Other problems of Incentive Zoning

- **Difficult to do an accurate proforma**
- **Danger of discriminatory practices because negotiations are deal driven, and time specific**
- **The Canadians do it better with their menu-based system of development charges…**
Information on City of Ottawa
Development Charges

BY-LAW 2009-216
(Formerly BY-LAW 2004-298)

WHAT ARE DEVELOPMENT CHARGES (DCs)?
Development charges are the fees levied on residential and non-residential properties within the City of Ottawa. These charges help the City finance a portion of the cost associated with new infrastructure and municipal service expansion needed to support growth. There is a city-wide bylaw, Bylaw 2009-216 and 11 area-specific bylaws. Information is also available on each of the area-specific bylaws.

WHO PAYS THESE CHARGES?
The fees are paid by property owners who are seeking a building permit to develop their properties.

WHAT SERVICES ARE FINANCED BY DCs?
DCs fund a portion of the growth-related capital costs associated with some services provided by the City of Ottawa. For the main bylaw, these include: roads and related services, water, sewers, some stormwater drainage, transit, police, fire, recreation, parks development, paramedic services, libraries, child care, public works, affordable housing and growth studies. For the area-specific stormwater bylaws, this includes all capital costs related to stormwater facilities required within the specific drainage areas.

HOW WERE THE DCs CALCULATED?
The estimated population and employment growth was projected over the planning period, 2010 to 2031. Then the capital costs to service this growth were calculated for the applicable services. Deductions were made to account for benefits to existing development, applicable subsidies, as well as costs related to growth beyond the planning period. After these deductions, the costs were divided into residential and non-residential categories. The net growth-related capital costs were then divided by the projected growth, based on a given number of people per unit and employees per square foot of gross floor area. The calculation yielded the maximum charges applicable under the 1997 Development Charges Act.
Development Charges Fee Schedule as of January 16th, 2012

<table>
<thead>
<tr>
<th>Area</th>
<th>Single, Detached and Semi-detached Dwelling, $ per Unit</th>
<th>Apartment Dwelling, (2+ Bedrooms), $ per Unit</th>
<th>Apartment Dwelling, (less than 2 Bedrooms), $ per Unit</th>
<th>Multiple, Row and Mobile Dwelling, $ per Unit</th>
<th>Non-residential General Use $ per square foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inside the Greenbelt</td>
<td>$15,207</td>
<td>$7,897</td>
<td>$6,086</td>
<td>$10,798</td>
<td>$15.17</td>
</tr>
<tr>
<td>Outside the Greenbelt</td>
<td>$23,376</td>
<td>$13,970</td>
<td>$9,309</td>
<td>$17,823</td>
<td>$15.17</td>
</tr>
<tr>
<td>Rural - Serviced</td>
<td>$13,516</td>
<td>$7,418</td>
<td>$5,833</td>
<td>$10,736</td>
<td>$15.17</td>
</tr>
<tr>
<td>Rural - Unserviced</td>
<td>$11,438</td>
<td>$6,194</td>
<td>$4,901</td>
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### Development Charges Fee Schedule as of January 16th, 2012 - July 31st, 2012

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
<th>Roads &amp; Related Services</th>
<th>Sanitary (Waste Water)</th>
<th>Water</th>
<th>Storm Drain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-res General - per sq. ft. GFA</td>
<td>$15.17</td>
<td>$7.60</td>
<td>$1.55</td>
<td>$0.34</td>
<td></td>
</tr>
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<td>$15.17</td>
<td>$7.60</td>
<td>$1.55</td>
<td>$0.34</td>
<td></td>
</tr>
<tr>
<td>Rural - Unserviced</td>
<td>$12.75</td>
<td>$7.11</td>
<td>$0.00</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Non-res Commercial - per sq. ft. GFA</td>
<td>$12.29</td>
<td>$6.16</td>
<td>$1.26</td>
<td>$0.28</td>
<td></td>
</tr>
<tr>
<td>Rural - Serviced</td>
<td>$12.29</td>
<td>$6.16</td>
<td>$1.26</td>
<td>$0.28</td>
<td></td>
</tr>
<tr>
<td>Rural - Unserviced</td>
<td>$10.33</td>
<td>$5.77</td>
<td>$0.00</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Non-res Industrial - per sq. ft. GFA</td>
<td>$6.98</td>
<td>$3.50</td>
<td>$0.72</td>
<td>$0.16</td>
<td></td>
</tr>
<tr>
<td>Rural - Serviced</td>
<td>$6.98</td>
<td>$3.50</td>
<td>$0.72</td>
<td>$0.16</td>
<td></td>
</tr>
<tr>
<td>Rural - Unserviced</td>
<td>$5.86</td>
<td>$3.28</td>
<td>$0.00</td>
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<td></td>
</tr>
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</table>
The menu approach addresses the discrimination issue...
...and that depletes the municipality’s tax base year after year!

But it's still not the way to build tax base!
My recommendation: Form-based codes...
Ask for the zoning you want!
Ask for the zoning you want!
Ask for the zoning you want!
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Ask for the zoning you want!

### PLAN EL PASO

#### 7. Economic Development

<table>
<thead>
<tr>
<th>Goal</th>
<th>Policy</th>
<th>Responsible Department(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New Industrial Neighborhoods</strong></td>
<td>Goal 7.7: Create locations attractive to new industrial and tech employers in amenity-rich environments.</td>
<td>Planning &amp; Economic Development</td>
</tr>
<tr>
<td><strong>Specialty Shopping Destinations</strong></td>
<td>Policy 7.8.1: Create specialized shopping districts in the downtown area. These districts should target the needs of both upper-income and lower-income households.</td>
<td>Planning &amp; Economic Development</td>
</tr>
<tr>
<td></td>
<td>Policy 7.8.2: Specialty stores often require lower overhead to survive, targeted areas within the downtown should be identified.</td>
<td>Planning &amp; Economic Development</td>
</tr>
<tr>
<td></td>
<td>Policy 7.8.3: Develop a cluster of at least three specialty stores within a geographic area.</td>
<td>Planning &amp; Economic Development</td>
</tr>
<tr>
<td><strong>Entertainment Destination</strong></td>
<td>Goal 7.9: Develop an eating and drinking destination known throughout the region.</td>
<td>Planning &amp; Economic Development</td>
</tr>
</tbody>
</table>
Ask for the zoning you want!
Physical planning vs. policy planning

[FIGURE 1-3] REGULATING PLAN

- RIVER NORTH CENTER (RN-C); T6
- RIVER NORTH CORRIDOR (RN-COR) T5
- NEIGHBORHOOD REGENERATION (NR); T5
- NEIGHBORHOOD STABILIZATION EAST (NESE); T4
- NEIGHBORHOOD STABILIZATION WEST (NESW); T4

OPEN SPACE

5-STORY MAX. HEIGHT WITHIN 30 FEET OF FRONTAGE LINE
4-STORY MAX. HEIGHT WITHIN 30 FEET OF FRONTAGE LINE

- MASTER PLAN BOUNDARY
- EXISTING RIGHT OF WAY
- RECOMMENDED NEW R.O.W. [x]
- --- RECOMMENDED NEW STREET

- ■■■■■■ GALLERY OR ARCADE FRONTAGE TYPE REQUIRED;
  GROUND FLOOR COMMERCIAL REQUIRED

Frontage Requirement
The public portions of a parcel's frontage, except alleys, are subject to the applicable frontage type requirements of this Code.

[x] identifies a public civic Master Plan objective for the site. Alignment is conceptual in nature and subject to adjustment, but may be implemented only by mutual agreement of the City and property owner(s) with fair compensation to the owner(s). The property continues to be regulated by the underlying zoning (e.g., RN-C, RN-COR etc.). Refer to Section 11.1050.1 (page 1:3)
Physical planning vs. policy planning
Physical planning vs. policy planning

In 1995, author and planning authority Peter Katz wrote an article scolding planners for being "planners who talk" rather than "planners who draw". The original article generated much controversy, and appears here with a postscript added by Katz that reveals a glimmer of hope for the planning profession in the U.S.

"We found it impossible to do good buildings in the suburbs. No matter how hard we tried, we were constantly defeated by the uncoordinated surroundings of parking lots and arterials. Ultimately we came to realize it wasn't an architectural problem we could address within our site, but rather a planning problem that had to be resolved at the scale of the entire community."

That's how Elizabeth Plater-Zyberk described the realization that led her and husband Andres Duany to the practice of planning in the late 1970s. Since then — together with architects Peter Calthorpe, Victor Dover, Joseph Kohl, Elizabeth Moule, Stefanos Polyzoides, Mark Schimmenti, Daniel Solomon, and others—they've forged a new approach to the making of communities. First called neotraditional planning, the approach has since come to be known as the New Urbanism.

Importantly, the 15 contributors to the book *The New Urbanism: Toward an Architecture of Community*, which I completed in 1994, are all architects. At the time I didn't find that odd. It seemed logical that designers of the human habitat should be equally comfortable at the scale of a kitchen sink or an entire metropolitan watershed.

Since then I've come to realize how heretical the notion of physical planning by architects is to those who've come up through the complex world of professional planning—a world of policy, statistics, law, and social programs. The New Urbanists refer to themselves as 'planners who draw." They call the others "planners who talk." The differences in product and process are stunning.

The bigger question that fascinates me is this: How did we stray so far from the physical planning concepts that served professionals so well in the early part of the last century? What led us to think that we could define our communities primarily through words and numbers and let their physical form be determined primarily by policy-makers, regulators and developers? If one looks at the places we've planned over the past 70 years, the answer becomes self-evident.

My conclusion is that since about 1938 planners haven't been in the business of planning; they've been...
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One last thing about experts from far away...
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Thank You.

Contact me:
Katzoid@earthlink.net
202/486-7160
Addl. stuff:

Titles / section:

For PH Bart: 3 legs