



**City of Kingston
Report to Planning Committee
Report Number PC-16-011**

To: Chair and Members of Planning Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Luke Follwell, Director, Recreation and Leisure Services
Date of Meeting: January 7, 2016
Subject: Amendment to City of Kingston By-Law Number 2013-107 'A By-Law to Provide for the Conveyance of Land for Park Purposes or Cash-In-Lieu of Parkland Conveyance'

Executive Summary:

On May 21, 2013, City of Kingston Council approved a consolidation of three former parkland dedication by-laws through the creation of By-Law Number 2013-107 'A By-Law to Provide for the Conveyance of Land for Park Purposes or Cash-in-lieu of Parkland Conveyance'. The by-law outlines the rates for dedicating parkland to the City as a condition of land development and redevelopment.

An amendment to this by-law was approved on August 12, 2014 that added specific maximum cash-in-lieu payments, per dwelling unit, for developments within the Williamsville Main Street area and City wide.

This report recommends a by-law amendment to further clarify how the by-law will apply to heritage developments, secondary suites, buffer lands and public open space easements. The amendment will also clarify interpretation of the by-law by improving wording, references and definitions. The overall by-law amendment reflects City strategic priorities and changing circumstances related to development that have arisen through the application of the by-law since its passing.

Recommendation:

That it be recommended to Council that a by-law be presented to amend By-Law Number 2013-107 'A By-Law to Provide for the Conveyance of Land for Park Purposes or Cash-In-Lieu of Parkland Conveyance', as outlined in Exhibit A of Report Number PC-16-011.

January 7, 2016

Page 2 of 7

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Commissioners:

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

January 7, 2016

Page 3 of 7

Options/Discussion:**Background**

On May 21, 2013, City of Kingston Council approved the harmonization of three former parkland dedication by-laws through the creation of By-Law Number 2013-107 'A By-Law to Provide for the Conveyance of Land for Park Purposes or Cash-In-Lieu of Parkland Conveyance'.

The by-law outlines rates and requirements for parkland conveyance or cash-in-lieu of parkland conveyance as part of land development and redevelopment to assist the City in meeting parkland needs for new residents. As well, the by-law includes incentives to support overall City strategic priorities such as protecting heritage buildings, intensification and the provision of affordable housing, including secondary suites.

On August 12, 2014, City of Kingston Council approved an amendment to the by-law that added a maximum cash-in-lieu payment per dwelling unit for developments within the Williamsville Main Street area and a maximum cash-in-lieu payment for all other areas in the City, in addition to existing maximum payment provisions for development in the Downtown and Harbour Special Policy Area. An annual index of rates was also incorporated into the by-law at that time.

Description of the Amendments

The recommended amendments to the by-law address a number of City priorities regarding changing circumstances for development and provide further clarification for interpretation and application of the by-law. Exhibit A details the recommended amendments to the by-law whereas Exhibit B describes the by-law as amended.

Major changes proposed in the Parkland Dedication By-Law include:

- An increase in the exemption parameters of secondary suites to allow a new unit to be located outside of the existing structure as part of an addition.
- Clarification regarding the cash-in-lieu of parkland requirements and reductions for heritage buildings to include additions to and commercial and industrial uses within existing heritage building(s).
- A provision to allow the City to reduce parkland dedication for buffer land conveyance along major water bodies, at an exchange ratio. This provision is tied to proposed amendments to the Natural Areas and Parkland Acquisition Policy which is anticipated to go to the Administrative Policy Committee for December 10, 2015.
- Providing the option to accept public open space easements that reduce parkland conveyance requirements at an exchange ratio.

During the normal administration of the Parkland Dedication By-Law, By-Law Number 2013-107, administrative inaccuracies in wording, references, terminology and definitions were identified for improvement. The proposed changes serve to clarify the intent and interpretation of the Parkland Dedication By-Law to enable consistent application of the by-law and clearer understanding by the public, land developers and staff.

January 7, 2016

Page 4 of 7

Secondary Suites

Currently the by-law allows an exemption from parkland dedication requirements for creating the first additional unit or units within an existing dwelling structure. However, many of these additional units are created through the construction of an addition to an existing dwelling structure.

The proposed amendment exempts a new unit in an addition to a dwelling structure provided that the floor area of the new unit is less than 40 percent of the gross floor area of the existing dwelling or up to a maximum of 90 square metres, which is consistent with the zoning provisions for secondary suites.

Heritage Buildings

Residential development in heritage buildings, on a designated property, currently receives a cash-in-lieu of parkland reduction of 50 percent for development within the existing building. This provision was established to reflect a City priority of preserving heritage by offering some relief from the cost of redeveloping heritage buildings.

In some instances, heritage redevelopment includes an expansion of the existing building. The amendment would increase the reduction provision to apply to residential units within an addition that has a floor area up to 100 percent of the gross floor area of the existing heritage building. The proposed amendment also proposes to reduce cash-in-lieu of parkland requirements by 50 percent for commercial and industrial development on heritage properties.

It was identified through the daily administration of the by-law that there are other types of properties and circumstances in which a heritage permit may be required other than buildings on a designated heritage property. The currently used term “designated heritage building” is proposed to be replaced with “Protected Heritage Property” to be consistent with the Official Plan. In order to cover all potential types of heritage development that could occur, the amendment proposes to include expanding the reduction to a property containing a heritage conservation easement and applicable heritage-contributing buildings within a Heritage Conservation District.

Waterfront Buffer Land

Kingston is well known as a waterfront City with over 280 kilometres of shoreline on major bodies of water; however, much of the waterfront does not currently include public access. As a cornerstone vision in the Waterfront Master Plan planning process, to achieve a vibrant waterfront, the City would need to increase public access to the water. A significant opportunity for improving or creating public access and expanding the City’s waterfront green space is through the development application process as a condition of waterfront land development.

Waterfront land development commonly considers a restriction to development near the edge of the shoreline as a buffer area. This buffer area is a setback from protected natural heritage features, their ecological functions or all land within the regulatory floodplain that is established as protection from negative impacts of development or site alteration. The buffer helps intercept pollutants and may have other environmental purposes such as natural heritage and wildlife

January 7, 2016

Page 5 of 7

corridors and also protects buildings from flood. As a result, development is commonly prohibited in this area, including some non-built form development common to traditional parks.

Buffer lands are currently not accepted as parkland because of the constraints associated with their functions, however, in many cases, the buffer land may have high public value. As an example, a trail, look out or passive open space use may be permitted within the buffer land depending on the sensitivity and functions of the natural features. Public views to the waterfront from these lands may also be highly desirable.

In cases where the buffer land may have high public value, the by-law amendment proposes to include a provision where the City could accept a reduction in traditional parkland for buffer land conveyance along major water bodies at an exchange ratio that is dependent on quality and priority of the waterfront property for public use.

This provision is proposed to be tied to policies in the Natural Areas and Parkland Acquisition Policy, currently under review. Exhibit C describes the waterfront properties assessment criteria and the buffer land exchange ratio proposed to be amended in the Natural Areas and Parkland Acquisition Policy.

The exchange ratio described in the Natural Areas and Parkland Acquisition Policy was developed to recognize that even though the buffer land may be of high public value, the land is still constrained by conditions restricting its use. The proposed exchange ratio ranges from a 5 to 1 reduction up to a 2 to 1 reduction, where the larger unit would be the buffer land and the smaller unit would be parkland.

When consulting with the public and the land development community, this proposed exchange ratio attracted the comment that some exceptional properties along major water bodies with unique characteristics may, in limited cases, be worth considering an option to accept a 1 to 1 exchange ratio. It is recommended that, in such very unique circumstances, considerations of a 1 to 1 exchange ratio may be proposed by staff, on a case by case basis, for Council consideration through a comprehensive planning report as part of the land development approvals process.

There were also concerns raised about the reduction of neighbourhood parkland needs over City wide parkland needs with the proposed exchange. While the amendment proposes a mechanism to assist in acquiring potential land along the waterfront, an overall balance of traditional parkland and waterfront land must be ensured when considering utilizing this exchange option.

Public Open Space Easements

A provision to achieve publicly accessible but privately owned open space is being recommended as an amendment to the by-law. In unique circumstances, easements might be utilized when dealing with development areas where traditional parkland conveyance may be more challenging to achieve, such as the downtown area, infill projects, over private parking structures and utilities, over contaminated lands that may not be of a condition that the City is comfortable accepting into perpetual ownership or in developments where public open space

January 7, 2016

Page 6 of 7

use is desired to be preserved for long range future use. Private open public spaces (POPS) are becoming a more common form of urban public space and this amendment seeks to respond to this changing development circumstance.

The proposed amendment to the by-law would allow the City to offer a reduction in parkland dedication, at an exchange ratio, in exchange for the conveyance of an easement that would perpetually provide for public access. Such easements are currently not accepted as parkland because of the limitations associated with non-ownership including value, equity and versatility. The proposed exchange ratios are a 3 to 1 reduction City wide and a 2 to 1 reduction in the Corridors and Centres area, where the larger unit would be the easement area and the smaller unit would be parkland area.

Existing Policy/By-Law:

City of Kingston Official Plan
Natural Areas and Parkland Acquisition Policy

Notice Provisions:

A courtesy notice advertising the proposed changes to the by-law was published in the *Kingston Whig-Standard*. An online web page of the proposed by-law changes was posted for feedback on the City of Kingston Web Site from October 28 to November 10, 2015. Information was posted on social media notifying residents of the feedback opportunities. Exhibit D outlines the public comments received.

A number of other departments and agencies were consulted including: Planning, Building & Licensing, Legal, Real Estate & Land Development, the Cataraqui Region Conservation Authority, Environment & Sustainable Initiatives and Public Works Services.

Staff also has consulted with the land development community on the proposed amendments.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Lanie Hurdle, Commissioner, Community Services 613-546-4291 extension 1231

Luke Follwell, Director, Recreation & Leisure Services 613-546-4291 extension 1815

Neal Unsworth, Manager, Parks Development, Recreation & Leisure Services 613-546-4291 extension 1811

January 7, 2016

Page 7 of 7

Other City of Kingston Staff Consulted:

Paige Agnew, Director, Planning, Building & Licensing Services

Chanda Sames, Planner, Parks Development, Recreation & Leisure Services

Susan Nicholson, Director, Legal Services & City Solicitor

Marnie Venditti, Senior Manager, Client Relation and Development Services

Damon Wells, Director, Public Works

Exhibits Attached:

Exhibit A Summary of Amendments to By-Law Number 2013-107

Exhibit B Proposed City of Kingston By-Law Number 2013-107 'A By-Law to Provide for the Conveyance of Land for Park Purposes, or Cash-In-Lieu of Parkland Conveyance, as amended

Exhibit C Excerpt from Proposed Natural Areas and Parkland Acquisition Policy Amendment: Waterfront Land Assessment Criteria and Buffer Land Ratio

Exhibit D Summary of Public Comments

By-Law Number. 2015-XXX

A By-Law to Amend By-Law Number 2013-107 “A By-Law to Provide For The Conveyance Of Land For Park Purposes, Or Cash-in-Lieu of Parkland Conveyance

Passed: [Meeting Date]

The Council of The Corporation of the City of Kingston enacts as follows:

By-Law Number 2013-107 of the Corporation of the City of Kingston entitled “A By-Law to Provide for the Conveyance of Land for Park Purposes, or Cash-in-Lieu of Parkland Conveyance”, is hereby amended as follows:

1. By re-lettering Schedule B to Schedule A as shown in Exhibit B of report PC-16-011
2. By adding a new Schedule B as shown in Exhibit B of report PC-16-011
3. Section 1 is hereby amended by adding a new subsection (a), (n), (t), and (x) which shall read as follows and the remaining sections shall be renumbered accordingly:
 - a) Buffer Land – the area of land in which development or site alternation is limited or prohibited in order to protect the natural heritage features or area or its ecological function from negative impacts. It does not include the areas of natural and scientific interest, significant aquatic or wildlife habitat areas, provincially or locally significant wetlands, coastal wetlands, habitat of endangered and threatened species, habitat of species tracked by the Ministry of Natural Resources’ Natural Heritage Information Centre, and all land within the regulatory floodplain.
 - n) Heritage Building – an existing building or portion of a building on a Protected Heritage Property which is identified as a heritage attributes in the applicable designation by-law, heritage conversation easement or identified as a heritage-contributing building in the applicable Heritage Conservation District Plan.
 - t) Major Water Body – Lake Ontario, the St. Lawrence River, the Great Cataraqui River, Rideau Canal, Loughborough Lake, Collins Lake and the Little Cataraqui Creek up to Bath Road as outlined in Schedule B.

Exhibit A

Clause (X), Report No. PC-16-011, 2015

- x) Protected Heritage Property – a property designated under Part IV or Part V of the Ontario Heritage Act (OHA), including properties that are the subject of a Heritage Conservation Easement under Part II or Part IV of the OHA.
- 4. Section 1 is hereby amended by replacing reference to Schedule B with Schedule A in subsection (b) and (e).
- 5. Section 2 is hereby amended by capitalizing the words “Parkland”, “Development” and “Redevelopment”
- 6. Section 3 is hereby amended by capitalizing the words “Development”, “Dwelling Units”, “Gross Land Area”.
- 7. Section 3 is hereby amended by replacing reference to Schedule B with Schedule A in subsection (a) (iii) and replacing reference to Schedule A with Table A in subsection (b).
- 8. Formerly schedule A, now Table A is here by amended by capitalizing the word “Development”
- 9. Section 3 is also hereby amended by adding a new subsection (c), which shall read as follows:
 - c) Notwithstanding the flat rate identified in provision 3(b) Table A, land conveyance may be required at the residential rate outlined in 3(a) for a single residential lot created by consent to sever for the purpose of developing a single residential dwelling when:
 - i) the lot is adjacent to a Major Water Body as identified in Schedule B;
 - or
 - ii) the lot is adjacent to an existing park; or,
 - iii) the lot contributes to a Council approved trail plan.
- 10. Subsection 3 (d) shall be amended by capitalizing the word “Gross Land Area”
- 11. Subsection 3 (e) shall be amended by adding a subtitle “Long Term Care Home Uses” and capitalizing the words “Long Term Care Home” and “Gross Land Area”
- 12. Subsection 3 (f) (ii) shall be amended by capitalizing the word “Gross Floor Area”

13. Section 4 shall be amended by capitalizing the word “Parkland” and “Development”.

Delete “The following criteria shall be considered, but not limited to, in determining suitability for conveyance. The land to be conveyed shall:” and replace with “Factors that will be considered in determining suitability for conveyance include, but are not limited to, the following:”

Delete the word “have” from subsection (a), “Be of” from subsection (b), “Be” from subsection (c), and (d), and delete “Be consistent” from subsection (e) and replace with “Consistency” before the word “with” in subsection (e).

Capitalize “Have” from subsection (a), “Adequate” from subsection (b), “Equitably” from subsection (c), and “Abutting” from subsection (d).

14. Section 5 shall be amended by capitalizing the words “Parkland” and “Development”. Also add “The land valuation is determined as outlined in section 18 and 19.” so that it reads as follows:

The City may accept, at its discretion, the conveyance of Parkland that is not contiguous to the Development site provided that the value of the land is not provided off-site is approximately equal to the value of the lands from the subject Development site. The land valuation is determined as outlined in section 18 and 19.

15. Section 6 shall be amended by capitalizing the word “Parkland”. Deleting “As per Section 3.8.14 of the City of Kingston’s Official Plan,” and capitalizing the word “The” before the word “City”.
16. Section 7 shall be amended by capitalizing the words “Parkland”, “Development”, “Occupied”, and “Dwelling Units”.
17. Section 7, subsection (a) shall be amended by deleting “There is a change in density;” and replacing with “There is an increase in density; or”
18. Section 8 shall be amended by deleting the word “the following” so that it reads as “No conveyance for parkland is required for:”

Exhibit A

Clause (X), Report No. PC-16-011, 2015

19. Section 8, subsection (a), and (b) shall be amended by capitalizing the word "Dwelling Unit"
20. Replace subsection 8 c) with subsection 8 c) which shall read as follows:
 - c) The creation of the first additional Dwelling Unit(s) to an existing residential structure, which meet all applicable requirement as set out in Table B below.

(Add a new Table B as shown in Exhibit B of report PC-16-011)
21. Section 8, subsection (d) shall be amended by capitalizing the word "Local Board"
22. Section 8, subsection (f) shall be amended by capitalizing the word "Development"
23. Section 9 shall be amended by deleting "In Section 3.10.A.8 of the City of Kingston's Official Plan," and adding "as set out in the City of Kingston Official Plan." after "river" so that it reads as follows:

The City may reduce Parkland requirements for the conveyance of Environmental Protection Area for the purpose of obtaining a continuous open space corridor along the Great Cataraqui River as set out in the City of Kingston's Official Plan.
24. Add a new section 10, 11, 12 which shall read as follows and the remaining sections shall be renumbered accordingly:
 10. When the proposed Development is on land adjacent to a Major Water Body, the City, at its sole discretion, may reduce Parkland requirements in exchange for the conveyance of Buffer Land as set out in the Natural Lands and Parkland Acquisition Policy. Any land parcel configuration, size, or location that is deemed undesirable, as determined by the City, shall not be acceptable for conveyance.
 11. Where Parkland conveyance is not possible, the City may, at its sole discretion, reduce Parkland requirements for the conveyance of an easement to permit public access and park use. The suitability of the easement land shall follow the same suitability consideration as parkland conveyance as set out in

Section 4, 5 and 6. The Parkland reduction will not exceed a ratio of:

- a) 1 unit area of Parkland to 2 units area of easement area for sites within the Centres and Corridor as defined in Schedule A; or,
- b) 1 unit area of Parkland to 3 units area of easement area for sites outside of the Centres and Corridor.

12. Where land is subject to a reduction as per section 10 and 11, the exchange ratio will be not less than or equal to the higher of the reduction rates.

25. Section 10, now section 13, shall be amend by capitalizing the words “Development” and “Parkland”

26. Section 11, now section 14, amend by replacing the preamble wording with the following:

“Where Parkland conveyance is not possible and cash-in-lieu of Parkland conveyance is accepted by the City, the cash-in-lieu of Parkland requirements may be reduced only in the following circumstances.”

And capitalizing the words “Parkland”, “Rental affordable housing units”, “Development”, and “Not-for-Profit Organization”

27. Replace subsection 11c), now subsection 14 c) which shall read as follows:

When newly created Dwelling Units are added to, or commercial or industrial Development that occurs in, a Protected Heritage Property, a fifty (50) percent reduction in the applicable Cash-in-Lieu of Parkland conveyance requirement will be applied, provided the cultural heritage value of the property is conserved to the satisfaction of the City and the new units are, or the commercial or industrial Development is:

- i) located within the Heritage Building; or,
- ii) fully contained within an area of an addition to the Heritage Building that does not exceed one hundred (100) percent of the Gross Floor Area of the Heritage Building. New units or commercial or industrial Development in an area of an addition that exceeds the Gross Floor Area of the Heritage Building will not qualify for the reduction.

28. Amend and renumber section 12 as section 15 which shall read as follows:
15. Notwithstanding the cash-in-lieu of Parkland conveyance reductions identified in section 14, for Development within the Downtown and Harbour Special Policy area as defined in the Official Plan, the cash-in-lieu of Parkland shall not exceed the following:
- a) \$1,250 per new Dwelling Unit; or,
 - b) \$625 per new Dwelling Unit for Development subject to 14(a), or 14(c).
- Note: The rates shall be adjusted annually in accordance with the Land Price Index (the rates in this section are in 2013 Land Price Index values).
29. Amend and renumber section 13 as section 16 which shall read as follows:
16. Notwithstanding the cash-in-lieu of Parkland conveyance reductions identified in section 14, for Development within the Williamsville Main Street as defined in the Official Plan, the cash-in-lieu of Parkland shall not exceed \$2,000 per Dwelling Unit.
- Note: The rates shall be adjusted annually in accordance with the Land Price Index (the rates in this section are in 2013 Land Price Index values).
30. Section 17, formerly section 15, shall be amended by capitalizing the words "Parkland", "Developments", and "Redevelopments".
31. Renumber section 16 to section 18 and amend by inserting "otherwise required to be conveyed," so that it reads as follows:
- "Where cash-in-lieu of Parkland is required, the value of the land, otherwise required to be conveyed, shall be determined by:"
32. Amend section 18, formerly section 16, by capitalizing the word "Market"
33. Renumber section 17 as section 19 and amend as follows:
Delete "The value of the land cash-in-lieu of parkland conveyance shall be determined as of:" and replaced with "For cash-in-lieu of Parkland, the value of the land otherwise required to be Conveyed, shall be determined as of:"

Exhibit A

Clause (X), Report No. PC-16-011, 2015

34. Amend subsection 19 (a), formerly 17(a) by capitalizing the words “Development” and “Redevelopment”
35. Amend subsection 19 (d), formerly 17(d), so that it read as follows:
“The land sale record date accepted by the City, as per section 18(b).”
36. Amend section 20, formerly section 18, by adding “or Designate” so that it reads as follows:
“This by-law shall be administered by the Director of Recreation and Leisure Services or Designate.”
37. Amend section 21 and 22, formerly section 19 and 20, by capitalizing the word “Parkland”
38. Amend section 26, formerly section 24, by capitalizing the word “Development”
39. Amend section 26 which is renumbered as section 28 by deleting reference number “Section 23” and replace with “Section 27”
40. Amend section 28, formerly section 26 by capitalizing the word “Development”

THAT the Amended By-Law be presented to City Council for all three readings.

THE CORPORATION OF THE CITY OF KINGSTON**BY-LAW NO. 2013-107****A BY-LAW TO PROVIDE FOR THE CONVEYANCE OF LAND FOR PARK PURPOSES, OR CASH-IN-LIEU OF PARKLAND CONVEYANCE****PASSED: MAY 21, 2013**

WHEREAS Section 42, 51.1 and 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes Council to pass a by-law requiring land or cash-in-lieu of the land to be conveyed to the municipality for park or other public recreational purposes as a condition of development, redevelopment, or subdivision of land(s).

