



CITY COUNCIL MEETING NO. 2013-05

The Regular Meeting of Kingston City Council was held on Tuesday, February 5, 2013, and was called to order at 7:30 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Mark Gerretsen presided.

(Council Chamber)

ROLL CALL

Present: Mayor Gerretsen, Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (11)

Absent: Councillor Hector, Councillor Reitzel (2)

(Council Chamber)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk
Mr. G. Bain, Director, Planning and Development
Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Bolognone, City Clerk
Ms. C. Bonfim Lima, Manager, Project Development
Mr. D. Johnston, Chief Information Officer
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Commissioner of Community Services
Mr. J. Keech, President and CEO, Utilities Kingston
Ms. S. Kidd, Director, Transportation Services
Mr. M. Lagace, Information Systems & Technology
Mr. S. Laidman, Director, Housing
Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services
Ms. K. Leonard, Manager, Licensing & Environment
Mr. H. Linscott, Director, Legal Services
Mr. G. McLean, Policy Program Coordinator, Building & Licensing
Ms. M. Michie, Committee Clerk
Ms. P. Nichols, Manager, Parking Operations
Ms. S. Nicholson, Director, Corporate Affairs
Mr. W. Rice, Manager, Distributed Computing
Ms. J. St. Pierre, Marketing Manager
Ms. A. Thomson, Information Systems & Technology
Ms. C. Thomson, Assistant to the Mayor
Mr. T. Willing, Director, Building and Licensing
Ms. H. Wilson, Manager, Intergovernmental Relations

APPROVAL OF ADDEDS

Moved by Councillor Paterson

Seconded by Councillor Neill

THAT the addeds be approved.

**CARRIED
(A 2/3 Vote of Council was Received)**

DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor Schell declared a possible pecuniary interest in the matter of Report No. 34, Clause (3) received from the Planning Committee, Gaming Facility Policy & Regulation Study, as her son works for Ontario Lottery and Gaming (O.L.G.).
- (2) Mayor Gerretsen declared a possible pecuniary interest in the matter of Report No. 34, Clause (1) received from the Planning Committee, Application for Official Plan Amendment and Zoning By-Law Amendment for Secondary Residential Suites, as he is part owner of a business which may be affected by this policy.
- (3) Councillor Downes declared a possible pecuniary interest in the matter of Information Report Item. (5), J.E. Horton Public School – Potential Community Use, as he is an employee of the Limestone District School Board.

PRESENTATIONS

Council consented to the **addition** of Presentation (2).

- (1) Mr. David Hurley presented Council with a gift from the Town of Rivergaro/Piacenza, in the Province of Amelia, Italy.
- (2) Mayor Gerretsen presented a gift to Doug Ritchie and Michele Langlois of Downtown Kingston! BIA, as a token of appreciation in recognition of all of their hard work and dedication to the vibrancy of the downtown.

DELEGATIONS

- (1) Moved by Councillor Paterson
Seconded by Councillor Scott

THAT Clauses 11.4 and 11.5 of By-law 2010-1 be waived, in order to allow a delegation from Matt Hutcheon, CEO of the Kingston Chamber of Commerce, to speak to Council regarding Report No. 35, received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores and Enforcement of Illegal Breeders.

CARRIED
(A 2/3 Vote of Council was Received)

- (2) Moved by Councillor Osanic
Seconded by Councillor Glover

THAT Clauses 11.4 and 11.5 of By-law 2010-1 be waived, in order to allow delegation from Janice Saunders from the Kingston Humane Society to speak regarding Report No. 35, received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores and Enforcement of Illegal Breeders.

CARRIED
(A 2/3 Vote of Council was Received)

Council consented to the **addition** of delegations (4) and (5).

- (1) Sarah Perry spoke to Council regarding Report No. 35, received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores, and Enforcement of Illegal Breeders.
- (2) Jessica Hellard, Alison Migneault, and Kareen Lush, representing Kingston Animal Rescue, spoke to Council regarding Report No. 35, received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores, and Enforcement of Illegal Breeders.
- (3) Ben Pilon, President, BPE Development, spoke to Council regarding Report No. 33, Clause 2) received from the Chief Administrative Officer, Parkland Dedication Cash-in-Lieu Reduction – 301-303 Sydenham Road.
- (4) Janice Saunders from the Kingston Humane Society spoke to Council regarding Report No. 35, received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores and Enforcement of Illegal Breeders.
- (5) Matt Hutcheon, CEO of Kingston Chamber of Commerce, spoke to Council regarding Report No. 35, received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores, and Enforcement of Illegal Breeders.

BRIEFINGS

PETITIONS

- (1) Councillor Osanic presented a petition bearing approximately 1,300 signatures, (882 are from Kingston residents) which reads as follows:

“We, the undersigned, are asking that a by-law be passed in Kingston that prohibits the sale of dogs, cats, and rabbits in pet stores exempting those from registered shelters or rescues who are available for adoption. The sale of pets in pet stores encourages the function of puppy mills (and kitten mills, rabbit mills, etc.) and thereby animal cruelty and neglect. It also promotes impulse buys without a thought for the long-term commitment required for responsible pet ownership. Toronto in 2011, Richmond BC in 2010, Albuquerque in 2006, plus others. There is no reason Kingston couldn't be next. Albuquerque saw a shelter adoption increase of 23% and euthanasia decrease of 35% in 3 yrs. These stats speak for themselves and if Kingston wants to be a sustainable progressive city, we need to take action.

REFERRED TO CYNTHIA BEACH, COMMISSIONER OF SUSTAINABILITY AND GROWTH

- (2) Mayor Gerretsen presented a petition bearing approximately 882 signatures, which reads as follows:

“Local animal rescue groups are trying to have a bylaw passed that would prohibit the sales of puppies, kittens, and rabbits in petstores. We at this petstore get all our animals from local people in our community, not large breeders, brokers or puppy mills. In fact the far majority of these animals are unplanned and unwanted litters of animals. What we do is have these puppies and kitties vet checked vaccinated, dewormed and flea treated. These groups want all animals spayed/neutered before going to a new home but this cannot be done until the animals are 6 months old. We fully support a spay/neuter voucher system or the relaxation of a high volume spay/neuter clinic that would ease the cose of altering your pet. If you like our store and how we do business please show your support by signing below.”

REFERRED TO CYNTHIA BEACH, COMMISSIONER OF SUSTAINABILITY AND GROWTH

MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY, CONDOLENCES AND SPEEDY RECOVERY

Council consented to the **addition** of Motion of Congratulation (1).

- (1) Moved by Mayor Gerretsen
Seconded by Acting Deputy Mayor George

THAT the congratulations of Kingston City Council be extended to McKenna Modleron on receiving the 2012 Ontario Junior Citizen of the Year Award. McKenna is being recognized for her outstanding contributions to the community, specifically her contributions to the Children’s Cancer Fund. Despite undergoing treatments for a brain tumor, McKenna has dedicated her time to raising funds, totaling more than \$115,000, for the Children’s Cancer Fund at the Kingston General Hospital.

CARRIED

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DEFERRED MOTIONS

* * * * *

REPORTS

Report No. 32: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Berg
Seconded by Acting Deputy Mayor George

THAT Report No. 32: Received from the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the **separation** of Clauses (a), (d), (e), and (h).

Report No. 32

To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

THAT Council consent to the approval of the following routine items:

- (a) **Signing Authority To Enter Into A Cost-Sharing Agreement With The Ministry Of Transportation Ontario For The Installation Of A New Traffic Signal At The Intersection Of Perth Road And McAdoo’s Lane**

THAT the Mayor and Clerk be authorized to enter into a cost-sharing agreement with the Ministry of Transportation Ontario for the installation of a new traffic signal at the intersection of Perth Road and McAdoo’s Lane, and that such agreement be in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO, Utilities Kingston (13-072) was attached to the Council Agenda.)

(File No. CSU-T08-000-2013)

CARRIED

(b) Ministry of Transportation – Noise Exemption Request Highway 401 Road Construction

THAT the Ministry of Transportation be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule “B” of By-Law 2004-52, “A By-Law to Regulate Noise”, to permit expansion of Highway 401 from 600 m west of Montreal Street to the Cataraquei River Bridge, to cover operations between the hours of 7:00 p.m. on Sunday to 7:00 a.m. on Friday. The exemption is required for:

- 33 nights between June & December 2013,
- 15 nights between May and December 2014,
- 33 nights between May 2015 and December 2015,
- 12 nights between May 2016 and December 2016 and
- 20 nights between May 2017 and July 2017.

THAT the Ministry of Transportation also be granted an exemption to cover demolition on the Montreal Street Bridge for one weekend between May 2016 and November 2016 and that the exemption is granted from Friday at 7:00 p.m. to Monday at 9:00 a.m.

THAT the Ministry of Transportation will notify the Manager of Licensing & Enforcement and residents in the area of the construction at least three (3) weeks prior to the utilization of any of the exemptions for night work.

(The Report of the Commissioner of Sustainability and Growth (13-052) was attached to the Council Agenda.)

(File No. CSU-P01-001-2013)

(c) Tir Nan Og – St. Patrick’s Day Celebration Temporary Road Closure on Market Street

THAT a by-law be presented to City Council to provide for the temporary closure of Market Street, from Ontario Street to King Street, on Sunday, March 17, 2013 from 7:00 a.m. to Monday, March 18 at 7:00 am, for a community related purpose (St. Patrick’s Day celebration); and

THAT the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the City of Kingston; and

THAT the applicant will be responsible for the acquiring/renting, placing and removal of necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage; and

THAT The applicant must acquire a specific days license before this event in addition to a tent permit (that would be issued through the building department); and

THAT the applicant agrees to take out sufficient public liability property damage insurance in the amount of \$2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as an additional insured on the policy and the applicant shall provide the City of Kingston with proof of coverage by way of an insurance certificate.

(The Report of the President and CEO, Utilities Kingston (13-073) was attached to the Council Agenda.)

(File No. CSU-T08-000-2013)

(See By-Law No. (1), 2013-36)

(d) Amendments to the Council Procedural By-law

THAT the necessary by-law be presented to Council to amend By-Law No. 2010-1, as amended, ("The Council Procedural By-Law") with respect to meeting procedures, voting and vote counting, and the speaker's queue; and

THAT the by-law, attached as Exhibit A, be given all three readings at the same meeting.

(The Report of the City Solicitor and Director of Legal Services (13-087) was attached to the Council Agenda.)

(File No. CSU-C00-000-2013)

(See By-Law No. (5), 2013-40)

CARRIED

(e) Outdoor Aquatic Centre Sponsorship

THAT Council direct staff to develop and release a Request for Proposal to seek a naming sponsor for the Outdoor Aquatic Centre; and

THAT the Mayor and City Clerk be authorized to enter into a Sponsorship agreement in a form satisfactory to the Director of Legal Services; and

THAT Council direct staff to maintain the main pool tank, commemoratively named as Leo LaFleur Pool, and provide an appropriate updated plaque within the Outdoor Aquatic Centre facility.

(The Report of the Commissioner of Community Services (13-070) was attached to the Council Agenda.)

(File No. CSU-R05-000-2013)

CARRIED (7:4)
(See Recorded Vote)

A Recorded Vote was requested by Mayor Gerretsen

YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Osanic,
Councillor Paterson, Councillor Schell, Councillor Scott (7)

NAYS: Councillor Downes, Councillor Glover, Councillor Hutchison, Councillor Neill,
(4)

ABSENT: Councillor Hector, Councillor Reitzel, (2)

(f) Enterprise Software License Agreement – ESRI Canada Ltd.

THAT the Information Systems & Technology Department be authorized to sole source, pursuant to Purchasing By-Law 2000-134, software licensing and annual support and maintenance with ESRI Canada Ltd in the amount of \$83,000 per year for three years, plus applicable taxes.

(The Report of the City Treasurer (13-080) was attached to the Council Agenda.)
(File No. CSU-A23-000-2013)

(g) Ministry of Citizenship and Immigration 2012 Marketing Funding Agreement

THAT Council supports the marketing initiative that will promote the City of Kingston as a destination for newcomers to Canada; and

THAT Council authorize the Mayor and Clerk to sign a funding agreement, satisfactory to the Legal Services Department, in the amount of \$19,750 with the Ontario Ministry of Citizenship and Immigration under the Municipal Immigration Information Online (MIIO) Program – Marketing Initiative.

(The Report of the Commissioner of Sustainability and Growth (13-082) was attached to the Council Agenda.)
(File No. CSU-F11-000-2013)

CARRIED
(Clauses (b), (c), and (f) and (g))

(h) Consultant Selection – North Block Urban Planner/Architect

THAT CIMA and NORR be retained to provide the Urban Planning and Architecture consulting services scope as set out in RFP F31-SGG-CO-2012-004; and

THAT the Mayor and City Clerk be authorized to enter into an agreement, to the satisfaction of the Director of Legal Services, for the purpose of engaging CIMA and NORR to provide the Urban Planning and Architecture consulting services for Block 4.

(The Report of the Commissioner of Sustainability and Growth (13-083) was attached to the Council Agenda.)

(File No. CSU-D18-000-2013)

CARRIED

REPORTS (CONTINUED)

Report No. 33: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor Paterson
Seconded by Councillor Downes

THAT Report No. 33: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 33

To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

(1a) Staff Briefing: Sheila Kidd, Director, Transportation Services, briefed Council on 2013-2015 Parking Working Plan.

(1) 2013-2015 Parking Working Plan

THAT Council receive and endorse the 2013 -2015 Parking Work Plan as outlined in Exhibit "A" of Report No. 13-089.

(The Report of the Commissioner of Transportation, Properties & Emergency Services (13-089) was attached to the Council Agenda.)

(File No. CSU-T02-000-2013)

CARRIED

(2) Parkland Dedication Cash-in-Lieu Reduction 301-303 Sydenham Street

THAT Council approve BPE Development's request to fully reduce the parkland dedication cash-in-lieu requirement for the six residential unit conversion development at 301 and 303 Sydenham Street under By-Law 8820, former City of Kingston Parkland Dedication By-Law.

(The Report of the Commissioner of Community Services (13-086) was attached to the Council Agenda.)

(File No. CSU-R04-000-2013)

CARRIED (8:3)
(See Recorded Vote)
(See Motion To Defer Which Was Lost)

Moved by Mayor Gerretsen
Seconded by Councillor Schell

THAT Clause (2), of Report No. 33, received from the Chief Administrative Officer be deferred until the harmonized Parkland By-law is dealt with by Council.

LOST

A Recorded Vote on the main motion was requested by Councillor Downes

YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Glover,
Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (8)

NAYS: Councillor Downes, Councillor Hutchison, Councillor Neill, (3)

ABSENT: Councillor Hector, Councillor Reitzel, (2)

(3) K-Rock Centre – Kingston District Sports Hall of Fame Inc. – License Agreement

THAT Council authorize the Mayor and Clerk to execute a license agreement in a form satisfactory to the Legal Services Division with the Kingston & District Sports Hall of Fame Inc. for the shared use of designated public spaces within the K-Rock Centre for the purposes of displaying exhibits and artefacts, for a term of five years, commencing on January 1, 2013 and ending December 31, 2017 subject to renewal for further five year terms upon approval Council.

(The Report of the Commissioner of Transportation, Properties and Emergency Services 13-011) was attached to the Council Agenda.)
(File No. CSU-R03-000-2013)

CARRIED

REPORTS (CONTINUED)

Report No. 34: Received from the Planning Committee

Moved by Councillor Paterson

Seconded by Councillor Berg

THAT Report No. 34: Received from the Planning Committee be received and adopted.

