



**City of Kingston
Report to Planning Committee
Report Number PC-16-097**

To: Chair and Members of Planning Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: October 20, 2016
Subject: Public Meeting Report
File Number: D14-032-2016
Address: City-Wide
Owner: City of Kingston
Application Type: Zoning By-Law Amendment
Applicant: City of Kingston

Executive Summary:

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment initiated by the City of Kingston in order to implement the parking standards required under the *Accessibility for Ontarians with Disabilities Act (AODA)*. This report describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive report.

The application is proposing to amend accessible parking requirements regarding parking space size and provision rates to implement AODA standards for accessibility in all City zoning by-laws and to clarify parking area requirements in the A zone of Zoning By-Law Number 8499.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Denis Leger, Commissioner, Corporate & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Public Meeting Process**

Anyone who attends a Planning Committee Public Meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body does not make an oral submission at a Public Meeting, or does not make a written submission to the City of Kingston before a decision is made by Council, the person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kingston to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

The Planning Committee will consider a comprehensive report and recommendation from the Planning Division, respecting the subject application, at a future meeting. The committee will make its recommendation to City Council at the meeting. The decision of City Council will be final unless appealed.

All persons who made oral or written submissions, or have requested notification in writing, will be given written notice of the future meeting(s) of the Planning Committee at which the subject application will be considered. Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Chris Wicke, Senior Planner
The Corporation of the City of Kingston
Planning, Building & Licensing Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3242
cwicke@cityofkingston.ca

Application and Submission

This report provides information on a proposed amendment to Zoning By-Law Numbers 8499, 96-259, 76-26, 97-102 and 32-74, which is the subject of this Public Meeting.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Accessible Parking Updates

The AODA is Provincial legislation intended to benefit all Ontarians by developing, implementing and enforcing accessibility standards in order to achieve fair and equitable access to goods, services, accommodation, employment, facilities, building structures and premises and deliver accessibility for persons with disabilities. It is aimed at ensuring all Ontarians have fair and equitable access to programs and services and improving

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opportunities for persons with disabilities. Under this legislation, the government of Ontario has developed mandatory minimum accessibility standards that identify, remove and prevent barriers for people with disabilities. Various regulations have been passed under the AODA, including Ontario Regulation 191/11: The Integrated Accessibility Standards Regulation (IASR). The IASR is intended to remove barriers in five different areas: Transportation, Employment, Information and Communications, and Design of Public Spaces. The Design of Public Spaces Standard includes new requirements for accessible parking, some of which were to be implemented by all Ontario municipalities through their respective policies beginning January 1, 2016.

The intent of the accessible parking requirements is to provide minimum province-wide standards that will meet the needs of a diverse and growing population of accessible parking permit holders. The minimum standards established under the AODA are legislated; therefore, the City is obligated to amend its policies to implement the standards. However, the standards do not prevent organizations from exceeding them to meet their own specific needs.

The City's zoning by-laws include requirements for the provision of off-street accessible parking, including parking space dimensions and the number of accessible parking spaces to be provided. The accessible parking provisions were harmonized in all five by-laws in 2007, and as such, the provisions for accessible parking are the same across the City.

Parking Space Dimensions

The Design of Public Spaces Standards requires two types of accessible parking spaces be provided in off-street parking facilities for use by the public. The minimum sizes required by the province are as follows: Type A (Van Accessible) is 3.4 metres wide and intended for those people who use mobility devices and need more space for the deployment of ramps; and Type B (Standard Space) is smaller at 2.4 metres wide, and is intended for people who do not need extra space for lifts and ramps.

Both types of accessible parking spaces must include a 1.5 metre-wide access aisle that can be shared by two accessible parking spaces. Where there is only one accessible parking space, one access aisle is required. An access aisle provides users with a space to transfer into and out of their vehicles safely. Parking space length has not been specified in the standard, and as such has been maintained at the current requirement of 6.0 metres. The provincially required minimum parking space requirements and their configurations are shown on Exhibit A - Parking Dimension Illustrations, Figure 1 - Provincially Required Minimum Dimensions for Accessible Parking.

The current zoning by-laws stipulate that accessible parking spaces shall have minimum dimensions of 3.7 metres wide by 6.0 metres in length. If two adjacent spaces are designated for accessible parking and a 1.5 metre wide access aisle separates the two spaces, then the total width of both spaces together may be reduced to 6.4 metres. If no access aisle separates the spaces, the total width of the two spaces shall be 7.4 metres. The City's

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current parking requirements are illustrated in Exhibit A as Figure 2 - Current Zoning Requirements for Accessible Parking Space Dimensions.

Accessible parking spaces are proposed to be provided at the following dimensions:

- Type A (Van Accessible) spaces are to be provided with dimensions of 3.4 metres wide plus a 1.5 metre access aisle. This provides a functional width of 4.9 metres. This meets the provincial requirement and exceeds both the functional width of a current single accessible parking spot (3.7 metres) and the width of combined accessible parking spaces.
- Type B spaces are to be provided with dimensions of 2.7 metres wide plus a 1.5 metre access aisle. This is in keeping with the standard parking space width currently provided in the City, and it exceeds the provincial requirement. Type B spaces would only be found in combination with Type A spaces, as a Type A space must be provided first where accessible parking is required.

While this represents a wider functional space than is currently required, it is acknowledged that representatives of the Municipal Accessibility Advisory Committee would prefer that the Type A (Van Accessible) space be 3.7 metres with a 1.5 metre access aisle, which in their estimation would better accommodate a broader range of accessible vehicles.

The proposed accessible parking space dimension requirements are illustrated in Exhibit A as Figure 3 - Proposed Zoning Requirements for Accessible Parking Space Dimensions. Exhibit B for Table 1 is a comparison of accessible parking space dimensions between current zoning, the provincial requirement and the proposed zoning for accessible parking space dimensions.

There is no direction in Ontario Regulation 413/12 regarding the height of an accessible parking space. Current zoning requires a minimum vertical clearance of 2.9 metres for accessible parking spaces, passenger loading zones and along access routes. This is found in all of the zoning by-laws except Zoning By-Law Number 76-26, which does not specify a height. However, vertical clearance is frequently varied to 2.1 metres so that parking can be more easily accommodated within structured parking. A survey of eleven other Ontario municipalities revealed that most did not have a minimum vertical clearance provision for accessible spaces. The City of Toronto does specify a minimum height of 2.1 metres. Changes are being considered that will revise the required vertical clearance for both standard and accessible parking spaces. This will be further reviewed prior to bringing forward a recommendation.

Parking Space Rates

The existing zoning by-laws also specify the number of accessible parking spaces that are required, which varies depending on the land use, with different rates for industrial, institutional, and commercial and residential. This is different than the new standards set out in Ontario Regulation 413/12, which prescribe a percentage of accessible parking for all land

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uses. Exhibit B, Table 2 (Provincially-Required Minimums for Provision of Accessible Parking Spaces) shows a summary of the provincially-required minimums for accessible parking spaces.

Under the current zoning, the required number of accessible parking spaces is based on land use type, with required accessible parking being based on a range of required parking. Exhibit B, Table 3 (Current Zoning Rates for Provision of Accessible Parking Spaces) shows that the proposed accessible parking provisions will apply in all zones where parking is required for the public at the rates prescribed by the province.

The proposed accessible parking rates are intended to implement the provincially mandated minimum requirements, while meeting or exceeding the provisions in the current zoning. The way in which accessible parking will be calculated is also proposed to change from a fixed number of accessible spaces based on a range of required spaces to a percentage of the total required spaces. This better aligns with the provincial requirements and provides a simple and accurate rate for calculating required accessible parking (Exhibit B, Table 4 - Proposed Zoning Rates for Provision of Accessible Parking Spaces).

In summary, the following changes will result from the AODA amendment:

- Two different sizes of accessible parking spaces are being introduced. Type A (Van Accessible) has a minimum width of 3.4 metres and Type B has a minimum width of 2.7 metres. Both require an adjacent minimum aisle of 1.5 metres, which can be shared between spots.
- Due to the required aisle, when a single space is required, the minimum functional width of an accessible space is increasing from 3.7 metres to 4.9 metres (3.4 metres Type A (Van accessible) plus a 1.5 metre access aisle).
- Where multiple accessible spaces are provided, there is a change in the minimum width required. Under the current zoning, two parking spaces with no aisle would require 7.4 metres of width (3.7 metres plus 3.7 metres) or 7.9 metres (3.2 metres plus 1.5 metres plus 3.2 metres). The new provincial regulations require a minimum of two parking spaces (one Type A (Van accessible) and one Type B) and a required aisle for a minimum of 7.3 metres (3.4 metres plus 1.5 metres plus 2.4 metres) of width. The proposed zoning would require accessible parking spaces (one Type A (Van accessible) and one Type B) and an access aisle with a minimum of 7.6 metres of width (3.4 metres Type A plus 1.5 metre access aisle plus 2.7 metres Type B).
- Provision of accessible parking spaces is based on a percentage of the total required parking, with Type A (Van accessible) and Type B spots provided equally, rounding up to the nearest whole number. When an odd number of spaces is required, the odd-numbered may be provided as either type of space.
- At least one accessible parking space would be required in all instances where public accessible parking is required. Where a single accessible space is required, a Type A space with the associated access aisle must be provided.
- Accessible parking spaces will be required for all uses with public parking, where today they are limited to residential, commercial, institutional and industrial uses.

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Other changes to accessible parking in addition to AODA amendment include the following:

- Potential changes to the vertical clearance required for standard and accessible parking spaces.
- Removal of requirement for stalls to be fully painted blue, but with specific instructions added for the size and location of the International Symbol of Access.

Parking in Low-Density “A” Type Zones

During the normal administration of the zoning by-law, it was found that the “A” zone in Zoning By-Law Number 8499 contains parking provisions that regularly cannot be met by either residential or non-residential uses.

Section 5.3B(cc) of Zoning By-Law Number 8499 currently states that up to 30 square metres of the rear yard or interior side yard may be used as uncovered parking area. As the type of use is not specified, this required maximum area applies to both residential and non-residential uses. However, this is insufficient area to meet the requirements of either.

In the case of residential uses, the proposed provisions would revise the current limit of parking from 30 square metres to 40 square metres to meet functional area requirements for two regular size parking stalls. In the case of non-residential uses, the parking spaces required in the A zone are at rates specified in Section 5.3A(b) and again frequently cannot be met by this requirement. As such, it is proposed that the 40 square metre rate be revised to apply to residential uses only, with the general provisions for all non-residential uses be applied otherwise.

In both instances, the number of parking spaces required is not being altered. The proposed changes have no substantive effect on the zones to which they apply, but will serve to clarify the intent and interpretation of the zoning by-laws.

Site Characteristics

This zoning by-law amendment is to be applied City-wide where public parking is supplied. The proposed changes to the A zone parking requirements would apply to the area currently subject to regulation under Zoning By-Law Number 8499.

Provincial Policy Statement

The Provincial Policy Statement (2014) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests. Section 1.5.1 states that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity, and by planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources. The proposed changes facilitate equitable access to public spaces and a broad range of built and natural facilities.

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Official Plan Considerations

Accessibility is one of the Principles of Growth specified in Section 2.3 of the Official Plan. Section 2.3.16 states that through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of publicly accessible private properties to do the same.

The goal stated in Section 4.6 – Transportation – states that it is the intent of the transportation policies that the system is safe, convenient, affordable, efficient and energy-conserving, while minimizing environmental impacts. This will ensure that community resources are accessible to all residents and the City's health and sustainability are fostered.

Regarding the proposed A zone parking revision, Section 2.7.7 – Functional Needs of the Official Plan specifies that proponents will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing, among other factors, clearly defined and safe parking facilities. The proposed changes clarify and support the functional needs of future development.

Zoning By-Law Considerations

Each of the City's five zoning by-laws contain regulations regarding the size and rate of provision of accessible parking spaces. The characteristics of these provisions, and the ways in which they are anticipated to change, have been described in the above report.

The proposed A zone parking revisions do not change parking requirements and are intended to clarify the interpretation of the existing parking area requirements in the A zone of Zoning By-Law Number 8499.

Technical Circulation Process

The application has been circulated to a number of internal departments and external agencies for review and comments. The responses to the technical circulation will be addressed in the technical review and included in the comprehensive report for consideration at a future Planning Committee meeting.

Existing Policy/By-Law:

The proposed amendment will be reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes will be consistent with the Province's and the City's vision of development. The following documents will be assessed:

Provincial*Planning Act*

Provincial Policy Statement, 2014

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Municipal

City of Kingston Official Plan

Zoning By-Law Numbers 8499, 76-26, 32-74, 96-259 and 97-102

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, a courtesy notice was placed in The Kingston Whig-Standard on September 27, 2016.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

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Chris Wicke, Senior Planner 613-546-4291 extension 3242

Other City of Kingston Staff Consulted:

Julie Salter-Keane, Community Projects Manager

Exhibits Attached:

Exhibit A Parking Dimension Illustrations

Exhibit B Accessible Parking Tables

Exhibit C *Accessibility for Ontarians with Disabilities Act (AODA) Ontario Regulation 413/12*
<https://www.ontario.ca/laws/regulation/r12413>

Parking Dimension Illustrations

Figure 1: Provincially Required Minimum Dimensions for Accessible Parking

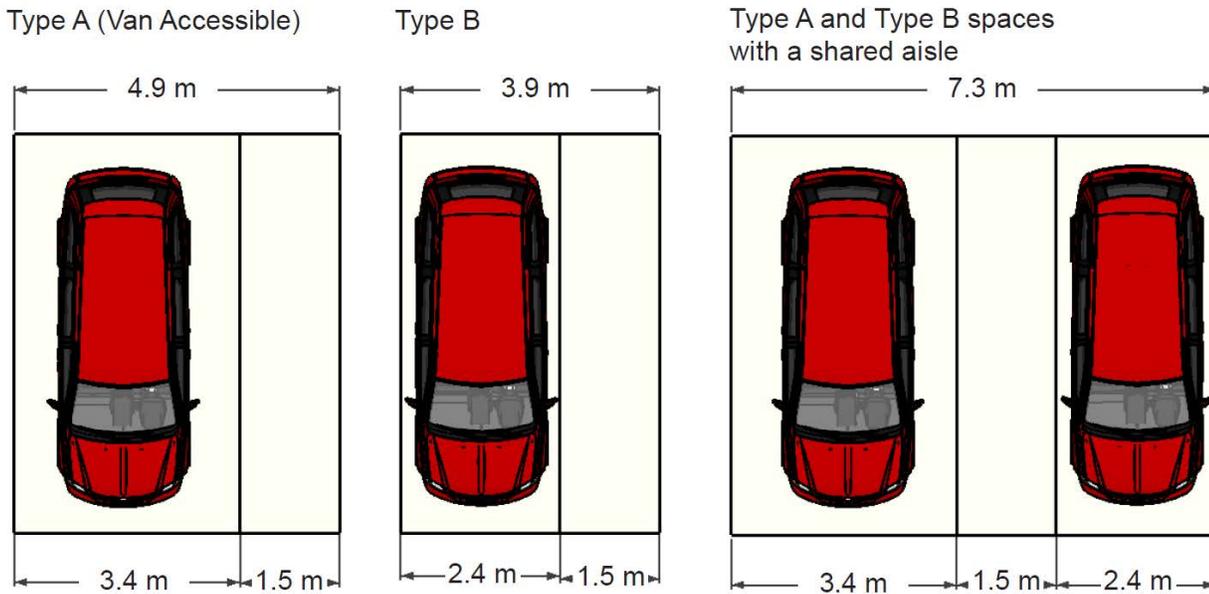


Figure 2: Current Zoning Requirements for Accessible Parking Space Dimensions

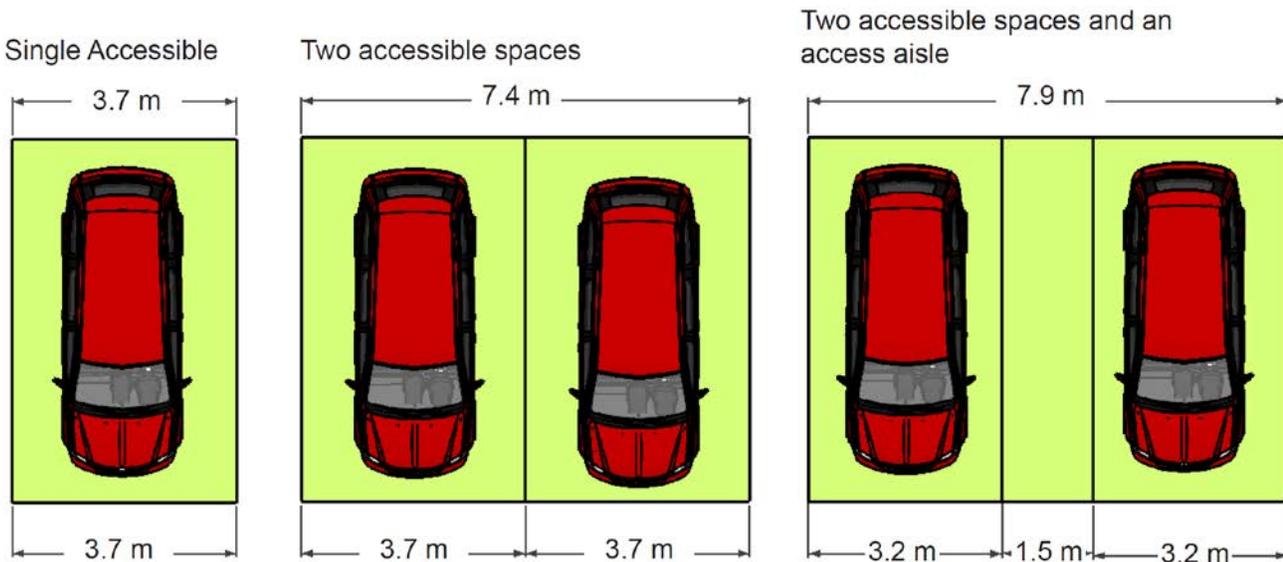
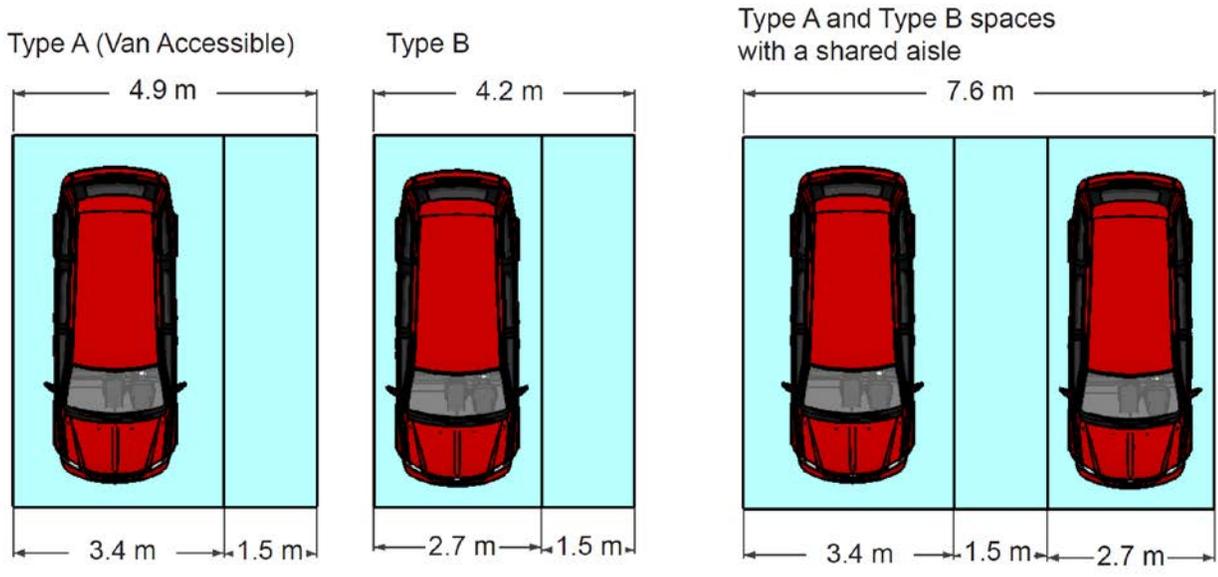


Figure 3: Proposed Zoning Requirements for Accessible Parking Space Dimensions



Accessible Parking Tables

Table 1 – Comparison of Accessible Parking Space Dimensions

	Provincial Requirement	Current Requirement	Proposed Requirement	Rationale
Type A (Van Accessible)	3.4 metres plus 1.5 metre access aisle (4.9 metres functional width total)	3.7 metres per single accessible space 3.2 metres plus 1.5 metre access aisle (4.7 metre functional width total)	3.4 metres plus 1.5 metre access aisle (4.9 metre functional width total)	<ul style="list-style-type: none"> - Meets provincial requirements - Increases the functional width of the parking space by 0.2 metres
Type B (Standard Accessible)	2.4 metres plus 1.5 metre access aisle (3.9 metre functional width total)	2.7 to 2.75 metres per standard space	2.7 metres plus 1.5 metre access aisle (4.2 metres functional width total)	<ul style="list-style-type: none"> - Exceeds provincial requirements by 0.3 metres - Retains the standard parking space width at 2.7 metres while adding access aisle - Increases the functional width of the parking space by 1.5 metres (access aisle)
Height	Not specified	2.9 metres for accessible spaces	2.9 metres for all accessible spaces 2.1 metres for all standard spaces	<ul style="list-style-type: none"> - Retains height requirement for accessible spaces - Reduces height requirement on standard spaces - Allows for flexibility in parking structure design with floor-to-floor variation - Accommodates accessible vehicles indoors to equitably provide sheltered accessible parking.

Table 2 – Provincially-Required Minimums for Provision of Accessible Parking Spaces

Required Spaces	Description
12 or fewer	One Type A accessible space
13-100	Four percent of total, rounding up to nearest whole number. Equal numbers of Type A and Type B unless there is an odd number. If odd, the additional may be Type B.
101-200	Three percent of total, rounding up to nearest whole number. Equal numbers of Type A and Type B unless there is an odd number. If odd, the additional may be Type B.
201-1000	Two percent of total, rounding up to nearest whole number. Equal numbers of Type A and Type B unless there is an odd number. If odd, the additional may be Type B.
1000+	One percent of total, rounding up to nearest whole number. Equal numbers of Type A and Type B unless there is an odd number. If odd, the additional may be Type B.

Table 3 – Current Zoning Rates for Provision of Accessible Parking Spaces

Land Use	Current Zoning Requirement	
	Required Spaces	Required Accessible Spaces
Industrial		
	5-19	1
	20-100	2
	101-200	4
	201-300	6
	301-400	8
	401-500	10
	500+	12
Commercial & Residential		
	5-19	1
	20-50	2
	50-100	4
	101-150	6
	151-200	8
	201-250	10
	251-300	12
	301-400	14
	400+	1 additional space per 100 required spaces
Institutional		
	5-9	1
	10-20	2
	21-40	4
	41-60	6
	61-80	8
	81-100	10
	101-120	12
	121-140	14
	141-160	16
	More than 160	18

Table 4 – Proposed Zoning Rates for Accessible Parking Spaces

	Proposed Requirement
Industrial	Accessible parking spaces provided at a rate of 4% for the first 200 required parking spaces and 2% for the additional required parking spaces, including minimum one Type A (Van accessible) required accessible space, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B. If odd, the additional space may be either type.
Commercial and Residential	Accessible parking spaces provided at a rate of 4% of the required parking spaces. Minimum one Type A (Van accessible) accessible space required, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B. If odd, the additional space may be either type.
Institutional	Accessible parking spaces provided at a rate of 10% of the required parking spaces. Minimum one Type A accessible space required, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B. If odd, the additional space may be either type.
All other land uses	Accessible parking spaces provided at a rate of 4% of the required parking spaces. Minimum one Type A space required. Equal numbers of Type A (van accessible) and Type B. If odd, the additional space may be either type.