

Consolidated Clause in Planning and Transportation Committee and Works Committee Joint Report 1, which was considered by City Council on June 27, 28 and 29, 2006.

1

**Residential Front Yard and Boulevard Parking:
Municipal Code Chapter and Policy Considerations and
Residential Front Yard Parking Through Zoning and
Front Yard Parking Permits: Supplementary Report 2 –
Comments from Community Councils and Public Consultation**

City Council on June 27, 28 and 29, 2006, amended this Clause by:

- (1) *referring Parts (B)(3), (B)(4) and (B)(5) contained in Article V, Subsection 918-130, to the General Manager, Transportation Services, with a request that he review the polling procedure with Members of Council and bring forward revised recommendations to the appropriate Standing Committee in September, 2006;*
- (2) *amending Part (A)(4) contained in Article V, Subsection 918-140 by adding the following:*
 - “(i) any responses to legal enquiries respecting purchase and sale clearly indicate that existing front yard parking licences are not transferable and will require a new application from a new owner;*
 - (ii) the response also advise that it is the responsibility of the new owner to ensure that the existing pad was installed legally;*
 - (iii) the application require the owner to waive MFIPPA requirements as a condition of obtaining a permit for a pad; and*
 - (iv) where there is an encroachment agreement, that encroachment be registered on title so that a new purchaser is aware of the conditions applied to the pad.”*

This Clause, as amended, was adopted by City Council.

The Planning and Transportation Committee and the Works Committee recommend that:

- (A) City Council adopt the following staff recommendations in the Recommendations Section of the report (May 19, 2006) from the General Manager, Transportation Services, headed “Residential Front Yard and Boulevard Parking – Municipal Code**

Chapter and Policy Considerations”, as amended by the Planning and Transportation Committee and the Works Committee:

“It is recommended that:

- (1) the existing provisions in by-laws/code chapters, or relevant sections thereof, related to residential front yard, residential driveway widening, residential front yard disabled persons and residential boulevard parking of the former municipalities be consolidated and a new uniform Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, be enacted;**
- (2) authority be granted to submit any Bills required to enact the new Chapter of the City of Toronto Municipal Code, namely Chapter 918, Parking on Residential Front Yards and Boulevards, generally in accordance with Appendix C of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and the General Manager, Transportation Services;**
- (3) at such time as the General Manager, Transportation Services, and the City Solicitor deem appropriate, the existing provisions in the Code Chapters and by-laws, or relevant sections thereof, of the former municipalities as set out below, and any other provisions that may be identified by the General Manager or City Solicitor, that relate to and have been superseded or replaced by the new Code Chapter, be rescinded:**
 - former Municipal Code Chapter 963, Parking Disabled, Boulevard, Residential (York);**
 - former Municipal Code Chapter 955, Parking Boulevard, Residential Area (York);**
 - former Municipal Code Chapter 183, Public Road Allowances, sections 183-17 to 22 (Etobicoke);**
 - former By-law No. 122-93, Being a By-law to License and regulate boulevard parking in residential areas (East York);**
 - former Municipal Code Chapter 248, Parking Licences (Toronto);**
 - former Municipal Code Chapter 400, Traffic and Parking, sections 400-2 (part), 400-9D, 400-9E, and 400-47 to 49 (Toronto);**
 - former Municipal Code Chapter 313, Streets and Sidewalks, sections 313-39, 313-40 and 313-42 (Toronto); and**
 - By-law No. 17307, Being a By-law to Prohibit the parking or driving of vehicles on boulevards (Scarborough);**
- (4) the City Solicitor be given the authority to amend any City By-laws or Code Chapters, or sections therein, which may contain reference to any by-law or Code Chapter, or section therein, which is to be superseded by the proposed Chapter 918 to eliminate and, where appropriate, correct such references;**

- (5) the City Solicitor, in consultation with the General Manager, Transportation Services, be authorized and directed to make application to the Senior Regional Justice of the Ontario Court of Justice for set fines with respect to the offences created by the above-noted proposed Code Chapter 918, Parking on Residential Front Yards and Boulevards, including a \$50.00 set fine per infraction for illegal parking on a boulevard;**
- (6) the City Solicitor, in consultation with the General Manager, Transportation Services, and Chief Planner and Executive Director, City Planning, be instructed to examine the Province's bill for a new City of Toronto Act, to determine whether it would grant Council authority to pass by-laws authorizing, pursuant to permits issued, front yard parking within the City beyond the geographic area of the former City of Toronto, and the authority to charge fees in connection with each permit;**
- (7) in the event it is deemed the authority as may be established in the new City of Toronto Act is not sufficient to enable Council to enact such by-laws as described in Recommendation (6) above, the City Solicitor, in consultation with the General Manager, Transportation Services and Chief Planner and Executive Director, City Planning, be authorized and directed to make application to the Province of Ontario to extend, and make any refinements as they determine necessary to, the special legislation currently applicable only within the geographic area of the former City of Toronto, to convey approval authorities to City Council respecting the regulation of front yard parking;**
- (8) the provisions contained in this proposed Chapter 918 pertaining to boulevards (City property) are applicable to all areas of the City, while the provisions pertaining to front yards (private property) are applicable only to those areas of the City encompassing the geographic area of the former City of Toronto at this time in view of the current legislative constraints, with the following stipulations:**

 - (a) the General Manager shall not accept an application for a licence to park on any portion of the boulevard for residential properties located in Wards 1, 2, 3, 4, 5, 7, 8, 9, 10, 16 (portion outside the former City of Toronto), 23, 24, 25 (portion outside the former City of Toronto), 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44;**
 - (b) for those portions of the following Wards within the geographic area of the former City of Toronto, the General Manager may accept applications for front yard parking (private property and/or boulevard portions) for residential properties, namely Wards 11, 12, 13, 14, 16, 17, 21 (portion north of St. Clair Avenue West), 22, 25, 29 and 31;**

- (c) for those portions of the following Wards within the geographic area of the former City of Toronto, the General Manager shall not accept applications for front yard parking, for residential properties, namely Wards 18, 19, 20, 21 (portion south of St. Clair Avenue West), 27, 28 and 30;
- (d) Ward 32 be included with those areas where front yard parking is permissible, subject to the proposed provisions in Chapter 918, and the temporary moratorium on the acceptance of applications be rescinded;
- (e) Wards 6 and 15 be included with those areas where parking on the boulevard is not permissible and no applications for the licensing of same be accepted; and
- (f) Ward 26 be included in those areas where parking on the front yard and boulevard is permitted, but only for those properties where there is an existing mutual driveway, subject to the provisions of the proposed Chapter 918;
- (9) appeals may be submitted for the consideration of Community Council for properties located in those Wards identified in Recommendation (8)(c) above, namely Wards 18, 19, 20, 21 (portion south of St. Clair Avenue West), 27, 28 and 30 only if the property has no other alternative parking option and all other physical requirements and a favourable poll, are met;
- (10) in the event that future ward boundary realignments result in the area of a ward changing by not more than 20 percent, the General Manager, Transportation Services be authorized to amend the front yard and/or boulevard parking provisions set out in Chapter 918 to reflect the criteria applicable in the majority of the ward, excluding the areas of the current Wards 16 and 25;
- (11) in connection with the introduction of Chapter 918, current Municipal Code Chapter 441, Fees, be amended as necessary to reflect the harmonized terminology contained in Chapter 918, including the following adjustments:

 - (a) the current appeal fee related to applications for parking on residential front yard or boulevard be increased from \$200.00 to \$600.00 (2006 rate), in line with current Committee of Adjustment rates, with such fee to be increased annually by the rate of inflation starting in 2007;
 - (b) an inspection fee be imposed on applications submitted and approved where the parking pad had already been constructed without prior authorization from the City, in the amount of \$500.00 (2006 rate) with

- such fee to be adjusted annually by the rate of inflation starting in 2007;**
- (c) **where it is not feasible for the owner of a residential property approved for parking in the front yard or boulevard to plant a tree in the front yard or boulevard, a planting service fee in the amount of \$550.00 (2006 rate), with such fee to be increased annually by the rate of inflation starting in 2007, be imposed for the planting of a tree on City property in the general area, preferably on the same street;**
- (12) **the General Manager, Transportation Services, shall not give notice of revocation or charge an annual licence renewal fee to residential property owners who currently hold and continue to comply with all requirements of a Special Licence issued by the former Borough of East York pursuant to By-law No. 122-93, until such time as the residential property changes ownership, upon which all applicable provisions in Municipal Code Chapter 918, and fees as described in Municipal Code Chapter 441, Fees, will apply to the new owner;**
- (13) **the General Manager, Transportation Services, in consultation with the General Manager, Toronto Water, report on amendments to Municipal Code Chapter 918 for the purposes of providing greater specificity to the permeable paving material requirements, at such time as conclusions in this regard are available through the ongoing Wet Weather Flow Management Master Plan and Policy;**
- (14) **as a condition of approval of an application for residential boulevard or front yard parking pursuant to Municipal Code Chapter 918, polling of affected residents be conducted in accordance with the general polling procedures recently adopted by Council, with the following specific considerations:**
- (a) **a petition must be submitted by the applicant signed by residents of at least 50 percent of the total number of residential properties having a municipal address on the street block in support of the application before an official poll is initiated;**
- (b) **a polling area be established at 100 metres or to the nearest intersection, whichever is the lesser of the two, on both sides of the street measured from the side property lot lines;**
- (c) **a minimum response rate to a public poll be established at 50 percent;**
- (d) **the approval rating be established at 50 percent of respondents being in favour of an application; and**

- (e) **the results of an official poll, either positive or negative, will be valid for a period of three years, and applicable to any other applicants within the limits of the polling area; in the case of a negative poll, further polling in the subject area will not be undertaken during this period;**
- (15) **staff of Transportation Services and Finance implement the appropriate operating procedures to include all unpaid residential front yard and boulevard parking fees on the property taxes;**
- (16) **following the adoption of the Zoning By-law and Municipal Code amendments to provisions related to front yard parking and requirements for front yard soft landscaping, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services:**
 - (a) **undertake a program to raise public awareness to the new Zoning and Municipal Code requirements and include provision of information to the Toronto Real Estate Board for the use of their members; and**
 - (b) **include a standard condition in all subdivision agreements and site plan agreements for detached, semi-detached, and duplex dwellings and street townhouses to advise new home owners of the zoning requirements concerning front yard landscaping, driveway widenings and residential front yard and boulevard parking;**
- (17) **an advisory notice as developed by the Building Division and Transportation Services to advise property purchasers of the status of front yard parking be included in Building Compliance Reports issued by the City; and**
- (18) **the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”;**
- (B) **the annual front yard parking renewal fee of \$122.04 (2006 rate) be increased by \$21.60 to \$143.64, and subject to CPI provisions contained in the by-law, to accommodate the hiring of four additional by-law enforcement staff (one each per District) to enhance enforcement of front yard parking infractions; and that this recommendation be forwarded to the Budget Advisory Committee for consideration and appropriate notice as part of the 2007 budget process;**
- (C) **the General Manager, Transportation Services may accept applications for front yard parking (boulevard portion) for residential properties in Ward 16, former City of North York portion, east of Avenue Road, south of Brookdale Avenue;**
- (D) **upon the restoration or repaving of a roadway, curbs and boulevards be restored to their legally authorized configuration;**

- (E) **the appropriate City staff include the front yard parking status on City documents that are used in real estate transactions; and**
- (F) **City Council adopt the following staff recommendations in the Recommendations Section of the report (May 15, 2006) from the Chief Planner and Executive Director, City Planning, headed “Residential Front Yard Parking Through Zoning and Front Yard Parking Permits: Supplementary Report 2 – Comments from Community Councils and Public Consultation”:**

“It is recommended that:

- (1) **the Chief Planner and Executive Director, City Planning bring forward zoning by-law amendments for residential front yard parking, driveway dimensions and front yard landscaping for residential lots as set out in Attachment 1 to an upcoming meeting of Planning and Transportation Committee;**
- (2) **a Public Meeting under the Planning Act be scheduled for an upcoming meeting of Planning and Transportation Committee; and**
- (3) **following the adoption of the zoning by-law amendments and Municipal Code amendments to provisions related to front yard parking and requirements for front yard soft landscaping, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services:**
- (a) **undertake a program to raise public awareness to the new zoning and Municipal Code requirements; and**
- (b) **include a standard condition in all subdivision agreements and site plan agreements for detached, semi-detached, and duplex dwellings and street townhouses to advise new homeowners of the zoning requirements concerning front yard landscaping and driveway widenings.”**

Action taken by the Joint Committee:

The Planning and Transportation Committee and the Works Committee requested:

- (i) the Executive Director, Municipal Licensing and Standards and the General Manager, Transportation Services to report to the Planning and Transportation Committee on enforcement strategies to be applied to front yard and boulevard parking, including the points raised in the submission from Alex Murray; and
- (ii) the Executive Director, Municipal Licensing and Standards, in consultation with the General Manager, Transportation Services, to review in one year the hiring of the additional by-law enforcement staff to determine whether four staff are sufficient.

