



THE CORPORATION OF THE TOWN OF HALTON HILLS

BY-LAW NO. 2002-0152

A By-law Respecting the Conveyance of Land or Payment of
Cash-in-lieu of Parkland for Public Park Purpose.

WHEREAS Section 42 of the Planning Act, authorized the enactment of by-laws requiring the conveyance of land to a municipality for public park or other public recreational purposes, as a condition of development or redevelopment of land within the municipality;

AND WHEREAS Sections 42(3) and 51.1(2) of the Planning Act further authorize an alternative method of calculating the parkland conveyance provided that there are Official Plan policies in effect with respect to the use of such alternative requirements;

AND WHEREAS Sections 42(6) and 51.1(3) of the Planning Act further authorize the payment of money in lieu of the conveyance of land;

AND WHEREAS Policies in section 7.2 of the Official Plan for the Town of Halton Hills, establish the provisions regarding the parkland dedication requirements, as referred to in the Planning Act;

AND WHEREAS Council now deems it necessary to amend certain regulations as contained in By-law 96-039 as amended;

NOW, THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. In this By-law:

- a) "Development" shall mean:
 - (i) The construction, erection or placing of one or more buildings or structures on land; or
 - (ii) The making of an addition or alternation to a building or structure, that has the effect of increasing the size or usability thereof; or
 - (iii) The laying out and establishment of a commercial parking lot, as defined in the Comprehensive Zoning By-law; or
 - (iv) The laying out and establishment of sites for the location of *three or more trailers as defined in s. 164(4) of the Municipal Act, 2001*, or
 - (v) The laying out and establishment of sites for the location of three or more mobile homes, as defined in s. 46(1) of the Planning Act; or
 - (vi) The laying out and establishment of a site for outdoor storage use, as defined in the Comprehensive Zoning By-law.

Amended by By-law 2017-0013
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- b) "Buildable Area" shall-mean the net area of a site which is available for building once all applicable setbacks have been applied in accordance with the Comprehensive Zoning By-law
- c) "Town" shall mean the Corporation of the Town of Halton Hills;

d) "Official Plan" shall mean the Official Plan for the Town of Halton Hills, as amended from time to time;

Amended by By-law 2017-0013

e) "Comprehensive Zoning By-law" shall mean the Comprehensive Zoning By-law of the Town of Halton Hills, as amended from time to time.

2. *This By-law shall be applied as follows:*

a) This By-law applies to all land within the corporate boundaries of the Town of Halton Hills, excepting only those lands set out in paragraph (b) hereof.

Amended by By-law 2017-0013

b) This By-law shall not apply to Development within the Town that is undertaken by the following entities or for the following purposes:

Amended by By-law 2017-0013

(i) The Town of Halton Hills or local board, as defined in the Municipal Act, 2001,

Amended by By-law 2017-0013

(ii) The Regional Municipality of Halton or local board, as defined in the Municipal Act, 2001,

Amended by By-law 2017-0013

(iii) Halton Hills Hydro;

(iv) The Halton Board of Education;

Amended by By-law 2017-0013

(v) The Halton Roman Catholic Separate School Board;

(vi) Hospitals as defined under the Public Hospitals Act,

(vii) The Province of Ontario;

(viii) The Government of Canada;

Amended by By-law 2017-0013

(ix) Places of worship, and cemeteries associated therewith, which are exempt from the Assessment Act,

(x) Non-residential farm buildings used for a bona fide agricultural purpose, or

(xi) deleted

Amended by By-law 2017-0013

(xii) Expansions to industrial or commercial buildings or structures which expansions are equal to or less than 25% (twenty-five percent) of a site's Buildable Area.

3. As a condition of development of land, the owner, of such lands, shall convey to the Town lands for parkland or other public recreational purposes. The area of the land to be conveyed shall be based on the following standards:

a) In the case of land proposed for residential development within a Low Density Residential Area designation within the Official Plan, the conveyance of land equal to 5% (five percent) of the land proposed for development or redevelopment.

Amended by By-law 2017-0013

b) In the case of land proposed for residential development within all other Urban Living Area designations and wherever residential uses are permitted uses in the Community Area designations in the Urban Areas in the Official Plan, the conveyance of land equal to that obtained by the application of the parkland standard of 1 hectare per 300 dwelling units;

c) In the case of land for commercial or industrial uses, the conveyance of land equal to 2% (two percent) of the land proposed for development or redevelopment;

d) In the case of an expansion to an industrial or commercial building or structure which expansion is greater than 25% (twenty-five percent) of a site's Buildable Area, the conveyance of land equal to 2% (two percent) of that proportion of the site obtained by dividing the building expansion area by the Buildable Area;

e) In the case of land proposed for other than residential, commercial or industrial uses, the conveyance of land equal to 5% (five Percent) of the land proposed for development or redevelopment.

