

**THE CORPORATION OF THE TOWN OF EAST  
GWILLIMBURY**

**BY-LAW NUMBER 2002-129**

**Being a By-law to require land or cash in lieu thereof for park or  
other public recreational purposes as a condition of the  
development or redevelopment of land.**

**WHEREAS** the Official Plan of the Town of East Gwillimbury contains specific policies dealing with the provision and conveyance of lands or cash-in-lieu thereof, for park or other public recreational purposes including at a rate of one (1) hectare for each three hundred (300) dwelling units proposed as provided in Section 42 of the Planning Act, R.S.O. 1990, C.P. 13, as amended (the "Act");

**AND WHEREAS** the Council of the Town of East Gwillimbury deems it necessary and expedient to provide that adequate land be conveyed or cash in lieu provided for park or other recreational purposes arising from development or redevelopment;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY ENACTS AS FOLLOWS:**

1. In this by-law:

"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 usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three (3) or more trailers, as defined in clause (a) of paragraph 101 of s.210 of the *Municipal Act* or of sites for the location of three (3) or more mobile homes, as defined in subsection 46(1) of the Act, or of sites for the construction, erection and location of three (3) or more land lease community homes, as defined in subsection 46(1) of the Act, and includes redevelopment;

"Town" shall mean the Corporation of the Town of East Gwillimbury;

2. As a condition of development, land is required to be conveyed to the Town for park or other public recreational purposes as follows:

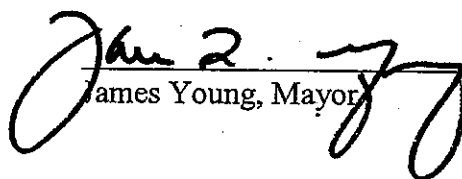
- (a) In the case of lands proposed for development for Commercial or Industrial purposes, land in the amount of two percent (2%) of the land to be developed; and
- (b) In the case of lands proposed for development for residential or any purpose other than those mentioned in 2(1)(a) above, at the rate of either five percent (5%) of the land to be developed or, for lands proposed for development for residential purposes, one hectare for each 300 dwelling units proposed, whichever is greater.

3. (1) In lieu of requiring the conveyances referred to above, the

Town may require the payment of money to the value of the lands required to be conveyed.

- (a) The value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or, where more than one building permit is required, as of the day before the day the first permit is issued.
  - (b) The payment required to be made under this Section 3 shall be made prior to the issuance of a building permit for the land to be developed.
4. If land has been conveyed or is required to be conveyed to the Town for park or other public purposes, or a payment of money in lieu of such conveyance has been received by the Town or is owing to it under this by-law or a condition imposed under s.51.1 or 53 of the Act, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment will be required by the Town in respect of subsequent development unless:
- (i) There is change in the proposed development which would increase the density of development; or
  - (ii) Land originally proposed for development for commercial or industrial purposes is now proposed for development for other purposes.
5. Nothing herein shall prescribe or limit the Town's ability to require a combination of the conveyance of land at the standards specified or cash-in-lieu.
6. The provisions of this By-law are applicable to all lands within the corporate boundaries of the Town.
7. This By-law shall not apply to lands being restored to a safe condition for a residential dwelling destroyed by fire, Acts of God, or other causes beyond the control of the owner, and where no increase in the number of residential dwelling units results.
8. By-laws 2002-8 and By-law 2002-71 are hereby repealed.

READ A FIRST, SECOND and THIRD TIME and PASSED this 16th day of December 2002.

  
James Young, Mayor

  
Lucille King, Municipal Clerk