

## City Council

### Motion without Notice

MM36.26	ACTION			Ward:33
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**Reallocation of Section 37 Funds, 25 Buchan Court, for Park Improvements in the Local Area - by Councillor Shelley Carroll, seconded by Councillor Gloria Lindsay Luby**

*\* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.  
\* This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.  
\* This Motion has been deemed urgent by the Chair.*

### Recommendations

Councillor Shelley Carroll, seconded by Councillor Gloria Lindsay Luby, recommends that:

1. City Council request the Director of Community Planning, North York District, to bring forward a zoning by-law amendment to the North York Community Council, pertaining to 25 Buchan Court, to amend the Section 37 provisions to allow \$18,200 of the \$90,000 secured for landscaping and other improvements on the south side of Buchan Court, to be used instead for capital improvements to parks in the local area.
2. City Council direct that a community meeting be held in the affected area and that notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.
3. City Council request the City Solicitor to prepare an amending Section 37 agreement to secure the amended Section 37 community benefits resulting from Recommendations 1 and 2, above, and that the amending agreement be executed prior to introduction of the Bill in Council,.

### Summary

The rezoning for the development at 25 Buchan Court was approved by the Ontario Municipal Board on August 29, 2006, resulting in site-specific zoning By-law 32-2007(OMB). Subsequent amendments to the Section 37 benefits occurred through By-law 1154-2011 on

September 22, 2011. The total Section 37 cash contribution secured was \$395,000, which included \$90,000 for landscape and other improvements on the south side of Buchan Court. The \$90,000 has been received by the City in the form of a letter of credit, and arrangements have been made to allow the developer to complete the improvements. The developer's budget for this purpose included \$18,200 for a traffic island which has since been determined to be not feasible. The developer has agreed that the \$18,200 be reallocated to local park improvements.

The reallocation will require both an amendment to the site-specific zoning to change the specific Section 37 provisions, and an amending Section 37 agreement. The recommendation will initiate the rezoning process by City Planning staff and authorize the corresponding amending Section 37 agreement. Once the zoning by-law and Section 37 agreement have been amended, the funds can be budgeted by Parks, Forestry and Recreation Division, in consultation with the Ward Councillor's office, for appropriate local park improvements in 2014.

This item is urgent as the park plans need to be approved before the end of the 2013 planting season.

(Submitted to City Council on June 11 and 12, 2013 as MM36.26)