Report No. 34

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

Mayor Gerretsen passed the gavel to Acting Deputy Mayor George who assumed the Chair and Mayor Gerretsen withdrew from the meeting.

Council consented to the separation of Clause (1), (3), and (5).

(1) Application for Official Plan Amendment and Zoning By-Law Amendment for Secondary Residential Suites

WHEREAS on May 15, 2012 a Council Adopted Resolution directing staff to develop and process the required Official Plan Amendment to implement the Second Residential Unit Research Report, prepared by FoTenn Consultants Inc. and directing staff to expand the secondary suite pilot project area; and

WHEREAS on September 06, 2012 the Planning Committee directed staff to include the Cataraqui North Planning Area within the Secondary Suite Pilot Project area; and

WHEREAS public meetings were held regarding these amendments on September 06, 2012 and January 17, 2013; and

THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the Planning Act, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The Official Plan for the City of Kingston is hereby amended by the following new Official Plan policies, which shall constitute part of Amendment No. 19 to the Official Plan for the City of Kingston.

1.1 AMEND Section 1.4 by inserting the following definition for 'Second Residential Unit', after the definition of 'Rural Area':

Second Residential Unit: A legally existing separate residential dwelling unit, which is ancillary to a principal residential dwelling unit, contained in the same building, and includes a separate, clearly defined, safe access, kitchen, washroom and living space.

1.2 Adding a new Section 3.3.11, Second Residential Units:

3.3.11 Second Residential Units

Second Residential units shall be permitted within single detached dwellings, semi-detached dwellings and linked and row houses, provided they are in accordance with the zoning by-law and subject to the following criteria:

- a) Criteria for conversion in Section 3.3.9 shall apply to second residential units;
- b) Second residential units must be in accordance with the Ontario Building Code with respect to health, safety, energy efficiency, water use, and other requirements, and shall obtain Building Permits as required;
- c) The Zoning By-Law shall identify locations where second residential units are permitted. The locations in which second residential units are permitted may be revised from time-to-time through an amendment to the zoning by-law;
- d) Zoning By-Law provisions shall be established and all second residential units shall be in accordance with the Zoning By-Law. Zoning provisions for second residential units may include, but are not limited to:
 - Housing types;
 - Parking and yard requirements;
 - Restrictions on lot coverage;
 - Landscaped open space or amenity areas;
 - Minimum and maximum floor areas; and,
 - Location and configuration to ensure adequate parking and to ensure that sight lines are not impacted;
- e) Second residential units shall not be limited by density control requirements;
- f) Second dwelling units shall be a prohibited use on a residential dwelling lot containing a garden suite, boarding house or lodging house;
- g) Adequate servicing shall be available to accommodate the second residential unit, including, but not limited to water, waste water and electricity. The City may require a supporting study prior to issuance of a

building permit or in support of a development application, if deemed necessary;

- h) Second residential units shall have no negative impact on stormwater management and site drainage. The City may require a site grading plan to ensure conformity to this criterion;
- i) Second residential units shall not be permitted in a residential dwelling unit situated within a floodplain;
- j) Second residential units may be permitted on properties outside of the areas identified in implementing zoning by-laws and associated schedules through site – specific zoning by-law amendments and the following criteria:
 - Adequate water, wastewater and drainage services are available for the second residential unit;
 - Property is in close proximity to public transit services;
 - That the development conforms to all applicable regulations of the zoning by-law and relevant policies and legislation;
 - Existing parking requirements are maintained, and second residential unit parking requirements are met; and,
 - Adequate open space and/or amenity areas are available for all residents;
- k) In accordance with Section 9 of the Official Plan, a second residential unit shall be permitted in a legal non-complying building provided the unit does not increase the degree of non-compliance. If a second residential unit does increase the degree of non-compliance, it may be permitted subject to the approval of a minor variance or zoning by-law amendment; and
- l) Second residential units shall not be permitted on lots with legal non-conforming uses unless approved through a Zoning By-Law Amendment.

1.3 AMEND Section 3 of the Official Plan by renumbering existing sections 3.3.11, 3.3.12, 3.3.13, 3.3.14, and 3.3.15 to 3.3.12, 3.3.13, 3.3.14, 3.3.15, and 3.3.16, respectively.

1.4 AMEND Section 3.3.10 by adding the following subsection (i):

- i. promoting the use of second residential units as affordable housing.

1.5 AMEND Section 3.3.9 by deleting the following:

“Residential *intensification* by converting an existing *residential unit* on full municipal services into two or more *residential units* may be permitted, subject to a zoning by-law amendment or site plan control review where required. The following requirements must be met to the satisfaction of the City:”

And replacing with,

“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 following requirements must be met to the satisfaction of the City:”

1.6 AMEND Section 3.3.9 by replacing subsections (a), (b), (f) and (i) with the following:

- 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;
- f) the amenity area must be large enough to be useful to residents of all residential units; and
- i) provision of adequate full municipal services; except in the case of a second residential unit, where the provision of adequate municipal services or individual on-site water and sewage services must be met; and

THAT the Official Plan Amendment By-Law be presented to City Council for all three readings; and

THAT the former City of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

1.0 By-Law No. 76-26 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:

2.0 Addition of a new Schedule “D”, Secondary Suites, is hereby passed as shown on Schedule “D” attached to and forming part of By-Law No. 2013-42.

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- 2.1 By-Law No. 76-26 of The Corporation of the City of Kingston, entitled "Township of Kingston Restricted Area Zoning By-Law," as amended, is hereby further amended by making the following changes to Section 4 "Definitions:"
- 2.2 That the By-Law be amended by adding subsection 4(112B) "PRINCIPAL RESIDENTIAL UNIT:"
- (112B) "PRINCIPAL RESIDENTIAL UNIT" means the primary use of an existing building or structure intended for human habitation and occupying the majority of the gross floor area of said building or structure.
- 2.3 That the By-Law be amended by adding subsection 4(131A) "SECOND RESIDENTIAL UNIT:"
- (131A) "SECOND RESIDENTIAL UNIT" means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.
- 2.4 That the By-Law be amended by adding subsection 4(97A) "GARDEN SUITE:"
- (97A) A separate, self-contained dwelling unit that is ancillary to a principal residential unit, designed to be portable, and occupied by a family member needing support from relatives living in the principal residential dwelling.
- 2.5 That the By-Law be amended by revising subsection 4(44)(b) "SINGLE-FAMILY DWELLING HOUSE" so that it reads as follows:
- (b) "SINGLE-FAMILY DWELLING HOUSE" means a dwelling house containing a principal residential unit.
- 3.0 By-Law No. 76-26 of The Corporation of the City of Kingston, entitled "Township of Kingston Restricted Area Zoning By-Law," as amended, is hereby further amended by making the following changes to Section 5 "General Provisions:"
- 3.1 That the By-Law be amended by deleting subsection 5(4)(b) "CELLAR LOCATION:"
- 3.2 That the By-Law be amended by renumbering subsections 5(4)(c) and (d) as subsections 5(4)(b) and (c), respectively.
- 3.3 That the By-Law be amended by adding the following row to the table in Subsection 5(16)(a) "PARKING AREA REQUIREMENTS," after the "Maisonette Dwelling House" row:

Second Residential Unit	1 parking space per dwelling unit
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3.4 That the By-Law be amended by adding Subsection 5(30) "SECOND RESIDENTIAL UNITS"

- (30) Notwithstanding any other provision of this By-Law, where a second residential unit is permitted, as shown on Schedule D to this By-Law, the following provisions apply:
- (a) Where a second residential unit is located on a lot, no garden suite, boarding house, or lodging house shall be permitted;
 - (b) Second residential units shall be permitted in all single family dwelling houses, semi-detached dwelling houses, and row dwelling houses in all residential zones identified on Schedule D;
 - (c) All second residential units must meet provisions of the Ontario Building Code, as amended, and obtain necessary Building Permits;
 - (d) A maximum of one second residential unit is permitted on a lot;
 - (e) A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:
 - i) floor area occupied by mechanical, service and electrical equipment that serve the building;
 - ii) an open porch or balcony; and,
 - iii) areas internal to the building that are intended for the storage of vehicles;
 - (f) In addition to any other parking requirements, parking space(s) required by subsection 5(16)(a) of the By-Law shall be provided for the second residential unit. Notwithstanding anything to the contrary in this By-Law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;
 - (g) An additional driveway is not permitted for a second residential unit;

