The Corporation of the Town of Ajax
By-law Number 60-2019

Being a by-law to establish a framework to accept cash-in-lieu of parking spaces in accordance with the provisions of the *Planning Act, R.S.O., 1990, c.P.13*, as amended.

Whereas, under the authority of Section 34(1) of the *Planning Act, R.S.O. 1990, c.P. 13, as amended (the Act*), a local municipality may pass Zoning By-laws requiring parking facilities on land that is not part of a public highway;

And whereas, under the authority of Section 34 of *the Act*, the Town of Ajax has passed Zoning By-law 95-2003, as amended, requiring off-street parking facilities to be provided when a new development is constructed, an existing development is enlarged, or when any use is changed;

And whereas, under the authority of Section 40 of *the Act*, the Town of Ajax may enter into an agreement exempting an owner from the requirement of providing and maintaining parking facilities which would otherwise be required by by-law in exchange for cash-in-lieu of the required parking spaces;

And whereas the Town of Ajax Official Plan contains policies to enable the Town to collect cash-in-lieu of required parking;

And whereas, the Town of Ajax deems it appropriate to allow for the collection of cash-in-lieu of required parking, and to establish a by-law to calculate the appropriate cost of a parking space;

Now therefore, the Council of the Corporation of the Town of Ajax hereby enacts as follows:

1.0 Short Title

1.1 This by-law may be cited as the “Cash-in-lieu of Parking By-law”.

2.0 Purposes, Goals and Objectives The purposes, goals and objectives of this by-law are to:

- provide the Town of Ajax with a tool to exempt an owner or occupant of a building from providing and maintaining parking facilities on land that is not part of a highway;
- authorize the Mayor and Clerk to execute all cash-in-lieu of parking agreements which have been approved by the Director of Planning and Development Services;
- establish a framework for the collection of cash-in-lieu of required parking and the basis for calculating the cost of a parking space;
- allow the municipality, when deemed appropriate, the opportunity to enter into an agreement exempting the owner, to the extent specified in this by-law, from the requirement of providing or maintaining parking facilities; and
- establish a Reserve Fund in accordance with the *Municipal Act, 2001,* for the purposes of collecting money owed under an agreement entered into under this by-law.

3.0 Official Plan Policy

3.1 The Town of Ajax Official Plan (the “Official Plan”) encourages the efficient use and sharing of parking, reduced parking standards in intensification areas, and the ability to collect cash-in-lieu of required parking facilities.

3.2 The Official Plan identifies that the minimum parking requirements for various forms of development shall be the benchmark for the calculation of required parking.

3.3 The Official Plan identifies that money collected in accordance with this by-law and held in the Reserve Fund may be used in accordance with Section 9.2 of

this by-law.

4.0 Application of By-law

4.1 This by-law shall only apply to non-residential uses, including non-residential uses and residential visitor parking spaces located in mixed-use buildings. This by-law shall not apply to residential uses and its visitor parking where residential uses are the sole uses on the property.

4.2 The cash-in-lieu of parking by-law may be utilized with Zoning By-law Amendment Applications, Site Plan and Site Plan Amendment Applications, and Building Permit Applications.

4.3 This by-law shall not exempt a development from the requirements to provide accessible parking spaces in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005.*

4.4 The Director of Planning & Development Services or their designate is hereby authorized to engage in any action necessary for the administration and enforcement of this by-law, and to approve entering into cash-in-lieu of parking agreements.

4.5 Notwithstanding Section 4.1 and 4.2, nothing herein prohibits the Town from entering into an Agreement under Section 40 of the *Planning Act* with respect to any other use within the Town.

5.0 Application Process

5.1 Applicants for cash-in-lieu of parking shall submit a request in writing to the Town's Planning and Development Services Department.

5.2 Where it is determined by Planning & Development Services staff that cash-in-lieu of parking may be provided, appropriate wording shall be included in the associated development agreement or by way of a separate agreement.

5.3 The agreement shall be accompanied by payments from the owner or tenant to the municipality. The applicant shall be responsible for paying the Town's legal expenses associated with the preparation and registration of a required agreement. All agreements shall be registered on the title of the property.

6.0 Evaluation Criteria

6.1 Applications requesting cash-in-lieu of parking shall be evaluated to determine whether entering into an agreement to provide cash-in-lieu of parking is in the best interests of the Town.

