



**Corporation of the Town of Ingersoll
By-Law 22-5227**

A by-law to provide for the conveyance of land for park and other recreational purposes as a condition of development, redevelopment and subdivision of land for residential purposes and to repeal by-law 13-4732

WHEREAS 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, authorize local municipalities to pass by-laws requiring that land or cash-in-lieu thereof be conveyed to the local municipality for park or other public recreational purposes as a condition of development or redevelopment of land, the subdivision, or the granting or provisional consent over land; and

WHEREAS policies contained within the Oxford County Official Plan pertain to the conveyance of land or cash-in-lieu thereof to the Town for park or other public recreational purposes as a condition of development or redevelopment under the *Planning Act*; and

WHEREAS Council deems it necessary and expedient to enact a by-law to provide for the provision of lands or cash-in-lieu thereof for park or other public recreational purposes and the use of alternative requirements as set out in the *Planning Act* and the Town's Official Plan; and Whereas Sections 23.1 to 23.3 of the *Municipal Act* authorize the delegation of powers or duties of the municipality subject to restrictions;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll hereby enacts as follows;

1.0 Definitions

1.1 Definitions in this by-law,

“Act” means the *Planning Act*, R.S.O. 1990, c.P.13 as amended from time to time.

“Cash-in-Lieu” means the payment of funds equivalent to the value of the amount of land that the Town would otherwise have been entitled to require to be conveyed for park purposes as part of a development. The payment of cash-in-lieu is usually required as a condition of development approval and is assessed as the value of the land the day before the Town grants approval for the development, as specified in the *Planning Act*.

“Development” means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishing of a commercial parking lot.

“Eligible Project” means:

- (a) Acquisition of land for public park purposes.
- (b) Capital projects for the development of new public parks which may include any associated site preparation and drainage; the provision of park facilities, such as, play equipment, sports fields and pathways.
- (c) Capital projects to increase the capacity of existing public parks to accommodate more intensive public use; the provision of additional park facilities, for example, play equipment, splash

pads and site furniture.

“Environmental Lands or Environmentally Sensitive Areas” means any lands not to be developed for commercial, industrial or residential purposes due to the presence of natural heritage features and functions or natural hazards as will be established in accordance with the Provincial Policy Statement, the County of Oxford Official Plan, and/or the Town of Ingersoll Comprehensive Zoning By-law, all as in effect at the time of establishment of the conveyance requirement.

“Redevelopment” means the removal of a building or structure from land and the further development of the land or the substantial renovation of a building or structure and a change in the character or density of the use in connection therewith.

2.0 Statement

2.1 The Town shall ensure a consistent approach to parkland conveyance or cash-in-lieu of parkland dedication and the appropriate use of all funds collected for the provision of park and recreational purposes, pursuant to Sections 42 and 51.1 of the Planning Act, by defining the purposes for which ‘cash-in-lieu’ may be used and by establishing the mechanisms by which the ‘cash-in-lieu’ funds are accessed and accounted.

3.0 Purpose

3.1 The purpose of this by-law is:

- (a) To identify the amount of land which is to be conveyed or in lieu of the conveyances the amount of payment of money based on the value of the land and intended use.
- (b) To identify the purposes for which funds, in the Town’s cash-in-lieu of parkland accounts, may be used.
- (c) To ensure that funds in ‘cash-in-lieu’ accounts are used for eligible projects.
- (d) To identify the circumstances under which the Chief Administrative Officer, the Director of Parks and Recreation and the Director of Finance/Treasurer have delegated authority from Council to access and use funds in ‘cash-in-lieu’ accounts.

4.0 General Provisions

4.1 This by-law applies to all land located within the geographic boundaries of the Town of Ingersoll.

4.2 During the review process of a draft plan of subdivision or condominium, zoning by-law amendment, site plan application or consent application, the application and any associated plans, during its circulation process, will be reviewed by the appropriate Department Head for their comment as to the suitability and desirability of parkland. Following the review, the Department Head will recommend to acquire new parkland, the acceptance of cash-in-lieu of parkland dedication or an appropriate combination thereof in accordance with this by-law.

4.3 The applicant for the subdivision of land or the owner responsible for its development or redevelopment shall dedicate land to the Town as required by legislation or shall provide conveyance and/or cash-in-lieu as required by the Town as set out in this by-law.

4.4 Where a developer wishes to front end the cost of a park to enhance the sale- ability of their development, park/sports equipment, trees and fencing and site planning shall be provided by the developer to the requirements of the Town.

