

September 17, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES
PLANNING AND BUILDING SERVICES - PLANNING REPORT 2015-39**

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 2015-39 dated September 17, 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 to amend the zoning provisions for the parking and storing of recreational vehicles on a driveway from 72 hours per month to 4 calendar days per month as outlined in the attached draft by-law;**
 - ii. **AND THAT staff bring forward a by-law to the next Council meeting;**
 - iii. **AND THAT Laurie Smith of 371 Burford Street, Newmarket, ON, L3Y 6P9, be notified by the Clerk of this action;**
 - iv. **AND THAT Laura and Mike Kyte of 367 Burford Street, Newmarket ON, L3Y 6P9, be notified by the Clerk 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. On August 10, 2015 the statutory public meeting was held, after a phone survey to 401 random Newmarket residents and an online survey was made available to the public. Staff also attended the Newmarket Farmers' Market on July 22, 2015 to solicit input and answer any questions.

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 (i.e. within a garage), 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 rules is to restrict the storage and parking of recreational vehicles to side or rear yards or temporarily on driveways.

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 permitting larger vehicles. A set of example comparators are set out in the chart below. Most municipalities appear to regulate recreational vehicles based on size and location on the lot. There are a few which have time limits on parking on the driveway, either hours per month or by season. Sixteen municipalities were contacted and of these, seven do not permit parking on a driveway at all. Leamington, Cambridge, and Burlington use the seasonal restriction. Barrie does not have any restrictions or limitations on recreational vehicles parked in residential zones. Mississauga also uses the 72 hour per month restriction. Guelph only allows temporary parking for a maximum of 48 hours.

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

Municipality	Permitted driveway	Restrictions
		length 2.5m height Provisions currently under review
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 internal 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
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.

Options presented to Council

In Planning Report 2015-16, staff presented four options Council could pursue in changing the By-law:

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.

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

Option 3 considers replacing the temporary parking on driveway for 72 hours 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.

Staff also proposed other technical revisions to the current standards. The general wording requires some updating as 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 could address the concerns about sight lines.

COMMENTS

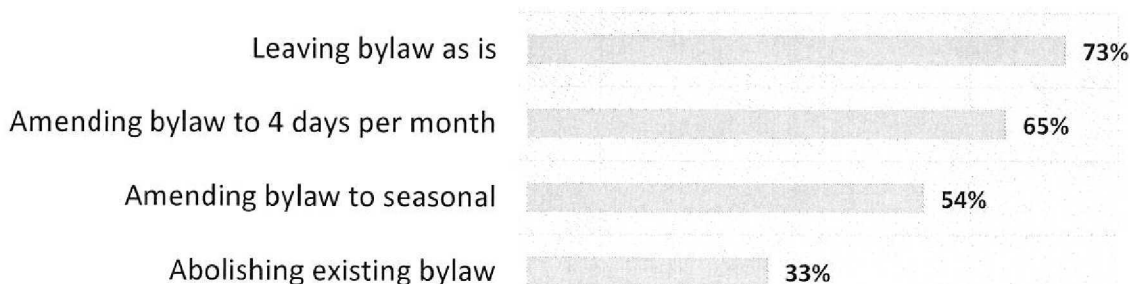
Public Comments Received

At the statutory Public Meeting five persons addressed Council. They all had concerns with the current restrictions on only being able to store recreational vehicles on driveways temporarily. They would all prefer the seasonal option wherein a summer recreational vehicle could be stored on the driveway for the spring-summer season (approximately May to October).

Phone Survey

In early July, Forum Research, on behalf of the town completed 401 random phone surveys (3 to 5 minutes each) with Newmarket residents in order to assess their appetite for changing the zoning rules for parking recreational vehicles in driveways. Contacting the public in this manner allows the findings to be random and not self-selecting. Forum asked each respondent if they would support the 4 options. They were allowed to answer yes to multiple answers. The graph below shows which options residents could support, not just which one is their favourite. Therefore this survey shows that leaving the by-law as is, changing to 4 days per month, and amending to seasonal all have strong support (more than 50%) with the first two having the most support.

Resident Support for Amending By-law (n=401)



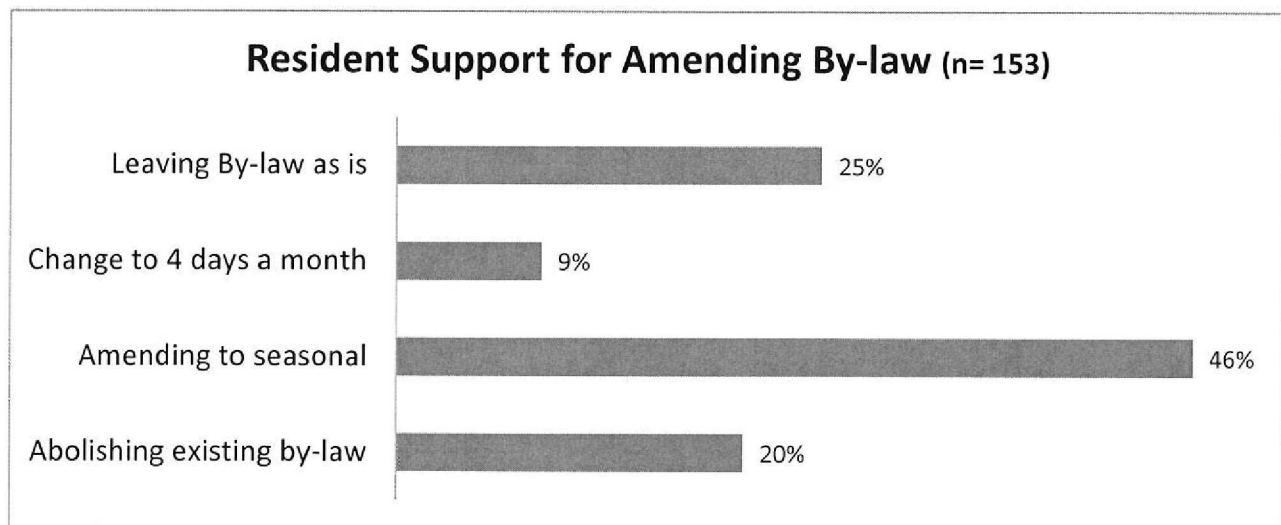
Results of the phone survey also show that 18% of those surveyed own a recreational vehicle; thus Forum estimates over 80% of Newmarket residents **do not** own a recreational vehicle. Respondents who **do not** own a recreational vehicle are significantly more likely to support leaving the by-law as is, than those who do. Respondents who **do** own a recreational vehicle are more likely to support amending the by-law to seasonal (over any other option) than those who do not.

The last question asked in the phone survey was if respondents had any additional thoughts to share. The responses can be categorized as:

- “Live and let live”- i.e. if it can fit on a driveway people should be able to do what they want
- Property rights and freedoms – i.e. it’s my property and I should be able to do what I want with the property I pay taxes for
- Concerns regarding aesthetics – i.e. parking recreational vehicles can devalue a neighbourhood because they do not look nice and therefore should not be permitted
- Safety concerns – i.e. can infringe on sight lines and therefore should not be permitted
- “I want to be able to do it on my property” – i.e. I have a recreational vehicle and I want to be able to park it on my driveway

Online Survey

From the beginning of July until the end of August the Town offered residents the opportunity to comment on the proposed changes through an online survey. The survey was available through the Town’s website. The same questions from the Forum survey were used to create the online survey. One hundred and fifty three (153) residents chose to fill out the online survey; of those 51% own a recreational vehicle and 48% do not. Below are the responses from the online survey with regard to which option residents would prefer. The difference from the online survey to the phone survey was that respondents were encouraged to pick the option they most preferred (i.e. they could only pick one option). In terms of the respondents themselves, those filling out the online survey are self-selecting; it is not a random sample and is therefore more difficult to generalize these results to the entire Newmarket community.



Of the 153 respondents who filled in the survey, 99 provided comments. They echo the comments from the phone survey in that they are wide ranging from supporting change to maintaining the existing rules. Comments speak to allowing residents to have the freedom to do whatever they want on their driveways and to restricting parking recreational vehicles for aesthetic and neighbourhood value concerns.

Further to the two surveys, the Planning Department has received several emails expressing residents' concerns with and support for changes to the rules governing recreational vehicles. There have also been several Letters to the Editor in the Era Banner regarding this process, some in favour of changing to more relaxed rules for recreational vehicles and some opposed to any changes.

ANALYSIS

From the comments received, the arguments for such restrictions tend to rely on concerns of safety, aesthetics, property values, or parking demand. Residents are concerned that larger vehicles restrict sightlines for pedestrians and drivers and increase the likelihood of an accident. Residents have expressed displeasure with 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 have also expressed concerns that allowing recreational vehicle parking on driveways will lead to excessive on-street parking.

Residents have advised that they are against such restrictions due to their perception of their property rights, necessity, and affordability. Residents have objected to being prevented from using their property as they see fit by being prohibited from parking their vehicles on their own driveways. Other residents have expressed the need to frequently access their boats or trailers and find the need to pay for additional storage and to frequently retrieve the recreational vehicle to their home for loading or unloading is burdensome and unaffordable.

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.

Staff have recommended that Council adopt Option 2, which would keep the parking of recreational vehicles on driveways to a temporary timeframe, but change the way time is measured from hours to days. This becomes much easier for enforcement staff, but essentially maintains the current permissions. This is in keeping with the opinions gathered through the random phone survey, which can be more reliably extrapolated to represent the opinion of Newmarket as a whole community.

The recommended option does slightly increase the amount of time a recreational vehicle could be parked on a driveway. The current provisions allow for the equivalent of 3 days per month of temporary parking for a recreational vehicle on a driveway. The proposed changes would allow for 4 days per month. The temporary parking of a recreational vehicle on a driveway allows for the maintenance and/or loading and unloading of the vehicle (i.e. making a small repair to a boat, or loading up a camper trailer before leaving for vacation). Four days would in essence permit one day per weekend.

Staff are recommending slightly 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 the typical zone standards of 0.6m, 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 vehicle (i.e. a camper trailer, a boat on a trailer, or a motor home).

Should Council feel that the increase from 3 to 4 days is not substantial enough to accommodate those with concerns about affordable access to their recreational vehicles the number of days per month could be increased. Council could choose 8 days per month, which in theory would allow for one day before a weekend or vacation and one day afterwards for loading/unloading and cleaning.

Planning staff have recommended that a new provision of maintaining a minimum setback of 1m from the sidewalk or road curb be included as part of this amendment. This will address potential safety concerns with regard to keeping the bottom portion of the driveway clear for sightlines.

There are no planning rationales, theories, or philosophies to guide decision making around this issue. The safety and sightline issues can be addressed as noted above, and the remainder becomes how Newmarket, as a community, sees itself. The phone survey shows that generally Newmarket residents are satisfied with the current rules and that relatively few people in Newmarket own recreational vehicles. The online survey, the emails received and the Letters to the Editors shows that there are some residents with strong opinions on this matter both for and against.

It is staff's opinion that the recommended minor changes will satisfy, or not impact, most residents, they will provide a little more freedom to the few residents with recreational vehicles and should not overly disrupt those who are opposed to parking recreational vehicles in driveways in general.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

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

CONSULTATION

The public was consulted through a random phone survey completed by Forum Research. An online survey was available through the Town's website. Notification of the surveys and the Public Meeting was provided through the Town Page and by staff attending the Newmarket Farmer's Market. The statutory Public Meeting was held August 10, 2015.

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 outlined in Appendix 'A' be brought forward for approval.

Attachments: Appendix 'A' - Amended Zoning Provisions

CONTACT

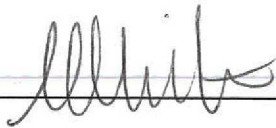
For more information on this report, contact: Meghan White, Planner, at 905-953-5321, ext 2458; mwhite@newmarket.ca



Commissioner, Development and Infrastructure
Services



Director, Planning & Building Services



Planner

APPENDIX 'A' – DRAFT Amended Zoning Provisions

Amend Section 3.0 Definitions by removing the definition for “Recreational Vehicles and Trailers” and replace it with:

Recreational Vehicle 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; and
- 3) a trailer designed to carry any of the items listed in Sections 1) and 2) of this definition.

Amend Section 3.0 Definitions by removing the definition for “Trailer, Vehicular” and replacing it with:

Utility Trailer means:

A 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 one recreational vehicle or utility trailer may be externally parked on a lot.
- ii. The maximum permitted length of the recreational vehicle or trailer is 7 metres exclusive of hitch or tongue.
- iii. Where the recreational vehicle or utility trailer is stored internally, such recreational vehicle or utility trailer must be wholly contained within the dwelling unit or private garage or carport.
- iv. No recreational vehicle or utility trailer may be parked in the required parking spaces on the lot.
- 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. A recreational vehicle or utility trailer parked on a driveway must be setback 1m from the sidewalk or curb.

- ix. 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.
- x. Notwithstanding 5.8.2 vii, only one 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 one of the four different days during the calendar month.

Amend Section 5.8.4 by replacing the word “trailer” with the words “utility trailer”.