THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2025-087

A by-law to require the conveyance of land for park or other public recreation purposes as a condition of the development or redevelopment of land within the Town of Caledon or the payment of money in lieu of such conveyance, pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended, and to repeal By-law-2022-042 (Parkland Dedication By-law)

WHEREAS the Section 42(1) of the Planning Act, RSO 1990, c P.13, as amended authorizes the Council of the Municipality to require, by By-law, the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the Municipality;

AND WHEREAS Section 42(6) of the Planning Act further provides that if a rate authorized by subsection (1) applies, the Council of the Municipality may require the payment of money in lieu, to the value of the land otherwise required to be conveyed;

AND WHEREAS The Corporation of the Town of Caledon has an Official Plan in effect that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement, authorized under section 42(3) of the Planning Act;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

Short Title

1. This By-law may be referred to as the Parkland Conveyance By-law.

Severability

2. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

Definitions

3. The following definitions apply in this By-law:

   a) **"accessory"**, means a detached building, the use of which is incidental, subordinate and exclusively devoted to a main building or main use on the same lot;

   b) **"additional residential unit"** means a self-contained unit that is used or intended to be used for Residential purposes and contains kitchen and bathroom facilities that are intended for the use of the unit only, and is within or is an accessory to an existing residential unit, such as a basement apartment or secondary suite;

   c) **"Agricultural building or structure"** means a building or structure, including a greenhouse, that is used for the purposes of or in conjunction with animal husbandry, the growing of crops including grains and fruit, cultivation, propagation, harvesting, composting, drying, trimming, milling or storage of cannabis, market gardening, horticulture or any other use that is customarily associated with a farming operation of a bona fide

farmer but does not include a building, structure or greenhouse or part thereof solely designed, used or intended to be used for processing, hydroponics, production or sale of cannabis;

d) **"Agricultural or farm purposes"** means the use of land, buildings or structures that are used for the purposes of or in conjunction with animal farming, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a bona fide farmer;

e) **"Agricultural tourism building or structure"** means a building or structure or part of a building or structure located on a working farm of a bona fide farmer where patrons are invited to attend for the purpose of enjoyment, education or active involvement in the activities of the farm where the principal activity on the property remains as a farm and where products used in the activity are produced on the property and/or are related to farming. The building or structure may be related to activities such as a hay or corn maze; farm related petting zoo; hayrides and sleigh, buggy or carriage rides; farm tours; processing demonstrations; pick your-own produce; a farm theme playground for children; farm markets; farm produce stands, and farmhouse dining rooms but shall not include space used for banquets or weddings;

f) **"bed and breakfast establishment"** means a premises that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three (3) guest rooms within a detached dwelling that is the principal residence of the proprietor of the establishment, but does not include a country inn, hotel or motel;

g) **"appraisal"** means an formal opinion of value prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) by an accredited Professional Appraiser, who is a member in good standing of the Appraisal Institute of Canada (AIC), which identifies the market value of one or more parcels of the land as the day before the day a building permit is issued, or the day before the first building permit is issued if more than one building permit is required, for the development or redevelopment of land and is considered valid for a maximum period of six months;

h) **"Board of Education"** means a board as defined in the *Education Act*, R.S.O. 1990, c. E.2, as amended, or any successor thereto;

i) **"bona fide Farmer"** means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the Town;

j) **"building"** means a building as defined in the Ontario Building Code, O. Reg. 332/12, as amended, or any successor thereto;

k) **"Building Code Act"** means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any successor thereto;

l) **"building permit"** means the first permit issued under the *Building Code Act*, for a building or structure;

m) **"By-law"** means this Parkland Conveyance By-law;

n) **"college"** means a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, Sched. F, as amended, or any successor thereto;

o) **"cemetery"** means land that is set apart or used for the interment of human remains and may include a columbarium or mausoleum but does not include any facilities for public assembly;

p) **"Commercial purposes"** means the use of non-residential land, buildings or structures for offices, sales and services, other than for Agricultural, Industrial, or Institutional purposes;

q) **"Conservation Authority"** means a conservation authority established by or under *Conservation Authorities Act* R.S.O. 1990, c. C.27, as amended, or any successor thereto;

r) **"Council"** means the Council of The Corporation of the Town of Caledon;

s) **"develop"** means:

i. the construction, erection or placing of one or more buildings on land;
ii. the making of an addition or alteration to a building that has the effect of substantially increasing the size by increasing the Gross Floor Area of the building by fifty-percent (50%) or more, or by substantially increasing the usability thereof;
iii. the addition of one or more new dwelling unit(s); or
iv. change of use; or
v. "developed", "development", "redevelop", "redeveloped" and "redevelopment" have their corresponding meanings;

t) **"dwelling unit"** means a room or rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which a kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway;

u) **"established rate"** means the fixed cash-in-lieu of parkland dedication rate set by the Town for Estate Lots, as outlined in this By-law;

v) **"estate lot"** means a lot greater than two hectares in size, designed to accommodate a single-family detached home;

w) **"farm based home industry building"** means an accessory building to one single detached dwelling where a small-scale use is located, which is operated by a bona fide farmer, which is located on and is subordinate or incidental to a permitted farm operation; which is associated with limited retailing of products created in whole or in part in the accessory building performed by one or more residents of the farm property and may include a carpentry shop; a craft shop; a metal working shop; a repair shop; a farm equipment repair shop; a farm tractor repair shop; a plumbing shop; an electrical shop; a welding shop; a woodworking shop; a blacksmith, a building for the indoor storage of school buses, boats, snowmobiles, or similar uses, but shall not include a motor repair shop or vehicle paint shop or space for the provision of banquet or wedding facilities;

x) **"farm help"** means full-time, all-year round employee(s) of a bona fide farmer on an Agricultural property;

y) **"farm winery" and "farm cidery"** means buildings or structures used by a bona fide farmer for the processing of juice, grapes, fruit or honey in the production of wines or ciders, including the fermentation, production, bottling, aging or storage of such products as a secondary use to a farm operation. The winery or cidery may include a laboratory, administrative office, hospitality room and retail outlet related to the production of wines or ciders, as applicable, and, if required, must be licensed or authorized under the appropriate legislation;

z) **"garden suite"** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable;

aa) **"gross floor area"** has the same meaning given to "Floor Area, Gross" in the Town of Caledon Comprehensive Zoning By-law 2006-50, as amended;

bb) **"industrial purposes"** means the use of land, buildings or structures used for or in connection with:

i. manufacturing, producing, fabricating, processing, storing or distributing goods and materials and may include accessory sales and distribution of such products but shall not include waste processing, but does not include any cannabis or industrial hemp use;
ii. research or development in connection with manufacturing, producing, fabricating or processing goods;
iii. retail sales by a manufacturer, producer, fabricator or processor of goods they manufactured, produced, fabricated or processed, if the retail sales are at the site where the manufacturing, producing, fabricating or processing takes place; or,
iv. office or administrative purposes, if they are,
    i. carried out with respect to manufacturing, producing, fabricating, processing, storing or distributing of goods; and,
    ii. in or attached to the building or structure used for that manufacturing, producing, fabricating, processing, storing or distributing;

cc) **"institutional development"** means development of a building or structure intended for use:

i. as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*, S.O. 2007, c. 8, as amended, or any successor thereto;
ii. as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*, S.O. 2010, c. 11, as amended, or any successor thereto;
iii. by any of the following post-secondary institutions for the objects of the institution:
    a. a publicly-assisted university within the meaning of section 1 of the *Ministry of Training, Colleges and Universities Act*, R.S.O. 1990, c. M.19, as amended, or any successor thereto, in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
    b. a college or university federated or affiliated with a university described in subclause (a)
    c. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*, S.O. 2017, c. 34, Sched. 20, as amended, or any successor thereto;
iv. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
v. as a hospice to provide end of life care;

dd) **"Institutional purposes"** means the use of land, buildings or structures for a public or non-profit purpose including a religious, charitable, educational, health or welfare purpose, and without limiting the generality of the foregoing, may include such uses as schools, hospitals, places of worship, recreation facilities, community centres and government buildings;

ee) **"land"** means the whole of the property associated with the development or redevelopment;

ff) **"market value"** means the value of the land determined in accordance with section 14 of the *Expropriations Act*, , as amended, or any successor thereto, as of the day before the day of the issuance of the first building permit for the development;

gg) **"non-residential"** means used or designed or intended to be used other than for Residential purposes;

hh) **"on-farm diversified use building or structure"** means a building or structure, including a greenhouse, secondary to the principal Agricultural use of the property by a bona fide farmer, including home occupations, farm-based home industries, and uses that involve the production and sale of value-added Agricultural products and excludes; a) uses that involve lease of Commercial/Industrial space; b) the provision of banquet or wedding facilities; and c) the processing, testing, alteration, destruction, production, packaging, shipment, distribution or sale of cannabis;

ii) **"on-farm wedding venue"** means a building or structure located on an Agricultural property that is owned by a bona fide farmer who operates a seasonal wedding business using the building or structure that is a secondary use on the property incidental to the primary use of the property as a farm;

jj) **"outbuilding"** means a building or structure, ·that is a maximum of 92.903 square meters (or 1,000 square feet), that is accessory to a primary or main non-residential building or mixed use building, that is located on the same land as such primary or main non-residential building and that is used for a storage purpose that is accessory to the primary or main use on such land, such as the storage of equipment used to maintain such land or the buildings and structures thereon or the storage of equipment that is ordinarily used for the purposes of the primary or main use on such land, but shall not include a building used for the storage of inventory nor include a building or structure used in banquets or wedding facilities. The maximum area does not apply to golf course buildings or structures;

kk) **"parkland"** means land for parks and other public recreational purposes;

ll) **"Planning Act"** means the *Planning Act*, R.S.O. 1990 c. P.13, as amended, or any successor thereto;

mm) **"place of worship"** means a premise used by one or more religious groups for the practice of religious services;

nn) **"privately owned public space"** means physical space that is privately owned but appears and functions as public space. These spaces: are secured through an easement in favour of the Town; are designed and maintained to the standards established by the Town; and remain open and accessible to the public or on a schedule established by agreement with the Town;

oo) **"Professional Appraiser"** means a member of the Appraisal Institute of Canada in good standing;

pp) **"record of site condition"** means a record of site condition under Part XV.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, or any successor thereto;

qq) **"redevelopment"** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure on such land has been or is to be demolished, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;

rr) **"Residential purposes"** means lands, buildings, or structures, or portions thereof, used, or designed or intended for use as a home or residence of one or more individuals, and the residential portion of a mixed-use building or structure, and in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit;

ss) **"secondary dwelling on an Agricultural property"** means a temporary and portable residential structure, containing a single dwelling unit with

kitchen and bathroom facilities, designed for year-round occupancy by farm help;

tt) **"stand-alone residential addition"** means a second residential unit that is detached from an existing residential unit within the same lot;

uu) **"strata park"** means publicly owned parkland or a publicly accessible privately owned open space located on top of buildings or structures, including but not limited to parking garages. The strata component of this definition refers to the horizontal delineation of ownership, as it is described in the *Condominium Act*, *1998*, S.O. 1998, c. 19, as amended, or any successor thereto;

vv) **"structure"** means anything constructed or erected and requiring location on or in the ground or attached to something having location on or in the ground;

ww) **"temporary building or structure"** means a building or structure that is constructed, erected or placed on land for a continuous period of not more than eight months, or an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof for a period of not more than eight months;

xx) **"Town"** means the Town of Caledon or The Corporation of the Town of Caledon as the context dictates;

yy) **"university"** means a university to which the *University Expropriation Powers Act*, R.S.O. 1990, c. U.3, as amended, or any successor thereto, applies;

zz) **"Zoning By-law"** means the Town of Caledon Comprehensive Zoning By-law No. 2006-50, as amended, or any successor thereto.

