



CITY COUNCIL MEETING NO. 2013-24

The Regular Meeting of Kingston City Council was held on Tuesday, November 19, 2013, and was called to order at 5:22 pm in the Council Chamber, City Hall. Regular business commenced at 7:31 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 5:28 pm to 6:52 pm and 10:00 pm to 10:18 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Gerretsen, Deputy Mayor Berg, Councillor Downes (arrived at 5:23 pm), Councillor George, Councillor Glover, Councillor Hector (arrived at 7:31 pm), Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

Absent: (0)

(Councillors' Lounge First Session)

Administrative Staff Present :

Mr. K. Arjoon, Deputy City Clerk

Ms. C. Beach, Commissioner of Corporate & Strategic Initiatives

Mr. J. Bolognone, City Clerk

Ms. P. Burns, Director, Human Resources and Organization Development

Mr. R. Chaput, Fire Chief

Mr. W. Fairbrother, Lawyer, Templeman Menninga

Mr. P. Huigenbos, Manager, Real Estate & Land Development

Mr. G. Hunt, Chief Administrative Officer

Ms. L. Hurdle, Commissioner of Community Services

Mr. S. Laidman, Director of Housing

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

Mr. H. Linscott, Director, Legal Services

Mr. M. McLaughlin, Senior Legal Council

Ms. M. Venditti, Senior Manager, Client Relations and Development Services

(Councillors' Lounge Second Session)

Administrative Staff Present :

Mr. K. Arjoon, Deputy City Clerk
Mr. J. Bolognone, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Commissioner of Community Services
Mr. J. Keech, President and CEO, Utilities Kingston
Mr. H. Linscott, Director, Legal Services
Mr. A. McLeod, Senior Legal Counsel
Mr. M. Van Buren, Director, Engineering

COMMITTEE OF THE WHOLE "CLOSED MEETING"

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

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

- (a) A Proposed Or Pending Disposition Of Land By The Municipality Or Local Board - Hwy 401 And Division Street
- (b) A Litigation Or Potential Litigation, Including Matters Before Administrative Tribunals, Affecting The Municipality And Advice That Is Subject To Solicitor-Client Privilege, Including Communications Necessary For That Purpose - Highway 15
- (c) A Proposed Or Pending Disposition Of Land By The Municipality - Long Term Lease Renewal - Frontenac County Court House, 5 Court Street
- (d) Labour Relations Or Employee Negotiations – Kingston Professional Firefighters Association (KPPFA)

CARRIED (11:2)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes, Councillor Hector (2)

(Council Chamber)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk
Mr. G. Bain, Director, Planning and Development
Ms. C. Beach, Commissioner of Corporate & Strategic Initiatives
Mr. J. Bolognone, City Clerk
Mr. R. Chaput, Fire Chief
Mr. L. Folwell, Acting Director, Recreation and Leisure Services
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Commissioner of Community Services

Mr. J. Keech, President and CEO, Utilities Kingston
Ms. D. Kennedy, Director, Financial Services
Mr. M. Lagace, Information Systems & Technology
Mr. G. Laroche, Police Chief
Mr. D. Leger, Commissioner of Transportation, Facilities and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. A. McLeod, Senior Legal Counsel
Ms. A. McNeely, Deputy Police Chief
Ms. S. Nicholson, Director, Corporate Affairs
Ms. R. Pennock, Administrative Assistant to the Mayor
Mr. G. Robinson, Executive Officer, Kingston Fire and Rescue
Ms. C. Thomson, Assistant to the Mayor
Mr. M. Van Buren, Director, Engineering
Mr. G. Wallace, Project Manager, Corporate & Strategic Initiatives
Mr. C. Wiginton, Acting Director, Cultural Services

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REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

(2) Moved by Councillor Scott
Seconded by Councillor Neill

THAT Council rise from the Committee of the Whole “Closed Meeting” without reporting.
CARRIED (13:0)
(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 Reitzel, Councillor Schell,
Councillor Scott (13)

NAYS: (0)
ABSENT: (0)

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APPROVAL OF ADDEDS

Moved by Councillor Schell
Seconded by Councillor Scott

THAT the addeds be approved less the Delegations.
CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Moved by Councillor Schell
Seconded by Councillor Scott

THAT the addition of Delegation No. (1) be approved.

CARRIED (9:4)
(A 2/3 Vote of Council was Received)
(See Recorded Vote)

YEAS: Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Schell, Councillor Scott (9)

NAYS: Deputy Mayor Berg, Councillor Osanic, Councillor Paterson, Councillor Reitzel (4)

ABSENT: (0)

Moved by Councillor Schell
Seconded by Councillor Scott

THAT the addition of Delegation No. (2) be approved.

CARRIED (8:5)
(A 2/3 Vote of Council was Received)
(See Recorded Vote)

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

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

ABSENT: (0)

Moved by Councillor Schell
Seconded by Councillor Scott

THAT the addition of Delegation No. (3) be approved.

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

DISCLOSURE OF PECUNIARY INTEREST

Councillor Downes declared a possible pecuniary interest in the matter of Clause (4), Report No. 128, Received from the CAO (Recommend). Proposed Partnership with the Limestone District School Board for the Development of Rideau Heights Community Hub, as he is an employee of the Limestone District School Board.

Mayor Gerretsen declared a possible pecuniary interest in the matter of Clause (1) of Report No. 129, Received from the Planning Committee, Application for Zoning By-Law Amendment for 653-663 Princess Street and 582-604 Victoria Street, and By-Law No. (5), as he has a vested interest in a property located in the vicinity of the subject lands.

PRESENTATIONS

DELEGATIONS

Council consented to the addition of Delegation No. (1) through (3).

(1) Mr. Matt Hutcheon, CEO, Chamber of Commerce will speak to Council in regards to New Motion No. 3, from Councillor George and Deputy Mayor Berg, Reconsideration of Williamsville on-street parking/bike lanes.

WITHDRAWN

(2) Roger Healey, Kingston Coalition for Active Transportation (KCAT), will speak to Council in regards to New Motion No. (3), from Councillor George and Deputy Mayor Berg, Reconsideration of Williamsville on-street parking/bike lanes.

WITHDRAWN

Note: Delegations (1) and (2) were withdrawn due to the Loss of New Motion (3) on page 1014).

(3) Gillian Moss, Community Response to Neighbour Concerns (CRNC), will speak to Council in regards to Clause (4) of Report No. 128, Received from the CAO (Recommend), Proposed Partnership with the Limestone District School Board for the Development of Rideau Heights Community Hub.

BRIEFINGS

PETITIONS

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

Motions of Congratulations

Council consented to the addition of Motions of Congratulations (2) and (3).

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

THAT the thanks of Kingston City Council be extended to Helen and Gerald Finley for their heritage work in Kingston, and congratulations for the recognition of that work by the Architectural Conservancy of Ontario. They have been awarded the Eric Arthur Lifetime Achievement Award. The citation reads:

“Helen and Gerald Finley have rescued and restored seven buildings in Kingston's old Sydenham Ward as well as an isolated 1900 log cabin in northern Lennox and Addington, with scrupulous attention to the restoration of original details. Helen has served on the Committee of Architectural Review and contributed to the early volumes of Buildings of Architectural and Historic Significance. Gerald curated the exhibition, Decline and Fall: The Architecture of Kingston and Frontenac County for the Agnes Etherington Art Centre and wrote the accompanying book, In Praise of Older Buildings.”

- (2) Moved by Councillor Neill
Seconded by Mayor Gerretsen

THAT Kingston City Council extend congratulations on the occasion of the 18th Anniversary of the Silent Vigil for Social Justice, organized by the Sisters of Providence. Their vigil will take place on Thursday, November 28th at Memorial Hall, Kingston City Hall. All are welcome.

- (3) Moved by Mayor Gerretsen
Seconded by Councillor Neill

THAT the congratulations of Kingston City Council be extended to the Friends of Kingston Inner Harbour community group and City staff on the completion of phase 1 of the Inner Harbour Trail. Community members, and particularly Mary and Edward Farrar, have shown great vision and dedication toward the realization of this project. Thank you and congratulations to all involved.

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

DEFERRED MOTIONS

REPORTS

Report No. 127: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Schell
Seconded by Councillor Reitzel

THAT Report No. 127: Received from the Chief Administrative Officer (Consent) be received and adopted.

Report No. 127

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:

Council consented to the separation of Items (b) (d) and (e).

REPORTS (CONTINUED)

Report No. 127: Received from the Chief Administrative Officer (Consent)

(a) Small, Rural and Northern Municipal Infrastructure Fund Top Up Program

THAT Council authorize the Mayor and Clerk to sign the funding agreement on behalf of the City of Kingston for the Small, Rural and Northern Municipal Infrastructure Fund – Top Up Program, subject to the satisfaction of the City Solicitor, with the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), to receive funding for the city’s approved application under this program of up to a maximum of \$2M.

(The Report of the Chief Administrative Officer (13-376) was attached to the agenda.)
(File No. CSU-F11-000-2013)

(b) Appointment of Municipal By-Law Officers – 201 Queen Mary Road

THAT a by-law be presented to amend By-Law No. 99-166, “A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or Local Board”, to appoint Robert McLaren, Gloria McLaren, Jeff McLaren and Fraser McLaren for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law 99-166 on the property at 201 Queen Mary Road; and

THAT this approval is subject to the applicant entering into an agreement, in a form satisfactory to the City Solicitor, to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor.

(See By-Law No. (1), 2013-218)

(The Report of the Commissioner of Community Services (13-379) was attached to the agenda.)
(File No. CSU-P01-002-2013)

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

REPORTS (CONTINUED)

Report No. 127: Received from the Chief Administrative Officer (Consent)

(c) Issuance of Debentures under OILC Loan Agreements 11013 and 13048

THAT a by-law be presented to Council and given three readings to authorize the borrowing upon amortizing debentures in the principal amount of \$559,903 towards the cost of certain capital works of the Corporation of the City of Kingston; and

THAT a by-law be presented to Council and given three readings to authorize the borrowing upon amortizing debentures in the principal amount of \$12,900,000 towards the cost of certain capital works of the Corporation of the City of Kingston; and

THAT a by-law be presented to Council and given three readings to authorize the borrowing upon amortizing debentures in the principal amount of \$40,742,172 towards the cost of certain capital works of the Corporation of the City of Kingston.

(See By-Law No. (2), 2013-215)

(See By-Law No. (3), 2013-216)

(See By-Law No. (4), 2013-217)

(The Report of the City Treasurer (13-373) was attached to the agenda.)

(File No. CSU-F11-000-2013)

CARRIED (13:0)
(Clauses (a) and (c))
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

(d) Sir John A. Macdonald Bicentennial in 2015 Program Funding

1. **THAT** Council approve the project/program initiatives as outlined in Table 2 of this report in the amount of \$329,000 with funding from the Working Fund Reserve; and
2. **THAT** staff be directed to pursue a combination of partnerships and funding opportunities that may exist to reduce the funding contemplated in item 1; and

REPORTS (CONTINUED)

Report No. 127: Received from the Chief Administrative Officer (Consent)

3. **THAT** the 2013 balance of \$57,000 be transferred to the Sir John A. Macdonald Bicentennial Commission through its governing body, SALON Theatre Productions, to support the activities of the Sir John A. Macdonald Bicentennial Commission, and their governing non-for-profit corporation, SALON Theatre Productions, from the approved 2013 budget.

DEFERRED

4. **THAT** funding be requested as part of the 2014 budget in the amount of \$150,000 to support the activities of the Sir John A. Macdonald Bicentennial Commission, and their governing body SALON Theatre Productions, representing \$75,000 for each of the years 2014 and 2015, funded from the Working Fund Reserve, to enable cash flow that spans the terms of the 2010-2014 Council and the 2014-2018 Council; and

DEFERRED

5. **THAT** Council authorize the Mayor and Clerk to execute an agreement with the Sir John A. Macdonald Bicentennial Commission through its governing body, SALON Theatre Productions, and that the final agreement be subject to approval by the Legal Services Department and the Commissioner of Corporate & Strategic Initiatives, and include conditions similar to agreements that exist in relation to other City-run grant programs.

(The Report of the Commissioner of Corporate & Strategic Initiatives (13-374) was attached to the agenda.)

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

CARRIED AS AMENDED (13:0)

(Clauses 1,2 and 5)

(See Motion To Defer Which Was CARRIED)

(See Recorded Vote 2)

Moved by Councillor Glover
Seconded by Councillor Neill

THAT Paragraphs 3 and 4 of Clause (d) of Report No. 127, Received from the CAO (Consent), Sir John A. Macdonald Bicentennial 2015 Program Funding be deferred until such time as project description and budget information comparable to City of Kingston Arts Fund and Kingston Association of Museums applications has been provided.

CARRIED (7:6)

(See Recorded Vote 1)

REPORTS (CONTINUED)

Report No. 127: Received from the Chief Administrative Officer (Consent)

- (1) YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic (7)
NAYS: Councillor Downes, Councillor Hector, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (6)
ABSENT: (0)

- (2) YEAS: Deputy Mayor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)
NAYS: (0)
ABSENT: (0)

(e) Settlement of Human Rights Application

THAT the Mayor and Clerk be authorized to execute the Minutes of Settlement, as attached as Exhibit "A" to Report 13-385, subject to the satisfaction of the Director of Legal Services.

(The Report of the City Solicitor and Director of Legal Services (13-385) was attached to the agenda.)
(File No. CSU-L01-000-2013)

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)
NAYS: (0)
ABSENT: (0)

REPORTS (CONTINUED)

Report No. 128: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor George
Seconded by Councillor Scott

THAT Report No. 128: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 128

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

Council consented to the addition of Clause No. (4).

(1a) Staff Briefing: Denis Leger, Commissioner of Transportation, Facilities & Emergency Planning Services and Lynn Carlotto, General Manager, Rogers K-Rock Centre briefed Council with respect to Rogers K-Rock Centre 2014 Annual Operating Plan/Budget.

(1b) Rogers K-Rock Centre 2014 Annual Operating Plan/Budget

THAT Council receive SMG's 2013 Market Assessment report and 2014 Annual Operating Plan for the Rogers K-Rock Centre and approve the 2014 Rogers K-Rock Centre net annual budget submission of \$975,000 in net operating income prior to the annual capital contribution to reserve fund of \$150,000 and management incentive fee.

(The Report of the Commissioner of Transportation, Facilities and Emergency Services (13-383) was attached to the agenda.)
(File No. CSU-R05-001-2004/03)

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

(2a) Staff Briefing: Rheume Chaput, Fire Chief briefed Council on Corporate-Wide Mobile Radio System.

(2b) Corporate-Wide Mobile Radio System

THAT Council approve an additional budget of \$2,475,660, increasing the total 2013 budget from \$3,324,340 to \$5,800,000 with the financing sources as outlined in Report 13-351 in order to proceed with the purchase, construction and implementation of a shared Corporate P25 Public Safety Mobile Radio System infrastructure; and

THAT Council authorize the Mayor and Clerk to execute an agreement, in a form satisfactory to the Director of Legal Services, between the City of Kingston and Motorola Solutions Canada Inc. for the acquisition, construction and implementation of a shared Corporate P25 Public Safety Mobile Radio infrastructure in an amount estimated at \$4,350,000 plus applicable taxes; and

THAT Council approve a reallocation of \$200,000 from the previously approved Kingston Transit technology envelope budget for the purposes of Kingston Transit's replacement of user gear to enable acquisitions that are compatible with a shared mobile radio infrastructure and system; and

THAT Council authorize the Mayor and Clerk to execute the necessary agreements, in a form satisfactory to the Director of Legal Services, for Kingston Fire and Rescue to purchase mobile radios, accessories and product warranties and for Kingston Transit to purchase mobile and portable radios, accessories and product warranties with funding coming from, reallocated and unspent capital monies previously approved by Council for these purposes, from Motorola Solutions Canada Inc. on the basis of unit pricing provided in their submission to RFP F31-TPES-F&R-2013-2.

(The Report of the Commissioner of Transportation, Facilities and Emergency Services (13-351) was attached to the agenda.)
(File No. CSU-P00-000-2013)

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

REPORTS (CONTINUED)**Report No. 128: Received from the Chief Administrative Officer (Recommend)****(3) Capital Project Status Report – Third Quarter 2013**

1. **THAT** Council approve capital budget changes, as outlined in Exhibit A of this report, as well as financing of capital projects or (return of funds) as follows:

Source of Financing (Return of Funds)	
Municipal Capital Reserve Fund	(\$175,544)
Other Reserve Funds and Reserves:	
Arena Reserve Fund	(\$4,682)
Fire Capital Reserve Fund	(\$98,324)
Municipal Equipment Reserve Fund	(\$22,828)
Rideaucrest Reserve Fund	(\$14,177)
Transit Capital Reserve Fund	(\$29,699)
Solid Waste & Recycle Reserve Fund	(\$124,467)
Police Equipment Reserve Fund	\$4,532
Federal Gas Tax Reserve Fund	(\$3,356)
Facility Repair Reserve Fund	(\$18,986)
Technology Equipment Reserve Fund	\$24,543
Parking Reserve Fund	(\$36,262)
Building Code Stabilization Reserve Fund	(\$2,160)
Working Fund Reserve	\$3,901
Development Charges Reserve Fund	(\$25,406)
Sub-Total - Other Reserve Funds and Reserves	(\$347,371)
Total Reserve Funds and Reserves (return of funds)	(\$522,915)

REPORTS (CONTINUED)

Report No. 128: Received from the Chief Administrative Officer (Recommend)

2. **THAT** Council approve the reduction of approved debenture financing with reference to specific projects as outlined in Exhibit A of this report as follows:

Source of Financing (Return of Funds)	
Municipal Capital Reserve Fund	(\$59,744)
Transit Capital Reserve Fund	(\$2,494,628)
Environment Reserve Fund	(\$1,023,927)
Total Net Debenture Reduction	(\$3,578,299)

(The Report of the City Treasurer (13-369) was attached to the agenda.)
 (File No. CSU-F05-000-2013)

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Councillor Downes withdrew from the meeting.

(4) Proposed Partnership with the Limestone District School Board for the Development of Rideau Heights Community Hub (Time Sensitive)

THAT Council direct staff to include \$12.5M in the 2014 capital budget plan to be financed over the term of the project to complete design work and the development of the Rideau Heights Community Hub as well as the demolition of the Wally Elmer Arena; and

THAT Council direct staff to finalize a partnership contribution with the Limestone District School Board to the satisfaction of the Director of Legal Services; and

THAT the Mayor and Clerk be authorized to sign agreements with the Limestone District School Board to the satisfaction of the Director of Legal Services.

REPORTS (CONTINUED)

Report No. 128: Received from the Chief Administrative Officer (Recommend)

(The Report of the Commissioner of Community Services (13-240) was attached to the Addeds.)

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

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes (1)

Councillor Downes returned to the meeting.

Report No. 129: Received from the Planning Committee

Moved by Deputy Mayor Berg

Seconded by Councillor Osanic

THAT Report No. 129: Received from the Planning Committee be received and adopted.

Report No. 129

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

Council consented to consider Report No. 129 clause by clause.

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

(1) Application for Zoning By-Law Amendment for 653-663 Princess Street and 582-604 Victoria Street

THAT the Application for Zoning By-Law Amendment (Our File No. D14-036-2013) submitted by 2246955 Ontario Inc., for the property municipally known as 653-663 Princess Street and 582-604 Victoria Street, **BE APPROVED**; and

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

REPORTS (CONTINUED)

Report No. 129: Received from the Planning Committee

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. By **Repealing** a subsection 421 and introducing a new subsection 421 thereto as follows:

"(421) Special Commercial C.421 Zone, 653-663 Princess Street and 582-604 Victoria Street

Notwithstanding the provisions of Section 4, 5 and 20 hereof to the contrary, on the lands designated 'C.421' on Schedule 'A' hereto, the following regulations shall apply:

- A) Front Yard Setback:
 - i) That the minimum setback from the centre of the Princess Street right-of way shall be 11.0 metres;
 - ii) That the minimum setback to a bedroom window on the first storey and facing the street shall be 1.2 metres;
 - iii) That along Victoria Street and Bartlett Street South, decorative fencing or planting is required to be provided between the sidewalk and any bedroom window to restrict access to the area within the required setback; and
 - iv) That the minimum setback from Victoria Street and Bartlett Street South, excluding an exterior wall containing a bedroom window on the first storey and facing the street, shall be 0.0 metres;
- B) Interior Side Yard Setback Minimum: 1.9 metres;
- C) Maximum Building Height: 20.6 metres;
- D) Bay windows and vertical projections above the first storey may extend or project into the required front yard on Princess Street not more than 0.8 metres;
 - a. "Amenity Area means the area situated within the boundaries of any residential development site intended for recreation 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."
- E) Minimum amenity area shall be not less than 6,214 square metres;

REPORTS (CONTINUED)

Report No. 129: Received from the Planning Committee

- F) Minimum Aggregate Commercial Area shall be 525 square metres;
- G) Minimum Children's Play Area: 0.0 square metres;
- H) Balconies, excluding Juliet style window openings, below the third storey facing Princess Street are prohibited;
- I) Maximum number of bedrooms for a dwelling unit shall be 5;
- J) Maximum number of dwelling units consisting of 5 bedrooms shall be 25;
- K) Average number of bedrooms per dwelling unit shall be 3.5 bedrooms/unit;
- L) Maximum number of dwelling units shall be 145;
- M) A dwelling unit(s) is permitted in a cellar;
- N) Maximum aggregate total number of bedrooms shall be 505;
- O) 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.
- P) Maximum Density: The maximum permitted density may be increased to 235 units per hectare for a contribution towards the upgrading and improvement of Victoria Park in an amount equivalent to the required cash-in-lieu of parkland dedication contribution calculated for the approved development. 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 Williamsville Main Street Study area. The specific amount will be contained in the bonusing clause of the development agreement;
- Q) Number of required loading spaces is 0;
- R) Minimum Number of Commercial Parking Spaces: 10;
- S) Minimum Number of Residential Parking Spaces shall be 0.75 spaces per dwelling unit;

REPORTS (CONTINUED)

Report No. 129: Received from the Planning Committee

- T) Minimum Bicycle Parking Dimensions shall be 1.8 metres x 0.3 metres and a minimum overhead clearance of 2.1 metres;
- U) Minimum overhead clearance for an accessible parking space shall be 2.1 metres;
- V) Minimum standard parking dimensions, excluding accessible parking dimensions, shall be 2.6 metres x 5.2 metres with a minimum aisle width of 6.0 metres; and
- W) That the properties subject to this zone be treated as a single parcel for the purpose of zoning interpretation”; and

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. (5), 2013-219)

CARRIED (8:4)
(See Recorded Vote)

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

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

ABSENT: Mayor Gerretsen (1)

(2) Application for Zoning By-Law Amendment for 805 Dalton Avenue and 191 Binnington Court

THAT the application for Zoning By-Law Amendment (Our File No. D14-038-2013) submitted by Cruickshank Properties Corporation, for the property municipally known as 805 Dalton Avenue, **BE APPROVED**; and

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

1. Map 1 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from Special Industrial Zone ‘M.224’ to Special Industrial Zone ‘M.438’, as shown on Schedule “A” attached to and forming part of By-Law No. 2013-220.

REPORTS (CONTINUED)

Report No. 129: Received from the Planning Committee

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

“438. 805 Dalton Avenue

Notwithstanding the provisions of Section 5 and Section 31A hereof to the contrary, the lands designated ‘M.438’ on Schedule ‘A’ hereto, the following regulations shall apply:

(a) MINIMUM FRONT YARD:

The minimum front yard may be reduced to 10 metres where a road widening has been taken by the City.

(b) OPEN STORAGE AREA:

Open storage of goods or materials shall be permitted, subject to the following provisions:

- (i) An open storage use shall be accessory to the principal use of the lot;
- (ii) Any open storage area shall be screened by a masonry wall or solid fence not less than 1.8 metre high so that the contents of the open storage area will not be visible from any public street;
- (iii) An open storage use shall not include a *junkyard*, *vehicle wrecking yard* or *vehicle compound* as defined in this By-Law;
- (iv) A minimum 3.0 metre wide landscape strip shall be provided along any street frontage, in front of the required masonry wall or solid fence, where open storage is located within a required front yard
- (v) Any access through a required landscape strip or required; and, masonry wall or solid fence, shall include a gate which blocks the visibility of the open storage from a public street”; 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. (6), 2013-220)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Mayor Gerretsen (1)

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

(3) Application for Zoning By-Law Amendment for Lots 13, 20 and 21, River's Edge Subdivision Phase 2

THAT the application for Zoning By-Law Amendment (Our File No. D14-043-2013) submitted by Braebury Homes Corporation, for the property located at Lots 13, 20 and 21, River's Edge Subdivision, **BE APPROVED**; and

THAT the City of Kingston 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 of the subject site from 'R11' to 'R11-6' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-221.

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

"(f) Lot 13, River's Edge Subdivision, Phase 2

Notwithstanding any provisions of Section 11H hereof to the contrary, on the lands zoned 'R11-6' on Schedule "A" attached hereto, the following provisions shall apply:

a) MINIMUM LOT AREA: 318 m²

b) MINIMUM REAR YARD: 6.0 metres

c) MAXIMUM LOT COVERAGE: 50%"

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 'R11-7' of the lands shown as "Subject Lands Rezoned from 'R11' to 'R11-7'" on Schedule "A" attached hereto and forming part of amending By-Law No. 2013-221.

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

"(g) Lots 20 and 21, River's Edge Subdivision, Phase 2

Notwithstanding any provisions of Section 11H hereof to the contrary, on the lands zoned 'R11-7' on Schedule "A" attached hereto, the following provisions shall apply:

a) MINIMUM LOT AREA: 318 m²

b) MINIMUM REAR YARD: 4.5 metres, however, no part of the dwelling house shall be more than 19.0 metres from the front lot line.

REPORTS (CONTINUED)

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c) MAXIMUM LOT COVERAGE: 50%"; 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. (7), 2013-221)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Mayor Gerretsen (1)

(4) Administrative Amendments to Zoning By-Law No. 97-102, Zoning By-Law No. 32-74 and Zoning By-Law No. 8499

WHEREAS an administrative review of Zoning By-Law No. 97-102 of the City of Kingston (former Township of Kingston), Zoning By-Law No. 32-74 of the City of Kingston (former Township of Pittsburgh) and Zoning By-Law No. 8499 of the City of Kingston, typographic and grammatical errors, and technical clarifications have been identified; and

WHEREAS the proposed changes have no substantive effect on the zones to which they apply, but will serve to clarify the intent and interpretation of the Zoning By-Laws;

THEREFORE BE IT RESOLVED THAT administrative amendments submitted by the City of Kingston (Our File No. D14-037-2013) **BE APPROVED**; and

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

1. By-Law No. 97-102 of The Corporation of the City of Kingston, entitled "Cataraqui North Zoning By-Law", as amended, is hereby further amended as follows:
 - 1.1. That the TABLE OF CONTENTS be amended by being deleted and replaced by the following:

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SECTION 8 – ENACTMENT

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SCHEDULES:

Schedule 'A' – Zone Map

Schedule 'B' – Secondary Suites Pilot Area

- 1.2. That Section 1.2 be amended by adding, immediately following the first sentence, the following:

Schedule 'B' attached to this By-Law designates the Secondary Suites Pilot Area located within the lands covered by this By-Law.

- 1.3. That Section 1 as amended, be hereby further amended by adding a new Subsection 1.8 "DEFINITIONS" thereto as follows:

1.8 DEFINITIONS

For all terms defined in Section 6.0, the definition found in Section 6.0 shall apply. For all other terms the normal meaning of the word shall apply.

For the convenience of the reader all terms that are italicized in this By-Law are defined in Section 6.0 of this By-Law.

- 1.4. That Section 2.1 be amended by adding a new Zone to the list, titled "RESIDENTIAL ZONES", to follow "LDR Low Density Residential Zone", as follows:

LDR1 Low Density Residential One Zone

- 1.5. That Section 2.3 d) be deleted in its entirety.

- 1.6. That Section 2.3, as amended, be hereby further amended by renumbering clause e) to d).

- 1.7. That Section 2.6 be deleted in its entirety.

- 1.8. That Section 3, as amended, be hereby further amended by deleting "TABLE A1" (not including the "SPECIAL PROVISIONS") and replacing it with the following:

REPORTS (CONTINUED)**REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE**

ZONE		LDR	LDR1	LDR/I	LDR/NC	MDR
USE						
A	<i>Single detached dwellings</i>	X	X	X	X	
B	<i>Semi-detached dwellings</i>	X	X	X	X	X
C	<i>Duplex dwellings</i>	X	X	X	X	
D	<i>Townhouse dwellings</i>	X	X	X	X	X
E	<i>Multiple dwellings</i>					X
F	<i>Apartment dwellings</i>					X
G	<i>Business offices</i>				X(1)(2)	
H	<i>Clinics</i>				X(1)(2)	
I	<i>Community centres</i>			X	X	
J	<i>Convenience retail store</i>				X(1)(2)	
K	<i>Day nursery</i>			X	X	
L	<i>Dry cleaning or laundry outlet</i>				X(1)(2)	
M	<i>Home occupations</i>	X	X	X	X	X
N	<i>Personal service shop</i>				X(1)	
O	<i>Places of worship</i>			X		
P	<i>Private home daycare</i>	X	X	X	X	X
Q	<i>Public parks</i>	X	X	X	X	X
R	<i>Public school</i>			X		
S	<i>Retirement homes</i>					X

1.09. That Section 3, as amended, be hereby further amended by the addition of a period at the end of Clause 1 of "SPECIAL PROVISIONS" of "TABLE A2".

1.10. That Section 4.1 be amended by deleting and replacing the word "Zone" which follows the word "Residential" with the word "Zones".

REPORTS (CONTINUED)

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- 1.11. That Section 4 be amended by amending the title of Table B1 by deleting "ZONE" and replacing it with the following:

and LDR1 ZONES

- 1.12. That Section 4, Table B1, as amended, be hereby further amended by deleting "(8)" and "(9)" from the Column heading "*Townhouse buildings (7)(8)(9)*".

- 1.13. That Section 4, Table B1, as amended, be hereby further amended by adding a colon after the word "*frontage*" found in the cell that corresponds to Row "A", Column "ZONE PROVISIONS".

- 1.14. That Section 4, Table B1, as amended, be hereby further amended by deleting "6.5 m per unit (2)" found in the cell that corresponds to Row "A", "On a *lot* not accessed by a *lane*" and the Column "*Townhouse buildings*" and replace it with the following:

- for the LDR Zone
6.5 m per unit (2)
- for the LDR1 Zone
6 m per unit (2)

- 1.15. That Section 4, Table B1, as amended, be hereby further amended by adding a colon after the word "*yard*" found in the cell that corresponds to Row "B", Column "ZONE PROVISIONS".

- 1.16. That Section 4, Table B1, as amended, be hereby further amended by adding a colon after the word "*yard*" found in the cell that corresponds to Row "G", Column "ZONE PROVISIONS".

- 1.17. That the title of Section 4, "SPECIAL PROVISIONS FOR THE LDR ZONE" be amended by deleting the word "ZONE" and replacing it with the following:

AND LDR1 ZONES

- 1.18. That Section 4, as amended, be hereby further amended by the addition of a period at the end of Clause 5 of "SPECIAL PROVISIONS FOR THE LDR AND LDR1 ZONES".

- 1.19. That Section 4, as amended, be hereby further amended by the addition of a period at the end of Clause 6 of "SPECIAL PROVISIONS FOR THE LDR AND LDR1 ZONES".

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.20. That Section 4 be amended by deleting Clause 8 (LDR-1) of “SPECIAL PROVISIONS FOR THE LDR AND LDR 1 ZONES” in its entirety.
- 1.21. That Section 4 be amended by deleting Clause 9 (LDR-2) of “SPECIAL PROVISIONS FOR THE LDR AND LDR 1 ZONES” in its entirety.
- 1.22. That Section 4, Table B2 as amended, be hereby further amended by adding a colon after the word “*frontage*” found in the cell that corresponds to Row “A”, Column “ZONE PROVISIONS”.
- 1.23. That Section 4, Table B2, as amended, be hereby further amended by adding a colon after the word “*yard*” found in the cell that corresponds to Row “B”, Column “ZONE PROVISIONS”.
- 1.24. That Section 4, Table B2, as amended, be hereby further amended by adding a colon after the word “*yard*” found in the cell that corresponds to Row “G”, Column “ZONE PROVISIONS”.
- 1.25. That Section 4, as amended, be hereby further amended by deleting Clause 5 of “SPECIAL PROVISIONS FOR THE LDR/I ZONE” and replacing it, with the following:

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*.
- 1.26. That Section 4, as amended, be hereby further amended by the addition of a period at the end of Clause 6 of “SPECIAL PROVISIONS FOR THE LDR/I ZONE”.
- 1.27. That Section 4, Table B3, as amended, be hereby further amended by adding a colon after the word “*frontage*” found in the cell that corresponds to Row “A”, Column “ZONE PROVISIONS”.
- 1.28. That Section 4, Table B3, as amended, be hereby further amended by adding a colon after the word “*yard*” found in the cell that corresponds to Row “B”, Column “ZONE PROVISIONS”.
- 1.29. That Section 4, Table B3, as amended, be hereby further amended by adding a colon after the word “*yard*” found in the cell that corresponds to Row “G”, Column “ZONE PROVISIONS”.

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.30. That Section 4, as amended, be hereby further amended by the addition of a period at the end of Clause 5 of "SPECIAL PROVISIONS FOR THE LDR/NC ZONE".
- 1.31. That Section 4, as amended, be hereby further amended by the addition of a period at the end of Clause 6 of "SPECIAL PROVISIONS FOR THE LDR/NC ZONE".
- 1.32. That Section 4, Table B4, as amended, be hereby further amended by deleting "(7)" from the Column heading "*Townhouse buildings (7)*".
- 1.33. That Section 4, Table B4, as amended, be hereby further amended by adding a colon after the word "*frontage*" found in the cell that corresponds to Row "A", Column "ZONE PROVISIONS".
- 1.34. That Section 4, Table B4, as amended, be hereby further amended by adding a colon after the word "*yard*" found in the cell that corresponds to Row "B", Column "ZONE PROVISIONS".
- 1.35. That Section 4, Table B4, as amended, be hereby further amended by adding a colon after the word "*yard*" found in the cell that corresponds to Row "G", Column "ZONE PROVISIONS".
- 1.36. That Section 4, "SPECIAL PROVISIONS FOR THE MDR ZONE", Clause 3 be amended by adding, between the words "wall" and "of" the following:

of the first storey
- 1.37. That Section 4, as amended, be hereby further amended by deleting Clause 5 of "SPECIAL PROVISIONS FOR THE MDR ZONE" and replacing it, with the following:

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.
- 1.38. That Section 4, as amended, be hereby further amended by the addition of a period at the end of Clause 6 of "SPECIAL PROVISIONS FOR THE MDR ZONE".
- 1.39. That Section 4, as amended, be hereby further amended by deleting Clause 7 (MDR-1) of "SPECIAL PROVISIONS FOR THE MDR ZONE" in its entirety.

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.40. That Section 4, Table B5 be amended by deleting “1” from the Column heading “NC1”.
- 1.41. That Section 5.1A be amended by removing the underline from the title “Air Conditioner”.
- 1.42. That Section 5.3.1.5 be amended by removing the comma found after “*lot*” and before “shall”.
- 1.43. That Section 5.3.2.2 b) be deleted in its entirety.
- 1.44. That Section 5.3.1.8(2) b) be renumbered to Section 5.3.2.2 b).
- 1.45. That Section 5.3.1.9 be renumbered to Section 5.3.1.8.
- 1.46. That Section 5.4.1 be amended by deleting and replacing Clause d) with the following:
 - d) A minimum of 0.6 metres from the *interior side lot line*. A detached *accessory building* may share a common wall with another detached *accessory building* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*. In no case shall an *accessory building* share a common wall with more than one other *accessory building* on an abutting *lot*.
- 1.47. That Section 5.8 be amended by deleting and replacing Clause g) with the following:
 - g) an occupation that involves the sale of a commodity not produced on the *premises* is prohibited, except that telephone or mail order sales of goods may be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.
- 1.48. That Section 5.13.3 be amended by removing the underline from the title.
- 1.49. That Section 5.13.3, as amended, be hereby further amended by deleting and replacing “City” with “*Corporation*”.
- 1.50. That Section 5.16, as amended, be hereby further amended by deleting and replacing Sub-section 5.16 with the following:

5.16 NOXIOUS USES

Noxious uses are not permitted in any Zone.

REPORTS (CONTINUED)

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- 1.51. That Section 5.17, as amended, be hereby further amended, by deleting “only” and replacing it with the following:

may be used for parking spaces
- 1.52. That Section 5.17, “PARKING STANDARDS TABLE” as amended, be hereby further amended, by adding an “s” to the end of the word “*space*”, found between “3.57 *parking*” and “per” in the cell that corresponds to the row “*Business office*” and the column “REQUIRED”.
- 1.53. That Section 5.17, “PARKING STANDARDS TABLE” as amended, be hereby further amended, by adding an “s” to the end of the word “*space*”, found between “3.1 *parking*” and “per” in the cell that corresponds to the row “*Commercial fitness centre*” and the column “REQUIRED”.
- 1.54. That Section 5.17, “PARKING STANDARDS TABLE” as amended, be hereby further amended, by adding an “s” to the end of the word “*space*”, found between “5 *parking*” and “per” in the cell that corresponds to the row “*Medical or dental clinic, veterinarian clinic*” and the column “REQUIRED”.
- 1.55. That Section 5.17, “PARKING STANDARDS TABLE” as amended, be hereby further amended, by adding an “s” to the end of the word “*space*”, found between “10 *parking*” and “per” in the cell that corresponds to the row “*Restaurant*” and the column “REQUIRED”.
- 1.56. That Section 5.17, “PARKING STANDARDS TABLE” as amended, be hereby further amended, by adding an “s” to the end of the word “*space*”, found between “5.25 *parking*” and “per” in the cell that corresponds to the row “*Retail store, personal service shop*” and the column “REQUIRED”.
- 1.57. That Section 5.17, “PARKING STANDARDS TABLE” as amended, be hereby further amended, by adding an “s” to the end of the word “*space*”, found between “2.1 *parking*” and “per” in the cell that corresponds to the row “*Schools, elementary*” and the column “REQUIRED”.
- 1.58. That Section 5.17, “PARKING STANDARDS TABLE” as amended, be hereby further amended, by adding an “s” to the end of the word “*space*”, found between “2.5 *parking*” and “per” in the cell that corresponds to the row “*All other non-residential uses not listed in this table*” and the column “REQUIRED”.
- 1.59. That Section 5.22.2, as amended, be hereby further amended, by adding “LDR1,” between every occurrence of “LDR,” and “LDR/I” within the title and text of the Clause.

REPORTS (CONTINUED)

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- 1.60. That Section 5.22.2, as amended, be hereby further amended, by adding, between “vehicle,” and “*utility trailer*” the following:

travel trailer,

- 1.61. That Section 5.22.2, as amended, be hereby further amended, by deleting “year” found between “*rear*” and “, but” and replacing it with “*yard*”.

- 1.62. That Section 5.22.3, as amended, be hereby further amended, by adding, between “*trailer,*” and “or similar” the following:

utility trailer,

- 1.63. That Section 5.24b) be amended, by deleting “Township of Kingston” and replacing it with the following:

Cataraqui North Secondary Plan area

- 1.64. That Section 5.26 be amended, by deleting Clause (i) and renumbering Clauses (ii) through (iv) to Clauses (i) through (iii).

- 1.65. That Section 5.26(ii) as amended, be hereby further amended by adding a period at the end of the Clause.

- 1.66. That Section 5.28 be amended, by deleting the first paragraph of the Clause so that the Section 5.28 reads as follows:

5.28 RENEWABLE ENERGY SYSTEMS

Notwithstanding the *height* provisions of this By-Law to the contrary a *Static Renewable Energy Device* may exceed a *height* requirement by 0.5 metres.

- 1.67. That Section 5.29b) be amended, by adding “LDR1,” between “LDR,” and “LDR/I”.
- 1.68. That Section 6, the definition for “BUILDING, TOWNHOUSE” be amended, by deleting “a” found between “has” and “independent”.
- 1.69. That Section 6, the definition for “CORPORATION” be amended, by deleting “Township” and replacing it with “City”.
- 1.70. That Section 6, as amended, be hereby further amended, by the addition of the definition "DRIVE-THROUGH SERVICE FACILITY" between the definitions “DECK” and “DRIVEWAY” as follows:

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

DRIVE-THROUGH SERVICE FACILITY

Means an *accessory* or main *use* of a business, that provides or dispenses products or services through an attendant or a window or automated machine to patrons remaining in *motorized vehicles*, including any associated *stacking lanes*, speaker system, microphone system, order board or other such *structures*. Despite the above, a drive-through service facility does not include a *car washing establishment*, *automobile service station* or a *gas bar*.

- 1.71. That Section 6, the definition for “DRY CLEANING OR LAUNDRY OUTLET” be amended by deleting “or” found between “pressing” and “articles” and replacing it with “of”.
- 1.72. That Section 6, the definition for “DWELLING SEMI-DETACHED” be amended, by deleting “shares” and replacing it with “share”.
- 1.73. That Section 6, as amended, be hereby further amended by deleting the definition for “DWELLING UNIT” and replacing it with the following:

DWELLING UNIT

Means one (1) or more habitable rooms designed to provide sanitary conveniences and *kitchen* facilities for residential purposes. This definition shall not include a mobile home, a *travel trailer* or a motor home.

- 1.74. That Section 6, as amended, be hereby further amended by deleting the definition for “GARDEN SUITE” and replacing it with the following:

GARDEN SUITE

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

- 1.75. That Section 6, as amended, be hereby further amended by deleting the definition for “KITCHEN” and replacing it, between the definitions of “KENNEL” and “LANE” as follows:

KITCHEN

Means a room or group of rooms used or designed for the cleaning and preparation of food, and may include accessory storage for food.

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.76. That Section 6, as amended, be hereby further amended by deleting the definition for “MODEL HOME” and replacing it with the following:

MODEL HOME

Means a *single detached dwelling, semi-detached dwelling or townhouse* block used in the interim for the sole purpose of an office and/or show room and/or sales centre to promote the sale of residential units within a draft approved plan of subdivision proposed for registration.

- 1.77. That Section 6, the definition of “NURSERY/GARDEN CENTRE/GREENHOUSE”, be amended by adding “/garden centre/greenhouse” immediately following “nursery”.
- 1.78. That Section 6, as amended, be hereby further amended, by moving the definition “NOXIOUS USE” so that it follows the definition “NON CONFORMING USE” but precedes the definition “NURSERY/GARDEN CENTRE/GREENHOUSE”.
- 1.79. That Section 6, the definition of “RECREATIONAL USE”, be amended by deleting “and” found between “centre,” and “arcade” and replacing it with “an”.
- 1.80. That Section 6, as amended, be hereby further amended, by the addition of the definition “STACKING LANE” between the definitions “SECOND RESIDENTIAL UNIT” and “STOREY” as follows:

STACKING LANE

Means an onsite queuing lane for *motorized vehicles*.

- 1.81. That Section 6, as amended, be hereby further amended, by the addition of the definition “STATIC RENEWABLE ENERGY DEVICE” between the definitions “STACKING LANE” and “STOREY” as follows:

STATIC RENEWABLE ENERGY DEVICE

Means a device that produces, captures or conserves energy without visible motion or emissions such as noise, vibration, liquids, gases or combustion products; such devices may include solar panels, pool heaters, etc.

- 1.82. That Section 6, as amended, be hereby further amended by deleting the definition for “TRAILER, UTILITY” and replacing it, between the definitions of “SWIMMING POOL” and “TRAVEL TRAILER” as follows:

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

TRAILER, UTILITY

Means a non-automotive vehicle designed to be hauled by a *motor vehicle* for the purpose of transporting goods or other vehicles.

- 1.83. That Section 6, as amended, be hereby further amended by deleting the definition for "TRAVEL TRAILER" and replacing it with the definition "TRAILER, TRAVEL" to be located after the definition for "SWIMMING POOL" and before the definition for "TRAILER, UTILITY" as follows:

TRAILER, TRAVEL

Means any vehicle designed to be towed by a *motor vehicle* and capable of being used for the temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall not include a mobile home.

- 1.84. That Section 7.1 be amended by deleting and replacing the title with the following:

LDR1*1 (Emerald Street Clubhouse, 309 Emerald St.)

- 1.85. That Section 7.1 be amended by deleting "LDR-1*1" and replacing it with "LDR1*1".
- 1.86. That Section 7.1 be amended by deleting "LDR-1" found within the text of the Clause and replacing it with "LDR1".
- 1.87. That Section 7.2 be amended by deleting and replacing the title with the following:

LDR*2 (1166-1175, 1216, 1220, 1224, 1228 Andersen Dr.; 28-167 Deerfield Dr.; 28-167 Ellesmeer Ave.; 122-134 Farmstead Ct.; 1057-1150 Fawn Ct.; 1170-1181 Richwood St.; 100-121 Sheridan St.)

- 1.88. That Section 7.2 be amended by deleting "LDR*1" and replacing it with "LDR*2".
- 1.89. That Section 7.2(i) be amended by deleting "Zone" and replacing it with "and LDR1 Zones".
- 1.90. That Section 7.2(ii) be amended by deleting "Zone" and replacing it with "and LDR1 Zones".
- 1.91. That Section 7.3 be amended by deleting "LDR/I*1" found within the title and the text of the Section and replacing it with "LDR/I*3".

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.92. That Section 7.3(ii) be amended by adding a period after the word “metres”.
- 1.93. That Section 7, as amended, be hereby further amended by deleting and replacing Section 7.4 with the following:

7.4 MU1*4 (471 Cataraqui Woods Drive)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MU1*4' shall be used and developed in accordance with the following additional provisions:

i) Maximum Gross Leasable Retail Area:

the maximum gross leasable retail area shall be 2,999 square metres;

ii) Permitted Uses:

That in addition to the uses permitted in the Mixed Use One 'MU1' Zone a *retirement home* use and accessory personal service shop, retail use and *recreational use* to be utilized exclusively by the *retirement home* residents and staff are permitted;

- iii)** That for the purpose of *zone* interpretation all parcels within the 'MU1*4' Zone shall be treated as a single parcel;

iv) Maximum Building Height:

a maximum building *height* of 26 metres for a *retirement home* use;

v) Parking:

That for the purposes of a *retirement home* use the minimum of 0.60 *parking spaces* per *dwelling unit* shall be provided;

- vi)** That notwithstanding any provisions to the contrary the maximum *residential* density shall be 150 *dwelling units* per hectare;

- vii)** permit a *dwelling unit* equivalency ratio of 2 *retirement home* suites, as defined herein, to one *dwelling unit* (2:1 units) for a *retirement home* use; and

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

viii) Retirement Home Suite:

Shall be defined as a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven, but without full cooking facilities.

1.94. That Section 7.5 be amended by deleting and replacing the title with the following:

LDR1*5 (1190-1232 Amanda Crt; 1363-1401 Atkinson St.; 1400, 1402, 1404, 1406 Crossfield Ave.; 1130-1166, 1169-1178 Halifax Dr.; 500-568 Savannah Crt.)

1.95. That Section 7.5 be amended by deleting “LDR-1*2-H” and replacing it with “LDR1*5”.

1.96. That Section 7.5(i) be amended by deleting “LDR-1*2” and replacing it with “LDR1*5”.

1.97. That Section 7.6 be amended by deleting and replacing the title with the following:

MDR*6 (667-669, 671-685, 687, 689, 691 Augusta Dr.)

1.98. That Section 7.6, as amended, be hereby further amended by deleting “MDR*1-H” and replacing it with “MDR*6”.

1.99. That Section 7.6(i) be amended by adding a period at the end of the sentence, following the word “only”.

1.100. That Section 7.6(v) be amended by adding a period at the end of the sentence, following the word “metres”.

1.101. That Section 7 as amended, be hereby further amended by deleting Section 7.7 in its entirety and replacing it with the following:

7.7 MDR*7 (670 Augusta Dr.)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated ‘MDR*7’ shall be used and developed in accordance with the following provisions:

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include *single detached dwellings* on lots accessed by a rear lane only.
- (ii) The minimum *lot frontage* for a *single detached dwelling* on a lot accessed by a rear lane shall be 8.5 metres.
- (iii) The minimum *front yard* depth for a *single detached dwelling* on a lot accessed by a rear lane shall be 4 metres. At least 70% of the front wall of the *first storey* of the *main building* shall be located within 1.5 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
- (iv) *Single family dwellings* located on a *corner lot* accessed by a rear lane shall have at least 25% of the front wall of the *first storey* of the *main building* located within 10 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
- (v) The minimum required *lot* depth for a *single detached dwelling* on a lot accessed by a rear lane shall be 30 metres.
- (vi) The *minimum required interior side yard* for a *single detached dwelling* located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
- (vii) The *minimum required exterior side yard* setback for a *single detached dwelling* located on a lot accessed by a rear lane shall be 2.4 metres.
- (viii) The *minimum required rear yard* setback shall be 14.5 metres.
- (ix) The maximum *building height* for a *single detached dwelling* located on a lot accessed by a rear lane shall be 11 metres.
- (x) Detached *garages* shall be set back from the dwellings a minimum of 7.5 metres.
- (xi) The minimum required number of *parking spaces* per lot shall be two (2) to be enclosed in a *garage*.

1.102. That Section 7, as amended, be hereby further amended by deleting Section 7 1)7.8 "MU1*2-H (Jerome Taylor, Parts of Lots 12 & 13, Concession 3)" in its entirety.

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.103. That Section 7, as amended, be hereby further amended by adding Section 7.8 as follows:

7.8 MU1*8 (476 Cataraqui Woods Dr. and Blocks 3 and 4, Plan 13M72)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MU1*8' shall be used and developed in accordance with the following additional provisions:

(i) Prohibited Uses:

Notwithstanding the provisions of Table A2, Retail and Mixed–Use Zones, *apartment buildings*, *multiple dwellings* and *home occupations* shall be a prohibited use on the lands zoned 'MU1*8'.

- 1.104. That Section 7.9 be amended by deleting and replacing the title with the following:

LDR*9 (1128-1147 Seale Crt.)

- 1.105. That Section 7.9 as amended, be hereby further amended by deleting "LDR*2" and replacing it with "LDR*9".

- 1.106. That Section 7.9 i) be amended by deleting "Zone" and replacing it with "and LDR1 Zones".

- 1.107. That Section 7.9 ii) be amended by deleting "Zone" and replacing it with "and LDR1 Zones".

- 1.108. That Section 7.10 be amended by deleting and replacing the title with the following:

MDR*10 (1170-1183 Crossfield Ave.)

- 1.109. That Section 7.10 as amended, be hereby further amended by deleting "MDR*3" and replacing it with "MDR*10".

- 1.110. That Section 7.10(v) be amended by adding a period at the end of the sentence, following the word "metres".

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.111. That Section 7.11 be amended by deleting and replacing the title with the following:

MDR*11 (1191, 1193, 1195, 1197, 1199, 1201, 1203, 1205, 1207, 1209, 1211, 1213, 1215-1235 Crossfield Ave.; 686, 688, 690, 692, 694, 696, 698, 700 Augusta Dr.)

- 1.112. That Section 7.11 as amended, be hereby further amended by deleting "MDR*4" and replacing it with "MDR*11".

- 1.113. That Section 7.11(iv) be amended by deleting "Lots 181, 182, 183, 187, 188 and 189" and replacing it with the following:

the *lots* at 698 and 700 Augusta Dr. as well as 1221, 1225, 1227 and 1235 Crossfield Ave.

- 1.114. That Section 7.11(vi) be amended by adding a period at the end of the sentence, following the word "metres".

- 1.115. That Section 7.12 be amended by deleting and replacing the title with the following:

LDR*12 (1190, 1194, 1198, 1202, 1206, 1210, 1214 Crossfield Ave.; 804, 808, 812, 816, 820, 824, 828, 832, 836, 840, 844, 848 Augusta Dr.)

- 1.116. That Section 7.13 be amended by deleting and replacing the title with the following:

LDR*13 (1188-1254 Atkinson St.)

- 1.117. That Section 7.14 be amended by deleting and replacing the title with the following:

LDR*14 (800 Augusta Dr.)

- 1.118. That Section 7.15 be amended by deleting and replacing the title with the following:

LDR*15 (1259-1295 Atkinson St.)

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.119. That Section 7.16 be amended by deleting and replacing the title with the following:

MDR*16 (1261-1277 Crossfield Ave.; 693, 695, 697, 699 Augusta Dr.)

- 1.120. That Section 7.16(iii) be amended by deleting “Lots 203, 204, 205, 208, 209, 210 and 211” and replacing it with the following:

the *lots* at 699 Augusta Dr. as well as 1261, 1263, 1269, 1271, 1273 and 1275 Crossfield Ave.

- 1.121. That Section 7.16(ix) be amended by deleting “Lots 132, 208, 209, 210 and 211” and replacing it with the following:

the *lots* at 1269, 1271, 1273, 1275 and 1277 Crossfield Ave.

- 1.122. That Section 7, as amended, be hereby further amended by the addition of a new Sub-section 7.17 as follows:

7.17 LDR*17 (230-283 Ellesmeer Ave.)

Notwithstanding the provisions of TABLE B1 hereof to the contrary, on the lands designated LDR*17 on Schedule “A” hereof the *minimum lot frontage required* for a *townhouse building* on a *lot* not accessed by a *lane* is 6.0 m per unit and Special Provisions (2) and (5) for the LDR and LDR1 Zones shall not apply.

- 1.123. That Section 7, as amended, be hereby further amended by the addition of a new Sub-section 7.18 as follows:

7.18 MDR*18 (1326-1376 Crossfield Ave. and 393-403 Ellesmeer Ave.)

Notwithstanding any provisions of this By-Law to the contrary, the provisions of Table B4 for the ‘MDR’ Zone shall apply to the ‘MDR*18’ Zone except that the *minimum lot frontage* required for a *townhouse building* on a *lot* not accessed by a *lane* is 6.0 m per unit.

- 1.124. That Section 7, as amended, be hereby further amended by the addition of a new Sub-section 7.19 as follows:

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

7.19 LDR*19 (1248, 1250, 1254, 1258, 1262, 1266, 1270, 1274, 1278, 1282 Mazzolin Cres.)

Notwithstanding the provisions and permitted uses of the 'LDR' Zone, the lands designated 'LDR-19', shall be used and developed in accordance with the following additional provisions.

(i) Holding Symbol (-H) Limited Development

Notwithstanding the provisions of Section 2.5 of this By-Law to the contrary, where the 'LDR-19' Zone is subject to a Holding Symbol (-H), the uses of the LDR Zone shall be permitted under the following condition:

(a) Maximum Number of Storeys

The maximum number of *storeys* shall be one (1).

(ii) Provisions for the Removal of a Holding Symbol (-H)

In addition to the provisions of Section 2.5 of this By-Law for the removal of a Holding Symbol (-H), the Holding Symbol (-H) shall not be removed until such time as the Owner(s) of the *Lot(s)* have coordinated with Hydro One in order to:

- (a) Enclose the shed/canopy in the Hydro Works Yard with 20-gauge steel panels damped with sprayed-on sound insulation, in accordance with the detail provided in the Noise Impact Study prepared by J.E Coulter Associates Limited dated August 21, 2007. Copies of which are available for review during normal working hours at the office of the Municipal Engineer;
- (b) Correct the sound generated by the braking system of the propane-powered forklift that operates in the yard;
- (c) Replace, relocate or incorporate an acoustic silencer on the exhaust fan on the maintenance garage at the south end of the Hydro One property; and

The Owner(s) of the *Lot(s)* must provide to the City a certificate from an acoustical engineer certifying that the required mitigation measures on the Hydro One Property have been undertaken in order to meet the applicable noise criteria.

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 1.125. That all the terms located throughout By-Law No. 97-102, that are defined in Section 6, be formatted into italics.
- 1.126. That Schedule A, as amended, is hereby deleted in its entirety and replaced with Schedule "A" attached to and forming part of By-Law No. 2013-223; and

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

- 2. By-Law No. 32-74 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh", as amended, is hereby further amended as follows:
 - 2.1. That Section 5(2A)(i)a. be amended by renumbering to Section 4(33a).
 - 2.2. That Section 5(2A)(i)b. be amended by renumbering to Section 4(129a).
 - 2.3. That Section 5(2A) as amended, be hereby further amended by deleting Clause (i) in its entirety and that the subsequent clauses (ii) through (iv) be renumbered to (i) through (iii).
 - 2.4. That Section 11(3)(b) as amended, be hereby further amended by deleting Clause (ii)(a) and replacing it with the following:
 - (a) Zone Provisions:
 - (i) Detached single family dwelling houses:
 - (a) Lot Area (minima):
 - (i) Lot served by a public water system and a sanitary sewer system
 - 550 square metres
 - (ii) Lot served by a public water system or a sanitary sewer system
 - 1,400 sq. m.
 - (iii) Other lots
 - 2,050 sq. m.

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- (b) Lot Frontage (minima):
 - (i) Lot served by a public water system and a sanitary sewer system
 - 18 metres
 - (ii) Lot served by a public water system or a sanitary sewer system
 - 30 metres
 - (iii) Other lots
 - 36.5 metres
- (c) Front Yard Depth (minimum): - 7.5 metres
- (d) Exterior Side Yard Width (min.): - 7.5 metres
- (e) Interior Side Yard Width (minimum):
 - (i) one storey dwelling house - 1.8 metres on one side and 4.2 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side yard width may be reduced from 4.2 metres to 1.2 metres.
 - (ii) two storey dwelling house - 1.8 metres on one side and 4.2 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side yard width may be reduced from 4.2 metres to 1.2 metres.
- (f) Rear Yard Depth (minimum): - 7.5 metres
- (g) Dwelling Unit Area (minima):
 - (i) Building containing a basement - 93 square metres
 - (ii) Building not containing a basement
 - 100 square metres
- (h) Landscaped Open Space (minimum): - 30%
- (i) Lot Coverage (maximum): - 33%
- (j) Height of Building (maximum): - 9 metres

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- (k) Dwelling Houses Per Lot (maximum): - 1 only
- (l) Location of Driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side yard provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side yard provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.
- (m) ACCESSORY USES, PARKING, ETC.:
 - In accordance with the provisions of Section 5 hereof.
- (ii) Semi-detached dwelling houses:
 - (a) Lot Area (minimum):
 - (i) semi-detached dwelling house - 325 square metres
 - (b) Lot Frontage (minimum):
 - (ii) semi-detached dwelling house
 - (a) Corner lot - 15 metres
 - (b) Other lot - 10.5 metres
 - (c) Front Yard Depth (minimum): - 7.5 metres
 - (d) Exterior Side Yard Width (minimum): - 7.5 metres
 - (e) Interior Side Yard Width (minimum):
 - (i) one storey dwelling house - 3 metres, provided that in the case of a one storey dwelling house having an attached private garage or carport, the minimum interior side yard width may be reduced from 3 metres to 1.2 metres.
 - (ii) two storey dwelling house

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- (a) with attached private garage or carport which abuts a common lot line - 1.8 metres
- (b) with attached private garage or carport which abuts an interior side yard - 1.2 metres
- (c) with no attached garage or carport - 3.0 metres
- (f) Rear Yard Depth (minimum): - 7.5 metres
- (g) Dwelling Unit Area (minimum): - 78.5 metres
- (h) Landscaped Open Space (minimum): - 30%
- (i) Lot Coverage (maximum): - 33%
- (j) Height OF Building (maximum): - 9 metres
- (k) DWELLING HOUSES PER LOT (maximum): - 1 only
- (l) Location of Driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side yard provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side yard provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.
- (m) ACCESSORY USES, PARKING, ETC.:
In accordance with the provisions of Section 5 hereof; and

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

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:

REPORTS (CONTINUED)

REPORT NO. 129: RECEIVED FROM THE PLANNING COMMITTEE

- 3.1. That Section 5.3A(b)ii. as amended, be hereby further amended by deleting “**C AND C1 USES NOT SPECIFICALLY DESIGNATED IN THIS SECTION** - 1 parking space for every 28.0 square metres of gross leasable area.” and replacing it with the following:

C, C1 and C4 USES NOT SPECIFICALLY DESIGNATED IN THIS SECTION - 1 parking space for every 28.0 square metres of gross leasable area.

4. This By-Law shall come into force and take effect on its passing, provided no Notice of Appeal is filed to this By-Law, all in accordance with the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13 apply and the By-Law shall be deemed to have come into force and take effect on the day it was passed, and

THAT the Zoning By-Law Amendments 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. (8), 2013-222)

(See By-Law No. (9), 2013-223)

(See By-Law No. (10), 2013-224)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Mayor Gerretsen (1)

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

REPORTS (CONTINUED)

Report No. 130: Received from the Municipal Heritage Committee

Moved by Councillor Glover

Seconded by Councillor Schell

THAT Report No. 130: Received from the Municipal Heritage Committee be received and adopted.

Report No. 130

To the Mayor and Members of Council:

The Municipal Heritage Committee reports and recommends as follows:

Council consented to the separation of Clause (4).

(1) Request to Alter a Heritage Designated Property – 194 Sydenham Street

THAT alterations to a designated property at 194 Sydenham Street, **BE APPROVED** in accordance with details described in Application **P18-574-088-2013**, which was deemed complete on October 21, 2013, with said alterations to amend previous heritage permit file no. P18-574-075-2012 to allow the installation of a new window, including three four-pane casement windows.

(2) Request to Alter a Heritage Designated Property – 128-136 Ontario Street, Hardy's Buildings

THAT alterations to a designated property, 128-136 Ontario Street, Hardy's Buildings, **BE APPROVED**, in accordance with details described in Application P18-262-042-2013, which was deemed complete on October 22, 2013, with said alterations to:

- a. Add a total of eight (8) shed dormers (four [4] on the east elevation and four [4] on the west elevation);
- b. Replace the existing metal garage door on central arched opening of east elevation with an entrance door to match the entrance at south end of building;
- c. Construct a three-storey addition (6m by 6.2m) on rear wall for an elevator and stairs with wood commercial metal clad windows;
- d. Add a covered porch (7.4m by 7.7m) to the rear elevation with four columns and a terrace above it with a metal railing;
- e. Clad the existing one-storey concrete block addition with pre-stained wood siding;
- f. Add a roof terrace to existing one-storey concrete block addition with a metal perimeter railing;
- g. Alter five (5) windows on rear facade to create door openings;
- h. Add two (2) balconies on the third floor of west facade with metal railings;
- i. Re-paint existing doors; and

REPORTS (CONTINUED)

REPORT NO. 130: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

THAT the approval be subject to the following conditions:

- i. The approval is subject to any required approvals under the *Planning Act*;
- ii. A building permit application is required;
- iii. That the work be undertaken in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
- iv. That the masonry units to be removed on the rear elevation to facilitate the approved works be done carefully and that they be stored by the owner and/or submitted as architectural salvage;
- v. That any new windows and doors be installed with a spacer bar placed between the glass and a muntin bar placed on the outside and inside of each window/door;
- vi. That provided it is feasible from a function/design perspective, the applicant agrees to revising the design of the windows on the side elevations of the elevator tower as suggested in the HIS;
- vii. That a photographic record, including photos of each 'period' window sash to be removed be completed prior to the initiation of the works and that the record be submitted to the Heritage and Urban Design Division;
- viii. That the approval includes the option to repaint the doors along Ontario Street, but not the option of installing 'stain-grade' doors for the Ontario Street entrances;
- ix. As the Stage 1/2 Archaeological Assessment (Baseline Archaeology, August 9, 2013) identified the remainder of the property excluded from the completed Stage 2 work to have moderate to high archaeological potential, approval of Stage 2 Archaeological Assessment and any subsequent assessments as required must be in place prior to further development of this area of the property;
- x. 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;
- xi. 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;

REPORTS (CONTINUED)

REPORT NO. 130: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

- xii. That the approved project is completed in a manner that is consistent with the City's Environmental Construction Notes, which have been provided to the applicant; and
- xiii. 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
- xiv. The Designation By-Law be reviewed to reflect these structural changes and the review include an assessment for heritage preservation of the industrial hoist pulley system that survives on the top floor.

(3) Request to Alter a Heritage Designated Property and Heritage Property Grant Application – 57 West Street

THAT alterations to a designated property at 57 West Street, **BE APPROVED** in accordance with details described in Application **P18-551-086-2013** which was deemed complete on October 16, 2013, with said alterations to replace existing cedar roofing with new cedar shingles; and

THAT the Heritage Property Grant application **HG-09-2013** be provisionally approved, subject to the standard requirements pertaining to the completion of the works and the release of funding.

CARRIED (13:0)
(Clauses (1) through (3))
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

REPORTS (CONTINUED)

REPORT NO. 130: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

(4) Design Guidelines – Block 4 Development

Council consented to the separation of Paragraphs (2) through (6).

WHEREAS the Commissioner of Sustainability and Growth in Report MHC-13-012 included a recommendation that the Municipal Heritage Committee provide input with respect to the North Block District Design Guidelines;

THEREFORE BE IT RESOLVED THAT the following suggestions, made by the Municipal Heritage Committee at its meeting on November 4, 2013, regarding the proposed North Block District Design Guidelines, be received and forwarded to staff for consideration;

CARRIED (11:2)
(See Recorded Vote 2)

THAT the Municipal Heritage Committee endorses the draft design guidelines (Exhibit B of report MHC-13-012) for proposed developments of Block 4, and in particular the importance of protecting views of heritage properties and streetscapes in the vicinity; and

CARRIED (9:4)
(See Recorded Vote 3)

THAT the Municipal Heritage Committee, in response to the request from the Commissioner of Sustainability and Growth in Report MHC-13-012 to provide input, that in light of concerns about height of new buildings in relation to Heritage Buildings and notwithstanding the Council decision to consider a development of up to 18 stories, the Municipal Heritage Committee strongly recommends that the new development be limited to Council's lower height of six stories; and

LOST (2:11)
(See Recorded Vote 4)

THAT the Municipal Heritage Committee, in response to the request from the Commissioner of Sustainability and Growth in Report 13-012 to provide input, the Municipal Heritage Committee recommends that the street wall height match the height of the existing heritage buildings on King Street and Queen Street so as to preserve the existing streetscape.

CARRIED (7:6)
(See Recorded Vote 5)

THAT Council receive and file the above noted clauses and take no further action.

CARRIED (8:5)
(See Recorded Vote 6)

(Note: A copy of MHC-13-012 was attached to the agenda.)

REPORTS (CONTINUED)

REPORT NO. 130: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

Moved by Councillor Hector
Seconded by Deputy Mayor Berg

THAT Clause (4) of Report No. 130, Received from the Municipal Heritage Committee, Design Guidelines – Block 4 Development, be amended by adding the following Clause:

“**THAT** Council receive and file the above noted clauses and take no further action.”

CARRIED (8:5)
(See Recorded Vote 1)

- (1) YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Scott (8)
NAYS: Councillor Downes, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Schell (5)
ABSENT: (0)
- (2) YEAS: Deputy Mayor Berg, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)
NAYS: Councillor Downes, Councillor George (2)
ABSENT: (0)
- (3) YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Scott (9)
NAYS: Councillor Downes, Councillor Hector, Councillor Reitzel, Councillor Schell (4)
ABSENT: (0)
- (4) YEAS: Councillor Glover, Councillor Neill (2)
NAYS: Deputy Mayor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Hutchison, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)
ABSENT: (0)
- (5) YEAS: Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Reitzel, Councillor Schell, Councillor Scott (7)
NAYS: Deputy Mayor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Paterson (6)
ABSENT: (0)

REPORTS (CONTINUED)

REPORT NO. 130: RECEIVED FROM THE MUNICIPAL HERITAGE COMMITTEE

- (6) YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Scott (8)
- NAYS: Councillor Downes, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Schell, (5)
- ABSENT: (0)

Report No. 131: Received from the Rural Advisory Committee

Moved by Councillor Scott
Seconded by Councillor Reitzel

THAT Report No. 131: Received from the Rural Advisory Committee be received and adopted.

Report No. 131

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

(1) General Concerns regarding Pipelines

WHEREAS staff provided the Rural Advisory Committee with a briefing pertaining to general concerns regarding pipelines on October 28, 2013; and

WHEREAS the Committee has remaining questions regarding the pipelines travelling through the City of Kingston corridor;

THEREFORE BE IT RESOLVED THAT staff be directed to provide an information report at the first 2014 meeting of the Rural Advisory Committee regarding available information pertaining to pipelines that cross the City of Kingston. It being understood that said information include: location of pipelines, current regulatory information, integrity testing, disaster preparedness plans, monitoring/surveillance practices, and the types of materials being transported through the pipelines.

(2) Hamlet Signage Rural Areas Delineation Report/Historical Names

THAT Hamlet signs be installed for the Sunnyside; Kingston Mills; and Brewer's Mills; and

THAT staff continue with further research and recommendations for historical signage as identified in the Tier V description; and

REPORTS (CONTINUED)

REPORT NO. 131: RECEIVED FROM THE RURAL ADVISORY COMMITTEE

THAT Planning & Development Department staff give further consideration to incorporate and establish a multi-phase plan for the implementation of commemorative signage/plaques for the remaining historical settlements identified in Exhibit 'B' of Report RAC-13-003; and

THAT staff be directed to provide the Rural Advisory Committee with further information regarding the demarcation and historical significance associated with Shannon's Corners in relation to Glenburnie; it being understood that said information include recommendations regarding signage; and

THAT the two community signs for: Westbrook and Elmwood be the subject of future consideration for signage replacement within the category of Tier V, with the current signs remaining in place until further recommendations are provided by staff.

(Note: A copy of Report RAC-13-003 was attached to the agenda.)

(3) Communication 18-330 received from the Unity Road Rate Payers Association

WHEREAS at the regular meeting of Kingston City Council held on August 13, 2013 Communication 18-330 received from the Unity Road Rate Payers Association was referred to the Rural Advisory Committee for their consideration;

THEREFORE BE IT RESOLVED THAT staff be directed to report to the Rural Advisory Committee regarding the feasibility of implementing the suggestions regarding the Community Vibrancy Fund and Tree Compensation outlined in Communication 18-330.

(Note: A copy of Communication No. 18-330 was attached to the agenda.)

CARRIED (13:0)
(Clauses (1) through (3))
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

INFORMATION REPORTS

(1) Tender and Contract Awards Subject to the Established Criteria for Delegation Authority for the month of September 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 September 2013.

(The Report of the City Treasurer (13-359) was attached to the agenda.)
(File No. CSU-F18-000-2013)

(2) Artillery Park Project Update – October 2013

This report is to provide Council with a Status Report for the period ending October 31, 2013.

(The Report of the Commissioner of Community Services (13-382) was attached to the agenda.)
(File No. CSU-R05-000-2013)

(3) Ontario Municipal Board (OMB) Decision (Re: File No. MM130053) - City of Kingston Electoral District Boundaries

This report is to provide an update to Council regarding the OMB Ward Boundary Decision.

(The Report of the City Solicitor and Director of Legal Services (13-388) was attached to the agenda.)
(File No. CSU-C07-000-2013)

(4) Third Quarter Operating Budget Status Report for 2013

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

(The Report of the City Treasurer (13-370) was attached to the agenda.)
(File No. CSU-F05-000-2013)

INFORMATION REPORTS (CONTINUED)

(5) 2012/2013 Cultural Services Update Report

This report is to provide Council with an update from the Cultural Services Department.

(The Report of the Commissioner of Corporate & Strategic Initiatives (13-340) was attached to the agenda.)
(File No. CSU-R00-000-2013)

MISCELLANEOUS BUSINESS

- (1)** Moved by Councillor George
Seconded by Councillor Hector

THAT the resignation of Bill Stewart, Advocacy and Policy Development Specialist, Greater Kingston Chamber of Commerce from the Age-Friendly Advisory Committee be accepted with regret.

(See Communication No. 24-453)

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

NEW MOTIONS

- (1)** Moved by Councillor Hector
Seconded by Mayor Gerretsen

WHEREAS, a stable and secure housing system that creates and maintains jobs and allows for a range of living options is essential to attracting new workers, meeting the needs of young families and supporting seniors and our most vulnerable citizens; and

WHEREAS the high cost of housing is the most urgent financial issue facing Canadians with one in four people paying more than they can afford for housing, and mortgage debt held by Canadians now standing at just over \$1.1 trillion; and

WHEREAS those who cannot afford to purchase a home rely on the short supply of rental units, which is driving up rental costs and making it hard to house workers in regions experiencing strong economic activity; and

NEW MOTIONS (CONTINUED)

WHEREAS an inadequate supply of subsidized housing for those in need is pushing some of the most vulnerable on to the street, while \$1.7 billion annually in federal investments in social housing have begun to expire; and

WHEREAS coordinated action is required to prevent housing issues from being offloaded onto local governments and align the steps local governments have already taken with regard to federal/provincial/territorial programs and policies; and

WHEREAS, the Federation of Canadian Municipalities (FCM) has launched a housing campaign, "Fixing Canada's Housing Crunch," calling on the federal government to increase housing options for Canadians and to work with all orders of government to develop a long-term plan for Canada's housing future; and

WHEREAS, our community has continuing housing needs, that can only be met through the kind of long-term planning and investment made possible by the federal government;

THEREFORE BE IT RESOLVED THAT Kingston City Council endorses the FCM housing campaign and urges the Minister of Employment and Social Development to develop a long-term plan for housing that puts core investments on solid ground, increases predictability, and protects Canadians from the planned expiry of \$1.7 billion in social housing agreements; and

THAT a copy of this resolution be sent to Jason Kenney, Minister of Employment and Social Development, to Linda Jeffrey, Ontario Minister of Municipal Affairs and Housing, to John Gerretsen, MPP for Kingston and The Islands, to Ted Hsu, MP for Kingston and The Islands, to the Federation of Canadian Municipalities and to the Association of Municipalities of Ontario.

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

- (2)** Moved by Councillor Neill
Seconded by Councillor Osanic

WHEREAS Ontario Power Generation is proposing to construct an underground long-term burial facility for all of Ontario's low and intermediate level radioactive nuclear waste at the Bruce Nuclear Generating Station, some of which is highly radioactive and will remain toxic for over 100,000 years, at a site approximately one km inland from the shore of Lake Huron and about 400 metres below the lake level; and

NEW MOTIONS (CONTINUED)

WHEREAS the Great Lakes are an irreplaceable natural resource, containing 21% of the world's, and 95% of North America's, fresh water vital to human and environmental health; and

WHEREAS concern has been expressed by individuals, citizen and environmental groups and municipalities and counties in both Canada and the United States; including recent motions of opposition from London, Mississauga, Oakville, Hamilton, Blue Mountain, Essex and Lambton Counties, among others;

THEREFORE BE IT RESOLVED THAT the City of Kingston, in order to protect the Great Lakes and its tributaries, urges that neither this proposed nuclear waste repository at the Bruce Nuclear Generating Station nor any other underground nuclear waste repository be constructed in the Great Lakes Basin, in Canada, the United States, or any First Nation property; and

THAT the City of Kingston urges the Government of Canada and the Government of Ontario to reject Ontario Power Generation's proposal to bury radioactive waste in the Great Lakes Basin; and

THAT copies of this resolution be provided to Ontario Premier Kathleen Wynne, Opposition Leader Tim Hudak, NDP Leader Andrea Horwath, Kingston and the Islands MPP John Gerretsen, Canada's Prime Minister Stephen Harper, Canada's Federal Minister of the Environment Leona Aglukkaq, and Kingston and the Islands MP Ted Hsu, Leader of the Opposition Tom Mulcair and Liberal Leader Justin Trudeau.

CARRIED (7:6)
(See Recorded Vote)

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

NAYS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Paterson, Councillor Reitzel, Councillor Scott (6)

ABSENT: (0)

COMMITTEE OF THE WHOLE “CLOSED MEETING”

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

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

- (a) Advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Williamsville on Street Parking/Bike Lanes – Reconsideration.

CARRIED (12:1)
(See Recorded Vote)

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

NAYS: Councillor Neill (1)

ABSENT: (0)

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

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

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

NEW MOTIONS (CONTINUED)

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

THAT the following recommendation, approved by Council on August 13, 2013, be reconsidered:

“WHEREAS a staff recommendation regarding cycling lanes on Princess Street in Williamsville was presented in Report No. EITP-12-018 to the EITP Committee on September 11, 2012; and

WHEREAS the staff recommendation from Report No. EITP-12-018 was presented to Council on October 23, 2012 without a recommendation from the EITP Committee; and

WHEREAS Council deferred the staff recommendation from Report No. EITP-12-018 and directed staff to undertake public consultation on the issue of cycling lanes on Princess Street in Williamsville and report back to the EITP Committee; and

WHEREAS the firm of Brook McIlroy Inc. was retained to conduct the Williamsville Main Street Cycling Lanes Project, including public consultation and the preparation of a final report and recommendation on a preferred design concept; and

WHEREAS the final report of the Williamsville Main Street Cycling Lanes Project, attached as Exhibit ‘B’ to Report No. EITP-13-015, outlines the preferred design concept for cycling lanes on Princess Street in Williamsville;

THEREFORE BE IT RESOLVED THAT Item (3), Report No. 123 from the EITP Committee that was deferred by Council on October 23, 2012 **be denied**; and

THAT the preferred design concept for the Williamsville Cycling Lanes, presented in Exhibit ‘B’ to Report No. EITP-13-015, **be approved**; and

THAT staff in Engineering and Transportation Services be directed to incorporate the preferred design concepts in the final design of the Williamsville Infrastructure Plans; and

THAT the City not proceed with the pilot study, but instead proceed with the cycling lanes on Princess Street in Williamsville being installed as part of the planned reconstruction project for that portion of the Princess Street Corridor (from Bath Road to Macdonnell Street); and

NEW MOTIONS (CONTINUED)

THAT interim cycling facilities through the use of temporary pavement markings be used to create cycling facilities on the section of Princess Street from Macdonnell Street to Division Street until this section of Princess Street is reconstructed; and

THAT the existing Courtesy Crossing at 800 Princess Street be replaced with a legal crosswalk that includes a pedestrian actuated mid-block traffic signal and an audible system for visually challenged pedestrians.”

LOST (7:6)
(A 2/3 Vote Of Council Was Not Received)
(See Recorded Vote)
(See Page 958)

- YEAS: Deputy Mayor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Paterson, Councillor Reitzel, Councillor Scott (7)
- NAYS: Councillor Downes, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Schell (6)
- ABSENT: (0)

Moved by Councillor Scott
Seconded by Councillor Osanic

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, in order to complete the agenda.

CARRIED (9:4)
(A 2/3 Vote Of Council Was Received)
(See Recorded Vote)

- YEAS: Deputy Mayor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Osanic, Councillor Paterson, Councillor Schell, Councillor Scott (9)
- NAYS: Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Reitzel (4)
- ABSENT: (0)

Mayor Gerretsen passed the gavel to Acting Deputy Mayor Berg who assumed the Chair.

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

WHEREAS the Ontario Municipal Board (OMB), under member Sylvia Sutherland, rendered a decision on November 08, 2013 to establish Kingston municipal electoral districts to include post-secondary student population estimates; and

NEW MOTIONS (CONTINUED)

WHEREAS the OMB is a provincial body that makes decisions on behalf of municipalities with provincial implications; and

WHEREAS no municipality with a university or college in Ontario currently uses post-secondary student population estimates when establishing electoral boundaries; and

WHEREAS the province of Ontario does not use post-secondary student population estimates when establishing provincial electoral ridings; and

WHEREAS the City of Kingston is now in a position to advocate for this OMB decision to become the standard for how the province of Ontario and all municipalities with colleges and universities across Ontario factor in post-secondary student population estimates in their electoral boundaries; and

WHEREAS the OMB decision now sets a new standard for all municipalities in Ontario; and

WHEREAS the province of Ontario should adhere to this decision made by the OMB as a provincial body;

THEREFORE BE IT RESOLVED THAT the City of Kingston advocate to the Government of Ontario to amend their provincial electoral riding boundaries to reflect the OMB decision rendered in Kingston and call for all municipalities with colleges and universities to factor in post-secondary student population estimates when establishing electoral boundaries; and

THAT a copy of this resolution be distributed to the following:

1. All municipalities in Ontario with post-secondary institutions;
2. The Premier of Ontario;
3. The Ontario Minister of Municipal Affairs and Housing;
4. All Members of Provincial Parliament;
5. The Ontario Municipal Board;
6. The Council of Ontario Universities; and
7. Colleges Ontario

CARRIED (9:4)
(See Recorded Vote)

NEW MOTIONS (CONTINUED)

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

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

ABSENT: (0)

Acting Deputy Mayor Berg returned the gavel to Mayor Gerretsen who re-assumed the Chair.

NOTICES OF MOTION

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

WHEREAS the rural residents of the former Kingston Township and the residents of the former Pittsburgh Township were amalgamated into the City of Kingston in 1998 as the Countryside and Pittsburgh districts; and

WHEREAS the amalgamation was supposed to benefit every resident by providing cost effective services; and

WHEREAS the City fire, recycling, snow plowing, parks maintenance and by-law enforcement have not been merged with the rest of the City; and

WHEREAS the benefits of amalgamation have not been realized either in local tax rates or service levels; and

WHEREAS the Ontario Municipal Board has recently given councillor representation to 20,000 post-secondary students thereby drastically eroding the representation of these districts within the City of Kingston; and

WHEREAS the residents of the Countryside District and Pittsburgh District were never asked whether they wished to join the City of Kingston at the time of amalgamation;

THEREFORE BE IT RESOLVED THAT Council direct staff to include a question on the ballot for the next municipal election which asks the Countryside and Pittsburgh residents whether they would, or would not, like to negotiate a municipal arrangement outside of the City of Kingston.

MINUTES

Moved by Councillor Reitzel
Seconded by Councillor Schell

THAT the Minutes of City Council Meeting No. 2013-23, held Tuesday, November 5, 2013 be confirmed.

(Distributed to all Members of Council on November 15, 2013)

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

TABLING OF DOCUMENTS

2013-66 Kingston Frontenac Public Library Board
Minutes – September 25, 2013
(File No. CSU-R02-000-2013)

2013-67 Cataraqui Region Conservation Authority
Minutes – September 25, 2013
(File No. CSU-D03-000-2013)

2013-68 Downtown Kingston BIA
Newsletter – October, 2013
(File No. CSU-A01-001-2013)

COMMUNICATIONS

Referred to All Members of Council

24-440 From Cruickshank Construction Ltd., advising Council of lane closures that will be occurring between Monday, November 04, 2013 to Friday, November 8, 2013.
(File No. CSU-T08-000-2013)

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

24-441 From Lyle Clarke, Executive Vice President, Stewardship Ontario, in regards to Municipal Blue Box Recycling for 2013 Program Year.
(File No. CSU-E07-001-2013)

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

City Council Meeting No. 2013-24
Minutes
Tuesday, November 19, 2013

- 24-442 From Association of Municipalities Ontario (AMO), in regards to Policy Progress Report.
(File No. CSU-A01-004-2013)
(Distributed to all Members of Council on November 1, 2013)
- 24-446 From Cruickshank Construction Ltd., advising Council of lane closures that will be occurring between Monday, November 11, 2013 to Friday, November 15, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on November 7, 2013)
- 24-447 From Cruickshank Construction Ltd., advising Council of lane closures that will be occurring between Monday, November 11, 2013 to Friday, November 15, 2013.
(File No. CSU-T08-000-2013)
(Distributed to all Members of Council on November 7, 2013)
- 24-448 From Association of Municipalities Ontario (AMO), in regards to Upcoming Discussions on Interest Arbitration.
(File No. CSU-H07-000-2013)
(Distributed to all Members of Council on November 7, 2013)
- 24-449 From Association of Municipalities Ontario (AMO), in regards to 2013 Ontario West Municipal Conference.
(File No. CSU-A04-000-2013)
(Distributed to all Members of Council on November 7, 2013)
- 24-450 From Association of Municipalities of Ontario (AMO), Breaking News – Bill 36, the Local Food Act, Passes Third Reading.
(File No. CSU-L11-000-2013)
(Distributed to all Members of Council on November 7, 2013)
- 24-451 From Association of Municipalities Ontario (AMO), in regards to Connections Energy Symposium 2013.
(File No. CSU-A04-000-2013)
(Distributed to all Members of Council on November 7, 2013)
- 24-452 From Association of Municipalities Ontario (AMO), Breaking News – Fall Economic Statement Highlights.
(File No. CSU-F05-000-2013)
(Distributed to all Members of Council on November 8, 2013)
- 24-453 From Bill Stewart, Advocacy and Policy Development Specialist, Greater Kingston Chamber of Commerce, advising Council of his resignation from the Age-Friendly Advisory Committee.
(File No. CSU-C12-000-2013)
(Distributed to all Members of Council on November 13, 2013)
(See Miscellaneous Business Item No. 1)

- 24-454 From Downtown Kingston! BIA Board of Management, providing an invitation to the Annual General Meeting, Wednesday November 20, 2013 at the Delta Kingston Waterfront Hotel.
(File No. CSU-A01-001-2013)
(Distributed to all Members of Council on November 13, 2013)
- 24-455 From Annie Wilcox, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-456 From Brenda Mills, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-457 From Holly Mabee, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-458 From Mike Payne, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-459 From Madeline Morris, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-460 From Joshua Siegwart, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-461 From Nathan Splinter, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-462 From Pierre Nadeau, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)

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- 24-463 From Beth Rubenstein, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-464 From Michelle Roos, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-465 From Kathryn Morrissey, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-466 From Dawn Downey, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-467 From Kate Humphrys, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
(File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-468 From Emily Lollar, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-469 From Natalie George, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 18, 2013)
- 24-470 From Kate Johnson, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-471 From Emma Turner, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)

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Minutes
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- 24-472 From Dr. Ian Gemmill, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-473 Jennifer and Trevor Levere, in regards to parking at Doug Fluhrer Park.
File No. CSU-T02-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-474 Marney McDiarmid, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-475 From Tom Martinek, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-476 From Ian Rowberry, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-477 From Aida Malekoltojari, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-478 From Katherine Kilpatrick, Medical Director, Health for Life Medical Centre, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council on November 19, 2013)
- 24-479 From Doreen Moloney, in regards to the reconsideration of Williamsville on-street parking/bike lanes.
File No. CSU-D18-000-2013)
(Distributed to all Members of Council at the meeting)

OTHER BUSINESS

BY-LAWS

Council consented to the separation of By-Law (5).

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

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

THAT By-Law (5) be given its first and second reading.

CARRIED (11:1)
(See Recorded Vote)

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

NAYS: Councillor Glover (1)

ABSENT: Mayor Gerretsen (1)

- (B) Moved by Councillor Hector
Seconded by Councillor Schell

THAT By-Law (5) be given its third reading.

CARRIED (11:1)
(See Recorded Vote)

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

NAYS: Councillor Glover (1)

ABSENT: Mayor Gerretsen (1)

Mayor Gerretsen returned to the meeting, Acting Deputy Mayor Berg chaired for the remainder of the meeting.

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

THAT By-Laws (1) through (4), (6) through (10) and (12) be given their first and second reading.

CARRIED (12:1)
(See Recorded Vote)

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

NAYS: Councillor Neill (1)

ABSENT: (0)

- (D) Moved by Councillor Reitzel
Seconded by Councillor Osanic

THAT Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Laws (2) to (4) three readings.

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

- (E) Moved by Councillor Hector
Seconded by Councillor Schell

THAT By-Laws (2) through (4) and (6) through (12) be given their third reading.

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

- (1) A By-Law To Amend By-Law No. 99-166 "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (201 Queen Mary Road)

FIRST AND SECOND READINGS

PROPOSED NO. 2013-218

(See Clause (b), Report No. 127)

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- (2) A By-Law To Authorize The Borrowing Upon Amortizing Debentures In The Principal Amount Of \$559,903.00 Towards The Cost Of A Certain Capital Work Of The Corporation Of The City Of Kingston
THREE READINGS PROPOSED NO. 2013-215
(See Clause (c), Report No. 127)
- (3) A By-Law To Authorize The Borrowing Upon Amortizing Debentures In The Principal Amount Of \$12,900,000.00 Towards The Cost Of Certain Capital Works Of The Corporation Of The City Of Kingston
THREE READINGS PROPOSED NO. 2013-216
(See Clause (c), Report No. 127)
- (4) A By-Law To Authorize The Borrowing Upon Amortizing Debentures In The Principal Amount Of \$40,742,172.00 Towards The Cost Of Certain Capital Works Of The Corporation Of The City Of Kingston
THREE READINGS PROPOSED NO. 2013-217
(See Clause (c), Report No. 127)
- (5) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Modification Of Special Commercial 'C.421' Zone, 653 – 663 Princess Street And 582-604 Victoria Street)
THREE READINGS PROPOSED NO. 2013-219
(See Clause (1), Report No. 129)
- (6) 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 Special Industrial Zone 'M.224' To Special Industrial Zone 'M.438', 805 Dalton Avenue)
THREE READINGS PROPOSED NO. 2013-220
(See Clause (2), Report No. 129)
- (7) 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 'R11' To 'R11-6' And 'R11-7', Lots 13, 20 And 21, River's Edge Subdivision, Phase 2)
THREE READINGS PROPOSED NO. 2013-221
(See Clause (3), Report No. 129)
- (8) A By-Law To Amend By-Law No. 32-74, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" (Administrative Amendments)
THREE READINGS PROPOSED NO. 2013-222
(See Clause (4), Report No. 129)
- (9) A By-Law To Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law" (Administrative Amendments)
THREE READINGS PROPOSED NO. 2013-223
(See Clause (4), Report No. 129)

- (10) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Administrative Amendments)
THREE READINGS PROPOSED NO. 2013-224
(See Clause (4), Report No. 129)
- (11) A By-Law To Amend By-Law No. 2004-144, "A By-Law To Regulate Animals (Back Yard Hen Pilot Project)
THIRD READING PROPOSED NO. 2013-204
(See Clause (3), Report No. 124)
- (12) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, November 19, 2013
THREE READINGS PROPOSED NO. 2013-225
(City Council Meeting No. 2013-24)

ADJOURNMENT

Moved by Councillor Hector
Seconded by Councillor George

THAT Council do now adjourn.

CARRIED (13:0)
(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 Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Council adjourned at 11:14 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor