

# The Corporation of the Municipality of Brockton



## By-Law 2019-123

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### Being a By-Law to Adopt a Payment-in-Lieu of Parking Policy for the Municipality of Brockton.

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**Whereas** The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

**And Whereas** the *Municipal Act 2001, S.O. 2001, c 25*, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

**And Whereas** Section 40 of the *Planning Act, R.S.O. 1990, c. P.13* allows a municipality to accept cash payments from owners or occupants of buildings in lieu of providing parking which otherwise would be required by the applicable Zoning By-law.

**Now Therefore** the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That the Corporation of the Municipality of Brockton Council hereby adopts a Payment-in-Lieu of Parking Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 That this By-Law shall come into effect upon final passage.
- 3.0 This By-Law may be cited as the "Adopt Payment-in-Lieu of Parking Policy By-Law".

**Read, Enacted, Signed and Sealed this 15th day of October, 2019.**

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Mayor – Chris Peabody

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Clerk – Fiona Hamilton

## Payment-in-Lieu of Parking Policy

<b>Department:</b>	All Departments and Council	<b>Policy Number:</b>	D14-0300-19
<b>Section:</b>	Planning and Development	<b>Effective Date:</b>	October 15, 2019
<b>Subject:</b>	Payment-in-Lieu of Parking	<b>Revised Date:</b>	
<b>Authority:</b>	By-Law 2019-123		

### 1. Purpose

The policy shall apply to all lands within all applicable zones as established by the Municipality of Brockton Comprehensive Zoning By-Law.

Payment-in-Lieu of Parking will enable the Municipality to secure financial resources to allow for the construction, maintenance or replacement of existing parking facilities, while encouraging new development/redevelopment, and the reuse of existing buildings in the general commercial zone of the Municipality of Brockton where the applicant is not able to satisfy the parking requirements as required by the Comprehensive Zoning By-law.

### 2. Legislative Authority

Section 40 of the *Planning Act, R.S.O. 1990, c. P.13*

40(1) "Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, from the requirement of providing or maintaining the parking facilities."

40(2) "An agreement entered into under sub-section (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated."

### 3. Application

Payment in Lieu of Parking is not intended to replace or conflict with the minor variance or zoning amendment process.

The Committee of Adjustment/Council will determine whether the parking requirements applying to a particular site could be varied. The payment-in-lieu option will be used in a situation where the Municipality is prepared to reduce or eliminate the parking requirement on a given site in order to apply the funds obtained towards developing and maintaining municipal parking facilities in areas where municipal parking exist, or is reasonably expected to exist, sometime in the future.

In this manner, payment-in-lieu of parking is not intended to be an automatic right of the proponent, rather it is applied at the discretion of Committee of Adjustment/Council only after having considered the impacts and the usefulness of applying the funds obtained to the provision of municipal parking facilities.

It is preferable for the applicant to provide on-site or some off-site parking, within close proximity to the development, to satisfy the Zoning By-law requirements of a project. As a last resort, payment-in-lieu of parking may be considered as an option only if the applicant is not able to satisfy the parking requirements of a development.

The payment-in-lieu of parking fee will be included in the Municipality's current Fees and Charges By-Law.