



City of  
**Peterborough**

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

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

**Meeting Date:** **March 21, 2016**

**Subject:** **Report PLPD16-024**  
**Front and Side Yard Parking in Residential Districts**

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## **Purpose**

A report to review the planning merits of amending the Parking Regulations of the Zoning By-law of the City of Peterborough and to present a stand-alone by-law that enforces violations to parking in unauthorized areas in Residential Districts.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD16-024 dated March, 21, 2016, of the Manager, Planning Division as follows:

- a) That report PLPD16-024 be received for information.
- b) That Staff be directed to proceed with the formal public notice for the recommended amendments to the Zoning By-law to implement the regulatory measures presented in Report PLPD16-024.

## **Budget and Financial Implications**

There are no direct budget or financial implications arising from the approval of this report.

## 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”.

On July 20, 2015, Staff presented an overview of the concerns relating to the existing regulatory framework with respect to parking of vehicles in front and side yards as well as the parking of large recreational vehicles at residential properties to Planning Committee (PLPD15-033). Limitations with the existing Zoning By-law language and the lengthy court process required for Part III convictions under the Zoning By-law were identified as challenges for Enforcement Services Staff.

Staff were directed to review and propose amendments to Section 4 of the Zoning By-law to clarify the language and intent of the parking regulations, to develop a clear enforcement strategy and to develop education and marketing material to clarify the rules regarding parking in residential areas.

An internal group comprising Planning staff, the Supervisor of Enforcement Services, and Legal Services have met on several occasions to discuss proposed Zoning By-law amendments, in addition to regulatory and enforcement options. Extensive research of other municipalities including Kingston, Whitby, London and Oshawa has occurred.

The following table provides a summary of the current and proposed Zoning By-law regulations, which are outlined in more detail in the balance of the report:

**Table 1 - Summary of Parking Regulations**

| <b>Topic</b>                                      | <b>Current</b>   | <b>Proposed</b>  |
|---|--|--|
| Location of Parking                               | <ul style="list-style-type: none"><li>• Not specified in Section 4.3.2</li></ul>   | <ul style="list-style-type: none"><li>• Specify that parking occur on a driveway</li></ul> |
| Define Driveway, Recreational Vehicle and Trailer | <ul style="list-style-type: none"><li>• No definitions</li></ul>   | <ul style="list-style-type: none"><li>• Establish definitions</li></ul>                    |
| Commercial or Industrial Vehicles                 | <ul style="list-style-type: none"><li>• &gt; 2,725 kg is prohibited on any lot</li></ul>   | <ul style="list-style-type: none"><li>• By length and height – for all vehicles</li></ul>  |
| Ownership of Commercial or Industrial Vehicles    | <ul style="list-style-type: none"><li>• &lt; 2,725kg is permitted to park on the lot provided the operator resides in the dwelling</li></ul> | <ul style="list-style-type: none"><li>• Remove this regulation</li></ul>                   |

| Topic  | Current  | Proposed  |
|--|--|---|
| Limits to vehicle height                             | <ul style="list-style-type: none"> <li>• None</li> </ul>   | <ul style="list-style-type: none"> <li>• 2.6 m (8.5 feet) maximum</li> </ul>  |
| Limits to Recreational Vehicles                      | <ul style="list-style-type: none"> <li>• &lt;7.6 m (25 ft) can park in all yards, must be 0.3 m (1 ft) from lot line</li> <li>• &gt;7.6 m (25 ft) can park in rear and side yards if setback 1.2m (4 ft), cannot locate in the front yard</li> <li>• No maximum length or height limits</li> </ul> | <ul style="list-style-type: none"> <li>• Up to 7.0 m (23 ft), setback 0.3 m (1 ft) from a lot line, and be on a driveway if in a front yard</li> <li>• &gt; 7.0 to a maximum of 11.0m (23-36 ft) in length, must be setback 1.2 m (4 ft) and be located in the Side or Rear Yard</li> <li>• Set a maximum length limit, height limit still applies</li> </ul> |
| Temporary loading/ Maintenance of oversized vehicles | <ul style="list-style-type: none"> <li>• None in current Zoning By-law</li> </ul>  | <ul style="list-style-type: none"> <li>• None proposed</li> </ul>   |
| Use of recreational Vehicles                         | <ul style="list-style-type: none"> <li>• None Specified</li> </ul>   | <ul style="list-style-type: none"> <li>• Cannot be used as a dwelling unit</li> </ul>   |
| Driveway Widths                                      | <ul style="list-style-type: none"> <li>• Maximum width at street line based on lot width</li> </ul>  | <ul style="list-style-type: none"> <li>• Establish maximum widths sensitive to lot width, built form, garages etc.</li> </ul>   |
| Garage Standards                                     | <ul style="list-style-type: none"> <li>• None</li> </ul>   | <ul style="list-style-type: none"> <li>• Establish minimum internal area</li> <li>• Reiterate minimum parking space size within a garage</li> </ul>   |

### Proposed Zoning Language

As discussed in PLPD15-033, the language in the current Zoning By-law presents challenges when it comes to clarity and enforcement regarding parking in residential neighbourhoods. These clarity issues pertain to: 1) language regarding the use of the front yard for parking, whether it occurs on informal or formal extensions of the driveway; and 2) parking commercial and recreational vehicles.