AND WHEREAS the Council of The Corporation of the City of Kingston has established an Official Plan that contains specific policies with respect to the provision of lands for park or other recreational purposes;

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

Part I - Definitions

1. That for the purposes of this By-Law, the following definitions shall apply:
 - a) **Buffer Land – the area of land in which development or site alteration is limited or prohibited in order to protect the natural heritage features or area or its ecological function from negative impacts. It does not include the areas of natural and scientific interest, significant aquatic or wildlife habitat areas, provincially or locally significant wetlands, coastal wetlands, habitat of endangered and threatened species, habitat of species tracked by the Ministry of Natural Resources Natural Heritage Information Centre, and all land within the regulatory floodplain.**
 - b) Centres - areas as set out in Schedule **A** (Corridor & Centres Boundaries) of this By-Law.
 - c) City - The Corporation of the City of Kingston.
 - d) Convey - to deed or transfer of land for park or other public recreational purposes.
 - e) Corridor - the Princess Street corridor between the downtown core and the Cataraqui Town Centre as set out in Schedule **A** (Corridor & Centres Boundaries) of this By-Law.
 - f) Council - the Council of The Corporation of the City of Kingston.
 - g) Designate - a person who is an employee of The Corporation of the City of

Kingston and who has been appointed by the Director to administer all or part of this By-Law on behalf of the Director.

- h) Development - the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.
- i) Director - the Director of Recreation and Leisure Services or the Director responsible for parks development or his/her designate.
- j) Dwelling Unit - as defined in the applicable City of Kingston Zoning By-Law.
- k) Employment land – land designated as Business Park Industrial or General Industrial in the City's Official Plan.
- l) Gross Floor Area - the sum of the floor areas of a building measured between the exterior walls or structure of a building for all floors above grade and below grade with the exception of areas as defined in the gross floor area definition of the applicable Zoning By-Law.
- m) Gross Land Area – gross land area of the entire development or redevelopment site, including the parcel of land which is to be dedicated for parks purposes or easements, but shall not include any lands designated as Environmental Protection Area.
- n) Heritage Building – an existing building or portion of a building on a Protected Heritage Property which is identified as a heritage attribute in the applicable designation by-law, heritage conservation easement or identified as a heritage-contributing building in the applicable Heritage Conservation District Plan.**
- o) Land Price Index - the new housing price index, for land only, for the Ottawa-Gatineau Region as published in the Canadian Housing Statistics, Housing Costs by Canadian Mortgage and Housing Corporation.
- p) Local Board - a public utility commission, public library board, local board of health, or other board, commission, committee, or body exercising authority with respect to the affairs of the municipality.
- q) Long Term Care Home - a facility for persons where the primary use shall be for receiving nursing care as regulated by the Long-term Care Act, 2007 or equivalent provincial or federal regulation(s).
- r) Market appraisal - a written opinion of fair market value of one or more parcels of land subject to development or redevelopment supported by presentation and analysis of relevant data by a certified accredited appraiser.
- s) Market value - the price in terms of money which a property should bring in a competitive and open market, as of the specified date, under all conditions

requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming price is not affected by undue stimulus.

- t) **Major Water Body – Lake Ontario, the St. Lawrence River, the Great Cataraqui River, Rideau Canal, Loughborough Lake, Collins Lake and the Little Cataraqui Creek up to Bath Road as outlined in Schedule B.**
- u) Not-for-Profit Organization - a corporation registered as a charity and regulated under the Not-for-Profit Corporations Act, 2010 or regulated by one or more provincial and/or federal act(s).
- v) Occupied – a building occupied by a tenant for at least 12 consecutive months prior to the proposed development application.
- w) Parkland – lands that are suitable for the development of playing fields, play apparatuses, and community recreational and leisure facilities and that satisfy the criteria of Section 4 of this By-law.
- x) **Protected Heritage Property – a property designated under Part IV or Part V of the Ontario Heritage Act (OHA), including properties that are the subject of a Heritage Conservation Easement under Part II or Part IV of the OHA.**
- y) Redevelopment – shall have the same meaning as Development
- z) Rental affordable housing unit – a rental residential unit which for low or moderate income households which:
 - i) monthly rent is less than or equal to 80% of the CMHC average monthly rent; and,
 - ii) is guaranteed to be affordable and is registered with the City as an affordable housing unit for a minimum of 15 years.
- aa) Williamsville Main Street – Special Policy Area as defined in the Official Plan which extends between the westerly limit of the Central Business District at Division Street and the Bath Road/Concession Street intersection, along the Princess Street Corridor.

Part II - Parkland Acquisition

Requirements for the Conveyance of Parkland

2. The purpose of this by-law is to enable the City to provide land for public parks or other public recreational purpose. The City is permitted to require the conveyance of **Parkland** as a condition of **Development** or **Redevelopment** as regulated under the Planning Act. Land conveyed to the City under this By-law shall be used for

Parkland or other public recreational purposes, subject to the policies of the Official Plan and this By-law.

3. As a condition of the **D**evelopment of land, the City shall require that land be conveyed to the City for park purposes as follows:

Residential Uses

- a) When land is developed for a residential use:
 - i) Where the gross density of the land(s) included within the Development application is 30 **D**welling **U**nits per hectare or less, 5 percent of the **G**ross **L**and **A**rea shall be conveyed to the City;
 - ii) Where the gross density of the land(s) included within the Development application is greater than 30 **D**welling **U**nits per hectare, 1.2 hectares per 1000 people¹, not to exceed 1 hectare per 300 **D**welling **U**nits, shall be conveyed to the City. Further, the conveyance generated shall not exceed a maximum of 10 percent of the **G**ross **L**and **A**rea; or,
 - iii) Where the subject development application is within the Centres or Corridor defined in Schedule **A** (Corridor & Centres) of this By-Law, 0.6 hectares per 1,000 people shall be conveyed to the City, to a maximum of 5 percent of the **G**ross **L**and **A**rea.
- b) For a single residential lot created by consent to sever for the purpose of developing a single residential dwelling, a flat rate shall be applied as defined in **Table A**. The flat rate shall be adjusted annually as defined in **Table A** below, in accordance with the Land Price Index. This section shall not apply to plans of subdivision.

Table A

Flat rate for residential lot(s) created by Consent for the purpose of a single residential dwelling D evelopment:	
Rural Area	\$1,129 per new residential lot
Urban Area	\$1,732 per new residential lot
Note: The flat rates shall be adjusted annually in accordance with the Land Price Index (the flat rates in this section are in 2011 Land Price Index values).	

- c) **Notwithstanding the flat rate identified in section 3(b) Table A, land**

¹ Population generation is to be based on Statistics Canada Average Household Size by dwelling unit type

conveyance may be required at the residential rate outlined in 3(a) for a single residential lot created by consent to sever for the purpose of developing a single residential dwelling when:

- i) the lot is adjacent to a Major Water Body as identified in Schedule B; or
- ii) the lot is adjacent to an existing park; or
- iii) the lot contributes to a Council approved trail plan.

Commercial or Industrial Uses

- d) When land is developed for commercial or industrial use, 2 percent of the **Gross Land Area** shall be conveyed to the City.

Long Term Care Home Uses

- e) When land is developed for a Long Term **Care Home** use, 2 percent of the **Gross Land Area** shall be conveyed to the City.

A Mixture of Uses

- f) When land is developed for a mixture of uses, the land to be conveyed shall be as follows:
 - i) for mixed uses on a site, the land to be conveyed shall be the sum of the requirements proportionate to the site area allocated to each use at the rates set out in Section 3; or,
 - ii) for mixed uses within a building, the land to be conveyed shall be the sum of the requirements proportionate to the **Gross Floor Area** allocated to each use at the rates set out in Section 3.

Lands Suitable for Parkland Conveyance

4. The City of Kingston shall accept land for passive and active **Parkland** and other public recreational purpose. These lands conveyed to the City shall be in a location and in a physical condition satisfactory to the City. Any land parcel configuration, size or location that is constrained or deemed undesirable, as determined by the City, shall not be acceptable as **Parkland** conveyance. **Factors that will be considered in determining suitability for conveyance include, but are not limited to, the following:**
 - a) **Open frontage** on a public road which provides visibility and accessibility;
 - b) **Adequate size and configuration** to accommodate park amenities such as sports fields, playgrounds, and programmable open space as required;

- c) **Equitably distributed** within the proposed **Development** and, generally be in a centralized location within the proposed **Development**;
 - d) **Abutting complementary neighbouring land uses**; and
 - e) **Consistency** with the Official Plan and secondary plan policies for the area.
5. The City may accept, at its discretion, the conveyance of **Parkland** that is not contiguous to the **Development** site provided that the value of the land to be provided off-site is approximately equal to the value of the lands from the subject **Development** site. **The land valuation is determined as outlined in section 18 and 19.**

Lands Not Suitable for Parkland Conveyance

6. The City shall not accept Environmental Protection Areas and Hazardous lands as defined in the Official Plan to fulfill **Parkland** conveyance requirements.

The City shall not accept the conveyance of any land, for park purpose, that is considered, by the City, to be unsuitable as **Parkland**.

Part III – Exemptions/Reductions to Conveyance Requirements

Exemptions

7. No additional conveyance of **Parkland** will be required for subsequent **Development** where **Parkland** was previously conveyed for an existing, or former, **Development** on the site and where a site was **Occupied** within 10 years prior to the **Development** application, unless:
- a) There is **an increase** in density; **or**
 - b) There is a change from institutional, industrial or commercial to residential; or
 - c) **Dwelling Units** are added within an existing structure that increases the number of existing bedrooms.

In the above instances, the **Development** shall be subject to a recalculation of **Parkland** conveyance requirements and credited for existing or previous use and density

8. No conveyance of **Parkland** is required for:
- a) Renovations to an existing residential building provided that it does not increase the number of **Dwelling Units** that lawfully existed prior to the renovation;
 - b) The enlargement of an existing **Dwelling Unit**;

- c) **The creation of the first additional Dwelling Unit(s) to an existing residential structure, which meet all applicable requirements as set out in Table B below.**

Table B				
Exemption Requirement	Single Detached Dwelling	Semi-Detached Dwelling	Row / Townhouse	Other Types of Dwelling
New unit(s) in an existing structure	2	1	1	1
Total Gross Floor Area of new unit(s) that are fully contained within the existing structure	Does not exceed the Gross Floor Area of the existing Dwelling Unit			Does not exceed the smallest existing Dwelling Unit already in the building
New unit in an addition to an existing structure	1	1	1	0
Total Gross Floor Area of new unit in an addition to an existing structure	Does not exceed the lesser of 40% of the Gross Floor Area of the existing Dwelling Unit or 90 square metres			Not applicable
Total number of new units eligible for exemption	2	1	1	1

- d) Development proposed by any municipality, **Local Board** and other government bodies, hospital, post-secondary institution or school as defined in section 1(1) of the Education Act, a place of worship as exempted from taxation under Section 3 of the Assessment Act;
- e) A home-based occupation as defined by the Zoning By-Law; and/or,
- f) Employment land **Development** on City-owned lands within Business Parks, General Industrial lands or within the Old Industrial Project Area as described in the City’s Brownfield Program.

Reductions

9. The City may reduce **Parkland** requirements for the conveyance of Environmental Protection Area for the purpose of obtaining a continuous open space corridor along the Great Cataraqui River **as set out in the City of Kingston’s Official Plan.**

- 10. When the proposed Development is on land adjacent to a Major Water Body, at the sole discretion of the City, may reduce Parkland requirements in exchange for the conveyance of Buffer Land as set out in the Natural Lands and Parkland Acquisition Policy. Any land parcel configuration, size or location that is deemed undesirable, as determined by the City, shall not be acceptable for conveyance.**
- 11. Where Parkland conveyance is not possible, the City may, at its sole discretion, reduce Parkland requirements for the conveyance of an easement to permit public access and park use. The suitability of the easement land shall follow the same suitability consideration as parkland conveyance as set out in Section 4, 5 and 6. The Parkland reduction will not exceed a ratio of:**
 - a) 1 unit of Parkland area to 2 units of easement area for sites within the Centres and Corridor as defined in Schedule A; or**
 - b) 1 unit of Parkland area to 3 units of easement area for sites outside the Centres and Corridor.**
- 12. Where land is subject to a reduction as per section 10 and 11, the exchange ratio will not be less than or equal to the higher of the reduction rates.**
- 13. Where a multi-family dwelling residential Development is required to provide play space/children's play area, in addition to amenity space, under City of Kingston Zoning By-Law No.8499, Downtown & Harbour Zoning By-Law No. 96-259 and Kingston Township Zoning By-Law No. 76-26, the Parkland conveyance shall be reduced by the amount of play space/children's play area provided to a maximum of 250 square metres if the play space/children's play area:**
 - a) has an agreement registered on land title;
 - b) is designed to the standards and satisfaction of the City;
 - c) is maintained to the standards and satisfaction of the City;
 - d) is adequately insured against liability to the satisfaction of the City; and
 - e) open and accessible to the public at all times.
- 14. Where Parkland conveyance is not possible and cash-in-lieu of Parkland conveyance is accepted by the City, the cash-in-lieu of Parkland requirements may be reduced only in the following circumstances:**
 - a) When land is developed to include Rental affordable housing units, the reduction may be proportionate to the number of rental affordable units provided, at the following rates:

- i) where the rent is between 20 percent and 39 percent below the defined average market rent, a 50% reduction to the applicable cash-in-lieu of **Parkland** conveyance requirement per rental affordable unit; or,
 - ii) where the rent is 40 percent or greater below the defined average market rent, a 100% reduction to the applicable cash-in-lieu of **Parkland** conveyance requirement per rental affordable unit.
- b) When the proposed **Development** is being undertaken by a **Not-for-Profit Organization** the cash-in-lieu of **Parkland** conveyance requirement may be reduced at the discretion of the Director. The amount of the reduction shall not exceed a land value equivalent of \$25,000. Any reduction above \$25,000 would require Council approval.
- c) **When newly created Dwelling Units are added to, or commercial or industrial Development that occurs in, a Protected Heritage Property, a fifty (50) percent reduction in the applicable Cash-in-Lieu of Parkland conveyance requirement will be applied, provided the cultural heritage value of the property is conserved to the satisfaction of the City and the new units are, or the commercial or industrial Development is:**
- i) **located within the Heritage Building; or,**
 - ii) **fully contained within an area of an addition to the Heritage Building that does not exceed one hundred (100) percent of the Gross Floor Area of the Heritage Building. New units or commercial or industrial Development in an area of an addition that exceeds the Gross Floor Area of the Heritage Building will not qualify for the reduction.**
15. Notwithstanding the cash-in-lieu of **Parkland** conveyance reductions identified in **section 14**, for **Development** within the Downtown and Harbour Special Policy area as defined in the Official Plan, the cash-in-lieu of **Parkland** shall not exceed the following:
- a) **\$1,250 per new Dwelling Unit; or,**
 - b) **\$625 per new Dwelling Unit for Development subject to 14(a), or 14(c).**

Note: The **rates** shall be adjusted annually in accordance with the Land Price Index (the **rates** in this section are in 2013 Land Price Index values).

16. Notwithstanding the cash-in-lieu of **Parkland** conveyance reductions identified in **section 14**, for **Development** within the Williamsville Main Street as defined in the Official Plan, the cash-in-lieu **of Parkland** shall not exceed **\$2,000 per Dwelling Unit**.

Note: The **rates** shall be adjusted annually in accordance with the Land Price

Index (the **rates** in this section are in 2013 Land Price Index values).

Part IV - Cash-in-lieu of Parkland Conveyance

Use of Cash-in-Lieu Provisions

17. It is the objective of the City to promote the conveyance of land through the **Parkland** dedication process. However, the City, at its discretion, may accept the payment of money, or a combination of land and payment of money, up to the value of the land otherwise required to be conveyed in lieu of the conveyance of land including any permitted reduction(s). This is applicable to residential, commercial and industrial **Developments** or **Redevelopments**.

At its discretion, the City may accept cash-in-lieu of **Parkland**, as follows:

- a) Where no opportunity exists to provide suitable **Parkland**;
- b) Where the parcel of land is too small, inappropriately configured, or too poorly located to meet **Parkland** needs;
- c) Where the required dedication of land would render the remainder of the site unusable or impractical for **Development** or **Redevelopment**, as determined by the City;
- d) Where the City has identified land in a more appropriate or accessible location and that has been or is to be acquired by the City;
- e) Where no opportunity exists to obtain waterfront land;
- f) Where the area being developed or redeveloped is already well served with **Parkland**; or
- g) For a rural severance.

All money received by the City through payments of cash-in-lieu of **Parkland** shall be paid into the Cash-in-Lieu of **Parkland** Reserve Fund.

Land Valuation

18. Where cash-in-lieu of **Parkland** is required, the value of the land, **otherwise required to be conveyed**, shall be determined by:
- a) A **Market** appraisal or a letter of opinion from a Certified Appraiser reviewed and accepted by the Real Estate and Construction Department of the City; or,
 - b) The most recent land sale record of the relevant property, no more than 24 months prior to the date the application reviewed and accepted by the Real

Estate and Construction Department of the City; provided 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.

19. **For cash-in-lieu of Parkland, the value of the land otherwise required to be Conveyed, shall be determined as of:**
- a) The day before site plan approval (or the issuance of the building permit for **Development** or **Redevelopment** as applicable);
 - b) The day before provisional consent to sever is given for a consent application;
 - c) The day before approval of the draft plan of subdivision; or,
 - d) The land sale record date accepted by the City, as per section **18(b)**.

