



Report
Staff Report
The Corporation of the City of Brampton
10/21/2024

Date: 2024-10-02

Subject: **Recommendation Report - Residential Driveway Size Standards Review**

Contact: David VanderBerg, Manager, Development Services, Development Services and Design

Report number: Planning, Bld & Growth Mgt-2024-805

RECOMMENDATIONS:

1. That the report from David VanderBerg, Manager, Development Services to the Planning and Development Committee Meeting of October 21, 2024 re: **Recommendation Report - Residential Driveway Size Standards Review** be received.
2. That staff be directed to proceed to a public meeting with a Zoning By-law Amendment that provides updated regulations that:
 - I. Reduce the permitted maximum widths and establishes a maximum permitted area for residential driveways in mature neighbourhoods.
 - II. Adds a schedule to the Zoning By-law identifying the boundaries of the area of the City subject to the new standards as depicted in Attachment 2 to this report.
3. That staff be directed to report back to Planning and Development Committee with:
 - a) A work plan, including details on financial and staffing implications, to be used in considering whether to implement a potential new City-wide permitting program for residential driveways such that a permit is required anytime a property owner increases the size of their driveway.
 - b) Recommendations on enhancing education efforts on driveway size requirements and permitting processes.
 - c) A review of linkages with other City programs that can be used to help improve compliance with driveway zoning standards.
 - d) Exploration of opportunities to encourage the use of permeable paving for driveways.

OVERVIEW:

- **At its April 24, 2024 meeting, Committee of Council discussed concerns related to residential driveway widenings in mature neighbourhoods and the need to review the Zoning By-law standards for them. In response to that discussion, staff prepared a draft Zoning By-law Amendment proposing to reduce maximum permitted driveway widths in mature neighbourhoods and presented it at a public meeting on June 17, 2024.**
- **At its June 26, 2024 meeting, Council directed staff to expand the review to be City-wide.**
- **For continued review, staff identified several goals and principles underlying the work that drove the intended outcome:**
 - **The zoning standards should help ensure that driveway sizes and design are appropriate for the neighbourhood's context.**
 - **Regulations must allow for enough flexibility to allow driveways to meet the functional needs of residents in permitted dwelling types.**
 - **Environmental effects related to driveways should be minimized.**
 - **Improve compliance with the zoning standards.**
- **To help achieve the noted outcome, staff recommends a number of additional potential changes to the standards for further consideration, and that a public meeting be scheduled on a Zoning By-law Amendment that:**
 - **Continues to provide for separate standards for driveways in mature neighbourhoods given the different character of those areas compared to other parts of the City,**
 - **Reduces the permitted maximum widths, and also establishes a new maximum permitted area for residential driveways in mature neighbourhoods, and**
 - **Applies the new proposed standards to an expanded mature neighbourhood area that would now also include:**
 - **Ward 2, and**
 - **the residential portions of Wards 3 and 4 that are located south of Steeles Ave.**
- **How the Zoning By-law driveway standards are administered and enforced is critical to the success of achieving their intent. Staff recommend that the following steps be explored further to improve compliance with the zoning standards, and that staff report back on them:**
 - **Developing a work plan, including details on financial and staffing implications, to be used in consideration of implementing a**

potential new City-wide permitting program for residential driveways such that a permit is required anytime a property owner increases the size of their driveway.

- **Preparing recommendations for enhancing education efforts on driveway size requirements and permitting processes.**
- **Reviewing potential linkages with other City programs that can be used to help improve compliance with driveway zoning standards.**
- **Exploring opportunities to encourage the use of permeable paving for driveways.**

BACKGROUND:

At its April 24, 2024 meeting, Committee of Council discussed concerns related to residential driveway widenings in mature neighbourhoods and the need to review the applicable by-law standards.

Discussions on this matter included the following:

- Options to address concerns related to residential driveway widenings.
- Review of the applicable by-law to ensure driveway widths are suitable for all neighbourhoods.
- Request that permits for curb cuts be monitored and/or placed on hold until this matter is considered by Council.
- Enhancing public communications regarding the implications of driveway widening.
- Enforcement of driveway contractors that contravene the by-law.

