



STAFF REPORT ACTION REQUIRED

Final Report and Statutory Public Meeting on an Amendment to Zoning By-law 1156-2010 to Clarify Driveway Parking Regulations for the Residential Zone Category in New Zoning By-law

Date:	January 11, 2011
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	Pg11002

SUMMARY

The new city-wide Zoning By-law, Bylaw No. 1156-2010, was enacted by City Council on August 27, 2010. The 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.

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 an amendment to By-law 1156-2010, clarifying that this by-law does not prohibit parking in a driveway.

RECOMMENDATIONS

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

1. City Council amend Regulation 10.5.80.10 (3) in the City of Toronto Zoning By-law No. 1156-2010 substantially in accordance with the draft Zoning By-law Amendment attached as Appendix 1.

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2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment, as may be required.

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.

At its meeting of December 16, 2010, City Council adopted the Executive Committee recommendation from its meeting of December 9, 2010, 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 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 the report (November 30, 2010) from the Chief Planner and Executive Director, City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EX1.9>

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 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 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.

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COMMENTS

The Zoning By-law regulates the minimum number of parking spaces required for any land use. Zoning by-laws of the former municipalities required the parking space to be located behind the front wall of a house. The new Zoning By-law also addresses the number and location of 'required' parking spaces. The location requirement is:

"10.5.80.10 (2) Street Yard Parking

Unless otherwise stated in this By-law, in the Residential Zone category a required parking space must not be located in a front yard or a side yard abutting a street. This regulation does not apply if a parking space in the front yard is allowed by a permit issued by the City of Toronto under the authority of the City of Toronto Act 2006 or its predecessor."

No change to the above rule is proposed. The By-law will continue to provide that the 'required parking space' must not be in the front yard or in the side yard abutting a street. There are exemptions for existing situations and for front yard parking pads authorized under the City of Toronto Act as these are dealt with in the Municipal Code and not the Zoning By-law.

The new Zoning By-law also allowed 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). This is the regulation which is at issue. It currently reads as follows:

"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), for a detached house, a semi-detached house, a duplex, and for an individual townhouse dwelling unit where an individual private driveway leads directly to the dwelling unit, a parking space may be located in the front yard if it is:

- (A) on a driveway;
- (B) in tandem with a required parking space located behind the front yard; and
- (C) entirely within 7.0 metres of the main wall of the principal building."

This permission for the extra parking space in the driveway allowed it to be located in tandem with a parking space behind the front yard, recognizing 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 to replace 10.5.80.10 (3) with a statement to the effect that vehicles may be parked on a driveway leading to a parking space on lots containing these types of residential buildings.

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Proposed Amendment to By-law 1156-2010

To clarify the interpretation issue respecting parking in the driveway, the proposed Zoning By-law amendment deletes the wording found in Section 10.5.80.10 (3) and inserts new wording that has the effect of allowing cars to be parked in the driveways. The proposed amendment would take the form outlined in Appendix 1 to this report.

CONTACT

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SIGNATURE

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City Planning Division

ATTACHMENTS

Appendix 1 – Proposed Amendment to By-law 1156-2010

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Appendix 1 - Proposed Amendment to By-law 1156-2010

CITY OF TORONTO

BY-LAW No. _ - 2011

To amend the Zoning By-law for the City of Toronto, being By-law No. 1156-2010, with respect to the permission to park 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. The Zoning By-law for the City of Toronto, being By-law 1156-2010, is amended 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, where a private **driveway** leads directly to an individual **townhouse dwelling unit**, a **detached house**, a **semi-detached house**, or a **duplex**, **vehicles** may be parked on the private portion of the **driveway** leading to a **parking space**.