



**STAFF REPORT
ACTION REQUIRED**

**Proposed Municipal Code Amendment
City Wide Parkland Dedication By-law**

Date:	April 23, 2010
To:	Executive Committee
From:	Brenda Patterson, General Manager, Parks, Forestry and Recreation
Wards:	All
Reference Number:	P:/2010/Cluster A/PFR/EX44-051710-AFS#7792

SUMMARY

The City currently applies a number of parkland dedication by-laws of the former municipalities across Toronto. These pre-amalgamation by-laws differ in requirements and exemptions and result in a varied set of parkland dedication requirements that are applied differently to similar developments across the city. In order to ensure consistency, equity and fairness to all applicants and property owners, a single by-law is needed to harmonize the City’s existing parkland dedication by-laws and practices.

This report seeks Council’s authority to develop a comprehensive parkland dedication by-law, under Chapter 415 of the City of Toronto Municipal Code, which will result in a consistent city-wide application of parkland dedication requirements.

RECOMMENDATIONS

The General Manager of Park, Forestry & Recreation recommends that:

1. City Council adopt the principles for a city-wide parkland dedication by-law as outlined in Attachment 1 of this report;
2. The City Solicitor be authorized to introduce a Bill to amend Municipal Code, Chapter 415, Development of Land, to provide for the Official Plan parkland dedication rate of 2 percent of lands for parks purposes for commercial and industrial purposes and 5 percent for all other uses (unless the Alternative Rate applies), as set out in Attachment 1 to the report (April 23, 2010) from the General Manager, Parks,

Forestry and Recreation, and to repeal the parkland dedication by-laws of the former municipalities, to come into effect May 3, 2011;

3. The City Solicitor be authorized to introduce a Bill to amend the parkland dedication by-laws of the former municipalities to provide for the exemptions, as set out in Attachment 1, to come into effect upon introduction of the bill in advance of the city-wide parkland dedication by-law; and
4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The approval of this report will result in expanded opportunities for the City to gain additional parkland and cash-in-lieu of parkland dedications.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Council has previously made recommendations on the following parkland dedication by-law considerations. Each of these will be further addressed in this report.

- *Principles for Inclusion in a Parkland Dedication By-law*

In July 1998, Council adopted general principles and exemptions to be included in a harmonized parkland dedication by-law. A city-wide parkland dedication by-law did not proceed at that time as it awaited the approval of the City's first Official Plan, which was adopted by Council in 2002 and was largely brought into effect by the OMB in July 2006. <http://www.toronto.ca/legdocs/minutes/council/appa/cc980729/ed1rpt.htm>

- *Non-Profit Housing*

At its meeting in July 2000, City Council adopted a report entitled "Exempting Non-Profit Housing from Planning Application Fees, Building Permit Fees and Parkland Dedication Requirements", and all applications since July 2000, which meet Council's exemption policies, have been exempt from parkland dedication requirements. <http://www.toronto.ca/legdocs/2000/agendas/council/cc/cc000704/pof9rpt/cl013.pdf>

- *Industrial Lands*

In an effort to encourage industrial development in the City, and as recommended in the above noted 1998 principles report, Council, at its meeting in December 2001, amended the parkland dedication by-laws of the former municipalities to exempt all industrial lands from parkland dedication requirements. <http://www.toronto.ca/legdocs/2001/agendas/council/cc011204/edp11rpt/cl002.pdf>
<http://www.toronto.ca/legdocs/bylaws/2001/law1028.pdf>

- *Alternative Parkland Dedication Rate*

At its meeting in December 2007, City Council adopted Parks and Environment Committee Item PE11.3, which recommended the enactment of a by-law to create a higher (alternate) rate of parkland dedication in identified areas of the city.

<http://www.toronto.ca/legdocs/mmis/2007/pe/reports/2007-11-28-pe11-cr.pdf>

By-law No. 1420-2007, being a by-law “to amend Municipal Code Chapter 415, Development of Land, to provide an alternate rate for the conveyance of land for park purposes as a condition of residential development”, was enacted on December 13, 2007 to implement PE11.3.

<http://www.toronto.ca/legdocs/bylaws/2007/law1420.pdf>

- *Seniors Housing*

At its meeting of July 4, 2008, Parks and Environment Committee Item PE18.7 directed Parks, Forestry & Recreation staff to review the parkland dedication requirements for retirement homes and senior citizen residential apartment buildings as part of this report.

<http://www.toronto.ca/legdocs/mmis/2008/pe/decisions/2008-07-04-pe18-dd.pdf>

ISSUE BACKGROUND

The City currently applies the parkland dedication by-laws and policies of the six former municipalities within each of these areas. Historically, each of the former municipal Councils adopted different exemptions to their by-laws as development incentives over other areas of Metro Toronto, as well as in response to the different economic times in the city’s development. Although each of the existing by-laws are in conformity with the new Official Plan, there needs to be one city-wide by-law that is applied consistently and equitably to all development applications across the City.

There are three notable consequences to the City resulting from these differences:

Firstly, there remains inequitable requirements on developers, based on historical geographies: a certain type of development in one area of the city may have a particular parkland dedication or cash-in-lieu requirement, while a similar development in another area of the city may have a different requirement or none;

Secondly, the existing exemptions reduce the City’s opportunity to acquire parkland through conveyance or receive cash-in-lieu of parkland payments. Consequently this impedes the attainment of Parks, Forestry and Recreation’s strategic planning goals of increasing parkland or financing capital improvements in areas experiencing growth or that have low parkland provision and/or are in need of upgraded or new recreation amenities; and

Finally, the amalgamated city no longer delineates infrastructure financing by former municipal boundaries and, since the adoption of the Official Plan, planning for economic and growth related development but is done on a city-wide basis.

Therefore, a new city-wide parkland dedication by-law is necessary to provide consistency in the approach to acquiring parkland and funding parks and recreation facility development across the City resulting from the development application review process.

COMMENTS

The *Planning Act* establishes the authority for municipalities to require a parkland dedication as a condition of subdivision (Section 51.1), as a condition of land severance (Section 53) or as a condition of issuance of a building permit for development or redevelopment on an existing lot (Section 42). The parkland dedication requirement to be conveyed to the municipality from a developer depends on the type of development and is specified in the *Planning Act* as follows: 2 percent for industrial and commercial uses; 5 percent for all other uses; or an “alternative” requirement of up to 1 hectare per 300 units for residential uses.

The intent of these requirements is to enable municipalities to acquire land for parks and recreation purposes. The Act, however, also gives municipalities the opportunity to request a cash payment in lieu of a land conveyance. Typically, cash-in-lieu of parkland payments are required where the conveyance is too small to provide for a functioning park or does not meet the municipality’s parkland acquisition principles. Cash-in-lieu of parkland payments, based on the value of the developing land, are collected by the City prior to building permit issuance. As set out under the *Planning Act*, these funds must be held in dedicated reserve accounts to purchase parkland and or to invest in park and recreation capital improvements.

It is in the City’s short and long term best interest to pursue consistent city-wide dedication requirements and to introduce few exemptions from such requirement of land dedication or cash in lieu for Capital investment. By adopting clear and consistent dedication requirements to be applied city-wide, the option will remain for Council to adopt site specific exemptions.

Criteria for Inclusion in the City-Wide Parkland Dedication By-law

The criteria outlined in this section are summarized in Attachment 1.

1. Definitions

The city-wide parkland dedication by-law will amend *Municipal Code, Chapter 415, Article III – Conveyance of Land for Park Purposes* as a Condition of Development and will apply similar definitions as were adopted for the Alternative Parkland Dedication Rate by-law, adopted by Council in December 2007. In the absence of a city-wide zoning by-law, the city-wide parkland dedication by-law definitions will be substantially consistent with *Municipal Code Chapter 415, Article 1 – Development Charges*, which was adopted by Council in February 2009. Additional definitions not found in these two existing Articles, or those requiring clarification, will be defined in the by-law.

2. Residential Parkland Dedication Requirement

It is the policy of the *Planning Act* and the City of Toronto Official Plan to require that a 5 percent parkland dedication, or cash-in-lieu thereof, be made to the municipality for all residential developments or redevelopments.

The City of Toronto Official Plan also brought into effect a city-wide Alternative Parkland Dedication Policy. The policy introduced an alternative parkland dedication requirement of 0.4 hectares per 300 dwelling units to be applied to all residential developments in areas that Council has identified to be in a priority need area for parkland. Toronto City Council, at its meeting in December 2007, adopted an Alternative Parkland Dedication Rate By-law (*Chapter 415, Article III, Municipal Code*), which established this rate and introduced Parkland Acquisition Priority Areas where this rate would apply, as Municipal Code Chapter 415, Article III. The city-wide parkland dedication by-law will amend this Article, but not the provisions related to the Alternative Parkland Dedication Rate.

2a. Proposed “Residential” Definition

The Toronto Official Plan parkland policy applies a 5% dedication requirement for residential uses and 2% for all other uses. To delineate residential uses from various types of “accommodation”, such as temporary lodgings (i.e., hotels), medically related or institutional uses (i.e. hospital or palliative care) and various forms and tenure of senior citizen housing, the parkland dedication by-law will need to incorporate a definition of “residential”.

In the absence of a comprehensive zoning by-law, the city-wide parkland dedication by-law proposes to use the same “residential use” definition that was adopted by Council for the 2009 Development Charges By-law which is currently being applied by City staff:

*Residential Use –
Land or building or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used as living accommodations, including accessory uses naturally and nominally incidental in purpose and exclusively devoted to the residential use, for one or more individuals and may include a unit designed for combined live/work uses, but does not include a hotel, or similar building or structure, providing temporary accommodation.*

This definition is being proposed for the city-wide parkland dedication by-law as it will provide a consistent interpretation of “residential use” for application to both Development Charges and the city-wide parkland dedication by-laws.

This definition will also apply to residential developments considered under the Alternative Parkland Dedication Rate of 0.4 hectares per 300 dwelling units. It is important to note that the alternative rate is applicable to a specific type of residence: a

“dwelling unit”. The definition of *dwelling unit*, adopted by Council for use in the Development Charges By-law, is interpreted as accommodation which includes *both* culinary and sanitary facilities for the exclusive use of the unit tenant. However, residential *dwelling rooms*, which include culinary *or* sanitary facilities, but not both, are subject to the 5% requirement but not subject to the alternative parkland dedication rate.

2b. Senior Citizens’ Housing

At its meeting of May 26, 2008, Council approved an application for a proposed seniors’ residence at 1066 Avenue Road (Item NY15.30) and deemed it to be a non-residential (i.e., commercial) use rather than a residential use for the purpose of applying the parkland dedication rate. Council approved the non-residential parkland dedication rate of 2 percent rather than the residential rate of 5 percent for that application. Subsequent to this decision, the item was re-opened at the July 4, 2008 meeting of the Parks and Environment Committee (PE11.7) and through a Notice of Motion, Parks, Forestry and Recreation was asked to consider retirement homes to be the equivalent of senior citizens residential apartment buildings. This matter is discussed below.

The housing options for senior citizens are very diverse in terms of built form (including private or shared kitchens), the tenure of the units, the amenities and the types of services provided to the residents. This diversity has resulted in conflicting interpretations on whether to classify these units as residential, commercial or institutional.

The city-wide parkland dedication by-law aims to clarify this question by introducing the definition of “residential use”, as outlined above. By applying this definition, staff, developers and Council can put development applications through the following three tests to determine the applicable parkland dedication requirement:

1. Does the development fit the definition of “residential use”?
 - (i) If yes, a residential parkland requirement will apply.
 - (ii) If no, a non-residential 2% parkland dedication requirement will apply.
2. If the residential development is in a Parkland Acquisition Priority Area, an alternative rate will apply only to “dwelling units” (including both private culinary and sanitary facilities). Does the development include “dwelling units”?
 - (i) If yes, the alternative rate will apply only to the “dwelling units”.
 - (ii) If no, a residential 5% parkland dedication requirement will apply.
3. Does the residential development fit the definition of “non-profit housing”?
 - (i) If yes, the development will be exempt from all parkland dedication requirements.
 - (ii) If no, the appropriate residential parkland dedication requirement will apply.

Accordingly, under the proposed city-wide parkland dedication by-law, all seniors’ apartments or retirement residences, constructed with or without full kitchens or shared eating areas, would be subject to the statutory residential parkland dedication requirement

of 5%. If the residential development falls within a Parkland Acquisition Priority Area, the Council approved Alternative Parkland Dedication Rate would apply to *dwelling units* only. If, however, the development (or part of it) fits the City's requirements for "non-profit housing" the non-profit component of the development would be exempt from all parkland dedication requirements.

Dwelling *Rooms*, unlike Dwelling *Units*, have either private culinary or sanitary conveniences, but not both. All seniors' housing (except non-profit housing) which provides *dwelling rooms* would be subject to the 5% parkland dedication requirement, but not the alternative parkland dedication rate.

It is important to note that although these three tests guide parkland dedication considerations for seniors' housing, they also apply to all residential uses for any demographic.

2c. Residential Exemptions

The current parkland dedication by-laws were developed prior to Amalgamation, and have different exemptions for certain types of residential development or redevelopment, which has resulted in an inconsistent and inequitable application of the parkland dedication requirements across the city. Under an amalgamated City and one official plan for the city the current exemptions appear arbitrary and difficult to justify. The city-wide parkland dedication by-law will provide a single approach to residential parkland dedication requirements which allow for the following exemptions:

i. Non-Profit Housing

A parkland dedication exemption for non-profit housing was adopted by Council at its meeting of July 4, 5, & 6, 2000, as part of a larger program to exempt non-profit rental housing from planning application fees, Development Charges and building permit fees throughout the city. This policy applies only to units which will remain affordable over time and is, therefore, restricted to rental units. The only residential land use currently exempt throughout the City is non-profit housing and this exemption will continue in the proposed city-wide by-law.

ii. Replacement Dwelling

The *Planning Act, Section 42(7)* stipulates that land that has previously fulfilled a parkland dedication requirement, through a plan of subdivision or consent, is protected from subsequent parkland dedication requirements, unless there is a change by a proposed development or redevelopment which would increase the density of the site. Accordingly, the city-wide by-law will exempt all replacement houses from the requirements of the proposed parkland dedication by-law.

The by-law will also exempt the creation of one additional unit in any existing residential building, to allow for the development of a second suite in a detached or semi-detached

house. This would also exempt the conversion of an amenity area or parking space into one additional residential unit in an existing apartment building.

iii. Nursing Homes

Nursing Homes, licensed under the *Nursing Homes Act*, are defined as living accommodations for residents who are dependent on regular nursing care and include common lounges and dining areas. The proposed city-wide by-law will exempt nursing homes from the parkland dedication requirement.

3. Non-Residential Parkland Dedication Requirement

The City of Toronto Official Plan Policy 3.2.3.4 stipulates that a 2 percent parkland dedication is required for all non-residential uses and it is recommended that this provision be included in the proposed city-wide parkland dedication by-law. There are a couple of exemptions proposed, however, as noted below.

Non-Residential Use Exemptions

i. Public Buildings

The city-wide parkland dedication by-law proposes to exempt all publicly accessible and publicly funded buildings from parkland dedication requirements. This would include Toronto Public Library, the Toronto District & Catholic School Boards, public hospitals and all government buildings. This would include all municipal and non-profit child care centres within these buildings. In addition, lands owned by and used for the purposes of publicly funded colleges and universities would also be exempt.

ii. Additions of less than 200 square metres

It is also recommended that an exemption be introduced for additions or alterations of less than 200 square metres to existing non-residential buildings. This approach allows for incremental growth of all businesses without providing specific exemptions based on type of use. All development applications for additions or alterations of 200 square metres or less to a non-residential building would, therefore, also be exempt from the parkland dedication requirement.

4. Industrial Parkland Dedication Requirement

The *Planning Act* and City of Toronto Official Plan both permit a 2% parkland dedication or cash-in-lieu of parkland payment for industrial development or redevelopment. However, in December 2001, in an effort to encourage industrial development, Council exempted all industrial lands from parkland dedication requirements and the parkland dedication by-laws of the former municipalities were amended accordingly. This report recommends maintaining this exemption in the proposed city-wide parkland dedication by-law.

At that time, however, the definition of “industrial use” was not clarified, nor was it defined in any of the parkland dedication by-laws of the former municipalities. The proposed city-wide parkland dedication by-law will apply the definition of “industrial uses” from the Development Charges By-law, to delineate this use from all other types of uses which may be permitted in an “industrial zone” as follows:

Industrial Use –

Land, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of goods, warehousing or bulk storage of goods, self-storage facility, distribution centre, truck terminal, research and development in connection with manufacturing, producing or processing of goods, and:

A. Includes office uses and the sale of commodities to the general public where such uses are accessory to and subordinate to an industrial use.

B. Does not include:

(1) A building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above; or

(2) Warehouse clubs and retail warehouses, including commercial establishments which have, as their principal use, the sale of goods and merchandise in a warehouse format.

5. General Policy & Procedure Issues

The city-wide parkland dedication by-law will include general policies and procedures, as set out in Attachment 1, and briefly described below:

It is proposed that the city-wide parkland dedication by-law include the Official Plan policies which pertain to the suitability of parkland conveyances. For example, Official Plan Policy 3.2.3.8 states that the lands should be free of encumbrances (unless approved by Council), and of a usable shape, topography and size. To that end, the by-law will clarify that encumbrances which limit the recreational use of the green space to be dedicated through conveyance to the City, such as storm water management facilities, railway berms (including noise attenuation fence and crash wall), and TRCA buffers, would not be eligible to satisfy the parkland dedication requirement.

The General Manager of Parks, Forestry & Recreation will continue to be responsible for determining whether to accept a land or a cash-in-lieu of land dedication payment, as well as, for the attributes of the conveyance.

For the purposes of cash-in-lieu of parkland payments, the proposed city-wide parkland dedication by-law will continue to value the lands as of the day before the building permit is issued. This is consistent with the provision of the *Planning Act*.

Staff are proposing to include the existing Cash-in-lieu of Parkland Allocation Policy in the proposed city-wide parkland dedication by-law, as these requirements will provide clarity on how the cash-in-lieu payments are to be distributed amongst the various Parks, Forestry and Recreation capital reserve accounts. This is similar to the approach that was taken in the new Alternate Rate By-law (*Municipal Code, Chapter 415, Article III – Conveyance of Land for Park Purposes as a Condition of Development*), which was approved by Council in December, 2007. Including this policy in the new city-wide by-law will ensure clarity to property owners, staff and Council on how these funds are distributed. There are no changes proposed to the existing Cash-in-lieu of Parkland Allocation Policy in the new city-wide by-law.

6. Implementation

Staff recommends that the proposed city-wide parkland dedication requirements come into effect May 3, 2011 which will allow a transition period for developers with applications in the “pipeline”. This will enable staff to implement the new city-wide parkland dedication by-law and provide the necessary staff training and make any changes that may be required to existing procedures.

Staff also recommend that the exemptions set out in this report come into effect for all building permits in advance of the city-wide by-law to allow developers the opportunity to proceed with building permit applications without delay where no exemptions exist today. Exemptions allowed by the former municipalities will continue until the city-wide parkland dedication by-law is brought into effect May 3, 2011. With Council’s approval of this report, the City Solicitor will bring forward a by-law to this effect.

NEXT STEPS

Council's adoption of the principles for the development of a city-wide parkland dedication by-law as outlined in Attachment 1, will harmonize the various existing by-laws and approaches to parkland dedication of the former municipalities, and will provide consistency to staff and developers. The Bill to amend the Municipal Code, Chapter 415, Development of Land will be introduced after the recommendations of this report are approved by Council.

CONTACT

Mark Edelman, Acting Manager
Strategic and Service Planning, Policy & Strategic Planning
Parks, Forestry & Recreation
Tel: (416) 392-0094; Fax: (416) 392-3355; e-mail: medelman@toronto.ca

SIGNATURE

Brenda Patterson,
General Manager, Parks, Forestry & Recreation

ATTACHMENTS

Attachment #1 – Main Principles of City-wide Parkland Dedication By-law

MAIN PRINCIPLES OF CITY- WIDE PARKLAND DEDICATION BY- LAW

The following are the main principles of the proposed city-wide parkland dedication by-law. The by-law will include additional clarification, based on requirements of the *Planning Act* and Official Plan, as well as from Council adopted policies or definitions.

1. Residential Use

A. Dedication	<ul style="list-style-type: none"> ▪ 5% of the land proposed for development or ▪ Alternative Parkland Dedication Rate of 0.4 hectares per 300 units in Parkland Acquisition Priority Areas (PAPAs)
B. Definition	<p>Residential Use –</p> <p>Land or building or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used as living accommodations, including accessory uses naturally and nominally incidental in purpose and exclusively devoted to the residential use, for one or more individuals and may include a unit designed for combined live/work uses, but does not include a hotel, or similar building or structure providing temporary accommodation.</p>
C. Exemptions	<ol style="list-style-type: none"> 1. Enlargement to or replacement of existing dwelling unit on an existing lot 2. Creation of 1 additional dwelling unit in an existing residential building 3. Non-profit housing 4. Nursing Homes

2. Non-Residential Use

A. Dedication	2% of the land proposed for development
B. Definition	No definition proposed
C. Exemptions	<ol style="list-style-type: none"> 1. An addition of 200 square metres or less to an existing building. 2. Buildings owned and used for the purpose of: <ol style="list-style-type: none"> a. government of Canada, Province of Ontario, Hydro One, the City of Toronto or Toronto Hydro Corporation b. Toronto Public Library Board 3. Public Hospitals receiving aid under the <i>Public Hospitals Act</i> 4. Buildings or structures owned by and used for the purposes of:

- a. a public school as set out in the *Education Act*;
 - b. receiving regular and ongoing operating funds from a government for the purpose of providing post-secondary education
 - c. a college established in accordance with the *Ontario Colleges of Applied Arts & Technology Act, 2002, C.8*
5. Municipal Child Care Centres and non-profit child care providers on TDSB, TCDSB, CSDCSO or municipal land

3. Industrial Use

A. Dedication	2% of the land proposed for development
B. Definition	<p>Land, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of goods, warehousing or bulk storage of goods, self-storage facility, distribution centre, truck terminal, research and development in connection with manufacturing, producing or processing of goods, and:</p> <p>A. Includes office uses and the sale of commodities to the general public where such uses are accessory to and subordinate to an industrial use.</p> <p>B. Does not include:</p> <ul style="list-style-type: none"> (1) A building used exclusively for office or administrative purposes, unless it is attached to an industrial building or structure as defined above; or (2) Warehouse clubs and retail warehouses, including commercial establishments which have, as their principal use, the sale of goods and merchandise in a warehouse format.
C. Exemptions	1. All industrial uses

4. General By-law & Procedure Provisions

A. Mixed Use Developments	Where a development includes both residential and non-residential uses, the respective parkland dedication rates (and exemptions) will apply.
B. Delegation of Authority	Council continue to delegate approval authority to the General Manager of Parks, Forestry and Recreation for choosing a land or cash-in-lieu of land dedication and for the attributes of the conveyance.

C. Cash-in-Lieu of Parkland Allocation	<p>Any cash-in-lieu payments of 5% or less will be used for the acquisition of new parkland or the improvement of parks and recreational facilities in accordance with the Cash-in-lieu Allocation Policy, with the following allocation:</p> <p>Fifty percent for the acquisition of lands for parks and recreation purposes, further divided as follows:</p> <ul style="list-style-type: none"> ▪ Half of which is to be used to acquire parkland throughout the city where priorities have been identified; and ▪ Half of which is to be used to acquire parkland within the district where the funds were generated and priorities have been identified; and <p>Fifty percent for the development of parks and recreation facilities, further divided as follows:</p> <ul style="list-style-type: none"> ▪ Half of which is to be used to develop and upgrade parks and recreation facilities throughout the city where priorities have been identified; and ▪ Half of which is to be used to develop and upgrade parks and recreation facilities within the district where the funds were generated and priorities have been identified.
D. Land Dedication	<p>Conveyance of the following lands will not be included in the considered part of the statutory parkland dedication:</p> <ol style="list-style-type: none"> a. Valley land, being those lands located below top of bank as defined by the Toronto and Region Conservation Authority and including any required buffer land or setback beyond the top of bank; b. Lands identified as Natural Heritage in the Official Plan; c. Provincially significant lands, including Areas of Natural or Scientific Interest (ANSI), Wetlands, or Environmentally Significant Areas (ESA); d. Areas identified in Municipal Code Chapter 658 - Ravine and Natural Feature Protection; e. Woodlots; f. Storm water management facilities; and g. Rail line berm, noise attenuation fence and crash wall.
E. Land Valuation	<ol style="list-style-type: none"> 1. All appraisals of land shall be carried out under the direction of the Director Real Estate Services and shall be determined in accordance with generally accepted appraisal principles. 2. The cost of any appraisal undertaken by the City will be paid

	<p>for by the property owner of the land being appraised in accordance with the City's fee schedule.</p> <p>3. The value of the land will be determined as of the day before the day of issuance of the first above grade building permit in respect of the development.</p>
F. Implementation	<p>1. the city-wide parkland dedication by-law come into effect May 3, 2011;</p> <p>2. The exemptions set out in this Attachment come into effect for all building permits in advance of the city-wide by-law to allow developers the opportunity to proceed with building permit applications without delay where no exemptions exist today. Exemptions allowed by the former municipalities will continue until the city-wide parkland dedication by-law is brought into effect May 3, 2011.</p>

5. Other Definitions to be included:

A. Dwelling unit	<p>Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons, but does not include a room or suite of rooms in a hotel.</p>
B. Dwelling room	<p>A room used or designed for human habitation and may include either but not both culinary or sanitary conveniences, and:</p> <p>1. Includes but is not limited to rooms in the following building types: a group home, nursing home, a retirement home or lodge or a special care or special need dwelling</p> <p>2. Does not include:</p> <ul style="list-style-type: none"> i. A room in a hotel, motel, tourist home or guest home; ii. A bathroom or kitchen; iii. A room in a dwelling unit; or iv. A windowless storage room that has a floor area of less than 10 square metres.
C. Non-profit Housing	<p>Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:</p> <p>1. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or</p> <p>2. A non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act, R.S.O. 1990, c. C.35.</p>

D. Nursing Home | Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and licensed as a nursing home under the *Nursing Homes Act*.