General Requirement

4. The entirety of the Town is hereby established as an area for which the conveyance of a portion of land to be developed or redeveloped, or the payment of money in lieu of such conveyance, shall be required as a condition of development or redevelopment.

5. No person shall Develop or Redevelop Land within the Town unless they have first conveyed a portion of the Land to the Town for Parkland, or paid money in lieu of such conveyance, in accordance with this By-law.

Delegation of Authority – Conveyance of a Portion of Land or Money in Lieu:

6. The determination of whether a conveyance of a portion of the Land associated with development or redevelopment for Parkland, or the payment of money in lieu of such conveyance, shall be made in accordance with this By-law, the relevant policies of the Town's Official Plan, and generally in accordance with any other policies and guidelines established by the Town from time to time for that purpose.

7. The authority to determine whether a conveyance of a portion of the Land associated with development or redevelopment for Parkland, or the payment of money in lieu of such conveyance, is hereby delegated to the Commissioner of Planning and Development, any successor thereto, or an officer or employee of the Town designated by the Chief Planner, or their successor.

8. Council retains the authority to determine at its discretion:
   a) whether a conveyance of a portion of the Land associated with the Development or redevelopment for Parkland, or the payment of money

in lieu of such conveyance, shall be required; and

b) any alternative process, not set out in this By-law to determine the Value of the Land.

Where Conveyance of a Portion of the Land Required:

9. Where it has been determined that a portion of the Land will be required to be conveyed to the Town as Parkland, the following shall apply:

    a) Where Land in the Town is to be Developed or Redeveloped for Commercial purposes or Industrial purposes or Institutional purposes, a portion of the Land not exceeding two percent of the total area of the Land shall be conveyed to the Town for Parkland. If land is partially redeveloped, the parkland dedication will be based on the total area of the site less that area in which existing development is to remain.

    b) Where Land in the Town is to be Developed or Redeveloped for Residential purposes, the greater of:

        i. a portion of the Land not exceeding one hectare per 600 Dwelling Units proposed as part of the Development or redevelopment, or

        ii. five percent of the total area of the Land

    shall be conveyed to the Town for Parkland.

    c) Where Land in the Town is to be Developed or Redeveloped for any use other than for Commercial purposes, Industrial purposes, Institutional purposes or Residential purposes, a portion of the Land not exceeding five percent of the total area of the Land shall be conveyed to the Town for Parkland.

    d) The maximum amount of land conveyance or cash-in-lieu of is capped at 10%of the land value if the Land is five hectares or less in area and 15% of the land value if the Land is greater than five hectares in area.

10. Where a Development or redevelopment will include a mix of uses, and two or more of the requirements under section 9 a) - c) of this By-law - apply to the Development or redevelopment, the area of the Land required to be conveyed to the Town for Parkland shall be determined solely in accordance with whichever single requirement under section 9 a) – c) of this By-law applies to the Development or redevelopment, which results in the greatest total area of the Land being required to be conveyed to the Town for Parkland. In calculating a single requirement under each of section 9 a) – c) of this By-law only the portion of Land or Dwelling Units associated with the purposes listed in the applicable subsection shall be used for calculating the total area of Land required to be conveyed to the Town for Parkland.

11. A parkland credit will be applied to Natural Heritage System (NHS) lands within the plan area at a rate of 1 hectare of parkland credit for every 50 hectares of NHS land conveyed to the Town. A proportional credit will be provided in accordance with the Tiered NHS Credit Scale set out in Schedule "A".

Acceptance of Land for Park or Other Public Recreational Purposes:

12. Any portion of Land required to be conveyed to the Town for Parkland shall be:

    a) Free of encumbrances except as may be satisfactory to the Town Solicitor; and

    b) In a condition satisfactory to the Town and in accordance with the requirements of the Town's Official Plan and other policies respecting

the acquisition of real property.

13. The Town, in its sole discretion, may accept the following encumbered lands [or interest in land other than fee simple], which interest is sufficient to allow the land to be used for a park or other public recreational purposes, at a 50% credit toward satisfying the parkland dedication requirements:

    a) lands that are subject to Strata Park arrangements, subject to legal agreements being entered into with the Town which addresses matters including, but not limited to, maintenance, programming, and operations, to the satisfaction of the Town;

    b) Underground stormwater management infrastructure, subject to legal agreements being entered into with the Town which addresses matters including, but not limited to, access, maintenance, programming, and operations, to the satisfaction of the Town;

    c) Privately Owned Public Spaces, subject to legal agreements being entered into with the Town which addresses matters including, but not limited to, access, maintenance, programming, and operations, to the satisfaction of the Town.

14. The Town may require that a Record of Site Condition be filed in respect of the Land prior to accepting the conveyance of a portion of the Land for Parkland required under this By-law.

15. The following shall not be accepted by the Town in satisfaction of a requirement to convey a portion of the Land for Parkland under this By-law:

    a) Areas of Land that are identified as part of the Town's Natural Heritage System in the Town's Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the Town;

    b) Areas of Land that are susceptible to flooding, have poor drainage, erosion issues, extreme slopes or other environmental or physical conditions that would interfere with their potential use as a public park;

    c) Areas of Land that are required to accommodate stormwater management ponds;

    d) Areas of Land that are deemed to be contaminated in any way, subject to acceptance by the Town pursuant to section 12 of this By-law;

    e) Land for trails or active transportation purposes;

    f) Areas of Land that are used or proposed to be used for utility corridors or other infrastructure incompatible with their use as a public park; and

    g) Land that is encumbered by easements or other instruments that would unduly restrict or prohibit public use.

16. Any costs associated with a conveyance of a portion of Land for Parkland purposes required under this By-law including, but not limited to, costs related to the preparation and registration of documents, surveys or reference plans, and any applicable taxes, shall be borne by the person seeking to Develop or Redevelop the Land at no cost to the Town.

17. Except for Privately Owned Public Spaces, any requirement to convey a portion of Land to the Town for park and other recreational purposes is fulfilled only when title of that portion of the Land is transferred to the Town.

Payment of Money in Lieu of Conveyance:

18. The Town may determine, in its discretion, whether it seeks a conveyance of a portion of Land for Parkland, a payment of money in lieu of conveyance of a

portion of Land for Parkland, or both.

19. Where it has been determined that the payment of money will be required in lieu of a conveyance of a portion of the Land for Parkland as defined in Schedule "B", the following shall apply:

    a) Where Land in the Town is to be Developed or Redeveloped for Commercial purposes or Industrial purposes or Institutional purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be two percent of the Market Value of the Land. If land is partially redeveloped, the payment required in lieu of the conveyance of parkland dedication will be based on the total area of the site less that area in which existing development is to remain.

    b) Where Land is to be Developed or Redeveloped for Residential purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be the greater of:

        i. the equivalent Market Value of one hectare per 1000 Dwelling Units proposed to be added by the Development or redevelopment, or;

        ii. Maximum amount of land is capped at 10% of the value of the land if the Land is five hectares or less in area and 15% of the value of the land if the Land is greater than five hectares in area.

    c) Where Land in the Town is to be Developed or Redeveloped for any use other than Commercial purposes, Industrial purposes, Institutional purposes or Residential purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be five percent - of the Market Value of the Land.

20. Where a Development or redevelopment will include a mix of uses, and two or more of the requirements under section 18 a) - c) of this By-law -apply to the Development or redevelopment, the payment required in lieu of a conveyance of a portion of the Land to the Town for Parkland shall be determined in accordance with whichever single requirement under section 18 a) – c) of this By-law applies to the Development or redevelopment, which will result in the greatest total payment to the Town being required. In calculating a single requirement under each of section 18 a) – c) of this By-law only the portion of Land or Dwelling Units associated with the purposes listed in the applicable subsection shall be used for calculating the payment required in lieu of a conveyance of a portion of the Land to the Town for Parkland.

Estate Lot Development:

21. Where Land is greater than two hectares in area is to be Developed or Redeveloped for - Residential purposes on an Estate Lot, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be one of the following:

    a) Five-percent of the total Market Value of the Land that is being developed; or

    b) Defined cash-in-lieu of parkland rate per Dwelling Unit as defined in Schedule "C" and may be updated every two years.

Determination of Market Value:

22. The owner of the Land shall obtain and furnish the Town with an appraisal of the Market Value of the Land from an accredited Professional Appraiser of real estate who is a member in good standing with the Appraisal Institute of

Canada (AIC), - at no expense to the Town. All appraisals must comply with the current Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) as adopted by the Appraisal Institute of Canada. No limiting conditions will be accepted that restricts distribution of the appraisal report, in part or in whole, to owner(s) of the subject property, any representative of the owner, or representative of the Town.

23. Where the Town is satisfied with the Market Value determined by the appraisal submitted in accordance with section 18 of this By-law, that value shall be used in the determination of the payment required.

24. Where the Town is not satisfied with the Market Value determined by the appraisal submitted in accordance with section 18 of this By-law, the Town may obtain its own appraisal of the Market Value of the Land from an accredited Professional Appraiser of real estate who is a member in good standing with the Appraisal Institute of Canada (AIC), which appraisal shall be shared with the owner of the Land.

25. Where the Town has obtained an appraisal under section 21of this By-law, the owner of the Land may agree to fix the Market Value of the Land in accordance with the appraisal obtained by the Town, or the Town and the owner of the Land may agree to fix the Market Value of the Land at another amount, which shall in no case be less than the lowest estimate of Market Value in either appraisal or more than the highest estimate of Market Value in either appraisal.

26. Where the Town has obtained an appraisal under section 21 above, and the Town and the owner of the Land cannot agree on the Market Value of the Land to be used in determining the required payment, the Market Value shall be fixed in accordance with the appraisal obtained by the Town.

27. Appraisals submitted to or obtained by the Town for the purposes of this By-law shall be considered valid for a maximum period of six months from the date the appraisal was completed, or such lesser time as may be specified in the appraisal.

28. Appraisal Format Requirements:

    a. For industrial, commercial and subdivision properties, a comprehensive narrative appraisal is required.

    b. For residential properties, a concise narrative appraisal is required.

No Building without Payment:

29. If a payment of money is required pursuant to section 17 or 18 of this By-law, no person shall obtain a building permit under the *Building Code Act* or construct a building on the Land proposed for Development or redevelopment unless the payment has been made or arrangements for the payment satisfactory to the Town have been made.

Form of Payment:

30. Any payment of money required under this By-law shall be made in the form of certified cheque, bank draft, electronic funds or wire transfer or another form acceptable to the Town.

31. Payment of any amount required under this By-law does not include any applicable taxes, which may be added to the payment if required.

Special Account:

32. All money received by the Town in lieu of the conveyance of a portion of Land for Parkland, or received on the sale of any property that has been conveyed

to the Town pursuant to this By-law shall be paid into a special account established in accordance with subsection 42(15) of the *Planning Act*, and only as permitted under the Planning Act.

33. The Town Treasurer shall give Council the financial statement of any special account established pursuant to this By-law in accordance with the requirements of subsection 42(17) of the *Planning Act*.

Other Powers Not Affected:

34. Nothing in this By-law is intended to or has the effect of restricting, limiting and/or altering the authority of Council to require a conveyance of a portion of Land for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a plan of subdivision in accordance with section 51.1 of the *Planning Act*, or the authority of Council, the Committee of Adjustment or any successor body thereto established under section 44 of the *Planning Act*, to require a conveyance of a portion of Land for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a consent given under subsection 53(12) of the *Planning Act*.

