

The Corporation of the City of Pickering

**Draft**

By-law Number XXXX/22

Being a By-law to require the conveyance of land for park or other public recreational purposes as a condition of development or redevelopment, or the subdivision of lands.

Whereas Sections 42, 51(25), 51.1, and 53 of the *Planning Act*, R.S.O. 1990, chapter P.13, provide that the Council of a local municipality may by by-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of lands;

Whereas Sections 42 and 51.1 of the *Planning Act*, R.S.O. 1990, chapter P.13, provide for an alternate parkland rate for residential purposes of one hectare for each 300 dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes at such a rate;

Whereas Sections 42 and 51.1 of the *Planning Act*, R.S.O. 1990, chapter P.13, provide that municipalities may request payment in lieu of land for park or other public recreational purposes at a rate of one hectare for each 500 dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes at such a rate;

Whereas the use of an alternate parkland rate for conveyance (1 hectare:300 dwelling units) and an alternate rate for payment in lieu (1 hectare: 500 dwelling units) will provide the City with increased versatility in providing parkland that efficiently serves the needs of the community;

Whereas Bill 197, the *COVID-19 Economic Recovery Act*, requires the City to reassess the existing alternative parkland bylaw in order to continue to utilize the alternate rate;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. For the purposes of interpretation of this by-law, the following definitions shall apply:
  - (a) “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;

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- (b) “Redevelopment” has the same meaning of Development;
- (c) “Subdivision” means the process referred to in Section 50 of the *Planning Act*, R.S.O. 1990, chapter P.13.
2. This By-law shall apply to the whole City of Pickering.
  3. As a condition of development or redevelopment of lands for any purpose other than commercial or industrial purposes, Council shall require that land be conveyed to the City, free and clear of all liens and encumbrances, for park or other public recreational purposes in the amount of five percent (5%) of the land for such development.
  4. As a condition of subdivision of lands for any purpose other than commercial or industrial purposes, Council shall require that land be conveyed to the City, free and clear of all liens and encumbrances, for park or other public recreational purposes in the amount of five percent (5%) of the land proposed for such development.
  5. As an alternative to Sections 3 and 4 above, as a condition of development or redevelopment or in the case of subdivision of land as a condition of approval of subdivision of lands for development in the High Density Residential Areas and Mixed Use Areas in accordance with the City of Pickering Official Plan, Council may require that land be conveyed to the City for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed. However, in no case shall the parkland dedication be less than that required in Sections 3 and 4 above.
  6. As an alternative to Sections 3, 4, and 5 above, Council may require a payment in lieu of a portion or all of the land otherwise to be conveyed under this by-law, calculated by using a rate of one hectare for each 500 dwelling units proposed.
  7. As a condition of development or redevelopment of lands for commercial or industrial purposes, Council shall require that land be conveyed to the City, free and clear of all liens and encumbrances, for park or other public recreational purposes in the amount of two percent (2%) of the land proposed for such development.
  8. As a condition of subdivision of lands for commercial or industrial purposes, Council shall require that land be conveyed to the City, free and clear of all liens and encumbrances, for park or other public recreational purposes in the amount of two percent (2%) of the land proposed for such development.
  9. As an alternative to Sections 7 and 8 above, Council may require a payment in lieu of the land otherwise to be conveyed under this by-law, or such combination of land and money as Council may require.

10. This by-law shall at all times be subject to the provisions of Section 42, 51.1, 51(25), and 53 of the *Planning Act*, R.S.O. 1990, chapter P.13, as amended from time-to-time, or any successor thereto.
11. By-law 7341/14 of the Corporation of the City of Pickering being a by-law “To require that land be conveyed to the City for park or other public recreational purposes as a condition of development or redevelopment, or the subdivision of lands” is hereby repealed.

By-law passed this XX day of XXX, 2022.

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David Ryan, Mayor

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Susan Cassel, City Clerk