

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BY-LAW NUMBER 2000-071

To require a park dedication as a condition of development or redevelopment of land.

The Council of The Corporation of the Township of Uxbridge HEREBY ENACTS as follows:

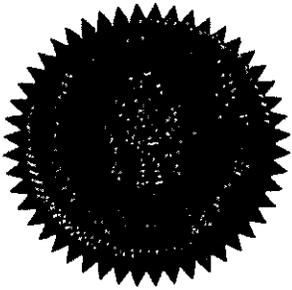
1. In this by-law,
  - a. "Development or Redevelopment" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof; and
  - b. "Dwelling Unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.
  - c. "Township" means The Corporation of the Township of Uxbridge.
2. This by-law applies to all land located within the geographic boundaries of the Township of Uxbridge.
3. As a condition of Development or Redevelopment of land for residential purposes, the owner of such land shall convey or cause to be conveyed to the Township, free and clear of all liens and encumbrances, land for park or other public recreation purposes in the amount of five percent (5%) of the land proposed for such Development. Notwithstanding the above, no land or payment in lieu thereof, as hereinafter set out, shall be required in any application for Development or Redevelopment on land for residential purposes which does not result in an increase in the number of residential Dwelling Units erected on the land beyond the number of such unit or units lawfully in existence up to six (6) months prior to such Development or Redevelopment.
4. As a condition of Development or Redevelopment of land for any purpose other than residential purposes, the owner of such land shall convey or cause to be conveyed to the Township, free and clear of all liens and encumbrances, land for park or other public recreation purposes in the amount of two percent (2%) of the land proposed for such Development.
5. The location and configuration of land required to be conveyed pursuant to Sections 3 and 4 shall be determined by the Township.
6. Notwithstanding Sections 3 and 4, unless the Township requires the conveyance of land by resolution of Township Council, the payment of money in the form of cash-in-lieu of parkland, to the value of the land otherwise required to be conveyed by this by-law shall be required. The value of the land shall be

determined as of the day before the issuance of the building permit, or where more than one building permit is required, as of the day before the issuance of the first building permit.

7. Any payment of money or conveyance of land required to be made to the Township pursuant to the provisions of this by-law shall be made prior to the issuance of a building permit in respect of the Development or Redevelopment or, where more than one building permit is required for the Development or Redevelopment, prior to the issuance of the first permit.
8. Where a conveyance of land or a payment in lieu of land has been made to the Township for park or other public recreation purposes pursuant to a condition imposed under Sections 42, 51.1 or 53 of the Planning Act, R.S.O. 1990, c. P.13, no additional conveyance or payment in respect to the land subject to the earlier conveyance or payment shall be required in respect of the 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.
9. If there is a change under subsection 8(a) or (b), the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this section on the Development, further Development or Redevelopment of the lands or part of them in respect of which the original conveyance or payment was made.
10. This by-law shall apply to mixed use Developments or Redevelopments which contain residential components. In such cases, the land to be conveyed or the payment to be made in lieu thereof shall be calculated on that portion of the mixed use Development or Redevelopment which will consist of residential uses, in accordance with Section 3 and on that portion of the mixed use Development or Redevelopment which will consist of other than residential uses in accordance with Section 4.
11. For the purposes of determining the amount of the cash-in-lieu of parkland payable pursuant to Section 6 above, the lands shall be valued by a qualified appraiser, acceptable to the Township and by the submission of a qualified appraisal, also acceptable to the Township, to be undertaken at the sole expense of the owner, except that in the case of Development or Redevelopment which results in the creation of only one additional residential Dwelling Unit, the Chief Building Official may accept a value based on the recent sale of similar lots in the vicinity, where same exist.

12. The provisions of this by-law shall not apply in respect of any Development or Redevelopment of land where an application for a building permit for such Development or Redevelopment was accepted by the Township's Chief Building Official pursuant to the Building Code Act prior to the date that this by-law comes into effect and where the Development or Redevelopment had all planning approvals in place and in effect before the date this by-law comes into effect.
13. By-law No. 94-019, as amended from time to time, and Resolutions No. 5-96 and 98-071 are hereby repealed.
14. This by-law shall come into force and effect on the date of its enactment.

READ a FIRST, SECOND and THIRD time and finally passed this 12th day of June, 2000.



  
MAYOR

  
CLERK

## CASH-IN-LIEU OF PARKLAND POLICY

RESOLUTION NO. 2000-055

DATED: JUNE 12TH, 2000

WHEREAS Sections 51 and 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended from time to time, provide that a condition may be imposed upon the approval of a plan of subdivision and upon the granting of a consent, requiring the conveyance of land to the local municipality for park or other public recreational purposes, or cash-in-lieu thereof.

NOW THEREFORE, BE IT RESOLVED that for all approvals of plans of subdivisions for other than residential purposes and for the granting of all consents pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended from time to time, within the Township of Uxbridge, it shall be the policy of The Corporation of the Township of Uxbridge that:

1. As a condition of the granting of a consent or approval of a plan of subdivision for non-residential purposes or passing a by-law deeming part lot control not to apply for lands other than those proposed for residential purposes, the cash-in-lieu conveyance of land or cash-in-lieu of parkland payable pursuant to By-law No. 2000-071 shall be payable:
  - (b) in the case of all consents, prior to the stamping of the deed or the granting of the certificate for the consent and in such case, shall be valued as of the day prior to the granting of the consent; and
  - (c) in the case of the approval of a draft plan of subdivision for nonresidential purposes and in the case of the passing of a by-law deeming part lot control not to apply for non-residential purposes, prior to the giving of final approval to the said draft plan of subdivision or prior to the passage of the said part lot control exemption by-law, as may be the case and in such case, the land or the cash-in-lieu shall be valued as of the day prior to the giving of draft plan approval or the day prior to the enactment of the said by-law;

and not at the building permit stage. In all other respects, By-law No. 2000-071 shall apply to all such consents, draft plan of subdivision approvals and part lot control exemption by-laws.

2. Where an application for a consent involves the severance of a form into two 100 acre (or greater) parcels, the maximum cash-in-lieu of parkland payable pursuant to By-law No. 2000-071 or the Planning Act shall be \$10,000.00.