Notice of the proposed fees discussed in the report (May 19, 2006) from the General Manager, Transportation Services was given as required by the Municipal Act, 2001 of Ontario Regulation 244/02 and public notice was posted on the City's Web Site.

The Planning and Transportation Committee and the Works Committee submit the report (May 19, 2006) from the General Manager, Transportation Services.

Purpose:

To recommend Municipal Code Chapter provisions governing parking on boulevards and residential off-street parking in front of the main front wall of a residential building (front yard, boulevard flankage, driveway widening) as adjusted and refined based on comments received from the Community Councils and public consultation meetings. The recommendations and draft by-law contained in the previous November 18, 2005, staff report are amended as necessary (as described in this report), and consolidated below and attached as Appendix C, respectively.

Financial Implications and Impact Statement:

There are no direct financial impacts to the City resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the existing provisions in by-laws/code chapters, or relevant sections thereof, related to residential front yard, residential driveway widening, residential front yard disabled persons and residential boulevard parking of the former municipalities be consolidated and a new uniform Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, be enacted;
- (2) authority be granted to submit any Bills required to enact the new Chapter of the City of Toronto Municipal Code, namely Chapter 918, Parking on Residential Front Yards and Boulevards, generally in accordance with Appendix C of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and the General Manager, Transportation Services;
- (3) at such time as the General Manager, Transportation Services, and the City Solicitor deem appropriate, the existing provisions in the Code Chapters and by-laws, or relevant sections thereof, of the former municipalities as set out below, and any other provisions that may be identified by the General Manager or City Solicitor, that relate to and have been superseded or replaced by the new Code Chapter, be rescinded:
 - former Municipal Code Chapter 963, Parking Disabled, Boulevard, Residential (York);
 - former Municipal Code Chapter 955, Parking Boulevard, Residential Area (York);

- former Municipal Code Chapter 183, Public Road Allowances, sections 183-17 to 22 (Etobicoke);
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 - former Municipal Code Chapter 248, Parking Licences (Toronto);
 - former Municipal Code Chapter 400, Traffic and Parking, sections 400-2 (part), 400-9D, 400-9E, and 400-47 to 49 (Toronto);
 - former Municipal Code Chapter 313, Streets and Sidewalks, sections 313-39, 313-40 and 313-42 (Toronto); and
 - By-law No. 17307, Being a By-law to Prohibit the parking or driving of vehicles on boulevards (Scarborough);
- (4) the City Solicitor be given the authority to amend any City By-laws or Code Chapters, or sections therein, which may contain reference to any by-law or Code Chapter, or section therein, which is to be superseded by the proposed Chapter 918 to eliminate and, where appropriate, correct such references;
- (5) the City Solicitor, in consultation with the General Manager, Transportation Services, be authorized and directed to make application to the Senior Regional Justice of the Ontario Court of Justice for set fines with respect to the offences created by the above-noted proposed Code Chapter 918, Parking on Residential Front Yards and Boulevards;
- (6) the City Solicitor, in consultation with the General Manager, Transportation Services, and Chief Planner and Executive Director, City Planning, be instructed to examine the Province's bill for a new City of Toronto Act, to determine whether it would grant Council authority to pass by-laws authorizing, pursuant to permits issued, front yard parking within the City beyond the geographic area of the former City of Toronto, and the authority to charge fees in connection with each permit;
- (7) in the event it is deemed the authority as may be established in the new City of Toronto Act is not sufficient to enable Council to enact such by-laws as described in Recommendation (6) above, the City Solicitor, in consultation with the General Manager, Transportation Services and Chief Planner and Executive Director, City Planning, be authorized and directed to make application to the Province of Ontario to extend, and make any refinements as they determine necessary to, the special legislation currently applicable only within the geographic area of the former City of Toronto, to convey approval authorities to City Council respecting the regulation of front yard parking;
- (8) the provisions contained in this proposed Chapter 918 pertaining to boulevards (City property) are applicable to all areas of the City, while the provisions pertaining to front yards (private property) are applicable only to those areas of the City encompassing the

geographic area of the former City of Toronto at this time in view of the current legislative constraints, with the following stipulations:

- (a) the General Manager shall not accept an application for a licence to park on any portion of the boulevard for residential properties located in Wards 1, 2, 3, 4, 5, 7, 8, 9, 10, 16 (portion outside the former City of Toronto), 23, 24, 25 (portion outside the former City of Toronto), 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44;
 - (b) for those portions of the following Wards within the geographic area of the former City of Toronto, the General Manager may accept applications for front yard parking (private property and/or boulevard portions) for residential properties, namely Wards 11, 12, 13, 14, 16, 17, 21 (portion north of St. Clair Avenue West), 22, 25, 29 and 31;
 - (c) for those portions of the following Wards within the geographic area of the former City of Toronto, the General Manager shall not accept applications for front yard parking, for residential properties, namely Wards 18, 19, 20, 21 (portion south of St. Clair Avenue West), 27, 28 and 30;
 - (d) Ward 32 be included with those areas where front yard parking is permissible, subject to the proposed provisions in Chapter 918, and the temporary moratorium on the acceptance of applications be rescinded;
 - (e) Wards 6 and 15 be included with those areas where parking on the boulevard is not permissible and no applications for the licensing of same be accepted; and
 - (f) Ward 26 be included in those areas where parking on the front yard and boulevard is permitted, but only for those properties where there is an existing mutual driveway, subject to the provisions of the proposed Chapter 918;
- (9) appeals may be submitted for the consideration of Community Council for properties located in those Wards identified in Recommendation 8(c) above, namely Wards 18, 19, 20, 21 (portion south of St. Clair Avenue West), 27, 28 and 30 only if the property has no other alternative parking option and all other physical requirements and a favourable poll, are met;
- (10) in the event that future ward boundary realignments result in the area of a ward changing by not more than 20 percent, the General Manager, Transportation Services be authorized to amend the front yard and/or boulevard parking provisions set out in Chapter 918 to reflect the criteria applicable in the majority of the ward;
- (11) in connection with the introduction of Chapter 918, current Municipal Code Chapter 441, Fees, be amended as necessary to reflect the harmonized terminology contained in Chapter 918, including the following adjustments:

- (a) the current appeal fee related to applications for parking on residential front yard or boulevard be increased from \$200.00 to \$600.00 (2006 rate), in line with current Committee of Adjustment rates, with such fee to be increased annually by the rate of inflation starting in 2007;
 - (b) an inspection fee be imposed on applications submitted and approved where the parking pad had already been constructed without prior authorization from the City, in the amount of \$500.00 (2006 rate) with such fee to be adjusted annually by the rate of inflation starting in 2007;
 - (c) where it is not feasible for the owner of a residential property approved for parking in the front yard or boulevard to plant a tree in the front yard or boulevard, a planting service fee in the amount of \$550.00 (2006 rate), with such fee to be increased annually by the rate of inflation starting in 2007, be imposed for the planting of a tree on City property in the general area, preferably on the same street;
- (12) the General Manager, Transportation Services, shall not give notice of revocation or charge an annual licence renewal fee to residential property owners who currently hold and continue to comply with all requirements of a Special Licence issued by the former Borough of East York pursuant to By-law No. 122-93, until such time as the residential property changes ownership, upon which all applicable provisions in Municipal Code Chapter 918, and fees as described in Municipal Code Chapter 441, Fees, will apply to the new owner;
- (13) the General Manager, Transportation Services, in consultation with the General Manager, Toronto Water, report on amendments to Municipal Code Chapter 918 for the purposes of providing greater specificity to the permeable paving material requirements, at such time as conclusions in this regard are available through the ongoing Wet Weather Flow Management Master Plan and Policy;
- (14) as a condition of approval of an application for residential boulevard or front yard parking pursuant to Municipal Code Chapter 918, polling of affected residents be conducted in accordance with the general polling procedures recently adopted by Council, with the following specific considerations:
- (a) a petition must be submitted by the applicant signed by residents of at least 25 percent of the total number of residential properties having a municipal address on the street block in support of the application before an official poll is initiated;
 - (b) a polling area be established at 100 metres or to the nearest intersection, whichever is the lesser of the two, on both sides of the street measured from the side property lot lines;
 - (c) a minimum response rate to a public poll be established at 50 percent;

- (d) the approval rating be increased to 60 percent of respondents being in favour of an application; and
 - (e) the results of an official poll, either positive or negative, will be valid for a period of three years, and applicable to any other applicants within the limits of the polling area; in the case of a negative poll, further polling in the subject area will not be undertaken during this period;
- (15) staff of Transportation Services and Finance implement the appropriate operating procedures to include all unpaid residential front yard and boulevard parking fees on the property taxes;
- (16) following the adoption of the Zoning By-law and Municipal Code amendments to provisions related to front yard parking and requirements for front yard soft landscaping, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services:
- (a) undertake a program to raise public awareness to the new Zoning and Municipal Code requirements and include provision of information to the Toronto Real Estate Board for the use of their members; and
 - (b) include a standard condition in all subdivision agreements and site plan agreements for detached, semi-detached, and duplex dwellings and street townhouses to advise new home owners of the zoning requirements concerning front yard landscaping, driveway widenings and residential front yard and boulevard parking;
- (17) an advisory notice as developed by the Building Division and Transportation Services to advise property purchasers of the status of front yard parking be included in Building Compliance Reports issued by the City; and
- (18) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

Background:

The Planning and Transportation and Works Committees convened a joint meeting on November 30, 2005, and considered, among other things, staff reports addressing comprehensive front yard and boulevard parking policy and regulation initiatives. More particularly, the reports focussed on the following aspects of residential front yard parking:

- (1) joint report (November 21, 2005) from the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, providing an overview of the issues and implications of front yard parking across the City;

- (2) report (November 14, 2005) from the Chief Planner and Executive Director, City Planning, proposing amendments to the individual zoning by-laws that address problems related to excessive use of the front yard of a residential lot for ongoing parking; and
- (3) report (November 18, 2005), from the General Manager, Transportation Services, recommending a new consolidated Municipal Code Chapter 918, dealing with boulevard parking issues City-wide and front yard parking issues as they pertain to the former City of Toronto where special legislation governs the permission to park in the front yard of residential properties.

The Joint Committee referred the reports to the Chief Planner and Executive Director and the General Manager, with a request that:

- (a) community consultation on front yard parking be held in each of the four districts; and
- (b) the comments of the four Community Councils be obtained,

and further that the comments from the public consultations and the Community Councils be considered prior to a set of recommendations being brought forward for approval (Clause 5(a), of Report 2 of the Joint Planning and Transportation and Works Committee, received by Council at its meeting of December 5, 6 and 7, 2005).

Community consultation by way of four public meetings, one in each District, was carried out during the week of January 16 to 19, 2006, to seek public input and concerns on the proposed amendments to the zoning by-laws and the City of Toronto Municipal Code to harmonize front yard and boulevard parking regulations across the City. Notification of the community meetings was given through a newspaper advertisement in the Toronto Star on January 4 and 9, 2006. As well, notices were mailed directly to over 620 stakeholders who are registered with the Clerk's office and the zoning by-law project. The zoning by-law project web site has provided people with information, including notice of meetings, on the proposed changes to the front yard parking regulations and a questionnaire to complete. Copies of the staff reports were also available from the web site.

Each of the Community Councils at their meetings of February 7, 2006, were provided presentations by staff and considered deputations and a joint report (January 23, 2006) of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, which provided a summary of the public input and, in conjunction with the above-mentioned comprehensive reports, formed the basis of the Community Councils' deliberations.

Appendix A to this report contains the summary of actions and recommendations of each Community Council.

Comments:

The staff reports, as a co-ordinated package, propose a comprehensive framework of policy initiatives and regulatory regime to harmonize residential front yard and boulevard parking by addressing:

- administrative process;
- dimensional criteria for parking pads and driveways;
- minimum required landscaping in front yard and boulevard;
- relationship with on-street permit parking;
- number and location of parking spaces in the front yard; and
- use of public boulevard for residential parking purposes.

It is noted that the provisions contained in the proposed Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, were developed to be consistent with the Zoning By-law proposals being advanced simultaneously by City Planning. However, we are satisfied that the Code Chapter can be enacted independent of the Zoning By-law amendments.

The previous staff report (November 18, 2005) on the proposed Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, contains a detailed, comprehensive assessment of these matters, and it is not the intent here to repeat the material. In order to provide a context for discussing the refinements now being recommended arising from the Community Council deliberations, it is helpful, however, to provide a brief overview of the principles and effects of the proposed Chapter 918.

The Zoning By-laws, generally speaking, prohibit residential front yard parking except in a driveway. For the majority of the City, front yard parking is not permitted now, nor will it be under the new Chapter 918. It is recognized that there are some areas of the City where there is a legitimate need to consider front yard/boulevard parking, but this is established only as a means of last resort:

- if space is available on-site, it would not be permitted; and
- if on-street permit parking is available, it would not be permitted.

The new Chapter 918 establishes harmonized criteria for considering front yard parking in those areas it is applicable, which are consistent with the proposed Zoning by-law provisions. These criteria reflect enhanced environmental principles – soft landscaping, trees, downspout disconnection – as well as safety and neighbourhood considerations.

