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# City of Cornwall Parkland Dedication Guide

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**Planning Division**

Department of Planning, Development and  
Recreation

City of Cornwall

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# 1. Parkland Dedication Overview

Section 42 of the Planning Act enables municipalities to adopt By-laws to require the conveyance of land or its equivalent in cash-in-lieu for park purposes as a condition of the development or redevelopment of land. The practice is referred to as Parkland Dedication.

The practice is the primary way municipalities in Ontario obtain land for new parks, as well as being a source of funding for the acquisition of new parks, and for capital improvements to existing parks and recreational facilities.

**Parkland Dedication requirements must be satisfied prior to the issuance of the first building permit for a project.**

Cornwall City Council adopted a new Parkland Dedication By-law on August 8<sup>th</sup>, 2022, that replaced the previous By-law from 1989. The new by-law introduced a 2% Parkland Dedication requirement for commercial and industrial development. The new By-law established clear criteria for what lands would and would not be considered acceptable for parkland, as well as for when the City would accept cash-in-lieu. The By-law sets out procedures for calculating the value of cash-in-lieu contributions.

The By-law enables staff to make context appropriate decisions on whether to require the conveyance of land or cash-in-lieu or a combination of the two to satisfy Parkland Dedication requirements.

This guide should be read in conjunction with By-law 2022-089 to Provide for the Conveyance of Land for Park Purposes, or Cash-in-lieu of Parkland Conveyance.

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## 2. Parkland Dedication Process

The Manager of Recreation and Facilities and the Planning Division administer the Parkland Dedication By-law in the City of Cornwall. Other City departments, such as Municipal Works, will also be involved in the process.

The process for Parkland Dedication is as follows:

1. Development proponents should contact the Planning Division to arrange a preliminary meeting to discuss Parkland Dedication requirements. This meeting will include the Manager of Recreation and Facilities, and potentially staff from Infrastructure Planning. At this meeting, development proponents should provide a project brief and a preliminary site plan or plan of subdivision at a minimum.

For plans of subdivision, the Planning Rationale must consider the recreational needs of future residents.

2. Using the criteria outlined in the By-law, this meeting will allow City staff to determine whether the conveyance of land, cash-in-lieu, or a combination of the two is appropriate for a development.

In general, the City will require cash-in-lieu for industrial, commercial, higher-density residential, smaller subdivisions, and subdivisions in areas that are already well-served by parkland. However, individual circumstances will dictate the parkland dedication requirements for a given development.

3. If cash-in-lieu is required, the value will be determined through one of the two methods identified in Section 9.
4. If land conveyance is used to satisfy parkland dedication requirements, the block or blocks identified as parkland must be conveyed to the City once the plan of subdivision has been registered, or prior to the issuance of the first building permit for other types of development.
5. The City will provide a letter or confirmation to applicants certifying that parkland dedication requirements for a development have been satisfied.

### 3. Parkland Dedication Requirements

Parkland Dedication is required at the rates outlined in the table below:

Type of Development or Use	Requirement
Commercial and Industrial Purposes	Parkland requirement is 2% of the gross land area of the site being developed
Residential purposes at densities of 15 dwelling units per hectare or more	Parkland requirement calculated as one (1) hectare for every three hundred (300) dwelling units, but shall not exceed 10% of the land area being developed
Residential purposes at less than 15 dwelling units per hectare	Parkland requirement is 5% of the gross land area of the site being developed
Mixed-Use Development	Parkland requirement is calculated as follows: <ul style="list-style-type: none"> <li>• Where land is developed for a mix of land uses that are located on discrete parts of the site, the parkland will be calculated based upon the proportion of the site devoted to each use at the rates identified above.</li> <li>• Where land is developed for a mix of uses within a building, the parkland requirement for each use will be based upon the above rates prorated proportionally to the gross floor area allocated to each use</li> </ul>
Long Term Care Home Uses	Parkland requirement is 2% of the gross land area of the site being developed
Other Uses	Parkland requirement is 5% of the gross land area of the site being developed

When cash-in-lieu is accepted, the rates are the same as above, except for residential development, which is as follows:

<b>Type of Development or Use</b>	<b>Cash-in-lieu Requirement</b>
Residential purposes at densities of 25 dwelling units per hectare or more	Parkland requirement calculated as one (1) hectare for every five hundred (500) dwelling units, but shall not exceed 10% of the land area being developed
Residential purposes at less than 25 dwelling units per hectare	Parkland requirement is 5% of the gross land area of the site being developed

### 3.1 Parkland Dedication for Lots Created by Consent

For lots created by consent for single detached dwellings, semi-detached dwellings, duplexes, and triplexes, a flat fee of \$750 shall apply for each lot created for 2022. This fee is adjusted annually with inflation.

