

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Parking and By-Law Services Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> November 20, 2012	
<b>SUBJECT/REPORT NO:</b> Enforcement of Accessible Parking Spaces on Municipal and Private Property (PED12226) (City Wide) (Outstanding Business List Item)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> William Young (905) 546-2424 Ext. 2469 Pam Carver (905) 546-2424 Ext. 5110 Al Fletcher (905) 546-2424 Ext. 1358
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That no action be taken on the Council direction of May 9, 2012 to update the design of accessible parking spaces for persons with disabilities for implementation into every parking lot within the City of Hamilton, and the corresponding By-law 01-220 (Private and Municipal Properties), until such time as the Province releases the new accessible parking space standards.

**EXECUTIVE SUMMARY**

On May 9, 2012 City Council, in adopting the Advisory Committee for Persons with Disabilities Report 12-003, directed staff to work towards standardizing accessible parking spaces in every parking lot in Hamilton, and to enforce proactively without requiring a property owner's permission to do so. This Report responds to that direction, and recommends no action until such time that the Province releases its new accessible parking space standards.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

**HISTORICAL BACKGROUND** (Chronology of events)

On May 9, 2012 City Council, in adopting the Advisory Committee for Persons with Disabilities Report 12-003, directed as follows:

- “(i) That Planning, Zoning and Bylaw Enforcement staff be directed to work in co-ordination to design standardized accessible parking spots, for implementation into every parking lot within the City of Hamilton, whether private or public, to meet the Ministry of Transportation guidelines for accessible parking spaces and for enforcement.
  
- (ii) That staff be directed to review by-law 01-220 and update it to include the enforcement of violations of accessible parking spots by Bylaw Enforcement staff and the Hamilton Police Service, including accessible parking spots on private property, without the current requirements for permission from the owners.”

In July 2012 the Province of Ontario released, in draft form, accessible parking space standards for public review and comment under the Accessibility for Ontarians with Disabilities Act, 2005 (Ontario Regulation 191/11) (AODA). The 45-day public comment period on the draft standards closed on October 1, 2012.

**POLICY IMPLICATIONS**

N/A

**RELEVANT CONSULTATION**

Legal Services was consulted in the preparation of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

The current barrier free parking standards vary within each of the Zoning By-laws still in effect within the City of Hamilton. A Comprehensive Zoning By-law is under development where Parking Design Standards for barrier free parking have been established. The Zoning By-law establishes the number of spaces required related to the total amount of parking required for any development, as well as minimum parking

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stall size. During the review of site plan, the zoning requirements will be reviewed; and in conjunction with the design standards within the Site Plan Guidelines, location criteria will assist in determining the appropriate location for the barrier free spaces within any new development.

At this time the Province has released draft accessible parking space standards for public review and comment in accordance with the Accessibility for Ontarians with Disabilities Act, 2005, (Ontario Regulations 191/11) (AODA) which closed on October 1, 2012. Ministry staff are now in the process of reviewing any comments in preparation for the official version to be released at an unknown later date. The new standards are expected to include:

- types of accessible parking spaces;
- access aisles;
- minimum number and type of accessible parking spaces; and,
- on-street parking spaces (only for new construction and planned redevelopment).

Therefore, since the Province's accessible parking space standards are not finalized; amending By-law 01-220 prior to the implementation of the new AODA standards could have a negative financial impact on property owners as current zoning standards may change with the upcoming amendments to the Act, thereby, requiring property owners to possibly redesign and implement new spaces in addition to purchasing and installing new signage.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

- (1) Implement new design standards and update By-law 01-220 (Private and Municipal Property) prior to the AODA releasing their new accessible parking space standards being finalized.
- (2) Amend the existing Zoning By-laws across the City to incorporate consistent barrier free parking regulations across the City.

However, neither of the above alternatives are recommended because they could create a financial hardship to property owners, as it is unknown at this time what the final AODA standards may be.

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**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

- Healthy Community. efficient and effective by-laws and an enforcement program is critical to the health, safety and well being of the Community

**APPENDICES / SCHEDULES**

N/A

PC/dt