The Zoning By-law is a tool used by the City to control the residential streetscape aesthetics. It contains regulations that specify where parking can occur, requirements for landscaped open space content, regulations for driveway coverage and composition and specifications regarding the size and type of vehicles permitted in a residential area. The intent is to accommodate parking in residential areas in a way that does not compromise the residential nature of the district.

Concerns such as using a front yard for parking and parking oversized vehicle within a residential area could be addressed by introducing new definitions as well as amending some of the regulations in the Zoning By-law. The following is a summary of an approach that can be taken, details of which are attached as Exhibit 'A'.

### **New Definitions**

The current Zoning By-law does not define key terms that relate to residential parking. These include Driveway, Recreational Vehicle and Trailer. The inclusion of definitions for these terms establishes a regulatory framework that is easily interpreted.

### **Changes to Residential District Parking Regulations**

Several portions of Section 4.3.2 of the Zoning By-law need to be updated to provide clarity in language and intent. Section 4.3.2 provides regulations pertaining to parking in residential districts. Some areas that could be clarified or updated in Section 4.3.2 are summarized in PLPD15-033.

Section 4.3.2 could be amended to state that parking is only permitted on a legal driveway. The Zoning By-law implies this requirement through its definition of Landscaped Open Space. Reiterating that parking is only permitted on a legal driveway in the Residential District Parking Regulations Section will help clarify both the intent of the definition of Landscaped Open Space and the requirement that vehicles can only be parked on a legal driveway.

Currently, the Zoning By-law regulates the parking of commercial and industrial vehicles by weight. Removing references to weight as the threshold for commercial and industrial vehicle placement on a residential property is suggested. Enforcement Services, because it has no capacity to determine the weight of a vehicle, has a limited ability to enforce this aspect of the Zoning By-law. Basing the regulations on length and height restrictions on all vehicles will have the intended effect of not overwhelming residential properties with vehicles that do not fit or have the effect of being a separate structure on the lot. Removing specific references to Commercial and Industrial Vehicles may be necessary as often business-related vehicles may also serve as family vehicles or vice versa – therefore making it challenging for an Enforcement Officer to differentiate between a commercial vehicle, an industrial vehicle and/or a personal vehicle. Thresholds for length and height are suggested (maximum 7.0 m in length, 2.6 m in height) since these numbers are based upon a rigorous Parking study conducted in Whitby.

