

CITY OF BARRIE

**AMENDMENT TO:
DEVELOPMENT CHARGES
BACKGROUND STUDY FOR
HIGHWAY 400/MOLSON PARK
DRIVE INTERCHANGE
AREA SPECIFIC DEVELOPMENT
CHARGE BY-LAW**

IN ASSOCIATION WITH:

Read, Voorhees and Associates Ltd.

MAY 27, 2004

P L A N N I N G F O R G R O W T H



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As a result of the public process and staff, consultant and legal review of the Background Study and proposed by-law, the Background Study is being amended to incorporate two changes. These are attached with the changes noted in bold italics.

4.2 Vacant Lands in the By-law Area

In December 2003, the Planning Department undertook an inventory of vacant land within the City's industrial area. For purposes of this Background Study, data relating specifically to the Molson Park Area Specific DC by-law area was identified. The inventory¹ is summarized below.

	Approximate Acres
Total	1,094
Industrial Zoning (M)	760
• In City-owned Industrial Parks	320
• Other Industrial	440
Commercial Zoning (C)	20
Designated Industrial but not Zoned Industrial	314

As noted in Section 4.1, the By-law does not simply represent a calculation of total dollars divided by total acres. **Other factors had to be taken into consideration to be fair and equitable, the most significant of which is the amount of land rezoned to add commercial use(s). This is not predictable, in that rezoning is a Council decision based on a variety of planning and other considerations.** Since the By-law 99-173 passed in 1999, there has been approximately 10-15 acres for which the rezoning to commercial use(s) rate in the bylaw applied (approximately 2-3 acres per annum on average).

The total property rezoned to commercial use(s) in the By-law area is significant from the perspective of the use of transportation capacity and, therefore, by-law collections. If there are no additional rezonings to commercial under the bylaw provisions, the Schedule A owners will not recoup the full amount under the terms of the agreement. Based on the above vacant land figures, assuming the current by-law rates and provisions, and 25% of the properties developed for permitted commercial uses in industrial zones, the Schedule A owners would be reimbursed a total of about **\$480,000** (approximately **60%** of the maximum outstanding)².

¹ Note that a 15% reduction was applied to large parcels over 25 acres to reflect the likelihood that part of their acreage would not be subject to the charge due to dedications for public uses.

² (754 acres X 75% X \$300/acre) + (754 acres X 25% X \$1,500/acre) + (20 acres X \$1,500/acre)

5.2 Development Charge By-law Rules

The following subsections set out the recommended rules governing the calculation, payment and collection of development charges in accordance with Section 6 of the *Development Charges Act, 1997*.

It is recommended that:

5.2.1 *Payment in any Particular Case*

In accordance with the *Development Charges Act, 1997*, s.2(2), a development charge be calculated, payable and collected where the development requires one or more of the following:

- a) the passing of a zoning by-law or of an amendment to a zoning bylaw 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 section 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*; or
- g) the issuing of a building permit under the *Building Code Act* in relation to a building or structure.

5.2.2 *Determination of the Amount of the Charge*

Costs be allocated on an acreage basis to developable properties in the bylaw area (as set out on Schedule A-3 of the proposed by-law in Appendix C), adjusted to take into consideration their need for service for the subject work (based on their ultimate land use).

5.2.3 *Application to Redevelopment of Land*

The proposed charge applies to all development lands in the by-law area, with the exception of lands which have already paid a charge under By-law 99-173 or the proposed by-law, **unless**

additional uses are added to such lands through a rezoning. In such cases, the amount already paid would be deducted from the DC applicable to the new land use.

5.2.4 Exemptions

a) Statutory exemptions

- industrial building additions of up to and including 50% of the existing gross floor area (defined in O.Reg. 82/98, s.1) of the building; for industrial building additions which exceed 50% of the existing gross floor area, only the portion of the addition in excess of 50% is subject to development charges (s.4(3));
- buildings or structures owned by and used for the purposes of any municipality, local board or Board of Education (s.3);
- residential development that results in only the enlargement of an existing dwelling unit, or that results only in the creation of up to two additional dwelling units (based on prescribed limits set out in s.2 of O.Reg. 82/98).

b) Non statutory exemptions¹

- specific lands owned by the six front-ending owners in accordance with the agreement (as defined in Schedule A-4 of the proposed by-law);
- all lands within the by-law area owned by the City of Barrie as of April 22, 1996 or thereafter, with the exception of lands that are rezoned to permit additional commercial ***or institutional*** use(s) after the date of passage of this by-law;
- lands which have already paid a charge under By-law 99-173 or the proposed by-law (***unless additional uses are added to such lands through a rezoning***).

¹ The City's current DC by-law (99-173) contains the following additional non-statutory exemptions:

- places of worship and other institutional uses (the latter due to the absence of an applicable DC rate in Schedule A-2)
- Barrie Public Utilities Commission