
TO: GENERAL COMMITTEE

SUBJECT: CASH-IN-LIEU OF PARKLAND REVIEW

WARD: ALL

PREPARED BY AND KEY CONTACT: P. ELLIOTT-SPENCER, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

SUBMITTED BY: C. MILLAR, DIRECTOR OF FINANCE AND TREASURER
R. SUTTON, DIRECTOR OF ENGINEERING
A. BOURRIE, DIRECTOR OF PLANNING AND BUILDING SERVICES

GENERAL MANAGER APPROVAL: DAWN MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES (ACTING)
R. FORWARD, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the draft By-law attached as Appendix "C" to staff report FIN016-17 be enacted and By-law 89-341, as amended by By-laws 90-168, 91-31 and 96-62, being a By-law to provide for the dedication of land for park purposes for development or redevelopment of residential, commercial or industrial land, be repealed.
2. That the following Cash-in-Lieu of Parkland policies be approved, effective July 1, 2017:
 - a) Establish a unit rate per dwelling unit for medium and high density developments of \$5,000 per unit;
 - b) Establish a unit rate to be applied to in-fill development of single family units in the former City Boundaries, of \$5,000 per dwelling unit;
 - c) That, for greenfield development of low density units, land dedication at a rate of one hectare per 300 dwelling units be the preferred form of parkland dedication, however, in the case that land cannot be dedicated, Cash-in-Lieu of Parkland will be required based on the market value of serviced developable land at a rate of one hectare per 500 dwelling units;
 - d) That the unit rates be indexed annually at the same rate as the City-wide Development Charges, i.e. by the percentage change during the preceding year as recorded in the Statistics Canada's Construction Cost Index (non-residential building) (CANSIM table 327-0043), as may be amended or replaced from time to time;
 - e) That the Cash-in-Lieu of Parkland rates undergo a full review at least every five years, in conjunction with the review of the City of Barrie's Development Charges;

- f) That Cash-in-Lieu of Parkland for institutional land be at a rate of 5% of the market value of serviced land for the proposed development; and
 - g) That Cash-in-Lieu of Parkland for other non-residential land (i.e. industrial and commercial land) be at a rate of 2% of the market value of serviced land for the proposed development.
3. That staff in the Planning & Building Services and Finance Departments report back to General Committee in the Fall with cash-in-lieu financial incentive options to include in the Built Boundary Community Improvement Plan (CIP) to support the development of affordable housing including emergency shelter, transitional housing, rent-geared-to-income housing, affordable rental, and non-profit "sweat equity" homeownership.

PURPOSE & BACKGROUND

4. The purpose of this staff report is to request Council approval of a new approach for the calculation of parkland dedication or Cash-in-Lieu of Parkland.

Current City Practice

5. The City of Barrie receives land values for development purposes calculated based on three milestone timelines:
- a) The day prior to the date of registration of a plan of subdivision or condominium;
 - b) The day before planning approval is given for a development or redevelopment by way of site plan control; and,
 - c) The day before granting of provisional consent for a Committee of Adjustment consent application.
6. Within the City's Official Plan, as a condition of development of land for residential or institutional purposes, the City may require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the provisions of the *Planning Act, R.S.O. 1990* (Planning Act) and the following criteria, or combination thereof:
- a) Development of densities less than 15 units per net hectare will require up to a 5% land dedication. The City typically uses the 5% residential or 2% commercial/industrial calculations for low density applications, such as subdivisions or large scale commercial/industrial developments; and,
 - b) Development of densities greater than 15 units per net hectare will require a land dedication of up to one hectare per 300 units, or cash-in-lieu of up to one hectare per 500 units. This is typically used for medium and high density applications.
7. For large scale subdivision developments, 5% parkland calculation is the typical calculation method used to determine the parkland dedication values, as parkland area can be provided through the plan of subdivision. In the circumstances where an under dedication is determined, a cash-in-lieu value is calculated based on the value of land established prior to registration of the subdivision. With the use of 5% calculations, the value of the land is always up to date with current market conditions. This method requires a separate appraisal of each development site.

8. For any medium to high density development, which are generally approved through the Site Plan Control process, the cash-in-lieu value is determined prior to the issuance of the building permit, and is based on the value of the land and land uses, whether it be residential, commercial or industrial. This method also requires a separate appraisal of each development site. Where a mixed use application is being assessed, the City has the ability to pro-rate the cash-in-lieu value based on the proposed percentages within the application, thus effectively representing the design intent of the application in the calculations of the fee.
9. For non-residential uses, the Planning Act states that institutional uses provide up to 5% of the land or the cash equivalent, and commercial/industrial up to 2% of the land or the cash equivalent.
10. For Committee of Adjustment and severance applications, the City established a fixed unit rate for the calculation of cash-in-lieu values in By-law 96-62 as follows:
 - a) \$2,000.00 per dwelling unit for single family and semi-detached units;
 - b) \$1,500.00 per unit for a medium and high density residential townhouse development; and,
 - c) \$1,000.00 per unit for a medium and high density residential apartment development.
11. Since the above rates have not been modified in over 20 years, it is the concern of staff that the fixed rate does not reflect the current value of land in determining what the value for cash-in-lieu would be for any particular application, thus resulting in a shortfall in what funding could be collected. For example, the value of one acre of farmland with a building has increased by an average of 389% across Canada since 1996 and by 422% across Ontario (based on Statistics Canada data). Therefore, the City's current rates per dwelling unit are very low relative to the current value of land.

Smart Growth for Our Communities Act

12. The *Smart Growth for Our Communities Act, 2015* (Bill 73) received Royal Assent on December 3, 2015, and is now fully in force and effect as of July 1, 2016. The maximum alternative parkland rate (cash-in-lieu) changed from one hectare for every 300 units, to one hectare for every 500 units for cash-in-lieu. Institutional land dedication, or cash-in-lieu, is at 5% of the land or land value, and commercial/industrial dedication, or cash-in-lieu, is at 2% of the land or land value.

ANALYSIS

Parks and Recreation Strategic Master Plan

13. The Parks and Recreation Strategic Master Plan was endorsed by City Council on June 28, 2010 as the planning guideline for the delivery of future parks and recreation services for the City of Barrie. The following excerpt from the Parks and Recreation Strategic Master Plan, which relates to the parkland acquisition, is as follows:
 - a) Parkland Acquisition Recommendation #7-20 states that the City should "continue to collect cash-in-lieu contributions as per the Planning Act and utilize these receipts, as appropriate, towards the development of larger municipal parks which are able to accommodate major sports as part of multi-field complexes. Doing so will allow the City to manage sports fields to its own standards in the most cost effective manner, while providing user groups with long-term security to access fields".

14. The current summary of land requirements within the Parks and Recreation Strategic Master Plan and 2013 Updated Growth Strategy, is that the City has been collecting a rate of “usable” parkland for active and passive uses at a rate of approximately 2.2 hectares per 1,000 population.
15. The above Growth Strategy document identified that, where parkland is not able to be dedicated as part of a development application, the City shall continue to collect cash-in-lieu amounts to offset future implementation of parkland and recreational opportunities, including the potential purchase of property for the future sports park.
16. The Planning Act states that parkland dedication and cash-in-lieu can be used for park or other public recreational purposes. Therefore cash-in-lieu can be used to fund renovations to recreation facilities, playground equipment and washroom buildings, plus other recreational uses such as facilities on the waterfront and marina. Funding for projects should be completed on a priority basis with land purchase for parkland being the highest priority.
17. Parks Development staff have identified parkland needs from the Waterfront and Strategic Plan and the Parks and Recreation Master Plan of \$35 Million to 2031. As well, the ten year Capital Forecast includes \$30 Million for a number of projects, including the refurbishment of Allandale Community Centre, park washroom buildings, tennis courts, and equipment. Beyond the ten year forecast, it is anticipated that refurbishments will be required at both Holly and East Bayfield Community Centres, the BMC, and a number of other facilities preliminarily estimated at \$100 Million. Cash-in-lieu of Parkland can be a significant funding source to meet these needs, reducing pressure on tax based funding.

Challenges Related to Medium and High Density Developments

18. Future growth within the City of Barrie will have a much larger share of medium and high density units, which create challenges in determining a fair and reasonable rate for cash-in-lieu, as the ‘one hectare per 500 dwelling unit’ formula can result in land dedication requirements exceeding the size of the actual development parcel. Additionally land values for high density parcels are considerably greater than greenfield and medium density parcels. Use of the ‘one hectare per 500 dwelling unit’ formula based on the high density land values can result in cash-in-lieu requirements exceeding the value of the development parcel. Also values of high density parcels can vary considerably depending on location, resulting in similar sized parcels paying very different amounts, as a result of the appraised value of the parcel.
19. Staff have looked at the policies of other municipalities, and particularly those with significant growth in medium and high density developments. Many have policies that recognize the challenge with higher density development, some utilizing smaller land dedication requirements, some providing discounts, and a number that have established unit rates based on the average value of medium density land, to be applied to medium and high density units. Appendix “A” contains a summary of other municipalities’ practices. Caution should be used in doing comparisons, as many municipalities have old policies which will be updated in light of Bill 73. As well, some municipalities are in high growth situations while others are mature resulting in parkland dedication and cash-in-lieu being less of a concern.
20. As there have been legal challenges in other municipalities related to cash-in-lieu requirements, it is important that any policy established by the City of Barrie is clear, logical, defensible and easy to understand. As well, the requirements should be clear to developers so that they can calculate their requirements and include them in their pro formas.

Recommended Cash-in-Lieu Policies

21. Staff are recommending that Cash-in-Lieu of Parkland rates for non-residential properties be as set out in the Planning Act. For institutional uses, this is 5% of the land value based on an appraisal of the land acceptable to the City and for Commercial/Industrial uses, 2% of the land value based on an appraisal of the land acceptable to the City.
22. For low density development in greenfield areas, the priority is for land dedication based on one hectare per 300 units, as set out in the Planning Act. In cases where land cannot be dedicated, the cash-in-lieu of parkland would be based on the value of one hectare of land per 500 dwelling units, based on the appraised value of the property.
23. For low density units developed as in-fill, cash-in-lieu will be based on a unit rate equal to the unit rate for medium and high density.
24. For medium density properties cash-in-lieu will be based on a unit rate, calculated based on the average market value of one hectare of medium density land divided by 500 units. The current average market value of medium density land is \$2.5 Million per hectare. Dividing this by 500 results in a unit rate of \$5,000.
25. For high density units it is recommended that the same rate be used as for medium density units, as basing it on the average cost of high density land results in a very high unit charge. Recent sales of high density land in downtown Barrie have sold at values per hectare of \$4.8 Million to \$12 Million. This would result in a unit charge of \$17,400, and would be a major disincentive to the development of high density developments. Other municipalities such as Vaughan and Mississauga use the unit rate calculated based on medium density land for both medium and high density. However, their charges range between \$8,000 and \$10,000 per unit due to higher land values.
26. Moving to a unit rate for residential development provides certainty to the development community as they know the unit rates, and can easily calculate the amount payable for their development. It also eliminates the need for individual land appraisals, and provides equity between different developments. For the City, it reduces administrative requirements and provides for easy forecasting of anticipated revenues.
27. Another benefit of the unit rates is additional incentives, if desired, can be provided through Community Improvement Plans (CIP's) for Downtown, Nodes and Corridors or affordable housing by providing discounts or caps. This can be done outside of the Cash-in-Lieu of Parkland Policy and By-law.
28. In order to keep the unit rates current, it is proposed that the rates be indexed at the same rate as the City's Development Charges. It is also proposed that Cash-in-Lieu of Parkland be reviewed at least every five years, in conjunction with the updating of the City's Development Charges Rates, so that all development related fees can be reviewed together. Therefore, Cash-in-Lieu would be reviewed again in late 2018 when the City undertakes its next Development Charge Study.
29. The proposed By-law provides the framework under which the parkland dedication or Cash-in-Lieu will be calculated. The draft version of this By-law is presented in Appendix "C". The unit rates will not be maintained directly within the By-law; instead they will reside within the Council approved policies described earlier in this report.

ENVIRONMENTAL MATTERS

30. There are no environmental matters related to the recommendations.

ALTERNATIVES

31. The following alternative is available for consideration by General Committee:

Alternative #1 General Committee could reject the proposed new By-law, or propose alternative rates.

This alternative is not recommended as the proposed policy provides a fair, equitable, and consistent method for the calculation of parkland dedication and cash-in-lieu of land. The proposed policy reflects the market value of land; reducing the rates would result in the City not receiving sufficient funds per hectare to purchase land for parks or other recreational needs.

FINANCIAL

32. The City of Barrie currently maintains two separate Cash-in-Lieu of Parkland Reserve Fund accounts: one for 5% land contributions; and, one for 2% commercial/industrial. The current balance for each Reserve Fund, as of May 2017, is as follows:

- a) 5% residential: 11-05-0556-0000 = \$2,818,827
- b) 2% commercial/industrial: 11-05-0557-0000 = \$2,449,539

33. Through the implementation of the Recommended Motion, the City will be able to collect Cash-in-Lieu in a more consistent and predictable manner while adhering to the Planning Act requirements, and will be in a better position to fund the necessary Parks and Recreation needs identified through both the Parks and Recreation Strategic Master Plan and Capital projects identified in future Business Plans. Appendix "B" presents the calculation of possible cash-in-lieu revenues based on the growth estimates included in the City's Development Charges Study and Fiscal Impact Assessment. The calculation does not consider any incentives or discounts that could be provided through CIP's or Affordable Housing Policies. Estimated revenues before considering incentives, are approximately \$116 Million by 2031. Actual revenues will depend on the amount of land received through dedication, the pace of actual growth, and possible incentive programs. Anticipated needs are still greater than forecasted revenue, however, this revenue will greatly reduce the demand on the City's Tax Based funding sources.

LINKAGE TO 2014-2018 STRATEGIC PLAN

34. The recommendations included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:

- Responsible Spending
- Inclusive Community

Updating the Parkland Dedication By-law and the collection of Cash-in-Lieu of Parkland will increase the City's reserve accounts to allow for the additional redevelopment of parkland throughout the City, based on intensification and higher densities within the Urban Growth Centre.

APPENDIX "A"

**Cash-in-Lieu of Parkland Contributions for
Residential Development Proposals – Selected Municipalities**

Municipality	1 ha/500 Units	5%	Fixed Rate Formula	Discounted Amount	Valuation Method
Bracebridge		✓		N/A	Estimated land values based on development type
Brampton	✓ (capped at greater amount between 10% of land value or 3500\$/unit)	✓		Capped at greater amount between 10% of land value or 3500\$/unit	Appraisal; or average land values which depend on development type (updated yearly)
Brantford		✓			Estimated land value
Burlington	✓ (medium or high density)	✓ (low density)	Lesser of value (1ha/500u) or \$6500/unit for medium density; Lesser of value (1ha/500u) or \$5500/unit for high density	Lesser of Planning Act requirement or formula	Assessed value
Cambridge	✓ (25% cap – see Discounted Amount)	✓	Considering change to fixed rate for smaller consent applications	A 25% cap on value for 1ha/500units	Appraisal
Chatham Kent		✓		N/A	Assessed value; or based on recent sale price
Guelph	✓ (50u/ha-100u/ha =7.5%; >100u/ha =10%)	✓ (<50u/ha)		N/A	Request an appraisal
Hamilton (1)	✓ (Currently in by-law: 1ha/300 for 20-75u/ha; 0.6ha/300 for 75-120; 0.5ha/300 for >120u/ha. Since change in Planning Act they collect least between formula above or 1ha/500)	✓ (less than 20u/ha)		Residential Development in Downtown CIP or in Brownfield CIP pay only 5%	Appraisal in house
Kingston	✓ (For densities >30 units /hectare capped at a value of 10%)	✓ (For densities <30units/ha)	Flat rate for single residential dwelling Development	Densities >30 units/hectare capped at a value of 10%; Lands within defined Centres or Corridors capped at a value of 5%	Not stated in By-law
Kitchener	✓	✓	Appraised land values for classes of land with updates on or before 5 years	N/A	Appraisal for lands greater than 4ha/Fixed rate for lands less than 4ha
London	✓	✓		Bonuses or reduction considered for development with enhanced park corridors in design	Based on formula for residential; appraisals for all other land uses (Updated every 2 years)
Mississauga	✓ (For med-high density; see fixed rate)	✓ (Used for low density)	\$200\$/unit fixed rate for med-high density (reviewed every six months)	Occasional (case by case basis)	Qualified Real Estate Appraiser on staff for low density; Fixed-unit rate for med-high density based on average land value
Muskoka Lakes		✓			Assessed value
Oakville	✓	✓			Assessed value
Ottawa	✓ (for greater than 18u/ha)	✓ (for less than 18u/ha)		Apartment dwellings (2) are capped at 10% of land area being developed	Appraisal
Toronto	✓ (0.4ha/300units for areas located in Parkland Acquisition Priority Area [see Discounted Amount])	✓		Capped at 10% for development lands <1ha; 15% between 1-5ha; 20% >5ha.	Appraisal
Waterloo	✓ (0.15ha/300 for densities greater than 100u/ha) *This is equivalent to 0.25ha/500*	✓ (for densities less than 100u/ha)		Cap in the Uptown Core of 15% of the value of the net land area	Appraisal or recent purchase price (under 1 year)
Vaughan	✓ (For med-high density; see fixed rate)		\$500\$/unit fixed rate for med-high density	In Vaughan Metropolitan Centre and "Weston Road and Highway 7" areas further discounts include: • 100% exemption for office uses • \$4,400/unit for every 70 square metres (750 square feet) of office space developed	

APPENDIX "B"

**Revenue Estimates for Proposed Cash-in-lieu of Parkland
Based on Growth Estimates In DC Study 2014 to 2031
Does Not Reflect Possible Incentives Through CIP's**

Former City Boundry

	No. of Units	Ha Land Dedicated	Or Unit Charge	Total Collected
Singles -land dedicated	984	1.968		\$0.00
Singles - Infill	985		5,000.00	\$4,920,000.00
Medium Density - Cash-in-lieu	4,904		5,000.00	\$24,520,000.00
High Density - Cash-in-lieu	10,458		5,000.00	\$52,290,000.00
Total Former City	17,331	1.968		\$81,730,000.00

Annexed Lands

Singles - land dedicated	6,790	13.58		\$0.00
Medium Density - land dedicated	2,160	4.32		
Medium Density - Cash-in-lieu	2,160		5,000.00	\$10,800,000.00
High Density - Cash-in-lieu	4,717		5,000.00	\$23,585,000.00
Total Annexed Lands	15,827	17.9		\$34,385,000.00
Total	33,158	19.868		\$116,115,000.00

Note: For the purpose of estimating revenues, it was assumed that all single detached units in the annexed lands would provide a land dedication instead of a cash-in-lieu contribution.

APPENDIX "C"

BY-LAW NUMBER 2017-XXX

A By-law of The Corporation of the City of Barrie to require the conveyance of land for a park or other public recreational purposes or the payment of cash in lieu of conveyance as a condition of development or redevelopment and to repeal By-law 89-341 and all amendments thereto.

WHEREAS Section 42 of the *Planning Act, R.S.O. 1990*, chapter P.13 as amended, provides that the Council of a local municipality may by By-law require that land be conveyed to the municipality for park and other public recreational purposes or require the payment of money to the value of the land otherwise required to be conveyed as a condition of development or redevelopment of land;

AND WHEREAS, the Council of the City of Barrie wishes to use this provision towards parks or other public recreational purposes;

AND WHEREAS, the Council adopted motion 17-G-XXX to establish a new by-law requiring lands to be conveyed to the municipality for park and other public recreational purposes or require the payment of money to the value of the land otherwise required to be conveyed as a condition of development or redevelopment of land and to repeal By-law 89-341 and all amendments thereto;

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

Definitions

1. That in this By-law;

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

"Council" means the Municipal Council for the City;

"commercial purposes" means the use of the land, building or structure for the purpose of buying and selling commodities or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;

"dwelling unit" means a suite operated as a housekeeping unit used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“**gross floor area**” means the total area of all floors in a building, excepting a basement in a residential building, measured from the outside face of the exterior walls, but exclusive of any part of a building which is used for the storage or parking of motor vehicles other than for the automotive purposes defined in the City of Barrie’s Zoning By-law 2009-141, or any successor thereto, for storage, stairwells, or for mechanical or electrical equipment providing services for the entire building. In addition to the exceptions, in calculating the gross floor area for “dwelling, apartment”, the part of the gross corridor areas which are in excess of the minimum corridor areas required under the provisions of the Ontario Building Code and the area occupied by a recreational amenity shall not be included;