June 17, 2024 Planning and Development Committee Meeting

In response to the discussion at the April 24 Committee of Council meeting, staff developed draft updated zoning standards for reduced maximum driveway widths in mature neighbourhoods. The Planning and Development Committee held a public meeting on June 17, 2024 for a Zoning By-law Amendment for the new standards.

That previous draft Zoning By-law Amendment proposed:

- Limiting the maximum driveway width for properties in mature neighbourhoods to the width of the garage door plus 2.0 m or 50% of the lot width, whichever is less.

If a house did not have a garage, the Amendment proposed a maximum of 50% of the lot width with a further cap based on allowing two vehicles to be able to be parked side by side on the driveway.

That proposed amendment was recommended to be used in conjunction with the current mature neighbourhood boundary, which generally includes the residential portions of the central part of the City, bounded by Chinguacousy Road to the west, Bovaird Drive to the north, Torbram Road to the east and Steeles Avenue to the south.

At the public meeting, three members of the public spoke and six pieces of written correspondence were received. All comments supported the reductions to the permitted driveway widths. A public meeting report is attached as Attachment 1.

June 26, 2024 Council Meeting

In its consideration of the minutes from the June 17, 2024 public meeting, Council amended the resolution for the public meeting to add the following:

- *That the program be expanded to include properties City-wide, and incorporate design to respect the existing nature, such as estate and multi-generational homes, with staff to report thereon to a future meeting.*

There was also discussion on holding meetings with the ward pairings of Councillors on residential driveways. Those meetings took place in July and August of 2024.

This report has been prepared to respond to the above Council directions on driveways and recommends next steps to update the zoning standards for driveways and improve administration.

CURRENT SITUATION:

In its continued review of driveway standards, staff identified several goals and principles underlying the work and that drove the intended outcome:

- Driveways, and how parking of vehicles is managed on a property, impact the character of a neighbourhood and zoning standards should help ensure that driveway sizes and design are appropriate for the neighbourhood's context.
- Zoning standards must allow for enough flexibility for driveways to meet the functional needs of residents for all the types of housing that may be permitted in the zone. Work is needed to balance this goal with impact on community character.
- Environmental effects related to driveways should be minimized.

On the administrative side, the City currently is experiencing significant numbers of driveways being widened in excess of the zoning standards. This results in the need for enforcement actions to be taken when complaints are received and frequent minor variance applications to the Committee of Adjustment by residents seeking to maintain a driveway. The desired outcome on the administrative side is to improve compliance with applicable zoning standards and reduce the need for enforcement actions.

Staff considered several matters and questions related to achieving the noted outcomes:

- Should different standards be developed for different parts of the City?
- In addition to width, are there other factors that should be considered in regulating the size of driveways?
- What improvements could be made to better administer and enforce the standards?

It is also noted that the City's Transportation Planning group has in its planned work program a feasibility study to examine the potential for expanding on-street parking permissions. As there is already a separate project planned for it, on-street parking permissions were not considered to be within the scope of this driveway size standard review project. However, it is recognized that on-street parking is closely related to driveway size issues as on-street parking could absorb some demand for parking in residential neighbourhoods without the need for residents to expand their driveways.

Geography for Updated Driveway Standards

Staff Recommendation:

Staff recommends that the geography for the updated driveway standards, which will need to be presented at a new public meeting, include an expanded Mature Neighbourhoods area, that would now include the following:

- Ward 2, and
- The residential portions of Wards 3 and 4 that are located south of Steeles Avenue.

Commentary:

The Zoning By-law currently contains two sets of regulations for maximum driveway sizes, as described below:

- *First set:* Applies to the general residential zones, which include most residential areas of the City. The following table lists the maximum widths in those zones.

Lot Width	Maximum Driveway Width
Less than 8.23 m	4.9 m
8.23 m to 9.13 m	5.5 m
9.14 m to 15.23 m	7.0 m
15.24 m to 18.2 m	7.32 m *
Over than 18.2 m	9.14 m *

* Or width of garage, whichever is greater.

- *Second set:* Applies to Residential Estate, Residential Hamlet and Agricultural zones, which are typified by larger minimum lot area requirements. In those

areas the current standard is that driveways cannot exceed 50% of the lot width and must meet a minimum landscaped open space yard requirement. The minimum landscaped open space yard requirement is typically 70% of the front yard.

The Zoning By-law Amendment presented at the June 17, 2024 public meeting proposed adding a third group of residential driveway regulations for mature neighborhoods. While the Official Plan and Zoning By-law currently include policies and regulations to guide development in mature neighbourhoods, it does not include any items specific to driveways.

The existing mature neighbourhoods policies and regulations were the outcome of a study completed in 2014 examining how to best protect older mature neighbourhoods from incompatible new dwellings and building additions. Underlying the mature neighbourhood policies and regulations is a recognition that general development patterns, such as lot sizes, size of houses, and the siting of houses on lots, and the older age of buildings create a character and context distinct in older neighbourhoods of the City from newer ones.

Driveways are another element that contribute to the character of a neighbourhood. Adding driveway regulations specific to mature neighborhoods builds on the logic used for the other mature neighborhood specific development regulations and is considered to be an appropriate extension of those regulations.

Potential Expansion of Mature Neighbourhood Area:

The key criteria used to establish the geography of the mature neighborhood area in the 2014 study was the timing of when neighborhoods were built, with the mature neighbourhood area consisting of the parts of the City where the majority of buildings were constructed before 1980.

Other areas of the City share characteristics relevant to regulating driveways with the current mature neighborhood area, and staff believes that they it may be appropriate to expand the area that would be subject to the proposed new driveway standards. Staff reviewed historical development patterns to determine potential expansion areas. Generally, the next parts of the City to be developed through large scale subdivision development after the current mature neighbourhood area were Ward 2 and the parts of Wards 3 and 4 that are located south of Steeles Avenue.

A review of the timing of planning approvals and air photos show that these parts of the City were predominantly built in the 1980's, soon after the threshold used for establishing the current mature neighborhood area. Given the proximity of timing of the building of these areas, they share physical characteristics, such as lot areas, forms of housing and siting of houses on lots, with the current mature neighborhood area that are relevant in developing driveway regulations.

As noted in the following section, staff's recommended changes to the proposed driveway standards results in another public meeting being required. Staff recommends that the geography for the updated driveway standards to be presented at that public meeting include an expanded mature neighbourhood area that would add:

- Ward 2, and
- the residential portions of Wards 3 and 4 located south of Steeles Ave.

A map of the proposed mature neighbourhood area is included in Attachment 2.

The expanded mature neighborhood area is largely built out and new housing in it is typically in the form of higher-density infill development. The proposed new standards would predominantly affect existing homes and changes to their driveways rather than new subdivision development. Areas of the City where new subdivision development is occurring would remain subject to the existing standards.

A full evaluation of the boundaries will continue after the public meeting with the Recommendation Report prepared for the updated standards to include a full assessment of the appropriate geography along with potential refinements to it.

Factors to be Used in Regulating Permitted Driveway Size

Recommendation:

Staff recommends that a public meeting be held on a Zoning By-law Amendment that adds a regulation limiting the overall driveway area in mature neighbourhoods in addition to updating the driveway width regulations.

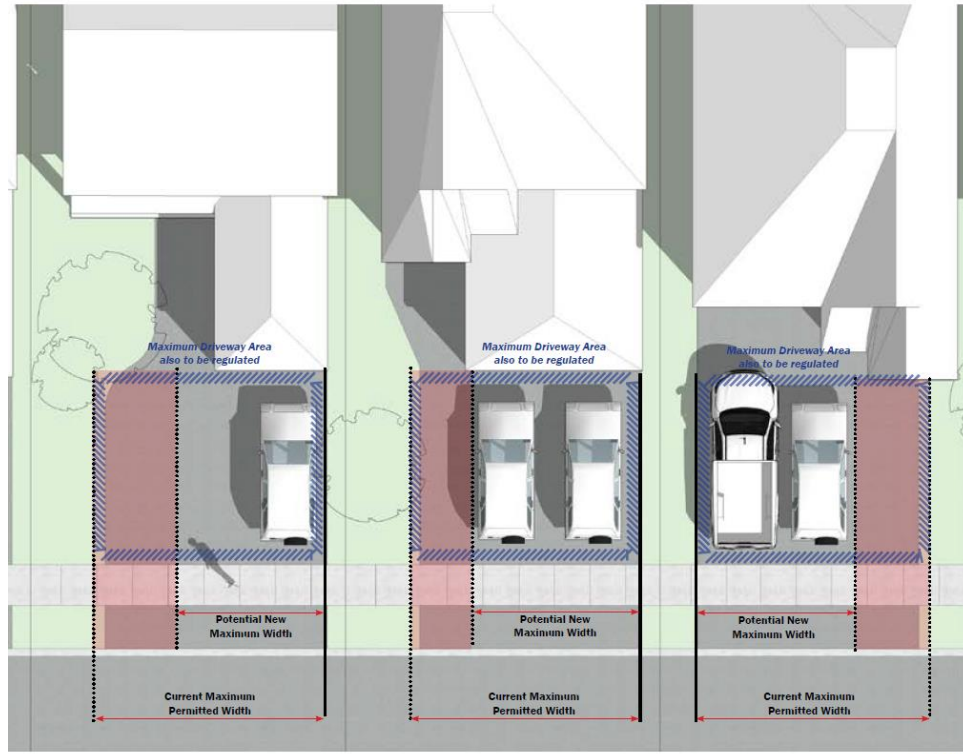
Commentary:

The Zoning By-law currently regulates the size of driveways by imposing a maximum permitted width. One of the rationales for regulating driveways is to limit an excessive number of vehicles being parked in front of the house to manage the impact of vehicles on the streetscape.

Driveway length plays an equally important role as width in determining how many vehicles can park in the driveway. To address this, staff proposes that the updated driveway standards include a maximum permitted size, which effectively means that both length and width are regulated, to better achieve the intended outcome of ensuring driveway sizes fit with the community character.

Figure 1 depicts how the potential new rules for driveway width and area could impact permitted driveway size. The lots are 30-foot wide lots, and the difference between the three houses shown is the type of garage (i.e. one car garage (left house), two car garage (middle house), and no garage (right house)).

Figure 1: Effect of Potential Changes on Typical Lot



There are complexities in crafting an appropriate area standard that meets the noted character related objective but also balances the need to provide enough flexibility to allow for functional driveways, particularly noting the need for driveways to be long enough to provide access to the garage. This is made more challenging by the fact that factors relevant to developing a driveway area standard vary significantly within the mature neighborhood area, these being:

- lot size,
- garage size,
- setback to the garage and
- whether there are sidewalks,.

Staff is currently testing proposed standards. The intent is to hold a public meeting at the earliest opportunity if Council provides direction to proceed. The testing of the standard will be completed for the public meeting with further refinement to occur based on the feedback received at the public meeting.

It is noted that some areas and types of lots within the mature neighbourhood will require exceptions, or an increased permission, from the maximum permitted driveway size regulation because of the specific characteristics of those areas / lot types.

Examples of areas / lots requiring exceptions include:

- *Lots with rear yard detached garages:* The length of driveway required for functionality (i.e. that it reach the garage) on lots with rear yard detached garages means that their area will be larger than other lots. However, due to the length of driveways in these situations, they do not need to be very wide to accommodate sufficient parking. Therefore, it is recommended that houses with rear yard detached garages be exempt from the driveway size limit but have a narrow maximum driveway width applied to them as compared to other lots.
- *Main Street South Residential Area:* The residential area along Main Street south of Wellington Street is a special character area in the City with a high concentration of heritage resources. Two of the characteristics that make it unique – the large lots and houses being set far back from the street – present challenges in developing an area limit for driveways. An area limit that works for typical lots elsewhere would result in a driveway that is far too small for the large lots on Main Street South. It is recommended that this area be exempted from the standard driveway area limits.

The proposed Zoning By-law Amendment is significantly different from what had been presented at the public meeting on June 17, 2024, because of the change in mature neighbourhood boundaries, and the addition of the regulations on maximum driveway size. Therefore, a new public meeting is recommended to present those changes to the public and to accommodate feedback.

Staff also reviewed several other options to incorporate into updated driveway standards, which are described in the following table and with commentary provided on them.

Other Options Considered		
Option	Description	Commentary
Add house form as factor	Use house size (e.g. floor area or height of house) as a factor in formula for setting permitted driveway size	<ul style="list-style-type: none"> • Significantly adds to the complexity of the rules, creating issues for crafting the regulations and administering them. • House form can change with additions and replacement houses and such a regulation does not necessarily ensure that driveway sizes will remain consistent with character of area. • Creates some level of incentive to build larger houses through rebuilds or addition, which could be considered to be out of the character of the area.
Limit number of vehicles	Limit the number of vehicles that can be parked at a property outside of a garage	<ul style="list-style-type: none"> • Restricts property rights in an atypical manner for a Zoning By-law and could be perceived as overly infringing on private rights.

	regardless of driveway size	<ul style="list-style-type: none"> • Creates significant enforcement challenges, noting that the number of vehicles parked at a property changes frequently based on schedules and visitors. • Presents complexities for how to craft regulations that address visitors, such as a family gathering. • Presents challenges as how to handle households currently having more cars than the new rules may permit to be parked outside the garage. Typically with zoning, legally non-complying buildings and uses are “grand-fathered in” as legally non-conforming. Identifying and tracking legally nonconforming situations is difficult for this type of regulation.
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For the reasons outlined in the table above, staff does not recommend proceeding with the two other options that were considered.

Impermeable Surfaces and Water Runoff

One of the objectives for regulating driveway size is related to limiting impermeable surfaces and managing storm water runoff. Using hard surfaces on parts of yards other than the driveway has the potential to also increase storm water runoff. Staff recognizes that this is an important matter and will be reviewing the current standards as part of the Comprehensive Zoning By-law Review.

Next Steps and Coordination with Comprehensive Zoning By-law Review

If Council supports staff's recommendations herein, the next step will be for the Planning and Development Committee to hold a public meeting on the updated proposed zoning standards. Staff intends to have that public meeting held on at the December 9, 2024 Planning and Development Committee meeting.

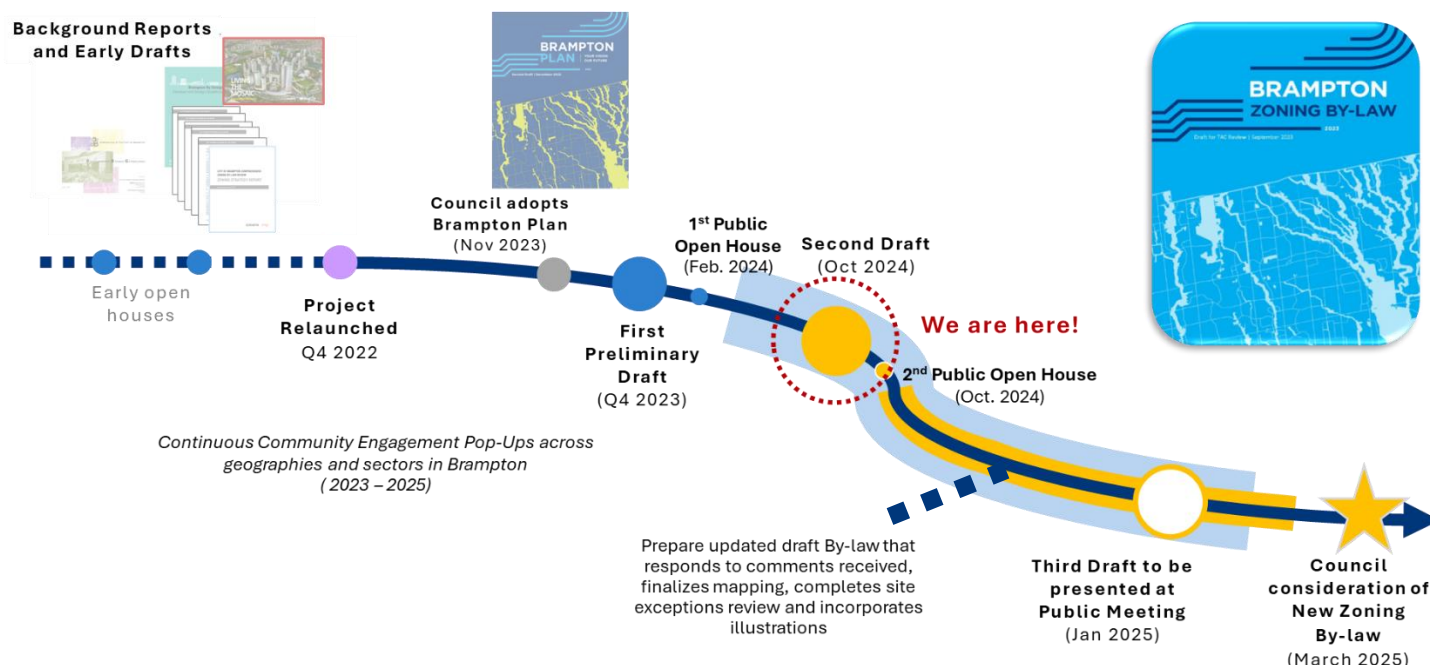
The City is also currently preparing a new comprehensive Zoning By-law to implement Brampton Plan, the City's new Official Plan. The project will result in a modernized Zoning By-law that will help:

- Facilitate more housing options and investment opportunities in Brampton;
- Inform residents and property owners as to what and where things can be built on a property and how the property may be used – including on common matters such as driveways, additional residential units, building expansions, paved patios and opening new businesses; and,
- Reduce unnecessary planning and building enquiries and avoid confusions or complications with development applications that bog down internal administration and operations.

The work on updating the driveway size standards is really a component of this larger project to review and update all zoning standards, including the rules guiding how development can occur in existing neighbourhoods. If Council adopts new driveway standards, they will also be incorporated into the new Comprehensive Zoning By-law.

Figure 2 shows next steps and planned timing for the Comprehensive Zoning By-law Review project.

Figure 2: Comprehensive Zoning By-law Review Timeline



Staff is proposing to advance revised driveway standards as a separate amendment from the Comprehensive Zoning By-law Review to allow for this matter to be resolved more quickly than if it was included with the comprehensive review, as is noted in Figure 2. Staff will work to bring forward a recommendation report on the driveway amendment as soon as possible after the planned public meeting in December.

The driveway amendment will be subject to the potential for appeal to the Ontario Land Tribunal (OLT); however, advancing the amendment separately from the Comprehensive Zoning By-law Review reduces the risk of the driveway amendment being delayed because of appeals on matters unrelated to driveways.

Administration, Education and Enforcement

Recommendation:

Staff recommend that the following steps be explored further to improve administration:

- Developing a work plan, including details on financial and staffing implications, to be used in consideration of implementing a potential new City-wide permitting program for residential driveways such that a permit is required anytime a property owner increases the size of their driveway.
- Preparing recommendations for enhancing education efforts on driveway size requirements and permitting processes.
- Reviewing potential linkages with other City programs that can be used to help improve compliance with driveway zoning standards.
- Exploring opportunities to encourage the use of permeable paving for driveways.

Current Administrative Process:

Compliance with the driveway zoning standards is currently administered through a program of enforcement, licensing of contractors, permitting for curb cuts and education efforts, as detailed below:

- *Curb cut permits:* A property owner is required to obtain a permit related to widening their driveway only when a new or expanded curb cut is being requested and the permit is for specifically for the curb cuts. The Zoning Division reviews applications for curb cut permits and verifies whether the related driveway widening proposals comply with the Zoning By-law. Once verified, the Public Works & Engineering Department will review the application and issue a Road Occupancy & Access Permit for a fee of \$50.00 (for residential properties).
- *Enforcement:* Enforcement of the zoning standards for driveways is on a complaint driven basis. Upon receipt of a complaint about a driveway, Enforcement staff will complete an inspection and determine whether the driveway complies with the Zoning By-law. If not, an Order to Comply is issued giving the property owner a set period of time to bring the driveway into compliance. Property owners also have the option to apply for a minor variance to allow them to keep the driveway if the variance is approved. Failure to comply with the order may result in further Enforcement staff action, which ultimately proceeds through the court system.
- *Licensing of Contractors:* The City licenses contractors involved in paving driveways. It also requires that each contractor provide a \$5000 security deposit, and the City may draw from that deposit when for driveways that contravene zoning standards. The Contravention Administration Cost is \$700. There is also a training program for contractors.
- *Education:* Various efforts are made to educate the public on the requirements related to driveways, including information on the City website and slips in property tax bills.

Commentary:

How the Zoning By-law standards are administered and enforced is critical to the success of achieving their intent.

The City currently has significant numbers of driveways being widened in excess of the zoning standards. This results in the need for enforcement actions to be taken when complaints are received and frequent minor variance applications to the Committee of Adjustment by residents seeking to maintain an already installed driveway.

The desired outcome for administration is to reduce the number of driveways installed in excess of the zoning standards. Staff considers the next logical step to be requiring a permit for any driveway widening, rather than only if it affects the curb cut.

The benefit of a broader permit program is all widened driveways would have to be reviewed to ensure that they comply with the Zoning By-law standards. It would also offer more and better options for potential penalties. The Planning Act limits the types of penalties that can be imposed when someone builds a driveway that does not comply with the By-law's standards, with these penalties administered through the court system. The need to obtain a permit could be established in a by-law other than the Zoning By-law, which opens the possibility to administer penalties through a ticketing system rather than the court system offering potential for improvements.

Moving to requiring permits for all driveways will create new costs for the City to process and review the applications and generally administer the program, and imposes an additional approval process on property owners looking to widen their driveway. However, it provides an opportunity to improve compliance with the driveway zoning standard helping achieve goal related to neighbourhood character and potentially less need for enforcement action.

Reducing the permitted size of driveways has the risk of increasing the already high levels of driveway related minor variance applications. However, an effective driveway permit program provides opportunities to mitigate that risk. Currently, most minor variance applications for wider driveways are for driveways that have already been widened/constructed by the landowners, which makes review and decisions more complicated as there are significant impacts to a resident if their application is refused. If a driveway permit program works well, generally residents would be applying for variances and gaining approvals before any driveway widening construction occurs. Also, information about past Committee decisions on variances will help to provide landowners with an awareness of the likelihood for either staff support or objection.

In staff's opinion, requiring permits for all driveway widenings is an option that should be explored further. Staff recommends that Council provide direction for staff to develop and report back with a work plan on moving to a driveway permit system to provide Council with the information it can use in deciding whether to move to such a system. The report back will include information on the potential basic structure of a driveway permit program as well as details on staffing and financial implications.

Reducing the size of permitted driveways has the potential to increase the number of driveways being built in contravention of the standards. Education efforts will be critical

in reducing this risk and for the successful implementation of a new driveway permit program. The report back will include recommendations for enhanced education efforts.

Finally, there are potential links with other existing City programs, such as the Residential Rental Licensing Program. It is also noted that use of permeable paving for driveways offers opportunities for reducing storm water runoff. The recommendation report will include further evaluation of these linkages and opportunities to encourage permeable paving.

CORPORATE IMPLICATIONS:

Financial Implications:

There are no financial implications associated with the recommendations of this report.

Other Implications:

There are no other corporate implications.

STRATEGIC FOCUS AREA:

This report aligns, supports and furthers the following strategic focus area:

- **Growing Urban Centres & Neighbourhoods:** Updated driveway standards will contribute to achieving strong neighbourhoods.

CONCLUSION:

Responding to Council directions provided in April and June of 2024, this report provides recommendations on next steps for improving regulations for residential driveways and the administration of those standards. These recommendations are intended to help ensure that the design of residential driveways are in keeping with the character of the surrounding neighbourhood and improve administration for widening driveways.

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Attachments:

- Attachment 1 – Public Meeting Report
- Attachment 2 – Proposed Geography Subject to New Standards