

Memorandum

To	Brian Hillman
From	Daryl Abbs
Date	January 15, 2024
Re:	Parks Plan – Parkland Dedication and Payment-in-lieu of Parkland Analysis

Fax

Courier

Mail

Email

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

1. Introduction

Watson was retained by the Town of Tecumseh (Town) to undertake a review and analysis of the Town's current policies with respect to parkland dedication and payment-in-lieu of parkland. This memo outlines the relevant legislation, the Town's current policies, analysis of alternative policies, and next steps/considerations for Town staff. Summary information along with a draft parkland dedication by-law are provided in the appendices. This analysis incorporates the recent changes to the *Planning Act* via *Bill 23, More Homes Built Faster Act, 2022*.

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), Section 51.1 provides the rules for the conveyance of parkland imposed as a condition of approval of a plan of subdivision, and Section 53 provides the rules for conveyance of parkland required for consent. The following outlines the relevant paragraphs of Section 42. Note: the rules under Section 51.1 and 53 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 or 53.



Parkland Dedication

Section 42 (1) provides that a 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.

(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.”

New from Bill 23:

Section 42 (1.1) is proposed to be added upon proclamation by the Lieutenant Governor. This section provides for a reduction in the parkland dedication requirements for affordable residential units. Once enacted, where there are affordable residential units (as defined in the *Development Charges Act*), the dedication requirements shall not exceed 5% multiplied by the ratio of non-affordable residential units vs. the total number of residential units. For example:

- Number of affordable residential units: 10
- Number of non-affordable residential units: 90
- Total units: 100
- 5% multiplied by (90 divided by 100) equals 90% of 5% or 4.5%.

Section 42 (1.2) has been added to provide for an exemption for non-profit housing developments (as defined in the *Development Charges Act*).

Section 42 (1.3) has been added to provide for a similar residential intensification exemption as the *Development Charges Act*:

(1.3) A by-law passed under this section does not apply to the erection or location of,

- a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other*



than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

- (c) *one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*

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 600 net residential units¹, 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 600 net residential 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).”

New From Bill 23

Section 42(3.0.2) has been added to identify that the number of units included in the calculation is the net new residential units after the development or redevelopment. This provides for a credit for the existing units.

Section 42(3.0.3) is proposed to be added to note that affordable residential units and attainable residential units (as defined in the *Development Charges Act*), shall be excluded from the net residential unit's calculation.

Section 42(3.3) has been added to provide caps on the maximum dedication/payment-in-lieu required. This section is provided as follows:

- (3.3) *A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,*
 - (a) *in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and*

¹ New for Bill 23. Previous amount was one hectare for each 300 dwelling units.



- (b) *in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.”*

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

To use the residential alternative requirement of one hectare for each 600 net residential 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 include the use of the alternative rate provisions in an Official Plan. Now, as per Bill 23, a Parks Plan is required to be undertaken prior to passing a by-law which includes the alternative residential rate.

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 summary of the subsections is as follows:

- **Consultation:** the municipality shall consult with persons and public bodies as the municipality considers appropriate (note that in the preparation of a Parks Plan, the Municipality shall consult with every school board that has jurisdiction and may consult with any other persons or public bodies 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 Town may receive payment-in-lieu of parkland based on the value of the land otherwise to be conveyed. Further, if the Town 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 1,000¹ net residential 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.”

“(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 1,000 net residential units proposed or such lesser rate as may be specified in the by-law.”

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.”

Note, for parkland conveyed as a condition of a plan of subdivision, the value shall be determined as of the day before the approval of the draft plan of subdivision. 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.”

Note, for parkland conveyed under consent, the value shall be determined as of the day before the provisional consent was given. Section 53 (13) provides for the following:

“(13) If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires a payment in lieu, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given.”

¹ New for Bill 23. Previous amount was one hectare for each 500 dwelling units.



New From Bill 23

Sections 42(2.1), (2.2), (2.3), and (2.4) have been added to provide for a rate freeze similar to what is included in the *Development Charges Act*. This is provided as follows:

- (2.1) *The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,*
- (a) *the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the City of Toronto Act, 2006 was made in respect of the development or redevelopment;*
- (b) *if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or*
- (c) *if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.*
- (2.2) *Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.*
- (2.3) *If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).*
- (2.4) *Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.”*

Special Account and Reporting Requirements

All money received by the Town for the purposes of payment-in-lieu shall be paid into a special account and spent only for the following purposes (as per Subsection 42(15)):

- 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.

New From Bill 23

Section 42(16.1) has been added to require that: “in each calendar year beginning in 2023, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.” There is no specific requirement to spend the money, however, the monies should be allocated to future anticipated projects. As this is also a requirement for Development Charges, it is recommended that the allocation for parkland dedication reserve funds follow a similar process.

3. Current Practice and Analysis

3.1 Overview of Guiding Documents

This section outlines the various documents that were reviewed as part of this analysis to better understand the Town’s current policies and practices.

Tecumseh’s Official Plan (O.P.), Section 4.8.2: “Recreational Policies” sets out policies with respect to parkland dedication. This section discusses parkland standards, requirements for parks, and parkland dedication guidelines. Section 4.8.2, notes that parkland dedication may be required at the rates of 5% for residential. An alternative



residential rate of one (1) hectare for each 600¹ dwelling units may be used if it provides for more dedication than the 5% rate. There is no mention for dedication to be received from non-residential (commercial, industrial, and institutional) development. It also notes that the Town may accept payment-in-lieu of parkland dedication.

In 2010, the Town undertook a detailed Strategic Master Plan for Parks and Recreation. This plan undertook a review of Town 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 Town's policies with respect to parkland dedication.

A review of the Town's 2021 parks Masterplan Review was undertaken. This report established the remaining and new recommendations from the Town's 2010 Strategic Master Plan for Parks and Recreation.

A review of the Town's Fees and Charges by-law (2002-112) provides for payment in lieu of parkland dedication of 5% for residential developments and 2% for non-residential (commercial) developments.

Additionally, the Town's parkland dedication by-law (2015-68) for the Manning Road Secondary Plan Area provides that payment in lieu shall be provided for parkland dedication at a value of 2% for commercial and industrial lands, and 5% for development of lands in all other zoning classifications.

Finally, a review of the Town's 2022 Development Charge (D.C.) Background Update 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

The O.P. provides the overarching policies with respect to parkland dedication and payment-in-lieu of parkland. Further, the Town's Fee's and Charges by-law outlines the fees to be collected for the payment in lieu of parkland dedication. Finally, there is currently a parkland dedication by-law (2015-68) in place for the Manning Road Secondary Plan area only.

¹ New for Bill 23. Previous amount was one hectare for each 300 dwelling units



3.2.1 Parkland Dedication

Overview

For residential development and redevelopment, the O.P. provides that parkland be dedicated at a rate of 5% of the land or one (1) hectare of land for each 300¹ dwelling units; there are no parameters on when the alternative rate should be applied. For commercial, industrial, and institutional there are no policies with respect to parkland non residential development or redevelopment.

The Town's Fees and Charges by-law (2002-112) does prescribe a rate of 2% for commercial, and 5% for residential lots.

The alternative residential rate has not been utilized and is not currently in place within the Manning Road Secondary Plan Area parkland dedication by-law.

Alternative Rate Requirement for Parkland Dedication

As provided in the O.P., for residential development, the Town may require parkland be dedicated at the alternative rate. Although there is no specific guidance provided in the O.P. as to when this alternative rate should be used, the Town may consider using the alternative rate when it provides for a greater amount of dedication 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 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 600 net residential units, this will imply that to get the same amount of land dedication, there will need to be a density of 600 units on the 20 hectares of development. This equates to a density of 30 units per hectare or 12 units per acre. If density exceeds this breakeven point, the Town will receive more land by using the alternative rate.

Analysis

There are a few potential revisions to the current practice that may assist the Town in maximizing receipt of dedicated parkland.

- Consider revising the O.P. to include parkland dedication requirements of 2% for industrial and commercial developments and 5% for institutional development.
- Include in a Town-wide parkland dedication by-law, guidance on the use of the alternative rate requirement (i.e., when development exceeds density of 30 units per hectare or 12 units per acre). As a result, the Town may consider utilizing the alternative rate for all high-density developments and reviewing density of each low-density and medium-density development on a case-by-case basis.

¹ Note, as per Bill 23, this has changed to one hectare for each 600 net residential units.



3.2.2 Payment-in-Lieu of Parkland

Overview

With respect to policies regarding payment-in-lieu of parkland, the O.P. (Section 4.8.2) states that the Town may accept payment-in-lieu of parkland dedication if it is determined that:

- where the parcel of land is either too small or poorly located to meet parkland needs;
- in an area that has excess parklands;
- where the condition of the land is unsuitable for park purposes;
- where no opportunity exists to enlarge existing neighbourhood parks; and
- where a large development project is within reasonable walking distance to an existing park, provided that the trip does not involve crossing an arterial road.