- (h) The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1 metre wide unobstructed walkway, that does not impede drainage, from the front of the building to the access is provided;
- (i) A second residential unit shall only be permitted in a dwelling house noted in subsection 5(30)(b) if said dwelling house is connected to municipal services or private water and sewerage systems approved to service a second residential unit by the authority having competent jurisdiction;
- (j) A second residential unit is prohibited in a flood plain; and,
- (k) The lands identified in schedule 'D' of this By-Law as having a –H Holding Symbol for the purposes of introducing a Secondary suite use shall be required to satisfy the conditions of Section 6(6) of Zoning By-Law 76-26 and Remove the –H Symbol prior to obtaining a building permit.; and

THAT the Zoning By-Law Amendment By-Law be presented to City Council for all three readings; and

THAT the former City of Kingston Zoning By-Law No. 32-74, as amended, be further amended as follows:

- 1.0 By-Law No. 32-74 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh", as amended, is hereby further amended as follows:
 - 2.0 Addition of a new Schedule "A", Secondary Suites, is hereby passed as shown on Schedule "A" attached to and forming part of By-Law No. 2013-43.
 - 3.0 By-Law No. 32-74 of The Corporation of the City of Kingston, entitled "Township of Pittsburgh Zoning By-Law," as amended, is hereby further amended by making the following changes to Section 4 "Definitions:"
 - 3.1 That the By-Law be amended by adding the following new subsection 4(95b) "PRINCIPAL RESIDENTIAL UNIT":
 - (95b) "PRINCIPAL RESIDENTIAL UNIT" means the primary use of an existing building or structure intended for human habitation and occupying the majority of the gross floor area of said building or structure.

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- 3.2 That the By-Law be amended by renumbering the existing subsection 4(95b) "PRINTING ESTABLISHMENT" as subsection 4(95c) "PRINTING ESTABLISHMENT".
- 3.3 That the By-Law be amended by adding the following new subsection 4(114A) "SECOND RESIDENTIAL UNIT":
- (114A) "SECOND RESIDENTIAL UNIT" means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.
- 3.4 That the By-Law be amended by adding subsection 4(53b) "GARDEN SUITE":
- (97A) A separate, self-contained dwelling unit that is ancillary to a principal residential unit, designed to be portable, and occupied by a family member needing support from relatives living in the principal residential unit.
- 3.5 That the By-Law be amended by revising subsection 4(36)(i) "SINGLE-FAMILY DWELLING HOUSE" so that it reads as follows:
- (i) "SINGLE-FAMILY DWELLING HOUSE" means a dwelling house containing a principal residential unit occupied by not more than one family.
- 4.0 By-Law No. 32-74 of The Corporation of the City of Kingston, entitled "Township of Pittsburgh Zoning By-Law," as amended, is hereby further amended by making the following changes to Section 5 "General Provisions:"
- 4.1 That the By-Law be amended by deleting subsection 5(3)(b) "CELLAR LOCATION".
- 4.2 That the By-Law be amended by renumbering subsections 5(3)(c), (d), and (e) as subsections 5(3)(b), (c), and (d), respectively.
- 4.3 That the By-Law be amended by adding the following row to the table in Subsection 5(14)(a) "PARKING AREA REQUIREMENTS," between the rows for "Row Dwelling House" and "Seasonal Dwelling House:"

Second Residential Unit	1 parking space per dwelling unit
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- 4.4 That the By-Law be amended by adding Subsection 5(32) "SECOND RESIDENTIAL UNITS"

- (32) Notwithstanding any other provision of this By-Law, where a second residential unit is permitted, as shown on Schedule A to this by-law, the following provisions shall apply:
- (a) Where a second residential unit is located on a lot, no garden suite, boarding house, or lodging house shall be permitted;
 - (b) Second residential units shall be permitted in all single family dwelling houses, semi-detached dwelling houses, row dwelling houses, and planned unit row dwelling houses in all residential zones identified on Schedule A;
 - (c) A second residential unit is prohibited in a flood plain;
 - (d) All second residential units must meet provisions of the Ontario Building Code, as amended, and obtain necessary Building Permits;
 - (e) A maximum of one second residential unit shall be permitted on a lot;
 - (f) A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:
 - (i) floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (ii) an open porch or balcony; and,
 - (iii) areas internal to the building that are intended for the storage of vehicles;
 - (g) In addition to any other parking requirements, parking space(s) required by subsection 5(14)(a) of the By-Law shall be provided for the second residential unit. Notwithstanding anything to the contrary in this By-Law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;
 - (h) An additional driveway is not permitted for a second residential unit;
 - (i) The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of

the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway, that does not impede drainage, from the front of the building to the access is provided;

- (j) A second residential unit shall only be permitted in a dwelling house noted in subsection 5(32)(b) if said dwelling house is connected to municipal services or private water and sewerage systems approved to service a second residential unit by the authority having competent jurisdiction; and,
- (k) The lands identified in Schedule 'A' of this By-Law as having an –H Holding Symbol for the purposes of introducing a secondary suite use shall be required to satisfy the conditions of Section 5(24) of Zoning By-Law 32-74 and Remove the –H Symbol prior to obtaining a building permit; and

THAT the Zoning By-Law Amendment By-Law be presented to City Council for all three readings; and

THAT the former City of Kingston Zoning By-Law No. 97-102, as amended, be further amended as follows:

- 1.0 By-Law No. 97-102 of The Corporation of the City of Kingston, entitled "Cataraqui North Zoning By-Law", as amended, is hereby further amended as follows:
- 2.0 Addition of a new Schedule "B", Secondary Suites, is hereby passed as shown on Schedule "B" attached to and forming part of By-Law No. 2013-44.
- 3.0 By-Law No. 97-102 of The Corporation of the City of Kingston, entitled "The Cataraqui North Zoning By-Law," as amended, is hereby further amended by making the following changes to Section 5.0 "General Provisions:"
 - 3.1 That the By-Law be amended by deleting Section 5.5 "DWELLING UNITS IN CELLARS" and leaving the following text in its place:

5.5 DWELLING UNITS IN CELLARS

Deleted in its entirety by By-Law 2013-44
 - 3.2 That the By-Law be amended by adding the following row to the Parking Standards Table in Section 5.17 "PARKING STANDARDS," between the rows for "Apartment dwellings" and "Retirement home":

Second Residential Unit	1 parking space per dwelling unit
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- 3.3 That the By-Law be amended by adding Subsection 5.29 "SECOND RESIDENTIAL UNITS":

5.29 SECOND RESIDENTIAL UNITS

Notwithstanding any other provision of this By-Law, where a second residential unit is permitted, as shown on Schedule B to this by-law, the following provisions shall apply:

- a) Where a second residential unit is located on a lot, no garden suite, boarding house, or rooming house shall be permitted;
- b) Second residential units shall be permitted in a single detached dwelling, semi-detached dwelling, and townhouse dwelling in all LDR, LDR/I, LDR/NC, and MDR zones identified on Schedule A. Second residential units shall not be permitted in a detached accessory building or structure that is connected to a single detached dwelling through an enclosed walkway;
- c) All second residential units must meet provisions of the Ontario Building Code, as amended, and obtain necessary Building Permits;
- d) A maximum of one second residential unit shall be permitted on a lot;
- e) A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:
 - i) floor area occupied by mechanical, service and electrical equipment that serve the building;
 - ii) an open porch or balcony; and,
 - iii) areas internal to the building that are intended for the storage of vehicles;
- f) In addition to any other parking requirements, parking space(s) required by Section 5.17 of the By-Law shall be provided for the second residential unit. Notwithstanding anything to the contrary in this By-Law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;
- g) An additional driveway is not permitted for a second residential unit;

- h) The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway, that does not impede drainage, from the front of the building to the access is provided; and,
- i) A second residential unit shall only be permitted in a dwelling house noted in subsection 5.29(b) if said dwelling house is connected to municipal services.

