



City Of Kingston

Ontario

By-Law Number 2019-116

**A By-Law To Establish Development Charges For The City Of Kingston, Cited
As The "City Of Kingston Development Charge By Law 2019"**

Passed: September 3, 2019

By-Law Number 2019-116**A By-Law To Establish Development Charges For The City Of Kingston, Cited As The "City Of Kingston Development Charge By-Law 2019"****Passed:** September 3, 2019

Whereas subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called "the Act") provides that the Council of a Municipality may pass By-laws for the imposition of Development Charges against land for increased capital costs required because of the need for services arising from development in the area to which the By-law applies; and

Whereas the Council of The Corporation of the City of Kingston ("City of Kingston") has given Notice in accordance with Section 12 of the Act of its intention to pass a By-law under Section 2 of the said Act; and

Whereas the Council of the City of Kingston has heard all persons who applied to be heard no matter whether in objection to, or in support of, the Development Charge By-law at a public meeting held on July 9, 2019; and

Whereas the Council of the City of Kingston had before it a report entitled 2019 Development Charges Background Study, dated July 26, 2019, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the City of Kingston will increase the need for services as defined herein; and

Whereas the Council of the City of Kingston has determined that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule "A" and Council has resolved to meet the increased need for services; and

Whereas on August 13, 2019 the Council of the City of Kingston adopted the 2019 Development Charges Background Study dated July 26, 2019 in which certain recommendations were made relating to the establishment of a Development Charge policy for the City of Kingston pursuant to the Act; and

Whereas the Council of the City of Kingston on August 13, 2019 determined that no additional public meeting was required; and

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

1. Definitions

- 1) "Act" means the *Development Charges Act, S.O. 1997, c. 27*;

- 2) “Administration Service” means all studies carried out by the Municipality related to eligible services for which a Development Charge By-law may be imposed under the Act;
- 3) “Agricultural Use” means lands, buildings or structures located within an agriculture zone as determined under the Zoning By-law applicable to the property, excluding any portion thereof used as a dwelling unit, used or designed or intended for use as a bona fide farming operation for the production of crops or the breeding, raising or maintaining of livestock or both, including:
 - a. The keeping of bees and uses where animals or birds are kept for grazing, breeding, raising, boarding, or training of livestock of all kinds including, but not limited to: cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, mules, and fur bearing animals; or
 - b. The tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers, sod or landscaping materials; the erection and use of greenhouses; woodlots and forest tree uses; the packing, treating, storing and sale of products produced on the farm operation; and, other similar uses customarily carried on in the field of general agriculture; or
 - c. Such buildings or structures located on the farm operation property that are designed and intended to be used solely for or in connection with the production of crops or livestock including, but not limited to:
 - i. barns and silos;
 - ii. buildings or structures used for the storage and repair of the farm operation’s equipment;
 - iii. buildings or structures used for the storage or processing of materials used in the production or maintenance of crops or livestock; or
 - iv. buildings or structures used for the processing, packing, treating, storing or sale of the products derived from the farming operation’s production of crops or livestock, or both.
- 4) “Air supported structure” means a structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure;
- 5) “Apartment dwelling” means any dwelling unit within a building containing more than four (4) dwelling units where the units are connected by an interior corridor. Despite the foregoing, an apartment dwelling includes Stacked Townhouse Dwellings;
- 6) “Assessment Act” means the *Assessment Act*, R.S.O. 1990, c. A.31;

- 7) “Back-to-back townhouse dwelling” means a building containing four (4) or more dwelling units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area;
- 8) “Bedroom” means a habitable room larger than seven (7) square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- 9) “Board of Education” means a board defined in s.s. 1(1) of the *Education Act*, R.S.O. 1990, c. E.2;
- 10) “Building or structure” means a structure consisting of a wall, a roof and floor or any of them or a structural system serving the function thereof, and includes an air supported structure, a seasonal air supported structure, tents, and an area attached to and ancillary to a retail development that is covered with a roof-like structure, but does not include a canopy and storage tanks;
- 11) “Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c. 23;
- 12) “Canopy” means a roof-like structure projecting more than three hundred millimetres (300 mm) from the exterior face of a building and includes a free-standing roof-like structure constructed on lands used for an automotive fuel station or a drive-through facility;
- 13) “Capital cost” means costs incurred or proposed to be incurred by the Municipality, or a local board thereof, directly or by others on behalf of, and as authorized by, the Municipality or local board,
 - a. to acquire land or an interest in land, including a leasehold interest;
 - b. to improve land;
 - c. to acquire, lease, construct or improve buildings and structures;
 - d. to acquire, lease, construct or improve facilities including:
 - i. rolling stock with an estimated useful life of seven (7) years or more,
 - ii. furniture and equipment, other than computer equipment,
 - iii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c. P.44;
 - e. to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
 - f. to complete the Development Charge Background Study under Section 10 of the Act;

- g. interest on money borrowed to pay for costs in (a) to (d);
required for the provision of services designated in this By-law within or outside the Municipality;
- 14) “City Treasurer” means the Chief Financial Officer and City Treasurer for the City of Kingston or his/her designate;
- 15) “Commercial” means any non-residential development not defined under “institutional” or “industrial”;
- 16) “Council” means the Council of The Corporation of the City of Kingston;
- 17) “Development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in Section 2 of this By-law and includes the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure;
- 18) “Development Charge” means a charge imposed pursuant to this By-law;
- 19) “Duplex” means a building comprising, by horizontal division, two dwelling units;
- 20) “Dwelling unit” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- 21) “Grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
- 22) “Gross floor area” means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, or between the centre lines of party walls, of all floors above Grade;
- 23) “Industrial” means lands, buildings or structures or portions thereof located within a zone in which the proposed industrial use is permitted by the applicable Zoning By-law, used, designed or intended for use for manufacturing, producing, processing, storing, Warehousing or distribution of something, and the retail sale by a manufacturer, producer or processor of something that they have manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place, as well as office space and Research and Development space that is ancillary to the manufacturing, producing, storing, Warehousing or distribution of something at the site, but shall not include self-storage facilities or retail warehouses. For greater certainty, industrial uses are limited to those “Industrial and Other Employment” uses set out in Schedule 11 of Appendix A in the City’s 2019 Development Charges Background Study as classified by the North American Industry Classification System (NAICS) Code;

- 24) “Institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society, health care organization or religious group and shall include, without limiting the generality of the foregoing, places of worship, senior’s residences and special care facilities;
- 25) “Local board” means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes of the Municipality or any part or parts thereof;
- 26) “Local services” means those services or facilities which are under the jurisdiction of the Municipality and are related to a Plan of Subdivision or within the area to which the Plan relates, required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- 27) “Multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- 28) “Municipality” means The Corporation of the City of Kingston;
- 29) “Non-Industrial” means any non-residential building or structure which is not an industrial use. Without limiting the generality of the foregoing, non-industrial includes commercial and retail uses and institutional uses;
- 30) “Non-residential uses” means a building or structure used for other than a residential use. For greater clarity, Hotels, Motels, Bed and Breakfast, and Retirement Homes not meeting the definition of a “dwelling unit” are included within the definition of non-residential uses.
- 31) “Owner” means the owner of land or a person who has made application for an approval for the development of land upon which a Development Charge is imposed;
- 32) “Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
- 33) “Regulation” means any regulation made pursuant to the Act;
- 34) “Residential uses” means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;

- 35) “Research and Development uses” means gross floor area in a building which is not exempt from assessment and taxation under the *Assessment Act*, R.S.O. 1990, c. A.31 and for which a corporation will receive Federal or Provincial Scientific Research and Experimental Development (SR&ED) income tax credits;
- 36) “Row dwelling” means a building divided into three (3) or more dwelling units, each of which has a separate entrance and access to grade;
- 37) “Seasonal air supported structure” means an air supported structure that is raised and/or erected for a maximum of six (6) months in any given year to allow for the use of an outdoor sports field or portion thereof during the winter season for sports-related activities;
- 38) “Seasonal Structure” means a building or structure placed or constructed on land and used, designed or intended for use for a non-residential purpose during a single season of the year for a maximum of four (4) months where such building or structure is designed to be easily demolished or removed from the land at the end of the season;
- 39) “Second residential unit” means a separate residential dwelling unit, which is ancillary to a principal residential dwelling unit, and includes a separate, clearly defined, safe access, kitchen, washroom and living space;
- 40) “Semi-detached dwelling” means a building divided vertically into two (2) dwelling units each of which has a separate entrance and access to grade;
- 41) “Services” means services set out in Schedule “A” to this By-law;
- 42) “Single detached dwelling” means a completely detached building containing only one (1) dwelling unit;
- 43) “Stacked townhouse” means a building, other than a duplex, row townhouse, or back to back townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade.
- 44) “Temporary building or structure” means a non-residential building or structure constructed or placed upon lands which is demolished or removed from the lands within three (3) years of building permit issuance, and includes but is not limited to, sales trailers and temporary office trailers but excludes a mobile home;
- 45) “Temporary venue” means a building or structure that is placed or constructed on land and is used or intended for use for a particular event where the event has a duration of one (1) week or less and the building or structure is erected immediately before the beginning of the event and is demolished or removed from the land immediately following the end of the event;

- 46) "Warehouse use" means lands, buildings, or structures used or designed for the storage of goods which will be sold elsewhere or subsequently transported to another location for sale, including the storage of goods by a distributor or supplier who markets goods for retail sale at other locations, provided that the warehouse use is located within an industrial zone as defined in the City's Zoning By-laws. Warehouse use shall not include:
- a. mini-warehouses for the storage of household or other articles;
 - b. any retail or commercial uses; and
 - c. locations which sell directly to the ultimate consumer of the goods.

Calculation of Development Charges

2. 1) Every Owner of land in the Municipality shall pay to the Municipality a Development Charge as calculated in this By-law whenever the Owner's lands are developed and the development requires an approval described in 2. 2) below.
- 2) Subject to subsection 2. 3), Development Charges shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land where the development requires:
 - a. the passing of a Zoning By-law or an amendment thereto under Section 34 of the *Planning Act*;
 - b. the approval of a minor variance under Section 45 of the *Planning Act*;
 - c. a conveyance of land to which a By-law passed under subsection 50(7) of the *Planning Act* applies;
 - d. the approval of a plan of subdivision under Section 51 of the *Planning Act*;
 - e. a consent under Section 53 of the *Planning Act*;
 - f. the approval of a description under Section 50 of the *Condominium Act*, R.S.O. 1990, c.C.26; or
 - g. the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- 3) Subsection 2. 1) shall not apply in respect to:
 - a. local services installed or paid for by the Owner within a Plan of Subdivision or within the area to which the Plan relates, as a condition of approval under Section 51 of the *Planning Act*;
 - b. local services installed or paid for by the Owner as a condition of approval under Section 53 of the *Planning Act*.

3. 1) Development Charges against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "B", which relate to the services set out in Schedule "A".
- 2) The Development Charge applicable to land shall be calculated as follows:
 - a. in the case of residential development or redevelopment, or the residential portion of a mixed-use development or redevelopment, the sum of the product of the number of dwelling units of each type multiplied by the corresponding total Development Charge for such dwelling unit type, as set out in Schedule "B";
 - b. in the case of non-residential development or redevelopment, or the non-residential portion of a mixed-use development or redevelopment, the product of the gross floor area of such development multiplied by the corresponding total Development Charge for such gross floor area, as set out in Schedule "B".
4. The Development Charges imposed pursuant to this By-law are payable in full, subject to the exemptions herein from the effective date of this By-law.
 - 1) Every applicant for a building permit that seeks an exemption to this By-law shall make an application in a form approved by the Chief Financial Officer and City Treasurer in which the applicant certifies that its proposed use will qualify for the exemption upon issuance of the occupancy permit and shall not be materially altered in any manner such that the use would no longer qualify for the exemption granted in this By-law for a period of three (3) years subsequent to the issuance of the occupancy certificate and if the application is approved by the Chief Financial Officer and City Treasurer shall enter into such agreements as required by the Chief Financial Officer and City Treasurer.
 - 2) The Chief Financial Officer and City Treasurer shall be responsible for coordinating the review of applications for exemptions and the circulation of such applications, where appropriate, to other municipal departments and/or external agencies with an interest in the matter.
 - 3) Upon approval by the Chief Financial Officer and City Treasurer, the requirement to pay Development Charges shall be deferred for a period of three (3) years subsequent to the issuance of an occupancy permit and subject to subsection 4. 4) shall at the end of that period be permanently waived and exempted.
 - 4) In the event that the actual use does not conform to the use described in the application for exemption as approved and does not qualify otherwise for an exemption pursuant to this By-law, at the time of issuance of the occupancy permit or at any time within three (3) years subsequent to issuing of the occupancy permit, the applicant shall be deemed to not qualify for the exemption and the applicant shall forthwith pay all fees that were deferred pursuant to this By-law failing which the amount unpaid will be added to the tax roll and collected in the same manner as taxes.

Applicable Lands

5. 1) Subject to subsection 5. 2), charges payable under this By-law apply to all lands in the Municipality, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*.
- 2) This By-law shall not apply to land that is owned by and used for the purposes of:
 - a. a board as defined in the *Education Act*;
 - b. any municipality or local board thereof.

Exemptions**Industrial Uses**

- 6.1) The Municipality shall exempt industrial uses from the charges payable under This By-law where an application for exemption for a proposed industrial use has been approved pursuant to Section 4. 1) and the approved use continues for the three (3) year period subsequent to the issuance of an occupancy permit.

Lands Designated as Part of a Community Improvement Area

- 6.2) The Municipality may exempt lands from this By-law where the lands are designated in the City of Kingston Official Plan as part of the Community Improvement Area and the Municipality implements a Community Improvement Plan by By-law which includes the said lands.

Rules with Respect to Exemptions for Intensification of Existing Housing

- 6.3) Notwithstanding Section 6 . 2) of this By-law, no Development Charge shall be imposed with respect to developments or portions of developments that result in:
 - a. an interior alteration to an existing building or structure which does not change or intensify the use of land;
 - b. the enlargement of an existing residential dwelling unit;
 - c. the creation of one (1) or two (2) additional residential dwelling units in an existing single detached dwelling where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing dwelling unit;
 - d. the creation of one (1) additional dwelling unit in a semi-detached dwelling or row dwelling where the total gross floor area of the additional unit does not exceed the gross floor area of the existing dwelling unit; or
 - e. the creation of one (1) additional dwelling unit in any other existing residential building provided the gross floor area of the additional unit does not exceed the smallest existing dwelling unit already in the building.

- 4) Where an Owner makes application for a building permit for the construction of a second residential unit on an existing lot where a principal residential dwelling has already been established, no Development Charge shall be applicable to the second residential unit provided that:
 - a. The second residential unit is permitted by and meets the regulations of the applicable Zoning By-law; and
 - b. The second residential unit meets the criteria set out in the City of Kingston Official Plan.

Rules with Respect to Exemptions for Intensification of New Housing

- 6.5) Where an Owner makes application for a building permit for the construction of a new single detached dwelling, semi-detached dwelling or row dwelling that is being purpose-built to contain a second residential unit, no Development Charge shall be applicable to the second residential unit provided that:
 - a. The second residential unit is permitted by and meets the regulations of the applicable Zoning By-law; and
 - b. The second residential unit meets the criteria set out the City of Kingston Official Plan.

Other Exemptions

- 6.6) Development Charges shall not apply to lands, buildings or structures used or to be used for the purposes of:
 - a. a place of worship classified as exempt from taxation under Section 3 of the *Assessment Act*;
 - b. an agricultural use;
 - c. a seasonal air supported structure save and except any portion of the structure that is permanent, including, but not limited to washrooms, change rooms, canteens, and concession stands;
 - d. a seasonal structure;
 - e. a temporary venue.

Rules with Respect to an “Industrial” Expansion Exemption

- 6.7) Notwithstanding Section 2 of this By-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the Development Charge that is payable shall be:
- a. If the existing gross floor area is enlarged by fifty (50) percent or less, the amount of the Development Charge in respect of the enlargement is zero; or
 - b. If the existing gross floor area is enlarged by more than fifty (50) percent, the Development Charge is payable on the amount by which the enlargement exceeds fifty (50) percent of the gross floor area before the enlargement.
 - c. For the purpose of this Section, the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in O.Reg. 82/98 made under the Act.

Rules with Respect to a Temporary Building or Structure Exemption

- 6.8 The Municipality may exempt a temporary building or structure from the charges payable under this By-law where an application for exemption for the proposed temporary building or structure has been approved in accordance with Section 4.1) of this By-law, subject to the following conditions:
- a. That the temporary building or structure is accessory to or ancillary to a permitted use on the property;
 - b. That the status of the building or structure as a temporary building or structure is maintained in accordance with the provisions of this By-law;
 - c. In the event that a temporary building or structure is deemed by the Municipality to no longer be temporary, the Development Charges shall become immediately due and payable and shall be calculated in accordance with Schedule “B” to this By-law as of the date that the building or structure is deemed to no longer be temporary.

Local Service Installation

7. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act*, that the Owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the Plan relates, as Council may require.

Multiple Charges

- 8.1) Where two (2) or more of the actions described in subsection 2. 2) are required before land to which a Development Charge applies can be developed, only one Development Charge shall be calculated and collected in accordance with the provisions of this By-law.
- 2) Notwithstanding subsection 8. 1), if two (2) or more of the actions described in subsection 2. 2) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional Development Charge on the additional residential units and non-residential gross floor area shall be calculated and collected in accordance with the provisions of this By-law.

Services in Lieu

- 9.1) The Municipality may enter an agreement with an Owner under Section 38 of the Act, to give the Owner a credit towards the Development Charge applicable to the Owner's development where the agreement requires the Owner to perform work that relates to a service to which this By-law relates. The agreement shall provide that the credit will be equal to the reasonable cost to the Owner of providing the services to which this By-law relates. In no case shall the agreement provide for a credit that exceeds the total Development Charge payable by an Owner to the Municipality in respect of the development to which the agreement relates.
- 2) In any agreement under subsection 9. 1), Council may also give a further credit to the Owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-law.
- 3) The credit provided for in subsection 9. 2) shall not be charged to any Development Charge Reserve Fund.

Rules with Respect to Re-Development

- 10.1) Where all or part of a residential, non-residential or mixed-use building or structure is demolished or redeveloped, otherwise applicable Development Charges shall be reduced as calculated in subsection 10. 2) below, provided that:
 - a. The residential, non-residential or mixed-use building or structure was occupied within five (5) years prior to the issuance of a building permit for redevelopment of the lands; and

- b. In the case where the residential, non-residential or mixed-use building or structure is demolished, a demolition permit has been issued within five (5) years prior to the issuance of a building permit for redevelopment of the lands.
 - 2) Where a residential, non-residential or mixed-use building or structure qualifies for a reduction in otherwise applicable Development Charges pursuant to section 10. 1) above, the amount of the charge shall be reduced as follows:
 - a. In the case of a residential building or structure, or the residential uses in a mixed-use building or structure, which is being redeveloped for residential or non-residential purposes, the Development Charges will be reduced by an amount calculated by multiplying the applicable Development Charge under this By-law by the number of dwelling units that have been or will be demolished or converted to another type of residential use or non-residential use, and according to the type of dwelling unit so demolished or converted.
 - b. In the case of a non-residential building or structure, or the non-residential uses in a mixed-use building or structure, which is being redeveloped for residential or non-residential purposes, the Development Charges payable at the time of building permit issuance will be reduced by an amount calculated by multiplying the applicable Development Charge under this By-law by the existing gross floor area that has been or will be converted or demolished for new residential or non-residential uses, and according to the type of non-residential floor area or use so demolished or converted; however, Development Charges will be imposed on all additional residential and non-residential gross floor area in excess of the existing non-residential gross floor area that has been or will be converted or demolished.
 - 3) A reduction shall not exceed the amount of the Development Charge that would otherwise be payable, and no reduction is available if the existing land use is exempt under this By-law.

Timing of Calculation and Payment

- 11.1) Development Charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a Development Charge applies.
- 2) Where Development Charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the Development Charge has been paid in full.

Reserve Funds

- 12.1) Monies received for the payment of Development Charges shall be used only in accordance with the provisions of Section 35 of the Act.
 - 2) Monies received from payment of Development Charges under this By-law shall be maintained in two separate Reserve Funds as follows: Roads Services, Fire Services, Police Services, Transit Services, Wastewater Services, and Water Services; and Public Works, Parks and Recreation Services, Library Services, Administration Studies, Affordable Housing, and Waste Diversion Services.
 - 3) The Reserve Funds created by operation of this By-law shall be maintained in separate sub accounts in accordance with the service sub-categories set out in Schedule "A". The Development Charge payments shall be credited to each sub account in accordance with the amounts shown in Schedule "B", plus interest earned thereon.
 - 4) Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as municipal taxes.
 - 5) Where any unpaid Development Charges are collected as municipal taxes under subsection 12. 4), the monies so collected shall be credited to the Development Charge Reserve Funds referred to in subsection 12.2).
 - 6) The Chief Financial Officer and City Treasurer shall, in each year commencing in 2020 for the 2019 year, furnish to Council a statement in respect of the Reserve Funds established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

Refunds

- 13.1) Where Development Charges have been paid on the issuance of a building permit and the building permit is subsequently cancelled, the building permit shall be deemed never to have been issued and the amount of the Development Charge paid shall be refunded to the Owner by the City without any interest.
 - 2) Where Development Charges have been paid on or prior to the issuance of a building permit and the building permit is subsequently revised resulting in an overpayment of Development Charges to the City, the amount of any such overpayment shall be refunded to the Owner by the City without any interest.

