

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 15-1265

Being a bylaw to direct the collection of Cash-in-lieu of Parkland

WHEREAS Sections 42, 51.1 and 53 of the Planning Act, R.S.O. 1990 c. P.13 , as amended (the Act) permits the Council of a local municipality to pass a By-law detailing how land and cash-in-lieu be conveyed to the municipality for park or other public recreational purposes as a condition of the subdivision or development of land; and,

WHEREAS the Council of the Municipality of Temagami wishes to use these provisions to further detail how cash-in-lieu of parkland is to be collected; and

WHEREAS Section 9.15 of Temagami's Official Plan, as amended, provides for Cash in Lieu of Parkland in accordance with section 42 of the Act; and

WHEREAS the Council of the municipality of Temagami has, by By-law, delegated authority to grant consents to sever land pursuant to Section 54 of the Act to the Committee of Adjustment;

NOW THEREFORE the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That this by-law shall apply to all lands within the Municipality of Temagami.
2. That this by-law shall apply to divisions of land approved by the Municipal Council and the Committee of Adjustment.
3. That it is the policy of the Municipality of Temagami to require parkland dedication or cash-in-lieu of parkland for new lots created through division of land in accordance with Part VI of the Act.
4. Notwithstanding Section 3 of this by-law, the following shall be exempt from the requirement for parkland or cash in lieu thereof:
 - a) creation of three (3) or less lots through consent;
 - b) consents to convey lots separately in accordance with subsection 50.3(b) of the Act (commonly known as "technical severances for lots that have "merged on title").
5. Where the Municipality of Temagami determines to collect cash-in-lieu of parkland, instead of a land dedication, the value of cash-in-lieu shall be collected in accordance with the following:

a) For Residential Properties the value listed in the table below:

LOCATION	Average Lot Value	Cash In Lieu Value
Rural Waterfront (Lake Temagami)	\$ 130,083	\$ 3,902
Rural Waterfront (Other)	\$ 93,563	\$ 2,806
Rural Inland	\$ 30,715	\$ 921
Settlement Area Waterfront	\$ 120,875	\$ 3,626
Settlement Area Inland	\$ 31,000	\$ 930

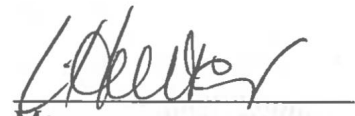
b) For new lots or development/redevelopment for commercial and/or industrial purposes cash in lieu in accordance with the following percentages of the value stipulated in Sections 42, 51.1 and 53:

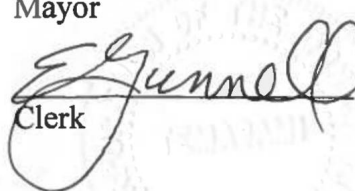
- i. Industrial 0%
- ii. Commercial 0%

6. That Council shall, upon receipt of a written request from the developer requesting an exception to this policy, have the ability to reduce, or waive in its entirety, the parkland dedication requirement for a particular development by resolution stating the rationale for said adjustment to this policy.
7. That the values and percentages set out in this by-law shall be reviewed by Council at least once during each term of Council.
8. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
9. That this by-law shall come into force and effect in accordance with the provisions of the Planning Act, R.S.O 1990, as amended.

TAKEN AS READ A FIRST time on this 29th day of October 2015.

READ A SECOND AND THIRD time and finally passed on this 19th day of November 2015.


Mayor


Clerk


COPY

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

NO.: 15- ~~608~~ 607

DATE: November 19, 2015


MOVED BY: ) fl

SECONDED BY : 

BE IT RESOLVED THAT Council direct that before second reading of By-law 15-1265, Section 6 be revised add the phrase: “, upon receipt of a written request from the developer requesting an exception to this policy, ”

CARRIED V AMENDED DEFEATED DEFERRED _____

Declaration of Conflict of Interest:

MAYOR : 

Elaine

COPY

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

NO.: 15- 608

DATE: November 19, 2015

MOVED BY .

John Kirk

SECONDED BY .

f. Lawrence

BE IT RESOLVED THAT Council receive Memo 2015-M-083 regarding Cash in Lieu of Parkland Update for additional information and approve the proposed changes to the values chart to be included in second reading of By-law 15-1265.

CARRIED / AMENDED DEFEATED DEFERRED

Declaration of Conflict of Interest:

MAYOR:

L. Heuck

Elaine

COPY

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

NO.: 15-57.7₄
As Amended

DATE: October 29, 2015

MOVED BY :

SECONDED BY :

BE IT RESOLVED THAT Council receive Memo 2015-M-076 - Cash in Lieu of Parkland; AND FURTHER THAT Council consider a by-law to direct the collection of Cash in Lieu of Parkland with the values based upon 3% for residential and 0% for industrial/commercial properties.

AND FURTHER THAT creation of 3 or less lots through consent shall be exempt from the requirement for cash in lieu of parkland.

AND FURTHER THAT the phrase "or waive in its entirety," be added to section 5 of the proposed Cash in Lieu by-law 15-1265 following the words: "That Council shall have the ability to reduce..."

CARRIED ☒ AMENDED ☐ DEFEATED ☐ DEFERRED ☐

Declaration of Conflict of Interest:

MAYOR: