

CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW #2007-35

Being a By-Law to provide for Cash in Lieu of Required Parking Spaces

WHEREAS, Section 40 of The Planning Act, R.S.O. 1990, c.P.13, makes provision to allow a municipality and an owner of land to enter into an Agreement exempting the owner from the requirement to provide parking space upon payment of money in lieu thereof;

AND WHEREAS, Zoning By-law 2006-28, as amended requires the provision and maintenance of parking spaces in respect to buildings or structures on land as therein provided;

AND WHEREAS, the Council of The Corporation of the Township of Bonnechere Valley deem it expedient to provide a form of agreement and policy for exemptions as provided for in Section 40 of The Planning Act, R.S.O. 1990, c.P.13;

NOW THEREFORE, the Council of The Corporation of the Township of Bonnechere Valley ENACTS as follows:

1. Each owner of land within the municipality wishing an exemption from the requirement to supply on-site parking spaces may agree with The Corporation of the Township of Bonnechere Valley for such exemption pursuant to Section 40 of The Planning Act, R.S.O. 1990, c.P.13 and upon such agreement, there shall be a form of agreement between the owner and the municipality in the form hereto annexed and marked as Schedule "A" to this By-law.
2. No approval or agreement by the Council or any Officer or Agent of the The Corporation of the Township of Bonnechere Valley for such exemption shall be effective or binding upon The Corporation of the Township of Bonnechere Valley until an agreement in the form hereto annexed and marked as Schedule "A" to this By-law has been executed by the Owner and The Corporation of the Township of Bonnechere Valley.
3. This form of Agreement hereto annexed and marked as Schedule "A", may be amended by the Council of The Corporation of the Township of Bonnechere Valley.
4. Attached as Schedule "B" to this by-law is a Statement of Policy of The Corporation of the Township of Bonnechere Valley respecting applications and agreements made pursuant to said Section 40 of The Planning Act, R.S.O. 1990, c.P.13. The Statement of Policy of The Corporation of the Township of Bonnechere Valley may be amended by the Council of the said Corporation by by-law at any time.
5. This By-law shall come into force and take effect upon the final passing thereof.

Read a first, second, third time and passed this the 1st day of May 2007.

Zig Mintha, Mayor

Bryan Martin C.A.O.

SCHEDULE "B"
to
BY-LAW 2007-35

POLICY

Cash Payment in Lieu of Required Parking Spaces

PURPOSE

The general purpose of this Policy is to provide relief from the provisions of parking as required by the Zoning By-law 2006-28, as amended, by providing the option of making a cash payment to the municipality in lieu of all or part of the required parking, with such funds to be used by the municipality for the provision of off-street parking in the Downtown Core.

OBJECTIVES

1. To provide flexibility for the Owner/Developer of small and/or limited commercial sites.
2. To provide funds for the expansion of off-street parking in the Downtown Core or for the general fund if off-street parking expansion is not required in the year of contribution.
3. To promote comprehensive parking lot location, design and operation .
4. To effectively influence the quality and quantity of off-street parking within Ward 1 in the geographic village of Eganville.

APPLICATION

1. To all lands designated as "GC" General Commercial in the Official Plan and Zoning By-law.

CRITERIA

1. Consideration of cash-in-lieu consideration will be dependent on the following:
 - a) Availability of parking on the existing site.
 - b) Amount of parking to be provided with the proposed development.
 - c) Amount of land available in the immediate area where off-street parking could be provided.
 - d) Current status of available off-street parking in the immediate vicinity.

CASH PAYMENT

1. The cash payment shall be made by the Owner of the property by means of an agreement entered into between the Owner and the Municipality, said agreement to be registered on title.
2. Payment shall be made on the basis of current estimated costs to provide off-street parking on a unit basis.
3. Payment shall be made on a lump sum basis at the time upon the issuance of a building permit.
4. All monies received by the Municipality under said agreement shall be placed in a reserve to be entitled "Off-Street Parking" and used as directed by the Council of The Corporation of the Township of Bonnechere Valley.

GENERAL

1. Cash payment in lieu of required parking shall not be a right, rather an exception to the rule which may be granted by the Council of the Corporation of Township of Bonnechere Valley.
2. Cash payment in lieu may be made for all or part of the parking spaces required by the Zoning By-law 2006-28, as amended.
3. The Municipality, having accepted the cash payment option, shall not be obligated to provide parking spaces at any particular location, at any particular point in time.
4. Owners/Developers electing to use the cash payment option shall have no proprietary rights to free or reduced-rate parking, nor any equity whatsoever in any lot which may subsequently be constructed by the Corporation of the Township of Bonnechere Valley.

ADMINISTRATION

1. The Council of The Corporation of the Township of Bonnechere Valley shall administer the Policy.
2. Upon approval of the cash option, the Municipal Solicitor and Municipal Treasurer shall be directed to make the appropriate legal and fiscal arrangements with the Owner/Developer.
3. The Policy and Agreement shall be reviewed by the Council of the Corporation of the Township of Bonnechere Valley every three (3) years to ensure that current costs of land acquisition and construction current with the amount charged per parking unit.

ESTIMATED COST PER OFF-STREET PARKING UNIT

1.	Cost of acquisition of land for one parking unit	\$750.00
2.	Cost to develop one parking unit	\$500.00

	Total Cost per Parking Unit	\$1,250.00

	Cash in Lieu Levy - 80% of Cost per Parking Unit	\$1,000.00

SCHEDULE "A"

TO

BY-LAW 2007-35

Agreement

Pursuant to Section 40 of the Planning Act R.S.O. 1999

THIS AGREEMENT, made in triplicate this the 1st day of May 2007.

BETWEEN

The Corporation of the Township of Bonnechere Valley
hereinafter called the "Village"
(OF THE FIRST PART)

AND

Subway
hereinafter called the "Owner"
(OF THE SECOND PART)

WHEREAS, Section 40 of the Planning Act R.S.O. 1999, permits relief in the General Commercial Category from parking requirements of the Village Zoning By-law 2006-28, as amended;

AND WHEREAS, the parties hereto are required to enter into an agreement;

AND WHEREAS, By-law 2006-28, as amended, requires the provision and maintenance of _____ parking spaces in respect to the building or structure described on Appendix "A" of this Agreement;

AND WHEREAS, the Owner is only able to provide and maintain 2 parking spaces;

AND WHEREAS, the cost of providing parking facilities is estimated at \$1,000.00 parking space, as set out in Schedule "B" of By-law 2007-35;

AND WHEREAS, the Owner has applied for relief and has requested the Village to enter into this Agreement pursuant to Section 40 of the Planning Act R.S.O. 1999

NOW THEREFORE, this agreement witnesseth and the parties hereto hereby covenant and agree as follows:

1. In this Agreement,
 - a) "ACT" shall mean The Planning Act, R.S.O. 1999, as amended;
 - b) "BUILDING OR STRUCTURE" shall mean building or structure to be erected, extended enlarged or the change of use of same, as the case may be, situate as follows:
109 Bonnechere St W in the Village of Eganville;
 - c) "LAND" shall mean the land more particularly described in this agreement as per Appendix "A" of this Agreement;
 - d) "OWNER" shall mean the owner of a building or structure on land in fee simple or by reason of a mortgage, bankruptcy or other judicial proceeding.
2. The Owner shall pay the sum of three thousand five hundred dollars (\$3,500.00), of lawful money of Canada, said amount comprising of 3.5 parking spaces at the rate of one thousand dollars (\$1,000.00) per parking space as set out in Schedule "B" of By-law 2007-35. Said sum shall be paid to the Township of Bonnechere Valley by the Owner upon the issuing of a building permit;
3. Relief from the provisions of By-law 2007-26, as amended, requiring the provision of parking spaces, shall be granted to the Owner in accordance with the Act, upon payment, in lawful money of Canada, as mentioned in paragraph 2 and the registration of this Agreement by the Owner against the land affected;
4. Upon payment, the Corporation shall retain the whole of the said monies as it's absolute property.

5. This Agreement and the relief from parking requirements granted hereunder upon payment as aforesaid shall cease and be at an end upon demolition of the building or structure.
6. Relief from parking requirements, granted by this Agreement shall extend to subsequent owners of the said building.
7. No term or condition in this Agreement shall oblige the Municipality to provide off-street parking spaces in respect of any building or structure for which relief has been provided under this Agreement.

IN WITNESS WHEREOF the parties have hereunto affixed their respective corporate seals attested to by the hands of their proper officers in that behalf duly authorized (or IN WITNESS THEREOF the party of the second part has duly executed this Agreement).

Valley Signed, sealed and delivered } in the presence of }	} The Corporation of the Township of Bonnechere
-----	} ----- } Mayor Zig Mintha } } } ----- } C.A.O. Bryan Martin } } } ----- } Owner Thomas Hellard } } } ----- } Owner

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APPENDIX "A"

to

Agreement

Cash Payment in Lieu of Parking Requirements

LAND DESCRIPTION

Plan 56, Blk 1 Pt Lot 3 in the geographic Village of Eganville in the Township of Bonnechere Valley