

**By-Law Number 2022-XX**

**A By-Law to Establish Criteria for Exempting an Owner from Providing the Parking Required by the Kingston Zoning By-Law**

**Passed:** Meeting date (Month day, year)

**Whereas** Section 40 of the *Planning Act*, R.S.O. 1990, c. P.13., as amended (the "*Planning Act*"), authorizes the council of a municipality to enter into agreements exempting the owner or occupant of a building from the requirement to provide or maintain parking facilities, to the extent specified in the agreement, in exchange for one or more payments of money to the municipality as consideration for the granting of the exemption;

**Whereas** City of Kingston Zoning By-Law Number 22-XXX (the "Kingston Zoning By-Law") contains requirements to provide and maintain parking facilities;

**Whereas** the City of Kingston Official Plan contains policies authorizing cash-in-lieu of parking agreements established under the *Planning Act*;

**Whereas** on March 21, 1989, Council enacted By-Law Number 88-270, "A By-Law to Establish Criteria for Deciding Applications for Exemption from the Parking Requirements of the Downtown and Harbour Zoning By-Law No. 96-259 ('C1' Central Business System Commercial Zone and 'CMS' Market Square Commercial Zone) (Former City of Kingston)";

**Whereas** Council desires to repeal By-Law Number 88-270 and to enact a City-wide cash-in-lieu of parking by-law;

**Therefore Be It Resolved That** the Council of The Corporation of the City of Kingston hereby enacts as follows:

**Definitions**

1. For the purposes of this By-Law:

**"CIL Agreement"** means a cash-in-lieu of parking agreement entered into between the City and the Owner pursuant to Section 40 of the *Planning Act*;

**"CIL Amount"** means the amount of money to be paid by the Owner to the City as consideration for the granting of a CIL Agreement, as specified in Section 7 of this By-Law;

**"City"** means The Corporation of the City of Kingston;

**"Council"** means the Council of the City;

“**Director**” means the Director of Planning Services for the City and includes their designate;

“**Fees and Charges By-Law**” means City of Kingston By-Law Number 2005-10, as amended or replaced from time to time;

“**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time;

“**Owner**” means the registered owner of the property, as identified on the parcel register from the Land Registry Office, or their authorized representative; and

“**Standard Parking Space(s)**” means a parking space, as defined in the Kingston Zoning By-Law, excluding a car-share space, visitor space, accessible space, bike space or loading space, as those terms are defined in the Kingston Zoning By-Law.

2. In this By-Law, the terms “apartment building”, “mixed use building”, “stacked townhouse”, and “common element townhouse” have the meanings ascribed to them in the Kingston Zoning By-Law.

### **Application of By-Law**

3. This By-Law applies to all lands within the limits of the City of Kingston.

### **Delegation of Authority**

4. Council hereby delegates its authority to process CIL Agreement applications and to approve CIL Agreements pursuant to this By-Law to the Director.
5. The Director may, in their discretion, refer any CIL Agreement application to Council for a decision.

### **CIL Agreements and CIL Amount**

6. Where the Kingston Zoning By-Law requires a minimum number of Standard Parking Spaces for:
  - (a) an apartment building;
  - (b) a mixed use building;
  - (c) a stacked townhouse; or
  - (d) a common element townhouse,

(each, an “Eligible Building”), the Director may, upon application by the Owner of the Eligible Building and payment of the application fee specified in the Fees and

Charges By-Law, exempt the Owner from providing or maintaining the required number of Standard Parking Spaces for the Eligible Building, subject to execution by the Owner of a CIL Agreement and payment of the CIL Amount.

7. The CIL Agreement shall provide for payment of the CIL Amount in the amount of Eight Thousand Dollars (\$8,000) for each Standard Parking Space that is subject to the exemption.
8. The CIL Amount shall be paid into a special account in accordance with Subsection 40(3) of the *Planning Act*.
9. Expenditures from the special account will be used to support the implementation and operation of car-sharing services in the City of Kingston and shall only be recommended by the City's Commissioner of Community Services or their designate through budget approval.
10. In accordance with Subsection 40(4) of the *Planning Act*, a CIL Agreement may be registered on title to the property to which it applies and, when so registered, any money payable to the City under the CIL Agreement that has become due for payment shall have priority lien status as described in Section 1 of the *Municipal Act, 2001*.

#### **Execution of CIL Agreements**

11. The Mayor and City Clerk are authorized to execute any CIL Agreement approved by the Director pursuant to this By-Law, in a form acceptable to the City Solicitor.

#### **Repeal of By-Law Number 88-270**

12. City of Kingston By-Law Number 88-270, "A By-Law to Establish Criteria for Deciding Applications for Exemption from the Parking Requirements of the Downtown and Harbour Zoning By-Law No. 96-259 ('C1' Central Business System Commercial Zone And 'CMS' Market Square Commercial Zone)(Former City Of Kingston)", is repealed in its entirety as of the date this By-Law comes into force.

#### **Short Title of By-Law**

13. This By-Law may be cited as the "Cash-in-Lieu of Parking By-Law".

#### **Effective Date**

14. This By-Law shall come into force and take effect on the date that the Kingston Zoning By-Law comes into force.

Given all Three Readings and Passed: Meeting date (Month day, year)

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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor

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