

TOWN OF NEWMARKET COUNCIL - EXTRACT - Monday, May 11, 2015

	REF'D TO	COPY TO		REF'D TO	COPY TO
Mayor Tony Van Bynen			Development & Infrastructure Services, Commissioner of		
Reg. Councillor Taylor			Community Services, Commissioner of		
Councillor Vegh			Corporate Services, Commissioner of		
Councillor Kerwin			Planning & Building Services, Dir. of		
Councillor Twinney			Recreation & Culture, Dir. of		
Councillor Hempen			Human Resources, Dir. of		
Councillor Sponga			Engineering Services Dir. of		
Councillor Di Muccio			Public Works Services, Dir. of		
Councillor Emanuel			Financial Services, Dir. of		
			Legal Services, Dir. of		
CAO			Legislative Services, Dir. of		
OTHER:			Corporate Communications, Dir. of		
			Chief Building Official		
PENDING AGENDAS: COW			Economic Development Officer		
COUNCIL			Information Technology, Dir. of		
JCC			Fire Chief		
			Purchasing Manager		
Letter: File:			ORIGINAL REPORT IN DEPARTMENT BINDER	√	

21. a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-16 dated April 23, 2015 regarding parking and storage of recreational vehicles in residential zones be received and the following recommendations be adopted:

i) THAT Council authorize a Zoning By-law Amendment process to amend the zoning provisions for the parking and storing of recreational vehicles in residential zones;

ii) AND THAT all options listed in the report be presented to the public at the statutory public meeting;

iii) AND THAT following the public meeting, comments from the public, Committee and those received through agency and departmental circulation of the amendment, be addressed by staff in a comprehensive report to the Committee of the Whole;

iv) AND THAT Ms. Laurie Smith of 371 Burford Street, Newmarket, ON L3Y 6P9 be notified of this action;

v) AND THAT Ms. Laura and Mr. Mike Kyte of 367 Burford Street, Newmarket, ON L3Y 6P9 be notified of this action.



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April 23, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES
PLANNING AND BUILDING SERVICES - PLANNING REPORT 2015-16**

TO: Committee of the Whole
SUBJECT: Parking and Storage of Recreational Vehicles in Residential Zones
ORIGIN: Deputation to Council and Council resolution

RECOMMENDATIONS

1. THAT Development and Infrastructure Services/Planning & Building Services Report 2015-16 dated April 23, 2015 regarding parking and storage of recreational vehicles in residential zones be received and the following recommendations be adopted:
 - i. THAT Council authorize a Zoning By-law amendment process to amend the zoning provisions for the parking and storing of recreational vehicles in residential zones;
 - ii. AND THAT Options 2 and 3 listed in this report be presented to the public at the statutory public meeting;
 - iii. AND THAT following the public meeting, comments from the public, Committee, and those received through agency and departmental circulation of the amendment, be addressed by staff in a comprehensive report to the Committee of the Whole;
 - iv. AND THAT Laurie Smith of 371 Burford Street, Newmarket, ON, L3Y 6P9, be notified of this action;
 - v. AND THAT Laura and Mike Kyte of 367 Burford Street, Newmarket ON, L3Y 6P9, be notified of this action.

BACKGROUND

Committee of the Whole received a presentation on January 12, 2015 regarding the current restrictions in the Zoning By-law on the ability of residents to park recreational vehicles on residential driveways. This report discusses these types of restrictions in general, what the current restrictions are, the approaches used by other municipalities, and the options that the Town might consider for restricting these vehicles in Newmarket.

COMMENTS

Current recreational vehicle parking restrictions

The current zoning standards date back to Newmarket's earlier comprehensive Zoning By-law 1979-50.

Currently residents in Newmarket can park one recreational vehicle, less than 7 metres long, in their driveway for a maximum of 72 hours in any one calendar month. When recreational vehicles are stored internally, they must be entirely contained in the building. In zones R1 and R2, recreational vehicles, less than 7 metres long, can be stored in a side or rear yard for any length of time all year long.

