

**THE CORPORATION OF THE  
TOWNSHIP OF ZORRA**



**BY-LAW NO. 52-19**

**BEING A BY-LAW TO AUTHORIZE THE CONVEYANCE OF  
LAND FOR A PARK OR OTHER PUBLIC RECREATIONAL  
PURPOSES AS A CONDITION OF DEVELOPMENT OR  
REDEVELOPMENT AND TO REPEAL BY-LAW 78-11.**

**WHEREAS** Sections 42, 51.1 and 53 of the Planning Act, R.S.O. 1990, c.P.13 authorize the enactment of by-laws respecting the conveyance to the Township of land for park or other public recreational purposes as a condition of development or redevelopment of land within the Township;

**AND WHEREAS** the Council of the Township of Zorra deems it necessary to enact a by-law to authorize the conveyance of land for a park or other public recreational purposes as a condition of development or redevelopment;

**AND WHEREAS** the Council of the Corporation of the Township of Zorra is desirous of repealing By-law No. 78-11.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:**

**1. Definitions**

- a) "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 that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;
- b) "Redevelopment" means the removal of buildings or structures from land and further development on the land, or the substantial renovation of a building or structure and change in the character or density of use in connection therewith;
- c) "Township" means The Corporation of the Township of Zorra;
- d) "Act" means the Planning Act.

**2. Geographical Applicability**

This by-law applies to all lands within the corporate limits of the Township of Zorra.

**3. Development or Redevelopment**

- a) As a condition of development or redevelopment of land in the Township, the owner of the land shall convey, or cause to be conveyed, at no cost or expense

to the Township, land for park or other public recreational purposes in the following amounts:

- i. in the case of land proposed for development or redevelopment for commercial and industrial accommodation purposes where such development or redevelopment is subject to Site Plan Approval in accordance with the Municipal Site Plan Control By-law, or its successor, up to two percent (2%) of the land to be developed or redeveloped.
  - ii. in the case of land proposed for development or redevelopment for residential purposes where such development or redevelopment is subject to Site Plan Approval in accordance with the Municipal Site Plan Control By-law, or its successor, up to five percent (5%) of the land to be developed or redeveloped.
- b) Where a single parcel of land is proposed for the purposes referred to in both of paragraphs (i) and (ii) of Subsection 3(a) hereof, the respective rate shall be applied in the same proportion that the gross floor area of paragraph 3(a) (i) uses is to the gross floor area of the paragraph 3 (a) (ii).
  - c) The location and configuration of land required to be conveyed shall be at the sole discretion of the Township and all such conveyances shall be free of all encumbrances except those that Council may accept by resolution.
  - d) The conveyance(s) required under 3 (a) (i) or 3 (a) (ii) shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.

### **3.1 Cash in Lieu of Land**

- a) The Township may require the payment of money equal to the value of the land otherwise to be conveyed or such combination of land and money as Council may require.
- b) The payments required under 3 (a) (i) or 3 (a) (ii) shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.

## **4. Plans of Subdivision**

- a) As a condition to the approval of a plan of subdivision pursuant to Section 51 of the Act, the owner is required to convey to the Township land for park or other public recreational purposes as follows:
  - i. in the case of lands proposed for commercial or industrial purposes land up to two per cent (2%) of the land to be used for commercial or industrial uses; and
  - ii. in the case of lands proposed for residential uses land up to five percent (5%) of the land to be developed for such uses.

### **4.1 Cash in Lieu of Land**

- a) In lieu of requiring the conveyances referred to in Subsection 4(a), the Township may require the payment of money to the value of lands required to be conveyed.
  - i. the value of the land shall be determined as of the day before the day of approval of the draft plan of subdivision and shall be determined in accordance with generally accepted appraisal principles.
- b) In the case of development approved pursuant to Section 51 of the Act, the payment shall be made upon:

- i. the signing of an agreement providing for development; or
- ii. a date specified by an agreement providing for development.

## **5. Consents**

- a) As a condition to the giving of a consent, pursuant to section 53 of the Act creating a new lot, the owner is required to convey to the Township a payment of money in lieu of a conveyance for park purposes in accordance with the following:
  - i. in the case of lands for a new lot for commercial or industrial purposes an amount equivalent to up to two percent (2%) of the land value of the lot created.
  - ii. in the case of lands creating a lot for residential uses, the payment shall be in accordance with Schedule "A" attached hereto.

## **6. Exemptions**

- a) Notwithstanding any other provision in this by-law, this by-law shall not apply to the creation of:
  - i. an additional dwelling unit, home occupation, bed and breakfast, home industry or custom workshop use developed accessory to an existing residential dwelling;
  - ii. one accessory apartment dwelling unit created accessory to a commercial use. Subsequent accessory apartments will be subject to the applicable dedication requirements of this by-law.

## **7. No additional conveyance or payment required:**

- a) Where land has been conveyed to the Township for park or other public recreational purposes or a payment in lieu of such conveyance has been received by the Township or is owing to it under Section 42 of the Planning Act or a condition imposed under Section 51.1 or 53 or the Planning Act, as amended, or as condition of Plan of Condominium approval, 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:
  - i. there is a change in the proposed development or redevelopment which would increase the density of development; or
  - ii. land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for residential or commercial or industrial purposes.

## **8. Cost of Appraisal**

- a) Where this by-law requires that an appraisal be carried out, the cost of the appraisal shall be the responsibility of the landowner who is seeking the approval for a development/redevelopment for a plan of subdivision/plan of condominium or a consent.
- b) The Township, at its own discretion, may retain an appraiser to review and appraisal prepared by a landowner to assist in determining value.

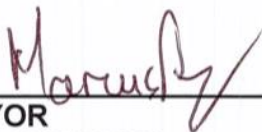
- c) If there is a dispute on the value of the land, Council will be required to make an appropriate determination on value based on the appraisal prepared by the landowner and as appraisal carried out by the Township at its own cost.


9. **THAT** By-law 78-11 is hereby repealed in entirety.

10. **THAT** this by-law shall come into force and effect on the day of adoption.

**READ A FIRST AND SECOND TIME THIS 18th DAY OF SEPTEMBER, 2019.**

**READ A THIRD TIME AND FINALLY PASSED 18th DAY OF SEPTEMBER, 2019.**

  
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MAYOR  
MARCUS RYAN

  
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CLERK  
KAREN MARTIN

**SCHEDULE "A"**  
**TO BY-LAW 52-19**

**1. Cash in Lieu of Land for Consents**

In the case of a consent pursuant to Section 53 of the Planning Act, the payment for cash in lieu of land shall be as follows:

<b>Year</b>	<b>Amount</b>
2019	\$ 3,750.00
2020	\$ 4,000.00
2021	\$ 4,250.00
2022	\$ 4,500.00
2023	\$ 4,750.00