By-Law Amendment or Appeal

- 14.1) Where this By-law or any Development Charge prescribed thereunder is amended or repealed either by order of the Local Planning Appeal Tribunal or by resolution of the Municipal Council, the Chief Financial Officer and City Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- 2) Refunds that are required to be paid under subsection 14. 1) shall be paid with interest to be calculated as follows:
 - a. Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - b. The Bank of Canada interest rate in effect on the date of enactment of this By-law shall be used.
- 3) Refunds that are required to be paid under subsection 14. 1) shall include the interest owed under this section.

By-law Indexing

15. The Development Charges set out in Schedule “B” to this By-law shall be adjusted without amendment to this By-law commencing on the first day of January, 2020 and annually thereafter on the first day of January in accordance with the most recent second quarter year over year change in in the Statistics Canada Quarterly, “Construction Price Statistics” (Ottawa Region)

Severability

16. In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-law shall remain in full force and effect.

Headings for Reference Only

17. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

By-law Registration

18. A certified copy of this By-law may be registered on title to any land to which this By-law applies.

By-law Administration

19. This By-law shall be administered by the Chief Financial Officer and City Treasurer.

Schedules to the By-law

20. The following Schedules to this By-law form an integral part of this By-law:

Schedule “A”: Designated Municipal Services Under this By-law

Schedule “B”: Schedule of City-Wide Development Charges

Date By-Law Effective

21. This By-law shall come into force and effect on September 29, 2019.

Term of By-law

22. This By-law shall continue in full force and effect for a term of five (5) years unless it is repealed by Council at an earlier date.

Short Title

23. This By-law may be cited as the “City of Kingston Development Charge By-Law, 2019.”

Existing By-law Repealed

24. By-laws No.2014-135 and 2009-138 are hereby repealed effective as of the date and time of this By-law coming into effect.

This By-Law received 3rd reading and was passed on September 3, 2019

Schedule “A” to

**City of Kingston By-Law Number 2019-116
Designated Municipal Services Under this By-Law**

- 1) Roads Services;
- 2) Public Works;
- 3) Fire Services;
- 4) Police Services;
- 5) Transit Services;
- 6) Parks and Recreation Services;
- 7) Library Services;
- 8) Administration Studies;
- 9) Affordable Housing;
- 10)Waste Diversion Services;
- 11)Wastewater Services; and
- 12)Water Services.

**Schedule “B” to
City of Kingston By-law Number 2019-116
Schedule of City-Wide Development Charges**

Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples - 2 Bedrooms +	Other Multiples - <750 ft ² with 1 Bedroom	Industrial (per sq.ft. of Gross Floor Area)	Non-Industrial (per sq.ft. of Gross Floor Area)
Municipal Wide Services:							
Roads Services	7,049	4,683	2,865	5,519	2,865	2.19	4.69
Public Works	719	477	292	563	292	0.17	0.50
Fire Services	512	340	208	401	208	0.15	0.33
Police Services	256	170	104	200	104	0.08	0.16
Transit Services	1,182	785	480	925	480	0.35	0.76
Parks and Recreation Services	2,404	1,597	977	1,882	977	0.23	0.23
Library Services	975	648	396	763	396	0.09	0.09
Administration Studies	262	174	107	205	107	0.08	0.17
Affordable Housing	389	258	158	305	158	-	-
Waste Diversion Services	67	44	27	52	27	0.02	0.04
Total Municipal Wide Services	13,815	9,176	5,614	10,815	5,614	3.36	6.96
Urban Services							
Wastewater Services	5,907	3,925	2,401	4,625	2,401	3.68	7.90
Water Services	1,634	1,086	664	1,279	664	1.01	2.06
Total Urban Services	7,541	5,010	3,065	5,904	3,065	4.70	9.97
GRAND TOTAL RURAL AREA	13,815	9,176	5,614	10,815	5,614	3.36	6.96
GRAND TOTAL URBAN AREA	21,356	14,186	8,679	16,719	8,679	8.06	16.93