



Staff Report

Planning and Development Services - Planning

Report To: Committee of The Whole
Meeting Date: October 3, 2016
Report Number: PDS.16.101
Subject: Margaret McGillis, Accessible Parking Space – 21 Bruce Street North
Prepared by: Michael Benner, Director Planning and Development Services

A. Recommendations

THAT Council receive Staff Report PDS.16.101, entitled “Margaret McGillis, Accessible Parking Space – 21 Bruce Street North”; and

THAT Council authorize an amendment to Bylaw 2004-116, being a bylaw requiring owners and operators of public parking facilities to provide parking for accessible persons, to facilitate the designation of an accessible parking space at 21 Bruce Street North during normal business hours only.

B. Overview

The Town has received a request from Dr. McGillas to re-designate an existing accessible parking space, located at her business at 21 Bruce Street North, to be in force during normal business hours only. This requires Council approval to authorize an exception to Bylaw 2004-116 to facilitate the request.

C. Background

On April 12, 2016, the Town received correspondence from Dr. McGillis, included as Attachment “1” to this report, requesting that the accessible parking space located at her orthodontic practice at 21 Bruce Street North be allowed to be used as a regular parking space during times when her business is closed. That correspondence was received at the April 18, 2016 meeting of Council and referred to staff for a report back to the Committee of the Whole.

On May 16, 2016 staff brought a report to the Committee of the Whole detailing the request and its implications on Bylaw 2004-116, being a bylaw requiring owners and operators of public parking facilities to provide parking for disabled persons.

That report noted that the McGillis orthodontic practice was approved at the subject location through a site plan agreement in June 2012. That agreement noted the requirement of 4 parking stalls for the business, one of which was to be designated for accessible persons parking. Through the agreement, 2 parking stalls were located on-site, which included the

accessible persons parking stall, and 2 stalls were exempted through the Town's parking exemption by-law for Thornbury.

Staff also noted that Bylaw 2004-116 is silent on the matter of time limited accessible parking spaces. As such, it would be difficult to support the temporary use of an accessible parking under the existing provisions of Bylaw 2004-116. A site specific exception to Bylaw 2004-116 would, therefore, be required to recognize the time-limited nature of the McGillis accessible person parking space.

Accordingly, Council moved the following motion at their May 30, 2016 meeting:

Moved by Michael Seguin, Seconded by John McGee

THAT the Committee of the Whole Report "PDS.16.61, "McGillis Accessible Parking" be received for information; and

THAT the request to permit the time-limited use of the accessible parking space at 21 Bruce Street North be denied until such time as Bylaw 2004-116 is amended to recognize a site-specific exception to permit such use.

Dr. McGillas re-iterated her request to amend Bylaw 2004-116 in an email dated June 27, 2016.

A public meeting regarding the matter was held on September 12, 2016. No comments were received during that meeting.

D. Analysis

The provision of parking for commercial properties is detailed in the Town of Thornbury Zoning Bylaw as well as the Town's Accessible Parking Bylaw 2004-116, as amended. The intent of Bylaw 2004-116 is to require the owners and operators of parking lots or other parking facilities to which the public has access, to provide designated parking spaces for the sole use of vehicles displaying a Accessible Person Parking Permit in accordance with the Highway Traffic Act, to prescribe conditions for the use of Accessible Person Parking Permits, and to designate certain parking spaces on certain public street/highways as designated parking spaces. A copy of Bylaw 2004-116 is included as Attachment "2" to this report.

Under Bylaw 2004-116, commercial properties, including professional offices, are considered to contain parking lots/spaces to which the general public has access, and are therefore required to provide accessible parking. The intent of the bylaw is to provide a permanent location(s) for accessible parking and, as such, is silent on the temporary, or time-limited nature of accessible parking stalls. Accordingly, Bylaw 2004-116 will need to be amended to permit the time-limited nature of the accessible persons parking stall located at 21 Bruce Street North. This is most appropriately dealt with through a site specific exception to the By-law. A draft of the exception bylaw is included as Attachment "3" to this report.

Should Council support the exception, a new Accessible Person Parking sign, displaying the hours it would be in force, will be created and posted on the property.

E. The Blue Mountains Strategic Plan

Goal #3 - Support healthy lifestyles

F. Environmental Impacts

Nil

G. Financial Impact

Nil

H. In consultation with

PDS Staff

I. Attached

1. McGillas Correspondence dated April 12, 2016
2. Bylaw 2004-116
3. Draft Bylaw Amendment

Respectfully Submitted,

Michael Benner, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
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519-599-3131 extension 246

1383188 Ontario Inc.
Dr. Margaret McGillis
21 Bruce Street N, Box 741
Thornbury, ON N0H 2P0
519-599-1146

January 5, 2016.

Town of the Blue Mountains
32 Mill Street
PO Box 310
Thornbury, ON
N0H 2P0

RECEIVED
APR 12 2016

TOWN OF THE BLUE MOUNTAINS
PER: _____

Dear Mayor and Counsel Members,

My name is Margaret McGillis and I have had an Orthodontic office on Bruce Street for the last 18 years. My numbered company purchased 21 Bruce Street 3 years ago and I have been practicing from there for the last 3 years.

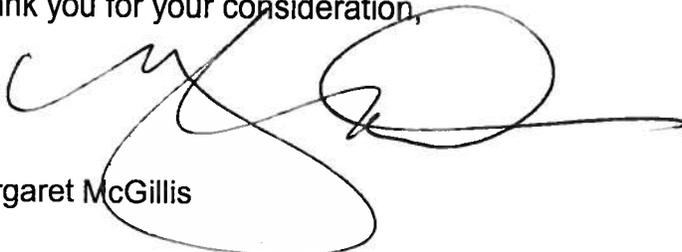
I am delighted with the new location but would like to make a minor change with respect to my handicapped parking space.

As with all of the few remaining cottages parking is of a premium. I have complied with all of the requirements for handicapped parking and fully endorse them as I have one or two patients that use the spot. What I propose is that the handicapped parking spot be used during any and all office hours but that when the office is closed we can use it for personal (or renters?) parking as it is on our property and there is no streetside parking allowed over night. The spot will never be used after hours as it is not public property.

I would be happy to pay for any signage that the township would require and post where instructed. You can designate timing for use for example 6 pm - 9 am and Saturday/Sunday use.

I have noted 4 streetside handicap parking spots on Bruce Street and understand that there is no other space to put them, but feel this request is a fair and reasonable solution for evening parking on our property.

Thank you for your consideration,



Margaret McGillis

TOWN OF THE BLUE MOUNTAINS
BY-LAW NO. 2004 - 116
OFFICE CONSOLIDATION
(By-law 2005-10)

Being a by-law to require the owners and operators of parking lots or other parking facilities to which the public has access, to provide designated parking spaces for the sole use of vehicles displaying a Accessible Person Parking Permit in accordance with the *Highway Traffic Act* and the Regulations made there under; and, to prescribe conditions for the use of Accessible Person Parking Permits; and, to designate certain parking spaces on certain street/highways as designated parking spaces; and, to provide for the enforcement necessary to prevent the unauthorized use of designated parking spaces and exemptions.

WHEREAS Section 102 of the *Municipal Act, 2001*, S.O. 2001, c.25 enables a local municipality to require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying a accessible parking permit;

AND WHEREAS Section 102 of the *Municipal Act, 2001*, S.O. 2001, c.25, enables a local municipality to prescribe the conditions for the use of the accessible parking permit;

AND WHEREAS Part III of the *Highway Traffic Act*, R.S.O. 1990, c. H.8. and the regulations made there under specify the requirements for the issuance of a accessible person parking permit and the terms and conditions related thereto and sets out the requirements for signage for designated parking spaces;

NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. This By-law may be cited as the "Accessible Person Parking By-law".
2. In this by-law:
 - (i) "designated parking space" means a parking space designated under this by-law for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the *Highway Traffic Act* and the Regulations made there under and this by-law;
 - (ii) "municipal or private property" means any open area or portion of a structure, other than a street or highway, intended for the temporary parking of vehicles and on which there are designated parking spaces, whether their use involves the payment of a fee or otherwise;
 - (iii) "permit" means an Accessible Person Parking Permit which is issued under the *Highway Traffic Act* and is currently valid or a permit or other marker or device which is issued by another jurisdiction, is currently valid and recognized under the *Highway Traffic Act* and the Regulations there under;
 - (iv) "Recreational Club or Facility" means any ski club or facility, snowboard club or facility or recreational club or facility, whether membership to the club or facility is restricted to members and guests or not.
3. The owners and operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, shall provide designated parking spaces in accordance with this by-law.
4. Except as provided in Section 5, the minimum number of designated parking spaces required to be provided in/on a parking lot or other facility to which the public has access shall be calculated in accordance with the following table:

Number of Parking Spaces Located Within the Parking Lot/Facility	Minimum Number of Required Designated Parking Spaces
1 – 25	1
26 – 75	2
76 – 125	3
126 – 175	4
176 – 225	5
More than 225	6

5. The minimum number of designated parking spaces to be provided in/on a parking lot or other facility provided in conjunction with a Recreational Club or Facility shall be calculated in accordance with the following table:

Number of Parking Spaces Located Within Parking Lot/Facility	Minimum Number of Required Designated Parking Spaces
1 – 50	1
51 – 150	2
151 – 300	3
301 – 500	4
501 – 700	5
701 – 900	6
901 – 1100	7
1101 – 1300	8
1301 – 1500	9
1501 – 2700	10
1701 – 1900	11
More than 1900	12

(See Section 6 for multiple parking lots or facilities under the control of a single owner or operator.)

6. For the purposes of calculating the minimum number of required designated parking spaces under Section 5, parking lots or other facilities that are not contiguous; under the control of a single owner or operator; and, serve a single Recreational Club or Facility, may be considered to be a single parking lot/facility.
7. If the designated parking spaces required to be provided pursuant to Section 5 has been calculated as provided for in Section 6, the designated parking spaces shall be provided in close proximity to the lodge/clubhouse facilities in accordance with Section 8 of this By-law. Where more than one lodge/clubhouse facility exists in conjunction with the Recreational Club or Facility, a minimum of two of the total number of required designated parking spaces shall be provided in/on the parking lot or facility provided in conjunction with each lodge/clubhouse facility.
8. Each and every designated parking space shall:
- (i) be distinctly signed by the owner or operator in accordance with the requirements of the *Highway Traffic Act* and the Regulations made there under;
 - (ii) have a sign as prescribed in Section 5(i) of this By-law installed at the front and centre of the designated parking space with such sign located at the limit of the designated parking space or within 1.83 metres thereof. (*By-law 2005-10*)
 - (iii) have a sign as prescribed in Section 5(i) of this By-law installed at the front and centre of the designated parking space;
 - (iv) have the sign prescribed in Section 5(i) of this By-law mounted no less than 1.0 metre from ground level to the bottom of the sign and no more than 2.4 metres from ground level to the top of the sign;
 - (v) have a minimum width of 3.9 metres;
 - (vi) have a minimum length of 6.0 metres;
 - (vii) be located such that they are the parking spaces closet to the building or structure or facility to which they are associated with;
 - (viii) be firm, level and slip resistant;

- (ix) where practical, be placed so that sidewalks will be accessible to disabled persons whether via ramps, depressed curbs, or other appropriate means; and,
 - (x) be kept clear of all accumulations of ice, snow or other material which could render the parking space unusable.
9. Designated parking spaces include designated parking spaces on the following streets/highways:
 - (i) Bruce Street North
 - (ii) Louisa Street East
 - (iii) Louisa Street West
 10. Notwithstanding Section 8 of this By-law, the required signage for designated parking spaces identified in Section 9 of this By-law may be posted in an adjacent conspicuous location to the designated parking space.
 11. Designated parking spaces include designated parking spaces on municipal property containing parking facilities to which the public has access, whether on payment of a fee or otherwise.
 12. No person shall park or leave a vehicle, other than a vehicle with a permit appropriately displayed in accordance with the *Highway Traffic Act* and the Regulations made there under, in a designated parking space.
 13. Despite any other provision in this by-law, no person shall park a vehicle on a street or highway in such a manner as to interfere with the clearing of snow from the street or highway.
 14. Nothing in this By-law shall apply to prevent an owner or operator of a parking lot or other parking facility to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces in excess of the minimum number of designated parking spaces required by this By-law.
 15. The driver or operator of a vehicle which displays a permit in accordance with the requirements of the *Highway Traffic Act* and the Regulations made there under and this by-law shall not be required to pay an amount in excess of the normal fee paid by other users of the same parking lots or other parking facilities to which the public has access.
 16. A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act*, upon discovery of any vehicle parked or left in contravention of what is specified in this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by Part III in accordance with the *Repair and Storage Liens Act*, R.S.O. 1990, c.R. 25.
 17. Every person who contravenes any provision of this by-law is guilty of an offence and shall be liable to a penalty as provided in the *Provincial Offences Act*.

Read a first and second time this day of , 2004.
 Read and third time and passed this day of , 2004.

E. Anderson, Mayor

S. Keast, Clerk

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
BY-LAW NO. 2016 - _____

Being a By-law to amend Zoning By-law No. 2004-116
which may be cited as "The Accessible Persons Parking Bylaw".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2004-116;

WHEREAS Section 102 of the *Municipal Act, 2001*, S.O. 2001, c.25 enables a local municipality to require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying a accessible parking permit;

AND WHEREAS Section 102 of the *Municipal Act, 2001*, S.O. 2001, c.25, enables a local municipality to prescribe the conditions for the use of the accessible parking permit;

AND WHEREAS Part III of the *Highway Traffic Act*, R.S.O. 1990, c. H.8. and the regulations made there under specify the requirements for the issuance of a accessible person parking permit and the terms and conditions related thereto and sets out the requirements for signage for designated parking spaces;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

Section 12 to By-law 2004-116 as amended is hereby further amended by adding the following:

12.1 Section 12 shall only apply to the parking space, designated under this bylaw, at 21 Bruce Street North, in the Town of The Blue Mountains, during the times of Tuesday 9:00 a.m. through 5:00 p.m, and Thursday 9:00 a.m. through 5:00 p.m.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 17th day of October, 2016.

John McKean, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2016 - _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the 17th day of October 2016.

DATED at The Blue Mountains this 17th day of October 2016.

Signed: _____
Corrina Giles, Clerk