

Authority: Item 3, Planning Committee
Report 17-004 (PED17031)
CM: February 28, 2017
Wards: City Wide

Bill No. 039

CITY OF HAMILTON

BY-LAW NO. 17-039

To Amend 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

WHEREAS on the 10th day of June, 2009, the Council of the City of Hamilton enacted 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;

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

1. 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;

2. That the Definition section of By-law 09-124 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 definitions of “Dwelling Unit” and “Planning Act”.
3. That Section 3(1), “Development”, of By-law 09-124 be amended as follows:
 - a) Section 3(1)b.ii) be amended by:

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- 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:
 - 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 the By-law, being March 8, 2017” at the end of the clause.
4. That Section 4(1), “Development”, of By-law 09-124 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 the By-law, being March 8, 2017” at the end of the clause.
5. That Section 8, “Cash-in-lieu of Parkland”, of By-law 09-124 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

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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 a single detached dwelling that existed on the date of the passing of the By-law, being March 8, 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 March 8, 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.”
- 6. In all other respects, the contents of By-law 09-124 are hereby confirmed and remain unchanged.
 - 7. This By-law shall come into force and effect on the day following the date of passing and enactment.

PASSED this 8th day of March, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk