

Highway - Street Chapter 0504 Parking Payments In Lieu Of

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Article 1 – Interpretation

504.1.1 Agreement – defined

"agreement" means an agreement between the Corporation and an owner.

504.1.2 Corporation – defined

"Corporation" means The Corporation of the City of Woodstock.

504.1.3 Council – defined

"Council" means the Council of The Corporation of the City of Woodstock.

504.1.4 Owner – defined

"owner" means an owner or authorized agent applying for relief from the requirement to provide off-street parking.

504.1.5 Parking facility – defined

"parking facility" means an off-street parking area or accommodation, lot or garage where motor vehicles may be parked or stored temporarily.

Article 2 – Authority

504.2.1 Agreements – by Council – parking facilities

The Council of the Corporation may authorize agreements with owners and occupants of buildings or structures to be erected in the City of Woodstock providing for relief, to the extent set out in the agreements, from any provision in any other by-law of the Corporation requiring the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owners to the extent specified in the agreements from the necessity of providing or maintaining such parking facilities.

Article 3 – General Provisions

504.3.1 Payment – fee – calculated – Schedule 'A'

Each agreement authorized under Section 504.2.1 shall provide for the payment to the Corporation of a sum of money as calculated by the formula in Schedule 'A' at the time the agreement is executed, or at such other times as is thereby provided.

504.3.2 Payment – rate – intervals – interest – calculated

In the event of an owner or occupant being able to satisfy the Corporation that he/she is unable to make payment in a lump sum in accordance with Section 504.3.1, the agreement mentioned in Section 504.3.1 shall provide for a rate of

payment to be determined by the Treasurer based on an interest rate which shall be the prime rate at the time the agreement is executed.

504.3.3 Payment – calculations – annually reviewed

The formulas set forth in Schedule 'A' for determining the payment shall be subject to annual review by the Corporation.

504.3.4 Development – default – penalty

In the event that an owner or occupant who has entered into such an agreement does not commence construction of the building for which a building permit was issued within two years of issue, the agreement shall be null and void and all rights, exemptions and privileges derived by the owner or occupant under the agreement shall cease and determine and 20% of the sum calculated in accordance with Section 504.3.1 shall be retained by the Corporation and any balance paid in excess thereof shall be refunded to the owner or occupant.

504.3.5 Penalty – sum retained – reserve fund

The sums retained by the Corporation under Section 504.3.4, shall remain in the fund mentioned in Section 504.6.1.

504.3.6 Agreement – registered – Land Title Officer – lien

Each agreement authorized under Section 504.2.1 shall contain a description of the lands affected sufficient for registration purposes and shall be registered in the proper Registry Office or Land Title Office, and when so registered, the amounts payable under such agreement, until paid, shall be a lien upon the lands described therein and shall be collected by the Treasurer in the same manner and with the same remedies as provided for the collection of real property taxes.

504.3.7 Special rights – privileges – interests – not vested

Nothing in this Chapter shall be interpreted to provide or vest any owner with a special right, privilege or interest of any kind in any parking facility which may result from this Chapter.

504.3.8 Applications – cash in lieu – Schedule 'D'

Applications for cash in lieu of parking requirements shall only be considered within the area described in Schedule 'D'.

504.3.9 Schedules – adoption

Schedules 'A', 'B', 'C' and 'D' form a part of this Chapter.

Article 4 – Application

504.4.1 Written form – Schedule 'B' – fee – requirements

Every owner or occupant shall make written application upon a form in accordance with Schedule 'B' forming part of this Chapter, and provided by the Corporation which form may be altered or replaced from time to time by the Corporation and shall pay a fee of \$100 at the time of filing the application form,

which fee shall not be refunded, except in the case of applications made in conjunction with zoning or severance applications in which case the parking application fee will be waived.

504.4.2 Processing – procedure – Schedule ‘C’

The procedure as established in Schedule ‘C’ to this Chapter, shall apply to the processing of all applications and agreements.

Article 5 – Treasurer – Responsibilities

504.5.1 Collection – management – money payable

The Treasurer shall be responsible for the collection and management of all monies payable under agreements made in accordance with the provisions of this Chapter and where such monies are to be paid other than by a lump sum, the Treasurer shall specify, for inclusion in the agreement prior to final approval by Council, the number, frequency and amount of instalments together with interest thereon.

504.5.2 Payment – in full – recommendation – release

Upon payment in full of the money to be paid under any registered agreement, the Treasurer shall inform Council of the fact and shall recommend to Council that the owner or occupant be released from the provisions of the agreement.

504.5.3 Certificate – registered – money paid

A certificate of the Treasurer of the Corporation stating that the money to be paid under the agreement has been fully paid shall be registered in the appropriate Registry Office.

Article 6 – Parking Requirement Reserve Fund

504.6.1 Money – paid – deposited – expenditures – limitations

All money paid, or to be paid pursuant to any such agreement, shall be paid into a special account known as the Parking Requirements Reserve Fund and the monies in such special fund shall be expended only for the provisions of new public off-street parking facilities.

504.6.2 Auditor – annual report – account position

The Auditor in his/her annual report shall report on the activities and position of the special account described in Section 504.6.1.

Article 7 – Repeal

504.7.1 By-law – previous

By-law 6074-83 is hereby repealed. By-law 6481-87, October 15, 1987.

Schedule 'A' – Parking Space Calculation Formula

The owner or occupant provides capital towards public parking based on one of the two following formulas. The formulas take into consideration the variation in land costs throughout the City and current estimated construction costs of one parking space in either a parking structure or in a surface parking facility. It is assumed that an average parking space requires 28 square metres (301 square feet) in a surface facility and 30 square metres (323 square feet) in a parking structure.

The applicant will enjoy no right of ownership in such a parking space to the cost of which he/she has contributed. There is no guarantee that the Corporation will build a parking space at any particular time or that it will build it in a location that will be of advantage to him/her. Further, if the parking space is built near the applicant's use it will be utilized for public parking and will not be allocated to the individual use of the applicant in any way. Accordingly, the formulas reduce the parking space cost by 50% as a matter of policy to give effect to these considerations.

a) Parking Space in Parking Structure

The formula to determine the owner's contribution takes into consideration land costs and current estimated costs of one car space, averaging 30 square metres (323 square feet) per space, in a multi-level parking structure:

i) for any project requiring relief for 1-4 parking spaces:

$$CIL = \frac{((C \times .05) + (L \times 28 \times 0.65)) \times P}{(S)} \times \frac{1}{2}$$

ii) for a major renovation or addition to an existing building requiring relief for 5-20 parking spaces:

$$CIL = \frac{((C \times .06) + (L \times 28 \times 0.75)) \times P}{(S)} \times \frac{1}{2}$$

iii) for a new development requiring relief for 5-20 parking spaces:

$$CIL = \frac{((C \times .06) + (L \times 28 \times 1.10)) \times P}{(S)} \times \frac{1}{2}$$

iv) for any development requiring relief for more than 20 parking spaces:

$$CIL = \frac{((C \times .75) + (L \times 28 \times 1.10)) \times P}{2 \times S}$$

Where:

L = estimated land cost as determined by recent sales, per square metre of retail or office commercial land within 915 metres (3000 feet) of the proposed development;

28 = the number of square metres allocated to one space in a hypothetical surface parking facility;

C = current estimated cost of constructing one parking space in a hypothetical surface parking facility;

P = number of parking spaces for which payment in lieu of parking is desired;

S = number of storeys or levels in the parking structure;

CIL = cash in lieu of parking payment.

b) Parking Spaces in Surface Parking Facility

The formula to determine the owner's or occupant's contribution takes into consideration land costs and current estimated costs of one car space, averaging 28 square metres (301 square feet) per space, in a surface parking facility.

i) for any project requiring relief for 1-4 parking spaces:

$$CIL = \frac{((C \times .05) + (L \times 28 \times 0.65)) \times P}{2}$$

(50% of construction cost and 65% of land cost)

ii) for a major renovation or addition to an existing building requiring relief for 5-20 parking spaces:

$$CIL = \frac{((C \times .06) + (L \times 28 \times 0.75)) \times P}{2}$$

(60% of construction cost and 75% of land cost)

iii) for a new development requiring relief for 5-20 parking spaces:

$$CIL = \frac{((C \times .06) + (L \times 28 \times 1.10)) \times P}{2}$$

(60% of construction cost and 110% of land cost)

- iv) for any development requiring relief for more than 20 parking spaces:

$$CIL = \frac{((C \times .07) + (L \times 28 \times 1.10)) \times P}{2}$$

(75% of construction cost and 110% of land cost)

Where:

L = estimated land cost as determined by recent sales, per square metre of retail or office commercial land within 915 metres (3000 feet) of the proposed development;

28 = the number of square metres allocated to one space in a hypothetical surface parking facility;

C = current estimated cost of constructing one parking space in a hypothetical surface parking facility;

P = number of parking spaces for which payment in lieu of parking is desired;

CIL = cash in lieu of parking payment.

By-law 6873-91, October 3, 1991; Schedule 'A'.

Schedule 'B' – Application
Application for relief from Parking Requirements

This application must be accompanied by a fee of \$100 in cash or cheque, payable to the "Treasurer of the City of Woodstock"

1. Owner Information	
Name:	Telephone Number:
Address:	Postal Code:
2. Applicant Information	
Name:	Telephone Number:
Address:	Postal Code:
3. Site Location	
Lot No.: _____ Registered Plan No.: _____	
The site is on the _____ side of _____ (street) lying between _____ (street) and _____ (street).	
4. Present use of land:	
5. Proposed use (descriptions of applicant's project):	
6. Parking Information:	
Parking space requirements of Zoning By-law for proposed use: _____	
Number of parking spaces proposed: _____	
Number of parking spaces for which relief is proposed: _____	
7. Method of payment:	
8. Site Information	
This application must be accompanied by 12 copies of a site plan showing the following information:	
<ul style="list-style-type: none"> a) the dimensions of the site; b) the existing and/or proposed building to be erected on the site and its dimensions; c) easements on property; d) location of existing and/or proposed parking spaces and driveway entrances and exits; e) other information as considered applicable. 	
If an application is being filed for an amendment to the Zoning By-law at the same time, the above site information can be included in the Zoning By-law amendment application.	
9. Additional Information:	

When an Ontario Municipal Board hearing is required, the applicant agrees to provide legal assistance in the preparation and presentation of the application by the City Solicitor.

Dated this _____ day of _____ 20 _____

Signature of Applicant

Signature of Owner

I, _____ of the _____ of _____ in the _____ of _____ do solemnly declare that:

All of the above statements and the statements contained in all of the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____ of _____ in the _____ of _____ this _____ day of _____ 20 _____

A Commissioner, etc.

By-law 6481-87, October 15, 1987; Schedule 'B'.

Schedule 'C' – Procedure for the Processing of Applications and Preparation of Agreements

- 1) The application should be addressed to the Planning Department;
- 2) The application shall include:
 - a) the application form;
 - b) the required number of site plans; and
 - c) the application fee.
- 3) The application is to be filed with the City of Woodstock Staff Advisory Committee for processing and review;
- 4) The application is circulated for comments to appropriate City Departments followed by a report prepared by the Committee recommending whether or not a cash payment shall be accepted by the City;
- 5) The report submitted through the Management Committee to Council for their approval;
- 6) If Council approves accepting a cash payment in lieu of parking, Council will direct City staff to make the appropriate legal and fiscal arrangements with the applicant.

By-law 6481-87, October 15, 1987; Schedule 'C'.

