## Table of Contents

- Purpose of By-Law ................................................................. 3
- How are parkland dedication requirements satisfied? .................... 3
- What is parkland and why it is important? .................................. 3
- Why was the Parkland Dedication By-law updated? ....................... 3
- When did the new Parkland Dedication By-Law come into effect? .... 3
- When is parkland dedication required? ...................................... 3
- When is parkland dedication not required? .................................. 6
- What is considered suitable parkland? ....................................... 6
- What lands will not be accepted as parkland? .............................. 6
- What are the rates to calculate parkland dedication requirements? ... 7
- What are the rates to calculate parkland dedication requirements? ... 8
- When Cash-in-Lieu of parkland conveyance is required, how is the value of payment determined? ......................................................... 9
- When can parkland dedication be reduced? .................................. 9
Purpose of By-Law

By-Law 2013-107 enables the City to provide adequate supply of land for park or for other recreational purpose to service the growing population in Kingston.

How are parkland dedication requirements satisfied?
The requirement to convey parkland occurs as part of the planning process for land development or redevelopment such as site plan, subdivision or consent (to sever) applications. As a condition of development, parkland dedication is to be satisfied prior to issuance of a building permit.

It is the objective of the City to obtain land for park or other recreational purpose where possible. Where it is not possible to convey such lands within the subject site or within an equivalent acceptable site owned by the applicant, Cash-in-Lieu of the conveyance of parkland may be accepted as a condition of development at the discretion of the City.

What is parkland and why it is important?
Parkland is land dedicated for a park, active or passive purpose.

Benefits of parkland:
- A high quality and well distributed parkland system improves quality of life for residents, provides recreational opportunities, offers mental and physical health benefits, and social gathering places.
- Attracts and enhancing development in the area. Parks tend to attract residence or people to an area which indirectly attracts businesses. Parkland improves community land values, improves attractiveness of communities to residents, businesses and institutions.

Why was the Parkland Dedication By-law updated?
The current By-Law was established to provide the City with a comprehensive set of regulations applied consistently across the City. Land development and redevelopment in the City of Kingston was previously regulated by three by-laws of the former municipalities.

When did the new Parkland Dedication By-Law come into effect?
Council passed the By-Law on May 21, 2013. Development applications that were received complete and were in progress prior to the passing of the By-Law have the option to be governed under the former by-law.

When is parkland dedication required?
Parkland dedication is required for development or redevelopment of land that requires approval under the Planning Act. Typically parkland requirements are requested during site plan or subdivision applications.
Situations where parkland dedication is required:
  • Constructing a new residential building
  • Constructing a new commercial or industrial building
  • Severing a lot for the purpose of a new residential dwelling

Redevelopment of a land may also require parkland dedication. These are the general guides for determination of parkland requirement for redevelopment:

  • If parkland dedication wasn’t previously provided for the site and there is an increase in density or demand generated from the redevelopment, then parkland dedication is required.
  • If parkland dedication was previously provided for the site and there is no increase in density or demand generated from the redevelopment, then parkland dedication is not required.

For examples of some redevelopment situations described above, see diagram ‘Redevelopment Examples’
Redevelopment Examples:

- Redevelopment of a commercial site to a new commercial function:
  - No parkland dedication required.

- Redevelopment of a commercial site to new residential units:
  - Parkland dedication is required at the applicable residential rate.

- Redevelopment of a church or school site to new residential units:
  - Parkland dedication is required at the applicable residential rate.

- Redevelopment of a residential site to new residential units:
  - If the number of units is increasing or if the site was vacant for over 10 years, then parkland dedication is required at the applicable residential rate.
**When is parkland dedication not required?**

Situations where parkland dedication is not required:

- A renovation or enlargement to an existing building that does not create a new residential unit
- Home-based occupations as defined under the Zoning By-Law
- Creation of the first two additional units to an existing single detached and semi-detached dwelling
- Creation of the first additional unit to an existing apartment building
- Development by municipalities or other government bodies
- Hospitals
- Post secondary schools or schools as defined in the Education Act
- Places of worship that are exempted from taxation under the Assessment Act
- Employment land development on City-owned lands within business parks or general industrial lands
- Employment land development within the Old Industrial Project Area as described in the City’s Brownfield Program
- The creation of additional dwelling units within a residential dwelling in which the number of bedrooms is the same or less than previously existed.

