

Authority: Planning and Transportation Committee Report 3, Clause 16, as adopted by City of Toronto Council on April 12, 13 and 14, 2005; and Parks and Environment Committee Item 11.3, as adopted by City of Toronto Council on December 11, 12 and 13, 2007

Enacted by Council: December 13, 2007

CITY OF TORONTO

BY-LAW No. 1420-2007

To amend Municipal Code Chapter 415, Development of Land, to provide an alternate rate for the conveyance of land for parks purposes as a condition of residential development.

WHEREAS sections 42, 51.1 and 53 of the *Planning Act* R.S.O. 1990. c.P. 13, authorize the enactment of by-laws respecting the conveyance to a municipality of land for park or other public recreational purposes as a condition of development or redevelopment of land within the municipality; and

WHEREAS where a municipality has in effect an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement for parkland dedication, in the case of land proposed for development for residential purposes, Council may, by by-law require that land be conveyed to the City at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified by by-law; and

WHEREAS Council has in effect an official plan that contains specific policies dealing with the provision of land for park or other public recreational purposes and the use of the alternative requirement for parkland dedication;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code Chapter 415, Development of Land, is amended by adding the following Article as Article III, Conveyance of Land for Park Purposes as a Condition of Development.

ARTICLE III

Conveyance of Land for Parks Purposes as a Condition of Development

§ 415-21. Definitions.

As used in this Article the following terms shall have the meanings indicated:

BUILDING PERMIT APPLICATION — An application for an above grade building permit that substantially complies with all technical requirements of the *Building Code Act, 1992* including payment of applicable fees.

DEVELOPMENT

- A. The construction, erection or placing of one or more buildings or structures on land;
- B. The making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability of the building or structure;
- C. The redevelopment of land through the removal of one or more buildings or structures to permit such development.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof;
- B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act*, R.S.O. 1990, C.35

PARKLAND ACQUISITION PRIORITY AREA — An area of the City that has been identified as a priority area for parkland acquisition and is subject to the application of the Alternative Parkland Dedication Rate, as provided for in the City's Official Plan and identified as:

- A. An area shown on Maps 1a and A-1 thru 11, inclusive, attached as Schedule A to this Article at the end of this Chapter;
- B. An Employment Area identified on the City's Official Plan, Chapter 4, Land Use Plan Maps, that is converted through Official Plan amendment to include residential uses;
- C. A Mixed Use Area identified on the City's Official Plan, Chapter 4, Land use Plan Maps;
- D. An Avenue, identified on the City's Official Plan, Chapter 2, Urban Structure Map.

REPLACEMENT BUILDINGS OR STRUCTURES — A replacement building or structure which is to be constructed, erected or placed on land as a result of the destruction, by fire or act of God, of an original building or structure on the land, if the use of the new building remains the same and the building area of the new building or structure is to be no greater than that of the original building or structure.

RESIDENTIAL PURPOSES — The residential component of development of land in a parkland acquisition priority area.

§ 415-22. Conveyance of Land for Parks Purposes; Alternative Rate.

- A. As a condition of development of land for residential purposes in a parkland acquisition priority area, the owner of the land shall convey or cause to be conveyed to the City the greater of:
- (1) Land equal to 5 percent (5%) of the land to be developed; or
 - (2) Land at a rate of 0.4 hectares for each 300 dwelling units proposed provided that:
 - (a) For sites less than 1 hectare in size, the parkland dedication will not exceed 10 percent of the development site, net of any conveyances for public road purposes.
 - (b) For sites 1 hectare to 5 hectares in size, the parkland dedication will not exceed 15 percent of the development site, net of any conveyances for public road purposes.
 - (c) For sites greater than 5 hectares in size, the parkland dedication will not exceed 20 percent of the development site, net of any conveyances for public road purposes.
- B. Where a Secondary Plan or a Site or Area Specific policy provides for a different Alternative Rate or an exemption, the alternative rate or the exemption set out in the Secondary Plan or the Site or Area Specific policy shall prevail.

§ 415-23. Parkland Conveyance; Conditions.

- A. The location and configuration of land required to be conveyed shall be in the discretion of the City.
- B. All conveyances shall be free and clear of all liens and encumbrances.
- C. Where on-site parkland dedication is not feasible, an off-site parkland dedication that is accessible to the area where the development site is located may be substituted for an on-site dedication, provided that:
- (1) the off-site dedication is a good physical substitute for any on-site dedication;
 - (2) the value of the off site-dedication is equal to the value of the on-site dedication that would otherwise be required; and
 - (3) both the City and the applicant agree to the substitution.
- D. Land to be conveyed shall be in conformity with Council policies and guidelines for parkland.

§ 415-24. Cash-in-lieu of Land Dedication.

- A. Despite § 415-22, where the size, shape or location of land proposed for parkland dedication is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require payment of cash-in-lieu of land provided that the value of the cash-in-lieu does not exceed:
- (1) 10 percent of the value of the development site, net of any conveyances for public road purposes, for sites less than 1 hectare in size.
 - (2) 15 percent of the value of the development site, net of any conveyances for public road purposes, for sites 1 hectare to 5 hectares in size.
 - (3) 20 percent of the value of the development site, net of any conveyances for public road purposes, for sites over 5 hectares in size.
- B. In no case, will the parkland dedication, cash-in-lieu or combination thereof, be less than 5 percent of the development site or the value of the development site, net of any conveyances for public road purposes.
- C. Any payment of cash-in-lieu of land to be conveyed through the alternative rate provision in excess of 5 percent of the site area will be used to acquire parkland that is accessible to the area in which the development is located or to improve parks in the vicinity of the development.

§ 415-25. Delegation of Authority.

The General Manager Parks, Forestry and Recreation is authorized to determine the specific combination of land and/or cash in lieu of land on a site specific basis in accordance with this Article and the City's Official Plan policies

§ 415-26. Timing of Conveyance or Payment.

The conveyance of land or payments required to be made under this Article shall be made prior to the issuance of the first above ground building permit for the land to be developed.

§ 415-27. Mixed Use.

Where a parcel of land is proposed for residential and non-residential development, the respective rates shall be applied to the total land area of the parcel in the same proportion as the gross floor area of the residential use is to the gross floor area of the non-residential use.

§ 415-28. Valuation of Land.

- A. All appraisals of land value shall be carried out under the direction of the Executive Director, Facilities and Real Estate and shall be determined in accordance with generally accepted appraisal principles.

