



The Corporation of Norfolk County

By-Law 2016-126

Being a By-Law to Provide for the Conveyance of Land for Park or other Public Recreational Purposes and/or Cash-in-Lieu of Parkland Dedication within Norfolk County.

WHEREAS Sections 42, 51.1, and 53 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, authorizes the Council of The Corporation of Norfolk County to pass a By-Law requiring land or cash-in-lieu of the land at the County's approval to be conveyed to the County for park or other public recreational purposes as a condition of subdivision of land(s);

AND WHEREAS the Council of The Corporation of Norfolk County has established an Official Plan that contains specific policies with respect to the provision of lands for park or other public recreational purposes and this By-law is intended to be in conformity with such policies;

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1.0 Definitions

1.1 That for the purposes of this By-Law, the following shall apply:

- a) "Cash-in-Lieu" shall mean the payment of funds equivalent to the value of the amount of land that the County would otherwise have been entitled to acquire for park or other public recreational purposes as part of a development. The payment of Cash-in-Lieu is usually required as a condition of a site plan, draft plan of subdivision or draft plan of condominium approval and is assessed as the value of the land the day before the day of the approval of the site plan, draft plan of subdivision or draft plan of condominium, in accordance with Sections 42(1) and 51.1(4) of the Planning Act, R.S.O. 1990, c.P.13 ("Planning Act").
- b) "Council" shall mean the Council of the Corporation of Norfolk County.
- c) "County" shall mean the Corporation of Norfolk County.

- d) “Eligible Project” means:
 - i) Acquisition of land for park or other public recreational purposes;
 - ii) Capital projects for the development of new public parks which may include any associated site preparation and drainage;
 - iii) Capital projects to increase the capacity of existing public parks to accommodate more intensive public use;
 - iv) The provision of park facilities, such as play equipment, sports fields, and pathways;
 - v) The provisions of additional park facilities, for example, splash pads and site furniture.
- e) “Gross Land Area” means the total area of the land to be developed excluding constrained lands such as, without limitation: wetlands, unstable slopes, ravines, water courses, flood plains and other similar constraint lands.

2.0 Parkland Acquisition

2.1 This By-Law shall apply to all lands within the County.

2.2 The purpose of this By-Law is to enable the County to provide land for parks or other public recreational purposes. The County is permitted to require the conveyance of parkland as a condition of approval of development or a draft plan of subdivision or condominium as regulated under the *Planning Act*. Land conveyed to the County under this By-Law shall be used for parks or other public recreational purposes, subject to the policies of the Official Plan and this By-Law.

2.3 As a condition of the development of land, the County shall require that land be conveyed to the County for park or other public recreational purposes as follows:

- a) For lands subject to a site plan or draft plan of subdivision or condominium for residential purposes, an area of land equal to the greater of five percent (5%) of the Gross Land Area to be developed or one hectare of land for every 300 housing units proposed to be developed;
- b) For lands subject to a site plan, draft plan of subdivision or draft plan of condominium for commercial or industrial purposes, an area of land equal to two percent (2%) of the gross land area to be developed or redeveloped;

- c) For lands subject to a site plan, draft plan of subdivision or draft plan of condominium for uses other than those referred to in subsection 2.3(a) and 2.3(b), such as institutional uses or mixed uses, an area of land equal to five percent (5%) of the Gross Land Area to be developed or redeveloped.
- 2.4 Land dedicated to the County for park or other public recreational purposes shall be chosen in consultation with County staff and shall be leveled, serviced, top-soiled and seeded to the specifications of the County. In the case of a disagreement, the County will have the final decision as to the appropriate lands.
- 2.5 Only those lands suitable for municipal parks development will be accepted as part of the required parkland dedication.
- 2.6 The County may, at its own discretion, accept additional lands over and above the required parkland dedication and may incorporate these lands into the County's park system. Such lands may include:
- a) Lands for storm water management areas;
 - b) Lands having environmental or physical conditions which render them unsuitable for development; and,
 - c) Lands which are suitable for the development of corridors throughout the County for such uses as wildlife, pedestrian or biking trails.
- 2.7 Any land that has been or is to be conveyed to the County for storm water management facilities, for flood plain or conservation purposes, for roadways, walkways or any other non-parkland purpose, will not be credited against the required parkland conveyance or cash-in-lieu of parkland conveyance.

3.0 Cash-in-Lieu of Parkland Dedication

- 3.1 In lieu of requiring the conveyances noted in section 2 above, the County may require the payment of money as a Cash-in-Lieu payment. The County may require a Cash-in-Lieu payment, as provided by the *Planning Act*, under the following circumstances:
- a) Where the amount of parkland to be dedicated, in accordance with the *Planning Act*, is of insufficient size, in the opinion of Council, to be useable for normal public recreational activities;
 - b) Where an area is adequately served by municipal or other open space lands;

- c) Where the County wishes to combine the parkland dedications of a number of small developments to provide for one large park area; or,
 - d) Where the required dedication would render the remainder of the site unsuitable or impractical for development.
- 3.2 Council shall, in those cases where it is deemed advisable to accept Cash-in-Lieu of a conveyance, require the payment of an amount calculated as follows:
- a) Two percent (2%) of the appraised value for commercial or industrial land uses;
 - b) Five percent (5%) of the appraised value for residential, institutional, and all other land uses;
 - c) Five hundred dollars (\$500) per lot created through consent, including farm splits.
- 3.3 The payment so required shall be paid to the County:
- a) For a plan of subdivision or condominium, prior to the plan registration;
 - b) For a site plan, prior to the issuance of a building permit;
 - c) For consent, prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and therefore the consent for severance has been granted and is in effect.
- 4.0 Appraisal**
- 4.1 To determine the Cash-in-Lieu payment required, where applicable, the landowner seeking the approval for the site plan, draft plan of subdivision or draft plan of condominium is required to submit an Appraisal Report, completed by a qualified appraiser, to the County for review. The appraiser is to be approved by the County.
- 4.2 The cost of the Appraisal Report shall be the responsibility of the landowner.
- 4.3 The Appraisal Report will be reviewed by staff and the landowner will be notified of the required payment.
- 5.0 Eligible Projects**
- 5.1 Cash-in-Lieu shall only be used for eligible projects permitted by the *Planning Act* as further defined by this By-Law.

6.0 Delegation of Authority

6.1 Subject to the provisions above, Council hereby delegates authority to the County Manager, General Manager Financial Services, Treasurer/Chief Financial Officer, and the General Manager of Community Services to establish budgets, access Cash-in-Lieu funds, and approve expenditures of Cash-in-Lieu funds for eligible projects associated with an existing park or for the creation of a new park that is not associated with the development review process.

7.0 That the effective date of this By-Law shall be January 1, 2017.

ENACTED AND PASSED this 13th day of December, 2016.

Mayor

Clerk/Manager of Council Services

D.C.S. 16-91