



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 47-2012

A BY-LAW TO REQUIRE LAND OR THE PAYMENT IN LIEU THEREOF, AS A CONDITION OF DEVELOPMENT OR REDEVELOPMENT, TO BE CONVEYED TO THE TOWN FOR PARK OR OTHER PUBLIC RECREATIONAL PURPOSES

WHEREAS Sections 42(1) and 42(6) of the *Planning Act* R.S.O. 1990 c.P13, as amended, enables a local municipality to require land or money in lieu thereof, as a condition of development or redevelopment, to be conveyed to the municipality for park or other public recreational purposes;

AND WHEREAS the Town of Orangeville Official Plan contains provisions authorizing the use of the alternative requirement pursuant to Sections 42(3) and 42(4) of the *Planning Act* R.S.O. 1990 c.P13, as amended;

AND WHEREAS Section 42 (6.2) of the *Planning Act* R.S.O. 1990 c.P13, as amended, permits Council to reduce cash-in-lieu payments if Official Plan policies are in place to permit such a reduction, provided that the proposal is a redevelopment project with a density of 15 uph or more, and if specific defined reductions have been established;

BE IT THEREFORE ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF ORANGEVILLE AS FOLLOWS:

Title

1. This by-law shall be known as the "Parkland Dedication By-law" of the Corporation of the Town of Orangeville.

Purpose and Intent

2. It is the intent of this by-law to require the dedication of land for park or other recreational purpose, or the payment in lieu thereof, as a condition of development or redevelopment within the Town of Orangeville.

Definitions

3. In this by-law,
 - (a) "commercial or industrial use" or "commercial or industrial purpose" means any use, other than an institutional or residential use, permitted in the M1, CBD, C1, C2, C3, C5 or NMU zones by By-law 22-90, as amended.

- (b) “development or redevelopment” means the construction or erection, or placing of one or more buildings or structures on land, or the making of an addition to a building or structure, but shall exclude:
 - (i) additions to buildings or structures, except those additions that:
 - (1) contain additional dwelling units;
 - (2) increase the floor area on the lot by more than 500 square metres; or,
 - (3) constitute a phase in a phased construction program where a land or payment in lieu thereof has already been collected for the entire lot.
 - (ii) buildings or structures, or additions to buildings or structures, that are devoted to institutional uses operated for religious, educational or other charitable purposes.
- (c) “dwelling unit” means a dwelling unit as defined by By-law 22-90, as amended.
- (d) “floor area” means floor area as defined by By-law 22-90, as amended.
- (e) “institutional use” or “institutional purpose” means any charitably-funded or not-for-profit use permitted in the Institutional (INST) Zone by By-law 22-90, as amended, including but not necessarily limited to, schools, places of worship and government buildings.
- (f) “lot” means the parcel of land where the development or redevelopment is located.
- (g) “residential use” or “residential purpose” means the use of a building or parts thereof as a dwelling unit.
- (h) “value of the land” shall mean the value of the lot as determined as of the day before the first building permitted is issued for the development or redevelopment.

Area of Applicability

- 4. This by-law applies to all lands within the corporate limits of the Town of Orangeville.

Land Conveyance

- 5. Prior to the issuance of a building permit for development or redevelopment, the Town will require the conveyance of land, free of encumbrances, in accordance with the following:

- (a) 2% of the area of the lot where the development or redevelopment is for commercial or industrial purposes;
- (b) 5% of the area of the lot where the development or redevelopment is for purposes other than commercial or industrial; or,
- (c) despite Section 5(b), 33.3 square metres per dwelling unit, where the development or redevelopment on its own lot has a density exceeding 15 dwelling units per hectare.

Where the lot is proposed for development or redevelopment for both commercial or industrial and other purposes, the respective rate shall be applied to the total appraised value of the parcel in the same proportion as the floor area of the commercial or industrial uses is to that of the other uses.

6. If a survey is required to facilitate conveyance, the cost of the survey will be borne by the owner of the lot.

Payment of Money in Lieu of Land Conveyance

7. In lieu of the conveyance required in Section 5 hereof, the Town may require the payment of money to the value of the land otherwise required to be conveyed, or a combination of land and money. In such cases, the Town will require the full payment prior to the issuance of the building permit for the development or redevelopment.
8. The value of the land will be determined by:
 - (a) an appraisal by a qualified appraiser, conducted to the satisfaction of the Town Clerk, with all costs associate with the appraisal to be borne by the owner of the lot; or,
 - (b) the actual sale price of the lot, if accompanied by a letter from a qualified realtor expressing the opinion that the sale price represents current market value, and if the sale occurred within a period of six (6) months prior to the issuance of the building permit for the development or redevelopment.
9. The Town may elect to reduce a required payment amount in lieu of land conveyance provided that all of the following criteria are met:
 - (a) the project is a redevelopment proposal, with a density over 15 dwelling units per hectare;
 - (b) the lands subject to redevelopment are located within the "built boundary", as defined by the Official Plan;
 - (c) sustainable, "green" building features are utilized in the redevelopment such as, but not necessarily limited to, the following:
 - Geothermal heating,
 - Alternative energy generation,

- Green roofs,
- LEED certified construction,
- Rainwater capture,
- Grey water recycling,
- Alternative stormwater management practices,
- Low Impact Development features, and/or
- Affordable Housing.

and,

- (d) the amount of the considered reduction will be equal to the sum total of the incremental cost(s) of the above or other approved sustainable building feature(s), where it can be demonstrated that costs of the feature(s) are over and above that of traditional building construction that meets minimum Ontario Building Code requirements. A cost estimate or other documentation as may be required by the Town shall be provided demonstrating the additional costs.

10. The maximum possible reduction possible under Section 9 of this By-law will be project-specific and based on the following scale:

- Affordable housing, to be operated by a public agency or not for profit group – up to 50%
- Seniors' residence development – up to 40%
- Rental residential units (with a clause in the site plan agreement that they cannot be converted to condominium units for 10 years) – up to 30%
- All other proposals – up to 20%

11. Where the development or redevelopment comprises an addition to an existing building, the value of the land upon which the payment is calculated will be pro-rated based on the ratio of the new floor area to the total floor area that will exist on the lot.

Credit for Previous Conveyances or Payments

12. Where land has been conveyed to the Town for park or other public recreational purposes, exclusive of conservation or hazard lands, or a payment in lieu of such conveyance has been received by the Town or is owing to it under Section 42(7) of the *Planning Act* or a condition imposed under Sections 51.1 or 53 of the *Planning Act* or their predecessor sections, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment will be required by the Town in respect of a 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 to be developed for commercial, industrial or other purposes that was granted an exemption in the dedication of land or the payment in lieu of such conveyance was granted under the provisions of By-law 47-97 or By-law 110-2008 is now proposed for development or redevelopment for other purposes where such an exemption would not apply.

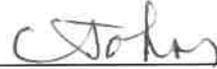
Repeal of Previous By-law

13. By-law No. 110-2008 is hereby repealed.

PASSED IN OPEN COUNCIL THIS 28TH DAY OF MAY, 2012.



Rob Adams, Mayor



Cheryl Johns, Clerk