

The Corporation of the Township of North Huron

By-law No. 80-2025

Being a By-law to provide for the conveyance of land for park or other public recreational purposes and/or cash in lieu of parkland dedication for the Corporation of the Township of North Huron

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Being a By-law to provide for the conveyance of land for park or other public recreational purposes and/or cash in lieu of parkland dedication for the Corporation of the Township of North Huron

WHEREAS Section 42 of the Planning Act, R.S.O. 1990 c.P.13 (hereinafter referred to as the Planning Act), as amended, authorizes the Council of Corporation of the Township of North Huron to pass a by-law requiring land or cash-in-lieu of the land at the Township's approval to be conveyed to the Township for park or other public recreational purposes as a condition of development;

AND WHEREAS Section 51.1 of the Planning Act, authorizes the approval authority to enact as a condition of the approval of a plan of subdivision that land be conveyed to the local municipality for park or other public recreational purposes;

AND WHEREAS Section 53 of the Planning Act, provides that Section 51.1 of the Planning Act also applies to the granting of consents;

AND WHEREAS the Council of the Corporation of the Township of North Huron has established an Official Plan that contains specific policies with respect to the provision of lands for park or other public recreational purposes and this by-law is intended to be in conformity with such policies;

NOW THEREFORE the Council of the Corporation of the Township of North Huron ENACTS as follows:

1. Short Title

1.1. This By-law may be cited as the "Parkland Dedication and Cash in Lieu of Parkland By-law."

2. Interpretation, Conflict and Severability

2.1. Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.

2.2. All references to applicable law are ambulatory and apply as amended from time to time.

2.3. It is hereby declared that notwithstanding any section, subsection, clause, paragraph or provision of the By-law or parts thereof, that may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provision of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent therefrom and enacted as such.

3. Definitions

3.1. "Cash-in-lieu" shall mean the payment of funds equivalent to the value of land that the Township would otherwise have been entitled to acquire for park or other public recreational purposes as part of a development. The payment of Cash-in-

lieu is usually required as a condition of draft plan of subdivision, or consent approval in accordance with Sections 42, 51.1 and 53 of the Planning Act.

- 3.2. **“Council”** shall mean the duly elected Council of the Corporation of the Township of North Huron.
- 3.3. **“Corporation”** shall mean the Corporation of the Township of North Huron and shall be used interchangeably with “Township”.
- 3.4. **“Parkland Dedication”** shall mean the conveyance of land to the Township for future use in accordance with the provisions of the Planning Act.
- 3.5. **“Developer”** shall mean a group or individual who is undertaking a development or redevelopment, including but not limited to land division.
- 3.6. **“Eligible Project”** means:
 - a. Acquisition of land for park or other public recreational purposes;
 - b. Capital projects for the development of new public parks which may include any associated site preparation and drainage;
 - c. Capital projects to increase the capacity of existing public parks to accommodate more intensive public use;
 - d. The provision of park facilities, such as play equipment, sports fields and trails;
 - e. The provisions of additional park facilities, for example, splash pads and site furniture; or
 - f. A combination of any/all the above to the equivalent value of the amount of land that the Township would otherwise be entitled to collect in accordance with Sections 42, 51.1 and 53 of the Planning Act.

4. Parkland Dedication

- 4.1. This by-law shall apply to all lands within the Township.
- 4.2. The purpose of this by-law is to enable the Township to provide land for parks or other public recreational purposes. The Township is permitted to require the conveyance of parkland as a condition of approval of development for a draft plan of subdivision or consents as regulated under the Planning Act. Land conveyed to the Township under this by-law shall be used for parks or other public recreational purposes, subject to the policies of the Official Plan and this By-law.
- 4.3. As a condition of development of land, the Township shall require that land be conveyed to the Township for park or other public recreational purposes as follows:
 - a. For lands subject to a draft plan of subdivision for residential purposes, an area of land equal to but no greater than five percent (5%) of the Gross Land Area to be developed shall be conveyed.
 - i. As Per Section 42(1.1) of the Planning Act, with respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to

be conveyed under subsection (1) shall not exceed 5 percent of the land multiplied by the ratio of A to B where:

a) "A" is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the Development Charges Act, 1997; and

b) "B" is the number of residential units that are part of the development or redevelopment.

- b. For lands subject to a draft plan of subdivision for commercial or industrial uses, an area of land equal to but no greater than two percent (2%) of the Gross Land Area to be developed or redeveloped shall be conveyed.
- c. For lands subject to a draft plan of subdivision for use other than residential, commercial or industrial, an area of land equal to but no greater than five percent (5%) of the Gross Land Area to be developed shall be conveyed.
- d. For lands subject to a draft plan of subdivision or draft plan of condominium for mixed-use development, land in the aggregate amount shall be conveyed and calculated as follows:
 - i. For the residential component, if any, in accordance with Section 4.3 a);
 - ii. For the commercial or industrial component, if any, in accordance with Section 4.3 b);
 - iii. For the component of lands for any other use than residential, commercial or industrial, if any, in accordance with Section 4.3 c).
- 4.4. Land dedicated to the Township for park or other public recreational purposes shall be chosen in consultation with municipal staff and shall be leveled, serviced, top-soiled and seeded by the Developer to the specifications and satisfaction of the Township. In the case of a disagreement, the Township will have the final decision as to the appropriate lands.
- 4.5. Only those lands suitable for municipal parks development will be accepted as part of the required parkland dedication.
- 4.6. The Township may, at its own discretion, accept additional lands over and above the required parkland dedication and may incorporate these lands into the Township's Park system. Such lands may include:
 - a. Land for stormwater management areas;
 - b. Lands having environmental or physical conditions which render them unsuitable for development;
 - c. Lands which are unsuitable for the development of corridors throughout the Township for such uses as wildlife, pedestrian or biking trails.
- 4.7. Any land that has been or is to be conveyed to the Township for stormwater management facilities, for flood plain or conservation purposes, for roadways, walkways or any other non-parkland purposes, will not be credited against the required parkland conveyance or cash-in-lieu of parkland conveyance.

5. Cash-in-Lieu of Parkland Dedication

- 5.1. In lieu of requiring the conveyances in accordance with Section 4 of this By-law, in accordance with the Planning Act, the Township may require the payment of money as a Cash-in-lieu payment, as provided by the Planning Act, including, but not limited to in the following circumstances:

- a. Where the amount of parkland to be dedicated, in accordance with the Planning Act, is of an insufficient size, in the opinion of the Township, to be useable for normal public recreational activities;
 - b. Where an area is already adequately served by municipal or other open space lands;
 - c. Where the Corporation wishes to combine the parkland dedication of a number of small developments to provide for one park area; or
 - d. Where the required dedication would render the remainder of the site unsuitable or impractical for development.
- 5.2. In cases where it is deemed advisable to accept cash-in-lieu of a conveyance, the Township shall require the payment of an amount calculated as follows:
- a. For residential uses as part of a plan of subdivision, an amount equivalent to a rate of five percent (5%) of the appraised value of the residential land being developed;
 - i. Notwithstanding for developments with affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997, or residential units described in subsection 4.3 (2) of that Act, the payment owed shall not exceed five percent (5%) of the value of the land multiple by the ratio of A to B as described in Section 4.3 a) i) of this By-law as per Section 42(1.1) of the Planning Act.
 - b. For commercial or industrial uses as part of a plan of subdivision, an amount equivalent to two percent (2%) of the appraised value of the commercial or industrial land being developed;
 - c. For uses that are not residential, commercial or industrial, as part of a plan of subdivision, an amount equivalent to a rate of five percent (5%) of the appraised value of the land being developed;
 - d. For mixed-use developments as part of a plan of subdivision, an amount equivalent to an aggregate appraised value of the land as follows:
 - i. For the residential component, if any, in accordance with Section 5.2 a);
 - ii. For the commercial or industrial component, if any, in accordance with Section 5.2 b);
 - iii. For the component of lands for any other use than residential, commercial or industrial, if any, in accordance with Section 5.2 c).
 - e. A prescribed set fee as per the Township's Fees and Charges By-law per lot created through consent under Section 53 of the Planning Act.
- 5.3. The payment required shall be paid to the Township as follows:
- a. For a plan of subdivision, prior to the plan registration as a condition of draft approval.
 - b. For consents, prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and therefore the consent for severance has been granted and is in effect.

6. Appraisal

- 6.1. To determine the Cash-in-lieu payment required, where applicable, the landowner seeking the draft plan of subdivision is required to submit an Appraisal Report, completed by a qualified appraiser (such as a member of the Appraisal Institute of Canada), to the Township for review. The appraiser is to be approved by the Township in advance. The value shall be determined based on the value of the land the day before the draft plan of subdivision is approved.
- 6.2. The cost of the appraisal report preparation and subsequent municipal review shall be the responsibility of the developer.
- 6.3. The appraisal report will be reviewed by Township staff or a representative of the Township, and the landowner will be notified of the required payment.

7. Eligible Projects

- 7.1. Cash-in-lieu shall be required to be used for 'eligible projects' permitted by the Planning Act and as defined in Section 3 of this By-law.

8. Exemptions

- 8.1. Notwithstanding any other provisions of this by-law, conveyance of land or payment of cash will not be required where development or redevelopment is for the purposes of:
 - a. The enlargement of an existing residential dwelling unit;
 - b. The construction of up to two additional residential dwelling units in an existing residential dwelling unit or in an accessory building to an existing residential unit within a parcel as defined in Section 42(1.3) of the Planning Act within a single parcel;
 - c. The replacement of any building or structure that is a direct result of fire or other causes beyond the control of the owner, provided that no intensification or change of use is proposed, such as if the redevelopment of the subject lands involves land division approvals to create net new lots through a plan of subdivision or consent.
 - d. Development on a lot for which cash-in-lieu of parkland has already been paid, unless upon the redevelopment of the lands, that land division to create net new lots through a plan of subdivision or consent is granted.

9. Appeal

- 9.1. Subject to the Planning Act and other applicable legislation, where there is a dispute between the Township and the owner of the land on the value of the land, amount of the land, or payment of monies, either party may appeal to the applicable Tribunal and the Tribunal shall make the final determination.

10. Repeal and Effective Date

- 10.1. That any by-law or policy of the Township of North Huron inconsistent with the provisions of this by-law shall be hereby repealed.
- 10.2. That this by-law shall come into force and takes effect on the day of the final passing thereof.

Read a first and second time this 17th day of November, 2025.
Read a third time and passed this 17th day of November, 2025.

CORPORATE SEAL

Paul Heffer, Reeve

Carson Lamb, Clerk