

The Corporation of the Municipality of Leamington

Public Meeting Agenda

ZBA #44
Recreational Vehicles Regulations

Monday, June 3, 2013
Commencing at 7:00 p.m.
In Leamington Council Chambers

Items for Consideration:

- Notice of Public Meeting dated April 24, 2013 Page 2
- Report PLA 01/13 dated January 9, 2013 regarding Housekeeping Amendment ZBA #44
 Parking and Storage of Recreational Vehicles (previously presented to Council on March
 11, 2013)
 Pages 3-14

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THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON NOTICE OF A COMPLETE APPLICATION AND PUBLIC MEETING TO CONSIDER A ZONING BY-LAW AMENDMENT

ZBA#44 - RECREATIONAL VEHICLE REGULATIONS

TAKE NOTICE that the Council of The Corporation of the Municipality of Leamington will hold an informal PUBLIC OPEN HOUSE on TUESDAY, MAY 7th, 2013 during the hours of 3:00 pm to 5:00 pm AND 6:00 pm to 8:00 pm at the Leamington Municipal Office located at 111 Erie Street North.

THE PURPOSE of the public open house is to provide the public with revisions to the proposed regulations dealing with the parking and storage of recreational vehicles in residential areas. Council received comments from the public regarding the proposed changes to Sections 4.6 and 4.7 of Zoning By-law #890-09 at a public meeting held on September 12, 2011. Based on the comments received further revisions are available for consideration. The regulations outline where recreational vehicles are permitted to be located on a residential piece of property on both a short term and long term basis. The provisions apply to all lands within the Municipality of Leamington.

TAKE NOTICE that the Council of The Corporation of the Municipality of Learnington will hold a **PUBLIC MEETING** concerning a proposed zoning by-law amendment under the provisions of Section 34 of the Planning Act, R.S.O. 1990 on **MONDAY, JUNE 3rd, 2013 at 7:00 pm** in the Council Chambers of the Municipal Building located at 111 Erie Street North.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment.

IF A PERSON or public body does not make oral submissions at the Public Meeting or make written submissions to The Corporation of the Municipality of Learnington before the by-law is passed, the person or public body is not entitled to appeal the decision of Council of The Corporation of the Municipality of Learnington to the Ontario Municipal Board.

IF A PERSON or public body does not make oral submissions at the Public Meeting or make written submissions to The Corporation of the Municipality of Leamington before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Learnington, during regular office hours. Please contact Danielle Truax, Manager of Planning Services, for further information.

DATED at the Municipality of Learnington this 24th day of April, 2013.

TRACEY PILLON-ABBS
MUNICIPALITY OF LEAMINGTON
111 ERIE STREET NORTH
LEAMINGTON, ONTARIO N8H 2Z9
TELEPHONE: (519) 326-5761

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: DANIELLE TRUAX, MANAGER OF PLANNING SERVICES

DATE: JANUARY 9, 2013

SUBJECT: HOUSEKEEPING AMENDMENT - ZBA #44

PARKING AND STORAGE OF RECREATIONAL VEHICLES

AIM:

To provide Council with information received from the public in consideration of proposed amendments to the zoning provisions dealing with the parking and storage of recreational vehicles.

BACKGROUND:

Appropriate regulations for the parking of recreational vehicles in residential zones are a difficult issue and one that many municipalities struggle with.

In Leamington's existing zoning by-law, which was passed in 2009, recreational vehicles are allowed to park in the front yard and interior side yard continuously from April 1st through to November 30th each year. The vehicles are prohibited from those same locations from December 1st until the following March 30th.

Prior to 2009, the former Town of Leamington Zoning By-law #4300-96 prohibited storage of a recreational vehicle or similar vehicle in any front yard and allowed for the storage of the same in the 0.3 metres (1 ft.) from any side yard and 0.6 metres (2 ft) from any rear yard.

The former Township of Mersea Zoning By-law #4380 also prohibited storage in the front yard and defined anything greater than 14 days to be storage.

Definition of a Recreational Vehicle

The current definition of an R.V. includes a portable vehicular unit designed for travel, camping or recreational use, including but not limited to a travel trailer, motor home, pick-up camper, motorized camper, tent trailer, boat or boat trailer, utility trailer, but does not include a mobile home.

HISTORY OF PROCESS TO DATE

Subsequent to the adoption of the Zoning By-law, comments regarding the intent and the enforcement of the provisions were brought forward by a resident. In order to address these concerns staff was directed by Council to review the current provisions and seek further public input.

A peer review of Sections 4.6 & 4.7 was received from Lassaline Planning Consultants Inc. which recommended a number of additions to the current provisions to better define, regulate and enforce the parking and storage of Recreational Vehicles (see attached Table 2.0 Zoning Provision Chart).

A public open house was held on September 7, 2011 to present the proposed amendments to the public. A statutory public meeting was held on September 12, 2011 to receive comments on the proposed changes that would then be considered for adoption by Council.

Public Comments

The following represents a summary of the comments received from the public open house, public meeting and written submissions in support and opposition to the proposed amendments to the current zoning provisions:

In Support of additional provisions to restrict parking and storage of Recreational Vehicles:

- Removing the recreation vehicles from being stored in the front yard is more esthetically pleasing for neighborhoods
- Proposed regulations allow R.V. owners to park while ensuring a minimum setback from property lines and road within residential areas
- Eliminate "tunnel vision effect" in areas with narrow properties i.e. Bennie Avenue
- Ensures R.V.'s don't monopolize driveway parking intended for cars
- Ensures adequate sight visibility coming out of driveway onto roadways

<u>In Opposition</u> to additional provisions to restrict parking and storage of Recreation Vehicles:

- 4 day permitted parking too short
- Maximum recreational vehicle length too short
- · Setback requirement not feasible
- April to October permitted parking too short
- Storage area on property too restrictive for small lots
- Number of R.V.'s too limited

DISCUSSION:

The parking and storage of R.V.'s is a common issue placed before many Councils in the region in which two strong positions are often heard. The chart below illustrates both ends of the sliding scale on opinions where R.V.'s should be allowed to park.



- No parking/storage on residential properties
- Limited and controlled parking/storage on residential properties
- Greater monitoring and staffing required to

in areas which

vehicular traffic

ensure safe

 No restrictions to parking or storage on residential properties

- Maintain a high standard of community character & residential esthetics
- Greater monitoring system and staffing required to record permitted parking occurrences and times

 High level of convenience to property owners

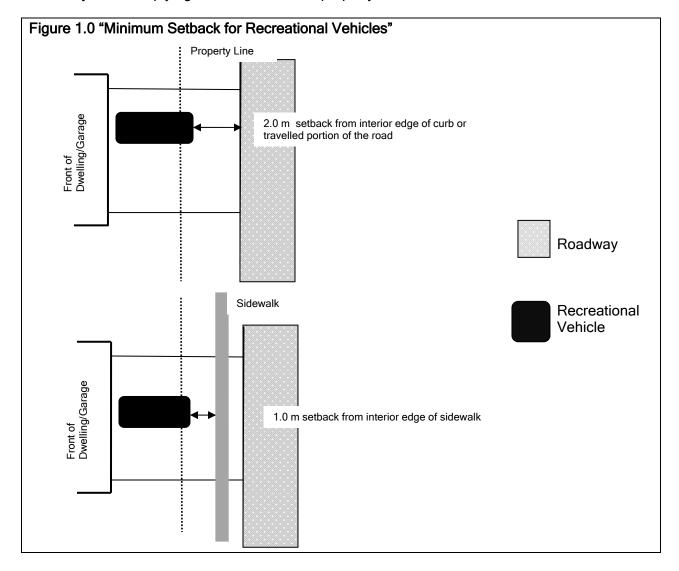
 Highly restrictive to individual property owners Highly permissive to individual property owners There are many approaches to regulating the parking and storage of R.V.'s within residential areas. Table 1.0 "Municipal Approaches to Parking and Storage of R.V.'s in Residential Zones" provides a summary of various approaches taken by local municipalities, as well as others within Ontario and Canada. It is apparent that there is no standard approach and each Council has the ability to establish the standard they feel is most appropriate for their community.

Based on the comments received at the public open house and public meetings held in 2011, Administration has revised the provisions which are listed in the attached Table 2.0 "Zoning Provisions Chart". The revised provisions aim to allow R.V.'s to be parked within the front yard for occasional loading and unloading in a location that provides for safe access to the sidewalk and road from abutting properties. See Figure 1.0 "Minimum Setback for Recreational Vehicles".

The revised provisions allow R.V.'s to be parked in a driveway located within the front yard at any time during the year for a maximum total of 15 days. The days do not have to be consecutive and a part day constitutes a whole day. Any type and number of recreational vehicle can be parked in a driveway provided that it is located a minimum of 1.0 metre from the interior edge of a sidewalk or 2.0 m from the edge of a curb or the travelled portion of the road.

Proposed Storage Regulations

R.V.'s will be permitted to park or be stored in the rear or interior side yard of a property without limit subject to complying with setbacks from property lines.



Other Considerations:

Permit System

At the public meeting it was suggested that a permit system be investigated in order to assist with tracking the number of days a recreational vehicle has been parked on a property. Parking permit systems to regulate the length of time a recreational vehicle that was parked on a public street were common in towns in the United States or large cities. These systems involved the submission of on-line or paper applications and fees, a maximum number of permits per year, maximum hours per permit and the establishment of fines.

The implementation of a permit system to track and regulate the number of days a resident is allowed to park on private property was reviewed with Corporate Services. A permit system would require additional staff time, resources, tracking software and could be viewed as an additional burden on property and recreational vehicle owners. The current level of staffing available within By-law Enforcement and Development Services, as well as the number of complaints received does not warrant the implementation of a permit system and is not supported by Administration.

Enforcement

In considering any changes to the provisions within the Zoning By-law, Council must acknowledge whether the provisions can actually be enforced by staff. The provisions of the zoning by-law are enforced by the Municipal By-law Enforcement Officers.

It has been confirmed that the parking of a R.V.'s is not a prominent complaint received by Bylaw Enforcement. Municipal records indicate that 2 complaints for parked R.V.'s were received by By-law Enforcement in 2012.

The proposed provisions have been reviewed with By-law Enforcement and are found to be regulations that can be realistically enforced.

CONCLUSION

The *Planning Act* empowers the Municipality with its zoning by-law to influence the character and esthetics of an area, to protect the health and safety of a community and to ensure the use of lands in one way will not adversely affect the normal use and enjoyment of an abutting property. The Zoning By-law is used as a tool to guide development towards what Council considers to be an acceptable community standard for the parking and storage of R.V.'s.

The revised provisions contained in Table 2.0 are presented as suitable provisions that provide residents with the convenience of having a recreational vehicle temporarily on their property, while ensuring that the character or use of a residential area is not impacted negatively for extended periods and that proper and safe access from driveways and roads is maintained.

As per Council's direction, Administration intends to present the revised provisions at a second public meeting in the spring of 2013. A public meeting date in early May, 2013 is suggested.

Notice of the public meeting will be circulated to those who provided contact information at the public meeting/open houses/written correspondence, within local newspapers, and through the Municipality's website.

RECOMMENDATION:

THAT the revisions to Section 4.6 and Section 4.7 of Zoning By-law #890-09 as listed in Table 2.0 of PLA-01-13 be received by Council;

AND FURTHER THAT that staff be directed to schedule a further public meeting.

Respectfully submitted,

Danielle Truax Manager of Planning Services Tracey Pillon-Abbs
Director of Development Services

ATTACH

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Table 1.0 Municipal Approaches to Parking and Storage of Recreational Vehicles in Residential Zones						
	PARK					
	Front	Front	Side	Rear	Time	Comments
Municipality	Yard	Yard	Yard	Yard	<u></u>	_
Leamington	Yes	No	Yes	Yes		Parking in front yard April -October
City of Windsor	Yes	No			Parking Max. 72 Hours	
Chatham	Yes	No	yes	yes	May to Sept.	Large travel trailers only Max 2 rec. vehicles
0 5 110 11		<u> </u>				
Gosfield South	Yes	No	0.3 m	0.6 m		Parking - 14 days in a calendar year
Kingsville	No	No	yes	yes		
Amherstburg	Yes	No	No	yes	7 consecutive days May to Sept.	
Lakeshore	Yes	No	yes	yes		Parking - 14 days in a calendar year Max. 2 rec. vehicle Behind or Beside Main Building
Lasalle	No	No	yes	yes		Setbacks Apply
Sandwich South	No	No	Yes	Yes		
St. Clair Beach	No	No	0.3m	0.6 m		
Tecumseh	No	No				Lk. St. Clair Provisions
Essex						Enforced through Property Standards
City of Regina	Yes				May to Sept.	Large travel trailers only Max. 2 rec. vehicles 2.0 m from sidewalk/curb
Norfolk County	No	No				Prohibited parking "continuously"
Orillia	No			yes		
Halimand County	No					
Lambton Shores	No	No	yes	Yes		Accessory Structure Setbacks Apply
City of Guelph	No	No	Yes	Yes		1.0 m from property line
Goderich	No	No	Yes	Yes		Max. 2 rec. vehicles Max. 9 m in length Driveway in a side yard 1.5 m from property line

Table	20	7oning	Provision	Chart
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Current Zoning By-law 890-09

4.6 Bus, Transport Trailers or Recreational Vehicles "Parking"

- a) In any zone, where the sale of goods are permitted, no bus, transport trailer, recreational vehicle or other similar vehicle shall be parked and used for wholesale or retail sale of goods, articles or things for a period of more than 15 days within any given calendar year.
- b) In any Residential Zone, parking of a recreational vehicle shall be permitted between the months of April to October. The lot on which the vehicle is parked must have a residential dwelling unit.

Zoning Provisions presented at Public Meeting

4.6 Bus, Transport Trailers or Recreational Vehicles "Parking"

In any zone where the sale of goods are permitted, no bus, transport trailer, recreational vehicle or other similar vehicle shall be parked and used for wholesale or retail sale of goods, articles or things for a period of more than 15 days within any given calendar year.

4.6.1 Recreational Vehicle 'Parking'

- In any Residential Zone, and in compliance with all of the provisions of this by-law, no person shall park more than the following defined Recreational Vehicle(s) in any yard of any property:
 - (i) maximum of one (1) boat which shall not exceed 8.2 metres in length; or
 - (ii) maximum of one (1) motor home which shall not exceed 8.2 metres in length; or
 - (iii) maximum of two (2) snowmobiles, personal watercraft, all terrain vehicles, utility trailer or similar recreational vehicle, or any combination thereof; or
 - (iv) one (1) travel trailer which shall not exceed 8.2 metres in length, exclusive of hitch or tongue.
- b) Parking of a Recreational Vehicle(s) in any Residential zone shall only be permitted for the purposes of either loading or unloading goods or materials from the said Recreational Vehicle(s) and on the condition that the Recreational Vehicle(s) only remains on the subject property for a maximum period of 4 consecutive days between April 1st and October 31st.
- c) The lot on which the Recreational

REVISED Zoning Provisions

4.6 Bus, Transport Trailers or Recreational Vehicles

In any zone where the sale of goods are permitted, no bus, transport trailer, recreational vehicle or other similar vehicle shall be used for wholesale or retail sale of goods, articles or things for a period of more than 15 consecutive or intermittent days within any given calendar year.

In any zone, no bus, transport trailer, recreational vehicle or other similar vehicle shall be used for the living, sleeping or eating accommodation of persons whether or not the same is mounted on wheels, unless such vehicle is located within a licenced trailer campground.

In any zone, no bus, transport trailer, recreational vehicle, commercial motor vehicle, storage container or other similar vehicle shall be used as a permanent office or for storage purposes.

4.6.1 Recreational Vehicles in Residential Zones

In any Residential Zone, and in compliance with all of the provisions of this by-law, a Recreational Vehicle(s) is permitted in accordance with the following:

- A Recreational Vehicle is permitted in the front yard or side yard of a residence and must be located on a driveway or in a garage;
- A Recreational Vehicle is only permitted on a property with a residential dwelling unit;

A Recreational Vehicle shall be located Vehicle(s) is parked must have a residential dwelling unit. in accordance with the provisions of Section 4.51 - Sight Visibility Triangles The owner of the Recreational Vehicle of this by-law; must be a full time resident of the residential dwelling unit or owner of the Where a required rear yard abuts a required front yard of an abutting residence where the Recreational property, a Recreational Vehicle shall Vehicle(s) is parked. not be located within a triangular space e) No person shall park or cause to be for a distance of 6 m (19.68 ft) measured parked a Recreational Vehicle(s) in any along the exterior lot line and the interior lot line of the abutting lot (see illustration location except in compliance with the following provisions: of "Yard" in the definitions). No person shall park a Recreational A Recreational Vehicle is permitted: Vehicle(s) closer than 1.5 m (5 ft.) feet to any and all property lines of the a. In the front yard for a maximum of 15 property. consecutive or intermittent days The Recreational Vehicle(s) shall only ii) within a calendar year and must be be parked in the front yard or the 1.0 m (3.3 ft) from the interior edge of exterior side of the residence and must a sidewalk or 2.0 m (6.57 ft) from the be located on a driveway or in a garage. interior edge of a curb or travelled iii) No person shall park or cause to be portion of the road: parked any Recreational Vehicle(s) on any street or highway. b. In the exterior side yard for a maximum of 15 consecutive or intermittent days within a calendar year and must be 1.0 m (3.3 ft) from the interior edge of a sidewalk or 2.0 m (6.57 ft) from the interior edge of a curb or travelled portion of the road; c. In the interior side yard and must be 1.5 m (4.92 ft) from any interior side lot line and behind the main wall of the main building: d. In the rear yard and must be 1.5 m (4.92 ft) from any rear lot line; A Recreational Vehicle on a residential property abutting Lake Erie is permitted:

a. In the front yard not closer than 1.0 m
 (3.3 ft) from the interior edge of a sidewalk or 2.0 m (6.57 ft) from the

	interior edge of a curb or travelled portion of the road;
	 b. In the exterior side yard 1.0 m (3.3 ft) from the interior edge of a sidewalk or 2.0 m (6.57 ft) from the interior edge of a curb or travelled portion of the road;
	c. In the interior side yard not closer than 1.5 m (4.92 ft.) from any interior side yard.

Cur 4.7	rent Zoning By-law 890-09 Bus, Transport Trailers or Recreational	Zoning Provisions presented at Public Meeting 4.7 Bus, Transport Trailers or Recreational	REVISED Zoning Provisions
	icles "Storage" In any zone, no bus, transport trailer or other similar vehicle shall be used for the living, sleeping or eating accommodation within the Corporation of the Municipality of Leamington whether or not the same is mounted on wheels.	Vehicles "Storage" In any zone, no bus, transport trailer or other similar vehicle shall be used for the living, sleeping or eating accommodation within the Corporation of the Municipality of Leamington whether or not the same is mounted on wheels.	
b)	In any zone, no recreational vehicle shall be used for the living, sleeping or eating accommodation of persons for a period of more than 15 consecutive days or unless such vehicle is located within a licenced trailer campground. The lot on which the vehicle is used must have a residential dwelling unit. In any zone, no bus, transport trailer, recreational vehicle or other similar vehicle shall be used as a permanent	In any zone, no recreational vehicle shall be used for the living, sleeping or eating accommodation of persons unless such vehicle is located within a licenced trailer campground. In any zone, no bus, transport trailer, recreational vehicle, commercial motor vehicle, storage container or other similar vehicle shall be used as a permanent office or for storage purposes.	
d)	In any zone, the owner or occupant of any lot shall not store a recreational vehicle or other similar vehicle in any front yard or exterior side yard. Such vehicle may be stored in any rear or interior side yard behind or beside the main building within	 4.7.1 Recreational Vehicle(s) 'Storage' a) In any zone, the owner or occupant of any lot shall not store a recreational vehicle or other similar vehicle in any front yard or exterior side yard. b) Storage of a Recreational Vehicle(s) in any Residential zone shall only be permitted for the purposes of over- 	
	0.5 m (1.64 ft) of the interior side lot line and 1m (3.28 ft) from the rear lot line. Notwithstanding this, owners or occupants of any lot abutting Lake Erie may store such vehicles in the front or interior side yards only. The lot on which the vehicle is stored must have a dwelling unit.	wintering of the said Recreational Vehicle(s) and on the condition that the Recreational Vehicle(s) only remains on the subject property between November 1 st through to March 31 st . c) In any Residential Zone, and in compliance with all of the provisions of this by-law, no person shall store or cause to be stored more than the following defined Recreational Vehicle(s) in any yard of any property:	
		(i) one (1) boat which shall not exceed 8.2 metres in length; or	

- (ii) one (1) motor home which shall not exceed 8.2 metres in length; or
- (iii) not more than two (2) snowmobiles, personal watercraft, all terrain vehicles, utility trailer or similar recreational vehicle, or any combination thereof; or
- (iv) one (1) travel trailer which shall not exceed 8.2 metres in length, exclusive of hitch or tongue.
- d) The lot on which the Recreational Vehicle(s) is to be stored must have a residential dwelling unit.
- e) In any Residential zone, the owner of the Recreational Vehicle(s) must be a full time resident of the residential dwelling unit or owner of the residence where the Recreational Vehicle(s) is stored.
- f) No person shall store or cause to be stored a Recreational Vehicle(s) in any location except in compliance with the following provisions:
 - i) No person shall store a Recreational Vehicle(s) closer than 1.5 m (5 ft.) feet to any and all property lines of the property.
 - ii) The Recreational Vehicle(s) shall only be stored in the rear yard behind the residence or interior side yard beside the residence.
 - Owners or occupants of residential lots abutting Lake Erie shall only store Recreational Vehicle(s) in the front or interior side yards.
- iv) No person shall store or cause to be stored in any Recreational Vehicle(s) on any street or highway.

Current Definitions 890-09	Definitions presented at Public Meeting	REVISED Definitions (NO CHANGE)
STORAGE, shall mean the keeping of goods	STORAGE, shall mean the keeping of goods	STORAGE, shall mean the keeping of goods
and materials.	and materials.	and materials. When used in reference to a
		recreational vehicle, storage shall mean
		parking that exceeds 15 consecutive or
	RECREATIONAL VEHICLE, shall mean a	intermittent days in any given calendar year. RECREATIONAL VEHICLE, shall mean a
	portable vehicular unit designed for travel,	portable vehicular unit designed for travel,
	camping or recreational use, including but not	camping or recreational use, including but not
	limited to a travel trailer, motor home, pick-up	limited to a travel trailer, motor home, pick-up
	camper, motorized camper, tent trailer, boat or	camper, motorized camper, tent trailer, boat or
	boat trailer, utility trailer, but does not include a	boat trailer, utility trailer, but does not include a
	mobile home.	mobile home.
TRAILER, TRAVEL, shall mean any vehicle so	TRAILER, TRAVEL, shall mean any vehicle so	TRAILER, TRAVEL, shall mean any vehicle so
constructed that it is suitable for being attached	constructed that it is suitable for being attached	constructed that it is suitable for being attached
to a motor vehicle for the purpose of being	to a motor vehicle for the purpose of being	to a motor vehicle for the purpose of being
drawn by the motor vehicle, and capable of	drawn by the motor vehicle, and capable of	drawn by the motor vehicle, and capable of
being used for temporary living or sleeping of	being used for temporary living or sleeping of	being used for temporary living or sleeping of
persons therein for seasonal travel, recreation	persons therein for seasonal travel, recreation	persons therein for seasonal travel, recreation
and vacation activity, notwithstanding that such	and vacation activity, notwithstanding that such	and vacation activity, notwithstanding that such
vehicle is jacked up and/or that its running gear	vehicle is jacked up and/or that its running gear	vehicle is jacked up and/or that its running gear
is removed or screened from view. This	is removed or screened from view. This	is removed or screened from view. This
definition shall include tent trailers, motor	definition shall include tent trailers, motor	definition shall include tent trailers, motor
homes, truck campers, or similar transportable accommodation but shall not include a mobile	homes, truck campers, or similar transportable accommodation but shall not include a mobile	homes, truck campers, or similar transportable accommodation but shall not include a mobile
home as defined herein or a transport trailer.	home as defined herein or a transport trailer.	home as defined herein or a transport trailer.
nome as defined herein of a transport trailer.	PARKING, shall mean temporary and within a	PARKING (or PARK or PARKED), shall mean
	designated area.	the temporary storage of a motor vehicle, boat,
	a a saigna a a a a a	motor home, trailer or other similar vehicle.
		Parking when used in reference to a
		recreational vehicle shall mean a period of time
		not exceeding a total of 15 consecutive or
		intermittent days in any given calendar year
MOBILE HOME, shall include any portable	MOBILE HOME, shall include any portable	MOBILE HOME, shall include any portable
dwelling designed to be drawn by a motor	dwelling designed to be drawn by a motor	dwelling designed to be drawn by a motor
vehicle, but does not include a recreational	vehicle, but does not include a recreational	vehicle, but does not include a recreational
vehicle.	vehicle.	vehicle.
MOTOR HOME, shall mean a self-propelled,	MOTOR HOME, shall mean a self-propelled,	MOTOR HOME, shall mean a self-propelled,
completely self-contained motor vehicle that contains all the conveniences of a home,	completely self-contained motor vehicle that contains all the conveniences of a home,	completely self-contained motor vehicle that contains all the conveniences of a home,
including cooking and sleeping.	including cooking and sleeping.	including cooking and sleeping.
including cooking and sleeping.	including cooking and sleeping.	including cooking and sleeping.