



City of  
**Peterborough**

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

**From:** **Jeffrey Humble, Director, Planning and Development Services**

**Meeting Date:** **September 18, 2017**

**Subject:** **Report PLPD17-037  
Residential Front Yard and Recreational Vehicle Parking**

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## **Purpose**

A report to evaluate the planning merits of amending Section 4 Parking, Loading and Driveways of the Comprehensive Zoning By-law 97-123 to address parking in front yards, the parking of recreational vehicles and trailers, driveway standards, and associated provisions for residential properties within the City of Peterborough.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD17-037 dated September 18, 2017, of the Director, Planning and Development Services, as follows:

- a) That By-law 97-123 be amended in accordance with the draft amendment attached as Exhibit 'A' to Report PLPD17-037; and
- b) That the Front Yard Parking By-law, attached as Exhibit 'B' to Report PLPD17-037 be adopted.

## **Budget and Financial Implications**

No immediate budget or financial implications will result from this report; enforcement of the proposed Front Yard Parking By-law is expected to be more efficient than current practices of standalone enforcement of the Zoning By-law.

## Background

At its meeting on April 7, 2015, City Council passed a resolution in response to complaints raised by residents. The resolution was as follows:

“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 zone front and side yards; such review to include consideration of greater restrictions to parking.”

In response, staff from Planning Division formed a working group which included staff from other divisions, including Building, Transportation, and Parking Divisions and Legal Services. This working group reviewed the concerns raised as well as potential methods of addressing those concerns. Comments from the public focused on issues of streetscape aesthetics, public land encroachment, and safety. Many complaints were received by Property Standards staff regarding the size, setback, or number of vehicles parked on residential properties. Concerns about safety included parking on driveway aprons, boulevards, and in other site lines, which affects safe ingress and egress.

In conducting a review of the issues raised staff noted the following concerns:

Parking stall size	Parking stall size is regulated based on its location within the City (urban vs. suburban), but not based on surrounding conditions. An enclosed parking (e.g. in a garage) space does not need to be any larger to ensure there is room for a car door to open. Stairs and doors can also encroach into the parking space, making it unusable despite being counted as a required parking space and satisfying the requirements of the City’s Comprehensive Zoning By-law 97-123 (“Zoning By-law”).
Parking location	The Zoning By-law states that a maximum of two parking spaces can be within 6 metres of a street line (the property line separating a lot from a street). It does not require that the parking spaces are located on a driveway. Enforcement of the two parking maximum is also difficult, as noted in the “Enforcement” comments below.
Driveway width and coverage	Regulations for the residential districts in the Zoning By-law include maximum lot coverage for parking areas and driveways, typically in the range for 20-35% of the lot’s area. The Zoning By-law regulates driveway width, but only at the street line. This allows for driveways to widen on private property much more than intended. The two sets of regulations do not prevent the conversion or use of the front yard as a parking pad.

Vehicle regulations	Vehicles are currently regulated in two ways in the Zoning By-law; commercial and industrial vehicles are regulated by weight while recreational vehicles are regulated by length. Furthermore, commercial and industrial vehicles are not required to be setback from a lot line while recreational vehicles are. Vehicle weight is difficult to enforce because enforcement staff does not have a means to accurately check vehicle weight “in the field”. With respect to recreational vehicles and trailers, large vehicles can have an impact similar to a building, but length does not always effectively capture this impact.
Enforcement	Enforcement of a Zoning By-law follows procedures set out in Part III of the <b>Provincial Offences Act</b> . This process can result in court proceedings which are a costly and lengthy endeavour. Enforcement is made even more difficult when a notice is issued for a site inspection and the offending vehicle is moved prior to the site inspection. In such cases, staff closes the file for lack of evidence only for the offending vehicle to return once again. A number of methods, including set fines, administrative monetary penalties, and a stand alone by-law were discussed as methods of streamlining enforcement.
Parking By-law (09-136)	The Parking By-law regulates parking within the municipal right of way. The right of way includes the travelled portion of the road as well as any sidewalk, the boulevard between the curb and sidewalk, and any remaining space between property lines. Parking Enforcement tickets vehicles parked in a boulevard where they overhang onto the road, the sidewalk, or any landscaped portion of the boulevard. Vehicles parked in the boulevard are not ticketed if they are only parked on the driveway apron (paved portion connecting the driveway to the street) and do not overhang. Enforcement is on a complaint basis, but there is no authority to issue tickets on private property.
Peterborough Municipal Code, Chapter 732	Property owners and residents can’t carryout work on City property unless they obtain a permit. This typically comes up when a property owner would like to widen their driveway. Public works directs property owners to Planning Division to determine Zoning By-law compliance prior to issuing a permit.

Staff's complete review was presented to Planning Committee on July 20, 2015 in report PLPD15-033. Following the submission of report PLPD15-033, Council directed staff to:

"proceed with a review of Section 4 (Parking) of the Zoning By-law and to propose amendments, to develop a clear enforcement strategy, and lastly, to develop educational material to clarify how parking regulations apply in residential areas."

A new staff working group was formed comprising individuals from Planning Division, Building Division, and Legal Services which reviewed the language of the Zoning By-law to propose amendments as well as parking enforcement methods used in other municipalities. After conducting research, staff brought forward report PLPD16-024, which was presented to Planning Committee of March 21, 2016. Changes to Section 4 of the Zoning By-law were proposed that targeted regulations concerned with the following matters:

Definitions	Definitions do not exist in the Zoning By-law to effectively capture driveways and recreational vehicles. To provide greater clarity and to assist in creating appropriate regulations, new definitions were proposed.
Parking stall size	To ensure that a vehicle could be accommodated in a garage, it was proposed to increase the minimum size of a parking space within a garage, as well as to provide for the minimum size of a garage.
Parking location	It was proposed that the maximum of two parking spaces within 6 metres of the street line be kept, and that clear language be added to require parking spaces to be on a driveway.
Driveway width and coverage	Amendments to existing regulations were proposed to introduce clear widths for driveways, both at the street line and along the length of the driveway along with a clear reference to the remainder of the front yard being used for landscaped open space. Further analysis was also recommended to ensure an appropriate balance between parking and maintaining character was struck.
Vehicle regulations	Proposed amendments would regulate all vehicles by size rather than referencing weight. Furthermore, size regulations would include height and length, rather than length only. This would more accurately regulate vehicles which have similar impacts to an accessory building.

With respect to enforcement of parking violations, staff recommended that a standalone enforcement by-law be introduced. Such by-laws were found to be in use in a number of

other municipalities and presented an efficient way to enforce parking violations. Whereas a notice under the Zoning By-law can lead to a lengthy process or a closure and repetition of the offence, a ticket can be issued when a complaint is received. The proposed enforcement by-law would require Ministry of the Attorney General approval.

Report PLPD16-024 also discussed marketing and education material. Due to the nature of the proposed Zoning By-law Amendments, the proposed Front Yard Parking By-law, and existing regulation it was determined that educational material that outlined how the various regulations worked together would help make the regulations more understandable. By making the relationship clear, it is hoped that compliance will be easier to achieve. A similar approach was used by other municipalities, such as Richmond Hill and Brampton.

After receiving Report PLPD16-024 Council directed staff to proceed with public consultation regarding the measures presented in the report. Staff continued to revise the proposed Zoning By-law Amendments to ensure they matched terminology in the Zoning By-law. Staff proceeded to take the resulting draft through public consultation by way of four public information centres (details and comments provided under “Response to Notice” below) and made appropriate revisions based on comments received.

### **Proposed Zoning By-law Amendment**

Staff is proposing Amendments to Section 4 of the Zoning By-law as contained in Appendix “A” to this report. It is staff’s opinion that the proposed Amendments adequately balance Council’s direction, the comments received from public consultation, and the needs of the community as a whole.

### **Definitions**

Staff proposes to delete the definition for “Travel Trailer” which is currently in the Zoning By-law and replace it with definitions for “Dwelling Setback”, “Facade”, “Motor Vehicle”, “Recreational Vehicle”, “Residential Driveway”, and “Trailer”. Definitions for “Dwelling Setback”, “Facade”, and “Residential Driveway” are being introduced to allow the Zoning By-law to regulate the design and layout of parking areas on a property. The addition of definitions for “Motor Vehicle”, “Recreational Vehicle” and “Trailer” will provide greater clarity to the regulations that regulate motor vehicles.

### **Tandem Parking Spaces**

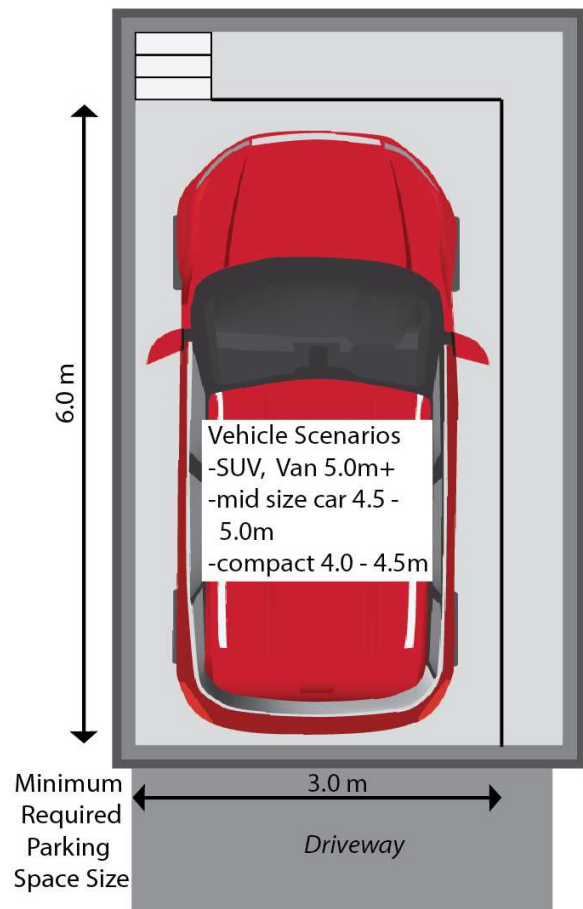
The current regulations in Section 4.3.1 (b) (ii) of the Zoning By-law allow a single tandem parking space (two parking spaces laid out so that vehicles are parked one-behind-the-other) on a lot with certain types of dwelling. As written, only one tandem parking space is permitted on the entire lot. Staff proposes to amend this provision so that two tandem parking spaces are permitted per applicable dwelling on a lot. The existing regulation would mean that, on a property with a two-car garage and associated driveway (four

apparent parking spaces), there would only be three legal parking spaces. This amendment will allow for all four spaces to be realized as intended, correcting a minor oversight.

### Garage Parking Space Requirements

Staff proposes that Section 4.3.1 of the Zoning By-law is amended to add a new subsection, “Subsection (c)”, which will provide for a larger minimum size for a parking space in a garage. The regulations will also clearly require that any such parking space is unobstructed. This will ensure that, as designed and built, a parking space inside of a garage will be usable to park a car. Current regulations do not prohibit encroachments such as stairs or a door from being placed inside a parking space. Also, the minimum size for the parking space is not currently required to be increased to take into account garage walls obstructing the opening of a car door.

Staff would like to note that clause “(ii)” of Subsection (c) will provide for a transition period until January 1, 2018 during which Subsection (c) will not be in force and effect. This additional period would allow for homebuilders both large and small additional time to bring home designs and floor plans into conformity with the regulations proposed in the Zoning By-law Amendment. A change in garage size can affect room layout, plumbing, electrical, and even kitchen cabinetry designs. In effect, the introduction of this change (being internal to the foundations) can result in the complete redesign of the house being built which is a concern on homebuilders who have signed presale agreements. Staff feels that the proposed delay until January 1, 2018 will allow for ample time for homebuilders to redesign floor. Council may choose to amend Item 2 b) of Exhibit A so that clause (ii) is removed. This would have the effect of the regulations for parking spaces within a garage to come into force and effect on the day the Zoning By-law Amendment is passed.

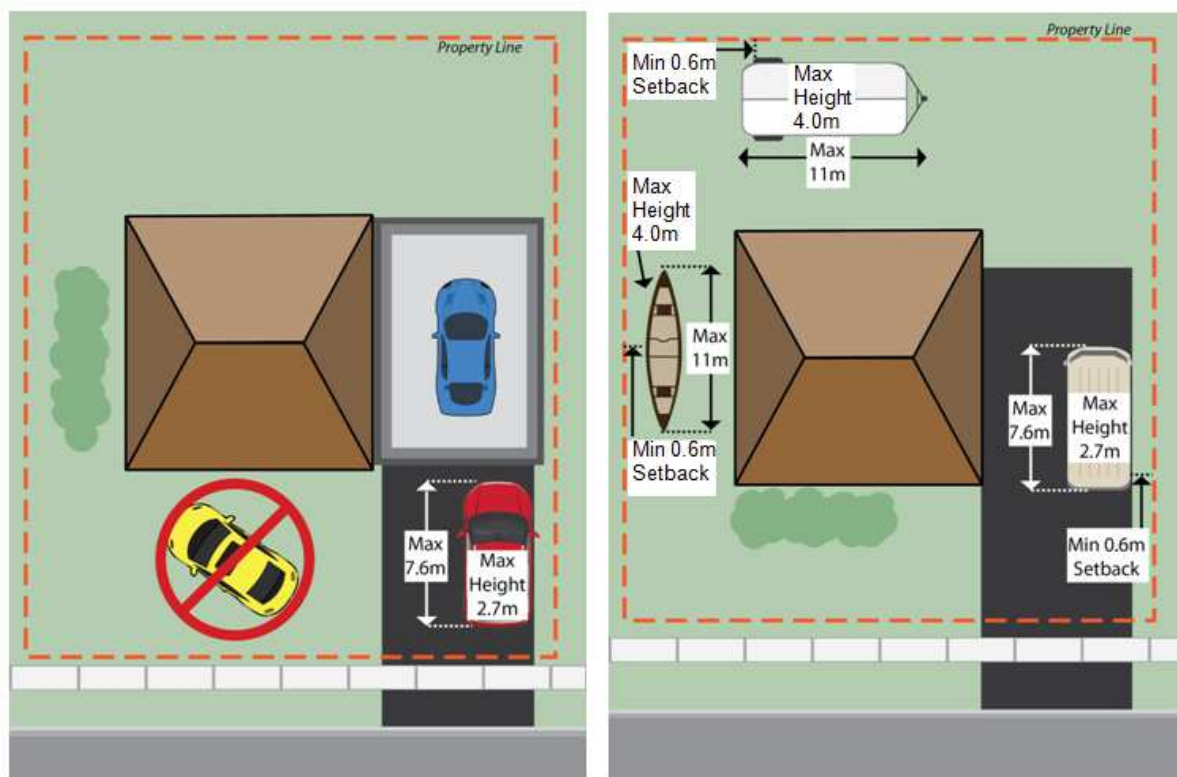


**Figure 1:** Proposed minimum garage parking space size

## Residential Parking Regulations

Section 4.3.2 of the Zoning By-law is proposed to be amended to revise and introduce new general regulations for residential parking. This section will provide a clear link to the requirement of parking on a driveway in a street facing yard. Setback regulations for parking spaces and driveways that currently exist within the Zoning By-law will be retained and revised slightly to conform to proposed changes and terminology. Existing regulations for motor vehicles are being replaced in their entirety to regulate all vehicles consistently.

