



## CITY COUNCIL MEETING NO. 2013-14

The Regular Meeting of Kingston City Council was held on Tuesday, May 21, 2013, and was called to order at 6:33 pm in the Council Chamber, City Hall. Regular business commenced at 7:43 pm. His Worship Mayor Mark Gerretsen presided.

### (Council Chamber)

#### ROLL CALL

Present: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

Absent: Councillor Osanic (1)

### (Councillors' Lounge)

#### Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk

Ms. C. Beach, Commissioner of Sustainability and Growth

Ms. C. Bonfim Lima, Manager, Project Development

Mr. G. Hunt, Chief Administrative Officer

Ms. L. Hurdle, Commissioner of Community Services

Mr. H. Linscott, Director, Legal Services

Mr. P. MacLatchy, Director, Environment and Sustainable Initiatives

Mr. M. McLaughlin, Senior Legal Council

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### COMMITTEE OF THE WHOLE "CLOSED MEETING"

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

**THAT** Council resolve itself into the Committee of the Whole "Closed Meeting" to consider the following items:

- (a) A proposed or pending acquisition of land by the municipality; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Former Davis Tannery Lands;
- (b) A proposed or pending disposition of land by the municipality – 267 Weller Avenue;
- (c) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Property Standards Prosecution 810 Montreal Street.

**CARRIED (12:0)**  
**(Clauses (a) through (c))**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

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**(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. A. Bol, Surveyor/Inspector, Engineering
- Mr. R. Chaput, Fire Chief
- Ms. L. Doucette, Oakwood Preschool Childcare Centre
- Ms. C. Ferland, Oakwood Preschool Childcare Centre
- Mr. W. Ferris, Director, Recreation and Leisure Services
- Ms. K. Freeman, Oakwood Preschool Childcare Centre
- Mr. J. Giles, Manager, Solid Waste
- Mr. G. Hunt, Chief Administrative Officer
- Ms. L. Hurdle, Commissioner of Community Services
- Mr. J. Keech, President and CEO, Utilities Kingston
- Ms. T. Kellar, Oakwood Preschool Childcare Centre
- Ms. D. Kennedy, Director, Financial Services
- Ms. A. Lafrance, Director, Community and Family Services
- Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services
- Mr. H. Linscott, Director, Legal Services
- Ms. D. Litner, Oakwood Preschool Childcare Centre
- Mr. P. MacLatchy, Director, Environment and Sustainable Initiatives
- Mr. M. McLaughlin, Senior Legal Council
- Ms. V. Murray, Oakwood Preschool Childcare Centre
- Ms. P. Nichols, Manager, Parking Operations
- Ms. S. Nicholson, Director, Corporate Affairs
- Ms. C. Payne, Oakwood Preschool Childcare Centre
- Mr. J. Thompson, Committee Clerk
- Ms. C. Thomson, Assistant to the Mayor
- Mr. L. Talledo, Property Standards Officer, Building and Licensing
- Mr. T. Willing, Director, Building and Licensing
- Ms. H. Wilson, Manager, Intergovernmental Relations

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**REPORT OF THE COMMITTEE OF THE WHOLE "CLOSED MEETING"**

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

**THAT** Council rise from the Committee of the Whole "Closed Meeting", that the rules of By-Law No. 2010-1 be waived and the Chair report.

**CARRIED (12:0)**  
**(A 2/3 Vote of Council Was Received)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott  
(12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

Moved by Councillor Reitzel  
Seconded by Councillor Schell

**THAT** Council authorize staff to negotiate and enter in an agreement with Rideau Renewal Inc., in a form acceptable to the City Solicitor, that extends the period in which the City is able to repurchase the former Davis Tannery property as per its existing option; and

**THAT** failing a successful agreement to extend the period by which time the City must repurchase, Council authorize staff to proceed with repurchasing the former Davis Tannery property in the name of the Corporation of the City of Kingston as per the requirements of the existing Option to Repurchase Agreement with Rideau Renewal Inc.; and

**THAT** the Mayor and Clerk be authorized to sign agreements arising from this recommendation, in a form satisfactory to the Director of Legal Services; and

**THAT** staff report back to Council with recommendations on a process to identify and select an alternate purchaser and redeveloper for the former Davis Tannery property using a request for Proposals process.

**CARRIED (11:1)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)  
NAYS: Councillor Neill (1)  
ABSENT: Councillor Osanic (1)

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**APPROVAL OF ADDEDS**

Moved by Deputy Mayor Paterson  
Seconded by Councillor Neill

**THAT** the addeds be approved.

**CARRIED (12:0)**  
**(A 2/3 Vote of Council was Received)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)  
NAYS: (0)  
ABSENT: Councillor Osanic (1)

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**DISCLOSURE OF PECUNIARY INTEREST**

- (1) Councillor Downes declared a possible pecuniary interest in the matter of Clause (1) of Report No. 74, Received from CAO (Recommend), Oakwood Preschool Childcare Centre Future, as he is an employee of the Limestone District School Board, and they now provide similar early childhood education services.
- (2) Mayor Gerretsen declared a possible pecuniary interest in the matter of Clause (1) of Report No. 75, Received from the Planning Committee, Application for Zoning By-Law Amendment for 188 Ordnance Street, as he owns a business that may be impacted by policy changes in this recommendation.
- (3) Mayor Gerretsen declared a possible pecuniary interest in the matter of Clause (3) of Report No. 75, Received from the Planning Committee, Application for Zoning By-Law Amendment for 60 Nelson Street, as he owns property near the subject property.

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## PRESENTATIONS

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Councillor Downes withdrew from the meeting.

## DELEGATIONS

Council consented to the **addition** of Delegation No. (1).

- (1) Kim Greek, Co-Chair, Kingston Frontenac Early Learning & Childcare Network Steering Team, spoke to Council in regards to Clause (1), Report No. 74, received from the CAO (Recommend), Oakwood Preschool Childcare Centre Future.

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Councillor Downes returned to the meeting.

## BRIEFINGS

- (1) Desiree Kennedy, Director, Financial Services, City of Kingston, Julie Shillington, Administrator – Long-Term Care, County of Frontenac and Paul Charbonneau, Director of Transportation and Emergency Services/Chief of Paramedic Services, County of Frontenac, briefed Council on Clause (2), Report No. 74, Received from CAO (Recommend), 2013 Budget Update – Agency and Board Requests, specifically, with respect to Fairmount Home and land ambulance services, respectively.

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## PETITIONS

- (1) A petition bearing approximately 104 signatures was presented by Mayor Gerretsen and referred to the Commissioner of Community Services and reads as follows:

“Step up for Kingston families Save Oakwood Childcare Center Attention Parents Please sign this petition and hold your local decision makers accountable. Let them know that without their assistance the community of Rideau Heights – Kingston North End will not have access to vital community childcare services. There ARE options that would make the Centre Financially viable WITHOUT putting pressure on Taxpayers”.

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES**

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Councillor Hector withdrew from the meeting.

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

**Motions of Congratulations**

- (1) Moved by Mayor Gerretsen  
Seconded by Deputy Mayor Paterson

**THAT** the congratulations of Kingston City Council be extended to Blair Johnson, Clerk's Department, and his wife Heather, on the birth of their baby boy "Daniel", born May 13, 2013.

**Motions of Condolence**

- (1) Moved by Mayor Gerretsen  
Seconded by Deputy Mayor Paterson

**THAT** the condolences of Kingston City Council be extended to the family and friends of John Langton, who passed away May 2, 2013. John was an active community member through various philanthropic endeavors, and known for his long-standing involvement on the City's Remembrance Day Committee. John will be sorely missed by the community at large, his family, and many friends.

**CARRIED (11:0)  
(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen,  
Councillor Glover, Councillor Hutchison, Councillor Neill, Deputy Mayor  
Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Councillor Hector, Councillor Osanic (2)

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**DEFERRED MOTIONS**

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Councillor Hector returned to the meeting.

## REPORTS

### Report No. 73: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Scott

Seconded by Councillor Berg

**THAT** Report No. 73: Received from the Chief Administrative Officer (Consent) be received and adopted.

### Report No. 73

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) Outdoor Aquatic Centre Naming Rights Award

**THAT** Council authorize the Mayor and the Clerk to enter into an agreement with Scott Environmental Group Limited, for the naming rights and sponsorship for the Outdoor Aquatic Centre, located at 303 York Street in Kingston, for a total amount of \$60,000 over a five (5) year period, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Community Services (13-197) was attached as to the agenda.)

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

**CARRIED (9:3)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hector, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (9)

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

ABSENT: Councillor Osanic (1)

Councillor Hector withdrew from the meeting.

#### (b) Parking By-law Amendments – Downtown Road & Infrastructure Reconstruction

**THAT** a by-law be presented to amend City By-law 2010-128 “A By-law to Regulate Parking”, as amended, in order to apply appropriate parking regulations to the parking lanes on the reconstructed areas of Princess Street, King Street, Wellington Street and Bagot Street as outlined in Exhibits A & B to Report 13-157.

**(See By-Law No. (4), 2013-116)**

**REPORTS CONTINUED**

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-157) was attached to the agenda.)  
(File No. CSU-T02-000-2013)

**(c) Municipal Hazardous and Special Waste Phase 2 Funding Agreement with Recycling Council of Ontario**

**THAT** a contract be awarded to the Recycling Council of Ontario for the reimbursement of expenses associated with collection services and post-collection services of Phase 2 materials until February 4, 2016; and

**THAT** the Mayor and Clerk be authorized to sign the agreement in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO of Utilities Kingston (13-187) was attached to the agenda.)  
(File No. CSU-E07-000-2013)

**(d) Supply Agreement for Sale of Mixed Plastics**

**THAT** a two year Supply Agreement be awarded to EFS-Plastics Inc. (EFS) for mixed plastics, with two optional one year extensions to be exercised at the sole discretion of the City of Kingston, whereby EFS will purchase a minimum of 75% of the mixed plastics offered for sale at the market price as established in the agreement; and

**THAT** the Mayor and Clerk be authorized to sign the agreement, in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO of Utilities Kingston (13-188) was attached as to the agenda.)  
(File No. CSU-E07-001-2013)

**CARRIED (11:0)**  
**(Clauses (b) through (d))**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Councillor Hector, Councillor Osanic (2)

Councillor Hector returned to the meeting.

