

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE



BY-LAW

No. 2025 -

**Being a By-law to Amend By-law No. 2014 - 058;
Being a By-law to Require the Conveyance of Land for Park or Other Public
Recreational Purposes or the Payment in Lieu Therefor, as a Condition of
Development or Redevelopment or the Subdivision of Land**

Whereas sections 42, 51.1, and 53 of the Planning Act provide that the Council of a local municipality may by By-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of lands; 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; and

Whereas the Council of the Municipality of Kincardine desires to use these provisions to further the acquisition of lands for parks or other public recreational purposes; and

Whereas Council of The Corporation of the Municipality of Kincardine passed By-law 2014 – 058 on 7th day of May, 2014; and

Whereas recent changes to the Planning Act through Bill 23 made changes to ARU's and Non-Profit Housing policies;

Whereas Council passed Resolution 02/12/25 – 12 to exempt Day Care Centres from the Parkland By-law; and

Whereas the Council of The Corporation of the Municipality of Kincardine deems it necessary to amend By-law 2014 – 058; now therefore be it

Resolved that the Council of the Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That Section 1. of By-law 2024 – 058 be amended by **adding** the following definitions:

“Child Care Centre” means a premises operated by a person licensed under this Act to operate a child care centre at the premises; Child Care and Early Years Act, 2014.

“Dwelling” – Additional Residential Unit - means a residential dwelling unit either wholly contained within a ‘Dwelling, Single Detached’, a ‘Dwelling, Semi-detached’ or a ‘Dwelling, Townhouse Street’, or wholly contained within an accessory building on a lot containing a ‘Dwelling, Single Detached’, a ‘Dwelling, Semi-detached’ or a ‘Dwelling, Row’ and is secondary to a primary residential unit.

“Dwelling Unit” - shall mean a private suite of two or more rooms designed or intended for occupation by one or more persons, in which sanitary conveniences are provided, and in which facilities are provided for cooking or for the installation of cooking equipment, and in which a heating system is provided, and containing a private entrance from outside the building or from a common hallway or stairway inside.

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“Non-Profit Housing – shall mean housing that is affordable to households, which is owned and/ or managed by a non-profit organization.

2. That Section 1. of By-law 2024 – 058 be amended by **deleting** the following definitions:

“Dwelling Unit” means any building or structure that is used or designed for use as a domestic establishment in which one or more persons sleep and prepare meals;

3. That Section 3. of By-law 2024 – 058 be amended by deleting the following paragraphs and replaced with the following;

a) (i) at a density less than 20 units per hectare, dedication of land in an amount, the greater of: five percent (5%) of the Net land area to be developed; or alternatively, dedication of land at a rate of 1.0 hectare of the Net land area for each ~~300~~ 600 dwelling units proposed; or,

a) (ii) at a density of 20 units per hectare to 40 units per hectare, dedication of land in an amount, the greater of: five percent (5%) of the Net land area to be developed; or alternatively, dedication of land at a rate of ~~0.8~~ 1.0 hectare of the Net land area for each ~~300~~ 600 dwelling units proposed; or,

a) (iii) at a density greater than 40 units per hectare, dedication of land in an amount, the greater of: five percent (5%) of the Net land area to be developed; or alternatively, dedication of land at a rate of ~~0.6~~ 1.0 hectare of the Net land area for each ~~300~~ 600 dwelling units proposed;

4. That Section 4. of By-law 2024 – 058 be amended by deleting the following paragraphs and replaced with the following:

a) (i) at a density less than 20 units per hectare, dedication of land in the amount, the greater of: five percent (5%) of the Net land area to be developed or redeveloped; or alternatively, dedication of land at a rate of 1.0 hectare of the Net land area for each ~~300~~ 600 dwelling units proposed; or

a) (ii) at a density of 20 units per hectare to 40 units per hectare, dedication of land in the amount, the greater of: five percent (5%) of the Net land area to be developed or redeveloped; or alternatively, dedication of land at a rate of ~~0.8~~ 1.0 hectare of the Net land area for each ~~300~~ 600 dwelling units proposed; or,

a) (iii) at a density greater than 40 units per hectare, dedication of land in the amount, the greater of: five percent (5%) of the Net land area to be developed or redeveloped; or alternatively, dedication of land at a rate of ~~0.6~~ 1.0 hectare of the Net land area for each ~~300~~ 600 dwelling units proposed;

5. That Section 9. of By-law 2024 – 058 be amended by adding the following paragraphs:

k) Child Care Centres

l) Accessory Residential Units (ARU's)

m) Non-Profit Housing

6. That this By-law shall come into full force and effect upon its final passage.

7. That this By-law may be cited as the “Parkland Dedication Amendment (1) By-law”

Read a First, Second and Third Time and Finally passed this 12th day of March, 2025.

Mayor

Clerk