Making a Change to Your Business? Tips for Retailers and Restaurant Owners

Consult (free) with the Small Business Office.

The City of Kingston, through the Kingston Economic Development Corporation (KEDCO), provides free and confidential business consultation services. Take advantage of the Small Business Office at KEDCO (www.kingstonentrepreneurs.ca), which works with new start-ups, existing and expanding businesses. Contact information: entrepreneurship@kingstoncanada.com 613-544-2725 ext. 7222.

Check the zoning and permits associated with your proposed business location.

Find out how your business property is zoned and what uses are permitted on it before you sign a lease or submit any Building Permit plans. Contact the Planning Department at 613-546-4291, ext. 3180.

If the zoning allows the type of business you are looking to open/expand, but the current use is different than what you are proposing (i.e. current use is an office and you want to open a coffee shop), you will need to apply for a Building Permit, or for what is referred to as a Change of Use.

What does “Change of Use” mean?

A Change of Use is simply a Building Permit that allows you to change from one use of a location to another or allows you to modify or potentially add a use. Whether work is required to your business location or not, a change of use may be required. A few examples of changes that would require a Building Permit include:

1. changing from a clothing store to a hair salon
2. adding a coffee counter/shop to an art store
3. changing an office into a restaurant

How do I know when I need a Building Permit?

A Building Permit is required if you are making any changes to the structure, demolishing, altering the interior, or changing or expanding the use. Here are a few examples where you will need to apply for a Building Permit, if you are:

1. Adding a patio
2. Removing/adding interior walls
3. Installing a commercial cooking exhaust system
4. Installing/modifying the sprinkler system
5. Reconstruction/modifying the storefront window
6. Installing exit sign and/ emergency lighting system
7. Plumbing installations
8. Constructing a washroom or barrier-free washroom
9. Installing a grease interceptor or backflow preventor

Think you need a Building Permit? See the section on Building Permits below.

Check other business location considerations.

1. Ensure that the current business/property-owner can provide documentation for any work to your business location that required a Building Permit.
2. Determine whether you need a business licence by contacting the Licensing Department at 613-546-4291, ext. 3150 (i.e. if you are taking over an existing restaurant you’ll want to make sure the business has a current licence).
3. Understand the parking requirements associated with a business location. For restaurants, the number of parking spaces required may be based on the number of seats, or what’s referred to as occupant load. It’s best speak with the inspector for your area to discuss your proposal (see www.cityofkingston.ca/documents/10180/26367/Building+Inspector+Area+Map/).
4. Confirm there are no outstanding work items based on the Fire Code by calling 613-548-4001, ext. 5123

Apply for required building permits:

Building Permits are necessary to ensure that zoning requirements, fire, and structural safety standards and other building standards are met. It is the property owner’s responsibility to ensure that a Building Permit is obtained, when required, prior to commencing construction or demolition.

Not sure if you need a Building Permit? Contact the Building Services Division at 613 546 4291 ext. 3280.

What types of projects or changes do not require a Building Permit?

1. Painting, floor tiling or carpeting
2. Installation of minor millwork and cabinetry
3. Reroofing with same materials found on existing roof
4. Replacement of existing plumbing and electrical fixtures
5. Replacement of existing windows to same size and location
6. Replacement of furnace

What is the Building Permit process?

1. Create a check list and consider scheduling a meeting with your inspector.

Before you apply for a Building Permit, create a checklist for yourself and for your designer/contractor of all of the items you wish to change (i.e. increase the number of seats for your restaurant, changing any signage, moving kitchen facilities etc.). The more information you can provide about your plans; the more accurate City Building staff can be in determining timelines. In most cases, plans will be required to reflect the construction details of the proposed work and all zoning information should be provided such as an up to date survey.

2. Apply in-person at 1211 John Counter Blvd.

Building Permits may be applied for by the property owner, or by an agent (contractor or designer) on behalf of the owner. If your designer or contractor is applying on your behalf, you may want to ask them to include your contact information (i.e. email address) on the application so that you are able to receive updates at the same time your contractor/designer receives them. Applications for Building Permits, along with fee schedules, are available at the Building Services Divisions Offices and may also be downloaded. You can fill out the application at home, but most applications must be submitted in person as they require additional documentation.

How much will it cost to apply for a building permit?

For new buildings, the fee is based on a dollar amount per square foot of floor area. Please note that permit fees are required to be paid at the time of application and the fee schedule is available on our website at http://www.cityofkingston.ca/web/guest/search?q=building+permit+fees&x=10&y=7.

How long will it take for my permit to be approved?

Before a Building Permit application can be accepted, it must be complete (contain all necessary info) and approvals for all applicable laws must be in place.

- Smaller projects, such as independent retail stores and offices – staff will review or approve your application and provide you with any feedback within 15 business days.
- Larger projects, such as a restaurants or mall renovations – may take up to 30 days for staff to review.
Staff will contact you or your agent when your application is approved or if your application is incomplete or requires additional information. If there are problems, staff will provide you with a list of deficiencies that you will have to address in order to get your Building Permit approved.

**What do I need to include in my application submission to eliminate or cut down on deficiencies?**

When you are preparing your application or working with your designer or contractor, the following is a basic check list for retail stores and restaurants to make sure you:

1. Retain a designer with BCIN qualifications for smaller buildings up to 600 m2 in gross floor area and three (3) storeys or less and if a restaurant with less than 30 persons.

2. Contact KFL&A Public Health (613-549-1232) if your project is a restaurant or serves food or beverages. They are required to review and approve your drawings prior to the permit for work being issued.

3. Retain a licensed Professional Engineer and/or Architect for large buildings and restaurants with seating for more than 30 persons.

4. Review and include the following requirements in your plans:
   a) Provide barrier-free washrooms and barrier-free entrance;
   b) Provide new or additional washrooms;
   c) Construct fire separations including rated doors and windows;
   d) Install/Modify existing sprinklers;
   e) Install exit signs and/or emergency lighting; and
   f) For restaurants you need to install an oil or grease interceptor and install a commercial cooking exhaust (requires a licensed professional engineer)

**What should my drawings/plans contain?**

When applying for a Building Permit you will need to submit a completed application form and two copies of the following drawings:

1. Floor plans for each floor,
2. Elevations,
3. Cross sections,
4. Mechanical/structural/electrical plans or data,
5. Truss details, and

6. Plot plan/survey or site plan.

**Can I do my own drawings?**

As the owner, you may design your own project and produce your own drawings. However, if you are not familiar with various government regulations, by-laws and Ontario Building Code requirements, you may wish to hire a qualified designer instead. Delays in the issuance of your permit can arise if your drawing and specification submissions are not complete or do not conform to the Ontario Building Code and/or Zoning By-Law.

Most designs for Building Permits, not completed by the owner, will require a designer registered and/or qualified under Division C, Part 3, Section 3.2 of the Ontario Building Code (an Architect or Engineer is exempt from this requirement). A designer is anyone who is responsible for the design, which may also include preparing the drawings for submission. You may wish to check with the Building Services Division to find out whether your project requires a qualified designer.

**How do I know if a designer is qualified?**

Qualified designers will have a Building Code Identification Number (BCIN). Qualifications may be verified on the Ministry of Municipal Affairs and Housing website. Please contact the Ministry at 416-585-6666 if you have any further questions regarding designers or qualifications.

**What happens when I receive my Building Permit?**

Upon obtaining a Building Permit, the property owner or contractor is required to arrange for inspections of construction. The Building department carries out inspections in conjunction with Building Permits, and also responds to customer requests to determine if a permit is required.

Knowledgeable and qualified staff assist both the property owner and contractor with completing their projects in accordance with Ontario Building Code regulations and applicable municipal zoning requirements.

Our Building Inspectors work closely with other regulatory bodies in the City, such as the Fire Prevention Bureau, KFL&A Public Health, Planning and Development and Engineering Division, to ensure that all applicable local regulations are adhered to. This involves conducting fire alarm tests, informing Fire and Health of any possible violations discovered during our routine inspections, and insuring conformance with any agreements between the City and any other organization dealing with development of lands, such as Site Plan Agreements.
How do I schedule inspections?

Requests for inspections can be made by calling the inspector responsible for your project 48 hours in advance of the required inspection. Building Inspectors will inspect at key stages of construction (required inspection stages). It is the permit holder's (applicant's/property owner's/contractor's) responsibility to call the Building Inspector to arrange for inspections at the required inspection stages. The permit holder must also ensure that they are knowledgeable about the Ontario Building Code and understand that they must comply with all of its requirements.

What happens if I don’t get a Building Permit?

If construction has started prior to the issuance of a Building Permit, costly repairs may be required to gain compliance. Removal of work done not in compliance with the Ontario Building Code and/or other applicable law may be required. The Building Permit fee may be increased, you may receive an Order to Comply or Stop Work Order and/or legal action may be initiated.