

TOWN OF SIDNEY

OFF-STREET PARKING AND LOADING BYLAW 1661

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Bylaw Number 1661
9 April 2001

Amended up to and including
Amendment Bylaw Number 2011

Consolidated for Convenience only
12 September 2011

Amendment 1	Bylaw No. 1734	Text Change – Tandem Parking
Amendment 2	Bylaw No. 1787	Text Change – Adding new section entitled Payment for Parking
Amendment 3	Bylaw No. 1886	Text Change – Amending Payment in Lieu for Parking Section
Amendment 4	Bylaw No. 2011	Text Change – Amending Payment in Lieu for Parking Section and adding definitions

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The Council of the Town of Sidney, in open meeting assembled, enacts as follows:

SECTION 1 TITLE

- 1.1 This Bylaw may be cited for all purposes as **Town of Sidney, Off-Street Parking and Loading Bylaw 1661.**

SECTION 2 ADMINISTRATION

2.1 Conformity with Official Community Plan:

This Bylaw is consistent with and gives effect to the policies of the Town of Sidney, Official Community Plan Bylaw 1612. No amendment to this Bylaw shall be made which deviates from the policies of the Official Community Plan without the prior amendment of the Official Community Plan.

2.2 Provision:

1. Where the terms of this Bylaw require the provision of parking areas, loading areas, access aisles or bicycle parking spaces, every owner or occupier of buildings, structures or land shall, upon the lot in question, provide and maintain these facilities in accordance with the standards and requirements as contained within this Bylaw; and
2. Where parking or loading spaces are provided in excess of the number required by this Bylaw, the extra spaces shall be exempt from Sections 4.9 (2), (3) and (4) of this Bylaw.

2.3 Non-Conforming Buildings, Uses and Structures:

A continuation of a non-conforming use, building or structure shall be subject to the provisions of the *Local Government Act of British Columbia*.

2.4 Inspection:

The Building Inspector, or any other official of the Town of Sidney appointed by Council, is hereby authorized to enter, at all reasonable times, upon any lot or premises to ascertain whether the provisions of this Bylaw are being obeyed.

2.5 Violation:

1. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done or neglects to do any act or thing in contravention of this Bylaw, shall be deemed guilty of an offence of this Bylaw and shall be liable to the penalties herein imposed; and
2. Each day that such an offence of this Bylaw is caused to continue, or allowed to continue, constitutes a separate offence.

2.6 Penalties:

Any person guilty of an offence is punishable in accordance with the *Offence Act of British Columbia*.

2.7 Severability:

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

SECTION 3 INTERPRETATION

3.1 Section References:

Section references are to this Bylaw unless otherwise noted.

3.2 Definitions:

The Definitions as established in Section 3 of Town of Sidney, Zoning Bylaw 1660 are applicable in the interpretation of this Bylaw.

In this Bylaw, **UNLESS OTHERWISE STATED**, the following definitions shall apply:

Access Aisle: An area of land, building, structure or part thereof between a street and a parking or loading area used by vehicles for access to and from the parking or loading area.

Bicycle Parking, Class I: An enclosed building or part thereof providing secure and weatherproof bicycle parking.

Bicycle Parking, Class II: A bicycle rack.

Bicycle Parking Space: A space to park one bicycle.

Building Alteration and/or Change in Use: Alteration to an existing building which does not lead to an increase in site coverage and is for the purpose of facilitating a change of use, such that the existing parking supply can no longer be considered legal non-conforming.

Carport: A detached accessory building or portion of a dwelling unit (1) designed, or used for the sheltering of a private vehicle, and (2) enclosed on less than three sides.

Council: The Council of the Town of Sidney.

Garage: A detached accessory building or portion of a dwelling unit (1) designed or used for the sheltering of a private vehicle, and (2) enclosed on three or more sides and roofed.

Lane: A public right-of-way, 6.0 metres or less, dedicated for secondary access to parcels of land.

Loading Space: An area of land, building, structure or part thereof used for the temporary parking of one vehicle for the loading or unloading of merchandise, materials or persons; does not include a maneuvering aisle or parking space.

Maneuvering Aisle: An area of land, building, structure or part thereof (1) immediately adjacent to a parking or loading space and used exclusively for access to or egress from a parking or loading space, or (2) providing vehicle access between parking or loading spaces.

New Construction: Development involving new construction on a previously vacant property and/or where alteration to an existing building occurs, whereby additional square footage is added, resulting in an increase to site coverage.

Parkade: A multi-level parking structure.

Parking Area: A parking space and associated maneuvering aisles; does not include impound or wrecking yards.

Parking Space: An area of land, building, structure or part thereof for the parking of one vehicle; does not include a maneuvering aisle or loading space.

Parking Space in Tandem: One parking space located immediately behind another parking space where both spaces are for the exclusive use on one dwelling unit.

Principal Use: The main purpose for which land, buildings or structures are ordinarily used.

Recreational Vehicle: A vehicle containing sleeping and other facilities for use while traveling or vacationing, including such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes and other similar vehicles.

Street: A highway, road, bridge, viaduct, lane or any other way open to public use; does not include a right-of-way or easement on private property.

Town: The Municipality of the Town of Sidney.

Use: The purpose for which land, buildings or structures are used.

Vehicle: A trailer or any motorized conveyance for transporting goods or people on land.

SECTION 4 VEHICLE OFF STREET PARKING AND LOADING REQUIREMENTS

4.1 Calculation of Parking and Loading Requirements:

1. Where continuous seating (e.g. a bench) is provided, each 0.5 metre of width shall be counted as one seat;
2. Unless otherwise provided for in this Bylaw, where area is used as a unit of measure for the calculation of required parking or loading spaces, the calculation shall be based upon 80% of gross floor area;
3. In the case of different uses located on the same lot, the total parking and loading space requirement shall be the sum of the requirements of the various uses computed separately. However, parking and loading space requirements for places of worship and associated halls shall be the greater of the requirements for the two uses calculated separately, provided the two are not used concurrently in contributing to vehicular parking requirements; and
4. When the calculation of parking space requirements results in a fractional figure, it shall be rounded upward to the nearest whole number.

4.2 Storage of Unlicensed Vehicles:

No more than one (1) unlicensed vehicle shall be kept on any lot unless completely enclosed within a building.

4.3 On-Site Parking and Loading:

All required parking and loading spaces shall be located on the same lot as the building, structure or use for which they are intended to serve, except as permitted under subsections 4.4 and 4.5.

4.4 Off-Site Parking:

1. Excluding parking spaces required for dwelling units, if sufficient parking spaces cannot be provided on the same lot, required parking spaces may be located on another lot within 30 metres of the building, structure or use that the space is intended to serve.
2. Off-site parking shall be secured by an agreement in accordance with the following:
 - i. The agreement shall state (1) the location and number of parking spaces provided off-site, (2) the terms of any lease or rental agreement between the owner of the off-site parking area and the owner of the building, structure or use requiring off-site parking spaces, and (3) terms for the maintenance and where applicable the construction of the off-site parking area; and

- ii. The agreement shall require the approval of the Town and the Town shall be a co-signatory.

4.5 Payment in Lieu of Parking:

The following applies to the area designated Industrial (M1) under Zoning Bylaw 1660 and the area bounded by Sidney Avenue, James White Boulevard, Oakville Avenue, Highway 17 and the natural boundary (or that area commonly referred to as the commercial core):

1. At the option of the owner or occupier of the building, structure or land, rather than provide the parking space(s) required in this Bylaw, the owner or occupier may pay to the Town the following:
 - i. For new construction on a property:
 - a. the sum of \$20,000.00 for each parking space so required where the Town owns and operates a parking facility within 1000 metres of the building, structure or land of the owner or occupier; and
 - ii. For building alterations and/or a change in use on a property:
 - b. the sum of \$5,000.00 for each parking space so required where the Town owns and operates a parking facility within 1000 metres of the building, structure or land of the owner or occupier.
2. The monies referred to in Section 4.5 (1) are payable in accordance with the provisions of the *Local Government Act of British Columbia*;
3. Parking spaces provided under Section 4.5 (1) shall not be available on a reserved or dedicated basis within a municipal parking facility; and
4. The owner of a property may petition Town Council to enter into a Specified Area Bylaw for parking services as a form of payment. The Specified Area Bylaw must be entered into at the time of Building Permit or a change of use as outlined in the Local Government Act of British Columbia and must be approved prior to issuance of the Building Permit or Business License.

4.6 Shared Off-Street Parking:

Shared use of the same parking spaces to meet the requirements of two or more buildings, structures or uses is permitted where the hours of operation do not overlap. The following shared off-street parking shall be considered by the Town if a Restrictive Covenant is entered into with the Town named as a participant:

1. A maximum of 25% credit be provided on parking stalls for Restaurants in Commercial Zones C and C1 and Comprehensive Development Zones CD5 and CD6 when the hours of operation are substantially different from the uses being shared with; and
2. A maximum of 75% credit be provided on Residential apartments in Commercial Zones C and C1 and Comprehensive Development Zones CD5 and CD6.

4.7 Parking Spaces for Disabled Persons:

Parking spaces for disabled persons shall be provided in accordance with the provisions of the *British Columbia Building Code*. However, in the Commercial zones, a minimum of one parking space for disabled persons shall be provided where Section 4.11(c) requires the provision of more than 9 and fewer than 21 off-street parking spaces excluding those required for dwelling units and for every 20 spaces in excess of 20. This requirement is not cumulative (i.e. if 10 spaces are required, one of the 10 must meet the disabled parking provisions of the *British Columbia Building Code*).

4.8 Location and Siting:

1. General:

- i. Parking or loading areas shall only be permitted in those areas specified,
- ii. Nothing in Section 4.8 shall restrict the provision of underground parking or loading areas,
- iii. Access aisles may be located in a front, rear, interior side or exterior side yard;
- iv. Unless otherwise provided for in this Bylaw, parking or loading areas shall be located a minimum of 1.0 metre from any lot line,
- v. For regulations regarding parking spaces for disabled persons see Section 4.7; and
- vi. Parking spaces for employees may be in tandem in all zones within the Zoning Bylaw 1660 and amendments thereto.

2. Residential and Multi-Family Residential Zones:

- i. In all Residential Zones:
 - a. Parking areas shall be permitted in a rear, interior side, exterior side or front yard, provided that if located in a front or exterior side yard the parking areas occupy no more than 30% of the area or the minimum area necessary for the provision of two parking spaces in tandem, whichever is greater, and
 - b. Section 4.8(1)(d) does not apply;
- ii. In all Multi-Family Residential Zones:
 - a. Parking areas shall be permitted in a rear or interior side yard provided they are not in an area which is also part of a front or exterior side yard, and
 - b. Parking areas shall be permitted (a) within the first storey, provided they do not occupy more than 40% of the gross floor area of the first storey, or (b) within a half storey;

3. Commercial Zones:

- i. C and C1 Zones:
 - a. Excluding parkades, parking or loading areas shall be permitted within the first storey provided their combined area does not constitute more than 50% of the gross floor area of the first storey,
 - b. Parking or loading areas shall be permitted in a rear or interior side yard provided they are not in an area which is also part of a front or exterior side yard, and
 - c. In a parkade, parking areas shall be permitted on all storeys;
- ii. C2, C5 and C5.1 Zones:

Parking or loading areas shall be permitted in a front or exterior side yard provided they are not in an area, which is also part of a rear or interior side yard and they are not closer to a front or exterior side lot line than the respective required setback;

4. Industrial:

- Parking or loading areas shall be permitted in a front, rear, interior side or exterior side yard provided that they are no closer to
- i. Highway 17 than 6.0 metres,
 - ii. Galaran, Mills or McDonald Park Road than 3.0 metres, or
 - iii. any other street than 1.5 metres;

