



**STAFF REPORT
ACTION REQUIRED**

Change to the Driveway Parking Regulations for the Residential Zone Category in New Zoning By-law

Date:	November 30, 2010
To:	Executive Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	Ec10073

SUMMARY

The new city-wide Zoning By-law, Bylaw No. 1156-2010, was enacted by City Council on August 27, 2010. The idea of a single zoning by-law for the City is intended to bring greater efficiencies and effectiveness to the manner in which zoning regulations are administered and enforced. In creating the single Zoning By-law, the focus was on capturing the intent of the existing by-laws in one city-wide by-law. The existing standards (height, setbacks, density) were kept the same by recognizing many various zones throughout the City.

With respect to parking in driveways, the new Zoning By-law appears to be unclear as to how it may be interpreted. This report recommends that amendments be brought forward, clarifying this by-law does not prohibit parking in a driveway.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning, recommends that:

1. City Council direct a Statutory Public Meeting be held before the Planning and Growth Management Committee at its meeting to be held in January 2011 to consider an amendment to Bylaw 1156-2010 clarifying that the zoning bylaw does not prevent the casual use of a driveway for the parking of vehicles substantially in the form of the draft by-law attached to this report.

Financial Impact

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

DECISION HISTORY

By-law 1156-2010 is the new city-wide zoning by-law enacted on August 27, 2010. There are appeals of the Zoning By-law which are now before the Ontario Municipal Board. No hearing dates have been set. While the By-law is under appeal, the provisions of both the former zoning by-laws and the new zoning by-law are in effect for sites that are subject to By-law 1156-2010.

ISSUE BACKGROUND

Typically, zoning by-laws contain requirements for providing and maintaining parking facilities on private properties. This includes the number of parking spaces that must be provided, and their location. All zoning by-laws of the former municipalities within Toronto state that the parking space required for a house must be accessible and cannot be located in the front yard. The former by-laws had requirements for single, semi-detached and street townhouses to provide a minimum of one parking space and that space was usually in a garage, a carport or on a paved surface beside or behind the house.

The new Zoning By-law now explicitly allows a 'parking space' to be located in the part of the driveway located in the front yard, if the required parking space is still behind the front wall of the house. An interpretation issue has arisen which suggests that this provision limits driveway parking to one vehicle. This was not the intent of the by-law. This issue should be addressed through the passing of a zoning by-law amendment proposed in this report.

COMMENTS

The zoning by-law regulates the minimum number of parking spaces required for any land use. Most of the former by-laws required the parking space to be located behind the front wall of the house. The new Zoning By-law addressed this situation by regulating the number and location of 'required' parking spaces.

The new by-law allows for additional parking spaces to be located on a driveway in the front yard (section 10.5.80.10 (3) in By-law 1156-2010) There are exemptions for existing situations, and for front yard parking pads authorized under the City of Toronto Act as these situations are dealt with in the Municipal Code and not the Zoning By-law.

The permission for the extra parking space in the driveway to be used for parking allows it to be located in tandem with a parking space behind the front yard. This provision is to recognize that many residents park vehicles in the driveway rather than in the parking space in the garage.

This provision also required the extra space to be located within 7 metres of the house, and that appears to be where the confusion in interpretation arises. Although the intent was to be more permissive, it has been inferred that this latter requirement prevents the use of any other part of the driveway for parking a car. To alleviate the confusion, it would be appropriate for the parking space location rules to be amended to amend Clause 10.5.80.10 to allow the parking of a vehicle on the portion of the driveway leading to a parking space.

Proposed Amendment to By-law 1156-2010

To clarify the interpretation issue respecting parking in the driveway staff have proposed a draft zoning amendment. The proposed amendment would take the form outlined in Appendix 1 - Proposed By-law 1156-2010 Amendment. Staff are recommending that City Council direct a Statutory Public Meeting be held before the Planning and Growth Management Committee at its meeting to be held in January 2011 to consider an amendment to Bylaw 1156-2010 clarifying that the Zoning By-law does not prevent the casual use of a driveway for the parking of vehicles

CONTACT

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SIGNATURE

Gary Wright
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ATTACHMENTS

Appendix 1 – Proposed By-law 1156-2010 Amendment

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Appendix 1 - Proposed By-law 1156-2010 Amendment

CITY OF TORONTO
BY-LAW No. _ - 2010
To amend the Zoning By-law No. 1156-2010 of the City of Toronto
with respect to the permission to park a vehicles on a driveway
in the front yard

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

(1) Regulation 10.5.80.10 (3) Parking in the Front Yard, is deleted and replaced with the following so that it reads:

10.5.80.10 (3) Parking in the Front Yard

In the Residential Zone category, despite 5.10.80.20 (1) and 10.5.80.10 (2), where a private **driveway** leads directly to an individual **townhouse dwelling unit**, a **detached house**, a **semi-detached house**, and a **duplex**, a **vehicle** may be parked on the private portion of the **driveway** leading to a **parking space**.