



DEVELOPMENT & INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES  
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**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES –  
PLANNING REPORT 2015-11**

May 25, 2015

TO: Committee of the Whole  
SUBJECT: Newmarket Parkland Dedication By-law  
ORIGIN: Planning and Building Services

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**RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning & Building Services - Planning Report 2015-11 dated May 25, 2015 regarding the Newmarket Parkland Dedication By-law be received and the following recommendation be adopted:**

- 1. THAT the Parkland Dedication By-law for the Town of Newmarket as contained in Attachment 1 be received.**
- 2. AND THAT staff be directed to provide notice to the public, the development community and BILD of the proposed by-law.**
- 3. AND THAT following public input that staff summarize in a report to the Committee of the Whole the issues identified and the comments received along with the final recommendation for the Parkland Dedication By-law for Council's approval.**
- 4. AND THAT staff be directed to report back to Committee of the Whole on the other funding strategies to address the identified shortfall of Town-wide parkland in conjunction with the Parkland Implementation Strategy identified in the Implementation Strategy for the Newmarket Urban Centres Secondary Plan.**

## PURPOSE OF THIS REPORT

The planning for parkland is an integral component of the urban landscape required to create healthy and complete communities.

The purpose of this report is to recommend a Town-wide Parkland Dedication By-law which includes:

- a) the alternative parkland dedication requirement for residential development or redevelopment to be phased as follows:
  - 0.6 hectares for each 300 dwelling units (1 ha per 500 dwelling units) before January 1, 2016;
  - 0.8 hectares for each 300 dwelling units (1ha per 375 dwelling units) before January 1, 2017;
  - 1.0 hectares for each 300 dwelling units after January 1, 2017.
- b) details of the Parkland Bylaw include:
  - provision for parkland credits
  - process for determination of value
  - eligible projects for cash in lieu
  - exemptions from parkland dedication.

## EXECUTIVE SUMMARY

1. The Town currently collects parkland or cash-in-lieu of parkland on the basis of 5% of the land for residential uses and 2% of the land for commercial and industrial uses.
2. In 2012 the Official Plan was updated through Official Plan Amendment #7 to permit the Town to implement the alternative parkland dedication provided for in the *Planning Act* as follows:

*“Residential development may be subject to alternative parkland conveyance provided for in the Planning Act based on a rate of one hectare for each 300 dwelling units, or at a lesser rate as may be specified in the [Parkland Dedication] by-law...” for parks and other public recreational purposes.*

Official Plan Amendment # 7 was not appealed to the Ontario Municipal Board and the provision has been in effect since 2012.

3. The recommended Parkland Dedication Bylaw implements the above cited provisions of the Official Plan and the provisions of the *Planning Act*.
4. The analysis of the parkland requirements have been based on the projected populations to build-out and the parkland standards established through the Parks Policy Development Manual (2012) prepared by Monteith & Brown as approved by Council in November 2012.

5. The analysis of the appropriate parkland dedication has considered the two parkland standards for within and outside the Urban Centres as established in the Parks Policy Development Manual, namely:
  - 1.2 ha per 1000 residents (includes Community and Neighbourhood Parks); and
  - 2.2 ha per 1000 residents (includes Town-wide Parks, as well as Community and Neighbourhood Parks).
6. The application of the 2.2.ha per 1000 residents parkland standard **cannot** be achieved within the maximum alternative parkland dedication of 1 ha per 300 units as permitted by the *Planning Act*.
7. The 1.2 ha per 1000 residents standard has been applied for the purpose of determining the required dedication under the Parkland Dedication By-law.
8. The calculation for the recommended by-law is based on the following:
  - The parkland land required to achieve the 1.2 ha per 1000 residents parkland standard town wide (45.9 ha);
  - incorporation of the cost of design and construction of the Neighbourhood Parks within the Urban Centres Secondary Plan (\$18.755 million);
  - Incorporation of the parkland shortfall of 9.2 ha outside the Urban Centres.
  - Applying the Parkland Dedication By-law Town-wide in order to more equitably distribute the cost of parkland.(See Table 1)
9. **This report recommends that the parkland dedication required through the Parkland Dedication By-law be established at:**
  - **1ha per 300 units, applied Town wide and phased in over three years.**
10. The Recommended By-law however, will not address the Town-wide parkland shortfall of 45 ha that is required to meet the Town standard of 2.2 ha per 1000 residents. This shortfall will need to be funded through other mechanisms including but not limited to, increased taxes to be dedicated to parkland reserves, donation, grants, etc.
11. Staff recommends that the Draft Parkland Dedication By-law be subject to public notice and input before final approval.

## BACKGROUND

### 1. *Planning Act*

*Planning Act* was amended in 1990 to provide for alternative parkland dedication in recognition that the 5 % parkland dedication, which typically applied to ground related greenfield residential plans of subdivision, was not sufficient for higher density urban form development. It was apparent that parkland inequities were being created as significantly less park space was being provided to higher density development, despite the reduced private open space associated with this form of development (e.g., apartments and townhomes typically have limited private

amenity space in the form of balconies of backyards and therefore would have more reliance on public spaces).

Section 42 (3) and (4) of the *Planning Act* provides municipalities the legislative authority to include alternative parkland dedication requirements provided the alternative requirement provision is included in the local official plan. For residential development the *Planning Act* permits up to **1 ha per 300 dwelling units**, as follows:

*“in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.”*

Once the standard (1 ha per 300 dwelling units) is contained in the Official Plan, there is **no provision** under the *Planning Act* for the implementing Parkland Dedication By-law to be appealed to the Ontario Municipal Board (OMB).

Sections 42 (Site Plan) Section 51.1 (plans of subdivision) and Section 53 (consents) of the *Planning Act* makes provision for the conveyance of land to municipalities for parks and other public recreational purposes.

Although physical parkland is the desired form of dedication, cash-in-lieu may be received by the Town and where received, it must be placed in a dedicated parkland reserve fund and may be used for parkland and other public recreational purposes including:

- acquisition of land for parks and other public recreational purposes;
- the development of new public parks including any site preparation and drainage, play equipment, splash pads, site furniture, signage, sports fields;
- pathways, trails and associated infrastructure and furniture;
- erection, improvement or repair of buildings associated with Parkland and recreational purposes;
- the provision for recreational facilities such as community centres, indoor pools and areas;
- improvements to existing parks and recreational facilities designed to increase the capacity to accommodate more intensive public use due to increased development and redevelopment;
- acquisition of vehicles and machinery for parks and other public recreational purposes (Section 42 (15) of the *Planning Act*).<sup>1</sup>

Park and recreational projects already funded through Development Charges are **not eligible** for funding through parkland dedication.

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<sup>1</sup>...included only for the acquisition of land to be used for parks and other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for parks and other public recreational purposes.”



## 1.1 Town of Richmond Hill OMB and Divisional Court Case

The Town of Richmond Hill included in its Official Plan the standard allowed by the *Planning Act* of 1 ha per 300 dwelling units. This provision of the Official Plan was appealed by several developers. The OMB, made the decision that the Official Plan parkland requirement be limited to 0.25 ha per 300 dwelling units, despite the higher standard permitted by the *Planning Act*. Richmond Hill has sought leave of the Divisional Court to obtain a ruling whether the Board has erred in law by imposing a lower rate from what is prescribed by the *Planning Act*. The Divisional Court case and decision is pending.

## 2. Bill 73 an Amendment to the *Planning Act* “Smart Growth for Our Communities Act”

Bill 73 received first reading on March 5, 2015 and proposes changes to the *Planning Act*. The Bill is not in effect and is subject to 2<sup>nd</sup> and 3<sup>rd</sup> reading. Therefore, the timing and final wording of the Bill is uncertain and is provided for context of what is currently under consideration for potential changes to the *Planning Act*.

The changes proposed to Section 42 of the *Planning Act* are summarized below:

1. Before a municipality adopts official plan policies allowing it to pass a by-law under subsection 42 (3) (alternative parkland requirement), it must have a parks plan that examines the need for parkland in the municipality.
2. Where an alternative rate is already established in the Official Plan, the study required above **does not apply** retroactively.
3. Where payment in lieu is provided instead of land, the payment in lieu, is proposed to be at a lower rate of one hectare for each 500 dwelling units or such lesser rate as may be specified in the by-law (rather than 1 ha per 300 units).
4. A requirement that the Treasurer of the municipality provide an annual financial statement relating to the special account for the preceding year that includes:
  - statements of the opening and closing balances of the special parkland account and of the transactions relating to the account;
  - any land or machinery acquired during the year with funds from the special account;
  - any building erected, improved or repaired during the year with funds from the special account;
  - details of the amounts spent;
  - the manner in which any capital cost not funded from the special account was or will be funded; and
  - any other information that is prescribed.

The Town's current Official Plan provision for a maximum of 1 ha per 300 ha would not be affected by Bill 73, if passed in its current form.

The Town has completed the Parks Policy Development Manual which provides an inventory of the existing parkland, assesses parkland standards and identifies the needs and the parkland service standards based on the projected population to 2031. Therefore, the Town has already

addressed the proposed requirement in Bill 73 that the need for parkland be justified. This Manual, in part, provides the rationale for the recommended parkland dedication By-law as addressed in detail under Section 6 below.

The proposed provision for a lower parkland dedication rate for cash in lieu and the annual reporting to Council are new provisions to be included in the *Planning Act*.

### **3. Provincial Policy Statement**

The Provincial Policy Statement (2005) provides direction on matters of provincial interest as it pertains to land use planning and development. Section 1.5 of the PPS in particular establishes policies for public spaces, parks and open spaces, and promotes healthy, active communities as follows:

- *Planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling.*
- *Providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails, and where practical, water-based resources.*

### **4. Region of York Official Plan**

The Region of York Official Plan Intensification policies, which focus on the designated Centres and Corridors, direct that the following objectives be met:

5.3.7. *That open spaces shall be provided that include:*

- a. *active recreational facilities;*
- b. *passive parks and open spaces;*
- c. *meeting places and urban squares that incorporate art, culture and heritage; and,*
- d. *opportunities for community gardening.*

5.3.8. *That the Regional Greenlands System shall be protected and enhanced and include pedestrian-accessible green spaces and passive parks, where appropriate.*

Policy 5.4.4 6. j) requires that secondary plans shall include... *provisions for an urban public realm, including passive and active parks and meeting places, such as urban squares, which incorporate art, culture and heritage, and that contribute to a sense of place and clear identity.*

### **5. Official Plan Amendment # 7 to the Town's Official Plan**

In August 2012, Amendment # 7 to the Town's Official Plan was approved and included the provision for alternative parkland dedication of **up to 1 ha per 300 dwelling units** for "parks or other public recreational purposes" as provided for in the *Planning Act* (Section 42(3)).

This provision is required to be contained in Official Plans to enable municipalities to implement an Alternative Parkland Dedication By-law. The inclusion of this provision in the Official Plan was not appealed to the OMB.

The recommended Parkland Dedication By-law implements the above cite provisions of OPA # 7 and the *Planning Act*.

The Parkland Dedication By-law cannot be appealed to the OMB.

## 6. The Parks Policy Development Manual and Calculation of Parkland Needs

The Parks Policy Development Manual prepared by Monteith+Brown on behalf of the Town was adopted by Council in November 2012 and establishes standards for active parkland to apply Town-wide, as follows:

- Town Parks – 1.0 ha per 1,000 residents
  - **Community Parks – 0.5 ha per 1,000 residents**
  - **Neighbourhood Parks – 0.7 ha per 1,000 residents**
  - Urban Squares and Plazas – are included with Neighbourhood Parks
  - Passive Green Space – Includes Natural Heritage System and flood plain and do not contribute to the active parkland standard. (therefore, not included in the 1.2 or 2.2 ha per 1000 residents standard).
- 
- 1.2 ha / 1000 residents
- 2.2 ha / 1000 residents

When developing the Newmarket Urban Centres Secondary Plan, the Neighbourhood Parks standard was applied to determine the minimum Neighbourhood Parks required to serve the planned 33,000 residents (to build out). It was determined that Neighbourhood scale parks, which are up to 5 ha in size, are the most appropriate scale that could realistically be accommodated within the Urban Centres.

Based on the Parks Policy Development Manual Neighbourhood Park standard of 0.7 ha per 1000 residents, approximately 23.1 ha will be required in the form of Neighbourhood scale parks to serve the future residents within the Urban Centres.

However, it is important to note that the residents within the Urban Centres will need to be served by Community and Town Parks outside the Urban Centres.

The Parks Policy Development Manual assumed a population increase of approximately 10,000 residents by 2031 (which was estimated predominantly outside the Urban Centres). To meet the Town's service level standards, the Manual identified a 10.5 ha shortfall for all parks Town-wide by 2031.

Since 2011 a number of parks have been dedicated to the Town thereby reducing this shortfall to 9.2 ha based on the 1.2 ha per 1000 residence parkland standard. This shortfall has been incorporated into the parkland needs for the purpose of determining the provisions for the Parkland Dedication By-law.

In order to analyze the parkland dedication provisions, both parkland standards were considered for within and outside the Urban Centres, namely:

- 1.2 ha per 1000 residents, which includes only Community and Neighbourhood Parks; and
- 2.2 ha per 1000 resident, which includes Town-wide Parks, and Community and Neighbourhood Parks. (See Table 1)

The application of the 2.2 ha per 1000 residence required an addition 45 ha and exceeded the maximum parkland dedication standard of the *Planning Act* of 1ha per 300 and therefore could not be applied for the purpose of calculating the parkland dedication. (See Appendix 1)

In order to meet the 2.2 ha per 1000 residents standard, other funding mechanisms will need to be implemented.

## **7. 2014 Development Charges Background Report and Urban Centres Implementation Strategy**

Typically within the Town, the cost of studies and the physical development of parkland are funded through Development Charges. The *Development Charges Act* does not permit the acquisition of parkland to be funded through development charges.

The 2014 Development Charges Background Report and By-law do not fund the following:

- **10 % of cost of the parkland and recreational projects identified in the DC Background Study.**  
Staff considered including the 10% of the cost of the parks and recreation projects that is not eligible for funding through the Development Charges By-law, as an eligible cost for the determination of the parkland dedication to be recovered through Parkland Dedication. However, since the 10 % is not considered an eligible cost through the Development Charges By-law, it has not been included in the calculation for determining the appropriate parkland dedication standard.
- **The design and implementation of the Neighbourhood Parks within the Urban Centres at a cost of \$18.755 million.**  
The Development Charges Background Report for the 10-year gross capital forecast for Outdoor Recreation totals \$41.60 million. This exceeds the maximum allowable funding envelop by \$16.49 million<sup>2</sup> making it unlikely that the Neighbourhood Parks within the

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<sup>2</sup> The Development Charges Background Report for the 10-year gross capital forecast for Outdoor Recreation totals \$41.60 million, of which \$200,000 is to be funded by grants or alternative sources. \$1.98 million is identified as a replacement or benefit to existing share, and the legislated 10 per cent discount totals \$3.94 million. These shares are netted off of the net municipal costs, leaving \$35.48 million as the total development related costs. \$6.69 million is available in the Outdoor Recreation development charges reserve fund balance to fund development-related projects. An amount of \$16.49 million represents the portion of the development-related cost which exceeds the maximum allowable funding envelope and is deemed to benefit growth beyond the 2014–2023 period. This



Urban Centres will be able to be funded through the DC By-law within the next two decades. Therefore, this \$18.755 million for the Neighbourhood parks has been included as an eligible cost to be recovered through the Parkland Dedication By-law.  
(See Table 1)

Although recreational facilities similarly exceed the maximum allowable DC funding for the 10 year time horizon, the costs of these facilities will continue to be recovered through Development Charges. No additional land requirements have been identified to date for recreational facilities through the development of the Recreational Master Plan (Recreational Play Book). The next 10 years of recreational projects have been included in the 2014 Development Charges Background Report.

The acquisition of land for parks and recreation purposes is required to be secured through the Parkland Dedication Bylaw and other available revenue streams including but not limited to: bonusing (provided that the land or cash in lieu is above the requirement of the Parkland Dedication By-law), donations, grants, municipal taxes, etc.

## **ANALYSIS**

### **1. Parkland Dedication**

In order to determine the appropriate parkland dedication for inclusion in the By-law there are a number of considerations that have been addressed to provide the basis for the recommended parkland dedication, namely:

1. The projected new population both within and outside the Urban Centres to build out.
2. The Town's parkland standard identified in the Parks Policy Development Manual adopted in November 2012.
3. The inclusion of parkland design and development costs that are not included in the Development Charges By-law
4. The projected shortfall of parkland as identified in the Parks Policy Development Manual refined to take into account parkland dedication since development of the Manual.
5. Required parkland to meet the parks standard.
6. Parkland dedication scenarios.

Tables 1, 2 and 3 summarize items 1- 6 above, and the salient points are discussed below.

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share can be recovered through subsequent development charges studies.

**Table 1 Parkland and Other Recreational Needs to Build Out**

	Within the Urban Centres	Outside the Urban Centres	Town Wide
Projected New Population	31,000	7,255 <sup>3</sup>	
Projected Units	15,500 <sup>4</sup>	3,240 <sup>5</sup>	
Parkland Requirement based on 1.2 ha per 1000(1 ha per 416.6 units)	37.2 ha <sup>6</sup>	8.7 ha <sup>7</sup>	45.9 ha
Parkland Requirement based on 2.2 ha per 1000 (1 ha per 203 units)	68.2 ha	15.96 ha	84.16 ha
Design and Construction of Urban Centres Neighbourhood Parks currently not covered by DC Bylaw	4.7 ha (\$18.755 million equivalent)		4.7 ha
Shortfall or Surplus identified in the Parks Policy Development Manual (2011) refined to reflect Parkland Dedication with new development between 2011 and 2015 <sup>8</sup>		At 1.2 ha per 1000 = +9.2 ha (10.5 <sup>9</sup> - 1.3 <sup>10</sup> = 9.2 ha)	9.2 ha
		At 2.2 ha/1000 = + 15.93 ha <sup>11</sup> Shortfall	15.93 ha
<b>Total: 1.2 ha per 1000</b>	<b>41.9 ha (\$167.555 million)<sup>12</sup></b>	<b>17.9 ha (\$44.75 million)<sup>13</sup></b>	<b>59.8 ha</b>
<b>Total: 2.2 ha per 1000</b>	<b>72.9 ha (\$291.555 million)</b>	<b>31.9 ha (\$79.75 million)<sup>14</sup></b>	<b>104.8 ha</b>
<b>Shortfall between 1.2 vs 2.2 ha per 1000 residents</b>	<b>31 ha</b>	<b>14</b>	<b>45 ha</b>

<sup>3</sup> The projected population outside the Urban Centres is in the order of 10,000 however, since parkland has already been dedicated at the time of the registration of the plans of subdivision, the population has subtracted the projected population for those subdivisions that have been approved and have yet to be developed.

<sup>4</sup> Assumes average 2.0 ppu

<sup>5</sup> Assumes ppu of 2.24 on average

<sup>6</sup> 1.2 ha per 1000 residents = 37.2 ha

<sup>7</sup> 1.2 ha per 1000 residents = 7.255 x 1.2 = 8.7 ha plus the 10.5 ha shortfall in 2011 outside the Urban Centres = 19.2 ha

<sup>8</sup> Between 2011 and 2015 the Town has received 9.23 ha through development applications (Orsi 0.98 ha, Mosaic 0.61 ha, Goldstein/Trinison 4.3 ha and has acquired 3.34 ha that would be suitable for Parkland. In addition, the Town has received a total of \$450,790 in cash in lieu or 0.18 ha equivalent based on an estimated price of \$2.5 m per ha for a total of **9.41 ha**. The new growth between 2011 and March 2015 represents approximately 6,745 residents. At 1.2 ha per 1000 **8.1 ha** would be required to meet the Town standard. At 2.2 ha per 1000, **14.84 ha** would be required to meet the Town Standard. Applying the 1.2 ha per 1000 residents standard there is a **1.31 ha surplus**. Applying the 2.2 ha per 1000 residents standard there is a **5.43 ha deficit**

<sup>9</sup> Parks Policy Development Manual, Page 13 of all parks by 2031 (population of 97,133) to 2031 identified a shortfall of 10.5 ha town wide.

<sup>10</sup> Based on the parkland standard of 1.2 ha per 1000 residents recent development approvals between 2011 and 2015 have resulted in a surplus of 1.3.1 ha which has been deducted from the 10.5 ha shortfall

<sup>11</sup> Includes 5.43 shortfall as a result of new development between 2011 and 2015

<sup>12</sup> Assumes average price of \$4.0 million /ha

<sup>13</sup> Assumes average price of 2.5 million/ha

<sup>14</sup> Ibid.



## **2. Projected New Population to Build Out**

As identified in Table 1, the projected new population within and outside the Secondary Plan Area is as follows:

Within the Urban Centres:	31,000
Outside the Urban Centres:	7,255
Total:	38,255

## **3. Projected Parkland Required Based on the Approved Parkland Standard by Build-Out**

Table 1 identifies the parkland required to meet the Town's standard for parkland at 1.2 ha per 1000 and at 2.2 ha per 1000 residents. Through the evaluation of these two standards, it became apparent early in the process that the Town-wide standard for all active parks at 2.2 ha per 1000 residents would exceed the maximum parkland dedication permitted by the *Planning Act of 1ha per 300 units*. (See Appendix 1)

## **4. Parks Costs not included in the Parkland Dedication By-law**

The cost of the design and development of the Neighbourhood Parks within the Urban Centres have not been included in the 2014 Development Charges Background Study. Therefore, the cost of the design and implementation of the Neighbourhood Parks within the Urban Centre, at a cost of \$18.755 million, has been included as an eligible cost to be recovered through Parkland Dedication. The rationale for this approach is addressed in detail under Section 7 of the Background.

## **5. The Shortfall of Parkland**

The Parks Policy Development Manual identified a 10.5 ha shortfall Town-wide. However, since 2012 this shortfall has been reduced to 9.2 ha through more recent parkland dedications, e.g., Mosaik. This 9.2 ha shortfall has been included in the parkland dedication scenarios to be recovered through parkland dedication, and is discussed below. (See Table 1)

## **6. Implications of Not Applying Parkland Standard of 2.2 ha per 1000 Residents**

It should be noted that by applying the parkland standard of 1.2 ha per 1000, instead of the full Town standard of 2.2 ha per 1000 residents, the Parkland Dedication By-law will not be able to fund the full parkland requirements.

There will continue to be a shortfall Town-wide of 45 ha. (See Table 1)

This 45 ha shortfall will need to be funded outside the Parkland Dedication By-law through other funding mechanisms, e.g., increased taxes, donation, grants, etc.

The possible mechanism for funding this shortfall will be addressed through the Parkland Implementation Strategy.

Although, additional parkland dedication will be achieved through commercial, industrial and office development and redevelopment at the current 2% of the value of the land. A full analysis has not been undertaken to determine the expected cash in lieu that may be achieved through commercial, industrial

and other forms of development. However, a preliminary analysis based on the projected development within the Urban Centres indicates that approximately 1.7 ha<sup>15</sup> or approximately \$6.8 million may be available by build-out. This dollar value estimate is based on 2015 land prices of approximately \$4 million per ha. The parkland dedication from these uses will not contribute sufficient funds to address the 45 ha shortfall.

## 7. Analysis of Parkland Dedication Scenarios and Recommended Parkland Dedication Bylaw

Based on the 1.2 ha per 1000 residents standard, Table 2 identifies the parkland dedication for four scenarios.

Appendix 2 provides the details.

This evaluation considered the effect on the parkland dedication within and outside the Urban Centres separately. The options also included the effect of excluding (Option A) and including the \$ 18.755 million (Option C) for the design and development of the Urban Centre parks not included in the Development Charges Background Report and By-law. Outside the Urban Centres the Option B excludes the 9.2 ha shortfall, while Option D includes this shortfall.

Table 2 Summary of the Parkland Dedication Options Based on the 1.2 Hectares per 1000 Residents Parkland Standard	
Inside the Urban Centres	Outside the Urban Centres
A. Parkland Dedication inside the Urban Centres NOT Including the \$18.755 million for the Design and Implementation of the Neighbourhood Parks in the Urban Centres not funded through the Development Charges By-law	B. Parkland Dedication Outside the Urban Centres NOT Including the 9.2 ha Shortfall
0.72 ha per 300 units \$9,600 per unit	0.81 ha per 300 units \$6,713 per unit
C. Parkland Dedication inside the Urban Centres Including the \$18.755 million for the Design and Implementation of the Neighbourhood Parks in the Urban Centres	D. Parkland Dedication Outside the Urban Centres Including the 9.2 ha Shortfall
0.81 ha per 300 units \$10,810 per unit	1.66 ha per 300 units \$13,804 per unit

It should be noted that Option D, which included the 9.2 ha shortfall, exceeds the *Planning Act* maximum dedication of 1 ha per 300 units when applied to the outside the Urban Centre scenario.

<sup>15</sup> Projected Commercial and office space 849,437 sq. m = 84.9 ha X 2% = 1.69 ha (\$6.8mill equivalent)



This shortfall, however, includes community scale parks that will serve the residents both within and outside the Urban Centres. Since this 9.2 ha shortfall will impact residents both within and outside the Urban Centres, staff considered it more equitable to apply the parkland dedication standard Town-wide rather than to establish separate parkland dedication standards within and outside the Urban Centres.

Table 3 below summarizes the effect of applying the Parkland dedication Town-wide and analyses 4 scenarios.

<b>Table 3 Effect of Town-wide Application of the Standard on the Parkland Dedication By-law based on 1.2 ha per 1000 Residents</b>	
<b>Option A and B</b>  Inside and Outside the Urban Centres: <ul style="list-style-type: none"> <li>• <b>Excluding</b> \$18.755 Million cost of Design and Construction of Urban Centres Park; and</li> <li>• <b>Excluding</b> 9.2 ha shortfall outside the Urban Centres</li> </ul>	<b>Option C and B</b>  Inside and Outside the Urban Centres: <ul style="list-style-type: none"> <li>• <b>Including</b> \$18.755 Million cost of Design and Construction of Urban Centres Park; but</li> <li>• <b>Excluding</b> 9.2 ha shortfall outside the Urban Centres</li> </ul>
<b>0.73 ha per 300 units</b>	<b>0.82 ha per 300 units</b>
<b>\$9,101 per unit</b>	<b>\$10,102 per unit</b>
<b>Option A and D</b>  Inside and Outside the Urban Centres: <ul style="list-style-type: none"> <li>• <b>Excluding</b> \$18.755 Million cost of Design and Construction of Urban Centres Park; but</li> <li>• <b>Including</b> 9.2 ha shortfall outside the Urban Centres</li> </ul>	<b>Option C and D</b>  Inside and Outside the Urban Centres: <ul style="list-style-type: none"> <li>• <b>Including</b> \$18.755 Million cost of Design and Construction of Urban Centres Park; and</li> <li>• <b>Including</b> 9.2 ha shortfall outside the Urban Centres</li> </ul>
<b>0.88 ha per 300 units</b>	<b>0.97 ha per 300 units</b>
<b>\$10,327 per unit</b>	<b>\$11,328</b>

## 8. Recommended Parkland Dedication Bylaw

Option C and D is the recommended option and it includes the \$18.755 Million for the design and construction of the Urban Centres Neighbourhood parks as well as the 9.2 ha parkland shortfall. Staff further recommend that this option be phased in over the three years as follows:

- (a) where the Building Permit has been issued before January 1, 2016 an amount of land or cash in lieu of **0.6 hectares for each 300 dwelling units** (1 ha per 500 dwelling units).
- (b) where the Building Permit has been issued before January 1, 2017 an amount of land or cash in lieu of **0.8 hectares for each 300 dwelling units** (1 ha per 375 dwelling units).
- (c) where the Building Permit has been issued after January 1, 2017 an amount of land or cash in lieu of **1.0 hectares for each 300 dwelling units**.

The above recommendation is contained in the recommended By-law (See **Attachment 1**).

This option is recommended for the following reasons:

- 1 It provides the maximum parkland with the best value to both the development industry and the existing and future residents.
- 2 It recognizes the funding constraints under the Development Charges related to the funding envelop over the next couple decades by including the design and development of the Urban Centres Neighbourhood Parks with the eligible costs to be covered through Parkland Dedication.
- 3 It addresses the current shortfall for Community and Neighbourhood parks (based on 1.2 ha per 1000 residents standard) Town wide (9.2 ha) while allowing for other funding mechanisms to be explored through the Parkland Implementation Strategy to address the 45 ha shortfall over a longer time frame.
- 4 The phase-in of the Parkland Dedication By-law over the next three years allows the incremental increase of the parkland dedication, similar to the approach implemented through the increase in development charges, and provides certainty for the building industry and may stimulate earlier development.

## **9. Other Provisions of the Parkland Dedication By-law**

The recommended Parkland Dedication Bylaw is contained in **Attachment 1**.

The following is a summary of the additional provisions contained in the recommended Parkland Dedication By-law.

### **a. Parkland Credits**

- i. Lands dedicated to the Town for underground hydro: 10 % credit of the value of the land.
- ii. Private outdoor space subject to a public easement: 20 % credit of the value of the land.
- iii. Cultural heritage conservation within Historic Downtown Newmarket and with respect to development or redevelopment of designated properties pursuant to Parts IV, V and VI of the *Ontario Heritage Act*: 20 % credit of the value of the land.

### **b. Determination of Value**

- i. Town and Owner to jointly commission and fund an appraisal.
- ii. If the Owner does not agree with the appraisal, the Owner may commission an Owner Appraisal at his/her expense.
- iii. Where the difference in the appraised value of the two appraisals is 10 % or less, the average of the two will be deemed the market value.
- iv. Where the difference between the appraised value is greater than 10 %, the Town and the Owner may elect to share the cost of a third independent appraisal.
- v. The value will be determined based on the average between the third independent appraisal and the value of whichever former appraisal is closest to the value of the third party appraisal.
- vi. If agreement cannot be reached either the Town or the Owner may elect to resolve the dispute through arbitration or an appeal to the OMB.

### **c. Eligible Projects for Parkland Dedication or Cash-in-Lieu**

Eligible costs will be based on the following, with land acquisition being the first priority.

- i. Land for parks and other public recreational purposes including, any site preparation and drainage, play equipment, splash pads, site furniture, signage, sports fields, etc.
- ii. The cost of the design and development of the Urban Centre Neighbourhood Parks identified in the Urban Centres Secondary Plan.
- iii. Park and other public recreational facilities not funded through Development Charges.
- iv. Pathways and trails and associated street furniture, including pedestrian mews identified in the Urban Centre Secondary Plan.

- v. Improvements to parks and other public recreational facilities designed to increase the parks and recreational capacity.
- vi. Vehicle and equipment used for parkland and other public recreational purposes.

**d. Exemptions from the Parkland Dedication By-law**

- i. Development or redevelopment of land owned by:
  - Town of Newmarket
  - Region of York
  - Provincial or federal governments
  - Boards of Education
  - A colleges, university or school defined in the Education Act
  - Newmarket Tay Power and related subsidiaries
  - Newmarket Library Board or similar local Boards
  - Southlake Regional Health Centre
  - Not for profit palliative care facilities.
- ii. The reconstruction of a building destroyed due to fire or other accidental cause provided no intensification of the use is proposed.
- iii. The enlargement of a single or semi-detached dwelling unit to permit an additional dwelling unit in accordance with the applicable municipal requirements.
- iv. Enlargement of an existing commercial industrial or institutional building provided the enlargement is 10% or less than the size of the building at the time of the first application.
- v. Temporary building or structure.

**NEXT STEPS**

Notice of the Draft Parkland Dedication Bylaw will be provided on the Town page and direct notice will be provided to the Building Community on record with the Town and BILD.

Following receipt of comments, staff will report back to the Committee of the Whole on the comments received and recommend the final By-law for approval.

**RECOMMENDATION**

Staff recommend the following:

1. THAT the Parkland Dedication By-law for the Town of Newmarket as contained in Attachment 1 be received.
2. AND THAT staff be directed to provide notice to the public, the development community and BILD of the proposed by-law.



3. AND THAT following public input that staff summarize in a report to the Committee of the Whole the issues identified and the comments received along with the final recommendation for the Parkland Dedication By-law for Council's approval.
4. AND THAT staff be directed to report back to Committee of the Whole on the other funding strategies to address the identified shortfall of Town-wide parkland in conjunction with the Parkland Implementation Strategy identified in the Implementation Strategy for the Newmarket Urban Centres Secondary Plan.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The Parkland Dedication By-law reflects the following Strategic Directions and Mission Statements:

### **Strategic Directions:**

- **Living well** – means emphasis on active lifestyles and recreational opportunities
- **Well Balanced** - means providing recreational facilities and services
- **Well equipped & managed** – means:
  - implementing policy and processes that reflect sound and accountable governance
  - Clear vision of the future and align corporate/business plans
- **Well Planned and Connected** – means:
  - Long term strategy matched with a short term action plan(s)
  - Improving interconnectivity and interaction amongst neighbours and neighbourhoods
  - Walking and biking trails, paths and lanes
- **Well Respected** – means discovering innovative and creative solutions for future well-being.

### **Mission**

- Implementing forward-looking plans, policies and by-laws

## **CONSULTATION**

Consultation was carried out with Financial Services, Engineering Services, and Legislative Services.

## **HUMAN RESOURCE CONSIDERATIONS**

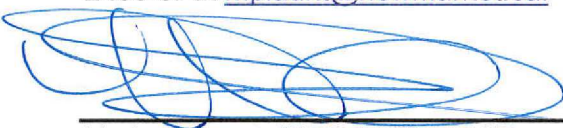
None directly applicable to this report.

## **CAPITAL AND OPERATING BUDGET IMPACT**

Funding strategies will be necessary to address the 45 ha identified shortfall for Town-wide parkland through the Parkland Implementation Strategy identified in the Implementation Strategy for the Newmarket Urban Centres Secondary Plan.


## CONTACT

For more information on this report, contact Marion Plaunt, Senior Planner, Policy at 905 953-5300 x 2459 or at [mplaunt@newmarket.ca](mailto:mplaunt@newmarket.ca).




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Assistant Director of Planning  
Planning & Building Services



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Richard Nethery, B.E.S., MCIP, RPP  
Director of Planning & Building Services



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Peter Noehammer, P. Eng.  
Commissioner  
Development and Infrastructure Services

## List of Attachments

- Attachment 1** Town of Newmarket DRAFT Parkland Dedication By-law
- Appendix 1** Summary Table 2.2 Hectare per 1000 Residents Scenarios
- Appendix 2** Summary Table 1.2 Hectare per 1000 Residents Scenarios

## **ATTACHMENT 1**

**The Corporation of the Town of Newmarket**

**Parkland Dedication By-law**

## **CORPORATION OF THE TOWN OF NEWMARKET**

### **BY-LAW NUMBER 2015-XX**

#### **A BY-LAW TO PROVIDE FOR THE CONVEYANCE OF LAND AND CASH-IN- LIEU THEREOF FOR PARK AND OTHER PURPOSES**

**WHEREAS** sections 42 of the *Planning Act*, as amended, authorizes local municipalities to pass by-laws requiring that land or cash-in-lieu thereof be conveyed to the local municipality as a condition of development or redevelopment of land;

**AND WHEREAS** sections 42, 51.1 and 53 of the *Planning Act*, as amended, authorize local municipalities to pass by-laws requiring that land or cash-in-lieu thereof be conveyed to the local municipality as a condition of development or redevelopment of land, the subdivision land, or the granting of provisional consent over land;

**AND WHEREAS** the Council for the Corporation of the *Town* of Newmarket has adopted policies within its Official Plan pertaining to the conveyance of land or cash-in-lieu thereof to the *Town* as a condition of development or redevelopment under the *Planning Act*, as amended;

**AND WHEREAS** Council for the Corporation of the Town of Newmarket deems it necessary and expedient to enact a by-law to provide for the provision of lands for park or other public recreational purposes and the use of alternative requirements therefor;

#### **NOW THEREFORE THE COUNCIL OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:**

##### **Definitions:**

In this by-law:

- (a) “Building permit” means a building permit issued pursuant to the Ontario *Building Code Act*, as amended.
- (b) “Cash-in-lieu” means a payment of money for park or other public recreational purposes which is collected in lieu of a conveyance of land which would otherwise be required to be conveyed pursuant to the parkland provisions of the *Planning Act* as incorporated into this By-law.

- (c) “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.
- (d) “Dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.
- (e) “Land area” means the area of an entire *development* or *redevelopment* site, including the parcel of land which is to be conveyed for park purposes, but shall not include any natural heritage feature or hydrologic feature including the buffers identified in the Official Plan or Zoning By-Law in effect at the time of determination; or any natural heritage feature or hydrologic feature including the buffers identified by a required Environmental Impact Study and where lands are conveyed into public ownership; stormwater management areas; or floodplain lands.
- (f) “Owner” means the registered *Owner* of the land to be developed, redeveloped, or subdivided.
- (g) “Town” means the Corporation of the *Town* of Newmarket.

### **Part 1 Conveyance Required as a Condition of Development or Redevelopment**

- 1.1 As a condition of development or redevelopment of land, the *Town* shall require the conveyance of land to the Town or a cash-in-lieu equivalent to the value of the land required to be conveyed under this by-law for park or other public recreational purposes.
- 1.2 Conveyance, including the location and configuration shall be in the form of land, cash-in-lieu or a combination of cash and land, at the discretion of the *Town*.

### **Part 2 Applicability**

- 2.1 This By-law applies to all lands within the corporate limits of the Town of Newmarket.

### **Part 3 Calculation of Conveyance**

- 3.1 As a condition of development or redevelopment of land, the Town shall require the conveyance of land to the *Town* for parks and other public recreational purposes as follows:
  - (a) In the case of development or redevelopment for **commercial or industrial** purposes, an amount of land or cash-in-lieu equal to 2 per cent of the *Land area* proposed for developed or redeveloped.

- (b) In the case of development or redevelopment for mixed use purposes e.g., residential and commercial, the 2 per cent will be calculated based on the value of the land derived from the percentage of the gross floor area of the building dedicated to the commercial use. For example if 10 % of the gross floor area of the building is dedicated to commercial, 10 % of the land value shall be subject to the 2 per cent calculation.
  - (c) In the case of development or redevelopment for uses **other than commercial, industrial or residential** purposes, an amount of land or cash-in-lieu equivalent to 5 per cent of the *Land area* proposed for developed or redeveloped.
- 3.2 In the case of development or redevelopment for **residential uses**, the amount of *Land area* to be conveyed to the *Town* shall be calculated as follows:
- (a) Where the Building Permit has been issued before January 1, 2016, an amount of land or cash-in-lieu equivalent to 0.6 hectares for each 300 *dwelling units* (1 ha per 500 dwelling units).
  - (b) Where the Building Permit has been issued before January 1, 2017 an amount of land or cash-in-lieu equivalent to 0.8 hectares for each 300 *dwelling units* (1 ha per 375 dwelling units).
  - (c) Where the Building Permit has been issued after January 1, 2017 an amount of land or cash-in-lieu equivalent to 1.0 hectares for each 300 *dwelling units*.
- 3.3 In the case of land proposed for subdivision for commercial or industrial purposes, the amount of *land area* to be conveyed to the *Town* shall be calculated as follows:
- (a) an amount of land or cash-in-lieu equivalent equal to 2 per cent of the *land area* proposed to be developed or developed.
- 3.4 In the case of land proposed for a subdivision for any other purpose, the amount of land to be conveyed to the *Town* shall be calculated as follows:
- (a) an amount of land or cash-in-lieu equivalent equal to 5 per cent of the *land area* included in the plan of subdivision.

### **Parkland Credit**

- 3.5 Where land is dedicated to the *Town* for the purpose of the future burying of hydro and related utility facilities across the frontages of Yonge Street or Davis Drive, a credit of 10 % of the value of the land being dedicated shall be credited as a reduction in the land or the cash-in-lieu required for parkland.
- 3.6 Where private outdoor space is designed and secured through a public easement for public uses such as interior courtyards, private/public squares and pedestrian mews linkages designed to be open and accessible to the general public and maintained to *Town*



standards, a credit of 20 % of the value of the land secured through an easement for such uses shall be credited as a reduction in the land requirements or cash-in-lieu required for parkland.

- 3.7 Where development or redevelopment is within the Historic Downtown Heritage Conservation District or affects a property designated pursuant to Parts IV, V and VI of the *Ontario Heritage Act* and the identified cultural heritage resource is conserved, a credit equivalent to 20 % of the value of the land required for parkland shall be credited as a reduction in the land requirements or cash-in-lieu required for parkland.

#### **Part 4 – Determination of Value**

- 4.1 For development or redevelopment pursuant to Section 41 and 42 of the *Planning Act*, the value of the land or cash-in-lieu equivalent to be paid shall be determined as of the value the day before the day the building permit is issued and if more than one building permit is required, the value shall be calculated the day before the day the first building permit is issued.
- 4.2 For development or redevelopment pursuant to Section 51.1 and 53 of the *Planning Act* the value of the land or cash-in-lieu equivalent shall be determined the day before the day the approval of the draft plan of subdivision and the day before the day the provisional consent was given except where site plan approval is required at a subsequent stage, then the parkland dedication calculation will be subject to Part 4.1 above.
- 4.3 The value of the land for which payment is being made in lieu of a conveyance shall be established by way of an appraisal of the fair market value of the property by a certified professional appraiser of real estate, who is designated as an Accredited Appraiser Canadian Institute by the Appraisal Institute of Canada with experience appraising all types of real property.
- 4.4 The Town and the Owner shall commission an appraisal of the Property (the “Initial Appraisal”) which expense shall be shared equally between the parties. If the Owner does not agree with the market value of the Property according to the Initial Appraisal, the Owner may retain an appraiser, at the Owner’s expense, to prepare a separate appraisal report (the “Owner Appraisal”) on the market value of the property. The Owner will cause its appraiser to give a copy of such appraisal report to the Town not later than 30 days following the date on which the Initial Appraisal was delivered.
- 4.5 If the Owner fails to give to the Purchaser an appraisal report obtained by the Owner’s appraiser within the 30 day period, then it will be deemed that the Owner has accepted the Initial Appraisal and the market value of the property. If the Owner gives the Town the Owner’s Appraisal within the 30 day time limit set out above, and the average of the values of the Property in the two appraisal reports is an amount that is less than 10% more than the lowest of the two appraisal reports, then, the average of the values of the property in the two appraisal reports will be deemed to be the market value of the property.

- 4.6 If the Owner gives the Town the Owner Appraisal within the 30 day time limit, and the average of the values of the property in the two appraisal reports is an amount that is equal to or greater than 10% more than the lowest of the two appraisal reports, then, if mutually agreed between the parties, the Town and Owner will respectively instruct the two appraisers to select a third independent appraiser, the expense of such third independent appraiser to be shared equally by the Town and the Owner, to prepare an appraisal report on the market value of the property.
- 4.7 The third independent appraiser will present the appraisal report to the Owner and Town by no later than 45 days following the date on which the Owner delivered the Owner Appraisal to the Town. If the appraisal report of the third independent appraiser is obtained as aforesaid, then the market value of the property will be deemed to be the average of: (X) the value for the Property indicated by the appraisal report of the third independent appraiser, and (Y) the value for the Property indicated by whichever of the Initial Appraisal and the Owner Appraisal is closest to the value for the Property in (X).
- 4.8 If the Town's appraiser and the Owner's appraiser cannot agree on a third party appraiser within 15 days, either the Owner or the Town shall be entitled to submit the selection of the third appraiser to an arbitration under the provisions of the *Arbitration Act* or alternatively appeal to the Ontario Municipal Board pursuant to Section 42 (10) of the *Planning Act*.
- 4.9 All appraisals obtained pursuant to this by-law shall state the criteria used to determine value within the appraisal.
- 4.10 An appraisal shall remain current for a period of two years from the date of the appraisal.

## **Part 5 – Future Development or Redevelopment**

- 5.1 Subject to Part 4.3, where land has been conveyed or is required to be conveyed to the *Town* under this by-law, 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, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by the *Town* in respect of subsequent development or redevelopment applications, unless:
- (a) there is a change in the proposed development or redevelopment which would increase the density or number of dwelling units of the development; or
  - (b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.

- 5.2 Where such increase in density and or dwelling units occur, the conveyance will be subject to the increase in density/dwelling units proposed and the value determined at the time of the applicable application e.g., at Site Plan, if the consent did not include the final density.

## **Part 6 Eligible Projects for Cash-in-lieu**

- 6.1 Where parkland is not provided, cash-in-lieu may be used for the following or similar purposes based upon the following priorities:
- (a) The first priority shall be the acquisition of land for public parks or other public recreational purposes.
  - (a) The second priority shall be the design and development of the Neighbourhood Parks identified within the Newmarket Urban Centres Secondary Plan not funded through Development Charges.
  - (b) The third priority shall be the development of parks and other public recreational facilities not funded through Development Charges including:
    - i. park and other recreational facilities including, any site preparation and drainage, play equipment, splash pads, site furniture, signage, sports fields, etc.;
    - ii. pathways, trails and associated infrastructure and furniture, including pedestrian mews as generally identified in the *Town's* Urban Centres Secondary Plan;
    - iii. improvements to existing parks and recreational facilities designed to increase the capacity to accommodate more intensive public use due to increased development and redevelopment;
    - iv. vehicle and machinery used for parks and other public recreational purposes.

## **Part 7 Exemptions**

- 7.1 This Bylaw shall not apply to any of the following:
- (a) Development or redevelopment of land, buildings or structures owned by and used for the purposes of the Corporation of the *Town* of Newmarket.
  - (b) Development or redevelopment of land, buildings or structures owned by and used for the purposes of the Region of York or provincial government.
  - (c) Development or redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education, Newmarket Tay Power and related subsidiaries, and Newmarket Library Board or other similar local Board.
  - (d) A college, university or a school defined in the *Education Act*.

- (e) Development or redevelopment of land, buildings or structures owned by and used for the purposes of Southlake Regional Health Centre.
- (f) Not for profit palliative care facilities.
- (g) The replacement of any building that is a direct result of destruction due to accidental fire or other accidental cause beyond the control of the *Owner* provided that no intensification or change in use is proposed, including but not limited to an increase in total *dwelling unit* count or total floor area.
- (h) The enlargement of an existing single detached or semi-detached *dwelling unit* provided the enlargement does not result in an additional *dwelling unit*.
- (i) An accessory *dwelling unit permitted* by the Official Plan and Zoning By-law in effect.
- (j) The enlargement of an existing commercial, industrial, or institutional building or structure if the total floor area of the enlargement is 10 % or less than the current size of the building(s) or structure(s).
- (k) A temporary building or structure.
- (l) Where the total cash-in-lieu payable for development or redevelopment is less than \$100.

## **Part 8            Lands not Acceptable for Parkland Conveyance**

8.1        The following lands shall not be acceptable for parkland conveyance:

- (a)        Lands designated as Natural Heritage in the Official Plan and any natural heritage feature or hydrologic feature defined by the Provincial Policy Statement (PPS) as significant, including the buffers as required by the PPS, Official Plan or Zoning By-law or as may be identified through an Environmental Impact Study.
- (b)        Flood plain lands as defined by the Lake Simcoe Region Conservation Authority.
- (c)        Stormwater management facilities; and where lands for parks purposes include storm water management facilities, that portion of the land that includes a stormwater management facility or infrastructure shall not be included in the area calculation for parkland conveyance.

## **Part 9 Disputes**

- 9.1 Notwithstanding the provisions of Part 4, and in the event of a dispute between the *Town* and the *Owner* on the value of the land as determined under Part 4 of this by-law is not satisfactory to either party, either party may apply to the Ontario Municipal Board to have the value of the land determined.
- 9.2 If there is a dispute between the *Town* and the *Owner* on the value of the land as determined under Part 4 of this by-law, the *Owner* may pay the amount required by the *Town* under protest and shall make an application to the Ontario Municipal Board in accordance with the *Planning Act*.

## **Part 10 General Provisions**

- 10.1 All lands conveyed to the *Town* under this by-law shall be in a condition satisfactory to the *Town* and in accordance with the requirements of the *Town's* Official Plan Policies respecting the acquisition of land, including a Record of Site Condition pursuant to the *Environmental Protection Act*.
- 10.2 All lands conveyed to the *Town* under this by-law shall be free of encumbrances.
- 10.3 Any conveyance or payment in lieu of a conveyance required to be made under this by-law shall be made prior to the issuance of any building permit for the land to be developed or redeveloped.
- 10.4 In the event that a section or a part of a section of this by-law is declared invalid by a court of competent jurisdiction, it is the intent of Council that the remainder of the by-law continue in full force and effect.

## **Administration**

- 10.5 This By-law will be jointly administered by the Director of Planning and Building Services and the Director of Financial Services.
- 10.6 The Director of Financial Services shall maintain a record of all lands and cash-in-lieu received and including all expenditures from the cash-in-lieu parkland reserve fund.

## **Effective Date**

- 10.7 This by-law shall come into force on the day it is enacted.

## **Transition**

- 10.8 The provisions of this by-law shall apply to all development applications pursuant to the *Planning Act*, as amended, which have not received approval as of the Effective Date, or in the case of a plan of subdivision, draft approval, by the *Town* prior to the enactment of this by-law.

## **Review of the By-law**

- 10.9 This By-law shall be reviewed with each Official Plan Review or at an earlier time as prescribed by Council.
- 10.10 Should any section or part of this By-law be declared or determined by a court or tribunal of competent jurisdiction to be invalid, that portion of this by-law shall be considered to be severed from the balance of this by-law, which will continue to operate in full force and effect.

ENACTED      THIS              DAY   OF                      ,                      2015.

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk



## APPENDIX 1

### 2.2 Hectares Per 1,000 Population Inside and Outside the Urban Centres

<b>A. Inside Urban Centres Without 18.755 Million Cost Outside the Development Charge Funding Envelope</b>	
Total Cost	272,800,000
Cost Per Unit	17,600
Cost Per Hectare	4,000,000
Units Per Hectare	227
Hectares per 300 Units	1.32

<b>B. Outside Urban Centres Without 15.93 Hectare Shortfall According to 2.2 Hectare Per 1000 People Standard</b>	
Total Cost	39,900,000
Cost Per Unit	12,315
Cost Per Hectare	2,500,000
Units Per Hectare	203
Hectares per 300 Units	1.48

<b>C. Inside Urban Centres With \$18.755 Million cost Outside the Development Charge Funding Envelope</b>	
Total Cost	291,555,000
Cost Per Unit	18,810
Cost Per Hectare	4,000,000
Units Per Hectare	213
Hectares per 300 Units	1.41

<b>D. Outside Urban Centres With 15.93 Hectare Shortfall According to 2.2 Hectare Per 1000 People Standard</b>	
Total Cost	79,725,000
Cost Per Unit	24,606
Cost Per Hectare	2,500,000
Units Per Hectare	102
Hectare per 300 Units	2.95

## Summary Table - 2.2 Hectares Per 1,000 Population

<b>A+B. Inside Urban Centres Without \$18.755 Million Cost Outside the Development Charge Funding Envelope and Outside Urban Centres Without 15.93 Hectare Shortfall According to 2.2 Hectare Per 1000 People Standard</b>	
Total Cost	312,700,000
Cost Per Unit	16,686
Cost Per Hectare	3,715,542
Units Per Hectare	223
Hectares per 300 Units	1.35

<b>C+B. Inside Urban Centres With \$18.755 Million cost Outside the Development Charge Funding Envelope and Outside Urban Centres Without 15.93 Hectare Shortfall According to 2.2 Hectare Per 1000 People Standard</b>	
Total Cost	331,455,000
Cost Per Unit	17,687
Cost Per Hectare	3,715,542
Units Per Hectare	210
Hectares per 300 Units	1.43

<b>A+D. Inside Urban Centres With 18.755 Million Cost Outside the Development Charge Funding Envelope and Outside Urban Centres With 15.93 Hectare Shortfall According to 2.2 Hectare Per 1000 People Standard</b>	
Total Cost	352,525,000
Cost Per Unit	18,811
Cost Per Hectare	3,522,080
Units Per Hectare	211
Hectares per 300 Units	1.42

<b>C+D. Inside Urban Centres With 18.755 Million cost Outside the Development Charge Funding Envelope and Outside Urban Centres With 15.93 Hectare Shortfall According to 2.2 Hectare Per 1000 People Standard</b>	
Total Cost	371,280,000
Cost Per Unit	19,812
Cost Per Hectare	3,522,080
Units Per Hectare	178
Hectares per 300 Units	1.69

## APPENDIX 2

### 1.2 Hectares Per 1,000 Population Inside and Outside the Urban Centres

<b>A. Inside Urban Centres Without 18.755 Million Cost Outside the Development Charge Funding Envelope</b>	
Total Cost	148,800,000
Cost Per Unit	9,600
Cost Per Hectare	4,000,000
Units Per Hectare	417
Hectares per 300 Units	0.72

<b>B. Outside Urban Centres Without 9.2 Hectare Shortfall According to 1.2 Hectare Per 1000 People Standard</b>	
Total Cost	21,750,000
Cost Per Unit	6,713
Cost Per Hectare	2,500,000
Units Per Hectare	372
Hectares per 300 Units	0.81

<b>C. Inside Urban Centres With 18.755 Million cost Outside the Development Charge Funding Envelope</b>	
Total Cost	167,555,000
Cost Per Unit	10,810
Cost Per Hectare	4,000,000
Units Per Hectare	370
Hectares per 300 Units	0.81

<b>D. Outside Urban Centres With 9.2 Hectare Shortfall According to 1.2 Hectare Per 1000 People Standard</b>	
Total Cost	44,725,000
Cost Per Unit	13,804
Cost Per Hectare	2,500,000
Units Per Hectare	181
Hectare per 300 Units	1.66

**Summary Table - 1.2 Hectares Per 1,000 Population**

<b>A+B. Inside Urban Centres Without \$18.755 Million Cost Outside the Development Charge Funding Envelope and Outside Urban Centres Without 9.2 Hectare Shortfall</b>	
Total Cost	170,550,000
Cost Per Unit	9,101
Cost Per Hectare	3,715,686
Units Per Hectare	408
Hectares per 300 Units	0.73

<b>C+B. Inside Urban Centres With \$18.755 Million cost Outside the Development Charge Funding Envelope and Outside Urban Centres Without 9.2 Hectare Shortfall</b>	
Total Cost	189,305,000
Cost Per Unit	10,102
Cost Per Hectare	3,715,686
Units Per Hectare	368
Hectares per 300 Units	0.82

<b>A+D. Inside Urban Centres Without 18.755 Million Cost Outside the Development Charge Funding Envelope and Outside Urban Centres With 9.2 Hectare Shortfall</b>	
Total Cost	193,525,000
Cost Per Unit	10,327
Cost Per Hectare	3,512,888
Units Per Hectare	340
Hectares per 300 Units	0.88

<b>C+D. Inside Urban Centres With 18.755 Million cost Outside the Development Charge Funding Envelope and Outside Urban Centres With 9.2 Hectare Shortfall</b>	
Total Cost	212,280,000
Cost Per Unit	11,328
Cost Per Hectare	3,512,888
Units Per Hectare	310
Hectares per 300 Units	0.97

