

**Corporation of the  
Town of Arnprior**

**By-Law No. 7531-24**

A By-Law Respecting Parkland Conveyance or Cash-in- Lieu of Parkland Conveyance.

**Whereas** sections 42, 51.1 and 53(13) of the *Planning Act*, as amended, authorize local municipalities to pass by-laws requiring that land or cash-in-lieu thereof be conveyed to the local municipality as a condition of development or redevelopment of land, the subdivision of land, or the granting of provisional consent over land; and

**Whereas** the Council of the Corporation of the Town of Arnprior has adopted policies within its Official Plan pertaining to the conveyance of land or cash-in-lieu thereof to the Town as a condition of development, redevelopment, the subdivision of land, or the granting of provisional consent over land under the *Planning Act*, as amended; and

**Whereas** Council for the Corporation of the Town of Arnprior deems it necessary and expedient to enact a by-law to provide for the provision of lands for park or other public recreational purposes;

**Now Therefore** the Council of the Corporation of the Town of Arnprior enacts as follows:

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## 1. Title, scope and intent

- 1.1 This by-law shall be known and cited as the “Town of Arnprior Parkland Conveyance By-law”.
- 1.2 This by-law shall apply to all lands within the geographic boundary of the Town of Arnprior.
- 1.3 The intent of this by-law is to enable the Town of Arnprior to provide land for public parks or other public recreation purposes. The Town is permitted to require the conveyance of parkland or cash-in-lieu of parkland as a condition of development or redevelopment, subdivision of land, or the granting of provisional consent as regulated under the *Planning Act*. Land conveyed to the Town under this by-law shall be used for parkland or other public recreation purposes, subject to the policies of the Official Plan.

## 2. Definitions

- 2.1 For the purposes of interpretation of this by-law, the following definitions shall apply:
  - a) Additional dwelling unit: a self-contained residential use with kitchen and bathroom facilities that are within or accessory to a permitted single detached, semi-detached, or townhouse dwelling.
  - b) Affordable residential unit: as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*.
  - c) Attainable residential unit: as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*.
  - d) Cash-in-lieu: a payment of money for park or other public recreational purposes which is collected in lieu of a conveyance of land which would otherwise be required to be conveyed pursuant to the parkland provisions of the *Planning Act*.
  - e) Convey: to deed or transfer land for park or other public recreational purposes.
  - f) Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act* but does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the *Drainage Act*.
  - g) Dwelling unit: means a unit that consists of a self-contained set of rooms located in a building or structure, that is used or intended for use as residential premises and contains kitchen and bathroom facilities that are intended for the use of the unit only.
  - h) Gross floor area: the aggregate of the areas of each floor of a building or structure above or below established grade, measured between the exterior faces of the exterior walls of the building or structure, or where there are common walls between uses or buildings or structures; measured to the center-line of a common wall.

- i) Gross land area: the land area of the entire development or redevelopment site, including the parcel of land which is to be dedicated for park purposes, including any easements, roadways and stormwater management facilities etc.
- j) Market appraisal: a written opinion of fair market value of one or more parcels of land supported by presentation and analysis of relevant data by a certified accredited appraiser.
- k) Market value: the monetary price a property should bring in a competitive and open market, as of the specified date, under all conditions, requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming price is not affected by undue stimulus.
- l) Mixed use: the physical integration of residential and commercial, industrial or others uses within a building or structure or separate buildings or structures on the lands proposed for development or redevelopment.
- m) Non-profit housing development: means the development of a building or structure intended for use as a residential premises and developed by, a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing, a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing, or a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.
- n) Official Plan: the Official Plan of the Corporation of the Town of Arnprior in effect at the time.
- o) Parkland: land consisting largely of open space which may include a recreational area, playground, playfield or similar use and may also include accessory buildings or structures such as a maintenance building, washroom or canteen.
- p) Planning Act: the *Ontario Planning Act, R.S.O. 1990* as amended or replaced
- q) Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.
- r) Town: the Corporation of the Town of Arnprior.

### **3. Interpretation**

- 3.1 Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.
- 3.2 This by-law is gender neutral and, accordingly, any reference to one gender includes the other.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Headings and the table of contents are inserted for convenience of reference purposes only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.

## **4. Parkland Conveyance Rates**

4.1 As a condition of consent, development or redevelopment, subdivision of land, or the granting of provisional consent, the Town shall require that land be conveyed to the Town for park purposes as follows:

### **Commercial and Industrial uses**

4.2 Where land is developed, redeveloped, subdivided, or granted provisional consent for commercial or industrial use, parkland conveyance shall be at the rate of 2% of the gross land area.

### **Residential uses and all other discrete uses**

4.3 Where land is developed, redeveloped, subdivided, or granted provisional consent for residential or all other uses, excluding commercial and industrial, parkland conveyance shall be at the rate of 5% of the gross land area.

4.4 Where land is developed, redeveloped, subdivided, or granted provisional consent and includes affordable or attainable residential units, parkland conveyance shall not exceed 5% of the land multiplied by the ratio of A to B where, "A" is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or a non-profit, and "B" is the number of residential units that are part of the development or redevelopment.

### **Mixed uses**

4.5 When land is developed, redeveloped, subdivided, or granted provisional consent for mixed uses, the land to be conveyed shall be as follows:

- a) For mixed uses on a site, the land to be conveyed shall be the sum of the requirements proportionate to the gross land area allocated to each use at the rates set out in 4.1, 4.2, 4.3, 4.4 and 5.1.
- b) For mixed uses within a building, the land to be conveyed shall be the sum of the requirements proportionate to the gross floor area allocated to each use at the rates set out in 4.1, 4.2, 4.3, 4.4 and 5.1.

## **5. Exemptions**

5.1 This by-law shall not apply to land that is developed, redeveloped, subdivided, or granted provisional consent for any of the following:

- a) A building that was accidentally damaged or demolished and where:
  - i. The building is repaired or replaced and re-occupied before the expiry of two years; and
  - ii. The building continues to be used for the same purpose after it is repaired or rebuilt;
  - iii. There is no increase in the number of dwelling units or gross floor area;

- b) An addition or alteration to an existing residential dwelling that does not result in an increase in dwelling units;
- c) A non-profit housing development;
- d) Affordable residential units;
- e) Attainable residential units;
- f) Additional dwelling units;
- g) A place of worship;
- h) A cemetery;
- i) A municipal or other government use;
- j) An accessory dwelling unit;
- k) A home based business;
- l) An addition or alteration to an existing non-residential use building that does not require site plan control approval as per the *Planning Act* or the Site Plan Control By-law; or
- m) A temporary use for which approval has been granted under section 39 of the *Planning Act*.

5.2 Where only part of the land that is developed, redeveloped, subdivided, or granted provisional consent is subject to provision 5.1, the parkland to be conveyed shall be the amount of land that may be required to be conveyed under section 4 for the use(s) which are not exempt.

## **6. Land suitable for parkland conveyance**

6.1 The Town of Arnprior shall accept land for passive and active parkland and other public recreation purposes. These lands conveyed to the Town shall be in a location and in a physical condition satisfactory to the Town. Any land parcel configuration, size or location that is constrained or deemed undesirable, as determined by the Town, shall not be acceptable as parkland conveyance. Factors that will be considered in determining suitability for conveyance include, but are not limited to the following:

- a) Open frontage on a public road which provides visibility and accessibility;
- b) Adequate size and configuration to accommodate park amenities such as sports fields, playgrounds, and programmable open space as required;
- c) In a physical state, including lot grading and drainage, to accommodate park amenities such as sports fields, playgrounds, and programmable open space as required;
- d) Abutting complementary land uses;
- e) Consistent with the Official Plan policies for the area and for parks and leisure areas;
- f) Consistent with the Recreation and Parks Master Plan;
- g) Consistent with the Waterfront Master Plan
- h) Connectivity to the existing trail system, where possible;
- i) Pedestrian and cyclist access;
- j) Opportunities to co-locate with schools;

- k) Equitable distribution within the community;
- l) Connectivity to existing and planned parks and open spaces.

## **7. Lands not suitable for parkland conveyance**

7.1 The Town shall not accept lands to fulfill parkland conveyance requirements which are/have:

- a) Hazardous or floodplain;
- b) Steep or unstable slopes;
- c) Unsuitable or unstable soil conditions for intended recreation facilities;
- d) Utility right-of-way's or easements;
- e) Containing an easement, encumbrance or right-of-use that limits or restricts the Town's use of the land;
- f) Stormwater management facilities and adjacent land required for maintenance requirements;
- g) Provincial or locally significant wetlands;
- h) Environmental Protection Areas as designated in the Official Plan;
- i) Required setbacks and buffer lands from wetlands and watercourses;
- j) Roadways or walkways being conveyed for non-parkland purposes; and
- k) Lands that are deemed to be contaminated.

## **8. Cash-in-lieu of parkland conveyance**

8.1 The Town may, in the following circumstances require the payment of cash-in-lieu of accepting a conveyance of land:

- a) Where there is no land that is either usable or functional on the site for parkland or recreational purposes;
- b) Where the conveyance of parkland from the site would reduce the number of dwelling units or the floor space of the development or redevelopment to the extent that the development or redevelopment is unfeasible;
- c) Where the development or redevelopment is located within the Employment Lands designation in the Official Plan;
- d) Where the Town has identified land in a more appropriate or accessible location and that has been or is to be acquired by the Town; or
- e) Where the area being developed or redeveloped is already well served with parkland.

8.2 The decision whether to require a conveyance of land, payment of cash-in-lieu of accepting a conveyance, or combination therein, will be made by the Manager of Community Services and the Director of Recreation at the time when parkland conveyance or cash-in-lieu is to be determined as per section 9.

8.3 Where cash-in-lieu of parkland is required, the Town shall require that the payment be in the amount of the market value of the land otherwise to be conveyed as per section 4 of this by-law.

8.4 All money received by the Town through payments of cash-in-lieu of parkland shall be paid into the Parkland Development Reserve Fund.

## **9. When the conveyance or cash-in-lieu is determined**

9.1 The amount of land or payment in lieu required to be provided is the amount of land or payment in lieu that would be determined under the by-law on:

### **Development or Redevelopment**

- a) The day an application for site plan control for development or redevelopment was made;
- b) The day an application for a zoning by-law amendment application was made, if no site plan control approval is required;
- c) The day a building permit was issued in respect of the development or redevelopment if no site plan control approval or zoning by-law amendment is required, or if more than 2 years have elapsed since the application referred to in 9.1 a) or b).
- d) If 9.1 a) and b) do not apply, and more than one building permit is required for the development or redevelopment, the day the first permit was issued.

### **Consent**

- e) The day before provisional consent is given for a consent application.

### **Subdivision**

- f) The day before approval of the draft plan of subdivision.

9.2 If a development was the subject of more than one application referred to in clause 9.1 (a) or (b), the later one is deemed to be the applicable application.

9.3 Where cash-in-lieu of Parkland is required, the value of the land shall be determined by:

- a) A market appraisal or a letter of opinion from a certified appraiser reviewed and accepted by the Manager of Community Services; or
- b) The most recent land sale record of the subject property, no more than 12 months prior to the date of the agreement, reviewed and accepted by the Manager of Community Services; provided the sale was at market value and there has been no change that may impact the land value, including but not limited to changes in the zoning, Official Plan designation or severance.

## **10. Credits for previous conveyances**

10.1 Notwithstanding section 4 and section 8 of this by-law, where it is known or can be demonstrated that land has been conveyed or is required to be conveyed to the Town for park or other public recreation purposes or cash-in-lieu has been received by the Town or is owing to it pursuant to a condition imposed in accordance with the *Planning Act*, no additional conveyance or payment will be required in respect of subsequent development or redevelopment, subdivision or granting of provisional consent unless land originally proposed for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.



10.2 Where 10.1 applies and land originally proposed for commercial or industrial purposes is now proposed for development or redevelopment for other purposes, land or cash-in-lieu required to be conveyed or paid to the Town for park or other public recreation purposes pursuant to section 4 and section 8 of this by-law shall be reduced by the amount of land or cash-in-lieu previously received by or owing to the Town in accordance with the *Planning Act*

## **11 Timing of parkland conveyance or of cash-in-lieu payment**

11.1 Where land is required to be conveyed to the Town in accordance with section 4 of this by-law, the lands shall be conveyed as follows:

- a) In the case of development or redevelopment to be approved pursuant to section 51.1 Plan of Subdivision Approval of the *Planning Act*, the Town may require the conveyance of land as a condition of approval, and said lands shall be conveyed to the Town either prior to or upon registration of the plan, or as may be otherwise agreed upon in the subdivision agreement,
- b) In the case of development or redevelopment to be approved pursuant to sections 53 Consents of the *Planning Act*, the Town may require the conveyance of land as a condition of approval, and said lands shall be conveyed to the Town prior to clearing the conditions for the consent, as determined by the Town;
- c) 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*, the Town shall require the conveyance of land as a condition of development or redevelopment prior to building permit issuance in accordance with section 41 Site Plan Control Area of the *Planning Act*.

11.2 Where cash-in-lieu of parkland is required to be paid to the Town in accordance with section 8 of this by-law, the payment shall be made as follows:

- a) For development or redevelopment where the Town has required the payment of cash-in-lieu of parkland as a condition of an approval or consent, pursuant to sections 51.1 or 53 of the *Planning Act*, the cash-in-lieu payment shall be paid prior to plan registration or the consent being given;
- b) For development or redevelopment approved pursuant to section 41 of the *Planning Act*, where cash-in-lieu has not been required pursuant to sections 51.1 or 53 of the *Planning Act*, the cash-in-lieu payment shall be paid prior to issuance of the first building permit in respect of the development or redevelopment as per section 42 (6.1) of the *Planning Act*.

## **12 Disputes**

12.1 In the event of a dispute between the Town and the applicant on the location or value of land, the applicant may apply to the Ontario Land Tribunal in accordance with the *Planning Act*.

12.2 If there is a dispute between the Town and the owner on the value of land the applicant may pay the amount required under protest and make an application

to the Ontario Land Tribunal in accordance with the *Planning Act*.

### **13 Use of cash-in-lieu of parkland funds**

- 13.1 All money received by the municipality as a requirement under section 8 and all money received on the sale of any land required to be conveyed under section 4, less any amount spent by the municipality out of its general funds in respect of the land, shall be paid into a special account referred to as the Parkland Development Reserve Fund.
- 13.2 All money received as a requirement under section 8 may be spent, allocated, and invested as per section 42(15) and 42(16) of the *Planning Act*.
- 13.3 Financial statements related to the Parkland Development Reserve Fund shall be prepared and provided to Council as per Section 42(17) of the *Planning Act* and O. Reg 509/20.

### **14 Validity and severability**

- 14.1 Every provision of this by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of Council that the remaining provisions shall remain in full force and effect.
- 14.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the Town of Arnprior, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

### **15 Liability**

- 15.1 This by-law is not to be construed at any time in such fashion as to hold the Town of Arnprior or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

### **16 Repeal**

- 16.1 That any by-law or section of by-law being a by-law to establish a procedure for requiring conveyance of land to the municipality for park purposes or requiring payment of money in lieu of, previously approved be hereby repealed as of the day on which this by-law comes into force and effect.

### **17 Enactment**

- 17.1 That this by-law shall come into force and effect upon final reading thereof.

Enacted and passed this 28<sup>th</sup> day of October, 2024

  
Lisa McGee, Mayor

  
Oliver Jacob, Deputy Clerk