

CITY OF MORDEN POLICY & PROCEDURES MANUAL

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| <i>Section</i> | Parks and Urban Forestry | <i>Classification</i> | Policy |
| <i>Subject</i> | Parkland Dedication | <i>Pages</i> | 5 |
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PURPOSE

The policy outlines the conveyance of land or payment in lieu of Parkland for all new development and redevelopment areas within the jurisdiction of the City of Morden and in accordance with the Parks and Urban Forestry Master Plan. The policy seeks to ensure that the public reserve lands dedicated through the development and redevelopment process meet the resident's current and future needs for parks, trails, and natural areas combined with other land use requirements.

RATIONALE

Parks serve as the heart of the community. They promote community wellness by providing a safe and accessible space to get outdoors, connect with nature, become physically active and support mental well-being. The city aims to enhance its urban landscape through this policy, ensuring land dedication meets the functional requirements and targets for parks and open space.

TARGETS

1. To maintain the current standard of 5.9 ha of Parkland per 1,000 residents.
2. To ensure that parks are in proximity to, accessible and inclusive of its residents and visitors.
3. To ensure the park types are evenly distributed and represented across the community.

PARK TYPES

City Wide

City-wide parks are expected to draw users and visitors from the entire city and beyond. These parks are typically large in area [10+ acres] and varied in activity opportunities.

Neighbourhood

These parks are typically smaller in area [0.5-10 acres] and are easily accessible by neighbourhood residents on foot or bicycle. Amenities usually include open turf areas, play equipment, and paths.

Natural

These areas are intended to offer opportunities to immerse residents and visitors in nature, including forested, creek-side, hill-side, and the other regions of ecological and topographic interest.

Feature

These parks may have specific ceremonial or civic purposes and are often established as part of a culturally significant site or facility.

Linear

Linear parks are typically composed of a narrow open space in linear shape and often contains a trail connecting parks, schools, and other community focal points.

CRITERIA FOR PARKLAND ACCEPTANCE

The city will use the following criteria when evaluating the proposed or planned Parkland to be dedicated.

Land Type:

- Uplands – areas with relatively flat terrain.
- Naturalized Stormwater Ponds – a permanent water storage area surrounded by a shallower temporary water storage area. Natural vegetation is located within the temporary storage area and adjacent upland area. The site outside the upland vegetation provides space for an active transportation pathway and is connected to upland areas.
- Natural Areas – dominated by native vegetation and relatively undisturbed by human activity including but not limited to native forest, grasslands, wetlands, creeks or waterbodies.

Function:

- Accessibility –all park types have adjacent road right of way frontage, multiple access points and can meet accessibility standards.
- Safety – the location of and design of the space discourages undesirable behavior in and around the park. Consideration of adjacent land uses that are compatible with parks.
- Location- consideration for existing parks and park types in proximity to any proposed Parkland. The opportunity for connections or linkages from existing parks to proposed Parkland and walking distance. New neighbourhood parks will be acquired to ensure a minimum of 1 Neighbourhood Park is located within 500m of 80% of neighbourhood dwellings and with 500m of safe, convenient trail providing connections to neighbourhood parks for all neighbourhood dwellings.
- Development and Maintenance- Parkland will be owned by the city. It will be the responsibility of the city to oversee the development and maintenance upon final acceptance. As such, the costs associated with development and maintenance will be considered.

The City retains the right not to accept the conveyance of land that is considered not suitable or not required for Parkland purposes including but not limited to:

- Land that has been or is to be conveyed to the city for stormwater management facilities, road rights-of-way, or any other non-Parkland purpose.
- An area where the Parkland dedication targets have been achieved.
- The size, location, grade and configuration of the parcel.
- Hazard Lands and Other Constrained Lands.
- Easements or other encumbrances that would restrict the City's use of the land.
- Sensitive Land.

Notwithstanding the provisions above, the city may consider accepting constrained lands (lands with steep slopes, utility corridors, stormwater management facilities, or highway infrastructure) for acquisition or securement as part of the required Parkland dedication. If the constrained lands are to be part of a required Parkland dedication, the land area provided shall be substantially discounted in recognition of the associated constraints of the land to accommodate recreational

opportunities, to the satisfaction of the city. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the city.

CALCULATION OF PARKLAND DEDICATION

As a condition of development or redevelopment of lands, including by way of site plan, provisional consent or draft plan of subdivision or a development permit, Council hereby requires that land be conveyed to the City for park or other public recreational purposes (collectively "Parkland") in an amount not exceeding:

- in the case of lands proposed for development approval for commercial or industrial use, two percent (2%) of the lands that are the subject of the Development Approval.
- in the case of lands proposed for development approval for a use not specifically for commercial or industrial use, six percent (6%) of the lands that are the subject of the Development Approval.
- in the case of lands proposed for development approval for multi-family use, the land equivalent shall be 1 acre per 120 units.

Where a single parcel of land is proposed for two or more uses the rate for each use shall be applied in the same proportion as the area of the lands subject to the Development Approval proposed to be devoted to each of the uses.

The location and configuration of the Parkland required to be conveyed within lands subject to Development Approval shall be at the sole discretion of the City and all such conveyances shall be free of all encumbrances.

CASH-IN-LIEU OF DEDICATED PARKLAND

Unless the City requires the conveyance of Parkland, the payment of money to the value of the Parkland otherwise required to be conveyed by this Policy (the "Cash-in-Lieu") shall be required and paid.

The City, in its sole discretion, may accept a combination of a Cash-in-Lieu and conveyance of Parkland.

The amount paid shall be equivalent to the value of the land that would have been dedicated. Such values will be set out in the City of Morden Fees and Charges By-Law. The owner has the option to get an appraisal performed to assess the land value if the value provided by the city is not acceptable to the owner and such an appraisal will be at the owner's own expense.

UTILIZATION OF PAYMENTS IN-LIEU OF LAND

The city will establish a parks reserve fund to deposit money collected through the payment in-lieu, sale and/or lease of Parkland. The money and interest earned on the money may be used only for public parks or other recreational purposes.

The funds will be distributed based on the sole discretion of the city.

PRIOR CONVEYANCES AND PAYMENTS

Where Parkland has been conveyed or is required to be conveyed to the City or Cash-in-Lieu has been received or will be received by the City, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required in respect of subsequent development or redevelopment unless,

- there is a change in the proposed development or redevelopment which would increase the density of development; or
- land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.

Where additional Parkland is required any previous conveyance of Parkland or payment of Cash-in-Lieu shall be appropriately credited against the calculation of Parkland or Cash-in-Lieu otherwise required in connection with the Development Approval for the subsequent development or redevelopment.

REDUCTIONS AND EXEMPTIONS

The City may consider a reduction and/or an exemption from Parkland and/or Cash-in-Lieu requirements of this By-law for a Development Approval with respect to:

- A public service facility, as defined in the Provincial Policy Statement applicable to a Development Approval. Public service facilities include land, buildings or structures for the provision of programs or services provided or subsidized by a government or other body such as social assistance, recreation, police and fire protection, health and educational programs and cultural services. A public service facility shall not include infrastructure.
- A Development Approval for residential uses that include affordable housing as defined in the Provincial Policy Statement applicable to the Development Approval.
- The creation of a second residential unit, i.e. a second residential unit in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.
- The enlargement of an existing industrial building, up to a maximum of 50% of the Gross Floor Area before the first enlargement for which an exemption from payment was granted, provided the size of the lot upon which the existing building is located is not increased.
- Non-residential buildings or structures used for agricultural purposes.
- A temporary building or structure, excluding a second dwelling, required for farm help.

DEFINITIONS

Development

- (a) the construction of a building on, over or under land;
- (b) a change in the use or intensity of use of a building or land;
- (c) the removal of soil or vegetation from land; and
- (d) the deposit or stockpiling of soil or material on land and the excavation of land.

Ref: Manitoba Planning Act

Park

a use of land specifically designed or reserved for the general public for active or passive recreational use and includes natural and human-designed landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purposes of public Parkland. *Ref: City of Morden Zoning By-Law 17BL08*

Parkland

the physical area suitable for use as a park.

Public Reserve

land that may be used only for a public park, a public recreation area, a natural area, a planted buffer strip separating incompatible land uses, or public works.

Ref: Manitoba Planning Act

Sensitive Land

- (a) land that is susceptible to flooding, permafrost, erosion or that has unstable slopes or poor drainage;
- (b) areas of special significance for animal, bird or plant life, including wetlands, forests and nesting areas; and
- (c) land on which any development is likely to harm ecological diversity.

Ref: Manitoba Planning Act

Open Space

areas beyond the prescribed Parkland boundaries, often characterized by steep slopes, channels for water conveyance, temporary water storage, or sensitive lands.