If there is a dispute relating to the payment of the flat fee, the valuation provisions outlined in Section 8 can be used.

**The fee shall be paid prior to stamping of the deed.**

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## 4. When is Parkland Dedication Required?

Parkland Dedication is required for the development or redevelopment of land in the City of Cornwall that requires certain Planning Act approvals:

- Site Plan Control
- Plan of Condominium
- Plan of Subdivision
- A Consent or Part Lot Control to create a lot for the development of a single detached, semi-detached, duplex or triplex dwelling

Development proponents should clarify whether Parkland Dedication is required with Planning staff.

**Any legal or administrative costs associated with Parkland Dedication shall be borne by the development proponent.**

If there is a dispute regarding either the requirement to convey land or cash-in-lieu, or regarding the amount of land or cash-in-lieu to be conveyed, the City or a development applicant can apply to the Ontario Land Tribunal to have the value determined.

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## 5. When is Parkland Dedication not Required?

Parkland Dedication is not required for any sites that have previously paid cash-in-lieu or conveyed land, unless there is:

- A change in the proposed development that increases the number of units, or;
- A change in the proposed development that was originally for commercial or industrial purposes, but is now for residential purposes

Parkland Dedication is not required for the following uses:

- Renovations to an existing residential building that do not increase the number of dwelling units
- The addition of a Secondary Residential Unit to a single detached, semi-detached or rowhouse dwelling
- The addition of a Secondary Residential Unit in an accessory building to a single detached, semi-detached, duplex or rowhouse dwelling
- Public sector development, including Conservation Authorities and Health Units.
- Primary, secondary and post-secondary schools that provide for the students' outdoor recreational needs on-site
- A place of worship
- Home occupation
- An addition or alteration to a commercial or industrial building that does not require Site Plan Control
- The reconstruction of an accidentally damaged or destroyed building provided it is re-occupied within two years, is used for the same purpose, and there is no increase in the number of dwelling units.
- An on-farm diversified use or an agricultural-related use.

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## 6. What Lands are Suitable for Parkland Dedication?

The City uses the following criteria to determine the suitability of lands for park purposes:

- Quality of access from a public road, especially pedestrian access. Parks should be easily and safely accessible for nearby residents of all ages and abilities.
- Adequate size and configuration to accommodate amenities, such as sports fields, playgrounds and programmable open space.
- A centralized location within a proposed development.
- Complementary abutting land uses.
- Consistency with the Official Plan designation for the area.
- Contribution to creating a city-wide, multi-use trail network.

Note that while multi-use trails can satisfy Parkland Dedication requirements, pedestrian walkways to link streets will not be considered suitable for Parkland Dedication.

At the City's discretion, land that is outside of, but proximate to the development may be accepted as parkland if it is approximately equal to the value of lands from the development site.

The City will **not accept** the following lands for Parkland Dedication:

- Lands designated and Environmental Constraint in the City's Official Plan.
- Hazardous or flood prone lands.
- Wetlands and woodlots for conservation purposes.
- Steep or unstable slopes.
- Land with unsuitable soil conditions for recreational purposes.
- Lands encumbered by rights-of-way or easements in favour of utility companies
- Any lands subject to an easement, encumbrance of right-of-way that would limit the use of the land for park purposes.
- Stormwater management infrastructure or noise attenuation berms.

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## 7. When is Cash-in-lieu Accepted?

Cash-in-lieu is used to satisfy Parkland Dedication requirements when the conveyance of land would not be desirable for the following reasons:

- Where no opportunity exists for provide suitable parkland on the development site, either because it is too small, inappropriately configured or poorly located.
- When the conveyance of land would render the remainder of the site impractical or unusable for development.
- When the City has located a nearby site that is more appropriate or accessible to be used as parkland.
- Where the surrounding area is already well served by existing parkland.

Note that there may be cases when the conveyance of land and cash-in-lieu will be required to satisfy Parkland Dedication requirements.

Cash-in-lieu funds are deposited into a reserve account and are used to fund capital improvements to existing parks and for the acquisition of new parks.

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## 8. How is the value of cash-in-lieu determined?