The *Planning Act* allows a municipality to require payment-in-lieu of 5% for residential and institutional lands and 2% for commercial and industrial lands. However, the Town currently utilizes a fee per lot of \$750 for consents only.

Alternative Rate Requirement for Parkland Dedication

The *Planning Act* allows for use of the alternative rate for payment-in-lieu of dedication, however, the rate at which the value is determined is based on one (1) hectare for each 1,000 net residential units. Similar to dedication of parkland, if the Town chooses to impose the alternative residential rate, the Town should clearly define when it is appropriate to use the alternative rate relative to the 5% rate. This can be estimated 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 the equivalent value of dedication of 5% of the lands dedication and would yield a value equivalent to the dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 1,000 net residential units, this will imply that to get the same amount of equivalent land dedication, there will need to be a density of 1,000 units on the 20 hectares of development. This equates to a density of 50 units per hectare or 20 units per acre. If density exceeds this breakeven point, the Town will receive more payment-in-lieu by using the alternative rate.

Per Lot Rate

The Town utilizes a per lot rate of \$750 for residential payments in lieu of parkland dedication. Watson has reviewed this rate and estimated the equivalent value of the



land for a typical lot in the Town. That is, what is the assumed value of the land at the 5% dedication rate using the per lot fee of \$750. This summary is provided in Table 3-1.

Table 3-1
Town of Tecumseh
Per Lot Equivalent Value Calculations

Per Lot Fee Calculations for Residential Lots	Current Charge	Calculated Charge based on Average Land Values
Average Price per Acre	\$90,000	\$1,130,000
Assumed Density per Acre	6	6
Assumed Value per Lot	\$15,000	\$188,000
P.I.L. Parkland Charge per Lot:	\$750	\$9,000

As per the table above, at \$750 per residential lot, the assumed value of the land would be \$15,000 per lot. To compare this calculated value per lot to the current market, Watson undertook a review of recent sale price data from MPAC (Municipality Property Assessment Corporation). Through a review of recent subdivision developments, lot values prior to issuance of building permits were observed to be approximately \$188,000 (in 2023\$). Assuming a density per acre of 6 units (based on historical building activity), the average price per acre would be \$1,130,000. This land value analysis was estimated using MPAC¹ database information and is summarized in Appendix C. As a result, utilizing \$188,000 per lot for the above analysis would appear reasonable. At the 5% dedication rate, this results in a fee per lot of \$9,000. The current rate per lot is significantly lower than the amount that would be collected using the 5% rate or the alternative rate that is collected at the time of the building permit (i.e., based on value of land the day before building permit, as provided under S.42 of the *Planning Act* vs. the current approach of calculating the value of land the day before the provisional consent is provided under S.53 of the *Planning Act*).

With respect to the commercial and industrial rates per lot, it is unclear as to a typical lot size as properties vary depending on the nature of the business. As a result, it would be recommended that the Town require an appraisal be undertaken and the 2% dedication rate be applied.

The recent changes arising from Bill 23 have required that development or redevelopment proceeding through a site plan application or zoning by-law amendment application have their payment-in-lieu rates frozen at the time the application is

¹ MPAC database review undertaken as of May 2023



submitted. As a result, it is recommended that a per lot rate not be used for these types of development and that appraisals are required to apply the 5%/2% rates.

Analysis

There are a few potential revisions to the current practice that may assist the Town in maximizing receipt of payment-in-lieu of parkland.

- Consider revising the O.P. and a future parkland dedication by-law the following provisions whereby the payment-in-lieu is collected at the building permit stage:
 - Consider increasing the residential per lot fee for severances only, with provision for indexing.
 - Continue using the per lot fee for severances only and requiring an appraisal for use of the 5% in all other residential circumstances.
 - Consider imposing the 2% dedication rate requirement on commercial and industrial development and 5% for institutional development.
- Include in a parkland dedication by-law, guidance on the use of the alternative rate requirement (i.e., when development equals or exceeds a density of 50 units per hectare or 20 units per acre).
 - As a result, the Town may consider utilizing the alternative rate for all high-density developments and reviewing the density of each low-density and medium-density development on a case-by-case basis.

3.3 Current Recoveries from Development Charges

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 Town 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

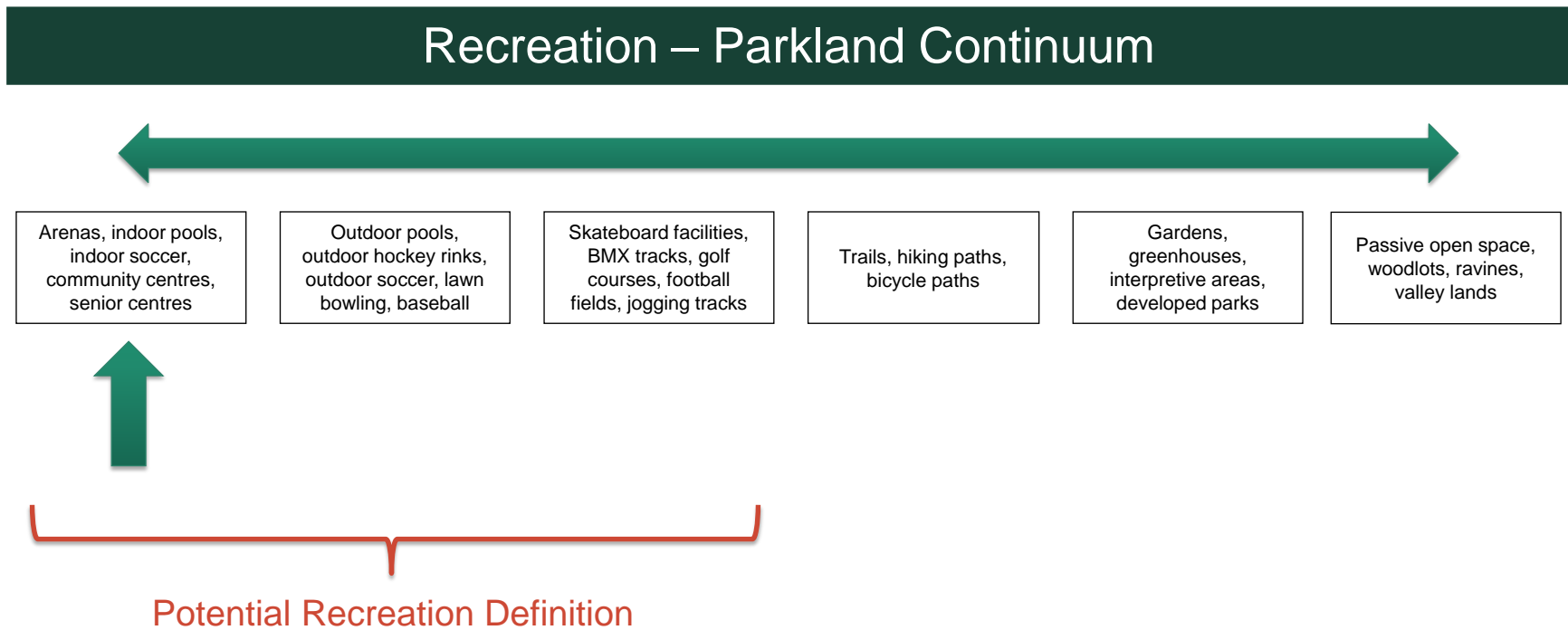


through dedication or paid with funds collected from payment-in-lieu of parkland. However, a consideration of “recreation” may be undertaken. For example, an indoor soccer field built inside of an air supported structure would be considered an indoor facility and the land for the facility may be funded 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 Town’s policies (e.g., O.P., parks and recreation master plans, zoning by-law, etc.) there is the potential for the Town to recover the cost of the land from D.C.s.

Figure 3-1 provides for a continuum 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 Town (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
Town of Tecumseh
Recreation to Parkland Continuum





3.3.2 Current Definitions in Town of Tecumseh Documents

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

- Town of Tecumseh Official Plan (2021);
- Town of Tecumseh Zoning By-laws;
- Town of Tecumseh Parks and Recreation Services Strategic Master Plan (2010);
- Town of Tecumseh Parks Plan Masterplan Review (2021);
- Town of Tecumseh Fees and Charges By-law 2002-112 (2002);
- Town of Tecumseh Manning Road Secondary Plan Area Parkland Dedication By-law 2015-68 (2015); and
- Town of Tecumseh Parks By-law (2009).

