



City of  
**Peterborough**

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**To:** **Members of the Planning Committee**

**From:** **Ken Hetherington, Manager, Planning Division**

**Meeting Date:** **July 20, 2015**

**Subject:** **Report PLPD15-033  
Review of Parking in Front Yard and Side Yard Regulations**

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## **Purpose**

A report to review the City of Peterborough's current parking regulations with respect to parking of vehicles in the front and side yards of residential properties.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD15-033 dated July 20, 2015, of the Manager, Planning Division as follows:

- a) That PLPD15-033 be received for information.
- b) That staff be directed to:
  - i) Review and propose amendments to Section 4 of the Zoning By-law to clarify language and intent of the parking regulations.
  - ii) Develop a clear enforcement strategy.
  - iii) Develop education and marketing material to clarify the rules regarding parking in residential areas.

## **Budget and Financial Implications**

This report is seeking Council direction. Should Council adopt further enforcement measures in the future, there may be budget and financial implications.

## **Background**

At its meeting on April 7, 2015, City Council passed the following resolution:

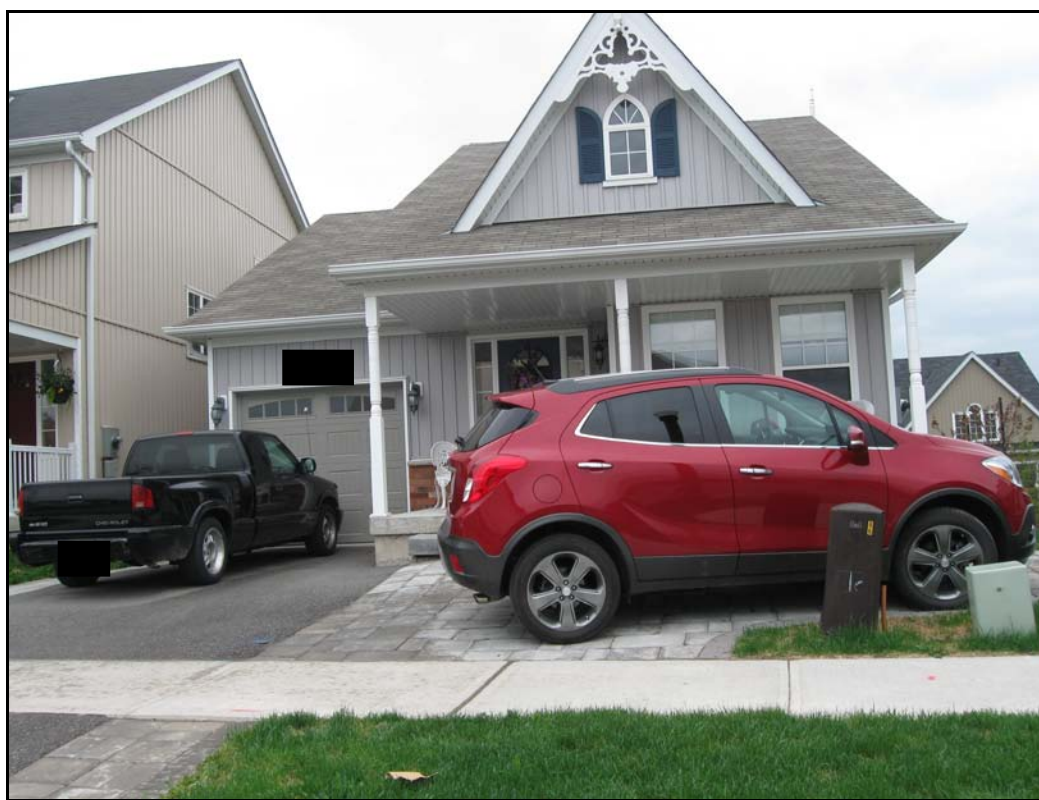
“That staff be requested to report on a review of land use regulations having to do with the parking of trucks, trailers, commercial vehicles, recreational vehicles and boats in residentially zoned front and side yards; such review to include consideration of greater restrictions to parking”.

Planning staff have since met with the Supervisor of Enforcement Services, the Parking Operations Coordinator, the Manager of Transportation and Legal Services staff to discuss the existing regulatory and enforcement framework for parking in residential areas and to determine if adequate regulations are in place and if additional controls are necessary.

## **Public Concerns**

The concerns relating to front yard parking include streetscape aesthetics, public land encroachment and safety. A brief tour of some of the City’s residential neighbourhoods display numerous examples of driveways filled to capacity, spillover parking areas –both formal (on established parking areas – asphalt, gravel, stone pavers) and informal (on the lawn), vehicles parked on the public right-of-way (boulevard), and the prevalence of industrial, commercial and recreational vehicles and trailers.

It appears that additional parking on site is done to accommodate recreational vehicles on site for ease of access. Parking areas are manipulated to avoid the reliance on ‘jockeying’ vehicles when parked in tandem and to provide more parking spaces on the lot.



**Figure 1 – Examples of vehicles parking on informal and formal parking areas in front yard**

The magnitude of the impacts vary depending upon the built form of the specific neighbourhood but generally include a congested streetscape, reduced or deteriorating landscaping (garden, lawn, pathways etc), obstructed viewing triangles and vehicular massing that obstructs the home's relationship with the street.

Over the years, complaints to Property Standards have been made with respect to inappropriate parking situations in residential areas. These complaints primarily relate to the length of vehicles and setbacks from lot lines, types and sizes of the vehicles, number of vehicles and where vehicles are parked on the property. The basis of most complaints is concern with parking on landscaped areas in the front yards and the resulting decline in the streetscape aesthetic and the obstruction of views for safe ingress/egress of a driveway.

Enforcement relating to the aforementioned issues through the Zoning By-law is on a complaint basis and proceeding through the court system can be a lengthy and exhaustive process.

It is important to note that the public concerns received to date relate mainly to one end of the spectrum relating to this issue. There are numerous residents in the City of Peterborough who may become inconvenienced should the regulations become too restrictive. Peterborough is a community that is located within close proximity to numerous outdoor amenities that utilize a variety of recreational vehicles and trailers – residents enjoy easy access to these vehicles to peruse recreational opportunities.

If further regulation is determined necessary, a balanced approach would ensure that vehicles and/or trailers of certain sizes and dimensions are accommodated within reason on a residential lot, while ensuring the required residential parking spaces are intact, impact to neighbouring dwellings is minimized and front yards are not used for parking. Additionally, consideration could be made for temporary access during the active season for loading and unloading belongings, cleaning, etc. Conflict will occur when the size and number of vehicles cannot be accommodated within the residential lot.

Peterborough's built form has evolved over time, and therefore, what can be accommodated in a newer subdivision versus an older subdivision or a residential property in the Central Area differ - regulations should be sensitive to the neighbourhood and built form context.

### **Existing Regulatory Framework**

Parking regulations exist in the Zoning By-law (97-123 as consolidated), Parking By-law (09-136), and the Municipal Code. The context of each is provided below, along with current applicability and issues in terms of enforceability and applicability of the current language. Recommendations for further exploration are provided.

### **Zoning By-law (97-123)**

Section 4 of the Zoning By-law outlines provisions relating to parking on private property. The Zoning By-law outlines the minimum number of spaces required, the size and angle of parking spaces, limits the weight of commercial or industrial vehicles, regulates the length and location of recreational vehicle parking, limits the number of driveways per lot and their width(s), provides minimum setbacks to habitable rooms, as well as provide requirements for surface treatments.

The Zoning By-law sets maximum lot coverage provisions for open parking areas, driveways and vehicle movement areas. The Zoning By-law defines Landscaped Open Space as open unobstructed space at ground level on a lot used only for the cultivation and maintenance of grass, flowers and other growth and landscaping or as surfaced walk, patio, pool, or similar area and not for vehicular traffic or parking.

Section 4.3.2.a specifies that not more than two motor vehicles shall be parked within 6 metres of a street line for a single or two-unit dwelling. This provision does not specify that the two vehicles parked within 6 metres of a street line must be parked on the driveway. This section does not prevent parking on grass or other landscaped open space areas.

Most of the residential districts in the Zoning By-law do not directly refer to the provision of “Landscaped Open Space”, however, it is implied via parking and building lot coverage maximum percentages, that the remaining lot area be occupied by landscaped open space. There could be a stronger link made between Section 4.3.2a, the definition of Landscaped Open Space, the maximum parking and building coverage provisions of the Residential Districts and the appropriate surface treatment (S.4.9) references in the Zoning By-law. Clearer language with respect to these provisions, namely, indicating that parking must not be on landscaped open space areas, in combination with educating the public about how the different sections of the by-law interrelate would make the regulation more easily understood and enforceable.

Sections 4.3.2d and 4.3.2e refer to commercial or industrial vehicles exceeding 2,725 kilograms. Weight is a difficult unit to measure while collecting evidence in the field. Incompatible commercial or industrial vehicles as well as recreational vehicles and trailers should be assessed based on measurements that are easily obtainable in the field and directly affect the massing of a vehicle in relation to the residence and/or garage on the property. Therefore, length, height and width restrictions may be a more appropriate measure of determining which types of vehicles can locate in residential districts, regardless of commercial, industrial, recreational or personal use.

Section 4.3.2f currently refers to boats, trailers and travel trailers in excess of 7.6 metres (25 feet) not being permitted to park within 1.2 metres (4 feet) of a side or rear lot line or within any front yard. This measurement may refer to the distance between the street line and the front wall of the residence or garage, thus establishing the length of the parking area outside of the right-of-way, ensuring that the vehicle does not encroach upon the



public right-of-way. Vehicle sizes in relation to typical setbacks should be reviewed and, if necessary, this measurement should be revisited. General language indicating that the vehicle must be located on the residential lot, within certain setbacks is transferable to a range of lot arrangements.



**Figure 2 – Large recreational vehicle**

Section 4.8 regulates driveway access – it sets the maximum driveway width at the street line, given the number of units. It also regulates the number of driveways that a lot may possess. An interesting factor about this provision is that it sets the maximum lot widths at the streetline, meaning that on private property, the driveway can widen. If the intent is to ensure that landscaped open space remains in the front yard, a stronger link between driveway widths and maximum paved area should be made.

Section 4.3.1 of the Zoning By-law regulates the size of parking spaces – a minimum space size is required to ensure safe and functional parking. Parking space(s) in a garage can be included when calculating the number of parking spaces on a residential lot. Staff inspection of residential neighbourhoods where on street and front yard parking pressure is prevalent has indicated that some garages in new developments appear to be deficient

in their ability to accommodate a standard parking space (2.7m X 5.7m for areas 2 and 3 as per Schedule E(1) to By-law 1997-123). Once stairs leading to the main floor are placed in a garage with the minimum area for a parking space, the parking space becomes unusable due to the encroachment of the stairs into the parking space. An obsolete garage parking space moves parking pressure onto the front yard, boulevard and street. Other municipalities such as Whitby have experienced this and have added sections to their Zoning By-laws regarding minimum private garage dimensions needed to accommodate an unobstructed parking space – provisions of which are applicable to plan of subdivisions draft approved on the date of passing of the by-law.

### **The Parking By-law (09-136)**

The Parking By-law regulates parking on highways, in parking lots and parkades, on municipal property under the jurisdiction of the City and on private property. Specifically relating to residential parking, the Parking By-law prohibits boulevard parking (S.4.26) – as these are city-owned lands, forming a part of the right-of-way that allows access to buried utilities. The boulevard is defined in the Parking By-law (09-136) as the part of the highway, between the property line and the edge of the travelled roadway. A boulevard may or may not contain a sidewalk or driveway and in the case of it not containing a sidewalk, it is often confused with being private property. No part of the vehicle can overhang the roadway, the sidewalk or the landscaped portion of the boulevard. Parking Operations responds to complaints regarding inappropriate parking on lawns within the right-of-way. The Parking By-law utilizes a definition for Oversized vehicles that might be transferable to the portions of the Zoning By-law that limit size of vehicles on a property. Parking Operations staff monitor on a complaint basis.

### **Chapter 732 of the Peterborough's Municipal Code – Boulevard Maintenance**

This Chapter of the Municipal Code indicates that no work can be performed on a boulevard unless and until the owner of the abutting land has obtained a permit to do so from the City Engineer. Curbs cannot be installed until a permit has been issued and that measurements and location of private driveways, sidewalks, culverts on a boulevard need to first receive approval of the City Engineer. Public Works regularly refers property owners to staff in the Planning Division regarding compliance with Zoning By-law provisions prior to issuing a curb cut permit.



**Figure 3 - Large and wide formalized parking area partially within boulevard**

Use of the boulevard as demonstrated in the above photo where the owner expands the parking area along the boulevard and into the front yard, poses several issues. First, the services contained within the boulevard will one day require maintenance. The cost for removal will increase due to the paving that has occurred beyond what is permitted. Homeowner expectation would be for the City to restore it to its previous condition, which is unlikely. A second concern relates to the increased impervious surface coverage that is a result of paving additional portions of the boulevard and the front yard. This additional coverage directly increases the amount of stormwater runoff from the given property. Should the City adopt a full cost recovery system for Storm Water Management in the future, this homeowner would be obliged to pay more because of the amount of impervious surface coverage.

## Potential Changes

According to By-law Enforcement staff, it is challenging to obtain compliance under the Zoning By-law with respect to Parking due to existing wording being unclear and the length of time needed to file a charge under the Zoning By-law. There are alternative enforcement approaches available. If it is Council's desire to develop an enforcement strategy, further exploration of the variety of options is needed. The following summarizes



some alternate approaches that could be taken to amend the current enforcement approach:

### **Set Fines**

Staff can investigate the ability to create set fines under the Zoning By-law, which would involve creating parking offences under the Parking provisions of the Zoning By-law and assigning Set Fines to those offences. Creating Set Fines would enable by-law enforcement officers to issue tickets on private property which may promote compliance. Staff would need to get approval from the Ministry of the Attorney General for the short-form wording of each offence.

### **Administrative Monetary Penalties (AMPs)**

Administrative Monetary Penalties (AMPs) is a new approach to dealing with minor by-law infractions in a way that is efficient, effective and removes burden from the court system. This approach is fully managed by the City and replaces the current judicial appeal process. The use of AMPs is legislated under the Municipal Act, 2001 to help streamline process and allow municipalities to handle minor by-law infractions, removing the burden from the court system and resolving minor by-law issues within reasonable time. For example, parking infractions could take months to work through the court system, the new AMP system can speed up the process, while allowing an opportunity for an individual to request a review of their Penalty Notice. Staffing and resources would be needed in order to successfully implement an AMP approach – including the hiring of an Independent Hearings Officer and hiring of additional by-law officers.

The City of Oshawa adopted the use of AMP in 2008 – their system applies to by-law infractions relating to numerous municipal matters including: boulevards, fences, city trees, open air burning, parking, noise, smoking, waste collection etc. Other Cities that currently implement this system are Vaughan and Brampton.

### **Stand Alone Bylaw**

A stand alone by-law, structured similar to the Property Maintenance By-law could address front and side yard parking of vehicles which would require prompt response by property owners or else vehicles will be removed at the cost of the owner (by means of adding the associated cost incurred by the City to the property owner's tax bill). It is not favorable to add parking related matters to the existing Property Maintenance by-law as it currently covers matters relating to overgrown grass/weeds and accumulation of waste material (which includes abandoned vehicles).

### **Marketing and Education Material**

Parking is regulated by a number of different by-laws within the City of Peterborough. This is a common approach in various municipalities, as the Zoning by-law covers matters located on private land and the parking by-law typically relates to parking on the

public right-of-way. Visually depicting the different provisions under different built form scenarios can answer a lot of the questions and misunderstandings related to parking on residential properties. These visuals, along with a frequently asked questions section could create a very informative brochure that could be made available online or distributed to the homes of first time offenders.

Municipalities such as Richmond Hill, Brampton and Regina have developed visual material (diagrams, brochures, etc) that tie together the various by-laws, providing an easy to read and to interpret rules for parking in residential neighbourhoods. Placing the information from all of the applicable regulations in one easy to read location will make the rules more transparent and likely, compliance will follow.

## Summary

The City of Peterborough has several by-laws that regulate parking on private residential and municipally owned properties. Some of these by-laws require minor amendments to help increase enforceability and comprehension to ensure a strong streetscape aesthetic and safety maintained. If it is Council's desire to establish stronger regulatory measures, staff can be directed to bring forward amendments that will accomplish this goal.

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