

# ADDENDUM TO PLANNING RATIONALE

## 2285 BATTERSEA ROAD

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January 28, 2020

**Mr. James Bar**  
Senior Planner  
City of Kingston  
1211 John Counter Boulevard  
Kingston, ON

**RE: Official Plan and Zoning By-law Amendment Applications  
2285 Battersea Road, Kingston  
Unity Farm, Inn & Spa**

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Dear Mr. Bar,

The purpose of this report is to provide an overview of the latest changes made to the proposed development and re-use of the farmhouse and lands located at 2285 Battersea Road in the City of Kingston. Discussions will build upon the analysis provided within the previously submitted Planning Rationale Report, dated April 9, 2019.

### Introduction

This Addendum to the Planning Rationale Report is prepared by Fotenn Consultants Inc. on behalf of BPE Development, in support of applications for Official Plan Amendment and Zoning By-law Amendment for the properties municipally known as 2285 Battersea Road, 2311 Battersea Road and Kingston Con 6 PT Lot 33 RP; 13R-15799 Part 1 in the City of Kingston.

Applications were submitted to the City in April 2019 which proposed the redevelopment of the site with 27 suites, 40 cabins, a tranquility spa, a craft winery and brewery, a small gift shop, and an event venue and the adaptive reuse of the heritage farmhouse to include a boutique inn, spa, and farm-to-table restaurant. Subsequent technical comments and discussions with the City have resulted in changes to the development proposal and proposed configuration of uses on the site. The amended proposal would continue to permit the redevelopment of the site with a boutique inn, spa and small-scale restaurant, however, a re-envisioned site configuration has led to alterations to the location of these uses on the site, as well as the built form, particularly for the boutique inn and spa.

This report outlines the changes made to the previous proposal and the associated updates to the applications, including the draft official plan and zoning by-law amendments. Accordingly, the following are submitted in support of the updated applications:

- / Updated Conceptual Site Plan;
- / Updated Floor Plans and Architectural Elevations;
- / Aggregate Impact Assessment;
- / Updated Hydrogeology Report;
- / Updated Traffic Impact Study;
- / Updated Noise Study (to be submitted under separate cover);
- / Technical Response Letter, dated January 2020;
- / This Addendum to the Planning Rationale Report.

### Development Applications

The subject lands consist of three parcels with a total area of approximately 13.7 hectares. The subject site is designated Rural Lands on Schedule 3-B of the City of Kingston Official Plan. Most of the site is zoned General

Agricultural (A2) Zone, however the northernmost corner of the site is zoned Restricted Agricultural (A1) Zone in the Kingston Township restricted area Zoning By-law 76-26.

The Rural Lands designation permits a broad range of rural uses, including limited small-scale commercial development. Commercial uses that are large in scale, or principally commercial, are required to be placed in a Rural Commercial designation. The Official Plan establishes a series of policy tests for new Rural Commercial designations, which include the requirement for an official plan amendment. An official plan amendment is therefore required to designate the subject site as Rural Commercial on Schedule 3-B of the Official Plan. A zoning by-law amendment is also required to implement the official plan amendment by rezoning the subject site to a site-specific Special Highway Commercial (C3-X) Zone to permit the proposed land uses and describe appropriate

# 1.0 DEVELOPMENT PROPOSAL

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## 1.1 Previous Concept Plan

The previously submitted development concept plan consisted of 27 suites, 40 cabins, a tranquility spa, a craft winery and brewery, a small gift shop, and an event venue and sought to adaptively reuse the heritage farmhouse to include a boutique inn, spa, and restaurant. The existing barn on the property was to be de-constructed and the building material utilized for the newly proposed buildings, include the agricultural storage buildings.

The original development proposed a three-storey, L-shaped addition onto the limestone farmhouse which would have included 27 suites, the tranquility spa, a restaurant, a rooftop patio, an outdoor patio, facilities for staff, a kitchen, and laundry facilities. The restaurant was to incorporate the proposed outdoor patio and rooftop patio. An event venue was proposed within the southern most parcel in proximity to the expanded farmhouse and guest parking area. The event venue, constructed with existing barn building materials, was to incorporate four (4) additional guest suites. A total of 40 “tiny living” cabins were proposed throughout the site on all three parcels.

A new building was proposed in the northeast corner of the site, near Battersea Road, using as much reclaimed material from the deconstructed barn as possible. This building was originally to contain the craft winery and brewery as well as the fruit and vegetable stand to sell local produce, including produce grown on-site. An agricultural building was planned for the northwest corner of the site, on the vacant northernmost parcel, in an existing clearing. The agricultural building was proposed to serve a variety of purposes, including housing an apiary, facilities for the production of maple syrup, and equipment storage.

Parking was to be incorporated throughout the site, with the majority provided along the eastern edge of the property, northeast of the original inn and spa building. Mobility throughout the site was to occur via private laneways and facilitated by a shuttle or self-driving electric golf-carts with solar charging stations, maintained and operated by the inn and spa.

## 1.2 Revised Development Proposal

The proposed redesign incorporates feedback and technical comments received by the City to date, while capitalizing on the existing cultural heritage resources and natural features of the site. The redesign will incorporate the same uses as the original concept plan including, 27 guest suites, 40 cabins, a tranquility spa, a craft winery and brewery, a small retail shop, an event venue, and a small-scale restaurant, however, the configuration of the uses on the site has been altered. New uses are proposed, including a bed and breakfast and two small cafés. The following provides a review of the revised development proposal:

### Farm, Gardens and Vineyards

The agricultural areas, gardens and vineyards on-site will be used to grow crops for the small-scale restaurant and café. Agricultural areas and a vineyard will be established on the farmland primarily located on the southern two parcels surrounding the expanded farmhouse and agricultural storage buildings. The grapes cultivated on-site may be blended with imported grapes to create a local and custom blend in the winery. An irrigation system will be installed to maintain the agricultural land, utilizing water collected in the storm ponds and in large cisterns. The farmland will constitute the largest use of the land on the southern two parcels.

### Machine Shed

Similar to the original concept plan, the existing machine shed will be relocated northwest of the expanded farmhouse and will continue to provide storage for machinery and equipment to support the principal uses of the site. The machine shed will also house the site’s water holding tanks. The holding tanks will draw water from wells, accessing an underground aquifer located approximately 90-92 metres below grade. By design, the holding tanks will have sufficient capacity to meet the projected peak demand requirements of the site on a daily basis. During the periods of lowest water demand, typically overnight, the holding tanks will automatically replenish themselves

from the wells. Well water collected into the storage tanks will only be used for showers, sinks and in the small-scale restaurant.

### Expanded Farmhouse

An addition and renovation continue to be proposed for the heritage farmhouse, however, the uses within this building have been changed and the addition reduced in size. The proposed addition will occur to the north wall of the farmhouse, extending west and south, establishing a courtyard. This building will be occupied by a bed and breakfast containing seven (7) suites, a farm-to-table restaurant, a small-scale café, the brewery, cidery and winery as well as associated tied house, a small scale retail space for the sale of products produced by surrounding farming operations and local businesses, and storage for the agricultural uses on the property.

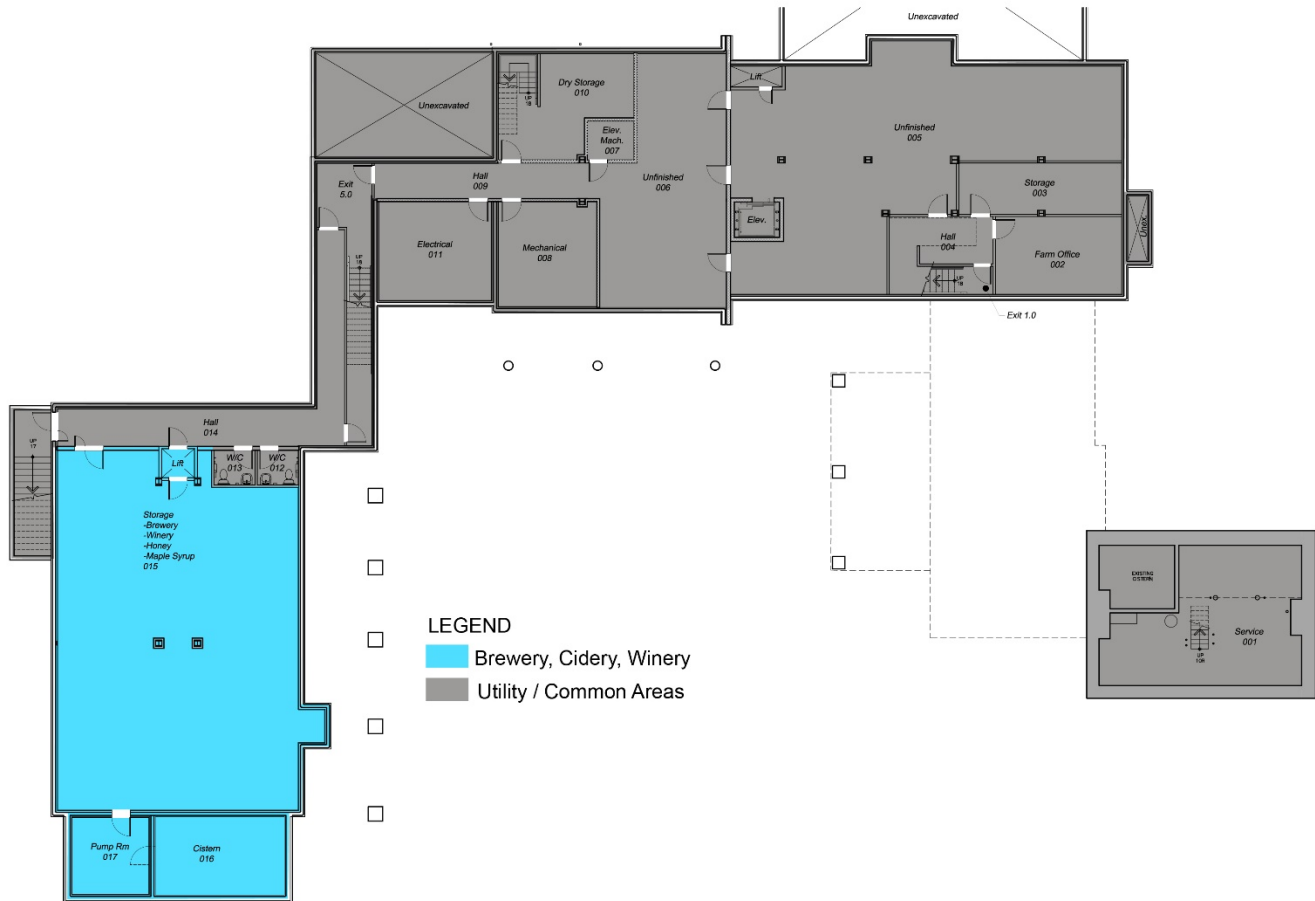


Figure 1: Basement Floor Plan, Expanded Farmhouse (Source: BPE Developments)

Figure 2: First Floor Plan, Expanded Farmhouse (Source: BPE Developments)



Figure 3: Second Floor Plan, Expanded Farmhouse (Source: BPE Developments)

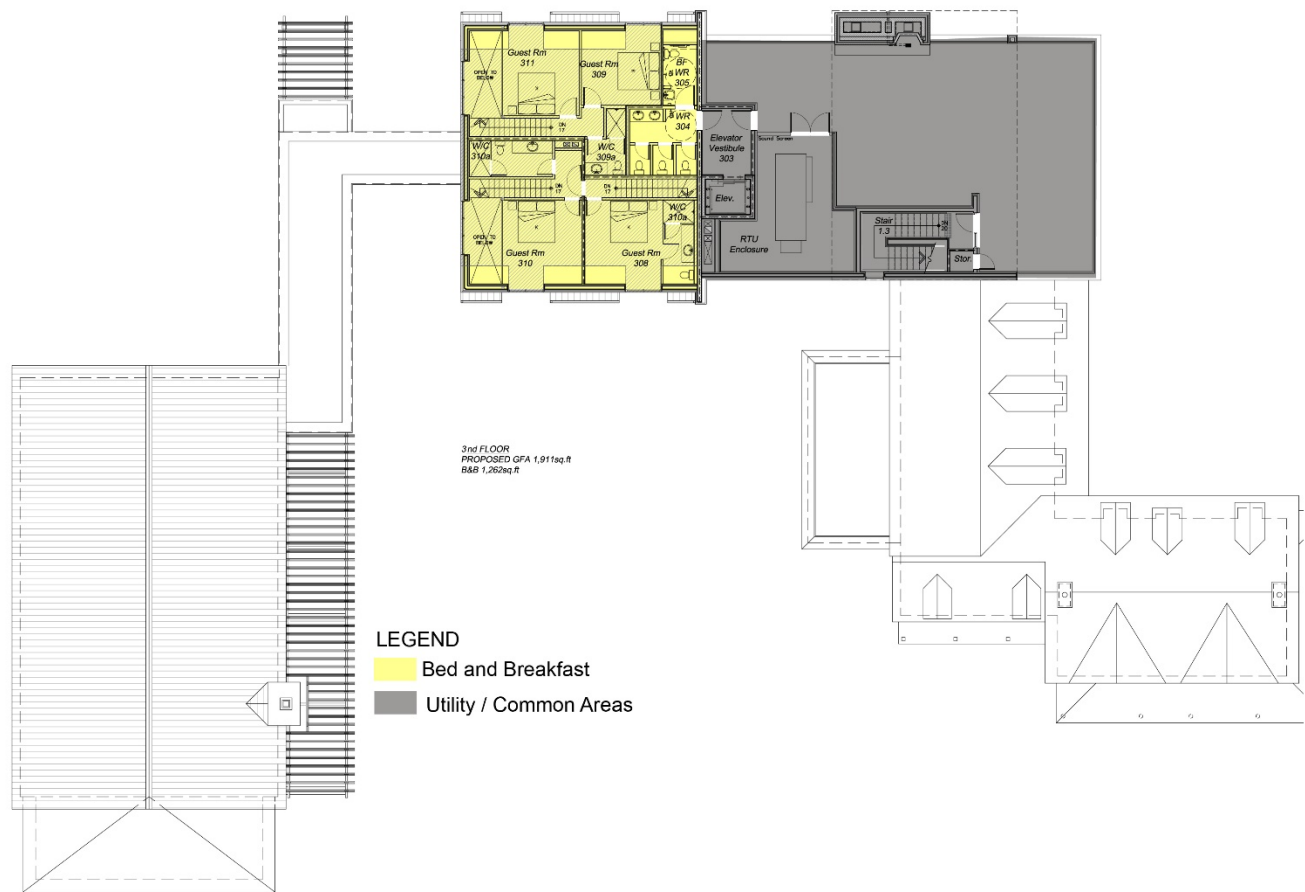


Figure 4: Upper Floor Plan, Expanded Farmhouse (Source: BPE Developments)

### Bed and Breakfast

A seven (7) suite bed and breakfast will be located within the expanded farmhouse building. These suites will have access to the additional uses located within the expanded farmhouse. These suites will be operated separately from the newly proposed inn building located in the northwest corner of the site and will not exceed the area of the original farmhouse.

### Small-Scale Restaurant

The farm-to-table restaurant will continue to be located within the farmhouse addition, however, it has been reduced in area. The dining area will be located within the addition to the existing farmhouse on the second floor. The venue will continue to be a farm-to-table style restaurant, preparing food grown on-site and sourced through partnerships with local farmers and vendors.

### Store & Café

A small café and retail store will be incorporated into the renovated farmhouse. The café will offer guests of the bed and breakfast, as well as visitors to the site, items prepared within the shared kitchen. The small retail store will also offer guests and visitors the opportunity to purchase goods produced by surrounding farming operations and local businesses.

### Winery, Brewery, and Cidery

The proposed winery, brewery, and cidery will now be located within the expanded farmhouse. An associated tied house and storage area will also occupy a portion of the farmhouse. The majority of the products produced by the winery, brewery, and cidery will rely on crops produced by surrounding agricultural operations and purchased from local farms. Although primarily a brewery that will source from local producers, this use will also include a winery and cidery utilizing crops grown on-site.

### Event Venue

The proposed location of the event venue is the same as the original concept plan. The proposed building will be designed to resemble a traditional barn. The venue space will no longer contain four suites but will continue to include amenities for corporate events, conference rooms and meeting spaces. The event space will be versatile and able to accommodate both large and small groups.

The intention of the event venue is to be used for corporate events and team building functions. Other events, such as gatherings, family reunions, and community events will also occur, provided they comply with noise requirements and the City's noise by-law. The number of people will be regulated through Occupancy restrictions based on the Fire Code.

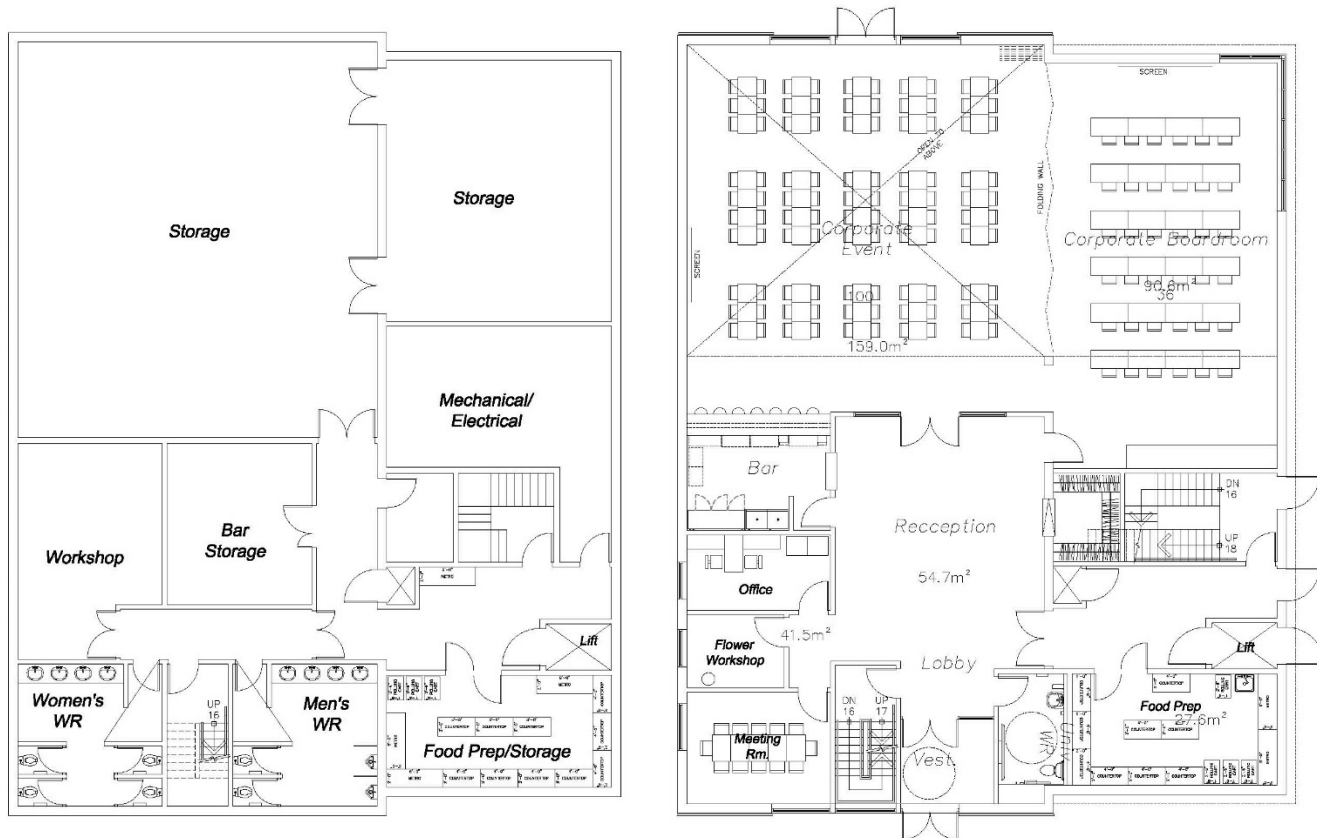


Figure 5: Figure 6: Event Venue Floor Plans, Basement (left) and Ground Floor (right) (Source: BPE Developments)



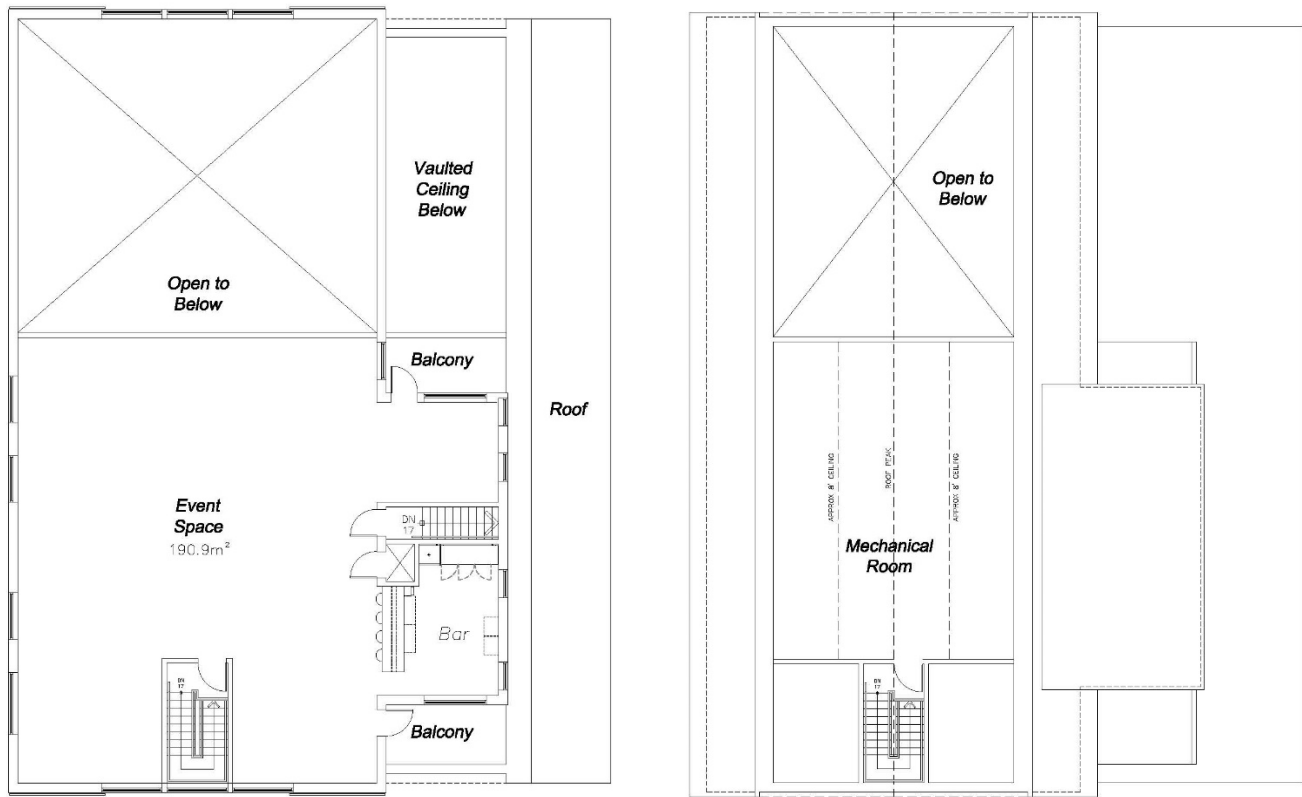


Figure 7: Event Venue Floor Plans, Second Floor (left) and Roof (right) (Source: BPE Developments)

### Inn & Spa Building

The inn and spa uses have been separated from the expanded farmhouse and are now proposed within a new building at the northwest corner of the northernmost parcel of the site. This newly proposed inn and spa building will contain 20 guest suites, a small café for guests offering items prepared off-site, and the spa quiet rooms, treatment rooms, and yoga studio.

The design of the building will incorporate a green roof and be constructed to blend into the landscape, with each unit accessed by a common hallway. The rear wall of each suite will be comprised of a garage door which can be opened to have full access to the outside. This location of the building on the site as well as the building design will reduce its appearance from surrounding properties.

Despite its separation from the expanded farmhouse, the inn and spa will continue to provide boutique accommodations which emphasize the rural environment, history, and character of the surrounding area. It is intended that the design of the development will continue to complement the rural heritage features of the farmhouse and rural setting, creating a relaxing rural getaway experience for guests of the inn, spa, small-scale restaurant, event venue, and cabins.

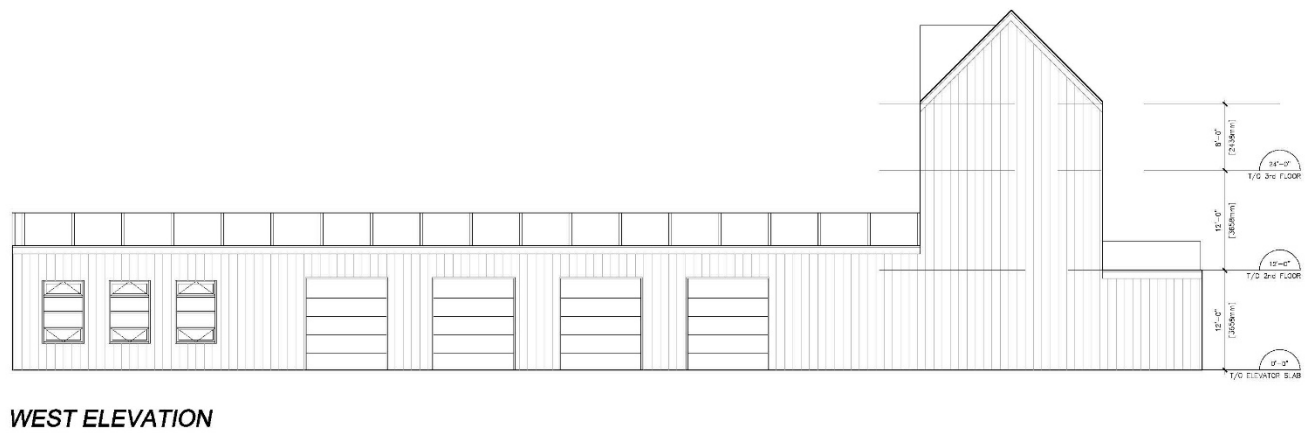
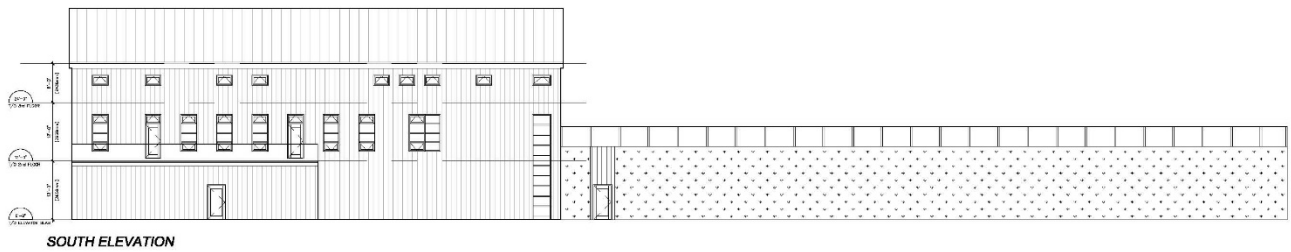
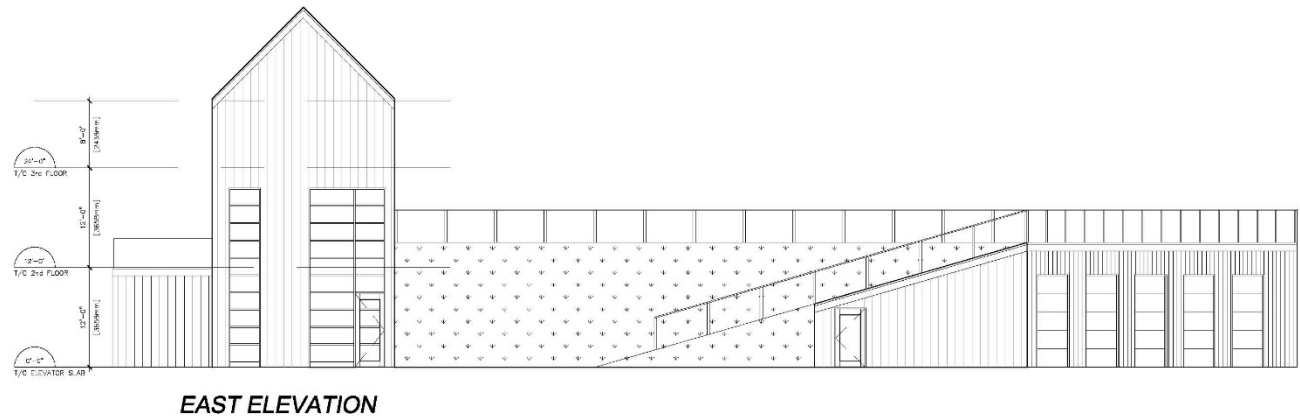


Figure 8: Inn and Spa Building Elevations (Source: BPE Developments)

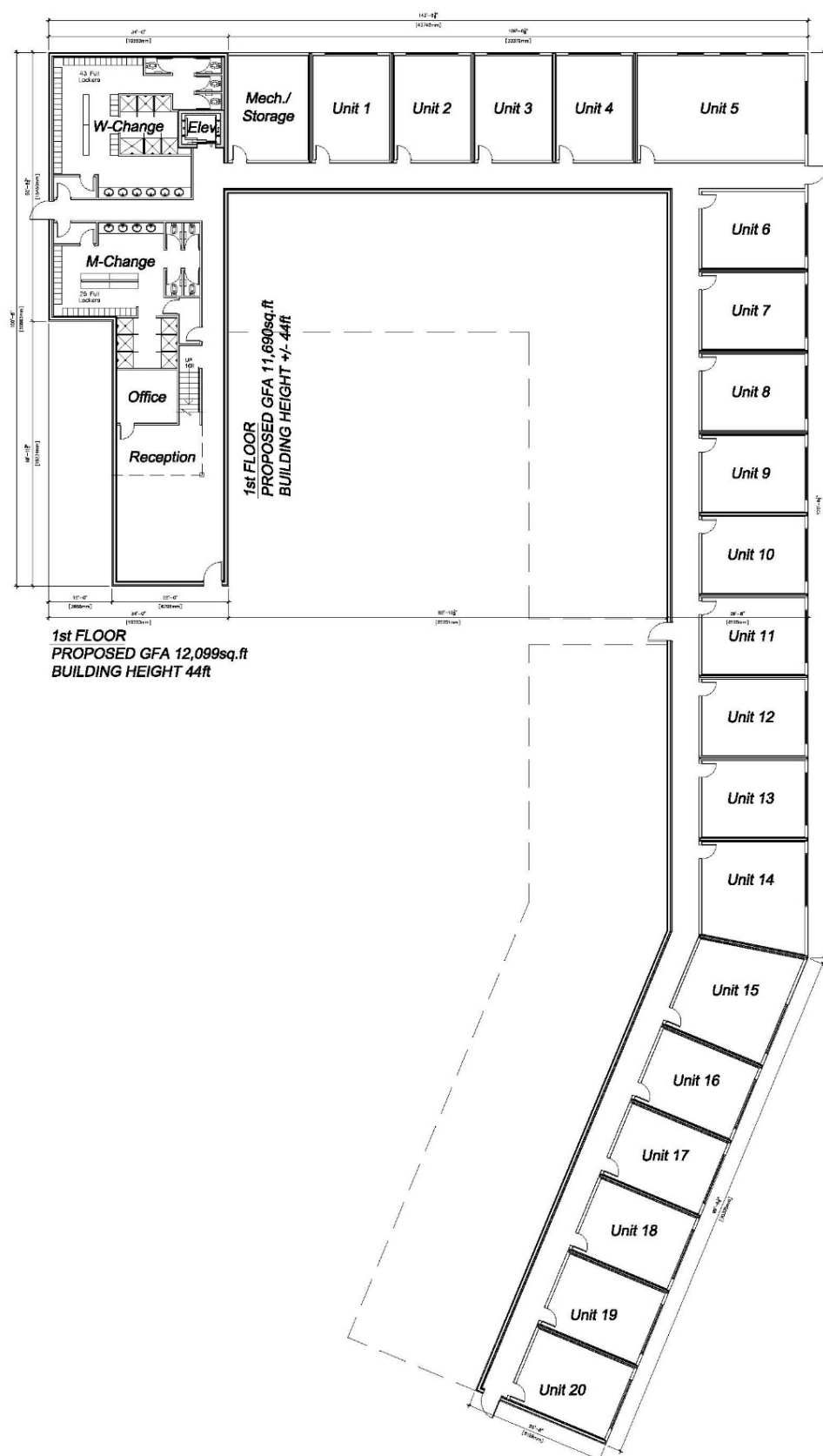


Figure 9: Ground Floor Plan, Inn and Spa Building (Source: BPE Developments)



Figure 10: First Floor Plan (left), second floor plan (middle), and third floor plan (right), Inn and Spa Building (Source: BPE Developments)

### Tranquility Spa

The tranquility spa has been relocated to the northernmost parcel of the site in proximity to the newly proposed inn building. The spa will provide outdoor seating areas, outdoor hot tubs, and cold pool. Other spa services will include a quiet room, yoga studio, massage therapy, wet and dry saunas and spa treatments located within the inn building. The spa is intended as a tranquil escape. Similar to the original concept plan, the pools will be filled using water from off-site.

### “Tiny Living” Cabins

A total of 40 “tiny living” cabins continue to be proposed in the revised development proposal. The cabins have been relocated and will now be located entirely within the northernmost parcel. Cabins will be accessed by private laneways via electric shuttles with solar charging stations. Similar to the original concept plan, the 40 proposed cabins will allow guests to experience privacy and peace in a secluded space. Each cabin will be able to accommodate two (2) people. The cabins will enable guests to enjoy “glamping”, with access to the spa and its amenities. Each cabin is designed to emphasize the “tiny living” concept, featuring a king size bed, a bathroom, and small kitchenette, throughout the woods, and a layout and area which is similar to the proposed inn suites.

### Parking

No change to the total number of parking spaces is proposed. The development will continue to provide 121 inn and spa parking spaces, 10 event parking spaces, 18 employee parking spaces, and 12 service parking spaces for a total of 161 spaces, generally located northeast of the small-scale restaurant building. The former locations

of the inn and space parking, servicing parking and employee parking remain unchanged. The proposed 10 event parking spaces have been relocated to the proposed spa and inn parking area. The internal private laneways are generally located within the same positions on the site.

### Site Mobility

Mobility throughout the site will continue to occur via private laneways, a minimum of 6 metres wide, to accommodate emergency vehicles. Movement on-site will be facilitated by a shuttle or self-driving electric golf-carts with solar charging stations, maintained and operated by the inn and spa. Similar to the original concept plan, the shuttle or carts will ferry guests to and from the cabins, as private vehicles will not be permitted throughout the site. Guests will not be permitted to drive to, and park at, their assigned cabins. Enforcement will include the posting of signs and use of gates to allow only staff, emergency vehicles and shuttles or self-driving golf carts to travel throughout the laneways.

### Sustainability

The sustainability of the proposed development remains unchanged from the original concept plan.

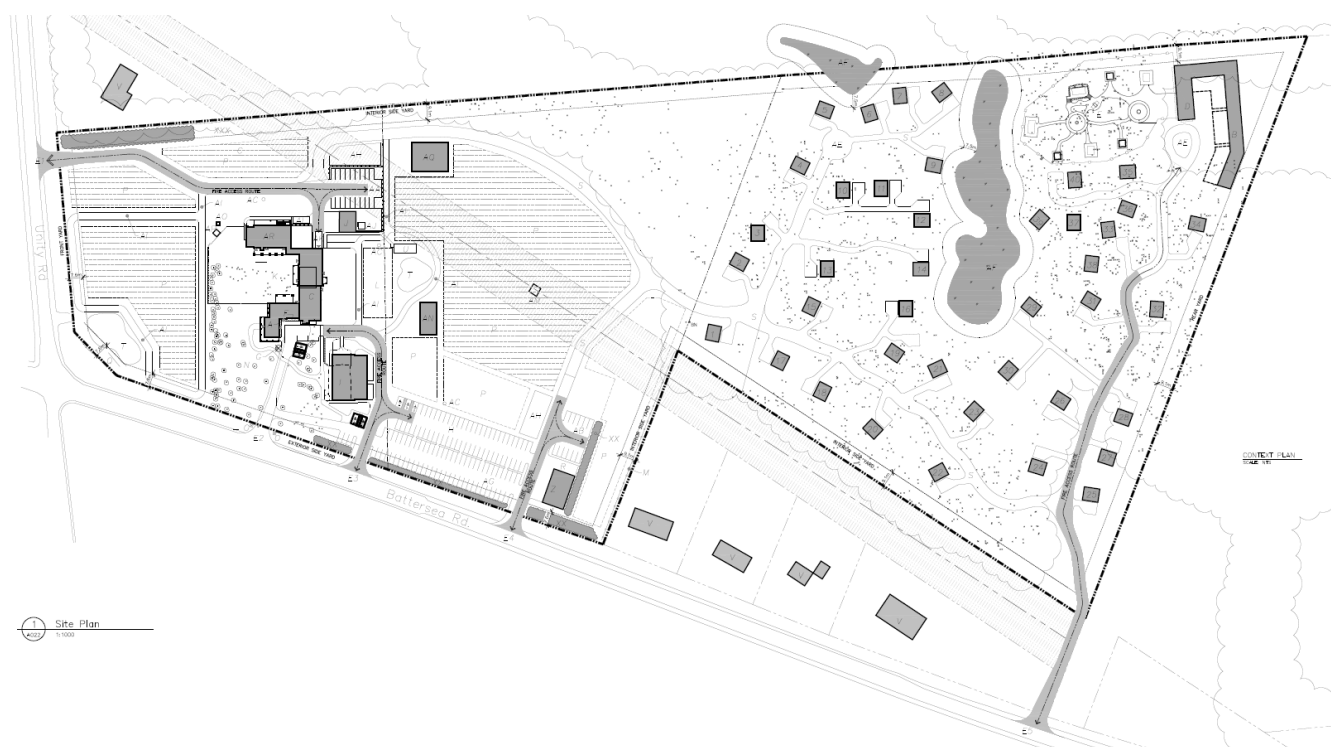


Figure 11: Conceptual Site Plan (Source: BPE Development)

## 1.3 Overview of Changes

The following provides an overview of the changes which have occurred to the proposed development:

- / The guest suites have been split between two buildings. Seven (7) bed and breakfast suites will be located in the expanded farmhouse and will comprise the bed and breakfast. Twenty (20) suites have been moved and will be located in the newly proposed building in the northwestern corner of the site and will comprise the inn.
- / The tranquility spa use has been removed from the expanded farmhouse and relocated to the northwestern most area of the site in proximity to the new inn building, and associated uses will be located within the inn building.
- / The previously proposed four (4) guest suites located within the event venue have been removed.
- / A small-scale café is now proposed within the expanded farmhouse.

- / The configuration of the cabins has been altered to locate all 40 cabins within the northernmost parcel of the site.
- / The winery, brewery, and cidery, along with the associated tied house and storage area, will be located within the farmhouse addition.
- / The area of the farm-to-table restaurant has been reduced.

## 2.0 SUPPORTING STUDIES

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### 2.1 Aggregate Impact Assessment

An Aggregate Impact Assessment was prepared by Fotenn Consultants Inc., which assessed how the proposed development potentially impacts aggregate operations of the surrounding area. The report reviews the potential impacts of the proposed development on the aggregate sand and gravel reserve area, limestone plain resources, and bedrock reserves on the site and within the surrounding area. The report concluded that due to the presence of natural constraints on the site, including wetland and woodland area, cultural heritage features, frontage on two roads, permanent man-made features on the site and within the surrounding area, and the site's location abutting and adjacent to residential and agricultural uses, the potential extraction area of the site could not feasibly be developed for that purpose. Overall, the combined constraints and required buffering apply to the majority of the site and severely compromise the ability of the site to be developed as a mineral aggregate resource operation.

### 2.2 Revised Hydrogeology Report

A Revised Hydrogeology Report was prepared by ASC Environmental to assess the revised development concept plan and address comments received in the Second Technical Circulation. The report indicated that the maximum daily water taking is not anticipated to exceed 38,912 L/day for the full development, including water recycling of 20% for toilets and make-up water for spa pools. The development is proposed to recycle 20% of the treated water from the sewage treatment facility for beneficial re-use to toilets. The proposed brewery/winery/cidery uses are anticipated to require approximately 860 litres per day. These levels will be metered daily during the operational phase of the development to confirm anticipated water taking. The proposed spa pools will be initially filled using municipal water delivered to the site. On-site water storage tanks will service the spa. The four "hot" pools and one "cold" pool have a total volume of 45,534 litres. The pools will initially be filled with water delivered to the site and make-up water will be supplied as needed from the on-site storage tanks. A required volume of make-up water would be approximately 2,400 litres per day which is substantially less than the permitted 9,100 litres per day. The report indicates that the proposed cabins will have a footprint of approximately 200 to 350 square feet and will include  $\frac{3}{4}$  piece bathroom (sink, shower, and toilet) which is a similar footprint format to a standard hotel or motel. The anticipated water usage is 250 litres/day/room. Two 48-hour pumping tests were conducted in August and September 2018 which indicate that sufficient long-term groundwater supply is available to meet the total daily peak demand for the proposed development.

### 2.3 Revised Traffic Impact Study

A Revised Traffic Impact Study was prepared by GHD Transportation Planning and Traffic Engineering to assess the revised concept plan. The report indicates that the capacity for Battersea Road, according to the Kingston Transportation Master Plan, is 1100 vehicles per hour in each direction. The data indicates that there is ample existing capacity available on the roadway. As well, the report indicated that the five proposed site entrances will distribute traffic generated by the development and lessen point impact of any single driveway. The report considered the expected trips generated by the spa, inn and event venue uses on the site and concluded that the trips generated will not require any change to traffic controls or roadway geometry. With the available capacity of Battersea Road, additional development on the subject site can be accommodated. Consideration was given to the development of a northbound left-turn lane on Battersea Road, however with the number of anticipated trips and the existing 60km/hour posted speed, a left-turn lane is not warranted. The report concluded that the proposed development will generate vehicular trips throughout the day, however they will have negligible impact on the road capacity.

## 3.0

# MINIMUM DISTANCE SEPARATION RATIONALE

Implementation Guideline (IG) #35 of *Publication 853, The Minimum Distance Separation (MDS) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks*, states that “agriculture-related uses and on-farm diversified uses shall be considered as Type A land uses”. IG #35 further states: “Municipalities shall include specific provisions in their comprehensive zoning by-law to clearly indicate the types of agriculture-related uses and on-farm diversified uses that will be required to meet MDS I setbacks, including provisions related to the measurement of MDS I setbacks from existing livestock facilities and anaerobic digesters. Otherwise, MDS I setbacks will NOT be required for these types of uses”. The *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* provides criteria for classifying uses as agriculture-related or on-farm diversified uses.

The following section provides a review and planning rationale for the agriculture-related, on-farm diversified uses, and minimum distance separation (MDS) formulae associated with the proposed development.

### 3.1 Agriculture-Related Uses

The *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* relies on the *Provincial Policy Statement* (PPS) to define agriculture-related uses. Agriculture-related use, as defined by the PPS, means “those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”.

The following uses may be classified as agriculture-related uses, provided all of the criteria listed in Section 2.2 of the *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* are met:

- / Processing of produce grown in the area (e.g., cider-making, cherry pitting, canning, quick-freezing, packing)
- / Winery, Cidery, Meadery: Fruit or honey used is primarily from farms in the area; could include tasting and retailing; appropriate servicing (water and wastewater) must be available
- / Winery using grapes grown in the area
- / Small-scale microbrewery, distillery: Agricultural products from the area (e.g., grains) are the main input and appropriate servicing (water and wastewater) are available

In order to be classified as an agriculture-related use, the PPS sets out the following criteria, as further described in the *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Area*, which must be met:

#### *Section 2.2.1: PPS Criteria for Agriculture-Related Uses*

##### *1. Farm-related commercial and farm-related industrial use.*

The proposed cidery, winery and brewery are farm-related commercial and industrial uses. These proposed uses will be related to the on-site agricultural operations as well as rely on agricultural operations nearby as a source for crops. The associated tied house will offer the retail of value-added products produced by the cidery, winery, and brewery, such as cider, wine, and beer, made from products purchased from local agricultural operations and grown in the surrounding area.

##### *2. Shall be compatible with, and shall not hinder, surrounding agricultural operations.*

- *Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience.*

The proposed brewery, winery, cidery and associated tied house and storage area will be located within the addition to the farmhouse. It is proposed to situate only Type A land uses within the former farmhouse and addition. The nearest barn associated with an agricultural operation is located at 896 Unity Road, adjacent to the site. The ability of the adjacent barn located at 896 Unity Road to expand is determined by MDS II setbacks. The setback from the barn located at 896 Unity Road to the Type A dwelling located at 874 Unity Road is 167 metres. This



setback would allow the barn at 896 Unity Road to expand up to 93 medium frame horses. The setback from the barn located at 896 Unity Road to the proposed renovation and extension of the Type A farmhouse on the subject property is 154 metres. This setback would allow the barn at 896 Unity Road to expand to 76 medium frame horses. In this case, the Type A use on the subject site, the expanded farmhouse, would be the limiting factor for the expansion of the barn at 896 Unity Road however the maximum number of horses (76) far exceeds the capacity of the existing horse barn and still allow the existing farm operation expand in size. It is noted that the Type B setbacks are also a potential limiting factor, as reviewed below.

Expansion of the barn located at 896 Unity Road would also be required to consider MDS setbacks from Type B uses. The setback from the barn at 896 Unity Road to the Type B institutional use located at 2245 Battersea Road is 230 metres. If the barn at 896 Unity Road was to fully expand and meet the required MDS setback of 238 metres, up to 40 medium frame horses could be accommodated. The setback from the barn located at 896 Unity Road to the proposed Type B event venue located on the subject site is 220 metres. This setback of 220 metres would allow the barn at 896 Unity Road to expand to up to 35 medium frame horses. Therefore, the proposed event venue would allow a tripling in capacity for the barn located at 896 Unity Road. We note that both the existing church and the proposed event venue limit the expansion potential of the barn more than the nearby and proposed Type A land uses.

- *Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas).*

The Traffic Study determined that the existing rural arterial roads can support the uses proposed by the development. The Hydrogeology Study concluded that the site can be sufficiently serviced with the proposed private services.

- *Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4).*

The proposed brewery, winery, cidery and associated tied house and storage area will be located within the addition to the farmhouse building. The existing farmhouse is a built heritage resource which will be conserved through this proposed development. The addition to the farmhouse will be designed to fit in aesthetically with the surrounding agricultural area and the agricultural uses on the site. This use will not require the removal of any natural heritage features and will be visually screened from neighbours and roadways due to its location within the farmhouse addition. The PPS policies of section 1.1.4 have been previously reviewed and are examined further below. Overall, the proposed brewery, cidery, and winery use will maintain and be compatible with the existing rural and agricultural character of the area.

- *Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.*

The proposed brewery, cidery, and winery as well as the associated spaces, will be located inside the expanded farmhouse. As such, issues related to air emissions, noise or odour are not anticipated to result from the proposed uses. The proposed development will utilize a Norweco Modulair extended aeration system, for treating sewage and wastewater (a.k.a. greywater) and wells and storage tanks will be utilised for water on the site. As such, the proposed uses will meet water and wastewater standards. Should environmental approvals be required for the proposed brewery, cidery, and winery, such approvals will be obtained.

- *The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.*

The subject site is located at the edge of a series of agricultural uses within the rural area. In the immediate vicinity, these uses are predominantly located west of the site on Unity Road. The subject site is well suited to act as a transitional property from non-agricultural uses to the agricultural uses on Unity Road. The proposal will incorporate on-farm diversified uses and agriculture-related uses to support and continue on-site agricultural uses.

### *3. Directly related to farm operations in the area.*

The proposed cidery, winery and brewery will rely on local produce, including hops, grain and grapes, to produce wine, cider or beer on the subject property. Produce obtained from nearby farm operations will be the main input

for production. Overall, these uses will heavily rely on, and will support, farm operations in the surrounding rural and agricultural area.

#### 4. *Supports agriculture.*

As previously discussed, the proposed uses will rely on surrounding operations and local businesses to provide crops in order to produce wine, beer and cider on the subject property. Therefore, the proposed uses will support agriculture in the surrounding area. As well, a small vineyard will be located on the subject site, in addition to areas for the cultivation of other crops, which will also support agriculture on the subject site. This use will support greater production of grapes, hops and grain in the area and will support agricultural production on the site.

#### 5. *Provides direct products and/or services to farm operations as a primary activity.*

The inputs of the brewery, cidery, and winery operations will be primarily produced by other agricultural operations in the area.

#### 6. *Benefits from being in close proximity to farm operations*

The brewery, cidery, and winery uses will benefit from their proximity to surrounding farm operations. The location of the subject property will reduce the transportation distance and overall potential spoilage of the crops.

**Based on this review, the proposed brewery, cidery, and winery uses as well as associated tied house and storage area meet the criteria for agriculture-related uses and are classified as agriculture-related uses or Type A uses on the subject site. These uses, therefore, are subject to Type A setbacks.**

## 3.2 On-Farm Diversified Uses

The *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* relies on the PPS to define on-farm diversified uses. On-farm diversified use, as defined by the PPS, means *uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products*". The *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* states "*On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as accommodate value-added and agri-tourism uses in the prime agricultural areas*".

The following uses may be classified as an on-farm diversified use, provided all of the criteria listed in Section 2.3 of the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* are met:

- / Retreats
- / Agri-tourism Venture (e.g. bed and breakfasts)
- / Retail uses
- / Café/small restaurant
- / Food store

In order to be classified as an on-farm diversified use, the following criteria, as outlined in the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Area* must be met:

### 2.3.1 PPS Criteria for On-farm Diversified Uses

#### 1. *Located on a farm.*

The southern two parcels of the subject site will be comprised of large areas of tillable land, totalling 2.3 hectares (5.7 acres), used for the production, cultivation, and growth of crops. The site is therefore primarily a farm in terms of land area, and the proposed bed and breakfast, café, small-scale restaurant, and retail shop will be located on a farm.

#### 2. *Secondary to the principal agricultural use of the property.*

The tillable area of the southern two parcels totals 2.3 hectares (23,000 square metres). The proposed bed and breakfast, café, small-scale restaurant, and retail shop will occupy a portion of the expanded farmhouse building and will not occupy any outside area or land. Therefore, the uses will not interfere with cropping cycles or

agricultural operations of the site. The main use of the property is agricultural production and the proposed on-farm diversified uses will support this use and be secondary to the agricultural use of the property.

*3. Limited in area.*

Section 2.3.1.3 of the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* recommends that on-farm diversified uses have a building area limited to as a function of lot coverage, and should not occupy more than 2.0% of a property. The total lot area of the southern two parcels is 6.91 hectares. The on-farm diversified uses, including the bed and breakfast, café, small-scale restaurant, retail shop, and required parking, have been reviewed and occupy 2.0% of the lot area of the southern two parcels, which are the parcels where agricultural use is proposed to continue. The required gross floor area of buildings used for on-farm diversified uses occupy 62.3% of the 2.0% lot area. Therefore, the proposed bed and breakfast, café, small-scale restaurant, and small-scale retail shop are limited in area on the subject property. Without considering the required parking, all proposed on-farm diversified uses are located within the expanded farmhouse building. The uses are limited in area and are secondary to the agricultural land use in terms of land area.

*4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.*

The PPS defines agri-tourism uses as “*those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation*”. The proposed seven (7) suite bed and breakfast located within the expanded farmhouse is an agri-tourism use and is therefore categorized as an on-farm diversified use. The café and small-scale restaurant will produce value-added agricultural products using crops grown on-site as well as those obtained from nearby farm operations. The retail store will offer a separate opportunity to purchase value added products produced on-site as well as those obtained from nearby farm operations.

*5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.*

The proposed on-farm diversified uses will be limited in scale and will be fully contained within the expanded farmhouse. Only Type A and agricultural uses will be located within the Type B MDS setback, all other uses have been relocated outside of the required Type B setback with the exception of the event venue for which we are seeking a minor reduction to the MDS setback as contemplated by Implementation Guideline #43. The uses comply with the MDS formulae.

**Based on this review, the proposed small-scale restaurant, bed and breakfast, café and retail shop meet the criteria for on-farm diversified uses and are classified as on-farm diversified uses or Type A uses on the subject site. These uses, therefore, are subject to Type A setbacks.**

## 4.0

# POLICY + REGULATORY FRAMEWORK

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The following policy analysis expands upon our previously submitted planning rationale report, dated April 9, 2019. Focus is placed on the revisions to the concept plan and reviewed against the Provincial Policy Statement, the City of Kingston Official Plan, and the Kingston Restricted Area Zoning By-law 76-26.

### 4.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) is issued under the authority of Section 3 of the Planning Act. The current PPS came into effect on April 30th, 2014. It provides policy direction on matters of provincial interest related to land use planning. Decisions affecting planning matters must be consistent with the policy statements issued under the Act. The PPS includes policies related to community development, employment, housing, infrastructure, public health and safety, and the wise use and management of resources. The following policies are directly applicable to the proposed official plan and zoning by-law amendment:

#### Section 1.1.4 Rural Areas in Municipalities

*1.1.4.1 Healthy, integrated and viable rural areas should be supported by:*

- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*

The proposal seeks to adaptively reuse the heritage farmhouse, as well as preserve the wetland and wooded area on the subject property. Maintenance of these existing aspects of the site leverages the historical, cultural, and natural assets of the site to support sustainable tourism and the continued farm use on the site. The spa, inn, bed and breakfast, event venue, and small-scale restaurant will provide diversified and sustainable tourist opportunities within the area.

#### Section 1.1.5 Rural Lands in Municipalities

*1.1.5.2 On rural lands located in municipalities, permitted uses are:*

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) limited residential development;*
- d) home occupations and home industries;*
- e) cemeteries; and*
- f) other rural land uses.*

*1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.*

The proposed accommodation, spa, event venue and small-scale restaurant comprise the tourism uses proposed on the subject lands. The proposed tourism uses are supported and promoted in the rural areas per these policies of the PPS and these uses fall within the “other rural land uses” permitted by Section 1.1.5.2.

*1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

The proposed development consists of a mix of agricultural Type A (less sensitive) and Type B uses (more sensitive). The placement of these uses on the site is intended to maximize compatibility with adjacent agricultural and rural uses by maximizing compliance with the calculated MDS setbacks. The event venue is located within the southern parcel of the site and will be designed to resemble a traditional barn. This use will operate in combination with and support the inn and spa as well as the agriculture-related uses and on-farm diversified uses on the site. Therefore, all proposed uses on the site are compatible with the surrounding rural landscape. Existing roads and proposed private services are sufficient to meet the needs of the proposed development.

*1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.*

The proposed development has been revised to locate Type A and Type B uses on the site to maximize compatibility with adjacent agricultural and rural uses and allow potential expansion of agricultural operations.

*1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

The proposed MDS I Type A agriculture-related and on-farm diversified uses will be located on the southern two parcels of the site within the expanded farmhouse. The building will occupy less than two percent (2%) of the area of the parcels and is not anticipated to result in any negative impacts for the agricultural uses. The proposed event venue will also be located on the two southern parcels and will be located in proximity to the Battersea Road frontage and will not occupy a large of the site. The proposed inn and spa will be located within the northernmost parcel which is currently comprised of woodland area and is not used for the cultivation of agricultural products. The MDS formulae and required setbacks have been applied to the proposed buildings on the site. While a minor MDS setback reduction is necessary to permit the location of the event venue, all other uses comply with the required MDS setbacks. Therefore, the proposed development is not anticipated to constraint surrounding agricultural uses.

*1.1.5.8 Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards*

*1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

The proposed development will consist of agricultural uses, agriculture-related uses and on-farm diversified uses. All proposed Type A uses comply with the necessary MDS setbacks. The proposed Type B uses, with the exception of the event venue, will also comply with the calculated MDS setbacks. A reduction to the required MDS Type B setback is necessary for the proposed event venue. The event venue will support the proposed agriculture-related and on-farm diversified uses on the site and the reduction is needed to allow the proposed building to satisfy the recommendations from the HIS regarding heritage conservation and the relationship of the dwelling to the barn.

