



Council report

Meeting date:	March 2, 2021
Title:	Commercial Vehicle Parking in a Residential Zone
Prepared by:	Karl Schipprack – Director of Development/CBO
Reviewed by:	Laura Johnston, CAO

Recommendation

That council provides direction on options presented in this report.

Executive summary

This report is to outline options in response to a request from a Durham resident regarding permission to park his commercial vehicle in a residential zone, which is contrary to the municipal bylaw.

Background and discussion

Bylaw enforcement received a complaint about Mr. Nixon's truck parked in his driveway and idling for hours. Bylaw enforcement notified Mr. Nixon his truck is not permitted to be parked in his driveway. Mr. Nixon complied and parked his truck on the road. Subsequent concerns have been received regarding compromised sight lines due to the size of the truck and associated safety concerns.

Council recently received a delegation on behalf of Mr. Nixon stating that he would like to park his commercial vehicle at his residence in Durham. He currently parks the truck on the road in the summer but is not permitted to park the vehicle on the road in the winter due to snow removal. In the winter, Mr. Nixon parks the truck in another location but that requires transportation from his home to the truck location, which is not always available.

Municipality of West Grey Zoning By-law Number 37-2006 section 6.28 PARKING/STORAGE OF RECREATIONAL & COMMERCIAL VEHICLES IN A RESIDENTIAL ZONE sentence c) No land, building or structure on lands zoned for residential purposes, shall be used for the parking or storage of any commercial vehicle (licensed or unlicensed), unless:

The vehicle is owned or used by the owner or occupant of such land, building or structure;

The commercial vehicle has a maximum carrying capacity of 2400 kilograms; and,

Provided that not more than one commercial vehicle is stored in accordance with this section.



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Mr. Nixon's truck is over 2400 kilograms carrying capacity and is not permitted to be parked in his driveway.

Staff suggest four options to potentially address Mr. Nixon's parking, however when considering option one and two council must also consider that when these vehicles are parked in residential zones there is noise and environmental issues when the vehicles idle. Many commercial vehicles are required to idle for a period of time prior to being driven. Vehicles idling at all hours of the day is a nuisance to neighbouring properties, which must be considered when making changes to the bylaw.

Council could amend the zoning bylaw to allow all commercial vehicle parking in residential zones regardless of carrying capacity. This would require a public meeting and a zoning bylaw amendment. This option would also allow any property owner to park any type of commercial vehicle in a residential zone. This option will leave the municipality with little to no control over the types and sizes of the commercial vehicles being parked in residential zones, as well as leaves no mechanism to control hours of operation or idling.

Council directs staff to work with Mr. Nixon to apply for a site-specific zoning bylaw amendment for his property to allow a commercial vehicle in his driveway at any time of the year. This process would require notification to all neighboring property owners, a public meeting and a bylaw amendment. All costs would be paid by Mr. Nixon. An amendment should include an agreement with Mr. Nixon to limit the idling time during specific times of the day.

Council directs staff to work with Mr. Nixon to create an agreement to allow Mr. Nixon to park his truck in the parking lot on Queen St. between Lambton and Saddler St. This parking lot is one block from Mr. Nixon's house and transportation back and forth from the truck would not be required. This option removes the noise from the residential zone. It will hinder snow removal from the parking lot but with guidance from municipal staff and cooperation from Mr. Nixon that can be resolved. It limits the parking to only his truck and parking for trailers would have to be done at another location but he would have his truck close by for transportation. This option does open the municipality to other requests for permanent parking in municipal parking lots. To address the risk of bonusing, the municipality should enter into an agreement that requires a lease of the space. Additionally, council would need to weigh the potential of extending the same opportunity in West Grey's other urban areas, should requests be received.

Council advises Mr. Nixon to contact local businesses with large parking lots to arrange parking on a private lot. This option removes the noise from the residential zone, doesn't use space in a municipal parking lot and removes the possibility of multiple requests for parking at a municipal parking lot.

Legal and legislated requirements



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Pending council direction, legal support would be retained should agreements be required.

Financial and resource implications

Implications will depend on option selected.

Staffing implications

Implications will depend on option selected.

Consultation

Public Works

Police Chief

Planning

Alignment to strategic vision plan

Pillar: Work together

Goal: Listen and empower

Strategy: Provide a variety of opportunities for stakeholders to provide feedback in person, online or in print

Attachments

None

Next steps

Council provide staff direction. Next steps will depend on option selected.

Respectfully submitted:

Karl Schipprack, Director of Development/CBO