

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 26-34

A BY-LAW TO GOVERN PARKLAND DEDICATION IN THE TOWN OF GRIMSBY

Whereas Sections 42, 51.1, and 53 of the Planning Act, R.S.O. 1990, Chapter P.13 authorize local municipalities to require that land be conveyed, or Payment in Lieu thereof be made, to the local municipality for park, or other public recreational purposes as a condition of Development;

And whereas Sections 42 of the Planning Act, R.S.O. 1990, chapter P.13 provides for parkland conveyance requirements as a condition of development and/or redevelopment;

And whereas Sections 42 and 51.1 of the Planning Act, R.S.O. 1990, chapter P.13 provide for the use of alternative requirements;

And whereas the Official Plan for the Town of Grimsby, as amended, contains specific policies dealing with the provisions of lands for park or other public recreational purposes and the use of the alternative requirement;

And whereas the Town has prepared and made available to the public a Parks Master Plan, that examined the need for parkland in the Town;

And whereas Council for The Corporation of the Town of Grimsby deems necessary and expedient to enact a By-law to provide for the provision of lands for park and other public recreational purposes and the use of alternative requirements;

Therefore Council of the Corporation of the Town of Grimsby hereby enacts as follows:

1. Definitions

- a) "Additional Dwelling Unit" shall refer to a separate and self-contained dwelling unit that is subordinate to the main dwelling and is physically detached, attached, and/or within the main dwelling on a lot;
- b) "Affordable Residential Units bulletin" shall refer to the bulletin entitle the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin", as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario;
- c) "Affordable Residential Unit" shall refer to a residential unit that meets one of the two criterion:
 - i. A residential unit intended for use as rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:
 - a. The rent is no greater than the lesser of:
 - a. The income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with the Development Charges Act;
 - b. The average market rent identified for the residential unit set out in the Affordable Residential Units bulletin;
 - b. The tenant is dealing at arm's length with the landlord;

- ii. A residential unit not intended as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:
 - a. The price of the residential unit is no greater than the lesser of:
 - a. The income-based affordable price for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with the Development Charges Act;
 - b. 90 percent (90%) of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin;
 - b. The residential unit is sold to a person who is dealing at arm's length with the seller;
- d) "Arm's Length" shall refer to the determination of whether two or more persons are dealing at arm's length, as defined in Section 251 of the Income Tax Act (Canada);
- e) "Attainable Residential Unit" shall refer to a residential unit that meets the following criteria:
 - i. The residential unit is not an affordable residential unit;
 - ii. The residential unit is not intended for use as a rented residential premises;
 - iii. The residential unit was developed as part of a prescribed development or class of developments;
 - iv. The residential unit is sold to a person who is dealing at arm's length with the seller; and
 - v. As may be described under Development Charges Act, 1997, as amended;
- f) "Building" shall refer to a building as defined in the Ontario Building Code, O Reg. 332-12, as amended, or any successor thereto;
- g) "Town" shall refer to the Corporation of the Town of Grimsby;
- h) "Consent" shall refer to the subdivision of land as defined in Section 53 of the Planning Act;
- i) "Development" shall refer to:
 - i. the construction, erection, or placing of a building or structure, excluding infrastructure authorized by the Environmental Assessment Act;
 - ii. the addition to or alteration of a building or structure;
 - iii. the creation of a new lot and/or increase in the number of permitted units on a lot;
 - iv. the change in use or the increase in intensity of use of any building, structure, or premises;
 - v. redevelopment.
- j) "Director" shall refer to the Director of Planning or their designate;
- k) "Dwelling Unit(s)" shall refer to one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen a sanitary facility is provided for the exclusive use of the occupant;
- l) "Gross Floor Area" (or "GFA") shall refer the sum of the areas of each floor, measured between the exterior faces of the exterior walls, including basements and cellars, but excluding any space used for loading, parking or storage that is accessory to the main use;
- m) "Municipality" shall refer to the Corporation of the Town of Grimsby, or its geographical area, as the context requires;

- n) "Mixed Use Building" shall refer to a building containing residential units and at least one non-residential use.
- o) "Non-Profit Corporation" means:
- i. a corporation to which the Not-for-Profit Corporations Act, 2010, S.O. 2010, c. 15 applies, that is in good standing under the Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under the Act and whose primary object is to provide housing;
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c.C.35
- p) "Park" shall refer to municipally owned or leased sites that are designated, and appropriately developed (including un-serviced sites), for community use for indoor and/or outdoor, programmed and/or self-directed sport, fitness, physical activity, culture, leisure and social pursuits.
- q) "Payment In Lieu" shall refer to a payment of money in lieu of land conveyance.
- r) "Planning Act" shall refer to the Planning Act, R.S.O. 1990 c. P.13 and includes any amendments thereto, successor legislation, and where the context requires includes precursors legislation;
- s) "Record of Site Condition" shall refer to a record of site conditions under Part XV.1 of the Environmental Protection Act, R.S.O. 1990 c. E.19, as amended, or any successor thereto.

2. Lands Affected

- a) This By-law shall apply to the entire municipal limit of the Town of Grimsby.

3. Parkland Dedication Rates

- a) Where land is to be developed for commercial or industrial purposes, parkland dedication shall consist of a rate of 2 percent (2%) of the total area of the land which shall be conveyed to the Town free and clear of all liens and encumbrances, for park or other public recreational purposes.
- b) Where land is to be developed for residential purposes, parkland dedication shall consist of a rate of 5 percent (5%) of the total area of the land that shall be conveyed to the Town free and clear of all liens and encumbrances, for park or other public recreational purposes.
- c) Where land is to be developed for purposes other than commercial, industrial, or residential purposes, parkland dedication shall consist of a rate of 5 percent (5%) of the total area of the land shall be conveyed to the Town free and clear of all liens and encumbrances, for park or other public recreational purposes.
- d) Where land is to be developed for a mix of uses, parkland dedication shall be calculated based upon the proportion of the site devoted to each use at the rates identified above. Where a mix of uses is proposed within a building, parkland dedication requirement for each use will be determined proportionally to the gross floor area allocated to each use.

4. Alternative Rates for Residential Developments

- a) Where land is developed for residential purposes, parkland dedication shall be the greater of:
- i. A rate of 5 percent (5%) of the total area of the land shall be conveyed to the Town free and clear of all liens and encumbrances, for park or other public recreational purposes; or
 - ii. A rate of 1 hectare per 600 dwelling units shall be conveyed to the Town free and clear of all lines and encumbrances, for park or other public recreational purposes.

- b) Alternatively, the Town may require Payment In Lieu of parkland dedication, which shall be the greater of:
 - i. The value of 5 percent (5%) of the total area of the land; or
 - ii. The value of 1 hectare per 1,000 units.
 - c) Notwithstanding the provisions in Section 4, when applying alternative rates, the maximum required conveyance or Payment In Lieu to be paid shall not be more than:
 - i. Ten percent (10%) of land or the value of land for development that is 5 hectares or less; or
 - ii. Fifteen (15%) of land or the value of land for development that is greater than 5 hectares.
- ci) **Payment In Lieu**
- a) Where it is determined that Payment In Lieu will be required as an alternative to parkland dedication, the Town shall require conveyance of the Payment In Lieu equivalent to that required by Sections 3 and 4, to the Town.
 - b) As a condition of development, the Town shall require conveyance of land, Payment In Lieu, or a combination of both to the Town, in accordance to Sections 3 and 4.
 - c) Notwithstanding clause a) and b), the following shall provide parkland dedication in the form of Payment In Lieu:
 - i. Residential consents pursuant of Section 53 of the Planning Act but would consider a dedication if development lands abut a park;
 - ii. Commercial and industrial developments.

6. Timing of Conveyance

The parkland dedication required to be provided under this section is the amount of land or Payment In Lieu that would be determined as follows:

- a) For subdivision of land, valuation shall be determined on:
 - i. The day before the day of the approval of Draft Plan of Subdivision, pursuant of Section 51 of the Planning Act;
 - ii. The day before the day of approval of a description under Section 50 or an exemption under Section 9 of the Condominium Act, R.S.O. 1990, Chapter c.76;
 - iii. The day before the day of a Certificate of Consent, pursuant of Section 53 of the Planning Act; or
 - iv. The day before the day of a request for an extension to draft plan approval.
- b) For a Site Plan Control Application under Subsection 41(4) of the Planning Act, valuation shall be determined on the day an application is deemed a complete application.
- c) If clauses a) and b) do not apply, for a Zoning By-law Amendment Application under Section 34 of this Planning Act, valuation shall be determined on the day an application is deemed a completed application;
- d) If clauses a), b) and c) do not apply, valuation shall be determined on the day a Building Permit is issued.
- e) In the situation where clauses b), c), and d) apply, the conveyance will occur at the latter of the three applications.

7. Suitability of Land or Area

- a) In considering the conveyance of lands for park or recreational purposes to the Municipality for parks and other public recreational purposes, the land shall be:
 - i. Appropriate in size, location, grade, offer an orderly configuration or shape, and make available convenient public access by pedestrians

- and vehicles, including parking;
- ii. Free and clear of all lien and legal encumbrance to the satisfaction of the Municipality;
 - iii. Graded, serviced, sodded, and fenced in accordance with any applicable Municipal Standards and to the Town's satisfaction;
- b) The Town shall not accept lands for parkland dedication purposes that restrict a full range of public park or recreational programming lands, including the following restrictions:
- i. Storm water management facilities, highways, roadways, walkways, or any non-parkland purpose;
 - ii. Underground infrastructure or above ground utilities that would limit the development of parklands with a variety of recreational buildings;
 - iii. Utility rights-of-way or easements, including but not limited to hydro, gas, cable, and telecommunications;
 - iv. Lands that are subject to receiving significant drainage discharges from off-site developments;
 - v. Lands that include natural heritage, natural hazard, unstable bedrock or soil conditions, lands subject to human hazards, such as contaminated lands, lands having a high water table, or open space lands forming buffers thereto;
 - vi. Where lands described above are proposed for parkland dedication to the Town for purposes of this By-law, a study or park improvement and programming plan prepared on behalf of the Owner by a qualified professional shall be submitted to the satisfaction of the Town. In considering acceptance of encumbered or otherwise constrained lands, a reduced rate of land area or Payment in Lieu shall reflect the reduced recreational space provided to the Town or programming opportunities of the lands.
- c) The Town may require that a Record of Site Condition be filed in respect to the lands prior to accepting the conveyance of the lands for parkland dedication.
- d) When the Town determines that the proposed land for parkland dedication is unsuitable for parks or public recreational purposes, the Town shall require a Payment In Lieu of land conveyance, in amounts set out in this By-law.

8. Exemptions

- a) Notwithstanding other applicable sections in this By-law, the following uses shall be exempt from the requirement of parkland dedication:
- i. An Additional Dwelling Unit as defined by this By-law;
 - ii. An Affordable Dwelling Unit as defined by this By-law;
 - iii. An Attainable Dwelling Unit as defined by this By-law;
 - iv. A residential unit described under Subsection 4.3(1) of the Development Charges Act;
 - v. A building that was accidentally damaged or demolished, and where the building is reconstructed and used for the same purpose with the same occupancy level;
 - vi. Residential uses proposed for non-profit housing development defined in Subsection 4.2(1) of the Development Charges Act;
 - vii. An Indigenous Institute prescribed for the purposes of Section 6 of the Indigenous Institutes Act, 2017, S.O. 2017, c.34, Sch 20;
 - viii. Development approved by the Town for an exemption through a Community Improvement Plan established through Section 28 of the Planning Act;
 - ix. Temporary buildings or structure;
 - x. Development that is not a significant increase or improvement in

- usability, subject to the approval from the Director;
- xi. All private structures developed by registered charitable and hospital organizations; and
- xii. All public facilities and buildings developed by a government agency.

9. Administration

- a) This by-law shall at all times be subject to the provisions of Section 42, 51.1, 51, and 53 of the Planning Act, R.S.O. 1990, c P.13, as amended from time-to-time, or any successor thereto.
- b) In the event of any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.

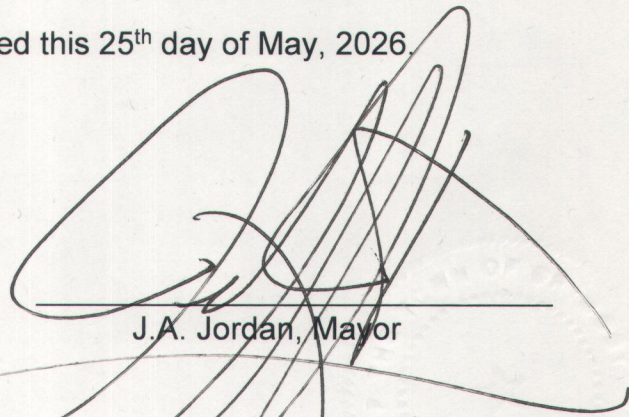
10. Severability

- a) If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of the Town in enacting this By-law that the remainder of this By-law will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

11. Effective Date

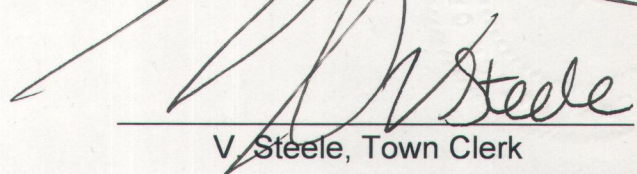
- a) This By-law shall come into effect from the date of its final passing.

Read a first time, considered, and passed this 25th day of May, 2026.



A large, stylized handwritten signature in black ink, appearing to read 'J.A. Jordan', written over a horizontal line.

J.A. Jordan, Mayor



A handwritten signature in black ink, appearing to read 'V. Steele', written over a horizontal line.

V. Steele, Town Clerk

Strathmore
WRITING 26% COTTON