

REPORT OF THE PLANNING DEPARTMENT

DATE: May 8, 2007
TO: Chair Roughley and Members of Committee of the Whole
SUBJECT: Proposed Zoning Provisions for Off-Street Parking in Residential Areas
SUBMITTED BY: Geoff McKnight, Director of Planning

1. RECOMMENDATIONS:

- 1.1 That the report entitled "Proposed Zoning Provisions for Off-Street Parking in Residential Areas", be received; and
- 1.2 That the amending zoning by-law attached hereto, which revises the off-street parking provisions of residential zones within Zoning By-law 2263, be approved.

2. PREAMBLE:

Over the past several months, the town has been inundated with complaints about various commercial vehicles and RVs parking on residential lots. Concerns have been expressed with the aesthetics of such vehicles, sightlines of oncoming traffic being obscured, and sidewalks being blocked. The three current by-laws either have no provisions that control this matter, or the provisions are awkwardly worded and largely unenforceable. The purpose of this report is to recommend a zoning by-law amendment that provides updated off-street parking provisions for residential areas.

3. BASIC DATA PERTAINING TO THE MATTER:

3.1 BACKGROUND:

The town's current zoning by-law provisions for off-street parking were first applied in the early-1970's. Since that time, parking patterns and practices have evolved. In days past, it was most common to find one or two passenger vehicles parked in a driveway; today, there are a broad variety and number of vehicle types and sizes parking in residential areas.

This has led to concerns with the aesthetic quality of neighbourhood streetscapes and the implications of off-street parking on vehicular and pedestrian safety. The town has received numerous complaints over the years respecting the number and type of vehicles parked off-street in residential areas. Attempts to resolve these complaints have occasionally been frustrated as discrepancies exist among vehicle definitions and other provisions (or lack thereof) in zoning by-laws. This has led to interpretive confusion by both staff and the public, and has made it difficult to consistently and effectively control off-street parking in an appropriate manner.

3.2 PROVISIONS FOR OFF-STREET PARKING:

Staff have reviewed the Town's current provisions and have formulated a new strategy for off-street parking. In essence, the strategy suggests that parking standards should:

- accommodate vehicles traditionally and commonly associated with residential communities;
- provide limited flexibility for larger multi purpose and recreational vehicles; and
- prohibit vehicles which by their size (height or length) hinder sightlines along the street or sidewalk, and/or significantly detract from the aesthetics of the neighbourhood.

Considering the three principles, an effort has been placed on creating standards that are performance based rather than arbitrarily created (i.e. if a vehicle is within an appropriate maximum permitted size, it should be permitted to park on a residential lot regardless of the vehicle type or how it is used).

Continuing on this basis, off-street parking provisions and new zoning definitions have been crafted that consider the size and location of the parked vehicle, rather than vehicle type. The intent is to amend the former Bradford By-law (2263), as it applies to the urban area.

Specifics of the proposed standards are as follows (draft by-law amendment is attached):

- *Vehicles parked in the front and flankage yards may not exceed 2.6 metres in height and 6.7 metres in length.* These areas are the most visible areas of a residential lot; therefore vehicles parked in these areas should be compatible in scale with the dwelling. The proposed maximum vehicle dimensions are comparable to that of an average size garage, and they provide a reasonable and effective means of ensuring this compatibility.
- *Vehicles parked in the rear and side yards may not exceed 4.0 metres in height and 10.0 metres in length.* These areas can potentially provide greater space and screening for parked vehicles. By allowing for an additional 50% for vehicle height and length, the resulting maximum dimensions provide for a broader variety of vehicles.
- *A maximum of 4 vehicles, one of which may be a trailer (towed cargo to be considered part of the trailer), can park on the exterior of a lot.* The intent of this provision is to avoid the impression of parking lots appearing on residential lots. This provision does not apply to vehicles parked within enclosed structures.
- *Inoperative vehicles must be within an enclosed structure.* This remains consistent with existing provisions.

3.3 PUBLIC AND AGENCY CONSULTATION:

Notice of council's intent to revise its off-street residential parking provisions was circulated to internal departments and commenting agencies in mid August, 2006. No concerns or objections to the draft provisions were received.

A public meeting was held May 9, 2006. Several people spoke at the meeting and correspondence was received afterwards. The following summarizes the comments received and the manner in which they are addressed by the proposed amendment.

3.3.1 Maximum vehicle dimensions are challenged

Several comments were received with respect to the dimensions proposed for maximum vehicle height and width – particularly in the front yard. It's fair to say there was an even number of those who felt the dimensions were too large vs. too small. Considering the equal split, staff recommend the dimensions remain as originally proposed.

The principle for the front yard parking dimensions is that vehicles should generally not be any larger than a garage. The proposed maximums of 2.6-m in height and 6.8-m in length are slightly larger than a typical garage, and are quite accommodating of a broad range of vehicle types and sizes. For example, a Ford Expedition, which is one of the larger SUV's on the market, is 2-m high and 5.6-m long – dimensions that easily fit within the front yard parameters.

For those with a legitimate argument in support of larger vehicles, a variance can be sought through the committee of adjustment.

3.3.2 New provisions will only apply to urban area

The town is currently served by three zoning by-laws. A review of the by-laws is underway and staff anticipate that a new, consolidated by-law will be ready for council's consideration by the end of the year. At this point, it is recommended that the revised parking provisions apply only to By-law 2263, which applies to much of the Bradford urban area. Off-street parking issues are more acute within the urban area and there does not seem to be a compelling reason to apply them broadly at this time. This stance will allay concerns voiced by some residents of the rural area.

The effectiveness of the new provisions will be monitored over the upcoming months and staff will advise council as to the best manner of incorporating them into the new zoning by-law.

3.3.3 Some exemptions are warranted

Several valid reasons for exempting certain vehicles from the maximum dimensions were brought to staff's attention. One issue is with respect to vehicles that respond to emergency situations – the particular example is from an employee of a gas utility that must respond to gas leaks and related emergencies on an on-call basis. By parking the required vehicle (which exceeds the maximum height allowance) at home, the individual can respond to emergencies quickly. Staff have included provisions within the by-law that exempt emergency response vehicles from the maximum length and height stipulations.

Temporary exemptions have also been added to allow for over-sized vehicles required for delivering to or servicing the premises on that lot, as well as to facilitate the loading and unloading of recreational vehicles.

Regardless of these exemptions, it should be noted that all vehicles must not obstruct sidewalks or boulevards.

3.4 CONCLUSIONS:

The draft by-law amendment has been crafted to provide clearer rules for the parking of vehicles in residential areas. As with any zoning by-law, council can monitor its success and revise it over time.

4. EFFECT ON TOWN FINANCES:

4.1 CURRENT YEAR:

None anticipated.

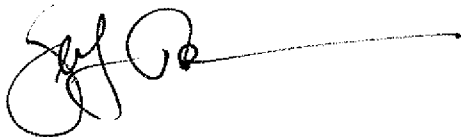
4.2 FUTURE YEARS:

Clearer zoning provisions will be easier to enforce, which in turn, should lead to a higher rate of successful prosecutions. Added costs associated with any increase in by-law enforcement effort should therefore be offset by increased fine revenue.

5. ATTACHMENTS:

#1 – Draft Zoning By-law Amendment

Respectfully submitted,



Geoff McKnight, MCIP, RPP
Director of Planning

Approved for Agenda by,



Jay Currier, MBA
Town Manager

Corporation of the Town of Bradford West Gwillimbury

BY-LAW 2007-0??

Being a By-law to amend By-law 2263 (the Zoning By-law of the former Town of Bradford), as amended, to add off-street parking provisions for residential zones.

WHEREAS By-law 2263, as amended, is the main comprehensive Zoning By-law of the former Town of Bradford;

AND WHEREAS By-law 2263, as amended, is deemed to be the Zoning By-law of the Town of Bradford West Gwillimbury insofar as it pertains to all lands located in the former Town of Bradford that are now part of the Town of Bradford West Gwillimbury;

AND WHEREAS the Council of the Corporation of the Town of Bradford West Gwillimbury deems it appropriate to amend Zoning By-law 2263, as amended, to add off-street parking provisions for residential zones;

AND WHEREAS authority is granted under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRADFORD WEST GWILLIMBURY ENACTS AS FOLLOWS:

By-law 2263, as amended, is hereby further amended by deleting section 3.35 and replacing section 4.15 with the following:

"4.15 RESIDENTIAL PARKING

No person shall, in any Residential Zone, use any lot, building or structure for the parking or storage of vehicles except in accordance with the following provisions:

4.15.1 Vehicle Definition:

Notwithstanding section 2.108, the definition of "vehicle" shall not include "road building machine" for the purposes of this by-law.

4.15.2 Parking in the Front Yard:

Parking in the front yard shall be restricted to parking on a driveway; the said driveway shall in no case exceed a width of 7.3 metres or 50% of the lot frontage, whichever is the lesser.

4.15.3 Maximum Size of Vehicle:

- (i) A maximum of 4 vehicles, only one of which may be a trailer (towed cargo is to be considered a part of the trailer), each not exceeding 6.7 metres in length and 2.6 metres in height may be parked on the exterior of any lot in a residential zone, except in a side or rear yard, in which case the maximum height allowed for a vehicle is 4.0 metres and the maximum length is 10.0 metres. Height is to be measured between average grade and the vehicle's highest point (excluding lights, antennas and other such items ancillary to the vehicle's body).
- (ii) Any vehicle parked or stored in a side or rear yard must be set back at least 1.0 metre from the nearest lot line.
- (iii) Any vehicle parked in a side yard may not project into the front yard of the lot unless it is parked on a driveway.
- (iv) No part of any front or flankage yard except a driveway may be used for the parking or storage of vehicles and no vehicle may encroach onto any road allowance.

- (v) The parking of an inoperative vehicle is not permitted on any lot in a residential zone unless it is entirely within an enclosed building or structure. An "inoperative vehicle" shall be defined as a vehicle that is mechanically inoperative, and/or is in a state that precludes immediate use.

4.15.4 Exceptions to Section 4.15.3:

Notwithstanding section 4.15.3(i):

- (i) any vehicle, regardless of size, shall be permitted to park on a lot in a Residential Zone on a temporary basis, for the purpose of delivering to or servicing the premises on that lot.
- (ii) emergency response vehicles, regardless of size, shall be permitted to park on a lot in a Residential Zone. An "emergency response vehicle" shall be defined as a vehicle adorned with warning lights, beacons and/or strobes, and utilized for the purpose of responding to medical, personal, hazardous and other such emergencies, and shall include vehicles utilized by public and private utility companies in the practice of responding to emergency situations.
- (iii) tourist trailers, regardless of size, shall be permitted to park on a lot in a Residential Zone on a temporary basis, for the purpose of loading and unloading various personal effects."

THIS By-law shall come into force and take effect pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF MAY, 2006.

CLERK

MAYOR