

Date: 2019-04-18

Subject: **Supplementary Recommendation Report**
Residential Driveway Widenings Review and Recommendations
City File: G.DX.

Contact: Bernie Steiger, Manager, Development Services, 905-874-2097,
 bernie.steiger@brampton.ca

Recommendations:

1. **THAT** the report from Bernie Steiger, Manager, Planning and Development Services Department, dated April 18, 2019, to the Planning and Development Committee of May 13, 2019, re: **Supplementary Recommendation Report – Residential Driveway Widenings Review and Recommendations, File: G.DX.**, be received;
2. **THAT** staff be directed to prepare amendments to the Licensing By-law, including revising the requirements upon which the City may revoke or refuse to renew a license and adding compliance with the Zoning By-law as a requirement of the licensee, to be generally in accordance with the amendments found in Appendix 2 to this Report;
3. **THAT** staff be directed to prepare a Driveway Permit By-law, requiring residential homeowners to obtain a permit for any driveway installation, construction, resurfacing, expansion and alteration, to be generally in accordance with the draft by-law attached as Appendix 3 to this Report;
4. **THAT** staff be directed to prepare an amendment to the User Fee By-law to charge a fee for an application and permit under the Driveway Permit By-law equivalent to the current fee charged for permits for alterations to curbs and driveway works in the right of way;
5. **THAT** City staff undertake a comprehensive education and awareness campaign to heighten public knowledge and understanding of homeowners and contractors, regarding the rules and regulations that apply to driveways, driveway widenings and the installation of paved walkways in the front yard;

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6. **THAT** the standard notice clause related to widening of driveways imposed as a condition of draft approval for new residential subdivisions be revised to make reference to the requirement to obtain a driveway permit; and,
7. **THAT** the City Clerk provide a public list on the City's website of all Persons that apply for and receive a license under the Business Licensing By-law 332-2013, including all licenses for Driveway Paving Contractors.

Overview:

- **A recommendation report was presented to the Planning and Development Committee meeting of April 8, 2019.**
- **The Committee deferred the recommendation report to the May 13th 2019 Committee meeting to accommodate anticipated comments/questions from Councillors, which staff would respond to within a revised report.**
- **One comment/question was received from a Councillor at the meeting, and no others were received subsequent to the meeting.**
- **This report provides a response to the one Councillor question, and brings forward the same set of recommendations as was initially presented at the April 8, 2019 meeting.**
- **The recommended actions are:**
 - **As part of the Comprehensive Zoning By-law review currently underway, provide clarity to improve understanding of the requirements and restrictions of driveway widths. The review should also assess what changes could be made to ensure that a portion of the lot retains permeable landscaping, in particular the areas facing a street.**
 - **Amend the Licensing By-law to expand the requirements and regulations applicable to Driveway Paving Contractors, including the requirement that all work performed by such contractors must comply with the Zoning By-law.**
 - **Provide a public listing of licensed Driveway Paving Contractors, who are required to comply with the City's By-laws as a condition of maintaining such license.**
 - **Introduce a Driveway Permit By-law and process, requiring all homeowners (or contractors on their behalf) who are undertaking a widening or resurfacing of a driveway to obtain a permit from the City. It is proposed this by-law come into effect on July 2, 2019. If approved, residents will be able to begin making applications**

starting June 17, 2019.

- **Engage in a broad-based education/awareness campaign with respect to driveways.**
- **Update the standard notice clause in subdivision agreements and Homebuyers' Information Maps for new subdivisions to reflect the new requirements related to driveways.**
- **A copy of the previous report is attached as Appendix 1.**

Background:

In response to Council direction received in 2018, Staff presented a report to the April 8, 2019 Planning and Development Committee meeting with respect to matters related to the regulation of driveways and the potential for a permitting process.

The report was deferred to the May 13, 2019 Planning and Development Committee meeting, to allow Councillors time to further review the report and provide staff with any comments or questions.

At the April 2019 meeting, a Councillor requested staff look into the possibility for the proposed driveway permit regulations to incorporate an exemption for driveways where permeable paving is proposed.

No other questions or comments were received subsequent to the meeting.

This report provides a response to the question received and presents the previous recommendations to Council for its consideration.

Current Situation:

Exemption from Proposed Permit Process-Driveways using Permeable Paving

Staff recommends against exempting permeable paving from the permitting process. One of the reasons for requiring permits is to ensure that driveways are constructed in accordance with the Zoning By-law. Although permeable pavers can provide a superior infiltration rate, compliance would still be required with the Zoning By-law. In this regard a driveway constructed of permeable pavers that does not comply with the Zoning By-law, could be just as problematic as any other driveway in terms of allowing for excessive vehicle parking. The permitting process is intended to provide staff the opportunity to ensure compliance of the design prior to the investment in the construction.

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In addition, not exempting permeable paving will aid staff with associated administration, review and enforcement, by allowing the permit requirements to be applied consistently for all driveway work.

An exemption would complicate staff's review in terms of requiring staff to try and establish whether a driveway is indeed being constructed with the necessary specifications to be permeable (which would require staff to inspect regardless). It would also complicate enforcement in terms of trying to establish if a driveway is made of permeable pavers (and installed according to the correct specifications) as well as result in a different enforcement process for such driveways in comparison to driveways that require permits.

The use of "incentives" for the use of permeable pavers could be assessed as part of Public Works and Engineering's review of the potential stormwater charge.

Corporate Implications:

Financial Implications:

As noted in the report to the April 8, 2019 Planning and Development Committee meeting, the introduction of a Driveway permitting system will likely have administrative and financial impacts. This includes potential increased staffing requirements for the Public Works and Engineering Department that will take in, circulate and review the applications, as well as for other departments that would also be involved in the review of such applications.

Current staffing levels should be sufficient to process a reasonable uptake in applications and the associated service requests and investigations, while still meeting customer service levels. While it is anticipated that the permitting process can initially be administered with current staff levels, uptake will likely increase as general awareness of the requirement grows across the City.

Should the increase exceed anticipated capacity or impact the overall level of service to the customer, a review of the personnel resources would be needed and brought forward in the 2020 operating budget submission, pending Council approval.

Other Implications:

2019-2012 Term of Council Priorities:

This report and proposed recommendations aligns with the "Brampton is a well-run City" theme. The proposed actions will aid in providing awareness of driveway regulations to

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residents and contractors, support enforcement and make residents and contractors accountable in terms of complying with City regulations.

As noted in the report to the April 8, 2019 Planning and Development Committee meeting (attached as Appendix 1), it would assist in ensuring that driveways remain balanced as part of a residential lot and streetscape and that the City's neighbourhoods remain attractive places to live.

Living the Mosaic – 2040 Vision:

This report has been prepared in full consideration of the overall vision that the people of Brampton will “Live the Mosaic”.

Conclusion:

As detailed in the April 8, 2019 Planning and Development Committee report (attached as Appendix 1), a set of recommendations for Council's consideration is provided to strengthen public awareness, enforcement, and compliance as it relates to the driveway regulations.

Approved by:

Approved by:

Allan Parsons, MCIP, RPP
Director, Development
Services
Planning and Development
Services

Rick Conard,
A/Commissioner,
Planning and Development
Services

Attachments:

Appendix 1: Staff Report to April 8, 2019, Planning and Development Committee Meeting

Appendix 2: Draft Amending By-law to Licensing By-law

Appendix 3: Draft Driveway Permit By-law

Date: 2019-03-15

File: G.DX.

Subject: **Recommendation Report**
Residential Driveway Widenings Review and Recommendations

Contact: Bernie Steiger, Manager, Development Services, 905-874-2097,
 bernie.steiger@brampton.ca

Recommendations:

1. **THAT** the report from Bernie Steiger, Manager, Planning and Development Services Department, dated March 15, 2019, to the Planning and Development Committee of April 8, 2019, re: **Recommendation Report – Residential Driveway Widenings Review and Recommendations, File: G.DX.**, be received;
2. **THAT** staff be directed to prepare amendments to the Licensing By-law, including revising the requirements upon which the City may revoke or refuse to renew a license and adding compliance with the Zoning By-law as a requirement of the licensee, to be generally in accordance with the amendments found in Appendix 9 to this Report;
3. **THAT** staff be directed to prepare a Driveway Permit By-law, requiring residential homeowners to obtain a permit for any driveway installation, construction, resurfacing, expansion and alteration, to be generally in accordance with the draft by-law attached as Appendix 11 to this Report;
4. **THAT** staff be directed to prepare an amendment to the User Fee By-law to charge a fee for an application and permit under the Driveway Permit By-law equivalent to the current fee charged for permits for alterations to curbs and driveway works in the right of way;
5. **THAT** City staff undertake a comprehensive education and awareness campaign to heighten public knowledge and understanding of homeowners and contractors, regarding the rules and regulations that apply to driveways, driveway widenings and the installation of paved walkways in the front yard;

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6. **THAT** the standard notice clause related to widening of driveways imposed as a condition of draft approval for new residential subdivisions be revised to make reference to the requirement to obtain a driveway permit; and,
7. **THAT** the City Clerk provide a public list on the City's website of all Persons that apply for and receive a license under the Business Licensing By-law 332-2013, including all licenses for Driveway Paving Contractors.

Overview:

- **In July of 2018 Council directed staff to review matters related to driveway widenings and front yard paving, including the rules related to “grandfathering” and the potential for requiring permits for driveway widenings and to raise awareness of by-law requirements to ensure work meets City regulations.**
- **In September of 2018 a verbal update was provided to Council which set out a workplan and identified a number of options that would be looked at as part of staff's work. This report provides a discussion on these matters and a summary of the recommended actions.**
- **The recommended actions are:**
 - **As part of the Comprehensive Zoning By-law review currently underway, provide clarity to improve understanding of the requirements and restrictions of driveway widths. The review should also assess what changes could be made to ensure that a portion of the lot retains permeable landscaping, in particular the areas facing a street.**
 - **Amend the Licensing By-law to expand the requirements and regulations applicable to Driveway Paving Contractors, including the requirement that all work performed by such contractors must comply with the Zoning By-law.**
 - **Provide a public listing of licensed Driveway Paving Contractors, who are required to comply with the City's By-laws as a condition of maintaining such license.**
 - **Introduce a Driveway Permit By-law and process, requiring all homeowners (or contractors on their behalf) who are undertaking a widening or resurfacing of a driveway to obtain a permit from the City. It is proposed this by-law come into effect on June 1, 2019. If approved, residents will be able to begin making applications starting May 15, 2019.**

- **Engage in a broad-based education/awareness campaign with respect to driveways.**
- **Update the standard notice clause in subdivision agreements and Homebuyers' Information Maps for new subdivisions to reflect the new requirements related to driveways.**
- **Enforcement staff will resume enforcement activity to encourage compliance with the Zoning By-law, including those enforcement requests held in abeyance since September 2018.**

Background:

Council Direction

At the July 11, 2018 Council meeting, subsequent to a delegation by a resident related to an enforcement matter to their driveway, Council directed staff to undertake a review of the regulations related to driveways and consider the potential for a permitting process. This resolution (C194/18 (-see also Appendix 1)) reads in part:

“...Therefore be it resolved, that staff be directed to continue its work on a vexatious complaints policy and present to council at a future meeting for consideration. That staff bring a report and recommendations on how to best mitigate historical property modifications (i.e. conditions and rules for grandfathering), and investigate the potential for development of a permit process for minor property modifications (e.g. driveway widening) to ensure residents and contractors are aware of the by-law requirements and to ensure that any work completed adheres to all applicable requirements and restrictions inclusive of any financial and staffing resource implications.”

Previous Staff Update

At the September 12, 2018, Council meeting staff presented a verbal update with regard to driveway widenings along with a general workplan that outlined the matters that would be reviewed. This included:

1. Confirm minimum/maximum thresholds and other requirements of the Zoning By-law;
2. Assess options for a surcharge for driveway widenings or a charge through the Committee of Adjustment;
3. Feasibility of charging contractors for contravening the Zoning By-law vs. homeowners;

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4. Consider the impact of “legal non-conforming” status as it relates to any changes to the zoning regulations. Generally assess how “grandfathering” should or would apply;
5. Ongoing work with “Vexatious Complaints” policy;
6. Implement an education/awareness campaign; and,
7. Feasibility of implementing a permit process.

Multi-disciplinary Team Reviewing this Matter

A team consisting of staff from Public Works and Engineering, Legal Services, Zoning Services, Development Services, By-law Enforcement, Property Standards and Strategic Communications has considered the matters identified in the September 2018 presentation to Council and established the recommended course of action.

Current Situation:

This report provides information and recommendations in relation to the items noted in the September 2018 presentation to Council. The report is mainly structured as per the categories that were referenced from Staff's September 12th 2018 update, as noted above. To more fully accommodate the range of issues addressed, the categories have been broadened into the following:

1. Zoning By-law Requirements
2. Assess Options for Surcharge for Driveway Widening/Charge through Committee of Adjustment
3. Feasibility of Charging Contractors (Licensees) vs. Homeowners
4. “Legal Non-Conforming” Status for Changes to Zoning By-law/Application of “Grandfathering”
5. Policy for Prioritization of Complaints (“Vexatious” Complaints)
6. Education/Awareness
7. Feasibility of Implementing a Driveway Permit Process

Each of these sections includes discussions on the issues and a summary of the recommended actions.

1. Zoning By-law Requirements

The September 2018 presentation identified that staff would confirm the minimum/maximum thresholds, requirements and guidelines for the Zoning By-law.

How the Zoning By-law Defines a Driveway

Definitions for both “residential driveway” and “residential landscaping” are included in the Zoning By-law to provide a clear understanding and interpretation of what surfaces constitute a driveway. These definitions do not apply to certain other zones such as

those for the Estate Residential lots and lands zoned “Agricultural”, where driveway width is regulated as a factor of minimum requirements for front yard landscaping.

The “Residential Driveway”

The By-law provides a definition for a residential driveway (see Appendix 4). Under this definition, any hard-surfaced area abutting the driveway (i.e. walkway) is considered to be part of the driveway if a vehicle can park on it (i.e. it is generally at the same level and there is no physical barrier preventing a vehicle from parking in that area). The width of the walkway is measured as part of the combined overall driveway width when applying the provisions of the Zoning By-law. Appendix 3 shows numerous instances that depict what would generally be considered a concrete “walkway” beside the “driveway”, but no physical barriers are in place to prevent vehicles from parking on that surface. In many instances resident can and do park on that that extended surface. In terms of assessing the suitability of a barrier, staff requires as a minimum that such a barrier be at least two feet in height and is permanently affixed to the ground.

What constitutes “Residential Landscaping”

The remainder of the yard that is not permitted to be used as the driveway is required to be what is defined in the By-law as “Residential Landscaping”. This definition is also provided in Appendix 4. The by-law does not prescribe an amount of “soft” (i.e. vegetation) in a yard. As such, a front yard could be primarily hard-surfaced (e.g. patio, walkway, steps, retaining wall) so long as the definition is met and it is divided from the area defined as “residential driveway” and provided that the required 0.6 metre of permeable landscaping is provided along the side lot line.

The by-law sets out that driving and parking of motor vehicles on the required “residential landscaping” is not permitted.

How the Zoning By-law Regulates a Driveway

The Zoning By-law regulates driveways through two measures. The general background to the development of these regulations is found in Appendix 2. The first measure regulates the maximum permitted width of the driveway (including any walkways that run parallel to the driveway and are capable of being parked upon) based on the width of the lot. The lot width ranges and corresponding permitted driveway widths are as follows:

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Lot Width	Driveway Width	Parking Accommodated	% of Lot width for Driveway
<8.23m (27ft)	4.9m (16 ft)	1 car and a walkway, 2 cars may fit side-by-side	59%
>8.23m (27ft) <9.14m (29.9ft)	5.2m (17 ft)	2 cars could fit side-by-side	63%-57%
>9.14m (29.9ft) <15.24m (50 ft)	6.71m (22 ft)	2 cars side-by-side and a walkway	73%-44%
>15.24m (50ft) <18.3m (60 ft)	7.32m (24 ft)	2-cars, side-by-side, potentially 3 and a generous walkway	48%-40%
>18.3m (60ft)	9.14m (30 ft)	3 cars side-by-side and a walkway	50% or less

The second measure requires a 0.6 metre permeable landscape strip between the driveway and the side lot line. Therefore, where driveways are paired (i.e. driveways are located along the same lot line), a 1.2 metre (4 foot) landscape area is available as a separator between driveways. The 0.6 metre requirement is intended to help preserve the function of the swales that run along property lines. It is also useful in:

- Helping to preserve the function of the drainage swales that run along property lines;
- Defining a common separation space;
- Allowing for snow storage area in winter and water infiltration during the spring melt; and,
- Preventing issues such as a resident parking right up on the property line and then using their neighbour's property to access their vehicle.

Appendix 3 shows images of properties where both portions of this landscape area have been removed and the large expanse of uninterrupted paved area which results from such a circumstance. It is noted that even if eliminating the permeable requirement were considered, the area would still have to be shaped in a form to support drainage. There likely would still be compliance issues in this regard.

