


MEMORANDUM

TO: Mayor and Council

FROM: Jim Baird, Commissioner of Development Services 
Valerie Shuttleworth, Director of Planning and Urban Design

PREPARED BY: Dave Miller, Senior Project Coordinator, Special Projects

DATE: April 25, 2006

RE: Front and Exterior Side Yard Parking in Residential Areas

Recommendation

That Council pass the recommendation of Development Services Committee (Item 19 on the April 18, 2006 DSC Agenda) dealing with Front and Exterior Side Yard Parking in Residential Areas;

That the draft By-law attached to the April 18 DSC Report re modified as outlined in the April 25, 2006 memorandum from staff to Council;

That the revised amending By-law attached to the April 25 memorandum, be finalized and enacted;

And That Council confirm, as per Section 34(17) of the Planning Act, that no further Public Notice is required.

Background

A staff recommendation report on the issue of front and exterior side yard parking in the Town's residential areas was received by Development Services Committee on April 18th, 2006. Included in the report was a draft of the proposed zoning by-law. In general the by-law will permit the motor vehicle parking area in front of the garage to be equal to the width of the garage door opening plus 1.5 metres.

The by-law as discussed at the April 18 DSC meeting includes, amongst other provisions, a permission for lots with frontages equal to or greater than 13.3 metres (44 feet), to increase the parking area width to 6.1 metres (full 2 car width), provided a minimum 40% "soft" landscaping is provided in the front yard. This provision was added to the by-law so that homes on "traditional" larger lots in Markham, with single car garages, could have additional parking area, provided there was sufficient area remaining for soft landscaping to buffer the effect of the widened driveway.

At the April 18 Committee meeting, members of the public raised questions about this provision only applying to larger lots, and not potentially to smaller lots with single car garages.

Comment

Staff have further reviewed this particular provision relating to lots with one car garages. We accept that the principle could also be applied to smaller lots provided the 40 % “soft” landscaping rule is adhered to. This provision will be “self regulating”, in the sense that it will not result in two car wide (6.1 m) driveways on lots that are not sufficiently large to accommodate 40 % of the front yard land area remaining in soft landscaping.

Extending this provision to lots under 13.3 m frontage will also make the by-law more equitable, and easier to interpret and enforce.

Effect

The effect of the above is that the maximum driveway width (for all size lots) will be equal to the greater of:

- i) the garage door width plus 1.5 metres; or
- ii) 6.1 metres, provided a minimum 40% soft landscaping is provided in the yard that the driveway is located.

Based on the above, the provisions for parking pads have also been modified to remove the lot width restrictions. The maximum parking pad width for all lots shall be the greater of:

- a) 3.7 metres; or
- b) 6.1 metres, provided a minimum 40% soft landscaping is provided in the yard that the parking pad is located.

Staff are of the opinion that these changes are acceptable as they will be equitable, easier to enforce and self regulating. A copy of the revised By-law is attached.

No further public meeting is felt to be necessary for this modification.



BY-LAW 2006-XXX

A By-law to amend By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended by 28-97, as amended

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

- 1.0 By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended as amended by By-law 28-97, be and the same is hereby further amended as follows:

- 1.1 By adding to Section 2.0 of By-law 28-97, as amended, the following definitions, in alphabetical order:

“DWELLING, DUPLEX means a *dwelling unit* in a *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

DWELLING, FOURPLEX means a *dwelling unit* in a *building* that is divided horizontally or a combination of vertically and horizontally into four *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

DWELLING, MULTIPLE means a *dwelling unit* in a *multiple-unit building*.

GARAGE DOOR WIDTH means the width of the garage door opening(s), which is used for vehicular access. Where there is more than one opening, the garage door width shall be the distance between the two outer extremities of the garage door opening(s), including any intervening columns, doors, windows or wall sections which may separate two or more garage door opening(s).

LANDSCAPING, SOFT means that portion of a lot comprised of any combination of flowers, grass, shrubs, sod, trees or other horticultural elements that is not covered by architectural elements, asphalt, buildings, brickwork, concrete, stonework or structures.

MAIN WALL means the exterior front, side and/or rear wall of a *building* and all structural components essential to the support of a fully enclosed space.

PARKING PAD means an open area of land, other than a *driveway* that is paved and/or treated with a stable surface that is used for the parking of *motor vehicles*.

YARD, FRONT means a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

YARD means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this By-law.

YARD, EXTERIOR SIDE means the *yard* of a *corner lot* extending from the *front yard* to the *rear yard* between the *exterior side lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

YARD, INTERIOR SIDE means a *yard* other than an *exterior side yard* which extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.”

