



CITY COUNCIL MEETING NO. 2013-17

The Regular Meeting of Kingston City Council was held on Tuesday, July 16, 2013 and Wednesday, July 17, 2013, and was called to order at 6:45 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 6:50 pm to 7:22 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Gerretsen, Deputy Mayor Berg, Councillor Downes (left at 10:48 p.m.), Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (12)

Absent: Councillor Reitzel (1)

(Councillors' Lounge)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk

Mr. J. Bolognone, City Clerk

Mr. P. Huigenbos, Acting Director, Real Estate & Construction Services

Mr. G. Hunt, Chief Administrative Officer

Mr. S. Kanellos, Director, Real Estate and Construction Services

Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services

Mr. H. Linscott, Director, Legal Services

COMMITTEE OF THE WHOLE "CLOSED MEETING"

- (1) Moved by Deputy Mayor Berg
Seconded by Councillor George

THAT Council resolve itself into the Committee of the Whole "Closed Meeting" to consider the following item(s):

- (a) A proposed or pending acquisition of land by the municipality – John Counter Boulevard;
- (b) A proposed or pending disposition of land by the municipality – Long Term Lease Renewal - Frontenac County Court House, 5 Court Street.

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Reitzel (1)

(Council Chamber)

Administrative Staff Present:

- Mr. K. Arjoon, Deputy City Clerk
- Mr. G. Bain, Director, Planning and Development
- Mr. A. Bol, Surveyor/Inspector, Engineering
- Mr. J. Bolognone, City Clerk
- Mr. R. Chaput, Fire Chief
- Mr. W. Ferris, Director, Recreation and Leisure Services
- Mr. L. Follwell, Manager, Recreation Facilities
- Mr. G. Hunt, Chief Administrative Officer
- Ms. L. Hurdle, Commissioner of Community Services
- Ms. D. Kennedy, Director, Financial Services
- Mr. M. Lagace, Information Systems & Technology
- Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services
- Ms. K. Leonard, Manager, Licensing & Environment
- Mr. H. Linscott, Director, Legal Services
- Mr. P. MacLatchy, Director, Environment and Sustainable Initiatives
- Mr. J. Miller, Director, Utilities Engineering
- Ms. S. Nicholson, Director, Corporate Affairs
- Mr. G. Robinson, Executive Officer, Fire & Rescue
- Ms. J. Salter-Keane, Accessibility Compliance Project Manager
- Mr. D. Stowe, Supervisor, Permits
- Ms. C. Thomson, Assistant to the Mayor
- Mr. M. Van Buren, Director, Engineering
- Mr. T. Willing, Director, Building and Licensing
- Ms. H. Wilson, Manager, Intergovernmental Relations

REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

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

THAT Council rise from the Committee of the Whole “Closed Meeting” without reporting.

CARRIED (12:0)
(See Recorded Vote)

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

APPROVAL OF ADDEDS

Moved by Councillor Downes
Seconded by Deputy Mayor Berg

THAT the addeds be approved.

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

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

DISCLOSURE OF PECUNIARY INTEREST

- (1)** Councillor George declared a possible pecuniary interest in the matter of Clause (1), Report 92, Received from the Planning Committee, Application for Zoning By-Law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for 311 Conacher Drive, and By-Law No. (4), as his company has been retained for services by the applicant.
- (2)** Mayor Gerretsen declared a possible pecuniary interest in the matter of Clause (2), Report No. 93, Received from the Planning Committee, Application for Zoning By-Law Amendment for 326 Alfred Street, and By-Law No. (11), as he owns property within the vicinity of the subject lands.
- (3)** Mayor Gerretsen declared a possible pecuniary interest in the matter of Clause (4), Report No. 93, Received from the Planning Committee, Application for Zoning By-Law Amendment for 363, 365 & 367 Johnson Street, and By-Law No. (13), as he owns property within the vicinity of the subject lands.

- (4) Mayor Gerretsen declared a possible pecuniary interest in the matter of Clause (5), Report No. 93, Received from the Planning Committee, Application for Zoning By-Law Amendment for 637-655 Johnson Street, and By-Law No. (14), as he owns property within the vicinity of the subject lands.
- (5) Mayor Gerretsen declared a possible pecuniary interest in the matter of Clause (6), Report No. 93, Received from the Planning Committee, Application for Zoning By-Law Amendment for 301-303 Sydenham Street, and By-Law No. (15), as he owns property within the vicinity of the subject lands.
- (6) Councillor Hutchison declared a possible pecuniary interest in the matter of Clause (p), Report No. 90, Received from the CAO (Consent), Acquisition of Land – 1318 Princess Street, as his employer, Kingston Co-operative Homes, Inc. is located on an adjacent lot and in the future may or may not have an interest in the property or any potential development on the property.
- (7) Councillor Downes declared a possible pecuniary interest in the matter of Clause (e), Report No. 90, Received from the CAO (Consent), Kingston Transit – Grade 9 Transit Pass Pilot Program, as he is an employee of the Limestone District School Board.

PRESENTATIONS

- (1) Mayor Gerretsen presented Julie Salter-Keane, Acting Commissioner of Sustainability and Growth with the Builders Plate for Engine 1095, presented to the City of Kingston on July 1, 2013 in celebration of the centennial of CP 1095 and to commemorate its restoration.

DELEGATIONS

Moved by Councillor Osanic
Seconded by Councillor Neill

THAT Clauses 11.4 and 11.5 of By-law 2010-1 be waived, in order to allow a delegation from Ms. Karen Lush, Ms. Jessica Hellard, and Ms. Alison Migneault, Kingston Animal Rescue to speak to Council regarding Clause (1), Report No. (97), received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores.

CARRIED (11:1)
(A 2/3 Vote of Council was Received)
(See Recorded Vote)

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

NAYS: Councillor Hector (1)

ABSENT: Councillor Reitzel (1)

Moved by Councillor Neill
Seconded by Councillor Osanic

THAT Clauses 11.4 and 11.5 of By-law 2010-1 be waived, in order to allow a delegation from Mr. Steve Garrison, to speak to Council regarding Clause (1), Report No. (91), Received from the Chief Administrative Officer (Recommend), Belle Park Final Recommendation.

CARRIED (10:2)
(A 2/3 Vote of Council was Received)
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Schell (10)
NAYS: Councillor Hector, Councillor Scott (2)
ABSENT: Councillor Reitzel (1)

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

- (1) Ms. Tamara Bolger and Mr. Peter Bolger, Farm Girl Food, spoke to Council in regards to New Motion No. (3), on street food vendor licensing.
- (2) Mr. Jacques Menard, Mr. Keith Thomas, Mr. John Colwell, and Mr. John McLean, Friends of Belle Park, spoke to Council in regards to Clause (1), Report No. 91, Received from CAO (Recommend), Belle Park Final Recommendation.
- (3) Ms. Janice Saunders, President, Kingston Humane Society spoke to Council in regards to Clause (1), Report No. 97, Received from the Arts, Recreation and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores.
- (4) Ms. Kareen Lush, Ms. Jessica Hellard, and Ms. Alison Migneault, Kingston Animal Rescue spoke to Council in regards to Clause (1), Report No. 97, received from the Arts, Recreation, and Community Policies Committee, Sale of Dogs, Cats, and Rabbits in Pet Stores.
- (5) Mr. Steve Garrison, spoke to Council in regards to Clause (1), Report No. 91, Received from the Chief Administrative Officer (Recommend), Belle Park Final Recommendation.

BRIEFINGS

PETITIONS

- (1) A petition bearing approximately 1313 signatures was presented by Councillor Osanic and referred to Commissioner of Sustainability and Growth and reads as follows:

“We the undersigned believe the Kingston Humane Society should be awarded the pound contract. We want to protect the animals in our community. We are concerned that the successful bidder on the city pound services contract will get to assume ownership of stray and unwanted animals in our community after just a few days in most circumstances. The city pound can then dispose of, or euthanize, any animal they own (subject to applicable law). We recognize that for over 125 years the Kingston Humane Society has been helping animals in our community. We believe abandoned animals should not be turned over to a for profit business. We recognize the Kingston Humane Society doesn't have to turn a profit from the pound contract and adoption revenue. The Kingston Humane Society is able to fund their adoption and emergency medical care programs through donations from the thousands of supporters they have in our community. We agree that The Kingston Humane Society would be the best place to make sure that abandoned and stray animals never be disposed of for animal research. We believe The Kingston Humane Society has the experience and resources to run a pound in a humane and responsible manner. We think the Kingston Humane Society has our animals well being first and foremost – above profit. They are a Canadian Registered Charity and affiliate shelter of the OSPCA. We ask that the City of Kingston recognize that the most appropriate and safest place for stray and unwanted animals in our community is with the Kingston Humane Society.”

REFERRED TO COMMISSIONER OF SUSTAINABILITY AND GROWTH

- (2) A petition bearing approximately 165 signatures was presented by Councillor Neill and referred to Commissioner of Sustainability and Growth and reads as follows:

“We the undersigned, understand that the City Council will be conducting the approval of a Zoning By-Law amendment for 637-655 Johnson Street, Golden Dragon Ho 7 Inc., City File Number: D14-246-2012, on Tuesday, July 16, 2013. We hereby request that a public meeting be held to present the revised proposal to interested parties and explain how this proposal resolves the various issues raised by the community.”

REFERRED TO COMMISSIONER OF SUSTAINABILITY AND GROWTH

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

Council consented to the **addition** of Motion of Speedy Recovery No. (2).

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Richard Kizell in recognition of receiving the Ian Wilson Award for Volunteerism from the University Hospitals Kingston Foundation. Thank you for your ongoing commitment and generosity throughout our community!

- (2) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Berg

THAT the congratulations of Kingston City Council be extended to John Smol, Professor in the Department of Biology at Queen's University, on being named an Officer of the Order of Canada. The Order of Canada recognizes and honours lifetime achievements that serve the betterment of Canada or humanity at large. Mr. Smol is recognized for his research and work in environmental and climate change.

- (3) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Berg

THAT the congratulations of Kingston City Council be extended to Julie Bates in recognition of being accepted to the Page Program in the House of Commons. Wishing you the best in your year-long program as a Page!

- (4) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Berg

THAT the congratulations of Kingston City Council be extended to Shannon Horrigan on receiving the Barbara Hiff Award from the Crisis Workers Society of Ontario. This provincial award recognizes Shannon's significant contributions as a crisis worker for Lennox and Addington Addiction and Community Mental Health Services.

- (5) Moved by Deputy Mayor Berg
Seconded by Mayor Gerretsen

THAT the congratulations of Kingston City Council be extended to Leonid Nediak, on placing first in the seven-to-ten age category at the Canadian Music Competition. Leonid's piano performance of Chopin's Concerto No. 1, 1st Movement, stunned judges at the competition and earned him top honours. Congratulations Leonid!

Motion of Condolence

- (1) Moved by Mayor Gerretsen
Seconded by Councillor Scott

THAT the condolences of Kingston City Council be extended to the family and friends of Bill Thake, Mayor of Westport. Mayor Thake is the longest serving Mayor in Ontario's History, this year marked his 44th year as head of Westport Council, and 52nd consecutive year in municipal politics. Mayor Thake's commitment and dedication to serving the people of Westport and Eastern Ontario is an inspiration to us all, he will be sadly missed.

- (2) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Berg

THAT the condolences of Kingston City Council be extended to the family and friends of Peter Swan, who passed away July 1, 2013. Peter was an active community member and founding partner of Cunningham Swan Lawyers. Peter will be sorely missed by the community at large, his family, and many friends.

- (3) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Berg

THAT the condolences of Kingston City Council be extended to the people of Lac-Mégantic, Quebec. To the families who lost a loved one in the tragic events of July 6, 2013, our thoughts are with you; and

THAT the flags be lowered to half mast on all municipal buildings for the remainder of this week.

Motion of Speedy Recovery

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

THAT the thoughts and best wishes of Kingston City Council be extended to the people of Alberta as they continue recovery and relief efforts following the massive flooding experienced earlier this month. Kingstonians who want to offer their assistance can donate to established registered charities directly supporting the recovery efforts.

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

THAT the best wishes of Kingston City Council be extended to the people of Toronto as they continue clean up and recovery efforts following the flash flooding experienced earlier this month.

CARRIED AS AMENDED (12:0)
(See Motion To Amend Which Was CARRIED)
(See Recorded Vote 2)

Moved by Deputy Mayor Berg
Seconded by Councillor Scott

THAT Motion of Condolence (3) be amended to include the following wording:

THAT the flags be lowered to half mast on all municipal buildings for the remainder of this week.

CARRIED (12:0)
(See Recorded Vote 1)

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

DEFERRED MOTIONS

REPORTS

Report No. 90: Received from the Chief Administrative Officer (Consent)

Moved by Deputy Mayor Berg
Seconded by Councillor Hector

THAT Report No. 90: Received from the Chief Administrative Officer (Consent) be received and adopted.

Report No. 90

Council consented to the **amendment** of Clause (m), the **addition** of Clause (x), and the **separation** of Clauses (a), (b), (e), (m) and (p).

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT

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) Mr. Nice Cream – Application for Noise Exemption

THAT the Mobile Truck businesses known for the sale of ice cream products be granted an exemption to the Noise Control By-Law 2004-52 Schedules “A” & “B” for the purpose of operating an ice cream truck in residential areas, subject to the following conditions:

1. That the applicant exits the vehicle before entering a residential neighbourhood to determine appropriate noise levels.
2. That the music be turned off when the vehicle is stopped to serve.
3. That sales will not be take place from the same block every day, but will be allowed every other day.
4. That sales be permitted between the hours of 12 noon and 8 p.m. on any day.

(The Report of the Commissioner of Sustainability and Growth (13-244) was attached as to the agenda.)

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

CARRIED AS AMENDED (12:0)
(See Motion To Amend Which Was CARRIED)
(See Recorded Vote 2)

Moved by Councillor George
Seconded By Councillor Neill

THAT Clause (a), Report 90, Received from the CAO (Consent), be amended to read as follows:

THAT the Mobile Truck businesses known for the sale of ice cream products be granted an exemption to the Noise Control By-Law 2004-52 Schedules “A” & “B” for the purpose of operating an ice cream trucks in residential areas, subject to the following conditions:

1. That the applicant exits the vehicle before entering a residential neighbourhood to determine appropriate noise levels.
2. That the music be turned off when the vehicle is stopped to serve.
3. That sales will not be take place from the same block every day, but will be allowed every other day.
4. That sales be permitted between the hours of 12 noon and 8 p.m. on any day.

