

DRAFT Parkland Dedication By-law 09-124 Amendment

1.0 Purpose and Effect:

The purpose of this Amendment is to:

- Amend the Parkland Dedication By-law to reflect cash-in-lieu of parkland dedication rates for certain ground related housing and heritage buildings;
- Implement the *Planning Act* changes introduced by Bill 73.

The effect of this amendment is to introduce different rates for small scale intensification and heritage buildings, and to bring the Parkland Dedication By-law 09-124 into conformity with the *Planning Act*.

2.0 Location:

The lands affected by the By-law amendments are located within the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is that:

- The proposed parkland dedication rates will encourage redevelopment of the old stock mixed use buildings within the City of Hamilton
- The proposed parkland dedication rates will reduce the gap between cash-in-lieu of parkland dedication amounts for different unit types and create a level playing field for developers working on infill or revitalization projects throughout the City
- The proposed amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.

4.0 Actual Changes:

4.1 Text Changes:

Parkland Dedication By-law 09-124

4.1.1 Introduction

That the second paragraph of By-law 09-124 be amended by adding the phrase “subject to cash-in-lieu of parkland dedication limitations as established by Bill 73;” after the phrase “provision of lands for park or other public recreational purpose at such rate;” so the paragraph reads as follows:

AND WHEREAS sections 42 and 51.1 of the *Planning Act* provide for an alternate parkland rate of one hectare for each three hundred (300) dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purpose at such rate; subject to cash-in-lieu of parkland dedication limitations as established by Bill 73;

4.1.2 Definitions

That the Definition section be amended as follows:

- a) Definitions be amended by deleting the definition ""**Street Townhouse Dwelling**" is the same definition as in Zoning By-law 05-200" between the definition of "Dwelling Unit" and "Planning Act".

4.1.3 Development or Redevelopment – Section 3 (1) Development

That Section 3(1) be amended as follows:

- a) Section 3(1)b.ii) be amended by:
 - i. deleting the phrase "except for street townhouse dwellings which shall be at a land dedication rate of 0.6 hectare of the Net land area for each 300 dwelling units proposed;" after the phrase "for each 300 dwelling units proposed; and,
 - ii replacing the comma with a semi-colon after the word "proposed".
- b) Section 3(1)b.v) be amended by replacing "two (2)" with "six (6)" between the phrases "a maximum of" and "apartment dwellings above a commercial use".

4.1.4 Subdivision or Consent – Section 4 (1) Development

That Section 4(1) be amended as follows:

- a) Section 4(1)b.ii) be amended by:
 - i. deleting the phrase "except for street townhouse dwellings which shall be at a land dedication rate of 0.6 hectare of the Net land area for each 300 dwelling units proposed;" after the phrase "for each 300 dwelling units proposed; and,
 - ii replacing the comma with a semi-colon after the word "proposed".
- b) Section 4(1)b.v) be amended by:
 - i. replacing "two (2)" with "six (6)" between the phrases "a maximum of" and "apartment dwellings above a commercial use"; and

- ii. adding the words "in a building that existed at the date of the passing of by-law being _____2017" at the end of the clause.

4.1.5 Cash-in-Lieu of Parkland – Section 8

That Section 8 be amended as follows:

- a) Section 8(1) be amended by adding a subsection (1)a that states: "notwithstanding the rates noted in Section 3(1)b and 4(1)a, cash-in-lieu shall be calculated based on a maximum dedication rate of one hectare for every 500 dwelling units."
- b) Section 8 be amended by adding a subsection (3) that states: "Notwithstanding Section 3 and 4 of this By-law, where one additional dwelling unit is added to an a single detached dwelling that existed on the date of the passing of the by-law, being _____2017, a cash-in-lieu flat fee of \$750 applies, subject to annual indexing as described in Section 8(5) of this By-law."
- c) Section 8 be amended by adding a subsection (4) that states: "Notwithstanding Sections 3 and 4 of this By-law, where additional dwelling units are created within a building existing at the date of the passing of the by-law, being _____ 2017 which is "designated" or located within a heritage district under the *Ontario Heritage Act*, a cash-in-lieu flat fee of \$500 per unit applies, subject to annual indexing as described in Section 8(5) of this By-law".
- d) Section 8 be amended by adding a subsection (5) that states: "That if a fixed dollar amount or dollar cap applies for the payment of cash-in-lieu of parkland dedication, such amount and cap shall be adjusted annually on April 01 starting the year following the year this By-Law is approved and enacted, equal to the Year-Over-Year Median Price Change (%) for All Residential property types in Hamilton, as reported by the Realtors Association of Hamilton-Burlington in its annual Market Report, to compensate for the change over time in the market value of the land."

Passed and enacted this day of , 2017.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK