

**Chapter 303**

**PARKS DEDICATION (RESIDENTIAL)**

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**[HISTORY: Adopted by the Municipal Council of the Corporation of the City of Etobicoke 1994-02-28 as By-Law No. 1994-24. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Parks dedication (nonresidential) — See Ch. 302.**

**§ 303-1. Definitions**

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

**ATTRIBUTABLE** — Refers to that portion of the site which is logically related to a component of the development for the purpose of calculating density.

**DEVELOPMENT** — The construction, erection or placing of one (1) 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 useability thereof.

**REDEVELOPMENT** — The removal of buildings or structures from land and the further construction or erection of other buildings or structures, or the substantial renovation of a building or structure that has the effect of changing the character or density thereof.

**REGISTERED PLAN** — A residential plan of subdivision within the meaning of Section 51 of the Planning Act, R.S.O. 1990, c. P.13, or under a predecessor of such section.

**RESIDENTIAL** — Any residential use permitted as-of-right or through a site specific by-law in any residential zone as set out in the Zoning Code or in any other zone where a residential use is permitted as-of-right or by by-law amendment.

**§ 303-2. Conveyance of land or payment of money required.**

- A. As a condition of all residential development or redevelopment, land in an amount not exceeding five percent (5%) of the land proposed for development or redevelopment shall be conveyed to the city for parks or recreational purposes.
- B. For the purpose of securing said parkland dedication, Council may require the payment of money to the value of the land otherwise required to be conveyed or a combination of land and money, in lieu of such conveyance.
- C. The amount of land or money to be conveyed shall be determined in accordance with Sections 42 and 51 of the Planning Act, R.S.O. 1990, c. P.13. The conveyance of land or payments required to be made under this chapter shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.

- D. Notwithstanding other provisions of this chapter, this chapter is not applicable to land that is within a residential plan of subdivision approved under Section 51 of the Planning Act, or under a predecessor of such section, if land in the plan was previously conveyed to the city for park or public purposes pursuant to a condition of approval of the plan or a payment in lieu of such conveyance was accepted by the city.

**§ 303-3. Exemptions.**

Total exemptions from the provisions of this chapter are provided to the following:

- A. Residential development or redevelopment consisting of three (3) units or fewer.
- B. Nursing homes and homes for the aged.

**§ 303-4. Additional development or redevelopment.**

For additional development or redevelopment on a residential site, including additions to existing structures or free-standing additional development, the gross floor area of additional development as a proportion of the total gross floor area will be used as the basis to determine the portion of the total site that will be subject to the provisions of this chapter.

**§ 303-5. Phased development.**

For phased development of a residential site, it shall be determined which portion of the total site is attributable to the respective phases of the development. The provisions of this chapter shall be applied as each phase is developed.

**§ 303-6. Mixed use development.**

In the case of mixed use development which combines residential and nonresidential land uses, the proportion of the total gross floor area attributable to the residential use shall be used as the basis to calculate the portion of the site which will be subject to the residential dedication requirement.

**§ 303-7. Limit on accumulated parkland dedications.**

Accumulated parkland dedications shall never exceed the maximum amount specified by Council in current dollars. Credits will be given for previous cash-in-lieu or parkland dedications.

**§ 303-8. Establishment of alternative dedication rates.**

Nothing in this chapter shall preclude Council from enacting by-laws, pursuant to Sections 42 and 51 of the Planning Act, to establish alternative dedication rates for the provision of lands for park or other public recreational purposes in accordance with the policies of the Etobicoke Official Plan that are in effect from time to time.