

NOTICE OF MOTION**Alternate Parkland Dedication Rate By-law – Proposed Amendment**

Moved by: Councillor Jenkins

Seconded by: Councillor Filion

SUMMARY:

At its meeting of December 11, 12 and 13, 2007, City Council adopted Parks and Environment Committee Item 11.3 which recommended the enactment of a by-law to create a higher (alternate) rate of parkland dedication in areas of the City deficient in parkland.

By-law No. 1420-2007, being a by-law “to amend Municipal Code Chapter 415, Development of Land, to provide an alternate rate for the conveyance of land for park purposes as a condition of residential development” was enacted on December 13, 2007 to implement PE11.3.

By-law 1420-2007 contains in section 415.22 B wording to the effect that where a Secondary Plan or a Site or Area Specific policy provides for a different Alternate Rate or an exemption, the alternate rate or the exemption set out in the Secondary Plan or Site or Area Specific policy shall prevail.

The intention of enacting the Alternate Parkland Dedication Rate By-law was to provide for a uniformly higher rate of dedication in respect of all future development applications or Secondary Plans. In the interest of safeguarding the future application of the new city-wide alternate rates in relation to future site or area specific or Secondary Plan official plan amendments, the Alternate Parkland Dedication Rate By-law at section 415-22B should be amended to restrict the reference to other prevailing rates to only those found in Secondary Plan or site or area specific policies already existing at the time the new rates came into effect.

The recommended rewording of section 415-22B to limit the concept of other prevailing alternate rates to only those Official Plan permissions pre-dating the creation of the new City-wide rate will strengthen its application in future development applications and thus maximize the opportunities for the City to acquire higher rate parkland contributions in parks deficient areas.

RECOMMENDATION:

1. That the City Solicitor, in consultation with appropriate staff, prepare for introduction in Council on an expedited basis, the necessary by-law to amend By-law 1420-2007 to limit prevailing alternate rates which may differ from the rate set out in By-law 1420-2007 to those contained only in Secondary Plan or site or area specific Official Plan policies in force at the time of the new Alternate Rate coming into effect on January 1, 2008.

April 28, 2008

According to Chapter 27, Council Procedures:

Notice given	(√)
Fiscal Impact Statement provided	
Should have Fiscal Impact Statement prior to debate Requires two-thirds to waive requirement if Council wishes to debate	*
Should be referred to Parks and Environment Committee Requires two-thirds vote to consider at this meeting	(√)
Motion Recommendations are Urgent	

* Deputy City Manager and Chief Financial Officer to advise.