- B. The cost of any appraisal undertaken by the City shall be paid for by the owner.
- C. The value of the land shall be determined as of the day before the day of issuance of the first building permit in respect of the development.
- D. The conveyance of land or payment of cash in lieu of land shall be taken into consideration in determining an appropriate credit with respect to the amount of money or land which may be required in connection with the further development of the subject lands:
 - (1) Where land has been conveyed to the City for park or other public recreational purposes, exclusive of highways and floodplain lands;
 - (2) Where a payment of cash in lieu of such conveyance has been received by the City in accordance with this Article;
 - (3) Pursuant to the provisions of sections 42, 51.1 or 53 of the *Planning Act, 1991*.

§ 415-29. Exemptions.

- A. This Article does not apply to the following types of development:
 - (1) Non-profit housing;
 - (2) Replacement buildings or structures;
 - (3) Single detached and semi-detached replacement dwellings.
- B. This Article does not apply to any previously authorized agreements that provide for use of an alternative parkland dedication rate legally in effect at the time of adoption of the City's Official Plan.

§ 415-30. Transition.

- A. This Article shall come into effect on January 1, 2008.
- B. The provisions of this Article shall not apply in respect of the development of any land where a building permit application that complies with applicable zoning with respect to the land was received prior to January 1, 2008, in which case the alternative parkland dedication rate as set out in the parkland dedication by-laws of the predecessor municipalities shall apply with respect to that development.

§ 415-31. Conflict.

In the event of a conflict between the provisions of this Article and any by-laws of the former municipalities respecting the conveyance of land for parks purposes as a condition of residential development, the provisions of this Article shall prevail to the extent of the conflict except with respect to the development of detached and semi-detached dwellings and units within them, in which case the by-laws of the former municipalities shall prevail.

ENACTED AND PASSED this 13th day of December, A.D. 2007.

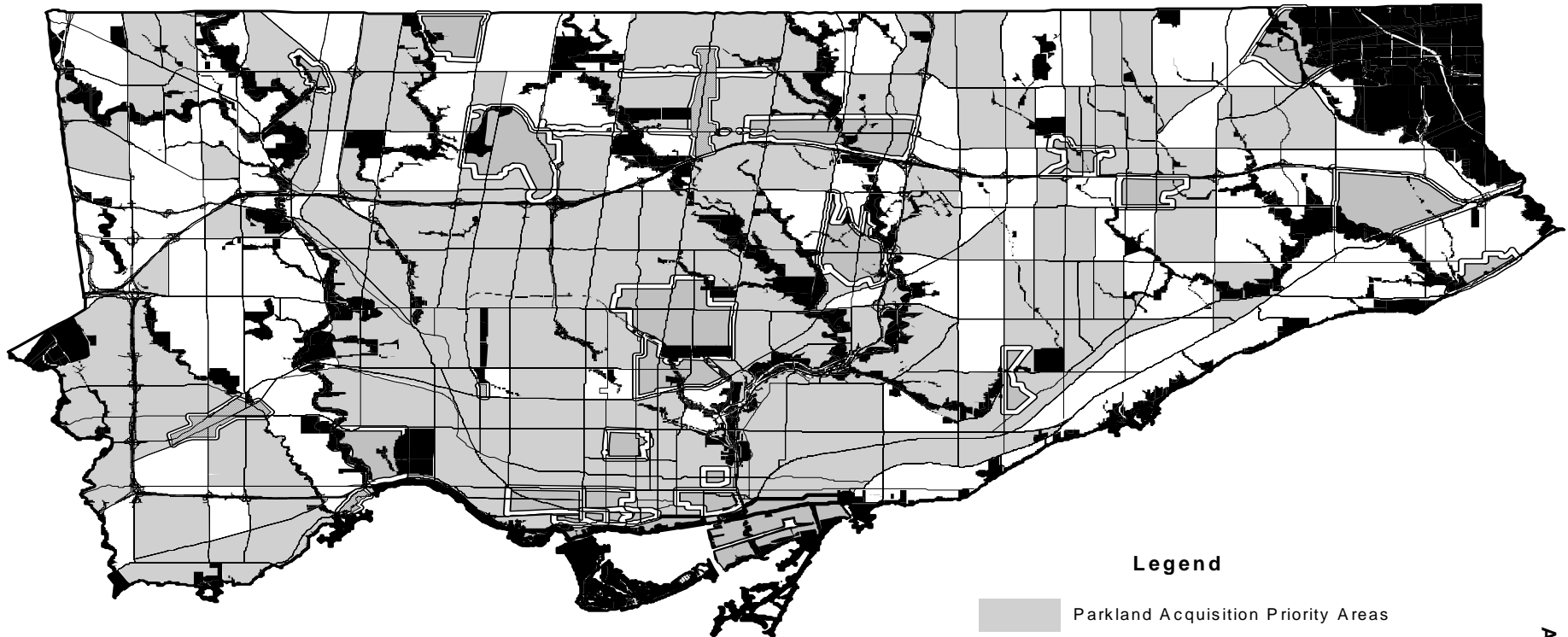
GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk





(Corporate Seal)

**SCHEDULE A to Chapter 415, Article III,
Conveyance of Land for Parks Purposes as a Condition of Residential Development
Maps 1a and A-1 - A-11.**

Parkland Acquisition Priority Areas
(Areas Where Alternative Parkland Dedication Rate Applies)