The Town's Zoning By-law defines a recreational vehicle as follows:

- 1) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a mobile home; and/or
- 2) boats, personal watercraft, snowmobiles, all terrain vehicles and other similar vehicles used for recreational pursuits.

The intent of these restrictions is to limit the ability of residents to store recreational vehicles of certain dimensions to their side or rear yards or temporarily on their driveways.

The arguments for such restrictions tend to rely on concerns of safety, aesthetics, or parking demand. Residents may be concerned that larger vehicles restrict sightlines for pedestrians and drivers and increase the likelihood of an accident. Residents may also dislike the appearance of recreational vehicles being parked for extended periods in their neighbourhoods. The visual appearance of the streetscape is an issue and acceptability is subject to individual preferences. Residents may also be concerned that allowing recreational vehicle parking on driveways will lead to excessive on-street parking.

The arguments against such restrictions tend to rely on property rights, necessity, and improper regulations. Residents may object to being prevented from using their property as they see fit by being prohibited from parking their vehicles there. Other residents may make frequent use of their boats or trailers and find the need to pay for additional storage and to frequently fetch the recreational vehicle to their home for loading or unloading is burdensome.

Comparators

Many other municipalities have similar restrictions. The specific restrictions vary, based on zoning classifications, with zones that tend to have larger lot sizes typically permitted slightly larger vehicles. A set of example comparators are set out in Appendix A. Most municipalities appear to regulate recreational vehicles based on size and location on the lot. There are a few who have time limits on parking on the driveway, either hours per month or by season.

Discussion and Options

There are four options Council could pursue:

1. Maintain current zone standards and do not implement any changes.
2. Amend the zone standards to remove the 72 hour parking restriction per month and replace it with 4 calendar days.
3. Amend the zone standards to remove the 72 hour parking restriction per month and replace it with seasonal parking.
4. Remove the zone standards from the zoning by-law and have no restrictions on parking recreational vehicles in residential zones.

Staff are recommending that Council authorize a Zoning By-law amendment process be undertaken and that Options 2 and 3 be presented to the public for input.

Option 2 is considering replacing the temporary parking on driveway for 72hrs per month with permissions to temporarily park a recreational vehicle in the driveway for four calendar days a month.

Option 3 is considering replacing the temporary parking on driveway for 72hrs per month with the ability to park one recreational vehicle seasonally. The type of vehicle would be restricted to one which could be used in that season. For instance a snowmobile could be parked on the driveway from November to March and a boat or camper trailer could be parked from April to October. This option would require defining "summer recreational vehicle" and "winter recreational vehicle".

Staff are also proposing other technical revisions to the current standards. A complete list is found in Appendix 'B'. The current standards date back to Newmarket's earlier zoning by-law from 1979. The general wording requires some updating. Also, there has been some confusion with the definitions and terms used in the zone standards, specifically regarding utility trailers and trailers used for hauling recreational vehicles. Staff would take this time to address these issues as well.

With the changes proposed there would still be a limitation of one recreational vehicle which could be stored on the property or temporarily parked on the driveway. Residents would still be permitted to store one recreational vehicle in their side or rear yard. Residents could still store recreational vehicles in their garages, so long as it is wholly contained within the structure. Some of the other proposed revisions would include adding a minimum setback from curbs and sidewalks. This would address the concerns about sight lines.

Implications and Impacts

Option 1

Staff do not recommend pursuing Option 1 as it is very difficult to enforce the current zoning provision of temporary parking for 72 hours a calendar month. Enforcement of this restriction requires an enforcement officer to monitor a property continually to determine when the 72 hours has been exceeded. The implications of not making any changes to the current standards are further aggravation for staff and residents as it does not address the difficulties in enforcement nor does it address the concerns raised by residents at the January 12 meeting.