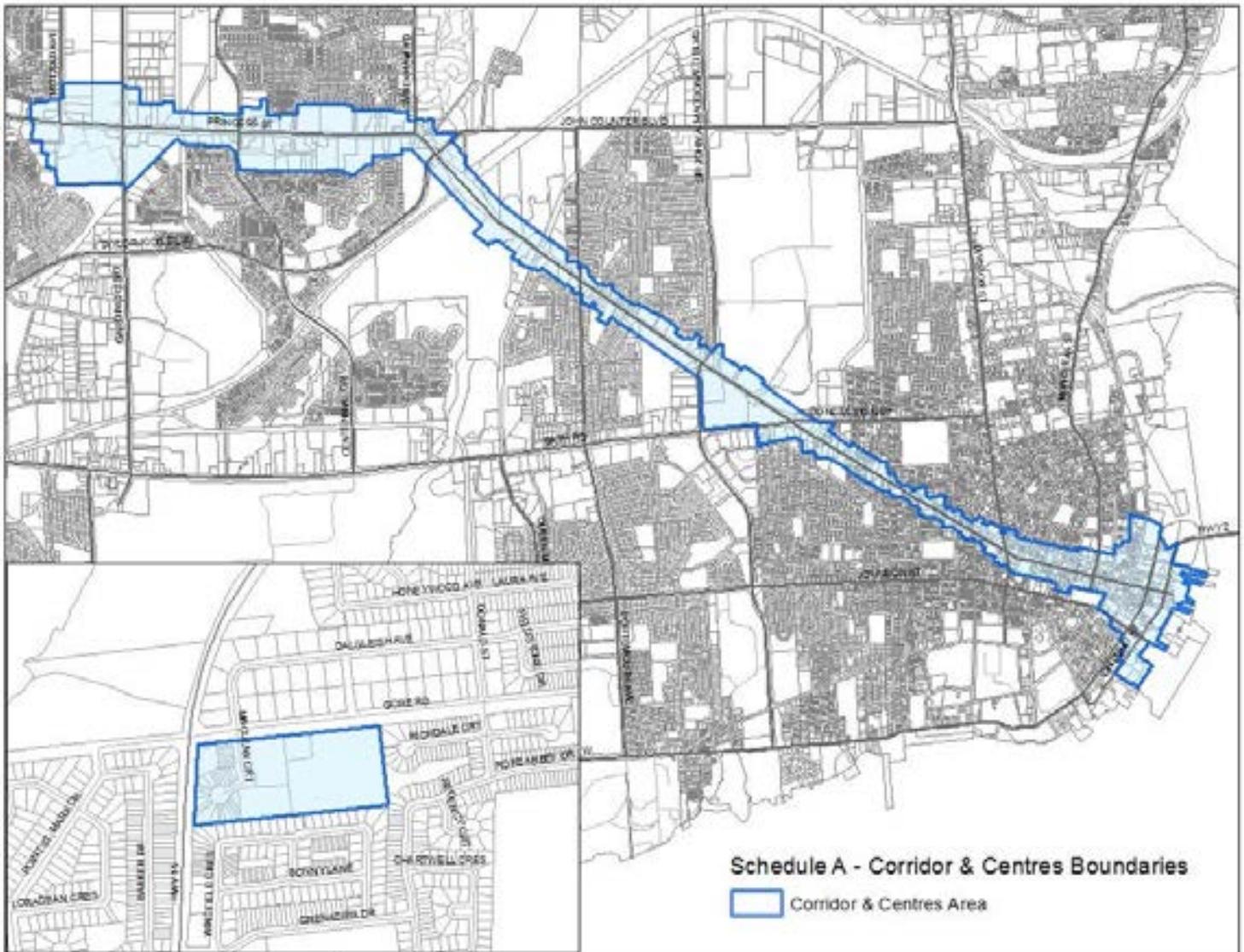
Part V - Administration

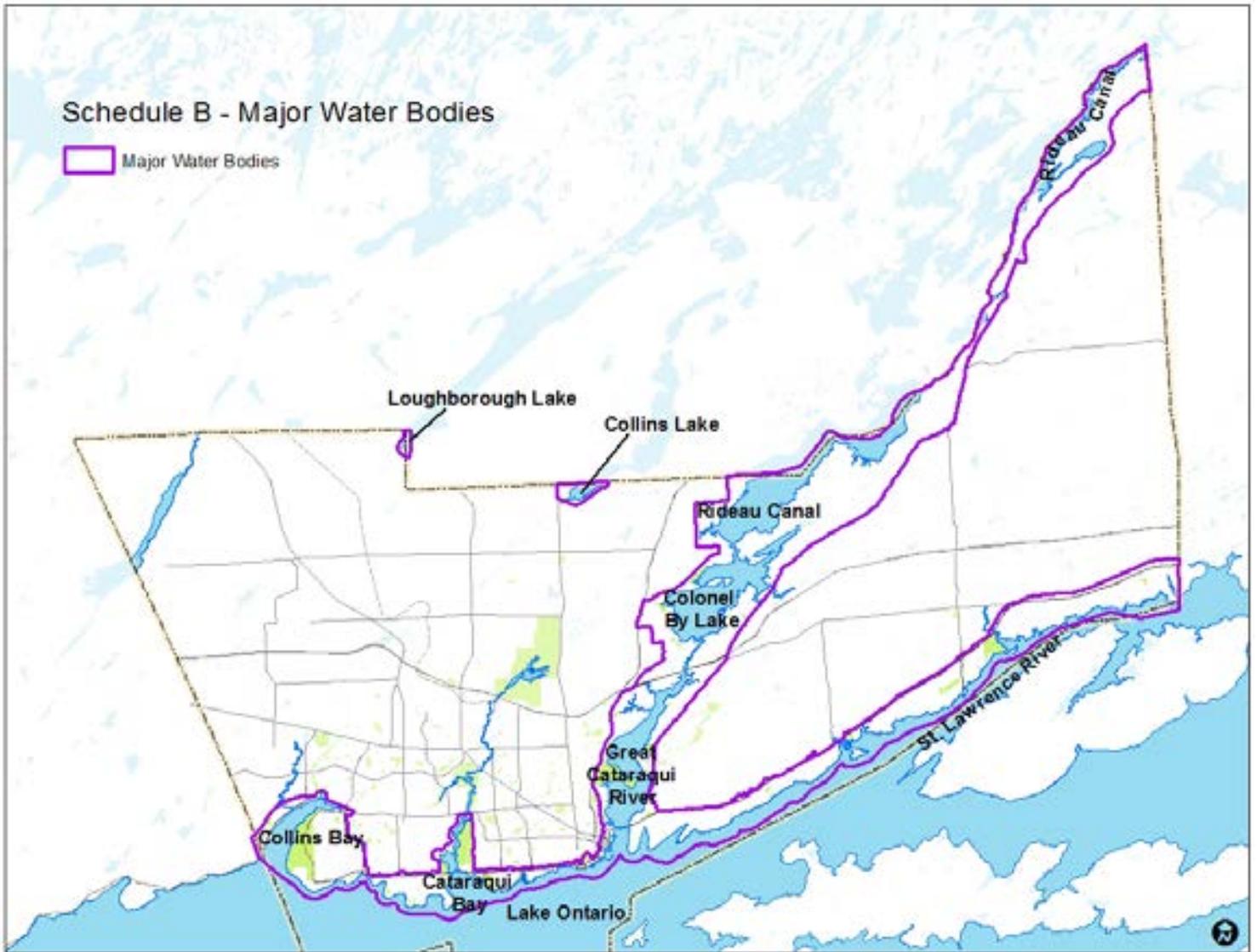
20. This by-law shall be administered by the Director of Recreation and Leisure Services **or Designate**.
21. City Council may, by resolution, vary any of the requirements for **Parkland** dedication or payment in lieu thereof set out in this by-law.
22. No building permit shall be issued until all **Parkland** dedication requirements have been satisfied as established in this by-law.
23. Any legal or administrative costs associated with the conveyance of land shall be the responsibility of the transferor.
24. In the event of a dispute between the City and an owner of land on the determined amount of land and/or the value of land, either party may apply to the Ontario Municipal Board to have the value determined and the Board shall make a final determination of the matter, in accordance with the Planning Act.
25. If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.
26. This by-law may be reviewed by the City every 3 years to ensure its ongoing validity in the evolving **Development** context within the City.
27. City of Kingston By-Law 8820, Township of Kingston By-Law 83-2 and Township of Pittsburgh By-Law 14-88 are hereby repealed.

28. Notwithstanding Section **27** above, City of Kingston By-Law 8820, Township of Kingston By-Law 83-2 and Township of Pittsburgh By-Law 14-88 may apply to site plan, consent and subdivision applications that were submitted and deemed complete to the satisfaction of the City prior to the repeal of said By-Laws. This provision shall be implemented in circumstances when the burden to **D**evelopment under By-Laws 8820, 83-2 and 14-88 is less than that of this by-law.

29. This By-Law shall come into force and take effect on the date of passing.

(By-Law 2013-107, By-Law 2014-145)





**Excerpt from Natural Areas and Parkland Acquisition Policy amendments:
Waterfront Land Criteria and Buffer Land Ratio**

Table 3a: Criteria for Prioritizing Waterfront Land along Major Water Bodies

Waterfront land rating higher under these criteria should be identified as priority for public acquisition. The purpose of the waterfront land acquisition is to provide sufficient waterfront access and to ensure the long term protection of and recognition of the significant role that waterfront areas play in the City’s sense of place, recreational needs, natural heritage system, as well as a valuable source of water.

Category	Rating	Criteria
Location / Access		
Proximity to the urban boundary	1	Far > 5km
	2	2 – 5 km
	3	Near < 2km or within
Local access, connectivity, visibility, and proximity to public streets.	1	Low: limited opportunities for pedestrian access due to parcel configuration or grade and does not create connections to neighbouring communities, amenities or destinations. Site does not have good visibility to public streets with no or narrow street frontages, where lands are situated behind private properties or where less than 10% of the land can be seen from a public street.
	2	Medium: some opportunities for pedestrian access due to parcel configuration and grades that would allow for some pathway development at accessible grades. Site creates or improves connections to neighbouring communities, amenities or destinations. Site has good visibility to public streets with broad street frontages, where lands are not situated behind private properties or where up to than 25% of the land can be seen from a public street.
	3	High: demonstrated strong opportunities for pedestrian access due to parcel configuration and grades that would allow for multiple pathway development opportunities at accessible grades. Site provides strong connections to neighbouring communities, amenities or destinations. Site has high visibility to public streets with broad street frontages, where lands are not situated behind private properties or where more than 25% of the land can be seen

		from a public street.
Proximity to parkland and other public lands.	1	Low: site is not connected to another public land or park where its intended use or operation would be restricted by its separation
	2	Medium: site has some connection opportunities to an existing park or public land that would benefit its intended use and operation or where the site is separated from other public lands but the intended use is not constrained by its separation.
	3	High: land is directly adjacent to a park or public land where the relationship would benefit its intended use and operation
Broad connectivity to recreational systems (trails, on-road paths, routes or pedestrian systems)	1	Low: site offers no opportunities to connect to current or future trails or public roads as either a destination or a through way
	2	Medium: site offers some relationships to current or future trails and public roads as either a destination or a through way
	3	High: site is a key connection gap in, or destination of, an existing or future trail, pathway or public road system for cycling and pedestrians
Feasibility of Use		
Topography	1	Steep, poorly drained, standing water, low
	2	Some drainage issues, slopes >20%, some constraints to use
	3	Level, dry land, ease of use
Slope	1	Some steep or unstable slopes affecting pathway development, erosion, and public safety
	2	Stable land with some challenges for pathway, lookout and gathering area development at waterside
	3	Limited constraints to pathways, lookouts, gathering areas and waterside access
Vegetative Cover	1	Limited interest, low quality
	2	Meadow, cultural thickets, trees
	3	Trees of significant size, woodland

Natural Heritage Features and Biodiversity	1	Few natural heritage features: little variation of species, low habitat diversity, and plantations.
	2	Some natural features such as unique landforms, wetlands, woodlots of intermediate stage forest (mixed stands, low wet stands), valley lands, floodplains and average habitat diversity.
	3	High biodiversity: climax forests (hardwood), significant wetlands or natural feature (PSW, ANSI), significant wildlife habitat and presence of significant species.
Natural Environment Constraints to Use	1	Significant constraint and restriction to use due to natural heritage features and area. Has high supporting function to high quality natural heritage features including separation, wildlife corridor, vegetation buffer, successional forest growth opportunities, drainage, etc.
	2	Some constraint and restriction to use due to natural heritage features and area
	3	Limited constraint and restriction to use due to natural heritage features and area Has limited supporting function to moderate quality natural heritage features including separation, wildlife corridor, vegetation buffer, successional forest growth opportunities, drainage, etc.
Cultural / Archaeological	1	On-site or in proximity to constraints
	2	Limited consideration to use
	3	Opportunities to preserve and celebrate on-site or in proximity
Environmental Constraints – Unsuitable Fill/Contamination	1	Significant environmental constraint including contamination, low quality fill, poor load bearing capacity, erosion potential and other qualities that would restrict or limit its intended use as a public land
	2	Some environmental constraint
	3	Limited environmental constraint with low or no contamination, good quality fill, load bearing capacity, limited erosion potential and other qualities that would not restrict or limit its intended use as a public land

Functional Qualities		
Views	1	Completely or partially obstructed
	2	Primarily open views from up to 25% of the site, up to a 90 degree viewing angle for a distance of 500m or further.
	3	Highly desirable and open views from more than 25% of the site, over a 90 degree viewing angle for a distance of 1.5 km or further.
Adjacent Water Aesthetic	1	Low: shallow, stagnant, standing algae, algae blooms, wetland, known E-coli concerns
	2	Medium: shoreline has water depth > 1.2m, minimal standing algae, weed and aquatic plant growth, good flushing conditions (i.e. water flow or current)
	3	High: clean
Water access (Swimming)	1	No or limited opportunity on-site, significant obstructions or restrictions, bottom quality rough, uneven, silty, sediment, poor that would restrict swimming use
	2	Some possibility for wading and informal swimming
	3	High quality opportunities for swimming such as beach, flat rock, deep water, etc.
Water access (Canoeing, fishing, other recreational use)	1	Low: general access with recreational equipment is limited or restricted by shoreline, lake/riverbed condition, and vegetation grade and access
	2	Medium: general access with recreational equipment is possible when considering shoreline, lake/riverbed condition and vegetation but may present some challenges
	3	High: general access with recreational equipment is highly conducive and feasible when considering shoreline, lake/riverbed condition, vegetation, access and grades
Opportunities for boat launch and docking	1	Low feasibility or likelihood of permissions to develop a dock or boat launch when considering shoreline, lake/riverbed condition, vegetation, access and grades such as steep banks, and unsuitable soil

	2	Feasibility to create a small craft boat launch or floating dock when considering shoreline, lake/riverbed condition, vegetation, access and grades such as steep banks, and unsuitable soil
	3	High: Site feasibility can be demonstrated to create a vehicular boat launch and/or fixed docking area

Rating Evaluation (16-48)	16-23	Low rating for acquisition
	23-31	Medium rating for acquisition
	32-39	High rating for acquisition
	39-48	Very high rating for acquisition

Table 3b: Buffer Land Exchange Ratio in lieu of Parkland Conveyance

As a condition of waterfront land development, an area of separation or setback may be required from natural heritage features, their ecological functions or all land within the regulatory floodplain as protection from negative impacts of development or site alteration. The buffer land does not include environmental protection areas. This buffer land would be constrained by conditions restricting its use.

The reduction of parkland conveyance requirement in exchange for buffer land conveyance, to the City, along major water bodies may be considered under Parkland Dedication By-Law 2013-107. The rate of reduction of Parkland Conveyance is described below.

	Score	Ranking	Buffer Land Exchange Ratio in lieu of Parkland Conveyance
Rating of Waterfront Priorities as per Table 3a	16-23	Low	5 units buffer area to 1 unit parkland area
	23-31	Moderate	4 units buffer area to 1 unit parkland area
	32-39	High	3 units buffer area to 1 unit parkland area
	39-48	Very High	2 units buffer area to 1 unit parkland area

Exhibit D

Summary of Parkland Dedication By-Law Amendment Public Comments

Comments	Response
Consider the use of a 1:1 exchange ratio for buffer lands on properties that exhibit unique and desirable characteristics	The possibility of a 1:1 would be reviewed on a case-by-case basis, at the City's sole discretion, and be subject to Council approval
Provide clarification on what ratio would be used for parkland conveyance which involves an easement over buffer lands.	Section 12 was added. "Where land is subject to a reduction as per section 10 and 11, the exchange ratio will not be less than or equal to the higher of the reduction rates". In other words, the resulting constrained public access model would result in an exchange that was more favourable to the City than the greatest of the individual constraint ratios.
Consider the use of an exchange ratio for contaminated Environmental Protection land along the Great Cataraqui River.	The proposed parkland reduction for buffer lands does not include environmental protection area (EPA). This is outlined in the definition of buffer lands.
Provide guidance on the type of open space considered appropriate on contaminated lands (in the EPA)	
Place value on the acquisition of Environmental Protection lands, even if contaminated, when there is associated hazard lands and the whole would result in substantial waterfront properties	
The City should actively promote both neighbourhood parks and the acquisition of waterfront green space	While the amendment proposes a mechanism to assist in acquiring potential land along the waterfront through development, an overall balance of traditional parkland and waterfront land must be considered when utilizing the buffer land exchange option.

Exhibit D

<p>The City should not give credit for parkland for lands that cannot be developed. Concern that the City will receive left over lands that are unsuitable for parkland.</p>	<p>Lands that can be traditionally developed but that have competing private functions would be considered for parkland reduction in favour of public use easements. Private functions might include underground parking, utilities, entry access, etc.</p> <p>Buffer lands, while not being able to support houses or apartment buildings, can become part of a private land development in that they can be retained privately by the land owner, condo or in individual lots.</p>
<p>The definition of buffer land is not consistent with the draft Official Plan and the words “should be limited or prohibited” be read as “is limited or prohibited”</p>	<p>The definition of buffer was developed and reviewed in consultation with the Cataraqui Region Conservation Authority and the Planning Department.</p> <p>The definition now reads “is limited or prohibited”</p>
<p>Why does the Major Water Body not apply to the Little Cataraqui Creek at Tanner Drive?</p>	<p>To be consistent with the reach boundary description and mapping that followed the Council endorsed Waterfront Public Consultation, 2002 that divided waterfront into areas of similar characteristics.</p> <p>This is also consistent with the draft Waterfront Master Plan.</p> <p>Buffer lands on minor bodies of water, creeks, streams, wetlands and watercourses are not proposed to be accepted at any ratio toward a reduction of traditional parkland.</p>
<p>Easements should never be permitted in environmental protection areas as parkland dedication (or for a ratio reduction) since it is not permitted as parkland.</p> <p>The ratio should be related to the easement permissions with a ratio ranges depending on the nature of the easement and restrictions imposed.</p>	<p>Easements would follow the same suitability consideration as parkland. Further clarification on the suitability of easement lands has been included to section 11.</p> <p>The easement ratio is proposed primarily for the purpose of permitting public access and park use. The easements would thus include a similar type of permissions and thus not include a weighting related to the type of easement.</p>

Exhibit D