

- Revisions/Updates to Published Agenda
(as of November 18, 2019)

- Added New Business / Further Updates at
Start of Meeting (2/3 vote achieved)

Monday, November 18, 2019
1:00 p.m. – Regular Meeting

Council Chambers – 4th Floor – City Hall

Members: Regional Councillor M. Medeiros – Wards 3 and 4 (Chair)
Regional Councillor P. Fortini – Wards 7 and 8 (Vice-Chair)
Regional Councillor P. Vicente – Wards 1 and 5
Regional Councillor R. Santos – Wards 1 and 5
Regional Councillor M. Palleschi – Wards 2 and 6
Regional Councillor G. Dhillon – Wards 9 and 10
City Councillor D. Whillans – Wards 2 and 6
City Councillor J. Bowman – Wards 3 and 4
City Councillor C. Williams – Wards 7 and 8
City Councillor H. Singh – Wards 9 and 10

For inquiries about this Agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact Shauna Danton, Legislative Coordinator, Telephone (905) 874-2116, TTY (905) 874-2130, cityclerksoffice@brampton.ca

Note: Meeting information is also available in alternate formats upon request. Any difficulty accessing meeting rooms, buildings, elevators, etc. please contact security at 905-874-2111

Agenda
Planning & Development Committee

1. Approval of Agenda

Added Items:

5.2 Delegations re: Supportive Housing (Group Home) Review: Interim Control By-Law Considerations

4. Janis Denis

16.1 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

2. Declarations of Interest under the Municipal Conflict of Interest Act

3. Consent

The following items listed with an asterisk (*) are considered to be routine and non-controversial by the committee and will be approved at one time. There will be no separate discussion of these items unless a committee member requests it, in which case the item will not be consented to and will be considered in the normal sequence of the agenda.

(7.5, 7.6, ~~7.7~~, 7.8, 7.9, 7.10, 8.1)

Removed Item 7.7

4. Statutory Public Meeting Reports

5. Delegations

5.1. Possible Delegations re **Site Specific Amendments to the Sign By-law:**

1. 8 Clipper Court – Mandarin Restaurant – Ward 3

2. 2490 Sandalwood Parkway - St. Marguerite D'Youville R.C. Church – Ward 9

3. 52 Quarry Edge Drive – Indigo – Ward 1

4. 9065 Airport Road – Giant Tiger – Ward 8

See Items 7.1 to 7.4

Note: Notice regarding these items was published on the City's website on November 7, 2019

Agenda
Planning & Development Committee

- 5.2. Delegations re: **Supportive Housing (Group Home) Review: Interim Control By-Law Considerations**
1. Warren Parkes, Brampton resident (**speaking notes provided Nov.18**)
 2. ~~Al Nonis, Brampton resident (withdrawn Nov. 18)~~
 3. **Ali Mohammad, Brampton resident**
 4. **Janis Denis**

See Item 10.2

6. Staff Presentations

7. Planning

- 7.1. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Building Division, dated October 10, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended – 8 Clipper Court – Mandarin Restaurant – Ward 3** (File 26SI)

See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Recommendation

- 7.2. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Building Division, dated October 4, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended – 2490 Sandalwood Parkway – St. Marguerite D'Youville R.C. Church – Ward 9** (File 26SI)

See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Recommendation

- 7.3. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Building Division, dated September 30, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended – 52 Quarry Edge Drive – Indigo – Ward 1** (File 26SI)

Agenda
Planning & Development Committee

See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Recommendation

- 7.4. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Planning and Development Services, dated November 1, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended – 9065 Airport Road – Giant Tiger – Ward 8** (File 26SI)

Note: To be distributed prior to the meeting

See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Note: Published on the City's website on November 14, 2019

- * 7.5. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Building Division, dated September 30, 2019, re: **Mural Approval – 8225 Financial Drive – Kelsey's – Ward 6** (File 26SI)

Recommendation

- * 7.6. Report from E. Corazzola, Manager, Zoning and Sign By-law Services, dated October 25, 2019, re: **North Bramalea United Church – Prayer Booth Mural Approval – 363 Howden Boulevard – Ward 7**

Recommendation

- * 7.7. Report from A. Balram, Strategic Projects Coordinator, Planning and Development Services, dated October 10, 2019, re: **City-Initiated Official Plan Amendment to Remove Shale Protection Policies from North-West Brampton (Heritage Heights) – Ward 6**

Note: To be distributed prior to the meeting

Note: Published on the City's website on November 8, 2019

Agenda
Planning & Development Committee

- * 7.8. Report from A. McNeill, Strategic Leader, Planning and Development Services, dated October 16, 2019, re: **North West Brampton Planning Update – Ward 6**

To be received

Note: Resized pages 7.8-7 and 7.8-9 published on the City's website on November 8, 2019

- * 7.9. Report from N. Mahmood, Development Planner, Planning and Development Services, dated October 18, 2019, re: **Application to Amend the Zoning By-law and Proposed Draft Plan of Subdivision – Korsiak Urban Planning – Mayfield Road Brampton Inc. (to permit single detached dwellings, Natural Heritage System (NHS) and a local park) – South of Mayfield Road, West of McLaughlin Road – Ward 6** (File C03W17.005)

Recommendation

- * 7.10. Report from C. Caruso, Central Area Planner, Planning and Development Services, dated October 25, 2019, re: **Facade Improvement Grant – 35-37 Queen Street West** (File BFIP-2019-0011)

Recommendation

8. Minutes

- * 8.1. **Minutes – Cycling Advisory Committee – October 15, 2019**

To be approved

9. Other/New Business

10. Referred Matters

Note: In accordance with the Procedure By-law and Council Resolution, the Referred Matters List will be published quarterly on a Committee of Council meeting agenda for reference and consideration. A copy of the current [Referred Matters List](#) for Council and its committees, including original and updated reporting dates, is publicly available on the City's website.

Agenda
Planning & Development Committee

- 10.1. Report from C. Crozier, Manager, Planning and Development Services, dated October 23, 2019, re: **Residential Driveway Widenings Review and Recommendation (RM 83/2019)** (File G.DX)

Note: Referred to this meeting pursuant to clause 2 of Resolution C243-2019, as follows:

- C243-2019 2. That staff be requested to report back to Planning and Development Committee on options to simplify the application process and address the inquiries and questions from the public, including possible amendments to the driveway permit program.

Recommendation

- 10.2 Report from M. Palermo, Policy Planner, Planning and Development Services, dated November 7, 2019, re: **Supportive Housing (Group Home) Review: Interim Control By-Law Considerations**

Note: To be distributed prior to the meeting

Note: published on the City's website on November 18, 2019

See Items 5.2 **and 13.1**

Note: Referred to this meeting pursuant to Recommendation PDC179-2019, as follows:

- PDC179-2019 That Planning and Development Services staff be directed to present a report and draft by-law to the November 18, 2019 Planning and Development Committee meeting to enable the implementation of an Interim Control By-Law (ICBL) that would restrict Supportive Housing applications in appropriate areas of the City, including Ward 7, during the comprehensive review of the City's Supportive Housing policies as directed through Council Resolution C364-2019.

11. **Deferred Matters**

12. **Notice of Motion**

13. **Correspondence**

Agenda
Planning & Development Committee

13.1. Correspondence from Rebecca Altamira, Brampton resident, dated November 17, 2019, re: **23 Hillside Drive**

See Item 10.2

14. **Councillor Question Period**

15. **Public Question Period**

15 Minute Limit (regarding any decision made at this meeting)

16. **Closed Session**

16.1. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Note: A separate package regarding this agenda item was provided to Members of Committee and senior staff only.

17. **Adjournment**

Next Meeting: Monday, December 2, 2019, at 7:00 p.m.

- Revisions/Updates to Published Agenda
(as of November 18, 2019)

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Agenda
Planning & Development Committee

1. **Approval of Agenda**

2. **Declarations of Interest under the Municipal Conflict of Interest Act**

3. **Consent**

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(7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 8.1)

4. **Statutory Public Meeting Reports**

5. **Delegations**

5.1. Possible Delegations re **Site Specific Amendments to the Sign By-law:**

1. **8 Clipper Court – Mandarin Restaurant – Ward 3**
2. **2490 Sandalwood Parkway - St. Marguerite D'Youville R.C. Church – Ward 9**
3. **52 Quarry Edge Drive – Indigo – Ward 1**
4. **9065 Airport Road – Giant Tiger – Ward 8**

See Items 7.1 to 7.4

Note: Notice regarding these items was published on the City's website on November 7, 2019

5.2. Delegations re: **Supportive Housing (Group Home) Review: Interim Control By-Law Considerations**

1. **Warren Parkes, Brampton resident (speaking notes provided Nov.18)**
2. **~~Al Nonis, Brampton resident (withdrawn Nov. 18)~~**
3. **Ali Mohammad, Brampton resident**

See Item 10.2

Agenda
Planning & Development Committee

6. Staff Presentations

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See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Recommendation

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See Item 5.1.

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Recommendation

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See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Recommendation

Agenda
Planning & Development Committee

- 7.4. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Planning and Development Services, dated November 1, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended – 9065 Airport Road – Giant Tiger – Ward 8** (File 26SI)

Note: To be distributed prior to the meeting

See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Note: Published on the City's website on November 14, 2019

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Recommendation

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Recommendation

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Recommendation

8. Minutes

- * 8.1. **Minutes – Cycling Advisory Committee – October 15, 2019**

To be approved

9. Other/New Business

10. Referred Matters

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Note: Referred to this meeting pursuant to clause 2 of Resolution C243-2019, as follows:

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- C243-2019 2. That staff be requested to report back to Planning and Development Committee on options to simplify the application process and address the inquiries and questions from the public, including possible amendments to the driveway permit program.

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- 10.2 Report from M. Palermo, Policy Planner, Planning and Development Services, dated November 7, 2019, re: **Supportive Housing (Group Home) Review: Interim Control By-Law Considerations**

Note: To be distributed prior to the meeting

Note: published on the City's website on November 18, 2019

See Items 5.2 **and 13.1**

Note: Referred to this meeting pursuant to Recommendation PDC179-2019, as follows:

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Agenda
Planning & Development Committee

14. **Councillor Question Period**

15. **Public Question Period**

15 Minute Limit (regarding any decision made at this meeting)

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See Items 7.1 to 7.4

Note: Notice regarding these items was published on the City's website on November 7, 2019

5.2. Delegation from Warren Parkes, Brampton resident, re: **Supportive Housing (Group Home) Review: Interim Control By-Law Considerations**

See Item 10.2

6. **Staff Presentations**

7. **Planning**

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Planning & Development Committee

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Recommendation

- 7.3. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Building Division, dated September 30, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended – 52 Quarry Edge Drive – Indigo – Ward 1** (File 26SI)

See Item 5.1.

Note: Notice regarding this item was published on the City's website on November 7, 2019

Recommendation

- 7.4. Report from R. Campbell, Supervisor, Zoning and Sign By-law Services, Planning and Development Services, dated November 1, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended – 9065 Airport Road – Giant Tiger – Ward 8** (File 26SI)

Note: To be distributed prior to the meeting

Agenda
Planning & Development Committee

See Item 5.1.

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Recommendation

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Note: Referred to this meeting pursuant to clause 2 of Resolution C243-2019, as follows:

- | | | |
|-----------|----|--|
| C243-2019 | 2. | That staff be requested to report back to Planning and Development Committee on options to simplify the application process and address the inquiries and questions from the public, including possible amendments to the driveway permit program. |
|-----------|----|--|

Recommendation

Agenda
Planning & Development Committee

- 10.2 Report from M. Palermo, Policy Planner, Planning and Development Services, dated November 7, 2019, re: **Supportive Housing (Group Home) Review: Interim Control By-Law Considerations**

Note: To be distributed prior to the meeting

See Item 5.2

Note: Referred to this meeting pursuant to Recommendation PDC179-2019, as follows:

PDC179-2019 That Planning and Development Services staff be directed to present a report and draft by-law to the November 18, 2019 Planning and Development Committee meeting to enable the implementation of an Interim Control By-Law (ICBL) that would restrict Supportive Housing applications in appropriate areas of the City, including Ward 7, during the comprehensive review of the City's Supportive Housing policies as directed through Council Resolution C364-2019.

11. **Deferred Matters**

12. **Notice of Motion**

13. **Correspondence**

14. **Councillor Question Period**

15. **Public Question Period**

15 Minute Limit (regarding any decision made at this meeting)

16. **Closed Session**

17. **Adjournment**

Next Meeting: Monday, December 2, 2019, at 7:00 p.m.



**Notice of Intention to Amend Sign By-law 399-2002
Multiple Locations**

Pursuant to Procedure By-Law 160-2004, as amended, take notice that the City of Brampton intends to consider site-specific amendments to the Sign By-law 399-2002, as amended.

On **Monday, November 18, 2019, at 1:00 pm** in the Council Chambers, City Hall, the Planning and Development Committee will consider the following proposed amendments to the Sign By-law:

- 1. 8 Clipper Court – Mandarin Restaurant – Ward 3**
- 2. 2490 Sandalwood Parkway – St. Marguerite D'Youville R.C. Church – Ward 9**
- 3. 52 Quarry Edge Drive – Indigo – Ward 1**
- 4. 9065 Airport Road – Giant Tiger – Ward 8**

A key map and site plan showing the location of the proposed signs is attached. Anyone interested in speaking to this matter at the Committee meeting or making a written submission, should contact the City Clerk's Office, no later than 4:30 pm, on , November 15, 2019.

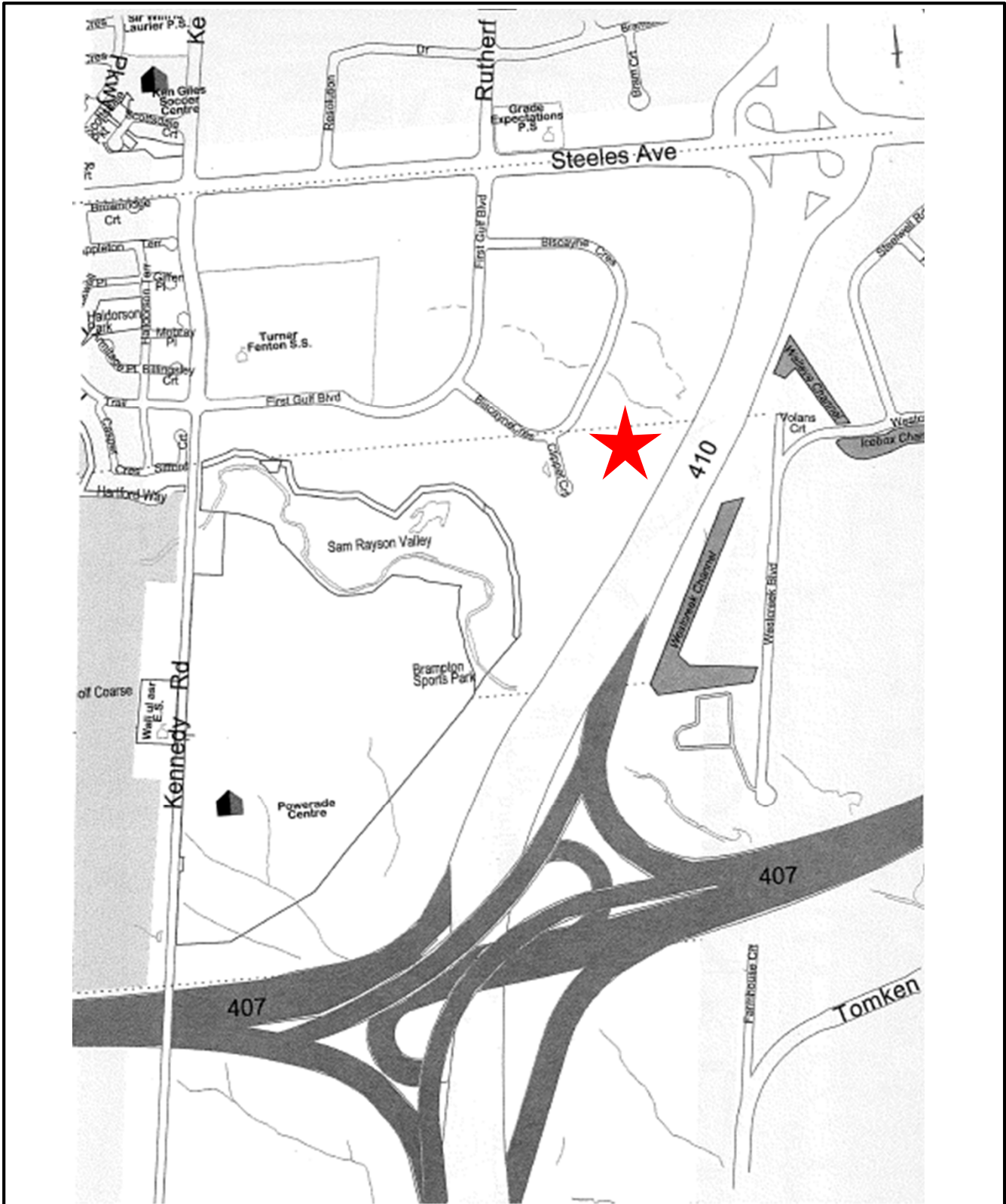
Information is available for review at the City Clerk's Office, at the address below, during regular business hours or on the [City website](#). Further information is available by contacting:

Ross Campbell,
Supervisor of Zoning & Sign By-law Services, Building Division,
905-874-2442, ross.campbell@brampton.ca

In the event that Committee chooses to refer or defer consideration of the matter, no further public notice will be given.

Dated November 7, 2019

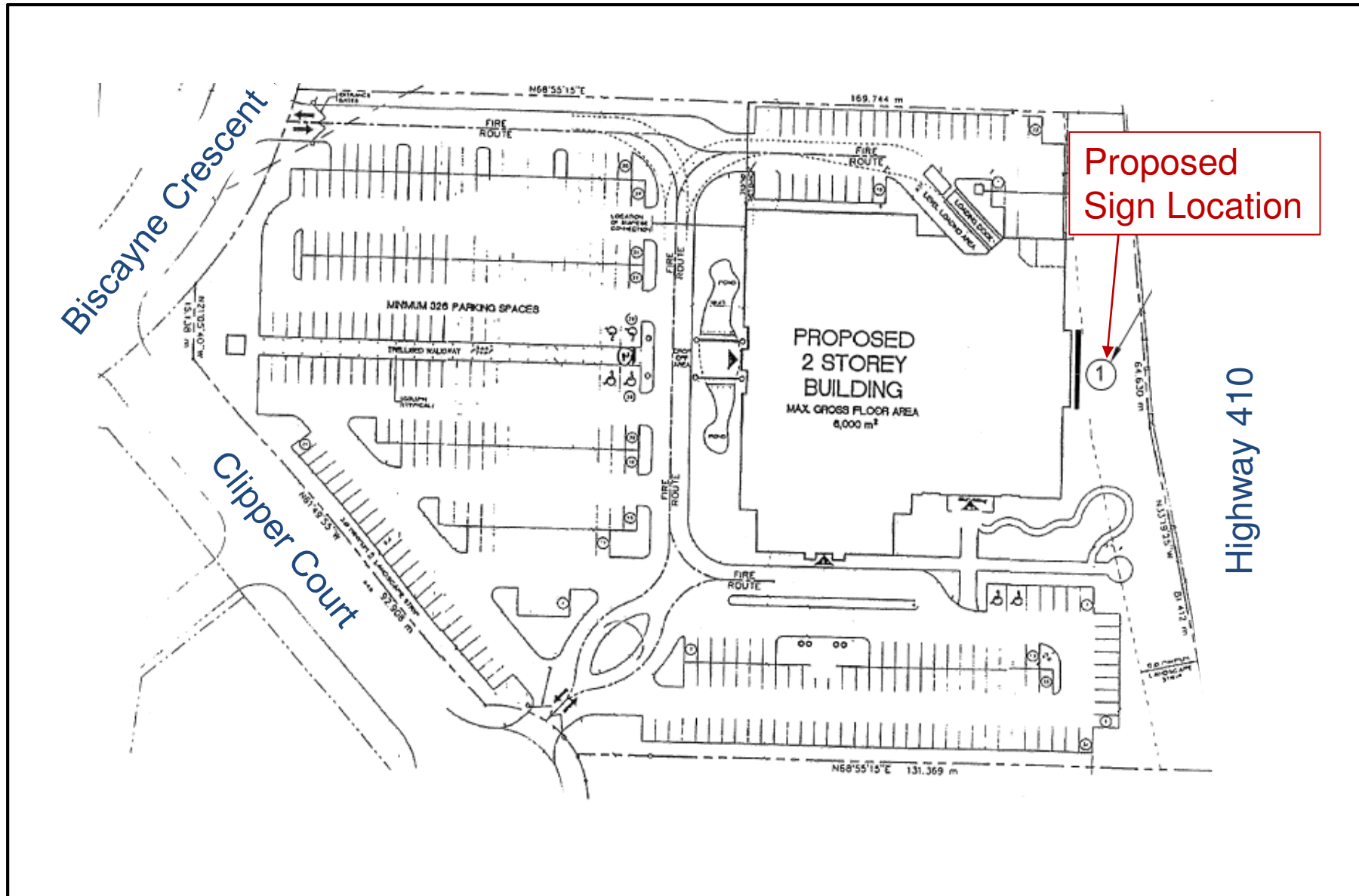
P. Fay, City Clerk
2 Wellington St. W., Brampton, ON L6Y 4R2
905.874.2172 TTY: 905.874.2130 Fax: 905.874.2119
cityclerksoffice@brampton.ca



Schedule 1
Mandarin
8 Clipper Court
Location Map



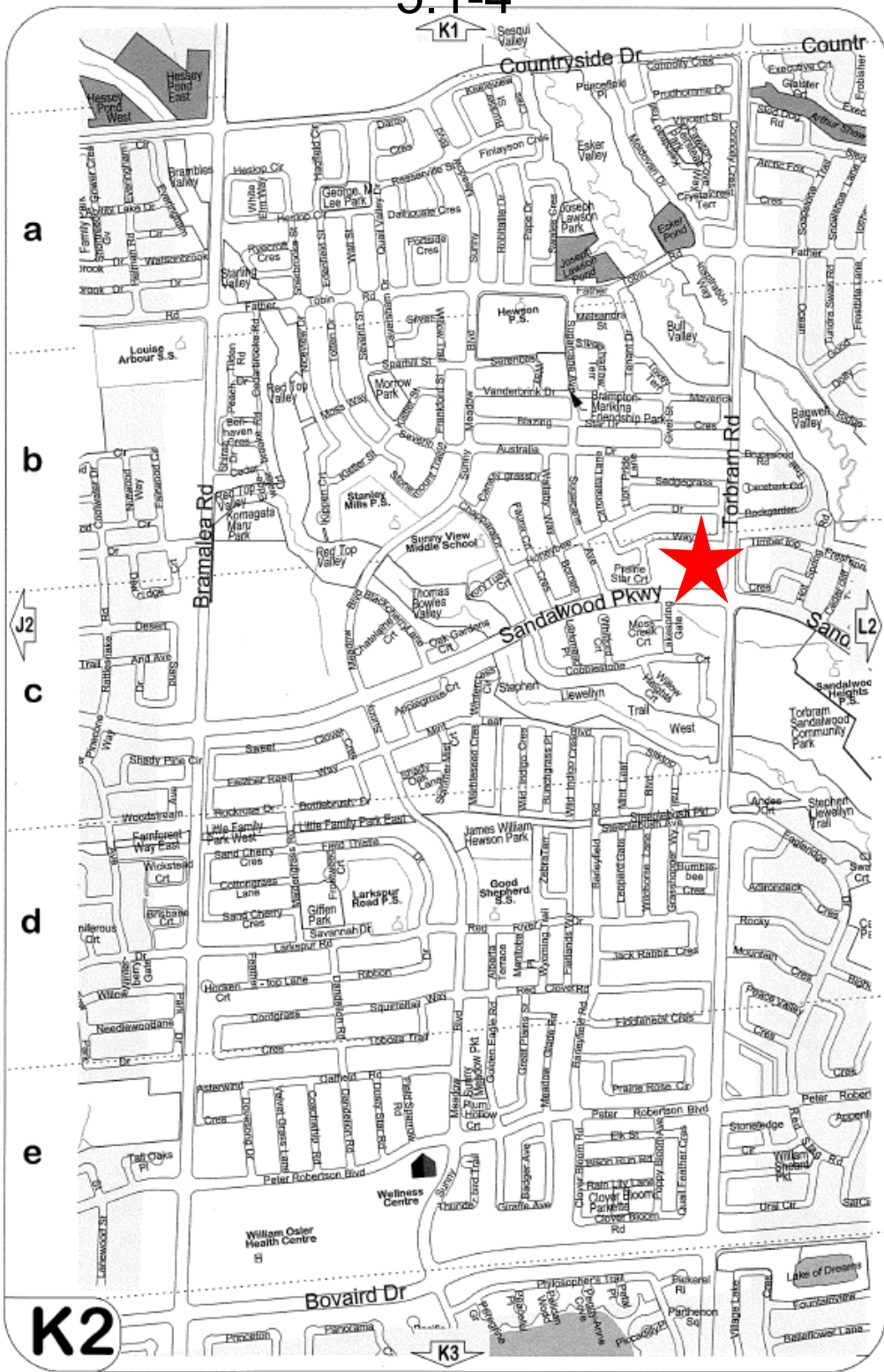
CITY OF BRAMPTON
Planning & Development
Services Department
Building Division



Schedule 2
Mandarin
8 Clipper Court
Site Plan



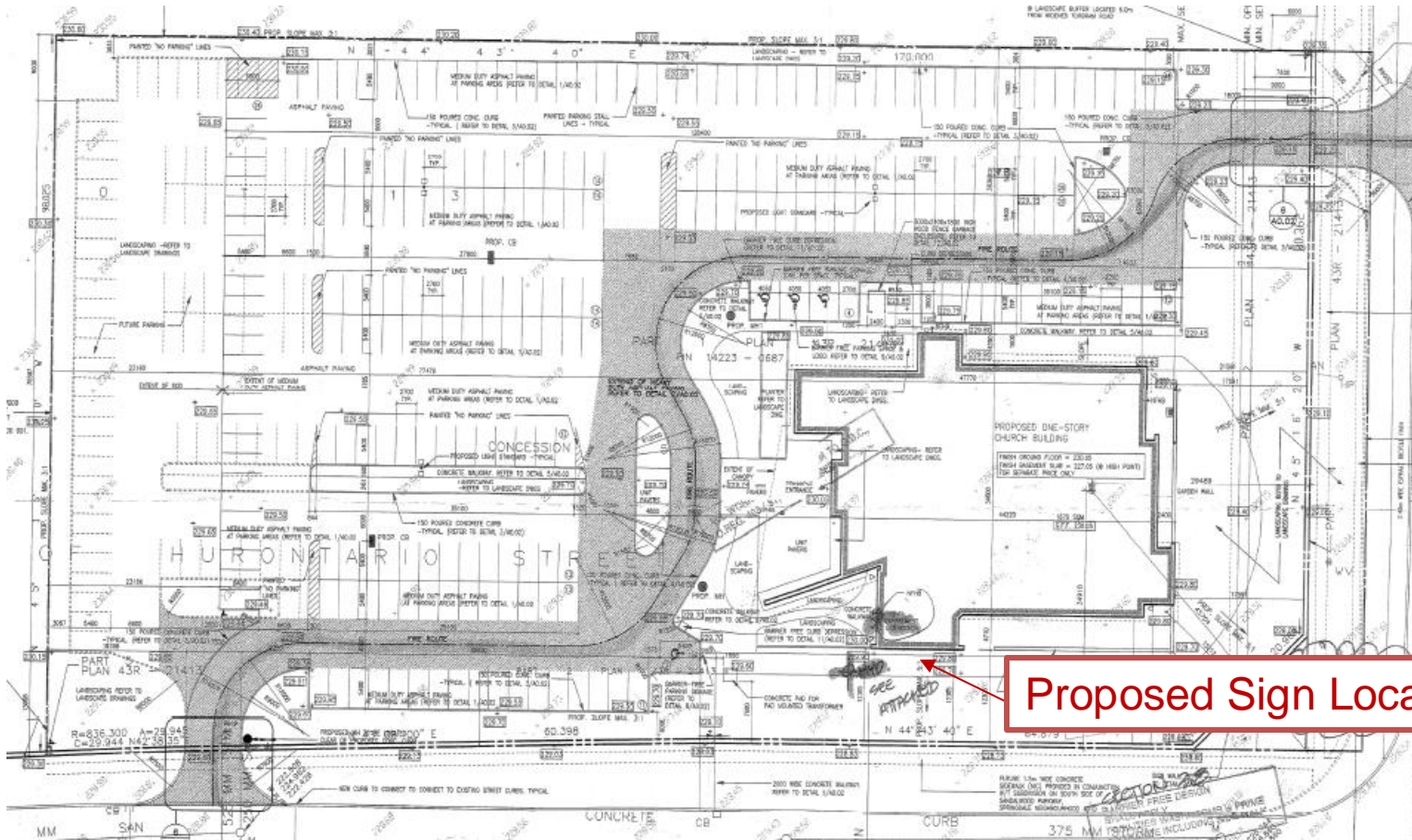
CITY OF BRAMPTON
Planning & Development Services Department
Building Division



Schedule 1
 St. Marguerite D'Youville R.C. Church
 2490 Sandalwood Parkway East
 Location Map



CITY OF BRAMPTON
 Planning & Development
 Services Department
 Building Division



Torbram Road

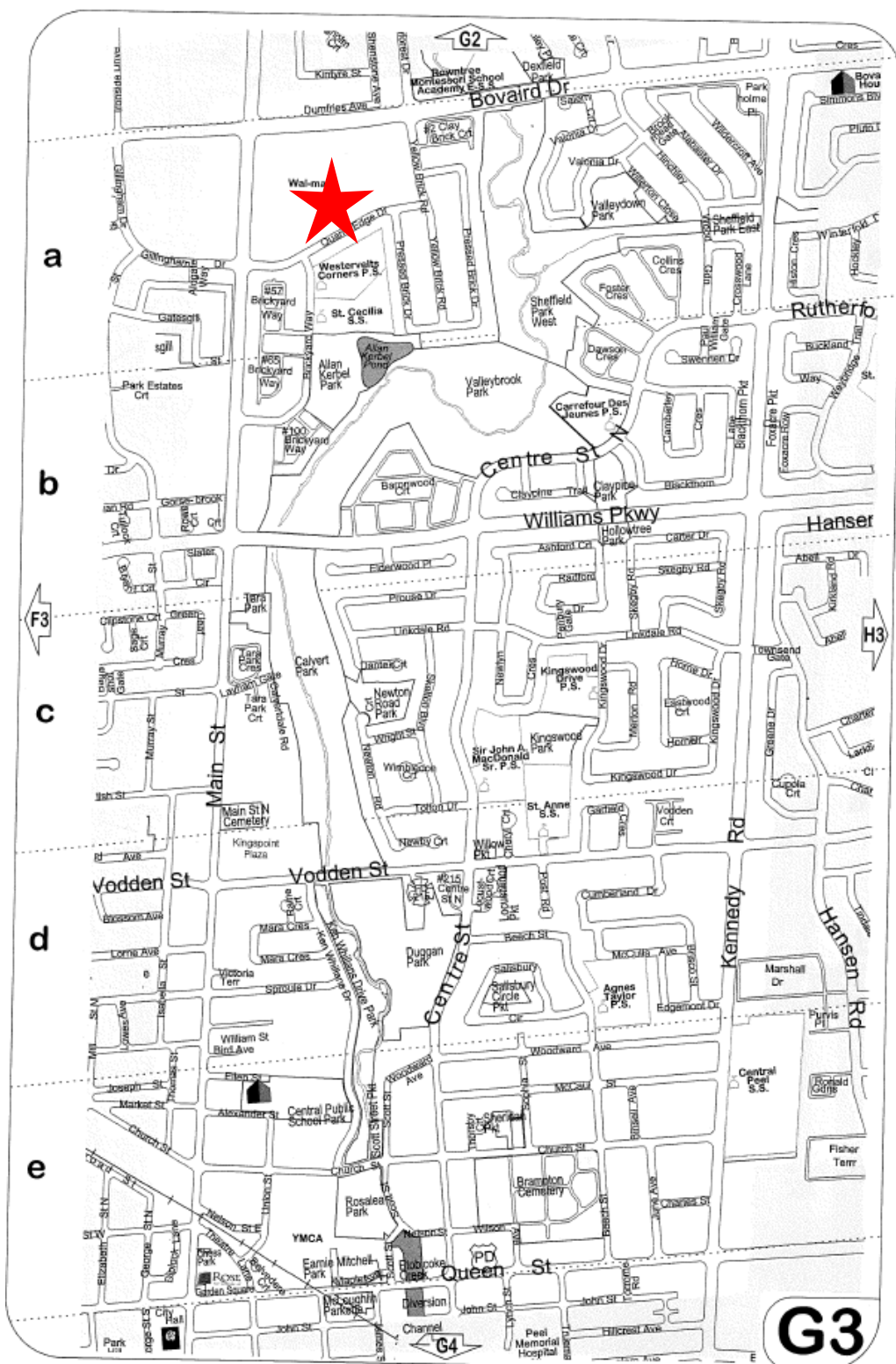
Sandalwood Parkway East

Proposed Sign Location

Schedule 2
 St. Marguerite D'Youville R.C. Church
 2490 Sandalwood Parkway East
 Site Plan



CITY OF BRAMPTON
 Planning & Development Services Department
 Building Division



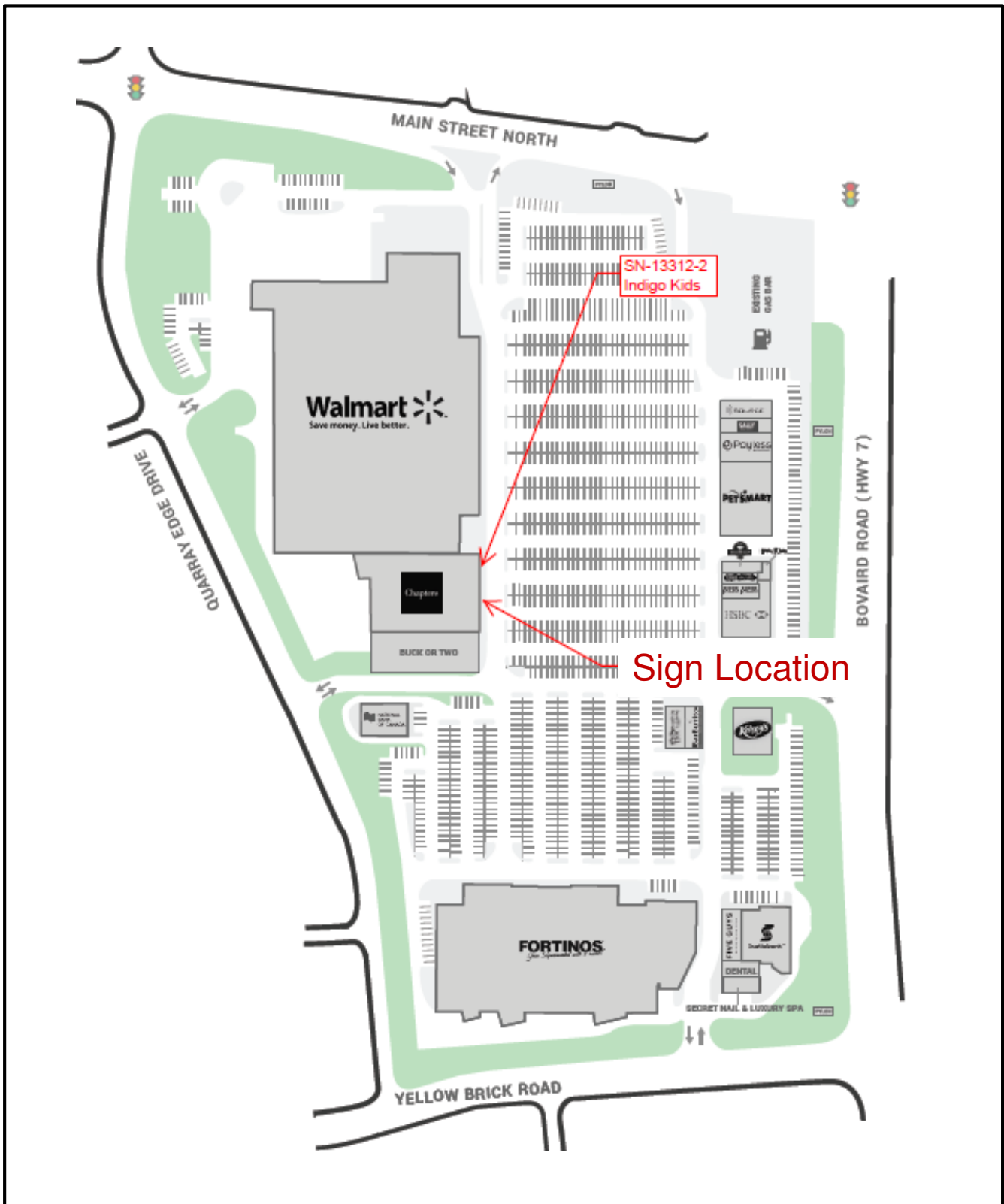
Schedule 1

Indigo
52 Quarry Edge Drive
Location Map



CITY OF BRAMPTON

Planning & Development
Services Department
Building Division



Sign Location

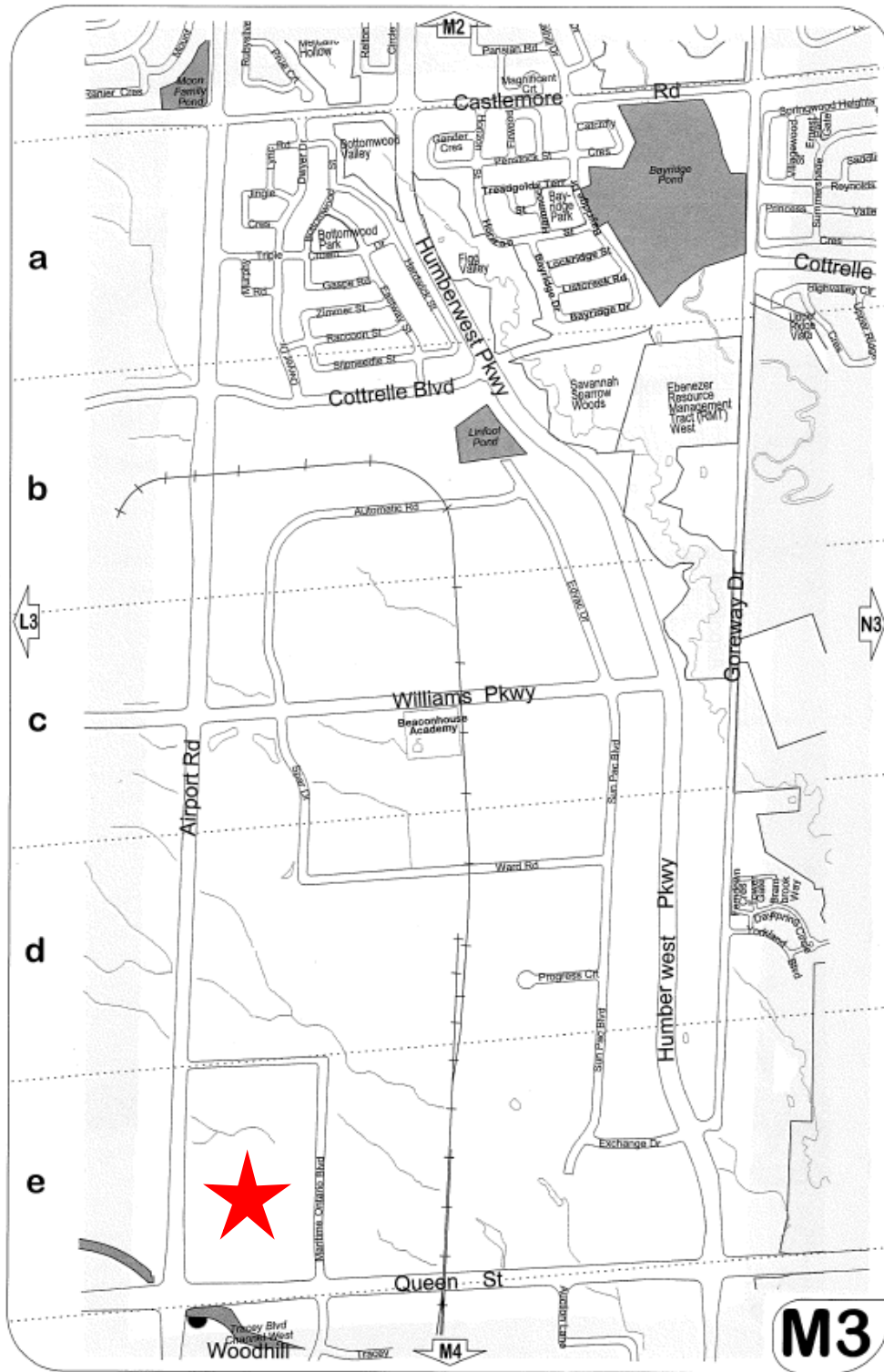
Schedule 2

Indigo
52 Quarry Edge Drive
Site Plan



CITY OF BRAMPTON

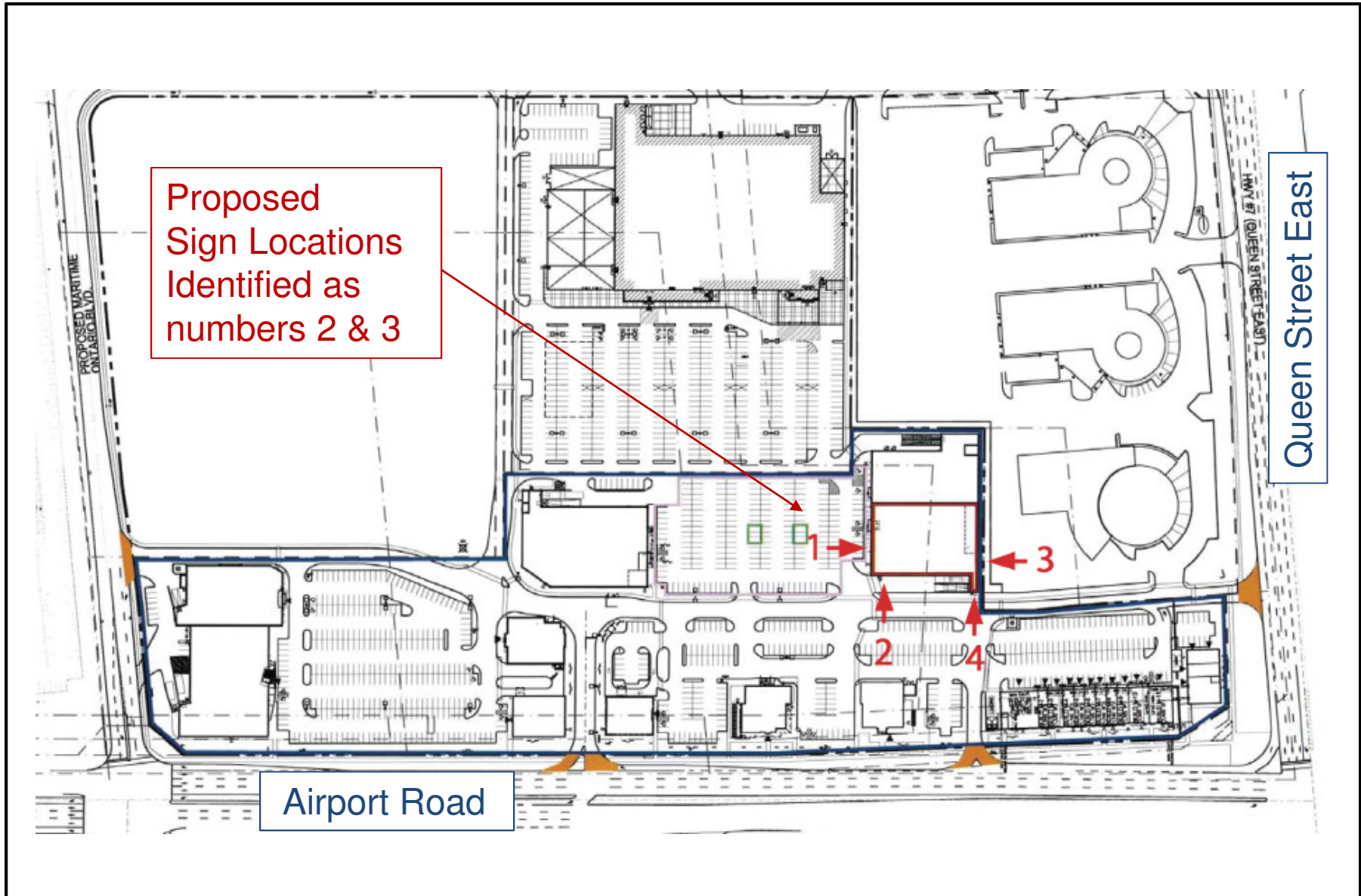
Planning & Development
Services Department
Building Division



Schedule 1
Giant Tiger
9065 Airport Road
Location Map



CITY OF BRAMPTON
Planning & Development
Services Department
Building Division



Schedule 2
Giant Tiger
9065 Airport Road
Site Plan



CITY OF BRAMPTON
Planning & Development Services Department
Building Division

Date: 2019-10-10

Subject: Report from R. Campbell, Supervisor Zoning and Sign By-law Services, Building Division, dated October 10, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended - 8 Clipper Court - Mandarin Restaurant - Ward 3 - File 26SI**

Contact: Ross Campbell, Supervisor Zoning and Sign By-law Services, Building Division, 905-874-2442, ross.campbell@brampton.ca

Recommendations:

1. That the report from R. Campbell, Supervisor, Zoning and Sign By-law Services, dated October 10, 2019, to the Planning & Development Services Committee Meeting of November 18, 2019, re: **Recommendation Report – Site Specific Amendment to the Sign By-Law 399-2002, as amended – 8 Clipper Court – Ward 3 – Mandarin Restaurant, File 26SI**, be received; and
2. That a by-law be passed to amend Sign By-law 399-2002, as amended, to permit the proposed site-specific amendment.

Overview:

- **Mandarin Restaurant is located south of Steeles Avenue, between Biscayne Crescent and Highway No. 410.**
- **An amendment to the Sign By-law has been requested to permit an Electronic Variable Message Centre (EVMC) canopy sign with an area of 4m², whereas, the Sign By-Law does not permit an EVMC canopy sign.**
- **The By-law would permit a canopy sign without variable messaging having a maximum area of 35% pf the canopy face. A canopy sign having an area of 8.39m² would otherwise be permitted in this location.**
- **Additionally, the accumulative area of the existing wall sign (19.57m²) and the requested EVMC canopy sign (4m²) totals (23.57m²), which is less than the maximum accumulative wall sign area of 25m² permitted in the Sign By-Law.**

7.1-2

- **The proposed amendment is in keeping with the intent of the Sign By-law.**
- **Public notice has been provided pursuant to the Procedure By-law.**

Background:

The Mandarin Restaurant has requested permission to install an Electronic Variable Message Centre (EVMC) sign on the roof canopy located on the east elevation of the building facing Highway 410. The proposed sign is intended to display the Mandarin logo which may change periodically or to celebrate corporate anniversaries such as this year's 40th anniversary.

Current Situation:

An Electronic Variable Message Centre (EVMC) is defined in the Sign By-law as "an illuminated sign or part thereof which is computer controlled and which displays information to the public by way of prearranged or variable sequence of electronically generated letters, words, light patterns or shapes and shall include text or graphic boards". An EVMC is permitted as a wall sign within the window of the main entrance of a unit provided the sign is separated from property zoned residential by a distance of at least 36m. Additionally, the sign shall not exceed 20% of the glazed area and shall be included as part of the permitted maximum aggregate sign area. The EVMC shall not contain a flashing message or image. Where the message is of other than scrolling script, the frequency of an image change shall not be less than every 10 seconds. If the EVMC is located within 100m of a property zoned residential, the sign shall be turned off between the hours of 10:00pm and 7:00am.

The Mandarin is proposing an EVMC to be located on the roof canopy facing Highway 410. The sign shall consist of a LED digital screen with an area of 4m². The image shall be the corporate logo of the restaurant. This image may change periodically with the corporations branding or to celebrate events such as this year's 40th anniversary. The image shall be static and not contain flashing, moving images or text.

The Sign By-law permits a maximum aggregate wall sign area of 20% of the area of the building wall face on which the sign is located to a maximum of 25m², whichever is less. As the elevation wall area totals 591.62m², the total wall sign area permitted on this elevation is 25m². While awning signs are typically not included in the maximum wall sign area, the accumulative area of the existing sign (19.57m²) and the proposed EVMC (4m²) totals (23.57m²), which is less than the total wall sign area permitted on this elevation.

Additionally, The Ministry of Transportation has issued a Highway Corridor Management Sign Permit for the sign.

7.1-3

Corporate Implications:

Financial Implications:

None

Other Implications:

Staff of the Urban Design Section have no concerns with the proposed amendment.

Term of Council Priorities:

This report is consistent with the “A City of Opportunities” theme. Approval of this request is consistent with the priority of attracting investment and employment.

Living the Mosaic – 2040 Vision

This Report has been prepared in full consideration of the overall Vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

As the digital image will be stationary, the accumulative area of the proposed canopy and existing wall signs are less than the maximum wall sign area of this elevation, and the Ministry of Transportation has reviewed and issued a highway corridor management sign permit, approval of a site specific amendment to the Sign By-law to permit an Electronic Variable Message Centre canopy sign with an area of 4m², is recommended.