4.0 By-Law No. 97-102 of The Corporation of the City of Kingston, entitled "The Cataraqui North Zoning By-Law," as amended, is hereby further amended by making the following changes to Section 6.0 "Definitions:"

4.1 That the By-Law be amended by revising the definition of "DWELLING, SINGLE DETACHED" so that it reads as follows:

DWELLING, SINGLE DETACHED

Means a building containing a principal residential unit.

4.2 That the By-Law be amended by adding the following definition of "GARDEN SUITE" between the definitions for "GARAGE WIDTH" and "GAS BAR":

GARDEN SUITE

Means a separate, self-contained dwelling unit that is ancillary to a principal residential unit, designed to be portable, and occupied by a family member needing support from relatives living in the principal residential unit.

4.3 That the By-Law be amended by adding the following definition of "PRINCIPAL RESIDENTIAL UNIT" between the definitions for "PREMISES" and "PRIVATE HOME DAY CARE":

PRINCIPAL RESIDENTIAL UNIT

Means the primary use of an existing building or structure intended for human habitation and occupying the majority of the gross floor area of said building or structure.

4.4 That the By-Law be amended by adding the following definition of "SECOND RESIDENTIAL UNIT" between the definitions for "SCHOOL, PRIVATE" AND "STOREY":

SECOND RESIDENTIAL UNIT

Means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space; and

THAT the Zoning By-Law Amendment By-Laws be presented to City Council for all three readings.

(Note: A copy of the draft by-laws are attached as Schedule Pages 78 - 93)

(See By-Law No. (6), 2013-41)

(See By-Law No. (7), 2013-42)

(See By-Law No. (8), 2013-43)

(See By-Law No. (9), 2013-44)

CARRIED

(2) Zoning Issues and Strategy Study – Zoning Strategy Report

THAT the Zoning By-law Strategy Report, as presented, be accepted by City Council as fulfilling the terms of the contract signed between the City of Kingston and the MMM Group for the preparation and completion of the Phase 1 Zoning Issues and Strategy Study which forms the first phase of the City's overall Comprehensive Zoning By-law Review Project.

Councillor Schell withdrew from the meeting.

(3) Gaming Facility Policy and Regulation Study

THAT the Gaming Facility Policy and Regulation Study, dated December 2012 be received; and

THAT the Study be considered as the basis for the preparation of Official Plan Amendments to be prepared by Staff and brought forward to Planning Committee and Council for consideration.

CARRIED

Councillor Schell returned to the meeting.

(4) Application for Zoning By-Law Amendment for 204 Alfred Street

THAT the application for Zoning By-Law Amendment (Our File No. D14-253-2012) submitted by Jeremiah Blake, for the property municipally known as 204 Alfred Street, **BE APPROVED**; and

THAT the City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. By-Law No. 8499 of The Corporation of the City of Kingston, entitled "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston", as amended, is hereby further amended as follows:

- 1.1. Map 30 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'A' to 'B.424', as shown on Schedule "A" attached to and forming part of By-Law No. 2013-45.
- 1.2. By **adding** the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:
"424. **204 Alfred Street**

Notwithstanding the provisions of Section 5 and 13 hereof to the contrary, the lands designated 'B.424' on Schedule 'A' hereto, the following regulations shall apply:

a) DEFINITIONS:

For the purpose of the 'B.424' zone, the following definition shall apply:

BEDROOM shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:

- (i) Common areas open to all occupants of the unit;
- (ii) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
- (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment

Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.

b) MAXIMUM NUMBER OF DWELLING UNITS: 3

c) MAXIMUM AGGREGATE NUMBER OF BEDROOMS: 9

d) MINIMUM REQUIRED YARDS:

- (i) South interior side yard from the front lot line for the distance of 17.7 metres: 0.5 metres
- (ii) South interior side yard measured from the front lot line for the distance beyond 17.7 metres: 1.2 metres
- (iii) Aggregate interior side yard from the front lot line for the distance of 17.7 metres: 3.25 metres
- (iv) Aggregate interior side yard measured from the front lot line for a distance beyond 17.7 metres: 3.95 metres
- (v) North interior side yard: 2.75 metres

- e) **PROJECTION INTO YARDS:**
An unenclosed porch or deck, covered or uncovered which is located in the front yard is permitted to project into the required south interior side yard, but should not be closer than 0.5 metres to the south lot line.

- f) **MINIMUM AMENITY SPACE AREA:** 126 square metres

- g) **MINIMUM PLAY SPACE AREA:** 0.0 square metres”; and

THAT the Amending By-Law be presented to City Council for all three readings.

(Note: A copy of the draft by-law is attached as Schedule Pages 94 - 96)

(See By-Law No. (10), 2013-045)

**CARRIED
(Councillor Glover Opposed)**

(5) Application for Zoning By-Law Amendment for 3695 Accommodation Road

THAT the application for Zoning By-Law Amendment (Our File No. D14-259-2012) submitted by David Minaker and Deborah Smith-Minaker, for the property municipally known as 3695 Accommodation Road, **BE APPROVED**; and

THAT the former Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

1. Map 2 of Schedule “A” of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zoning symbol to “A1-61” of the lands shown on Schedule “A” attached to and forming part of By-Law No. 2013-46.

2. That the following clause (iii) be added to Section 23(3) following clause (hhh):

“(iii) **A1-61 (3695 Accommodation Road)**

Notwithstanding the provisions of Section 5 or Section 23 hereof to the contrary, the lands designated ‘A1-61’ on Schedule ‘A’ hereto, the following regulations shall apply:

- a) **ADDITIONAL PERMITTED USE:**
 - (i) One accessory building up to a maximum floor area of 134 square metres may only be used for the purpose as a greenhouse for a home occupation.
 - (ii) Should the greenhouse use of the building cease it may only be used as an accessory building in accordance with the zone provisions.
 - (iii) There shall be no outdoor storage of materials, equipment or containers in conjunction with a home occupation.

- b) ACCESSORY BUILDING PROVISIONS:
 - (i) Interior side yard width (minimum): 3.0 metres
 - (ii) Rear yard depth (minimum): 1.2 metres
 - (iii) Height (maximum): 5.0 metres

- c) LOT COVERAGE (maximum): 15%"; and

THAT the Amending By-Law be presented to City Council for all three readings.

(See By-Law No. (11), 2013-46)

(Note: A copy of the draft by-law is attached as Schedule Pages 97 - 98)

CARRIED
(Clauses (2) and (5))

* * * * *

Mayor Gerretsen returned to the meeting, and Acting Deputy Mayor George returned the gavel to Mayor Gerretsen who reassumed the chair.

REPORTS (CONTINUED)

Report No. 35: Received from the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison
Seconded by Councillor Schell

THAT Report No. 35: Received from the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 35

To the Mayor and Members of Council:

The Arts, Recreation and Community Policies Committee reports and recommends as follows:

Council consented to the separation of Clauses (1), (2), and (4).

(1) Responsible Pet Ownership Program – RPOP

WHEREAS Council has directed that the City move toward a more Responsible Pet Ownership Program (RPOP); and

WHEREAS regulations for animals have been reviewed as part of the move to a Responsible Pet Ownership Program (RPOP); and

WHEREAS adjustments to fees for animal licensing are required to move toward a Responsible Pet Ownership Program (RPOP);

THEREFORE BE IT RESOLVED THAT Council approve By-Law 2013-37 in Exhibit "A" to amend By-Law 2004-144 "A By-Law to Regulate Animals" to come into force on April 1, 2013; and

THAT Council approve By-Law 2013-38 in Exhibit "B" to amend By-Law 2005-10 "A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston" to come into force on April 1, 2013; and

THAT staff explore an on line pet identification program and compare the costs and advantages/disadvantages of creating the program in house as opposed to contracting to a service provider; and

THAT staff provide recommendations regarding an on line pet identification program to the Arts, Recreation and Community Policies Committee at its regular meeting to be held in June 2013; and

THAT staff be directed to approach representatives of the local veterinarian community to ask for their input into reducing the abandoned and stray animal problem in the City of Kingston, including the possibility of their providing a spay and neutering service to pets of low income residents for a set price through a city voucher program, similar to the program in Windsor, Ontario, and report back to the Arts, Recreation and Community Policies Committee; and

THAT staff be directed to bring a status report on the Responsible Pet Ownership Program to be reviewed at the Arts Recreation Community Policies Committee, by June 2014.

DEFERRED AS AMENDED

(See Motion To Defer Which Was CARRIED)

(See Motion To Amend Which Was CARRIED)

(See By-Law No. (2), 2013-37)

(See By-Law No. (3), 2013-38)

Moved by Mayor Gerretsen
Seconded by Councillor Neill

THAT Clause (1) of Report No. 35 received from the Arts, Recreation, and Community Policies Committee be deferred to the next meeting of Council in order for staff to prepare a report on the establishment of a working group of members of Council and interested stakeholders to review the proposed program and to give recommendations back to Council.

CARRIED

Moved by Councillor Osanic
Seconded by Councillor Neill

THAT Clause (1) of Report No. 35, received from the Arts, Recreation, and Community Policies Committee be amended by adding the following thereto:

“**THAT** staff be directed to bring a status report on the Responsible Pet Ownership Program to be reviewed at the Arts Recreation Community Policies Committee, by June 2014.”

CARRIED

Moved by Councillor Hutchison
Seconded by Councillor Neill

THAT Council waive the rules of By-Law No. 2010-1, “Council Procedural By-Law”, in order to extend the meeting past 11:00 pm, to complete item (2) of Report 35, received from the Arts, Recreation, and Community Policies Committee and to deal with New Motions (1) and (2).

CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)
(A 2/3 Vote Of Council Was Received)

Moved by Councillor Scott
Seconded by Mayor Gerretsen

THAT the motion of Councillor Hutchison and Councillor Neill be amended to include New Motions (1) and (2).

CARRIED

(2) Sale of Dogs, Cats and Rabbits in Pet Stores and Enforcement of Illegal Breeders

THAT Council ban the sale of dogs, cats, and/or rabbits from pet stores, except via adoption from humane societies and rescue groups; and

THAT an amendment be made to the City’s Animal Control By-law to add rabbits to the list of animals that require a permit to be bred; and

THAT staff be directed to prepare a subsequent report, regarding the preferred pet sale regulatory option and to confirm the desire to require a permit for pet rabbit breeding, to the Arts, Recreation and Community Policies Committee, and that the report include a detailed implementation plan, and budgetary consideration.

CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)

Moved by Councillor Osanic

Seconded by Councillor Downes

THAT Clause (2), of Report No. 35, received from the Arts, Recreation and Community Policies Committee, Paragraph (1) be amended to delete the following wording:

“or by sale when the dog, cat or rabbit is surrendered to the pet store for no fee (either exclusively from Kingston sources or from anywhere)”

CARRIED (8:3)
(See Recorded Vote)

A Recorded Vote was requested by Councillor George

YEAS: Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Schell, (8)

NAYS: Councillor Berg, Councillor Paterson, Councillor Scott, (3)

ABSENT: Councillor Hector, Councillor Reitzel, (2)

(3) 2013 City of Kingston Arts Fund

THAT Council accept the revised ‘Kingston Arts Council Plan for the Administration of Arts Funding for the Corporation of the City of Kingston Arts Fund in 2013’ as the basis for a service level agreement with the Kingston Arts Council (KAC) to administer the 2013 City of Kingston Arts Fund on behalf of the City; and

THAT Council approve the revised ‘Plan for the Administration of Arts Funding for the Corporation of the City of Kingston Arts Fund in 2013’; and

THAT the Mayor and Clerk be authorized to enter into a service level agreement acceptable to the Director of Legal Services requiring that the Kingston Arts Council provide for the administration of the City of Kingston Arts Fund for 2013; and

THAT Council appoint two Councillors and a City staff member to participate on each of the review committees in 2013 (the Operating Grants Review Committee for arts organizations and the Project Grants Review Committee for arts projects).

(4) International Hockey Hall of Fame Puck at Memorial Centre Site

THAT Council direct staff to inform the International Hockey Hall of Fame that the City will not reinstate the hockey puck on the Memorial Centre site; and

THAT Council direct staff to consider a plaque to recognize the original location of the International Hockey Hall of Fame once the City’s comprehensive commemoration policy has been endorsed by Council; and

THAT Council direct staff to remove the existing concrete base that would have been utilized to reinstate the hockey puck at the Memorial Centre site.

DEFERRED

(5) Establishment of a City of Kingston Arts Fund (CKAF) Review Working Group

THAT a City of Kingston Arts Fund (CKAF) Review Working be establishment to review, or assist in the review, of the CKAF terms of reference to ensure it is consistent with best practices and that it meets the needs of the community, and

THAT the CKAF Review Working Group reports to the Arts Advisory Committee monthly, and

THAT Ms. Karen Dolan and Mr. Brett Christopher be appointed to the CKAF Review Working Group.

(6) Appointment of an Arts Advisory Committee Member to the Public Art Working Group

THAT Mr. Sunny Kerr be appointed to the Public Art Working Group.

(7) Appointment of two (2) Housing and Homelessness Advisory Committee members to serve on the Poverty Reduction Housing Working Group

THAT Councillor Liz Schell and Mr. John McDougall be appointed to serve on the Poverty Reduction Housing Working Group.

(8) Pump House Steam Museum - Incorporation of Science, Technology, Mathematics and Engineering in Programming and Exhibits

THAT staff be directed to prepare a report for the March 20th, 2013 Pump House Steam Museum Advisory Committee meeting regarding the long term plans to incorporate science, technology, mathematics and engineering in the programming and exhibits for the Gordon C. Leitch Discovery Centre located at the Pump House Steam Museum.

**CARRIED
(Clauses (3) and (5) through (8))**

REPORTS (CONTINUED)

Report No. 36: Received from the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Neill

Seconded by Councillor Hutchison

THAT Report No. 36: Received from the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 36

To the Mayor and Members of Council:

The Environment, Infrastructure and Transportation Policies Committee reports and recommends as follows:

Council consented to the **addition** of Clause (2).

(1) FCM Long Term Infrastructure Plan

THAT Council receive the Federation of Canadian Municipalities document entitled “The Road to Jobs and Growth: Solving Canada’s Municipal Infrastructure Challenge” as information.

(Note: A copy of the Federation of Canadian Municipalities document is attached as Schedule Pages 195 -206)

(2) Motion regarding Highway 401 Landscaping between Battersea Road and the Cataraqui River

WHEREAS the Ministry of Transportation is planning to redevelop Highway 401 from Battersea Road to the Cataraqui River; and

WHEREAS the Ministry of Transportation has asked for the City of Kingston’s input regarding the new landscaping for this project; and

WHEREAS the Autumn Blaze maple’s crimson autumn leaves are a reminder that Canada’s first Prime Minister is from Kingston; and

WHEREAS the Service Berry tree is a local tree that blooms white in the early spring; and

WHEREAS the Lilac is a local tree planted by the early settlers which has become synonymous with Kingston

THEREFORE BE IT RESOLVED that the City of Kingston request that the Ministry of Transportation give consideration to including the Autumn Blaze tree, the Service Berry tree and the Lilac in their landscaping as they are emblematic of Kingston.

**DEFERRED
(Clauses (1) and (2))**

INFORMATION REPORTS

(1) Cataraqui Source Protection Plan (SPP) – Status Update

The purpose of this report is to provide Council with a status update respecting the submission of the Cataraqui SPP to the MOE, provincial funding, and the initiatives associated with implementation of enforcement authority under Part IV of the Clean Water Act.

(The Report of the Commissioner of Sustainability and Growth (13-077) is attached as Schedule Pages 99 - 132)
(File No. CSU-D03-000-2013)

(2) Provincial Grant Funding to Support the Transition to the Community Homelessness Prevention Initiative

The purpose of this report is to provide Council with an update on the Funding to Support the Transition to the Community Homelessness Prevention Initiative.

(The Report of the Commissioner of Community Services (13-081) is attached as Schedule Pages 133 - 178)
(File No. CSU-S16-000-2013)

(3) Update on Event Attraction Fund

This report provides Council with an update of the pilot program Event Attraction Fund that was created in partnership with KEDCO.

(The Report of the Commissioner of Community Services (13-079) is attached as Schedule Pages 179 - 182)
(File No. CSU-M02-000-2013)

(4) Status Report on Dawn House Women’s Shelter

The purpose of this report is to provide a status update of Dawn House Women’s Shelter.

(The Report of the Commissioner of Community Services (13-068) is attached as Schedule Pages 183 - 189)
(File No. CSU-S16-000-2013)

(5) J.E. Horton Public School – Potential Community Use

This report provides information on the disposal process for J.E. Horton Public School, and the provision of services in Kingston East.

(The Report of the Commissioner of Community Services (13-078) is attached as Schedule Pages 190 - 194)
(File No. CSU-L19-000-2013)

**DEFERRED
(Items (1) through (5))**

MISCELLANEOUS BUSINESS

- (1) THAT** the resignation of Ms. Jenny Lee from the Arts Advisory Committee be accepted with regret.

- (2) THAT** Deputy Mayor Ric Breese, be re-appointed as the Loyalist Township representative to the Taxi Commission, with at term ending November 30, 2013.
(See Communication 05-060)

**DEFERRED
(Items (1) and (2))**

NEW MOTIONS

- (1) Moved by Councillor Scott
Seconded by Councillor Berg

WHEREAS Parks Canada has proposed a new fee schedule for Parks Canada facilities across Canada; and

WHEREAS the proposed fee schedule significantly increases fees for lockage and other facility use on the Rideau Canal; and

WHEREAS the proposed fees will be detrimental to the financial viability of the communities, businesses and the objectives of the World Heritage Designation awarded to the Rideau Canal; and

NOW THEREFORE BE IT RESOLVED THAT the Council for the Corporation of the City of Kingston requests the Government of Canada, and Parks Canada to meet with the 13 member municipalities on the Rideau Corridor to discuss reasonable fee structures in advance of any permanent decision being made to the fees; and

THAT this forwarded to Parks Canada, surrounding Members of Parliament, Mayor of Merrickville-Wolford, the Eastern Ontario Mayor's Caucus and Canada's Environment Minister and Minister Responsible for Parks Canada.

**CARRIED
(With Agreed To Amendments)**

- (2) Moved by Councillor Scott
Seconded by Councillor Berg

WHEREAS The Ministry of Transportation maintains 37 kilometres of the Highway 401 right of way that traverses through the City of Kingston; and

WHEREAS there are numerous trees along Highway 401 right of way that were either planted as landscape trees or are naturally occurring; and

WHEREAS many of these trees have either died or need to have dead limbs removed; and

WHEREAS the policy of the Ministry of Transportation is that dead trees or limbs will only be removed if they endanger traffic or power lines; and

WHEREAS the trees that are not a danger to traffic have not been removed or pruned; and

WHEREAS Kingston is a tourist city that has a high visibility from the 401; and

WHEREAS these dead or unmaintained trees are highly visible at the seven interchanges that act as gateways to Kingston; and

WHEREAS these unmaintained trees are not conducive to the image of the City of Kingston as a tourist city; and

THEREFORE BE IT RESOLVED THAT the Ministry of Transportation be requested to change their tree maintenance policy to include the pruning of dead trees limbs and the removal of dead trees for aesthetic reasons.

CARRIED

- (3) Moved by Councillor Scott
Seconded by Councillor Berg

WHEREAS the Ministry of the Environment and Kingston, Frontenac and Lennox & Addington (KFL&A) Public Health have for the past three years noted the presence of blue-green algae blooms on the Lower Cataraqui River; and

WHEREAS KFL&A Public Health have noted that blue-green algae may pose a health hazard with children, pets and livestock at greatest risk; and

WHEREAS KFL&A Public Health have stated that blue-green algae thrive in water that is rich in phosphorus and nitrogen and that these nutrients are contained in human and animal waste and in agricultural chemicals; and

WHEREAS the City of Kingston is currently working on projects related to riparian zone protection, source water protection, Rideau Canal landscapes and a rural zoning by-law; and

WHEREAS the development control policies of the City of Kingston can help to limit the amount of phosphorous and nitrogen that enters the Cataraqui River and thus deprive the algae of its nutrients; and

THEREFORE BE IT RESOLVED THAT the Kingston Environmental Advisory Forum be requested to work with City staff to investigate the causes and dangers of blue-green algae and make recommendations back to Council.

DEFERRED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 2013-04, held Tuesday, January 22, 2013 be confirmed.

(Distributed to all Members of Council on February 1, 2013)

DEFERRED

TABLING OF DOCUMENTS

Council consented to the **addition** of Tabled Document No. (2013-17).

2013-16 Kingston Frontenac Public Library Board
Minutes – December 12, 2012
(File No. CSU-R02-000-2013)

2013-17 Kingston & Frontenac Housing Corporation
Agenda – February 4, 2013
(File No. CSU-S13-000-2013)

DEFERRED

COMMUNICATIONS

Council consented to the **addition** of Communications (05-061) and (05-073).

Filed

05-059 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application for consent to reduce the minimum front yard setback requirement in an 'A5" zone to reconstruct a single family dwelling, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is February 19, 2013.
(File No. CSU-D19-000-2013)

Referred to All Members of Council

05-052 From Ontario Good Roads Association, informing Council of their Notice of Poll to elect the representatives to the Board from the Northern Zone.
(File No. CSU-A01-000-2013)
(Distributed to all Members of Council on January 24, 2013)

- 05-053 From Association of Municipalities of Ontario (AMO), informing Council of a Policing update – January 2013.
(File No. CSU-P17-000-2013)
(Distributed to all Members of Council on January 24, 2013)
- 05-054 From Association of Municipalities of Ontario (AMO), informing Council of a new course available on personal responsibilities as a Councillor.
(File No. CSU-C00-000-2013)
(Distributed to all Members of Council on January 24, 2013)
- 05-055 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday, January 28 and Friday February 1, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on January 24, 2013)
- 05-057 From Ian Waldram, Mobile Fleet Manager, G4S Security, requesting the approval of Council to appoint Ian Waldram, Josh Campbell, J.F. Laplante, Garry Gostlin, Jason Corbett and Jeremy Horwood as By-Law Enforcement Officers for the purpose of issuing tickets under By-Law 99-166 at 1005, 1015, 1019 and 1023 Pembridge Crescent – Osgoode Properties Ltd.
(File No. CSU-P01-002-2013)
(Distributed to all Members of Council on January 28, 2013)
(See By-Law No. (4), 2013-39)
- 05-058 From Ontario Good Roads Association (OGRA), informing Council of the Minimum Maintenance Standards regulation amendment.
(File No. CSU-T06-000-2013)
(Distributed to all Members of Council on January 29, 2013)
- 05-060 From Paul Snider, Director of Administrative Services/Clerk, advising Council that Loyalist Township passed a resolution, to re-appoint Deputy Mayor Ric Breese, as the Loyalist Township representative to the Taxi Commission.
(File No. CSU-U09-009-2013)
(Distributed to all Members of Council on January 30, 2013)
- 05-061 From Elysia Petrone, on behalf of Hamilton 350 Committee, writing to Council with concerns about Line 9 Pipeline.
(File No. CSU-E06-000-2013)
(Distributed to all Members of Council on January 31, 2013)
- 05-062 From Cruickshank Construction Ltd., informing Council of Highway 401 alternating passing and driving lanes closures from Monday, February 4th to Friday, February 8th, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on January 31, 2013)

