of land uses is rationalized through a concept plan, in conjunction with a secondary plan, a master servicing plan, a financial implementation plan and a phasing and timing program as described in Section 2.4.11.

Existing residential and agricultural uses in this area are recognized as conforming to this Plan and may be recognized in the implementing zoning by-law.

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

Servicing Capacity

2.5.8. Where *intensification* is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional *development*.

Partial Services

2.5.9. *Development* on *partial services* will be very limited. Additional connections to existing service lines may be permitted in accordance with the provisions of Section 4.2 of this Plan in limited circumstances. Minor extensions of existing services may be permitted under emergency conditions subject to Section 4.2 of this Plan.

Strategic Direction to Promote Active Transportation

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.

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

Transit Priority

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 under-utilized and *brownfield sites*.

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

Strategic New Transportation Facilities

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

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

Shared Parking

2.5.13. The City will work together with major institutions and employers to promote the shared use of new parking, which should be strategically located to encourage carpooling, transit use or private busing, and pedestrian and cycling accessibility wherever possible, particularly in the Central Business District, east of Division Street.

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

Ministry of Transportation Coordination

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

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

2.6 Protecting Stable Areas

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

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

Goal:

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

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

Policies:

Stable Areas

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

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

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

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

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

c. a stable pattern of land ownership or tenure;

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

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

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

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

2.6.3. Stable areas will be protected from *development* that is not intended by this Plan and is not *compatible* with *built heritage resources* or with the prevailing pattern of *development* in terms of density, activity level, built form or type of use. The following types of *intensification* are generally considered appropriate within stable areas:

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

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

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

d. *intensification* that requires a zoning by-law amendment or minor variance in support of factors that may affect the intensity of use (e.g., density, building height, reduction in parking and/or amenity areas, etc.) provided it can be demonstrated that the proposal will:

- complement existing uses in the area;
- support a transition in density and built form;
- support *active transportation* and public transit; and

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

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

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

Avoid Destabilization

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

a. the rationale for the location of the development, especially if the site does not have frontage on an arterial road or collector road;

b. how the proposal maintains or enhances the planned function and land use pattern of the area;

c. its impact on neighbourhood character, including, but not limited to, how it protects the character of buildings and streetscapes to provide for an orderly transition, as well as preservation or enhancement of landscaping;

d. the precedent of change to the area in terms of land use, built form/ massing, architectural expression, landscaping, and streetscaping, with an understanding that new construction does not in-and-of itself represent a positive precedent;

e. its *compatibility* with abutting and surrounding land uses, and the ability to mitigate any undue *adverse effects* through measures such as building separation, massing transition and privacy screening;

f. the proper functionality of the site, including, but not limited to, ingress/egress and circulation; and

g. the ability of roads or *infrastructure* to accommodate the proposal.

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

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

premature for the development proposal to proceed in advance of further study. The land use study or secondary plan shall determine:

a. the suitability of the site or area to accommodate the proposal and the merits to the public of such a *development*;

b. the impacts on the surrounding area, on existing or planned *infrastructure*, as well as suitable means of mitigating impact, such as buffers or noise walls, and providing *infrastructure* improvements, if warranted;

c. the desirability or potential of establishing new functional land use boundaries to continue the stability of the remaining area;

d. the viability of the remainder of the area or land use designation to continue its intended function if the proposal was developed; and,

e. the impact from the intended *development,* planned *infrastructure* or service levels on other areas or land use designations within the City that have been planned for the type of *development* proposed and their continued ability to function or develop as intended.

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

Interim Control By-law

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

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

2.7 Land Use Compatibility Principles

The City contains many land uses of differing type and intensity. Some land uses create little impact on their neighbours, while others can have an *adverse effect* if not properly located or buffered. In order to foster a sustainable pattern, some land uses need to inter-relate, while others are best separated. Further growth and *development* within the City will be guided by principles of land use *compatibility* that respect the quality of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment, and intensity in order to avoid or mitigate *adverse effects*.

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

Goal:

To provide new opportunities for growth and investment within Kingston in a manner that ensures *compatible* development and land use.

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

Policies:

Compatible Development and Land Use Change

2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are *compatible* with surrounding land uses.

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

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.

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

Land Use Compatibility Matters

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

a. shadowing;

b. loss of privacy due to intrusive overlook;

c. increased levels of light pollution, noise, odour, dust or vibration;

d. increased and uncomfortable wind speed;

e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of *active transportation* or transit;

f. environmental damage or degradation;

g. diminished service levels because social or physical *infrastructure* necessary to support a use or area are overloaded;

h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;

i. visual intrusion that disrupts the streetscape or buildings;

j. degradation of *cultural heritage resources*;

k. architectural incompatibility in terms of scale, style, massing and colour; or,

l. the loss or impairment of *significant* views of cultural heritage resources and natural features and areas to residents.

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

Mitigation Measures

2.7.4. Mitigation measures may be used to achieve development and land use *compatibility*. Such measures may include one or more of the following:

a. ensuring adequate setbacks and minimum yard requirements;

b. establishing appropriate transition in building heights, coverage, and massing;

c. requiring fencing, walls, or berming to create a visual screen;

d. designing the building in a way that minimizes *adverse effects*;

e. maintaining mature vegetation and/or additional new landscaping requirements;

f. controlling access locations, driveways, service areas and activity areas; and,

g. regulating location, treatment and size of *accessory uses* and structures, lighting, parking areas, garbage storage facilities and signage.

Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve *compatible* land use change and development.

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

Distance Separation

2.7.5. In some cases, distance separation will likely be the recommended form of mitigation, particularly:

a. between heavy industrial uses (Class I, Class II and Class III Industrial Facilities), sewage treatment facilities, electricity generation facilities and electricity transmission and distribution systems, transportation and *infrastructure* corridors, *airports*, rail facilities, *marine facilities*, *mineral aggregate resources and operations,* and residential or other *sensitive uses*;

b. between intensive land uses and sensitive environmental areas; and,

c. between intensive livestock operations, permanent manure storage, or resource extractive operations and *sensitive uses*, sensitive environmental features, or sensitive environmental functions. When identifying a required distance separation related to livestock operations, the *minimum distance separation formulae* will be used.

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

Functional Needs

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:

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;

- pedestrian access to the building and parking spaces;
- *amenity areas*;
- building entry; and,
- parking and secure and appropriate bicycle facilities.

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

Guidelines and Studies

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

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

Land Use Compatibility in Rural Areas

2.7.8. Issues of *compatibility* are critical in Rural Areas, as the long term protection of *normal farm practices* is a priority. This is reflected in the mutual separation of *livestock operations* and *sensitive uses* but also in addressing unique rural issues such as allowing the transport of farm machinery, tillage of land, and regular livestock husbandry techniques.

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

2.8 Protection of Resources

The City of Kingston is the steward of *natural heritage features and areas*, and *cultural heritage resources*, including an internationally-recognized UNESCO World Heritage Designation. The City also contains areas of *prime agricultural land*, *mineral deposits* and *mineral aggregate resources*. These varied assets help to sustain the economic, environmental, and social health of the City, and must be protected for the well-being and enjoyment of residents and visitors. The City will protect, promote and enhance its *cultural heritage resources* through the use of the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy.

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

Goal:

To protect and improve the *natural heritage system*; to *conserve* and enhance *cultural heritage resources*; and to protect *prime agricultural land, mineral aggregate,* and *mineral* resource lands for the benefit of current residents of the City, students and visitors from the wider community, and for the use and appreciation of future generations.

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

Policies:

Natural Heritage System

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

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

Minimum Forest Coverage

2.8.2. Forests and trees are recognized as a critical part of the City's health and character. Kingston will take steps to achieve the Environment Canada guideline of 30 percent minimum forest coverage in the urban area and maintain the existing forest coverage outside the *Urban Boundary*, as well as achieve a doubling of the urban forest cover by 2025.

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

Protection of Waterfront Areas

2.8.3. The City recognizes the importance of its waterfront areas along Lake Ontario, the St. Lawrence River, the Great Cataraqui River and the many inland lakes and waterbodies that define the landscape character. As further outlined in Section 3.9 of this Plan, the City seeks to protect and enhance a 30 metre naturalized buffer, also known as a “ribbon of life”, along the waterfront. The continued acquisition of waterfront lands will accordingly be pursued by the City to ensure the long term protection of the resource and the amenity that it brings to residents and visitors alike.

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

Water Quality & Quantity

2.8.4. Water is a resource that must be protected. In order to maintain the *quality and quantity of water*, the City will restrict *development* and *site alteration* near *sensitive surface water* or *groundwater features* and in areas of medium to very high groundwater sensitivity and will implement the policies of the Cataraqui Source Protection Plan as required.

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

Stormwater Management

2.8.5. Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the *natural heritage system*. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer *infrastructure* exists in the City.

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

Prime Agricultural Areas

2.8.6. The City has designated Prime Agricultural Areas and has defined the long term expansion of its *Urban Boundary* to conserve such areas to provide greater investment security for farmers. Uses that support the agricultural industry will be located in close proximity to the use, preferably on lands of lower soil capability in the Rural Lands designation. As further outlined in Section 3.11 of this Plan, lot creation is discouraged in a Prime Agricultural Area designation.

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

Mineral Resource Areas

2.8.7. Areas containing identified *mineral deposits* and *mineral aggregate resources* will be protected for their present or future use, and efforts will

be taken to avoid any land use conflicts arising from mining or quarry operation.

Cultural Heritage

2.8.8. *Cultural heritage resources*, will be *conserved*, managed and promoted for their contribution to the City's unique identity, history and sense of place in such a way as to balance heritage concerns with environmental and accessibility issues. Care will be taken not to put the existing UNESCO World Heritage Designation of the Rideau Canal, Fort Henry and the Kingston Fortifications at risk by working with partners to implement the Rideau Corridor Landscape Strategy.

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

Kingston Culture Plan

2.8.9. The City will protect, promote, develop and enhance its *cultural heritage resources* and cultural vitality through the implementation of the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy.

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

2.9 Economic Development

Goal:

To protect and support a strong and diversified economic base within the City to provide jobs for its citizens and new opportunities for investment within Kingston in a manner that achieves *compatible* development and land use without generating *negative impacts* or *adverse effects*.

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

Policies:

Economic Development Strategy

2.9.1. It is the intent of this Plan to promote economic *development* and competitiveness by:

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 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;

c. planning for, protecting and preserving *employment areas* for current and future uses;

d. ensuring the necessary *infrastructure* is provided to support current and projected needs; and,

e. encouraging the development of business incubators.

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

2.9.2. The City supports a strong and diversified economic base and works collaboratively with other levels of government and various agencies, such as the Kingston Economic Development Corporation (KEDCO), in developing and implementing economic strategies that:

a. promote employment opportunities for residents of all ages and abilities;

b. support retention and expansion programs for existing and evolving employment sectors;

c. promote *development* and investment opportunities in conjunction with the City's:

- available commercial and employment land base, including the commercial banking sector;
- role as a regional transportation centre;
- institutional assets, particularly research and development initiatives in the areas of education, clinical health, national defence, technology and alternative energies;
- tourism, as addressed in more detail in Sections 2.9.3. and 2.9.4., below;
- strong creative classes in various artistic, technical and business fields and their impacts on urban form through their social and economic inter-relations within the City;
- economic development opportunities associated with *mineral aggregate operations* and *mineral mining operations*;
- agricultural industry, particularly:

- raising awareness of the contributions of agriculture to the local economy and environment;
- coordinating producers and agricultural research and development organizations towards innovative and diversified farm and farm-related market opportunities;
- promoting the increasing interest in sustainable farming methods and locally grown food; and,
- strengthening value-added food and non-food distribution and processing networks to local consumers, retailers, restaurants, workplaces, and institutions; and,

d. recognize and respond to evolving industry and market trends in a timely, innovative and sustainable manner.

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

Tourism

2.9.3. In recognition of the many *cultural heritage resources* and *natural heritage features and areas* that attract tourists to the City, and the contribution of the tourist industry to the City's economy, the City will support the implementation of the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy and a range of initiatives designed to expand the City's tourism potential, following sustainable tourism practices, including:

a. fostering the City's reputation as a centre for cultural heritage in North America through support for the *cultural heritage resources* of the City including specific conservation and enhancement programs or projects, in consultation with Heritage Kingston, Tourism Kingston, agencies of other levels of government responsible for *cultural heritage resources* and community partners and stakeholders;

b. enhancing cultural tourism by continuing to invest in, develop, market and sustain the range of historical and cultural assets in Kingston to benefit residents and visitors alike;

c. improving parking for vehicles and bicycles, transit, hospitality uses and facilities, and accessibility to the Central Business District;

d. protecting City Hall Square and Market Square as active, public venues and focal points of the City;

e. enhancing boating and water-related facilities, continued acquisition and *development* of waterfront pathways and regional trail linkages, *recreation* and hospitality opportunities related to the lakefront, the Rideau Canal UNESCO World Heritage Site, and other waterfront areas;

f. supporting and promoting venues and events in the City;

g. supporting outdoor events, particularly those which support eco-tourism that celebrates the cultural and natural features for which Kingston is known;

h. enhancing gateways into the City and into the Central Business District through visual upgrading of highway interchange areas, railway corridors, and major cycling paths, controlled signage (including way-finding signs), streetscape improvements, and through the application of complete streets principles, ensuring these gateways showcase the City's commitment to all residents and visitors;

i. developing and promoting additional attractions and events, particularly those which will support winter activities and adaptive re-use of heritage resources;

j. supporting local tourist organizations;

k. continuing to support the City-owned museums and local museum organizations;

l. supporting cultural vitality and creative place-making across Kingston through innovative arts-based programs and initiatives, including public art; and,

m. enhancing the gateway for the Rideau Canal UNESCO World Heritage Site, the bluebelt of *recreational* and water uses surrounding Kingston and the neighbouring Frontenac Arch Biosphere Reserve.

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

Proposed Tourism Projects

2.9.4. Council will consider such matters as the following when evaluating support for proposed tourism projects:

a. the potential economic benefit and spin-off to the City;

b. the potential market for, and feasibility of the project;

c. benefits for local residents;

d. negative effects or obligations for local residents, including the degree of public investment, maintenance or future support that may be required;

e. impacts on the transportation and servicing *infrastructure* of the City, as well as impacts on other land uses, *natural heritage features and areas*, or *cultural heritage resources*;

f. *infrastructure* upgrading or extensions that would be required and impact on planned public works extensions or upgrading programs;

g. seasonality or weather dependency of the proposed use;

h. site suitability in terms of land use *compatibility*, servicing impact on residents, and integration with other tourism initiatives; and,

i. *compatibility* of the proposed tourism project with the UNESCO World Heritage Designation, and the neighbouring Frontenac Arch Biosphere Reserve designation for which the City has a stewardship responsibility.

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

Smart City

2.9.5. In 2014, the City of Kingston was named an international Top 7 Intelligent Community for local efforts to build an innovation economy. The City of Kingston has a vision of becoming a smart and livable city by encouraging the greater use of technology. The City will implement initiatives, and will encourage developers to implement initiatives in support of this vision.

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

Low Carbon and Green Economy

2.9.6. The City is preparing a Community Energy Plan with the objectives to reduce GHG emissions, undertake smart energy planning and advance a low carbon and *green economy*. Community energy expenditures were approximately $600 million in 2015 and are projected to climb as the Province implements measures to limit GHG emissions (e.g., cap and trade system). To assist in achieving its objectives, the City will support a range of initiatives designed to expand the *low carbon economy* and *green economy*, create *green jobs* and attract investment through a range of activities that include:

a. encouraging energy co-operatives;

b. developing strategies to attract low carbon businesses in partnership with other agencies;

c. providing incentives, such as giving priority to commercial and residential renewable energy projects;

d. developing strategic zones or Community Improvement Plans (e.g., green enterprise zones and smart neighbourhoods) that engage citizens and business leaders in the incubation, acceleration and demonstration of local innovators and low carbon energy solutions;

e. providing an annual assessment of the *low carbon economy* and *green economy* for the City;

f. supporting enterprise that allows citizens to access energy products with lower carbon footprints;

g. considering municipally implemented financing tools that advance energy retrofits in commercial and residential buildings; and,

h. integrating low carbon initiatives and projects in the City with existing tourism outreach to build the City's brand.

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

2.10 Climate Change Resiliency

This section addresses the role of policy in addressing climate change resiliency. This is part of a broader response to climate change that includes mitigation and adaptation strategies including through the sustainability policies in Section 2.1, protection of health and safety policies in Section 5, and energy conservation and production policies of Section 6.2.

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

Goal:

To improve the resiliency of the community by managing the risks associated with natural and human-made hazards and climate change, in order to protect public health and safety, property, and long-term prosperity.

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

Policies:

Resiliency

2.10.1. In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to:

a. consider the potential impacts of climate change when assessing the risks associated with natural hazards;

b. consider the potential impacts of climate change and extreme weather events when planning for *infrastructure,* including *green infrastructure,* and assessing new *development;*

c. support climate-resilient architectural design of buildings incorporating durable, reusable, sustainable materials and low-impact technology for energy and stormwater management; and,

d. explore opportunities to achieve climate positive development.

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

Natural Hazards

2.10.2. It is the intent of this Plan to protect public health and safety by generally directing *development* away from natural hazards.

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

Human-made Hazards

2.10.3. It is the intent of this Plan that land uses must be separated or regulated to minimize any potential threat to public health and safety.

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

2.10.4. Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

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

Section 3. Land Use Designations & Policy

The City's structure, as outlined in Section 2, is further divided into different land use designations that regulate the character and intended function of each area, as well as the types of uses that are permitted. The land use designations provide direction for future *development* principles and conditions related to *development* and more specific means of implementation. Land Use Schedule 3, divided onto area maps A, B and C, illustrates the location of the various residential, employment, open space, resource and other land uses as described in this section. Site-specific policies are located on Land Use Schedule 3-D. The land use designations provide the basis for the implementing zoning by-law.

3.1 Generally Permitted Uses

Certain land uses are characteristically found in virtually all parts of the City and are considered to be supportive of almost all land use categories. These uses are permitted within all land use categories, unless otherwise stated, subject to the policies established below and any other applicable sections of this Plan.

Goal:

To provide for critical *infrastructure* and facilities that serve to support the function or operation of most land uses in the City in an efficient and *compatible* manner.

Policies:

Public Utilities

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

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

(OMB Order Number PL100149 dated August 25, 2010)

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

3.1.1.1 Secondary uses, such as active and passive *recreation*, agriculture, community gardens, other utilities and accessory uses such as parking lots, are encouraged in hydro corridor lands, where *compatible* with

surrounding land uses. A proponent should be aware of the primacy of the electricity transmission and distribution facilities and that secondary uses require technical approval from Kingston Hydro Ltd. and/or Hydro One Networks Inc.

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

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

(OMB Order Number PL100149 dated August 25, 2010)

Communication Facilities

3.1.3. Telecommunication transmission lines, aboveground and underground equipment, and fibre optic *infrastructure* are permitted in all land use designations; however, such facilities located in an Environmental Protection Area must be approved in consultation with the Cataraqui Region Conservation Authority or Parks Canada, and may be required to demonstrate that locations outside of this designation are not feasible.

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

3.1.4. Freestanding wireless telecommunication towers are permitted in all land use designations, except areas shown on Schedule 3 as Residential or Environmental Protection Area where the structure would conflict with environmental objectives of the City, the Cataraqui Region Conservation Authority, or Parks Canada.

a. The shared use of transmission facilities is encouraged to minimize the need for additional structures and *compatibility* with *sensitive uses* must be considered.

b. In the interest of protecting the visual amenity of the UNESCO World Heritage designated Rideau Canal, wireless telecommunication towers are discouraged from locating where they would constitute a major visual intrusion and Parks Canada must be consulted on such applications.

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

Parks

3.1.5. Parks are generally permitted in all land use designations. Parks are only permitted in areas shown as Environmental Protection Area if approved in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and/or Parks Canada. In the

Prime Agricultural Area and Mineral Resource Area, and areas with mineral and aggregate reserves as shown on Schedules 3 and 12, parks are permitted only as accessory uses, subject to the policies of the respective designation.

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

Emergency Response Uses

3.1.6. Emergency response uses such as fire halls, police stations, ambulance stations, and similar public response uses are permitted to locate in any land use designation except Environmental Protection Area, Prime Agricultural Area, and Mineral Resource Area, provided that such use is necessary in the area, that it is *compatible*, or that adequate measures are taken to make it *compatible* with surrounding uses. Notwithstanding the above statement, emergency response uses shall not be permitted to locate in *hazardous lands* and *hazardous sites*.

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

Home Occupations

3.1.7. Home occupations are permitted subject to the following:

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

b. the home occupation is operated by the occupant of the home and conducted with no more than one other person who is not a resident of the home;

c. there is no outdoor storage of any materials, products, or commercial vehicles;

d. any signage is in accordance with the sign by-law;

e. no noise, vibration, odour, electrical interference or other emission is created that would disrupt the neighbours;

f. no parking demand will be created that is substantially greater than that normally experienced in the neighbourhood;

g. outside the *Urban Boundary*:

- approval by KFL&A Public Health for home occupations with respect to the provision of adequate *individual on-site water and sewage services*; and,

- home occupations may be permitted in an accessory use building or structure.

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

3.2 Community and Care Facilities

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

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

Goal:

To provide for social, educational, cultural or religious facilities that support the function and operation of many land uses in the City in locations that are convenient and *compatible* with adjacent land uses.

Policies:

Elementary Schools

3.2.1. Publicly-funded elementary schools are permitted on all lands designated Residential, and are also permitted in the Hamlet and Rural Lands designations. Private elementary schools are permitted by zoning in an Institutional or Commercial designation and are permitted in Residential or Rural Lands designations subject to a rezoning application and site plan control review, which will consider the suitability of the site and its location. Elementary schools will not be permitted in *hazardous lands* or *hazardous sites.* Preferred locations for elementary schools are accessed by safe *active transportation* facilities, in proximity to the centre of the community, transit routes and district or neighbourhood parks, and/or are co-located with other *compatible* community facilities.

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

Secondary Schools

3.2.2. Publicly-funded secondary schools are permitted on all lands designated as Residential on sites that have adequate size with access from an arterial or collector road. Public and private secondary schools are permitted in the Institutional and Arterial Commercial designations, and may be permitted in any Residential designation if located on a collector or arterial road, subject to a rezoning application and site plan control review, which will consider the suitability of the site and its location. Secondary

schools will not be permitted in *hazardous lands* or *hazardous sites.* Preferred locations for secondary schools are accessed by safe *active transportation* facilities, along transit routes, in proximity to goods and services, and/or are co-located with other *compatible* community facilities.

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

Centres for Care for Children or Adults

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

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

Places of Worship

3.2.4. Places of worship are permitted in all Commercial, Institutional, Rural Lands and Hamlet designations, subject to the ability to provide potable water, adequate parking and a landscaped buffer from any Residential designation or use. Places of worship are also permitted in a Residential designation in specific zones, subject to adequate parking and landscaped area provisions. A small chapel or other place of worship designed for those attending or residing in the principal use is permitted as an *accessory use* in the zoning by-law.

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

Libraries, Community Centres, Museums & Other Social and Cultural Centres

3.2.5. Libraries, museums, and small-scale community centres or other social or cultural centres are permitted in Institutional, Residential, Open Space, and all Commercial designations, including the Central Business District. Community centres may be permitted in an Open Space designation, subject to the provision of adequate parking and buffering, or other suitable transition to any adjacent Residential or Environmental Protection Area designations.

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

Government Offices

3.2.6. Government offices are permitted in an Institutional or in a Business Park Industrial designation and are particularly encouraged to be located in the Central Business District. Small-scale government offices are permitted uses in any Commercial designation, and are permitted in a Business Park Industrial designation.

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

Municipal Works Yards, Water Treatment and Sewage Facilities

3.2.7. Major municipal *infrastructure*, such as water treatment, sewage facilities and municipal works yards are necessary for the operation of the municipality. Municipal works yards may be located in General Industrial or Rural Lands designations. Sewage treatment facilities and similar uses that may produce *adverse effects* are encouraged to locate in a Waste Management Industrial designation. Water treatment facilities which do not produce harmful emissions may be located in an Open Space designation.

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

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

Urban Agriculture and Community Food Centres

3.2.8. Community-based initiatives such as community gardens, other forms of *urban agriculture,* and tree planting projects are permitted in all land use designations, subject to site by site evaluation. Not-for-profit community food centres are considered a community facility and are permitted in all land use designations except for an Environmental Protection Area.

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

Co-location of Community Facilities

3.2.9. Where appropriate, community facilities will be co-located in community hubs to promote cost-effectiveness, facilitate service integration, and improve access to transit and *active transportation*.

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

Special Needs Facilities

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

a. the scale and intensity of the proposed facility;

b. proximity and access to commercial, community support facilities and transit;

c. adequate parking, and landscaped and amenity areas;

d. appropriate site services and utilities; and,

e. the size of the floor area used for counseling services, offices or other accessory uses, which may be limited in the zoning by-law.

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

Site Plan Control

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

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

Group Home

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

(Ministerial Modification, OPA Number 50)

3.3 Residential Uses

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

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

Goal:

To respond to the housing needs of the City's citizens 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.

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

General Residential Policies:

Permitted Uses

3.3.1. The predominant use of land in a Residential designation will be for various forms of housing. Community facilities are permitted in accordance with Section 3.2.

Neighbourhood Commercial

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

Zoning

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

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

Green Building Design Features

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

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

Home Occupations

3.3.5. Home occupations are permitted subject to Section 3.1.7 of this Plan.

Existing Residential Areas Stable

3.3.6. Existing Housing Districts as shown on Schedule 2 are considered stable, unless otherwise identified by this Plan. Only minor changes in the predominant pattern of housing type, height or density, are permitted in accordance with Section 2.6.

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

Infill

3.3.7. Within existing stable residential areas, applications for *infill* must be located and organized to fit with neighbouring properties, including *cultural heritage resources*, and must satisfactorily address the following criteria:

a. confirmation that adequate municipal services can be provided;

b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and

c. demonstrated ability to achieve *compatible* use and *development* of the property taking into account the policies of Section 2.7.

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

Intensification

3.3.8. Within the *Urban Boundary*, *intensification* through moderate increases in building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.

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

Conversion

3.3.9. Residential *intensification* by converting an existing *residential unit* preferably on full municipal services or alternatively confirmed adequate private water and on-site sewage system into two or more *residential units* may be permitted, subject to a zoning by-law amendment or site plan control review, if required. The creation of a *second residential unit* in accordance with the policies of Section 3.3.11 of this Plan is not a conversion subject to the policies of this section. The conversion of an existing *residential unit* unto two or more *residential units* must meet the following requirements to the satisfaction of the City:

a. alterations to exterior building design must be consistent with existing design, style and materials;

b. each *residential unit* must comprise a self-contained unit with clearly defined and safe access, and have its own kitchen, bathroom, and at least one common living area;

c. the maximum number of *residential units* in each dwelling, and the maximum number of bedrooms in each *residential unit,* may be limited in the zoning by-law;

d. each *residential unit* must provide adequate parking with unobstructed access on the property in accordance with the provisions of the zoning by-law respecting the number, size and location of spaces;

e. the size of any addition may be limited through zoning standards that address the maximum length of a building, maximum size of an addition, extent of attic conversions, or other matters as deemed appropriate by the City;

f. the *amenity area* must be large enough to be useful to residents of all *residential units*;

g. the privacy of adjoining residential properties will be assured by means of adequate screening, and any proposed addition will minimize impacts on overview or shadowing of adjacent residences;

h. cash-in-lieu of parkland may be taken by the City for new *residential unit*s created in accordance with the provisions of the parkland conveyance by-law;

i. provision of adequate full municipal services; and

j. any other issues that the City requires must be satisfied to ensure that the proposed conversion will provide a safe, healthy and convenient living environment for all residents over the long term.

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

(Ministerial Modification, OPA Number 50)

Affordable Housing

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

a. a minimum target that 25 percent of all new housing in the City be *affordable* to *low and moderate income households*.

b. in accordance with Section 9.5.25 of this Plan, where an increase in height, density or both, is requested, the City will place a high priority on the provision of *affordable* housing where community benefits are requested. This *affordable* housing contribution may take the form of *affordable* housing construction on-site, the conveyance of land near the proposed *development* site, or cash-in-lieu for the purpose of constructing *affordable* housing, with each site negotiated on an individual basis;

c. a Municipal Non-Profit Housing Corporation or other not-for-profit housing associations that may acquire, assemble, rehabilitate or dispose of lands, buildings or structures for the purpose of providing *residential units*;

d. the use of surplus lands owned by the municipality and other governmental agencies be considered for *affordable* housing as promoted in Section 9.9.4 of this Plan;

e. promoting the *development* of not-for-profit housing projects by cooperative and not-for-profit housing organizations;

f. the use of upper storey space in mixed use commercial development through such mechanisms as reduced parking requirements, financial incentives, or other programs;

g. participation in programs of higher levels of government, and conformity with legislation of higher levels of government;

h. other initiatives suggested through the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013), as may be amended from time to time;

i. monitoring the development and availability of *affordable* housing, including by:

- tracking the percentage and number of new *affordable* housing units, with reference to the 25 percent target and information provided as required in Section 9.12.2.c.;
- tracking the number of *affordable* housing units that receive *affordable* housing capital funding;
- tracking the number of building permits issued for second residential units; and,
- other methods as may be developed;

j. encouraging *intensification* and a mix of densities in new communities as a way to promote affordability; and,

k. promoting the use of *second residential units* as *affordable* housing.

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

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

Second Residential Units

3.3.11. *Second residential units* are permitted in the Residential, Hamlet, Rural Lands and Prime Agricultural Area land use designations. *Second residential units* shall be located within single detached dwellings, semi-detached dwellings, linked and row houses, as well as accessory buildings where a second residential unit does not already exist in the primary detached, semi-detached, linked or row house dwelling, provided they are in accordance with the zoning by-law and subject to the following criteria:

a. The zoning by-law shall identify locations where *second residential units* are permitted, being all areas that permit single detached dwellings, semi-detached dwellings, and linked and row houses.

b. Notwithstanding subsection 3.3.11.a. above, in areas shown as "Known Servicing Constraint" and "Potential Servicing Constraint" on Schedule 11-C to this Plan, *second residential units* may only be permitted where it has been demonstrated that there is adequate water and wastewater to support the *second residential unit*.

The City will evaluate opportunities to reduce or remove known or potential servicing constraint areas on Schedule 11-C, based upon a review of servicing capacities and other applicable land use planning matters. Changes to Schedule 11-C which have the effect of reducing or removing servicing constraint areas will not require an amendment to this Plan.

A holding provision will be established in the zoning by-law and applied to the lands referenced in each of the subsections below in recognition of known or potential servicing constraints. The holding provision will not be removed until the following are provided to the satisfaction of the City:

(i) in the Cana Subdivision, a letter of opinion from an independent, qualified engineer (P.Eng.), in a form satisfactory to Utilities Kingston, confirming that the establishment of a *second residential unit* will not cause water and/or wastewater capacity issues;

(ii) in the potential Water Supply/Water Quality constraint area identified in Schedule 11-C:

(a) if the *second residential unit* is contained in or attached to the *principal residential unit*, a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) confirming that the private water supply is sufficient to support the *second*

residential unit in combination with the normal operation of the *principal residential unit* on the lot. The letter must be in a form satisfactory to the City's Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the *second residential unit,* while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed *second residential unit* in combination with the existing *principal residential unit*. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision;

(b) if the *second residential unit* is detached*,* a hydrogeological study, completed to the satisfaction of the City's Environment Director (or designate) by an independent qualified professional (P.Eng.) or geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the *second residential unit* and will not adversely impact the water supply of adjacent lots and the *principal residential unit*. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that:

- the area of *development* is not hydrogeologically sensitive; and
- the sewage system is isolated from the receiving aquifer, or the impact of the *principal residential unit* plus the *second residential unit* is less than 10mg/L nitrate-nitrogen at the property boundary.

The hydrogeological study shall be completed in accordance with the City's Standard for Hydrogeological Assessments. The City's Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted.

Approval of the septic system must be obtained from KFL&A Public Health.

Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

c. *Second residential units* shall not be limited by density control requirements, as defined in an implementing zoning by-law;

d. *Second dwelling residential units* may be a prohibited use on a residential dwelling lot containing a garden suite, boarding house or lodging house, as defined in an implementing zoning by-law; and

e. *Second residential units* shall not be permitted in a residential dwelling unit situated within a floodplain.

f. A detached *second residential unit* shall not be severed from the lot containing the *principal residential unit*.

g. Applications seeking parking relief in support of a *second residential unit* must satisfy all of the following locational criteria:

(i) the residential dwelling lot is within *walking distance* of an express Kingston Transit bus route;

(ii) the residential dwelling lot is within *walking distance* of commercial uses; and

(iii) the residential dwelling lot is within *walking distance* of parkland, open space or community facilities.

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

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

(Ministerial Modification, OPA Number 50)

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

Condominium Conversion

3.3.12. Council may review applications to convert rental housing into condominium tenure on the basis of the City's condominium conversion

policies in accordance with the provisions of Section 9.6 of this Plan, and on other criteria that may be legislated by the Province.

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

Demolition Control

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

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

Retention of Housing Stock

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

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

Property Standards By-law

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

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

Site Plan Control

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

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

3.3.A Low Density Residential Policies

3.3.A.1. Low density residential land uses and building types are the predominant part of the City's urban neighbourhood system, both in number of units and physical area. They represent low profile, ground oriented types of housing suitable for households.

Maximum Density

3.3.A.2. Low density residential uses include, but are not limited to, single detached dwellings, semi-detached dwellings, duplexes, triplexes, second residential units, and converted dwellings that have a density up to 37.5 units per net hectare of land, unless an approved secondary plan

establishes alternative provisions. *Second residential units* shall not be limited by this maximum density requirement.

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

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

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

Zoning

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

3.3.B Medium Density Residential Policies

Density

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

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

Rezoning Requirements

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

a. site plan control review;

b. availability of adequate municipal services;

c. provision of *amenity areas,* which are functional and provide *recreational* opportunities to the satisfaction of the City. Functional *amenity areas* are designed to be programmed, versatile, and well integrated;

d. adequate on-site parking for vehicles and bicycles for each *residential unit* and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the City deems appropriate; and,

e. protection of adjacent low density residential areas from *adverse effects* such as overshadowing and excessive traffic.

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

Locational Criteria

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

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

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

a. on a site that is appropriate given the context of surrounding land uses;

b. adjacent to, or within *walking distance* of, commercial areas;

c. in an area that has access to public transit; and,

d. within *walking distance* of parkland, open space or community facilities.

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

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

Zoning

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

3.3.C High Density Residential Policies

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

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

Density

3.3.C.1. High density residential land uses primarily include apartments and mixed use buildings with commercial on the ground floor and a residential

density of 75 units per net hectare or more, unless an approved secondary plan establishes other provisions.

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

Built Form

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

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

Locational Criteria

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

a. The subject property is located:

- within a Centre or Corridor;
- within an area subject to a Secondary Plan or a Specific Policy Area Plan provided such Plan permits high density residential use; or
- on the periphery of a low or medium density residential neighbourhood provided the proposal demonstrates conformity to the policies of Sections 2.6 and 2.7 of this Plan, where applicable;

b. the property is within *walking distance* of areas designated for commercial use (i.e., any of the uses within the Commercial Hierarchy except for Neighbourhood Commercial);

c. the property is within walking distance of parkland, open space or community facilities; and

d. the property is located on an existing arterial or collector road.

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

Urban Design Study

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

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

Interior Conversions Resulting in High Density Residential

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

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

Transition in Density & Built Form

3.3.C.6. New high density residential development must be designed to ensure a transition in density and built form, particularly along the periphery of Centres and Corridors, and areas for which a Secondary Plan or Specific Policy Area Plan has been established.

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

Zoning

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

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

3.3.D Special Residential Use Policies

Bed & Breakfast Operations

3.3.D.1. *Bed and breakfast operations* are permitted in single detached or semi-detached units in the City in accordance with the regulations of the applicable zoning by-law provided that:

a. the owner and operator resides in the building;

b. the property has access from a public road;

c. the zoning by-law limits the number of guest rooms and sets standards for parking, landscaping and buffering;

d. signage for all *bed and breakfast operations* will meet the requirements of the Sign By-law.

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

On-Campus and Off-Campus Housing

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

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

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

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

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

Rooming & Boarding Houses

3.3.D.5. Rooming and boarding houses have specific needs established in the zoning by-law with respect to parking, open space, access, and floor space.

3.3.D.6. The City will continue to regulate rooming and boarding houses through a licensing by-law and a central register.

Garden Suites

3.3.D.7. *Garden suites* will be permitted as a temporary use in accordance with the terms of the *Planning Act,* and subject to the following provisions:

a. a maximum of one *garden suite* per lot;

b. a *garden suite* will not be permitted on a lot with a *second residential unit*;

c. sufficient parking, landscaping and buffering are provided;

d. the property owner must reside in the principal dwelling on the lot;

e. the property owner has entered into an agreement with the City with respect to such matters as installation, maintenance, removal and occupancy of the *garden suite* and has posted suitable financial security with respect to the agreement in accordance with the *Planning Act*;

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

g. where the property is served by *individual on-site sewage services*, approval of a *garden suite* is subject to consultation with KFL&A Public Health.

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

Mobile Homes

3.3.D.8. The existing mobile home park south of Weller Avenue is recognized by this Plan, but no new freestanding mobile home units or mobile home parks are permitted as a permanent residential use within the municipal boundary.

3.4 Commercial Uses

Kingston is a regional commercial centre providing, within the *Urban Boundary*, a wide range of goods and services, offices, attractions and hospitality uses that caters to local residents, residents of nearby communities, and tourists. Commercial uses, including retail, offices and entertainment facilities, are a vital component of the historic Central Business District and are also important to the activity level of Centres and the Princess Street Corridor. Most retail uses and personal services support the population and thus are required in convenient locations in proportion to the population being served. Major uses, however, require regionally accessible locations.

Commercial uses are established in a hierarchy based on the intended function of each category of use. The number and location of commercial sites must be determined in accordance with good planning principles, including principles of *sustainability*. Commercial uses within the *Urban Boundary* must be on full municipal services.

Goal:

To provide opportunities for retail and other forms of commercial use that best serve the public and foster *sustainability*, in accordance with the retail hierarchy of the City and the policies of this Plan.

General Policies:

Strategic Intent - Centres & Corridors

3.4.1. Within the Princess Street Corridor and Centres shown on Schedule 2, the Commercial land use designation is intended to foster residential *intensification*, a pedestrian-focused mix of land uses, and support for transit and *active transportation*, in order to encourage more sustainable *development*.

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

Permitted Uses

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

Small-scale Uses (Neighbourhood Commercial Uses)

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

Residential Uses

3.4.4. Residential uses permitted will vary according to the policies of the individual designations.

Prohibited Uses

3.4.5. Prohibited uses in a Commercial designation generally include single detached or semi-detached dwellings, long term open storage, collision repair or towing yards, and industrial uses.

Possible Restrictions Outside CBD

3.4.6. In order to maintain the significance and vitality of the Central Business District, the City may limit the size or extent of uses necessary to support the CBD, such as offices and entertainment uses, in other locations in the City. The City will monitor the proportion of new office development locating in Employment Areas relative to the Central Business District and may, subject to the results of a detailed study, set thresholds on the

amount of office development in Employment Areas if the study has determined that office development in Employment Areas may be undermining the vitality of existing office space or the development of new office space in the Central Business District.

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

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

Commercial Hierarchy

3.4.7. This Plan recognizes a range of commercial activity within the *Urban Boundary* that is differentiated by its role, function, location, and intended market. It establishes six categories of commercial use in the following hierarchy:

- Central Business District (CBD);
- Regional Commercial;
- Main Street Commercial;
- District Commercial;
- Arterial Commercial; and,
- Neighbourhood Commercial.

The specific policy areas and secondary plans included in Section 10 of this Plan have additional guidelines respecting commercial *development*.

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

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

Commercial Inventory

3.4.8. The City will maintain its Commercial Inventory taking into consideration population projections, the commercial hierarchy of the Plan, and relevant trade areas. The goal of the Commercial Inventory is to assess whether there is adequate commercial land and floor space to meet the needs of the City and its broader regional area for various commercial functions. It will assist in ensuring that there is no surplus of land or commercial floor space, either in total or of a specific type or location that it may lead to areas of blight or the loss of planned function of existing or designated commercial areas. The need to update the Commercial Inventory through a Commercial Land Review will be considered at the time of an Official Plan review.

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

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

Commercial Inventory Assessment

3.4.9. The City will require a proponent to conduct a commercial inventory assessment to the satisfaction of the City when proposing to convert lands from a Business Park Industrial or General Industrial designation to a Commercial designation. Additional studies will also be required when proposing to re-designate employment land, as per the policies of Section 3.6 of this Plan. The City may also require a proponent to conduct a commercial inventory assessment to the satisfaction of the City when proposing to convert lands from any other designation to a new Commercial designation and a demonstration of why the proposed use cannot be accommodated on an existing commercially designated property.

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

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

Proposals outside of the CBD greater than 5,000m^2

3.4.10. Outside of the Central Business District, proponents of any new or expanded Commercial designation that proposes commercial development greater than 5,000 square metres in floor area, including an expansion of a Commercial designation or a proposal requiring a zoning by-law amendment to increase the floor area within a current Commercial designation by 5,000 square metres or more, must submit a market justification study and impact assessment, site plan, a transportation study undertaken to the satisfaction of Council, and other studies that the City deems necessary as outlined in Section 9.12.

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

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

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

Market Justification & Impact Assessment

3.4.11. The market justification study and impact assessment must demonstrate to Council's satisfaction that:

a. the type and size of the proposed facilities are warranted;

b. there will be no negative impact on the Central Business District and that its market opportunity and value to the community as a commercial core will not be seriously impaired;

c. the planned function of existing or approved sites in the retail hierarchy within the relevant trade area will not be undermined; and,

d. the geographic distribution of commercial functions and facilities will continue to provide convenient service to all residents of the relevant trade area.

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

Transportation Study

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

a. that transit and *active transportation* access and movement are integrated and encouraged on the site;

b. that vehicular access, parking for vehicles and bicycles, loading and circulation are managed on site;

c. how *active transportation* and vehicular access and movement are coordinated with nearby sites or integrated with adjacent sites;

d. how the site is expected to develop without unacceptable impact to the capacity and operation of the adjacent road system, including impacts on Ministry of Transportation *controlled areas*;

e. how the anticipated traffic impacts on surrounding *employment areas* and residential use on local roads are addressed; and,

f. what transportation options (e.g., road widening, operational improvements, etc.) are needed to accommodate the proposal.

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

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

Peer Review

3.4.13. The City may require the above-noted studies to be peer reviewed on behalf of the City at the proponent's expense.

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

Holding By-laws

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

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

Abatement Plans

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

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

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

Stormwater

3.4.16. Stormwater runoff from commercial sites must be managed on site to the extent that is feasible. A stormwater management plan prepared in conjunction with a *development* application must address the quality and quantity of stormwater as required by Section 4.3 of this Plan.

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

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

Green Building Features

3.4.17. The City promotes the incorporation of green building features utilizing high performance, energy efficient building design, as recommended in Section 2.1.4 of this Plan.

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

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

Site Plan Control

3.4.18. Through site plan control review and associated agreements, new Commercial *developments*, expansions or mixed use buildings will be required to:

a. provide building design and finishes to a standard that complements abutting streets and non-commercial uses;

b. minimize potential impacts on, or nuisance to nearby *sensitive uses* in terms of lighting, litter, noise, odours or commercial deliveries;

c. provide adequate fencing, berms and landscaping to buffer abutting or adjacent residential uses;

d. minimize to the City's satisfaction any *negative impacts* of stormwater runoff on adjacent natural heritage or natural hazard areas and on neighbouring sites;

e. provide clear vehicular access points that avoid *adverse effects* on principal roads and facilitate separate vehicle access and exit movements;

f. ensure safety and convenience of movement for *active transportation* both on site and with neighbouring properties, in terms of the design of parking areas and through such features as separated pathways, lighting, sidewalks, street furniture, landscaping, building entry locations and signage;

g. provide secure and appropriate parking for vehicles and bicycles and loading requirements as required by the zoning by-law;

h. provide direct pedestrian access to transit routes and transit stations;

i. provide solid waste and recycling storage within the main building or in an enclosed structure that is located away from the street and adequately screened from residential uses. It must have adequate means of access for pick-up that is generally separated from the parking area. Refrigerated storage of food waste will be required where deemed necessary by the City;

j. fence or screen any permitted outdoor storage of goods and materials;

k. face loading and service areas away from major roads and locate, and/or adequately screen adjacent residential or sensitive institutional areas;

l. direct lighting away from adjacent areas;

m. adhere to *universal design principles*; and,

n. adhere to principles of Crime Prevention Through Environmental Design (C.P.T.E.D.) recommended in Section 8 of this Plan.

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

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

3.4.A The Central Business District

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

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

Goal:

To provide for the broadest range of commercial activity that is suitable to the Central Business District setting, in order to support the traditionally diverse role and pedestrian oriented activity focus of the City's architecturally valuable downtown core.

Policies:

Strategic Intent & Priority Function

3.4.A.1. The Central Business District is the primary Centre of the City, as illustrated on Schedule 2. While the broadest practical range of commercial use is permitted and encouraged in the Central Business District, particular priority commercial functions will be protected, including:

a. specialty and comparison shopping that attracts and serves residents from throughout the City and broader regions;

b. business and professional offices, civic activities, and related business service uses;

c. food, convenience shopping, personal and medical services, and similar functions that reinforce and support the attractiveness of the Central Business District for residential purposes; and,

d. hospitality and tourist uses, entertainment facilities, *arts and culture* venues, and other attractions that serve both residents and visitors.

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

Complementary Uses

3.4.A.2. *Complementary uses* such as arts, cultural, *recreational*, entertainment, institutional, community or municipal services, open space facilities, and parking lots and structures may be permitted.

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

Range of Uses

3.4.A.3. A broad range of commercial uses is permitted and encouraged in the Central Business District, provided that the built form is sensitive to the historic building fabric, scale, pedestrian amenity linkages with the lake, and the protected view corridors.

Residential Uses

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

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

Large Format Retail

3.4.A.5. Large format retail uses are permitted provided that the built form is *compatible* with the historic building fabric, scale, pedestrian amenity linkages with the lake, and the protected view corridors.

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

Prohibited Uses

3.4.A.6. New industrial uses and other uses that interrupt pedestrian flow and are visually incompatible with the Central Business District setting, are prohibited.

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

Drive-through Facilities

3.4.A.7. New drive-through facilities are subject to the policies of Sections 3.4.G.7. and 10A.3.6 of this Plan, where applicable.

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

Specific Policy Area & Urban Design Guidelines

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

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

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

3.4.B Regional Commercial

The planned function of the Regional Commercial designation as shown on Schedule 3 is to provide retail and service facilities of a scale and range to draw residents of the City and surrounding region to suitable and accessible locations.

Goal:

To provide for commercial activity with a specialized format and a regional market draw in locations along collector or arterial roads.

Policies:

Permitted Uses

3.4.B.1. A broad range of retail uses is permitted in a specialized format consisting either of uses within an enclosed shopping centre anchored by department stores, or large floor plate individual uses, generally located on an integrated site. Limited smaller uses that provide service to businesses and shoppers, including restaurants and financial institutions, are also permitted.

Function

3.4.B.2. Uses in the Regional Commercial designation serve a regional population and are intended to complement, rather than compete with, uses in the Central Business District. The Regional Commercial designation is not intended to undermine the function of a District Commercial designation, which is designed to serve the local population with frequently needed goods.

Size and Format

3.4.B.3. A Regional Commercial designated site comprises at least 14 hectares in size and has a total minimum leasable floor area of 30,000 square metres. Regional commercial uses may be located in an enclosed centre or other format that meets the requirements of Sections 3.4.9, 3.4.10 and 3.4.11 to the satisfaction of the City.

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

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

Cataraqui Centre

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

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

Automotive Uses

3.4.B.5. A limited range of automotive uses, including gas bars and car washes, are permitted within the Regional Commercial designation.

Parking Structures

3.4.B.6. Parking lots and structures are also permitted in order to promote *intensification* of new or existing sites.

Large-Scale Recreation or Entertainment

3.4.B.7. Large-scale *recreation* or entertainment uses are permitted if it can be demonstrated to the City's satisfaction that the proposal will not have a negative impact on the Central Business District, that the operation is *compatible* with adjacent uses, and that the existing road capacity can adequately support the use.

Residential Uses

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

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

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

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

Major Office Buildings

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

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

3.4.C Main Street Commercial

The planned function of the Main Street Commercial designation is to serve surrounding neighbourhoods with a broad range of uses. Hospitality uses, financial and personal services, community uses, and small office buildings or upper storey office uses are located within the distinctive “main street” design parameters of the designation, thereby contributing to the area character, pedestrian orientation, and function.

Goal:

To provide retail and other commercial services for surrounding neighbourhoods in a setting that is street oriented and pedestrian focused, including a mix of *compatible* residential and small-scale office or community uses and services.

Policies:

Description

3.4.C.1. The Main Street Commercial designation as shown on Schedule 3 is applied to areas that are pedestrian oriented, with a mix of uses including retail, service, residential, and office uses that are developed close to the sidewalk in a “main street” format. *Built heritage resources* are often located in such settings.

Permitted Commercial Uses

3.4.C.2. Permitted commercial uses include retail, service and office uses that are suitable for an accessible main street pedestrian format, and are intended to serve the surrounding neighbourhoods. For properties within a Main Street Commercial designation, land use on the ground floor is required to be commercial, unless otherwise identified in a Specific Policy Area of Section 10 of this Plan.

(Amended by By-Law Number 2013-147, OPA Number 21)

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

Discouraged Uses

3.4.C.3. New automotive sales and uses, gas stations and gas bars are discouraged, unless a proponent can demonstrate through an urban design study that the intended character and pedestrian movement of the Main Street Commercial Area is maintained.

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

Restrictions on Uses

3.4.C.4. Existing automotive sales, gas stations or gas bars are anticipated to be phased out over time, but in the interim, may be restricted to specific locations in the zoning by-law. New drive-through facilities will not be permitted in the Main Street Commercial designation in order to protect and enhance the pedestrian environment. However, there may be exceptional circumstances where a drive-through facility may be permitted where the intent of this Plan regarding the Main Street Commercial designation can otherwise be preserved. Applications for a new drive-through facility are also subject to the requirements of Section 9 of this Plan.

Residential Uses

3.4.C.5. Within the Main Street Commercial designation, residential uses are permitted as upper storey uses. Ground floor residential uses may be permitted if identified in a Specific Policy Area of Section10 of this Plan. Where ground floor residential uses are permitted, the building design must contribute to the pedestrian activity and amenity of the street and complement the commercial storefront design and character of the street. The height of the ground floor units must enable future conversions to commercial uses.

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

(Amended by By-Law Number 2013-147, OPA Number 21)

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

Other Permitted Uses

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

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

Parking

3.4.C.7. All new *development* or conversions will be required to provide parking for vehicles and bicycles in accordance with the zoning by-law and will be encouraged to locate parking underground or in structures. If it is not possible to locate sufficient parking on site, parking may be provided off-site, at a distance stipulated in the zoning by-law, through long-term agreements registered on title to both properties. Cash-in lieu of parking may be accepted by Council in accordance with Section 9.5.11 of this Plan, where it is not feasible to provide on-site parking.

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

(Amended by By-Law Number 2013-147, OPA Number 21)

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

Williamsville Main Street

3.4.C.8. The Williamsville Main Street, extending between the westerly limit of the Central Business District at Division Street and the Kingston Centre, is a major component of the Princess Street Corridor, as shown on Schedule 2. It is intended to be a focus of *development* in a pedestrian-oriented form that will provide support for the Princess Street transit corridor and more sustainable means of growth. The Williamsville Main Street is part of the Princess Street Corridor Specific Policy Area and is shown on Schedule PS-1 of this Plan.

(Amended by By-Law Number 2013-147, OPA Number 21)

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

3.4.C.9. New *development* within the Williamsville Main Street is directed by the Williamsville Main Street Study (2012) and Addendum (2020), which provide specific design direction and are further detailed in the policies for the Princess Street Corridor Specific Policy Area: Williamsville Main Street in Section 10E.1 of this Plan.

(Amended by By-Law Number 2013-147, OPA Number 21)

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

(Amended by By-Law Number 2021-21, OPA Number 71)

Portsmouth Village Main Street

3.4.C.10. The Portsmouth Village Main Street Commercial Area has smaller uses and a more limited neighbourhood service area, but its distinctive, historic, main street character is of interest and significance to the broader City. The area may be assessed for designation as a heritage conservation

district, and in this regard, *development* in the area must meet the policies of Section 7 of this Plan.

3.4.C.11. Within the Portsmouth Village Main Street Commercial Area, the cultural heritage value or interest and heritage designation will take precedence over the site planning or parking policies of the Official Plan if there is a conflict.

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

Requirements for Extension

3.4.C.12. Any extension of the Main Street Commercial designation on Schedule 3 will require an amendment to this Plan and the preparation of an urban design study, and may require the preparation of a market justification study and impact assessment in accordance with Section 3.4.11 of this Plan.

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

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

3.4.C.13. Any extension of the Main Street Commercial designation on Schedule 3 will require the preparation of an urban design study and will be assessed subject to the following considerations:

a. building design should provide a continuous street façade at grade and contribute to the pedestrian activity and amenity of the street;

b. the treatment of the ground floor should be highly transparent with strong visual connections between the street and the ground floor interior spaces;

c. building facades should be designed with a high level of architectural detailing;

d. building materials and finishes should be complementary to the existing building in the surrounding area;

e. shadow impacts should be minimized on adjacent open spaces, buildings and streets;

f. new *development* should provide a streetwall height between three and four storeys to frame the street;

g. new *development* should include stepbacks with depths ranging between 1.5 and 2.5 metres above the established streetwall height to reduce the overall building mass;

h. parking and loading facilities must be designed to provide for safe and convenient vehicular movement and *active transportation*;

i. surface parking should be located at the rear of buildings;

j. planting strips, landscaped traffic islands, and/or paving articulation should be used to define vehicle routes and smaller parking courts that provide pedestrian walkways, improve edge conditions, and minimize the negative visual impact of surface parking;

k. loading and service areas should be screened from prominent public areas and adjacent residential areas;

l. the proposed *development* must be at an appropriate scale and density that is compatible with the street width and the neighbourhood context; and

m. the proposed *development* should incorporate opportunities to green the public and private realms.

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

3.4.D District Commercial

The planned function of the District Commercial designation is to provide a range of the most frequently needed commercial goods and services, such as food shopping, in convenient and balanced locations throughout the City to serve the needs of the immediately surrounding neighbourhoods.

Goal:

To provide for a convenient commercial focus for surrounding neighbourhoods for a range of frequently used goods and services.

Policies:

Permitted Uses

3.4.D.1. The uses permitted in the District Commercial designation include a range of frequently used services and products, including food, at a scale that is suitable to serve the surrounding neighbourhoods within the City.

Function

3.4.D.2. In order to provide locally convenient service to the public, it is desirable to maintain the function of District Commercial designations in dispersed locations throughout the City. It is the policy of this Plan to provide for additional floor space primarily through the expansion or *development* of

existing District Commercial sites as shown on Schedule 3, or as part of a future community, through designation in a secondary plan.

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

Size and Format

3.4.D.3. A District Commercial designation is generally between 2 and 12 hectares in size with a leasable area between 5,000 square metres and 30,000 square metres. While some existing centres in the City are smaller, the Kingston Centre exceeds these provisions. District Commercial designations may be in the form of a plaza with linked units or other format that meets the requirements of Sections 3.4.9, 3.4.10 and 3.4.11 to the satisfaction of the City.

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

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

Anchor Uses

3.4.D.4. The City desires to support the function of District Commercial designations to serve the public, and therefore supports the continued operation of anchor uses (often a food store or mass merchandise store) in existing designations. If an anchor use proposes to relocate to a new location or at an independent site in the City and requires an official plan amendment or rezoning for the new site, the City may require that a market justification study and impact assessment be prepared in accordance with Section 3.4.11. Such an assessment must address the impact on the vacated District Commercial site and its ability to continue its planned District Commercial function.

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

Criteria for Proposed Development

3.4.D.5. Any new District Commercial *development* or expansion will be required to:

a. locate adjacent to an arterial or collector road that is in proximity to medium and high density residential uses;

b. develop on a single site that is planned in a comprehensive manner;

c. limit the individual use and total *development* size to one that is in keeping with the local service needs of the area and the intended function of a District Commercial designation;

d. limit traffic infiltration impact on local roads in the surrounding area;

e. meet the site plan control requirements of Section 3.4.18 to the satisfaction of the City; and,

f. prepare other studies that the City determines are needed to support the proposal as required by Section 9.12 of this Plan.

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

3.4.D.6. Retail and service commercial uses proposed as part of mixed use buildings shall be located at street level but can also extend below grade or into the second storey.

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

Zoning

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

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

Residential Development

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

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

Kingston Centre

3.4.D.9. The Kingston Centre District Commercial area is a Centre on Schedule 2. As a Centre, it is intended for a broader combination of uses, including automotive, housewares, entertainment uses, as well as medium or high

density residential buildings. Over time, it is intended to redevelop and *infill* in a manner that will improve and extend the “main street” form of *development* from the adjacent Williamsville Main Street area.

3.4.D.10. *Development* within the Kingston Centre block, bounded by Princess Street, Bath Road and Sir John A. Macdonald Boulevard will only be considered in the context of:

a. a plan for the entire site that addresses access, *active transportation* and vehicular circulation, underground or structured parking, the need for secure sheltered bicycle parking, site landscaping, and improvements to the streetscape that will enhance opportunities for wayfinding, *active transportation*, amenities, and increased *sustainability* of the site;

b. a traffic impact analysis required to address the access points, turning motions, capacities and intersections of the streets abutting the block; and,

c. a market justification study and impact assessment in accordance with Section 3.4.11 of this Plan, that addresses conformity with the designation, and the impact on the planned retail hierarchy, particularly on the function of the Central Business District and the Williamsville Main Street Commercial Area.

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

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

3.4.E Arterial Commercial

The Arterial Commercial designation as shown on Schedule 3 is a special purpose designation for a limited range of goods and services, such as hospitality uses, automotive uses, restaurants to serve the travelling public, or uses that require large sites on a major road to display specialized goods in an outdoor setting. The Arterial Commercial designation is not intended to accommodate types of retail goods and services that are planned for other designations in the retail hierarchy.

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

Goal:

To provide easily-accessed and visible locations to serve the needs of travellers and to accommodate the distinct needs of commercial uses that require outdoor display that do not fit well within other commercial designations.

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

Policies:

Permitted Uses

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

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

Function

3.4.E.2. The planned function of an Arterial Commercial designation is to provide for a limited range of goods and services that do not fit well within the retail hierarchy and require a location on a major road. The designation is not intended to accommodate uses planned for a Regional Commercial designation or other designation in the retail hierarchy.

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

Existing Development

3.4.E.3. The City contains a number of older strip plazas that have developed along arterial roads that are major arteries into the City. These sites, designated Arterial Commercial, contain a mix of retail, office and service uses in addition to the uses currently permitted in the Arterial Commercial designation. The implementing zoning by-law for those sites may recognize the existing wider range of uses.

Residential Development

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

of Section 2.7 and urban design policies of Section 8 of this Plan. New medium and high density residential developments must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3 of this Plan, respectively.

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

Princess Street Corridor

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

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

Criteria for Proposed Development

3.4.E.6. Any new Arterial Commercial *development* or expansion will be required to:

a. locate on an arterial road;

b. locate on a site that offers good ingress and egress characteristics with the ability to allow clear vehicular access points that do not negatively impact arterial roads;

c. limit traffic infiltration on local roads in the surrounding area;

d. be *compatible* with existing and proposed adjacent *development* and transportation networks;

e. provide share driveway access between adjacent sites, where feasible;

f. provide landscaped buffering between parking areas and the sidewalk;

g. define outdoor display areas with enhanced landscaping or architectural edge treatments;

h. enclose any storage areas for goods and materials within buildings;

i. meet the site plan control requirements of Section 3.4.18 to the satisfaction of the City; and,

j. prepare any studies that the City determines are needed to support the proposal as required by Section 9.12 of this Plan.

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

Vehicle Sales Lots

3.4.E.7. Vehicle sales lots are subject to the following *development* criteria:

a. a direct and continuous pedestrian network within and adjacent to the vehicle sales lot must be provided to connect building entrances, parking areas, and sidewalks;

b. new buildings are encouraged to be oriented towards the street;

c. multi-storey structures for the showcasing and storage of motor vehicles are encouraged;

d. parking areas are encouraged to be located at the side or rear of buildings, away from primary street frontages;

e. outdoor vehicle display areas should be clearly defined with enhanced landscaping or architectural edge treatments; and

f. a landscaped buffer shall be provided between parking areas or outdoor vehicle display areas and the sidewalk.

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

Transportation Demand Management

3.4.E.8. Methods of *transportation demand management* along the Princess Street Corridor may be instituted to encourage greater transit ridership.

Highway 401 & Division Street

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

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

Market Justification & Impact Assessment

3.4.E.10. Proponents of any new Arterial Commercial designation, or an extension of a designation, will prepare plans, a market justification study and impact assessment, and a transportation study, in accordance with Sections 3.4.11 and 3.4.12. A market justification study and an impact assessment must demonstrate why the proposed use cannot be accommodated on an existing commercially designated property.

Notwithstanding the requirements of Section 3.4.10, a market justification study and an impact assessment is not required for a new *development* of more than 5,000 square metres of floor area proposed in an existing Arterial Commercial designation. This Plan recognizes existing Arterial Commercial designations, but does not permit new designations except by amendment to this Plan.

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

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

Zoning

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

3.4.F Neighbourhood Commercial

The planned function of the neighbourhood commercial land use is to provide convenience goods and services that are generally within walking distance of the market being served in the immediate residential neighbourhood. These uses are permitted within Residential designated areas in accordance with Section 3.3.2 and 3.4.3, and are not designated on Schedule 3 of this Plan.

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

Goal:

To provide goods and services which cater to the immediate needs of the local neighbourhood on small-scale sites and within easy access of residents.

Policies:

Permitted Use

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.

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

Function

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.

Form

3.4.F.3. Neighbourhood commercial uses are typically small plazas or free-standing establishments. In older areas of the City, neighbourhood commercial uses are also found in mixed-use 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.

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.

Location Criteria

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.

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

Criteria for Development

3.4.F.6. Any proposal for a new neighbourhood commercial use in a Residential designation shall be assessed subject to the following considerations:

a. the proposed commercial use must demonstrate *compatibility* with adjacent residential uses as outlined in Section 2.7 of this Plan;

b. buffering may be required between a proposed neighbourhood commercial use and abutting residential uses;

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;

d. the placement of all signage must be in accordance with the City's Sign By-law;

e. open storage of goods and materials is not permitted;

f. parking is encouraged to be located at the rear or side of buildings;

g. the principal entrance must be oriented to the street;

h. building and site design must complement and contribute to a safe and desirable neighbourhood character; and

i. a convenient, accessible and appealing streetscape is encouraged between the front of the building and the street curb.

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

Outdoor Patios

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* matters with abutting *sensitive uses*.

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

Market Justification and Impact Assessment

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:

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.

Zoning By-law

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

3.4.G Restrictions for Specific Commercial Uses

Automotive Uses

3.4.G.1. Automotive and other vehicle service uses such as gas bars, service stations, car washes, specialty repair shops (for mufflers, radiators, transmissions, glass, or paint), automotive machine shops, collision repair and towing compounds have differing degrees of retailing, and frequently have quasi-industrial characteristics that have the potential to create land use *compatibility* and nuisance issues. As a result, such specific uses are permitted under different conditions and in different combinations in various land use designations. With respect to such automotive and vehicle uses, it is the intent of this Plan that:

a. gas bars, service stations, car washes, and many specialty repair uses are generally considered commercial uses. Machine shops, autobody repair and towing compounds, and other uses are considered to be industrial in nature and may have *adverse effects* on neighbouring land uses;

b. gas bars are permitted to locate with convenience commercial uses on sites that can adequately accommodate both uses, but may not be permitted as neighbourhood commercial uses under Section 3.4.F of this Plan; and,

c. no outdoor storage of goods, materials, parts, derelict vehicles or parts thereof, is permitted in conjunction with automobile and vehicle service uses.

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

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

Propane Transfer Facilities

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

a. regulate the locations of both commercial and industrial propane transfer facilities within the City;

b. ensure that commercial propane facilities are located in a manner that minimizes any impacts on surrounding land uses, including visual intrusion, noise, odour and traffic related to such facilities through site plan control review and other agreements;

c. require that commercial propane facilities are located in well-ventilated open areas that are a minimum of 50 metres from any property line, or a greater distance, if recommended by the Province, or as may be specified in the implementing zoning by-law; and,

d. provide operators of propane transfer facilities with notice of *development* applications within the facilities' hazard distance.

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

Outdoor Patio Restaurants

3.4.G.3. Outdoor patio restaurants may be permitted as *accessory uses* to permitted hospitality uses, including hotels, restaurants and taverns in Commercial designations, subject to the following restrictions:

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.

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

3.4.G.4. Where an outdoor patio is proposed as an *accessory use* in an Arterial Commercial designation, it is restricted to a front or side yard.

Site Plan Control

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

a. the outdoor patio must be clearly defined and will provide barriers between it and other activity areas;

b. an open, clear and direct accessible pathway must be maintained between the outdoor patio and the entry to the main building; and,

c. the outdoor patio must be sited, buffered and adequately screened to mitigate the impacts of noise, lighting, and activity on neighbouring residential areas.

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

Outdoor Patios on Public Rights-of-Way

3.4.G.6. Where an outdoor patio is proposed as an *accessory use* on a public sidewalk, lane or other right-of-way, the City must be satisfied that the safety, accessibility and convenience of both patrons and pedestrian traffic can be assured, and will regulate such use by implementing by-laws that address such matters as streetscape treatment and operational issues.

Drive-through Facilities

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

a. ensure the safe, efficient and comfortable movement of pedestrians and cyclists;

b. achieve a streetscape with buildings and storefronts oriented to the street; and

c. achieve a comfortable, active and visually stimulating walking environment.

Detailed regulations for new or expanding drive-through facilities will be contained within the implementing zoning by-law. New or expanding drive-through facilities are subject to site plan control review. As part of the development review process the proponent is required to submit such supporting studies and reports as set out in Section 9.12 of the Plan as may be relevant to enable the City to fully evaluate the proposed drive-through facility.

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

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

Casino Gaming Facility

3.4.G.8 It is the intent of Council to provide a land use policy framework to assist in guiding the establishment of any *casino gaming facility* to be located within the City. A *casino gaming facility* is recognized as a major commercial activity. The establishment of any *casino gaming facility* will meet the intent of the Proposed Tourism Projects policies of Section 2.9.4. of this Plan and is subject to the following policies:

a. any *casino gaming facility* to be established shall be located outside of the Central Business District as shown on Schedule 3-A;

b. in addition to the *casino gaming facility,* other permitted uses may include hotels, motels, restaurants, live entertainment venues, conference facilities, accessory retail uses, and other associated amenities;

c. the development of a *casino gaming facility* may integrate the permitted uses in a single building complex or may include a number of free-standing buildings all located on the same site and developed as a multiple building concept in accordance with the policies of Section 8.10 Multiple Buildings;

d. any accessory retail uses shall be located within the *casino gaming facility* or within the other permitted uses but may not be established in a free-standing commercial building intended principally for retail uses;

e. a *casino gaming facility* shall be designed in accordance with the Land Use Compatibility Principles of Section 2.7 to ensure *compatibility* between the proposed *development* and any adjacent land uses, buildings or structures and address such features as height limits, buffering, lighting and landscaping;

f. any *casino gaming facility* shall provide adequate internal traffic circulation including clearly marked traffic circulation routes, on–site parking, clearly demarcated pedestrian routes, and transit access;

g. stormwater management works shall form part of any *casino gaming facility* proposal and shall be designed in accordance with Section 4.3 of this Plan;

h. any *casino gaming facility* proposal shall be accompanied by the following supporting information:

- a Market Justification and Impact Assessment for other permitted uses in accordance with Section 3.4.11 of this Plan,
- a Transportation Study prepared in accordance with Section 3.4.12. of this Plan; and,
- any other information, assessments or studies required by the City as set out in Section 9.12 Consultation and Application Requirements of this Plan;

i. any application for the development of a casino gaming facility either alone or with other permitted uses, as either a complex or a number of free-standing buildings will be subject to the following:

- a site specific official plan amendment;
- a zoning by-law amendment; and,
- a site plan control approval and an agreement.

j. the design and site layout for the casino gaming facility shall be established at the official plan amendment or zoning by-law amendment stage. The minimum property and floor area requirements that are appropriate for the proposed casino gaming facility may be established through either the required official plan amendment or zoning by-law amendment.

(OMB Case Number PL140920 Issue Date November 10, 2015)

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

3.5 Institutional Uses

Kingston is home to many major institutions, including post-secondary educational facilities, hospitals, military establishments, and corrections facilities. Most of these properties are owned and operated by higher levels of government, and serve not only the City, but extend to a regional, national or international population. Many of the sites have existed for generations, contain historic buildings, or are sites designated under the *Ontario Heritage Act*. These designations often include extensive landscaped grounds that contribute to the open space amenity of the City.

Goal:

To support institutional land uses as an important component of the City and its employment base, as well as providing services to the public. To provide land use guidelines for development, recognizing that such sites create special land use issues and often have their own *cultural heritage resources* and private open spaces that are of value to the community.

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

Policies:

Permitted Uses

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

a. **post-secondary institutions** include classrooms and similar teaching venues, offices, laboratories and other research or testing facilities, libraries, common areas and places of assembly. *Complementary uses* include dining areas, day care centres, *recreation* facilities, storage areas, parking areas or structures, student or staff accommodation, solid waste and hazardous waste handling areas, and convenience commercial outlets.

b. **hospitals and care facilities** include diagnostic and treatment facilities, therapy areas, patient accommodation, pharmacies and laboratories, food preparation, laundry, storage areas, offices and consultation areas, meeting rooms, and parking areas and structures. *Accessory uses* include dining areas, childcare centres, workshops, staff accommodation, warehousing and convenience commercial outlets.

c. **extended care complexes** include resident accommodation, care and nursing facilities, therapy areas, kitchen and dining facilities, offices, meeting rooms, *recreation* facilities, pharmacy, and open space areas. *Accessory uses* include childcare centres, personal care services, staff accommodation, and parking areas and structures.

d. **corrections facilities** include secure inmate facilities, administrative offices, and personnel training areas. *Complementary uses* include *agricultural uses*, food processing

facilities, open space areas, parking lots and structures, or museums.

e. **military establishments** include land and buildings for military purposes, armories, staff colleges and training facilities, administrative offices, dining areas, enclosed storage areas, residential accommodation, *recreation* facilities and museums. *Complementary uses* include commercial outlets and other land uses necessary to support the military use of the site that are not open to the general public on a regular basis.

f. **government and religious administrative centres** include office uses, meeting rooms and other places of assembly, reception areas, and parking lots and structures. *Accessory uses* and *complementary uses* may include dining areas, kitchen facilities, and counseling areas, permanent and temporary accommodation, and open space *amenity areas*.

Zoning

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

Uses with General Industrial Characteristics

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

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

Parking

3.5.4. Each institution must provide on-site parking within its Institutional designation, unless other arrangements are made with the City. Any residential use related to the primary institutional use must provide sufficient resident and visitor parking.

3.5.5. Parking structures or underground parking will be encouraged, in order to preserve as much open space as possible.

Parking Studies

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

Added Uses

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

Development Criteria

3.5.8. Any *development* proposal of an institutional use that requires *Planning Act* approval, including site plan control review, will be assessed based on the following criteria:

a. *compatibility* with the height, massing, bulk and scale of other surrounding institutional buildings or adjacent residential buildings;

b. the cultural heritage character of properties designated under the *Ontario Heritage Act* will be preserved and the functional use or re-use of such buildings will be promoted in accordance with the policies of Section 7 of this Plan;

c. *compatibility* with the architectural or heritage character of the surrounding buildings and area;

d. design and siting of proposed buildings or structures to preserve as much open space as possible;

e. access by means of an arterial or major collector road, to ensure traffic will not infiltrate into surrounding residential neighbourhoods or local residential streets;

f. provision of pedestrian and cycling facilities;

g. assessment of safety and convenience on the site, including lighting, sidewalks, location and treatment of parking areas, landscaped areas or building access locations;

h. buffering of any adjacent residential areas to minimize functional or visual impacts and the impacts of increased lighting and noise through such means as screening, berming, landscaping or fencing;

i. consideration of any proposed land use in accordance with the land use compatibility and design policies of Section 2.7 and Section 8 of this Plan; and,

j. building and site design in accordance with Section 2.1.4 of this Plan.

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

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

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

Official Plan Amendments

3.5.10. Establishing any new Institutional designation, or the expansion of an institution onto lands designated for another use, will require an amendment to this Plan and will be assessed on the basis of necessary studies as determined by the City, as well as on the following criteria:

a. the suitability of the existing road network, and any necessary improvements thereto, to accommodate the institutional use;

b. the *compatibility* with surrounding land uses and means of mitigation if necessary, considered against the policies of Section 2.7 of this Plan;

c. the availability of transit routes to serve the site;

d. the ability of the surrounding road system to accommodate the projected traffic; and,

e. the adequacy of municipal services to serve the site.

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

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

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

3.5.A Queen’s University

3.5.A.1. Queen's University has a number of landholdings dispersed throughout the City used for different activities. It is the intent of this Plan to recognize within the Institutional designation, five (5) principal areas of facilities: the Main Campus; the West Campus, including the former Prison for Women site; the Donald Gordon Centre; the Isabel Bader Centre for the Performing Arts; and, Innovation Park.

Since 1920, Queen's University has managed growth and change through a series of master plans, each of which responded to the issues of its time. *Development* of the Queen's University landholdings should continue to proceed through a master planning process respecting the relevant policies of this Plan.

The University is made up of a variety of land uses and buildings which all form a community of common interest devoted to post-secondary higher education, research, consulting and administration.

In conjunction with its primary purpose the Queen's community also includes such supporting uses as residences, *recreation* and cultural facilities, commercial facilities, parking areas and open spaces, and such support facilities as are required to develop, operate, and maintain the University campus buildings, structures, and facilities.

The permitted land uses are those uses which allow the University to function as a community. These uses are listed in Section 3.5.1 a. of this Plan.

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

Objectives

3.5.A.2. It is the intent of this Plan to support the following objectives with respect to Queen's University:

a. to recognize Queen's University as a distinct community of interest that is dispersed throughout the City;

b. to foster co-operation between the City, the community, and the University in terms of such matters as the provision of parking, student housing, servicing, campus accessibility, *active transportation* and linkages, conservation of heritage buildings and areas, public access and *development* proposals;

c. to support the growth and *development* of the University and to encourage its long term vitality within the City;

d. to minimize any *adverse effects* the University may have as a major activity centre on adjacent and surrounding neighbourhoods;

e. to support the efforts of Queen's University to continue to co-operate with Kingston General Hospital in the provision of services, the *development* of facilities and the provision of appropriate access and parking;

f. to recognize the various University areas as having different land use mixes, land use characteristics, locational factors, and different surrounding uses;

g. to recognize that any *development* proposal for University-owned lands may be reviewed by the City in relation to the particular characteristics of the affected principal facilities area; and,

h. to encourage Queen's University to protect and *conserve* their various heritage properties whether designated or not under the *Ontario Heritage Act*.

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

Conversions, Infill and Heritage Buildings

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

a. existing low density residential buildings owned by the University may continue to be used and may be renovated and updated for residential uses;

b. any *development* or *infill* projects within the Institutional designation are subject to site plan control review and will be assessed for their conformity to the Campus Master Plan; and,

c. the heritage character of the existing buildings fronting on Barrie Street will be protected and maintained to enhance the character of the Barrie Street streetscape, the character of properties within the Old Sydenham Heritage Conservation District, and the surrounding area.

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

Development Requirements

3.5.A.4. Queen's University *development* or *infill* is subject to the requirements of Section 3.5.8.

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

Parking

3.5.A.5. Parking for the University community is an important consideration in ensuring that the University continues to function appropriately and that *adverse effects* on surrounding local streets are minimized. With respect to parking, the following policies apply:

a. new *development* on the West Campus, including the former Prison for Women site, and the Donald Gordon Centre, as well as new *development* at Innovation Park will provide parking pursuant to the zoning by-law;

b. parking facilities on the Main Campus and Isabel Bader Centre for the Performing Arts site may be provided on a collective basis in surface parking areas, parking structures, and underground parking facilities initiated and located in response to studied need and

demand rather than pursuant to the zoning by-law requirements for individual buildings and uses;

c. underground parking and parking structures are encouraged;

d. general parking facilities for the University may be planned, located and developed in consultation with the City and may include joint or individual parking studies, enforcement programs and implementation projects;

e. in an effort to maintain and enhance the quality of the waterfront environment, parking areas and structures are discouraged adjacent to the water. In situations where there is no viable alternative, parking areas or structures may be located adjacent to the water subject to confirming the absence of *hazardous lands* and *hazardous sites* to ensure the protection of human health and safety, and to demonstrate how the *development* will uphold the intent of the “ribbon of life” policies of Section 3.9 of this Plan ;and,

f. secure, sheltered bicycle parking will be situated in sufficient numbers and locations throughout the University to encourage *active transportation* and lessened reliance on the private automobile.

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

Queen’s Growth and Expansion

3.5.A.6. The growth and expansion requirements of Queen’s University over the course of this Plan are addressed by the Queen's University Campus Master Plan. Any expansion of the Institutional designation shown on Schedule 3-A will be considered within the context of an application to amend this Plan to be supported by such Campus Master Plan. It is the intent of this Plan:

a. to recognize that the Main Campus will continue as the main activity centre for the University;

b. to encourage a compact Main Campus long-term plan which develops the sense of a university community in association with the complementary support of the City's Central Business District and the Main Street Commercial area of Princess Street;

c. to encourage the University to proceed with, and to work with the City on, the determination and maintenance of a comprehensive campus growth and expansion strategy for all lands owned by the University and located in the City;

d. to prohibit expansion of the Main Campus into the adjacent westerly Residential designated lands or into the adjacent easterly Residential designated lands in order to protect the long-term maintenance and stability of those areas for residential use;

e. to limit the southerly limit of the Main Campus to the rear lot lines of the residentially designated properties fronting on King Street; and,

f. to encourage that any expansion of the Main Campus beyond the University owned lands designated Institutional on Schedule 3-A take place to the north of the existing Main Campus community to support the growth and expansion policies of the Division Street area of the Main Street Commercial designation along Princess Street.

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

Northerly Expansion of the Main Campus

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

a. that any new northerly limit for the Institutional designation be considered in the context of specific analysis, or on the basis of a joint secondary planning analysis of the Campus Expansion Area by the City and the University's Campus Master Plan;

b. that a strategy be adopted by Council to provide alternative accommodation, to replace or relocate any housing lost through the land use conversion process, prior to any expansion of the Main Campus into the Campus Expansion Area;

c. that the seven block area north of the Main Campus be recognized as being both a residential area and an area of potential university campus and building expansion;

d. that the Campus Expansion Area be designated for residential purposes on Schedule 3-A in recognition of the long standing residential uses and buildings of the area;

e. that residential *development* be permitted within the area subject to the Residential policies and Compatibility policies of this Plan and a rezoning for medium and high density residential proposals and site plan control review, where applicable, (low density residential may occur without rezoning);

f. that any applications for residential *development* approval be circulated to the University for consideration for acquisition as part of any campus expansion program;

g. that the Campus Expansion Area be identified as an area in which the long period of unfulfilled land use transition from residential to University uses has imposed a high level of neighbourhood and owner uncertainty which may warrant land use planning analysis; and,

h. that such a planning analysis must also address the safety and convenience of adjacent neighbourhood residents.

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

3.6 Employment Areas (Industrial Designations and Policies)

Traditionally, within an urban area, industrial areas have accommodated manufacturing, warehousing, transportation, construction or utility activities, while business parks have provided a prestige environment for major office uses, research and development companies, advanced technology jobs and support uses, and technical and professional services. *Employment areas* are becoming increasingly diverse, and a more flexible approach is warranted in response. Policies of this section are aimed at maintaining a healthy employment base and increasing the number of job opportunities in *employment areas*, largely within the *Urban Boundary*.

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

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

Goal:

To support a strong and diversified economic base within the City, allowing for an expansion of the assessment base and providing a choice of jobs for its citizens while supporting the existing *infrastructure* networks. To create attractive, sustainable *employment areas* that improve the quality of life and reduce dependence on the private automobile for employees by having personal services and amenities in close proximity to employment uses.

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

General Policies:

Industrial Designations Within Employment Areas

3.6.1. A full range of industrial, manufacturing, research and development, technology and office jobs, and related uses are permitted in *Employment Areas*. These are categorized in the city into three separate industrial land use designations: Business Park Industrial; General Industrial; and, Waste

Management Industrial. The permitted uses and specific *development* policies of the three designations are detailed in Sections 3.6.A, 3.6.B, and 3.6.C of this Plan.

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

Support of Economic Base

3.6.2. The City strongly supports a strong and diversified economic base. As outlined in the Employment Land Strategy Review, the City will continue to promote the City's four Business Parks: Cataraqui Estates Business Park; Clyde Business Park; Alcan Business Park; and, the St. Lawrence Business Park. Other specific means of supporting economic development by the City are set out in Section 2.9.

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

City's Role

3.6.3. The City will provide for, facilitate, and support industrial *development* initiatives through:

a. the provision of *infrastructure* and *infrastructure* improvements;

b. the protection of industrial establishments from incompatible land uses that may jeopardize the viability and efficiency of industrial operations;

c. the control of industrial *development* through the planned subdivision of land and an organized marketing strategy; and,

d. the *development* of City-owned lands within *employment areas*.

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

Employment Land Supply

3.6.4. The City will take an active role in preserving *employment areas* for future job growth. A sufficient supply of land designated for employment uses must be maintained within the *Urban Boundary* in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property, and servicing needs.

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

Redesignation of Employment Lands

3.6.5. Proposals for the redesignation of lands for uses other than those permitted in *employment areas*, or to add a range of uses to an

employment area that are primarily permitted in another land use designation, will not be approved unless it has been demonstrated through a *comprehensive review* and to the satisfaction of Council that the land is not required for *employment area* uses over the long term, and that there is a need for the redesignation. The following criteria will be considered as part of the assessment of whether the proposed redesignation is appropriate:

a. the proposal will only be considered in conjunction with a review that addresses the following matters to the satisfaction of Council:

- the land is not required for employment purposes over the long-term;
- there is a need for the conversion;
- the intensity, characteristics and impacts associated with the proposed use will not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;
- the site's physical and natural characteristics, *development* constraints, and location will justify the consideration of non-employment uses on the subject lands; and
- redesignation of *employment areas* abutting major transportation corridors, including railways, highways and major arterial roads is discouraged.

b. in addition to subsection a. above, the proposed redesignation must meet the following conditions:

- the amount of land affected is minor in area based on the projected *employment area* land requirements within the planning horizon of this Plan;
- the *development* of the subject lands is demonstrated to the satisfaction of Council not to be feasible for *employment area* uses within the planning horizon of this Plan;
- there are no alternative sites, designated and approved for the proposed use elsewhere in the City;
- the proposal will have a beneficial impact on the surrounding uses and broader community; and,

- the *development* of the subject lands for non-employment uses will meet a public need identified by Council resolution.

(Amended by By-Law Number 2013-98, OPA Number 16)

c. in addition to subsection **a.** and **b.**, the site of the proposed conversion must meet the following criteria:

- the site is located on the fringe of a designated *Employment Area*;
- the site is surrounded by non-employment uses on at least three sides;
- the conversion would be consistent/supportive of the City's objectives as described in this Plan;
- the conversion would not contravene any of the City's objectives as described in this Plan;
- the site offers limited market choice for industrial *development* due to size, configuration, physical conditions, and other constraints; and,
- the site does not offer practical or feasible potential for future expansion onto existing or neighbouring employment lands.

d. in addition to subsections **a.**, **b.**, and **c.** above, if the proposed re-designation is to a commercial designation, then the following applies:

- a Commercial Inventory Assessment, as described in Section 3.4.9 of this Plan, must be undertaken by the applicant to the satisfaction of the City; and,
- if the proposed commercial development is greater than 5,000 square metres and is outside the Central Business District, the applicant must satisfy the provisions of Section 3.4.10 of this Plan.

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

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

Other Studies Required

3.6.6. All additional information and studies as outlined in Section 9.12 of this Plan deemed necessary in order to fully assess a proposal have been submitted to the satisfaction of the City.

Protection of Employment Areas

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

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

Industrial Development

3.6.8. The City supports the *development* of older *employment areas*, with respect to the revitalization of older uses and facilities, the establishment of new industrial uses, the improvement and expansion of public *infrastructure*, and the relocation of incompatible uses to more appropriate locations.

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

Form of Development

3.6.9. Alternative forms of industrial *development* and ownership, such as industrial malls and incubator facilities, are encouraged in *employment areas*.

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

Resource Efficiency

3.6.10. Within *employment areas*, buildings and sites will be encouraged to promote energy efficiency, *renewable energy* systems, recycling, composting, and other methods of conserving or re-using materials and resources. In keeping with the intent of this Plan to foster *sustainability*, the City encourages the *development* of new industries where there is a mutually beneficial relationship between industries in the sharing of energy production or in recycling the waste of one industry into the production of products created by another.

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

Accessory Retail Sales Areas.

3.6.11. A maximum of 25% of the total floor area of *development* on a lot designated for an employment use may be used for the purposes of the

accessory display and/or accessory retail sale of products manufactured, processed, fabricated, warehoused or assembled on the premises.

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

Complementary Uses

3.6.12. Within the business parks identified in Section 3.6.2, or on a single land holding equal to or greater than 10 hectares in area that is designated for employment uses, the total floor area of all *complementary uses* should not exceed 25 percent of the total floor area of established, or concurrently developed space for permitted employment uses.

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

3.6.13. On a single land holding equal to or greater than 10 hectares in area and designated for employment uses, *complementary uses* may be established in advance of a primary permitted use, provided the gross floor area of such *complementary uses* does not exceed five percent of the site's lot area. The intent of this policy is to accommodate a limited amount of *complementary uses* that can be an asset in attracting permitted employment uses to a larger single land holding, provide an amenity to employees, and accordingly create a development that meets the City's objectives for employment lands.

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

3.6.14. *Complementary uses* in *employment areas* are encouraged to:

a. Cluster within a 500 metre radius from the centre of the intersection of arterial and/or collector roads; and

b. Be located on and/or be oriented towards the road frontage.

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

Zoning By-law

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

3.6.16. *Complementary* commercial and public uses listed within each Industrial designation will be permitted only within separate zoning categories, and such uses will be restricted in size and subject to maximum floor space limits in the zoning by-law.

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

Development Criteria

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

a. land assembly, subdivision and consolidation, preferably implemented by plans of subdivision, is encouraged to create parcels of a size and configuration appropriate to contemporary industrial requirements;

b. road access to individual landholdings is a primary consideration to facilitate the transition of vacant or underutilized lands to full industrial capability;

c. each site must provide and clearly indicate access points that facilitate safe and functional entry and exit for vehicles, particularly by highway transport vehicles;

d. each site must provide convenient and safe access for *active transportation* and accommodate transit. Where feasible, on-site pathways must be connected with the public sidewalk system, and with adjacent public spaces and trails;

e. loading areas must be screened from abutting non-industrial uses, separated from vehicle and pedestrian traffic, and located in interior side yards or rear yards;

f. parking is to be provided in accordance with Section 4.6 of this Plan for vehicles and bicycles. Parking for vehicles shall be designed in such a manner as to minimize conflicts between vehicles, cyclists and pedestrians wherever possible. Front yard parking is discouraged but may be considered to facilitate improved access and functionality particularly when building massing and lot configuration precludes the accommodation of parking in interior side yards or rear yards. In cases where front yard parking is necessary, landscaping shall be used to screen views of parking areas and design priority shall be given to accommodating safe non-vehicular access throughout the site;

g. the design of new industrial buildings must be *compatible* with, and sensitive to, the characteristics of the existing surrounding *development*, and must take into consideration the existing natural constraints and features on the site;

h. industrial buildings must be designed and constructed to an appropriate finished standard on all sides facing a road, a freeway or an abutting non-industrial use;

i. the design of new industrial buildings must be appropriate in terms of scale, character, and design elements, including well-defined main entrances that are oriented to the public road, roof form and articulation, and the use of high quality exterior materials that are *compatible* with surrounding uses;

j. service facilities and mechanical equipment must be designed and located with minimal visual impacts on surrounding properties, and for maximum safety for employees and the public;

k. adequate screening and buffering in the form of fencing, berming and/or landscaping is required to minimize potential impacts between the proposed industrial use and neighbouring properties, particularly any adjacent Residential, Commercial, Institutional, or Environmental Protection Area designations;

l. landscaping must be designed to enhance the overall aesthetic quality of each site, and where a site is adjacent to a *natural heritage feature or area*, special attention must be given to the landscape design in order to enhance and protect *natural heritage features and areas* and ensure no *negative impacts*;

m. facilities for managing solid waste must be located within an enclosed structure sited away from the street or an abutting non-industrial use, and constructed in such a manner that the waste material is not visible from the street or an adjacent non-industrial property;

n. outdoor storage of goods or materials must be fenced and screened from the view of roads or adjacent properties and will be limited within the Business Park Industrial designation;

o. industrial uses requiring large amounts of open storage, and those characterized by noise, odour and vibration, are restricted through the zoning by-law from locating near non-industrial areas;

p. exterior lighting of any building or parking area is to be designed to deflect glare from adjacent properties while providing appropriate levels for safety and accessibility;

q. a stormwater management plan prepared in conjunction with a *development* application must address the quality and quantity of stormwater as required by Section 4.3 of this Plan;

r. high quality design treatments, based on the policies of Sections 3.6.A.6 and 8 of this Plan, are expected of any industrial facility

located adjacent to non-industrial uses, on all lands designated as Business Park Industrial, and on any of the major gateways into the City, including Highway 401, Gardiners Road, Sir John A. Macdonald Boulevard, Division Street, Montreal Street, and Highway 15/Kingston Road 15;

s. any industrial uses that may involve *hazardous substances* shall not be permitted to locate in *hazardous lands* and *hazardous sites*; and,

t. all *development* applications are subject to site plan control review.

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

Additional Criteria

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

3.6.A Business Park Industrial

The Business Park Industrial designation is an *employment area* intended to provide prominent locations for industrial and industrial support uses in architecturally treated and finished buildings with a high quality landscaped setting that promotes a prestige corporate and community image.

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

Goal:

To develop attractive areas for prestige office, research, light industrial, and similar employment uses at visible and easily accessed locations within the City.

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

Policies:

Permitted Uses

3.6.A.1. The main uses permitted within the Business Park Industrial designation include:

a. corporate administrative offices and government offices;

b. research and development facilities, including laboratories;

c. data processing facilities, including call centres;

d. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products;

e. administrative, professional and technical services, such as engineering and surveying firms, that support the above uses and are consistent with the image and amenity of a Business Park Industrial setting;

f. film or recording studio;

g. commercial school or training facility, provided the use is contained within an enclosed building(s);

h. the following light industrial uses, provided they are contained within enclosed buildings:

- manufacturing, repairing, fabricating, processing and assembling operations;
- construction and transportation activities and facilities;
- storage, warehousing, and wholesale trade activities; and,
- communications facilities and utilities.

i. outdoor storage, subject to the following criteria, all of which must be satisfied:

- the outdoor storage use does not front onto or abut a public road;
- the area used to accommodate open storage, to be limited in the zoning by-law, is located to the rear or interior side yard of the property, preferably behind the primary building occupying the site;
- the outdoor storage use does not abut a lot which is zoned for a non-industrial land use;
- the outdoor storage use does not generate any emissions, dust, or debris that cannot be contained on-site; and,
- the outdoor storage area must be screened from view through landscaping and other measures that lessen the visual impact of the use.

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

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

Complementary Uses

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

a. office and business services, such as printing and equipment repair, which are intended to serve the Business Park Industrial area;

b. day care facilities and/or places of worship, provided that the *sensitive use* is compatible with the industrial uses in the area and located in such a manner (e.g., on the periphery of an *employment area*) so that it does not preclude the development potential of adjacent employment lands;

c. hotels and/or conference facilities, including banquet halls, trade show buildings, and similar uses to be defined in the implementing zoning by-law;

d. restaurants, drive-through facilities, financial institutions, personal services, medical and paramedical uses, and convenience commercial uses;

e. public and private parks and *recreation* facilities;

f. parking lots and structures; and,

g. sources of *renewable energy*, subject to the policies of Section 6.2 of this Plan.

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

3.6.A.3. A standalone *complementary use* may be permitted, without amendment to this Plan, subject to demonstrating conformity to Section 3.6.12 or 3.6.13.

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

Prohibited Uses

3.6.A.4. New *development* that is considered incompatible with the Business Park Industrial designation, and is prohibited within the *Urban Boundary*, include the following:

a. automotive wrecking yards;

b. scrap and salvage yards (except where such products are recycled as an input to a permitted employment use on the same site);

c. pits and quarries;

d. sanitary landfill sites;

e. elementary and secondary schools;

f. commercial uses except for those *complementary uses* permitted in the Business Park Industrial designation, and the retail *accessory uses* permitted in Section 3.6.11 of this Plan; and,

g. residential uses, except for caretaker or guard's quarters.

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

Location Criteria

3.6.A.5. Proposals for new Business Park Industrial designations must meet one or more of the following locational criteria:

a. frontage on a major road;

b. high visibility in relation to a major transportation corridor;

c. a location where adjacent natural features will reinforce the high quality landscaped setting; and/or,

d. a location on the periphery of an *employment area*, not internal to it.

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

Development Criteria

3.6.A.6. In addition to the general *development* requirements of Section 3.6.17 of this Plan, the following policies also apply to lands designated as Business Park Industrial:

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

b. building facades must incorporate a mix of building materials and details to provide architectural interest on facades that are visible from public roads;

c. less architecturally interesting facades of buildings must be substantially set back and screened from public view by dense landscaping as an alternative to providing architectural detail;

d. where function necessitates a basic, box-like building form, exterior design, such as a change in colour, material or plane, must be introduced on exterior facades that are visible from public streets;

e. the colour of exterior facades will be in keeping with surrounding industrial buildings, and bright, contrasting colours will only be used for trims and accents; and,

f. a high quality of landscaping must be used to enhance the overall aesthetic of the site, as well as to define the property boundaries and main entrance of the building.

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

Business Park at Airport

3.6.A.7. Within the Business Park Industrial designation at Norman Rogers Airport, *development* is permitted, subject to the following provisions:

a. uses will be restricted in the zoning by-law to those that are *compatible* with the operation of the *airport* and nearby residential uses;

b. all *development* will be of a high quality of design, landscaping and buffering, which will be established through architectural design and landscaping plans and standards that will be secured to the satisfaction of the City;

c. height will be restricted in the zoning by-law to allow operation of the *airport* and reduce impact on nearby residential uses; and,

d. uses will be limited in accordance with the NEF (Noise Exposure Forecast) and NEP (Noise Exposure Projection) contours.

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

Division St. & Montreal St.

3.6.A.8. It is a policy of this Plan to encourage the use of the Division Street and Montreal Street frontages of the Old Industrial Area for business park uses in accordance with the policies of this Section.

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

3.6.B General Industrial

The General Industrial designation is an *employment area* intended to provide convenient locations for manufacturing, wholesale trade, construction, transportation, storage, communications, utilities, and similar uses. These uses will be grouped into

distinct *employment areas* to foster economic synergy and avoid or mitigate *adverse effects* on residential uses or other *sensitive uses*.

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

Goal:

To provide suitable areas for a broad range of employment uses that include manufacturing, warehousing, construction and transportation activities and other employment uses with similar operating characteristics and locational requirements.

Policies:

Permitted Uses

3.6.B.1. The main uses permitted within the General Industrial designation include:

a. manufacturing, assembling, fabricating, and processing operations;

b. construction and transportation activities and facilities;

c. storage, warehousing, and wholesale trade activities;

d. communications facilities and utilities;

e. automotive, heavy equipment, and truck repair facilities, and towing compounds;

f. institutional uses with General Industrial characteristics, as outlined in Section 3.5.3 of this Plan; and,

g. municipal works yards and water treatment and sewage treatment facilities, subject to the policies of Section 3.2 of this Plan.

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

Complementary Uses

3.6.B.2. The following uses are intended to serve the General Industrial area and are permitted as *complementary uses* within the General Industrial designation:

a. office and business service establishments, such as printing and equipment repair;

b. research and development facilities, including laboratories;

c. restaurants, financial institutions, personal services, medical and paramedical, and convenience commercial uses;

d. automobile service stations or gas bars, if located at the intersection of arterial or collector streets;

e. public and private parks and *recreation* facilities;

f. parking lots and structures; and,

g. sources of *renewable energy*, subject to the policies of Section 6.2 of this Plan.

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

3.6.B.3. A standalone *complementary use* may be permitted, without amendment to this Plan, subject to demonstrating conformity to Section 3.6.12 or 3.6.13.

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

Prohibited Uses

3.6.B.4. New *development* that is considered incompatible with the General Industrial designation, and is prohibited within the *Urban Boundary*, include the following:

a. automotive wrecking yards;

b. scrap and salvage yards (except where such products are recycled as an input to a permitted employment use on the same site);

c. pits and quarries;

d. sanitary landfill sites;

e. community facilities;

f. elementary and secondary schools;

g. commercial uses except for those *complementary uses* permitted in the General Industrial designation, and the retail *accessory uses* permitted in Section 3.6.11 of this Plan; and,

h. residential uses, except for caretaker or guard's quarters.

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

Development Criteria

3.6.B.5. In addition to the general development requirements of Section 3.6.17 of this Plan, the following policies also apply to lands designated as General Industrial:

Open Storage

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

Setbacks from Sensitive Uses

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

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

Division St. & Montreal St.

3.6.B.6. It is the intent of this Plan to encourage the *development* of the Division Street and Montreal Street frontages of the Old Industrial Area for business park uses in accordance with the policies of Section 3.6.A.

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

3.6.C Waste Management Industrial

The Waste Management Industrial designation is intended to provide suitable locations and conditions for uses that may involve intrusive levels of noise, odour, dust or other emissions, or which may have an unsightly visual impact.

Goal:

To locate and manage industrial uses that may have unpleasant operating characteristics in a manner that minimizes land use impact.

Policies:

Permitted Uses

3.6.C.1. Uses permitted within a Waste Management Industrial designation include:

a. any facility established as part of a waste management program;

b. waste transfer facilities;

c. recycling plants;

d. composting facility;

e. a sewage treatment facility;

f. a landfill site or former landfill site; and,

g. a wrecking or salvage yard, or a towing compound.

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

Accessory Uses

3.6.C.2. The following uses are permitted as *accessory uses* within the Waste Management Industrial designation:

a. parking lots and structures; and,

b. sources of *renewable energy*, subject to the policies of the Section 6.2 of this Plan.

Prohibited Uses

3.6.C.3. New *development* that is considered incompatible with the Waste Management Industrial designation, and is prohibited, include the following:

a. pits and quarries;

b. institutional uses;

c. commercial uses, except for those retail uses permitted as *accessory uses* in Section 3.6.11 of this Plan; and,

d. residential uses, except for caretaker or guard's quarters.

Clustering

3.6.C.4. It is the intent of this Plan to cluster, where appropriate, waste management uses together to minimize potential impacts on surrounding uses.

Development Criteria

3.6.C.5. The general development requirements of Section 3.6.17 of this Plan apply to lands designated as Waste Management Industrial.

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

Ministry of the Environment and Climate Change (MOECC) Guidelines

3.6.C.6. Waste disposal, processing and transfer facilities must be established in accordance with the regulations and requirements of the Ministry of the Environment and Climate Change (MOECC), including:

a. adequate separation distances between the waste management industrial use and any *sensitive use*;

b. where a use is permitted by an Environmental Compliance Approval of the MOECC, the zoning category must identify the site as a waste management site; and

c. once any portion of an area used for waste disposal, processing or transfer ceases, no further use may be made of the site without MOECC approval.

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

Application Criteria

3.6.C.7. In considering applications for the establishment of waste processing and waste transfer facilities, studies undertaken to the satisfaction of the City must ensure that:

a. the proposed use is *compatible* with the adjacent uses;

b. the requirements of all applicable legislation, including the *Environmental Protection Act* and the *Environmental Assessment Act* have been fulfilled;

c. the site is large enough to accommodate the proposed use and any necessary buffering;

d. site access is adequate;

e. adequate and appropriate buffering and landscaping are provided; and,

f. the *development* will not adversely affect the community in terms of noise, dust, odour, visual impact, impacts to ground or surface water, or other social, economic or environmental impact deemed relevant by the City.

3.6.C.8 Uses associated with the disposal, manufacture, treatment and storage of *hazardous substances* shall not be permitted to locate in *hazardous lands* and *hazardous sites*.

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

Former Waste Disposal Sites

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

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

Redesignation

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

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Schedule 6

3.6.C.11. Where a former solid or liquid waste disposal site has been rehabilitated, the Official Plan will continue to identify the subject lands as a former waste disposal site on Schedule 6.

3.6.C.12. In accordance with Sections 3.1 and 3.1.1 of this Plan, any future expansion of the Cataraqui Bay Waste Water Treatment Plant, Ravensview Waste Water Treatment Plant, or the Cana Waste Water Treatment Plant will not require an amendment to this Plan. Any such expansion must comply with the requirements of all applicable legislation in order to enlarge this infrastructure.

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

3.7 Airport

The Norman Rogers Airport is a municipally owned and operated regional *airport* certified by Transport Canada, with strategic importance to the City. The Airport designated lands are shown on Schedule 3-A to this Plan. The potential for future *development* of the Airport designated lands, including expansions to *airport* facilities, has been identified in the Kingston Norman Rogers Airport 2007 Master Plan Study and the City of Kingston, Employment Land Strategy Review, 2015; highest and best use analyses have also been undertaken to evaluate opportunities for growth and development at Norman Rogers Airport.

The long term operation and economic viability of Norman Rogers Airport relies on the advancement of land uses that: provide for increased air transportation and associated services; optimize aviation-related revenues; introduce new, and support existing, employment opportunities; can be adequately serviced by the City; and achieve *compatible* land use and development.

Schedule 3-C shows the westerly portion of the Gananoque Municipal Airport, over which the City has no control.

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

Goal:

To protect the operation of the Norman Rogers Airport from encroachment that may impede its use, and to enhance its economic function by allowing it to expand while creating employment uses that are *compatible* with the *airport*, as well as with surrounding residential neighbourhoods and natural heritage resources.

Policies:

Land Use Plan

3.7.1. The long-term viability of the Norman Rogers Airport relies on land uses which provide for the balanced and efficient utilization of the property, optimize aviation-related revenues, and create commercial and industrial *development* opportunities. The City will continue to evaluate the highest and best use of lands within the Norman Rogers Airport to support job creation and enhanced opportunities for air transportation. This Plan will be amended to reflect the findings and recommendations of technical analyses as they are completed for the future use of the Airport.

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

Economic Development

3.7.2. The City, in consultation with KEDCO and other organizations as warranted, may consider the establishment of incentives and multi-party agreements designed to stimulate economic development for the Norman Rogers Airport.

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

Architectural & Site Guidelines

3.7.3. The City may develop design guidelines for proposed *developments* on the Norman Rogers Airport site to consider the following limitations and implementation strategies:

a. the City's federally registered aeronautical zoning regulations and Transport Canada requirements;

b. the location of high employment density uses in relation to flight paths and public transit routes;

c. the use of appropriate *development* control mechanisms, including:

- *development* agreements between proponents and the City;
- site plan control review;
- building envelope restrictions;
- the use of holding zone provisions; and,

d. Lemoine's Point and abutting residential areas.

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

Evaluation

3.7.4. The City protects the Norman Rogers Airport from incompatible land uses and development by evaluating proposed *development* applications within the Airport designation based on:

a. aviation and passenger safety, and their respective demands;

b. prohibiting new residential development and other sensitive uses within the area above 30 Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) contours, as reflected on Schedule 11-A of this Plan;

c. the potential impacts to both on-site operations and existing or planned uses; and,

d. impact on adjoining lands including the *natural heritage system*.

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

3.7.4.1 The protection of the Norman Rogers Airport from incompatible land uses will be based on the most up to date NEF/NEP contours available.

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

Functional Areas / Zoning

3.7.5. The Norman Rogers Airport may be divided into different functional areas as delineated in Council approved master plans or land use studies as approved from time to time and through the implementing zoning by-law.

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

Airside Policies

3.7.6. Within the *airside* portion of the site, permitted uses, directly related to, or *compatible* with, the operation of an *airport*, include:

a. facilities related to aircraft landing or take-off, including runways, taxiways, aprons, hangars and visual or navigational aids;

b. terminal facilities with associated uses designed to serve passengers (including food or restaurant, car rental, and parking areas), maintenance functions, communications, environmental reporting, management or other related operations of the *airport* or any *airport*-related tenants; and,

c. *airport*-related commercial uses such as aviation-related retail commercial, charter operations, air courier service or warehousing, flight training, and aircraft manufacturing or repair.

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

Groundside Area

3.7.7. Within the *groundside* portion of the site, a business park, complementary service commercial uses and open space uses are permitted in accordance with the following policies:

a. permitted uses in the Business Park will be limited to manufacturing, warehousing, and industrial uses that do not produce dust or other emissions that may interfere with the operation of an *airport* or create *adverse effects* on surrounding land uses;

b. *complementary* service commercial uses such as restaurants, financial institutions, personal services, medical and paramedical, and convenience commercial uses may also be permitted to serve surrounding residential neighbourhoods and act as a buffer between residential and *airport* uses, subject to the following;

- where *complementary* service commercial uses are proposed on portions of the *airport* lands abutting existing residential uses or existing wooded areas, the implementing zoning by-law shall establish maximum floor areas for the *complementary* service commercial uses and minimum setbacks that will protect the integrity of *natural heritage features and areas*, as demonstrated through an *environmental impact assessment*. Further, *complementary* service commercial uses must demonstrate conformity with the land use compatibility policies established in Section 2.7 of this Plan; and,

c. open space uses will be limited to the existing golf course, driving range, and passive *recreational* uses that buffer the *airport* uses from surrounding residential or open space uses.

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

Airport Development

3.7.8. The operation of the Norman Rogers Airport is under the authority of the *Aeronautics Act*, and with regard to *airport development*, the City strives to:

a. ensure safe, accessible, efficient and convenient site circulation for *airport* users and vehicles; and,

b. provide clear and distinct signage, visual and auditory systems, both within and outside of buildings.

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

Business Park

3.7.9. For the area of the Norman Rogers Airport designated as Business Park Industrial, the policies of Section 3.6.A apply, in particular Section 3.6.A.7.

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

Servicing

3.7.10. Any *development* of the Norman Rogers Airport must be on the basis of full municipal servicing. A servicing analysis is required to demonstrate that adequate water and sanitary sewer capacity is available and that stormwater treatment can be adequately provided.

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

Roads

3.7.11. The proposed road network must be supported by a traffic analysis demonstrating that sufficient capacity is available within the road system to accommodate additional traffic volumes, and that the proposed internal road network within the Airport designation will:

a. facilitate direct linkage to abutting arterial routes;

b. provide an enhanced visual appearance for both the *airport* and surrounding area; and,

c. restrict traffic related to the *airport* from entering into adjacent residential or open space areas.

Pathways

3.7.12. Pathways for active transportation are important components of the transportation system and must be accessible and integrated into the

open space areas and the road network to provide safe and convenient access to the Norman Rogers Airport.

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

Intermodal Connections

3.7.13. Public transit routes serving the Norman Rogers Airport must connect effectively with the City's overall public transit system in order to improve the intermodal connections with rail and inter-city bus services.

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

3.8 Open Space

The Open Space areas designated on Schedule 3 include public parks, private open space areas, natural reserves, and lands adjacent to the Environmental Protection Area designation. This Open Space designation provides not only *recreational* opportunities, trail linkages, and linkages and corridors which are valuable for wildlife movement, but also provides visual relief within the urban landscape, can accommodate a network of *active transportation* opportunities, and is a valuable context for, and can include, many *significant cultural heritage resources* and *natural heritage features and areas*.

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

Goal:

To support the critical role that Open Space areas play in responding to the diverse *recreational* and leisure needs of City residents, in sustaining the *natural heritage system,* and in contributing to cultural landscapes, heritage settings and to the City's quality of life and sense of place.

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

Policies:

Open Space Program

3.8.1 The City will actively acquire, conserve, maintain and renew public open space areas and related facilities as part of an on-going program.

3.8.1.1 The City will actively acquire and gain access to waterfront lands through various land strategies, to conserve, connect, increase, maintain and renew publicly accessed open space areas and related facilities as part of an on-going program as described in the Waterfront Master Plan.

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

Permitted Uses Within the Urban Boundary

3.8.2. Uses permitted in an Open Space designation vary and will be further defined in the zoning by-law. Private and semi-private open space areas, including golf courses, marinas, and cemeteries are also considered as open space uses within the *Urban Boundary*. Buildings or structures are generally to be minimized, and may be prohibited in the implementing zoning by-law. One or more of the following uses may be permitted:

a. active *recreation* uses, such as sports fields and sports and *recreation* centres;

b. passive *recreation* uses and forms of *urban agriculture*, such as community gardens and garden plots;

c. landscaped areas;

d. conservation areas, woodlots and forestry reserves;

e. major cemeteries and related *accessory uses;*

f. adaptive re-use of *built heritage resources* existing within an Open Space designation; and,

g. small craft launches, docks or water access areas, viewing and fishing platforms subject to approvals through the appropriate regulatory agency.

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

Outside the Urban Boundary

3.8.3. Outside the *Urban Boundary*, uses which are commercial in nature, such as golf courses are designated as Rural Commercial. Other uses permitted in Section 3.8.2 are permitted in the Open Space designation outside the *Urban Boundary*.

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

Accessory Uses

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

Intensive Facilities

3.8.5. Developing intensive *recreational* or community facilities in an Open Space designation may be considered when:

a. an extensive site area is available;

b. the parkland quality of the site can be protected;

c. transportation capacity is adequate and access is from an arterial or major collector road; and,

d. the facility can be designed to integrate and be *compatible* with *adjacent uses,* including Environmental Protection Areas.

Private Lands

3.8.6. It is not intended for privately owned lands that are designated Open Space to be accessible to the general public. If a proposal is made to develop such lands and they are not acquired by a public agency, an application to amend this Plan may be considered in the context of the adjacent uses, suitability of the site for the proposed use, and other policies of this Plan. There is no requirement by the City to acquire such lands for *recreational* uses.

Private lands identified in the Waterfront Master Plan for future public access may be pursued through a variety of land access strategies as identified in that plan.

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

Passive Lands

3.8.7. The Open Space designation also includes landscaped areas, *woodlands*, conservation reserves, or *buffers* for ecosystem protection primarily retained in a natural state. Development of trails, interpretive centres and other such *accessory uses* are permitted provided they are shown to have no *negative impact* on *natural heritage features and areas* or their *ecological function*, in accordance with the policies of Section 6.1.

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

Acquisition

3.8.8. Land for open space may be acquired through purchase, donation, bequest, expropriation, and the provisions of the *Planning Act* for parkland dedication, as outlined in Sections 3.8.13 to 3.8.18 inclusive. The need for public parkland is demonstrated in the 2010 Parks and Recreation Master Plan, which will be considered in the evaluation of opportunities for

parkland acquisition. Further, the City will seek to acquire waterfront properties or access to the waterfront, whenever such lands become available through land development. Locations for land acquisition will be considered, but not limited to, areas set out in the Waterfront Master Plan.

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

Disposal

3.8.9. Municipal open space must not be sold or removed from the open space system unless extenuating circumstances warrant its disposal, and the City holds a public meeting prior to the disposal of any such property.

Conversion

3.8.10. Conversion of open space to a use other than a permitted open space use requires an amendment to this Plan, to be considered in accordance with the relevant policies of this Plan and the following matters:

a. the role and function of any adjacent open space area;

b. the appropriate Plan policies relating to municipal parks and connections with trail systems, such as the Waterfront Pathway, the Rideau Trail, the K & P Trail and the Lake Ontario Waterfront Trail;

c. where the subject lands are adjacent to an Environmental Protection Area, the relationship between the open space and the Environmental Protection Area designation will be assessed in terms of:

- the potential impact of the development on any natural heritage features and areas;
- any measures proposed to ensure no *negative impacts*; and,
- the extent to which *natural heritage features and areas* are retained and enhanced by the proposal upon review of an *environmental impact assessment* as required under Section 6 of this Plan;

d. the *compatibility* of the proposed use relative to the neighbouring uses;

e. where the proposal is adjacent to a shoreline area, the applicable policies of Section 3.9 and also the Harbour Area policies in Section 3.9.A of this Plan must be reviewed; and,

f. where the subject lands are adjacent to a hydro corridor, the appropriate Hydro authority must be consulted.

(OMB Order Number PL100149 dated August 25, 2010)

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

Municipal Parks

3.8.11. Municipal parks are acquired to meet the diverse needs of the population for *active transportation, recreation* and cultural activities in accordance with the City's Parks and Recreation Master Plan. Preferred locations for municipal parks include;

a. lands abutting natural features or elementary and secondary school sites;

b. lands along major streets or at the terminus of a street;

c. lands that connect to other parks as linear parks suitable for *active transportation* pathways; and/or,

d. sites that maximize the number of *residential units* that are in close proximity of the park.

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

Park Hierarchy

3.8.12. Parks are organized into the following hierarchy and general purpose:

- **Regional parks** and *recreation* areas attract patrons from the wider regional area and may include multiple functions on a property;
- **City-wide parks** attract patrons from a wide area across the municipality and may be designed for multi-purposes or specialized functions, including civic and cultural activities and *recreational* and social functions;
- **District parks** and playfields, serving a number of neighbourhoods, provide for a variety of outdoor or indoor facilities for sports, *recreation* and community centre uses; and,
- **Neighbourhood parks** and playgrounds accommodate a range of more informal *recreational*, leisure and play activities, frequently oriented to children's facilities.

Parkland Dedication

3.8.13. In accordance with the *Planning Act* and the policies of this Plan, the City requires as a condition of *development*, a land dedication to be conveyed

to the municipality for park or other public *recreational* purposes. This can amount to up to 2 percent of the total land area in the case of land proposed for industrial or commercial *development*, and an amount of up to 5 percent in the case of land proposed for residential *development*. These provisions apply unless an alternative cash-in-lieu contribution is approved by the City, or a higher dedication is required for more intensive residential *development*, as required under Section 3.8.15.

Dedicated Parkland Must Be Suitable

3.8.14. In assessing parkland dedication for a *development* proposal only lands which are suitable for *recreation* will be accepted for the purposes of fulfilling the parkland dedication requirement. Conditions including but not limited to the following, may be deemed by the City to be unsuitable for *recreation*:

a. Environmental Protection Areas, Natural Hazard Lands, *buffers*, and *natural heritage features and areas*;

b. lands that are encumbered or part of an easement or right-of-way;

c. lands containing topographic features such as *wetlands* or escarpments; and,

d. lands that are contaminated or overly degraded by the construction process.

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

3.8.14.1 Environmental Protection Areas must not be used in calculating the cash-in-lieu payment or for the purposes of fulfilling the parkland dedication requirement, except as provided for in Section 7.3.A.10(f) of this Plan.

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

Alternative Standard - Parkland

3.8.15. As an alternative parkland dedication standard, the City may require land to be dedicated on the basis of one hectare for each 300 *residential units* as required under the *Planning Act*.

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

Cash-in-lieu

3.8.16. The City may request cash-in-lieu for all or part of any required land dedication under the *Planning Act* under the following circumstances:

a. where the parcel of land is either too small or poorly located to meet parkland needs;

b. in an area that has excess parklands;

c. where the condition of the land is unsuitable for park purposes;

d. where no opportunity exists to enlarge existing neighbourhood parks;

e. where there is no opportunity to obtain useful waterfront land;

f. where a large *development* project is within reasonable walking distance to an existing park, provided that the trip does not involve crossing an arterial road; and,

g. where the provision of cash-in-lieu from a large project would not result in an overload to the existing park(s).

Alternative Standard – Cash-in-lieu of Parkland

3.8.17. Where the alternative standard for parkland dedication applies, as outlined in Section 3.8.15 of this Plan, the City may require cash-in-lieu of parkland, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified by by-law.

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

Possible Reduction in Parkland Dedication

3.8.18. The City may consider waiving or reducing the required parkland dedication in limited circumstances as set out in the City's Parkland Conveyance By-law.

Memorial Centre

3.8.19. The Memorial Centre will be developed to respect the seven Council-endorsed principles for site *development*, that *development* be "green", "connected", "diverse", "flexible", "balanced", "affordable" and "accessible".

Lake Ontario Park

3.8.20. The Council-endorsed vision for Lake Ontario Park states that the Park will be maintained and enhanced as publicly owned parkland in support of its role as one of Kingston's primary waterfront open spaces. The planning principles for this park include:

a. waterfront access will be fostered and the waterfront protected and rehabilitated;

b. the park will provide facilities suitable for both local and regional residents as well as visitors;

c. the contrast between the park's two main character areas of tableland and waterfront will be celebrated;

d. the park will remain accessible to people of all means and backgrounds;

e. remnants or ruins of past uses will be *conserved* and interpreted;

f. all improvements to the park will support environmental enhancement through habitat restoration and sustainable *development* practices;

g. revenue generating uses should be considered in support of ongoing park operation and improvement, but not as a primary focus; and,

h. in determining appropriate uses for the park, priority should be given to family activities, cultural/community activities, and activities that promote enjoyment of the natural environment.

3.9 Waterfront Protection

The City of Kingston is fortunate to have an abundance of lakes, rivers and creeks located within the municipal boundaries. These bodies of water include Lake Ontario, the St. Lawrence River, the Great Cataraqui River/Rideau Canal, the Little Cataraqui Creek and Collins Creek, along with many smaller *rivers, streams and small inland lake systems*. This vast supply of water is a visual and *recreational* asset, and is the primary source of potable water in the urban area. As *fish habitat*, it is an important component of the *natural heritage system.* Navigable waterways, including the St. Lawrence River, Lake Ontario and the Rideau Canal, are under federal jurisdiction.

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

Goal:

To ensure the long term protection of and recognition of the important role that waterfront areas play in the City's sense of place, cultural heritage, *recreational*, social and spiritual needs, *natural heritage system*, as well as a valuable source of water.

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

General Policies:

Common Activities

3.9.1. Uses along the waterfront include primarily water-oriented public and private *recreation* and *active transportation,* (including leisure activities such as beaches), and transportation services (including ferry and water

taxi services, commercial shipping, and tourist-related activities such as scenic cruises).

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

"Ribbon of Life"

3.9.2. The protection of a 30 metre naturalized *buffer* along the waterfront, also referred to as a "ribbon of life", can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly *fish habitat*. The *buffer* may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

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

3.9.3. Zoning controls will be used to establish a minimum 30 metre water setback from the *high water mark* to implement the objectives of the "ribbon of life" policy, as expressed in Section 3.9.2 above. A zoning by-law amendment or minor variance, as appropriate, will be required in support of any relief from the 30 metre water setback, subject to the policies of Section 3.9.8 and other applicable policies of this Plan.

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

3.9.4. An Official Plan amendment will be required in support of any requested relief from the 30 metre "ribbon of life" unless one of the exceptions listed in Section 3.9.5 or 3.9.6 applies.

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

Exceptions

3.9.5. It is the intent of this Plan that the following land uses be permitted within the "ribbon of life" recognizing that, by necessity, the use must be located in close proximity to the water. The implementing zoning by-law will identify and define specific land uses that are permitted within the 30 metre water setback, being uses that are generally consistent with those listed below. The by-law may establish limitations (e.g., maximum lot coverage, gross floor area, height, etc.) associated with the following uses to ensure that their impact on the "ribbon of life" is minimized:

a. park or conservation areas to provide for the intentional, properly designed, publicly-controlled, and maintained access to the shoreline and the waterbody;

b. improvement and extension of existing trail systems including the waterfront pathway and the Lake Ontario Waterfront Trail in a manner which is sensitive to impacts on contiguous waterbodies;

c. dock and boat launching areas;

d. marinas;

e. shoreline stabilization works; and

f. utilities *infrastructure* including stormwater outfall, water treatment and pumping facilities, and combined sewer overflow management facilities.

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

Development of Existing Lots

3.9.6. On lots existing as of the date of adoption of this Plan, new *development* must be located outside of the 30 metre "ribbon of life" unless one of the following two circumstances applies:

a. where the depth of a lot, existing as of the date of adoption of this Plan, is insufficient to accommodate a modest amount of *development* and any related servicing outside of the 30 metre water setback, subject to Section 3.9.8; and

b. for the enlargement of a building, structure, or facility which existed on the date of adoption of this Plan, provided the enlargement does not further encroach into the existing water setback, subject to Section 3.9.8.

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

New Lot Creation along the Waterfront

3.9.7. New lots proposed along the waterfront must be sufficiently sized to accommodate *development*, including any related servicing (e.g., septic systems), outside of the 30 metre water setback.

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

Relief from 30 metre Water Setback

3.9.8. Applications for relief from the 30 metre water setback, as outlined in the zoning by-law, must demonstrate how the proposal upholds the policy objectives outlined in Section 3.9.2 and will require the submission of an *environmental impact assessment* and any other technical studies deemed necessary by the City. Further, *development* proposals must demonstrate how the natural aesthetic of the waterfront will be maintained or enhanced, and how spaces for passive recreation may be accommodated.

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

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

a. *Development* maximizes the water setback through building design and orientation, and the siting of servicing (e.g., private septic system);

b. *Development* and *site alteration* result in minimal disturbance of native soils and shoreline vegetation within the "ribbon of life"; and

c. Enlargement(s) to existing buildings, structures, or facilities occurs further from the water than the original building, structure or facility.

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

Filling of Lands

3.9.9. Any substantial filling of water areas along Lake Ontario, the St. Lawrence River and the Great Cataraqui River/Rideau Canal requires an amendment to this Plan, is subject to an *environmental impact assessment*, or an Environmental Assessment, as needed, and the approval of Fisheries and Oceans Canada, or its designate. Shoreline stabilization or remediation works may be undertaken without amendment to this Plan, but are subject to the requirements of the Cataraqui Region Conservation Authority or other federal and provincial agencies having jurisdiction.

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

Hazard Lands

3.9.10. Any application for *development* along the waterfront areas is subject to the natural hazard policies set out in Section 5 of this Plan, in consultation with the Cataraqui Region Conservation Authority. Available mapping for natural hazard areas is shown on Schedule 11-A.

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

Water Quality

3.9.11. The City intends to improve water quality through such means as:

a. implementing appropriate stormwater management and pollution control measures;

b. protecting the “ribbon of life” along watercourses;

c. restricting water-based activities that may be harmful to the aquatic environment;

d. implementing the Cataraqui Source Protection Plan; and,

e. supporting the enforcement of federal and provincial abatement legislation.

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

Cultural Heritage Resources

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

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

Docks and Shoreline Stabilization.

3.9.13. Private and public docks, public beach improvements, and shoreline stabilization or remediation works are permitted uses provided that the required approvals are obtained from the appropriate agencies. Policy 7.4.6 Marine Archaeology shall apply to applications for Site Plan Control affecting lands which abut a waterbody or watercourse, as appropriate.

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

Uses Permitted in Consultation with Public Agencies

3.9.14. Linkages, trails and interpretive centres may be permitted along shorelines in consultation with the Cataraqui Region Conservation Authority or other appropriate public agency or *Indigenous Peoples of Canada* community only if there will be no *negative impacts*.

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

Waterfront Pathway

3.9.15. The City is committed to the maintenance and improvement of the Waterfront Pathway, shown on Schedules 5 and DH-3, as a continuous system and valued community resource. It is intended to provide linkages along the waterfront and inland connecting such features as the Rideau

Trail, the K & P Trail, waterfront views, heritage focal points, the Great Cataraqui Marsh, and Little Cataraqui Creek Wetland Complex.

The Waterfront Master Plan describes a waterfront pathway in the urban area of the municipality that will be fully connected over time. The route of this pathway is as set out in Schedule 5 and Schedule DH-3 to this plan.

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

Lake Ontario Waterfront Trail

3.9.16. The City supports the maintenance and improvement of the Lake Ontario Waterfront Trail, shown on Schedule 5, as part of a larger multi-use trail network on the shores of Lake Ontario and the St. Lawrence River that connects the City to other communities.

Waterlots

3.9.17. Waterlots owned by the City must be assessed for possible future designation and zoning to ensure that future waterlot uses are *compatible* with the adjacent land uses.

3.9.18. Applications for the use of waterlots may be considered in relation to the existing waterfront land use to ensure that any proposed use is *compatible* with the related land use designation.

Waste Disposal

3.9.19. The disposal of any waste, effluent or hazardous material generated by, or used by, any water-based activity must be processed by an appropriate waste management facility.

Filling Prohibited

3.9.20. Filling along the portion of the Rideau Canal under the jurisdiction of Parks Canada is prohibited.

CRCA Regulations

3.9.21. Ontario Regulation 148/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses is administered by the Cataraqui Region Conservation Authority. This regulation applies to lands adjoining all watercourses, waterbodies, *wetlands*, lands subject to natural hazards, and within a certain distance of these features. While the City does not have jurisdiction over *site alteration* in the areas regulated by Ontario Regulation 148/06, where a *site alteration* would change land use designations, an official plan amendment may be required. The City's Site Alteration By-law applies to lands not covered by the above-noted Conservation Authority Regulations.

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

Waterfront Views

3.9.22. Section 8.8 of this Plan sets out policies for protected views in the downtown area, and selected public views from the City's core are shown on Schedule 9. For many other similar public views across the municipality, any existing unimpeded view of the water along an open or unopened road allowance must be protected as *development* proposals are evaluated.

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

Views of the City from the Water

3.9.23. Views of the City Hall cupola as shown on Schedule DH-4 must be protected in the approval of new *development*.

Views from the Rideau Waterway

3.9.24. All *development* individually or collectively overlooking the Rideau waterway must have regard for their visual impact on the UNESCO World Heritage Designation.

Waterfront Master Plan

3.9.25. Kingston's Waterfront Master Plan guides improvements to existing waterfront parks, pathways and lands and identifies improvements to connections and access to waterfront lands including lands not easily accessed by the public. The 2016 Waterfront Master Plan identifies a fully connected public waterfront pathway system, including improved parks and open spaces / public recreational destination waterfront nodes. The pathway system includes the shoreline from the west limit of the City at Collins Bay, Lake Ontario, the Little Cataraqui Creek, the Great Cataraqui River and the St. Lawrence River from the LaSalle causeway to Abbey Dawn Road.

The review of any secondary plans, specific policy areas, and *development* applications affecting properties which abut a watercourse, shall have regard to the goals of the City of Kingston Waterfront Master Plan (2016). Schedule 5 and Schedule DH-3 of this Plan should be reviewed in assessing *development* applications to determine if waterfront parkland, pathway connections and access ought to be sought as part of a planning approvals process or through other common municipal land strategies.

Appendix F of the Waterfront Master Plan identities land parcels where public access is required in order for the City to achieve the master plan goals of a fully connected public waterfront pathway system and improved

parks, open spaces, pathways and public recreational destination waterfront nodes. The master plan recommends, outside of those lands identified in Appendix F, City acquisition and/or access improvements to other waterfront lands with unique features of high public value such as beaches, lookouts, connections, launches, picnicking, conservation and places of spiritual significance. Acquisition of land parcels shall be pursued in accordance with the recommendations of the Waterfront Master Plan.

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

3.9.A Harbour Areas

Along portions of the Lake Ontario and St. Lawrence River shoreline, specific areas have potential for an expanded range of water-related uses. These Harbour Areas, as designated on Schedule 3, include several locations in the City's core. The Plan recognizes that waterbodies may be substantially affected by land-based activities and that there is a reciprocal relationship between land and the adjacent waterbodies.

Goal:

To support the important role that Harbour Areas play in the City's *recreational* and commercial shipping, while recognizing the sense of identity in these places.

Harbour Areas

3.9.A.1. Intensive water activities must be directed to the City's harbours and other appropriate land-based areas. These designated Harbour Areas include Portsmouth Olympic Harbour, Inner Harbour, Outer Harbour, Cataraqui Bay Harbour, Collins Bay, Navy Bay, and the Rideau, Treasure Island and Trident Marinas.

Permitted Uses

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

Development Criteria

3.9.A.3. *Development* within a Harbour Area will be assessed with regard to environmental and *compatible* use considerations including, but not being limited to:

a. potential for interference with transportation navigation, emergency services or water-based *recreation*;

b. impact on the *natural heritage system* and *cultural heritage resources*;

c. opportunity to implement universally designed public access to the waterfront as a means of increasing community and visitor appreciation of the local asset;

d. potential interference with view corridors identified by the Plan to landmarks and heritage structures, both from land and from water;

e. effects on wave and current patterns, pressure ridges, water quality and micro climate; and,

f. compliance with the requirements of the City, the Cataraqui Region Conservation Authority, and other agencies having jurisdiction.

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

Concept Plans

3.9.A.4. The City will prepare concept plans for City-owned land and water activities in Harbour Areas and will address such matters as:

a. users and their service requirements;

b. opportunities for public sector agency program development;

c. opportunities for diversification, improvement, and increased accessibility of public facilities;

d. measures to improve public access along the water's edge, and to secure access rights over private property or bring private lands into public ownership; and,

e. preparation of *development* guidelines.

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

Environmental Impact Assessment

3.9.A.5. Any proponent applying to crib, dredge or place a permanent structure on the harbour bed must submit to the City and agencies having jurisdiction, an e*nvironmental impact assessment* that assesses the proposed *development* and any measures necessary to ensure there are no *negative impacts* on adjacent *natural features and areas*. Note that federal

or provincial approval is required for some activities regulated by the *Public Lands Act* or by Parks Canada.

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

3.9.A.6. The City supports the continued marina, dry dock and marine service functions of the Harbour Areas on the Cataraqui River, and for the Collins Bay, Rideau, Treasure Island and Trident Marinas.

Harbours

3.9.A.7. The Portsmouth Olympic Harbour and Kingston's Inner and Outer Harbours have cultural heritage value related to their marine use. Any *development* proposal in these areas must maintain or enhance linkages to the surrounding area and *conserve* the *heritage attributes* in accordance with the policies of Section 3.9 and Section 7 of this Plan.

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

Inner Harbour

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

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

3.9.B Marina Area

3.9.B.1. Permitted uses in the Marina Area include existing docking or mooring facilities, marine services or repairs, marine fuel supply or effluent transfer facilities, vehicular or boat storage areas, the display or retailing of marine supplies, products and provisions including food and sundries as well as accommodations and restaurants that complement or support the marina use. Public access to some sections and waterfront areas of marina sites shall be a permitted use subject to ensuring public safety is addressed for both the marina operator and the public at large.

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

3.9.B.2. All proposed *development* in the Marina Area must be *compatible* with surrounding residential areas, the determination of which will be guided by the following:

a. proposed land use characteristics such as the intensity of the use and traffic generation levels;

b. building features such as height, bulk, site coverage and footprint;

c. the adequacy of site services and access;

d. the ability to mitigate *adverse effects* through building location, site design and buffering; and,

e. for lands designated Marina on Schedule RC-1 in the Rideau Community Secondary Plan, maintaining the views of the Great Cataraqui River/Rideau Canal and City of Kingston skyline, as well as the views from the water to the land, wherever feasible.

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

3.9.B.3. Proposed *development* in the Marina Area must ensure that:

a. flood-proofing requirements are incorporated into the *development* to the satisfaction of the City and the Cataraqui Region Conservation Authority; and,

b. proposed buildings or structures which do not require a location near the water will be located outside the *floodplain*.

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

3.9.B.4. Proposed *development* in the Marina Area on lands adjacent to provincially *significant wetlands*:

a. must demonstrate that there will be no loss of *wetland* area or *negative impact* resulting from what is proposed; and,

b. is subject to an *environmental impact assessment* to be prepared by the proponent to the satisfaction of the Conservation Authority and the City, unless the appropriate public agency(s) determines that the *environmental impact assessment* is not necessary.

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

3.9.B.5. Proposed *development* on lands adjacent to or situated on a ridge or slope may be subject to a geotechnical study, which must be prepared by the proponent to the satisfaction of the City.

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

3.10 Environmental Protection Areas

Environmental Protection Areas designated on Schedules 3, RC-1, CN-1, and CW-1 of this Official Plan apply to all portions of the City. This designation recognizes lands that have inherent environmental sensitivity.

Environmental Protection Areas must be maintained in their natural, undisturbed state. Policies of this section of the Official Plan are primarily related to land use. More detailed policy related to environmental functions and features, such as *wetlands*, which form the traditional basis for this land use designation, are found in Section 6. Reference should also be made to Section 5 of the Plan which addresses Natural Hazard policies for the municipality.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Goal:

To preserve the ecosystem role that Environmental Protection Areas play in sustaining the *natural heritage system* of the City and the broader region.

Policies:

Defined Areas

3.10.1. The Environmental Protection Area designation includes the following *natural features and areas*:

- *areas of natural and scientific interest* (ANSIs);
- *fish habitat*;
- *provincially significant wetlands*, *significant coastal wetlands* and locally *significant wetlands*;
- Snake and Salmon Islands, located in Lake Ontario, as shown in Schedule 3-A;
- *rivers, streams and small inland lake systems*; and,
- riparian corridors.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Permitted Uses

3.10.2. Uses within the Environmental Protection Area are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and/or Parks Canada as appropriate. Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works. *Recreational* or educational activities, generally of a passive

nature, may be permitted in suitable portions of Environmental Protection Areas only if such activity will have no *negative impacts* on *natural heritage features and areas*, does not involve the use of structures or buildings, and is not subject to natural hazards. Where an Environmental Protection Area designation is solely tied to a local *area of natural and scientific interest*, a locally *significant wetland*, or riparian corridors, consideration may be given to new *mineral mining operations* or *mineral aggregate operations* and access to *minerals* or *mineral aggregate resources*, subject to compliance with provincial and federal requirements.

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

3.10.2.1 Notwithstanding Section 3.10.2, where an Environmental Protection Area designation is solely tied to riparian corridors as illustrated in Schedule 7 to this Plan, permitted land uses on lots existing as of the date of adoption of this Plan include:

a. the permitted land uses of another land use designation applicable to the lot; and,

b. legally non-conforming land uses.

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

Potential Permitted Uses

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

a. new public or private works or utilities such as pipelines, roads, bridges or parking areas, where such facilities are not feasible outside of the Environmental Protection Area;

b. docks or boathouses, used only for the storage of boats and related equipment, and small craft access areas;

c. public or private parks, and conservation uses; and,

d. existing uses as of this Plan's date of adoption by Council.

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

Boundaries

3.10.4. Some of the boundaries of lands designated Environmental Protection Area result from the Council-endorsed Central Cataraqui Region Natural Heritage Study (2006), which acknowledged that the boundaries are approximate, and are to be more specifically delineated in consultation

with the Cataraqui Region Conservation Authority or Ministry of Natural Resources and Forestry, as appropriate. *Provincially significant wetlands* and *areas of natural and scientific interest* (ANSIs) are determined by the Ministry of Natural Resources and Forestry and their boundaries may only be altered with approval from the Ministry.

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

Minor Boundary Adjustments

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

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

New Environmental Protection Areas

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

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

Setbacks

3.10.7. Building setbacks from the Environmental Protection Area designation must be established in the zoning by-law.

CRCA Regulations

3.10.8. Within an Environmental Protection Area designation, any proposal for *development* or *site alteration* will generally be subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the Cataraqui Region Conservation Authority. Proposals that are subject to Ontario Regulation 148/06 may be subject to additional requirements including those of this Plan and of Parks Canada along the Rideau Canal.

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

EPA not Public Lands

3.10.9. Nothing in this Plan is intended to imply that lands designated Environmental Protection Area are open to the general public or that any public body will be required to purchase such lands.

EPA not accepted as Parkland

3.10.10. Lands within an Environmental Protection Area are not accepted in fulfillment of the parkland dedication requirements, except as provided for in Section 7.3.A.10(f) of this Plan and are subject to the foregoing policies of Section 3.9 and 3.9.A.

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

Environmental Impact Assessment

3.10.11. Applications for *development* in an Environmental Protection Area, and/or the *adjacent lands* to an Environmental Protection Area, will be required to submit an *environmental impact assessment* in accordance with the policies of Section 6. Section 6.1.8 defines the *adjacent lands* distances that relate to the various components making up an Environmental Protection Area.

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

3.11 Prime Agricultural Area

It is the intent of this Plan to maintain a permanent and viable agricultural industry as a vital component of the economic base of the City and to provide employment and a sustainable source of local food supply. The Prime Agricultural Areas designated on Schedule 3 are areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of on-going agriculture. Prime Agricultural Areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A Prime Agricultural Area may also be identified through an alternative agricultural land evaluation system approved by the Province. Prime Agricultural Areas were identified by the City in the Council-endorsed Agricultural Study (2007) using evaluation procedures supported by the Province. These lands have limited non-farm *development* and have evidence of commitments for long term agricultural production. The predominant form of land use is *agricultural uses* and *agriculture-related uses*. Such areas will be preserved for their agricultural function wherever possible.

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

Goal:

To protect land suitable for long term agricultural production from scattered *development* and other land uses that are unrelated to agriculture, and to preserve and protect its long term use for *agricultural uses, agriculture-related uses,* and *on-farm diversified uses*.

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

Policies:

Priority for Protection

3.11.1. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2 and 3 lands, and any associated Class 4 through 7 lands within the Prime Agricultural Area, in this order of priority.

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

Function

3.11.2. The City recognizes the important functions of the Prime Agricultural Area as a critical component of the economic base of the City, providing employment, and a local source of fresh food that contributes to the *sustainability* of the City. These areas are the backbone of the rural way of life.

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

Permitted Uses

3.11.3. Permitted uses in the Prime Agricultural Area designation are limited to *agricultural uses*, *agriculture-related uses,* and *on-farm diversified uses* as defined in Section 1.4 of this Plan. All types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards. Change from one *agricultural use* to another *agricultural use* will not require an official plan amendment or a zoning by-law amendment.

Agricultural-related uses, and *on-farm diversified uses* must be *compatible* with, and must not hinder, surrounding *agricultural uses.* In Prime Agricultural Areas with multiple *agricultural-related* and *on-farm diversified uses* on several farms, the cumulative impacts of these uses should be limited and not undermine the agricultural nature of the area.

Conservation, forestry, *renewable energy* systems in accordance with Section 6.2 of this Plan, and reforestation uses are also permitted.

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

Agriculture-Related Uses

3.11.4. When considering an application for an *agriculture-related use*, the following matters will be considered:

a. the surrounding *agricultural uses* are able to pursue their agricultural operations without impairment or inconvenience;

b. the use is appropriate for the available rural services and does not require a level of road access, water and wastewater servicing, and utilities, that are found within the *Urban Boundary*;

c. the use maintains the agricultural and rural character of the area;

d. the siting and design of the proposal ensures the provision of adequate off-street parking, loading, landscaping, and appropriate lighting, signage, buffering and setbacks;

e. that the use is required to be located in close proximity to the farm operations to which it is directly providing products and/or services as a primary activity so that it may benefit from more effective or efficient operations due to access to feedstock, reduced transportation distance and risk of spoilage, or marketing opportunities associated with being part of an agricultural cluster; and,

f. compliance with the *minimum distance separation formulae*.

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

On-farm Diversified Uses

3.11.5. *On-farm diversified uses* must be located on a farm, must be limited in area, and secondary to the principal *agricultural use* of the property. When considering an application for an *on-farm diversified use*, the following additional matters may be considered:

a. the activity does not result in the loss of good or productive farmland;

b. the use may include a limited number of employees not resident on the farm;

c. any building or structure used must be capable of being converted or able to revert to a farming use when the *on-farm diversified use* ceases to exist;

d. the use does not generate traffic that is substantially greater than the farm use and does not require a separate access to the farm;

e. the use ceases if the primary *agricultural use* ceases;

f. the use conforms with the compatibility criteria set out in Section 3.11.4; and,

g. the use does not exceed the area limits for *on-farm diversified uses* to be outlined in the zoning by-law.

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

Extension or Enlargement of Non-Agricultural Uses

3.11.6. Within Prime Agricultural Areas, the *development* of a new use other than *agricultural uses, agricultural related uses* or *on-farm diversified uses* is not permitted. Applications for the extension or enlargement of existing non-*agricultural uses*, as existed on the date of adoption of this Plan, must conform with Section 3.11.19 of this Plan, must not limit *normal farm practices* and must comply with the provisions of *minimum distance separation formulae* in order to protect *livestock operations* from encroachment and to allow for future flexibility and expansion of farm operations.

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

3.11.7. In order to prevent scattered *development* leading to unnecessary fragmentation of farmland, non-farm related uses will be directed to locate in other land use designations.

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

Second Residential Unit

3.11.8. Where individual on-site water and sewage services can be accommodated to the satisfaction of the KFL&A Public Health, a *second residential unit* is permitted in the Prime Agricultural Area subject to the *second residential unit* policies contained in Section 3.3.11 of this Plan.

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

Second Dwelling

3.11.9. A farmer may be permitted to establish a second house on a farm, subject to the following:

a. no land severance is created;

b. the second house is to be occupied by one or more workers who are engaged full time on that farm and who are engaged in the day to day operation of the farm; and,

c. where possible, no new driveway access to a public road is required.

Temporary Housing

3.11.10. Temporary housing for seasonal farm labour is permitted in the Prime Agricultural Area designation in accordance with the appropriate Ontario Building Code regulations.

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

Severance Policies

3.11.11. Prime Agricultural Areas are intended to be preserved for agricultural purposes only. New lot creation is discouraged in Prime Agricultural Areas and is permitted only for the following:

a. *agricultural uses*, provided that the lot is of a size appropriate for the types of *agricultural uses* common in the area and is also sufficiently large enough to adapt to potential future changes in type or size of *agricultural use*. The City requires a minimum lot area of 40 hectares when considering lot creation for *agricultural uses*;

b. an existing residence that is surplus to a farming operation, resulting from a farm consolidation (which is the acquisition of additional farm parcels to be operated as one farm operation). Any new lot will be limited to a minimum lot size needed to accommodate the use and appropriate individual on site water and sewage services. Consent is subject to rezoning to ensure that no new residential dwelling will be permitted on any remnant parcel that may be created by such severance;

c. an *agriculture-related use,* subject to the consent policies of Section 9.6 provided that any new lot is limited to a minimum size needed to accommodate the use, and the *individual on-site water and sewage services* can be provided, as set out in Section 4.4 of this Plan; and,

d. utility corridors for facilities or public road *infrastructure,* in cases where easements or rights of way are not appropriate to accommodate the utility.

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

Farm Consolidation

3.11.12. Existing lots that are too small to support *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are encouraged to be consolidated with adjacent farm properties.

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

Farm Viability Study

3.11.13. In the case of a consent to create a new lot, the Committee of Adjustment or approval authority may require the applicant to have a farm viability study prepared to demonstrate that both the lot to be created by way of consent and the retained lot are both large enough to support and sustain an identified agricultural operation.

Conditions for Consent within the Prime Agricultural Area

3.11.14. The Committee of Adjustment or approval authority within the Prime Agricultural Area may require the registration of a warning on title stating that the lot created by consent is adjacent to a livestock operation or other agricultural operation, and therefore may be subject to noise, dust, odour and other nuisances associated with agricultural activities.

Limits on Lot Creation

3.11.15. The creation of lots by way of consent for all new non-farm related residential lots and the severance of existing non-farm residential dwellings (principal dwelling, secondary farm dwellings, mobile homes, and *garden suites*) are prohibited within Prime Agricultural Areas.

Other Applicable Policies

3.11.16. Any consent which will permit any new lot or the location of any new use must comply with the following:

a. the policies applying to the area of influence as set out in the Mineral and Mineral Resource Areas of Sections 3.16 of this Plan;

b. the policies applying to the area of influence as described in the Waste Management Industrial designation of Section 3.6.C;

c. the policies applying to the *minimum distance separation formulae* and policies of the Prime Agricultural Area designation; and,

d. the general severance policies in Section 9.6 of this Plan.

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

Lots of Record

3.11.17. The Prime Agricultural Area designation does not preclude the issuance of a building permit on an existing legal lot of record that complies with zoning provisions and can comply with the *minimum distance separation formulae*.

Removal of Land from Prime Agricultural Area Designation

3.11.18. Land may only be removed from the Prime Agricultural Area designation for the expansion of identified *settlement areas* at the time of a *comprehensive review* and only where it has been demonstrated that:

a. the lands do not comprise *specialty crop areas*;

b. alternative locations have been evaluated and:

- there are no reasonable alternative areas which avoid Prime Agricultural Areas; and,
- there are no reasonable alternative areas on lower priority agricultural lands in the Prime Agricultural Area; and,

c. impacts from new or expanding *settlement areas* on agricultural operations that are close to the *settlement areas* are mitigated to the extent feasible.

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

Non-Agricultural Uses in Prime Agricultural Areas

3.11.19. The following non-agricultural uses may be permitted in the Prime Agricultural Area:

a. extraction of *minerals* and *mineral aggregate resources*, subject to the policies of Section 3.16 of this Plan;

b. limited non-residential uses provided that:

- the land does not comprise *specialty crop areas*;
- the proposed use complies with the *minimum distance separation formulae*;
- there is a demonstrated need for additional land to be designated within the planning horizon for the proposed use;
- there are no reasonable alternative areas in order to avoid Prime Agricultural Areas; and,
- there are no alternative areas in the Prime Agricultural Area designation of lower capability agricultural soils to accommodate the use.

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

Mitigation to Protect Agriculture

3.11.19.1 Any new or expanding non-agricultural uses that create *adverse effects* (including noise, odour, and vibration) on an *agricultural use* are required to mitigate such impacts to the extent feasible to protect the viability of the *agricultural use*.

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

Transportation or Utility Corridor

3.11.20. Within Prime Agricultural Areas, the City intends to minimize disruption to the farm unit, agricultural operations and farm community created by any planned transportation or utility corridor. It is important to minimize the *adverse effects* of such *infrastructure* proposals, and ensure adequate drainage, and accommodation for the movement of farm machinery along City roads.

Forest Resources

3.11.21. Part of the *natural heritage system* includes *significant woodlands*, and *contributory woodlands*, which are shown on Schedule 8 as an overlay on the land use designations shown in Schedule 3. All land owners are encouraged to recognize these forest resources as an integral part of their total *agricultural use*, both as a source of income from various forest products, and as an important component of soil and water conservation. Landowners are encouraged to:

a. manage all *woodlands* in accordance with proper forest management practices in consultation with the appropriate agency;

b. retain existing tree cover as much as possible, and particularly in areas of low capability soils, slopes, major drainage swales and flood prone areas to reduce runoff rates and minimize soil erosion;

c. establish and retain windbreaks to reduce wind erosion; and,

d. reforest non-productive farmland where it is not providing *significant wildlife habitat* or *habitat of endangered species and threatened species*.

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

Mineral and Aggregates Extraction

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

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

Restoration

3.11.23. Restoration or rehabilitation of a *mineral* or *mineral aggregate resource* site must be completed in accordance with the *Aggregate Resources Act*.

Drainage and Municipal Public Works

3.11.24. In order to ensure that adequate land drainage is in place for agricultural activities, the City intends to protect and maintain sub-surface drainage works through such means as the *Drainage Act* and municipal public works initiatives. The City intends to maintain and protect an adequate depth of outlets, including road culverts, to ensure adequate drainage for agricultural production.

3.12 Rural Lands

It is the intent of the Plan to maintain a permanent and viable agricultural industry as a component of the economic base of the City, to provide employment and a sustainable source of local food. The Rural Lands designated on Schedule 3 reflects areas of the City outside of the *Urban Boundary* that generally have Classes 5, 6, and 7 soils with less suitability to sustain viable agriculture and existing non-farm *development* that may limit the future of intensive farm activity. There are small areas of high capability farmland, existing *livestock operations* as well as other uses that are designated Rural Lands.

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

Goal:

To protect the rural community by balancing the environmental, resource protection, community and economic objectives of land use on Rural Lands, and to permit a range and scale of uses that help to promote the long term growth and viability of the rural community. To protect land suitable for agricultural production from scattered *development* and land uses which are unrelated to agriculture. To focus growth and development in the identified Hamlets of Elginburg, Brewer's Mills, Kingston Mills, Joyceville, Glenburnie, and Sunnyside and to promote their vitality and regeneration.

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

Policies:

Function

3.12.1. The City recognizes the role of Rural Lands in contributing to agricultural production, forestry and *mineral* resources, natural areas and *wildlife habitat*, providing opportunities for rural economic *development*, outdoor

recreation, and supporting the appreciation of natural areas that provide a contrast and respite from urban life.

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

Permitted Uses

3.12.2. Permitted uses in Rural Lands include all *agricultural uses, agriculture-related uses,* and *on-farm diversified uses* as permitted in the Prime Agricultural Area designation, sports and outdoor *recreation* activities in accordance with Section 3.12.4, and detached dwellings in accordance with Section 3.12.10 and that are *compatible* with adjacent land uses. Limited non-farm growth is permitted in Rural Lands if it does not limit or interfere with *agricultural use, agriculture-related uses, on-farm diversified uses* or a broader range of rural uses, and if it meets the environmental objectives of this Plan.

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

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

On-farm Diversified Uses

3.12.3. *On-farm diversified uses* are permitted in accordance with the provisions of Section 3.11.5 of this Plan.

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

Recreation Uses

3.12.4. Small-scale tourist operations and *recreation* uses, including equestrian centres, rod and gun clubs, winter sports clubs and facilities, and similar uses requiring large areas of land and a rural setting but which are non-intensive and do not provide overnight accommodation, may be permitted in Rural Lands through amendment to the zoning by-law. If these uses are developed in place of an existing *agricultural use* or *agriculture-related use*, then they must be capable of reverting back to its former *agriculture use* or *agriculture-related use* if the small-scale tourist operation or *recreation* use ceases to exist.

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

Community Uses

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

MDS Formulae

3.12.6. All new or expanding *livestock operations* and applicable non-farm *development* will be required to comply with the *minimum distance separation formulae*.

Severances for Farm Use

3.12.7. The creation of new lots for *agricultural uses* and farm related residential uses may be permitted provided that any consent affecting a farm use be consistent with the following policies:

a. the minimum lot size for an *agricultural use* is 40 hectares, and the minimum lot size for a new residential use is 1 hectare;

b. a severance for an existing residence that is surplus to a farming operation, resulting from a farm consolidation (which is the acquisition of additional farm parcels to be operated as one farm operation) is permitted;

c. where two dwellings exist on a lot, a lot for a surplus farm dwelling may be subject to an application for consent and a zoning by-law amendment, if required, that recognizes only the existing dwelling and prohibits any new residential construction on either the lot created by the consent, or the remnant parcel;

d. any consent granted must comply with the general severance policies in Section 9.6 of this Plan;

e. any new lot, or the location of any new use must comply with the area of influence relative to the Mineral Resource Area, Waste Management Industrial Areas, or the *minimum distance separation formulae;* and,

f. policies of Section 9.6 regarding lot creation in the Prime Agricultural Area designation.

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

Conditions

3.12.8. The Committee of Adjustment or approval authority for consents within the Rural Lands designation may require, as a condition of provisional consent approval, the execution and registration of a development agreement acknowledging the proximity of the property to agricultural activities. The development agreement may include warnings regarding noise, dust, odour, and other periodic nuisances that may result from normal farm practices.

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

Severances for Non-farm Residential Use

3.12.9. Lots designated Rural Lands may be severed for non-farm residential uses, subject to the policies of Sections 9.6.10 through 9.6.18 of this Plan and the following policies:

a. For consents proposed within the former Township of Pittsburgh, only two severances shall be permitted from a landholding that consisted of less than 120 hectares on March 17, 1982;

b. For consents proposed within the former Township of Kingston, only two severances shall be permitted from a landholding that existed as of November 6, 1997; and

c. The minimum lot area is 1.0 hectare.

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

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Development on Existing Lots

3.12.10. New residential *development* in the Rural Lands designation is generally discouraged and single detached dwellings are only permitted in accordance with the following criteria:

a. on existing lots of record;

b. as minor infilling of *development*, subject to the policies of Section 9.6 of this Plan;

c. on a lot with a minimum lot area of at least 1 hectare;

d. on a lot that is in compliance with all of the policies governing area of influence as set out in Section 9.6 of this Plan;

e. on a lot that will be buffered along the boundary where the Rural Lands designation abuts the Prime Agricultural Area designation;

f. on a lot that meets the private *individual on-site well and sewage services* policies of Section 4.4 of this Plan;

g. subject to the appropriate conditions of approval as set out in Section 9.6.17 of this Plan; and,

h. for existing lots of record on private roads, *development* must meet the policies of Section 4.6.62 of this Plan.

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

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Lots for Rural Commercial and Rural Industrial

3.12.11. Lot creation by consent for new rural commercial and industrial uses may be permitted, subject to the consent policies of Section 9.6 of this Plan and provided that the new lot requires a minimum lot size of 1 hectare and the remnant parcel is maintained for *agricultural use*.

(Amended by By-Law Number 2013-98, OPA Number 16)

Transportation Utility Corridor

3.12.12. Within Rural Lands, the City intends to minimize disruption to the farm unit, agricultural operations and farm community created by any planned transportation or utility corridor. Special consideration must be given to such matters as ensuring adequate drainage and accommodating the movement of farm machinery along roads.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Forest Resources

3.12.13. Part of the *natural heritage system* includes *significant woodlands*, and *contributory woodlands*, which are shown on Schedule 8 as an overlay in the municipality. Landowners are encouraged to recognize these forest resources as an integral part of their total agriculture operation, both as a source of income from various forest products, and as an important component of soil and water conservation. Landowners and farmers are encouraged to:

a. manage *woodlands* in accordance with proper forest management practices in consultation with the appropriate agency;

b. retain existing tree cover as much as possible, and particularly in areas of low capability soils, slopes, major drainage swales and flood prone areas to reduce runoff rates and minimize soil erosion;

c. establish and retain windbreaks to reduce wind erosion; and,

d. reforest non-productive farmland where it is not providing *significant wildlife habitat* or *habitat of endangered species* and *threatened species*.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Existing Clusters

3.12.14. The Rural Lands designation also contains clusters of residential lots that may have a local identity and a name but have not developed the mix of uses or extent of *development* that is typical of the Hamlets designated in this Plan. A cluster is a definable node consisting of a minimum of five developed properties located either on both sides of an opened public road or within a quadrant of an intersection of two opened public roads. Additional *development* is permitted in these clusters only if it can be demonstrated that the proposed use:

a. represents *infill* within the cluster of development and does not expand the outer boundary of the cluster;

b. is located on an existing lot of record or a new lot created by consent only;

c. has frontage upon, and access to, an existing public road that has been assumed by the City;

d. meets the requirements of Sections 3.13.9, 3.13.10, and 9.6 of this Plan;

e. does not impact the surrounding agricultural operations' ability to conduct *normal farm practices*; and,

f. will not jeopardize the resource protection or environmental objectives of this Plan.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Second Residential Units and Garden Suites

3.12.15. Where *individual on-site water and sewage services* can be accommodated to the satisfaction of the City and KFL&A Public Health, a *second residential unit* is permitted in Rural Lands, subject to the *second residential unit* policies in Section 3.3.11 of this Plan, or a *garden suite* is permitted in Rural Lands, subject to the policies of Section 3.3.D.7 and Section 9.5.20 of this Plan.

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

(Amended by By-Law Number 2013-98, OPA Number 16)

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

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

Estate Residential

3.12.16. Existing Estate Residential *development* as shown on Schedule 3, consisting of detached houses and any common *recreation* or open space areas, are intended to be recognized in the zoning by-law. Compliance with *minimum distance separation formulae* is required. Within an existing Estate Residential subdivision, only an application for consent for technical purposes is permitted.

(Amended by By-Law Number 2013-98, OPA Number 16)

Proposal for New Estate Residential Development

3.12.17. Approval of new areas of Estate Residential *development* is strongly discouraged by Council and, upon review of the following criteria, may be prohibited. Any proposal to expand or designate new Estate Residential areas requires an amendment to this Plan, rezoning, and a plan of subdivision. All applications are required to demonstrate conformity to the following policies through submission of supporting plans and studies as may be required in accordance with Section 9.12 of this Plan, and prepared by *qualified persons* to the satisfaction of the City:

a. Estate Residential *development* must be limited in scale, as follows:

- the scale of the development is small such that it is clearly subordinate to Hamlets in the hierarchy of rural settlement;
- the number of lots is limited such that it does not compromise the ability for Hamlets and other vacant lots of record designated Rural Lands to also accommodate a portion of the small share of rural growth forecasted during this Plan's horizon;

b. the site has tree cover, varied topography or other interesting landscape characteristics suitable for residential *development* and these qualities are preserved in the proposed *development*;

c. the open space amenity is preserved by clustering residential lots and protecting the *natural heritage system* from *development*;

d. the distance from the urban area is sufficient to ensure that there are no future demands for extension of municipal water or sewer services and the City is satisfied that there will be no

other undue financial demands on the municipality, and further to this:

- the proposed *development* does not abut the *Urban Boundary*; and,
- the proposed *development* does not abut a Hamlet designation;

e. the soil and groundwater conditions are capable of supporting necessary *individual on-site water and sewage services* with no *adverse effects* on the proposed *development* lands, *adjacent lands* or on the surface water system as demonstrated by an engineering and hydrogeological report to the satisfaction of the City, Health Unit and Ministry of the Environment and Climate Change, as appropriate;

f. access is from a public road that has been assumed by the City;

g. in areas that abut a watercourse or water body, all setbacks are those set out in this Plan or such additional setback as may be determined through consultation with the Cataraqui Region Conservation Authority, or as established in the implementing zoning by-law;

h. where Estate Residential *development* is proposed on *adjacent lands* to the Rideau Canal, it does not impact upon the *natural heritage system* or *cultural heritage resources* of that setting;

i. the minimum lot area is 1.0 hectare, or as may be determined by the above criteria, as applied to the site, and established in the implementing zoning by-law; and,

j. the area of influence in proximity to any Mineral or Mineral Aggregate Resource designation and the *minimum distance separation formulae* in proximity to *livestock operations* must be met.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Plans of Subdivision

3.12.18. All proposed plans of subdivision accompanying an application to amend this Plan to permit an Estate Residential *development* or the extension of an existing Estate Residential area as shown on Schedule 3, must indicate:

a. detailed topographic information;

b. the location of all proposed buildings (or building envelopes) and all proposed *individual on-site water and sewage services*;

c. the location of all existing and all retained landscape features within the site as well as beyond the site, adjacent to its perimeter; and,

d. the location of all proposed roads and utilities.

(Amended by By-Law Number 2013-98, OPA Number 16)

Small-Scale Industrial and Commercial Uses

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

a. Small-scale commercial uses may be permitted in the Rural Lands designation provided the uses are limited in size, do not require municipal water or sewer services, and do not have *adverse effects* on adjacent land uses through noise, vibration, reduction of privacy, traffic or other impact or hazard.

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

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Loughborough Lake Watershed

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

- the leaching or disposal beds on each new lot are set back at least 300 metres from the shoreline of the lake, or its tributaries, or such that drainage from these beds would flow at least 300 metres to the lake, or its tributaries;

- the leaching or disposal beds on each new lot are located such that they would drain into the drainage basin of another waterbody, which is not at capacity;

- there is a need to separate existing, habitable dwellings each having *individual on-site water and sewage services,* provided that the land use would not change; and,

- the proposed new use has a scale and density that is less than currently exists on site and can demonstrate a net reduction of phosphorus loading on the lake. Prior to any *development* being approved, an *environmental impact assessment* and/or lake capacity assessment must be completed to the satisfaction of the municipality and the Ministry of the Environment and Climate Change. The studies must, among other things, provide recommendations on implementation tools related to hydrogeology, soils and vegetation matters on site.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

3.13 Hamlets

Hamlets represent historical residential settlement patterns and serve as rural service centres. The Hamlet designations shown on Schedule 3 maintain the rural service centre settlement form, and are intended to strengthen these communities by enabling limited growth of residential homes, community facilities, and businesses. In the City of Kingston, these Hamlets include: Elginburg; Sunnyside; Glenburnie; Kingston Mills; Joyceville; and, Brewer's Mills.

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

Goal:

To support the quality of life and amenities found in rural Hamlets, and to permit a limited amount of additional *development* in the Hamlets of Sunnyside, Glenburnie, Brewer's Mills, Kingston Mills, Elginburg, and Joyceville for the benefit of residents and to assist in providing services for the nearby agricultural community.

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

Policies:

Definition

3.13.1. Hamlets are small, compact, rural communities with a mix of uses. They have traditionally been a small service centre and focal point for the surrounding rural community.

Permitted Uses

3.13.2. Permitted uses in the identified Hamlets on Schedule 3 include new one- and two-unit residential dwellings, parks and open spaces, limited commercial uses primarily of a local convenience nature or related to the surrounding rural and agricultural community, and community facilities such as schools, places of worship, community centres, libraries or fire halls, in accordance with Section 3.2 of this Plan. Multiple unit residential dwellings and industrial uses may be permitted under specific conditions, including appropriate provisions for *individual on-site water and sewage services*, and setbacks and buffering from adjacent uses.

Second Residential Units and Garden Suites

3.13.3. Where *individual-on site water and sewage services* can be accommodated to the satisfaction of the City and KFL&A Public Health, a *second residential unit* is permitted in a Hamlet designation, subject to the *second residential unit* policies in Section 3.3.11 of this Plan, or a *garden suite* may be permitted in a Hamlet designation subject to the policies of 3.3.D.7 and Section 9.5.20.

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

Additional Hamlet Development

3.13.4. Additional *development* within a Hamlet designation will only be permitted under the following circumstances:

a. on existing lots of record;

b. as infilling, provided the minimum lot size is generally 1 hectare, there is adequate access from a public road, and the lot can

accommodate *individual on-site water and sewage services* to the satisfaction of the City, KFL&A Public Health, and the Ministry of the Environment and Climate Change;

c. in accordance with the Cultural Heritage Resource policies of Section 7;

d. in accordance with the consent policies of Section 9.6 of this Plan; and,

e. in accordance with the area of influence policies of Section 9.6.14 of this Plan.

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

Servicing

3.13.5. All *development* in Hamlets must proceed on the basis of *individual on-site water and sewage services* in accordance with Section 4.4 of this Plan, except in accordance with Sections 3.14.8 and 3.14.9 with respect to the Hamlet of Sunnyside.

Growth Restrictions

3.13.6. A limited amount of additional *development* is permitted within the boundaries of existing Hamlets. However, it is recognized that certain Hamlets, because of environmental, groundwater or locational constraints and changing socio-economic circumstances, may experience little or no growth.

Boundary Expansions

3.13.7. No expansion of areas designated as Hamlet on Schedule 3 may occur, except by amendment to this Plan, and subject to a demonstrated need and justified location for the proposed use. Any proposed expansion of an existing Hamlet boundary must occur at the time of a *comprehensive review*. Any lot creation adjacent to a Hamlet will be considered as an expansion to the Hamlet boundary.

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

Sunnyside Partial Services

3.13.8. In the Hamlet of Sunnyside, *partial services* in the form of piped municipal water are available. Additional water service connections are permitted on existing watermains where capacity exists and in accordance with the provisions of Section 4.2 relating to *partial services*.

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

Sunnyside Infilling

3.13.9. Within the boundary of the Hamlet of Sunnyside, a minimal amount of infilling will be permitted subject to:

a. site conditions being suitable for long term land use, the long-term provision of *municipal water service*, and *individual on-site sewage services* with no *negative impacts*; and,

b. any *infill* severance activity is limited and avoids creating a fragmented lot pattern, or isolated lots that may jeopardize orderly future *development*.

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

Zoning

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

Ministry of Transportation Review and Approval in Joyceville

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

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

3.14 Rural Commercial

Outside the *Urban Boundary* shown on Schedule 2 of this Plan, there exist limited areas of commercial *development* that are generally of a larger scale that serve the local rural/agricultural community or the travelling public. These limited uses are designated as Rural Commercial on Schedule 3 of this Plan.

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

Goal:

To support the rural and agricultural communities, as well as the tourism industry, in providing a limited amount of larger scale commercial *developments* in appropriate locations.

Rural Commercial Use

3.14.1. Small scale commercial uses in the Rural Lands designation are permitted under the policies of Section 3.12.19 of this Plan. Existing larger scale rural commercial uses are designated Rural Commercial on Schedule 3 of this Plan. Any new larger scale commercial use proposed outside of the

Urban Boundary will be subject to an amendment to this Plan as a Rural Commercial designation, as set out in the following policies.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Rural Commercial Designation

3.14.2. The Rural Commercial designation is intended for larger scale commercial uses that are the primary use of the property, or that may have impacts on adjacent land uses through noise, vibration, reduction of privacy, increase in traffic, or other impact or hazard.

Permitted Uses

3.14.3. The Rural Commercial designation is intended to permit a variety of larger scale *recreational*, social and cultural uses and facilities, including golf courses, marinas, greenhouse operations, overnight accommodations, and seasonal campgrounds. Retail and office uses that are clearly an *accessory use* to the primary rural commercial uses are also permitted. Other types of retail and service commercial uses are intended to locate within a Hamlet or within the *Urban Boundary*.

Agriculture-related Uses

3.14.4. *Agriculture-related uses* and *on-farm diversified uses* are permitted within the Prime Agricultural Area and Rural Lands designations and do not need to be placed in a separate Rural Commercial designation.

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

Designation and Zoning

3.14.5. Proposals for new rural commercial uses, if approved, will be placed in an appropriate Rural Commercial designation and zoning category, or may be limited to a site-specific zoning provision.

Zoning

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

Additions or Expansions

3.14.7. Additions or expansions that require land to be added to existing large-scale rural commercial uses are discouraged, and any such proposal must

be considered through an Official Plan amendment that addresses its impact on agricultural operations, conformity with the *minimum distance separation formulae,* and the Ministry of the Environment and Climate Change D-1 and D-6 Guidelines.

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

Criteria for New Development

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

a. the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations;

b. a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, *individual on-site water services* and *individual on-site sewage services*, setbacks, and buffering;

c. the location and use must have no *negative impacts* on *natural heritage features and areas*, as proven through an *environmental impact assessment,* described in Section 6;

d. a *residential unit* as an *accessory use* may be permitted on the same lot, provided that no severance is created and such residential use meets the *minimum distance separation formulae* and the Ministry of the Environment and Climate Change requirements for *sensitive uses* (D-6 Guideline); and

e. a market justification study and impact assessment may be required that demonstrates to Council's satisfaction that:

- the type and size of the proposed use are warranted;
- the planned function of existing or approved commercially designated sites in the *Urban Boundary* will not be undermined;
- the proposed use cannot be accommodated on or is not suitable on existing commercially designated sites in the *Urban Boundary*; and
- the proposal meets other criteria as deemed appropriate by the City.

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

Consents and Minimum Lot Area

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

3.15 Rural Industrial

Outside of the *Urban Boundary* shown on Schedule 2 of this Plan, there are existing limited areas of industrial *development* that are generally of a larger scale that serve the local rural community and the agricultural community. These limited uses are designated as Rural Industrial on Schedule 3 of this Plan.

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

Goal:

To support the rural and agricultural communities by allowing limited industrial *development* in appropriate locations.

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

Rural Industrial Use

3.15.1. Small scale industrial uses in the Rural Lands designation are permitted under the policies of Section 3.12.19 of this Plan. Existing larger scale rural industrial uses are designated as Rural Industrial on Schedule 3 of this Plan. Any new larger scale industrial use proposed outside of the *Urban Boundary* will be subject to an amendment to this Plan as a Rural Industrial designation, as set out in the following policies.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

Rural Industrial Designation

3.15.2. The Rural Industrial designation is intended for larger scale industrial uses that are the primary use of the property, or that may have impacts on adjacent land uses through noise, vibration, reduction of privacy, increase in traffic, or other impact or hazard.

Rural Industrial Permitted Uses

3.15.3. The Rural Industrial designation is intended to permit larger scale industrial uses that do not require municipal water or sewer services, or that may be incompatible with other uses in the urban area. Permitted

uses may include warehousing, processing, manufacturing, assembling, and outdoor storage. Retail and office uses that are clearly an *accessory use* to the primary rural industrial uses are also permitted.

Resource Efficiency

3.15.4. The proponents of rural industrial *development* are encouraged to use innovative designs and processes to foster *sustainability* as discussed in Section 3.6.10 of this Plan.

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

Agriculture-related Uses

3.15.5. *Agriculture-related uses* and *on-farm diversified uses* are permitted within the Prime Agricultural Area and Rural Lands designations and do not need to be placed in a separate Rural Industrial designation.

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

Designation and Zoning

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

Zoning

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

Additions or Expansions

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

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

Criteria for New Proposals

3.15.9. Any proposal for a new or expanded Rural Industrial designation will be assessed subject to the following considerations and provisions:

a. the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations;

b. a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, *individual on-site water and sewage services*, setbacks, and buffering;

c. the location and use must have no *negative impact* on *natural heritage features and areas*, as proven through an *environmental impact assessment,* described in Section 6; and,

d. a *residential unit* as an *accessory use* may be permitted on the same lot, provided that no severance is created and such residential use meets the *minimum distance separation formulae* and the Ministry of the Environment and Climate Change requirements for *sensitive uses* (D-6 Guideline).

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

Consents and Minimum Lot Area

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

3.16 Mineral Resource Areas

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

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

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

Goal:

To identify and protect *mineral* and *mineral aggregate resources* and existing operations, and guide their extraction in a manner that is sensitive to the natural environment and to surrounding development. To preserve identified areas of *mineral* and aggregate potential for future use and to recognize the potential of local sourcing of *mineral* and *mineral aggregate resources* as a sustainable construction practice. It is also a goal of this Plan to provide for the rehabilitation of depleted *mineral* and *mineral aggregate resource* sites for the benefit of current and future residents of the City.

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

General Policies:

General Direction

3.16.1. The general policies in this section are intended to apply to all lands designated as Mineral Resource Areas on Schedule 3. The extraction and primary processing of a *mineral deposit* or *mineral aggregate resource* is permitted on sites designated as a Mineral Resource Area on Schedule 3 of this Plan.

Temporary Sensitive and Residential Uses

3.16.2. Prior to the initiation of *mineral* or aggregate extraction, a Mineral Resource Area may be used for agriculture, forestry, conservation, and passive *recreation* purposes, provided that these uses will not inhibit the removal of the resource in the future. New *sensitive uses* that are proposed as *accessory uses* to the permitted uses will be discouraged and no new residential lot will be created by way of consent in an area designated as Mineral Resource Area on Schedule 3.

Zoning By-law Amendment

3.16.3. Any new *mineral* or *mineral aggregate operation*, or the expansion of a current activity in an area designated as a Mineral Resource Area, will require an amendment to the zoning by-law. When determining whether such an amendment is appropriate, the following must be considered:

a. the location of the proposed site and its impact on adjoining communities;

b. the *compatibility* of the proposed extraction or primary processing activity with existing and planned land uses within 500 metres of a quarry or 300 metres of a pit;

c. the advice of the appropriate provincial ministry with respect to resource potential;

d. the size, scale, and nature of the proposed use, and any land uses and activities that are *accessory uses* to the extractive or processing operation;

e. the ease of access of the proposed site with respect to the location of entrances and exits, road patterns and traffic volumes;

f. the location of proposed haulage routes and their impact on communities or residents along those routes, and the impact on the transportation system relying on those routes; and,

g. submission of materials listed below for the purpose of information for the municipality, including:

- a detailed site *development* survey indicating dimensions of the site, all existing or proposed structures and their dimensions, topography and soils, and also land uses and buildings or structures within 500 metres of a quarry or 300 metres of a pit. Site plans prepared consistent with the *Aggregate Resources Act* are acceptable for the purposes of this policy;

- the surface and groundwater characteristics of the site, its drainage, as well as the hydrogeological impact of the proposed mining or extraction use on the groundwater quality and quantity within a minimum 500 metres of the site;

- confirmation that the surface water, watercourses and environmental features of the site and the surrounding area will not be adversely affected by the proposal, through the submission of an *environmental impact assessment*, or other studies as may be deemed necessary;

- the operational plan for the proposed site including roads, driveways, the location of materials storage, stockpiles of the resource, and any water diversion or storage location;

- the general conditions under which the proposed operation will function, including hours of operation, seasonality of operation, and the timing and scale of any blasting or crushing operations; and,

- the proposed landscaping, screening and buffering related to the planned use of the site after rezoning.

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

Provincial Standards to Prevail

3.16.4. Provincial policy states that *mineral aggregate resource* extraction shall be undertaken in a manner which minimizes negative social, economic and environmental impacts; however, where the City has gone beyond the requirements of provincial policy to protect *natural heritage features and areas* (e.g., riparian corridors) then applications for extraction of *minerals* or *mineral aggregate resources* will be assessed based on provincial standards so as not to unnecessarily constrain access to these resources.

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

Holding Provision

3.16.5. If a proposal is considered acceptable by the City, the site may be zoned in a Holding category, with an "H" suffix, until satisfactory agreements or securities are in place with respect to the matters or plans considered in Section 3.16.3 and in accordance with Section 9.5.21 of this Plan.

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

Other Legislation and Regulations

3.16.6. All *mineral* and aggregate extraction operations must conform to the provisions of the appropriate provincial legislation and must satisfy the requirements of the appropriate approval authority with respect to water supply, water pumping or diversion, disposal of liquid wastes, noise abatement measures, control of air pollution, and fencing and signage.

Rehabilitation

3.16.7. Progressive rehabilitation is required, consistent with the provisions of the *Aggregate Resource Act*, or other provincial legislation. Rehabilitation of *mineral* and *mineral aggregate resource* lands is required after mining or extraction operations have ceased.

Official Plan Amendments

3.16.8. Redesignation that removes land from a Mineral Resource Area designation on Schedule 3 is permitted in consultation with the Province, and if the following criteria are met:

a. the resource use is not feasible through the identification of any known information about the remaining resource, including the quantity and quality, and the regional significance of the resource;

b. the existing or proposed land use(s) or *development* serves a greater long-term public interest;

c. issues of public health and safety and environmental impacts resulting from the operation are addressed, the resource has been fully extracted, and the land has been rehabilitated in accordance with provincial requirements; and,

d. the lands are redesignated to an appropriate land use.

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

3.16.9. Protection of *mineral* resources and *mineral aggregate resources* for long term use and extraction is a priority of the City and a new designation that places land in a Mineral Resource Area designation on Schedule 3 is permitted in consultation with the Province. Aggregate operations vary depending whether the operation is a pit, quarry, or a quarry below the water table, and the related scale of operation and provincial requirements will vary accordingly. Depending on the type of operation proposed, and the proximity of *sensitive uses* or environmental features involved, the City will consider the following:

a. the location of the proposed site and its impact on adjoining communities;

b. the size, scale and nature of the proposed use;

c. the *compatibility* of the proposed use with adjacent existing and planned land uses and designations;

d. the ease of access of the proposed site with respect to road patterns and traffic volumes, and the impact that increased truck traffic may have on communities or residents along those routes, and on the transportation system itself;

e. the proposed landscaping and buffering to minimize the potential for *adverse effects*;

f. the determination and assessment of potential *negative impacts* to *natural heritage features and areas* as demonstrated through the completion of an *environmental impact assessment*, prepared in accordance with the policies of Section 6 of this Plan;

g. an archaeological assessment, in accordance with the Ministry of Tourism and Culture's screening criteria; and,

h. information and studies that demonstrate that the quantity and quality of the groundwater and surface water, as well as the natural drainage in the area, are not adversely affected.

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

3.16.A Mineral Resource Area – Wollastonite

Currently, the wollastonite deposit is the extent of the reserve area for this *significant mineral deposit*. The policies in this Section are intended to apply to those lands shown as the Mineral Resource Area and denoted with the symbol 'M-W' as the mine for wollastonite on Schedule 12, and should be read in conjunction with the general policies of Section 3.16.

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

Definition

3.16.A.1. Wollastonite is an industrial *mineral* used in various applications, such as adding strength and flexibility to plastics, and as a safe replacement for asbestos. It is extracted from quarries using similar processes as those used in a mineral aggregate quarry, and is regulated under the *Mining Act*. It is important that the Mineral Reserve Area – Wollastonite as shown on Schedule 3-C is protected against conflicting land uses in order to ensure the viability of the deposit for future use. It is also important that these *mineral* resources be extracted in a way that is sensitive to the environment and the community.

Location

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

Permitted Uses

3.16.A.3. Lands designated as Mineral Resource Area – Wollastonite are intended primarily for the extraction and processing of wollastonite and ancillary *minerals*. Associated operations such as crushing, blending, screening, washing, storage (stock-piling), recycling operations, and weigh scales may be permitted as *accessory uses* to an active operation.

Other Uses

3.16.A.4. Other uses on lands designated as Mineral Resource Area – Wollastonite must be allowed in accordance with Section 3.16.2 of this Plan.

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

Minimum Separation Distance

3.16.A.5. This Plan recognizes the concept of an influence area surrounding the Mineral Resource Area designation (Schedule 3) and the *Mineral* Reserve Area overlay (Schedule 12) in order to offer mutual protection from encroachment by incompatible uses for either *sensitive* land uses or the extraction and processing activities in areas protected for *mineral* resource protection. As the effect of such an influence area may vary with each situation, each proposal will be considered on its own merits based on information regarding such matters as *compatibility*, *environmental impact assessment*, groundwater, noise, dust, vibration and other appropriate matters, without amendment to this Plan. Until such time as a detailed study recommends otherwise, however, a distance of 500 metres from the boundary of the designation will be considered as an influence area.

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

Development within 500 Metres

3.16.A.6. *Development* proposed within the 500 metres of a Mineral Resource Area – Wollastonite designation will only be permitted under the following conditions:

a. resource use would not be feasible;

b. the proposed *development* will not prevent the extraction of the *mineral* resource(s);

c. the proposed land use or *development* serves a greater long term public interest;

d. public health and safety concerns, environmental impacts and land use impacts have been adequately addressed; and,

e. other potential *adverse effects* on the *mineral* resource operation have been addressed and mitigated.

3.16.A.7. The minimum distance of 500 metres in the foregoing policies may be altered without amendment to this Plan if:

a. a greater distance is deemed necessary to adequately address health and safety concerns, environmental impacts or land use *compatibility*; or,

b. a lesser distance is suitable and can be justified based on the criteria in Section 3.16.A.6 above.

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

3.16.B Mineral Resource Areas – Pits and Quarries

The policies in this section are intended to apply to all lands designated as Mineral Resource Area and denoted with an 'P' for a pit or a 'Q' for a quarry on Schedule 3, and are to be read in conjunction with the general policies of Section 3.16.

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

Permitted Uses

3.16.B.1. Lands designated as Mineral Resource Area are intended primarily for pits and quarries and the extraction of sand, gravel, bedrock and other aggregates. Associated operations such as crushing, blending, screening, washing, aggregate storage (stock-piling), aggregate recycling operations, weigh scales, asphalt manufacture, and concrete batching may be permitted as *accessory uses* to an active aggregate extraction operation.

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

Other Uses

3.16.B.2. Other uses on lands designated as Mineral Resource Area are permitted in accordance with Section 3.16.2 of this Plan.

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

Zoning

3.16.B.3. It is the intent of this Plan to zone all existing licensed pits and quarries in the zoning by-law.

Minimum Distance Separation

3.16.B.4. Other land use activities, particularly *sensitive uses* such as residential uses, proposed to be developed within land use designations abutting a Mineral Resource Area designation on Schedule 3, must be separated from lands designated Mineral Resource Area by the following distances:

a. 300 metres from a known unconsolidated deposit (e.g., sand, gravel, clay) or a mineral aggregate pit operation; and

b. 500 metres from a known bedrock deposit or a bedrock quarry operation. The protection of the Mineral Resource Area designation for long term use is a priority of this Plan. However, in approving new pits or quarries, the number and proximity of existing *sensitive uses* in the immediate area of the proposed new use must be considered.

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

3.16.B.5. The above separation distances may be altered to reflect site-specific conditions related to such matters as land use *compatibility*, groundwater, noise, dust, vibration, and other appropriate matters without amendment to this Plan. In contemplating the reduction of the minimum distance separation, the appropriate assessment is required to establish an appropriate distance, and investigate all of the potential impacts on the pit or quarry operation. Separation distances will be reflected in the zoning by-law.

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

3.16.C Mineral Resource Reserve Areas

The policies in this section apply to all lands shown as Mineral Resource Reserve Areas on Schedule 12, and should be read in conjunction with the general policies of Section 3.16.

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

Reserve Areas

3.16.C.1. Reserve Areas for both *mineral deposits* and *mineral aggregate resources* are shown as an overlay on Schedule 12 of this Plan. These Reserve Areas possess *significant mineral* and *mineral aggregate resource* potential for the extraction of *minerals*, sand, gravel, bedrock and other aggregates, and the municipality intends to protect these areas for possible future extraction purposes. These are shown as a Wollastonite Reserve Area, Aggregate Bedrock Reserve Areas, and Sand and Gravel Resource Areas on Schedule 12.

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

Requirement for Amendment

3.16.C.2. The identification of lands as Reserve Areas on Schedule 12 does not entitle the owner of such lands to make use of the land for extraction purposes, other than as a legal wayside pit or quarry, unless an Official Plan amendment, as outlined in Section 3.16, has been obtained to designate lands as a Mineral Resource Area on Schedule 3. Further, the identification of a Reserve Area on Schedule 12 does not bind Council to pass the necessary amendment to this Plan to allow the extraction, if the criteria as set out in this Section are not addressed satisfactorily.

Other Uses

3.16.C.3. Other uses on lands shown as Reserve Areas may be permitted subject to the following. Lot creation in the Reserve Areas and in the areas of influence described as within 300 metres of sand and gravel resources, or 500 metres of bedrock resources (unless a study prepared indicates

otherwise), is subject to the provisions of Section 9.6 of this Plan. Prior to the initiation of *mineral* or aggregate extraction, Reserve Areas may be used for agriculture, forestry, conservation and passive recreation purposes provided that these uses will not inhibit the removal of the resource in the future. New *sensitive uses* that are proposed as *accessory uses* to the permitted uses will be discouraged.

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

3.16.C.4. Areas with high potential for aggregate extraction on which a licence for extraction has not been issued are identified on Schedule 12. These areas include Aggregate Bedrock Reserve Areas and Sand and Gravel Resource Areas. *Development* and activities that would preclude or hinder the establishment of new operations or access to the resources shall only be permitted subject to an Aggregate Impact Assessment that demonstrates that:

a. resource use would not be feasible; or

b. the proposed use or development serves a greater long term public interest; and

c. issues of public health, safety and environmental impact are addressed.

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

3.16.C.5. The City will work with the Ministry of Natural Resources and Forestry to develop a multi-staged terms of reference for Aggregate Impact Assessments that will take into consideration other nearby *sensitive uses* and the quality of aggregate resources.

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

Future Study to Map Added Reserve Areas

3.16.C.6. Schedule 12 of this Official Plan maps the limestone plain and the aggregate bedrock reserve areas that exist across the municipality outside the *Urban Boundary*. The City has excluded the mapping of potential bedrock reserve areas in defined hamlets, environmental protection areas and waterbodies due to the sensitivity of these areas. The delineation of Mineral Aggregate Reserve Areas will be undertaken through consultation with the aggregate industry and relevant Ontario Ministries to further prioritize areas for future extraction.

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

3.16.C.7. *Development* may be permitted within an aggregate bedrock reserve area where it can be demonstrated, through a land use compatibility study, that existing *sensitive uses* would preclude or hinder the extraction of the

mineral aggregate resource. A land use compatibility study undertaken for the purposes of supporting *development* must be completed in accordance with applicable provincial standards and may be subject to review by the Ontario Ministry of Natural Resources and Forestry or other agency having jurisdiction. Where a land use compatibility study demonstrates that extraction is precluded or hindered by existing *sensitive use(s)*, the City may determine that an Aggregate Impact Assessment, identified in Section 3.16.C.4 of this Plan, is not required.

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

3.16.D Wayside Pits and Quarries & Portable Asphalt and Concrete Plants

Permitted Uses

3.16.D.1. In accordance with provincial policy, *wayside pits and quarries*, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning or development permit under the *Planning Act* in all areas, except those areas of existing *development* or of particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

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

Rehabilitation

3.16.D.2. Upon the termination of a wayside pit and quarry operation, the lands are to be rehabilitated in a manner that is suited to the adjoining land use designation.

3.17 Site Specific Policies

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

a. higher densities in specific locations noted in Section 2.3 of this Plan, in order to attain the City's *intensification* targets;

b. in accordance with the *Planning Act*, decisions on applications must be consistent with the Provincial Policy Statement, which involves among other matters, stronger policies to protect the *natural heritage system*, and higher targets for *affordable* housing and *intensification*; and,

c. development in *controlled areas* to take place in accordance with Ministry of Transportation requirements.

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

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

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

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

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

a. the ground floor commercial uses are restricted to neighbourhood commercial or professional and business offices, and the upper floor uses are restricted to residential use or professional and business offices provided that no major exterior alterations or additions to the existing building are permitted;

b. that any proposed alterations to the roof line of the building and the construction of any proposed parking structure at the rear of the building are subject to site plan control review, an application for a heritage permit, and approval by Heritage Kingston and City Council;

c. parking is to be provided for both the commercial and residential uses in accordance with the implementing zoning by-law; and,

d. any surplus parking may be used by the Empire Life Insurance Company provided that access thereto is limited to William Street.

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

Part Lot 4, Concession 4W (KT), Schedule 3-D, SSP Number 2

3.17.2. The site shown on Schedule 3-D as Area 2 may be used for non-intensive, non-polluting industrial land uses that do not require municipal services, such as a heavy equipment sales, service or rental yard, a contractor's yard, a specialty warehouse, truck storage and repair facility, an open storage use, and similar activities, provided that:

a. the minimum lot area is 6 hectares;

b. permitted uses will generate minimal traffic;

c. only low profile uses with minimal visual impact on nearby residential uses or Highway 401 will be permitted;

d. open storage is prohibited in yards abutting Highway 401;

e. loading facilities adjacent to Highway 401 are to be discouraged, and if permitted, must be screened from view from these routes;

f. setbacks, landscaping and other forms of buffering will be required in order to mitigate any potential visual or noise impacts; and,

g. the zoning employs a Holding category on the property that will not be removed until a detailed *development* concept is deemed suitable by Council, and which is in accordance with the above-noted policies.

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

Part Lots 11 & 12, Concession 4 (KT) (13R-10799, Part 1), Schedule 3-D, SSP Number 3

3.17.3. The site shown on Schedule 3-D as Area 3 may be used for non-intensive, non-polluting industrial land uses that do not require municipal services, such as a heavy equipment sales, service or rental yard, a contractor's yard, a specialty warehouse or an open storage use provided that:

a. the minimum lot area is 6 hectares;

b. permitted uses will generate minimal traffic;

c. only low profile uses with minimal visual impact on nearby residential uses or Highway 401 are permitted;

d. open storage is prohibited in yards abutting Highway 401;

e. loading facilities adjacent to Highway 401 are discouraged, and if permitted, must be screened from view from these routes;

f. setbacks, landscaping and other forms of buffering are required in order to mitigate any potential visual or noise impacts; and,

g. the zoning employs a Holding category that is not removed until a detailed *development* concept has been prepared to the satisfaction of the City.

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

Montreal Street, North of Sutherland Drive, Schedule 3-D, SSP Number 4

3.17.4. The lands located on the east side of Montreal Street, north of Sutherland Drive, shown on Schedule 3-D as Area 4, have environmental constraints to *development* for residential purposes. It is the intent of the Plan to provide for controlled *development* within an approved program of investigation, and remedial works. The City has no commitment to accept or acquire lands in the area for parks or other municipal purposes. The lands will not be re-zoned or given site plan control approval to permit residential use except with the use of a Holding provision, until the following conditions have been met to the satisfaction of the City and relevant authorities:

a. the extent of constraints to *development* including poor drainage, steep slopes, organic soils, sub-surface instability, noise and vibration impacts, and access limitations are established;

b. appropriate building types, densities, site access and internal movement, potential phasing, and appropriate means of land division have been determined through more detailed planning; and,

c. an assessment of site conditions with proposed remedial measures has been prepared by *qualified persons* to address the following matters and any additional concerns that may arise in relation to conditions of this site:

- an assessment of site conditions posing a constraint to *development*, related to the proposed use and design parameters for any proposed buildings, structures or uses;
- identification of design parameters for any required remedial works and of required links to City-owned *infrastructure*;
- a construction management plan identifying precautions which will be required to safeguard on-site activities and the integrity of neighbouring sites and uses during construction;
- a financial analysis that indicates that remedial works and precautionary measures related to *development* are feasible within the scope of the *development* proposal; and,
- identification of potential impacts on site conditions of *adjacent lands* including such matters as drainage, soil and slope stability, erosion, fill requirements, noise and vibration impacts, and impacts on views.

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

Montreal Street, South of Greer Street, Schedule 3-D, SSP Number 5

3.17.5. The Official Plan recognizes that a *development* framework has been established for a portion of the area shown on Schedule 3-D as Area 5 through site plan control approval, and the Plan recognizes this specific approval. However, if an amendment to the Plan, the zoning by-law or a new site plan application is proposed for this site, the policies established for the above-noted policy (3.17.4) must be addressed prior to the approval of any application or issuance of any building permit. Issues of land ownership between Greer Street and the extension of Weller Avenue must be addressed to ensure that any *development* proposal can be functionally linked to other *development* to the north and south.

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

102 Fraser Street and 342 Patrick Street, Schedule 3-D, SSP Number 6

3.17.6. The manufacturing plant municipally known as 102 Fraser Street and shown on Schedule 3-D as Area 6 is recognized as an established industrial operation and may be recognized as an existing industrial use in the implementing zoning by-law. The facility located at the corner of Fraser Street and Patrick Street, known municipally as 342 Patrick Street, is recognized as a community facility use. However, the properties are designated as Residential on Schedule 3-A. It is the intent of this Plan that should one or both of these uses be discontinued or relocated, the respective property should be converted to a residential use such that it can be integrated into the surrounding residential area. The Plan also intends that further analysis be undertaken to determine an appropriate density level for such conversion to ensure *compatibility* with the adjacent structure of densities in the area.

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

Sir John A. Macdonald Boulevard and Highway 401, Schedule 3-D, SSP Number 7

3.17.7. The properties located on the west side of Sir John A. Macdonald Boulevard south of Highway 401, shown on Schedule 3-D as Area 7, are recognized as unique gateway properties whose disposition and use could contribute substantially to the City's presentation along the Highway 401 corridor. These properties are designated as Business Park Industrial on Schedule 3-A in accordance with the overall land use structure of this Plan.

In view of the unique opportunities created by their visibility, it is the intent of this Plan that both properties be developed as high design industrial sites. The Plan particularly encourages their *development* for business park uses preferably in the form of high profile corporate administration

offices, research and development facilities, and technologically advanced manufacturing operations. Any proposal for the *development* of these properties must be reviewed in terms of outstanding building and landscaping design parameters.

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

Inner Harbour, Schedule 3-D, SSP Number 8

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

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

a. the establishment of assisted housing for special needs groups (i.e. rent-geared-to-income, persons with disabilities) which is set aside for management by an organization or authority approved by the City of Kingston, in which case a maximum density increase of 15% or 7.5 *residential units* per hectare may be granted;

b. dedication of parkland in excess of the required dedication, in which case a maximum density increase of 15% or 7.5 *residential units* per hectare may be granted; and,

c. dedication of lands required for the provision of a new road allowance in which case a maximum density increase of 15% or 7.5 *residential units* per hectare may be granted.

In no instance will the total increase in density for provision of the above-noted matters exceed 25% or 12.5 *residential units* per hectare. Any application for the *development* for residential purposes must be supported by a study designed in accordance with the Ministry of the Environment and Climate Change regulations and standards to assess on-site soil contamination, and identify remedial works and clean-up procedures required to eliminate health risks to the occupants of any residential *development*.

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

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

Alcan District, Schedule 3-D, SSP Number 9

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

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

District Development Program

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

a. Services and Utilities Policies

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

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

- the master drainage study referenced above, is to be prepared to guide detailed system design and cost estimation, indicate phasing alternatives, estimate land dedication for required facilities, address both quantity and quality aspects of stormwater run-off as provided for in this Plan, and examine the incorporation of a variety of methods to treat stormwater run-off;

- individual *development*s are to be designed to conform to the master drainage study;

- assessment of linkages to the City's water treatment and distribution and sanitary sewage collection, and treatment systems is required in conjunction with *development* application review, including new plans of subdivision, to ensure appropriate identification of impacts on existing services and the ability of existing services to accommodate new *development*;

- assessment of expected traffic patterns is required in conjunction with *development* application review, including new plans of subdivision, to ensure appropriate linkages to the existing City roadway system and appropriate circulation patterns and roadway design within relevant land use areas;

- the proposed collector road system illustrated on Schedule 4 is to be designed and constructed in such a manner as to facilitate the *development* of an internal street pattern within the District, provide direct linkages to the abutting arterial routes, and discourage unimpeded traffic flows through the District, or into adjacent residential neighbourhoods; and,

- in order to offset the costs of providing services in the District, including the cost of any studies relevant to service provision, Council may consider the implementation of District development charges in accordance with Section 9 of this Plan.

b. Land Division Policies

Applications for land division within the Alcan District are subject to the following policies:

- large-scale land division may be permitted by consent of the Committee of Adjustment, provided the boundaries of any newly created block of land are in conformity with the land use pattern and servicing scheme established by the policies of this Plan, and any applications for consent are assessed in relation to the following criteria:

    - land use;

    - access;

    - the creation of contiguous properties;

    - stormwater drainage; and,

    - access to off-site service connections, new service facilitation, and the resolution of any downstream *infrastructure* constraints;

- proposals for further land division beyond those granted under the previous clause are recommended to proceed by plan of subdivision to ensure: that an appropriate lot pattern is created; that an appropriate roadway design is achieved; and that suitable arrangements for the provision of service *infrastructure* are addressed in the context of a subdivision agreement; and,

- small-scale land division by consent of the Committee of Adjustment is discouraged except for the purpose of appropriate division of blocks within an approved plan of subdivision, the consolidation of remnant land parcels, or minor adjustment of lot boundaries.

c. Wildlife Habitat Policies

New *development* within the Alcan District is subject to the following policy with respect to *wildlife habitat*: the preservation of tree and shrub species and corridors is considered in the context of project design to provide amenity for future *development*, and long-term maintenance of local habitat.

d. Non-Residential Buffer Policies

New non-residential *development* within the Alcan District that abuts lands designated for existing and future residential *development* must provide adequate setbacks, buffering, and landscaping, in order to reduce the impact of such non-residential uses on these residential communities.

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

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

Alcan, Schedule 3-D, SSP Number 10

3.17.10. The area identified on Schedule 3-D of this Plan as Area 10 and located at the southeast intersection of John Counter Boulevard and Sir John A. Macdonald Boulevard is recognized as a high visibility area, because of the location at two major arterial roads. The area is designated Business Park Industrial on Schedule 3-A in accordance with the overall land use structure of the Official Plan. In view of the unique opportunity created by the visibility and high traffic volume at this area, it is the intent of the Plan that this area be developed as a prestige business park.

The Plan particularly encourages *development* of higher-order business park uses including office uses, research and development facilities, and

hotel uses intended by scale and design to serve the adjacent industrial areas. Retail uses associated with the adjacent industrial and business park areas could be considered for inclusion within the higher-order business park land use mix for this site, provided that such uses are subordinate to the predominant business park uses. Any proposal for *development* of this area must be reviewed in terms of outstanding building and landscaping parameters.

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

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

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

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

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

a. location criteria for land use categories and residential densities;

b. the type and distribution of residential land uses as well as supporting land uses such as public open space and parkland, community facilities, and neighbourhood commercial uses;

c. vehicular and pedestrian movement including linkages to and the effects on the City's existing transportation system as well as internal integration on a community basis;

d. servicing for sanitary and stormwater drainage as determined in conjunction with the entire Alcan District as set out in Section 4 of this Plan;

e. service *infrastructure* connection and integration;

f. a strategy to resolve any outstanding required environmental approvals; particularly decommissioning of those lands known as the North Plant in accordance with the Ministry of the Environment and Climate Change guideline "Records of Site Condition – A Guide on Site Assessment, the Clean-up of *Brownfield Sites* and the Filing of Records of Site Condition" dated October 2004 (and other associated guidelines) must be completed in accordance with the Record of Site Condition Regulation 153/04;

g. prior to any *development* occurring upon the site, a *qualified person* is required to undertake a verification sampling program to certify to the satisfaction of the Ministry of the Environment and Climate Change that the site has been made suitable for the use proposed;

(See Instrument Number 679772 in the Land Registry Office of Frontenac County dated May 20, 1998 regarding environmental status)

h. the use of urban design techniques in order to ensure all future *development* exhibits a high standard of urban design and to promote land use *compatibility*, a high quality streetscape, a functional pedestrian system and to encourage innovative *development*;

i. a strategy for land division within the residential community to ensure coordination of land division with services installation or staging, and to facilitate the creation and transfer of appropriately sized parcels for *development* purposes;

j. direction for the zoning of the lands; and,

k. Any residential community plan must address:

- the integration of the residential community and its population with adjacent land areas and land uses to the north, east, and south; and,

- noise mitigation measures along the westerly portion of the lands in order to reduce the traffic noise impact from Sir John A. Macdonald Boulevard.

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

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

3.17.12. The site identified on Schedule 3-D of this Plan as Area 12 contains a number of buildings, including a very large industrial building formerly owned by Alcan and referred to as the Alcan South Plant. The facility now

contains a number of industrial uses and complementary uses. The property has frontage on Sir John A. Macdonald Boulevard and is accessible from both Sir John A. Macdonald Boulevard and Princess Street.

a. The Employment Land Strategy (2015) recommended the redesignation of this site from General Industrial to Business Park Industrial. While the zoning by-law acknowledges some of the traditional general industrial uses on the property, it is the intent of this Plan for the uses on the property to evolve and transition over time to predominantly business park type uses. A limited number of these more general industrial uses will continue to be permitted in accordance with the site specific policies below.

b. The site is designated Business Park Industrial on Schedule 3-A of this Plan. The uses permitted are those listed in Section 3.6.A of this Plan, as well as the following:

i. Outdoor storage is permitted provided it is setback a minimum of 200 metres from Princess Street and 150 metres from Sir John A. Macdonald Boulevard, and provided the use is properly screened and/or buffered from Business Park Industrial uses and complementary uses that serve employment uses.

ii. Towing, automotive, and equipment rental provided such uses are screened and/or buffered from Business Park Industrial uses and complementary uses.

c. That for the purposes of Policies 3.6.12 and 3.6.13, the site as it existed as of the date of adoption of this Plan is considered a ‘single land holding’, notwithstanding any future severance, division or conveyance of the site;

d. That any complementary uses contained or proposed to be contained within the footprint of a building which exists on the property as of the date of adoption of this Plan are exempt from the locational criteria of 3.6.17 (b);

e. Any Business Park Industrial uses or complementary uses will be screened and/or buffered from the more general industrial type uses on the property; and

f. It is the intent of this Plan that any *development* of this site proceed by way of a site plan control review in accordance with the City's Site Plan Control By-law, and the City, at its discretion, may require an overall concept and phasing plan for the entire site. Such

concept and phasing plan may require additional information as described in Section 9.12.3.

(Amended by By-Law Number 2013-98, OPA Number 16)

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

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

844-858 Division Street, Schedule 3-D, SSP Number 13

3.17.13. The site municipally known as 844-858 Division Street and shown on Schedule 3-D as Area 13 has been used for residential, commercial and industrial uses for many years and includes a heritage house. Existing uses include residential, food and beverage preparation, warehousing and distribution (both wholesale and retail), service of related vehicles and equipment, and office and industrial components. These are to be recognized in the zoning by-law.

The above non-residential uses as well as uses normally considered incidental and subordinate thereto such as catering and a restaurant, will be recognized as conforming to this Official Plan and may be recognized in the implementing zoning by-law. New residential uses and residential development shall require an amendment to the zoning by-law.

Any application to redevelop the property to residential use, or to expand the above-noted uses, is required to provide:

a. an overall *development* concept to show how the entire site could potentially develop;

b. analysis to address any issues related to traffic and proposed means of mitigation;

c. analysis of how the proposed *development* will achieve *compatibility* with surrounding uses in the area;

d. analysis of the means of servicing the *development* that is proposed; and,

e. mandatory filing of a Record of Site Condition for the change of use of a property from industrial or commercial to residential or parkland.

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

Quay Development NW Corner of Brock and Ontario Streets, Schedule 3-D, SSP Number 14

3.17.14. The Quay Developments Property (The Quay) shown on Schedules 3-D as Area 14 and on Schedule DH-2 as site 2 is located at the northwest corner of Brock Street and Ontario Street with frontage also on Princess Street. It is within the Central Business District designation shown on Schedule 3-A, within the area known as the Lower Princess Street Retail Area, and is also within the Lower Princess Street Heritage Character Area and View Planes shown on Schedule 9. The Quay Developments Property abuts the Market Square Heritage Conservation District shown on Schedule 9 and is located across Brock Street from City Hall Square.

It is the intent of this Plan to recognize that a balance must be achieved between the objectives of maintaining and enhancing the prominence of the historic City Hall building and its dome, and the surrounding City Hall Square, as a community focal point and landmark, and the objectives of reinforcing the district as a vibrant and vigorous commercial area, and strengthening the pedestrian links between the Lower Princess Street Retail Area and the waterfront. In recognition of the fact that the Quay Developments Property can contribute substantially to achieving these objectives of this Plan, this site specific policy has been provided to guide *development* based on the following principles.

a. Urban Context

The *development* of this prime downtown site is intended to encourage commercial activity and growth, and to enhance the urban fabric through its urban design response, massing and expression, with *development* of appropriate density and scale to include opportunities for retail, residential and commercial presence on this important site.

b. Urban Infill

The proposed *development* must provide continuous and *compatible infill* on all street frontages with particular emphasis to continuity through the corner of Ontario and Brock Streets. This *infill* will encourage pedestrian movement along Ontario Street, between Brock and Princess Streets, as well as along Brock Street, between Ontario and King Streets. In addition to retail activity, the building will ensure a continuation of activity at this central point along Ontario Street, by providing a harmonious composition with the massing and volume of buildings in surrounding blocks. The building must respect the existing character and scale of *infill* in the environs of Lower Princess Street and the Market Square District.

c. Historically Significant Expression

The Quay is intended to be designed to recognize the importance of *compatibility* with the surrounding built form. Compatibly coloured and textured materials, corner articulation and relief details are to be used.

d. Scale and Proportion

The building is to be appropriately scaled, and have delineation between its ground and upper floors. The 'parts' or elements of the building are to be composed into an arrangement with no one part overpowering the other. The building is to be articulated into different functions and massing, respecting surrounding building scales, with the building's massing, articulation and materials reflecting the surrounding neighbourhood expression.

e. Human Scale

The entire form of the Quay is intended to be *compatible* with the existing urban fabric by ensuring that the design of the *development* is appropriately broken down into a series of elements that relate to the existing architectural expression. The building components are to be oriented in response to the existing street pattern and orthogonal nature of surrounding *development*. The proposed *development* is to be designed with appropriate height to respect the general scale of buildings in the skyline as viewed from the water and the Causeway.

f. Urban Framework

The proposed *development* for the subject site is to be designed in response and sympathetic to its environs, but also as a distinct entity with the potential to contribute and influence in a positive manner adjacent elements and the overall character of the surrounding area.

g. Height

Heights in excess of six storeys may be permitted on the Quay land, subject to the completion of an urban design study to the satisfaction of Council, which supports the intent of the Official Plan and no Official Plan amendment is necessary to implement the study. The study results are to be:

- presented to the public and the public's views and opinions sought through at least one public meeting advertised and held

in the same manner as a public meeting concerning a municipally initiated amendment to the Official Plan;

- considered and approved by Council prior to the granting of any *Planning Act* approvals by the City for the *development* of the site; and

- used as a guideline document in the preparation and consideration of any related application for *development*.

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

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

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

a. single detached dwelling house is permitted in addition to the other uses permitted by the Arterial Commercial policies of this Plan, to be included in a separate zoning category;

b. the absence of piped municipal sewer services, *development* of permitted residential and commercial uses may proceed provided that the on-site servicing requirements of the Cataraqui Region Conservation Authority, the Ministry of the Environment and Climate Change and the KFL&A Public Health Unit are satisfied;

c. stormwater quality control measures, satisfactory to the Cataraqui Region Conservation Authority, the Ministry of Transportation, the appropriate railway and the City, are required for any new commercial *development*;

d. new commercial *developmen*t is subject to site plan control review;

e. any new buildings or additions to buildings are to be designed and located in a manner which complements the existing limestone building; and,

f. land severance may be granted provided that, in the absence of piped municipal sewer services, the minimum lot area and lot frontage for a single detached dwelling house is no less than 0.8 hectares and 60 metres respectively. A smaller lot area may be considered if such a reduced standard is acceptable to the Ministry of the Environment and Climate Change and/or the KFL&A Public Health Unit.

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

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

3.17.16. On the lands municipally known as 1875 Westbrook Road, shown on Schedule 3-D as Area 16, facilities (including land, buildings and structures) for the handling, receiving and temporary storage of liquid petroleum, waste products and non-hazardous solids is permitted provided that:

a. the facility is established and operated in accordance with the requirements and regulations of the Ministry of the Environment and Climate Change;

b. all waste transfer facilities are sited to minimize impact on adjacent uses and the natural environment;

c. a minimum buffer of 42.7 metres will be established between the waste transfer use and any non-industrial use, and will be maintained with suitable vegetation or berming to screen surrounding uses and roadways;

d. the maximum storage of liquid waste is limited to 68,100 litres;

e. the maximum contaminated solid storage is limited to 299 tonnes;

f. the temporary open storage of materials related to the decommissioning or cleaning of petroleum storage tanks is permitted; and,

g. a Holding provision to be employed in the zoning by-law will not be removed until a site *development* plan has been approved and any required securities paid, and an Environmental Compliance Approval for the operation of a waste transfer facility has been issued by the Ministry of the Environment and Climate Change.

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

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

3.17.17. **a. 2 – 6 Cataraqui Street**

Within the District Commercial designation shown on Schedule 3-A and located at 2-6 Cataraqui Street, and shown on Schedule 3-D as part of Area 17, it is the intent of this Plan to recognize the historic character of the Woolen Mill building, its waterfront site and its unique mix of land uses. The building houses a mix of land uses ranging from artisan workshops to businesses and professional

offices and a restaurant. It is the intent of this Plan to encourage the use of this old industrial building for a range of specialty type and incubator commercial, professional and business uses.

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

Should the commercial, professional and business uses within the building cease to be viable, it is the intent of this Plan to support the *development* of the lands for residential purposes which are to be located within the existing building as suitably altered within its heritage designation. The public trail along the waterfront areas of the site must be protected and developed for public purposes as part of any further *development* plans.

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

b. 8 Cataraqui Street

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

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

- that the historic Woolen Mill building retains its prominence on the Inner Harbour waterfront, especially as viewed from the water side and the LaSalle Causeway;

- that architecturally any proposed building(s) are *compatible* with the existing Woolen Mill building in materials and design elements;

- that the placement of any new buildings on the site considers ways to protect sight lines of the Great Cataraqui River/Rideau Canal; and,

- that the site design incorporates universal design and appropriate streetscaping treatment, including hard and soft landscaping elements, to enhance pedestrian and vehicular access to the City's downtown.

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

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

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

(Amended by By-Law Number 2017-57, OPA Number 50)

1150-1202 Division Street (86 Dalton Avenue), Schedule 3-D, SSP Number 18

3.17.18. The lands shown on Schedule 3-D as Area 18, located on the west side of Division Street between Dalton Avenue and the Canadian National Railway main rail line are designated Regional Commercial and Environmental Protection Area on Schedule 3-A. The *development* of these lands is subject to the Strategic Policy Direction of Section 2, as well as the Regional Commercial and the Environmental Protection Area land use policies of Section 3 of this Plan.

These lands are recognized for their importance in the continuing evolution of this section of Division Street into a substantial commercial node serving both the demand for highway service commercial uses for travelers of Highway 401, as well as providing commercial services for the adjacent residential areas. This site specific policy has been provided to guide *development* based on the following principles.

a. Urban Setting and Site Attributes

It is recognized that the subject property is located at the edge of an industrial area and is also adjacent to that portion of Division Street between John Counter Boulevard and Highway 401 that provides for highway service commercial use. The property is also subject to a number of land use constraints that will require consideration as part of the overall *development* of the lands.

It is the policy of this Plan that any *development* of this property considers all on-site and *adjacent land development* issues as a whole, including but not limited to the following:

- buffering from the impact of the CNR main rail line which abuts the southern edge of the property;
- consideration of the Hydro corridor which transects the property from northwest to southeast;
- marshes and ponds that are within the Environmental Protection Area designation, including *fish habitat*;
- buffering from adjacent industrial land use activity along Dalton Avenue;
- traffic flows into and out of the site, as well as automobile, transit, and pedestrian movement through the property; and,
- landscaping and tree planting for any new *development*, and the use of these to 'break up' any large parking areas.

b. Regional Commercial Retail Centre

In association with the comprehensive *development* established in (a) above, the commercial *development* of this site is as a 'Regional Commercial Retail Centre', which means a group of buildings or structures that are planned, designed, and developed as an entity, where the principal uses are related to both the commercial needs of the surrounding residential communities and the highway service commercial uses that serve the demand of travellers from Highway 401.

c. Permitted Uses

The permitted use of this property is as a 'Regional Commercial Retail Centre' including the following uses:

- regional commercial uses set out in Section 3.4.B of this Plan; and,

- arterial commercial uses set out in Section 3.4.E.7 of this Plan.

d. Implementation

It is the intent of this Plan that the policies of this Section be implemented by way of a site-specific zoning by-law amendment that would introduce a modified arterial commercial zone for the entire site, with the exception of lands to be zoned Environmental Protection Area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Barrett Court, Schedule 3-D, SSP Number 19

3.17.19. On the lands shown on Schedule 3-D as Area 19, the uses permitted include planned unit townhouse dwellings, stacked townhouse dwellings, and apartment dwellings. The permitted density must not exceed 60 units per net hectare. The maximum height in a high density residential area will be 14 storeys. The properties in SSP Number 19 are also subject to the policies of Section 10B.2.18 to 10B.2.20.

(Amended by By-Law Number 2013-98, OPA Number 16)

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Westbrook Meadows Seniors Apartment, Schedule 3-D, SSP Number 20

3.17.20. In the Westbrook Meadows subdivision, in addition to low density residential uses, a senior citizens apartment is permitted on Block 106 of Plan 13M-64, shown on Schedule 3-D as Area 20, provided that it does not exceed a density of 47 units per net hectare.

(Amended by By-Law Number 2017-57, OPA Number 50)

Dalton Avenue / Warne Crescent, Lot 6, Registered Plan 1921, Schedule 3-D, SSP Number 21

3.17.21. The lands shown on Schedule 3-D as Area 21 are designated Regional Commercial and Environmental Protection Area on Schedule 3-A. The development of these lands is subject to the general principles of Section 2 of this Plan, as well as the Regional Commercial and Environmental Protection Area Land Use policies of this Plan. This site is considered an extension of the arterial commercial uses which have evolved along Division Street, and is visible and easily accessed from Division Street and Highway 401.

It is recognized that the 5.3 hectare lot is located within an area of transition between commercial *development* to the east, and industrial uses to the west. Given the mix of existing uses in the vicinity, the site's visibility and easy access to Highway 401 and residential areas, commercial *development* is appropriate and *compatible* with the surrounding area. As the site is located in an area which is considered a gateway to the City from Highway 401, this site can contribute substantially to the City's presentation. This site specific policy has been provided to guide *development* based on the following principles:

a. Urban Setting and Site Attributes

It is recognized that the subject property is located between commercial *development* to the east and industrial uses to the west, and provides an area of transition. It is also in close proximity to both Division Street and Highway 401, providing for highway commercial uses. This site may also service the residential neighbourhoods to the east of the site, as well as the wider Kingston community.

It is the policy of this Plan that any *development* of this property must consider all on-site and adjacent land *development* issues as a whole, including but not limited to the following:

- In view of the opportunities created by the highly visible site, any proposed building design elements must be considered in relation to the Highway 401 profile and view, and provide for an appropriate building massing, façade treatment, signage, placement of loading spaces and garbage receptacles, and service lanes. A high degree of building and site design is to be provided.

- Landscaping and land use buffering provisions for the site are particularly important in relation to the property boundaries adjacent to Highway 401. Landscaping and tree plantings must also be provided to 'break-up' large parking areas.

- Traffic flows into and out of the site, as well as automobile, transit, and pedestrian movement through the property is to be provided.

- The area within the Environmental Protection Area designation is the East Branch of the Little Cataraqui Creek. Works in this vicinity are subject to all necessary Cataraqui Region Conservation Authority (CRCA) approvals, including approvals in relation to a potential crossing to provide access to the site.

This area must be maintained in a natural state, as much as feasible, and subject to review by the CRCA.

b. Permitted Uses

Within the site specific designation, the permitted uses may include hotels, motels, banquet halls, restaurants, fast food restaurants, take-out food outlets, an outdoor patio as an *accessory use* to a restaurant, *recreation* and entertainment uses, food stores, building supplies and hardware stores, furniture and home furnishings and decorating stores, retail warehouses, specialty retail stores, personal service shops and banks.

c. Implementation

It is intent of this Plan that the policies of this Section be implemented by way of a site specific modified Commercial Zone through a zoning by-law amendment, with the exception of lands zoned Environmental Protection Area.

(Amended by By-Law Number 2017-57, OPA Number 50)

North Block Central Business District, Schedule 3-D, SSP Number 22

3.17.22. The Official Plan recognizes the special status of the North Block Central Business District Area as an area in the city core which was assessed in the context of an urban design study, analyzing the potential for long term *intensification* and *development* of the subject four and a half city blocks. The area, shown on Schedule 3-D as Area 22, is currently underdeveloped, but does contain large areas of parking that serve the downtown and a number of commercial uses, such as grocery stores, that provide key anchors to the downtown, and support residents living in the area.

It is the policy of Council to encourage the *development* of lands within the North Block Site Specific Policy Area in accordance with the approved *development* framework established for the Central Business District policies of this Plan, to establish a general policy approach to guide the area's transition and gradual *intensification*, and to provide direction to the formulation and review of any proposed land use change and/or *development* proposal.

Existing policies support a mix of uses in the area, with a predominance of commercial uses on the ground floor. The following provisions are intended to guide the gradual *intensification* in the future:

a. With respect to building heights, the provisions of Section 10A apply, including the public meeting requirements, except that for

building heights in excess of 25.5 metres, an urban design study will be required to show that the *development* would not overshadow surrounding buildings, that it would be *compatible* with the scale and massing of buildings which provide the built form context of the surrounding areas, and that it satisfies all other Plan policies.

b. *Development* must strengthen pedestrian access by incorporating interlinking connections through and between the subject blocks, as well as outward from the area, with particular attention to improving connections towards Princess Street, and to including improved linkages to the proposed waterfront pathway on the harbour side of Ontario Street. In particular, a pedestrian connection will be sought to link Queen Street to Princess Street.

c. In order to encourage a more pedestrian friendly form of retail *development* along King Street, the ground floor building face may be set back from the sidewalk to allow for an arcade form of *development*, characterized by a covered pedestrian walkway with supporting columns.

d. Reduction of amenity space requirements as required in the Downtown and Harbour Zoning By-law may be considered, subject to the provision of alternate common amenity space, such as on rooftops, in internal courtyards, or mid-block walkways designed to improve pedestrian movement.

e. The waterfront views are to be maintained along the municipal rights-of-ways of Queen Street and The Tragically Hip Way as shown on Schedule 9.

f. As *development* takes place over time, the intent of these policies is to support the replacement of parking lots with above-grade parking structures, subject to the same build-to planes, minimum building height and minimum lot coverage provisions, as currently apply to other building forms in the area. Large structures such as a parking garage or a transportation terminal will be subject to design considerations in accordance with the policies of this Plan. Design considerations may include a façade treatment that will be harmonious with the intended massing and rhythm of design elements of the more traditional residential or office uses planned for the area.

g. Traffic studies and parking impact studies that examine circulation in the immediate area of a *development* proposal, and the on and off-site traffic impacts, are required for each *development* proposal.

h. Heritage buildings within the study area must be protected and *conserved* in accordance with Section 7, of this Plan, and deviations from this requires consultation with Heritage Kingston and approval of City Council.

i. Archaeological protection must take place, as set out in Section 7 of this Plan, and in accordance with the recommendations of the Stage One Archaeological Assessment included as Appendix C in the Urban Design Guidelines for the North Block Central Business District (2004).

j. This Official Plan sets out policies for fostering improved environmental quality and requiring site remediation of contaminated sites. The policies and the area subject to the *Community Improvement Plan* were updated in 2005, in order to start the implementation of Kingston's brownfields program. When proposing a change to a more sensitive land use, the owner must file a Record of Site Condition to demonstrate that the proposed land use is appropriate and in accordance with provincial legislation.

k. These parcels of land are subject to an 'H' Holding Symbol under Section 36 of the *Planning Act* and in accordance with the policies of Section 9 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

33, 37 and 41 Joseph Street, Schedule 3-D, SSP Number 23

3.17.23. The 0.69 hectare parcel of land municipally known as 33, 37 and 41 Joseph Street, and shown on Schedule 3-D as Area 23, is intended to be developed for residential or community facilities uses. The area may be developed exclusively as a residential use. However, a community facility may not occupy the whole property. It is the intent of this Plan that the lands develop in accordance with the following criteria:

a. *development* is to be *compatible* with the surrounding residential uses;

b. *development* must have regard for the existing industrial uses in the area and seek to minimize nuisances;

c. *development* of the Community Facility is limited to a small-scale use, the size of which is controlled through appropriate regulations in the implementing zoning by-law;

d. *development* of the *special needs facility* is limited to a maximum occupancy of 30 persons; and,

e. lands within this site specific policy may be zoned a Holding provision category in accordance with the provisions of the *Planning Act*, and Section 9 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Pt. Lots 1 & 2, Con. 3 Stephentown Creek Ltd., Schedule 3-D, SSP Number 24

3.17.24. Lands shown on Schedule 3-D as Area 24 may be developed in accordance with the following policies:

a. the lands may be used for a vacant land condominium containing a maximum of 25 detached dwellings. No severances of individual lots are permitted.

b. all servicing is provided by *individual on-site water and sewage services* on each condominium unit. Only one *residential unit* is permitted per condominium unit. Provisions are to be made to accommodate additional *individual on-site water and sewage services* at backup locations for use by individual condominium units.

c. communal water wells and communal sanitary septic systems are prohibited.

d. for flood protection purposes, no *development*, including the erecting of any dwelling, other structure, or any shoreline alteration, is permitted below the minimum elevation of 88.92 metre (Geodetic Survey of Canada Datum). Building openings and laneway access should be appropriately located where land is available. It is intended that existing buildings and structures located below the minimum elevation be removed or relocated if the site is redeveloped.

e. all construction must protect the shoreline, shoreline vegetation and *fish habitat* from damage or silting. Silt protection measures such as straw bales or fences are encouraged.

f. no in-water construction may occur during the period of March 15 to June 30 of any year, in order to protect the spawning *fish habitat*.

g. prior to changes to the existing dwellings, the owners must demonstrate that the *individual on-site water and sewage services* meet current standards.

NE Corner of Gardiners Road & Centennial Drive, Schedule 3-D, SSP Number 25

3.17.25. The predominant use of land in areas designated as Business Park Industrial on the north east corner of Gardiners Road and Centennial Drive, shown on Schedule 3-D as Area 25, are to be in accordance with the policies of Section 3.6.A and notwithstanding any provision to the contrary, land uses may include the following: hotels; warehouse; food services; *recreational* facilities; distribution facilities; retail uses not to exceed 3,000 square metres of gross floor area; and, new vehicle sales.

(Amended by By-Law Number 2017-57, OPA Number 50)

2185 Perth Road, Schedule 3-D, SSP Number 26

3.17.26. Despite other provisions of this Plan, in the area shown on Schedule 3-D as Area 26, located in Part Lots 25 and 26, Concession 5, lying west of Perth Road and north of Bur Brook Road, the lands must be developed in accordance with the following policies:

a. the uses permitted are those industrial uses which include an office associated with the industrial use, storage shed, equipment repair shop, contractor's yard, truck depot, weigh scale, scale house and outdoor storage;

b. the uses permitted do not require *municipal sewer and water services;*

c. no additional entrances are permitted accessing Perth Road from the lands designated Rural Industrial on Schedule 3-B;

(Amended by By-law Number 2015-173, OPA Number 38)

d. adequate screening from adjacent residential uses and roadways to minimize the visual and auditory impact of the permitted uses must be provided through the use of setbacks, and such buffering mechanisms as fencing and planting strips; and,

e. *development* is subject to site plan control review.

(Amended by By-Law Number 2017-57, OPA Number 50)

83 Terry Fox Drive, Schedule 3-D, SSP Number 27

3.17.27. It is recognized that 83 Terry Fox Drive, shown on Schedule 3-D as Area 27, is designated General Industrial. It is the intent of this Plan to also permit limited office uses on the site.

(Amended by By-Law Number 2017-57, OPA Number 50)

70-72 Cataraqui Street, Schedule 3-D, SSP Number 28

3.17.28. Within the District Commercial designation shown on Schedule 3-A, and located at 70-72 Cataraqui Street, shown on Schedule 3-D as Area 28, it is the intent of this Plan to allow a range of small-scale commercial uses including a veterinary clinic. It is the intent of this Plan to also support the *development* of the lands for residential purposes without an amendment to this Plan, but subject to a zoning by-law amendment, provided that the residential uses comply with the policies of the Inner Harbour Area Site Specific Policy (3.17.8), and the uses are demonstrated to be *compatible* with adjacent uses.

(Amended by By-Law Number 2017-57, OPA Number 50)

293 Division Street, Schedule 3-D, SSP Number 29

3.17.29. It is recognized that the 650 square metre parcel of land municipally known as 293 Division Street, shown on Schedule 3-D as Area 29, is located within a Residential designation. It is the policy of this Plan to permit limited office and neighbourhood commercial uses, in addition to the residential uses permitted within the Residential designation. It is the intent of this Plan that the lands develop in accordance with the following site specific policies, in addition to any other relevant policies of this Plan:

a. permitted commercial use includes a professional or business office, laundromat, and retail store or shop;

b. a building not exceeding 285 square metres is permitted; and,

c. permitted land uses are *compatible* with the surrounding residential uses.

(Amended by By-Law Number 2017-57, OPA Number 50)

1104-1110 Italia Lane, Schedule 3-D, SSP Number 30

3.17.30. Within the Rural Lands designation which applies to the land located at 1104 – 1110 Italia Lane, as shown on Schedule 3-D as Area 30, notwithstanding any provisions of this Plan to the contrary, the private lane, maintained by its owners, is considered to be of a reasonable standard of construction and constitutes sufficient access and provides frontage for the two existing single detached dwellings.

(Amended by By-Law Number 2017-57, OPA Number 50)

1709 Westbrook Rd., Schedule 3-D, SSP Number 31

3.17.31. Within the Waste Management Industrial designation which applies to the lands located at 1709 Westbrook Road, as shown on Schedule 3-D as

Area 31, a waste transfer facility for the receiving, handling and temporary storage of non-hazardous general construction and demolition waste is permitted. The waste transfer facility must comply with the policies of Section 3.6.C of this Plan. In the event that the property is not used for a waste transfer facility, the lands may be developed in accordance with the uses permitted in the site specific amending zoning by-law for the subject lands, and in compliance with the Rural Lands policies of Section 3.12 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

84 Stephen Street, Schedule 3-D, SSP Number 32

3.17.32. It is recognized that 84 Stephen Street, shown on Schedule 3-D as Area 32, is located within the Residential designation, however, the existing building was constructed as an office in 1968 and has historically been used as such. The site and building have been appropriately developed for office use and therefore, it is the policy of this Plan to permit professional office use within the existing building on this property. At the time this property is redeveloped, *development* is subject to the Residential designation policies.

(Amended by By-Law Number 2017-57, OPA Number 50)

3.17.33. (Deleted by By-Law Number 2015-125, OPA Number 36)

2069 Joyceville Road, Schedule 3-D, SSP Number 34

3.17.34. Notwithstanding the provisions of this Plan to the contrary, the lands located at 2069 Joyceville Road, shown on Schedule 3-D as Area 34, are limited to a compost finishing facility in accordance with the following policies:

a. adequate buffering in the form of distance separation, berming, planting or other suitable techniques or devices, must be provided between the compost finishing facility and any adjacent non-*compatible* uses, including adjacent roadways;

b. the compost finishing facility is to be established and operated in accordance with the requirements and regulations of the Ministry of the Environment and Climate Change; and,

c. once all, or a portion of the area used for compost finishing facility purposes ceases to be used for such purpose, no further use may be made of the area without the approval of the Minister of the Environment and Climate Change, in accordance with the *Environmental Protection Act* and relevant Ministry Guidelines, with respect to compost finishing facility and *sensitive land uses*.

In the event that the property is not used for a compost finishing facility, the lands may be developed in accordance with the Rural Industrial policies of Section 3.16 of this Plan, subject to an amending zoning by-law for the subject lands.

(Amended by By-Law Number 2017-57, OPA Number 50)

633 Fortune Crescent, Schedule 3-D, SSP Number 35

3.17.35. A bulk waste processing and transfer facility is permitted at 633 Fortune Crescent, shown on Schedule 3-D as Area 35, located in the Cataraqui Industrial Estates subdivision. The term 'facility' refers to buildings used for the receiving and handling of waste materials.

The general principles to be considered in the *development* and zoning of lands designated Waste Management Industrial – Site Specific Policy Area 35 are as follows:

a. the permitted uses of the Waste Management Industrial land use designation, as outlined in Section 3.6.C of this Plan are permitted in accordance with those policies;

b. waste transfer facilities are to be established and operated in accordance with the requirements and regulations of the Ministry of the Environment and Climate Change and/or applicable approval authority;

c. the rehabilitation of waste disposal, processing and/or transfer facilities must comply with all applicable policies and regulations;

d. waste transfer facilities are placed in a separate zone in the zoning by-law. A Holding Symbol will apply to the zone until an Environmental Compliance Approval for operation of a waste transfer facility has been issued by the Ministry of the Environment and Climate Change or applicable approval authority;

e. the maximum aggregate total of 100 tonnes per day of liquid and hazardous wastes will be accepted for processing and subsequent transfer; and,

f. the maximum aggregate total of 200 tonnes per day of municipal/commercial non-hazardous waste will be accepted for processing and transfer.

(Amended by By-Law Number 2017-57, OPA Number 50)

Queen Street Dock, Schedule 3-D, SSP Number 36

3.17.36. The former dock and appurtenant land base located at the foot of Queen Street east of Ontario Street, and shown on Schedule 3-D as Area 36, is recognized as a Site Specific Policy Area within the Downtown and Harbour Specific Policy Area. The Environmental Protection Area designation along the edge of the dock is shown on Schedule 3-A of this Plan in order to highlight the environmental elements of the shoreline in conjunction with the review of any *development* plans. This Plan recognizes that an approved land use and *development* framework for the Queen Street Dock was established as of October 28, 2003 by a site specific zoning approval. The City also recognizes its responsibility to permit the use and *development* of the dock and appurtenant land base in accordance with the approved zoning subject to Site Plan Control approval.

Should the intentions of the property owner be altered such that an amendment to this Plan and/or zoning by-law would be required prior to the issuance of any building permits by the City, the following alternative *development* policies shall apply:

a. the permitted uses shall include harbour and open spaces uses, and in addition, a hotel;

b. the *development* of buildings and structures shall be encouraged to locate closer to the land side of the property and be limited in extending on to the dock;

c. reservation of the dock area for open space and marine uses shall be encouraged;

d. any *development* proposal shall be designed to minimize any impact on the viewplanes of City Hall Square, to protect the waterfront view from the end of Queen Street, and to incorporate the waterfront pathway as shown on Schedules 5 and DH-3 of this Plan;

e. as part of an overall *development* proposal, the placement of fill at the end of Queen Street may be considered subject to the applicable environmental assessment policies of this Plan; and,

f. the orientation of the *development* concept and any building design shall recognize the activity intensity of the adjacent ferry dock and ferry navigation route.

(OMB Order Number PL100149 dated August 25, 2010)

(Amended by By-Law Number 2017-57, OPA Number 50)

1035 and portion of 1085 Gardiners Road, SSP Number 37

3.17.37. The lands located at 1035 Gardiners Road and the southerly portion of 1085 Gardiners Road, identified on Schedule 3-A of this Plan as being designated Business Park Industrial, are partly designated Business Park Industrial and partly designated General Industrial by this Plan, and are shown on Schedule 3-D as Area 37. The Business Park Industrial designation applies to the portion of the lands generally located within 90 metres of the front property line. The General Industrial designation applies to the portion of the lands generally located between the terminus of the Business Park Industrial designation and the rear lot line. In addition to the Business Park Industrial and the General Industrial permissions applicable to the property, for the lands located at 1035 Gardiners Road and a portion of 1085 Gardiners Road, permitted uses shall also include one (1) large-format home improvement retail warehouse store with accessory and ancillary uses, including an associated garden sales centre.

(Amended by By-Law Number 2017-57, OPA Number 50)

771 Montreal Street, SSP Number 38

3.17.38. The 0.13 hectare parcel of land shown on Schedule 3-D as Area 38 is intended to continue to be used for offices, training and counseling in addition to the uses permitted in the 'Residential' land use designation.

(Added by By-Law Number 2010-51, OPA Number 1)

(Amended by By-Law Number 2017-57, OPA Number 50)

Northwesterly Corner of Princess Street and Taylor-Kidd Boulevard, SSP Number 39

3.17.39. The 5.94 hectare parcel of land located on the northwesterly corner of Princess Street and Taylor-Kidd Boulevard, shown on Schedule 3-D as Area 39, is designated District Commercial. In addition to the District Commercial designation, the Corridor policies of Section 2.2.7 also apply.

The permitted uses are outlined in Section 3.4.D of this Plan, and also include a hotel, a motel, convention centre, and business or professional offices.

The property will be developed in accordance with all applicable policies of this Plan, including the policies of Section 3.4 and Section 3.4.D, as well as in accordance with the following additional policies:

a. an overall plan for the entire site must be developed in accordance with Section 8.10 of this Plan, and address access, *active transportation* and vehicular circulation, underground or structured

parking, landscaping and improvements to the streetscape that will enhance universal accessibility, amenities, and increased *sustainability* of the site;

b. mixed use *development* on the site is encouraged, and retail uses may account for up to 2,000 square metres of gross leasable area for the overall *development*;

c. buildings located adjacent to Princess Street may be up to a maximum of seven storeys high, provided the upper storeys are stepped back from the front wall of the building(s); and,

d. the height and location of buildings on the site that are not adjacent to Princess Street must be designed to ensure that any massing or shadow impact on abutting residential properties will be mitigated through setbacks, graduated height, and buffering.

(OMB Order Number PL100149 dated August 25, 2010)

(Amended by By-Law Number 2017-57, OPA Number 50)

Southwesterly Corner of Princess Street and Taylor-Kidd Boulevard, SSP Number 40

3.17.40. The 4.08 hectare parcel of land at the southwesterly corner of Princess Street and Taylor-Kidd Boulevard, shown on Schedule 3-D as Area 40, is designated District Commercial. In addition to the District Commercial designation, the Corridor policies of Section 2.2.7 also apply.

The permitted uses are outlined in Section 3.4.D of this Plan, and also include a hotel, a motel, a convention centre, and business or professional offices.

The property will be developed in accordance with all applicable policies of this Plan, including the policies of Section 3.4 and Section 3.4.D, as well as in accordance with the following additional policies:

a. an overall plan for the entire site must be developed in accordance with Section 8.10 of this Plan, and address access, *active transportation* and vehicular circulation, underground or structured parking, landscaping and improvements to the streetscape that will enhance universal accessibility, amenities, and increased *sustainability* of the site; and,

b. mixed use *development* on the site is encouraged, and retail uses may account for up to 2,000 square metres of gross leasable area for the overall *development*.

(OMB Order Number PL100149 dated August 25, 2010)

(Amended by By-Law Number 2017-57, OPA Number 50)

1371 Spooner Road, SSP Number 41

3.17.41. The portion of lands located at 1371 Spooner Road, designated 'Rural Lands' and shown on Schedule 3-D as Area 41 are limited to a single detached dwelling house use in accordance with the following policies:

a. that the intentional introduction of non-native plant species be prohibited due to the property's proximity to a provincially *significant wetland*, Collins Lake;

b. that the construction of the single detached dwelling be located closer to the northwest portion of the subject property to minimize any potential impact on the adjacent Environmental Protection Area designation;

c. that existing vegetation be preserved within the Site Specific Policy Area to buffer and complement the vegetation on the abutting Environmental Protection Area designation; and

d. access is to be provided by means of an unopened road allowance and the owner enter into an access agreement with the municipality.

(Amended by By-Law Number 2010-90, OPA Number 2)

(Amended by By-Law Number 2017-57, OPA Number 50)

1267 Princess Street to 1343 Princess Street, Schedule 3-D, SSP Number 42

3.17.42. The properties from 1267 Princess Street to 1343 Princess Street inclusive, are within the Arterial Commercial designation as shown on Schedule 3-A. The Plan recognizes that as these properties, shown on Schedule 3-D as Area 42, undergo a transition from low density residential use to arterial commercial uses, the following site specific policies shall guide the *development* of these lands:

a. uses on these properties shall include permitted arterial commercial and existing residential uses and small-scale service oriented office and financial services uses such as real estate, insurance, branch banks, medical and professional uses;

b. commercial uses will be limited to those uses which will be *compatible* with the residential character of the area;

c. a comprehensive program of land assembly will be encouraged;

d. any commercial *developments* are required to support the residential character of the area in terms of building design, landscaping, rear yard parking, and building location on the lot;

e. vehicular access to the area from Alexander Street will be prohibited;

f. the number of vehicular access points from Princess Street shall be minimized in the context of *development* and project design; and,

g. *development* will require the provision of adequate impact mitigation measures such as the provision of buffers, landscaping, site design, building arrangements and building design to ensure *compatibility* with any adjacent residential uses.

(Amended by By-Law Number 2010-199, OPA Number 3)

(Amended by By-Law Number 2017-57, OPA Number 50)

Pt. Lot 4, Con. 4, Geographic Township of Pittsburgh Duffe Lane Vacant Land Condominium, Schedule 3-D, SSP Number 43

3.17.43. Lands shown on Schedule 3-D as Area 43 may be developed in accordance with the following policies:

a. the lands may be used for a vacant land condominium containing a maximum of 14 detached dwellings. No severances of individual lots are permitted.

b. all servicing is provided by *individual on-site water and sewage services* on each condominium unit. Only one *residential unit* is permitted per condominium unit.

c. communal water wells and communal sanitary septic systems are prohibited.

d. for flood protection purposes, no *development*, including the erecting of any dwelling, other structure, or any shoreline alteration, is permitted within 30 metres of the floodplain elevation of 88.92 metres Geodetic Survey of Canada Datum (GSC). Building openings and laneway access should be appropriately located where land is available. It is intended that existing buildings and structures located below the minimum elevation be removed or relocated if the site is redeveloped.

e. no floor or exterior building opening, including floor drains, shall be located lower than 89.22 metres GSC.

f. all construction must protect the shoreline, shoreline vegetation and *fish habitat* from damage or silting. Silt protection measures such as straw bales or fences are encouraged.

g. no in-water construction may occur during the period of March 15 to June 30 of any year, in order to protect the spawning *fish habitat*.

h. prior to changes to the existing dwellings, the owners must demonstrate that the *individual on-site water and sewage services* meet current standards.

i. the site is part of the Rideau Canal World Heritage Site, National Historic Site and Canadian Heritage River and any *development* shall be consistent with the purpose of these designations.

j. prior to changes to the existing dwellings or *development*, the owners must demonstrate that the proposal has undergone a Heritage Impact Assessment and that the proposal is consistent with it.

k. prior to changes to the existing dwellings or *development*, the owners must demonstrate that the proposal is consistent with the recommendations of "An Archaeological Assessment (Stage 1) of the proposed severances Part Lot 4 Concession 4, Geographic Township of Pittsburgh, City of Kingston, County of Frontenac, Ontario" prepared by Nicolas R. Adams, CIF# P003-172-2007, dated February 12, 2008.

(Amended by By-Law Number 2010-226, OPA Number 7)

(Amended by By-Law Number 2017-57, OPA Number 50)

722, 730 & 766 John Counter Boulevard, Schedule 3-D, SSP Number 44

3.17.44. The property located at 722, 730 and 766 John Counter Boulevard, shown on Schedule 3-D as Area 44, is within the Residential designation, as shown on Schedule 3-A. It is the intent of this Plan to permit the existing limestone building, known as 730 John Counter Boulevard, to be used for a commercial school, in addition to the uses permitted within the Residential designation. Use of the existing building as a commercial school is subject to the following site specific policies:

a. operations associated with the commercial school shall not emit any noise, vibration, glare, fumes, odours, etc. which cause a nuisance or inconvenience within or outside of the premises and must be *compatible* with the surrounding residential buildings;

b. the commercial school will generate minimal traffic; and,

c. prior to re-use of the building from a commercial school to a residential dwelling, day care or other *sensitive* land use, the owner must file a Record of Site Condition to demonstrate that the change in use is appropriate and in accordance with provincial legislation.

(Amended by By-Law Number 2010-229, OPA Number 8)

(Amended by By-Law Number 2017-57, OPA Number 50)

369 Dalton Avenue Schedule 3-D, SSP Number 45

3.17.45. The property located on the east side of Sir John A. Macdonald Boulevard and north of Dalton Avenue is recognized as a unique gateway property that can contribute substantially to the City's presentation along the Highway 401 corridor. This property is designated as Business Park Industrial on Schedule 3-A of the Official Plan, and is shown on Schedule 3-D as Area 45.

In addition to the Business Park uses currently permitted, light industrial uses such as warehousing, wholesaling and technical training facility are only permitted in the building as existing on the date of the passing of this by-law. Future *development* of the property will only permit uses in the Business Park Industrial Designation and subject to the zoning by-law.

(Amended by By-Law Number 2011-107, OPA Number 9)

(Amended by By-Law Number 2017-57, OPA Number 50)

555 O'Connor Drive Schedule 3-D, SSP Number 46

3.17.46. On the lands located at 555 O'Connor Drive, shown on Schedule 3-D as Area 46, and designated as General Industrial, the permitted uses shall also include an accessory retail and accessory wholesale establishment for truck and trailer parts warehoused on the premises of up to 25% of the gross floor area of the warehouse building.

(Amended by By-Law Number 2011-123, OPA Number 11)

(Amended by By-Law Number 2017-57, OPA Number 50)

351 Select Drive Schedule 3-D, SSP Number 47

3.17.47. In addition to the uses permitted in Section 3.4.E.1, an indoor self-service storage facility will also be permitted on 351 Select Drive as shown on Schedule 3-D as Area 47. Self-service storage facilities will be limited to a single storey in height. The *development* will be oriented to the existing commercial context to the north and the buildings will be buffered from the residential uses to the south.

(Amended by By-Law Number 2012-125, OPA Number 14)

(Amended by By-Law Number 2015-82, OPA Number 29)

(Amended by By-Law Number 2017-57, OPA Number 50)

540 Montreal Street, Schedule 3-D, SSP Number 48

3.17.48. The property located on the northwest corner of Joseph Street and Montreal Street and municipally known as 540 Montreal Street, and shown on Schedule 3-D as Area 48, is recognized as a unique mix of *affordable* housing and administrative centre that combines residential, *special needs facility*, training and mentoring, and outreach services at one location.

In addition to the uses permitted in the 'Residential' land use designation, a clinic, a skills and trades training centre, an office use and a retail use subordinate to and associated with a *special needs facility* and/or combination *special needs facility* and residential use are permitted.

(Amended by By-Law Number 2013-16, OPA Number 18)

(Amended by By-Law Number 2017-57, OPA Number 50)

263 & 267 Weller Avenue, Schedule 3-D, SSP Number 49

3.17.49. On the lands shown on Schedule 3-D as Area 49 located at the north west corner of Weller Avenue and Compton Street and municipally known as 263 & 267 Weller Avenue and designated as Institutional, the permitted uses include administrative offices for an institutional organization, including a non-profit organization which provides healthcare, community and other social support services; and, neighbourhood commercial uses in accordance with Section 3.4.F up to a maximum of 25% of the gross floor area of the building(s).

(Added by By-Law Number 2013-169, OPA Number 23)

(Amended by By-Law Number 2017-57, OPA Number 50)

824 John Counter Boulevard, Schedule 3-D, SSP Number 50

3.17.50. On the lands located on the south side of John Counter Boulevard, between Elliott Avenue and Maple Street and municipally known as 824 John Counter Boulevard, as shown on Schedule 3-D as Area 50, the permitted uses shall also include an office use. The new use shall be limited to the existing building.

(Added by By-Law Number 2014-107, OPA Number 26)

(Amended by By-Law Number 2017-57, OPA Number 50)

493-497 Princess Street, 2 and 10 Creighton Street, 460-468 and 480 Princess Street and 327 University Avenue

3.17.51. The properties located at 495 Princess Street and 333 University Avenue are intended to each accommodate an 11 storey mixed-use building. The sites may be developed subject to the following:

a. A height map shall be introduced through the zoning by-law to define the form of the building traditionally addressed through angular plane requirements.

b. The policies in Section 10E of the Official Plan with respect to Angular Plane shall not apply to the properties located in Special Policy Area 51.

(OMB Order Number PL150371 dated December 8, 2017)

1350 Woodfield Crescent, Schedule 3-D, SSP Number 52

3.17.52. On the lands located on the north side of Princess Street, between Baxter Avenue to the west and the Collins Creek Wetland Complex to the east and municipally known as 1350 Woodfield Crescent, as shown on Schedule 3-D as Area 52, the minimum residential density shall be 22 residential units per net hectare.

(Added by By-Law Number 2015-175, OPA Number 39)

(Amended by By-Law Number 2017-57, OPA Number 50)

1110 and 1150 Gardiners Road, Schedule D, SSP Number 53

3.17.53. On the lands located southeast of the intersection of Gardiners Road and Cataraqui Woods Drive, and shown on Schedule 3-D as Area 53, permitted uses within the existing building located on the lands municipally known as 1150 Gardiners Road shall also include warehouse and distribution centre.

(Added by By-Law Number 2015-190, OPA Number 41)

(Amended by By-Law Number 2017-57, OPA Number 50)

621 & 623 King Street West, Schedule 3-D, SSP Number 54

3.17.54. Within the former Portsmouth Town Hall building located at 623 King Street West, shown on Schedule 3-D as Area 54, an office use shall also be permitted. This shall be limited in size to the existing building.

(Added by By-Law Number 2016-18, OPA Number 43)

(Amended by By-Law Number 2017-57, OPA Number 50)

2130 Isle of Man Lane, Schedule 3-D, SSP Number 55

3.17.55. On the lands located west of Gibraltar Road, east of the Rideau Canal, and known as Lot 6 in the Draft Plan of Subdivision (Hopkins Chitty Land Surveyors, November 13, 2015), as shown on Schedule 3-D as Area 55, property access shall be permitted by way of a registered right-of-way / easement from a public street.

(Added by By-law Number 2016-47, OPA Number 46)

(Amended by By-Law Number 2017-57, OPA Number 50)

23 Soccer Lane, Schedule 3-D, SSP Number 56

3.17.56. On the lands located north of Weller Avenue, east of Division Street, south of Benson Street, and known as 23 Soccer Lane, as shown on Schedule 3-D as Area 56, a Regional Commercial site shall be permitted with a land area of approximately 8 hectares and a maximum gross floor area of 20,000 square metres.

(Added by By-law Number 2016-114, OPA Number 48)

(Amended by By-Law Number 2017-57, OPA Number 50)

1572 Sunnyside Road, Schedule 3-D, SSP Number 57

3.17.57. On the lands located on the east side of Sunnyside Road, north of Highway 401 and south of Bur Brook Road and municipally known as 1572 Sunnyside Road, as shown on Schedule 3-D as Area 57, notwithstanding Sections 6.1.24 and 9.6.17, lot creation of a 2.82 hectare parcel within Natural Heritage 'A' and within a mineral aggregate reserve area and its 300 metre area of influence is permitted, subject to the approval of a consent application.

(Added by By-law Number 2016-201, OPA Number 51)

(Amended by By-Law Number 2017-57, OPA Number 50)

Lands formally known as 700 Gardiners Road, Schedule 3-D, SSP Number 58

3.17.58. The 40.75 hectare lands located on the south side of Taylor-Kidd Boulevard, east of Gardiners Road, and abutting a hydro corridor to the east, are identified as a Housing District on Schedule 2 and designated 'Residential', 'District Commercial' and 'Open Space' on Schedule 3, and are shown on Schedule 3-D as Area 58.

It is intended that the lands will be developed with a mix of uses, including high density residential; medium density residential; low density residential; commercial; a school; and open space. It is the intent of this

plan that the lands will be developed in accordance with the following site specific policies, in addition to any other relevant polices of this Plan.

Residential

The Urban Residential Density of lands within the Residential designation and zoned within the implementing zoning by-law for residential uses shall be a minimum of 45 residential units per net hectare.

High-density residential buildings are permitted to front onto the main north-south road on the west of the special policy area, being a local road, if adequate access can be provided for *active transportation* and vehicles to an Arterial or Collector Road, and demonstrated to the satisfaction of the City through technical studies.

High density residential projects are encouraged to be oriented towards public streets so as to contribute to the pedestrian environment and the overall character of development, experienced from within the public realm. The siting of high density residential uses must demonstrate compatibility as considered against the policies of Section 2.7 of this Plan. Further, the design of any high density residential development must address the urban design policies of Section 8 to ensure the built form of the development is compatible with that of adjacent land uses.

The design and location of any high density residential use should contribute to the enhancement of the pedestrian environment by: supporting the establishment of pedestrian linkages between different land uses thereby lessening local reliance on the private automobile; providing unconstrained and direct access to public transit stops; enhancing sightlines throughout the lands subject to these site-specific policies; and by incorporating infrastructure that will accommodate *active transportation*.

Schools

A secondary school is permitted within the Residential designation and is not required to have direct frontage onto an Arterial or Collector Road if adequate access is provided via Newport Avenue to Taylor-Kidd Boulevard.

Elementary schools are permitted in accordance with the policies of the Official Plan.

District Commercial

The intent of the District Commercial area is to serve the residents of the adjacent neighbourhood and wider community, promote community interaction by providing a visual identity from Taylor-Kidd Boulevard and

provide *active transportation* linkages to adjacent residential and open space areas.

As the main visual identity to the overall development within the site specific policy area, all proposed development within the District Commercial area is encouraged to be designed so that:

- Buildings are to be oriented towards public sidewalks and public streets to complement and enhance the streetscape character of the south side of Taylor-Kidd Boulevard west of the subject site. Buildings located internal to the property should be orientated towards internal sidewalks and streets. Buildings oriented interior to the commercial site should include glazing and architectural details in their façade design so there are no blank masonry walls facing a public street or residential properties to result in both a public and internal streetscape that is pedestrian friendly. Solitary buildings surrounded by large open spaces will be discouraged so as to enhance the pedestrian streetscape;

- Building façades oriented towards public streets shall incorporate significant design elements, such as portions of glazing, so as to improve the streetscape, with blank building facades strongly discouraged;

- Buildings façades are strongly defined and given individual yet compatible identities;

- Building heights are encouraged to be a minimum of two storeys;

- Parking shall be designed in such a manner as to support the site, rather than dominate the site;

- Appropriate building setbacks and arrangement are incorporated into the site design to ensure compatibility with any abutting residential designations or sensitive land uses and to minimize any adverse effects to such uses, as demonstrated against the policies of Section 2.7;

- Planting strips, landscaped traffic islands, and/or paving articulation ought to be used to define vehicle routes and smaller parking courts that provide pedestrian walkways, improve edge conditions, and minimize the negative impact of surface parking;

- Loading and service areas are screened from prominent public areas and adjacent residential areas;

- The site design will contribute to the enhancement of *active transportation* and in particular will place a priority on connections between the site and adjacent uses including the parkland south of the commercial area and high and medium density residential areas.

Mixed use buildings are encouraged within the District Commercial designation.

In accordance with policy 3.4.D.7 of the Plan, medium and high density residential uses are permitted as upper storey uses, above ground-floor commercial uses, or as independent buildings. In order to support the establishment of a mixed use community, being defined by these site specific policies, a minimum of 2,500 square metres of commercial uses shall be provided within the District Commercial designation.

As justified through market analyses, the combined maximum gross floor area for all commercial uses within the District Commercial designation must not exceed 10,700 square metres, as established in the implementing zoning by-law.

The commercial uses are encouraged to be developed as part of the initial stage of development on the District Commercial lands. If independent residential buildings are developed in advance of any commercial uses, it shall be demonstrated to the satisfaction of the City that the ability to maintain a functional, appropriately designed space for any future commercial building or mixed use building, will be maintained. The appropriateness of site design will take into account the policies of Section 8 of this Plan and any commercial design guidelines as may be established by the City.

Automobile sales and uses, gas stations and gas bars are prohibited in the District Commercial area.

New drive-through facilities within the District Commercial area must address the land use compatibility criteria of Section 2.7 of this Plan and shall be located and designed to ensure safe, efficient and comfortable movement of all modes of *active transportation* and achieve a streetscape with buildings and storefronts oriented to the street.

Parking

All parking areas for any commercial or high-density residential uses are to be landscaped, bermed or fenced where appropriate and constructed so as to prevent large expanses of paved areas. Parking should be screened from view and located in courtyards where possible or at the rear of buildings. Parking and loading facilities must be designed to

provide for safe and convenient vehicular and *active transportation* movement and should be designed with regard to pedestrian linkages.

Adjacent recreational trail

The City will explore opportunities for a recreational trail on the adjacent hydro corridor.

(Added by By-law Number 2017-45, OPA Number 52)

1645 Sydenham Road, Schedule 3-D, SSP Number 59

3.17.59. It is recognized that 1645 Sydenham Road is located in the Rural Industrial designation; however a 1.3 hectare portion of the site in the northeast corner has historically been used for retail. As such, within the rural Industrial designation which applies to the lands located at 1645 Sydenham Road, as shown on Schedule 3-D, a masonry/landscaping retail use is permitted, the area of which shall be limited through the implementing zoning by-law.

(Added by By-law Number 2017-30, OPA Number 54)

556 Princess Street, Schedule 3-D, SSP Number 60

3.17.60. On the lands located on the south side of Princess Street between Frontenac Street and Alfred Street and municipally known as 556 Princess Street, as shown on Schedule 3-D, notwithstanding Section 10E.1.35, all buildings/structures shall fit within a 70 degree angular plane taken from the rear property line. The rear angular plane will be further regulated in the implementing zoning by-law.

(Added by By-law Number 2017-37, OPA Number 55)

Clogg's Road Area, Schedule 3-D, SSP Number 61

3.17.61. On the lands located west of Gardiners Road and north of Creekford Road, shown on Schedule 3-D as Area 61, existing residential and agricultural uses are recognized as conforming to this Plan and may be recognized in the implementing zoning by-law.

(Added by By-Law Number 2017-57, OPA Number 50)

193 Resource Road, Schedule 3-D, SSP Number 62

3.17.62. For the property located at 193 Resource Road, indoor storage of equipment shall also be permitted.

(Added by By-Law Number 2017-139, OPA Number 56)

1201 McAdoo's Lane, Schedule 3-D, SSP Number 63

3.17.63. For the 6.1 hectare parcel of land located in the westerly portion of 1201 McAdoo's Lane, a rural industrial use may be permitted without the need for a private well. Water service is to be provided by way of an engineered drinking water system. Residential uses are prohibited.

(Added by By-Law Number 2018-59, OPA Number 60)

575, 579, 601, 605, 611 Princess Street & 510 Frontenac Street, Schedule 3-D, SSP Number 64

3.17.64. The properties located at 575, 579, 601, 605, 611 Princess Street & 510 Frontenac Street, shown on Schedule 3-D as Area 64 are intended to accommodate a 10 storey mixed-use building. The site may be developed subject to the following:

a. A height map shall be introduced through the zoning by-law to define the form of the building traditionally addressed through angular plane requirements.

b. The policies in Section 10E of the Official Plan with respect to Angular Plane shall not apply to the properties located in Special Policy Area 64.

c. Ground floor residential uses are permitted along Frontenac Street.

(LPAT Decision PL180674 dated February 13, 2019)

(Added by By-Law Number 2018-110, OPA Number 61)

652 Princess Street 662-670 Princess Street & 551 Victoria Street, Schedule 3-D, SSP Number 65

3.17.65. The properties located at 652 Princess Street, 662-670 Princess Street & 551 Victoria Street shown on Schedule 3-D as Area 65 are intended to accommodate a 10 storey mixed-use building and a standalone existing heritage building known as the former Carnovsky Bakery. The site may be developed subject to the following:

a. A height map shall be introduced through the zoning by-law to define the form of the building (including mechanical penthouse[s]) traditionally addressed through angular plane requirements;

b. The policies in Section 10E of the Official Plan with respect to angular plane shall not apply to the properties located in Special Policy Area 65; and

c. Commercial use(s) shall wrap the corners of Princess and Victoria Streets and Princess and Nelson Streets. In the remaining frontage

beyond the Princess/Victoria commercial wrap, ground floor residential uses are permitted along Victoria Street.

(Added by By-Law Number 2018-125, OPA Number 62)

18 Queen Street, 51-57 Queen Street and 282 Ontario Street

3.17.66. [Appealed]

484 Albert Street & 620 Princess Street, Schedule 3-D, SSP Number 68

3.17.68. [Repealed]

484 Albert Street & 620 Princess Street, Schedule 3-D, SSP Number 69

3.17.69. That the properties located at 484 Albert Street & 620 Princess Street, shown on Schedule 3-D as Site Specific Policy Area Number 69, are intended to accommodate the Kingston Youth Services Hub, which is a community centre comprised of, but not limited to, emergency, transitional and supportive housing, a drop-in centre, community hall, and restaurant. The site may be developed subject to the following:

a. A height map shall be introduced through the implementing zoning by-law to regulate the form of the buildings traditionally addressed through stepback, streetwall height and building height requirements.

b. The maximum permitted height shall be 6 storeys. The maximum permitted building height in metres shall be regulated through the implementing zoning by-law.

c. Given the specific heritage context of the site, the policies in Section 10E of the Official Plan with respect to minimum ground floor heights shall not apply to the properties located in Site Specific Policy Area Number 69. Minimum ground floor heights shall be regulated through the implementing zoning by-law.

d. Given the specific heritage context of the site, the policies in Section 10E of the Official Plan with respect to minimum streetwall heights shall not apply to the properties located in Site Specific Policy Area Number 69. Minimum streetwall heights shall be regulated through the implementing zoning by-law.

e. The existing site configuration limits the ability for typical setbacks from residential properties. The policies in Section 10E of the Official Plan with respect to setbacks to residential properties shall not apply to the properties located in Site Specific Policy Area

Number 69. Setbacks from residential properties will be regulated through the implementing zoning by-law.

f. The policies in Section 10E of the Official Plan with respect to stepbacks shall not apply to the properties located in Site Specific Policy Area Number 69. Stepbacks shall be regulated through the implementing zoning by-law.

(Added by By-Law Number 2021-129, OPA Number 76)

Section 4. Infrastructure & Transportation

The City's physical *infrastructure* includes: water and sewage plants and systems; stormwater management; solid waste management; regulation of *individual on-site water and sewage services*; and, utilities such as gas, telecommunications, and electricity.

Providing a system of universally designed pedestrian sidewalks, crosswalks and pathways, cycling routes, transit, roads and parking structures and facilities is part of the *infrastructure* that physically supports the City and the achievement of its objectives. The promotion of *active transportation* is also addressed.

These services and facilities, often referred to as the hard services, are the *infrastructure* necessary to allow the City to function safely and efficiently and to support opportunities for further *development*. The City will strive to provide an appropriate range of *infrastructure* at a reasonable cost.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To provide municipal *infrastructure* and co-ordinate utilities and private services in an orderly, environmentally sound, and fiscally prudent manner, in accordance with the policies of this Plan, so that reliable and safe service is provided to sustain the land use and *development* planned in the City for the term of this Plan. To increase sustainable means of travel and reduce reliance on the automobile, the City will promote a compact form of *development* within the *Urban Boundary* having a mix of uses that reduce the need for travel, and will also promote increased densities that are supportive of public transit. Increasing opportunities for *active transportation* and improving the maintenance of *active transportation* routes will increase usage, safety and access for all.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.1 General Policies

New Development

4.1.1. New *development* will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for *development* that exists in the same service area.

Capacity Limitations

4.1.2. Limitations in the capacity of service or utility systems or of the transportation system will be recognized as effectively constraining the timing of proposed *development.*

Development Charges

4.1.3. Development charges and impost fees are levied by the City to offset the costs associated with servicing new *development*.

Developer Responsibility

4.1.4. Developers are responsible for municipal services (including water, sanitary sewer and stormwater management), roads and other transportation rights-of-way or facilities within a plan of subdivision or condominium, or within a new *development* site until they are assumed by the City.

Shared Use of Corridors

4.1.5. The multiple use or shared use of service and utility corridors and rights-of-way by both public and private utility providers are encouraged to promote compact *development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Legislation & Regulations

4.1.6. The City must ensure that all public works are carried out in accordance with the *Environmental Protection Act*, Ministry of the Environment and Climate Change regulations, and any other applicable legislation, regulation or requirement.

(Amended by By-Law Number 2017-57, OPA Number 50)

Transportation Master Plan

4.1.7. The City intends to maintain a comprehensive Transportation Master Plan, which will project future needs for the City's transportation system.

Ministry of Transportation Permit Areas

4.1.8. In addition to all municipal requirements, a permit from the Ministry of Transportation (MTO) is required if a building structure, entrance, road or sign is proposed within the defined *controlled areas*. In addition, the MTO requires a municipality to obtain the consent of the Minister to open, close or divert any road entering upon or intersecting a *provincial highway*.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.2 Municipal Water and Sewage

The City is the provider and operator of *municipal water and sewage services* within the *Urban Boundary*, and the existing Cana *municipal water and sewage* system, and the existing areas on *partial services* outside the *Urban Boundary*. It is the City's intent to replace and upgrade older trunk services, expand the treatment capacity of existing water and sewage treatment plants, and extend *municipal water and sewage services* to areas of the City intended to accommodate growth. This must be done in an environmentally sound manner in accordance with the capital works budget. Schedule 6 shows water treatment plants, water storage facilities, water pollution control plants, major pumping stations, and the Cana municipal servicing area in Kingston Mills.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Water and Sewage Treatment

4.2.1. To accommodate the growth provided by this Plan, the Point Pleasant and King Street water treatment systems may be linked, and the expansion of both sewage treatment facilities may be necessary. The City will provide adequate buffers to minimize the impact of these plants on adjacent uses.

(Amended by By-Law Number 2017-57, OPA Number 50)

Sanitary Sewage Treatment

4.2.2. The City will undertake a level of sanitary sewage treatment to maintain acceptable water quality in Lake Ontario and the St. Lawrence River, and at the Cana municipal servicing area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Disposal of Biosolids or Sludge

4.2.3. Any site used for the disposal or drying of biosolids or sludge is subject to the applicable environmental regulations.

(Amended by By-Law Number 2017-57, OPA Number 50)

Separate Sanitary and Storm Sewers

4.2.4. The City will continue to separate, when feasible, sanitary and storm sewers in areas where combined sewers exist, and to co-ordinate, when possible, a sewer separation program with road reconstruction.

Pre-treatment

4.2.5. The City recommends that industries and institutions pre-treat sewage and requires that they dispose properly of chemicals or other hazardous waste in accordance with provincial legislation and regulations, and the municipality will work together with such users on abatement or disposal methods in order to protect the municipal sewage system and the environment.

(Amended by By-Law Number 2017-57, OPA Number 50)

Phased Servicing

4.2.6. All lands within the *Urban Boundary,* as well as the Future Development Areas on Schedule 2, are planned to have *municipal water and sanitary sewage services*. These services will be provided, in a phased manner, in accordance with the Order of Development policies in Section 2.

New Private Services Not Allowed in Urban Area

4.2.7. No new *development* based on *individual on-site water and sewage services* is permitted within the *Urban Boundary*. Replacements for existing wells or septic tanks are permitted if necessary.

Limited Individual On-Site Services

4.2.8. No new *individual on-site water and sewage services* are permitted on, or in, publicly-held land or rights-of-way within the *Urban Boundary*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Municipal Services Beyond Urban Boundary

4.2.9. Municipal services are not planned to be extended beyond the *Urban Boundary* as shown on Schedule 2 within the life of this Plan, unless warranted, following completion of the requirements of Sections 2.4.9 through 2.4.11 inclusive of this Plan.

4.2.10. Permitted *development* beyond the *Urban Boundary* and outside the Future Development Areas may generally proceed by means of *individual on-site water and sewage services* subject to Section 4.4 of this Plan.

Partial Services Within the Urban Boundary

4.2.11. Within the *Urban Boundary*, new *partial services* involving municipal water and *individual on-site sewage services* will be permitted only in areas where existing watermains have adequate distribution capacity and under the following circumstances:

a. for an existing lot of record where the City has determined that a connection is necessary due to health or environmental problems to address failed individual on-site sewage services and replace an existing *individual on-site water service*; or

b. to allow for minimal infilling and rounding out of existing developed areas, provided that:

- a lot service connection can be achieved without requiring a watermain extension and is designed in accordance with City Engineering Standards;
- site conditions are suitable for the long term provision of such services with no *negative impacts*; and,
- any *infill* severance activity is limited, and avoids creating a fragmented lot pattern or isolated lots or water service extensions that may jeopardize orderly future *development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Partial Services Outside the Urban Boundary

4.2.12. Outside the *Urban Boundary*, new *development* on *partial services* involving municipal water and an *individual on-site sewage service* will only be permitted in areas where existing watermains have adequate distribution capacity and only under the following circumstances:

a. for an existing lot of record where the City has determined that a connection is necessary due to health or environmental problems to replace an existing *individual on-site water service*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Public Works Permitted Outside the Urban Boundary

4.2.13. Outside the *Urban Boundary*, existing *municipal water services* and towers, the Cana municipal service area and the Ravensview Waste Water Treatment Plant are recognized by this Plan and any public works that are required to maintain these systems are permitted.

(Amended by By-Law Number 2017-57, OPA Number 50)

Septage

4.2.14 Subject to the servicing hierarchy outlined in the Provincial Policy Statement, the City may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or

private communal sewage services and private communal water services. The determination of reserve servicing capacity required for lot creation shall include confirmation of treatment capacity for hauled sewage from private communal sewage services and for *individual on-site sewage services*.

(Added by By-Law Number 2017-57, OPA Number 50)

Ravensview Waste Water Treatment Plant

4.2.15. The Ravensview Waste Water Treatment Plant is located within the St. Lawrence community and must be considered in relation to the following policies:

a. new *development* must maintain adequate separation distances from the sewage treatment plant and waste stabilization ponds;

b. the servicing plan must identify the impact of the new *development* on the Ravensview Waste Water Treatment Plant in terms of the plant capacity; and,

c. the operation of the plant and any required upgrades or expansions must be protected from the impacts of any new residential *development* by establishing and maintaining a separation distance measured from the boundary of any new *development,* to the boundary of the treatment plant property, including the adjacent City-owned lands.

(Added by By-Law Number 2017-57, OPA Number 50)

Servicing Constraints

4.2.16. *Planning Act* applications for a new residential unit(s) on municipal water and/or wastewater that are located in a “Known Servicing Constraint” or a “Potential Servicing Constraint”, as identified on Schedule 11-C, must demonstrate, to the satisfaction of the City and Utilities Kingston, the adequacy of water and wastewater servicing capacity, and the suitability of the property or configuration of the *development* to ensure the protection of public health and safety.

(Added by By-Law Number 2019-86, OPA Number 65)

4.3 Stormwater Management

Stormwater management controls the quantity and quality of surface runoff, which reduces the difference in runoff before and after *development*. This is critical to protecting Kingston’s *natural heritage system* and ground water and surface water resources, and avoiding natural hazards of flooding and erosion. Stormwater quality control focuses on removing sediment and pollutants from the stormwater before it

leaves the *development* site, since sediments and pollutants may have a wide array of *negative impacts* to the receiving water body.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Purpose

4.3.1. Stormwater management techniques must be used in the design and construction of all new *development* to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the *negative impacts* of *development* on the downstream receiving water bodies, the aquatic environment, and *fish habitat.*

(Amended by By-Law Number 2017-57, OPA Number 50)

Levels of Stormwater Management

4.3.2. There are three levels at which stormwater management can be considered:

a. a *watershed* plan, for any *watersheds* shown on Schedule 6, providing overall management objectives and targets which can be incorporated into this Plan;

b. a master drainage plan prepared on a subwatershed basis and incorporated into secondary plans or amendments to this Plan; and,

c. a stormwater management report prepared for each residential subdivision, or in support of a commercial/industrial/institutional site plan. It is the basis for detailed construction plans for control facilities and best management techniques.

Objectives

4.3.3. The City requires that stormwater management be adequately studied and appropriately addressed in any *development* proposal in order to:

a. ensure flood elevation or velocities upstream or downstream to the receiving waterbody are not increased, or are properly mitigated;

b. maintain base flow in receiving watercourses;

c. ensure erosion is not increased and sediment is not increased in the water column or the bed of the receiving waterbody during and after construction;

d. meet water quantity flow targets and water quality sediment, nutrient, bacterial, chemical and temperature targets, where identified;

e. ensure *fish habitat, wetlands* or other environmental features are not degraded; and,

f. increase, where possible, groundwater recharge in a manner that will not contaminate the resource.

4.3.3.1 The development of naturalized stormwater management facilities, constructed with gentle slopes is promoted, and should be designed in accordance with the Ministry of the Environment and Climate Change guidelines.

(Added by By-Law Number 2017-57, OPA Number 50)

Quality and Quantity of Water

4.3.4. For urban *infill development* projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the *quality and quantity of water*. Proponents must endeavour to improve the management of stormwater from the existing *development* areas.

4.3.4.1 Development proposals of 5 or more lots or resort/condominium development in unserviced waterfront areas must be supported with a Surface Water Impact Study prepared to the satisfaction of the City. The study must demonstrate how water quality protection will be achieved by the development. At a minimum, the study shall take into consideration the existing water quality of the waterbody, surface water run-off, type of soils, stormwater management and nature of vegetation, and the intent of the “ribbon of life” policies set out in this Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

Provincial Highways

4.3.5 For *development* that is located adjacent to or in the vicinity of a *provincial highway* where drainage would impact the highway downstream, the stormwater management report must be reviewed and approved by the Ministry of Transportation.

(Added by By-Law Number 2017-57, OPA Number 50)

4.4 Individual On-Site Services

Development beyond the *Urban Boundary* and outside the Future Development Areas will be primarily based on private wells and private septic systems, referred to as

individual on-site water and sewage services, and will only be permitted if conditions are adequate to support such systems for the long term with no *negative impacts*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Groundwater Supply Assessment

4.4.1. A Groundwater Supply Assessment in accordance with Ministry of the Environment and Climate Change guidelines and the City's standards for Hydrogeological Assessments will be required for any *development* that is proposed for an area without municipal services.

(Amended by By-Law Number 2017-57, OPA Number 50)

Groundwater Constraints

4.4.2. Broad areas outside the *Urban Boundary* have constraints to *development* on *individual on-site water and sewage services*, due to issues including limited well yields, high mineral levels and susceptibility to groundwater contamination. Groundwater constraint mapping is shown in Schedule 11-A, Schedule 11-B, and Appendix B. *Development* may be limited in areas shown on Schedule 11-A, Schedule 11-B, and Appendix B with moderate to very high sensitivity for groundwater, pending the results of applicable studies.

(Amended by By-Law Number 2017-57, OPA Number 50)

Hydrogeological Study Required

4.4.3. The City may request that a hydrogeological study be undertaken in any location and will provide guidance on the scope of the study. The hydrogeological study must be submitted to the City for approval and must satisfy provincial regulations, guidelines and municipal policies, as amended. Where a property has been identified with more than one level of constraint due to groundwater sensitivity, the more stringent level must apply.

(Amended by By-Law Number 2017-57, OPA Number 50)

Terrain Suitability

4.4.4. A terrain analysis report for on-site wastewater treatment may also be required prior to the approval of any *development* application.

4.5 Utilities

Kingston Hydro provides electric services, and Utilities Kingston provides gas services to the former City and portions of the former Township of Pittsburgh. Fibre optic services are provided by Utilities Kingston throughout the municipality. The balance of

the former Townships of Pittsburgh and Kingston are provided with utilities from Hydro One Networks Inc., Eastern Ontario Power Inc. and Union Gas. Also, private companies provide telecommunication services, including telephone, internet, fibre optic, cable and satellite television services.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

City Provision

4.5.1. The City will provide utilities under its direct jurisdiction to new *development* in a timely and cost-effective manner that considers the impacts from climate change, and will co-ordinate their installation and improvement with providers of other utilities or telecommunications *infrastructure* where possible as determined by Utilities Kingston.

(Amended by By-Law Number 2017-57, OPA Number 50)

Underground Installation

4.5.2. For new *development*, the City will encourage the underground installation of facilities at the expense of the proponent where feasible, and will strive to minimize the impact of transmission lines, towers or other structures.

(Amended by By-Law Number 2017-57, OPA Number 50)

Energy Generation

4.5.3. Energy generation is addressed in Section 6.2 of this Plan.

4.6 Transportation

The transportation system consists of many modes of travel (including pedestrian modes, cycling, buses, rail, air, ferry, cars and trucks) and provides for the safe, efficient, and convenient movement of people and goods throughout the City, and between the City and more distant destinations. The City is committed to promoting transportation choices that increase efficiency of travel, reduce energy consumption and pollution, promote health, enhance the *sustainability* of the City, and decrease reliance on the automobile. A strong relationship exists between the transportation system and the various forms of *development* within the community. In order to accommodate future *development* in accordance with this Plan, future road widenings as set out in Table 1 will be protected, existing *infrastructure* will be improved, and multi-modal means of transportation are supported. *Active transportation* is encouraged for all residents, young and old.

The expansion of the City's transportation system will be carried out in a systematic, logical and timely fashion to maximize the use of new facilities and minimize associated costs and disruption.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To promote an integrated and diverse transportation system for the City through the encouragement of land use patterns, density, road and site design that supports walking, cycling, and transit, as well as commercial traffic, inter-regional travel, and private vehicles. It is the intent of the transportation policies that the system is safe, convenient, affordable, efficient and energy-conserving, while minimizing environmental impacts. This will ensure that community resources are accessible to all residents and the City's health and *sustainability* are fostered.

Policies:

Strategic Direction

4.6.1. As described in Section 2.5.11 of this Plan, the City intends to foster *sustainability* within the community and to reduce reliance on the automobile by satisfying travel demand through the efficient use of the existing *infrastructure*, and by providing the facilities and services to encourage walking, cycling and transit as priority universally accessed modes of travel, before expanding the City's road *infrastructure*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Transportation Demand Management

4.6.2. The City recognizes the role of *transportation demand management* in promoting its Strategic Direction by making vehicular travel more sustainable, making more efficient use of the existing transportation *infrastructure*, and increasing transit use. Measures such as flexible work hours, and priority parking for car pool vehicles, can help to reduce peak travel volumes, which then optimize traffic capacity on the existing road *infrastructure*.

Pedestrian Facilities

4.6.3. The reconstruction of existing roads and the construction of new roads within *settlement areas* are to include safe, convenient and accessible pedestrian facilities, such as sidewalks, corner ramps, pedestrian signals and crosswalks of universal design. The enhancement of roadways, sidewalks, sidewalk safety barriers, and transit facilities to maximize mobility and access for all will be required in all construction and reconstruction projects.

(Amended by By-Law Number 2017-57, OPA Number 50)

Sidewalks Required

4.6.4. On new roads and on reconstructed roads, sidewalks are to be provided where feasible on both sides of urban arterial and collector roads running adjacent to developed lands and on local streets near schools, bus stops, and land uses that are major pedestrian trip generators. On new or reconstructed local roads, sidewalks must be installed on at least one side of the road. Sidewalk safety barriers on structures such as bridges are recommended.

(Amended by By-Law Number 2017-57, OPA Number 50)

Improved Connections

4.6.5. Sidewalks and *active transportation* pathways must be designed to provide direct access from the interior of neighbourhoods to transit locations, and to connect commercial properties in order to encourage *active transportation*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Pedestrian Friendly Streetscapes

4.6.6. The City supports the development of convenient, accessible and appealing streetscapes through such measures as providing wide sidewalks, street furniture, trees and amenities, including convenient transit stops.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.7. The City supports the location of street front retail and personal service shops adjacent to the sidewalk in commercial areas.

4.6.8. Improving connections between schools, *recreational* facilities, shopping areas, and *Employment Areas* is promoted.

(Amended by By-Law Number 2017-57, OPA Number 50)

Cycling Routes and Pathways

4.6.9. It is the intent of the City to designate and develop bicycle routes and *active transportation* pathways on City streets, along off-street trails, and throughout public open space areas to encourage cyclists to travel within the City. The City will consider bicycle lanes in the planning of arterial and collector roads. Such routes and pathways will be generally developed using the broad framework of routes shown on Schedule 5, and on the basis of the following principles:

a. the route system is continuous, well-signed and clearly defined to the public;

b. the route system provides links between major activity areas to encourage usage;

c. the system is designed to minimize conflicts between vehicular and *active transportation* facilities;

d. access points to any off-street pathway system are well-marked and clearly visible;

e. any cycling facilities are designed with regard to safety, emergency access, and maintenance functions; and,

f. any proposals for crossings of *provincial highways* require the prior approval of the Ministry of Transportation (MTO), and trails along an MTO right-of-way are not permitted.

(Amended by By-Law Number 2017-57, OPA Number 50)

Active Transportation and Transit – Intermodal Improvements

4.6.10. Improving connections between *active transportation* and transit will be required through such means as improved pedestrian amenities, connected on and off street cycling routes, bicycle storage, improved transit routing and amenities, and such site plan control matters as locating building entrances near sidewalks and transit stops, and providing weather protection for people using all modes of travel including transit users.

(Amended by By-Law Number 2017-57, OPA Number 50)

Transportation Impact Study Requirements

4.6.11. The City may require the proponent of any *development* to prepare a traffic impact analysis or a transportation study to the satisfaction of the City to address the requirements of Sections 4.6.1 through 4.6.10, and to assess the influence of *development* on *active transportation* movement, vehicular flows and traffic volumes, and *transportation demand management*. Any such analyses will assess the impact of the proposal on the roadways and, if needed, will recommend improvements necessary to accommodate the proposal, to discourage excessive through traffic, provide traffic calming measures, and maintain satisfactory service levels for all modes of transportation on public streets. The City may determine that such analyses may be subject to a peer review at the cost of the proponent. In addition, the Ministry of Transportation may require a property owner and/or the City to undertake, at their cost, a traffic impact analysis and subsequently the design and construction of warranted highway improvements related to a proposed *development*, as a requirement for the issuance of Ministry permits.

(Amended by By-Law Number 2017-57, OPA Number 50)

Supports for Cycling

4.6.12. The City supports the integration of cycling and transit with the Rack'n'Roll program (which transports bicycles on buses), including the provision of adequate, sheltered and secure bicycle parking at main commercial, employment and institutional *developments.*

(Amended by By-Law Number 2017-57, OPA Number 50)

Inter-modal Coordination

4.6.13. The City supports improvements to an inter-modal transportation system to facilitate the integration of rail, inter-City bus, taxi, airports, *marine facilities*, municipal transit service, park'n'ride facilities and active modes of travel.

(Amended by By-Law Number 2017-57, OPA Number 50)

Transit

4.6.14. The City supports increased transit use by providing full-service, accessible transit, comprising high-frequency peak period service and extended off-peak service.

Traffic Flow Controls

4.6.15. Traffic flows will be controlled within residential, shopping and *employment areas*, as well as in other areas of high *active transportation* volume, through traffic management, traffic calming, design features, and other techniques. The following additional policies pertain to traffic calming:

a. traffic calming measures will be used to increase the level of safety and convenience for all users and to improve the surrounding environment by reducing the speed of motorized traffic and reducing the volume of through traffic;

b. the need for traffic calming measures is determined by the City based on factors such as vehicle speeds, traffic volumes that include *active transportation* and vehicles, collision history and presence of school zones; and,

c. traffic calming measures may include but are not limited to speed humps, raised crosswalks, curb extensions, driver feedback speed signs, mini-roundabouts, sidewalk connections, cycling lanes, median islands and on-street parking.

(Amended by By-Law Number 2017-57, OPA Number 50)

Road Standards, Design & Implementation

4.6.16. The road network is a key component of the transportation system. It is organized into the following hierarchy, which is shown on Schedule 4:

a. Freeways:

- serve high volumes of long distance, inter-urban traffic;
- have higher speed limits;
- have limited access locations; and,
- provide no direct access to abutting properties.

b. Arterial Roads:

- serve relatively high volumes of intra-urban traffic at medium to moderately high speeds;
- link freeways to collector roads;
- have limited access from abutting properties; and,
- may have restrictions on stopping, parking and loading during peak hours.

c. Collector Roads:

- serve medium volumes of intra-urban traffic at low to medium speeds;
- link freeways and arterial roads to the local road system;
- permit full access to abutting properties; and,
- have few parking restrictions during peak hours.

d. Local Roads:

- serve low volumes of traffic at low speeds;
- provide access to collector road system from properties;
- permit full access to abutting properties, subject to driveway regulations; and,
- have few parking restrictions during peak hours.

e. Unopened Road Allowances:

The road network also includes road allowances, highways, streets or lanes that have not been opened and assumed by the City for public use. The City is not obligated to open them for public use or make improvements to accommodate public access.

(Amended by By-Law Number 2017-57, OPA Number 50)

Protection of Road Allowances

4.6.17. The City's network of road allowances, including open roads, unopened road allowances, and laneways, is an important public asset and will be protected for future use.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.17.1 Planned road allowance widths are indicated on Table 1 for new roads and for existing roads, where widening is planned. Adequate road allowances must be protected to meet future needs.

(Amended by By-Law Number 2017-57, OPA Number 50)

Table 1
Official Plan Road Widenings

Designated Road	From	To	Designated Width
Abbey Dawn Rd	Entire Length		20m
Best Chase Rd	South of C.N.R.		20m
Boundary Rd	South of 6th Concession		20m
Butternut Creek Rd	Entire Length		20m
Canal Dr	Entire Length		20m
Caughey's Rd	Entire Length		20m
Dane Rd	Entire Length		20m
Gore Rd	Cataraqui River	Gore Lot 3	36.5m
Jarvis Rd	Entire Length		20m
Jenson Rd	Entire Length		20m
Leo Lake Rd	Entire Length		20m
McCarey Rd	Entire Length		20m
McCarthy Rd	Entire Length		20m
McClements Rd	Entire Length		20m
McKendry Rd	Entire Length		20m
Mundell Rd	Entire Length		20m
Murray's Rd	Entire Length		20m

Table 1 Official Plan Road Widenings			
Kingston Rd 2 (Hwy 2)	Cataraqui River	Treasure Island	36.5m
Kingston Rd 2 (Hwy 2)	Treasure Island	Easterly City Boundary	30.5m
Kingston Rd 12 (Sunbury Rd)	Hwy 15	Easterly City Boundary	30.5m
Kingston Rd 13 (Sand Hill Rd)	Hwy 15	Easterly City Boundary	30.5m
Kingston Rd 14 (Middle Rd)	Kingston Rd 15	Kingston Rd 2	30.5m
Kingston Rd 15 (Hwy 15)	Kingston Rd 2	Hwy 401	36.5m
Kingston Rd 16 (Joyceville Rd)	Highway 2	Hwy 15	30.5m
Kingston Rd 21 (Kingston Mills Rd)	Rideau Canal	Hwy 15	30.5m
Bath Rd	Entire Length		42m
Sir John A. Macdonald Bv	King St	Princess St	36.6m
Sir John A. Macdonald Bv	Princess St	John Counter Blvd	29.0 – 40m
Sir John A. Macdonald Bv	John Counter Bv	Hwy 401	41.5 – 95.0m
Brock St	Alfred St	Sir John A. Macdonald Bv	20.1m
Concession St	West Bound Leroy Grant Dr	Princess St	39.6m
John Counter Bv	Elliott Ave	Division St	25 – 35 m
John Counter Bv	Division St	Princess St	30.5m
Division St	Concession St	John Counter Bv	26.2m
Division St	John Counter Bv	Hwy 401	45.7m
Johnson St	Palace Rd	Portsmouth Ave	26.2m
King St West	Portsmouth Av	Little Cataraqui Creek	26.2m
Montreal St	Railway St	Hwy 401	30.5m
Princess St	Lake Ontario	Westerly Limit of City	20 – 25m
Dalton Ave	Division St	Binnington Ct	30.5m
St. Remy Pl	Dalton Av	Termination	20m
Midland Av	Gardiners Rd	Princess St	30m
Montreal St	Stephen St	Railway St	26.2m
Palace Rd	Johnson St	Bath Rd	20.1m

Table 1 Official Plan Road Widenings			
Portsmouth Av	King St West	Bath Rd	26.2m
Portsmouth Av	Bath Rd	John Counter Bv	20.1m
Queen Mary Rd	Johnson St	Bath Rd	26.2m
Union St	King St West	Barrie St	20.1m
Arterial streets, not listed above			25 – 35 m
Collector streets, not listed above			20 – 25m
Local streets			20.0m
Other streets			20.0m

(Amended by By-Law Number 2013-98, OPA Number 16)

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.17.2 The City will consider the following criteria in determining whether a road allowance should be retained:

a. Continuous corridors that have not been compromised;

b. Road allowances containing transportation and utility *infrastructure*;

c. Road allowances that form part of a boundary between the City of Kingston and its neighbouring municipalities;

d. Road allowances in Natural Heritage “A” Features or Areas;

e. Road allowances that provide access to open space, parkland, pathways or shorelines;

f. *Cultural heritage resources*;

g. Road allowances that provide an unimpeded view of the water;

h. Road allowances leading to water; and,

i. Public interest.

(Added by By-Law Number 2017-57, OPA Number 50)

Road Widenings

4.6.18. Additional widening beyond that shown in Table 1 may be required in the following circumstances:

a. on approaches to major intersections, as required for channelization, extra turning lanes, or traffic control devices, an additional 20 metres of width for that portion of the road allowance within 60 metres of the intersection;

b. at major intersections to provide for a 30 metre daylight triangle;

c. along arterial roads to accommodate auxiliary turning lanes for sites which are high traffic generators;

d. for transit priority lanes; and,

e. in proximity to bridges or grade separations.

Acquisition of Road Widenings

4.6.19. Where additional road widening is required to meet the future needs of this Plan, the City will strive to acquire equal amounts of land on each side of the existing road allowance, wherever feasible. It may be necessary for more than half of the widening to occur on one side of the road due to topography, existing or proposed *development*, *infrastructure*, or other constraints.

4.6.20. Road widenings and new road allowances will be obtained in accordance with the *Planning Act* and this Plan in a fair, equitable and reasonable manner. Where *provincial highways* are affected, consultation with the Ministry of Transportation is required.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.21. The City may require the extension of a road or the dedication of additional road allowance width in accordance with Table 1 as a condition of approval of a consent, plan of subdivision or condominium, or site plan control review.

(Amended by By-Law Number 2017-57, OPA Number 50)

Standard Road Allowance Width

4.6.22. In general, a 20 metre road allowance width is required for emergency vehicle access, snow storage, landscaped boulevards, vehicle parking, transit, and facilities for *active transportation*, including amenities such as street furniture (e.g., benches, bus shelters, etc.). The road allowance width must also be sufficient to provide for the required utilities, including but not limited to water, sewers, gas, and communication. Therefore, it is the City's standard policy to recommend a 20 metre road allowance width for new roads. There may be justified circumstances where a reduced road allowance width is appropriate and will accommodate all required features. The City will review requests for a reduced width on a case-by-

case basis when the request is substantiated by supporting information to the satisfaction of the City. A lesser width may be approved by Council in new subdivisions without an amendment to this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Barriefield

4.6.23. The minimum road allowance width in the historic Barriefield community will be 12 metres.

(Amended by By-Law Number 2017-57, OPA Number 50)

Future Development

4.6.24. *Development* that could interfere with a proposed road widening, transit *infrastructure*, or dedication of a future road allowance that is specified in this Plan will not be supported by the City and will be prevented wherever possible.

(Amended by By-Law Number 2017-57, OPA Number 50)

Dedication of Widenings

4.6.25. New *development* requiring planning approval by the City will be requested:

a. to dedicate, at no cost to the City, the full width of any proposed road widening or future road allowance;

b. to provide for adequate *active transportation*, transit and vehicular linkages to the transportation system; and,

c. to design sites and buildings to accommodate the components of the transportation system that affect the site, in accordance with the *Planning Act* and other tools that the City may deem appropriate, including acquisition or other forms of compensation.

(Amended by By-Law Number 2017-57, OPA Number 50)

Development Agreements

4.6.26. As a condition of *development* approval (to be formalized in a written agreement with the City), a *development* proponent may be required to construct, alter, improve or repair roads and intersections at the proponent's expense or as a shared expense with the City, or as an expense shared with adjacent property owners.

Street Trees

4.6.27. *Development* proponents may also be required to provide trees in the street boulevard, or in other locations as approved by the City, as a condition of *development* approval.

Street Landscaping

4.6.28. The City will augment its program of landscaping and street tree planting and replacement in many parts of the City to enhance the streetscape, particularly within the *Urban Boundary*.

Site Reduction Due to Widening

4.6.29. Where the size of a property has been reduced due to a required road widening or improvement, the City may recognize the property as continuing to meet the standards of the zoning by-law through approval of a minor variance or rezoning, or as provided for in the general provisions of the applicable zoning by-law.

Arterial Roads

4.6.30. The City will protect the carrying capacity of arterial roads by:

a. restricting the number of intersecting streets and driveways;

b. encouraging internal access between adjacent commercial and/or residential *development* so as to limit the number of required road access points and encouraging a shared driveway access;

c. controlling access locations by means of a 0.3 metre reserve along roadways, except at approved driveway locations;

d. encouraging provision of local service roads or local “eyebrow” roads that support the arterial road by intersecting it at a perpendicular angle, and then running parallel to it on a loop connection with a landscaped boulevard separation and with lots facing the arterial road but limited to access from the loop;

e. reversing the frontages on lots located adjacent to arterial roads, in limited circumstances where existing lots cannot accommodate a local service or “eyebrow” road, recognizing that this is an option that isolates the arterial road, disconnects the road from the adjacent land use, raises *active transportation* safety concerns and creates a less desirable streetscape;

f. control of land use and access locations near major intersections, interchanges, at-grade rail crossings, grade-separated rail crossings, and bridge approaches;

g. designing cycling facilities as an integral component of the carrying capacity of the arterial road; and,

h. use of site plan control review.

(Amended by By-Law Number 2017-57, OPA Number 50)

Road Construction and Maintenance

4.6.31. Road construction and maintenance methods must be reviewed on a regular basis, and where needed, a pavement management system will determine maintenance requirements and priorities.

Truck Traffic

4.6.32. The City will minimize the *adverse effects* of truck traffic on the functioning of roadways and on the amenity of residential areas by:

a. where warranted, defining truck routes in the City and associated minimum road design standards (e.g., lane widths, pavement design for vehicle loads, turning radii, etc.), which may require prohibiting truck movements on streets in residential areas;

b. adjusting operational elements such as the timing of signals, to accommodate truck traffic during peak periods of travel;

c. limiting hours of delivery in areas of congested traffic;

d. situating land uses that are likely to generate high levels of truck traffic to locations with suitable road and access conditions, having regard to *compatibility* with permitted uses;

e. encouraging trucks that provide service to industrial areas to travel within such areas and not through residential or commercial areas;

f. restricting home occupations that would generate truck activity;

g. restricting the type of commercial vehicles, including trucks, that may be kept in a residential zone; and,

h. including loading area requirements within the zoning by-law, and potentially specifying loading area requirements based on zoning categories for lands designated Residential, Employment Area, Commercial, and Institutional.

(Amended by By-Law Number 2017-57, OPA Number 50)

Capital Budget

4.6.33. The extension and improvement of City streets will be carried out in accordance with capital budget provisions, and wherever possible, must be coordinated with other public works including extensions or improvements to the water, sewer or gas distribution systems.

Level of Service

4.6.34. A high level of service that meets the requirements of users must be maintained for the City's transportation system, including sidewalks, cycling routes, pathways between streets, buses, roads and traffic signals.

(Amended by By-Law Number 2017-57, OPA Number 50)

Major Road Projects

4.6.35. The City plans the following major road projects, as referenced in the Kingston Transportation Master Plan (2015) and the 2014 Development Charges By-law, subject to any necessary *Environmental Assessment* Studies, (not listed in priority):

a. John Counter Boulevard widening from two to four lanes from Princess Street to Sir John A. Macdonald Boulevard;

b. John Counter Boulevard Grade Separation;

c. Centennial Drive new construction of a four lane road from Gardiners Road (southerly) to Resource Road;

d. Third Crossing new construction of a two lane bridge extending from John Counter Boulevard to Gore Road;

e. Wellington Street new construction as a two lane road from Bay Street to Montreal Street;

f. Division Street widening from four to six lanes from John Counter Boulevard to Highway 401;

g. Mid-Block Arterial new construction of a two lane road from Montreal Street to John Counter Boulevard;

h. Highway 15 intersection/capacity improvements from Highway 2 to Highway 401;

i. Gardiners Road widening from four to six lanes from Centennial Drive to North Ramp of Highway 401;

j. City-wide intersection/corridor improvements;

k. Cataraqui Woods Drive new construction of a two lane road from Sydenham Road to Centennial Drive ;

l. Leroy Grant Drive new construction of a two lane road from Elliott Avenue to Concession Street;

m. John Counter Boulevard new construction from Division Street to Third Crossing (taper from four to two lanes); and

n. Princess Street Traffic Operations.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.35.1 The feasibility of the Wellington Street Extension, listed in Section 4.6.35 (e) and (g), will be examined through a future secondary planning process. The approximate boundaries for the Secondary Planning Area are identified on Schedule 13.

(Added by By-Law Number 2017-57, OPA Number 50)

Buffering for Future Road Design

4.6.36. Adequate buffering in the form of berming, landscaping, fencing, and tree planting will be required as part of any future road design to minimize the potential impacts of any new road extension or road improvement. Native species of trees are also encouraged as a means to increase tree coverage.

Transit Service

4.6.37. The City supports the maintenance and expansion of a transit system that provides safe, convenient, affordable, efficient, and cost-effective service to all residents within the *Urban Boundary*, including those with disabilities. Para-transit may be made available beyond the *Urban Boundary* dependent on budget and demand for the service.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.38. Specific means of encouraging transit use include, but are not limited to:

a. the careful location, design and site planning of high intensity uses;

b. the appropriate design of roads and intersections to accommodate transit vehicles;

c. adequate and appropriate bus stops, which may include accessible shelters, benches, and terminal transfer points; and,

d. planning for transit stops within 300 metres of major activity centres, and 95 per cent of urban residences.

(Amended by By-Law Number 2017-57, OPA Number 50)

Bus Service

4.6.39. In conjunction with Section 4.6.13 of this Plan, the City supports continued bus passenger and freight service to and from the region and intends to work with private carriers in any consideration of the location, relocation or expansion of bus terminal facilities, to maintain a convenient location to residents and visitors.

Air Service

4.6.40. The City encourages the maintenance of air passenger and freight service to and from the City and will continue to upgrade facilities and level of service at Norman Rogers Airport. It is expected that all aircraft activity will focus at this location.

Taxi Service

4.6.41. The City encourages the operation of a safe, convenient, accessible and affordably priced taxi system, and the continuation of a Taxi Commission.

Ferry Service

4.6.42. The City recognizes the role of the Provincial government in providing ferry service to Wolfe Island, and the role of the County of Frontenac in providing the ferry service to Howe Island. The City encourages the ferry services to provide appropriate vehicle access, and areas for queuing and parking, as well as *active transportation* access routes that are integrated with the City's transportation system.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.43. The City wishes to be consulted and to participate in the identification, survey, analysis and design of any ferry facility, expansion or alteration to service timing or carrying capacity that may affect the City's transportation system or that may involve land use impacts adjacent to the ferry service facilities.

Rail Service

4.6.44. The City supports the maintenance and expansion of passenger rail and freight service as a long term inter-urban means of travel, and as an alternative to the highway system, through market responsive, convenient and efficient scheduling.

Grade Crossings/Separation

4.6.45. The City supports the improvement of grade crossings and will employ the use of sight triangles or other measures to improve safety. The City supports grade separations of dangerous crossings, particularly on arterial roads.

Abandoned Rail Rights-of-Way

4.6.46. The City supports the acquisition of abandoned rail rights-of-way for public uses, including *active transportation* pathways or roads, and encourages the removal of railway tracks from portions of the right-of-way that are not used.

(Amended by By-Law Number 2017-57, OPA Number 50)

Parking

4.6.47. It is the intention of this Plan to encourage a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or *active transportation*.

(Amended by By-Law Number 2017-57, OPA Number 50)

4.6.48. Parking areas will be provided for any land use in the City as specified by the zoning by-law. Special provisions to accommodate those with disabilities will be provided in all zones.

4.6.49. The City may establish such design, landscaping, and usage policies as are appropriate to provide for the aesthetic and functional relationship of parking lots and structures within the land use system.

4.6.50. New parking lots that are not an *accessory use* to a waterfront park and facility will be prohibited in waterfront areas designated for public access, waterfront pathway or waterfront protected views.

4.6.51. Parking area expansion that displaces open space and landscaping is discouraged. Any parking in public open space areas must be an *accessory use* to the permitted open space use.

Cash-in-Lieu and Alternative Provisions

4.6.52. The City will generally require off-street parking to be provided on-site in accordance with the zoning by-law. However, in certain circumstances, the City may:

a. pass a “Cash-in-Lieu” By-law pursuant to the *Planning Act* and in accordance with Section 9.5.11 of this Plan;

b. provide alternative parking in accordance with the policies of the Central Business District or Main Street Commercial areas;

c. establish areas of differentiated parking policies and regulations based on land use characteristics and user requirements; and,

d. permit shared or reduced parking for uses with *compatible* operating characteristics or when a developer supports *transportation demand management* through measures such as dedicating space for car shares, integrating transit, and providing additional secured bicycle parking, provided that:

- shared parking is on the same side of the street on Arterial or Collector roads;
- buildings are located close to public transit, are designed to be supportive of transit uses, and are able to demonstrate lower parking need;
- through a traffic analysis, it can be demonstrated that there is a long term mutual relationship between uses, and that *active transportation* movements can be accommodated safely;
- there is appropriate short-term parking and facilities for deliveries and moving trucks; and,
- adequate visitor parking is provided.

(Amended by By-Law Number 2017-57, OPA Number 50)

Municipal Public Works

4.6.53. The City may undertake public works as necessary to develop parking lots, structures, and on-street parking spaces and loading zones designed to augment private off-street facilities.

Partnerships

4.6.54. The City may participate with private enterprise, individual property owners, major institutions or groups such as the Downtown Kingston BIA in planning and developing parking facilities, strategies or studies, and in implementing enforcement programs or implementation programs.

Temporary Parking Lots

4.6.55. Temporary parking lots may be permitted subject to a temporary use by-law as established in the *Planning Act,* and site plan control review.

On-street Parking

4.6.56. On-street parking will be regulated and monitored by the City to allow for safe, convenient and efficient movement of traffic, and to protect the carrying capacity of the road network.

Parking Studies

4.6.57. The City will periodically undertake parking studies to ensure:

a. that adequate parking is provided, particularly in the Central Business District;

b. that the carrying capacity of the road network is protected;

c. that adequate residential parking is available, particularly in older areas of the City;

d. that on-street parking does not pose a safety hazard or undue nuisance; and,

e. that parking rates support the strategic direction of the Kingston Transportation Master Plan.

4.6.58. The City intends to undertake special parking studies from time to time to address concerns that arise in a selected area or on an issue basis.

Front Yard Parking in Residential Areas

4.6.59. Front yard parking in residential areas has the potential to affect the visual amenity of the streetscape and the residential character of a neighbourhood. It is the intention of this Plan to preserve the character of existing neighbourhoods and maintain the designed character of new neighbourhoods.

The following policies apply to front yard parking for low, medium and high density residential *development*:

a. New and existing low density residential *development* with at-grade access, such as single-detached dwellings, semi-detached dwellings, and linked and row houses, will not have front yard parking except for parking in a permitted driveway as per the provisions of the zoning by-law; and,

b. New medium or high density *development* with grade-separated access, such as apartment buildings, mixed use buildings or walk-up apartment buildings, are not permitted to have front yard parking unless it is buffered from the streetscape by distance, landscaping,

berming, screening, fencing or similar features. For existing multi-unit residential buildings that were developed in accordance with past regulations and do not comply with the current parking requirements, consideration may be given to allowing limited front yard parking spaces, subject to Section 4.6.60.

(Amended by By-Law Number 2017-57, OPA Number 50)

(Amended by By-Law Number 2019-144, OPA Number 66)

Criteria for Front Yard Parking for Residential Development

4.6.60. Requests to establish front yard parking spaces for residential *development* beyond that permitted by the zoning by-law must address the following criteria:

- the unique circumstances of the proposal in the neighbourhood are to be established;
- the lack of parking space has a *negative impact* on the neighbourhood;
- the parking spaces shall not create a hazard or danger to the use of the roadway or sidewalk by vehicles or people;
- the parking area will minimize the front yard area used for parking and in no case shall the parking area cover the entire front yard area;
- the front yard parking space(s) shall meet the size, dimension and surface treatment standards of the zoning by-law;
- there will be no injury to or destruction of trees located within the road allowance;
- there is no loss of on-street parking;
- the residual portion of the front yard shall be landscaped and consist of grass or similar groundcover, trees, or shrubs to provide for suitable streetscape enhancement, buffering from adjacent properties and visual relief from the paved areas;
- the parking space(s) are located entirely on the same lot as the subject building or *residential unit*;
- clear separation is provided between the parking area and the road, and where necessary, a change of material at the City sidewalk must indicate to other users the potential for vehicular activity nearby; and,

- permission to locate parking within the front yard shall receive appropriate zoning permission through minor variance or zoning by-law amendment.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2015-82, OPA Number 29)

(Amended by By-Law Number 2017-57, OPA Number 50)

(Amended by By-Law Number 2019-144, OPA Number 66)

Accessible Parking

4.6.61. The zoning by-law will be used to regulate the supply of accessible parking as required by provincial legislation. The location of accessible parking spaces shall provide enhanced accessibility through a consideration of factors including, but not limited to, the distance between parking spaces and accessible building entrances, security of the parking area, lighting of the area, protection from the weather, and ease of maintenance.

(Added by By-Law Number 2017-57, OPA Number 50)

Private Road Policies

4.6.62. Private roads are those roads which are not assumed by by-law, not a part of a plan of condominium, or maintained on a year round basis by a public road authority. All new lots should abut and have direct access to a public road. The following policies will apply:

a. persons using private roads to gain access to property do so at their own risk. The City is under no obligation to provide any road dependent service such as maintenance, snow plowing or emergency vehicle access on any private road;

b. when a private road has been reconstructed to the approval standard required by the City, the City may assume the road by by-law only if it directly abuts an existing public road which is maintained on a year round basis by a public road authority; and,

Lot Development on Private Roads

c. the *development* of existing lots on private roads may be permitted for residential use. The conditions under which any *development* of such lots may occur, including the construction of a new dwelling, conversion of existing seasonal dwelling to year round use or the expansion of an existing dwelling, are subject to the following policies:

Zoning

- an appropriate zone should be established in the zoning by-law to identify affected properties. Its effect is to allow for the construction, alteration or addition to dwelling houses where access is by private road only; and,

Holding By-laws

- the lots will be placed in a Holding category pursuant to the *Planning Act*, signified by the addition of an "H" symbol indicating that a private road agreement must be entered into with the City. Upon application by the owner, the Holding symbol will be removed by Council in accordance with the policies of Section 9.5.21 of this Plan.

Support for Other Guidelines

4.6.63. Guidelines such as 'Promoting Sustainable Transportation Through Site Design', recommended by the Canadian Institute of Transportation Engineers, the 'Child and Youth Friendly Land Use and Transport Guidelines', endorsed by the Canadian Institute of Planners, and standards recommended by the Transportation Association of Canada will provide guidance for transportation planning in the City.

4.7 Solid Waste Management

Provincial policy requires municipalities to plan waste management systems that are of an appropriate size and type to accommodate present and future requirements, and also to facilitate, encourage, and promote reduction, re-use and recycling objectives. The City's solid waste system involves such facilities as waste transfer stations, landfill sites, recycling centres, hazardous and special waste facilities, and composting and brush storage areas. The system involves both public and private facilities and operators.

Goal:

To develop an integrated waste management system that is appropriate to the City's environmental, social and economic conditions and that maximizes waste diversion from landfills, controls or reduces overall system costs, creates new economic opportunities, and preserves the natural environment through reduced consumption of natural resources, reduced emissions to air and water, and reduced greenhouse gas emissions.

Policies:

Diversion Target

4.7.1. The area of solid waste management is subject to continual monitoring and adjustments to increase residential waste diversion in order to meet its projected diversion target rate of 60% by 2018 and 65% by 2022, or as otherwise amended.

(Amended by By-Law Number 2017-57, OPA Number 50)

Integrated Waste Management Study

4.7.2. The City's Integrated Waste Management Study is intended to provide short-term guidance in areas of:

- defining long-term waste management system objectives;
- identifying a preferred long-term management system approach;
- identifying a preferred system technology and practices; and,
- developing a preferred system implementation strategy.

Reduce, Re-Use, Recycle

4.7.3. The City intends to encourage the reduction, re-use and recycling of waste through programs aimed at educating consumers. The City will promote such programs to reduce the amount of residential waste that goes to landfills and to meet market demands for recyclables.

Business Initiatives

4.7.4. Businesses and multi-residential operations are encouraged to develop safe, cost-effective and innovative ways to deal with waste materials in order to divert waste matter from landfill.

(Amended by By-Law Number 2017-57, OPA Number 50)

Partnerships

4.7.5. The City intends to cooperate with adjacent municipalities, senior government agencies and private enterprises in investigating and developing alternative methods and technologies for solid waste disposal.

Waste Transfer Station

4.7.6. The City utilizes a private waste transfer station to transport much of its solid waste to the operator's approved, licensed and regulated landfill.

Former Waste Disposal Sites

4.7.7. Once all, or a portion of an area used for waste disposal purposes ceases to function, no further use may be made of the area without the approval of the Minister of the Environment and Climate Change, in accordance with *the Environmental Protection Act* and relevant Ministry Guidelines with respect to waste disposal sites and *sensitive land uses*. Former waste disposal sites are shown on Schedule 6. The City will encourage the rehabilitation of former waste disposal sites for public benefits such as park, open space, reforestation, solar energy farm, or energy-from-waste facility.

(Amended by By-Law Number 2017-57, OPA Number 50)

Requirements for New Development

4.7.8. All new multi-residential, commercial, industrial and institutional *development* must incorporate appropriate vaults, central storage, collection areas and other facilities and enclosures for the storage of garbage, recycling, organics and other waste materials in order to facilitate sustainable waste management practices. All such facilities for the storage of garbage, recycling, organics, and other waste materials must be shown on site plan control applications, as required under Section 9 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Section 5. Protection of Health & Safety

Environmental conditions, whether naturally occurring or human-made, can result in hazards to human life or health, and damage or loss of value to property. Hazards in the natural environment include flooding, *wave uprush*, unstable soils, steep slopes, wildland fires, and karst. Climate change may increase the risks associated with natural hazards. Human-made hazards include contaminated sites, former landfill sites and abandoned pits or quarries. In addition, *adverse effects* can be created by noise, odour, vibration, and air or water pollution.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To manage natural and human-made hazards in a manner that protects human life and health, avoids *adverse effects* on living areas and *sensitive uses*, and avoids, minimizes or buffers sources of pollution so that the quality of life in Kingston will be improved and sustained over the long term.

Policies:

Public Works

5.1. The City and other public agencies must review environmental hazards in the planning and *development* of public works, facilities or *infrastructure*, and avoid any *adverse effects* on surrounding land uses. The City and other public agencies will consider the potential impacts of climate change, that may increase the risk associated with natural hazards, in this review.

(Amended by By-Law Number 2017-57, OPA Number 50)

Standards and Regulations

5.2. The City is obligated to support the policies, programs, standards or regulations of senior levels of government or other public agencies with respect to such matters as emissions control, effluent treatment, noise and vibration abatement, source water protection, and stormwater management.

(Amended by By-Law Number 2017-57, OPA Number 50)

Development Must Meet Standards

5.3. *Development* proposals whose functional characteristics and environmental impacts are not consistent with environmental standards or objectives of the City, senior levels of government or the Cataraqui Region Conservation Authority, and which cannot be made to conform with

generally accepted engineering or design standards or practices, will be refused.

Minimizing Impacts

5.4. Land uses must be separated or regulated to avoid or effectively minimize any potential health and safety threat, or *adverse effects* associated with an adjacent area of hazard or area that creates a potentially damaging emission. In assessing the risk associated with natural hazards, the City will consider the potential impacts of climate change.

(Amended by By-Law Number 2017-57, OPA Number 50)

Regulatory Floodplain

5.5. New *development* and *site alteration* in the *regulatory floodplain* is prohibited, except those uses that by their nature must be located within the *regulatory floodplain.* Areas that may be subject to flooding hazards are illustrated in Schedule 11-A Constraint Mapping. The City will work with the Cataraqui Region Conservation Authority to identify and assess new areas that may be prone to flooding hazards. Periodic updates to floodplain mapping may be undertaken in consultation with the Cataraqui Region Conservation Authority and any other agency having jurisdiction without an amendment to this Plan.

Where there is existing *development* within the *regulatory floodplain*, *development* and *site alteration* may be permitted in consultation with the Cataraqui Region Conservation Authority, and subject to risk mitigation measures (i.e., floodproofing).

(Amended by By-Law Number 2017-57, OPA Number 50)

Erosion Hazard

5.6. New *development* and *site alteration* must be located outside areas that are susceptible to *erosion hazards*, described as including the sum of:

a. an amount for toe erosion or the erosion that takes place at the bottom of a slope;

b. stable slope which can vary from 1:1 for bedrock shorelines to 3:1 for all other situations;

c. an erosion access allowance of a minimum of 6 metres from the top of the stable slope or 10 metres from the top of the bank, whichever is greater; and,

For the Lake Ontario and St. Lawrence River shorelines, stable slope and erosion access allowances will be defined through consultation with the Conservation Authority.

Where there is existing *development* within the *erosion hazard* areas, *development* and *site alteration* may be permitted in consultation with the Cataraqui Region Conservation Authority, and subject to risk mitigation measures.

(Amended by By-Law Number 2017-57, OPA Number 50)

Wildland Fires

5.7. *Development* shall generally be directed to areas outside the lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*. Risk factors for wildland fires include types and age of forest/vegetation, amount of underbrush and ladder fuels, and topography. Locations of potential *wildland fire hazard areas* have been identified by the Ministry of Natural Resources and Forestry and are shown in Appendix A.

Development may be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*. Applicants will be required to undertake a Wildland Fire Risk Assessment to assess the risk of wildland fire if they are located within or abutting an area identified as potential wildland fire hazard on Appendix A. The assessment should consider and document predominant vegetation (fuel types), forest condition, topography and slope, presence of water sources, distance to organized response sources (e.g. fire station), access, and mitigation measures if a high to extreme risk is present.

Wildland fire mitigation measures shall not be permitted in *provincially significant wetlands* or *significant coastal wetlands*.

Wildland fire mitigation measures shall not be permitted in *natural heritage features and areas* unless it has been demonstrated through an *environmental impact assessment* that there will be no *negative impacts* on them or their *ecological function*.

(Added by By-Law Number 2017-57, OPA Number 50)

Unstable Soils and Unstable Bedrock

5.8. *Development* shall generally be directed outside of *hazardous sites* that could be unsafe due to the presence of unstable soils (sensitive marine clays [leda], organic soils) or, karst topography.

(Added by By-Law Number 2017-57, OPA Number 50)

5.8.1. Unstable soils include sensitive marine clays [leda] and organic soils. Sensitive marine clays can turn to liquid when disturbed, and organic soils erode and are easily compressed. Unstable soils cannot generally support structures. Proponents of *development* may be required to prepare a Geotechnical Study to determine the presence of any hazard associated with unstable soil and necessary mitigation measures. The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) be consulted for additional information related to potential locations of unstable soils.

(Amended by By-Law Number 2017-57, OPA Number 50)

5.8.2. Karst topography describes the formations caused when rock is dissolved by water. Often this gradual process occurs underground and is unnoticed until the sudden formation of a sinkhole.

Proponents of *development* may be required to prepare a karst assessment to determine the presence of any hazard associated with unstable bedrock and necessary mitigation measures. A karst study may be required for *development* in, for example:

a. areas of known or inferred unstable bedrock, shown in Appendix B; and,

b. sites exhibiting any evidence of karst formations such as disappearing streams, sinkholes, caves and vertical fissures.

Karst assessment requirements are also linked to source water protection as per Section 5.A.

(Added by By-Law Number 2017-57, OPA Number 50)

Natural Hazard Mapping

5.9. The natural hazard area as shown on Schedule 11-A indicates the most landward location of the *regulatory floodplain* and lands that are known to be subject to flooding but for which floodplain mapping has not been prepared . The Cataraqui Region Conservation Authority should be consulted for additional or updated mapping and information regarding the natural hazard areas, including flooding hazards and erosion hazards. Information on the potential locations of wildland fire hazard areas, provided by the Ministry of Natural Resources and Forestry, is shown in Appendix A. Information on potential locations of karst topography, provided by the Ministry of Northern Development and Mines, is shown in Appendix B.

(Amended by By-Law Number 2017-57, OPA Number 50)

CRCA Regulation

5.10. Ontario Regulation 148/06: Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses, which is administered by the Cataraqui Region Conservation Authority (CRCA), applies to all hazardous lands and hazardous sites in the City of Kingston referenced in Sections 5.5 to 5.9.

(Amended by By-Law Number 2017-57, OPA Number 50)

Brownfields Need for Phase 1 ESA

5.11. Where City records or other information indicate that a site may be contaminated by a prior or current use, a Phase I Environmental Site Assessment (ESA) that documents prior uses may be required to accompany any application for *development*, land division, or re-use of the property. A Phase I ESA may also be required for any lands to be dedicated to the City, regardless of prior or current use of the lands.

(Amended by By-Law Number 2017-57, OPA Number 50)

Brownfields Need for Phase 2 ESA

5.12. Where a Phase I Environmental Site Assessment (ESA) indicates that the site may have been contaminated, a Phase II ESA, which may involve soil or groundwater sampling, may be required to confirm and delineate any area of contamination, unless otherwise authorized by the City.

(Amended by By-Law Number 2017-57, OPA Number 50)

Brownfields Mandatory Filing of Record of Site Condition

5.13. Mandatory filing of a Record of Site Condition (RSC) with the Ministry of the Environment and Climate Change is required for any Prohibited Change in land use (i.e. from industrial/commercial to residential or parkland) as required by Ontario Regulation 153/04, and filing of a Record of Site Condition may be required for any lands to be dedicated to the City. Clean-up of contaminated sites required for filing of an RSC must be done in accordance with the “Record of Site Condition Regulation” (O. Reg. 153/04) and with the Ministry of the Environment and Climate Change guideline “Records of Site Condition – A Guide on Site Assessment, the Clean-up of *Brownfield Sites* and the Filing of Records of Site Condition” dated October 2004 and associated guidelines or standards. The City may also request the filing of a Record of Site Condition when reviewing planning applications for *development* that may be contaminated but do not require mandatory filing.

(Amended by By-Law Number 2017-57, OPA Number 50)

Brownfields Off-site Contamination

5.14. As per Part X of the Environmental Protection Act, an owner may be required to notify the Ministry of the Environment and Climate Change and the City if contamination has spread beyond the *development* site. In such cases, the City may require an Off-Site Management Plan or Remedial Action Plan, or other plans or orders as may be required by the Ministry of the Environment and Climate Change, be implemented

(Amended by By-Law Number 2017-57, OPA Number 50)

Development of Former Gas Stations

5.15. For *development* applications on current or former gas station sites, where a Prohibited Change in Use as per O.Reg. 153/04 is proposed, a Record of Site Condition is required to be filed with the Ministry of the Environment and Climate Change. If the same gas station use is proposed to be continued, the City requires a letter of continued use from the Technical Standards and Safety Authority.

(Amended by By-Law Number 2017-57, OPA Number 50)

Existing or Former Landfill Sites

5.16. No new land use may take place within 30 metres of the perimeter of the fill area of an existing or a former landfill site that was or has been licensed for operation and/or closure as a waste disposal site by the Ministry of the Environment and Climate Change.

(Amended by By-Law Number 2017-57, OPA Number 50)

5.17. Any *development* proposal (including severance applications) proposed within 500 metres of the fill area of an existing or former landfill site that was or has been licensed for operation and/or closure as a waste disposal site by the Ministry of the Environment and Climate Change, must be supported by a study to determine *adverse effects* or risks to health. The study must address the following for operating landfill sites: landfill generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff and vectors and vermin. Studies of sites that are not operating must consider: ground and surface water contamination by leachate, surface runoff, ground settlement, visual impact, soil contamination and hazardous waste, and landfill generated gases. If previous studies have confirmed that the influence area of the former landfill site is less than 500 metres, the lesser distance authorized by the City may be used in the study. The requirement for a study, or the scope of the study may be reduced by the City if the *development* site is supported by a Record of Site Condition supporting the proposed *development* or use.

(Amended by By-Law Number 2017-57, OPA Number 50)

Abandoned Pits and Quarries

5.18. Abandoned pits and quarries are shown on Schedule 12. Where an abandoned pit or quarry exists, the City requires *development* applications to be supported by a study undertaken by a *qualified person* that:

a. identifies any potential safety hazard; and

b. demonstrates that the site can be rehabilitated to mitigate the hazard in consultation with the Ministry of Natural Resources and Forestry.

(Amended by By-Law Number 2017-57, OPA Number 50)

Known Mine Hazards

5.19. The Ministry of Northern Development and Mines records indicate that there is one abandoned mine within the municipal limits as shown on Schedule 12; however, it is not considered to be a hazard. The proponent of a *development* in the vicinity of the abandoned mine site is advised to determine the status of sub-surface rights ownership for properties in the vicinity of the abandoned mine, and proponents for such applications within one kilometre of known mine hazards are required:

a. to consult with the Ministry of Northern Development and Mines or the Ministry of Natural Resources and Forestry, as appropriate, and,

b. to conduct an impact assessment to determine whether hazards exist and, if so, whether suitable mitigation can be undertaken to allow *development* to occur.

(Amended by By-Law Number 2017-57, OPA Number 50)

Aircraft Noise

5.20. No *sensitive uses* are permitted within the 30 Noise Exposure Forecast (NEF) contour of the Norman Rogers Airport or the Gananoque Municipal Airport on the easterly boundary of the municipality. The 30 NEF contour for the Norman Rogers Airport is shown on Schedule 11-A.

(Amended by By-Law Number 2017-57, OPA Number 50)

Noise Study

5.21. The City of Kingston recognizes the importance of noise management. Any proposed *development* that has a *sensitive use* within the potential influence area as described in the Province's D-6 Guideline or between

the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a *qualified person* in accordance with Ministry of the Environment and Climate Change guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.

(Amended by By-Law Number 2017-57, OPA Number 50)

Rail Noise

5.22. The City requires a detailed noise study for all *sensitive uses* proposed within 300 metres of an active railway to the satisfaction of the City and CN. The study must be conducted by a *qualified person* in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.

(Amended by By-Law Number 2017-57, OPA Number 50)

Vibration

5.23. The City requires a detailed vibration study for all *sensitive uses* proposed within 75 metres of a property line for the railway, to the satisfaction of the City and CN. The study must be conducted by a *qualified person*, address all sources of vibration affecting the site, and include recommendations for mitigation to meet the applicable vibration criteria.

Road Noise

5.24. Where *development* of a *sensitive use* is proposed within 500 metres of the Highway 401 right-of-way, or within 100 metres of an arterial road allowance, the City requires a noise study in accordance with Ministry of the Environment and Climate Change guidelines that demonstrates how acceptable noise levels can be achieved without the use of noise barriers.

(Amended by By-Law Number 2017-57, OPA Number 50)

5.25. Any *development* application that proposes a *sensitive use* within 500 metres of the Highway 401 right-of-way, or within 100 metres of an arterial or major collector road allowance or a future transit right-of-way, requires a detailed noise study to the satisfaction of the City. The study must be conducted by a *qualified person* in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.

(Amended by By-Law Number 2017-57, OPA Number 50)

Noise from Stationary Sources

5.26. Any use, including industrial, commercial, institutional or high density residential, proposed to generate a stationary source of noise or vibration may be required to undertake a detailed noise and/or vibration study, to the satisfaction of the City. The study must be conducted by a *qualified person* in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise and vibration, include recommendations for mitigation to meet the applicable criteria, and ensure that there is no *adverse effect* on an existing or planned *sensitive use*.

(Amended by By-Law Number 2017-57, OPA Number 50)

5.27. Where a *sensitive use* is proposed within 300 metres of a stationary source of noise, the City requires that a noise study be prepared to address the Ministry of the Environment and Climate Change noise guidelines. All related means of mitigation are required to be secured prior to approval of *development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Air Quality

5.28. The City and other public agencies will have regard to means of enhancing environmental quality through such mechanisms as pollution control, reduction of waste products, conservation of energy, utilization of *renewable energy*, as set out in Section 6.2, supporting *active transportation* and transit and promotion of energy-efficient facilities in the planning and *development* of public works and *infrastructure* expansion.

(Amended by By-Law Number 2017-57, OPA Number 50)

Groundwater Impact to Wells

5.29. Where study or monitoring of *groundwater features* indicate degradation of the quality or quantity of the feature, the zoning by-law must restrict uses that would cause further degradation.

(Amended by By-Law Number 2017-57, OPA Number 50)

TransCanada Pipelines Limited Requirements

5.30. TransCanada is regulated by the National Energy Board, which, in addition to TransCanada, has a number of requirements regulating development in proximity to the high pressure natural gas pipelines, and related compressor station, as shown on Schedule 3. The requirements include the following:

a. the City requires pre-consultation with TransCanada or its designated representative for any *development* proposal within 200 metres of the above-noted facilities;

b. activities on or within 30 metres of the right-of-way, such as excavation, blasting and any movement of heavy equipment must be approved by TransCanada;

c. no permanent building or structure may be located within 7 metres of the pipeline right-of-way, and a reduction in the 7 metre setback will only be considered if it can be shown to the satisfaction of TransCanada Pipelines that it will not compromise the safety and integrity of the pipeline; and,

d. no building, structure or accessory structure is permitted within 3 metres from the limit of the right-of-way.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

5.31. A noise and vibration study to be carried out by TransCanada (at the expense of TransCanada) may be required for *development* proposals within 750 metres of the TransCanada compressor station in order to determine if provincial guidelines can be achieved, and if necessary, what mitigation measures are required.

(Amended by By-Law Number 2017-57, OPA Number 50)

5.32. The policies of Sections 5.30 and 5.31 may apply to *development* proposed in proximity to the facilities of other natural gas utilities or National Energy Board regulated pipelines if deemed necessary by the City.

(Added by By-Law Number 2017-57, OPA Number 50)

5.A Source Water Protection

Source water is the water in lakes, rivers, and underground aquifers that is used to supply drinking water. It is in the community's interest to protect the quantity and quality of source water to ensure that safe potable drinking water is available for the long term. Contamination cannot always be cleaned up and water treatment cannot always remove all contaminants. Contamination can ruin a water source forever.

Having clean and plentiful sources of water also supports tourism and *recreation* and provides habitat for fish and wildlife.

The Cataraqui Source Protection Plan (effective April, 2015) was written to fulfill requirements of the *Clean Water Act*, 2006 and Ontario Regulation 287/07. The Cataraqui Source Protection Plan (SPP) covers the Cataraqui Source Protection Area

including the City of Kingston. The SPP contains policies intended to mitigate or eliminate threats to source water. Source water protection policies in this Plan are consistent with the intent of policies included in the Cataraqui Source Protection Plan. For clarification and policy detail, the Cataraqui Source Protection Plan must be referenced. The terms used in this section carry the same meaning as those in the Cataraqui Source Protection Plan and the *Clean Water Act, 2006.*

In the event of conflict between long-term protection of drinking water sources and other considerations, drinking water shall take priority.

(Added by By-Law Number 2017-57, OPA Number 50)

Goal:

To protect the *quantity and quality of water* and more specifically source water over the long term.

(Added by By-Law Number 2017-57, OPA Number 50)

Policies:

Vulnerable Areas

5.A.1. Under the *Clean Water Act*, 2006, a vulnerable area is defined as a wellhead protection area, an *intake protection zone*, a *significant groundwater recharge area* or a *highly vulnerable aquifer*.

Wellhead protection areas (WHPAs) and *intake protection zones* (IPZs) for municipal water sources are shown on Schedule 11-B and include the Cana Wellhead Protection Area, the Fairfield *Intake Protection Zone*, the Point Pleasant *Intake Protection Zone*, and the King Street (formerly Kingston Central) *Intake Protection Zone*. Areas of vulnerability including *Highly Vulnerable Aquifers* (HVAs) and *Significant Groundwater Recharge Areas* (SGRAs) are shown on Schedule 11-B. Particular activities that have the potential to contaminate sources of drinking water are called “drinking water threats”. The zoning by-law shall prohibit or restrict land uses that constitute drinking water threats, as applicable in vulnerable areas.

(Added by By-Law Number 2017-57, OPA Number 50)

Cana Wellhead Protection Area

5.A.2. The Cana Wellhead Protection Area is considered to be a highly vulnerable water source. WHPA vulnerability scoring is illustrated on Schedule 11-B to this Plan. The following policies are intended to protect this source:

a. Within the portions of the Cana Wellhead Protection Area, new land uses that would pose significant drinking water threats, such as waste disposal sites and wastewater treatment facilities, are prohibited;

b. Within the Cana Wellhead Protection Area, proposals for new *development,* or the expansion of existing *development*, are required to incorporate measures to adequately mitigate and manage any risk to source water posed by the proposed *development*, to the satisfaction of the City in consultation with the Cataraqui Source Protection Authority;

c. Within Cana WHPA-A and portions of WHPA-B with a vulnerability score of 10, all applications for *development* for uses which include fuel storage of more than 250 litres must be accompanied by a Notice from the Risk Management Official, as per s. 59 of the *Clean Water Act*; and,

d. Within Cana WHPA-A, WHPA-B, and WHPA-C, all applications for *development* for all uses except residential uses must be accompanied by correspondence from the Risk Management Official, as per s. 59 of the *Clean Water Act*.

(Added by By-Law Number 2017-57, OPA Number 50)

Intake Protection Zones

5.A.3. Within the *intake protection zones*, proposals for new *development,* or the expansion of existing *development* should incorporate measures to adequately mitigate and manage any risk to source water posed by the proposed *development*, to the satisfaction of the City in consultation with the Cataraqui Source Protection Authority.

(Added by By-Law Number 2017-57, OPA Number 50)

5.A.4. Within the *intake protection zones*, the City will continue its work to improve stormwater management including during road reconstruction projects and implementing the Pollution Control Plan Update (2010) and the Sewage Infrastructure Master Plan (2010), as amended.

(Added by By-Law Number 2017-57, OPA Number 50)

Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas

5.A.5. Within the *Highly Vulnerable Aquifers* and *Significant Groundwater Recharge Areas* shown on Schedule 11-B, proposals for new *development,* or the expansion of existing *development* for land uses that constitute a drinking water threat may be required to incorporate measures to adequately mitigate and manage any risk to source water posed by the proposed *development*, to the satisfaction of the City in consultation with the Cataraqui Source Protection Authority.

(Added by By-Law Number 2017-57, OPA Number 50)

Unstable Bedrock (Karst)

5.A.6. Karst formations can create a direct link between contaminants at the surface and the underlying aquifer. To manage this risk:

a. the City, in consultation with the Cataraqui Region Conservation Authority, may require a karst assessment to determine what, if any, additional risk management measures may be required as a condition of approval for a proposal for *development* in any karst features.

b. the requirement for a karst assessment may be waived if the proponent for the *development* can demonstrate, through a site specific investigation, that the site does not exhibit any karst features.

Karst assessment requirements are also linked to protection of health and safety as per Section 5.8.

(Added by By-Law Number 2017-57, OPA Number 50)

Application and Development Process

5.A.7. Applicable study requirements:

a. New *development* and/or expansions to existing *development* associated with non-residential planning applications located within vulnerable areas identified on Schedule 11-B may be subject to Site Plan Control. Requirements may include a 'Risk Reduction Plan' to identify measures to be incorporated into the development for land uses that involve the storage or manufacture of potential contaminants where it would constitute a drinking water threat. The Risk Reduction Plan must be completed to the satisfaction of the City.

b. The 'Risk Reduction Plan' requirement in **a.** may be waived for a Schedule 11-B property if a Hydrogeological Sensitivity Study prepared by a qualified professional geoscientist or engineer and provided to the satisfaction of the City demonstrates that the subject lands do not exhibit the characteristics of a *highly vulnerable aquifer* or a *significant groundwater recharge are*a.

(Added by By-Law Number 2017-57, OPA Number 50)

Transport Pathway Notification

5.A.8. Section 27(3) of Ontario Regulation 287/07 (General) also accounts for municipal drinking water supplies and designated vulnerable areas. The City must provide notice to the Cataraqui Source Protection Authority and the Cataraqui Source Protection Committee upon receiving an application for approval of a proposal that may result in the creation or modification of

a transport pathway in a wellhead protection area or *intake protection zone*. A transport pathway can be a natural or human-made passage where water can flow to a drinking water intake or well (e.g. sewer, storm sewer, ditch, utility trench, etc.).

(Added by By-Law Number 2017-57, OPA Number 50)

New Drinking Water Systems

5.A.9. **a.** New municipal drinking water systems could result in existing land uses becoming *significant* drinking water threats.

b. The establishment of new municipal drinking water systems, as defined under the *Safe Drinking Water Act*, 2002, as amended, will require an amendment to the Cataraqui Source Protection Plan and this Official Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

Section 6. The Environment & Energy

This Section of the Official Plan provides policy guidance with respect to the protection of environmental quality within the City's *natural heritage system*, a vital network of diverse features which connects the urban and rural portions of the municipality across air, land and water. The protection of the *natural heritage system* across the *watersheds* is a fundamental requirement of ensuring how this City addresses climate change and still ensures its resilience and *sustainability*. This Section of the Plan also addresses climate change, energy production and *energy conservation,* and source water protection. These policies are intended to assist the City in evaluating the rapidly evolving technologies for *renewable energy* systems.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.1 Natural Heritage System

The *natural heritage system* is important for its natural features and their *ecological functions,* for the protection of animal and plant habitat areas, for the conservation of natural resources, such as water, which sustains animal and human health and activity, and for its value as a *recreational,* health, educational and tourist resource. These inter-related features and functions support life and environmental health and have accordingly been evaluated as a system consisting of a collection of specific natural heritage features linked by landforms and associated ecological features.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To manage growth and land use in a manner that maintains, restores and enhances the *natural heritage system* within Kingston as a healthy ecosystem that will continue to sustain all life forms over the long term.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Intent

6.1.1. The City will protect and encourage the stewardship and restoration of the *natural heritage system* identified on Schedules 7 and 8 by directing *development* away from *natural heritage features and areas*. Further, land use and *development* within the *adjacent lands* to *natural heritage features and areas* will be regulated by the City to protect the ecological function of the *natural heritage system. Environmental impact assessments* may be required to demonstrate that *development* and land use change will not result in *negative impacts*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Natural Heritage "A" Features and Areas

6.1.2. Areas identified as Natural Heritage "A" on Schedule 7 are designated Environmental Protection Area on Land Use Schedule 3 and the Land Use Schedules of the secondary plans in Section 10. In these areas, *development* or *site alteration* will not be permitted unless the feature or area is solely associated with a local *area of natural and scientific interest*, a locally *significant wetland*, or a riparian corridor, in which case consideration may be given to new *mineral mining operations* or *mineral aggregate operations* and access to *minerals* or *mineral aggregate resources*, subject to compliance with provincial and federal requirements.

Natural Heritage "A" features include the following:

- *areas of natural and scientific interest* (ANSIs);
- *fish habitat*;
- provincially *significant wetlands*, *significant coastal wetlands* and locally *significant wetlands*;
- Snake and Salmon Islands, located in Lake Ontario, as shown in Schedule 3-A;
- *rivers, streams and small inland lake systems*; and,
- riparian corridors.

(Amended by By-Law Number 2017-57, OPA Number 50)

Natural Heritage "B" Features and Areas

6.1.3. Areas identified as Natural Heritage "B" on Schedule 8 will be treated as an overlay to land use designations on Schedule 3 and the land use designations of the secondary plans in Section 10. In these areas, *development* and *site alteration* will not be permitted unless it has been demonstrated that there will be no *negative impacts* on the *natural heritage features or areas* or *ecological functions*. Natural Heritage "B" features include:

- *significant woodlands*;
- *significant valleylands*;
- *significant wildlife habitat*;
- unevaluated *wetlands* and *coastal wetlands*; and,

- linkages and corridors.

(Amended by By-Law Number 2017-57, OPA Number 50)

Species at Risk

6.1.4. *Development* and *site alteration* will not be permitted in *habitat of endangered species* and *threatened species*, except in accordance with provincial and federal requirements.

(Added by By-Law Number 2017-57, OPA Number 50)

6.1.5. *Development* and *site alteration* will not be permitted in *fish habitat* or habitat of *aquatic species at risk*, except in accordance with provincial and federal requirements.

Development and *site alteration* will not be permitted adjacent to the habitat of *aquatic species at risk* unless an *environmental impact assessment* demonstrates that there will be no *negative impacts* on *natural heritage features and areas* or *ecological functions*, and that *Species At Risk Act (SARA)* and *Endangered Species Act (ESA)* provisions have been addressed. The *environmental impact assessment* must be completed in consultation with Fisheries and Oceans Canada. They will also provide guidance on how projects must be carried out to remain in compliance with the *SARA* (i.e., by modifying the project to avoid impact, development of appropriate mitigation, or acquiring a *SARA* permit to carry out the activities). The Ministry of Natural Resources and Forestry will provide guidance on how projects must be carried out to remain in compliance with the ESA.

(Added by By-Law Number 2017-57, OPA Number 50)

Information about Species at Risk

6.1.6. This Plan does not identify the occurrences of *endangered species* or *threatened species* since this information may be confidential. Proponents must obtain this information from the Ministry of Natural Resources and Forestry and through the Natural Heritage Information Centre to screen locations for the known presence of species at risk. The City of Kingston will also access *endangered species and threatened species* data available from the Ministry of Natural Resources and Forestry.

(Added by By-Law Number 2017-57, OPA Number 50)

6.1.7. For *aquatic species at risk*, species at risk distribution and critical habitat maps and a reference guide can be obtained from Fisheries and Oceans Canada.

(Added by By-Law Number 2017-57, OPA Number 50)

Adjacent Lands

6.1.8. The Province of Ontario's "Natural Heritage Reference Manual," as amended from time to time, specifies the *adjacent lands* for each category of *natural heritage features and areas.*

Development and *site alteration* are not permitted on *adjacent lands* to Natural Heritage "A" or "B" features shown on Schedules 7 and 8 respectively, unless it has been demonstrated that there will be no *negative impacts* on the *natural heritage features and areas* or on their *ecological functions*. In the review of any *development* or *site alteration*, an *environmental impact assessment* will be required as follows, unless otherwise directed by the City in consultation with the Cataraqui Region Conservation Authority:

a. within 120 metres of a provincially *significant wetland, significant coastal wetlands* and other *coastal wetlands*;

b. within 50 metres of locally *significant wetlands*;

c. within 120 metres of *fish habitat*;

d. within 120 metres of *significant woodlands*;

e. within 120 metres of *significant valleylands*;

f. within 120 metres of *areas of natural and scientific interest – life science*;

g. within 50 metres of *areas of natural and scientific interest* – earth science*;*

h. within 120 metres of *significant wildlife habitat*;

i. within 120 metres of the *habitat of endangered species and threatened species,* in accordance with the *Endangered Species Act*, and as tracked by the Ministry of Natural Resources and Forestry "Natural Heritage Information Centre"; and

j. within 120 metres of habitat of *aquatic species at risk*, in accordance with the *Species At Risk Act* and as tracked by the Federal Department of Fisheries and Oceans.

(Amended by By-Law Number 2017-57, OPA Number 50)

Consultation with Authorities

6.1.9. Any decision considered by the City for any *development* application with respect to land within, or immediately adjacent to, the *natural heritage*

system will be made in consultation with the appropriate authorities, in accordance with the policies of this Plan, using the best available information at that time.

Boundaries

6.1.10. The boundaries of some of the *natural heritage system* features are approximate and may require validation through field investigations. Where the boundaries of these features are considered inaccurate, an *environmental impact assessment* will be required to confirm the limits of the feature(s) and their associated ecological functions. In reviewing potential boundary adjustments, the City will consult with the Cataraqui Region Conservation Authority and the Ministry of Natural Resources and Forestry, as appropriate. Minor adjustments to the boundaries of *natural heritage system* features, being Natural Heritage 'A' Features and Areas and Natural Heritage 'B' Features and Areas, may be permitted without amendment to this Plan. As outlined in Section 3.10.6, the identification of new Natural Heritage 'A' Features and Areas, listed in Section 6.1.2 of this Plan, will require an amendment to this Plan to ensure these features fall within an Environmental Protection Area designation. A zoning by-law amendment may be required to implement the objectives of the Official Plan amendment as they relate to boundary adjustments.

(Amended by By-Law Number 2017-57, OPA Number 50)

Private Ownership

6.1.11. Where lands shown as part of the *natural heritage system* on Schedules 7 and 8 are held in private ownership, nothing in this Plan will be construed to imply that such lands are open for the use of the general public or will be acquired by the City or other public agency. Various ways of preserving and managing the ecological resource through stewardship, partnerships, land trusts, environmental easements, acquisition or other means are encouraged.

Land Stewardship

6.1.12. The City encourages a wide variety of land stewardship options, including protecting lands through easements, purchase, tax incentives, and dedication to land trusts to preserve and enhance the *natural heritage system,* and its *adjacent lands*, across the City. The City will encourage efforts with neighbouring municipalities, public agencies and private landowners to manage and improve the ecological *sustainability* of the *natural heritage system* as a whole.

Ecological Site Assessment

6.1.13. An ecological site assessment may be required for *development* in locations where *natural heritage features and areas* are not known so that the need for an *environmental impact assessment* can be determined. This will involve:

a. consultation with the City, the Ministry of Natural Resources and Forestry, and the Department of Fisheries and Oceans to screen for known occurrences of *endangered species* or *threatened species* and species at risk; and,

b. preliminary field investigations at the appropriate time of year to search for the presence of features such as the *habitat of endangered species and threatened species* or *significant wildlife habitat*.

Significant wildlife habitat may include: seasonal concentrations of animals (e.g. deer wintering areas, heronries, turtle nesting areas, etc.), specialized habitats and rare vegetation communities and habitats of species of special concern. The Ministry of Natural Resources and Forestry "Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules" for the identification of significant wildlife habitat should be used by proponents to help identify significant wildlife habitat.

If required, an ecological site assessment for the presence of *significant wildlife habitat* will be required for the following types of development:

- creation of more than three lots by plan of subdivision;
- change in land use, not including the creation of a lot, that requires approval under the *Planning Act*;
- consent for lands abutting: the Cataraqui River; Millhaven Creek; St. Lawrence River; the lower reaches of Collins, Little Cataraqui and Grass Creeks; River Styx; Lake Ontario; and, Collins, Colonel By, Cranberry, Leo, Loughborough, and Odessa Lakes.
- site plan application for recreational uses (e.g., golf courses, serviced playing fields, serviced campgrounds and ski hills) that require large-scale modification of terrain, vegetation or both.

If the ecological site assessment determines that an *environmental impact assessment* is required, then the *environmental impact assessment* will be conducted in accordance with the requirements of this Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

Environmental Impact Assessment (EIA)

6.1.14. The "Guidelines for Environmental Impact Assessment" prepared by the Cataraqui Region Conservation Authority, as amended from time to time, or other guidelines used by the City to supplement the CRCA Guidelines, will guide the preparation of *environmental impact assessments*. In general, an *environmental impact assessment* must:

a. be undertaken by a *qualified person* with current knowledge in the field of biology, ecology, hydrology or other specialty as required by the specific circumstances;

b. use appropriately scaled maps to show topography, existing uses and buildings, and all existing *natural heritage features and areas* and *cultural heritage resources*, whether or not they have been deemed *significant* for the subject site and areas adjacent to it;

c. use appropriately scaled maps with topographic contours to show proposed uses, proposed *site alteration* and/or *development*;

d. provide a thorough inventory of flora and fauna and related habitat communities to be completed over a seasonal time span that is appropriate;

e. provide relevant information on geology (*significant* landforms), hydrology or hydrogeology;

f. summarize the best information available collected from other agency or scientific sources and discuss the *natural heritage features and areas*, and the associated *ecological functions*;

g. review the *ecological functions* of the *natural heritage features and areas* identified including habitat needs and the contribution of the site to the *natural heritage system*;

h. evaluate any unevaluated *wetlands* in accordance with the Ontario Wetland Evaluation System;

i. assess the cumulative impacts of the *development* proposal and any other existing or known future proposals in the vicinity; and

j. assess the impact of the proposed *development* or *site alteration* on the various attributes of the *natural heritage system* during and after construction, and:

- recommend measures designed to ensure there is no disturbance of the feature, and that will result in no *negative impact*;

- review alternative options and identify any monitoring requirements; and,

- provide a professional conclusion as to whether the proposal is acceptable, considering potential impacts to *natural heritage features and areas*, related functions, and any proposed measures needed to protect the *natural heritage feature(s) or area(s*) affected, consistent with the Provincial Policy Statement and the policies of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Scope of Environmental Impact Assessment

6.1.15. The scope and scale of any *environmental impact assessment* required by this Plan must be determined in consultation with the City, the Cataraqui Region Conservation Authority, and/or other appropriate agency or Ministry. For areas having a particular value for their *natural heritage feature* or function, the distances noted in Section 6.1.8 may be increased in order to ensure that the *environmental impact assessment* adequately evaluates the impacts of a proposed *development* on the *natural heritage system*.

(Added by By-Law Number 2017-57, OPA Number 50)

6.1.16. The City, in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, or other agency or Ministry, as appropriate, may tailor the requirements regarding the appropriate level of effort for the *environmental impact assessment* on a site specific basis depending upon the characteristics of the *natural heritage feature*, the adjacent area, the nature of the proposed *development,* any intervening *development* that already exists within the *adjacent lands*, or other relevant factor that is identified.

(Added by By-Law Number 2017-57, OPA Number 50)

Agricultural Uses May Continue

6.1.17. Nothing in this Section is intended to limit the ability of existing *agricultural uses* to continue. Existing *agricultural uses* and *normal farm practices* occurring on *adjacent lands* to the *natural heritage features and areas* are not subject to the requirement for an *environmental impact assessment*.

Woodlands

6.1.18. The City encourages the preservation of all *woodlands* as shown on Schedule 8 of this Plan, and the consideration of all *woodlands* in the preparation of an *environmental impact assessment.* For the purposes of applications related to mineral aggregate operations, *significant*

woodlands will be defined based on the criteria in the Natural Heritage Reference Manual.

(Amended by By-Law Number 2017-57, OPA Number 50)

Tree Conservation

6.1.19. Trees are recognized as a resource that improves community resilience since they contribute to air quality improvement, and have aesthetic benefits, quality of life benefits, financial benefits, and stormwater management benefits. The City will manage the urban forest as per Section 2.8.2 and with reference to the long term management plan established through Kingston's Urban Forest Management Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

6.1.20. Trees will be protected in accordance with the City's Tree By-law. The City will monitor and review the Tree By-law to ensure its provisions are up-to date and provide adequate protection.

(Added by By-Law Number 2017-57, OPA Number 50)

Linkages and Corridors

6.1.21. Areas of contiguous *woodlands*, *wetlands* and other *natural heritage features and areas* represent important areas of *wildlife habitat* that are critical to the movement of wildlife. These linkages and corridors, as shown on Schedule 8, must be protected, enhanced and restored in the long term. The introduction of *recreational* trails or other uses that could harm these areas is discouraged unless it can be demonstrated that the proposed use will not harm the natural *wildlife habitat*. Through an *environmental impact assessment*, it may be determined that previously unmapped *significant wildlife habitat* should be recognized, and given protection. An *environmental impact assessment* should identify linkages and/or corridors that help support or enhance the *ecological function* of a natural heritage feature or area by making or maintaining a connection to the *natural heritage system* and/or other *natural heritage features and areas*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Setbacks for Development

6.1.22. Setbacks from *natural heritage features and* areas are established based on the recommendations of an approved *environmental impact assessment* or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in consultation with the Ministry of Natural Resources and Forestry, the Cataraqui Region Conservation Authority, or Parks Canada, as appropriate.

(Amended by By-Law Number 2017-57, OPA Number 50)

Land Division

6.1.23. Land division through severance or plan of subdivision (or condominium) that has the effect of fragmenting lands within the *natural heritage system* is discouraged. The policies of Section 9.6 of this Plan must also be addressed.

Land Division in Natural Heritage A

6.1.24. Where a site is within a Natural Heritage "A" feature, no new land division that results in the creation of a new lot will be granted except for lands that are to be held by land trusts, public agencies, or for conservation purposes.

Land Division in Natural Heritage B

6.1.25. Where a site is within a Natural Heritage "B" feature, no land division that results in the creation of a new lot will be granted if it results in *negative impacts* on the feature or function, except for lands that are to be held by land trusts, public agencies, or for conservation purposes.

Land Division Adjacent to Natural Heritage A and B

6.1.26. Where a site is on *adjacent lands* to either a Natural Heritage "A" feature or a Natural Heritage "B" feature, no land division that results in the creation of a new lot will be approved unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the *natural heritage features and areas*, or on their *ecological functions*.

6.2 Energy Conservation and Production

Scientists agree that the changing trends in weather, commonly referred to as climate change, are having severe impacts at the local and the global scale. Energy use is determined by land-use patterns. Land-use configurations determine the distance people drive from their homes to work, the feasibility of transit and district energy and the structure of buildings. Energy consumption continues to increase while traditional energy supplies are becoming increasingly constrained. The need has never been greater to conserve energy and use it wisely and efficiently, and to find more sustainable means of producing energy.

The policies in this section are supportive of the Kingston Climate Action Plan, adopted by City Council in June 2014, and of the goals for the Kingston Community Energy Plan. The Kingston Climate Action Plan is working towards a target of reducing the community's greenhouse gas emissions from 2011 levels by 20 percent by the year 2020 and by 30 percent by the year 2030.

As a result of technological advances and energy deregulation, various forms of *renewable energy* are now able to provide thermal and electrical power on a site-specific basis, district basis, or as part of a more expansive utility grid system. The social, economic and environmental benefits of using *renewable energy* technologies in *developments* are well-documented. Still, these merits must be balanced with assuring the functionality of the technology, and its *compatibility* with the natural environment and surrounding land uses.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To minimize greenhouse gas emissions and to be a leader in energy conservation, energy efficiency, and sustainable energy production, with a strong focus on the development of *renewable energy systems* that are appropriate in type and scale, and that minimize impacts on the natural environment and surrounding land uses.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

General

6.2.1. The City promotes the design and orientation of *development* that:

a. maximizes passive *solar energy* gain and minimizes energy loss from prevailing winds;

b. incorporates innovative building materials that helps *development* reduce its ecological footprint;

c. explores opportunities for *renewable energy systems* on a site-specific or district-wide basis;

d. is considered either low carbon or carbon neutral;

e. enhances the feasibility of district energy;

f. enhances the feasibility of non-automotive transportation including *active transportation; and,*

g. at the district scale, attempts to achieve *climate positive development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.2. The City promotes landscaping and tree planting programs that help to moderate summer and winter micro-climatic conditions.

6.2.3. The City strongly promotes construction techniques and infrastructure that allow *development* to accommodate more affordable *renewable energy* technologies in the future.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.4. The City supports public education, pilot projects and demonstration programs that explore ways to use *renewable energy systems* for *development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.5. The City supports and will promote the use of energy audits to evaluate the energy efficiency of buildings.

6.2.6. The City may give priority to *development* applications that incorporate renewable energy and district energy *infrastructure*.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.7. The City encourages the installation and operation of *electricity generation facilities* to be designed and constructed to minimize impacts on *prime agricultural land*, on existing *agricultural uses* or *agriculture-related uses*, or on *mineral aggregate resources* on a property.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.8. The City encourages the retrofitting of existing residential and commercial building stock through consideration of incentives, planning and financial instruments that it may choose to implement and the City supports partnerships with utilities and other levels of governments to that end.

(Added by By-Law Number 2017-57, OPA Number 50)

6.2.9. The City may seek to advance energy policies and programs that address social impacts such as fuel poverty and vulnerability.

(Added by By-Law Number 2017-57, OPA Number 50)

6.2.10. The City promotes the inclusion of charging stations for electric vehicles as part of the development or redevelopment of a site.

(Added by By-Law Number 2017-57, OPA Number 50)

6.2.11. The City supports net-zero building, district, or neighbourhood development (i.e., the total amount of energy used annually is roughly equal to the amount of renewable energy created on the site).

(Added by By-Law Number 2017-57, OPA Number 50)

6.2.12. The City supports the net-metering of electricity in buildings.

(Added by By-Law Number 2017-57, OPA Number 50)

6.2.13. The City promotes intensification based on principles of minimizing energy consumption through attention to building design and the design and installation of infrastructure, and densities that support *active transportation* and transit.

(Added by By-Law Number 2017-57, OPA Number 50)

Functionality and Compatibility

6.2.14. Under the *Green Energy Act*, the City is not the approval authority for commercial *wind energy* and *solar energy* projects. When the City has approval authority for a project, the proponent must demonstrate to the satisfaction of the City that:

a. the proposed *electricity generation facility* is functional and *compatible* in accordance with Section 2.7 of this Plan;

b. if proposed on lands designated on Schedule 3 as Prime Agricultural Area or Mineral Resource Area, that there are no suitable alternate locations on poorer soils on the property to accommodate the proposed *electricity generation facility*; and,

c. the project will not compromise the agricultural lands or feasibility of agricultural production over both the short and long term.

(Amended by By-Law Number 2017-57, OPA Number 50)

Support Studies

6.2.14.1. A proposed *electricity generation facility* may be required to demonstrate, through appropriate supporting studies, that emissions from dust, noise, contaminants, odour, water, wastewater, stormwater drainage, or solid waste disposal will not have any *adverse effects* on *sensitive uses*. Where applicable, a completed Environmental Compliance Approval for emissions will be required prior to the municipality's consideration of the implementing zoning by-law.

(Amended by By-Law Number 2017-57, OPA Number 50)

Siting and Buffering

6.2.14.2 A proposed *electricity generation facility* must be sited in a manner that minimizes visual impacts and are *compatible* to other uses that may already be established on the site, in addition to the surrounding neighbourhood/landscape character. This will be achieved through siting, architectural design, and landscape/buffer treatments.

(Amended by By-Law Number 2017-57, OPA Number 50)

Required Information & Studies

6.2.14.3 Proponents of an *electrical generation facility* must submit all required information and studies, in accordance with Section 9.12 of this Plan. The number and scope of the studies and assessments required is to be appropriate and in keeping with the type, scale and complexity of the *electrical generation facility* being proposed.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.14.4 A *dispute resolution protocol* may be required to demonstrate how the *electrical generation facility* will be *compatible* with nearby land uses. Provincial utilities will be exempted from the requirement to produce a *dispute resolution protocol.*

(Added by By-Law Number 2017-57, OPA Number 50)

Peer Review

6.2.15. In situations when the City has approval powers the City may require a peer review of information or studies submitted in support of the proposed *development*, to be prepared at the expense of the proponent, and to the satisfaction of the City.

Zoning By-law

6.2.16. In situations when the City has approval powers, the implementing zoning by-law will regulate *electrical generation facilities* regarding such matters as site area, massing, scale, site coverage, building or structural height, setbacks, mutual separation, parking and buffering provisions. Site plan review may also be required.

(Amended by By-Law Number 2017-57, OPA Number 50)

District Energy

6.2.17. The City supports and encourages the use of district energy systems. The City also supports the use of related alternative energy models, including micro-grids, combined heat and power, and electricity storage systems. The City supports incentives for developers to minimize total energy consumption of new development through the use of such district energy service models.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.A Solar Energy

Solar Energy

6.2.A.1. Where *solar energy* systems are used for the production of thermal energy (heat), these systems may be treated separately through the policies of this Plan, the Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities, and the implementing zoning by-law.

(Amended by By-Law Number 2017-57, OPA Number 50)

Passive Solar

6.2.A.2. The City requires the design and orientation of new buildings and subdivisions in a way that maximizes passive *solar energy* gain and day-lighting.

Solar-ready Infrastructure

6.2.A.3. The City promotes the inclusion of solar-ready infrastructure in the construction of new homes and other buildings, including the installation of photovoltaic generation technology.

(Amended by By-Law Number 2017-57, OPA Number 50)

Roof-mounted Solar Panels

6.2.A.4. Nothing in this Plan is intended to restrict the installation, operation or maintenance of a thermal *solar energy* system that is:

a. an *accessory use* to a permitted use or building; or,

b. mounted directly on the roof of:

- a principal building; or,
- each main building in a multiple building project that is on a single landholding.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.B Wind Energy

Wind Energy Systems

6.2.B.1. *Wind energy* systems may be used for the production of electricity, will be regulated in accordance with provincial and federal regulations, including but not limited to, requirements for all necessary Ministry of Transportation Permits within *controlled areas*.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.C Biomass Energy

Biomass Energy Systems

6.2.C.1. *Biomass energy* systems may be used for the production of electricity, thermal energy (heat), or fuel, and any such systems intended for heat production may be treated separately through the policies of this Plan and the implementing zoning by-law. The following policies apply to systems which are intended for heat generation.

Fireplaces and Wood Stoves

6.2.C.2. This Plan is not intended to restrict the installation, operation or maintenance of domestic outdoor wood-burning furnaces, or indoor wood-burning fireplaces, wood stoves, or pellet stoves, provided they comply with the Ontario Building Code.

(Amended by By-Law Number 2017-57, OPA Number 50)

Industrial Use

6.2.C.3. The commercial installation or operation of a *biomass energy* system for heat production is permitted in General Industrial, Waste Management Industrial, and Rural Industrial designations, as shown on Schedule 3 of this Plan.

Accessory Use

6.2.C.4. The installation or operation of a *biomass energy* system is permitted as an *accessory use* to an industrial business or an active farm, provided the lands are designated as General Industrial, Waste Management Industrial, Rural Industrial, Prime Agricultural Area, or Rural Lands.

(Amended by By-Law Number 2017-57, OPA Number 50)

On-site Consumption

6.2.C.5. Except for the Industrial designations referred to in Section 6.2.C.3, the energy produced by a *biomass energy* system is primarily for domestic, on-site consumption.

Source of Material

6.2.C.6. Except for the Industrial designations referred to in Section 6.2.C.3, a substantial amount of the biological material used in a *biomass energy* system should come from the farm on which the generating system is located.

Adjacent to Natural Heritage Features

6.2.C.7. *Biomass energy* systems are subject to the policies of Section 6.1 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Planning Requirements

6.2.C.8. All *biomass energy* systems are subject to:

a. a zoning by-law amendment that recognizes the site-specific *development*; and,

b. site plan control review.

6.2.D Geothermal Energy

Geothermal Energy Systems

6.2.D.1. *Geothermal energy* systems may be used for the production of thermal energy (heat), for cooling by transferring heat to the earth or for the production of electricity, and where such systems are intended to produce heat exclusively, these systems may be treated separately through the policies of this Plan and the implementing zoning by-law.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.D.2. The installation or operation of a *geothermal energy* system is permitted in Institutional, Regional Commercial, Arterial Commercial, District Commercial, Business Park Industrial, General Industrial, Waste Management Industrial, Rural Commercial, Rural Industrial, Rural Lands and Prime Agricultural Area, as shown on Schedule 3 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Adjacent to Natural Heritage Features

6.2.D.3. *Geothermal energy* systems are subject to the policies of Section 6.1 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.E Hydroelectric Energy

Hydroelectric Energy Systems

6.2.E.1. *Hydroelectric energy* systems may be used for the production of electricity, and as such, will be subject to federal and provincial regulations.

Kingston Mills

6.2.E.2. Nothing in this Section of the Plan restricts the operation or maintenance of the *hydroelectric energy* system at Kingston Mills, as existing on the effective date of this Plan.

6.2.F Cogeneration Energy

Cogeneration Systems

6.2.F.1. *Cogeneration energy* systems are used for the production of both electricity and thermal energy (heat), however any systems used exclusively for heat production may be regulated through the policies of this Plan and the implementing zoning by-law.

6.2.F.2. *Cogeneration energy* systems intended for heat production are allowed in all land use designations, subject to the proponent proving to the City's satisfaction that the cogeneration system will not have an *adverse effect* on neighbouring properties.

Adjacent to Natural Heritage Features

6.2.F.3. *Cogeneration energy* systems are subject to the policies of Section 6.1 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

6.2.F.4. All *cogeneration energy* systems are subject to site plan control review.

Queen's University

6.2.F.5. Nothing in this Plan restricts the operation or maintenance of the *cogeneration energy* system based at Queen's University, as existing on the effective date of this Plan.

Section 7. Cultural Heritage and Archaeology

The City of Kingston is one of the earliest sites of European settlement in Ontario and has a longer history as a meeting place of *First Nations* and *Métis*. Kingston was Canada's first capital, the home of Canada's first Prime Minister and Fort Henry, part of a UNESCO World Heritage site. Modern Kingston has a vibrant arts community, with a strong presence of visual arts, theatre, film, music, literature and other creative activity.

The City of Kingston is well known for its *cultural heritage resources,* which play a key role in the City's identity, and contribute to its economic prosperity as well as to the cultural enrichment of its residents and visitors. The types of *cultural heritage resources* addressed by this Plan include *intangible cultural heritage resources*, moveable cultural heritage resources, *protected heritage properties, built heritage resources, cultural heritage landscapes*, and *archaeological resources*.

On any one site there may be a variety of *cultural heritage resources* present. For example, a single property may be the location of a *built heritage resource*, such as a designated building or monument, it may form part of a *significant* streetscape and scenic vista, and it may have archaeological potential. As a result, it is important to review all of the heritage policies of this Section when assessing a site. It is also important to recognize the inter-relationship of the various heritage categories (protected properties, heritage landscapes and archaeology) and the extent that each may be present on the property. The *adjacent lands* to a site where *cultural heritage resources* are present must also be recognized and assessed for their heritage contribution and impact.

It is intended that the City's *cultural heritage resources* will be protected and managed in accordance with the recommendations and policies of this Plan together with the Kingston Culture Plan, the Integrated Cultural Heritage and Cultural Tourism Strategy, the Kingston Commemorations Strategy, the Consolidated Civic Collection & Municipal Museums Policies, and the Public Art Master Plan, as amended from time to time.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.1 Built Heritage Resources

The City of Kingston has numerous *built heritage resources* that include significant buildings, structures, monuments and heritage conservation districts that are valued for the important contribution that they make to understanding the City's history, events and people. *Built heritage resources* are generally located on property that has been designated under Parts IV (individual property), V (heritage conservation districts) or VI (archaeology) of the *Ontario Heritage Act*, or that is subject to a heritage conservation easement, or that has been included on local, provincial and/or federal registers using evaluation criteria. The identification, listing, evaluation and protection of *built heritage resources* is an ongoing process that will continue in accordance with the provisions of the *Ontario Heritage Act* and the policies of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To conserve and enhance *built heritage resources* within the City so that they may be accessed, experienced and appreciated by all residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations.

(Amended by By-Law Number 2017-57, OPA Number 50)

General Policies:

Evaluation Criteria

7.1.1. The Evaluation Criteria for assessing the cultural heritage value or interest of *built heritage resources* has been established by the Province of Ontario under Ontario Regulation 9/06. The identification and evaluation of *built heritage resources* must be based on the following core values:

a. design value or physical value;

b. historical value or associative value; or,

c. contextual value.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.1.2. The City will recognize and *conserve* its *built heritage resources* and will promote the maintenance and *development* of an appropriate setting within and around all such sites.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.1.3. The City will designate all city-owned *built heritage resources* of merit under the *Ontario Heritage Act* and prepare strategies for their care, management, and stewardship.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.1.4. The City will acquire heritage easements, and enter into *development* agreements for the conservation of *built heritage resources* where appropriate.

(Amended by By-Law Number 2017-57, OPA Number 50)

Register of Significant Built Heritage Resources

7.1.5. The City will maintain a Register of *Built Heritage Resources* that are considered *significant* and have been publicly identified by one or more of the following means:

a. designated under the *Ontario Heritage Act*;

b. protected by a heritage conservation easement entered into under the *Ontario Heritage Act*;

c. designated by the National Historic Sites and Monuments Board as a National Historic Site or National Park;

d. identified as a UNESCO World Heritage Site;

e. identified by the Province of Ontario;

f. identified by the Federal Heritage Building Review Office as a Classified or Recognized Federal Heritage Building, or listed under the *Historic Railway Station Protection Act* or the *Historic Lighthouse Protection Act*; and/or,

g. endorsed by the Council of the Corporation of the City of Kingston as having cultural heritage value or interest.

(Amended by By-Law Number 2017-57, OPA Number 50)

Conservation Protocol

7.1.6. The City will protect and *conserve built heritage resources* in accordance with the best available cultural resource management protocols and Charters including, but not limited to, the following:

a. UNESCO and International Council on Monuments and Sites (ICOMOS) Conventions and Charters;

b. the Standards and Guidelines for the Conservation of Historic Places in Canada, as amended from time to time; and,

c. the Ontario Ministry of Tourism, Culture and Sport's eight guiding principles in the conservation of built heritage properties.

(Amended by By-Law Number 2017-57, OPA Number 50)

Heritage Impact Statement

7.1.7. The City may require that a heritage impact statement be prepared by a *qualified person* to the satisfaction of the City for any *development* proposal, including a secondary plan, which has the potential to impact a *built heritage resource*. The scope of the heritage impact statement is determined in consultation with the City and must include information and assessment relevant to the circumstances, including alternative *development* approaches or mitigation measures to address any impact to the *built heritage resource* and its *heritage attributes*. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or

heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a *protected heritage property*; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

Archival Requirements

7.1.8. In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a *built heritage resource* or a *cultural heritage landscape* is found to be necessary as determined by Council, thorough archival documentation is required to be undertaken by the proponent and made available to the City for archival purposes.

7.1.9. The above-noted archival documentation must be prepared by a *qualified person* and include at least the following as appropriate, or additional matters as specified by the City:

a. architectural measured drawings; and,

b. photographs, maps and other available material about the *built heritage resource* in its surrounding context.

(Amended by By-Law Number 2017-57, OPA Number 50)

Conservation of Built Heritage Resources

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:

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 conserve identified *built heritage resources*;

d. using the provisions of Section 37 of the *Planning Act* in order to maintain the integrity of identified *built heritage resources*;

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*;

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*;

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;

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

i. using heritage easements as a means to protect *significant built heritage resources*, where appropriate.

(Amended by By-Law Number 2017-57, OPA Number 50)

City Programs

7.1.11. The City will *conserve* and protect *built heritage resources* and implement and enforce the policies of this Section by undertaking the following:

a. designing and constructing, in conformity with policies of this Section, any public, capital and maintenance works involving or adjacent to *built heritage resources*;

b. cooperating with neighbouring municipalities, other levels of government, conservation authorities, local boards, not-for-profit organizations, corporations and individuals in the conservation of *built heritage resources* within the municipality;

c. developing implementation strategies to participate in cultural heritage initiatives offered by other levels of government;

d. using fiscal tools and incentives to facilitate heritage conservation including but not limited to the *Community Improvement Plan*, Façade Improvement Program, and Height and Density provisions pursuant to the *Planning Act*, grants and loans pursuant to the *Ontario Heritage Act*, and the heritage property tax reduction/rebate program pursuant to the *Municipal Act*;

e. updating the City's by-laws, regulations and standards to ensure consistency with the policies of this Section and the requirements of the *Ontario Heritage Act*;

f. identifying, documenting and designating *built heritage resources*, as appropriate, in secondary plans or other city plans or studies, such as the Master List of Properties of Potential Heritage Value and implementing measures to protect and enhance any identified valued *built heritage resources* through the conditions of *development* approval; and,

g. enhancing opportunities for public awareness of *built heritage resources* by initiating and supporting promotional and educational City programs or by promoting the programs of other agencies, governments or groups.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.1.12. In the event that human remains or cemeteries are identified or encountered during assessment, *site alteration* or *development*, all work must immediately cease and the site must be secured. The appropriate provincial and municipal authorities must be notified. Required provisions under the *Funeral, Burial and Cremation Services Act*, *Ontario Heritage Act*, along with other applicable protocol or policy must be followed. Where there are *First Nation* and *Métis* burials, they will be addressed in partnership with all appropriate *First Nations* communities. Licensed archaeologists will assess the property, and may be required to recommend conservation strategies.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.1.13. The cultural heritage districts, areas and corridors, and the protected views and fortifications, are all shown on Schedule 9 of this Plan. In addition, Schedule DH-4 shows protected views of City Hall.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.2 Protected Heritage Properties

The term *protected heritage properties* refers to real property that is designated by by-law or subject to a heritage easement under the *Ontario Heritage Act*. The term also includes any buildings or structures located on the property. The term *built heritage resources* refers to buildings, structures, monuments, installations or remains of significance that are located upon a piece of real property and which have been identified by the municipality. The City owns a large number of designated properties and properties of cultural heritage value, as well as monuments, structures and installations, including three National Historic Sites: City Hall; part of Fort Frontenac; and, the Frontenac County Courthouse.

(Amended by By-Law Number 2017-57, OPA Number 50)

City-owned Cultural Heritage Resources

7.2.1. The City must lead the community in the management of its *cultural heritage resources* by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties. It is the intent of this Plan to require that:

a. the City protect and maintain all City-owned *cultural heritage resources* in accordance with a high standard of heritage conservation;

b. City-owned *built heritage resources* be integrated into the community and put to adaptive re-use, where feasible and practical;

c. in the event that the ownership status of a City-owned *built heritage resource* changes, the City must register a heritage easement on title to ensure that the continuous care of, and public access to, these resources are maintained; and,

d. when the potential change in use or function of a City-owned *built heritage resource* is being contemplated, the potential adverse impacts must be carefully considered and mitigated, and preparation of a heritage impact statement by a *qualified person* may be required.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.2.2. The City will prepare a Commemorative Integrity Statement and Management Plan for the National Historic Sites located on City-owned properties.

(Amended by By-Law Number 2011-89, OPA Number 6)

Relocation of Protected Heritage Properties

7.2.3. All options for on-site retention of *protected heritage properties* must be exhausted before resorting to relocation. The following alternatives must be given due consideration in order of priority:

a. on-site retention in the original use and integration with the surrounding or new *development;*

b. on-site retention in an adaptive re-use;

c. relocation to another site within the same *development*; and,

d. relocation to another sympathetic site within the City.

A heritage impact statement will be required as part of a proposal to relocate a *protected heritage property.*

(Amended by By-Law Number 2017-57, OPA Number 50)

7.2.4. The City may establish minimum standards for the maintenance of the heritage attributes of protected heritage properties in accordance with the *Ontario Heritage Act* and the Ontario Building Code.

(Amended by By-Law Number 2017-57, OPA Number 50)

Development and Site Alteration on Adjacent Lands

7.2.5. The City may permit *development* and *site alteration* on *adjacent lands* to a *protected heritage property* where the proposed *development* and *site alteration* has been evaluated, and it has been demonstrated through the preparation of a heritage impact statement that the *heritage attributes* of the *protected heritage property* will be *conserved.*

7.2.6. The City must administer the *Accessibility for Ontarians with Disabilities Act*, the Ontario Building Code and related codes and regulations to permit maximum conservation and re-use of *built heritage resources* while still ensuring the health and safety of the public.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.2.7 The City may permit accessibility and energy efficiency retro-fits on heritage properties. These retro-fits must be completed in accordance with Policy 7.2.6.

(Added by By-Law Number 2017-57, OPA Number 50)

7.3 Cultural Heritage Landscapes

A *cultural heritage landscape* usually involves a geographically defined grouping of features that are both human-made and natural. These geographical areas have been modified and characterized by human activity and collectively create a unique cultural heritage. They are valued not only for their historical, architectural or contextual significance, but also for their contribution to the understanding of the social, economic, political and environmental influences that have shaped the community.

Cultural heritage landscapes may include such features as heritage conservation districts designated under the *Ontario Heritage Act*, villages, parks, gardens, cemeteries, lakes, rivers, main streets, neighbourhoods, *Indigenous Peoples of Canada* communities, shorelines, vegetation, and scenic vistas.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.1. The City intends to undertake a *cultural heritage landscape* study, which may result in an amendment to this Plan.

7.3.2. It is the City's intent to *conserve* its *cultural heritage landscapes.*

7.3.3. The City may use parkland dedication provisions to secure a *cultural heritage landscape.*

Designation

7.3.4. *Significant cultural heritage landscapes* will be designated pursuant to the *Ontario Heritage Act* or as areas with cultural heritage character as set out in this Plan. They may also be concurrently designated by the Federal Government through the National Historic Sites and Monuments Board.

(Amended by By-Law Number 2017-57, OPA Number 50)

Cultural Heritage Character Areas

7.3.5. The City will investigate areas and landscapes of specific heritage character that are described as cultural heritage character areas in this Plan. After detailed study, these areas may not be determined as appropriate for designation under the *Ontario Heritage Act*, but may nonetheless be recognized for their specific heritage character.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.6. Where an area or landscape of specific heritage character is not designated, but is recognized for a specific heritage character, the following may be required:

a. a heritage impact statement where construction, alteration, demolition, or addition to a property located within a cultural heritage character area is proposed;

b. the protection of viewplanes, such as those related to City Hall, Kingston fortifications, and the harbor; and,

c. notification to relevant public agencies and appropriate *First Nations* groups of the existing and potential *cultural heritage resources* at an early planning stage to ensure that the objectives of heritage conservation are given due consideration in any public work project or assessment that may be undertaken.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.7. Areas other than those recognized for a specific heritage character may have a distinctive character and may at a future time be considered as having cultural heritage value or interest. To ensure that potential future cultural heritage value or interest is not eroded, the City will encourage all

development to be sympathetic to the neighbourhood as per the policies of Section 8.

(Added by By-Law Number 2017-57, OPA Number 50)

7.3.A Rideau Canal UNESCO World Heritage Site

The Rideau Canal extends from the LaSalle Causeway to the City of Ottawa. In 2007, the Rideau Canal was inscribed on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Designation list. The designation includes the Rideau Canal/Great Cataraqui River from the LaSalle Causeway to the northerly municipal limit, as well as the Kingston fortifications, which include Fort Henry, and the four Martello Towers, namely Fort Frederick, Murney, Shoal and Cathcart Towers. The City has areas of specific heritage character that are recognized as being of outstanding universal value.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To recognize and conserve the cultural heritage significance of the Rideau Canal and the fortifications associated with Kingston, and to support the important role of the UNESCO World Heritage Site as a scenic, cultural, natural and tourism resource.

(Added by By-Law Number 2017-57, OPA Number 50)

Overlay

7.3.A.1. A 30 metre overlay has been applied along the shoreline of the Rideau Canal, measured from the *high water mark*. This overlay is illustrated in Schedule 11-A to this Plan. *Development* and land use change within the area subject to the overlay must conform to the policies of this Section and to the overall intent and purpose of this Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

Rideau Canal UNESCO World Heritage Site

7.3.A.2. Within the City, Parks Canada has jurisdiction for the portion of the Rideau Canal from Belle Island to the northern municipal boundary, including both the bed of the Canal and shore areas, whereas Transport Canada has jurisdiction for the portion of the Canal south of Belle Island to the LaSalle Causeway. The Canal is a World Heritage Site, a National Historic Site, and a Canadian Heritage River that is comprised of diverse landscapes rich in history, natural character and scenic beauty. The City will continue to work with Parks Canada and other agencies to recognize and conserve the *cultural heritage resource* significance of the Rideau Canal, by:

a. conserving the *cultural heritage landscapes* and *built heritage resources* directly associated with the Canal as described in the

Rideau Corridor Landscape Character Assessment and Planning and Management Recommendations Report;

b. identifying, developing and promoting the *intangible cultural heritage resources* associated with the history of the Canal in ways that benefit residents and engage visitors;

c. introducing design guidelines applied through the site plan control process for new *development* along the Rideau Canal;

d. requiring that both the terrestrial and marine *archaeological resources* associated with the Rideau Canal be conserved*;*

e. ensuring that all *development* on *adjacent lands* to the Canal or over the Canal does not interfere with the safe and efficient navigation on the Canal;

f. prohibiting any *development* or *site alteration* that would alter the size, shape and configuration of the canal system;

g. requiring that *development* or *site alteration* on *adjacent lands* to the lock stations and the Canal proper demonstrate that the *cultural heritage resources* will be *conserved*;

h. ensuring that *development* under the *Planning Act* be in accordance with the policies of Sections 7.3.A and 9 of this Plan;

i. requiring that new bridge or public utilities crossings undertake satisfactory environmental assessments in accordance with the policies of this Plan; and,

j. continuing to partner with the other municipalities along the waterway, Parks Canada, and other agencies to promote the Rideau Canal UNESCO World Heritage Site.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

Maintain and Protect the Resource

7.3.A.3. The intent of this Plan is to maintain and protect the diversity of natural landscapes and the scenic, natural and tourism resources related to the Rideau Canal in cooperation with other municipalities along the waterway, Parks Canada and other agencies having jurisdiction. It is also the intent of this Plan to assist with implementing the Rideau Corridor Landscape Strategy.

(Added by By-Law Number 2017-57, OPA Number 50)

Permitted Uses

7.3.A.4. Permitted uses along the Rideau Canal are outlined in the applicable land use designation as described in Sections 3 and 10B to this Plan. The designation of land is illustrated in Schedules 3-A, 3-B, 3-C and RC-1.

(Added by By-Law Number 2017-57, OPA Number 50)

Prohibited Uses

7.3.A.5. The following uses may have a detrimental impact on the *cultural heritage landscape* and *built heritage resources* associated with the Rideau Canal and are accordingly not permitted within 30 metres of the *high water mark*:

a. Pits and quarries;

b. Outside storage;

c. Large paved areas;

d. Activities that produce noise, fumes or dust;

e. Cell/telecommunication towers; and,

f. Large-scale renewable energy projects.

It is recognized that items e. and f. above are regulated by other jurisdictions.

(Added by By-Law Number 2017-57, OPA Number 50)

Viewscape Protection

7.3.A.6. The intent of this Plan is to preserve and enhance views to and from the Rideau Canal to maintain the integrity of this unique *cultural heritage landscape*.

(Added by By-Law Number 2017-57, OPA Number 50)

Development Applications

7.3.A.7. Applications for *development* must be circulated to Parks Canada for comment and reviewed in the context of protecting the values associated with the National Historic Site and the World Heritage Site.

(Added by By-Law Number 2017-57, OPA Number 50)

Site Plan Control

7.3.A.8. Development on lands abutting the Rideau Canal UNESCO World Heritage Site may be subject to site plan approval and accordingly ought

to be considered against the terms of the City's Site Plan Control By-law, as applicable.

(Added by By-Law Number 2017-57, OPA Number 50)

Plan of Subdivision Required

7.3.A.9. Generally, division of land for new residential *development* along the Rideau Canal will only be permitted by plan of subdivision. Severances as set out in Section 9.6 of this Plan are allowed in rare instances where it can be demonstrated that potential *adverse effects* on the Rideau Canal and its environs can be effectively mitigated. This can be done through a heritage impact statement or a visual impact statement and would require approval from the City in consultation with Parks Canada.

(Added by By-Law Number 2017-57, OPA Number 50)

Development Criteria

7.3.A.10. The following policies apply to *development* on lands which abut the Rideau Canal:

a. Lot creation along the Rideau Canal will be discouraged where the natural channel of the Canal is less than 100 metres wide in order to ensure that waterfront development will not interfere with navigation.

b. Where *development* is proposed along a section of the Rideau Canal which is less than 100 metres wide, a *heritage impact statement* will be required to confirm how the *natural heritage landscape* and cultural heritage value will be *conserved*.

c. *Development* on lands abutting the Rideau Canal must be setback a minimum of 30 metres from the shoreline unless it can be demonstrated through the completion of a *heritage impact statement* that the *development* will maintain or enhance the *cultural heritage landscape* and *built heritage resources* associated with the Rideau Canal. In cases where development may impact the *cultural heritage landscape* or built heritage resources, a setback greater than 30 metres, as determined through the *heritage impact statement*, may be required.

d. Native vegetation within 30 metres of the shoreline must be retained in its natural state, only allowing access to the waterfront by way of a path designed for limited pedestrian access with minimal disturbance to the natural features.

e. New buildings should be designed to complement the *cultural heritage landscape* and *built heritage resources* associated with the Rideau Canal.

f. The City will seek to acquire lands along the Rideau Canal to support the creation of a continuous open space corridor, with a particular focus within the *Urban Boundary*.

(Added by By-Law Number 2017-57, OPA Number 50)

Consultation

7.3.A.11. The City will consult with Parks Canada and the Cataraqui Region Conservation Authority on all *development* applications affecting properties which are captured by the 30 metre overlay.

(Amended by By-Law Number 2017-57, OPA Number 50)

In-water Works

7.3.A.12. Under the federal Historic Canals Regulations, Parks Canada oversees all in-water works along the Rideau Canal. Docks, water access and boathouses, where permitted, must adhere to Parks Canada's Policies for In-Water and Shoreline Works and Related Activities and require a permit from Parks Canada before work can begin. Such activities must avoid negative impacts to fish, wildlife, navigation and the natural and visual qualities of the shoreline.

(Amended by By-Law Number 2017-57, OPA Number 50)

Heritage Impact Statement Required

7.3.A.13. *Development* is permitted only if potential *adverse effects* on the Canal and its environs can be remedied, as demonstrated through a heritage impact statement. The scope of the heritage impact statement is to be determined in consultation with the City and Parks Canada and must include information relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the *cultural heritage landscape* and *built heritage resources* associated with the Canal.

(Added by By-Law Number 2017-57, OPA Number 50)

Kingston Fortifications

7.3.A.14. The Kingston fortifications include Fort Henry and four Martello Towers: Fort Frederick, Murney, Shoal, and Cathcart. These fortifications, shown on Schedule 9, are designated as a World Heritage Site and as National Historic Sites. They contribute to the identity and sense of place of Kingston and link Kingston to its military past. They are also a valued contribution to the City's cultural tourism sector. To recognize and conserve the *cultural heritage resource* significance of the Kingston fortifications, the City, together with Parks Canada, will:

a. conserve the *cultural heritage landscapes,* including the fields of fire of Fort Henry;

b. conserve the views from Point Henry to Navy Bay, across Deadman Bay to Cedar Island, the Martello Towers, the St. Lawrence River, and the Kingston Harbour, as well as viewscapes to and from the fortifications;

c. conserve *archaeological resources* in the area of all fortifications; and,

d. identify, develop and promote the *intangible cultural heritage resources* associated with the history of the Kingston Fortifications in ways that benefit residents and engage visitors.

(Amended by By-Law Number 2017-57, OPA Number 50)

Rideau Canal Economic Development, Tourism and Recreation

7.3.A.15. The City will work with Parks Canada, the other municipalities located adjacent to the Rideau Canal, and other agencies having jurisdiction to sustainably develop and promote the tourism potential of Ontario's only UNESCO World Heritage Site.

(Added by By-Law Number 2017-57, OPA Number 50)

7.3.A.16. The City supports opportunities for public access to the Rideau Canal. Existing public access to the shoreline will be retained and new access points, at strategic locations, may be secured at the time of *development* via land acquisition or access easements.

(Added by By-Law Number 2017-57, OPA Number 50)

7.3.B Cemeteries

Cemeteries

7.3.B.1. Cemeteries are sensitive and important *cultural heritage resources,* and include vegetation and landscapes of physical/design, historical/associative and contextual values.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.B.2. The City intends to designate, *conserve* and maintain all City-owned heritage cemeteries and will develop a Cemeteries Plan to manage all City-owned cemeteries.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.B.3. The City will encourage owners of private cemeteries to designate and adequately maintain their properties.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.B.4. Standards and design guidelines for cemetery conservation must be developed, including the design of appropriate fencing and commemorative signage.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.B.5. Impacts and encroachments on known cemeteries or burial sites must be assessed by an archaeological assessment and mitigated under applicable legislation and policy.

(Amended by By-Law Number 2017-57, OPA Number 50)

7.3.C Heritage Conservation Districts

A heritage conservation district is the most common type of *cultural heritage landscape.* Designation under Part V of the *Ontario Heritage Act* enables the protection of a heritage district while at the same time allowing for *compatible* new *development*. The City has three Heritage Conservation Districts, including Barriefield, Market Square, and Old Sydenham within its boundaries and has a number of other areas and corridors under consideration.

(Amended by By-Law Number 2017-57, OPA Number 50)

Designation Procedure

7.3.C.1. Prior to designating an area as a heritage conservation district under Part V of the *Ontario Heritage Act*, the City must undertake a heritage conservation district study. During the study period, alteration works on the properties within the heritage conservation district study area, including alteration, demolition or removal may be regulated.

(Amended by By-Law Number 2017-57, OPA Number 50)

Properties Designated Under *Ontario Heritage Act*

7.3.C.2. Properties designated under Part IV of the *Ontario Heritage Act* may be included as part of the heritage conservation district to ensure integrity of the district. Additionally, properties located within a heritage conservation district may also be designated under Part IV of the *Ontario Heritage Act*.

Heritage Conservation District Plan

7.3.C.3. A heritage conservation district plan in compliance with the requirements of the *Ontario Heritage Act* must be prepared for each designated district. Such district plans are to be updated from time to time.

Proposed Development

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.

(Amended by By-Law Number 2017-57, OPA Number 50)

Heritage Impact Statement

7.3.C.5. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within or adjacent to a heritage conservation district is proposed.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

Potential Heritage Conservation Districts

7.3.C.6. The City intends to investigate areas for designation as heritage conservation districts, including, but not limited to:

a. lower Princess Street from Division Street to the waterfront;

b. King Street West from Portsmouth Village to Barrie Street;

c. Portsmouth Village;

d. the properties facing onto Alamein Drive;

e. the Village of Westbrook;

f. Cataraqui Village;

g. St. Lawrence Ward; and,

h. Kingscourt.

Until investigations are completed with respect to these potential heritage conservation districts, they will continue to be considered as cultural heritage character areas (see Schedule 9).

(Amended by By-Law Number 2017-57, OPA Number 50)

Barriefield Heritage Conservation District

7.3.C.7. Barriefield is a designated Heritage Conservation District containing historic buildings, laneways and landscapes that have preserved a 19th

century village setting. New *development* or any alteration must follow the Barriefield Heritage Conservation District Plan and must maintain the heritage buildings, features and landscapes, the topography, and archaeological sites and resources. The following specific matters must be addressed:

a. land uses must be limited to detached dwellings and limited numbers of semi-detached dwellings (being 10% or less of the total);

b. a church, publicly-funded school, or other community facility, and a senior citizens home may be permitted subject to a rezoning;

c. permitted commercial uses must be small in scale, convenience oriented, supportive of the heritage setting, will not increase traffic volumes, and may have a maximum of three *residential units* as an *accessory use* above the main floor use;

d. new lots must have full street frontage and be similar to the lot pattern and narrow grid road structure of the heritage area;

e. new residential and institutional units must be low profile and *compatible* with adjacent properties;

f. a landscaped buffer along Kingston Road 15 must be maintained and no new structure will be permitted to impede the view of St. Mark's Church tower and roof from either Main Street or Kingston Road 15; and,

g. no new lots will be severed from the Barriefield House property except one with frontage on Regent Street with a depth of 30 metres.

(Amended by By-Law Number 2017-57, OPA Number 50)

Market Square Heritage Conservation District

7.3.C.8. Market Square, with its long tradition as a public market and its linkage to City Hall, the harbour and the Central Business District, has a heritage focus as well as a public and commercial focal point and has been designated as a heritage conservation district. Any proposed *site alteration* or new *development* will be guided by the Market Square Heritage Conservation District Plan and will maintain the district's *cultural heritage resources, heritage attributes* and function. It will also address the following specific matters:

a. the City supports adaptive re-use of buildings within the Market Square Heritage Conservation District provided that the identified *heritage attributes* of the District are maintained;

b. new buildings will reinforce and be *compatible* with the cultural heritage value and *heritage attributes* of the District;

c. alterations, additions or renovations that enhance the heritage character are encouraged;

d. site amenities that promote and sustain cultural vitality will be encouraged as part of *development* proposals;

e. *development* in proximity to the Square must not shadow or overwhelm the Square through massing, must protect the height of City Hall as the dominant feature of the area, and must employ building materials that are *compatible* with, and sympathetic to the heritage character of the area; and,

f. signage, street furniture and landscaping must reinforce the heritage character of the area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Old Sydenham Heritage Conservation District

7.3.C.9 The Old Sydenham Heritage Conservation District represents over 200 years of Kingston's history. The heritage character of the Old Sydenham Heritage Conservation District is that of a mature downtown residential neighbourhood of human scale, bounded by major institutions and by the shore of Lake Ontario. The Old Sydenham Heritage Conservation District includes: an exceptional concentration of the finest examples of 19th Century architecture; a distinctive street pattern offering historic views; important public buildings; Murney Tower National Historic Site, an early fortification and a component of the Rideau Canal and Kingston Fortifications UNESCO World Heritage Site and memorials; as well as expansive open spaces located in City Park and Macdonald Park. The landscaping, laneways, irregular setbacks as well as the variety of architecture form *heritage attributes* of this District. All properties within this District are "of interest" to the heritage significance of the area under the *Ontario Heritage Act*. New *development* or any alterations must follow the Old Sydenham Heritage Area Heritage Conservation District Plan and must maintain the heritage buildings, features and landscapes, the topography, and archaeological sites and resources. The following specific matters must be addressed:

a. The District is a stable, pedestrian-focused historic neighbourhood of human scale which is a *significant cultural heritage resource* to

be *conserved* and protected from proposed changes that could undermine its *heritage attributes*. Its *heritage attributes* include the following:

- varied ages, styles and types of buildings;
- important civic buildings including the courthouse & registry office, churches and a school, within a residential neighbourhood;
- landmark buildings that dominate the skyline;
- prominent buildings at street corners;
- protected views down streets to the lake and parks;
- tree-lined streets and dominating rear yards;
- historic landscape elements (period planting layouts, walls, fences and street furniture);
- a generally high standard of care and maintenance for buildings and landscapes;
- physical evidence of historical associations with every stage of Kingston's history; and,
- proximity to the downtown, major institutions (hospitals and university) and the lake.

b. The District is intended to 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.

c. The location and treatment of public *infrastructure* including utilities, roadway widths and surface treatments, rear lanes, sidewalks or pathways, street trees and boulevard size or treatments, and park installations will be planned and coordinated in a manner which is sympathetic to the heritage context of the District, in conformity with the policies and guidelines of the District Plan.

d. City Park and Macdonald Park are special features within the cultural landscape of the Old Sydenham Heritage Conservation District, and their structural components and heritage context will be *conserved*. Park master plans are recommended to address needs such as parking, signage, memorialisation type, location,

design criteria, accessibility, tree care, *recreational* facilities and cultural resource conservation practices.

e. The retrofitting of buildings to achieve energy efficiencies or the addition of private installations such as fire escapes, solar panels, wind turbines and telecommunication facilities will be regulated, where possible, in accordance with the District Plan to *conserve* the heritage character of individual properties and the cultural landscape quality of the District.

f. The City will continue to monitor and manage vehicular parking within the Old Sydenham Heritage Conservation District, both on City streets and private properties, to minimize impact on the heritage character of the District.

g. The use of area-specific zoning requirements and, when appropriate, site plan control, within the District, may be utilized to implement the Official Plan and the District Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

7.3.D Heritage Character Areas

The City has a number of areas shown on Schedule 9 that may not, as yet, be determined as appropriate for designation under the *Ontario Heritage Act*, but which nonetheless are recognized as having a specific heritage character. A heritage impact statement, as outlined in Section 7.1.7, may be required where construction, alteration, demolition, or addition to a property located within an area of heritage character is proposed.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

Lower Princess Street Heritage Character Area

7.3.D.1. The Lower Princess Street Heritage Character Area recognizes the traditional downtown as a *significant cultural heritage resource.* It includes the streetscape, courtyards and laneways, *built heritage resources*, landscape elements, as well as the pedestrian activity, civic and commercial functions that maintain the historic function of the area. The arrangement of buildings, street orientation, pedestrian activity and continuity of height all contribute to the historic sense of place. It is the intent of this Plan to maintain the heritage integrity of the area with the application of the following heritage policies:

a. *built heritage resources* within the area will be encouraged to be maintained as functional heritage buildings;

b. new buildings will reinforce and be *compatible* with the existing *built heritage resources*, and any upper storeys beyond the height of existing rooflines will be required to step back in accordance with the build-to plane provisions of Section 10A.4.6 of this Plan;

c. the cultural heritage value of any building proposed for demolition shall be considered through the completion of a Heritage Impact Statement prior to its removal. Should demolition be approved, Section 7.1.8 of this Plan, pertaining to archival requirements, shall apply;

d. building heights in the Lower Princess Street Heritage Character Area must comply with the provisions of Section 10A.4.6 of this Plan;

e. restoration of heritage façades and *heritage attributes* and the application of sympathetic materials and historic styles is encouraged;

f. new *development* must protect the height of City Hall as the dominant feature of the area, and employ building materials that are *compatible* and sympathetic to the heritage character of the area;

g. parking garages and structures must conform to the general design principles of this Plan and maintain the heritage character of the adjacent streetscape; and,

h. site amenities that promote and sustain cultural vitality will be encouraged as part of *development* proposals.

(Amended by By-Law Number 2017-57, OPA Number 50)

King Street West Heritage Character Area

7.3.D.2 The King Street West Heritage Character Area, shown on Schedule 9, is a scenic corridor linkage between the Old Sydenham Heritage Conservation District (Barrie Street) and Portsmouth Village Heritage Character Area. Its cultural heritage value includes the entry to the former Vice-Regal residence at Alwington Place, a number of *protected heritage properties,* including the Tett Centre for Creativity and Learning, St. Helen's, Stone Gables and Kingston Penitentiary, as well as an important cultural heritage streetscape marked by mature trees, wide boulevards and views of the water. Planning for the roadway and first tier of lots abutting the roadway requires:

a. maintaining the arterial road function of King Street West in the context of preserving and enhancing the heritage corridor and the serial visual experiences that occur along its length;

b. analyzing the traffic impacts that may affect the heritage character of the Area;

c. undertaking a coordinated approach with respect to any streetscape or public *infrastructure* improvements within the Area;

d. maintaining the public walkways, Waterfront Pathway and the Lake Ontario Waterfront Trail to encourage *active transportation* and public use of the Area;

e. designing and siting *development* of private landholdings in a manner that is *compatible* with the cultural heritage value and *heritage attributes* of the Area; and,

f. preserving and supplementing mature tree cover wherever possible through a program of tree replacement.

(Amended by By-Law Number 2017-57, OPA Number 50)

Portsmouth Village Heritage Character Area

7.3.D.3 The Portsmouth Village Heritage Character Area, shown on Schedule 9, focuses on the village square at the intersection of King and Yonge Streets. It recognizes the *built heritage resources*, narrow laneways, distinctive streetscape and the Portsmouth Olympic Harbour. It is the City's intent to *conserve* the cultural heritage value of the area by:

a. *conserving* and maintaining the cultural heritage value of the *built heritage* resources and encouraging their adaptive re-use;

b. supporting the village atmosphere through the preservation and design of streetscapes, rights-of-way, public spaces and outdoor areas;

c. requiring that any traffic analysis recognize the *heritage attributes* of the Village and specifically address improvements to local traffic, parking and public access to individual establishments, as well as any land use impacts that would result from any proposed change to the transportation system;

d. supporting the linkage of any *development* adjacent to the harbour to the Village, and acquiring additional public access to the harbour wherever possible; and,

e. providing for maximum views of the harbour and *compatibility* with existing *development.*

(Amended by By-Law Number 2017-57, OPA Number 50)

Former Psychiatric Hospital Lands Heritage Character Area

7.3.D.4. The large institutional block between Lake Ontario and King Street West, just west of Portsmouth Village, contains *significant cultural heritage resources* of the City, including the former Rockwood Asylum, its buildings and designed landscape. Several parts of the site have been designated under the *Ontario Heritage Act* or have been identified as having cultural heritage value.

To protect the *significant cultural heritage resources* of this property, any proposed *development, site alteration* or change of use will be subject to the following policies:

a. the cultural heritage landscape and the *built heritage resources* must be conserved;

b. the *cultural heritage landscape*, described in the Heritage Assessment of Ontario Realty Corporation's Mental Health and Development Services Facilities (N00723 – Kingston Psychiatric Hospital) must be protected;

c. *archaeological resources* are to be evaluated and *conserved*;

d. site plan control review will be required; and,

e a heritage impact statement in accordance with Section 7.1.7 will be required to address any potential impact on *cultural heritage resources*.

(Amended by By-Law Number 2017-57, OPA Number 50)

St. Lawrence Ward Heritage Character Area

7.3.D.5. The St. Lawrence Ward Heritage Character Area, as shown on Schedule 9, is one of the oldest areas of the City with an urban style that has survived since the 1800's. It is the intent of this Plan:

a. to recognize the heritage character of the area as created through the combination of buildings, street pattern, varying street widths and public spaces; and,

b. to undertake further investigations that will define appropriate boundaries and conservation policies.

(Amended by By-Law Number 2017-57, OPA Number 50)

Alamein Drive, Cataraqui Village, Kingscourt, and the Village of Westbrook Heritage Character Areas

7.3.D.6. The identified heritage character areas around Alamein Drive, Cataraqui Village, Kingscourt, and the Village of Westbrook, as shown on Schedule 9, are intended to highlight these areas as having a specific heritage character worthy of further investigation. It is the intent of this Plan:

a. to undertake further investigations to recognize and understand the heritage character of these areas; and,

b. to define the appropriate boundaries and policies to *conserve* their cultural heritage value.

(Added by By-Law Number 2017-57, OPA Number 50)

Other Potential Heritage Character Areas

7.3.D.7. The six identified Hamlets in Kingston being Elginburg, Brewer's Mills, Kingston Mills, Joyceville, Glenburnie, and Sunnyside may have cultural heritage character and further investigation may be conducted as warranted.

(Added by By-Law Number 2017-57, OPA Number 50)

7.4 Archaeological Resource Conservation

Archaeology is the study of the physical remains of pre-20th century activities or events. In Canada, archaeological sites are defined as locations or places where the remains of past human activity and/or presence are found and may provide more insight into the lives of ancestral *First Nations*, *Métis*, *Inuit*, as well as European, Asian, African and/or African-American settlers long past. Sites can be land and/or marine based while physical remains, osteological/bio-archaeological and *archaeological resources* or artifacts*,* are usually hidden from view and may occur on or below the surface of the land and water. *Archaeological resources* may include items such as tools, weapons, building materials, art objects, fabrics, household objects, shipwrecks, underwater ruins and human or animal remains.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To recognize, protect, and *conserve archaeological resources* within the City.

Policies:

Archaeological Master Plan

7.4.1. The Archaeological Master Plan is intended to manage *archaeological resources* in the City and provide policy direction in assessing *areas of archaeological potential*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Conservation of *Archaeological Resources*

7.4.2. The City will permit *development* and *site alteration* on lands containing *archaeological resources* or *areas of archaeological potential* if the *significant archaeological resources* have been *conserved*. In general, preservation of the resources "in situ" is the preferred method, but in some cases the conservation can occur by removal and documentation. Where *significant archaeological resources* are preserved "in situ", only *development* and *site alteration* that maintains the heritage integrity of the site is permitted.

The investigation and conservation of *archaeological resources* shall be completed in consultation with all appropriate *First Nations*, *Métis* and *Inuit* communities.

Amended by By-Law Number 2017-57, OPA Number 50)

Designation of Sites

7.4.3. The City intends to cooperate with the Provincial government to designate archaeological sites in accordance with the *Ontario Heritage Act*.

Register of Cultural Heritage Resources

7.4.4. The City's register of *cultural heritage resources* may include available archaeological site data and locations, and relevant mapping from the provincial archaeological database of the Ministry of Tourism, Culture and Sport, under the provisions of a municipal-provincial data sharing agreement. This site data and locations will be used internally for the purpose of heritage conservation planning and *development* review. The mapping database will be updated regularly when appropriate, as new archaeological sites are identified.

(Amended by By-Law Number 2017-57, OPA Number 50)

Locations Confidential

7.4.5. It is the policy of the City to keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance, and the

inappropriate removal of resources, as per the Ministry of Tourism, Culture and Sport and the City of Kingston data sharing agreement.

(Amended by By-Law Number 2017-57, OPA Number 50)

Marine Archaeology

7.4.6. Within the boundaries of the City, there are marine archeological remains from the ancestral *Indigenous Peoples of Canada* period in the area through the modern era up to the last 50 years. When considering an application for *development* or *site alteration*, the City may require a marine archaeological assessment to be conducted by a *qualified person* pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified or considered to be likely, and could be impacted by shoreline and waterfront *developments*. Any marine *archeological resource* that is identified must be reported to the Ministry of Tourism, Culture and Sport.

(Added by By-Law Number 2017-57, OPA Number 50)

Provincial Approval

7.4.7. All archaeological assessment reports must be provided to the Province, as per the Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and to the City for information purposes. All correspondence from the Ministry of Tourism, Culture and Sport on their review/acceptance of any archaeological assessment will be provided to the City.

(Amended by By-Law Number 2017-57, OPA Number 50)

Emergency Protection of Resources

7.4.8. A contingency plan must be prepared, with the advice of a licensed archaeologist and/or the Ministry of Tourism, Culture and Sport and adopted by by-law, for emergency situations to protect *archaeological resources* on accidental discoveries or under imminent threats.

(Amended by By-Law Number 2017-57, OPA Number 50)

Burial Sites

7.4.9. Where burial sites are encountered during any excavation or other action, the provisions of the *Funeral, Burial, and Cremation Services Act* and its regulations will apply. Where there are *First Nations* and *Métis* burials, they will be addressed in partnership with all appropriate *First Nations* and *Métis* communities. Licensed archaeologists will assess the property, and may be required to recommend conservation strategies.

(Amended by By-Law Number 2017-57, OPA Number 50)

Required Studies

7.4.10. Upon receiving information that lands proposed for *development* may include *archaeological resources* or constitute an *area of archaeological potential,* Council will not take any action to approve the *development,* and the owner of such land will be requested to have studies carried out at the owner's expense by *qualified persons* in accordance with the Province's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and provide a copy of any correspondence from the Ministry of Tourism, Culture and Sport for any completed studies.

(Amended by By-Law Number 2017-57, OPA Number 50)

Conservation of Archaeological Resources

7.4.11. The City will encourage the conservation of *archaeological resources* as may be identified by the City, the Province or other group or agency, and will continue to enforce municipal and provincial legislation with respect to the discovery of items of archaeological or historic interest on a property.

7.5 Arts and Culture

The Kingston community benefits from a long history of activity related to the *arts and culture*. They help to define community and create a sense of pride while fostering economic development and, most importantly, enriching the lives of local residents and visitors. *Arts and culture* in Kingston includes, but is not limited to, the visual arts, theatre, film, music, dance, literature and other creative activities. Museums, galleries and historic sites also contribute to the *arts and culture* as do festivals, traditional crafts, cultural practices and the creative industries. The City values and recognizes the local arts community for its role in promoting and sustaining cultural vitality and will invest in its cultural assets in ways that benefit residents and visitors and enhance Kingston's unique identity. As such, *arts and culture* are central components of the Kingston Culture Plan as well as the City's Integrated Cultural Heritage and Cultural Tourism Strategy.

Additional discussion and policies respecting Public Art, Museums and Collections and Intangible Cultural Heritage can be found in Sections 7.6, 7.7 and 7.8 of this Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

Goal:

To promote the City as a centre for *arts and culture* and support the inclusion of spaces, facilities and services that can generate and sustain cultural vitality in the downtown core, in existing and newly developing neighbourhoods, and in *development* projects.

(Added by By-Law Number 2017-57, OPA Number 50)

Policies:

7.5.1. The City, in partnership with stakeholders, will investigate and support the creation of cultural amenities that reflect community needs, such as artist live/work spaces, exhibition venues, rehearsal, and presentation spaces.

(Added by By-Law Number 2017-57, OPA Number 50)

7.5.2. The City, in partnership with stakeholders will develop strategies to sustain cultural vitality throughout the City in a manner that provides opportunities for residents to participate in cultural activities wherever they live. In that regard, spaces, facilities and services that can generate and sustain cultural vitality in the downtown core, in existing and newly developing neighbourhoods and as part of *development* proposals will be encouraged.

(Added by By-Law Number 2017-57, OPA Number 50)

7.5.3. Council will provide ongoing support for the implementation of the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy in support of strategic objectives to create a smart economy, plan a livable city and advance a vibrant waterfront.

(Added by By-Law Number 2017-57, OPA Number 50)

7.6 Public Art

The term “public art” refers to art that is placed in the public realm. It is accessible to the public and may be commissioned specifically for a particular location or site to acknowledge an historical or cultural event at that location. Public art can provide a narrative to help residents and visitors understand the history of Kingston. It can be located in public spaces, such as a street corner or park or integrated into a building façade, a streetscape or a new landscaping feature. Public art is an important component of the civic collection.

(Added by By-Law Number 2017-57, OPA Number 50)

Goal:

To organize and leverage City and community resources, knowledge and experience to support creative place-making across Kingston through contemporary and innovative public art initiatives and programs that recognize and build on the City’s diverse history and engage residents and visitors alike.

(Added by By-Law Number 2017-57, OPA Number 50)

Policies:

7.6.1. The City will develop and implement its public art initiatives and programs through a variety of methods and in accordance with the Council-adopted Public Art Master Plan, Public Art Policy and Kingston Commemorations Strategy.

(Added by By-Law Number 2017-57, OPA Number 50)

7.6.2. The City will manage initiatives and programs that will make public art more visible throughout the City in accordance with the Public Art Master Plan, Public Art Policy and the Kingston Commemorations Strategy.

(Added by By-Law Number 2017-57, OPA Number 50)

7.6.3. The Arts Advisory Committee shall advise and assist Council in the implementation of the public art initiatives and programs.

(Added by By-Law Number 2017-57, OPA Number 50)

7.6.4. Council encourages the inclusion of public art on City-owned properties and on properties under the jurisdiction of the City's agencies, boards and commissions. Council may require a public art component in specific types of municipal capital projects.

(Added by By-Law Number 2017-57, OPA Number 50)

7.6.5. The City will encourage the inclusion of public art in all major private sector *development* across the City using applicable planning tools and processes and in accordance with the policies of Sections 9.5.25 and 9.8 of this Plan. Private sector developers are encouraged to follow the best practices established by the City for the acquisition and selection of public art. The City will provide guidance in the application of these practices.

(Added by By-Law Number 2017-57, OPA Number 50)

7.6.6. The City will encourage the development of partnerships, grants and sponsorships from local organizations and businesses to support the development of public art in public spaces.

(Added by By-Law Number 2017-57, OPA Number 50)

7.6.7. An up-to-date inventory of the public art collection will be maintained and the collection will be managed in accordance with the Public Art Policy.

(Added by By-Law Number 2017-57, OPA Number 50)

7.7 Museums and Collections

Some of Kingston's many stories are told through museums, archives, galleries and historic sites that collect, interpret and display objects that communicate a segment of

Kingston's tangible cultural heritage in a historical and/or contemporary context. Museums are cultural symbols, stewards of collections, contributors to community enterprise and providers of engaging and educational experiences for the City's residents and visitors. Kingston's museum sector includes three City-owned sites, City Hall National Historic Site, the Pump House Steam Museum and the MacLachlan Woodworking Museum, together with a number of community museums that include galleries and historic sites such as the Penitentiary Museum, Miller Museum, Agnes Etherington Art Centre, Fort Henry, the Frontenac County Schools Museum and the Military Communications and Electronics Museum.

The City of Kingston's civic collection is a tangible glimpse into our community. As reflections of the past and the people who have lived, worked and played here, the City's collection of objects and art helps to tell Kingston's stories. The civic collection comprises a wide range of historical artifacts, documents, and works of art connected with the two civic museums, City Hall and the wider community. As the collection grows over time, it becomes increasingly inclusive of the City's diverse cultural heritage.

(Added by By-Law Number 2017-57, OPA Number 50)

Goal:

To support the vitality, *sustainability* and development of the Kingston museum sector in a manner that enriches the cultural life of City residents, increases accessibility, reflects local identity and enhances the visitor experience in Kingston; and to *conserve* and grow the civic collection as a public trust for present and future generations.

(Added by By-Law Number 2017-57, OPA Number 50)

Policies:

7.7.1. The civic collection shall be conserved and enhanced so that it may be experienced and appreciated by both residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations.

(Added by By-Law Number 2017-57, OPA Number 50)

7.7.2. The City-owned museums and the civic collection shall be managed in accordance with the Consolidated Civic Collection and Municipal Museums Policy.

(Added by By-Law Number 2017-57, OPA Number 50)

7.7.3. The City intends to develop a Cultural Heritage Management Plan to provide a framework for City Hall National Historic Site to guide functions pertaining to facilities, operations, visitor experience, built heritage, and the civic collection connected with the National Historic Site.

(Added by By-Law Number 2017-57, OPA Number 50)

7.7.4. The City shall seek out partnerships in the development of programming, exhibits and events to tell the Kingston story and celebrate Kingston's tangible and intangible heritage as well as to administer and deliver the City of Kingston Heritage Fund to benefit the Kingston cultural heritage community.

(Added by By-Law Number 2017-57, OPA Number 50)

7.7.5. Heritage Kingston shall provide advice to Council respecting the two City-owned museums, City Hall National Historic Site and the civic collection in accordance with the policies of Section 9.4.4 of this Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

7.8 Intangible Cultural Heritage

One of Kingston's most compelling cultural assets is its powerful historical narrative which includes: Kingston's important role in nation building; its strategic location at the confluence of Lake Ontario, the St. Lawrence River and the Rideau Canal; the history of *Indigenous Peoples of Canada* across the region; and, the unique narratives of Kingston's military, penal and educational facilities. As discussed in Section 7.7 of this Plan, some of Kingston's stories are told through museums, archives and galleries. Many of Kingston's stories are also conveyed through its *intangible cultural heritage resources*.

(Added by By-Law Number 2017-57, OPA Number 50)

Goal:

To partner with the community in the development of strategies to *conserve*, develop, promote and market Kingston's unique stories in compelling ways that promotes and enriches cultural experiences for residents and visitors.

(Added by By-Law Number 2017-57, OPA Number 50)

Policies:

7.8.1. The City will promote the conservation of *intangible cultural heritage resources* as a "living" heritage for current and future generations.

(Added by By-Law Number 2017-57, OPA Number 50)

7.8.2. The City will partner with the community to develop strategies and programming inclusive of the City's intangible heritage in accordance with the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy.

(Added by By-Law Number 2017-57, OPA Number 50)

7.8.3. Council will support existing programming and the development of new programming at City-owned facilities such as the Grand Theatre, museums and City Hall National Historic Site that educate and engage residents and visitors in Kingston's stories.

(Added by By-Law Number 2017-57, OPA Number 50)

7.8.4. Council will support the expression of the many forms of intangible cultural heritage that contribute to the collective sense of identity.

(Added by By-Law Number 2017-57, OPA Number 50)

7.8.5. Council will support the establishment of cultural community hubs as places where intangible cultural heritage can be expressed and shared.

(Added by By-Law Number 2017-57, OPA Number 50)

7.8.6. Heritage Kingston shall provide advice to Council respecting the City's *intangible cultural heritage resources* in accordance with the policies of Section 9.4.4 of this Plan.

(Added by By-Law Number 2017-57, OPA Number 50)

Section 8. Urban Design

Urban design encompasses the arrangement of elements within the built and natural environment that contribute to an individual's "sense of place" and appreciation of that place. It includes the relationship of buildings, landscape elements, and the spaces between them, as well as streetscape features such as sidewalks and boulevard treatment, signage, and building setbacks. It also encompasses the architectural design of structures within the built environment. Urban design is recognized as having both functional and aesthetic aspects. While good design is important throughout all areas of the City, it has particular relevance as a tool for achieving *compatibility* between areas containing *cultural heritage resources* and new *development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To provide a framework for the provision and maintenance of a safe, efficient, accessible, and harmonious environment, which recognizes, values and supports the specific aspects of the built and natural environment that contribute to an area's sense of place and significance to the community.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Urban Design Guidelines

8.1. The City recognizes the value associated with quality architecture, pedestrian-friendly streetscapes, and vibrant neighbourhoods. For these reasons, the City may undertake urban design guidelines for specific types of *development*, for specific areas of the City or for the entire City. Any urban design guidelines that are developed will be used to:

a. clarify the strategic direction and design objectives of the Official Plan;

b. complement and enhance any design considerations in *development* applications;

c. assist in the preparation of any future secondary plan, *community improvement plan*, or other relevant planning documents; and,

d. assist the City in evaluating *development* proposals.

(Amended by By-Law Number 2017-57, OPA Number 50)

8.1.1. The City has prepared Design Guidelines for Communities, and Design Guidelines for Residential Lots. Proponents of *development* will be expected to refer to the Design Guidelines in the early stages of the design of new communities and residential lots.

(Added by By-Law Number 2017-57, OPA Number 50)

Guiding Principles for Development of New Communities

8.2. The Design Guidelines for New Communities establish the following guiding principles that should be used to ensure the development of successful communities:

a. foster attractive communities and a sense of place;

b. create compact, accessible, mixed-use communities;

c. provide a variety of housing types;

d. provide access and visibility to open spaces;

e. encourage environmentally sustainable *development*;

f. create a street network for *active transportation* and transit;

g. integrate and highlight *cultural heritage resources*; and,

h. encourage spaces, services and facilities that highlight *arts and culture* in a manner that generates and sustains cultural vitality.

(Added by By-Law Number 2017-57, OPA Number 50)

Guiding Principles for Development of Residential Lots

8.3. The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential development is integrated into the existing built fabric, and is conducive to *active transportation*:

a. protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);

b. foster *developments* that are context appropriate;

c. foster attractive developments which add to the existing sense of place;

d. provide a variety of housing types;

e. ensure compact, accessible mixed-use development;

f. encourage environmentally sustainable development; and,

g. integrate and highlight *cultural heritage resources*.

(Added by By-Law Number 2017-57, OPA Number 50)

Accessibility and Safety

8.4. Through the review of *development* proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:

a. providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;

b. improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-traveled areas, and ease of access for emergency personnel or vehicles;

c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;

d. arranging public uses and amenities within a convenient walking distance;

e. providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places; and,

f. promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of *development* sites.

(Amended by By-Law Number 2017-57, OPA Number 50)

Streetscapes and Public Spaces

8.5. Through the review of *development* proposals, construction of public works, or the preparation and approval of area plans, the City shall maintain or enhance the character of valued streetscapes, community areas, and landscapes by:

a. preserving human scale in locations that are pedestrian-oriented and establishing an appropriate street wall height by controlling building heights through an implementing zoning by-law, requiring building step-backs, having entrances at street level, providing street furniture, and other means as appropriate;

b. providing shade through natural or built means to provide comfortable outdoor environments and provide protection from ultraviolet radiation;

c. protecting views to the water, City Hall and other *significant* buildings or landscapes;

d. siting new buildings and structures in a manner that repeats and complements the siting and spacing of existing buildings, structures or landscaped areas in order to continue a pattern that is characteristic of surrounding neighbourhoods and heritage areas;

e. the strategic use of building separation, landscaping and buffers to mitigate inharmonious elements of the built or natural environment, such as railways, service areas, or incompatible uses;

f. designing public spaces or requiring the design of common spaces in private projects to have a clear sense of definition, and provide sufficient amenity, accessibility and security to encourage public use and linkage to other public areas;

g. preserving and enhancing the context of special buildings, streetscapes, landscapes and sites that have been identified as having architectural, or cultural heritage value or interest; and,

h. encouraging innovative methods to minimize the visual impact of utility features, either by containing utility features within streetscape elements or by screening them from view.

(Amended by By-Law Number 2017-57, OPA Number 50)

New Development

8.6. The City requires the design of new *development* to be visually *compatible* with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:

a. siting, scale and design of new *development* in relation to the characteristics of the surrounding neighbourhood or the *significant cultural heritage resources* including, scale, massing, setbacks,

access, landscaped treatment, building materials, exterior design elements or features;

b. protecting *natural heritage features and areas* and *cultural heritage landscapes* through the siting, design and review of new *development*;

c. promoting innovation in building design to create an interesting and varied built environment, to increase *sustainability* by improving energy efficiency, and to deliver barrier-free accessibility;

d. achieving *compatibility* in land use and with a predominant architectural style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and,

e. encourage spaces, services and facilities that highlight *arts and culture* in a manner that generates and sustains cultural vitality.

(Amended by By-Law Number 2017-57, OPA Number 50)

Sign By-law

8.7. The City regulates signage in accordance with the consolidated sign by-law, so that signage complements the streetscape and conforms to any approved streetscape plan. Signage should be harmonious with the type and location of *development*, placed to serve its function, sized appropriately, and not overwhelm the streetscape, cause inappropriate light pollution that is not necessary in the circumstances, or dominate the skyline. It is the policy of this Plan to use signage in a manner that protects views to historic sites, *significant* landmarks or vistas of Lake Ontario or other *natural heritage features* or *cultural heritage landscapes*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Protected Views

8.8. Protected views identified on Schedule 9 on streets that terminate at the water must be preserved by:

a. restricting or not allowing *development* of buildings and structures that would interrupt sightlines;

b. requiring that the siting, massing and design of buildings and structures in areas adjacent to protected views maintain the views;

c. encouraging the *development* of facilities, amenities, signage and design themes at locations where the Waterfront Pathway or the Lake Ontario Waterfront Trail meets the protected views, which will enhance the use of this area and appreciation of the view; and,

d. ensuring that any installation of structures or facilities in public open space areas adjacent to the protected views complements the view.

City Hall

8.9. City Hall is the landmark and symbol of Kingston which is protected by identifying a series of viewpoints and viewplanes as shown on Schedule DH-4 of the Downtown and Harbour Specific Policy Area and as set out in the following policies. The City will ensure that *development* will:

a. maintain and support the scale and character of City Hall Square and be *compatible* with the heritage buildings within the Downtown area east of Bagot Street when new *development* is permitted;

b. protect the silhouette of City Hall, having particular regard for the protection of the dome from incompatible building heights that would mask the silhouette;

c. prevent shadowing of City Hall Square, particularly the area of Market Square and Confederation Park;

d. protect the viewplanes shown on Schedule DH-4 in accordance with the policies of Section 10A, the Downtown and Harbour Specific Policy Area, by ensuring that new *development* does not obscure or overpower the dome of City Hall; and,

e. protect the viewplanes or silhouette of City Hall with the use of by-laws allowing bonusing under Section 37 of the *Planning Act* as set out in Section 9.5.25 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Multiple Building Projects

8.10. New multiple building *development* projects involve a number of separate buildings being built either at one time or in phases on an initial single landholding. It is the intent of Council to review multiple building projects in accordance with the following policies:

a. in support of any *development* application, and as part of any site plan control application, the proponent of a multiple building *developmen*t project must prepare an overall plan for the total project showing such features as:

- building footprints and configurations;
- parking areas and structures for vehicles and bicycles for each building;
- lands devoted exclusively to each building, and where applicable, the location of *affordable* units in accordance with Section 3.3.10 of this Plan;
- vehicle, cyclist and pedestrian access to the project and to each building;
- *amenity areas* for each building, and associated lighting;
- public open space areas and access where required;
- stormwater management schemes;
- site servicing details;
- internal vehicular and *active transportation* movement;
- landscaping details, buffering and screening in terms of a multi-level design proposal;
- any proposed phasing for the project in order of sequence; and,
- any intended future proposals for land division;

b. in projects where the phasing of buildings is planned in conjunction with the dedication of public parklands, or the dedication of a public road, Council may require that *development* proceed by way of a plan of subdivision to ensure permanent universally designed long-term public access to public parklands, access to each building site, appropriate construction of a public road, and the availability of full services at each phase of the phasing program;

c. the design of individual buildings within multiple building projects are to be coordinated and mutually *compatible*;

d. residential multiple building projects are encouraged, where feasible, to incorporate a variety of *compatible* residential building types such as street row housing, townhousing, stacked townhousing, maisonnettes, quadruplexes and various apartment building types in a comprehensive plan;

e. the maximum permissible density for any residential multiple building project may be calculated comprehensively for the project

as a whole, exclusive of lands required for roads, parks, or other public purposes;

f. in residential projects where some form of individual dwelling unit ownership is anticipated for all or a portion of the project, each separate building and land parcel must have frontage on an assumed road and be designed to stand ultimately as an independent project. A plan of condominium may provide frontage on a private road provided the lands making up a plan of condominium have frontage on an assumed road;

g. the design of residential multiple building projects must be coordinated in terms of individual resident privacy, *residential unit* views, solar access, *amenity area* access and use, and private and public vehicular and *active transportation* access and movement;

h. where it is clearly demonstrated by the proponent that the *development* is in the long-term interests of the residents of a residential multiple building project, a ground floor convenience commercial outlet serving the day to day needs of nearby residents, and located within the main walls of one of the residential buildings, may be permitted without amendment to this Plan; and,

i. Council must be satisfied prior to any approval that any residential multiple building project will serve the long-term housing and daily needs of the intended residents, and provide a safe, healthy, accessible and convenient living environment.

(Amended by By-Law Number 2017-57, OPA Number 50)

Gateways to the City

8.11. Several arterial roads provide principal entrances to the City for vehicular traffic from Highway 401. These roadways include Gardiners Road, Sir John A. Macdonald Boulevard, Division Street, Montreal Street and Highway 15 / Kingston Road 15. Further, Highway 2, Princess Street, Bath Road and Highway 15, north of Highway 401, accommodate principal entrances to the City, which may accommodate motorists and those employing *active transportation*. Each provides an important entry or "gateway" to the City. Treatment of these roadways is therefore a high priority. Any impacts on the *provincial highways* are subject to review by the Ministry of Transportation.

(Amended by By-Law Number 2017-57, OPA Number 50)

8.11.1 *Development* is intended to be characterized by a high standard of site design consistent with the natural "gateway to the City" image. Site design along the "gateway" roads listed in 8.11 shall satisfy the following objectives:

a. buildings are oriented to enhance the relationship of the buildings to the road;

b. vehicular parking, except for visitor parking and parking for people with a disability, are provided on the sides and rear of the buildings;

c. joint access or shared driveways are required, in conjunction with parking to the side and rear of buildings, in order to make the area available at the front of buildings for landscaping;

d. service areas, including loading, garbage and storage areas, are not exposed to the roads. Where this is not practical, such areas should be screened from public view by appropriate landscaping and/or fencing;

e. screening for outdoor storage areas is integrated with the building; and,

f. landscaping on the site is planned to ensure a continuous landscaped area between the buildings and the road.

(Amended by By-Law Number 2017-57, OPA Number 50)

8.11.2. Along individual corridors, the City will develop an appropriate streetscape for the corridor through the implementation of public works, site plan control review, and through the effort of individual owners by providing such features as tree plantings, gardens, boulevards, public and private signage, and where feasible, underground utilities.

Implementation Measures

8.12. The City will implement urban design policies through one or more of the following mechanisms:

a. zoning, site plan control review and related guidelines, subdivision design guidelines, urban design guidelines, a sign by-law, guidelines for persons with disabilities, or any other relevant guideline adopted by Council;

b. the preparation and implementation of *community improvement plans* and programs, as budget permits;

c. the design, construction, and installation of public works or facilities;

d. the preparation or approval of heritage conservation district plans, secondary plans or other planning exercises; and,

e. consultation with the private sector with respect to *development* applications.

Section 9. Administration & Implementation

This Section describes the general administration and implementation of the Official Plan. It is the City's intent to implement the policies of the Official Plan in a consistent and equitable manner. It is the intent of the City to engage in frequent and meaningful consultation with the public as a part of the decision making processes associated with implementing this Plan. There are specific implementation tools available under the *Planning Act*, as well as other statutes such as the *Municipal Act,* the *Development Charges Act*, the *Ontario Heritage Act*, the *Environmental Protection Act* and the *Accessibility for Ontarians with Disabilities Act* that all have a bearing on land use planning and contribute to the implementation of this Plan.

Implementation of this Plan may also be supported through consultation and co-ordination with other public agencies, *Indigenous Peoples of Canada*, through co-operative ventures, public works, land acquisition, financial incentives, and the establishment of municipal agencies. The City may implement this Plan by preparing additional studies, by preparing urban design guidelines, and by monitoring change. Authority to implement certain matters may be delegated by Council in accordance with the provisions of the *Planning Act*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To maintain an Official Plan that is current, promotes *sustainability*, and is responsive to potential change in the City; to assist the public in understanding and interpreting this Plan; to seek public input in decisions related to this Plan; and, to implement the policies of this Plan in a consistent and equitable manner using a wide variety of implementation tools and measures as appropriate, in consultation with agencies, higher levels of government, and as supported through public consultation.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

9.1 General

Provincial Policy

9.1.1. The policies of this Official Plan are designed to be consistent with the Provincial Policy Statement (2014) in identifying appropriate land use designations and policies directing *development* to appropriate locations, to promote a sustainable environment, to protect natural and cultural resources, a healthy economy, and a strong community structure.

(Amended by By-Law Number 2017-57, OPA Number 50)

Amendments

9.1.2. Amendments to this Plan will be undertaken as necessary to keep it up to date with Provincial Policy and other provincial initiatives.

Section 2 Amendments

9.1.3. It is the intent of the Official Plan to provide a clearly articulated framework for review of land use decisions through the broad vision and fundamental principles presented in Section 2, the Strategic Policy Direction of this Plan and the more detailed policies contained in other sections. It is not anticipated that the matters contained in Section 2 will change without a major and *comprehensive review* of this Plan, as required in provincial policy. Thus, any change to Section 2 is considered a major amendment requiring detailed study and consultation.

Monitoring

9.1.4. The City will continue to monitor the impacts of growth and *development* to ensure that current objectives and policies are responsive to changing fiscal circumstances, and therefore, the City may establish performance indicators for this purpose.

Comprehensive 5-Year Review

9.1.5. This Plan will be comprehensively reviewed and updated every five years as required by the *Planning Act*.

Implementation

9.1.6. Specific implementation measures are outlined in subsequent sections but nothing in this Section will be construed as limiting the City's ability to implement this Plan through any means legally available to it.

9.2 Interpretation

Minor Corrections

9.2.1. Minor corrections to this Plan are permitted if the proposed change is of a technical or an administrative nature undertaken for the purpose of correcting formatting (e.g., text font, boldface, italics, capitalization, etc.), spelling or grammar errors, page numbers or section numbers, headings, section cross-references, or any other minor technical errors that do not impact the interpretation of policy. Nor will an Official Plan amendment be necessary for the purpose of preparing an Official Plan consolidation of amendments.

(Amended by By-Law Number 2017-57, OPA Number 50)

Permitted Uses

9.2.2. Where permitted uses are listed, Council may permit a similar use that maintains the intent and purpose of the land use designation without amendment to this Plan.

Intent of Terminology

9.2.3. The implementation of this Plan is intended to take place over a planning period of up to twenty years, and the use of terms such as 'will' and 'must' is not to be construed as Council's commitment to proceed with specific projects or physical undertakings immediately. Projects and undertakings, such as planning studies or *infrastructure*, for example, are intended to occur in a phased manner, subject to budgeting and program availability.

(Amended by By-Law Number 2017-57, OPA Number 50)

Boundaries

9.2.4. Boundaries of land use designations as shown on Schedules 3-A, 3-B, and 3-C are considered approximate, except where delineated by a defined secondary plan, a site specific policy, or where they coincide with fixed distinguishable features such as property lot lines, roads, rail lines, waterbodies, utility corridors, or other distinctive physical features. The boundaries of land use designations will be further defined through a review of: existing zoning by-laws; prevailing lot depths; lot patterns; orientation of lot frontages; and, land use patterns. Where deemed appropriate by the City, boundaries may be confirmed on the basis of a site inspection and the concurrence of agencies and authorities with jurisdiction such as the Cataraqui Region Conservation Authority and the Ministry of Natural Resources and Forestry.

(Amended by By-Law Number 2013-98, OPA Number 16)

Density Calculations

9.2.5. Density calculations in this Plan vary in individual policies as referenced in this Plan, and should not be construed as being applicable to every site. Density is calculated as either *residential units* per net hectare or as a *floor space index* ratio, also based on a net hectare. A net hectare does not include land that is (or will be) dedicated to the City for public purposes or land which is designated as an Environmental Protection Area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Conflict Between Policies

9.2.6. There should be no conflict between a policy of the Official Plan and the policies of the secondary plans or specific policy areas included as

Sections 10A, 10B, 10C, 10D and 10E of this Plan. Where an apparent conflict exists, the City will be asked to clarify the policy based on the general intent of this Plan and the more focused intent of the secondary plan, recognizing that decisions of Council, as required by the *Planning Act*, must be consistent with the Provincial Policy Statement, as amended.

(Amended by By-Law Number 2017-57, OPA Number 50)

Singular and Plural Terms

9.2.7. Any term phrased in the singular has the corresponding meaning to the plural, and conversely, any term phrased in the plural has the corresponding meaning to the singular.

(Added by By-Law Number 2017-57, OPA Number 50)

No Prejudice nor Discrimination Intended

9.2.8. Any commonly-used phrase that appears in the Plan is used for the sake of simplicity or to help the layperson understand the plan, and no prejudice nor discrimination is intended by this choice of wording.

(Added by By-Law Number 2017-57, OPA Number 50)

Plan to be Read in its Entirety

9.2.9. The policies of the Plan are to be read as a whole and no single policy or group of policies is intended to be given greater weight than any other policy or group of policies, except as it relates to the clarification of secondary plan policies as described in Section 9.2.6.

(Added by By-Law Number 2017-57, OPA Number 50)

Date of Adoption

9.2.10. The date of adoption of this Plan as referenced in several policies of this Plan refers to the date when the Plan was first adopted by Council (i.e., July 15, 2009).

(Added by By-Law Number 2017-57, OPA Number 50)

9.3 Official Plan Amendments

Amendments to this Plan

9.3.1. As required by the *Planning Act*, any amendment to this Plan must be consistent with any Provincial Policy Statement in effect on the day of the decision, and should any provincial plan come into effect for this municipality, any decision must also conform with, or not conflict with provincial plans that are in effect.

(Amended by By-Law Number 2017-57, OPA Number 50)

Criteria

9.3.2. Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:

a. the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including *sustainability*, stability and *compatibility* outlined in Section 2, and consistency with provincial policy;

b. the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;

c. the *compatibility* of the proposal, or the adequacy of proposed mechanisms for achieving *compatibility*, with adjacent and planned uses, including *cultural heritage resources* and *natural heritage features and areas*;

d. the potential of the proposal to cause instability within an area intended to remain stable;

e. the ability of the City's *infrastructure* to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned *infrastructure* improvements in other areas of the City;

f. the financial implications (both costs and revenues) to the City;

g. the degree to which approval of the amendment would establish an undesirable precedent; and,

h. consistency with the Provincial Policy Statement and provincial legislation and guidelines.

(Amended by By-Law Number 2017-57, OPA Number 50)

Required Studies

9.3.3. The City may require an applicant to submit expert studies to assist in the evaluation of the proposed amendment, and may also require the applicant to pay for, or contribute to the cost of peer review of such studies on the City's behalf, if necessary. The studies and assessments which may be required by the City to assess a *development* application are set out in Section 9.12 of this Plan and must be prepared by *qualified persons*.

Public Meeting

9.3.4. Amendments to this Plan will be made only after public notice and consultation as required by the *Planning Act* and consultation with affected authorities or agencies.

9.4 Delegated Authority & Advisory Committees

Delegation of Authority

9.4.1. The City may delegate its authority for various approval or advisory functions in accordance with the provisions of enabling legislation including the *Planning Act*, the *Municipal Act*, and the *Ontario Heritage Act*. Without limiting the City's authority to add, revise or abolish Committees pursuant to legislation, the City has established a number of Committees and mandates as noted in the following sections.

Planning Committee

9.4.2. A Planning Committee has been established to make recommendations to Council on planning applications, studies and matters, and to hold public meetings as required by the *Planning Act*. Additional consultation is afforded through a Planning Advisory Committee described in Section 9.12.5.

(Amended by By-Law Number 2017-57, OPA Number 50)

Committee of Adjustment

9.4.3. A Committee of Adjustment has been established by Council in accordance with provisions of the *Planning Act* to make decisions on specific applications. The *Planning Act* requires that decisions on applications be consistent with provincial policy in effect at the time of the decision, with respect to the following:

a. applications to allow a minor variance to the zoning by-law or an interim control by-law;

b. applications for the extension or enlargement of a legal non-conforming use;

c. applications to allow a change in the use of land or buildings from one legal non-conforming use to another use, that in the opinion of the Committee is similar to the existing legal non-conforming use or that is more *compatible* with the uses permitted by the by-law;

d. applications to grant a consent (land severance), as set out in Section 9.6; and,

e. partial discharge of mortgage in accordance with Section 9.6.10.

(Amended by By-Law Number 2017-57, OPA Number 50)

Heritage Kingston

9.4.4. Heritage Kingston has been appointed in accordance with the *Ontario Heritage Act*. The committee's role is advisory and consultative. The mandate and activities of the committee should address the broad array of opportunities and projects presented by Kingston's heritage and intangible history. Accordingly, the committee membership should reflect a broad range of community perspectives. The committee will undertake the following tasks in accordance with the provisions of Section 7:

a. assist the City Clerk in maintaining an inventory of properties and structures having cultural heritage value or interest;

b. advise Council on designations under the *Ontario Heritage Act* of real properties having cultural heritage value or interest;

c. advise Council on areas to be designated as Heritage Conservation Districts under the *Ontario Heritage Act*;

d. review plans referred to it by the City with respect to applications to alter or demolish structures or buildings or elements that have been designated under the *Ontario Heritage Act* and advise Council with respect to such proposals;

e. provide advice to the planning process where heritage buildings are located on or adjacent to properties that are the subject of *development* applications, including, but not limited to, amendments to the official plan and zoning by-laws, severance and minor variance applications, and site plan control review;

f. support the implementation of the Kingston Culture Plan;

g. advise Council respecting best practices in the museums sector related to collections, exhibitions and programming for the two civic museums (MacLachlan Woodworking Museum and Pump House Steam Museum) and the broader Kingston museums community;

h. advise Council on the management and development of the civic collection; and

i. promote public understanding of local history and appreciation of all *cultural heritage resources*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Municipal Accessibility Advisory Committee

9.4.5. The Municipal Accessibility Advisory Committee has been established by Council in accordance with provisions of the *Accessibility for Ontarians with Disabilities Act* with the responsibility of providing advice on the implementation of that legislation.

9.5 By-Laws

Zoning

9.5.1. It is intended that this plan will be implemented through a zoning by-law(s) in accordance with the *Planning Act*.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.5.2. The zoning by-law(s) will regulate the permitted use of land and may provide standards for such matters as:

a. permitted principal, *complementary* and *accessory uses*;

b. lot area and dimensions;

c. number of structures and buildings on a lot;

d. minimum and maximum floor area of buildings;

e. setbacks for buildings and structures, including setbacks for the protection of natural heritage features;

f. minimum and maximum density as measured by *floor space index* or by means of units per hectare;

g. minimum and maximum lot coverage (portion of a site occupied by a building or structure);

h. minimum and maximum height of a building or structure and provisions tied to an angular plane;

i. requirements for parking for vehicles and bicycles or loading areas and spaces; and,

j. requirements for landscaped open space or *amenity areas*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Lots of Record

9.5.3. The zoning by-law will provide conditions for the potential *development* of lots of record (lots legally existing at the time of passage of the zoning by-law) that do not conform to the size or other requirements of the zoning by-law.

Non-Conforming Uses

9.5.4. It is the intent of the City, wherever possible, to minimize the extent of non-conforming uses created in the zoning by-law.

9.5.5. Under certain circumstances, uses legally existing at the time of adoption of this Plan that do not conform to this Official Plan may continue to be recognized by the zoning by-law, if the City is satisfied with respect to the following criteria:

a. the use has achieved an acceptable level of *compatibility* with existing and planned uses;

b. the long term continuation will not detract from the general intent of this Plan;

c. the use does not involve hazardous activities or substances, and does not substantially contribute to water or air pollution;

d. the use does not perpetuate or create hazardous access or traffic conditions;

e. that undue hardship does not result from zoning in conformity with this Plan; and,

f. consideration of supporting representation by residents or affected property owners.

(Amended by By-Law Number 2017-57, OPA Number 50)

Non Conforming Use

9.5.6. Any land use legally existing at the date of approval of the implementing zoning by-law that does not conform to the policies or schedules of the Plan is deemed a non-conforming use and should cease to exist in the long run.

(Amended by By-Law Number 2017-57, OPA Number 50)

Amendments to the Zoning By-law

9.5.7. 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.

Application Requirements

9.5.8. When considering a privately-initiated application to amend the zoning by-law, the City may require specific or representative plans be submitted, or that certain studies be completed so that the City is able to assess the proposal more thoroughly. The additional information and studies that may be required are detailed in Section 9.12 of this Plan.

Planning Committee/Council Considerations

9.5.9. 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 planned uses in accordance with this Plan;

c. *compatibility* of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;

d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for *development*;

e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or *amenity areas*;

f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, *floor space index*, and/or employees per hectare, as applicable;

g. the impact on municipal *infrastructure*, services and traffic;

h. comments and submissions of staff, agencies and the public; and,

i. the degree to which the proposal creates a precedent.

(Amended by By-Law Number 2017-57, OPA Number 50)

Conditional Zoning

9.5.10. Council may, in conjunction with a zoning by-law passed pursuant to Section 34 of the *Planning Act*, impose one or more prescribed conditions on the use, erection or location of buildings or structures, and may require an owner of land to which the by-law applies to enter into an agreement with the City relating to the condition(s). This agreement may be registered against the lands to which it applies, and the City may enforce the agreement against the owner and any and all subsequent owners of the land.

Relief from Parking

9.5.11. As established by the *Planning Act*, the City may enter into an agreement with any landowner or building occupant to exempt such owner or occupant from the provision of parking required by a zoning by-law in return for the payment of money and such agreement may be registered on title, and considered a tax under the *Municipal Act*. The City will keep such revenue in a separate fund under the conditions required by the *Municipal Act*.

Community Planning Permit System

9.5.12. The City may introduce a Community Planning Permit System as an alternative method to zoning for certain types of land use or certain areas of the City. The Community Planning Permit System may combine zoning approval with site plan control review or other processes required by this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Committee of Adjustment

9.5.13. In certain circumstances, it may be desirable to grant the extension or enlargement of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension or enlargement, the Committee of Adjustment will be satisfied that the legal non-conforming use continued to the date of application to the Committee and that the application would not extend such use beyond the area and site owned or used on the day of passage of the implementing zoning by-law for this Plan, as well as with the following considerations:

a. consistency with provincial policy in effect at the time of the decision, and general conformity of the proposal with the intent of the policies and schedules of this Plan;

b. *compatibility* of the proposal with existing uses and zones, the *natural heritage system*, *cultural heritage resources*, and with future planned uses in accordance with this Plan;

c. *compatibility* of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area or for the type of *development*;

d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for *development*;

e. the suitability of the site for the proposal, including its ability to meet all usual standards of parking for vehicles and bicycles, open space or *amenity areas* as well as the lack of any potential for noise, odour, traffic conflict or other nuisance from the proposal;

f. the impact on municipal *infrastructure*, services and traffic;

g. comments and submissions by staff, agencies and the public; and,

h. the degree to which the proposal may inhibit conforming uses or creates a precedent.

(Amended by By-Law Number 2017-57, OPA Number 50)

Extension or Enlargement of Non-conforming Use

9.5.14. No extension or enlargement of a non-conforming use will be granted by the Committee of Adjustment if traffic, noise or operating characteristics create or will increase *adverse effects* or nuisance factors which cannot be suitably mitigated, or if the proposal is within a land use designation that expressly prohibits such use.

9.5.15. The Committee of Adjustment may approve an application to extend or enlarge a non-conforming use to another use for such time and subject to such conditions as the Committee deems appropriate.

9.5.16. Where a non-conforming use is clearly incompatible or a hazard to adjacent uses, or interferes with the implementation of this Plan, Council may acquire the property to terminate the use or may exchange land to provide for the relocation of the use to a more appropriate area.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.5.17. In some circumstances it may be appropriate to grant a change from one non-conforming use to another if the Committee of Adjustment is satisfied that:

a. the proposed use is similar to the existing use or more in conformity with the planned use(s);

b. the site or building conditions will be substantially improved by the proposed change of use and can adequately accommodate the proposal;

c. the proposed use is generally *compatible* with surrounding uses and can meet parking for vehicles and bicycles and other site standards of the general area with accessibility considerations as well as those standards necessary for the proposed use;

d. the proposed use does not create any noise, traffic or operational nuisance that cannot be mitigated to an acceptable level;

e. municipal *infrastructure*, roads and access conditions can accommodate the proposed use; and,

f. the proposed use will not negatively impact surrounding lands or buildings or inhibit them from developing for their intended use.

(Amended by By-Law Number 2017-57, OPA Number 50)

Minor Variances

9.5.18. The Committee of Adjustment may grant a minor variance from the provisions of the zoning by-law or any other by-law that implements the Official Plan, if it is satisfied that the application meets the tests of the *Planning Act*. When reviewing an application for a minor variance the Committee of Adjustment must be satisfied that:

a. the general intent and purpose of the Official Plan are maintained;

b. the general intent and purpose of the by-law being varied are maintained;

c. the variance is minor in nature; and,

d. the variance is desirable for the appropriate *development* or use of the land, building, or structure.

9.5.19. In considering whether a variance is desirable for the appropriate *development* or use of the land, building or structure, the Committee of Adjustment will have regard for, but will not necessarily be limited to the following:

a. the proposed *development* meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

b. the proposed *development* will be *compatible* with surrounding uses, buildings or structures and *development* standards associated with adjacent properties, and if necessary, incorporate means of alleviating *adverse effects* on abutting land uses as recommended in Section 2.7 of this Plan;

c. the ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

d. the conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a *built heritage resource* or is within a Heritage District;

e. if the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a heritage impact statement may be required to assist staff to determine if the resulting *development* is desirable;

f. the resulting *development* has adequate *municipal water and sewage services* within the *Urban Boundary*, or is capable of providing *individual on-site water and sewage services* outside the *Urban Boundary*;

g. whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

h. the Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application; and,

i. the degree to which such approval may set an undesirable precedent for the immediate area.

The City will maintain a registry of all minor variance applications and all applicable Committee of Adjustment and Ontario Municipal Board Decisions.

(Amended by By-Law Number 2017-57, OPA Number 50)

Temporary Use By-law

9.5.20. The City may pass by-laws in accordance with the *Planning Act* to permit the temporary use of land, buildings or structures on a site (where such use would normally be prohibited by the by-law) for a period of up to 3 years, or up to 20 years for a *garden suite* as defined in the *Planning Act*, and may grant extensions of such a temporary use by-law for periods of up to 3 years each. In the case of *garden suites*, an owner may be required to enter into an agreement with the City in accordance with provisions of the *Planning Act*. Temporary use by-laws shall be passed in accordance with applicable policies of this Official Plan to ensure no long term *adverse effects* from the proposed temporary use.

(Amended by By-Law Number 2017-57, OPA Number 50)

Holding By-laws

9.5.21. The City may pass a holding by-law pursuant to the *Planning Act* that will include the symbol "H" in situations where the future use of the land (or buildings or structures) has been determined but where imminent *development* would be premature until various conditions are met, as set forth in the holding by-law, including any of the following:

a. municipal roads, services and utilities have been extended or improved, or servicing capacity has been added or allocated to enable *development*;

b. satisfactory financial arrangements have been made to enable *development*;

c. phasing of the *development* has been determined;

d. studies have been completed (and may also be peer reviewed) to the satisfaction of the municipality to justify or support initiation of *development*; or,

e. conditions arising from any study, or conditions which address any other impediment to *development* have been satisfactorily met, or are deemed by the City to be no longer relevant.

9.5.22. The City will pass an amending by-law to remove the "H" when the circumstances have been achieved or conditions set out in the holding by-law have been fulfilled.

Interim Control

9.5.23. Where the City has by resolution or by-law determined that a study or review of land use policies in a certain area is necessary, it may pass an interim control by-law for a period of time as specified in the by-law prohibiting uses of land (or buildings and structures) except for uses specified in the interim control by-law. Notice of an interim control by-law is not required to be given prior to its passage but notice must be given within 30 days after its passage.

Extension of Interim Control By-law

9.5.24. The City may amend the interim control by-law to extend the period of time provided that the total period does not exceed two years from the date of passage of the original by-law and notice is provided as stated above. However, in accordance with the *Planning Act*, an interim control by-law will remain in effect where there has been an appeal of the land use by-law which has been adopted by the City after completion of the study.

Height and Density Bonus

9.5.25. The City may approve a by-law authorizing an increase in height or density beyond that allowed in the zoning by-law pursuant to the *Planning Act*, in return for facilities, services or matters benefiting the public, including the following:

a. providing a wide range of clearly specified and designed housing types, including *affordable* housing and housing for seniors and individuals with special needs;

b. providing parkland dedication beyond what is already required by this Plan;

c. protecting features of the *natural heritage system,* such as *woodlands*, beyond the parkland dedication requirements of the *Planning Act*;

d. improving access to public transit facilities;

e. providing universally accessible public areas, pathways, and connections to external public pathways/trail systems;

f. providing public and/or underground parking;

g. providing community and open space facilities such as small parks, day care centres, community centres, *recreation* facilities, cultural facilities;

h. *conserving cultural heritage resources*;

i. protecting or enhancing *significant* views;

j. providing public art;

k. providing green technology and sustainable architecture and alternative construction methods such as “green roofs” and LEED^{R} certified buildings;

l. providing streetscape improvements in accordance with Council-endorsed documents such as the Downtown Action Plan and that also enhance accessibility and wayfinding; and,

m. including local improvements identified in community design plans, *community improvement plans*, secondary plans, capital budgets or other implementing plans or studies.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.5.26. Each proposal for an increase in height and density must be assessed on a case by case basis, and be supported by such additional information and studies as deemed appropriate by the City, in order that Council ensures that:

a. the *development* resulting from the application of increased height and density does not impose *adverse effects* on neighbouring uses, and meets the general intent and purpose of the land use compatibility principles in Section 2.7 and the urban design principles as outlined in Section 8 of this Plan;

b. the *development* resulting from the application of increased height and density ensures that identified *cultural heritage resources* are *conserved*, as demonstrated through the completion of a *heritage impact statement* where required by the City;

c. the proposed increased height and density provision supports the strategic planning approach to guide and respond to *development* applications for change in areas of the City, as outlined in the policies of Section 2.6 of this Plan regarding stable areas and areas in transition;

d. there are adequate municipal services including water, sanitary sewers, stormwater management facilities and community services;

e. the transportation system can accommodate the increase in density;

f. the site is suitable in terms of size and shape, to accommodate the necessary on–site functions such as parking, landscaping and *recreational* facilities of universal design;

g. there is a reasonable planning relationship between the community benefits and the proposed *development*;

h. the value of the increased height and density is appraised by the developer and the value of the benefit to be provided is assessed compared to the increased value to the developer, so that there is an equitable relationship between the established value of the increased height and density and its value to the community; and,

i. the *development* must constitute good planning and be consistent with the policies of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.5.27. Community benefits may be provided off-site, if they are located in close geographic proximity to the subject property. It must be demonstrated that the community benefits will have a positive impact on the immediate area experiencing the increased height or density provision.

9.5.28. Community groups will be consulted on the *development* application and the proposed benefit as part of the statutory public consultation process.

9.5.29. The owner will be required to enter into an agreement relating to the provision of facilities, land, or matters for which the bonus has been established in the by-law.

9.5.30. The increase in density or height will be approved through an amendment to the zoning by-law.

Site Plan Control

9.5.31. The entire area within the City of Kingston is designated as a Site Plan Control Area. The site plan control by-law, as amended from time to time under Section 41 of the *Planning Act*, affects all or part of the Site Plan Control Area. Applications submitted under this by-law will be subject to the provisions of the by-law, and any guidelines prepared by the City to guide its implementation. Council may deem certain types of *development* exempt from site plan control review.

9.5.32. Individual land use designations in this Plan establish criteria for the review of site plan control applications. Through the review of staff and agency circulation and consultation, the submission of required plans and any additional information and studies as detailed in Section 9.12 of this Plan, and the entering into of site plan control agreements, the City will use the process of site plan control review to:

a. provide a safe, functional, and visually attractive environment;

b. encourage proposed *development* to relate compatibly to the scale, character and siting of abutting *development*;

c. minimize impacts on abutting uses;

d. deliver universal accessibility to community facilities and services such as transit;

e. provide security, convenience and amenity equitably for all people;

f. provide for safe access, parking and loading for vehicles and all forms of *active transportation* devices;

g. provide a high standard of landscape amenity with consideration for accessibility, wayfinding and buffering of service areas while retaining natural features wherever possible;

h. provide for control of stormwater and secure necessary service or utility easements and road widenings, as referenced in Section 4.6 of this Plan;

i. require sustainable features to the extent that provincial legislation allows; and,

j. provide for vaults, central storage and collection areas and other facilities and enclosures of universal design for the storage of garbage and other waste materials.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.5.33. Plans showing all buildings and structures to be erected and all facilities and works, including facilities incorporating accessible design principles or standards and provisions for universal access, to be provided in conjunction with the *development*, are required to be consistent with the provisions of Section 41 of the *Planning Act*. Drawings showing plan, elevations and cross-section views may be required for all buildings to be erected including buildings to be used for residential purposes, including residential buildings containing fewer than 25 *residential units*.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.5.34. The above-noted drawings must be sufficient to display:

a. the massing and conceptual design of the proposed building;

b. the relationship of the proposed building to adjacent buildings, roads, and exterior areas, including parking for vehicles and *active transportation* devices and loading areas and access thereto;

c. the provisions of interior walkways, stairs, elevators and escalators to which the public has access from roads, open spaces and interior walkways in adjacent buildings with consideration for universal design;

d. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, the illumination of buildings, parking areas, loading areas, landscaped areas, signage, access and accessibility, and their sustainable design;

e. sustainable design elements such as trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and *active transportation* parking facilities on any adjoining road under the City's jurisdiction; and,

f. facilities incorporating accessible design principles or standards.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.5.35. Within the Site Plan Control Area for all classes of buildings, no building permit will be issued until site plan control approval has been secured. Sunset clauses are normally added to the approval of a site plan control agreement indicating that approval will lapse unless construction commences within two years. Where approved conditions have been fulfilled, the municipality may issue a conditional approval in order to allow foundation work to proceed.

Property Maintenance and Occupancy

9.5.36. The City will regulate property standards through its Maintenance and Occupancy By-law and the Property Standards By-law. These will continue to provide minimum standards for such matters as:

a. structural maintenance, building access, and safety issues;

b. sewage and drainage;

c. plumbing, heating and electricity;

d. garbage disposal, pest control, and cleanliness;

e. clearance of weeds, abandoned vehicles, or other discarded materials or equipment from the property;

f. maintenance of fences, signs, retaining walls, and *accessory use* buildings and structures; and

g. maintenance of driveways, pathways, parking areas for vehicles and *active transportation* and landscaped areas.

(Amended by By-Law Number 2017-57, OPA Number 50)

Signage

9.5.37. The City will regulate the size, location and placement of signs, including accessible accommodation, through passage of a Sign By-law pursuant to the *Municipal Act*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Development Charges and Impost Fees

9.5.38. The City, pursuant to the *Development Charges Act* and *Municipal Act*, may undertake studies to assess the cost of *infrastructure* and facilities related to *development* and will require *development* proponents to contribute to such costs on a proportionate basis as established through provisions of a Development Charges and Impost Fees By-law.

(Amended by By-Law Number 2017-57, OPA Number 50)

Part Lot Control By-laws

9.5.39. The City may pass a by-law to exempt all or portions of lots within a registered plan of subdivision from part lot control so that lots can be further divided to permit *development*, without a consent or further plan of subdivision, in accordance with the *Planning Act*. Such enabling by-law may also be repealed or amended by the City.

Site Alteration By-law

9.5.40. The City's Site Alteration By-law regulates the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land within the municipality, in accordance with the provisions of the *Municipal Act*. The Site Alteration By-law does not apply to site alterations proposed in areas regulated by Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the Cataraqui Region Conservation Authority.

(Amended by By-Law Number 2017-57, OPA Number 50)

Tree By-law

9.5.41. The City will continue to enforce and monitor its by-law to prohibit or regulate the destruction or injury of trees within the municipality, in accordance with the provisions of the *Municipal Act*.

9.6 Land Division

9.6.1. *Development* proposals resulting in greater than 3 lots must proceed by way of a plan of subdivision. Proposals resulting in 3 or fewer lots (2 lots plus a retained parcel) may proceed by application for consent.

Subdivision Control

9.6.2. The subdivision of land within the City will be undertaken in accordance with the *Planning Act* and the subdivision approval procedures of the City. The City of Kingston is the delegated authority for subdivision approval.

Required Information

9.6.3. Applicants for subdivision approval will be required to supply the information as stipulated in the *Planning Act* to the City's satisfaction.

Applicable Policies

9.6.4. Plans of subdivision must conform to the policies of this Plan, and to the Provincial Policy Statement, as amended, and other requirements of senior levels of government. Council must be satisfied that:

a. the proposed subdivision can be adequately supplied with municipal *infrastructure* and services in an economic manner if located within the *Urban Boundary*, or if located outside any *settlement areas*, the proposal is adequately supplied with *individual on-site water and sewage services*;

b. the proposed subdivision has been designed to integrate compatibly with transit and the broader transportation system, adjacent existing and planned land uses, and both the *natural heritage system*, and *cultural heritage resources;*

c. the plan of subdivision has been designed so there are no *negative impacts* on the *natural heritage features or areas* and designed to avoid natural and human-made hazards;

d. the proposed *development* addresses issues of *energy conservation* and *sustainability*;

e. the proposed subdivision is necessary, timely and in the public interest; and,

f. the design of the proposed plan of subdivision meets accepted design principles and standards of the City, and has had adequate regard for any urban design guidelines, land acquisition programs, or other policy initiatives that are relevant to the area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Required Studies

9.6.5. Applicants of a proposed subdivision *development* may be required to have specialized studies prepared to the satisfaction of the City that assess impacts (and outline means of alleviating impacts where necessary) to ensure that the proposed *development* supports the health, safety, convenience and welfare of future inhabitants and the satisfactory functioning of the City's built and natural systems. Such studies include (but are not limited to) planning rationale, noise, traffic, environmental impact, cultural heritage impact, servicing and stormwater management, soil and/or hydrogeology. Additional information or studies as may be required to fully assess the proposed plan of subdivision are detailed in Section 9.12 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Draft Approval Conditions

9.6.6. Draft approval of plans of subdivision will generally include conditions which must be satisfied prior to final approval of the plan of subdivision. Such conditions may be required to be satisfied within a specified time period (generally three years) or draft approval may be withdrawn by the City and any servicing capacity may be re-allocated. Conditions of approval may be changed prior to final approval in accordance with the policies of the *Planning Act*.

Subdivision Agreement

9.6.7. Prior to final approval of a plan of subdivision, the owner will be required to enter into a subdivision agreement with the City and to file necessary financial securities to the satisfaction of the City to ensure that conditions of approval are fulfilled.

Deeming By-law

9.6.8. Eight years after final approval of a plan of subdivision, Council may deem by by-law the whole, or a portion of, a plan of subdivision to no longer be a registered plan of subdivision, pursuant to the provisions of the *Planning Act*.

Monitoring

9.6.9. The City will monitor subdivision approval activity and the approval process and may amend the "Subdivision Approval Procedures" as required.

Consent Authority Types and Limits

9.6.10. The Committee of Adjustment or the approval authority may grant consents to sever land in the City in situations where a plan of subdivision is not considered necessary and subject to the following policies:

a. the creation of individual parcels of land by consent will only be permitted in conformity with the policies of this Plan and the provisions of the implementing zoning by-law;

b. any application for consent in Rural Areas as shown on Schedule 2 that proposes to create more than 3 new lots (2 severed, 1 retained) being created from an existing lot of record must be processed by way of a plan of subdivision; and,

c. consents that do not create a new lot will be considered if required for such technical or legal reasons as minor boundary adjustments, easements, rights-of-way, leases in excess of 21 years, validation of title, partial discharge of a mortgage, power of sale, or severance along common party walls.

(Amended by By-Law Number 2017-57, OPA Number 50)

General Requirements for Consents

9.6.11. The creation of new lots by consent must have regard to the matters under Section 51(24) of the *Planning Act* and must meet the following requirements:

a. minimum lot areas for consents are established within the policies of the Prime Agricultural Area, Rural Lands, Hamlets, Rural Commercial and Rural Industrial designations;

b. the minimum lot areas for consents on lands located within the *Urban Boundary* are governed by the provisions of the applicable zone;

c. conformity to Section 3.12.9 of this Plan;

d. the specific consent policies for the land use designations established by this Plan make allowance for consents involving lot consolidation; and,

e. where an application for lot consolidation in Rural Areas is approved, conditions may be imposed requiring that the lots to be consolidated be deeded in the same name.

(Amended by By-Law Number 2017-57, OPA Number 50)

Direction for Growth by Consent

9.6.12. New residential *development* created by consent is encouraged to locate in areas designated for growth such as lands within the *Urban Boundary*, the Hamlets, and Rural Areas where *infill* residential *development* is permitted. In order to fully assess an application for consent (or land severance), the Committee of Adjustment or approval authority may require the submission of additional information and studies as detailed in Section 9.12 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Criteria for Consent Approval

9.6.13. The creation of individual parcels of land by way of consent are subject to the following criteria:

a. the lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

b. proposed severances that would result in irregularly shaped lots are to be avoided where possible;

c. consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

d. direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to *controlled areas* subject to Ministry of Transportation review and approval;

e. new access points or driveways must be located where they would not create a traffic hazard because of sight lines on curves, grades or corners;

f. minor infilling of residential *development* is permitted except where the new lots would result in ribbon *development* of more than four

non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;

g. *infill* residential *development* is permitted within Rural Areas where there is a distance of 100 metres or less of frontage between two non-farm residential lots on the same side of the road and the lot can meet all of the other policies of this Plan and requirements of the zoning by-law;

h. *compatibility* and any separation distances required between the proposed land uses for the lot and the neighbouring land uses located in Rural Areas must be considered;

i. any application for a consent must assess the impact on the *natural heritage system*, *natural heritage features and areas*, natural hazards, *cultural heritage resources and areas of archaeological potential*, or areas of archaeological significance as set out in Sections 5, 6 and 7 of this Plan; and,

j. the City must be satisfied that any *development* lots created by consent can be supplied with such municipal services as fire protection, road maintenance, storm drainage and where applicable, water supply and sewage disposal facilities, such that the provision of services does not adversely affect the City's finances.

(Amended by By-Law Number 2017-57, OPA Number 50)

Areas of Influence and MDS

9.6.14. The creation of any new residential lot by consent must comply with the following policies regarding areas of influence and minimum separation distances:

Mineral Resource Area

a. the lot must be located outside of the defined influence area of an area designated or zoned for Mineral Resource or mineral aggregate resource extraction, or if an influence area has not been defined, it must be separated by the following distances:

- 300 metres from a pit operation above or below the water table;
- 300 metres from all mineral aggregate reserve areas;
- 300 metres from a sand and gravel resource area (as shown on Schedule 12);

- 500 metres from a bedrock reserve area (as shown on Schedule 12);
- 500 metres from the Mineral Resource Area - Wollastonite Designation, as per Section 3.16.A.6 of this Plan; and,
- 500 metres from a mining or quarry operation.

Waste Management Industrial

b. the lot must be located outside the defined area of influence of an area designated or zoned for waste management industrial use. If an influence area has not been defined, it must be no closer than 500 metres from any site designated or zoned as Waste Management Industrial;

Alteration of Distances

c. the area of influence and separation distances between a residential use and Mineral Resource Area or Waste Management Industrial designation may be altered to reflect site specific conditions related to such matters as land use *compatibility*, groundwater, noise, dust, vibration and other appropriate matters without amendment to this Plan, subject to the completion of an impact assessment report prepared by a *qualified person* making this recommendation and showing no impacts.

Residential Impact on Agricultural Potential

d. the Committee of Adjustment or approval authority must consider the impact of a new residential lot created by consent on the potential to expand the agricultural productivity of any adjacent agricultural lands when assessing the required *minimum distance separation formulae* and the need to potentially increase it.

(Amended by By-Law Number 2017-57, OPA Number 50)

Private Services and Consents

9.6.15. In considering the creation of a new lot that is to be serviced by *individual on-site water* and *sewage services*, the following policies apply:

a. all lots on private *individual on-site water services* must have sufficient area and frontage to protect groundwater quality;

Well Water Services

b. the applicant must demonstrate that the soil and groundwater conditions are capable of supporting the necessary private potable well water system for the long term with no *negative impacts*;

c. the applicant will be required to submit a hydrogeological study or similar investigation to assess groundwater conditions as described in Section 4.4 of this Plan;

d. all lots on private *individual on-site sewage services* must be suitable or capable of supporting an acceptable sewage disposal system to the satisfaction of the City, Public Health and the Ministry of the Environment and Climate Change;

Septic Sewage System

e. the applicant may be required to obtain whatever studies and reports that may be necessary in assessing the suitability of the proposed *individual on-site sewage services* as described in Section 4.4 of this Plan; and,

f. consents will only be permitted where the *individual on-site sewage service* does not create potential impacts on ground and surface water quality and quantity, or impact adjacent properties.

(Amended by By-Law Number 2017-57, OPA Number 50)

Back Lot Consents in the Urban Area

9.6.16. There are limited circumstances within the *Urban Boundary* where sufficient land and access is available to allow the creation of a building lot internal to a block. Although this is generally discouraged, this would involve internal residual portions of blocks that have been developed on the basis of a street-frontage lot pattern. In such cases, the Committee of Adjustment must consider, but not necessarily be limited to, the following:

a. the area and configuration of the subject parcel, having regard to its suitability for consent and capacity to be severed into a workable lot pattern and a developable lot;

b. the availability of access to the subject parcel, and the adequacy of any proposed access route to meet the needs of proposed and existing landowners;

c. the type and functional characteristics of surrounding land uses, and *compatibility* of the proposed use related to the adjacent uses;

d. the adequacy of any proposed building setbacks from new property lines and building separations from existing adjacent buildings;

e. the siting of any proposed buildings, having particular regard to access points, parking areas, *amenity areas* and windows in relation to existing adjacent buildings;

f. the privacy of adjacent properties, particularly with respect to outdoor *amenity areas*;

g. the *compatibility* of the potential building height and mass with the height and mass of buildings on adjacent properties;

h. the availability of secondary access to the site, where needed;

i. the ability to mitigate the impacts of traffic movements, and not create unsafe access or adverse traffic impacts; and,

j. the availability of municipal services, in particular in areas where combined sewer *infrastructure* currently exists.

(Amended by By-Law Number 2017-57, OPA Number 50)

Conditions of Approval for Consents

9.6.17. The Committee of Adjustment or approval authority may require as a condition of approval that an applicant enter into an agreement with the City regarding such conditions as it deems appropriate, including but not limited to the following matters:

a. the fulfillment of any financial requirements of the City;

b. the dedication of lands for park purposes or the payment of cash-in-lieu thereof;

c. the dedication of road widening as required by the City;

d. the dedication of appropriate easements or rights-of-way;

e. application and approval for a zoning amendment or minor variance;

f. application and approval of site plan control;

g. the establishment of buffer strips and landscaping;

h. flood proofing of the *development* and protection of the *natural heritage system*;

i. demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions;

j. requirements for conducting additional studies and implementation of any study required to support the consent application/*development* proposal;

k. submission of a registered reference plan to the City;

l. the date when the consent will lapse; and,

m. specifically identified requirements of the City, public agencies or authorities.

(Amended by By-Law Number 2017-57, OPA Number 50)

Monitoring Consent Approvals

9.6.18. It is the intent of the City to maintain a record of consents granted by the Committee of Adjustment or approval authority and a record of consents for which a certificate has been issued in accordance with the *Planning Act*.

Plans of Condominium

9.6.19. The City of Kingston is the approval authority for plans of condominium, and will proceed in accordance with the provisions of the *Planning Act*, the *Condominium Act* and the "Condominium Approval Procedures" as adopted by Council.

9.6.20. When reviewing a plan of condominium, the City will have regard for the policies of Section 9.6 above, as well as the following:

a. the plan of condominium, the proposed units, and common elements are appropriate for the intended purpose, and meet all requirements of the zoning by-law, Ontario Building Code and Property Standards By-law;

b. the plan of condominium meets the requirements of the site plan control by-law; and,

c. the plan of condominium meets the requirements of the parkland conveyance by-law.

(Amended by By-Law Number 2017-57, OPA Number 50)

Required Studies

9.6.21. Applicants of the proposed condominium may be required to have specialized studies prepared to the satisfaction of the City that assess impacts (and outline means of ensuring that there are no *adverse effects* where necessary), and to ensure that the proposed *development* supports the health, safety, convenience and welfare of future inhabitants. Such studies, as are detailed in Section 9.12 of this Plan, may include, but are not limited to, structural engineering, traffic, parking, *active transportation* movements, environmental impact, cultural heritage impact, servicing, stormwater management, and soil and hydrogeology reports.

(Amended by By-Law Number 2017-57, OPA Number 50)

Draft Plan Approval

9.6.22. Draft approval of plans of condominium will generally include conditions that must be satisfied prior to final approval. Such conditions may be required to be satisfied within a specified time period, or draft approval may be withdrawn by the City.

Condominium Agreement

9.6.23. Prior to final approval of a plan of condominium, the owner will be required to enter into a condominium agreement with the City in accordance with the *Planning Act* and *Condominium Act*, and to file necessary financial securities to the satisfaction of the City to ensure that conditions of approval are fulfilled.

Monitoring

9.6.24. The City will monitor condominium approval activity and the approval process and may amend the “Condominium Approval Procedures” as required.

Condominium Conversions

9.6.25. When approving a plan of condominium as a conversion of an existing building, the following policies will apply, in addition to those in Sections 9.6.19 to 9.6.24 above:

a. these condominium conversion policies apply to existing rental buildings or to newly constructed buildings where condominium approval is not going to be exercised until after occupancy by tenants;

b. if additional units are being created as part of the condominium conversion, then parkland contributions must be made in accordance with the parkland conveyance by-law;

c. the applicant must submit a report from a *qualified person* detailing the existing condition of the building and any necessary improvements. The report must include cost estimates on the necessary improvements, as well as information on the maintenance and operating costs of the project in the past five (5) years, or from the date of construction of the project if less than five years;

d. the applicant must submit a report by a *qualified person* stating to what extent the existing services and utilities on the property meet City and Utilities Kingston specifications and requirements. The report must also include detailed plans of underground services, and a site grading and drainage plan with details for paved areas and parking spaces;

e. the applicant must notify all of the tenants about the intention to convert the building(s) to condominium ownership, in accordance with the regulations of the *Residential Tenancies Act, 2006* or the *Commercial Tenancies Act*; and,

f. where the conversion involves changing residential rental units to condominium ownership, the supply of rental accommodation, both City-wide and within the subject neighbourhood, must not be adversely affected by the proposed condominium conversion. The rental vacancy rate(s), as determined by the Canada Mortgage and Housing Corporation (CMHC), will be reviewed, and where the rate is less than three percent (3%), the application for the condominium conversion may be denied.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.6.26 As a condition of site plan or plan of subdivision approval, the City may require a *development* to be registered as a condominium rather than as a freehold subdivision where the City is of the opinion that:

a. there are amenities or natural features within the *development* that can be better managed through a condominium corporation than by individual land owners or through the municipality;

b. the responsibility for management or maintenance of *infrastructure* needed to facilitate the *development* is better administered through a condominium corporation rather than by individual land owners or through the municipality; or,

c. the responsibility for enforcement of certain conditions or requirements as pre-requisites to the approval of the *development* is better managed through a condominium corporation rather than through the municipality.

(Added by By-Law Number 2017-57, OPA Number 50)

9.7 Secondary Plans, Guidelines, & Studies

9.7.1. The City will engage in the ongoing research and study of issues related to land use, or to individual areas of the City, as part of its implementation of this Plan that will assist in keeping this Plan current and responsive to change. Most studies will not form part of the Official Plan but their recommendations may serve as the foundation of changes to this Plan made by amendment, subsequent to a public consultation process and endorsement by Council.

Secondary Plans

9.7.2. The City may prepare secondary plans (or require *development* proponents to prepare a secondary plan for the City's review) for portions of the City where major *development* is anticipated and where more detailed policy guidance is required. Schedule 13 illustrates areas where secondary plans have been prepared and are anticipated prior to further *development*. Secondary plans may also be adopted for areas of the City requiring more extensive policy guidance, such as:

a. areas of the City that are multi-faceted and complex;

b. areas of the City requiring more extensive policy guidance;

c. areas planned to undergo fundamental changes in terms of planned function, land use pattern, land ownership/tenure, abandonment/underutilization; and/or,

d. areas planned for new opportunities created by major public or private investment.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.7.2.1. Locations that are priorities for preparation of secondary plans have been identified in Section 2.3.3 of this Plan. Secondary plans will be prepared, presented for public consultation, and adopted in the same manner as the Official Plan and are to be read in conjunction with Official Plan policy. A secondary plan, to be prepared by the City in partnership with affected land owners, will address and coordinate at a minimum, but not necessarily be limited to:

a. identifying the study area and community boundaries;

b. recognizing that all new *development* should move the City of Kingston forward towards its goal of being Canada's most sustainable city;

c. providing for, and identifying the location of various proposed land uses including parks and open spaces, schools and community facilities and commercial area(s) intended to equitably meet the day to day needs of the residents;

d. assigning a mix of residential (related to density, type and affordability) and/or non-residential land uses (related to jobs, employee density, and floor space);

e. designing the road and pathway systems including all modes of *active transportation*, transit and vehicular movement within the study area including consideration of access points, design, traffic calming measures and any major off-site transportation improvements;

f. ensuring *compatibility* with existing, planned or adjacent land uses, in particular building height if high density residential is a land use planned in the secondary plan;

g. protecting the *natural heritage system*;

h. protecting *cultural heritage resources* as required by the policies of this Plan and incorporating spaces, facilities and amenities that can generate and sustain cultural vitality;

i. identifying and protecting *prime agricultural land* where possible;

j. providing public service facilities including libraries, *recreation*, fire protection and education facilities;

k. designing a full neighbourhood, including a focal point, a meeting area and theme, and urban design guidelines;

l. providing for adequate and cost-effective *infrastructure*; and

m. timing and phasing of proposed *development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Urban Design Guidelines

9.7.3. The City may adopt urban design guidelines for areas within the City or for public areas where a unified treatment is desired or for specific types of *development*. Urban design guideline studies are particularly relevant for those areas of the City that have cultural heritage significance which could

be negatively impacted by insensitive new *development*, and for prominent areas of the City where a distinctive and unified identity is sought. Urban design guidelines may provide a helpful implementation tool in a number of circumstances, including the provision of ecologically *sensitive development* guidelines in areas within or adjacent to *natural heritage features and areas.* Reference should be made to Section 8 of this Plan.

Public Meeting

9.7.4. Urban design guideline studies will be presented to the public at an advertised accessible public meeting prior to presentation to Council for consideration.

(Amended by By-Law Number 2017-57, OPA Number 50)

Adopted by Council

9.7.5. When supported by Council, urban design guidelines will be adopted by resolution and used as publicly available guidelines in the assessment of *development* applications or proposed public works in the applicable area.

Other Studies

9.7.6. The City may undertake other planning studies from time to time in order to address a particular issue in the community or to obtain information necessary for the future planned *development* of the City. These studies may be broad in nature and cover the municipality as a whole, such as an urban growth study or transportation master plan, or they may be directed towards a specific issue or area of the City, such as a study designed to address the *development* of a major transportation corridor.

9.8 Community Improvement

General Purpose

9.8.1. Council recognizes the importance of revitalizing various residential, commercial and industrial sections of the City and intends to continue and enhance the established processes of renovation, rehabilitation, revitalization, environmental remediation and energy improvement. To this end, it is intended that *community improvement project areas* will be identified and appropriate strategies for their revitalization detailed by Council through the adoption of *community improvement plans*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Community Improvement Area

9.8.2. The community improvement policies of this Plan are enabling policies under the *Planning Act*. The Community Improvement Area applies to all lands within the municipal boundary. It is the intent of Council that the Community Improvement Area may be designated, in whole or in part, by by-law, as one or more defined community improvement project areas for which detailed community improvement plans will be prepared.

(Amended by By-Law Number 2021-71, OPA Number 74)

New Plans at Council's Discretion

9.8.3. *Community improvement plans* are created for various situations where there is an identified community need. Therefore, the designation of a *community improvement project area*, and the creation of a *community improvement plan*, will be entirely at the discretion of Council.

Financial Support Discretionary

9.8.4. The provision of financial assistance in a community improvement plan will be entirely at the discretion of Council. The City shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the City.

(Amended by By-Law Number 2017-57, OPA Number 50)

Criteria for Establishing

9.8.5. A *community improvement plan* may be established for any portion of the Community Improvement Area that conforms to one or more of the following criteria:

a. the presence of building stock or housing units that do not meet minimum occupancy standards as set forth in the City's Property Standards By-law;

b. the presence of unused or underutilized land or buildings that could be developed, redeveloped, renovated or converted to another use;

c. the presence of buildings or lands of cultural heritage value or interest and sites of archaeological significance or interest;

d. the presence of deficiencies, including accessibility considerations, in hard services including roads, sidewalks, curbs, gutters, storm and sanitary sewers, and water service;

e. the presence of lighting or other public utilities that fail to meet municipal standards, or that are not energy efficient;

f. inadequate community services such as public indoor/outdoor *recreation* facilities, and public open space;

g. inadequate social facilities such as day care facilities;

h. a lack of adequate off-street parking facilities;

i. limited traffic circulation or poor access to residential, commercial or industrial areas;

j. excessive building vacancies within the area;

k. the presence of incompatible land uses;

l. the overall streetscape or aesthetics of an area require upgrading;

m. the presence of special visual amenities (e.g. waterfront), which could benefit from protection or enhancement;

n. the presence of points of interest, and amenities that provide an opportunity for tourism;

o. the presence of lands or buildings that may require detailed environmental site assessments or designated substances surveys and the implementation of appropriate and necessary remediation;

p. the prevalence of building stock or housing units at a neighbourhood scale that is energy inefficient as determined through energy mapping or other means;

q. the opportunity to support *development* that would intensify vacant or underutilized lots in the Community Improvement Area; and

r. the opportunity to support *development* that would decrease carbon emissions or improve energy efficiency.

(Amended by By-Law Number 2017-57, OPA Number 50)

(Amended by By-Law Number 2021-71, OPA Number 74)

Objectives for Community Improvement Areas

9.8.6. Within the Community Improvement Area, the City of Kingston intends to:

a. encourage improvement activities that contribute to a strong economic base including tourism, cultural and industrial *development*;

b. establish and maintain the physical *infrastructure* required for residential, commercial and industrial *development* within the Community Improvement Area;

c. ensure the maintenance of the existing building stock where appropriate and encourage rehabilitation, renovation and repair of older buildings;

d. preserve *cultural heritage resources* and facilitate the restoration, adaptive re-use and improvement of these resources;

e. provide a mix of housing types to accommodate all segments of Kingston's population, including the construction of *affordable* housing;

f. improve parking for vehicles and *active transportation* devices and traffic patterns and enhance *compatibility* with surrounding uses;

g. promote the continued *development* and revitalization of the Central Business District and strengthen its role as the primary service and commercial centre within the *Urban Boundary*;

h. encourage appropriate *development* along the lakefront and riverfronts in accordance with the policies of this Plan;

i. provide and maintain adequate social, cultural, community and *recreational* facilities and services;

j. improve energy efficiency and reduce carbon emissions where feasible; and,

k. encourage the rehabilitation of environmentally compromised land and buildings through appropriate remediation.

(Amended by By-Law Number 2017-57, OPA Number 50)

(Amended by By-Law Number 2021-71, OPA Number 74)

Implementation Strategies

9.8.7. In order to implement its community improvement policies, the City may:

a. designate by by-law *community improvement project areas*, and prepare *community improvement plans* for the project areas in accordance with the *Planning Act;*

b. integrate community improvement projects with other public works and City programs and initiatives;

c. continue to support and encourage Business Improvement Areas (BIAs) in their efforts to maintain strong and viable business areas;

d. continue the enforcement of the Property Standards By-law with respect to residential, commercial and industrial building stock and lands;

e. continue to make applications to participate in all appropriate senior level government programs;

f. continue to support Heritage Kingston and heritage conservation programs and initiatives;

g. continue to encourage private initiatives regarding the rehabilitation, *development*, conversion and environmental remediation of lands or buildings and, where appropriate, support *infill development*;

h. develop an environmental program designed to assist private interests in undertaking the remediation of environmentally compromised land or buildings;

i. where feasible, acquire buildings and lands to carry out community improvement objectives;

j. consider a more flexible approach to zoning where community improvement objectives are supported; and,

k. develop energy programs designed to assist private interests in undertaking actions that reduce carbon emissions or increase energy efficiency from buildings.

(Amended by By-Law Number 2017-57, OPA Number 50)

(Amended by By-Law Number 2021-71, OPA Number 74)

Brownfields Community Improvement Area

9.8.8. The Brownfields Community Improvement Area is shown in Schedule 10 of this Plan. Minor adjustments to the boundary of the Brownfields Community Improvement Area do not require an amendment to this Plan. The City will continue to monitor and implement the existing Community Improvement Plan Brownfield Project Areas for the purpose of implementing the City's Brownfields Program, and its key financial components of tax assistance and grants for the rehabilitation of environmentally-compromised land and buildings through an appropriate remedial work plan.

(Amended by By-Law Number 2013-98, OPA Number 16)

(Amended by By-Law Number 2021-71, OPA Number 74)

9.9 Land Acquisition or Disposal

Acquisition

9.9.1. Land within the municipality may be acquired, held, sold or exchanged by the municipality for purposes of implementing this Official Plan. Land acquisitions will be carried out in accordance with the policies of Section 3.8 of this Plan.

Notice of Sale of Land

9.9.2. Prior to the sale of land, notice of the City's intent to sell will be publicly advertised with a description of the land, any buildings or structures, and a map of the location.

Public Meeting

9.9.3. No public open space will be sold or altered without an accessible public meeting having first been held.

(Amended by By-Law Number 2017-57, OPA Number 50)

Affordable Housing

9.9.4. Land that is deemed surplus to the City's needs will be considered first for *affordable* housing, if the location, size, and site characteristics are appropriate for residential *development,* and the site is in a residential area where supporting facilities and amenities are available.

Waterfront and Shoreline Properties

9.9.5. The City intends to acquire waterfront lands and shoreline properties, where feasible, by purchasing them, acquiring easements or entering into agreements in order to provide for universal public access to the waterfront, to provide for the establishment of waterfront parklands and pathways, and to provide for shoreline protection, ecological protection, and cultural heritage protection measures. As the opportunity arises, the City intends to assist in acquisition of waterfront lands and shoreline properties with such agencies as the Federal and Provincial governments, land trusts and the Cataraqui Region Conservation Authority.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.10 Public Works

9.10.1. All municipal works, also referred to in this Plan as public works, must be in conformity to this Plan.

9.10.2. The City will work with Utilities Kingston, Kingston Hydro and other providers of *infrastructure* to co-ordinate works and *infrastructure* improvements.

(OMB Order Number PL100149 dated August 25, 2010)

9.10.3. Regard to the Official Plan will be had in the preparation of municipal capital works budgets and programs.

9.10.4. The City encourages that construction activities be undertaken in a manner which respects community interests, particularly in situations of *intensification*. To this end, the City may require that a Construction Management Plan be provided in support of applications for site plan control, including addressing accessibility, particularly when the *development* has the potential to cause nuisances during construction.

(Added by By-Law Number 2017-57, OPA Number 50)

9.11 Financial Policy

Revenues

9.11.1. The City will continue to investigate, assess and implement revenue source alternatives to property taxation, user rates, and the Development Charges By-law to reduce reliance on the property tax base. In particular, the City will encourage financial partnerships and/or arrangements on City-owned land that help achieve this policy.

(Amended by By-Law Number 2017-57, OPA Number 50)

Cost Benefit Analysis

9.11.2. The City may require that a cost-benefit analysis be prepared in conjunction with any application for *development* approval in order to assess the impact of the proposal on municipal operating and capital costs over both the short term and long term. Any such analysis will clearly state the assumptions made with respect to the treatment of marginal and average costs, and the identification and quantification of any relevant and reasonable expectations regarding revenue and cost accruals.

Asset Management Plan

9.11.3. Any decision by Council on a planning matter addressed in this Plan will consider any future Asset Management Plan adopted by Council.

(Added by By-Law Number 2017-57, OPA Number 50)

9.12 Consultation and Application Requirements

9.12.1. Mandatory Preconsultation

a. The City requires, by by-law, preconsultation for all *development* applications for which it is the approval authority.

Submission Requirements for Applicable Applications

9.12.2. Development Applications: Required Information and Material

a. Pursuant to the provisions of the *Planning Act*, Council and/or its designated approval authorities may require applicants to provide additional information or material to accompany the following *development* applications:

- Official Plan amendments;
- zoning by-law amendments;
- applications for plan of subdivision or condominium;
- applications for site plan control;
- consent applications; and,
- applications for minor variance.

b. In addition to the information and materials required under the *Planning Act* and any other legislation or regulation, as amended, the following must be provided by the applicant at the time of the filing of a *development* application for a planning approval listed in Section 9.12.2.a. above:

- description of the applicant's interest in the land (owner, tenant, purchaser);
- identification of the registered land owner, if different from the applicant;
- owner's authorization and consent to apply for the planning approval, if the owner is not the applicant;
- identification of the agent for the applicant, if any, with written authorization from the applicant;
- identification of the applicant's planner, if any;

- owner's authorization / consent to use and disclose personal information and to allow site visits;
- written confirmation of preconsultation with the municipality;
- assessment roll number of the subject land(s);
- the existing Official Plan designation and zoning for the property;
- description and sketch of any existing or proposed easements and/or rights-of-way;
- description and/or sketch of existing uses, previous uses and complete description (e.g. frontage and depth) of the subject lands;
- description and/or sketch of the existing land uses adjacent to and within 500 metres of the subject lands;
- description and/or sketch of the natural and artificial features on the subject lands and within 500 metres of the subject lands (e.g. buildings, railways, wells, roads, watercourses, drainage ditches, banks of rivers or streams, *wetlands*, wooded areas, etc.); and,
- any studies identified by the City under Section 9.12.3 of this Plan.

c. In addition to the information required in Section 9.12.2.b. above, an application for a plan of subdivision or condominium must also provide the following:

- identification of the Ontario Land Surveyor, if any;
- analysis of housing affordability with reference to the policies identified in Section 3.3.10.; and,
- preliminary stormwater management report.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.12.3. Development Applications: Additional Information – Studies and Assessments

a. In addition to the requirements of Section 9.12.2, additional information in the form of the studies or assessments listed in this Section may be required in order to consider a planning application complete.

b. The additional information will be required as part of a complete application under the *Planning Act* in order to ensure that all the relevant and required information pertaining to a *development* application is available at the time of submission to enable Council or its designated approval authorities to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.

c. In all instances, the number and scope of studies and assessments to be required for the submission of a complete application is appropriate and in keeping with the scope and complexity of the application.

d. The additional information or material that may be required includes, but is not limited to, the following:

- Accessibility Assessment;
- Aggregate Impact Assessment;
- Aggregate Studies and background information pursuant to Section 3.16 of this Plan;
- Agricultural Soils Assessment / Impact Analysis on Agricultural Lands or Operations;
- Air Quality / Dust / Odour Study;
- Arborist's Report;
- Archaeological Assessment(s) and Impact Mitigation Report;
- Architectural Control Guidelines;
- *Biomass Energy* Generating System-Related studies;
- Closure Plan;
- Commercial Inventory Assessment;
- Community Services and Facilities Study;
- Compatibility Assessment;
- Comprehensive Employment Land Supply;
- Computer-Generated Three-Dimensional Building Mass Model;

- Concept Plan showing the ultimate use of the site, including access and internal movement;
- Construction Management Plan;
- Contaminated Site Assessment;
- Control Plan for lot grading and drainage;
- Decommissioning Plan (dismantling and removal of equipment);
- Design Guidelines;
- Design of Public Spaces Assessment;
- Ecological Site Assessment;
- Electromagnetic Interference Report;
- Emergency Management Plan;
- Energy and Carbon Emissions Impact Assessment;
- *Environmental Impact Assessment*;
- Environmental Implementation Report;
- Environmental Site Assessment(s) / Audit and/or Previous Land Use Inventory and/or Site-Specific Risk Assessment;
- Erosion and Sediment Control Plan;
- Farm Viability Study;
- Financial Impact Assessment / Analysis;
- *First Nations* Consultation and/or *Métis* Consultation;
- Floodplain Management / Slope Stability Report;
- Forest Management Plan;
- Geotechnical Study;
- Groundwater Impact Study / Well Interference Study;
- Height and Density Assessment / Analysis;

- Health Impact Assessment;
- Heritage Conservation Report;
- Heritage Impact Statement;
- Housing Affordability Analysis (for a Plan of Subdivision, Site Plan, or Plan of Condominium application);
- Housing Issues Report;
- Hydrogeological Report or Hydrogeological Sensitivity Study;
- Ice Throw Report for wind turbines;
- Influence Area Study for *development* in proximity to an open or closed waste management facility, industry, mine, pit, or quarry;
- Lake Capacity Assessment;
- Landscaping Plan / Natural Features Plan;
- Lighting Plan / Study;
- Marine Archeological Assessment;
- Market Justification & Impact Assessment;
- Minimum Distance Separation Formulae;
- Municipal Servicing Capacity Report;
- Natural Heritage Evaluation / Impact Study;
- Noise Impact and/or Vibration Impact Study;
- Nutrient Management Plan;
- Parking and/or Loading Study;
- Pedestrian-Level Wind Study;
- Planning Justification or Planning Rationale;
- Public Consultation Strategy;
- Record of Site Condition;

- Section 59 Notice from the Risk Management Official;
- Servicing Report;
- Shade Audit, Shadowing Impact and/or Solar Access Assessment;
- Soil and Bedrock (Karst) Analysis;
- Solar Energy Generating System-Related Studies;
- Stormwater Management Report / Master Drainage Plan;
- Structural Engineering Analysis;
- Subdivision Demonstration Report;
- Surface Water Impact Study;
- Terrain Analysis Report;
- Traffic Operations Assessment;
- Transportation / Traffic Impact Study and/or Access Analysis;
- Tree Inventory;
- Tree Preservation & Protection Plan;
- Urban Design Study/Guidelines;
- Viewplane Assessment;
- Visual Impact Study for *development* near any designated heritage building or site, including *development* along or near the World Heritage Site of the Rideau Canal and the Kingston Fortifications;
- Water Supply Assessment;
- Wave Uprush Study;
- Wildland Fire Risk Assessment;
- Wind/Climate Impact Study; and,
- *Wind Energy* Generating System-Related Studies.

(Amended by By-Law Number 2013-98, OPA Number 16)

e. Notwithstanding the required studies and assessments listed above in Section 9.12.3.d., Council may ask for any additional information that is considered reasonable and necessary in order to make a decision on a *development* application.

Qualified Persons and Peer Reviews

f. All required reports and technical studies will be carried out by *qualified persons* retained by and at the expense of the proponent. The City may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the City at the proponent's expense.

(Amended by By-Law Number 2017-57, OPA Number 50)

9.12.4. Public Consultation and Notice

a. Public participation is regarded as an essential part of the municipal planning process;

b. A Public Consultation Strategy is required for all applications for Official Plan Amendment, Zoning By-law Amendment and/or Plans of Subdivision. The Public Consultation Strategy must satisfy the minimum requirements of the *Planning Act*. The City may require additional public consultation measures in order to deem an application complete, determined on a case by case basis;

c. Proponents are encouraged to hold accessible community meetings in addition to the statutory public meetings in order to explain the details of the *development* proposal to residents and agencies;

d. Public meetings must be held before proposals for Official Plan and zoning by-law amendments and draft plans of subdivision are dealt with by Council, in accordance with the *Planning Act*;

e. Notice of public meetings must be given in accordance with the *Planning Act*. The Municipality may, however, consider alternate notice procedures as provided for in the *Planning Act*;

f. The Municipality requires the use of a temporary sign board placed on the property, to post the notice of an application of a site-specific Official Plan amendment, zoning by-law amendment, plan of subdivision, minor variance or consent and, where the proposal is greater than 300 square metres in new floor area, an application for site plan control;

g. The specifications of the temporary signs include, but are not limited to size, wording, material, colour, lettering, location, installation and maintenance. These specifications are adopted by Council, through resolution, from time to time;

h. For special issues, including but not limited to, new Official Plans and comprehensive zoning by-laws, the Municipality may consider additional means of public participation including open houses, public displays, area meetings, newspaper coverage, cable T.V. programming, internet postings and other similar means;

i. Community design plans may be considered as a form of public consultation, or a way to resolve conflicts between residents and a proponent, in areas where density is proposed to be increased;

j. Council may, by resolution, forego public notification and public meetings in connection with Official Plan, *community improvement plan*, and zoning by-law amendments if such amendments relate to matters that will not affect the policies and intent of the Official Plan or *community improvement plan*, or the provisions of the zoning by-law in any material way, and may include the following matters:

- altering punctuation or language to obtain a uniform mode of expression;
- correcting clerical, grammatical, dimensioning or typographical errors;
- altering the number and arrangement of any provision;
- inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
- changing the format of a document;
- consolidating amendments; and,
- transferring official plan, *community improvement plan* and zoning by-law information to new base maps.

k. written and oral submissions from the public relating to applications for Official Plan amendment, zoning by-law amendment, plans of subdivision, plans of condominium, consent, and minor variance, received prior to the preparation of a staff report, will be summarized within the report to facilitate decision making. Where appropriate, the submissions will be consolidated into common or overlapping land use planning issues, in addition to an

acknowledgement of other issues presented through the public consultation process. The notices of decision associated with planning applications will recognize written and oral submissions and the effect they have had, if any, on planning decisions; and

l. the City will create a Community Engagement Plan to develop strategies to improve public engagement for specific planning processes. This Plan will be informed through a consultative process with the public which will include specific efforts to engage *Indigenous Peoples of Canada.*

(Amended by By-Law Number 2017-57, OPA Number 50)

9.12.5. Planning Advisory Committee

a. The City will establish and maintain a planning advisory committee with at least one (1) member from the general public, in accordance with the *Planning Act*.

(Added by By-Law Number 2017-57, OPA Number 50)

Section 10. Specific Policy Areas and Secondary Plans

The following specific policy areas and secondary plans provide more detailed policies related to a specific area. They should be read in conjunction with the Official Plan, as a more detailed chapter. The policies in Sections 2 to 8 of the Official Plan may not be sufficiently detailed to address issues and opportunities for newly developing areas, or developed areas that are in transition, or that have defining elements that are reflected in their built form and land use function, or are areas such as the Downtown and Harbour Area that are extremely multi-faceted and complex.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To provide more detailed policies for certain areas of the City that have specific land use and *development* issues requiring more detailed study and policy direction, or for areas where substantial change is expected and detailed study and policy guidance is required.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Purpose

10.1. Secondary plans completed in accordance with Section 9.7.2 of this Plan, are intended to reinforce the more general policies of the Official Plan, unless these are specifically exempted, while providing more detailed policy and strategies related to:

a. detailed goals and *development* intent;

b. type and mixture of land uses;

c. mix and density of *residential units*, and affordability;

d. urban design guidelines, if applicable;

e. requirements for *infrastructure* and *municipal water and sewage services*;

f. roads, public transit, and all forms of *active transportation* routes;

g. the *natural heritage system* and all *cultural heritage resources*;

h. timing and phasing of proposed *developments*; and,

i. mechanisms to achieve *compatibility* of proposed land uses with existing and planned land uses in areas adjacent to the secondary plan area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Adopted by City

10.2. Secondary plans adopted by the City will, where appropriate, be incorporated into the Official Plan through formal amendments.

(Amended by By-Law Number 2017-57, OPA Number 50)

Status When Not Adopted

10.3. Secondary plans that are neither adopted by the City nor incorporated into the Official Plan have no legal status under the *Planning Act* but may serve as guidelines for the future *development* of the study area.

10A. Downtown & Harbour Specific Policy Area

The Downtown and Harbour Area of Kingston, as shown on Schedule DH-1, is the oldest, most diverse area of the City where the Market Square Heritage Conservation District features prominently. Its cultural heritage value continues to be a defining element of its character and is intrinsically linked to its continued form and function as a mixed use, commercial node with retail, office and tourist focus, resident population, and civic prominence.

The harbour, as an extension of the downtown, has changed its focus over the years and now has a greater public emphasis that includes boating, hospitality uses, and ferry service to Wolfe Island. The area is largely developed but there are some opportunities for sensitive *infill* or *development* and there is *development* potential on the *brownfield sites* in the North Block area. The Provincial Policy Statement recognizes that "the long-term prosperity of a community is achieved, in part, by maintaining and enhancing the viability of its downtown". Thus, particular attention is warranted to ensure that the health of the Downtown and Harbour Area is maintained and enhanced.

The planning framework pertaining to the Downtown and Harbour Area are from special studies, including:

- Downtown Action Plan;
- Downtown and Harbour Architectural Guidelines Study;
- Market Square Heritage Conservation District Plan;
- Old Sydenham Heritage Area Heritage Conservation District Plan;
- Rideau Corridor Landscape Strategy;
- Municipal Housing Strategy & 10-year Municipal Housing and Homelessness Plan;
- Urban Growth Strategy;
- Community Improvement Plan Brownfields Project Areas 1A, 1B, & 1C;
- Kingston Transportation Master Plan;
- Cycling and Pathways Study; and,
- Core Area Transportation Review.

(Amended by By-Law Number 2017-57, OPA Number 50)

10A.1 Strategic Intent and Function

The strategic intent and function of the downtown is to be the prime, multi-faceted centre of the city and surrounding region. The downtown area and related harbour sub-area, while not land-use designations, signify the civic focus of the city with City Hall, Market Square and Confederation Park as the nucleus of historic public activity, and linkage to the harbour. The Central Business District commercial land use designation in the downtown is intended to contain the broadest range of commercial uses, tourist and hospitality facilities, and civic activity within a context that preserves human scale, historic amenity and vibrant pedestrian activity.

The harbour area is also intended to contain a mixture of uses with an emphasis on tourist and open space uses that provide a mutually supportive relationship with harbour activities and public access along the waterfront. In addition to the commercial, civic and harbour activities that characterize the Downtown and Harbour Area, higher density residential uses and prominent buildings, such as City Hall and St. George's Cathedral, are important components of both the downtown and harbour areas that enhance their vitality and contribute to their unique "sense of place" within the municipality.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To foster the continued prominence and function of the Downtown and Harbour Area as the principal mixed use business district and commercial centre, a hub of cultural vitality and civic focus within the City, for both residents and visitors.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Range of Uses

10A.1.1. A broad mix of uses will be encouraged in the Downtown Area and in much of the Harbour Area (shown on Schedule DH-1), including the widest range of commercial use, as well as civic, institutional, open space, *recreation*, cultural and higher density residential use provided that such uses are supportive of its vitality, human scale, pedestrian activity, historic fabric and function.

(Amended by By-Law Number 2017-57, OPA Number 50)

10A.1.2. While a mixture of uses is permitted in the Harbour Area, its focus will be related to public open space, *recreation*, and water-based tourist commercial uses such as marine transportation.

Accessibility

10A.1.3. Accessibility to, and within, the Downtown and Harbour Area will be improved, with emphasis on creating universal access and an environment in the Area in which vehicles play a balanced role in the provision of all modes of travel.

(Amended by By-Law Number 2017-57, OPA Number 50)

10A.1.4. To add to the accessibility and vitality of the area, new and improved pedestrian linkages to the waterfront and between blocks in the Downtown will be promoted in accordance with Schedule DH-3.

Views

10A.1.5. Protected views of the water as shown on Schedule 9, and the view planes to the cupola of City Hall as identified on Schedule DH-4, are intrinsic components of the character of the Downtown and Harbour Area that will be preserved in the consideration of additional *development.*

(Amended by By-Law Number 2017-57, OPA Number 50)

Cultural Heritage Resources

10A.1.6. *Cultural heritage resources* are a valued legacy of the City and contribute to the atmosphere and heritage character of the Downtown and Harbour Area that are intended to be *conserved*. New *development* must conserve, enhance, support or adaptively re-use these resources. Site amenities that promote and sustain cultural vitality will be encouraged, including artist live/work spaces, exhibition venues, rehearsal and presentation spaces.

(Amended by By-Law Number 2017-57, OPA Number 50)

Parking

10A.1.7. Parking will be managed in a manner that is supportive of the function of the Downtown and Harbour Area and also of its pedestrian focus. New parking structures will be located, where possible on the fringe of the Downtown and Harbour Area, and will be designed to complement the historic character, and the neighbouring buildings and adjacent streetscapes or walkways through design, massing and streetscape features. New surface parking lots will be discouraged.

Infrastructure Improvements

10A.1.8. Road, streetscape, and *infrastructure* improvements within the Downtown and Harbour Area will be undertaken by the City to enhance its function and amenity. Other forms of renewal and enhancement by private or government initiatives will be encouraged.

Waterfront Pathway

10A.1.9. The Waterfront Pathway will be extended and enhanced along Lake Ontario within the Harbour Area through public actions and public-private partnerships or easements. The Waterfront Master Plan shows a waterfront walkway in the urban area of the municipality that will be fully connected over time. The route of this pathway is as set out in Schedule '5' to this plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

10A.2 Land Use

As the City's prime Centre as shown on Schedule 2, the widest range and mixture of land use is permitted with an emphasis on commercial uses that are supportive of all modes of *active transportation*, heritage character and related scale of the Downtown and Harbour Area. Civic and public institutions, marine and open space activities along the harbour, and medium to high density residential uses all contribute to the vitality, and pedestrian focus of the area and are encouraged in this location in a form that maintains human scale and historic context.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To support the heritage, commercial and civic function of the Downtown and Harbour Area by providing for a full, accessible, and integrated range of commercial, hospitality, civic, and community uses as well as open space, and higher density residential uses that are *compatible* in scale and type to the historic core.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Permitted Uses

10A.2.1. In accordance with its priority function as the City's prime Centre on Schedule 2, and the apex of the Commercial hierarchy of Section 3.4 of this Plan, a wide range of commercial use is permitted including all levels of retailing, offices, professional and service uses, hospitality uses and tourist accommodation, arts, cultural, entertainment and *recreation* uses in accordance with the Central Business District designation in Section 3.4.A of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

10A.2.2. Within the Harbour Area as shown on Schedule DH-1, tourist and hospitality, marine transportation and *recreation*, and public open space uses are particularly encouraged in accordance with Section 3.4.A and 3.9 of this Plan.

10A.2.3. Within the Downtown Area, spaces, facilities and services that can generate and sustain cultural vitality will be encouraged. This may include artist live/work spaces, exhibition venues, rehearsal and presentation spaces.

(Added by By-Law Number 2017-57, OPA Number 50)

Prohibited Uses

10A.2.4. New industrial or low-density residential uses are not permitted.

(Amended by By-Law Number 2017-57, OPA Number 50)

Restricted Uses

10A.2.5. Large-scale commercial uses that are not *compatible* with the massing of historic buildings in the Downtown may be restricted to the periphery of the Central Business District land use designation. Automobile related uses such as auto sales or gas bars will be required to locate on the periphery of the Downtown and Harbour Area away from Prime Pedestrian Streets as illustrated on Schedule DH-3, and built in accordance with the policies of Section 10A.4 and 10A.5.

(Amended by By-Law Number 2017-57, OPA Number 50)

Prime Pedestrian Streets

10A.2.6. Commercial uses that attract and serve residents from throughout the City and broader region are encouraged to locate in the Downtown and Harbour Area, particularly on Prime Pedestrian Streets as shown on Schedule DH-3.

Ground Floor Commercial

10A.2.7. Ground floor commercial use is required along street frontages identified for Mandatory Commercial Frontage on Schedule DH-3. Retail use is preferred on these streets, but commercial activity also includes offices, hospitality uses, services and professional uses.

Office Use

10A.2.8. Office use will be encouraged in the Downtown Area, either as independent buildings, or as ground floor or upper storey uses. In recognition of the importance of office use to the support of the Downtown, Council may limit the size or extent of such uses in other locations in the City.

Priority Functions

10A.2.9. Commercial, hospitality, cultural, *recreation* and entertainment uses will be encouraged. Hotels, restaurants, theatres, cinemas, art galleries and other venues that contribute to the attraction and amenity of the Downtown and Harbour Area for both residents and tourists of the City are a priority function of the Central Business District designation.

10A.2.10. Commercial and community uses that support the residential population of the Downtown through the provision of necessary goods, including food, and services such as medical care are also a priority function and will be encouraged to develop or remain in the Downtown.

10A.2.11. Community uses, particularly those that serve a broad area of the City, such as government offices, places of worship, libraries, museums, *recreation*, entertainment or cultural centres are permitted and encouraged in the Central Business District designation that applies to most of the Downtown and Harbour Area.

City Hall Square

10A.2.12. City Hall Square consists of three inter-related civic and public elements: City Hall, Market Square and Confederation Park, all of which are protected by the *Ontario Heritage Act*. Together they form a nucleus of civic identity that has been fostered over the years through long term public endowment. The symbolic and functional significance and cultural heritage value of City Hall Square and its component sites are recognized in Section 7 of this Plan and will be enhanced as follows:

a. the City Hall building will be maintained in its external configuration with entryway links to both Confederation Park and Market Square;

b. the portico of City Hall and its linkage across Ontario Street with Confederation Park, will be conserved and enhanced as a ceremonial setting and place of outdoor public assembly in a park-like setting;

c. within City Hall, areas of municipal governance and administrative function, public events and ceremonies and cultural heritage education and display will continue to be maintained. The City intends to develop a Cultural Heritage Management Plan to provide a framework for City Hall functions pertaining to accessible facilities, operations, visitor experience, built heritage, and the civic collection connected with the National Historic Site;

d. Market Square will continue to be enhanced as an outdoor public venue, continuing its historic market tradition and more recently completed winter skating function;

e. any further *development* of Confederation Park will minimize buildings, structures and monuments and recognize and incorporate in its design the significance of the Park as a forecourt to City Hall, a key node in the Waterfront Pathway, its landfall role with the adjacent marina, and its significance as a place of outdoor leisure and public assembly;

f. public works will enhance the public use and highlight the cultural heritage value of City Hall Square and its three inter-related elements;

g. the safe and convenient movement of pedestrians, public transit and *active transportation* through City Hall Square will be assessed with respect to the transportation requirements for vehicles on streets within or adjacent to the Square; and,

h. a parking strategy will be undertaken to address the needs of tour buses and parking for those attending public functions or using City Hall Square.

(Amended by By-Law Number 2017-57, OPA Number 50)

Medium and High Density Residential Uses

10A.2.13. Medium and High Density Residential uses are permitted in the Downtown, either above commercial ground floor space as mixed use buildings in the Central Business District, or as independent buildings on streets where ground floor retail is not mandatory as shown on Schedule DH-3, subject to demonstrating *compatibility* in accordance with Section 2.7 of this Plan. New medium and high density residential uses must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3, respectively. Specialized residential uses with universal access design including senior citizen accommodation, boarding houses, *special needs facilities*, supportive housing, hostels, and similar uses are also permitted in the Central Business District in accordance with the above conditions.

(Amended by By-Law Number 2017-57, OPA Number 50)

Residential Buildings

10A.2.14. Where independent residential buildings are permitted in the Central Business District, (on streets where ground floor retail is not mandatory), they will contribute to the pedestrian amenity of the area through design that provides access and common areas adjacent to the street and avoids the creation of driveways crossing Prime Pedestrian Streets shown on Schedule DH-3. In addition, any residential use of the ground floor must be constructed to be physically capable of conversion to a commercial use in the future by providing access directly at the level of the sidewalk,

having adequate ceiling height, stair locations, and partition wall layout that enables a future conversion of the ground level for commercial use.

Residential Development

10A.2.15. Residential *development* of upper storey commercial space or older one and two unit dwellings into multi-residential buildings in the Central Business District is permitted provided that matters of adequate light, separate access, sufficient floor space, *amenity area*, and appropriate parking can be satisfactorily addressed.

Open Space

10A.2.16. Confederation Park, Market Square and the Waterfront Pathway constitute major open space resources within the Downtown and Harbour Area that form *significant* elements of its identity and pedestrian linkage through the area. Additional public areas and pedestrian linkages will be acquired, developed or enhanced as opportunities arise and may take the form of urban squares, courtyards or passageways between buildings.

View Corridors

10A.2.17. Retention of views across the harbour to Kingston Fortifications including Fort Henry and the Fort Frederick, Murney, Shoal and Cathcart Martello Towers, is required in consultation with Parks Canada. The design or site arrangement of new buildings or structures must conserve views to the water, and where feasible, contribute to the improvement of the Waterfront Pathway in accordance with the policies of this Plan.

Parking

10A.2.18. Above and below grade parking structures are permitted in the Downtown and Harbour Area but parking at grade is generally prohibited to encourage uses that animate the street to be built at ground level. It is the intent of this Plan that parking structures are designed in such a manner that the pedestrian function, streetscape facade, and views of the Downtown and Harbour Area are not impaired, in accordance with the Downtown and Harbour Area Architectural Guidelines, and other policies of this Plan.

10A.3 Infrastructure, Transportation, Parking and Servicing

As the oldest area of the City, the Downtown and Harbour Area contains aged *infrastructure*, much of which will be replaced or renewed over the lifetime of this Plan. As a centre of commerce and tourism, modern *infrastructure*, accessibility, and parking are critical elements of the downtown. A number of transportation improvements are

designed to address parking and congestion issues while encouraging transit, and all modes of *active transportation* in the Area. The Downtown Action Plan and the Kingston Transportation Master Plan recommendations provide guidance on this matter.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To support the function and significance of the Downtown and Harbour Area through *infrastructure* renewal, and improvements to parking, access, accessibility, transit and other modes of transportation with an emphasis on enhancing the pedestrian activity that is intrinsic to the character of this area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Infrastructure Renewal

10A.3.1. The City must undertake necessary *infrastructure* renewal in the Downtown and Harbour Area during the course of this Plan to replace water and sanitary sewer mains, combined sewer *infrastructure*, storm sewers, and upgrade fibre optics and other underground utilities. The City intends to coordinate road and streetscape improvements with such construction.

Road Improvements

10A.3.2. Planned road improvements that are within or related to the Downtown and Harbour Area include:

a. an additional lane added to Place D'Armes to create two way traffic flow;

b. providing for the potential to close Ontario Street in front of City Hall for special events; and,

c. the extension of Wellington Street, the future of which will be considered through secondary planning and a comprehensive process of public engagement.

(Amended by By-Law Number 2017-57, OPA Number 50)

Cycling Opportunities

10A.3.3. The City intends to enhance cycling opportunities in the Downtown through such means as:

a. provision of additional bicycle parking;

b. provision of cycling routes on Ontario, Queen, Johnson and King Streets; and,

c. provision of intersection priority to cyclists in some locations.

Transit Services

10A.3.4. Transit service is important to further growth and *development* within the Downtown and Harbour Area by increasing its accessibility for all residents of the City. It will be improved by implementing such measures as:

a. increased service frequency on Princess Street and the LaSalle Causeway;

b. *development* of a Downtown transit terminal;

c. establishment of "Park and Ride" parking areas on the periphery, particularly on the east side of the LaSalle Causeway to encourage transit usage;

d. co-ordinated service with inter-city bus, ferry, train and *airport* passenger service;

e. concentration of *development* within 400 metres of a transit stop; and,

f. shuttle service within the Downtown.

(Amended by By-Law Number 2017-57, OPA Number 50)

Pedestrian Activity

10A.3.5. Pedestrian activity is a priority means of *active transportation* in the Downtown and Harbour Area, providing animation to the streets and support for the historic function of the downtown and mixture of uses that are desired. Means of enhancing pedestrian activity, accessibility, convenience, safety and amenity are encouraged.

(Amended by By-Law Number 2017-57, OPA Number 50)

Priority Pedestrian Streets

10A.3.6. New drive-through facilities will not be permitted in the Downtown and Harbour Specific Policy Area in order to protect and enhance the unique sense of place and the *cultural heritage resources* that characterize the Downtown and Harbour Specific Policy Area as shown on Schedule DH-1. On Prime Pedestrian Streets, as shown on Schedule DH-3, vehicle crossings of the sidewalk may be limited or restricted, in order to enhance

the safety and convenience of pedestrian movement. However, there may be exceptional circumstances where a drive-through facility may be permitted on the edge of the Downtown and Harbour Area, away from Prime Pedestrian Streets, where the intent of the Plan regarding the Downtown and Harbour Specific Policy Area can otherwise be preserved. Applications for a new drive-through facility are subject to site plan control review and the policies of Sections 3.4.G.7, 3.4.17, 9, 10A.4, 10A.5 and 10A.6.4. of the Plan.

(Amended by By-Law Number 2015-82, OPA Number 29)

(Amended by By-Law Number 2017-57, OPA Number 50)

New Pedestrian Links

10A.3.7. Additional pedestrian linkages, as identified on Schedule DH-3, may be investigated and added to the pedestrian route system.

Lanes and Courtyards

10A.3.8. Public and private laneways, courtyards, and other rights-of-way are important for delivery access and emergency service in the Downtown. Many laneways and some courtyards also contribute to the charm and unique character of the core, providing convenient pedestrian routes and exceptional commercial settings. The City intends to maintain and expand the system of paths and routes with feasible accommodations for increased accessibility and commercial use of courtyards in the *development* of new projects.

(Amended by By-Law Number 2017-57, OPA Number 50)

Pedestrian Routes and Courtyards

10A.3.9. Further *development* of structured parking provides opportunities to extend this system of pedestrian routes and courtyard spaces. Potential opportunities are identified on Schedule DH-3.

Parking Strategies

10A.3.10. Vehicle parking is vital to the health of the Downtown and Harbour Area, but its provision requires more flexibility, and greater sensitivity, than in other parts of the City to maintain the area's cultural heritage and pedestrian character. The City must continue to monitor the supply and demand of parking in the Downtown Area. As part of this ongoing review, the City intends to apply the following policies:

a. new commercial *developments* are encouraged to provide parking for their own use, and where feasible, to incorporate underground parking or parking structures as part of the proposal;

b. commercial *developments* may be permitted to provide parking spaces in proximity to the lot, taking into account walkability, through long term parking agreements if it is not possible to provide on-site parking;

c. commercial *developments* in, or renovations to, current buildings for commercial use may be exempted from providing parking spaces pursuant to the zoning by-law;

d. residential *development*, including the conversion of upper storey commercial space to residential use, is required to provide necessary parking in accordance with the zoning by-law, but may be permitted to provide such space within proximity of the lot, through long term parking agreements if it is not possible to provide on-site parking;

e. new *developments* are encouraged to provide parking on site in either underground space or parking structures; and,

f. in limited circumstances, cash-in-lieu of parking for residential uses may be accepted by Council in accordance with Section 9.5.11 of this Plan, where it is not feasible to provide on-site parking.

(Amended by By-Law Number 2017-57, OPA Number 50)

Joint Ventures

10A.3.11. The City will encourage and promote the creation of additional structured parking through joint ventures with other public agencies and private companies.

10A.4 Cultural Heritage and Urban Design

The Downtown and Harbour Area contains a wealth of *cultural heritage resources* including buildings and sites, heritage areas, *cultural heritage landscapes*, *intangible cultural heritage resources*, and *archeological resources*. The Area's heritage components continue to be a major part of its character and quality of life. They are also intrinsically linked to the Downtown and Harbour Area's economic function as a mixed use centre of commerce, civic activity, accommodation, and lake-based transportation as well as its attraction for tourism. The mix of contemporary performing and visual arts with built heritage in the downtown is a substantial contributor to Kingston's creative and cultural distinctiveness.

While an exceptional number of *cultural heritage resources* have survived, many have been compromised by insensitive renovation or by the influence of recent unsympathetic *development*. Section 7 of this Plan, the Downtown and Harbour Area Architectural Guidelines, the Market Square Heritage Conservation District Plan and the Old Sydenham Heritage Area Heritage Conservation District Plan provide direction and

opportunities for conservation and enhancement of the *cultural heritage resources* and contain guidelines for further *development* that will be *compatible* with the heritage character of the area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To respect and foster the *cultural heritage resources* (including buildings, streetscapes, landscapes, intangible resources and *archaeological resources*) of the Downtown and Harbour Area and provide guidelines for new private *development* and public investment that will complement the cultural heritage value and enhance the use and enjoyment of the Downtown and Harbour Area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Architectural Heritage Elements

10A.4.1. The historic architecture of the Downtown and Harbour Area is part of the defining and valued character of the City that must be fostered and preserved as an endowment from the past. These rich resources contribute to the economy, as well as to the quality of life of its citizens.

Architectural Heritage Character

10A.4.2. The historic architecture of the downtown is best maintained by conserving, rehabilitating and restoring existing building stock that reflects the heritage character of its sub-areas as described in the Downtown and Harbour Area Architectural Guidelines. The City will ensure that any alterations to, or adjacent to, existing *built heritage resources* in the Downtown and Harbour Area will not detract from the cultural heritage value and character of the area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Restoration of Character-Defining Buildings

10A.4.3. It is the City's intent to conserve, rehabilitate and restore existing heritage attributes in accordance with Parks Canada's manual, "The Standards and Guidelines for the Conservation of Historic Places in Canada". Each property will be examined to determine its heritage attributes and these will be part of a conservation plan in accordance with Section 7.1.6 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

10A.4.4. The City encourages the restoration of heritage attributes such as facades and other exterior treatment where adequate documentation exists, but

does not support the creation of a “false history” achieved through the addition of elements from other historic buildings or pseudo-historic elements that did not originally exist.

(Amended by By-Law Number 2017-57, OPA Number 50)

Infill Character

10A.4.5. Current gaps along the streetscape, created by demolished buildings are encouraged to redevelop with *infill* buildings which are consistent with the massing, widths and heights of existing buildings and with the prescribed planes of the zoning by-law, having regard to the more detailed provisions of Section 8 of this Plan and the Downtown and Harbour Area Architectural Guidelines and in accordance with Section 7.1.6 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

New Buildings & Height Provisions

10A.4.6. While striving to maintain character-defining buildings, the City may support new buildings that are of a scale and massing complementary to buildings in the surrounding area. The following provisions will generally be required:

a. for the Market Square Heritage Conservation District as shown on Schedule 9:

- new buildings shall be physically and visually compatible with, subordinate to and distinguishable from the existing buildings, in accordance with the Market Square Heritage Conservation District Plan;
- existing building height will not be increased;
- the maximum height of any new building must not be greater than the highest building on the same block in the District;
- a minimum building height of approximately 8.5 metres with two storey height or the appearance of two storeys; and,
- a height between ground floor and second floor of 4.25 metres or alignment with second floor of adjacent buildings if these are considered to reflect the character of the area as established in the Downtown and Harbour Area Architectural Guidelines;

b. for the Lower Princess Street Heritage Character Area, as well as the Central Business District-designated portions of the St. Lawrence Ward Heritage Character Area and Old Sydenham Heritage Conservation District, shown on Schedule 9::

- street wall buildings with a ‘build-to-plane’ up to 17 metres, to be specified in the zoning by-law;

- a minimum building height of approximately 8.5 metres with two storey height or the appearance of two storeys;

- a height between ground floor and second floor of 4.25 metres or alignment with second floor of adjacent buildings if these are considered to reflect the character of the area as established in the Downtown and Harbour Area Architectural Guidelines; and,

- for properties within the Old Sydenham Heritage Conservation District, new buildings are not required to replicate an existing heritage style and should enhance the heritage character of the district. New buildings should not exceed the height of the ridge line of adjoining buildings, as per the Old Sydenham Heritage Area Heritage Conservation District Plan; and,

c. for the North Block and environs sub-area and the Harbour Area as shown on Schedule DH-1, in addition to the policies outlined in subsection b. above, a maximum height (after employing angular plane setbacks as defined in the zoning by-law) of 25.5 metres.

(Amended by By-Law Number 2017-57, OPA Number 50)

Potential Exemption

10A.4.7. Notwithstanding the above provision related to height, if a site-specific urban design study, presented to the public, clearly indicates to the satisfaction of the City, that a taller building is *compatible* with the massing of surrounding buildings, does not create unacceptable amounts of shadowing, and meets the land use compatibility policies of Section 2.7 of this Plan, a greater height within a specified building envelope may be approved.

Protected Views to Water

10A.4.8. The views to the harbour from The Tragically Hip Way and Barrack, Queen, Princess, Brock, Clarence, Johnson, William, Earl and Gore Streets are character-defining elements of the area. It is the intent of this Plan to ensure that views of the water from any point along the public right-of-way of these streets within the Downtown and Harbour Area, as shown on Schedule 9, are protected.

(Amended by By-Law Number 2017-57, OPA Number 50)

Protected Views to City Hall

10A.4.9. Views of City Hall's cupola as established on Schedule DH-4 must be protected in the approval of new *development*.

Above Grade Parking Structure Design

10A.4.10. Above grade parking structures in the Downtown will be encouraged to be complementary to the massing and treatment of related buildings along the streetscape through use of one or more of the following means:

a. design of office or retail space that will wrap the parking structure along the street, particularly along Prime Pedestrian Streets or appropriate areas of the Waterfront Pathway as shown on Schedule DH-3;

b. facade design which is *compatible* with elements and spacing of elements of adjacent buildings in order to provide a continued rhythm along the street;

c. restricted or prohibited vehicular access from Prime Pedestrian Streets;

d. pedestrian access to be encouraged from Prime Pedestrian Streets rather than a side street; and,

e. any exterior face that abuts a pedestrian pathway or courtyard will have design elements that bring the structure into the pedestrian realm, to assist in the way in which it blends with the design elements and massing of surrounding buildings.

(Amended by By-Law Number 2017-57, OPA Number 50)

Component Sub-Areas

10A.4.11. The component sub-areas of the Downtown and Harbour Area shown on Schedule DH-1 each have distinctive characteristics as described in the Downtown and Harbour Architectural Guidelines. In determining future public works and in assessing the type of *development* that is *compatible* in the sub-areas of Lower Princess Street Retail Area, Market Square Heritage Conservation District, the historic area adjoining Market Square, North Block and Environs, and the Harbour Area, the City will refer to these Architectural Guidelines as well as to the Downtown Action Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Market Square

10A.4.12. Market Square and the streets that abut it are priority locations for retail use that continues the historic function of the Square. Temporary retail uses, including a farmers market, will be encouraged to locate in Market Square. Further Heritage Conservation District policies relating to Market Square are found in Section 7.3.C.8 of this Plan.

Harbour Area

10A.4.13. The views of the water shown on Schedule 9, in addition to the view planes identified on Schedule DH-4, will be preserved to the greatest extent possible. Surface parking along the waterfront will be discouraged or prohibited. Parking structures in the Harbour Area that block views of the water will also be discouraged and may be prohibited. Such structured parking will be encouraged to locate below grade in a manner that poses minimal obstruction of water views.

Public Access to the Water

10A.4.14. Access to the waterfront will be enhanced wherever possible, particularly at the ends of public rights-of-way. Docks that can be accessed by the public also form character-defining elements of the Harbour Area and provide informal open space that will be preserved.

(Amended by By-Law Number 2017-57, OPA Number 50)

Infrastructure Improvements

10A.4.15. Improvements to the *infrastructure*, streetscape and public open space elements of the Downtown and Harbour Area will have regard to recommendations of the Downtown Action Plan and the Downtown and Harbour Area Architectural Guidelines.

10A.5 Guidelines for Development

A number of large sites within the Downtown and Harbour Area are vacant or under-developed and are expected to redevelop during the course of this Plan. Guidelines have been provided to guide the *development* of these sites in a manner that supports the character and function of the area.

Goal:

To guide the *development* or use of key sites within the Downtown and Harbour Area in a manner which supports or improves the amenity of the area and *conserves* the *cultural heritage resources* in the immediate vicinity of these properties.

Policies:

The following policies refer to major *development* sites shown on Schedule DH-2 and linkages shown on Schedule DH-3.

South Side of Queen Street Between King and Ontario Streets (Site 1)

10A.5.1. This site on the south side of Queen Street between King and Ontario Street is part of the North Block Site Specific Policy Area shown on Schedule 3-D, and is potentially able to accommodate new large scale *development* that will maintain the character of the district if certain provisions are maintained. In addition to the policies of Section 3.17.22, proposals are encouraged to:

a. build at the street edges or align with the facade of existing character defining buildings, especially along Princess Street where a continuous retail frontage at grade along the street is a character-defining and historic element of the street;

b. limit vehicle access to the Queen Street frontage; and,

c. explore the potential of creating an additional mid-block path and courtyard as set out in Schedule DH-3.

(Amended by By-Law Number 2017-57, OPA Number 50)

South Side of Princess Street Between King and Ontario Streets (Site 2)

10A.5.2. This site on the south side of Princess Street between King and Ontario Streets is able to accommodate new large scale *development* and maintain the character of the district if certain provisions are followed. In addition to the policies of Section 3.17.14 respecting the Quay Development Site Specific Policy, proposals will be strongly encouraged to:

a. build at the street edges or align with the facade of existing character defining buildings, especially along Princess Street where a continuous retail frontage at grade along the street is a character-defining and historic element of the street;

b. modify the angle of the Brock and Ontario Streets corner setback through a modification to the approved zoning in accordance with the recommendations of the Downtown and Harbour Architectural Guidelines to enable a view corridor to City Hall from farther north along Ontario Street;

c. restrict vehicle access to Ontario Street; and,

d. explore the potential of creating an additional mid-block walkway and courtyard as set out on Schedule DH-3.

(Amended by By-Law Number 2017-57, OPA Number 50)

North Side of Queen Street Between Wellington and King Streets (Site 3)

10A.5.3. The north side of Queen Street between Wellington and King Streets is part of the North Block Site Specific Policy Area shown on Schedule 3-D, and is able to accommodate new large-scale *development* and maintain the character of the sub-area if the proposal conforms to current zoning heights, angular planes, and other provisions. *Development* on this site is subject to the site specific policies of Section 3.17.22 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

North Side of Clarence Street Between Wellington and King Streets (Site 4)

10A.5.4. This site is potentially able to integrate successfully a new large-scale *development* and maintain the character of the sub-area if certain provisions are followed and existing zoning standards are maintained. However, any proposal for this site is encouraged to:

a. ensure that the design of any vehicle entrance from Clarence Street will preserve the Clarence Street streetscape of St. George's Cathedral and its contiguous open space;

b. explore the potential of creating an additional mid-block path and courtyard as set out on Schedule DH-3 in conjunction with the *development* of the site; and,

c. recognize the heritage context of the area.

(Amended by By-Law Number 2017-57, OPA Number 50)

East Side of Ontario Street Between Princess and Queen Streets (Site 5)

10A.5.5. This site is potentially able to integrate successfully a new large scale *development* that maintains the character of the sub-area, provided that the following considerations are addressed by any proposal:

a. building heights that generally conform to those within the triangle between Ontario Street and the right-of-way, with a maximum height of 17 metres;

b. all vehicle access to be limited to an extension of Queen Street or from the right-of-way;

c. any structured parking to be concealed by a retail wrapper at grade; and,

d. a minimum waterfront setback of 5 metres, or greater, calculated in accordance with the recommendations of the Downtown and Harbour Architectural Guidelines, in addition to incorporation of a waterfront pathway and barrier-free public access open space along the water as part of the proposal.

(Amended by By-Law Number 2017-57, OPA Number 50)

Queen Street Dock (Site 6)

10A.5.6. Development on the Queen Street Dock is subject to the policies of Section 3.17.36 of this Plan, and is also subject to Ministry of Transportation review and approval.

(Amended by By-Law Number 2017-57, OPA Number 50)

10A.6 Implementation

Implementation of this Specific Policy Area will be undertaken in accordance with the policies of Section 9 of the Official Plan, and with regard to the recommendations of the Downtown Action Plan and the Downtown and Harbour Area Architectural Guidelines.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To implement the policies of this Specific Policy Area using tools of the *Planning Act*, the *Municipal Act*, and the *Ontario Heritage Act*, in addition to public actions and public or private incentives that promote the policies of this Specific Policy Area.

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

Recommendation of Studies

10A.6.1. All public works in the Downtown and Harbour Area will have regard for the recommendations of the Downtown Action Plan, the Urban Design Guidelines for the North Block Central Business District (2004), and the Downtown and Harbour Area Architectural Guidelines Study (2007).

Zoning

10A.6.2. Zoning within the Downtown and Harbour Area will continue to reflect built form provisions as found in the Downtown and Harbour Zoning By-law, to ensure that the form of new *development* is *compatible* with the built heritage fabric and street-oriented pedestrian function of the Downtown and Harbour Area.

Ontario Heritage Act

10A.6.3. Conservation and re-use of existing *built heritage resources* will be encouraged and additional buildings and Heritage Conservation Districts may be designated, pursuant to the *Ontario Heritage Act*.

(Amended by By-Law Number 2017-57, OPA Number 50)

Site Plan Control & Architectural Guidelines

10A.6.4. Any application for new *development* will be reviewed during the site plan control review process in terms of its *compatibility* with the architectural character of the sub-area in which it is located, having regard to the Downtown and Harbour Area Architectural Guidelines Study.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B. Rideau Community Secondary Plan

The following land use designations and *development* policies apply to the Rideau Community, as shown on Schedule RC-1. This neighbourhood is generally bounded by Middle Road to the north, CFB Kingston to the south, Butternut Creek to the east and the Great Cataraqui River/Rideau Canal to the west. The overall intent of the Rideau Community Secondary Plan is to encourage the *development* of two District Commercial areas as its focal areas of commercial and business activity for the surrounding residential neighbourhoods.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Goals:

a. to designate lands for residential, commercial and open space uses that are consistent with the needs of residents, and are supported by the installation and delivery of municipal services;

b. to ensure that *development* and the improvement or expansion of municipal services occurs in an orderly, efficient and economical manner and provides an adequate future supply of serviced land;

c. to ensure that new *development* is *compatible* with existing and proposed adjacent developments;

d. to promote new *development* which exhibits a high standard of building and site design;

e. to provide a framework to ensure the *development* of residential areas fosters a strong sense of place for residents;

f. to ensure that new residential *developments* provide barrier-free amenities including landscaping, pathways, parks and open space;

g. to establish the District Commercial areas as the main focus for consumer activity and to protect and enhance the importance of the District Commercial areas by encouraging the *development* of a wide range of consumer and auxiliary uses and by restricting commercial *development* elsewhere;

h. to minimize the impacts of commercial activity on adjacent land uses and streetscapes through buffering and landscaping measures, and to ensure that commercial *development* does not negatively impact the Kingston Road 15 corridor;

i. to discourage the linear expansion of Highway Commercial uses;

j. to provide a framework to protect and enhance the natural features in the area for the use and enjoyment of residents;

k. to establish the public ownership of lands and a continuous waterfront open space corridor along the Great Cataraqui River/Rideau Canal and Butternut Creek;

l. to provide a functional road network that meets the needs of current and future developments and protects the function and scenic attributes of Kingston Road 15;

m. to provide a fully linked pathway, park and open space system for *active transportation* that is integrated with the road network and allows for safe and convenient barrier-free access to public facilities and the District Commercial areas; and,

n. to recognize and protect the *cultural heritage resource* significance of the Rideau Canal as a UNESCO World Heritage Site, and the proximity of the Frontenac Arch Biosphere Reserve.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Policies:

10B.1 Objectives

10B.1.1. The land use and *development* policies for the Rideau Community, as outlined below and shown on Schedule RC-1, are divided into land use designations, as follows:

a. Residential: Low Density Residential, Medium Density Residential and High Density Residential;

b. Commercial: Neighbourhood Commercial, Highway Commercial and District Commercial;

c. Business Park Industrial;

d. Marina;

e. Open Space;

f. Rural Lands;

g. Environmental Protection Area; and,

h. Special Study Area.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.1.2. *Development* policies include: Servicing; Development Phasing; Transportation; and, Parking provisions.

10B.2 Residential Policies

Home Occupations

10B.2.1. Home occupation uses may be permitted in the Low, Medium, and High Density Residential land use designations in accordance with Section 3.1.7 of this Plan.

10B.2.2. New residential *development* is to be integrated with existing residential areas in a manner which minimizes abrupt changes in the streetscape, and protects existing areas.

Community Facilities

10B.2.3. Community facilities are permitted in the Low Density Residential designation subject to an amendment to the zoning by-law and are limited to:

a. day care centres;

b. up to two schools (operated by the Limestone District School Board or the Algonquin and Lakeshore Catholic District School Board at the primary or intermediate level) and provided:

- the school(s) primarily serve the surrounding neighbourhood;
- there is adequate space for bus boarding, disembarking and parking on school grounds or in a bus lay-by area which is not part of the travelled road but may be part of the municipal road allowance; and
- the school building(s) and grounds are encouraged to be open to the public and available for community uses; and

c. places of worship primarily serving the surrounding neighbourhood.

(Added by By-Law Number 2014-172, OPA Number 28)

General Residential Policies

10B.2.4. Residential *development* is to be designed to allow convenient access by vehicles and barrier-free access by all modes of *active transportation* to

community facilities such as schools, parks, open spaces, and the District Commercial areas.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Public Access to Water

10B.2.5. Residential *development* adjacent to the Great Cataraqui River/Rideau Canal and Butternut Creek must provide public access along the entire water frontage and be designed to preserve and maintain views of these natural areas subject to an *environmental impact assessment*, and other studies as may be deemed necessary in the application of Section 9.12 of this Plan.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Collector Road

10B.2.6. It is the intent of this Plan that, subject to the submission of an *environmental impact assessment* which supports such an undertaking, residential *development* located between the Great Cataraqui River/Rideau Canal and Kingston Road 15, north of Gore Road, is to provide a single-loaded residential street along the Environmental Protection Area. This road is intended to support opportunities for universal public access to, and views of, the waterfront.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Residential Development

10B.2.7. Residential *development* will provide sufficient lands for landscaping to protect the amenity of residential areas and may include buffering by berms, landscaping, fencing or a combination thereof.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.8. Residential *development* which abuts Kingston Road 15 is subject to the following restrictions:

a. direct private access to Kingston Road 15 is prohibited and all lots will have reverse frontage or have frontage onto a service road, except for that portion of Kingston Road 15, south of Gore Road, where direct access may be permitted, subject to the approval of the City;

b. where reverse frontage is used, all lots abutting Kingston Road 15 must be designed to have deep rear yard setbacks and lot depths will be correspondingly larger;

c. all *development* is subject to the Open Space policies of Section 10B.6 and Section 3.8 of this Plan; and,

d. where collector road systems do not exist, access to Kingston Road 15 is permitted subject to City approval, and must be designed to be removed upon completion of the collector road system.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.2.9. Residential *development* which abuts Gore Road is subject to the following restrictions:

a. direct private access to Gore Road is prohibited and all lots will have reverse frontage or have frontage onto a service road; and,

b. all lots abutting Gore Road must have deeper rear yard setbacks and lot depths where reverse frontage is used.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.10. Residential *development* which abuts the Business Park Industrial area must provide a minimum 15 metre wide buffer, which includes a combination of visual screening, vegetated berms, and fencing which may form part of the abutting residential lots.

(Amended by By-Law Number 2014-172, OPA Number 28)

Design Guidelines

10B.2.11. When considering new residential *development*, the following design guidelines apply:

a. the establishment of entrance way features to the *development*;

b. the preservation and enhancement of heritage buildings, structures, and features;

c. the use of detached or attached garages set back from the main facade of the *residential unit* are encouraged, garages set back to the middle or rear of the *residential unit* or lot are encouraged, and in all cases, garage-dominated streetscapes are discouraged;

d. varied setbacks from the street to allow variations and diversity in the streetscape;

e. the use of a grid street pattern with short blocks;

f. the use of heritage style street lighting; and,

g. the preservation of existing trees, wood lots, and new tree plantings along streets.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.12. The servicing of residential *development* must be in accordance with Section 10B.11 and Section 4 of this Plan.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Low Density Residential

10B.2.13. Permitted uses in the Low Density Residential land use designation include single detached dwellings, linked single dwellings, and semi-detached dwellings.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.14. The overall density of *development* in Low Density Residential areas is intended to range from 10 to 30 units per net hectare of land.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.15. Street townhouse dwellings and planned unit townhouse dwellings are permitted in Low Density Residential areas, subject to compliance with all of the following:

a. the maximum building height is two storeys;

b. townhouse dwellings are permitted by amendment to the zoning by-law;

c. the proposed townhouse *development* must conform to the residential policies of Section 3.3 of this Plan;

d. the total number of townhouse dwellings does not exceed 25 percent of the total number of *residential units* proposed in any plan of subdivision;

e. sufficient lands must be allotted for landscaping to protect the amenity of adjacent existing or proposed residential *developments*; and,

f. the location and number of townhouse dwelling units are to be *compatible* with the context of the overall *development*.

(Amended by By-Law Number 2014-172, OPA Number 28)

Medium Density Residential

10B.2.16. Permitted uses in a Medium Density Residential land use designation include planned unit townhouse dwellings, street townhouse dwellings and apartment dwellings not exceeding three storeys.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.17. The overall density of *development* in Medium Density Residential areas is intended to range from 31 to 45 units per net hectare of land.

(Amended by By-Law Number 2014-172, OPA Number 28)

High Density Residential

10B.2.18. Within the High Density Residential land use designations, permitted uses include planned unit townhouse dwellings, stacked townhouse dwellings and apartment dwellings.

(Amended by By-Law Number 2013-98, OPA Number 16)

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.19. The overall *development* density in High Density Residential areas is not intended to exceed 60 units per net hectare of land.

(Amended by By-Law Number 2013-98, OPA Number 16)

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.2.20. The maximum building height in High Density Residential areas is 14 storeys.

(Amended by By-Law Number 2013-98, OPA Number 16)

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3 Commercial Policies

General Commercial Policies

10B.3.1. Commercial *developments* are restricted to the Neighbourhood Commercial areas, the Highway Commercial areas and the District Commercial areas, as shown on Schedule RC-1 of this Plan.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.2. Landscaping is an integral part of all commercial *development* and buffering must be provided between commercial uses and adjacent areas.

10B.3.3. Special landscaping of parking areas adjacent to streets will be required to present an attractive environment and streetscape, particularly along Kingston Road 15.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.4. Open storage of goods and materials is not permitted.

10B.3.5. Loading and unloading facilities are restricted to the rear and side of all buildings and screened from public view.

10B.3.6. Adequate off-street parking facilities must be provided, and access points limited in number and designed to minimize potential conflicts between vehicular traffic and all modes of *active transportation*.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.7. Advertising and associated signage, as well as exterior lighting, must be directed away from adjacent areas and will be designed and sited to maintain the amenity of the surrounding area.

10B.3.8. It is the intent of Council to protect the District Commercial areas as the major community focal areas. As such, commercial development, and in particular shopping centre development, will be restricted to the District Commercial areas as designated on Schedule RC-1.

(Amended by By-Law Number 2014-172, OPA Number 28)

Neighbourhood Commercial

10B.3.9. Notwithstanding that neighbourhood commercial areas are not designated on the land use schedules of this Plan, two neighbourhood commercial areas are designated on Schedule RC-1. New neighbourhood commercial areas shall be designated on Schedule RC-1 and shall be developed in accordance with the neighbourhood commercial policies in Section 3.4.F of this Plan.

(Added by By-Law Number 2014-172, OPA Number 28)

10B.3.10. New neighbourhood commercial uses which take primary access directly from Kingston Road 15 are not permitted. New neighbourhood commercial uses may flank onto Kingston Road 15 provided the uses are oriented to and take access from an adjacent collector or local road and such uses are designed to contribute to the scenic quality of Kingston Road 15 by way of enhanced building design, landscaping, and pedestrian linkages.

(Added by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.11. Where a new neighbourhood commercial use is proposed on Schedule RC-1, the following will be required:

a. a market study submitted by the proponent that demonstrates to the satisfaction of the City:

- that there is a demand for the proposed *development*; and,
- that the proposed *development* does not have a detrimental impact on current or future *development* in the District Commercial areas; and,

b. the proposed *development* is *compatible* with existing and proposed adjacent *development* and transportation networks.

(Amended by By-Law Number 2014-172, OPA Number 28)

Highway Commercial

10B.3.12. The Highway Commercial area is restricted to development as existed on July 14, 1997 and shown on Schedule RC-1.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.13. The designation of additional lands as Highway Commercial beyond what is shown on Schedule RC-1 is not allowed.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.14. Proposed *development* in the Highway Commercial area is intended to comply with the following:

a. access to Kingston Road 15 is limited, and subject to the approval of the City;

b. adequate off-street parking must be provided, preferably at the rear of the building(s);

c. landscaping must form an integral part of the proposed *development* and buffering must be provided between commercial uses and adjacent areas;

d. special landscaping of parking areas adjacent to streets and along Kingston Road 15 is required to present an attractive streetscape;

e. open storage of goods and materials is not permitted;

f. loading and unloading facilities are restricted to the rear and side of all buildings and screened from public view;

g. adequate off-street parking facilities are provided and access points are limited in number and designed to minimize potential conflicts between vehicular traffic and all modes of *active transportation*; and,

h. advertising and associated signage, as well as exterior lighting, is directed away from adjacent areas and sited to maintain the amenity of the surrounding area.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

District Commercial

10B.3.15. The District Commercial areas are intended to become the major commercial and business activity areas for the Rideau Community and Kingston East. The District Commercial areas will provide an attractive visual focal point for Kingston East and promote community interaction. It is Council's intent that the commercial development capacity within the District Commercial areas be protected for the life of this Plan and beyond.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.16. Permitted uses in the District Commercial areas include retail and service commercial, offices, restaurants, hotels, open air markets, food stores of 3,250 square metres or less, medium density residential, open space, *recreational*, cultural, entertainment, and institutional uses that contribute to the vitality of the District Commercial areas, and are *compatible* with other District Commercial uses.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.17. Notwithstanding the size and format policies of Section 3.4.D.3 of this Plan, the maximum leasable area permitted in each of the District Commercial areas as designated on Schedule RC-1 of this Plan is 8,000 square metres.

(Added by By-Law Number 2014-172, OPA Number 28)

10B.3.18. New drive-through facilities shall be located and designed to:

a. ensure *compatibility* with surrounding land uses;

b. not compromise the safe, efficient and comfortable movement of all modes of *active transportation*;

c. achieve a comfortable, active and stimulating pedestrian shopping environment;

d. achieve a streetscape with buildings and storefronts oriented to the street; and

e. shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts.

(Added by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.19. New automotive sales and uses, gas stations and gas bars are prohibited in the District Commercial areas.

(Added by By-Law Number 2014-172, OPA Number 28)

10B.3.20. The westerly extension of Rose Abbey Drive shall serve as the primary frontage of the northerly District Commercial area as illustrated on Schedule RC-1 of this Plan. Kingston Road 15 shall function as the secondary frontage in order to maintain the scenic route function of Kingston Road 15.

(Added by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.21. All proposed *development* within the District Commercial areas is encouraged to be designed so that:

a. buildings are oriented close to the public sidewalks and public streets, and solitary buildings surrounded by large open spaces will be discouraged. Larger buildings may be directed to the interior or rear of a property;

b. the main pedestrian entrance to each building is oriented to the public street;

c. building facades are strongly defined and given individual yet *compatible* identities;

d. building entrances are an important component of facade design;

e. building heights are encouraged to be a minimum of two storeys;

f. courtyard or rear yard parking is encouraged; and

g. appropriate building setbacks and arrangement are incorporated into the site design to ensure *compatibility* with any abutting residential designations or sensitive land uses and to minimize any *adverse effects* to such uses.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.22. Residential and office uses in the District Commercial areas are encouraged to locate above ground-level commercial uses rather than in separate buildings.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.23. The District Commercial areas are served by:

a. a transit system that provides safe and convenient access for all modes of *active transportation*; and,

b. collector or local roads with wide landscaped boulevards and barrier-free pathways on both sides, where possible, for which a wider right-of-way may be required.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.24. With respect to parking in the District Commercial areas:

a. all parking areas are to be landscaped, bermed or fenced where appropriate, and constructed so as to prevent large expanses of paved areas;

b. adequate on-site parking is provided for all residential uses;

c. limited parking for non-residential uses may be located off-site but in close proximity to the site; and,

d. parking standards may be reduced for mixed use *development* provided the proponent prepares a parking study demonstrating that shared parking is viable for the proposed *development* according to local travel characteristics and to the satisfaction of the City.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.25. Landscaping is an important component of all proposed *development* in the District Commercial areas and in particular a pedestrian environment is to be created by developing landscaped pathways in the District Commercial areas leading to adjacent residential, commercial, institutional and open space uses.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.26. A pathway must be developed along the top of slope of the Great Cataraqui River/Rideau Canal as part of the open space system to connect to various components of the Rideau Community.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.3.27. Buffering is to be provided between the District Commercial areas and abutting residential areas.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.28. All proposed *development* in the District Commercial areas is subject to site plan control review.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.3.29. No additional District Commercial areas are warranted in the Rideau Community through the life of this Plan. Any future application for the redesignation of lands to the District Commercial land use designation requires the following:

a. a market study submitted by the proponent that demonstrates to the satisfaction of the City:

- that there is a warranted demand for the proposed *development*; and
- that the proposed *development* does not have a detrimental impact on current or future *development* in the District Commercial areas.

b. the proposed *development* is *compatible* with existing and proposed adjacent *development* and transportation networks.

(Added by By-Law Number 2014-172, OPA Number 28)

10B.4 Industrial Policies

Business Park Industrial

The Business Park Industrial area is also subject to the Business Park Industrial policies in Section 3.6.A of this Plan and the following:

10B.4.1. Permitted uses in the Business Park Industrial area include research and development activities, offices, medical laboratories and equipment production facilities, light industries, warehousing and commercial uses that serve the business park industrial area or are accessory to a permitted business park industrial use.

10B.4.2. Permitted office and commercial uses in the Business Park Industrial area may be included in a single zoning category.

10B.4.3. A minimum 15 metre landscaped buffer must be established along the southern boundary of the Business Park Industrial area that abuts the Open Space Pathway shown on Schedule RC-1.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.5 Marina Policies

Lands designated Marina shall be guided by the policies of the Marina designation in Section 3.9.B of this Plan.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.6 Open Space Policies

The Open Space areas are subject to the Open Space policies in Section 3.8 of the Official Plan and the following:

a. permitted uses will include conservation uses as well as active and passive *recreational* uses and facilities;

b. open space uses are permitted throughout the Rideau Community;

c. where a public open space use is proposed, adequate parking areas and access points to parking areas must be designed so as to maximize on-site and off-site circulation, public safety and accessibility;

d. public access corridors must be established by the City along the Great Cataraqui River/Rideau Canal, Butternut Creek, Kingston Road 15, the southern boundary of the Business Park Industrial area, through the District Commercial areas and in other areas deemed necessary to complete the linked pathway network;

e. in reviewing proposed *developments*, the intent of this Plan is to ensure that:

- adequate parkland for central parks and parkettes is provided to serve the needs of residents;
- existing woodlots and trees are assessed and preserved where appropriate; and,
- additional tree planting, especially along streets, is provided;

f. public views from streets leading toward Butternut Creek and the Great Cataraqui River/Rideau Canal must be protected through:

- road alignments and extensions;
- the siting of buildings and structures;
- parkland dedication measures; and,

g. lands dedicated to the City under the parkland dedication provisions of the *Planning Act* must be conveyed in a physical condition that is satisfactory to the City.

(Amended by By-Law Number 2017-57, OPA Number 50)

Special Open Space Policy Areas

10B.6.1. With respect to the Great Cataraqui River/Rideau Canal and Butternut Creek open space corridors, Council will:

a. prioritize the public acquisition of shoreline areas designated Environmental Protection Area in order to establish a linear open space system; and,

b. ensure that adequate public access to, and views of, the linear open space system is provided as part of proposed *development*.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.6.2. With respect to the Kingston Road 15 open space corridor, Council must:

a. ensure that proposed adjacent *developments* maintain or enhance its *natural heritage system* and *cultural heritage resources*, water and skyline views;

b. prioritize the public acquisition of a 15 metre wide strip of land along the east side of Kingston Road 15 for the primary purpose of municipal servicing and the secondary purpose of providing a linear pathway and buffer between Kingston Road 15 and adjacent *development*;

c. ensure that *development* proposals adjacent to Kingston Road 15 be considered in the context of maintaining views of the water and skyline from the roadway, maintaining existing lawnscapes, wood lots, and heritage buildings and features, and ensuring the provision of landscaping and buffering adjacent to Kingston Road 15; and,

d. prioritize the establishment of a Riverfront Park north of Gore Road east of Cataraqui River, on the west side of Kingston Road 15 that:

- is developed mainly as a passive *recreational* area;

- is integrated with the linear open space system along the Great Cataraqui River/Rideau Canal Corridor; and,

- is designed to include an amphitheatre or similar facility for community and cultural events such as concerts and plays.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.6.3. Gateways incorporating visual and landscape features such as limestone walls, accent lighting, fountains, sculptures, pathways, street furniture and landscaping must be established at primary entrances to larger scale *developments*, particularly residential *development*.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.7 Environmental Protection Policies

10B.7.1. The Environmental Protection Area is subject to the environmental protection policies in Sections 3 and 6 of this Plan.

10B.7.2. With respect to the Environmental Protection Area adjacent to the Great Cataraqui River/Rideau Canal:

a. it is shown conceptually on Schedule RC-1 and must be more precisely defined by the City based on analyses of provincially *significant wetlands*, *floodplain* elevations and area hazards therein such as slopes, organic soil composition and the susceptibility of the soils to slippage and erosion;

b. *development* is prohibited therein; and,

c. Council must ensure that its ecological integrity is maintained when reviewing proposed *development* in proximity thereto.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.8 Rural Lands Policies

Land designated Rural Lands are subject to the Rural Lands policies in Section 3.13 of this Plan and the following:

(Amended by By-Law Number 2017-57, OPA Number 50)

Permitted Uses

10.B.8.1. Notwithstanding any other provisions of the Official Plan, the electrical contractor's yard in part of Lot 'D', Concession E.G.C.R., as existing on July 14, 1997, is permitted provided:

a. it is not expanded beyond the boundaries of the lot on which it is situated; and,

b. any proposed expansion within the boundaries of this lot is in accordance with Section 10B.3.13 of this Plan.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.9 Special Study Area Policies

10B.9.1. Notwithstanding any other provisions of this Plan:

a. the quarry operation on Lots 7 and 8, Concession E.G.C.R., as existing on July 14, 1997, and shown schematically on Schedule RC-1, is permitted subject to Section 3.17 of this Plan;

b. the conservation, farm and public uses on Lots 9 and 10, Concession E.G.C.R., as existing on July 14, 1997 and including expansions thereto, may be permitted provided that:

- no buildings are situated within 120 metres of the high water mark; and,
- proposed *development* on lands adjacent to, or situated on a ridge or slope, are subject to a geotechnical study which must be prepared by the proponent to the satisfaction of the City; and,

c. Council must ensure that expansions to existing uses and the establishment of new uses on lands within the Special Study Area designation do not negatively impact the future *development* of lands designated Special Study Area.

10B.9.2. A detailed land use study must be undertaken by the proponent to the satisfaction of the City for the Special Study Area in order to:

a. establish appropriate residential, commercial, mixed use and open space areas in the Special Study Area;

b. determine the location and type of future roads including:

- appropriate connections to Gore Road, Kingston Road 15 and the lands to the north of the existing quarry operation on Lots 7 and 8, Concession E.G.C.R.; and,

- the feasibility of locating a single-loaded road and public pathway along the boundary between the Environmental Protection Area and the Special Study Area; and,

c. determine the boundary between the Environmental Protection Area and the Special Study Area through an *environmental impact assessment*.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.9.3. Various land uses must be considered including high, medium, and low density forms of housing; public parks and pathways; community facilities such as municipal offices and library; neighbourhood commercial uses such as retail and service commercial; offices and institutions; *recreation*, cultural and entertainment facilities; and mixed-use *developments*.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.9.4. The land use study referenced above for the Special Study Area will be implemented through an amendment to the Official Plan.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.10 Servicing Policies

10B.10.1. All municipal utility services, including telephone, cable and hydro facilities must be installed underground to enhance the urban form and streetscape, where feasible.

(OMB Order Number PL100149 dated August 25, 2010)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.10.2. All *development* is to be connected to the *municipal water and sewage services* and stormwater management *infrastructure*, except for those areas designated Rural Lands on Schedule RC-1 of this Plan, where *individual on-site water and sewage services* are permitted, subject to the approval of the Public Health Unit and Ministry of the Environment and Climate Change.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.10.3. All *municipal water and sewage services* must be completely separate from municipal stormwater management facilities.

10B.10.4. Council may, as required, pass by-laws or, through the *development* approval process, regulate the quantity and type of effluent discharged into municipal sewers.

10B.10.5. Where deemed necessary by Council, no *development* will be permitted without adequate stormwater management measures being undertaken to

minimize or eliminate differences in pre-development and post-development run-off rates.

10B.10.6. The intent of this Plan is to obtain a 15 metre wide strip of land along the east side of Kingston Road 15 to accommodate future municipal servicing requirements.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.11 Development Phasing

10B.11.1. It is the intent of this Plan that *development* will proceed in the Rideau Community in accordance with the policies of Section 2.4 and 2.5 of this Plan, within the *Urban Boundary* shown on Schedule 2.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.11.2. Minor boundary adjustments to accommodate efficient subdivision designs or *development* plans may be permitted, provided capacity exists at the Ravensview Waste Water Treatment Plant and in the *municipal water and sewage service* systems.

(Amended by By-Law Number 2017-57, OPA Number 50)

Staging Policies

10B.11.3. The *development* of lands within the Secondary Plan is to be commensurate with the availability of capacity at the Ravensview Waste Water Treatment Plant and the *municipal water and sewage service* systems. In the event that the capacity of the plant and *municipal water and sewage service* systems is met, no further *development* may be approved until additional capacity is made available.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.11.4. It is Council's intent to encourage the submission of overall *development* plans in order to ensure integrated and functional designs. However, Council intends to approve *development* proposals in part or in phases to ensure the capacity of municipal services is not exceeded.

10B.11.5. Council may permit the extension of *municipal water and sewage services* to areas where new *development* is proposed in advance of its construction program provided that:

a. the proponent must, subject to all applicable by-laws, bear all the costs associated with the extension;

b. no other capital improvements to *municipal water and sewage services* are required elsewhere in the system;

c. in the case of proposed residential *development*, adequate roads, schools and open space facilities are present; and,

d. the proposed *development* conforms to all other policies of this Plan.

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.12 Transportation and Parking

10B.12.1. The Rideau Community will be served by arterial, collector and local roads.

10B.12.2. The location of proposed collector roads as shown on Schedule RC-1 is conceptual in nature. Variations may be permitted without amendment to this Plan, provided all other policies of this Plan are satisfied.

10B.12.3. Collector roads are designed to:

a. meet the needs of the neighbourhood they serve; and,

b. discourage traffic which has neither an origin nor destination within the neighbourhood, except for the proposed collector road (as shown on Schedule RC-1 that is adjacent to the Great Cataraqui River/Rideau Canal, north of Gore Road), which is to be developed as a scenic drive in accordance with the following design guidelines and policies:

- *development* is permitted on the east side of the road only;
- views west to the Great Cataraqui River/Rideau Canal and the City of Kingston skyline from the road must be provided along its full length;
- the road alignment follows along the Environmental Protection Area boundary as shown on Schedule RC-1, and provides for the public use of lands to the west of the road allowance; and,
- extensive landscaping is provided along the full length of the road.

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.12.4. The function of Kingston Road 15, recognizing the *controlled area* around the interchange under the jurisdiction of the Ministry of Transportation, and

Gore Road as arterial roads is maintained and enhanced in accordance with this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Access to Kingston Road 15

10B.12.5. It is recognized that *development* of the Rideau Community will occur over time and, as such, access points to Kingston Road 15 may be required pending further *development* to complete the collector road system. Such access points are subject to City approval. Council may approve plans of subdivision incorporating such access points provided they are removed when access to the collector road system is obtained.

(Amended by By-Law Number 2017-57, OPA Number 50)

Kingston Road 15

10B.12.6. It is Council's intent to maintain the scenic quality of Kingston Road 15 as *development* takes place and as Kingston Road 15 is widened to accommodate increased traffic. In addition to the requirement for reverse frontage *development*, Council may require additional setbacks, buffers and land dedication along Kingston Road 15 to develop a road design that is in keeping with its function as an arterial road and scenic route.

(Amended by By-Law Number 2017-57, OPA Number 50)

New Roads

10B.12.7. The location of new local roads and collector roads is determined through the *development* review and approval process, with the volume of traffic on local roads consistent with a residential environment.

Pathways

10B.12.8. Pathways for all modes of *active transportation* are considered an important component of the transportation system, to be integrated with open space areas and along the road network and watercourses so as to allow for safe, convenient and barrier-free access to public facilities and District Commercial areas.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Transit

10B.12.9. The road network is intended to be designed to accommodate a public transit system, and landscaped to enhance its aesthetic appeal.

Parking and Loading

10B.12.10. All on-site and on-street parking, as well as on-site loading facilities, must be provided by the proponent.

10B.12.11. Parking and loading facilities must be:

a. designed so as to provide for safe and convenient vehicular and *active transportation* movements and must be well landscaped and designed in a manner that does not detract from the streetscape;

b. located in the rear yard of the site or in other unobtrusive locations, depending on the site, as well as proposed and surrounding land use and *development* characteristics; and,

c. designed so that they are not a major focus of the site, and so that large expanses of parking areas are avoided.

(Amended by By-Law Number 2017-57, OPA Number 50)

Intersections

10B.12.12. All road intersections must be designed to provide safe and convenient *active transportation* crossings.

(Amended by By-Law Number 2017-57, OPA Number 50)

Traffic Impact Study

10B.12.13. The developer must undertake a traffic impact study for any proposed *development* that would generate more than 50 vehicle trips during the peak hour of the adjacent roadway system or the peak hour of the generator. Traffic impact studies are also required for any proposed *development* which is expected to have an impact on the community or transportation system, as determined by the City.

10B.12.14. In the area north of Gore Road between Kingston Road 15 and the Cataraqui River/Rideau Canal, residential *development* will only occur on a single sided road, in order to provide open space along the Cataraqui River/Rideau Canal.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10B.13 Site Specific Policies

217 Gore Road, Site Specific Policy (SSP) Number RC-1-1

10B.13.1. Notwithstanding the provisions in Section 10B.3, a one storey, stand alone, single use commercial building will be permitted. The *development* will be oriented to the existing commercial context to facilitate ease of movements and will be complementary to the existing plaza through the design of the building, lighting, and signage in order to provide a cohesive sense of place. The building façade will be strongly defined with windows along the street front and entrance areas. The building will set back from the street to allow appropriate separation and screening of the drive-through service facility from the existing residential uses to the north. The *development* will encourage all modes of *active transportation* with barrier-free movement through the provision of amenities and through connections to the street and the existing commercial plaza. Extensive multilevel landscaping will be provided to screen the parking and enhance the streetscape and islands will be provided to soften the parking areas and improve pedestrian safety and comfort.

(Amended by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

Baxter Farm Subdivision, SSP Number RC-1-2

10B.13.2. On the lands described as Part of Lot 2, Concession EGCR (Eastside Great Cataraqui River) and Lot 4 of Plan 628 and known as the Baxter Farm, the following policies must apply:

(OMB Order Number PL100828 dated April 1, 2011)

10B.13.2.1. The lands shown as Low Density Residential on Schedule RC-1 will be developed with a low density residential plan of subdivision in accordance with Section 10B.1.1, Land Use and Section 10B.2, Residential Policies.

(OMB Order Number PL100828 dated April 1, 2011)

10B.13.2.2. In conjunction with Section 10B.6, Open Space Policies, for the lands shown as Open Space on Schedule RC-1 and located between the Environmental Protection Area designation and the Low Density Residential designation the following policies will also apply:

a. the permitted uses will include open space, parklands, a stormwater management facility, and a tree preservation area;

b. within the tree preservation area native trees will be promoted and left largely undisturbed;

c. the lands located within 30 metres of the Environmental Protection Area designation will be left largely in a natural state and new forest and shrub cover will be protected and enhanced where feasible;

d. buildings, structures, pathways or other facilities will not be permitted within the defined tree preservation area.

(OMB Order Number PL100828 dated April 1, 2011)

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.13.2.3. In conjunction with Section 10B.7, Environmental Protection Policies, for the lands shown as Environmental Protection Area on Schedule RC-1 and located to the west of the open space area, the following policies will also apply:

a. the lands are recognized as an *Area of Natural and Scientific Interest*;

b. the lands will be protected to assist in preventing the erosion of the slope;

c. the top of slope may be fenced to provide an appropriate safety and environmental barrier.

(OMB Order Number PL100828 dated April 1, 2011)

(Amended by By-Law Number 2014-172, OPA Number 28)

10B.13.2.4. In conjunction with Section 10B.2.6, Collector Road, and 10B.12, Transportation and Parking, the following specific policy will also apply:

a. a single loaded residential/collector road will be located appropriately in relation to the slope identified within the Open Space designation, in order to enhance views of the Great Cataraqui River and to provide for public access.

(OMB Order Number PL100828 dated April 1, 2011)

(Amended by By-Law Number 2014-172, OPA Number 28)

725 Kingston Road 15, SSP Number RC-1-3

10B.13.3. On the lands located on the rear portion of 725 Kingston Road 15 and designated as High Density Residential, the following policies apply:

a. the maximum number of dwelling units shall be 180;

b. the maximum permitted density is 160 dwelling units/net ha; and,

c. no lot frontage is required on the condition that access is provided by way of a shared right-of-way registered on title.

(Amended by By-Law Number 2012-54, OPA Number 13)

(Amended by By-Law Number 2017-57, OPA Number 50)

Kingston Road 15 Medium Density Residential, SSP Number RC-1-4

10B.13.4. For the Medium Density Residential area identified on Schedule RC-1 of this Plan as SSP Number RC-1-4, the following policies apply:

a. permitted uses include small lot single detached dwellings, link single dwellings, semi-detached dwellings, planned unit townhouse dwellings and street townhouse dwellings;

b. the overall density of development ranges from 27 to 45 units per net hectare of land;

c. the total number of townhouse dwellings must not exceed 150 residential units on any land designated as Medium Density Residential;

d. the maximum building height of townhouse dwellings is two storeys; and,

e. lands are developed to ensure that small lot single detached dwellings, link single dwellings and semi-detached dwellings are located adjacent to the Low Density Residential area.

(Amended by By-Law Number 2013-98, OPA Number 16)

(Amended by By-Law Number 2017-57, OPA Number 50)

735 & 745 Kingston Road 15, SSP Number RC-1-5

10B.13.5. On the lands located at 735 & 745 Kingston Road 15 and designated as High Density Residential, the following policies apply:

a. the maximum number of dwelling units shall be 356; and,

b. Council must prioritize the public acquisition of a strip of land, no greater than 15 metres in width, along the east side of Kingston Road 15 to accommodate future municipal servicing requirements and to provide a linear pathway and buffer between Kingston Road 15 and adjacent development.

(Added by By-Law Number 2014-123, OPA Number 27)

(Amended by By-Law Number 2017-57, OPA Number 50)

752 Kingston Road 15, SSP Number RC-1-6

10B.13.6. For the Neighbourhood Commercial Area identified on Schedule RC-1 of this Plan as SSP Number RC-1-6, the following policies apply:

a. In addition to the permitted uses listed in Section 3.4.F.1, a car wash is also permitted.

(Added by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

760 Kingston Road 15, SSP Number RC-1-7

10B.13.7. For the Neighbourhood Commercial Area identified on Schedule RC-1 of this Plan as SSP Number RC-1-7, the following policies apply:

a. In addition to the permitted uses listed in Section 3.4.F.1, a gas station is also permitted.

b. Notwithstanding Section 3.4.F.3, a cluster of neighbourhood commercial uses will include no more than thirteen individual uses on the site.

c. Notwithstanding Section 3.4.F.9 of this Plan, the site shall contain no more than a total maximum of 1,765 square metres of leasable floor area.

(Added by By-Law Number 2014-172, OPA Number 28)

(Amended by By-Law Number 2017-57, OPA Number 50)

10C. Cataraqui North Secondary Plan

The following land use designations and *development* policies apply to Cataraqui North, as shown on Schedule CN-1. The Cataraqui North Secondary Plan is bounded by Sydenham Road to the east, Princess Street to the south, the line between Lots 11 and 12, Concession 3 to the west, and the east-west hydro corridor located just north of the proposed extension of Cataraqui Woods Drive. An area of land fronting on Sydenham Road and Eunice Drive to the north of the hydro corridor is also included.

Goals:

To encourage the *development* of lands based on the principles of 'New Urbanism', as reflected in the Council-endorsed Cataraqui North Alternative Master Plan prepared in January 1993 and highlighted below:

a. the safety and security of residents is paramount;

b. a diversity of land uses is encouraged;

c. the scale, design and pattern of *development* are oriented to *active transportation* and supportive of public transit;

d. the natural environment and heritage features are respected, preserved and enhanced wherever reasonably possible; and,

e. public spaces are prominent, well-defined and serve to tie the neighbourhood into a cohesive unit.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.1 Objectives

10C.1.1. To promote a good quality of life through the planning and *development* of a neighbourhood that has regard for the planning principles set out in Section 2 of this Plan.

10C.1.2. To provide a balanced mix of residential, commercial, institutional and open space uses, consistent with the Cataraqui North Alternative Master Plan, that meets the anticipated needs of a growing and evolving neighbourhood.

10C.1.3. To encourage the *development* of a neighbourhood which is distinctive in nature and:

a. fosters a strong sense of place;

b. provides for a wide range of housing opportunities for all ages and lifestyles and abilities, including *affordable* and barrier-free housing;

c. offers a more complete range of amenities in close proximity;

d. provides a road network that safely integrates the needs of all *active transportation* modes, public transit users and motorists; and,

e. enhances opportunities for *active transportation* movements, as well as public transit use to reduce the reliance on the automobile.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.1.4. To provide for the daily shopping and service needs of neighbourhood residents and employees of area businesses.

10C.1.5. To serve as an area of transition between the Cataraqui North neighbourhood and existing and future business and industrial uses in Cataraqui Industrial Estates.

10C.1.6. To promote excellence and innovation in urban and environmental design that is *sensitive* to, and scaled to, the natural and built environments.

10C.1.7. To encourage the preservation of *significant* features of the natural environment, such as watercourses and stands of mature trees, and integrate such resources into proposed *developments*, wherever possible.

10C.1.8. To ensure that the safety and security of all neighbourhood residents is the prime consideration in all aspects of the planning and *development* of the neighbourhood.

10C.1.9. To integrate *compatible* land uses in order to achieve a more cohesive and safe neighbourhood.

10C.1.10. To encourage the *development* and on-going evolution of a vital neighbourhood centre to serve as a focus for neighbourhood barrier-free activities which may include a park, a community centre or a mix of uses, services and activities.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.1.11. To ensure that *development* and the provision of municipal services occurs in an efficient and economical manner, and provides an adequate supply of serviced land.

10C.1.12. To ensure that proposed *development* complements adjoining existing land uses, including environmental and heritage resources.

10C.1.13. To implement a tree planting program that is consistent with municipal policy.

10C.2 General Policies

10C.2.1. The land use and *development* policies for Cataraqui North, as outlined below and shown on Schedule CN-1 are divided into:

a. Land use designations, namely:

- Residential;
- Commercial: Neighbourhood Commercial, Business Commercial, Arterial Commercial and District Commercial;
- Open Space;
- Environmental Protection Area; and,

b. Servicing, transportation and *development* policies.

(Amended by By-Law Number 2017-57, OPA Number 50)

Public Uses

10C.2.2. In all land use designations except Environmental Protection Area, public utilities, public uses, parkettes and pathways may be permitted, provided that such uses are necessary in the area, that they can be made *compatible* with their surroundings, and that adequate measures can be taken to ensure *compatibility*.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.2.3. Electricity transmission and electricity distribution *infrastructure* is permitted in any land use designation subject to Ministry of the Environment and Climate Change regulations and the applicable policies of the Provincial Policy Statement.

(OMB Order Number PL100149 dated August 25, 2010)

(Amended by By-Law Number 2017-57, OPA Number 50)

Institutional Uses

10C.2.4. Institutional uses are permitted in all land use designations, except Environmental Protection Area, provided they are included in a separate zoning district in the zoning by-law, and are subject to the following *development* criteria:

a. permitted uses include churches, community centres, nursing homes, secondary schools and other similar uses;

b. sites are located within easy walking distance of public transit routes;

c. sites have convenient access to an arterial or collector road and are not to be situated in a manner which generates undue volumes of traffic on adjoining local residential streets;

d. adequate off-street parking is provided for all permitted uses; and,

e. buffering is required between institutional uses and any adjacent residential uses.

(OMB Order Number PL100149 dated August 25, 2010)

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3 Residential Policies

General Residential Policies

10C.3.1. The Residential land use designation means that:

a. the predominant use of land and buildings is for residential purposes; and,

b. other uses which are complementary to and serve principal residential uses such as elementary schools and parkettes are also permitted.

10C.3.2. A variety of *compatible* housing types and building styles are encouraged in order to accommodate the different and changing needs of the community.

10C.3.3. Over-concentration of any one housing type or building design are discouraged.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3.4. At least 25 percent of the approved *residential units* must be for *affordable* housing.

10C.3.5. Residential areas must be designed to allow for convenient pedestrian movement incorporating universal design standards.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3.6. An overall density of *development*, sufficient to foster a healthy and safe neighbourhood environment in which a wide range of services, amenities and employment opportunities can be provided in an efficient and financially-sustainable manner, is encouraged.

10C.3.7. Varying densities of *development*, calculated on a net area basis, will be distributed throughout the neighbourhood to ensure that a high proportion of residents will live within a short walking distance of local facilities and services.

10C.3.8. Prior to any plan of subdivision being considered by Council, proponents are required to submit a concept plan encompassing their entire landholdings to Council for approval and which:

a. is consistent with Schedule CN-1 of this Plan; and,

b. includes detailed proposals for the road pattern, land use distribution including dwelling types, residential densities, municipal servicing and traffic analyses and other appropriate information.

10C.3.9. Every reasonable effort will be made to ensure that any proposed *development* is *compatible* with existing adjacent residential areas.

10C.3.10. Residential lots abutting Centennial Drive and Cataraqui Woods Drive are subject to the following restrictions:

a. private vehicular entrances will be prohibited;

b. lot frontages will be reverse-faced or will be onto a service road which runs parallel to and adjoining either Centennial Drive or Cataraqui Woods Drive;

c. where a reverse-faced frontage form of *development* is used, such lots will have deeper rear yard depths and corresponding lot depths will be deeper than otherwise required; and,

d. noise attenuation studies may be required by the Ministry of the Environment and Climate Change, in which case appropriate mitigative measures identified therein must be undertaken by the proponent.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3.11. The concentration of non-residential uses will be discouraged.

10C.3.12. The zoning by-law will include separate zoning districts for low density, medium density and high density residential *development*.

Home Occupations

10C.3.13. Home occupations are permitted in the residential area, provided they do not:

a. occupy more than 30 percent of the floor area of a *residential unit*; and,

b. cause any noise, odour, smoke or visual display or generate vehicular traffic or *active transportation* activity which would be inappropriate in a residential area.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3.14. Home occupations may be further regulated in the zoning by-law.

Low Density Residential Developments

10C.3.15. Permitted low density residential uses include single detached dwellings and two, three and four unit dwellings.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3.16. The *development* density for low density residential uses ranges from 14 to 56 dwelling units per net hectare of land.

10C.3.17. Generally, no one low density residential dwelling type should exceed 40 percent of the housing stock that is built within that portion of a landholding that is zoned for low density residential *development.* In no case will the proportion of three and four unit dwellings exceed 25 percent of the total units.

10C.3.18. The maximum building height in low density residential areas is three storeys.

10C.3.19. Regarding the existing Hydro One Networks Inc. works yard located west of Sydenham Road and south of Cataraqui Woods Drive:

a. it is recognized as a permitted use in the zoning by-law; and,

b. abutting residential lots must have deeper lot depths and corresponding larger minimum rear yard depth requirements.

(Amended by By-Law Number 2017-57, OPA Number 50)

Medium Density Residential Developments

10C.3.20. Any form of medium density residential housing which conforms to the *development*, density and building height policies outlined below is permitted.

10C.3.21. Generally, no one medium density residential dwelling type should exceed 75 percent of the total housing stock that is built within a landholding that is zoned for medium density residential *development*.

10C.3.22. The overall density of *development* for medium density residential is intended to range from 27 to 75 dwelling units per net hectare of land.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3.23. The maximum building height for medium density residential uses is four storeys, and variations in building height that are sensitive to existing and proposed housing forms on adjoining lands is encouraged.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.3.24. Medium density residential *development* must be located where it can be demonstrated to the satisfaction of Council that such uses are *compatible* with existing and proposed adjoining land uses, and generally, medium density residential uses will be encouraged to locate on lands:

a. adjoining existing or proposed high density residential *development*;

b. adjoining the Commercial Area along Princess Street;

c. along the central east-west and north-south roadways;

d. along or in close proximity to public transit routes; and,

e. adjacent to public open spaces, proposed school sites and the Neighbourhood Commercial area.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

Multi-unit Buildings

10C.3.25. Buildings containing three *residential units* or more should be oriented to the street wherever possible in order to create a prominent building presence along the street and in a manner which is *compatible* with adjacent *development*.

Non-residential Uses

10C.3.26. Non-residential uses which are *compatible* with medium density residential *development* and provide for the service needs of local residents, such as day care facilities, medical offices, personal service shops or other similar uses, but excluding retail commercial uses, may be permitted provided that all of the following criteria are met:

a. locations are restricted to those with good access to the surrounding neighbourhood, preferably on a corner lot;

b. *adverse effects* on adjacent residential and open space uses must be minimized;

c. building designs should be *compatible* with adjoining housing styles;

d. buffering may be required where proposed uses abut existing or proposed residential uses;

e. the gross floor area must not exceed 185 square metres, and no more than two such uses may be grouped together;

f. advertising and associated signs and exterior lighting must be designed and situated on the site so as to be *compatible* with adjoining residential uses; and,

g. open storage of goods and materials is not permitted.

10C.3.27. Proposed medium density residential *developments* are subject to site plan control review and consideration of the urban design principles as outlined in Section 8 of this Plan, and Section 10C.9.3 of this Secondary Plan.

High Density Residential Development

10C.3.28. Any form of high density residential housing which conforms to the *development*, density and building height policies outlined below is permitted.

10C.3.29. The density of *development* for high density residential housing is intended to range from 27 to 125 dwelling units per net hectare of land.

10C.3.30. The maximum building height in high density residential areas is eight storeys.

10C.3.31. High density residential buildings must be oriented to the street in order to create a prominent building presence along the street and in a manner that is *compatible* with adjacent *development*.

10C.3.32. Integrating apartment buildings and other multiple dwelling housing forms with adjoining uses must be encouraged provided the clustering of such uses into isolated enclaves is avoided.

10C.3.33. High density residential *development* may be located at the southeast corner of Cataraqui Woods Drive and Centennial Drive provided Council is satisfied the proposed *development* will be:

a. within *walking distance* of existing or future commercial *developments* and public open space areas;

b. *compatible* with existing and proposed adjacent land uses;

c. on or close to public transit routes; and,

d. on lands adjacent to a collector or arterial road as shown on Schedule CN-1.

(Amended by By-Law Number 2017-57, OPA Number 50)

High Density Residential Development

10C.3.34. High density residential *development* may be located in the southwest corner of Centennial Drive and Cataraqui Woods, subject to the following restrictions:

a. the maximum density is 175 dwelling units per net hectare of land; and

b. the maximum building height is 14 storeys.

Non-residential Uses

10C.3.35. Non-residential uses may be permitted on the ground floor of high density residential buildings, provided such uses are *compatible* with on-site and adjoining residential uses and are limited to personal services, professional offices, laundromats, dry cleaners or other similar uses.

Signage

10C.3.36. Advertising and associated signs related to non-residential uses in high density residential areas must be designed and situated so as to be *compatible* with adjoining residential uses.

10C.3.37. Open storage of goods and materials is not permitted in high density residential areas.

10C.3.38. Proposed high density residential *developments* are subject to site plan control review, and consideration of the urban design principles as outlined in Section 10C.9.3 of this Secondary Plan, and Section 8 of the Official Plan.

10C.4 Commercial Policies

10C.4.1. The commercial areas shown on Schedule CN-1 of this Plan indicate that the predominant use of land and buildings are intended for retail, service,

entertainment, and office purposes within the following commercial market hierarchy that is recognized in the zoning by-law:

a. Neighbourhood Commercial;

b. Business Commercial;

c. Arterial Commercial; and,

d. District Commercial.

(Amended by By-Law Number 2017-57, OPA Number 50)

General Policies

10C.4.2. Automobile-oriented commercial uses including retail, office and service uses must be located on the periphery of the neighbourhood and along arterial and collector roads.

10C.4.3. Neighbourhood Commercial uses must be centrally located within the neighbourhood so as to allow convenient pedestrian access.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.4. No open storage of goods and materials is permitted in Commercial areas.

10C.4.5. Adequate off-street parking facilities must be provided in Commercial areas with vehicular access points designed to maximize vehicular movement and *active transportation* safety.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.6. Buffering is required between commercial uses and adjoining residential uses.

10C.4.7. Proposed Commercial *development* is subject to site plan control review, and to the urban design principles as outlined in Section 10C.9.3 of this Secondary Plan, and Section 8 of the Official Plan.

10C.4.8. The retail market analysis requirements as outlined in Section 3.4 of this Plan apply to *development* proposals involving retail commercial floor space.

Neighbourhood Commercial

10C.4.9. The Neighbourhood Commercial area must be centrally located within the Cataraqui North neighbourhood, and provide some of the convenience service and shopping needs of neighbourhood residents, including convenience stores, post offices, laundromats and dry cleaner facilities, take-out restaurants, day care centres, churches or other similar uses.

The Neighbourhood Commercial area is designated on Schedule CN-1 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.10. The interaction of uses within the Neighbourhood Commercial area and with adjoining land uses is encouraged.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.11. Buildings within the Neighbourhood Commercial area are to be oriented towards the street.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.12. It is Council's intent to prepare urban design guidelines for the Neighbourhood Commercial area to encourage:

a. consistent building facades along streets;

b. limited on-street parking;

c. locating the majority of parking at the rear or sides of buildings;

d. a public streetscape between the front of buildings and the street curb for a safe, convenient, attractive, and barrier-free pedestrian area; and,

e. building and site designs that complement and contribute to a safe and desirable neighbourhood character.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.13. The Neighbourhood Commercial area will be served by public transit and provide safe and convenient access for all modes of *active transportation*.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.14. The combined maximum gross floor area for all uses within the Neighbourhood Commercial area must not exceed 1,110 square metres, and the retail gross floor area of any individual use must not exceed 185 square metres.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.15. *Residential units* in the Neighbourhood Commercial area may be provided in the same building or on the same site as a commercial use.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.16. The maximum building height in the Neighbourhood Commercial area is three storeys.