CARRIED (12:0)
(See Recorded Vote 1)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

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

NAYS: (0)

ABSENT: Councillor Reitzel (1)

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

NAYS: (0)

ABSENT: Councillor Reitzel (1)

(b) Knox Farm Dredge Material Storage Site Section 46 Indemnification Agreement and Environmental Assessment Act Letter of Exemption

THAT Council authorize the Mayor and Clerk to execute the Indemnification Agreement with Her Majesty the Queen, as represented by the Minister of the Environment, to indemnify and save harmless the Minister, Ministry staff, and the Province from any impacts or damages which may result from construction, use, or operation of any use under the Knox Farm site Section 46 approval; and

THAT Council delegate the approval of entering into amending or supplemental agreements, or licences or any other document necessary to give effect to the closure of the facility to the President of Utilities Kingston or his delegate; and

THAT Council authorize the Mayor and Clerk to execute the Environmental Assessment Act exemption letter, as drafted by XCG Consultants Limited and in a form acceptable to Legal Services, as per MOE requirements for the Knox Farm site Section 46 application.

(The Report of the President and CEO of Utilities Kingston (13-256) was attached to the agenda.)

(File No. CSU-E05-000-2013)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Reitzel (1)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(c) Supplementary Maintenance Agreement River Street Sewage Pump Station Twin – Forcemains and Ravensview Sanitary Trunk Sewer

THAT Council authorize the Mayor and Clerk to execute the Supplementary Maintenance Agreement with Her Majesty the Queen, acting and represented by the Minister of National Defence, for the operation and maintenance of the River Street Sewage Pump Station Twin-Forcemains and the Ravensview Sanitary Trunk Sewer, herein referred to as the sewer main, on properties owned by Her Majesty the Queen; and

THAT Council delegate the approval and or execution of renewing agreements, amending agreements, and supplemental agreements or licences, including one or more Project Implementation Agreements, involving Utilities Kingston managed infrastructure to the President of Utilities Kingston or his delegate where:

1. The amending or supplemental agreement or licence involves infrastructure authorized under the Supplementary Maintenance Agreement;
2. The amending agreement or licence involves a change to the term of the agreement and or a normal cost escalation provision for the use of the property; and
3. Subject to the approval of the City Solicitor.

(The Report of the President and CEO of Utilities Kingston (13-257) was attached to the agenda.)

(File No. CSU-L04-000-2013)

(d) 2013 Kingston Youth Unlimited Soccer Camp Waiver of Fees

THAT Council waives \$261.55 in field rental fees for the Max Jackson Park Soccer Field for the 2013 Kingston Youth Unlimited Soccer Camp for the week of August 19 - 23, 2013 and that it be funded from the Recreation & Leisure Services 2013 operating budget.

(The Report of the Commissioner of Community Services (13-273) was attached to the agenda.)

(File No. CSU-F21-000-2013)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Councillor Downes withdrew from the meeting.

(e) Kingston Transit – Grade 9 Transit Pass Pilot Program

THAT the pilot program to provide for complimentary transit passes for Grade 9 students, attending secondary schools within the City of Kingston, be extended for the period of September 1, 2013 – August 31, 2014; and

THAT the pilot program be extended to Grade 10 students attending secondary schools within the City of Kingston, under the same terms and conditions, subject to the City receiving a total combined financial contribution of \$30,000 from the Limestone District School Board and Algonquin Lakeshore Catholic District School Board; and

THAT staff continue to explore other partnership opportunities of mutual benefit related to transportation with the school boards and report back to Council no later than June 2014 on the results of the Grade 9 and Grade 10 complimentary transit pass program, including recommendations for the 2014 – 2015 school year.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-260) was attached to the agenda.)
(File No. CSU-T03-000-2013)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

Councillor Downes returned to the meeting.

(f) Sole Source Purchase – Pumper and Rescue Truck Modification

THAT Council authorize the Mayor and Clerk to execute a contract between the City of Kingston and Arnprior Fire Trucks Corporation for the purchase of services to refurbish three KFR fire trucks that will extend the life of the vehicles at a total cost of \$357,000.00 plus HST, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-246) was attached to the agenda.)
(File No. CSU-V00-000-2013)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(g) Authorization for Mayor and Clerk to sign the agreement for Access and Improvement to Station Street

THAT Council authorize the Mayor and the Clerk to sign The Station Street Access and Improvement Agreement, in a form satisfactory to the Director of Legal Services, with The Canadian National Railway Company and SBA Canada ULC to permit improvements and access to the unopened road allowance portion of Station Street, which is to be constructed and maintained by SBA Canada ULC.

(The Report of the President and CEO of Utilities Kingston (13-266) was attached to the agenda.)

(File No. CSU-T06-000-2013)

(h) Universal Transit Pass Agreements: Alma Mater Society of Queen's University, and St. Lawrence College Student Association

THAT Council authorize the Mayor and Clerk to enter into an agreement with the Alma Mater Society (AMS) of Queen's University, in a form satisfactory to the Director of Legal Services, to provide a Universal Transit Pass Program for students for a period of two (2) years (September 1, 2013 to August 31, 2015) in the amount of \$940,000 for the period September 1, 2013 – August 31, 2014 and \$965,000 for the period September 1, 2014 – August 31, 2015; and

THAT Council authorize the Mayor and Clerk to enter into an agreement with the St. Lawrence College Student Association (SA), in a form satisfactory to the Director of Legal Services, to provide a Universal Transit Pass Program for students for a period of 3-years (September 1, 2013 to August 31, 2016) in the amount of \$559,000 for the period September 1, 2013 – August 31, 2014, and \$584,800 for the period September 1, 2014 – August 31, 2015 and \$619,200 for the period September 1, 2015 – August 31, 2016.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-258) was attached to the agenda.)

(File No. CSU-T03-000-2013)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(i) Digital Vehicle Repeaters – Award of Contract

THAT Council authorize the Mayor and Clerk to execute a contract between the City of Kingston and Motorola Solutions Canada Inc. for the purchase of eight (8) Futurecom Digital Vehicle Repeaters in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-269) was attached to the agenda.)

(File No. CSU-P16-000-2013)

(j) All-way Stop Control – St. Martha Street & Molly McGlynn Street

THAT a by-law be presented to amend By-law 2003-209, “A By-Law For Regulating Traffic in the Highways Of The City of Kingston, Subject To The Provisions Of The Highway Traffic Act” as amended, in order to install all-way stop control at the intersection of St. Martha Street and Molly McGlynn Street; and

THAT the by-law receive all three readings.

(See By-Law No. (5), 2013-143)

(The Report of the President and CEO of Utilities Kingston (13-243) was attached to the agenda.)

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

(k) Agreements Pertaining to the Design and Construction Administration of Catarauqui Woods Drive Extension (Centennial to Sydenham)

THAT the Mayor and Clerk be authorized to sign an agreement substantially in the form attached hereto, to the satisfaction of the Director of Legal Services, to permit CaraCo Development Corporation to administer the tendering and construction of the extension of Catarauqui Woods Drive from Sydenham Road to Anderson Drive; and

THAT the Mayor and Clerk be authorized to sign an agreement and all necessary documents to effect a transfer of land from CaraCo Development Corporation to the City of Kingston to be used for purposes of the extension of Catarauqui Woods Drive; and

THAT the Mayor and Clerk be authorized to sign an agreement substantially in the form attached hereto, to the satisfaction of the Director of Legal Services, to retain D. R. Barker & Associates Ltd. to design the extension of Catarauqui Woods Drive from its existing terminus at Centennial Drive to Sydenham Road.

(The Report of the President and CEO of Utilities Kingston (13-263) was attached to the agenda.)

(File No. CSU-T04-000-2013)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(l) Award of Tender – Micro-Surfacing/Overlay on Montreal St.

THAT the tender of Coco Paving Inc., for the Contract ENG-2013-16 Micro-Surfacing/Overlay on Montreal St., in the amount of \$414,618.00 (plus HST) be accepted, it being the lowest tender received.

(The Report of the President and CEO of Utilities Kingston (13-278) was attached to the agenda.)

(File No. CSU-F18-003-2013)

(m) Kingston Ribfest & Craft Beer Festival 2013

THAT Council designate the “Ribfest & Craft Beer Festival”, being held from September 6th to September 8th, 2013, on the grounds of the Memorial Centre, as an event of municipal significance, to which Special Occasion Permits may be issued by the Alcohol and Gaming Commission of Ontario; and

THAT Council authorize an exemption to the City of Kingston Municipal Alcohol Policy to allow a souvenir glass to be used at the “Ribfest & Craft Beer Festival”; and

THAT Council authorize an exemption to the City of Kingston Municipal Alcohol Policy to allow consumption of alcohol on the Memorial Centre sport field.

(The Report of the Commissioner of Community Services (13-259) was attached to the agenda.)

(File No. CSU-M02-000-2013) (File No. CSU-P09-000-2013)

CARRIED AS AMENDED (11:1)
(With Agreed To Amendments)
(See Recorded Vote)

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

NAYS: Councillor Downes (1)

ABSENT: Councillor Reitzel (1)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(n) Morton Way Easements Agreements

THAT Council authorizes the Mayor and Clerk to execute Morton Way easement agreements and any other documents which may be required to give effect to the easement agreements with Kingstonscourt Realty Limited and the Phillip J. Brown Family Trust in a form to the satisfaction of the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-270) was attached to the agenda.)
(File No. CSU-D15-000-2013)

(o) Lease for Emma Martin Park and License for Inner Harbour Trail – Transport Canada

THAT the Mayor and Clerk be authorized to execute a lease agreement with Her Majesty the Queen in right of Canada as represented by Transport Canada to install and maintain a passive reactive barrier wall on lands and to allow public parkland access on lands owned by her Majesty adjacent to City owned lands at Emma Martin Park, for a term of five years at the rate of \$300 per year to be increased annually at rates to be set by Transport Canada in a form satisfactory to the Director of Legal Services; and

THAT the Mayor and Clerk be authorized to execute a license agreement with Her Majesty the Queen in right of Canada as represented by Transport Canada to install and maintain a recreational trail over lands owned by her Majesty between Emma Martin Park and River Street for a term of five years at the rate of \$300 per year to be increased annually at rates to be set by Transport Canada in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-252) was attached to the agenda.)
(File No. CSU-L07-000-2013)

Councillor Hutchison withdrew from the meeting.

(p) Acquisition of Land – 1318 Princess Street

THAT Council approve the purchase of the property at 1318 Princess Street, legally described as Part Lot 18, Concession 2, in the City of Kingston more particularly being all of PIN 36076-0019 (LT), from 1425701 Ontario Inc., in the amount of \$240,000 for affordable housing purposes subject to satisfactory due diligence to be undertaken by staff; and

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

THAT the Mayor and Clerk be authorized to sign the Agreement of Purchase and Sale and any other required documents to complete the acquisition of the property in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-254) was attached to the agenda.)
(File No. CSU-L18-000-2013)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hutchison, Councillor Reitzel (2)

Councillor Hutchison returned to the meeting.

(q) Kingston Gospel Temple – 2295 Princess St – Kingston Transit Park and Ride Agreement

THAT Council authorizes the Mayor and Clerk to enter into a land agreement with the Kingston Gospel Temple, in a form satisfactory to the Legal Services Department, for the shared use of parking spaces at the Kingston Gospel Temple located at 2295 Princess Street.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-261) was attached to the agenda.)
(File No. CSU-T03-000-2013)

(r) Davis Tannery Lands – Visioning Sessions and Work Plan

THAT Council approve in principle the MHBC report, “Redevelopment of Davis Tannery -Visioning Workshop Summary and Redevelopment Vision”, dated May 2013 (attached as Exhibit A to Council report 13-214) as the basis for the redevelopment of the Davis Tannery site and the evaluation criteria that will be included in the two stage process for Request for Proposals from potential purchasers/developers; and

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

THAT staff report back to Council on progress of the work plan outlined in this report and present the draft Request for Information (RFI), with the evaluation criteria, at that time.

(The Report of the Commissioner of Sustainability and Growth (13-214) was attached to the agenda.)

(File No. CSU-E05-001-2013)

(s) Implementation and Service Improvement Plan Recommendation No. 3.2.1 (Focus Group for Council)

THAT Council endorse the staff recommendation that, in accordance with the recommendations from the Mayor's Task Force on Development for education sessions with Council to review priorities and existing policies relative to development, the main topics of discussion for the initial focus group for Council to be scheduled for September, 2013 be as follows:

- A review of the rationale, content and timing of various studies that are being prepared to inform/support key strategic initiatives such as the five-year review of the Official Plan and the updates of the Development Charges and Impost By-laws; and,
- A continuation of the discussion on the topic of intensification and related policies.

(The Report of the Commissioner of Sustainability and Growth (13-247) was attached to the agenda.)

(File No. CSU-D00-000-2013)

(t) Rideaucrest Home – Building Automation System Emergency Repair

THAT Council authorizes a budget amendment of up to \$600,000 from the Municipal Capital Reserve Fund to proceed with the repair or replacement of the building automation system at Rideaucrest.

(The Report of the Commissioner of Community Services (13-285) was attached to the agenda.)

(File No. CSU-S02-000-2013)

REPORTS (CONTINUED)

REPORT NO. 90: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(u) Ratification of Appointments to the Citizen Committee to Review Council Remuneration

THAT the appointment of the following sector representatives to the Citizen Committee to Review Council Remuneration be approved:

- Mr. Nicholas Waterfield, representing the business community
- Mr. Scott MacInnes, Hotel Dieu Hospital, representing the healthcare sector
- Ms. Jane Roberts, representing the organized labour community
- Ms. Kate Rowbotham, Queen's University, representing the education sector and Mr. Gordon MacDougall, St. Lawrence College as an alternate
- Mr. Rolland Billings, representing the non-profit sector

(The Report of the City Solicitor and Director of Legal Services (13-286) was attached to the agenda.)

(File No. CSU-C12-000-2013)

(v) Single Source Procurement – Asset Management Plans

THAT Council authorize the Mayor and Clerk to enter into an agreement with Public Sector Digest Inc., in a form satisfactory to the Director of Legal Services, to develop an asset management plan for the City of Kingston by December 31, 2013.

(The Report of the City Treasurer (13-281) was attached to the agenda.)

(File No. CSU-F00-000-2013)

(w) Block 4, North Block District – Property Disposition/Heritage Buildings, Conference Centre Feasibility Study Terms of Reference, Work Plan and Schedule

THAT Council receive this updated status report and schedule.

(The Report of the Commissioner of Sustainability and Growth (13-210) was attached to the agenda.)

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

(x) Relief to Sign By-Law 2009-140 Two Wall Signs at 658 King Street West

THAT a by-law be presented to amend Sign By-law 2009-140, Schedule "W 1" Sentence 4 , to allow for a variance to the normal 2.1 metre minimum height requirement to allow the issuance of a permit for the owners of 658 King Street West to erect wall signs approximately 1.5 metres above the grade; and

THAT the by-law receive all three readings.

REPORTS (CONTINUED)

**REPORT NO. 91: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(RECOMMEND)**

(See By-Law No. (21), 2013-157)

(The Report of the Commissioner of Sustainability and Growth (13-276) was attached to
to the Added(s)
(File No. CSU-T07-000-2013)

CARRIED (12:0)

**(Clauses (c), (d), (f) through (l), (n), (o), and (q) through (x))
(See Recorded Vote)**

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

Report No. 91: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor Scott
Seconded by Deputy Mayor Berg

THAT Report No. 91: Received from the Chief Administrative Officer (Recommend) be
received and adopted, clause by clause.