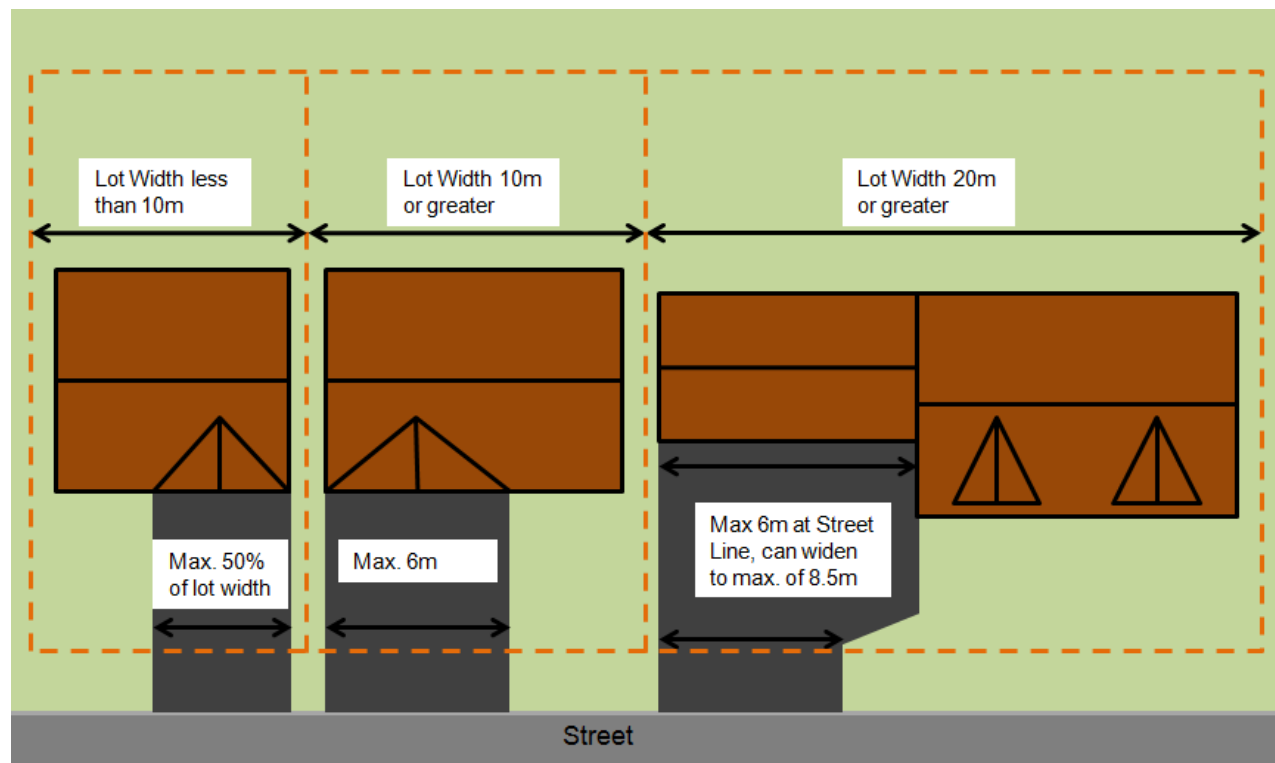
While commercial and industrial vehicles were previously regulated based on vehicle weight while trailers and boats were regulated by length, all vehicles are proposed to be regulated by height and length. Within a street facing yard, the maximum dimensions for a vehicle will be 2.7 metres in height and 7.6 metres in length. Vehicles to a maximum height of 4 metres and maximum length of 11 metres will be permitted in a side or rear yard. Any vehicle that exceeds a height of 4 metres or a length of 11 metres will not be permitted on a residential property as the massing begins to exceed that of an accessory structure. Existing setback requirements for vehicles are being revised to 0.6 metres to reflect the requirements placed on accessory structures. Figures will be added to Section 4 of the Zoning By-law to help illustrate how the regulations apply.



**Figures 2 and 3:** Proposed vehicle size, setback regulations.

## Driveway Access

Section 4.8 of the Zoning By-law is being renamed to “Driveway Access” and will undergo various amendments. Maximum driveway width will be regulated based on lot size and dwelling type in a more comprehensive way. For residential lots that are typically “street oriented” and have direct street access such as single detached, semi-detached, duplex, and street townhouse dwellings, driveway width will be established sensitive to lot width, or failing the presence of lot width (for example, corner lots), the length of the street line that the driveway crosses. Where there are three or more dwelling units except townhouses, or for any other use, the maximum driveway width is 7.5 metres at the street line. Additional regulations deal with driveway width for multiple driveways; walkways (to prevent parking spaces established as “landscaping”; and hammerheads to allow forward egress onto arterial streets. Site plan control will allow for site specific design considerations to occur without requiring a zoning by-law amendment.



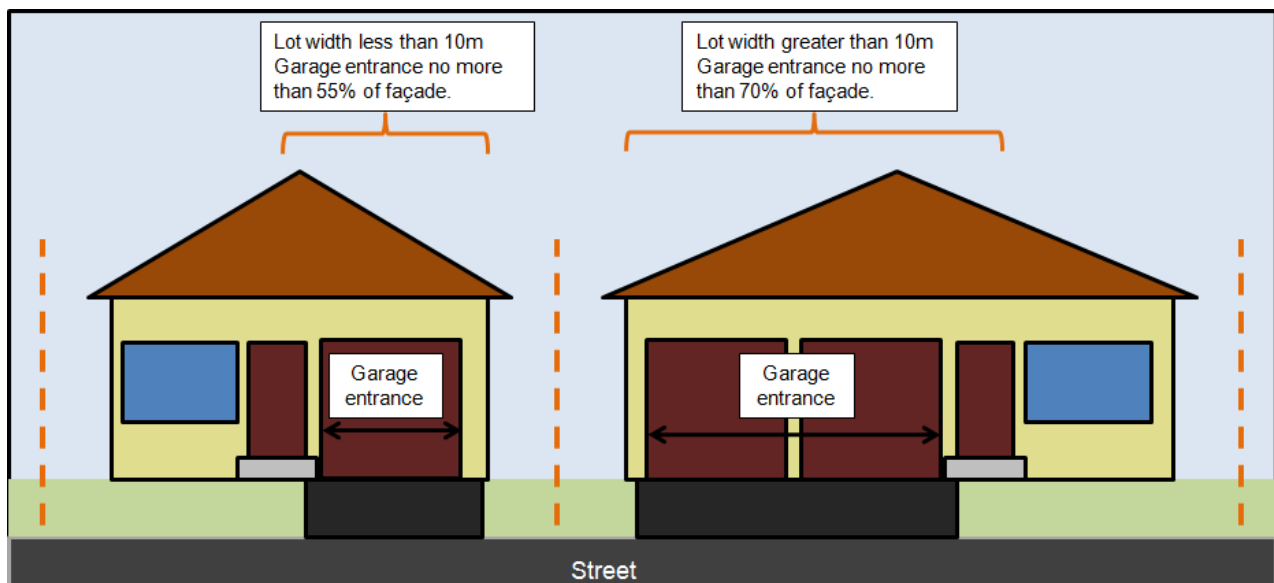
**Figure 4:** Proposed driveway regulations based on lot width, “street oriented” dwellings.

Additional amendments are proposed to the regulations for number of driveways per lot. Proposed language will remove reference to the specific use and focus solely on lot width and number of street lines. Lots wider than 20 metres will be allowed to have two driveways; for residential properties this reflects existing permissions for “estate lots” to have a curved driveway. The regulations will also introduce clarity for corner lots, which will now explicitly be allowed to have one driveway per street line. Previously, there could be some confusion if one considered the specific use of a corner lot. Staff has also



included clauses to allow for the driveway width and the number of driveways to be altered from the proposed regulations by way of an approved site plan.

Lastly, new regulations will be added to regulate the size of a garage door opening based on the length of the facade of the dwelling. These new regulations will assist in preventing the construction of houses that appear to be “garages, with a house attached to the back” when viewed from the street. Similarly to the regulations for parking space size within a garage, staff proposes a transition period until January 1, 2018. Like the regulations for parking space size, regulations for the specific dimensions of the garage openings can impact the design of the dwelling and necessitate changes. Council may choose to amend Item 2 d) iii. of Exhibit A so that clause (7) (c) is removed. This would have the effect of the regulations for garage entrance size to come into force and effect on the day the Zoning By-law Amendment is passed.



**Figure 5:** Proposed garage opening regulations.

The proposed Zoning By-law Amendments will provide greater clarity to Section 4 of the Zoning By-law. In addition, new regulations are designed to adopt a balanced approach with a focus toward lot size. This will ensure that, where appropriate spaces exist, residents will have the freedom to use their property. Where lot sizes are small and the impacts of wide driveways or large vehicles are pronounced, there will be a reigning in to ensure appropriate neighbourhood character and limited negative impacts on neighbouring properties.

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

As noted previously, enforcing the Zoning By-law under Part III of the **Provincial Offences Act** (the “POA”) is a lengthy process because it requires that formal procedures be followed (E.g. swearing an Information, issuance of a Summon to Witness and multiple court appearances). Staff outlined various options to make enforcement of parking violations on private property and non-compliance with the Zoning By-law more efficient in report PLPD15-033. In report PLPD16-024 staff provided Council with a draft enforcement by-law for review and discussion.

An updated version of the proposed Front Yard Parking By-law (the “Enforcement By-law”) is attached as Exhibit ‘B’ to this report. Staff determined that using Part II of the POA to issue parking tickets for the offences will be more effective and efficient. The Enforcement By-law will designate “unauthorized areas” where parking a motor vehicle, recreational vehicle, or trailer is prohibited. The Enforcement By-law will authorize Building Division staff to issue tickets if a motor vehicle, recreational vehicle or trailer is parked in an unauthorized area. Subject to approval from the Regional Senior Judge, set fine for offences will be established under Part II of the POA. The Enforcement By-law has been designed to work in tandem with the amended Zoning By-law to control parking in a manner that staff thinks is consistent with the expectations of our residents. Enforcement under Part II of the POA will be more efficient because it will reduce the staff time and resources required to proceed under Part III of the POA.

## **Public Education Material**

Staff has referenced the creation of public education material in reports PLPD15-033 and PLPD16-024. When preparing for public consultation in June 2017, staff created pamphlets (attached as Exhibit ‘C’) in addition to the presentation and display boards that were set up at each public information centre. Pamphlets, like other material which was discussed at the public information centres, included an explanation of the new regulations proposed in the Zoning By-law Amendment as well as a short explanation of the Front Yard Parking By-law. A Frequently Asked Question (“FAQ”) page is attached to this report as Exhibit ‘D’. Once the proposed Zoning By-law Amendment and the proposed Front Yard Parking By-law are in force and effect, Planning Division staff will use the attached FAQ page as the starting point to create a pamphlet that can be used by By-law Enforcement staff from Building Division. The pamphlet will be used to educate those who contravene the applicable regulations of the Zoning By-law and the Front Yard Parking By-law during a grace period.

## Response to Notice

### Summary of Public Responses:

In response to Council direction to begin public consultation, notice of this Zoning By-law Amendment has proceeded in two stages, though only the latter is considered public notice under the **Planning Act**.

#### a) Notice of Public Information Centres

A 'Notice of Public Information Centres' was issued on June 2, 2017 by newspaper advertisement in both the Peterborough Examiner and Peterborough This Week as well as by way of media release posted on the City of Peterborough's website. Lastly, individuals who expressed interest in receiving notice previously (in response to reports PLPD15-033 and PLPD16-024) were notified by email of the public information centres. Planning Division staff also hosted two stakeholder consultation meetings with the Peterborough Kawartha Association of Realtors ("PKAR") and the Peterborough and the Kawarthas Home Builders Association ("PKHBA").

Representatives from the PKAR were supportive of the idea of increasing the size of a garage parking space to make the parking space usable. There were some concerns that clients would not like the additional restrictions on parking on other parts of their property, especially given the relatively short distance from Peterborough to cottage country. Generally, the representatives from the PKAR were interested in the details of the proposal so that they could advise clients appropriately.

Representatives from the PKHBA had some concerns with the regulations that affected their product, namely: garage parking size (and therefore, floor plan design); driveway widths; and garage openings. Representatives from the PKHBA are interested in introducing a "coming into force" clause for garage parking space regulations that would delay their onset to a point in the future rather than the day the Zoning By-law Amendment is passed by Council. Once Zoning By-law Amendments are in force-and-effect, any Building Permit not yet issued will need to comply with the new regulations. This can add time and cost as the permit drawings must be revised.

At this time, staff has considered the request to provide for a transition period as identified and discussed in the "Proposed Zoning By-law Amendment" section of this report. Council is free to amend the draft Zoning By-law Amendment in Exhibit "A" to remove or extend the transition period as Council sees fit.

Comments received from the public were approximately evenly split between those in support and those against the proposed regulations. Staff found the following trends being mentioned by residents, both at the public information centres and via email.

### Appearance and visibility:

Those in favour of regulations cited large vehicles as negatively affecting the character and appearance of residential properties. This included complaints about larger vehicles being parked close to property lines as well as the presence of multiple vehicles parked on a lawn as giving the appearance of a scrap yard. Comments were also made that, after rain or during spring thaw, vehicles parked on a lawn will track mud from damaged lawns onto sidewalks and roadways. Those against regulation argued that appearance is subjective, and that what can be considered unsightly will vary from person to person. During public meetings, attendees generally agreed after the completion of the staff presentation that it was reasonable for the City to restrict excessive parking in front yards and regulate driveways and garages to ensure an appropriate neighbourhood character.

### Interfering with Owner's Rights:

Many comments received from those that opposed the proposed Amendments noted that property owners believe they have the right to use their property as they see fit and that the City's introduction of parking regulations interferes with those rights. Those in favour of regulation commented that appearance of neighbouring properties would affect the value of their property and their rights to enjoy their property. The **Planning Act** allows the City to regulate the use of land and buildings, their character, and associated loading and parking facilities through a Zoning By-law. Furthermore, the **Municipal Act, 2001** authorizes Council to regulate or prohibit matters considered a municipal issue or matters which are or could be considered public nuisances. Council is simply exercising its authority which supersedes the rights of the land owner in this instance.

It should also be noted that current regulations do not permit parking on a lawn as a lawn is considered landscaped open space under the Zoning By-law. Landscaped open space is prohibited from being used for the parking of a vehicle. Furthermore, there is still a requirement for driveways to be maintained in such a way as to prevent the raising of dust. The difficulty of enforcement has made this an issue that is hard to resolve, however. The proposed amendments simply provide greater clarity to the intent of the Zoning By-law; the amendments do not introduce substantially more restrictive regulations.

### Need for Additional Parking on Private Property:

Some residents commented on the need to park on their lawn to accommodate additional vehicles used by residents. The current zoning by-law requires two parking spaces per dwelling unit for single and two unit dwellings in much of the City; the exception being in Peterborough's Central Area where the requirement is one per dwelling unit. Commonly, required parking is accommodated with a combination of a driveway and a garage, but encroachments in the garage can render the parking space unusable which pushes the residents to park on their driveway only. Later on, there is pressure to expand onto a lawn. Proposed amendments to the required size of a parking space in a garage will help

to ensure that garages can accommodate a car and reduce pressure on the front yard. The City cannot ensure that a garage is not used for storage by residents. Ultimately, residents must ensure they can use required parking spaces as intended and that their activities comply with all applicable laws.

#### On Street Parking:

Many residents in their comments to staff noted that they felt that the city-wide limit of 3-hour on street left them no choice but to park on their lawn lest they risk a fine under the Parking By-law. As identified under “Owner’s Rights” above, parking on a lawn contravenes the Zoning By-law which makes it no more appropriate. In some instances, residents have taken to parking on their driveway apron (between the sidewalk and the curb). A fair number of those that attended the Public Information Centres made comments that they find it is difficult to safely back out of their driveway because sightlines are blocked and oncoming traffic is difficult to see. Residents also asked whether additional enforcement staff would be hired, both for on street parking and the proposed Front Yard Parking By-law, noting that at present they feel there is not enough enforcement. Staff has always noted to the public that amendments to the Parking By-law and a recommendation to increase parking enforcement staff are outside the scope of this report.

#### Proposed Vehicle Regulations:

Prior to staff holding the public information centres, there had been some discussion as to the appropriate maximum height for a vehicle on a residential lot. Staff settled on 2.7 metres in height while different maximum lengths were established for the street facing yards (7.6 metres) and other yards (11 metres). Staff received comments that trailers, recreational vehicles, and motor vehicles that were too long for the front yard tended to exceed the proposed maximum height. Staff approached vehicle height from the perspective of ‘massing’, or perceived size. Large vehicles can have the unintended effect of acting like a large accessory structure. Based on comments received, staff decided to increase the maximum permitted height in a side or rear yard to 4 metres. This is in keeping with current provisions for height for an accessory structure.

#### b) Notice of Complete Application and Public Meeting

Notice of Complete Application and Public Meeting was issued on August 21, 2017 by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the **Planning Act**.

No further written comments have been received as of August 25, 2017.

## **Significant Agency Responses:**

Agency circulation was issued on July 15, 2017.

Conducting further discussion with the Planning Division, concern was raised with respect to existing driveway width regulations which would permit “garages with houses attached to the back”. Comments were also made that garage parking space sizes should be made consistent, whether required or not. In response to these comments, the proposed Zoning By-law Amendment was revised to adjust the lot width required for a two car wide driveway while regulations for garage openings were revised further.

Comments from Building Division noted that new changes to the Building Code required garages and carports to be capable of housing electric vehicle charging stations. When interpreting plans, Building Division noted that a single size for a parking space would be easier to review and ensure conformity to when a Building Permit is applied for.

The PKHBA has been circulated as a commenting agency and has provided additional comments. The PKHBA has requested that registered Plans of Subdivision be exempted from the proposed garage parking size regulations. The PKHBA has also asked for clarity with respect to driveway widths for condominium developments. Staff feels the proposed transition period will allow appropriate time to bring designs into conformity with the proposed regulations. This process is also fair to both subdivision-scale home builders and custom home builders on individual lots who are “in process”. With regard to clarity about condominiums, Staff has revised some wording with respect to driveway provisions to clarify applicability and ensured that Site Plan Control will allow for alteration to the proposed provisions where deemed appropriate.

No other agency has expressed any significant concerns or requests with respect to the proposed Zoning By-law Amendment.

## **Summary**

Council has directed staff to review parking regulations affecting residential properties in the City. In Report PLPD15-033 staff outlined gaps in applicable City By-laws and difficulties with enforcement. In Report PLPD16-024 staff proposed amendments to Section 4 of the Zoning By-law and the adoption of a Front Yard Parking By-law to allow for more efficient enforcement and were directed to consult with the public. In the course of carrying out this public consultation, staff has made additional revisions to the proposed amendments where appropriate. Staff will proceed with the creation of public education material once all related matters are completed to ensure that accurate information is provided to the public.

Submitted by,

Jeffrey Humble  
Director, Planning and Development Services

**Contact Names:**

Ken Hetherington  
Manager, Planning Division  
Phone: 705-742-7777, Ext. 1781  
Toll Free: 1-855-738-3755  
Fax: 705-742-5218  
E-mail: khetherington@peterborough.ca

Patrick Vusir  
Assistant Planner  
Phone: 705-742-7777, Extension 1733  
Toll Free: 1-855-738-3755  
Fax: 705-742-5218  
E-mail: pvusir@peterborough.ca

**Attachments:**

Appendix A – Draft Zoning By-law Amendment  
Appendix B – Draft Front Yard Parking By-law  
Appendix C – Pamphlet Prepared for Public Information Centres  
Appendix D – Frequently Asked Question Page

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## The Corporation of the City of Peterborough

### By-Law Number 17-xxx

Being a By-law to amend the Zoning By-law with respect to Definitions and Parking Regulations for Motor Vehicle Parking, Size, and Design Standards.

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The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

#### 1. Definitions

Section 1, Definitions, is hereby amended as follows:

- a) Deleting the definition for "**Travel Trailer**"
- b) Adding the following definitions in alphabetical order:

"**Dwelling Setback** means a line drawn along the Street facing wall of a Dwelling, excluding any projection or overhang, and extended parallel to the Street Line to the closest intersecting Lot Line."

"**Façade** means the Street facing walls of a Building."

"**Motor Vehicle** means an automobile, Recreational Vehicle, Trailer, and any other vehicle propelled or driven other than by muscular power."

"**Recreational Vehicle** means any recreational equipment that provides for short term occupancy or use for recreation, travel or vacationing which is motorized or capable of being towed by a Motor Vehicle and includes, but is not limited to, an all-terrain vehicle, boat, motor home, pop-up camper, snowmobile, tent trailer, travel trailer, truck camper and water craft."



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**“Residential Driveway** means an area of a residential Lot connecting the Lot to the adjacent Street or Lane and used, or capable of being used, for parking one or more Motor Vehicle, Recreational Vehicle, or Trailer.”

**“Trailer** means a vehicle that is at any time towed or capable of being towed by a Motor Vehicle.”

## 2. **Parking Regulations**

Section 4, Parking Regulation is hereby amended as follows:

- a. Section 4.3.1 (b) (ii) is hereby deleted in its entirety and replaced with the following:

“(ii) A maximum of two (2) Tandem Parking Spaces shall be permitted in conjunction with each Single Unit Dwelling, Two Unit Dwelling, Row Dwelling, or Lodging House on a Lot.”

- b. Section 4.3.1 is amended by adding Section 4.3.1 (c) as follows:

“(c) Within a residential garage in Areas 1, 2, and 3:

- (i) Notwithstanding Sections 4.3.1 a) and 4.3.1 b), a parking space in a residential garage shall be a minimum size of 3.0 metres by 6.0 metres and shall be free of all obstructions.
- (ii) The provisions of Section 4.3.1 (c) (i) shall come into force and effect on January 1, 2018.”

- c. Section 4.3.2 is hereby deleted in its entirety and replaced with the following:

“4.3.2 Residential Parking Regulations:

- a) Parking between a Street Line and a Dwelling Setback must be located on a Residential Driveway and in accordance with the table in Section 4.3.2 i). The portion of the Lot between the Street Line and a Dwelling Setback that is not used for a Residential Driveway shall remain Landscaped Open Space.
- b) On any Lot containing a Single Unit Dwelling or Two Unit Dwelling, not more than two Motor Vehicles shall be parked within 6 metres of a Street Line.

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- c) Where a Lot contains five (5) or more Motor Vehicle parking spaces, such spaces and the Residential Driveway thereto shall not be located within 1.5 metres of any Lot Line except where it connects to the Street Line.
- d) A Motor Vehicle parking space or Residential Driveway shall not be located within 6 metres of a window to a Habitable Room in an Apartment Dwelling or Group Dwelling.
- e) The parking of any Motor Vehicle measuring in excess of 4 metres in height or 11 metres in length shall be prohibited on any residential Lot.
- f) The parking of any Motor Vehicle measuring in excess of 2.7 metres in height and/or 7.6 metres in length shall be prohibited between a Street Line and a Dwelling Setback on any residential Lot, shown as Part A on Figures 1, 2, and 3, Section 4.3.2 i).
- g) For the purposes of Clauses 4.3.2 e) and f) above, height will be measured from the ground to the highest point of the Motor Vehicle, excluding any rack or apparatus that is 0.4 metres or less in height. Length will exclude any trailer hitch or tongue.
- h) No Motor Vehicle can be used for residential purposes in a Residential District.
- i) Parking Location for a Motor Vehicle, Recreational Vehicle, or Trailer.

To be read in conjunction with Figures 1, 2, and 3.		Part of a Lot	
		Part A (Figures 1, 2, and 3)	Part B (Figures 1, 2, and 3)
Vehicle Length	(i) Motor Vehicle up to 2.7 metres in height or 7.6 metres in length.	Permitted on a Residential Driveway.	Permitted beyond 0.6 metres of a Side Lot Line or Rear Lot Line.
	(ii) Motor Vehicle in excess of 2.7 metres in	Not permitted.	

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	height and/or 7.6 metres in length to a maximum of 4 metres in height and/or 11 metres in length.		
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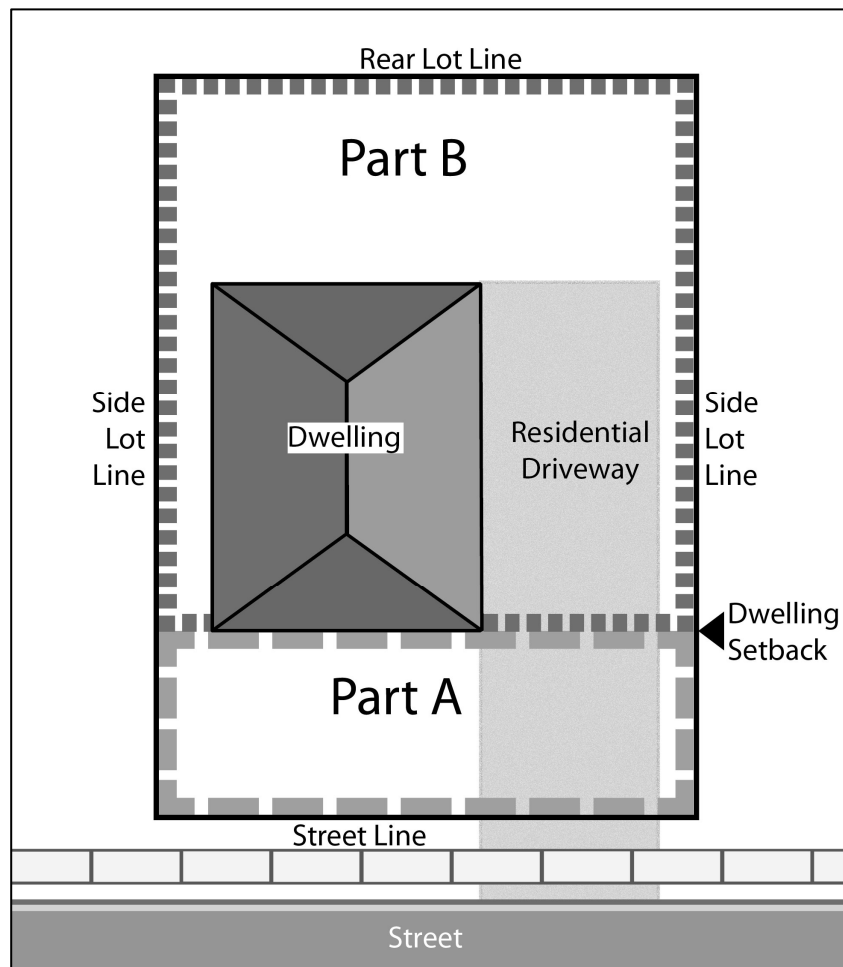


Figure 1: Parts of a Lot per Section 4.3.2 i)

Part A of a Lot extends across the entire length of the Street Line of a Lot and to a depth equal to the Dwelling Setback.

