

TORONTO STAFF REPORT

November 21, 2005

To: Joint Planning and Transportation Committee and Works Committee

From: Chief Planner and Executive Director, City Planning Division and
General Manager, Transportation Services

Subject: Residential Front Yard Parking Through Zoning and Front Yard Parking Permits

Purpose:

This report summarizes how front yard parking is currently regulated in the City and how the reports from the City Planning Division and Transportation Services Division propose to coordinate changes to front yard parking regulations throughout the City.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that:

- (1) 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 to advise new home owners of the zoning requirements concerning front yard landscaping and driveway widenings.

Background:

There are two reports before the Joint Committee meeting discussing the issue of front yard parking. One report has been prepared by the City Planning Division and concerns proposed 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. The second report has been prepared by Transportation Services and deals 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 lots. This report is a summary of the individual reports prepared so as to provide an overview of the issue in general across the City.

Comments:

Intent of Current Zoning Practice Regarding Front Yard Parking

Zoning by-laws are historically the tool used to regulate the location of the required parking space on a lot. The existing zoning by-laws of the former municipalities generally all prohibit front yard parking with the exception of the former City of North York. North York, which requires two parking spaces for a residential single and semi-detached dwelling and allows both of those parking spaces to be located on a driveway in the front yard. The front yard is generally defined as that area across the entire width of a lot, lying between the front property line and the front main walls of a building on the lot.

Issues in Current Zoning Practice Regarding Front Yard Parking

The issue of front yard parking can be considered in two categories:

- lots containing houses built before comprehensive zoning by-laws were passed and;
- lots containing houses built after comprehensive zoning by-laws were passed

For most houses built before the current comprehensive zoning bylaws were enacted, the issue relates to the accommodation of what amounts to a 'parking pad' for one vehicle, literally in the front yard of the house, where no driveway, garage or opportunity for either exists.

For those houses built after the introduction of the comprehensive zoning by-laws, the issue relates to the widening of driveways to accommodate an excessive amount of vehicles in front of the main wall of the building. The zoning by-laws require a minimum number of parking spaces, usually one per grade related unit, but do not limit the maximum. With many houses having been built with only one garage, many homeowners have widened their driveways to accommodate additional parking in the front of the house.

Like the other former municipalities, the City of Toronto zoning by-law requires a parking space for each residential unit and does not permit front yard parking other than 'casual parking' in a driveway.

For Etobicoke, Scarborough, York, East York, North York, and former Toronto prior to 1981, the ability to park in the front yard was possible only through a site specific rezoning or an application to the Committee of Adjustment for a variance, which frequently was appealed to the OMB.

City of Toronto Act Authority – Front Yard Parking

In 1981, special Provincial legislation granted the former City of Toronto authority to implement an alternative permit process, separate from the Planning Act, for the granting or refusing of front yard parking on the private portion of a property where it is not allowed through the zoning by-law.

Under the Act, the former City of Toronto may pass by-laws authorizing, pursuant to permits issued, front yard parking within the municipality or any defined area or areas thereof, and may establish conditions to be met for the issuance of a front yard parking permit, for lots in those areas of the City where front yard parking is prohibited in the zoning by-law. The Act also enables a by-law passed under this section to provide in conjunction with front yard parking, for the use of part of the untravelled portion of the public highway (i.e., boulevard) abutting the private property.

The City of Toronto Act defines:

Front Yard:

means that portion of private property located between the front wall of a residential building on such private property and the abutting public highway.

Front Yard Parking:

means the parking of a private passenger motor vehicle or motorcycle in a front yard where such parking is prohibited by a by-law of the Corporation.

The former City of Toronto chose to add additional conditions for the issuance of a front yard parking permit. The net effect of all the conditions is to limit front yard parking, under the by-law passed under the City of Toronto Act, to lots for which:

- front yard parking is not permitted in the zoning by-law;
- no driveway exists or parking space currently exists;
- no parking space is otherwise feasible on the lot; and
- the ward, community or area has agreed to allow front yard parking.

Municipal Act Authority - Boulevard Parking

The authority for each former municipality to regulate the parking of a vehicle partly or entirely within a boulevard comes from the Municipal Act. This enables the municipality to issue a license or permit to allow individuals to park on City-owned property.