“**industrial purposes**” 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 7-2-1 of the City of Barrie’s Zoning By-law 2009-141, or any successor thereto;

“**institutional purposes**” means the use of the land, building or structure developed within an institutional zone as defined or listed as such within the City of Barrie’s Zoning By-law, 2009-141, 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;

“**Ontario Building Code**” means the *Building Code Act*, 1992, S.O. 1992, c.23 as amended or superseded;

“**Planning Act**” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;

“**redevelopment**” means the removal of buildings or structures from land and further development on the land, or the substantial renovation of an existing building or structure;

“**residential purposes**” means lands, buildings, or structures designed or intended to be used as living accommodation for one or more individuals;

“**second suite**” means a second dwelling unit on the same property that is accessory and subordinate to the principle unit, unless otherwise defined within the City of Barrie’s Zoning By-law, 2009-141, or any successor thereto.

2. That this By-law applies to all land within the corporate limits of the City.
3. (1) That as a condition of development or redevelopment of land, the following is hereby required:
 - (a) In the case of land proposed for commercial or industrial purposes, the payment of money to the value of the land otherwise required to be conveyed under paragraph 4(1)(a);
 - (b) In the case of land proposed for institutional purposes, the payment of money to the value of the land otherwise required to be conveyed under paragraph 4(1)(b); and,
 - (c) In all other cases which are not specifically mentioned in paragraphs 3(1)(a) and (b), the payment of money to the value of the land otherwise required to be conveyed under paragraph 4(1)(c).

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- (2) That where land is proposed for residential development or redevelopment, the City may require the payment of money to the value of the land otherwise required to be conveyed at a rate of one hectare for each 500 dwelling units or an amount as set out in paragraph 3(1)(c), whichever is the greater of the two.
4. (1) That as an alternative to requiring the payment of money provided for in Section 3, as a condition of development or redevelopment of land, the City may require that:
- (a) In the case of land proposed for commercial or industrial purposes, 2 per cent (2%) of the land be conveyed to the City;
- (b) In the case of land proposed for institutional purposes, 5 per cent (5%) of the land be conveyed to the City; and,
- (c) In all other cases which are not specifically mentioned in paragraphs 4(1)(a) or (b), five percent (5%) of the land be conveyed to the City.
- (2) That where land is proposed for residential development or redevelopment, the City may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units or an amount as set out in paragraph 4(1)(c), whichever is the greater of the two.
- 5 That where development is proposed on a single parcel of land for a combination of purposes, the predominant use on the land shall be determined and the percentage rate set out in Section 4 for the purpose which corresponds with the predominant use shall be applied to the entire development.
- 6 (1) That where the City's Site Plan Control By-law enacted under Section 41 of the *Planning Act R.S.O. 1990, c. P.13* as amended, applies to the development or redevelopment of land, then as a condition of the development or the redevelopment of the land, the payment of money pursuant to Section 3 of this By-law, or the conveyance of land pursuant to Section 4 of this By-law as the case may be, shall be made prior to the approval of plans and drawings by the Director of Planning and Building Services, or by his or her designate, under Section 41 of the Planning Act for the land to be developed or redeveloped.
- (2) That where land is not subject to the City's Site Plan Control By-law, the payment of money pursuant to Section 3 of this By-law, or the conveyance of land pursuant to Section 4 of this By-law as the case may be, shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.
- (3) That despite subsection 6(1), as an alternative the City may require that the payment of money pursuant to Section 3 of this By-law, or the conveyance of land pursuant to Section 4 of this By-law as the case may be, shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.
7. (1) That for the purpose of calculating the payment of money under Section 3 of this By-law:
- (a) the value of the land shall be its market value as determined in accordance with Section 42 of the Planning Act, R.S.O. 1990, c. P.13 as amended; and,
- (b) all appraisals of land value shall be prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice of the Appraisal Institute of Canada.

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- (2) That notwithstanding paragraph 7(1)(a), in the case of residential development where it is proposed to use the alternative requirement of one hectare for each 500 dwelling units, the value of the land may be calculated at such value which is less than its market value in accordance with such formula as contained in any policy that may be approved by Council.
8. (1) That notwithstanding Sections 3, 4 and 6 of this By-law, the conveyance of land or the payment of money in lieu for park or other recreational purposes shall not be required:
- (a) In respect of the construction of additions to any building if a previous conveyance of land or payment of money in lieu was made for the land in connection with the existing building pursuant to Sections 42, 51 or 53 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended unless:
- (i) There is a change in the proposed development or redevelopment which would increase the density of development; or
- (ii) Land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes;
- (b) In respect of an application for a building permit to replace any building which was razed by fire, by an accidental cause or by an act of God, provided that in the case of a building used for industrial purposes, commercial purposes, and institutional purposes, the size of the replacement building does not exceed the total gross floor area of the prior building which was destroyed;
- (c) In respect of the carrying out of additions or interior alterations to existing buildings used for residential purposes provided there is no increase in the existing number of dwelling units, with the exception of a second suite;
- (d) In respect of the construction of a building to be used for residential purposes only where there previously existed a building on the same land that was used for residential purposes and that previous building was demolished, provided that the total number of dwelling units to be constructed does not exceed the total number of dwelling units that previously existed on the land; or
- (e) In respect of development or redevelopment on lands currently included within the City's parkland inventory.

- (2) That notwithstanding sections 3 and 4 of this By-law, the conveyance of land or the payment of money in lieu for park or other public recreational purposes shall be required in respect of the construction of an addition to or the replacement of a building used for commercial purposes, industrial purposes or institutional purposes in accordance with the following formulas as applicable:

$$(\text{Previous Total GFA}) - (\text{Demolished GFA}) + (\text{New GFA}) = \text{Total New GFA}$$

For Commercial or Industrial purposes:

$$\frac{(\text{New Total GFA} - \text{Previous Total GFA})}{(\text{Previous Total GFA})} \times (\text{Total Market Value}) \times 2\% = \text{CIL owing}$$

For Institutional purposes:

$$\frac{(\text{New Total GFA} - \text{Previous Total GFA})}{(\text{Previous Total GFA})} \times (\text{Total Market Value}) \times 5\% = \text{CIL owing}$$

where:

“GFA” means gross floor area as defined in the City’s Zoning By-law

“Previous Total GFA” means the gross floor area of the existing building

“Demolished GFA” means the gross floor area to be demolished

“New GFA” means the gross floor area being added to the existing building

“Total Market Value” means the market value of the entire property as per Section 42 of the Planning Act

“CIL owing” means the cash in lieu payment for parks purposes owing to the City

9. That subject to subsection 6(1), the General Manager, Community and Corporate Services and his or her designate as identified by the General Manager in writing from time to time with such powers and authority as described by the General Manager, are hereby delegated authority for the implementation of the requirements in this By-law and for the administration of this By-law.
10. That every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to pay a fine, exclusive of costs, and such other penalties, as may be provided for or imposed under the *Provincial Offences Act R.S.O. 1990, c. P.33* as amended.
11. That if this By-law is contravened by any person, in addition to any other remedy and to any penalty imposed by this By-law, the General Manager, Community and Corporate Services or his or her designate, may instruct the City Solicitor to commence and undertake an action against the person to restrain the contravention, or to commence and undertake an action or application for such other remedy as may be appropriate.
12. That By-law 89-341, as amended by By-laws 90-168, 91-31 and 96-62, is hereby repealed.
13. That should any section or part of the By-law be declared or determined by a court or tribunal of competent jurisdiction to be invalid, the remainder of this By-law continue to remain in force and effect.

14. That the title of this By-law shall be the Conveyance of Land or Cash in Lieu for Parks Purposes By-law.
15. That this By-law comes into force on the 1st day of July, 2017 following its passage by the Council of The Corporation of the City of Barrie.

READ a first and second time this XXth day of June, 2017.

READ a third time and finally passed this XXth day of June, 2017.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – JEFF LEHMAN

CITY CLERK – DAWN A. MCALPINE