

January 28, 2019

To: His Worship the Mayor
And Members of City Council

Re: Community and Protective Services Committee: Front Yard Parking - Amendment to the
Regina Community Standards Bylaw (2019-6)

RECOMMENDATION

**RECOMMENDATION OF THE COMMUNITY AND PROTECTIVE SERVICES
COMMITTEE - JANUARY 17, 2019**

1. That an amendment to *The Regina Community Standards Bylaw* No. 2016-2 to establish an offence for parking on any area of the front yard that is not a driveway, as further detailed in this report be approved.
2. That a housekeeping amendment to *The Regina Community Standards Bylaw* No. 2016-2 respecting the definitions in clauses 3(d) and (g) to correct a drafting inconsistency be approved.
3. That the City Solicitor be directed to prepare the necessary bylaw amendment.

COMMUNITY AND PROTECTIVE SERVICES COMMITTEE - JANUARY 17, 2019

The Committee adopted a resolution to concur in the recommendation contained in the report.

Recommendation #4 does not require City Council approval.

Councillors: Andrew Stevens (Chairperson), Lori Bresciani, John Findura, Jason Mancinelli were present during consideration of this report by the Community and Protective Services Committee.

The Community and Protective Services Committee, at its meeting held on January 17, 2019, considered the following report from the Administration:

RECOMMENDATION

1. That an amendment to *The Regina Community Standards Bylaw* No. 2016-2 to establish an offence for parking on any area of the front yard that is not a driveway, as further detailed in this report be approved.
2. That a housekeeping amendment to *The Regina Community Standards Bylaw* No. 2016-2 respecting the definitions in clauses 3(d) and (g) to correct a drafting

inconsistency be approved.

3. That the City Solicitor be directed to prepare the necessary bylaw amendment.
4. That this report be forwarded to the January 28, 2019 meeting of City Council for approval.

CONCLUSION

It is recommended that Council approve a bylaw amendment to *The Regina Community Standards Bylaw* to create an offence for a property owner to allow parking of cars outside of the driveway area. The provisions proposed for *The Regina Community Standards Bylaw* do not impose new rules on homeowners with respect to driveway development which are currently set out in the *Regina Zoning Bylaw No. 9250*. An escalating fine amount consistent with other offences under this Bylaw is recommended to start at \$250.00.

BACKGROUND

In response to concerns brought forward by residents, Council has requested further options for enforcement and compliance measures regarding parking in front yards outside of the driveway area. The current provisions of *Regina Zoning Bylaw No. 9250* require onsite parking to be provided only in a legal parking space or driveway and are enforced pursuant to the powers provided in *Regina Zoning Bylaw No. 9250* and *The Planning and Development Act, 2007*. Neither the Act nor bylaw provide for ticketing or give the City the authority to remedy the contravention in the event an order is not complied with.

Current Statistics

The City receives approximately 300 complaints per year regarding the various provisions in *Regina Zoning Bylaw No. 9250* related to front yard parking (front yard parking requirements set out in Appendix A). These statistics include not only vehicles parked outside of a driveway but also complaints regarding driveway development.

Of these complaints approximately 40 per cent of the inspections reveal no violation and 50 per cent are resolved voluntarily following a handwritten notice left at the property by Bylaw Enforcement Officers. In the remaining 10 per cent of cases further enforcement action is required. Further enforcement action may include laying a charge against the property owner or a written order can be issued requiring that the contravention be corrected (or both). If the person fails to comply with the direction in the order, *The Planning and Development Act, 2007* provides that a development officer may apply to the Court of Queen's Bench to further order the person to comply.

In 2018, Bylaw Enforcement received 287 complaints regarding front yard parking (including driveway development and permit issues). Voluntary compliance was achieved in 149 of these cases. In 110 of the cases, an inspection revealed no violation. In the remaining 28 cases further enforcement action was required or is currently being pursued. In both 2017 and 2018, 14 orders were issued, resulting in compliance in 9 of the cases. Appeals were filed in four cases each year.

Jurisdictional Comparison

Both Saskatoon and Moose Jaw address front yard parking through their land use bylaw and use similar enforcement mechanisms to the City of Regina.

DISCUSSION

The primary concern that the City hears from residents regarding front yard parking is that it creates unsightly property, deterioration of neighbourhood conditions and is seen as a nuisance condition. The City's current regulation of front yard parking is through the land use provisions in the *Regina Zoning Bylaw No. 9250*. It is recommended that new provisions regarding front yard parking be included in *The Regina Community Standards Bylaw* which is intended to address unsightly and nuisance conditions on private property. The enforcement process and mechanisms used under *The Regina Community Standards Bylaw* provide for ticketing as well as the ability to remedy the contravention if an owner fails to comply with an order (as per *The Cities Act*).

Bylaw Amendment

The Administration is recommending that an offence described as follows be added to *The Regina Community Standards Bylaw*:

Vehicles in Front Yard

11.1 Notwithstanding the generality of section 5, no person shall suffer, cause or permit all or part of any vehicle to be kept on any land between the front of a residential building and a street, and for a corner lot, the side of a residential building and a street, except where the entire vehicle is located on and over a hard surface driveway or parking pad.

“driveway” a private right-of-way abutting and providing access for vehicles from a street, boulevard, curb, or sidewalk to a carport, garage or hard surface parking pad located on the same lot.

“hard surface” means a durable hard surface of asphalt, concrete, brick or other similar material excluding gravel, slag or similar material.

The provisions proposed for *The Community Standards Bylaw* are consistent with the provisions of *Regina Zoning Bylaw No. 9250* in terms of driveway surface requirements. The recommended provision is not intended to impose new development or land use requirements on property owners.

Enforcement Process

The current enforcement process will be improved by adding the option to ticket the property owner and by allowing the City to take action to remedy the contravention if the order is not complied with. Following approval of the Bylaw amendment the Administration would first undertake public education related to the new enforcement measures. Bylaw Enforcement would implement enforcement measures consistent with the process used in other nuisance matters. This process would be complaint based and would entail:

Step 1. Inspection and if violation is found issue a notice describing the violation, process to comply, deadline to comply, failing to comply repercussions.

- To date this step has been effective; current enforcement sees only about 10 per cent of cases

requiring further enforcement after receipt of the notice.

Step 2. Second Inspection. If violation continues issue order and ticket.

- Both ticket and order would be issued at this stage because offence is continuing despite warning notice being given.
- Order requires a 15 day appeal period pursuant to *The Cities Act* if the City wishes to recover costs of remedial action it takes.

Step 3. Third Inspection on 16th day after order issued. If violation continues vehicles may be towed to the City of Regina impound lot.

Related Bylaw Requirements

Regina Zoning Bylaw No. 9250 provisions relevant to front yard parking are more onerous and detailed than those proposed for *The Regina Community Standards Bylaw*. These remaining matters relate more specifically to land use and development. It is unlikely that enforcement action would be undertaken under both bylaws at the same time. Compliance with *The Regina Community Standards Bylaw* will not necessarily mean that compliance with the more detailed provisions of *Regina Zoning Bylaw No. 9250* has been achieved. Issues of driveways in a location not permitted or without a permit will continue to be addressed through *Regina Zoning Bylaw No. 9250*.

Housekeeping Amendment

Administration recommends housekeeping amendments to the definitions in clause 3(d) and 3(g) (“incomplete structure” and “nuisance” respectively) to add the wording “building” before the word “structure” for clarity and consistency of drafting language. The definition of incomplete building or structure remains the same as the definition of incomplete structure. There are no changes to the substance of those provisions.

RECOMMENDATION IMPLICATIONS

Financial Implications

The public awareness and education campaign will have costs associated; however, those will be absorbed within current budgets.

To ensure current enforcement actions are not compromised, additional staffing resources are required to establish enhanced options to enforce parking on any area of the front yard that is not a driveway and would need to be included as part of the 2020 budget process. Resources are required due to increased inspection frequency, attendance in court, and the issuance and tracking of tickets. As voluntary compliance has historically been high upon investigating the complaints, revenue generated through the ticketing option is not expected to offset operational costs.

Environmental Implications

None with respect to this report

Policy and/or Strategic Implications

The Regina Community Standards Bylaw is intended to address unsightly and nuisance conditions on

private property.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Prior to implementation, Administration will develop an information and awareness component to inform residents of the Bylaw amendment, parking allowances, restrictions and enforcement procedures prior to potential ticketing or other potential measures.

DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval.

Respectfully submitted,

COMMUNITY AND PROTECTIVE SERVICES COMMITTEE



Tracy Brezinski, Secretary