

# TOWN OF SIDNEY

## BYLAW NO. 2140

### A BYLAW TO PROVIDE OFF-STREET PARKING AND LOADING SPACE REGULATIONS FOR THE TOWN OF SIDNEY

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**WHEREAS** Section 525 of the Local Government Act authorizes the Town of Sidney to, by bylaw, regulate, prohibit and impose requirements in relation to off-street parking and loading spaces;

**NOW THEREFORE** 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 No. 2140.

#### 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 1920. 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:

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.

##### 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 Official, 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 AND DEFINITIONS

### 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 No. 2015 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 Area or Loading Area used by vehicles for access to and from the parking or loading area.

**Bicycle Parking, Class I:** An enclosed building or area within a building providing secure and weatherproof bicycle parking.

**Bicycle Parking, Class II:** A bicycle rack.

**Bicycle Parking Space:** A space to park one bicycle.

**Car Share Membership:** means a permanent membership with an organization whose principal business is to provide car-sharing vehicles, which are available 24 hours a day, 7 days a week, at publicly accessible locations, to all community members who pay a membership fee to the organization.

**Electric Vehicle Charging Station:** An electrical outlet capable of supporting the energy demand to charge an electric vehicle.

**Loading Area:** 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.

**Parkade:** A multi-level parking structure, either above or below ground.

**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 of one dwelling unit.

**Street:** A highway, road, bridge, viaduct, lane or any other way open to public use; does not include an 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:**

*Parking space requirements may be found in section 4.11.3.*

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.
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 Uninsured Vehicles:**

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

### **4.3 Commercial Vehicle Parking and Storage:**

Storage and parking of commercially-licensed vehicles, semi-trailers and trailers which exceed a gross vehicle weight of 4,200 kg is prohibited on properties designated as RES-1, RES-2, RES-2.1 and RES-3 in the Town of Sidney Official Community Plan, unless the vehicle is on the lot for the purpose of delivering or collecting the material or supplies to or from the property.

### **4.4 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 4.5 and 4.6.

#### **4.5 Off-Site Parking:**

1. 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 on title by an access and parking agreement in accordance with the following:
  - a. The agreement shall state (1) the location and number of parking spaces provided off-site, (2) the terms of any 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
  - b. The agreement shall require the approval of the Town and the Town shall be a co-signatory.

#### **4.6 Payment in Lieu of Parking:**

In areas designated Industrial (M1) under Zoning Bylaw 1920 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 sum of \$10,000.00 for each parking space required by this Bylaw, which the Town will deposit into a reserve fund to be used for the provision of public parking spaces or for facilities that support walking, cycling and transit or other transportation options.
2. At the option of the owner or occupier of the building, structure or land that is within the area designated as COM-1 by the Official Community Plan, up to 50% of the monies referred to in Section 4.6.1 may be used towards the purchase of permanent car-share memberships registered to the units in the building and confirmed in writing by the car-share operator.
3. The monies referred to in Section 4.6.1 are payable in accordance with the provisions of Section 525 of the *Local Government Act*.

#### **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, for Commercial uses, 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:
  - a. Parking or loading areas shall only be permitted in those areas specified.
  - b. Nothing in this bylaw shall restrict the provision of underground parking or loading areas.
  - c. Access aisles are permitted in a front, rear, interior side or exterior side yard, unless otherwise stated in this bylaw or the Town of Sidney Zoning Bylaw.

- d. Access aisles are not permitted to access directly on to Beacon Avenue.
2. Neighbourhood Residential (RES-1) and Intensive Single Family Residential Areas (RES-2) Areas:
    - 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 50% of each yard area and that any portion above 30% coverage be constructed with permeable materials.
    - b. Parking spaces for secondary suites shall not be part of a Parking Space in Tandem.
  3. Multi-Family Residential Areas (RES-3):
    - a. Parking areas shall be permitted only within a rear or interior side yard.
    - b. Parking areas shall be permitted (1) within the first storey, provided they do not occupy more than 40% of the gross floor area of the first storey, or (2) within a half storey.
    - c. The combined area of Parking Areas and Access Aisles shall not constitute more than 50% of the area of the lot on which they are situated.
    - d. Parking spaces shall be located a minimum of 1.0 metre from any lot line.
  4. Downtown Commercial (COM-1) and Neighbourhood Commercial (COM-2) Areas:
    - a. Excluding Parkades, the combined area of Parking Areas, Loading Areas and Access Aisles shall not constitute more than 50% of the area of the lot on which they are situated.
    - b. Parking Areas and Loading Areas are not permitted in a front or exterior side yard.
    - c. In a Parkade, parking areas shall be permitted on all storeys.
  5. Industrial (IND) Areas:
    - a. 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;
  6. Harbour Road Marine (HRM) Areas:
    - a. 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 setbacks in the Town of Sidney Zoning Bylaw.
  7. Institutional (INS) Areas:
    - 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:

Unless otherwise stated, the regulations of Section 4.9 shall apply to all uses except for single- and two-family dwellings.

2. Access Aisles:

- a. Access aisles shall be provided for all parking and loading areas.
- b. 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.
- c. 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:

- a. 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.
- b. In parking areas, maneuvering aisles shall be provided in accordance with standard traffic engineering practices.

4. Parking and Loading Space Dimensions:

- a. Including 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	7.0 metres	2.5 metres

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

6. Wheel Stops:

All parking and loading spaces shall include concrete wheel stops.

7. Lighting:

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

8. Signage

- a. Visitor parking spaces shall be clearly marked with the words "VISITOR PARKING ONLY" on the parking space surface or with signage.
- b. One-way maneuvering aisles shall be clearly marked with traffic flow directional arrows on the aisle surface.
- c. Loading spaces shall be clearly marked with the words "LOADING SPACE ONLY" on the aisle surface or with signage.
- d. Small car parking spaces shall be clearly marked with the words "SMALL CAR" on the parking space surface or with signage.

9. Electric Vehicle Charging

In all Multi-Family, Commercial and Industrial buildings, all parking spaces shall be serviced by electrical conduit that can support the installation of an electric vehicle charging station.

**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. Notwithstanding any other section of this bylaw, a change from one commercial use to another commercial use or from one industrial use to another industrial use in an existing building requires no further provision of parking spaces, provided that the number of existing parking spaces on the property at the time of the change in use is maintained.
2. Parking spaces shall be provided in accordance with the requirements in Section 4.11.3. In the case of a use not specifically mentioned, the number of spaces shall be calculated on the basis of a similar use as determined by the Director of Development Services;
3. Required Parking Spaces:

Use	Required Parking Spaces (Minimum)
Aircraft repair, storage	1 per 90m <sup>2</sup>
Appliance Repair Shop in Commercial Zones	1 per 40m <sup>2</sup>
Assembly Hall, Library, Museum	1 per 15m <sup>2</sup>
Banks	1 per 40m <sup>2</sup>
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 <sup>2</sup>
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 secondary suite
Dwelling, Single-family	1 per dwelling unit
Dwelling, Townhouse	1 per dwelling unit
Dwelling, Two-family	1 per dwelling unit

Use	Required Parking Spaces (Minimum)
Equipment rental or repair centre	1 per 40m <sup>2</sup>
Financial Institutions	1 per 40m <sup>2</sup>
Ambulance station	4
Gas Bar	2
High Traffic Home Occupation	1
Hospital	1 per 4 beds
Hotel, Inn	0.75 per hotel unit
Intermediate Care Facility	0.2 per bed plus 0.25 per bed for visitors
Manufacturing	1 per 90m <sup>2</sup>
Marinas	0.5 per berth
Motels	1 per unit
Office	1 per 40m <sup>2</sup>
Personal Service Establishments	1 per 40m <sup>2</sup>
Place of Worship	1 per 5 seats
Police station	1 per 40m <sup>2</sup>
Recycling Depots	1 per 40m <sup>2</sup> or 4 parking spaces, whichever is the lesser
Research Laboratory	1 per 90m <sup>2</sup>
Restaurant, Class I or Class II	1 per 5 seats
Retail, excluding Outdoor Retail	1 per 40m <sup>2</sup>
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 <sup>2</sup>
Veterinary Clinics	1 per 40m <sup>2</sup>
Warehouse	1 per 180m <sup>2</sup>

**4.12 Required Off-Street Loading Spaces:**

1. Loading spaces shall be provided in accordance with the requirements in Section 4.12.2.
2. Required Loading Spaces:

Use	Required Loading Spaces (Minimum)
Commercial, Industrial and Institutional, excluding places of worship	1 for 300m <sup>2</sup> to 2000m <sup>2</sup> 1 for each additional 2000m <sup>2</sup> or fraction thereof

**SECTION 5 BICYCLE PARKING REQUIREMENTS**

**5.1 General:**

1. Bicycle parking shall be provided in accordance with the requirements in Section 5 of this bylaw.
2. Bicycle parking spaces 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 Required 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 required minimum number of bicycle parking spaces result in a fractional figure, it shall be rounded upward to the nearest whole number.
3. In the case of different uses occupying the same lot, the total required minimum number of bicycle parking spaces shall be the sum of the required minimum number of bicycle parking spaces of the various uses computed separately.

**5.3 Class I Bicycle Parking Standards:**

1. General:

Class I bicycle parking shall be provided in accordance with Section 5.4 of this bylaw and consist of bicycle parking spaces and racks in conformance with Section 5.3.2 within a bicycle room or have the required bicycle parking spaces provided within a required parking space, provided that the required parking space is an additional 0.6m in length greater than that required in Section 4.9.4a of this bylaw.

2. Bicycle Room:

- a. Bicycle rooms shall have solid walls and a roof or ceiling.
- b. Each bicycle parking space in a bicycle room shall be provided with a minimum of 0.4 metres in width.
- c. The whole interior of the bicycle room shall be visible from the entry door.
- d. A storage unit associated with an apartment dwelling may also be considered as a bicycle room for the purposes of this bylaw, provided that the storage unit has minimum internal dimensions of 2.5 metres by 2.0 metres and is located on the ground floor or in an underground parkade.
- e. Where bicycle rooms are in a building they should be located on the ground floor off the vestibule or corridor to the main building elevator.

**5.4 Required Class I Bicycle Parking Spaces:**

Use	Required Spaces - Minimum
<b>Residential:</b>	
Apartment Dwelling	1 per unit
Congregate Care Housing, Intermediate Care Facilities	4
<b>Commercial:</b>	
Hotels, Motels	1 per 500m <sup>2</sup> of GFA, with a minimum of 2
All other uses	2 plus 1 per each 125m <sup>2</sup> of GFA
<b>Institutional:</b>	
Schools, Libraries, Museums, Hospitals, Fire Stations, Police Stations, Ambulance Stations, Public Works Yards	1 per 250m <sup>2</sup> of GFA, with a minimum of 2
Places of Worship	6
<b>Industrial &amp; Marine-Industrial:</b>	
All uses	1 per 500m <sup>2</sup> of GFA, with a minimum of 2

**5.5 Class II Bicycle Parking Standards:**

1. Class II bicycle parking shall be provided in accordance with Sections 5.5 and 5.6 of this bylaw.
2. Each bicycle parking space must be independently accessible from a sturdy rack designed for frame, not wheel-only, support.
3. 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.
4. Racks shall be securely anchored to the ground or a wall to prevent removal of the racks.
5. Access shall be provided from each bicycle space to a street.
6. Rack location should allow for a high degree of visual surveillance by building occupants or from streets which abut the lot.
7. Racks shall be sheltered from rain and weather conditions.
8. Class II bicycle parking shall be permitted in a front, rear, interior side or exterior side yard provided that they are no closer than 1.5 metres to any lot line.
9. On properties designated as COM-1 or COM-2, where building design does not allow space on private property at the front or exterior side of a building for Class II bicycle parking, the property owner or occupant shall pay \$100 per required Class II space to a reserve fund to be used for the provision of public parking spaces or for facilities that support walking, cycling and transit or other transportation options.
10. Provision of the required Class II Bicycle Parking Spaces in Section 5.6 for buildings that contain a combination of the listed uses shall not be cumulative.

**5.6 Required Class II Bicycle Parking Spaces**

USE	Required Spaces - Minimum
<b>Residential:</b>	
Apartment dwelling	6 per building
Congregate Care Housing, Intermediate Care Facility	6 per building
<b>Commercial:</b>	
All uses	6 per building
<b>Institutional:</b>	
All uses	6 per building
<b>Industrial &amp; Marine-Industrial:</b>	
All uses	6 per building

**SECTION 6: ENACTMENT**

**6.1 Repeal of Previous Bylaw:**

Bylaw No. 1661 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.

Read a first time the	14 <sup>th</sup>	day of	August, 2017.
Read a second time the	14 <sup>th</sup>	day of	August, 2017.
Read a third time the	14 <sup>th</sup>	day of	August, 2017.
Adopted the	11 <sup>th</sup>	day of	September, 2017.

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MAYOR

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CORPORATE OFFICER