There are two methods that can be used to determine the value of cash-in-lieu:

1. A market appraisal or a letter of opinion from a certified appraiser reviewed and accepted by the City's Municipal Assessor that is determined as of:
  - i. The day before the day the building permit is issued in respect of the Development or Redevelopment or, if more than one building permit is required for the Development or Redevelopment, as of the day before the day the first permit is issued.
  - ii. The day before the approval of the draft plan of subdivision.
  - iii. The day before the granting of provisional consent for a consent application in the event of a dispute over the flat fee required for a consent.
2. The most recent land sale record of the relevant property, no more than 24 months prior to the date of the application that has been reviewed and accepted by the Municipal Assessor, provided that the sale was at market value and there has been no change that may impact the land value, including but not limited to changes in the zoning, Official Plan designation or severance.

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## 9. When Can Parkland Dedication Be Reduced?

When cash-in-lieu is accepted, Parkland Dedication requirements can be reduced in two circumstances:

1. If a development includes Affordable Rental Housing Units and enters into an agreement with the City's Human Services Agreement to maintain them as affordable for a minimum of 5 years, a 50% reduction in cash-in-lieu requirements may be applied for those units.
2. When development or redevelopment is undertaken by a not-for-profit or charitable organization providing a public service, cash-in-lieu requirements may be reduced as the discretion of the Department of Planning, Development and Recreation to a maximum of \$25,000. Any reduction beyond \$25,000 shall require Council approval.

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# 10. Parkland Dedication Examples

## **Example 1 – A greenfield development of a 12.5-hectare site for industrial purposes.**

The City determines that cash-in-lieu is appropriate, and the 2% rate applies. The site was last sold three years ago. A market appraisal will be required to determine the value of the site as of the day before the issuance of the first building permit. The appraised property value is \$4 million. The cash-in-lieu requirement would be \$80,000.

## **Example 2 – An apartment building with 120 units on a 0.9-hectare site.**

The City determines that cash-in-lieu is appropriate as there is an existing park nearby. The density is greater than 25 dwelling units per hectare. The rate of one hectare per 500 units, not exceeding 10% of the site, shall apply.

$\frac{1 \text{ hectare}}{500 \text{ units}} \times 120 \text{ units} = 0.24 \text{ hectares}$

Since 0.24 hectares exceeds 10% of the site, the parkland dedication requirement would be 0.09 hectares. The site was sold at market value 13 months before for \$750,000 and the land sale record is accepted by the City's Assessor as fair market value. The cash-in-lieu requirement would be \$75,000.

## **Example 3 – A subdivision with 48 dwelling units on a 3.5-hectare site.**

Following a preliminary meeting, the City decides that the conveyance of land is appropriate. The density of the proposed development is 13 dwelling units per hectare, which means the 5% rate applies. The Parkland Dedication requirement would be 0.175 hectares.

## **Example 4 – A severance to create a new lot for a semi-detached dwelling**

A severance creates a new lot on an older plan that has not previously conveyed parkland or cash-in-lieu. The applicant intends to build a semi-detached dwelling on the lot and maintain ownership over both portions. A flat fee of \$750 would apply that must be paid prior to the stamping of the deed.

In three years, the owner decides to sever the semi-detached dwelling to sell one half. No further Parkland Conveyance would be required.

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**Example 5 – A 4,000 sq. m. mixed use building with 800 sq. m. of ground floor commercial and 40 dwelling units on a 0.4-hectare site**

The City determines that cash-in-lieu is appropriate.

*Residential portion* – The density is greater than 25 dwelling units per hectare. The rate of one hectare per 500 units, not exceeding 10% of the site, shall apply.

$$\frac{1 \text{ hectare}}{500 \text{ units}} \times 40 \text{ units} = 0.08 \text{ hectares}$$

This would exceed the 10% maximum; therefore, the Parkland Dedication requirement would be 0.04 hectares.

*Commercial portion* – The commercial space occupies 20% of the building. This percentage is applied to the site as a whole. The 2% rate shall apply.

$$(0.4 \text{ hectares} \times 20\%) \times 2\% = 0.0016 \text{ hectares}$$

*Combined residential and commercial* – The total Parkland Dedication requirement would be as follows:

$$0.04 \text{ hectares} + 0.0016 \text{ hectares} = 0.0416 \text{ hectares}$$

As property was last sold more than two years prior, a market appraisal is required and determines the value to be \$600,000. The cash-in-lieu value would be calculated as follows:

$$\frac{0.0416 \text{ hectares}}{0.4 \text{ hectares}} \times \$600,000 = \$62,400$$