Through a review of these documents, each reference to parks and/or recreation was noted to ascertain the Town's assumed definition of each term. The O.P. utilizes the terms in various contexts as a result, the delineation between parkland and recreation land is not clear. For example, in Section 4.8.2: Land Use Policies, it speaks to the lands designated as recreational to include uses such as parks and playgrounds, implying parks are considered recreational land.

In general, the terminology between parks and recreation implies they occur on the same land, thereby not clearly delineating the two lands as distinct.

Table B-1 in Appendix B provides for a list of the relevant 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 Town 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 Town must first update their existing policy documents to clearly define parks versus recreation. These refined definitions should be consistent between all policy documents. Should the Town wish to proceed with this approach, sample definitions can be provided for the Town's consideration.

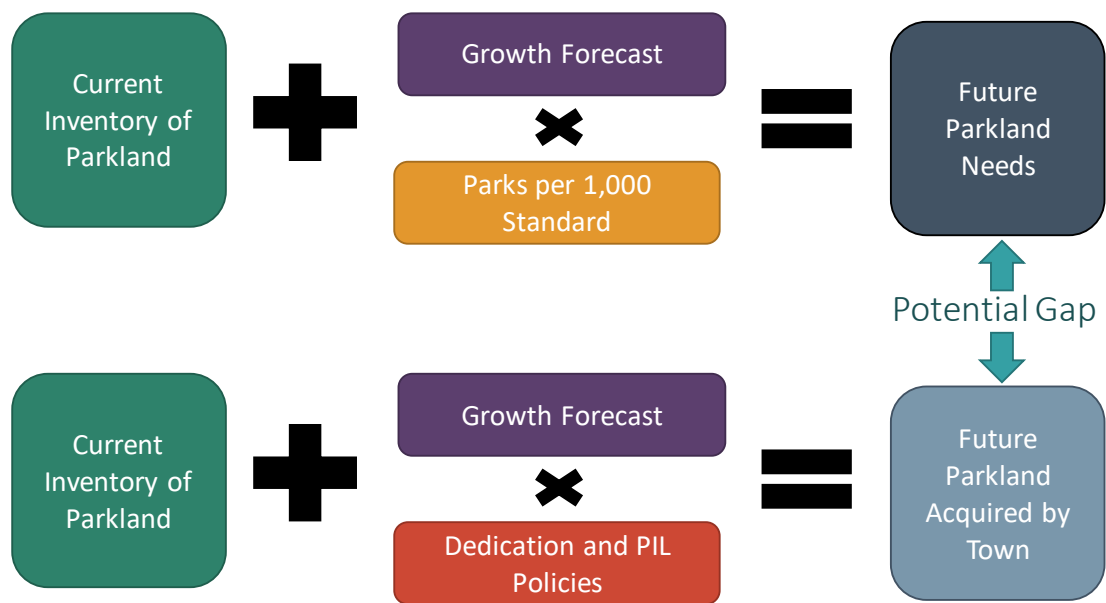
4. Impacts of Current Practice vs. Alternative Approaches

4.1 Approach to Analysis

To quantify the impacts of the various approaches on the Town'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 Town's 2022 D.C. background update 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
Town of Tecumseh
Parkland Needs Analysis



4.2 Current Inventory of Parkland and Future Need

4.2.1 Summary of Current Inventory

The 2022 Development Charges Background Update Study identified the current inventory of parks in the Town as of 2021. Upon discussions with staff the Town did not acquire additional lands since the completion of the D.C. Background Update Study. Table 4-1 provides for a summary of the 2023 inventory:

Table 4-1
Town of Tecumseh
Inventory of Parkland (2023)

Inventory of Parkland	Total Acres	Total Hectares
Neighbourhood Parks	41.90	16.96
Community Parks	176.60	71.47
Total Parkland	218.50	88.43

Note: Parkettes are included in Neighbourhood parks and Regional parks are included in Community Parks in the above summary.

A review of the anticipated parkland needs to 2039 was undertaken based on the anticipated population and the service level of one (1) hectare of parkland per 1,000 residents for neighbourhood parks and two and a half (2.5) hectares of parkland per 1,000 residents for community parks¹. The calculations provide that the Town would require 255.88 acres or 103.55 hectares of parkland, implying that by 2039, the Town would need to receive (or purchase) an additional 37.38 acres (or 15.13 hectares) of parkland on a Town-wide basis. This information is summarized in Table 4-2:

Table 4-2
Town of Tecumseh
Required Parkland by 2039 as per Recommended Service Level and Anticipated Growth

Parkland Requirement Calculations	Current Parkland Inventory	Acres Required in 2039 Based on a Population of 29,586	Additional Parkland Needed
Neighbourhood Parks (acres)	41.90	73.11	31.21
Community Parks (acres)	176.60	182.77	6.17
Total Parkland Required (acres)	218.50	255.88	37.38
Total Parkland Required (hectares)	88.43	103.55	15.13

4.2.2 Analysis

Parkland Inventory

The Town's O.P. does identify the Town's standard for each park classification. The Town's Parks and Recreation Services Strategic Master Plan provides a hierarchy of parkland with defined categories such as, community parks, neighbourhood parks, and specialized parks. Note that the specialized parks are excluded from the analysis as it includes woodlots and is not identified as active parkland.

¹ As provided in the Town's Parks and Recreation Services Strategic Master Plan

4.3 Parkland Dedication

4.3.1 Current Approach

With respect to parkland dedication, currently the Town receives parkland dedication in the amount of 5% of the land area for residential developments and 2% of the land area for industrial and commercial developments. No dedication requirements are generally applied to institutional developments.

The current inventory was measured as of 2023. As a result, the growth forecast period utilized for this analysis is 2023 to 2039. The Town's 2022 D.C. background study growth forecast was utilized for this analysis and prorated to align with the forecast period in this analysis. Table 4-3 provides for a summary of the anticipated residential units to be constructed over this time period. With assumed densities of 8, 15, and 40 units per acre for low¹, medium, and high-density development, respectively, the total acres of residential development lands equal 357.27 acres (or 144.58 hectares). At a parkland dedication rate of 5%, the total parkland to be dedicated would be 17.86 acres (or 7.23 hectares).

Table 4-3
Town of Tecumseh
Residential Parkland Dedication at 5%

Unit Type	Anticipated Units (2023 to 2039)	Density Assumption (units/acre)	Total Acres	Total Acres Dedicated at 5%
Singles	2,456	8	307.00	15.35
Towns	580	15	38.67	1.93
Apartments	464	40	11.60	0.58
Total	3,500		357.27	17.86
Total Hectares			144.58	7.23

Table 4-4 provides for a summary of the anticipated non-residential development to be constructed over the 2023-to-2039-time horizon. Based on the D.C. growth forecast, it is anticipated that there will be an additional 2,779 employees in the Town by 2039. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 2.54 million sq.ft. Assuming the industrial buildings have a lot coverage of 40%, and institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 7.08 million sq.ft. This equates to a total land area of 162.70 acres (or 65.84 hectares). Based on a 2% dedication rate applied to industrial and commercial properties (currently, the Town is

¹ Recent low-density developments were observed to have a density of approximately 6 units per acre, however, the D.C. background study forecast utilized an assumption of 8 units per acre for future development.

not imposing the dedication requirements on institutional development), this would provide the Town with 2.87 acres (or 1.16 hectares) over the forecast period.

Table 4-4
Town of Tecumseh
Non-residential Parkland Dedication at 2% (0% Institutional)

Type	Anticipated Employment (2023 to 2039)	Sq.ft. per Emp	Anticipated Sq.ft. (2023 to 2039)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Acres Dedicated at 2%
Industrial	1,279	1,300	1,662,700	40%	4,156,750	95.43	1.91
Commercial	1,139	550	626,450	30%	2,088,167	47.94	0.96
Institutional	361	700	252,700	30%	842,333	19.34	-
Total	2,779		2,541,850		7,087,250	162.70	2.87
Total Hectares						65.84	1.16

In total, this approach would yield the Town with approximately 20.73 acres (8.39 ha) of parkland if every property provided parkland dedication.

4.3.2 Base Provisions of the Planning Act (5% Residential and Institutional, 2% Commercial and Industrial)

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).

In this approach, the calculated residential dedication would be the same as presented in Table 4-3. The non-residential parkland dedication calculations in Table 4-4 have been restated in Table 4-5 with institutional parkland dedication calculated at the 5% rate. In total, this scenario would provide the Town with 21.70 acres (17.86 acres from residential and 3.83 acres from non-residential).

Table 4-5
Town of Tecumseh
Non-residential Parkland Dedication; 5% Institutional, Commercial, and Industrial at 2%

Type	Anticipated Employment (2023 to 2039)	Sq.ft. per Emp	Anticipated Sq.ft. (2023 to 2039)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Acres Dedicated at 2%*
Industrial	1,279	1,300	1,662,700	40%	4,156,750	95.43	1.91
Commercial	1,139	550	626,450	30%	2,088,167	47.94	0.96
Institutional	361	700	252,700	30%	842,333	19.34	0.97
Total	2,779		2,541,850		7,087,250	162.70	3.83
Total Hectares						65.84	1.55

Note: Institutional is dedicated at 5%

4.3.3 Alternative Residential Rate and 5% Institutional Rate

With respect to use of the alternative rate for parkland dedication of one (1) hectare for every 600 net residential units, the Town would receive approximately 13.66 acres (or 5.53 hectares) of parkland. Table 4-6 provides for the anticipated acres of parkland dedication based on the residential growth forecast from the D.C. study and use of the alternative rate.

Table 4-6
Town of Tecumseh
Residential Parkland Dedication at One Hectare for Each 600 Net Residential Units

Unit Type	Anticipated Units (2023 to 2039)	One Hectare for 600 Net Residential	Acres	Acres at 10% Maximum*
Singles	2,456	4.09	10.11	10.11
Towns	580	0.97	2.39	2.39
Apartments	464	0.77	1.91	1.16
Total	3,500	5.83	14.41	13.66

**As per Bill 23 (now s42(3.3) of the Planning Act), properties 5 hectares or less are limited to 10% of the land area. Parkland dedication for apartments would exceed this limitation, therefore the 10% dedication cap assumption was used*

With respect to non-residential dedication, the calculations from Section 4.3.2 would still apply (i.e., 3.83 acres). In total, this approach would provide for 17.50 acres (or 7.08 hectares) of parkland dedication over the forecast period.

4.3.4 Summary of Analysis

Table 4-7 provides for a comparison of the approaches to parkland dedication for residential development (5% for residential vs. one hectare for 600 net residential units) and non-residential development (currently policy vs. 2% for industrial/commercial and 5% for institutional). Based on the Town's standards¹ of 3.5 hectares per 1,000 population (1 hectare for Neighbourhood parks, 2.5 hectares for Community and Regional Parks) and the dedication policies allowed in the Planning Act, the Town will not be able to achieve the standard through parkland dedication alone.

¹ As provided in the Town's Parks and Recreation Services Strategic Master Plan

Table 4-7
Town of Tecumseh
Summary Comparison of Current vs. Alternative Rate Approach to Parkland Dedication

Summary	Current Policy: 5% for Residential and 2% for Commercial and Industrial	5% for Residential and Institutional 2% for Commercial, and Industrial	1 Hectare for 600 Net Residential Units, 2% for Commercial and Industrial and 5% for Institutional
Residential Acres	17.86	17.86	13.66
Non-residential Acres	2.87	3.83	3.83
Total Acres	20.73	21.70	17.50
Acres Required by 2039	37.38	37.38	37.38
Deficit / (Surplus) (Acres)	16.65	15.68	19.88

4.4 Payment-in-Lieu of Parkland

With respect to Payment-in-Lieu of Parkland, there are three (3) approaches to imposing these fees on development and redevelopment in the Town with the collection under Section 42 at the time of building permit:

1. **Current Policy:** impose a rate of \$750 per lot for severances, impose the equivalent value of 5% of the land area for residential development and the equivalent value of 2% of the land area for industrial and commercial development collected at the time of development agreement¹;
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 collected at the time of the building permit; and
3. **Alternative Rate:** impose the equivalent value of one (1) hectare of land for each 1,000 net residential units for residential development.

Similar to the analysis with respect to parkland dedication, the D.C. growth forecast was used to estimate the amount of development in the Town from 2023 to 2039. The estimated land values in the Town were analyzed based on recent land sales obtained from MPAC and are based on the value of the land the day before building permit issuance (as required by Section 42 of the *Planning Act*). A summary table of sample

¹ The current approach uses section 51.1 and 53 of the *Planning Act* whereby the value of the land is determined the day before the draft plan is approved (or provisional consent is given).

properties is provided in Appendix C. Based on the properties analyzed, the average sales price of residential vacant land is assumed to be \$1,130,000 per acre¹ and the average sales price of non-residential properties is approximately \$200,000 per acre for industrial, \$400,000 per acre for commercial, and \$250,000 per acre for institutional developments.

Note, generally parkland is located in residential areas. As a result, the analysis herein assumes that the Town would purchase parkland at the value of residential land the day before building permit. This analysis allows for comparison of the approaches; however, the Town may purchase land at a lower value depending on local circumstances.

4.4.1 Current Policy

Under the current policy, the Town imposes the equivalent value of 5% of the land area for residential development and the equivalent value of 2% of the land area for commercial and industrial development at the time of lot creation (Section 51.1 and 53). Through discussions with staff, it was identified that payment-in-lieu of dedication requirements are not imposed on institutional developments. Note for the analysis herein although the current approach utilizes a valuation of land the day before the draft plan is approved, the land value the day before building permit is used for comparison purposes.

The Town's 2022 D.C. Background Update Study growth forecast was utilized for this analysis and prorated to align with the forecast period in this analysis. There are a total of 3,500 low, medium, and high-density units anticipated to be constructed over the 2023 to 2039 forecast period. Table 4-8 provides for a summary of the anticipated residential units to be constructed to 2039. With assumed densities of 8², 16, and 40 units per acre for low, medium, and high-density development, respectively, the total acres of residential development lands equal 357.27 acres (or 144.58 hectares). At a value of \$1,130,000 per acre (\$2,790,000 per hectare), the total value of the developable lands would be approximately \$403.71 million. At a rate of 5% of the land value, the Town would receive approximately \$20.19 million.

¹ The value utilized in the calculations is based on values in the urban area (i.e., properties serviced with water and wastewater) and the value of the land the day before building permit.

² As noted in section 3.2.2, recent low-density developments were observed to have a density of approximately 6 units per acre, however, the D.C. background study forecast utilized an assumption of 8 units per acre for future development.

Table 4-8
Town of Tecumseh
Anticipated Payment-in-Lieu of Parkland Dedication Revenues for Residential

Unit Type	Anticipated Units (2023 to 2039)	Density Assumption (units/acre)	Total Acres	Total Land Value per Acre	Total Value of Developable Lands	5% of the Total Value
Singles	2,456	8	307.00	1,130,000	346,910,000	17,345,500
Towns	580	15	38.67	1,130,000	43,693,333	2,184,667
Apartments	464	40	11.60	1,130,000	13,108,000	655,400
Total	3,500		357.27		\$ 403,711,333	\$ 20,185,567
Total Hectares			144.58			

Table 4-9 summarizes the anticipated revenue from non-residential (industrial and commercial) development. The total anticipated revenue would be approximately \$765,205 over the forecast period.

Table 4-9
Town of Tecumseh
Anticipated Payment-in-Lieu of Parkland Dedication Revenues for Non-residential

Type	Anticipated Employment (2023 to 2039)	Sq.ft. per Emp	Anticipated Sq.ft. (2023 to 2039)	Assumed Lot Coverage	Total Sq.ft. of Land Area
Industrial	1,279	1,300	1,662,700	40%	4,156,750
Commercial	1,139	550	626,450	30%	2,088,167
Institutional	361	700	252,700	30%	842,333
Total	2,779		2,541,850		7,087,250
Total Hectares					

Type	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Value per Acre	Total Value of Developable Lands	2% of the Total Value
Industrial	4,156,750	95	200,000	19,085,170	381,703
Commercial	2,088,167	48	400,000	19,175,084	383,502
Institutional	842,333	19	250,000	4,834,328	-
Total	7,087,250	162.70		\$ 43,094,582	\$ 765,205
Total Hectares		65.84			

Based on the residential cost of land per acre (\$1.13M), this would provide the Town with the ability to purchase approximately 18.54 acres of land (or 7.50 ha).

4.4.2 5%/2% Rates

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). Note however, the Town's O.P. does not include a provision for collection of parkland dedication or payment-in-lieu from institutional development.

Table 4-10 provides for a summary of the anticipated residential units to be constructed to 2039. With assumed densities of 8, 15, and 40 units per acre for low, medium, and high-density development, respectively, the total acres of residential development lands equal 357.27 acres (or 144.58 ha). At a value of \$1,130,000 per acre (\$2,792,000 per hectare), the total value of the developable lands would be approximately \$403.71 million. At a rate of 5% of the land value, the Town would receive approximately \$20.19 million.

Table 4-10
Town of Tecumseh
Anticipated Payment-in-Lieu of Parkland Dedication Revenues – 5%

Unit Type	Anticipated Units (2023 to 2039)	Density Assumption (units/acre)	Total Acres	Value of Land per Acre	Total Value of Developable Lands	5% of the Total Value
Singles	2,456	8	307.00	1,130,000	346,910,000	17,345,500
Towns	580	15	38.67	1,130,000	43,693,333	2,184,667
Apartments	464	40	11.60	1,130,000	13,108,000	655,400
Total	3,500		357.27		\$ 403,711,333	\$ 20,185,567
Total Hectares			144.58			

Table 4-11 provides for a summary of the anticipated non-residential development to be constructed over the 2023 to 2039 time-period. Based on the D.C. growth forecast, there is approximately 2,779 employees that will be added. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 2.54 million sq.ft. Assuming the industrial buildings have a lot coverage of 40% and institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 7.09 million sq.ft. This equates to a total land area of 162.70 acres (or 65.84 hectares). At a value of \$200,000 per acre for industrial, \$400,000 for commercial, and \$250,000 for institutional developments, the total value of the developable lands would be approximately \$43.09 million. At a rate of 2% of the land value for commercial, and industrial, and 5% for institutional, the Town would receive approximately \$1.01 million.

Table 4-11
Town of Tecumseh
Anticipated Payment-in-Lieu of Parkland Dedication Revenues
2% for Commercial and Industrial, 5% for Institutional

Type	Anticipated Employment (2023 to 2039)	Sq.ft. per Emp	Anticipated Sq.ft. (2023 to 2039)	Assumed Lot Coverage	Total Sq.ft. of Land Area
Industrial	1,279	1,300	1,662,700	40%	4,156,750
Commercial	1,139	550	626,450	30%	2,088,167
Institutional	361	700	252,700	30%	842,333
Total	2,779		2,541,850		7,087,250

Type	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Value per Acre	Total Value of Developable Lands	2% of the Total Value
Industrial	4,156,750	95	200,000	19,085,170	381,703
Commercial	2,088,167	48	400,000	19,175,084	383,502
Institutional	842,333	19	250,000	4,834,328	241,716
Total	7,087,250	162.70		\$ 43,094,582	\$ 1,006,921
Total Hectares		65.84			

Note: Institutional based on 5% of the land value

In total, this approach would provide the Town with approximately \$21.19 million in payment in lieu of parkland dedication revenues over the forecast period.

4.4.3 Alternative Residential Rate

Regarding receipt of payment-in-lieu of dedication the *Planning Act* also allows the use of an alternative rate of the value of one (1) hectare of land for each 1,000 net residential units.

With respect to use of the alternative rate, the non-residential payment-in-lieu would remain the same at approximately \$1.01 million. However, if the Town were to utilize the alternative rate for residential developments, the Town would receive approximately \$9.77 million for a total of \$10.78 million. Table 4-12 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 4-12
Town of Tecumseh
Residential Payment-in-Lieu of Dedication at One Hectare for Each 1,000 Net
Residential Units

Unit Type	Anticipated Units (2023 to 2039)	1 Ha for 1000 Net Residential Units (Acres)	Value of Land per acre	Total Value of Developable Lands	Acres at 10% Maximum*	Total Value of Developable Lands at 10% Maximum
Singles	2,456	6.07	\$ 1,130,000	\$ 6,857,839	6.07	\$ 6,857,839
Towns	580	1.43	\$ 1,130,000	\$ 1,619,522	1.43	\$ 1,619,522
Apartments	464	1.15	\$ 1,130,000	\$ 1,295,618	1.15	\$ 1,295,618
Total	3,500	8.65		9,772,979	8.65	\$ 9,772,979

**As per Bill 23 (nows42(3.3) of the Planning Act), properties 5 hectares or less are limited to 10% of the land area. Parkland dedication for apartments would exceed this limitation, therefore the 10% dedication cap assumption was used*

4.4.4 Summary of Analysis

Table 4-13 provides for a comparison of the approaches to payment-in-lieu of parkland for residential development (current policy vs. 5% vs. one hectare for 1,000 net residential units) and non-residential development (current policy vs. 2% for industrial/commercial and 5% for institutional). In all scenarios, the Town will not be able to achieve their desired service level with payment-in-lieu of parkland dedication alone.

Table 4-12
Town of Tecumseh
Summary Comparison of Current vs. Alternative Rate Approaches

Summary	Current Policy: (5% Residential and 2% for commercial and industrial)	5% for Residential and Institutional 2% for Commercial, and Industrial	1 Hectare for 1,000 Dwelling Units, 2% for Commercial and Industrial and 5% for Institutional
Residential Revenue Received	\$ 20,185,567	\$ 20,185,567	\$ 9,772,979
Non-Residential Revenue Received	\$ 765,205	\$ 1,006,921	\$ 1,006,921
Total	\$ 20,950,772	\$ 21,192,488	\$ 10,779,900
Value of Acres Required by 2039	\$ 42,237,324	\$ 42,237,324	\$ 42,237,324
Deficit/(Surplus)	\$ 21,286,552	\$ 21,044,835	\$ 31,457,423

5. Observations and Comments

The following provides a summary of our observations and potential recommendations for the Town's consideration.

1. **Parkland Dedication:** The Town's current policy for imposing parkland dedication is to impose the 5% dedication requirement on residential development and 2% on industrial and commercial development. The Town should consider the following:
 - a. Utilize the alternative rate for residential development (where the alternative rate provides for more dedication);
 - b. Consider including in the O.P., guidance on when to use the alternative rate (e.g., when density is greater than 12 units per acre);
 - c. Consider revising the O.P. to identify the 5% dedication rate for institutional developments and include in a future parkland dedication by-law;
2. **Payment-in-Lieu:** The current approach to payment-in-lieu of dedication is the Town imposes a rate of \$750 per lot for consents. The Town imposes the equivalent value of 5% for residential development and the equivalent value of 2% of the land area for commercial, and industrial developments. This is based on the value the day before the draft plan is approved (provisional consent is given). The following provides a summary of recommendations with respect to payment-in-lieu:
 - a. **Transitional Provisions:** The current practice is to charge payment-in-lieu based on the value of land the day before the draft plan of subdivision (or consent) is approved. With the new parkland dedication by-law, it is recommended that the payment-in-lieu be charged based on the value of land the day before building permit. As this potentially represents a large increase in payment-in-lieu, Council may consider transitional provisions to reduce the impacts over time. For example:
 - i. Obtain the value of the land the day before the draft plan of subdivision (or consent) is approved and the day before building permit and charge 25% of the increase in year 1, 50% in year 2, 75% in year 3 and then the full amount at the time of building permit in year 4.

Note, consideration for transitional provisions has not been included in the draft by-law subject to feedback from Council and the development community stakeholders.

- b. **Residential Per Lot Fee:** The current per lot fee is \$750 paid at the time of severance. The Town should consider increasing this fee and continue to apply to severances only. Any increases may be phased-in over time. This fee should be included in a parkland dedication by-law and be subject to indexing. For all other development, the 5% rate or alternative rate would apply, subject to an appraisal.
 - c. **Site Plan and Zoning By-law Amendment Applications:** Development and redevelopment that proceeds through these applications will have their payment-in-lieu rate frozen at the time of submission of the application. As a result, it is recommended that the Town require an appraisal be submitted with the application to ensure the appropriate value of land is being dedicated.
 - d. **Commercial, and Industrial Per Lot Fee:** With respect to the non-residential rates per lot, it is unclear as to a typical lot size as properties vary depending on the nature of the business. As a result, it would be recommended that the Town require an appraisal be undertaken and the 2% dedication rate be applied.
 - e. **Institutional Development and Redevelopment:** It is recommended that the Town consider revising their O.P. to include policies to collect payment-in-lieu of dedication for institutional development at a rate of 5% of the value of the land. Additionally, this should be included in a future parkland dedication by-law.
 - f. **All Other Residential Development and Redevelopment:** The Town may consider including in a parkland dedication by-law, use of the alternative rate (the value is one (1) hectare of land for each 1,000 net residential units) where the alternative rate provides for more payment-in-lieu than the 5% rate.
3. **Parkland vs. Recreation Land:** To maximize recovery of costs for parkland and recreation land, the Town may consider refining definitions in the Official Plan, Zoning By-law, and other policy documents to clearly delineate 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, Town staff may consider the observations provided in the above section. The Town may incorporate these observations into a parkland dedication and payment-in-lieu of parkland by-law. A draft by-law has been provided in Appendix D.

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

Document	Document Reference	Wording Included in Document	Notes/ Observations
Official Plan	Section 1: Purpose and Basis of the Plan 1.5.2 i) Tecumseh North Settlement Area Page 10	This settlement area, situated in the northerly portion of the Town on the south shore of Lake St. Clair, comprises the former Town of Tecumseh, former Village of St. Clair Beach and former Tecumseh Hamlet. This is the main and most diversified settlement area of the Town. It is where a majority of the housing is located along with a number of employment and commercial areas, recreational facilities, parks, trails , schools and community facilities. Opportunities for residential and commercial intensification continue to exist in this settlement area, particularly north of County Road 22.	Parks and recreation facilities are separated here, implying there is a distinction between the two concepts.
Official Plan	Section 3: General Development Policies 3.6 Hydro One Right-Of-Way Page 25	Within the urban designated areas of the Town, the Hydro One Inc. right-of-way is depicted on Schedules "B-1" and "B-3" of this Plan, and is designated "Hydro Right-of-Way". These lands shall only be used for transmission lines, pipelines, recreational uses and stormwater management facilities that do not conflict with the use of this corridor for transmission line purposes. Permitted recreational uses (such as walking trails, bicycle paths, and other parkland uses) and stormwater management facilities within this corridor will only be allowed once written approvals have been obtained from both Hydro One Inc. and the Town.	Trails, paths, and parkland are defined as recreational use here which confuses the two definitions of parks and recreation.
Official Plan	Section 4: Land Use Policies 4.8 Recreation Page 65	The Recreational designation is shown on Schedules "B-1", and "B-2" of this Plan. The Parks and Recreation Master Plan provides the community with a long range planning document that helps guide investment in the Town's parks, recreation, trails and sports system . The goals and policies of this Section reflect the recommendations of the Town's Parks and Recreation Master Plan.	Parks and recreation facilities are separated here, implying there is a distinction between the two concepts.
Official Plan	Section 4: Land Use Policies 4.8.1 Goals Page 67	The following goals are established for the Recreational area (1) : i) to ensure that the Town maintains an adequate supply of parks, open space and recreational facilities (2) to meet the needs of its residents; ii) to ensure that recreational uses are located in suitable locations so as to maximize their accessibility to area residents and minimize their conflicts with other uses; iii) to design, create and maintain a continuous linear open space system, connecting various parks, residential neighbourhoods, commercial areas, employment areas and remaining natural heritage sites with each other; iv) to obtain the support of and cooperation of local school boards, ratepayer groups, and local school councils to maximize the use of school and Town properties for recreational and educational purposes; and v) to work with local service clubs, interested groups and agencies to acquire, develop and maintain the park and open space areas in keeping with evolving community needs.	(1) The recreational area has goals that are related to parkland. (2) Parks and recreation facilities are separated here, but both fall under the recreational area goals.
Official Plan	Section 4: Land Use Policies 4.8.2 Policies Page 66	The following policies shall apply to those lands designated Recreational on the Land Use Schedules of this Plan: i) the permitted uses shall include indoor and outdoor, public and private recreational uses such as parks, playgrounds, golf courses, arenas and clubs . Wherever possible, recreational uses serving the community at large should be part of a multi-use, larger, more visible and adaptable facility and/or site;	Here recreational land is defined as including parks (parkland), playgrounds (park amenities), golf courses (recreation), arenas (recreation), and clubs (recreation).
Official Plan	Section 4: Land Use Policies 4.8.2 Policies Page 67	The Town supports the reuse of abandoned railway rights-of-way for recreational uses, such as walking, cycling and other physical and leisure activities . The permitted uses within these corridor areas shall include public and private recreational uses . Existing major utility corridors as shown on Schedules "B-1" and "B-3" of this Plan should also be considered for these types of recreational uses ;	Here the term 'recreational use' is being used to describe activities that can be done on existing major utility corridors such as abandoned railways which are considered parkland.

Document	Document Reference	Wording Included in Document	Notes/ Observations
Official Plan	Section 11: Secondary Plans 11.2.5.4 Transportation Page 157	A multipurpose trail system is an amenity intended to provide a broad range of recreational opportunities , encourage walking/cycling as an alternative means of transportation for short trips within the Hamlet, and provide a safer environment for pedestrian and non-vehicular recreational traffic. A properly designed trail system will be able to safely interconnect community facilities such as the school, parks and various areas of open space, the church and commercial sites with the surrounding residential community. The trail should be uniformly hard-surfaced throughout the Hamlet.	In this instance the trail system is being used to describe how it will allow for recreational opportunities, however trails are a parkland feature, therefore confusing the two concepts.
Parks and Recreation Masterplan	Section 1: Introduction 1.2 Background Research Page 7 of PDF	The research phase involved the following key inputs as the basis for the Master Plan's development: <ul style="list-style-type: none"> • Population profile and projections review; • A current policies and plans review; • Current recreation parks, facilities and programs, including participation profiles; • A review of relevant land use planning and policy documents; • A random 306 unit survey of Tecumseh households focusing on parks and recreation participation patterns, future perspectives and awareness; 	The term 'recreation parks' confuses the two individual concepts of parks and recreation.
Parks and Recreation Masterplan	Section 2: 2.2.3 Focus Group Meetings Page 2-5	Focus group meetings were held for the Master Plan in the fall of 2007 creating opportunities for user groups to provide input into the plan. The following future perspectives summarize key inputs from the user groups: <ul style="list-style-type: none"> • The ice allocation policy should be reviewed to ensure a 'Children First Priority' followed by adults and then out of town users; • There will be continued interest in baseball, growth in soccer field use and an increase in hockey demand. Potential consideration of indoor soccer facility with multi-use potential; • Alignment of Parks, Recreation and Cultural Services with future growth for the Town of Tecumseh; • Continued development of waterfront for passive and lake - access oriented activities; • Concerns around the sustainability of small neighbourhood parks and their future management by local residents. 	Parks and recreation facilities are separated here, implying there is a distinction between the two concepts.
Parks and Recreation Masterplan	Section 2: 2.2.3 Focus Group Meetings Page 2-5	Recreation clubs, community and recreation communities and sports organizations provided nineteen individual submissions to the consulting team. These organizations identified their existing service use and future needs for continued participation. The following are key points from their submissions: <ul style="list-style-type: none"> • Continued extension of the Ganatchio Trail; • Development of an indoor pool; • Support for Community Recreation Committees for individual parks; • Future development of softball diamonds at one site; • Improvements to Lacasse Park; • Improvements to the baseball diamonds at Green Acres Optimist Park and the potential for a multi-use community centre. 	The focus group entered a submission for supporting "Community Recreation Committees for individual parks". This wording implies parks fall under the concept of recreation.
Parks and Recreation Masterplan	Section 2: 2.5.4 Other Strategies Page 2-9	Recreation facility lands should not reduce the availability of park and open space resources;	The land for recreation facilities is separate from the land for parks, implying there is a distinction between the two concepts.
Parks and Recreation Masterplan	Section 4: 4-11 Page 31	Small park areas with playground facilities provide a neighbourhood scale recreation activity important to children living within walking distance. These parks contribute to the urban design of the community through the beautification and are often venues for commemorative events or monuments to important citizens or community events. These parks should only be considered for sale where there is no recreational, design or ceremonial importance to the site.	This sentence suggests parks offer children recreation activities through the use of playground facilities, therefore confusing the two concepts.

Document	Document Reference	Wording Included in Document	Notes/ Observations
Parks and Recreation Masterplan	Section 4: 4.2.3 Page 4-15	Recommendations regarding multi-use pathways development are divided into three groups: expansion to existing pathways, development of off-road pathways and development of on-road trails network. The Town has approximately seven kilometres off-road pathways located on the Chrysler Greenway and a small portion of the Ganatchio Trail located in the Town. The northerly extension of the Chrysler Canada Greenway from its terminus at North Talbot Road to the City of Windsor boundary at the Highway 401 and Walker Road would complete the link and increase the recreational opportunities for the Greenway. In addition, connecting the Chrysler Canada Greenway to the proposed multi-use pathway that will be constructed as part of the Windsor-Essex Parkway is an important objective and the Town should encourage its completion in co-ordination with other agencies. The Ganatchio Trail also extends from the City of Windsor. The extension of the Ganatchio Trail along Riverside Drive through the Town of Tecumseh with potential connections to the Town of Lakeshore would create a significant recreational and tourist opportunity for the Town. Access points to the Lake, the development of the Waterfront Park and Lakewood Golf Course public lands and connections across the Town provide a significant opportunity for multi-use pathway development. The paths should be designed for multi-use by pedestrians, cyclists and other forms of non-motorized movement.	This sentence suggests park trails offer recreation opportunities, therefore confusing the two concepts.
Parks and Recreation Masterplan	Section 7: 7.1.2 Page 7-2	The Town through the Parks and Recreation Department currently offers direct recreational programming service, recreation facilities and provides parks for the array of recreation activities in the Town. Due to current limited staffing and facility space, the majority of the programming is offered seasonally at the outdoor Tecumseh Leisure Pool. All recreation facilities are owned by the Town and are provided to community organizations for programs such as hockey, and all parks are owned and maintained by the Town. This is the current direct delivery service model for parks and recreation.	The first sentence suggests parks are used for recreation activities, therefore confusing the two concepts. In the second portion, parks and recreation facilities are separated, implying there is a distinction between the two concepts.
Parks and Recreation Masterplan	Section 7: 7.1.7 Page 7-6	The Town should develop a performance monitoring program for all programming, facilities and parks activities on an annual basis. A target rate of utilization, and participation should be established for each activity. An annual report documenting participation rates in each program, each facility and parks utilization should be completed. Participation rates can then be evaluated against the investments made by the Town for each of the three program, facilities and parks areas . A consistent year over year approach will provide a time sequence of analysis to identify increasing or decreasing trends. Registration rates from community organizations and partner non-profit organizations should be submitted to the Town annually as part of the facility or park use contract to ensure this data is available to the Department.	The town has created 3 categories of programs, facilities, and parks. It is not clear that this sentence is referring to recreational facilities, but if so then parks and recreation are separated here, implying a distinction between the two concepts.
Parks and Recreation Masterplan	Section 7: 7.4.4 Page 7-16	The Town of Tecumseh benefits from significant initiatives by community organizations for the provision of sports programming and operation of recreation facilities such as Lacasse Park . There are continued opportunities for the community organizations to enrich these initiatives and seek out new initiatives.	Lacasse park is recognized as a community park in the table two cells below, but is referred to as a recreation facility in this instance.
Zoning By-law	Tecumseh Zoning By-Law Section 15 - Recreational Zone (RE) Regulations 15.1.1 Permitted Uses	No land, building, or structures shall be used or erected in the Recreational Zone (RE) except for the following purposes: a) conservation areas; b) golf courses; c) private and public parks and recreation facilities, including tot lots, playgrounds, picnic facilities, sports fields, a bowling green and tennis courts; d) a recreation or community centre; e) storm water collection areas; f) accessory uses, including a dwelling.	Here parks are considered a part of the recreational definition.
Zoning By-law	St. Clair Beach Zoning By-Law Section 3 - Definitions	RECREATIONAL USE , shall mean a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. PARK, PRIVATE , shall mean a park not open to the general public and may be operated for commercial gain. PARK, PUBLIC , shall mean a park controlled or owned by the municipality or a public authority normally open to the public.	Provides what activities are included in the definition of recreation.

Appendix C

MPAC Database Review

Table C-1
Town of Tecumseh
MPAC Data
As of August 2023

MPAC Database

Property Code - 100 - Vacant Residential Land not on water

Address	Current Value Assessment	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 1	\$49,000	\$60,000	08/01/2020	0.15	\$ 400,000
Address 2	\$165,000	\$733,500	08/01/2020	0.94	\$ 780,319
Address 3	\$155,000	\$450,000	08/01/2020	0.68	\$ 661,765
Address 4	\$182,000	\$488,000	04/01/2022	0.28	\$ 1,742,857
Address 5	\$94,000	\$550,000	01/01/2022	0.34	\$ 1,617,647
Address 6	\$89,000	\$525,000	02/01/2022	0.27	\$ 1,944,444
Address 7	\$111,000	\$440,000	12/01/2021	0.21	\$ 2,095,238
Address 8	\$204,000	\$705,000	04/01/2021	0.37	\$ 1,905,405
Address 11	\$60,000	\$200,000	06/01/2022	0.25	\$ 800,000
Address 12	\$71,000	\$125,000	03/01/2023	0.29	\$ 431,034
Total		\$ 4,276,500		3.78	
Average Per Acre					\$ 1,130,000

MPAC Database

Property Code - 106 - Vacant Industrial

Address	Current Value Assessment	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 1	\$91,000	\$5,250,000	05/01/2022	0.85	\$ 6,176,471
Address 2	\$240,000	\$2,100,000	12/01/2020	15.18	\$ 138,340
Address 3	\$523,000	\$2,966,200	04/01/2021	7.71	\$ 384,522
Address 4	\$136,000	\$476,000	05/01/2022	1.24	\$ 383,871
Address 5	\$534,000	\$890,400	11/01/2020	6.33	\$ 140,664
Address 6	\$157,000	\$433,800	04/01/2021	3.35	\$ 129,493
Address 7	\$594,000	\$2,100,000	12/01/2020	32.73	\$ 64,161
Total		\$ 14,216,400		67.39	
Average Per Acre					\$ 200,000

MPAC Database

Property Code - 105 - Vacant Commercial

Address	CVA	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 1	\$590,000	\$672,992	12/01/2021	6.98	\$ 96,417
Address 2	\$233,000	\$500,000	03/01/2022	1.29	\$ 387,597
Address 3	\$299,000	\$1,300,000	07/01/2021	0.80	\$ 1,622,951
Address 4	\$282,000	\$750,000	12/01/2021	0.25	\$ 2,991,210
Address 5	\$83,000	\$500,000	06/01/2022	0.79	\$ 632,144
Address 6	\$115,000	\$387,750	03/01/2023	0.24	\$ 1,624,076
Address 7	\$670,000	\$2,390,000	08/01/2020	4.30	\$ 555,814
Total		\$ 6,500,742		14.65	
Average Per Acre					\$ 400,000

* Addresses have been removed for confidentiality purposes.



Appendix D

Draft Parkland Dedication By-law



Town of Tecumseh

By-law __-2024

Being a by-law to provide for the dedication of parkland or the payment in lieu thereof for all development or redevelopment in the Town

Whereas section 42 of the *Planning Act* provides that for 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, a municipality may require that such land be conveyed at the rate of up to one hectare for each 600 Net Residential 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 in the case of land proposed for Development or Redevelopment for residential purposes, a municipality may require that Payment-in-Lieu of land be provided at a rate up to the equivalent value of one hectare for each 1,000 Net Residential 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 a Parks Plan was prepared in consultation with the local school boards and other persons or public bodies the municipality considered appropriate, and made publicly available on _____, 2024;

And whereas the Council of the Town of Tecumseh 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 Town of Tecumseh;



Now therefore the Council of the Town of Tecumseh hereby enacts as follows:

Part 1: Interpretation

Definitions

1. In this by-law:

(a) “**Act**” means the *Planning Act*, R.S.O. 1990, c.P.13

(b) “**Affordable Residential Unit**” means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the *Development Charges Act*;

(c) “**Attainable Residential Unit**” means a residential unit that meets the criteria set out in subsection 4.1(4) of the *Development Charges Act*;

(d) “**Board of Education**” has the same meaning as “board”, as defined in the Education Act, R.S.O. 1990, c.E.2, as amended;

(e) “**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.

(f) “**Council**” means the Council for the Town of Tecumseh;

(g) “**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;

(h) “**Tecumseh**” means Town of Tecumseh;

(i) “**Gross Floor Area**” has the same meaning as in the Town’s Development Charges By-law, as amended.

(j) “**Industrial**” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

(k) “**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;

- (l) **“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;
- (m) **“Non-profit housing development”** means development of a building or structure intended for use as residential premises by,
 - i. a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
 - ii. 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
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.
- (n) **“Official Plan”** means the Town’s Official Plan, as amended.
- (o) **“PIL”** means payment-in-lieu of parkland otherwise required to be conveyed.
- (p) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c.P.13, as amended,
- (q) **“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;
- (r) **“Residential”** means the use of land, buildings, or structures for human habitation;
- (s) **“Residential 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 of from a common hallway or stairway inside the building;
- (t) **“Rural Area”** means those areas designated as not being within a settlement area by the Official Plan;
- (u) **“Shared Use Agreement”** means an agreement between a Board of Education and Tecumseh for the sharing of buildings and/or property;



- (v) “**Town**” means the Corporation of the Town of Tecumseh; and
- (w) “**Zoning By-law**” means the by-law passed pursuant to section 34 of the *Planning Act*.

Rules of Interpretation

2. (1) The following rules of interpretation shall be applied to interpretation of this by-law:
 - (a) References to items in the plural include the singular, as applicable.
 - (b) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
 - (c) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
 - (d) Specific references to laws or by-laws are meant to refer to the current laws applicable at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
 - (e) The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
 - (f) Where this by-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may be provided but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.
 - (g) Terms with capitals shall be read with the meaning in section 1 and other words shall be given their ordinary meaning.
 - (h) If any court of competent jurisdiction finds any provision of this by-law is illegal or *ultra vires* of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
 - (i) Nothing in this by-law relieves any person from complying with any provision of any federal or provincial legislation or any other by-law of the Town.
 - (j) Where a provision of this by-law conflicts with the provisions of another by-law in force in the Town, the more specific by-law shall prevail.

