

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2022

A By-law to require the conveyance of land and payment-in-lieu thereof for park or other public recreational purposes in the City of Vaughan repealing and replacing By-laws 139-90, 205-2012 and 007-2018.

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. For the purposes of this By-law, a standalone *residential unit* that is detached from an existing *residential unit* within the same lot is not to be considered an *additional residential unit*.
- 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 total area of all of the floors in a building above grade measured from the outside of the exterior walls, but excluding bicycle parking within a building.
- 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 form of *residential use* to another form of *residential use*.

- u) **“residential purpose” and “residential use”** both mean 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) **“stand-alone residential addition”** means a second *residential unit* that is detached from an existing *residential unit* within the same lot.
- cc) **“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.
- dd) **“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.

ee) “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*.

ff) “temporary building or structure” means a temporary use permitted under a *City* zoning By-law enacted per section 34 of the *Act*.

gg) “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) 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 sole 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* requirements for parklands, which can include passive recreation uses. Such lands accepted by the *City* for dedication shall receive full **(100%)** credit towards satisfying the parkland dedication requirements for a *development* or *redevelopment*.
- 3(2)** The *City* may, in its sole discretion, choose to accept the following encumbered lands at a full **(100%)** credit towards satisfying the parkland dedication requirements for a *development* or *redevelopment*:
- a) *Strata parks*.
 - b) Land encumbered by underground storm water facilities, utility corridors, and other publicly owned infrastructure.
 - c) Land that forms part of the Natural Heritage Network and associated buffers.
 - d) Land encumbered by floodplains.
 - e) Land encumbered by sustainability features.
 - f) Land within the Greenbelt or Oak Ridges Moraine.
- 3(3)** Consideration and provision of parkland credits for the encumbered lands provided in section 3(2) shall require the *owner* to enter into an agreement with the *City* for dedication of land that,
- a) is permit-ready for active and/or passive park programming;
 - b) is designed and developable to *City* standards;
 - c) does not prohibit or restrict public programming;
 - d) will be open and accessible to the public at all times;

- e) meets any further applicable criteria in the *City's* Official Plan or Secondary Plan; and
 - f) meets requirements of the Greenbelt or the Oak Ridges Moraine policies where applicable.
- 3(4)** The *City* may choose, in its sole discretion, to accept land proposed as a *privately owned public space* at full (**100%**) credit towards satisfying the parkland dedication requirements for a *development* or *redevelopment*. Consideration and provision of parkland credits 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*,
- a) is designed, developed and maintained to *City* standards;
 - b) is open and accessible to the public at all times; and
 - c) meets any further applicable criteria in the *City's* Official Plan or Secondary Plan.
- 3(5)** Lands not acceptable for parkland dedication and any credit are the following:
- a) Lands with poor drainage, erosion issues, extreme slopes and other adverse physical conditions.
 - b) Lands required to accommodate open storm water management facilities.
 - c) Lands deemed by the *City* to be contaminated in any way.
 - d) Lands that prohibit or restrict public programming.
- 3(6)** Where on-site land dedication is not feasible, the *City* may accept, in its sole discretion, 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)** Despite section 2(1), the *City* may elect, in its sole discretion, for a payment-in-lieu including where no reasonable prospect for land dedication exists including, but not limited to,
- a) where land conveyance would render the remaining portion of the subject lands unsuitable or impractical for *development* or *redevelopment*;

- e) subject to a **4.25%** increase on each one-year anniversary after March 1, 2025 without amendment to this By-law.
- 4(6)** While the *City* may rely on other appraisal information to determine the value of the land for payment-in-lieu, where payment-in-lieu is permitted and is not being calculated pursuant to section 4(4)b) or 4(5) the *owner* shall provide an appraisal to the *City* which 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) cannot be accepted by the *City* if the appraisal date is more than one (1) year prior to the valuation date.
- 4(7)** 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 or *buildings* originally proposed for *development* or *redevelopment* for a *commercial purpose* or *industrial purpose* are now proposed to be used for *residential purposes*.
- 5(2)** If additional land or payment-in-lieu is required, the land conveyed and accepted as parkland dedication at the time and/or 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 or other residential hospices that receive government funding for their nursing services.*
 - 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 university or a school as defined in the Education Act, RSO 1990, c E.2 or a college established under the Ontario Colleges of Applied Arts and Technology Act, 2002, SO 2002, c 8, Sched F.*
 - 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 by the *City*,
- 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*.

Enacted by City of Vaughan Council this XXth 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