Implementation Guideline #43 of the MDS formulae allows setback reductions, provided that the criteria in the implementation guidelines are met. Publication 853 includes the definitions, implementation guidelines and factor tables (i.e. calculations) which collectively make up the MDS formulae referenced in the Provincial Policy Statement, as well as additional information to assist with the interpretation and application of the MDS formulae. Section 8.2 does not form part of the MDS formulae for PPS purposes, however, Section 8.2 provides guidance in the interpretation of the formulae as follows, “*it is only appropriate to consider reductions to MDS I setbacks when reasonable alternative locations are limited, and where there is an attempt to reduce potential odour conflicts while balancing or mitigating against other potential concerns, such as environmental impacts, public health and safety or natural and human-made hazards... The list of questions does not represent an exhaustive list, as other site specific circumstance might be relevant.*” Other provincially significant considerations, such as cultural heritage, are relevant to the proposed application. The site contains natural constraints such as the wooded area, man-made constraints due to the proximity of adjacent residential uses, and cultural constraints due to the presence of the built heritage resource which will be maintained and integrated in the proposed development. Therefore, the site contains appropriate constraints which support a minor reduction of an MDS setback. The guidelines encourage maximum setbacks possible, which is achieved by the revised site layout.

## **Section 1.6.6 Sewage, Water and Stormwater**

*1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.*

No municipal services are available for the subject site and communal services are not appropriate. Private individual on-site water and sewage services are proposed as these are the most appropriate and viable option. The completed and submitted technical studies indicate that adequate capacity is available for the proposed private individual on-site services. It should be noted, that the development will rely on Norweco Modulair extended aeration system, used for treating sewage and wastewater (a.k.a. greywater) and as a result, no septic beds are required.

*1.6.6.7 Planning for stormwater management shall:*

- a) minimize, or, where possible, prevent increases in contaminant loads;*
- b) minimize changes in water balance and erosion;*
- c) not increase risks to human health and safety and property damage;*
- d) maximize the extent and function of vegetative and pervious surfaces; and*
- e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.*

Stormwater management planning for the site will comply with the City's requirement. Should an Environmental Compliance Approval be required, one will be completed to the province's satisfaction that feasibility is demonstrated. Detailed stormwater management review will be undertaken as part of the site plan control process.

## **Section 2.2 Water**

*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

*Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

Regarding surface water, a site-specific policy is proposed to require a 7.5 metre setback from the wetland. The cabins will comply with this setback and no other intensive uses are proposed in proximity to the wetland. The Cataraqui Region Conservation Authority (CRCA) does not cite any concerns regarding surface water on-site and the Environmental Impact Statement indicates that the 7.5 metre wetland setback is adequate given the small size and modest ecological value of the wetland patch. In terms of ground water, the Hydrogeology Study recommended that the site draw from a deeper aquifer than the wells servicing the surrounding uses. As such, the proposed development will draw from a deeper well than the surrounding properties. A groundwater monitoring program is also recommended to quarterly assess changes in groundwater elevations and quality during and following site development. The report did not indicate any concerns regarding surface water or groundwater.

**It is our professional planning opinion that the revised development proposal continues to be consistent with the Provincial Policy Statement.**

## **4.2 County of Kingston Official Plan**

The City of Kingston's Official Plan describes goals, policies and objectives intended to guide the City's development over the planning horizon identified in the Plan. The Official Plan was updated following the Ministry of Municipal Affairs' Approval of the Official Plan Amendment (OPA) 50, which went into effect on August 29, 2017. The May 15, 2019 consolidation of the Official Plan is the most readily available version on the City's website and this version forms the basis of review within this Addendum.

## **Section 2: Strategic Policy Direction**

*2.1.2. Within Rural Areas, as shown on Schedule 2, growth will be limited and the natural assets, functions, and occupations that contribute to the general sustainability of the City as a whole will be supported through:*

- e. limiting the types of permitted development to those that support and are compatible with a resource based local economy and sustainable practices; and*

"Farm-to-table" is a core principle of the proposed development, which will rely on partnerships with surrounding and local agricultural operations as well as seeking to provide experiential opportunities with surrounding agricultural operations, both of which will benefit the rural area and local resource economy in proximity to the site.

*2.3.12. The planning for the lands shown as Rural Areas on Schedule 2 of this Plan must balance the resource protection objectives for agriculture, aggregates and minerals with the environmental objectives of the natural heritage features and areas and watershed management and the social objectives of protecting rural communities and the rural way of life.*

The proposal seeks to reduce the MDS I Type B setback from the barn at 896 Unity Road to the event venue on the subject site. The revised proposal complies with all other required MDS setbacks. The proposed MDS reduction from 240 metres to 220 metres is minor in nature as the actual setback is 220 metres. Despite a reduced setback, the proposal will incorporate agricultural uses on the site and be compatible with the surrounding agricultural uses, as well as maintain wetland and woodland area on the site. Overall, the proposal seeks to support on-site rural and agricultural uses as well as surrounding agricultural operations and uses.

*2.7.4. Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:*

*f. controlling access locations, driveways, service areas and activity areas; and,*

The five entrances will serve different purposes. One entrance will provide a staff entrance, one entrance will offer an emergency vehicle entrance, three of the remaining entrances will serve as main guest entrance and exits. Due to the separate, specific nature of each entrance, no consolidation is proposed. It is noted that the historic entrance flanked by stone pillars is a heritage element that is proposed to be conserved. The traffic study also advised that the number of entrances will beneficially distribute entry/exit traffic.

## **Section 9: Administration & Implementation**

*Section 9.3.2. Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:*

*g. the degree to which approval of the amendment would establish an undesirable precedent; and,*

Given the site specific nature of the application and specific site context, being located at the intersection of two arterial roads and not designated Hamlet, the proposal is not anticipated to create any precedent. The proposed development is unique in Kingston, requiring a context-specific analysis to ensure that the proposed Rural Commercial designation is appropriate. The appropriateness of the proposed development at one location does not imply its suitability at another location, therefore the proposed official plan and zoning by-law amendments would not establish a precedent.

*h. consistency with the Provincial Policy Statement and provincial legislation and guidelines.*

It has been demonstrated above that the proposed development is consistent with the Provincial Policy Statement, *Publication 853, The Minimum Distance Separation (MDS) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks*, as well as *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*.

*Section 9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:*

*a. conformity of the proposal with the intent of the Official Plan policies and schedules;*

An Official Plan Amendment is proposed to re-designate the property from Rural Lands to Rural Commercial. The proposal will conform to the Official Plan as shown in this Addendum and the previously submitted Planning Rationale Report dated April 9, 2019.

*b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;*

*c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;*

The proposed rezoning will establish performance standards that are intended to maximize setbacks based on agricultural and commercial standards in the zoning by-law to allow development to proceed in a manner which is compatible with the surrounding area.

*d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;*

The area of the subject site is eclectic in nature and is comprised of various uses, including agricultural, institutional, and residential. While the site is not designated Hamlet in the City's Official Plan, it is located at the

intersection of two arterial roads. The City's existing zoning does not contemplate a number of the proposed uses, therefore a zoning by-law amendment is required to permit the development as proposed. Similarly, the City does not pre-designate Rural Commercial lands and therefore, an official plan amendment is necessary to permit the development as proposed. The revised development meets the tests for a new rural commercial designation.

*e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;*

The subject site will accommodate necessary requirements for loading, parking, and open space.

*f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;*

The proposal will provide additional employment opportunities within the area which supports Official Plan policies relating to employment promotion within the Rural Area.

*g. the impact on municipal infrastructure, services and traffic;*

Although the proposal will intensify use of the site, the submitted supporting studies demonstrate there is adequate private servicing capacity for the proposal and no traffic upgrades are required. Therefore, no substantial impacts to municipal infrastructure are anticipated.

*h. comments and submissions of staff, agencies and the public; and,*

A second public meeting before Planning Committee will be held which will provide an opportunity for receiving and responding to comments from the public and Committee members on the revised plan. The application will also be reviewed on its technical merits by City staff and another public hearing will be held when the application returns to Planning Committee with a recommendation from City staff.

*i. the degree to which the proposal creates a precedent.*

Given the site specific nature of the application and specific site context, being located at the intersection of two arterial roads and not designated Hamlet, the proposal is not anticipated to create any precedent.

**It is our professional planning opinion that the revised proposed development continues to conform with the City of Kingston Official Plan**

### **4.3 Kingston Restricted Area Zoning By-law 76-26**

The subject site is dual-zoned Restricted Agricultural Zone (A1) and General Agricultural Zone (A2) in the Kingston Township restricted area Zoning By-law 76-26. As the Kingston Township restricted area Zoning By-law 76-26 does not contain include a rural commercial zone for tourism-related activities, the proposed zoning by-law amendment will establish a site-specific Special Highway Commercial (C3-X) zone which reflects the performance requirements of the proposed development.

Similar to the previous submission, the Highway Commercial (C3) zone best reflects the intended use of the subject site. Zoning By-law 76-26 does not contain a zone which specifically considers tourist-oriented or rural commercial development, however the C3 zone, which permits hotels and motels, is most comparable to the Tourist Commercial (CT) zone in the Pittsburgh Township Zoning By-law 32-74. The CT zone includes various types of tourist accommodations as permitted uses, as well as addressing relevant performance standards associated with those types of uses. Given the comparable characteristics of the CT zone, the C3 zone was selected as the parent zone for the proposed zoning by-law amendment and a custom hybrid zone is proposed.

The site-specific C3-X zone will amend the provisions of the parent C3 zone to address the required performance standards of the proposed development. Given the unique nature of the proposed development, where the C3 zone does not adequately give consideration to the proposed uses, new definitions or zone provisions will be proposed. The majority of the subject site, including all of the existing buildings on the site, is presently regulated by the A2 zone. In recognition of the existing built fabric and rural character of the subject lands and neighbouring properties, where a provision from the A2 zone is more restrictive than the C3 zone, it is proposed to incorporate the more restrictive provision in the proposed site-specific zone. The table below describes the proposed development's compliance with the provisions of the C3-X zone.



The following table reflects the proposed development's compliance with the provisions of the A2 and C3 zones.

