



**A By-Law of The Corporation of the City of Barrie
to impose Community Benefits Charges.**

WHEREAS authority is given to Council under section 37 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended (the "Planning Act"), to adopt a community benefits charge by-law; and

AND WHEREAS The Corporation of the City of Barrie has prepared a community benefits strategy pursuant to subsection 37(9) of the Planning Act; and

AND WHEREAS The Corporation of the City of Barrie has consulted with appropriate persons and public bodies in the preparation of this by-law in accordance with subsection 37(10) of the Planning Act;

AND WHEREAS the Council adopted motion 23-G-151 on June 21, 2023 to adopt a community benefits charge by-law

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

DEFINITIONS

1. In this By-law;

"Basement" - the portion of a building between the first story and any story below the level of the first story;

"Building Code Act" means the *Building Code Act, 1992, S.O. 1992, c.23*, as amended.

"Building Permit" means a building permit issued by the Chief Building Official under the authority of the Building Code Act;

"Building Permit Application" means an application for issuance of a building permit submitted to and deemed complete by the Chief Building Official, which complies with all applicable requirements of the Building Code Act and the Ontario Building Code, including all applicable law as defined therein, and includes payment of all applicable fees;

"Chief Building Official" means the chief building official for the City, appointed pursuant to section 3 of the Building Code Act, or their designate;

"City" – means the Corporation of the City of Barrie;

"Community Benefits Strategy" means a community benefits strategy prepared pursuant to subsection 37(9) of the Planning Act;

"Condominium Act" means the *Condominium Act, 1998, S.O. 1998, c.19* as amended;

"Development or Redevelopment" means any activity or proposed activity in respect of any land, building or structure, whether existing or proposed, that requires:

- a) the passing of a zoning by-law or of an amendment to a zoning by-law;
- b) the approval of a minor variance;
- c) a conveyance of land to which a part lot control exemption by-law applies;
- d) the approval of a plan of subdivision;
- e) a consent to sever;
- f) the approval of a description of a plan of condominium pursuant to the Condominium Act; or
- g) the issuing of a Building Permit;

"First Story" means the story that has its floor closest to grade and its ceiling more than one-point-eight (1.8) metres above the average adjacent grade abutting the front yard, but shall not include the basement. For purposes of this by-law, the first story is deemed to be at or above ground;

"Grade" means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;

"Gross Floor Area" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level;

"In-Kind Contribution" means facilities, services or matters identified in a Community Benefit Strategy and required because of Development or Redevelopment provided by an owner of land, in lieu of payment of the community benefits charge otherwise applicable, in whole or in part;

"Phase" means a part or parts of a larger Development or Redevelopment for which separate building permit application(s) will be submitted;

"Planning Act" means the *Planning Act, R.S.O. 1990, c. P.13* as amended from time to time or any successor thereof;

"Residential Unit" means a dwelling unit that,

- a) consists of a self-contained set of rooms located in a building or structure;
- b) is used or intended for use as a residential premises; and
- c) contains kitchen and bathroom facilities that are intended for the use of the occupants of the dwelling unit only;

"Story" means a portion of a building, other than a basement, located between any floor and the floor, ceiling or roof immediately above it;

"Value of the Land" means for the purposes of determining the Community Benefits Charge payable, the appraised Value of the Land in an appraisal prepared by or for the City and in accordance with generally accepted appraisal principles and standards.

APPLICABLE LANDS

1. Subject to section 2 herein, this by-law applies to all lands within the City of Barrie.
2. This by-law shall not apply to land or buildings within the City of Barrie that are owned or used for the purposes of:
 - a) the City of any local board thereof; and
 - b) a Board of Education.

APPLICATION OF BY-LAW

3. A Community Benefits Charge shall be payable against land to pay for the capital costs of facilities, services, and matters required for Development or Redevelopment of all lands in the geographic area of the City of Barrie unless section 2 herein applies.
4. The Community Benefits Charge shall be imposed on all Development or Redevelopment of a building or structure with five or more stories and that adds ten or more Residential Units.

AMOUNT OF CHARGE

5. The amount of the Community Benefits Charge payable shall be 4% of the Value of the Land that is the subject of the Development or Redevelopment on the day before the day the first building permit is issued in respect of the Development or Redevelopment, multiplied by the ratio of "A" to "B" where,
 - a) "A" is the gross floor area of any part of a building or structure, which part is proposed to be erected or located as part of the Development or Redevelopment, and
 - b) "B" is the gross floor area of all buildings and structures that will be on the land after the Development or Redevelopment.
6. The value of the gross floor area for the types of Development or Redevelopment set out in section 1 of Ontario Regulation 509/20 to the Act shall be deducted from the Community Benefits Charge otherwise payable.
7. In determining the amount of the Community Benefits Charge for a particular Development or Redevelopment the City shall require the owner of the land in question to provide an appraisal of the Value of the Land to the City. The appraisal shall be prepared by an appraiser accredited by the Appraisal Institute of Canada and at no expense to the City.

TIMING OF CALCULATION AND PAYMENT

8. The Community Benefits Charge is payable prior to day of the first building permit is issued for the Development or Redevelopment.
9. If a Development or Redevelopment is to be constructed in phases, each phase of the development is deemed to be a separate Development or Redevelopment for the purposes of this by-law and the amount of the Community Benefits Charge for each phase is 4% of the Value of the Land of that phase on the day before the first building permit for the Development or Redevelopment of that phase is issued as required in accordance with section 37(32) of the *Planning Act*.

EXEMPTIONS

10. The onus shall be on the owner or applicant to produce evidence to the satisfaction of the City establishing that the owner or applicant is entitled to an exemption under either section 37 of the Planning Act and Ontario Regulation 509/20 or the provisions of this By-law.

IN-KIND CONTRIBUTIONS

11. In the event that Council has allowed an owner of land to provide an In-Kind Contribution in-lieu of payment of a portion or all of the Community Benefits Charge otherwise payable and arrangements for the provision of the In-Kind Contribution that are satisfactory to Council have been made, the Community Benefits Charge otherwise payable for the Development or Redevelopment shall be reduced by the value that the City has attributed to the In-Kind Contribution.
12. Notwithstanding section 11, any Development or Redevelopment or use that is excluded or exempted in this by-law shall not be considered an In-Kind Contribution for the purposes of this by-law or subsection 37(8) of the *Planning Act*.

REVIEW

13. Within five years after this by-law is passed Council shall ensure that a review of this by-law is undertaken and shall pass a resolution declaring whether a revision to the by-law is needed and thereafter shall further review the by-law and pass a resolution within every five years after the previous resolution was passed.

SHORT TITLE

14. **THAT** this By-law may be referred to as the “City of Barrie Community Benefits Charge By-law”.

EFFECTIVE DATE

15. **THAT** this By-law shall come into force and effect immediately upon passing thereof.

READ a first and second time this 21st day of June, 2023.

READ a third time and finally passed this 21st day of June, 2023.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR, A. NUTTALL

CITY CLERK – WENDY COOKE