The new Chapter 918 results in a greatly simplified regulation, although it does not entirely harmonize the processing of applications. This is why recommendations are being made regarding the expansion of existing legislation that is now applicable only to the area of the former City of Toronto to enable Council to deal with the entire process.

Appendix B of this report provides a summary table of the recommended harmonized criteria for approval of front yard parking applications wholly or partially within the public right-of-way.

The following addresses comments received from the Community Councils on the proposed residential front yard and boulevard parking by-law and recommends adjustments to the proposal based on the actions and recommendations.

(1) Neighbourhood Polling Requirements:

The November 18, 2005, staff report recommended that neighbourhood polling for front yard parking be undertaken only if front yard parking is not currently authorized on a block. Both the Etobicoke York and Toronto and East York Community Councils outlined concerns that this approach would not provide adequate neighbourhood input to decisions authorizing this form of parking.

Currently only the former City of Toronto conducts polls for front yard parking applications. Even then, polls are not conducted for driveway widening applications (i.e., where a curb cut already exists).

In view of the concerns raised by Community Councils, the recommendations respecting polling have been adjusted to be more stringent. This will ensure neighbourhood input on streetscape changes related to residential front yard and boulevard parking. The polling process will be in accordance with the general polling procedures recently adopted by Council with the following specific considerations:

- If a neighbourhood poll is required, a petition must be submitted by the applicant signed by residents of at least 25 percent of the total number of residential properties having a municipal address on the street block in support of the application before an official poll is initiated.
- Polling Area - the polling limit shall consist of residential properties located on both sides of the street from the ends of the side lot lines to a distance of 100 metres or to the nearest intersection, whichever is the lesser of the two.
- Approval - a minimum polling response rate of 50 percent of eligible voters is required. A response rate less than 50 percent shall be deemed a negative poll. Where the minimum response rate has been satisfied and the poll results in a majority (60 percent plus 1 ballot) of those persons casting ballots being in favour of the application, the application shall be approved.
- Where a poll has been conducted for the street block and the results of the poll are favourable, the secrecy of the ballots shall be kept confidential and the results of the poll will be used in connection with each subsequent application for front yard parking on that street block for a period of three (3) years. With respect to re-polling after an unsuccessful poll, a three (3) year moratorium will be in effect from the closing date of the previous poll.

(2) Unpaid Front Yard and Boulevard Parking Licence Fees:

Front yard parking licences are renewed annually. The permit holder receives a bill in the mail through an automated billing system and can pay the annual renewal fee by mail, at most financial institutions, ATM machines, on-line or in person at one of the City's service counters. From a customer perspective, with the automated system several payment options are available that add a great level of convenience.

The current automated system enables staff to maintain up to date detailed information of each licence's activity and generate specific reports based on administrative requirements which is crucial for effective enforcement activity. The current tax roll program currently does not have this capability. To maintain a dual system (i.e., tax roll and Street Allowance Rental) would be more costly, less efficient and result in a more complex inventory control for both the City and the applicant. Major program enhancements to the tax roll system would be required to provide the same reports as the automated system currently used by Transportation Services. These enhancements would be cost prohibitive and would add no value to the program currently operated by Transportation Services.

However, unpaid fees are pursued through by-law enforcement measures. This involves numerous site visits to properties and the issuance of notices, tickets and if required the installation of physical barriers to prevent parking, until such time as payment is remitted. The North York Community Council has recommended that unpaid front yard parking fees and charges be added to the tax roll and be collected in a like manner as taxes. The previous staff report recommended that where the City carried out any work to restore a boulevard due to illegal excavation or erected barriers in the event an owner is in default of paying front yard parking licence renewal fees, the City may recover its costs in a like manner as municipal taxes. The revised draft by-law attached to this report has been clarified to ensure that any unpaid fees can also be collected as taxes.

Under the proposed Code Chapter 918, the total sum of all unpaid fees will be added to the property taxes, which will ultimately result in the City recovering all outstanding fees once the current homeowner completes a transaction of sale of the property. Staff of Transportation Services will work with Finance staff to implement the appropriate operating procedures.

(3) Front Yard and Boulevard Landscaping:

The accompanying report of the Chief Planner and Executive Director, City Planning notes that there was general agreement amongst the Community Councils with the proposed 50 percent landscaped open space provision. In addition, Etobicoke York and North York Community Councils suggested limiting the driveway width to no more than 40 percent of the lot frontage (leaving 60 percent landscaped open space for larger lots).

The Panning report is proposing the following adjustments:

- for lots with a frontage of 6 m to less than 15 m, a minimum of 50 percent of the front yard be maintained as landscaped open space;
- for lots with a frontage of 15 m and greater, a minimum of 60 percent of the front yard be maintained as landscaped open space; and
- landscaped open space is an area that supports the growth of vegetation and includes a walkway, patio or similar area, but does not include a driveway or parking space.

In conjunction, driveway width would be limited to a maximum of 2.6 m on the narrow lots. As previously recommended, a minimum of 75 percent of the front yard/boulevard not covered by the permitted driveway and public sidewalk would be dedicated to soft landscaping. These proposed changes are relatively minor and are reflected in Chapter 918.

(4) Tree Planting Fee:

Currently owners approved for a parking pad within the former City of Toronto are required to plant a tree in the front yard or boulevard of the residential property if feasible and if not feasible to pay a tree planting service fee of \$475.00 (2006 rates) for the planting of a tree in the general area, preferably on the same street. It is recommended that this requirement be extended City wide and the fee be increased to \$550.00, to reflect the current tree planting costs provided by Parks, Forestry and Recreation, with such fee to be increased annually by the rate of inflation starting in 2007, subject to the same criteria.

(5) Enforcement of Illegal Front Yard and Boulevard Parking:

The Toronto and East York Community Council recommended that for a period of at least five years after the enactment of the by-law, if an illegal pad is identified then the owner be given an adequate opportunity to legalise or remove the pad prior to a fine being imposed. On the other hand, the North York Community Council recommended that the City establish a policy that anyone who paves an illegal front yard parking pad not be permitted to install a curb cut for a period of one year or make application for a legal parking pad for six months.

The proposed five-year amnesty period would result in an excessive period of time for homeowners to comply with the By-law requirements. In addition, to prohibit the installation of a curb cut for a period of one year or make an application for a legal parking pad for six months would result in delaying the processing of these applications and subject the homeowners to unnecessary by-law enforcement. Currently when an illegal front yard parking pad is discovered or brought to the attention of staff there is no specific time frame by which the parking pad must be brought into conformity. Each individual property is dealt with on its own merits based on the particular details of that location. The willingness of the property owner to work with staff, the feasibility of the location meeting the by-law requirements, financial constraints of the applicant and the weather conditions all aid in establishing the time period by which compliance must be achieved. The current approach provides flexibility to license and/or remove illegal

front yard parking pads without establishing a minimum or maximum amount of time for compliance.

The existence of an illegal front yard parking pad is most commonly brought to the attention of staff through general inspection patrols, complaints or sidewalk/roadway reconstruction projects. An internal process will be established to ensure that when the City paves or resurfaces a street all properties abutting that street will be notified at least six months prior to the commencement of construction that illegal curb cuts will be removed (as recommended by the Etobicoke York Community Council). All residents will be given the opportunity to verify the status of their parking pads and ensure the current width of their driveways is in accordance with the City's requirements.

It has also been recommended that staff report on options for reducing the inspection fee and/or increasing fines for unlicensed existing parking pads in order to provide an incentive to legalize pads.

Illegal front yard parking pads being brought into conformity require numerous site visits by staff to determine eligibility and ongoing monitoring to ensure compliance with the application. The proposed \$500.00 inspection fee is to recover all associated cost for these inspections. It is therefore recommended that the proposed inspection fee not be reduced for these types of applications.

Currently, enforcement against illegal front yard parking is applied by monitoring the use of illegal front yard parking pads, as opposed to direct enforcement against the physical presence of the pad. Transportation Services staff find that there are locations where vehicle owners repeatedly continue to park illegally on the boulevard. In these circumstances, staff of Transportation Services will issue a parking ticket (pursuant to Part II of the Provincial Offences Act) or arrange to block off the access to the parking area by placing concrete curbstones, back of the sidewalk. These curbstones are only removed when the owner applies for and receives a licence from Transportation Services Division or installs some kind of a barrier, i.e., planters to preclude unauthorized parking.

Provisions in Chapter 918 are included to enable the City to enter into the boulevard or front yard to undertake remedial work in order to bring a site into compliance in the event an illegal parking pad has been installed. These provisions would only be applied in extreme circumstances and only upon providing the owner with a thirty (30) day written notice. If the homeowner does not comply, the General Manager may arrange for barricades or restore the boulevard and/or front yard to its original condition at the owner's expense and the City may recover its costs in a like manner as municipal taxes.

The proposed Chapter 918 includes a general penalty provision for parking within the public right of way without a licence, and constructing or permitting to construct within the boulevard a parking pad without authority. The proposed offence fine of \$500.00 is recommended for constructing a parking pad within the boulevard without authority, subject to approval by the Senior Regional Justice of the Ontario Court of Justice. Infractions for parking on the boulevard without authority pursuant to Part II of the Provincial Offences Act will continue to be \$30.00 (set fine) per infraction.

(6) Mechanism to Inform Purchasers of the Legal Status of Parking Pads:

The previous staff report (November 18, 2005) on the proposed Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, addressed the question of a mechanism of informing purchasers of the legal status of parking pads.

The report noted that it is a common practice among solicitors acting for purchasers and mortgagees of property to write to the City's Building Division prior to completing a purchase or mortgage transaction to request information about the property being purchased or mortgaged, such as what building and zoning by-laws affect the property, whether there are any outstanding work orders or permits affecting the property. There are also requests from solicitors for information from Transportation Services about front yard parking. However, in order to bring the legal status of any parking pads on residential properties to the attention of purchasers and mortgagees it was agreed with the City's Building Division that the following statement would be included in all Building Compliance Reports issued by the City:

“Please note that parking pads located within the front yard and adjoining boulevard of a residential property (and in the case of a corner lot, within the side yard and adjoining boulevard of the flanking street) are prohibited in certain parts of the City and are only permitted in other parts of the City if certain criteria have been met and a valid permit has been issued by the City to the current owner of the property. Such permits cannot be transferred to a new owner. Each new owner of the property must apply to the City for his/her own permit, which, if granted will include the payment of certain fees.

Please contact Transportation Services at the address set out below to determine the legal status and validity of any parking pads that may exist within the front yard and adjoining boulevards of the subject property, if there are currently any unpaid fees and charges, and, if applicable, to apply for a permit to maintain and use such parking pads.”

In addition, staff of Transportation Services met with Mr. Von Palmer, Director, Government Relations, Toronto Real Estate Board, and members of the Board, on a protocol of providing information to Real Estate Agents on the status of parking pads on properties offered for sale. As a result, the Toronto Real Estate Board, as part of their newsletter, will include information on the front yard parking regulations and request their members to consult with Transportation Services prior to a property sale transaction.

(7) Applicability and Appeals:

Chapter 918, similar to existing by-laws, will enable front yard parking licences to be issued administratively in those area where this parking is permitted, if the application meets all criteria established in the Chapter. If an applicant does not meet the criteria, staff cannot issue a licence, but the applicant may appeal to the Community Council. Presently, applications are not accepted, nor are appeals allowed, for front yard parking in seven Wards namely, 18, 19, 20, 21 (south of St. Clair Avenue West), 27, 28 and 30.

The Toronto and East York Community Council has recommended, in light of concerns expressed by some deputants as well as by citizens at the public meetings, appeals be accepted and considered by Community Council in these areas subject to no other alternatives for parking being available and the property meeting all other physical requirements and a favourable poll. These amendments are contained in the revised Chapter 918. Appeals for front yard/boulevard parking, as applicable, in all other Wards may also be considered by Community Council. Such appeals in all Wards would be subject to the physical criteria being satisfied.

North York Community Council has recommended that front yard parking be permitted on those properties in Ward 26 which have mutual driveways and appeals be permitted within Ward 26. These provisions are both covered in the proposed Chapter 918.

Staff of Transportation Services has consulted with the City Solicitor on the City's ability to prohibit appeals of Committee of Adjustment decisions on front yard parking to the Ontario Municipal Board, and appeals under the Municipal Code to Community Councils in the areas of the former City of Toronto. The City Solicitor indicates that, while the special legislation is not entirely clear as to whether it takes away a person's right to apply for either a variance or rezoning, the implementation of the program should continue to require that a permit be obtained as the legal requirement for front yard parking.

(8) Educational Protocol:

There is a need to make existing homeowners aware of the proposed changes to the front yard parking regulations and possible impact on their properties. Frequently homeowners unaware of front yard parking requirements will widen the driveway and remove all or most of the soft landscaping and/or landscaped open space from the front yard. In some instances it is for the purpose of parking one vehicle, but in other instances it is maybe for the purpose of parking a second vehicle or installing decorative stone work or other decorative hard surfaces.

