

Authority: Item 9, Economic Development
Committee Report 09-007
(PED09028(a))
CM: April 15, 2009

Bill No. 086

CITY OF HAMILTON

BY-LAW NO. 09-086

To Adopt:

1. Official Plan Amendment No. 125 to the former Town of Ancaster Official Plan;
2. Official Plan Amendment No. 16 to the former Town of Dundas Official Plan;
3. Official Plan Amendment No. 116 to the former Town of Flamborough Official Plan;
4. Official Plan Amendment No. 73 to the former Township of Glanbrook Official Plan;
5. Official Plan Amendment No. 217 to the former City of Hamilton Official Plan; and,
6. Official Plan Amendment No. 147 to the former City of Stoney Creek Official Plan.

Respecting:

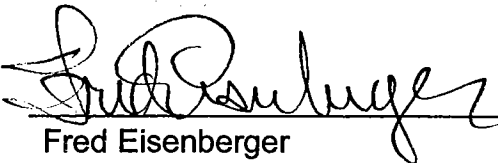
Parkland Dedication By-law

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 125 to the Official Plan of the former Town of Ancaster Planning Area consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.
2. Amendment No. 16 to the Official Plan of the former Town of Dundas Planning Area consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.
3. Amendment No. 116 to the Official Plan of the former Town of Flamborough Planning Area consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.
4. Amendment No. 73 to the Official Plan of the former Township of Glanbrook Planning Area consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

5. Amendment No. 217 to the Official Plan of the former City of Hamilton Planning Area consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.
6. Amendment No. 147 to the Official Plan of the former City of Stoney Creek Planning Area consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED and ENACTED this 29th day of April, 2009.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

Amendment No. 123

to the

Official Plan of the Former Town of Ancaster

The following text constitutes;

1. Official Plan Amendment No. 125 to the former Town of Ancaster Official Plan;
2. Official Plan Amendment No. 16 to the former Town of Dundas Official Plan;
3. Official Plan Amendment No. 116 to the former Town of Flamborough Official Plan;
4. Official Plan Amendment No. 73 to the former Township of Glanbrook Official Plan;
5. Official Plan Amendment No. 217 to the former City of Hamilton Official Plan; and,
6. Official Plan Amendment No. 147 to the former City of Stoney Creek Official Plan.

1.0 Purpose:

The purpose of the Amendments is to provide changes to amend the existing Parkland Dedication policies of the Official Plans of the former Towns of Ancaster, Dundas, Flamborough, the former Township of Glanbrook and the former Cities of Hamilton and Stoney Creek.

The effect of the Amendment is to modify the existing parkland dedication policies to allow the City some additional flexibility to determine parkland dedication rates based on geographic areas and dwelling types.

2.0 Basis:

The existing Parkland dedication policies and by-law have been in place for five years and changes are required:

- to provide for a more equitable application of the by-law. For example, based on the density calculations the parkland dedication for certain residential land uses (i.e. high density apartments and street townhouses) are disproportionately higher than other residential land uses;
- to allow for adjustment to parkland dedication for economic and social opportunities (in Downtown and Brownfield CIP areas and for eligible affordable housing); and,
- to provide for more consistent wording and clarity across the policies.

3.0 Actual Changes:

3.1 Former Town of Ancaster

a) That Policy 4.3.3 from Subsection 4.3, Open Space and Conservation, be revised as follows:

1. A new clause be added as clause 4.3.3 i) a), and read as follows:

"a) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land area to be developed;"

2. Clause 4.3.3 i) a) be renumbered as 4.3.3 i) b) and be amended by deleting the word "inclusive"; adding the words "not to exceed 1.0 hectare" after the words "dedicated at a rate"; and deleting the word "of" after the word "rate";

3. Clause 4.3.3 i) b) be renumbered as 4.3.3 i) c) and be amended by deleting the words "greater than 75 units per hectares" and replacing them with "of 75 to 120 units per hectare,"; adding the words "not to exceed" after the words "dedicated at a rate"; and, deleting the word "of" before the words "0.6 hectares."

