THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 90-331

A BY-LAW WITH RESPECT TO THE CONVEYANCE
OF LAND FOR PARK PURPOSES, AND
CASH-IN-LIEU OF PARKLAND DEDICATIONS

WHEREAS the Planning Act provides that 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 percent
and in all other cases 5 percent of the land be conveyed to the municipality
for park or other public recreational purposes;

AND FURTHER WHEREAS the Corporation of the City of Peterborough has an
Official Plan that contains specific policies dealing with the provision of
lands for park or other public recreational purposes;

THE CORPORATION OF THE CITY OF PETERBOROUGH, BY THE COUNCIL THEREOF, ENACTS AS
FOLLOWS:

1. In this by-law:

(a) "Zoning By-law" means restricted area by-law 1972-120 as amended or
any subsequent zoning by-law passed pursuant to The Planning Act
and as may be amended by the Corporation of the City of
Peterborough;

(b) "Conveyed" means the deeding, transfer or conveyance to the
Corporation of the City of Peterborough for park or other public
recreational purposes;

(c) "Low Density Residential" means those lands upon which are or will
be constructed one or two-unit dwellings as determined by the
applicable zoning by-law for the subject property;

(d) "Council" means the Council of the Corporation of the City of
Peterborough;

(e) "Dwelling Unit" means any property that is used or designed for use
as a domestic establishment in which one or more persons may sleep
and prepare and serve meals;

(f) "City" means the Corporation of the City of Peterborough and all
property situate within its municipal boundaries;

(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, or the
laying out and establishment of a commercial parking lot or of
sites for the location of three or more trailers as defined in
clause (a) or paragraph 95 of Section 210 of the Municipal Act or
of sites for the location of three or more mobile homes as defined
in clause 45(1)(a) of the Planning Act S.O., c.2, 1983;

(h) "Land" means land or property the whole or part of which is
proposed for development or redevelopment;

(i) "School Board" or "Board of Education" has the same meaning as that
specified in The Education Act, R.S.O. 1980, c. 129, as amended,
from time to time;
(j) "School Board property" or "Board of Education property" is land owned or leased by such a board, and used for educational objectives as specified in the Education Act;

(k) "Park" means a public or private park, or land held in trust and used as a park, and includes therein one or more athletic fields, field houses, change houses, bleachers, picnic shelters, swimming pools, wading pools, beaches, greenhouses, botanical gardens, bandstands, skating rinks, tennis courts, bowling greens, zoological gardens, fair grounds, or exhibition grounds which are used by members of the public. Land and premises deemed to be a public park for the purposes of the Assessment Act, shall be deemed to be a park. Any property designated pursuant to the Community Recreation Centres Act for use as a park, athletic field or facility shall be deemed to be a park and any approved park pursuant to the Parks Assistance Act shall be a park;

(l) "The Planning Act" means the Planning Act, S.O., 1983, c.1, as amended from time to time;

(m) "Purpose" and "Use" can be synonymous for this by-law;

(n) "Redevelopment" shall be deemed to occur:

(i) Where an existing building is expanded by a floor area of greater than:

1. For residential projects, 23.23 square meters (250 square feet), provided that, where there is no increase in the number of dwelling units on the property, redevelopment shall be deemed not to have occurred unless the building floor area of the expansion is at least:

   (a) for low density residential projects, 150% of the building floor area of the existing building, and

   (b) for all other residential projects, 50% of the building floor area of the existing building;

2. For commercial projects, 93 square meters (1,000 square feet);

3. For industrial projects, 232.30 square meters (2,500 square feet);

4. For projects involving all other uses, or mixed uses, 93 square meters (1,000 square feet).

(ii) Where the permitted use or uses of the property are changed through a rezoning, or an authorization for a minor variance or a consent, granted by the Committee of Adjustment, and:

1. More parking spaces are required to serve the permitted use, or uses, on the property; or

2. The number of residents, dwelling units, commercial units, or industrial units is increased. For the purpose of this provision, an increase in the number of residents shall be deemed to occur if the permitted use or uses of the property require a licence as a boarding house, lodging house, group home, institution, or similar use, and the number of residents permitted for occupancy is greater as a result of the change of permitted use.
The reference to "commercial", "industrial", and "residential" uses shall have the same meaning as that which exists and is defined in the Zoning By-law, as amended, of the City.

2. Except as expressly provided to the contrary, no land shall be developed or redeveloped in the City for commercial or industrial purposes unless and until land in the amount of 2 per cent of the total land has been conveyed to the City.

3. Except as expressly provided to the contrary, no land shall be developed or redeveloped for all purposes other than industrial or commercial unless and until land in the amount of 5% of the total land has been conveyed to the City, provided that in the case of land proposed for development or redevelopment for residential purposes, other than low density residential, the land requirement shall be the greater of:

(a) 5% of the total land; and

(b) one (1) hectare for each 300 dwelling units proposed, or a proportionate ratio thereof.

4. (a) Notwithstanding the provisions of Sections 2 and 3, neither parkland dedication nor cash-in-lieu shall be required for those lands being developed or redeveloped for a park or within an Open Space (OS) land use zone as established in Zoning By-law Number 1972-120 as amended.

(b) Notwithstanding the provisions of Sections 2 and 3, neither parkland dedication nor cash-in-lieu shall be required for those lands being developed or redeveloped which are school board property or board of education property.

(c) Notwithstanding the provisions of Sections 2 and 3, if it is deemed by Council that it is inappropriate to require the whole or any part thereof of lands to be conveyed, then there shall be a payment of money to the value of the land otherwise required to be conveyed in accordance with the provisions of The Planning Act, as amended.

(d) In all cases where Council does not specifically request a conveyance of land for park dedication, then it is hereby established that cash-in-lieu of a conveyance should be made to the municipality.

(e) The cash payment in lieu of a conveyance shall be established in accordance with the requirements of The Planning Act, S.O. 1983, c.1, and, in particular, Section 41(6) of that Act, as amended.

5. In cases involving a building expansion, the amount of the lot levy applicable shall be apportioned and assessed in accordance with the following formula:

\[
\text{Building Floor Area of Expansion} \times \frac{\text{Existing Building Floor Area Plus Building Floor Area of Expansion}}{\text{Existing Building Floor Area}}
\]

This factor shall then be multiplied by the applicable parks levy.

6. Where land has been conveyed for park or other public recreational purposes, or a payment of money in lieu of such conveyance has been received, pursuant to a condition imposed under Sections 41, 50 or 52 of The Planning Act or under a predecessor of any of such sections, the conveyance or payment, as the case may be, shall be considered in determining the amount of land or payment of money in lieu thereof that may subsequently be required pursuant to this by-law on the development or redevelopment of the lands, or part thereof, in respect of which the original conveyance or payment was received.
7. No building permit shall be issued until parkland dedication, or cash-in-lieu thereof, as required by this by-law, has been provided.

8. This by-law shall come into force and effect on the 17th day of December, 1990.

9. By-law Number 90-74 is repealed when this by-law comes into force and effect.

By-law read a first and second time this 17th day of December, A.D., 1990.

By-law read a third time and finally passed this 20th day of December, A.D., 1990.

[Signatures]

MAYOR

CLERK