**What is considered suitable parkland?**

The configuration and location of required parkland conveyance will be determined with the land owner subject to the satisfaction of the City. As a general guide, suitable parkland shall:

- Have open frontage on a public road which provides visibility and accessibility
- Be of adequate size and configuration to accommodate park amenities
- Be equitably distributed within the proposed development. Generally in a central location with a subdivision.
- Be abutting complementary neighbouring land uses such as schools
- Be consistent with the Official Plan and secondary plan policies for the area

**What lands will not be accepted as parkland?**

Hazardous or undevelopable land will not be accepted for park purpose.

Unsuitable lands may contain:

- Environmental Protection Areas, buffer zones, significant environmental features such as woodlots meant for conservation.
- Steep or unstable slopes
- Unstable soil
- Contamination not suitable for park purpose
- Easements or right-of-ways
What are the rates to calculate parkland dedication requirements?

Residential Development:

- Residential development with a density of 30 units per hectare or less
  - 5% of the gross land area

- Residential development with a density greater than 30 units per hectare:
  - Lands outside the corridor & centres: 1.2 ha per 1000 people\(^1\) (capped at 10%)
  - Lands within the corridor & centres: 0.6 ha per 1000 people\(^1\) (capped at 5%)

- Residential lots created by severance for the purpose of a single family dwelling.
  - Rural area: $1,129 per new residential lot\(^2\)
  - Urban area: $1,735 per new residential lot\(^2\)

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**Example 1:**

Land: 1 ha site located outside the corridor & centres area
Development proposed: 15 single detached dwellings

The density is 15 units per hectare; therefore, the 5% of gross land area rate applies.

Parkland dedication requirements: \(1 \times 0.05 = 0.05\) ha

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**Example 2:**

Land: 0.6 ha site located within the corridor & centres area
Development proposed: 30 apartments units

The density is 50 units per hectare and within corridor & centres area; therefore, the 0.6 ha per 1000 people rate apply.

Potential population generated: \(30 \times 1.6\)\(^1\) = 48 persons

Parkland dedication requirement (the lesser amount):

<table>
<thead>
<tr>
<th>0.6 ha per 1000 people</th>
<th>5% cap of site</th>
</tr>
</thead>
<tbody>
<tr>
<td>((48/1000) \times 0.6) = 0.029 ha</td>
<td>5% (\times 0.6 = 0.03) ha</td>
</tr>
</tbody>
</table>

Parkland dedication requirement for these 30 units would be **0.029 ha**

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\(^1\) People generated based on an average household size by dwelling type (2006 Census: 2.7 persons for single detached, 2.6 persons for townhouse and semi detached, 1.6 persons for apartments. Note these averages are based on Statistics Canada Census data and subject to change over time.

\(^2\) 2013 rates - rates are annually adjusted based on the land price index. Check with the City for current rates.
What are the rates to calculate parkland dedication requirements?

Commercial / Industrial development:
- 2% of the gross land area

Mixture of Uses:
- Mixed use can either be different land uses on one site or within one building. The rates are based on the applicable land use rate, proportionately applied to each use proposed.

Example 3:
Land: 0.2 ha site located outside the corridor & centres area
Development proposed: 10 residential units on the upper floors of a building and ground floor commercial. The commercial area makes up 40% of the total gross floor area of the building.

The density of the residential proportion is 50 units per hectare; therefore, the residential rate applied is 1.2 ha per 1000 people (up to a 10% of the site cap).

Potential population generated: 10 x 1.6^1 = 16 persons

Residential portion (the lesser amount):

<table>
<thead>
<tr>
<th>1.2 ha per 1000 people</th>
<th>10% cap of the proportionate area of site</th>
</tr>
</thead>
<tbody>
<tr>
<td>(16/1000) x 1.2 = 0.019 ha</td>
<td>10% x (0.2 x 60%) = 0.012 ha</td>
</tr>
</tbody>
</table>

Commercial portion:
2% x (0.2 ha x 40%) = 0.0016 ha

Total required parkland dedication requirement is 0.012 + 0.0016 = **0.0136 ha**
When Cash-in-Lieu of parkland conveyance is required, how is the value of payment determined?

The applicant is required to submit a market appraisal of the property by a certified appraiser in order to determine the value of the parkland that would otherwise be required to be conveyed as a condition of development or redevelopment.

If there have been no changes to the land use regulations and the property was purchased at fair market value, no more than 24 months prior to the date of application, then the most recent land sale record may be used in-lieu of the appraisal.

The property value determined by an appraisal or recent land sale record, subject to acceptance by the City, is used to calculate the Cash-in-Lieu of payment of parkland conveyance.

**Example 4:**
Land: 1 ha site located outside the corridor & centres area
Development proposed: 15 single detached dwellings

Parkland dedication requirement is 0.05 ha.

