

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10574-2024

A BY-LAW TO ADOPT A CASH-IN-LIEU OF PARKING POLICY

WHEREAS Section 40 of the *Planning Act* authorizes the Council of a Municipality to pass a Cash-in-Lieu of Parking By-law where a Zoning By-law is in effect;

WHEREAS Section 4.28.4 of the Town's in-effect Zoning By-law 10375-2022 allows that the By-law's minimum parking requirements for residential uses be reduced or waived provided the Owner enters into an agreement with the Town;

NOW THEREFORE BE IT RESOLVED the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. THAT the Cash-in-Lieu Policy (Schedule A) be hereby adopted and form part of this By-law;
2. THAT this By-law shall come into full force and take effect on the day it is finally passed.

Read a first and second time this 3rd day of September, 2024

Read a third time and passed this 3rd day of September, 2024

Mayor

Kerry Petrella
Clerk

TABLE OF CONTENTS

- 1. PURPOSE..... 3
- 2. OBJECTIVES OF THE POLICY 3
- 3. DEFINITIONS 3
- 4. CASH-IN-LIEU OF PARKING AREA 4
- 5. PARKING RESERVE ACCOUNT 4
- 6. ADMINISTRATION..... 5
- 7. PROCESS..... 5
 - 7.1 ROLE OF APPLICANT 5
 - 7.2 ROLE OF TOWN..... 5
 - 7.3 CASH-IN-LIEU OF PARKING APPLICATION REQUIREMENTS 6
 - 7.4 INCOMPLETE CASH-IN-LIEU OF PARKING APPLICATION..... 6
- 8. CASH-IN-LIEU OF PARKING APPLICATION EVALUATION CRITERIA 6
- 9. CASH-IN-LIEU APPLICATION APPROVAL AND AGREEMENT EXECUTION..... 7
- 10. CASH-IN-LIEU OF PARKING APPLICATION FEE CALCULATION 7
- 11. SEVERABILITY 8
- 12. COMMENCEMENT 8

1. PURPOSE

The purpose of this Cash-in-Lieu Parking Policy is to establish a framework for the Town to assume the responsibility of providing and maintaining spaces when an Owner cannot meet the minimum number of off-street parking spaces under Section 4.28.2—Minimum Parking Requirements of the Zoning By-law and as authorized by Section 40(1) of the Ontario Planning Act.

Parking standards for particular uses (such as office spaces or full-service restaurants), as defined in the Zoning By-law, are typically based on the gross floor area amount or occupancy amount generated for that use. When the required number of off-street parking spaces cannot be provided, the Town and Owner(s) may enter into an Agreement where a specified amount of money is provided in lieu of the Owner providing the required minimum number of off-street parking spaces on their site.

2. OBJECTIVES OF THE POLICY

This Policy has been created within the context of urban development within the Downtown Core as defined and designated in the Town's Official Plan. The downtown is recognized as a rapidly growing, vibrant area of Smiths Falls. This policy is designed to help maximize the downtown's development potential and foster complete communities through the strategic provision of off-street parking stalls and enshrines the following objectives:

- **Adequate Parking**—Ensure sufficient parking for residents, business establishments, and visitors and minimize the impact on short-term on-street parking supply.
- **High-Quality Urban Design**—Encourage the development of high-quality urban design for mixed-use and commercial developments within the Town's Downtown Core, positioning Smiths Falls as a unique, thriving, pedestrian-friendly community.
- **More Efficient Land Use**—Concentrate parking in planned areas to promote land use intensification within the Downtown Core.
- **Flexibility for Developers**—Provide a greater degree of flexibility to allow developers to reduce the amount of lot area dedicated to off-street parking by building municipal parking lots with cash-in-lieu of parking funds and, therefore, incentivize the efficient use of private developable land in the Downtown Core.
- **Creation of Municipal Parking Lots**—With the monies collected in the Parking Reserve Fund, build accessible, pedestrian-friendly municipal parking lots to contribute to a positive and high-quality pedestrian realm.

3. DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

“50% Subsidy Rate Multiplier” shall mean a 50% reduction in non-residential construction costs applied to the Cash-in-Lieu of Parking levy formula. It represents

an equal share in the non-residential construction costs of an above-ground parking space between the Applicant and the Town.

“Agreement” shall mean a written document signed by the Owner(s) and the Town, in which the Owner(s) agree to provide monetary Canadian funds to the Town in return for the Town providing relief from the Parking requirements of the in-effect Zoning Bylaw, subject to any conditions contained therein.

“Applicant” shall mean the Owner(s) or authorized Agent who submits the Application for the Cash-in-Lieu of Parking request.

“Lot” shall mean a parcel or tract of land as defined in the Zoning By-law that is the subject of the Cash-in-Lieu of Parking Application.

“Non-Residential Building Construction Price Index” shall mean the Statistics Canada Non-Residential Building Construction Price Index as determined by Statistics Canada.

“Owner” shall mean an owner of land whose interest in the land is defined and whose name is specified in an instrument in the property Land Registry or Land Titles Office and includes a corporate owner or partnership.

“Planner” shall mean a Planner employed by the Town responsible for handling the Application.

“Zoning By-law” shall mean the Town of Smiths Falls Comprehensive Zoning By-law 10375-2022 or any successor equivalent by-law currently in effect.

Other terms not explicitly defined in this By-law may be defined in the Town’s Zoning By-law currently in effect, the definitions of which are hereby incorporated by reference into this policy.

4. CASH-IN-LIEU OF PARKING AREA

This Policy shall apply to all lands within the Downtown Core as defined by the Town’s Official Plan.

5. PARKING RESERVE ACCOUNT

The funds collected pursuant to this Policy shall be deposited into the Town’s Parking Reserve account under Section 40 (3) of the Planning Act and this Policy.

Use of Parking Reserve Fund Contributions generated by this Policy shall be limited to the following uses:

- Expenses incurred by the Town in the acquisition of future public parking facilities and land;
- Expenses incurred by the Town in the construction of future public parking facilities; and,

- Expenses incurred by the Town in improving or maintaining existing or new public parking facilities.

6. ADMINISTRATION

This Policy will be administered by the Manager of Development Services or a delegated staff person. Review of this Policy shall coincide with periodic review of the Town of Smiths Falls Official Plan and Comprehensive Zoning By-law or as required based on revisions to Provincial legislation.

7. PROCESS

7.1 ROLE OF APPLICANT

The Applicant shall submit all the items outlined in Section 7.5—Cash-in-Lieu of Parking Application Requirements for the Application to be deemed complete by the Planner.

Before applying, the Applicant shall contact a Planner from the Planning Division of the Town's Development Services Department to schedule a pre-consultation meeting. The primary purpose of the pre-consultation meeting is to review the request for Cash-in-Lieu of Parking, assist applicants in submitting a complete and satisfactory Application, and provide answers to questions related to the Cash-in-Lieu of Parking Application process.

Where warranted, the Applicant shall enter into a Cash-in-Lieu of Parking Agreement with the Town under Section 9—Cash-In-Lieu Application Approval and Agreement Execution. Confirmation of Agreement registration will be provided if the Agreement needs to be registered against the title of the parcel(s) where the parking spaces would have been otherwise provided.

The Applicant shall submit payment under Section 10- Cash-in-Lieu of Parking Application Fee Calculation before executing the Agreement with the Town. Cash-in-Lieu of Parking fees paid under this Policy are non-refundable and only apply to the Application under review and consideration at the time.

7.2 ROLE OF TOWN

The Planner shall confirm if the Application is complete and satisfactory under Section 7.5—Cash-in-Lieu of Parking Application Requirements and review it based on the criteria established in Section 8—Cash-in-Lieu of Parking Application Evaluation Criteria.

If the Planner has deemed the application complete and meets the evaluation criteria, the Manager of the Development Services Planner is delegated the authority to issue a decision under this Policy. The denial of a CILP application can be appealed to Council at an upcoming Committee of the Whole meeting, and that decision is final.

The corresponding Agreement shall identify the number of parking stalls to be exempted in consideration of payment of cash-in-lieu of parking subject to any conditions deemed necessary.

The Planner shall finalize the Agreement and forward it to the Owner(s) for signing. The Agreement shall be signed by the Clerk and the Mayor representing the interests of the Town and by the Owner(s), with a signed physical copy provided to both parties.

7.3 CASH-IN-LIEU OF PARKING APPLICATION REQUIREMENTS

Applications must include the following items to be considered a complete application:

- Complete and signed Cash-in-Lieu of Parking Application form;
- Site Plan outlining the location of all building(s) or structure(s) and parking associated with the proposed development or redevelopment of the site;
- Written explanation that articulates, in consideration of the Evaluation Criteria (Sec. 8), why the minimum number of parking spaces, under the Zoning By-law, cannot be provided on the parcel(s) subject to the proposed development/redevelopment and why an alternative parking solution necessitating an Application is requested.

7.4 INCOMPLETE CASH-IN-LIEU OF PARKING APPLICATION

Applications lacking the required information or application fee stated in Section 7.5—Cash-in-Lieu Parking Application Requirements will not be considered.

8. CASH-IN-LIEU OF PARKING APPLICATION EVALUATION CRITERIA

The Application submitted under Section 7.5—Cash-in-Lieu of Parking Application Requirements will be reviewed based on the following criteria. CILP application approval is discretionary and will only be given if the following criteria are met:

- Whether the existing supply of off-street parking spaces in the surrounding area can accommodate the on-site parking deficiency on the parcel(s) subject to the Application.
- Walkable proximity to existing Town-owned parking or Town-owned land that has been reserved for the provision of off-street public parking spaces.
- Whether the request to reduce the required parking in the Zoning By-Law on the proposed development site would contribute to a better planning outcome for the general area in the Downtown Core through the urban design of the proposed development.
- Whether the reduction of parking, as requested by the Application and rationalized in the written explanation enables the over-development of the parcel(s) relative to the context of the surrounding area.

- Whether any negative impacts on the adjacent residential areas that could occur if the requested reduction in parking were approved should be rationalized in the written explanation of the Application
- Whether the proposal enables non-residential development as per the scope outlined in Section 1— Purpose of this policy.
- Review of site constraints, such as an undersized lot, that prevent the provision of the required number of parking spaces in instances where parking is physically impossible (as rationalized by the Application) will be considered, provided all other evaluation criteria outlined above are satisfied.
- In instances where applicants are applying for additional zoning relief from other sections of the Town's Comprehensive Zoning Bylaw, in addition to requesting relief to waive parking requirements through a minor variance application under Section 45(1) of the Planning Act, the CILP parking levy suggested through a review of their minor variance application will be used as a condition of minor variance approval.

9. CASH-IN-LIEU APPLICATION APPROVAL AND AGREEMENT EXECUTION

Upon approval, the Town shall prepare an Agreement to enshrine the terms of the Cash-in-Lieu of Parking approval. The Agreement shall be executed and may be registered on the title of the subject Lot(s) before the Zoning provision is satisfied. The CILP parking levy will be paid upon application approval before execution of the Agreement.

10. CASH-IN-LIEU OF PARKING APPLICATION FEE CALCULATION

The Application fee is calculated using the following flat rate calculation formula. The Cash-in-Lieu Parking Flat Rate is \$3,700.00 based on the 2023 estimated cost of constructing one 2.75 m X 5.55 m parking stall in the municipal parking lot at Market Street North. The Flat Rate will be adjusted on January 1st of each year based on the Statistics Canada Non-Residential Building Construction Price Index.

$$\text{\$} = 0.5 (N \times \text{FR})$$

Flat Rate Variables

\\$= Amount to be provided per parking stall

0.5 = 50% Subsidy Rate Multiplier represents an equal share in the construction costs of an above-ground parking space between the Applicant and the Town.