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**Report No. 74: Received from the Chief Administrative Officer (Recommend)**

Moved by Councillor Hector

Seconded by Deputy Mayor Paterson

**THAT** Report No. 74: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**Report No. 74**

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

Councillor Downes withdrew from the meeting.

**(1a) Staff Briefing:** Lanie Hurdle, Commissioner of Community Services, briefed Council regarding the Oakwood Preschool Childcare Centre Future.

**(1b) Oakwood Preschool Childcare Centre Future**

**THAT** Council approve cessation of municipally delivered childcare and the closure of Oakwood Preschool Childcare Centre on or before October 18, 2013; and

**THAT** staff be directed to undertake notification, service transfer planning and provision of transitional supports to families of children currently enrolled at Oakwood Preschool to assist in locating and transitioning to alternate care; and

**THAT** staff continue to work on childcare service management strategies that will ensure that families of North Kingston (Rideau Heights and Markers Acres neighbourhoods) continue to have access to licensed childcare service options; and

**THAT** Community and Family Services management and Human Resources staff engage representatives from CUPE and the affected staff to determine appropriate options for each staff person in accordance with the provisions of the collective agreement; and

**THAT** the Oakwood property, located at 33 Compton Street, continue to be included in the Rideau Heights Renewal Plan study area, under the purview of the City's Housing Department, to facilitate the overall renewal of the broader Rideau Heights neighbourhood.

(The Report of the Commissioner of Community Services (13-191) was attached to the agenda.)

(File No. CSU-S01-000-2013)

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**REPORTS CONTINUED**

**CARRIED (8:3)**  
**(See Motion To Defer Which Was LOST)**  
**(See Recorded Vote 2)**

Moved by Councillor Hutchison  
Seconded by Councillor Glover

**THAT** Clause (1b) of Report No. 74, Received from the CAO (Recommend) be deferred for consideration at the August 13, 2013 Council meeting to allow staff time to review and revise on the following motions:

- (a) Policy amendments to facilitate keeping Oakwood Preschool open
- (b) Other changes such as staff considerations to facilitate keeping Oakwood Pre School open
- (c) Other locations such as shared space with a school

**LOST (3:8)**  
**(See Recorded Vote 1)**

- (1) YEAS: Councillor Glover, Councillor Hutchison, Councillor Neill (3)  
NAYS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (8)  
ABSENT: Councillor Downes, Councillor Osanic (2)
- (2) YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (8)  
NAYS: Councillor Glover, Councillor Hutchison, Councillor Neill (3)  
ABSENT: Councillor Downes, Councillor Osanic (2)

Councillor Downes returned to the meeting.

**(3) 2013 Budget Update – Agencies and Boards**

Council consented to the **separation** of paragraphs (1) through (3)

**THAT** the Cataraqui Region Conservation Authority budget and the County of Frontenac budgets for Land Ambulance and Fairmount Home for the Aged be received and approved, attached as Exhibits A and B to Report No. 13-194; and

**CARRIED (9:3)**  
**(See Motion To Amend Which Was LOST)**  
**(See Recorded Vote 2)**

**REPORTS CONTINUED**

**THAT** the City share of the Fairmount Home Auditorium capital project in the amount of \$1,479,000 be approved, with funding from the 2013 County of Frontenac services budget allocation envelop of \$403,846, the Municipal Capital Reserve Fund (PAYG) of \$425,254 and debt issuance of \$650,000; and

**CARRIED (9:3)**  
**(See Recorded Vote 3)**

**THAT** the City Treasurer be delegated authority to structure the debt, its repayment terms and appropriate interest with amortization over a 10 year term.

**CARRIED (11:1)**  
**(See Recorded Vote 4)**

Moved by Councillor Glover  
Seconded by Councillor Hutchison

**THAT** Clause (2) of Report No. 74, Received from CAO (Recommend), 2013 Budget Update – Agencies and Boards, paragraph (1) be amended by deleting “Land Ambulance and” to read as follows:

**THAT** the Cataraqui Region Conservation Authority budget and the County of Frontenac budget and Fairmount Home for the Aged be received and approved, attached as Exhibits A and B to Report No. 13-194; and

**LOST (5:7)**  
**(See Recorded Vote 1)**

- (1) YEAS: Councillor Downes, Councillor George, Councillor Glover, Councillor Hutchison, Councillor Neill (5)  
NAYS: Councillor Berg, Mayor Gerretsen, Councillor Hector, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (7)  
ABSENT: Councillor Osanic (1)
- (2) YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Hutchison, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (9)  
NAYS: Councillor Downes Councillor Glover, Councillor Neill, (3)  
ABSENT: Councillor Osanic (1)

**REPORTS CONTINUED**

(3) YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Hutchison, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (9)

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

ABSENT: Councillor Osanic (1)

(4) YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: Councillor Downes (1)

ABSENT: Councillor Osanic (1)

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Moved by Councillor Neill

Seconded by Councillor Hector

**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 the agenda.

**CARRIED (10:2)**

**(A 2/3 Vote Of Council Was Received)**

**(See Recorded Vote)**

YEAS: Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (10)

NAYS: Councillor Berg, Councillor Glover (2)

ABSENT: Councillor Osanic (1)

Councillor Hector challenged the ruling of the Chair with respect to Section 14.29 of the Council Procedural By-Law.

**LOST (4:8)**

**(A 2/3 Vote Of Council Was Not Received)**

**(See Recorded Vote)**

YEAS: Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill (4)

NAYS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (8)

ABSENT: Councillor Osanic (1)

Mayor Gerretsen passed the gavel to Deputy Mayor Paterson and withdrew from the meeting, Deputy Mayor Paterson assumed the chair.

**Report No. 75: Received from the Planning Committee**

Moved by Deputy Mayor Paterson

Seconded by Councillor Berg

**THAT** Report No. 75: Received from the Planning Committee be received and adopted.

**Report No. 75**

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

Council consented to the **separation** of Clauses (1) through (6).

**1) Application for Zoning By-Law Amendment for 188 Ordnance Street**

**THAT** the application for Zoning By-Law Amendment (Our File No. D14-011-2013) submitted by BPE Development, for the property municipally known as 188 Ordnance Street, **BE APPROVED**; and

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

1. Map 18 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from One-Family Dwelling and Two-Family Dwelling Zone 'A' to a Special One-Family Dwelling and Two-Family Dwelling Zone 'A.426', as shown on Schedule "A" attached to and forming part of By-Law No. 2013-117.
2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO THE VARIOUS ZONE CLASSIFICATIONS:

426. 188 Ordnance Street

Notwithstanding the provisions of Section 5 hereof to the contrary, the lands designated 'A.426' on Schedule 'A' hereto, the following regulations shall apply:

a) DEFINITIONS:

For the purpose of the 'A.426' 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;

**REPORTS CONTINUED**

- (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.
- b) The use of a cellar as a portion of an existing dwelling unit or as a habitation unit is permitted; and

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

(Note: A copy of the draft by-law was attached to the agenda.)

**(See By-Law No. (5), 2013-117)**

**CARRIED (8:3)**  
**(See Motion To Amend Which Was LOST)**  
**(See Recorded Vote 2)**

Moved by Councillor Glover  
Seconded by Councillor Downes

**THAT** Clause (1) of Report No. 75, Application for Zoning By-Law Amendment for 188 Ordinance Street, be amended by deleting the following paragraph:

- b) The use of a cellar as a portion of an existing dwelling unit or as a habitation unit is permitted; and

**LOST (3:8)**  
**(See Recorded Vote 1)**

- (1) YEAS: Councillor Downes, Councillor Glover, Councillor Reitzel, (3)  
NAYS: Councillor Berg, Councillor George, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Schell, Councillor Scott (8)  
ABSENT: Mayor Gerretsen, Councillor Osanic (1)
- (2) YEAS: Councillor Berg, Councillor George, Councillor Hector, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (8)  
NAYS: Councillor Downes, Councillor Glover, Councillor Hutchison (3)  
ABSENT: Mayor Gerretsen, Councillor Osanic (2)

## REPORTS CONTINUED

### 2) Application for Zoning By-Law Amendment for 3031 Lakehead Road

**THAT** the following be approved:

1. 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:

1.1. Map 3 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from Restricted Agricultural 'A1' Zone to Environmental Protection Area 'EPA' Zone, Restricted Agricultural 'A1' Zone to a Special Restricted Agricultural A1-17 Zone and Restricted Agricultural 'A1' Zone to a Special Restricted Agricultural A1-18 Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2013-118.

1.2. By **Adding** a new subsection 9 (3) (q) thereto as follows:

**"(q) A1-17, 3031 Lake Head Road**

Notwithstanding the provisions of Sections 5 and 9 hereof to the contrary, the lands designated 'A1.17' on Schedule 'A' hereto, the following regulations shall apply:

- i) Permitted uses shall be limited to:  
Single detached dwelling  
Home occupation
- ii) Prohibited Uses:  
Additional habitation units are prohibited  
Additional dwelling units are prohibited
- iii) Minimum Distance Separation: 85 metres
- iv) Setback:  
The minimum setback for a septic system, including storage tank and weeping bed, shall be 270 from the Loughborough Lake waterline.
- v) No building, structure, stall, or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone."

1.3. By **Adding** a new subsection 9 (3) (r) thereto as follows:

**"(r) A1-18, 3031 Lake Head Road**

**REPORTS CONTINUED**

Notwithstanding the provisions of Sections 5 and 9 hereof to the contrary, the lands designated 'A1.18' on Schedule 'A' hereto, the following regulations shall apply:

- i) Permitted uses shall be limited to:  
Single detached dwelling  
Home occupation
- ii) Prohibited Uses:  
Additional habitation units are prohibited  
Additional dwelling units are prohibited
- iii) Minimum Distance Separation: 85 metres
- iv) Minimum Lot Frontage: 6.0 metres
- v) Maximum rear yard depth shall be 14 metres
- vi) No building, structure, stall, or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone."

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

(Note: A copy of the draft by-law was attached to the agenda.)

**(See By-Law No. (6), 2013-118)**

**CARRIED (11:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Mayor Gerretsen, Councillor Osanic (2)

**3) Application for Zoning By-Law Amendment for 60 Nelson Street**

**THAT** the application for Zoning By-Law Amendment (Our File No. D14-252-2012) submitted by Mr. Ari Weisberg, for the property located at 60 Nelson Street, **BE REFUSED.**

**CARRIED (11:0)**  
**(See Recorded Vote)**



## REPORTS CONTINUED

YEAS: Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Mayor Gerretsen, Councillor Osanic (2)

### 4) Application for Zoning By-Law Amendment for 334 Victoria Street

**THAT** the Application for Zoning By-Law Amendment (Our File No. D14-276-2012) submitted by IBI Group, on behalf of Carey Varga, for the property municipally known as 334 Victoria Street, **BE APPROVED**; and

**THAT** the former 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 One and Two Family Dwelling ‘A’ to Special One and Two Family Dwelling ‘A.425’, as shown on Schedule “A” attached to and forming part of By-Law No. 2013-119.
  - 1.2. By **Adding** a new subsection 425 thereto as follows:

“(425) **334 Victoria Street**

Notwithstanding the provisions of Section 5 and 6 hereof to the contrary, the lands designated ‘A.425’ on Schedule ‘A’ hereto, the following regulations shall apply:

- a) Maximum 2 dwelling units are permitted;
- b) The maximum aggregate number of bedrooms shall be 9;
- c) Additional bedrooms are prohibited;
- d) The use of a cellar as a portion of an existing dwelling unit is permitted;
- e) Front yard parking is prohibited;
- f) **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 a washroom) or cooking purposes (such as a kitchen); and
  - (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.

**REPORTS CONTINUED**

- g) Minimum Lot Area for two dwelling units shall be 664 square metres; and
- h) Minimum Front Yard Setback: 2.6 metres”; and

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

(Note: A copy of the draft by-law was attached to the agenda.)

**(See By-Law No. (7), 2013-119)**

**CARRIED (9:2)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor George, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (9)

NAYS: Councillor Downes, Councillor Glover (2)

ABSENT: Mayor Gerretsen, Councillor Osanic (2)

**5) Application for Zoning By-Law Amendment and Draft Plan of Subdivision for 1382 & 1396 Highway 15**

**THAT** the application for Zoning By-Law Amendment (Our File No. D14-251-2012) submitted by RGH Development Inc. and Tessa Dearsley, for the property located at 1382 & 1396 Highway 15, **BE APPROVED**; and

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

1. 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:

1.1. That Zoning Schedule “A”, Map 4 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘A1’ to ‘FP-5’ as shown on Schedule “A” attached hereto and forming part of amending By-Law No. 2013-120.

1.2. That the following be **added** as Section 22A (3)(e) of the By-Law:

“(e) **SPECIAL REQUIREMENTS (FP-5):**

Notwithstanding any provisions of Section 22A of the By-Law to the contrary, the lands designated FP-5 shall be used for no purpose other than a conservation use or public use. No buildings, structures or accessory uses shall be permitted.”

**REPORTS CONTINUED**

1.3. That Zoning Schedule "A", Map 4 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of the subject site from 'A1' and 'R1' to 'R12' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-120.

1.4. That the following new Section be **added** as Section 11G of the By-Law:

**SECTION 11G RESIDENTIAL TYPE 12 ZONE (R12)**

(1) USES PERMITTED

No person shall within any R12 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R12 uses, namely:

(a) RESIDENTIAL USES:

- a detached single family dwelling house;
- a semi-detached dwelling house;
- a row dwelling house.

(b) NON-RESIDENTIAL USES:

- a home occupation;
- a public use.

(2) ZONE PROVISIONS

No person shall within any R12 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT FRONTAGE (minimum):

	Corner lot	Other Lot
i) detached single family dwelling house	11.4 metres	10.0 metres
ii) semi-detached dwelling house	16.8 metres	15.0 metres
iii) row dwelling house	9.0 metres	6.1 metres

For the purpose of measuring Lot Frontage as defined in Section 4(78), the front yard depth shall be 6.0 metres.

(b) FRONT YARD DEPTH (minimum): 4.5 metres  
(maximum): 6.5 metres

i) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

(c) EXTERIOR SIDE YARD WIDTH (minimum): 3.0 metres

(d) INTERIOR SIDE YARD WIDTH (minimum):

**REPORTS CONTINUED**

- i) detached single family dwelling house 0.6 metres on one side and 1.2 metres on the other side
  - ii) semi-detached dwelling house 1.2 metres for a side that is not attached to another dwelling house
  - iii) row dwelling house 1.2 metres for a side that is not attached to another dwelling house
- (e) REAR YARD DEPTH (minimum): 6.0 metres
- (f) HEIGHT OF BUILDING: 13 metres
- (g) DWELLING HOUSES PER LOT (maximum): 1 only
- (h) ACCESSORY USES:  
In accordance with the provisions of Section 5 hereof except:
- i) The maximum lot coverage of an accessory use, building or structure shall be no more than 10% of lot area.
  - ii) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except where a mutual garage is erected on the common lot line between two lots, in which case, no minimum interior side yard width is required.
  - iii) No accessory use, building or structure shall be located closer than 0.6 metres to a rear yard lot line.
  - iv) Ornamental structures may project into any required yard a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line
  - v) The minimum setback from an exterior side lot line for unenclosed decks, porches, patios, balconies, steps and verandas, covered or uncovered, shall be no closer than 2.4 metres
- (i) GARAGE LOCATION:  
Notwithstanding any other provision of this By-law hereof to the contrary, the front wall of the garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6.0 metres from the lot line abutting the public street.
- (j) GARAGE WIDTH (maximum) 7 metres, measured from the inside face of the poured concrete garage wall.

## REPORTS CONTINUED

(k) DRIVEWAY WIDTH:

Notwithstanding any other provision of this By-law hereof to the contrary, the maximum driveway width shall be 50% of the lot frontage or 6 metres, whichever is the lesser.

(l) SPECIAL PROVISION:

i) The total number of townhouse dwellings shall not exceed 25 percent of the total number of residential units proposed within a registered plan of subdivision.

ii) There shall be no more than seven attached row dwelling houses in one continuous row.

(m) SIGHT TRIANGLES:

That notwithstanding the provisions of Section 4(126) hereof to the contrary, the lands designated R12 on Schedule "A" attached hereto, shall measure the sight triangle 3 metres from the point of intersection of the street lines.

1.5. That Zoning Schedule "A", Map 4 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of the subject site from 'A1' to 'R12-1' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-120.

1.6. That the following be **added** as Section 11G (3)(a) of the By-Law:

(3) SPECIAL R12 ZONES

(a) (R12-1):

Notwithstanding any provisions of Section 11G hereof to the contrary, on the lands zoned 'R12-1' on Schedule "A" attached hereto, the following provisions shall apply:

i) A 6.0 metre buffer from the adjacent Environmental Protection Area shall be provided.

ii) REAR YARD DEPTH (minimum): 7.5 metres

iii) No accessory use, building or structure (including but not limited to swimming pools, unenclosed decks, porches, patios, balconies, steps, verandas and ornamental structures, covered or uncovered) shall be permitted within 6.0 metres of the rear lot line dividing the lots from lands identified as Environmental Protection Area.

iv) Maximum Driveway Width

The maximum driveway width for single detached dwellings shall be a maximum of 9 metres. The driveway width at the property line and within the municipal right-of-way shall be a maximum of 6.0 metres or 50% of the lot frontage, whichever is the lesser.

## REPORTS CONTINUED

v) Maximum Garage Width

The maximum garage width for single detached dwellings shall be a maximum of 9 metres measured from the inside face of the poured concrete garage wall.

1.7. That Zoning Schedule "A", Map 4 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of the subject site from 'A1' to 'R12-2' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-120.

1.8. That the following be **added** as Section 11G (3)(b) of the By-Law:

(3) SPECIAL R12 ZONES

(b) (R12-2):

Notwithstanding any provisions of Section 11G hereof to the contrary, on the lands zoned 'R12-2' on Schedule "A" attached hereto, the following provisions shall apply:

i) FRONT YARD DEPTH (minimum): 4.5 metres  
(maximum): 13 metres

ii) Building Depth (Maximum): 20 metres

iii) A 6.0 metre buffer from the adjacent Environmental Protection Area shall be provided.

iv) REAR YARD DEPTH (minimum): 7.5 metres

v) No accessory use, building or structure (including but not limited to swimming pools, unenclosed decks, porches, patios, balconies, steps, verandas and ornamental structures, covered or uncovered) shall be permitted within 6.0 metres of the rear lot line dividing the lots from lands identified as Environmental Protection Area.

1.9. By **deleting** Section 5(14)(e)(v)(b) in its entirety and replacing it with the following:

b) 7 metres for all Residential uses in MVC, C, LSR, R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11 or R12 Zones where the sight triangle requirement is 3 metres;

1.10. By **deleting** Section 5(14)(e)(viii) in its entirety and replacing it with the following:

No driveway shall be established closer than 3.5 metres to an interior side lot line nor closer than 1.5 metres to a rear lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres, except that no driveway in an LSR, R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11 or R12 Zone shall be established closer than 1.0 metres to an interior side lot line, nor closer than 1.0 metres to a rear lot line, provided that this shall not apply to prevent the establishment of abutting driveways along a common lot line, if their combined width does not exceed 9 metres.

## REPORTS CONTINUED

Notwithstanding the above provisions, where within the LSR, R1, R2, R3, R4, R5, R6, R7, R8 or R12 zones a side yard of less than 1.0 metres is permitted, the driveway is permitted to extend as close to the interior lot line as the attached garage; and

**THAT** the Amending By-Laws be presented to City Council for all three readings; and

**THAT** the application for Draft Plan of Subdivision (Our File No. D12-073-2012) submitted by RGH Development Inc. and Tessa Dearsley, for the property located at 1382 & 1396 Highway 15, **BE APPROVED**, subject to the following conditions:

### 1. **Approved Draft Plan**

That this approval applies to the Draft Plan of Subdivision, prepared by D.R. Barker & Associates Ltd., dated November 9, 2012 which shows the following:

- 41 residential lots (Lots 1 - 41);
- 4 residential blocks (Blocks 42 - 45);
- 4 blocks for 0.3 m reserves (Blocks 46 - 49);
- 1 block for parkland dedication (Block 50);
- 4 blocks for environmental protection (Blocks 51 - 54); and,
- 1 new roadway (Street 'A').

### 2. **Streets and Civic Addressing**

- (a) That prior to Final Plan Approval, access to the site must be obtained from a public highway.
- (b) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (c) That the road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (d) That prior to Final Plan Approval, the Owner shall submit proposed street names for approval by the Planning and Development Department which names shall be included on the first submission of the engineering drawings. The streets within this Plan shall be named to the satisfaction of the City, in consultation with the Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law.

## **REPORTS CONTINUED**

- (e) That prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
- (f) That for lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning and Development Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- (g) That the Owner shall agree that the location and design of any construction access shall be approved by the City and/or the appropriate authority.

### **3. Reserves, Easements and Conveyances**

- (a) That any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 m reserve to be conveyed to the City free of all charges and encumbrances.
- (b) That prior to Final Plan Approval, the daylighting triangles shall be conveyed to the City free of all charges and encumbrances.
- (c) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.
- (d) That a parkland block shall be conveyed to the City of Kingston for park purposes, in a condition satisfactory to the City of Kingston and at no cost to the City of Kingston, and shall be fenced to the satisfaction of the City. Prior to Final Plan Approval, the City of Kingston will confirm parkland conveyance.

### **4. Financial Requirements**

- (a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City concerning all provisions of municipal services including but not limited to fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.



## **REPORTS CONTINUED**

- (b) That prior to Final Plan Approval, the Owner shall submit for the City's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the City's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.
- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the City.
- (d) That the Owner agrees to reimburse the City for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

### **5. Subdivision Agreement**

- (a) That the Owner shall enter into the City's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the City for the development of this Plan.
- (b) That the Subdivision Agreement between the Owner and the City be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

### **6. Engineering Drawings**

- (a) That prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the City's Subdivision Design Guidelines and to the satisfaction of the City. Such plans are to form part of the Subdivision Agreement.
- (b) That prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the City's standard format for incorporation into the Pre-Servicing and/or Subdivision Agreement.

### **7. Revisions to Draft Plan**

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the City.

## REPORTS CONTINUED

- (b) That prior to Final Plan Approval of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the City.

### 8. Phasing

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees.
- (b) That the phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the City, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

### 9. Zoning By-Law Compliance

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the Planning Act.
- (b) That prior to Final Plan Approval, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the provisions of the applicable Zoning By-Law.

### 10. Archaeological Assessment

- (a) That the Owner shall carry out any further required Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource requirements.

## **REPORTS CONTINUED**

- (b) That the any recommendations of the Archaeological Assessment shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.
- (c) The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Tourism, Culture & Sport. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City or any other duly authorized Government body shall be borne solely by the applicant.
- (d) That the Subdivision Agreement shall contain provisions that in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Culture & Sport (416-314-7132) and the City of Kingston Heritage Planner (613-546-4291 ext 1844) must be immediately contacted.
- (e) That the Subdivision Agreement shall contain provisions that in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Culture (416-314-7132), and the City of Kingston Heritage Planner (613-546-4291 ext 1844) must be immediately contacted.

### **11. Stormwater Management**

- (a) That prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the City and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement.
- (b) That prior to Final Plan Approval, the Owner shall submit a Stormwater Management Report and implementing plans for the development. The report shall be prepared by a qualified Professional Engineer, to the satisfaction of the City and Cataraqui Region Conservation Authority.

## **REPORTS CONTINUED**

- (c) That the recommendations of the Stormwater Management Report shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.
- (d) That prior to Final Plan Approval and prior to any works commencing on the site, the Owner shall submit for approval by the City and the Cataraqui Region Conservation Authority, a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
  - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
  - ii) the location and description of all outlets and other facilities;
  - iii) stormwater management techniques which may be required to control minor and major flows;
  - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
  - v) overall grading plans for the subject lands; and
  - vi) stormwater management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (e) That the Owner shall agree to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period.

### **12. Noise Impact Study**

- (a) That prior to Final Plan Approval, the Owner shall submit a Detailed Noise Impact Study which demonstrates that the appropriate noise criteria can be achieved, in accordance with Ministry of the Environment guidelines. The Noise Impact Study must be prepared by a qualified Professional Engineer.
- (b) That the recommendations of the Noise Impact Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.

## **REPORTS CONTINUED**

### **13. Traffic Impact Study**

- (a) That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Traffic Impact Study prepared by MMM Group, dated April 2012 and Addendum dated November 21, 2012, for the subject property into the approved plans and Subdivision Agreement, to the satisfaction of the City.
- (b) That prior to final approval of the subdivision the Owner shall submit an addendum to the Traffic Impact Study that includes an apportionment of costs for the improvements of the intersection at Highway 15, to be reviewed and approved by the Engineering Department.
- (c) That the Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the recommendations of the Traffic Impact Analysis, to the satisfaction of the City.

### **14. Heritage Impact Statement**

- (a) That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Heritage Impact Statement prepared by BRAY Heritage, dated May 2012, for the subject property into the approved plans and Subdivision Agreement.
- (b) The Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City, including but not limited to the following:
  - i) The Owner shall ensure the height of the new development is no greater than two storeys.
  - ii) The Owner shall preserve the existing trees on the western slopes and shoreline of the subject property and the existing hedgerow on the northern boundary.
  - iii) The Owner shall preserve the stone boundary markers.

### **15. Environmental Impact Study**

- (a) That prior to Final Plan Approval, the Owner shall submit an updated Environmental Impact Study to address concerns expressed by the City and the Cataraqui Region Conservation Authority relating to the required setback and buffers. The updated Environmental Impact Study must be prepared by a qualified professional, to the satisfaction of the City and the Cataraqui Region Conservation Authority.

## REPORTS CONTINUED

- (b) That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Environmental Impact Study prepared by Niblett Environmental Associates Inc., dated June 2012, and Addendum dated November 21, 2012, for the subject property into the approved plans and Subdivision Agreement.
  
- (c) The Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City and the Cataraqui Region Conservation Authority, including but not limited to the following:
  - i) The Owner shall install and maintain a silt and snow fence along the western boundary defined by the buffer from the ANSI to the rear lot lines prior to any site preparation activities.
  - ii) The Owner shall only be permitted to grade, remove or add fill to the site in the area outside the setback fencing and buffer.
  - iii) The Owner shall install and maintain functioning sediment control measures prior to and during the construction phase and remain in place until all bare or exposed soils have become stabilized or vegetated.
  - iv) The Owner shall not stockpile material (stored or excavated), place stumps or any other works within the buffer of the ANSI.
  - v) The Owner shall have a qualified landscape architect prepare a planting plan for the ANSI buffer. The plan should use only native species of trees, shrubs and herbaceous plants and be designed to include only species indigenous to the local area.
  - vi) The Owner shall, prior to any land clearing, prepare a sediment and erosion control plan for the site preparation, construction and post construction period to prevent negative impacts on the wetland and the buffer.
  - vii) The Owner shall time the cutting of trees outside of the May 1<sup>st</sup> to July 31<sup>st</sup> timing window for breeding birds.
  - viii) The Owner shall schedule grading to avoid times of high runoff volumes (ie. spring and fall).
  - ix) The Owner shall install a permanent 1.2 metre chain link fence on the rear lot line of Lots 1 to 14 and Block 45 to prevent access to the ANSI.
  - x) The Owner shall retain the Butternut tree (labeled 4019 in the Tree Preservation Plan) and protect the tree with buffer agreed upon by the Ministry of Natural Resources.
  - xi) The Owner shall discuss compensation plans for the loss of Eastern Meadowlark habitat with the Ministry of Natural Resources.

## **REPORTS CONTINUED**

- (d) That prior to Final Plan Approval, should there be an agreement for the development of a trail on private land within the Environmental Protection Area (Blocks 51-54) by the City and Cataraqui Region Conservation Authority, the Owner shall submit an Environmental Impact Study for such trail demonstrating that no negative impact would occur. The Environmental Impact Study must be completed by a qualified professional to the satisfaction of the City and Cataraqui Region Conservation Authority.

### **16. Geotechnical Study**

- (a) That prior to Final Plan Approval, the Owner shall submit a Geotechnical Study which evaluates the soils and subsurface conditions of the site, including fill previously placed on the site. The Geotechnical Study must be prepared by a qualified Professional Engineer, to the satisfaction of the City.
- (b) That the recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.

### **17. Servicing Study**

- (a) That prior to Final Plan Approval, the Owner shall submit a Servicing Study, prepared by a qualified Professional Engineer, to the satisfaction of the City.
- (b) That the recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.

### **18. Environmental Site Assessment**

- (a) Provisions shall be included in the Subdivision Agreement that should site remediation be required to meet the applicable soil and ground water criteria set out in the Guideline for Use at Contaminated Sites in Ontario (MOE, as amended), the Owner shall submit to the City, prior to Final Plan Approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment and to the satisfaction of the City.
- (b) Provisions shall be included in the Subdivision Agreement that the Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria set out in the Guideline for Use at Contaminated Sites in Ontario (MOE, as amended).

## REPORTS CONTINUED

### 19. Parkland Conveyance

- (a) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the City for functional park or other public recreational purposes.
- (b) That no above ground public utilities such as Bell pedestals or transformers shall be situated within the parkland to be conveyed to the City of Kingston.
- (c) That prior to Final Plan Approval, the Owner and the City shall finalize parkland conveyance for this subdivision including, but not limited to the following options:
  - i) Conveyance to the City of Block 50 for park purpose.
  - ii) Reduction of parkland requirements in exchange for conveyance to the City of all or part of Block 51.

### 20. Species at Risk

- (a) Butternut tree (#4019 in the Tree Preservation Plan):
  - i) That prior to Final Plan Approval, the Owner must ensure that a 10.5 metre buffer is provided around the Butternut tree identified as tree #4019 in the Tree Preservation Plan. No buildings or structures shall be permitted within this buffer area.
  - ii) That prior to commencement of any site works, the Owner shall appropriately identify the Butternut tree with flagging tape and shall ensure that the surrounding vegetation within 2 metres of the base of the Butternut tree be naturally controlled (without the use of chemicals) to maximize the survival of the tree.
  - iii) The Owner is responsible for the implementation of the monitoring plan. If the Ministry of Natural Resources conducts an audit to ensure the survivorship of the tree, and the health has suffered as a result of the required 25 metre setback not being met, a contravention under the Endangered Species Act could be applied.
  - iv) The Owner may file a Butternut Planting Plan with Peterborough District of the Ministry of Natural Resources. The planting plan must outline the planting schedule and monitoring requirements for the replacement trees to be planted as compensation for this Butternut tree which could be harmed by not providing the 25 metre buffer. A total of 10 seedlings would need to be planted to compensate.
  - v) Provisions shall be included in the Subdivision Agreement to address the requirements of the Ministry of Natural Resources.



## REPORTS CONTINUED

- (b) Eastern Meadowlark
- i) That prior to Final Plan Approval, the Owner shall submit a revised Development Plan to the Ministry of Natural Resources and the City in accordance with O. Reg 242/08, which includes the creation or enhancement of an area equal to:
    - 50% of the amount of habitat described in the development plan that will be damaged or destroyed, provided that draft plan approval is obtained prior to November 1, 2014; or,
    - 100% of the amount of habitat described in the development plan that will be damaged or destroyed, provided that the draft plan approval is obtained after November 1, 2014
  - ii) Provisions shall be included in the Subdivision Agreement to address the habitat compensation requirements of the Ministry of Natural Resources.

### 21. Tree Preservation Plan and Street Trees

- (a) That prior to Final Plan Approval, the Owner shall submit a Tree Preservation Plan prepared by an ISA Certified Arborist, Registered Professional Forester, or Treemarketer and to the satisfaction of the City.
- (b) That the recommendations of the Tree Preservation Plan shall be incorporated into the on drawings for approval by the City and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Plan recommendations to the satisfaction of the City.
- (c) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the City for a Tree Preservation Plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree Conservation By-Law which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the City. This plan shall be reviewed and approved by the City and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the City.

## **REPORTS CONTINUED**

- (d) That prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the City.
- (e) That prior to Final Plan Approval, the Owner shall submit a Tree Inventory, to the satisfaction of the City, for Block 50 should the lands not be deeded to the City for a park.
- (f) That prior to Final Plan Approval, the Owner shall submit a Tree Protection Plan with protective fencing details to the satisfaction of the City. The Owner shall install tree protective fencing, with appropriate signage, around all retained trees prior to the commencement of any site works. All equipment, soil, building materials and other debris must be kept outside the hoarded area. The protective fencing shall be maintained for the entire duration of the site works. The Owner is responsible for the regular watering and maintenance of the trees while enclosed by the tree protective fencing.

### **22. Landowner Information Package**

That prior to Final Plan Approval, the Owner shall prepare a Landowner Information Package, to the satisfaction of the City and the Cataraqui Region Conservation Authority, which shall be registered on title of the subject property and distributed to all prospective purchasers and shall be appended to their Agreements of Purchase and Sale or Lease. Provisions shall be included in the Subdivision Agreement to require a Notice to Purchasers that the Landowner Information Package has been prepared to help make them aware of environmental best practices on their property and with respect to the proximity of the property to a provincially significant wetland, ANSI, significant wildlife habitat, and significant woodland. The Package must also include information regarding maximum driveway width and warnings regarding snow removal on bulbed corners and cul-de-sacs.

### **23. Canada Post - Community Mail Boxes**

- (a) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mail boxes within the Plan, and shall identify such locations on drawings for approval by the City.
- (b) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the City, provide detailed design plans for the community mail boxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

## **REPORTS CONTINUED**

- (d) That prior to Final Plan Approval, the Owner shall enter into a Community Mailbox Developer Agreement and pay the Address Activation Fee with Canada Post Corporation for the installation of Community Mail Boxes as required by Canada Post.
- (e) That the Owner shall identify in all offers of purchase and sale, or lease for all lots and blocks within this Plan that mail delivery will be provided via a community mail box, provided that the Owner has paid for the activation and equipment installation of the community mail box, and the locations of all community mail boxes within this Plan. A Notice to Purchasers shall also be included in the Subdivision Agreement to this effect.

### **24. Fencing**

- (a) That the Owner shall install a 1.2 metre high black vinyl chain link fence along the rear of Lots 1 to 14 and Block 45 to prevent access to the Environmental Protection Area, defined as Block 51 on the subject lands and as defined in the Official Plan on abutting lands. The fence shall be constructed without any gates or openings.
- (b) That the Owner shall construct a noise attenuation barrier, based on the findings of the Detailed Noise Impact Study.

### **25. Fire Hydrants and Water Supply**

That prior to Final Approval, the Owner shall show on the engineering drawings, to the satisfaction of the City, the following:

- i) A water supply line of at least 200mm for firefighting purposes.
- ii) The size of water mains and location of fire hydrants. All fire hydrants are required to conform to current Utilities Kingston specifications.

### **26. Builder's Plan**

That prior to Final Approval, the Owner shall prepare a Builder's Plan to the satisfaction of the City that includes the location and width of all driveways, all above ground infrastructure including street tree planting, and on street parking and snow storage throughout the plan of subdivision.

### **27. Future Residential Lots**

That Blocks 42 to 45 are reserved for future development and shall be developed only in conjunction and combined with the development of other lands abutting these blocks.

## **REPORTS CONTINUED**

### **28. Cataraqui Region Conservation Authority**

That prior to Final Plan Approval, provisions shall be included in the Subdivision Agreement, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06, prior to the placement or re-grading of fill on the site, and to advise the purchasers of Lots 1 to 13 and Blocks 45, 51 to 54 inclusive that a permit from the Conservation Authority may be required prior to the issuance of a building permit by the City.

### **29. Bell Canada**

(a) That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,

(b) That the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the City, or if no such conditions are imposed, the Owner shall advise the City of the arrangements for servicing.

(c) That the Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the City that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (ie., 911 Emergency Services).

### **30. Union Gas Easement**

That approval from Union Gas shall be obtained prior to any work occurring within the easement or if work will cross the easement.

### **31. Hydro One**

(a) That prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Hydro One regarding the design, installation, connection and/or expansion of electric distribution services.

## **REPORTS CONTINUED**

- (b) That the costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

### **32. Utilities Kingston**

- (a) That prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.
- (b) That the Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the City.
- (c) That the Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

### **33. Construction Traffic Route**

That prior to approval of any engineering drawings, arrangements shall be made to the satisfaction of the City for a suitable construction traffic route.

### **34. Warning Clauses**

That the Owner shall include the following warning clauses in a schedule to all offers of purchase and sale, or lease for all lots and blocks within this Plan. Additional warning clauses may be required as a result of the review of the Final Plan of Subdivision and will be identified in the Subdivision Agreement.

- (a) within the entire subdivision plan:
- “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”
  - “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions.”

## REPORTS CONTINUED

- “Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice.”
  - “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
  - “Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice.”
  - “Purchasers are advised that, where a fence has been installed by the Developer, the fence is to be maintained by the homeowner.”
  - “Purchasers and/or tenants of lots on cul-de-sacs and bulbed corners (lots with extended road widths to increase frontages) within this Subdivision are advised that the design of cul-de-sacs and bulbed corners presents challenges to the Municipalities clearing or removal operations. The City will make every effort to keep the street clear of snow and to plow to the curb line. However, some property owners may experience higher volumes of snow at the end of their driveways or may have to remove snow from a portion of the roadway where it is not possible for the snow plow to reach the curb. Purchasers are further advised that it may be necessary for the City to pile snow in the middle of the cul-de-sac or bulbed corners during or after significant storm events. The City will only remove the snow piled in the middle of the cul-de-sac when ongoing snow clearing operations or normal vehicular access may be compromised.”
  - “Purchasers and/or tenants are advised that driveways should not be widened beyond that provided by the home builder without the approval of the City of Kingston. Maximum driveway widths are controlled through the Zoning By-Law.”
- (b) abutting a park block:
- “Purchasers and/or tenants are advised that Lots 22 and 23 abuts a future park, and periodically active and passive use of the park may interfere with the quiet enjoyment of their home or yard. Changes to the park may occur over time based on neighbourhood needs or operational requirements of the City.”

## REPORTS CONTINUED

- “Purchasers and/or tenants are advised that neither dumping of debris, vegetative cuttings nor emptying of pool water shall be permitted onto the park block lands.”
  - “Purchasers are advised that the City will not be installing any fencing along the limit of the park. Any fencing to be installed must be 6 inches inside the lots property line and be at the homeowners cost. Any fencing is to be maintained by the homeowner.”
- (c) stone boundary marker:
- “Purchasers and/or tenants are advised that the stone boundary/survey marker located at the rear extent of Lot 14 shall not be disturbed or altered in any way without the express written consent of the City of Kingston.”
- (d) abutting any environmental protection area and woodlot or storm water facility:
- “Purchasers and/or tenants are advised that no buildings or structures, including sheds, pools, decks, porches, etc., shall be permitted within 6 metres of the abutting environmental protection area and within 10.5 metres of the Butternut tree identified as Tree #4019 in the Tree Preservation Plan.”
  - “Purchasers and/or tenants are advised that Lots 1 to 14 and Block 45 inclusive abut an environmental protection area, Provincially Significant Wetland, Areas of Natural and Scientific Interest (ANSI), significant wildlife habitat, and significant woodland. These areas are to remain in their natural state.”
  - “Purchasers and/or tenants are advised that neither dumping of debris, vegetative cuttings nor emptying of pool water shall be permitted onto the environmental protection area and woodlot lands.”
- (e) abutting a transit route:
- “Purchasers and/or tenants are advised that the Highway # 15 is a transit route.
- 35. Model Homes:**  
That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the City, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.
- 36. General Conditions:**
- (a) That prior to Final Plan Approval, the Owner shall submit a letter detailing how each Condition of Draft Approval has been satisfied.

**REPORTS CONTINUED**

- (b) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the City's Tariff of Fees By-Law.
- (c) That when requesting Final Approval from the City, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.
- (d) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (e) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the City.
- (f) That prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (g) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the City.
- (h) That the Owner shall agree that no building permits, with the exception of model homes, will be applied for until the City is satisfied that adequate access, municipal water, sanitary and storm services are available.

**37. Clearance Letters:**

- (a) That prior to Final Plan Approval, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) That prior to Final Plan Approval, the City is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 12, 16, 23 and 29 have been satisfied.
- (c) That prior to Final Plan Approval, the City is to be advised in writing by Canada Post the method by which Conditions 24 has been satisfied.



**REPORTS CONTINUED**

- (d) That prior to Final Plan Approval, the City is to be advised in writing by the Ministry of Natural Resources the method by which Conditions 21 has been satisfied.
- (e) That prior to Final Plan Approval, the City is to be advised in writing by Hydro One the method by which Conditions 32 has been satisfied.

**38. Lapsing Provisions:**

- (a) That pursuant to Section 51(32) of the Planning Act, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the Planning Act, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

(Note: A copy of the draft by-law was attached to the agenda.)

**(See By-Law No. (8), 2013-120)**

**CARRIED (11:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Mayor Gerretsen, Councillor Osanic (2)

**6) Approval of the Application for an Initial Study Grant for the Community Improvement Plan for Brownfields Project Area 1C located at 653, 659 and 663 Princess Street and 582 to 604 Victoria Street**

**THAT** Council approve the application to deem 653, 659 and 663 Princess Street and 582 to 604 Victoria Street as eligible to receive an Initial Study Grant under the Community Improvement Plan – Brownfields Project Area 1C; and

**THAT** the Treasurer be authorized to issue the grant payment subject to review of required documentation by the Director of Environment & Sustainable Initiatives.

**CARRIED (11:0)**  
**(See Recorded Vote)**

**REPORTS CONTINUED**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Mayor Gerretsen, Councillor Osanic (2)

\*\*\*\*\*

Mayor Gerretsen returned to the meeting, Deputy Mayor Paterson returned the gavel to Mayor Gerretsen who assumed the Chair.

**Report No. 76: Received from the Municipal Heritage Committee**

Moved by Councillor Glover

Seconded by Councillor Schell

**THAT** Report No. 76: Received from the Municipal Heritage Committee be received and adopted.

**Report No. 76**

To the Mayor and Members of Council:

The Municipal Heritage Committee reports and recommends as follows:

**1. Request to Alter a Heritage Designated Property – 195 Ontario Street**

**THAT** the alterations to a designated property at 195 Ontario Street, in accordance with details described in Application P18-270-036-2013, which was deemed complete on April 12, 2013, be approved, with said alterations to:

- a. Change the two existing wood signs as specified in the submitted application;
  - b. Add additional sign illumination to both signs;
  - c. Paint the exterior woodwork on ground floor with complimentary heritage colours;
- and

**THAT** the approval be subject to the following conditions:

- i. A sign permit application is required, the proposed signage must comply with Sign By-law 2009-140;
  - ii. The egress from the building shall not be impeded at any time while occupied;
- and

## REPORTS CONTINUED

- iii. If any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at [bmorton@cityofkingston.ca](mailto:bmorton@cityofkingston.ca) or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at [http://cityofkingston.ca/pdf/engineering/app\\_encroachment.pdf](http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf).

### 2. Request to Alter a Heritage Designated Property – 268 Main Street, Barriefield Village, St. Mark's Anglican Church

**THAT** the alterations to a designated property at 268 Main Street, in accordance with details described in Application P18-416-028-2013 which was deemed complete on March 21, 2013, be approved, with said alterations to:

- a. Install and conceal antenna inside the church tower;
- b. Place a ground mounted shelter south of the church adjacent to the side lot line;
- c. Bury existing electrical lines and Bell lines as specified in the application;
- d. Install aluminium cable protector box on south-west corner of the church; and

**THAT** the approval be subject to the following conditions:

- i. A building permit application is required for some of the proposed scope of work;
- ii. All masonry works, including bore holes for cable installation, shall be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
- iii. All excavation in bedrock within a minimum of 10 feet (3 metres) of the church building shall be completed by saw cutting and removal with light breakers (jack hammers) in order to limit the effects of vibration to the masonry;
- iv. Any fasteners used on the masonry walls shall be stainless steel, preferably A316 variety;
- v. Any alteration or added loads to the internal horizontal stabilizing ring system, including the bracket supports or the steel tie bar on the interior south wall of the belfry level, must be carefully evaluated so as to not compromise the integrity of these systems. Alterations to these stabilizing systems are not recommended although, if necessary, an acceptable engineered design be submitted to the building department for approval as part of the building application;
- vi. Ensure all anchoring systems for the existing hydro line on the north-west corner of the church, when removed be properly patched/filled and any ferrous anchors removed, including lead shields;
- vii. A sign be installed in a discrete, yet visible location to maintenance staff, noting that Bell Mobility Inc. should be contacted prior to any exterior or interior repairs to the church tower;

## REPORTS CONTINUED

- viii. In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning and Development Department, Heritage and Urban Design division (613-546-4291 ext 1844) must be immediately contacted.
- ix. In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning and Development Department, Heritage and Urban Design division (613-546-4291 ext 1844) must be immediately contacted.

### 3. Request to Alter a Heritage Designated Property – 185 William Street

**THAT** the alterations to a designated property at 185 William Street, in accordance with details described in Application P18-407-029-2013 which was deemed complete on March 21, 2013, be approved, with said alterations to:

- a. Repair and restore floor, screens, supports and doors of the rear porch;
- b. Full repoint and brick replacements of the detached garage as specified in the submitted application;
- c. Infill small window on the north side of the detached garage;
- d. Install custom wooden windows on the detached garage, to match the existing on the dwelling;
- e. Restore existing doors on the detached garage and appropriate heritage style hardware attached;
- f. Paint fascia, soffits, sashes and windows in the detached garage to match the dwelling. Doors will also be varnished as recommended by the consultant;
- g. Install an appropriate heritage style light at the rear of the building, similar to the existing one at the front of the dwelling, and new lights proposed for the rear;
- h. Alter the front and rear landscape including iron fence restoration if possible and replacement of existing rear fence with 6 foot cedar privacy fence; and
- i. Install a parking pad in the carport of paving stones or concrete; and

**THAT** the approval be subject to the following conditions:

- i. A building permit application is required for any structural repairs or replacement;
- ii. The window alterations be done in accordance with the City's 'Policy on Window Renovations in Heritage Buildings';
- iii. The masonry works be completed in accordance with the City's Masonry Policy;

## REPORTS CONTINUED

- iv. If any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at [bmorton@cityofkingston.ca](mailto:bmorton@cityofkingston.ca) or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at [http://cityofkingston.ca/pdf/engineering/app\\_encroachment.pdf](http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf).

### 4. Request to Alter a Heritage Designated Property – 62 Brock Street

**THAT** the alterations to a designated property at 62 Brock Street, in accordance with details described in Application P18-077-040-2013 which was deemed complete on April 26, 2013, be approved, with said alterations to:

- a) Install a hanging sign using the existing mast arm bracket; and
- THAT** the approval be subject to the following conditions:

- i. A sign permit application is required, as the proposed signage must comply with Sign By-law 2009-140;
- ii. If any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at [bmorton@cityofkingston.ca](mailto:bmorton@cityofkingston.ca) or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at [http://cityofkingston.ca/pdf/engineering/app\\_encroachment.pdf](http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf).

### 5. Request to Alter a Heritage Designated Property – 223 & 225 Main Street

**THAT** the alterations to designated properties at 223 and 225 Main Street, in accordance with details described in Applications P18-422-032-2013 and P18-477-031-2013 which were deemed complete on April 5, 2013, be approved, with said alterations to:

- a. Install storm doors at the front entrances of 223 and 225 Main Street as described in the application, with the understanding that the doors be removable, and that the steel strapping faces the interior;
- b. Restore existing doors on the front entrances of 223 and 225 Main Street;
- c. Construct a rear addition to 223 Main Street with footprint and massing as shown in the submitted drawings, with the understanding that detailed drawings will be provided in a future application to the Municipal Heritage Committee;
- d. That approval for a veranda on the rear of 225 Main Street be deferred until more detailed and precise drawings have been submitted to the Municipal Heritage Committee; and

## **REPORTS CONTINUED**

**THAT** the approval be subject to the following conditions:

- i. A building permit application is required for the proposed scope of work;
- ii. Any necessary Planning Act approvals be obtained.

### **6. Request to Alter a Heritage Designated Property and Heritage Property Grant Application – 14 Rideau Street**

**THAT** the alterations to a designated property at 14 Rideau Street, in accordance with details described in Application P18-346-037-2013 which was deemed complete on April 15, 2013, be approved, with said alterations to:

- a) Alter selected windows on the north and west sides of the building including replacement, paint and repair as specified in the submitted application;
- b) Replace the rear one storey addition as per submitted drawings; and

**THAT** the approval be subject to the following conditions:

- i. The window alterations be done in accordance with the City's 'Policy on Window Renovations in Heritage Buildings';
- ii. The masonry works be completed in accordance with the City's Masonry Policy;
- iii. The alterations be completed in accordance with the Notice of Violation No. CEPS201203901;
- iv. A building permit application is required for the proposed scope of work;
- v. If any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at [bmorton@cityofkingston.ca](mailto:bmorton@cityofkingston.ca) or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at [http://cityofkingston.ca/pdf/engineering/app\\_encroachment.pdf](http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf);
- vi. In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning and Development Department, Heritage and Urban Design division (613-546-4291 ext 1844) must be immediately contacted;
- vii. In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning and Development Department, Heritage and Urban Design division (613-546-4291 ext 1844) must be immediately contacted; and

**REPORTS CONTINUED**

**THAT** application **HG-04-2013** be provisionally approved (subject to the standard requirements pertaining to the completion of the works and the release of funding).

**7. Heritage Grant Application – Release of Funding – 275 (273) Main Street, Barriefield Village**

**WHEREAS** the owner of 275 (273) Main Street, Barriefield Village, has requested final approval for Heritage Grant Application HG-30-2006; and

**WHEREAS** as per the requirements of By-law No. 2005-258 ‘A By-law to Establish a Heritage Grants Program’, a site visit to review the completed work has been completed;

**THEREFORE BE IT RESOLVED THAT** the work completed as outlined in the Heritage Property Grant HG-30-2006 for 275 (273) Main Street, Barriefield Village, **BE APPROVED**; and

**THAT** in accordance with the process outlined in By-law 2005-258, staff be authorized to issue a cheque for (\$1241.07) payable to the owner of 275 (273) Main Street, Barriefield Village, for the work that has been completed.

**8. Establishment of the Kingston Heritage Resource Centre**

**THAT** the establishment of the Kingston Heritage Resource Centre, as recommended in the Kingston Culture Plan, within Kingston City Hall as a one-year pilot project to include heritage planning staff and services and educational space for the consolidation of heritage related community resources be approved; and

**THAT** staff be directed to consider the development of interpretive programming for Kingston’s cultural built heritage as part of the pilot project for the Heritage Resource Centre and in relation to the Kingston City Hall National Historic Site Cultural Heritage Management Plan; and

**THAT** staff be directed to report back on the operations of the Kingston Heritage Resource Centre subsequent to or slightly prior to the completion of the one-year pilot project in consideration for the establishment of a permanent Heritage Resource Centre in Kingston City Hall.

(Note: A copy of Report No. MHC-13-009 was attached to the agenda.)

**REPORTS CONTINUED**

**9. Emergency Approval – 185 William Street**

**THAT** the alterations to a designated property at 185 William Street, in accordance with details described in Application P18-407-035-2013EA which was deemed complete on April 12, 2013, be approved, with said alterations to remove the chimney on the west side of the rear addition of the building.

**CARRIED (12:0)**  
**(Clauses (1) through (9))**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

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**Report No. 77: Received from the Administrative Policies Committee**

Moved by Councillor Hector

Seconded by Councillor Deputy Mayor Paterson

**THAT** Report No. 77: Received from the Administrative Policies Committee be received and adopted.

**Report No. 77**

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

Council consented to the **separation** of Clauses (a) and (b).

**a) 2012 Audited Financial Statements**

**THAT** Council receive and approve the Audited Financial Statements of the Corporation of the City of Kingston for the year ended December 31, 2012, attached as Exhibit A to Report No. AP-13-014.

**CARRIED (12:0)**  
**(See Recorded Vote)**



**REPORTS CONTINUED**

YEAS: Councillor Berg, Councillor Downes, Mayor Gerretsen, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

**b) Power Play Sports – Pilot Noise Exemption**

**THAT** Power Play Sports located at 820 Gardiners Road be granted an exemption from Schedule “A” of By-Law 2004-52 being, “A By-Law to Prohibit Noise”, to allow for noise from buzzers and whistles from 9:00 a.m. to 9:00 p.m. on Saturdays and Sundays, from 9:00 a.m. to 10:00 p.m. on Wednesdays and Fridays, and from 9:00 a.m. to 11:00 p.m. on Mondays, Tuesdays and Thursdays, subject to the following conditions:

1. The volume of the buzzer signal shall be kept at a reasonable sound level;
2. The blowing of whistles and sounding of buzzers shall be limited to only what is necessary for the regulation of the hockey games;
3. Banging of sticks and banging in the stands will be monitored by the Power Play Centre and by the time keeper and will be kept to a minimum; and

**THAT** an exemption from 9:00am to 11:00pm be granted on any day of the week up to a maximum of 6 days per calendar year, and that Power Play Sports provides the Manager, Licensing and Enforcement Division, 72 hours notice before such an exemption is being utilized.

**CARRIED (12:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

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**Report No. 78: Received from the Committee of the Whole**

Moved by Councillor Berg  
Seconded by Councillor George

**THAT** Report No. 78: Received from the Committee of the Whole be received and adopted.

**Report No. 78**

To the Mayor and Members of Council:  
The Committee of the Whole reports and recommends as follows:

Council consented to the **separation** of Clauses (1) through (3).

**1. Council Priority Infrastructure Project – Maintenance Facility (Fleet)**

**THAT** the maintenance facility (fleet) be included in the 2014 capital budget plans.

**CARRIED (8:4)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Councillor Glover,  
Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Schell (8)  
NAYS: Mayor Gerretsen, Deputy Mayor Paterson, Councillor Reitzel, Councillor Scott  
(4)  
ABSENT: Councillor Osanic (1)

**2. Council Priority Infrastructure Projects**

**THAT** staff be directed to prepare a report for Council's consideration prior to budget deliberations with respect to the financial parameters and how the following projects can be integrated into the capital financial plans;

- a) Construction of Wellington Street Extension
- b) Expansion of the Airport
- c) Third Crossing

**CARRIED (11:1)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen,  
Councillor Glover, Councillor Hector, Councillor Neill, Deputy Mayor Paterson,  
Councillor Reitzel, Councillor Schell, Councillor Scott (11)  
NAYS: Councillor Hutchison (1)  
ABSENT: Councillor Osanic (1)

**REPORTS CONTINUED**

**3. Direction on the proposed 2014 Tax Rate**

**THAT** staff be directed to prepare a budget that maintains front line service levels with a tax rate increase of up to 2.5 %.

**CARRIED (9:3)  
(See Recorded Vote)**

YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Scott (9)

NAYS: Councillor Downes, Councillor Glover, Councillor Schell (3)

ABSENT: Councillor Osanic (1)

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**INFORMATION REPORTS**

**(1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of March 2013**

This report is to provide Council with tenders/RFPs approved and contracts awarded greater than \$50,000.

(The Report of the City Treasurer (13-193) was attached to the agenda.)  
(File No. CSU-F18-000-2013)

**(2) First Quarter Operating Budget Status Report for 2013**

This report is to provide a financial status update to Council regarding the general operating fund at the end of the first fiscal quarter.

(The Report of the City Treasurer (13-196) was attached to the agenda.)  
(File No. CSU-F05-000-2013)

**(3) Waste Recycling Strategy 2010-2013 Update**

This report is to provide Council with the Waste Recycling achievements of 2012 and the initiatives for 2013.

(The Report of the President and CEO of Utilities Kingston (13-186) was attached to the agenda.)  
(File No. CSU-E07-001-2013)

**REPORTS CONTINUED**

**(4) Ambassador of the Republic of Korea to Canada - Visit to Kingston**

The purpose of this report is to provide Council with information documents shared, and to communicate Ambassador Cho's interest in twinning.

(The Report of the Mayor (13-203) was attached to the agenda.)  
(File No. CSU-M12-000-2013)

**(5) 2012 Development Charges Reserve Fund Statement 2012 Impost Reserve Fund Statement**

The purpose of this report is to provide Council with a status report of the City's Development Charges (DC) Reserve Funds and Impost Reserve Funds as at December 31, 2012.

(The Report of the City Treasurer (13-161) was attached to the agenda.)  
(File No. CSU-F20-000-2013)

**(6) Artillery Park Project Monthly Status Report**

This report is to provide Council with a Status Report for the period ending April 30, 2013.

(The Report of the Commissioner of Community Services (13-199) was attached to the agenda.)  
(File No. CSU-R05-000-2013)

**(7) K-Rock Centre – Audited Financial Statements as at December 31, 2012**

The purpose of this report is to provide Council with a copy of the Audited Financial Statements for the K-Rock Centre as at December 31, 2012.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-200) was attached to the agenda.)  
(File No. CSU-R05-001-2004/03)

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**MISCELLANEOUS BUSINESS**

- (1) Moved by Councillor Glover  
Seconded by Councillor Hector

**THAT** the resignation of Gary Hurtubise, Municipal Heritage Committee be received with regret.

**(See Communication No. 14-232)**

**CARRIED (12:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

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

**THAT** the following committee appointment by the Kingston Arts Council Nominating Committee be confirmed without comment:

Board / Committee	Names
Arts Advisory Committee	Confirmation only required  Gary Rasberry

**(See Communication No. 14-243)**

**CARRIED (12:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

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**NEW MOTIONS**

- (1) Moved by Councillor Neill  
Seconded by Councillor Schell

**WHEREAS** EMS Service within the City of Kingston is managed by the County of Frontenac, and City Taxpayers contribute 80% of the operating and capital costs of the County of Frontenac EMS services; and

**WHEREAS** the County has decided to reduce the complement by 1 ambulance from the Palace Road Station; and further to reduce by 2 FTEs, the paramedics;

**THEREFORE BE IT RESOLVED THAT** City Staff be asked to prepare a report to Council evaluating these service reductions with input requested from the Fire Department and the Police Department; and

**THAT** the County be invited to present a briefing to Council to outline their rationale to reduce service at the Palace Road Station; and

**THAT** Mr. Terry Baker, President of OPSEU Local 462 be invited to present a briefing to Council regarding the reduction of service at Palace Road Station.

**CARRIED (10:2)**  
**(With Agreed To Amendments)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell (10)

NAYS: Mayor Gerretsen, Councillor Scott (2)

ABSENT: Councillor Osanic (1)

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**NOTICES OF MOTION**

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**MINUTES**

Moved by Councillor Scott  
Seconded by Councillor George

**THAT** the Minutes of City Council Meeting No. 2013-13, held Tuesday, May 7, 2013 be confirmed.

**(Distributed to all Members of Council on Friday, May 17, 2013)**

**CARRIED (12:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

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**TABLING OF DOCUMENTS**

2013-38 Downtown Kingston! BIA  
Minutes – April 10, 2013  
(File No. CSU-A01-001-2013)

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**COMMUNICATIONS**

Council consented to the **addition** of Communication No. (14-251).

**Filed**

14-223 From The Works Gourmet Burger Bistro, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 298 Princess Street.  
(File No. CSU-P09-000-2013)

14-225 From Fluid Night Club, an application for a liquor license from the Alcohol and Gaming Commission of Ontario for an establishment located at 422 Princess Street.  
(File No. CSU-P09-000-2013)

14-227 From Fuji Sushi Japanese Restaurant, an application for a liquor license from the Alcohol and Gaming Commission of Ontario for an establishment located at 841 Norwest Road.  
(File No. CSU-P09-000-2013)

- 14-234 From the Committee of Adjustment, a Notice of Decision for the following applications:  
CONSENT – In respect of an application for consent to sever the property at 696 Centre Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 27, 2013.  
(File No. CSU-D19-000-2013)
- 14-235 From Taylor Binnington and Eve Lake, informing Council of an application for a Special Occasions Permit – Private Event from the Alcohol and Gaming Commission of Ontario for August 30, 2013 to September 1, 2013, for an outdoor wedding reception at the Girl Guide's Camp, on Carruther's Point, 111 Pump House Lane.  
(File No. CSU-P09-000-2013)
- 14-239 From Thomas Blais and Amanda Bettencourt, informing Council of an application for a Special Occasions Permit – Private Event from the Alcohol and Gaming Commission of Ontario for June 1, 2013, for a wedding reception at Our Lady of Fatima Parish/Portuguese Hall (588 Division Street, Kingston, ON).  
(File No. CSU-P09-000-2013)

**Referred to All Members of Council**

- 14-221 From Charlene Overholt, Deputy-Clerk, Municipality of Bluewater, in support of Township of Wainfleet resolution on Wind Turbine Development.  
(File No. CSU-E05-000-2013)  
**(Distributed to all Members of Council on May 3, 2013)**
- 14-222 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday, May 6, 2013 and Friday, May 10, 2013.  
(File No. CSU-T08-000-2013)  
**(Distributed to all Members of Council on May 3, 2013)**
- 14-224 From Dr. Jerry Ackerman, in regards to making a decision about a casino.  
(File No. CSU-P09-000-2013)  
**(Distributed to all Members of Council on May 7, 2013)**
- 14-228 Dan Mathieson, Chair, MPAC Board of Directors, providing Council with 2012 Annual Report and Financial Statements.  
(File No. CSU-F22-000-2013)  
**(Distributed to all Members of Council on May 10, 2013)**
- 14-229 From Cheryl Rider, Finance Coordinator, Cataraqui Region Conservation Authority (CRCA), Financial Statement Year Ending December 31, 2012.  
(File No. CSU-D03-000-2013)  
**(Distributed to all Members of Council on May 10, 2013)**



- 14-230 From Association Municipalities of Ontario (AMO), in respect to OPP Municipal Consultations on Billing Reform and Other Updates.  
(File No. CSU-P17-000-2013)  
**(Distributed to all Members of Council on May 10, 2013)**
- 14-231 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday May 13, 2013 and Friday, May 17, 2013.  
(File No. CSU-T08-000-2013)  
**(Distributed to all Members of Council on May 10, 2013)**
- 14-232 From Gary Hurtubise, Municipal Heritage Committee, advising Council of his resignation from the Municipal Heritage Committee.  
(File No. CSU-C12-000-2013)  
**(Distributed to all Members of Council on May 10, 2013)**  
**(See Miscellaneous Business Item No. 1)**
- 14-233 From Association Municipalities of Ontario (AMO), in respect to Breaking News – Ontario Government Announces Mandatory Sprinklers in Vulnerable Occupancies.  
(File No. CSU-P16-000-2013)  
**(Distributed to all Members of Council on May 10, 2013)**
- 14-236 From Ian Waldram, Mobile Fleet Manager, G4S Secure Solutions (Canada) Ltd., requesting the approval of Council to appoint Melissa Bell as a By-Law Enforcement Officer for the purpose of issuing tickets under By-Law 99-166 at 19 Brock Street – Gilad Parking.  
(File No. CSU-P01-003-2013)  
**(See By-Law No. (1), 2013-113)**
- 14-237 From Rita Coughlin, Resident Service Manager, Varsity Properties, requesting the approval of Council to appoint Jason Lauzon, John Yoo, Trisha Patel, and Roger Gagnon as By-Law Enforcement Officers for the purpose of issuing tickets under By-Law 99-166 at Varsity Properties - 329 Johnson Street/121 Division Street, and to remove John Brophy and Emmett Williams as By-Law Enforcement Officers for the purpose of issuing tickets under By-Law 99-166 at Varsity Properties - 329 Johnson Street/121 Division Street.  
(File No. CSU-P01-003-2013)  
**(See By-Law No. (2), 2013-114)**
- 14-238 From Barb Butler, General Manager, Kingston Municipal Non-Profit Housing Corporation (Town Homes Kingston) requesting the approval of Council to appoint Tracy Wylie as a By-Law Enforcement Officer for the purpose of issuing tickets under By-Law 99-166 on Town Homes Kingston properties.  
(File No. CSU-P01-003-2013)  
**(See By-Law No. (3), 2013-115)**

- 14-240 From Chief James R Marsden, Alderville First Nation, in regards to joint projects with the City of Kingston.  
(File No. CSU-M11-000-2013)  
**(Distributed to all Members of Council on May 14, 2013)**
- 14-241 From Association Municipalities of Ontario (AMO), with respect to workshops at the 2013 AMO Annual Conference.  
(File No. CSU-A01-004-2013)  
**(Distributed to all Members of Council on May 14, 2013)**
- 14-242 From Michael Coteau, Minister, Ministry of Citizenship and Immigration, inviting Council to participate in the 2013 Ontario Medal for Good Citizenship by nominating a deserving citizen.  
(File No. CSU-M02-000-2013)  
**(Distributed to all Members of Council on May 14, 2013)**
- 14-243 From Karen Dolan, Executive Director, Kingston Arts Council, advising Council of Gary Rasberry's appointment to the Kingston Arts Council.  
(File No. CSU-C12-000-2013)  
**(Distributed to all Members of Council on May 15, 2013)**
- 14-244 From John Maheu, M.A.Sc., P.Eng., Executive Director, Association of Ontario Road Supervisors, in regards to "Election (Darrell Townsend) AORS 2<sup>nd</sup> Vice President".  
(File No. CSU-M04-000-2013)  
**(Distributed to all Members of Council on May 15, 2013)**
- 14-245 From Kingston Area Taxi Commission, Financial Statements For the year ended December 31, 2012.  
(File No. CSU-F10-000-2013)  
**(Distributed to all Members of Council on May 15, 2013)**
- 14-251 From Ontario Lottery and Gaming (OLG), with respect to New Hosting Fee Formula.  
(File No. CSU-P09-000-2013)  
**(Distributed to all Members of Council on May 21, 2013)**

**Referred to City Clerk**

- 14-226 From Paul Carl, Aboriginal Peoples of Kingston, asking that Council proclaim June 1, 2013 to June 30, 2013 as "Aboriginal Peoples Month" in the City of Kingston.  
(File No. CSU-M10-000-2013)  
**(Distributed to all Members of Council on May 8, 2013)**

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## **OTHER BUSINESS**

Councillor George expressed concern with respect to conduct at Council meetings.

Councillor Downes asked for an update from staff with respect to the Accessible Taxi Issue.

Mayor Gerretsen noted that May 25<sup>th</sup> to June 1<sup>st</sup> is Active Transportation Week, and encouraged Kingston residents to participate.

\* \* \* \* \*

## **BY-LAWS**

- (A) Moved by Councillor Berg  
Seconded by Deputy Mayor Paterson

**THAT** By-Laws (1) through (9) and (13) be given their first and second reading.

**CARRIED (12:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

- (B) Moved by Councillor Scott  
Seconded by Councillor Neill

**THAT** By-Laws (5) through (13) be given their third reading.

**CARRIED (12:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

- (1) 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 Melissa Bell – 19 Brock Street - Gilad Parking  
FIRST AND SECOND READINGS PROPOSED NO. 2013-113  
**(See Communication No. 14-236)**

- (2) 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 Jason Lauzon, John Yoo, Trisha Patel, and Roger Gagnon; Remove John Brophy and Emmett Williams – Varsity Properties – 329 Johnson Street/121 Division Street  
FIRST AND SECOND READINGS PROPOSED NO. 2013-114  
**(See Communication No. 14-237)**
- (3) 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 Tracy Wylie – Town Homes Kingston.  
FIRST AND SECOND READINGS PROPOSED NO. 2013-115  
**(See Communication No. 14-238)**
- (4) A By-Law To Amend By-Law No. 2010-128, "A By-Law To Regulate Parking".  
FIRST AND SECOND READINGS PROPOSED NO. 2013-116  
**(See Clause (b), Report No. 73)**
- (5) 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 One-Family Dwelling And Two-Family Dwelling Zone 'A' To Special One-Family Dwelling And Two-Family Dwelling Zone 'A.426', 188 Ordnance Street)  
THREE READINGS PROPOSED NO. 2013-117  
**(See Clause (1), Report No. 75)**
- (6) 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" (Zone Change From Restricted Agricultural 'A1' Zone To Environmental Protection Area 'Epa' Zone, Restricted Agricultural 'A1' Zone To A Special Restricted Agricultural A1-17 Zone And Restricted Agricultural 'A1' Zone To A Special Restricted Agricultural A1-18 Zone, 3031 Lakehead Road)  
THREE READINGS PROPOSED NO. 2013-118  
**(See Clause (2), Report No. 75)**
- (7) 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 One And Two Family 'A' Zone To Special One And Two Family 'A.425' Zone, 334 Victoria Street)  
THREE READINGS PROPOSED NO. 2013-119  
**(See Clause (4), Report No. 75)**

City Council Meeting No. 2013-14

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- 
- (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" (Zone Change From 'A1' And 'R1' To 'R12', 'R12-1', 'R12-2' And 'Fp-5', 1382 And 1396 Highway 15)  
THREE READINGS PROPOSED NO. 2013-120  
**(See Clause (5), Report No. 75)**
- (9) A By-Law To Establish Parts 12, 13, 17 & 18 On Reference Plan 13R-10952 As Part Of The Public Highway Known As Springfield 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. 2013-121  
**(Delegated Authority)**
- (10) A By-Law To Amend By-Law 2008-192, A By-Law To Provide For The Regulation Of Waste Water Services And Waste Discharges To Municipal Sewers For The City Of Kingston  
THIRD READING PROPOSED NO. 2013-105  
**(See Clause (3), Report No. 72)**
- (11) A By-Law To Repeal Former City Of Kingston By-Law No. 8820, Former Township Of Pittsburgh By-Law 14-88 And Former Township Of Kingston By-Law 83-2  
THIRD READING PROPOSED NO. 2013-106  
**(See Clause (1), Report No. 69)**
- (12) A By-Law To Provide For The Conveyance Of Land For Park Purposes, Or Cash-In-Lieu Of Parkland Conveyance  
THIRD READING PROPOSED NO. 2013-107  
**(See Clause (1), Report No. 69)**
- (13) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, May 21, 2013  
THREE READINGS PROPOSED NO. 2013-122  
**(City Council Meeting No. 2013-14)**

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**ADJOURNMENT**

Moved by Councillor Hector  
Seconded by Councillor Downes

**THAT** Council do now adjourn.

**CARRIED (12:0)**  
**(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen,  
Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill,  
Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott  
(12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

Council adjourned at 11:38 pm.

(Signed)

John Bolognone  
City Clerk

Mark Gerretsen  
Mayor