4. Insert a new clause to be added as clause 4.3.3 i) d), as follows:

"d) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed;"

5. New clauses be added as 4.3.3 i) e), f) and g), and read as follows:

"e) Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.

f) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement

Areas.

- g) *Notwithstanding Policy 4.3.3 i), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;*"
6. Clause 4.3.3 ii) be amended by adding, "...including a golf course or driving range, except as exempted in the Parkland Dedication By-law." after the words "commercial proposals".
7. Clause 4.3.3 iii) be amended by adding the words "and all other land use proposals other than residential and commercial, subject to any exemption as set out in the Parkland Dedication By-law." after the words "not exceeding 5% for institutional proposals".
8. New clauses to be added as 4.3.3 iv) and v), and read as follows:
- "iv) *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
- v) *Council shall require a combination of dedication rates as defined in policy 4.3.3 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities."*

So that Policy 4.3.3 reads as follows:

- "4.3.3 In considering any development/redevelopment proposal, Plan of Subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.
- i) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix

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of residential densities.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) *For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land areas to be developed;*
- b) *For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1.0 hectare for each 300 dwelling units proposed;*
- c) *For land designated to permit residential development or redevelopment with a density of 75 to 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed.*
- d) *For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.*
- e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
- f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
- g) *Notwithstanding Policy 4.3.3 i), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"*

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- ii) Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals, *including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*
- iii) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals *and all other land use proposals other than residential and commercial*, subject to any exemption as set out in the Parkland Dedication By-law.
- iv) *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
- v) *Council shall require a combination of dedication rates as defined in policy 4.3.3 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities."*

b) That Policy 4.3.4 from Subsection 4.3, Open Space and Conservation, be revised as follows:

1. Add the phrase "*Notwithstanding Policy 4.3.3 iii),*" to the front of the clause;
2. Delete the words "*plans of subdivision or consents to sever.*" At the end of clause,

so that Policy 4.3.4 reads as follows:

"4.3.4 *Notwithstanding Policy 4.3.3 iii), Council shall not require the 2% parkland dedication or cash-in-lieu, as a condition of the approval of industrial development/redevelopment proposals."*

c) That Policy 4.3.5 from Subsection 4.3, Open Space and Conservation, be deleted and replaced with a new policy as follows:

"4.3.5 *i) Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall not be considered as part*

of the parkland dedication.

ii) For the purpose of calculating the land area subject to the parkland dedication, stormwater management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads and/or parking lots."

3.2 Former Town of Dundas

a) That Policy 3.9.4.1 from Subsection 3.9.4, Open Space Acquisition, be revised as follows:

1. A new clause be added as clause 3.9.4.1.i.a), and read as follows:

"a) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land area to be developed;"

2. Clause 3.9.4.1.i a) be renumbered as 3.9.4.1.i b) and be amended by deleting the word "inclusive"; adding the words "*not to exceed 1.0 hectare*" after the words "*dedicated at a rate*"; and deleting the word "*of*" after the word "*rate*";

3. Clause 3.9.4.1.i b) be renumbered as 3.9.4.1.i. c) and be amended by deleting the words "*greater than 75 units per hectares*" and replacing them with "*of 75 to 120 units per hectare*"; adding the words "*not to exceed*" after the words "*dedicated at a rate*"; and, deleting the word "*of*" before the words "*0.6 hectares*";

4. Insert a new clause to be added as clause 3.9.4.1.i.d), as follows:

"d) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare. Parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed;"

5. New clauses be added as 3.9.4.1.i. e), f) and g), and read as follows:

"e) Notwithstanding clause b), regardless of the density of

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development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.

- f) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) Notwithstanding Policy 3.9.4.1.i, Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"*
- 6. Clause 3.9.4.1.ii. be amended by adding, "..., including a golf course or driving range, except as exempted in the Parkland Dedication By-law." after the words "commercial proposals".
 - 7. Clause 3.9.4.1.iii. be amended by adding the words "and all other land use proposals other than residential and commercial, subject to any exemption as set out in the Parkland Dedication By-law." after the words "not exceeding 5% for institutional proposals".
 - 8. New clauses to be added as 3.9.4.1 iv. and v., and read as follows:
 - iv. Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - v. Council shall require a combination of dedication rates as defined in policy 3.9.4.1. applicable to specific use and/or density for any development including a subdivision containing lands proposed of a variety of land uses and/or at a variety of residential densities."*

So that Policy 3.9.4.1 reads as follows:

- "3.9.4.1 In considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

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- i. Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) *For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land areas to be developed;*
- b) For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate *not to exceed 1.0 hectare* for each 300 dwelling units proposed;
- c) For land designated to permit residential development or redevelopment with a density *of 75 to 120 units per hectare*, parkland shall be dedicated at a rate *not to exceed 0.6 hectares* for each 300 dwelling units proposed.
- d) *For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.*
- e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
- f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*

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- g) *Notwithstanding Policy 3.9.4.1.i., Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;*
- ii. Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals, *including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*
 - iii. Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals *and all other land use proposals other than residential and commercial*, subject to any exemption as set out in the Parkland Dedication By-law.
 - iv. *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - v. *Council shall require a combination of dedication rates as defined in policy 3.9.4.1. applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities.”*
- b) That Policy 3.9.4.2 from Subsection 3.9.4, Open Space Acquisition, be revised as follows:
- 1. Add the phrase *“Notwithstanding Policy 3.9.4.1.iii.,”* to the front of the clause;
 - 2. Delete the words *“plans of subdivision or consents to sever.”* At the end of clause,
- so that Policy 3.9.4.2 reads as follows:
- “3.9.4.2** *Notwithstanding Policy 3.9.4.1.iii., Council shall not require the 2% parkland dedication or cash-in-lieu, as a condition of the approval of industrial development/redevelopment proposals.”*
- c) That Policy 3.9.4.3 from Subsection 3.9.4, Open Space Acquisition, be deleted

and replaced with a new policy as follows:

- "3.9.4.3 *i) Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall not be considered as part of the parkland dedication.*
- ii) For the purpose of calculating the land area subject to the parkland dedication, stormwater management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads and/or parking lots."*

3.3 Former Town of Flamborough

- a) That Policy D.6.8 from Subsection D.6, Community Services, be revised as follows:
1. A new clause be added as clause D.6.8(i) a), and read as follows:

"a) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land area to be developed;"
 2. Clause D.6.8 (i) a) be renumbered as D.6.8 (i) b) and be amended by deleting the word "inclusive"; adding the words "*not to exceed 1.0 hectare*" after the words "*dedicated at a rate*"; and deleting the word "*of*" after the word "*rate*".
 3. Clause D.6.8 (i) b) be renumbered as D.6.8 (i) c) and be amended by deleting the words "*greater than 75 units per hectare*" and replacing them with "*of 75 to 120 units per hectare*"; adding the words "*not to exceed*" after the words "*dedicated at a rate*"; and, deleting the word "*of*" before the words "*0.6 hectares*";
 4. Insert a new clause to be added as clause D.6.8 (i) d), as follows:

"d) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed;"

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5. New clauses be added as D.6.8 4 (i) e), f) and g), and read as follows:
 - "e) Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
 - f) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) Notwithstanding Policy D.6.8 (i), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"*
6. Clause D.6.8 (ii) be amended by adding, *"..., including a golf course or driving range, except as exempted in the Parkland Dedication By-law."* after the words *"commercial proposals"*.
7. Clause D.6.8 (iii) be amended by adding the words *"and all other land use proposals other than residential and commercial, subject to any exemption as set out in the Parkland Dedication By-law."* after the words *"not exceeding 5% for institutional proposals"*.
8. New clauses to be added as D.6.8 (iv), and (v), and read as follows:
 - "(iv) Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - (v) Council shall require a combination of dedication rates as defined in policy D.6.8 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities."*

So that Policy D.6.8 reads as follows:

"D.6.8 In considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

- (i) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of *1.0 hectare* for each 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) *For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land areas to be developed;*
- b) For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate *not to exceed 1.0 hectare* for each 300 dwelling units proposed;
- c) For land designated to permit residential development or redevelopment with a density of *75 to 120 units per hectare*, parkland shall be dedicated at a rate *not to exceed 0.6 hectares* for each 300 dwelling units proposed.
- d) *For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.*
- e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*

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- f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) *Notwithstanding Policy D.6.8(i), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"*
 - (ii) Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals, *including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*
 - (iii) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals *and all other land use proposals other than residential and commercial*, subject to any exemption as set out in the Parkland Dedication By-law.
 - (iv) *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - (v) *Council shall require a combination of dedication rates as defined in policy D.6.8 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities."*
- b) That Policy D.6.9 from Subsection D.6, Community Services, be revised as follows:
1. Add the phrase *"Notwithstanding Policy D.6.8 (iii),"* to the front of the clause;
 2. Delete the words *"plans of subdivision or consents to sever."* At the end of clause,

so that Policy D.6.9 reads as follows:

"D.6.9 Notwithstanding Policy D.6.8 (iii), Council shall not require the 2% parkland dedication or cash-in-lieu, as a condition of the approval of industrial development/redevelopment proposals."

- c) That Policy D.6.10 from Subsection D.6, Community Services, be deleted and replaced with a new policy as follows:

"D.6.10 (i) Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall not be considered as part of the parkland dedication.

(ii) For the purpose of calculating the land area subject to the parkland dedication, stormwater management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads and/or parking lots."

3.4 Former Township of Glanbrook

- a) That Policy G.15.1 from Subsection G.15, Parkland Dedication, be revised as follows:

1. A new clause be added as clause G.15.1.i a), and read as follows:

"a) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land area to be developed;"

2. Clause G.15.1.i.a) be renumbered as G.15.1.i.b) and be amended by deleting the word "inclusive"; adding the words "*not to exceed 1.0 hectare*" after the words "*dedicated at a rate*"; and deleting the word "*of*" after the word "*rate*";
3. Clause G.15.1.i.b) be renumbered as G.15.1.i.c) and be amended by deleting the words "greater than 75 units per hectare" and replacing them with "of 75 to 120 units per hectare"; adding the words "*not to exceed*" after the words "*dedicated at a rate*"; and deleting the word "*of*" before the words "*0.6 hectares*";

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4. Insert a new clause to be added as clause G.15.1.i.d), as follows:
 - "d) *For land designated to permit residential development or redevelopment with a density greater than 120 units per ha. Parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed;*"
5. New clauses be added as G.15.1.i. e), f) and g), and read as follows:
 - "e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
 - f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) *Notwithstanding Policy G.15.1.i., Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;*"
6. Clause G.15.1.ii. be amended by adding, "..., including a golf course or driving range, except as exempted in the Parkland Dedication By-law." after the words "commercial proposals".
7. Clause G.15.1.iii. be amended by adding the words "and all other land use proposals other than residential and commercial, subject to any exemption as set out in the Parkland Dedication By-law." after the words "not exceeding 5% for institutional proposals".
8. New clauses to be added as G.15.1.iv. and v. , and read as follows;
 - "iv. *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - v. *Council shall require a combination of dedication rates as defined in policy G.15.1 applicable to specific use and/or*

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density for any development including a subdivision containing lands proposed of a variety of land uses and/or at a variety of residential densities."

So that Policy G.15.1 reads as follows:

"G.15.1 In considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

- i. Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of *1.0 hectare* for each 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) *For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land areas to be developed;*
- b) *For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1.0 hectare for each 300 dwelling units proposed;*
- c) *For land designated to permit residential development or redevelopment with a density of 75 to 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed.*
- d) *For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.*

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- e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
 - f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) *Notwithstanding Policy G.15.1.i., Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;”*
 - ii. Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals, *including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*
 - iii. Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals *and all other land use proposals other than residential and commercial*, subject to any exemption as set out in the Parkland Dedication By-law.
 - iv. *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - v. *Council shall require a combination of dedication rates as defined in policy G.15.1 applicable to specific use and/or density for any development including a subdivision containing lands proposed of a variety of land uses and/or at a variety of residential densities.”*
- b) That Policy G.15.2 from Subsection G.15, Parkland Dedication, be revised as follows:
- 1. Add the phrase *“Notwithstanding Policy G.15.1.iii.”* to the front of the clause;

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2. Delete the words "*plans of subdivision or consents to sever.*" At the end of clause,

so that Policy G.15.2 reads as follows:

"G.15.2 *Notwithstanding Policy G.15.1.iii., Council shall not require the 2% parkland dedication or cash-in-lieu, as a condition of the approval of industrial development/redevelopment proposals.*"

- c) That Policy G.15.3 from Subsection G.15, Parkland Dedication, be deleted and replace with a new policy as follows:

"G.15.3 *i. Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall not be considered as part of the parkland dedication.*

ii. For the purpose of calculating the land area subject to the parkland dedication, stormwater management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads and/or parking lots."

3.4 Former City of Hamilton

- a) That Policy D.5.8 from Subsection D.5, Municipal Land Acquisition, be revised as follows:

1. A new clause be added as clause D.5.8.i) a), and read as follows:

"a) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land area to be developed;"

2. Clause D.5.8.i) a) be renumbered as D.5.8.i) b) and be amended by deleting the word "inclusive"; adding the words "*not to exceed 1.0 hectare*" after the words "*dedicated at a rate; and* deleting the word "*of*" after the word "*rate*".

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3. Clause D.5.8.i) b) be renumbered as D.5.8.i) c) and be amended by deleting the words "greater than 75 units per hectare" and replacing them with "of 75 to 120 units per hectare"; adding the words "*not to exceed*" after the words "*dedicated at a rate*"; and, delete the word "*of*" before the words "*0.6 hectares*";
4. Insert a new clause to be added as clause D.5.8.i) d), as follows:

"d) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed;"
5. New clauses be added as D.5.8.i) e), f) and g), and read as follows:
 - e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
 - f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) *Notwithstanding Policy D.5.8.i), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"*
6. Clause D.5.8.ii) be amended by adding, "*...,including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*" after the words "*commercial proposals*".
7. Clause D.5.8.iii) be amended by adding the words "*and all other land use proposals other than residential and commercial, subject to any exemption as set out in the Parkland Dedication By-law.*" after the words "*not exceeding 5% for institutional proposals*".
8. New clauses to be added as D.5.8.iv), and v), and read as follows:

"iv) Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.

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- v) *Council shall require a combination of dedication rates as defined in policy D.5.8 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities".*

So that Policy D.5.8 reads as follows:

"D.5.8 In considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

- i) *Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities.*

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) *For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land areas to be developed;*
- b) *For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1.0 hectare for each 300 dwelling units proposed;*
- c) *For land designated to permit residential development or redevelopment with a density of 75 to 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed.*
- d) *For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.*

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- e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
 - f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) *Notwithstanding Policy D.5.8.i), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"*
 - ii) *Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals, including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*
 - iii) *Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals and all other land use proposals other than residential and commercial, subject to any exemption as set out in the Parkland Dedication By-law.*
 - iv) *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - v) *Council shall require a combination of dedication rates as defined in policy D.5.8 applicable to specific use and/or density for any development including a subdivision containing lands proposed of a variety of land uses and/or at a variety of residential densities."*
- b) That Policy D.5.9 from Subsection D.5, Municipal Land Acquisition, be revised as follows:

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1. Add the phrase "*Notwithstanding Policy D.5.8.iii),*" to the front of the clause;
2. Delete the words "*plans of subdivision or consents to sever.*" At the end of clause,

so that Policy D.5.9 reads as follows:

"D.5.9 *Notwithstanding Policy D.5.8.iii), Council shall not require the 2% parkland dedication or cash-in-lieu, as a condition of the approval of industrial development/redevelopment proposals.*"

- c) That Policy D.5.10 from Subsection D.5, Municipal Land Acquisition, be deleted and replaced with a new policy as follows:

"D.5.10 *i) Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall not be considered as part of the parkland dedication.*

ii) For the purpose of calculating the land area subject to the parkland dedication, stormwater management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads and/or parking lots."

3.4 Former City of Stoney Creek

- a) That Policy F.8.2 from Subsection F.8, Municipal Land Acquisition, be revised as follows:

1. A new clause be added as clause F.8.2.i. (a), and read as follows:

"a) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land area to be developed;"

2. Clause F.8.2.i. (a) be renumbered as F.8.2.i. (b) and be amended by deleting the word "inclusive"; adding the words "*not to exceed 1.0 hectare*" after the words "*dedicated at a rate*"; and deleting the word "of" after the

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word "rate".

3. Clause F.8.2.i. (b) be renumbered as F.8.2.i. (c) and be amended by deleting the words "greater than 75 units per hectare" and replacing them with "of 75 to 120 units per hectare"; adding the words "*not to exceed*" after the words "*dedicated at a rate*"; and, deleting the word "*of*" before the words "*0.6 hectares*";
4. Insert a new clause to be added as clause F.8.2.i. d), as follows:

"d) For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed;"
5. New clauses be added as F.8.2.i. e), f) and g), and read as follows:

"e) Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.

f) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.

g) Notwithstanding Policy F.8.2.i., Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"
6. Clause F.8.2.ii. be amended by adding, "*..., including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*" after the words "*commercial proposals*".
7. Clause F.8.2.iii. be amended by adding the words "*and all other land use proposals other than residential and commercial, subject to any exemptions as set out in the Parkland Dedication By-law.*" after the words "*not exceeding 5% for institutional proposals*".
8. New clauses to be added as F.8.2.iv. and v. , and read as follows:

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- "iv. Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
- v. Council shall require a combination of dedication rates as defined in policy F.8.2 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities."*

So that Policy F.8.2 reads as follows:

"F.8.2 In considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

- i. Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) *For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land areas to be developed;*
- b) *For land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1.0 hectare for each 300 dwelling units proposed;*
- c) *For land designated to permit residential development or redevelopment with a density of 75 to 120 units per hectare, parkland shall be dedicated at a rate not to*

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exceed 0.6 hectares for each 300 dwelling units proposed;

- d) *For land designated to permit residential development or redevelopment with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.*
 - e) *Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use.*
 - f) *In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas.*
 - g) *Notwithstanding Policy F.8.2.i., Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;"*
- ii. Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals, *including a golf course or driving range, except as exempted in the Parkland Dedication By-law.*
 - iii. Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals and *all other land use proposals other than residential and commercial, subject to any exemption as set out in the Parkland Dedication By-law.*
 - iv. *Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.*
 - v. *Council shall require a combination of dedication rates as defined in policy F.8.2 applicable to specific use and/or*

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density for any development including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities.”

b) That Policy F.8.3 from Subsection F.8, Municipal Land Acquisition, be revised as follows:

1. Add the phrase “*Notwithstanding Policy F.8.2.iii,*” to the front of the clause;
2. Delete the words “*plans of subdivision or consents to sever.*” At the end of clause,

so that Policy F.8.3 reads as follows:

“F.8.3 *Notwithstanding Policy F.8.2.iii., Council shall not require the 2% parkland dedication or cash-in-lieu, as a condition of the approval of industrial development/redevelopment proposals.”*

c) That Policy F.8.4 from Subsection F.8, Municipal Land Acquisition, be deleted and replaced with a new policy as follows:

“F.8.4 *i. Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall not be considered as part of the parkland dedication.*

ii. For the purpose of calculating the land area subject to the parkland dedication, stormwater management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads and/or parking lots.”

4.0 Implementation:

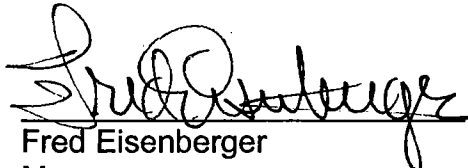
The provisions of Section 7 – Implementation, of the Official Plan for the former Town of Ancaster, Section 5 – Implementation and Administration, of the Official Plan for the former Town of Dundas, Section F – Implementation of the Official Plan for the former Town of Flamborough, Section G – Implementation, of the Official Plan for the former Township of Glanbrook, Section D – Implementation, of the Official Plan for the former City of Hamilton, and Section F – Implementation, of the Official Plan for the former City of Stoney Creek, will give effect to the amendments.

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The Amendments will be implemented through the approval of a Parkland Dedication By-law.

This is Schedule "1" to By-law No. 09-086 passed on the 29th day of April, 2009.

**The
City of Hamilton**


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk