

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 2682 (2005)

Being a by-law requiring land or cash-in-lieu thereof for park or other public recreational purposes as a condition of consent and as a condition of development or redevelopment of land

WHEREAS subsection 42(1) of *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, provides that as a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole of the municipality or to any defined area of areas thereof, require that land in an amount not exceeding in the case of land proposed for development or redevelopment for commercial or industrial purposes two percent (2%), and in all other cases five percent (5%), of the land to be conveyed to the municipality for park or other public recreational purposes.

AND WHEREAS subsection 42(6) of said *Planning Act*, provides that the council of a local municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of the conveyance and the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or where more than one building permit is required for the development or redevelopment as of the day before the day the first building permit is issued.

AND WHEREAS subsection 42(7) of said *Planning Act* provides that if land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality or is owing to it under this section or a condition imposed under Section 51.1 or 53, no additional conveyance or payment may be required by a municipality in respect of the subsequent development unless:

1. there is a change in the proposed development or redevelopment which would increase the density of the development; or
2. land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.

AND WHEREAS the Council of the Town of Pelham deems it necessary and expedient to establish policies to ensure adequate funding for the recreational and cultural needs of the Town of Pelham that may be attributable to new development.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. Pursuant to subsection 42(1) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, land in an amount not exceeding in the case of land proposed for development or redevelopment for commercial or industrial purposes two percent (2%) and in all other cases five percent (5%) of the land shall be conveyed to the Corporation of the Town of Pelham for park or other public recreational purposes as a condition of development or redevelopment of such land.
2. Pursuant to subsection 42(6) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, the Council of the Corporation of the Town of Pelham may by resolution, require the payment of money to the Town of Pelham in lieu of the conveyance required under Section 1 of this By-law and the amount of such payment shall be to the value of the land otherwise required to be conveyed to the Town and 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 the building permit is issued in respect of the development or redevelopment or where more than one building permit is required for the development or redevelopment as of the day before the day the first building permit is issued.
3. The provisions of this By-law do not apply where owners apply to the Corporation of the Town of Pelham for a building permit relating to development or redevelopment of lands by way of structural improvement, repair, replacement or enlargement of buildings or structures already located on lands if the effect of such structural improvement, repair, replacement or enlargement do not substantially increase the size or usability of one or more buildings on the lands and for the purpose of this By-law, the words "substantially increase the size or usability" shall mean to provide more than the existing number of residential units in the case of residential land use or more than double the gross floor area of any structure on lands to be used for non-residential purposes.
4. The provisions of this By-law are applicable to all land under the jurisdiction of the Corporation of the Town of Pelham.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
20TH DAY OF JUNE, 2005 A.D.


MAYOR RONALD W. LEAVENS


CLERK CHERYL MICLETTE