

Authority: North York Community Council Item 14.64, adopted as amended, by City of Toronto Council on April 28 and 29, 2008, and CC23.1, adopted as amended, by City of Toronto Council on July 15, 16 and 17, 2008
Enacted by Council: July 17, 2008

CITY OF TORONTO

BY-LAW No. 812-2008

To amend City of Toronto Municipal Code Chapter 415, Development of Land, to provide an alternative rate for the conveyance of land for parks purposes as a condition of residential development for certain sites in the former City of North York.

WHEREAS sections 42, 51.1 and 53 of the *Planning Act* R.S.O. 1990, c.P. 13, as amended, 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 for the former City of North York respecting certain lands within the former City of North York that are not subject to the Official Plan for the City of Toronto which 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; and

WHEREAS it is desirable that certain lands within the former City of North York that are not subject to the City of Toronto official plan policies dealing with the provision of land for park or other public recreational purposes and the use of the alternative requirement for parkland dedication, and for which a building permit application complying with applicable zoning has not been received as of the date of passage of this by-law, shall be subject to the same alternative rate requirements for parkland dedication as are applicable to the rest of the City;

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 IV, Conveyance of Land for Park Purposes as a Condition of Development – Former City of North York

ARTICLE IV

Conveyance of Land for Parks Purposes as a Condition of Development – Former City of North York.

§ 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 former City of North York, within the boundaries of the North York Community Council, excluding Wards 7 and 12, 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 former City of North York's Official Plan and identified as:

- A. An area shown on Maps 1a and A-1, A-2, A-4, A-5, A-6, A-7, A-8 and A-9 attached as Schedule A to Article III 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 respect to those properties located in a parkland acquisition priority area and identified in Schedule “A” to this article attached at the end of this chapter, 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 contained in the former City of North York official plan and in effect on the date of passage of this by-law provides for a different alternative rate or an exemption, the alternative rate or the exemption set out in that Secondary Plan or the site or area specific policy shall prevail over the alternative rates set out in § 415-22A.
- C. Despite § 415-22A and B, where any of the properties listed in Schedule “A” become subject to the City of Toronto Official Plan by virtue of a decision or order of the Ontario Municipal Board, such properties shall cease to be subject to this article and shall be subject to Article III of this chapter.

§ 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 Official Plan policies of the former City of North York.

§ 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.

This Article does not apply to the following types of development:

- A. Non-profit housing;
- B. Replacement buildings or structures;
- C. Single detached and semi-detached replacement dwellings.

§ 415-30. Transition.

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 the date of enactment of this by-law.

ENACTED AND PASSED this 17th day of July, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

**SCHEDULE “A” to Chapter 415, Article IV,
Conveyance of Land for Parks Purposes as a Condition of Residential Development –
Former City of North York.**

List of Properties Subject to this Article

1. York University Secondary Plan
2. 314-325 Bogert Ave.
305-308 Poyntz Ave.
3. 230 Finch Ave. E.
4. 939 Lawrence Ave. E.
(Don Mills Plaza)
5. 865-867-869 Sheppard Ave. W.
6. 555 Finch Ave. W.
(Advent Health Care)