

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2022-094-FI

BEING A BY-LAW to require the conveyance of land for a park or other public recreational purposes as a condition of development or redevelopment, and to repeal By-law 2002-118-FI.

WHEREAS section 42 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, provides that the Council of a local municipality may by By-law require that land be conveyed to the municipality for park or public recreational purposes as a condition of development or redevelopment or the subdivision of lands; and

WHEREAS the Town of Whitchurch-Stouffville Official Plan contains approved policies regarding the requirements for the conveyance of land for park or public recreational purposes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. In this By-law:

- a) **Commercial Use** 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 Use** 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 Use** 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 Business Services under the *Funeral, Burial and Cremation Services 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 Use** means the use of land, buildings or structures for human habitation.
 - g) **Town** means The Corporation of the Town of Whitchurch-Stouffville and all lands within its geographic boundaries
2. This By-law applies to all land within the corporate limits of the Town of Whitchurch-Stouffville.
 3. 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 shall be required, is hereby delegated to the Director of Leisure and Community Services and the Director of Development Services.
 4.
 - a) As a condition of Development or Redevelopment of land, the applicant shall be required to convey to the Town land to be used for park purposes. The amount of land required to be conveyed to the Town for park purposes shall be as follows:
 - I. In the case of lands proposed for Development or Redevelopment for a Commercial Use, Institutional Use or an Industrial Use, 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 a Residential Use, five percent (5%) of the aforesaid lands shall be conveyed to the Town for park or public recreational purposes.
 - b) Where a single parcel of land is proposed for the purposes referred to in both of paragraphs (I) and (II) of subparagraph 4 the respective conveyance rate to be applied shall be in the same proportion as the area of the paragraph (I) uses and paragraph (II) 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 costs and encumbrances.
 5.
 - a) Notwithstanding the provisions of paragraph 4, 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.
 6.
 - 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) 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 (6) months from the date the appraisal was completed, or such lesser time as may be specified in the appraisal.
- d) Where land has been conveyed to the Town for park or other public recreational purposes, 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 51 or 53 of the *Planning Act*, R.S.O. 1990, c. P.13 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.

7. The provisions of this By-law shall not apply:

- a) to residential lots of record existing prior to September 8th, 1992, or residential plans of subdivision for which subdivision agreements have been executed by the Town prior to September 8th, 1992, which do not require a parkland contribution pursuant to Section 51(5) of the *Planning Act*, R.S.O. 1990, c.P.13, or its predecessor.
- b) to any plans of subdivision for which the maximum parkland area was dedicated to the municipality pursuant to Section 51(5) of the *Planning Act*, R.S.O. 1990, c. P.13, or its predecessor;
- c) to any commercial or industrial development for which a parkland/cash-in-lieu payment was made in the amount of 2% of the value of the lands in the plan of subdivision, prior to September 8th, 1992.
- d) to any building additions that are less than fifty percent (50%) in area of the present gross floor area of the building or structure. This clause shall apply to Commercial Uses, Industrial Uses and Institutional Uses.
- e) To any agricultural building.

8. That By-law 2002-118-FI is hereby repealed.

9. Notwithstanding the repeal of By-law 2002-118-FI and all amendments thereto, that By-law shall continue to apply to any applications for which approval has been granted prior to the enactment of this By-law.

READ a first and second time this 7th day of September, 2022.

READ a third time and passed this 7th day of September, 2022.


Iain Lovatt, Mayor


Gillian Angus-Traill, Clerk