4. Notwithstanding Section 3 of this By-law, the Town may require the payment of money in an amount equal to the value of the lands, as established pursuant to section 6 of this By-law, required to be conveyed pursuant to section 3 of this By-law, or such combination of the conveyance of land and monetary payment as, directed by the Commissioner of Recreation and Parks.

Amended by By-law 2017-0013

Amended by By-law 2017-0013

- a) Notwithstanding the preceding section, where section 3(b) would otherwise apply, and where the Town elects to require the payment of money in lieu of part or all of the otherwise required parkland dedication, such payment shall be calculated using a rate of one hectare for each 500 dwelling units proposed, which value shall be established pursuant to section 6 of this by-law.

Amended by By-law 2017-0013

- b) For greater certainty, where a condition of approval requiring the payment of cash in lieu of parkland has been imposed under either s. 51.1 or s. 42 of the Planning Act, the imposition of such a condition shall be deemed to constitute arrangements for a payment in lieu that are satisfactory to Council having been made, as of the date on which the condition was imposed for the purposes of s. 42(6.0.3) of the Planning Act. In such circumstances, notwithstanding the preceding subsection, the cash in lieu payment shall be calculated using a rate of one hectare for each 300 dwelling units.

5. The conveyance of land for public park or other public recreational purposes are required by Section 3 of this By-law, or the payment of cash-in-lieu of parkland dedication pursuant to Section 4 of this By-law, shall be required as a condition of the following development approvals:

- a) The approval of a site plan under Section 41 of the Planning Act;
- b) The approval of a plan of subdivision under Section 51 of the Planning Act;
- c) The approval of a consent under Section 53 of the Planning Act;
- d) The approval of a description under Section 50 of the Condominium Act, R.S.O. 1990, Chapter c.76; or,
- e) The issuance of a development control permit pursuant to Section 44(2) of the Niagara Escarpment Planning and Development Act.

6. The value of the land shall be determined as of

- a) The day before the day of issuance of the building permit in respect to the development; or, where more than one building permit is required for the development, as of the day before the issuance of the first building permit;
- b) The day before the issuance of draft approval for a plan of subdivision; or,
- c) The day before the granting of a consent.

Amended by By-law 2017-0013

7. An appraisal of land value may be carried out under the direction of the Commissioner of Recreation and Parks of the Town and shall be determined in accordance with generally accepted appraisal principles.

8. The payments required to be made under this By-law shall be made:

- a) Prior to the issuance of a building permit for the land to be developed or redeveloped;
- b) Prior to the release of a plan of subdivision or condominium for registration;

- c) Prior to the release of conditions for a consent;
 - d) Prior to the execution of a site plan agreement; or,
 - e) Otherwise in accordance with the terms of an agreement entered into between the owner of the land and the Town.
9. Where previously, land has been conveyed to the Town for public park or other public recreational purposes, or a cash-in-lieu payment has been provided under this By-law or under an agreement pursuant to the provisions of the Planning Act, (or predecessor thereto), such previous conveyance or payment, shall be reconciled as a credit with respect to the amount of money or land which may be required in connection with the development, or further development of the subject lands.
10. Notwithstanding Section 3 and 4 of this By-law, no conveyance of land, or payment of money, shall be required where:

Amended by By-law 2017-0013

- a) The renovation or expansion of an existing residential building does not result in the creation of an additional dwelling unit; or,

Amended by By-law 2017-0013

- b) The lands are being restored to a safe condition where an existing building was destroyed by fire, Acts of God, or other causes beyond the control of the owner, and where no increase in the number of residential dwelling units, in the case of a residential building, or gross floor area, in the case of a non-residential building, results.

11. Any monies received by the Town pursuant to Section 4 of this By-law, shall be used in accordance with the provisions of the Official Plan.
12. Upon the passing of this By-law, Town of Halton Hills By-law #96-039 is hereby repealed.
13. That in all other respects By-law 2002-0152 be and is hereby confirmed.

BY-LAW read and passed by the Council for the Town of Halton Hills this 2nd day of December, 2002.

MAYOR – Kathy Gastle

DEPUTY CLERK – Charlotte Jones