1.2 By deleting subsection 6.2.4 and substituting the following:

“6.2.4 Driveway and Parking Pad Parking Provisions for Ground Oriented Residential Dwellings with Direct Motor Vehicle Access from a Public Street

Notwithstanding any other provisions of By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended the provisions in this By-law shall apply to ground oriented residential dwellings, which for the purposes of this By-law are *single detached*, *semi-detached*, *duplex*, *triplex*, *fourplex*, *multiple* or *townhouse dwelling units* with direct *motor vehicle* access from a *public street*. All other provisions of these by-laws, unless specifically modified/amended by this By-law shall continue to apply.

6.2.4.1 General Parking Provisions for Ground Oriented Residential Dwelling Units

- a) Within a *front* or *exterior side yard* *motor vehicle* parking is only permitted on a *driveway* or a *parking pad*.
- b) A *driveway* associated with a ground oriented residential *dwelling* shall provide direct access to a *private garage*.
- c) Within a *front* or *exterior side yard* there shall be no *motor vehicle* parking between an outside wall of an attached *private garage*, that faces a *front* or *exterior side yard*, and an interior side lot line.

6.2.4.2 Maximum Driveway Width

- a) The maximum *driveway* width shall be equal to the greater of:
 - i) the *garage door width* plus 1.5 metres; or
 - ii) 6.1 metres, provided a minimum 40% *soft landscaping* is provided in the yard that the *driveway* is located.

6.2.4.3 Provisions for *Parking Pads*

- a) For the purposes of this By-law, where there is no *private garage* all areas on a *lot* accessible to *motor vehicles* shall be considered as *parking pads*.
- b) Where there is no *private garage* associated with a ground oriented residential *dwelling unit*, a *parking pad* is permitted, subject to the following:
 - i) the maximum *parking pad* width shall be the greater of:
 - a) 3.7 metres; or
 - b) 6.1 metres, provided a minimum 40% *soft landscaping* is provided in the yard that the *parking pad* is located.

6.2.4.4 Setbacks for *Driveways* or *Parking Pads*

- a) *Driveways* or *parking pads* that cross a *front lot line* and are used for the parking of *motor vehicles* shall be located:
 - i) no closer to an *interior side lot line* than the minimum distance requirement for the *main building* from the *interior side lot line*; and
 - ii) no closer to an *exterior side lot line* than the minimum distance requirement for the *main building* from the *exterior side lot line*.
 - iii) Where a *private garage* is detached from the *main building* the *driveway* shall be located no closer to the *exterior* or *interior side lot line* than the minimum distance requirement for the detached *private garage*.
- b) *Driveways* or *parking pads* that cross an *exterior lot line* and are used for the parking of *motor vehicles* shall be located:
 - i) no closer to a *rear lot line* than the minimum distance requirement for the *main building* from the *rear lot line*; and
 - ii) no closer to a *front lot line* than the minimum distance requirement for the *main building* for the *front lot line*.
 - iii) Where a *private garage* is detached from the *main building* a *driveway* shall be located no closer to the *rear lot line* than the minimum distance requirement for the detached *private garage*.
 - iv) Where there is no *private garage* a *parking pad* shall be located no closer to the *rear lot line* than the minimum distance requirement for a detached accessory building.

6.2.4.5 Provisions for Circular Driveways

- a) On *lots* with frontages greater than 19.2 metres a second 3.7 metre wide *driveway* is permitted provided:
 - i) the *main building* is setback at least 8.0 metres from the *street line*;
 - ii) the *driveways* are at least 7.0 metres apart, at the *street line*; and
 - iii) the second *driveway* connects the *public street* to the *driveway* that provides direct access from the *public street*.
- b) On lots with frontages between 16.8 metres and 19.1 metres a second 3.7 metre wide driveway is permitted provided:
 - i) the *main building* is setback at least 8.0 metres from the *street line*;
 - ii) the *driveways* are at least 7.0 metres apart at the *street line*;
 - iii) both *driveways* are less than 3.7 metres wide; and
 - iv) the second *driveway* connects the *public street* to the *driveway* that provides direct access from the *public street*.

6.2.4.6 Garages Facing an *Interior Side Lot Line*

- a) When a garage door opening, used for *motor vehicle* access, faces an *interior side lot line*, the maximum *driveway* width in the *front yard* is 6.1 metres.”

2.0 All other provisions of By-law 28-97, as amended, unless specifically modified/amended by this By-law continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS ____ DAY OF _____, 2006.

SHEILA BIRRELL, TOWN CLERK

DON COUSENS, MAYOR