Coordinating Front Yard Parking Under the Proposed Zoning By-law Amendments and New Municipal Code Chapter (See Figure 1)

Coordinating the use of the Planning Act, the Municipal Act and the City of Toronto Act authorities over the single issue of front yard parking will help ensure interpretation and enforcement of the front yard parking regulations by the use of similar language and standards.

To this extent, the changes proposed for front yard parking in the zoning by-laws and the new Municipal Code Chapter are intended to function as follows:

- Zoning By-laws will continue to require a parking space to be provided on each lot as currently regulated in the various zoning by-laws.
- Zoning By-laws will be amended to permit one parking space to be located on a driveway and entirely in the front yard of the lot only when a parking space is provided behind the main wall (in tandem).
- Zoning By-laws will continue to provide an exemption for parking spaces in the front yard of certain former municipalities when a parking space cannot be provided in compliance with the zoning by-law and when a lot has been constructed prior to a specific date.
- Permits will continue to be issued where appropriate for parking on the boulevard portion of the right-of-way pursuant to the new Municipal Code Chapter, under the authority of the Municipal Act, but in a manner consistent with the requirements and conditions for front yard parking permits under the City of Toronto Act. To that extent, permits for parking partly or entirely in the boulevard may be issued where:
 - a) front yard parking is not permitted in the zoning by-law;
 - b) no driveway or parking space currently exists;
 - c) no parking space is otherwise feasible on the lot and;
 - d) the ward, community or area has agreed to allow front yard parking.
- Extension of the enabling City of Toronto Act legislation will be sought for the entire City in order to extend the authorities under the new Municipal Code Chapter to regulate front yard parking in those areas of the City it is appropriate to do so.
- Regulations of front yard parking under this special legislation will continue to be applied in the new Municipal Code Chapter to those areas of the former City of Toronto where it currently exists.
- Front yard parking permits issued pursuant to the new Municipal Code Chapter should be limited to residential lots where:

- a) front yard parking is not permitted in the zoning by-law;
- b) no driveway or parking space currently exists;
- c) no parking space is otherwise feasible on the lot; and
- d) the ward, community or area has agreed to allow front yard parking.

Public Awareness

An associated issue with the restriction on front yard parking and the requirement for a percentage of the front yard to be 'soft landscaped', is the need to make existing homeowners aware of these standards. Frequently homeowners unaware of zoning requirements will widen the driveway and remove all or most of the soft landscaping from the front yard. In some instances it is for the purpose of parking, but in other instances it maybe for the purpose of installing decorative stone work or other decorative hard surfaces.

To ensure that the soft landscaping is maintained and not inadvertently removed or reduced, it is important that the City undertake a public awareness program to advise the residents of the City.

In addition, for new green field development, subdivision agreements offer an opportunity to raise awareness and advise new homeowners of the restrictions and concerns with widening driveways or with reducing the required soft landscaping in the front yard.

Conclusions:

Zoning by-laws are historically the tool used to regulate the location of the required parking space on a lot and most zoning by-laws begin by prohibiting parking in the front yard of building lots. For those houses built after the introduction of the comprehensive zoning by-laws, the issue relates to the widening of driveways to accommodate an excessive amount of vehicles in front of the main wall of the building. For most houses built before the current comprehensive zoning bylaws were enacted, the issue relates to the accommodation of what amounts to a 'parking pad' for one vehicle, literally in the front yard of the house, where no driveway, garage or opportunity for either exists.

Amendments are needed to the comprehensive zoning by-laws to deal with the issue of the excessive amount of vehicles in front of the main wall of the building. These amendments would involve limits on the widening of driveways and minimum requirements for 'soft' landscaping.

In the case of the area of the former City, special provincial legislation is used to regulate front yard parking. Regulations of front yard parking under this special legislation will continue to be applied in the new Municipal Code Chapter to those areas of the former City of Toronto where it currently exists. The enabling City of Toronto Act legislation should be extended to the entire City in order to extend the authorities under the new Municipal Code Chapter to regulate front yard parking in those areas of the City it is appropriate to do so.

Permits will continue to be issued where appropriate for parking on the boulevard portion of the right-of-way pursuant to the new Municipal Code Chapter, under the authority of the Municipal Act, but in a manner consistent with the requirements and conditions for front yard parking permits under the City of Toronto Act.

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List of Attachments:

Figure 1: Proposed Front Yard Parking Process

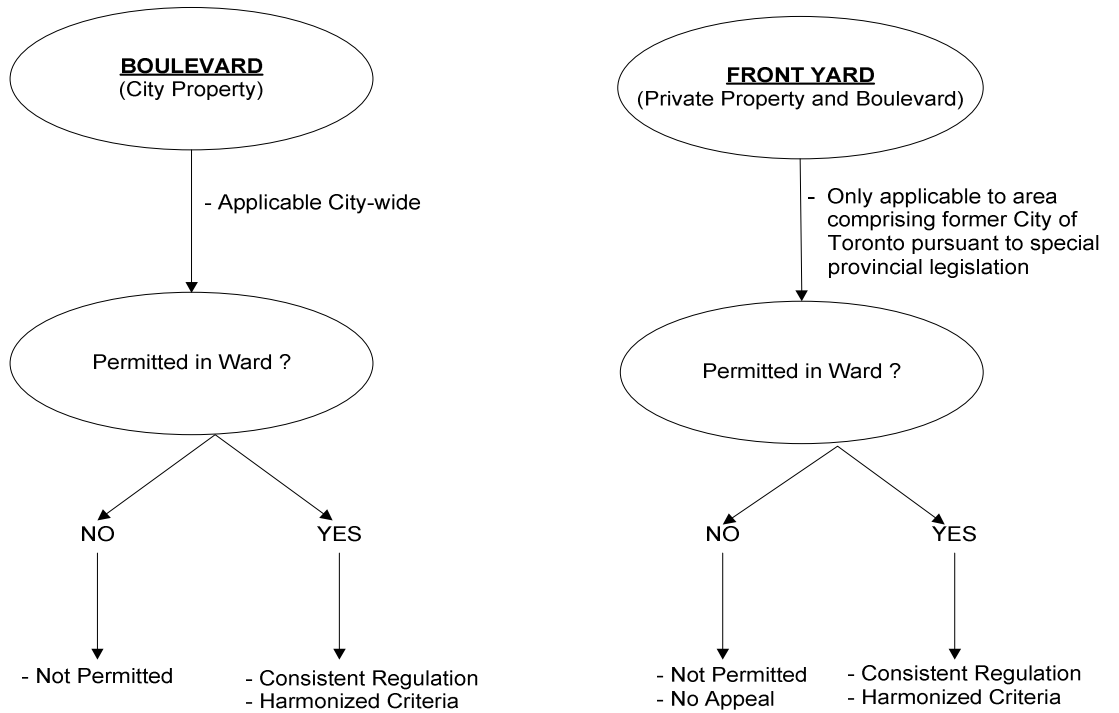
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Figure 1: Proposed Front Yard Parking Process

ZONING BY-LAW PROVISIONS
(applicable City-wide to Private Property)

- general prohibition of parking in front of the front wall of the residential building (but some allowances are made for certain densely built residential areas in former Toronto, York, East York, south Etobicoke, south-west Scarborough)
- Appeal to Committee of Adjustment, except in areas comprising former City of Toronto, where Community Council / City Council is the appeal body.

CHAPTER 918. PARKING ON RESIDENTIAL FRONT YARDS AND BOULEVARDS



<u>District</u>	<u>Wards</u>	<u>Wards</u>	<u>Wards</u>	<u>Wards</u>
T&EY	--	29(part),31(part)	18,19,20,21(part) 27,28,30	14,21(part), 22 29(part),31(part),32
NY	8,9,10,15,16(part) 23,24,25(part) 26,33,34	--	--	16(part),25(part)
ET-Y	1,2,3,4,5,6,7	11(part),12, 13(part),17(part)	--	11(part),13(part) 17(part)
SC	35,36,37,38,39,40 41,42,43,44	--	--	--