

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. BL-2013-104

A by-law to require the conveyance of land for park or other public recreation purposes or the payment of cash-in-lieu thereof, as a condition of the development or redevelopment of land and repeal By-law 2006-157.

WHEREAS Sections 42, 51.1 and 53 of the *Planning Act*, as amended, provide that, as a condition of the development or redevelopment of land, the council of a local municipality may, by by-law, or as a condition of the approval of a plan of subdivision, or as a condition of the giving of a provisional consent, require that land be conveyed to the municipality for park or other public recreational purposes;

AND WHEREAS the Council of The Corporation of the Town of Caledon considers it desirable to enact a by-law in accordance with the provisions of the *Planning Act* for the purposes of acquiring and providing parkland for the use and enjoyment of the residents of the Town of Caledon.

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts as follows:

1.0 Definitions and Interpretation

1.1 In this By-Law By-law:

- a) "Agricultural or farm purposes" means the use of land, buildings or structures that are used for the purposes of or in conjunction with animal husbandry, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a bona fide farmer;
- b) "Bona fide farmer" means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the Town and who shall have owned actively worked and resided on the subject farm operation for a substantial number of years and excludes the operators of large scale commercial farming operations;
- c) "Commercial purposes" means the use of non-residential land, buildings or structures other than for agricultural, industrial, or institutional purposes;
- d) "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 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;
- e) "Dwelling unit" means any building or structure that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare meals;
- f) "Industrial purposes" means the use of land, buildings or structures used for or in connection with:
 - i) manufacturing, producing, processing, storing or distributing something;
 - ii) research or development in connection with manufacturing, producing or processing something;
 - iii) 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, production or processing takes place; or,

- iv) office or administrative purposes, if they are,
 - carried out with respect to manufacturing, producing, processing, storage or distributing of something; and,
 - in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- g) "Institutional purposes" means the use of land, buildings or structures for a public or non-profit purpose including a religious, charitable, educational, health or welfare purpose, and without limiting the generality of the foregoing, may include such uses as schools, hospitals places of worship, recreation facilities, community centres and government buildings;
- h) "Mixed use" means land, buildings or structures used or designed or intended to be used for a combination of residential uses and non-residential uses;
- i) "Redevelopment" means the removal of a building or structure from land and the further Development of the land or, the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith;
- j) "Residential purposes" means land, buildings or structures used or designed or intended to be used as a home or residence of one or more persons;
- k) "Town" means The Corporation of the town of Caledon.

1.2 This By-law shall apply to all lands within the corporate limits of the Town of Caledon.

2.0 Parkland Dedication

2.1 As a condition of development or redevelopment of land, the Town shall require the conveyance of land for park or other public recreational purposes as follows:

- a) In the case of lands proposed for residential purposes, at a rate of five per cent (5%) of the land being developed or redeveloped, or one (1) hectare for each three hundred (300) dwelling units proposed, whichever is the greater of the two;
- b) In the case of lands proposed for commercial, industrial or institutional purposes, land in the amount of two per cent (2%) of the land to be developed or redeveloped;
- c) In the case of lands proposed for development or redevelopment for a use not specifically mentioned in subsections 2.1(a) and 2.1(b) of this by-law, land in the amount of five per cent (5%) of the land to be developed or redeveloped;
- d) In the case of a mixed use development or redevelopment, the rate applicable shall be that which yields the maximum parkland dedication.

2.2 The location and the configuration of land required to be conveyed, shall be determined by and at the discretion of the Town. All conveyances shall be free of any and all encumbrances.

3.0 Cash-in-Lieu of Parkland Dedication

3.1 As an alternative to the conveyance of land, the Town may require, at its discretion, the payment of cash to the value of lands otherwise required to be conveyed under this by-law, or a combination of land and cash.

3.2 The calculation of cash will be determined, at the discretion of the Town, through one of the following methods:

- (a) The submission of a current appraisal;
 - (b) Through the use of average land values, as determined by the Town.
- 3.3 In the case of a mixed use development or redevelopment, the rate applicable shall be that which yields the maximum cash.
- 3.4 In the case of industrial, commercial or institutional building expansions greater than 50% of the gross floor area of the existing building, the amount of cash in respect of the expansion shall be calculated on the amount by which the expansion exceeds 50% of the gross floor area of the existing industrial, commercial or institutional building before the expansion.
- 3.5 In the case of industrial, commercial or institutional building replacements greater than 50% of the gross floor area of the replaced building, the amount of cash in respect of the replacement shall be calculated on the amount by which the replacement exceeds 50% of the gross floor area of the replaced industrial, commercial or institutional building before the replacement.
- 3.6 The average land values may be reviewed and determined by the Town on an annual basis by way of an appraisal.
- 3.7 For the submission of current appraisals, the determination of value shall be made in accordance with the provisions of the *Planning Act*.
- 3.8 Notwithstanding any other provisions of this by-law, where the Town has determined cash-in-lieu will apply, the Town may require, through resolution of Council, the payment of cash at the rates or in the amounts as determined by Council, subject only to the limits imposed by the *Planning Act*.
- 3.9 Funds received by the Town shall be directed to the Cash In Lieu of Parkland Dedication Reserve Fund.
- 4.0 Prior Conveyance and Payments**
- 4.1 If land or cash has previously been provided to the Town for park or other public recreational purposes, no additional conveyance of land or the payment of cash will be required, with the exception of the following:
- a) Where land, originally proposed for commercial and/or industrial development or redevelopment, is now proposed for development or redevelopment for other purposes. The amount of land and/or cash will be determined in accordance with Sections 2.0 and 3.0. No refunds of previously paid cash will apply.
- 5.0 Exemptions**
- 5.1 Notwithstanding any other provisions of this by-law, no conveyance of land or payment of cash will be required where development or redevelopment is for the purposes of:
- a) Additions and/or alterations to any commercial, industrial or institutional building that is equal to or less than 50% in gross floor area of the existing building;
 - b) Replacement of an existing commercial, industrial or institutional building in which the increase in gross floor area of the new commercial, industrial or institutional building is no greater than 50% of the replaced building;
 - c) The enlargement of an existing residential dwelling unit;
 - d) The construction of up to two additional residential dwelling units in an existing residential dwelling unit, provided that the total gross floor area of the additional dwelling unit or the additional dwelling units combined is not greater than the gross floor area of the existing residential dwelling unit;

- e) The addition of a garden suite;
- f) The construction of or addition to an outbuilding;
- g) Land, buildings or structures developed or redeveloped that are owned by and used for the purposes of:
 - i) A board as defined in Subsection 1(1) of the *Education Act*;
 - ii) A college or university that is eligible to receive funding from the government of the Province of Ontario;
 - iii) A hospital as defined in Section 1 of the *Public Hospitals Act*;
 - iv) The Ontario Provincial Police;
 - v) The Town or any local board thereof;
 - vi) The Regional Municipality of Peel or any local board thereof;
 - vii) A Conservation Authority and the Niagara Escarpment Commission; or
 - viii) Any other municipality or local board thereof.
- h) Development or redevelopment on any land for a non-residential agricultural building or structure, used for agricultural or farm purposes by a bona fide farmer;
- i) The replacement of any building or structure that is a direct result of fire, or other causes beyond the control of the owner, provided that no intensification or change of use is proposed;
- j) A temporary building or structure, provided such building or structure is in existence for a period of time not longer than eight (8) months;
- k) Unoccupied industrial buildings or structures having exterior fabric walls and/or roof, up to a maximum gross floor area of 700 m²;
- l) Non-residential storage buildings, relocated on a one time basis within the municipality;
- m) Consents related to severances for conservation, park or trail corridor purposes, as processed by or in connection with the Niagara Escarpment Commission.

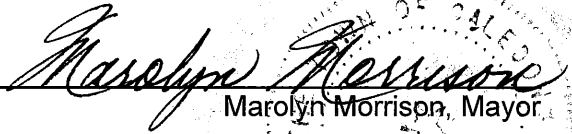
5.2 For the purposes of applying Subsections 3.4, 3.5, 5.1a and 5.1b of this by-law, the gross floor area of an existing or replaced industrial, commercial or institutional building shall be calculated by reference to the first building permit which was issued in respect of the building or structure for which an exemption under Subsections 3.4, 3.5, 5.1a and 5.1b of this By-law is sought. Under these circumstances, only one exemption per parcel of land shall apply.

6.0 General Provisions

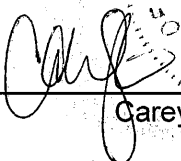
- 6.1 All study, survey, appraisal and legal costs, associated with the conveyance of lands and the payment of cash, shall be at the expense of the owner.
- 6.2 In the event that any provision, section or part of a section of this by-law is declared invalid by a court or tribunal of competent jurisdiction, it is the intention of Council that the remainder of the by-law will continue to operate in full force and effect.
- 6.3 The headings inserted in this by-law are for convenience and reference only and shall not affect the construction or interpretation of this by-law;
- 6.4 References to items in the plural include the singular, as applicable;
- 6.5 This by-law may be cited as the "Town of Caledon Parkland Dedication By-law 2013";
- 6.6 By-law 2006-157 as amended is hereby repealed upon the coming into force of this by-law.

6.7 This by-law shall come into force and effect on October 22, 2013

**READ THREE TIMES AND FINALLY
PASSED IN OPEN COUNCIL
THIS 22 DAY OF OCTOBER, 2013.**



Marilyn Morrison, Mayor



Carey deGorter, Clerk

