

# Parkland Dedication

Procedure number:	MS-CDV-003-001
Parent policy number:	MS-CDV-003
Section:	Municipal services
Sub-section:	[Community development]
Author(s):	Parks and Open Space [Finance, Legal, Planning ]
Authority:	CAO
Effective date:	2024-02-05
Review by date:	2029
Last modified:	2024-02-05

## Purpose statement

The purpose of this procedure is to establish the guidelines and process for the administration of the Town of Oakville (town) Parkland Dedication By-law. This procedure results in the conveyance of land or payment-in-lieu of land for parks in accordance with the Parkland Dedication By-law and the key objectives outlined in the Parks Plan 2031.

## Scope

This policy applies to development and redevelopment within the town.

## Procedure

The guidelines and process for conveyance of land or payment in lieu of land for parks shall be in accordance with the following key objectives:

- Meeting the town's active parkland target
- Establishing a context appropriate parkland hierarchy
- Options for ownership of the town's parkland system
- Achieving the town's parkland system
- Calculation of the conveyance of land
- Acceptance of land
- Calculation of the payment in lieu of land
- Utilization of payments in lieu of land
- Administration
- Exemptions and reductions

## **1. Meeting the Town's Active Parkland Target**

The basis for the Parkland Dedication By-law is that the town achieve an Active Parkland Target of 2.2 hectares per 1,000 residents to the horizon year of 2031.

## **2. Establishing a Context Appropriate Parkland Hierarchy**

### The Urban Parkland Hierarchy – Strategic Growth Areas

The following urban parkland hierarchy shall be used to establish or augment an appropriate park system through the planning and development of the town's Strategic Growth Areas (SGAs):

- I. Public Common - Greater than 0.8ha in size - Public Common spaces are the social and recreational focal points of a community. They typically meet the needs of the local residents and businesses, and in some instances, accommodate town-wide facilities. Public Common spaces support a balance of active and passive uses. Public Common spaces shall be co-ordinated with urban school sites, where possible. Public Common spaces should accommodate special features that add visual interest and contribute to placemaking, including locations for public art. Public Common spaces are intended to serve community users who are generally within a 10-minute walking distance (approximately 800 metres).
- II. Urban Square - Between 0.1 and 0.8 ha in size – Urban Square spaces support community-oriented social opportunities, as well as town-wide entertainment and cultural events depending on their size and location. Urban Square spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space. Urban Square spaces are intended to serve community users who are generally within a 5-minute walking distance (approximately 400 metres).
- III. Promenade - Promenade spaces are substantial linear spaces that are located between adjacent building facades and the adjacent road right-of-way. They are typically only located along one side of the street, and are continuous along the length of the block. Promenade spaces are between 6 and 20 metres in width, and are typically used to enhance the pedestrian experience along with highly activated at-grade retail spaces and restaurants. Promenade spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.

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- IV. Other Urban Park Spaces - Generally less than 0.25 ha - Other Urban Park Spaces support the social and cultural fabric of Oakville's SGAs. They are destinations for day-to-day use and are animated by their adjacent uses, such as cafés and shops. They are intended to serve a local community that is generally within a 2.5 to 5-minute walk (approximately 200 to 400 metres) of residents, visitors and businesses. Other Urban Park spaces are small and compact spaces that are designed to a very high standard to support more intensified use. Other Urban Park spaces may include:
- i. Connecting Link - A Connecting Link is an outdoor or indoor walkway that may be lined with retail stores, restaurants and cafés. A Connecting Link is a minimum of 4 metres in width, and may be substantially wider. When enclosed, the floor to ceiling height shall be a minimum of 7 metres. Although a Connecting Link is intended to enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages.
  - ii. Pocket Park – Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas. They include primarily hard surface elements, but can also accommodate softer elements. Pocket Parks are destinations unto themselves with outdoor seating, restaurant and retail frontages. Pocket Parks must be a minimum of 75 square metres in size, and must be connected to, and have at least 7.5 metres of direct frontage along the public sidewalk system.
  - iii. Sliver Park - Sliver Parks are narrow linear spaces that often front restaurants, cafés and retail spaces. They create plazas or forecourts between the face of the adjacent building and the street right-of-way. They are effectively small-scale extensions of the public sidewalk system.

#### The Traditional Parkland Hierarchy - Established Neighbourhoods and North Oakville

The following traditional parkland hierarchy shall be used to establish or augment an appropriate park system within the town's established neighbourhoods and North Oakville:

- I. Community Park - Greater than 5 ha – Community Park spaces support a variety of recreational and athletic interests with amenities, such as sports fields and courts, large skateboard parks, outdoor skating facilities, field houses, picnic shelters, off-leash dog areas and water play facilities. Community Park spaces are typically co-located with Community Centres,

where possible. Community Park spaces may accommodate specialized events and amenities may attract users from across the Town.

- II. Neighbourhood Park - Between 0.75 and 5 ha - Neighbourhood Park spaces support a balance of active and passive uses, such as playgrounds, skate zones, play courts, unlit sports fields and social gathering spaces. Neighbourhood Park spaces may be co-ordinated with school sites, where possible. Neighbourhood Park spaces serve a local community located within a 10-minute walk of the park space.
- III. Parkette - Less than 0.75 ha - Parkette spaces are recommended for instances where a Neighbourhood Park space is not necessary, but local-level facilities (e.g., playground, waterplay, seating) are required to serve a nearby development. These spaces are not suitable for large features such as sports fields. Parkette spaces support the social and cultural fabric of the community located within a 5-minute walk of the park space.
- IV. Eco Park - Greater than 3 ha - Eco Park spaces support environmental education, interpretation and nature-related recreation. Eco Park spaces include opportunities for linear and passive recreation and provide an ecological relief from the more urban environments in the town. Eco Park spaces may accommodate specialized events and amenities and will attract users from across the town. Where possible, Eco Parks should be considered to co-locate with other park opportunities that can more appropriately accommodate active recreation facilities.

### **3. Options for Ownership of the town's Parkland System**

#### Ownership Options within the Established Neighbourhoods, North Oakville and any other Greenfield Communities

Where land is to be considered as a parkland dedication contribution under the *Planning Act*, it is recommended that the town, as a first priority, require *fee simple parkland* dedication for all parkland system elements within the established neighbourhoods and other greenfield communities. In addition:

- I. The town may accept encumbered lands that are subject to a Strata Ownership Arrangement as permitted under the *Ontario Condominium Act*, where such lands are:
  - i. Part of a parcel of land that abuts one or more other parcels of land on a horizontal plane;

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- ii. Subject to an easement or other restriction; or
  - iii. Encumbered by below grade infrastructure; or
  - iv. Other lands, where such interest is sufficient to allow the land to be used for park or other public recreational purposes.
- II. Strata Ownership Arrangements shall only apply to Neighbourhood Parks and Parkettes within established neighbourhoods and other greenfield communities, subject to a land area discount, in recognition of life-cycle cost issues to the satisfaction of the town, including maintenance and landscape replacement that are both expected to be at a higher cost, over a shorter time frame, than fee simple parkland. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

#### Ownership Options within the Strategic Growth Areas

Where land is to be considered as a parkland dedication contribution under the *Planning Act*, it is recommended that the town, as a first priority, require *fee simple parkland* dedication for all Public Common, Urban Square and Promenade elements of the urban parkland system within the SGAs. In addition:

- I. The town may accept encumbered lands that are subject to a Strata Ownership Arrangement, as permitted under the *Ontario Condominiums Act*, where such lands are:
  - i. Part of a parcel of land that abuts one or more other parcels of land on a horizontal plane;
  - ii. Subject to an easement or other restriction; or
  - iii. Encumbered by below grade infrastructure; or
  - iv. Other lands, where such interest is sufficient to allow the land to be used for park or other public recreational purposes.
- II. Strata Ownership Arrangements may be subject to a land area discount, in recognition of life-cycle cost issues, to the satisfaction of the town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.
- III. The town may augment the urban parkland system within the SGAs with Privately Owned Public Spaces (POPS). The town may consider providing parkland

dedication credit, where the following criteria are met, to the satisfaction of the town:

- i. It is an integral element, and is directly connected to the broader urban parkland system and the adjacent public sidewalk system;
- ii. It can be defined only as an Other Urban Park element, and is not a Public Common, Urban Square, or Promenade;
- iii. An appropriate legal agreement has been established between the *owner* and the town that guarantees that the space is designed, built and maintained to town standards, and is open and accessible to the public at all times (or as otherwise to the satisfaction of the town); and,
- iv. The land area of the POPS is appropriately discounted, in recognition of the town's lack of programming control and to the long-term viability of the POPS space with respect to the evolving commitment of the affected land owner, or Condominium Board, to the satisfaction of the town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

#### **4. Achieving the town's Parkland System**

The town may utilize all of the following tools, in addition to this Parkland Dedication by-law to acquire / secure parkland resources:

- I. The Community Benefits provisions of the *Planning Act* and the town Community Benefits Charge Strategy and Parkland Dedication by-law;
- II. Public acquisition;
- III. Land exchanges;
- IV. Donations, gifts, bequests; and/or,
- V. Other methods deemed appropriate by the Town.

The town shall consider off-site parkland acquisition / dedication opportunities in order to augment its supply of parkland. Where an off-site land dedication is considered appropriate by the town, the land area of the off-site parkland dedication shall be subject to the following criteria:

- i. For development within a defined SGA, the minimum parkland requirement has been, or can be satisfied;

- ii. The proposed off-site land area is land that is acceptable as parkland dedication, in accordance with the requirements identified in this procedure;
- iii. The land value identified for the required parkland dedication from the proposed development site is approximately equal to the land value of the off-site land dedication site; and,
- iv. An off-site parkland dedication shall be to the satisfaction of the town.

## **5. Calculation of the Conveyance of Land**

Parkland within SGAs requires both a comprehensive planning approach to achieving the larger elements of the urban parkland hierarchy, as well as a requirement for smaller scale on-site parkland contributions to be achieved as follows:

- I. Within the town's defined SGAs, when preparing comprehensive plans (a Secondary Plan, or Block Plan) a minimum Achieved Parkland Standard (net parkland/gross land area of the Strategic Growth Area) of a minimum of 12%, where opportunities exist, and that the planned urban parkland system within a comprehensively planned SGA be:
  - i. Comprised of the Public Common, Urban Square and Promenade categories;
  - ii. Augmented by Other Urban Park categories; and,
  - iii. Distributed throughout the SGA, such that all residents are within a maximum of a 10 minute walk (800 metres) from a defined Public Common and within a 5 minute walk (400 metres) from a defined Public Urban Square or Promenade.
- II. In addition to the larger scale elements of the urban parkland hierarchy achieved through Secondary Plans/Block Plans, all development on all individual development sites within an SGA that are greater than 1,500 square metres in size, shall include, at a minimum, a land contribution to the town for urban park purposes, that meet the following criteria:
  - i. An on-site urban parkland system contribution of not less than 5% of the net developable site area for any residential or mixed-use development that includes residential uses, the remainder of the required parkland dedication contribution shall be used to achieve the larger scale elements of the urban parkland hierarchy within the same defined SGA;

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- ii. The urban parkland system elements considered appropriate in this context may include Connecting Links, Pocket Parks and Sliver Parks. Under no circumstances will the net area of any of these urban parkland system elements be less than 75 square metres;
  - iii. An urban parkland system element shall have frontage on a public street right-of-way;
  - iv. Larger sites shall include larger urban parkland system elements and/or multiple urban parkland system elements; and,
  - v. Within the Downtown Oakville, Kerr Village and Bronte Village SGAs, the provision of smaller scale urban park elements on individual development sites shall be encouraged, but not necessarily required, by the town.
- III. For all development on individual sites within an SGA that are less than 1,500 square metres in size, the town may accept an on-site land contribution, an off-site land contribution (within the same defined SGA) and/or payment-in-lieu of land.

## **6. Acceptance of Land**

### Lands Acceptable for Dedication

The town identifies the following as fully acceptable lands for parkland dedication:

- i. Lands in a condition satisfactory to the town and in accordance with the requirements of the town's Official Plan Policies respecting the acquisition of land, including a Record of Site Condition pursuant to the Environmental Protection Act; and,
- ii. Lands that are free of any/all title encumbrances, except those encumbrances identified as acceptable in this procedure.

If a survey is required to convey parkland required under the Parkland Dedication By-law, it shall be completed by and at the expense of the *owner* for the building permit.

### Lands Potentially Acceptable for Dedication

The town identifies the following as potentially being acceptable lands for parkland dedication, but at a reduced rate, to the satisfaction of the town:



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- i. Lands that are within the designated Natural Heritage System, but are not specifically identified as a core natural feature;
  - ii. Lands that include slopes between 5 percent and 15 percent, that are not included within the Natural Heritage System; and/or,
  - iii. Lands that include designated cultural heritage resources or cultural heritage landscapes.

In all circumstances, the actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

If a survey is required to convey parkland required under the Parkland Dedication By-law, it shall be completed by and at the expense of the *owner* for the building permit.

#### Lands Not Acceptable for Dedication

The town identifies the following as not acceptable lands for parkland dedication:

- i. Lands that are an identified core natural heritage feature as defined in the Official Plan, or an applicable Secondary Plan, or as identified in an Environmental Impact Study accepted by the town;
- ii. Lands that are identified as Hazard Lands, have poor drainage, erosion issues, extreme slopes (greater than 15 percent) or other environmental or physical conditions that would interfere with the lands potential development or use as a public park;
- iii. Lands that are required to accommodate storm water management facilities. And, where lands for parks purposes include stormwater management facilities, that portion of the land that includes a stormwater management facility shall not be included in the area calculation for parkland conveyance;
- iv. Lands that are deemed to be contaminated in any way;
- v. Lands used for utility corridors or any other infrastructure; and/or,
- vi. Lands that are encumbered by easements or similar legal instruments that prohibit public use.

Notwithstanding the provisions above, the town may consider accepting constrained lands - lands with steep slopes, utility corridors, storm water management facilities, or highway infrastructure - for acquisition or securement via easement, or as part of the required

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parkland dedication. If the constrained lands are to be part of a required parkland dedication, the land area provided shall be substantially discounted in recognition of the associated constraints of the land to accommodate recreational opportunities, to the satisfaction of the town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

## **7. Calculation of the Payment in-lieu of Land**

### Land Dedication / Payment-in-lieu within the Strategic Growth Areas (SGAs)

Within the SGAs, it is understood that achieving the active parkland target of 2.2 hectares per 1,000 people within the defined boundary may not be possible. Land dedication and payment-in-lieu generated by development within the SGA shall be utilized to the greatest extent permissible in order to achieve a robust urban park system within each of the SGAs, with the opportunity to generate residual payment-in-lieu funds to acquire additional lands elsewhere in the town, all in an effort to work toward the continued achievement of the town-wide active parkland target. The payment-in-lieu established in the Parkland Dedication by-law is a baseline requirement and may be reduced through the dedication of land in accordance with this procedure.

### Land Dedication / Payment-in-lieu within the Established Neighbourhoods and Greenfield Communities

Within the Established Neighbourhoods and Greenfield Communities, land dedication shall always be the first priority, and that payment-in-lieu may only be acceptable where no reasonable alternative exists, including the opportunity for an off-site land dedication elsewhere within the town. Payment-in-lieu of land shall only be considered within the Established Neighbourhoods and Greenfield Communities under the following circumstances:

- i. Where the application of the parkland dedication requirements would render the remaining portion of the development site unsuitable or impractical for development;
- ii. Where the amount of parkland dedication generated by the development proposal is insufficient to accommodate a reasonable public park space;
- iii. Where existing public parkland is available and is deemed sufficient by the town in quantity and quality to accommodate further development in proximity to the proposed development; or,

- iv. Where more suitable parcels of land are available for acquisition for public parkland purposes in other locations within the defined neighbourhood, or anywhere else within the town.

### Establishing Land Value

Where the town has identified that payment-in-lieu is appropriate, it shall be based on the cash equivalent of the applicable parkland dedication requirement as established in the Parkland Dedication By-law. For the purposes of calculating the payment in-lieu of land, the town's Manager, Realty Services, or designate, shall co-ordinate a land appraisal process for the development or redevelopment as follows:

- i. The *owner* will contact the Manager, Realty Services no later than 90 days prior to the expected time of the first *building permit*.
- ii. The Manager, Realty Services will co-ordinate a land appraisal to be used for purposes of applying the Parkland dedication by-law.
- iii. The appraisal will be at the *owner's* cost in accordance with the Town of Oakville rates and fees.
- iv. Land appraisals shall be carried out under the direction of the Manager, Realty Services, and shall be determined with reference to accepted appraisal standards and principles as outlined in the Canadian Uniform Standards of Professional Appraisal Practice.
- v. The appraisal shall be reviewed and subject to satisfactory acceptance by the Manager, Realty Services.
- vi. Where an *owner* disagrees with the land value, the *owner* may pay under protest, and a dispute resolution process in accordance with the *Planning Act* will take place, unless otherwise agreed.

## **8. Utilization of Payments in-lieu of Land**

### Prioritization of Funds

The town has established a reserve fund (special account) for the receipt of all payment-in-lieu of land contributions accrued through the parkland dedication / payment-in-lieu of parkland process identified in the Parkland Dedication by-law. The town may utilize payment-in-lieu funds for the following priorities:

- i. The first priority shall be the acquisition of land for public parkland or other public recreational purposes anywhere in the town;
- ii. The second priority shall be to fund:
  - a. The acquisition of lands for pathways, trails and associated infrastructure throughout the town, with a focus on missing links;
  - b. The erection, improvement or repair of buildings used for park or other public recreational purposes; and/or,
  - c. The acquisition of vehicles and equipment used for parks maintenance or other public recreational purposes.

### Parkland Acquisition Strategy

The town shall establish a Parkland Acquisition Strategy to ensure that funds collected through the payment-in-lieu of land provisions of this Parkland Dedication By-law are utilized to ensure that the town-wide Active Parkland System Target of 2.2 hectares per 1,000 residents is achieved in concert with planned population growth. Within the Parkland Acquisition Strategy, the Town shall identify priorities for land acquisition and a budget for allocating funds, on an annual basis to ensure that all payment-in-lieu funds collected are spent on identified parkland system improvements in a timely fashion. The town shall spend or allocate at least 60% of the funds in the Parkland reserve fund at the beginning of each year in accordance with the *Planning Act*.

## **9. Administration**

- I. The town may invest in securities as permitted under the Municipal Act. Income received from investment of the Parkland reserve fund shall be credited to the Parkland reserve fund in accordance with the town's Reserve/Reserve Fund Procedure.
- II. In administering the Parkland reserve fund, the Treasurer shall report on the activities and status of the Parkland reserve fund in an Annual Financial Statement relating to the Parkland reserve fund in accordance with the *regulation*. The Annual Financial Statement shall include, for the preceding year, an accounting of the opening and closing balances of the special payment-in-lieu account and all of the transactions relating to the account, as well as statements identifying:
  - i. Any land or machinery acquired during the year with funds from the Parkland reserve fund;
  - ii. Any capital improvements carried out during the year with funds from the Parkland reserve fund;

- iii. Any building erected, improved or repaired during the year with funds from the Parkland reserve fund; and,
  - iv. The details of the amounts spent.
- III. As per the requirements of the *Planning Act*, the Treasurer shall maintain a record of all lands and payment-in-lieu received and including all expenditures from the Parkland reserve fund. The payment-in-lieu of parkland dedication record and associated Annual Financial Statement shall be reported to Council and made available to the public on a yearly basis. The Treasurer shall give a copy of the Annual Financial Statement to the Minister of Municipal Affairs upon request.
- IV. The Town shall review the Parkland Dedication by-law to determine its effectiveness both in terms of its regulatory context and in its consistent application. The review shall occur, at a minimum, in response to relevant changes in Provincial planning policies and/or whenever the town reviews its relevant Official Plan policies OR the Parkland Dedication by-law shall be reviewed at a minimum of every 5 years, or at an earlier time as prescribed by Council.

## 10. Exemptions and Reductions

The town reserves the right to exempt or reduce the parkland dedication/payment-in-lieu requirement for any land use, development project or specific development site, at the discretion of Council in accordance with the Parkland Dedication by-law. There will be no further exemptions or reductions associated with:

- i. The town's Development Charges by-law
- ii. The town's Community Benefits Charge by-law
- iii. Any works undertaken by the *owner* as a condition of the site plan approval process, or related planning or servicing agreements or other development-related agreements considered distinct and separate from the requirements under the authority of the Parkland Dedication by-law
- iv. Any requirement through the Official Plan, the implementing Zoning by-law, and/or any applicable Design Guidelines that require private and semi-private amenity spaces within all residential apartment buildings and mixed-use buildings that include residential apartments. Private and semi-private amenity spaces can include balconies/terraces linked to individual dwelling units, indoor community spaces, fitness facilities and swimming pools and outdoor roof top terraces, including opportunities for green roof infrastructure and dog

stations. These private and semi-private spaces are not to be considered for any credit as part of the town's Parkland Dedication by-Law

## References and related documents

*Planning Act*, R.S.O. 1990, c. P.13

Ontario Regulation 509/20

Parkland Dedication By-law

Parks Plan 2031

Parkland Dedication Policy

## Definitions

*Building permit* means permit under the Building Code Act for construction at or above the *first storey* of a building;

*fee simple parkland* means land dedicated or otherwise acquired by the town without any form of legal or constraint. These lands are wholly owned by the town.

*first storey* means the *storey* of a building, structure or part thereof, that has its floor closest to *grade* and having its ceiling more than 1.8 metres above *grade*;

*grade* means the average level of finished ground adjoining a building or structure at all exterior walls;

*owner* means the registered owner of land to be developed, redeveloped, or subdivided;

*regulation* means O. Reg. 509/20 as amended or successor regulation;

*town* means the Corporation of the Town of Oakville;

## Responsibilities

The Director, Planning Services shall be responsible to:

- In co-ordination with the Director, Parks and Open Space, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land
- Co-ordinate with various staff for the preparation of agreements related to Strata parks and POPs

The Director, Parks and Open Space shall be responsible to:

- In co-ordination with the Director, Planning Services, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land
- Co-ordinate with various staff for the preparation of agreements related to Strata parks and POPs

The Manager, Realty Services shall be responsible to:

- Administer the land valuation process
- Calculate the Payment in lieu of land
- Manage parkland the parkland acquisition process

The Treasurer or designate shall be responsible to:

- Oversee the administration and reporting on the Parkland reserve fund
- In co-ordination with the Director, Planning Services and Director, Parks and Open Space, consider the use of acquisition tools beyond the Parkland Dedication by-law

The Town Solicitor or designate shall be responsible to:

- Administer agreements associated with the Parkland Dedication by-law and this procedure