- 05-063 From Ministry of Community and Social Services, informing Council of new accessibility standards for the Design of Public Spaces added to the Integrated Accessibility Standards Regulation (IASR).
(File No. CSU-S14-000-2013)
(Distributed to all Members of Council on January 31, 2013)
- 05-064 From Association of Municipalities of Ontario (AMO), providing Council with highlights of the January 2013 Board Meeting.
(File No. CSU-A01-004-2013)
(Distributed to all Members of Council on January 31, 2013)
- 05-065 From Ontario Good Roads Association (OGRA), providing Council with information on 2013 ROMA/OGRA Combined Conference.
(File No. CSU-A04-000-2013)
(Distributed to all Members of Council on February 01, 2013)
- 05-067 From Kingston Chamber of Commerce, informing Council that they oppose the proposed ban of the sale of cats and dogs in pet stores within the municipality.
(File No. CSU-P14-000-2013)
(Distributed to all Members of Council on February 04, 2013)
- 05-068 From Glenn De Baeremaeker, Toronto Councillor, Ward 38, providing Council with a copy of their by-law entitled, Banning the Sale of Cats and Dogs in Pet Shops.
(File No. CSU-P14-000-2013)
(Distributed to all Members of Council on February 04, 2013)
- 05-069 From Marg Buckholtz, Spay Neuter Kingston Initiative, requesting Council include affordable spay neuter services when making their decisions in regard to Kingston's new Responsible Pet Ownership Program.
(File No. CSU-P14-000-2013)
(Distributed to all Members of Council on February 05, 2013)
- 05-070 From Frontenac County Schools Museum Board, in regards to Designation of the Cataraqui Cemetery.
(File No. CSU-R01-000-2013)
(Distributed to all Members of Council on February 05, 2013)
- 05-071 From Patricia Saito, Councillor Ward 9, City of Mississauga, in regards to Banning the Sale of Cats and Dogs in Pet Stores.
(File No. CSU-P14-000-2013)
(Distributed to all Members of Council on February 05, 2013)
- 05-072 From Helen Chadwick, Chair, Limestone District School Board, in regards to City of Kingston's electoral zones.
(File No. CSU-C07-000-2013)
(Distributed to all Members of Council on February 05, 2013)

05-073 From Resident, Accommodation Road(Signature Illegible), with respect to Application for Zoning By-Law Amendment for 3695 Accommodation Road. (File No. CSU-D14-000-2013)
(Distributed to all Members of Council on February 05, 2013)

Referred to the City Clerk

05-056 From Community Outreach Centre, Faculty of Education, Queen's University, asking that Council proclaim Saturday May 11, 2013 as "Science Rendezvous Day" in the City of Kingston. (File No. CSU-M10-000-2013)
(Distributed to all Members of Council on January 30, 2013)

DEFERRED

OTHER BUSINESS

BY-LAWS

Council consented to the withdrawal of By-Laws (2) through (4).

(A) Moved by Councillor Glover
Seconded by Councillor Scott
THAT By-Laws (1), (5) through (15), and (17) be given their first and second reading.

CARRIED

(B) Moved by Councillor Berg
Seconded by Councillor Downes
THAT Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Law (5) three readings.

CARRIED

(C) Moved by Acting Deputy Mayor George
Seconded by Councillor Paterson
THAT By-Laws (5) through (17) be given their third reading.

CARRIED

(1) A By-Law To Authorize The Temporary Closing Of A Portion Of Market Street From Ontario Street To Mid-Block, On Sunday, March 17, 2013 From 7:00 A.M. Until 7:00 A.M. Monday, March 18, 2013 For Community Purposes For The St. Patrick's Day Celebration.

FIRST AND SECOND READINGS
(See Clause (c), Report No. 32)

PROPOSED NO. 2013-36

- (2) A By-Law To Amend By-Law No. 2004-144 "A By-Law To Regulate Animals
FIRST AND SECOND READINGS PROPOSED NO. 2013-37
(See Clause (1), Report No. 35) **WITHDRAWN**
- (3) A By-Law To Amend By-Law No. 2005-10 "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston", As Amended
FIRST AND SECOND READINGS PROPOSED NO. 2013-38
(See Clause (1), Report No. 35) **WITHDRAWN**
- (4) A By-Law to Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board": Add Ian Waldram, Josh Campbell, J.F. Laplante, Garry Gostlin, Jason Corbett and Jeremy Horwood – 1005, 1015, 1019, 1023 Pembridge Crescent – Osgoode Properties Ltd.)
FIRST AND SECOND READING PROPOSED NO. 2013-39
(See Communication No. 05-057) **WITHDRAWN**
- (4)** A By-Law To Amend By-Law 2010-01, As Amended, 'Council Procedural By-Law' (Voting in the Council Chamber, meeting procedures, and rules of debate)
THREE READINGS PROPOSED NO. 2013-40
(See Clause (d), Report No. 32)
- (6) A By-Law To Amend The Official Plan For The City Of Kingston Planning Area (Amendment No. , Known Municipality As The City Of Kingston).
THREE READINGS PROPOSED NO. 2013-41
(See Clause (1), Report No. 34)
- (7) A By-Law To Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston".
THREE READINGS PROPOSED NO. 2013-42
(See Clause (1), Report No. 34)
- (8) A By-Law To Amend By-Law No. 32-74. "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh".
THREE READINGS PROPOSED NO. 2013-43
(See Clause (1), Report No. 34)

- (9) A By-Law To Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law"
THREE READINGS PROPOSED NO. 2013-44
(See Clause (1), Report No. 34)
- (10) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change from 'A' to 'B.424', 204 Alfred Street).
THREE READINGS PROPOSED NO. 2013-45
(See Clause (4), Report No. 34)
- (11) A By-Law To Amend By-Law No. 32-74, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" (Zone Change from 'A1' to "A1-61", 3695 Accomodation Road).
THREE READINGS PROPOSED NO. 2013-46
(See Clause (5), Report No. 34)
- (12) A By-Law To Amend By-Law No. 32-74, "A By-Law to Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" To Remove The '-H' Holding Symbol (1766804 Ontario Limited – 585 Sibbit Avenue).
THREE READINGS PROPOSED NO. 2013-47
(Delegated Authority)
- (13) A By-Law to Exempt Certain Lands On Registered Plan 13M-58 From The Provisions Of Section 50(5) Of The Planning Act, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Block 84, Registered Plan 13M-70).
THREE READINGS PROPOSED NO. 2013-48
(Delegated Authority)
- (14) A By-Law To Establish Blocks 3, 4, And 6 On Plan 13R-5482 As Part Of The Public Highway Known As Centennial Drive In The City Of Kingston In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001, As Amended.
THREE READINGS PROPOSED NO. 2013-49
(Delegated Authority)
- (15) A By-Law To Establish 201 On Plan 13M-66 As Part Of The Public Highway Known As Bayridge Drive In The City Of Kingston In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001, As Amended.
THREE READINGS PROPOSED NO. 2013-50
(Delegated Authority)
- (16) A By-Law To Amend By-Law No. 2010-205 "A By-Law To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston" (To Delete Seniors Advisory Committee Mandate)
THIRD READING PROPOSED NO. 2013-34
(See Clause (1), Report No. 31)

(17) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday,
February 5, 2013

THREE READINGS

PROPOSED NO. 2013-51

(City Council Meeting No. 2013-05)

ADJOURNMENT

Moved by Councillor Glover

Seconded by Councillor Downes

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:33 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor