



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2016-10

**A BY-LAW TO REQUIRE THE PROVISION OF PARKLAND
OR MONEY IN LIEU OF PARK OR OTHER PUBLIC
RECREATIONAL PURPOSES PURSUANT TO THE PROVISIONS
OF THE *PLANNING ACT*, R.S.O., 1990, c.P.13, AS AMENDED**

WHEREAS Section 42 of the *Planning Act*, R.S.O. 1990, Chapter 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 other public recreational purposes as a condition of development or redevelopment of land or that payment of money to the value of the land otherwise required to be conveyed be made in lieu of the conveyance;

AND WHEREAS the Council of the Corporation of the Township of King deems it to be appropriate and in the public interest to further the acquisition of lands, or cash-in-lieu thereof, for parks or other public recreational purposes pursuant to Section 42 of the *Planning Act*.

NOW THEREFORE the Council of the Corporation of the Township of King **ENACTS AS FOLLOWS:**

1. That By-law 98-101, as amended by By-law 2011-120, is hereby repealed in its entirety.
2. That By-law 2016-10 applies to all land within the territorial limits of the Corporation of the Township of King.
3. **Parkland Dedication Requirements**
 - a. As a condition of development or redevelopment of lands, including by way of site plan, provisional consent or draft plan of subdivision, (collectively or individually the "Development Approval") Council hereby requires that land be conveyed to the Township for park or other public recreational purposes (collectively "Parkland") in an amount not exceeding:
 - i. in the case of lands proposed for Development Approval for a commercial use or an industrial use, two percent (2%) of the lands that are the subject of the Development Approval;
 - ii. in the case of lands proposed for Development Approval for a use not specifically mentioned in Section 3(a)(i) herein, five percent (5%) of the lands that are the subject of the Development Approval;
 - b. As an alternative to requiring the conveyance provided for in Section 3(a)(ii) herein, in the case of lands proposed for Development Approval for a residential use, the Township, in its sole discretion, may require that Parkland be conveyed to the Township at a rate of 1 hectare (2.471 acres) for each 300 dwelling units proposed.
 - c. The alternative requirement authorized by Section 3(b) herein may not be imposed unless the Township's Official Plan, or any amendment thereto, contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.

- d. Where a single parcel of land is proposed for two or more uses referred to in both of Sections 3(a)(i) and 3(a)(ii), the rate for each use shall be applied in the same proportion as the area of the lands subject to the Development Approval proposed to be devoted to each of the uses.
- e. The location and configuration of the Parkland required to be conveyed within lands subject to Development Approval shall be at the sole discretion of the Township and all such conveyances shall be free of all encumbrances.
- f. The conveyance of the following lands shall not be considered a conveyance of Parkland for the purposes of this By-law:
 - i. natural heritage features, hydrologically sensitive features, or the associated vegetation protection zones/buffer areas, as defined in the Township's Official Plan or any amendments thereto;
 - ii. utility or hydro right-of-ways or easements;
 - iii. stormwater management facilities;
 - iv. remnant vista parcels and pedestrian pathways;
 - v. lands unsuitable for park or other public recreational purposes due to size, configuration, road frontage, topography, soil condition or other like matters, as determined by the Township.

4. Cash-in-Lieu of Parkland Dedication

- a. Notwithstanding the provisions of Section 3 herein, unless the Township requires the conveyance of Parkland the payment of money to the value of the Parkland otherwise required to be conveyed by this By-law (the "Cash-in-Lieu") shall be required and paid.
- b. The Township, in its sole discretion, may accept a combination of a Cash-in-Lieu and conveyance of Parkland.
- c. Cash-in-Lieu shall be calculated at the rates set out in Schedule "A" to this By-law.
- d. The appraised value of lands to be conveyed as Parkland shall be determined through an appraisal report prepared by a qualified land appraiser at the expense of the owner of the lands (the "Owner").
- e. The appraisal report shall be prepared to the satisfaction of the Director of Finance and, at the Township's sole discretion, may be subject to a peer review by another qualified land appraiser retained by the Township at the Owner's expense.
- f. The appraisal report shall estimate the current market value of the Parkland as of the day before the day the building permit is issued, or, if more than one building permit is required, as of the day before the day the first building permit is issued. The appraisal report shall be current to within 6 months prior to:
 - i. issuance of the first building permit where the Development Approval consists of site plan approval pursuant to s. 41 of the Planning Act;

- ii. the issuance of the certificate of consent pursuant to subsection 53(42) of the Planning Act;
 - iii. the date of registration of a plan of subdivision, or the first phase of a plan of subdivision where registration is to occur in multiple phases, pursuant to section 51 of the Planning Act.
- g. Where the appraisal report has been prepared earlier than 6 months prior to the events set out in Section 4(f) herein, a new appraisal report shall be prepared by the Owner and all provisions of this Section 4 shall apply thereto.
- h. Notwithstanding any other provision of this Section 4, where Cash-in-Lieu is to be paid for either Category 3 or Category 4 uses as set out in Schedule "A", the Owner shall have the option of paying the cash amount set out therein rather than providing an appraisal report. If the Owner elects to provide an appraisal report, all provisions of this Section 4 shall apply thereto.

5. Prior Conveyances and Payments

- a. Where Parkland has been conveyed or is required to be conveyed to the Township or Cash-in-Lieu has been received or will be received by the Township, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required in respect of subsequent development or redevelopment unless,
- i. there is a change in the proposed development or redevelopment which would increase the density of development; or
 - ii. land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.
- b. Where additional Parkland is required pursuant to Sections 5(a)(i) or (ii) herein, any previous conveyance of Parkland or payment of Cash-in-Lieu shall be appropriately credited against the calculation of Parkland or Cash-in-Lieu otherwise required in connection with the Development Approval for the subsequent development or redevelopment.

6. Reductions and Exemptions

- a. The Township may consider a reduction and/or an exemption from Parkland and/or Cash-in-Lieu requirements of this By-law for a Development Approval with respect to:
- i. A public service facility, as defined in the Provincial Policy Statement applicable to a Development Approval. Public service facilities include land, buildings or structures for the provision of programs or services provided or subsidized by a government or other body such as social assistance, recreation, police and fire protection, health and educational programs and cultural services. A public service facility shall not include infrastructure.
 - ii. A Development Approval for residential uses that include affordable housing as defined in the Provincial Policy Statement applicable to the Development Approval;

- iii. The creation of a second residential unit, i.e. a second residential unit in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.
- iv. The expansion of an existing commercial or industrial building by 50% where the size of the lot upon which the existing building is located is not increased.
- v. Non-residential buildings or structures used for an agricultural purpose;
- vi. A temporary building or structure, excluding a second dwelling, required for farm help located on the Oak Ridges Moraine.

READ a FIRST and SECOND time this 25th day of January, 2016.

READ a THIRD time and **FINALLY PASSED** this 25th day of January, 2016.

Steve Pellegrini
Mayor

Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk

*(Ref. Planning and Finance Departments Joint
Report No. JR-2016-01, C.O.W. Jan. 25/16)*

SCHEDULE "A"
TO BY-LAW NO.: 2016-10

CASH-IN-LIEU OF PARKLAND CONVEYANCE	
CATEGORY	AMOUNT
1. Commercial or industrial land uses	2% of appraised value
2. All land uses other than commercial or industrial	5% of appraised value
3. Each additional lot created through consent (subject or remainder) for which a residential dwelling unit is or will be permitted	\$25,000.00 or 5% of appraised value
4. Each additional permanent residential dwelling not provided through amendment to Section 6.30 of Zoning By-law 74-53, as amended.	\$25,000.00 or 5% of appraised value

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