5. Marine:
 - i. W1 and W2 Zones:
Parking or loading areas shall be permitted in a front, rear, interior side or exterior side yard, provided they are no closer to an interior side lot line than the required setback, and
 - ii. W1.2 Zone:
 - a. Parking areas shall be permitted in a front, rear, interior side or exterior side yard, and
 - b. Loading areas shall be permitted in a front, interior side or exterior side yard;
6. Institutional and Utility Zones:
 - i. I1, I2, U1 and U2 Zones:
 - a. Parking or loading areas shall be permitted (1) within the first storey, provided they do not occupy more than 50% of the gross floor area of the first storey, or (2) within a half storey,
 - b. Parking or loading areas shall be permitted in a front, rear, interior side or exterior side yard provided they are located the following minimum distance from the respective lot line:

1.	front	3.0 metres
2.	rear	1.5 metres
3.	interior side	1.5 metres
4.	exterior side	2.0 metres

4.9 Development and Maintenance Standards:

1. General:
 - i. For regulations regarding parking spaces for disabled persons see Section 4.7, and
 - ii. Unless otherwise stated, the regulations of Section 4.9 shall apply to all uses, except for single- and two-family dwellings;
2. Access Aisles:
 - i. Access aisles shall be provided for all parking and loading areas,
 - ii. Access aisles for parking areas shall have a minimum width of 3.6 metres for one-way travel, and 5.5 metres for two-way travel, and
 - iii. Access aisles for loading areas shall have a minimum width equal to the width of the largest loading space for one-way travel or double the width of the largest loading space for two-way travel;
3. Maneuvering Aisles:
 - i. Individual parking spaces must be arranged so that each space has unobstructed access to and from a maneuvering aisle so that a vehicle occupying the space is able to enter and leave the lot in a forward motion except those parking spaces which are designated tandem, and
 - ii. In parking areas, maneuvering aisles shall be provided in accordance with standard traffic engineering practices;

4. Parking and Loading Space Dimensions:

- i. Including townhouse dwellings with parking spaces in tandem, and single- and two-family dwellings, parking spaces shall have clear minimum dimensions as follows:

	<u>Length</u>	<u>Width</u>
Standard Space	5.8 metres	2.7 metres
Small Space	5.0 metres	2.5 metres
Parallel Space	7.3 metres	3.0 metres

- ii. Loading spaces shall have the following clear minimum dimensions:
- | | |
|--------------------|------------|
| length | 9.0 metres |
| width | 3.0 metres |
| vertical clearance | 4.3 metres |

5. Surfacing:

Parking areas, loading areas, and access and maneuvering aisles (1) shall be surfaced with asphalt, concrete, interlocking block or a similar finish so as to provide a surface that is durable and dust-free, and (2) shall be so graded and drained as to properly dispose of all surface water.

6. Wheel Stops:

All parking and loading spaces shall be provided with concrete wheel stops.

7. Lighting:

Parking and loading areas shall be illuminated in accordance with common engineering practices and standards.

8. Signage

- i. Visitor parking spaces shall be clearly marked with the words "VISITOR PARKING ONLY" on the parking space surface;
- ii. One-way maneuvering aisles shall be clearly marked with traffic flow directional arrows on the aisle surface;
- iii. Loading spaces shall be clearly marked with the words "LOADING SPACE ONLY" on the aisle surface; and
- iv. Small car parking spaces shall be clearly marked with the words "SMALL CAR" on the parking space surface.

4.10 Small Car Parking Spaces:

Small car parking spaces shall be permitted up to a maximum of 30% of the total number of spaces required.

