

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2023-104**

**BEING A BY-LAW TO ESTABLISH A PROCESS FOR THE CONVEYANCE
OF PARKLAND AND FOR VALUATING CASH-IN-LIEU PAYMENTS
REQUIRED AS A CONDITION OF CONSENT APPLICATIONS OR PLANS
OF SUBDIVISION OR CONDOMINIUM AND REPEAL BY-LAW 2017-16**

WHEREAS, Sections 42, 51, 51.1 and 53 of the *Planning Act*, R.S.O. 1990 as amended, authorize Council to pass a by-law requiring land or cash-in-lieu of land to be conveyed to the municipality for park or other public recreational purposes as a condition of development, redevelopment, or subdivision of land(s); and

AND WHEREAS the Council of The Corporation of The Township of South Frontenac has adopted an Official Plan that contains policies with respect to the provision of lands for park or other public recreational purposes; and

AND WHEREAS the Council of The Township of South Frontenac deems it necessary to repeal and replace By-Law Number 2017-16, a by-law to establish a process for the conveyance of parkland and for valuating parkland cash-in-lieu payments required as a condition of consent applications or plans of subdivision or condominium;

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. Definitions:

- (a) "Cash-in-lieu" means a payment of money for park or other public recreational purposes which is collected instead of a conveyance of land which would otherwise be required to be conveyed pursuant to the parkland provisions of the *Planning Act* as incorporated into this by-law.

- (b) "Owner" means the registered owner of the land to be developed, redeveloped, or subdivided.

Parkland Conveyance:

- 1. That the Township of South Frontenac may require up to two percent of the land as a condition of consent or plan of subdivision or condominium application to create industrial or commercial lots, or five percent of the land for consent application or a plan of subdivision or condominium in all other cases.

- 2. That all lands to be conveyed pursuant to this By-law must be in a location and condition which is satisfactory to the Township. The Township may not elect to accept the conveyance of any land which it deems unsuitable or undesirable for its intended purpose due to constraints caused by the parcel configuration, size, or location. Factors which will be considered in determining the suitability of the parcel for conveyance to the Township include but are not limited to:
 - i. Whether the lands have or will have safe access from a year-round maintained public road;
 - ii. Whether the lands are adequately sized to accommodate park amenities such as sports fields, playgrounds, beaches;
 - iii. Whether the lands are favourably located within the context of the development;
 - iv. Whether the lands are abutting complementary uses;

- v. Whether the conveyance of lands is in line with the Official Plan, applicable secondary plan requirements, or the Township's Recreation, Parks & Leisure Master Plan;
 - vi. Whether the lands are located within environmental protection areas and/or lands associated with flooding or erosion hazards; and
 - vii. Whether the topography of the subject lands is conducive to the creation of recreational amenities.
3. That if the Township is unsatisfied with the condition of the land due to disturbances including the dumping of debris, unconsolidated fill, the removal of topsoil, or contamination prior to or during the process of development, the Owner must restore the land to a condition that is satisfactory to the Township prior to conveyance occurring.
 4. That the following lands will be discouraged as part of the required lands for parkland conveyance:
 - a. Stormwater management facilities;
 - b. Roads or road allowances;
 - c. Utility corridors;
 - d. Contaminated lands which have not been fully remediated;
 - e. Areas with topographical constraints which could pose a danger to users or that precludes the possibility of the development of recreational uses, including, but not limited to rock outcroppings, wetlands, and areas characterized by steep slopes;
 - f. Lands which are subject to liens, easements, or rights-of-way;
 5. That the Township may, at its discretion, accept any lands over and above the required parkland conveyance and may incorporate these lands into the Township's park system.
 6. That the Township may, at its discretion, accept conveyed lands which are not contiguous with each other, or with the lands related to the development in question, provided that the value of these lands is approximately equal to the value of the lands which would be otherwise conveyed.

Cash-In-Lieu of Parkland Conveyance:

7. That the Township of South Frontenac may require up to two percent of the land value as a condition of consent or plan of subdivision or condominium application to create industrial or commercial lots, or five percent of the land value for consent application or a plan of subdivision or condominium in all other cases.
8. That the preference of Council is a cash-in-lieu payment rather than the conveyance of parkland unless proposed lands to be conveyed are in alignment with the Township's Recreation, Parks & Leisure Master Plan.

Appraisal:

9. That the amount of payment in lieu required by this By-law shall be based on a valuation of the land as of the day before the day of the approval of the draft plan of subdivision or draft plan of condominium;
10. That a valuation for a parkland cash-in-lieu payment for a lot created by consent may be provided by a qualified professional realtor chosen by the Township;
11. That a valuation for a parkland cash-in-lieu payment for a plan of subdivision or plan of condominium shall be provided by a qualified and certified professional appraiser or valuator with an OA-AIC, AACI, P. App or CRA

designation - such appraiser to be chosen by the Township;

12. That an additional valuation for a parkland cash-in-lieu payment for a plan of subdivision or plan of condominium may be provided by a qualified and certified professional appraiser or valuator with an OA-AIC, AACI, P. App or CRA designation - such appraiser to be chosen by the Owner;
13. That the valuations noted in item #11 and #12 above shall be brought to Council for a final determination of the value of the land;
14. That all costs associated with the conveyance of land as described in this By-law shall be the responsibility of the Owner.
15. That a flat fee of \$100.00 shall be required as the amount of parkland cash-in-lieu as a condition of approval for any consent application for a lot addition;

Budget:

16. That the Township shall spend or allocate at least 60 percent of the monies that are within the special account intended for a parkland reserve fund at the beginning of each calendar year.
17. This by-law shall come into force in accordance with sections 42, 51, 51.1 and 53 of the *Planning Act*, R.S.O.1990, either on the date of passage or as otherwise provided by sections 42, 51, 51.1 or 53.
18. That all other by-laws establishing a process for the conveyance of parkland and for valuating cash-in-lieu payments are hereby repealed.

Dated at the Township of South Frontenac this 19th day of December 2023.

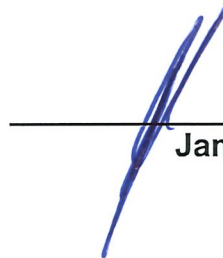
Read a first and second time this 19th day of December 2023.

Read a third time and finally passed this 19th day of December 2023.

The Corporation of the Township of South Frontenac



Ron Vandewal, Mayor



James Thompson, Clerk