

Standard Conditions for Consent Applications



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When approving an application for consent, including a new lot, lot addition or easement, Township Council will attach conditions to the decision. This is referred to as provisional consent. The application is required to fulfill all of the conditions before final approval and a **Certificate of Official** can be issued. The *Planning Act* requires that all conditions be fulfilled within **one year** of the date of the Notice of Decision; if conditions are not fulfilled, the consent application will lapse and require a new application and fees.

Below is a list of standard conditions which are commonly included with consent applications. The conditions attached to a particular decision will be listed in the **Notice of Decision**; please review the notice for specific conditions. If you are unsure how to complete a condition listed on your Notice of Decision and it is not listed here, please contact planning staff.

Please Note: You will require a surveyor and lawyer to fulfill the conditions and may require additional professional services such as an engineer. All costs associated with the fulfillment of conditions are the responsibility of the applicant and are beyond the application fee submitted to the Township.

Standard Conditions on All Consent Applications		
	Condition	Explanation
Timelines for Conditions	Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused.	All conditions are required to be met within one year from the date of the Notice of Decision.
Submission of Reference Plans or Legal Description and Certificate of Official	An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Township Clerk for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].	The applicant must submit: two paper copies of the registered reference plan, a copy of the deed, and the Certificate of Official (drafted by the applicant's lawyer) to the Township. All conditions are required to be met within one year from the date of the Notice of Decision.
Draft Reference Plan Submission	The surveyor or owner shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the	Surveyor or property owner shall circulate the draft reference plan to the Township for review before registering. This ensures that the survey matches the approved consent.

	Reference Plan with the Land Registry Office.	
Payment of Outstanding Taxes	Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.	This condition ensures that all taxes and local improvement charges have been paid to date.
Abandoned Wells	In the event that there are abandoned wells located on the property being severed, or the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment.	This condition requires any and all abandoned wells on the property to be plugged and sealed for safety. Please review the Ministry's Well Regulation – Well Abandonment .
Violations of Zoning By-law	Where a violation of the Township Zoning Bylaw is discovered, the appropriate planning approvals be obtained to the satisfaction of the Municipality.	It is the owner's responsibility to ensure that the appropriate planning approvals are obtained before the Certificate of Official is signed by the Township. For instance, this may include a minor variance or rezoning to recognize deficient frontage, area, or setbacks.
Cash-in-lieu of Parkland	The Township shall receive cash in lieu of parkland in accordance with the Township Bylaw No. 15-2013 [Planning Act, s. 51(1)].	The <i>Planning Act</i> permits the Township to collect up to 5% (residential) and 2% (commercial or industrial) of the value of the land instead of physically acquiring parkland. There are exceptions for lot addition and easement applications. Please review the definition for parkland dedication for more information.

Severance (New Lot Creation)		
	Condition	Explanation
Consent Approval Description	The land to be severed by Consent Application B-XX-XX-X shall be for the creation of one new lot with an area of X hectares with approximately X metres of frontage along XXXX Road and a minimum of XX meters of frontage along Lake Ontario or the St. Lawrence River	The survey submitted is required to match the approval from Council. This condition references the area and frontage approved by Council for the new lot created.

Lot Addition		
	Condition	Explanation
Consent Approval Description	The land to be severed by Consent Application B-XX-XX-X shall be for a lot addition parcel with an area of approximately XX hectares with approximately XX frontage along XXXX Road to be conveyed only to the abutting parcel (PIN XXXXXXXX).	The survey submitted is required to match the approval from Council. This condition references the area and frontage approved by Council for the lot addition and the parcel that the land is to be conveyed to.
Benefitting Land Transfer	The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as “insert legal description” and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.	This condition references the parcel that the lot addition land is to be conveyed to and prohibits the lot addition to be a standalone lot or to be transferred without the benefiting lands in the future.

Road Widening		
	Condition	Explanation
Road Widening Requirements	<p>The surveyor who prepares the reference plan referred to in Condition #X shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:</p> <ul style="list-style-type: none"> • The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road; • The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the 	This condition requires the surveyor to survey along the Township road allowance and lawyer to transfer any deficient area of land to the Township. The <i>Planning Act</i> and Township Official Plan permits Council to include this condition to transfer land along the Township road to ensure the proper width of the road allowance exists. The condition requires that if the centre of the road is less than 33 ft. away from the edge of the property line that this additional land be conveyed to the Township. This ensures that the Township has adequate land for future road works.

	<p>Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;</p> <ul style="list-style-type: none"> • The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of Frontenac Islands", and shall include the following attached to the Transfer/Deed as a Schedule: <ul style="list-style-type: none"> ○ "The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended." 	
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Easement or Right-of-way		
	Condition	Explanation
Rights-of-Way or Private Road Requirements	That the right-of-way to be created through Consent Application B-XX-XX-X, shall be surveyed and constructed in accordance with the private lane standards established in the County of Frontenac Private Roads (Lanes) Study 2016, to the satisfaction of the Township.	This conditions ensures that the rights-of-way or private roads (lanes), created by consent, meet minimum standards to ensure accessibility for emergency vehicles and are safe to navigate for their proposed use.
Description of Easement	The land to be severed by Consent Application B-XX-XX-X shall be for the creation of an easement with a width of 20 meters and length of approximately XX meters in favour of benefiting parcel identified as (PIN XXXXXXXX).	The survey submitted is required to match the approval from Council. This condition references the easement is required to be surveyed to a width of 20 meters and identifies the property(ies) that will have access to the easement. 20 meters is a standard width for new easements being surveyed; the travelled portion of the road is less than 20 meters wide.
Rights-of-Way or Private Road Approvals	That prior to the signing of the Certificate of Official, that the right-of-way is accessible to emergency vehicles to the satisfaction of the Public Works Manager and Fire Chief, or their designate, as per the Frontenac County Private Roads (Lanes) Study, 2016.	This condition is a requirement for legalizing existing private lanes or for extensions to private lanes and rights-of-way. If the right-of-way is not accessible by emergency vehicles, the consent application will not move forward.

Deeded Access		
	Condition	Explanation
Deeded Access Requirements	That prior to the signing of the Certificate of Official for the lot to be created through Consent Application B-XX-XX-X, the owner(s) shall demonstrate to the satisfaction of the Township that the lot has a legal, deeded access.	This condition is a requirement for creating a new lot that ensures that the lot being created can be legally accessed.

Zoning By-law Amendment (Rezoning)		
	Condition	Explanation
Zoning By-law Requirement	That prior to the signing of the Certificate of Official for the lot addition/lot to be created through consent application B-XX-XX-X, the lot addition/lot creation parcel be rezoned from “insert current zoning” to “insert new zoning”. Please see Township planning staff to begin this process.	This condition is a requirement for creating a new lot that in intended for a use that is not supported under the current zoning, or creates a parcel which is no longer suitable for the uses listed in the existing zoning. A zoning by-law amendment is required. The applicant should review the resources on the Township website and contact planning staff for more information.

Entrance Permit		
	Condition	Explanation
Entrance Permit Requirement	That prior to the signing of the Certificate of Official for the lot to be created through Consent Application B-XX-XX-X, the owner(s) apply and obtain an entrance permit from the Township.	This condition is required to ensure that the new or retained lot can be accessed from the Township Road. If a suitable entrance cannot be found, the consent application will not move forward.

Requirement for Study		
	Condition	Explanation
Study Requirements	That prior to the signing of the Certificate of Official, a(n) "insert type of study" will be completed to the satisfaction of the Township indicating support for the subject development. The following site conditions must be addressed: **Insert required site condition information**	Consent Applications may require additional studies to ensure it can support the development that the consent approves. This condition requires that additional studies are completed to ensure development can be appropriately supported and there will be no negative impact on the surrounding environment. If the studies do not support the approved development, the consent will not move forward.

Requirement for an Agreement (Site Plan or Development)		
	Condition	Explanation
Agreement Requirements	That the Owner(s) shall enter into a Development/Site Plan Agreement for the lot(s) to be created through Consent Application(s) _____. This Agreement shall be registered on title, binding on all owners, heirs, and assigns, to address the development of the lot, including lot grading, drainage and entrance requirements.	It is common for a consent application to require the property owner to enter into a development or site plan agreement with the Township to ensure development proceeds in an orderly manner and that any site specific conditions are upheld by future property owners

Requirement for a Survey Demonstrating a Building Envelope		
	Condition	Explanation
Building Envelope Requirements	The surveyor who prepares the reference plan referred to in Condition #X shall also demonstrate the presence of a suitable building envelope on the proposed lot to be created, which complies with all provisions in the Township Zoning By-law and all policies within the Township Official Plan to the satisfaction of the Township.	This condition ensures that a suitable building envelope exists on the lot to be created that meets all of the requirements (e.g. setbacks from natural features, hydro lines, steep slopes). If a suitable building envelope cannot be demonstrated, the consent application will not move forward.

Shared Wells		
	Condition	Explanation
Well Sharing Agreement	That a well sharing agreement be prepared and registered on title for both the subject parcel and benefitting lands to the satisfaction of the Township.	This condition ensures there is a legal agreement addressing well maintenance and management between the property where the well is located and the benefitting lands that will be using the well.

Key Terms in Consent Conditions

Certificate of Official – The Certificate of Official is prepared by the applicant’s lawyer and is forwarded directly to Township planning staff. The Certificate cannot be signed by Township staff until all of the conditions of consent have been met. Please provide your lawyer with a copy of the Notice of Decision and survey so that they may prepare the Certificate of Official. The Secretary-Treasurer of Council (Township staff) will sign the Certificate of Official and return it directly to your lawyer.

Building Envelope – The building envelope is the area on the subject property that is developable when all required provisions of the zoning by-law have been met. Building envelopes are limited by natural features such as wetlands and waterbodies, setbacks to these features, rights-of-way, hydro lines and other restrictions imposed by the zoning by-law or other policies.

Development Agreement - A development agreement is a legally binding contract between a property owner and the municipality to ensure a site is developed in a particular manner, which is registered on title. Development agreements are typically required where the proposed development is small in scale and does not warrant a full site plan agreement.

Notice of Decision – The Notice of Decision is the official decision of Council that includes the conditions imposed by Council. The notice will be mailed or emailed to the applicant within 15 days of the Council meeting. It is important to review the decision to ensure that you understand all of the conditions. In addition to the conditions, the notice also has important information about appeal rights and dates. Please forward a copy of the decision and application to your lawyer and surveyor to assist with fulfilling conditions.

Parkland Dedication – Parkland dedication is collected as cash-in-lieu in accordance with By-law #15-2013 for the Township of Frontenac Islands. Cash-in-lieu for waterfront properties is evaluated based on 5% of the total value of the land on the day before the provisional consent was given. Values of land may be appraised by a qualified professional realtor, a professional appraiser, or dictated by a sale price in the past two years, provided no changes that would impact value have been made.

Non-waterfront lots have a flat rate of \$1,000. There is also a reduced rate of \$200 for both waterfront and non-waterfront lots for the following consents:

1. A technical severance;
2. Right-of-ways or easements;
3. Correcting encroachment problems;
4. Lot additions;
5. Where a severed and retained lot has an existing dwelling unit; and
6. A severance for a residence surplus to a farming operation

For more information, please see the Parkland Dedication By-law #15-2013.

Site Plan Agreement - A site plan agreement is a legally binding contract between the Township and a property owner that identifies the manner in which a parcel of land is to be developed and maintained after construction. It includes financial deposits by the developer or property owner which act as guarantees until after construction has been completed.

Attachment 1 – Standards for private rights-of-way.