



THE TOWN OF VAUGHAN BY-LAW

BY-LAW NUMBER 139-90

A By-law to require the conveyance of land for a park or other public recreational purposes as a condition of development or redevelopment.

WHEREAS Section 41 of the Planning Act, 1983, provides that the Council of a local municipality may by by-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment of land;

AND WHEREAS the Council of The Corporation of the Town of Vaughan wishes to use this provision to further the acquisition of lands for parks or other public recreational purposes;

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

1. In this By-law:
 - a) "commercial purpose" means the use of the land, structure or building for the purpose of buying and selling commodities or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.
 - b) "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 useability thereof, or the laying out and establishment of a commercial parking lot.
 - c) "industrial purpose" means the use of land, building or structure for the warehousing, manufacturing, processing or assembly of materials to finished products or by-products, including the storage of such materials and products.

- d) "institutional purpose" means the use of land, building or structure for the following purposes: church or synagogue; community centre; public, commercial or private school; public library; day nursery; post office; cemetery, mausoleum, columbarium and crematorium established with the approval of the Ministry of Consumer and Commercial Relations under the Cemeteries Act; an institution owned and operated by a religious, educational or charitable institution supported in whole or in part by public funds.
 - e) "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 a change in the character or density of use in connection therewith.
 - f) "residential purpose" means the use of land, buildings or structures for human habitation.
 - g) "Town" means The Corporation of the Town of Vaughan.
2. This By-law applies to all land within the corporate limits of the Town of Vaughan.
3. a) As a condition of development or redevelopment of lands in the Town of Vaughan, Council of the Town hereby requires that land be conveyed to the Town for park or other public recreational purposes as follows:
- (i) In the case of lands proposed for development or redevelopment for a Commercial Purpose or an Industrial Purpose, two percent (2%) of the said lands shall be conveyed to the Town.
 - (ii) In the case of lands proposed for development or redevelopment for an Institutional Purpose, no lands are required to be conveyed to the Town.


- (iii) Subject to the provisions of paragraph (iv) of this subsection 3 (a), in the case of lands proposed for development or redevelopment for a purpose not specifically mentioned in paragraphs (i) or (ii) of this subsection 3 (a), five percent (5%) of the aforesaid lands shall be conveyed to the Town for park or other public recreational purposes.
 - (iv) As an alternative to requiring the conveyance provided for in paragraph (iii) above, in the case of lands proposed for development or redevelopment for a Residential Purpose, the Town, at its option, may require that land be conveyed to the Town for a park or other public recreational purposes at a rate of 1 ha for each 300 dwelling units proposed.
- b) Where a single parcel of land is proposed for the purposes referred to in both of paragraphs (i) and (iii) of subsection 3 (a), the respective rate shall be applied in the same proportion as the gross floor area of the paragraph (i) uses is to the gross floor area of the paragraph (iii) uses.
 - c) The location and configuration of land required to be conveyed shall be at the sole discretion of the Town and all such conveyances shall be free of all encumbrances.
- 4. a) Notwithstanding the provisions of Section 3, unless the Town requires the conveyance of land by resolution of Council, the payment of money to the value of the land otherwise required to be conveyed by this by-law shall be required.
 - b) The payments required to be made pursuant to this By-law shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.
- 5. a) All appraisals of land value shall be determined in accordance with generally accepted appraisal principles.

- b) The value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or redevelopment, or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first permit.
 - c) Where land has been conveyed to the Town for park or other public recreational purposes, exclusive of lands located below the Top of Bank as defined by the Metropolitan Toronto Region Conservation Authority pursuant to their regulations, or a payment of money in lieu of such conveyance has been received by the Town pursuant to a condition imposed under this By-law, or a predecessor of this By-law, or pursuant to the provisions of Sections 50 or 52 of the Planning Act, 1983, or a predecessor of either of such sections, the conveyance or payment, as the case may be, shall determine the appropriate credit with respect to the amount of money or land which may be required in connection with further development or redevelopment of the subject lands.
6. The provisions of this By-law shall not apply:
- a) to residential lots of record existing prior to the enactment of By-law 331-87 being September 21, 1987, or residential plans of subdivision for which subdivision agreements had been executed by the Town prior to September 21st, 1987 which do not require a parkland contribution pursuant to Section 41.
 - b) to any plans of subdivision for which the maximum parkland area was dedicated to the municipality pursuant to Section 50(5) of the Planning Act, 1983, or its predecessor.
 - c) to any commercial or industrial development for which a parkland/cash-in-lieu payment was made in the amount of 5% of the value of the lands in the plan of subdivision, was made prior to the day of passage of this By-law.
 - d) to any building additions.

BY-LAW 139-90, CONTINUED

7. The provisions of paragraph 3(a)(iv) shall only apply to lands subject to an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement referred to in subsection 41(3) of the Planning Act, 1983.
8. Where the provisions of this by-law conflict with the provisions of By-law 331-87, the provisions of this by-law shall prevail.

READ a FIRST and SECOND time this 30th day of April, 1990.



L.D. Jackson, Mayor



R.A. Sanizza, Town Clerk

READ a THIRD time and finally passed this 30th day of April, 1990.



L.D. Jackson, Mayor



R.A. Sanizza, Town Clerk