



# REVIEW OF PARKLAND DEDICATION BY-LAW, POLICIES AND PRACTICES

The Planning Partnership  
with: Greenberg Consultants |  
Integris | NBLC | WeirFoulds

City of Markham

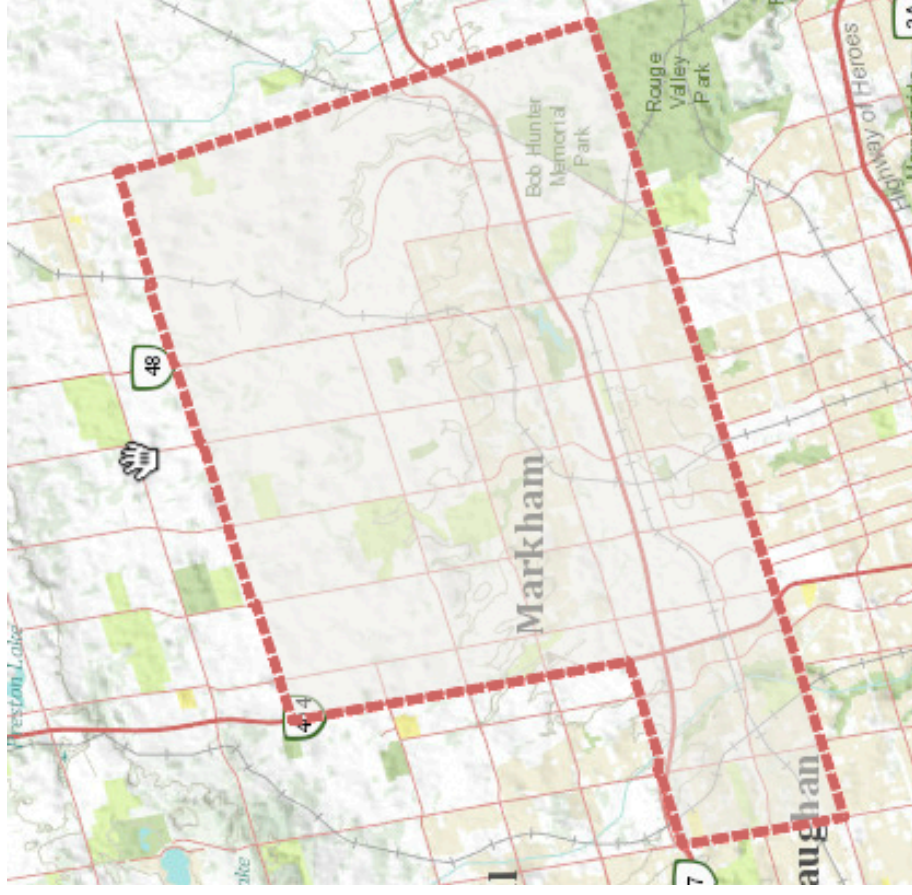
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# Purpose

1. Review and analyze City's existing policies and procedures
2. Case studies regarding application of current policies/procedures to high-density development
3. Comparison of current parkland dedication policies and procedures in other municipalities
4. Options for innovative policies and park system to reflect City's planned structure and intended character
5. New conveyance policies and procedures for Markham's evolving urban structure, within parameters of the Planning Act

# Background

1. One of fastest growing municipalities in Canada
2. Population of over 300,000 people, has experienced rapid population growth
3. Over 160 parks
4. Growth and demand for new parkland will continue



# Importance of the Public Realm

1. A public parks system is an essential component of a complete community
2. Investment in parkland system is an important economic and community development initiative
3. Parkland system promotes increased property values/tax assessment, reinvestment by the private sector and attracts new businesses
4. The public's needs/preferences for location and type of parkland are changing
5. The City needs a parkland system that is appropriate for the evolving context and one that is equitable, consistent and long-lasting



# Key Conclusions and Observations

## The Case for Public Parkland

1. The planned urban structure must be achieved, and it includes public parkland.
2. Public parkland enhances real estate value and the City's image.
3. Public parkland is part of a comprehensive economic development strategy.
4. Public parkland is key to community development and public health.

# Key Conclusions and Observations

## Issues and Concerns have been Identified

1. Rapid urbanization and intensification requires a review of current parkland acquisition methods.
2. The current Planning Act tools don't appear to reflect a more urban context.
3. The current Planning Act Alternative of 1 hectare per 300 dwelling units may be a disincentive to higher density development.

# Key Conclusions and Observations

## **The Development Industry has raised a number of issues**

1. They seek more certainty and control over development costs.
2. They seek a parkland conveyance rate that is rational and justifiable.
3. They promote both a reduced rate of conveyance, and “caps” on total conveyance requirements.

# Key Conclusions and Observations

## **There are key observations that must be considered**

1. All development costs are ultimately passed on to the consumer.
2. Parkland conveyance represents a comparatively very small component of the cost of development.
3. A reasonable relationship should exist between parkland conveyance and the population to be served.
4. Markham's current approach has worked well in the past.



# General Recommendations

## **The new approach to parkland conveyance is considered both fair and justifiable.**

1. The new approach includes a new hierarchy of public parklands, including new more urban park typologies.
2. The new approach provides policies for comprehensive planning and a process to rectify current parkland deficiencies throughout the City.
3. The new approach clarifies and deals with a number of issues raised by the Development Industry.
4. The new approach includes a significant incentive for intensified urban development in appropriate locations in Markham.

# Detailed Recommendations

## Basic parkland conveyance requirements

1. For lands to be developed for industrial or commercial purposes, 2% of the gross land area.
2. For lands to be developed for all other land uses, except residential, 5% of the gross land area.
3. For lands to be developed for residential purposes, 1 ha/300 dwelling units, or 1.2 ha/1000 persons, whichever is less.
4. For mixed use developments, the sum of the parkland conveyance requirements for each individual use, as identified above.

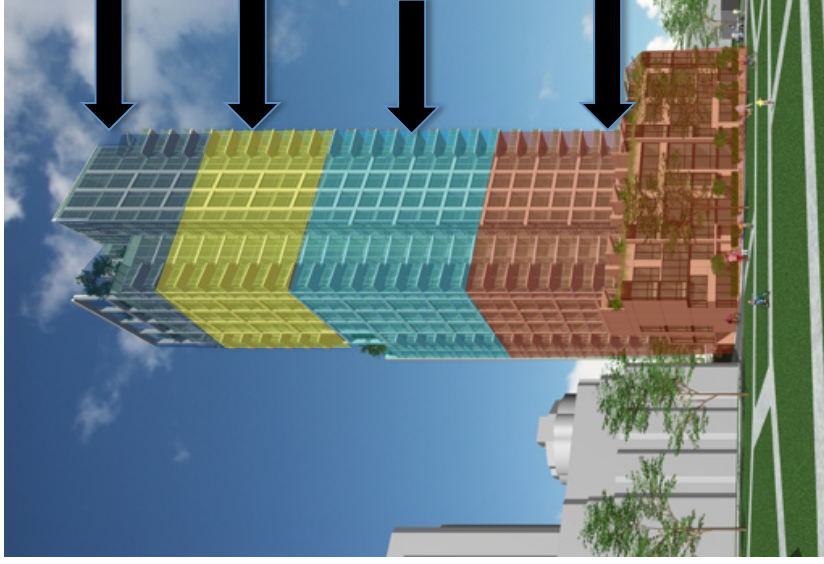
# Detailed Recommendations

## Reductions to the conveyance requirement for Apartments

1. For Apartment Form Buildings, this Study recommends a graduated and cumulative approach to parkland conveyance requirements:
  - Where the net density is less than 2.5 FSI, the conveyance requirement shall be 1.2 ha/1000 people;
  - Where the net density is between 2.5 FSI and 5.0 FSI, the conveyance requirement shall be 0.9 ha/1000 people for that component;
  - Where the net density is between 5.0 FSI and 8.0 FSI, the conveyance requirements shall be 0.6 ha/1000 people for that component; and,
  - Where the net density is over 8.0 FSI, the conveyance requirement shall be 0.3 ha/1000 people for that component.

# Detailed Recommendations

## Proposed sequential/cumulative reductions for high density residential development



- Over 8.0 FSI  
0.3 ha/1000 people  
(75% reduction for that component) **+**
- Between 5.0 and 8.0 FSI  
0.6 ha/1000 people  
(50% reduction for that component) **+**
- Between 2.5 and 5.0 FSI  
0.9 ha/1000 people  
(25% reduction for that component) **+**
- Less than 2.5 FSI  
1.2 ha/1000 people

# Detailed Recommendations

## Other reductions to the conveyance requirement

1. The City may also provide parkland conveyance reductions, or exemptions where the development:
  - Is a public use;
  - Includes Affordable Housing, as defined by the Province;
  - Is a Nursing Home as defined by the Province;
  - Is undertaken by a not-for-profit organizations; and/or,
  - Is within a Heritage Conservation District and it incorporates and conserves a Cultural Heritage Resource.

# Detailed Recommendations

## **Parkland conveyance can be waived**

1. The City may waive a parkland conveyance requirement to facilitate small scale intensification initiatives, such as:
  - For the enlargement of an existing residential building, provided no additional dwelling units are created; or,
  - For the creation of a Secondary Suite, where permitted.

# Detailed Recommendations

## Credits/new conveyance requirements

1. It is recommended in this Study that parkland conveyance requirements take into account where parkland conveyance (or cash-in-lieu payments) has previously been provided:
  - Generally, if a development proponent has over-conveyed, or over-paid to the City, there is a credit mechanism; and, similarly,
  - Where a development proponent has under-conveyed, or under-paid to the City, there is a mechanism for the City to recalculate the requirements, and to require further conveyance or cash from the proponent.

# Detailed Recommendations

## Cash-in-lieu of parkland conveyance

1. It is recommended in this Study that the City obtain the maximum amount of parkland conveyance permissible by the tools identified in the Official Plan and Parkland Conveyance By-law.
2. Notwithstanding that, the City may accept cash-in-lieu of parkland conveyance only under identified circumstances.
3. All money received by the City through cash-in-lieu of parkland payments shall be paid into a special account, and spent only for the acquisition of land to be used for public park purposes or for other public recreational purposes.



# Detailed Recommendations

## **Determination of value for cash-in-lieu of parkland conveyance**

1. For development proposals that do not require further land division, such valuation shall be made on the day before the issuance of the building permit, or if more than one permit is required to facilitate a phased development, the day before the first building permit is issued.
2. For development that requires that lands be subdivided through a plan of subdivision, or through the consent to sever processes, such land valuation shall be made on the day prior to the draft plan approval or the granting of a provisional consent.

# Detailed Recommendations

## **Determination of value for cash-in-lieu of parkland conveyance**

3. Where a Draft Plan includes a mixture of uses and/or a mixture of housing types that may be phased over a long period of time, the City may further segment the Draft Plan for the purposes of calculating a cash-in-lieu of conveyance land value to coincide with the actual timing of development.

Generally, for land parcels or lots that will require Site Plan Approval, the land value for any cash-in-lieu of parkland payment shall be made on the day before the building permit is issued.

# Detailed Recommendations

## **Determination of value for cash-in-lieu of parkland conveyance**

1. Where cash-in-lieu of a parkland conveyance is required, the value of the land shall be determined by a market appraisal, carried out by an independent, accredited appraiser approved by the City. The City shall establish a standard appraisal format.
2. The City may authorize alternative valuation approaches, including:
  - A recent record of land sale; or,
  - A per hectare land value established by the City on an annual basis.

## Detailed Recommendations

### **Lands acceptable/not acceptable for parkland conveyance**

1. The acceptance of lands to be conveyed to the City for parkland purposes shall be at the discretion of the City, and shall specifically not include:
  - Lands designated Environmental Protection Area in the Official Plan;
  - Natural heritage feature or hydrologic feature, including required buffers or vegetation protection zone identified in the Official Plan, the Zoning By-law or as identified in an EIS; • Utility rights-of-way;
  - Any lands encumbered by easements or right-of-use agreements, other than those to which the City is a Party;
  - Land areas required only to provide connecting pedestrian and bicycle routes; and,
  - Any other lands deemed unsuitable for parkland purposes by the City.

# Detailed Recommendations

## **Lands acceptable/not acceptable for parkland conveyance**

2. Lands designated Environmental Protection Area in the Official Plan, any natural heritage feature or hydrologic feature, including required buffers or vegetation protection zone identified in the Official Plan, the Zoning By-law or as identified in an EIS may be incorporated into lands conveyed to the City, but these lands shall not be part of the parkland conveyance requirement.
3. Lands for park purposes may be designed to include SWM facilities. However, where these facilities preclude in whole, or in part, the use of that portion of the site for park purposes, then the SWM facilities shall not be part of the parkland conveyance requirement.
4. The City may accept land that is not contiguous to the development parcel, provided that the value of the land to be provided is approximately equal to the cash-in-lieu value of the lands from the subject development site.

# Detailed Recommendations

## Administration

1. By-law to be administered by the Director of Planning and Urban Design.
2. Building Permits not issued until parkland conveyance/cash-in-lieu arrangements have been made satisfactory to the City.
3. Disputes between the City and proponents with respect to land valuation may be adjudicated by the OMB.
4. Cost associated with land conveyance/cash-in-lieu arrangements are the responsibility of the transferor
5. Review of parkland conveyance policies of the Official Plan and the Parkland Conveyance By-law to be reviewed in conjunction with Official Plan Review Process.