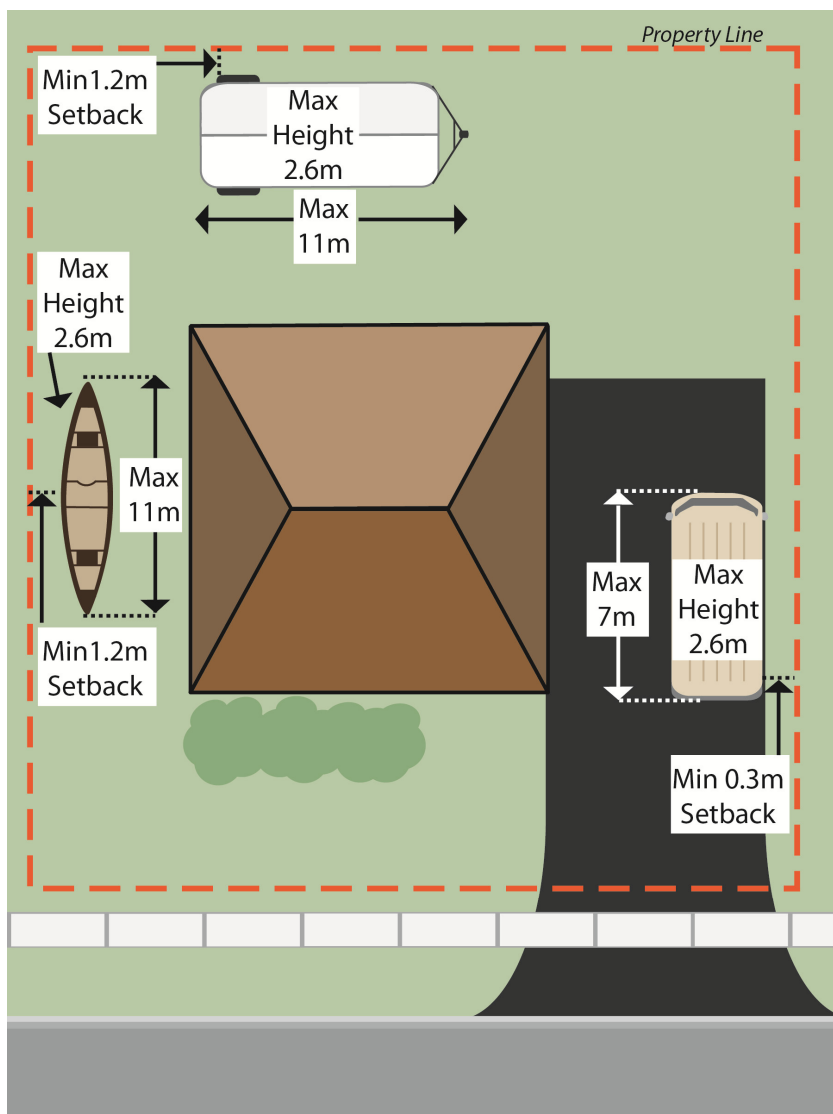


**Figure 1 – Diagram displaying the effect of the proposed language pertaining to parking of a vehicle in the front yard.**

The Zoning By-law presently refers to recreational vehicles individually as boats, trailers and travel trailers. The introduction of a definition for Recreational Vehicles will encompass the different types of such vehicles that are regularly stored on residential properties such as ATVs, snowmobiles and watercraft. This will assist enforcement services staff with enforcement of the Zoning By-law.

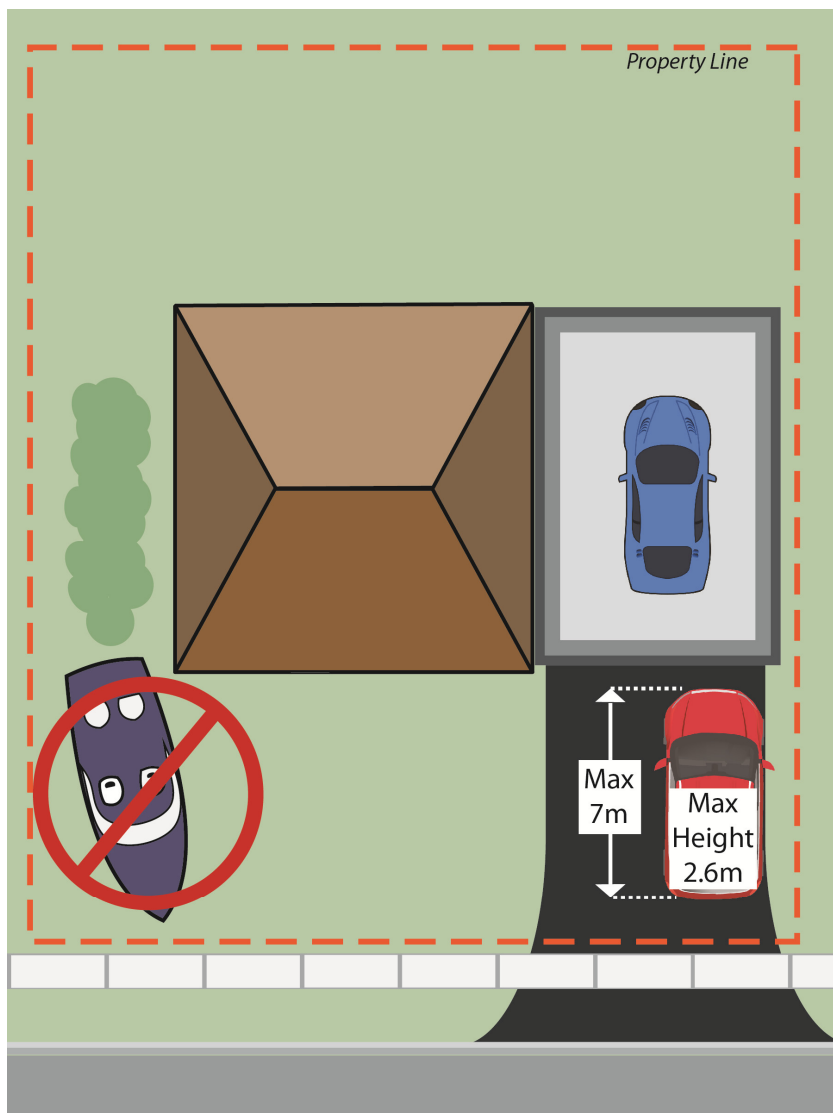
Currently, there are no restrictions on the size of a recreational vehicle or trailer parked on a residential property, except for the physical limits of the lot itself. Currently, if a boat, trailer or travel trailer in excess of 7.6 m is on a residential property, it must either be located in the side or rear yard, setback from the lot line by 1.2 m. Staff understand that members of the public are concerned about the storage of large recreational vehicles at

some residential properties, as there is no upper limit on the size of a boat, trailer or travel trailer. A slight change to this part of the Zoning By-law that would continue to permit parking of large recreational vehicles or trailers on residential properties in the side and rear yards, would involve placing an upward limit on not only the length, but also the height, provided it can be set back 1.2 m from the lot lines. These oversized recreational vehicles are currently not permitted in the Front Yard. The addition of the restriction on the height could help address the impact that some of these recreational vehicles have in terms of adding a massing that resembles a second building or addition on the lot and in the setbacks. Many lots cannot support this size of vehicle and therefore, those lots that cannot meet setbacks or access would warrant offsite storage.



**Figure 2 - Diagram displaying the effect of the proposed language pertaining to oversized vehicles.**

The Zoning By-law indicates that regardless of length, a boat, trailer or travel trailer must at a minimum be setback 0.3 m from a side or rear lot line. This subsection is silent on the role of the front yard. Based on staff discussion, it is believed that the intent is to not openly permit such parking in the front yard, except for the use of the driveway. The intent is to ensure that recreational vehicles and trailers are not permanently parked in front yards, and therefore language is suggested to specify that recreational vehicles or trailers are not to be parked in a front yard except if located on a legal driveway. This would clarify the intent of this by-law.



**Figure 3 - Diagram displaying the effect of the proposed language pertaining the parking of recreational vehicles in the front yard.**

Some Zoning By-laws refer to temporary loading and maintenance allowances for oversized vehicles in the driveway or yards. In speaking with staff from other Municipalities, this type of regulation is difficult to enforce. It was the preference of Staff that this not be explicitly detailed in the Zoning By-law, as confirmation of the temporary nature of loading and maintenance activities is challenging to interpret and confirm through enforcement. If continued complaints are received about the parking of such a vehicle beyond what is deemed temporary in nature, action could be taken via staff to either issue a notice under the Zoning By-law or to ticket via the proposed Front Yard Parking By-law, if applicable.

Staff have included an additional statement to clarify that recreational vehicles or trailers cannot be used for habitation.

### **Changes to Driveway Regulations**

The driveway regulations section is currently titled 'Driveway Access', however, staff believe that 'Driveway Regulations' appropriately identifies this subsection, as it provides detailed regulations pertaining to driveways.

It is proposed that a new subsection that specifies the role of various parameters within the Zoning By-law regarding driveway coverage in residential districts be introduced. This subsection would highlight the interaction between the minimum landscaped open space, maximum parking area coverage and the proposed maximum driveway width provisions of the Zoning By-law. It would also clarify that the front yard be landscaped open space and cannot be used for parking, which is currently specified in the definition of Landscaped Open Space. Surfaces abutting the driveway that are capable of being used or are being used for parking would be included in the calculation of driveway coverage. Parking pads or turnarounds that are used for the purpose of maneuvering a vehicle such that the vehicle can exit the property in a forward motion onto a high or medium capacity arterial street would be excluded from the calculation of driveway coverage.

The Zoning By-law currently restricts driveway widths at the street line as well as overall lot coverage by parking areas. It is important to continue to set driveway width requirements at the street line as this helps establish a location where on street parking can occur. Increasing these widths or eliminating them would create issues relating to on street parking, appropriate placement of utilities, conveyance of stormwater and aesthetics. A review of comparable municipalities to Peterborough demonstrated that these municipalities each contained regulations in their Zoning By-laws pertaining to driveway width as well as the width of the driveway at the street line.

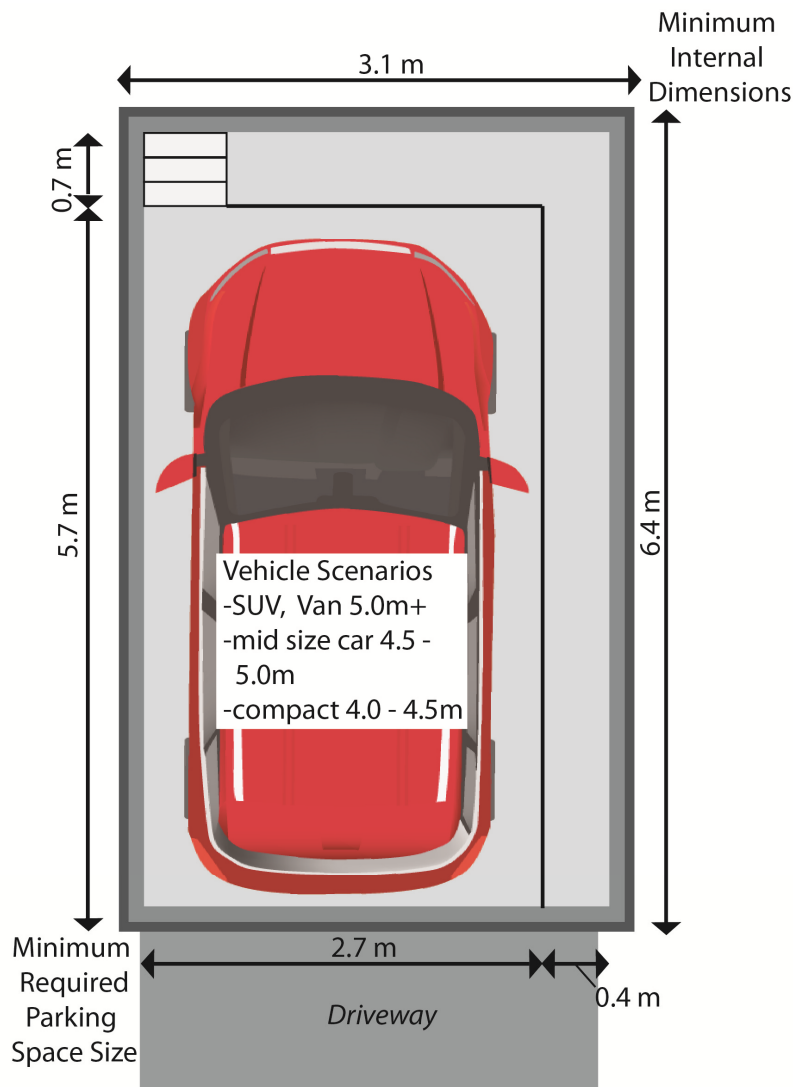


Driveway width measures are proposed to be incorporated in an amendment to the Zoning By-law, based upon the presence/absence of garages, the lot frontage and meeting the minimum standard for landscaped open space. It is likely that several built form scenarios would have to be reviewed in light of utility and tree placement, in order to settle on driveway width regulations that would be a good fit for Peterborough. Some regulation considerations have been included as part of Exhibit B to this report, however, further discussion is required.

### **Minimum Internal Dimensions of Garages in Residential Areas**

While the provision of a garage satisfies the zoning requirement for a parking space, many garages are actually undersized to accommodate a parking space for a vehicle.

Whitby experienced on-street and front yard parking pressure as a result of some vehicles not being able to fit within the garages as constructed in newer subdivisions. Similar anecdotal information has been received by City of Peterborough Staff. Staff note that these measures and the language included in the Zoning By-law will not be able to resolve issues that some households experience - being the use of the Garage to store household items, preventing it from being used as a required parking space (when applicable). As lots and homes become more encumbered to meet density targets, developers will find ways to increase the living space of the home at the cost of the garage space. Ensuring that minimum standards are in place will be a good first step to help ensure that the constructed garage structure is sufficiently sized to fit most standard vehicles. The following is a schematic drawing of the effect these regulations would have on a typical single car garage.



**Figure 4 - Diagram displaying the effect of the proposed language pertaining to the effect these regulations would have on a single car garage.**

Regulations are proposed to establish a minimum internal size of a Private Garage as well as minimum size for a required parking space size within this garage. The intent behind the addition of this subsection is to ensure that garages can accommodate a standard vehicle that can be accessed, and sets aside some space within the garage that could be utilized for typical storage of items, such as blue boxes, garbage containers, lawnmowers, etc. This can be accomplished by having both minimum measurements foundation wall to foundation wall as well as outlining the dimensions of a required parking space. Provisions could be included to consider multi vehicle garages. The suggested measurements and wording are based upon the results of a robust study conducted in Whitby in 2010, but have been adjusted slightly to accommodate Peterborough's Standard Parking space size of 2.7 m by 5.7 m.

### **Front Yard Parking By-law**

PLPD15-033 directed staff to develop a clear enforcement strategy to prohibit parking vehicles in the front yard of a residential property. Developing a Front Yard Parking By-law should prove to be a more efficient means of prohibiting this issue. A Front Yard Parking By-law would compliment the Zoning By-law for enforcement of certain violations such as parking a vehicle on the front yard. A draft by-law has been prepared and is attached as Exhibit B. This by-law would be an effective tool to help obtain compliance with the Zoning By-law, and failing compliance, be a useful enforcement tool. The by-law provides the authority to issue tickets. This is a tool already in use in numerous municipalities such as Kingston, London, Oshawa, and Hamilton, who have deemed the Front Yard as an unauthorized parking area in their Zoning By-law and violations are enforced via a standalone by-law that provides authority to ticket. Legal Services, Planning, Enforcement Services and Parking Enforcement Services Staff have been involved in developing language in this by-law.

The By-law would, upon obtaining approval from Ministry of Attorney General Approval, create a set fine and permit staff to ticket those vehicles that park in an unauthorized area such as the Front Yard. A specific by-law is an effective enforcement tool than one commenced through the issuance of a notice under the Zoning By-law. It is intended that enforcement of this by-law will be on a complaint-basis and will be jointly enforced by staff in Enforcement Services and Parking Enforcement. There will likely be some time until the handheld ticketing devices and associated training are given to Enforcement Services Staff.

### **Marketing and Education Material**

Staff note that marketing and education material were identified in PLPD15-033. As details pertaining to changes, if any, to the Parking regulations of the Zoning By-law or Front Yard Parking By-law are established, plain language guidance material will be developed and hosted on the City's website. This will assist residents in understanding the rules and will follow a similar approach to what Richmond Hill, Brampton and Regina have developed. The visual material (diagrams, brochures, etc) will tie together the various by-laws, providing an easy to read and to interpret rules for parking in residential neighbourhoods.

## Summary

The City of Peterborough's Zoning By-law sets up the various aspects of parking throughout the City, staff have proposed approaches that can be made to clarify the intent and role of parking in Residential Districts. Enforcement through the Zoning By-law is time consuming and is taxing on an overburdened court system. Bringing forward enforcement measures of ticketing under a standalone Front Yard Parking By-law will offer a tool to respond to complaints and is a measure already in place in numerous municipalities.

Submitted by,

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### **Attachments:**

Exhibit A     Draft Zoning By-law Language  
Exhibit B     Draft Front Yard Parking By-law Language

## **Exhibit A – Draft Zoning By-law Language**

### **New Definitions:**

**Driveway** means an area of private property used for parking one or more Motor Vehicles which was established, used and maintained in accordance with this Zoning By-law.

**Vehicle, Recreational** means any vehicle or recreational equipment that provides for short term occupancy or use for recreation, travel or vacationing which is designed to be towed or propelled by a motor vehicle or self-propelled and includes such vehicles as an all-terrain vehicle, boat, motor home, pop-up camper, snowmobile, tent trailer, travel trailer, truck camper and water craft.

**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 persons or goods, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

**Trailer, Travel** means a vehicle capable of being used for the living, sleeping, or eating accommodation of persons and either self-propelled or designed to be mounted on or towed by a motor vehicle. [Currently a defined term in our ZBL – keep – maybe place definition as Trailer, Travel]

### **New Subsection**

4.3.1(c) Private Garage Dimensions to Accommodate an Unobstructed Parking Space  
Notwithstanding any other provisions of this By-law to the contrary, the following provisions apply to any private garage and required parking space therein serving a residential district.

- i. The minimum internal dimension for a private garage that serves a single vehicle shall be 6.4 m in length and 3.1 m in width measured from foundation wall to foundation wall.
- ii. The minimum internal dimension for a private garage that serves two or more vehicles shall be 6.4m in length and 5.7m in width measured from foundation wall to foundation wall.
- iii. All required parking spaces within a private garage shall be a minimum of 5.7m in length, 2.7m in width and 2.1m in height free of all obstructions.
- iv. Notwithstanding that a required parking space within a private garage must be unobstructed, a maximum 0.24m horizontal or vertical encroachment shall be permitted within the unobstructed parking space to accommodate access stairs within a private garage provided that the stairs project only from the end wall of the garage or from the side wall but at a distance no greater than 1.2m from the end wall of the garage

## **Repeal and Replace 4.3.2:**

### **4.3.2 In a residential district:**

- a) Parking in the Front yard and the Side Yard must be located on a legal driveway in accordance with the provisions of this Zoning Bylaw. [NEW – it does not explicitly say this in the ZBL, although it is implied through restrictions on what 'landscaped open space' can be comprised of]
- b) On any lot containing a single or two unit dwelling not more than two motor vehicles shall be parked within 6 metres of a street line. [No Change]
- c) Where a lot contains five (5) or more motor vehicle parking spaces, such spaces and the driveway thereto shall not be located within 1.5 metres of a side lot line or a rear lot line. [No Change]
- d) The parking of any vehicle measuring in excess of 7.0 m in length (exclusive of any trailer hitch) or 2.6 m in height (measured from the ground to the highest point, a rack or apparatus on the top of a vehicle shall not be included in the calculation of a maximum height provided the height of the rack or apparatus does not exceed 0.4m in height) shall be prohibited on any lot, except as permitted in 4.3.2.e below. [Reference changed from weight to height and length, including all vehicles – not just commercial or industrial as that becomes difficult to decipher in the field. Flexibility is provided below for larger recreational vehicles].
- e) No person shall park any recreational vehicle or trailer measuring between 7.0 metres and 11.0 metres in length within 1.2 metres of any side or rear lot line, or within any front yard. [Longer recreational vehicles or trailers are permitted but not in the Front Yard, they have to be in a side yard or rear yard provided they can be set back sufficiently from the lot line. This is unchanged from the original by-law. Height will be restricted as the massing of some of these vehicles resembles a building footprint that would not typically be permitted in this setback area. Temporary loading/unloading/maintenance would be permissible, but Enforcement Services preference is to not directly refer to this in the ZBL, as temporary is difficult to decipher]
- f) No person shall park any recreational vehicle or trailer, regardless of length, within 0.3 metres of any side or rear lot line or in the front yard, except when located on a legal driveway. [Changed to specify that the smaller recreational vehicles not be located in a front yard – current ZBL is silent about the front yard ]
- g) No recreational vehicle or trailer can be used as a dwelling unit. [NEW]

## **Change Reference to Driveway Regulations Instead of Access and Add Subsections 6 and 7**

### **4.8 Driveway Regulations**

#### **6. driveway coverage:**

Driveway coverage in residential districts is subject to the minimum landscape open space, maximum parking area coverage and maximum driveway width provisions of this by-law. The front yard, excepting the legal driveway, shall be landscaped open space and no parking shall be permitted within this landscaped open space. Any hard surface area abutting a driveway used or capable of being used for parking a motor vehicle shall be included in the driveway width calculation excluding any parking pad or hammerhead used for the purpose of maneuvering a vehicle such that the vehicle can exit the property in a forward motion onto a high or medium capacity arterial street.

#### **7. private driveway widths:**

The following provisions apply to private driveways with direct motor vehicle access from a public street serving a single detached dwelling, semi-detached dwelling, townhouse or duplex dwelling:

|   |   |
|---|---|
| i) The maximum width of a private driveway in the rear yard leading to a private garage or carport in the rear yard | 3 m or the width of the garage door, whichever is the greater.  |
| ii) The maximum width of a private driveway on a lot  | Width of the garage door, including any intervening columns or wall sections which may separate two or more garage door openings, plus 2.0 m to a maximum width of 7.5 m provided that a minimum of 40% landscaped open space is maintained in the front yard or exterior side yard in which the driveway is located. |

|  |   |
|--|---|
| iii) The maximum width of a private driveway on a lot serving a three car garage or greater                                      | Width of the garage door, including any intervening columns or wall sections which may separate two or more garage door openings, plus 2.0 m to a maximum width of 9.0 m provided that a minimum of 40% landscaped open space is maintained in the front yard or exterior side yard in which the driveway is located. |
| iv) The maximum width of a private driveway on a lot that does not have access to a garage and has a frontage of less than 9.0 m | 3 m or 50% of the lot frontage, whichever is less, provided that a minimum of 40% landscaped open space is maintained in the front yard or exterior side yard in which the driveway is located.   |
| v) The maximum width of a private driveway on a lot that does not have access to a garage and has a frontage of 9.0 m or greater | 6 m or 50% of the lot frontage, whichever is less, provided that a minimum of 40% landscaped open space is maintained in the front yard or exterior side yard in which the driveway is located.   |



## **Exhibit B – Draft Front Yard Parking By-law Language**



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### **The Corporation of the City of Peterborough**

#### **By-Law Number 16-**

Being a By-law to prohibit the parking and storage of motor vehicles and trailers on a front yard, side yard or boulevard or other unauthorized area

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**Whereas** Section 8 of the Municipal Act, 2001 (the “Act”), confers broad authority on a municipality to govern its own affairs as it considers appropriate to enhance the municipality’s ability to respond to local issues;

**And whereas** Section 8 of the Act empowers a municipality to regulate or prohibit a matter that is a municipal issue;

**And whereas** Section 128 of the Act provides that a local municipality may prohibit and regulate public nuisances, including matters that, in the opinion, of City Council are or could become public nuisances;

**And whereas** in the opinion of Council for the City of Peterborough, the act of parking a motor vehicle and/or a trailer on a front yard, side yard, boulevard or other unauthorized area is or could become a public nuisance;

**Now therefore**, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

#### **1.0 Definitions**

##### **1.1 In this by-law,**

**Boulevard** – means the part of the Street, between the property line and the edge of the travelled portion of the Street. A Boulevard may or may not contain a Sidewalk or a Driveway Apron.

**City** – means The Corporation of the City of Peterborough.

**Comprehensive Zoning By-law** – means City By-law 97-123, as amended, and any successor by-law thereto.

**Driveway Apron** – means the part of a Street that has been improved to provide vehicular access between a Street and a Driveway.

**Driveway** – means an area of private property used for Parking one or more Motor Vehicles which:

- a) was established in accordance with the applicable regulations of the Comprehensive Zoning By-law; and
- b) is used and maintained in accordance with the applicable regulations of the Comprehensive Zoning By-law.

**Exterior Side Yard** – means a Side Yard immediately adjoining a Street.

**Front Yard** – means a Yard extending across the full width of the Lot between the Street Line of the Lot and nearest part of the main building on the Lot.

**Motor Vehicle** – means an automobile, bus, truck, Recreational Vehicle or motorcycle.

**Municipal By-law Enforcement Officer** – means a:

- a) municipal law enforcement officer appointed or employed by the City; or
- b) police officer.

**Park and Parking** – when prohibited, means the standing of a Motor Vehicle, whether occupied or not.

**Sidewalk** – means those portions of a Street set apart and improved for use by pedestrians.

**Side Yard** – means a Yard extending from the Front Yard to the Rear Yard, between the Side Lot Line and the nearest wall of the main building on such Lot.

**Street** – includes a common and public highway any part of which is used or intended for use by the general public for the passage of Motor Vehicles, and includes the entire area between its lateral property lines.

**Rear Yard** – means a Yard extending across the full width of the Lot, the depth of the Yard being the minimum horizontal distance between the Rear Lot Line or the intersection of the Side Lot Lines, and the nearest wall of the main building on such lot.

**Recreational Vehicle** – means any vehicle or recreational equipment that provides for short term occupancy or use for recreation, travel or vacationing which is designed to be towed or propelled by a motor vehicle or self-propelled and includes such vehicles as an all-terrain vehicle, boat, motor home, pop-up camper, snowmobile, tent trailer, travel trailer, truck camper and water craft.

**Trailer** – means a vehicle that is at any time towed or capable of being towed upon a Street by a Motor Vehicle;

**Unauthorized Area** – means:

- a) a Front Yard, Exterior Side Yard, or Side Yard; or
- b) the Boulevard;
- c) an Unauthorized Driveway;
- d) an Unauthorized Parking Pad; or
- e) a Driveway Apron.

unless parking is permitted in a location described above by a City By-law or under an agreement entered into with the City.

**Unauthorized Driveway** – means a Driveway that has:

- a) been established or widened without a curb cut permit issued by the City;
- b) been established or widened contrary to the applicable regulations contained in the Comprehensive Zoning By-law; or
- c) not been maintained in accordance with the applicable regulations contained in the Comprehensive Zoning By-law.

**Unauthorized Parking Pad** – means an area of a Boulevard, Front Yard, Exterior Side Yard or Side Yard used for Parking one or more Motor Vehicles that has:

- a) been established or widened without a curb cut permit issued by the City;
- b) been established or widened contrary to the applicable regulations contained in the comprehensive Zoning By-law; or
- c) not been maintained in accordance with the applicable regulations contained in the Comprehensive Zoning By-law.

**Yard** – means the open space located on the same Lot as the building which it serves, unoccupied and unobstructed from the ground to the sky, except for an Accessory Building as permitted by City's Comprehensive Zoning By-law.

1.2 The following words have the meaning given to them in the City's Comprehensive Zoning By-law.

- a) **Accessory Building;**
- b) **Lot;**
- c) **Rear Lot Line;**
- d) **Side Lot Line;** and
- e) **Street Line**

## 2.0 **Prohibition on Parking in an Unauthorized Area**

2.1 No person shall Park or store a Motor Vehicle in or on an Unauthorized Area.

2.2 No person shall Park or store a Trailer in or on an Unauthorized Area.

## 3.0 **Offence Provisions**

3.1 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided under the **Provincial Offences Act** and to any other applicable penalties.

3.2 If a Motor Vehicle has been Parked or stored in contravention of this by-law, then the owner of the Motor Vehicle even if the owner of Motor Vehicle was not the operator of the Motor Vehicle at the time this by-law was contravened is guilty of an offence and, upon conviction, is subject to a fine as provided under the **Provincial Offences Act** and to any other applicable penalties.

3.3 If a Trailer has been Parked or stored in contravention of this by-law, then the owner of the Trailer even if the owner of the Trailer did not have care and control of the Trailer at the time this by-law was contravened is guilty of an offence and, upon conviction, is subject to a fine as provided under the **Provincial Offences Act** and to any other applicable penalties.

## 4.0 **Other City Remedies**

4.1 If a Motor Vehicle or Trailer is Parked or stored in contravention of this by-law, the City may cause the Motor Vehicle or Trailer to be removed and/or impounded at the owner's expense. All costs, fees and charges for the removal, care and storage of the Motor Vehicle or Trailer shall be a lien upon the Motor Vehicle or Trailer which may be enforced in the manner provide for under the **Repair Storage and Lien Act**, as amended.

**5.0 Enforcement**

5.1 This by-law may be enforced by any Municipal By-law Enforcement Officer.

**6.0 Short Title**

6.1 This by-law may be referred to as the Front Yard Parking By-law.

**7.0 Coming in Effect**

7.1 This by-law comes into effect on the date it receives third reading.

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

## Schedule A

### Set Fine

| <b>Violation</b>   | <b>Offence Provision</b> | <b>Set Fine</b> |
|--|--------------------------|-----------------|
| Did commit a nuisance by<br>Parking or storing a Motor<br>Vehicle in an Unauthorized<br>Area | Article 2.1              | \$35.00         |
| Did commit a nuisance by<br>Parking or storing a trailer in<br>an Unauthorized Area          | Article 2.2              | \$35.00         |