Where Land Conveyed:

35. If land has been conveyed or is required to be conveyed for park or other public purposes or a payment in lieu has been received or is owing to it under this By-law or a condition imposed under section 51.1 or 53 of the *Planning Act*, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required in respect of 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 other purposes.

Reduction for Previous Conveyance or Payment in Lieu:

36. Where section 31of this By-law applies, and a change referred to in (a) or (b) of that section has occurred, any conveyance that has previously been made or is required to be made for Parkland, or any payment of money that has previously been made or is required to be made in lieu of such conveyance, as the case may be, shall be deducted from the portion of the Land required to be conveyed for Parkland or the payment of money in lieu of such conveyance required under this By-law.

Exemptions from General Requirement:

37. This By-law does not apply to the following classes of Development or redevelopment:

    a) Development or redevelopment of Land owned by and/ or used for the purposes of the Town;

    b) Development or redevelopment of Land owned by and used by a Board of Education;

    c) Development or redevelopment of Land owned by a college or university for non-commercial, institutional and/or educational purposes;

    d) Development or redevelopment of a hospital as defined in the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended, or any successor thereto,

e) Development or redevelopment of Land owned by and used for the purposes of the Regional Municipality of Peel;

f) Development or redevelopment of Land owned by and used for the purposes of the Ontario Provincial Police;

g) Development or redevelopment of Land owned by a Conservation Authority and used for conservation purposes;

h) Development or redevelopment on any land for a non-residential Agricultural building or structure, used for Agricultural or farm purposes by a bona fide farmer;

i) Development or redevelopment of a place of worship or of a cemetery exempt from taxation under the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, or any successor thereto;

j) Development or redevelopment of land owned by and used by non-profit housing as defined in the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto;

k) Development or redevelopment of land owned by and used for a long-term care home as defined in *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1, as amended, or any successor thereto;

l) Development or redevelopment of land owned by and used by a registered charity is regulated under the Federal and/or Provincial Income Tax Act, as amended, or any successor thereto;

m) Development or redevelopment of land owned by and used for affordable housing as defined in the *Development Charges Act, 1997*, S.O. 1997, c. 27, section 4.1(1), as amended, or any successor thereto;

n) Development or redevelopment of land owned by and used for attainable housing as defined in the *Development Charges Act, 1997*, S.O. 1997, c. 27, section 4.1(1), as amended, or any successor thereto;

o) The enlargement of an existing Dwelling Unit used for Residential purposes;

p) Replacement of an existing Dwelling Unit on an existing lot if the owner can demonstrate that parkland dedication was previously provided for the property;

q) Additions or interior alteration to existing Buildings used for Residential purposes, provided that there is no increase in the existing number of Dwelling Units;

r) Development or redevelopment of accessary building or structure to support residential use;

s) Development or redevelopment that consists solely of the replacement of any building destroyed due to fire or other accidental cause within four years of the building permit application beyond the control of the owner of the Land provided that no intensification or change in use is proposed, including but not limited to increasing the total number of Dwelling Units increasing the size or usability of the Gross Floor Area of the original building by more than fifty-percent;

t) A second and third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or

rowhouse cumulatively contain no more than one residential unit;

u) One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units;

v) A garden suite;

w) A bed and breakfast establishment;

x) A building or structure used for the purpose of Agricultural tourism;

y) A farm based home industry;

z) A farm cidery;

aa) A farm winery;

bb) An outbuilding;

cc) An on-farm diversified use building or structure;

dd) A secondary dwelling on an Agricultural property, used as housing for farm help;

ee) An on-farm wedding venue provided that the following criteria are met:

i. it is located on an Agricultural property as a secondary use
ii. it is owned by a bona fide farmer; and
iii. it operates as a wedding venue no more than 30 calendar days per year; and

ff) Such other land uses, projects or specific development or redevelopment as may be exempted by resolution of Council.

Repeal:

38. By-law 2022-042 is hereby repealed on the day this By-law comes into force and takes effect.

In Force:

39. This By-law shall come into force and take effect on October 28, 2025

Schedules:

Schedule "A" – Tiered Natural Heritage System Credit Scale

Schedule "B" – Parkland Cash-In-Lieu Calculations

Schedule "C" – Town of Caledon Estate Lot Valuation

Enactment

This By-law shall come into full force and effect on the day of its passing.

Enacted by the Town of Caledon Council this 28th day of October, 2025.

Annette Groves, Mayor

Kevin Klingenberg, Municipal Clerk

Schedule "A"

Tiered Natural Heritage System Credit Scale

In accordance with Section 11 of the Parkland Conveyance By-law, the following tiered schedule shall be used to determine the parkland credit granted for the conveyance of NHS lands:

Natural Heritage System Area Conveyed (Hectares)	Parkland Credit (Hectares)
0 ha to 4.99 ha	0.0 ha
5 ha to 9.99 ha	0.1 ha
10 ha to 14.99 ha	0.2 ha
15 ha to 19.99 ha	0.3 ha
20 ha to 24.99 ha	0.4 ha
25 ha to 29.99 ha	0.5 ha
30 ha to 34.99 ha	0.6 ha
35 ha to 39.99 ha	0.7 ha
40 ha to 44.99 ha	0.8 ha
45 ha to 49.99 ha	0.9 ha
50 ha or more	1.0 ha

Natural Heritage System lands must be conveyed in a condition satisfactory to the Town and meet all applicable policy and regulatory standards to qualify for parkland credit.

Schedule "B"

Parkland Cash-In-Lieu Calculations

Type of Development or Use	Requirement	Calculation
Commercial, Industrial, or Institutional purposes	Two percent of the Market Value of the Land	Value of land to be conveyed = (Market Value of the Land) x (0.02)
Residential purposes if the Land is five hectares (ha) or less in area	One hectare (ha) per 1000 Dwelling Units proposed or capped at ten percent of the value of the land if the Land is five – hectares (ha) or less in area	Value of land to be conveyed = (Market Value of the Land) x (1 ha / 1000 Dwelling Units) Cap: Value of land to be conveyed = (Market Value of the Land) X (0.10)
Residential purposes if the Land is five hectares (ha) or greater in area	One hectare (ha) per 1000 Dwelling Units proposed or capped at 15% of the value of the land if the Land is five - hectares (ha) or greater in area	Value of land to be conveyed = (Market Value of the Land) x (1 ha / 1000 Dwelling Units) Cap: Value of land to be conveyed = (Market Value of the Land) X (0.15)
Any use other than Commercial, Industrial, Institutional or Residential purposes	Five percent of the Market Value of the Land	Value of land to be conveyed = (Market Value of the Land) X (0.05)
Mixed-Use	Where two or more of the requirements under section 18 a) - c) apply. Only the portion of Land or Dwelling Units associated with the purposes listed in the applicable subsection shall be used for calculating the payment required in lieu of a conveyance of a portion of the Land to the Town for Parkland.	Value of land to be conveyed = [(area of the portion of land used for Commercial or Industrial purposes / total area of land) x (Market Value of the Land) X (0.02)] + [(area of the portion of land used for Residential purposes / total area of land) x (Market Value of the Land) X (0.05)]

Schedule "C"

Town of Caledon Estate Lot Valuation

Established Rate for Estate Lot Valuation

1. The cash-in-lieu of parkland dedication rate for Estate Lots is established at $25,000 per dwelling unit.

Rate Review

2. This rate shall be reviewed and updated every two (2) years to reflect current market conditions and land values.

Alternative Valuation Method

3. In place of the Established Rate, a property owner may choose to submit a land appraisal report to determine the applicable cash-in-lieu amount, in accordance with section 22 to 28 of this By-law.