(Amended by By-Law Number 2017-57, OPA Number 50)

Business Commercial

10C.4.17. The business commercial area is located at the intersection of Centennial Drive and Cataraqui Woods Drive. High density residential uses are permitted at the southwest corner of Centennial Drive and Cataraqui Woods Drive in accordance with Section 10C.3.34 of this Plan. The business commercial area is intended to provide a range of business and commercial opportunities while serving three principal objectives, namely:

a. to provide for many of the daily shopping and service needs of neighbourhood residents and employees of area businesses;

b. to support the existing and future business and industrial uses in the adjoining Cataraqui Estates Business Park to the north and west; and,

c. to serve as an area of transition between the Cataraqui North residential neighbourhood and existing and future business/industrial uses within Cataraqui Estates Business Park.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.18. Permitted business commercial uses provide a range of business and commercial opportunities, including: offices; research and development facilities; technologically-advanced manufacturing, fabricating or assembling operations for the production of high value products; data processing facilities; medical laboratories and equipment production; day care centres; convenience stores; personal service shops; eating establishments; private *recreational* facilities; technical, professional, industrial and administrative support services; automobile service stations; automobile sales, leasing and servicing establishments; and retail stores.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.19. In addition to the foregoing range of uses, supermarkets may also be permitted in the business commercial area on the southwest corner of Cataraqui Woods Drive and Centennial Drive.

10C.4.20. The retail market analysis requirements of Section 3.4 apply to retail commercial uses within the business commercial area.

10C.4.21. Proposed *developments* in the business commercial area are subject to the consideration of the policies of this Plan.

Arterial Commercial

10C.4.22. The Arterial Commercial areas will be located along Princess Street, and along Sydenham Road, one at the southwest corner of its intersection with Cataraqui Woods Drive, and the other further to the south.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.23. Permitted uses in the Arterial Commercial areas include retail and service commercial uses, and entertainment, *recreational*, cultural and office functions that are intended to serve local and area residents.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.24. *Residential units* in the upper floors of commercial buildings in the Arterial Commercial areas are permitted.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.4.25. The Arterial Commercial area along Princess Street encompasses those lands along Princess Street and Sydenham Road south of the Cataraqui United Church cemetery, and is subject to the following policies in recognition of the *cultural heritage resources* in the area and its changing role, from a tourist-oriented highway commercial area to a mixed urban retail and service commercial node:

a. the area along Princess Street will generally have a depth of between 100 to 190 metres, measured from the northern limit of the right-of-way of Princess Street or the western limit of the right-of-way of Sydenham Road;

b. the density of residential *development* ranges from 75 to 125 dwelling units per net hectare of land;

c. the maximum building height is eight storeys and variation in building height that is sensitive to existing and proposed building forms on adjoining lands is encouraged;

d. while mixed use *development* combining retail, service, office and residential uses on individual sites is encouraged, individual sites may include only one use provided the overall mixed use character of the area is encouraged; and,

e. it is Council's intent to prepare urban design guidelines for the area along Princess Street to encourage:

- street-oriented buildings and on-site features;

- locating the majority of parking at the rear or sides of buildings, wherever practical;

- retail plazas, which may require parking to be visible to the street, and provide a direct barrier-free connection to a public sidewalk, in order to accommodate pedestrians and transit users; and,

- using streetscape amenities to provide a more pedestrian-oriented environment.

(Amended by By-Law Number 2017-57, OPA Number 50)

District Commercial

10C.4.26. The District Commercial area is located along Sydenham Road, immediately north of Eunice Drive, and must be developed in accordance with the policies of Section 3.4.D of this Plan.

(Amended by By-Law Number 2011-89, OPA Number 6)

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.5 Open Space Policies

General Policies

10C.5.1. Open Space areas are subject to the Open Space policies in Section 3.8 of this Plan, and the following:

a. public safety and security is the prime consideration in designing open space areas;

b. it is Council's intent to prepare guidelines for the design of open space areas in consultation with appropriate public agencies that address elements such as lighting, sight lines, signage, the location of activity generators, access to telephones, night-time use and activity planning;

c. the following hierarchy of open space uses, dispersed throughout the neighbourhood, must be established to satisfy the different needs of residents:

- neighbourhood park complex;

- central park;

- parkettes; and,

- pathways and trails;

d. generally, stormwater management facilities are not considered part of the parkland dedication provisions, but may be integrated with the open space system, wherever practical.

Neighbourhood Park Complex

10C.5.2. The neighbourhood park complex will:

a. be the single largest open space area in the neighbourhood;

b. be centrally located within a *walking distance* from any point in the neighbourhood;

c. provide the focus for active and passive *recreation* and leisure activities within the neighbourhood; and,

d. consist of public parkland and two adjoining proposed elementary school sites.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.5.3. The layout and configuration of the neighbourhood park complex must be refined to the satisfaction of:

a. Council and the local school boards, prior to the approval of any *development* on adjoining lands; or,

b. Council, if either or both of the proposed school sites are not required by the local school boards.

Central Park

10C.5.4. The central park must:

a. be defined by the traffic circle located in the centre of the neighbourhood at the junction of the main east-west and north-south neighbourhood streets, as shown on the Cataraqui North Alternative Master Plan;

b. be developed as an accessible formal public open space area which will serve as a recognizable landmark and focal point for the neighbourhood;

c. have an area of approximately 0.6 hectares and a diameter of 90 metres; and,

d. be linked appropriately with other features of the open space system.

(Amended by By-Law Number 2017-57, OPA Number 50)

Parkettes

10C.5.5. Parkettes, though not shown on Schedule CN-1 must be:

a. dispersed throughout the neighbourhood in locations which can serve as focal points for immediate residential areas;

b. between 0.2 hectares and 0.4 hectares in size;

c. gathering places for people of all ages;

d. integrated with other community facilities and services; and,

e. passive (primarily) and low maintenance in nature, and may include such features as pathways, park benches and limited children's play structures.

Pathways

10C.5.6. Pathways must be developed to:

a. physically connect people with places, community focal points and open space areas and may include such features as street sidewalks, formal and informal walkways, footpaths, cycle lanes and paths; and,

b. create safe, convenient and varied environments for all *active transportation* users and people of all ages and abilities.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.5.7. It is Council's intent to develop pathways and trails in accordance with the policies of this Plan.

10C.6 Environmental Protection Policies

10C.6.1. Environmental Protection Areas are subject to the Environmental Protection Area policies in Section 3.10, and for proposed *development* on lands in, or adjacent to, an Environmental Protection Area, Council must, as part of its consideration, require the preparation and approval of an *environmental impact assessment*, prepared in accordance with the "Guidelines for Environmental Impact Assessments," and which must contain the following minimum elements:

a. details of what is proposed;

b. a statement on the environmental quality and character of the Environmental Protection Area potentially affected;

c. a biophysical inventory and description of both terrestrial and aquatic habitats;

d. the biophysical habitats that either will or might be expected to be affected directly or indirectly;

e. the actions that either will or might be required to prevent any adverse change, or remedy any negative effects upon the *natural heritage system*;

f. details of alternative methods for developing what is proposed; and,

g. Council may, with concurrence from the appropriate public agencies, waive the requirement for an *environmental impact assessment* or modify its required content, provided a written request to do so is submitted to Council by the proponent, and which must also be supported by a report prepared by a *qualified person* in the area of environmental matters demonstrating to the satisfaction of Council that the request is appropriate.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.7 Servicing Policies

10C.7.1. All new *development* must be connected to the *municipal sewage and water services* system. However, a commercial or public building which does not require the construction of full municipal services may be permitted by Council.

10C.7.2. Prior to the approval of extensive new *development*, Council requires the preparation and approval of a Master Servicing Plan.

10C.7.3. *Development* is intended to proceed generally from south-to-north and west-to-east, commensurate with the demonstrated availability of sufficient capacity within the *municipal sewage and water systems*, and the adequacy of the arterial and collector road system.

10C.7.4. Concept plans submitted by the proponent must be supported by a traffic analysis which is satisfactory to the City, and which demonstrates sufficient capacity within the roads system to accommodate anticipated additional traffic volumes from the proposed *development*.

10C.7.5. Proposed *development* must be assessed in relation to the City's municipal servicing capacity.

10C.8 Transportation Policies

10C.8.1. Though Schedule CN-1 does not show local roads, it is intended that local roads will accommodate automobiles, public transit, all modes of *active transportation*, service vehicles and other supporting features such as parking, laneways, loading areas, street furniture and tree planting.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.8.2. Public streets and boulevards are considered public spaces serving multiple functions, and not just as vehicle routes.

10C.8.3. Traffic speeds and volumes must be calmed to a level that is *compatible* with other neighbourhood activities.

10C.8.4. Streets and boulevards must be designed and maintained to enhance the visual attractiveness of the neighbourhood.

10C.8.5. The roads plan must be *compatible* with Section 4.6 of the Official Plan.

10C.8.6. Although some local roads may serve as a neighbourhood collector function in the earlier phases of *development*, it is intended that traffic movement will be distributed evenly over the entire neighbourhood road network, thereby encouraging a greater distribution of both vehicles and *active transportation*.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.8.7. Private vehicular entrances onto collector and arterial roads from lands within residential areas are prohibited, but may be permitted in other policy areas, but controlled.

10C.8.8. Alternative engineering and road design standards as may be deemed appropriate by Council must be considered in the ongoing *development* of local roads within the neighbourhood and do not require an amendment to the road allowance widths as outlined in Section 4.6 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.8.9. An interconnected rectilinear grid pattern of neighbourhood streets must be developed with a de-emphasis on curvilinear street layouts and cul-de-sacs.

10C.8.10. Street blocks are to be short to facilitate pedestrian movements.

10C.8.11. Traffic volumes on neighbourhood roads are to be directly related to origins or destinations within the neighbourhood.

10C.8.12. All roads entering the neighbourhood from the collector and arterial roads must be treated as gateways and developed using a variety of low maintenance techniques, including: planted medians and rights-of-way; gate-like structures or ornamental walls on either side of the roadways; special plantings; pavement treatments; and lighting.

10C.8.13. A high standard of building and site design must be employed along those roads serving as access points to the neighbourhood in order to create a sense of neighbourhood coherence and identity.

10C.8.14. The precise location and number of access roads to the neighbourhood from the arterial roads system, as shown on the Cataraqui North Alternative Master Plan, are subject to the approval of the appropriate roads authorities.

10C.8.15. The neighbourhood road system is intended to form an integral part of pathways and trails.

10C.8.16. In the design of neighbourhood streets and boulevards the needs of all modes of *active transportation* must be accommodated.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.8.17. It is the intent of this Plan that all residents will live within reasonable walking distances of public transit routes.

10C.9 Development Policies

Natural Environment

10C.9.1. Every reasonable effort will be made to ensure that proposed *development* contributes to the creation of an environmentally-sensitive and healthy urban setting.

10C.9.2. The location of roads and land uses will reflect the natural environment, specifically:

a. the use of east-west streets will be maximized to provide opportunities for housing with solar orientation where drainage and grading are not compromised;

b. wherever practical, consideration must be given to incorporating existing large hedgerows into new plans of subdivision or site plans;

c. appropriate species of deciduous trees are planted along the boulevards of key streets throughout the neighbourhood to provide, ultimately, a continuous tree canopy that will enhance natural habitats and serve as connecting links to open space and other natural areas;

d. control of stormwater run-off will be provided by a system of stormwater management facilities designed to minimize the impact of new *development* on the *quality and quantity of water* within the *watershed* and to minimize any effect to on-site and downstream aquatic habitat including *fish habitat*;

e. stormwater management considerations must be designed and implemented in accordance with the Cataraqui North Neighbourhood Master Drainage Plan, as amended;

f. individual *development* projects must be designed to conform with the Master Drainage Plan;

g. infiltration of stormwater run-off to replenish groundwater reserves is encouraged, where appropriate, through various *development* and construction measures, which must be specified in subdivision and site plan control agreements; and,

h. lands set aside for use in connection with stormwater management facilities, are to be zoned in an appropriate manner to ensure protection from future *development*.

(Amended by By-Law 2011-89, OPA Number 6)

Urban Design Principles

10C.9.3. The following urban design principles must be considered by Council:

a. *development* must be consistent with the City's urban growth management policies;

b. a variety in building types and designs is encouraged;

c. energy efficient designs in plans of subdivision, site plans, buildings and public works are recommended;

d. *universal design principles* that maximize barrier-free accessibility, inclusivity, and personal safety are the promoted standard;

e. appropriate landscaping is encouraged;

f. the creation of safe, attractive, and barrier-free streetscapes are promoted through the coordinated application of such elements as:

tree planting; street lighting; building location, orientation, massing and facades; signage; parking area location and entrances; landscaping; and, preservation and enhancement of *significant cultural heritage resources* and *natural heritage features and areas*;

g. the use of alternative engineering and road design standards as may be deemed appropriate by Council are encouraged;

h. the design and use of signage to complement and enhance the streetscape and individual buildings, while serving the needs of both the advertiser and the public are encouraged;

i. transit-supportive design of subdivisions, individual sites, and buildings are encouraged; and,

j. all *development* must further comply with the urban design policies of Section 8 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

10C.9.4. It is Council's intent to prepare urban design guidelines to assist in such initiatives as:

a. subdivision design and site plan control guidelines and *development* standards;

b. the application of zoning standards;

c. the consideration of proposed *development* applications to amend this Plan or the zoning by-law; and,

d. the planning and design of public works.

10D. Cataraqui West Secondary Plan

The following land use designations and *development* policies apply to the Cataraqui West neighbourhood, as shown on Schedule CW-1. This neighbourhood encompasses approximately 252 hectares (623 acres) of land generally bounded on the east by Bayridge Drive and its extension to Creekford Road, on the north by Creekford Road, Collins Creek on the west and Princess Street and properties fronting on Princess Street on the south.

The policies in this Secondary Plan are to be implemented through planning and *development* approvals over time in accordance with the "Cataraqui West Master Plan" dated August 2007. The "Cataraqui West Master Plan" outlines in greater detail the general land use and transportation concept plan intended for this neighbourhood based on a number of technical studies, including: servicing; *environmental impact assessments*; archaeological assessments; stormwater management; drainage plans; and traffic forecasts.

Amendments can be made to the above noted studies and concept plan to reflect changing needs or new information without the need to amend the Secondary Plan policies, provided the overall intent of the Secondary Plan is maintained.

10D.1 Cataraqui West Goal and Objectives

10D.1.1. Secondary Plan Goal

To provide for the comprehensive *development* of a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its residents, preserves and protects the *significant* environmental and heritage features, allows for innovation in *development* and construction practices, provides for physical connections to the open space system, and connects to the rest of the City.

10D.1.2. Secondary Plan Objectives

a. create a safe, liveable and healthy neighbourhood that has a sense of neighbourhood identity;

b. create a neighbourhood that has a clear and cohesive physical structure that is harmonious and integrated with the existing adjacent neighbourhood;

c. encourage the *development* of a neighbourhood centre that serves as a focus for neighbourhood activities. This may include a major park, community park, a neighbourhood centre, and educational institutions;

d. proceed with *development* in an environmentally sound and sustainable manner;

e. encourage a neighbourhood *development* that takes advantage of the unique natural characteristics and features within and adjacent to it;

f. encourage a variety of ground oriented housing forms and tenures which meet the needs of the population and which can respond to changes in the marketplace;

g. Promote innovation in housing design, architecture, and site planning to foster a welcoming, people-friendly neighbourhood;

h. encourage the *development* of a neighbourhood that is based on a high standard of urban barrier-free design on both public and private lands;

i. preserve *significant cultural heritage resources*;

j. encourage tree preservation practices so as to enhance the existing natural environment and the aesthetics of the built environment;

k. encourage the provision of institutional uses that are safe, convenient, easily accessed and universally designed and meet the needs of the residents;

l. provide for the *recreational* needs of the neighbourhood and enhance the environment;

m. provide safe and integrated *active transportation* systems;

n. provide for a balanced transportation system consisting of a hierarchy of roads, transit facilities, walkways and paths to accommodate efficient movement within the neighbourhood and beyond;

o. encourage an urban form that is orderly, efficient and cost effective for servicing, stormwater management, transportation and public transit systems; and

p. encourage *energy conservation* through appropriate and efficient subdivision design and encourage the use of new technologies and best management practices.

(Amended by By-Law Number 2017-57, OPA Number 50)

10D.2 Land Use Policies

The Cataraqui West neighbourhood is to be developed in accordance with the general land use pattern set out on Schedule CW-1. Land uses are divided into the following general designations: Residential; Commercial; Open Space; and Environmental Protection.

10D.3 Residential Policies

Permitted Uses

10D.3.1. There are two residential designations: Low Density Residential; and Medium Density Residential. The predominant use of land in areas within a residential designation is for low and medium density residential uses. Other uses which are complementary to and serve the principal residential use such as public parks, home occupations, *bed and breakfast operations*, institutional uses such as schools and places of worship, day care facilities, public uses and utilities in appropriate locations are also permitted.

General Residential Policies

10D.3.2.

a. variety in housing types and therefore ownership opportunities are encouraged in order to accommodate people's different and changing housing needs;

b. innovation in housing design is encouraged in order to create an interesting and varied neighbourhood and where energy efficiency and barrier-free accessibility are integrated as an important element in house design;

c. a minimum 25 percent of the total number of dwelling units in the Cataraqui West neighbourhood must qualify as *affordable* housing of this Plan, and be distributed throughout the Cataraqui West neighbourhood;

d. the provision of barrier-free pathways, sidewalks and bicycle paths must be designed to facilitate pedestrian connectivity throughout the residential areas, to schools, parks, and other focal points. Where cul-de-sacs are proposed, walkways and greenways are to be incorporated to ensure *active transportation* connectivity;

e. variety in mix of housing types and density of *development* is encouraged. Densities are to be calculated on a "net area basis". Net area is calculated as an area of one or more lots, blocks or parcels of land, the principal use of which is for residential

purposes. Lands for other uses that complement basic residential uses are not included in the net area calculation;

f. residential lots abutting the passive open space along Collins Creek will have an increased rear yard setback to be implemented through the zoning by-law. The construction of accessory buildings and structures will be limited to the rear yard through the implementing zoning by-law;

g. reverse-faced residential lots are intended to have deeper lot and rear yard depths, pursuant to the implementing zoning by-law;

h. two elementary schools are shown conceptually on Schedule CW-1. Should the lands not be required for school purposes, they must be offered for sale to the City for non-residential, non-commercial, community use purposes only at fair market value based on the highest and best use of the land being medium density residential. If the City does not wish to purchase the lands within twelve (12) months of them being offered, they may then be developed in accordance with the Medium Density Residential designation without the need to amend this Plan;

i. local commercial uses are permitted within the residential designations, to be developed in accordance with Section 3.4.F of this Plan and the following:

- in addition to Section 3.4 of this Plan, proposed *development* must be located on the corner of two streets, wherever possible;
- in accordance with Section 3.4. of this Plan, local commercial uses are subject to site plan control review to ensure *compatibility* with adjacent uses and streets;
- despite Section 3.4 of this Plan, the floor space of any individual local commercial use is not to exceed 223 square metres (2,400 sq. ft.) and no more than four such uses are to be grouped together, though exceptions may be considered on a case by case basis; and,
- the proponent must demonstrate to the satisfaction of the City that consideration has been given to the current and projected demand for the proposed *development*; and,

j. other non-residential uses may be permitted within the residential designations in accordance with Section 3.1 of this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

Home Occupations

10.D.3.3. Home occupations are permitted within the residential designations and must be developed in accordance with Section 3.3.5 of this Plan.

Low Density Residential

10.D.3.4. Within the Low Density Residential designation:

a. housing permitted includes single detached and two, three and four unit dwellings;

b. the overall density of *development* is to range from 14 to 45 dwelling units per net hectare of land;

c. a balanced mix of dwelling types is encouraged within the neighbourhood. In no case, however, will the proportion of three and four unit dwellings exceed 30 percent of the total units in any individual subdivision application; and

d. maximum building height is three storeys.

Medium Density Residential

10.D.3.5. Within the Medium Density Residential designation:

a. all housing types that conform to the density and building heights outlined herein are permitted;

b. the overall density of *development* within the Medium Density Residential designation is to range from 25 to 75 dwelling units per net hectare of land irrespective of housing types;

c. maximum building height is six storeys. Variation in height in a manner which is sensitive to existing and proposed housing forms on adjoining lands is encouraged; and

d. buildings should be oriented to the street in order to create a prominent building presence along the street in a manner *compatible* with adjacent Low Density Residential areas.

10D.4 Commercial Policies

Within the Commercial designations a wide range of retail, service, entertainment, and office uses are encouraged. There are two Commercial designations: District Commercial; and Arterial Commercial.

District Commercial

10D.4.1. The District Commercial designation is centrally located at the intersection of Cataraqui Woods Drive, a collector, and Holden Street. The District Commercial designation is intended to provide for the commercial service needs of the neighbourhood.

(Amended by By-Law Number 2015-188, OPA Number 40)

Principles to be considered in the zoning and *development* of land in the District Commercial designation are:

a. uses such as a grocery store, convenience store, post office, bank, retail store, dry cleaner, restaurant, day care centre, place of worship and other minor institutional uses are encouraged;

b. no open storage is allowed;

c. residential uses are permitted on floors above the ground (first) floor;

d. buildings are to be oriented towards the street;

e. it is the intent that the majority of parking is located at the rear or sides of buildings;

f. the combined maximum gross floor area for all non-residential uses within the District Commercial area must not exceed 2,000 square metres;

g. the retail gross floor area of any individual use should not exceed 300 square metres;

h. maximum building height is six storeys; and

i. should commercial service uses not be proposed for the District Commercial area following the commencement of construction of two thousand (2,000) *residential units* within the Cataraqui West neighbourhood, the lands may then be developed in accordance with the Medium Density Residential designation without the need to amend this Plan.

Arterial Commercial

10D.4.2. The area designated Arterial Commercial is along Princess Street. Lands in this designation must be developed in accordance with the Arterial Commercial policies of Section 3.4 of this Plan.

10D.5 Institutional Policies

a. the area designated Institutional is intended to be developed to accommodate two school sites. Should the lands not be required for school purposes, they will be offered for sale to the City for non-residential, non-commercial, community use purposes only at fair market value based on the highest and best use of the land being medium density residential. If the City does not wish to purchase the lands within twelve (12) months of them being offered, they may then be developed in accordance with the Medium Density Residential designation without the need to amend this Plan; and,

b. the Secondary Plan encourages the community use of schools so they can provide both an education function and a *recreation* function for the neighbourhood.

(Amended by By-Law Number 2017-57, OPA Number 50)

10D.6 Open Space Policies

a. the intent is to establish a safe and sustainable neighbourhood open space system to fulfil residents' *recreational* and leisure needs, while protecting *significant* environmental areas, including the Lower Collins Creek Wetland and adjacent *woodlands*;

b. section 3.8 of this Plan must be considered in the *development* of open space areas within the Cataraqui West neighbourhood; and

c. the open space system consists of: a publicly-owned central community park; extensive passive open space along Collins Creek; three parkettes; pathway systems; streets and rights-of-way; and the Hydro corridor.

Central Community Park

10D.6.1. At 6.5 hectares (16 acres), the central community park is the single largest active open space area within the Cataraqui West neighbourhood. It is centrally located adjacent to the proposed school sites, Hydro corridor, the gas easement and two local collector streets. It is intended to provide the focus for active *recreation* activities while also providing for leisure activities within the neighbourhood.

Parkettes

10D.6.2. A minimum of three parkettes are shown conceptually on Schedule CW-1 in locations which can serve as local focal points for the immediate residential areas. Parkettes are intended to be:

a. approximately 0.4 hectares each;

b. integrated with other neighbourhood services such as super mailboxes, neighbourhood bulletin boards, etc.; and,

c. primarily park areas which may include features such as pathways, park benches and children's play structures.

Pathways

10D.6.3. Pathways for all modes of *active transportation* are to be designed using universal design standards to create safe, interesting, convenient and varied environments for all residents.

(Amended by By-Law Number 2017-57, OPA Number 50)

Passive Open Space Along Collins Creek

10D.6.4. The passive open space along Collins Creek is situated along the western periphery of the neighbourhood and overlooks the Lower Collins Creek Wetland. It abuts the proposed western limit of physical construction and generally corresponds to lands within 110 metres (361 ft.) of the *wetland*. The passive open space along Collins Creek must be acquired for public ownership and zoned to ensure the lands remain in a natural state.

Large sections of the passive open space along Collins Creek are predominantly treed and portions are considered as *significant woodland*. The lands serve as a *buffer* to protect the Lower Collins Creek Wetland, protect the sloped or valley land areas along the Lower Collins Creek Wetland, provide a linkage for wildlife movement along the Collins Creek corridor, and provide an aesthetic "green" element for neighbourhood health.

A pathway near the Lower Collins Creek Wetland, if constructed, should be at a location where it will provide for both a *recreational* experience and an opportunity to experience a comparatively natural setting while minimizing potential impact on the environment. It should be designed so as to prohibit the use of the pathway for motorized vehicles, excepting mobility devices where feasible.

(Amended by By-Law Number 2017-57, OPA Number 50)

Parkland Dedication

10D.6.5. As a condition of *development* of land for residential purposes, lands will be conveyed to the municipality for parks or other public *recreational* purposes in accordance with Section 3.8.14 of this Plan.

Each *development* may be required to post securities equivalent to the required parkland contribution pending *development* of the central community park or other public *recreational* purpose within the Cataraqui West neighbourhood or until such time as the required lands have been deeded to the municipality.

10D.7 Environmental Protection Policies

Areas of environmental significance and ecological sensitivity are designated Environmental Protection Area. This designation applies to lands within the Lower Collins Creek Wetland. The following policies and the applicable policies of this Plan apply:

a. where a *development* project is proposed on lands adjacent to an Open Space designation that abuts an Environmental Protection Area, Council will, as part of its consideration of the *development* request, require the preparation and approval of *Environmental Impact Assessment* (EIA) in accordance with the intent of Section 3.10 of this Plan, the Provincial Policy Statement, and the Guidelines for Environmental Impact Assessments;

b. within Environmental Protection Areas, only public uses identified in Section 3.10 of this Plan, and consistent with the intent of the Provincial Policy Statement are permitted; and

c. when considering a *development* project, Council must have regard for the *natural heritage system* considerations as set out in this Plan.

(Amended by By-Law Number 2017-57, OPA Number 50)

10D.8 General Policies

The following policies apply to all designations:

Permitted Uses in All Designations

a. in all land use designations, except the Environmental Protection Area, public utilities, public uses, parkettes, and pathways are permitted provided such uses are necessary in the area, and are or can be made *compatible* with their surroundings. The existing gas pipeline and Hydro corridor and any approved stormwater management works are permitted in the Environmental Protection Area and any future *electricity generation facility* and *electricity transmission and distribution system* will be permitted in any land use designation subject to Ministry of the Environment and Climate Change regulations and the applicable policies of the Provincial Policy Statement.

(OMB Order Number PL100149 dated August 25, 2010)

Institutional Uses

b. institutional uses are permitted in all land use designations, except the Environmental Protection Area and Open Space. The locations of institutional uses will be in accordance with the following guidelines:

- uses permitted may include places of worship, neighbourhood centres, nursing homes, schools, and other similar uses;
- sites should be located close to and within easy walking distance of public transit routes; and,
- sites should be located close to and have convenient access to an arterial or collector road and should not be situated in a location which generates undue volumes of traffic through adjoining local residential streets;

Public Use

c. The term public use means uses such as elementary schools and public services provided by any level of government and its associated boards, commissions or agencies, provided the location of such uses is required within the neighbourhood and is *compatible* with adjacent uses and natural features of the area; and,

Public Utilities

d. The term public utilities means public services supplied to or available for use or consumption by the public. Public utilities include uses such as: roads; water reservoir and/or tower; water mains; water pumping stations; sewers; sewage pumping stations; stormwater management facilities; power lines; electrical substations; electricity transmission lines; transformer or distribution station; any telephone, cable television or telegraph company lines; exchanges; towers; and, any natural gas or oil pipeline distribution system operated by a company which possess all the necessary powers, rights, licences and franchises.

(OMB Order Number PL100149 dated August 25, 2010)

(Amended by By-Law Number 2017-57, OPA Number 50)

10D.9 Transportation Policies

Local roads are not shown on Schedule CW-1. The local roads system is intended to accommodate the requirements of *active transportation*, public transit, automobiles, service vehicles and other supporting features such as parking, laneways, loading areas, street furniture and tree planting all as may be deemed appropriate.

In the Cataraqui West neighbourhood:

a. the transportation network is to complement the overall transportation network in the City as set out in Section 4.6 of this Plan;

b. planned transportation networks are intended to:

- encourage residents to use *active transportation* or public transit to gain access to parks and open spaces, commercial uses, public service facilities and *employment areas*;
- optimize local traffic circulation patterns; and,
- assist in defining the limits of a neighbourhood or non-residential *development.*

c. the road design is intended to distribute traffic movement evenly over the entire neighbourhood road network, thereby encouraging a greater distribution of both vehicles and pedestrians throughout the neighbourhood;

d. intersection improvements, not part of the City's Development Charges By-Law, or not included as part of municipal policies and practices relating to cost sharing are the responsibility of the developers. Improvements will be implemented through the *development* approvals process;

e. noise studies may be required in accordance with Ministry of the Environment and Climate Change guidelines. Appropriate measures to mitigate *adverse effects* from vehicular noise identified by such studies must be undertaken by the *development* proponent;

f. an amendment to this Plan will not be required where approvals such as variation in road allowance widths in Section 4.6 of this Plan are proposed;

g. an interconnected modified grid pattern of neighbourhood streets is encouraged in order to facilitate permeability of movement and

ease in provision of transit routes. The use of curvilinear street layouts and cul-de-sacs is to be minimized;

h. roads entering the neighbourhood from the collector and arterial roads should be treated as gateways. To achieve the desired effect a variety of techniques are encouraged, including: planted medians in road allowances; gate-like structures or ornamental walls on either side of the roadways; special plantings; pavement treatments; and lighting. Materials and techniques used must be low maintenance in nature;

i. a consistent standard of building and site design must be employed along the roads which serve as gateways in order to create a sense of neighbourhood coherence and identity;

j. the neighbourhood road system forms an integral part of the system of pathways referenced in Section 4.6 of this Plan; and

k. integrated traffic calming devices and landscaping measures needed to mitigate the impact(s) from *development* of the Cataraqui West neighbourhood on *active transportation* and vehicular traffic conditions within the Cataraqui West neighbourhood, to be determined in accordance with the City's Traffic Calming Policy and Subdivision Design Standards.

(Amended by By-Law Number 2017-57, OPA Number 50)

10D.10 Development Policies

In addition to the applicable growth management policies in Section 2 of this Plan, which have been incorporated into the City's urban growth management program, the following additional policies apply:

10D.10.1. Natural Environment

Every reasonable effort will be made to ensure that *development* proposals contribute to an environmentally-sensitive, healthy, urban setting. Specifically:

a. street layouts will be designed to provide maximum opportunities for housing with solar orientation;

b. appropriate species of deciduous trees will be planted in the street boulevards throughout the neighbourhood to provide, ultimately, a continuous tree canopy to enhance *wildlife habitat* and serve as connecting links with open space and other natural areas. All tree planting, removal and replacement works must be undertaken in accordance with the City's Tree By-Law;

c. control of stormwater run-off will be provided by a system of stormwater management facilities designed to minimize the impact of new *development* on *quality and quantity of water* and to minimize effects to aquatic habitat and *fish habitat*;

d. stormwater management for individual *development* projects must be designed in accordance with Section 4.3 of this Plan; and

e. where deemed appropriate by Council and/or the Conservation Authority *development* approval will require the preparation of an information package for landowners outlining best practices with respect to property maintenance and the environment.

(Amended by By-Law Number 2017-57, OPA Number 50)

10D.10.2. Servicing Strategy

Development and public works must be undertaken in an orderly, cost-efficient manner in accordance with the following policies:

a. new *development* must be connected to the municipal sewer and water distribution system;

b. *development* of lands must proceed commensurate with the demonstrated availability of sufficient capacity within the sanitary sewer and water distribution systems, and the adequacy of the roads system;

c. *development* plans submitted for each developer's landholdings may require that they be supported by a traffic impact study satisfactory to the City;

d. each *development* application will be assessed with respect to the City's water treatment and distribution system, sanitary sewage collection and treatment systems to confirm the ability of these systems to accommodate the new *development*;

e. the precise layout and configuration of the open space areas as referenced in Section 3.8 of this Plan may be further refined to the satisfaction of Council and area school boards prior to the approval of any *development* application; and,

f. the holding (H) provision of the *Planning Act* will be used to delay *development* until such time as municipal services, including necessary road access points to the Cataraqui West neighbourhood, are available in accordance with Section 9.5.21 of this Plan.

10D.10.3. Developer Cost Sharing Agreements

It is recognized that some matters may require developer cost sharing agreements to ensure the implementation of this Plan. Among other things, such developer cost sharing agreements will deal with:

a. equalization costs for providing schools, parks, etc.;

b. construction of stormwater management facilities such as covered culverts, open channels, detention ponds, sanitary sewers, piped water lines, etc.;

c. coordinated design studies;

d. common roadways and related elements, including intersection and roadway improvements, signalization and transit stops; and,

e. the City may require that developer cost sharing agreements and other relevant agreements sufficient to ensure the implementation of these policies be entered into with the City prior to the final approval and registration of any related subdivision plans. In the context of this policy, the City will support reasonable cost sharing arrangements amongst benefiting landowners by using its best efforts to secure reasonable repayments to landowners or landowner groups who have front-ended such costs from benefiting landowners who have not contributed to such costs.

Parking

10D.10.4. Parking areas will be provided in accordance with the parking policies in Section 4.6 of this Plan.

Cultural Heritage

10D.10.5. *Development* must be in accordance with the provisions in Section 7 of this Plan.

Community Design Principles

10D.10.6. *Development* undertaken in accordance with Sections 2, 3, and 8 of this Plan will promote the Cataraqui West neighbourhood as:

a. a socially sustainable community that encourages a wide range of social and economic opportunities and transportation choices for day-to-day living;

b. an economically sustainable community that facilitates live-work opportunities, encourages a variety of housing types and promotes

safe and easy access by public transit and alternative modes of transportation; and,

c. an environmentally sustainable community that is sympathetic to the natural environment and encourages energy efficiency and the introduction and use of affordable government-approved building technologies.

Implementation and Interpretation

10D.10.7. The Administration and Interpretation policies of Section 9 of this Plan apply.

10E. Princess Street Corridor Specific Policy Area

The Princess Street Corridor, as shown on Schedules 2 and 13 of this Plan, extends from Ontario Street to Midland Avenue. Section 2 of the Official Plan (Strategic Policy Direction) indicates that the Princess Street Corridor will continue to evolve as a mixed use *development* area with mixed use buildings containing residential, employment and retail uses. The Corridor is also to be the focus of future *intensification* and a priority transit route.

It is intended that major *development* and an increase in net urban residential density will be directed to the compact, mixed land use *development* areas along the Princess Street Corridor, as well as in the Centres identified in the Official Plan. This will provide support for transit, *infrastructure*, and increased levels of economic activity in a pedestrian-oriented setting. In order to achieve the goal of being pedestrian and transit supportive, mixed used *developments* along the Corridor are expected to achieve a minimum density of 75 *residential units* per net hectare as a target for new residential *development*.

Existing *development* and land uses along the Princess Street Corridor are diverse and cover a distance of approximately 8.5 kilometres. It is the intention of the City to undertake research and studies related to land use issues, including urban design guidelines, for the Princess Street Corridor. Based on geography, existing land uses, and built form, the Princess Street Corridor has been divided into the following four components:

1. Central Business District (CBD/Downtown – Ontario Street to Division Street);
2. Williamsville Main Street (Division Street to Bath Road/Concession Street);
3. Bath Road/Concession Street to the CN Rail Line; and,
4. CN Rail Line to Midland Avenue.

Policies regarding the CBD are detailed in Section 10A, Downtown & Harbour Specific Policy Area. Policies about the other components of the Princess Street Corridor will be included with this Section of the Official Plan as area-specific studies are completed.

(Amended by By-Law Number 2017-57, OPA Number 50)

Goal:

To have a cohesive plan for the future *development* of the properties along the Princess Street Corridor, which takes into consideration *sustainability*, the protection of natural features and cultural heritage resources, *intensification* targets, appropriate built form, *active transportation*, and economic development.

(Amended by By-Law Number 2017-57, OPA Number 50)

Objectives:

a. To ensure that *development* meets the *intensification* targets set out in this Official Plan;

b. To ensure that densities along the Princess Street Corridor are supportive of a priority transit route;

c. To provide a built environment that is supportive of pedestrians and encourages *active transportation*;

d. To ensure that *development* is *compatible* with adjacent properties, including any adjacent natural or *cultural heritage resources*;

e. To protect *built heritage resources* and ensure that additions or modifications to such structures are appropriate and complementary; and,

f. To encourage the retention of existing businesses and the attraction of new businesses to the Princess Street Corridor.

(Added by By-Law Number 2013-147, OPA Number 21)

(Amended by By-Law Number 2017-57, OPA Number 50)

10E.1 Williamsville Main Street

(Added by By-Law Number 2013-147, OPA Number 21)

(Amended by By-Law Number 2017-57, OPA Number 50)

(Amended by By-Law Number 2021-01, OPA Number 71)

The Williamsville Main Street, which extends between the westerly limit of the Central Business District at Division Street and the Bath Road/Concession Street intersection, is a major component of the Princess Street Corridor, as shown on Schedule 2. It is intended to be a focus of *development* in a pedestrian-oriented form that will provide support for the Princess Street transit corridor and more sustainable means of growth. The Williamsville Main Street is shown on Schedule PS-1 of this Plan.

(Added by By-Law Number 2021-01, OPA Number 71))

Vision

10E.1.1. The vision for the Williamsville Main Street corridor is a vibrant and active intensification area with a mix of land uses framing an improved, pedestrian-oriented streetscape.

(Added by By-Law Number 2021-01, OPA Number 71)

Guiding Principles

10E.1.2.

a. Ensure community vitality through a mix of uses that includes retail/commercial at grade.

b. Improve the pedestrian and cyclist experience along Princess Street.

c. Identify opportunities to green the public and private realm.

d. Guide *development* at an appropriate scale and density that is *compatible* with the street width and neighbourhood context.

e. Encourage high quality architecture that is representative of the cultural heritage of Williamsville.

f. Protect existing residential areas from *adverse effects*.

g. Provide a sustainable framework for future *development*, including phasing-in of development so that it does not compromise the long-term servicing strategy for Williamsville.

(Added by By-Law Number 2021-01, OPA Number 71)

Policies:

Permitted Uses

10E.1.3. Permitted uses are outlined in Section 3.4.C, Main Street Commercial. Ground floor commercial uses are required for properties on Princess Street as shown on Schedule PS-1. Other properties in the area may be developed with a mix of commercial/office and residential at-grade.

(Added by By-Law Number 2021-01, OPA Number 71)

Other Official Plan Policies

10E.1.4. In addition to these area-specific policies, there are other policies of the Official Plan that also apply to the Williamsville Main Street. Where there is a conflict between these area-specific policies and other policies of the Official Plan, the area-specific policies will prevail.

(Added by By-Law Number 2021-01, OPA Number 71)

Cultural Heritage Resources and Character

10E.1.5. The Williamsville Main Street has an evolving character that will continue to be defined by its role as a main transportation corridor and a priority transit route for the City. New *development* must protect, enhance, support or adaptively re-use cultural heritage resources. The heritage

character statement for the Williamsville corridor is as follows: “The Williamsville study area is a linear mixed-use district with land uses and built form largely determined by the evolving nature of Princess Street.” The key heritage character defining element of the corridor is the pattern of streets and blocks determined by the juxtaposition of Princess Street and the existing street grid.

(Added by By-Law Number 2021-01, OPA Number 71)

Transit

10E.1.6. Transit service is important to further growth and *development* within the Williamsville Main Street. The Williamsville Main Street is part of the Princess Street Corridor, which is identified in the Official Plan as a priority transit route and the focus of future *intensification*.

(Added by By-Law Number 2021-01, OPA Number 71)

Urban & Sustainable Design

10E.1.7. New *development* within the Williamsville Main Street shall be designed in accordance with the urban design principles developed through the addendum to the Williamsville Main Street Study (2020). Any application for new *development* will be reviewed during the site plan control review process in terms of its compatibility with the architectural character of the area in which it is located and based on the addendum to the Williamsville Main Street Study (2020).

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.8. Storm water management is required. Buildings and site design shall control the rate of storm water run-off as per the City’s current design criteria.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.9 Green roofs are encouraged for all new *developments*. Where a green roof is also accessible to the building occupants as amenity area, it may be considered by the City as part of a *development’s* required amenity area calculation in the Zoning By-Law. Green roofs can be a combination of landscaped and hardscaped surfaces.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.10. Buildings and windows should be oriented and designed such that natural means of heating, cooling, ventilating, lighting interior spaces and avoiding intrusive overlook are maximized.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.11. New *development* will be sited and designed to optimize pedestrian comfort related to weather, including, but not limited to, precipitation, heat, cold, shadowing, and wind.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.12. The use of high quality and appropriate exterior building materials at ground level, particularly at the streetwall and areas that are visible from Princess Street, is an important design consideration to help new *development* support the public realm and fit within the planned context for Williamsville. New *development* will utilize primary exterior materials selected for their permanence, durability and energy efficiency.

(Added by By-Law Number 2021-01, OPA Number 71)

Public Realm Design

10E.1.13. Pedestrian movement and the function and aesthetic quality of the street are priorities for the public realm in the corridor, in order to transform the street into an attractive and vibrant destination.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.14. The setbacks along the street frontages are intended to provide a wider pedestrian realm. A widened pedestrian realm provides room for pedestrian movement, window shopping, chance meetings, retail overflow, small patios, and doorways and building entrances. This area may also include private street furniture, private signage, merchandise displays, and other similar elements.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.15. Planted and hardscaped areas with the potential for site furnishings, such as benches, secure bicycle parking, and transit shelters are strongly encouraged. Wherever possible, the boulevard should contain a linear planting of street trees in clustered tree trenches to encourage longevity and viability.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.16. The sidewalk and front façade of *developments* fronting onto Princess Street should generally be continuous, except where building forecourts, gardens, or other public access is required.

(Added by By-Law Number 2021-01, OPA Number 71)

Ground Floor Conditions

10E.1.17. The floor-to-floor height of the ground level must be a minimum of 4.5 metres. This will facilitate commercial uses at grade and will ensure that the ground floor has a continuous character.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.18. In the case of corner sites, the commercial uses should wrap the corner of the building, occupying a portion of the frontage on the secondary street.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.19. Entrances for all land uses off of Princess Street, Division Street, Bath Road and Concession Street, as well as any commercial uses that wrap the corner of any side streets off of Princess Street, must be constructed at-grade to be accessible and to allow for viable commercial spaces.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.20. Where ground floor residential uses are permitted along Princess Street, Division Street, Bath Road, and Concession Street, the building design must contribute to the pedestrian activity and amenity of the street and complement the commercial storefront design and character of the street. Residential uses will include an appropriate transition from the public to private realm. The height of the ground floor units must enable future conversions to commercial uses.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.21. Where residential uses are proposed on side streets not listed in Section 10E.1.19, each unit shall have an independent pedestrian access. Some entrances may be raised above sidewalk level to provide transition from the public to private realm and/or to provide private amenity space or landscaping to buffer the residential unit from the public realm.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.22. Canopies, cantilevers, awnings, recessed entrances, covered walkways and porticoes are recommended to provide weather protection to pedestrians and help articulate building elevations.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.23. To encourage pedestrian interaction and enhance safety, facades facing Princess Street or adjacent to public open spaces shall be composed of large areas of glazing and should occupy a minimum of 60% of the ground floor frontage. The treatment of the ground floor shall be highly transparent with strong visual connections between the street and the ground floor interior spaces. Clear glass is preferable to promote the highest level of visibility. Lifestyle graphics and other forms of images that result in a solid panel behind glazing, or other permanent opaque coverings on windows and doors that prevent views into the ground floor of buildings are not considered glazing for the purpose of this policy.

(Added by By-Law Number 2021-01, OPA Number 71)

(OLT Order dated July 16, 2021, Case Number PL210077)

10E.1.24. Where residential or office uses are included above commercial uses, a separate exterior entrance must be provided at-grade. Long frontages without active entrances are discouraged.

(Added by By-Law Number 2021-01, OPA Number 71)

Building Width and Articulation

10E.1.25. Building massing will be articulated or broken up through a continuous rhythm of building fronts achieved through a pattern of projections and recessions, entrances, display spaces, signage, and glazed areas to ensure that facades are not overly wide. The intent is to create the sense of having multiple buildings along the width of the building. Vertical breaks and stepbacks will also be required.

(Added by By-Law Number 2021-01, OPA Number 71)

Streetwall Heights

10E.1.26. New *development* shall support a vibrant pedestrian environment by establishing and maintaining a continuous streetwall that frames Princess Street. New *development* should provide a streetwall height of three to four storeys.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.27. Where new development is adjacent to existing development on a side street, the new development will reflect the scale of that development in its design and provide for an appropriate built form transition.

(Added by By-Law Number 2021-01, OPA Number 71)

Building Heights

10E.1.28. For the purposes of the Williamsville Main Street Corridor, any building up to 6 storeys in height is considered a mid-rise building, and a building greater than 6 storeys in height is considered to be a tall building.

a. Buildings shall be no taller than a 6 storey mid-rise building, unless specifically identified in the height map in Schedule PS-1 as being in an appropriate location for a tall building. Mechanical penthouses, other rooftop mechanical equipment, and architectural appurtenances to support green roofs, other rooftop sustainability elements, and rooftop amenity spaces are not considered to be a storey and may exceed the maximum allowable building height, provided they are appropriately screened and buffered from the street and adjacent residential areas.

b. Where specifically permitted by Schedule PS-1, tall buildings shall have a podium no greater than 6 storeys in height in keeping with the intended form and function of the corridor. The tower portion of such tall building shall be designed in accordance with Section 10E.1.32.

c. New developments must provide for appropriate transitions in height and massing between Princess Street and the adjacent residential areas.

d. The minimum and maximum heights are regulated through the implementing zoning by-law and are intended to represent a firm cap on the height of new buildings.

(Added by By-Law Number 2021-01, OPA Number 71)

Mid-Rise Building Setbacks and Stepbacks

10E.1.29. Mid-rise buildings shall be set back from lot lines shared with properties designated for residential use. The intent is to concentrate building massing near Princess Street and provide physical separation between the new larger development and existing residential uses. This setback will be detailed in the implementing zoning by-law.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.30. The following policies apply to stepbacks of mid-rise buildings:

a. Buildings shall include stepbacks above the 4th floor where a building faces a street.

b. Buildings shall include stepbacks above the 2nd floor where a building is adjacent to a low-rise residential building and no rear lane as per Section 10E.1.39 is proposed. Notwithstanding the required setbacks, where a building fronting onto Princess Street incorporates a low-rise built form intended to mimic grade related townhouse units, which are no greater than 2-storeys in height and at a maximum depth of 20 metres from the street face, the setbacks to the rear property line may be reduced for the low-rise built form component.

c. Spaces created by building stepbacks are encouraged to be used for amenity area and the inclusion of green space.

d. Required stepbacks will be detailed in the implementing zoning by-law.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.31. Along Princess Street, the portion of the building above the streetwall may step back from the side property line(s) adjacent to another building fronting Princess Street to provide space to incorporate window openings. Separation distance between new *development* and existing buildings must be in keeping with the requirements of the Ontario Building Code to allow for sufficient glazing and access to sunlight.

(Added by By-Law Number 2021-01, OPA Number 71)

Tall Buildings

10E.1.32. The following policies apply to tall buildings:

a. Tall buildings will be designed with a mid-rise podium to reflect the intent and character of the addendum to the Williamsville Main Street Study (2020). These podiums will incorporate a mix of commercial and residential uses and shall meet all policies of Section 10E.1 that apply to the design of a mid-rise building.

b. The tower component of tall buildings will have a maximum floorplate of 790 square metres.

c. The tower component of tall buildings will be separated from each other by a minimum of 25 metres, measured from the two closest points between the towers. The tower component shall be setback a minimum of 12.5 metres from the property line of an adjacent property, except where the adjacent property has already been developed with a tall building, such tower may be located closer than 12.5 metres to the property line so long as the 25 metre separation distance between towers is maintained.

d. Consideration should be given to the location of a tower on a site. Towers will be located as far as possible from adjacent low-rise developments. Additional stepbacks from the top of the mid-rise podium will be required.

(Added by By-Law Number 2021-01, OPA Number 71)

Projections

10E.1.33. New *developments* shall not contain balconies that project beyond the face of the building for the first three storeys for all facades that face a street. For clarity, balconies can be inset to provide private amenity space for residents for the first three storeys. Balconies on the rear façade of *developments* may project from the building face above the second storey but should be set back from the rear property line. Balconies of new *developments* shall not encroach into the public road allowance.

(Added by By-Law Number 2021-01, OPA Number 71)

Blank Side Walls

10E.1.34. Blank side wall conditions may be acceptable up to a height of four (4) storeys if treated properly. To mitigate the impact of blank walls, they should be designed with a material finish that complements the architectural character of the main building façade. Blank walls are not permitted facing a street, and are only appropriate where they exist near to an existing building or where a future building can reasonably be expected.

(Added by By-Law Number 2021-01, OPA Number 71)

Required Parking

10E.1.35. The implementing zoning by-law requires residential parking spaces to be provided at a specific ratio based on the number of dwelling units. The City may support reductions in the required number of residential parking spaces through an application for a minor variance. Such application may seek to provide as few as zero parking spaces for residential units and shall be supported by a Parking Justification Report prepared by a qualified professional demonstrating that the proposed number of spaces is adequate to meet the future anticipated demand and does not impact or place demand on the public parking supply. Such proposals may also consider proposed additional methods to mitigate vehicle ownership and use through features in the building that support multi-modal living.

(Added by By-Law Number 2021-01, OPA Number 71)

10E.1.36. The City may support reductions in the required number of non-residential parking spaces through an application for a minor variance if it is supported by a Parking Justification Report prepared by a qualified professional demonstrating that the proposed number of spaces is adequate to meet the future anticipated demand.

(Added by By-Law Number 2021-01, OPA Number 71)

Structured Parking

10E.1.37. Any new structured parking facilities will be developed according to the following policies:

a. Structured parking that fronts onto Princess Street will be developed with active uses at ground level to provide attractive facades, animate the streetscape, and enhance pedestrian safety.

b. Vehicular access to the parking structure will be located at the rear and/or side of the building away from frontages along Princess Street, wherever possible.

c. Pedestrian entrances for the parking structure should be located adjacent to main building entrances, public streets, or other highly visible locations.

d. Parking structures that front onto secondary streets will be screened from view at sidewalk level and the ground floor level of the building should be enhanced through architectural detailing and landscaping.

e. Structured parking will be designed using the concepts and principles of Crime Prevention Through Environmental Design (CPTED).

f. Structured parking will be designed in such a way as to be able to be repurposed for other uses should the demand for parking decrease. Examples include, but are not limited to, conversions to accommodate more bicycle parking, communal amenity areas, or storage spaces.

(Added by By-Law Number 2021-01, OPA Number 71)

Surface Parking

10E.1.38. Any new surface parking facilities will be developed according to the following policies:

a. Where surface parking for new *development* is necessary, parking lots should be located at the rear of buildings. Surface parking lots shall not be permitted in front of buildings facing Princess Street or on lots directly abutting Princess Street.

b. Private surface parking facilities will not be permitted as the primary long-term use of the property.

c. Planting strips, landscaped traffic islands, and/or paving articulation should be used to define vehicle routes and smaller parking courts that provide pedestrian walkways, improve edge conditions, and minimize the negative visual impact of surface parking.

d. Landscaping, or other parking area screening devices, should not obstruct the primary building façade or total visibility of the parking area.

e. Preferential parking for bicycles, energy efficient vehicles, and car-share services are encouraged.

f. Surface parking will be designed in such a way as to be able to be repurposed for other uses should the demand for parking decrease.

Examples include, but are not limited to, space for additional structures, bicycle parking, or outdoor amenity areas.

(Added by By-Law Number 2021-01, OPA Number 71)

Rear Lanes

10E.1.39. Rear lanes may be used to service commercial uses and provide access to structured and below grade parking, and shall be developed in accordance with the following policies:

a. Rear lanes shall enter and exit onto adjacent side streets.

b. New *developments* along Princess Street should seek opportunities to provide continuity to existing adjacent rear lane systems where the lane condition terminates adjacent to the property.

c. Where new *developments* occur and lanes are required to provide access to rear lot parking facilities, the primary façade of the building should not face the lane, nor should the primary pedestrian ground level access be provided from a rear lane. This is necessary as it is important to maintain primary ground level access from the street in order to encourage street activity and to facilitate pedestrian movement.

d. Where new lanes are provided, a minimum width of 8.0 metres is required to accommodate appropriate vehicular and active transportation access.

(Added by By-Law Number 2021-01, OPA Number 71)

Vehicle Access, Loading and Servicing

10E.1.40. Vehicle access points and loading and servicing areas shall be appropriately located and screened from public view, and shall be developed in accordance with the following policies:

a. Wherever possible, vehicular access to on-site parking, loading, and servicing facilities shall be provided from side streets and rear lanes, and not from Princess Street.

b. Loading and service areas will be screened from prominent public areas and adjacent residential areas.

c. Service and drop-off area circulation shall not interfere with accessible pedestrian circulation.

d. Servicing and loading areas should be located in a coordinated manner within buildings rather than in adjacent structures or in

outdoor areas. Garbage, loading, servicing, and utility functions should be integrated either adjacent to, or within the interior of a building at the rear whenever possible, with access from a rear lane or side street.

e. The number of curb cuts shall be reduced along Princess Street, wherever possible. This will increase opportunities for landscaping treatments and street furnishings, while creating continuity and providing safety to the pedestrian environment. New curb cuts are not recommended for *developments* fronting onto Princess Street. All such *developments* should be accessed by existing rear lanes, new rear lanes, side streets, or adjacent properties.

(Added by By-Law Number 2021-01, OPA Number 71)

Servicing Capacity

10E.1.41. The review of a proposed *development* in Williamsville will ensure that the *development* does not compromise the servicing capacity of the area and/or hinder the development of other properties by limiting their access to servicing capacity**.** The Zoning By-Law may use a holding symbol to ensure the availability of servicing and may contain a maximum density provision to protect the full build out of this area.

The purpose of this density limit is to support the distribution of servicing capacity throughout the corridor, and to ensure that individual projects are not able to claim servicing capacity such that development of adjacent lands would be prohibited or unduly impacted. The limits are included in the zoning provisions to ensure that staff have the ability to recommend variances where appropriate. This is because residential densities measured in units per hectare are not an exact science, and the specific configuration of a building can greatly impact the calculation. The intent is to ensure that density limits support the appropriate build-out of the corridor without an undue focus on the specific number.

(Added by By-Law Number 2021-01, OPA Number 71)

Parkettes

10E.1.42. In addition to parks within walking distance of the Williamsville Main Street, such as Victoria Park and the Memorial Centre, future development plans for the main street area are encouraged to include small urban parkettes. As *intensification* occurs, and more people live and work in the area, it is important that the main street be supported by new open spaces that allow residents access to outdoor space, that improve the pedestrian experience of the streetscape, that provide green landscaping where possible, and that bring people to the area.

a. Parkettes are intended to be small in size, to accommodate intense and all-season uses, and to contain hardscape surfaces and elements, such as sitting areas and public art, and adequate soft landscape planting amenities.

b. Where publicly accessible open space is required as part of the *development* of private property, this open space would need to be secured through parkland dedication, donation, acquisition, or a combination of these methods.

c. Parkette features should reinforce the urban street edge and the parkette should be configured to allow for the functional design and placement of public amenities, such as street trees or benches.

d. The final decision on the design of a parkette, and the facilities or amenities to be included in a parkette, shall be made by the City.

(Added by By-Law Number 2021-01, OPA Number 71)

Green Streets

10E.1.43. Green streets are defined as tree-lined corridors that create important visual links and enhance active transportation connections between areas within and surrounding the Williamsville Main Street. The City will continue to explore options for green streets treatments with consideration of the priorities for specific locations within the Williamsville Main Street Study.

(Added by By-Law Number 2021-01, OPA Number 71)

10F. Kingston Provincial Campus Secondary Plan

The following land use designations and development policies apply to the Kingston Provincial Campus, as shown on Schedule KPC-1. The Kingston Provincial Campus lands are generally bounded by King Street West to the north, Lake Ontario to the south, Portsmouth Village to the east and Lake Ontario Park to the west. The overall intent of the Secondary Plan is to facilitate development of the lands in a manner that respects and integrates with its significant natural and cultural heritage resources, preserves its institutional character, and is integrated with the Providence Care Hospital. It is anticipated that development will occur over time that is complementary to the surrounding open space, educational uses and the Portsmouth Village residential uses, serves the greater community, supports the hospital and encourages the adaptive re-use of existing heritage buildings.

The policies in this Secondary Plan are to be implemented over time in accordance with the "Master Plan + Block Plan Study" dated June 9, 2011. The "Master Plan + Block Plan Study" outlines in greater detail the general land use and urban design concept plan for the Kingston Provincial Campus.

This Secondary Plan has been prepared in accordance with the following supporting studies:

- Master Servicing Infrastructure Plan;
- Transportation Study;
- Financial Implementation Plan; and
- Phasing and Timing Plan.

It is expected that future development plans will provide current and updated studies ensuring that the intent of the Secondary Plan is maintained and the intent of the supporting studies is implemented.

(Added by By-Law Number 2017-186, OPA Number 57)

Goal:

To provide for the comprehensive development of the Kingston Provincial Campus in a way that conserves, protects, and enhances the natural and cultural heritage resources of the Secondary Plan Area while also providing housing, health care and employment opportunities for Kingston's residents.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.1. Objectives

a. To retain and enhance the existing cultural heritage landscape and heritage buildings including opportunities for adaptive reuse of vacant buildings;

b. To preserve views to and from the key cultural heritage resources of the Secondary Plan Area, such as the Rockwood Villa and the Asylum/Penrose building;

c. To encourage *development* of the Kingston Provincial Campus in a manner that complements the adjacent Portsmouth Village;

d. To maintain the historic curvilinear development patterns of the streets/laneways found within the Heritage Landscape designation;

e. To provide for a range and mix of housing types in order to achieve a balance with the surrounding community, including the provision of affordable housing;

f. To ensure that future development, including residential, commercial, mixed use or institutional, is compatible with the existing uses on the Kingston Provincial Campus and surrounding areas;

g. To promote and achieve opportunities for sustainability through low impact development measures and innovative stormwater management techniques, and active transportation;

h. To promote sustainability and energy conservation in accordance with the sustainable development policies of Section 2.1 of this Plan.

i. To encourage alternative modes of transportation including walking, bicycling and public transportation as a means to connect to the greater community;

j. To promote development that enhances the existing links between the Kingston Provincial Campus and surrounding land uses by providing connections from Lake Ontario Park, St. Lawrence College, Lake Ontario, and Portsmouth Village;

k. To integrate existing vegetation and new landscaping to produce a more naturalized space;

l. To ensure the long term protection of and recognition of the significant role that Lake Ontario plays in the Kingston Provincial

Campus' sense of place, recreational needs and natural heritage system,

m. To promote development that acknowledges the unique culture, history and character that defines the Kingston Provincial Campus;

n. To promote development that reinforces the quality and diversity of heritage buildings;

o. To promote development that strengthens the Kingston Provincial Campus as a place where people live, work, play and gather; and,

p. To ensure that development and the provision of municipal services on the Kingston Provincial Campus occurs in logical phases that are efficient and financially responsible.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.2 Land Use Policies

10F.2.1. The Kingston Provincial Campus Secondary Plan Area is to be developed in accordance with the land use designations shown on Schedule KPC-1. Land uses are divided into the following designations:

- Residential (Low Density Residential, Medium Density Residential and High Density Residential);
- Mixed Use;
- Institutional;
- Heritage Landscape; and
- Environmental Protection Area.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3 Residential Policies

The Low, Medium and High Density Residential designations are applied to areas of the Secondary Plan that will contain a variety of residential building types.

(Added by By-Law Number 2017-186, OPA Number 57)

Permitted Uses

10F.3.1. The predominant use of land in areas within a Residential designation is for residential with other uses which are complementary to and serve the principle residential use such as public parks, home occupations, day care

facilities, public uses and utilities in appropriate locations. The Mixed Use designation may also accommodate limited commercial, office and retail uses, with the primary land use being residential.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.2. Where appropriate and compatible, small-scale neighbourhood commercial uses may be permitted through a zoning by-law amendment on a site-specific basis within the Residential designations. Neighbourhood commercial uses shall be developed in accordance with Section 3.4.F of this Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.3. The existing office uses within the Beechgrove complex are anticipated to be phased out over time as this area becomes available for residential development. Minor expansions to the existing office buildings in this area are permitted without an amendment to this Plan, subject to site plan control review. New office buildings are not permitted.

(Added by By-Law Number 2017-186, OPA Number 57)

General Residential Policies

10F.3.4. Residential development in the Secondary Plan Area is subject to the following:

a. A variety of compatible housing types and building forms are encouraged in order to accommodate different and changing housing needs;

b. The provision of walkways, sidewalks and bicycle paths must be designed to facilitate pedestrian connectivity throughout the residential areas to allow for convenient pedestrian movement and active transportation;

c. Variety in density of development is encouraged. Densities are to be calculated on a “net area basis”. Net area is calculated as an area of one or more lots, blocks or parcels of land, the principal use of which is for residential purposes;

d. Residential lots abutting the Heritage Landscape designation will require increased yard setbacks to be implemented through the zoning by-law. The construction of accessory buildings and structures will be limited to the rear yard through the implementing zoning by-law;

e. Proposed residential development shall be compatible and provide appropriate land use and built form transitions between the land

uses on the Kingston Provincial Campus, existing adjacent development and the surrounding neighbourhood, including Portsmouth Village;

f. At least 25 percent of the approved residential units shall be for affordable housing;

g. A zoning by-law amendment(s) will be required to reflect and appropriately implement the policies of the Secondary Plan and provide appropriate zone categories and standards to guide development; and

h. Prior to any plan of subdivision being considered by Council, proponents are required to submit a concept plan and subdivision demonstration report encompassing their entire land holdings to Council for approval which:

- is consistent with the policies of this Plan and Schedule KPC-1; and
- includes detailed proposals for the road pattern, land use distribution, including dwelling types, residential densities, urban design considerations, cultural heritage impacts, municipal servicing and traffic analysis and other appropriate information.

(Added by By-Law Number 2017-186, OPA Number 57)

Home Occupations

10F.3.5. Home occupations are permitted within the Residential designations and must be developed in accordance with Section 3.1.7 of this Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

Low Density Residential Policies

10F.3.6. Permitted uses within the Low Density Residential designation include single detached dwellings, linked single dwellings, and semi-detached dwellings.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.7. The development density within the Low Density Residential designation shall range from 15-30 dwelling units per net hectare of land.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.8. The maximum building height within the Low Density Residential designation shall be two (2) storeys to be compatible with the surrounding

residential area and the buildings within the Heritage Landscape designation.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.9. When considering new development within the Low Density Residential designation, the following design guidelines apply:

a. Site Design and Building Orientation

- Variations in front yard setbacks are encouraged throughout this area to provide for more interesting streetscapes, and/or to integrate and preserve existing natural features.
- Every effort should be made to retain existing mature trees in this area.
- Lot sizes in the Low Density Residential designation should be designed to reflect the lot pattern of the adjacent single-detached housing in the surrounding residential area.

b. Built Form, Height and Massing

- Building height within the Low Density Residential designation is limited to (2) two storeys to be consistent with the surrounding residential area and significant heritage buildings.

c. Building Articulation and Detailing

- Building projections (i.e. porches, decks, canopies and stairs) are encouraged as transitional elements that provide access, amenity space and weather protection.
- Residential units with direct access to the street should have landscaped yard space, setbacks or low fences to create some privacy separation for these units and provide some semi-private outdoor space.
- Materials used in the design of the dwelling units should be compatible with the existing surrounding uses.
- To reduce the dominance of the garages along streetscapes, attached garages located at the front or

side of the house shall be no wider than one half the width of the house and driveways shall be restricted to the width of the garage access.

(Added by By-Law Number 2017-186, OPA Number 57)

Medium Density Residential

10F.3.10. Permitted uses within the Medium Density Residential designation include townhouses, maisonettes, walk-up and small-scale apartments.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.11. The development density within the Medium Density Residential designation shall range from 30-75 dwelling units per net hectare of land.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.12. The maximum building height within the Medium Density Residential designation shall be four (4) storeys.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.13. Medium Density Residential areas shall be compatible with the character of the Heritage Landscape designation and enhanced through the preservation and/or planting of mature trees and shrubs along roadsides, pathways and on residential properties.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.14. When considering new development in the Medium Density Residential designation, the following design guidelines apply:

a. Site Design and Building Orientation

- Buildings should be oriented towards the internal streets in this area as well as to open spaces.
- Variations in front yard setbacks are encouraged to provide a more interesting streetscape, and/or to integrate and preserve existing natural features (i.e. mature trees and other natural features).
- Every effort should be made to retain existing mature trees in this area.

b. Built Form, Height and Massing

- New residential buildings in proximity to existing residential areas should be designed so that the building form, height and massing are sensitive to the

scale and building height of the adjacent existing buildings.

- Buildings should have a well-defined base or street wall to reduce the massing of the building.
- Shadow impacts should be minimized on adjacent open spaces, buildings and streets.

c. Building Articulation and Detailing

- Main entrances to residential buildings/units should be directly accessible from public sidewalks.
- The ground floor of apartment and multi-unit buildings should provide individual unit entrances to create a more active streetscape within this area.
- Balconies should generally be provided above the ground floor of low-rise apartment buildings.
- Building projections (i.e. porches, decks, canopies and stairs) are encouraged as transitional elements that provide access, amenity space and weather protection.
- All building facades should be designed with a high level of architectural detailing.
- Residential buildings should generally face on to the extension of Portsmouth Avenue, helping to provide passive supervision of the pedestrian areas along this street as well as of the open space area to the east.
- For residential units on the ground floor with direct access from the street, privacy should be enhanced through the creation of a private and/or semi-private outdoor amenity space and landscaping.

(Added by By-Law Number 2017-186, OPA Number 57)

High Density Residential

10F.3.15. Permitted uses within the High Density Residential designation primarily include apartments.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.16. The development density within the High Density Residential designation shall be a minimum density of 75 units per net hectare of land.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.17. The maximum building height within the High Density Residential designation shall be eight (8) storeys.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.3.18. When considering new development in the High Density Residential designation, the following design guidelines apply:

a. Site Design and Building Orientation

- Apartment buildings should minimize any disturbances to the significant views from within the Kingston Provincial Campus.
- All buildings should be oriented towards the street.
- Apartment buildings should be oriented to minimize shadows impacts on adjacent open spaces, buildings and streets as much as possible.
- Every effort should be made to retain existing mature trees in this area.

b. Built Form, Height and Massing

- Apartment buildings should be stepped back with a well-defined base or street wall to reduce the massing of the building and to minimize shadow impacts on adjacent open spaces, buildings and streets.

c. Building Articulation and Detailing

- New building exteriors should incorporate limestone cladding, particularly on the lower floors, to provide continuity with the heritage structures to the west and south of the block.
- Balconies should be provided above the second or third floor of apartment buildings.
- Landscaping around new buildings should be consistent with the Heritage Landscape designated areas which are characterized by informal open

landscapes with mature trees and the absence of shrubbery.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4 Mixed Use Policies

10F.4.1. Permitted uses within the Mixed Use designation include apartments, open space, convenience retail and service uses (in accordance with Section 3.4.F of this Plan), office uses, and limited institutional uses designed to serve area residents.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.2. The ground floor shall be non-residential uses fronting onto King Street West, with a mix of residential or office uses provided on the upper floors. Ground floor residential uses are not permitted on King Street West, but may be permitted to front onto local roads subject to demonstrating compatibility with adjacent land uses.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.3. The maximum building height within the Mixed Use designation shall be eight (8) storeys.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.4. The *development* density within the Mixed Use designation shall be a minimum density of 75 units per net hectare of land.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.5. Pedestrian access is required to be provided mid-block to facilitate convenient access to the King Street West retail areas from the Medium Density Residential area and the Institutional area to the south.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.6. Vehicle access, parking and loading areas for the retail and residential uses shall be provided on the south side of the mixed-use buildings that front on King Street West. Direct vehicular access to individual properties will not be permitted from King Street West.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.7. Any future plans of subdivision shall establish an appropriate internal road network which establishes an additional road access to King Street West to provide suitably sized *development* blocks and appropriate access to King Street West.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.8. Mixed Use areas shall be compatible with the character of the Heritage Landscape designation and enhanced through the preservation and/or planting of mature trees and shrubs along roadsides, pathways and on residential properties.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.4.9. When considering new development in the Mixed Use Residential designation, the following design guidelines apply:

a. Site Design and Building Orientation

- Mixed used buildings should be oriented towards King Street West and have a continuous street façade at grade.
- Variations in setbacks should be used to provide opportunities for public open space, mid-block pedestrian walkways and/or main entrance ways.
- Ground floor retail space should be directly accessible and visible from King Street West and should have minimal or no setback from the front lot line in order to increase the ease of connection with the sidewalk.
- Buildings at the east and west ends of this block should be designed to be oriented to provide a continuous street façade. These buildings should be oriented to the corner and incorporate the same level of architectural details on both street frontages to provide visual interest.
- Every effort should be made to retain existing mature trees in this area.
- The City may develop provisions within this block for a transit lay-by area for buses if required.

b. Built Form, Height and Massing

- New development should include design features such as building step-backs and massing techniques to support the creation of comfortable and enhanced pedestrian environments and to maintain sky-views and sunlight access to the sidewalk.

c. Building Articulation and Detailing

- Building design, materials and finishes should be complementary to the existing buildings on the Kingston Provincial Campus and the surrounding area.

- The majority of the building frontage on the ground floor level on King Street West should be highly transparent to allow views of the indoor uses and to create visual interest for pedestrians. Clear glass is preferable to promote the highest level of visibility.

- Building entrances should work in conjunction with retail uses and should be expressed and detailed in a variety of ways, including canopies, entry awnings or double-height glazing.

- Entrances to the residential units should be separated from retail entrances.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.5 Institutional Policies

The Kingston Provincial Campus, since the mid-19th century, has been the site of a hospital with supporting lands and buildings. More recently, several buildings have accommodated provincial government offices.

Lands that are designated Institutional must be developed in accordance with the Institutional policies of Section 3.5 of this Plan and the following:

10F.5.1. It is intended that the long-term use of the lands designated Institutional will be for hospital and care facilities and government administrative centres.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.5.2. The Institutional lands located immediately south of the Medium Density Residential designated land will function as a transitional block and are anticipated to be used for part of the new hospital or accommodate other related uses, including offices.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6 Heritage Landscape Policies

The Kingston Provincial Campus lands offer exceptional opportunities to conserve and celebrate these significant cultural heritage resources through sensitive development by providing long-term viable uses for this Secondary Plan Area. The interrelationship of heritage buildings and natural landscape in the waterfront setting are principal elements

to be considered prior to any development. The unique combination of natural and cultural heritage resources that occupy the central and shoreline portions of the lands as well as the historically significant buildings and surrounding grounds are designated Heritage Landscape on Schedule KPC-1. This area includes extensive landscaped grounds that contribute to the open space amenity of the City. The following policies apply to the Heritage Landscape designation.

(Added by By-Law Number 2017-186, OPA Number 57)

Permitted Uses

10F.6.1. The following uses are permitted in the Heritage Landscape designation:

a. Conservation;

b. Passive recreational uses; and

c. Institutional, office and related uses accommodated through the adaptive reuse of existing buildings.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.2. All structures, buildings or lands in the Heritage Landscape designation that are of cultural heritage value or interest are intended to be conserved in accordance with Provincial policies. The Rockwood Villa, the Penrose building and its extensions and outbuildings, the Leahurst, Beechgrove and South Cottage buildings and the Picturesque design of the landscape, including its gazebo, and nearby stone steps and basin, are prominent cultural heritage resources which shall be conserved.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.3. The restoration, reuse and sensitive alteration of the significant heritage buildings are strongly encouraged. Any development of the significant heritage buildings is required to be supported by a Heritage Impact Statement and subject to architectural and urban design guidelines to ensure the development is complementary to, and compatible with, and helps to enhance the cultural heritage resources of the Secondary Plan Area.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.4. Demolition of any of the significant heritage buildings is strongly discouraged.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.5. Access patterns throughout the cultural landscape that clearly reflect the original design intentions, specifically related to the Picturesque landscape design with the curved approach drive and mature plantings, will be

encouraged. It is recognized that an east-west road link will be required and will bi-sect the Heritage Landscape designation utilizing the existing street network.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.6. Pathways should be developed to:

a. Provide connections through the Heritage Landscape designated area including features such as sidewalks, walkways bicycle lanes, and the Kingston Waterfront Pathway;

b. Provide pedestrian connection and access from King Street West to the Kingston Waterfront Pathway; and

c. Utilize the existing curvilinear road network to create safe, accessible, convenient and varied environments for active transportation.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.7. Public views from streets leading toward the waterfront and views of significant heritage buildings, from streets and the waterfront shall be protected through:

a. Road alignments and extensions; and

b. The siting of buildings and structures.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.8. Any development shall be compatible with and complementary to the existing land use, building massing and materials.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.9. Any development on the Kingston Provincial Campus shall require the preparation of a Heritage Impact Statement.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.10. Linkages along the Lake Ontario shoreline shall be preserved in order to maintain the City's broader natural heritage connections as well as regional wildlife functions for migrating birds.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.11. 19th century plantings of specimen trees that are now in a mature state should be maintained to conserve these important cultural heritage resources.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.12. In reviewing proposed development, the intent of this Plan is to ensure that existing woodlands and trees are assessed and preserved where appropriate.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.13. Enhancement of natural heritage areas is encouraged through the removal of non-native and invasive species, diversification of species within specific areas and managed restoration of lost or disturbed habitat.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.6.14. The ongoing maintenance of existing heritage buildings and structures is strongly encouraged in accordance with the requirements and standards of the Ontario Heritage Act.

(Added by By-Law Number 2017-186, OPA Number 57)

Built Form

10F.6.14. It is the intent of this Secondary Plan to support the retention and adaptive re-use of significant heritage buildings located within the Kingston Provincial Campus. Existing heritage buildings are subject to the following policies:

a. The City supports and encourages the adaptive re-use of heritage buildings provided that all significant heritage attributes are maintained;

b. Additions to existing buildings with cultural heritage value are permitted to encourage their adaptive re-use, provided such additions are architecturally compatible, complementary and subordinate to the heritage buildings and are sensitive to the cultural heritage value of the Kingston Provincial Campus; and

c. Any proposed development, site alteration or change of use will be subject to the cultural heritage policies of Section 7.3.D.4 of this Plan and the archaeological resource conservation policies of Section 7.4 of this Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.7 Environmental Protection Area Policies

10F.7.1. The Environmental Protection Area is subject to the environmental protection policies in Sections 3 and 6 of this Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.8 Parkland

10F.8.1. In accordance with the City's Parkland Dedication By-law the City will require parkland dedication.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.8.2. The City will seek to acquire parkland conveyance within the Heritage Landscape designated area for the entire *development*. Priority will be given to land adjacent to the waterfront and Lake Ontario Park.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.8.3. It is further recognized that future phases of *development* will require subsequent draft plan of subdivision approvals. Where the additional dedication of parkland may be required above and beyond the conveyance provided within the Heritage Landscape designated area, conveyance or cash-in-lieu of parkland dedication will be determined at that time.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.8.4. In recognition of the constraints associated with lands designated Heritage Landscape, the City will accept lands within the Heritage Landscape designation as parkland dedication provided the lands do not comprise of hazard lands or Environmental Protection Area.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.8.5. The City will encourage the deeding of the Environmental Protection Area to the City.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9 Transportation Policies

The Secondary Plan includes a roadway network in the northwest and northeast portions of the Campus, including a connecting east-west road that traverses the Heritage Landscape designation. The Secondary Plan Area will be served through a public and private internal road network to be established through future *development* applications.

A Transportation Study, dated October 2015, has been prepared for and in support of the Kingston Provincial Campus Secondary Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

Vehicle Transportation and Parking

10F.9.1. Local roads are conceptually shown on Schedule KPC-1. It is the intent that the internal road pattern and the need for additional local roads will be determined through future development applications (such as plans of subdivision), and will not require an amendment to this Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.2. Streets and boulevards must be designed to enhance the visual attractiveness of the neighbourhood and to aid in compatible development that reflects existing development and cultural heritage resources.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.3. Planned east-west internal roads that intersect with north-south access roads should be offset a minimum of 100 metres from King Street West so as not to interfere with recommended northbound turn lane requirements.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.4. A new east-west road, which generally coincides with the existing Hospital Lane, will connect the existing Estates Lane with Heakes Lane. The location of this road shall generally be in accordance with the recommendations of the Heritage Impact Statement titled “Central Cultural Landscape Traversing Road Access”, dated October 2013. This road shall be subject to the design requirements of the City.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.5. Future development on the Secondary Plan Area may result in the need for improvements to the transportation network. An additional Heritage Impact Statement may be required to evaluate the impacts of any necessary improvements, particularly those within the Heritage Landscape designation.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.6. Parking and loading facilities must be:

a. designed so as to provide for safe and convenient vehicular, pedestrian and cycling movements and must be well landscaped and designed in a manner that does not detract from the streetscape;

b. located in the rear yard or in other unobtrusive locations, depending on the site, as well as proposed and surrounding land use and development characteristics; and

c. designed so that large expanses of parking areas are avoided.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.7. There shall be no loading facilities abutting King Street West.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.8. Loading facilities shall be screened from view or be interior to the building.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.9. A traffic impact study will be required for any proposed development that would generate more than 50 vehicle trips during the peak hour of the adjacent roadway system or the peak hour of the generator. Traffic impact studies are also required for any proposed development which is expected to have an impact on the community or transportation system, as determined by the City.

(Added by By-Law Number 2017-186, OPA Number 57)

Active Transportation

10F.9.10. Planned transportation networks are intended to encourage active transportation throughout the Secondary Plan Area and to provide viable, direct connections to the high frequency transit service on King Street West.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.11. Pedestrians and cyclists will be accommodated throughout the Secondary Plan Area by the strategic placement of sidewalks, paths and trails that connect the primary land uses to the existing and planned sidewalks, paths and trails leading to and from the area.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.12. Potential pedestrian and bicycle connections are to be provided in the Secondary Plan Area separate from the road network, and implemented through plans of subdivision.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.9.13. Public access to the Kingston Waterfront Pathway will be maintained through the Heritage Landscape designated area.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.10 Servicing Policies

A Master Servicing Infrastructure Plan, dated October 2015, has been prepared for and in support of the Kingston Provincial Campus Secondary Plan.

10F.10.1. Future development of the Kingston Provincial Campus lands will require a servicing study to assess necessary infrastructure upgrades and/or expansions based on the proposed use and location of new development(s).

(Added by By-Law Number 2017-186, OPA Number 57)

10F.10.2. Future water, sewer and stormwater management studies undertaken for the Kingston Provincial Campus must be completed to the satisfaction of the City.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.10.3. The City will seek to achieve opportunities for sustainable development through their review of future development applications, which may address such matters as low impact development measures and innovative stormwater management techniques.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.11 Urban Design

The purpose of these policies is to provide design guidance to assess, promote and achieve appropriate development on the Kingston Provincial Campus lands. It is intended that the guidelines will be applied at the development review stage for proposed zoning by-law amendments, plans of subdivision and site plan control applications. The policies of this section are derived from the “Kingston Provincial Campus Master Plan + Block Plan Study Urban Design Guidelines” dated June 9, 2011 and it is intended that the policies in this Secondary Plan will be implemented in accordance with those design guidelines. Additional urban design guidelines are provided within the land use designation sections of this Secondary Plan in order to provide further direction for residential and mixed use development.

(Added by By-Law Number 2017-186, OPA Number 57)

General Urban Design Principles

10F.11.1. The following urban design principles and the respective land use designation policies must be considered as part of any development:

a. Respect the original Picturesque design intent of the cultural heritage landscape in future development planning, especially as it pertains to access to the main grouping of buildings in the Heritage Landscape designation;

b. Preserve the rolling topography of the site with grading kept to a minimum;

c. Preserve views between existing buildings, views of Lake Ontario and panoramic views across the Kingston Provincial Campus from King Street West;

d. New development or site alteration should embrace the history of the property and be managed to ensure that alterations and additions are compatible with the cultural heritage resources of the Secondary Plan Area;

e. New development or site alteration should respect the hospital facility and its provision of respite for its patients;

f. Patterns in the existing architecture and landscape should provide the basis of the design for new development; and

g. Reinforce connections and permeability to and through the open spaces of the campus style site for pedestrians, cyclists and vehicles.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.12 Development Policies

10F.12.1 Development will be undertaken in accordance with the Administration and Implementation policies of Section 9 of this Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.12.2. Development will proceed in a logical and orderly manner, generally in accordance with the Phasing and Timing Plan, dated October 2015, prepared for the Kingston Provincial Campus Secondary Plan, and to the satisfaction of the City.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.12.3. It is recognized that future phases of development will require subsequent draft plan of subdivision approvals, and will be subject to any other required planning approvals, including zoning by-law amendment(s), and site plan approval, in accordance with the Administration and Implementation policies of Section 9 of this Plan.

(Added by By-Law Number 2017-186, OPA Number 57)

10F.12.4. The City may require the submission of an Urban Design Brief, in association with future planning approvals, to demonstrate how the policies of this Plan and the urban design, cultural heritage and development objectives for the Kingston Provincial Campus have been achieved.

(Added by By-Law Number 2017-186, OPA Number 57)