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
Uses Permitted	<b>Residential Uses:</b> <ul style="list-style-type: none"> <li>• An accessory dwelling;</li> <li>• A converted dwelling;</li> <li>• A single-family dwelling;</li> </ul>	<b>Residential Uses:</b> <ul style="list-style-type: none"> <li>• an accessory dwelling unit in the upper portion of a non-residential building.</li> </ul>	<b>Residential Uses:</b> <ul style="list-style-type: none"> <li>• an accessory dwelling unit in the upper portion of a non-residential building.</li> </ul>	No
	<b>Non-Residential Uses:</b> <ul style="list-style-type: none"> <li>• a cemetery;</li> <li>• a church;</li> <li>• a conservation use;</li> <li>• a crematorium;</li> <li>• a farm, including specialized farms;</li> <li>• a forestry use;</li> <li>• a fraternal lodge;</li> <li>• a home occupation;</li> <li>• a kennel;</li> <li>• a livestock sales barn;</li> <li>• a public use;</li> <li>• a riding stable;</li> <li>• a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located.</li> </ul>	<b>Non-Residential Uses:</b> <ul style="list-style-type: none"> <li>• an animal hospital;</li> <li>• an automobile service station;</li> <li>• an existing auctioneer's establishment;</li> <li>• a builders' merchant;</li> <li>• a clinic;</li> <li>• a commercial club;</li> <li>• a drive-in restaurant;</li> <li>• a dry-cleaning or laundry outlet;</li> <li>• a farm implement dealer;</li> <li>• a farm produce retail outlet;</li> <li>• a florist shop; a gasoline retail facility;</li> <li>• a golf driving range or miniature golf course; a home occupation;</li> <li>• a laundromat;</li> <li>• a merchandise service shop;</li> <li>• a motel or hotel;</li> <li>• a boat sales establishment;</li> <li>• a vehicle sales or rental establishment;</li> <li>• a travel trailer and/or mobile home sales establishment;</li> <li>• a prefabricated building products outlet;</li> <li>• a public use;</li> <li>• a rental outlet;</li> <li>• a restaurant;</li> <li>• a nursery/garden centre/greenhouse;</li> <li>• a wholesale use accessory to a permitted use;</li> <li>• a day nursery.</li> </ul>	<b>Non-Residential Uses:</b> <ul style="list-style-type: none"> <li>• Farm</li> <li>• Public use</li> <li>• Conservation use</li> <li>• Hotel</li> <li>• Bed and breakfast, containing up to and including seven (7) suites*</li> <li>• Personal service shop*</li> <li>• Rental cabin*</li> <li>• Restaurant</li> <li>• Craft winery / brewery / cidery*</li> <li>• Farm produce retail outlet</li> <li>• Nursery/garden centre/greenhouse</li> <li>• Assembly Hall*</li> </ul> <p><i>(*denotes a use which is not presently permitted in the A2 or C3 zones)</i></p>	Yes

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
Lot Area (min)	Other uses = 5 acres	Tourist Establishment: (c) Other lots = 30,000 square feet (2,787 m <sup>2</sup> ) plus 2,000 square feet (185.8 m <sup>2</sup> ) for each guest room in excess of 4 (40 cabins + 27 guest suites) = 14,492.4 m <sup>2</sup> (1.449 ha) Other uses: (c) Other lots = 10,000 square feet (929 m <sup>2</sup> )	13.7 ha (33.85 acres)	No
Lot Frontage (min)	Other Uses = 330 feet	Tourist establishment: (c) Other lots = 150 feet Other Uses = 75 feet	Unity Rd: 111.5 m (365.8 ft)	No
Front Yard Depth (min)	25 feet	10 feet	68.8 m (+226 ft)	Yes (to apply the A3 zone requirement)
Exterior Yard Depth (min)	25 feet	10 feet	7.6 m (25 ft)	Yes (to apply the A3 zone requirement)
Interior Side Yard Width (min)	25 feet	Other Uses = 30 feet, provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.	12.1 m (40 ft)	No
Rear Yard Depth (min)	25 feet	Other Uses = 50 feet	9.1 m (29.5 ft)	Yes
Landscaped Open Space (min)	Converted dwelling house = 30%	Other Uses = 20%	+28% (excludes woodland and agricultural land)	No
Lot Coverage (max)	Other uses = 35%	Tourist Establishment = 40% Other uses = 20%	4.7% (6,386 m <sup>2</sup> / 137,214 m <sup>2</sup> )	No
Height (max)	35 feet	35 feet	13.7 metres (45 ft)	Yes
Open Storage	N/A	No open storage of goods or materials shall be permitted except in accordance with the following provisions: (i) Every open storage use shall be accessory to the use of the main building on the lot; (ii) An open storage use shall only be permitted in a rear yard;	None proposed.	No

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
		(iii) Notwithstanding paragraph (ii) above, in the case of a vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer than 3 feet to any street line.		
Habitable room window	N/A	Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 30 feet from any interior side lot line or rear lot line.	No tourist establishment (hotel or rental cabin) is less than 40 ft (12.1m) from a lot line.	No
Special Access Requirements	N/A	2 per lot where a lot has a frontage on one street and 4 per lot where a lot has frontage on more than one street (max = 4)	5 driveways	Yes
Flood plain Setback	No building shall be erected or altered within 25 feet of a flood plain (i.e. of the high water mark of a waterbody).	No building shall be erected or altered within 25 feet of a flood plain (i.e. of the high water mark of a waterbody).	No buildings proposed within 7.6m of a flood plain; the existing wetland is not a waterbody.	No
Wetland setback	N/A	N/A	A general setback of 7.5 m is proposed from the existing wetland for any development.	Yes
<b>General Provisions (Section 5)</b>				
Accessory uses	<b>Lot Coverage:</b> The total lot coverage of all accessory buildings on a lot in a Residential Zone shall not exceed 10 per cent of the lot area.		Accessory buildings comply with the required setbacks of the zone. Accessory buildings account for a portion of the 4.7% total lot coverage and therefore comply with the maximum requirement.	No
Loading Space Regulations	<b>Requirements:</b> <ul style="list-style-type: none"> <li>0 – 3,000 square feet = 0 spaces</li> <li>3,000 – 25,000 square feet = 1</li> <li>25,000 – 80,000 square feet = 2</li> <li>80,000+ square feet = 2 + 1 space per each additional 100,000 square feet</li> </ul>		1	No
Parking Requirements	<b>Tourist Establishment (includes Inn, B&amp;B, and Rental Cabins):</b> <ul style="list-style-type: none"> <li>1 parking space for each guest room (27 suites + 40 cabins = 67 spaces)</li> </ul>		161 parking spaces provided	No

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
	<ul style="list-style-type: none"> <li>plus 1 parking space for each 4 persons that can be accommodated at any one time in any beverage room or liquor lounge (100 persons (Event Venue) = 25 spaces)</li> <li>plus 1 parking space for each 4 persons that can be accommodated at any one time in any beverage room or liquor lounge (40 persons (Brewery, Cidery and Winery tied house) = 10 spaces)</li> <li>plus 1 bus parking space for each 50 guest rooms, to a maximum of 3 bus parking spaces. (67 suites/cabins = 1 space)</li> </ul> <b>Restaurant</b> <ul style="list-style-type: none"> <li>10 parking spaces per 100 square metres of gross leasable area (190m<sup>2</sup> restaurant + seating = 19 spaces)</li> <li>10 parking spaces per 100 square metres of gross leasable area (78m<sup>2</sup> café + seating (farmhouse) = 8 spaces)</li> <li>10 parking spaces per 100 square metres of gross leasable area (150.5m<sup>2</sup> café + seating (Inn &amp; Spa Building) = 15 spaces)</li> </ul> <b>Retail / Personal Service Shop:</b> <ul style="list-style-type: none"> <li>5.25 parking spaces per 100 square metres of gross floor area (219m<sup>2</sup> spa gross floor area = 12 spaces)</li> <li>5.25 parking spaces per 100 square metres of gross floor area (87m<sup>2</sup> retail shop gross floor area = 4.5 spaces)</li> </ul> <b>Total parking requirement:</b> <ul style="list-style-type: none"> <li>Parking spaces: 67 + 25 + 10 + 19 + 8 + 15 + 12 + 5 = <b>161 spaces</b></li> <li>Bus parking: <b>1 space</b></li> </ul>		1 bus parking space	
Parking Dimensions	Standard Parking Space = 2.75m x 6.0m		2.6m x 5.2m	Yes
Driveway Width	One-way = 10 – 30 feet Two-way = 20 – 45 feet		6.0m (20 feet)	No
Accessible Parking	4% of all required parking spaces (5.16 spaces required)		7	No
	<b>Design standards:</b> Type A = 3.4m x 6.0m Type B = 2.7m x 6.0m Access Aisle = 1.5m x 6.0m		Type A: 3.4m x 5.2m Type B: 2.7m x 5.2m  Aisle: 1.5m x 5.2m	Yes
MDS Requirements	The expansion of establishment of any new non-agricultural use in close proximity to an existing livestock facility shall comply with the requirements of the Minimum Distance Separation (MDS) calculation.		A minimum MDS I setback of 220 metres is required between the existing horse barn located at 896 Unity Road and the event venue.	Yes

### **Rear Yard Setback**

Relief is required to permit a reduced rear yard setback of 7.5 metres (29.5 feet). The existing A2 zone requires a rear yard setback of 25 feet and the proposed C3 zone requires a rear yard setback of 50 feet. This relief is technical in nature as the subject site is considered one lot for the purposes of zoning, and technically all yards, with exception of the front yard, are interior side yards and do not abut structures. As this relief is technical in nature it will not have any impacts on adjacent properties.

### **Parking Space Dimensions**

No relief is proposed from the required parking ratios. It is proposed to reduce the minimum parking space width from 2.75 metres to 2.6 metres and the minimum parking space length from 6.0 metres to 5.2 metres in order to reduce the total required parking area on the site. The reduction will reduce the overall parking area and is consistent with the parking standard permitted elsewhere in the City.

### **Accessible Parking Space Dimensions**

It is proposed to reduce the length of accessible parking spaces and required access aisle to 5.2 metres in order to maximize site efficiency and match the required parking stall length of standard parking spaces. Despite a reduced parking stall length, the proposed amendment will meet the intent of the parking stall dimensions requirement and meet the needs of site users. It should be noted that the Accessibility for Ontarians with Disabilities Act (AODA) allows reduction to accessible parking stall length.

### **Minimum Distance Separation (MDS)**

The proposed development will consist of Type A uses, including the small-scale restaurant, café, bed and breakfast, café, and brewery, winery and cidery. All Type A uses will comply with the required 120 metre MDS setback. The proposed development will consist of Type B uses, including the event venue, cabins, inn, and spa. The proposed inn, spa and cabins will comply with the required 240 metre Type B MDS setback.

The only MDS reduction required relates to the Type B event venue. The proposed event venue does not meet the MDS I setback requirement for a Type B land use from the existing livestock barns located on the abutting property, 896 Unity Road. The existing livestock barns at 896 Unity Road include a horse barn and a chicken coop which houses both chickens and goats. It is proposed to reduce the MDS I requirement for a Type B land use from 240 metres to 220 metres, which represents the distance between the nearest livestock barn and closest point of the event venue. The proposed development includes characteristics that are consistent with agriculture-related uses and agri-tourism uses, which are MDS I setbacks. The event venue, however, is a non-agricultural use and is therefore subject to the MDS I Type B setback of 240 metres.

Implementation Guideline #43 states that “*MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document.*” It is our opinion that a reduction in the MDS Setback is appropriate due to the site-specific development proposal and is consistent with the intent of Publication 853, which is to reduce land use conflicts and protect agricultural uses. The proposed reduction to 220 metres is minor in nature and is not anticipated to result in any nuisance complaints from odour as the proposed use is enclosed within a building. As well, the developer is prepared to incorporate a warning clause on title similar to the types of warning clauses used where noise concerns are present. The intent of the proposed development is to support and complement existing agricultural resources in the area, not to incur potential conflicts or to cause potential nuisance complaints due to odour. Clientele will be advised prior to arrival about the potential odour from existing livestock facilities and any complaints or concerns will be managed through management staff of the Unity Farm, Inn and Spa.

### **Rental Cabins**

The proposed development includes a built form which has not been previously contemplated in the Township of Kingston Zoning By-law 76-26; specifically the proposed rental cabins. The “Tourist Establishment” definition may be interpreted to apply to rental cabins, however it is proposed to define these buildings as a subset of the Tourist Establishment use, specific to the proposed zone. A review of other zoning by-laws in Kingston found that a similar use exists in Zoning By-law 32-74, however the language used in the definition is anachronistic in that it states that a rental cabin is designed to accommodate “one family”. Instead, we have proposed a definition adapted from the definition for “Rental Cabin” as provided in the Township of Georgian Bay Zoning By-law 2014-75. The

proposed definition will read as follows: “Rental Cabin” means a detached building providing sleeping accommodation for the travelling or vacationing public, which may include cooking and/or washroom facilities.

It is proposed to limit the maximum area of each individual cabin to 46.5 square metres (500 square feet) to reflect the area shown on the proposed site plan. The cabins will have an area and layout similar to a hotel room and will include a mud room as part of the entrance. A maximum height of 7.6 metres (25 feet) is also proposed, to ensure that the cabins retain a relatively low profile in relation to the primary building.

No additional amendments are proposed as a result of revisions to the concept plan. Therefore, justification for additional zoning relief is provided in the Planning Rationale Report dated April 9, 2019.

## 5.0 CONCLUSION

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The following report has been submitted as an Addendum to the Planning Rationale Report submitted on April 9, 2019. The applicant is seeking to develop the Unity Farm, Inn and Spa on the site municipally known as 2285 Battersea Road which consists of three parcels. The proposed development includes an expanded farmhouse comprised of a small-scale restaurant, café, retail store, a seven (7) suite bed and breakfast, and a brewery, cidery and winery with an associated tied house and storage. The development will also include an event venue, 40 cabins, a tranquility spa, an inn comprised of 20 guest suites, associated accessory buildings, and agricultural facilities including an agricultural storage building, apiary, and cultivated fields. The site will provide 161 parking spaces, one bus parking space, and one loading space. Transportation throughout the site for guests to access their cabins will be by electric shuttles. The proposed development and uses will contribute to the creation of a new and unique experience within the City of Kingston's rural area.

The proposed development is consistent with the Provincial Policy Statement in that it represents a land use which is compatible with the surrounding rural area. The proposed development will protect and conserve natural and cultural heritage features. A proposed reduction in MDS I Type B setback is consistent with the MDS Implementation Guidelines and therefore consistent with the Provincial Policy Statement in that it is intended to allow the proposed used to exist in proximity to existing livestock facilities, in accordance with the overall vision for the development and complies with the MDS formulae.

An official plan amendment is proposed to change the land use designation on the subject site to Rural Commercial. The proposed development satisfies the tests in the Official Plan with respect to establishing a new Rural Commercial land use, which permits overnight accommodations and tourism-oriented commercial uses. The development conforms to the strategic intent and purpose of the Official Plan and is consistent with the vision for the rural area by diversifying employment opportunities and supporting the rural economy. The proposal will meet the functional needs of users without resulting in unmitigated land use compatibility conflicts and represents an appropriate land use for the subject site.

A zoning by-law amendment is proposed to re-zone the site to a site-specific Special Highway Commercial (C3-X) zone to permit the proposed tourist-oriented uses, including a boutique inn, spa, and small-scale restaurant, a craft winery, cidery, and brewery as well as appropriate agricultural and ancillary uses. Site-specific performance standards are proposed to permit the development. The proposed standards will not result in adverse effects and they are needed to meet the functional needs of the proposed development.

It is our professional opinion that the proposed official plan and zoning by-law amendments represent good land use planning. If you have any questions or should you require any additional information, please do not hesitate to contact the undersigned at 613.542.5454.

Respectfully submitted,



Mike Keene, MCIP RPP  
Principal, Planning + Development  
Fotenn Planning + Design



Youko Leclerc-Desjardins, MCIP RPP  
Senior Planner  
Fotenn Planning + Design



## APPENDIX A

# PROPOSED OFFICIAL PLAN AMENDMENT

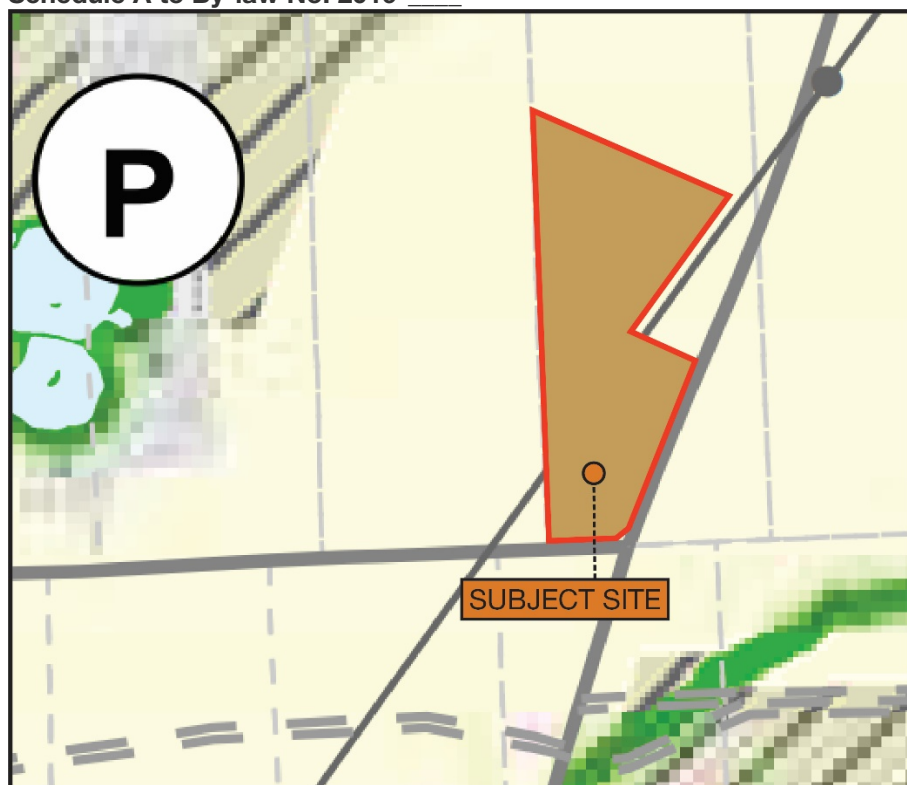
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The proposed Official Plan amendment to the City of Kingston Official Plan will read:

*Official Plan Amendment No. X*

*AMEND Schedule 3-B – Land Use in the City of Kingston Official Plan, so as to re-designate the property located at 2285 Battersea Road and shown on Schedule A to By-law No. 2019-\_\_\_\_, from Rural Lands to Rural Commercial.*

**Schedule A to By-law No. 2019-\_\_\_\_**



# APPENDIX B

## PROPOSED ZONING BY-LAW AMENDMENT

1. 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 1 of Schedule “A” Zone Maps, as amended, is hereby further amended by changing the zone symbol of the subject site from A1 and A2 to C3-X as shown on Schedule A attached to and forming part of By-law No. 2019-\_\_\_\_.

1.2 And by adding a new subsection thereto, as follows:

*Section 20(3)(X) C3-X-H*

*Notwithstanding the provisions of Sections 5 and 20 hereof to the contrary, on the lands located at 2285 Battersea Road in the City of Kingston and zoned C3-X on Schedule A, the following provisions shall apply:*

1.3 20(3)(X)

(i) *For the purposes of zoning, all lands within the ‘C3-X’ Zone shall be considered as one lot.*

(ii) *Permitted Uses:*

○ *Residential:*

*a) An accessory dwelling unit in the upper floor of a non-residential building.*

○ *Non-Residential:*

*a) Farm;*

*b) Public use;*

*c) Conservation use;*

*d) Hotel*

*e) Bed and Breakfast, containing up to and including seven (7) suites*

*f) Assembly Hall;*

*g) Personal service shop;*

*h) Rental cabin;*

*i) Restaurant;*

*j) Retail Store;*

*k) Craft winery, craft brewery or craft cidery;*

*l) Farm produce retail outlet;*

*m) Nursery/garden centre/greenhouse.*

- |  |   |
|--|---|
| (iii) Front yard depth (min.):             | 7.6 metres (25 feet)  |
| (iv) Exterior side yard depth (min.):      | 7.6 metres (25 feet)  |
| (v) Maximum Building Height:               | 13.7 metres (45 feet)   |
| (vi) Special Access Requirements:          | 5 driveways are permitted.  |
| (vii) Wetland Setback:                     | No development is permitted within 7.5 metres of a wetland.   |
| (viii) Parking stall size:                 | 2.6 metres x 5.2 metres   |
| (ix) Accessible parking space size         | Type A: 3.4 metres x 5.2 metres<br>Type B: 2.7 metres x 5.2 metres<br>Access Aisle: 1.5 metres x 5.2 metres   |
| (x) Minimum distance separation:           | An MDS I setback of 220 metres is required between the existing horse barn located at 896 Unity Road and the event venue.<br>An MDS II setback of 220 metres is permitted for up to 40 horses at the existing horse barn located at 896 Unity Road. |
| (xi) Maximum area of rental cabins (each): | 46.5 square metres (500 sq. ft.)  |
| (xii) Maximum height of rental cabins:     | 7.6 metres (25 ft.)   |

- (xiii) Holding Symbol (CX-3-H1): No buildings other than buildings associated with a Farm use are permitted within 120 metres of the existing barn located at 896 Unity Road. This holding provision shall only be required so long as the existing livestock barn at 896 Unity Road is used for the purposes of housing livestock. This holding provision shall only be removed once the following requirements have been complied with:
- a) A minimum distance separation study demonstrates, to the City's satisfaction, that any buildings proposed comply with the MDS formulae; and
  - b) City Council has given Notice pursuant to the requirements of the Planning Act of its intention to pass a by-law to remove the '-H' Holding Symbol and has passed the appropriate amendment.
- (xiv) Holding Symbol (CX-3-H2): No buildings for a use other than a Type A use as defined below, are permitted within 120 to 240 metres of the barn located at 896 Unity Road. This holding provision shall only be required if livestock barns on 896 Unity Road continues to exist. This holding provision shall only be removed once the following requirements have been complied with:
- a) A minimum distance separation study demonstrates, to the City's satisfaction, that any building within this area will not impact the expansion of the barn at 896 Unity Road; and
  - b) City Council has given Notice pursuant to the requirements of the Planning Act of its intention to pass a by-law to remove the '-H' Holding Symbol and has passed the appropriate amendment.
- (xv) Definitions:
- a) "Rental cabin" means a detached building providing sleeping accommodation for the travelling or vacationing public, which may include cooking and/or washroom facilities.
  - b) "Craft winery" or "craft brewery" or "craft cidery" means the use of land, buildings or structures for the production and distribution, including sale, of beer, cider, and/or wine products and may include retail and/or a sampling area
  - c) "Farm produce retail outlet" means a use supplemental to a permitted farm which consists of the retail sale of agricultural products.
  - d) "Conservation use" means the preservation, protection and improvement of the natural environment through management and maintenance programs.
  - e) "Assembly Hall" means the use of any lot, building or structure, or part thereof, in which facilities are provided for the gathering of persons for civic, political, travel, religious, social, educational, recreational or similar purposes or for the consumption of food or drink. This definition includes an auditorium, banquet hall or similar use where the principal focus of the use is assembly
  - f) "Type A land use" shall include the following permitted uses:
    - o *Bed and Breakfast, containing up to and including seven (7) suites*
    - o *Restaurant, which satisfies the criteria for 'on-farm diversified use' or 'agriculture-related use' as described in OMAFRA's Publication 851 or successor document;*
    - o *Retail Store, which satisfies the criteria for 'on-farm diversified use' or 'agriculture-related use' as described in OMAFRA's Publication 851 or successor document;*
    - o *Craft winery, craft brewery or craft cidery, which satisfies the criteria for 'on-farm diversified use' or 'agriculture-related use' as described in OMAFRA's Publication 851 or successor document;*
    - o *Farm produce retail outlet.*

Schedule A