Report No. 91

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

(1a) Staff Briefing: Lanie Hurdle, Commissioner of Community Services briefed Council on
the Belle Park Final Recommendation.

(1) Belle Park Final Recommendation

THAT Council endorse and direct staff to pursue Option 3 as detailed in Report No. 13-
215 to issue a Request for Proposal (RFP) to contract out operations to a private sector
company or a not-for-profit organization to operate Belle Park Fairways; and

THAT staff be directed to report back no later than the first meeting in September with a
timeline for action to pursue an RFP process for Belle Park Fairways.

REPORTS (CONTINUED)

**REPORT NO. 91: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(RECOMMEND)**

(The Report of the Commissioner of Community Services (13-215) was attached to the agenda.)

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

CARRIED AS AMENDED (9:3)
(See Motion To Amend Which Was CARRIED)
(See Recorded Vote 2)

Moved by Councillor Glover
Seconded by Councillor Osanic

THAT Clause (1) of Report No. 91 from the CAO (Recommend) be amended by deleting the motion in its entirety and replacing it with the following:

THAT Council endorse and direct staff to pursue Option 3 as detailed in Report No. 13-215 to issue a Request for Proposal (RFP) to contract out operations to a private sector company or a not-for-profit organization to operate Belle Park Fairways; and

THAT staff be directed to report back no later than the first meeting in September with a timeline for action to pursue an RFP process for Belle Park Fairways.

CARRIED (7:5)
(See Recorded Vote 1)

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

REPORTS (CONTINUED)

**REPORT NO. 91: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(RECOMMEND)**

Councillor Downes withdrew from the meeting.

**(2) Supplementary Report to Council Report 13-154 ('Procedural By-law for Heritage',
and Repeal of Former Delegation By-law 2005-227)**

THAT a by-law, be presented to repeal By-law 2005-227, a "By-Law To Delegate To An Appointed Officer Specific Approvals, Under The Heritage Act", as amended; and

THAT a by-law, as attached as Exhibit B to Report 13-245, be presented to enact the "Procedural By-law for Heritage"; and

THAT Council approve Option 2, as set out in this report, to establish a conflict of interest policy in the Procedural By-Law for Heritage.

"The City's Code of Conduct for Council and Committee Members applies to members of the Committee. Notwithstanding what is set out in Paragraph 6.5 of the City's Code of Conduct, members of the public who are appointed to the Committee must declare any pecuniary interest in a matter being discussed and must physically leave the room during the deliberation of the matter. They may appear as applicant or agent of the applicant during the presentation of the application and to answer Committee questions. They must physically leave the room during Committee deliberation and voting on the matter. During the Committee's deliberation of the application if the Committee has further questions of the member, the member will be invited to return to the meeting to answer questions, following which they shall again leave the room. They must not otherwise communicate with the Committee members about the matter before, during or after the meeting."

(See By-Law No. (2), 2013-140)

(See By-Law No. (3), 2013-141)

(The Report of the City Solicitor and Director of Legal Services and Commissioner of Sustainability and Growth (13-245) was attached to the agenda.)

(File No. CSU-P18-000-2013)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

REPORTS (CONTINUED)

Report No. 92: Received from the Planning Committee

Moved by Councillor Paterson
Seconded by Deputy Mayor Berg

THAT Report No. 92: Received from the Planning Committee be received and adopted.

Report No. 92

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

Councillor George withdrew from the meeting.

1) Application for Zoning By-Law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for 311 Conacher Drive

THAT the application for Zoning By-Law Amendment (Our File No. D14-245-2012) submitted by Conacher Kingston Holdings Inc., for the property located at 311 Conacher Drive, **BE APPROVED**; and

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

1. That Section 12B be deleted and replaced in its entirety, with the following:

“Section 12B: GENERAL PROVISIONS FOR THE ROW DWELLING ZONE ‘A8’

12B.1 Subject to compliance with the provisions of Section 5. Herein, the following provisions shall apply in the ‘A.8’ Zones:

12B.2 The following uses only shall be permitted in the ‘A8’ Zones:

- (a) RESIDENTIAL USES: row dwellings
- (b) NON-RESIDENTIAL USES: prohibited
- (c) ACCESSORY USES: guardhouse”

12B.3 The following regulations shall apply to lands, buildings, or structures erected in ‘A8’ zones:

- (a) DEFINITIONS: For the purpose of the ‘A8’ zone, the following definitions shall apply:
 - i) STREET means a dedicated public highway or right-of-way over private property

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- ii) EXTERIOR SIDE YARD means a side yard immediately adjoining a street
- iii) GUARDHOUSE means a building used to accommodate a person who controls entrance to the grounds, sleeping accommodation is prohibited
- (b) MAXIMUM HEIGHT: 10.7 m
- (c) MINIMUM FRONT YARD: 4.5 m
- (d) MINIMUM EXTERIOR SIDE YARD: 3.0 m
- (e) MINIMUM INTERIOR SIDE YARD: 0.6 m
- (f) MINIMUM REAR YARD: 6.0 m
- (g) MINIMUM LOT AREA: 158 m²
- (h) MINIMUM LOT WIDTH: 6.0 m
- (i) MINIMUM LOT WIDTH OF A CORNER LOT: 9.0 m
- (j) MAXIMUM NUMBER OF DWELLING UNITS PER BUILDING: 8
- (k) MINIMUM OFF-STREET PARKING: 1 per dwelling unit. The required parking space shall not occupy any of the required front yard. The required parking space for any row dwelling shall be provided in an attached garage.
- (l) MINIMUM NUMBER OF VISTOR PARKING: 37
- (m) MINIMUM NUMBER OF BARRIER FREE PARKING: 9
- (n) MAXIMUM GARAGE AND DRIVEWAY WIDTH: 3.0 m or 50% of the lot width, whichever is the lesser
- (o) GARAGE LOCATION: The front wall of a private 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 front lot line.
- (p) PROJECTIONS INTO YARDS: Notwithstanding the provisions of Section 5.8 to the contrary, within a required front or exterior side yard, an encroachment of 1.5 metres for a porch or steps is permitted.
- (q) MAXIMUM NUMBER OF RESIDENTIAL UNITS; 257
- (r) MINIMUM COMMON AMENITY SPACE: 1,500 m²
- (s) MINIMUM GUARDHOUSE SETBACK:
 - i) Any guardhouse shall be setback a minimum of 1.5 metres from an abutting residential zone.
 - ii) Any guardhouse shall be setback a minimum of 28 metres from Conacher Drive.
- (t) MAXIMUM PERMITTED SIZE OF GUARDHOUSE: 22 m²
- (u) ACCESSORY BUILDINGS:
 - i) Lot Coverage: The total lot coverage of all accessory buildings on a lot shall not exceed 15 percent of the lot area.
 - ii) Location:

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

Accessory buildings shall be located a minimum of:

- 1) 0.6 m from the interior side lot line;
- 2) 3.0 m from the exterior side lot line;
- 3) 0.6 m from the rear lot line.

Notwithstanding the provisions contained herein, an accessory building may share a common wall with another accessory building on an abutting lot and no setback from the interior side lot line is required on that side of the lot.”

2. That Zoning Schedule “A”, Map 3 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to ‘A8.429’ of the lands shown as “Subject Lands Rezoned from ‘A8’ to ‘A8.429’ on Schedule “A” attached hereto and forming part of amending By-Law No. 2013-142.

3. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

“429. 311 Conacher Drive (Lot 45 on Draft Plan of Subdivision dated April 8, 2013) Notwithstanding any provisions of Section 12B hereof to the contrary, on the lands zoned ‘A8.429’ on Schedule “A” attached hereto, the following provisions shall apply:

- (a) MINIMUM EXTERIOR SIDE YARD: 2.7 m
- (b) MINIMUM REAR YARD: 4.9 m
- (c) MINIMUM LOT WIDTH OF A CORNER LOT: 8.75 m
- (d) MINIMUM PRIVATE AMENITY AREA: 52 m²”

4. That Zoning Schedule “A”, Map 3 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to ‘A8-1’ of the lands shown as “Subject Lands Rezoned from ‘A8’ to ‘A8.430’ on Schedule “A” attached hereto and forming part of amending By-Law No. 2013-142.

5. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

“430. 311 Conacher Drive (Lot 75 on Draft Plan of Subdivision dated April 8, 2013) Notwithstanding any provisions of Section 12B hereof to the contrary, on the lands zoned ‘A8.430’ on Schedule “A” attached hereto, the following provisions shall apply:

- (a) MINIMUM REAR YARD: 4.4 m
- (b) MINIMUM PRIVATE AMENITY AREA: 38 m²”; and

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

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. D12-070-2012) submitted by Conacher Kingston Holdings Inc., for the property located at 311 Conacher Drive, **BE APPROVED**, subject to the following conditions:

1. Approved Draft Plan

- (a) That this approval applies to the Draft Plan of Subdivision, prepared by Hopkins, Cormier & Chitty Surveying Consultants Inc., dated December 10, 2012, Revision 4, dated April 8, 2013 which shows the following:
- 257 residential lots (Lots 1-257);
 - existing hydro easement (Block 259); and
 - common element block (Block 260).
- (b) That prior to Final Plan Approval, the Owner shall submit an application and obtain approval from Council to deem the previous subdivision not to be a registered plan of subdivision.

2. Streets and Civic Addressing

- (a) 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.
- (b) 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.
- (c) 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.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (d) 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, daylighting triangles required at the intersections on Conacher Drive shall be conveyed to the City free of all charges and encumbrances.
- (c) That prior to Final Plan Approval, any road widening as may be deemed necessary for road improvements on Conacher Drive shall be deeded to the City free of all charges and encumbrances.
- (d) 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.
- (e) That a 10 metre wide easement for relocation of an existing power line is required to be granted to Kingston Hydro. Trees and vegetation in the easement are to be a minimum clearance of three metres from the nearest line when fully matured. The Owner is to also ensure tree/shrubs and their roots do not interfere with the hydro servicing trenches and any conductors contained within. The easement shall also recognize the pedestrian pathway between the subdivision lots and the City owned parkland.
- (f) If the location of any of the electrical infrastructure is on private property (including common elements areas) and services a customer or customers other than the customer whose property the electrical infrastructure is on, easements shall be granted to Kingston Hydro. Kingston Hydro may accept a blanket easement.
- (g) That all utilities servicing the subdivision are required to be buried. All costs associated with relocating, burying, moving, etc. and/or meeting the requirements of the utility company of the overhead wire system and buried fibre optic cable will be borne by the Owner. All easements that may be required for these utilities shall be granted to the appropriate authority free of all charges and encumbrances.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

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 but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (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.
- (d) That the Subdivision Agreement shall be registered with an Inhibiting Order which shall remain in place until all requirements of the Order have been met. The requirements of the Inhibiting Order will include, amongst other matters, registration of the Condominium Agreement.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

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 or pathway on the Plan shall be completed to the satisfaction of the City.
- (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.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (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) The City of Kingston is in receipt of an Archaeological Assessment prepared by Golder Associates dated November 2010. This report is on file with the Ministry of Tourism, Culture and Sport. The City has received and relies upon the report of the professional archaeologist as filed but reserves the right to require further reports should further evidence be uncovered.
- (b) 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.
- (c) 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.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (d) 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.
- (c) That the recommendations of the Stormwater Management Report shall be incorporated into the engineering drawings 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

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- 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 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 engineering drawings and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.
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 Genivar Inc., dated April 2012, for the subject property into the approved plans and Subdivision Agreement.
 - (b) 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. Geotechnical Study
- (a) That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Geotechnical Study prepared by Geotechnical Investigation, dated September 2007, for the subject property into the approved plans and Subdivision Agreement.

REPORTS (CONTINUED)

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15. Servicing Study

- (a) That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Functional Servicing and Stormwater Management Report prepared by Masongsong Associates Engineering Limited, dated April 2012, for the subject property into the approved plans and Subdivision Agreement.

16. Environmental Site Assessment

- (a) That prior to Final Plan Approval, the Owner shall submit an Environmental Site Assessment to demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, as amended), performed in accordance with CSA standard Z768-01, and any required follow up investigations or remediation.. The report must be prepared by a qualified Professional Engineer, to the satisfaction of the City.
- (b) 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.
- (c) 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).
- (d) That prior to Final Plan Approval, the Owner shall incorporate in the engineering drawings, to the satisfaction of the City, the City's standard Environmental Construction Notes. The notes are to be in a conspicuous location grading drawings and in a font size relatively consistent with size used for other instructions.

17. Architectural Design Guidelines

That prior to Final Plan Approval, the Owner shall submit Architectural Design Guideline, to the satisfaction of the municipality, designed to complement and implement the urban design policies in the Official Plan. The Architectural Design Guideline shall form part of the Subdivision Agreement. The design objectives and principles in the Architectural Design Guidelines must include, but not be limited to:

REPORTS (CONTINUED)

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- i) a recognizable preferred identity for the neighbourhood;
 - ii) a comprehensively designed new residential neighbourhood providing a high level of visual quality;
 - iii) a variety of architectural designs;
 - iv) building design and landscaping guidelines of corner lots;
 - v) landscaping guidelines throughout the development and within the stormwater management pond areas;
 - vi) use and design of common amenity areas;
 - vii) pedestrian links through the neighbourhood and connections to the amenity area, the adjacent park, parking areas and Conacher Drive;
 - viii) adequate lighting for the amenity areas and pathways
 - ix) gatehouse and gated community features; and
 - x) community safety (CPTED).
- (a) Sidewalks and connection to adjacent park should be a minimum 1.5 metres wide.

18. 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) The entire road allowance is designed as a private road and will be required to be posted throughout as 'No parking fire access route'. Approved fire route signage shall be installed along the complete travel portion of the fire route as follows:
 - Fire route signs shall be permanently mounted on a rigid sign post or pole with the words Fire Route Tow Away Zone with pictorial sign;
 - be erected at a height of between 1.9 and 2.5 meters as measured from the traveled surface of the fire route to the bottom edge of the sign;
 - be installed at a distance of .3 and 3 meters from the traveled edges of the fire route; and
 - be installed along the fire route at intervals no greater than 30 meters or at such other intervals, approved by the Chief Fire Official, as may be required to clearly identify the route.
- ii) That prior to Final Plan Approval, the engineering drawings shall ensure that radius on all corners and change in directions comply with the Ontario Building Code.
- iii) Civic addressing of property shall be in conformance with applicable City By-Law.

REPORTS (CONTINUED)

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- iv) That prior to Final Plan Approval, provisions shall be included in the Subdivision Agreement, ensuring that construction will be phased to permit firebreak lots, to the satisfaction of the Fire Chief or designate.
- v) That prior to Final Plan Approval, the engineering drawings shall ensure that access to blocks of townhouses shall be from the street. A block of townhouses shall not exceed a distance of 45 metres without access to the rear of the townhouse block.

