
City Council

Notice of Motion

MM10.5	ACTION			Ward: 35
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Re-allocation of the Section 37 Payments secured by a site specific by-law for the development of the former CN Rail Spur located north of St. Clair Avenue East between Warden Avenue and Birchmount Road - by Councillor Michelle Berardinetti, seconded by Councillor Gary Crawford

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Scarborough Community Council. A two thirds vote is required to waive referral.*

Recommendations

Councillor Michelle Berardinetti, seconded by Councillor Gary Crawford, recommends that:

1. City Council amend its decision in adopting SC4.29 on April 23 and 24, 2007 to stipulate that the payments to be secured pursuant to Section 37 of the Planning Act be applied toward local park improvements, in addition to the allocation permitted by the existing Council authority, which had directed the funds to be used as a contribution towards a community centre to serve the Warden Woods Community.
2. City Council authorize staff to enter into the appropriate Section 37 agreement to implement that allocation.
3. City Council determine, pursuant to Section 34(17) of the Planning Act, that no further notice be given in respect of the proposed site specific zoning by-law.

Summary

By adopting SC4.29 on April 23 and 24, 2007, City Council authorized a site specific zoning amendment to permit the development of a subdivision containing approximately 42 townhouses on the former CN Rail Spur north of St. Clair Avenue East between Warden Avenue and Birchmount Road, referred to as 0 Hymus Avenue, in the former City of Scarborough. The zoning by-law has not yet been passed as the various pre-conditions, including the execution of a Section 37 Agreement, have only recently been satisfied. However, the zoning by-law may now be passed at the meeting of Council to be held on July 12 and 13, 2011.

This motion is to allow the Section 37 payments, secured by the site specific zoning by-law, to be applied toward local park improvements in addition to the allocation permitted by the existing Council authority, which had directed the funds to be used as a contribution towards a community centre to serve the Warden Woods Community. As the community centre has now been completed, it is appropriate that the funds also be available for local park improvements.

It is therefore appropriate for City Council to consider this Motion at the July 12 and 13, 2011 Council meeting. It is also appropriate for City Council to determine, pursuant to Section 34(17) of the Planning Act, that no further notice be given in respect of the proposed site specific zoning by-law.

(Submitted to City Council on July 12 and 13, 2011 as MM10.5)