To ensure that homeowners are made aware of the proposed front yard parking regulations and do not inadvertently remove, modify or pave the existing landscaping in their front yard, it is important that the City undertake a public awareness program to advise the residents of the proposed changes.

City staff is currently reviewing various types of notification methods, which may include mass mailings (individual brochure mailings or accompanying utility or property tax mailings), City website and advertisements, to ensure public awareness.

(9) Freedom of Information:

Transportation Services staff is currently in consultation with the Freedom of Information Office in regards to establishing a policy of full disclosure, regarding permit and front yard parking.

(10) Permit Parking:

The current on-street permit parking program addresses parking problems on sections of streets where residential housing does not have sufficient on-site parking or, in some cases, no on-site parking at all. New streets may be introduced in response to individual community parking needs at the request of area residents and Ward Councillors. It is therefore recommended that on-street permit parking should continue to function in response to individual community parking needs.

Conclusions:

City Planning and Transportation Services have prepared comprehensive policy reports proposing amendments to the area municipal zoning by-laws and the front yard parking permit regulations so as to harmonize the regulations across the City and deal with residential front yard and boulevard parking issues. Community meetings have been held on the proposed changes and the proposals were presented to all four Community Councils for their comment. This report incorporates proposed changes in the new consolidated Municipal Code, Chapter 918.

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Appendix A: Community Councils' Actions – February 7, 2006

Appendix B: Summary of Proposed Harmonized Front Yard Parking Criteria

Appendix C: Draft Parking on Residential Front Yards and Boulevards By-law

Appendix A

Community Councils' Actions – February 7, 2006

Note: Following each recommendation, it is noted whether the specific issue is a matter for the Municipal Code Chapter (denoted CH.918) and thus addressed in the Transportation Services report, or for the Zoning By-law (denoted ZBL) and therefore dealt with in the City Planning report. Staff from both Divisions have co-ordinated their responses.

The Etobicoke York Community Council (Report 2, Clause 18(b)) recommended a report to the Joint Planning and Transportation and Works Committee on the following proposals:

- (1) that the minimum driveway width in the former City of Etobicoke be increased to 2.7 metres (approximately 9.0 feet) and that the maximum driveway width be maintained as 6.0 metres (approximately 19.5 feet), irrespective of the size of the garage, subject to the driveway not exceeding 40 percent of the front yard width; (ZBL)
- (2) the feasibility of increasing the polling rate for front yard parking and boulevard parking under the former City of Toronto; (CH.918)
- (3) limiting polling only to the subject application and not to the entire extended area in order to control the proliferation of front yard parking and boulevard parking; and (CH.918)
- (4) in consultation with the City Solicitor, on the City's ability to prohibit appeals of Committee of Adjustment decisions on front yard parking to the Ontario Municipal Board; and appeals under the Municipal Code to Community Councils in the areas of the former City of Toronto. (CH.918/ZBL)

The Etobicoke York Community Council requested the Chief Planner and Executive Director, City Planning, to report to City Council, no later than September 2006, on a process to regulate the paving over of rear yards of detached and semi-detached dwellings for parking purposes. (ZBL)

The North York Community Council (Report 2, Clause 33(i)) referred the following comments:

- (1) staff develop policies that will ensure that prospective purchasers of properties are made aware:
 - (a) of limitations on front yard parking and driveway widening; (CH.918/ZBL)
 - (b) previous approvals and refusals for front yard parking pads, not limited to but including the requirement to pay permit or licence fees; (CH.918)
 - (c) area specific policies including limitations on front yard parking and driveway widening; and (CH.918/ZBL)
 - (d) the Deputy City Manager and Chief Financial Officer be requested to develop a system for attaching relevant information pertaining to these matters to tax certificates; (CH.918)
- (2) staff abandon either/or staff reports and frame the "or" conditions as part of the by-law or policy in the event that Council grants an exemption; (CH.918/ZBL)
- (3) the City collect all front yard parking permit or licence charges under Part XII of the *Municipal Act 2001*, and all unpaid front yard parking fees and charges via the tax roll in a like manner as taxes; (CH.918)

- (4) all current front yard parking by-laws imposed prior to the *Municipal Act 2001*, in the former cities of Toronto, Etobicoke and East York, be amended to insert a provision that future unpaid front yard parking fees and charges will be added to the tax roll and collected in the same manner as taxes; (CH.918)
- (5) the City establish a policy that anyone who paves an illegal front yard parking pad not be permitted to install a curb cut for a period of one year or make application for a legal parking pad for six months; (CH.918)
- (6) the City establish a policy of full disclosure regarding permit and front yard parking fees; such fees not be subjected to Freedom of Information and that a standard condition for securing permits be a requirement to waive protection of privacy requirements; (CH.918)
- (7) when the City paves or resurfaces a street all properties abutting that street be notified at least six months prior to the construction that illegal curb cuts will be closed and that all residents be advised that they should verify the status of their parking pads and ensure that the current width of their driveway is in accordance with City by-laws; (CH.918)
- (8) all existing licensed locations be grandparented and that a moratorium, City-wide, be placed on all applications and appeals until such time as the new by-law has been finalized; (CH.918)
- (9) if a resident refuses to remove an illegal pad, subject to all relevant appeal mechanisms, City staff be authorized to remove the pad and it be charged to the property owner and be added to the tax bill in a like manner as taxes; (CH.918)
- (10) staff be requested to bring forward policies for Front Yard Parking which incorporates the following: (CH.918/ZBL)
 - (a) grandfather all current legal front yard parking structures; (CH.918/ZBL)
 - (b) the driveway may be at least as wide as the garage; (ZBL)
 - (c) establish a principle whereby the property owner can park in the driveway, in front of the garage or on private property, perpendicular to the house; (ZBL)
 - (d) if there is not enough parking space on private property, then allow, through a permit system, for an application to be made for a legal pad parking to the width of the driveway or parking on public property; and (CH.918)
 - (e) staff report on the widening of the driveway up to 40 percent of the frontage of the lot; (ZBL)
- (11) the current Zoning By-law regulations regarding front yard parking be maintained for those areas within the boundaries of the former City of North York, former City of York, former Borough of East York and former City of Toronto, as they apply to the North York Community Council area; (ZBL)

- (12) the Zoning By-law be amended to allow Front Yard Parking on those properties in Ward 26 which have mutual driveways; and (ZBL)
- (13) appeals be permitted within Ward 26, contrary to the Front Yard Parking By-law. (CH.918)

The Scarborough Community Council (Report 2, Clause 9(d)) forwarded the following comments:

- (1) the Scarborough Community Council strongly endorses the proposed Residential Front Yard Parking through Zoning and Front Yard Parking Permits; (CH.918/ZBL)
- (2) requested the Chief Planner and Executive Director, City Planning, to consider ways and means to address side and rear yard parking, and report thereon to the Planning and Transportation Committee; and (ZBL)
- (3) received the following communications:
 - (a) (February 5, 2006) from Shirley E. Baker, requesting the Scarborough Community Council Members to carefully deliberate the pros and cons of residential front yard parking through zoning and front yard parking permits; and (CH.918/ZBL)
 - (b) (February 4, 2006) from Bruce L. and Betty J. Smith, in opposition of residential front yard parking outside of existing approved driveways or on-street parking permits. (CH.918/ZBL)

The Toronto and East York Community Council (Report 2, Clause 51(k)) recommended that:

- (1) the Planning and Transportation and Works Committees be advised of its strong support for the general approach and direction of the proposed changes to the residential front yard parking regulations, and submits the following recommended amendments: (CH.918/ZBL)
 - (a) where residential parking is within an area prohibited for front yard or boulevard parking and where a property has no other alternative parking options, then, subject to the property meeting all other physical requirements including a favourable poll, the General Manager of Transportation Services be authorized to report to the appropriate Community Council on the approval of the application, as suggested by Alex Murray in his communication (February 7, 2006); (CH.918)
 - (b) the General Manager, Transportation Services be requested to review the polling provisions to consider requiring a poll of residents at least every three years even if no licensed parking pad exists on the street; and (CH.918)

- (c) for a period of at least five years after the enactment of the by-law, if an illegal pad is identified then the owner be given an adequate opportunity to legalise or remove the pad prior to a fine being imposed; (CH.918)
- (2) if there is a delay in implementing the proposed changes to the residential front yard parking regulations, that these proposed regulations be applied to Ward 32 and that the moratorium on accepting applications for front yard parking currently in effect in that Ward be lifted; and (CH.918/ZBL)
- (3) a joint meeting of the Planning and Transportation Committee and the Works Committee be scheduled to consider these recommendations. (CH.918/ZBL)

The Toronto and East York Community Council requested the General Manager, Transportation Services to report to the Planning and Transportation and Works Committees on:

- (1) options for reducing the inspection fee and/or increasing fines for unlicensed existing parking pads in order to provide an incentive to legalize pads; (CH.918)
- (2) ways to implement permit parking on streets where no permit parking exists, prior to parking pad applications being considered; (CH.918)
- (3) options for polling taking into consideration the current process in place for Ward 29; and (CH.918)
- (4) an educational protocol which would clearly advise the City's residents on the new procedures when implemented. (CH.918/ZBL)

Appendix B

Summary of Proposed Harmonized Front Yard Parking Criteria

Program Elements	Proposed Harmonized Criteria
Underlying Principles	Zoning generally prohibits parking in the front yard Front Yard Parking is considered as a last resort for unique situations Tighter criteria with an environmental approach
By-law Format	Eight by-laws consolidated into one significantly simplified Chapter Definitions collapsed into one (front yard parking, driveway widening and residential boulevard parking)

Program Elements	Proposed Harmonized Criteria
Applicability	East York - boulevard only (limited applications) York - boulevard only (limited applications) Toronto - boulevard and private property (applications only permitted in some Wards) Etobicoke - boulevard only (not permitted) North York - boulevard only (not permitted) Scarborough - boulevard only (not permitted)
Eligible Applicant	Property owner, agent or occupant
Eligible residential property	Duplex Detached house Semi-detached house Semi-detached duplex Row house Semi-detached triplex Converted house Rowplex Triplex
Front Yard Landscape Requirements	Minimum 50 percent landscaped open space of the front yard and boulevard for lots under 15 m; Minimum 60 percent landscaped open space for lots greater than 15 m (landscaped open space is an area that supports the growth of vegetation, may include a walkway, patio or similar hard surfaced area, but does not include a driveway or parking space); and Minimum of 75 percent of the landscaped open space within the front yard and boulevard, excluding driveway and parking space, to be soft landscaping (soft landscaping is an area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits water infiltration into the ground).
Number of Permitted Front Yard Parking Pads	Only one parking space permitted.
Tree Planting Requirement	Tree to be planted in front yard, or applicant to provide payment in lieu. Cost of \$550.00
Paving Requirements	Permeable paving treatments must be used such as ecostone, turf stone or approved equivalent.
Front Yard Parking Pad Dimensions	Maximum of 2.6 m in width and 5.9 m in length. Minimum of 2.2 m in width and 5.3 m in length.
Downspout disconnection	Downspout must be disconnected where physically feasible at the expense of the applicant
Vehicle Restrictions	Passenger motor vehicles and motorcycles only
Parking Pad Clearance from Adjacent Trees	As per Parks, Forestry and Recreation Services requirements.
Set back requirements	From Fire Hydrant : 2 m From Building Wall : 0.3 m From back of sidewalk : 0.3 m From back of curb (no sidewalk) : 2.0 m Parking at an Angle (back of sidewalk) : 2.0 m

Program Elements	Proposed Harmonized Criteria
Maximum Mutual Driveway Width	2.2 m measured at the narrowest point of the driveway. (It is noted that by definition a private or mutual driveway leads to a parking space behind the main front wall. Accordingly, if the space is physically accessible by a driveway, the property would not satisfy the boulevard/front yard parking criteria).
Maximum Driveway Length	2.0 m measured from back of sidewalk
Permit Parking	Must be on opposite side of the street Must be more than 90 percent subscribed on the block
Polling	To initiate a poll applicant must provide a petition signed by 25 percent of the residential properties on the block in support of the application Minimum 50 percent response rate required for a poll to be deemed valid Minimum 60 percent of respondents must be in favour of the application for approval The results of an official poll, either positive or negative, will be valid for a period of three years
Special Licences (East York)	Annual renewal fee exemption discontinued upon sale of property Annual renewal fee required from new property owners upon transfer of property ownership
Appeal Process	Appeals will be accepted in all Wards, subject to the properties meeting all other physical requirements including a favourable poll
Appeal Fee	Increased to match the Committee of Adjustment appeal fee of \$600.00
Unlicensed Parking Pads	Upon licensing an existing front yard parking pad constructed without authority the applicant must pay an inspection fee of \$500.00
Unauthorized Construction	The property owner must restore the boulevard to Landscaped Open Space or City forces will undertake the work and recover the costs in a like manner as municipal taxes Application to the Province for set fine (\$500.00)
Mechanism to Inform Purchasers of the Legal Status of Parking Pads	The City Building Division will include a statement in the Building Compliance Reports to confirm the status of front yard parking by contacting Transportation Services

Appendix C

Authority: _____ Report No. _____, Clause No. _____, as adopted by
City of Toronto Council on _____, 2006.

