



MEMO / NOTE DE SERVICE

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TO: Chair and members of the Transportation Committee

DESTINATAIRE: Président et membres du Comité des transports

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DATE: November 16, 2023

16 novembre 2023

FILE NUMBER: ACS2023-PRE-RHU-0034

SUBJECT: Private Approaches - Enforcement of front yard parking and driveways that existed prior to September 30, 2007

OBJET : Approches privées – Application du stationnement dans la cour avant et des allées qui existaient avant le 30 septembre 2007

PURPOSE

The purpose of this memorandum is to advise Members of Council of staff's intent to suspend enforcement of the City's Zoning By-law No. 2008-250 and Private Approach By-law No. 2003-447, as they relate to non-compliant front yard parking and driveways that existed prior to September 30, 2007. This approach has been developed as a time efficiency measure by staff in Zoning Branch, Right of Way Branch, Public Realm Permits and Agreements division and in coordination with both Legal Services and By-Law Services and will come into effect upon the issuance of this memorandum.

This exercise of enforcement discretion is proposed to remain in effect as an interim measure until Council has enacted the new Comprehensive Zoning By-law and Private Approach By-law, both of which are scheduled to be before Council for consideration in 2025.

The approach is recommended to address the following challenges:

- Changes in property ownership and a lack of clear aerial photography prior to 2007 make it challenging for residents, as well as staff, to confirm whether existing non-conforming parking configurations have grandparented rights under a previous Zoning By-law, or if they are in violation.
- Research and investigation related to the review of existing private approaches as part of Capital rehabilitation projects and the associated process for confirming grandparented rights to existing private approaches for the purposes of re-instatement involves considerable staff resources. Notwithstanding the findings of these reviews, over the past four years Council has directed staff in the context of 14 different Capital projects to reinstate existing private approaches, regardless of whether they conform to current regulations. This direction has come as a result of resident concerns related to re-instatements of long existing private approaches, and the challenges of residents having to demonstrate these situations are grandparented.
- While some of the complaints to 3-1-1 regarding parking spaces and driveways result in a violation being identified, many are subject to legal non-conforming rights (i.e. are grandparented). Actions to enforce often precipitate further complaints within the neighbourhood.

The recommended approach would allow staff to focus resources on investigations of non-conforming parking and/or private approaches that came into existence after the

passage of the current Zoning By-law No. 2008-250, and therefore do not enjoy legal non-conforming rights. Staff would continue to take enforcement action where non-compliant front yard parking or driveways that existed prior to September 30, 2007 are considered to create unsafe conditions or interfere with City operations and/or infrastructure.

Following the completion of the comprehensive review of the Zoning By-law and any included changes to the regulations surrounding parking and driveways, staff will re-evaluate this approach and bring forward recommendations in the context of the wholesale review of the Private Approaches by-law.

Further, Public Policy Development Services in Emergency and Protective Services will be conducting a review of potential new regulations for landscapers as well as a review of the Licensing By-law (2002-189) as part of the 2023-2026 By-law Review Work Plan. Staff have identified concerns and complaints around landscaping services over the last several years, which include driveway widenings contrary to City by-laws, dumping materials on the roadway and neighbouring properties, and an overall concern about lack of knowledge of and compliance with City by-law requirements on the part of some contractors and members of the public. The timing of the landscaper regulatory review will take into consideration the development of the City's new Zoning By-law and Private Approach By-Law.

While the current Zoning By-law came into effect on June 28, 2008, staff are proposing a cut-off date for the application of this approach of September 30, 2007, as clear aerial imagery is available on geoOttawa to demonstrate the existence of a parking space, driveway, or private approach prior to the passage of Zoning By-law No. 2008-250.

For more information, please contact Fiona Ann Mitchell at Fiona.mitchell@Ottawa.ca.

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