

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 Purposes.

WHEREAS Section 42 of the Planning Act, R.S.O. 1990, Chapter P.13, 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 Amendment No. 74 of the Official Plan for the Town of Halton Hills, as adopted, establishes 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:

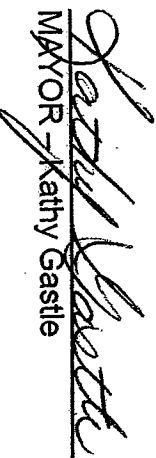
1. In this By-law:
 - (a) "Development" shall mean:
 - (i) The construction, erection or placing of one or more buildings or structures on land; or
 - (ii) The making of an addition or alternation to a building or structure, that has the effect of increasing the size or usability thereof; or
 - (iii) The laying out and establishment of a commercial parking lot; or
 - (iv) The laying out and establishment of sites for the location of three or more trailers as defined in the Municipal Act, or
 - (v) The laying out and establishment of sites for the location of three or more mobile homes, as defined in the Planning Act;
 - (b) "Buildable Area" shall mean the maximum building or structure size permitted by the applicable restricted area 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.
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.
 - (b) This By-law shall not apply to lands within the Town that are owned by, and used for the purposes of:


- (i) The Town of Halton Hills or local board, as defined in the Municipal Affairs Act, R.S.O. 1990, Chapter M.46 thereof;
 - (ii) The Regional Municipality of Halton or local board, as defined in the Municipal Affairs Act, R.S.O. 1990, Chapter M.46 thereof;
 - (iii) Halton Hills Hydro-electric Commission;
 - (iv) The Halton Board of Education;
 - (v) The Halton Roman Catholic Separate School Board;
 - (vi) Hospitals as defined under the Public Hospitals Act, R.S.O. 1990, Chapter P.40;
 - (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, R.S.O. 1990, Chapter A.31;
 - (x) Non-residential farm buildings used for a bona fide agricultural purpose, or;
 - (xi) Development which does not require a building permit;
 - (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.
 - (b) In the case of land proposed for residential development within a Medium or High Density Residential Area, Core commercial Area, Commercial Residential Area, or Special Mixed Use Node 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 Council may, by resolution, direct.
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.
7. An appraisal of land value may be carried out under the direction of the Clerk 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:
- (a) The renovation or expansion to the existing building does not result in the creation of an additional dwelling unit; or,
 - (b) The lands are being restored to a safe condition for a residential dwelling 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 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.

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