

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

By-law No. 2012-081

“Being a By-law to establish a policy on Parkland Dedication or alternatively, Cash-In-Lieu of Parkland for The Corporation of the Township of Seguin”

WHEREAS, the Council of The Corporation of the Township of Seguin recognizes the importance of providing a consistent approach when addressing the matter of parkland dedication or, alternatively, cash-in-lieu of parkland dedication relating to the development of plans of subdivision, condominium, consents, and the redevelopment of lands;

AND WHEREAS, the Council of The Corporation of the Township of Seguin recognizes that the creation of new lots by plan of subdivision and consent, condominium development and intensification through redevelopment of lands adds to parkland needs of the Municipality;

AND WHEREAS, the Council of The Corporation of the Township of Seguin will endeavor to acquire additional parkland or public recreational amenity areas to service new development, and to maintain and upgrade existing facilities to meet current and future demand;

AND WHEREAS, pursuant to Sections 42, 51, 51.1 and 53 of the Planning Act, R.S.O. 1990, Chapter P.13 (as amended), a municipality is authorized to require payment of cash-in-lieu of parkland dedication;

NOW THEREFORE the Council of The Corporation of the Township of Seguin hereby enacts as follows:

Policy

1. Plan of Subdivision or Plan of Condominium Dedications

1.1 As a condition of the approval of a draft plan of subdivision or condominium the owner shall be required to convey to the Township, lands for park or other public recreational purposes in accordance with the following:

- a) The dedication of lands shall be based upon the total lands in the plan inclusive of all lots, blocks and/or reserves at a rate of 5% for residential plans and at a rate of 2% for commercial and/or industrial plans. Where a plan contains a mixture of proposed uses

(i.e. Commercial and Residential) the 2% rate shall apply to only those lots/blocks that are zoned for such non residential uses.

- b) The location and configuration of land required for park or other public recreational purposes shall be at the discretion of Council, and priority will be given to acquisition of land for park and other recreational purposes in suitable settlement area and waterfront locations.
- c) Lands that are required to be conveyed to the Township pursuant to the draft plan conditions, for the provision of municipal services or which are identified as hazard lands or environmental protection areas shall not be considered as or deemed to be a component of the dedication required under subsection a).

1.2 As an alternative to requiring a conveyance of land, where Council is satisfied that there is no apparent public benefit to the acquisition of land for park or other public recreational purposes, Council may require the payment of cash in lieu of parkland. The circumstances under which Council will consider the conveyance of land to provide or produce a public benefit may include the following:

- a) Where the land abuts an existing public park or public lands suitable for parkland development and where such public lands would benefit from expansion.
- b) Where the land abuts a 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.
- c) Any other situation where Council determines that the addition of parkland or other public recreational amenity area is appropriate.

1.3 Where Council is satisfied that there is no apparent benefit to the acquisition of land for park or other public recreational purposes, Council will require a cash in-lieu of parkland payment calculated upon the value of the lands at the following rates:

- a) For commercial and/or industrial plans, - Two percent (2%).
- b) For residential plans - Five percent (5%).

Where a plan includes a mixture of uses, the 2% value shall be applied to that proportionate area of the lands zoned for commercial or industrial uses.

- 1.4 For the purposes of determining the value of the lands (as required under section 1.3) and any cash in lieu payment based thereon,
 - a) The Township shall retain a qualified professional appraiser at the Owner's expense to conduct an independent appraisal of the property.
 - b) The subject lands shall be assessed based on a "vacant land value" of the parcel, valued as of the day before approval of the draft plan.
- 1.5 Where possible, Council shall endeavor to include the cash in lieu amount determined hereunder in the conditions of draft plan approval.

2. Consents

- 2.1 As a condition of the issuance of a consent to sever, subject to the exemptions set out in section 2.5 below, the owner shall be required to convey to the Township, lands for park or other public recreational purposes in accordance with the following:
 - a) The dedication of lands shall be based upon the total area of the severed parcel or parcels of land at a rate of 5% for residential uses and at a rate of 2% for commercial and/or industrial uses.
 - b) The location and configuration of land required for park or other public recreational purposes shall be at the discretion of Council, and priority will be given to acquisition of land for park and other recreational purposes in suitable settlement area and waterfront locations.
 - c) Lands that are required to be conveyed to the Township pursuant to the conditions to severance, for road widening or other municipal services or which are identified as hazard lands or environmental protection areas shall not be considered as or deemed to be a component of the dedication required under subsection a).
- 2.2 As an alternative to requiring a conveyance of land, where Council is satisfied that there is no apparent public benefit to the acquisition of land for park or other public recreational purposes, Council may require the payment of cash in lieu of parkland. The circumstances under which Council will consider the conveyance of land to provide or produce a public benefit are those set out in subsections 1.2 (a)(b) and (c).

