

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 17, 2022

Item 3, Report No. 23, of the Committee of the Whole (Working Session), which was adopted without amendment, via recorded vote, by the Council of the City of Vaughan on May 17, 2022:

#### **3. PARKLAND DEDICATION BY-LAW**

The Committee of the Whole (Working Session) recommends:

- 1) That Staff amend the draft Parkland Dedication By-law to clarify and expand parkland credits for eligible parkland dedications, including:
  - 100% credit for lands meeting the City's Official Plan definitions for parkland, which includes passive recreation uses, such as, but not limited to trails, sitting areas, toboggan hills, shade structures, etc.;
  - 100% credit for lands encumbered by underground strata, underground storm water facilities, utility corridors, Greenbelt, and Oak Ridges Moraine lands;
  - 100% credit for privately owned public spaces (POPS) and other lands with encumbrances that provide the City with the ability to program the lands for public park uses; and
  - 100% credit for lands that are part of the Natural Heritage Network and associated buffers, floodplains, and sustainability features, that do not prohibit public programming for park uses;
- 2) That Staff clarify certain language used in the draft Parkland Dedication By-law, including: "designed, built, and maintained to *City* standards", as outlined in Section 3(2) of Attachment 1, and with respect to the aforementioned list of parkland dedications;
- 3) That Staff report back with respect to the suggestion of a percentage cap for land dedication;
- 4) That Staff report back with a policy with respect to the spending of cash in lieu within a certain radius of the site;
- 5) That Staff revise the exemption provided with respect to additional residential units, to exclude an exemption for standalone secondary suites provided for on a lot, and to report back on whether fees would be charged as a flat rate, or as a percentage;
- 6) That the appraisal of the value of lands in general, to facilitate the implementation of this by-law, and not tied to any

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### EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 17, 2022

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particular parcel or parcels that may be acquired or disposed of by the City, shall be available for citizen review as part of the public record;

- 7) That a report be brought forward to the Committee of the Whole (1) meeting of June 7, 2022 for further discussion;
- 8) That the report of the City Manager, dated May 4, 2022, be received;
- 9) That the staff presentation and Communication C3., presentation material, entitled "*Parkland Dedication By-law*", dated May 4, 2022, be received;
- 10) That the comments and communication of the following speakers be received:
  1. Ira Kagan, Kagan Shastri LLP, Upjohn Road, Toronto, on behalf of BILD; and
  2. Don Given, Malone Given Parsons Ltd., Renfrew Drive, Markham, and Communication C5., dated May 3, 2022; and
- 11) That the following communication be received:
  - C4. Paula J. Tenuta and Victoria Mortelliti, BILD, Upjohn Road, Toronto, dated May 4, 2022.

#### Recommendations

1. That the draft Parkland Dedication By-law be approved; and
2. That Staff be authorized to make changes as required to the draft Parkland Dedication By-law, and be directed to bring forward a final Parkland Dedication By-law for passage at the Council Meeting scheduled for June 28, 2022.



## Committee of the Whole (Working Session) Report

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**DATE:** Wednesday, May 4, 2022

**WARD(S):** ALL

**TITLE:** PARKLAND DEDICATION BY-LAW

**FROM:**

Vince Musacchio, Deputy City Manager, Infrastructure Development

**ACTION:** DECISION

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### **Purpose**

To present the draft Parkland Dedication By-law for Council's consideration and approval.

### **Report Highlights**

- Changes to the Planning Act regarding parkland dedication and the collection of community benefits (Section 37) require the City to have a new Parkland Dedication By-law in place by September 2022;
- In February 2022 Council received the results of a comprehensive Parkland Dedication Guideline Study and directed staff to consider additional parkland credit structures for dual use park and underground storm facilities, passive recreational areas, strata parks and privately-owned public space (POPS);
- The study and by-law project included a comprehensive consultation process with the community at large as well as members of the development industry, public agencies and internal stakeholders;
- The new Parkland Dedication By-law prioritizes land dedication over payment-in-lieu of parkland and provides clarity on parkland credits to be provided for various land dedication scenarios with the value of credits determined by the level of encumbrances and restrictions for public programming for park uses; and
- A 4-step phase in period from the date the new by-law comes into full force and effect to March 2025 is proposed for achieving the new cash-in-lieu rate of \$27,994 per unit.

## **Recommendations**

1. That the draft Parkland Dedication By-law be approved; and
2. That Staff be authorized to make changes as required to the draft Parkland Dedication By-law, and be directed to bring forward a final Parkland Dedication By-law for passage at the Council Meeting scheduled for June 28, 2022.

## **Background**

### **Provincial legislative changes necessitate a review and update of current Parkland Dedication policy and procedures by September 2022**

Changes to the *Planning Act* relating to parkland and the new community benefits charge regime were initiated with Bill 108, the *More Homes, More Choice Act, 2019*, which received Royal Assent on June 6, 2019. The original amendments proposed through Bill 108 were subsequently amended through Bill 138, the *Plan to Build Ontario Together Act, 2019* and Bill 197, the *COVID-19 Economic Recovery Act, 2020*, with the Province giving municipalities until September 18, 2022 to implement the legislative and administrative changes necessary to transition to the new framework including a new Parkland Dedication By-law.

Section 42 of the *Planning Act* was amended to include the right to appeal the City's parkland dedication by-law or amendment that provides for an alternative rate. The legislative changes also include notice requirements for the passing of a parkland dedication by-law, the minimum interest rate that would apply to a refund provided by a municipality in the event of a successful appeal of an applicable by-law to the Tribunal, and requirements that a municipality provide reports to the public regarding the 'special account' for specific parkland revenues (cash-in-lieu of parkland). The City will continue to retain the ability to require that land be conveyed for park or other public recreational purposes as a condition of development and the amount of land to be conveyed will continue to be determined by applying a 'standard rate' or an 'alternative rate' of parkland provision to be included in the new Parkland Dedication By-law.

### **In February 2022 Council received a presentation on the Parkland Dedication Guideline Study completed by staff and The Planning Partnership which provided a comprehensive analysis of existing policies and procedures, stakeholder consultations, and jurisdictional scans of other municipalities**

The Parkland Dedication Study process included the review, research and analysis of the City's existing parkland conveyance policies and procedures, and presented a series of ideas and concepts for consideration to assist the City in the implementation of a revised approach towards parkland dedication in an effort to meet the City's parkland objectives and planned urban structure to 2051.

The Study builds upon the City's existing cash-in-lieu policies and by-laws and considers the use of community benefits associated with cash-in-lieu funding, dedication protocols, standards and best practices, conveyance requirements, valuation, credits, exemptions, and other matters of interpretation identified under Bill 108, 138 and 197. The Study was integrated with the completion of other Corporate projects and initiatives, and is being used to inform the Community Benefit Charges Strategy and By-law and will have policy implications with respect to the upcoming Vaughan Official Plan Review.

On February 15, 2022 Council approved the staff recommendation to develop a new Parkland Dedication By-law using the considerations presented and discussed at Committee of the Whole (Working Session) on February 9, 2022, and provided direction that the new by-law take into consideration the following:

- dual uses on underground storm facilities whereby parks are located on the surface;
- that within Greenfield developments, such dual uses are not necessarily required to be transferred by way of condo plan as the City will likely own the asset through fee simple;
- passive recreational uses such as trails and sitting areas approved by staff be considered for full parkland credit;
- full parkland credits be considered for POPS as well as Strata ownership; and
- that clear and measurable guidelines be provided to assess POPS and Strata from a parkland dedication Planning Act perspective

### **Previous Reports/Authority**

[Committee of the Whole \(Working Session\) February 9, 2022 \(Item 1, Report No. 8\)](#)

[Staff Communication \(SC2.\)– Committee of the Whole \(2\) December 7, 2021](#)

[Committee of the Whole \(Working Session\) December 2, 2020 \(Item 1, Report No. 59\)](#)

### **Analysis and Options**

**To acquire the land needed to meet parkland targets for greenfield and intensification areas to 2051, the new Parkland Dedication By-law incorporates alternative tools and innovative approaches presented in the previous study**

The 2018 update to the Active Together Master Plan (ATMP), the City's strategic plan for parks, recreation and libraries, was approved by Council on May 23, 2018. The ATMP identifies a parkland provision rate of 2 hectares for every 1,000 residents which will be a challenge for the City to achieve based on current and anticipated population projections and existing tools in place for parkland dedication within the *Planning Act* alone.

Utilizing the 2 ha/1000 resident target rate, and with a projected population of approximately 569,000 residents (York Region projection for Vaughan to 2051), the City will require approximately 1,090 ha of parkland. Of the 1,090 ha of parkland required, 746 ha is existing parkland, leaving an additional 344 ha of parkland need to meet the City's parkland objectives. Of this amount, approximately 212 ha of city-wide parkland and 41 ha of urban parkland within Strategic Growth Areas, based on a local provision rate of 0.3 Ha/1000, will need to be acquired, with approximately 91 ha to be conveyed through the development approval process for Traditional Residential/Greenfield Communities.

**Following Council endorsement of the Parkland Dedication Guideline Study staff initiated the process of drafting a new by-law in consultation with internal and external stakeholders**

A staff project team comprised of representatives from Parks Infrastructure Planning & Development, Real Estate Services, Finance and Legal met numerous times to collaborate on the development of provisions to be included in the new by-law based on the results of the Parkland Dedication Study and direction from Council. The project team met with the York Chapter of the Building Industry and Land Development Association (BILD) on March 8, 2022 and April 8, 2022 to provide an update on proposed by-law provisions and methodology for the new proposed alternative rate for cash-in-lieu of parkland. The themes, issues and feedback provided at these meetings helped inform the development of the new draft by-law to be presented to Council. In particular, representatives from BILD noted interest in the by-law providing clear, consistent provisions that assist the industry with determining predictability for parkland requirements associated with development proposals and a desire to see parkland dedication credits for a variety of development scenarios, as discussed at Committee of the Whole (Working Session) in February.

The City's preference is for dedication by land conveyance before considering a cash-in-lieu payment. With this in mind, a variety of credits were explored by staff to be considered for the new By-law. Credits range from 100% parkland dedication credits to 0% credits for elements that, while desirable from a City-building perspective, do not contribute to the goals and objectives of attaining a robust Parks & Open Space system for Vaughan residents and visitors.

The following key elements are included within the new Parkland Dedication By-law and will be presented in further detail for Council consideration and approval:

1. Updated **Definitions** for compatibility with other City documents;
2. Updated list of **Exempt Categories** including places of worship, long-term care homes, affordable housing, not-for-profit organizations, schools/universities, and the Cortellucci Vaughan Hospital, among others;

3. Clarity and expansion of **Parkland Credits** for eligible parkland dedications including 100% credit for lands meeting the City's Official Plan definitions for parkland; 66% credit for lands encumbered by underground strata, underground storm water facilities, utility corridors, Greenbelt and Oak Ridges Moraine lands etc.; 33% credit for privately-owned public spaces (POPS) and other lands with encumbrances that provide the City with the ability to program the lands for public park uses; and 0% credit for lands that are part of the Natural Heritage Network and associated buffers, floodplain, hazard lands, sustainability features, etc. that prohibit public programming for park uses;
4. Emphasis of the City's preference for land conveyance over payment-in-lieu of parkland, including provision for **Off-site Land Dedication** at the City's discretion;
5. Updated **Phased-in Fixed Unit Rate** for payment-in-lieu of parkland of \$27,994 per unit to be implemented using a 4-step phase in period between when the new by-law comes into full force and effect and March 2025 (refer to the Financial Impact section for details).

**The next steps for this project include Council approval of the new Parkland Dedication By-law prior to September 18, 2022 as required by the Province**

The Province has given municipalities until September 18, 2022 to implement the legislative and administrative changes necessary to transition to the new policy framework including have a new Parkland Dedication By-law in place. Accordingly, Staff have prepared a new by-law for Council's consideration and approval. Following Council approval, the new Parkland Dedication By-law will come into full force and effect and previous by-laws will be repealed.

Section 42 of the *Planning Act* was amended to include the right to appeal the City's parkland dedication by-law or amendment that provides for an alternative rate. The legislative changes also include notice requirements for the passing of a parkland dedication by-law, and other administrative matters.

**Financial Impact**

The new Parkland Dedication By-law includes a 4-step phase in period for implementation of the new Fixed Unit Rate which will come into effect upon Council approval. The new rates and phased timing are proposed as follows:

- i. \$11,300 per unit on the day the by-law comes into full force and effect;
- ii. \$15,050 per unit effective March 1, 2023;
- iii. \$20,050 per unit effective March 1, 2024;
- iv. \$27,994 per unit effective March 1, 2025;
- v. Subject to a 4.25% increase on each one-year anniversary after March 1, 2025

## **Broader Regional Impacts/Considerations**

The Region of York Official Plan policies, which focus on the designated Centres and Corridors, directs that open spaces shall consist of active and passive spaces, meeting places/urban squares and areas for community gardening. These policies also require that the Regional Greenlands System be protected and enhanced to include pedestrian-accessible green spaces and passive parks, where appropriate, and requires that secondary plans shall include provisions for an urban public realm, including passive and active parks and meeting places, such as urban squares, which incorporate art, culture, and heritage, and that contribute to a sense of place and clear identity.

## **Conclusion**

After an extensive process which included completion of the comprehensive Parkland Dedication Guideline Study and accompanying 54 recommendations, staff have prepared a new Parkland Dedication By-law for Council's consideration and approval. Having a new Parkland Dedication By-law in effect before September 18, 2022 is important for meeting Provincial requirements and to provide the City and the development industry with clear and predictable tools for achieving the City's parkland goals to 2051.

**For more information**, please contact: Jamie Bronsema, Director, Parks Infrastructure Planning & Development, Extension 8858 and Michael Habib, Acting Manager, Parks and Open Space Planning, Extension 8092

## **Attachments**

1. Draft Parkland Dedication By-law (to be provided prior to the meeting)

## **Prepared by**

Michael Habib, Acting Manager, Parks and Open Space Planning, Extension 8092  
Jamie Bronsema, Director, Parks Infrastructure Planning and Development,  
Extension 8858

## **In Consultation With**

Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate Law, Extension 8662  
Chris Xu, Articling Student, Legal Services, Extension 8128  
Nelson Pereira, Manager, Development Finance, Extension 8393  
Brianna Clace, Project Manager, Development Finance, Extension 8284  
Paul Salerno, Director, Real Estate Services, Extension 8473



**Approved by**



Vince Musacchio,  
Deputy City Manager,  
Infrastructure Development

**Reviewed by**



Nick Spensieri, City Manager

**THE CITY OF VAUGHAN****BY-LAW****BY-LAW NUMBER XXX-2022****Preamble**

**A By-law to require the conveyance of land and payment-in-lieu thereof for park or other public recreational purposes.**

**WHEREAS** section 42 of the *Planning Act*, RSO 1990, c P.13, as amended, authorizes local municipalities to pass By-laws requiring that land or payment-in-lieu thereof be conveyed to the local municipality as a condition of development or redevelopment of land;

**AND WHEREAS** the Council of the Corporation of the City of Vaughan wishes to use this authority to further the acquisition of lands and payment-in-lieu for park and other public recreational purposes;

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

**Section 1 – Definitions and Applicability****1(1) DEFINITIONS**

In this By-law:

- a) **“Act”** means the *Planning Act*, RSO 1990, c P.13 as amended.
- b) **“accessory”** means incidental, subordinate, and devoted exclusively to a principal use, building or structure.
- c) **“additional residential unit”** means a self-contained *residential unit* with full kitchen and bathroom facilities within or as an *accessory* to an existing *residential unit* such as a basement apartment or secondary suite.
- d) **“apartment building”** means a residential building, or the residential use portion of a mixed-use building, other than a townhouse containing four or more residential units each of which shall have access to above grade common halls, stairs, elevators, and yards.
- e) **“building”** means a fully enclosed *structure*, whether temporary or permanent, used or erected for shelter, accommodation or enclosure of persons, animals, materials or equipment, but does not include a house trailer or mobile home.
- f) **“building permit”** means a permit issued under the *Building Code Act*, 1992, SO 1992, c 23 which permits the construction of a *building* or *structure*, or which permits the construction of the foundation of a *building* or *structure*.
- g) **“City”** means the Corporation of the City of Vaughan.
- h) **“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.

- i) **“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.
- j) **“duplex”** means a building comprising, by horizontal division, two residential units, each of which has a separate entrance to grade.
- k) **“gross floor area”** means the aggregate of the floor areas of all storeys of a building measured from the outside of the exterior walls, but excluding any basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle and bicycle parking areas, loading areas located above or below grade.
- l) **“multiple unit building”** means where the development consists of multiple residential units within buildings that are not included in the definition of *single detached residential*, or *semi-detached residential*, or *townhouse*. For clarity “multiple unit building” includes *stacked townhouse*, *semi-detached duplex*, *triplex*, *semi-detached triplex*, and *apartment building*.
- m) **“home occupation”** means an occupation permitted in a *residential unit* and which,
  - i. is clearly secondary to the use of the *residential unit*,
  - ii. does not change the external character of the *residential unit*, and
  - iii. does not create or become a public nuisance, with respect to noise, traffic, or parking.
- n) **“industrial purpose”** means the use of land, *building* or *structure* for the construction, warehousing, manufacturing, processing or assembly of materials to finished products or byproducts, including the storage of such materials and products.
- o) **“institutional purpose”** means the use of any land, building or structure by any organization owned or operated for religious, educational, charitable, recreational, or governmental purposes, whether or not supported in whole or in part by public funds.
- p) **“owner”** means the owner of the land to be developed or redeveloped including the person who has made under lawful authority the *development* or *redevelopment* application for which parkland dedication requirements are imposed by this By-law.
- q) **“mixed-use developments”** means a building or structure containing a residential and non-residential use other than a *home occupation*.
- r) **“place of worship”** means gatherings of a religious or faith-based organization for spiritual purposes.
- s) **“privately owned public space”** means open space that is privately owned and maintained but is a publicly accessible space complementing public parks or offering other public programming purposes secured by an easement with the *City*.
- t) **“redevelopment”** means construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use.

- u) **“residential purpose”** means the use of land, buildings or structures for human habitation.
- v) **“residential unit”** means one or more habitable rooms designed, occupied, or intended to be occupied as living quarters as a self-contained unit and shall, at a minimum, contain sanitary facilities, accommodation for sleeping and a kitchen.
- w) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall,
- x) **“semi-detached residential”** means a building divided vertically into two residential units.
- y) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall.
- z) **“single detached residential”** means a building consisting of one residential unit that is not attached to another structure above grade.
- aa) **“stacked townhouse”** means a building, other than a townhouse or apartment building, containing at least three residential units, each residential unit being separated from the other vertically and/or horizontally, and each residential unit having an entrance to grade shared with no more than three other units.
- bb) **“structure”** means anything constructed or erected and is fixed to or supported by the ground or attached to another structure that is fixed to or supported by the ground.
- cc) **“strata park”** means City-owned parkland in the form of a publicly accessible open space located on top of structures, including but not limited to parking garages. The strata component of this definition refers to the horizontal delineation of legal ownership as described in the Condominium Act, 1998, SO 1998, c 19.
- dd) **“townhouse”** means a building, up to three storeys in height, situated on a single parcel and part of a row of at least three but no more than six attached residential units.
- ee) **“temporary building or structure”** means a temporary use permitted under a City zoning By-law enacted per section 34 of the Act.
- ff) **“triplex”** means a building comprising three residential units, each of which has a separate entrance to grade.

1(2) This By-law applies to all lands within the corporate limits of the *City*.

## **Section 2 – Land Dedication Requirement**

- 2(1) The *City*'s preference is for dedication by land conveyance. As a condition of *development* or *redevelopment* of lands in the *City*, Council hereby requires that land be conveyed to the *City* for park or other public recreational purposes such that:
- a) In the case of land proposed for *development* or *redevelopment* for a *commercial purpose* or an *industrial purpose*, two percent (2%) of the said lands shall be conveyed.
  - b) In the case of lands proposed for *development* or *redevelopment* for a *residential purpose*, which includes residential portions of a *mixed-use*

*development*, or other purpose not mentioned in section 2(1)a), five percent (5%) of the lands shall be conveyed.

- c) In the case of a *mixed-use development* or *redevelopment* where the non-residential *gross floor area* represents equal to or less than twenty percent (20%) of the total *gross floor area*, no parkland dedication shall be imposed on the non-residential portion.
  - d) As an alternative to requiring the conveyance provided for in section 2(1)b), in case of lands proposed for *development* or *redevelopment* for a *residential purpose*, the *City* may elect that land be conveyed at a rate of one (1) hectare for each three hundred (300) *residential units* proposed.
- 2(2) Where a single parcel of land is proposed for *development* or *redevelopment* for purposes referred to in both sections 2(1)a) and 2(1)b), the respective parkland dedication rates shall be applied in the same proportion as the *gross floor area* for section 2(1)a) purposes relative to the *gross floor area* for section 2(1)b) purposes.
- 2(3) Notwithstanding any other sections in this By-law and subject to any applicable restrictions provided by the *Act*, the *City* may determine at its discretion,
- a) the location, configuration and encumbrances of land required for conveyance; and
  - b) when payment-in-lieu of land conveyance or a combination of payment and land are acceptable.

### **Section 3 – Lands Acceptable for Conveyance and Parkland Credits**

- 3(1) The *City* requires lands that fully meet the *City's* Official Plan definitions of parklands. Such lands dedicated shall receive full **(100%)** credit towards satisfying the overall parkland dedication requirement for a *development* or *redevelopment*.
- 3(2) The *City* may choose to accept the following lands at a reduced credit rate for a *development* or *redevelopment*:
- a) For land proposed for dedication as a *strata park*, **66%** of the land area not restricted for public use shall be applied as a credit towards satisfying the overall parkland dedication requirement. Acceptance and credit for a *strata park* shall require the *owner* to enter into an agreement with the *City* providing that the *strata park* be,
    - i. designed, built and maintained to *City* standards;
    - ii. open and accessible to the public at all times; and
    - iii. meet any further applicable criteria in the *City's* Official Plan or Secondary Plan.
  - b) For land encumbered by utility corridors or other publicly owned infrastructure, **66%** of the encumbered land area proposed for dedication which does not prohibit public programming shall be applied as a credit towards satisfying the overall parkland dedication requirement. Acceptance and credit for these lands shall require the *owner* to enter into an agreement with the *City* providing that the encumbered land be,
    - i. designed, built and maintained to *City* standards;
    - ii. open and accessible to the public at all times; and
    - iii. meet any further applicable criteria in the *City's* Official Plan or Secondary Plan.

- c) For land proposed as a *privately owned public space*, **33%** of the land area to be subject to a parkland easement shall be applied as a credit towards satisfying the overall parkland dedication requirement. Acceptance and credit for a *privately owned public space* shall require the *owner* to enter into an agreement with the *City* providing that the *privately owned public space* be,
  - i. designed, built and maintained to *City* standards;
  - ii. open and accessible to the public at all times; and
  - iii. meet any further applicable criteria in the *City's* Official Plan or Secondary Plan.
  
- d) For land proposed for dedication within the Greenbelt or Oak Ridges Moraine, **up to 66%** of the land area proposed for dedication which does not prohibit public programming shall be applied as a credit towards satisfying the overall parkland dedication requirement. Acceptance and credit shall require the *owner* to enter into an agreement with the *City* providing that the land be,
  - i. designed, built and maintained to *City* standards;
  - ii. open and accessible to the public at all times;
  - iii. meet any further applicable criteria in the *City's* Official Plan or Secondary Plan; and
  - iv. meet requirements of the Greenbelt or the Oak Ridges Moraine policies.

**3(3)** Lands not acceptable for parkland dedication and any credit are the following:

- a) Lands part of the Natural Heritage Network or any associated buffer as defined in the *City's* Official Plan, applicable Secondary Plans, or as identified in an environmental impact study.
  
- b) Lands susceptible to flooding, poor drainage, erosion issues, extreme slopes and other adverse physical conditions deemed by the *City* to interfere with its use as parkland.
  
- c) Lands required to accommodate open storm water management facilities.
  
- d) Lands deemed by the *City* to be contaminated in any way.
  
- e) Lands that prohibit public programming including sustainability features.

**3(4)** Where on-site land dedication is not feasible, the *City* may accept off-site land dedication it considers suitable towards meeting the overall parkland dedication requirement for a *development* or *redevelopment*.

**Section 4 – Payment-in-Lieu of Parkland Dedication**

- 4(1)** The *City's* preference is for dedication by land conveyance. However, the *City* may elect for a payment-in-lieu at its discretion or where no reasonable prospect for land dedication exists which includes, but is not limited to,
- a) where land conveyance would render the remaining portion of the subject lands unsuitable or impractical for *development* or *redevelopment*;
  
  - b) where the amount of land conveyance does not meet the *City's* Official Plan definitions of parklands; or
  
  - c) where existing parks and other recreational spaces are available and deemed sufficient by the *City* to accommodate the further *development* or *redevelopment*.

- 4(2)** Calculations of payments-in-lieu shall be net of the value of any land conveyance made towards the overall parkland dedication requirement for a *development* or *redevelopment*.
- 4(3)** Subject to section 4(4), the amount of payment-in-lieu shall be the value of the land otherwise required to be conveyed.
- 4(4)** A payment-in-lieu for a *multiple unit building development* or *redevelopment* shall be the lesser of,
- a)** the value of land using a rate of one hectare for each five hundred (500) *residential units* based on the subject site land value; or
  - b)** a payment calculated by multiplying the number of *residential units* for the *residential purpose* with the applicable unit rate of,
    - i.** **\$11,300** per unit on the day this By-law comes into full force and effect;
    - ii.** **\$15,050** per unit effective March 1, 2023;
    - iii.** **\$20,050** per unit effective March 1, 2024;
    - iv.** **\$27,994** per unit effective March 1, 2025; and
    - v.** subject to a **4.25%** increase on each one-year anniversary after March 1, 2025 without amendment to this By-law.
- 4(5)** Appraisals for determining the value of the land for payment-in-lieu shall,
- a)** be obtained by the *owner* at their sole expense;
  - b)** be conducted by a certified professional appraiser designated as an Accredited Appraiser by the Appraisal Institute of Canada with experience appraising all types of real property;
  - c)** state the criteria used to determine the value presented in the appraisal; and
  - d)** remain valid for a maximum period of one (1) year from the appraisal date.
- 4(6)** The valuation date of land value for payment-in-lieu, including determining what unit rate shall apply under section 4(4)b), shall be the day before the day the required first *building permit* is issued for the *development* or *redevelopment*.

### **Section 5 – When Additional Parkland Dedication is Required**

- 5(1)** No additional land conveyances or payment-in-lieu shall be required for subject lands for which a previous parkland dedication land conveyance or payment-in-lieu was made unless,
- a)** there is an increase in the number of *residential units* (excluding *additional residential units*) that generates additional dedication requirements;
  - b)** there is additional land area added to the *development* or *redevelopment* that generates additional dedication requirements; or
  - c)** land originally proposed for *development* or *redevelopment* for a *commercial purpose* or *industrial purpose* is now proposed for other purposes.
- 5(2)** If additional land or payment-in-lieu is required, the land and payment-in-lieu already given for parkland dedication by the subject lands shall be factored into the determination of the additional contribution.

**Section 6 – Exemptions, Payment Deadlines and Other Administration**

- 6(1)** This By-law may be referred to as the “Parkland Dedication By-law”.
- 6(2)** Notwithstanding any other sections in this By-law, no parkland dedication is required for the following exempt categories:
- a. *Development or redevelopment as a place of worship.*
  - b. *Development or redevelopment of land, buildings or structures that is a long-term care home as defined by the Long-Term Care Homes Act, 2007, SO 2007, c 8.*
  - c. *Development or redevelopment of land, buildings or structures for affordable housing per the definition in the Provincial Policy Statement issued under section 3 of the Act.*
  - d. *Development or redevelopment of land being undertaken by a not-for-profit organization.*
  - e. *Development or redevelopment of land, buildings or structures owned by and used for the purposes of the City or Corporation of the Region of York.*
  - f. *Development or redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education, a college, a university or a school as defined in the Education Act, RSO 1990, c E.2.*
  - g. *Development or redevelopment of land, buildings or structures owned and used by the Cortellucci Vaughan Hospital.*
  - h. Replacement of any *building* that is a direct result of destruction due to fire or other cause demonstrably beyond the control of the *owner*, provided that no intensification or change in use is proposed, including but not limited to an increase in total *residential unit* count.
  - i. The enlargement of an existing single detached or semi-detached *residential unit*.
  - j. *Additional residential units up to a maximum of five units.*
  - k. Enlargement of an existing *commercial purpose, industrial purpose or institutional purpose building or structure* where the size of the subject site is unchanged.
  - l. *Temporary buildings or structures.*
- 6(3)** When parkland dedication is required, title to any land and payment-in-lieu shall be received,
- a) according to the specific payment conditions for the *development or redevelopment*, or
  - b) in all other cases prior to the issuance of a *building permit* or, if more than one *building permit* is required, the day before the day the first permit is issued.
- 6(4)** All payment-in-lieu received by the *City* under this By-law shall be remitted into the Parkland Reserve Fund.
- 6(5)** In administering the Parkland Reserve Fund, the *City* shall,
- a) maintain records of all remittances and expenditures from the fund;



- b) invest fund money in securities as permitted by the *Municipal Act, 2001*, SO 2001, c 25 with any earnings returned to the fund; and
  - c) issue publicly available reports on the fund in a frequency and format as prescribed by the *Act*.
- 6(6)** Should any section or part of a section of this By-law be determined by a court or tribunal of competent jurisdiction to be invalid or of no force and effect, that section or part shall be severable and the remainder of this By-law will continue to operate in full force and effect.

**Section 7 – Coming Into Force and Transition**

- 7(1)** This By-law comes into full force and effect on September 18, 2022 and previous By-laws 139-90, 205-2012, and 007-2018 are repealed on that date.
- 7(2)** This By-law does not frustrate or supersede the terms of any previous written agreement on the conveyance of land or payment-lieu for parkland dedication between an *owner* and the *City*.

**Execution**

Enacted by City of Vaughan Council this XX<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Hon. Maurizio Bevilacqua, Mayor

\_\_\_\_\_  
Todd Coles, City Clerk

Authorized by Item No. \_\_\_\_ of Report No. \_\_\_\_  
of the Committee \_\_\_\_\_  
Adopted by Vaughan City Council on  
\_\_\_\_\_