Part B of a Lot consists of the remaining areas of the Lot.

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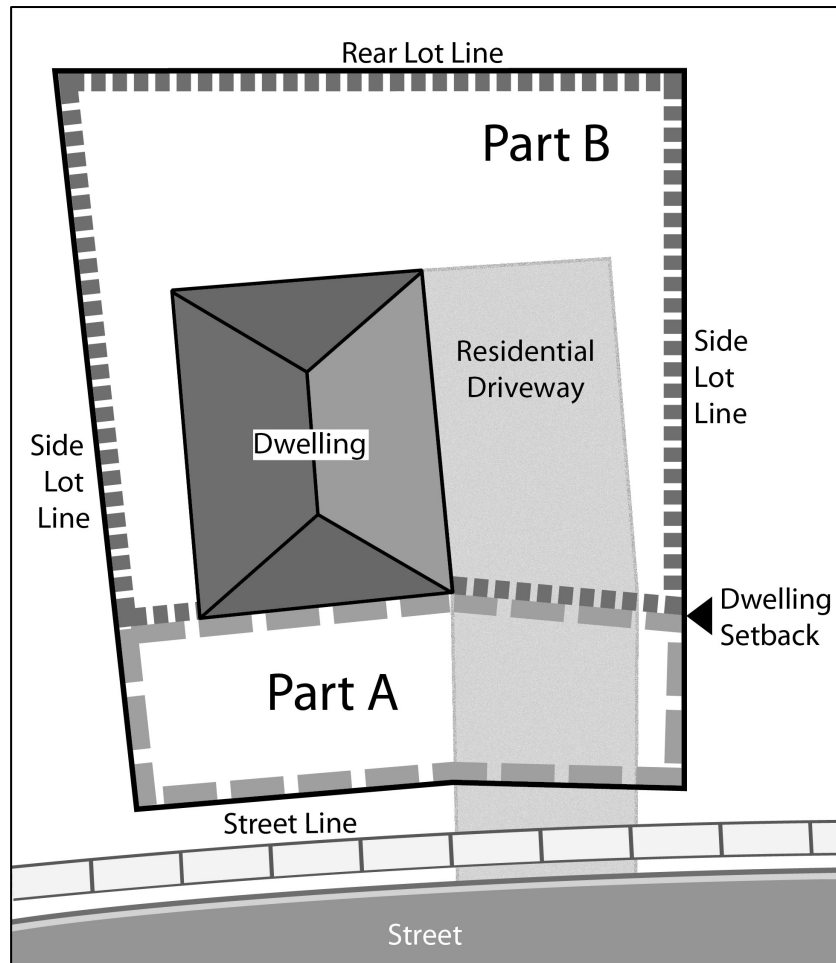


Figure 2: Parts of a Lot per Section 4.3.2 i) with an irregular Lot or irregular Dwelling placement.

Part A of a Lot extends across the entire length of the Street Line of a Lot and to a depth equal to the Dwelling Setback. Where the Dwelling and the Street Line are not parallel, the Dwelling Setback follows the front wall of the Dwelling and then extends parallel to the Street Line.

Part B of a Lot consists of the remaining areas of the Lot.

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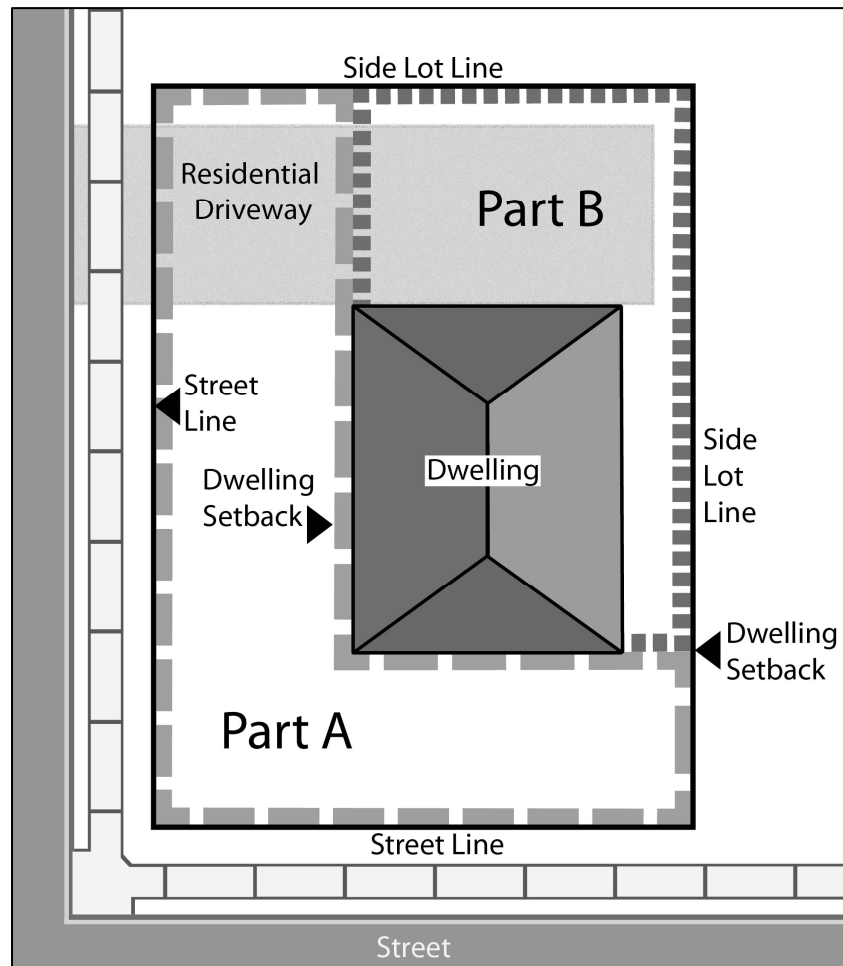


Figure 3: Parts of a Lot per Section 4.3.2 i) with two or more Street Lines.

Part A of a Lot extends across the entire length of both Street Lines and to a depth equal to the Dwelling Setback from both Street Lines.

Part B of a Lot consists of the remaining areas of the Lot.

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d. Section 4.8 is amended as follows:

- i. Deleting “Access” from the title and replacing it with “Regulations”.
- ii. Deleting Sections 4.8 (1), (2), and (5) and replacing them with following:

“(1) Maximum Driveway Width:

- a. In addition to the maximum Lot coverage by open parking areas, driveways and vehicle movement areas provisions of the applicable Residential District, for a Lot with a Single Unit Dwelling, Two Unit Dwelling or Row Dwelling with direct access to a Street, the total width of a Residential Driveway shall not exceed the following:

Lots with Lot Width	
Lot Width	Maximum Driveway Width
i. For Lots with a Lot Width of less than 10 metres	50% of the Lot Width or 3 metres, whichever is greater.
ii. For Lots with a Lot Width of 10 metres or greater, but less than 20 metres	6.0 metres at the Street Line. For Lots with a Lot Width greater than 15 metres, a Residential Driveway may increase in width to a maximum of 40% of the Lot Width at a point 1 metre from the Street Line.
iii. For Lots with a Lot Width of 20 metres or greater	6.0 metres at the Street Line. A Residential Driveway may increase in width to a maximum of 8.5 metres at a point 1 metre from the Street Line.

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All Other Lots		
	Street Line Length	Driveway Width
iv.	For all other Lots, where a Residential Driveway has access across a Street Line with a length of less than 10 metres.	50% of the length of the Street Line or 3 metres, whichever is greater.
v.	For all other Lots, where a Residential Driveway has access across a Street Line with length of 10 metres or greater but less than 20 metres.	6.0 metres at the Street Line.  For Lots with a Street Line length greater than 15 metres, a Residential Driveway may increase in width to a maximum of 40% of the Street Line length at a point 1 metre from the Street Line.
vi.	For all other Lots, where Residential Driveway has access across a Street Line with a length of 20 metres or greater.	6.0 metres at the Street Line.  A Residential Driveway may increase in width to a maximum of 8.5 metres or 40% of the Street Line length, whichever is greater, at a point 1 metre from the Street Line.

- b. Maximum Residential Driveway width for i) a Lot with three (3) or more Dwelling Units, except a Row Dwelling, and direct access to a Street or ii) a Block forming part of a Condominium.
  - i. 7.5 metres at the Street Line.
- c. Maximum driveway width for a non-residential Lot:
  - i. 7.5 metres at the Street Line.

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- d. Where more than one Residential Driveway leads to a parking area/residential garage for a Single Unit Dwelling or Two Unit Dwelling, the combined total of all Residential Driveways shall not exceed the provisions of 4.8 (1) (a).
  - e. For a Residential Driveway established in accordance with Section 4.8.1 (a) above, a walkway connected and parallel to a Residential Driveway shall be considered part of the Residential Driveway for the purpose of determining width and Lot Coverage if the walkway is itself wider than 1.0 metre.
  - f. For a Lot fronting onto a high or medium capacity Arterial Street, the provisions of Section 4.8 (1) (a) and the maximum lot coverage by open parking areas, driveways and vehicle movement areas provision of the applicable Residential District will not apply to a parking pad or hammerhead used for the purpose of manoeuvring a Motor Vehicle to exit the Lot in a forward motion. The parking pad or hammerhead permitted under this section shall begin at a point set back at least 1 metre from the Street Line.
- (2) Any driveway may have a width in excess of 7.5 metres at Street Line if it is shown on an approved Site Plan, pursuant to Section 41 of the Planning Act.
- (5) Maximum Number of Driveways for a Lot with One (1) Street Line:

i. For Lots with a Lot Width of less than 20 metres:	1 driveway, or 1 driveway per dwelling unit, or  As permitted by an approved Site Plan pursuant to Section 41 of the Planning Act.
ii. For Lots with a Lot Width of 20 metres or greater:	2 driveways, or 1 driveway per Dwelling Unit, or  As permitted by an approved Site Plan pursuant to Section 41 of



Appendix A, Page 10 of 10

	the Planning Act.”
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iii. Adding Sections 4.8 (6) and (7) as follows:

“(6) Maximum Number of Driveways for Lots with more than One (1) Street Line:

One (1) driveway per Street Line, or as permitted by an approved Site Plan pursuant to Section 41 of the Planning Act.

(7) Maximum Width of the Entrance of a Residential Garage Where the Garage Entrance is part of the Façade:

(a) For a Lot with a Lot Width of less than 10 metres, or where Lot Width can't be established and the Façade faces a Street Line with a length of less than 10 metres:

55% of the length of the Façade of the Dwelling.

(b) For a Lot with a Lot width of 10 metres or greater, or where Lot Width can't be established and the Façade faces a Street Line with a length of 10 metres or greater:

70% of the length of the Façade of the Dwelling.

(c) The provisions of 4.8 (7) (a) and (b) shall come into force and effect on January 1, 2018.”

By-law read a first, second and third time this \_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Daryl Bennett, Mayor

\_\_\_\_\_  
John Kennedy, City Clerk

Appendix B, Page 1 of 5



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## The Corporation of the City of Peterborough

### By-Law Number 17-XXX

Being a By-law to prohibit parking and storing motor vehicles, recreational vehicles and trailers on or in an unauthorized area.

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#### Recitals

- A. 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.
- B. Section 8 of the Act empowers a municipality to regulate or prohibit a matter that is a municipal issue.
- C. 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.
- D. It is the opinion of Council for the City of Peterborough, that parking or storing a motor vehicle, recreational vehicle and/or a trailer in an 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 Lot Line and the edge of the travelled portion of the Street which is not a Driveway Apron.

Appendix B, Page 2 of 5

**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.

**Dwelling Setback** – means the area within a line drawn along the Street-facing wall of a Dwelling, excluding any projection or overhang, and extended parallel to the Street Line to the closest intersecting Lot Line.

**Driveway Apron** – means the part of a Street, which is located on, but is distinct from, the Boulevard and which has been improved to provide vehicular access between a Street and a Residential Driveway.

**Exterior Side Yard** – means the area between the Street Line and the Dwelling Setback on Lots which have no Rear Lot Line.

**Front Yard** – means the area between the Street Line and the Dwelling Setback.

**Motor Vehicle** – means an automobile, bus, motorized snow vehicle, truck, and any other vehicle propelled or capable of being propelled or driven otherwise than by muscular power. For clarity, a Motor Vehicle includes equipment such as earthmoving equipment and material moving equipment when same are not in use.

**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, except when standing momentarily for the purpose of and while actually engaged in loading or unloading material, merchandise or passengers.

**Recreational Vehicle or RV** – means:

- a. any recreational equipment that provides for short-term occupancy or use for recreation, travel or vacationing which is motorized; or

Appendix B, Page 3 of 5

- b. any recreational equipment that is capable of being towed by a Motor Vehicle and includes but is not limited to: an all-terrain vehicle, boat, pop-up camper, motorized snow vehicle, tent trailer, travel trailer, truck camper and water craft, whether or not the foregoing are on a Trailer.

**Residential Driveway** – means a driveway on a residential Lot which connects the residential Lot to the adjacent Street or Lane and which is not an Unauthorized Residential Driveway and which is used or capable of being used, for parking one or more of a Motor Vehicle, a Recreational Vehicle or a Trailer.

**Street** – means a:

- a. dedicated public highway; and
- b. public lane shown on a registered plan.

**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, save and except that portion which is a Residential Driveway;
- b. an Exterior Side Yard, save and except that portion which is a Residential Driveway; or
- c. the Boulevard, save and except that portion which is a Driveway Apron; or
- d. an Unauthorized Residential Driveway.

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

**Unauthorized Residential 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.

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

- a. Dwelling;
- b. Lane
- c. Lot;
- d. Lot Line;
- e. Rear Lot Line; and
- f. 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 Recreational Vehicle in or on an Unauthorized Area.

2.3 No person shall Park or store a Motor Vehicle, Recreational Vehicle or Trailer, which exceeds 2.7 metres in height and/or 7.6 metres in length, in or on a Residential Driveway, except in accordance with the requirements of the Comprehensive Zoning By-law.

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

**3.0 Offence Provisions**

3.1 Every person who contravenes any provision of this by-law is guilty of an offence.

3.2 All contraventions of this by-law are designated as continuing offences.

3.3 Every person who contravenes any provision of this By-law is, upon conviction, subject to pay the set fine as provided for in the **Provincial Offences Act**, RSO 1990, c. P.33.

**4.0 Other City Remedies**

Appendix B, Page 5 of 5

- 4.1 If a Motor Vehicle, Recreational Vehicle or Trailer is Parked or stored in contravention of this by-law, the City may cause the Motor Vehicle, Recreational 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, Recreational Vehicle or Trailer shall be a lien upon the Motor Vehicle, Recreational 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Daryl Bennett, Mayor

\_\_\_\_\_  
John Kennedy, City Clerk

## Appendix C, Page 1 of 2

### Residential Parking Changes

The City of Peterborough is making changes to its Zoning By-law (By-law 97-123) regarding parking on residential properties and introducing a Front Yard Parking By-law for enforcement purposes.

#### Main changes include:

- Revised requirements for parking on a residential lot.
- Revised regulations for recreational vehicles and trailers.
- Minimum standards for parking spaces in garages and revised driveway regulations.

#### What prompted these changes?

- A large number of residents have brought their concerns about parking in front yards to the City.
- Some changes are being made at this time for more clarity, or to address gaps in the Zoning By-law.

### Contact Information

For more information or comments, please call the City of Peterborough's Planning Division at 705-742-7777 ext.

### Parking on a lot

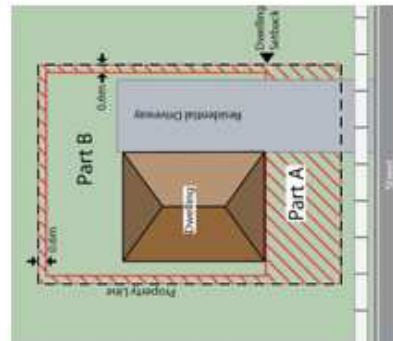
The City has received many complaints about vehicles being parked on lawns and large recreational vehicles being too close to the lot line. Tall vehicles can have a similar effect to a small building. In response, we're proposing the following changes:

#### Size restrictions:

Most motor vehicles will be limited to a length of 7.6m (25'). Recreational vehicles and trailers can be up to 11m (36') in length. Height for all vehicles will be limited to 2.7m (8' 10").

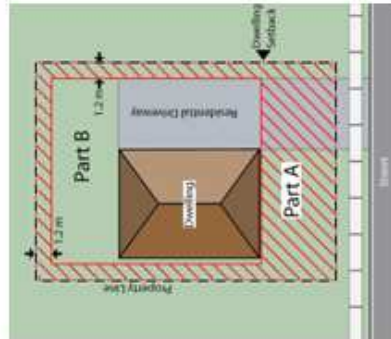
#### All vehicles 7.6m (25') or under:

- Are permitted to park on a driveway in a front yard, but not on the lawn.
- Must be setback at least 0.6m (2') from a property line in a side or rear yard.



### RVs and Trailers longer than 7.6m (25') and up to 11m (36'):

- Are not permitted in a front yard, even if on a driveway.
- Must be setback at least 1.2m (4') from a property line in a side or rear yard.



### The Front Yard Parking By-law

The City of Peterborough will pass a by-law to allow for enforcement of parking violations. Violations will be for parking vehicles in prohibited areas, such as on a front lawn or too close to a lot line. Enforcement will be through set fines and through court action.



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### Garage Design Standards

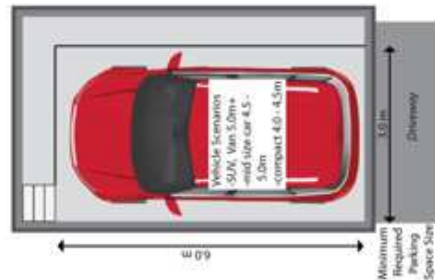
Currently, the minimum size of a parking space in a garage is 2.7m by 5.7m (8' 10" by 18' 9") which is the same size as any other parking space.

With garage walls running along each side of the parking space it becomes difficult to open a car door.

#### The proposal:

In new developments, the minimum size for required parking spaces in a garage will be:

- 3m (9' 10") by 6m (19' 8") for one required space.
- 2.9m (9' 6") by 6m (19' 8") for two or more required spaces.



### Driveway Regulations:

Driveway regulations are changing to provide more clarity, and to make sure that front yards remain landscaped instead of becoming extra driveway space.

#### Design standards:

Driveway width for new development will now be tied to lot width.

- Lots less than 9m (29' 6") wide can have a maximum driveway width of half the width of the lot.
- Lots 9m wide or greater can have a driveway width of half the lot width to a maximum of 6m (19' 8") at the property line. At 1m (3') back from the property line, the maximum width increases to 7.5m (24' 7").
- On a corner lot, the length of the property line that the driveway crosses will be used instead of lot width to determine the maximum driveway width.
- Permeable paving material is now explicitly allowed in the by-law. Previously, hard surfaces had to be impermeable.



### Proposed Zoning By-law Amendment and Front Yard Parking By-law





Appendix D, Page 1 of 4

## **Frequently Asked Questions: Residential Front Yard and Recreational Vehicle Parking**

### **Vehicle Regulations and Parking Location:**

Q 1: When can I park my car, RV, boat, or trailer between the street and my house?

A: When parking on your property, any motor vehicle that has a height of 2.7 metres (8' 10") or less, or a length of 7.6 metres (24' 11") or less can be parked on a driveway in a street facing yard of the property.

Q 2: What if the vehicle is larger than the sizes permitted in a street facing yard?

A: If the height of the vehicle is between 2.7 metres (8' 10") and 4 metres (13' 1"), and/or the vehicle length is between 7.6 metres (24' 11") and 11 metres (36' 1"), then it can be parked in a side yard or rear yard, but it must be setback 0.6 metres (2') from the property line.

Q 3: What about vehicles that are taller than 4 metres (13' 1") or longer than 11 metres (36' 1")?

A: If the vehicle is taller than 4 metres (13' 1") or longer than 11 metres (36' 1") then it can't be parked on a residential property. Vehicles of this size start acting like an additional building on the lot.

Q 4: If I have no more room to park on my driveway, can I park on my lawn?

A: No. Parking on your lawn contravenes the Zoning By-law and, just like parking on the street, you risk getting a ticket. You can park on the street for up to 3 hours before your vehicle needs to be moved. Any lot that is wider than 10 metres (32' 8") is permitted to have a 6 metre (19' 8") wide driveway, though you may need to pay for a curb cut.

### **Enforcement**

Q 5: How can the City ticket a vehicle on my property?

A: The City has a new Front Yard Parking By-law that gives By-law Enforcement staff the authority to ticket a vehicle on private property. The regulations in the Front Yard Parking By-law match the regulations in the Zoning By-law.

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Q 6: How much does the ticket cost?

A: The ticket costs \$35.00 per offence and will appear on the vehicle's license plate when the plate is up for renewal.

Q 7: Aren't there other by-laws for this?

A: No. The City does have a Parking By-law but it only addresses parking within the City's right of way. This is the area between private property lines, not just between the curbs or the sidewalk.

Q 8: How do all of these by-laws work together?

A: There are four by-laws that could apply. For the right-of-way, the Parking By-law applies. On private property, enforcement will be through the Front Yard Parking By-law (which matches the regulations of the Zoning By-law, but allows for ticketing). If the vehicle on private property looks derelict, then the Property Standards By-law would provide enforcement authority instead.

Q 9: How will staff enforce this?

A: Enforcement will be on a complaint basis. Staff will not be out issuing tickets on their own.

Q 10: When will staff start enforcing the Front Yard Parking By-law?

A: Staff is starting to enforce the Front Yard Parking By-law, but will be doing it as a public information campaign first. Instead of tickets, a pamphlet or notice will be left on the offending vehicle to educate the owners. The start date for tickets is still being determined.

Q 11: What if my neighbor is parking a vehicle on their front lawn, or too close to my property line?

A: You can call the Building Division and ask to speak with a By-law Enforcement Officer to make a complaint.

Appendix D, Page 3 of 4

**Parking, Driveway, and Garage Design Regulations**

Q 12: How big will a garage parking space need to be?

A: Garage parking spaces will be required to be 3 metres (9' 10") wide by 6 metres (19' 8") long, and must be built without obstructions like a stairway, landing, or door opening area.

Q 13: What if I put my required parking elsewhere on my lot?

A: New garage parking spaces will still need to be 3 metres (9' 10") by 6 metres (19' 8"), regardless of whether or not they are considered the "required" parking provided under the Zoning By-law. This ensures that the parking space can actually be used to park a vehicle. For existing garages, see Q 17

Q 14: How wide can the garage be?

A: Internally, with the parking space described in Q 11. Externally, the entrance to the garage can be either 55% or 70% of the length of the façade of your house, depending on the width of your lot. This corresponds to a one or two car driveway. The façade length is the length of all street facing walls.

If the lot is less than 10 metres (32' 8") wide, then only 55% of the façade length can be a garage door opening. If the lot is 10 metres (32' 8") or greater, then up to 70% of the façade length can be occupied by the garage door opening. For existing garages, see Q 17.

Q 15: How wide can my driveway be?

A: If your lot is less than 10 metres (32' 8") wide, then your driveway is limited to being half as wide as your lot. If your lot is wider than 10 metres (32' 8") wide, then your driveway can be 6 metres (19' 8") wide. If your lot is wider than 15 metres (49' 2") then you can flare the width of your driveway subject to a 1 metre (3' 3") setback. For existing driveways, see Q. 19.

Q 16: My lot is greater than 15 metres wide, how much can I flare my driveway?

A: If the lot is wider than 15 metres (49' 2") but narrower than 20 metres (65' 7") wide, you can flare the driveway to 40% of the lot width. If your lot is 20 metres (65' 7") or wider, the maximum width for the driveway will be 8.5 metres (37' 10") after it flares. For an existing widened or flared driveway, see Q 19.

Appendix D, Page 4 of 4

Q 17: My property is large, can I have two driveways?

A: Only if your property is 20 metres (65' 7") or wider. The maximum total/combined width for all driveways will be 6 metres (19' 8"). For existing driveways, see Q 19.

Q 18: What if I have a corner lot?

A: A corner lot (or any other lot facing two streets) can have one driveway per street line.

Q 19: What is the status of my existing garage and/or driveway under the Zoning By-law?

A: Your garage and/or driveway could be legal, legal non-complying, or illegal. If your driveway or garage didn't comply with the Zoning By-law when it was built then it is illegal. If your garage or driveway existed legally on October 2, 2017 then it is either legal if it complies with the new regulations, or "legal non-complying" if it does not comply. The City cannot make you change a legal non-complying garage or driveway. If the garage or driveway legally existed, but expanding it now would contravene the Zoning By-law, then it is illegal to expand the garage or driveway.