

Development Application Guideline

Terms of Reference – Planning Justification



Description

A Planning Justification provides a comprehensive overview of a proposal and how it aligns with provincial and local land use planning objectives. The Planning Justification must demonstrate that an application is consistent with the policies of the Provincial Policy Statement and conforms to the policies of the City's Official Plan. Further, the Planning Justification must address how requested relief from applicable land use policies in the Official Plan and/or regulatory controls in the By-law upholds the principles of good land use planning and is accordingly in the public interest. This Terms of Reference document is intended to be applied in conjunction with all other applicable guidelines, such as the City of Kingston's Site Plan Control Guideline and the City of Kingston's Subdivision Development Guideline and Technical Standards.

Rationale

The Planning Justification will assist staff in reviewing the proposal and putting forth a recommendation on the development application based on the information specific to that proposal.

When Required

A Planning Justification is required for the following applications:

- Official Plan Amendment
 - Including Community Improvement Plans Amendments
- Zoning By-law Amendment
- Plan of Subdivision
- Plan of Condominium
- Or any other development application deemed appropriate by Council or designate

Scope

The level of detail and information required in a Planning Justification will depend on the complexity of the application. As such, a Planning Justification may be required in the

form of a comprehensive report or a planning brief (i.e. limited report). The scope of a Planning Justification will be determined by the Planning Division following the mandatory pre-application process.

Applicable Legislation

The Planning Act gives Council the authority to request other information or material that it deems necessary in order to evaluate and make a decision on a proposed planning and development applications.

Section 9.12.3 of the City's Official Plan contains a list of additional information (such as a Planning Justification) which may be required to consider a planning application complete.

Qualified Persons

A Planning Justification should be completed by a Registered Professional Planner or equivalent qualified person. The qualifications required to prepare a Planning Justification will be determined by the City through the pre-application process.

Required Contents

A Planning Justification shall include and address the following key components:

1. Introduction
 - 1.1. Provide application details and any other pertinent information that will assist staff in reviewing the application.
 - 1.2. Give a detailed description of the proposed development, including any major features or attributes (e.g. height, density, number of units, parking, architectural design, natural heritage features, significant cultural heritage resources, etc.).
2. Site Description and Context
 - 2.1. Provide a physical description of the site, its current and former use(s) (if known), the use of abutting lands, and the presence of any natural or human-made features or constraints. Provide photographs if relevant.

Tip: Mapping, including topographic information or a legal survey, is advantageous in assisting planning staff with the review of the application, particularly if the proposal is seeking a precise degree of relief from a zoning standard.

- 2.2. Provide an illustration (map) and a description identifying the site's context, the transportation network, nearby landmarks, destinations, or amenities (e.g. schools, institutions, shopping centres, etc.), natural heritage features and cultural heritage resources.

- 2.3. Provide a description of the site's planning history, including previous planning approvals and/or agreements (e.g. Site Plan Control Agreement, site specific zoning by-law, etc.), and provide copies of the pertinent documents if available.
3. Policy and Regulatory Context
 - 3.1. Describe how the proposal is consistent with the Provincial Policy Statement (PPS).
 - 3.2. Examine the proposal's conformity to the general purpose, vision, planning principles and goals of the Official Plan as well as the way in which relevant Official Plan policies will be addressed, including general policies, site-specific land use designations and policies, and secondary plans or site specific policy areas, if applicable.
 - 3.3. Review relevant existing zoning by-law information and any proposed zoning changes along with the rationale for any areas of compliance and non-compliance.
 - 3.4. Describe how the proposal takes into consideration or complies with any applicable City planning studies and relevant guidelines.

4. Proposed Amendments

- 4.1. Include the proposed amendment text and map if the Planning Justification is submitted in support of an application for Official Plan Amendment.
- 4.2. Include the proposed zoning amendments and a comparison of the existing provisions if the Planning Justification is submitted in support of a Zoning By-law Amendment. A table can be included (see example below).

Provision	Proposed	Relief Required
Max Building Height: 17m	21.4 m	Yes

- 4.3. Every application for an Official Plan Amendment (OPA) and/or Zoning by-Law Amendment (ZBA) will be required to provide a draft OPA and/or draft site specific zoning by-law, to be included in the Planning Justification. This is a requirement for deeming the application complete.(see Exhibits 1-6 of this Terms of Reference document).

5. Planning and Design Analysis

- 5.1. Provide a description of the suitability of the site, why the proposed development is appropriate for this site, and how it will function to meet the needs of the intended future users.
- 5.2. Give any information with respect to the availability of other property already designated and/or zoned for the proposed use, if any.

- 5.3. Discuss whether there are other planning approvals required, and if those necessary applications have been filed (e.g. Consent, Site Plan Control Agreement, etc.).
- 5.4. Analyze the compatibility of the proposed development or proposed land use designation (if an Official Plan Amendment) with the existing adjacent developments and land use designations. Examine and describe the potential impact of the proposal on the surrounding community, and vice versa.
- 5.5. Briefly examine and describe the potential impact of the proposal on the natural environment, specifically any identified natural heritage features. An Environmental Impact Assessment may be deemed necessary for a more comprehensive assessment.
- 5.6. Briefly examine and describe the potential impact of the proposal on cultural and built heritage resources. A Heritage Impact Statement may be deemed necessary for a more comprehensive assessment.
- 5.7. Detail any mitigation measures that are proposed to achieve land use compatibility and reduce negative impacts.
- 5.8. Incorporate universal design principles where appropriate

6. Concluding Statement

- 6.1. Provide an overview of the proposal and a summary of the main arguments for the proposal.

Submission Requirements

All development applications and accompanying studies and reports should be submitted through the City of Kingston's **Development and Services Hub (DASH)** which can be accessed online at: [City of Kingston DASH](#)

Additional Information

For additional information, please contact the City of Kingston Planning, Building and Licensing Services Department at:

1211 John Counter Boulevard, Kingston
613-546-4291 ext. 3180
planning@cityofkingston.ca

Other general information about land use planning can be found on the Ministry of Municipal Affairs and Housing website at:

[Ministry of Municipal Affairs](#)

Exhibit 1

By-Law Number 2017-XXX

**A By-Law To Amend The Official Plan For The City Of Kingston Planning Area
(Amendment Number ____, address)**

Passed: [Meeting Date]

Whereas a public meeting was held regarding this amendment on _____;

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

1. The Official Plan for the City of Kingston is hereby amended by the following map change which shall constitute Amendment Number ____ to the Official Plan for the City of Kingston.

(a) **Amend** Schedule '____', 'Site Specific Policies', of the City of Kingston Official Plan, so as to designate the property located at _____address_____, as shown on Schedule 'A' to By-Law Number 2017-____, as 'Site Specific Policy Area Number ____'.

2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section _____:

(a) **Amend** Section _____ by deleting in the first sentence the words _____

3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

City Clerk

Mayor

Exhibit 2

By-Law Number 2016-XX

A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston” (Zone Change from _____ to _____, address)

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister's Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 8499, as amended, of the former City of Kingston;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

1.1. Map _ of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from _____ to _____, as shown on Schedule “A” attached to and forming part of By-Law Number 2017-____.

1.2. By **Adding** the following section xxxx in Part VIII – Exceptions To Various Zone Classifications as follows:

“(x) xxxx (address)”

Notwithstanding the provisions of Section _____ hereof to the contrary, the lands designated ‘xxxxx’ on Schedule ‘A’ hereto, the following regulations shall apply:

This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: [Meeting Date]

City Clerk

Mayor

Exhibit 3

By-Law Number 2017-XX

A By-Law to Amend By-Law Number 76-26, “A By-Law to Regulate the use of lands and the Character, Location and use of Buildings and Structures in The Township of Kingston” (Zone Change from _____ to _____, address)

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister's Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 76-26, as amended, of the former Township of Kingston;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

By-Law Number 76-26 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:

1.1. Map _ of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from _____ to _____, as shown on Schedule “A” attached to and forming part of By-Law Number 2017-____.

1.2. By **Adding** a new subsection xxxx thereto as follows:

“(x) xxxx (address)”

Notwithstanding the provisions of Section _____ hereof to the contrary, the lands designated ‘xxxxx’ on Schedule ‘A’ hereto, the following regulations shall apply:

XXX

This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: [Meeting Date]

City Clerk

Mayor

Exhibit 4

By-Law Number 2017-XX

A By-Law to Amend By-Law Number 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 _____ to _____, address)

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister's Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister's Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 32-74, as amended, of the former Township of Pittsburgh;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

By-Law Number 32-74 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh”, as amended, is hereby further amended as follows:

1.1. Map1 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from R-11-H to R-11, as shown on Schedule “A” attached to and forming part of By-Law Number 2017-____.

This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: [Meeting date]

City Clerk

Mayor

Exhibit 5

By-Law Number 2017-XX

A By-Law to Amend By-Law Number 96-259, “Downtown and Harbour Zoning By-Law for The Corporation of The City of Kingston” (Zone Change from _____ to _____, address)

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister's Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 96-259, as amended, of the former City of Kingston;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

By-Law Number 96-259 of The Corporation of the City of Kingston, entitled “Downtown and Harbour Zoning By-Law for The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

1.1. Map _ of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from _____ to _____, as shown on Schedule “A” attached to and forming part of By-Law Number 2017-____.

1.2. By **Adding** a new subsection xxxx thereto as follows:

“(x) xxxx (address)”

Notwithstanding the provisions of Section _____ hereof to the contrary, the lands designated ‘xxxxx’ on Schedule ‘A’ hereto, the following regulations shall apply:

This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: [Meeting Date]

City Clerk

Mayor

Exhibit 6

By-Law Number 2016-XX

**A By-Law to Amend By-Law Number 97-102, “Cataraqui North Zoning By-Law”
(Zone Change from _____ to _____, address)**

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 97-102, as amended, of the former Township of Kingston;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

By-Law Number 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. Map _ of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from _____ to _____, as shown on Schedule “A” attached to and forming part of By-Law Number 2017-____.

1.2. By **Adding** a new subsection xxxx thereto as follows:

“(x) xxxx (address)”

Notwithstanding the provisions of Section _____ hereof to the contrary, the lands designated ‘xxxxx’ on Schedule ‘A’ hereto, the following regulations shall apply:

This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: [Meeting Date]

City Clerk

Mayor