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. -2006

**To adopt a new City of Toronto Municipal Code Chapter 918,
Parking on Residential Front Yards and Boulevards**

WHEREAS the former City of Toronto obtained the authority by way of special legislation, that being *The City of Toronto Act, 1980* (c. 126), to pass by-laws authorizing, pursuant to permits issued, front yard parking within the former City of Toronto and the authority to charge fees in connection with each permit;

AND WHEREAS the former City of Toronto obtained the authority by way of special legislation, that being the *City of Toronto Act, 1981*(c.103), to also authorize, pursuant to permits issued to owners of private property, front yard parking for physically handicapped persons;

AND WHEREAS this By-law regulates parking in front yards, as defined herein, only for the geographical area of the former City of Toronto as it existed on December 31, 1997;

AND WHEREAS under Subsection 11(1) of the *Municipal Act, 2001*, the City may pass by-laws respecting matters within the sphere of jurisdiction of highways, including parking and traffic on highways;

AND WHEREAS under Subsection 9(3) of the *Municipal Act, 2001*, a by-law passed under Section 11 may regulate or prohibit respecting the matter and may require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

AND WHEREAS under section 391 of the *Municipal Act, 2001*, the City may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it and for the use of its property including property under its control;

AND WHEREAS, pursuant to section 427 of the *Municipal Act, 2001*, if a municipality has authority by by-law to direct or require that a matter or thing be done, the municipality may, in the same or another by-law, direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing this matter or thing from the person directed or required to do it and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

AND WHEREAS public notice of the proposed fees was given as required by section 14 of Ontario Regulation 244/02 under the *Municipal Act, 2001* and posted on the City's web site;

AND WHEREAS under section 425 of the *Municipal Act, 2001*, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the *Municipal Act, 2001* is guilty of an offence;

AND WHEREAS under section 446 of the *Municipal Act, 2001*, section 425 of the *Municipal Act, 2001* applies to by-laws passed by the Council of a municipality under any other general or special Act except as otherwise provided in that Act.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following chapter:

Chapter 918

PARKING ON RESIDENTIAL FRONT YARDS AND BOULEVARDS

ARTICLE I General Provisions

§ 918-01. Definitions.

- A. A term not defined in this section shall have the same meaning as the term has in the Highway Traffic Act and its regulations and/or its successors.
- B. As used in this chapter, the following terms shall have the meanings indicated:

AGENT - A person authorized in writing to act on behalf of the owner.

ANNUAL RENEWAL FEE - The yearly fee payable to the Treasurer of the City of Toronto for use of a front yard parking pad that is contained entirely or partially within the boulevard.

APPLICANT - A person applying for a front yard parking licence to park a motor vehicle on the boulevard and/or front yard of a residential property.

BOULEVARD - That part of the highway that is not used, or intended to be used, for motor vehicle travel by the general public, and that is situated between the travelled portion of the roadway and the adjoining private property, excluding the sidewalk.

DISABLED PERSONS PARKING PERMIT - A valid disabled person parking permit issued by the Ministry of Transportation under the provisions of the Highway Traffic Act.

DRIVEWAY - Private driveway or mutual driveway.

FORMER CITY OF TORONTO - The geographical area of the City of Toronto as it existed on December 31, 1997.

FRONT YARD - That portion of private property which is located:

- (1) between the front wall of a residential building on such private property and the abutting public highway; and
- (2) in the former City of Toronto;

FRONT YARD PARKING - The parking of a motorcycle or private passenger motor vehicle, excluding trucks, vans, campers or other oversize vehicles, in a front yard where the parking is prohibited by a City by-law.

FRONT YARD PARKING LICENCE - The Licence issued by the General Manager, authorizing the construction, maintenance and use of a front yard parking pad.

FRONT YARD PARKING PAD - That portion of the boulevard and/or front yard which has been constructed in accordance with the provisions of this chapter and licensed for the purpose of parking a motor vehicle by the owner or occupant.

GENERAL MANAGER - The General Manager of Transportation Services Division and his or her designate or successor.

PUBLIC HOLIDAYS – For the purpose of this Chapter, the following days are defined as Public Holidays: New Year’s Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day (Canada), Christmas Day, Boxing Day; or any day designated by City Council as a designated holiday, with the exception of Easter Monday and Remembrance Day.

LANDSCAPED OPEN SPACE - The area of the boulevard or front yard that supports the growth of vegetation and may include a walkway, patio or similar area, but does not include a driveway, front yard parking pad or the sidewalk.

LICENCE - A permit.

MOTOR VEHICLE - Motorcycle or private passenger motor vehicle, excluding trucks, vans, campers or other oversize vehicles.

MUTUAL DRIVEWAY - A driveway benefiting the owners of two adjoining residential properties, intended to provide vehicular access between a street or lane and a parking space located behind the main front wall of the dwelling and is evidenced by a right of way.

OCCUPANT - The person residing in the residential property for which an application has been made for a front yard parking licence.

OWNER - The registered owner(s) of the residential property, registered on title at the Land Registry Office.

PARKING PLATE - An official marking device issued by the City, authorizing parking on the front yard parking pad.

PERMEABLE PAVING - Permeable paving material or equivalent material satisfactory to the General Manager, designed to minimize surface water runoff to the sewer system.

PRIVATE DRIVEWAY - The portion of a residential property, which is intended to provide vehicular access between a street or lane and a parking space located behind the main front wall of the dwelling.

PRIVATE PROPERTY - Property other than municipal property.

RESIDENTIAL BUILDING - A converted house, a detached house, a duplex, a row house, a rowplex, a semi-detached house, a semi-detached duplex, a triplex or a semi-detached triplex as defined in the applicable zoning by-law, which is used for residential purposes.

RESIDENTIAL PROPERTY - A parcel of land within the City on which a residential building has been constructed.

SIDEWALK - The portion of a highway that is improved for the exclusive use of pedestrians.

SOFT LANDSCAPING - The area of the boulevard or front yard that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits water infiltration into the ground, but soft landscaping does not include above-ground pots and/or planters which are readily moveable.

TERMS OF FRONT YARD PARKING LICENCE - The standard terms and conditions of approval of the front yard parking licence, as set out in this chapter.

TREASURER - The Treasurer of the City of Toronto or his or her successors.

- C. A reference to a Ward in this chapter is to that Ward as defined in Ontario Regulation 438/02.

(Reserved 918-02 to 918-09)

ARTICLE II Restrictions

§ 918-10. Boulevard.

- A. No person shall construct, install or maintain all or a portion of a front yard parking pad on the boulevard unless the person has:
- (1) Obtained the consent of the City;
 - (2) Obtained all applicable permits required by the City;
 - (3) Paid all applicable fees as required by the City; and
 - (4) Entered into and is in compliance with an agreement in a form and content satisfactory to the City Solicitor and the General Manager.
- B. No person shall park any motor vehicle on any boulevard unless parking is authorized under this chapter or any other provision but this will not prevent parking of a motor vehicle within the confines of that portion of the boulevard within a private driveway, provided that no motor vehicle may be parked in the driveway less than 0.3 metre from the back edge of the sidewalk, or where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the roadway.
- C. Despite any other provisions of this chapter or the provisions of any other City by-law, no person shall park any motor vehicle on that portion of the boulevard that is situated between the travelled portion of the roadway and the sidewalk.
- D. No person shall drive any motor vehicle on any boulevard except for the purpose of parking on a licensed front yard parking pad, or except for the purpose of directly crossing a boulevard at a driveway or other designated crossing.
- E. Despite any other provisions in this chapter, no person shall park any motor vehicle on a licensed front yard parking pad on the boulevard unless there are displayed on the motor vehicle parking plates, in the manner prescribed by law:
- (1) Number plates issued in accordance with the provisions of the Highway Traffic Act, showing the number of the permit issued by the Province of Ontario for the motor vehicle, and there is affixed to a number plate displayed on the motor vehicle, in the prescribed manner, evidence of the current validation of the permit; or
 - (2) Number plates issued in accordance with the laws of another jurisdiction and there is affixed to the number plate displayed on the motor vehicle, in the prescribed manner of the jurisdiction, evidence of the current validation of the permit, where so required by that jurisdiction.

(Reserved 918-11 to 918-19)

§ 918-20. Front yard.

- A. No person shall park any motor vehicle in any front yard unless parking is authorized under this chapter or any other by-law provision.
- B. Despite any other provisions in this chapter, no person shall park any motor vehicle on a licensed front yard parking pad in the front yard unless there are displayed on the motor vehicle in the manner prescribed by law:
 - (1) Number plates issued in accordance with the provisions of the Highway Traffic Act, showing the number of the permit issued by the Province of Ontario for the motor vehicle and there is affixed to a number plate displayed on the motor vehicle, in the prescribed manner, evidence of the current validation of the permit; or
 - (2) Number plates issued in accordance with the laws of another jurisdiction and there is affixed to the number plate displayed on the motor vehicle, in the prescribed manner of the jurisdiction, evidence of the current validation of the permit, where so required by that jurisdiction.

(Reserved 918-21 to 918-29)

§ 918-30. Limitations.

- A. The General Manager shall not accept a front yard parking application for a licence for more than one motor vehicle, or for an additional vehicle where the property is currently licensed.
- B. Despite any other provision of this chapter, where the City has removed the front yard parking pad and restored the boulevard and/or the front yard at the property owner's request, the owner and the subsequent owners may not apply to reinstall a front yard parking pad for a period of five years from the date of restoration.
- C. No front yard parking licence shall be issued for parking in front of the main front wall of a building for any property designated as CR, MCR, RA, in the applicable City zoning by-law.

(Reserved 918-31 to 918-39)

ARTICLE III Applicability

§ 918-40. Front yard parking prohibited.

- A. The General Manager shall not accept an application for a licence to park on any portion of a boulevard for residential properties located within Wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16 (portion outside former City of Toronto), 23, 24, 25 (portion outside former City of Toronto), 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44.
- B. The General Manager shall not accept a front yard parking application for front yard parking for residential properties located within the area of the former City of Toronto in Wards 18, 19, 20, 27, 28, 30 and that portion of Ward 21 (located south of St. Clair Avenue West).
- C. The General Manager shall not accept a front yard parking application for residential properties located within Ward 26, which do not have an existing mutual driveway.
- D. In the event that future Ward boundary realignments result in the area of a Ward changing by not more than 20 percent, the General Manager shall be authorized to amend the front yard parking provisions to reflect the criteria applicable in the majority area of the Ward, including the introduction of any necessary Bills in Council.

(Reserved 918-41 to 918-49)

§ 918-50. Grandparenting.

If, prior to the coming into force of this chapter, a front yard parking licence has been issued or was approved for issuance, the licence shall be governed by the regulations in effect at the time of issuance or approval of the licence as long as the conditions of approval at the time of issuance or approval continue to be complied with and any required fees are paid in accordance with Municipal Code Chapter 441, Fees.

(Reserved 918-51 to 918-59)

§ 918-60. Canadian National Exhibition temporary parking.

None of the provisions of this chapter shall prohibit the temporary parking of motor vehicles on the boulevard or front yard from the opening date to the closing date, inclusive, of the Canadian National Exhibition, on the public highways designated in Column 1 below between the limits set out in Column 2:

Column 1	Column 2
Cowan Avenue	Springhurst Avenue and the south end
Spencer Avenue	Springhurst Avenue and the south end

Springhurst Avenue Fort Rouille Street and Dunn Avenue

Thorburn Avenue Entire length
(North Side)

Tyndall Avenue Thorburn Avenue and the south end

(Reserved 918-61 to 918-69)

ARTICLE IV **Application for a Front Yard Parking Licence**

§ 918-70. Front yard parking.

- A. An application for a front yard parking licence shall be on the form prescribed by the General Manager and shall include the following:
- (1) Name, address and telephone number of the applicant;
 - (2) Copy of motor vehicle registration;
 - (3) Copy of property deed and survey; and
 - (4) A detailed landscape proposal, which shall include:
 - (a) Plans which must be drawn to scale and scale must be noted on plans;
 - (b) All relevant dimensions;
 - (c) All highway names and municipal addresses;
 - (d) All physical details of the property such as utilities, sidewalks, walkways, trees, fences, retaining walls, etc.;
 - (e) North arrow;
 - (f) Property lines; and
 - (g) Location of proposed front yard parking pad.
- B. The General Manager shall not accept an application for a front yard parking pad for a residential property with a private driveway.

- C. A front yard parking pad may not be licensed for a residential property:
- (1) Fronting on a Major Arterial Road as contained in the City's Road Classification System or a highway that is an extension or connecting link of the King's Highway;
 - (2) Fronting on a highway where on-street permit parking is authorized on the same side of the highway, fronting the proposed front yard parking pad; and
 - (3) If on-street permit parking is in effect on a highway block and is less than 90 percent subscribed, front yard parking will not be permitted regardless of the side of the highway where the residential property is located.
- D. The owner of a residential property with no existing driveway may apply for a front yard parking licence under this section, provided:
- (1) The residential property is located on a highway which is under the jurisdiction of the City of Toronto;
 - (2) The applicant shown on the application is the owner of the residential property, and proof of ownership is satisfactory to the General Manager;
 - (3) The applications include a landscape plan satisfactory to the General Manager;
 - (4) The applicant has paid a non refundable application fee, which represents the City's costs for polling, providing the parking plate, administrative, survey and inspection services;
 - (5) On-site parking is neither available nor feasibly accessible, by means of a driveway or a contiguous street or lane;
 - (6) The residential property is either permitted under the applicable zoning by-law or a legal non-conforming use;
 - (7) The General Manager shall not accept a front yard parking application unless three years have passed since a public poll has been conducted which resulted in a negative response; and
 - (8) The owner of a residential property submitting the application for a front yard parking licence relinquishes his/her on-street permit parking permit, if in possession, to obtain a front yard parking licence.
- E. The owner or occupant in possession of a valid disabled persons parking permit submitting an application for front yard parking under this section must permanently reside at the residential property in connection with the application being made.

- F. Despite any other provisions in this chapter, the owners of adjoining residential properties with an existing mutual driveway having a maximum width of 2.2 metres measured at the narrowest point may submit joint front yard parking applications to use one curb ramp to service two front yard parking pads.
- G. Despite any other provision in this chapter, the owner of a residential property with an existing mutual driveway having a maximum width of 2.2 metres measured at the narrowest point may submit an application to the General Manager for a front yard parking licence, provided all conditions outlined in this chapter have been complied with.
- H. The owner of a residential property with an existing driveway leading to an integral garage, which has been eliminated in accordance with the provisions of the applicable City of Toronto zoning by law, may make an application to the General Manager for a front yard parking licence to allow parking only on the existing driveway, as modified to comply with the provisions of this chapter.

(Reserved 918-71 to 918-79)

ARTICLE V

Front Yard Parking Licence Issuance

§ 918-80. Conditions - General.

The owner shall not commence construction of the front yard parking pad until being notified in writing by the General Manager that approval has been granted and the owner has obtained the required construction and paving permit and shall:

- A. In the case of front yard parking for a corner property on the flank the General Manager may, in his or her sole discretion, require the person to whom approval has been granted to install a barrier, having a maximum height of 0.8 metre provided along the side of the front yard parking pad, that will serve to contain the parking in the authorized area and provide adequate sightlines;
- B. The front yard parking pad shall be constructed in compliance with all conditions outlined in § 918-90;
- C. The owner shall complete construction of the front yard parking pad within six months of obtaining permission from the General Manager, unless an extension is granted;
- D. Upon completion of construction to the satisfaction of the General Manager, approval shall be granted for the installation of a curb ramp from the traveled portion of the street;
- E. The installation of a curb ramp to access the front yard parking pad or pads for joint applications shall be provided by the City with the full cost being borne by the applicant;
- F. For a front yard parking pad containing one parking space, the curb ramp shall not be more than 2.6 metres in width;

- G. In the case of a joint application for a curb ramp servicing two parking spaces, the curb ramp shall not be more than 3.05 metres in width; and
- H. Once the owner has paid the applicable fees in this chapter and as set out in the City of Toronto Municipal Code Chapter 441, Fees, the General Manager shall approve the front yard parking licence and issue a parking plate to the owner.

(Reserved 918-81 to 918-89)

§ 918-90. Conditions - Parking area.

Unless otherwise provided in this chapter, no person shall construct, maintain or use a front yard parking pad which is not in accordance with the following:

- A. The front yard parking pad shall be constructed to slope upward at a two percent to six percent gradient from the rear edge of the sidewalk or curb, where no sidewalk exists, to the private property.
- B. The proposed front yard parking pad must be paved with permeable paving material.
- C. The width of the front yard parking pad shall not be less than 2.2 metres and not more than 2.6 metres, except for a front yard parking pad licensed to the holder of a disabled persons parking permit which shall not be more than 3.66 metres in width.
- D. The total length of the front yard parking pad shall not be less than 5.3 metres and not be more than 5.9 metres.
- E. Any driveway leading to a front yard parking pad shall be a maximum of 2.0 metres in length measured from the rear edge of the sidewalk or, where no sidewalk exists, the face of the curb or edge of the roadway and maximum of 2.6 metres in width.
- F. No motor vehicle shall be parked less than 0.3 metres from:
 - (1) The back edge of the public sidewalk;
 - (2) Any door of any residential building, measured perpendicular to the door;
 - (3) The bottom step of any stairs;
 - (4) Any basement or ground floor window in any residential building, measured perpendicular to the window, and in the case of a basement window, the front of the motor vehicle shall face the main front wall of the residential building; or
 - (5) Any portion of any wall of any residential building containing any window in the second or higher floor, measured perpendicular to the portion of wall.

- G. No portion of the front yard parking pad shall be located closer than 2.0 metres from a fire hydrant without prior written approval of the Fire Chief for the City of Toronto, which approval may be refused if, in the opinion of the Fire Chief, such an exception may detrimentally affect access to the fire hydrant.
- H. The proximity of the front yard parking pad to any intersection shall be to the satisfaction of the General Manager.
- I. The front yard parking pad shall be situated perpendicular to the adjacent sidewalk and, where there is no sidewalk, perpendicular to the face of the curb or edge of the travelled portion of the roadway.
- J. Despite Subsection I. an angled front yard parking pad may be permitted only where an obstruction or obstructions such as fire hydrants, trees, and hydro poles or the front yard and or boulevard is not deep to accommodate the motor vehicle from being parked perpendicular to the adjacent sidewalk or curb.
- K. The General Manager may approve parking other than perpendicular, provided the front yard parking pad is located no closer than 2.0 metres to the rear edge of the sidewalk or, where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the travelled portion of the roadway.
- L. In the case of a mutual driveway, the proposed front yard parking pad cannot be located within the existing mutual driveway, but shall be constructed adjacent to the mutual driveway, while maintaining the existing grade of the mutual driveway.
- M. The licensed portion of the boulevard or front yard shall not be more than that required to establish a legal front yard parking pad.

(Reserved 918-91 to 918-99)

§ 918-100. Conditions - Landscaped open space.

- A. A minimum of 50 percent of the boulevard and front yard must be maintained as landscaped open space for lots less than 15 metres.
- B. A minimum of 60 percent of the boulevard and front yard must be maintained as landscaped open space for lots greater than 15 metres.
- C. A minimum of 75 percent of the boulevard and front yard must be maintained as soft landscaping.
- D. The remaining 25 percent of this area will be permitted as hard surface such as walkways, patios, and other hard surface areas provided that these areas cannot be used, or in the opinion of the General Manager, are capable of being used for vehicle parking purposes.

- E. Hard surface paving areas must be separated from driveways, front yard parking pads and walkways by means of a permanent physical barrier.
- F. Walkways located on the boulevard from the back edge of the sidewalk or back of curb to the property line, shall not have a width greater than 1.05 metres.

(Reserved 918-101 to 918-109)

§ 918-110. Conditions - Tree planting.

- A. The applicant must in writing and to the satisfaction of the General Manager of Parks, Forestry and Recreation guarantee the health of a tree or trees in accordance with the requirements of the City of Toronto Municipal Code, Chapter 813, Trees, and accept all costs and responsibility for any injury to a tree or trees that may be caused by the granting of the front yard parking licence.
- B. No tree will be removed for the purpose of the front yard parking.
- C. The applicant agrees and undertakes in writing to plant a tree, as directed by the General Manager on the boulevard fronting or in the front yard of the residential property for which the licence is being sought at the applicant's expense and to the satisfaction of the General Manager of Parks, Forestry and Recreation.
- D. If the applicant has not planted a tree on the boulevard fronting or in the front yard of the residential property for which the licence is being sought and after a written notice to the owner by the General Manager providing 30 days' notice to plant a tree, the City will plant a tree at the applicant's expense and the tree planting service fee will be added to the tax roll and collected in the same manner as taxes.
- E. If the General Manager of Parks, Forestry and Recreation determines it is not feasible for the planting of a tree on the boulevard fronting or in the front yard of the residential property for which the licence is being sought the applicant must pay a tree planting service fee for planting of a tree, on City property in the general area, preferably on the same street as outlined in the City of Toronto, Municipal Code Chapter 441, Fees.

(Reserved 918-111 to 918-119)

§ 918-120. Condition - Downspout disconnection.

Where the building roof drains to the sewer where physically feasible, the applicant shall disconnect the building roof water down spouts, at the applicant's expense, to the satisfaction of the General Manager of Toronto Water Services.

(Reserved 918-121 to 918-129)

§ 918-130. Conditions - Polling.

- A. Where an application has been made and filed under § 918-70, the General Manager shall certify the eligibility of the application with respect to the requirements of this chapter.
- B. Where the applicant otherwise complies with all requirements of this chapter, and where no other poll has been conducted within the last three years with negative results, the General Manager shall conduct a poll to determine neighbourhood support of the application, in accordance with Municipal Code Chapter XXX, Polling and Notification Procedures, with the following specific requirements:
- (1) Where a poll is required for front yard parking, a petition must be submitted by the applicant signed by residents of at least 25 percent of the total number of residential properties having a municipal address located on both sides of the highway from the ends of the side lot lines to the nearest intersection indicating their initial support of the application before a poll is initiated;
 - (2) The polling limit shall consist of the residential properties located on both sides of the highway from the ends of the side lot lines of the residential property to a distance of 100 metres or to the nearest intersection, whichever is the lesser of the two distances;
 - (3) A minimum polling response rate of 50 percent of eligible voters is required;
 - (4) A response rate less than 50 percent shall be deemed a negative poll;
 - (5) Where the minimum response rate has been satisfied and the poll results in at least 60 percent of those persons casting ballots being in favour of the application, the poll shall be deemed a favourable poll;
 - (6) Where a poll has been conducted on a highway and the results of the poll are favourable, the secrecy of each ballot shall be kept confidential and the results of the poll shall be used in connection with each subsequent application for front yard parking on that block of the highway; and
 - (7) Where the results of the poll are negative, repolling for the same purpose may not take place until three years have passed from the closing date of the previous poll.

(Reserved 918-131 to 918-139)

§ 918-140. Licensing.

- A. Where adequate space for parking cannot be provided on private property behind the main front wall of the residential building, and the owner of the residential property has submitted an application and satisfied all conditions in this chapter, the owner will be required to enter into an agreement with the City of Toronto in a form satisfactory to the City Solicitor and General Manager to license a portion of the boulevard or front yard, if:

- (1) The applicant agrees in writing to indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the permission granted under the agreement for the parking of a motor vehicle on the licensed front yard parking pad or anything done or neglected to be done in connection with this front yard parking;
 - (2) An annual renewal fee is paid if the front yard parking pad extends in whole or in part onto the boulevard as outlined in the City of Toronto, Municipal Code Chapter 441, Fees;
 - (3) The applicant upon request to terminate the agreement and cancel the licence will be reimbursed the remaining portion of the term of the agreement;
 - (4) The applicant acknowledges, in writing, that the agreement is not transferable from one owner to another and that a new owner of a residential property in connection with which the front yard parking is authorized shall enter into a new agreement with the City in order to continue a front yard parking licence for the front yard parking pad; and
 - (5) The applicant acknowledges, in writing, that the City has the right for any reason, without liability, to terminate the agreement and the licence on 30 days' written notice from the General Manager.
- B. Every licence shall be in writing and shall:
- (1) Describe any area for which it is issued;
 - (2) Describe the front yard parking pad or any part of the pad as to measurements and alignment; and
 - (3) Describe any class of motor vehicle for which it is issued.
- C. The General Manager shall grant a front yard parking licence in accordance with this chapter provided the terms of front yard parking licence, which includes a sketch of the front yard parking pad approved by the General Manager.

(Reserved 918-141 to 918-149)

§ 918-150. Parking plate.

- A. A parking plate shall be issued by the General Manager to the applicant which shall be firmly attached to the front wall of the building or on the face of an appurtenance to the front wall of the building at a height of not more than 1.83 metres from grade.
- B. No person shall improperly acquire a parking plate for front yard parking.

- C. No person shall use a parking plate issued under 918-150 unless the licence is used in accordance with this section.
- D. No person shall use, other than in the manner provided for in this section a parking plate issued in connection with a front yard parking licence.
- E. The parking plate shall be located as close as possible to the front yard parking pad and, in all cases, at a location which at all times is visible from the roadway.

(Reserved 918-151 to 918-159)

§ 918-160. Renewal.

- A. Every front yard parking licence granted pursuant to this chapter shall expire on the 31st day of December in the calendar year that such front yard parking licence was granted.
- B. An owner or occupant who has been granted a front yard parking licence pursuant to this chapter may, on or before the 1st day of January of the calendar year following the year in which the front yard parking licence was granted or renewed, as the case may be, renew the front yard parking licence by paying the annual renewal fee.
- C. Where a property owner or occupant fails to submit payment to the City of Toronto for the annual renewal fee, as required under this section, the City may recover the fees in a like manner as municipal taxes.

(Reserved 918-161 to 918-169)

§ 918-170. Transfer.

A front yard parking licence may be transferred to a new property owner provided:

- A. There has not been any change to the originally approved and licensed front yard parking pad;
- B. The new owner has submitted and filed an application with the General Manager;
- C. The new owner has entered into a new agreement with the City of Toronto in a form satisfactory to the General Manager; and
- D. The new owner has paid the non refundable transfer fee as described in City of Toronto, Municipal Code Chapter 441, Fees.

(Reserved 918-171 to 918-179)

§ 918-180. Cancellation.

- A. When an owner of a residential property in connection with which a front yard parking licence has been issued under this chapter decides to voluntarily relinquish the front yard parking licence, the City after having receipt of a letter of consent from the owner of the property to permit the General Manager to work on the front yard and or boulevard the City, at its own expense, agrees to:
- (1) Plant a City tree in the boulevard in front of the house where feasible;
 - (2) Re-sod the boulevard area; or
 - (3) Re-sod the boulevard and front yard parking area;
 - (4) Remove the curb cut;
 - (5) Provide free downspout disconnection service where feasible;
 - (6) Offer a free water conservation audit to the property owner; and
 - (7) Provide one year's free on-street permit parking, for one vehicle in the household.
- B. The General Manager may revoke or terminate a front yard parking licence and, where applicable, remove the parking plate upon 30 days' written notice by the General Manager to the owner, upon any of the following grounds:
- (1) Failure to comply with any provision of this chapter;
 - (2) Failure to comply with the terms of front yard parking licence;
 - (3) Failure to pay the annual renewal fee for the front yard parking licence;
 - (4) The front yard parking licence was obtained on the basis of false, misleading or incorrect information;
 - (5) The residential building using the front yard parking pad has been demolished and parking is required to be provided on site in accordance with the applicable zoning by-law;
 - (6) The property is no longer a residential property; and
 - (7) The boulevard is required for any municipal purpose.
- C. Upon revocation or termination of the front yard parking licence for any reason set out in subsection B, the owner shall discontinue the use of the front yard parking pad and shall replace and restore the front yard parking pad to a safe and proper condition to the satisfaction of the General Manager within 30 days of receiving written notice and pay the costs incurred by the City to remove the curb ramp.

- D. Despite revocation or termination of the front yard parking licence, no portion of the annual renewal fee shall be refunded.
- E. A front yard parking licence issued to the owner or occupant in possession of a disabled persons parking permit under this chapter shall automatically cease to remain in force and the permission granted under it will be cancelled immediately following the cessation of permanent occupancy of the residential dwelling by a disabled person.
- F. Upon the cessation of permanent occupancy of the residential building by the owner or occupant in possession of a disabled persons parking permit, the owner of the property shall, at his or her expense, replace and restore the boulevard to a safe and proper condition to the satisfaction of the General Manager within 30 days of receiving written notice, unless subsequently approved for regular front yard parking under this chapter and pay the cost incurred by the City of removing the curb ramp.
- G. A front yard parking licence issued to the holder of a disabled person parking permit under this section shall be cancelled if the holder of the front yard parking licence obtains a designated on-street disabled parking space.

(Reserved 918-181 to 198-189)

ARTICLE VI

Refusal of an Application

§ 918-190. Refusal.

The General Manager shall refuse to issue a front yard parking licence if:

- A. There is an existing valid front yard parking licence or permission for a front yard parking pad on the residential property pursuant to this chapter or any predecessor by-law;
- B. A widened mutual driveway is proposed and the residential property owner has applied for a front yard parking pad to be constructed, other than, adjacent to the mutual driveway;
- C. An application is based on, or an applicant has, a temporary disabled persons parking permit; and
- D. The General Manager determines that the application does not comply with the criteria set out in this chapter or where the poll referred to in § 918-130 results in a majority of those persons casting ballots not being in favour of the application.

(Reserved 918-191 to 918-199)

ARTICLE VII **Appeals**

§ 918-200. Appeal.

- A. Subject to § 918-40 A, C and D, where the General Manager refuses to accept an application, approve the issuance of a front yard parking licence or grant permission under this chapter, an applicant may appeal to the applicable Community Council, as per the appeal process below:
- (1) The applicant submits in writing to the General Manager a request for an exemption to this chapter, detailing the reasons for the appeal accompanied by a landscape proposal as outlined in § 918-70 A(4).
 - (2) The applicant has paid a non-refundable appeal fee as outlined in the City of Toronto Municipal Code Chapter 441, Fees.
 - (3) The Clerk shall notify all residents as enumerated on the current assessment roll, as revised, having a municipal address located on both sides of the highway from the ends of the residential property's lot lines to the nearest intersection.
 - (4) The General Manager shall prepare a report based on the appeal for consideration by the appropriate Community Council and for the hearing of depositions.
 - (5) Residents on the highway within the polling limits shall be notified by the City Clerk of the hearing date and given the opportunity to depose the matter to the appropriate Community Council.
 - (6) Community Council shall recommend to Council whether to grant or refuse the application for exemption to this chapter, and Council may direct the General Manager to issue a front yard parking licence, subject to compliance with conditions as may be set by Council.
- B. This section shall apply to residential properties located in the area of the former City of Toronto in Wards 18, 19, 20, 27, 28, 30 and that portion of Ward 21 (located south of St. Clair Avenue West), subject to meeting all other physical criteria.

(Reserved 918-201 to 918-209)

ARTICLE VIII **Maintaining Parking Area**

§ 918-210. Using boulevards for municipal purposes.

Nothing in this chapter shall prevent the General Manager from altering, opening or otherwise using any boulevard for municipal purposes.

(Reserved 918-211 to 918-219)

§ 918-220. Property owner's responsibilities.

- A. The owner and occupant shall maintain the front yard parking pad for which a front yard parking licence has been granted in a safe and clean condition free from all defects and hazards.
- B. The property owner at his/her expense, shall:
 - (1) Maintain the grassed portion of the boulevard and front yard trimmed to a height of not more than 20 centimetres.
 - (2) Maintain in a good state of repair permitted paving, landscape and encroachments, and vegetation shall be maintained in a healthy and vigorous growth.
 - (3) Maintain the boulevard and front yard free of litter, rubbish, brush, leaves, lawn trimmings, tree trimmings and noxious weeds as defined by the Federal Noxious Weed Act.
 - (4) Prune and trim hedges, trees, shrubs, and maintain natural gardens, except for those planted by the City, to maintain a minimum vertical clearance of 2.5 metres above the sidewalk, and 5.0 metres above the roadway so that there is no encroachment on or over:
 - (a) A sidewalk; and
 - (b) A roadway where there is no sidewalk.
 - (5) Maintain pedestrian sightlines at intersections, driveways, sidewalks, walkways, travel lanes, and ensure visibility at all traffic control devices is not restricted by vegetation or other modifications to the boulevard that the property owner may undertake.
- C. Maintain an unobstructed 2.0 metres radius around fire hydrants or fire hydrant valves or as approved by the Fire Chief for the City of Toronto.
- D. Shrubs, hedges, maintained natural gardens, flowers and other plantings located within the boulevard shall not be more than 0.8 metre in height measured from the travelled portion of the adjoining roadway.
- E. Snow cleared from any front yard parking pad shall not be placed on any sidewalk or traveled portion of the roadway.

(Reserved 918-221 to 918-229)

ARTICLE IX

Fees

§ 918-230. Fees for front yard parking privileges.

Unless otherwise stipulated in an agreement, every person whose motor vehicle is situated in, on, over, along, or across a boulevard for the purpose of front yard parking shall pay any applicable fees and charges, as described in this chapter and in an amount as outlined in the City of Toronto Municipal Code, Chapter 441, Fees.

(Reserved 918-231 to 918-239)

§ 918-240. Fees for property information requests.

Where a request is received for information on the status of a front yard parking pad licence with respect to a residential property, a non-refundable property information fee, in an amount outlined in the City of Toronto Municipal Code, Chapter 441, Fees shall be charged, and payment of this fee shall be required prior to providing the requested information.

(Reserved 918-241 to 918-249)

§ 918-250. Fees for unlicensed front yard parking pads.

Where a residential property owner has submitted an application to license an existing front yard parking pad constructed without authority, the applicant shall pay an inspection fee, as outlined in the City of Toronto Municipal Code, Chapter 441, Fees, prior to the issuance of a licence.

(Reserved 918-251 to 918-259)

ARTICLE X

Enforcement and Penalties

§ 918-260. Enforcement, administration and conflict with other legislation.

- A. Where any person paves, excavates or undertakes work within the boulevard, without approval under this chapter, the General Manager shall provide the owner with 30 days' written notice to restore the boulevard to its original condition, and if after the 30 days the owner does not comply, the General Manager may erect barricades or restore the boulevard to its original condition at the person's expense, and the City may recover its costs in a like manner as municipal taxes.
- B. Where the owner of a residential property with a front yard parking licence is in default of front yard parking licence renewal fees, the General Manager shall provide the owner with 30 days' written notice for payment of fees and if after the 30 days' notice the owner still is in default of the front yard parking licence renewal fees, the General Manager may

erect barricades or restore the boulevard to its original condition at the owner's expense, and the City may recover its costs in a like manner as municipal taxes.

(Reserved 918-261 to 918-269)

§ 918-270. Offence.

Every person who contravenes any provision of this chapter is guilty of an offence.

(Reserved 918-271 to 918-279)

**ARTICLE XI
Transition**

§ 918-280. Transition.

- A. Effect on other Residential Front Yard and Boulevard Parking By-laws/codes.
- (1) Despite this Chapter, Chapter 400 of the former City of Toronto Municipal Code (Traffic and Parking), Chapter 313 of the former City of Toronto Municipal Code (Streets and Sidewalks), Chapter 248 of the former City of Toronto Municipal Code (Parking Licences), By-law No. 122-93 of the former Borough of East York, being a by-law "To license and regulate boulevard parking in residential areas", Chapter 183-17 of the former City of Etobicoke (Public Road Allowances), Chapter 955 of the former City of York (Parking Boulevard, Residential Area), Chapter 963 of the former City of York (Parking Disabled, Boulevard Residential), By-law No. 17307 of the former Borough of Scarborough, being a by-law "To prohibit the parking or driving of vehicles on boulevards" (hereinafter collectively referred to as the "Parking on Residential Front Yards and Boulevards Chapter"), shall remain in force until expressly repealed.
 - (2) In the event of any conflict between any one or more of the Residential Front Yard and Boulevard Parking By-laws and this Chapter, this Chapter shall govern.
- B. Section 1 of this chapter shall be effective 90 days after the date of the first approved set fine order from the regional Senior Justice of the Ontario Court of Justice for the offences created by this chapter.

The Planning and Transportation Committee and the Works Committee also submit the report (May 15, 2006) from the Chief Planner and Executive Director, City Planning.

Purpose:

To bring forward proposed zoning by-law changes on residential front yard parking after considering comments from each Community Council and from recent public meetings as requested by the Joint Planning and Transportation and Works Committee, at its meeting of November 30, 2005.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the Chief Planner and Executive Director, City Planning bring forward zoning by-law amendments for residential front yard parking, driveway dimensions and front yard landscaping for residential lots as set out in Attachment 1 to an upcoming meeting of Planning and Transportation Committee;
- (2) a Public Meeting under the Planning Act be scheduled for an upcoming meeting of Planning and Transportation Committee;
- (3) following the adoption of the zoning by-law amendments and Municipal Code amendments to provisions related to front yard parking and requirements for front yard soft landscaping, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
 - (a) undertake a program to raise public awareness to the new zoning and Municipal Code requirements; and
 - (b) include a standard condition in all subdivision agreements and site plan agreements for detached, semi-detached, and duplex dwellings and street townhouses to advise new home owners of the zoning requirements concerning front yard landscaping and driveway widenings.

Background:

The Joint Planning and Transportation and Works Committee convened a meeting on November 30, 2005, and considered, among other things, staff reports addressing comprehensive front yard and boulevard parking policy and regulation initiatives. More particularly, the reports focused on the following aspects of residential front yard parking:

- (1) joint report (November 21, 2005) from the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, providing an overview of the issues and implications of front yard parking across the City;

- (2) report (November 14, 2005) from the Chief Planner and Executive Director, City Planning, proposing amendments to the individual zoning by-laws that address problems related to excessive use of the front yard of a residential lot for ongoing parking; and
- (3) report (November 18, 2005), from the General Manager, Transportation Services, recommending a new consolidated Municipal Code Chapter 918, dealing with boulevard parking issues City-wide and front yard parking issues as they pertain to the former City of Toronto where special legislation governs the permission to park in the front yard of residential properties.

The Joint Committee referred the reports to the Chief Planner and Executive Director and the General Manager, with a request that:

- (a) community consultation on front yard parking be held in each of the four districts; and
- (b) the comments of the four Community Councils be obtained,

and further that the comments from the public consultations and the Community Councils be considered prior to a set of recommendations being brought forward for approval (Clause 5(a) of Report 2 of the Joint Planning and Transportation and Works Committee, received by Council at its meeting of December 5, 6 and 7, 2005).

Community consultation by way of four public meetings, one in each District, was carried out during the week of January 16 to 19, 2006. In addition, Community Councils dealt with the matter of front yard parking at their meeting of February 7, 2006. This report provides a summary of the comments from the Community Councils and public meetings. Both Toronto and East York and Etobicoke York Community Councils recommended that staff report to a joint meeting of the Planning and Transportation Committee and the Works Committee on the proposals adopted by the various Community Councils.

Comments:

City Planning staff proposed a number of zoning by-law changes to address issues related to driveway size, front yard parking and front yard landscaping.

- Regulate the minimum and maximum size of driveways. This would provide for a single width driveway on all lots. On lots with a frontage of 10.7 m and greater where two parking spaces are located behind the front wall of the building, a double driveway can be achieved. On lots with a frontage of 24 m and greater where a triple car garage has been built, a triple wide driveway can be provided.

The proposed driveway width regulations address the issues that wider driveways have a detrimental impact on neighbourhood streetscapes caused by increase in hard surfaces and loss of landscaped open space. Wider driveways also reduce the opportunity for storm water to infiltrate into the ground thereby increasing water runoff into the storm sewer system.

- Require a minimum of 50 percent of the front yard to be maintained as landscaped open space in order to limit the amount of driveway area and minimize stormwater runoff.
- Require a minimum of 75 percent of the front yard not covered by a driveway to be maintained as soft landscaping in order to provide for a large amount of trees, grass, shrubs and other permeable landscaping in the front yard.
- Permit one parking space on the driveway in tandem to a parking space located behind the main front wall of a building. This would regulate the number and location of parking spaces on a driveway in the front yard.

The proposed regulations would standardize residential front yard parking across the City.

(1) Community Consultation:

On January 16, 17, 18 and 19, 2006, community meetings were held in each of the four Community Council areas to garner public input and concerns on proposed amendments to the zoning by-laws and the City of Toronto Municipal Code to harmonize front yard and boulevard parking regulations across the City. Approximately 80 members of the public attended the four community meetings. Notification of the community meetings was given through a newspaper advertisement in the Toronto Star on January 4 and 9, 2006. As well, notices were mailed directly to over 620 stakeholders who are registered with the Clerk's office and the zoning by-law project. The zoning by-law project web site has provided people with information, including notice of meetings, on the proposed changes to the front yard parking regulations and a questionnaire to complete. Copies of the staff reports were also available from the web site. Over 90 people have submitted comments through the zoning web site.

The following is a summary of the comments from the community meetings and the web consultation process:

- The majority of residents support an increase in the minimum landscaped open space and soft landscaping requirement for the front yard and support staff's efforts for their environmental approach to preserving green space.
- Most comments support reducing hard surface areas in the front yard, and increasing the amount of soft landscaping through street trees and other vegetation in order to make our front yards and streets more attractive.
- There is general support to regulate the width of driveways and limit the location and number of parking spaces permitted in the front yard.
- Many residents have expressed concerns with the City's lack of enforcement and response to complaints dealing with illegal front yard parking on private property and parking problems related to illegal rooming houses.
- Residents in Wards 21 and 26, where front yard parking is currently prohibited, have expressed concerns that they cannot obtain a front yard parking licence.

- Some residential property owners are of the opinion that it is not possible to standardize the front yard parking regulations across the City, as some areas have their own unique parking situations. They indicate that since the current reality is people have two vehicles, therefore the front yard parking by-law should provide a minimum of two parking spaces per property.
- Many people have raised concerns with the number of cars being parked in the front yard, on lawns, driveways and across the City boulevard. A few people have questioned whether the City should be regulating how many vehicles can be parked on a driveway.
- Some people indicated that people have cars and they need to park somewhere. The City does not provide enough on street parking.

(2) Comments from Community Councils:

Each of the four Community Councils dealt with the residential front yard and boulevard parking policy and regulation proposals at their meeting of February 7, 2006. Overall, Toronto and East York Community Council and Scarborough Community Council strongly supported the proposed regulations. There was general support from all the Community Councils for the proposed landscaping regulations. But the Community Councils provided differing comments with respect to the proposed regulations on driveway dimensions and parking in the front yard. North York Community Council wanted the current zoning by-law regulations regarding front yard parking to be maintained.

As there was no consensus on the proposal to regulate the location and number of parking spaces on the driveway, staff suggest that this matter not be dealt with at this time. The current regulations in the area municipal zoning by-laws dealing with parking in front of the main wall of the house will remain in place. Staff propose to go forward with zoning regulations dealing with landscaping and driveway dimensions. These regulations will address concerns relating to widening of driveways, amount of hard surface and loss of landscaped open space in the front yard and will also assist in reducing the amount of driveway area available for parking.

(2.1) Front Yard Landscaping:

There was general agreement on the proposed 50 percent landscaped open space regulation. In addition, Etobicoke York Community Council and North York Community Council suggested limiting the driveway width to 40 percent of the lot frontage which would translate to a 60 percent landscaped open space requirement for larger lots. Based on these comments, it would be possible to adopt the following regulations City-wide:

- for lots with a frontage of 6 m to less than 15 m, a minimum of 50 percent of the front yard be maintained as landscaped open space;
- for lots with a frontage of 15 m and greater, a minimum of 60 percent of the front yard be maintained as landscaped open space; and

- landscaped open space is an area that supports the growth of vegetation and includes a walkway, patio or similar area, but does not include a driveway or parking space.

These proposed requirements recognize existing regulations by limiting the amount of driveway and other hard surface areas in the front yard using a sliding scale based on the frontage of the lot. A lot with a larger frontage on a street would be required to provide a higher percentage of landscaped open space. Lots with a frontage less than 6.0 m would not be subject to the same landscaping requirements as larger lots since that approach would conflict with the requirement to provide parking on the lot. Instead, to reduce the amount of hard surface in the front yard on these narrow lots, driveways would be limited to a maximum width of 2.6 metres.

As previously recommended, the following new regulation should be added in order to achieve a large amount of soft landscaping in the front yard:

- A minimum of 75 percent of the front yard not covered by a permitted driveway shall be soft landscaping (an area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits water infiltration into the ground).

This new provision would ensure that much of the required front yard landscaping is permeable while still allowing for up to 25 percent of the area to be used for walkways leading to front or side doors of a house.

(2.2) Driveway Dimensions:

There was no consensus amongst the four Community Councils on regulations to limit the size of driveway. Etobicoke York Community Council and North York Community Council supported maintaining the 6 metre maximum driveway width regulation found in the Etobicoke and North York zoning by-laws. Toronto and East York Community Council and Scarborough Community Council supported the proposal to regulate the size of driveway based on the number of parking spaces located behind the front wall of the house. For example, a lot with a single garage would be limited to a single width driveway. A lot with two parking spaces located behind the front wall of the building would be permitted a double width driveway provided the landscaped open space regulation was complied with.

Based on the direction of the Community Councils, staff suggest the following driveway width regulations:

Driveway minimum width of 2.6 metres.

Driveway widths maximums:

- lots with a frontage less than 6 metres: 2.6 metres
- lots with a frontage of 6 metres to 23 metres: 6.0 metres
- lots with a frontage greater than 23 metres: 9.0 metres

provided the landscaping requirements mentioned above can be met.

In addition, in the case of Toronto, East York, York and Scarborough By-laws, the driveway cannot exceed the width of the parking spaces (garages) located behind the front wall of the building.

(2.3) Mutual Driveways:

North York Community Council commented that the zoning by-law be amended to allow front yard parking on those properties in Ward 26 (former Leaside and part of East York) which have a mutual driveway. The Leaside Zoning By-law does not permit parking in the front yard. There are many properties across the City that have mutual driveways. Mutual driveways were permitted as a means of increasing the size of a building on the lot while accommodating parking in the rear yard. Across the City, all lots with mutual drives are forced to park in the rear yard rather than on the driveway.

In some areas, owners can apply to the Committee of Adjustment to deal with a request to widen the driveway so as to park in the front yard. In the former City of Toronto, the front yard parking permit process is available to address this issue. A front yard parking permit could be considered if the mutual driveway has a maximum width of 2.2 m. The Committee of Adjustment route is an option currently available to residents in Ward 26 and is the recommended approach to such circumstances at this time. If the proposed changes to extend the front yard parking permit process across the City are adopted and the City of Toronto legislation is amended, the permit process would also be available for use in Ward 26.

(2.4) Side Yard and Rear Yard Parking:

Scarborough and Etobicoke York Community Councils requested that staff address side yard and rear yard parking and report on a process to regulate the paving over of rear yards of detached and semi-detached dwellings. Parking in the side and rear yards and paving over of rear yards deal with a number of different types of regulations including:

- amount of landscaped open space on the lot and in the rear yard;
- type of surface material in the side and rear yard;
- number of vehicles that can be parked in the side and rear yard;
- types of vehicles that can be parked in the side and rear yard; and
- driveway dimensions in the side and rear yard.

The review will include a comparison of the different standards in the area municipal zoning by-laws, identification of the problems and options to address these matters and a review of the implications of creating harmonized regulations. This will be incorporated as part of the zoning by-law project and the results included when the new harmonized zoning by-law comes forward.

(2.5) Public Awareness:

North York Community Council commented that staff develop policies that will ensure that prospective purchasers of properties are made aware of limitations on front yard parking and driveway widening. Staff agree that it is important to undertake a public awareness program to advise residents of the City of the front yard parking regulations. In addition, for developments

involving a subdivision agreement or site plan agreement, the agreement offers an opportunity to raise awareness of this issue.

The staff report dated November 21, 2005, recommended that following adoption of the zoning by-law amendments and Municipal Code amendments to provisions related to front yard parking and front yard soft landscaping, that City Planning and Transportation Services staff:

- (a) undertake a program to raise public awareness to the new zoning and Municipal Code requirements; and
- (b) include a standard condition in all subdivision agreements to advise new home owners of the zoning requirements concerning front yard landscaping and driveway widenings.

It is also appropriate to include such a condition in site plan agreements which involve detached, semi-detached, duplex dwellings and street townhouses.

Conclusions:

City Planning and Transportation Services have prepared comprehensive policy reports proposing amendments to the area municipal zoning by-laws and the front yard parking permit regulations so as to harmonize the regulations across the City and deal with residential front yard and boulevard parking issues. Community meetings have been held on the proposed changes and the proposals were presented to all four Community Councils for their comment. This report brings forward proposed zoning by-law changes on residential front yard parking after considering the comments arising from the community meetings and from the Community Councils.

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Attachment:

Attachment 1: Proposed Zoning By-law Regulations

Attachment 1

Proposed Zoning By-law Regulations

Front Yard Landscaping:

- For lots with a frontage of 6 m to less than 15 m, a minimum of 50 percent of the front yard be maintained as landscaped open space.
- For lots with a frontage of 15 m and greater, a minimum of 60 percent of the front yard be maintained as landscaped open space.
- Landscaped open space is an area that supports the growth of vegetation and includes a walkway, patio or similar area, but does not include a driveway or parking space.
- A minimum of 75 percent of the front yard not covered by a permitted driveway shall be soft landscaping (an area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits water infiltration into the ground).

Driveway Dimensions:

Driveway minimum width of 2.6 metres.

Driveway widths maximums:

- lots with a frontage less than 6 metres: 2.6 metres
- lots with a frontage of 6 metres to 23 metres: 6.0 metres
- lots with a frontage greater than 23 metres: 9.0 metres

provided the landscaping requirements mentioned above can be met.

In addition, in the case of Toronto, East York, York and Scarborough By-laws, the driveway cannot exceed the width of the parking spaces (garages) located behind the front wall of the building.

The Planning and Transportation Committee and the Works Committee also considered communications from the following:

- (May 26, 2006) from David E. Bawden, President, York Mills Ratepayers' Association;
- (May 29, 2006) from Robyn Gladstone;
- (May 29, 2006) from Matt Appleby;

- (May 29, 2006) from Dylan Gerard; and
- (May 30, 2006) from Eric Porter, Toronto Fair Parking.

The following persons addressed the Joint Planning and Transportation Committee and Works Committee:

- Joe D'Abramo, Manager, Policy and Research, City Planning and Kyp Perikleous, Supervisor, Right of Way Management, Transportation Services and gave a Power Point presentation on Front Yard Parking, particular with respect to the Zoning Regulations and Licensed Parking Pad Regulations;
- Alex Murray, South Rosedale Ratepayers Association, and filed a written submission;
- Terry Bryk, on behalf of the York Mills Ratepayers' Association;
- Alan Burke, President, East Beach Community Association;
- Councillor Jane Pitfield, Ward 26, Don Valley West;
- Councillor Kyle Rae, Ward 27, Toronto Centre-Rosedale; and
- Councillor Doug Holyday, Ward 3, Etobicoke Centre.