



## **PARK DEDICATION POLICY**

### **1 General**

The Planning Act authorizes municipalities to require the conveyance of land for park or other public recreational purposes as a condition of development, redevelopment or approval of a plan of subdivision.

The City of Kitchener enacts this tool through the Park Dedication By-law, Chapter 273. The By-Law provides the City's specific application of the Planning Act conditions, including interpretations, exemptions and requirements of conveyances.

The Park Dedication Policy guides the application of the by-law tool, allowing for additional clarity in processes and strategic direction as approved by Council.

### **2 Principles**

The following principles of park dedication shall be followed when applying dedication requirements to development applications:

1. All development impacts the communities living and working in Kitchener. Public park space is intended for use by all communities in Kitchener, whether living or working in the City, and is vital to supporting complete communities. Public park space is focused on areas where public use and access to is greatest – typically in residential areas. As a result, all development should contribute toward the provision of public park space, but the nature of some development should contribute more significantly.
2. Park land will be evaluated based on a metric of square meters per resident, which both targets and policy guidelines will unify under.
3. In all circumstances parkland dedication in the form of land is preferred over alternative forms of dedication, such as cash in lieu of land;
  - a. Plans of subdivision must yield developable land for park purposes with no constraints to active park use and the provision of park facilities, unless otherwise determined by the City of Kitchener
  - b. Infill development, or development within identified park land deficient communities, must make every effort to provide public park land where park land is deemed necessary by the City of Kitchener.

### 3 Interpretations

#### Park Provision

For the purposes of this policy, interpretation is required to convert Planning Policy from a provision of hectares per residential unit to square meters per resident. Refer to the chart in Appendix 'A' to calculate projected park provisions within a variety of development and application types.

Where residential units cannot be defined, the average persons per household within the City of Kitchener will be used.

#### Park Land

A park is defined as land that is reserved or used for public recreation, leisure, environmental protection and ecological function.

For the purposes of this policy, parks are Planned Parks that are publicly owned, managed, and constructed with intent to serve as a recreational amenity.

Other forms of park land are recognized as follows:

1. *Natural lands, hazard lands and environmentally significant lands:*  
Lands that may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management. The City supports conveyance of these lands to public agency ownership and management to ensure and secure their permanent protection. These lands should be protected for the primacy of natural protection and biodiversity, and they should not be considered primarily for public use and recreation. As such, these lands are not considered eligible for park land dedication.
2. *Privately Owned Public Space (POPS):*  
Privately built, owned and either privately or publicly operated outdoor recreational amenities. The lands are held in private ownership, with capital asset management and renewal privately determined. Public access without restriction is required to be considered a public space. POPS are considered additional to a basic level of provision of public parks. The City recognizes the value of POPS in addition to public park space where no alternative option exists, and may provide credit towards the park land dedication requirement.
3. *Strata parks:*  
Publicly owned park spaces located on top of buildings or structures, including but not limited to parking garages. Land ownership is horizontally delineated between the structure and the surface. These spaces can serve park values, but overlay infrastructure which adds significant complexity to long term use and management. The City does not current consider public park use over infrastructure as contributing toward Parkland Dedication.
4. *Other Open Spaces*

Cities consist of a wide variety of public open space that contribute toward quality of life and complete communities. Spaces such as urban plazas, pedestrian first streets, enhanced boulevard spaces etc., can all contribute toward livable communities. These are all valued within a diverse and complete urban environment. However, these contribute over and above a basic provision of publicly owned and managed parkland spaces. Parkland Dedication is not considered appropriate

## **4 Exemptions, Reductions & Limitations**

### **Exemptions**

1. In addition to exemptions listed under Chapter 273.1.3, the following properties to be developed by, on behalf of, and for the use by are exempt from park dedication requirements:
  - The City of Kitchener
  - The Region of Waterloo
  - Kitchener-Wilmot Hydro, or successive electrical distribution organization
  - Publicly funded school boards operating within the City of Kitchener
  - Post-secondary institutions
  - Public hospitals as defined under the Public Hospitals Act;
2. Notwithstanding the conditions of park land dedication under Chapter 273.1.2. and 273.1.3.1, all non-residential developments are exempt from park dedication requirements.

### **Reductions**

Notwithstanding the Park Dedication requirements under Chapter 273, Council strategic reductions will apply as follows:

1. Proposed development recognized by the City of Kitchener as Affordable Housing shall be reduced as follows:
  - i. Supportive housing initiatives – 100% reduction;
  - ii. Affordable rental housing under CMHC definitions of monthly rent equal to or less than 80% of the average monthly rent of the regional market, and registered with the City as such for a minimum of 15 years – maximum park dedication 5% of the land area.
2. Accessory Dwelling Units (ADU) will be excluded from park dedication unit calculations. In cases where developments are strictly for the installation of an Accessory Dwelling Unit, they will be exempt from park dedication requirements.
3. Proposed privately built, owned and/or operated spaces that are publicly accessible without restriction, and generally conform to the definition as per this policy of Planned Parks, may be eligible for park land dedication reduction up to 25% of the total land area provided under private ownership. The land dedication will be reduced from the total dedication requirement. Registration of public access easements on title are required to qualify for this reduction.

## **Limitations**

Notwithstanding the Park Dedication requirements under Chapter 273, strategic limitations will apply as follows:

1. Where land is being taken as a condition of Site Plan Approval, park dedication will be limited to 10% of the total site area. The balance of park dedication is required in cash-in-lieu form. Site specific conditions may yield park land greater than the limit stipulated, to be determined on each development application between the City and Applicant.
2. Where land is being taken as a condition of Subdivision or Site Plan approval, park dedication will be limited to the lesser of 10 sq.m. per resident, or 1 hectare per 300 units. Residential unit conversion methods are referenced in Appendix A.
3. All cash-in-lieu contributions for residential development will be limited to \$11,862 per dwelling unit regardless of the land use category it falls within and specific appraisals submitted on the lands. The cap is linked to the Residential – Medium, Mixed Use (<2FSI) land use category within the Park Dedication By-Law Appendix 'A', and subject to increases or decreases as the valuation is updated. The cap is calculated at the maximum cash-in-lieu of land alternative rate of 1 hectare per 500 residential units applied to the land use category listed above.

## **5 Park Dedication – Land**

### **Accepting Land as Park**

In addition to the acceptance requirements under Chapter 273.1.4.1. and Kitchener's Development Manual Section L, the following criteria apply to accepting park land:

1. Have sufficient public right of way frontage to ensure:
  - a. Unencumbered, barrier free public access from right of way
  - b. Safety and high visibility to ensure maximum natural surveillance from the right of way
2. Meet the overall design, property geometry, drainage, stormwater and topographical requirements of its intended use

### **Subdivision**

Land as a park dedication requirement will be pursued in all subdivision development.

Subdivision applications that submit modifications following Draft Plan of Approval and establishment of park property boundaries will have the Park Dedication requirement re-calculated based on revised residential unit totals. The Developer is responsible for rectifying deficiencies in park supply resulting from the submitted modification.

### **Site Plan Development**

The City of Kitchener will use the following three-stage criteria to determine if land dedication will be pursued or accepted from an infill development through Site Plan Application process:

Stage 1: Either must apply

1. Located within any community with a park acquisition priority (Low, Medium, High, Critical, refer to Appendix 'B' for the list of community areas); or
2. Development creates a need for park acquisition by reducing the community park provision below the City's average.

Stage 2: All must apply

1. The site is suitable for use as public park land, in current or remediated states;
2. Free and clear from all encumbrances, in current or remediated states, unless otherwise deemed acceptable by the Director of Parks and Cemeteries.

Stage 3: Recommended 3 must apply:

1. Land connects to existing or planned park or open space system
2. Compliments existing recreational features and assets within the community
3. Land is situated within 500m walking distance of the development or residences it is intended to serve
4. Provide a space for people of all ages, genders, cultures, religions, abilities and incomes
5. Suitable for future community needs and growth

Final determination and acceptance of land through Site Plan review processes is at the discretion of the City at the discretion of the Director of Parks and Cemeteries.

### **Off-Site Dedication**

If a development is to provide land as its park dedication requirement, it is expected to do so within the limits of the development.

In applications where land is critical or high needs for park service delivery, dedication of land off-site may be pursued if mutually agreed upon by both the Developer and City of Kitchener.

Off-site land must meet the same criteria as identified in Chapter 273.1.4.1, Development Manual Section L and under the Park Dedication Policy, Section 5, unless otherwise approved by the Director of Parks and Cemeteries

Off-site land will be considered **land area based** within the Park Dedication requirement. Off-site land will be considered equal to land provided on-site, regardless of the property's market value. If the total park dedication cannot be met with off-site dedications, the remaining land requirement will apply to the development site and required as an additional cash-in-lieu dedication.

Off-site dedication will be pursued at the sole discretion of the Director of Parks and Cemeteries and must establish a direct connection to the impact of the proposed development.

## **6 Park Dedication – Cash-in-lieu**

## **Balances**

In all cases, the City will seek land through Parkland Dedication. Where the maximum land requirement cannot be achieved a blend of land and cash in lieu of land will be sought. Cash-in-lieu will be calculated by the remaining hectares of land required.

## **Park Land Deferrals**

If development is to be completed in phases, the cash-in-lieu park dedication for future phases may be deferred as set out in a Parkland Deferral Agreement to be registered on title as a separate agreement in addition to the Section 41 Site Plan Agreement.

The following criteria are to be followed if a developer chooses to pursue park land deferrals. All criteria are subject to the discretion and approval of the Director of Planning in consultation with the Director of Parks and Open Spaces:

1. Park land deferrals does not apply to Land dedication
2. The developer must provide rationale and business case for proposed deferral agreement
3. The developer is subject to additional administration fees that are not captured within the Section 41 agreement process
4. The condition of park land dedication within the Site Plan Agreement can only be completed once the developer has received a fully executed copy of the Parkland Deferral Agreement

## 7 Appendix 'A'

### Average Persons per Residential Dwelling Type

Source: Statistics Canada, 2021 Census Data

Census Subdivision: Kitchener

Data Table: Type of Dwelling: Structural type of dwelling and household size (released April 27, 2022)

<b>Built Form</b>	<b>Residents per Dwelling Unit</b>
<i>City-wide Average</i>	2.6
<i>Structural Type of Dwelling:</i>	
Single-Detached	2.9
Semi-Detached	2.9
Rowhouse	2.7
Apartment, stacked town, flat or duplex	2.3
Apartment, >5 storeys	1.8
Apartment, <5 storeys	1.9
Other, single-attached dwelling	2.4

## 8 Appendix 'B'

### City of Kitchener Communities

Community	Park Acquisition Priority
City Comm. Core	Critical
Civic Centre	Critical
King East	Critical
KW Hospital	Critical
Pioneer Tower East	Critical
Alpine	High
Bridgeport West	High
Doon South	High
Mill Courtland	High
Vanier	High
Central Frederick	Medium
Centerville Chicopee	Medium
Grand River North	Medium
Rockway	Medium
Rosemount	Medium
Victoria Park	Medium
Westmount	Medium
Brigadoon	Low
Country Hills East	Low
Fairfield	Low
Grand River South	Low
Heritage Park	Low
Hidden Valley	Low
Laurentian West	Low
Rosenberg	Low

Community	Park Acquisition Priority
Auditorium	None
Bridgeport East	None
Bridgeport North	None
Cedar Hill	None
Cherry Hill	None
Country Hills	None
Country Hills West	None
Eastwood	None
Forest Heights	None
Forest Hill	None
Highland West	None
Huron South	None
Idlewood	None
Laurentian Hills	None
Lower Doon	None
Meinzinger Park	None
Mt Hope Huron Park	None
Northward	None
Pioneer Park	None
Pioneer Tower West	None
Southdale	None
St. Mary's	None
Stanley Park	None
Victoria Hills	None

<b>Non-residential Communities (no priority)</b>
Dundee
Huron Park
South Plains
Trillium Industrial Park
Trussler
Victoria North