What constitutes "permeable" area is set out in the By-law and the definition can be found in Appendix 4. Further information related to engineering aspects of the 0.6 metre swale and general lot drainage design is found in Appendix 5.

Relationship to Official Plan and City Development Design Guidelines

The Zoning By-law requirements implement the Official Plan policies related to driveway control and maintaining attractive neighbourhoods. This regulatory framework is further

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supported by the City's Development Design Guidelines which set out guidelines related to driveway and garage design.

Driveway Related Policies in Official Plan

Through the City's Official Plan, Council has expressed that it is important to build and maintain attractive neighbourhoods and balance the impacts of accommodating parking on a property with achieving attractive streetscapes/communities. Applicable policies and objectives in the Official Plan related to the design of residential neighbourhoods, and specifically driveways, include:

- Section 4.2 Residential promotes well planned, well designed and well-built residential areas that will enhance the sense of place for residents as well as visitors (Section 4.2 vi);
- Policy 4.2.1.14 sets out a number of “key elements of design for residential areas” including garage placement, driveway design and lot widths related to attached garages (Section 4.2.1.14 –(iii));
- Section 4.2.7 (Design) deals with aspects of the design of residential areas including the objective to avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complementary to the house and lot size (Section 4.2.7, tenth bullet); and,
- Policies in the Urban Design section set out the various aspects that make up the public realm of the City, such as streetscapes, public squares and landmarks, edges and gateways, among others. One of the objectives of this section is to deemphasize the importance of driveways, cars, and garages on the streetscape.

In new development areas much effort goes into the design of the subdivisions to, amongst other things, minimize the visual impact of garages - a key element in maintaining the attractiveness of Brampton's neighbourhoods.

Issues

Violations to the Zoning By-law regulations for driveways appear to be widespread. Further discussion on this is found in Appendix 6. In addition, the City receives numerous applications for minor variance for driveway widenings. Historically, staff has recommended refusal of the majority of these applications. Specific details with regard to the position taken by staff on such minor variance applications, as well as that of the Committee can be found in Appendix 7. Appendix 7 also provides some overview of the staff's considerations in evaluating these variance requests.

It appears that the definition of “Residential Landscaping” is not sufficient in terms of limiting the amount of hard-surfaced area in a yard. This creates concerns, in particular

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from a streetscape perspective, where a certain amount of vegetation should be provided in a yard.

There will be a continued tension between a desire by residents to accommodate as many vehicles on a property as possible and the need to maintain the attractiveness of our residential neighbourhoods. These tensions are also likely a result of broader trends/realities such as:

- an increasing number of second units (both registered and illegal) found in the City;
- the general lack of alternate affordable or rental housing to offset the demand for rental units being fulfilled by second units;
- the need by homeowners to rent out a portion of their dwellings to support their mortgages;
- availability and viability of alternate transportation options;
- the low percentage of the City's residents that work within Brampton;
- the extent/reality of multi-generational families living in the same home; and,
- generally denser residential development resulting in smaller lots, combined with a demand for larger houses (or as large a house as possible on a lot).

Recommended Action

A review of the Comprehensive Zoning By-law is underway. This project will result in a new by-law that replaces the one currently in force. As part of this process the driveway regulations are being reviewed. Given that the current definition of "Residential Landscaping" would allow for the entirety of the front yard (or exterior) to be hard-surfaced (except for the required 0.6 metre permeable strip along the side lot lines), the by-law review should assess what changes could be made to ensure that an appropriate amount of permeable landscaping is retained on a lot, in particular the areas facing a street.

As noted in this report, through the Official Plan, Council has expressed that it is important to build and maintain attractive neighbourhoods and balance the impacts of accommodating parking on a property with achieving attractive streetscapes/communities. Any changes to the current regulations will be undertaken in a manner where the nature of the dwellings on such lots and the relationship of the house, yard and garage on a lot is fully understood, to ensure that undesirable situations are not created.

Staff will assess whether adjustments can be made to the regulations to aid enforcement. However, adding a Driveway Permit process may resolve some of these issues (e.g. determining compliance on-site) as the first step in the compliance process would be to ascertain if a driveway permit had been obtained - a simple yes or no answer.

2. Assess Options for Surcharge for Driveway Widenings/Charge through Committee of Adjustment

Option for Surcharge for Driveway Widening

The option of applying a charge to a property based on the overall impervious cover on a lot, including the driveway, is being assessed by the Public Works and Engineering Department. Staff is preparing a report to Council with regard to the potential for implementation of a stormwater charge for properties in the City. This report is expected to be brought forward in May/June of 2019.

Charge/Reduction of Fee for Minor Variance Application

A reduced minor variance application fee may actually act as an incentive for widenings. Furthermore, applications for driveway widenings are often bundled with other variance requests, or are added to an application for other variances as a result of the required site inspections by staff, which would complicate fee requirements. Finally, it would in a manner constitute a tacit signal that the City supports such widenings, whereas staff has generally not been supportive of minor variance applications for driveway widenings.

Similarly, some form of additional charge on minor variance applications for driveway widenings would be seen as a signal that there would be some level of support for such a request provided the additional fee is paid.

Either a charge or a fee reduction could be seen as fettering staff's review and that of the Committee of Adjustment itself. A variance request should be dealt with in a similar manner to other variances. There is no particular reason to have a different charge.

There are more suitable mechanisms to address implications of increased impervious cover to City infrastructure. The upcoming report related to the potential for a stormwater management charge will look at one such mechanism.

Recommended Action

A report to Council on the matter of a stormwater charge for impervious cover to properties in Brampton is being addressed by the by the Public Works and Engineering Department and is expected to be brought forward in May/June of 2019.

Applying some form of fee reduction or charge for minor variance applications related to driveway widenings is not recommended.

3. Feasibility of Charging Contractors (Licensees) vs. Homeowners

The City can enforce against a Driveway Contractor under the Licensing By-law and against the Driveway Contractor or the Homeowner under the Traffic By-law (where no curb cut permit is obtained, if needed) or for a Zoning By-law violation.

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There is difficulty in enforcing violations solely against contractors unless sufficient evidence that a specific contractor did the work is obtained (e.g. catch them in the act). Therefore, enforcement against homeowners is often the only viable option.

It should be noted that although the current Business Licensing By-law prohibits Driveway Paving Contractors from performing work without a permit, it does not require compliance with Zoning regulations. Additional details regarding the existing Licensing By-law requirements for driveway paving contractors is set out in Appendix 8.

Recommended Action

Enhancements to the Business Licensing By-law, and the introduction of a Driveway Permit process would assist in the ability to charge licensees.

Staff is proposing to amend the Business Licensing By-law to add a requirement that any work performed by Driveway Paving Contractors comply both with any necessary permit and with the City's Zoning By-law. With the recommended introduction of a Driveway Permit By-law, a Driveway Paving Contractor would thus need to ensure a Driveway Permit has been obtained prior to commencing driveway paving work.

These proposed amendments, which are set out, in part, below will also permit enhanced enforcement of these requirements by making it a chargeable offence, and allow the City to revoke a licence if a licensee performs work without a necessary permit or in contravention of the City's Zoning By-law.

The specific key amendments being proposed to the Business Licensing By-law are detailed below:

- Amendments to permit the City to refuse to renew, revoke or suspend a license if:
 - The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector;
 - The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.
- Amendments to Schedule 9 of the Business Licensing By-law to prohibit a Driveway Paving Contractor from:
 - Performing any work that requires a permit unless the permit is displayed in view of the public;
 - Perform any work that is not in compliance with the City's Zoning By-law 270-2004, as amended, or any other of the City's by-laws, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work.

A draft of the proposed amendment to the Licensing By-law is attached as Appendix 9.

4. “Legal non-conforming” status for changes to Zoning By-law/Application of “Grandfathering”

Several aspects to “grandfathering” were reviewed:

- Potential options related to the legal non-conforming status to driveways from a Zoning By-law perspective;
- How legal non-conforming status would apply to any potential changes to the Zoning By-law;
- How “grandfathering” would apply to the proposed Driveway Permit By-law; and,
- Not proceeding with enforcement activity on enforcement requests held in abeyance since September 2018.

Zoning By-law and Legal Non-conforming Status

Staff considered the application of a legal non-conforming status under the Zoning By-law (in this case it relates to a legal non-conforming driveway). A driveway that at one point complied with and then, due to regulation changes under the Zoning By-law, no longer complies has legal non-conforming status under the By-law itself and Provincial planning legislation. Conversely; one cannot apply a legal non-conforming status to (or “grandfather”) a driveway, regardless of the length it has existed, if it was constructed as, and remains, non-compliant. No further action on this matter is recommended as doing so would contravene legal principles and the *Planning Act*.

In general terms, when revisions to the Zoning By-law are made, it affects the zoning status of existing situations. As such, if changes to the Zoning By-law related to driveways are made, it potentially affects the zoning status of some existing driveways, depending upon the change as follows:

- It could result in a driveway that once did not conform, now conforming to the new regulations. In such a situation, there would be no enforcement issues. If there has been ongoing enforcement activity, such activity may be discontinued.
- If a driveway previously did conform to the Zoning By-law and would no longer conform under any new regulations, it would have legal non-conforming status.

Application of “Grandfathering” under Proposed Driveway Permit By-law

The proposed Driveway Permit By-law would apply to any proposed work requiring a permit subsequent to the date it comes into force.

- Where enforcement or prosecution action has already begun on an existing widened driveway that was widened prior to the by-law, the owner would not be required to obtain a permit.

- Further, where a driveway that was widened before the permit by-law was enacted, but an enforcement action was carried out after the passing of the by-law (or a variance application was sought after), a permit would not be required as part of those matters. In these circumstances, the Order to Comply issued by Enforcement or the approved variance would specify the requirements that would need to be met by the owner.

Enforcement Activity held in Abeyance since September 2018

Since Council's direction to staff was to hold all enforcement requests received, between September 2018 and December 2018 in abeyance of enforcement action. By-law Enforcement had received 151 complaints and has successfully closed 105 of those as they were found not to be in violation. Of those 151 calls, 46 driveway investigations are on hold. An estimated 20 additional investigation requests were received in December 2018.

In order to ensure consistency in its approach to enforcement activity, Enforcement staff will move forward with dealing with the enforcement requests held in abeyance since September 2018. Continuing with the enforcement activity also serves to reinforce the importance and legitimacy of the City's Zoning By-law as a tool in implementing the Official Plan policies related to regulating driveways and ensuring Brampton's neighbourhoods remain attractive places to live.

Recommended Action

Of the matters related to "grandfathering" and legal non-conformity no further action is recommended. As it relates to enforcement action held in abeyance, Enforcement staff intends on proceeding with dealing with the enforcement requests.

5. Policy for Prioritization of Complaints ("Vexatious" complaints)

Responding to complaints for service in a timely manner is a priority of the Enforcement Division. Staff has identified several circumstances that involve complaints made against multiple properties from single complainants, who were the subject of a complaint themselves, and have chosen to survey their street or neighbourhood for other potential violations. These complaints, while possibly valid, often have limited or no impact on the complainant themselves and appear to be made in an effort to frustrate Enforcement staff's resources and service delivery commitments. In response to these bulk requests for enforcement, staff has drafted and are currently reviewing a new proposed Complaint Priority Policy which will be brought forward to Committee of Council by way of an Information Report. The Complaint Priority Policy would prioritize complaints based on various criteria such as safety, effect on surrounding properties,

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urgency, etc. therefore affording a more appropriate allocation of resources. The report is anticipated to be presented in April 2019.

Recommended Action

Implementing a policy for the prioritization of complaints will be addressed through a separate report being brought forward to Committee of Council in April 2019.

If a driveway permit process is implemented, as recommended by staff, Enforcement and By-law Services will work with Zoning Services, Public Works and Engineering and other staff to establish an action plan that will address complaints and the responsibilities of each section to respond to complaints of driveway alterations without a permit.

Other actions Enforcement staff will undertake:

- While on patrol for general offences, actively investigate contractors on site and property owners for driveway alterations if no permit has been issued.
- Continue to respond and investigate complaints of driveway alterations without a permit.
- Enforce permit requirements including potential licensing and zoning violations.
- Assist and enforce driveway alterations from a licensing and zoning perspective. Where permits are obtained, staff will be able to confirm alterations were conducted in accordance with the permit and ensure licensing and zoning requirements are met. Further, staff will actively investigate illegal driveway alterations where permits have not been issued and are currently under construction.

6. Education/Awareness

Currently information regarding driveway widths is principally relayed in the following manner:

- For new homebuyers in new subdivisions a notice is included on the Homebuyers' Information Maps indicating that driveways are regulated by the Zoning By-law and residents should first check with the City before proceeding with any widening.
- A warning is also included on title via the subdivision agreement. This provision has been in place for a number of years, therefore many new developments have this clause in their agreements. As the subdivision agreement is registered on title, it "runs with the land" and all future owners are subject to it.
- The City's website also contains information related to driveway widenings in a number of locations under the Roads and Traffic, By-law Enforcement and Building Permits-Zoning pages.

Issues

The clause related to driveway widenings in the subdivision agreement is part of an often lengthy list of warnings and may be overlooked by residents. As such, while staff recommend the practice continue, it is likely not the best method of informing the public with respect to driveway regulations.

Currently information related to driveways is found in several locations on the website. Improvements can be made to the City's website to consolidate information onto one page with links from other locations. The list of licensed paving contractors is currently not public information.

Furthermore, the current approaches (i.e. homebuyers map, clause on property title, website) are either limited and/or passive in nature. A more active and broad-reaching campaign to have residents understand the requirements related to driveways would be beneficial.

Recommended Action

The following actions are proposed:

- Publishing a list of Licensed Driveway Paving contractors;
- Undertake a broader public awareness campaign;
- Updating the standard subdivision notices if a driveway permit process is approved; and,
- If a driveway permit process is approved, staff will investigate the potential of making certain information (E.g. property, date issued, contractor info) related to driveway permits that have been issued available online via the City's Open Data source.

Publication of List of Driveway Paving Contractors

There are currently fifteen Driveway Paving Contractors licensed with the City. Staff is proposing that the name and business contact information of all licensed Driveway Paving Contractors be made available on the City's website, so that residents can easily confirm that the contractor they are considering hiring is licensed with the City. By making information regarding licensed Driveway Paving Contractors easily available to the public it is hoped that additional contractors will seek to become properly licensed by the City and encourage compliance with the City's licensing, zoning and permitting requirements. This will in turn benefit and better protect the interests of the City's residents. Other municipalities, such as the Town of Oakville and the City of Toronto, currently provide their residents with access to this information, either in the form of a list or online look-up system.

Comprehensive Awareness Campaign

Staff will work closely with Strategic Communications to develop and implement a public education strategy that supports the new permit requirements. The strategy will include, but will not be limited to, City website, translated materials, social media, digital

advertising, corporate and councillor newsletters, and information sent to local contractors.

Update to Warnings in Subdivision Agreements

If a Driveway Permit process is approved by Council, staff can also update the standard warnings included in the subdivision agreement and Homebuyers' Information Maps to reflect the new requirement.

Make Driveway Permit Information Available Online

If a Driveway Permit process is approved by Council, staff will investigate the potential of making certain information related to the permits that have been issued available online. This would be dependent on how the applications are entered and tracked within the City's databases and whether that information can be readily made accessible online, among other things.

7. Feasibility of Implementing a Driveway Permit Process

Staff has investigated the potential for implementing a Driveway Permit process. Such a process exists in some other municipalities such as Burlington, Vaughan, Collingwood and Toronto (details of which are found in Appendix 10).

A permit process would provide for a further means to enforce compliance to the City's Official Plan and Zoning By-law requirements including:

- aid enforcement, as the first step in understanding compliance would be a simple "yes/no" as it pertains to whether a permit has been obtained. A violation can simply be determined by absence of the required permit, followed by investigations of any violations of the Zoning By-law;
- "close the loop" with respect to the Licensing By-law by requiring contractors (or homeowners) to obtain a permit that requires compliance with the Zoning By-law.

Recommended Action

Staff is recommending that Council implement a Driveway Permit process that would require a permit for the following activities, excluding driveway repairs:

- Resurfacing (but not sealing)
- Construction (e.g. replacement of driveway)
- Expansion and alteration (e.g. widening including the addition of curbs and walkways)

The proposed By-law (draft attached as Appendix 11) sets out details relating to:

- Submission requirements (plans drawings, any other related permits)
- Compliance requirements (e.g. Zoning By-law, off-sets to utilities, street trees, light poles)
- Requirement for notification of completion of work

7.3 - 22

- When a permit may be refused or revoked or renewed
- Allows the potential to require securities, if deemed necessary
- Requirement of payment of a fee for the permit
- Parameters related to enforcement and inspection (e.g. an officer may enter onto the property to carry out an inspection)
- The ability to issue orders to comply
- How contraventions are handled (constitutes an offence for which charges may be laid under the *Provincial Offences Act*) and penalties for violations of the by-law)

In terms of implementation, staff anticipates that the by-law can be forwarded to Council for approval to be effective as of June 1, 2019. This would allow time for an awareness campaign to be launched to help raise public understanding of the new requirement. It will also allow time for staff to complete the necessary administrative changes to prepare for the new process (such as preparation of application forms and permit document).

It is recommended that the current fee that is required for permit applications for curb cuts and driveway works in the right-of-way be applied to Driveway Permits (currently \$50). A revision to the City's User Fee By-law is required in this regard.

For those residents seeking to undertake work after June 1, 2019, staff will be prepared to start accepting applications by May 15, 2019, to minimize any delays where residents may have already scheduled work.

Corporate Implications:

Financial Implications

The introduction of a Driveway permitting system will likely have administrative and financial impacts. This includes potential increased staffing requirements for the Public Works and Engineering Department that will take in, circulate and review the applications, as well as for other departments that would also be involved in the review of such applications.

Current staffing levels should be sufficient to process a reasonable uptake in applications and the associated service requests and investigations, while still meeting customer service levels. While it is anticipated that the permitting process can initially be administered with current staff levels, uptake will likely increase as general awareness of the requirement grows across the City.

Should the increase exceed anticipated capacity or impact the overall level of service to the customer, a review of the personnel resources would be needed and brought forward in the 2020 operating budget submission, pending Council approval.

Other Implications

Strategic Plan:

This report and its recommendations align with the “Good Government” theme of the Strategic Plan. One of the goals is to “Practice proactive, effective and responsible management of municipal assets and services”. The proposed actions will aid in providing awareness of driveway regulations to the residents and contractors, aid in enforcement, and make residents and business operators accountable in terms of complying with City regulations.

In this regard, it would assist in ensuring that driveways remain balanced as a part of a residential lot and streetscape and that the City’s neighbourhoods remain attractive places to live.

Living the Mosaic-2040 Vision

This Report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

In order to ensure that Brampton’s residential neighbourhoods remain attractive places to live, that balance the provision of landscaping and vegetation in the streetscape with that of accommodating vehicles and vehicular parking, it is important to maintain a multi-faceted regulatory system. The current framework includes supportive Official Plan policies, zoning by-law regulations and licensing requirements for contractors. Despite this, violations of driveway regulations are widespread, which may be driven, in part, by broader factors facing Brampton.

Staff is making a number of recommendations that would enhance or improve this regulatory system with an aim to also improve compliance. These are:

- Updating the licensing by-law;
- Introducing a driveway permit requirement with June 1, 2019 being the date it becomes effective. Staff will undertake all tasks necessary to implement the new permit process for this date. Residents will be able to make applications for driveway permits beginning May 15, 2019;
- Undertaking a public awareness campaign in anticipation of the new requirement coming into effect;
- Review the Zoning By-law provisions as a part of the City’s comprehensive Zoning By-law review. The by-law review should assess what changes could be made to ensure an appropriate amount of permeable landscaping is retained on a lot, in particular facing the street.; and,

7.3 - 24

- Update the subdivision notice clause to reflect the new driveway permit requirement.

It is acknowledged that even with these changes in place, violations are likely to continue. However, the recommended changes would allow staff to better inform the public and contractors of the requirements related to driveways and enhance enforcement, including against contractors. Appendix 12 provides a “homeowners” perspective with regard to how the changes would impact them.

Approved:

Allan Parsons, MCIP., RPP.
Director, Development Services
Planning and Development Services

Rick Conard,
A/Commissioner,
Planning and Development Services

Attachments:

- Appendix 1: Council Resolution 194/2018
- Appendix 2: Background to Current By-law Standards for Driveway Regulations
- Appendix 3: Images of Driveways in Brampton
- Appendix 4: Zoning By-law Definitions: Permeable, Residential Driveway and Residential Landscaping
- Appendix 5: 0.6 metre Permeable Swale and Residential Lot Drainage Design
- Appendix 6: General Observations with Regard to Compliance with Zoning By-law
- Appendix 7: Minor Variance Statistics and Planning Considerations for Minor Variances
- Appendix 8: Details of Current Business Licensing By-law-Driveway Paving Contractors
- Appendix 9: Draft Amending By-law to Licensing By-law
- Appendix 10: Benchmarking of Municipal Regulation of Driveway Paving and Widening
- Appendix 11: Draft Driveway Permit By-law
- Appendix 12: The Homeowner’s View -How will the Changes Affect Homeowners

**Minutes
City Council**

those complaints currently before the court, but are deemed not to be causing a drainage issue, are placed on hold.

Council discussion on the motion included:

- concerns about exempting any properties from the requirements of City by-laws
- advice from staff about making decisions on matters for which there is no staff report

The mover of the motion proposed an amendment to delete reference to “and all those complaints currently before the court”.

The motion was split and considered as follows.

C194-2018 Moved by Regional Councillor Sprovieri
Seconded by City Councillor Fortini

Whereas, Brampton continues to face significant population growth; and

Whereas, City Council has endorsed an Environmental Master Plan; and

Whereas, City staff continue to update and ensure conformance to the zoning by-law;

Whereas, it is imperative that the City demonstrate clarity and strengthen its consistency in how growth and property modifications are completed as it pertains to the zoning bylaw;

Whereas, a group of City staff comprised of enforcement and bylaw, building and legal services are working collaboratively on a vexatious complaint policy;

Therefore be it resolved, that staff be directed to continue its work on a vexatious complaints policy and present to council at a future meeting for consideration.

That staff bring a report and recommendations on how to best mitigate historical property modifications (i.e. conditions and rules for grandfathering), and investigate the potential for development of a permit process for minor property modifications (e.g. driveway widening) to ensure residents and contractors are aware of the by-law requirements and to ensure that any work completed adheres to all applicable requirements and restrictions inclusive of any financial and staffing resource implications.

Carried

Appendix 2

Background to Current By-law Standards for Driveway Regulations

The current zoning requirements related to driveway widenings were established in 2006. At the time driveway widths were not directly regulated in the by-law. What was regulated was the minimum amount of landscaping in the front/exterior yard. This was expressed as a percentage of the yard. The difficulties noted at the time included:

- Calculating the percentage of landscape same in the yard was difficult, in particular for irregular yards
- the calculation could not be undertaken on-site, which meant By-law enforcement could not determine at the property whether a driveway was in compliance
- the nature of the definition of front yard, meant that portions of the yard were in certain cases not included in the calculation.
- there were disputes as to whether a walkway was to be included in the open space calculation.

The review also noted some issues raised by the public including:

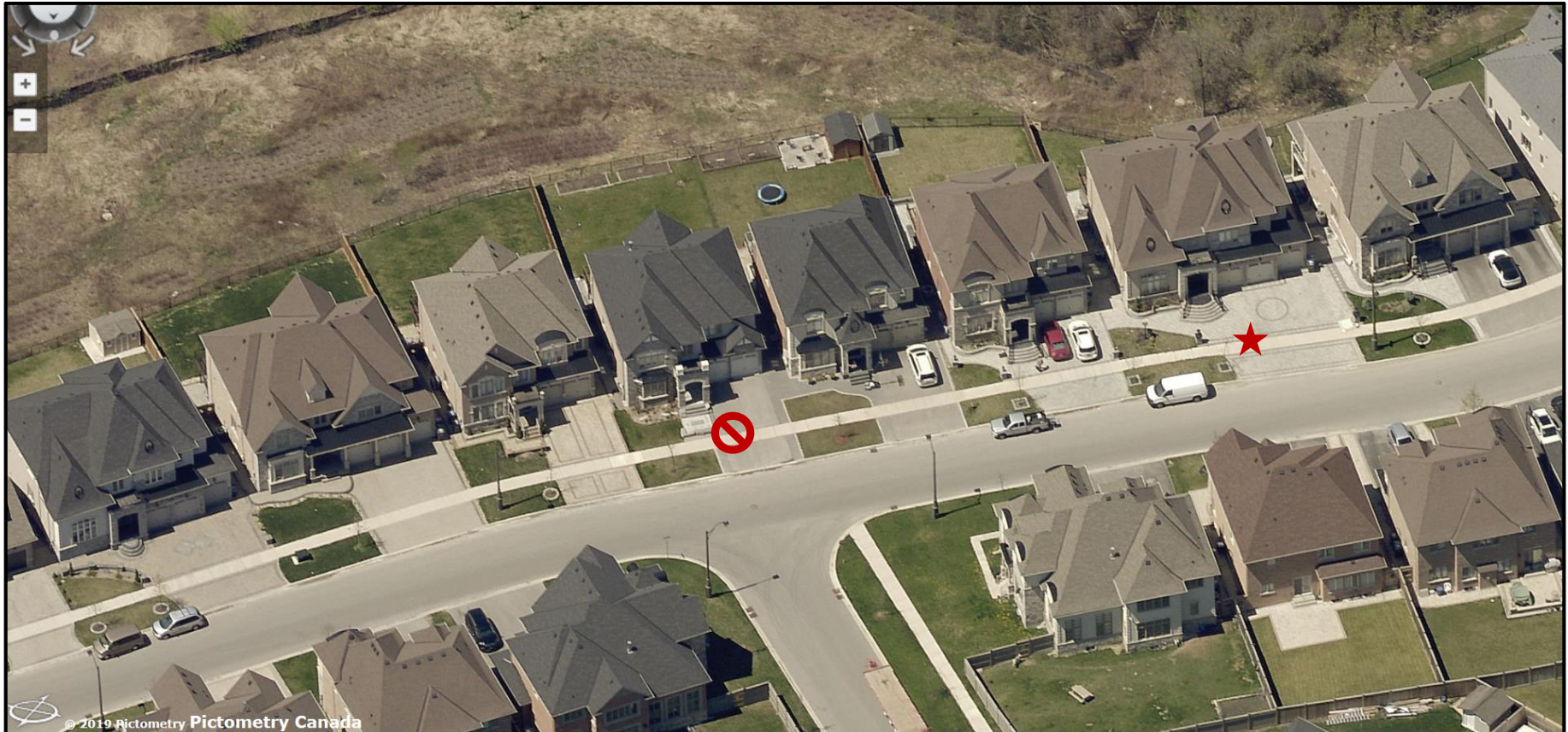
- The desire to park vehicles side-by-side
- Cost impacts of having to remove portions of a widened driveway (in particular where the installation used decorative materials/concrete) even if they only intended to park two vehicles side by side
- Concern of people having too many vehicles parked in their front yards
- Garages are too small to park cars (or people use them for storage)

The principles that provided the basis for the eventual by-law included.

- Generally, allow widths that would provide for the ability to park two cars side by side plus a walkway
- On the smallest lots (<8.23 metres (27ft)) two vehicle side by side parking may not be possible, or if so, with no allowance for a walkway. The amount of space consumed by the driveway would allow insufficient space for landscaping.
- Generally on lots in the 9.14 to 18.3 metres (30-60ft) range, allow for driveways that would enable two cars to be parked side by side, plus a walkway. The resulting by-law split this range into two, allowing for larger driveways on lots 15.23 metre (50ft) to 18.3 metre (60ft) range.
- Permit wider driveways for lots greater than 18.3 metres (60ft.); to allow 3-car wide parking, but not more.
- Clearly define the driveway in the by-law so there is no confusion as to what constitutes part of the driveway (i.e. an area that can be parked upon by a motor vehicle)
- Define what is soft landscaping
- Define the driveway to include that portion within the public right-of-way

The By-law that was passed set out 5 lot ranges with a maximum width for each.

1. Streetscape: Impact of Series of Non-complying Driveways, removal of 0.6 metre permeable strip



Series of dwellings on Degrey Drive, most do not comply, driveways and paving is so extensive that hard-surfaced areas connect even though driveways are not “paired”. 0.6m permeable strip mostly removed. Many lots have little soft landscaping left on the private side.

These are large lots, without paired driveways, zoning compliance with retention of 0.6m permeable strip should be achievable

Lot widths: approximately 15-21/22 metres

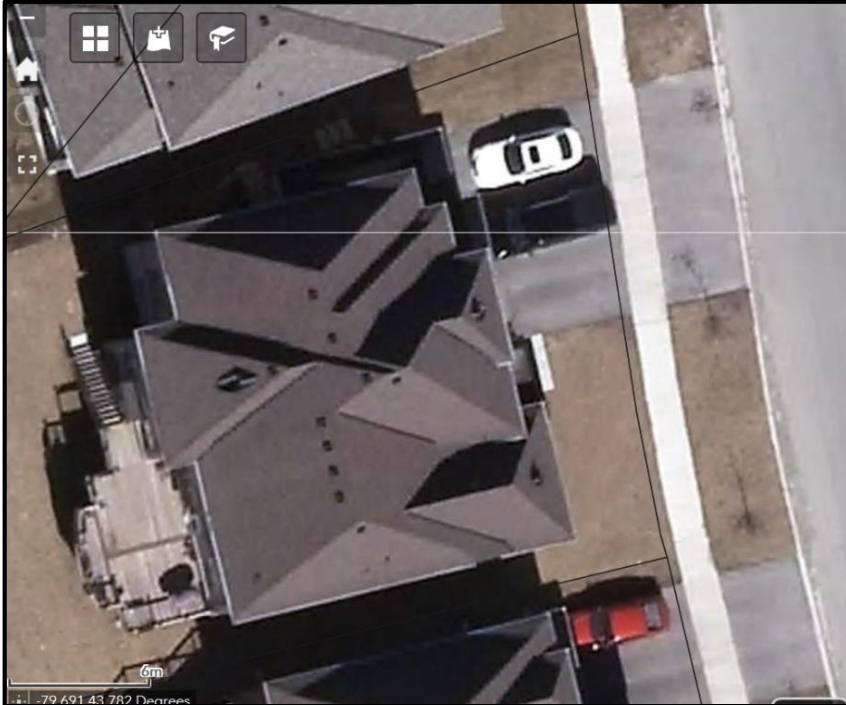
Allowable driveway width: 6.71 metres (15 metre lots), 9.14 metres (21 metre lots)

This driveway appears not to comply, is approx. 10.9 metres, if not wider, 0.6m appears to have been removed.

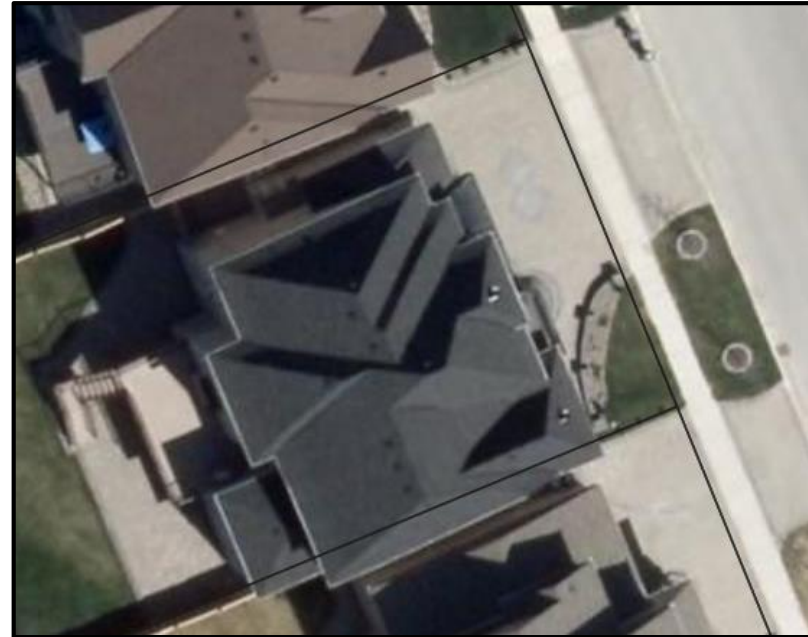
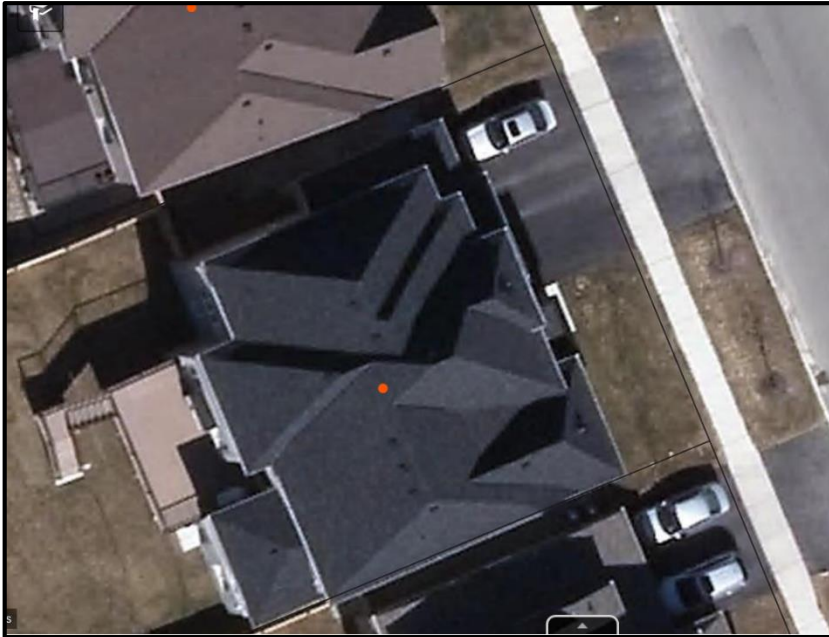
This driveway appears not to comply, is approx. 6.79 metres, 0.6m permeable appears to have been removed.



1.1 Images of as-built driveway vs. widened, Degrey Drive



Approx. 22 metre lot on Degrey Drive, original driveway approximately 9.00 metres, accommodates 3 cars side-by-side.



Approx. 19.8 metre lot on Degrey Drive, original driveway approximately 8.75 metres, current 10.9 metres, 0.6m permeable removed. Columns and planter may actually be in right-of-way. 9.14 metres is the maximum driveway width.



15.0 metre lot on Degrey Drive, original driveway approx. 5.75 metres. The house design/siting would likely not allow this property to have a driveway widened to the maximum allowable width.

1.2 Degrey Drive, Streetscape where driveways widened to lesser degree

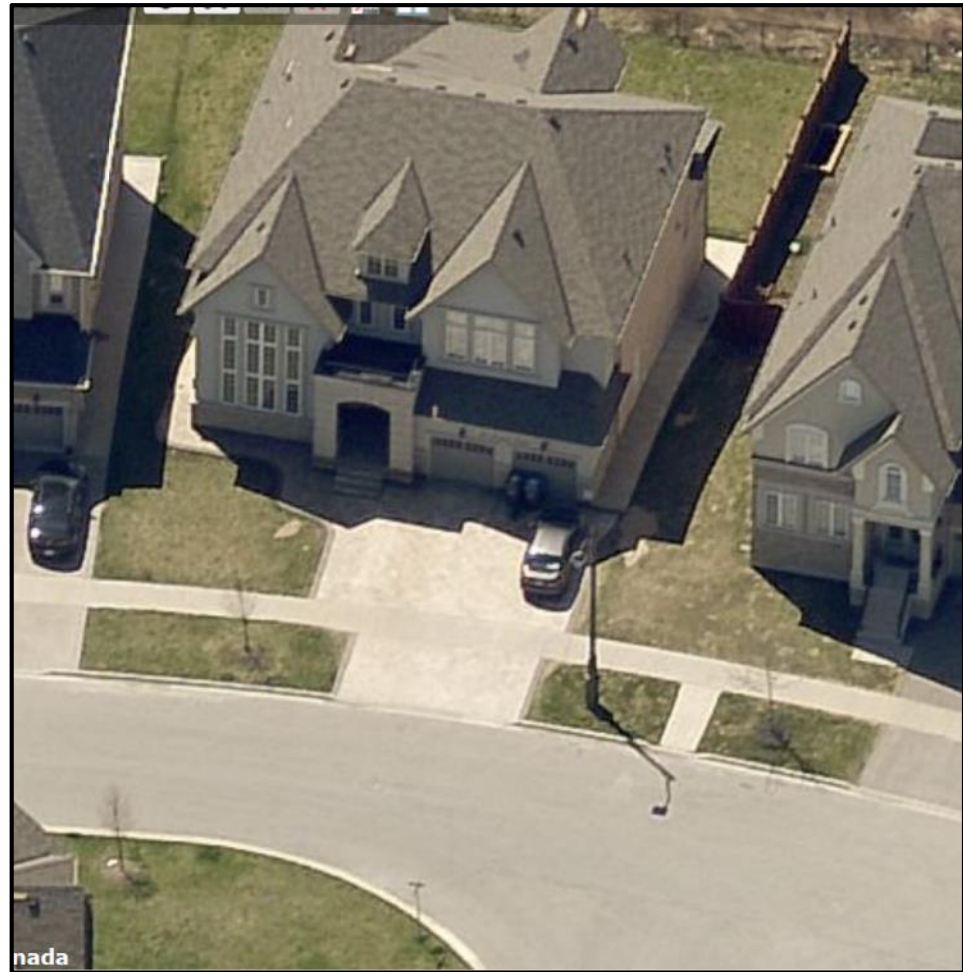
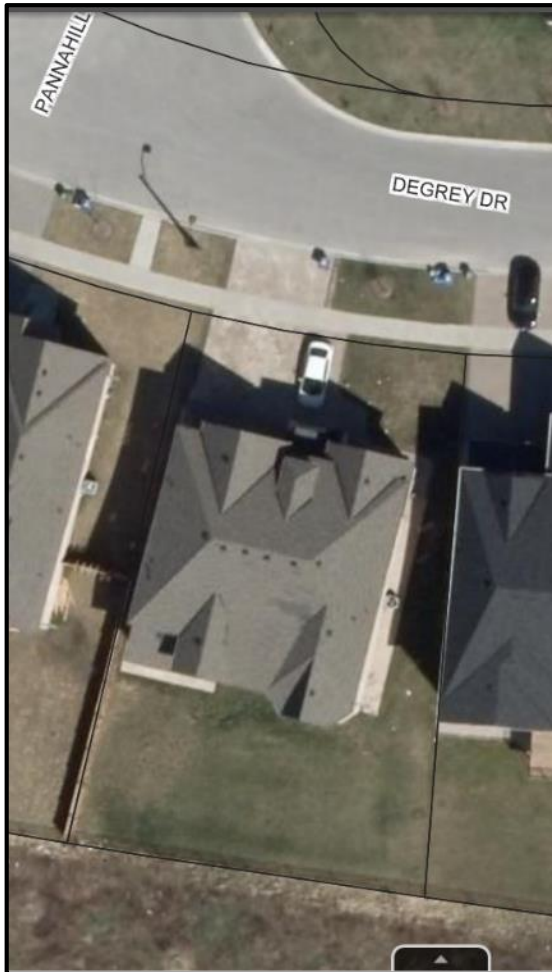


Further along Degrey Drive, driveways have not been widened out to the same degree; less hard-surfaced area and 0.6m permeable strips have not been removed to same degree. Some of these lots could have 9.14 metre driveways, even though they only have double-car garages, although house design (protruding steps) may prevent this.

- ★ Lot width approx.: 15-19 metres
Allowable driveway width: 6.71 metres (15 metre lots), 7.32 metres (18 metre lots), 9.14 metres (>18.3 metre lots)
- ★ This driveway appears to comply, is approx. 6.2 metres in width. 0.6m permeable is retained.
This driveway may not comply. It is approximately 9.8 metres in width, 2-car garage design. In this case there may be sufficient space to allow car to be parked in front of door (6.0 metre depth - meets by-law) (see airphoto below). Which is aesthetically questionable.

1.3 Widened Driveway on Degrey Drive

Approx. 18.9 metre lot on Degrey, noted above. 2-car garage but 3-wide parking. "Birds-eye" view seems to show 0.6m permeable removed. If 0.6m reinstated, could likely comply although is parking in front of the porch/dwelling entrance desirable?



2 Streetscape, 0.6 metre permeable removed



On Compassion Crescent (in same neighbourhood as Degrey Drive), hard-surfaced areas, 0.6m removed, drainage swale on both property side lot lines impacted.

Lot widths approx.: 15.5 metres

Allowable driveway width: 7.32 metres



The width here is approximately 6.58 metres, however, the 0.6m wide permeable strip is not retained. The house design/siting would not allow this property to have a driveway widened to the maximum allowable width.

2.1 Streetscape, 0.6 metre permeable retained



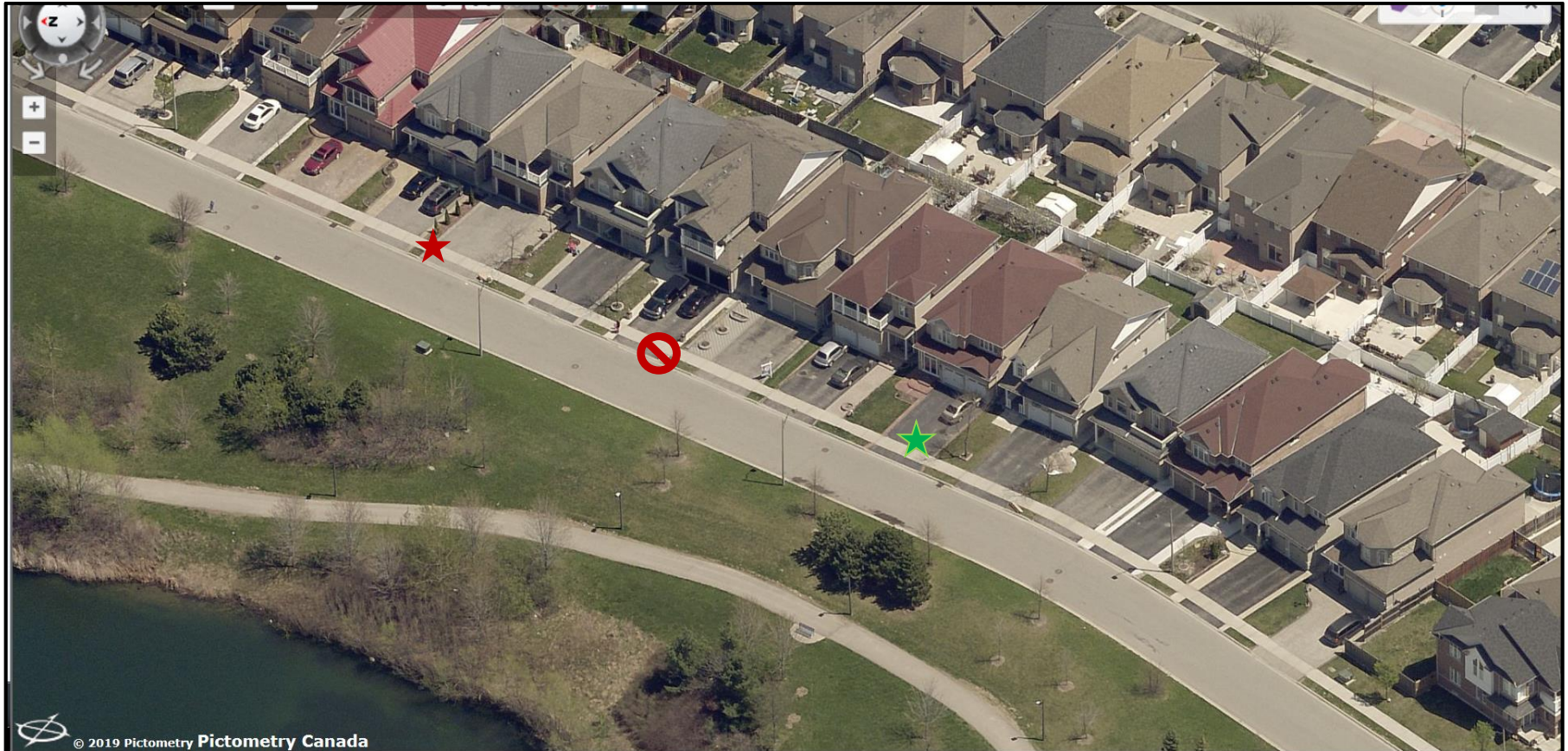
On nearby Decorso Drive where widenings, removal of landscape has not occurred on a lot of the lots. The 0.6 metre permeable appears to be mostly intact.

Lot widths approx. 15.0 metres

Allowable driveway 6.71 metres

★ This driveway appears to comply. The width is approximately 6.0 metres wide. The house design/siting would likely not allow this property to have a driveway widened to the maximum allowable width.

3.0 Smaller Single Detached lots



Fountainview Way (south of Bovaird Drive, east of Torbram Road). Most of the driveways have been widened and most of the 0.6m permeable strips removed. The extent of “soft” landscaping in the streetscape is low.

Lot widths approx. 9.8-10.4 metres

Allowable driveway 6.71 metres



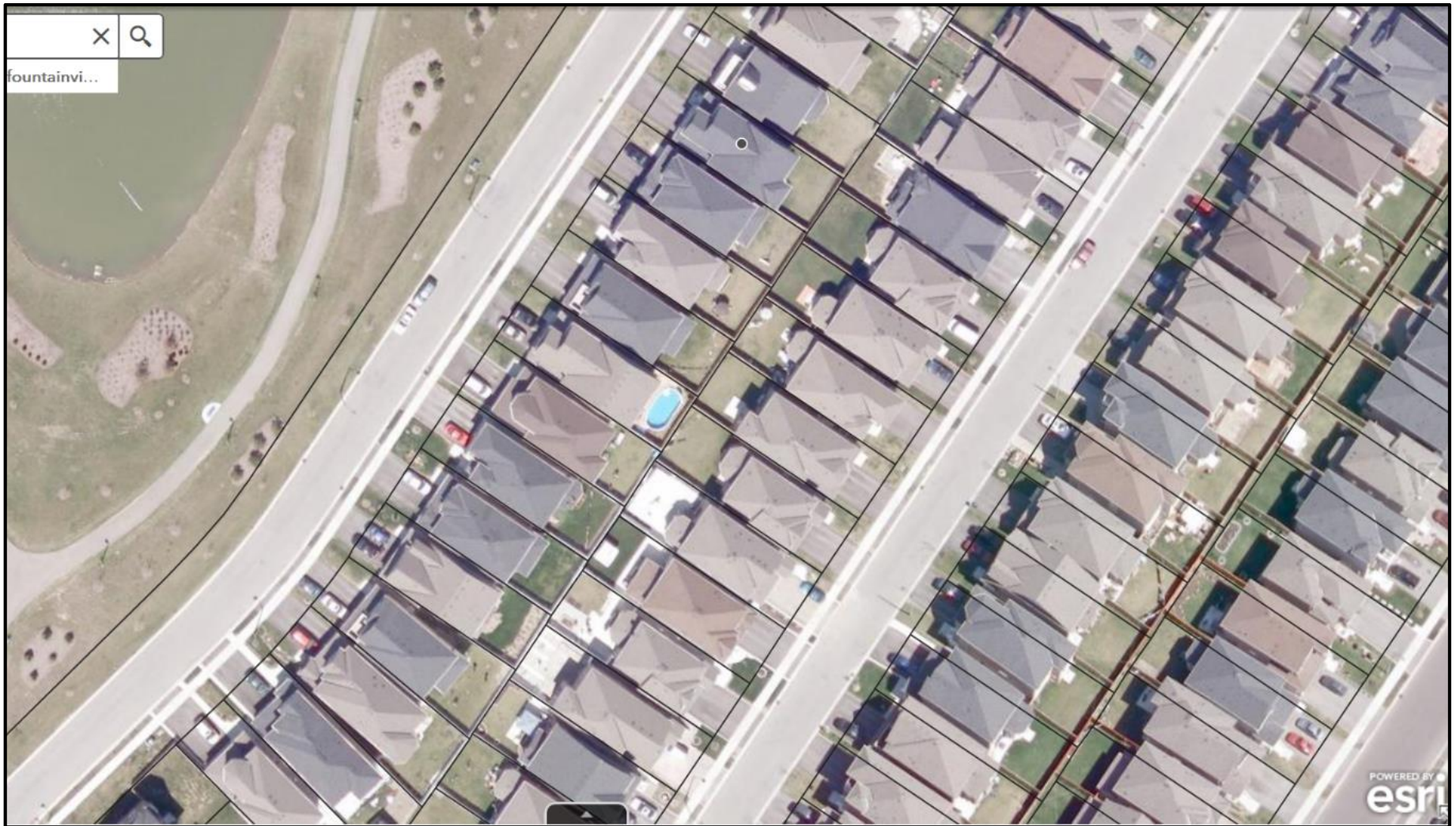
This driveway appears to not comply, driveway is approx. 9.0 metres.



This driveway appears to comply, driveway is approx. 6.0 metres. 0.6m permeable strip retained.

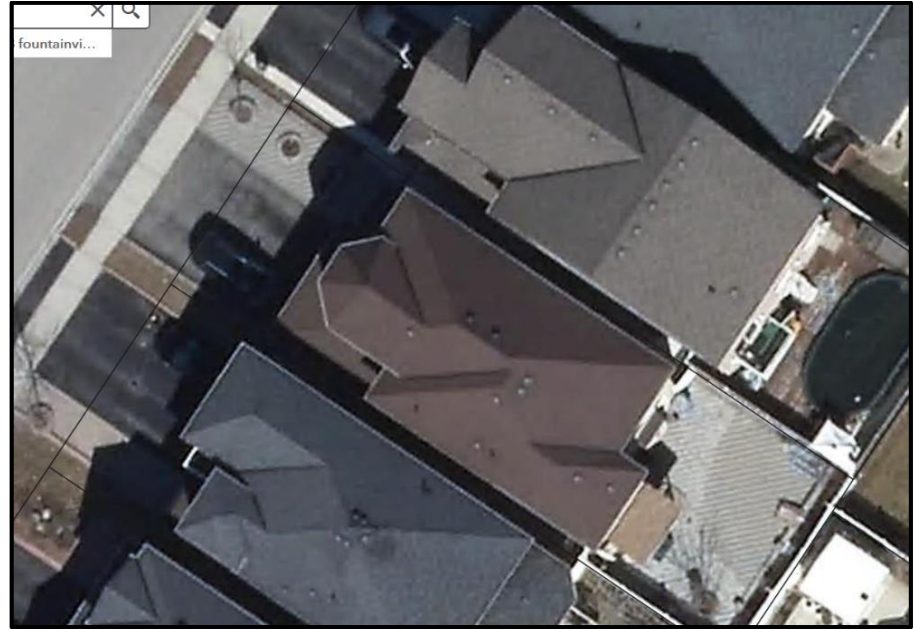


This driveway appears to not comply, driveway is approx. 7.3 metres. 0.6m permeable appears to be retained.



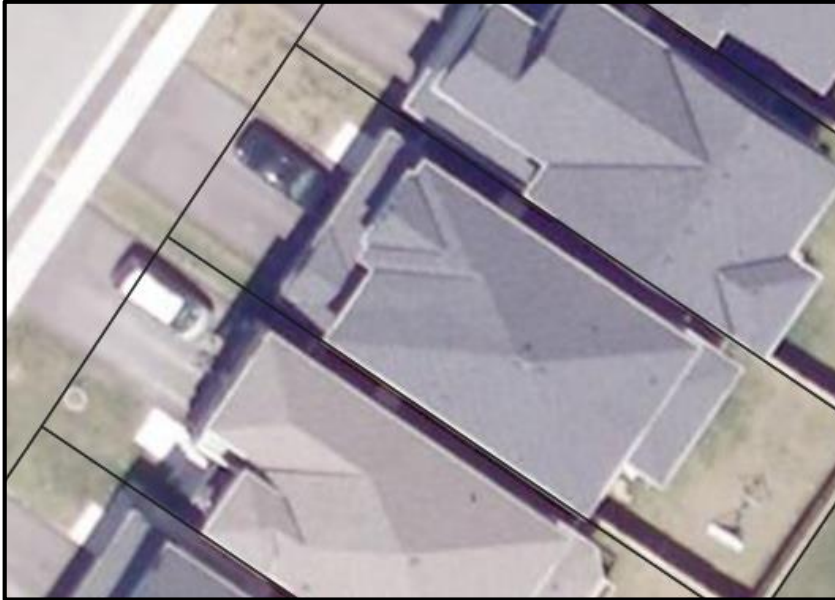
2007 airphoto of Fountainview (when subdivision was new). It appears most driveways are as-built and not yet widened.

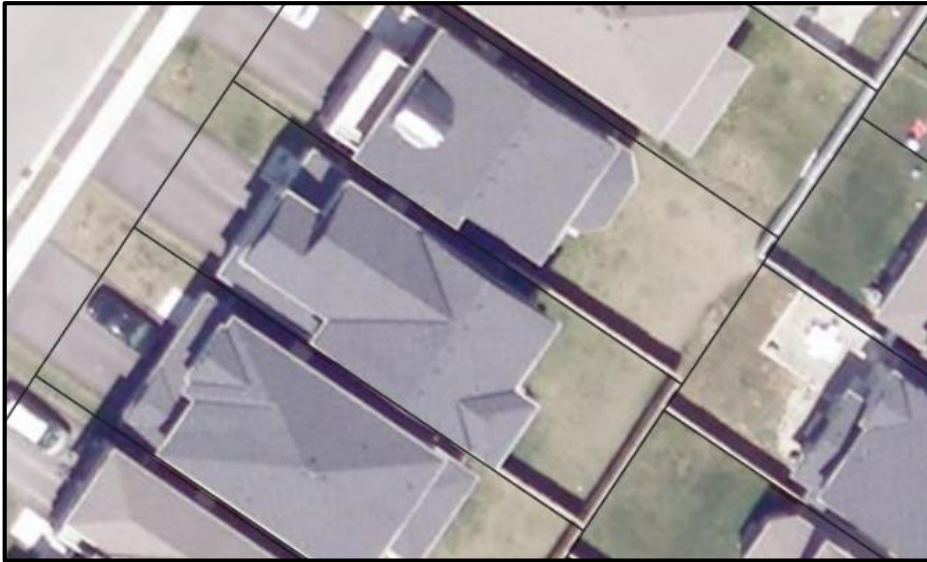
3.1 Images of as-built driveway vs. widened, Fountainview Way



10.4 metre lot on Fountainview Way, original width of driveway approx. 6.7 metres.

3.2 10.4 metre lots on Fountainview Way, very little “soft” landscaping remains





10.4 metre lot, neighbouring property to previous image.

4. Streetscape: Maintaining the 0.6 Metre permeable strip. (and generally, driveway width)



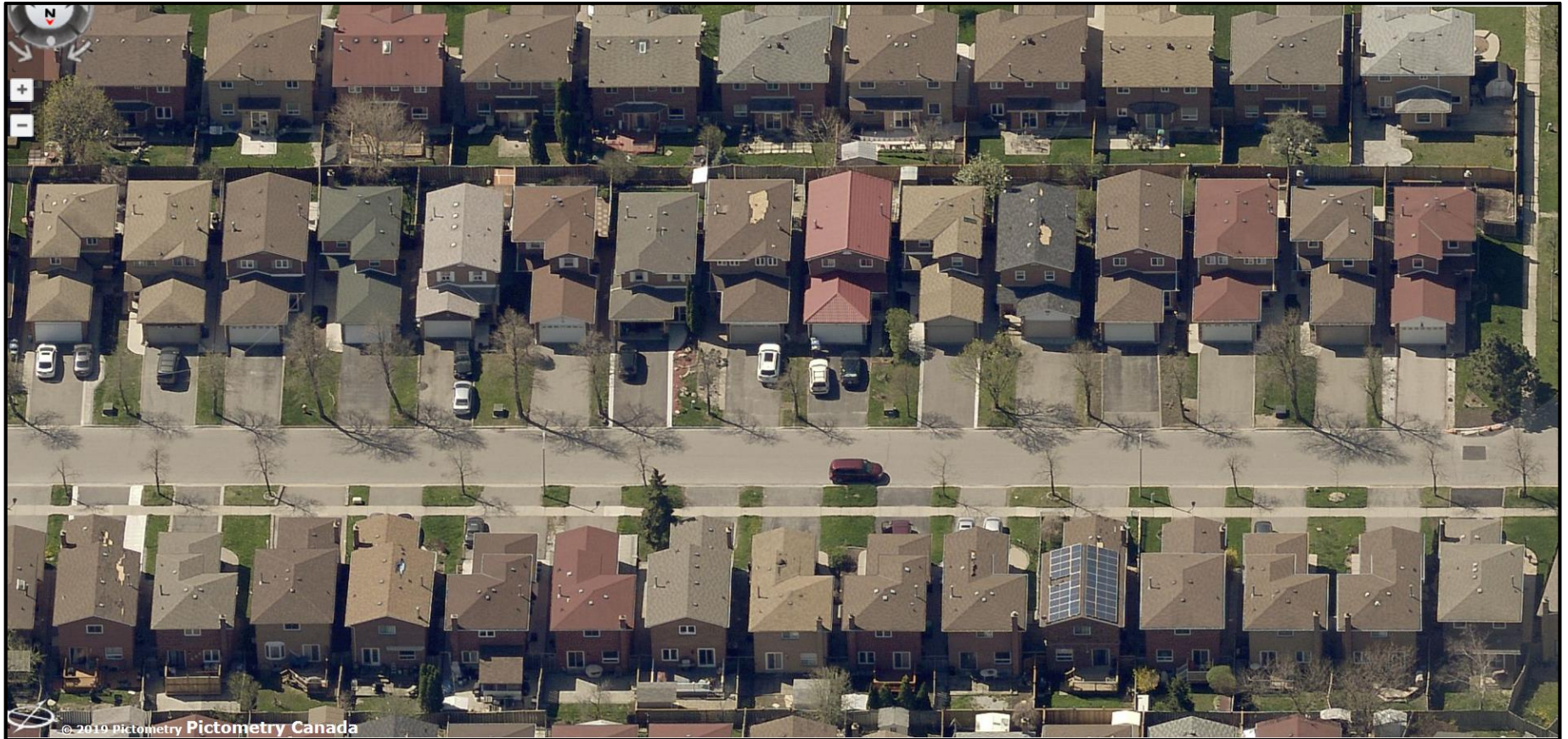
Alabaster Drive. These lots are approx. 9.15 metres wide, where generally the permeable strip has been retained, even where driveways are paired. These strips appear to be greater than the 0.6m minimum (1.2m combined). They appear to be 2.0 metres wide (combined). The driveways that are the exact width of the garage are approximately 5.2 metres wide

Lot widths: approx. 9.15

Allowable driveway width: 6.71 metres (5.2 metres if they are less than 9.14 metres wide).



This driveway is approximately 7.2 metres wide, which exceeds the by-law maximum.



Other side of Alabaster Drive.

4.1 Ecclestone Drive, comparison where lots maintain strip and meet driveway, versus non-complying



Lot widths approx.: 9.0 metres

Allowable driveway width: 5.2 metres



This driveway appears to not comply, driveway is approx. 6.8 metres wide. No permeable strip retained.



These driveways appear to comply, driveways approx. 5.2 metres wide. Permeable strip retained.

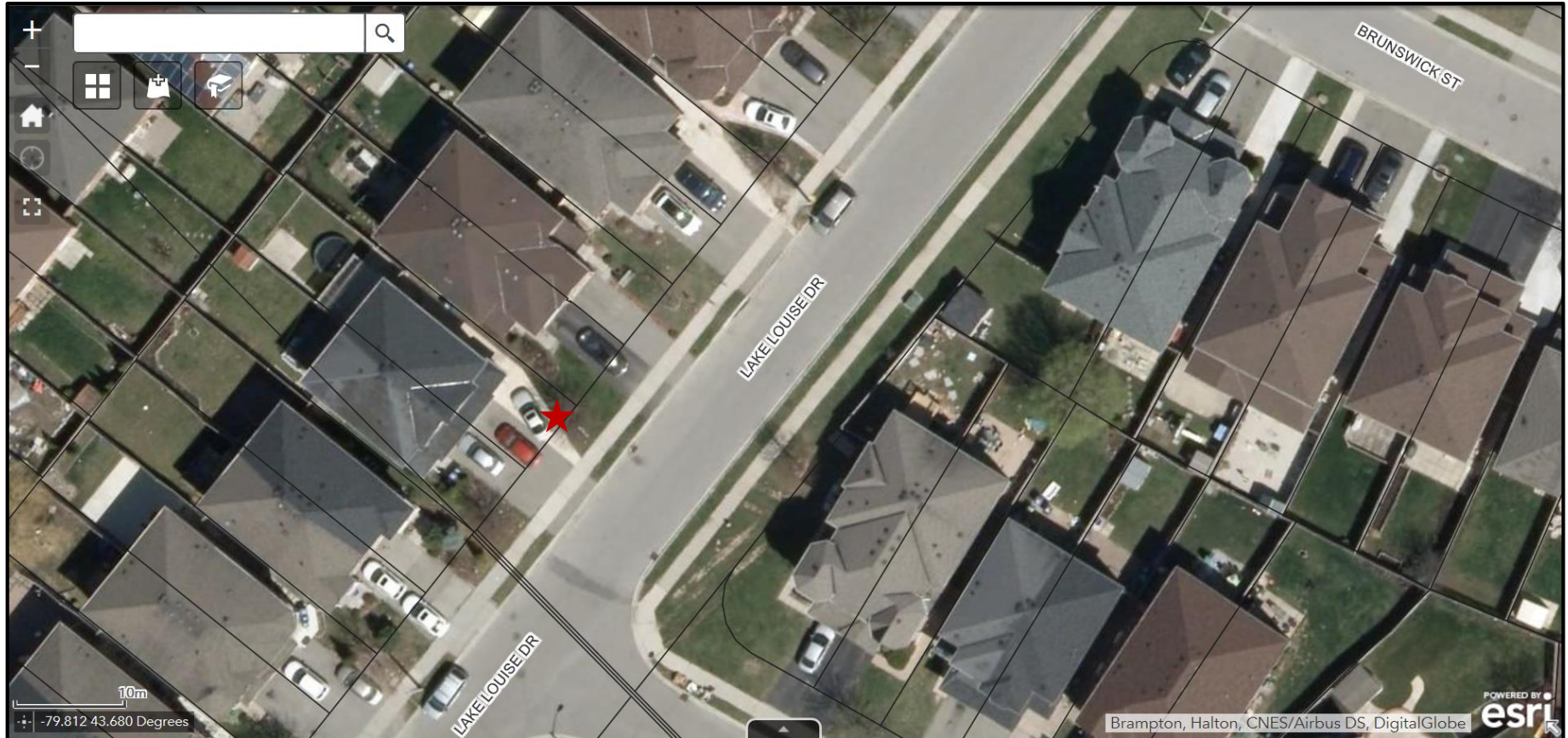


This driveway appears to not comply, driveway is approx. 6.3 metres wide. No permeable strip retained.

5. Streetscape: Semi-detached dwellings



Lake Louise Drive, north of Williams Parkway, west of Chinguacousy Road.

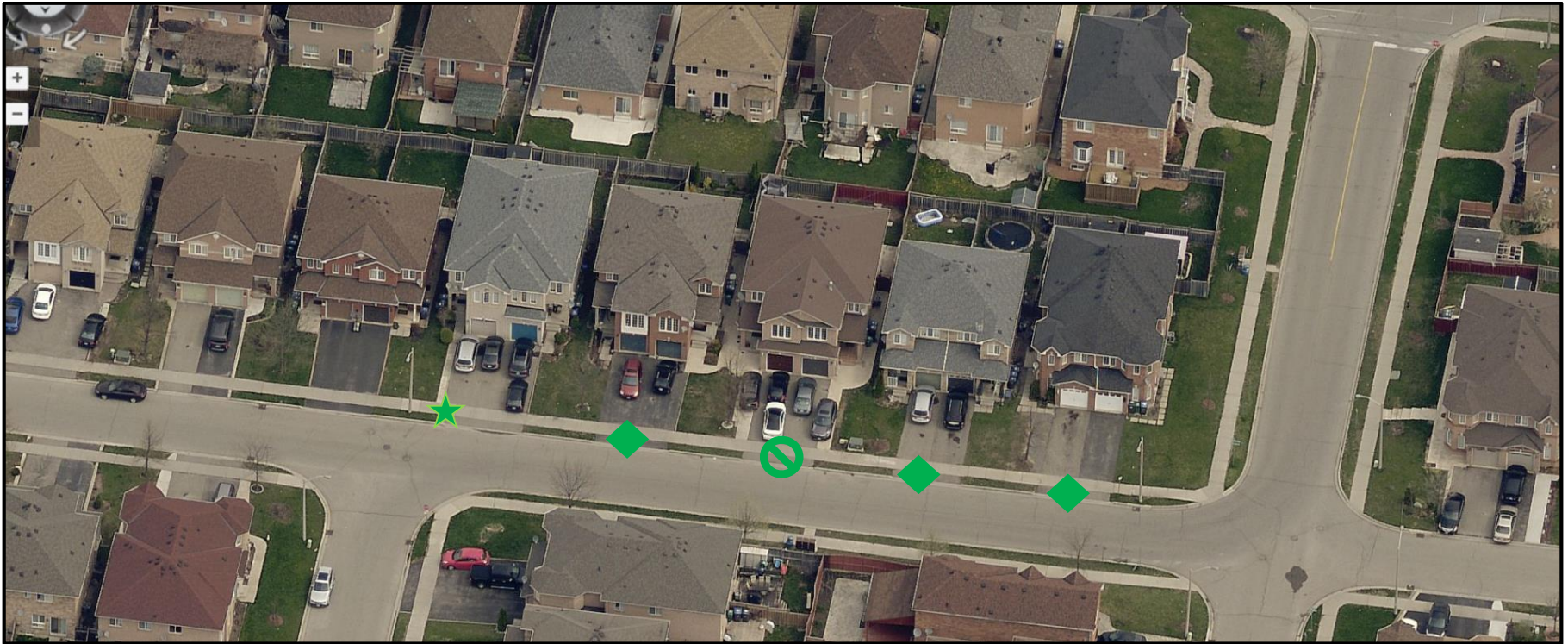


Lake Louise Drive, north of Williams Parkway, west of Chinguacousy Road. Semi-detached lots, driveways widened out in front of entrances. Vehicles parked on angles, in front of porch/entrance.

Lot widths: approx. 6.85 metres (13.7 metres for total semi-detached lot (both sides))
Allowable driveway width: 4.9 metres

- ★ This driveway is approximately 7.2 metres wide, which exceeds the by-law maximum. It also appears that the drainage swale along the side lot line has been impacted by the paving, which appears to go right to the property line by the entrance to the house (and along the interior side yard).

5.1 Semi-detached, comparison of un-widened vs widened



This image provides a good comparison between lots that appear un-widened, those that are widened and comply, and those that are widened and do not comply.

Lot widths: approx. 6.85 metres (13.7 metres for total semi-detached lot)

Allowable driveway width: 4.9 metres



This driveway is approximately 5.0 metres wide, slightly above the maximum permitted. Technically this allows 2 side-by-side parking on a narrow lot with a single car garage.



Each of these driveways are approximately 4.8 metres wide, within by-law limits. This results in 4-wide parking on a combined semi-detached lot with garage. Having cars parked in front of the entrance area of the house does detract from the aesthetics of the area. Given this, the by-law can be seen as being quite permissive.

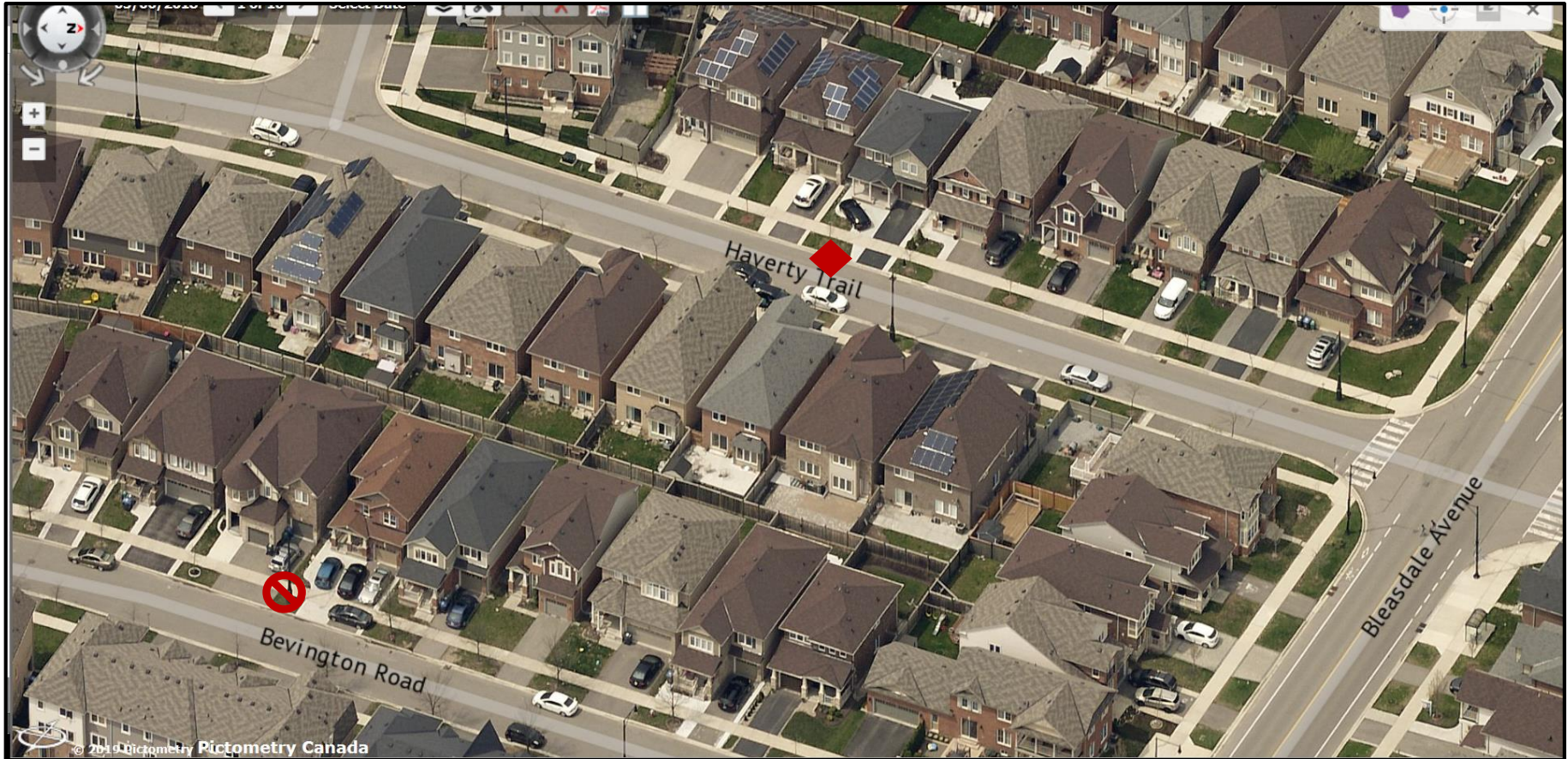


These driveways appear to be in their original as-built width. They are approx. 3.0 metres wide. The amount of remaining “soft” landscaping is noticeably greater than on lots with widened driveways (even those that are legal).

6. Lots in Mount Pleasant Village area



- ⊘ This is a 13.72 metre lot, a 6.72-metre wide driveway is permitted, the driveway is approximately 12 metres wide (effectively the whole front yard is paved). A vehicle is parked essentially perpendicular across the front yard in front of the entrance and porch. This lot has space for 2 cars in the garage and 2 in front of the garage in its un-widened configuration.
- ◆ This is a similar situation to the above. This lot is 13.73 metres in width, the driveway approx. 9.5 metres (6.71 permitted). The vehicle is parked in front of the entrance to the dwelling. Virtually no “soft” landscaping is left. The adjacent property (40-metre-wide lot, 7.9-metre wide driveway - which may actually be permitted due to the width of this irregular lot) has an extended driveway and also has a hard-surfaced front yard. The result is two adjacent front yards with the area essentially hard-surfaced and the vast majority of the area dedicated to car parking. This does not constitute a balanced streetscape.



- ◆ This is a 9.15 metre lot in Mount Pleasant Village area. Essentially the whole lot has been paved. A car is parked at an angle in front of the porch and entrance. A 6.71-metre wide driveway is permitted (if the lot were 9.13 metres, a 5.2-metre wide driveway would only be allowed). A 6.71-metre wide driveway could likely not be achieved on this lot due to the front porch design which does not provide the required depth for a parking stall. Even where one could be achieved for lots with a single-garage design such as these (as may be possible on the neighbouring property to the south with the solar roof panels), this is not seen as desirable from a neighbourhood design perspective. Some municipalities restrict parking to only in front of the garage portion.

These siting and dwelling designs in Mount Pleasant Villages were intended to support a pedestrian-oriented, walkable community with more prominent (and sometime protruding) front porches to emphasize the dwelling entrance, smaller

setbacks to bring the entrance area closer to the street. Among other things, this is intended to help support neighbourhood interaction (e.g. people on porch talking with neighbours walking along street) found in older neighbourhoods. This creates challenges where modal split has not shifted sufficiently such that household vehicle ownership decreases.

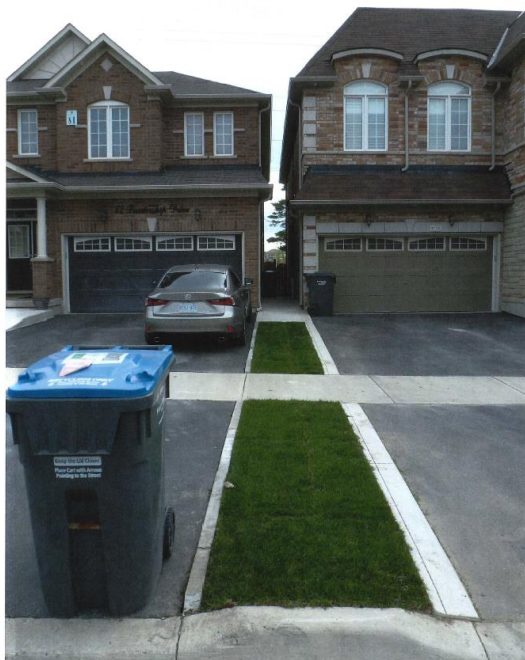


This is also a 9.15-metre wide lot. The whole front yard has been paved. Four vehicles are seen parked on the property and driveway apron.

7. 0.6 metre permeable strip, removed and reinstated



0.6 metre permeable strip removed



After reinstatement. The green strip does help break up impression of an expanse of asphalt/concrete.

Appendix 4:
Zoning By-law Definitions:
Permeable, Residential Driveway and Residential Landscaping

The by-law defines “permeable” as:

“.. shall be maintained as only a permeable landscaped surface such as grass, trees shrubs, flowers or other plants or any other surface that permits the infiltration of water into the ground, but may include a portion of a noise wall or retaining wall that is not permeable”

The by-law defines a residential driveway as:

“DRIVEWAY, RESIDENTIAL shall mean the hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone) on detached, semi-detached or townhouse dwelling lots, and that hard and level surface on the road right-of-way to the street edge, upon which vehicles drive and park, and such hard and level surface includes a surfaced walk situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part or the whole of a motor vehicle. The width of the Residential Driveway is measured parallel to the front of an attached garage or in the case of a lot where there is no garage or there is a detached garage, the driveway width is measured perpendicular to the direction in which motor vehicles drive and park on the driveway.”

Residential Landscaping is defined as:

“LANDSCAPING, RESIDENTIAL, shall be either, or any combination of both, of the following surfaces on detached, semi-detached and townhouse dwelling lots: 1) the soft surface (level or otherwise) capable of supporting the growth of vegetation (such as grass, trees, shrubs, flowers or other plants), or 2) the rough or irregular surface that permits the infiltration of water into the ground (such as rocks and stones) that is not capable of being parked upon by part of the whole of a motor vehicle. Residential Landscaping may include nonpermeable portions of noise and retaining walls or non-permeable patios and walks not situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part of the whole of a motor vehicle. Residential Landscaping may also include non-permeable stairs or stepped surfaces not capable of being parked or driven upon by part or the whole of a motor vehicle.”

Appendix 5:
0.6 metre Permeable Swale
And Residential Lot Drainage Design

The 0.6 metre permeable landscape strip includes the drainage swale for a lot. Swales are engineering features used around the house to capture and convey drainage for minor storms. The grading design of the subdivision will dictate the number of lots that can drain into a particular swale.

The City subdivision engineering design guidelines limit the number of lots that can drain to a rear yard swale to four.

There are two main lot grading drainage designs.

- **Rear to Front Drainage:**
With this design stormwater is collected in the rear yard swales and conveyed to the municipal right of way via the side yard swales. A rear to front design requires a 1.2 metre swale on a property.
- **Split Drainage:**
With a split drainage design, half of the lot is drained to the back into a rear lot swale ending up in a rear lot catchbasin, and the other half is drained to the municipal right of way via the side yard swale. A split drainage design requires a 0.6 metre swale along the side lot line.

The 0.6 metre/1.2 metre combined swale is seen by the City's Development Engineering section as the minimum width to ensure an appropriate swale is provided. With a maximum 3:1 slope a 1.2-metre wide width allows for a depth of 0.2 metres in the swale. Reducing the size of the swale reduces the depth and thus its effectiveness.

Appendix 6:
General Observations with Regard to
Compliance with Zoning By-law

Violations to the Zoning By-law regulations for driveways appear to be widespread. In certain areas, entire sections of streets have driveways which were widened. In other areas, in particular on smaller lots, vehicles are parked almost entirely across the front yard, including in front of the steps/entrance area to the dwelling. Appendix 3 shows images of typical conditions in Brampton. On larger lots, elaborately designed driveways are installed that include expanses in front of the house and walkways up to the entrance. As there is no physical barrier that would prevent parking on this expanded surface, the complete area is included in the calculation of driveway width as required by the Zoning By-law. Most often there is a design solution, and likely one that would work well with the homeowner's vision for the driveway and walkway. In terms of assessing the suitability of a barrier, staff requires as a minimum that such a barrier be at least two feet in height and is permanently affixed to the ground (e.g. secured with bolts). However, reconfiguring a driveway installation is difficult, particularly when a portion of the paved surface must be removed to reinstate the required permeable landscaped strip adjacent to the side lot line(s). Ideally, the homeowner would consult with Zoning Services staff to ensure compliance for the proposed works before construction is commenced. In this regard, better education of the public with respect to driveways and a requirement for obtaining a permit would help reduce these situations.

However, even where the installation is of high quality, there is a negative impact in that the amount of "soft landscaping area" or green space in the front yards and streetscape is significantly reduced. Further, where the widened driveway is non-complying, it still enables the excessive parking of vehicles in the front yard (and when vehicles are parked, the "decorative" driveway is no longer visible). This aesthetic impact is multiplied where a series of overly wide driveways have been constructed along a street. Appendix 3 provides such images.

Appendix 7:
Minor Variance Statistics
And Planning Considerations for Minor Variances

Staff deals with many variances for driveway widenings. Often these are not a specific variance request but are identified by staff on their site inspections for an application associated with another variance request on the property (it is City practice to identify and address all required Zoning non-compliance matters with an application, not just the variances sought by the applicant). The City received the following number of applications which included variances to existing or proposed widened driveways (and/or the 0.6 metre permeable strip requirement):

Year	# of Applications involving existing/proposed widened driveways and/or variance requests to 0.6 metre permeable strip requirement
2015	6
2016	20
2017	24
2018	23

Of these staff recommended refusal of 41, supported 13 and supported 9 in part (e.g. a reduced width).

The Committee of Adjustment refused 30 applications, supported 15 and supported 18 in part (e.g. permitted a variance to a different extent).

Of applications that involved the required 0.6 metre permeable landscape strip (either reduction or elimination), staff recommended refusal of 28, supported 6, supported 3 in part. The Committee of adjustment refused 22, supported 7 and supported 8 in part.

11 applications were appealed. The Ontario Municipal Board/Local Planning Appeal (OMB/LPAT) Tribunal refused 6 and supported 1. One is still in progress and 3 were withdrawn. Of the applications that were appealed, 8 involved a variance related to the 0.6 metres of permeable landscaping. 3 of these were dismissed/refused by the OMB/LPAT, 1 was supported, 1 was supported in part and 3 were withdrawn.

In assessing variance applications staff considers, among other things:

- whether the widening would allow excessive parking of vehicles in the front yard (such as parking vehicles three across where the intent was to allow only two-across parking);
- how the parking is configured relative to the house design and siting (e.g avoid parking in front of the door/porch area and restrict it to the garage area);
- whether sufficient parking (e.g on a lot with a double-car garage, the two spaces in the garage and the two in front is seen as sufficient in balance against other objectives such as maintaining an attractive streetscape); and,
- whether drainage is impacted (in the case of a requested reduction in the 0.6 metre permeable strip).

Appendix 8
Details of Current Business Licensing By-law
-Driveway Paving Contractors

The City currently licenses Driveway Paving Contractors under Business Licensing By-law 332-2013, which defines Driveway and Driveway Paving Contractors as follows:

“Driveway” means a defined area that is paved, treated with a stable surface or constructed with interlocking stones, that provides access for motor vehicles from a public or private street to a property;

“Driveway Paving Contractor” means a Person engaged in the business of paving, repairing or sealing driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property.”

The Business Licensing By-law currently sets out a number of requirements and prohibitions in relation to driveway paving, including the following:

- Prohibits any person (which includes an individual or a corporation) from engaging in the business of a Driveway Widening Contractor without having a valid licence issued by the City (s. 5(1)(ii) and 5(4));
- Prohibits a person from publishing and holding themselves out as being licensed by the City as a Driveway Paving Contractor if they are not in fact licensed by the City (s. 5(6) and 5(7));
- Requires all Driveway Paving Contractors to have their licence with them when they are engaged in driveway work (s.35(2));
- Requires a Driveway Paving Contractor to sign a written contract before any work is commenced and requires the contract to describe and itemize prices for materials and services, identify any warranties or guarantees (if applicable) and provide an estimated completion date (Schedule 9, section (3)(d));
- Requires that a second or additional contract be entered into prior to extra or additional work being performed (Schedule 9, section 4(a)); and,
- Makes it an offence for a Driveway Paving Contractor to perform work without a permit (Schedule 9, section 4(c)).

There are currently approximately 15 paving contractors licenced with the City. It is well known that many more undertake paving works in Brampton and are thus in contravention of the City’s Licensing By-law.



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number ____ - 2019

A By-law to Amend Business Licensing By-law 332-2013, as amended

WHEREAS By-law 332-2013 provides for the licensing of businesses in the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it desirable to amend By-law 332-2013,

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 332-2013, as amended, is hereby further amended by deleting paragraph 23(l) and replacing it with the following:

“23(l) Any fee payable by the Licensee pursuant to this By-law has not been paid.”

2. By-law 332-2013, as amended, is hereby further amended by adding the following subparagraphs after paragraph 23(m):

“(n) The Applicant or Licensee has failed to pay an administrative monetary penalty imposed by the City or a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.

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- (o) The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector.
 - (p) The Applicant or Licensee has failed to comply with the requirements setout in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.”
- 3. By-law 332-2013, as amended, is hereby further amended by deleting the reference to “and including (m)” at the end of paragraph 24 and replacing it with “and including (p)”.
- 4. Schedule 9 of By-law 332-2013, as amended is hereby further amended by deleting the definition of “Driveway” and replacing it with the following and capitalizing the word Driveway throughout Schedule 9:

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.”
- 5. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Driveway Paving Work” and replacing all references to “work” or “driveway paving” in Schedule 9 with the words “Driveway Paving Work”:

“Driveway Paving Work” means any work on a Driveway, including installing, constructing, paving, resurfacing, sealing, repairing, expanding or altering a Driveway, lane, roadway or parking area.
- 6. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Permit” and capitalizing all references to “permit” in Schedule 9:

““Permit” includes a permit required by the Driveway Permit By-law _____ or any other City By-law.”
- 7. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following subparagraphs after paragraph 4(c):
 - “(d) perform any Driveway Paving Work that requires a permit unless the permit is displayed in view of the public in the area in which the work is being performed;

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(e) perform any Driveway Paving Work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work."

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this day of _____, 2019.

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

Appendix 10

Benchmarking of Municipal Regulation of Driveway Paving and Widening

Municipality	Licensing of Driveway Paving Contractors	Public Posting of Licensed Pavers	Driveway Paving Permit	Driveway Widening Permit	Driveway Widening Permit and/or Curb Cut Permit Application Details
Brampton	Yes	No	No	Yes, curb cut only. Traffic By-Law 93-93, section 36, requires permits for curb cut.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Application for Driveway Widening/Curb Cuts 2. Road Occupancy & Access Permit will be granted if application is approved <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Completion of diagram (provided) with labelled metric measurements ✓ Legal lot survey <p><u>Associated Fees:</u> Road Occupancy & Access Permit: \$50</p> <p><u>Approx. Time to Issue Permit:</u> A few weeks</p>
Toronto	Yes	Public Look-Up for all Business Licensees, but not by category of license (i.e. not able to get list of contractors, need to have name of contractor to search if licensed).	Yes. City advises residents to contact Zoning Department to ensure compliance with zoning requirements.	Yes.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Apply for a Preliminary Project Review with Toronto Building to ensure compliance with Zoning By-law 2. Apply for a widening permit with Transportation Services, Right-of-Way Management, for the portion of the driveway on City property 3. Apply for Street Occupation Permit with Transportation Services, Right-of-Way Management <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Drawings of the proposed driveway design and location, drawn to metric scale ✓ Submission of financial securities to ensure that the driveway is constructed according to the approved plans ✓ Confirmation that the vehicle access driveway complies with the dimensions specified in any applicable Zoning By-law ✓ Separate sketch associated with Occupation Permit <p><u>Associated Fees:</u> Street Occupation Permit: \$153.46</p> <p><u>Approx. Time to Issue Permit:</u> 2 weeks</p> <p>Note: Could not locate any information exclusive to curb cuts.</p>

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Vaughan	Yes	Could not locate any.	No	Yes	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit drawing and application to Public Works Department, Roads Division in person 2. Public Works will visit the site prior to approval <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> - Drawing using a copy of property survey showing existing and proposed driveway width (metres) <p><u>Associated Fees:</u> Driveway Widening Permit: \$130 Curb Cut Fee for up to 4 metres (incl. DW permit): \$225 Each additional metre: \$23.75</p> <p>Note: Appears that Vaughan does not require a road occupancy permit for driveway widenings</p> <p><u>Approx. Time to Issue Permit: 2-4 weeks</u></p>
Burlington	Does not appear they do.	No	Yes	Yes	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Contact Capital Works Department for driveway widening application requirements; majority of info provided over the phone 2. Submit Road Occupancy Permit Application <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> - Electronic copy with lot and driveway measurements (drawing template provided by Capital Works upon request) <p>Note: Burlington used to require a legal survey but they found it was too difficult for homeowners to obtain</p> <p><u>Associated Fees:</u> Road Occupancy Permit: \$93.39</p> <p><u>Approx. Time to Issue Permit: 1-2 days</u></p>
Oakville	Yes	Yes	No. As long as there is no change to entrance, curbs, headwalls, or number of driveways a permit is not required to repave.	Yes, curb cut only. Permit only required for curb-cuts within municipal ROW; permit not required to widen driveway on private property.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Driveway Permit Application 2. Submit Engineering Permit Application <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Two copies of detailed scalable plan showing the driveway location(s) existing and/or proposed ✓ Seek approval for curb cutting, curb removal and replacement or culvert installation at the time of permit application ✓ An arborist report

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					<p>✓ Specific requirements for Engineering Permit (additional drawings, reports, etc.) are listed on application form</p> <p>Associated Fees: Engineering Permit Application (includes temporary street occupation permit): \$210</p> <p><u>Approx. Time to Issue Permit:</u> Up to 10 business days</p>
Mississauga	Yes	Could not locate any.	No.	Yes, curb cut only.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit application for Access Modification Permit to Transportation and Works Dept. <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Existing and proposed measurements provided on the Curb Cut Details diagram (in metric) ✓ Owner's authorization allowing agent to act on their behalf (is applicable) <p>Associated Fees: Access Modification Permit Application Fee (driveway widening involving curb cuts and/or curb improvements): \$118 per application</p> <p>Curb Cuts (not incl. work on boulevard): \$63.00 per metre (minimum charge \$115)</p> <p><u>Approx. Time to Issue Permit :</u> Minimum 10 business days</p>
Collingwood	Does not appear they do.	No.	Yes, an Entrance Permit is required to pave an existing entrance.	Yes.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Application for Work on Municipal Roads 2. Submit Road Occupancy Permit 3. Potential meeting with Associate Road Supervisor to ensure compliance <p><u>Required drawings/ materials:</u> None required</p> <p>Associated Fees: Application Fee: \$125 Curb Cut: Cost calculated by time and material required to complete cut Road Occupancy Permit: \$130</p> <p><u>Approx. Time to Issue Permit:</u> Up to 6 business days</p>

**THE CORPORATION OF THE CITY OF BRAMPTON**

BY-LAW _____

A By-law to Regulate the Resurfacing, Construction, Expansion and Alteration of Residential Driveways

WHEREAS The Corporation of the City of Brampton considers it desirable to regulate the resurfacing, construction, alteration and expansion of Driveways;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the "*Municipal Act, 2001*") provides that a municipality's powers are to be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Protection of persons and property, including consumer protection;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS for the purposes of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense, which that person is otherwise required to do under a by-law or otherwise has failed to do; and

AND WHEREAS subsection 446(3) of the *Municipal Act, 2001* provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting it in the same manner as taxes;

NOW THEREFORE the Council for The Corporation of the City of Brampton ENACTS as follows:

SHORT TITLE

1.1 This by-law shall be known as the "Driveway Permit By-Law".

2.0 ADMINISTRATION

2.1 This by-law shall be administered by the Commissioner of Public Works and Engineering or their designate.

2.2 The Commissioner may prescribe forms for purposes of this by-law, including amending the forms from time to time.

3.0 DEFINITIONS

3.1 In this by-law,

"Agent" means a Person authorized in writing by the Owner to act on their behalf to obtain a Driveway Permit, and includes a Driveway Paving Contractor;

"City" means The Corporation of the City of Brampton;

"Commissioner" means the Commissioner of Public Works and Engineering of The Corporation of the City of Brampton or their designate;

"Council" means the Council of The Corporation of the City of Brampton;

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle;

“Driveway Paving Contractor” means a Person licensed under the Business Licensing By-law 332-2013, as amended;

“Driveway Permit” means a permit issued by the Commissioner pursuant to the provisions of this by-law;

“Officer” means a Municipal Law Enforcement Officer or other person appointed by Council to enforce the City’s by-laws;

“Owner” includes

- (a) a Person who is the registered Owner of premises;
- (b) a Person who is in physical possession of premises;
- (c) a Person who has responsibility for and control over the condition of premises or the activities there carried on, or control over the persons allowed to enter the premises; and
- (d) a Person occupying premises.

“Person” means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Premises” means real property owned by Persons, other than property owned by The Corporation of the City of Brampton, used, or intended to be used for residential purposes and includes real property owned by individuals, local boards, corporations and public authorities; and

“Sight Distance” means the length of roadway ahead visible to the driver for safe and efficient operation of a vehicle.

4.0 APPLICATION

4.1 An Owner or Agent may apply for a Driveway Permit.

4.2 Every application for a Driveway Permit shall include:

- (a) a complete application in the form specified by the Commissioner;

- (b) two (2) copies of a drawing, or other plans as requested by the Commissioner, showing the dimensions and layout of the work to be done;
- (c) complete details of the work to be done, including any additional information that may be requested by the Commissioner;
- (d) a copy of a any permits required by the City;
- (e) written approval from the appropriate authority where a Driveway is to be located within the minimum distance to a utility as described in Section 5.1(4) below;
- (f) written approval from the Commissioner where a Driveway is to be located within 0.9 metres of a tree located on City property;
- (g) written approval from the appropriate authority where poles, hydrants, manholes, signs and any other road works require relocation to facilitate a Driveway;
- (g) the Driveway Permit Fee as set out in the City's User Fee By-law 380-2003, as amended; and
- (h) such other information that may be required by the Commissioner.

4.3 The Driveway Permit Fee shall be refundable.

5.0 PERMIT REQUIREMENTS

5.1 Every Person that resurfaces, constructs, expands or alters a Driveway shall:

- (1) comply with the requirements of the City's Zoning By-law 270-2004, as amended, unless a valid permission, supporting decision or approval required by law is obtained and provided to the Commissioner with the application;
- (2) comply with the City's Fill By-law 143-95, as amended;
- (3) comply with the City's Traffic By-law 93-93, as amended;
- (4) ensure that the minimum distance of a Driveway edge to the face of a utility shall not be less than:

Any vertical pole installed with roadway lighting,
traffic signals or
carrying electrical/telecommunications cables

0.9 metre

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Fire Hydrant	0.9 metre
Communications Pedestals or boxes	0.9 metre
Hydro Transformer	0.9 metre

- (5) ensure that no Driveway obstructs or interferes with City approved on-street parking spaces;
- (6) comply with any requirements imposed by the Commissioner that in his or her opinion are reasonably necessary for the protection of the public safety and right to travel along the street, including, but not limited to:
 - (a) installation of bioswales or culverts along streets with ditches;
 - (b) provision of flag persons, uniformed police officers and/or traffic warning devices;
 - (c) supervision of the work site;
 - (d) provision of barricades, platforms or other structures necessary for the protection of the public; and
 - (e) any other condition that, in the Commissioner's opinion, is reasonably necessary for the protection of the public safety and right to travel along the street;
- (7) notify the Commissioner in writing when they have completed the work;
- (8) complete all maintenance work deemed necessary by the Commissioner within 72 hours of notice to undertake such repairs. In the case of emergency repairs deemed necessary by the Commissioner, the necessary works shall be completed immediately;
- (9) finish all Driveways with asphalt, paving stones, impressed concrete or such other hard durable surface as approved by the Commissioner;
- (10) construct and maintain Driveways to prevent surface drainage, dirt, dust, and debris from the Driveway entering the street from the Owner's property in an amount that, in the opinion of the Commissioner, constitutes a hazard or nuisance;

- (11) concurrent with resurfacing, constructing or altering a Driveway, the Owner shall remove any existing Driveway that, in the opinion of the Commissioner, is redundant as a result of constructing or widening a Driveway, and shall restore that portion of the street previously occupied by the redundant Driveway to the satisfaction of the Commissioner;
- (12) restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the Commissioner; and
- (13) contract with a Driveway Paving Contractor licensed with the City, if the Driveway works are being performed for a fee by a Person other than the Owner.

6.0 PERMITS

- 6.1 The Commissioner shall issue a Driveway Permit where the application submitted complies with the permit requirements in this by-law and all applicable regulations and by-laws or approvals. Without limiting the generality of the foregoing, the Commissioner shall not issue a Driveway Permit unless the proposed work complies with the City's Zoning By-law 270-2004 and any other applicable regulations, by-laws or approvals.
- 6.2 The Commissioner may approve the issuance of a Driveway Permit where there is substandard Sight Distance in situations where there is no other means of access to the property, and in such cases the Commissioner may issue a permit subject to such special conditions as the Commissioner considers appropriate.
- 6.3 The Driveway Permit shall be valid only during the dates and times indicated on the permit.
- 6.4 Upon the expiry of the Driveway Permit, the Commissioner may inspect the Driveway for compliance.
- 6.5 A Driveway Permit may be renewed by the Commissioner for a further period at the discretion of the Commissioner upon submission of a written request for renewal to the Commissioner.

7.0 REFUSAL OR REVOCATION OF PERMIT

- 7.1 The Commissioner may revoke, refuse or refuse to renew a Driveway Permit where:
 - (a) the work being performed does not comply with the approved application or any conditions imposed by the Commissioner;

- (b) the work being performed does not meet the standards and specifications of the Commissioner, including if required by the Commissioner and at no cost to the City, the installation of bioswales or culverts along streets with ditches;
- (c) the work is conducted at a date or time other than authorized;
- (d) the work, in the opinion of the Commissioner, constitutes a danger;
- (e) the Driveway Permit was issued on mistaken or false information;
- (f) after six months after its issuance, the work has not been seriously commenced.

7.2 Prior to revoking a permit in accordance with this by-law, the Commissioner may give written notice of intention to revoke the permit to the owner at their last known address and if, on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice.

8.0 PROHIBITIONS

- 8.1 No person shall install, construct, pave, resurface, expand or alter a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.
- 8.2 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.
- 8.3 No person shall install, construct, pave, resurface, expand or alter a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.
- 8.4 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.
- 8.5 No person shall install, construct, pave, resurface, expand or alter a Driveway except in accordance with the provisions of this by-law.
- 8.6 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway except in accordance with the provisions of this by-law.

9.0 SECURITIES

- 9.1 Prior to the issuance of a Driveway Permit, the Commissioner may require the Owner to pay any security and/or deposits in an amount calculated by the Commissioner based upon the Commissioner's estimate of the cost which will be incurred to reinstate the Driveway or highway and for other services provided by the City.
- 9.2 The Commissioner shall not require securities from any person where, in the opinion of the Commissioner, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.
- 9.3 If the Driveway and any associated work is not completed to the satisfaction of the Commissioner, or should the Owner or Agent fail to complete work ordered pursuant to this by-law, the Commissioner shall use the securities to cover the cost of the works done.
- 9.4 Upon satisfactory completion of the work and following a warranty period of twenty-four months (two years) or a term set by the Commissioner, the amount of the security and/or deposit which exceeds the cost incurred by the City will be returned to the applicant.
- 9.5 Where the costs exceed the amount of security and/or deposit provided to the City, the City shall invoice the applicant, who shall pay the amount invoiced within 30 days of receipt of the invoice from the City.
- 9.6 Where a person does not reimburse the City within 30 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- 9.7 Where the Agent deposits security, the Agent is responsible to advise their client of the requirements herein that may affect that security.

10.0 ENFORCEMENT & INSPECTION

- 10.1 The provisions of this by-law may be enforced by an Officer.
- 10.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this by-law is being complied with.

- 10.3 For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.4 No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law, including refusing to identify themselves when requested to do so by an Officer.

11.0 ORDERS TO COMPLY

- 11.1 Where an Officer believes that a contravention of this by-law has occurred, the Officer may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to do work to correct the contravention; or
 - (c) an order to discontinue the contravening activity and to do work to correct the contravention.
- 11.2 An order under this Part shall identify:
- (a) the name of the Person who is believed to have contravened this by-law;
 - (b) the municipal address or location where the contravention occurred;
 - (c) the reasonable particulars of the contravention;
 - (d) the date and time by which there must be compliance with the order, and,
 - (e) if applicable, the work to be done and the date by which the work must be done.
- 11.3 An order under this section shall be given in writing.

- 11.4 An order may be served personally or served by registered mail to the last known address of the Person and such other persons affected by it as determined by the Officer and a copy of the order may be posted on any property to which the contravention or Driveway Permit applies.
- 11.5 If an order is served by registered mail, the service shall be deemed to have been made five (5) days after the mailing.
- 11.6 Where service cannot be carried out in accordance with section 11.4, the Officer may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Driveway Permit applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
- 11.7 If the Person fails to do the work required by the order within the period specified in the order, the City, in addition to all other remedies it may have, may do the work at the Person's expense.
- 11.8 The City's cost of doing work pursuant to section 11.7 may be added to the tax roll and collected in the same manner as property taxes.
- 11.9 The City may register a notice of lien upon the land in the proper land registry office in the amount of all costs incurred by the City.
- 11.10 Every Person shall comply with an order issued pursuant to this by-law.