4.11 Required Off-Street Parking Spaces:

1. For regulations regarding parking spaces for disabled persons see Section 4.7;
2. Parking spaces shall be provided in accordance with the requirements in Section 4.11(c). In the case of a use not specifically mentioned, the required parking spaces shall be the same as that of the most comparable use;

3. Required Parking Spaces:

USE	REQUIRED PARKING SPACES (minimum)
Aircraft repair, storage	1 per 90m ²
Appliance Repair Shop in Commercial Zones	1 per 40m ²
Assembly Hall, Library, Museum	1 per 15m ²
Banks	1 per 40m ²
Bed and Breakfast	1 per principal dwelling unit plus 1 per room
Billiard Hall	2 per table
Bowling Alley, Bowling Green	3 per lane
Building supply and lumber outlet	1 per 90m ²
Child Care Facility	1 per 5 children licensed by the Province
Congregate Care Housing or Life lease Units	0.5 per unit
Dwelling, Abbeyfield	0.75 per bedroom
Dwelling, Apartment	1.0 per dwelling unit
Dwelling, Secondary suite	1 per dwelling unit
Dwelling, Single-family	2 per dwelling unit; or 1 per dwelling unit if located in the R3 Zone
Dwelling, Townhouse	1 per dwelling unit plus 0.25 per dwelling unit for visitors
Dwelling, Two-family	2 per dwelling unit
Equipment rental or repair centre	1 per 40m ²
Ferry terminal	2 plus 1 per vehicle capacity of car ferry
Financial Institutions	1 per 40m ²
Fire Station, Ambulance station	4
Gas Bar	2
Home Occupation	1
Hospital	1 per 4 beds
Hotels	0.75 per hotel unit
Hotel Complex	0.75 per hotel unit
Inn	0.75 per guest unit
Intermediate Care Facility	0.2 per bed plus 0.25 per bed for visitors
Manufacturing	1 per 90m ²
Marinas	0.5 per berth
Motels	1 per unit
Office	1 per 40m ²
Personal Service Establishments	1 per 40m ²
Place of Worship	1 per 5 seats
Police station	1 per 40m ²
Recycling Depots	1 per 40m ² or 4 parking spaces, whichever is the lesser.
Research Laboratory	1 per 90m ²
Restaurant, Class I or Class II	1 per 5 seats
Retail store	1 per 40m ²
School, Adult Education	4 per classroom
School, Senior High	4 per classroom
School, Primary, Elementary and Junior High	1 per classroom
Service Station	1 plus 3 per bay
Taxi service or dispatch centre	2 plus 1 per taxi
Vehicle repair garage	3 per bay
Vehicle sales or rental showroom	1 per 20m ²
Veterinary Clinics	1 per 40m ²
Warehouse	1 per 180m ²

4.12 Required Off-Street Loading Spaces:

1. Loading spaces shall be provided in accordance with the requirements in Section 4.12(2); and
2. Required Loading Spaces -

USE	REQUIRED LOADING SPACES (minimum)
Commercial, Industrial and Institutional, excluding places of worship	1 for 300m ² to 2000m ² 1 for each additional 2000m ² or fraction thereof

4.13 Payment for Parking:

1. Where parking spaces are required under this Bylaw and parking is provided on site, fees may not be charged for such parking; and
2. Where parking spaces are provided as the principle use on a property, such as a parking lot or a parkade, fees may be charged for such parking.

SECTION 5 BICYCLE PARKING STANDARDS

5.1 General:

Class I or Class II bicycle parking provided in accordance with this Bylaw shall be located on the same lot as the building, structure or use they are intended to serve.

5.2 Calculation of the Recommended Minimum Number of Bicycle Parking Spaces:

1. Where area is used as a unit of measure for the calculation of bicycle parking spaces, the calculation shall be based upon 80% of gross floor area;
2. When the calculation of the recommended minimum number of bicycle parking spaces result in a fractional figure, it shall be rounded upward to the nearest whole number; and
3. In the case of different uses occupying the same lot, the total recommended minimum number of bicycle parking spaces shall be the sum of the recommended minimum number of bicycle parking spaces of the various uses computed separately.

5.3 Bicycle Parking in Lieu of Vehicle Parking Spaces:

Where the recommended minimum number of Class I or Class II bicycle parking spaces is provided in accordance with Sections 5.4 and 5.5, the vehicle parking space requirement shall be reduced by one parking space.

5.4 Class I Bicycle Parking Standards:

1. General:
Class I bicycle parking shall consist of (1) bicycle parking spaces and racks in conformance with Section 5.5(1)(i) within a bicycle room.
2. Bicycle Room:
 - i. Design:
 - a. Bicycle rooms shall have solid walls and a roof or ceiling,
 - b. The whole room shall be visible from the entry door,
 - c. There shall be a separate security lock and key for each room and compartment;

- ii. Location:
 - a. Where bicycle rooms are in a building they (1) shall be located within the first storey or half storey, and (2) should be located off the vestibule or corridor to the main building elevator, and
 - b. Access shall be provided from each bicycle space to a street, excluding lanes;

3. Class I Bicycle Parking Spaces - Recommended Minimum

USE	SPACES - Recommended Minimum
Residential:	
Apartment Dwellings	0.5 per unit
Congregate Care Housing, Intermediate Care Facilities	4
Commercial:	
Retail Stores, Banks, Financial Institutions, Offices, Personal Service Establishments, Class I or Class II Restaurants, Commercial Printers, Commercial Publishers, Veterinary Clinics, Convenience Stores, Locksmiths, Denturists, Child Care Facilities, Service Stations, Gas Bars, Marinas, Marine rental or charter operations, Marine Pubs, Brew Pubs and Fish Processing and Retail Sales, Food and Beverage Manufacturers.	1 per 125m ² , with a minimum of 2
Hotels, Motels	1 per 500m ² , with a minimum of 2
Institutional:	
Schools, Libraries, Museums, Hospitals, Fire Stations, Police Stations, Ambulance Stations, Public Works Yards	1 per 250m ² , with a minimum of 2
Places of Worship, Sewage Treatment Facilities	2

5.5 Class II Bicycle Parking Standards:

1. General

Class II bicycle parking shall be provided in accordance with the following:

- i. Design:
 - a. Each bicycle parking space must be independently accessible from a sturdy rack designed for frame, not wheel-only, support,
 - b. Racks shall be of a design such that the user is able to lock a bicycle frame and one wheel to the rack with a u-shaped lock, and
 - c. Racks shall be securely anchored to the ground or a wall to prevent removal of the racks;
- ii. Location:
 - a. Access shall be provided from each bicycle space to a street,
 - b. Rack location should allow for a high degree of visual surveillance by building occupants or from streets which abut the lot, and
 - c. Racks shall be sheltered from rain and weather conditions;

2. Class II Bicycle Parking Spaces - Recommended Minimum

USE	SPACES REQUIRED (minimum)
Residential:	
Apartment dwellings	0.25 per unit
Congregate Care Housing, Intermediate Care Facilities	6
Commercial:	
Banks, Financial Institutions, Class I Restaurants, Class II Restaurants	1 per 125m ² , for lots in excess of 370m ² .
Convenience Stores, Marine Pubs, Brew Pubs	6
Institutional:	
Parks, Sports Fields, Sport and Recreation Facilities	6
Government Offices, Police Stations	4
Hospitals, Assembly Halls, Museums, Libraries, Cultural Centres, Adult Education Facilities, Fishing Piers	6

SECTION 6 ENACTMENT

6.1 Repeal of Previous Bylaw:

Bylaw No. 1305 of the Town of Sidney (Off Street Parking and Loading Bylaw) and all subsequent amendments to that bylaw are hereby repealed.

6.2 Effective Date of Bylaw:

This Bylaw shall come into force on the date of adoption by Council.

Introduced and read a first time the	12 th	day of	March, 2001.
Read a second time the	12 th	day of	March, 2001.
Read a third time the	26 th	day of	March, 2001.
Reconsidered and finally adopted the	9 th	day of	April, 2001.

Mayor

Corporate Administrator