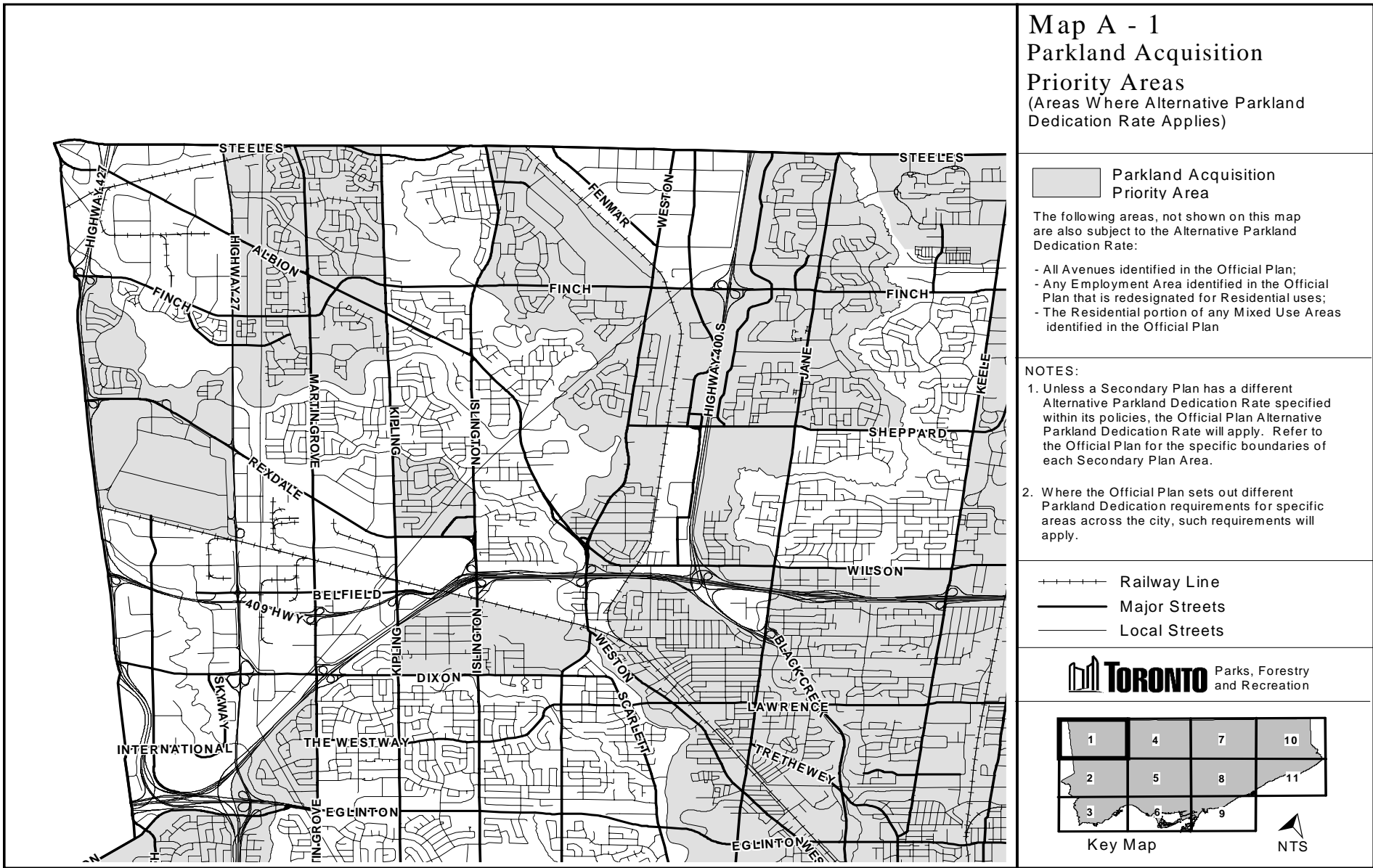


Legend

-  Parkland Acquisition Priority Areas
-  Secondary Plan Areas where new OP Alternative Parkland Dedication Rates Apply
-  Secondary Plan Areas with different Alternative Parkland Dedication Rates
-  Urban Structure - Green Space System

NOTES:

1. This map, depicting areas where the new OP Alternative Parkland Dedication Rate applies, should be read in conjunction with the Alternative Parkland Dedication By-law which identifies additional areas that are also subject to the Alternative Parkland Dedication Rate.
2. Areas not shown on this map where the new OP Alternative Parkland Dedication Rate also applies include all OP identified Avenues and Mixed-Use areas.
3. Secondary Plan boundary areas as depicted on this map are shown for general location purposes, while the specific boundaries for such areas are as set out in the City's OP.



Map A - 1 Parkland Acquisition Priority Areas (Areas Where Alternative Parkland Dedication Rate Applies)

Parkland Acquisition Priority Area

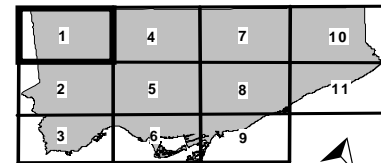
The following areas, not shown on this map are also subject to the Alternative Parkland Dedication Rate:

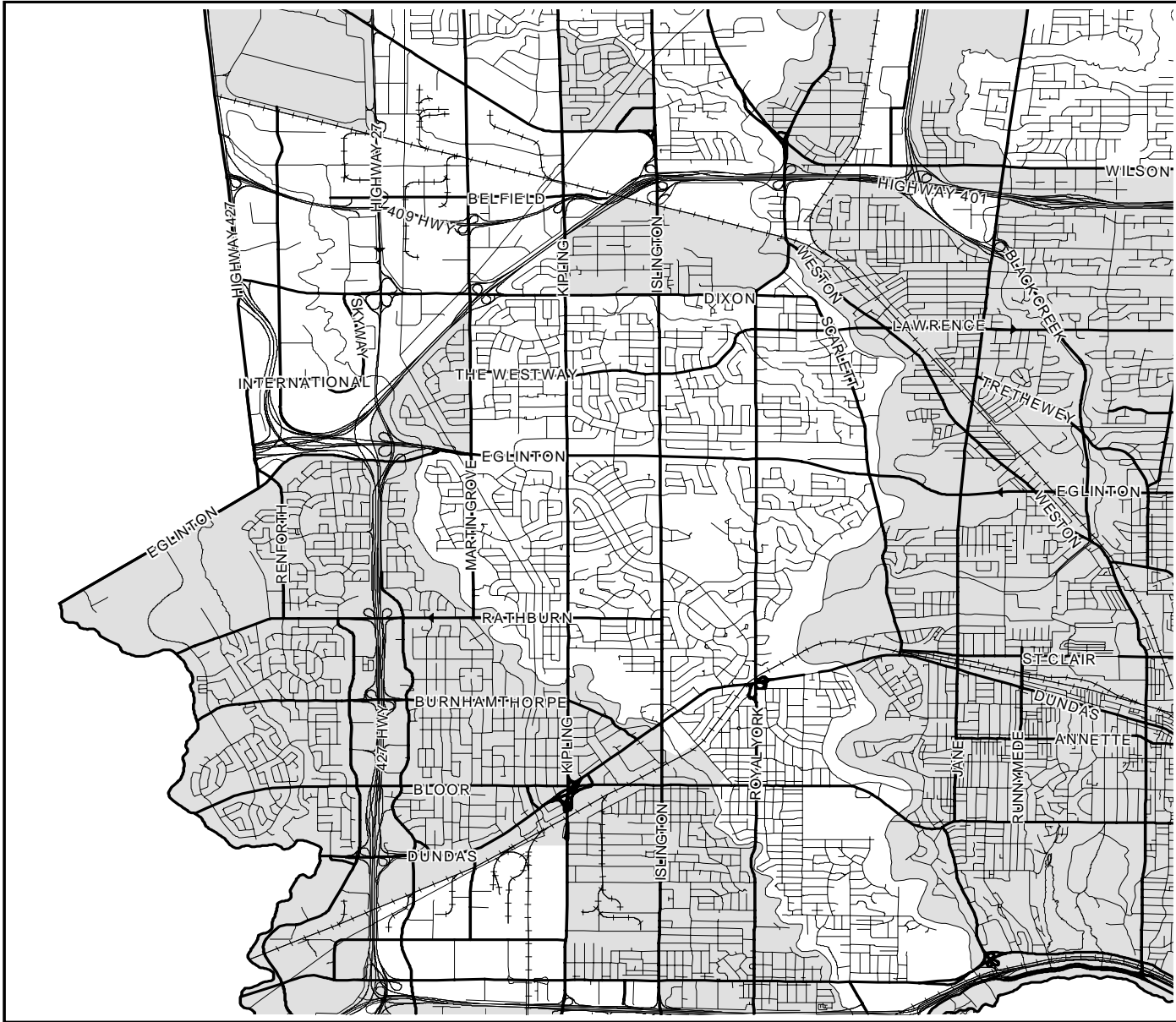
- All Avenues identified in the Official Plan;
- Any Employment Area identified in the Official Plan that is redesignated for Residential uses;
- The Residential portion of any Mixed Use Areas identified in the Official Plan

NOTES:


1. Unless a Secondary Plan has a different Alternative Parkland Dedication Rate specified within its policies, the Official Plan Alternative Parkland Dedication Rate will apply. Refer to the Official Plan for the specific boundaries of each Secondary Plan Area.
2. Where the Official Plan sets out different Parkland Dedication requirements for specific areas across the city, such requirements will apply.

- Railway Line
- Major Streets
- Local Streets





Map A - 2 Parkland Acquisition Priority Areas (Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

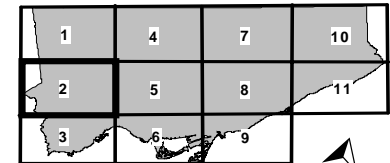
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NOTES:

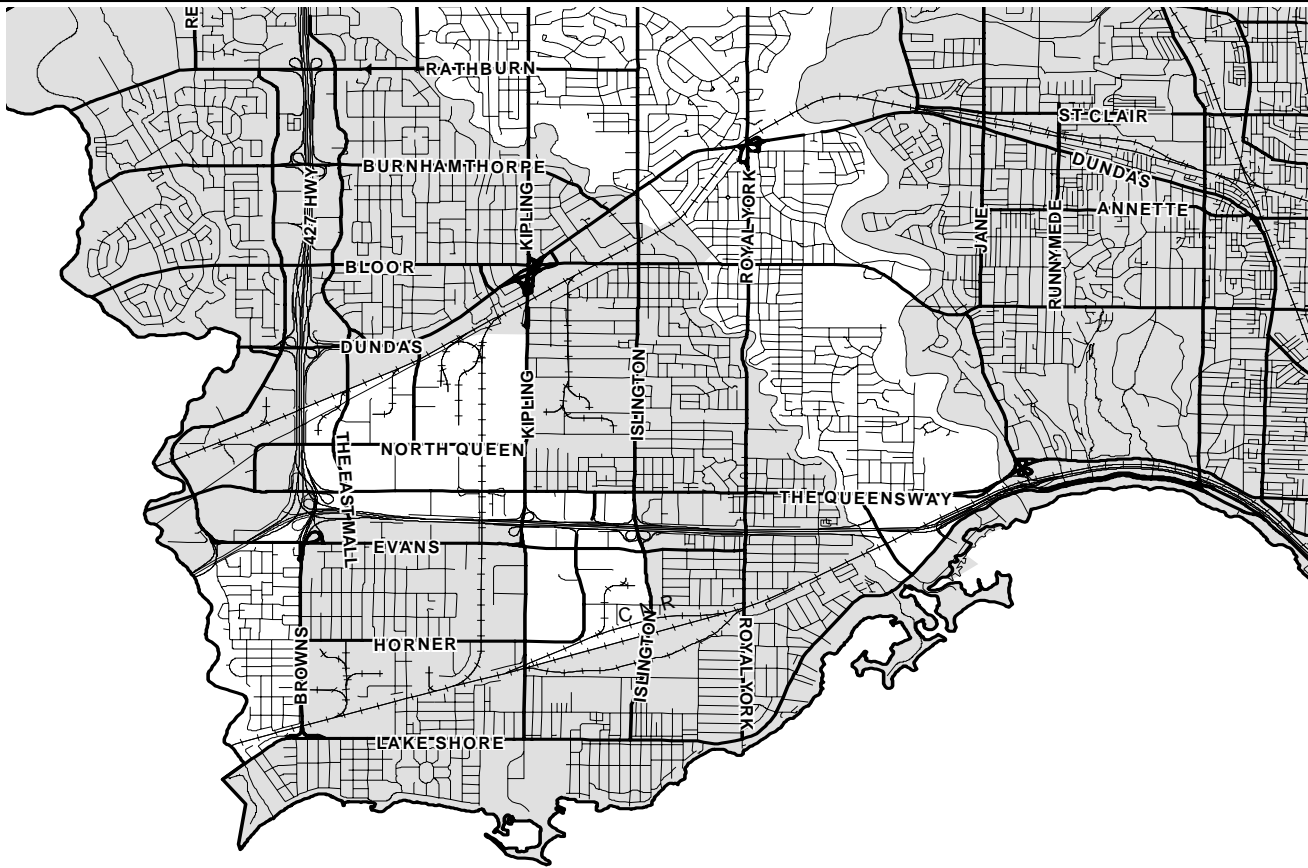
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-  Railway Line
-  Major Streets
-  Local Streets




Key Map

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Map A - 3
Parkland Acquisition
Priority Areas
 (Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

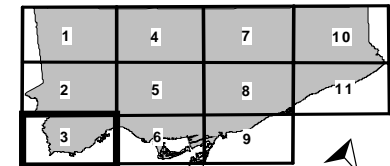
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-  Railway Line
-  Major Streets
-  Local Streets




Key Map

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Map A - 4 Parkland Acquisition

Priority Areas
 (Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

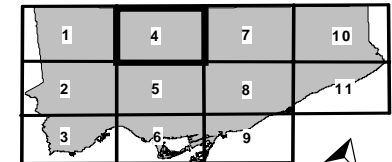
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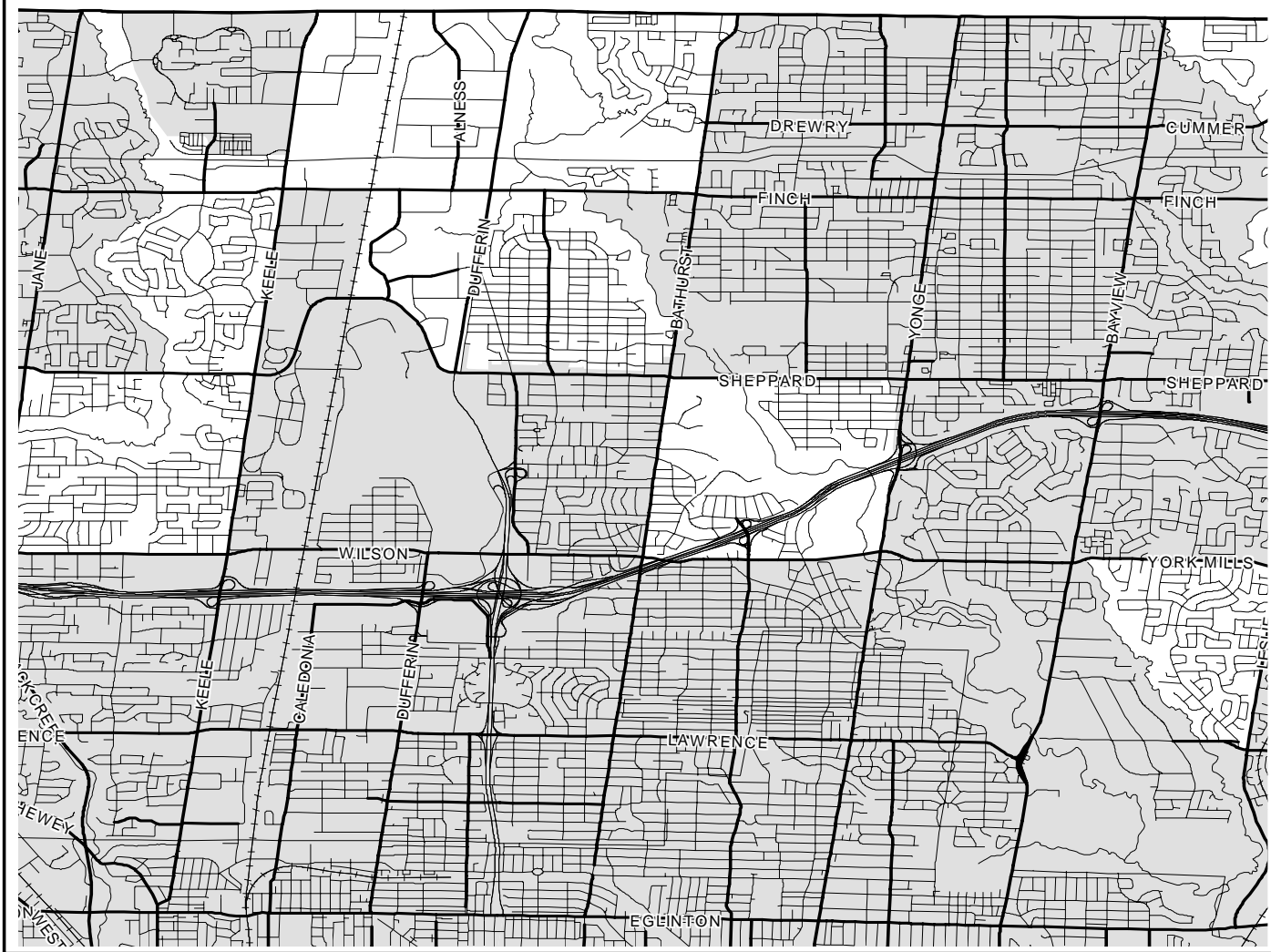
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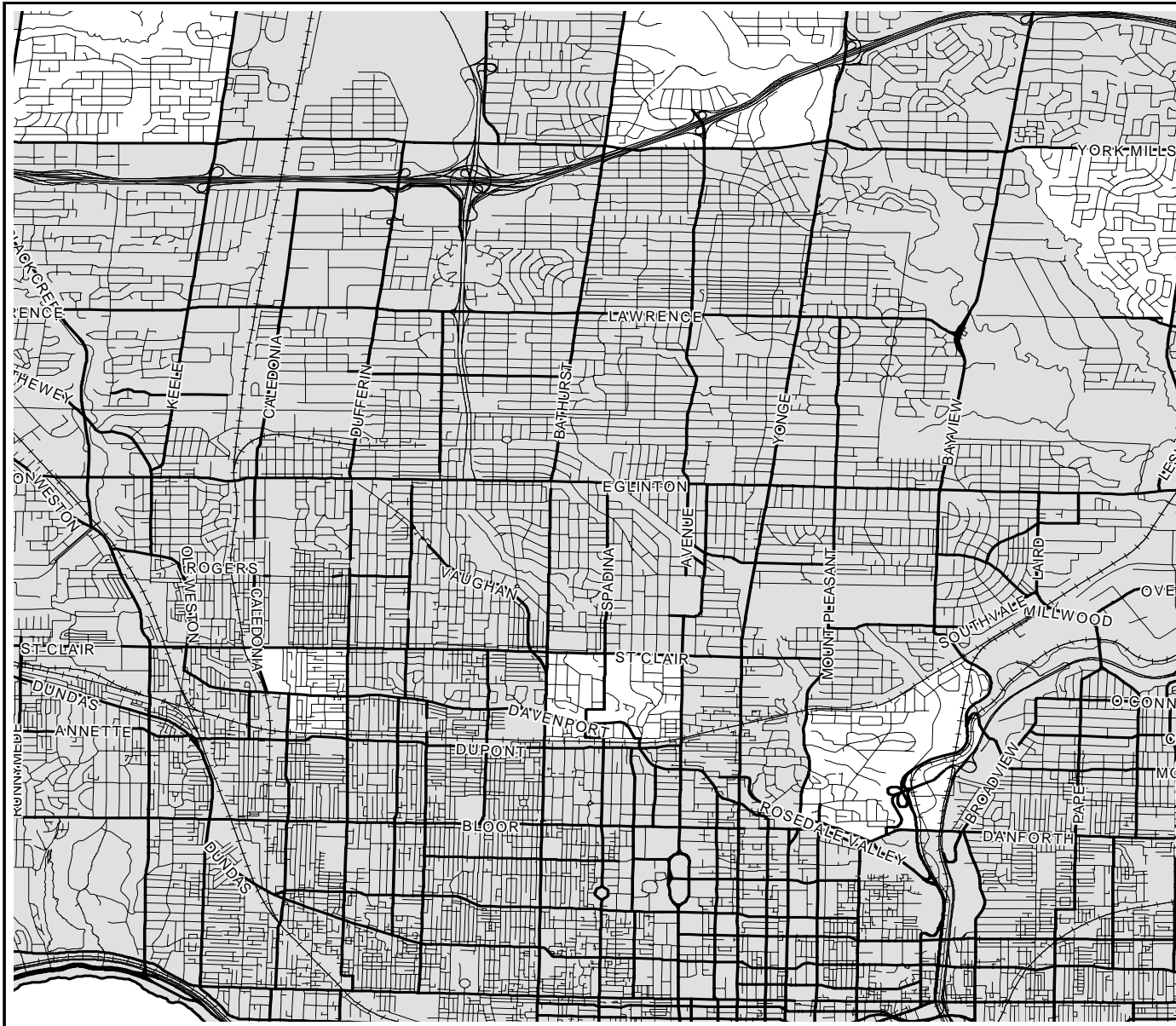
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-  Railway Line
-  Major Streets
-  Local Streets




Key Map





Map A - 5 Parkland Acquisition

Priority Areas
 (Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

The following areas, not shown on this map are also subject to the Alternative Parkland Dedication Rate:

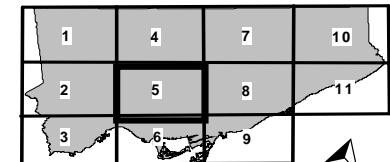
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NOTES:

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-  Railway Line
-  Major Streets
-  Local Streets

 **TORONTO** Parks, Forestry and Recreation




Key Map





Map A - 6
Parkland Acquisition
Priority Areas
 (Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

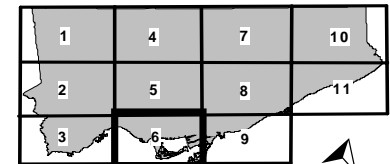
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-  Railway Line
-  Major Streets
-  Local Streets




Key Map



Map A - 7 Parkland Acquisition

Priority Areas
 (Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

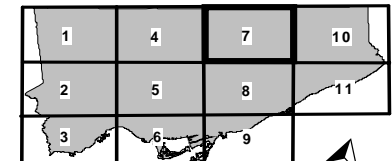
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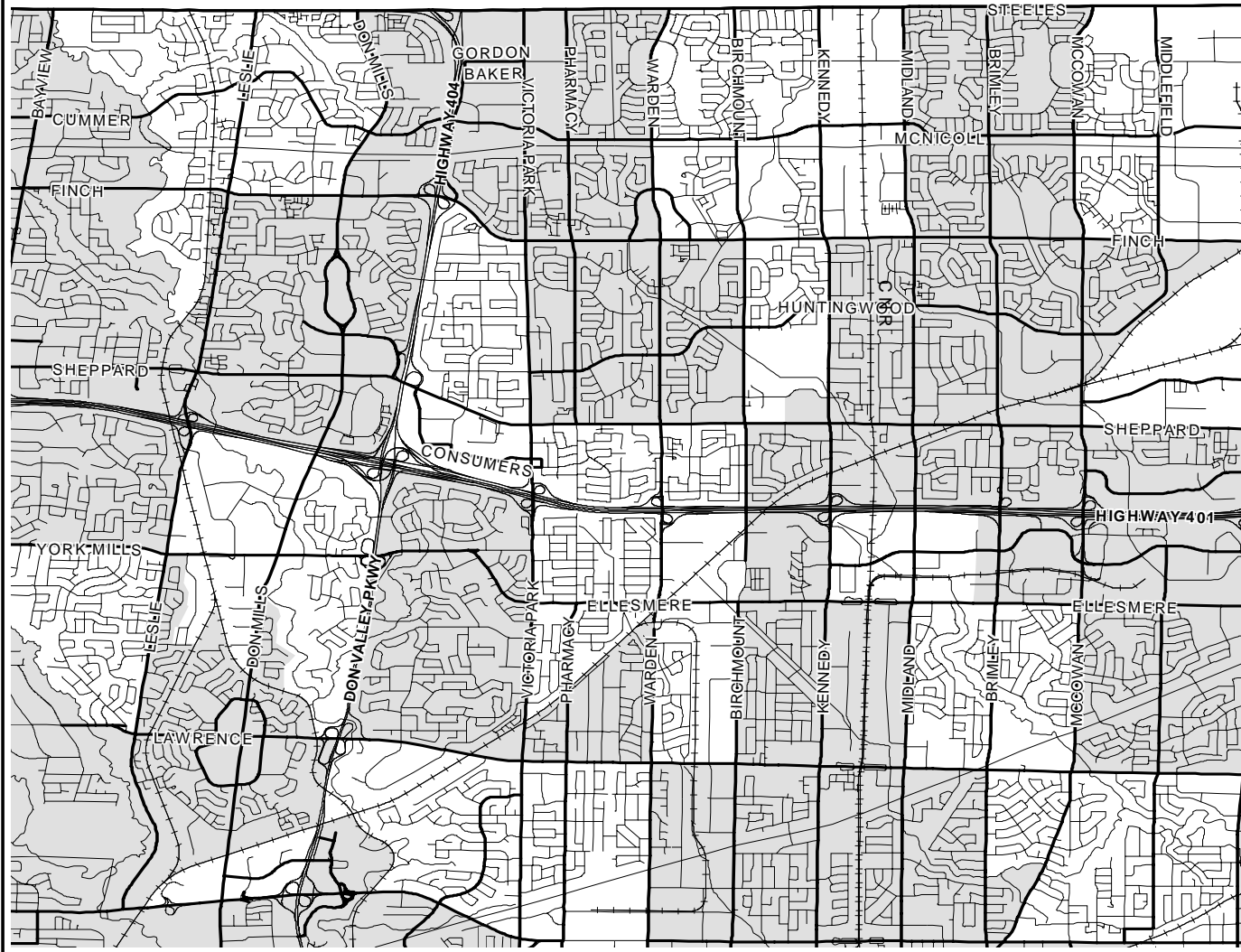
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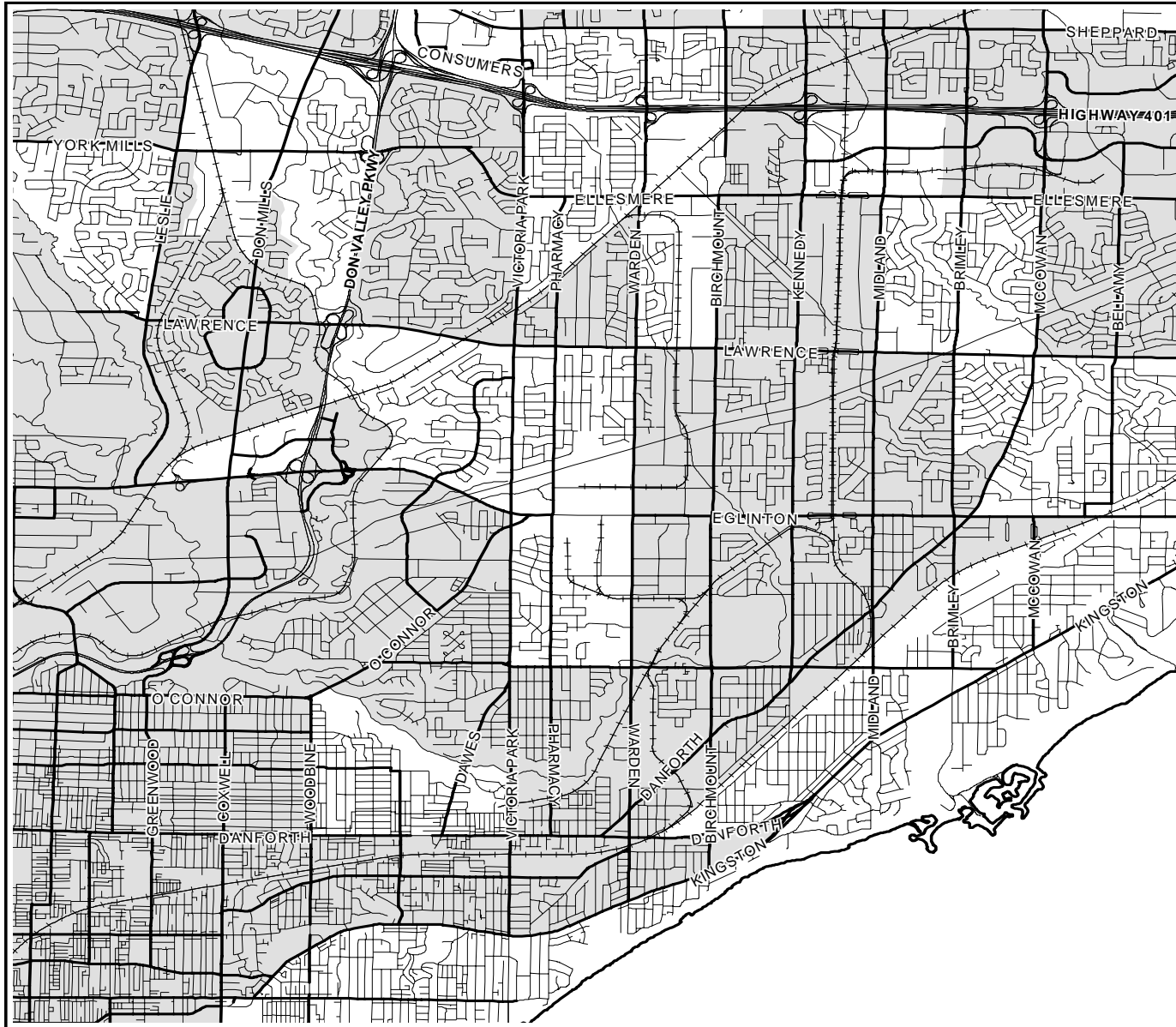
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-  Railway Line
-  Major Streets
-  Local Streets



Key Map






Map A - 8 Parkland Acquisition

Priority Areas

(Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

The following areas, not shown on this map are also subject to the Alternative Parkland Dedication Rate:

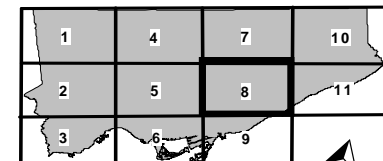
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-  Railway Line
-  Major Streets
-  Local Streets

 **TORONTO** Parks, Forestry and Recreation




Key Map

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Map A - 9 Parkland Acquisition

Priority Areas
 (Areas Where Alternative Parkland
 Dedication Rate Applies)

 Parkland Acquisition
 Priority Area

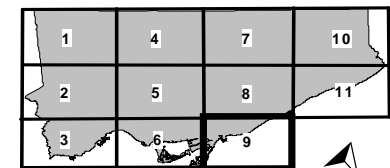
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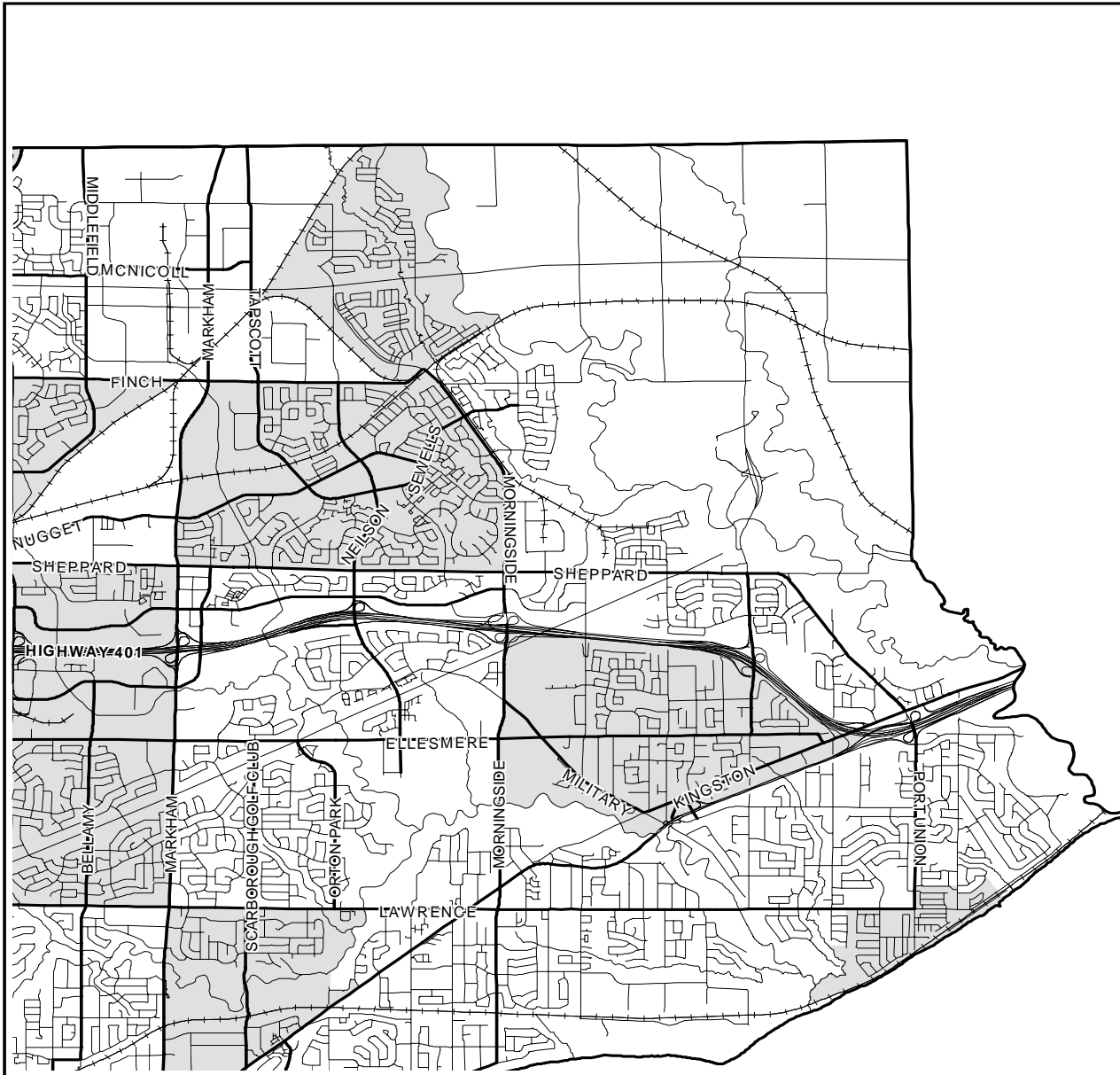
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- +++++ Railway Line
- Major Streets
- Local Streets




Key Map

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Map A - 10 Parkland Acquisition

Priority Areas
 (Areas Where Alternative Parkland Dedication Rate Applies)




 Parkland Acquisition Priority Area

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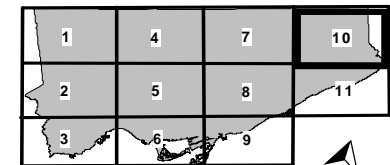
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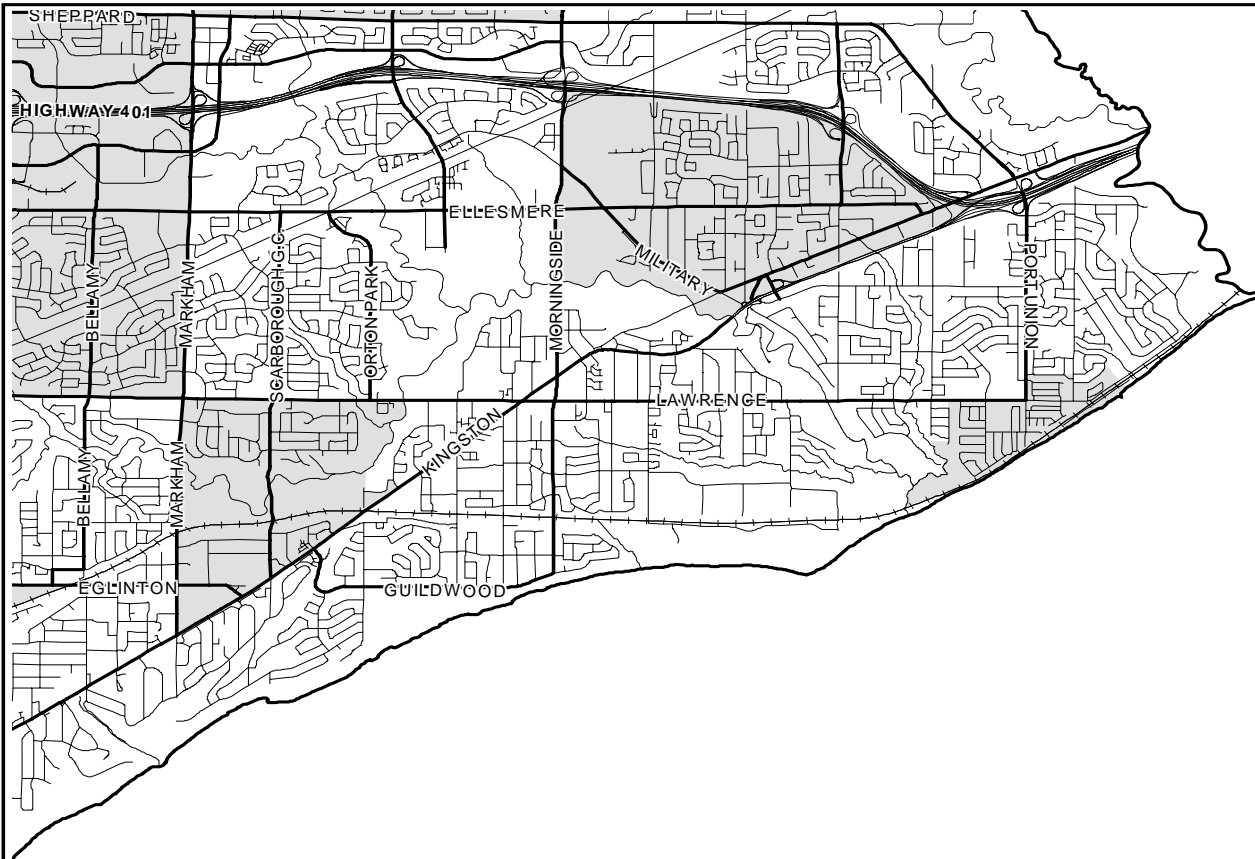
-  Railway Line
-  Major Streets
-  Local Streets

 **TORONTO** Parks, Forestry and Recreation




Key Map

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Map A - 11 Parkland Acquisition Priority Areas (Areas Where Alternative Parkland Dedication Rate Applies)

 Parkland Acquisition
Priority Area

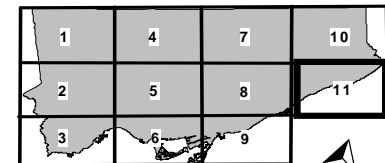
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- +++++ Railway Line
- Major Streets
- Local Streets



Key Map

