

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**EXPLANATORY MEMO**

**FORT LANGLEY OFF-STREET PARKING BYLAW 1995 NO. 3472**

**Bylaw No. 3472 allows Council to hold, use, improve, operate, maintain and manage certain real property owned and/or leased by the Township for the purpose of providing public off-street parking facilities in the commercial area of Fort Langley, and to regulate, charge and collect fees and rents for such use.**

As recommended by the Fort Langley Enhancement Committee, this Bylaw establishes a cash-in-lieu parking system to be implemented in the commercial area of Fort Langley. This Bylaw identifies the parking lot for the Fort Langley Marina Park as a public off-street parking facility for the purposes of establishing a cash-in-lieu parking system. The Marina Park parking lot will only be used in the interim in order to commence the cash-in-lieu system. An alternate location in the commercial core could be identified when sufficient funds are collected for acquisition and development of a public parking facility.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

FORT LANGLEY OFF-STREET PARKING BYLAW 1995 NO. 3472

**A Bylaw to provide for the holding, use and improvement, operation, maintenance and management of certain real property owned and/or leased by the Township for the purpose of providing public off-street parking facilities in the commercial area of Fort Langley, and to regulate, charge and collect fees and rents for such use.**

WHEREAS the Township is the owner and/or leaseholder of the real property hereinafter described;

AND WHEREAS it is deemed expedient that such property be held, used and improved for the purpose of public off-street parking facilities;

AND WHEREAS it is necessary that the Council have authority to improve such real property and from time to time as it may deem requisite, acquire and hold additional real property and construct buildings and structures thereon and to equip them for such purpose;

AND WHEREAS it is also necessary to provide for the operation, maintenance and management of all real property and facilities so held and used under this bylaw;

AND WHEREAS it is deemed equitable that fees or rents for the use of any space in, or portion of, or the use of, any of the real property held under this bylaw shall be charged and collected and that the Council have the authority to enter into agreements with other persons for the leasing and sub-letting of any such property;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as the "Fort Langley Off-Street Parking Bylaw 1995 No. 3472."

*PARKING LOTS*

2. The following described real property owned by the Township of Langley, Province of British Columbia which is outlined on the plan which is marked as Schedule "A" hereto and forming part of this bylaw, from and after the final adoption of this bylaw, be held, used and improved for the purpose of providing off-street parking facilities for the use of the public:

In the Township of Langley, Province of British Columbia, and more particularly known and described as: Lot 1, Block 11, DL 19, Plan 736 (PID: 011-906-375) or municipally known as Fort Langley Marina Park (parking lot).

3. Every parcel of the real property described in Section 1 hereof shall be made available to the public for off-street parking. Each parking space shall have the minimum area required by the "Township of Langley Zoning Bylaw No. 2500" and with regard to future acquired properties, of the area then required by the Bylaw in effect at that date, and the boundaries thereof shall be clearly identified by lines painted on the pavement or by other means indicating such boundaries. The driveway providing access to and/or egress from every such parcel shall be limited in number and may be controlled by automatic devices.
4. The Council may, from time to time, and as deemed expedient, construct buildings and structures on any parcel of land described in Section 1 hereof and equip the same for the purpose of providing public off-street parking facilities.
5. The Administrator of the Township shall be responsible for the operation, maintenance and management of all real property held and used pursuant to this Bylaw.

#### *PARKING PERMITS*

6. The Township is hereby authorized to enter into agreement with any person or persons owning real property which is situated within a commercial zone described in the Township of Langley Zoning Bylaw No. 2500 and in effect at the date of this Bylaw and as from time to time amended or repealed, that is located within the Commercial designation of the Fort Langley Community Plan for the use of any number of parking spaces within a parcel of land set out in Section 1 above for use by the public as off-street parking on the real property owned by him/her in accordance with the requirements of the Township of Langley Zoning Bylaw No. 2500 and pursuant to such an agreement, the Township may grant to such person a permit for the use by the public of such number of parking spaces.
7. Every such permit granted by the Township pursuant to this Bylaw shall be subject to:
  - a) Automatic cancellation without notice if at any time the building or structure for which such off-street parking has been provided, is destroyed or is removed from its site and is not replaced by another building or structure having the same off-street parking requirements within a period of one (1) year from the date of such destruction or removal, and
  - b) Termination by the Township upon thirty (30) days notice upon adoption by the Township of some alternative method of providing the said off-street parking; or upon any reduction or relation of the requirements for such off-street parking.
8. As a consideration for the granting of every such permit on a particular parcel of real property the applicant therefor shall pay to the Township, for every space included in the permit, the non-refundable sum of Twelve Thousand Dollars (\$ 12,000), and a permit application fee of Four Hundred Dollars (\$ 400) plus applicable taxes.
9. The Township is hereby empowered to provide such parking spaces placed upon such real property and further is empowered to charge and collect fees or impose charges for the use of such parking facilities.

