

# Parkland Conveyance & Levy By-law

CP-9 - Consolidated – Effective January 1, 2011

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**OFFICE CONSOLIDATION**  
**INCLUDING AMENDMENT CP-9-10004 (November 15/10)**  
(effective January 1, 2011)

**COMMUNITY PLANNING**

**By-law CP-9**

**A by-law to provide for the  
CONVEYANCE OF LAND AND CASH IN LIEU THEREOF  
FOR PARK AND OTHER PURPOSES**

**BY-LAW INDEX**

**Part 1  
INTERPRETATION**

- 1.1 Definitions
  - Corporation - defined
  - Dwelling unit – defined
  - Development – defined
  - Redevelopment – defined
  - Building permit – defined
  - Hazard lands – defined
  - Open space or other constrained lands - defined
  - Land Owner – defined
  - Tableland - defined

**Part 2  
PARKLAND CONVEYANCE - CONDITIONS**

- 2.1 Land - for park purposes - conveyance – calculation
- 2.1.2 Timing
- 2.1.3 Land – for park purposes – conveyance – Hazard, Open Space and Constrained Land
- 2.2 Cash - in lieu of land - prior to permit
- 2.3 Land - value - per residential dwelling type - Table 1
  - 2.3.1 Land – value – Commercial and other Non Residential
  - 2.3.2 Payment of Cash in Lieu
  - 2.3.3 Payment of Cash in Lieu
  - 2.3.4 Payment of Parkland – Over Dedication
- 2.4 Land - value - per dwelling - future calculations
- 2.5 Redevelopment - original conveyance - payment
- 2.6 Application - to O.M.B. - conveyance dispute

**Part 3  
REPEAL - ENACTMENT**

- 3.1 By-law - previous
- 3.2 Effective date

WHEREAS section 42 of the Planning Act, R.S.O. 1990, c. P.13, authorizes the council of a local municipality to pass by-laws requiring as a condition of development or redevelopment the conveyance of land or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other recreational purposes.

AND WHEREAS chapter 15 of the Official Plan for the City of London Planning Area - 1989 contains specific policies dealing with the provision of land for park or other public recreational purposes and the use of the alternative requirement in subsection 42 (3) of the Act;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

**SHORT TITLE  
PARKLAND CONVEYANCE AND LEVY BY-LAW**

**Part 1  
INTERPRETATION**

**1.1 Definitions**

In this by-law:

**Corporation - defined**

"Corporation" shall mean The Corporation of the City of London.

**Dwelling unit - defined** "dwelling unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit.

**Development** – means the construction erection, or placing of one or more buildings or structures on land or making an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishing a commercial parking lot.

**Redevelopment** – means the removal of a building or structure from land and the further development of the land or the substantial renovation of a building or structure and a change in the character or density of the use in connection therewith.

**Building permit** – means a building permit issued under the Ontario Building Code.

**Hazard lands** – means those lands that could be unsafe for development due to naturally occurring processes. Generally lands located along rivers and streams, including the land covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits as defined by the Conservation Act.

**Open space or other constrained lands** – means lands that are not constrained by flood or erosion hazards that contain significant natural heritage features or ecological functions that have been identified for protection through an ecological study, approved by Council.

**Land Owner** – means the registered owner of land as listed on the provincial land registry within the Ontario Land Registry Office.

**Tableland** – means those lands that do not contain hazard, open space or other constrained features that would prohibit development.

**Part 2  
PARKLAND CONVEYANCE - CONDITIONS**

**2.1 Land - for park purposes - conveyance - calculation**

As a condition of development or redevelopment for residential purposes of any land within the City of London, the Owner of such land shall, at the request of the Corporation, convey to it for use for park or other public recreational purposes as follows:

1) In the case of land proposed for residential development the greater of either five (5%) percent of the land within the development application or an amount of land that is in the same proportion to the number of dwelling units proposed as one hectare bears to 300 dwelling units;

2) In the case of land proposed for development or redevelopment for commercial purposes, land in the amount of two percent (2%) of the land within the development application to be developed or redeveloped;

3) In the case of land proposed for development for use other than those referred in 2.1 1) and 2.1 2), land in the amount of five per cent (5%) of the land within the development application to be developed or redeveloped.

4) Where a development or redevelopment application contains defined hazard or environmentally constrained open space lands, these lands will be excluded from the calculation of parkland dedication as set out in Section 2.1 provided the said lands, are in some form, dedicated to the Corporation.

**2.1.2 Timing**

For development and redevelopment, the parkland conveyance requirements will be determined at the time of development review and the amount of land will be identified as a condition of development.

**2.1.3 Land - for park purposes - conveyance – Hazard, Open Space and Constrained Land**

The Corporation retains the right not to accept the conveyance of land that is considered not suitable or required for park and recreation purposes including but not limited to the size of the parcel, hazard lands, wet lands, hydro lands, easements or other encumbrances that would restrict the Corporation’s use of the land. Where the Corporation does not request the Owner to convey table land, the Corporation may in lieu accept constrained land at the following ratios:

- 1) Hazard land - 27 hectares of hazard land for every 1 hectare of table land;
- 2) Open space or other constrained lands - 16 hectares of open space or constrained lands for every 1 hectare of table land.

**2.2 Cash - in lieu of land - prior to permit**

Where the Corporation does not request the Owner to convey land, the Owner shall pay money to the Corporation in lieu of such conveyance to the prevailing value of the land otherwise required to be conveyed under section 2.1 of this by-law before the issuance of the building permit or, if more than one building permit is required for the development or redevelopment, before the issuance of the first permit.

**2.3 Land – value – per residential dwelling type – Table 1**

The prevailing value of land otherwise required to be conveyed under section 2.1 of this by-law for the twelve month period commencing January 1, 2011 and then every twenty-four months thereafter, may be determined by multiplying the value per dwelling unit in Column II of Table 1 for the corresponding type of residential dwelling unit in Column I by the number of that type of dwelling unit proposed on the land, and then adding all of the values for each type of dwelling unit to arrive at the prevailing land value.

<b>Table 1</b>	
<b>Column I</b>	<b>Column II</b>
Average Value of Land	\$370,650/hectare (\$150,000/acre)
<b>Residential Detached Units</b>	
Up to 11.99m lot frontage	\$ 850.00
12m -14.99m lot frontage	\$1100.00
15m -17.99m lot frontage	\$1340.00
18m or greater lot frontage	\$1665.00
<small>**Where lot frontage is defined under Zoning By-law Z.-1</small>	
Cluster detached / Semi-detached / duplex	\$ 850.00
Attached Rowhousing	\$ 775.00
Attached Apartments	\$ 375.00
<b>Value of Parkland</b>	
Hazard land	\$13,590/hectare (\$5,500/acre)
Open space land	\$22,230/hectare (\$9000/acre)
Ration of hazard Land to table land	27 to 1
Ratio of open space land to table land	16 to 1
Table land to be purchased by the Corporation for parkland use	\$370,650/hectare (\$150,000/acre)

**2.3.1 Land – value – Commercial and other Non Residential**

The prevailing value of land otherwise required to be conveyed under section 2.1 of this by-law for commercial and other non-residential purposes will be determined by a registered property appraiser and be valued at a market rate consistent with the timing of development under the Planning Act as listed below:

- 1) Development under Section 42 – value equal to the day before the day of the issuance of the building permit
- 2) Development under Section 51 – value equal to the day before the day of draft approval
- 3) Development under Section 53 – value equal to the day before the day of issuance of consent.

### **2.3.2 Payment of Cash in Lieu**

The timing of payment of cash in lieu required to be made under this by-law shall be consistent with the timing of development under the Planning Act as listed below. Where more than one building permit is required for the development, the payment shall be made as of the day before the day of the issuance of the first building permit.

- 1) Section 42 – at the time of building permit
- 2) Section 51 – at the time of building permit
- 3) Section 53 – prior to the issuance of a consent

### **2.3.3 Payment of Cash in Lieu**

No person shall construct a building on the land proposed for development or redevelopment unless the payment of money in-lieu has been made or arrangements, that are satisfactory to the Corporation, have been made for the payment.

### **2.3.4 Payment of Parkland - Over Dedication**

Where parkland in excess of the required dedication under Section 2.1 is included in a development application, with the concurrence of the Corporation, the excess parkland land will be purchased by the Corporation at a rate listed in Table 1. This rate will be updated on a biennial basis (every 2 years) consistent with and part of independent review in Section 2.4.

### **2.4 Land – value – per dwelling – future calculations**

The prevailing value of land otherwise required to be conveyed under section 2.1 of this by-law for the twelve month period commencing January 1, 2011, and for every twenty-four month period thereafter shall be the result, rounded to the nearest five dollars, of a review undertaken by an independent certified property appraiser on a biennial (every 2 years) basis to ensure the all values and ratios listed in Table 1 reflect the current market value. Amendments to the by-law and Table 1 will require approval of Municipal Council.

### **2.5 Redevelopment - original conveyance - payment**

Where land has been conveyed or has been required to be conveyed to the Corporation for park or other public purposes or a payment of money in lieu of such conveyance has been received by the Corporation or is owing to it under section 42, 51.1 or 53 of the *Planning Act*, or under a predecessor of any such sections, the conveyance or payment, as the case may be, shall be credited in determining the amount of land or payment of money in lieu thereof that may be required under section 42 of the Act for subsequent development or redevelopment where:

- 1) there has been a change in the proposed development or redevelopment which would increase the density of development; or
- 2) Where land originally proposed for commercial or industrial purposes is subsequently proposed for other purposes.

### **2.6 Application - to O.M.B. - conveyance dispute**

Where the owner and the Corporation are unable to agree on the value of the land otherwise required to be conveyed under section 42 of the Planning Act, R.S.O. 1990, c. P.13, or in the event of a dispute between the Corporation and an owner of land as to the amount of land or payment of money in lieu thereof that may subsequently be required, as mentioned in subsection 42 (8) of the Act, either party may apply to the Ontario Municipal Board to have the value or matter determined.

## **Part 3 REPEAL - ENACTMENT**

### **3.1 By-law - previous**

By-law L.S.P.-2846-323 and all of its amendments are hereby repealed.

### **3.2 Effective date**

This by-law comes into force on November 15, 1993.

Passed in Open Council on November 15, 1993.

T.C. Gosnell  
Mayor

K.W. Sadler  
City Clerk

Second Reading - November 15, 1993  
Third Reading - November 15, 1993