6.2 Evaluation of all applications for cash-in-lieu of parking shall be based on the following criteria:

- consistency with the policies outlined in the Town of Ajax Official Plan;
- consistency with the Town's planning and transportation initiatives;
- whether the existing or planned public parking supply in the surrounding area can support the on-site parking deficiency;
- constraints that prevent required parking from being provided on-site;
- the adequacy of proposed alternatives to on-site parking; and
- any other criteria that the Town may consider relevant.

6.3 In situations where limited or no municipal parking facilities are available, additional criteria may be considered, including:

- the Town's interest in providing public parking facilities in the area; and
- the timing for delivery of any future public parking facility in the area.

6.4 Evaluation of criteria shall be conducted at the sole discretion of the Town, in

consultation with other Town Departments.

If the evaluation of criteria determines that an exemption from the parking requirements of the Town's Zoning By-law is not in the best interests of the Town, the request shall be denied.

6.5 Notwithstanding the provisions of this by-law, nothing herein shall obligate the Town to enter into an agreement respecting cash-in-lieu of parking.

7.0 Calculation of Cash-in-lieu of Parking

7.1 Where it has been determined that providing cash-in-lieu of required parking complies with the evaluation criteria, the following may be utilized to calculate the required monetary value to be paid to the Town:

Category		2019 Cost Per Space[1]
A	New development, redevelopment, additions and changes in use on a property identified as a *Heritage Property*[2].	$3,500
B	Changes in use on a property that is not identified as a *Heritage Property*[3] and is located within the Downtown Regional Centre and Village Centre[4].	$5,000
C	New development, redevelopment, additions and changes in use on a property that is not identified as a *Heritage Property*.	$8,500

(1) The cost identified within this by-law is priced as of 2019. An annual inflation rate of 3% will automatically be added to this cost on January 1st of each subsequent year, beginning the first January following the adoption of this by-law. This cost will be reviewed at a minimum every 5 years, or earlier, at the Town's discretion.

(2) "Heritage Property" means a property that has been designated under Part IV or V of the Ontario Heritage Act, or is listed on the Town's Inventory of Non-designated Heritage Properties, and contains one or more built heritage resources that have been determined by the Town to possess heritage value. For this rate to apply, the built heritage resource(s) of value must be retained on-site.

(3) For properties that have executed a Category C cash-in-lieu of parking agreement, any subsequent Category B application with respect to the same property within the following 5 years will be charged at the Category C rate.

(4) The boundaries of the Downtown Regional Centre and Village Centre are shown on Schedules 1 and 2 of this by-law.

8.0 Credits

8.1 Where a cash-in-lieu of parking agreement has been executed and an applicant is requesting a new or revised cash-in-lieu of parking agreement, the previous payment(s) may be credited towards the new agreement, subject to the Town's approval. No refunds will be provided, and credits will be registered on the title of the property.

9.0 Reserve Fund

9.1 The Cash-in-Lieu of Parking Reserve Fund (the "Fund") shall be established to hold proceeds of cash payments received in respect of agreements entered into pursuant to Section 40 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, permitting an owner to provide less parking, in whole or part, on a site that is otherwise required by the Zoning By-law, as amended.

9.2 Balances in the Fund will be used only for the following types of projects, as approved by Council through the annual budget process:

a) the acquisition of land to be used for public parking;
b) improvements to expand existing public parking facilities;
c) costs to design and construct additional public parking on an existing right-of-way or other land owned or leased by the municipality;
d) acquisition of equipment, infrastructure or technology (hardware and software) for the management or enforcement of by-laws restricting parking in the Town, which may include meters and pay terminals;
e) acquisition of equipment, infrastructure or technology to support the Town's transportation initiatives; and
f) efforts to promote public education or awareness of the availability of public parking within the specified area, including signage.

9.3 Funds collected from the Downtown Regional Centre and Village Centre may only be allocated to benefit those areas.

Funds may be used on lands located outside of the Downtown Regional Centre and Village Centre as identified on Schedules 1 and 2 of this by-law, provided that it can be demonstrated to directly benefit the Downtown Regional Centre or Village Centre area.

9.4 Funds collected outside the Downtown Regional Centre and Village Centre may be allocated anywhere within the Town.

10.0 Reporting

10.1 The Treasurer and/or Planning & Development Services staff shall present an annual cash-in-lieu of parking report to Council. The report shall contain a statement that summarizes the status of the cash-in-lieu of parking Reserve Fund, interest earned and fees collected. The statement shall document land acquired using the Funds, basic details of all works paid for by the funds, and costs for each project.

11.0 Effective Date

11.1 This by-law shall come into force and effect immediately upon final passing.

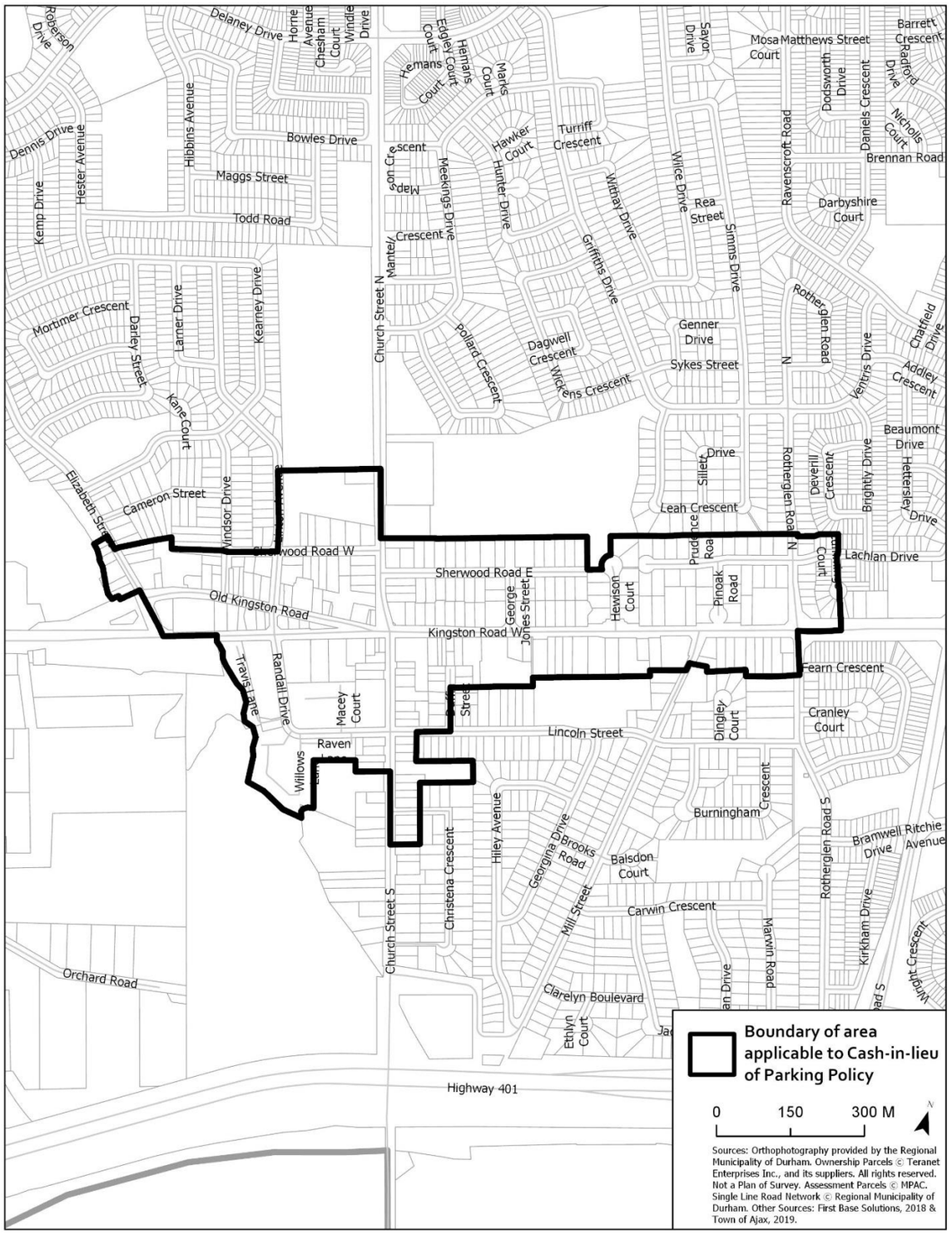
READ a first and second time this Fifteenth day of October, 2019.

READ a third time and passed this Fifteenth day of October, 2019.

Shaun Collier, Mayor

Alexander Harras, Deputy Clerk

Schedule 1
Area Boundaries of the Village Centre



Schedule 2
Area Boundaries of the Downtown Regional Centre

