

**CITY OF HAMILTON
M O T I O N**

Planning Committee Date: September 1, 2015

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR M. PEARSON.....

Parkland Dedication

Whereas, By-law No. 09-124, being a By-law to require the conveyance of land for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of land, was approved on June 10, 2009;

Whereas, Section 12 of By-law No. 09-124 states that Council may, by resolution, vary any of the requirements for parkland dedication or payment in lieu thereof set out in the By-law provided that such variance is:

- (1) less onerous or stringent than the requirement set out herein;
- (2) applicable for a temporary, specified period of time;
- (3) applicable to a specified type or class of development or redevelopment; and,
- (4) applicable to the whole of the City or a specified geographical area thereof.

The period of time specified pursuant to (2) above may be extended once by resolution of Council for an additional period of time not to exceed the period of time specified for the original variance;

Whereas, the City is in the process of undertaking a review of By-law No. 09-124 and associated parkland dedication policies and procedures which process will take approximately 18 months as it relates to small scale redevelopment;

~~Whereas the Downtown Community Improvement Plan boundary was expanded in 2013:~~

Whereas, the City will undertake a broader review of Parkland Dedication By-law as part of a future study, as a result of potential changes to Bill 73,

THEREFORE BE IT RESOLVED:

- (a) That pursuant to Section 12 of By-law No. 09-124, being a By-law to require the conveyance of land for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of land,
 - (i) the following rates shall apply to a maximum of six (6) apartment dwellings above a commercial use and street townhouses fronting on a public street where such developments are not part of a registered plan of subdivision;
 - (1) That notwithstanding Section 3.(1)b.ii., iii and iv. of By-law No. 09-124, a maximum land dedication of five percent (5%) of the Net land area, or cash-in-lieu thereof, will apply.
 - (ii) That notwithstanding Section 3.(1)b., where a second dwelling unit is added in an existing single detached dwelling, a cash-in-lieu flat fee of \$500 applies;
 - (iii) That notwithstanding Section 3.(1)b. and Sections 5. and 6., where additional dwelling units are created within a building “designated” under the *Ontario Heritage Act*, a cash-in-lieu flat fee of \$500 per unit applies; and,
 - (iv) That items (i), (ii) and (iii) be in effect for a maximum time period of up to 18 months.
- (b) That staff be directed to submit a 2016 Capital budget for the broad review of the Parkland Dedication By-law.