



By-Law 2008-111

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To establish municipal-wide development charges for the City of Barrie and to repeal By-law 2003-150 and all amendments thereto

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BY-LAW NUMBER 2008-111

A By-law of The Corporation of the City of Barrie to establish municipal-wide development charges for the City of Barrie and to repeal By-law 2003-150 and all amendments thereto.

WHEREAS pursuant to the subsection 2(1) of the *Development Charges Act, 1997*, c.27, a council of a municipality may pass by-laws to pay for increased capital costs required because of increased needs for services arising from development if the development of the land requires certain consents, approvals, amendments, conveyances or an issuance of a building permit;

AND WHEREAS, on June 9, 2008, the Council of The Corporation of the City of Barrie approved a report entitled "City of Barrie Development Charge Background Study for City-Wide Development Charge By-law" dated March 13, 2008, as amended which report indicates that the development of land within the City of Barrie will increase the need for services;

AND WHEREAS a public meeting has been held before passage of this by-law with notice given and sufficient information made available to the public pursuant to s.12 of the *Development Charges Act, 1997*;

AND WHEREAS the Council in adopting General Committee Motion 08-G-293 as amended by resolution 08-A-235 on June 9, 2008, directed that development charges be imposed on land under development or redevelopment within the geographical limits of the municipality as provided in this by-law;

AND WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law;

AND WHEREAS, on June 9, 2008, the Council approved the report entitled "City of Barrie Development Charge Background Study for City-Wide Development Charge By-law" dated March 13, 2008, as amended, updating its capital budget where appropriate and indicating that it intends that the increase in the need for services to service the anticipated development will be met;

AND WHEREAS, on June 9, 2008, the Council determined that no further public meetings were required under section 12 of the *Development Charges Act, 1997*;

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts as follows:

1. Definitions

ALL OTHER NON-RESIDENTIAL USE means all non-residential uses except industrial use and retail use;

APARTMENT DWELLING UNIT means any residential dwelling unit within a building containing more than four dwelling units where the residential units are connected by an interior corridor;

BEDROOM means a room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room or dining room, but does include a den or study;

COMMERCIAL USE means lands, buildings or structures, other than residential or retail uses, to be developed within a commercial zone as defined as such within the City of Barrie's zoning by-law 85-95, or any successor thereto, notwithstanding that such use may be described in Section 6.2 .1 Permitted Uses as uses other than within the "Commercial" category together with uses listed under the Commercial Category set out in Section 7.6 or a commercial use set out in Section 8.2, 9.2 & 11.2 ;

DWELLING UNIT means a suite operated as a housekeeping unit used or intended to be used, as a domicile by one or more persons and usually containing cooking, eating, sleeping and sanitary facilities

EXISTING INDUSTRIAL BUILDING means a building used for or in connection with,

- a) manufacturing, producing, processing, storing or distributing something,
- b) research or development in connection with manufacturing, producing or processing something.
- c) Retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, producing or processing takes place,
- d) Office or administrative purposes, if they are,
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.

GROSS FLOOR AREA (gfa) means the total floor area, measured between the outside or exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls and shall include mezzanines, as defined by the Ontario Building Code. In the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use;

INDUSTRIAL USE means lands, buildings or structures or units within such buildings or structures to be developed within an industrial zone and described in the list of uses under the "Industrial" category set out in Section 7.6 of the City of Barrie's zoning by-law 85-95, or any successor thereto;

INSTITUTIONAL USE means, notwithstanding any other provisions of this By-law, lands, buildings or structures to be developed within an institutional zone as defined or listed as such within the City of Barrie's zoning by-law, 85-95, or any successor thereto, or uses defined or listed as institutional uses within the aforesaid zoning by-law located in other zones and shall be deemed to include long-term care facilities;

OTHER MULTIPLE DWELLING UNITS means all dwelling units other than single detached dwelling units, semi-detached dwelling units, and apartment dwelling units;

NON PROFIT INSTITUTION means

- a) a "registered charity" as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
- b) a corporation that is a non-profit organization for the purposes of paragraph 57(I)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
- c) a "religious organization" as defined in subsection 1(1) of the Religious Organizations' Lands Act, R.S.O. 1990, c. R.23;

NON-RESIDENTIAL (OR A NON-RESIDENTIAL USE) means lands, buildings, or structures, or portions thereof designed, adopted or used for any purpose other than residential use;

RESIDENTIAL USE means lands, buildings, or structures designed or intended to be used as living accommodation for one or more individuals;

RETAIL USE means land, buildings or portions thereof used, designed or intended for use for the purpose of offering foods, wares, merchandise, substances, articles or things for sale directly or providing entertainment to the public and includes the rental of wares, merchandise, substances, article or things and includes offices and storage in connection with or related or ancillary to such retail uses. Retail uses include, but are not limited to: conventional restaurants, fast food restaurants, concert halls, theatres, cinemas, movie houses, automotive fuel stations with or without service facilities, specialty automotive shops, auto repairs, collision services, car or truck washes, auto dealerships, shopping centres, including more that two stores attached and under one ownership, department/discount stores, banks and similar financial institutions, including credit unions (excluding freestanding bank kiosks), warehouse clubs and retail warehouses;

SEMI-DETACHED DWELLING UNIT means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit where the residential units are not connected by an interior corridor;

SINGLE-DETACHED DWELLING UNIT means a residential building consisting of one dwelling unit and not attached to another structure.

2. Lands Affected

Where permitted pursuant to the provisions of the *Development Charges Act, 1997*, and not otherwise prohibited by such Act, or otherwise exempted by the provisions of this by-law, this by-law applies to all land, buildings and structures within the City of Barrie.

3. Calculation of Development Charges

(1) Subject to the provisions of this by-law, development charges against land shall be calculated and collected in accordance with the rates set out in Schedule "A".

(2) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:

- (a) in the case of residential development or redevelopment, or the residential portion of a mixed use development, based upon the number and type of dwelling units;
- (b) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed use development or redevelopment, based on the gross floor area of such development or redevelopment.

(3) In the event that it is not possible for the Manager of Zoning to determine with sufficient specificity the category of intended use for proposed buildings or structures or units within such buildings or structures thereof for which an application for building permit has been received within an industrial zone as defined within the City of Barrie's zoning by-law 85-95, or any successor thereto, the proposed use shall be deemed to be an industrial use for purposes of calculation of the development charge. In the event that at the time of the approval for occupancy of such buildings or structures or units within such buildings or structures, it can be determined with sufficient specificity that the use falls within the definition of a use other than an industrial use as set out in this by-law then the applicant shall be required to pay an additional amount being the difference between the development charges exigible for industrial uses and the non-industrial use.

4. Services for Which the Development Charge is Payable

The municipal services for which the development charge is imposed for development are:

TRANSIT

PARKS AND RECREATION

LIBRARY

ADMINISTRATION (GENERAL GROWTH RELATED STUDIES)

PROTECTION

ROADS AND RELATED

WATER

WASTEWATER

STORM WATER MANAGEMENT

PARAMEDIC

5. Timing of Calculation and Payment of Development Charges

(1) Subject to the exemptions set out in this by-law or by statute or regulation, 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 by the *Development Charges Act, 1997* on the date that the first building permit (which shall be deemed not to include a conditional permit) is issued in relation to a building or structure on land to which a development charge applies with respect to any new or additional gross floor area or any additional dwelling units, or in a manner or at a time otherwise lawfully agreed upon.

(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.

(3) Notwithstanding subsections (1) and (2), at the sole and unfettered discretion of the municipality, an owner may enter into an agreement with the municipality, to provide for the payment in full of a development charge before or after building permit issuance.

(4) Notwithstanding subsections (1), (2) and (3), a development charge with respect to engineered services as set out in Schedule "A" attached, may be payable at the option of the Corporation of the City of Barrie, with respect to an approval of a plan of subdivision or a severance under section 51 or 53 of the *Planning Act*, immediately upon entering into the subdivision/consent agreement, based upon the number and type of residential lots created, and, in the case of subdivision blocks, based on the maximum zoned capacity of each block pursuant to the City of Barrie's zoning by-law 85-95 as amended or any successor thereto.

6. Indexing of Development Charges

(1) The development charges set out in Schedule "A" to this by-law shall be adjusted annually, without amendment to this by-law, commencing on January 1, 2010 and annually on the first of January thereafter in accordance with the most recent available twelve month change in the Statistics Canada Quarterly, "Capital Expenditure Price Statistics" (Catalogue 62-007)".

(2) Notwithstanding subsection (1), the development charges set out in Schedule "A" shall be adjusted, without amendment to this by-law, on January 1, 2009, based on the most recent available six month change in the Statistics Canada Quarterly, "Capital Expenditure Price Statistics" (Catalogue 62-007)".

7. Multiple Charges

(1) Where two or more of the actions as set out in Subsection 2(2) of the *Development Charges Act, 1997* 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 (1), if two or more of the actions set out in Subsection 2(2) of the *Development Charges Act, 1997*, occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in this by-law, an additional development charge shall be calculated in accordance with the provisions of this by-law.

8. Accounting for Development Charges

(1) Any development charges paid pursuant to this by-law shall be maintained separately from all other revenues or receipts of The Corporation of the City of Barrie.

(2) The Treasurer of The Corporation of the City of Barrie shall maintain these monies in separate reserve funds as set out below for the services identified in this by-law and shall only permit the monies to be expended in accordance with the provisions of s.35 of the *Development Charges Act, 1997*:

- (i) Protection
- (ii) Roads and Related
- (iii) Wastewater
- (iv) Storm water management
- (v) Water
- (vi) All other services (parks and recreation, transit, library, administration, paramedic)

(3) The Treasurer shall provide the Council with an annual statement, on a date directed by the Council, in respect of the reserve funds established under this by-law. This statement shall contain the required information, as set out in s.s.12(1) of O.Reg. 82/98.

9. Exemptions and Discounts

(1) The following designated categories of uses are exempt from the imposition of development charges otherwise payable under this by-law as noted below:

- (a) all residential building permits not resulting in the creation of an additional dwelling unit;
- (b) the addition of one or two dwelling units to an existing single-detached dwelling unit, where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing dwelling unit;

- (c) with respect to existing residential dwelling units other than existing single-detached dwelling units, where the additional dwelling unit has a gross floor area not greater than the gross floor area of the smallest existing dwelling unit (where the existing unit is a semi-detached or multiple family dwelling) or not greater than the gross floor area of the smallest dwelling unit contained in the residential building (in the case of any other residential building);
- (d) land owned by and used for the purposes of The Corporation of the City of Barrie, any other municipality, the Simcoe County District School Board, the Simcoe-Muskoka Catholic District School Board (and any other school board defined in section 1(1) of the Education Act), or any local board or commission;
- (e) places of worship which are exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31 as amended and public hospitals approved under the Public Hospitals Act, R.S.O. 1990,c.P.40 as amended;
- (f) Community Colleges or Universities only for land owned by and used for the purposes of the Colleges or Universities;
- (g) additions to existing industrial buildings up to and including 50% of the existing gross floor area;
- (h) redevelopment of lands where, by comparison with the land that was improved by occupied structures at any time within 60 months previous to the building permit issuance, no additional dwelling units are being created or additional non-residential gross floor area is added. If a development involves the demolition of and replacement of a building or structure, or the conversion from one principal use to another, the developer shall be allowed a credit equivalent to:
 - i) the number of dwelling units occupied within the preceding 60 months demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, and/or
 - ii) the gross floor area of the building occupied within the previous 60months demolished/converted multiplied by the current non-residential development charge in place at the time the development charge is payable. The credit can, in no case, exceed the amount of the development charge that would otherwise be payable;
- (i) land contained within the City Centre Planning Area as set out in Schedule "B" of the Official Plan or any successor thereto for a period up to and including June 16, 2010.

(2) The following designated categories of uses are subject to discounted development charges as noted below:

- (a) notwithstanding the table of development charges set out in Schedule "A", land contained within the City Centre Planning Area as set out in Schedule "B" of the Official Plan or any successor thereto for the period from June 17, 2010 to June 16, 2013 as to 100% of the development charge chargeable for non-residential uses and 50% of the development charge chargeable for residential uses;
- (b) notwithstanding the table of development charges set out in Schedule "A", development of lands owned by a non-profit institution for institutional uses by the non-profit institution for their own purposes as to 50% of the development charge chargeable;
- (c) notwithstanding the table of development charges set out in Schedule "A", industrial uses shall be charged a development charge of \$10.00 per square foot of gfa subject to being indexed in accordance with section 6;
- (d) notwithstanding the table of development charges set out in Schedule "A", retail uses shall be charged a development charge of \$15.55 per square foot of gfa subject to being indexed in accordance with section 6.

(3) The development charges under this by-law may be calculated in either imperial or metric measurements. For the purposes of metric calculations, one square metre equals 10.76 square feet and one hectare equals 2.47 acres.

10. By-law Registration

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

11. By-law Administration

This by-law shall be administered by the Treasurer of The Corporation of the City of Barrie.

12. Short Title

This by-law may be referred to as the Barrie City-Wide Development Charges By-law.

13. Date Bylaw Effective

This by-law comes into force on the date following the date of its passage by the Council of the Corporation of the City of Barrie.

14. Headings

The headings in this by-law form no part of this by-law and shall be deemed to be inserted for convenience of reference only.

15. Severability

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.

16. Schedules

Schedule "A" to this by-law forms an integral part of this by-law.

17. By-law 2003-150

By-law 2003-150 and all amendments thereto are hereby repealed on the date this by-law comes into effect.

18. Expiry

This by-law shall expire and be deemed to be repealed on June 16, 2013.

READ a first and second time this 16th day of June 2008.

READ a third time and finally passed this 16th day of June 2008.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – D. ASPDEN

CITY CLERK – DAWN A. MCALPINE

SCHEDULE "A"
BY-LAW NO. 2008 - _____

SCHEDULE OF CITY-WIDE DEVELOPMENT CHARGES

SERVICE	RESIDENTIAL				RETAIL	ALL OTHER NON-RESIDENTIAL
	Single-Detached & Semi-Detached (per Dwelling Unit)	Apartments 2 Bedrooms + (per Dwelling Unit)	Apartments Bach. & 1 Bedroom (per Dwelling Unit)	Multiples (per Dwelling Unit)	(per s.f. of Gross Floor Area)	(per s.f. of Gross Floor Area)
Engineered Services:						
Roads and Related	\$ 11,495	\$ 6,720	\$ 5,660	\$ 9,975	\$ 9.19	\$ 4.60
Wastewater	3,550	2,075	1,748	3,081	3.38	3.38
Water	4,965	2,903	2,444	4,309	4.66	4.66
Storm Water Management	1,260	737	620	1,093	0.83	0.83
	\$ 21,270	\$ 12,435	\$ 10,472	\$ 18,458	18.06	13.47
Other Services:						
Protection	\$ 620	\$ 362	\$ 305	\$ 538	\$ 0.41	\$ 0.41
Libraries	497	291	245	431	0.01	0.01
Paramedic	87	51	43	75	0.02	0.02
Parks and Recreation	3,124	1,827	1,538	2,711	0.12	0.12
Transit	387	226	191	336	0.10	0.10
Administration	75	44	37	65	0.06	0.06
	\$ 4,790	\$ 2,801	\$ 2,359	\$ 4,156	0.72	0.72
TOTAL DEVELOPMENT CHARGE	\$ 26,060	\$ 15,236	\$ 12,831	\$ 22,614	\$ 18.78	\$ 14.19

Note: Sections 9(2)(c) and (d) set out special provisions relating to the development charges for industrial uses and retail uses, respectively.