Appraised property value: $650,000

Cash-in-Lieu = ($650,000/ 1 ha) x 0.05 ha = $32,500
When can parkland dedication be reduced?

- When a site is proposed for redevelopment and parkland dedication was previously provided; credit can be applied to reduce the parkland dedication amount.

- When a site is proposed for redevelopment, where no previous parkland dedication was provided, credits for the existing buildings may be applied if occupied within the last 10 years for at least 12 consecutive months.

- If an easement is conveyed to the City for public access or park use, parkland dedication can be reduced at a ratio:

<table>
<thead>
<tr>
<th>Within Centres and Corridor areas</th>
<th>1 unit area of parkland to 2 units area of easement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside of Centres and Corridor areas</td>
<td>1 unit area of parkland to 3 units area of easement</td>
</tr>
</tbody>
</table>

- If parkland is conveyed to the City near a major body of water, parkland can be reduced in exchange for conveyance of buffer land. The ratio for the reduction varies between 2 units to 5 units of buffer area to 1 unit of parkland depending on the priority ranking as set out in the Natural Lands and Parkland Acquisition Policy.

- If the following types of development are required to pay Cash-in-lieu of parkland conveyance, a percentage of the parkland dedication requirement may be reduced:

<table>
<thead>
<tr>
<th>Affordable rental apartments (20% to 39% below average market rent)</th>
<th>50% reduction - proportionate to the number of affordable residential units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable rental apartments (Greater than 40% below average market rent)</td>
<td>100% reduction - proportionate to the number of affordable residential units</td>
</tr>
<tr>
<td>Not-for-Profit Organization (Registered as charities)</td>
<td>Cash-in-Lieu of parkland conveyance requirements reduced if value is below $25,000. Amounts above $25,000 will require Council approval.</td>
</tr>
<tr>
<td>Redevelopment within designated heritage buildings or within an addition that does not exceed 100% of the gross floor area of the heritage building.</td>
<td>50% reduction</td>
</tr>
<tr>
<td>A play area is provided on a private multi-unit building site and is accessible to the public.</td>
<td>Reduced by the size of the play area up to a maximum of 250 square metres.</td>
</tr>
</tbody>
</table>
**Example 5:**
Land: 0.2 ha site located outside of the corridor and centres
Development proposed: An apartment with 40 units and 7 of them are affordable units, in which the rent is 20% below average market rate.

Appraised land value: $500,000

Potential population generated: 40 x 1.6\(^1\) = 64 persons

**Parkland dedication requirement (the lesser amount):**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2 ha per 1000 people</td>
<td>(64/1000) x 1.2 = 0.0768 ha</td>
</tr>
<tr>
<td>10% cap of site</td>
<td>10% x 0.2 = 0.02 ha</td>
</tr>
</tbody>
</table>

Reduction for affordable units: 7 units/40 units = 17.5% x 0.02ha x 50% reduction = 0.00175 ha.

Total parkland dedication requirement is 0.02ha - 0.00175ha = 0.01825ha, therefore, cash-in-lieu of parkland requirement is ($500,000/0.2ha) x 0.01825ha = $45,625.

**Maximum per unit rates**

<table>
<thead>
<tr>
<th>Rate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,250 per dwelling unit</td>
<td>Any development or redevelopment in the Downtown and Harbour Special Policy area</td>
</tr>
<tr>
<td>$625 per dwelling unit</td>
<td>Affordable rental apartments or development within a designated heritage building in the Downtown and Harbour Special Policy area</td>
</tr>
<tr>
<td>$2000 per dwelling unit</td>
<td>Within the Williamsville Main Street as defined in the Official Plan</td>
</tr>
<tr>
<td>$5000 per dwelling unit</td>
<td>Outside of the areas mentioned above.</td>
</tr>
</tbody>
</table>

Please refer to the City’s website for the most up to date value as the values are adjusted every year in accordance to the Land Price Index.
Example 6:

Land: 0.2 ha site located within the downtown area
Development proposed: 100 residential units
Land value: $1,500,000

Potential population generated: 100 x 1.61 = 160 persons

<table>
<thead>
<tr>
<th>Parkland dedication requirement:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0.6 ha per 1000 people</td>
<td>5% cap of site</td>
</tr>
<tr>
<td>(160/1000) x 0.6 = 0.096 ha</td>
<td>5% x 0.2 = 0.01 ha</td>
</tr>
</tbody>
</table>

Cash-in-Lieu of parkland before land value cap: ($1,500,000/0.2) = $750,000 x 0.096 ha = $720,000, this would equate to $7,200 per dwelling unit.

Cash-in-Lieu of parkland after land value cap: $1,250 x 100 units = $125,000