



Parkland Dedication Policy

1.0 General

1.1 Active Park and Natural Open Space

It is the general intent of the City of Kitchener that where the Planning Act authority is used to require the dedication of land, that land will be intended for active park purposes, and that other means be used to protect, and if necessary to acquire, natural open space.

1.2 Subdivision

In plans of subdivision the City will use the park dedication provisions of the Planning Act generally for the purpose of obtaining land for active park purposes, but may opt to obtain cash in lieu of land in limited circumstances.

1.3 Site Plan and Severance

For land severance and site plan approval the City will use the park dedication provisions of the Planning Act generally for the purpose of obtaining cash in lieu of park land, but may opt to acquire land in limited circumstances.

2.0 Valuation and Appraisal

Land value for purposes of cash in lieu of park land for plans of subdivision of 4 hectares or more shall be determined by accredited appraisal, with the cost of the appraisal paid from the Park Trust Fund.

Land value, for purposes of cash in lieu of park land dedication as a condition of plans of subdivision less than 4 hectares, or site plan approval, or consent/land severance, shall be determined at the rates set out in this policy, based on accredited appraisals of classes of land. If an owner or applicant wishes to dispute the City's rate, they may obtain, at their own cost, an appraisal from an accredited appraiser. The City may accept the alternate appraisal, require a peer review paid from the Park Trust Fund, or negotiate a mutually acceptable compromise.

Land values for the accredited appraisals of classes of land shall be calculated as prescribed under Sections 42, 51.1 or 53 of the Planning Act, 1990.

Despite the accredited appraisals of classes of land, the City may decide to conduct a site-specific accredited appraisal for cash in lieu of park land dedication, with the cost paid from the Park Trust Fund.

The appraised land class rates shall be adjusted from time to time. Such periodic updated appraisals for each class of land shall be obtained at intervals not exceeding 5 years.

2.1 Residential Site Plan Approval or Consent Approval

- Street Townhouse: 5% of \$9,800 per metre of street frontage, excluding the difference between minimum side yard abutting a street and minimum interior side yard
- Other Street Fronting Residential: 5% of \$9,200 per metre of street frontage, excluding the difference between minimum side yard abutting a street and minimum interior side yard
- Multiple Residential (Apartment): 5% of \$1,359,000 per hectare
- Multiple Residential (Townhouse other than street fronting): 5% of \$1,110,000 per hectare

2.2 Residential Subdivision (less than 4 hectares)

- 5% of \$615,000 per hectare

2.3 Commercial, Industrial and Institutional Consent Approval

Park dedication will generally not be required as land division generally does not increase development potential for commercial, industrial or institutional development.

2.4 Commercial, Industrial and Institutional Site Plan Approval

- Commercial 2% of \$1,110,000 per hectare
- Business Park 2% of 555,000 per hectare
- Industrial 2% of \$490,000 per hectare
- Institutional 5% of \$800,000 per hectare

3.0 Exemption & Interpretation

The following principles will be applied to determine exemption from park dedication requirements:

3.1 If the maximum allowable park dedication has previously been made, no further park dedication will be required in the event of development or redevelopment.

3.2 If no park dedication has previously been made, the City will require the maximum allowable dedication except for the following:

3.2.1 If land is partially developed and the remaining part is to be developed or redeveloped, the parkland dedication will be based on the total area of the site less that area in which existing development is to remain. The City reserves the right to collect park dedication fees on future redevelopment or intensification on that portion of the land on which park dedication was not assessed.

3.2.2 If land is partially or fully developed and further intensification is to take place the City will require park dedication on the basis of only the new development, as a proportion of the total development. For non-residential intensification the dedication will be based on the proportion of new gross floor area. For residential intensification the dedication will be based on the proportion of new dwelling units.

3.2.3 The Director of Planning, Manager of Development Review or the Manager of Site Development and Customer Service shall be responsible for deciding what constitutes new and existing development if there is a disagreement with the landowner.

3.2.4 Adaptive Re-use shall be considered to be redevelopment.

In cases where lands are being re-developed, or converted from one former land use to another, it will be defined as Adaptive Reuse. The City of Kitchener defines adaptive reuse as the conversion of an older, non-residential building to a new use.

For example:

- *From a commercial, industrial or institutional use to a new residential use*
- *From an industrial or institutional use to a new commercial or office use*

3.2.5 If development on particularly large sites is to be phased, the park dedication for latter phases may be deferred as set out in a Parkland Deferral Agreement to be registered on title, at the discretion of the Director of Planning in consultation with the Director of Operations.

3.2.6 If land division does not have the effect of increasing development potential, no park dedication will be required as a condition of severance, but will be required as a condition of site plan approval for development or redevelopment of severed and/or retained lands.

3.2.7 If subdivision land includes natural open space, the park dedication will be calculated based on the area of land included in the plan, net of natural open space.

3.2.8 Council may opt to exempt public sector institutional development, such as Federal, Provincial or Regional developments, hospitals and universities from park dedication requirements.

3.2.9 The City will honour development agreements entered into prior to the adoption of this policy with respect to park land dedication requirements. However, this provision will not apply to redevelopment or intensification.