



**BY-LAW NO. 2022-0043**

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 F7.2 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** By-law 2002-0152 as amended will expire on September 18, 2022 in accordance with Section 42 (4.26) of the Planning Act and Council will need to pass a new by-law with respect to the conveyance of land or payment of cash-in-lieu of parkland for public parks purposes.;

**AND WHEREAS** the Town of Halton Hills has consulted with the public on May 1, 2022 regarding the proposed by-law.

**AND WHEREAS** on July 4, 2022, Council for the Town of Halton Hills approved Report No. CORPSERV-2022-0018, dated June 14, 2022, in which certain recommendations were made relating to the conveyance of land or payment of cash-in-lieu of parkland for public park purposes.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. In this By-law:
  - a) "Development" shall mean:
    - (i) The construction, erection of 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.

- 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;
- 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.
- b) This By-law shall not apply to Development within the Town that is undertaken by the following entities or for the following purposes:
  - (i) The Town of Halton Hills or a local board thereof the Municipal Act, 2001,
  - (ii) The Regional Municipality of Halton or a local board thereof, as defined in the Municipal Act, 2001,
  - (iii) Halton Hills Hydro;
  - (iv) The Halton Board of Education;
  - (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;
  - (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) 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.
- 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 non-residential uses other than commercial or industrial uses, the conveyance of land equal to 5% (five Percent) of the land proposed for development of redevelopment.
- f) In the case of land proposed for mixed uses including a combination of residential, commercial and industrial, or other non-residential uses, the conveyance of land will be determined as follows:
  - (i) For the residential component of the development or redevelopment, section 3(a) or 3(b) would apply to the total land area multiplied by the percentage of the total floor space used for residential uses;
  - (ii) For the commercial or industrial component of the development or redevelopment, section 3(c) would apply to the total land area multiplied by the percentage of the total floor space used for commercial and industrial uses;
  - (iii) For the non-residential components of the development or redevelopment, other than commercial and industrial uses, section 3(e) would apply to the total land area multiplied by the percentage of the total floor space used for non-residential uses other than commercial and industrial uses;

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, 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.

- 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.
- 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.
- c) Notwithstanding section 6, a payment in lieu of parkland

dedication pursuant to section 4(a) with respect to a development within any of the following areas, as shown on the Town of Halton Hills Official Plan Schedules, shall be capped at the greater of an amount equal to 20% of the value of land established pursuant to section 6 of this by-law or \$13,200 per residential dwelling unit:

- i. Downtown Georgetown
- ii. Downtown Acton
- iii. Georgetown Community Node;
- iv. Go Station Area; and
- v. Civic Centre District.

- d) It is further enacted that a payment in lieu of parkland dedication pursuant to section 4(a) with respect to a medium or high density development within the Brownfield Sub-Areas as identified in the Town of Halton Hills Community Improvement Plan shall be capped at the greater of an amount equal to 20% of the value of land established pursuant to section 6 of this by-law or \$13,200 per residential dwelling unit.
- e) It is further enacted that the caps referenced in c) and d) will be reviewed annually by the Commissioner of Recreation and Parks and may be updated on an annual basis due to current market conditions. The current values shall be made available by the Recreation and Parks Department and appended to this By-law.
- f) For the purposes of the caps referenced in c) and d) a "Residential Dwelling Unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons

5. Without limiting the generality of Section 3 of this By-law, the conveyance of land for park or other public recreational purposes or the payment of cash-in-lieu of parkland dedication, shall be required as a condition of the following planning approvals. Where a conveyance or payment is required pursuant to s. 51.1 or any other provision of the Planning Act, the provisions of this by-law shall apply, except to the extent of any inconsistency with s. 51.1 or 53(13) of the Planning Act, or any requirement imposed thereunder:

- 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 9 of the Condominium Act, 1998,  
**S.O. 1998, c.19; 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 of 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; or

- b) In the case of a requirement imposed pursuant to s. 51.1 of the Planning Act in respect of a plan of subdivision or condominium description, the day before the issuance of draft approval for a plan of subdivision; or,
  - c) In the case of a requirement imposed pursuant to s. 51.1 and s. 53(13) of the Planning Act in respect of a consent, The day before the granting of a provisional consent.
- 7. The Commissioner of Recreation and Parks shall have discretion to determine whether an appraisal is required to determine the value of land for the purposes of this by-law. Where, in the opinion of the Commissioner of Recreation and Parks, sufficient information regarding the value of land is available, such information may be used as the basis for determining the value of land for the purposes of this by-law. Where, in the opinion of the Commissioner of Recreation and Parks, an appraisal is required, such appraisal shall be carried out under his or her direction 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 final approval of a plan of subdivision or condominium for registration;
  - c) Prior to the clearance 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. Land or cash-in-lieu required to be conveyed or paid to the Town for park or other public recreation purposes pursuant to sections 3 or 7 of this by-law shall be reduced by the amount of land or cash-in-lieu previously received by the Town pursuant to sections 42, 51.1 or 53 of the Planning Act in respect of the lands being Developed or Redeveloped.
- 10. Notwithstanding sections 3 and 5 of this by-law, if land has been conveyed or is required to be conveyed to the Town for park or other public recreational purposes or cash-in-lieu has been received by the Town 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 the City 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 Commercial, Industrial, or Institutional purposes is now proposed for Development or Redevelopment for other purposes.
- 11. Notwithstanding Section 3 and 4 of this By-law, no conveyance of land, or payment of money, shall be required where:
  - a) The renovation or expansion of an existing residential building does not result in the creation of an additional dwelling unit; or,
  - 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.

12. 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.
13. Town of Halton Hills By-law 2002-0152 as amended is hereby repealed effective on the date this By-law comes into force.
14. This By-law shall come into force and effect on September 1, 2022.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 4<sup>th</sup> day of July, 2022.

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MAYOR – RICK BONNETTE

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TOWN CLERK – VALERIE PETRYNIAK