

# Memorandum

<b>To</b>	Aaron Hair, Division Leader – Community Planning Tammie Ryall, Corporate Leader – Growth and Sustainability
<b>From</b>	Gary Scandlan, Managing Partner, Watson & Associates Economists Ltd.
<b>Date</b>	August 23, 2022
<b>Re:</b>	Parkland Dedication and Payment-in-lieu of Parkland Analysis

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

## 1. Introduction

Watson was retained by the 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 Municipal staff. Summary information along with the Municipality's draft by-law are provided in the appendices.

## 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) and Section 51.1 provides the rules for the conveyance of parkland imposed as a condition of approval of a plan of subdivision. The following outlines the relevant paragraphs of Section 42. Note: the rules under Section 51.1 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.



## 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. R.S.O. 1990, c. P.13, s. 42 (1).*

*(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. 2020, c. 18, Sched. 17, s. 2 (2).”*

## 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 300 dwelling units, 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 300 dwelling 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).”*

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

To use the residential alternative requirement of one hectare for each 300 dwelling 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. As the Municipality already has the alternative provisions included in their Official Plan, it would not appear that a Parks Plan is required. If a Parks Plan was required, 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 brief summary of the subsections is as follows:

- **Consultation:** the municipality shall consult with persons and public bodies as 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 500 dwelling 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. 2015, c. 26, s. 28 (4).”*

*“(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 500 dwelling units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4).”*

### 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. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8); 2020, c. 18, Sched. 17, s. 2 (5)."*

Note, for parkland conveyed as a condition of a plan of subdivision, the value shall be determined as of the day of approval of the subdivision agreement. 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. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (3)."*

### **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:

- 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.



### 3. Current Policy Framework

#### 3.1 Overview of Guiding Documents

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“Section 4.3.4: Recreation” of the Municipality of Lakeshore’s 2021 Official Plan (O.P.) sets out policies with respect to recreation and public open space along with policies regarding parkland dedication. This section discusses a variety of topics including the types of parks, where they may be located, requirements for parks and recreational facilities, and parkland dedication guidelines. Section 4.3.4.3 notes that parkland dedication may be required at the rates of 5% for residential development and 2% for all other purposes. It also states that the Municipality may accept payment-in-lieu of parkland dedication. Further, the Municipality may require residential development to dedicate land based on the alternative rate of one (1) hectare of land for each 300 dwelling units proposed or payment-in-lieu at a rate of one (1) hectare per 500 units. Finally, this section notes that “The Municipality will support the implementation of the Parks Master Plan that examines the need for parkland in the Municipality, and a review of the Municipality’s payment-in-lieu of parkland dedication or alternative parkland dedication requirements”.

In 2017, the Municipality undertook a detailed Parks & Recreation Master Plan. This plan undertook a review of Municipal policies with respect to parks and recreation, identified the current inventory of parks, and identified the potential need for future parks. Recommendations were provided to review and update the Municipality’s policies with respect to parkland dedication.

The Municipality’s current parkland dedication by-law (by-law 42-2014) outlines the applicable policies in further detail.

Additionally, the Municipality’s Zoning by-law was reviewed. This document provides definitions for public parks, community centres, and commercial outdoor recreation facilities.

Finally, a review of the Municipality’s 2020 Development Charge (D.C.) Background Study was undertaken. The D.C. study sets out the inventory of parkland, amenities, 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

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The O.P. provides the overarching policies with respect to parkland dedication and payment-in-lieu of parkland which are further detailed by the Parks Master Plan. These policies are then identified in the parkland dedication by-law, which, along with the Planning Act, provide the Municipality with the authority to impose parkland dedication and payment-in-lieu of parkland dedication requirements.

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### **3.2.1 Parkland Dedication**

#### **Overview**

The policies with respect to parkland dedication in the O.P. and the parkland dedication by-law allow for the requirement for 5% of the land for residential developments and 2% for all other developments. Additionally, the Municipality is able to utilize the alternative rate of one (1) hectare of land for each 300 dwelling units, if it provides a greater amount of dedication than the 5% rate.

Through discussions with staff, the alternative rate has not been utilized and it is unclear if parkland dedication requirements have been imposed on non-residential development.

#### **Alternative Rate Requirement for Parkland Dedication**

As provided in the O.P. and parkland dedication by-law, for residential development, the Municipality may require parkland be dedicated at a rate of one (1) hectare for every 300 dwelling units. To maximize parkland dedication, the Municipality should utilize the alternative rate when it provides more land than the 5% rate. To provide clarity in the by-law, the minimum density for which to apply the alternative rate may be identified. 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 300 dwelling units, this would imply that to get the same amount of land dedication, there would need to be a density of 300 units on the 20 hectares of development. This equates to a density of 15 units per hectare or 6 units per acre. If density exceeds this breakeven point, the Municipality would 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.

- Impose parkland dedication requirements on non-residential development.
- Revise the O.P. to include parkland dedication requirements of 5% for institutional development.
  - Note that section 4.3.4.3. items (c) and (e) are in conflict. Item (c) states that industrial, commercial, and institutional uses should have the 2% rate apply but item (e) states that all development other than residential, commercial, and industrial shall be subject to the 5% rate.





- Revise the O.P. (and the parkland dedication by-law) to provide guidance on the use of the alternative rate requirement (i.e. when development equals or exceeds a density of 15 units per hectare or 6 units per acre).
  - As a result, the Municipality may consider utilizing the alternative rate for all medium and high-density developments and reviewing the density of each low-density development on a case-by-case basis.

### **3.2.2 *Payment-in-Lieu of Parkland***

#### **Overview**

With respect to policies regarding payment-in-lieu of parkland, the O.P. states that the Municipality may accept payment-in-lieu of parkland dedication in the following circumstances:

- where the required land dedication fails to provide an area of suitable shape, size or location for development as public parkland to meet the intended park and opens space requirements in accordance with Section 4.3.3 of the O.P.;
- where the required dedication of land would render the remainder of the site unsuitable or impractical for development;
- the area is well served with park and open space lands and no additional parks and open spaces are required, as identified in Section 4.3.3 of the O.P.; and/or
- where the Municipality is undertaking broader land acquisition strategies for Community, Municipal, or Regional Parks and it is preferable to have consolidated parkland of a substantial size servicing a wide area.

The acceptance of payment-in-lieu shall be in accordance with the Municipality's Parkland Dedication By-law which includes a fee per lot of \$1,200 for urban lots and \$600 for rural and agricultural lots. Through discussions with staff, it is unclear as to the origin of the fees. There is no provision in the by-law for the value of 5% of the lands for residential development or 2% for industrial or commercial development or for the use of the alternative rate.

#### **Alternative Rate Requirement for Parkland Dedication**

As provided in the O.P. and based on the Planning Act, for residential development, the Municipality may require payment-in-lieu of parkland dedication at a rate of the value of one (1) hectare for each 500 dwelling units. However, there is no provision for use of the alternative rate in the parkland dedication by-law.

Similar to parkland dedication, the Municipality should consider allowing use of the alternative rate and define when it is appropriate to use the alternative rate 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 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 dedication at the 5% rate and would yield an equivalent dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 500 dwelling units, this would imply that to get the same amount of payment-in-lieu, there would need to be a density of 500 units on the 20 hectares of development. This equates to a density of 25 units per hectare or 10 units per acre. If density exceeds this breakeven point, the Municipality would receive more payment-in-lieu by using the alternative rate.

### Per Lot Rate

As noted above, the Municipality utilizes a per lot rate for all payment-in-lieu of parkland dedication. The rates imposed are \$1,200 per lot in urban areas and \$600 per lot in rural areas and for agricultural uses. Watson has reviewed these rates and estimated the equivalent value that would be received on 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 fees of \$1,200 and \$600. This summary is provided in Table 3-1 for urban and rural lots, respectively.

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

Urban Lots	Current Charge	Calculated Charge based on Average Land Values
Average Price per Hectare		\$1,900,000
Assumed Density per Hectare		15
Assumed Value per Lot	\$24,000	\$127,000
<b>P.I.L. Parkland Charge per lot:</b>	<b>\$1,200</b>	<b>\$6,400</b>

Rural/Agricultural Lots	Current Charge	Calculated Charge based on Average Land Values
Average Price per Hectare		\$440,000
Assumed Density per Hectare		3
Assumed Value per Lot	\$12,000	\$147,000
<b>P.I.L. Parkland Charge per lot:</b>	<b>\$600</b>	<b>\$7,400</b>

As per the calculations above, at \$1,200 per lot for urban lots, the assumed value of the land would be \$24,000 per lot. To compare this calculated value per lot to the current





market, Watson undertook a review of land values through a survey of vacant properties for sale in the Municipality. This survey was undertaken on Realtor.ca and is summarized in Appendix C. Based on the properties surveyed, the average price per hectare is \$1,900,000 for urban residential and \$440,000 per hectare for rural residential land. Utilizing an assumed density per hectare of 15 units per hectare for urban areas and 3 units per hectare in rural areas, the estimated value per lot would be \$127,000 and \$147,000, respectively. As a result, the current rates per lot are significantly lower than the amount that can be collected using the 5%/2% rate or the alternative rate (i.e., based on the average price per urban lot of \$127,000, the Municipality could receive \$6,400 using the 5% rate versus \$1,200 per lot). Similarly the current rate for rural lots is significantly lower than the potential revenue that may be received by using the 5%/2% rates.

## Analysis

The following provides recommended revisions to the current practice and parkland dedication by-law that may assist the Municipality in maximizing receipt of payment-in-lieu of parkland dedication.

- Impose payment-in-lieu requirements on non-residential development.
- Revise the O.P. and parkland dedication by-law to include payment-in-lieu of parkland dedication requirements of 5% for institutional development.
- Consider utilizing per lot rates only for residential consents and severances.
- Consider increasing the per lot fee to \$6,000 for all urban and rural residential lots with provision for annual indexing.
- Update the parkland dedication by-law to allow for the use of the alternative rate and provide guidance on the use of the alternative rate requirement (i.e. when development equals or exceeds a density of 25 units per hectare or 10 units per acre).
  - As a result, the Municipality may consider utilizing the alternative rate for all medium and high-density developments and reviewing the density of each low-density development on a case-by-case basis.

## 3.3 Current Recoveries from Development Charges

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### 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.

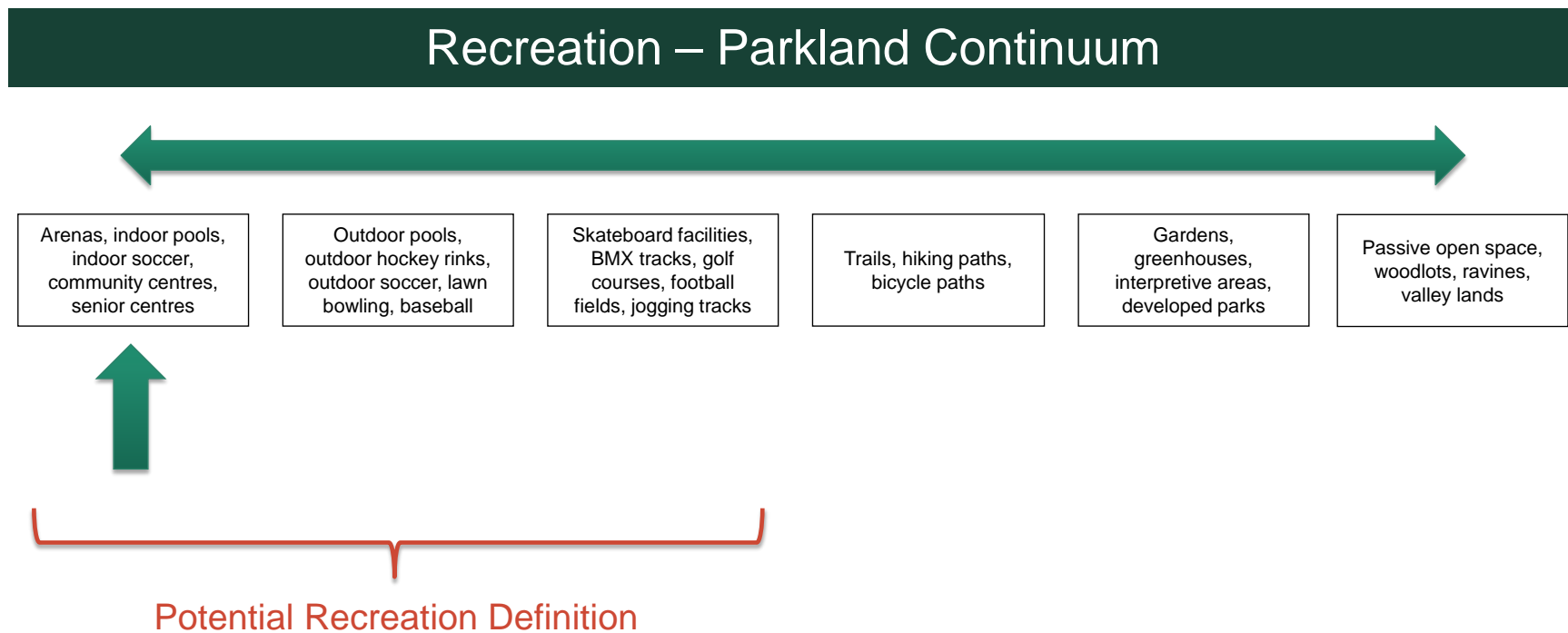
In summary, land for park purposes is not eligible for inclusion in a D.C., however, land for recreation is eligible. The distinction between parkland and land for recreation purposes is important in determining which lands may be recovered from new development through D.C.s as this will help maximize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



Figure 3-1  
Municipality of Lakeshore  
Recreation to Parkland Continuum





### **3.3.2 Current Definitions in Lakeshore Documents**

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

- Municipality of Lakeshore Official Plan (2021);
- Municipality of Lakeshore Zoning By-law (2019); and
- Parks & Recreation Master Plan (2017).

Through a review of these documents, each reference to parks and/or recreation was noted to ascertain the Municipality's assumed definition of each term. Although there are instances where the O.P. utilizes the terms in various contexts and appears to have different meanings, it appears that there are relatively clear distinctions between parks and recreation. For example, in Section 4 of the O.P., there is a clear distinction between parks and open space versus recreation.

In the Zoning By-law, the definition of commercial outdoor recreation facility provides a distinction between parkland versus outdoor recreation spaces (e.g., mini golf courses, outdoor swimming pools, batting cages, etc.).

In the Parks and Recreation Master Plan, parks and outdoor recreation facilities appear to be distinct. For example, Appendix F specifies that soccer fields, tennis courts, splash pads, outdoor pools, etc. are all recreational facilities as opposed to parkland. This appears to make a clear distinction between parks and recreation.

Table B-1 in Appendix B provides for a list of all of the instances of the terms 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 review their existing policy documents to clearly define parks versus recreation. These refined definitions should be consistent between all policy documents. Although there are certain instances where distinctions between parks and recreation are unclear, it appears that the Municipality has provided many clear delineations through policy documents.

## **4. Impacts of Current Practice vs. Alternative Approaches**

### **4.1 Approach to Analysis**

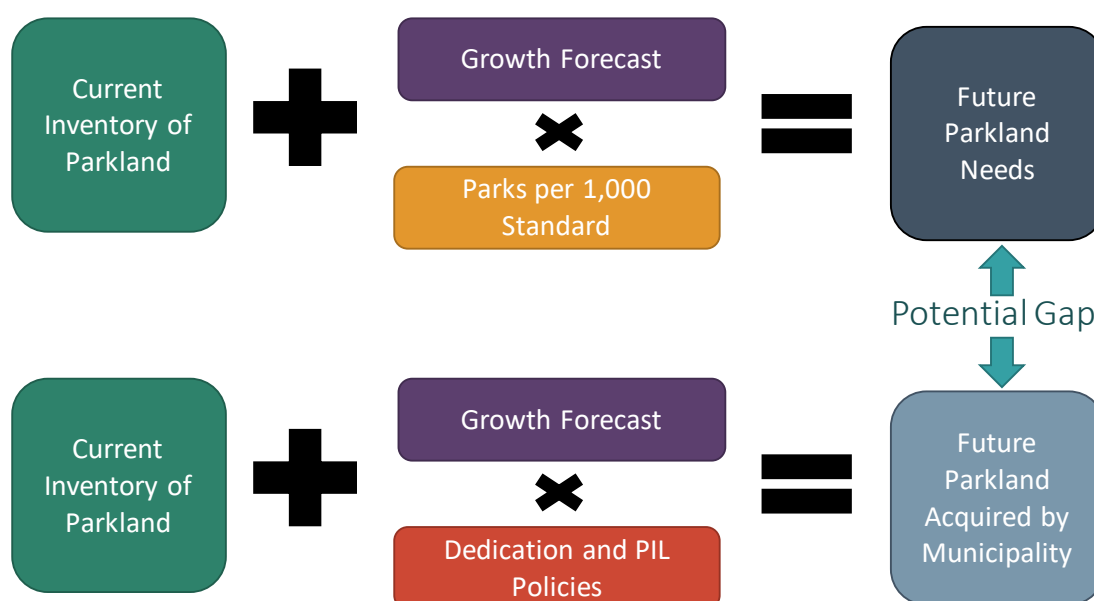
To quantify the impacts of the various approaches on the Municipality's ability to receive and purchase parkland, the following section provides for the anticipated parkland



dedication and payment-in-lieu of dedication, calculated by using the Municipality's 2020 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 Lakeshore  
Parkland Needs Analysis



## 4.2 Current Inventory of Parkland and Future Need

### 4.2.1 Summary of Current Inventory

The 2017 Parks & Recreation Master Plan identified the current inventory of parks in the Municipality. As of 2016, the Municipality provided 73.97 hectares of regional & community parks and 31.28 hectares of neighbourhood parks & parkettes for a total of 105.25 hectares of parkland.

As part of the Parks & Recreation Master Plan, a recommended service level of 2.83 hectares of parkland per 1,000 residents was identified.



The anticipated parkland needs to 2040 were identified based on this service level and the anticipated population (based on the 2020 D.C. background study). The calculations provide that the Municipality would require 132.73 hectares of parkland, implying that by 2040, the Municipality would need to receive (or purchase) parkland in the amount of 27.48 hectares. This information is summarized in Table 4-1:

Table 4-1  
Municipality of Lakeshore  
Required Parkland by 2040 as per Recommended Service Level and Anticipated Growth

<b>Parkland Requirement Calculations</b>	<b>2016</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>
Projected Population	36,600	38,600	43,142	46,902
Existing Standard (Community and Neighbourhood ha per 1,000)	2.83	2.83	2.83	2.83
<b>Parkland Requirement (ha)</b>	<b>103.58</b>	<b>109.24</b>	<b>122.09</b>	<b>132.73</b>
Current Inventory (2016) (ha)	105.25	105.25	105.25	105.25
<b>Additional Parkland Required (ha)</b>	<b>0.00</b>	<b>3.99</b>	<b>16.84</b>	<b>27.48</b>

## 4.2.2 Analysis

### Parkland Inventory

Watson compared the inventory of parkland identified in the Parks & Recreation Master Plan to the Municipality's 2020 D.C. Background Study which also includes an inventory of parkland in the Municipality. The inventory included in the D.C. background study was significantly higher than the amount of parkland identified in the Master Plan (i.e. the D.C. study included 140 hectares of parkland). This discrepancy may be partially due to the inclusion of undeveloped parkland in the D.C. inventory. A review and reconciliation of parkland (excluding recreation, discussed further in section 4 of this report) should be undertaken to ascertain the accurate inventory of parkland.

Additionally, the current inventory should be categorized based on the Municipality's parkland hierarchy. The Parks & Recreation Master Plan and the Municipality's O.P. identify five categories of parks: Regional Parks, Community Parks, Neighbourhood Parks, Parkettes and Trails/Greenway. The anticipated parkland needs identified above may be greater when each category is analysed separately.

## 4.3 Parkland Dedication

### 4.3.1 Current Approach

Under the current approach, the Municipality imposes payment-in-lieu rather than parkland dedication requirements. As a result, the analysis in this section assumes payment-in-lieu of dedication is received which is then converted to the equivalent hectares of parkland. The current fees are \$1,200 per urban lot and \$600 per rural lot.



Utilizing the growth forecast from the D.C. background study, there are a total of 4,543 low and medium density units anticipated to be constructed over the 2016 to 2040 forecast period. Each of these units are assumed to be developed as one lot. With respect to high-density development, it has been assumed that there may be an average of 50 apartment units per lot. As a result, its anticipated that there would be an additional 12 apartment lots in total. The number of lots is then multiplied by the fee per lot to estimate the payment-in-lieu of parkland revenue. Table 4-2 summarizes these calculations. At the noted rates, the total annual revenue anticipated would be \$5,381,400.

Table 4-2  
Municipality of Lakeshore  
Revenues Received through Current Policy

Share of growth	Location	\$/lot	Anticipated Lots between 2016 and 2040 (single and townhouse)	Anticipated Lots between 2016 and 2040 (apartments)*	Revenue Anticipated
97%	Urban	\$1,200	4,402	12	5,296,800
3%	Rural	\$600	141	-	84,600
	<b>Total</b>		<b>4,543</b>	<b>12</b>	<b>5,381,400</b>

*\*Assumed 50 apartments per lot*

*Forecast of units based on DC study forecast*

The Municipality's current policy allows for dedication from non-residential development at 2% of the land area. However, through discussions with staff, in practice the Municipality does not appear to impose parkland dedication on non-residential development.

Section 4.2 of this memo provided for the inventory of parkland in the Municipality. This inventory was measured as of 2016. As a result, the growth forecast period utilized for this analysis is based on growth from 2016 to 2040. When defining the need for parkland based on the total population of the Municipality, the total hectares of parkland required equals 27.48 hectares (at the standard of 2.83 hectares of parkland per 1,000 population). Based on a review of vacant residential land for sale in the Municipality (discussed in Section 3.2 and presented in Appendix C), the average price per hectare of land in the urban area is approximately \$1,900,000. Under the current policy and based on this average price per hectare, it is estimated that the Municipality could acquire 2.83 hectares of land. This is significantly lower than the 27.48 hectares that would be required to meet the service level targets as per the Municipality's Parks & Recreation Master Plan.

#### **4.3.2 5%/2% Parkland Dedication**

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).





Table 4-3 provides for a summary of the anticipated residential units to be constructed over this time period. With assumed densities of 15, 40, and 100 units per hectare for low, medium, and high-density development, respectively, the total hectares of residential development lands equal 285.20 hectares. At a parkland dedication rate of 5%, the total parkland to be dedicated would be 14.26 hectares.

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

Unit Type	Anticipated Units (2016 to 2040)	Density Assumption (units/hectare)	Total Hectares	Total Hectares Dedicated at 5%
Singles	3,979	15	265.27	13.26
Towns	565	40	14.13	0.71
Apartments	581	100	5.81	0.29
<b>Total</b>	<b>5,125</b>	<b>-</b>	<b>285.20</b>	<b>14.26</b>

Table 4-4 provides for a summary of the anticipated non-residential development to be constructed over the 2016 to 2040 time period. Based on the D.C. growth forecast, there is approximately 5,300 employees that will be added. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 5.35 million sq.ft. Assuming the industrial buildings have a lot coverage of 25% and the institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 20.50 million sq.ft. or 190.48 hectares. At the 2% dedication rate for industrial and commercial developments, and 5% for institutional developments, this would provide the Municipality with a total of 5.03 hectares over the forecast period.

Table 4-4  
Municipality of Lakeshore  
Non-residential Parkland Dedication  
2% for Industrial and Commercial, 5% for Institutional

Type	Anticipated Employment (2016 to 2040)	Sq.ft. per Employee	Anticipated Sq.ft. (2016 to 2040)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Hectares of Land Area	Total Hectares Dedicated
Industrial	3,098	1,300	4,027,400	25%	16,109,600	149.66	2.99
Commercial	1,382	550	760,100	30%	2,533,667	23.54	1.18
Institutional	797	700	557,900	30%	1,859,667	17.28	0.86
<b>Total</b>	<b>5,277</b>	<b>-</b>	<b>5,345,400</b>	<b>-</b>	<b>20,502,933</b>	<b>190.48</b>	<b>5.03</b>

In total, this approach would yield the Municipality with approximately 19.29 hectares of parkland if every property provided parkland dedication.

### 4.3.3 *Alternative Residential Rate*

With respect to use of the alternative rate for parkland dedication of one (1) hectare for every 300 dwelling units, the non-residential dedication would remain the same at 5.03 hectares. However, if the Municipality were to utilize the alternative rate for residential developments, the Municipality would receive 17.08 hectares for a total of 22.12



hectares of parkland. Table 4-5 provides for the anticipated hectares of parkland dedication based on the residential growth forecast from the D.C. study and the alternative rate.

Table 4-5  
Municipality of Lakeshore  
Residential Parkland Dedication at One Hectare for Each 300 Dwelling Units

Unit Type	Anticipated Units (2016 to 2040)	One Hectare per 300 dwelling units
Singles	3,979	13.26
Towns	565	1.88
Apartments	581	1.94
<b>Total</b>	<b>5,125</b>	<b>17.08</b>

#### 4.3.4 Summary of Analysis

Table 4-6 provides for a comparison of the approaches to parkland dedication for residential development (current policy vs. 5% vs. one hectare for 300 dwelling units) and non-residential development (currently policy vs. 2% for industrial/commercial and 5% for institutional). Using the alternative rate would provide the Municipality with the most hectares of parkland by 2041, however, there would still be a deficit of 5.37 hectares with respect to the target needs of 27.48 hectares.

Table 4-6  
Municipality of Lakeshore  
Summary Comparison of Current vs. Alternative Rate Approaches

Summary	Current Policy (Based on \$1,900,000/hectare)	5% for Residential/ Institutional and 2% for Industrial/ Commercial	1 Hectare for 300 Dwelling Units and 2% for Industrial/Commercial, 5% for Institutional
Residential Hectares	2.83	14.26	17.08
Non-residential Hectares	-	5.03	5.03
<b>Total Hectares Dedicated</b>	<b>2.83</b>	<b>19.29</b>	<b>22.12</b>
<b>Required Parkland</b>	<b>27.48</b>	<b>27.48</b>	<b>27.48</b>
<b>Deficit/(Surplus) (hectares)</b>	<b>24.65</b>	<b>8.19</b>	<b>5.37</b>

#### 4.4 Payment-in-Lieu of Parkland

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

1. **Current Policy:** impose a rate per lot (\$1,200 for urban lots and \$600 for rural/agricultural lots);



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 and industrial development; and
3. **Alternative Rate:** impose the equivalent value of one (1) hectare of land for each 500 dwelling units.

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 2016 to 2040. The estimated land values in the Municipality were analyzed based on a review of vacant properties for sale available on Realtor.ca as of May 10, 2022. A summary table of the vacant properties reviewed is provided in Appendix C. Based on the properties surveyed, the average sales price of urban vacant land is approximately \$1,900,000 per hectare.

As noted with parkland dedication, based on the total anticipated Municipal population in 2040, the Municipality would require 27.48 hectares of parkland. At a land value of \$1,900,000 per hectare, the total revenue required would be approximately \$52.2 million.

#### **4.4.1 Current Policy**

Based on the discussion in section 4.3.1, under the current policy, the Municipality could expect to receive \$5.38 million in revenues. This is significantly lower than the \$52.2 million of required revenue.

#### **4.4.2 5%/ 2% Rates**

Similar to parkland dedication, 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). Similar to the calculations presented in Table 4-3, Table 4-7 provides a summary of the anticipated residential units to be constructed to 2040. With assumed densities of 15, 40, and 100 units per hectare for low, medium, and high-density development, respectively, the total area of residential development lands equal 285.20 hectares. At a value of \$1.9 million per hectare, the total value of the developable lands would be approximately \$54.88 million. At a rate of 5% of the land value, the Municipality would receive approximately \$27.09 million.



Table 4-7  
Municipality of Lakeshore  
Anticipated Payment-in-Lieu of Parkland Dedication Revenues – 5%

Unit Type	Anticipated Units (2016 to 2040)	Density Assumption (units/hectare)	Total Hectares	Value of Land per Hectare	Total Value of Developable Lands	5% of the Total Value
Singles	3,979	15	265.27	\$1,900,000	\$504,006,667	\$25,200,333
Towns	565	40	14.13	\$1,900,000	\$26,837,500	\$1,341,875
Apartments	581	100	5.81	\$1,900,000	\$11,039,000	\$551,950
<b>Total</b>	<b>5,125</b>		<b>285.20</b>		<b>\$541,883,167</b>	<b>\$27,094,158</b>

With respect to non-residential development, Table 4-8 provides a summary of the anticipated non-residential development to be constructed over the 2016 to 2040 time period. Based on the D.C. growth forecast, there is approximately 5,300 employees that will be added. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 5.35 million sq.ft. Assuming the industrial buildings have a lot coverage of 25% and the institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 20.50 million sq.ft. This equates to a total land area of 190.48 hectares. At a value of \$3.5 million per hectare, the total value of the developable lands would be approximately \$666.68 million. At a rate of 2% of the land value for industrial and commercial and 5% of institutional, the Municipality would receive approximately \$15.15 million.

Table 4-8  
Municipality of Lakeshore  
Anticipated Payment-in-Lieu of Parkland Dedication Revenues  
2% for Industrial/Commercial and 5% for Institutional

Type	Anticipated Employment (2016 to 2040)	Sq.ft. per Employee	Anticipated Sq.ft. (2016 to 2040)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total ha of Land Area	Value of Land per ha	Total Value of Developable Lands	2% of the Total Value (5% for institutional)
Industrial	3,098	1,300	4,027,400	25%	16,109,600	149.66	\$3,500,000	\$523,821,292	\$10,476,426
Commercial	1,382	550	760,100	30%	2,533,667	23.54	\$3,500,000	\$82,384,947	\$1,647,699
Institutional	797	700	557,900	30%	1,859,667	17.28	\$3,500,000	\$60,469,099	\$3,023,455
<b>Total</b>	<b>5,277</b>		<b>5,345,400</b>		<b>20,502,933</b>	<b>190.48</b>		<b>\$666,675,338</b>	<b>\$15,147,580</b>

#### 4.4.3 Alternative Residential Rate

As per section 4.3.3, the Municipality may impose an alternative parkland dedication rate on residential development in the amount of one (1) hectare of parkland per 300 dwelling units. In regard to receipt of payment-in-lieu of dedication the Planning Act also allows the use of an alternative rate however, the rate is reduced to the value of the land equal to one (1) hectare for each 500 dwelling units.

With respect to use of the alternative rate the non-residential payment-in-lieu would remain the same at approximately \$15.15 million. However, if the Municipality were to utilize the alternative rate for residential developments, the Municipality would receive approximately \$19.48 million for a total of \$34.62 million. Table 4-10 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 4-10  
Municipality of Lakeshore  
Residential Payment-in-Lieu of Dedication at One Hectare for Each 500 Dwelling Units

Unit Type	Anticipated Units (2016 to 2040)	1 ha per 500 dwelling units	Value of Land per ha	Total Revenue Received
Singles	3,979	7.96	\$1,900,000	\$15,120,200
Towns	565	1.13	\$1,900,000	\$2,147,000
Apartments	581	1.16	\$1,900,000	\$2,207,800
<b>Total</b>	<b>5,125</b>			<b>\$19,475,000</b>

#### 4.4.4 Summary of Analysis

Table 4-11 provides for a comparison of the approaches to payment-in-lieu of parkland for residential development (per lot fee vs. 5% vs. one hectare for 500 dwelling units) and non-residential development (2% for industrial/commercial and 5% for institutional). Use of the per lot fee provides the Municipality with approximately \$5.38 million, use of the 5%/2% provides for approximately \$42.24 million, and use of the alternative rate provides for approximately \$34.62 million.

Table 4-11  
Municipality of Lakeshore  
Summary Comparison of Current vs. Alternative Rate Approaches

Summary	Per Lot Fee	5% for Residential/Institutional and 2% for Industrial/Commercial	1 Hectare for 500 Dwelling Units and 2% for Industrial/Commercial, 5% for Institutional
Residential Recovery	\$5,381,400	\$27,094,158	\$19,475,000
Non-residential Recovery	\$0	\$15,147,580	\$15,147,580
<b>Total Payment-in-Lieu</b>	<b>\$5,381,400</b>	<b>\$42,241,738</b>	<b>\$34,622,580</b>
Amount Required	\$52,217,054	\$52,217,054	\$52,217,054
<b>Deficit/(Surplus) (\$)</b>	<b>\$46,835,654</b>	<b>\$9,975,316</b>	<b>\$17,594,474</b>



## 5. Observations and Comments

Based on the above, the following provides a summary of our observations and potential recommendations for the Municipality's consideration.

1. **Parkland Inventory:** Through a review of the Parks & Recreation Master Plan and the D.C. background study it was observed that the inventory of current parkland is inconsistent. The Municipality should review the inventory from both documents and provide a reconciliation to ensure the inventory is correct. This will ensure that the calculation of future anticipated parkland needs is accurate. Additionally, the inventory should be allocated to each category of parkland.
2. **Service Standards:** The current service standard is provided on a Municipal-wide basis. However, the Municipality should consider a standard for each category of parkland.
3. **Parkland Dedication:** The Municipality's current policy for imposing parkland dedication is to impose the 5% dedication requirement on residential development, however, the current practice is to impose a per lot fee on residential development and no dedication requirements on non-residential development. The Municipality should consider use of the alternative rate for residential development (where the alternative rate provides for more dedication). The Planning Act allows for the imposition of 5% parkland dedication on institutional developments, however, the Municipality's current policy and O.P. states 2% will be imposed. The Municipality should consider revising this policy in the O.P. then updating their policy/by-law to impose dedication at the 5% rate for institutional developments.
4. **Payment-in-Lieu:** The current fee per lot of \$1,200 the urban area and \$600 in former rural/agricultural areas is less than the value the Municipality would receive by using the 5% and 2% rates. The Municipality should consider increasing the fees to \$6,000 for urban and rural residential lots. It is recognized that the value per lot observed for rural lots is slightly higher (given the lower assumed density per hectare), however, for consistency it is recommended that the same charge per lot be used for all residential lots. The fee should also only be applied to residential severances and consents. Additionally, the Municipality may consider use of the alternative rate (the value is one (1) hectare of land for each 500 dwelling units) where the alternative rate provides for more payment-in-lieu. Similar to the parkland dedication observations, payment-in-lieu for institutional developments may be recovered at the 5% rate (subsequent to an update of the O.P.).
5. **Parkland vs. Recreation Land:** To maximize recovery of costs for parkland and recreation land, the Municipality may consider reviewing definitions in the Official Plan, Master Plan, Zoning By-law, and other policy documents to ensure there is a clear delineation between parkland vs. recreation land. This will allow for more



land to be recovered through D.C.s, freeing up the dedication and payment-in-lieu funds to be used for parkland.

## 6. Next Steps

With respect to next steps, Municipal 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. An updated draft by-law has been provided in Appendix D.

We trust that the information provided in this memo is useful and we would be happy 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 Lakeshore  
Parkland vs. Recreation – Review of Definitions in Current Policy Documents

Document	Document Reference	Definition of Recreation vs. Parkland	Notes
Official Plan	Introduction Section 1.0  Page 6	The Municipality of Lakeshore Official Plan (the Plan) is an essential tool to manage future growth, development and change in the Municipality. This Plan provides a blueprint for growth over the planning period to the year 2031, by incorporating a growth management framework which ensures orderly and efficient development patterns by building sustainable and complete communities while protecting and enhancing the Municipality’s rich natural and agricultural resources. It ensures that the planning framework and tools are in place to make the Municipality of Lakeshore a healthy and desirable place to live, work and enjoy <b>recreational opportunities</b> .	Refers to recreational opportunities to make Lakeshore a desirable place to live and work. Unclear what recreation means in this case.
	Organization of the OP Section 4  Page 8	Building Healthy Communities - provides detailed policies related to the built environment (including community design, cultural heritage), the human environment (including housing and public services, <b>parks and open space, and recreation</b> ), and economic development (including tourism, agriculture, natural resources, retail and employment/industrial policies).	Appears to delineate parks as being separate from recreation
	Economy  Page 13	Promote the Municipality as a tourist and <b>recreational destination</b> . Support the preparation of a tourism strategy to investigate opportunities for accommodation development, in addition to opportunities for special events programming;	Unclear what recreational means in this case
	Community  Page 14	The Municipality of Lakeshore will promote improved quality of life for Lakeshore residents by making the Municipality a desirable place to live, work and enjoy <b>recreational opportunities</b> .  Promote public access to the waterfront and enhanced <b>recreational opportunities</b>	Unclear what recreational means in this case
	Servicing and Facilities  Page 16	“Lakeshore will ensure that our Municipality is well served and well equipped.” An integral component of the Official Plan is a comprehensive growth management strategy to ensure the development of sustainable and complete communities. Complete communities meet residents’ immediate and future needs by providing access to a full range and mix of housing, a diverse mix of jobs, a range of community services and facilities, <b>recreational and open space opportunities</b> , and convenient transportation choices.  g) Promote expanded recreational services, programs and facilities, including improved access to the waterfront;  h) Promote healthy communities through opportunities for recreation and convenient access to community services and facilities;	Recreational services appear to be allowed on waterfront. Appears to make a distinction between recreation and open space.



Document	Document Reference	Definition of Recreation vs. Parkland	Notes
	Site Specific Policies  Page 36	<p>b) The predominant use of land will be a mix of medium to higher density residential uses; non-industrial community-related employment uses including: commercial retail, offices, and services; entertainment and cultural facilities; institutional; and municipal and public services including: schools, <b>recreation centres, parks and open space uses</b> within an innovative pedestrian-oriented main street environment.</p> <p>d) The Municipality will explore opportunities to secure public lands for <b>passive recreation and open spaces</b>.</p>	Recreation appears to be delineated from parks in the first case with respect to recreation facilities, however second point appears to blur the line between parks and recreation
	Built Environment  Page 45	<p>A high quality of park and open space design will be required. The land for parkland dedication will be carefully selected to facilitate their use as a central focal point for new or existing neighbourhoods. The Municipality's preference will be for conveyance of parkland and will discourage cash in lieu for sufficiently large sized parcels.</p> <p>The Municipality will promote the integration and accessibility of community uses including schools, municipal facilities, institutional uses, parks and open spaces and recreational uses through pedestrian, cycling and trail linkages. The Municipality will require the provision of certain pedestrian, cycling and trail linkages through the development approvals process, in accordance with the policies of this Plan and associated outline plans as approved by Council.</p>	Recreation separate from parks
	Community Improvement  Page 48	deficiencies in community and social services including, but not limited to, public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;	Clear delineation between recreation and parks
	Energy Conservation  Page 56	The Municipality will encourage public/private partnerships to finance, acquire and construct a linked open space system consisting of bikeways, trails, and walkways which promote walking, cycling and non-motorized modes of transportation between communities.	Provides what open space system consists of
	Recreation Policies  Page 73	<p><b>Recreation</b></p> <p>The Plan strives to ensure that sufficient recreational, open space and park facilities are provided within the Municipality to meet the leisure needs and desires of the present and future residents, businesses, as well as visitors to the Municipality.</p> <p>The Municipality will promote appropriate <b>recreational development in parks, open spaces</b>, along the lakeshore and other similar areas of the Municipality that provide opportunities for active, passive and programmed community recreation and</p>	Several instances in this section that delineates parks separately from recreation



Document	Document Reference	Definition of Recreation vs. Parkland	Notes
		<p>leisure, and that contribute to the preservation and protection of open space and the natural environment.</p> <p>The Municipality will assess the feasibility of acquiring private land along the lakeshore for public park or open space uses.</p> <p>The Municipality will promote the provision of pedestrian, cycling and trail linkages and the integration of recreational and parks and open space uses.</p>	
	<p>Parks and Open Space Policies</p> <p>Page 73-78</p>	<p>Parks and open spaces appear to be clearly distinct from recreation within this section. There is no mention of recreation or recreational facilities within this section. E.g.</p> <ul style="list-style-type: none"><li>- The Municipality's parks and open spaces will provide venues for a diverse range of both structured and unstructured, active and passive leisure pursuits for children, teens, adults and seniors to pursue activities of personal interest, skills development, and volunteering active engagement in community life.</li><li>- The Municipality's parks and open spaces will provide venues to protect and conserve valued natural resources, such as woodlots, marshes, waterfronts, and other natural features vital to a healthy and sustainable ecology and natural environment, as well as to recognize and sustain valued historical and heritage venues that have contributed to both the community's historical development and identity.</li><li>- Parks and open spaces will also provide lands that contribute to the greening and beautification of the municipality via both natural and planted materials and venues, and will create unique identifiers and focal points for the community.</li><li>- The Municipality will consider opportunities for the promotion and implementation of stormwater management best practices within the Municipality's parks and open spaces where appropriate. Consideration should be given to stormwater attenuation and re-use and low impact development measures to control the quantity and quality of stormwater.</li></ul> <p>Elements for each type of park are provided within OP. Recreation facilities are not included within the elements. E.g. Regional Parks consider the following elements:</p> <ul style="list-style-type: none"><li>i) Incorporate universally accessible guidelines</li><li>ii) Tree canopy</li><li>iii) Seating (choices)</li><li>iv) Trash/Recycling</li><li>v) Play equipment (alternative opportunities)</li><li>vi) Tables (picnic or café)</li><li>vii) Parking</li><li>viii) Restrooms</li><li>ix) Internal Trail</li><li>x) Splash pad water feature</li><li>xi) Pavilion</li><li>xii) Support marina programming or recreational programming</li></ul> <p>Neighbourhood parks with sports classification may also include sports fields,</p>	<p>Implies major sports field may be outdoor recreation</p> <p>CIP section implies recreation is separate from parkland</p>





Document	Document Reference	Definition of Recreation vs. Parkland	Notes
		however, all other elements are indicative of parks vs. recreation	
	Residential Designation  Page 151	Neighbourhood parks and trails will be permitted, whereas community parks, major parks and other large-scale recreational uses will only be permitted in the Parks and Open Space Designation.	Appears that recreational uses are part of parks and open spaces
	Recreation and Commercial Designation  Page 155	Recreation facilities operating largely for commercial gain including, marinas, parks, golf courses, travel trailer parks, campgrounds, amusement parks, hotels and motels, convention and meeting establishments, museums and galleries and other commercial recreational facilities including restaurants, clubs, taverns, snack bars, and convenience retail establishments.	Parks are part of recreation facilities definition here
	Parks and Open Space Designation  Page 176	Recreation and Recreation facilities are noted here a number of times	Parks and recreation definitions appear blurred here.
Zoning By-law	Definitions - Page 45 & 46	<p><b>COMMERCIAL OUTDOOR RECREATION FACILITY</b> – shall mean an outdoor facility or facilities which may include, but not necessarily be restricted to a water slide, a commercial outdoor swimming pool, a wave pool, a baseball batting cage or a paddleboat or bumper-boat pool, and a mini golf course, but shall not include a golf course, go-kart track, a ski club or any other use as otherwise defined or listed herein.</p> <p><b>COMMUNITY CENTRE</b> – shall mean a public building and associated lands used for community recreation or social activities, meetings or other leisure activities and not used for commercial purposes, and the control of which is vested in the Town, a non-profit organization, a local board or agent thereof</p> <p><b>PARK, PUBLIC</b> – shall mean a park controlled or owned by the Town or a public authority normally open to the public.</p>	Separation of parkland from recreation
Parks and Recreation Master Plan	Appendix F	Delineates parks and outdoor recreation facilities - specifies that soccer fields, tennis courts, splash pads, outdoor pools etc. are all recreational facilities	Appears to make the distinction between parks and outdoor recreation



# Appendix C

## Realtor.ca Survey of Vacant Sales Prices



Table C-1  
Municipality of Lakeshore  
Survey of Sales Prices for Vacant Lots Available on Realtor.ca  
As of May 10, 2022

Area of Municipality	Type of Property	Serviced?	Type of Lot	Sale Price	Property Size (acres)	Sale Price per Acre	Sale Price per Hectare
Belle River	Vacant Residential	Fully Serviced	Urban	\$395,000	0.15	\$2,607,000	\$6,440,000
Belle River	Vacant Commercial	Fully Serviced	Commercial	\$450,000	0.32	\$1,425,826	\$3,520,000
St Joachim	Vacant Residential	No	Rural	\$229,000	2.23	\$102,848	\$250,000
Stoney Point	Vacant - potential for res or commercial	Fully Serviced	Urban	\$1,299,000	1.96	\$662,387	\$1,640,000
Haycroft	Vacant residential	No	Rural	\$350,000	3.48	\$100,661	\$250,000
Comber	Vacant residential	No	Rural	\$249,900	0.25	\$981,176	\$2,420,000
Lighthouse Cove	Vacant residential	Fully Serviced	Urban	\$750,000	1.02	\$733,897	\$1,810,000
Lighthouse Cove	Vacant residential	No	Rural	\$289,000	0.34	\$839,256	\$2,070,000
Lighthouse Cove	Vacant residential	Yes (at road)	Urban	\$174,900	0.31	\$556,918	\$1,380,000
				<b>\$4,186,800</b>	<b>10.07</b>	<b>\$415,900</b>	<b>\$1,030,000</b>

Summary	Total Acres	Total Hectares	Total Sale Price	Average price per hectare
Urban Lots	3.45	1.40	\$2,618,900	\$1,900,000
Rural Lots	6	2.55	\$1,117,900	\$440,000
Commercial Lot	0.32	0.13	\$450,000	\$3,500,000



# Appendix D

## Draft Parkland Dedication By-law



## THE CORPORATION OF THE MUNICIPALITY OF LAKESHORE

By-law Number XX-2022

### **BEING A BY-LAW TO PROVIDE FOR THE DEDICATION OF PARKLAND OR THE PAYMENT IN LIEU THEREOF AS A CONDITION OF DEVELOPMENT OR REDEVELOPMENT**

**WHEREAS** section 42 of the *Planning Act* provides that, as a condition of 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** in the case of land proposed for Development or Redevelopment for residential purposes, pursuant to the *Planning Act*, a municipality may require that such land be conveyed at the rate of up to one hectare for each 300 Dwelling Units, provided that the municipality has specific policies dealing with the provision of lands for park or other public recreational purposes, and the use of this alternative requirement is included within its Official Plan;

**AND WHEREAS** the Municipality of Lakeshore has such specific policies dealing with the provision land to be conveyed at the rate of up to one hectare for each 300 Dwelling Units;

**AND WHEREAS** the Council for the Corporation of the Municipality of Lakeshore 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 Lakeshore.

**NOW THEREFORE**, the Council of the Corporation of the Municipality of Lakeshore hereby enacts as follows:



## Definitions

1. In this by-law:
  - a) **“Agricultural Uses”** has the same meaning as in Lakeshore’s Comprehensive Zoning By-law.
  - b) **“Board of Education”** has the same meaning as "board", as defined in the Education Act, R.S.O. 1990, c.E.2, as amended;
  - c) **“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.
  - d) **“Council”** means the Council for the Corporation of the Municipality of Lakeshore;
  - e) **“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;
  - f) **“Dwelling 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;
  - g) **“Gross Floor Area”** has the same meaning as in Lakeshore's Development Charges By-law, as amended.
  - h) **“Industrial”** means the use of land, buildings, or structures in connection with:
    - i. manufacturing, producing, or processing of raw goods;
    - ii. warehousing or bulk storage of goods;
    - iii. a distribution centre;
    - iv. a truck terminal; or



- v. research or development in connection with manufacturing, producing or processing of raw goods;

and includes office uses and the sale of commodities to the general public where such office or retail uses are ancillary to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above, and does not include a retail warehouse;

- i) **“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;
- j) **“Lakeshore”** means the Corporation of the Municipality of Lakeshore;
- k) **“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;
- l) **“Net Area of the Lands”** means the total area of the lands being Developed or Redeveloped, less the area of any lands to be conveyed gratuitously to Lakeshore, the County of Essex, the Essex Region Conservation Authority or the Lower Thames Region Conservation Authority, pursuant to an approval or provisional consent issued in accordance with the Planning Act, in support of natural heritage systems, including but not limited to, wetlands, valley and watercourse corridors, tableland woodlands and other environmentally sensitive lands as determined by Lakeshore;
- m) **“Official Plan”** means the Lakeshore Official Plan, as amended.
- n) **“PIL”** means payment-in-lieu of parkland otherwise required to be conveyed.
- o) **“Planning Act”** means the Planning Act, R.S.O. 1990, c.P.13, as amended,
- p) **“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;
- q) **“Residential”** means the use of land, buildings, or structures for human habitation;





- r) **“Rural Area”** means those areas designated as not being within a settlement area by the Official Plan;
- s) **“Temporary Building or Structure”** means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight (8) months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight (8) months;
- t) **“Urban Area”** means those areas designated as being within a settlement area by the Official Plan;

### **Conveyance of Land for Park Purposes**

- 2. As a condition of Development or Redevelopment of land pursuant to the Planning Act, Lakeshore shall require the conveyance of land for park purposes as follows:
  - a) In the case of lands proposed for Residential uses, the greater of the following:
    - i) if the density of the development is 15 units per hectare or less, at a rate of five per cent (5%) of the land being Developed or Redeveloped, or
    - ii) if the density of the development is greater than 15 units per hectares, at a rate of one (1) hectare for each three hundred (300) Dwelling Units proposed
  - b) In the case of lands proposed for Commercial, Industrial or Institutional uses, land in the amount of two per cent (2%) of the land to be Developed or Redeveloped;
  - c) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections 2(a) and 2(b) of this by-law, land in the amount of five per cent (5%) of the land to be Developed or Redeveloped;
  - d) 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 Lakeshore, of the lands being Developed or Redeveloped, shall require the conveyance of land as determined in accordance with subsection 2(a) of this by-law; plus



- ii) the Commercial, Industrial, or Institutional component of the lands being Developed or Redeveloped, if any as determined by Lakeshore, shall require the conveyance of land as determined in accordance with subsection 2(b) of this by-law; plus
- iii) the component of the lands proposed for any use other than Residential, Commercial, Industrial or Institutional, if any as determined by the Municipality, shall require the conveyance of land as determined in accordance with subsection 2(c) of this by-law.

### **Location of Conveyance and Condition of Title**

- 3. The location and configuration of land required to be conveyed pursuant to this by-law shall be as determined by Lakeshore and all such lands shall be free of all encumbrances, including but not limited to such easements which Lakeshore, 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 Lakeshore.
- 4. The conveyance of any valleyland or watercourse corridors, woodlands, natural heritage system lands and associated buffers, easements, vista blocks and storm water management ponds, as defined in the Official Plan or any secondary plan adopted under the Official Plan, shall not be considered a conveyance of land for park purposes pursuant to the requirements of section 2 of this by-law.

### **Timing of Conveyance**

- 6. Where land is required to be conveyed in accordance with section 2 of 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 Lakeshore either prior to or immediately upon registration of the plan of subdivision or upon the consent being given, as determined by Lakeshore;
  - 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, Lakeshore 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.

### **Payment-in-Lieu of Parkland**

- 6. In lieu of requiring the conveyances referred to in section 2 of this by-law, Lakeshore may require the payment of the value of the lands otherwise required to be conveyed, calculated in accordance with the following:



- a) Where the payment of PIL has been required as a condition of a severance or consent pursuant to sections 51.1 or 53 of the Act, PIL shall be calculated as follows:
  - i. Residential uses - \$6,000 per lot;
- b) The per lot rates identified in section 6 (a) shall be indexed annually on January 1<sup>st</sup> of each year commencing January 1, 2023 by the CMHC housing starts by dwelling type index.
- c) For all other development or redevelopment, the PIL shall be calculated as the equivalent value of the land required as follows:
  - i) In the case of lands proposed for Residential uses, the greater of the following;
    - 1) if the density of the development is 25 units per hectare or less, at a rate of five per cent (5%) of the value of land being Developed or Redeveloped, or
    - 2) if the density of the development is greater than 25 units per hectares, at a rate of the value of one (1) hectare of land for each five hundred (500) Dwelling Units proposed
  - ii) In the case of lands proposed for Commercial, Industrial or Institutional uses, the value of two per cent (2%) of the land to be Developed or Redeveloped;
  - iii) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections 6(c)(i) and 6(c)(ii) of this by-law, the value of five per cent (5%) of the land to be Developed or Redeveloped;
  - iv) 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 Lakeshore, of the lands being Developed or Redeveloped, shall require the PIL of the value of land as determined in accordance with subsection 6(c)(i) of this by-law; plus
    - 2) the Commercial, Industrial, or Institutional component of the lands being Developed or Redeveloped, if any as determined by Lakeshore, shall require the conveyance of land as determined in accordance with subsection 6(c)(ii) of this by-law; plus



- 3) the component of the lands proposed for any use other than Residential, Commercial, Industrial or Institutional, if any as determined by the Municipality, shall require the conveyance of land as determined in accordance with subsection 6(c)(iii) of this by-law.

### **Timing of PIL Payment and Determination of Value**

#### **7. PIL shall be paid as follows:**

- a) For Development or Redevelopment where the payment of PIL is required as a condition of an approval or a consent pursuant to either sections 51.1 or 53 of the Planning Act, PIL shall be paid prior to registration of the plan of subdivision or prior to the consent being given, as the case may be;
  - i) the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision or consent
- b) 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, 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.
  - i) 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

### **Credits for Previous Conveyances**

8. Notwithstanding sections 2 and 6 of this by-law, if land has been conveyed or is required to be conveyed to Lakeshore for park or other public recreational purposes or PIL has been received by Lakeshore 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 Lakeshore 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 Institutional uses is now proposed for Development or Redevelopment for other uses.



9. 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 Lakeshore's satisfaction.
10. Land or PIL required to be conveyed or paid to Lakeshore for park or other public recreation purposes pursuant to sections 2 or 6 of this by-law shall be reduced by the amount of land or PIL previously received by Lakeshore pursuant to sections 42, 51.1 or 53 of the Planning Act in respect of the lands being Developed or Redeveloped.

### **Limits of the Lands to be Developed or Redeveloped**

11. For the purposes of calculating the land conveyance or PIL requirements of sections 2 or 6 of this by-law, the following shall be used as the area of the lands being Developed or Redeveloped:
  - a) For Development or Redevelopment of land which does not occur pursuant to section 51 or 53 of the Planning Act, the Net Area of the Lands denoted within the plan or drawings;
  - b) For Development or Redevelopment of land which occurs pursuant to section 51 of the Planning Act, and for which the conveyance of land or the payment of PIL is required as a condition of approval, the Net Area of the Lands denoted within the approved draft plan of subdivision;
  - c) For Development or Redevelopment of land which occurs pursuant to section 53 of the Planning Act, and for which the conveyance of land or the payment of PIL has been required as a condition of approval, the Net Area of the Lands to be severed pursuant to the consent;
  - d) In all other cases, the area of the lands to be Developed or Redeveloped shall be determined by Lakeshore in accordance with the Planning Act, and the Net Area of the Lands as determined by Lakeshore shall be used for the purposes of calculating land conveyance or PIL requirements pursuant to sections 2 or 6 of this by-law.

### **Phased Development**

12. Notwithstanding sections 5 and 7 of this by-law, for Development or Redevelopment for which approvals are issued in phases, Lakeshore shall calculate and require the conveyance of land for park purposes or the payment of CIL, in accordance with the provisions of sections 2 and 6 of this by-law, on a phase by phase basis.



## **Parkland Conveyance Agreements**

13. Nothing in this by-law shall limit Lakeshore's ability to enter into a parkland conveyance agreement with one or more landowners for the purposes of assembling parkland. Parkland conveyance agreements entered into by Lakeshore shall include provisions for the conveyance of land for park purposes or PIL, the calculation of which shall be as provided in this by-law.

## **Exemptions**

14. This by-law shall not apply to any of the following:
- a) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of Lakeshore;
  - b) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education;
  - 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 Dwelling Unit count or Gross Floor Area;
  - d) The enlargement of an existing Dwelling Unit provided that the enlargement does not result in additional Dwelling Units;
  - e) The enlargement of an existing Commercial, Industrial, or Institutional building or structure if the Gross Floor Area is enlarged by 50% or less. The area of the existing building or structure shall be calculated by reference to the first building permit which was issued in respect of the building or structure for which the exemption is sought;
  - f) A Temporary Building or Structure; or
  - g) Where the total PIL payable for Development or Redevelopment is less than \$100.

## **General**

15. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
16. The headings in this By-law are for convenience only and do not form part of this By-law.



17. This By-law shall come into force and take effect upon the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS xx DAY  
OF xx 2022.**

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**Mayor**

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**Clerk**