12.0 CONTRAVENTIONS AND PENALTIES

- 12.1 Every Person who contravenes any provision of this by-law is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.2 Every Person who fails to comply with an order made under this by-law, is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.3 Every Person who obstructs or attempts to obstruct any City employee in carrying out his or her duties under this by-law is guilty of an offence and on conviction is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.4 A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.5 In addition to sections 12.1, 12.2, 13.3 and 12.4, any Person who is convicted of an offence under this by-law is liable to the following fines:

- (a) the maximum fine for an offence is \$100,000.00;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all fines for each included offence is not limited to \$100,000.00.
- 12.6 If a Person is convicted of an offence under this by-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
 - (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 12.7 Where a Person fails to pay any part of a fine for a contravention of this by-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's designate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- 12.8 If any part of a fine for a contravention of this by-law remains unpaid after the final date specified in the notice given under section 12.7, the outstanding fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

13.0 INTERPRETATION, COMPLIANCE AND SEVERABILITY

- 13.1 In this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine; and the singular includes the plural and the plural the singular.
- 13.2 Wherever a word is used in this by-law with its first letter capitalized, the term is being used as it is defined in this by-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 13.3 The headings and subheadings used in this by-law shall not form a part of the by-law, but shall be deemed to be inserted for convenience of reference only.
- 13.4 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.5 If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the highway shall apply.
- 13.6 If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

14.0 FORCE AND EFFECT

- 14.1 This By-law shall come into force and effect on June 1, 2019.

ENACTED AND PASSED this day of , 2019.

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Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

DRAFT

I want to widen my driveway. How does this affect me?

-You or your contractor will have to obtain a permit for the widening. This will include any widening in the right-of-way. You will be required to fill out a form, provide a plan of the widening, and pay the applicable fees.
-The City's website will provide guidance as to what constitutes the driveway, how much you can widen the driveway, what information to provide on the drawing and contact points to discuss any questions with City staff.
-You will need to plan in advance as obtaining the permit will take a period of time.
-Your contractor will need to be licensed to do work in the City of Brampton. You can obtain information regarding licensed contractors from the City's website.
-Once the work is underway, you will have to post the permit in the window/door of your home, visible from the outside.
-If you fail to obtain a permit you may be charged. If your contractor is not licensed they may have their license revoked.
-If you undertake work that is not in accordance with the permit, you or your contractor may be charged. The contractor may have their license revoked. If the work does not conform to the by-law, further charges may ensue.

My neighbour is widening their driveway?

-You can ask them if they have obtained a permit.
-You can ask their contractor if they are licensed or have obtained a permit.
-You have the ability to submit a complaint to the City if you feel work is not being done in compliance with City regulations, in violation of a permit, or without a permit. City Enforcement staff will respond to such a complaint.

My neighbour widened their driveway last year?

-If you have some form of concern you can submit a complaint to the City, if you feel there is an issue with what was done, or it is impacting your property in some form. City Enforcement staff will respond to such a complaint.
-Part of staff's review would be to determine if the widening conforms to the City's by-laws and/or a curb cut permit was obtained (where such occurred). If it is not in compliance, staff will work with the homeowner to bring the driveway into compliance. The homeowner may get charged if they fail to rectify the situation.



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number ____ - 2019

A By-law to Amend Business Licensing By-law 332-2013, as amended

WHEREAS By-law 332-2013 provides for the licensing of businesses in the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it desirable to amend By-law 332-2013,

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 332-2013, as amended, is hereby further amended by deleting paragraph 23(l) and replacing it with the following:

“23(l) Any fee payable by the Licensee pursuant to this By-law has not been paid.”

2. By-law 332-2013, as amended, is hereby further amended by adding the following subparagraphs after paragraph 23(m):

“(n) The Applicant or Licensee has failed to pay an administrative monetary penalty imposed by the City or a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.

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- (o) The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector.
 - (p) The Applicant or Licensee has failed to comply with the requirements setout in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.”
- 3. By-law 332-2013, as amended, is hereby further amended by deleting the reference to “and including (m)” at the end of paragraph 24 and replacing it with “and including (p)”.
- 4. Schedule 9 of By-law 332-2013, as amended is hereby further amended by deleting the definition of “Driveway” and replacing it with the following and capitalizing the word Driveway throughout Schedule 9:

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.”
- 5. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Driveway Paving Work” and replacing all references to “work” or “driveway paving” in Schedule 9 with the words “Driveway Paving Work”:

“Driveway Paving Work” means any work on a Driveway, including installing, constructing, paving, resurfacing, sealing, repairing, expanding or altering a Driveway, lane, roadway or parking area.
- 6. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Permit” and capitalizing all references to “permit” in Schedule 9:

““Permit” includes a permit required by the Driveway Permit By-law _____ or any other City By-law.”
- 7. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following subparagraphs after paragraph 4(c):
 - “(d) perform any Driveway Paving Work that requires a permit unless the permit is displayed in view of the public in the area in which the work is being performed;

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(e) perform any Driveway Paving Work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work."

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this day of _____, 2019.

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

**THE CORPORATION OF THE CITY OF BRAMPTON**

BY-LAW _____

A By-law to Regulate the Resurfacing, Construction, Expansion and Alteration of Residential Driveways

WHEREAS The Corporation of the City of Brampton considers it desirable to regulate the resurfacing, construction, alteration and expansion of Driveways;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the "*Municipal Act, 2001*") provides that a municipality's powers are to be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Protection of persons and property, including consumer protection;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS for the purposes of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

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AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense, which that person is otherwise required to do under a by-law or otherwise has failed to do; and

AND WHEREAS subsection 446(3) of the *Municipal Act, 2001* provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting it in the same manner as taxes;

NOW THEREFORE the Council for The Corporation of the City of Brampton ENACTS as follows:

SHORT TITLE

1.1 This by-law shall be known as the "Driveway Permit By-Law".

2.0 ADMINISTRATION

2.1 This by-law shall be administered by the Commissioner of Public Works and Engineering or their designate.

2.2 The Commissioner may prescribe forms for purposes of this by-law, including amending the forms from time to time.

3.0 DEFINITIONS

3.1 In this by-law,

"Agent" means a Person authorized in writing by the Owner to act on their behalf to obtain a Driveway Permit, and includes a Driveway Paving Contractor;

"City" means The Corporation of the City of Brampton;

"Commissioner" means the Commissioner of Public Works and Engineering of The Corporation of the City of Brampton or their designate;

"Council" means the Council of The Corporation of the City of Brampton;

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle;

“Driveway Paving Contractor” means a Person licensed under the Business Licensing By-law 332-2013, as amended;

“Driveway Permit” means a permit issued by the Commissioner pursuant to the provisions of this by-law;

“Officer” means a Municipal Law Enforcement Officer or other person appointed by Council to enforce the City’s by-laws;

“Owner” includes

- (a) a Person who is the registered Owner of premises;
- (b) a Person who is in physical possession of premises;
- (c) a Person who has responsibility for and control over the condition of premises or the activities there carried on, or control over the persons allowed to enter the premises; and
- (d) a Person occupying premises.

“Person” means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Premises” means real property owned by Persons, other than property owned by The Corporation of the City of Brampton, used, or intended to be used for residential purposes and includes real property owned by individuals, local boards, corporations and public authorities; and

“Sight Distance” means the length of roadway ahead visible to the driver for safe and efficient operation of a vehicle.

4.0 APPLICATION

4.1 An Owner or Agent may apply for a Driveway Permit.

4.2 Every application for a Driveway Permit shall include:

- (a) a complete application in the form specified by the Commissioner;

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- (b) two (2) copies of a drawing, or other plans as requested by the Commissioner, showing the dimensions and layout of the work to be done;
- (c) complete details of the work to be done, including any additional information that may be requested by the Commissioner;
- (d) a copy of a any permits required by the City;
- (e) written approval from the appropriate authority where a Driveway is to be located within the minimum distance to a utility as described in Section 5.1(4) below;
- (f) written approval from the Commissioner where a Driveway is to be located within 0.9 metres of a tree located on City property;
- (g) written approval from the appropriate authority where poles, hydrants, manholes, signs and any other road works require relocation to facilitate a Driveway;
- (g) the Driveway Permit Fee as set out in the City's User Fee By-law 380-2003, as amended; and
- (h) such other information that may be required by the Commissioner.

4.3 The Driveway Permit Fee shall be refundable.

5.0 PERMIT REQUIREMENTS

5.1 Every Person that resurfaces, constructs, expands or alters a Driveway shall:

- (1) comply with the requirements of the City's Zoning By-law 270-2004, as amended, unless a valid permission, supporting decision or approval required by law is obtained and provided to the Commissioner with the application;
- (2) comply with the City's Fill By-law 143-95, as amended;
- (3) comply with the City's Traffic By-law 93-93, as amended;
- (4) ensure that the minimum distance of a Driveway edge to the face of a utility shall not be less than:

Any vertical pole installed with roadway lighting,
traffic signals or
carrying electrical/telecommunications cables

0.9 metre

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Fire Hydrant	0.9 metre
Communications Pedestals or boxes	0.9 metre
Hydro Transformer	0.9 metre

- (5) ensure that no Driveway obstructs or interferes with City approved on-street parking spaces;
- (6) comply with any requirements imposed by the Commissioner that in his or her opinion are reasonably necessary for the protection of the public safety and right to travel along the street, including, but not limited to:
 - (a) installation of bioswales or culverts along streets with ditches;
 - (b) provision of flag persons, uniformed police officers and/or traffic warning devices;
 - (c) supervision of the work site;
 - (d) provision of barricades, platforms or other structures necessary for the protection of the public; and
 - (e) any other condition that, in the Commissioner's opinion, is reasonably necessary for the protection of the public safety and right to travel along the street;
- (7) notify the Commissioner in writing when they have completed the work;
- (8) complete all maintenance work deemed necessary by the Commissioner within 72 hours of notice to undertake such repairs. In the case of emergency repairs deemed necessary by the Commissioner, the necessary works shall be completed immediately;
- (9) finish all Driveways with asphalt, paving stones, impressed concrete or such other hard durable surface as approved by the Commissioner;
- (10) construct and maintain Driveways to prevent surface drainage, dirt, dust, and debris from the Driveway entering the street from the Owner's property in an amount that, in the opinion of the Commissioner, constitutes a hazard or nuisance;

- (11) concurrent with resurfacing, constructing or altering a Driveway, the Owner shall remove any existing Driveway that, in the opinion of the Commissioner, is redundant as a result of constructing or widening a Driveway, and shall restore that portion of the street previously occupied by the redundant Driveway to the satisfaction of the Commissioner;
- (12) restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the Commissioner; and
- (13) contract with a Driveway Paving Contractor licensed with the City, if the Driveway works are being performed for a fee by a Person other than the Owner.

6.0 PERMITS

- 6.1 The Commissioner shall issue a Driveway Permit where the application submitted complies with the permit requirements in this by-law and all applicable regulations and by-laws or approvals. Without limiting the generality of the foregoing, the Commissioner shall not issue a Driveway Permit unless the proposed work complies with the City's Zoning By-law 270-2004 and any other applicable regulations, by-laws or approvals.
- 6.2 The Commissioner may approve the issuance of a Driveway Permit where there is substandard Sight Distance in situations where there is no other means of access to the property, and in such cases the Commissioner may issue a permit subject to such special conditions as the Commissioner considers appropriate.
- 6.3 The Driveway Permit shall be valid only during the dates and times indicated on the permit.
- 6.4 Upon the expiry of the Driveway Permit, the Commissioner may inspect the Driveway for compliance.
- 6.5 A Driveway Permit may be renewed by the Commissioner for a further period at the discretion of the Commissioner upon submission of a written request for renewal to the Commissioner.

7.0 REFUSAL OR REVOCATION OF PERMIT

- 7.1 The Commissioner may revoke, refuse or refuse to renew a Driveway Permit where:
 - (a) the work being performed does not comply with the approved application or any conditions imposed by the Commissioner;

- (b) the work being performed does not meet the standards and specifications of the Commissioner, including if required by the Commissioner and at no cost to the City, the installation of bioswales or culverts along streets with ditches;
- (c) the work is conducted at a date or time other than authorized;
- (d) the work, in the opinion of the Commissioner, constitutes a danger;
- (e) the Driveway Permit was issued on mistaken or false information;
- (f) after six months after its issuance, the work has not been seriously commenced.

7.2 Prior to revoking a permit in accordance with this by-law, the Commissioner may give written notice of intention to revoke the permit to the owner at their last known address and if, on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice.

8.0 PROHIBITIONS

- 8.1 No person shall install, construct, pave, resurface, expand or alter a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.
- 8.2 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.
- 8.3 No person shall install, construct, pave, resurface, expand or alter a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.
- 8.4 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.
- 8.5 No person shall install, construct, pave, resurface, expand or alter a Driveway except in accordance with the provisions of this by-law.
- 8.6 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway except in accordance with the provisions of this by-law.

9.0 SECURITIES

- 9.1 Prior to the issuance of a Driveway Permit, the Commissioner may require the Owner to pay any security and/or deposits in an amount calculated by the Commissioner based upon the Commissioner's estimate of the cost which will be incurred to reinstate the Driveway or highway and for other services provided by the City.
- 9.2 The Commissioner shall not require securities from any person where, in the opinion of the Commissioner, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.
- 9.3 If the Driveway and any associated work is not completed to the satisfaction of the Commissioner, or should the Owner or Agent fail to complete work ordered pursuant to this by-law, the Commissioner shall use the securities to cover the cost of the works done.
- 9.4 Upon satisfactory completion of the work and following a warranty period of twenty-four months (two years) or a term set by the Commissioner, the amount of the security and/or deposit which exceeds the cost incurred by the City will be returned to the applicant.
- 9.5 Where the costs exceed the amount of security and/or deposit provided to the City, the City shall invoice the applicant, who shall pay the amount invoiced within 30 days of receipt of the invoice from the City.
- 9.6 Where a person does not reimburse the City within 30 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- 9.7 Where the Agent deposits security, the Agent is responsible to advise their client of the requirements herein that may affect that security.

10.0 ENFORCEMENT & INSPECTION

- 10.1 The provisions of this by-law may be enforced by an Officer.
- 10.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this by-law is being complied with.

- 10.3 For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.4 No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law, including refusing to identify themselves when requested to do so by an Officer.

11.0 ORDERS TO COMPLY

- 11.1 Where an Officer believes that a contravention of this by-law has occurred, the Officer may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to do work to correct the contravention; or
 - (c) an order to discontinue the contravening activity and to do work to correct the contravention.
- 11.2 An order under this Part shall identify:
- (a) the name of the Person who is believed to have contravened this by-law;
 - (b) the municipal address or location where the contravention occurred;
 - (c) the reasonable particulars of the contravention;
 - (d) the date and time by which there must be compliance with the order, and,
 - (e) if applicable, the work to be done and the date by which the work must be done.
- 11.3 An order under this section shall be given in writing.

- 11.4 An order may be served personally or served by registered mail to the last known address of the Person and such other persons affected by it as determined by the Officer and a copy of the order may be posted on any property to which the contravention or Driveway Permit applies.
- 11.5 If an order is served by registered mail, the service shall be deemed to have been made five (5) days after the mailing.
- 11.6 Where service cannot be carried out in accordance with section 11.4, the Officer may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Driveway Permit applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
- 11.7 If the Person fails to do the work required by the order within the period specified in the order, the City, in addition to all other remedies it may have, may do the work at the Person's expense.
- 11.8 The City's cost of doing work pursuant to section 11.7 may be added to the tax roll and collected in the same manner as property taxes.
- 11.9 The City may register a notice of lien upon the land in the proper land registry office in the amount of all costs incurred by the City.
- 11.10 Every Person shall comply with an order issued pursuant to this by-law.

12.0 CONTRAVENTIONS AND PENALTIES

- 12.1 Every Person who contravenes any provision of this by-law is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.2 Every Person who fails to comply with an order made under this by-law, is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.3 Every Person who obstructs or attempts to obstruct any City employee in carrying out his or her duties under this by-law is guilty of an offence and on conviction is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.4 A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.5 In addition to sections 12.1, 12.2, 13.3 and 12.4, any Person who is convicted of an offence under this by-law is liable to the following fines:

- (a) the maximum fine for an offence is \$100,000.00;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all fines for each included offence is not limited to \$100,000.00.
- 12.6 If a Person is convicted of an offence under this by-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 12.7 Where a Person fails to pay any part of a fine for a contravention of this by-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's designate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- 12.8 If any part of a fine for a contravention of this by-law remains unpaid after the final date specified in the notice given under section 12.7, the outstanding fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

13.0 INTERPRETATION, COMPLIANCE AND SEVERABILITY

- 13.1 In this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine; and the singular includes the plural and the plural the singular.
- 13.2 Wherever a word is used in this by-law with its first letter capitalized, the term is being used as it is defined in this by-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 13.3 The headings and subheadings used in this by-law shall not form a part of the by-law, but shall be deemed to be inserted for convenience of reference only.
- 13.4 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.5 If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the highway shall apply.
- 13.6 If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

14.0 FORCE AND EFFECT

- 14.1 This By-law shall come into force and effect on July 2, 2019.

ENACTED AND PASSED this day of , 2019.

7.3 - 90

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk