

Memorandum

To	Kari Myers
From	Daryl Abbs
Date	January 12, 2024
Re:	Parks Plan - Parkland Dedication and Payment-in-lieu of Parkland Analysis

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This Parks Plan memorandum is being provided to summarize Watson & Associates Economists Ltd. (Watson)'s review and analysis of the Municipality of Leamington's parkland dedication and payment-in-lieu of parkland policies.

1. Introduction

Watson was retained by the Municipality of Leamington (Municipality) to undertake a review and analysis of the Municipality's current policies with respect to parkland dedication and payment-in-lieu of parkland. This memo outlines the relevant legislation, the Municipality's current policies, analysis of alternative policies, and next steps/considerations for Municipality staff. Summary information along with a draft parkland dedication by-law are provided in the appendices. This analysis incorporates the recent changes to the Planning Act via *Bill 23, More Homes Built Faster Act, 2022*.

2. Legislative Overview

The Planning Act provides municipalities with the authority to impose conditions on development and redevelopment to receive parkland or payment-in-lieu of parkland. Section 42 of the Planning Act provides for the rules with respect to conveyance of land for park purposes (to be imposed by by-law), Section 51.1 provides the rules for the conveyance of parkland imposed as a condition of approval of a plan of subdivision, and Section 53 provides the rules for conveyance of parkland required for consent. The following outlines the relevant paragraphs of Section 42. Note: the rules under Section 51.1 and 53 are similar except for the date of determination of value for payment-in-lieu of parkland, which is noted below. Additionally, no by-law is required to impose the base dedication provisions under Section 51.1 or 53.



Parkland Dedication

Section 42 (1) provides that the municipality may require land be conveyed in the amount of 2 per cent for industrial and commercial development and 5 per cent for all other development (i.e., residential, and institutional):

“42 (1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

(2) A by-law passed under this section comes into force on the day it is passed, or the day specified in the by-law, whichever is later.”

New from Bill 23:

Section 42 (1.1) is proposed to be added upon proclamation by the Lieutenant Governor. This section provides for a reduction in the parkland dedication requirements for affordable residential units. Once enacted, where there are affordable residential units (as defined in the Development Charges Act), the dedication requirements shall not exceed 5% multiplied by the ratio of non-affordable residential units vs. the total number of residential units. For example:

- Number of affordable residential units: 10
- Number of non-affordable residential units: 90
- Total units: 100
- 5% multiplied by (90 divided by 100) equals 90% of 5% or 4.5%.

Section 42 (1.2) has been added to provide for an exemption for non-profit housing developments (as defined in the Development Charges Act).

Section 42 (1.3) has been added to provide for a similar residential intensification exemption as the Development Charges Act:

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other*



than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

- (c) *one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*

Alternative Parkland Dedication Rate

For residential development or redevelopment, a municipality may also impose an alternative requirement to the 5 per cent dedication based on a rate of one hectare for each 600 net residential units¹, as follows:

“(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 600 net residential units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3).”

New From Bill 23

Section 42(3.0.2) has been added to identify that the number of units included in the calculation is the net new residential units after the development or redevelopment. This provides for a credit for the existing units.

Section 42(3.0.3) is proposed to be added to note that affordable residential units and attainable residential units (as defined in the Development Charges Act), shall be excluded from the net residential unit calculation.

Section 42(3.3) has been added to provide caps on the maximum dedication/payment-in-lieu required. This section is provided as follows:

- (3.3) *A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,*
 - (a) *in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and*

¹ *New for Bill 23. Previous amount was one hectare for each 300 dwelling units.*



- (b) *in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.”*

Requirement for a Parkland Dedication By-law – Alternative Residential Rate

To use the residential alternative requirement of one hectare for each 600 net residential units, a municipality must have the policy in their Official Plan document and pass a by-law which outlines parkland dedication (and payment-in-lieu of parkland) requirements. As of the passage of Bill 73 (Smart Growth for our Communities Act) in 2015, Section 42 of the Planning Act was amended to include a requirement to complete a Parks Plan prior to including the use of the alternative rate provisions in an Official Plan. Now, as per Bill 23, a Parks Plan is required to be undertaken prior to passing a by-law which includes the alternative residential rate.

The Municipality does not have the alternative provisions included in their Official Plan or their existing parkland by-law (3600); therefore, it appears a Parks Plan would be required to include the provisions in their next Official Plan update. Section 42 (4.1) and (4.2) denote the requirement for a Parks Plan and the need for consultation with school boards and other persons as the municipality considers appropriate. There is no prescription as to the contents of the Parks Plan.

To impose the alternative rate under Section 42 or 51.1 of the Planning Act, the municipality must pass a by-law. Section 42 (3.1) and (4.4) to (4.24) provide for the rules/requirements to pass a by-law with the inclusion of the alternative rate. A summary of the subsections is as follows:

- **Consultation:** the municipality shall consult with persons and public bodies as the municipality considers appropriate (note that in the preparation of a Parks Plan, the Municipality shall consult with every school board that has jurisdiction and may consult with any other persons or public bodies the municipality considers appropriate);
- **Notice of Passage:** the municipality shall give written notice of the passing of the by-law within 20 days of passage and identify the last day for appealing the by-law (40 days after passage). Details of the notice requirements are set out in O.Reg. 509/20 and are provided in Appendix A;
- **Appeal of By-law to the Ontario Land Tribunal:** A by-law may be appealed. The Clerk has certain duties on appeal which are listed in subsection 4.10. The Tribunal has various powers to dismiss the appeal or direct the municipality to amend the by-law.

Although a by-law is required to impose any parkland dedication under Section 42 of the Planning Act, the notice and consultation requirements do not appear to apply if the by-law does not include provision for the alternative rate.



Payment-in-lieu of Parkland

The Municipality may receive payment-in-lieu of parkland based on the value of the land otherwise to be conveyed. Further, if the Municipality has authorized the use of the alternative rate for parkland dedication, payment-in-lieu may be received instead, at a rate of one hectare for each 1,000¹ net residential units.

“(6) If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed.”

“(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 1,000 net residential units proposed or such lesser rate as may be specified in the by-law.”

Determination of Value of Parkland

The value of the land for payment-in-lieu of parkland purposes shall be determined as of the day before the building permit is issued.

“(6.4) For the purposes of subsections (4.19), (6), (6.0.1) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.”

Note, for parkland conveyed as a condition of a plan of subdivision, the value shall be determined as of the day before the approval of the draft plan of subdivision. Section 51.1 (4) provides for the following:

“(4) For the purpose of determining the amount of any payment required under subsection (3) or (3.1), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision.”

Note, for parkland conveyed under consent, the value shall be determined as of the day before the provisional consent was given. Section 53 (13) provides for the following:

“(13) If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires a payment in lieu, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given.”

¹ New for Bill 23. Previous amount was one hectare for each 500 dwelling units.



New From Bill 23

Sections 42(2.1), (2.2), (2.3), and (2.4) have been added to provide for a rate freeze similar to what is included in the Development Charges Act. This is provided as follows:

- (2.1) *The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,*
- (a) *the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the City of Toronto Act, 2006 was made in respect of the development or redevelopment;*
- (b) *if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or*
- (c) *if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.*
- (2.2) *Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.*
- (2.3) *If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).*
- (2.4) *Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.”*

Special Account and Reporting Requirements

All money received by the Municipality for the purposes of payment-in-lieu shall be paid into a special account and spent only for the following purposes (as per Subsection 42(15)):

- acquisition of land to be used for park or other public recreational purposes;
- erection, improvement, or repair of buildings; and
- acquisition of machinery for park or other public recreational purposes.



Subsection 42(17) of the Planning Act provides that a council that passes a by-law under Section 42 shall provide the reports and information as prescribed in the regulation. Ontario Regulation 509/20, Section 7 identifies the information that shall be provided to the public each year (for the previous year):

1. Statements of the opening and closing balances of the special account and of the transactions relating to the account.
2. In respect of the special account referred to above, statements identifying,
 - a. land and machinery acquired during the year with funds from the special account,
 - b. buildings erected, improved, or repaired during the year with funds from the special account,
 - c. details of the amounts spent, and
 - d. for each asset mentioned in subparagraphs I and ii, the manner in which any capital cost not funded from the special account was or will be funded.
3. The amount of money borrowed from the special account and the purpose for which it was borrowed.
4. The amount of interest accrued on any money borrowed from the special account.

New From Bill 23

Section 42(16.1) has been added to require that: “in each calendar year beginning in 2023, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.”

3. Current Practice and Analysis

3.1 Overview of Guiding Documents

Leamington’s Official Plan (O.P.), Section 3.7.2: “Policies” sets out policies with respect to parkland dedication. This section discusses parkland standards, requirements for parks, and parkland dedication guidelines. Section 3.7.2, notes that parkland dedication may be required at the rate of 5% for residential development. There is no mention of the alternative residential rate, or for dedication to be received from non-residential (commercial, industrial, and institutional) development. It also notes that the Municipality may accept payment-in-lieu of parkland dedication.

In 1983, the Municipality passed a parkland dedication by-law (3600) which outlines the land conveyance allowance at a rate of 2% for commercial or industrial development and 5% for residential and other development (other than commercial or industrial). The by-law also notes that the Municipality may request payment in lieu of land conveyance.



In 2001, the Municipality undertook a detailed Culture, Recreation, Parks Strategic Plan Implementation. This plan undertook a review of Municipal policies with respect to parks and recreation and identified the current (2001) inventory of parks.

Additionally, the Municipality's Zoning by-law was reviewed in which private and public parks, and indoor and outdoor recreation were identified.

Finally, a review of the Municipality's 2022 Development Charge (D.C.) Background Study was undertaken. The D.C. study sets out the inventory of parkland, amenities, trails, vehicles, and recreation facilities over the previous 10-year period. The study also sets out the growth-related capital needs for parks and recreation services (except purchase of parkland) that are to be recovered through D.C.s.

3.2 Current Parkland Dedication and Payment-in-Lieu Policies

The O.P. provides the overarching policies with respect to parkland dedication and payment-in-lieu of parkland. There is currently a parkland dedication by-law (3600) in place.

3.2.1 Parkland Dedication

Overview

For residential development and redevelopment, the O.P. provides that parkland be dedicated at a rate of 5% of the land. There are no policies with respect to non-residential (commercial, industrial, or institutional development) in the O.P. The Municipality does identify a dedication rate of 2% of land for non-residential (commercial and industrial) development and a dedication rate of 5% for residential and other types of development in their parkland dedication by-law (3600).

The alternative residential rate has not been utilized as there is no current policies in place and is not included in the O.P or existing parkland dedication by-law (3600).

Alternative Rate Requirement for Parkland Dedication

The Planning Act allows for use of the alternative rate for land dedication, however, the rate at which the value is determined is based on one (1) hectare for each 600 net residential units. If the Municipality were to incorporate this dedication rate, it should be used where it would provide for a greater amount of land dedication relative to the 5% rate. This can be calculated by analyzing the density of development at the breakeven point (i.e., where both rates provide the same land dedication).

To calculate the breakeven point of density, if we assume there is a 20-hectare development, the parkland dedicated at the 5% rate would yield a dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 600 net residential units, this will imply that to get the same amount of land dedication, there will need to be a



density of 600 units on the 20 hectares of development. This equates to a density of 30 units per hectare or 12 units per acre. If density exceeds this breakeven point, the Municipality will receive more land by using the alternative rate.

Analysis

There are a few potential revisions to the current practice that may assist the Municipality in maximizing receipt of dedicated parkland.

- Consider revising the O.P. to include a dedication rate for residential of one (1) hectare for each 600 net residential units, or 5% of the land; whichever is greater.
- Consider revising the O.P. to include parkland dedication requirements of 2% for commercial and industrial development and 5% for institutional development.
- Consider including in a future parkland dedication by-law, guidance on the use of the alternative rate requirement (i.e., when development exceeds density of 30 units per hectare or 12 units per acre). As a result, the Municipality may consider utilizing the alternative rate for all high-density developments and reviewing density of each low-density and medium-density development on a case-by-case basis.
 - This would occur subsequent to revising the O.P. to include provision for the alternative rate.

3.2.2 *Payment-in-Lieu of Parkland*

Overview

With respect to policies regarding payment-in-lieu of parkland, the O.P. (Section 3.5) states that the Municipality may accept payment-in-lieu of parkland dedication as a condition of the approval of future residential development proposals.

The planning Act allows a municipality to require payment-in-lieu of 5% for residential and institutional lands and 2% for commercial and industrial lands. The Municipality currently utilizes the base provisions of 5% for residential and 2% non-residential (commercial and industrial) properties, including greenhouses. The Municipality also utilizes a per lot fee of \$1,105 for consents only (residential).

Alternative Rate Requirement for Parkland Dedication

The Planning Act allows for use of the alternative rate for payment-in-lieu of dedication, however, the rate at which the value is determined is based on one (1) hectare for each 1,000 net residential units. Similar to dedication of parkland, if the Municipality chooses to impose the alternative residential rate, the Municipality should clearly define when it is appropriate to use the alternative rate relative to the 5% rate. This can be estimated by analyzing the density of development at the breakeven point (i.e., where both rates provide the same payment-in-lieu of dedication).



To calculate the breakeven point of density, if we assume there is a 20-hectare development, the payment-in-lieu would be based on the equivalent value of dedication of 5% of the lands dedication and would yield a value equivalent to the dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 1,000 net residential units, this will imply that to get the same amount of equivalent land dedication, there will need to be a density of 1,000 units on the 20 hectares of development. This equates to a density of 50 units per hectare or 20 units per acre. If density exceeds this breakeven point, the Municipality will receive more payment-in-lieu by using the alternative rate.

Per Lot Rate

The Municipality utilizes a per lot rate of \$1,105 for residential consents. Watson has reviewed this rate and estimated the equivalent value of the land for a typical lot in the Municipality. That is, what is the assumed value of the land at the 5% dedication rate using the per lot fee of \$1,105. This summary is provided in Table 3-1.

Table 3-1
Municipality of Leamington
Per Lot Equivalent Value Calculations

Primary and Secondary Settlement Areas	Current Charge	Calculated Charge based on Average Land Values
Average Price per Acre		1,250,000
Assumed Density per Acre		6
Assumed Value per Lot	22,100	208,000
P.I.L. Parkland Charge per Lot	1,105	10,400

As per the table above, at \$1,105 per residential lot, the assumed value of the land would be \$22,100 per lot. To compare this calculated value per lot to the current market, Watson undertook a review of recent sale price data from the Municipal Property Assessment Corporation (MPAC). Based on the properties surveyed, the average price per acre is approximately \$1,250,000 for residential land areas (based on the value the day before building permit). Utilizing an assumption of 6 units per acre based on historical building activity the estimated value per lot would be \$208,000.

Additionally, a review of recent subdivision developments was undertaken. The lot values prior to building permit issuance were observed to be approximately \$285,000 (in 2023\$). This land value analysis was undertaken using MPAC¹ database information and is summarized in Appendix C. As a result, utilizing \$208,000 per lot for the above analysis would appear reasonable. The current rate per lot is significantly lower than the

¹ MPAC database review undertaken as of April 2023



amount that would be collected using the 5% rate or the alternative rate (i.e., based on value of land the day before building permit, as provided under S.42 of the Planning Act).

With respect to the commercial and industrial rates per lot, it is unclear as to a typical lot size as properties vary depending on the nature of the business. As a result, it would be recommended that the Municipality require an appraisal be undertaken and the 2% dedication rate be applied.

The recent changes arising from Bill 23 have required that development or redevelopment proceeding through a site plan application or zoning by-law amendment application have their payment-in-lieu rates frozen at the time the application is submitted. As a result, it is recommended that a per lot rate not be used for these types of development and that appraisals are required to apply the 5%/2% rates.

Analysis

There are a few potential revisions to the current practice that may assist the Municipality in maximizing receipt of payment-in-lieu of parkland.

- Consider revising the O.P. to include payment-in-lieu of parkland dedication requirements of 5% for institutional development.
- Consider revising the parkland dedication by-law with the following provisions:
 - Consider increasing the residential per lot fee for all residential lots with provision for indexing.
 - Continue using the per lot fee for consents only and requiring an appraisal for use of the 5% in all other circumstances.
 - Continue imposing the 2% dedication rate requirement on commercial and industrial development, including greenhouses.
- Include in a future parkland dedication by-law, guidance on the use of the alternative rate requirement (i.e., when development equals or exceeds a density of 50 units per hectare or 20 units per acre).
 - As a result, the Municipality may consider utilizing the alternative rate for all high-density developments and reviewing the density of each low-density and medium-density development on a case-by-case basis.
 - This may be considered subsequent to revising the O.P. to include provisions for use of the alternative rate.

3.3 Current Recoveries from Development Charges

3.3.1 Overview of Parks vs. Recreation

The Development Charges Act (D.C.A.) allows for the recovery of growth-related capital costs. Section 2(4) of the D.C.A. lists the services for which recovery of capital costs are eligible; this includes parks and recreation services. There is an exception however,



with respect to land for parks which is outlined in Section 2.1 of Ontario Regulation 82/98. Ineligible parkland includes land for woodlots and land that is acquired because it is environmentally sensitive. Land for an enclosed structure used throughout the year for public recreation and land that is necessary for the structure to be used for that purpose, including parking and access to the structure is eligible for inclusion in a D.C. background study and by-law.

In summary, land for park purposes is not eligible for inclusion in a D.C., however, land for recreation is eligible. The distinction between parkland and land for recreation purposes is important in determining which lands may be recovered from new development through D.C.s as this will help maximize the recovery of costs.

Historically, the Municipality has paid for land for indoor recreation facilities (e.g., arenas, community centres, etc.) through D.C.s and all other parkland has been acquired through dedication or paid with funds collected from payment-in-lieu of parkland. However, a consideration of “recreation” may be undertaken. For example, an indoor soccer field built inside of an air supported structure would be considered an indoor facility and the land for the facility may be funded with D.C.s. If the soccer field was constructed outside, the land would be funded from the parkland reserve. In both cases, the use of the “facility” is the same, however, the funding is different. If soccer facilities (both indoor and outdoor) were defined as “recreation” in all of the Municipality’s policies (e.g., O.P., parks and recreation master plans, zoning by-law, etc.) there is the potential for the Municipality to recover the cost of the land from D.C.s.

Figure 3-1 provides for a continuum of parks and recreation uses. These range from indoor facilities such as arenas to open space parkland. The green arrow on the left denotes the current definition of recreation utilized by the Municipality (i.e., for which land is included in the D.C. study). There is a potential for the recreation definition to be expanded to include outdoor recreation uses such as pools, outdoor hockey rinks, outdoor soccer, lawn bowling, baseball diamonds, skateboard facilities, BMX tracks, golf courses, football fields, and jogging tracks.



3.3.2 Current Definitions in Municipality of Leamington Documents

To assess and confirm the Municipality's current definitions of parks and recreation, Watson undertook a review of the following documents:

- Municipality of Leamington Official Plan (2008);
- Municipality of Leamington Zoning By-law (2009);
- Municipality of Leamington Waterfront Destination Master Plan (2022); and
- Municipality of Leamington Culture, Recreation, Parks Strategic Plan Implementation (2001).

Through a review of these documents, most references to parks and/or recreation were noted to ascertain the Municipality's assumed definition of each term. The O.P. does not refer to parkland, however there is no clear distinction of what defines recreation land. The Culture, Recreation, Parks Strategic Plan Implementation appears to not have a clear distinction between the two terms (for example, the Parks Classification section speaks to the different classification of parks but includes the term "recreation" in the Community Park and Open Space Areas definition, implying they are not distinct from one another).

Table B-1 in Appendix B provides for a list of the relevant instances of the term's parks and recreation in the above listed documents, along with notes on the implication of the definitions/references.

3.3.3 Opportunities for Maximizing Recoveries

The Municipality may seek to maximize recovery of costs for recreation land by utilizing recovery through D.C.s as much as possible. To achieve this, the Municipality must first update their existing policy documents to clearly define parks versus recreation. These refined definitions should be consistent between all policy documents.

4. Impacts of Current Practice vs. Alternative Approaches

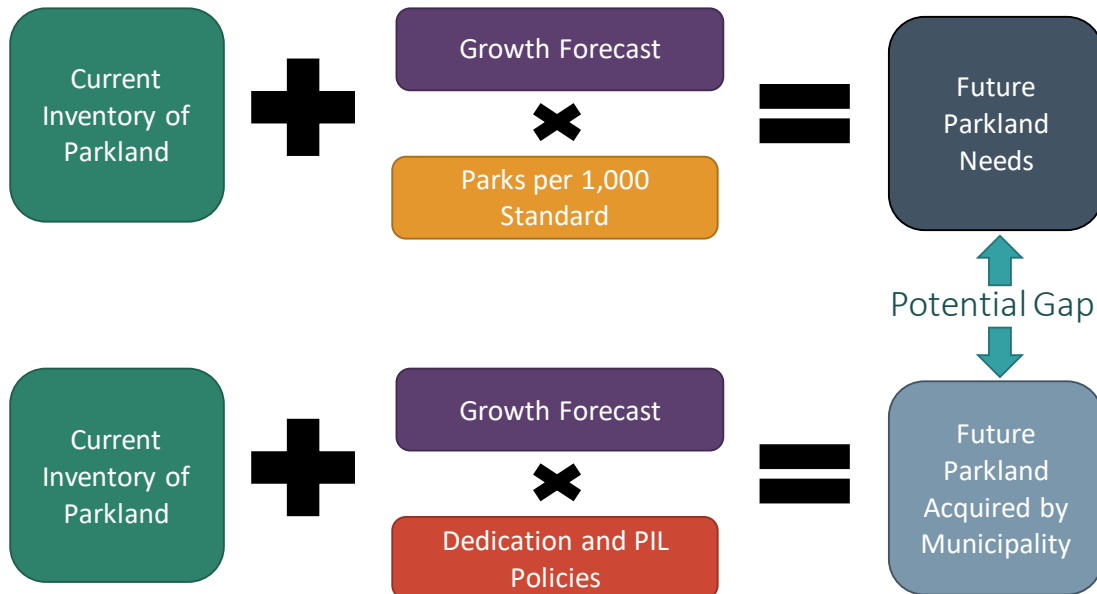
4.1 Approach to Analysis

To quantify the impacts of the various approaches on the Municipality's ability to achieve their parkland targets, the following section provides for the anticipated parkland dedication and payment-in-lieu of dedication, calculated by using the Municipality's 2022 D.C. background study growth forecast, and the various rates described above.

Figure 4-1 provides an overview of the analysis. To estimate the future parkland needs, the current parkland inventory is added to the parkland needs arising from new development. This analysis is presented in Section 4.2. To estimate the potential future parkland received and/or payment-in-lieu of parkland received, various dedication

and payment-in-lieu policies are applied to the anticipated growth and added to the current inventory of parkland. Once the anticipated parkland/ payments received analysis is complete, the potential gap in parkland/funding may be identified.

Figure 4-1
Municipality of Leamington
Parkland Needs Analysis



4.2 Current Inventory of Parkland and Future Need

4.2.1 Summary of Current Inventory

The 2022 Development Charges Background Study identified the current inventory of parks in the Municipality as of 2021. Upon discussions with staff the Municipality did not acquire additional lands since the completion of the D.C. Background Study. Table 4-1 therefore, provides for a summary of the 2023 inventory:

Table 4-1
Municipality of Leamington
Inventory of Parkland (2023)

Inventory of Parkland	Total Acres	Total Hectares
Community Parks	42.71	17.28
Neighbourhood Parks	27.76	11.23
Sports Fields	82.28	33.30
Total Parkland	152.75	61.82

A review of the anticipated parkland needs to 2032 was undertaken based on the population forecast and the service level of approximately 4.9 acres or 2 hectares of parkland per 1,000 residents¹. Based on a projected population of 36,882 people in 2032, the Municipality would require 179.35 acres or 26.20 hectares of parkland, implying that by 2032, the Municipality would be in a deficit of lands and would need to receive (or purchase) an additional 26.60 acres (or 10.77 hectares) of parkland. This information is summarized in Table 4-2:

Table 4-2
Municipality of Leamington
Required Parkland by 2032 as per Recommended Service Level and Anticipated Growth

Parkland Requirement Calculations	Current Parkland Inventory	Acres Required in 2032 Based on a Population of 36,882	Additional Parkland Needed
Community Parks Required (acres)	42.71	179.35	26.60
Neighbourhood Parks Required (acres)	27.76		
Sports Fields	82.28		
Total Parkland Required (acres)	152.75	179.35	26.60
Total Parkland Required (hectares)	61.82	72.58	10.77

4.2.2 Analysis

The Municipality's O.P. does not identify the Municipality's standard for each classification. The Municipality's Culture, Recreation, Parks Strategic Plan Implementation does provide a hierarchy of parkland with defined categories such as, community parks and open-space lands parkland. Note that the parkland standard of 2 hectares per 1,000 residents is the current Municipal-wide standard identified in the O.P., however it is recommended to be revised to include separate targets for each category of parkland.

¹ As per Section 3.7.2(d) of the Municipality's 2008 Official Plan.

4.3 Parkland Dedication

4.3.1 Current Approach

With respect to parkland dedication, currently the Municipality receives parkland dedication in the amount of 5% of the land area for residential developments and 2% of the land area for industrial and commercial developments. No dedication requirements are generally applied to institutional developments. Note that greenhouse developments contribute 2% through payment-in-lieu of dedication only. For the purposes of this analysis, greenhouses have been included to identify the equivalent land area for which dedication would be provided.

The current inventory was measured as of 2023. As a result, the growth forecast period utilized for this analysis is 2023 to 2032. The Municipality’s 2022 D.C. background study growth forecast was utilized for this analysis and prorated to align with the forecast period in this analysis. Table 4-3 provides for a summary of the anticipated residential units to be constructed over this time period. With assumed densities of 9¹, 16, and 32 units per acre for low, medium, and high-density development, respectively, the total acres of residential development lands equal 159.36 acres (or 64.49 hectares). At a parkland dedication rate of 5%, the total parkland to be dedicated would be 7.97 acres (or 3.22 hectares).

Table 4-3
Municipality of Leamington
Residential Parkland Dedication at 5%

Unit Type	Anticipated Units (2023 to 2032)	Density Assumption (units/acre)	Total Acres	Total Acres Dedicated at 5%
Singles	1,153	9	128.11	6.41
Towns	432	16	27.00	1.35
Apartments	136	32	4.25	0.21
Total	1,721		159.36	7.97
Total Hectares			64.49	3.22

Table 4-4 provides for a summary of the anticipated non-residential development to be constructed over the 2023-to-2032-time horizon. Based on the D.C. growth forecast, it is anticipated that there will be an additional 4,552 employees in the Municipality by 2032. Based on the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 63.86 million sq.ft. (62.72 million sq.ft. of greenhouse space and 1.14 million sq.ft. of other non-residential space). Assuming the industrial buildings have a lot coverage of 25%, institutional/commercial buildings have a lot coverage of 30%, and the greenhouse buildings have a lot coverage of 90%, the

¹ As noted in section 3.2.2, recent low-density developments were observed to have a density assumption of approximately 6 units per acres, however, the D.C. background study forecast utilized an assumption of 9 units per acre for future development.

total land area for non-residential development is approximately 73.87 million sq.ft. This equates to a total land area of 1,695.86 acres (or 686.31 hectares). Based on a 2% dedication rate applied to industrial, commercial, and greenhouse properties (currently, the Municipality is not imposing the charges on institutional development), this would provide the Municipality with 33.61 acres (or 13.60 hectares) over the forecast period.

Table 4-4
Municipality of Leamington
Non-residential Parkland Dedication at 2% (0% Institutional)

Type	Anticipated Employment (2023 to 2032)	Sq.ft. per Employee	Anticipated Sq.ft. (2023 to 2032)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Acres Dedicated at 2%
Industrial	488	1,200	585,600	25%	2,342,400	53.77	1.08
Commercial	640	550	352,000	30%	1,173,333	26.94	0.54
Institutional	288	695	200,160	30%	667,200	15.32	-
Greenhouses	3,136	20,000	62,720,000	90%	69,688,889	1,599.83	32.00
Total	4,552		63,857,760		73,871,822	1,695.86	33.61
Total Hectares						686.31	13.60

In total, this approach would yield the Municipality with approximately 41.58 acres (6.06 ha) of parkland if every property provided parkland dedication.

4.3.2 Base Provisions of the Planning Act (5% Residential and Institutional, 2% Commercial and Industrial)

The Planning Act allows municipalities to require parkland dedication at a rate of 2% of land for commercial and industrial development and 5% for all other development (i.e., residential, and institutional). Note that greenhouse developments may be considered for 5% dedication, however through discussions with staff it would be recommended to include dedication provisions at 2% for these types of developments.

In this approach, the calculated residential dedication would be the same as presented in Table 4-3. The non-residential parkland dedication calculations in Table 4-4 have been restated in Table 4-5 to include institutional parkland dedication calculated at the 5% rate. In total, this scenario would provide the Municipality with 42.34 acres (7.97 acres from residential and 34.38 acres from non-residential).

Table 4-5
Municipality of Leamington
Non-residential Parkland Dedication; 5% Institutional, Commercial, Industrial, and Greenhouses at 2%

Type	Anticipated Employment (2023 to 2032)	Sq.ft. per Employee	Anticipated Sq.ft. (2023 to 2032)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Acres Dedicated at 2%*
Industrial	488	1,200	585,600	25%	2,342,400	53.77	1.08
Commercial	640	550	352,000	30%	1,173,333	26.94	0.54
Institutional	288	695	200,160	30%	667,200	15.32	0.77
Greenhouses	3,136	20,000	62,720,000	90%	69,688,889	1,599.83	32.00
Total	4,552		63,857,760		73,871,822	1,695.86	34.38
Total Hectares						686.31	13.91

* Institutional is calculated at 5%

4.3.3 Alternative Residential Rate and 5% Institutional Rate

With respect to use of the alternative rate for parkland dedication of one (1) hectare for every 600 net residential units, the Municipality would receive approximately 6.95 acres (or 2.81 hectares) of parkland. Table 4-6 provides for the anticipated acres of parkland dedication based on the residential growth forecast from the D.C. study and use of the alternative rate.

Table 4-6
Municipality of Leamington
Residential Parkland Dedication at One Hectare for Each 600 Net Residential Units

Unit Type	Anticipated Units (2023 to 2032)	One Hectare for 600 Net Residential Units (ha)	Acres	Acres at 10% Maximum*
Singles	1,153	1.92	4.75	4.75
Towns	432	0.72	1.78	1.78
Apartments	136	0.23	0.56	0.43
Total	1,721	2.87	7.09	6.95

**As per Bill 23 (now s42(3.3) of the Planning Act), properties 5 hectares or less are limited to 10% of the land area. Parkland dedication for apartments would exceed this limitation, therefore the 10% dedication cap assumption was used*

With respect to non-residential dedication, the calculations from Section 4.3.2 would still apply (i.e., 34.38 acres). In total, this approach would provide for 41.33 acres (or 16.73 hectares) of parkland dedication over the forecast period.

4.3.4 Summary of Analysis

Table 4-7 provides for a comparison of the approaches to parkland dedication for residential development (5% for residential vs. one hectare for 600 net residential units) and non-residential development (currently policy vs. 2% for industrial/commercial/greenhouse and 5% for institutional). To accommodate the population to 2032, the Municipality would be in a surplus of parkland dedication lands for each scenario.

Table 4-7
Municipality of Leamington
Summary Comparison of Current vs. Alternative Rate Approach to Parkland Dedication

Summary	5% for Residential and 2% for Commercial, Industrial, and Greenhouses	5% for Residential and Institutional 2% for Commercial, Industrial, and Greenhouses	1 Hectare for 600 Net Residential Units, 2% for Commercial and Industrial and 5% for Institutional
Residential Acres	7.97	7.97	6.95
Non-residential Acres	33.61	34.38	34.38
Total	41.58	42.34	41.33
Total Acres Required by 2031	26.60	26.60	26.60
Deficit / (Surplus)	(14.97)	(15.74)	(14.73)

4.4 Payment-in-Lieu of Parkland

With respect to Payment-in-Lieu of Parkland, there are three (3) approaches to imposing these fees on development and redevelopment in the Municipality:

1. **Current Policy:** impose a rate of \$1,105 per lot for consents, impose the equivalent value of 5% of the land area for residential development and the equivalent value of 2% of the land area for commercial, industrial and greenhouse development;
2. **5%/2% Rates:** impose the equivalent value of 5% of the land area for residential and institutional development and the equivalent value of 2% of the land area for commercial, industrial, and greenhouse development; and
3. **Alternative Rate:** impose the equivalent value of one (1) hectare of land for each 1,000 net residential units for residential development.

Similar to the analysis with respect to parkland dedication, the D.C. growth forecast was used to estimate the amount of development in the Municipality from 2023 to 2032. The estimated land values in the Municipality were analyzed based on recent land sales obtained from MPAC and are based on the value of the land the day before building permit issuance. A summary table of the properties reviewed is provided in Appendix C. Based on the properties analyzed, the average sales price of residential vacant land is assumed to be \$1,250,000 per acre¹ and the average sales price of non-residential

¹ The value utilized in the calculations is based on values in the urban area (i.e., properties serviced with water and wastewater).

properties is approximately \$460,000 per acre for industrial, \$350,000 for commercial, and \$410,000 for institutional. With respect to the value of greenhouse lands, an average price per acre of \$20,400 was used based on the Southern Ontario average value of farmland as presented in the 2022 Farm Credit Canada Farmland Values Report.

Note, generally parkland is located in residential areas. As a result, the analysis herein assumes that the Municipality would purchase parkland at the value of serviced residential land (i.e., the day before building permit). This analysis allows for comparison of the approaches; however, the Municipality may purchase land at a lower value depending on local circumstances.

4.4.1 Current Policy

Under the current policy, the Municipality imposes the equivalent value of 5% of the land area for residential development and the equivalent value of 2% of the land area for commercial, industrial and greenhouse development. Through discussions with staff, it was identified that payment-in-lieu of dedication requirements are not imposed on institutional developments.

The Municipality’s 2022 D.C. background study growth forecast was utilized for this analysis and prorated to align with the forecast period in this analysis. There are a total of 1,721 low, medium, and high-density units anticipated to be constructed over the 2023 to 2032 forecast period. Table 4-8 provides for a summary of the anticipated residential units to be constructed to 2032. With assumed densities of 9, 16, and 32 units per acre for low, medium, and high-density development, respectively, the total acres of residential development lands equal 159.36 acres (or 64.49 hectares). At a value of \$1,250,000 per acre (\$3,089,000 per hectare), the total value of the developable lands would be approximately \$199.20 million. At a rate of 5% of the land value, the Municipality would receive approximately \$9.96 million.

Table 4-8
Municipality of Leamington
Anticipated Payment-in-Lieu of Parkland Dedication Revenues for Residential

Unit Type	Anticipated Units (2023 to 2032)	Density Assumption (units/acre)	Total Acres	Value of Land per Acre	Total Value of Developable Lands	5% of the Total Value
Singles	1,153	9	128.11	\$ 1,250,000	\$ 160,138,889	\$ 8,006,944
Towns	432	16	27.00	\$ 1,250,000	\$ 33,750,000	\$ 1,687,500
Apartments	136	32	4.25	\$ 1,250,000	\$ 5,312,500	\$ 265,625
Total	1,721		159.36		\$ 199,201,389	\$ 9,960,069
Total Hectares			64.49			

Table 4-9 summarizes the anticipated revenue from non-residential (industrial, commercial and greenhouse) development. The total anticipated revenue would be approximately \$1.34 million over the forecast period.

Table 4-9
Municipality of Leamington
Anticipated Payment-in-Lieu of Parkland Dedication Revenues for Non-residential

Type	Anticipated Employment (2023 to 2032)	Sq.ft. per Employee	Anticipated Sq.ft. (2023 to 2032)	Assumed Lot Coverage	Total Sq.ft. of Land Area
Industrial	488	1,200	585,600	25%	2,342,400
Commercial	640	550	352,000	30%	1,173,333
Institutional	288	695	200,160	30%	667,200
Greenhouses	3,136	20,000	62,720,000	90%	69,688,889
Total	4,552		63,857,760		73,871,822
Total Hectares					

Type	Total Sq.ft. of Land Area	Total Acres of Land Area	Value of Land per Acre	Total Value of Developable Lands	2% of the Total Value
Industrial	2,342,400	53.77	\$ 460,000	\$ 24,736,044	\$ 494,721
Commercial	1,173,333	26.94	\$ 350,000	\$ 9,427,593	\$ 188,552
Institutional	667,200	15.32	\$ 410,000	\$ 6,279,879	\$ -
Greenhouses	69,688,889	1,599.83	\$ 20,400	\$ 32,636,611	\$ 652,732
Total	73,871,822	1,695.86		\$ 73,080,126	\$ 1,336,005
Total Hectares		686.31			

* Institutional based on 5% of the value of land

Based on the residential cost of land per acre (\$1.25M) this would provide the Municipality with the ability to purchase approximately 9.04 acres of land (or 3.66 hectares).

4.4.2 5%/2% Rates

The Planning Act allows municipalities to require payment-in-lieu of parkland dedication at a rate of 2% for commercial and industrial development and 5% for all other development (i.e., residential, and institutional). Note that greenhouse developments may be considered for 5% dedication, however through discussions with staff it would be recommended to include dedication provisions at 2% for these types of developments.

In this approach, the calculated residential payment in lieu would be the same as presented in Table 4-8 (approximately \$9.96 million).

Table 4-10 provides for a summary of the anticipated non-residential development to be constructed over the 2023 to 2032 time-period. Based on the D.C. growth forecast, there are approximately 4,552 employees that will be added. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 63.86 million sq.ft. Assuming the industrial buildings have a lot coverage of 25%, institutional/commercial buildings have a lot coverage of 30%, and the greenhouse development have a lot coverage of 90%, the total land area for non-residential development is approximately 73.87 million sq.ft. This equates to a total land area of 1,695.86 acres. At a value of \$460,000 per acre for industrial, \$350,000 for commercial, \$410,000 for institutional, and \$20,400 per acre for greenhouse developments, the total value of the developable lands would be approximately \$73.08 million. At a rate of 2% of the land value for commercial, industrial, and greenhouses and 5% for institutional, the Municipality would receive approximately \$1.65 million.

Table 4-10
Municipality of Leamington
Anticipated Payment-in-Lieu of Parkland Dedication Revenues
2% for Commercial, Industrial, and Greenhouse, 5% for Institutional

Type	Anticipated Employment (2023 to 2032)	Sq.ft. per Emp	Anticipated Sq.ft. (2023 to 2032)	Assumed Lot Coverage	Total Sq.ft. of Land Area
Industrial	488	1,200	585,600	25%	2,342,400
Commercial	640	550	352,000	30%	1,173,333
Institutional	288	695	200,160	30%	667,200
Greenhouses	3,136	20,000	62,720,000	90%	69,688,889
Total	4,552		63,857,760		73,871,822
Total Hectares					

Type	Total Sq.ft. of Land Area	Total Acres of Land Area	Value of Land per Acre	Total Value of Developable Lands	2% of the Total Value*
Industrial	2,342,400	53.77	\$ 460,000	\$ 24,736,044	\$ 494,721
Commercial	1,173,333	26.94	\$ 350,000	\$ 9,427,593	\$ 188,552
Institutional	667,200	15.32	\$ 410,000	\$ 6,279,879	\$ 313,994
Greenhouses	69,688,889	1,599.83	\$ 20,400	\$ 32,636,611	\$ 652,732
Total	73,871,822	1,695.86		\$ 73,080,126	\$ 1,649,999
Total Hectares		686.31			

* Institutional based on 5% of the value of land

In total, this approach would provide the Municipality with approximately \$11.61 million in payment in lieu of parkland dedication revenues.

4.4.3 Alternative Residential Rate

Regarding receipt of payment-in-lieu of dedication the Planning Act also allows the use of an alternative rate of the value of one (1) hectare of land for each 1,000 net residential units.

With respect to use of the alternative rate, the non-residential payment-in-lieu would remain the same at approximately \$1.65 million. However, if the Municipality were to utilize the alternative rate for residential developments, the Municipality would receive approximately \$5.32 million for a total of \$6.96 million. Table 4-11 provides for the anticipated payment-in-lieu of parkland based on the residential growth forecast from the D.C. study and the use of the alternative rate.

Table 4-11
Municipality of Leamington
Residential Payment-in-Lieu of Dedication at One Hectare for Each 1,000 Net Residential Units

Unit Type	Anticipated Units (2023 to 2032)	1 Ha for 1000 Dwelling Units (Acres)	Value of Land per acre	Total Value of Developable Lands	Acres at 10% Maximum*	Total Value of Developable Lands
Singles	1,153	2.85	\$ 1,250,000	\$ 3,561,329	2.85	\$ 3,561,329
Towns	432	1.07	\$ 1,250,000	\$ 1,334,340	1.07	\$ 1,334,340
Apartments	136	0.34	\$ 1,250,000	\$ 420,070	0.34	\$ 420,070
Total	1,721			\$ 5,315,739	4.25	\$ 5,315,739

4.4.4 Summary of Analysis

Table 4-12 provides for a comparison of the approaches to payment-in-lieu of parkland for residential development (5% vs. one hectare for 1,000 net residential units) and non-residential development (2% for commercial/industrial/greenhouses vs. 2% for industrial/commercial/greenhouse and 5% for institutional). Use of the current policy provides the Municipality with approximately \$3.09 million, use of the 5%/2% provides for approximately \$11.61 million, and use of the alternative rate provides for approximately \$6.97 million.

Table 4-12
Municipality of Leamington
Summary Comparison of Current vs. Alternative Rate Approaches

Summary	Current Policy : Lot Fee for Residential and 2% for Commercial, Industrial, and Greenhouses	5% for Residential and Institutional 2% for Commercial, Industrial, and Greenhouses	1 Hectare for 1,000 Dwelling Units, 2% for Commercial and Industrial and 5% for Institutional
Residential Recovery	\$ 9,960,069	\$ 9,960,069	\$ 5,315,739
Non-residential Recovery	\$ 1,336,005	\$ 1,649,999	\$ 1,649,999
Total	\$ 11,296,074	\$ 11,610,068	\$ 6,965,738
Total Value Required by 2032	\$ 33,255,207	\$ 33,255,207	\$ 33,255,207
Deficit / (Surplus) (\$)	\$ 21,959,132	\$ 21,645,138	\$ 26,289,469

As shown in the above table, all scenarios would result in a deficit for the Municipality, however, utilizing the base provisions of 5% and 2% rates would provide the most parkland dedication revenues for the Municipality.

5. Observations and Comments

The following provides a summary of our observations and potential recommendations for the Municipality's consideration.

- Parkland Inventory:** Parkland inventory should be allocated to various parkland categories. Each category should be clearly defined in a master plan with a standard of parkland space per 1,000 population. This may have an impact on the area of parkland required to support future growth.
- Parkland Dedication:** The Municipality's current policy for imposing parkland dedication is to impose the 5% dedication requirement on residential

development and 2% for commercial, industrial and greenhouse development. The Municipality should consider imposing the following:

- a. Utilize the alternative rate for residential development in a future parkland dedication by-law (where the alternative rate provides for more dedication and subject to the update to the O.P.);
 - b. Consider including in the O.P. (and a future parkland dedication by-law), guidance on when to use the alternative rate (e.g., when density is greater than 12 units per acre); and
 - c. Consider revising the O.P. to identify the 5% dedication rate for institutional developments and include in a future parkland dedication by-law.
3. **Payment-in-Lieu:** The current approach to payment-in-lieu of dedication is the Municipality imposes a rate of \$1,105 per lot for consents. The Town imposes the equivalent value of 5% for residential development and the equivalent value of 2% of the land area for commercial, industrial and greenhouse developments. The following provides a summary of recommendations with respect to payment-in-lieu:
- a. **Residential Per Lot Fee:** The current per lot fee is \$1,105. The Town should consider increasing this fee and continue to apply to consents only. Any increases may be phased-in over time. This fee should be included in a parkland dedication by-law and be subject to indexing. For all other development, the 5% or alternative rate would apply, subject to an appraisal.
 - b. **Site Plan and Zoning By-law Amendment Applications:** Development and redevelopment that proceeds through these applications will have their payment-in-lieu rate frozen at the time of submission of the application. As a result, it is recommended that the Municipality require an appraisal be submitted with the application to ensure the appropriate value of land is being dedicated.
 - c. **Commercial, Industrial, and Greenhouse Per Lot Fee:** It is recommended that the Municipality consider revising their O.P. to include policies to collect payment-in-lieu of dedication for commercial, industrial, and greenhouse development at a rate of 2% of the value of the land. With respect to the non-residential rates per lot, it is unclear as to a typical lot size as properties vary depending on the nature of the business. As a result, it would be recommended that the Municipality require an appraisal be undertaken and the 2% dedication rate be applied.
 - d. **Institutional Development and Redevelopment:** It is recommended that the Municipality consider revising their O.P. to include policies to collect payment-in-lieu of dedication for institutional development at a rate of 5%

of the value of the land. Additionally, this may be included in a future parkland dedication by-law.

- e. **All Other Residential Development and Redevelopment:** The Municipality may consider revising their O.P. to include use of the alternative rate (the value is one (1) hectare of land for each 1,000 net residential units) where the alternative rate provides for more payment-in-lieu.

6. Next Steps

With respect to next steps, Municipality staff may consider the observations provided in the above section. The Municipality may incorporate these observations into a parkland dedication and payment-in-lieu of parkland by-law. A draft by-law has been provided in appendix D.

We trust that the information provided in this memo is useful and we would be pleased to discuss further.



Appendix A

Parkland Dedication By-law Passage Notice Requirements

APPENDIX A: PARKLAND DEDICATION BY-LAW PASSAGE NOTICE REQUIREMENTS

Section 4(2) of O.Reg. 509/20 provides the following notice requirements:

- 2) Notice shall be given,
 - a) by personal service, fax, mail, or email to,
 - i) as determined in accordance with subsection (3), every owner of land in the area to which the by-law applies,
 - ii) every person and organization that has given the clerk of the municipality a written request for notice of the passing of the by-law and has provided a return address,
 - iii) in the case of a by-law passed by the council of a lower-tier municipality, the clerk of the upper-tier municipality that the lower-tier municipality is in, and
 - iv) the secretary of every school board having jurisdiction within the area to which the by-law applies; or
 - b) by publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the passing of the by-law.
- 3) For the purposes of subclause (2) (a) (i), an owner is any person who is identified as an as owner on the last revised assessment roll, subject to any written notice of a change of ownership of land the clerk of the municipality may have received.
- 4) A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the clerk.
- 5) Notice shall contain the following information:
 - (1) A statement that the council of the municipality has passed a community benefits charge by-law or a by-law under section 42 of the Act, as the case may be, and the statement shall set out the number of the by-law and the date on which the by-law passed.
 - (2) A statement that any person or organization may appeal the by-law to the Local Planning Appeal Tribunal under subsection 37 (17) or 42 (4.9) of the Act, as applicable, by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.
 - (3) The last day on which the by-law may be appealed.

- (4) In the case of a notice of the passing of a community benefits charge by-law, an explanation of the community benefits charges imposed by the by-law.
 - (5) In the case of a notice of the passing of a by-law under section 42 of the Act, an explanation of the parkland and payment in lieu requirements imposed by the by-law.
 - (6) A description of the lands to which the by-law applies, a key map showing the lands to which the by-law applies, or an explanation why no description or key map is provided.
 - (7) The location and times during which persons may examine a copy of the by-law.
- 6) For the purposes of subsection 37 (16) and 42 (4.8) of the Act, the prescribed day is,
- a) if the notice is by publication in a newspaper, the first day on which the publication is circulated;
 - b) if the notice is given by fax, the day that the notice is faxed;
 - c) if the notice is given by mail, the day that the notice is mailed; or
 - d) if the notice is given by email, the day that the notice is emailed.

Appendix B

Parkland vs. Recreation Definitions Review

Table B-1
Municipality of Leamington
Parkland vs. Recreation – Review of Definitions in Current Policy Documents

Official Plan

Document Reference	Wording from Document	Notes
Section 1.5.7 Forecasted Open Space and Recreation Demand - Page 13	<p>The Municipality of Leamington currently provides 46.49 ha (114.87 ac) of municipally owned parkland. This open space is provided in 32 parks ranging in size and capacity.</p> <p>Based on the projected population in this Plan and the outcome of the Culture, Recreation, Parks Strategic Plan, 2000, the Municipality of Leamington would have to develop 11.97 ha of parkland in the next 11 years and an additional 8 ha by the year 2021.</p> <p>In addition, the Strategic Plan has identified criteria to be used in the selection of a recreation facility which will include soccer and ball fields. Council has identified land located at the southwest corner of Mersea Road 2 and Mersea Road 12 as a suitable site and has designated the area "Open Space and Recreation".</p>	<p>This section speaks to parkland as separate from open space but does not refer to recreation lands. The final paragraph however, does note that a recreation facility would include soccer and ball fields.</p> <p>To separate parks vs. recreation, when referring to the land area, the Municipality may consider noting the amount of land for parks and open space purposes, separate from the land for recreation purposes.</p>
Section 3.2 Lands Designated "Residential" - Page 39	<p>Areas designated "Residential" on Schedule "A" are either currently developed residentially or have been determined to be appropriate to accommodate future residential development. It is the intent of this Plan that a broad range of residential structure types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the 20 year planning period of this Plan. In addition, other uses which are considered to be ancillary or necessary to serve the needs of a residential community, such as parks, may also be permitted in accordance with the policies of this Plan.</p>	<p>The sentence : "in addition, other uses which are considered to be ancillary or necessary to serve the needs of a residential community, such as parks, may also be permitted in accordance with the policies of this Plan", can be modified by noting parks and recreation separately.</p>
Section 3.2.2 Policies - Page 41	<p>b) other uses which are considered necessary and complimentary to serve residential areas, including schools, parks, places of worship, day care centres, in-home occupations as secondary uses, and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area. The extraction of sand and gravel is also a permitted use on an interim basis subject to an amendment to the Zoning By-law, the issuance of a license, and meeting all necessary separation distances;</p> <p>...</p> <p>f) a high standard of design with complimentary amenities (parks, trails, schools, roads, open spaces, etc) shall be provided as a part of all future residential development unless it can be proven that the aforementioned exist within proximity and may be easily utilized.</p>	<p>In these sections, parks are listed, however recreation is not. These sections may be updated by adding the term recreation to denote that it is clearly distinct from parks. This also applies to the items on Page 43</p>
Section 3.5 Lands Designated "Recreational Commercial" Page 49	<p>The following policies are established for those lands designated "Recreational Commercial" as depicted on Schedule "A" of this Plan:</p> <p>a) the predominant use of land shall be recreational commercial uses such as restaurants, motels, hotels, or lodges, marinas, places of amusement, trailer or camping parks, public or private parks, public or private clubs and other uses associated with recreation and tourism;</p>	<p>Recreational Commercial areas include public or private parks. To identify parkland separate from recreation land, the name of the designated area may include parks in the title. Further, the list of potential uses may include "recreation lands" to help identify that they are separate from park land.</p>
Section 3.7 Lands Designated "Open Space and Recreation" - Page 63 and 64	<p>3.7.2 Policies</p> <p>The following policies are established for those lands designated "Open Space and Recreation" on Schedule "A" of this Plan:</p> <p>a) within the area designated "Open Space and Recreation", the predominant use of land shall be for active or passive parks, public or private recreational uses and facilities, private clubs, picnic areas and conservation lands;</p> <p>b) indoor recreational facilities shall only be permitted as accessory uses to the major outdoor recreational uses, the general intent of this Plan being to keep these areas open and free from buildings and structures except those which are incidental and accessory to the open space use;</p> <p>...</p> <p>h) the Municipality shall periodically assess the role of municipal parks and open spaces in providing for local needs, and may, if it is deemed beneficial, alter the size of a particular park or change the types of facilities or programs provided;</p> <p>i) the Municipality will endeavour to work with neighbourhood residents, service clubs and organizations, interested groups and government agencies in meeting parks and open space needs of the community;</p>	<p>The title of this section implies there are two general types of uses, open space and recreation. Therefore it appears to include parkland in the definition of recreation.</p> <p>Item a) does provide a distinction between parks and recreational uses. Items h) and i) however, speak to parks and open space, but not recreation.</p> <p>Item b) refers to indoor recreation facilities being accessory to major outdoor recreational uses which does identify that outdoor recreational uses are separate from parks.</p>
Section 6.2 Community Improvement Criteria - Page 96	<p>Community improvement project areas shall be selected on the basis of several of the following criteria:</p> <p>a) deficient or lack of municipal hard (storm, sanitary, water, lighting, roadways) or soft (recreational, emergency or social service facilities or programming) services,</p> <p>b) deficient or lack of private utilities (electric, gas, communication);</p> <p>c) deficient or lack of municipal amenities (parking, trails, landscaping, public art, signage, trees, parkland);</p>	<p>Recreational facilities are classified as soft services, whereas parkland is defined as a municipal amenity. It would appear that recreational facilities refers to indoor recreation and parkland refers to outdoor recreation. This can be clarified by identifying parkland as well as recreation land in item c)</p>

Document Reference	Wording from Document	Notes
Section 8 Definitions	Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.	Definitions can be established for parkland separate from recreation land to ensure the reader understands they are different terms.

Zoning By-law

Document Reference	Wording from Document	Notes
Section 3 Definitions - page 39	3.187 PARK, PUBLIC, shall mean an area of land, whether enclosed or not, maintained by the Corporation of the Municipality of Leamington or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a Provincial Park.	To clarify a distinction between recreation land, this definition can exclude recreation lands
Section 20 Recreational Zone (RE) Regulations - Page 200	20.1.1 Permitted Uses a) Recreation or community centres; b) private and public parks including tot lots, playgrounds, picnic facilities, waterfront parkland, public beach, linear park and trail systems; c) indoor and outdoor recreation uses and facilities; d) campgrounds; e) mini-putt courses, sports fields, bowling greens, tennis courts; f) horse racing track and training facilities; g) marinas; h) a woodlot; i) golf courses; j) conservation areas; k) storm water management ponds; l) cemeteries; m) private clubs or halls; n) accessory uses.	Parks are included in the recreational zone. This blurs the two terms. If a separate zone could be identified for parks vs. recreation or listing parkland and recreation land in item b) would assist in ensuring there is a distinction.
3.11 Page 15	AMENITY AREA, shall mean an area upon a lot or within a building which is used for active or passive recreational purposes and includes, for example, patios, landscaped open space, walkways, balconies, swimming pools, and communal rooms and similar uses but does not include parking or driveway areas	Open space is defined as "recreation". To clarify, the definition can state that the area "is used for active or passive recreational purposes and park/open space uses and includes,..."
3.143 Page 32	LANDSCAPED OPEN SPACE, shall mean open unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, loading space, balcony, retaining wall, or parking area	Open Space is defined to include recreation accessory buildings, sports or recreational area. Open space is defined as a parks classification in the Parks strategic plan. To enhance the clarity between the two terms, definitions could be included in the OP to clearly identify recreation (e.g. arenas and other facilities, baseball diamonds, etc.) vs. parks (e.g. open space, playgrounds, etc.)

Appendix C

MPAC Database Review

Table C-1
Municipality of Leamington
MPAC Data
As of May 2023

MPAC Database

Property Code - 100 - Vacant Residential Land not on water

Address	Current Value Assessment	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 5	\$70,000	\$140,000	Apr-23	0.32	\$ 437,500
Address 6	\$60,000	\$250,000	Apr-23	0.20	\$ 1,250,000
Address 11	\$70,000	\$224,900	Jul-22	0.17	\$ 1,339,155
Address 14	\$64,000	\$324,720	Apr-22	0.26	\$ 1,231,866
Address 15	\$66,000	\$355,000	Apr-22	0.26	\$ 1,355,997
Address 16	\$59,000	\$290,200	Apr-22	0.20	\$ 1,436,634
Address 17	\$42,500	\$270,000	Mar-22	0.16	\$ 1,720,841
Address 18	\$58,000	\$290,200	Mar-22	0.20	\$ 1,435,213
Address 19	\$60,000	\$380,000	Mar-22	0.22	\$ 1,696,429
Address 20	\$62,000	\$260,680	Mar-22	0.25	\$ 1,023,881
Address 21	\$62,000	\$290,200	Mar-22	0.25	\$ 1,155,255
Address 22	\$59,000	\$290,000	Jan-22	0.21	\$ 1,392,891
Address 23	\$64,000	\$296,760	Jan-22	0.27	\$ 1,119,849
Address 24	\$59,000	\$290,000	Jan-22	0.20	\$ 1,441,352
Address 25	\$62,000	\$325,000	Jan-22	0.25	\$ 1,302,605
Total		\$ 4,277,660		3.43	
Average Per Acre					\$ 1,250,000

MPAC Database

Property Code - 106 - Vacant Industrial

Address	Current Value Assessment	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 1	\$310,000	\$90,000	Sep-21	7.80	\$ 11,533
Address 2	\$76,000	\$3,229,699	Mar-22	0.58	\$ 5,566,527
Address 3	\$110,000	\$1,100,000	Jul-21	1.75	\$ 628,571
Address 4	\$235,000	\$1,499,900	May-22	3.23	\$ 464,365
Address 5	\$5,000	\$189,002	Jan-22	0.02	\$ 9,215,275
Total		\$ 6,108,601		13.38	
Average Per Acre					\$ 460,000

MPAC Database

Property Code - 105 - Vacant Commercial

Address	Current Value Assessment	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 1	\$155,000	\$160,000	Jan-20	0.13	\$ 1,227,936
Address 2	\$115,000	\$240,000	Feb-22	0.18	\$ 1,355,167
Address 3	\$153,000	\$100,000	Mar-22	0.46	\$ 218,730
Address 4	\$221,000	\$750,000	Oct-21	0.40	\$ 1,865,208
Address 5	\$97,000	\$150,000	Apr-22	0.10	\$ 1,533,742
Address 6	\$103,000	\$225,000	Aug-21	0.16	\$ 1,448,809
Address 7	\$48,500	\$350,000	Jan-22	0.30	\$ 1,174,497
Address 8	\$435,000	\$2,200,000	Apr-21	8.02	\$ 274,314
Address 9	\$328,000	\$1,400,000	Aug-22	8.05	\$ 173,913
Address 10	\$249,000	\$820,000	Mar-22	1.22	\$ 672,131
Address 11	\$343,000	\$820,000	Mar-22	1.85	\$ 443,243
Address 12	\$176,000	\$315,000	Nov-22	0.91	\$ 346,154
Address 13	\$44,500	\$160,000	Jan-22	0.27	\$ 593,157
Total		\$ 7,690,000		22.04	
Average Per Acre					\$ 350,000

* Addresses have been removed for confidentiality purposes.



Appendix D

Draft Parkland Dedication By-law



Municipality of Leamington

By-law __-2024

Being a by-law to provide for the dedication of parkland or the payment in lieu thereof for all development or redevelopment in the Municipality

Whereas section 42 of the *Planning Act* provides that for the development or redevelopment of land, the council of a local municipality may, by by-law, require that land in an amount not exceeding, in the case of land proposed for Development or Redevelopment for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent, be conveyed to the municipality for park or other public recreational purposes;

And whereas section 51.1 of the *Planning Act* provides that an approval authority may impose, as a condition of the approval of a plan of subdivision, that land be conveyed to the local municipality for park or other public recreational purposes, such land not to exceed, in the case of a subdivision proposed for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent;

And whereas section 53 of the *Planning Act* provides that section 51.1 of the *Planning Act* also applies to the granting of consents;

And whereas a Parks Plan was prepared in consultation with the local school boards and other persons or public bodies the municipality considered appropriate, and made publicly available on _____, 2024;

And whereas the Council of the Municipality of Leamington wishes to use the provisions of the *Planning Act* for the purposes of acquiring and providing parkland for the use and enjoyment of the residents of the Municipality of Leamington;

Now therefore the Council of the Municipality of Leamington hereby enacts as follows:

Part 1: Interpretation

Definitions

1. In this by-law:

- (a) “**Act**” means the Planning Act, R.S.O. 1990, c.P.13
- (b) “**Affordable Residential Unit**” means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the *Development Charges Act*;
- (c) “**Attainable Residential Unit**” means a residential unit that meets the criteria set



out in subsection 4.1(4) of the *Development Charges Act*;

- (d) “**Board of Education**” has the same meaning as “board”, as defined in the Education Act, R.S.O. 1990, c.E.2, as amended;
- (e) “**Commercial**” means the use of land, buildings, or structures for a use which is not industrial, and which are used in connection with:
 - i. the selling of commodities to the general public; or
 - ii. the supply of services to the general public; or
 - iii. office or administrative facilities.
- (f) “**Council**” means the Council for the Municipality of Leamington;
- (g) “**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;
- (h) “**Leamington**” means Municipality of Leamington;
- (i) “**Greenhouse**” means a structure that is used for growing plants in regulated temperatures, humidity, and ventilation. A greenhouse can range from a small room carrying a few plants over the winter to an immense hearted building called a hothouse or conservatory, covering acres of ground and used for growing fruits, vegetables, or flowers;
- (j) “**Gross Floor Area**” has the same meaning as in the Municipality’s Development Charges By-law, as amended.
- (k) “**Industrial**” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;
- (l) “**Institutional**” means the use of land, buildings, or structures for hospitals, correctional institutions and associated facilities, municipal facilities, elementary and secondary schools, colleges, universities, places of worship and ancillary uses, military and cultural buildings, daycare centres, residential care facilities for more than ten persons and long term care centres;
- (m) “**Mixed Use**” means the physical integration of two or more of the following uses within a building or structure or separate buildings or structures on the lands proposed for Development or Redevelopment: Commercial; Industrial; Institutional; Residential; or any other use not noted herein;



- (n) **“Non-profit housing development”** means development of a building or structure intended for use as residential premises by,
- i. a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.
- (o) **“Official Plan”** means the Municipality’s Official Plan, as amended.
- (p) **“PIL”** means payment-in-lieu of parkland otherwise required to be conveyed.
- (q) **“Planning Act”** means the Planning Act, R.S.O. 1990, c.P.13, as amended,
- (r) **“Redevelopment”** means the removal of a building or structure from land and the further Development of the land or, the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith;
- (s) **“Residential”** means the use of land, buildings, or structures for human habitation;
- (t) **“Residential Unit”** means one or more habitable rooms each of which is accessible from the others and which function as an independent and separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building;
- (u) **“Rural Area”** means those areas designated as not being within a settlement area by the Official Plan;
- (v) **“Shared Use Agreement”** means an agreement between a Board of Education and Leamington for the sharing of buildings and/or property;
- (w) **“Municipality”** means the Corporation of the Municipality of Leamington; and
- (x) **“Zoning By-law”** means the by-law passed pursuant to section 34 of the Planning Act.

Rules of Interpretation

2. (1) The following rules of interpretation shall be applied to interpretation of this by-



law:

- (a) References to items in the plural include the singular, as applicable.
- (b) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
- (c) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- (d) Specific references to laws or by-laws are meant to refer to the current laws applicable at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
- (e) The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- (f) Where this by-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may be provided but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.
- (g) Terms with capitals shall be read with the meaning in section 1 and other words shall be given their ordinary meaning.
- (h) If any court of competent jurisdiction finds any provision of this by-law is illegal or *ultra vires* of the jurisdiction of the Municipality, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- (i) Nothing in this by-law relieves any person from complying with any provision of any federal or provincial legislation or any other by-law of the Municipality.
- (j) Where a provision of this by-law conflicts with the provisions of another by-law in force in the Municipality, the more specific by-law shall prevail.

Application

3. The provisions of this by-law apply to the entire geographic area of the Municipality of Leamington.

Exemptions

4. Development or Redevelopment described in the subsections (a) through to and including (f) shall be exempt from the obligations to convey land or make a PIL under Parts 2 and 3 of this by-law:
 - a) Development or Redevelopment of land, buildings or structures owned by and



used for the purposes of the Municipality of Leamington;

- b) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education, where a Shared Use Agreement exists;
- c) The replacement of any building that is a direct result of destruction due to accidental fire or other accidental cause provided that no intensification or change of use is proposed, including but not limited to an increase in total Residential Units count or Gross Floor Area;
- d) The enlargement of an existing Residential Unit provided that the enlargement does not result in additional Residential Units;
- e) Institutional Development;
- f) Development or Redevelopment of land, buildings or structures for temporary construction uses as defined by the Municipality's Zoning By-law; and
- g) Development or Redevelopment of,
 - i. a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - ii. a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - iii. one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Part 2: Conveyance of Land for Park Purposes

- 5. Land shall be required to be conveyed to Leamington for park purposes as a condition of Development or Redevelopment of land in an amount to be determined in accordance with subsections (a) through to and including (e).
 - a) In the case of lands proposed for Residential uses, at a rate of five per cent (5%) of the land being Developed or Redeveloped:



- i. With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,
 - “A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the Development Charges Act, 1997; and
 - “B” is the number of residential units that are part of the development or redevelopment; or
- b) In the case of lands proposed for Commercial, Industrial or Greenhouse uses, land in the amount of two per cent (2%) of the land to be Developed or Redeveloped.
- c) In the case of a Mixed-Use Development or Redevelopment, land in the aggregate, calculated as follows:
 - i. the Residential component, if any, as determined by Leamington, of the lands being Developed or Redeveloped, shall require the conveyance of land as determined in accordance with subsection (a) of this by-law; plus
 - ii. the Commercial, Industrial, or Greenhouse component of the lands being Developed or Redeveloped, if any as determined by Leamington, shall require the conveyance of land as determined in accordance with subsection (b) of this by-law; plus
 - iii. the component of the lands proposed for any use other than Residential, Commercial, Industrial, or Greenhouse if any as determined by the Municipality, shall require the conveyance of land as determined in accordance with subsection (d) of this by-law.
- d) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections (a), (b) and (c) of this section, land in the amount of five per cent (5%) of the land to be Developed or Redeveloped.
- e) Where the development of land results from the approval of a site plan or zoning by-law amendment and the approval of the application occurred within two years of building permit issuance, the conveyance shall be determined on the date of the planning application. Where both planning applications apply, conveyance shall be determined on the date of the later planning application.

Location of Conveyance and Condition of Title

6. Subject to restrictions in the Planning Act, the location and configuration of land



required to be conveyed pursuant to this by-law shall be as determined by Leamington and all such lands shall be free of all encumbrances, including but not limited to such easements which Leamington, in its sole and absolute discretion, is not prepared to accept and shall be free of any contamination, including but not limited to any toxic, noxious or dangerous contaminants, and shall otherwise be in a condition satisfactory to Leamington.

7. A requirement as part of Development or Redevelopment to convey any valley land or watercourse corridors, woodlands, natural heritage system lands and associated buffers, easements, vista blocks and storm water management ponds, as those terms are defined in the Official Plan or any secondary plan adopted under the Official Plan, shall not be considered to be a conveyance of land for park purposes in satisfaction of a requirement under this by-law.

Timing of Conveyance

8. Where land is required to be conveyed in accordance with this by-law, the lands shall be conveyed as follows:
 - a) in the case of Development or Redevelopment to be approved pursuant to sections 51.1 or 53 of the Planning Act, the conveyance of land may be required as a condition of approval, and said lands shall be conveyed to Leamington either prior to or immediately upon registration of the plan of subdivision or upon the consent being given, as determined by Leamington; and
 - b) in the case of Development or Redevelopment where land has not been conveyed or has not been required pursuant to sections 51.1 or 53 of the Planning Act, Leamington shall require the conveyance of land as a condition of Development or Redevelopment prior to building permit issuance in accordance with section 42 of the Planning Act.

Part 3: Payment-in-Lieu of Parkland

9. In lieu of requiring the conveyance of land required by part 2 of this by-law, Leamington may require the payment of the value of the lands otherwise required to be conveyed, calculated in accordance with the following:
 - a) Where the PIL has been required for a consent pursuant to sections 51.1 or 53 of the Planning Act, PIL may be provided on per lot basis where the land is used for a Residential use as per Schedule 1.

The per lot rates shall be indexed annually on January 1st of each year commencing January 1, 2024 by the CMHC housing starts by dwelling type index and posted by Leamington. Leamington's failure to post the indexed rate shall not waive the requirement for compliance with this by-law.



If the applicant does not agree with the per lot rate, they may submit a property appraisal subject to the PIL requirements is subsection b).

- b) For all other development or redevelopment, the PIL shall be calculated as the equivalent value of the land required based on a property appraisal provided by the applicant, as follows:
- i. in the case of lands proposed for Residential, at a rate of five per cent (5%) of the value of land being Developed or Redeveloped
 - 1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997, or residential units described in subsection 4.3 (2) of that Act, the PIL that may be required shall not exceed 5 per cent of the value of the land multiplied by the ratio of A to B where,
 - “A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the Development Charges Act, 1997; and
 - “B” is the number of residential units that are part of the development or redevelopment; or
 - ii. in the case of lands proposed for Commercial, Industrial or Greenhouse uses, the value of two per cent (2%) of the land to be Developed or Redeveloped;
 - iii. in the case of a Mixed-Use Development or Redevelopment, the value of the land in the aggregate, calculated as follows:
 - 1) the Residential component, if any as determined by Leamington, of the lands being Developed or Redeveloped, shall require the PIL of the value of land as determined in accordance with paragraph (i) of this subsection; plus
 - 2) the Commercial, Industrial, or Greenhouse component of the lands being Developed or Redeveloped, if any as determined by Leamington, shall require the conveyance of land as determined in accordance with paragraph (ii) of this subsection; plus
 - 3) the component of the lands proposed for any use other than Residential, Commercial, Industrial, or Greenhouse if any as



determined by the Municipality, shall require the conveyance of land as determined in accordance with paragraph (iii) of this subsection; and

- iv. in the case of lands proposed for Development or Redevelopment for a use other than those referred to in paragraphs (i), (ii) and (iii) of this subsection, the value of five per cent (5%) of the land to be Developed or Redeveloped.

Timing of PIL Payment and Determination of Value

10. PIL shall be paid as follows:

- a) For Development or Redevelopment where the payment of PIL is not required as a condition of an approval or a consent, pursuant to either sections 51.1 or 53 of the Planning Act, the PIL shall be paid prior to the issuance of the building permit in respect of the Development or Redevelopment in accordance with section 42 of the Planning Act. The value of the land shall be determined as of the day before the day the building permit is issued in respect of the Development or Redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.
- b) In the event that an extension of an approval described in subsection (a) or (b) is requested, the value of the land shall be determined as of the day before the day of the approval of the extension.
- c) Where the development of land results from the approval of a site plan or zoning by-law amendment and the approval of the application occurred within two years of building permit issuance, the PIL shall be calculated on the value of the land on the date of the planning application. Where both planning applications apply, PIL shall be calculated on the value of the land on the date of the later planning application.

Part 4: Other

Previous or Required Conveyances

11. Notwithstanding parts 2 and 3 of this by-law, if land has been conveyed or is required to be conveyed to Leamington for park or other public recreational purposes or PIL has been received by Leamington or is owing to it pursuant to a condition imposed pursuant to sections 42, 51.1 or 53 of the Planning Act, no additional conveyance or payment in respect of the lands subject to the earlier conveyance or payment will be required by Leamington in respect of subsequent Development or Redevelopment



unless:

- a) There is a change in the proposed Development or Redevelopment which would increase the density of the development; or
 - b) Land originally proposed for Development or Redevelopment for Commercial, Industrial, or Greenhouse uses is now proposed for Development or Redevelopment for other uses.
12. Where there is a claim of previous conveyance or PIL payment, it is the applicant's/owner's responsibility to provide suitable evidence of such previous conveyance or PIL payment, to Leamington's satisfaction.
13. Land or PIL required to be conveyed or paid to Leamington for park or other public recreation purposes pursuant to parts 2 and 3 of this by-law shall be reduced by the amount of land or PIL previously received by Leamington pursuant to sections 42, 51.1 or 53 of the Planning Act in respect of the lands being Developed or Redeveloped.

Phased Development

14. Where approvals are issued in phases for Development or Redevelopment, Leamington shall calculate and require the conveyance of land for park purposes or the payment of PIL, in accordance with parts 2 and 3 of this by-law, on a phase-by-phase basis.

Part 5: General

15. Where a determination is required to be made by Leamington in this by-law, that determination shall be made by the [Position of Staff Member that Makes Determination]. The [Position of Staff Member that Makes Determination]'s decision shall be final.
16. This by-law shall be referred to as the "Parkland Dedication By-law".
17. By-law xx-xxxx and any amendments to the by-law are repealed. Policies made prior the adoption of By-law xx-xxxx respecting conveyance of land for park purposes and payment in lieu of conveyance of land for park purposes are rescinded.
18. This by-law comes into force upon passage.

Schedules

The following schedule shall form part of this By-law:

Schedule 1: PIL of Parkland Per Lot Fee Required as a Condition of a Severance or



Consent

Read and passed in open session on _____, 2024.

Mayor

Clerk



**Schedule 1 to By-law XX-2024
PIL of Parkland Per Lot Fee Required for a Consent**

January 1, 2024 onwards*
\$XX

**Rates are subject to indexing as per Section 9(a)*