

TABLE OF CONTENTS

1. POLICY STATEMENT	2
2. INTRODUCTION	2
3. DEFINITIONS	2
4. ENABLING LEGISLATION AND REGULATION OF LAND FOR PUBLIC PURPOSE.....	3
5. ACCEPTANCE OF LAND FOR PUBLIC PURPOSE.....	4
6. MONEY IN-LIEW OF PUBLIC LAND	5
7. GUIDELINES FOR THE EVALUATION OF REQUESTS FOR MONEY FROM THE LPP FUND	5
8. GENERAL TERMS AND CONDITIONS.....	7

City of Saint John

Policies For the Acceptance of Land for Public Purposes and Use of LPP Funds



1. POLICY STATEMENT

The City of Saint John’s Land For Public Purposes Policy ensures alignment with provincial legislation and a process to utilize available funds through the provision of money-in-lieu-of-land through the development approval process to support recreation, park space and wellness in Saint John.

2. INTRODUCTION

The development of vacant land for the purposes of human habitation results in a further demand for land for recreational enjoyment of the neighbourhood, community, and the city. The Community Planning Act recognizes this need and requires that land which is part of a subdivision be set aside for public purposes, or that money in lieu of land is received by the municipality.

3. DEFINITIONS

“Grant” refers to financial or in-kind assistance provided by the City to an eligible grantee. Discounts, reimbursements, relief on existing contracts, leases and user fees when service has already been provided are forms of financial assistance and is considered a city grant.

“In-Kind Grant” refers to a grant for the provision of municipal property/facilities, materials, or resources to an eligible grantee. Cash funds are not provided however it is recognized that such grants will involve either an expense or foregone revenue for the donor. In-kind grants are estimated at fair value.

“Barrier free” general public access refers to a property that does not charge for admission nor has fencing excluding access for a portion of its operating time.

“Act” refers to the Community Planning Act of New Brunswick.

"Land for public purposes" means land other than streets, for the recreational or other use or enjoyment of the general public, such as:

- a. an access to a lake, river, stream, sea or other body of water,

City of Saint John
**Policies For the Acceptance of Land for Public
Purposes and Use of LPP Funds**



- b. a beach of scenic area along the shore of a lake, river, stream, sea or other body of water,
- c. a conservation area,
- d. land adjoining a school, for joint recreational purposes,
- e. land for a community hall, public library, recreational use or other similar community facility,
- f. open space, to provide air and light, to afford a view to or from a development or to a lake, river, stream, sea or other body of water, or for other purposes,
- g. a park, green belt or buffer area dividing developments, parts of a highway or a development and a highway,
- h. a pedestrian way to a school, shopping centre, recreational area or other facility,
- i. a protection area for a water course, stream, marsh, water supply lake or other body of water,
- j. a public park, playground or other recreational use,
- k. a visual feature, or
- l. a wooded area, slope area or a site giving view to a scenic area to provide diversity.

4. ENABLING LEGISLATION AND REGULATION OF LAND FOR PUBLIC PURPOSE

- I. The *Community Planning Act* provides the City with the authority to enact a Subdivision By-law that includes the following options:
 - a. the requirement that the developer of a subdivision set aside Land For Public Purposes in an amount not exceeding 10% of the area of the subdivision; and
 - b. that at the discretion of council, instead of setting aside land, that the sums indicated in the Subdivision By-law, not exceeding 8% of the market value of the land in the subdivision at the time of submission for approval of the subdivision plan be paid to the local government.

City of Saint John
**Policies For the Acceptance of Land for Public
Purposes and Use of LPP Funds**



- II. The City enacted a Subdivision By-Law, C.P. 112, which requires that as a condition of approval of a Subdivision Plan:
 - a. land representing 10% of the area of the proposed subdivision, exclusive of the land to be vested as public streets, is to be dedicated to The City of Saint John at such location as assented to by Council as Land For Public Purposes; or
 - b. a sum of money representing 8% of the market value of the land of the proposed Subdivision, exclusive of land to be vested as public streets, is to be provided to The City of Saint John as accepted by Council as a money in-lieu dedication; or
 - c. a combination of Land For Public Purposes or money in-lieu be provided of up to 8% of the value of the land in the proposed subdivision, less the value of the Land For Public Purposes, being provided as money in-lieu.

- III. The requirement for Land For Public Purposes or money in-lieu does not apply where the land has already been subdivided and Land For Public Purposes or money in-lieu (or a combination thereof) has already been provided on the same land, or the land is being subdivided for the sole purpose of:
 - a. correcting or rearranging lot boundaries;
 - b. being assembled with or added to adjoining land; or
 - c. being assembled for a future proposed subdivision.

5. ACCEPTANCE OF LAND FOR PUBLIC PURPOSE

The Subdivision By-law provides that the only time Land For Public Purposes shall be accepted if it is a Pedestrian Walkway and meets the specific conditions outlined at s. 16(2) of the Subdivision By-law.

- I. Land For Public Purposes shall only be accepted if the specific provisions within the Subdivision By-Law are met.

City of Saint John
**Policies For the Acceptance of Land for Public
Purposes and Use of LPP Funds**



- II. Unless the specific provisions of s. 16(2) of the Subdivision By-law are met for the vesting of Land for Public Purposes to The City of Saint John, a sum of money representing 8% of the market value of the land of the proposed Subdivision, exclusive of land to be vested as public streets, is to be provided to The City of Saint John as a money in-lieu dedication.

6. MONEY IN-LIEW OF PUBLIC LAND

In accordance with s. 17(2) of the Subdivision By-law, the determination of market value of the land shall be made by The City of Saint John, but where a Developer does not accept such determination, at the cost of the Developer, an appraiser acceptable to both the Developer and The City of Saint John shall determine such value.

7. GUIDELINES FOR THE EVALUATION OF REQUESTS FOR MONEY FROM THE LPP FUND

In accordance with s. 76(2) of the Community Planning Act, all money received in-lieu of Land For Public Purposes shall be paid into a special account and the money in that account is to be expended by the council for acquiring or developing Land For Purpose Purposes and no other purpose.

- I. Applications from Community Groups. For funds from the LPP Fund will be accepted annually on January 1st dependent on the availability of funds.
- II. The maximum eligible funding from the LPP Fund for projects will be based on the following classification:
 - a. Local Level: A grant of 50% of the cost to a maximum of \$7,500.00 for projects that serve specific neighbourhoods or local interest groups.
 - b. Community Level: A grant of 50% of the cost up to a maximum of \$20,000.00 per year available for projects that serve larger community interests and activities.
 - c. City-Wide Level: A grant of 50% of the cost to a maximum of \$50,000.00 per year to support large projects that serve the entire city and surrounding area residences, as well as potential tourist attractions.

City of Saint John
**Policies For the Acceptance of Land for Public
Purposes and Use of LPP Funds**



- III. No more than \$50,000.00 from the LPP Fund shall be paid for one site or project. Where additional funds are needed to facilitate development of LPP, it must be a project which serves a community wide interest and, in those circumstances, the maximum available amount shall be \$75,000.00.
- IV. From time-to-time specific projects are identified by City Staff, through public consultation, as a priority. In this instance, an applicant could partner with the City and the 50% fund matching threshold may be reduced.
- V. Preference will be given to playgrounds developed at public schools and community centres.
- VI. No monies from the LPP fund shall be considered if the applicant or project has already received funding though another municipal grant.
- VII. Preference will be given to projects located on municipal land, followed by provincially or federally owned land, and finally on privately owned land.
- VIII. If the Applicant seeks LPP Funds for a project that is not located on municipal, provincial, or federally owned land, the Applicant shall be responsible to present a plan for the long-term maintenance of public access, use, and enjoyment of the project. The City would have the right to insist on any contractual obligation to protect the long-term interests of the public that it sees fit and the funding will only be granted if that interest can be protected.
- IX. Projects must provide barrier-free access to a portion of the facility.
- X. Staff evaluating applications for LPP Fund retain discretion to ensure the following:
 - a. Projects are in alignment with any current municipal master plans.
 - b. Flexibility to address special community needs or new recreational service offerings.
 - c. LPP funds received from commercial developments should prioritize and consider applications which are geographically close when possible.

City of Saint John
**Policies For the Acceptance of Land for Public
Purposes and Use of LPP Funds**



- d. Location of past LPP approvals, and maximum use for the most residents. Staff would assess that there is interest/need for such new or expanded offerings in the community.
- e. Common Council at its sole discretion may choose to provide LPP funding to a project, as it deems appropriate.
- f. The Applicant has demonstrated that the remainder of the funding is current held in a bank account, approved as a grant, or that in-kind contributions have been confirmed prior to the City releasing any money from the LPP Fund

8. GENERAL TERMS AND CONDITIONS

- I. No funding will be given to for-profit or private individuals. If a group is not an incorporated non-profit, they must partner with the city of Saint John or a non-profit organization to be eligible for funding.
- II. All Projects must be completed within 1 year of the approval date.
- III. Extensions may be approved upon request. Grants cannot be awarded Retroactively.
- IV. A different phase of the same project will not necessarily be supported in any succeeding year. Grants are to be used only for the intended purpose.
- V. Any recipient who uses the funds improperly, ceases operation, or knowingly provides false information must promptly repay the grant.
- VI. No grant (or any part of it) may be transferred or assigned to another party without the prior written consent from the Land for Public Purpose grant review board.
- VII. The recipient must keep and maintain all records, and upon completion of the project, fill out and submit a Land for Public Purpose Reporting Form.

City of Saint John
**Policies For the Acceptance of Land for Public
Purposes and Use of LPP Funds**



- VIII. The recipient will acknowledge the support of the City of Saint John in all publicity and programs relating to the project either by social media or signage, as appropriate.

- IX. The City of Saint John is not liable for any damages, injury, and/or loss of revenue as a result of any grant awarded project being undertaken, and makes no commitments to maintain or provide services above and beyond current levels unless agreed upon by the Service Provider (City of Saint John Parks, Sanitation, etc.).