19. 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 Treemarkers and to the satisfaction of the City of Kingston.
- (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 of Kingston.
- (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.
- (d) That prior to Final Plan Approval, the Owner shall submit a Street Tree/Stormwater Management Pond Planting Plan prepared by a Landscape Architect to the satisfaction of the City.

REPORTS (CONTINUED)

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- (e) 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.

20. 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).
- (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.

21. Builder's Plan

That prior to Final Approval, the Owner shall prepare a Builder's Plan to the satisfaction of the City of Kingston 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.

REPORTS (CONTINUED)

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22. 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.
- (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).

23. Hydro One

- (a) That approval from Hydro One Networks Inc. shall be obtained prior to any work occurring within the easement or if work will cross the easement.
- (b) That prior to Final Plan Approval, the Owner shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One Networks Inc. corridor.
- (c) That any development in conjunction with the subdivision must not block vehicular access to any Hydro One Networks Inc. facilities located on the right of way. During construction, there will be no storage of materials or mounding of earth, snow or other debris on the right-of-way.

REPORTS (CONTINUED)

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- (d) That the following Warning Clauses/Notices as required by Hydro One shall be included in the Subdivision Agreement:

“The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.”

- (e) That temporary fencing must be place along the easement corridor during construction. Permanent fencing must be erected where subdivision lots directly abut the Hydro One Networks Inc. easement at the developer’s expense.
- (f) That the costs of any relocations or revisions to Hydro One Networks Inc. facilities that are necessary to accommodate this subdivision shall be borne by the Owner.
- (g) That the easement rights of Hydro One Networks Inc. and its legal predecessors are to be protected and maintained.

24. 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 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 street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

25. Kingston Hydro

- (a) That the Owner shall agree to enter into an agreement with Utilities Kingston for the design of the electrical distribution system. The details of any required capital contribution will be included in the agreement.

REPORTS (CONTINUED)

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- (b) That the Owner shall agree to install a buried hydro distribution system as designed by Utilities Kingston, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston, Kingston Hydro and the City.

26. Construction Traffic Route

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

27. Bus Stop Upgrades

That the Owner shall show on the engineering drawings, and construct, accessible bus stop pads and shelters on Conacher Drive, in the location and of the design satisfactory to the City of Kingston. The Owner should contact Kingston Transit prior to the detailed design stage to discuss the specific bus stop requirements for the locations adjacent to this development.

28. Amenity Space Plan

That prior to final approval, the owner shall submit a detail amenity space plan to the satisfaction of the City.

29. 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 Ownership includes a share in a Common Elements Condominium which shall own the private roads."
- "Purchasers and/or tenants are advised that the roads and pathways within the development are privately owned by the Condominium Corporation and will not be assumed by the Municipality. There will be no municipal snowplowing or maintenance of any kind."
- "Purchasers and/or tenants are advised that parking is prohibited at all times on any part of the private road, except in designated parking areas. 'No Parking' signage is to be installed and maintained by the Condominium Corporation."

REPORTS (CONTINUED)

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- “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 due to the close proximity to the existing freeway there is a potential for noise and vehicle light impact. It should be understood that the Ministry of Transportation will not be responsible for any impact that the highway may have on the properties and that the Ministry of Transportation will not construct any works to abate those impacts.”
- “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.”
- “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 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 the site abuts a city 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)

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30. 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.

31. General Conditions

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed written account of how each Condition of Draft Plan Approval has been satisfied, including copies of all required clearance letters and all final reports. The owner shall also provide copies of the final reference plans and M-plan.
- (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.

REPORTS (CONTINUED)

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- (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.

32. 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 Condition 11 has been satisfied.
- (c) That prior to Final Plan Approval, the City is to be advised in writing by Canada Post the method by which Condition 20 has been satisfied.
- (d) That prior to Final Plan Approval, the City is to be advised in writing by Ontario Hydro the method by which Condition 23 has been satisfied.

33. 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; and

REPORTS (CONTINUED)

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THAT the applications for Draft Plan of Condominium (Our File No. D07-018-2012) submitted by Conacher Kingston Holdings Inc., for the property located at 311 Conacher Drive, **BE APPROVED**, subject to the following conditions:

1. Approved Draft Plan

(a) That this approval applies to the Draft Plan of Condominium, prepared by Hopkins, Cormier & Chitty Surveying Consultants Inc., dated December 10, 2012, Revision 4, dated April 8, 2013, which shows the following:

- Common Element Condominium (Block 260); and
- Existing Hydro Easement (Block 259).

2. Streets and Civic Addressing

(a) 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.

(b) 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.

(c) 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.

(d) 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.

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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 prior to Final Plan Approval, any road widening as may be deemed necessary for road improvements on Conacher Drive shall be deeded to the City free of all charges and encumbrances.
- (d) 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.
- (e) That a 10 metre wide easement for relocation of an existing power line is required to be granted to Kingston Hydro. Trees and vegetation in the easement are to be a minimum clearance of three metres from the nearest line when fully matured. The Owner is to also ensure tree/shrubs and their roots do not interfere with the hydro servicing trenches and any conductors contained within. The easement shall also recognize the pedestrian pathway between the subdivision lots and the City owned parkland.
- (f) If the location of any of the electrical infrastructure is on private property (including common elements areas) and services a customer or customers other than the customer whose property the electrical infrastructure is on, easements shall be granted to Kingston Hydro. Kingston Hydro may accept a blanket easement.
- (g) That all utilities servicing the subdivision are required to be buried. All costs associated with relocating, burying, moving, etc. and/or meeting the requirements of the utility company of the overhead wire system and buried fibre optic cable will be borne by the Owner. All easements that may be required for these utilities shall be granted to the appropriate authority free of all charges and encumbrances.

REPORTS (CONTINUED)

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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 but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (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 the Condominium Agreement.
- (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 Condominium.

5. Condominium Agreement

- (a) That the Owner shall enter into the City's standard Condominium Agreement which shall list all approved plans and municipal conditions as required by the City for the development of this Plan.
- (b) That the Condominium Agreement between the Owner and the City be registered against the lands to which it applies once the Plan of Condominium has been registered.
- (c) That the Condominium 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.

REPORTS (CONTINUED)

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6. Engineering Drawings

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

7. Revisions to Draft Plan

- (a) That any alterations to the Plan shall be completed to the satisfaction of the City.
- (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, 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 Condominium Agreement and on the approved Condominium 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.

REPORTS (CONTINUED)

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- (e) To minimize the negative impacts on future condominium owners and the City from the creation of small, landlocked or fragmented condominiums on a temporary or permanent basis, the following will apply:
 - i) the Condominium Corporation registered must contain a minimum of 10 units to ensure it can operate independently if no additional phases are built or registered, or if the remainder of the development is registered as one or more separate condominium corporations. Smaller initial registrations may be considered on the individual merits of the development proposal, including the distribution and size of residential blocks, or the overall number of units within the development;
 - ii) the condominium plan registered must have frontage on and access to an open public road; and
 - iii) easements to the benefit of the remnant lands will be created in conjunction with the initial registration. Joint use and maintenance agreements may also be required.

9. Related Planning Approvals

- (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 related Plan of Subdivision must receive final approval and a Subdivision Agreement with the City of Kingston must be registered on title.

10. Condominium Act Requirements

Consistent with the requirements of the Condominium Act, prior to Final Plan Approval, the following shall be confirmed:

- (a) all services and facilities required for the registration are to be completed prior to final approval of the condominium plan; and
- (b) the Owner/Developer's professional engineer shall provide certification to the City that the facilities and services have been installed and are sufficient to ensure the independent operation of the condominium corporation. Alternatively, if any facilities or services have not been installed such that the condominium corporation can operate independently, then the Owner/Developer will be required to engage the services of a qualified quantity surveyor or professional engineer to provide a calculated amount of the required security for one hundred percent (100%) of the required works. The security shall be provided in a form satisfactory to the City, in the amount of one hundred – twenty-five percent (125%) of the calculated cost of the required works.

REPORTS (CONTINUED)

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11. Archaeological Assessment

- (a) The City of Kingston is in receipt of an Archaeological Assessment prepared by Golder Associates dated November 2010. This report is on file with the Ministry of Tourism, Culture and Sport. The City has received and relies upon the report of the professional archaeologist as filed but reserves the right to require further reports should further evidence be uncovered.
- (b) 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.
- (c) That the Condominium 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.
- (d) That the Condominium 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.

12. Stormwater Management

- (a) That prior to Final Plan Approval, the Owner shall submit 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 Condominium Agreement.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (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.
- (c) 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.
- (d) That the Owner shall agree to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair.

13. Noise Impact Study

- (a) That prior to Final Plan Approval, the Owner shall submit a 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 engineering drawings and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

14. 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 Genivar Inc., dated April 2012, for the subject property into the approved plans and Condominium Agreement.
- (b) That the Condominium 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.

15. Geotechnical Study

That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Geotechnical Study prepared by Geotechnical Investigation, dated September 2007, for the subject property into the approved plans and Condominium Agreement.

16. Servicing Study

That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Functional Servicing and Stormwater Management Report prepared by Masongsong Associates Engineering Limited, dated April 2012, for the subject property into the approved plans and Condominium Agreement.

17. Environmental Site Assessment

- (a) 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) 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).
- (c) That prior to Final Plan Approval, the Owner shall incorporate in the engineering drawings, to the satisfaction of the City, the City's standard Environmental Construction Notes. The notes are to be in a conspicuous location grading drawings and in a font size relatively consistent with size used for other instructions.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

18. 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) The entire road allowance is designed as a private road and will be required to be posted throughout as 'No parking fire access route'. Approved fire route signage shall be installed along the complete travel portion of the fire route as follows:
 - Fire route signs shall be permanently mounted on a rigid sign post or pole with the words Fire Route Tow Away Zone with pictorial sign;
 - be erected at a height of between 1.9 and 2.5 meters as measured from the traveled surface of the fire route to the bottom edge of the sign;
 - be installed at a distance of .3 and 3 meters from the traveled edges of the fire route; and
 - be installed along the fire route at intervals no greater than 30 meters or at such other intervals, approved by the Chief Fire Official, as may be required to clearly identify the route.
- ii) That prior to Final Plan Approval, the engineering drawings shall ensure that radius on all corners and change in directions comply with the Ontario Building Code.
- iii) Civic addressing of property shall be in conformance with applicable City By-Law.
- iv) That prior to Final Plan Approval, provisions shall be included in the Subdivision Agreement, ensuring that construction will be phased to permit firebreak lots, to the satisfaction of the Fire Chief or designate.
- v) That prior to Final Plan Approval, the engineering drawings shall ensure that access to blocks of townhouses shall be from the street. A block of townhouses shall not exceed a distance of 45 metres without access to the rear of the townhouse block.

19. 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 Treemarker and to the satisfaction of the City of Kingston.
- (b) That the recommendations of the Tree Preservation Plan shall be incorporated into the on drawings for approval by the City and the Condominium Agreement shall contain provisions whereby the Owner agrees to implement the Plan recommendations to the satisfaction of the City of Kingston.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (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 Condominium Agreement. Requirements for the tree preservation plan are noted in the Condominium design guidelines produced by the City.
- (d) That prior to Final Plan Approval, the Owner shall submit a Street Tree/Stormwater Management Pond 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 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.

20. 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.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (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).
- (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 Condominium Agreement to this effect.

21. Bell Canada

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

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

22. Hydro One

- (a) That approval from Hydro One Networks Inc. shall be obtained prior to any work occurring within the easement or if work will cross the easement.
- (b) That prior to Final Plan Approval, the Owner shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One Networks Inc. corridor.
- (c) That any development in conjunction with the subdivision must not block vehicular access to any Hydro One Networks Inc. facilities located on the right of way. During construction, there will be no storage of materials or mounding of earth, snow or other debris on the right-of-way.
- (d) That the following Warning Clauses/Notices as required by Hydro One shall be included in the Subdivision Agreement:

“The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.”

- (e) That temporary fencing must be place along the easement corridor during construction. Permanent fencing must be erected where subdivision lots directly about the Hydro One Networks Inc. easement at the developer’s expense.
- (f) That the costs of any relocations or revisions to Hydro One Networks Inc. facilities that are necessary to accommodate this subdivision shall be borne by the Owner.
- (g) That the easement rights of Hydro One Networks Inc. and its legal predecessors are to be protected and maintained.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

23. 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 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 street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

24. Kingston Hydro

- (a) That the Owner shall agree to enter into an agreement with Utilities Kingston for the design of the electrical distribution system. The details of any required capital contribution will be included in the agreement.
- (b) That the Owner shall agree to install a buried hydro distribution system as designed by Utilities Kingston, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston, Kingston Hydro and the City.

25. Construction Traffic Route

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

26. Bus Stop Upgrades

That the Owner shall show on the engineering drawings, and construct, accessible bus stop pads and shelters on Conacher Drive, in the location and of the design satisfactory to the City of Kingston. The Owner should contact Kingston Transit prior to the detailed design stage to discuss the specific bus stop requirements for the locations adjacent to this development.

27. Amenity Space Plan

That prior to final approval, the owner shall submit a detail amenity space plan to the satisfaction of the City.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

28. Warning Clauses

That the Owner shall include the following warning clauses in a schedule to all offers of purchase and and the Condominium Declaration documents. Additional warning clauses may be required as a result of the review of the Final Plan of Condominium and will be identified in the Condominium Agreement:

- “Purchasers and/or tenants are advised that Ownership includes a share in a Common Elements Condominium which shall own the private roads and pathways.”
- “Purchasers and/or tenants are advised that the roads and pathways within the development are privately owned by the Condominium Corporation and will not be assumed by the Municipality. There will be no Municipal snowplowing or maintenance of any kind.”
- “Purchasers and/or tenants are advised that parking is prohibited at all times on any part of the private road, except in designated parking areas. ‘No Parking’ signage is to be installed and maintained by the Condominium Corporation.”
- “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 due to the close proximity to the existing freeway there is a potential for noise and vehicle light impact. It should be understood that the Ministry of Transportation will not be responsible for any impact that the highway may have on the properties and that the Ministry of Transportation will not construct any works to abate those impacts.”
- “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.”
- “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 Condominium 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.”

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- “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 the site abuts a city 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.”
- “Purchasers and/or tenants are advised that neither dumping of debris, vegetative cuttings nor emptying of pool water shall be permitted onto the park.”

29. General Conditions

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed written account of how each Condition of Draft Plan Approval has been satisfied, including copies of all required clearance letters and all final reports.
- (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 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.
- (d) 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.
- (e) 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.
- (f) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved Condominium works drawings and as required by the City.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (g) 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.
- (h) If the land is included in the unit description, provision for the common services and facilities located on that unit to be maintained, repaired and replaced by the condominium corporation may be required, to ensure that future owners do not bear the full cost of maintaining and repairing common facilities and services.
- (i) Certain requirements of the subdivision agreement are to be completed prior to final approval, such as, but not limited to, grading, the construction and installation of fire routes and fire route signs, and the completion of special studies.

30. 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 Condition 12 has been satisfied.
- (c) That prior to Final Plan Approval, the City is to be advised in writing by Canada Post the method by which Condition 18 has been satisfied.
- (d) That prior to Final Plan Approval, the City is to be advised in writing by Ontario Hydro the method by which Condition 20 has been satisfied.

31. 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.

REPORTS (CONTINUED)

REPORT NO. 92: RECEIVED FROM THE PLANNING COMMITTEE

- (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. (4), 2013-142)

CARRIED (10:0)
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (10)

NAYS: (0)

ABSENT: Councillor Reitzel, Councillor Downes, Councillor George, (3)

Councillors George and Downes returned to the meeting.

Report No. 93: Received from the Planning Committee

Moved by Councillor Paterson

Seconded by Deputy Mayor Berg

THAT Report No. 93: Received from the Planning Committee be received and adopted.

Report No. 93

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

- (1) Proposed Amendment to the Official Plan & Zoning By-Law to Implement the Williamsville Main Street Study**

THAT the proposed Official Plan Amendment and Zoning By-Law Amendment (Our Files No. D09-003-2013 and D14-007-2013) for the Williamsville Main Street, **BE APPROVED**; and

THAT the City of Kingston Official Plan and Zoning By-Law No. 8499 be amended as follows:

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

THAT the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 and 34 of the Planning Act, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The Official Plan for the City of Kingston is hereby amended by the following map changes, which shall constitute part of Amendment No. 21 to the Official Plan for the City of Kingston.
 - 1.1 AMEND Schedule 3-A, Land Use, of the City of Kingston Official Plan, so as to re-designate the properties located at 300 Regent Street and 541 College Street, as shown in Schedule 'A' to By-Law No. 2013-147, from 'Residential' and 'Main Street Commercial' to 'Residential'.
 - 1.2 AMEND Schedule 13, Detailed Planning Areas, of the City of Kingston Official Plan, so as to change the Williamsville Main Street portion of the Princess Street Corridor, as shown in Schedule 'B' to By-Law No. 2013-147, from 'Future Planning Study Area' to 'Special Policy Area'.
 - 1.3 ADD a new Schedule (Schedule PS-1) for the Princess Street Corridor Special Policy Area: Williamsville Main Street, as shown in Schedule 'C' to By-Law No. 2013-147.
 - 1.4 The Official Plan for the City of Kingston is hereby amended by the following policy changes, which shall constitute part of Amendment No. 21 to the Official Plan for the City of Kingston.
 - 1.5 AMEND Section 3.4.C.2 by deleting the last sentence and replacing it with the following wording: "For properties within a Main Street Commercial designation, land use on the ground floor is required to be commercial, unless otherwise identified in a Special Policy Area of Section 10 of this Plan."
 - 1.6 AMEND Section 3.4.C.5 by deleting the word "The" from the beginning of the second sentence and replacing it with the following wording: "Ground floor residential uses may be permitted if identified in a Special Policy Area of Section 10 of this Plan. Where ground floor residential uses are permitted, the".
 - 1.7 AMEND Section 3.4.C.5 by adding the following new sentence at the end of the section: "The height of the ground floor units must enable future conversions to commercial uses."

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- 1.8 AMEND Section 3.4.C.7 by deleting the last sentence and replacing it with the following wording: "If it is not possible to locate sufficient parking on site, residential parking may be provided off-site, at a distance stipulated in the zoning by-law, through long-term agreements registered on title to both properties."
- 2.5 AMEND Section 3.4.C.8 by deleting the words "Commercial Area" in the first sentence.
- 2.6 AMEND Section 3.4.C.8 by deleting the last sentence and replacing it with the following wording: "The Williamsville Main Street is part of the Princess Street Corridor Special Policy Area and is shown on Schedule PS-1 of this Plan."
- 2.7 AMEND Section 3.4.C.9 by deleting the wording in the section in its entirety and replacing it with the following wording: "New development and redevelopment within the Williamsville Main Street shall be consistent with the Williamsville Main Street Study (2012), which provides urban design guidelines for the area, and shall conform to the policies for the Princess Street Corridor Special Policy Area: Williamsville Main Street in Section 10E of this Plan."
- 2.8 AMEND Section 10 by adding a new Section 10E, Princess Street Corridor Special Policy Area, and Section 10E.1, Williamsville Main Street, as shown in Schedule 'D' to By-Law No. 2013-147.
3. 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:
 - 3.1. Maps 19 & 20 of Schedule 'A', as amended, are hereby further amended by changing the zone symbol of the Williamsville Main Street from Commercial Uses Zone "C" (Central Business District and Upper Princess Street) to a new Williamsville Main Street Commercial Zone "C4", as shown on Schedule 'A' attached to and forming part of By-Law No. 2013-148.
 - 3.2. By adding a new subsection 23C thereto as follows:

23C. GENERAL PROVISIONS FOR THE WILLIAMSVILLE MAIN STREET COMMERCIAL ZONE "C4"

23C.1 Subject to compliance with the provisions of Section 5, the following provisions shall apply in the C4 Zone.

23C.2 PERMITTED USES – The following uses only shall be permitted in the C4 Zone:

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- (a) libraries, art galleries and museums;
- (b) churches, community halls and parish halls;
- (c) community centres;
- (d) sanatoriums, or institutions for philanthropic or charitable uses, other than correctional uses, and other than for the treatment of inebriates or persons suffering from insanity or other mental disease, infectious disease, or contagious disease;
- (e) lay or religious fraternity houses or boarding houses where occupied by students, used exclusively for the purposes of habitation or congregational meetings and supervised by the authorities of a public educational institution;
- (f) fraternal organizations or similar institutions of public character;
- (g) hospitals as defined by the Public Hospitals Act, R.S.O. (1970) Chapter 378;
- (h) boarding houses and rooming houses;
- (i) multiple family dwellings containing three or more dwelling units;
- (j) retail stores or shops;
- (k) undertakers' establishments;
- (l) offices for or in connection with businesses or professions;
- (m) banks;
- (n) hotels;
- (o) offices for printing and publishing;
- (p) restaurants;
- (q) senior citizen apartments;
- (r) theatres;

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- (s) bowling alleys, pool and billiard halls;
- (t) accessory buildings subject to the provisions of the zone regulating the main building as set forth herein;
- (u) shopping centres;
- (v) laundries and dry cleaners (provided that the cleaning operation takes place upon the same premises as an associated pick-up and delivery agency);
- (w) bakeries (provided that the food products prepared on the premises are retailed directly from the same premises);
- (x) community homes;
- (y) places of amusement;
- (z) crisis care shelters;
- (aa) residential care facilities;
- (bb) recovery homes;
- (cc) community support house;
- (dd) day care centre.

23C.2 REGULATIONS – The following regulations shall apply to lands, buildings or structures in the C4 Zone:

(a) HEIGHT

- i. The minimum streetwall height for all buildings/structures shall be 10.5 metres.
- ii. The maximum streetwall height for all buildings/structures shall be 13.5 metres.
- iii. All buildings/structures shall have a maximum height of 20 metres, subject to angular plane provisions.
- iv. All buildings/structures abutting a streetline shall fit within an angular plane taken from a height of 13.5 metres above the established grade at the streetline. Above this height, subsequent storeys shall fit within a 45 degree angular plane (refer to Appendix 'A' to this By-Law for reference purposes).

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- v. All buildings/structures shall fit within a 45 degree angular plane taken from the rear property line.
- vi. Notwithstanding Section 5.14, mechanical penthouses shall be permitted to exceed the maximum allowable building height by up to 5 metres, provided they do not penetrate front or rear property angular planes.
- vii. GROUND FLOOR HEIGHT – The ground floor storey of a building/structure shall have a minimum floor to ceiling height of 4.5 metres.

a. YARDS

- i. MINIMUM FRONT YARD – 1.0 metre.
- ii. A minimum of 75% of a building frontage shall be built to the front property line, or applicable setback line, for the height of the streetwall.
- iii. MINIMUM REAR YARD – All buildings/structures shall have a minimum rear yard setback of 8.0 metres.

(b) PROJECTIONS INTO YARDS

- i. Balconies are prohibited below the fourth storey of buildings fronting onto Princess Street.

(c) PARKING AND LOADING

- i. Parking and Loading provisions shall be as set out in Sections 5.3 and 5.4 of this Zoning By-Law, with the exception of the provisions listed in subsection 23C.2(d)(ii) hereafter.
- ii. Notwithstanding Sections 5.3 and 5.4 of this Zoning By-Law, the following provisions shall apply:

- (1) Parking and loading spaces shall not be permitted in a yard abutting a streetline.

(d) AMENITY AREA

- i. The amenity area provisions of Section 5.27 of this By-Law apply.
- ii. Notwithstanding Section 5.27, no play space shall be required.

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

23C.3 DEFINITIONS – The following definitions shall apply to lands, buildings or structures in the C4 Zone:

- (a) AMENITY AREA – The area situated within the boundaries of any residential development site intended for recreational purposes, and may include landscaped open space, patios, private amenity areas, balconies, communal lounges, swimming pools, children’s play areas, and similar uses, but does not include any area occupied at grade by a building’s service areas, parking areas, parking aisles, or driveways.
- (b) ANGULAR PLANE – A plane that projects up at a 45 degree angle from a specific line, such as a property line or a specific storey of a building, which is used to reduce the building mass and shadowing impacts next to established areas, such as a public right-of-way or low density residential neighbourhood.
- (c) BUILDING FRONTAGE – The building façade that fronts on a streetline where access to the building is available.
- (d) STREETWALL – The wall of a building or portion of a wall facing a streetline.
- (e) STREETWALL HEIGHT – The vertical distance between the top of the streetwall and the streetline; and

4. **THAT** the Zoning By-Law Amendment and Official Plan Amendment By-Laws be presented to City Council for all three readings.

(Note: A copy of the draft by-laws were attached to the agenda.)

(See By-Law No. (9), 2013-147)

(See By-Law No. (10), 2013-148)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Reitzel (1)

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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

(2) Application for Zoning By-Law Amendment for 326 Alfred Street

THAT the application for Zoning By-Law Amendment (Our File No. D14-015-2013) submitted by 326 Alfred Street Ltd., for the property located at 326 Alfred Street, **BE APPROVED**; and

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

6. That Section 395 to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS of the By-Law be replaced in its entirety, with the following:

“395. 326 Alfred Street

Notwithstanding any provisions of Section 16 hereof to the contrary, on the lands zoned ‘B3.395’ on Schedule “A” attached hereto, the following provisions shall apply:

- a) PERMITTED USE: multiple family dwelling
- b) MINIMUM YARDS:
 - (i) north property line – 4.6 metres
 - (ii) from Alfred Street – 1.5 metres
 - (iii) south property line – 8.5 metres
 - (iv) from Frontenac Street – 53 metres
- c) MAXIMUM BUILDING HEIGHT: 10.5 metres
- d) MAXIMUM LOT OCCUPANCY: 110%
- e) MAXIMUM NUMBER OF RESIDENTIAL UNITS: 18
- f) MAXIMUM NUMBER OF BEDROOMS PER UNIT: 4
- g) MAXIMUM NUMBER OF BEDROOMS: 66

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- h) **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.Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.
- i) **MINIMUM NUMBER OF ON-SITE PARKING SPACES:** 18 parking spaces
- j) **MINIMUM SIZE OF A PARKING SPACE:** 2.6 metres wide by 6.0 metres long
- k) **MINIMUM AMENITY SPACE AREA:** 775 square metres
- l) Notwithstanding any provisions of Section 5.8 hereof to the contrary, on the lands zoned 'B3.395' on Schedule "A" attached hereto, the following provisions shall apply:

PROJECTION INTO YARDS:

- (i) A covered or uncovered unenclosed porch, deck, balcony or veranda may project out from the main building wall providing it is no closer than 3.7 metres to the north lot line and 7.0 metres to the south lot line.
- (ii) Uncovered steps may project 1.4 metres out from a covered or uncovered unenclosed porch, deck, or veranda providing it is no closer than 5.7 metres to the south lot line.
- (iii) A step and covered or uncovered unenclosed porch may project out from the main building wall up to the front lot line.
- (iv) There shall be no minimum setback from the interior side lot line of a common party wall for a covered or uncovered unenclosed porch, deck, balcony, step or veranda.
- (v) Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than 0.6 metres and may extend or project into a required front or rear yard not more than 0.8 metres. Chimneys may also project into a required front, side, or rear yard not more than 0.3 metres."; and

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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. (11), 2013-149)

CARRIED (10:1)
(See Recorded Vote)

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

NAYS: Councillor Osanic (1)

ABSENT: Mayor Gerretsen, Councillor Reitzel (2)

(3) Application for Zoning By-Law Amendment for Lots 103 – 112, Registered Plan 13M-85, Greenwood Park West Subdivision

THAT the application for Zoning By-Law Amendment (Our File No. D14-010-2013) submitted by Greenwood Park Limited Partnership, for the property located at Lots 103 - 112, Registered Plan 13M-85, **BE APPROVED**; and

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

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 to 'R11-3' for the lands shown as "Subject Lands Rezoned from R11-2 to R11-3" on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-150.

2. That the following be added as Section 11H (3)(c) of the By-Law:

"(c) Lot 112, 13M-85

Notwithstanding any provisions of Section 11H hereof to the contrary, on the lands zoned 'R11-3' on Schedule "A" attached hereto, the following provisions shall apply:

a) There shall be no lot area or lot coverage requirement.

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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

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) MINIMUM REAR YARD DEPTH: 6.75 metres.”

- 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 to ‘R11-4’ for the lands shown as “Subject Lands Rezoned from R11-2 to R11-4” on Schedule “A” attached hereto and forming part of amending By-Law No. 2013-150.

- 4. That the following be **added** as Section 11H (3)(d) of the By-Law:

“(d) Lots 107 - 111, 13M-85

Notwithstanding any provisions of Section 11H hereof to the contrary, on the lands zoned ‘R11-4’ on Schedule “A” attached hereto, the following provisions shall apply:

- a) There shall be no lot area or lot coverage requirement.

- b) MINIMUM LOT FRONTAGE: 9.1 metres

- c) FRONT YARD DEPTH (minimum): 4.5 metres
(maximum): 6.5 metres

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.

- d) MINIMUM REAR YARD DEPTH: 6.75 metres.”

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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 to 'R11-5' for the lands shown as "Subject Lands Rezoned from R11-2 to R11-5" on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-150.
6. That the following be added as Section 11H (3)(e) of the By-Law:

"(e) Lots 103 - 106, 13M-85

Notwithstanding any provisions of Section 11H hereof to the contrary, on the lands zoned 'R11-5' on Schedule "A" attached hereto, the following provisions shall apply:

- a) There shall be no lot area or lot coverage requirement.
- b) MINIMUM LOT FRONTAGE: 9.1 metres
- c) FRONT YARD DEPTH (minimum): 4.5 metres
(maximum): 6.5 metres

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.

- d) MINIMUM REAR YARD DEPTH: 6.0 metres."; 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. (12), 2013-150)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Mayor Gerretsen, Councillor Reitzel (2)

(4) Application for Zoning By-Law Amendment for 363, 365 & 367 Johnson Street

THAT the Application for Zoning By-Law Amendment (Our File No. D14-238-2012) submitted by FoTenn Consultants Inc., on behalf of Highpoint Developments Inc., for the property municipally known as 363, 365 and 367 Johnson Street, **BE APPROVED**; and

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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 19 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘B’ to ‘B.432-H’, as shown on Schedule “A” attached to and forming part of By-Law No. 2013-151.
 - 1.2. By **Adding** a new subsection 432 thereto as follows:
“(432) **363, 365 & 367 Johnson Street**

Notwithstanding the provisions of Section 5 and 13 hereof to the contrary, the lands designated ‘B.432’ on Schedule ‘A’ hereto, the following regulations shall apply:

- i) Additional Permitted Uses: a building with 10 residential dwelling units
- ii) Minimum Front Yard Setback: 3.80 metres
- iii) Minimum Side Yard: 1.5 metres
- iv) Minimum Aggregate Side Yard: 5.1 metres
- v) Maximum Lot Coverage: 36%
- vi) Maximum Density: 69 units per net hectare

A density bonus may be applied to permit a density increase to 122 units per net hectare. The bonus is subject to the property owner entering into a development agreement with the City, which will establish a high quality of architectural design and human scale development consistent with the City’s long term vision for the area.

- vii) Minimum Play Space: 0.0 square metres
- viii) Minimum Amenity Area: 408 square metres
- ix) Required Parking Spaces: 6
- x) Projection of Porch and Stairs into Front Yard: 2.7 metres
- xi) The for the purpose of zone interpretation the subject properties be considered as a single parcel.
- xii) That the maximum number of bedrooms for a dwelling unit shall be 4;
- xiii) **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:
 - a. Common areas open to all occupants of the unit;
 - b. Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- c. Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment; and
 - xiv) That a – Holding Symbol be applied to the subject lands shall only be removed once the following condition has been satisfied:
That an offsite parking agreement be registered on title of the subject properties and the lands to accommodate the offsite parking in perpetuity; and
2. **THAT** the Zoning By-Law Amendment 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. (13), 2013-151)

CARRIED (9:2)
(See Recorded Vote)

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

NAYS: Councillor Downes, Councillor Glover (2)

ABSENT: Mayor Gerretsen, Councillor Reitzel (2)

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

Moved by Councillor Hector
Seconded by Councillor George

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 meeting.

CARRIED (8:4)
(A 2/3 Vote Of Council Was Received)
(See Recorded Vote)

YEAS: Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Schell (8)

NAYS: Deputy Mayor Berg, Councillor Glover, Councillor Hutchison, Councillor Scott (4)

ABSENT: Councillor Reitzel (1)

Councillor Downes left the meeting.

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

(5) Application for Zoning By-Law Amendment for 637-655 Johnson Street

THAT the Application for Zoning By-Law Amendment (Our File No. D14-246-2012) submitted by Alexander Wilson Architect Inc., on behalf of Golden Dragon Ho 7 Inc., for the property municipally known as 637-655 Johnson 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 19 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘B’ to ‘B2.433’, as shown on Schedule “A” attached to and forming part of By-Law No. 2013-152.
 - 1.2. By Adding a new subsection 433 thereto as follows:
“(433) 637-655 Johnson Street

Notwithstanding the provisions of Section 5 and 15 hereof to the contrary, the lands designated ‘B2.433’ on Schedule ‘A’ hereto, the following regulations shall apply:

- i) Additional Permitted Uses: Multiple Family Dwelling
- ii) Minimum Front Yard Setback: 3.0 metres
- iii) Minimum Side Yard: 1.75 metres to any structure at or below grade
- iv) Minimum Side Yard Setback to a Dwelling or Habitation Unit: 6.5 metres
- v) Minimum Distance Between Buildings: 4.5 metres regardless of the location of the building
- vi) Maximum Building Height: 11.0 metres
- vii) Maximum Lot Percentage Lot Occupancy: 145%
- viii) Maximum Number of Dwelling Per Building: 28
- ix) Maximum Aggregate Number of Dwelling Units: 28
- x) Maximum Density: 69 units per net hectare

A density bonus may be applied to permit a density increase to 118 units per net hectare. The bonus is subject to the property owner entering into a development agreement with the City, which will establish a high quality of architectural design and human scale development consistent with the City’s long term vision for the area.

- xi) Minimum Amenity Area: 1559 square metres
- xii) Minimum Play Space: 57.5 square metres

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- xiii) The for the purpose of zone interpretation the subject properties be considered as a single parcel.
- xiv) That the maximum number of bedrooms for a dwelling unit shall be 4;
- xv) 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:
 - a. Common areas open to all occupants of the unit;
 - b. Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - c. Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment; and

2. **THAT** the Zoning By-Law Amendment 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. (14), 2013-152)

CARRIED (6:4)
(See Motion To Defer Which Was LOST)
(See Recorded Vote 2)

Moved by Councillor Neill
Seconded by Councillor Glover

THAT Clause (5) of Report 93, Received from the Planning Committee, be deferred in order to hold a public meeting; and

THAT the item return to the Planning Committee no later that September 19, 2013.

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

(1) YEAS: Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Schell (5)

NAYS: Deputy Mayor Berg, Councillor George, Councillor Hector, Councillor Paterson, Councillor Scott (5)

ABSENT: Councillor Downes, Mayor Gerretsen, Councillor Reitzel (3)

(2) YEAS: Deputy Mayor Berg, Councillor George, Councillor Hector, Councillor Paterson, Councillor Schell, Councillor Scott (6)

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

ABSENT: Councillor Downes, Mayor Gerretsen, Councillor Reitzel (3)

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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

(6) Application for Zoning By-Law Amendment for 301 – 303 Sydenham Street

THAT the application for Zoning By-Law Amendment (Our File No. D14-003-2013) submitted by BPE Development, for the property located at 301 - 303 Sydenham Street, **BE APPROVED**; and

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

7. That Zoning Schedule "A", Map 18 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to 'A.431' for the lands shown as "Subject Lands Rezoned from One-Family Dwelling and Two-Family Dwelling (A) to a site specific One-Family Dwelling and Two-Family Dwelling (A.431)" on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-153.
8. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

"431. 301 - 303 Sydenham Street

Notwithstanding any provisions of Section 5 or Section 6 hereof to the contrary, on the lands zoned 'A.431' on Schedule "A" attached hereto, the following provisions shall apply to the entire area zoned 'A.431':

a) PERMITTED USE:

In addition to the uses permitted in Section 6.2, the existing dwelling may be used for a multiple family dwelling containing a maximum of six units. Extension, expansion or structural alteration to the building as it exists on the date of the passing of this by-law which has the effect of adding new floor area or dwelling units to the said multiple family dwelling shall be prohibited.

b) MAXIMUM NUMBER OF BEDROOMS: 10

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

- c) For the purpose of the 'A.431' Zone, the following definitions 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:
 - iv) Common areas open to all occupants of the unit;
 - v) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - vi) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.

- d) MINIMUM AMENITY SPACE AREA: 78 square metres

- e) MINIMUM NUMBER OF ON-SITE PARKING SPACES: 3 parking spaces

- f) MAXIMUM SIZE OF A PARKING AREA: up to 50 square metres of the rear yard of the multiple family dwelling containing three units may be used as uncovered parking area

- g) No minimum barrier free vehicle parking shall be required

- h) No minimum play area shall be required

- i) The use of a cellar as a habitation unit is permitted providing that the cellar complies with the applicable Ontario Building Code

- j) An accessory building for a bicycle parking area shall be permitted in the interior side yard and shall be no closer than 5.5 metres to a front lot line or 1.2 metres from a side lot line

- k) DEEMED TO COMPLY:
The lot and building existing as of the date of the passing of this By-Law shall be deemed to comply with the minimum lot area, minimum front yard, minimum side yard, maximum percentage of lot coverage and maximum permitted floor space index regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 6 of this By-Law.”; and

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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. (15), 2013-153)

CARRIED (6:4)
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Councillor George, Councillor Hector, Councillor Paterson, Councillor Schell, Councillor Scott (6)

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

ABSENT: Councillor Downes, Mayor Gerretsen, Councillor Reitzel (3)

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

(7) Applications for Official Plan Amendment and Zoning By-Law Amendment for 1709 Westbrook Road

THAT the applications for Official Plan Amendment and Zoning By-Law Amendment (Our File No. D09-074-2012 and D14-269-2012) submitted by John Westendorp Enterprises Inc., for the property located at 1709 Westbrook Road, **BE APPROVED**; and

THAT the City of Kingston Official Plan be amended as follows:

1. The City of Kingston Official Plan, as amended, is hereby further amended by the following text change which shall constitute **Amendment No. 20** to the City of Kingston Official Plan:

a) That the City of Kingston Official Plan, as amended, be further amended by replacing Site Specific Policy as Section 3.18.31 in its entirety, with the following:

| | |
|---|--|
| <p>“1709 Westbrook Road</p> <p>Schedule 3-D, SSP No. 31</p> | <p>Within the Waste Management Industrial designation which applies to the lands located at 1709 Westbrook Road, as shown on Schedule 3-D, a waste transfer facility for the receiving, handling and temporary storage of non-hazardous general construction and demolition waste and/or solid non-hazardous municipal waste is permitted. The waste transfer facility must comply with the policies of Section 3.6.C of this Plan. In the event that the property is not used for a waste transfer facility, the lands may be developed in accordance with the uses permitted in the site specific amending zoning by-law for the subject lands, and in compliance with the Rural policies of Section 3.13 of this Plan.”</p> |
|---|--|

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

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

9. That Section 27 (3)(d) of the By-Law be replaced in its entirety, with the following:

“(d) M4-4 (1709 Westbrook Road):

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 27 for the ‘M4’ zone shall apply to the ‘M4-4’ zone except that:

1. ONLY PERMITTED USE:

Waste Transfer Facility

2. DEFINITIONS:

For the purpose of the ‘M4-4’ zone, the following definitions shall apply:

WASTE TRANSFER FACILITY means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of receiving, handling and temporary storage of non-hazardous general construction and demolition waste and/or solid non-hazardous municipal waste prior to the transferring of the waste to another facility or waste disposal site. Temporary storage of materials, equipment or vehicles for work accessory to the principal use, shall be permitted. Accessory uses such as office and scale and scale house are also permitted.

3. Maximum storage of waste shall be 500 metric tonnes.

4. Maximum quantity of waste received on any given day shall be 299 metric tonnes.

5. Maximum quantity of solid non-hazardous municipal waste received on any given day shall be 200 metric tonnes.

6. All solid non-hazardous municipal waste shall be contained in a covered and enclosed building.

7. Municipal organic waste shall be prohibited.

8. The following provisions apply, providing the subject land is not used for a Waste Transfer Facility:

(a) PERMITTED USES:

a cartage and transport yard;

a contractor’s yard;

an open storage use;

topsoil screening; and

a public use.

REPORTS (CONTINUED)

REPORT NO. 93: RECEIVED FROM THE PLANNING COMMITTEE

(b) Required yard (minimum) for uses permitted in Section 27(3)(d)(7)(a):

| | Abutting Industrial Zone | Abutting Any Other Zone |
|-------------------------------|-----------------------------|----------------------------|
| (i) Front yard depth | 15 metres | 61 metres |
| (ii) Interior side yard width | 3 metres | 61 metres |
| (iii) Rear yard depth | 8 metres | 61 metres ”; and |

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

(Note: A copy of the draft by-laws were attached to the agenda.)

(See By-Law No. (16), 2013-154)

(See By-Law No. (17), 2013-155)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

Report No. 94: Received from the Municipal Heritage Committee

Moved by Councillor Glover

Seconded by Councillor Schell

THAT Report No. 94: Received from the Municipal Heritage Committee be received and adopted.

Report No. 94

To the Mayor and Members of Council:

The Municipal Heritage Committee reports and recommends as follows:

(1) Request to Alter a Heritage Designated Property – 261 – 265 Ontario Street

THAT the alteration to a designated property at 261-265 Ontario Street in accordance with details described in Application P18-276-048-2013 which was deemed complete on May 31, 2013, be approved, with said alteration to:

- a) Addition of a new metal hanging arm sign (24" x 18") with a wrought aluminum mast arm and fastened using existing holes; and

REPORTS (CONTINUED)

REPORT NO. 94: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

THAT the approval be subject to the following conditions:

- i. A sign permit is required; the sign must comply with the sign by-law;
- ii. The sign will require an encroachment permit to recognize the existing mast and sign. Please contact Brad Morton;
- iii. Should 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 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

(2) Request to Alter a Heritage Designated Property – 258 Main Street

THAT the alteration to a designated property at 258 Main Street, Barriefield Heritage Conservation District, in accordance with details described in Application P18-489-052-2013 which was deemed complete on May 31, 2013, be approved, with said alteration to:

- a) Install two velux skylights (22"x47") in east/rear elevation of existing roof (vaulted ceiling); and

THAT the approval be subject to the following condition:

- i. A building permit application is required for the proposed scope of work.

(3) Request to Alter a Heritage Designated Property – 230 James Street

THAT the alteration to a designated property at 230 James Street, James Medley House, Barriefield Heritage Conservation District, in accordance with details described in Application P18-445-053-2013 which was deemed complete on June 5, 2013, be approved, with said alteration to:

- a) Replace the roof covering of a garden shed (currently white cedar shingles) with either grey ribbed sheet metal or standard three (3) tab fibreglass shingles.

(4) 19 – 23 Queen Street, 29 Queen Street, and North Block Redevelopment

THAT Report MHC-13-011, with an update on the proposed process for the incorporation of the designated heritage properties at 19-23 Queen street into the Request for Proposals from purchaser/developer for Block 4, be received; and

REPORTS (CONTINUED)

REPORT NO. 94: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

THAT the City staff prepare amendments to the heritage designations based on the comprehensive research prepared for the redevelopment of the Block 4 of the North Block and that staff prepare a heritage easement for the property prior to the sale of the property.

(Note: A copy of Report No. MHC-13-011 was attached to the agenda.)

CARRIED (10:0)
(Clauses (1) through (4))
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (10)

NAYS: (0)

ABSENT: Councillor Downes, Councillor Hector, Councillor Reitzel (3)

* * * * *

Report No. 95: Received from the Municipal Heritage Committee

Moved by Councillor Glover

Seconded by Councillor Schell

THAT Report No. 95: Received from the Municipal Heritage Committee be received and adopted.

Report No. 95

To the Mayor and Members of Council:

The Municipal Heritage Committee reports and recommends as follows:

(1) Request to Alter a Heritage Designated Property – 239 Johnson Street

THAT the alterations to a designated property at 239 Johnson Street, in accordance with details described in Application P18-640-033-2013 which was deemed complete on May 22, 2013, be approved with said alterations to:

- a. Replacement of an existing basement window with a new casement wood window occupying a larger opening. Installation of a window well with a crushed rock base; and

REPORTS (CONTINUED)

REPORT NO. 94: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

THAT the approval be subject to the following conditions:

- i. The vertical mullion of the new window is centered with respect to the arch stones of the existing opening;
- ii. The bottom rails of the sash have a depth of approximately 3¼", and that the sash rails and stiles have a typical period profile that can accommodate ½" thermal panes;
- iii. A building permit is required for the proposed scope of work;
- iv. Any required *Planning Act* and/or additional building permits be obtained;
- v. 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;
- vi. 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.

(2) Request to Alter a Heritage Designated Property – 242A James Street, Barriefield Heritage Conservation District

THAT the alterations to a designated property at 242A James Street, Barriefield Heritage Conservation District, in accordance with details described in Application P18-417-060-2013 which was deemed complete on June 28, 2013, be approved, with said alterations to:

- a. Replace existing rear deck, with an increase in size and modifications to the design. The existing deck is approximately 23' x 12' and the replacement deck is proposed at 29' x 14.5'. The new deck is proposed to have a greater width of stairs and a railing on the east and west sides. The deck is also proposed to have a new set of stairs on the west side for access when approaching from the front yard; and

REPORTS (CONTINUED)

REPORT NO. 95: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

THAT the approval be subject to the following conditions:

- i. A building permit is required for the proposed scope of work;
- ii. 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 and Culture (416-314-7132) and the City of Kingston's Planning and Development Department (613-546-4291 ext. 3180) must be immediately contacted;
- iii. 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 and Culture (416-314-7132), and the City of Kingston's Planning and Development Department (613-546-4291 ext. 3180) must be immediately contacted.

CARRIED (10:0)
(Clauses (1) and (2))
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (10)

NAYS: (0)

ABSENT: Councillor Downes, Councillor Hector, Councillor Reitzel (3)

Report No. 96: Received from the Administrative Policies Committee

Moved by Councillor Hector

Seconded by Councillor Paterson

THAT Report No. 96: Received from the Administrative Policies Committee be received and adopted.

Report No. 96

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

REPORTS (CONTINUED)

Report No. 96: Received from the Administrative Policies Committee

(1) Tax Write Offs Pursuant to the Municipal Act, 2001

THAT Council approves the cancellation, reduction or refund of taxes pursuant to applications made under Sections 357 and 358 of the Municipal Act, 2001 totaling \$54,622.22 of which \$32,522.68 is the City's portion and amounts charged back to the school boards and Downtown Kingston! BIA are \$21,866.32 and \$233.22 respectively, as listed in Exhibit "A" attached.

(Note: A copy of Exhibit A was attached to the agenda.)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

Report No. 97: Received from the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison

Seconded by Councillor Neill

THAT Report No. 97: Received from the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 97

To the Mayor and Members of Council:

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

(1) Sale of Dogs, Cats and Rabbits in Pet Stores

THAT Schedule P-2 Pet Stores of By-Law 2006-213 being "A By-Law to License, Regulate and Govern Certain Businesses" be amended to prohibit the sale of dogs, cats and rabbits; and

THAT Schedule P-2 be further amended to allow for the placement of dogs, cats and rabbits in pet stores for adoption on agreement with a humane society or rescue group who hold a registered charity number; and

REPORTS (CONTINUED)

Report No. 97: Received from the Arts, Recreation and Community Policies Committee

THAT By-Law 2013-139 attached as Exhibit "A", being "A By-Law to Amend By-Law 2006-213 Schedule P-2 Pet Stores", which includes regulations for pet store sales, be adopted.

(Note: A copy of Exhibit "A" was attached to the agenda.)

(See By-Law No. (1), 2013-139)

CARRIED (9:2)
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Schell (9)

NAYS: Councillor Paterson, Councillor Scott (2)

ABSENT: Councillor Downes, Councillor Reitzel (2)

Report No. 98: Received from the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Neill

Seconded by Councillor Hutchison

THAT Report No. 98: Received from the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 98

To the Mayor and Members of Council:

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

(1) Traffic Calming Policy – Program Summary and Proposed Policy Update

WHEREAS Engineering Department staff have examined the performance of the traffic calming program between 2007 and 2012 and completed a review of municipal best practices; and

WHEREAS the Traffic Calming Policy has been revised to incorporate updates and improvements to the City of Kingston traffic calming program;

THEREFORE BE IT RESOLVED THAT the updated City of Kingston Traffic Calming Policy 2013, as attached as Exhibit B to Report EITP-13-011 be approved; and

REPORTS (CONTINUED)

Report No. 98: Received from the Environment, Infrastructure and Transportation Policies Committee

THAT staff be directed to provide an information report annually to Council on the exercise of the delegated authority.

(Note: A copy of Exhibit 'B' was attached to the agenda.)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

REPORT NO. 99: RECEIVED FROM RURAL ADVISORY COMMITTEE

Moved by Councillor Scott
Seconded by Councillor Schell

Report No. 99

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

(1) Bale Wrap and Shrink Wrap Recycling Program

THAT staff be directed to communicate to residents the attached information regarding the Township of South Frontenac's Bale Wrap and Shrink Wrap Recycling Program during the spring and fall.

(Note: A copy of the Exhibit was attached to the agenda.)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

REPORTS (CONTINUED)

REPORT NO. 100: RECEIVED FROM NOMINATIONS ADVISORY COMMITTEE

Moved by Deputy Mayor Berg
 Seconded by Councillor Neill

Report No. 100

To the Mayor and Members of Council:

The Nominations Advisory Committee reports and recommends as follows:

Recommendation Regarding Public Appointments to Boards and Committees

(1) THAT the following Board and Committee appointments be made:

| Board / Committee | Length of Term | Names |
|--|-----------------------|---|
| Municipal Heritage Committee | November 30, 2014 | Marcus Shaw |
| Museums and Collections Advisory Committee | November 30, 2014 | Diana Gore George Katinas Emily Marshall Jennifer Nicoll Kerri Regan Bill Visser |

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

(2) Recommendation Regarding Technical Appointments to Museums and Collections Advisory Committee

THAT the following technical appointments to the Museums and Collections Advisory Committee, for a term to November 30, 2014, and be confirmed without comment:

REPORTS (CONTINUED)

REPORT NO. 100: RECEIVED FROM NOMINATIONS ADVISORY COMMITTEE

| Technical Representative Position | Names |
|--|---|
| Managing Director of Kingston Association of Museums | Ann Blake |
| Museum Professionals Nominated by the Board of Kingston Association of Museums (2) | Patricia Fiori Edward Grenda |
| Representatives from Community and Heritage based groups (2) | Ahmed Afifi (Member of the Islamic Society of Kingston) Peter Gower (President, Kingston Historical Society) |

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

INFORMATION REPORTS

(1) Artillery Park Project Monthly Status Report

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

(The Report of the Commissioner of Community Services (13-248) was attached to the agenda.)

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

(2) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of May 2013

This report is to provide Council with tenders/RFPs approved and contracts awarded greater than \$50,000, and contract awarded by senior staff between \$20,000 and \$50,000 for the month of May 2013.

(The Report of the City Treasurer (13-249) was attached to the agenda.)

MISCELLANEOUS BUSINESS

Council consented to the **addition** of Miscellaneous Business No. (3)

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

THAT as requested by Judith Watt, PeaceQuest Kingston, Council proclaim September 21, 2013 as "Peace Day in Kingston".
(See Communication No. 17-297)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

- (2) Moved by Councillor Schell
Seconded by Deputy Mayor Berg

THAT Councillor Glover be appointed to serve on the Museums and Collections Advisory Committee for a term to November 30, 2014.

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

- (3) Moved by Councillor Paterson
Seconded by Councillor Schell

THAT in accordance with the Corporate Suites Allocation Policy for the K-Rock Centre, Council designate the use of the corporate suite for civic use on Friday, September 20, 2013, the Home Opener, Kingston Frontenacs versus North Bay Battalion.

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

NEW MOTIONS

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

WHEREAS Kingston is a community that celebrates tradition and heritage; and

WHEREAS music played by Ice Cream Vendors is a welcome and cherished part of our urban tradition;

THEREFORE BE IT RESOLVED THAT music played by ice cream vendors be exempted from the noise bylaw between the hours of 9 am and 9 pm.

RULED OUT OF ORDER

- (2) Moved by Councillor Neill
Seconded by Councillor George

WHEREAS as a result of municipal amalgamations, and local service realignments, there have been many service management agreements that prescribe funding formulas and management agreements between municipalities; and

WHEREAS this has led to decisions that could affect service delivery among the funding partners, without consultation; such as the reduction of Land Ambulance service in the City of Kingston; and

WHEREAS this represents a form of taxation without representation;

THEREFORE BE IT RESOLVED THAT the City of Kingston request the Ministry of Municipal Affairs through a ministerial directive request that all municipal service managers initiate participant consultations with a 30 day notice if they wish to amend service levels; and

THAT this motion be forwarded to The Minister of Municipal Affairs, Premier Wynne, Leader of the Opposition Hudak, and NDP Leader Horwath, MPP John Gerretsen, as well as all neighbour municipalities and AMO.

CARRIED (7:4)
(With Agreed To Amendments)
(See Recorded Vote)

YEAS: Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Schell, (7)

NAYS: Deputy Mayor Berg, Mayor Gerretsen, Councillor Paterson, Councillor Scott (4)

ABSENT: Councillor Downes, Councillor Reitzel (2)

NEW MOTIONS (CONTINUED)

- (3) Moved by Councillor Hector
Seconded by Deputy Mayor Berg

WHEREAS the street food choices are limited from the licensed street vendors in the City of Kingston; and

WHEREAS there has been a significant change in the street food industry and the expectations of the residents and visitors to the city on what is available and where; and

WHEREAS the city bylaws pertaining to licensing street food vendors, and their locations has not been reviewed for some time;

THEREFORE BE IT RESOLVED THAT staff report to the Administrative Policies Committee on options with regards to street food vendor licensing, and locations with a view to ensure a wider food choice, variety of street vendors, and distribution within the city; and

THAT staff and the committee explore options regarding concessions for vendors in parks and recreational areas including trails and municipal properties; and

THAT the Administrative Policies Committee make recommendations to Council by the end of the first quarter of 2014.

CARRIED (10:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Glover, Councillor Reitzel (3)

- (4) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Berg

WHEREAS the City of Kingston recognizes the Alderville First Nation, a community of the Mississauga Ojibway, as one of the principle First Nations in the history of our community, being a partner with the Loyalist cause prior to the founding of British Kingston in 1783, a community which was in part resident in Kingston until the 1830s; and

WHEREAS the Alderville First Nation is a continuing strong and proud First Nation now located to our west as an autonomously governed First Nation within Northumberland County; and

NEW MOTIONS (CONTINUED)

WHEREAS through consultations and negotiations with the leadership of the Alderville First Nation led by Chief Marsden it has become evident that both our communities will benefit from seeking out greater connections today between our communities building upon our historical ties; and

WHEREAS the creation of a permanent public commemorative installation to recognize and pay tribute to the presence of the Mississauga people and culture in Kingston would be a positive step towards that stronger relationship;

THEREFORE BE IT RESOLVED THAT the Council of the City of Kingston extend greetings to the Council of Alderville First Nation and invite them to join with the City of Kingston in the creation of a commemorate project and that staff be directed to work with the Alderville First Nation on developing a plan for the project and report back at an appropriate time with detailed plans and budgeting for the project.

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

- (5) Moved by Councillor Neill
Seconded by Councillor Osanic

WHEREAS the Memorial Centre Farmers' Market is a self managed, not for profit local food and crafts Market, paying a lease fee to the City of Kingston while receiving no subsidies, and incurring no costs and are recognized as a part of Kingston's sustainability efforts; and

WHEREAS they wish to promote their Sunday Market with a public banner placed at the intersection of Princess Street and Frontenac Street, in accordance with the City of Kingston Banner Regulations; and

WHEREAS there is an administrative cost associated with the installation of banners;

THEREFORE BE IT RESOLVED THAT the Memorial Centre Farmer's Market be reimbursed the administrative costs of \$696.50, for the installation of the Sunday Market banner, at the intersection of Princess Street and Frontenac Street.

CARRIED (11:0)
(See Recorded Vote)

NEW MOTIONS (CONTINUED)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

NOTICES OF MOTION

MINUTES

Moved by Councillor Scott
Seconded by Councillor Schell

THAT the Minutes of City Council Meeting No. 2013-16, held Tuesday, June 18, 2013 be confirmed.

(Distributed to all Members of Council on June 28, 2013)

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

TABLING OF DOCUMENTS

2013-44 Downtown Kingston BIA!
Minutes – May 8, 2013
(File No. CSU-A01-001-2013)

2013-45 Kingston Police Services Board
Agenda – June 20, 2013
(File No. CSU-P17-000-2013)

2013-46 Kingston Police Services Board
Minutes – May 23, 2013
(File No. CSU-P17-000-2013)

2013-47 Catarauqui Region Conservation Authority
 Agenda – June 26, 2013
 (File No. CSU-D03-000-2013)

2013-48 Kingston Frontenac Public Library Board
 Minutes – May 22, 2013
 (File No. CSU-R02-000-2013)

* * * * *

COMMUNICATIONS

Council consented to the addition of Communication No. (17-311), (17-312), (17-316), (17-325), and (17-326).

Filed

17-300 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 70 Chatham Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 16, 2013.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 8499 for the property at 60 Chatham Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 15, 2013.

CONSENT – In respect of an application for consent to sever the property at 1075 Highway #2, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 16, 2013.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 32-74 for the property at 1075 Highway #2 East, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 15, 2013.

CONSENT – In respect of an application for consent to sever the property at 54 Faircrest Boulevard, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 16, 2013.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 8499 for the property at 29 Seventh Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 15, 2013.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 8499 for the property at 69 Helen Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 15, 2013.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 8499 for the property at 288 Phillips Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 15, 2013.

