



THE CORPORATION OF THE TOWN OF COLLINGWOOD

BY-LAW NO. 04-63

BEING A BY-LAW to require the conveyance of land for park or other public recreational purposes or the payment of cash-in-lieu of land as a condition of development or redevelopment.

WHEREAS Section 42 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, authorizes the enactment of by-laws respecting the conveyance to a municipality of land for park or other public recreational purposes as a condition of development or redevelopment of land within the municipality;

AND WHEREAS the Council of the Corporation of the Town of Collingwood has given serious consideration to the need to implement the Official Plan of the Town of Collingwood and such was approved by Council of the Corporation of the County of Simcoe and came into effect on the 27th day of May, 2004 and upon such consideration deems such to be advisable with respect to all of its lands;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. Definitions.

In this By-law;

- (1) "development" is as defined in Section 41 of the *Planning Act*, as amended, being 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;
- (2) "redevelopment" means the removal of one (1) or more buildings or structures from land and further development on the land, or the substantial renovation of a building or structure and a change in the character or density of use in connection therewith;
- (3) "Town" means the Corporation of the Town of Collingwood; and
- (4) "gross floor area" is as defined in the Town's Zoning By-Law, as amended.

2. Geographical Applicability.

- (1) **Corporate limits;**
This By-law applies to all lands within the corporate limits of the Town of Collingwood.

3. Conveyance of Land Required.

- (1) **Gratuitous transfer of parklands;**
As a condition of development or redevelopment of land in the Town of Collingwood, the owner of the land shall convey, or cause to be conveyed, at no cost or expense to the Town, land for park or other public recreational purposes in the following amounts:

- (a) in the case of land proposed for development or redevelopment for commercial or industrial purposes, two percent (2%) of the said land; or
- (b) in the case of land proposed for development or redevelopment for new residential development, five percent (5%) of the said land.

(2) **Mixed Use Developments: Rate;**

Where a single parcel of land is proposed for the purposes referred to in both of paragraphs (a) and (b) of Subsection 3 (1) hereof, the respective rate shall be applied in the same proportion that the gross floor area of paragraph 3 (1) (a) uses is to the gross floor area of the paragraph 3 (1) (b) uses.

(3) **Location and Configuration of land;**

The location and configuration of land required to be conveyed shall be at the sole discretion of the Town and all such conveyances shall be free of all encumbrances except those that Council may accept by resolution.

(4) **Compliance required prior to the issuance of building permit;**

The conveyance(s) required under this By-law shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.

4. **Cash instead of land.**

(1) **Payment of money;**

In lieu of requiring the conveyance of land, the Town may require the payment of money equal to the value of the land otherwise required to be conveyed or such combination of land and money as Council may decide.

(2) **Appraisals of land value;**

All appraisals of land value under this Article shall be carried out under the direction of the Town Clerk and shall be determined in accordance with generally accepted appraisal principles.

For the purpose of determining the amount of such payment, the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development; or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first building permit.

(3) **Compliance required prior to the issuance of building permit;**

The payment(s) required under this By-law shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.

5. **Exemptions.**

(1) **Building Permit issued prior to enactment of By-law;**

The provisions of this By-law shall not apply in respect of the development or re-development of any land for which a building permit has been issued with respect to the proposed development or redevelopment of the land prior to the date of enactment of this By-law.

(2) **Certain developments may be exempt;**

Council may, by resolution, waive all or part of the requirement to convey land, cash in lieu of land or any combination thereof.

6. Limitations.

(1) No additional conveyance or payment required;

Where land has been conveyed to the Town for park or other public recreational purposes or a payment in lieu of such conveyance has been received by the Town or is owing to it under Section 42 or the *Planning Act* or a condition imposed under Section 51.1 or 53 of the *Planning Act*, as amended, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment shall be required under this By-law in respect of subsequent development or redevelopment unless:

- (a) there is a change in the proposed development or redevelopment which would increase the density of development; or
- (b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for residential purposes.

ENACTED and passed this 14th, day of June, 2004.



MAYOR



CLERK