

**THE CORPORATION OF THE  
TOWNSHIP OF CENTRAL FRONTENAC**

**BY-LAW # 2011-03**

Being a bylaw to provide for Parkland Dedication and Cash In Lieu payments to the municipality pursuant to provisions of the Planning Act and to rescind By-law 1999-36.

---

**WHEREAS** sections 42, 51.1 and 53 of the Planning Act R.S.O. 1990, c.P13, as amended, authorize Council to pass a by-law to require that part of land proposed for development or redevelopment be conveyed to the municipality for park or other public recreational purposes, or require payment in money of the value of the land required to be conveyed in lieu of a conveyance.

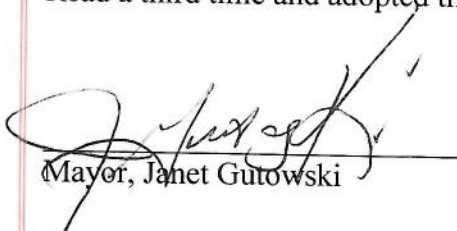
**NOW THEREFORE** the Council of the Corporation of the Township of Central Frontenac hereby enacts as follows:

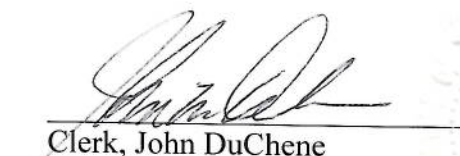
1. This by-law shall apply to all land within the boundaries of The Corporation of the Township of Central Frontenac (herein called the "Township")
2. Development or redevelopment of land shall include but not be limited to approval of a plan of subdivision pursuant to Section 51 of the Planning Act, R.S.O. 1990, c P.13, as amended, and approval of a consent pursuant to Section 53 of the Planning Act, R.S.O. 1990, c.P13, as amended.
3. If a land division committee or a committee of adjustment has had or will have delegated to it the authority for the giving of consents pursuant to Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, any reference in this by-law to the Council of the Township of Central Frontenac shall be deemed to be a reference to the land division committee or committee of adjustment.
4. As a condition of development or redevelopment of any land, the Township shall require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 percent be conveyed to the Township for park or other public recreational purposes. As a condition of development or redevelopment of land proposed to be developed or redeveloped for any purpose other than commercial or industrial purposes, the Township shall require land in an amount not exceeding 5 percent be conveyed to the Township for park or other public recreational purposes."
5. The Township will require the payment of money to the value of the land otherwise required to be conveyed under this by-law in lieu of the conveyance.
6. For the purpose of determining the amount of any payment required under Section 5 of this By-law, the value of the land shall be determined by suitably accredited appraisal evidence or other evidence acceptable to the Township and :
  - (a) in the case of a condition to the approval of a plan of subdivision, the value of the land shall be determined as of the day before the day of approval of the draft plan of subdivision;
  - (b) in the case of a condition to the giving of a provisional consent, the value of the land shall be determined as of the day before the day the provisional consent was given; or
  - (c) in all other cases, the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, where more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.
7. Should the Township not be satisfied with the appraisal evidence provided by the owner of the land, the Township reserves the right to obtain independent appraisal evidence.

8. Notwithstanding Sections 4 and 6(b) of this By-law and subject to the provisions as set out herein, the amount payable in the case of a condition to the giving of a provisional consent where the land being severed is to be conveyed to family members shall be \$100.00. Family members shall mean the parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces or nephews of the owner or an individual who is the parent, grandparent, child, grandchild, sibling, aunt, uncle, niece or nephew of the owner. In any such event, a condition shall be affixed to the deed bearing the certificate of approval stating:
- “If the lands herein are conveyed to any third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended and further  
That if the lands herein are sold to any party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.”
9. Notwithstanding Sections 4 and 6 (b) of this By-law, Council may, in its discretion, impose an amount of land to be conveyed or the payment of money in lieu of the value of the land otherwise required to be conveyed as a condition of a provisional consent as Council deems appropriate by resolution. Application for relief pursuant to this section should be requested prior to any decision of the Committee of Adjustment, but in the event that relief is not requested prior to a decision, the Committee of Adjustment may amend the conditions of provisional consent to ensure they are consistent with any resolution of Council given in accordance with this By-law.
10. If land has been conveyed or is required to be conveyed to the Township for park or other public purposes or a payment of money in lieu of such conveyance has been received by the Township or is owing to it under this By-law, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment will be required by the Township in respect of subsequent development or redevelopment unless,
- (a) there is a change in the proposed development or redevelopment which would increase the density of development; or
  - (b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes.
11. If there is a change under Section 10 of this By-law, the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this By-law on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made.
12. In the event of a dispute between the Township and an owner of land on the value of land under Section 6 of this by-law, either party may apply to the Ontario Municipal Board to have the value determined and the Board shall, in accordance as nearly as may be with the Expropriations Act, determine the value of the land and, if a payment has been made under protest under subsection 42(12) of the Planning Act, R.S.O. 1990, c. P.13, as amended, the Board may order that a refund be made to the owner and, in any event, the Board shall make a final determination of the matter.
13. This by-law repeals by-law 1999-36 and shall come into full force and effect on the date of passing hereof.

Read a first and second time this 11 day of January, 2011.

Read a third time and adopted this 11 day of January, 2011

  
Mayor, Janet Gutowski

  
Clerk, John DuChene