- 2.3 Where Council is satisfied that there is no apparent benefit to the acquisition of land for park or other public recreational purposes, Council will require a cash in-lieu of parkland payment calculated upon the value of the lands at the following rates:
- a) For commercial and/or industrial consents, - Two percent (2%).
 - b) For residential consents - Five percent (5).
- 2.4 For the purposes of determining the value of the land (severed parcel or parcels) for the purposes of Section 2.3:
- a) For commercial and industrial properties, the subject lands shall be assessed based on a "vacant land value" of the severed parcel or parcels, as of the day before provisional approval of the consent. The Township shall retain a qualified professional appraiser to conduct an independent appraisal of the property, at the Owner's expense.
 - b) For residential properties and all other properties, the following formulas shall apply:
 - i. For rural, rural residential, and settlement areas the value of the lands shall be based upon per square metre value of the applicant's entire landholding as derived using the most current Municipal Property Assessment Corporation (MPAC) assessment and applying such per square metre assessed value to the area of the severed parcel or parcels.
 - ii. For shoreline residential lot creation, The Township shall retain a qualified professional appraiser at the Owner's expense to conduct an independent appraisal of the property; the subject lands shall be assessed based on a "vacant land value" of the parcel, as of the day before provisional consent approval is given.
- 2.5 A parkland dedication or cash in lieu of parkland payment will not be requested or imposed as a condition in the following circumstances:
- a) A consent to recreate one or more parcels that have inadvertently merged in title (i.e. Technical Severance);
 - b) A consent to grant an easement or right-of-way, mortgage or change of land, or grant, assign or exercise power of appointment

in respect of the land or enter into an agreement in respect of the land.

- c) A consent to convey a parcel of land(s) where no new lot is created (i.e. Boundary Adjustment).
- d) A consent is being made by a public authority or for utilities.

3. Redevelopment

- 3.1 Where development or “redevelopment” of existing lots is proposed, the owner shall be required to convey to the Township, lands for park or other public recreational purposes. The dedication of lands shall be based upon the total area of the lot or lots being developed or re-developed at a rate of 5% for residential uses and at a rate of 2% for commercial or industrial uses.
- 3.2 As an alternative to requiring a conveyance of land, where Council is satisfied that there is no apparent public benefit to the acquisition of land for park or other public recreational purposes, Council may require the payment of cash in lieu of parkland. The circumstances under which Council will consider the conveyance of land to provide or produce a public benefit are those set out in subsections 1.2 (a)(b) and (c).
- 3.3 Where Council is satisfied that there is no apparent benefit to the acquisition of land for park or other public recreational purposes, Council will require a cash in in-lieu of parkland payment calculated upon the value of the land at the following rates:
 - a. For commercial and/or industrial uses, - Two percent (2%).
 - b. For residential uses - Five percent (5%).
- 3.4 For the purpose of section 3.3, the Township will retain a qualified professional appraiser at the Owner’s expense to conduct an independent appraisal of the lot or lots being developed or redeveloped and such lands shall be valued as of the day before a building permit(s) is (are) issued.

The dedication of land or payment of cash in lieu for parkland shall be subject to Section 42(7) of the Planning Act. Where the circumstances outlined in Subsection 42(7) (a) or (b) exist, the owner’s dedication or payment shall be reduced by an amount commensurate with the original dedication or payment.

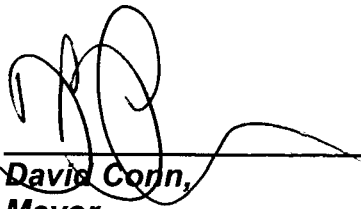
4. Value of Land

- 4.1 Vacant Land Value – Where the value of land is required, under this by-law, to be determined through an appraisal, such appraisal shall determine the value of the land as though it were a vacant parcel of land notwithstanding the existence of any buildings on the parcel.
- 4.2 Where the value of land is not required, under this by-law, to be determined through an appraisal, the value of the land shall not include any buildings or improvements thereon as included in the MPAC assessment.

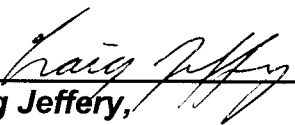
5. Effective Date

This By-law shall take effect from the date of passage by Council and shall come into force in accordance with the provisions of the Planning Act R.S.O. 1990, Chapter P.13 as amended.

BY-LAW READ a FIRST, SECOND and THIRD TIME, PASSED and ENACTED
this 5th day of November, 2012.



David Conn,
Mayor



Craig Jeffery,
Clerk