Referred to All Members of Council

- 17-280 From Brian Crane, Ontario Chief Negotiator, Ministry of Aboriginal Affairs, in regards to the Algonquin Land Claim Territory.
(File No. CSU-L18-000-2013)
(Distributed to all Members of Council on June 13, 2013)
- 17-281 From Tina White, Senior Project Manager, Ministry of Transportation, with respect to Landscaping Highway 401 Kingston corridor.
(File No. CSU-E04-000-2013)
(Distributed to all Members of Council on June 17, 2013)
- 17-282 From Association of Municipalities of Ontario (AMO), providing the AMO breaking news regarding Herbicide 2, 4, 5 – T and Municipal Employees.
(File No. CSU-H04-000-2013)
(Distributed to all Members of Council on June 17, 2013)
- 17-283 From Association of Municipalities of Ontario (AMO), providing the AMO breaking news regarding Policing Update.
(File No. CSU-P17-000-2013)
(Distributed to all Members of Council on June 17, 2013)
- 17-284 From Lake Ontario Park, inviting Council to celebrate the Grand Re-opening of Lake Ontario Park.
(File No. CSU-M02-000-2013)
(Distributed to all Members of Council on June 17, 2013)
- 17-285 From John Gerretsen, M.P.P., Kingston and The Islands, in regards to an amended Green Energy Investment Agreement.
(File No. CSU-E05-000-2013)
(Distributed to all Members of Council on June 19, 2013)
- 17-286 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday June 17, 2013 and Friday, June 21, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on June 19, 2013)
- 17-287 From Association of Municipalities of Ontario (AMO), with respect to “The Meeting Series”.
(File No. CSU-A01-004-2013)
(Distributed to all Members of Council on June 19, 2013)

City Council Meeting No. 2013-17

Minutes

Tuesday, July 16, 2013 and Wednesday, July 17, 2013

- 17-288 From Susan Sheridan, CMO, CEMC, Deputy CAO Clerk-Treasurer, Killaloe-Hagarty-Richards, in regards to Toronto Transit.
(File No. CSU-C10-000-2013)
(Distributed to all Members of Council on June 20, 2013)
- 17-289 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday June 24, 2013 and Friday, June 28, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on June 20, 2013)
- 17-290 From Hydro One, providing Council with the planned power interruption to Hydro One customers.
(File No. CSU-E06-000-2013)
(Distributed to all Members of Council on June 19, 2013)
- 17-291 From John Coleman, President, Cataraqui Archaeological Research Foundation (CARF), in regards to the One Time Emergency Funding.
(File No. CSU-F25-000-2013)
(Distributed to all Members of Council on June 20, 2013)
- 17-292 From Wendy Carman, Senior Policy Planner, City of Kingston, in regards to Population, Housing and Employment Projections Study.
(File No. CSU-D01-000-2013)
(Distributed to all Members of Council on June 21, 2013)
- 17-293 From Association of Municipalities of Ontario (AMO), with respect to 2013 AMO Annual Conference.
(File No. CSU-A01-004-2013)
(Distributed to all Members of Council on June 21, 2013)
- 17-294 From Pamela Fetter, BA, CMO, Dipl. M.A., Municipal Clerk, Clearview Township, in regards to a motion of "Not a Willing Host Community for Individual Wind Turbine Projects."
(File No. CSU-E05-000-2013)
(Distributed to all Members of Council on June 21, 2013)
- 17-295 From Chantal Rousseau, in regards to an application with the LCBO for a wedding at the Little Cataraqui Creek Conservation Area Outdoor Centre.
(File No. CSU-M02-000-2013, CSU-P09-000-2013)
(Distributed to all Members of Council on June 21, 2013)
- 17-296 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday June 24, 2013 and Friday, June 28, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on June 24, 2013)

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- 17-297 From Judith Wyatt, PeaceQuest Kingston, asking that Council proclaim September 21, 2013 as "Peace Day in Kingston" in the City of Kingston.
(File No. CSU-M10-000-2013)
(Distributed to all Members of Council on June 24, 2013)
(See Miscellaneous Business Item No. (1))
- 17-298 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Tuesday, July 2, 2013 and Friday, July 5, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on June 28, 2013)
- 17-299 From Bob Chiarelli, Minister, Ministry of Energy, in regards to the Green Energy Investment Agreement.
(File No. CSU-E05-000-2013)
(Distributed to all Members of Council on June 26, 2013)
- 17-301 From Jill Yetman, TELUS Media Relations, with respect to this year's investment in Kingston.
(File No. CSU-D00-000-2013)
(Distributed to all Members of Council on June 28, 2013)
- 17-302 From Denis Leger, Commissioner, Transportation, Properties, and Emergency Services, regarding Council use of the Corporate Suite for the 2013-2014 season at the K-Rock Centre.
(File No. CSU-R05-001-2004/03)
(Distributed to all Members of Council on June 28, 2013)
- 17-303 From Association of Municipalities of Ontario (AMO), providing the AMO breaking news regarding Policing Update.
(File No. CSU-P17-000-2013)
(Distributed to all Members of Council on June 28, 2013)
- 17-304 From Doug Cowie, Museum Manager, Marine Museum of the Great Lakes at Kingston regarding a Special Permit for an outdoor event serving alcohol at the Marine Museum of the Great Lakes at Kingston, 55 Ontario St. on July 24, 2013.
(File No. CSU-P09-000-2013) (File No. CSU-M02-000-2013)
(Distributed to all Members of Council on July 3, 2013)
- 17-305 From Lorraine LeBlanc, Alzheimer Society Sudbury-Manitoulin, in regards to a resolution to support people affected by dementia.
(File No. CSU-S08-000-2013)
(Distributed to all Members of Council on July 4, 2013)
- 17-306 From Jacques J. Menard, President, Friends of Belle Park, in regards to Belle Park Fairways.
(File No. CSU-R05-000-2013)
(Distributed to all Members of Council on July 10, 2013)

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- 17-307 From Amanda Gubbels, Deputy Clerk/Deputy Administrator, Township of Warwick, with respect to Motion of "Not a Willing Host Community" for Industrial Wind Turbine Projects.
(File No. CSU-E05-000-2013)
(Distributed to all Members of Council on July 10, 2013)
- 17-308 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Sunday July 7, 2013 to Friday, July 12, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on July 10, 2013)
- 17-309 From Ken Hall, Senior Advisor, Public Affairs, Enbridge, in regards to Report on Pipeline Transport of Diluted Bitumen.
(File No. CSU-E06-000-2013)
(Distributed to all Members of Council on July 10, 2013)
- 17-310 From John Coleman, President, Cataraqui Archaeological Research Foundation (CARF), with respect to the One Time Emergency Funding and the draft agreement.
(File No. CSU-F25-000-2013)
(Distributed to all Members of Council on July 10, 2013)
- 17-311 From Pat Hodge, Co-Chair, Williamsville Community Association for Businesses/Agencies and Residents, in regards to Zoning By-Law Amendment 637-655 Johnson St.
(File No. CSU-D14-000-2013)
(Distributed to all Members of Council on July 15, 2013)
- 17-312 From Rob Fonger, in regards to Zoning By-Law Amendment 637-655 Johnson St.
(File No. CSU-D14-000-2013)
(Distributed to all Members of Council on July 15, 2013)
- 17-316 From Sean Finn, Executive Vice-President, CN Corporate Services, in regards to CN Important Information on Railway Safety.
(File No. CSU-P04-000-2013)
(Distributed to all Members of Council on July 16, 2013)
- 17-325 From Ken Ohtake, Chair, Sydenham District Association, in regards to Zoning By-Law Amendment 637-655 Johnson St.
(File No. CSU-D14-000-2013)
(Distributed to all Members of Council on July 16, 2013)
- 17-326 From Joan Bowie, in regards to Zoning By-Law Amendment 637-655 Johnson St.
(File No. CSU-D14-000-2013)
(Distributed to all Members of Council on July 16, 2013)

OTHER BUSINESS

BY-LAWS

Council consented to the **separation** of By-Laws No. (4), (11), (13), (14), and (15), the **amendment** of By-Law No. (8), and the **addition** of By-Law No. (21).

Councillor George withdrew from the meeting.

- (A) Moved by Councillor Osanic
Seconded by Councillor Paterson

THAT By-Law (4) be given its first and second reading.

CARRIED (10:0)
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Mayor Gerretsen, Councillor Glover, Councillor Hector,
Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson,
Councillor Schell, Councillor Scott (10)

NAYS: (0)

ABSENT: Councillor Downes, Councillor George, Councillor Reitzel (3)

- (B) Moved by Councillor Hector
Seconded by Deputy Mayor Berg

THAT By-Law (4) be given its third reading.

CARRIED (10:0)
(See Recorded Vote)

YEAS: Deputy Mayor Berg, Mayor Gerretsen, Councillor Glover, Councillor Hector,
Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson,
Councillor Schell, Councillor Scott (10)

NAYS: (0)

ABSENT: Councillor Downes, Councillor George, Councillor Reitzel (3)

Councillor George returned to the meeting.

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

- (C) Moved by Councillor Osanic
Seconded by Councillor Paterson

THAT By-Law (14) be given its first and second reading.

CARRIED (8:2)
(See Recorded Vote)

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YEAS: Deputy Mayor Berg, Councillor George, Councillor Hector, Councillor Hutchison, Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (8)

NAYS: Councillor Glover, Councillor Neill, (2)

ABSENT: Councillor Downes, Mayor Gerretsen, Councillor Reitzel (3)

- (D) Moved by Deputy Mayor Berg
Seconded by Councillor Hector

THAT By-Law (14) be given its third reading.

CARRIED (8:2)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Mayor Gerretsen, Councillor Reitzel (1)

- (E) Moved by Councillor Osanic
Seconded by Councillor Paterson

THAT By-Laws (11), (13), and (15) be given their first and second reading.

CARRIED (10:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Mayor Gerretsen, Councillor Reitzel (3)

- (F) Moved by Deputy Mayor Berg
Seconded by Councillor Hector

THAT By-Laws (11), (13), and (15) be given their third reading.

CARRIED (10:0)
(See Recorded Vote)

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

NAYS: Councillor Downes, Mayor Gerretsen, (2)

ABSENT: Councillor Reitzel (1)

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

- (G) Moved by Councillor Osanic
Seconded by Councillor Paterson

THAT By-Laws (1) through (3), (5) through (10), (12), (16) (17) (20) and (21) be given their first and second reading.

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

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

THAT Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Laws (5) and (21) three readings.

CARRIED (11:0)
(A 2/3 Vote of Council was Received)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

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

THAT By-Laws (5) through (10), (12), (16) through (21) be given their third reading.

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

- (1) A By-Law To Amend By-Law No. 2006-213, "A By-Law To License, Regulate And Govern Certain Businesses"
FIRST AND SECOND READINGS PROPOSED NO. 2013-139
(See Clause (1), Report No. 97)

- (2) A By-Law To Repeal By-Law No. 2005-227, A By-Law To Delegate To An Appointed Officer Specific Approvals Under The Ontario Heritage Act, As Amended
FIRST AND SECOND READINGS PROPOSED NO. 2013-140
(See Clause (2), Report No. 91)

- (3) A Procedural By-Law For Heritage
FIRST AND SECOND READINGS PROPOSED NO. 2013-141
(See Clause (2), Report No. 91)

- (4) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) Bylaw Of The Corporation Of The City Of Kingston" (Text Change To 'A8' And Zone Change From 'A8' To 'A8.429' And 'A8.430, 311 Conacher Drive)
THREE READINGS PROPOSED NO. 2013-142
(See Clause (1), Report No. 92)

- (5) A By-Law To Amend By-Law No. 2003-209, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act", (Amend All-Way Stop Signs)
THREE READINGS PROPOSED NO. 2013-143
(See Clause (j), Report No. 90)

- (6) A By-Law To Exempt Certain Lands On Registered Plan 13m-85 From The Provisions Of Section 50 (5) Of The Planning Act, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Lots 1 To 4, 13m-85, Municipally Known As 101 To 107 Pauline Tom Avenue, For The Purpose Of Adjusting The Lot Line To Create Two Additional Lots)
THREE READINGS PROPOSED NO. 2013-144
(Delegated Authority)

- (7) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" To Remove The '-H' Holding Symbol Related To The Holding Special Commercial 'C.421-H' Zone (653-663 Princess Street And 582-604 Victoria Street)
THREE READINGS PROPOSED NO. 2013-145
(Delegated Authority)

- (8) A By-Law To Exempt Certain Lands On Registered Plan 13m-90 From The Provisions Of Section 50 (5) Of The Planning Act, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Lots 3-6 Inclusive, 9, 16, 19-22 Inclusive, 27-29 Inclusive, 34-36 Inclusive, 41-43 Inclusive, 48-50 Inclusive, 55-58 Inclusive, 61, 70-73 Inclusive, Registered Plan 13m-90)
THREE READINGS PROPOSED NO. 2013-146
(Delegated Authority)

- (9) A By-Law To Amend The Official Plan For The City Of Kingston Planning Area (Amendment No. 21, Williamsville Main Street)
THREE READINGS PROPOSED NO. 2013-147
(See Clause (1), Report No. 93)
- (10) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Williamsville Main Street, Zone Change From Central Business District And Upper Princess Street "C" Zone To Williamsville Main Street Commercial "C4" Zone)
THREE READINGS PROPOSED NO. 2013-148
(See Clause (1), Report No. 93)
- (11) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change, 326 Alfred Street)
THREE READINGS PROPOSED NO. 2013-149
(See Clause (2), Report No. 93)
- (12) A By-Law To Amend By-Law No. 32-74, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" (Zone Change From 'A Site Specific Residential Type 11 (R11-2)' To 'A Site Specific Residential Type 11 (R11-3)', 'A Site Specific Residential Type 11 (R11-4)' And 'A Site Specific Residential Type 11 (R11-5)', Lots 103 - 112, Registered Plan 13m-85)
THREE READINGS PROPOSED NO. 2013-150
(See Clause (3), Report No. 93)
- (13) 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 3 To 6 Family Dwelling 'B' Zone To Holding Special 3 To 6 Family Dwelling 'B.432-H' Zone, 363, 365 And 367 Johnson Street)
THREE READINGS PROPOSED NO. 2013-151
(See Clause (4), Report No. 93)
- (14) 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 Multiple Family Dwelling (Unified Ownership) 'B2.433' Zone, 637-655 Johnson Street)
THREE READINGS PROPOSED NO. 2013-152
(See Clause (5), Report No. 93)
- (15) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change From 'A' To 'A.431', 301 - 303 Sydenham Street)
THREE READINGS PROPOSED NO. 2013-153
(See Clause (6), Report No. 93)

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- (16) A By-Law To Amend The Official Plan For The City Of Kingston Planning Area (Amendment No. 20, 1709 Westbrook Road)
THREE READINGS PROPOSED NO. 2013-154
(See Clause (7), Report No. 93)
- (17) A By-Law To Amend Zoning 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 Of 'A Site Specific Disposal Industrial', 1709 Westbrook Road)
THREE READINGS PROPOSED NO. 2013-155
(See Clause (7), Report No. 93)
- (18) A By-Law To Amend By-Law No.2003-209, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act", (Amend Speed Limits On Various Streets)
THIRD READING PROPOSED NO. 2013-133
(See Clause (j), Report No. 86)
- (19) A By-Law To Cancel Municipal And Education Taxes For, 659-663 Princess Street And 582, 590, 598 And 604 Victoria Street
THIRD READING PROPOSED NO. 2013-134
(See Clause (1), Report No. 87)
- (20) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, July 16, 2013
THREE READINGS PROPOSED NO. 2013-156
(City Council Meeting No. 2013-17)
- (21) A By-Law To Amend By-Law No. 2009-140 "A By-Law To Provide For The Prohibition And Regulation Of Signs And Other Advertising Devices In The City Of Kingston"
THREE READINGS PROPOSED NO. 2013-157
(See Clause (x), Report No. 90)

ADJOURNMENT

Moved by Councillor Hector
Seconded by Councillor Glover

THAT Council do now adjourn.

CARRIED (11:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Reitzel (2)

Council adjourned at 12:05 am, Wednesday, July 17, 2013.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor