

The Corporation of the Town of Richmond Hill

By-Law 58-13

Office Consolidation to February 4, 2019

A By-law to require the conveyance of land for park or other public recreational purposes as a condition of development or redevelopment and to repeal By-law 97-08, including all amendments thereto

Whereas section 42 of the *Planning Act* 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;

Now therefore the Council of the Corporation of the Town of Richmond Hill enacts as follows:

Definitions

1. In this By-law,

- (a) "Commercial or Industrial Uses" means the use of land, structure or building for all uses except Residential Use, Institutional Use, and Special Residential Uses;
- (b) "Dwelling Unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.;
- (c) "Institutional Use" means the use of land, structure, or building:
 - (i) for religious, charitable, educational, benevolent, health or welfare purposes by a not for profit or gain organization, group or association; and
 - (ii) by or on behalf of any municipality, the Government of Ontario, the Government of Canada or any local board, as such term defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended but does not include any corporation owned in whole or in part by any municipality, the Government of Ontario or the Government of Canada;
- (d) "Multi-Residential Building" means a building used in whole or in part for Residential Use consisting of more than one (1) Dwelling Unit other than a Semi-Detached Building or Townhouse;
- (e) "Residential Use" means the use of land, structure or building for human habitation, but does not include Special Residential Uses;
- (f) "Special Residential Uses" means rooming houses, group homes, nursing homes, and homes for the aged, all of which do not contain more than one Dwelling Unit;
- (g) "Semi-Detached Building" means a building divided vertically into and comprising two (2) Dwelling Units each of which is separated vertically from the other by a party wall and having a separate entrance to grade;
- (h) "Single Detached Building" means a residential building consisting of one (1) Dwelling Unit that is not attached to another building or structure;
- (i) "Town" means The Corporation of the Town of Richmond Hill;
- (j) "Townhouse" means a building consisting of at least three (3) Dwelling Units, each of which are separated vertically from the other by a party wall and having a separate entrance to grade.

Lands Affected

2. This By-law applies to all land within the corporate limits of the Town.

Where By-law Not Apply

3. The provisions of this By-law do not apply to development or redevelopment where the predominant proposed use of the land is for Special Residential Uses or for Institutional Uses.

General Requirement

4. As a condition of the development or redevelopment of land, the owner of the land shall convey to the Town for park or other public recreational purposes:
 - (a) Two (2) percent of land proposed for development or redevelopment for Commercial or Industrial Uses; or
 - (b) In the case of land proposed for development or redevelopment for Residential Use, the greater of:
 - (i) 5 per cent of the land proposed for development or redevelopment; or
 - (ii) the lesser of:
 1. 1 hectare of land for each 300 Dwelling Units proposed for development or redevelopment; or
 2. 1 hectare of land for each 730 persons to be housed within the Dwelling Units in the proposed development based on the following rates:
 - i. 3.51 persons per Dwelling Unit in a Single Detached Building;
 - ii. 2.88 persons per Dwelling Unit in a Semi-Detached Building;
 - iii. 2.83 persons per Dwelling Unit in a Townhouse; and
 - iv. 1.92 persons per Multi-Residential Dwelling Unit.
5. Conveyance of environmental and open space lands including lands required for drainage, stormwater management facilities, shoreline protection purposes, lands susceptible to flooding, lands within valley and watercourse corridors, hazard lands, environmentally sensitive areas or lands, areas of natural and scientific interest, wetlands, woodlands, that portion of a property containing a cultural landscape that is designated to be of cultural value or interest pursuant to Part IV of the *Ontario Heritage Act* lands required for buffer purposes and other lands not suitable for development, shall not be accepted or considered as a conveyance of lands for a park or for other public recreational purposes pursuant to the requirements set forth in section 4 of this By-law.

Mixed Use Developments

6. In the case of land proposed for development or redevelopment for more than one purpose, the owner shall be required to convey land at the rate applicable to the predominant proposed use of the land and all of the land proposed for development or redevelopment shall be included for the purpose of calculating the amount of land required to be conveyed.

Reductions for Redevelopment of Lands

7. Where land has been conveyed to the Town for park or other public recreational purposes or a payment in lieu of such conveyance has been received by the Town or is owing to it under section 42 of the *Planning Act* 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 shall be required under this By-law 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 Uses is now proposed for development or redevelopment for Residential Use;

This section does not apply to land proposed for development or redevelopment if, before March 28, 1995 (the date subsection 42(8) of the *Planning Act* came into force), the land was subject to a condition that land be conveyed to the Town for park or other public purposes or that a payment of money in lieu of such conveyance be made under section 42 or under section 51 or 53 of the *Planning Act*.

8. If there is a change under section 7 (a) or (b), the land that has been conveyed or is required to be conveyed or the payment that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money that may subsequently be required under this By-law on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made.

Payment Instead of Conveyance

9. In lieu of the conveyance of land under this By-law, the Town may require the payment of money to the value of the land otherwise required to be conveyed under this By-law, or a combination of land and money.
10. For the purpose of section 9, the value of the land shall be determined as of the day before the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. Notwithstanding the preceding, for the period commencing December 1, 2018 through to December 31, 2021, or in the case of any party submitting a development application during the period of December 1, 2018 to December 31, 2021 and who submit a complete building permit applications by December 31, 2024, the value of land shall be calculated at a rate of: 1 hectare of land for every 500 units to a maximum of \$10,000.00 per Multi Residential Dwelling Unit to be located within a Multi-Residential Building; and, 1 hectare of land for every 500 units to a maximum of \$11,500.00 per unit in stacked and town-house developments. By-law 21-19, 4 February, 2019.
11. All payments of money in lieu of the conveyance of land shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.

Administration of By-law

12. The Commissioner of Planning and Regulatory Services is hereby authorized to:
- (a) determine whether to require the dedication of land, the payment of money or a combination of land and money on behalf of the Town as set out into Section 9;
 - (b) to establish the location and configuration of land required to be conveyed; and
 - (c) establish procedures for calculating reductions applicable pursuant to Section 8 of this By-law.
13. The Commissioner of Corporate and Financial Services is hereby authorized to establish the value of land for the purpose of calculating any required payment pursuant to this By-law.
14. The decisions pursuant to Sections 12 and 13 must not be contrary to or inconsistent with any resolution of Council passed at any time prior to the issuance of a building permit.

Effective Date

15. This By-law comes into force and By-law 97-08 is repealed on May 2, 2013.