



Town of Markham Parkland Dedication By-law and Policy Review

**Presentation to Development Services Committee
November 8, 2011**

This Presentation

- **Current Parkland Dedication legislation**
- **Issues related to application of By-law**
- **Proposed Review of Markham's By-law**
- **Next steps**

The Current Legislative Environment

Authority comes from Ontario Planning Act, Sections 42 and 51.1

5% of land area in the case of residential development, and

2% of land area, in the case of commercial or industrial development

A local by-law may require that land be conveyed at a rate of 1 hectare for every 300 dwelling units (or less)



The Current Legislative Environment

The Planning Act of Ontario

The Act requires that municipalities have a by-law in place requiring parkland dedication through development

A specific Official Plan policy is necessary in order to utilize the alternative provisions of 1 hectare (or less) of land/300 dwelling units

Markham has had the appropriate local legislation in place since 1990



The Current Legislative Environment

Town of Markham By-laws and Policies

By-law 195-90 provides the Town with authorization to obtain land for parks

In 1994 the Official Plan was amended to allow for the **1 ha per 300 dwelling units** alternative provisions

Under the current OP policy, a **maximum** contribution of **3 ac (1.2ha) per 1000 persons** may be required in calculating neighbourhood parks component



Markham's Practice Respecting Parkland Dedication

- The **greater** of 5% of the land area **or** the lesser of:

- 1 ha per 300 units **or**
 - 3 ac (1.2 ha) per 1000 people for neighbourhood parkland

- Where conveyance not practical, payment is required equal to the value of land that would have been conveyed

Parkland Dedication Practice by Density/Built Form

OPA #5 Area (Low-density/greenfield) communities:

The greater of 5% of the land area

Or the lesser of 1 ha/300 units or 3 acres (1.2 ha) per 1000 persons for neighbourhood parks

Plus 1 ac/1000 persons for community parkland

Parkland Dedication Practice by Density/Built Form

For high-density development:

1 ha/300 units

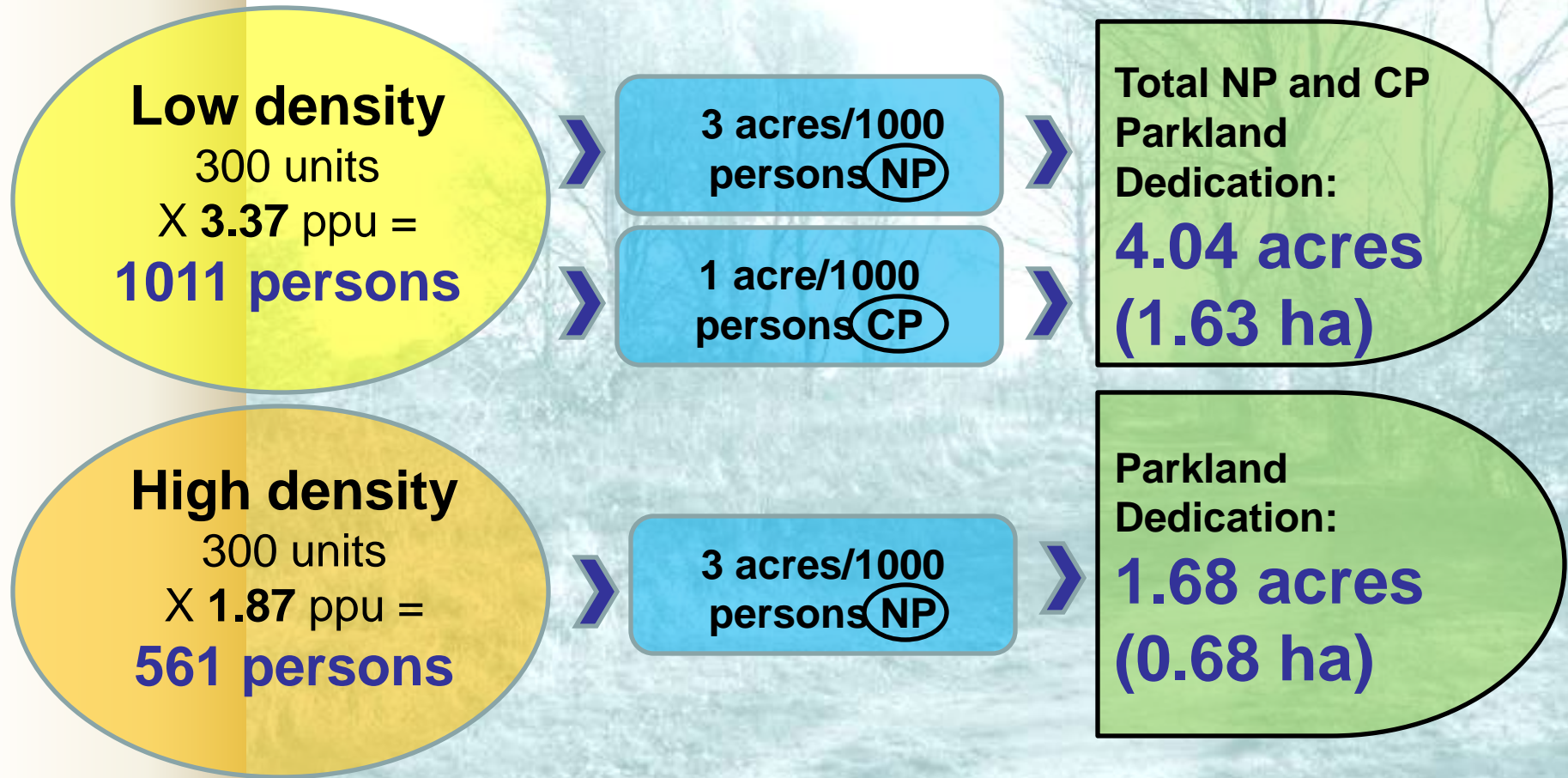
**capped at 3 ac (1.2ha) /1000 persons for
Neighbourhood Parks;**

Community Parks dedication not required
for high density infill

Parkland dedication excludes valleylands and
acquisitions for Town and Regional scale
Parks.

Parkland Dedication Practice by Density/Built Form

Comparison of Parkland Dedication by Density



Markham's Practice Respecting Parkland Dedication

Determining Land Value

For **site plan applications**, the land value is determined the day before a building permit is first issued for development (as per Planning Act)

For **subdivision applications**, the land value is determined the day before draft plan approval (as per Planning Act)

A land appraisal is required, or alternatively an agreement of purchase and sale, not more than one year old

For **Developer Group Agreements**, the participants agree amongst themselves as to value, and the Trustee manages compensation between over and under dedicated landowners

Application of By-law and Policy

Higher Density Development

Rules are fairly complex and their **real world** application is at times challenged by the development community due to Markham's evolution to a "**higher density urban**" community

At certain land values and densities, the value of cash-in-lieu payable to the Town may render some high density projects financially unviable for the developer

Urban Growth Centre densities (e.g. Markham Centre and Langstaff) require specific parkland dedication policies

Cash-in-lieu policies may be viewed as a disincentive for infill development that the Town would otherwise see as desirable for the community

Proposed Review of Markham's Parkland By-law

Why now?

A comprehensive review of the by-law is necessary

Current nature of development requires a clear and defensible means of calculating parkland dedication and land valuation

The Town's Intensification Strategy makes this review timely

Interests of the development community must balance with the interests of the Town



Proposed Review of Markham's Parkland By-law

A Review of Existing Policies and Practices

Financial implications
Effect on future parkland inventory
Strata Parks
Off-site Land Dedications
Private Parks with Public Access

Proposed Review of Markham's Parkland By-law

A Review of Existing Policies and Practices

Intensification sites
Urban Growth Centres
Mixed-use developments

Institutional uses
Residential additions
Affordable housing

Sustainability criteria



Proposed Review of Markham's Parkland By-law

The Review Process – Independent Third Party Review

2012 budget includes funding for a consultant review of the current policy and practices

- Review and critique of Town's current practices
- Examination of specific high-density case studies in Markham
- Comparison of Markham's policy with policies of other municipalities
- Prepare a Draft Parkland Dedication By-law and Policy incorporating improvements to process and clarification of application of policy to all types of development

Proposed Review of Markham's Parkland By-law

The Review Process – Independent Third Party Review

Prepare the required Draft Official Plan policies for inclusion in the new OP in order that the new Parkland Dedication By-law may be implemented, as well as to provide clear direction for possible adjustments in the required contribution for:

certain types of development
certain areas of development
the meeting of sustainability criteria

Proposed Review of Markham's Parkland By-law

The Review Process – Independent Third Party Review

Consultant will be required to meet regularly with Staff, Council, Community stakeholders:

5 internal meetings with key Staff

3 full-day meetings with community stakeholders in one-on-one sessions

3 meetings with Development Services Committee



Next Steps



Submissions from interested consultants have been received

Staff will evaluate submissions and recommend a preferred consultant

Consultant will begin work on the project by the end of November, and conclude by mid-April

Development Services Committee will be consulted throughout the process

Council will be provided with study results, and may then direct Staff to amend the Official Plan and Parkland Dedication By-law

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