Options 2 and 3

Staff are recommending taking Options 2 and 3 to the public to determine which method of regulating recreational vehicles is favoured by Newmarket residents. It is staff's opinion that some form of regulation is required as not all residents want to have recreational vehicles parking in their neighbourhood for the reasons mentioned above. On the other hand, there does need to be some ability for land owners to store, maintain, load and unload their recreational vehicles. It is not possible to satisfy everyone based on the diverse opinions around this subject matter. The challenge is to find a compromise between the needs of the property owner for ready access to their vehicle while respecting the interests of adjacent neighbours for a safe and visually acceptable streetscape. Zoning By-law regulations endeavor to find a balance.

Both of these options increase the amount of time a recreational vehicle could be parked on a driveway. The current provisions allow about 3 days a month of temporary parking of a recreational vehicle on a driveway. The proposed changes would allow for 4 days a month or a whole season (several months). The temporary parking of a recreational vehicle on a driveway allows for the maintenance and/or loading and unloading of the vehicle (i.e. doing a small repair to a boat or loading up the camper trailer before leaving for vacation). Staff are recommending increasing the length of time residents can temporarily park a recreational vehicle in a driveway as it is acknowledged that most properties in town cannot accommodate a recreational vehicle in their side yard. Over the last 20 years or so lots have become smaller and houses closer together. Based on current zone standards of 1.2m or 1.8m sideyard setbacks for single detached dwellings few houses built in the last few decades have a side yard big enough to accommodate a small recreational vehicle (i.e. snowmobile or personal watercraft) let alone a medium to large sized recreational vehicles (i.e. a camper trailer, a boat on a trailer, or a motor home).

Appendix B provides some sample wording which could be presented to the public, should a Zoning By-law amendment process be authorized.

Option 4

Staff do not recommend removing all restrictions as there are resident concerns regarding parking recreational vehicles in residential zones. By-law enforcement officers deal with complaints regarding neighbours parking recreational vehicles throughout the year. Staff estimate there are approximately 90 complaints a year regarding recreational vehicles; dealing with these complaints currently takes a substantial amount of time as the zoning provisions are difficult to enforce, as discussed above. Removing all restrictions would mean there would not be any way staff could deal with the complaints when they are received. As discussed above there are benefits to placing some balanced restrictions and limitations on parking recreational vehicles in residential zones.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The proposed Zoning By-law amendment will support the Community Strategic Plan by being *Well-Balanced*.

CONSULTATION

By-law Services has been consulted in the preparation of this report.

HUMAN RESOURCE CONSIDERATIONS

None.

BUDGET IMPACT

None.

CONCLUSION

There are some issues with the current zoning standards for parking recreational vehicles in residential areas. It is recommended that a Zoning By-law amendment process be undertaken to review and revise the current standards.

Attachments: Comparison chart of municipalities' restrictions on recreational vehicles
Possible wording to present to the public at a statutory public meeting

CONTACT

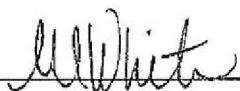
For more information on this report, contact: Meghan White, Planner, at 905-953-5321, ext 2458;
mwhite@newmarket.ca



Commissioner, Development and Infrastructure
Services



Director, Planning & Building Services



Planner

APPENDIX 'A'

Comparison chart of municipalities' restrictions on recreational vehicles:

Municipality	Permitted driveway	Restrictions
Newmarket	Yes	Only permitted in R1 or R2 zones up to 7m in length exclusive of hitch or tongue in driveway up to 72 hours in any 1 calendar month. Permitted in interior side yard to the rear of the front wall of the main building. Setbacks 7.6 metres from the exterior or rear lot line for corner lots
Mississauga	Yes	Allow parking in driveway up to 5.2m in length/ 2m in height , plus setbacks Or up to 7m in length or 3m in height in driveway up to 72 hours a month
East Gwillimbury	No	2 vehicles side or rear yard, with required setbacks
Georgina	No	Storage not permitted, officer discretion(maintenance/cleaning) to enforce on complaint basis Boats – only permitted in interior side yard or rear yard, up to 8m length 2.5m height
Whitchurch-Stouffville	No	1 permitted in rear yard only
Aurora	No	2 vehicles, rear or interior side yard no longer than 7.5m in length
Bradford/West Gwillimbury	Yes	Up to 6.5m in length 2.7m height front or exterior yard Rec. vehicle, in rear up to 10m in length 4m in height + 1m setback
Leamington	Yes	Permitted in driveway from April to October. Offseason must be stored in interior side yard and or required rear yard + setbacks
Oshawa	Yes (Drivable RV)	Up to 6m length 2.6m height in driveway Anything towable - Allowed in interior side yard driveway
Pickering	Yes	Up to 6.7 m length and 2.6m height must be on driveway in front yard or Side or rear must not exceed 8m length 3.5m height
Kingston	No	Up 8.2m length in interior side or rear yard + setbacks

Municipality	Permitted driveway	Restrictions
Orangeville	Yes	Maximum length 7m, maximum height 3.5m. Also permitted in rear and side yard
Burlington	No	Permitted seasonally, Maximum height 1.82m to 3.65m
Vaughan	No	Permitted in the rear and side yard
Barrie	Yes	No restrictions
Guelph	Yes	Permitted on driveway maximum 48 hrs. Permitted in garage, rear or side yard with 1m setback
Cambridge	Yes	Permitted in rear or side yard with 1.2m setback. Permitted on driveway from April to October.

APPENDIX 'B'

Possible wording to present to the public at a statutory public meeting

Recreational Vehicles means:

- 1) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a mobile home; and/or
- 2) boats, personal watercraft, all terrain vehicles and other similar vehicles used for recreational pursuits,
- 3) a trailer designed to carry any of the items listed in Sections 1) and 2) of this definition.

Utility Trailer:

Means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

Remove Section 5.8.2 and replace it with:

5.8.2 Recreational Vehicles and Utility Trailers in a Residential Zone

The following regulations apply to the parking and storage of recreational vehicles and utility trailers on lots within any Residential Zone:

- i. Only 1 recreational vehicle or utility trailer may be externally parked on a lot, up to a maximum length of 7 metres exclusive of hitch or tongue.
- ii. Where the recreation vehicle or utility trailer is stored internally, such vehicle or trailer must be wholly contained within the dwelling unit or private garage or carport.
- iii. The required parking spaces for the use on the lot must be satisfied.
- iv. No recreational vehicle or utility trailer may be parked on a driveway within 1 metre of a sidewalk or curb.
- v. No recreational vehicle or utility trailer may be parked on a driveway without being affixed with a valid license plate or being located on a trailer affixed with a valid license plate.
- vi. No recreational vehicle or utility trailer may be parked in a side or rear yard within 1 metre of a fence or property line.
- vii. No recreational vehicle or utility trailer is permitted to park in the front yard, unless it is on a driveway, subject to the provisions listed above.
- viii. Notwithstanding the above, in the case of a lot where the exterior side and/or rear lot line abuts a street or a 0.3 metre reserve, parking or storage may be permitted in the exterior side yard or rear yard but not closer than 7.6 metres from the exterior or rear lot line.

OPTION 2

- ix. Notwithstanding 5.8.2 iii, no more than 1 recreational vehicle or utility trailer may be temporarily parked or stored on a driveway for no more than 4 different days, consecutive or not, within the same calendar month. For greater clarification, if the recreational vehicle or utility trailer is observed in the driveway for any amount of time, it is deemed to have been there for 1 of the four different days during the calendar month.

OPTION 3

- ix. Notwithstanding 5.8.2 iii, no more than 1 summer recreational vehicle or utility trailer may be temporarily parked or stored on a driveway between April 1 and October 31.
- x. Notwithstanding 5.8.2 iii, no more than 1 winter recreational vehicle or utility trailer may be temporarily parked or stored on a driveway. No winter recreational vehicle may be parked on a driveway between November 1 and March 31.

New definitions required:

Summer recreational vehicle: TBD

Winter recreational vehicle: TBD



Newmarket

Public Meeting: Parking recreational vehicles in residential driveways

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Agenda

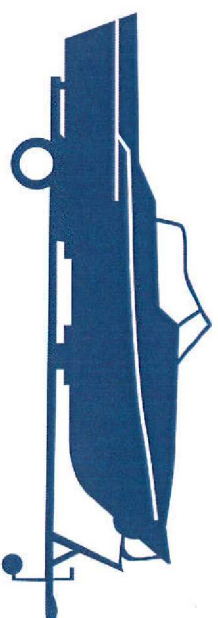
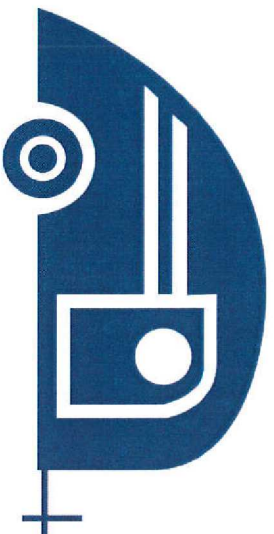
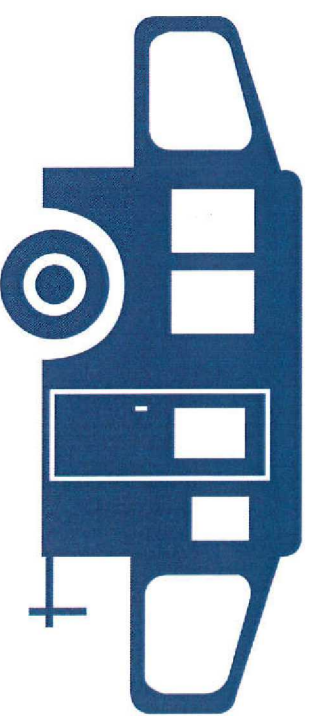
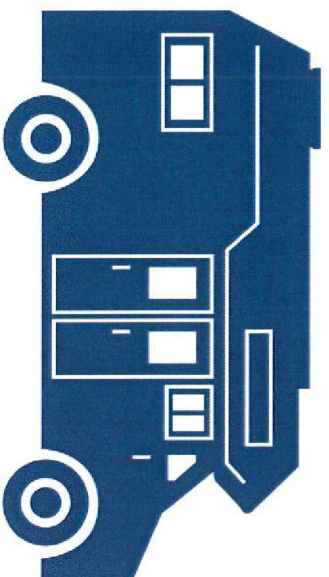
- Why we are here
- Explain current rules
- Review municipal best practices
- The proposed options
- Overview comments collected to date
- Next Steps

Why we're here

- Deputation in January
- Enforcement
- Statutory Public Meeting
- Zoning By-laws in Newmarket



What is a recreational vehicle? Newmarket



Current rules

- One recreational vehicle, less than 7m long, in the driveway for a maximum of 72-hours in any one calendar month.
- Stored inside a garage, carport or in the side yard for any length of time all year long.

Municipal Comparison



- Many other municipalities have similar restrictions.
- The specific restrictions vary.
- Most appear to regulate recreational vehicles based on size and location on the lot.
- Some have time limits on parking on the driveway, either hours per month or by season.

Amendment Options



- Leaving the Zoning By-law as is – no change to the current regulations.
- Amending the Zoning By-law - increasing the maximum time allowed to store recreational vehicles from three days to four days per month.
- Amending the Zoning By-law to seasonal - allowing summer vehicles (i.e. boats, trailers) to be stored on driveways in the summer, and winter vehicles (i.e. snowmobiles) in the winter.
- Abolishing the existing bylaw altogether – no longer regulate



Technical changes also required

- Proposed technical revisions to the current standards:
 - Clarify utility trailers vs. trailers used for hauling recreational vehicles
 - Clarify definitions and terms used in the zone standards
 - Adding a minimum setback from curbs and sidewalks

Collecting Feedback



- Town-wide telephone survey of approximately 400 random Newmarket residents
- Brief online survey
- Information booth at the Farmers' Market

Next Steps

- Gather remaining public input
- Staff will report back to Council (September or October)
- Council to select an option
- 20 day appeal period

Happy to answer any questions