4.5 If land has been conveyed or is required to be conveyed to the Town for park purposes or a payment in lieu of such conveyance has been received by the municipality or is owing to it under section 51.1 or 53 of

the *Planning Act*, no additional conveyance or payment will be required by the municipality 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 the development; or, (b) land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for residential or other uses.

4.6 The following shall be exempt from the provisions of this by-law:

- Development or redevelopment consisting solely of an Additional Residential Dwelling unit as permitted by the Official Plan or Zoning By-Law;
- Replacement of any building due to acts of nature or catastrophe provided that the total GFA of the replacement building does not exceed that of the prior building;
- Development or redevelopment undertaken by the Corporation of the Town of Ingersoll or the County of Oxford;
- Development or redevelopment of public utility buildings; and
- Additions or interior renovations that do not result in the increase of dwelling units.

4.7 This by-law shall be reviewed every five years or as necessary to confirm or determine land values.

5.0 Conveyance of Land

As a condition of subdivision or the development or redevelopment of lands in the Town of Ingersoll, the owner is required to convey to the Town land for park or other public recreational purposes as follows:

5.1 For lands proposed for development or redevelopment for Residential purposes, at a rate of 5% of the gross land area being developed or redeveloped;

5.2 For lands proposed for development or redevelopment for Commercial or Industrial purposes, land in the amount of two per cent (2%) of the gross land area to be developed or redeveloped;

5.3 For lands proposed for development for use other than those referred to in subsection 4.1 and 4.2, such as Institutional uses, land in the amount of five per cent (5%) of the gross land area to be developed or redeveloped.

5.4 Land dedicated to the Town for park purposes shall be leveled, serviced, top-soiled, and, seeded to the specifications of the Town.

6.0 Suitability of Land

6.1 Only those lands suitable for parks development will be accepted as part of the required parkland dedication. These lands shall be, in the opinion of Council, suitable for use as municipal parkland and the following criteria shall be considered as desirable lands:

- a. adjacent to established parks, school yards or storm water management areas;
- b. within easy walking distance of the residential area served;
- c. located near any area of multiple residential development;
- d. with adequate street frontage to provide for visibility and safety;
- e. that are level, regularly shaped and not susceptible to major flooding, poor drainage, or other environmental or physical conditions which would interfere with their development or use for public recreation.

6.2 The municipality may accept additional lands over and above the required parkland dedication and may incorporate these lands into the Town's park system. Such lands would be important to the Town's open space resources and may include lands:

- a. for storm water management areas;
- b. having environmental or physical conditions which render them unsuitable for development; and,
- c. which are suitable for the development of corridors throughout the Town for such uses as wildlife or pedestrian or biking trails.

6.3 In some cases, the gross land area may include natural features, such as environmentally sensitive areas that are protected or otherwise undevelopable. Any environmentally sensitive areas not intended for public access should be excluded from the total subdivision area for purposes of calculating the required parkland contribution.

7.0 Cash-in-Lieu of Parkland Dedication

In lieu of requiring the conveyances noted in Section 5.0 above, the Town may require the payment of money at the time of the creation of any new lots either by way of a plan of subdivision or by consent where the Town is entitled to receive a conveyance for park or other recreational purposes under Sections 51(25), 53(13) or 42(1) of the *Planning Act*, Council may require payment of money by the owner of the land in lieu of accepting a conveyance, pursuant to Sections 51.1(3) and 42(6).

7.1 The Town of Ingersoll may require cash-in-lieu of parkland, as provided by the *Planning Act*, under the following circumstances:

- (i) Where the amount of parkland to be dedicated, in accordance with the *Planning Act*, is of insufficient size, in the opinion of Council, to be usable for normal public recreational activities;
- (ii) Where an area is adequately served by municipal or other open space lands;
- (iii) Where the Town wishes to combine the parkland dedications of a number of small developments to provide for one large park area; and,
- (iv) Where the required dedication would render the remainder of the site unsuitable or impractical for development.

7.2 That the Council shall in those cases where it is deemed advisable to accept money in lieu of a conveyance, require the payment as per Schedule 1 as attached.

7.3 The appraised value of the land shall be determined as of the day before the date of issuance of the building permit in respect of the development or redevelopment or where more than one building permit is required, as of the day before the date of the issuance of the first permit.

7.4 The payment so required shall be paid to the Town:

- (1) For the development or redevelopment of land, prior to the issuance of a Building Permit;
- (2) For a plan of subdivision, prior to registration;
- (3) For a consent (severance), prior to final approval and receipt of certificate.

8.0 Additions or Alterations

Notwithstanding any other provision in this By-law, this By-law shall not apply where the development or redevelopment consists of the making of an addition or alteration to an existing building or structure used for Commercial or Industrial purposes, provided that the addition or alteration is used for Commercial or Industrial purposes and considered minor.

9.0 Appraisal

9.1 To determine the cash-in-lieu payment required, where applicable, the landowner seeking the approval for the development or redevelopment,

is required to submit an Appraisal Report, completed by a certified appraiser, to the Town for review.

- 9.2 The cost of the Appraisal Report shall be the responsibility of the landowner.
- 9.3 The Appraisal Report will be reviewed by staff and the landowner will be notified of the required payment.
- 9.4 Where there may be a question regarding the validity of the Appraisal Report, the report can be peer reviewed at the landowner's cost.
- 9.5 If there is a dispute on the value of the land, Council will be required to make an appropriate determination on value based on the appraisal and the peer review.

10.0 Eligible Projects

- 10.1 Cash-in-lieu shall only be used for 'eligible projects' permitted by the *Planning Act* as further defined by this By-law.
- 10.2 Cash-in-lieu funds collected and allocated shall be free for use for any 'eligible project' defined in this by-law except for the following:
 - (a) Funds that are subject to an appeal to Council. These funds shall not be committed to or used for any purpose until the appeal is resolved.
 - (b) Funds that are collected through the development process that is required to contribute to the acquisition of specific parkland already identified.

11.0 Delegation of Authority

- 11.1 Subject to the provisions above the Council of the Town of Ingersoll hereby delegates authority to the Chief Administrative Officer, the Director of Finance/Treasurer and the Director of Parks and Recreation to establish budgets, access cash-in-lieu funds and approve expenditures of cash-in-lieu funds for 'eligible projects' associated with an existing park or for the creation of a new park that is not associated with the development review process subject to the following:
 - (i) The use of any amount of cash-in-lieu requires the concurrence of all three senior staff named above;
 - (ii) The acquisition of land requires the concurrence of the Chief Administrative Officer and the Director of Parks and Recreation is to be advised;
 - (iii) The Director of Parks and Recreation shall confirm the availability of funds with the Director of Finance/Treasurer prior to committing funds to any project.
 - 11.1.1 Delegates authority to the Chief Administrative Officer to access and use cash-in-lieu funds for any eligible project associated with the development review process including:
 - 11.1.2 The acquisition of land requires the concurrence of the Chief Administrative Officer and the Director of Parks and Recreation is to be advised.
- 11.2 The Director of Finance/Treasurer will maintain a record of all cash-in-lieu funds paid and allocated to use and a record of any funds subject to appeal or intended for specific land acquisition projects.
- 11.3 The Director of Finance/Treasurer or delegate will provide a copy of the record of available cash-in-lieu funds upon request or as part of the financial report.
- 11.4 The Director of Finance/Treasurer and the Director of Parks and

Recreation will present a report to assist Council deliberations in the annual budget process. The report will contain a statement summarizing the status of the cash-in-lieu reserve funds. The annual statement will document the funds allocated to 'eligible projects', interest earned and the fees collected.

11.5 This does not apply to funds collected pursuant to the *Development Charges Act*.

12.0 Short Title

12.1 This by-law may be referred to as the "Parkland By-law".

13.0 Enactment

13.1 This by-law shall come into effect on the day it is passed.

13.2 That by-law 13-4732 be repealed in its entirety.

READ a first and second time in Open Council this 12th day of September, 2022.

READ a third time in Open Council and passed this 12th day of September, 2022.

Edward (Ted) Comiskey, Mayor

Danielle Richard, Clerk

Schedule 'A'
to By-law Number 22-5227

The money to be paid in lieu of parkland to the Town shall be calculated as follows:

CONVEYANCE AND/OR CASH-IN-LIEU OF PARKLAND
TOWN OF INGERSOLL

Development Type	Conveyance and/or Cash-in-Lieu Amount
Commercial or Industrial land uses	2% of appraised value
Residential and all other land uses, such as Institutional	5% of appraised value
For one lot to a fifth abutting lot not on a public road created through consent (subject or remainder) upon which a Residential Dwelling Unit would be permitted.	\$600/lot to be increased annually by the Canada Inflation Rate or 5% of appraised value whichever amount is greater
For each additional permanent Dwelling Unit provided through a Zoning By-law Amendment.	\$600/lot to be increased annually by the Canada Inflation Rate or 5% of appraised value whichever amount is greater