10. No such permit or agreement under this Bylaw shall be construed to convey or vest any property or right in such parking spaces or real property, in the person to whom such permit is issued, nor shall any such permit or agreement entitle such person to any allocation of specific marking spaces on said real property or to any marking thereof indicating that such spaces have been licensed to him/her. All obligations of the Township under this Bylaw shall be limited to the provision of the required number of off-street parking spaces for which permits are issued pursuant to this Bylaw. The Township shall assume no liability for the use of said parking stalls by the permit holders or others.
  
11. The following policy applies to the owners of land in a commercial zone located within the Commercial designation of the Fort Langley Community Plan:
  - a) In the event an owner of land wishes to add on to an existing building, only the gross floor area of the addition will be required to comply with the off-street parking requirements of the said Zoning Bylaw No. 2500 or the owner may enter into an agreement with the Township as set out in Section 6 above.
  
  - b) In the event of an owner of land of an existing commercially occupied building wishes to remove or demolish the said building in favour of a new building, only the increased gross floor area between the old demolished building and the new building will be required to comply with the off-street parking requirements of the said Zoning Bylaw No. 2500 or the owner may enter into an agreement with the Township, as set out in Section 5 above, provided that construction of the new building has commenced within six (6) months from the date of removal of the old building. This time limit may be extended by Council.
  
  - c) In the event of an addition referred to in clause (a) hereof, any parking stalls on the land shall be a credit towards the existing building and not a credit towards the addition unless the total number of parking stalls on the land exceed the off-street parking requirements under the said Zoning Bylaw No. 2500 for the existing building.
  
  - d) Notwithstanding clause (c) above, any parking stalls that exist, as of the final adoption of this bylaw, on privately owned and commercially occupied land within a commercial zone that are lost in favour of a new building, must be replaced on the site; provided in accordance with Section 107.2(2) of the said Zoning Bylaw No. 2500 or be purchased from the Township under an agreement with the Township as set out in Section 6 above.
  
  - e) Notwithstanding anything contained herein, Township Council may require an owner of land to provide some of the required parking on-site.

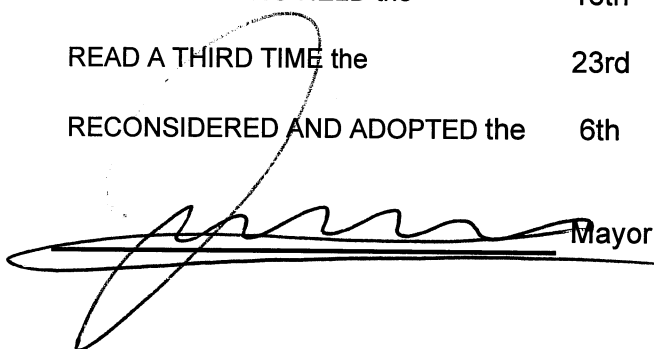
*RESERVE FUND*

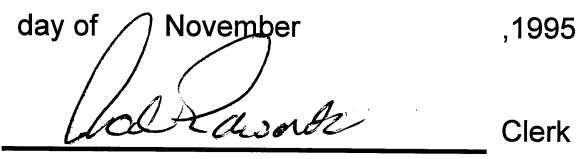
12. A reserve fund, which shall be known as the "Off-Street Parking Reserve Fund" is hereby established pursuant to the provisions of Section 379 of the "Municipal Act", being Chapter 290 R.S.B.C. 1979 as amended, and the Treasurer shall annually, on or before the 31st day of December of each year, pay into such fund all monies, except the administrative fee and applicable taxes, received by the Township pursuant to Sections 6 and 8 of this Bylaw.
13. The monies set aside in such reserve fund, together with any interest earned thereon, shall be used only for:
  - a) A capital expenditure for the improvement of real property held by the Township for the purpose of providing public off-street parking, the construction of buildings and structures and the equipping of them for such purpose and use, and the acquisition of additional real property to be held, improved and used for such purpose.
  - b) Redeeming any debentures issued by the Township in respect of the capital expenditures specified in clause i) hereof.

*PARKING STALL RENTAL*

14. Whenever the Council may deem it expedient that the Township recover any costs incurred by it in the operation, maintenance and management of the off-street parking facilities provided pursuant to this Bylaw, it shall be lawful for the Council to close to the free use by the public the whole or any portion of the real property described in Section 1 hereof, and notwithstanding the provisions of Section 6 hereto to fix and charge fees or rents for the use of any space in or portion of such real property sufficient to recover such costs, such fees or rents shall be fixed or charged by resolution of the Township.

READ A FIRST TIME the	26th	day of	June	,1995
READ A SECOND TIME the	26th	day of	June	,1995
PUBLIC HEARING HELD the	16th	day of	October	,1995
READ A THIRD TIME the	23rd	day of	October	,1995
RECONSIDERED AND ADOPTED the	6th	day of	November	,1995

  
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Mayor

  
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Clerk