

**THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS
BY-LAW NO. 15-2013**

**BEING A BY-LAW TO ADOPT A POLICY ON THE DEDICATION OF
PARKLAND OR ALTERNATIVELY, CASH-IN-LIEU OF PARKLAND**

WHEREAS the Corporation of the Township of Frontenac Islands wishes to establish a policy regarding the dedication of land for parks or other recreational purposes; and

WHEREAS the Corporation of the Township of Frontenac Islands is authorized pursuant to Section 42 of the Planning Act, R.S.O. 1990 P.13. to request parkland dedication as a condition of approval for the development or redevelopment of lands; and

WHEREAS the Corporation of the Township of Frontenac Islands is authorized pursuant to Section 51.1 of the Planning Act, R.S.O. 1990 P. 13 to request parkland dedication as a condition of approval of Plans of Subdivision;

WHEREAS the Corporation of the Township of Frontenac Islands is authorized pursuant to Section 53(13) of the Planning Act, R.S.O 1990.P. 13. to request parkland dedication as a condition of approval for consents; and

WHEREAS the Corporation of the Township of Frontenac Islands recognizes that the creation of new lots and other development and re-development adds to the need for additional parkland in the Township, the Township will endeavour to acquire additional parkland to service the new development and to upgrade existing facilities to meet new demands.

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS ENACTS AS FOLLOWS:

1. SUBDIVISIONS/CONDOMINIUMS OR CONSENTS

a) Council may require land to be dedicated for park or other recreational purposes not more than 2% of the land to be subdivided for commercial or industrial purposes and not more than 5% of land to be subdivided for residential purposes.

b) The location of any park land dedication shall be subject to the approval of Council, and shall not include lands for stormwater, easements, utility corridors, steep slopes, ponds and wetlands, and other non-usable lands.

c) Alternatively, Council may require the payment of cash-in-lieu of land dedication in accordance with the policies and rates found in Schedule A of this by-law.

2. DEVELOPMENT OR RE-DEVELOPMENT OF LANDS

a) The Township will, during the review process, assess the appropriateness of a 5% dedication of land in the case of all multiple residential development or re-development not covered at present or in the past by a consent or draft plan of subdivision or condominium.

b) The Township will, during the review process, assess the appropriateness of a 2% dedication of land in the case of commercial/industrial development or re-development, not covered at present or in the past by parkland dedication. Parkland dedication under this section shall be waived for agricultural, institutional, and public uses, as well as buildings being replaced as a result of demolition or accidental loss.

c) The location of the land shall be subject to the approval of the Township, and shall not include lands for stormwater, easements, utility corridors, steep slopes, ponds and wetlands, and other non-usable lands.

d) The Township will establish the specific amount of parkland to be dedicated, require the dedication as a condition for obtaining a building permit, and implement the actual property transfer through an agreement.

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e) The Township may require the payment of cash in lieu of the land dedication, or a combination of land and money. This shall be based on the value on the day before the issuance of the building permit. The Township may request an appraisal, to be completed by the applicant, to determine the value of the lands.


3. This by-law applies to the entire geographic extent of the Township of Frontenac Islands

4. Any and all by-laws of parts hereof conflicting with this by-law are hereby repealed

5. This by-law shall come into force and take effect on the date of final passing by the Council of the Township of Frontenac Islands.

Read a first and second time this 8th day of July, 2013.

Read a third time and finally passed this 8th day of July, 2013.



Denis Doyle, Mayor



George Luhowy, CAO/Clerk/Treasurer

SCHEDULE 'A' TO BY-LAW 15-2013

PARKLAND DEDICATION IMPLEMENTATION

PART I: RESIDENTIAL PLANS OF SUBDIVISION AND PLANS OF CONDOMINIUM

The Township will require payment of the value of the 5% of land otherwise required to be conveyed. Such payment amount and value of the land will be determined as of the day prior to the approval of the draft plan of subdivision or condominium by appraisal to be completed by the applicant.

PART II: RESIDENTIAL CONSENTS

The Township may require the payment of cash in lieu of land dedication on the following basis:

Location	Value	Implementation
Waterfront	5% of the total value of the land on the day before the provisional consent was given.	1. Opinion of value letter from realtor (with comparable properties); 2. Professional appraisal; or 3. Sale price within the last two years to determine the value, provided the sale was at market value/arms length, and no changes that would impact land value have been made. The value of the land before the consent is given will be calculated at 2/3rds of the total value determined above. E.g. A \$60,000 lot will be valued at \$40,000 before the consent and the parkland dedication would be 5% of the \$40,000.
Non-Waterfront	\$1,000	Flat rate for non-waterfront properties.
Reduced Rate	\$200	The reduced rate will be charged for the following types of consents: 1. A technical severance (e.g. correction of deeds, quit claims, natural severance); 2. Grants of right of way or easements; 3. Correcting encroachment problems; 4. Lot additions; 5. Where a severed or retained lot has an existing dwelling unit. 6. A severance for a residence surplus to a farming operation

The 5% parkland dedication or cash in lieu of parkland dedication will be assessed for all division of land through the consent process and will include:

1. The severed parcel or parcels;
2. The retained parcel or parcels, if the parcels are similar in character to the severed and have little potential for further division;

Council may waive the requirement for parkland dedications by resolution.

PART III: LAND DIVISION FOR COMMERCIAL/INDUSTRIAL PURPOSES

Where a commercial or industrial consent is granted and land for parks is not requested, a 2% cash-in-lieu of parkland request will be imposed. To determine the values, the Township may request an appraisal, to be completed by the applicant, of the severed and/or retained parcel(s). Parkland dedication under this section shall be waived for agricultural, institutional and public uses,

PART IV: GUIDANCE FOR REQUEST OF LAND RATHER THAN CASH-IN-LIEU

Circumstances under which land dedication may be appropriate, but are not limited to the following:

1. Where division of land or development or redevelopment abuts an existing park or other public lands suitable for parkland development and where such public lands would benefit from expansion;
2. Where division of land or development or redevelopment abuts a shore road allowance leading to water that provides, or has the potential to provide, public access to water and where such access would benefit from the acquisition of additional lands for improved access, parking facilities or buffering from adjacent uses;

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3. Where a portion of the Township in which the division of land or development or redevelopment is proposed is deficient in public parkland;
4. Where the potential exists to acquire over a period of time, areas of suitable size and dimensions (i.e where a series of normally unsuitable wedges be acquired over time to form a suitable park facility); and
5. Where lands have been identified in a Community Improvement Plan or other Council-approved document that indicate the desire for parkland in this area.

PART V: DISPUTE RESOLUTION

Any dispute between the applicant and the Township over the assessed value of the lands shall be addressed by the following procedures:

- i) The Township and the applicant shall choose a mutually acceptable and suitably qualified appraiser to conduct an independent appraisal of the property; and
- ii) The appraiser shall be retained by the Township to undertake the appraisal at the applicants' expense; and
- iii) The results of the independent appraisal shall be used to calculate the cash in lieu of parkland dedication as outlined in this By-law; and
- iv) If after the independent appraisal is completed, there continues to be a dispute between the parties over the value of the lands, either party may apply to the Ontario Municipal Board to have the value determined in accordance with Section 42(10) of the Planning Act, R.S.O. 1990.

PART VI: ADMINISTRATION

1. The Township of Frontenac Islands should issue a receipt acknowledging the payment of the cash in lieu of parkland.
2. For parkland dedication or cash in lieu, it should be determined if a fee or dedication was previously made through a previous planning application.