N = Number of Stalls

FR = \$3,700.00

Amount payable per parking space = \$1,850.00 (2023)

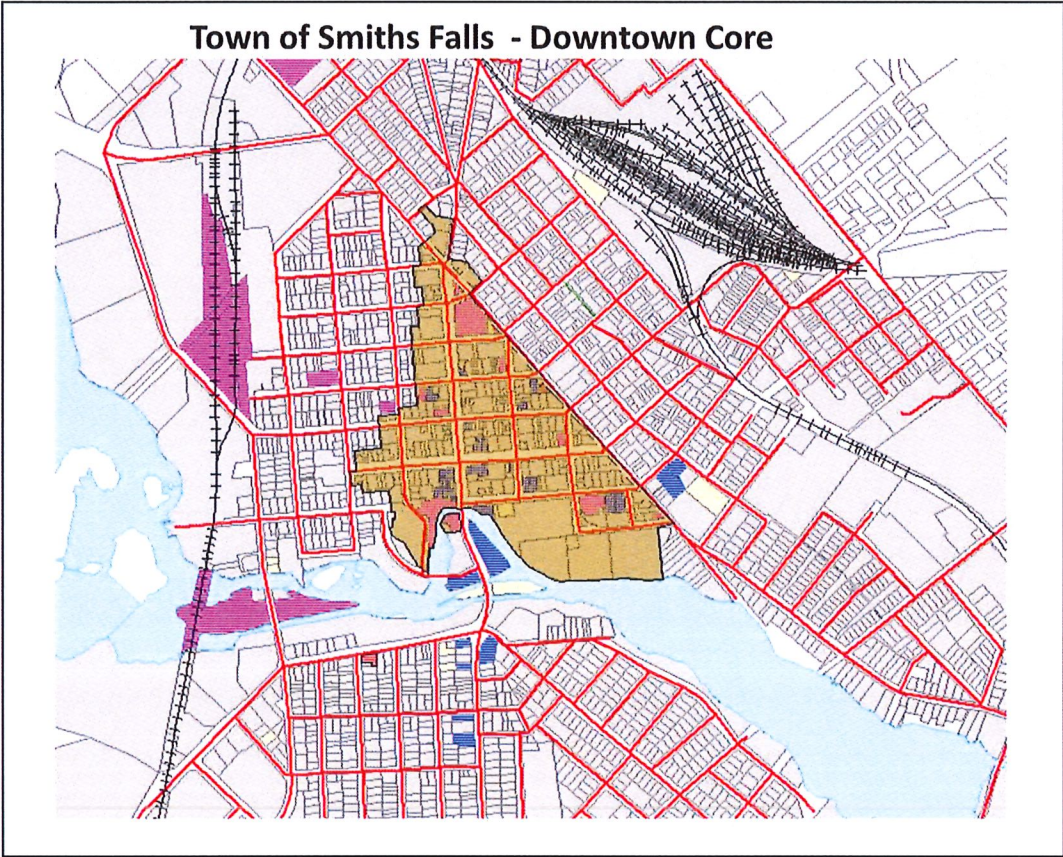
11. SEVERABILITY

- 11.1 Notwithstanding the provisions of any other By-law to the contrary, the more restrictive provision prevails if there is a conflict between this and any other By-law.
- 11.2 Should any part, section, or portion of this By-law be repealed or declared illegal by a court of competent jurisdiction, the same shall not affect the validity of this By-law as a whole or in part thereof, except for that declared invalid.

12. COMMENCEMENT

The provisions of this By-law shall come into full force and effect upon the final passing thereof.

Schedule A - Map of Downtown Core



Appendix B – Parking Levy Calculation Methodology

Hypothetical Example:

Kingsman Architecture proposes to develop a restaurant in the Downtown Core. The restaurant requires 12 parking stalls; however, the size of the property only accommodates eight parking spaces. With the example provided, the two different calculation methods will be utilized to determine the cost of the four parking stalls that would be paid into a CILP program.

For an updated base flat rate that reflects the cost of developing a parking space, the Town-owned surface-level parking lot at Market St. North was used as an example to determine an estimated cost of constructing a parking lot Downtown, expressed on a per-space basis.

The base rate comprises two main inputs: the assessed value of the parking lot (\$81,000.00) and an *estimated* construction cost, as provided by Public Works, which are represented below in the following equation. Please note that the estimated construction cost is provided for reference purposes- the “actual” would depend on a competitive bidding process and economic conditions.

An updated base flat rate was calculated using the estimated construction cost of the surface-level parking lot and its assessed value, each divided by the number of parking stalls in the lot. It is recommended that the base flat rate be adjusted annually with the Building Construction Price Index¹ (BCPI) sourced by Statistics Canada, Non-residential buildings for the Ottawa area, to account for inflation.

Updated Base Flat Rate Fee Calculation

Input 1: Construction Cost

$$\frac{\text{Cost of Construction}}{\text{Number of stalls}} = \frac{\$111,385.76}{52} = \$ 2, 142.034/ \text{stall}$$

Input 2: Surface-level Parking Lot Value

$$\frac{\text{Parking Lot Assessed Value}}{\text{Number of stalls}} = \frac{\$81,000.00}{52} = \$ 1,557.692 / \text{stall}$$

$$\text{Base FR} = \frac{\text{Cost of Construction}}{\text{Number of stalls}} + \frac{\text{Parking Lot Assessed Value}}{\text{Number of stalls}}$$

1. The BCPI measures the change over time in contractors' prices to construct a range of new commercial, institutional, industrial, and residential buildings. These buildings include six non-residential structures: an office building, a warehouse, a shopping centre, a factory, a school, and a bus depot with maintenance and repair facilities. In addition, indexes are produced for four residential structures, including a single-detached house, a townhouse, a high-rise apartment building (five or more storeys and a low-rise apartment building (fewer than five storeys).

The contractor's price reflects the value of all materials, labour, equipment, overhead, and profit required to construct a new building. It excludes value-added taxes and any costs for land, land assembly, building design, land development, and real estate fees.

$$\begin{aligned} &= \$ 2142.034 + 1557.692 \\ &= \$ 3,699.726 \sim 3,700.00 \end{aligned}$$

The base flat rate for one stall, factoring in the cost of construction and its assessed value, is approximately \$3,700.00.

Flat Rate Calculation Formula

$$\text{\$} = 0.5 (N \times \text{FR})$$

The amount payable per parking space using the 50% subsidy rate multiple = \$1,850.00 (2023)

BCPI Adjustment Calculation

$$\text{BCPI 2023 Rate} = 175.3$$

$$\text{BCPI 2024 Rate} = 177.4$$

$$\text{Base Price} = \$3,700.00$$

$$\begin{aligned} \text{Inflation Rate Calculation} &= (177.4 - 175.3) \\ &= 2.1 \% \end{aligned}$$

$$\begin{aligned} \text{BCPI Adjusted Price} &= ((2.1/100) \times (\$3,700.00)) + 3,700.00 \\ &= \$3777.70 \end{aligned}$$

Using the BCPI adjusted price in the flat rate formula calculation

$$\text{\$} = 0.5 (N \times \text{FR})$$

$$\text{\$} = 0.5 (4 \times 3777.70)$$

$$\text{\$} = 7555.40$$

The cost for four parking stalls using the BCPI adjusted price is \$7555.40.