Application

3. The provisions of this by-law apply to the entire geographic area of the Town of Tecumseh.



Exemptions

4. Development or Redevelopment described in the subsections (a) through to and including (f) shall be exempt from the obligations to convey land or make a PIL under Parts 2 and 3 of this by-law:
 - a) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of the Town of Tecumseh;
 - b) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education, where a Shared Use Agreement exists;
 - 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 Residential Units count or Gross Floor Area;
 - d) The enlargement of an existing Residential Unit provided that the enlargement does not result in additional Residential 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) Institutional development;
 - g) Development or Redevelopment of land, buildings or structures for temporary construction uses as defined by the Town's Zoning By-law; and
 - h) Development or Redevelopment or location of,
 - i. a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - ii. a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - iii. one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-



detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Part 2: Conveyance of Land for Park Purposes

5. Land shall be required to be conveyed to Tecumseh for park purposes as a condition of Development or Redevelopment of land in an amount to be determined in accordance with subsections (a) through to and including (e).
- a) In the case of lands proposed for Residential uses, at a rate of five per cent (5%) of the land being Developed or Redeveloped:
- i. With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent 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 residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and
 - “B” is the number of residential units that are part of the development or redevelopment; or
 - ii. if the density of the development is greater than 30 units per hectare, at a rate of one (1) hectare for each six hundred (600) net Residential Units proposed.
 - the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment;
 - Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units;
 - in the case of land proposed for development or redevelopment that is 5 hectares or less in area, the maximum conveyance shall be 10 per cent of the land; and
 - in the case of land proposed for development or redevelopment that is greater than 5 hectares in area, the maximum conveyance shall be 15 per cent of the land.
- b) In the case of lands proposed for Commercial, or Industrial uses, land in the amount



of two per cent (2%) of the land to be Developed or Redeveloped.

- c) 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 Tecumseh, of the lands being Developed or Redeveloped, shall require the conveyance of land as determined in accordance with subsection (a) of this by-law; plus
 - ii. the Commercial, or Industrial component of the lands being Developed or Redeveloped, if any as determined by Tecumseh, shall require the conveyance of land as determined in accordance with subsection (b) of this by-law; plus
 - iii. the component of the lands proposed for any use other than Residential, Commercial, or Industrial if any as determined by the Town, shall require the conveyance of land as determined in accordance with subsection (d) of this by-law.
- d) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections (a), (b) and (c) of this section, land in the amount of five per cent (5%) of the land to be Developed or Redeveloped.
- e) Where the development of land results from the approval of a site plan or zoning by-law amendment and the approval of the application occurred within two years of building permit issuance, the conveyance shall be determined on the date of the planning application. Where both planning applications apply, conveyance shall be determined on the date of the later planning application.

Location of Conveyance and Condition of Title

6. Subject to restrictions in the *Planning Act*, the location and configuration of land required to be conveyed pursuant to this by-law shall be as determined by Tecumseh and all such lands shall be free of all encumbrances, including but not limited to such easements which Tecumseh, 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 Tecumseh.
7. A requirement as part of Development or Redevelopment to convey any valley land or watercourse corridors, woodlands, natural heritage system lands and associated buffers, easements, vista blocks and storm water management ponds, as those terms are defined in the Official Plan or any secondary plan adopted under the Official Plan, shall not be considered to be a conveyance of land for park purposes in satisfaction of a requirement under this by-law.



Timing of Conveyance

8. Where land is required to be conveyed in accordance with 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 Tecumseh either prior to or immediately upon registration of the plan of subdivision or upon the consent being given, as determined by Tecumseh; and
 - 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*, Tecumseh 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*.

Part 3: Payment-in-Lieu of Parkland

9. In lieu of requiring the conveyance of land required by part 2 of this by-law, Tecumseh may require the payment of the value of the lands otherwise required to be conveyed, calculated in accordance with the following:
 - a) Where the PIL has been required for a consent pursuant to sections 51.1 or 53 of the *Planning Act*, PIL may be provided on per lot basis where the land is used for a Residential use as per Schedule 1.

The per lot rates shall be indexed annually on January 1st of each year commencing January 1, 2024 by the CMHC housing starts by dwelling type index and posted by Tecumseh. Tecumseh's failure to post the indexed rate shall not waive the requirement for compliance with this by-law.

If the applicant does not agree with the per lot rate, they may submit a property appraisal subject to the PIL requirements in subsection b).

- b) For all other development or redevelopment, the PIL shall be calculated as the equivalent value of the land required based on a property appraisal provided by the applicant, as follows:
 - i. in the case of lands proposed for Residential uses, at a rate of five per cent (5%) of the value of land being Developed or Redeveloped
 - 1) With respect to land proposed for development or redevelopment that will include affordable residential units or



attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act*, 1997, or residential units described in subsection 4.3 (2) of that Act, the PIL that may be required shall not exceed 5 per cent of the value 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 residential units described in subsection 4.3 (2) of the *Development Charges Act*, 1997; and
 - “B” is the number of residential units that are part of the development or redevelopment; or
- 2) if the density of the development is greater than 50 units per hectare, at a rate of the value of one (1) hectare of land for each one thousand (1,000) net Residential Units proposed.
- the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment;
 - Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act*, 1997, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units;
 - in the case of land proposed for development or redevelopment that is five hectares or less in area, the maximum conveyance shall be 10 per cent of the land; and
 - in the case of land proposed for development or redevelopment that is greater than five hectares in area, the maximum conveyance shall be 15 per cent of the land.
- ii. in the case of lands proposed for Commercial, or Industrial uses, the value of two per cent (2%) of the land to be Developed or Redeveloped;
- iii. 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 Tecumseh, of the lands being Developed or Redeveloped, shall require the PIL of the value of land as determined in accordance with paragraph (i) of this subsection; plus



- 2) the Commercial, or Industrial component of the lands being Developed or Redeveloped, if any as determined by Tecumseh, shall require the conveyance of land as determined in accordance with paragraph (ii) of this subsection; plus
- 3) the component of the lands proposed for any use other than Residential, Commercial, or Industrial, if any as determined by the Town, shall require the conveyance of land as determined in accordance with paragraph (iii) of this subsection; and
- iv. in the case of lands proposed for Development or Redevelopment for a use other than those referred to in paragraphs (i), (ii) and (iii) of this subsection, the value of five per cent (5%) of the land to be Developed or Redeveloped.

Timing of PIL Payment and Determination of Value

10. PIL shall be paid as follows:

- a) 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*, the 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*. 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.
- b) In the event that an extension of an approval described in subsection (a) or (b) is requested, the value of the land shall be determined as of the day before the day of the approval of the extension.
- c) Where the development of land results from the approval of a site plan or zoning by-law amendment and the approval of the application occurred within two years of building permit issuance, the PIL shall be calculated on the value of the land on the date of the planning application. Where both planning applications apply, PIL shall be calculated on the value of the land on the date of the later planning application.

Part 4: Other



Previous or Required Conveyances

11. Notwithstanding parts 2 and 3 of this by-law, if land has been conveyed or is required to be conveyed to Tecumseh for park or other public recreational purposes or PIL has been received by Tecumseh 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 Tecumseh 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 Residential, Commercial, or Industrial, uses is now proposed for Development or Redevelopment for other uses.
12. 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 Tecumseh's satisfaction.
13. Land or PIL required to be conveyed or paid to Tecumseh for park or other public recreation purposes pursuant to parts 2 and 3 of this by-law shall be reduced by the amount of land or PIL previously received by Tecumseh pursuant to sections 42, 51.1 or 53 of the *Planning Act* in respect of the lands being Developed or Redeveloped.

Phased Development

14. Where approvals are issued in phases for Development or Redevelopment, Tecumseh shall calculate and require the conveyance of land for park purposes or the payment of PIL, in accordance with parts 2 and 3 of this by-law, on a phase-by-phase basis.

Part 5: General

15. Where a determination is required to be made by Tecumseh in this by-law, that determination shall be made by the [Position of Staff Member that Makes Determination]. The [Position of Staff Member that Makes Determination]'s decision shall be final.
16. This by-law shall be referred to as the "Parkland Dedication By-law".
17. By-law xx-xxxx and any amendments to the by-law are repealed. Policies made prior the adoption of By-law xx-xxxx respecting conveyance of land for park



purposes and payment in lieu of conveyance of land for park purposes are rescinded.

18. This by-law comes into force upon passage.

Schedules

The following schedule shall form part of this By-law:

Schedule 1: PIL of Parkland Per Lot Fee Required as a Condition of a Severance or Consent

Read and passed in open session on _____, 2024.

Mayor

Clerk



**Schedule 1 to By-law XX-2024
PIL of Parkland Per Lot Fee Required for a Consent**

January 1, 2024, onwards*
\$XX

**Rates are subject to indexing as per Section 9(a)*