Approved by:

Approved by:

Elizabeth Corazzola
Manager of Zoning & Sign
By-Law Services
Building Division

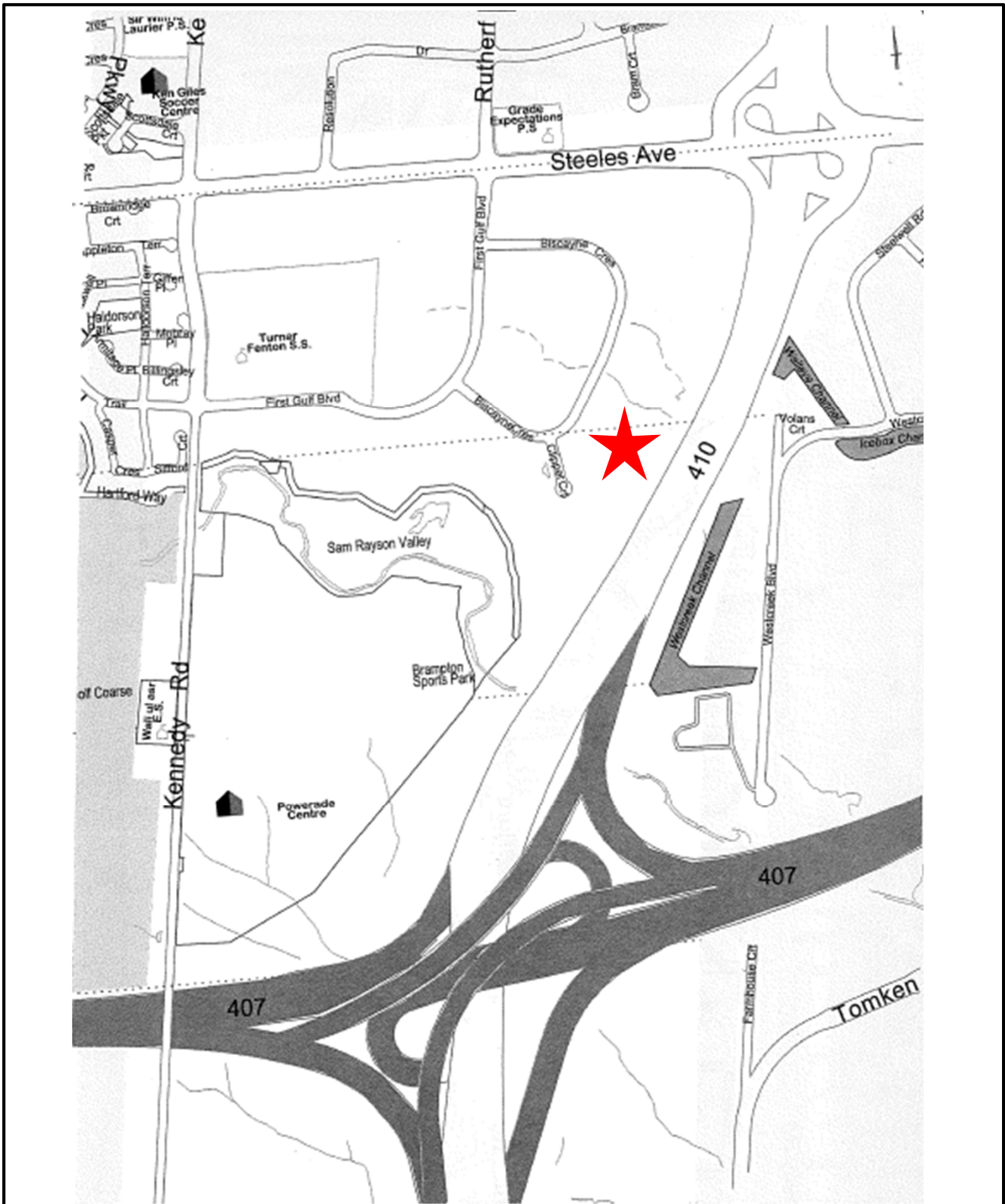
Rick Conard
Director of Building and
Chief Building Official

Attachments:

Schedule 1 - Location Map
Schedule 2 - Site Plan
Schedule 3 - Proposed Signage
Schedule 4 - Site Photograph

7.1-4

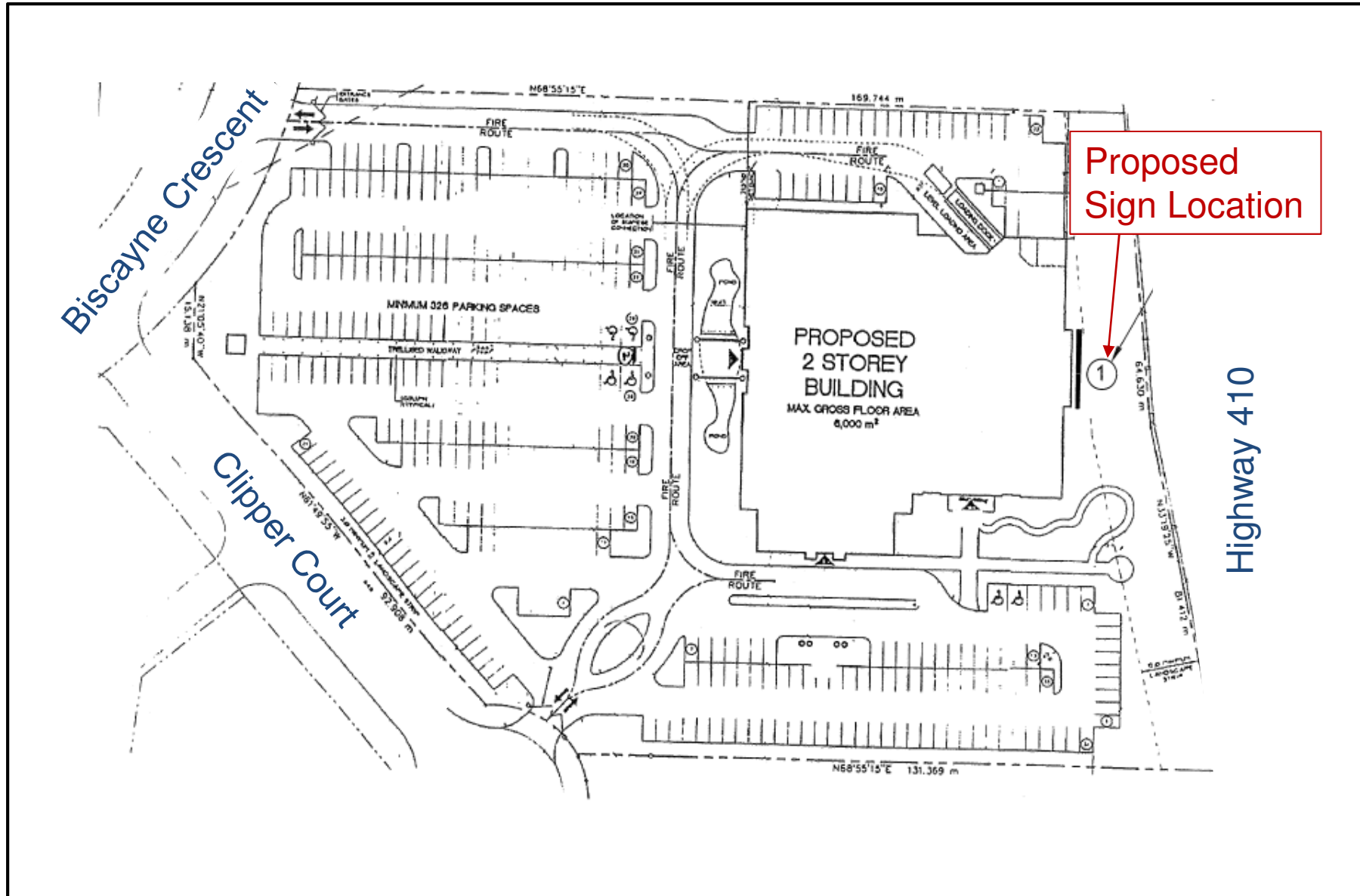
Report authored by: Ross Campbell



Schedule 1
Mandarin
8 Clipper Court
Location Map



CITY OF BRAMPTON
Planning & Development
Services Department
Building Division



Schedule 2
Mandarin
8 Clipper Court
Site Plan

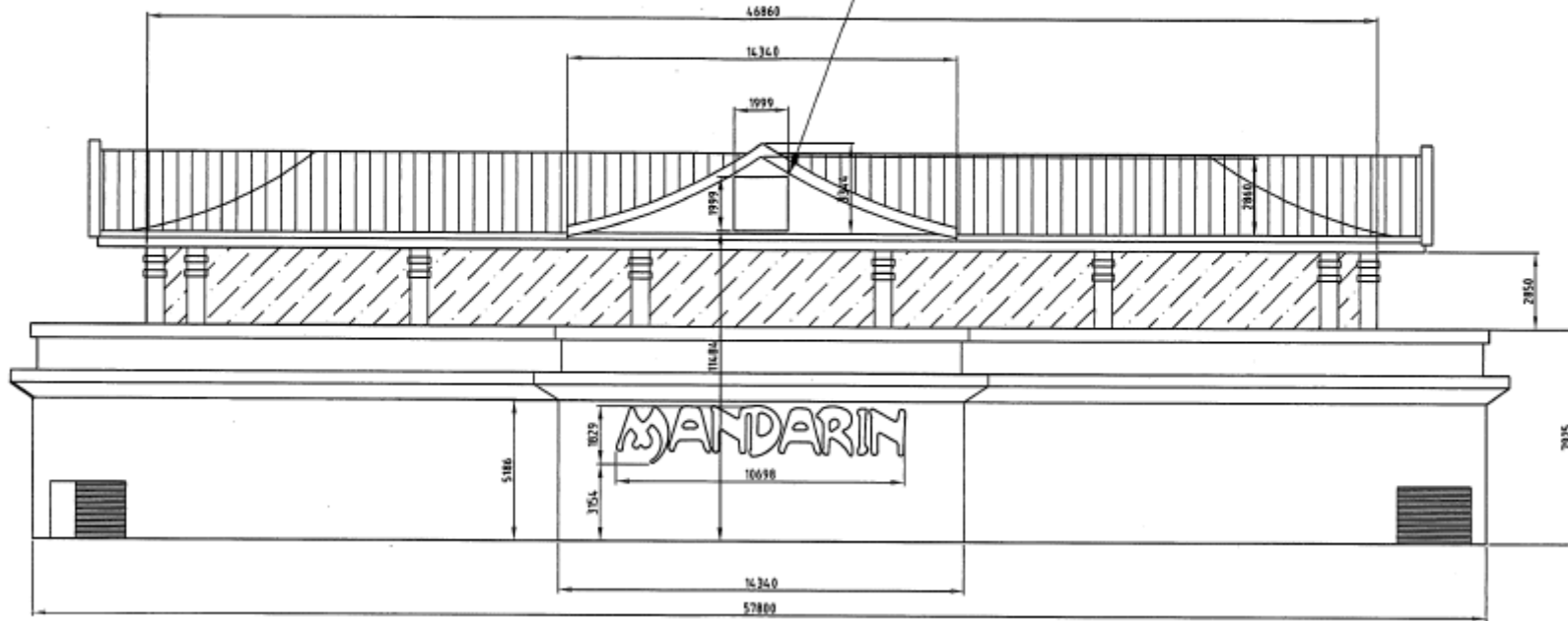


CITY OF BRAMPTON
Planning & Development Services Department
Building Division



Logo Image

PROPOSED SIGN
6.56'X6.56' LED PANEL



Schedule 3
Mandarin
8 Clipper Court
Proposed Signage

CITY OF BRAMPTON
Planning & Development Services Department
Building Division



Schedule 4
Mandarin
8 Clipper Court
Site Photograph

CITY OF BRAMPTON
Planning & Development Services Department
Building Division

Date: 2019-10-04

Subject: Report from R. Campbell, Supervisor Zoning and Sign By-law Services, Building Division, dated October 4, 2019, re: **Site Specific Amendment to the Sign By-Law 399-2002, as amended - 2490 Sandalwood Parkway - St. Marguerite D'Youville R.C. Church - Ward 9 - File 26SI**

Contact: Ross Campbell, Supervisor Zoning and Sign By-law Services, Building Division, 905-874-2442, ross.campbell@brampton.ca

Recommendations:

1. That the report from R. Campbell, Supervisor, Zoning and Sign By-law Services, dated October 4, 2019, to the Planning & Development Services Committee Meeting of November 18, 2019, re: **Recommendation Report – Site Specific Amendment to the Sign By-Law 399-2002, as amended – 2490 Sandalwood Parkway East – Ward 9 – St. Marguerite D'Youville R.C. Church, File 26SI**, be received; and
2. That the request for a Site Specific amendment to the Sign By-law 399-2002, be refused.

Overview:

- **St. Marguerite D'youville R.C. Church is located at the North West corner of Sandalwood Parkway East and Torbram Road.**
- **An amendment to the Sign By-law has been requested to permit a projected digital wall sign with an area of 22.3m² (40ft²), whereas the Sign By-Law does not permit projected wall signs.**
- **Additionally, the accumulative area of the existing wall signs (9.57m²) and the requested projected wall sign (22.3m²) would total 31.87m², whereas the Sign By-Law limits the area of wall signage on this building elevation to 25m² total.**
- **Public notice has been provided pursuant to the Procedure By-law.**

7.2-2

Background:

St. Marguerite D'Youville R.C. Church have requested permission to install a projected digital sign on the south elevation of the building. The projector will be mounted on a pedestal beside the building and controlled by a computer within the church's office. The proposed sign is intended for the daily display of news, events and messages to the public as well as images related to religious holidays and special events, i.e. nativity scenes at Christmas and St. Marguerite D'Youville on her feast-day.

Current Situation:

The Sign By-law does not permit projected digital wall signs. In addition, the Sign By-law limits the aggregate sign area to 20% of the area of the building wall face on which the sign is located to a maximum of 25m², whichever is less. As the wall area for this elevation of the church is 143m², the total sign area permitted on this wall is 25m². The applicant is requesting signage, including the existing sign (9.58m²) and the proposed projected wall sign (22.3m²), totaling a combined area of 31.88m².

The By-law would permit an Electronic Variable Message Centre (EVMC) which is defined in the By-law as "an illuminated sign or part thereof which is computer controlled and which displays information to the public by way of prearranged or variable sequence of electronically generated letters, words, light patterns or shapes and shall include text of graphic boards". EVMCs are permitted as a wall sign within the window of the main entrance of a unit provided the sign is separated from any property zoned residential by a distance of at least 36m. EVMCs shall not exceed 20% of the glazed area and shall be included as part of the permitted maximum aggregate sign area. The Electronic Variable Message Centre is also not permitted to contain a flashing message or image. Where the message is of other than scrolling script, the frequency of an image change shall not be less than every 10 seconds. If the Electronic Variable Message Centre is located within 100m of a property zoned residential, the sign shall be turned off between the hours of 10:00pm and 7:00am.

Alternatively, the Church has the option of installing a ground sign with a maximum area of 15m², of which 1/3 may be an Electronic Variable Message Centre to provide this information and messaging to the public.

Corporate Implications:

Financial Implications:

None

Other Implications:

7.2-3

Staff of the Public Works and Engineering section do not support the proposed amendment, due to the proximity to the intersection and the distraction the sign will create for drivers on Sandalwood Parkway and Torbram Road. Due to this potential hazard to both motorists and pedestrians, the projected digital sign is not supportable.

Term of Council Priorities:

This report is consistent with the “A Mosaic” theme. Refusal of this request is consistent with embedded equity in everything we do and is consistent with the intent and purpose of the Sign By-law.

Living the Mosaic – 2040 Vision

This Report has been prepared in full consideration of the overall Vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

Since the Church has the option to install a ground sign with a maximum area of 15m² which may include an Electronic Variable Message Centre to provide information and messaging to the public, refusal of a site specific amendment to the Sign By-law to permit a projected digital image sign and increase the aggregate sign area to 31.88m², is recommended.

Approved by:

Approved by:

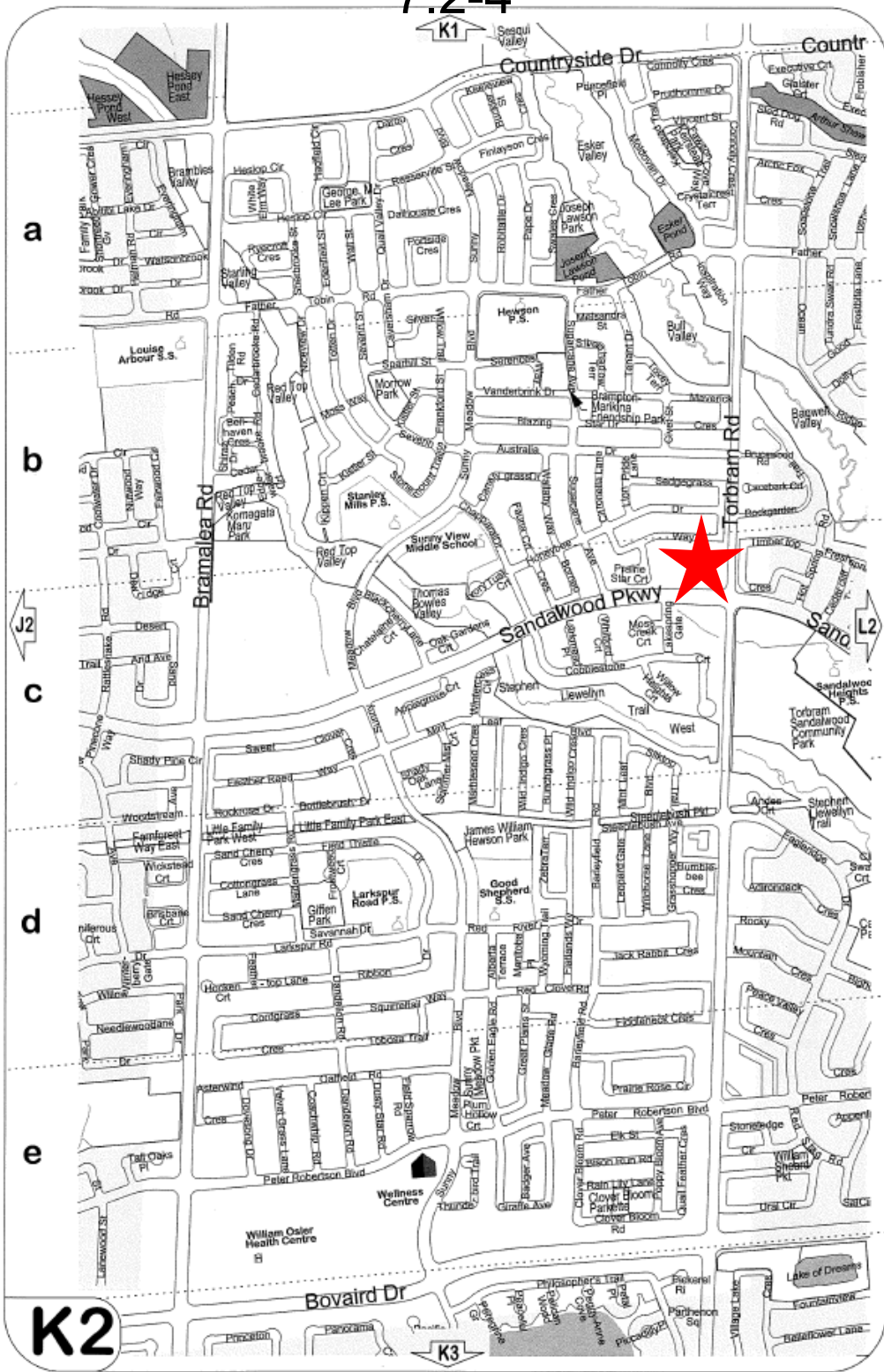
Elizabeth Corazzola
Manager of Zoning & Sign
By-Law Services
Building Division

Rick Conard
Director of Building and
Chief Building Official

Attachments:

Schedule 1 - Location Map – St. Marguerite D’Youville
Schedule 2 - Site Plan - St Marguerite D’Youville
Schedule 3 - Proposed Signage - St Marguerite D’Youville
Schedule 4 - Site Photograph - St Marguerite D’Youville

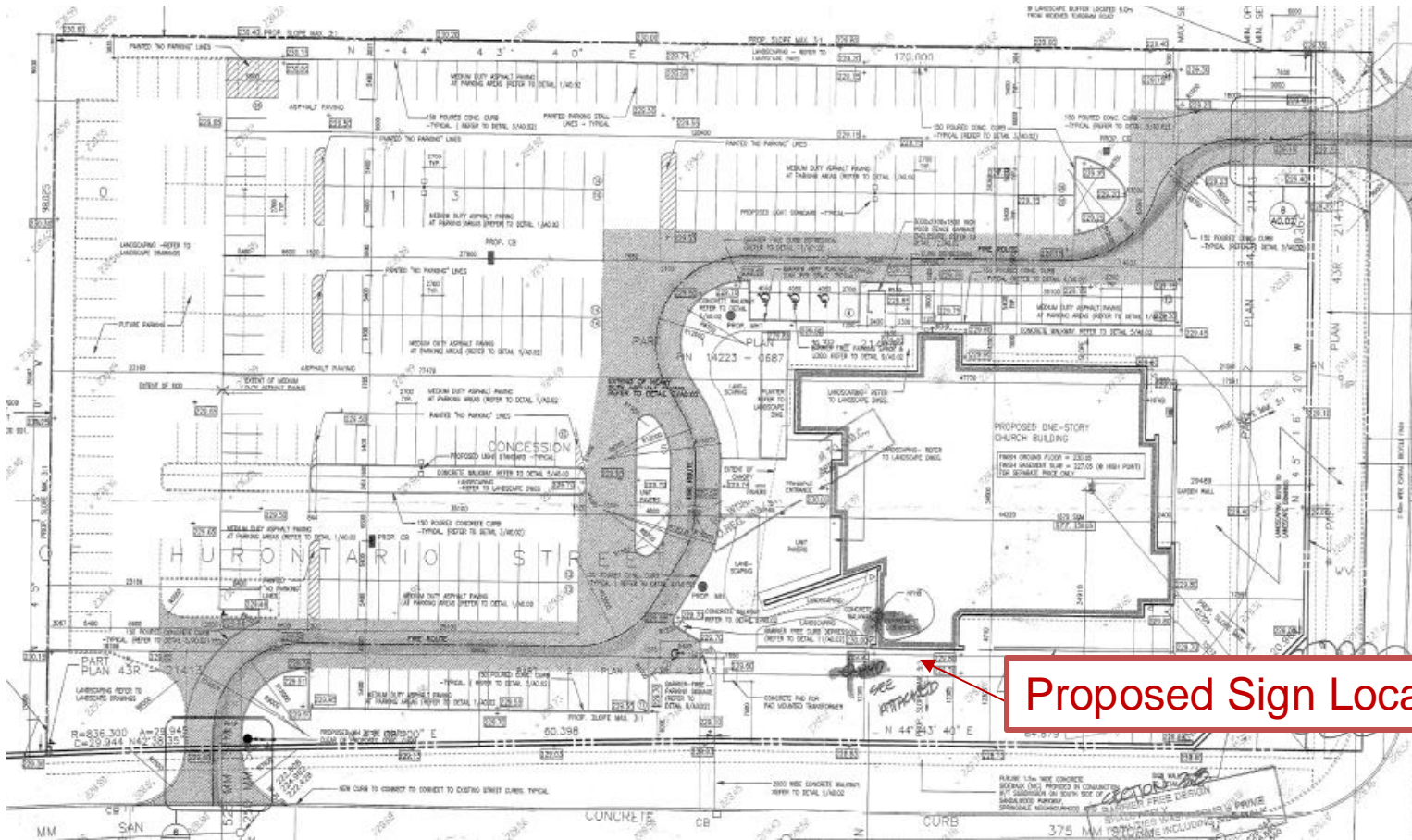
Report authored by: Ross Campbell



Schedule 1
 St. Marguerite D'Youville R.C. Church
 2490 Sandalwood Parkway East
 Location Map



CITY OF BRAMPTON
 Planning & Development
 Services Department
 Building Division



Torbram Road

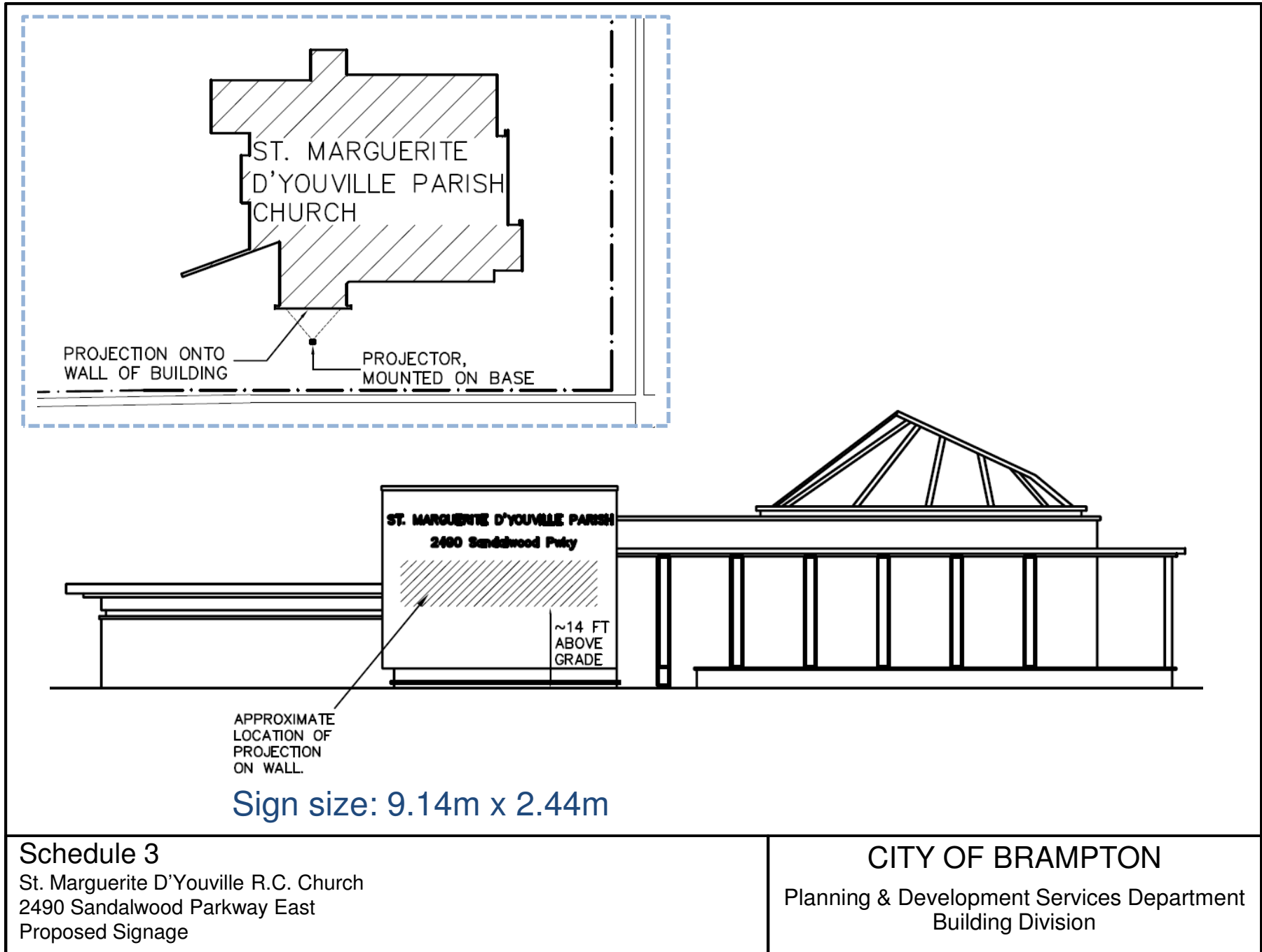
Sandalwood Parkway East

Proposed Sign Location

Schedule 2
 St. Marguerite D'Youville R.C. Church
 2490 Sandalwood Parkway East
 Site Plan



CITY OF BRAMPTON
 Planning & Development Services Department
 Building Division



Schedule 3

St. Marguerite D'Youville R.C. Church
2490 Sandalwood Parkway East
Proposed Signage

CITY OF BRAMPTON

Planning & Development Services Department
Building Division



Schedule 4

St. Marguerite D'Youville R.C. Church
2490 Sandalwood Parkway East
Site Photograph

CITY OF BRAMPTON

Planning & Development Services Department
Building Division

Date: 2019-09-30

Subject: Report from R. Campbell, Supervisor Zoning and Sign By-law Services, Building Division, dated September 30, 2019, re: Site Specific Amendment to the Sign By-Law 399-2002, as amended - 52 Quarry Edge Drive - Indigo - Ward 1 - File 26SI

Contact: Ross Campbell, Supervisor Zoning and Sign By-law Services, Building Division, 905-874-2442, ross.campbell@brampton.ca

Recommendations:

1. That the report from R. Campbell, Supervisor, Zoning and Sign By-law Services, dated September 30, 2019, to the Planning & Development Services Committee Meeting of November 18, 2019, re: **Recommendation Report – Site Specific Amendment to the Sign By-Law 399-2002, as amended – 52 Quarry Edge Drive – Ward 1 – Indigo, File 26SI**, be received; and
2. That the request for a Site Specific amendment to the Sign By-law 399-2002, be refused.

Overview:

- Indigo is in the process of changing the signage at their 52 Quarry Edge Drive location from the existing “Chapters” brand to “Indigo”. The retail establishment is part of the larger commercial development located at the southeast corner of Bovaird Drive East and Main Street North.
- An amendment to the Sign By-law has been requested to permit a wall sign containing individual letters that are 2.44m in height, whereas, the Sign By-Law limits the height of individual letters to 1.8m
- As this maximum height applies to all signs within the City of Brampton regardless of the size or type of the building, this proposal will set a precedent that other businesses will want to emulate. It is recommended that the proposed site specific amendment to increase letter size be refused.

7.3-2

- **Public notice has been provided pursuant to the Procedure By-law.**

Background:

Indigo is rebranding their Brampton location from the existing “Chapters” to “Indigo”. Their retail location is 52 Quarry Edge Drive. The existing “Chapters” sign, which also consists of lettering exceeding the 1.8m maximum was installed without a permit.

Current Situation:

The Sign By-law permits signage having individual letters that do not exceed 1.8m vertical height.

An application for a site specific amendment to the Sign By-law was submitted to allow the wall sign for Indigo to contain letters with a vertical dimension of 2.44m. It is noted that the proposed sign conforms to all other current requirements and restrictions of the Sign By-law.

The commercial site also contains three ground signs (2 along Bovaird Dr. E. and 1 along Main St. N.) that provide street visibility for tenants of the commercial development.

The site also contains a number of other large retailers that have installed signage that maintains the maximum 1.8m vertical dimensions. It is anticipated that, should this amendment be approved, other retailers on this site and across Brampton will request similar signage in order to increase their visibility.

Corporate Implications:

Financial Implications:

None

Other Implications:

Staff of the Urban Design Section have no specific concerns with the overall degree of visual clutter created by the proposed amendment. However, the Urban Design staff believe signage should be uniform within a multi-tenant development.

Term of Council Priorities:

This report is consistent with the “Mosaic” theme. Refusal of this request is consistent with embedded equity in everything we do.

7.3-3

Living the Mosaic – 2040 Vision

This Report has been prepared in full consideration of the overall Vision that the people of Brampton will 'Live the Mosaic'.

Conclusion:

A site specific amendment to the Sign By-law to permit a maximum vertical dimension of individual lettering of 2.44m for a wall sign, has been requested by Indigo. The 1.8m maximum vertical dimension of individual letters has been maintained across the city and provides appropriate street visibility to other businesses. Approval of this request would set a precedent that other retailers within the site and across Brampton will likely wish to emulate. Additionally, the site contains 3 ground signs abutting roadways to provide ample street presence and visibility for tenants. As a result, it is recommended that the proposed site specific amendment to the Sign By-law be refused.

Approved by:

Approved by:

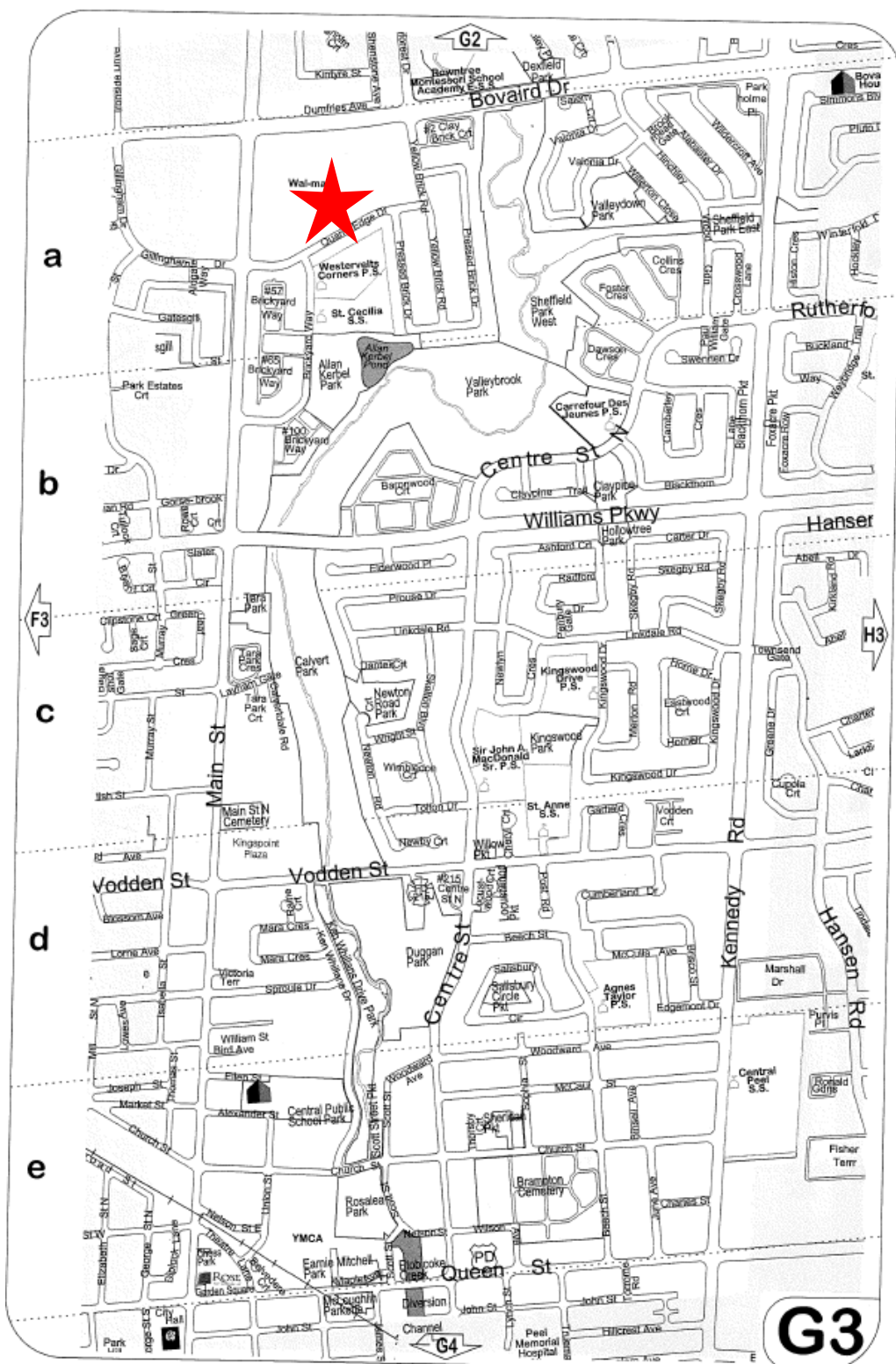
Elizabeth Corazzola
Manager of Zoning & Sign
By-Law Services
Building Division

Rick Conard
Director of Building and
Chief Building Official

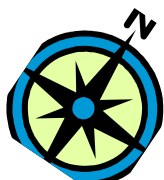
Attachments:

Schedule 1 - Location Map
Schedule 2 - Site Plan
Schedule 3 - Proposed Signage
Schedule 4 - Site Photograph

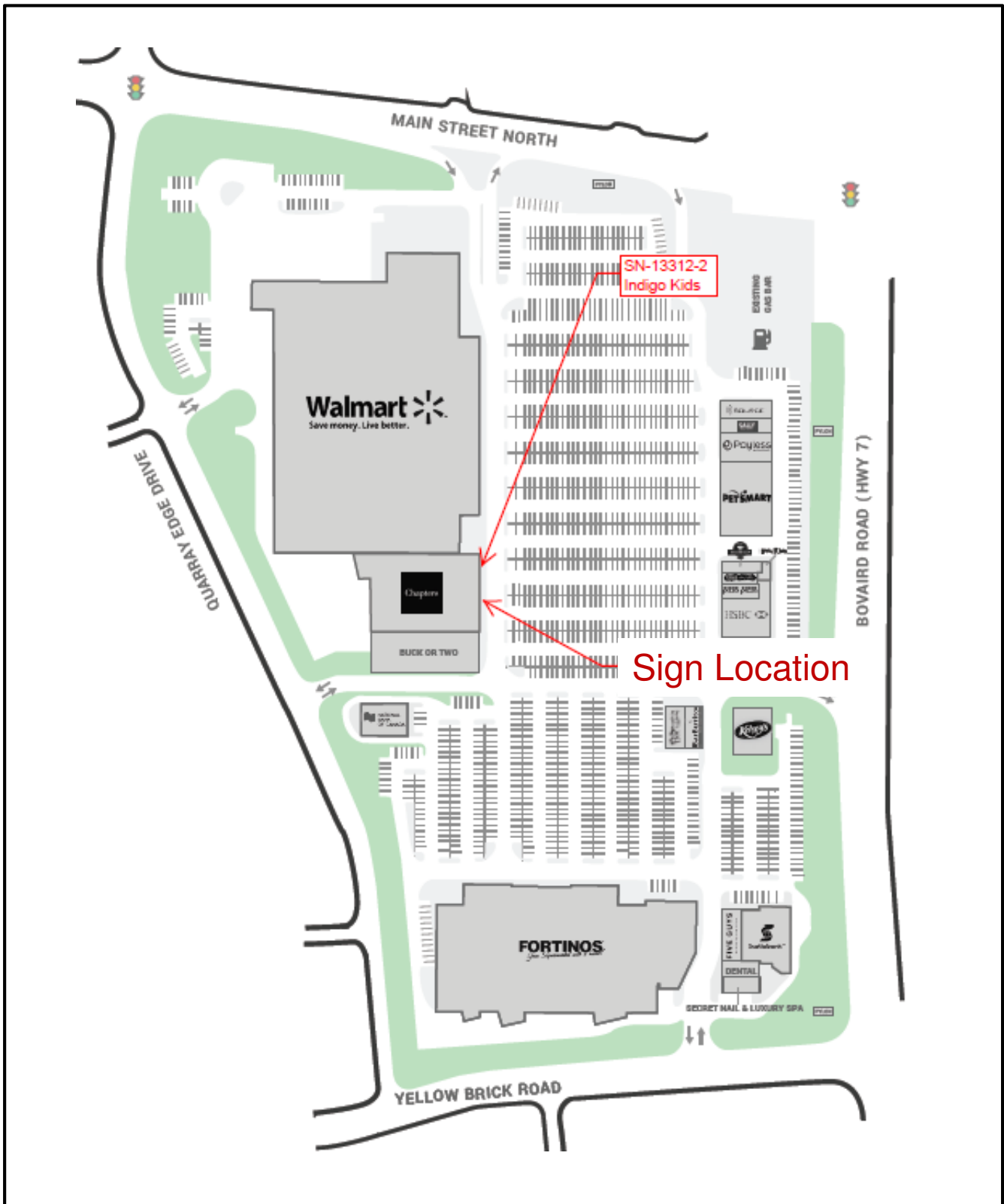
Report authored by: Ross Campbell



Schedule 1
Indigo
52 Quarry Edge Drive
Location Map



CITY OF BRAMPTON
Planning & Development
Services Department
Building Division



Schedule 2

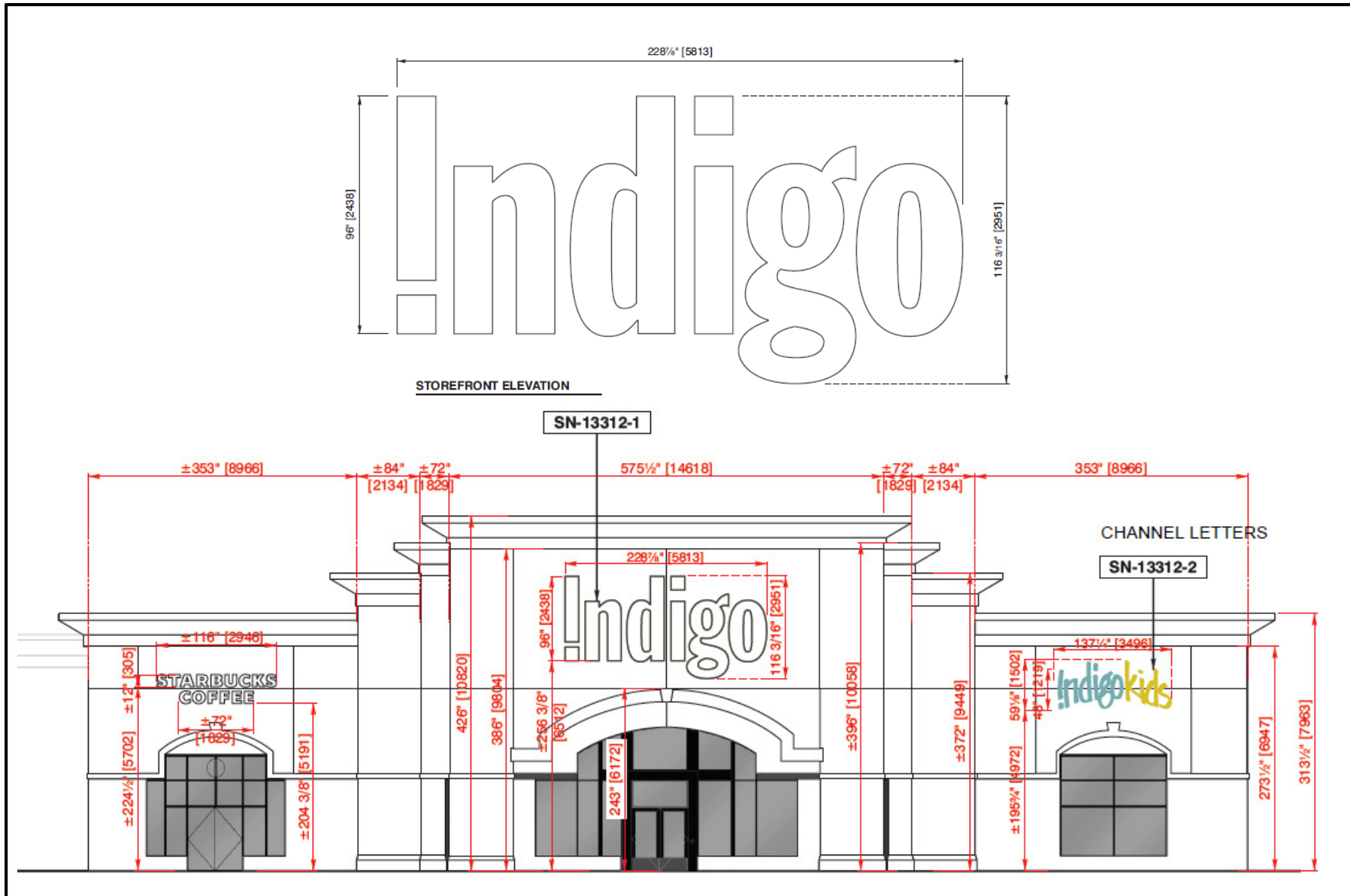
Indigo
52 Quarry Edge Drive
Site Plan



CITY OF BRAMPTON

Planning & Development
Services Department
Building Division

7.3-6



Schedule 3
 Indigo
 52 Quarry Edge Drive
 Proposed Signage

CITY OF BRAMPTON
 Planning & Development Services Department
 Building Division



Schedule 4
Indigo
52 Quarry Edge Drive
Site Photograph

CITY OF BRAMPTON
Planning & Development Services Department
Building Division

Date: 2019-09-30

Subject: **Report from R. Campbell, Supervisor Zoning and Sign By-law Services, Building Division, dated September 30, 2019, re: Mural Approval - 8225 Financial Drive - Kelsey's - Ward 6 - File 26SI**

Contact: Ross Campbell, Supervisor Zoning and Sign By-law Services, Building Division, 905-874-2442, ross.campbell@brampton.ca

Recommendations:

1. That the report from R. Campbell, Supervisor, Zoning and Sign By-law Services, dated September 30, 2019, to the Planning & Development Services Committee Meeting of November 18, 2019, re: **Recommendation Report – Mural Approval – 8225 Financial Drive – Ward 6 – Kelsey’s, File 26SI**, be received; and
2. That approval be granted for corporate branding murals for their 8225 Financial Drive location provided that the mural images shall not be altered without further Council approval, the maximum height of lettering as specified the By-law is not exceeded, and the combined area of the signage and murals does not exceed the 20% maximum coverage allowable for a wall sign in the Sign By-law 399-2002, as amended.

Overview:

- **Kelsey’s is a national restaurant chain that has three locations in the City of Brampton.**
- **The applicant is requesting approval of corporate branding that contains both murals and standard signage elements for their new location.**
- **Previous approval has been granted for similar murals at their two current location.**
- **Sign permits have been obtained for the standard sign elements.**
- **The murals shall be painted directly on the exterior façade of the building.**

7.5-2

- **Section 8(15) of the Sign By-law exempts murals from the requirement for a permit but requires that approval be obtained from Council through Committee.**

Background:

Kelsey's was recently granted permission to rebranded their 2 (two) existing Brampton locations at 70 Quarry Edge Drive and 2870 Queen Street East to include elements of standard signage as well as painted murals applied directly to the building facade.

Current Situation:

Kelsey's is currently constructing a third location in Brampton located at 8225 Financial Drive. In order to maintain their corporate branding standards, the applicant is requesting approval of the following murals:

1. "Original! ROADHOUSE" part of signs G-1a, G-1b, G-1c and G-1d, with an approximate area of 4m².
2. "CAN WE START THE Weekend Over Again? I WASN'T READY" sign G-5, with an approximate area of 5.96m².

Please note that the specific area of these murals may be adjusted or scaled according to the size of the wall face on which they are to be applied.

Council approval is required because:

1. Sentence 4 (28) states that a mural shall mean a painting, illustration or decoration applied or affixed directly to any external façade of a building or structure which may or may not include any words of advertisement or any other direct or indirect promotional message or content.
2. Sentence 8 (15) states that murals are exempt from the requirement of obtaining a permit subject to the approval of Council through Committee.

Staff is recommending approval of the proposed murals for the following reasons:

1. the combined area of the signage and murals will not exceed the 20% maximum coverage allowable for a wall sign in the by-law,
2. all other requirements as specified in the Sign By-law are met, and
3. the message or content of signage cannot be regulated by a municipality.

7.5-3

Corporate Implications:

Financial Implications:

None

Other Implications:

Staff of the Planning and Development Services Department (Urban Design) have no concerns with the proposed amendment.

Term of Council Priorities:

This report is consistent with the “A City of Opportunities” theme. Approval of this request is consistent with the priority of attracting investment and employment.

Living the Mosaic – 2040 Vision

This Report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

The cumulative area of the mural and standard sign elements comply with the area restrictions as set out in the Sign By-law for wall signs. Additionally, the requested murals form part of the new corporate branding of a nationwide restaurant chain. On this basis, approval of the requested murals is recommended, provided that the mural images shall not be altered without further Council approval, the maximum height of lettering as specified the by-law is not exceeded, and the combined area of the signage and murals does not exceed the 20% maximum coverage allowable for a wall sign in the Sign By-law 399-2002, as amended.

Approved by:

Approved by:

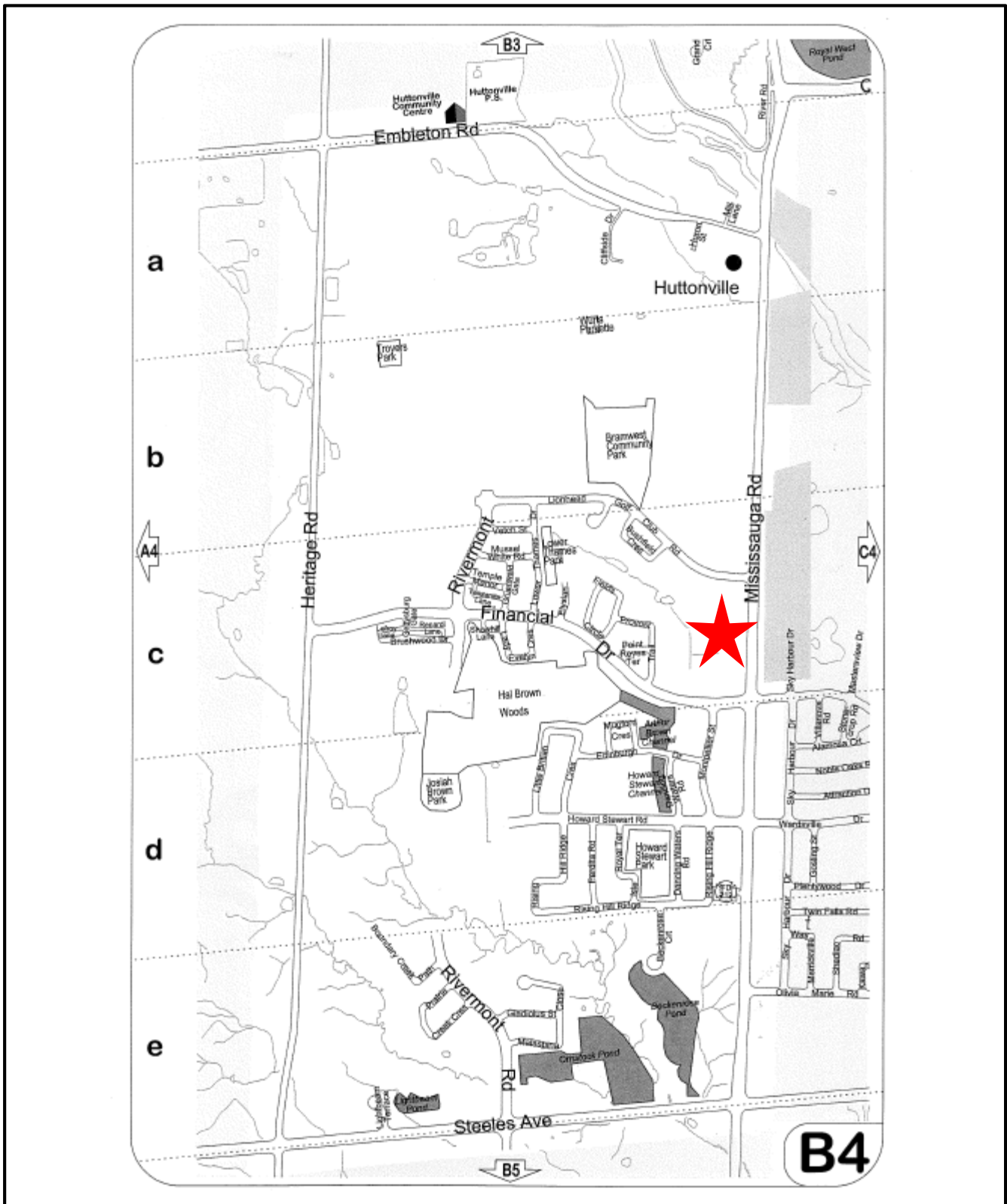
Elizabeth Corazzola
Manager of Zoning & Sign
By-Law Services
Building Division

Rick Conard
Director of Building and
Chief Building Official

Attachments:

- Schedule 1 - Location Map - 8225 Financial Drive
- Schedule 2 - Site Plan - 8225 Financial Drive
- Schedule 3 - Proposed Signage - G-1a
- Schedule 4 - Proposed Signage - G-1b
- Schedule 5 - Proposed Signage - G-1c and G-5
- Schedule 6 - Proposed Signage - G-1d
- Schedule 7 - Site Photograph - 8225 Financial Drive

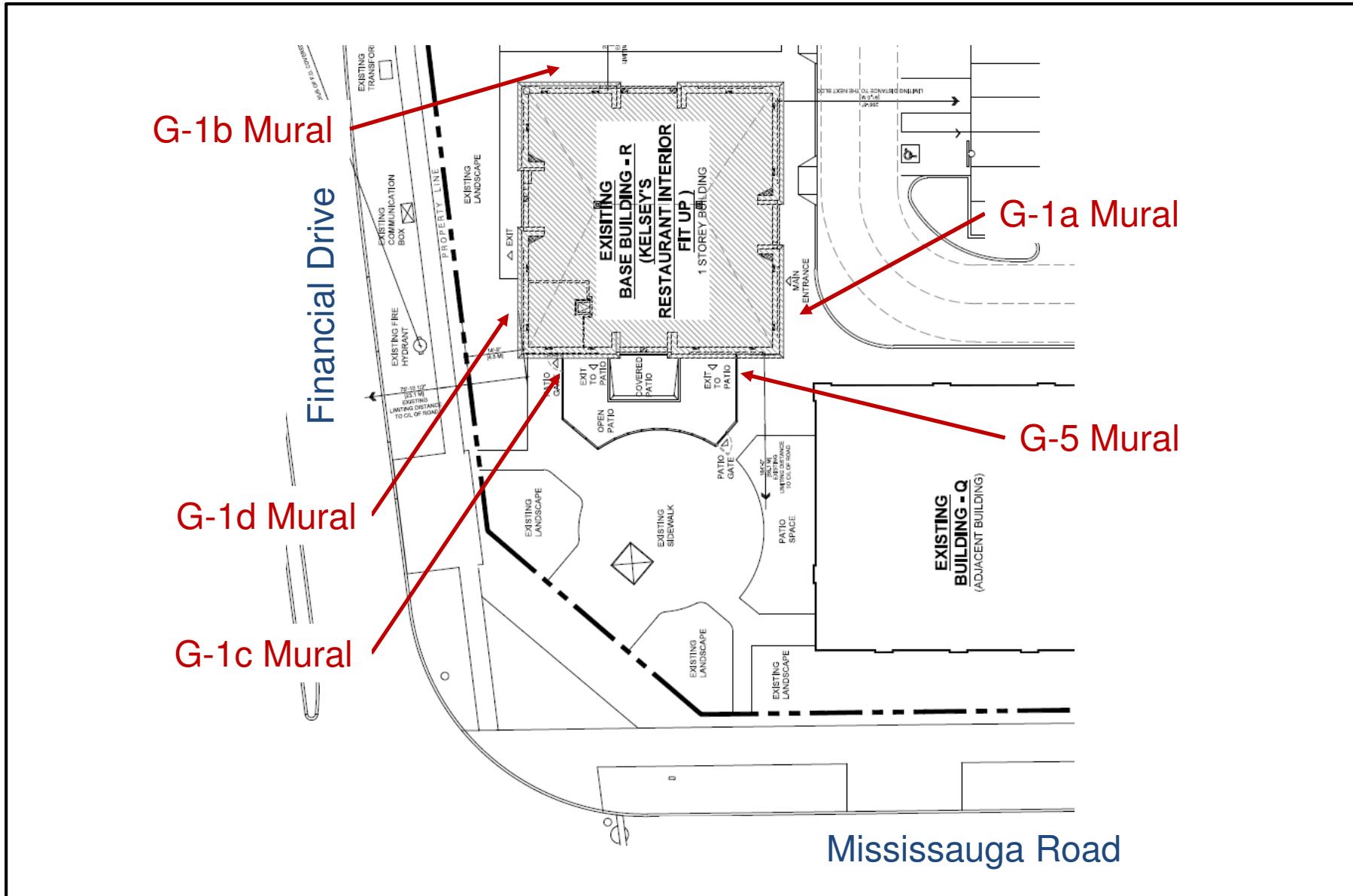
Report authored by: Ross Campbell



Schedule 1
Kelsey's
8225 Financial Drive
Location Map



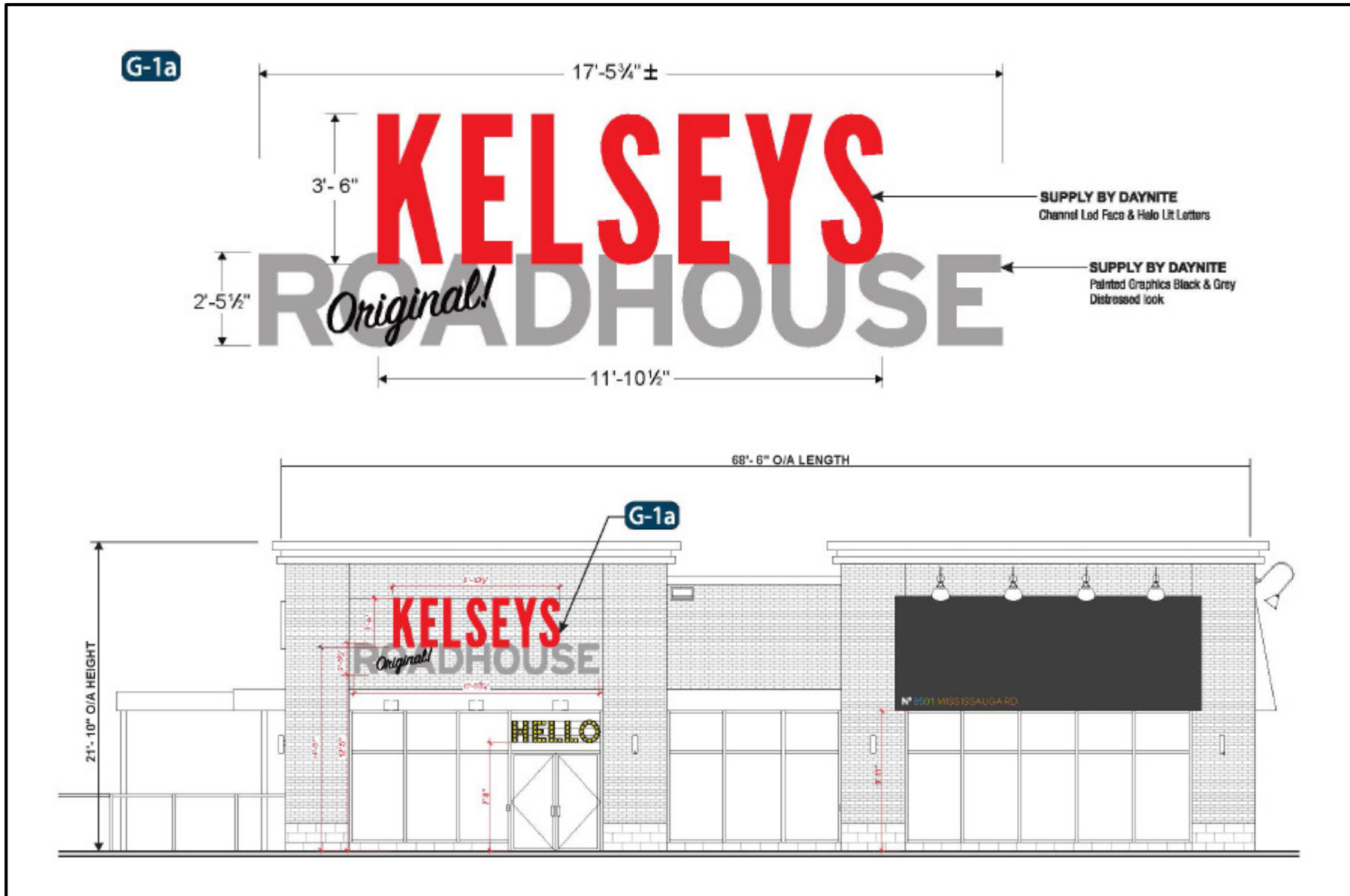
CITY OF BRAMPTON
Planning & Development
Services Department
Building Division



Schedule 2
 Kelsey's
 8225 Financial Drive
 Site Plan

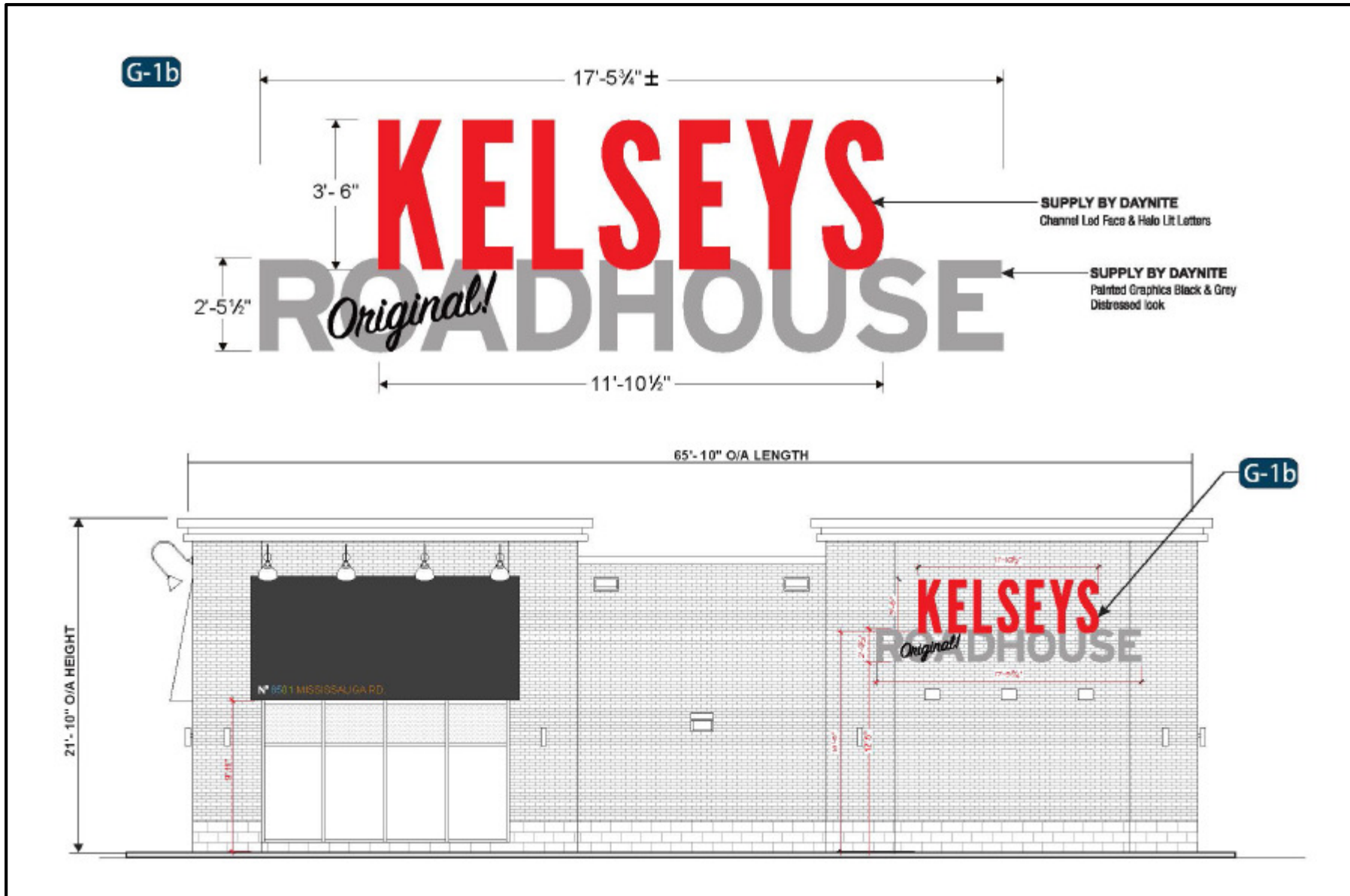


CITY OF BRAMPTON
 Planning & Development Services Department
 Building Division



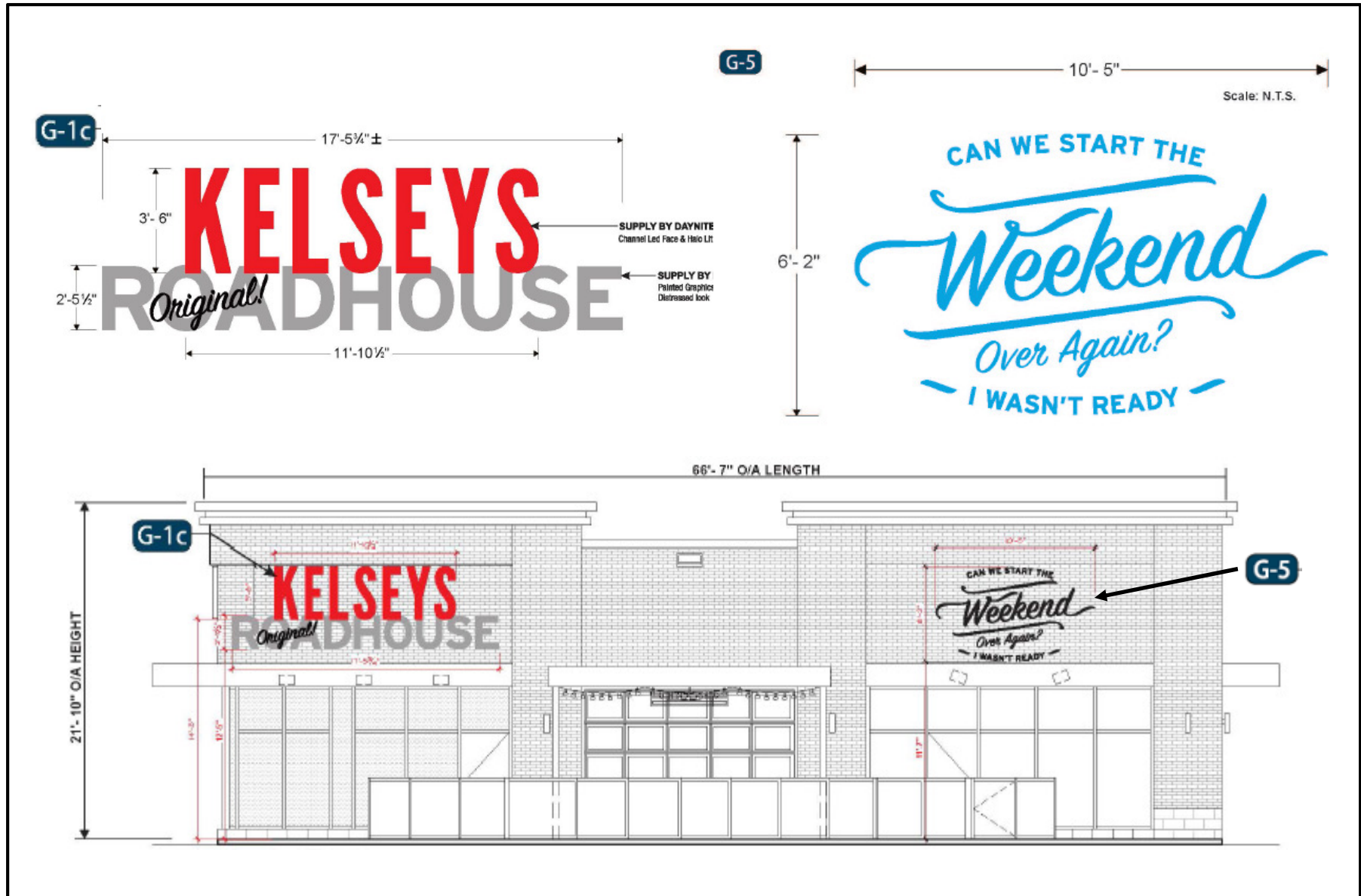
Schedule 3
Kelsey's
8225 Financial Drive
Proposed Signage

CITY OF BRAMPTON
Planning & Development Services Department
Building Division



Schedule 4
Kelsey's
8225 Financial Drive
Proposed Signage

CITY OF BRAMPTON
Planning & Development Services Department
Building Division



Schedule 5
Kelsey's
8225 Financial Drive
Proposed Signage

CITY OF BRAMPTON
Planning & Development Services Department
Building Division



Schedule 7
Kelsey's
8225 Financial Drive
Site Photographs

CITY OF BRAMPTON
Planning & Development Services Department
Building Division

Date: 2019-10-25

Subject: **Recommendation Report – North Bramalea United Church – Prayer Booth Mural Approval – 363 Howden Boulevard – Ward 7**

Contact: Elizabeth Corazzola, Manager, Zoning & Sign By-law Services, Building Division, 905-874-2092, elizabeth.corazzola@brampton.ca

Recommendations:

1. That the report from E. Corazzola, Manager, Zoning & Sign By-law Services, Building Division, dated October 25, 2019, to the Planning & Development Committee Meeting of November 18, 2019, re: **North Bramalea United Church – Prayer Booth Mural Approval – 363 Howden Boulevard – Ward 7**, be received; and
2. That a mural in the form of a 4-sided decorative building wrap surrounding the temporary building (prayer booth) at 363 Howden Boulevard – North Bramalea Unit Church, including lettering with the phrases “24/7 Prayer” and “For Brampton and Beyond” and including the word “Hope” and reference to the website “unbc.ca”, be approved

Overview:

- **North Bramalea United Church (NBUC) will be participating in the global 24/7 Prayer initiative supporting an interdenominational movement of prayer around the world.**
- **NBUC will be creating a community room dedicated to the 24/7 Prayer initiative at 363 Howden Boulevard.**
- **On October 1, 2019, the Committee of Adjustment approved a variance to permit a temporary structure to be placed in the parking lot in front of the existing church for a period of two years to accommodate the 24/7 Prayer Room**
- **The pre-fabricated temporary building will be covered in a decorative**

7.6-2

building wrap, including images and words designed to convey a message in support of this initiative.

- **The proposed building wrap is deemed to be a mural requiring approval by Council under the provisions of the City's Sign By-law 399-2002, as amended.**

Background:

North Bramalea United Church (NBUC) is intending to participate in the 24/7 Prayer initiative. 24/7 Prayer is a global initiative involving over 15,000 churches worldwide supporting an interdenominational movement of prayer around the world.

On September 5, 2019, the North Bramalea United Church made an application to the Committee of Adjustment for approval of a temporary building to be located in the parking lot in front of their church at 363 Howden Boulevard. A minor variance to permit the reduced building setbacks of the proposed location was approved by the Committee of Adjustment on October 1, 2019.

Current Situation:

The approved temporary Prayer Booth is a prefabricated structure that will be covered in a decorative building wrap, including images and words designed to convey a message in support of the 24/7 Prayer initiative.

The proposed decorative building wrap is deemed to be a mural requiring approval by Council under the provisions of the City's Sign By-law 399, 2002, as amended. The mural includes the phrases "24/7 Prayer" and "For Brampton and Beyond" and includes the word "Hope" and reference to the church's website "unbc.ca". Images of the proposed mural have been provided and can be reviewed at Attachment 1 to this report.

Corporate Implications:

Financial Implications:

None

Other Implications:

None

2019-2022 Term of Council Priorities - A Compass for our Community:

7.6-3

This report is consistent with the “Brampton is a Mosaic” theme. Approval of this request is consistent with the priority of embracing our City’s identity by supporting inclusive cultural expressions.

Living the Mosaic – 2040 Vision

This Report has been prepared in full consideration of the overall Vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

The proposed mural comprised of a decorative building wrap surrounding a temporary building to be used in support of the 24/7 Prayer initiative.

Approved by:

Rick Conard, Director of
Building and Chief Building
Official

Approved by:

Richard Forward,
Commissioner of Planning
and Development

Attachments:

Report authored by: Elizabeth Corazzola

7.6-4

Front

Signage Area

$$9.2' \times 6' = 55.2 \text{ sqft}$$



6'

11'-5"

9.2'

30'-0"

7.6-5

Signage Area

$$12.9' \times 4.77' = 61.53 \text{sqft}$$

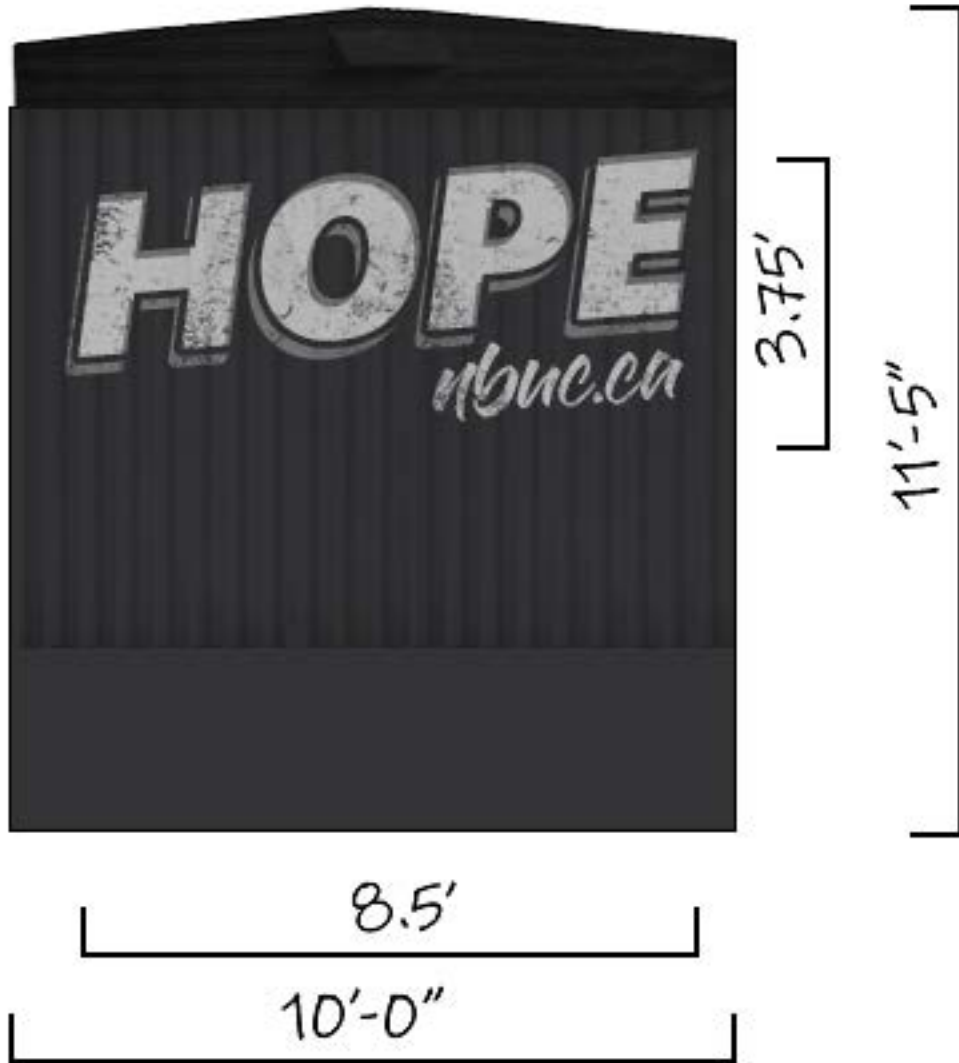
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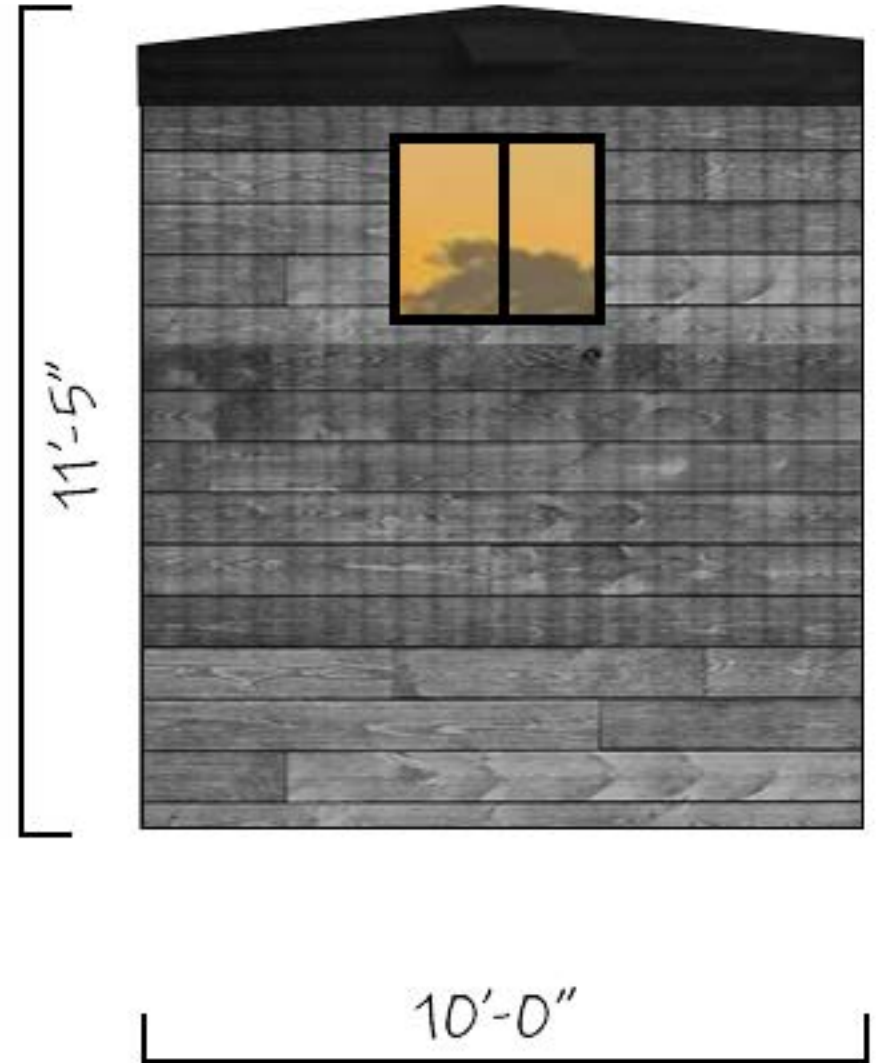
Street ^{7.6-6}

Signage Area

$$8.5' \times 3.75' = 31.87\text{sqft}$$



Church



Wall Area
11'5" x 30' = 342.5sqft

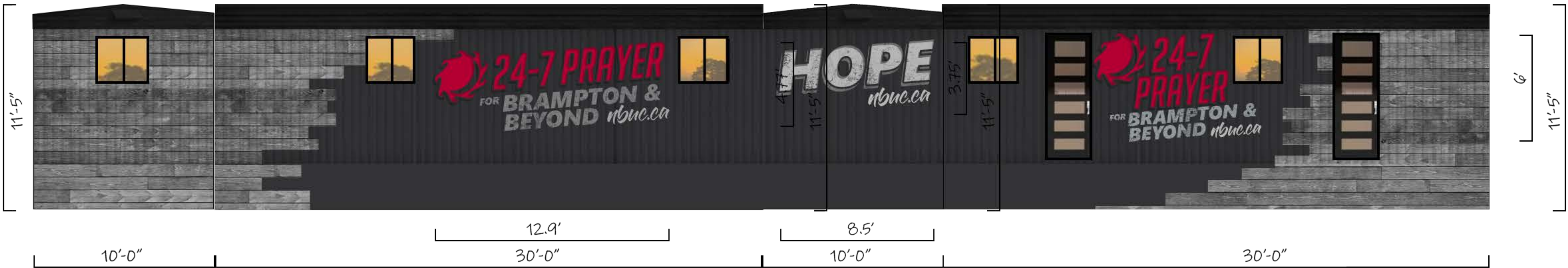
Signage Area
12.9' x 4.77' = 61.53sqft

Wall Area
11'5" x 10' = 114.2sqft

Signage Area
8.5' x 3.75' = 31.87sqft

Wall Area
11'5" x 30' = 342.5sqft

Signage Area
9.2' x 6' = 55.2sqft



7.6-8

FRONT



From Parking Lot / Street



From Parking Lot / Church

BACK



From Park / Church



From Park / Street



 **24-7
PRAYER**
FOR BRAMPTON &
BEYOND *nbuc.ca*

7.6-10



7.6-11



HOPE
nbuc.ca

24-7
PRAYER
FOR BRAMPTON &
BEYOND nbuc.ca



Date: 2019-10-16

Subject: **Information Report – North West Brampton Planning Update**

Contact: Andrew McNeill, Strategic Leader, andrew.mcneill@Brampton.ca,
905.874.3491

Recommendations:

1. That the report from Andrew McNeill, Strategic Leader, Planning and Development Services, dated October 16, 2019, to the Planning & Development Committee Meeting of November 18, 2019 re: **Information Report, North West Brampton Planning Update – Ward 6**, be received;

Overview:

- A moratorium on development was in place in North West Brampton between 2006 and 2016 in order to protect shale resources. The Region of Peel has proposed a Regional Official Plan Amendment to formally delete shale protection policies and permit urban uses that has been appealed to the Land Planning Appeals Tribunal (LPAT) by the province.
- The province has recently released its technically preferred alignment for the Greater Toronto Area (GTA) West Corridor with a preferred alignment anticipated in the spring of 2020.
- Interim Control By-Law (ICBL) 306-2003 has been in place since 2003 to protect for transportation corridor planning. The Province's Environmental Assessment for the GTA West corridor has been resumed and is in the consultation phase. Following confirmation of a preferred alignment for the GTA West corridor, staff intends to report back regarding the potential to reduce the area captured by the ICBL.
- Staff will commence the process to create a plan for North West Brampton in November of 2019, in collaboration with landowners that will inform a Secondary Plan for the area in 2020.

7.8-2

Background:

The planning and development of North West Brampton has involved consideration for two provincial initiatives:

1. The GTA West Corridor; and,
2. The desire to protect shale resources in North West Brampton.

On October 15, 2003, City Council enacted Interim Control By-law 306-2003 to facilitate study for a future transportation corridor across North West Brampton. In April 2006, the Halton-Peel Boundary Area Transportation Study (HPBATS) was initiated to identify long-term transportation network solutions in the area. The Province subsequently initiated the GTA West Corridor Environmental Assessment in 2007, which has been recently resumed and is in the consultation process.

The Region of Peel Official Plan and City of Brampton Official Plan 2006 both contain policies protecting for shale extraction. The applicable policy framework provided for a ten (10) year moratorium from 2006-2016 in North West Brampton to protect shale resources, to be reviewed upon expiry of the ten year period, to determine whether the affected lands should continue to be protected for shale extraction or be developed for other uses. The Region of Peel has advanced a review and approved an Official Plan Amendment (ROPA 32) to remove the shale protection policies. ROPA 32 is currently under appeal by the Province.

The following report provides a high level overview of the current situation in North West Brampton.

Current Situation:

1. Greater Toronto Area (GTA) West Corridor

On September 15, 2019 the province announced their Technically Preferred Route (“TPR”) for the GTA West Corridor. This reflects their current approximation, given work completed to date, of the alignment of the corridor (Appendix 1). The TPR is subject to revision as MTO advances their technical work. Of significance is the province’s characterization of lands within the GTA West corridor as either: Focused Analysis Area (“FAA”) or Area of Reduced Interest (“ARI”). The FAA is reflected by the purple colour on Appendix 2, while the ARI is shown in green. The FAA is a zone surrounding the TPR. Properties within the FAA could be directly affected by the transportation corridor, ancillary uses, or if refinements are made to the Technically Preferred Route. The expectation is that any revisions to the alignment will fall within the FAA. The preferred route through North West Brampton is illustrated in Appendix 3 and the FAA within North West Brampton is illustrated in Appendix 4.

7.8-3

Corridor Impacts to North West Brampton:

The uncertainty that has surrounded the GTA West Corridor is slowly lifting. By confirming the TPR, lands impacted by the corridor have now been reduced and the expectation is that a further narrowing will occur in the spring of 2020. The following explains the different impact that FAA versus ARI has on development:

- Focused Analysis Area Lands – remain frozen pending completion of MTO’s work to identify the final alignment of the corridor. MTO will not permit any development that would constrain the selection of the final corridor alignment within the FAA.
- Area of Reduced Interest - Applications for development within this area can proceed through the municipal development process. All such applications will be reviewed by the Province, but it is anticipated that these applications will not be impacted by the transportation corridor. Following confirmation of the preferred route in the spring of 2020 it is expected that the ARI will be lifted.

Key GTA West Corridor Timelines:

- Spring 2020 – Preferred route to be confirmed and preliminary design to commence.
- Fall/Winter 2021 – Presentation of the preliminary design of the preferred route.

2. North West Brampton Interim Control By-Law 306-2003 (“ICBL”)

On October 15, 2003, City Council enacted By-Law 306-2003 to protect lands in North West Brampton so the Ministry of Transportation could undertake a Needs Assessment Study for the proposed GTA West Corridor. In 2005, Council adopted an Official Plan Amendment (OP93-255) and Zoning By-law (By-law 300-2005) to implement corridor protection policies and provisions. OP93-255 and Zoning By-law 300-2005 were subsequently appealed to the OMB by a number of parties. The final disposition of these appeals has not been determined by the Local Planning Appeal Tribunal (LPAT). Therefore, the ICBL remains in effect until the appeals have been disposed of by the LPAT.

Following enactment of the ICBL, requests have been received seeking exemptions from the ICBL. As a result, in March 2010, Council approved a staff report recommending that future requests for exemptions to the ICBL consider the following criteria:

- that requests should relate to uses that are temporary or transitory in nature;
- that any new buildings proposed are to be temporary, non-permanent structures requiring minimal capital investment or are re-usable;
- that any addition to existing buildings must be minor in scale and intended to facilitate only current activity/use of the building;

7.8-4

- that consideration be given for the existing settlement pattern; and,
- that consideration be given for existing environmental or physical constraints on or within the vicinity of the subject lands seeking the exemption as it relates to the proposed potential transportation corridor.

These criteria are not mutually exclusive and are intended to be applied as appropriate, recognizing the unique context of individual situations. Also taken into account is whether proposed uses would constrain the long range land use and infrastructure planning for the surrounding area.

Potential Lifting of the ICBL

With the TPR identified for the GTA West Corridor, there is potential to consider lifting the ICBL in those lands that are no longer impacted by the corridor planning. Given that the province has indicated that it will be releasing its preferred alignment in the spring of 2020, it would be prudent to consider lifting areas of the ICBL following confirmation of the preferred alignment. Even with the ICBL lifted, lands will still be subject to shale protection policies until resolution of the province's appeal of ROPA32. In the interim, it is recommended that consideration for exemptions continue on a case-by-case basis. Following confirmation of the final GTA West Corridor alignment in the spring of 2020, staff will report back with recommendations pertaining to the potential lifting of areas of the ICBL for Council's consideration.

3. North West Brampton Secondary Plan

Resolution on a preferred alignment for the GTA West Corridor through North West Brampton is approaching. Therefore, staff are of the opinion that it is prudent to begin the preparation of a Secondary Plan for North West Brampton, (referred to as Secondary Plan Areas 52 and 53). To initiate the process, staff will be leading a planning/design charrette the last week of November, from November 26th to the 29th.

A charrette is a highly effective process that is used to create community plans in a short timeline. It is a hyper-focused process that produces results by shortening feedback loops with Council, the community, landowners and relevant stakeholders. The process will see the City move from high level ideas/opportunities discussions through to concept design over the course of four (4) full days. Incorporated into the process are opportunities for the public to engage with staff as well as for public open houses and presentations. By the evening of November 29th, staff will be in a position to present a draft concept plan for North West Brampton.

The purpose of the charrette is as follows:

- To engage Council, residents, business owners, landowners and relevant stakeholders in the creation of a design concept for North West Brampton;
- To approach the design process in a collaborative manner with landowners;

7.8-5

- To be highly transparent in the design process;
- To create a plan in a timely manner;
- To create a plan that achieves buy-in from landowners;
- To give thought to a realistic phasing strategy for the development of North West Brampton.

Following the creation of a concept plan, staff will then work with landowners early in 2020 to complete requisite background studies and proceed with the creation of a Secondary Plan for North West Brampton that includes consideration for how the lands will be unlocked in a phased manner as well as the appropriate planning mechanism to do so.

Corporate Implications:

Financial Implications:

There are no financial implications associated with this report.

Other Implications:

There are no other implications associated with this report.

Term of Council Priorities:

Living the Mosaic – 2040 Vision:

This report is consistent with the Brampton 2040 Vision in relation to supporting the development of the North West Brampton Planning Area. Furthermore, it addresses the Term of Council Priorities with respect to complete communities and sustainable growth.

Conclusion:

Staff are optimistic that resolution of the GTA West Corridor alignment early in 2020 will help unlock North West Brampton for development. Combined with resolution of the appeal between the province and the Region of Peel pertaining to Regional Official Plan Amendment 32 (ROPA32) to lift shale protection policies and the creation of a Secondary Plan for North West Brampton, staff are optimistic that North West Brampton could finally be close to being unlocked for development.

7.8-6

Approved by:

Bob Bjerke, Director,
Policy Planning, Planning
and Development Services

Approved by:

Richard Forward,
Commissioner, Planning
and Development Services

Attachments:

Appendix 1 – GTA West Corridor – Technically Preferred Route

Appendix 2 – GTA West Corridor – Focused Analysis Area

Appendix 3 – North West Brampton – Technically Preferred Route

Appendix 4 – North West Brampton – Focused Analysis Area

Report authored by: Andrew McNeill

7.8-7



Other features in this area (including the Highway 427 interchange, Hydro Corridor, Mayfield Road/Coleraine Drive interchange, and a watercourse) may require some of the interchange footprint and/or modifications to the local road network to extend beyond the limits of the Route Planning Study Area in order to accommodate a standard Parclo A-4 interchange.

Preferred Alternative S2-2 was slightly realigned to integrate the interchange with the local road network.

Geometric constraints resulting from the proximity of the Humber River and Highway 27 in this area may require the interchange footprint to extend beyond the limits of the Route Planning Study Area in order to accommodate a standard Parclo A-4 interchange.

GTA West

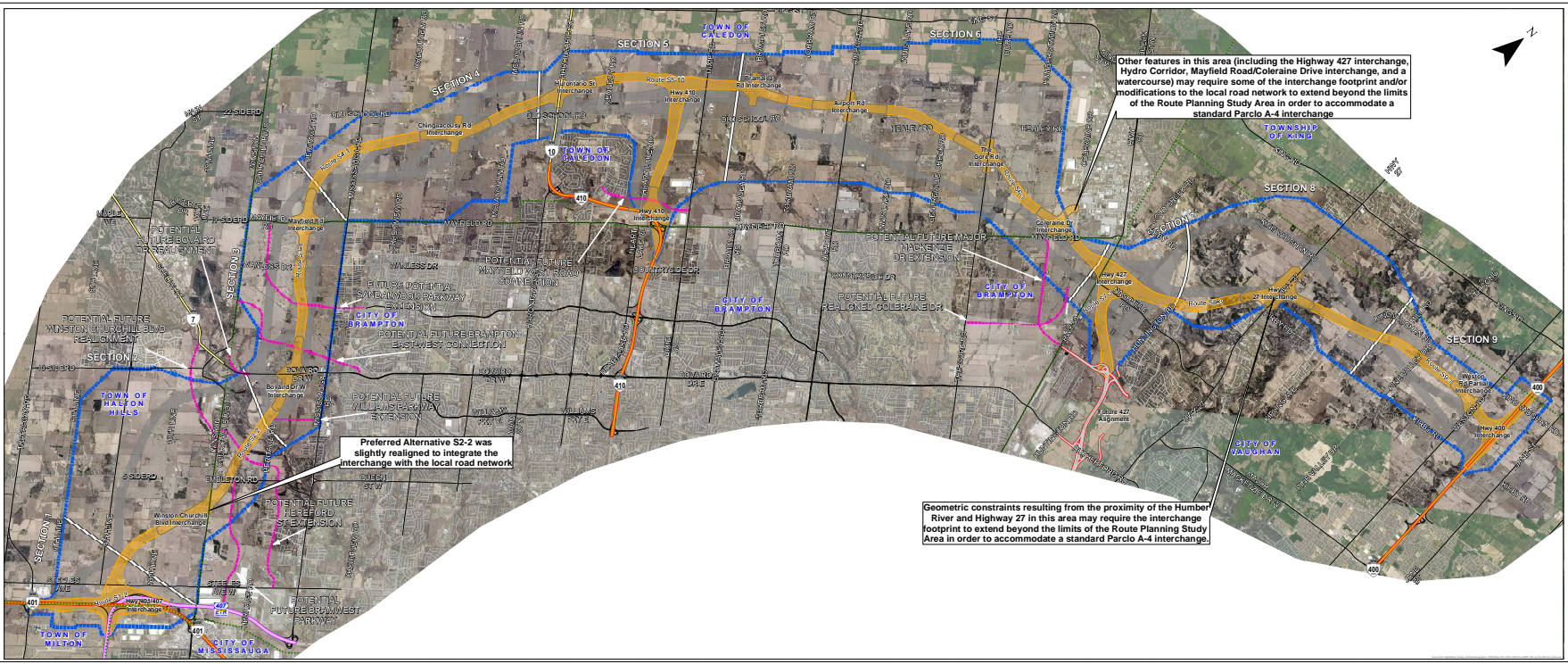
Legend

- Railway
- Freeway
- 407 ETR Extension
- Future Highway 427 Extension
- Highway
- Arterial Road
- Section Boundary
- Planned Municipal Improvements
- Municipal Boundary
- Route Planning Study Area
- Conceptual Interchange Footprint
- Technically Preferred Route
- Short List of Route Alternatives

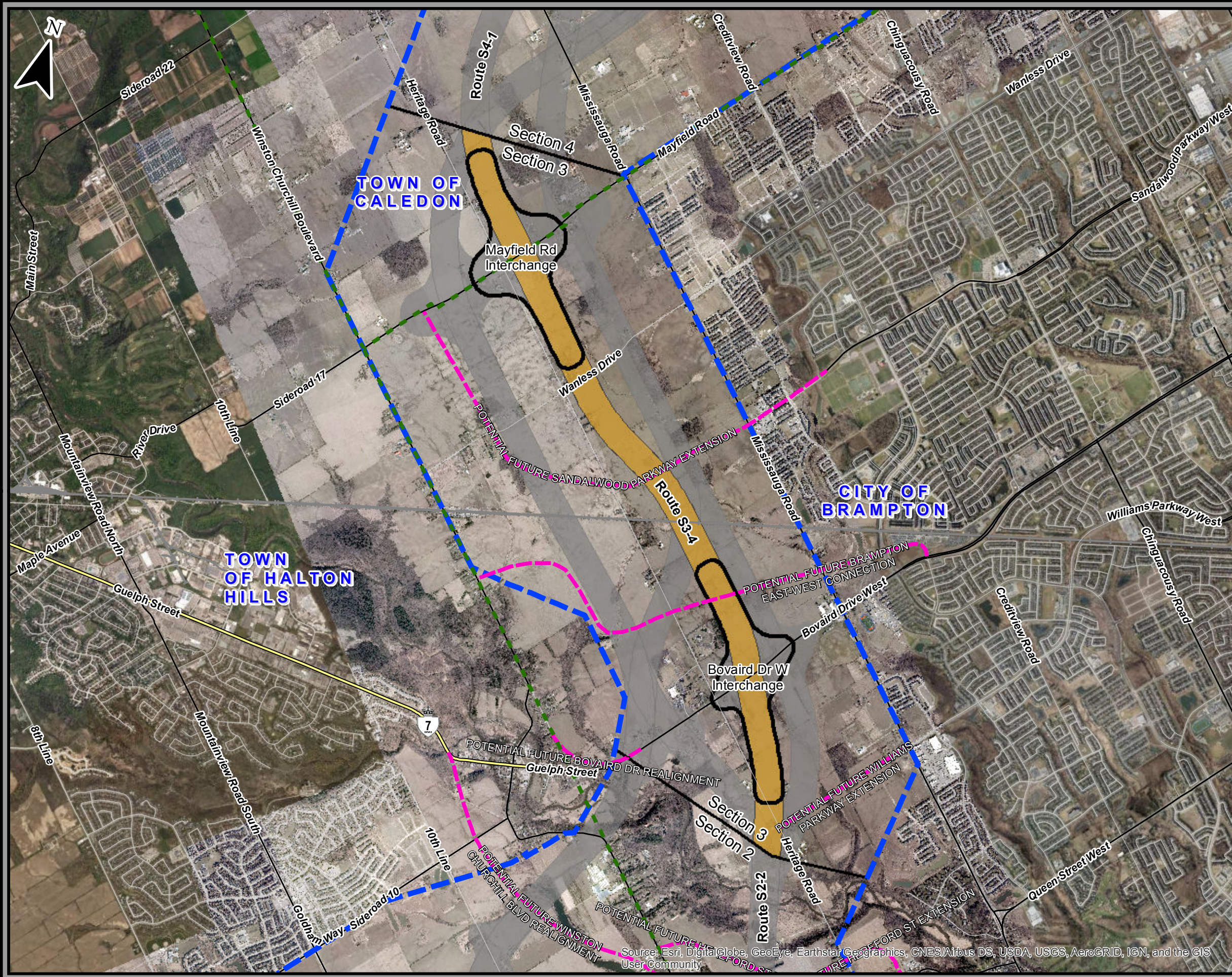
Technically Preferred Route and Interchange Locations

SRSP
SRSP 2015.06.01.01.18

wsp
AECOM
Ontario



2019/08/16
AECOM \\cart135001\prod\AecomP\js160347240\900-CAD_GIS\920-929 (GIS-Graphics)\920-EN\Design\01_Reports\PC\0347240_CTAW_Alternatives_PreferedRouteBooklet.mxd



GTA West

Legend

- Railway
- Freeway
- 407 ETR
- Future Highway 427 Extension
- Highway
- Arterial Road
- Local Municipal Road
- Section Boundary
- Planned Municipal Improvements
- Municipal Boundary
- Route Planning Study Area
- Preferred Route Alternative
- Conceptual Interchange Footprint
- Short List of Route Alternatives

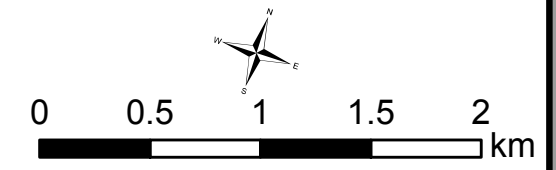
DRAFT

Sources:
 Regional Municipality of York, Regional Municipality of Peel, Regional Municipality of Halton, Township of King, City of Vaughan, Town of Caledon, City of Brampton, City of Mississauga, Town of Halton Hills, Town of Milton

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Route S3-4

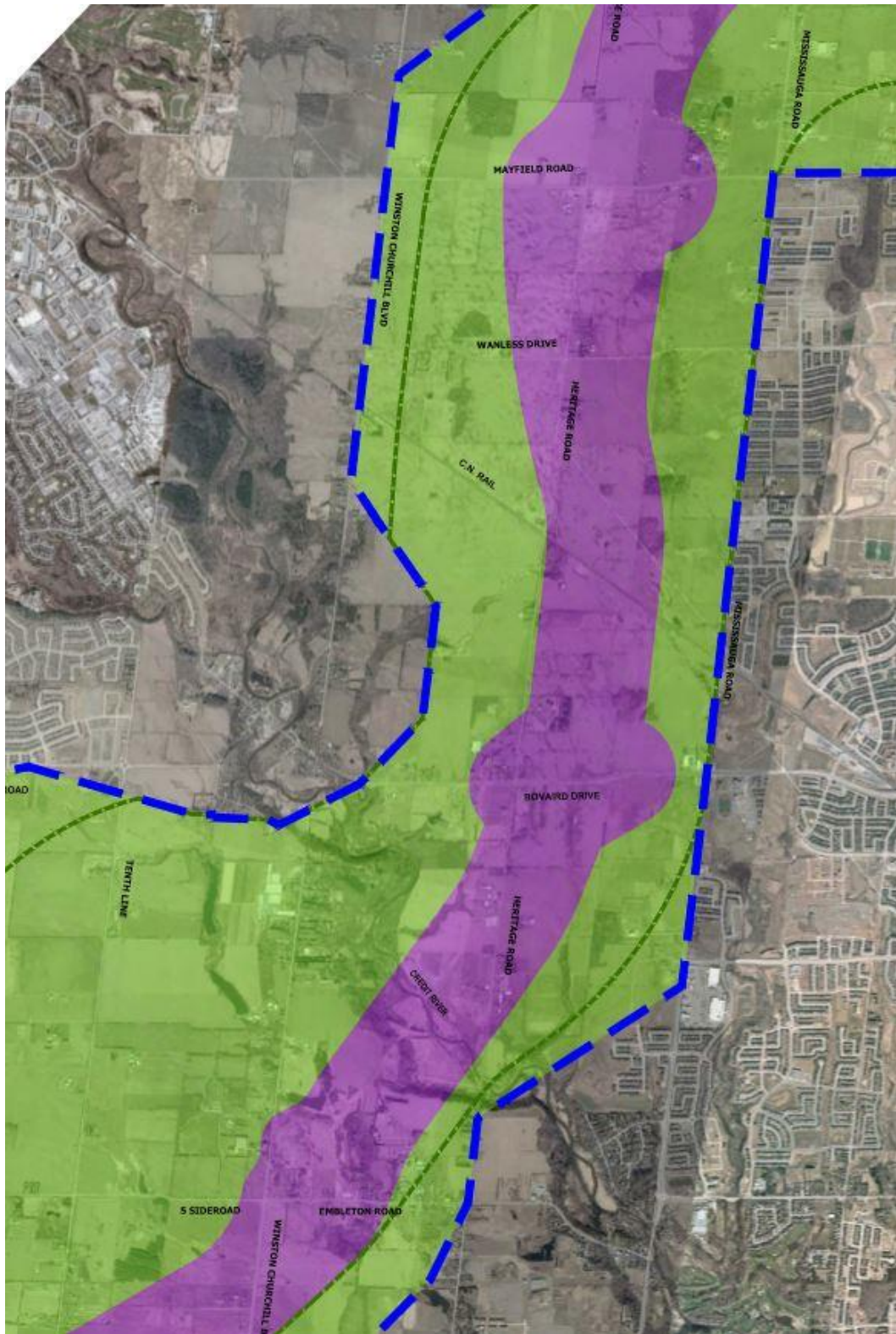
Page 3 of 9
September 2019



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

7.8-10

Appendix 4 – GTA West Corridor Focused Analysis Area (North West Brampton)



Focused Analysis Area

Area of Reduced Interest

Date: 2019-10-18

Subject: **Supplementary Recommendation Report**
Application to Amend the Zoning By-law and Proposed Draft
Plan of Subdivision
Korsiak Urban Planning – Mayfield Road Brampton Inc.
(To permit single detached dwellings, Natural Heritage System
(NHS) and a local park)
Legally referred to as Part of Lot 17, Concession 2 W.H.S.
Located south of Mayfield Road, west of McLaughlin Road
Ward 6

Contact: Nasir Mahmood, Development Planner, Development Services
Division, 905-874-2094
Carolyn Crozier, Manager, Development Services Division,
905-874-2281

Recommendations:

1. **THAT** the report from Nasir Mahmood, Development Planner, Development Services Division, dated October 18, 2019, to the Planning and Development Committee meeting of November 18, 2019, re: Supplementary Recommendation Report, Application to amend the Zoning By-law and Proposed Draft Plan of Subdivision – **Korsiak Urban Planning – Mayfield Road Brampton Inc.**, Ward 6 (File C03W17.005 & 21T-17008B), be received;
2. **THAT** the Application to Amend the Zoning By-law and Application for Draft Plan of Subdivision as submitted by Korsiak Urban Planning-Mayfield Road Brampton Inc., Ward 6 (C02W17.005 & 21T-17008B) be approved on the basis that it is consistent with the Provincial Policy Statement, complies with the Growth Plan for the Greater Golden Horseshoe, conforms to The Region of Peel Official Plan and the City's Official Plan, and represents good planning for the reasons set out in the Recommendation Report (dated 2018-03-26); and
3. **THAT** the Zoning By-law amendment attached as Appendix 1 to this report be adopted.
4. **That** Council authorize the Mayor and Clerk to sign a subdivision agreement.

7.9-2

Overview:

- **This Supplementary Report recommends that Council approve the subject applications, and enact an amendment to the Comprehensive Zoning By-law 270-2004, as amended.**
- **A Recommendation Report dated March 02, 2018, was presented at the Planning and Development Committee meeting of March 26, 2018 and endorsed by Council on April 4, 2018.**
- **In accordance with the April 04, 2018 decision of Council to approve the application in principle, the proposed plan of subdivision was draft approved, subject to conditions, on September 24, 2019;**
- **The proposed Zoning By-law implements the policies of the Mount Pleasant Secondary Plan (Area 51) allowing for the development of low / medium density residential, natural heritage and local park purposes.**
- **The proposed Zoning By-law amendment is consistent with the Provincial Policy Statement and is in conformity with the Growth Plan for the Greater Golden Horseshow (2019), the Region's Official Plan, and the City's Official Plan.**
- **The amendment to the Zoning By-law facilitates the proposed development of the subject lands in a manner that is consistent with the City's Strategic Plan - "Smart Growth" priority with respect to building complete communities to accommodate growth for people and jobs.**

Background:

The property is located in the Mount Pleasant Secondary Plan (Area 51) (Block Plan Area No. 51-2), on the south side of Mayfield Road, approximately 180 metres (590 feet) west of the intersection of McLaughlin Road with Mayfield Road.

A statutory Public Meeting for this application was held on September 11, 2017. No members of the public addressed the Committee at that time. Correspondence was received from Gagnon Walker Domes Professional Planners on behalf of the landowners of the three abutting properties known municipally as 2247, 2257 and 2271 Mayfield Road. A response to the correspondence was included within the Recommendation Report of March 2, 2018.

A Recommendation Report recommending "approval in principle" of the application dated March 2, 2018, was presented at the Planning and Development Committee meeting of March 26, 2018 and endorsed by Council on April 4, 2018.

7.9-3

The applicant has now satisfied all 'prior-to' zoning by-law amendment conditions as were outlined in the Recommendation Report dated March 02, 2018, save and except for the execution of a Preliminary Subdivision Agreement, due to the fact that since the time of the writing of the previous Recommendation Report, City process requirements were revised to remove the need for that agreement. The proposed Draft Plan of Subdivision was draft approved on September 24, 2019.

Current Situation:

Proposal:

The proposal includes the development of 53 single detached lots on a 19.82 hectare (48.97 acres) property. The developable lands feature 18 single detached units with 11.6 metre (38 foot) lot width and 35 single detached units with 9.15 metre (30 foot) lot width. The balance of the plan includes four Natural Heritage System (NHS) blocks comprising 13.20 hectares (32.61 acres), a 1.84 hectare (4.54 acres) Local Park, residential reserves, an NHS buffer, noise buffers, a private road connection, a road widening block to be dedicated to the Region of Peel, and public streets to be dedicated to the City.

The proposed Zoning By-law amendment will change the zoning designations of the subject lands from from "Agricultural (A)" to "Residential Single Detached F-9.0-2452 (R1F-9.0-2452)", "Open Space (OS)" and "Floodplain (F)" zones to permit single detached dwellings.

In accordance with City Council Resolution C079-2018, the following conditions were to be satisfied prior to the issuance of draft plan approval:

- Outstanding final comments and/or conditions of draft plan approval from City departments, divisions and external commentating agencies shall be received and any appropriate conditions of approval, including revisions to the plan and physical layout resulting from these comments, shall be accommodated;
- The Trustee for the Developer Cost Sharing Agreement for Sub-Area 51-2 is to confirm that the applicant is in good standing relative to the Development Cost Sharing Agreement for Sub-Area 51-2;
- The applicant shall prepare a Preliminary Homebuyer's Information Map to be posted in a prominent location in each sales office where homes in the subdivision are being sold. This map shall contain the applicable information prescribed within the City of Brampton List of Standard Conditions of Draft Approval for Residential Plans of Subdivision as it pertains to Sales Office

7.9-4

Homebuyer's Information Maps including City approved street names and the possible temporary location of Canada Post mailboxes, including the number and duration;

- The applicant shall execute a preliminary subdivision agreement to the satisfaction of the City. The preliminary subdivision agreement shall include a schedule identifying all of the notice provisions for all of the lots and blocks within the plan of subdivision;
- The applicant shall demonstrate to the satisfaction of the Director of Road Maintenance, Operations and Fleet that the subdivision design adheres to the City's subdivision requirements found within the City's Subdivision Design Manual;
- The Phase I & II Environmental Site Assessment prepared by Pinchin Ltd. is to the satisfaction of the Director of Environment and Development Engineering and the Chief Building Official;
- A decommissioning report be prepared if contaminated material has been identified and is removed or, alternatively, a copy of the Certificate of Property Use approved by the Ministry of the Environment and Climate Change, to the satisfaction of the Chief Building Official;
- Stage I and II Archaeological Assessment prepared by ASI, and mitigation of adverse impacts, if any, to any significant archaeological resources found, is to the satisfaction of the Commissioner of Planning and Development Services, and the Ministry of Tourism, Culture and Sport (MTCS);
- A Priority Lot Plan is to the satisfaction of the Commissioner of Planning and Development Services;
- A Tree Evaluation Report is to the satisfaction of the Director of Environment and Development Engineering;

7.9-5

- A Woodlot Management Plan prepared by Kuntz Forestry Consulting Inc. is to the satisfaction of Director of Environment and Development Engineering;
- A Concept Plan/Facility Fit Plan for all dedicated park and open space blocks is to the satisfaction of the Director of Environment and Development Engineering;
- A Functional Servicing and Preliminary Stormwater Management Report prepared by Crozier & Associates Consulting Engineers is to the satisfaction of Director of Environment and Development Engineering, Credit Valley Conservation, and the Region of Peel;
- Demonstration to the satisfaction of the Director of Environment and Development Engineering as to how the plan of subdivision will have access to the greater public road network and municipal services; and
- The applicant shall agree in writing to the form and content of an implementing zoning by-law for the subject application;

These 'prior to' conditions, with the exception of the Preliminary Subdivision Agreement (which staff consider to be unnecessary now), as noted in the previous section of this report, have now been satisfied and Draft Plan Approval was issued on September 24, 2019.

Proposed Zoning By-law Amendment

The Zoning By-law amendment attached as Appendix 1 to this report recommended for enactment would rezone the lands from from "Agricultural (A)" to "Residential Single Detached F-9.0-2452 (R1F-9.0-2452)", "Open Space (OS)" and "Floodplain (F)" zones to permit fifty-three (53) single detached dwellings.

Summary of Recommendations:

Staff recommend that Council enact the attached Zoning By-law Amendment (Appendix 1 which implements the April 04, 2018 decision of the Council.

Planning Analysis

The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, complies with the Growth Plan for the Greater Golden Horseshoe, and

7.9-6

conforms to the Region's Official Plan, and the City's Official Plan. Additionally, all applicable matters of Provincial Interest set out in Section 2 of the *Planning Act*, as amended, have been appropriately considered. A more detailed planning analysis was included within the March 2, 2018 Recommendation Report presented at the Planning and Development Committee meeting of March 26, 2018, and endorsed by Council on April 4, 2018.

Provincial Policy Statement

This application is consistent with matters of provincial interest as identified in the Provincial Policy Statement in terms of:

Section 1.1.3.1: focusing growth within designated settlement areas;
Section 2.1.1: preserving the natural heritage system; and,
Section 1.4.3.d): providing a land use pattern, density and mix of uses that efficiently use land and infrastructure resources.

Growth Plan for the Greater Golden Horseshoe (2019)

The application conforms to the Provincial Growth Plan in terms of the following:

Section 2.2.1.2.a): focusing growth within designated settlement areas;
Section 4.2.2.3: Protecting and enhancing natural heritage features, areas and systems;
Section 2.2.1.4.d): building compact and complete communities that are designed to support healthy and active living;
Section 1.2.1: making efficient use of land and infrastructure, and supporting transit viability; and,
Section 2.2.4.d)iii.: providing high quality public open space, adequate parkland, opportunities for recreation.

Region of Peel Official Plan

The application conforms to the Region of Peel Official Plan policies in terms of the following:

Section 5.5.2.2: focusing growth within designated urban centres;
Section 2.1.3.2: protecting, preserving, and restoring the natural heritage; and,
Section 5.5.2.1: developing compact, vibrant, and transit supportive communities in designated greenfield areas providing for diversity of land uses and ensuring efficient use of the available land and infrastructure resources.

City of Brampton Official Plan

The property is designated "Residential" and "Open Space" in the Official Plan. According to Section 4.2.1.1, the Residential designation permits residential land uses

7.9-7

including a full range of dwelling types ranging from single detached houses to high-rise apartments.

The "Open Space" policies are included within section 4.6 "Natural Heritage Features and Areas" of the Official Plan. Schedule "B" (Natural Heritage Features and Areas) identifies portions of the property with "Woodland" and "Valleyland Watercourse Corridor" designations.

The application conforms to these policies of the Official Plan.

Secondary Plan

The property is designated "Residential-Low/Medium Density", "Local Park", and "Natural Heritage System Area" designations in the Mount Pleasant Secondary Plan (Area 51). The proposal is consistent with these designations and corresponding policies as follows:

- Permitted uses include single-detached, semi-detached, townhouse and lane based townhouse structural types at a maximum density of 32 units per net residential hectare. The applicant is proposing single-detached units at a density of 29.4 units per net hectare which conforms to the Secondary Plan.
- In accordance with Section 5.6 of the Secondary Plan, the proposed Local Park is sized to provide both passive and active recreation opportunities, which will be a focal point for the community, encourage pedestrian linkages and have a minimum of two public road frontages.
- In accordance with Section 5.5, the two natural heritage system blocks on the draft plan of subdivision conform to the "Natural Heritage System Area" designation through the preservation and conservation of features and functions; and conform to the approved Secondary Plan Sub-watershed Study.

The proposed development conforms to the Secondary Plan.

Block Plan

The property is shown as "Low/Medium Density Residential" "NHS Woodlands", "NHS Wetlands" and "Parks" on the approved Mouth Pleasant Block Plan Area Sub-area 51-2. The proposed development is consistent with the approved Block Plan.

7.9-8

Zoning By-law

The property is zoned 'Agricultural (A)' in By-Law 270-2004, as amended. An amendment to the Zoning By-law is required to implement the proposed uses on the draft plan of subdivision. The single detached lots are proposed to be rezoned to an existing residential zone (R1F-9.0-2452). This zone applies to the adjacent single detached lots located on the abutting registered plan to the east. Consistent with the approach found in other approved Zoning By-laws throughout the City, the natural heritage system lands will be zoned as "Floodplain (F)" and the park as "Open Space (OS)."

Corporate Implications:

Financial Implications:

There are no financial implications associated with this application. All financial requirements (i.e. financial securities, development charges, cash-in-lieu of parkland requirements) will be addressed through the requirements of the subdivision approval process for the concurrent draft plan of subdivision application, which was draft approved on September 24, 2019 (City File: 21T-17008B). These financial requirements will be satisfied prior to the registration of the subdivision and outlined in the subdivision agreement.

Other Implications:

There are no other implications associated with the amendment to the Zoning By-law.

Strategic Plan

This application is consistent with the Smart Growth priority in the Strategic Plan. Specifically, the proposal will contribute to the building of complete communities to accommodate growth for people and jobs while protecting and preserving natural heritage environments.

Living the Mosaic – 2040 Vision

This report directly aligns with the vision that Brampton will be a mosaic of complete neighbourhoods and vibrant centres with quality jobs. This Report has been prepared in full consideration of the overall vision that the people of Brampton will 'Live the Mosaic'.

7.9-9

Conclusion:

The proposed development is consistent with the Provincial Policy Statement, complies with the Provincial Growth Plan, conforms to the Regional Official Plan, and City Official Plan, and constitutes good planning by completing a neighbourhood as planned.

Respectfully Submitted:

Nasir Mahmood, MCIP, RPP
Development Planner
Development Services

Recommended by:

Allan Parson, MCIP, RPP
Director
Planning & Development Services

Attachments:

- Appendix 1: Zoning By-law Amendment Recommended for Approval
- Appendix 1A Draft Plan of Subdivision
- Appendix 2: Location Map
- Appendix 3: Official Plan Designations
- Appendix 4: Secondary Plan Designations
- Appendix 5: Zoning Designations
- Appendix 6: Aerial Photo and Existing Land Uses



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

NUMBER _____, 2019

To amend By-law 270-2004 (known as "Zoning By-law 2004"), as amended
Part of Lot 17, Concession 2 W.H.S

The Council of the Corporation of the City of Brampton, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) By changing Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
AGRICULTURAL (A)	RESIDENTIAL SINGLE DETACHED F-9.0 SECTION 2452 (R1F-9.0-2452) OPEN SPACE (OS) ZONE FLOODPLAIN (F) ZONE

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL,

this _____ day of _____, 2019.

Approved as to
form.
____ / ____ / ____

[Approver's Name]

PATRICK BROWN - MAYOR

Approved as to
content.
____ / ____ / ____

[Approver's Name]

PETER FAY - CITY CLERK

EXPLANATORY NOTE

THE PURPOSE OF BY-LAW _____

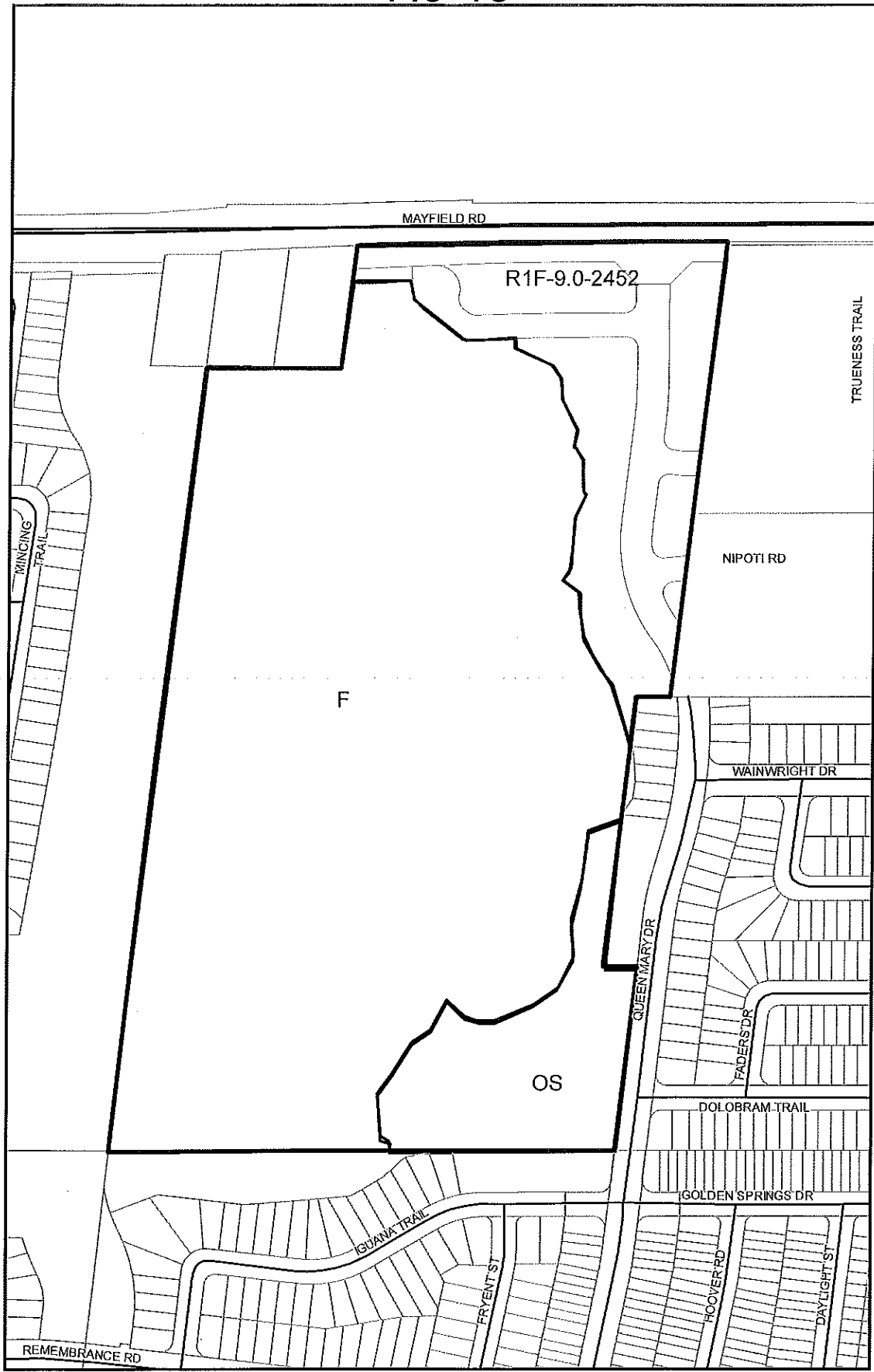
The purpose of By-law _____ is to amend comprehensive Zoning By-law 270-2004 as amended pursuant to an application by Mayfield Road Brampton Inc. (File C02W17.005).

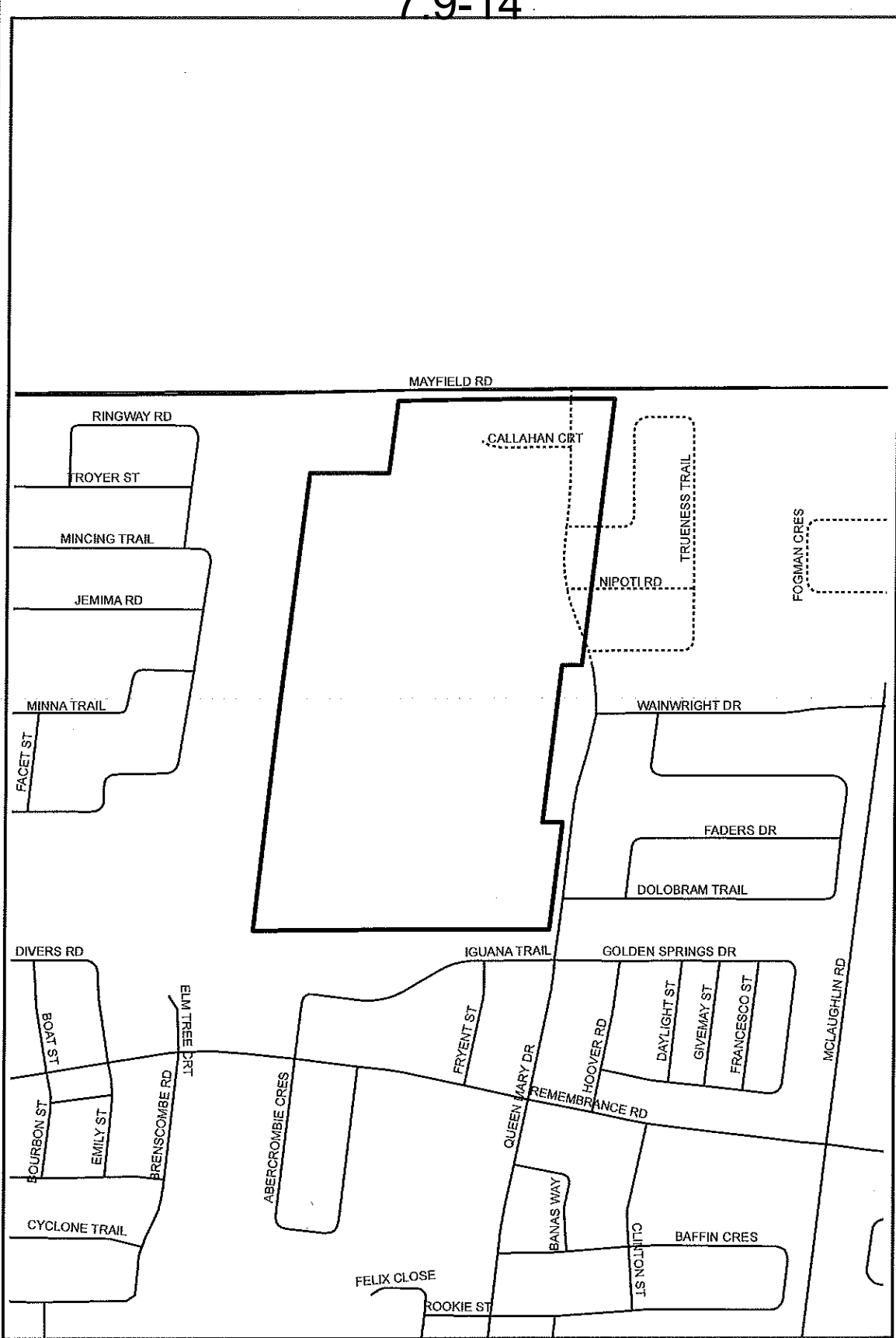
EFFECT OF THE BY-LAW


The effect of By-law _____ is to permit the use of the subject lands for Single Detached Residential, and Parks purposes. The development will yield 53 single detached residential units.

LOCATION OF LANDS AFFECTED

The lands affected by By-law _____ are located south of Mayfield Road, west of McLaughlin Road within the Mount Pleasant Secondary Plan (Area #51).





 SUBJECT LANDS

 **BRAMPTON**
Flower City
PLANNING AND DEVELOPMENT SERVICES



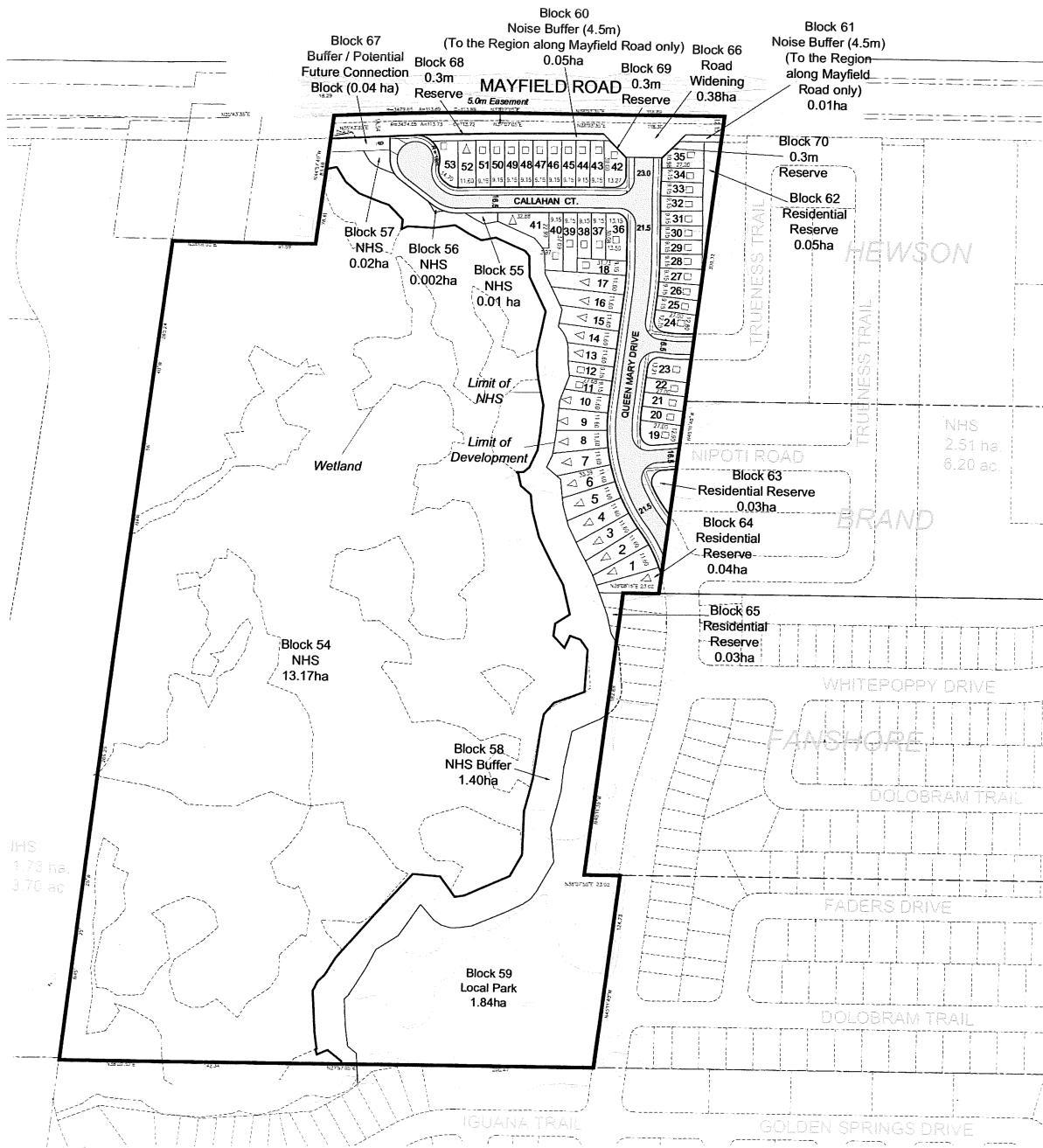
KEY MAP

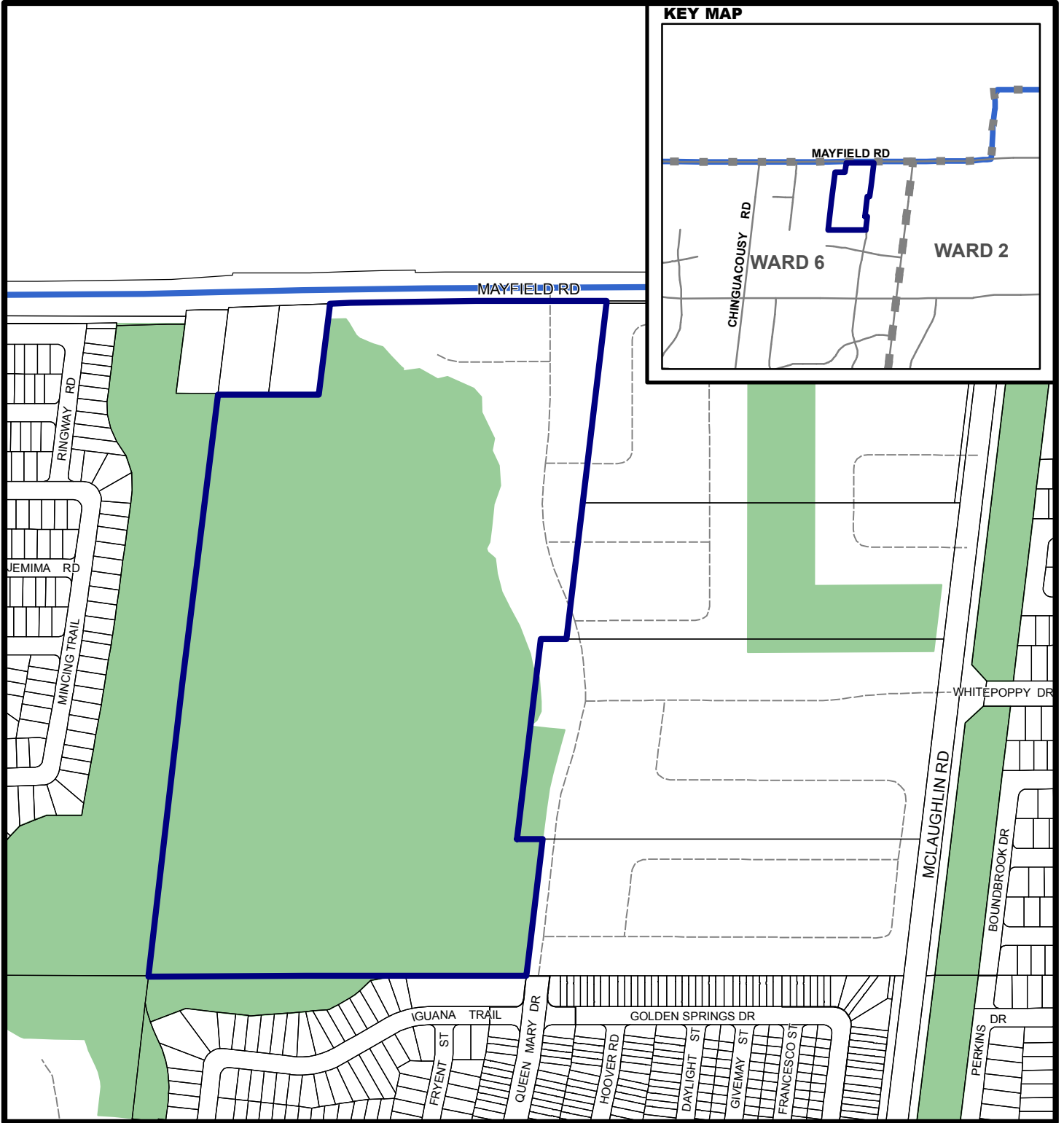
File: C02W17.005_ZKM

Date: 2019/10/18

Author: ckovac

BY-LAW





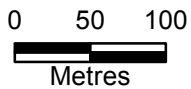
SUBJECT LAND
 GREENSPACE
 CITY LIMIT

PROPERTY LINE
 WARDS


BRAMPTON
 Flower City
 PLANNING AND DEVELOPMENT SERVICES

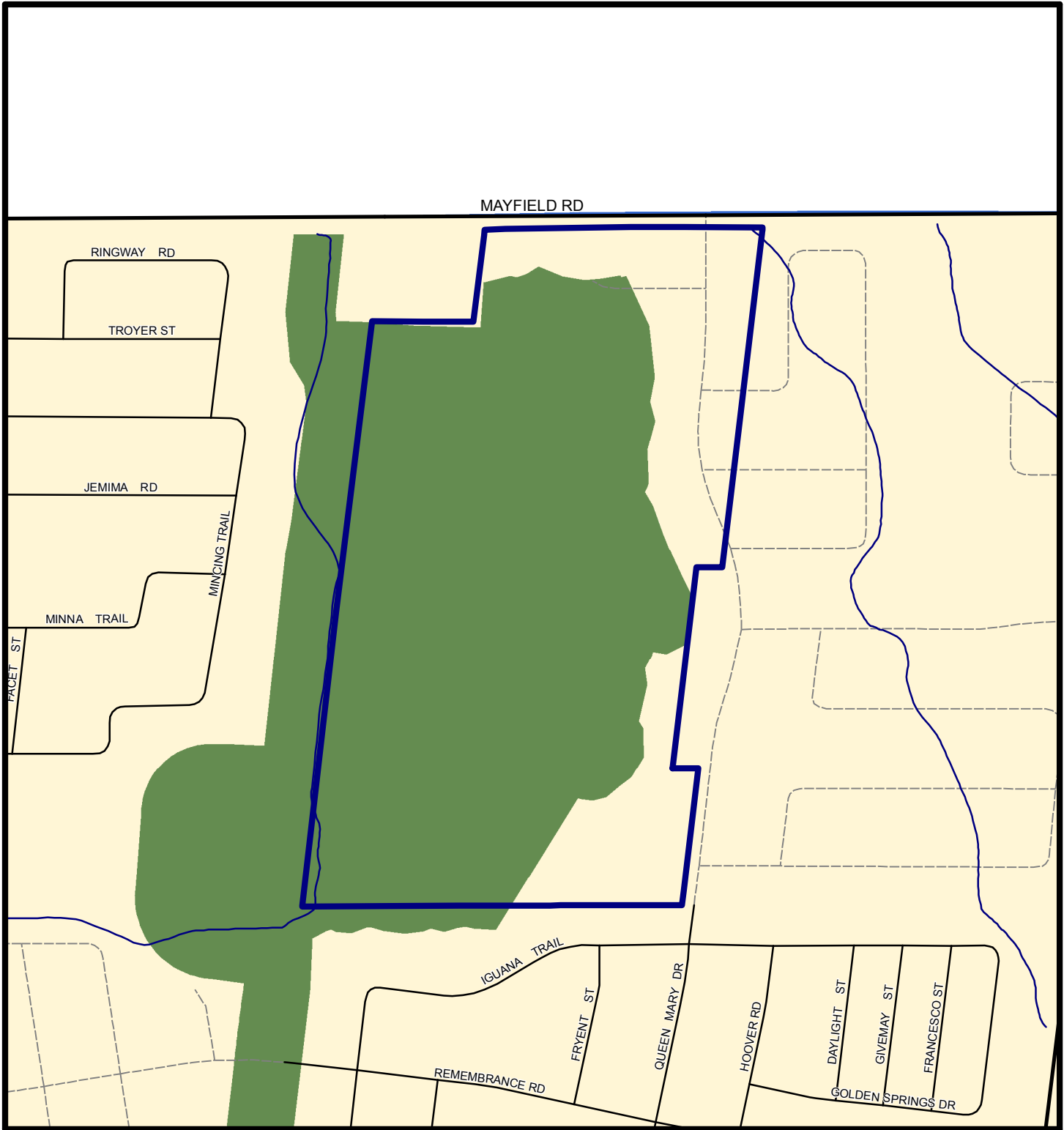


APPENDIX 2
LOCATION MAP
 KORSIK URBAN PLANNING - MAYFIELD ROAD
 BRAMPTON INC.



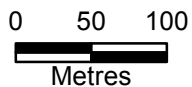
Author: adeboer
 Date: 2017/05/01

CITY FILE: C02W17.005

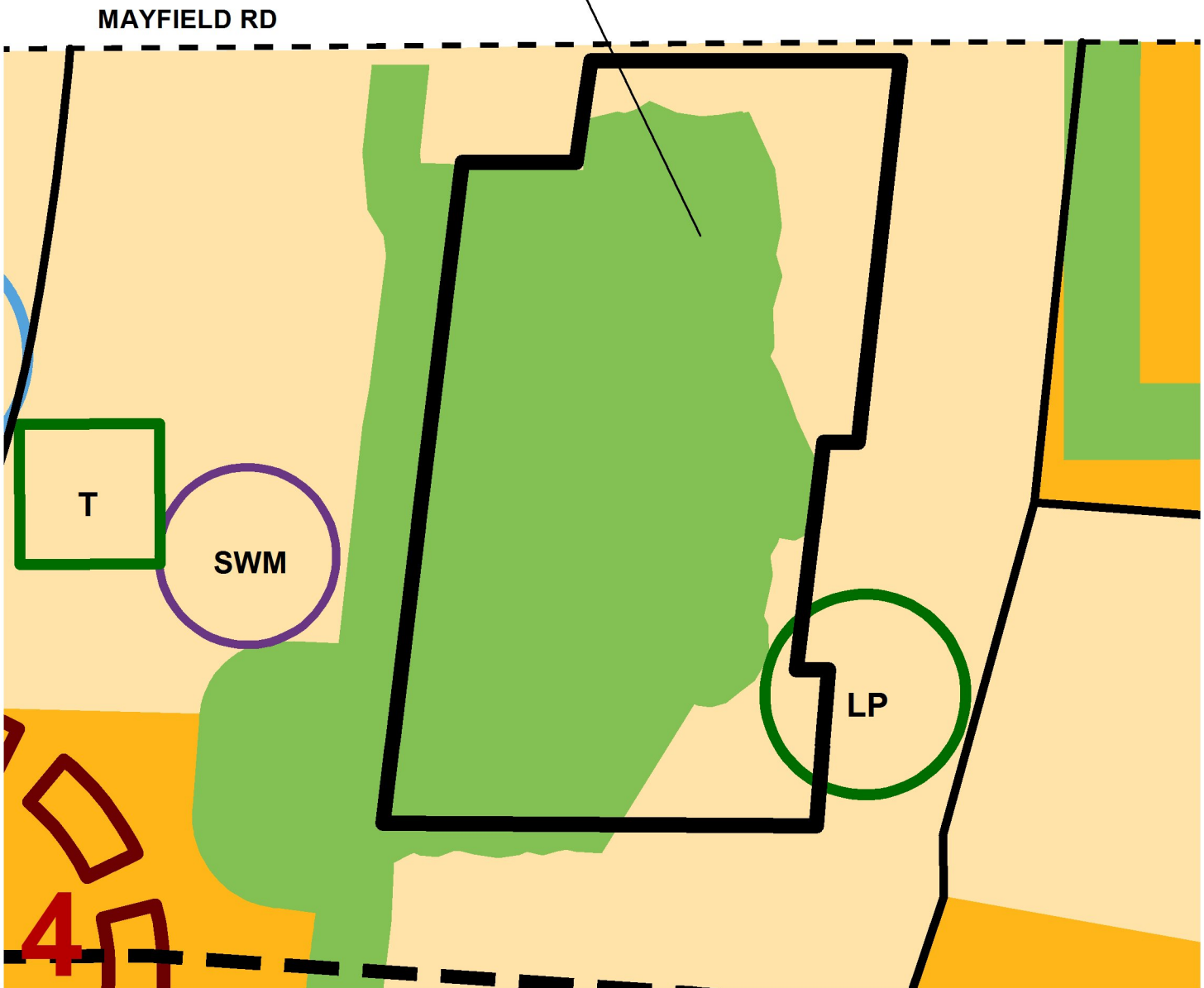


EXTRACT FROM SCHEDULE A (GENERAL LAND USE DESIGNATIONS) OF THE CITY OF BRAMPTON OFFICIAL PLAN

- SUBJECT LAND
- OPEN SPACE
- CITY LIMIT
- MAJOR WATERCOURSES
- RESIDENTIAL



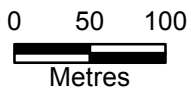
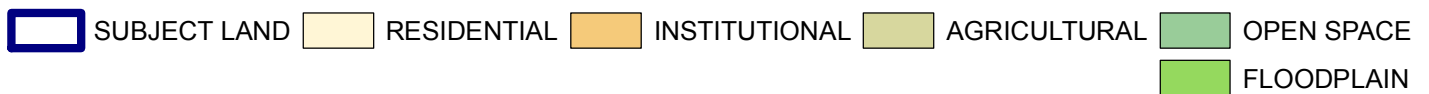
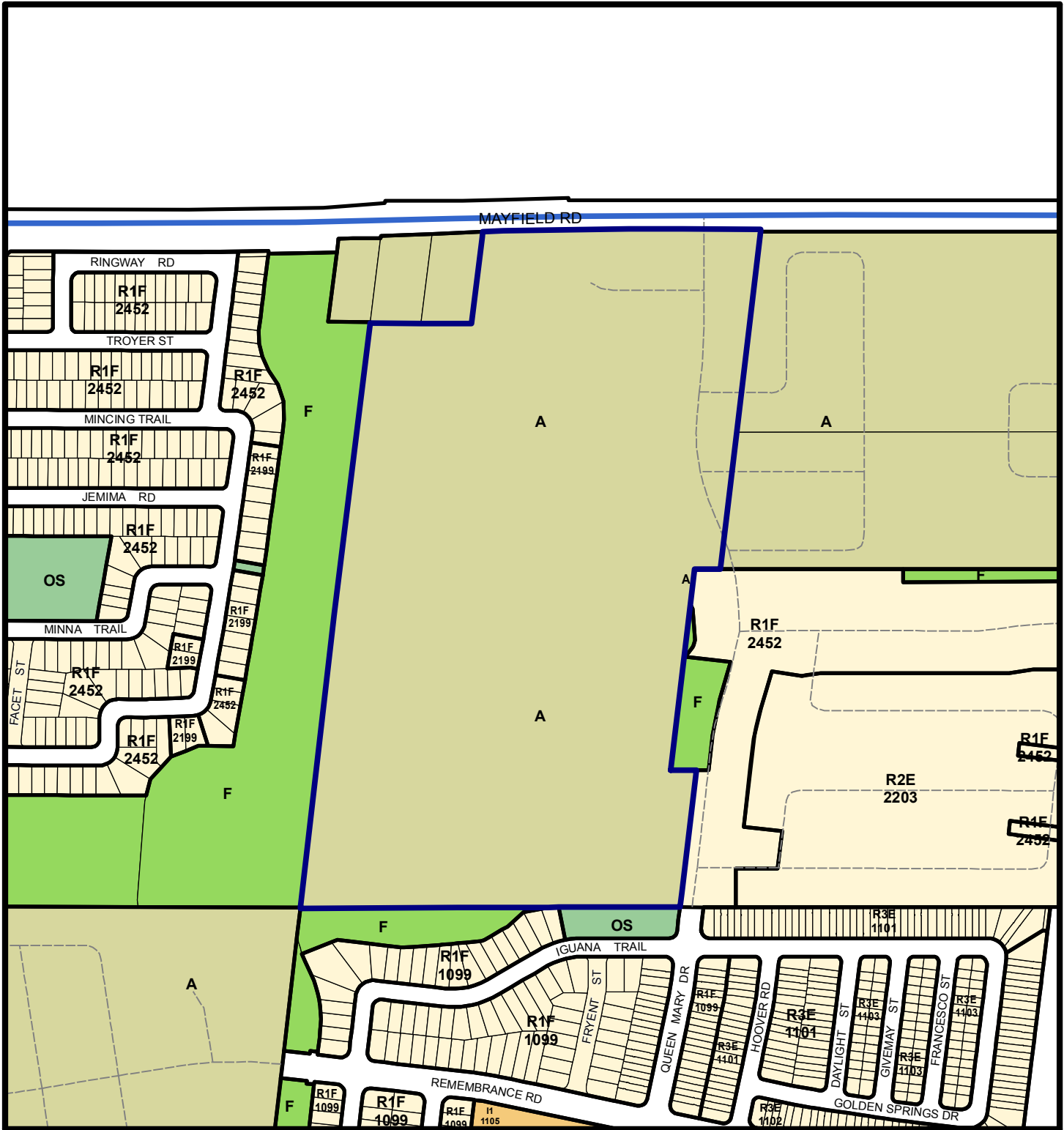
7.9-18 SUBJECT LANDS

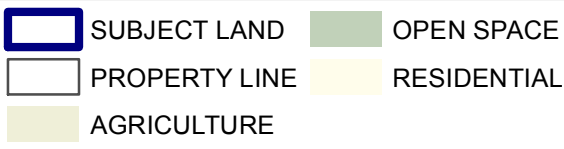
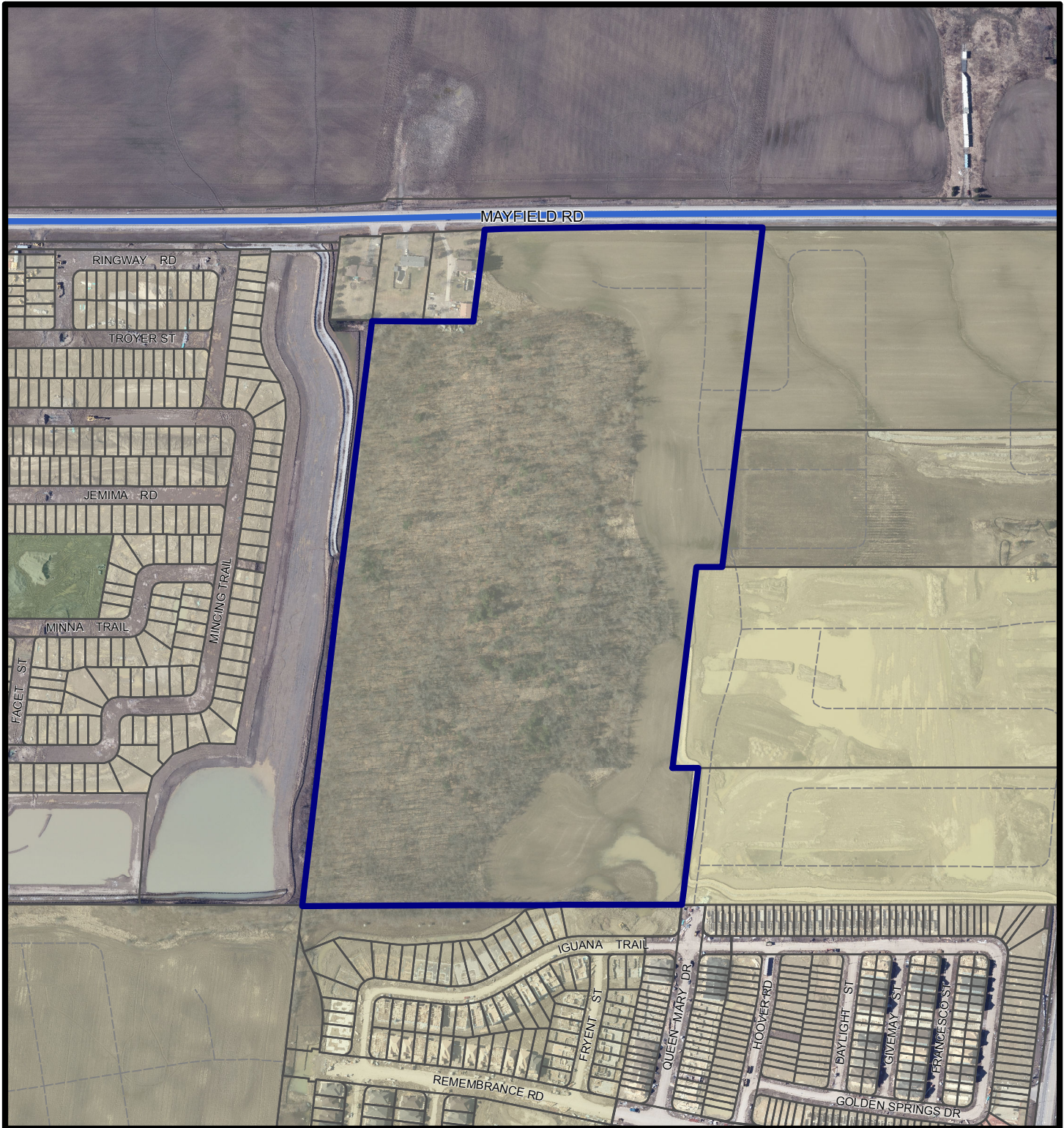


EXTRACT FROM SCHEDULE SP51(A) OF THE DOCUMENT KNOWN AS THE MOUNT PLEASANT SECONDARY PLAN

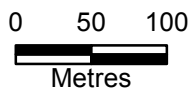
LEGEND			
ROAD NETWORK Transit Spine Collector Road Arterial Road Collector Road Potential Connection	INFRASTRUCTURE TransCanada Gas Pipeline CNR Rail Line Grade Separation Stormwater Management Facility	RECREATIONAL OPEN SPACE City Park Local Park Parkette Town Square Vest Pocket	OTHER Heritage Resource Designation under the Ontario Heritage Act Heritage Resource Listed on the City of Brampton Register of Heritage Properties Mixed Use Area Special Policy Area 1 Peel Regional Police Association Special Policy Area Area Subject to this Amendment
NATURAL HERITAGE SYSTEM Natural Heritage System Area	INSTITUTIONAL Public Junior Elementary School Site Public Senior Elementary School Site Separate Elementary School Site Public Secondary School Site Separate Secondary School Site Place of Worship	RETAIL District Retail Convenience Retail Neighbourhood Retail Motor Vehicle Commercial	
RESIDENTIAL Low / Medium Density Medium Density			







AERIAL PHOTO DATE: SPRING 2016



Date: 2019-10-25

Subject: **Recommendation Report - Façade Improvement Grant
35-37 Queen Street West**

Contact: Carmen Caruso, Central Area Planner, Planning and Development Services, carmen.caruso@brampton.ca, 905-874-2439

Recommendations:

1. That the report from Carmen Caruso, Central Area Planner, dated October 25, 2019 to the Planning and Development Committee Meeting of November 18, 2019 re: **Recommendation Report – Façade Grant Application for 35-37 Queen Street West**, File: BFIP-2019-0011 be received; and,
2. That application BFIP-2019-011 be approved for a maximum grant of \$30,000.00 under the Downtown Façade Improvement Program and that notwithstanding Section 2.4.2(d) of the Downtown Brampton Façade Improvement Program, the works eligible for the grant include works that commenced after the receipt of the Façade Improvement Application, but prior to the execution of a Façade Improvement Grant Agreement.
3. That the approval of the application is subject to the applicant maintaining the rules of the program as set out in the approved Façade Improvement Implementation Guidelines and meeting the following conditions on or before February 7, 2020 failing which this approval shall be null and void:
 - a) That satisfactory detailed drawings for the façade and building improvements be submitted to the City of Brampton;
 - b) That the cost estimates be updated in accordance with the submitted drawings; and
 - c) That the applicant enters into the necessary agreements with the City of Brampton
4. That the Commissioner of Planning and Development Services Department be authorized to sign the Façade Improvement Program Agreement in relation to the approved project with content satisfactory to the Commissioner of the Planning and Development Services Department, or designate, and in a form approved by the City Solicitor, or designate, and that staff be authorized to take the necessary steps to implement the terms of the agreement.

Overview:

- The intent of the Façade Improvement Grant Program is to provide grants to landowners and businesses for façade improvements that support the revitalization of Downtown Brampton.
- The purpose of this report is to recommend the approval of the Façade Improvement Application for the building at 35-37 Queen Street West. The façade improvement is for the renovation and modernization of the storefront.
- The project would improve the visual appearance of the building façade and improve the quality of the commercial building stock in the Downtown. It will have a positive impact on the Downtown and fulfill the goals of the grant programs
- The approval of the grant applications helps achieve the Term of Council priority to “Unlock Downtown and Uptown” by encouraging private commercial investment in the downtown core.

Background:

The Façade Improvement Program under the Central Area Community Improvement Plan support the revitalization of the historic Downtown by providing grants to property and business owners intending to improve their buildings. This report presents a recommendation on an application for a façade improvement grant for the property at 35-37 Queen Street West.

Current Situation:

Project Description

The applicant is proposing to renovate the exterior of the existing building containing two commercial units. The proposed façade improvement is to the front of the building facing Queen Street West. The work includes adding LED accent lighting to illuminate the façade, clean and repair existing brick and refinish with colours to add interest to the streetscape, upgrade existing sign area, relocate doors, and reposition façade walls to increase the amount of sidewalk space. The proposed elevation drawings and improvements are attached as **Appendix 1**. The applicant has submitted a site plan application for approval, and is currently working with staff to ensure that the proposed improvement is reflective of accepted urban design principles.

Recommendation

The proposed façade work would improve the quality of the building’s façade along Queen Street West. As a result, this supports the ongoing revitalization efforts for the Downtown.

7.10-3

The financial assistance for the Façade Improvement Program is limited to a maximum of 50% of the total cost of the eligible works to a maximum amount of \$30,000 for buildings with multiple street addresses. The façade improvements are proposed for both units of the building. As a result, the applicant is eligible for a maximum grant of \$30,000 under the Façade Improvement Program. It is recommended that a façade improvement grant of \$30,000 be awarded, which is the maximum permitted under this program.

Next Steps

The applicant is to satisfy the requirements of the Council approved Facade Improvement Program Implementation Guidelines and submit any additional and/or outstanding information as may be required by staff to satisfy these requirements. This includes entering into an agreement with the City of Brampton.

Staff recommends that the applicant have a limited period of time to sign the agreement with the City. This will ensure that if the project does not proceed, it will not continue to qualify for the funding for an indefinite period, which would prevent the money from being used to fund other projects. It is recommended that the applicant sign the agreement on or before February 7, 2020, or this approval be considered null and void.

Corporate Implications:

Financial Implications:

Sufficient funding for these grants is available from the following source:

Grant Type	Project #	Balance Available	Required Amount	Balance Remaining
Facade	167827 - 002	\$90,015	\$30,000	\$60,015

Other Implications:

There are no other corporate implications as a result of the recommendations outlined in this report.

Living the Mosaic – 2040 Vision:

This report directly aligns with the vision that Brampton will be a mosaic of vibrant centres by contributing to the realization of Brampton’s historic Downtown’s full potential.

Term of Council Priorities:

The approval of the grant applications helps achieve the Term of Council priority to “Unlock Downtown and Uptown” by encouraging private commercial investment in the downtown core.

7.10-4

Conclusion:

Providing incentives such as the façade and building improvement grants serves to improve the economic vitality of Downtown Brampton and improves the marketability of commercial spaces. The approval of the grant for 35-37 Queen Street West would build on the success of previously approved projects under this program, and have a positive impact on the Downtown.

Respectfully Submitted:

Respectfully Submitted:

Carmen Caruso, MCIP, RPP
Central Area Planner
Planning and Development Services

Allan Parsons, MCIP, RPP
Director, Development Services
Planning and Development Services

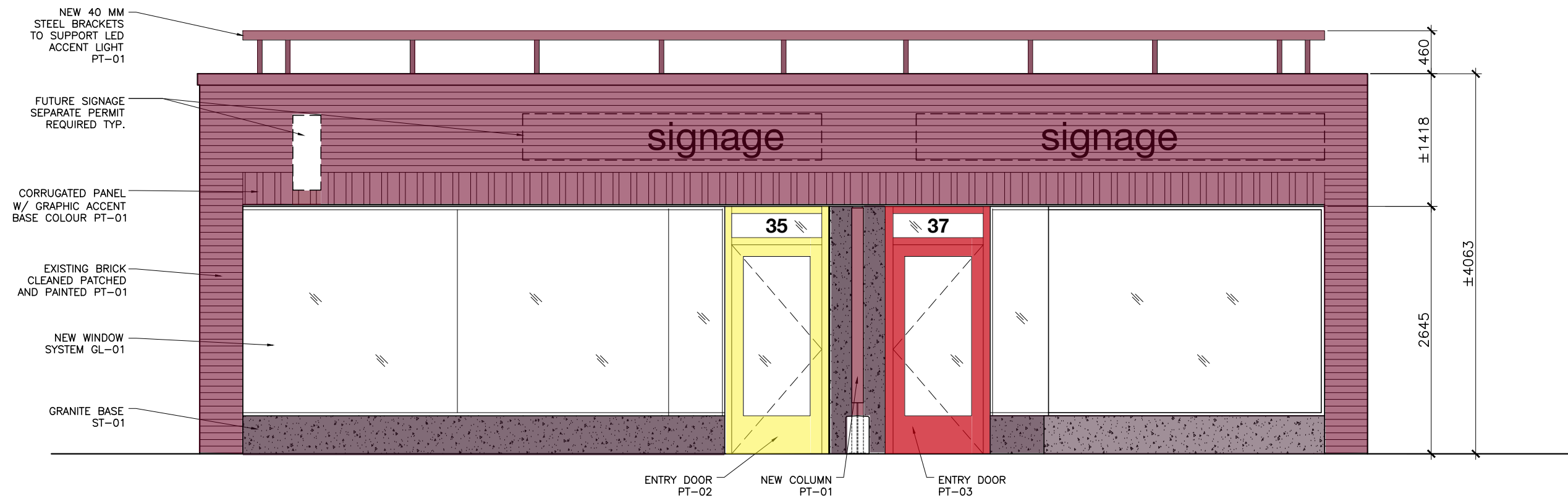
Attachments:

Appendix 1: Façade Improvement Proposal

Design Intent

The facade renewal design concept involves 6 main design moves used to reinvent the the existing building in a new modern way, while maintaining its connection with its heritage.

1. The building line of the doors and glazing has been set back and re-organized to allow for more room on the side walk and out swinging doors.
2. New modern glazing and entry doors with a granite base.
3. Existing brick is in good shape, it will be cleaned and repaired as required, then painted a bold colour to add interest to the street scape - a technique used on many British 'High Streets'.
4. New channel letter signs will be applied to the facade, New steel structure supports new updated LED signage and building lighting.
5. The existing sign box area will be upgraded with aluminum corrugated siding painted to match the brick and utilize a graphic technique Agamograph, where two images can be seen from two different angles - could be as simple as two colours or the address or a graphic as per the examples shown.
6. New wood soffit with recessed LED lighting will add a level of quality to the street scape while also improving visibility and safety.



**PROPOSED
FACADE IMPROVEMENT**
35 & 37 QUEEN ST. E.
19.10.05

Tuesday, October 15, 2019

Members: Kevin Montgomery
Stephen Laidlaw
Rani Gill
Alina Grzejszczak
Dayle Laing
Barry Lavallee
Eric Lister
Patrick McLeavey
Lisa Stokes
Pauline Thornham
Regional Councillor Rowena Santos (left at 8:06 p.m.)

Members Absent: Leslie Benfield (regrets)
Laura Bowman

Staff Present: Nelson Cadete, Project Manager, Active Transportation, Planning
and Development Services
Tamara Kwast, Transportation Planner, Planning and Development
Services
Tammi Jackson, Legislative Coordinator, City Clerk's Office

8.1-2

Minutes

Cycling Advisory Committee

The meeting was called to order at 7:04 p.m. and adjourned at 8:40 p.m.

1. **Approval of Agenda**

The following motion was considered:

CYC016-2019 That the Agenda for the Cycling Advisory Committee Meeting of October 15, 2019, be approved, as amended as follows:

To add:

- 5.3 Verbal Update by Tammi Jackson, Legislative Coordinator, re: **The Cycling Advisory Committee Meeting Schedule.**
- 5.4 Verbal Update by Regional Councillor Santos, re **Williams Parkway Expansion**
- 5.5 Verbal Update by Regional Councillor Santos, re: **Event on Nov 4, 2019 – 905 Talks Climate Change with David Suzuki**
- 6.3. Verbal Update by Kevin Montgomery, Co-Chair, re: **Greenway Mobility Plan**
- 7.2. Correspondence from David Laing, Chair, Bike Brampton, re: **Bike Path in Brampton West**

Approved

2. **Declarations of Interest under the Municipal Conflict of Interest Act** - nil

3. **Previous Minutes**

The minutes were considered by Committee of Council on September 4, 2019, and the recommendations approved by Council on September 11, 2019. The minutes were provided for Committee's information only.

A clerical correction is required to the motion of Item 5.1 in the minutes of August 20, 2019, to remove Dayle Laing's name within the motion and correct the name to reflect Nelson Cadete, Project Manager, Active Transportation, Planning and Development Services.

8.1-3

Minutes Cycling Advisory Committee

4. Delegations / Presentations

4.1. Presentation by Kevin Montgomery, Co-Chair, re: **Bike Bike North-East 2019 Conference**

Kevin Montgomery, Co-Chair, provided an overview of the Bike Bike North-East 2019 Conference and suggested all citizen based advisory committees open all meetings with the same Land Acknowledgement statement used to open Council meetings.

The following motion was considered.

- CYC017-2019
1. That the presentation from Kevin Montgomery, Co-Chair, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Bike Bike North-East 2019 Conference** be received; and,
 2. That every Cycling Advisory Committee meeting opens with the same Land Acknowledgement statement used to open Council meetings; and,
 3. That the Cycling Advisory Committee recommends to all citizen-based advisory committees that they too open all meetings with the same Land Acknowledgement statement used to open Council meetings.

Carried

5.

Reports / Updates

5.1. Verbal Update from Tamara Kwast, Transportation Planner, Transportation Planning, Planning and Development Services, re: **Vision2040 1st Anniversary Event Active Transportation in Brampton - What's Next?**

Tamara Kwast, Transportation Planner, Transportation Planning, Planning and Development Services, provided an overview and asked for feedback from the Committee with respect to the Vision2040 1st Anniversary Event Active Transportation in Brampton - What's Next? Report. Ms. Kwast asked for all members to submit their feedback via email no later than November 15, 2019, and responded to questions of clarification from Committee.

The following motion was considered.

8.1-4

Minutes

Cycling Advisory Committee

CYC018-2019 That the Verbal Update from Tamara Kwast, Transportation Planner, Transportation Planning, Planning and Development Services, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Vision2040 1st Anniversary Event Active Transportation in Brampton – What’s Next?** be received.

Carried

5.2. Verbal Update by Kevin Montgomery, Co-Chair, re: **Cycling Advisory Committee 2019-2020 Work Plan and Budget**

Kevin Montgomery, Co-Chair, provided an overview of the Cycling Advisory Committee 2019-2020 Work Plan and Budget and responded to questions of clarification from Committee

The following motion was considered.

CYC019-2019 That the Verbal Update from Kevin Montgomery, Co-Chair, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Cycling Advisory Committee 2019-2020 Work Plan and Budget** be received.

Carried

5.3. Verbal Update by Tammi Jackson, Legislative Coordinator, re: **The Cycling Advisory Committee Meeting Schedule.**

Tammi Jackson, Legislative Coordinator, City Clerk’s Office advised Committee that all Cycling Advisory Committee meetings would stay status quo and be held on a bi-monthly basis.

The following motion was considered.

CYC020-2019 That the Verbal Update from Tammi Jackson, Legislative Coordinator, City Clerk’s Office, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **The Cycling Advisory Committee Meeting Schedule** be received.

Carried

8.1-5

Minutes

Cycling Advisory Committee

5.4. Verbal Update by Regional Councillor Santos, re: **Williams Parkway Expansion**

Regional Councillor Santos circulated a motion being presented at the Committee of Council meeting on October 16, 2019 and provided an overview of the Williams Parkway Expansion. Councillor Santos requested the Committees support with respect to the following motion:

Whereas:

The 2040 Vision envisions Brampton as a place where safe, sustainable and integrated alternative travel choices to the private vehicle are available and states that a rethink of street design is at the top of the list for improving Brampton; and,

The transportation priorities outlined in the 2040 Vision are: first walking, then cycling, transit, goods movement, and then shared vehicles and private vehicles; and,

The sections of Williams Parkway – an east-west minor arterial road with a right-of-way width of 36 meters – between McLaughlin Road and Humberwest Parkway were identified for widening to 6 lanes in the City’s 2004 and subsequent Transportation Master Plans, to provide additional vehicular capacity in response to projected population and employment growth; and,

The proposed widening to six lanes was revisited in 2018 using updated demographic and traffic forecasts and applying a multimodal analysis approach, and recommended six lane widening with dedicated HOV/transit lanes plus continuous dedicated active transportation facilities on both sides; and,

A noise wall is currently being installed along Williams Parkway as is City practice prior to widening the road to 6 lanes; and,

Current research and evidence from other jurisdictions around the world demonstrates that investing in road expansions for vehicles does not solve congestion, and instead exacerbates the condition by attracting more traffic; and,

The Active Transportation Master Plan was endorsed by this Council and is supported by examples of best practises around the world, where active, non-vehicular travel modes are part of a comprehensive mobility network that facilitates the efficient and effective movement of people in cities; and,

The largest source of greenhouse gas emissions from human activities is from transportation and this Council unanimously passed a motion related to

8.1-6

Minutes

Cycling Advisory Committee

declaring a climate emergency and to achieving a climate change target of an 80 per cent Green House Gas reduction by 2050; and,

Council has voted in favour of adopting the Region of Peel's "Vision Zero" framework; and,

Residents across the city have been very vocal in regard to traffic calming needs;

Therefore, be it resolved that:

1. Staff review the recommendations to widen sections of Williams Parkway from 4 to 6 lanes, and report back to Council in Q2 2020;
2. Staff review include a council workshop to solicit comments on options and opportunities for managing traffic congestion due to growth and for increasing and maximizing people-moving capacity in the Williams Parkway corridor, through travel demand management opportunities, improvements to active transportation (walking, cycling) and transit infrastructure and services, and operational interventions and improvements, in particular at intersections. The review should consider:
 - Impacts on the use of DC funding
 - Consideration of current strategic documents (Growth plan, OP, TMP, impact on existing EA's...)
 - Impacts on surrounding local streets for traffic
 - Impact on the Regional road network and goods movement
 - GHG considerations
 - Work that is done in partnership with the Region, utilities...
 - A review of the current 6 lane road widening projects that are underway and 'meantime' strategies (current EA's, land protection, utility relocation, design progression)
 - Strategy for a robust communication plan
3. The results of the staff review of Williams Parkway road widening be used to inform planning for similar contemplated 6 lane road widenings in the City of Brampton.

There was consensus amongst the Committee members to support the motion being presented to Committee of Council on October 16, 2019.

The following motion was considered.

8.1-7

Minutes

Cycling Advisory Committee

- CYC021-2019
1. That the Verbal Update by Regional Councillor Santos, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Williams Parkway Expansion** be received; and,
 2. That it is the opinion of the Cycling Advisory Committee that Committee of Council endorse the following motion:

Whereas:

The 2040 Vision envisions Brampton as a place where safe, sustainable and integrated alternative travel choices to the private vehicle are available and states that a rethink of street design is at the top of the list for improving Brampton; and,

The transportation priorities outlined in the 2040 Vision are: first walking, then cycling, transit, goods movement, and then shared vehicles and private vehicles; and,

The sections of Williams Parkway – an east-west minor arterial road with a right-of-way width of 36 meters – between McLaughlin Road and Humberwest Parkway were identified for widening to 6 lanes in the City's 2004 and subsequent Transportation Master Plans, to provide additional vehicular capacity in response to projected population and employment growth; and,

The proposed widening to six lanes was revisited in 2018 using updated demographic and traffic forecasts and applying a multimodal analysis approach, and recommended six lane widening with dedicated HOV/transit lanes plus continuous dedicated active transportation facilities on both sides; and,

A noise wall is currently being installed along Williams Parkway as is City practice prior to widening the road to 6 lanes; and,

Current research and evidence from other jurisdictions around the world demonstrates that investing in road expansions for vehicles does not solve congestion, and instead exacerbates the condition by attracting more traffic; and,

The Active Transportation Master Plan was endorsed by this Council and is supported by examples of best practises around the world, where active, non-vehicular travel modes are part of a comprehensive mobility network that facilitates the efficient and effective movement of people in cities; and,

8.1-8

Minutes

Cycling Advisory Committee

The largest source of greenhouse gas emissions from human activities is from transportation and this Council unanimously passed a motion related to declaring a climate emergency and to achieving a climate change target of an 80 per cent Green House Gas reduction by 2050; and,

Council has voted in favour of adopting the Region of Peel's "Vision Zero" framework; and,

Residents across the city have been very vocal in regard to traffic calming needs;

Therefore, be it resolved that:

1. Staff review the recommendations to widen sections of Williams Parkway from 4 to 6 lanes, and report back to Council in Q2 2020; and,
2. Staff review include a council workshop to solicit comments on options and opportunities for managing traffic congestion due to growth and for increasing and maximizing people-moving capacity in the Williams Parkway corridor, through travel demand management opportunities, improvements to active transportation (walking, cycling) and transit infrastructure and services, and operational interventions and improvements, in particular at intersections. The review should consider:
 - Impacts on the use of DC funding
 - Consideration of current strategic documents (Growth plan, OP, TMP, impact on existing EA's...)
 - Impacts on surrounding local streets for traffic
 - Impact on the Regional road network and goods movement
 - GHG considerations
 - Work that is done in partnership with the Region, utilities...
 - A review of the current 6 lane road widening projects that are underway and 'meantime' strategies (current EA's, land protection, utility relocation, design progression)
 - Strategy for a robust communication plan

8.1-9

Minutes Cycling Advisory Committee

3. The results of the staff review of Williams Parkway road widening be used to inform planning for similar contemplated 6 lane road widenings in the City of Brampton.

Carried

- 5.5. Verbal Update by Regional Councillor Santos, re: **Event on Nov 4, 2019 – 905 Talks Climate change with David Suzuki**

Regional Councillor Santos provided an overview of the **Event on Nov 4, 2019 – 905 Talks Climate change with David Suzuki** and responded to a question of clarification from Committee.

The following motion was considered.

- CYC022-2019 That the Verbal Update from Regional Councillor Santos, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Event on Nov 4, 2019 – 905 Talks Climate change with David Suzuki** be received.

Carried

6. Other/New Business / Information Items

- 6.1. Discussion at the request of Laura Bowman, Member, re: **Fletchers Creek SNAP**.

There was consensus amongst the Committee to defer the matter to the next scheduled meeting of December 17, 2019.

The following motion was considered.

- CYC023-2019 That the Discussion at the request of Laura Bowman, Member, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Fletchers Creek SNAP** be received.

Carried

- 6.2. Discussion at the request of Kevin Montgomery, Co-Chair, re: **Activation for Kids Lane at Party in the LANES**

Kevin Montgomery, Co-Chair advised the Committee that the event had already passed and was no longer applicable.

8.1-10

Minutes Cycling Advisory Committee

6.3. Verbal Update by Kevin Montgomery, Co-Chair, re: **Greenway Mobility Plan**

Kevin Montgomery, Co-Chair, provided an overview of the Greenway Mobility Plan and inquired about the status of the plan.

Nelson Cadete, Project Manager, Active Transportation, Planning and Development Services, provided a high level overview of the Greenway Mobility Plan and responded to questions of clarification from Committee.

The following motion was considered.

CYC024-2019 That the Verbal Update from Kevin Montgomery, Co-Chair, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Greenway Mobility Plan** be received.

Carried

7. **Correspondence**

7.1. Correspondence from Vic Henderson, Brampton Resident, dated August 16, 2019, re: **Bike Path in Brampton West**

Nelson Cadete, Project Manager, Active Transportation, Planning and Development Services suggested presenting the draft plan to the Committee to show what Fletchers Creek would look like and then send correspondence to Mr. Henderson.

The following motion was considered:

CYC025-2019 1. That the correspondence from Vic Henderson, Brampton Resident, dated August 16, 2019, to the Cycling Advisory Committee Meeting of October 15, 2019, re: **Bike Path in Brampton West** be received.

Carried

7.2. Correspondence from David Laing, Chair, Bike Brampton, dated October 9, 2019, re: **City Proposes Traffic Calming Measures**

Councillor Santos advised the Committee that traffic calming measures include the Big Ask and Active Transportation Infrastructure.

The following motion was considered:

8.1-11

Minutes Cycling Advisory Committee

- CYC026-2019 1. That the correspondence from David Laing, Chair, Bike Brampton, dated October 9, 2019, to the Cycling Advisory Committee Meeting of October 16, 2019, re: **City Proposes Traffic Calming Measures** be received.

Carried

8. **Question Period**

In response to questions from Committee, staff provided details on the following:

- Traffic calming survey
- Possibility of a presentation by City of Brampton Engineering staff

9. **Public Question Period**

In response to questions from Committee, staff provided details on the following:

- Messaging concerns
- May 11, 2019 Workshop materials pertaining to the vision 2040 Active Transportation Workshop.
- Active Transportation Master Plan – pedestrians and snow clearing
- Cycling Advisory Committee meeting schedule for 2020.
- Community Cycling Programs and Cycling Hubs

David Laing requested Committee members consider including Community Cycling Program (Bike Brampton) into their work plan (Bikewrx, Peddle Wise) at the Brampton Bike Hub.

10. **Adjournment**

The following motion was considered.

- CYC027-2019 That the Cycling Advisory Committee do now adjourn to meet again on December 17, 2019, at 7:00 p.m.

Carried

Stephen Laidlaw
Co-Chair

Kevin Montgomery
Co-Chair

Date: 2019-10-23

Subject: **Supplementary Recommendation Report**
Residential Driveway Widening Review and Recommendations
City File: G.DX.

Contact: Carolyn Crozier, MSc.Pl., MCIP, RPP Manager, Development
Services, 905-874-2281, carolyn.crozier@brampton.ca

Recommendations:

1. **THAT** the report from Carolyn Crozier, Manager, Planning and Development Services Department, dated October 23, 2019, to the Planning and Development Committee of November 18, 2019, re: **Supplementary Recommendation Report – Residential Driveway Widening Review and Recommendations, File: G.DX.**, be received;
2. **THAT** City staff modify the Driveway Permit Program application process to allow for the provision of alternatives to a legal lot survey if one is not available;
3. **THAT** City staff undertake a comprehensive education and awareness campaign to heighten public knowledge and understanding of homeowners and contractors, regarding the rules and regulations that apply to driveways, driveway widenings and the installation of paved walkways in the front yard;
4. **THAT** the standard notice clause related to widening of driveways imposed as a condition of draft approval for new residential subdivisions be revised to make reference to the requirement to obtain a driveway permit;
5. **That** By-law Enforcement Staff, with respect to driveway widths, continue with suspended enforcement until Spring 2020; and,
6. **THAT** the City Clerk provide a public list on the City's website of all Persons that apply for and receive a license under the Business Licensing By-law 332-2013, including all licenses for Driveway Paving Contractors.

10.1-2

Overview:

- **At its May 22, 2019 meeting, Council passed a Resolution and enacted by-laws to implement a Driveway Permit Program, to come into effect on November 22, 2019.**
- **Council directed staff to report back to the Planning and Development Committee on options to simplify the application process and address the inquiries and questions from the public, including possible amendments to the driveway permit program.**

No comments or questions were received from the public, however, a member of Council expressed to staff concerns raised by residents regarding the requirement of a legal survey for the permit.

- **This report provides a response to Council's direction and brings forward:**
 - **one amendment to the program requirements by introducing alternatives to providing a legal lot survey.**
- **The recommended actions are:**
 - **Modify the Driveway Permit Program application to include alternatives to the provision of a legal lot survey if the applicant is unable to obtain a copy using available sources. Alternatives may include builder sitings and air photographs, where appropriate.**
 - **Engage in a broad based education and awareness campaign with respect to driveways, including updates to the City's website.**
 - **Continue to hold driveway-related enforcement requests in abeyance until Spring 2020 to allow residents and Enforcement staff to become familiar with the new by-laws and permit program.**
- **A copy of the previous report, including the implementing By-laws approved by Council, is attached as Appendix 1.**
- **A copy of the previous Driveway Permit Program reports are attached as Appendix 2.**

10.1-3

Background:

On May 22, 2019, Council passed a resolution and enacted by-laws to implement a driveway permit program that will come into force and effect November 22, 2019.

At the same meeting, Council passed a resolution (C181-2019) directing staff to “report back to Planning and Development Committee on options to simplify the application process and address the inquiries and questions from the public, including possible amendments to the drive permit program”.

This report provides a response to the direction of Council.

Current Situation:

Amendments to the Driveway Permit Program

Following the Council meeting of May 22, 2019, staff were approached by a member of Council to express a concern raised by residents in regards to a requirement of the Driveway Permit Program, specifically, the need to produce a legal lot survey. It was identified that there were instances where residents were unable to produce a legal lot survey, and some of the Program’s direction on how to obtain a legal lot survey (e.g. contacting the Land Registry Office, hiring a land surveyor) were lengthy and, in some cases, cost prohibitive.

While a legal lot survey will still be requested by staff at the time of application, as is the case for any permit application, Zoning Staff have confirmed that they will work with applicants who are unable to produce a legal lot survey to obtain the information that they need to determine conformity with applicable zoning. This can be achieved using reasonable alternatives including builder sitings, aerial photography, in-house GIS tools, and Google maps.

No amendment to the implementing by-laws are required to achieve this change. It will be captured through the City’s application for the Driveway Permit Program.

Simplification of the application process

Staff from Planning, Zoning, By-law Enforcement and Roads and Traffic worked together to simplify the application process. In addition to the inclusion of options for residents to advance a permit application in instances where a legal lot survey may not be readily available, the following actions will be taken, with the assistance of Strategic Communications, to create an improved customer experience for residents seeking to obtain a driveway permit:

- Website improvements including the reduction of City webpages with driveway information from two pages to one, addition of Frequently Asked Questions (FAQ’s) and Quick Facts added.

10.1-4

- Application improvements including a clear, concise user-friendly application with simple instructions.

Improvements have also been made to the service delivery process to reduce circulation and processing times. Staff have introduced a pre-application Zoning compliance check to verify the proposed resurfacing/widening is in compliance with the Zoning By-law prior to submission of an application to Public Works. This has eliminated the need for Public Works to physically inspect the site prior to the application being circulated through to Zoning, benefiting both the customer and internal staff by streamlining the review process and saving time.

Update on Education and Awareness Campaign

Previous recommendation reports on the Driveway Permit Program included a recommendation that City staff engage in an education and awareness campaign with respect to driveways in light of the implementation of this permit program.

In addition to the aforementioned improvements to the City's website, a variety of tactics will be used to educate residents and contractors on the policy changes. These tactics will include, but are not limited to:

- Media outreach, including to local ethnic radio and TV stations
- Social media
- Updated web content
- Translated fact sheet/FAQ
- Letter to contractors
- Updates in existing corporate publications (e.g. City Matters newsletter, Councillor newsletters, second units homeowner's guide).

Other opportunities will be explored as timing and budget permit.

Finally, Planning staff have updated the standard notice clause in the subdivision agreements and the Home Buyers Information Maps for new subdivisions to reflect the new requirements related to driveways.

Future Actions Related to Driveways

The Driveway Permit Program is one aspect of the City's approach to managing driveways in an effort to provide properties with appropriate stormwater drainage, protect neighbourhood aesthetics and reduce the number of vexatious by-law enforcement complaints.

10.1-5

Other matters related to driveways, including zoning requirements and engineering matters, will be more appropriately addressed through the City's comprehensive review of zoning by-laws, including the requirements related to soft landscaping, and a more in-depth examination of driveways by engineering as it relates to stormwater drainage and the use of permeable pavers.

In regards to by-law enforcement, Enforcement staff will resume enforcement activity to encourage compliance with the new by-laws in Spring of 2020, in an effort to allow residents to become familiar with the new bylaws and permit program. This will include those enforcement requests held in abeyance since September 2018.

Corporate Implications:

Financial Implications:

As noted in the report to the April 8, 2019 Planning and Development Committee meeting, the introduction of a Driveway permitting system will likely have administrative and financial impacts. This includes potential increased staffing requirements for the Public Works and Engineering Department that will take in, circulate and review the applications and inspect construction, as well as for other departments, including Zoning Services, that would be involved in the review of all driveway resurfacing and widening proposals prior to application.

Current staffing levels should be sufficient to process a reasonable uptake in applications and the associated service requests and investigations, while still meeting customer service levels. While it is anticipated that the permitting process can initially be administered with current staff levels, uptake will likely increase as general awareness of the requirement grows across the City.

Should the increase exceed anticipated capacity or impact the overall level of service to the customer, a review of the personnel resource would be needed and brought forward in the 2020 operating budget submission, pending Council approval.

Other Implications:

2019 – 2022 Term of Council Priorities

This report and proposed recommendations aligns with the "Brampton is a well-run City" theme. The proposed actions will aid in providing awareness of driveway regulations to residents and contractors, support enforcement and make residents and contractors accountable in terms of complying with City regulations. The Driveway Permit Program will assist in ensuring that driveways remain balanced as part of a residential lot and streetscape and that the City's neighbourhoods remain attractive places to live.

10.1-6

Living the Mosaic – 2040 Vision

This report has been prepared in full consideration of the overall vision that the people of Brampton will “Live the Mosaic.”

Conclusion:

In accordance with the direction provided at the May 22, 2019 Council meeting, staff are presenting a set of recommendations for Council’s consideration is provided to simplify the Driveway Permit Program application and to strengthen public awareness as it relates to driveway regulations.

Approved by:

Approved by:

Allan Parsons, MCIP, RPP
Director, Development Services
Planning and Development Services

Richard Forward MBA, MSc.
P.Eng.
Commissioner
Planning and Development
Services

Attachments:

Appendix 1: Staff Report to April 8, 2019 Planning and Development Committee Meeting

Appendix 2: Staff Report to May 13, 2019 Planning and Development Committee Meeting

Appendix 3: Staff Report to May 22, 2019, Council Meeting

Report authored by: Carolyn Crozier

Date: 2019-03-15

File: **G.DX.**

Subject: **Recommendation Report**
Residential Driveway Widening Review and Recommendations

Contact: Bernie Steiger, Manager, Development Services, 905-874-2097,
bernie.steiger@brampton.ca

Recommendations:

1. **THAT** the report from Bernie Steiger, Manager, Planning and Development Services Department, dated March 15, 2019, to the Planning and Development Committee of April 8, 2019, re: **Recommendation Report – Residential Driveway Widening Review and Recommendations, File: G.DX.**, be received;
2. **THAT** staff be directed to prepare amendments to the Licensing By-law, including revising the requirements upon which the City may revoke or refuse to renew a license and adding compliance with the Zoning By-law as a requirement of the licensee, to be generally in accordance with the amendments found in Appendix 9 to this Report;
3. **THAT** staff be directed to prepare a Driveway Permit By-law, requiring residential homeowners to obtain a permit for any driveway installation, construction, resurfacing, expansion and alteration, to be generally in accordance with the draft by-law attached as Appendix 11 to this Report;
4. **THAT** staff be directed to prepare an amendment to the User Fee By-law to charge a fee for an application and permit under the Driveway Permit By-law equivalent to the current fee charged for permits for alterations to curbs and driveway works in the right of way;
5. **THAT** City staff undertake a comprehensive education and awareness campaign to heighten public knowledge and understanding of homeowners and contractors, regarding the rules and regulations that apply to driveways, driveway widenings and the installation of paved walkways in the front yard;

10.1-8

6. **THAT** the standard notice clause related to widening of driveways imposed as a condition of draft approval for new residential subdivisions be revised to make reference to the requirement to obtain a driveway permit; and,
7. **THAT** the City Clerk provide a public list on the City's website of all Persons that apply for and receive a license under the Business Licensing By-law 332-2013, including all licenses for Driveway Paving Contractors.

Overview:

- **In July of 2018 Council directed staff to review matters related to driveway widenings and front yard paving, including the rules related to “grandfathering” and the potential for requiring permits for driveway widenings and to raise awareness of by-law requirements to ensure work meets City regulations.**
- **In September of 2018 a verbal update was provided to Council which set out a workplan and identified a number of options that would be looked at as part of staff's work. This report provides a discussion on these matters and a summary of the recommended actions.**
- **The recommended actions are:**
 - **As part of the Comprehensive Zoning By-law review currently underway, provide clarity to improve understanding of the requirements and restrictions of driveway widths. The review should also assess what changes could be made to ensure that a portion of the lot retains permeable landscaping, in particular the areas facing a street.**
 - **Amend the Licensing By-law to expand the requirements and regulations applicable to Driveway Paving Contractors, including the requirement that all work performed by such contractors must comply with the Zoning By-law.**
 - **Provide a public listing of licensed Driveway Paving Contractors, who are required to comply with the City's By-laws as a condition of maintaining such license.**
 - **Introduce a Driveway Permit By-law and process, requiring all homeowners (or contractors on their behalf) who are undertaking a widening or resurfacing of a driveway to obtain a permit from the City. It is proposed this by-law come into effect on June 1, 2019. If approved, residents will be able to begin making applications starting May 15, 2019.**

10.1-9

- **Engage in a broad-based education/awareness campaign with respect to driveways.**
- **Update the standard notice clause in subdivision agreements and Homebuyers' Information Maps for new subdivisions to reflect the new requirements related to driveways.**
- **Enforcement staff will resume enforcement activity to encourage compliance with the Zoning By-law, including those enforcement requests held in abeyance since September 2018.**

Background:

Council Direction

At the July 11, 2018 Council meeting, subsequent to a delegation by a resident related to an enforcement matter to their driveway, Council directed staff to undertake a review of the regulations related to driveways and consider the potential for a permitting process. This resolution (C194/18 (-see also Appendix 1)) reads in part:

“...Therefore be it resolved, that staff be directed to continue its work on a vexatious complaints policy and present to council at a future meeting for consideration. That staff bring a report and recommendations on how to best mitigate historical property modifications (i.e. conditions and rules for grandfathering), and investigate the potential for development of a permit process for minor property modifications (e.g. driveway widening) to ensure residents and contractors are aware of the by-law requirements and to ensure that any work completed adheres to all applicable requirements and restrictions inclusive of any financial and staffing resource implications.”

Previous Staff Update

At the September 12, 2018, Council meeting staff presented a verbal update with regard to driveway widenings along with a general workplan that outlined the matters that would be reviewed. This included:

1. Confirm minimum/maximum thresholds and other requirements of the Zoning By-law;
2. Assess options for a surcharge for driveway widenings or a charge through the Committee of Adjustment;
3. Feasibility of charging contractors for contravening the Zoning By-law vs. homeowners;

10.1-10

4. Consider the impact of “legal non-conforming” status as it relates to any changes to the zoning regulations. Generally assess how “grandfathering” should or would apply;
5. Ongoing work with “Vexatious Complaints” policy;
6. Implement an education/awareness campaign; and,
7. Feasibility of implementing a permit process.

Multi-disciplinary Team Reviewing this Matter

A team consisting of staff from Public Works and Engineering, Legal Services, Zoning Services, Development Services, By-law Enforcement, Property Standards and Strategic Communications has considered the matters identified in the September 2018 presentation to Council and established the recommended course of action.

Current Situation:

This report provides information and recommendations in relation to the items noted in the September 2018 presentation to Council. The report is mainly structured as per the categories that were referenced from Staff's September 12th 2018 update, as noted above. To more fully accommodate the range of issues addressed, the categories have been broadened into the following:

1. Zoning By-law Requirements
2. Assess Options for Surcharge for Driveway Widening/Charge through Committee of Adjustment
3. Feasibility of Charging Contractors (Licensees) vs. Homeowners
4. “Legal Non-Conforming” Status for Changes to Zoning By-law/Application of “Grandfathering”
5. Policy for Prioritization of Complaints (“Vexatious” Complaints)
6. Education/Awareness
7. Feasibility of Implementing a Driveway Permit Process

Each of these sections includes discussions on the issues and a summary of the recommended actions.

1. Zoning By-law Requirements

The September 2018 presentation identified that staff would confirm the minimum/maximum thresholds, requirements and guidelines for the Zoning By-law.

How the Zoning By-law Defines a Driveway

Definitions for both “residential driveway” and “residential landscaping” are included in the Zoning By-law to provide a clear understanding and interpretation of what surfaces constitute a driveway. These definitions do not apply to certain other zones such as

10.1-11

those for the Estate Residential lots and lands zoned “Agricultural”, where driveway width is regulated as a factor of minimum requirements for front yard landscaping.

The “Residential Driveway”

The By-law provides a definition for a residential driveway (see Appendix 4). Under this definition, any hard-surfaced area abutting the driveway (i.e. walkway) is considered to be part of the driveway if a vehicle can park on it (i.e. it is generally at the same level and there is no physical barrier preventing a vehicle from parking in that area). The width of the walkway is measured as part of the combined overall driveway width when applying the provisions of the Zoning By-law. Appendix 3 shows numerous instances that depict what would generally be considered a concrete “walkway” beside the “driveway”, but no physical barriers are in place to prevent vehicles from parking on that surface. In many instances resident can and do park on that that extended surface. In terms of assessing the suitability of a barrier, staff requires as a minimum that such a barrier be at least two feet in height and is permanently affixed to the ground.

What constitutes “Residential Landscaping”

The remainder of the yard that is not permitted to be used as the driveway is required to be what is defined in the By-law as “Residential Landscaping”. This definition is also provided in Appendix 4. The by-law does not prescribe an amount of “soft” (i.e. vegetation) in a yard. As such, a front yard could be primarily hard-surfaced (e.g. patio, walkway, steps, retaining wall) so long as the definition is met and it is divided from the area defined as “residential driveway” and provided that the required 0.6 metre of permeable landscaping is provided along the side lot line.

The by-law sets out that driving and parking of motor vehicles on the required “residential landscaping” is not permitted.

How the Zoning By-law Regulates a Driveway

The Zoning By-law regulates driveways through two measures. The general background to the development of these regulations is found in Appendix 2. The first measure regulates the maximum permitted width of the driveway (including any walkways that run parallel to the driveway and are capable of being parked upon) based on the width of the lot. The lot width ranges and corresponding permitted driveway widths are as follows:

10.1-12

Lot Width	Driveway Width	Parking Accommodated	% of Lot width for Driveway
<8.23m (27ft)	4.9m (16 ft)	1 car and a walkway, 2 cars may fit side-by-side	59%
>8.23m (27ft) <9.14m (29.9ft)	5.2m (17 ft)	2 cars could fit side-by-side	63%-57%
>9.14m (29.9ft) <15.24m (50 ft)	6.71m (22 ft)	2 cars side-by-side and a walkway	73%-44%
>15.24m (50ft) <18.3m (60 ft)	7.32m (24 ft)	2-cars, side-by-side, potentially 3 and a generous walkway	48%-40%
>18.3m (60ft)	9.14m (30 ft)	3 cars side-by-side and a walkway	50% or less

The second measure requires a 0.6 metre permeable landscape strip between the driveway and the side lot line. Therefore, where driveways are paired (i.e. driveways are located along the same lot line), a 1.2 metre (4 foot) landscape area is available as a separator between driveways. The 0.6 metre requirement is intended to help preserve the function of the swales that run along property lines. It is also useful in:

- Helping to preserve the function of the drainage swales that run along property lines;
- Defining a common separation space;
- Allowing for snow storage area in winter and water infiltration during the spring melt; and,
- Preventing issues such as a resident parking right up on the property line and then using their neighbour's property to access their vehicle.

Appendix 3 shows images of properties where both portions of this landscape area have been removed and the large expanse of uninterrupted paved area which results from such a circumstance. It is noted that even if eliminating the permeable requirement were considered, the area would still have to be shaped in a form to support drainage. There likely would still be compliance issues in this regard.

What constitutes "permeable" area is set out in the By-law and the definition can be found in Appendix 4. Further information related to engineering aspects of the 0.6 metre swale and general lot drainage design is found in Appendix 5.

Relationship to Official Plan and City Development Design Guidelines

The Zoning By-law requirements implement the Official Plan policies related to driveway control and maintaining attractive neighbourhoods. This regulatory framework is further

10.1-13

supported by the City's Development Design Guidelines which set out guidelines related to driveway and garage design.

Driveway Related Policies in Official Plan

Through the City's Official Plan, Council has expressed that it is important to build and maintain attractive neighbourhoods and balance the impacts of accommodating parking on a property with achieving attractive streetscapes/communities. Applicable policies and objectives in the Official Plan related to the design of residential neighbourhoods, and specifically driveways, include:

- Section 4.2 Residential promotes well planned, well designed and well-built residential areas that will enhance the sense of place for residents as well as visitors (Section 4.2 vi);
- Policy 4.2.1.14 sets out a number of "key elements of design for residential areas" including garage placement, driveway design and lot widths related to attached garages (Section 4.2.1.14 –(iii));
- Section 4.2.7 (Design) deals with aspects of the design of residential areas including the objective to avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complementary to the house and lot size (Section 4.2.7, tenth bullet); and,
- Policies in the Urban Design section set out the various aspects that make up the public realm of the City, such as streetscapes, public squares and landmarks, edges and gateways, among others. One of the objectives of this section is to deemphasize the importance of driveways, cars, and garages on the streetscape.

In new development areas much effort goes into the design of the subdivisions to, amongst other things, minimize the visual impact of garages - a key element in maintaining the attractiveness of Brampton's neighbourhoods.

Issues

Violations to the Zoning By-law regulations for driveways appear to be widespread. Further discussion on this is found in Appendix 6. In addition, the City receives numerous applications for minor variance for driveway widenings. Historically, staff has recommended refusal of the majority of these applications. Specific details with regard to the position taken by staff on such minor variance applications, as well as that of the Committee can be found in Appendix 7. Appendix 7 also provides some overview of the staff's considerations in evaluating these variance requests.

It appears that the definition of "Residential Landscaping" is not sufficient in terms of limiting the amount of hard-surfaced area in a yard. This creates concerns, in particular

10.1-14

from a streetscape perspective, where a certain amount of vegetation should be provided in a yard.

There will be a continued tension between a desire by residents to accommodate as many vehicles on a property as possible and the need to maintain the attractiveness of our residential neighbourhoods. These tensions are also likely a result of broader trends/realities such as:

- an increasing number of second units (both registered and illegal) found in the City;
- the general lack of alternate affordable or rental housing to offset the demand for rental units being fulfilled by second units;
- the need by homeowners to rent out a portion of their dwellings to support their mortgages;
- availability and viability of alternate transportation options;
- the low percentage of the City's residents that work within Brampton;
- the extent/reality of multi-generational families living in the same home; and,
- generally denser residential development resulting in smaller lots, combined with a demand for larger houses (or as large a house as possible on a lot).

Recommended Action

A review of the Comprehensive Zoning By-law is underway. This project will result in a new by-law that replaces the one currently in force. As part of this process the driveway regulations are being reviewed. Given that the current definition of "Residential Landscaping" would allow for the entirety of the front yard (or exterior) to be hard-surfaced (except for the required 0.6 metre permeable strip along the side lot lines), the by-law review should assess what changes could be made to ensure that an appropriate amount of permeable landscaping is retained on a lot, in particular the areas facing a street.

As noted in this report, through the Official Plan, Council has expressed that it is important to build and maintain attractive neighbourhoods and balance the impacts of accommodating parking on a property with achieving attractive streetscapes/communities. Any changes to the current regulations will be undertaken in a manner where the nature of the dwellings on such lots and the relationship of the house, yard and garage on a lot is fully understood, to ensure that undesirable situations are not created.

Staff will assess whether adjustments can be made to the regulations to aid enforcement. However, adding a Driveway Permit process may resolve some of these issues (e.g. determining compliance on-site) as the first step in the compliance process would be to ascertain if a driveway permit had been obtained - a simple yes or no answer.

2. Assess Options for Surcharge for Driveway Widening/Charge through Committee of Adjustment

Option for Surcharge for Driveway Widening

The option of applying a charge to a property based on the overall impervious cover on a lot, including the driveway, is being assessed by the Public Works and Engineering Department. Staff is preparing a report to Council with regard to the potential for implementation of a stormwater charge for properties in the City. This report is expected to be brought forward in May/June of 2019.

Charge/Reduction of Fee for Minor Variance Application

A reduced minor variance application fee may actually act as an incentive for widenings. Furthermore, applications for driveway widenings are often bundled with other variance requests, or are added to an application for other variances as a result of the required site inspections by staff, which would complicate fee requirements. Finally, it would in a manner constitute a tacit signal that the City supports such widenings, whereas staff has generally not been supportive of minor variance applications for driveway widenings.

Similarly, some form of additional charge on minor variance applications for driveway widenings would be seen as a signal that there would be some level of support for such a request provided the additional fee is paid.

Either a charge or a fee reduction could be seen as fettering staff's review and that of the Committee of Adjustment itself. A variance request should be dealt with in a similar manner to other variances. There is no particular reason to have a different charge.

There are more suitable mechanisms to address implications of increased impervious cover to City infrastructure. The upcoming report related to the potential for a stormwater management charge will look at one such mechanism.

Recommended Action

A report to Council on the matter of a stormwater charge for impervious cover to properties in Brampton is being addressed by the by the Public Works and Engineering Department and is expected to be brought forward in May/June of 2019.

Applying some form of fee reduction or charge for minor variance applications related to driveway widenings is not recommended.

3. Feasibility of Charging Contractors (Licensees) vs. Homeowners

The City can enforce against a Driveway Contractor under the Licensing By-law and against the Driveway Contractor or the Homeowner under the Traffic By-law (where no curb cut permit is obtained, if needed) or for a Zoning By-law violation.

10.1-16

There is difficulty in enforcing violations solely against contractors unless sufficient evidence that a specific contractor did the work is obtained (e.g. catch them in the act). Therefore, enforcement against homeowners is often the only viable option.

It should be noted that although the current Business Licensing By-law prohibits Driveway Paving Contractors from performing work without a permit, it does not require compliance with Zoning regulations. Additional details regarding the existing Licensing By-law requirements for driveway paving contractors is set out in Appendix 8.

Recommended Action

Enhancements to the Business Licensing By-law, and the introduction of a Driveway Permit process would assist in the ability to charge licensees.

Staff is proposing to amend the Business Licensing By-law to add a requirement that any work performed by Driveway Paving Contractors comply both with any necessary permit and with the City's Zoning By-law. With the recommended introduction of a Driveway Permit By-law, a Driveway Paving Contractor would thus need to ensure a Driveway Permit has been obtained prior to commencing driveway paving work.

These proposed amendments, which are set out, in part, below will also permit enhanced enforcement of these requirements by making it a chargeable offence, and allow the City to revoke a licence if a licensee performs work without a necessary permit or in contravention of the City's Zoning By-law.

The specific key amendments being proposed to the Business Licensing By-law are detailed below:

- Amendments to permit the City to refuse to renew, revoke or suspend a license if:
 - The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector;
 - The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.

- Amendments to Schedule 9 of the Business Licensing By-law to prohibit a Driveway Paving Contractor from:
 - Performing any work that requires a permit unless the permit is displayed in view of the public;
 - Perform any work that is not in compliance with the City's Zoning By-law 270-2004, as amended, or any other of the City's by-laws, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work.

A draft of the proposed amendment to the Licensing By-law is attached as Appendix 9.

4. “Legal non-conforming” status for changes to Zoning By-law/Application of “Grandfathering”

Several aspects to “grandfathering” were reviewed:

- Potential options related to the legal non-conforming status to driveways from a Zoning By-law perspective;
- How legal non-conforming status would apply to any potential changes to the Zoning By-law;
- How “grandfathering” would apply to the proposed Driveway Permit By-law; and,
- Not proceeding with enforcement activity on enforcement requests held in abeyance since September 2018.

Zoning By-law and Legal Non-conforming Status

Staff considered the application of a legal non-conforming status under the Zoning By-law (in this case it relates to a legal non-conforming driveway). A driveway that at one point complied with and then, due to regulation changes under the Zoning By-law, no longer complies has legal non-conforming status under the By-law itself and Provincial planning legislation. Conversely; one cannot apply a legal non-conforming status to (or “grandfather”) a driveway, regardless of the length it has existed, if it was constructed as, and remains, non-compliant. No further action on this matter is recommended as doing so would contravene legal principles and the *Planning Act*.

In general terms, when revisions to the Zoning By-law are made, it affects the zoning status of existing situations. As such, if changes to the Zoning By-law related to driveways are made, it potentially affects the zoning status of some existing driveways, depending upon the change as follows:

- It could result in a driveway that once did not conform, now conforming to the new regulations. In such a situation, there would be no enforcement issues. If there has been ongoing enforcement activity, such activity may be discontinued.
- If a driveway previously did conform to the Zoning By-law and would no longer conform under any new regulations, it would have legal non-conforming status.

Application of “Grandfathering” under Proposed Driveway Permit By-law

The proposed Driveway Permit By-law would apply to any proposed work requiring a permit subsequent to the date it comes into force.

- Where enforcement or prosecution action has already begun on an existing widened driveway that was widened prior to the by-law, the owner would not be required to obtain a permit.

10.1-18

- Further, where a driveway that was widened before the permit by-law was enacted, but an enforcement action was carried out after the passing of the by-law (or a variance application was sought after), a permit would not be required as part of those matters. In these circumstances, the Order to Comply issued by Enforcement or the approved variance would specify the requirements that would need to be met by the owner.

Enforcement Activity held in Abeyance since September 2018

Since Council's direction to staff was to hold all enforcement requests received, between September 2018 and December 2018 in abeyance of enforcement action. By-law Enforcement had received 151 complaints and has successfully closed 105 of those as they were found not to be in violation. Of those 151 calls, 46 driveway investigations are on hold. An estimated 20 additional investigation requests were received in December 2018.

In order to ensure consistency in its approach to enforcement activity, Enforcement staff will move forward with dealing with the enforcement requests held in abeyance since September 2018. Continuing with the enforcement activity also serves to reinforce the importance and legitimacy of the City's Zoning By-law as a tool in implementing the Official Plan policies related to regulating driveways and ensuring Brampton's neighbourhoods remain attractive places to live.

Recommended Action

Of the matters related to "grandfathering" and legal non-conformity no further action is recommended. As it relates to enforcement action held in abeyance, Enforcement staff intends on proceeding with dealing with the enforcement requests.

5. Policy for Prioritization of Complaints ("Vexatious" complaints)

Responding to complaints for service in a timely manner is a priority of the Enforcement Division. Staff has identified several circumstances that involve complaints made against multiple properties from single complainants, who were the subject of a complaint themselves, and have chosen to survey their street or neighbourhood for other potential violations. These complaints, while possibly valid, often have limited or no impact on the complainant themselves and appear to be made in an effort to frustrate Enforcement staff's resources and service delivery commitments. In response to these bulk requests for enforcement, staff has drafted and are currently reviewing a new proposed Complaint Priority Policy which will be brought forward to Committee of Council by way of an Information Report. The Complaint Priority Policy would prioritize complaints based on various criteria such as safety, effect on surrounding properties,

10.1-19

urgency, etc. therefore affording a more appropriate allocation of resources. The report is anticipated to be presented in April 2019.

Recommended Action

Implementing a policy for the prioritization of complaints will be addressed through a separate report being brought forward to Committee of Council in April 2019.

If a driveway permit process is implemented, as recommended by staff, Enforcement and By-law Services will work with Zoning Services, Public Works and Engineering and other staff to establish an action plan that will address complaints and the responsibilities of each section to respond to complaints of driveway alterations without a permit.

Other actions Enforcement staff will undertake:

- While on patrol for general offences, actively investigate contractors on site and property owners for driveway alterations if no permit has been issued.
- Continue to respond and investigate complaints of driveway alterations without a permit.
- Enforce permit requirements including potential licensing and zoning violations.
- Assist and enforce driveway alterations from a licensing and zoning perspective. Where permits are obtained, staff will be able to confirm alterations were conducted in accordance with the permit and ensure licensing and zoning requirements are met. Further, staff will actively investigate illegal driveway alterations where permits have not been issued and are currently under construction.

6. Education/Awareness

Currently information regarding driveway widths is principally relayed in the following manner:

- For new homebuyers in new subdivisions a notice is included on the Homebuyers' Information Maps indicating that driveways are regulated by the Zoning By-law and residents should first check with the City before proceeding with any widening.
- A warning is also included on title via the subdivision agreement. This provision has been in place for a number of years, therefore many new developments have this clause in their agreements. As the subdivision agreement is registered on title, it "runs with the land" and all future owners are subject to it.
- The City's website also contains information related to driveway widenings in a number of locations under the Roads and Traffic, By-law Enforcement and Building Permits-Zoning pages.

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Issues

The clause related to driveway widenings in the subdivision agreement is part of an often lengthy list of warnings and may be overlooked by residents. As such, while staff recommend the practice continue, it is likely not the best method of informing the public with respect to driveway regulations.

Currently information related to driveways is found in several locations on the website. Improvements can be made to the City's website to consolidate information onto one page with links from other locations. The list of licensed paving contractors is currently not public information.

Furthermore, the current approaches (i.e. homebuyers map, clause on property title, website) are either limited and/or passive in nature. A more active and broad-reaching campaign to have residents understand the requirements related to driveways would be beneficial.

Recommended Action

The following actions are proposed:

- Publishing a list of Licensed Driveway Paving contractors;
- Undertake a broader public awareness campaign;
- Updating the standard subdivision notices if a driveway permit process is approved; and,
- If a driveway permit process is approved, staff will investigate the potential of making certain information (E.g. property, date issued, contractor info) related to driveway permits that have been issued available online via the City's Open Data source.

Publication of List of Driveway Paving Contractors

There are currently fifteen Driveway Paving Contractors licensed with the City. Staff is proposing that the name and business contact information of all licensed Driveway Paving Contractors be made available on the City's website, so that residents can easily confirm that the contractor they are considering hiring is licensed with the City. By making information regarding licensed Driveway Paving Contractors easily available to the public it is hoped that additional contractors will seek to become properly licensed by the City and encourage compliance with the City's licensing, zoning and permitting requirements. This will in turn benefit and better protect the interests of the City's residents. Other municipalities, such as the Town of Oakville and the City of Toronto, currently provide their residents with access to this information, either in the form of a list or online look-up system.

Comprehensive Awareness Campaign

Staff will work closely with Strategic Communications to develop and implement a public education strategy that supports the new permit requirements. The strategy will include, but will not be limited to, City website, translated materials, social media, digital

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advertising, corporate and councillor newsletters, and information sent to local contractors.

Update to Warnings in Subdivision Agreements

If a Driveway Permit process is approved by Council, staff can also update the standard warnings included in the subdivision agreement and Homebuyers' Information Maps to reflect the new requirement.

Make Driveway Permit Information Available Online

If a Driveway Permit process is approved by Council, staff will investigate the potential of making certain information related to the permits that have been issued available online. This would be dependent on how the applications are entered and tracked within the City's databases and whether that information can be readily made accessible online, among other things.

7. Feasibility of Implementing a Driveway Permit Process

Staff has investigated the potential for implementing a Driveway Permit process. Such a process exists in some other municipalities such as Burlington, Vaughan, Collingwood and Toronto (details of which are found in Appendix 10).

A permit process would provide for a further means to enforce compliance to the City's Official Plan and Zoning By-law requirements including:

- aid enforcement, as the first step in understanding compliance would be a simple "yes/no" as it pertains to whether a permit has been obtained. A violation can simply be determined by absence of the required permit, followed by investigations of any violations of the Zoning By-law;
- "close the loop" with respect to the Licensing By-law by requiring contractors (or homeowners) to obtain a permit that requires compliance with the Zoning By-law.

Recommended Action

Staff is recommending that Council implement a Driveway Permit process that would require a permit for the following activities, excluding driveway repairs:

- Resurfacing (but not sealing)
- Construction (e.g. replacement of driveway)
- Expansion and alteration (e.g. widening including the addition of curbs and walkways)

The proposed By-law (draft attached as Appendix 11) sets out details relating to:

- Submission requirements (plans drawings, any other related permits)
- Compliance requirements (e.g. Zoning By-law, off-sets to utilities, street trees, light poles)
- Requirement for notification of completion of work

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- When a permit may be refused or revoked or renewed
- Allows the potential to require securities, if deemed necessary
- Requirement of payment of a fee for the permit
- Parameters related to enforcement and inspection (e.g. an officer may enter onto the property to carry out an inspection)
- The ability to issue orders to comply
- How contraventions are handled (constitutes an offence for which charges may be laid under the *Provincial Offences Act*) and penalties for violations of the by-law)

In terms of implementation, staff anticipates that the by-law can be forwarded to Council for approval to be effective as of June 1, 2019. This would allow time for an awareness campaign to be launched to help raise public understanding of the new requirement. It will also allow time for staff to complete the necessary administrative changes to prepare for the new process (such as preparation of application forms and permit document).

It is recommended that the current fee that is required for permit applications for curb cuts and driveway works in the right-of-way be applied to Driveway Permits (currently \$50). A revision to the City's User Fee By-law is required in this regard.

For those residents seeking to undertake work after June 1, 2019, staff will be prepared to start accepting applications by May 15, 2019, to minimize any delays where residents may have already scheduled work.

Corporate Implications:

Financial Implications

The introduction of a Driveway permitting system will likely have administrative and financial impacts. This includes potential increased staffing requirements for the Public Works and Engineering Department that will take in, circulate and review the applications, as well as for other departments that would also be involved in the review of such applications.

Current staffing levels should be sufficient to process a reasonable uptake in applications and the associated service requests and investigations, while still meeting customer service levels. While it is anticipated that the permitting process can initially be administered with current staff levels, uptake will likely increase as general awareness of the requirement grows across the City.

Should the increase exceed anticipated capacity or impact the overall level of service to the customer, a review of the personnel resources would be needed and brought forward in the 2020 operating budget submission, pending Council approval.

Other Implications

Strategic Plan:

This report and its recommendations align with the “Good Government” theme of the Strategic Plan. One of the goals is to “Practice proactive, effective and responsible management of municipal assets and services”. The proposed actions will aid in providing awareness of driveway regulations to the residents and contractors, aid in enforcement, and make residents and business operators accountable in terms of complying with City regulations.

In this regard, it would assist in ensuring that driveways remain balanced as a part of a residential lot and streetscape and that the City’s neighbourhoods remain attractive places to live.

Living the Mosaic-2040 Vision

This Report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

In order to ensure that Brampton’s residential neighbourhoods remain attractive places to live, that balance the provision of landscaping and vegetation in the streetscape with that of accommodating vehicles and vehicular parking, it is important to maintain a multi-faceted regulatory system. The current framework includes supportive Official Plan policies, zoning by-law regulations and licensing requirements for contractors. Despite this, violations of driveway regulations are widespread, which may be driven, in part, by broader factors facing Brampton.

Staff is making a number of recommendations that would enhance or improve this regulatory system with an aim to also improve compliance. These are:

- Updating the licensing by-law;
- Introducing a driveway permit requirement with June 1, 2019 being the date it becomes effective. Staff will undertake all tasks necessary to implement the new permit process for this date. Residents will be able to make applications for driveway permits beginning May 15, 2019;
- Undertaking a public awareness campaign in anticipation of the new requirement coming into effect;
- Review the Zoning By-law provisions as a part of the City’s comprehensive Zoning By-law review. The by-law review should assess what changes could be made to ensure an appropriate amount of permeable landscaping is retained on a lot, in particular facing the street.; and,

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- Update the subdivision notice clause to reflect the new driveway permit requirement.

It is acknowledged that even with these changes in place, violations are likely to continue. However, the recommended changes would allow staff to better inform the public and contractors of the requirements related to driveways and enhance enforcement, including against contractors. Appendix 12 provides a “homeowners” perspective with regard to how the changes would impact them.

Approved:

Allan Parsons, MCIP., RPP.
Director, Development Services
Planning and Development Services

Rick Conard,
A/Commissioner,
Planning and Development Services

Attachments:

- Appendix 1: Council Resolution 194/2018
- Appendix 2: Background to Current By-law Standards for Driveway Regulations
- Appendix 3: Images of Driveways in Brampton
- Appendix 4: Zoning By-law Definitions: Permeable, Residential Driveway and Residential Landscaping
- Appendix 5: 0.6 metre Permeable Swale and Residential Lot Drainage Design
- Appendix 6: General Observations with Regard to Compliance with Zoning By-law
- Appendix 7: Minor Variance Statistics and Planning Considerations for Minor Variances
- Appendix 8: Details of Current Business Licensing By-law-Driveway Paving Contractors
- Appendix 9: Draft Amending By-law to Licensing By-law
- Appendix 10: Benchmarking of Municipal Regulation of Driveway Paving and Widening
- Appendix 11: Draft Driveway Permit By-law
- Appendix 12: The Homeowner’s View -How will the Changes Affect Homeowners

Minutes
City Council

those complaints currently before the court, but are deemed not to be causing a drainage issue, are placed on hold.

Council discussion on the motion included:

- concerns about exempting any properties from the requirements of City by-laws
- advice from staff about making decisions on matters for which there is no staff report

The mover of the motion proposed an amendment to delete reference to “and all those complaints currently before the court”.

The motion was split and considered as follows.

C194-2018 Moved by Regional Councillor Sprovieri
Seconded by City Councillor Fortini

Whereas, Brampton continues to face significant population growth; and

Whereas, City Council has endorsed an Environmental Master Plan; and

Whereas, City staff continue to update and ensure conformance to the zoning by-law;

Whereas, it is imperative that the City demonstrate clarity and strengthen its consistency in how growth and property modifications are completed as it pertains to the zoning bylaw;

Whereas, a group of City staff comprised of enforcement and bylaw, building and legal services are working collaboratively on a vexatious complaint policy;

Therefore be it resolved, that staff be directed to continue its work on a vexatious complaints policy and present to council at a future meeting for consideration.

That staff bring a report and recommendations on how to best mitigate historical property modifications (i.e. conditions and rules for grandfathering), and investigate the potential for development of a permit process for minor property modifications (e.g. driveway widening) to ensure residents and contractors are aware of the by-law requirements and to ensure that any work completed adheres to all applicable requirements and restrictions inclusive of any financial and staffing resource implications.

Carried

10.1-26

Appendix 2 Background to Current By-law Standards for Driveway Regulations

The current zoning requirements related to driveway widenings were established in 2006. At the time driveway widths were not directly regulated in the by-law. What was regulated was the minimum amount of landscaping in the front/exterior yard. This was expressed as a percentage of the yard. The difficulties noted at the time included:

- Calculating the percentage of landscape same in the yard was difficult, in particular for irregular yards
- the calculation could not be undertaken on-site, which meant By-law enforcement could not determine at the property whether a driveway was in compliance
- the nature of the definition of front yard, meant that portions of the yard were in certain cases not included in the calculation.
- there were disputes as to whether a walkway was to be included in the open space calculation.

The review also noted some issues raised by the public including:

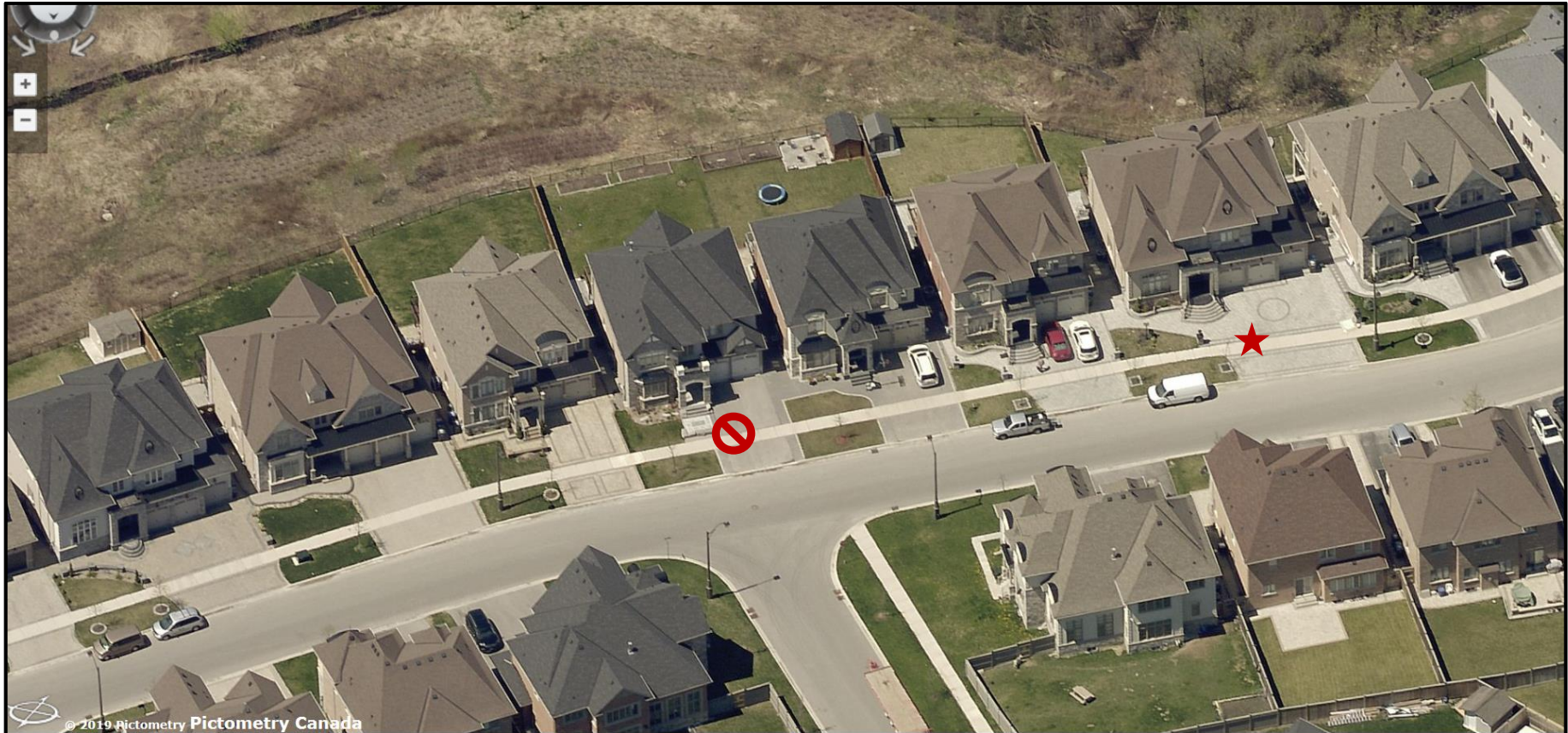
- The desire to park vehicles side-by-side
- Cost impacts of having to remove portions of a widened driveway (in particular where the installation used decorative materials/concrete) even if they only intended to park two vehicles side by side
- Concern of people having too many vehicles parked in their front yards
- Garages are too small to park cars (or people use them for storage)

The principles that provided the basis for the eventual by-law included.

- Generally, allow widths that would provide for the ability to park two cars side by side plus a walkway
- On the smallest lots (<8.23 metres (27ft)) two vehicle side by side parking may not be possible, or if so, with no allowance for a walkway. The amount of space consumed by the driveway would allow insufficient space for landscaping.
- Generally on lots in the 9.14 to 18.3 metres (30-60ft) range, allow for driveways that would enable two cars to be parked side by side, plus a walkway. The resulting by-law split this range into two, allowing for larger driveways on lots 15.23 metre (50ft) to 18.3 metre (60ft) range.
- Permit wider driveways for lots greater than 18.3 metres (60ft.); to allow 3-car wide parking, but not more.
- Clearly define the driveway in the by-law so there is no confusion as to what constitutes part of the driveway (i.e. an area that can be parked upon by a motor vehicle
- Define what is soft landscaping
- Define the driveway to include that portion within the public right-of-way

The By-law that was passed set out 5 lot ranges with a maximum width for each.

1. Streetscape: Impact of Series of Non-complying Driveways, removal of 0.6 metre permeable strip



Series of dwellings on Degrey Drive, most do not comply, driveways and paving is so extensive that hard-surfaced areas connect even though driveways are not “paired”. 0.6m permeable strip mostly removed. Many lots have little soft landscaping left on the private side.

These are large lots, without paired driveways, zoning compliance with retention of 0.6m permeable strip should be achievable

Lot widths: approximately 15-21/22 metres

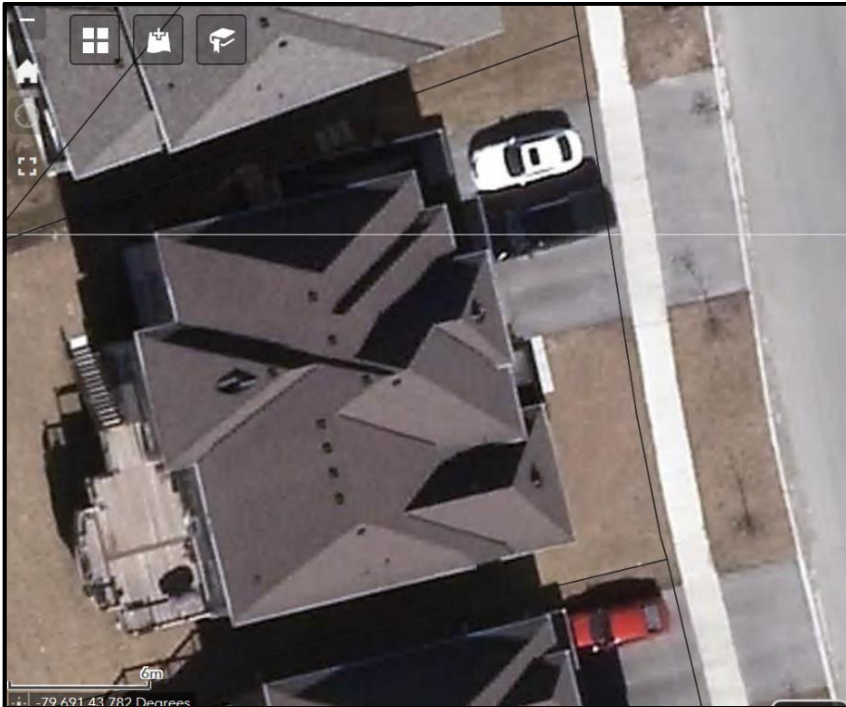
Allowable driveway width: 6.71 metres (15 metre lots), 9.14 metres (21 metre lots)



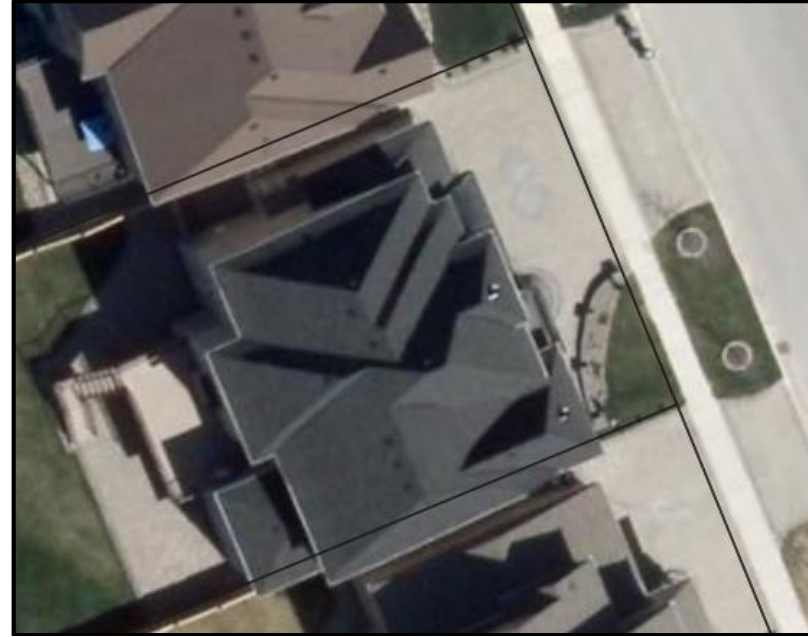
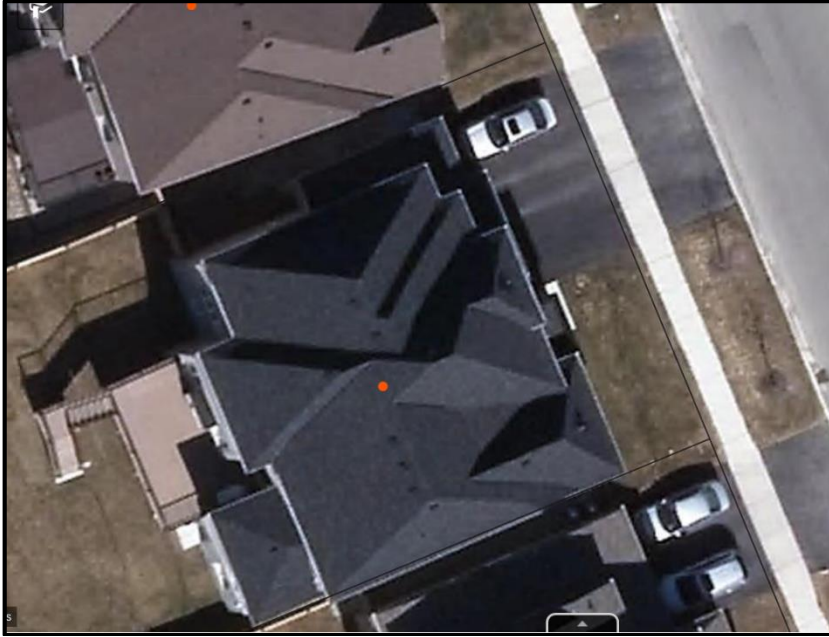
This driveway appears not to comply, is approx. 10.9 metres, if not wider, 0.6m appears to have been removed.

This driveway appears not to comply, is approx. 6.79 metres, 0.6m permeable appears to have been removed.

1.1 Images of as-built driveway vs. widened, Degrey Drive



Approx. 22 metre lot on Degrey Drive, original driveway approximately 9.00 metres, accommodates 3 cars side-by-side.



Approx. 19.8 metre lot on Degrey Drive, original driveway approximately 8.75 metres, current 10.9 metres, 0.6m permeable removed. Columns and planter may actually be in right-of-way. 9.14 metres is the maximum driveway width.



15.0 metre lot on Degrey Drive, original driveway approx. 5.75 metres. The house design/siting would likely not allow this property to have a driveway widened to the maximum allowable width.

1.2 Degrey Drive, Streetscape where driveways widened to lesser degree

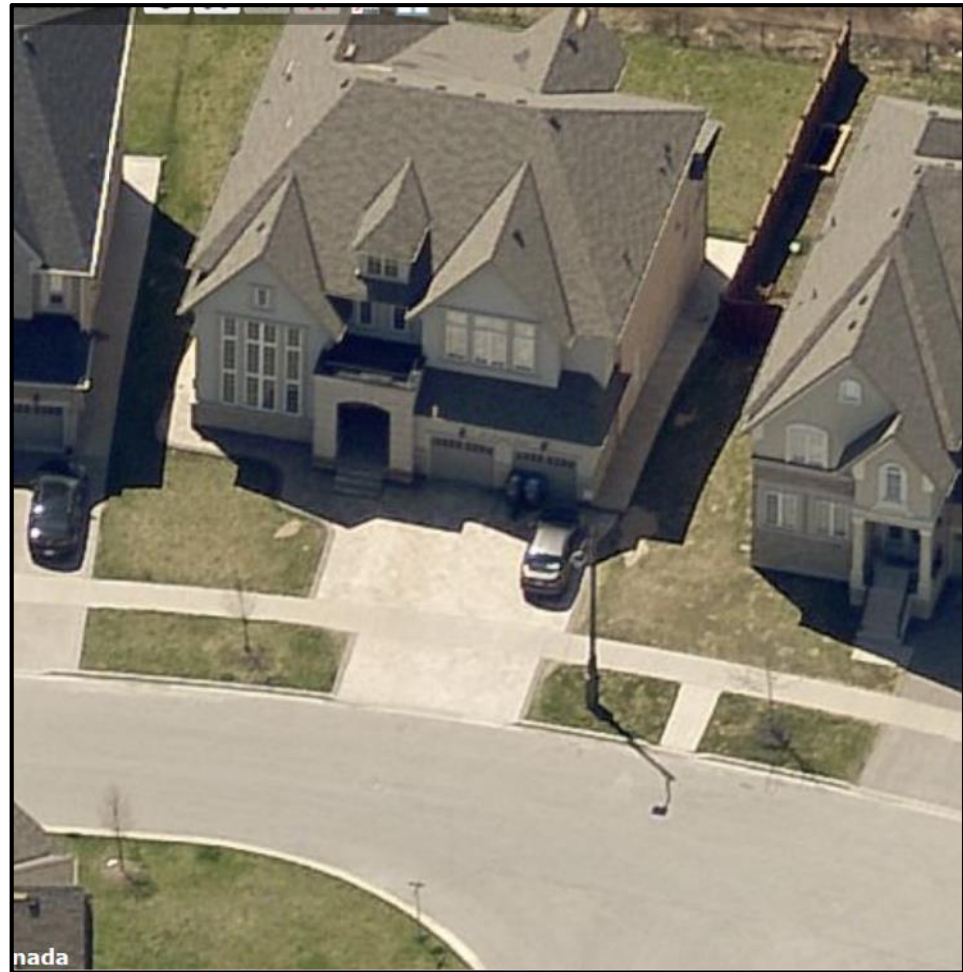
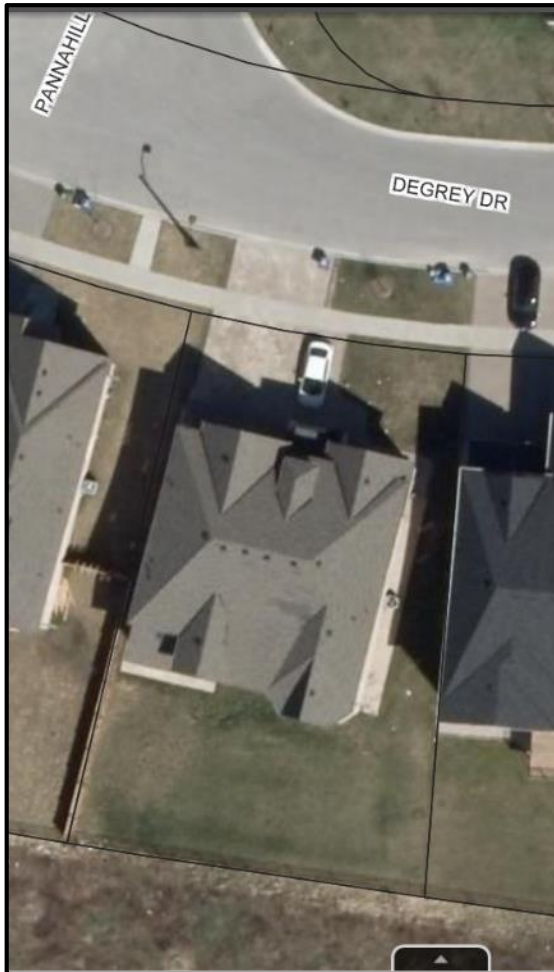


Further along Degrey Drive, driveways have not been widened out to the same degree; less hard-surfaced area and 0.6m permeable strips have not been removed to same degree. Some of these lots could have 9.14 metre driveways, even though they only have double-car garages, although house design (protruding steps) may prevent this.

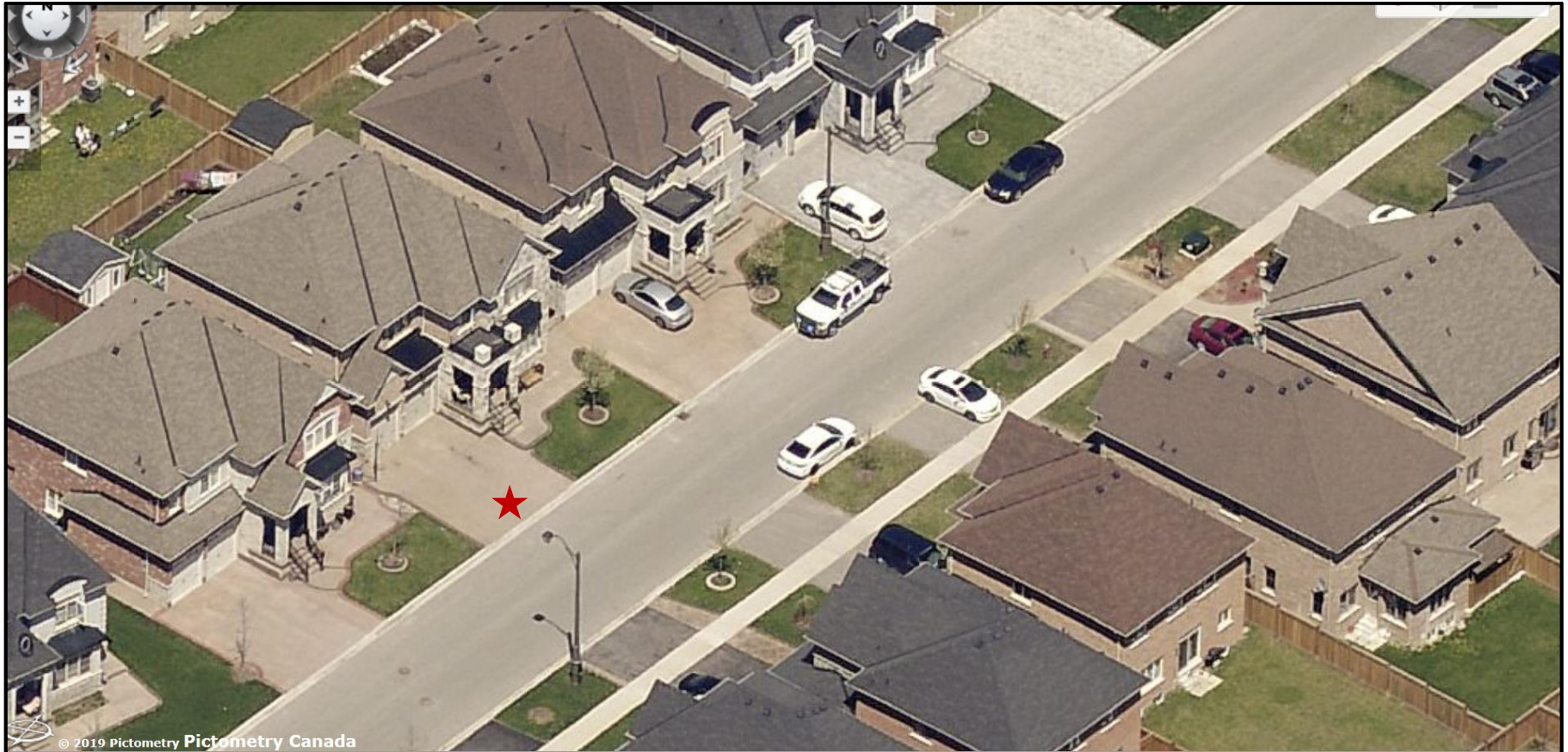
- ★ Lot width approx.: 15-19 metres
Allowable driveway width: 6.71 metres (15 metre lots), 7.32 metres (18 metre lots), 9.14 metres (>18.3 metre lots)
- ★ This driveway appears to comply, is approx. 6.2 metres in width. 0.6m permeable is retained.
This driveway may not comply. It is approximately 9.8 metres in width, 2-car garage design. In this case there may be sufficient space to allow car to be parked in front of door (6.0 metre depth - meets by-law) (see airphoto below). Which is aesthetically questionable.

1.3 Widened Driveway on Degrey Drive

Approx. 18.9 metre lot on Degrey, noted above. 2-car garage but 3-wide parking. "Birds-eye" view seems to show 0.6m permeable removed. If 0.6m reinstated, could likely comply although is parking in front of the porch/dwelling entrance desirable?



2 Streetscape, 0.6 metre permeable removed



On Compassion Crescent (in same neighbourhood as Degrey Drive), hard-surfaced areas, 0.6m removed, drainage swale on both property side lot lines impacted.

Lot widths approx.: 15.5 metres

Allowable driveway width: 7.32 metres

★ The width here is approximately 6.58 metres, however, the 0.6m wide permeable strip is not retained. The house design/siting would not allow this property to have a driveway widened to the maximum allowable width.

2.1 Streetscape, 0.6 metre permeable retained

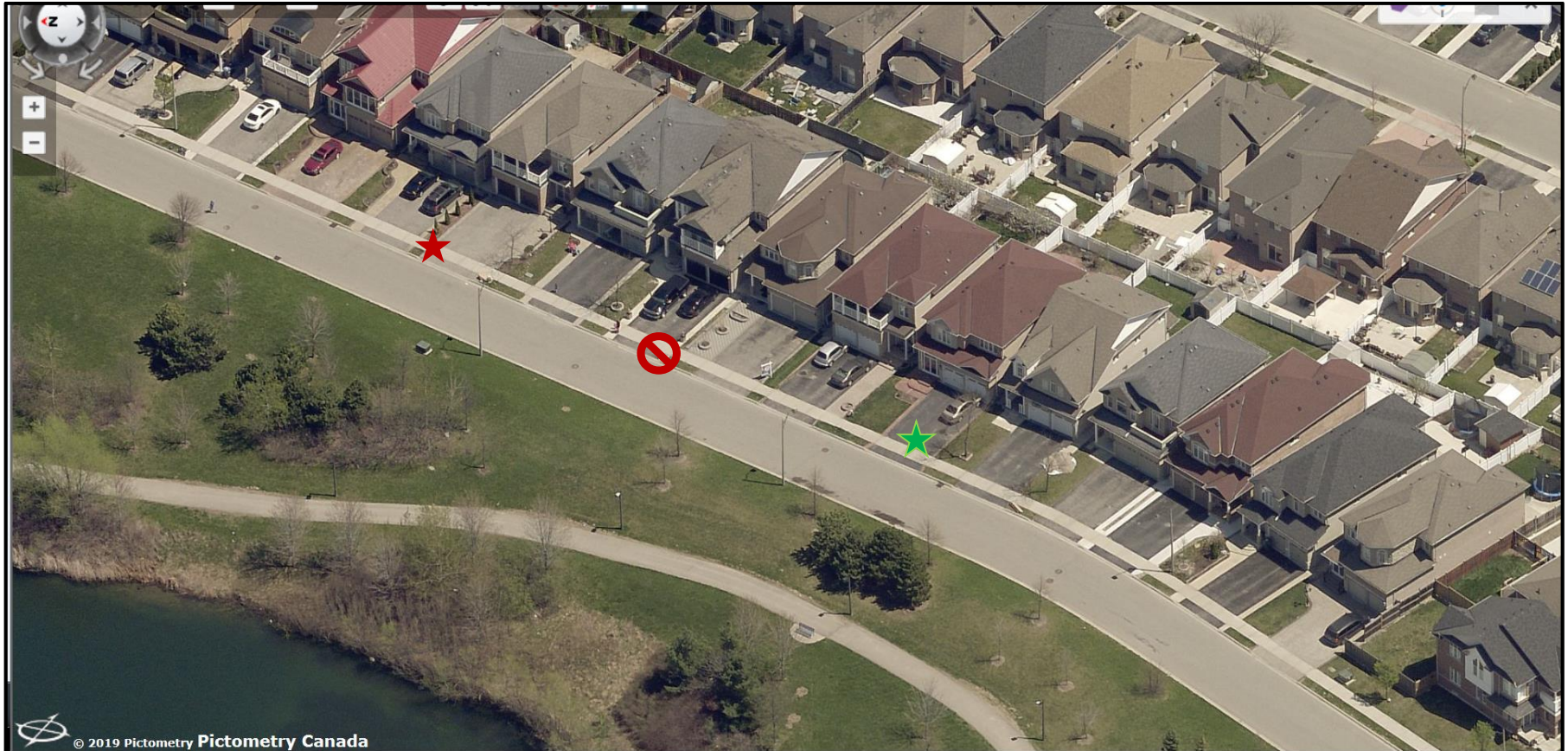


On nearby Decorso Drive where widenings, removal of landscape has not occurred on a lot of the lots. The 0.6 metre permeable appears to be mostly intact.

Lot widths approx. 15.0 metres
Allowable driveway 6.71 metres

★ This driveway appears to comply. The width is approximately 6.0 metres wide. The house design/siting would likely not allow this property to have a driveway widened to the maximum allowable width.

3.0 Smaller Single Detached lots

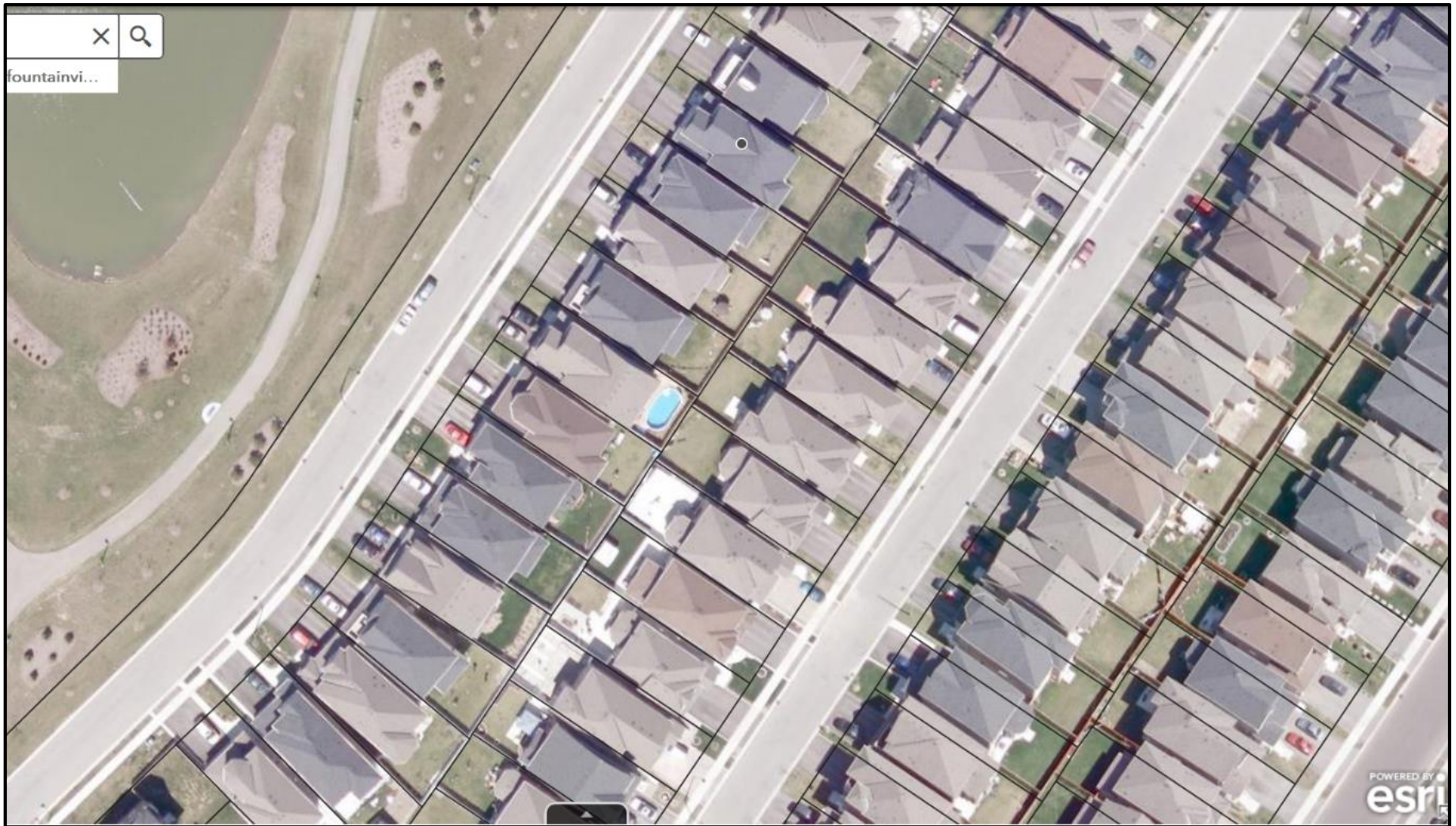


Fountainview Way (south of Bovaird Drive, east of Torbram Road). Most of the driveways have been widened and most of the 0.6m permeable strips removed. The extent of “soft” landscaping in the streetscape is low.

Lot widths approx. 9.8-10.4 metres

Allowable driveway 6.71 metres

- ★ This driveway appears to not comply, driveway is approx. 9.0 metres.
- ★ This driveway appears to comply, driveway is approx. 6.0 metres. 0.6m permeable strip retained.
- ⊘ This driveway appears to not comply, driveway is approx. 7.3 metres. 0.6m permeable appears to be retained.



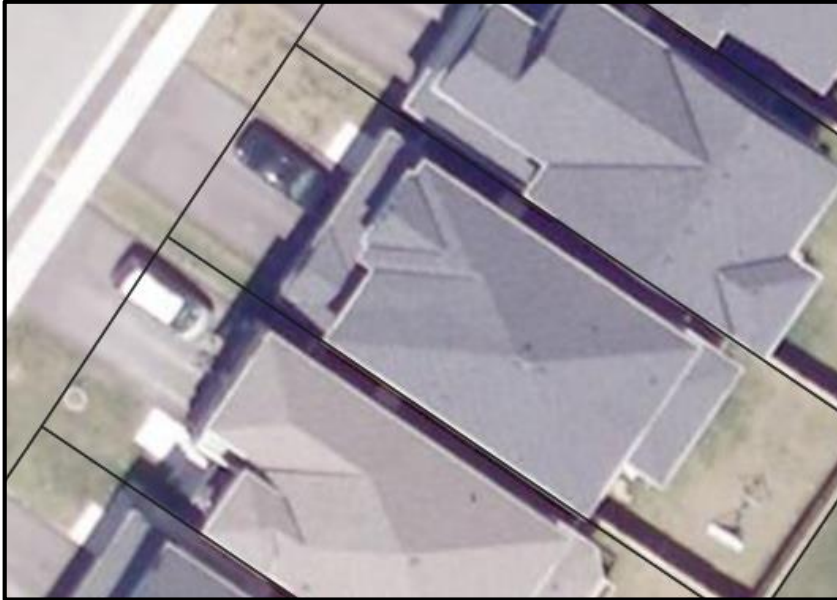
2007 airphoto of Fountainview (when subdivision was new). It appears most driveways are as-built and not yet widened.

3.1 Images of as-built driveway vs. widened, Fountainview Way



10.4 metre lot on Fountainview Way, original width of driveway approx. 6.7 metres.

3.2 10.4 metre lots on Fountainview Way, very little “soft” landscaping remains





10.4 metre lot, neighbouring property to previous image.

4. Streetscape: Maintaining the 0.6 Metre permeable strip. (and generally, driveway width)



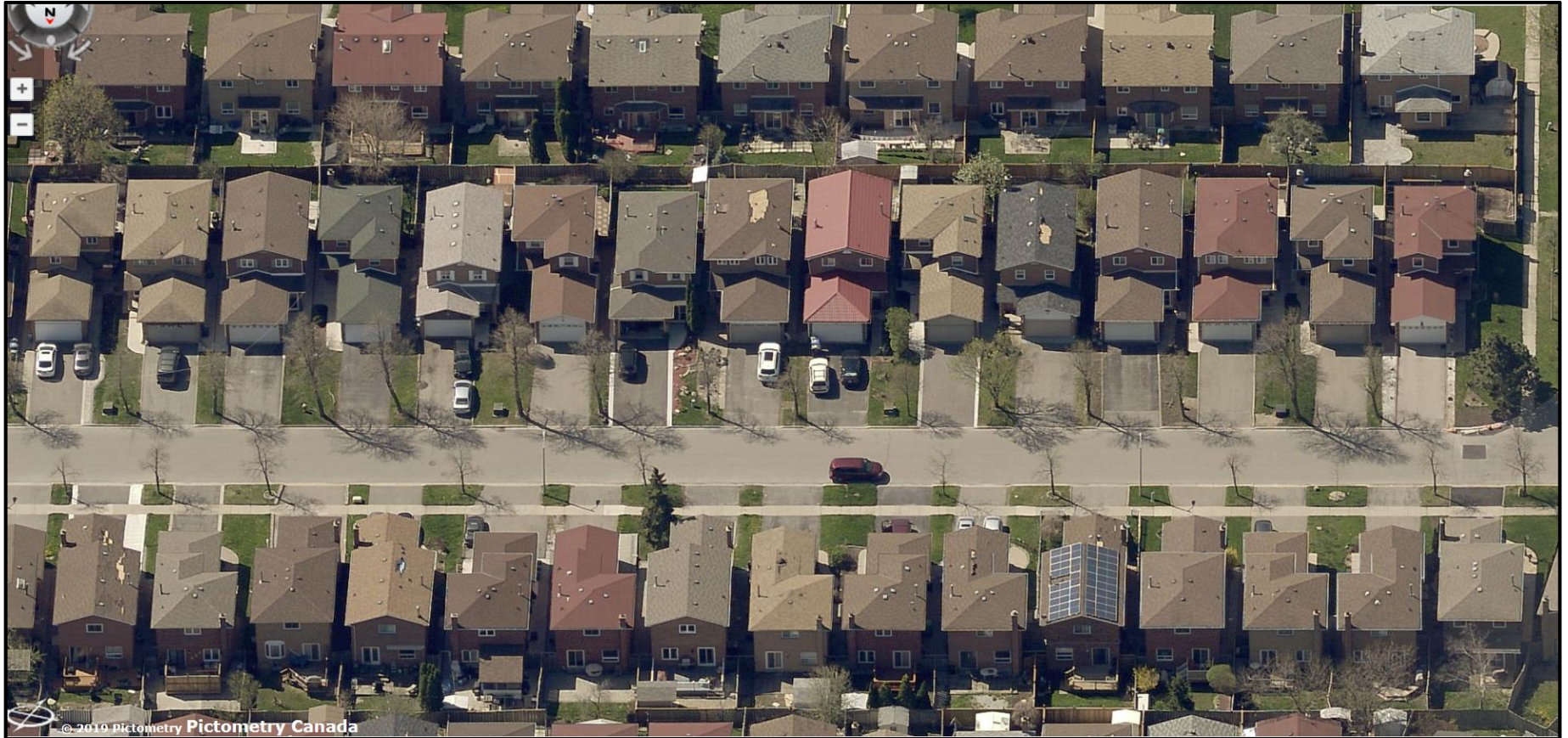
Alabaster Drive. These lots are approx. 9.15 metres wide, where generally the permeable strip has been retained, even where driveways are paired. These strips appear to be greater than the 0.6m minimum (1.2m combined). They appear to be 2.0 metres wide (combined). The driveways that are the exact width of the garage are approximately 5.2 metres wide

Lot widths: approx. 9.15

Allowable driveway width: 6.71 metres (5.2 metres if they are less than 9.14 metres wide).

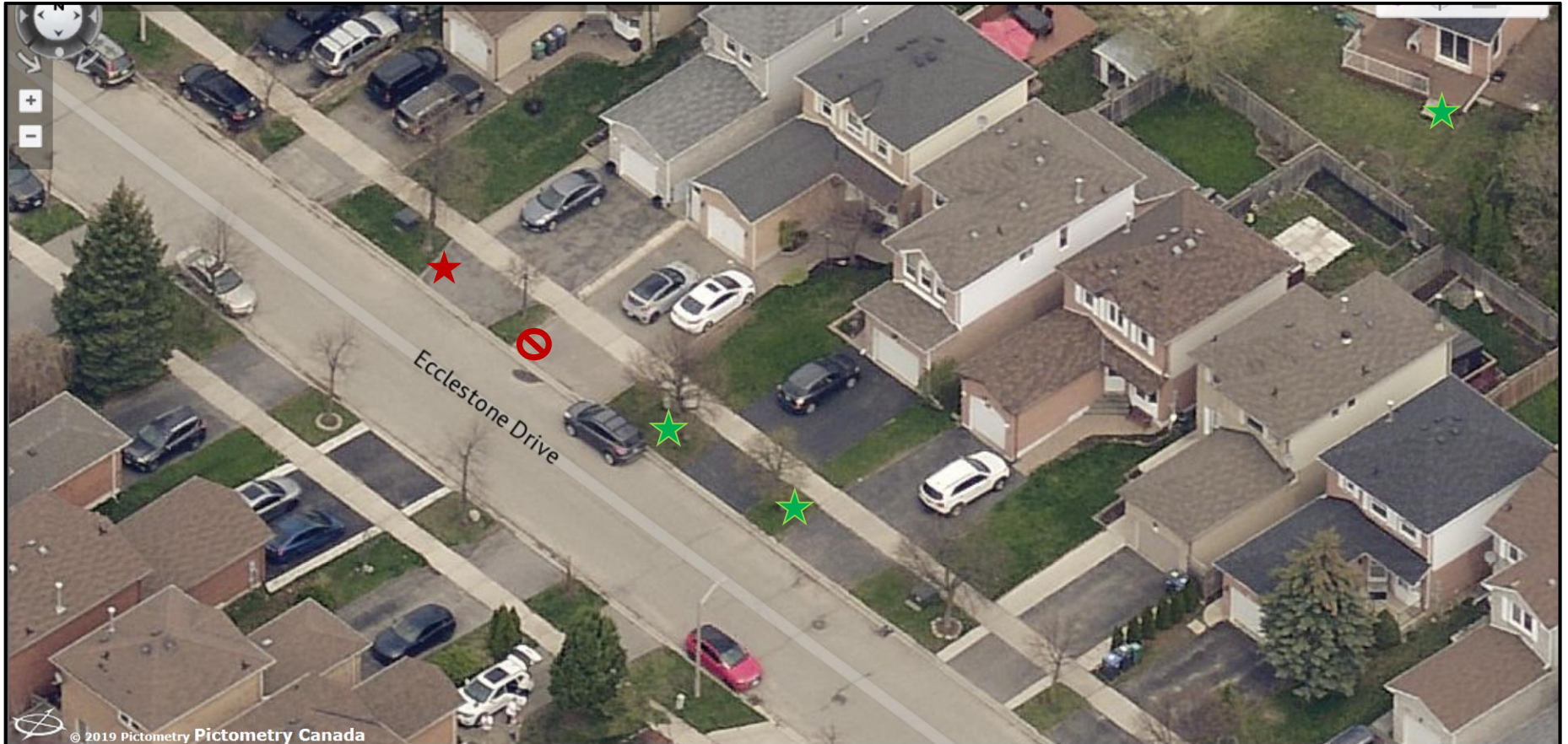


This driveway is approximately 7.2 metres wide, which exceeds the by-law maximum.



Other side of Alabaster Drive.

4.1 Ecclestone Drive, comparison where lots maintain strip and meet driveway, versus non-complying



Lot widths approx.: 9.0 metres

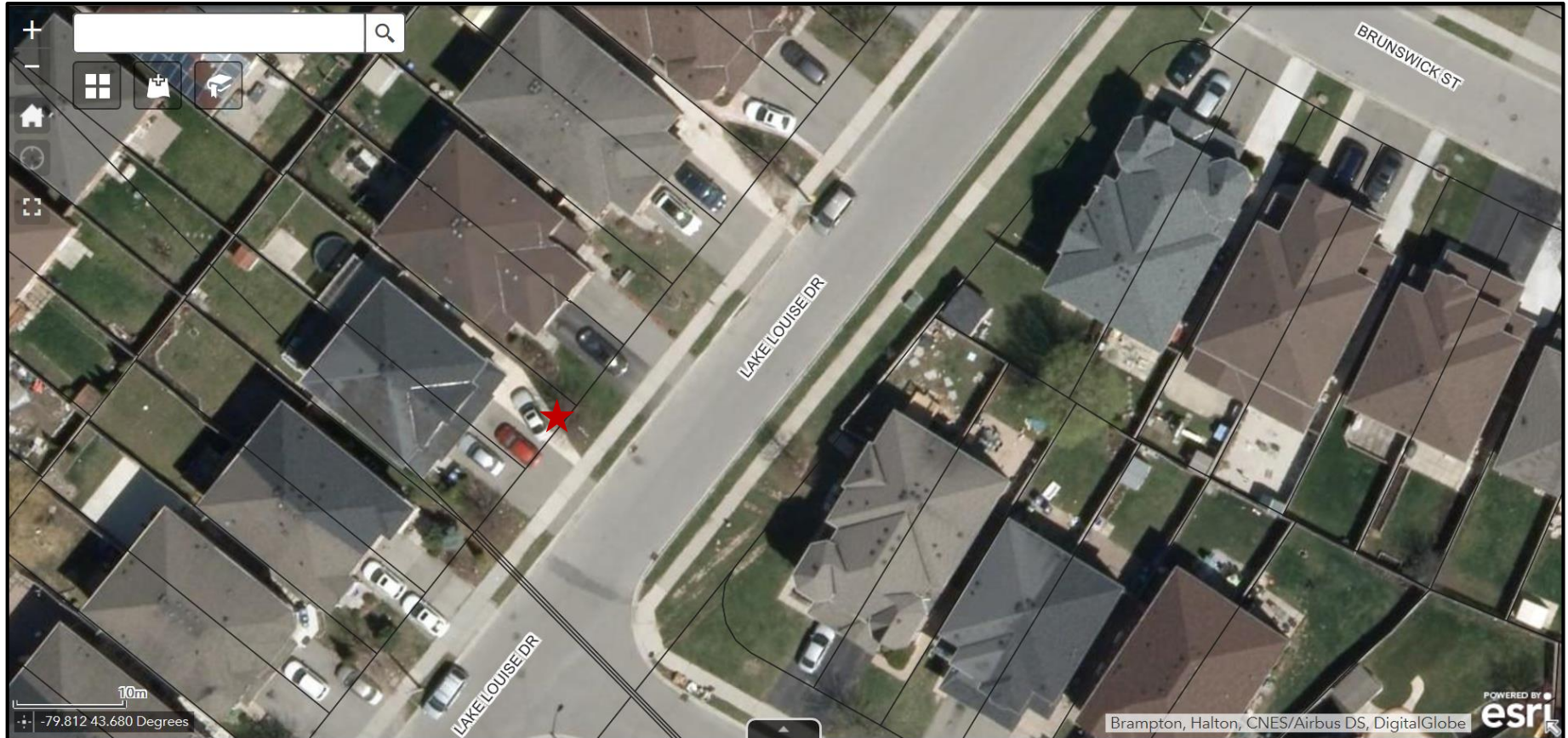
Allowable driveway width: 5.2 metres

- ★ This driveway appears to not comply, driveway is approx. 6.8 metres wide. No permeable strip retained.
- ★ These driveways appear to comply, driveways approx. 5.2 metres wide. Permeable strip retained.
- ⊘ This driveway appears to not comply, driveway is approx. 6.3 metres wide. No permeable strip retained.

5. Streetscape: Semi-detached dwellings



Lake Louise Drive, north of Williams Parkway, west of Chinguacousy Road.

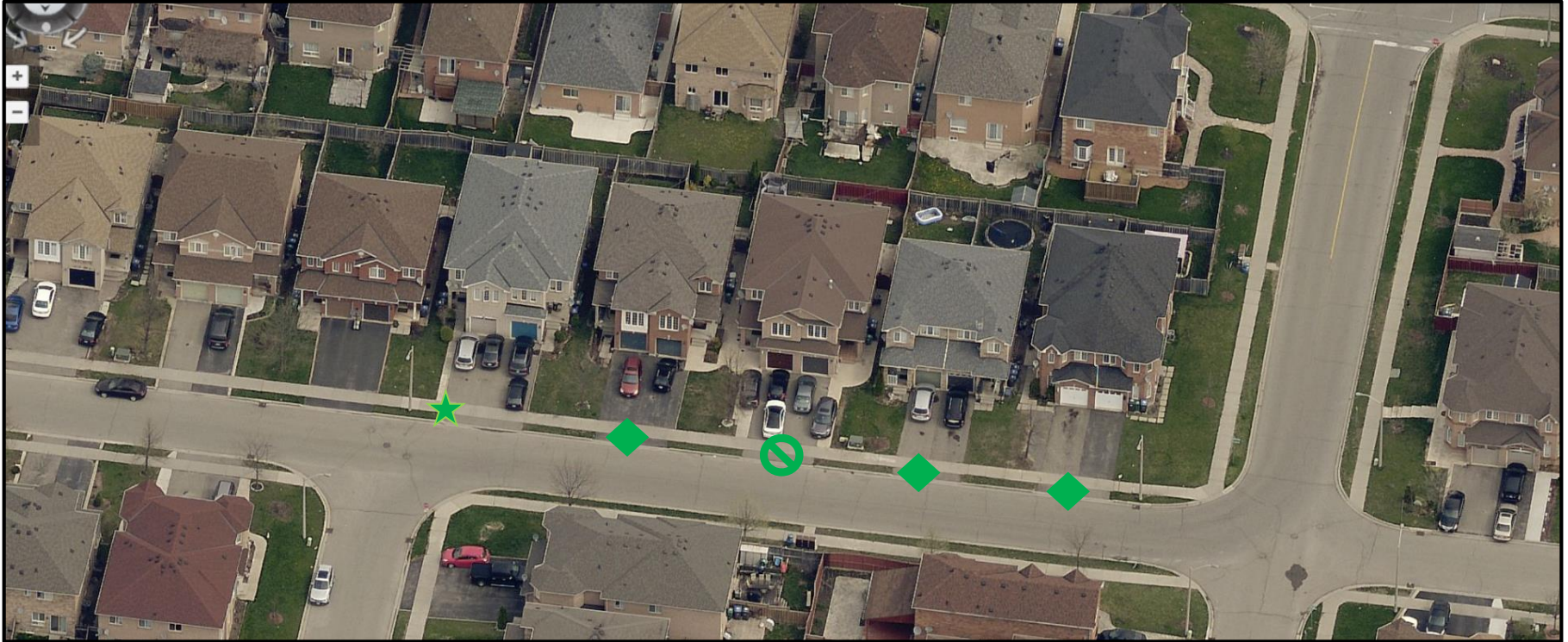


Lake Louise Drive, north of Williams Parkway, west of Chinguacousy Road. Semi-detached lots, driveways widened out in front of entrances. Vehicles parked on angles, in front of porch/entrance.

Lot widths: approx. 6.85 metres (13.7 metres for total semi-detached lot (both sides))
Allowable driveway width: 4.9 metres

- ★ This driveway is approximately 7.2 metres wide, which exceeds the by-law maximum. It also appears that the drainage swale along the side lot line has been impacted by the paving, which appears to go right to the property line by the entrance to the house (and along the interior side yard).

5.1 Semi-detached, comparison of un-widened vs widened



This image provides a good comparison between lots that appear un-widened, those that are widened and comply, and those that are widened and do not comply.

Lot widths: approx. 6.85 metres (13.7 metres for total semi-detached lot)

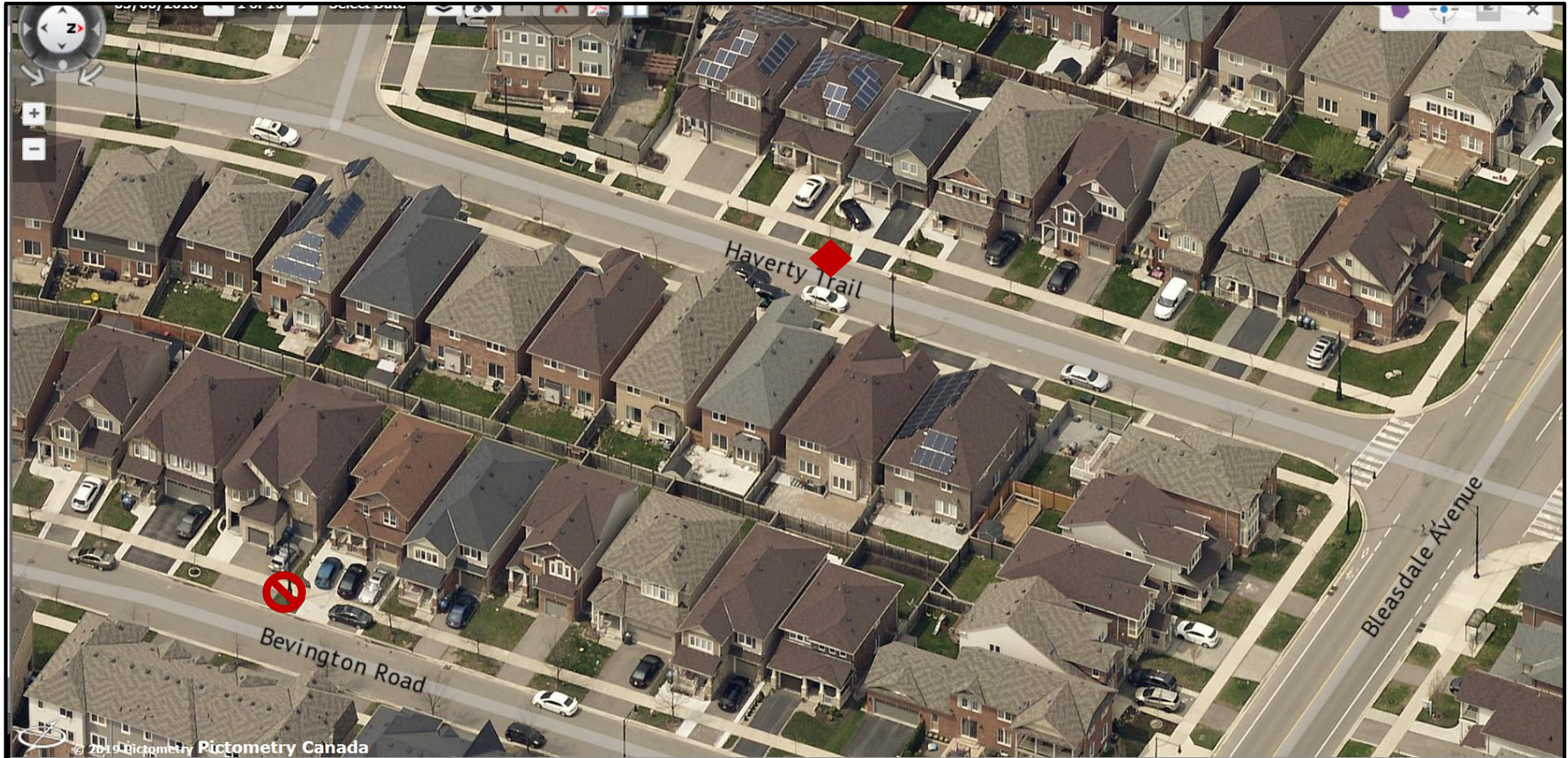
Allowable driveway width: 4.9 metres

- ★ This driveway is approximately 5.0 metres wide, slightly above the maximum permitted. Technically this allows 2 side-by-side parking on a narrow lot with a single car garage.
- ⊘ Each of these driveways are approximately 4.8 metres wide, within by-law limits. This results in 4-wide parking on a combined semi-detached lot with garage. Having cars parked in front of the entrance area of the house does detract from the aesthetics of the area. Given this, the by-law can be seen as being quite permissive.
- ◆ These driveways appear to be in their original as-built width. They are approx. 3.0 metres wide. The amount of remaining “soft” landscaping is noticeably greater than on lots with widened driveways (even those that are legal).

6. Lots in Mount Pleasant Village area




- ⊘ This is a 13.72 metre lot, a 6.72-metre wide driveway is permitted, the driveway is approximately 12 metres wide (effectively the whole front yard is paved). A vehicle is parked essentially perpendicular across the front yard in front of the entrance and porch. This lot has space for 2 cars in the garage and 2 in front of the garage in its un-widened configuration.
- ◆ This is similar situation to the above. This lot is 13.73 metres in width, the driveway approx. 9.5 metres (6.71 permitted). The vehicle is parked in front of the entrance to the dwelling. Virtually no “soft” landscaping is left. The adjacent property (40-metre-wide lot, 7.9-metre wide driveway - which may actually be permitted due to the width of this irregular lot) has an extended driveway and also has a hard-surfaced front yard. The result is two adjacent front yards with the area essentially hard-surfaced and the vast majority of the area dedicated to car parking. This does not constitute a balanced streetscape.



- ◆ This is a 9.15 metre lot in Mount Pleasant Village area. Essentially the whole lot has been paved. A car is parked at an angle in front of the porch and entrance. A 6.71-metre wide driveway is permitted (if the lot were 9.13 metres, a 5.2-metre wide driveway would only be allowed). A 6.71-metre wide driveway could likely not be achieved on this lot due to the front porch design which does not provide the required depth for a parking stall. Even where one could be achieved for lots with a single-garage design such as these (as may be possible on the neighbouring property to the south with the solar roof panels), this is not seen as desirable from a neighbourhood design perspective. Some municipalities restrict parking to only in front of the garage portion.

These siting and dwelling designs in Mount Pleasant Villages were intended to support a pedestrian-oriented, walkable community with more prominent (and sometime protruding) front porches to emphasize the dwelling entrance, smaller

setbacks to bring the entrance area closer to the street. Among other things, this is intended to help support neighbourhood interaction (e.g. people on porch talking with neighbours walking along street) found in older neighbourhoods. This creates challenges where modal split has not shifted sufficiently such that household vehicle ownership decreases.

-  This is also a 9.15-metre wide lot. The whole front yard has been paved. Four vehicles are seen parked on the property and driveway apron.

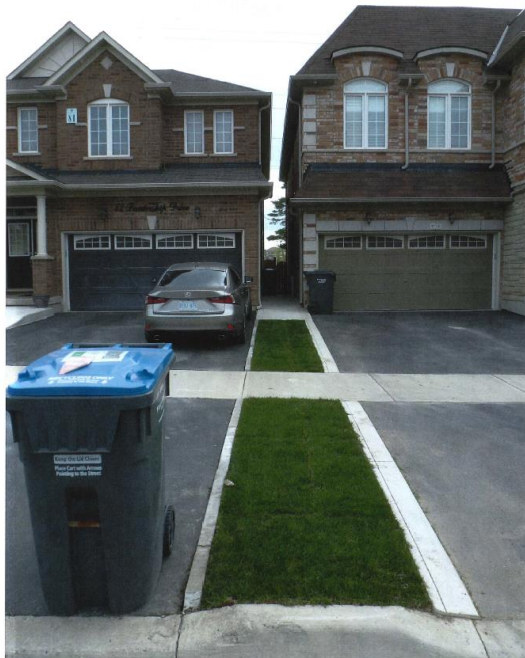
7. 0.6 metre permeable strip, removed and reinstated



0.6 metre permeable strip removed



After reinstatement. The green strip does help break up impression of an expanse of asphalt/concrete.



10.1-50

Appendix 4: Zoning By-law Definitions: Permeable, Residential Driveway and Residential Landscaping

The by-law defines “permeable” as:

“.. shall be maintained as only a permeable landscaped surface such as grass, trees shrubs, flowers or other plants or any other surface that permits the infiltration of water into the ground, but may include a portion of a noise wall or retaining wall that is not permeable”

The by-law defines a residential driveway as:

“**DRIVEWAY, RESIDENTIAL** shall mean the hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone) on detached, semi-detached or townhouse dwelling lots, and that hard and level surface on the road right-of-way to the street edge, upon which vehicles drive and park, and such hard and level surface includes a surfaced walk situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part or the whole of a motor vehicle. The width of the Residential Driveway is measured parallel to the front of an attached garage or in the case of a lot where there is no garage or there is a detached garage, the driveway width is measured perpendicular to the direction in which motor vehicles drive and park on the driveway.”

Residential Landscaping is defined as:

“**LANDSCAPING, RESIDENTIAL**, shall be either, or any combination of both, of the following surfaces on detached, semi-detached and townhouse dwelling lots: 1) the soft surface (level or otherwise) capable of supporting the growth of vegetation (such as grass, trees, shrubs, flowers or other plants), or 2) the rough or irregular surface that permits the infiltration of water into the ground (such as rocks and stones) that is not capable of being parked upon by part of the whole of a motor vehicle. Residential Landscaping may include nonpermeable portions of noise and retaining walls or non-permeable patios and walks not situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part of the whole of a motor vehicle. Residential Landscaping may also include non-permeable stairs or stepped surfaces not capable of being parked or driven upon by part or the whole of a motor vehicle.”

The 0.6 metre permeable landscape strip includes the drainage swale for a lot. Swales are engineering features used around the house to capture and convey drainage for minor storms. The grading design of the subdivision will dictate the number of lots that can drain into a particular swale.

The City subdivision engineering design guidelines limit the number of lots that can drain to a rear yard swale to four.

There are two main lot grading drainage designs.

- **Rear to Front Drainage:**
With this design stormwater is collected in the rear yard swales and conveyed to the municipal right of way via the side yard swales. A rear to front design requires a 1.2 metre swale on a property.
- **Split Drainage:**
With a split drainage design, half of the lot is drained to the back into a rear lot swale ending up in a rear lot catchbasin, and the other half is drained to the municipal right of way via the side yard swale. A split drainage design requires a 0.6 metre swale along the side lot line.

The 0.6 metre/1.2 metre combined swale is seen by the City's Development Engineering section as the minimum width to ensure an appropriate swale is provided. With a maximum 3:1 slope a 1.2-metre wide width allows for a depth of 0.2 metres in the swale. Reducing the size of the swale reduces the depth and thus its effectiveness.

Violations to the Zoning By-law regulations for driveways appear to be widespread. In certain areas, entire sections of streets have driveways which were widened. In other areas, in particular on smaller lots, vehicles are parked almost entirely across the front yard, including in front of the steps/entrance area to the dwelling. Appendix 3 shows images of typical conditions in Brampton. On larger lots, elaborately designed driveways are installed that include expanses in front of the house and walkways up to the entrance. As there is no physical barrier that would prevent parking on this expanded surface, the complete area is included in the calculation of driveway width as required by the Zoning By-law. Most often there is a design solution, and likely one that would work well with the homeowner's vision for the driveway and walkway. In terms of assessing the suitability of a barrier, staff requires as a minimum that such a barrier be at least two feet in height and is permanently affixed to the ground (e.g. secured with bolts). However, reconfiguring a driveway installation is difficult, particularly when a portion of the paved surface must be removed to reinstate the required permeable landscaped strip adjacent to the side lot line(s). Ideally, the homeowner would consult with Zoning Services staff to ensure compliance for the proposed works before construction is commenced. In this regard, better education of the public with respect to driveways and a requirement for obtaining a permit would help reduce these situations.

However, even where the installation is of high quality, there is a negative impact in that the amount of "soft landscaping area" or green space in the front yards and streetscape is significantly reduced. Further, where the widened driveway is non-complying, it still enables the excessive parking of vehicles in the front yard (and when vehicles are parked, the "decorative" driveway is no longer visible). This aesthetic impact is multiplied where a series of overly wide driveways have been constructed along a street. Appendix 3 provides such images.

Appendix 7: Minor Variance Statistics And Planning Considerations for Minor Variances

Staff deals with many variances for driveway widenings. Often these are not a specific variance request but are identified by staff on their site inspections for an application associated with another variance request on the property (it is City practice to identify and address all required Zoning non-compliance matters with an application, not just the variances sought by the applicant). The City received the following number of applications which included variances to existing or proposed widened driveways (and/or the 0.6 metre permeable strip requirement):

Year	# of Applications involving existing/proposed widened driveways and/or variance requests to 0.6 metre permeable strip requirement
2015	6
2016	20
2017	24
2018	23

Of these staff recommended refusal of 41, supported 13 and supported 9 in part (e.g. a reduced width).

The Committee of Adjustment refused 30 applications, supported 15 and supported 18 in part (e.g. permitted a variance to a different extent).

Of applications that involved the required 0.6 metre permeable landscape strip (either reduction or elimination), staff recommended refusal of 28, supported 6, supported 3 in part. The Committee of adjustment refused 22, supported 7 and supported 8 in part.

11 applications were appealed. The Ontario Municipal Board/Local Planning Appeal (OMB/LPAT) Tribunal refused 6 and supported 1. One is still in progress and 3 were withdrawn. Of the applications that were appealed, 8 involved a variance related to the 0.6 metres of permeable landscaping. 3 of these were dismissed/refused by the OMB/LPAT, 1 was supported, 1 was supported in part and 3 were withdrawn.

In assessing variance applications staff considers, among other things:

- whether the widening would allow excessive parking of vehicles in the front yard (such as parking vehicles three across where the intent was to allow only two-across parking);
- how the parking is configured relative to the house design and siting (e.g avoid parking in front of the door/porch area and restrict it to the garage area);
- whether sufficient parking (e.g on a lot with a double-car garage, the two spaces in the garage and the two in front is seen as sufficient in balance against other objectives such as maintaining an attractive streetscape); and,
- whether drainage is impacted (in the case of a requested reduction in the 0.6 metre permeable strip).

The City currently licenses Driveway Paving Contractors under Business Licensing By-law 332-2013, which defines Driveway and Driveway Paving Contractors as follows:

“Driveway” means a defined area that is paved, treated with a stable surface or constructed with interlocking stones, that provides access for motor vehicles from a public or private street to a property;

“Driveway Paving Contractor” means a Person engaged in the business of paving, repairing or sealing driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property.”

The Business Licensing By-law currently sets out a number of requirements and prohibitions in relation to driveway paving, including the following:

- Prohibits any person (which includes an individual or a corporation) from engaging in the business of a Driveway Widening Contractor without having a valid licence issued by the City (s. 5(1)(ii) and 5(4));
- Prohibits a person from publishing and holding themselves out as being licensed by the City as a Driveway Paving Contractor if they are not in fact licensed by the City (s. 5(6) and 5(7));
- Requires all Driveway Paving Contractors to have their licence with them when they are engaged in driveway work (s.35(2));
- Requires a Driveway Paving Contractor to sign a written contract before any work is commenced and requires the contract to describe and itemize prices for materials and services, identify any warranties or guarantees (if applicable) and provide an estimated completion date (Schedule 9, section (3)(d));
- Requires that a second or additional contract be entered into prior to extra or additional work being performed (Schedule 9, section 4(a)); and,
- Makes it an offence for a Driveway Paving Contractor to perform work without a permit (Schedule 9, section 4(c)).

There are currently approximately 15 paving contractors licenced with the City. It is well known that many more undertake paving works in Brampton and are thus in contravention of the City’s Licensing By-law.



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number ____ - 2019

A By-law to Amend Business Licensing By-law 332-2013, as amended

WHEREAS By-law 332-2013 provides for the licensing of businesses in the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it desirable to amend By-law 332-2013,

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 332-2013, as amended, is hereby further amended by deleting paragraph 23(l) and replacing it with the following:

“23(l) Any fee payable by the Licensee pursuant to this By-law has not been paid.”

2. By-law 332-2013, as amended, is hereby further amended by adding the following subparagraphs after paragraph 23(m):

“(n) The Applicant or Licensee has failed to pay an administrative monetary penalty imposed by the City or a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.

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- (o) The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector.
 - (p) The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.”
3. By-law 332-2013, as amended, is hereby further amended by deleting the reference to “and including (m)” at the end of paragraph 24 and replacing it with “and including (p)”.
 4. Schedule 9 of By-law 332-2013, as amended is hereby further amended by deleting the definition of “Driveway” and replacing it with the following and capitalizing the word Driveway throughout Schedule 9:

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.”
 5. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Driveway Paving Work” and replacing all references to “work” or “driveway paving” in Schedule 9 with the words “Driveway Paving Work”:

“Driveway Paving Work” means any work on a Driveway, including installing, constructing, paving, resurfacing, sealing, repairing, expanding or altering a Driveway, lane, roadway or parking area.
 6. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Permit” and capitalizing all references to “permit” in Schedule 9:

“Permit” includes a permit required by the Driveway Permit By-law _____ or any other City By-law.”
 7. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following subparagraphs after paragraph 4(c):
 - “(d) perform any Driveway Paving Work that requires a permit unless the permit is displayed in view of the public in the area in which the work is being performed;

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(e) perform any Driveway Paving Work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work."

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this day of _____, 2019.

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

Appendix 10

Benchmarking of Municipal Regulation of Driveway Paving and Widening

Municipality	Licensing of Driveway Paving Contractors	Public Posting of Licensed Pavers	Driveway Paving Permit	Driveway Widening Permit	Driveway Widening Permit and/or Curb Cut Permit Application Details
Brampton	Yes	No	No	Yes, curb cut only. Traffic By-Law 93-93, section 36, requires permits for curb cut.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Application for Driveway Widening/Curb Cuts 2. Road Occupancy & Access Permit will be granted if application is approved <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Completion of diagram (provided) with labelled metric measurements ✓ Legal lot survey <p><u>Associated Fees:</u> Road Occupancy & Access Permit: \$50</p> <p><u>Approx. Time to Issue Permit:</u> A few weeks</p>
Toronto	Yes	Public Look-Up for all Business Licensees, but not by category of license (i.e. not able to get list of contractors, need to have name of contractor to search if licensed).	Yes. City advises residents to contact Zoning Department to ensure compliance with zoning requirements.	Yes.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Apply for a Preliminary Project Review with Toronto Building to ensure compliance with Zoning By-law 2. Apply for a widening permit with Transportation Services, Right-of-Way Management, for the portion of the driveway on City property 3. Apply for Street Occupation Permit with Transportation Services, Right-of-Way Management <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Drawings of the proposed driveway design and location, drawn to metric scale ✓ Submission of financial securities to ensure that the driveway is constructed according to the approved plans ✓ Confirmation that the vehicle access driveway complies with the dimensions specified in any applicable Zoning By-law ✓ Separate sketch associated with Occupation Permit <p><u>Associated Fees:</u> Street Occupation Permit: \$153.46</p> <p><u>Approx. Time to Issue Permit:</u> 2 weeks</p> <p>Note: Could not locate any information exclusive to curb cuts.</p>

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<p>Vaughan</p>	<p>Yes</p>	<p>Could not locate any.</p>	<p>No</p>	<p>Yes</p>	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit drawing and application to Public Works Department, Roads Division in person 2. Public Works will visit the site prior to approval <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> - Drawing using a copy of property survey showing existing and proposed driveway width (metres) <p><u>Associated Fees:</u> Driveway Widening Permit: \$130 Curb Cut Fee for up to 4 metres (incl. DW permit): \$225 Each additional metre: \$23.75</p> <p>Note: Appears that Vaughan does not require a road occupancy permit for driveway widenings</p> <p><u>Approx. Time to Issue Permit: 2-4 weeks</u></p>
<p>Burlington</p>	<p>Does not appear they do.</p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Contact Capital Works Department for driveway widening application requirements; majority of info provided over the phone 2. Submit Road Occupancy Permit Application <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> - Electronic copy with lot and driveway measurements (drawing template provided by Capital Works upon request) <p>Note: Burlington used to require a legal survey but they found it was too difficult for homeowners to obtain</p> <p><u>Associated Fees:</u> Road Occupancy Permit: \$93.39</p> <p><u>Approx. Time to Issue Permit: 1-2 days</u></p>
<p>Oakville</p>	<p>Yes</p>	<p>Yes</p>	<p>No. As long as there is no change to entrance, curbs, headwalls, or number of driveways a permit is not required to repave.</p>	<p>Yes, curb cut only. Permit only required for curb-cuts within municipal ROW; permit not required to widen driveway on private property.</p>	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Driveway Permit Application 2. Submit Engineering Permit Application <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Two copies of detailed scalable plan showing the driveway location(s) existing and/or proposed ✓ Seek approval for curb cutting, curb removal and replacement or culvert installation at the time of permit application ✓ An arborist report

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					<p>✓ Specific requirements for Engineering Permit (additional drawings, reports, etc.) are listed on application form</p> <p><u>Associated Fees:</u> Engineering Permit Application (includes temporary street occupation permit): \$210</p> <p><u>Approx. Time to Issue Permit:</u> Up to 10 business days</p>
Mississauga	Yes	Could not locate any.	No.	Yes, curb cut only.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit application for Access Modification Permit to Transportation and Works Dept. <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Existing and proposed measurements provided on the Curb Cut Details diagram (in metric) ✓ Owner's authorization allowing agent to act on their behalf (is applicable) <p><u>Associated Fees:</u> Access Modification Permit Application Fee (driveway widening involving curb cuts and/or curb improvements): \$118 per application</p> <p>Curb Cuts (not incl. work on boulevard): \$63.00 per metre (minimum charge \$115)</p> <p><u>Approx. Time to Issue Permit :</u> Minimum 10 business days</p>
Collingwood	Does not appear they do.	No.	Yes, an Entrance Permit is required to pave an existing entrance.	Yes.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Application for Work on Municipal Roads 2. Submit Road Occupancy Permit 3. Potential meeting with Associate Road Supervisor to ensure compliance <p><u>Required drawings/ materials:</u> None required</p> <p><u>Associated Fees:</u> Application Fee: \$125 Curb Cut: Cost calculated by time and material required to complete cut Road Occupancy Permit: \$130</p> <p><u>Approx. Time to Issue Permit:</u> Up to 6 business days</p>

**THE CORPORATION OF THE CITY OF BRAMPTON**

BY-LAW _____

A By-law to Regulate the Resurfacing, Construction, Expansion and Alteration of Residential Driveways

WHEREAS The Corporation of the City of Brampton considers it desirable to regulate the resurfacing, construction, alteration and expansion of Driveways;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the "*Municipal Act, 2001*") provides that a municipality's powers are to be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Protection of persons and property, including consumer protection;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS for the purposes of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

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AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense, which that person is otherwise required to do under a by-law or otherwise has failed to do; and

AND WHEREAS subsection 446(3) of the *Municipal Act, 2001* provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting it in the same manner as taxes;

NOW THEREFORE the Council for The Corporation of the City of Brampton ENACTS as follows:

SHORT TITLE

1.1 This by-law shall be known as the "Driveway Permit By-Law".

2.0 ADMINISTRATION

2.1 This by-law shall be administered by the Commissioner of Public Works and Engineering or their designate.

2.2 The Commissioner may prescribe forms for purposes of this by-law, including amending the forms from time to time.

3.0 DEFINITIONS

3.1 In this by-law,

"Agent" means a Person authorized in writing by the Owner to act on their behalf to obtain a Driveway Permit, and includes a Driveway Paving Contractor;

"City" means The Corporation of the City of Brampton;

"Commissioner" means the Commissioner of Public Works and Engineering of The Corporation of the City of Brampton or their designate;

"Council" means the Council of The Corporation of the City of Brampton;

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“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle;

“Driveway Paving Contractor” means a Person licensed under the Business Licensing By-law 332-2013, as amended;

“Driveway Permit” means a permit issued by the Commissioner pursuant to the provisions of this by-law;

“Officer” means a Municipal Law Enforcement Officer or other person appointed by Council to enforce the City’s by-laws;

“Owner” includes

- (a) a Person who is the registered Owner of premises;
- (b) a Person who is in physical possession of premises;
- (c) a Person who has responsibility for and control over the condition of premises or the activities there carried on, or control over the persons allowed to enter the premises; and
- (d) a Person occupying premises.

“Person” means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Premises” means real property owned by Persons, other than property owned by The Corporation of the City of Brampton, used, or intended to be used for residential purposes and includes real property owned by individuals, local boards, corporations and public authorities; and

“Sight Distance” means the length of roadway ahead visible to the driver for safe and efficient operation of a vehicle.

4.0 APPLICATION

4.1 An Owner or Agent may apply for a Driveway Permit.

4.2 Every application for a Driveway Permit shall include:

- (a) a complete application in the form specified by the Commissioner;

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- (b) two (2) copies of a drawing, or other plans as requested by the Commissioner, showing the dimensions and layout of the work to be done;
- (c) complete details of the work to be done, including any additional information that may be requested by the Commissioner;
- (d) a copy of a any permits required by the City;
- (e) written approval from the appropriate authority where a Driveway is to be located within the minimum distance to a utility as described in Section 5.1(4) below;
- (f) written approval from the Commissioner where a Driveway is to be located within 0.9 metres of a tree located on City property;
- (g) written approval from the appropriate authority where poles, hydrants, manholes, signs and any other road works require relocation to facilitate a Driveway;
- (g) the Driveway Permit Fee as set out in the City's User Fee By-law 380-2003, as amended; and
- (h) such other information that may be required by the Commissioner.

4.3 The Driveway Permit Fee shall be refundable.

5.0 PERMIT REQUIREMENTS

5.1 Every Person that resurfaces, constructs, expands or alters a Driveway shall:

- (1) comply with the requirements of the City's Zoning By-law 270-2004, as amended, unless a valid permission, supporting decision or approval required by law is obtained and provided to the Commissioner with the application;
- (2) comply with the City's Fill By-law 143-95, as amended;
- (3) comply with the City's Traffic By-law 93-93, as amended;
- (4) ensure that the minimum distance of a Driveway edge to the face of a utility shall not be less than:

Any vertical pole installed with roadway lighting,
traffic signals or
carrying electrical/telecommunications cables

0.9 metre

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Fire Hydrant	0.9 metre
Communications Pedestals or boxes	0.9 metre
Hydro Transformer	0.9 metre

- (5) ensure that no Driveway obstructs or interferes with City approved on-street parking spaces;
- (6) comply with any requirements imposed by the Commissioner that in his or her opinion are reasonably necessary for the protection of the public safety and right to travel along the street, including, but not limited to:
 - (a) installation of bioswales or culverts along streets with ditches;
 - (b) provision of flag persons, uniformed police officers and/or traffic warning devices;
 - (c) supervision of the work site;
 - (d) provision of barricades, platforms or other structures necessary for the protection of the public; and
 - (e) any other condition that, in the Commissioner's opinion, is reasonably necessary for the protection of the public safety and right to travel along the street;
- (7) notify the Commissioner in writing when they have completed the work;
- (8) complete all maintenance work deemed necessary by the Commissioner within 72 hours of notice to undertake such repairs. In the case of emergency repairs deemed necessary by the Commissioner, the necessary works shall be completed immediately;
- (9) finish all Driveways with asphalt, paving stones, impressed concrete or such other hard durable surface as approved by the Commissioner;
- (10) construct and maintain Driveways to prevent surface drainage, dirt, dust, and debris from the Driveway entering the street from the Owner's property in an amount that, in the opinion of the Commissioner, constitutes a hazard or nuisance;

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- (11) concurrent with resurfacing, constructing or altering a Driveway, the Owner shall remove any existing Driveway that, in the opinion of the Commissioner, is redundant as a result of constructing or widening a Driveway, and shall restore that portion of the street previously occupied by the redundant Driveway to the satisfaction of the Commissioner;
- (12) restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the Commissioner; and
- (13) contract with a Driveway Paving Contractor licensed with the City, if the Driveway works are being performed for a fee by a Person other than the Owner.

6.0 PERMITS

- 6.1 The Commissioner shall issue a Driveway Permit where the application submitted complies with the permit requirements in this by-law and all applicable regulations and by-laws or approvals. Without limiting the generality of the foregoing, the Commissioner shall not issue a Driveway Permit unless the proposed work complies with the City's Zoning By-law 270-2004 and any other applicable regulations, by-laws or approvals.
- 6.2 The Commissioner may approve the issuance of a Driveway Permit where there is substandard Sight Distance in situations where there is no other means of access to the property, and in such cases the Commissioner may issue a permit subject to such special conditions as the Commissioner considers appropriate.
- 6.3 The Driveway Permit shall be valid only during the dates and times indicated on the permit.
- 6.4 Upon the expiry of the Driveway Permit, the Commissioner may inspect the Driveway for compliance.
- 6.5 A Driveway Permit may be renewed by the Commissioner for a further period at the discretion of the Commissioner upon submission of a written request for renewal to the Commissioner.

7.0 REFUSAL OR REVOCATION OF PERMIT

- 7.1 The Commissioner may revoke, refuse or refuse to renew a Driveway Permit where:
 - (a) the work being performed does not comply with the approved application or any conditions imposed by the Commissioner;

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- (b) the work being performed does not meet the standards and specifications of the Commissioner, including if required by the Commissioner and at no cost to the City, the installation of bioswales or culverts along streets with ditches;
- (c) the work is conducted at a date or time other than authorized;
- (d) the work, in the opinion of the Commissioner, constitutes a danger;
- (e) the Driveway Permit was issued on mistaken or false information;
- (f) after six months after its issuance, the work has not been seriously commenced.

7.2 Prior to revoking a permit in accordance with this by-law, the Commissioner may give written notice of intention to revoke the permit to the owner at their last known address and if, on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice.

8.0 PROHIBITIONS

8.1 No person shall install, construct, pave, resurface, expand or alter a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.

8.2 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.

8.3 No person shall install, construct, pave, resurface, expand or alter a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.

8.4 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.

8.5 No person shall install, construct, pave, resurface, expand or alter a Driveway except in accordance with the provisions of this by-law.

8.6 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway except in accordance with the provisions of this by-law.

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9.0 SECURITIES

- 9.1 Prior to the issuance of a Driveway Permit, the Commissioner may require the Owner to pay any security and/or deposits in an amount calculated by the Commissioner based upon the Commissioner's estimate of the cost which will be incurred to reinstate the Driveway or highway and for other services provided by the City.
- 9.2 The Commissioner shall not require securities from any person where, in the opinion of the Commissioner, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.
- 9.3 If the Driveway and any associated work is not completed to the satisfaction of the Commissioner, or should the Owner or Agent fail to complete work ordered pursuant to this by-law, the Commissioner shall use the securities to cover the cost of the works done.
- 9.4 Upon satisfactory completion of the work and following a warranty period of twenty-four months (two years) or a term set by the Commissioner, the amount of the security and/or deposit which exceeds the cost incurred by the City will be returned to the applicant.
- 9.5 Where the costs exceed the amount of security and/or deposit provided to the City, the City shall invoice the applicant, who shall pay the amount invoiced within 30 days of receipt of the invoice from the City.
- 9.6 Where a person does not reimburse the City within 30 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- 9.7 Where the Agent deposits security, the Agent is responsible to advise their client of the requirements herein that may affect that security.

10.0 ENFORCEMENT & INSPECTION

- 10.1 The provisions of this by-law may be enforced by an Officer.
- 10.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this by-law is being complied with.

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- 10.3 For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.4 No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law, including refusing to identify themselves when requested to do so by an Officer.

11.0 ORDERS TO COMPLY

- 11.1 Where an Officer believes that a contravention of this by-law has occurred, the Officer may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to do work to correct the contravention; or
 - (c) an order to discontinue the contravening activity and to do work to correct the contravention.
- 11.2 An order under this Part shall identify:
- (a) the name of the Person who is believed to have contravened this by-law;
 - (b) the municipal address or location where the contravention occurred;
 - (c) the reasonable particulars of the contravention;
 - (d) the date and time by which there must be compliance with the order, and,
 - (e) if applicable, the work to be done and the date by which the work must be done.
- 11.3 An order under this section shall be given in writing.

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- 11.4 An order may be served personally or served by registered mail to the last known address of the Person and such other persons affected by it as determined by the Officer and a copy of the order may be posted on any property to which the contravention or Driveway Permit applies.
- 11.5 If an order is served by registered mail, the service shall be deemed to have been made five (5) days after the mailing.
- 11.6 Where service cannot be carried out in accordance with section 11.4, the Officer may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Driveway Permit applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
- 11.7 If the Person fails to do the work required by the order within the period specified in the order, the City, in addition to all other remedies it may have, may do the work at the Person's expense.
- 11.8 The City's cost of doing work pursuant to section 11.7 may be added to the tax roll and collected in the same manner as property taxes.
- 11.9 The City may register a notice of lien upon the land in the proper land registry office in the amount of all costs incurred by the City.
- 11.10 Every Person shall comply with an order issued pursuant to this by-law.

12.0 CONTRAVENTIONS AND PENALTIES

- 12.1 Every Person who contravenes any provision of this by-law is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.2 Every Person who fails to comply with an order made under this by-law, is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.3 Every Person who obstructs or attempts to obstruct any City employee in carrying out his or her duties under this by-law is guilty of an offence and on conviction is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.4 A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.5 In addition to sections 12.1, 12.2, 13.3 and 12.4, any Person who is convicted of an offence under this by-law is liable to the following fines:

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- (a) the maximum fine for an offence is \$100,000.00;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all fines for each included offence is not limited to \$100,000.00.
- 12.6 If a Person is convicted of an offence under this by-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 12.7 Where a Person fails to pay any part of a fine for a contravention of this by-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's designate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- 12.8 If any part of a fine for a contravention of this by-law remains unpaid after the final date specified in the notice given under section 12.7, the outstanding fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

13.0 INTERPRETATION, COMPLIANCE AND SEVERABILITY

- 13.1 In this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine; and the singular includes the plural and the plural the singular.
- 13.2 Wherever a word is used in this by-law with its first letter capitalized, the term is being used as it is defined in this by-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 13.3 The headings and subheadings used in this by-law shall not form a part of the by-law, but shall be deemed to be inserted for convenience of reference only.
- 13.4 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.5 If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the highway shall apply.
- 13.6 If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

14.0 FORCE AND EFFECT

- 14.1 This By-law shall come into force and effect on June 1, 2019.

ENACTED AND PASSED this day of , 2019.

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Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

DRAFT

I want to widen my driveway. How does this affect me?

-You or your contractor will have to obtain a permit for the widening. This will include any widening in the right-of-way. You will be required to fill out a form, provide a plan of the widening, and pay the applicable fees.
-The City's website will provide guidance as to what constitutes the driveway, how much you can widen the driveway, what information to provide on the drawing and contact points to discuss any questions with City staff.
-You will need to plan in advance as obtaining the permit will take a period of time.
-Your contractor will need to be licensed to do work in the City of Brampton. You can obtain information regarding licensed contractors from the City's website.
-Once the work is underway, you will have to post the permit in the window/door of your home, visible from the outside.
-If you fail to obtain a permit you may be charged. If your contractor is not licensed they may have their license revoked.
-If you undertake work that is not in accordance with the permit, you or your contractor may be charged. The contractor may have their license revoked. If the work does not conform to the by-law, further charges may ensue.

My neighbour is widening their driveway?

-You can ask them if they have obtained a permit.
-You can ask their contractor if they are licensed or have obtained a permit.
-You have the ability to submit a complaint to the City if you feel work is not being done in compliance with City regulations, in violation of a permit, or without a permit. City Enforcement staff will respond to such a complaint.

My neighbour widened their driveway last year?

-If you have some form of concern you can submit a complaint to the City, if you feel there is an issue with what was done, or it is impacting your property in some form. City Enforcement staff will respond to such a complaint.
-Part of staff's review would be to determine if the widening conforms to the City's by-laws and/or a curb cut permit was obtained (where such occurred). If it is not in compliance, staff will work with the homeowner to bring the driveway into compliance. The homeowner may get charged if they fail to rectify the situation.

Date: 2019-04-18

Subject: **Supplementary Recommendation Report**
Residential Driveway Widening Review and Recommendations
City File: G.DX.

Contact: Bernie Steiger, Manager, Development Services, 905-874-2097,
bernie.steiger@brampton.ca

Recommendations:

1. **THAT** the report from Bernie Steiger, Manager, Planning and Development Services Department, dated April 18, 2019, to the Planning and Development Committee of May 13, 2019, re: **Supplementary Recommendation Report – Residential Driveway Widening Review and Recommendations, File: G.DX.**, be received;
2. **THAT** staff be directed to prepare amendments to the Licensing By-law, including revising the requirements upon which the City may revoke or refuse to renew a license and adding compliance with the Zoning By-law as a requirement of the licensee, to be generally in accordance with the amendments found in Appendix 2 to this Report;
3. **THAT** staff be directed to prepare a Driveway Permit By-law, requiring residential homeowners to obtain a permit for any driveway installation, construction, resurfacing, expansion and alteration, to be generally in accordance with the draft by-law attached as Appendix 3 to this Report;
4. **THAT** staff be directed to prepare an amendment to the User Fee By-law to charge a fee for an application and permit under the Driveway Permit By-law equivalent to the current fee charged for permits for alterations to curbs and driveway works in the right of way;
5. **THAT** City staff undertake a comprehensive education and awareness campaign to heighten public knowledge and understanding of homeowners and contractors, regarding the rules and regulations that apply to driveways, driveway widenings and the installation of paved walkways in the front yard;

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6. **THAT** the standard notice clause related to widening of driveways imposed as a condition of draft approval for new residential subdivisions be revised to make reference to the requirement to obtain a driveway permit; and,
7. **THAT** the City Clerk provide a public list on the City's website of all Persons that apply for and receive a license under the Business Licensing By-law 332-2013, including all licenses for Driveway Paving Contractors.

Overview:

- **A recommendation report was presented to the Planning and Development Committee meeting of April 8, 2019.**
- **The Committee deferred the recommendation report to the May 13th 2019 Committee meeting to accommodate anticipated comments/questions from Councillors, which staff would respond to within a revised report.**
- **One comment/question was received from a Councillor at the meeting, and no others were received subsequent to the meeting.**
- **This report provides a response to the one Councillor question, and brings forward the same set of recommendations as was initially presented at the April 8, 2019 meeting.**
- **The recommended actions are:**
 - **As part of the Comprehensive Zoning By-law review currently underway, provide clarity to improve understanding of the requirements and restrictions of driveway widths. The review should also assess what changes could be made to ensure that a portion of the lot retains permeable landscaping, in particular the areas facing a street.**
 - **Amend the Licensing By-law to expand the requirements and regulations applicable to Driveway Paving Contractors, including the requirement that all work performed by such contractors must comply with the Zoning By-law.**
 - **Provide a public listing of licensed Driveway Paving Contractors, who are required to comply with the City's By-laws as a condition of maintaining such license.**
 - **Introduce a Driveway Permit By-law and process, requiring all homeowners (or contractors on their behalf) who are undertaking a widening or resurfacing of a driveway to obtain a permit from the City. It is proposed this by-law come into effect on July 2, 2019. If approved, residents will be able to begin making applications**

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starting June 17, 2019.

- **Engage in a broad-based education/awareness campaign with respect to driveways.**
- **Update the standard notice clause in subdivision agreements and Homebuyers' Information Maps for new subdivisions to reflect the new requirements related to driveways.**
- **A copy of the previous report is attached as Appendix 1.**

Background:

In response to Council direction received in 2018, Staff presented a report to the April 8, 2019 Planning and Development Committee meeting with respect to matters related to the regulation of driveways and the potential for a permitting process.

The report was deferred to the May 13, 2019 Planning and Development Committee meeting, to allow Councillors time to further review the report and provide staff with any comments or questions.

At the April 2019 meeting, a Councillor requested staff look into the possibility for the proposed driveway permit regulations to incorporate an exemption for driveways where permeable paving is proposed.

No other questions or comments were received subsequent to the meeting.

This report provides a response to the question received and presents the previous recommendations to Council for its consideration.

Current Situation:

Exemption from Proposed Permit Process-Driveways using Permeable Paving

Staff recommends against exempting permeable paving from the permitting process. One of the reasons for requiring permits is to ensure that driveways are constructed in accordance with the Zoning By-law. Although permeable pavers can provide a superior infiltration rate, compliance would still be required with the Zoning By-law. In this regard a driveway constructed of permeable pavers that does not comply with the Zoning By-law, could be just as problematic as any other driveway in terms of allowing for excessive vehicle parking. The permitting process is intended to provide staff the opportunity to ensure compliance of the design prior to the investment in the construction.

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In addition, not exempting permeable paving will aid staff with associated administration, review and enforcement, by allowing the permit requirements to be applied consistently for all driveway work.

An exemption would complicate staff's review in terms of requiring staff to try and establish whether a driveway is indeed being constructed with the necessary specifications to be permeable (which would require staff to inspect regardless). It would also complicate enforcement in terms of trying to establish if a driveway is made of permeable pavers (and installed according to the correct specifications) as well as result in a different enforcement process for such driveways in comparison to driveways that require permits.

The use of "incentives" for the use of permeable pavers could be assessed as part of Public Works and Engineering's review of the potential stormwater charge.

Corporate Implications:

Financial Implications:

As noted in the report to the April 8, 2019 Planning and Development Committee meeting, the introduction of a Driveway permitting system will likely have administrative and financial impacts. This includes potential increased staffing requirements for the Public Works and Engineering Department that will take in, circulate and review the applications, as well as for other departments that would also be involved in the review of such applications.

Current staffing levels should be sufficient to process a reasonable uptake in applications and the associated service requests and investigations, while still meeting customer service levels. While it is anticipated that the permitting process can initially be administered with current staff levels, uptake will likely increase as general awareness of the requirement grows across the City.

Should the increase exceed anticipated capacity or impact the overall level of service to the customer, a review of the personnel resources would be needed and brought forward in the 2020 operating budget submission, pending Council approval.

Other Implications:

2019-2012 Term of Council Priorities:

This report and proposed recommendations aligns with the "Brampton is a well-run City" theme. The proposed actions will aid in providing awareness of driveway regulations to

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residents and contractors, support enforcement and make residents and contractors accountable in terms of complying with City regulations.

As noted in the report to the April 8, 2019 Planning and Development Committee meeting (attached as Appendix 1), it would assist in ensuring that driveways remain balanced as part of a residential lot and streetscape and that the City's neighbourhoods remain attractive places to live.

Living the Mosaic – 2040 Vision:

This report has been prepared in full consideration of the overall vision that the people of Brampton will “Live the Mosaic”.

Conclusion:

As detailed in the April 8, 2019 Planning and Development Committee report (attached as Appendix 1), a set of recommendations for Council's consideration is provided to strengthen public awareness, enforcement, and compliance as it relates to the driveway regulations.

Approved by:

Approved by:

Allan Parsons, MCIP, RPP
Director, Development
Services
Planning and Development
Services

Rick Conard,
A/Commissioner,
Planning and Development
Services

Attachments:

Appendix 1: Staff Report to April 8, 2019, Planning and Development Committee Meeting

Appendix 2: Draft Amending By-law to Licensing By-law

Appendix 3: Draft Driveway Permit By-law

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**Appendix 1:
Staff Recommendation Report
to the April 8, 2019
Planning and Development Committee Meeting**

Date: 2019-03-15

File: **G.DX.**

Subject: **Recommendation Report**
Residential Driveway Widening Review and Recommendations

Contact: Bernie Steiger, Manager, Development Services, 905-874-2097,
bernie.steiger@brampton.ca

Recommendations:

1. **THAT** the report from Bernie Steiger, Manager, Planning and Development Services Department, dated March 15, 2019, to the Planning and Development Committee of April 8, 2019, re: **Recommendation Report – Residential Driveway Widening Review and Recommendations, File: G.DX.**, be received;
2. **THAT** staff be directed to prepare amendments to the Licensing By-law, including revising the requirements upon which the City may revoke or refuse to renew a license and adding compliance with the Zoning By-law as a requirement of the licensee, to be generally in accordance with the amendments found in Appendix 9 to this Report;
3. **THAT** staff be directed to prepare a Driveway Permit By-law, requiring residential homeowners to obtain a permit for any driveway installation, construction, resurfacing, expansion and alteration, to be generally in accordance with the draft by-law attached as Appendix 11 to this Report;
4. **THAT** staff be directed to prepare an amendment to the User Fee By-law to charge a fee for an application and permit under the Driveway Permit By-law equivalent to the current fee charged for permits for alterations to curbs and driveway works in the right of way;
5. **THAT** City staff undertake a comprehensive education and awareness campaign to heighten public knowledge and understanding of homeowners and contractors, regarding the rules and regulations that apply to driveways, driveway widenings and the installation of paved walkways in the front yard;

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6. **THAT** the standard notice clause related to widening of driveways imposed as a condition of draft approval for new residential subdivisions be revised to make reference to the requirement to obtain a driveway permit; and,
7. **THAT** the City Clerk provide a public list on the City's website of all Persons that apply for and receive a license under the Business Licensing By-law 332-2013, including all licenses for Driveway Paving Contractors.

Overview:

- **In July of 2018 Council directed staff to review matters related to driveway widenings and front yard paving, including the rules related to “grandfathering” and the potential for requiring permits for driveway widenings and to raise awareness of by-law requirements to ensure work meets City regulations.**
- **In September of 2018 a verbal update was provided to Council which set out a workplan and identified a number of options that would be looked at as part of staff's work. This report provides a discussion on these matters and a summary of the recommended actions.**
- **The recommended actions are:**
 - **As part of the Comprehensive Zoning By-law review currently underway, provide clarity to improve understanding of the requirements and restrictions of driveway widths. The review should also assess what changes could be made to ensure that a portion of the lot retains permeable landscaping, in particular the areas facing a street.**
 - **Amend the Licensing By-law to expand the requirements and regulations applicable to Driveway Paving Contractors, including the requirement that all work performed by such contractors must comply with the Zoning By-law.**
 - **Provide a public listing of licensed Driveway Paving Contractors, who are required to comply with the City's By-laws as a condition of maintaining such license.**
 - **Introduce a Driveway Permit By-law and process, requiring all homeowners (or contractors on their behalf) who are undertaking a widening or resurfacing of a driveway to obtain a permit from the City. It is proposed this by-law come into effect on June 1, 2019. If approved, residents will be able to begin making applications starting May 15, 2019.**

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- **Engage in a broad-based education/awareness campaign with respect to driveways.**
- **Update the standard notice clause in subdivision agreements and Homebuyers' Information Maps for new subdivisions to reflect the new requirements related to driveways.**
- **Enforcement staff will resume enforcement activity to encourage compliance with the Zoning By-law, including those enforcement requests held in abeyance since September 2018.**

Background:

Council Direction

At the July 11, 2018 Council meeting, subsequent to a delegation by a resident related to an enforcement matter to their driveway, Council directed staff to undertake a review of the regulations related to driveways and consider the potential for a permitting process. This resolution (C194/18 (-see also Appendix 1)) reads in part:

“...Therefore be it resolved, that staff be directed to continue its work on a vexatious complaints policy and present to council at a future meeting for consideration. That staff bring a report and recommendations on how to best mitigate historical property modifications (i.e. conditions and rules for grandfathering), and investigate the potential for development of a permit process for minor property modifications (e.g. driveway widening) to ensure residents and contractors are aware of the by-law requirements and to ensure that any work completed adheres to all applicable requirements and restrictions inclusive of any financial and staffing resource implications.”

Previous Staff Update

At the September 12, 2018, Council meeting staff presented a verbal update with regard to driveway widenings along with a general workplan that outlined the matters that would be reviewed. This included:

1. Confirm minimum/maximum thresholds and other requirements of the Zoning By-law;
2. Assess options for a surcharge for driveway widenings or a charge through the Committee of Adjustment;
3. Feasibility of charging contractors for contravening the Zoning By-law vs. homeowners;

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4. Consider the impact of “legal non-conforming” status as it relates to any changes to the zoning regulations. Generally assess how “grandfathering” should or would apply;
5. Ongoing work with “Vexatious Complaints” policy;
6. Implement an education/awareness campaign; and,
7. Feasibility of implementing a permit process.

Multi-disciplinary Team Reviewing this Matter

A team consisting of staff from Public Works and Engineering, Legal Services, Zoning Services, Development Services, By-law Enforcement, Property Standards and Strategic Communications has considered the matters identified in the September 2018 presentation to Council and established the recommended course of action.

Current Situation:

This report provides information and recommendations in relation to the items noted in the September 2018 presentation to Council. The report is mainly structured as per the categories that were referenced from Staff's September 12th 2018 update, as noted above. To more fully accommodate the range of issues addressed, the categories have been broadened into the following:

1. Zoning By-law Requirements
2. Assess Options for Surcharge for Driveway Widening/Charge through Committee of Adjustment
3. Feasibility of Charging Contractors (Licensees) vs. Homeowners
4. “Legal Non-Conforming” Status for Changes to Zoning By-law/Application of “Grandfathering”
5. Policy for Prioritization of Complaints (“Vexatious” Complaints)
6. Education/Awareness
7. Feasibility of Implementing a Driveway Permit Process

Each of these sections includes discussions on the issues and a summary of the recommended actions.

1. Zoning By-law Requirements

The September 2018 presentation identified that staff would confirm the minimum/maximum thresholds, requirements and guidelines for the Zoning By-law.

How the Zoning By-law Defines a Driveway

Definitions for both “residential driveway” and “residential landscaping” are included in the Zoning By-law to provide a clear understanding and interpretation of what surfaces constitute a driveway. These definitions do not apply to certain other zones such as

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those for the Estate Residential lots and lands zoned “Agricultural”, where driveway width is regulated as a factor of minimum requirements for front yard landscaping.

The “Residential Driveway”

The By-law provides a definition for a residential driveway (see Appendix 4). Under this definition, any hard-surfaced area abutting the driveway (i.e. walkway) is considered to be part of the driveway if a vehicle can park on it (i.e. it is generally at the same level and there is no physical barrier preventing a vehicle from parking in that area). The width of the walkway is measured as part of the combined overall driveway width when applying the provisions of the Zoning By-law. Appendix 3 shows numerous instances that depict what would generally be considered a concrete “walkway” beside the “driveway”, but no physical barriers are in place to prevent vehicles from parking on that surface. In many instances resident can and do park on that that extended surface. In terms of assessing the suitability of a barrier, staff requires as a minimum that such a barrier be at least two feet in height and is permanently affixed to the ground.

What constitutes “Residential Landscaping”

The remainder of the yard that is not permitted to be used as the driveway is required to be what is defined in the By-law as “Residential Landscaping”. This definition is also provided in Appendix 4. The by-law does not prescribe an amount of “soft” (i.e. vegetation) in a yard. As such, a front yard could be primarily hard-surfaced (e.g. patio, walkway, steps, retaining wall) so long as the definition is met and it is divided from the area defined as “residential driveway” and provided that the required 0.6 metre of permeable landscaping is provided along the side lot line.

The by-law sets out that driving and parking of motor vehicles on the required “residential landscaping” is not permitted.

How the Zoning By-law Regulates a Driveway

The Zoning By-law regulates driveways through two measures. The general background to the development of these regulations is found in Appendix 2. The first measure regulates the maximum permitted width of the driveway (including any walkways that run parallel to the driveway and are capable of being parked upon) based on the width of the lot. The lot width ranges and corresponding permitted driveway widths are as follows:

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Lot Width	Driveway Width	Parking Accommodated	% of Lot width for Driveway
<8.23m (27ft)	4.9m (16 ft)	1 car and a walkway, 2 cars may fit side-by-side	59%
>8.23m (27ft) <9.14m (29.9ft)	5.2m (17 ft)	2 cars could fit side-by-side	63%-57%
>9.14m (29.9ft) <15.24m (50 ft)	6.71m (22 ft)	2 cars side-by-side and a walkway	73%-44%
>15.24m (50ft) <18.3m (60 ft)	7.32m (24 ft)	2-cars, side-by-side, potentially 3 and a generous walkway	48%-40%
>18.3m (60ft)	9.14m (30 ft)	3 cars side-by-side and a walkway	50% or less

The second measure requires a 0.6 metre permeable landscape strip between the driveway and the side lot line. Therefore, where driveways are paired (i.e. driveways are located along the same lot line), a 1.2 metre (4 foot) landscape area is available as a separator between driveways. The 0.6 metre requirement is intended to help preserve the function of the swales that run along property lines. It is also useful in:

- Helping to preserve the function of the drainage swales that run along property lines;
- Defining a common separation space;
- Allowing for snow storage area in winter and water infiltration during the spring melt; and,
- Preventing issues such as a resident parking right up on the property line and then using their neighbour's property to access their vehicle.

Appendix 3 shows images of properties where both portions of this landscape area have been removed and the large expanse of uninterrupted paved area which results from such a circumstance. It is noted that even if eliminating the permeable requirement were considered, the area would still have to be shaped in a form to support drainage. There likely would still be compliance issues in this regard.

What constitutes "permeable" area is set out in the By-law and the definition can be found in Appendix 4. Further information related to engineering aspects of the 0.6 metre swale and general lot drainage design is found in Appendix 5.

Relationship to Official Plan and City Development Design Guidelines

The Zoning By-law requirements implement the Official Plan policies related to driveway control and maintaining attractive neighbourhoods. This regulatory framework is further

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supported by the City's Development Design Guidelines which set out guidelines related to driveway and garage design.

Driveway Related Policies in Official Plan

Through the City's Official Plan, Council has expressed that it is important to build and maintain attractive neighbourhoods and balance the impacts of accommodating parking on a property with achieving attractive streetscapes/communities. Applicable policies and objectives in the Official Plan related to the design of residential neighbourhoods, and specifically driveways, include:

- Section 4.2 Residential promotes well planned, well designed and well-built residential areas that will enhance the sense of place for residents as well as visitors (Section 4.2 vi);
- Policy 4.2.1.14 sets out a number of "key elements of design for residential areas" including garage placement, driveway design and lot widths related to attached garages (Section 4.2.1.14 –(iii));
- Section 4.2.7 (Design) deals with aspects of the design of residential areas including the objective to avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complementary to the house and lot size (Section 4.2.7, tenth bullet); and,
- Policies in the Urban Design section set out the various aspects that make up the public realm of the City, such as streetscapes, public squares and landmarks, edges and gateways, among others. One of the objectives of this section is to deemphasize the importance of driveways, cars, and garages on the streetscape.

In new development areas much effort goes into the design of the subdivisions to, amongst other things, minimize the visual impact of garages - a key element in maintaining the attractiveness of Brampton's neighbourhoods.

Issues

Violations to the Zoning By-law regulations for driveways appear to be widespread. Further discussion on this is found in Appendix 6. In addition, the City receives numerous applications for minor variance for driveway widenings. Historically, staff has recommended refusal of the majority of these applications. Specific details with regard to the position taken by staff on such minor variance applications, as well as that of the Committee can be found in Appendix 7. Appendix 7 also provides some overview of the staff's considerations in evaluating these variance requests.

It appears that the definition of "Residential Landscaping" is not sufficient in terms of limiting the amount of hard-surfaced area in a yard. This creates concerns, in particular

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from a streetscape perspective, where a certain amount of vegetation should be provided in a yard.

There will be a continued tension between a desire by residents to accommodate as many vehicles on a property as possible and the need to maintain the attractiveness of our residential neighbourhoods. These tensions are also likely a result of broader trends/realities such as:

- an increasing number of second units (both registered and illegal) found in the City;
- the general lack of alternate affordable or rental housing to offset the demand for rental units being fulfilled by second units;
- the need by homeowners to rent out a portion of their dwellings to support their mortgages;
- availability and viability of alternate transportation options;
- the low percentage of the City's residents that work within Brampton;
- the extent/reality of multi-generational families living in the same home; and,
- generally denser residential development resulting in smaller lots, combined with a demand for larger houses (or as large a house as possible on a lot).

Recommended Action

A review of the Comprehensive Zoning By-law is underway. This project will result in a new by-law that replaces the one currently in force. As part of this process the driveway regulations are being reviewed. Given that the current definition of "Residential Landscaping" would allow for the entirety of the front yard (or exterior) to be hard-surfaced (except for the required 0.6 metre permeable strip along the side lot lines), the by-law review should assess what changes could be made to ensure that an appropriate amount of permeable landscaping is retained on a lot, in particular the areas facing a street.

As noted in this report, through the Official Plan, Council has expressed that it is important to build and maintain attractive neighbourhoods and balance the impacts of accommodating parking on a property with achieving attractive streetscapes/communities. Any changes to the current regulations will be undertaken in a manner where the nature of the dwellings on such lots and the relationship of the house, yard and garage on a lot is fully understood, to ensure that undesirable situations are not created.

Staff will assess whether adjustments can be made to the regulations to aid enforcement. However, adding a Driveway Permit process may resolve some of these issues (e.g. determining compliance on-site) as the first step in the compliance process would be to ascertain if a driveway permit had been obtained - a simple yes or no answer.

2. Assess Options for Surcharge for Driveway Widening/Charge through Committee of Adjustment

Option for Surcharge for Driveway Widening

The option of applying a charge to a property based on the overall impervious cover on a lot, including the driveway, is being assessed by the Public Works and Engineering Department. Staff is preparing a report to Council with regard to the potential for implementation of a stormwater charge for properties in the City. This report is expected to be brought forward in May/June of 2019.

Charge/Reduction of Fee for Minor Variance Application

A reduced minor variance application fee may actually act as an incentive for widenings. Furthermore, applications for driveway widenings are often bundled with other variance requests, or are added to an application for other variances as a result of the required site inspections by staff, which would complicate fee requirements. Finally, it would in a manner constitute a tacit signal that the City supports such widenings, whereas staff has generally not been supportive of minor variance applications for driveway widenings.

Similarly, some form of additional charge on minor variance applications for driveway widenings would be seen as a signal that there would be some level of support for such a request provided the additional fee is paid.

Either a charge or a fee reduction could be seen as fettering staff's review and that of the Committee of Adjustment itself. A variance request should be dealt with in a similar manner to other variances. There is no particular reason to have a different charge.

There are more suitable mechanisms to address implications of increased impervious cover to City infrastructure. The upcoming report related to the potential for a stormwater management charge will look at one such mechanism.

Recommended Action

A report to Council on the matter of a stormwater charge for impervious cover to properties in Brampton is being addressed by the by the Public Works and Engineering Department and is expected to be brought forward in May/June of 2019.

Applying some form of fee reduction or charge for minor variance applications related to driveway widenings is not recommended.

3. Feasibility of Charging Contractors (Licensees) vs. Homeowners

The City can enforce against a Driveway Contractor under the Licensing By-law and against the Driveway Contractor or the Homeowner under the Traffic By-law (where no curb cut permit is obtained, if needed) or for a Zoning By-law violation.

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There is difficulty in enforcing violations solely against contractors unless sufficient evidence that a specific contractor did the work is obtained (e.g. catch them in the act). Therefore, enforcement against homeowners is often the only viable option.

It should be noted that although the current Business Licensing By-law prohibits Driveway Paving Contractors from performing work without a permit, it does not require compliance with Zoning regulations. Additional details regarding the existing Licensing By-law requirements for driveway paving contractors is set out in Appendix 8.

Recommended Action

Enhancements to the Business Licensing By-law, and the introduction of a Driveway Permit process would assist in the ability to charge licensees.

Staff is proposing to amend the Business Licensing By-law to add a requirement that any work performed by Driveway Paving Contractors comply both with any necessary permit and with the City's Zoning By-law. With the recommended introduction of a Driveway Permit By-law, a Driveway Paving Contractor would thus need to ensure a Driveway Permit has been obtained prior to commencing driveway paving work.

These proposed amendments, which are set out, in part, below will also permit enhanced enforcement of these requirements by making it a chargeable offence, and allow the City to revoke a licence if a licensee performs work without a necessary permit or in contravention of the City's Zoning By-law.

The specific key amendments being proposed to the Business Licensing By-law are detailed below:

- Amendments to permit the City to refuse to renew, revoke or suspend a license if:
 - The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector;
 - The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.
- Amendments to Schedule 9 of the Business Licensing By-law to prohibit a Driveway Paving Contractor from:
 - Performing any work that requires a permit unless the permit is displayed in view of the public;
 - Perform any work that is not in compliance with the City's Zoning By-law 270-2004, as amended, or any other of the City's by-laws, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work.

A draft of the proposed amendment to the Licensing By-law is attached as Appendix 9.

4. “Legal non-conforming” status for changes to Zoning By-law/Application of “Grandfathering”

Several aspects to “grandfathering” were reviewed:

- Potential options related to the legal non-conforming status to driveways from a Zoning By-law perspective;
- How legal non-conforming status would apply to any potential changes to the Zoning By-law;
- How “grandfathering” would apply to the proposed Driveway Permit By-law; and,
- Not proceeding with enforcement activity on enforcement requests held in abeyance since September 2018.

Zoning By-law and Legal Non-conforming Status

Staff considered the application of a legal non-conforming status under the Zoning By-law (in this case it relates to a legal non-conforming driveway). A driveway that at one point complied with and then, due to regulation changes under the Zoning By-law, no longer complies has legal non-conforming status under the By-law itself and Provincial planning legislation. Conversely; one cannot apply a legal non-conforming status to (or “grandfather”) a driveway, regardless of the length it has existed, if it was constructed as, and remains, non-compliant. No further action on this matter is recommended as doing so would contravene legal principles and the *Planning Act*.

In general terms, when revisions to the Zoning By-law are made, it affects the zoning status of existing situations. As such, if changes to the Zoning By-law related to driveways are made, it potentially affects the zoning status of some existing driveways, depending upon the change as follows:

- It could result in a driveway that once did not conform, now conforming to the new regulations. In such a situation, there would be no enforcement issues. If there has been ongoing enforcement activity, such activity may be discontinued.
- If a driveway previously did conform to the Zoning By-law and would no longer conform under any new regulations, it would have legal non-conforming status.

Application of “Grandfathering” under Proposed Driveway Permit By-law

The proposed Driveway Permit By-law would apply to any proposed work requiring a permit subsequent to the date it comes into force.

- Where enforcement or prosecution action has already begun on an existing widened driveway that was widened prior to the by-law, the owner would not be required to obtain a permit.

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- Further, where a driveway that was widened before the permit by-law was enacted, but an enforcement action was carried out after the passing of the by-law (or a variance application was sought after), a permit would not be required as part of those matters. In these circumstances, the Order to Comply issued by Enforcement or the approved variance would specify the requirements that would need to be met by the owner.

Enforcement Activity held in Abeyance since September 2018

Since Council's direction to staff was to hold all enforcement requests received, between September 2018 and December 2018 in abeyance of enforcement action. By-law Enforcement had received 151 complaints and has successfully closed 105 of those as they were found not to be in violation. Of those 151 calls, 46 driveway investigations are on hold. An estimated 20 additional investigation requests were received in December 2018.

In order to ensure consistency in its approach to enforcement activity, Enforcement staff will move forward with dealing with the enforcement requests held in abeyance since September 2018. Continuing with the enforcement activity also serves to reinforce the importance and legitimacy of the City's Zoning By-law as a tool in implementing the Official Plan policies related to regulating driveways and ensuring Brampton's neighbourhoods remain attractive places to live.

Recommended Action

Of the matters related to "grandfathering" and legal non-conformity no further action is recommended. As it relates to enforcement action held in abeyance, Enforcement staff intends on proceeding with dealing with the enforcement requests.

5. Policy for Prioritization of Complaints ("Vexatious" complaints)

Responding to complaints for service in a timely manner is a priority of the Enforcement Division. Staff has identified several circumstances that involve complaints made against multiple properties from single complainants, who were the subject of a complaint themselves, and have chosen to survey their street or neighbourhood for other potential violations. These complaints, while possibly valid, often have limited or no impact on the complainant themselves and appear to be made in an effort to frustrate Enforcement staff's resources and service delivery commitments. In response to these bulk requests for enforcement, staff has drafted and are currently reviewing a new proposed Complaint Priority Policy which will be brought forward to Committee of Council by way of an Information Report. The Complaint Priority Policy would prioritize complaints based on various criteria such as safety, effect on surrounding properties,

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urgency, etc. therefore affording a more appropriate allocation of resources. The report is anticipated to be presented in April 2019.

Recommended Action

Implementing a policy for the prioritization of complaints will be addressed through a separate report being brought forward to Committee of Council in April 2019.

If a driveway permit process is implemented, as recommended by staff, Enforcement and By-law Services will work with Zoning Services, Public Works and Engineering and other staff to establish an action plan that will address complaints and the responsibilities of each section to respond to complaints of driveway alterations without a permit.

Other actions Enforcement staff will undertake:

- While on patrol for general offences, actively investigate contractors on site and property owners for driveway alterations if no permit has been issued.
- Continue to respond and investigate complaints of driveway alterations without a permit.
- Enforce permit requirements including potential licensing and zoning violations.
- Assist and enforce driveway alterations from a licensing and zoning perspective. Where permits are obtained, staff will be able to confirm alterations were conducted in accordance with the permit and ensure licensing and zoning requirements are met. Further, staff will actively investigate illegal driveway alterations where permits have not been issued and are currently under construction.

6. Education/Awareness

Currently information regarding driveway widths is principally relayed in the following manner:

- For new homebuyers in new subdivisions a notice is included on the Homebuyers' Information Maps indicating that driveways are regulated by the Zoning By-law and residents should first check with the City before proceeding with any widening.
- A warning is also included on title via the subdivision agreement. This provision has been in place for a number of years, therefore many new developments have this clause in their agreements. As the subdivision agreement is registered on title, it "runs with the land" and all future owners are subject to it.
- The City's website also contains information related to driveway widenings in a number of locations under the Roads and Traffic, By-law Enforcement and Building Permits-Zoning pages.

Issues

The clause related to driveway widenings in the subdivision agreement is part of an often lengthy list of warnings and may be overlooked by residents. As such, while staff recommend the practice continue, it is likely not the best method of informing the public with respect to driveway regulations.

Currently information related to driveways is found in several locations on the website. Improvements can be made to the City's website to consolidate information onto one page with links from other locations. The list of licensed paving contractors is currently not public information.

Furthermore, the current approaches (i.e. homebuyers map, clause on property title, website) are either limited and/or passive in nature. A more active and broad-reaching campaign to have residents understand the requirements related to driveways would be beneficial.

Recommended Action

The following actions are proposed:

- Publishing a list of Licensed Driveway Paving contractors;
- Undertake a broader public awareness campaign;
- Updating the standard subdivision notices if a driveway permit process is approved; and,
- If a driveway permit process is approved, staff will investigate the potential of making certain information (E.g. property, date issued, contractor info) related to driveway permits that have been issued available online via the City's Open Data source.

Publication of List of Driveway Paving Contractors

There are currently fifteen Driveway Paving Contractors licensed with the City. Staff is proposing that the name and business contact information of all licensed Driveway Paving Contractors be made available on the City's website, so that residents can easily confirm that the contractor they are considering hiring is licensed with the City. By making information regarding licensed Driveway Paving Contractors easily available to the public it is hoped that additional contractors will seek to become properly licensed by the City and encourage compliance with the City's licensing, zoning and permitting requirements. This will in turn benefit and better protect the interests of the City's residents. Other municipalities, such as the Town of Oakville and the City of Toronto, currently provide their residents with access to this information, either in the form of a list or online look-up system.

Comprehensive Awareness Campaign

Staff will work closely with Strategic Communications to develop and implement a public education strategy that supports the new permit requirements. The strategy will include, but will not be limited to, City website, translated materials, social media, digital

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advertising, corporate and councillor newsletters, and information sent to local contractors.

Update to Warnings in Subdivision Agreements

If a Driveway Permit process is approved by Council, staff can also update the standard warnings included in the subdivision agreement and Homebuyers' Information Maps to reflect the new requirement.

Make Driveway Permit Information Available Online

If a Driveway Permit process is approved by Council, staff will investigate the potential of making certain information related to the permits that have been issued available online. This would be dependent on how the applications are entered and tracked within the City's databases and whether that information can be readily made accessible online, among other things.

7. Feasibility of Implementing a Driveway Permit Process

Staff has investigated the potential for implementing a Driveway Permit process. Such a process exists in some other municipalities such as Burlington, Vaughan, Collingwood and Toronto (details of which are found in Appendix 10).

A permit process would provide for a further means to enforce compliance to the City's Official Plan and Zoning By-law requirements including:

- aid enforcement, as the first step in understanding compliance would be a simple "yes/no" as it pertains to whether a permit has been obtained. A violation can simply be determined by absence of the required permit, followed by investigations of any violations of the Zoning By-law;
- "close the loop" with respect to the Licensing By-law by requiring contractors (or homeowners) to obtain a permit that requires compliance with the Zoning By-law.

Recommended Action

Staff is recommending that Council implement a Driveway Permit process that would require a permit for the following activities, excluding driveway repairs:

- Resurfacing (but not sealing)
- Construction (e.g. replacement of driveway)
- Expansion and alteration (e.g. widening including the addition of curbs and walkways)

The proposed By-law (draft attached as Appendix 11) sets out details relating to:

- Submission requirements (plans drawings, any other related permits)
- Compliance requirements (e.g. Zoning By-law, off-sets to utilities, street trees, light poles)
- Requirement for notification of completion of work

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- When a permit may be refused or revoked or renewed
- Allows the potential to require securities, if deemed necessary
- Requirement of payment of a fee for the permit
- Parameters related to enforcement and inspection (e.g. an officer may enter onto the property to carry out an inspection)
- The ability to issue orders to comply
- How contraventions are handled (constitutes an offence for which charges may be laid under the *Provincial Offences Act*) and penalties for violations of the by-law)

In terms of implementation, staff anticipates that the by-law can be forwarded to Council for approval to be effective as of June 1, 2019. This would allow time for an awareness campaign to be launched to help raise public understanding of the new requirement. It will also allow time for staff to complete the necessary administrative changes to prepare for the new process (such as preparation of application forms and permit document).

It is recommended that the current fee that is required for permit applications for curb cuts and driveway works in the right-of-way be applied to Driveway Permits (currently \$50). A revision to the City's User Fee By-law is required in this regard.

For those residents seeking to undertake work after June 1, 2019, staff will be prepared to start accepting applications by May 15, 2019, to minimize any delays where residents may have already scheduled work.

Corporate Implications:

Financial Implications

The introduction of a Driveway permitting system will likely have administrative and financial impacts. This includes potential increased staffing requirements for the Public Works and Engineering Department that will take in, circulate and review the applications, as well as for other departments that would also be involved in the review of such applications.

Current staffing levels should be sufficient to process a reasonable uptake in applications and the associated service requests and investigations, while still meeting customer service levels. While it is anticipated that the permitting process can initially be administered with current staff levels, uptake will likely increase as general awareness of the requirement grows across the City.

Should the increase exceed anticipated capacity or impact the overall level of service to the customer, a review of the personnel resources would be needed and brought forward in the 2020 operating budget submission, pending Council approval.

Other Implications

Strategic Plan:

This report and its recommendations align with the “Good Government” theme of the Strategic Plan. One of the goals is to “Practice proactive, effective and responsible management of municipal assets and services”. The proposed actions will aid in providing awareness of driveway regulations to the residents and contractors, aid in enforcement, and make residents and business operators accountable in terms of complying with City regulations.

In this regard, it would assist in ensuring that driveways remain balanced as a part of a residential lot and streetscape and that the City’s neighbourhoods remain attractive places to live.

Living the Mosaic-2040 Vision

This Report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

In order to ensure that Brampton’s residential neighbourhoods remain attractive places to live, that balance the provision of landscaping and vegetation in the streetscape with that of accommodating vehicles and vehicular parking, it is important to maintain a multi-faceted regulatory system. The current framework includes supportive Official Plan policies, zoning by-law regulations and licensing requirements for contractors. Despite this, violations of driveway regulations are widespread, which may be driven, in part, by broader factors facing Brampton.

Staff is making a number of recommendations that would enhance or improve this regulatory system with an aim to also improve compliance. These are:

- Updating the licensing by-law;
- Introducing a driveway permit requirement with June 1, 2019 being the date it becomes effective. Staff will undertake all tasks necessary to implement the new permit process for this date. Residents will be able to make applications for driveway permits beginning May 15, 2019;
- Undertaking a public awareness campaign in anticipation of the new requirement coming into effect;
- Review the Zoning By-law provisions as a part of the City’s comprehensive Zoning By-law review. The by-law review should assess what changes could be made to ensure an appropriate amount of permeable landscaping is retained on a lot, in particular facing the street.; and,

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- Update the subdivision notice clause to reflect the new driveway permit requirement.

It is acknowledged that even with these changes in place, violations are likely to continue. However, the recommended changes would allow staff to better inform the public and contractors of the requirements related to driveways and enhance enforcement, including against contractors. Appendix 12 provides a “homeowners” perspective with regard to how the changes would impact them.

Approved:

Allan Parsons, MCIP., RPP.
Director, Development Services
Planning and Development Services

Rick Conard,
A/Commissioner,
Planning and Development Services

Attachments:

- Appendix 1: Council Resolution 194/2018
- Appendix 2: Background to Current By-law Standards for Driveway Regulations
- Appendix 3: Images of Driveways in Brampton
- Appendix 4: Zoning By-law Definitions: Permeable, Residential Driveway and Residential Landscaping
- Appendix 5: 0.6 metre Permeable Swale and Residential Lot Drainage Design
- Appendix 6: General Observations with Regard to Compliance with Zoning By-law
- Appendix 7: Minor Variance Statistics and Planning Considerations for Minor Variances
- Appendix 8: Details of Current Business Licensing By-law-Driveway Paving Contractors
- Appendix 9: Draft Amending By-law to Licensing By-law
- Appendix 10: Benchmarking of Municipal Regulation of Driveway Paving and Widening
- Appendix 11: Draft Driveway Permit By-law
- Appendix 12: The Homeowner’s View -How will the Changes Affect Homeowners

Minutes
City Council

those complaints currently before the court, but are deemed not to be causing a drainage issue, are placed on hold.

Council discussion on the motion included:

- concerns about exempting any properties from the requirements of City by-laws
- advice from staff about making decisions on matters for which there is no staff report

The mover of the motion proposed an amendment to delete reference to “and all those complaints currently before the court”.

The motion was split and considered as follows.

C194-2018 Moved by Regional Councillor Sprovieri
Seconded by City Councillor Fortini

Whereas, Brampton continues to face significant population growth; and

Whereas, City Council has endorsed an Environmental Master Plan; and

Whereas, City staff continue to update and ensure conformance to the zoning by-law;

Whereas, it is imperative that the City demonstrate clarity and strengthen its consistency in how growth and property modifications are completed as it pertains to the zoning bylaw;

Whereas, a group of City staff comprised of enforcement and bylaw, building and legal services are working collaboratively on a vexatious complaint policy;

Therefore be it resolved, that staff be directed to continue its work on a vexatious complaints policy and present to council at a future meeting for consideration.

That staff bring a report and recommendations on how to best mitigate historical property modifications (i.e. conditions and rules for grandfathering), and investigate the potential for development of a permit process for minor property modifications (e.g. driveway widening) to ensure residents and contractors are aware of the by-law requirements and to ensure that any work completed adheres to all applicable requirements and restrictions inclusive of any financial and staffing resource implications.

Carried

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Appendix 2 Background to Current By-law Standards for Driveway Regulations

The current zoning requirements related to driveway widenings were established in 2006. At the time driveway widths were not directly regulated in the by-law. What was regulated was the minimum amount of landscaping in the front/exterior yard. This was expressed as a percentage of the yard. The difficulties noted at the time included:

- Calculating the percentage of landscape same in the yard was difficult, in particular for irregular yards
- the calculation could not be undertaken on-site, which meant By-law enforcement could not determine at the property whether a driveway was in compliance
- the nature of the definition of front yard, meant that portions of the yard were in certain cases not included in the calculation.
- there were disputes as to whether a walkway was to be included in the open space calculation.

The review also noted some issues raised by the public including:

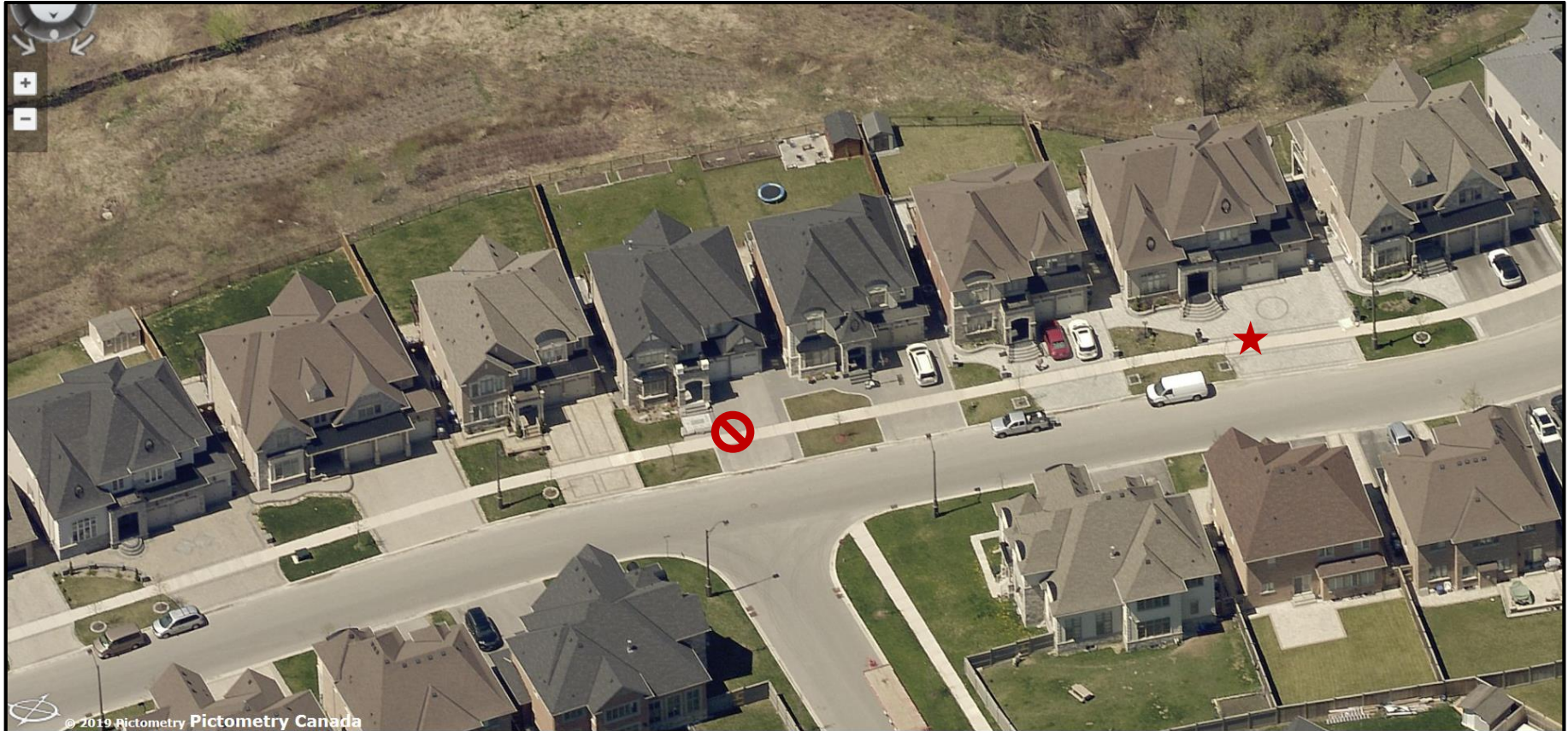
- The desire to park vehicles side-by-side
- Cost impacts of having to remove portions of a widened driveway (in particular where the installation used decorative materials/concrete) even if they only intended to park two vehicles side by side
- Concern of people having too many vehicles parked in their front yards
- Garages are too small to park cars (or people use them for storage)

The principles that provided the basis for the eventual by-law included.

- Generally, allow widths that would provide for the ability to park two cars side by side plus a walkway
- On the smallest lots (<8.23 metres (27ft)) two vehicle side by side parking may not be possible, or if so, with no allowance for a walkway. The amount of space consumed by the driveway would allow insufficient space for landscaping.
- Generally on lots in the 9.14 to 18.3 metres (30-60ft) range, allow for driveways that would enable two cars to be parked side by side, plus a walkway. The resulting by-law split this range into two, allowing for larger driveways on lots 15.23 metre (50ft) to 18.3 metre (60ft) range.
- Permit wider driveways for lots greater than 18.3 metres (60ft.); to allow 3-car wide parking, but not more.
- Clearly define the driveway in the by-law so there is no confusion as to what constitutes part of the driveway (i.e. an area that can be parked upon by a motor vehicle
- Define what is soft landscaping
- Define the driveway to include that portion within the public right-of-way

The By-law that was passed set out 5 lot ranges with a maximum width for each.

1. Streetscape: Impact of Series of Non-complying Driveways, removal of 0.6 metre permeable strip



Series of dwellings on Degrey Drive, most do not comply, driveways and paving is so extensive that hard-surfaced areas connect even though driveways are not “paired”. 0.6m permeable strip mostly removed. Many lots have little soft landscaping left on the private side.

These are large lots, without paired driveways, zoning compliance with retention of 0.6m permeable strip should be achievable

Lot widths: approximately 15-21/22 metres

Allowable driveway width: 6.71 metres (15 metre lots), 9.14 metres (21 metre lots)

This driveway appears not to comply, is approx. 10.9 metres, if not wider, 0.6m appears to have been removed.

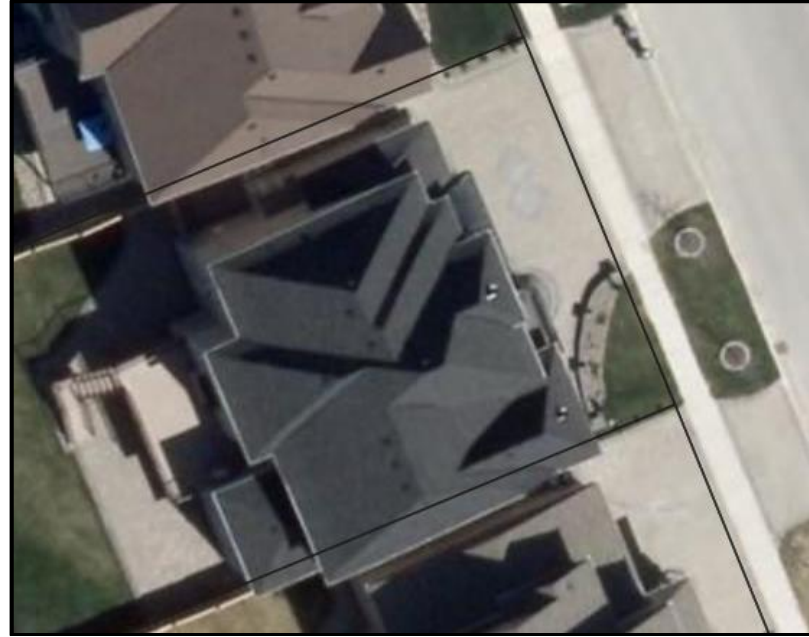
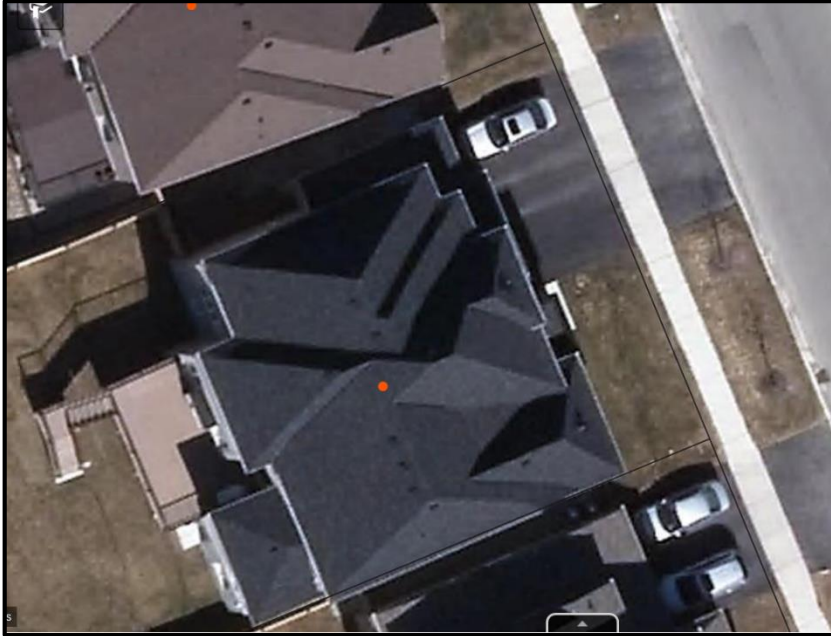
This driveway appears not to comply, is approx. 6.79 metres, 0.6m permeable appears to have been removed.



1.1 Images of as-built driveway vs. widened, Degrey Drive



Approx. 22 metre lot on Degrey Drive, original driveway approximately 9.00 metres, accommodates 3 cars side-by-side.



Approx. 19.8 metre lot on Degrey Drive, original driveway approximately 8.75 metres, current 10.9 metres, 0.6m permeable removed. Columns and planter may actually be in right-of-way. 9.14 metres is the maximum driveway width.



15.0 metre lot on Degrey Drive, original driveway approx. 5.75 metres. The house design/siting would likely not allow this property to have a driveway widened to the maximum allowable width.

1.2 Degrey Drive, Streetscape where driveways widened to lesser degree

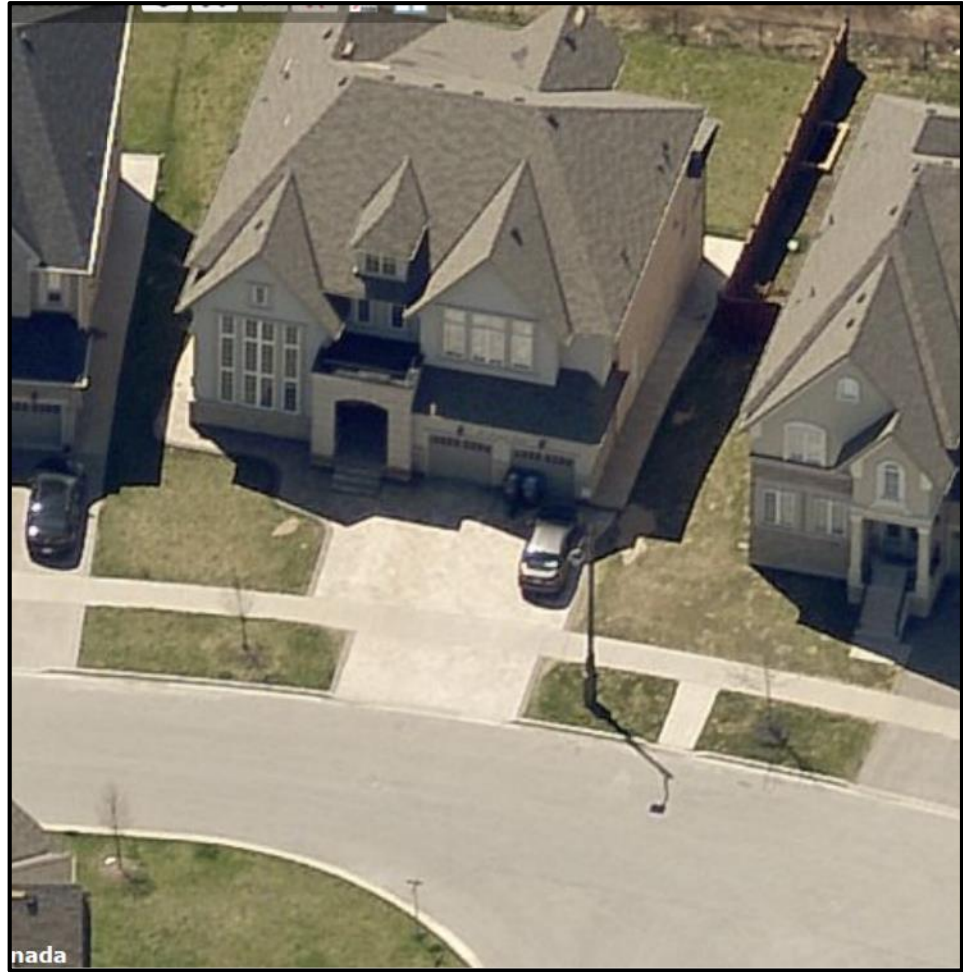
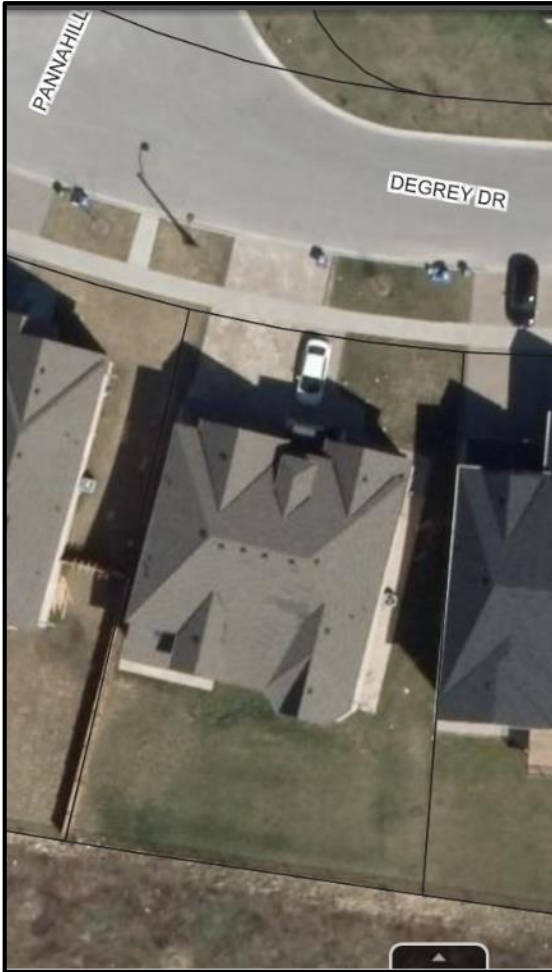


Further along Degrey Drive, driveways have not been widened out to the same degree; less hard-surfaced area and 0.6m permeable strips have not been removed to same degree. Some of these lots could have 9.14 metre driveways, even though they only have double-car garages, although house design (protruding steps) may prevent this.

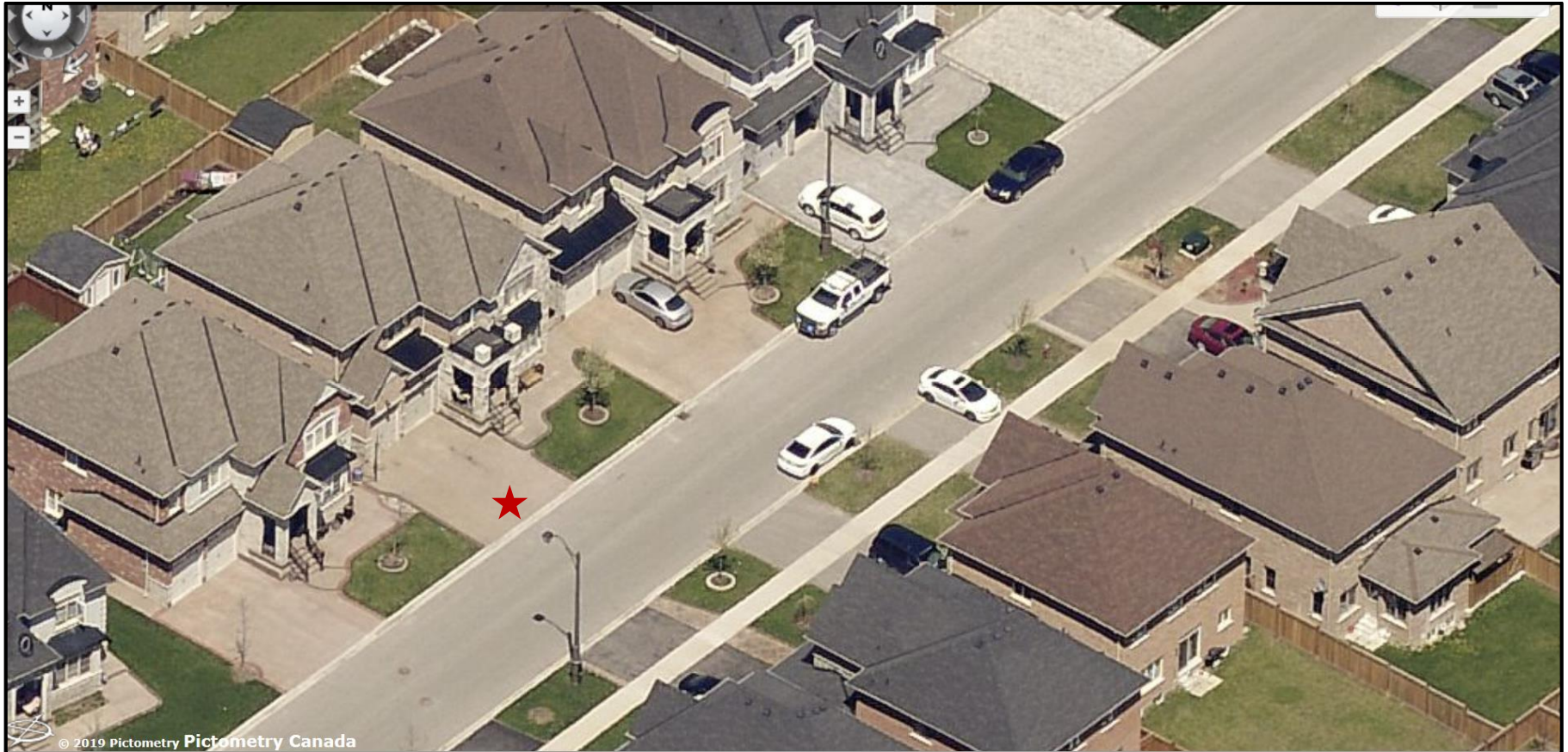
- ★ Lot width approx.: 15-19 metres
Allowable driveway width: 6.71 metres (15 metre lots), 7.32 metres (18 metre lots), 9.14 metres (>18.3 metre lots)
- ★ This driveway appears to comply, is approx. 6.2 metres in width. 0.6m permeable is retained.
This driveway may not comply. It is approximately 9.8 metres in width, 2-car garage design. In this case there may be sufficient space to allow car to be parked in front of door (6.0 metre depth - meets by-law) (see airphoto below). Which is aesthetically questionable.

1.3 Widened Driveway on Degrey Drive

Approx. 18.9 metre lot on Degrey, noted above. 2-car garage but 3-wide parking. "Birds-eye" view seems to show 0.6m permeable removed. If 0.6m reinstated, could likely comply although is parking in front of the porch/dwelling entrance desirable?



2 Streetscape, 0.6 metre permeable removed



On Compassion Crescent (in same neighbourhood as Degrey Drive), hard-surfaced areas, 0.6m removed, drainage swale on both property side lot lines impacted.

Lot widths approx.: 15.5 metres

Allowable driveway width: 7.32 metres

★ The width here is approximately 6.58 metres, however, the 0.6m wide permeable strip is not retained. The house design/siting would not allow this property to have a driveway widened to the maximum allowable width.

2.1 Streetscape, 0.6 metre permeable retained

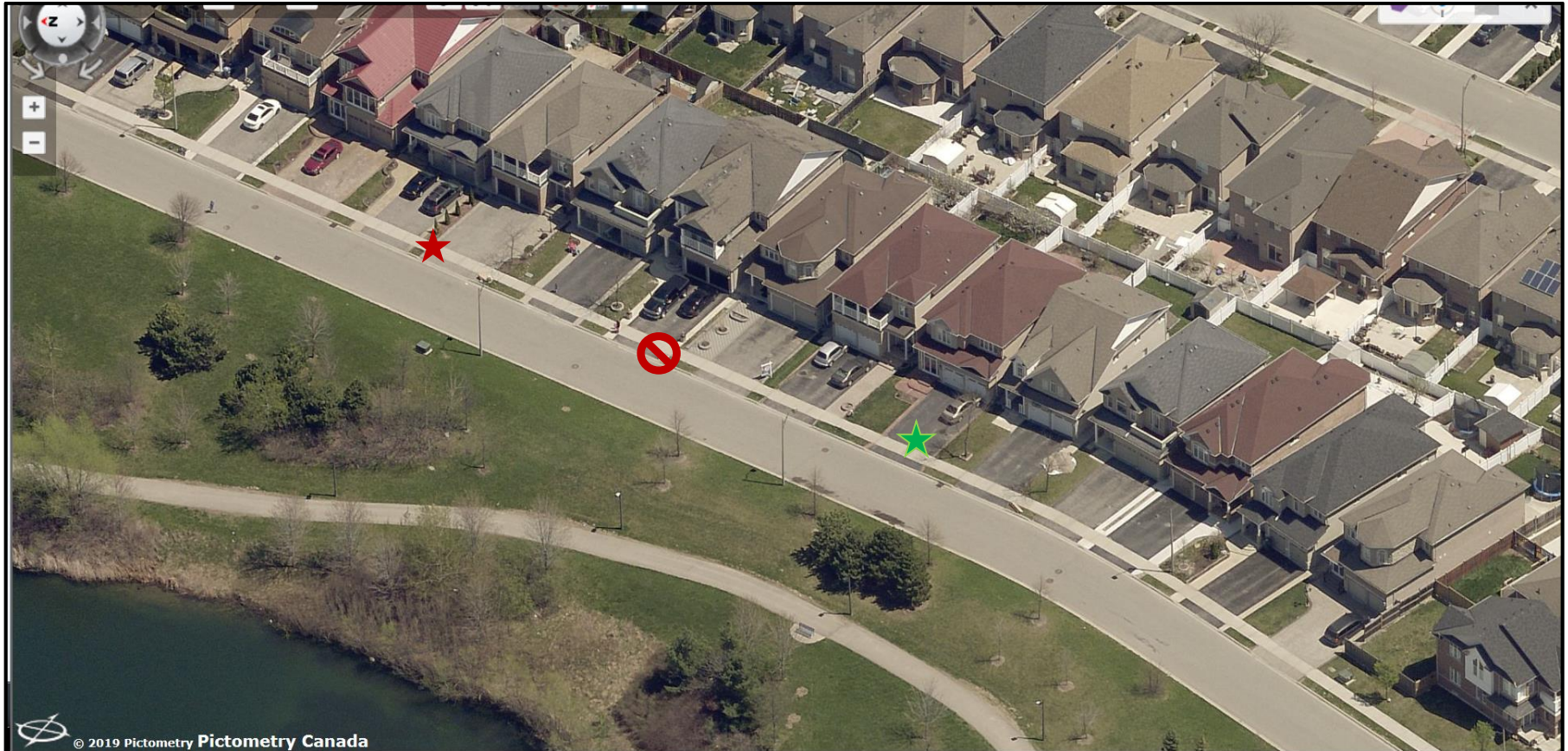


On nearby Decorso Drive where widenings, removal of landscape has not occurred on a lot of the lots. The 0.6 metre permeable appears to be mostly intact.

Lot widths approx. 15.0 metres
Allowable driveway 6.71 metres

★ This driveway appears to comply. The width is approximately 6.0 metres wide. The house design/siting would likely not allow this property to have a driveway widened to the maximum allowable width.

3.0 Smaller Single Detached lots

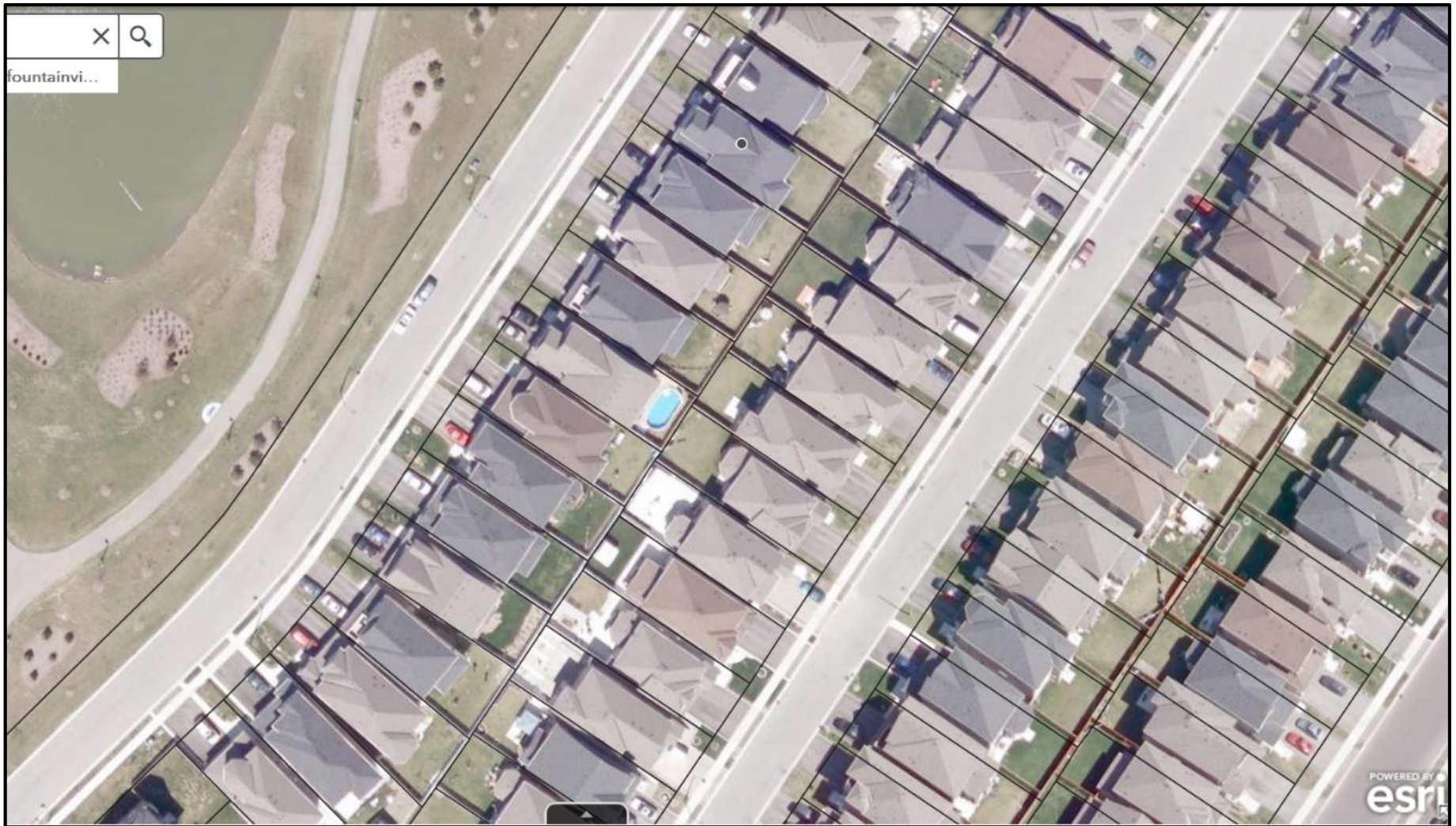


Fountainview Way (south of Bovaird Drive, east of Torbram Road). Most of the driveways have been widened and most of the 0.6m permeable strips removed. The extent of “soft” landscaping in the streetscape is low.

Lot widths approx. 9.8-10.4 metres

Allowable driveway 6.71 metres

- ★ This driveway appears to not comply, driveway is approx. 9.0 metres.
- ★ This driveway appears to comply, driveway is approx. 6.0 metres. 0.6m permeable strip retained.
- ⊘ This driveway appears to not comply, driveway is approx. 7.3 metres. 0.6m permeable appears to be retained.



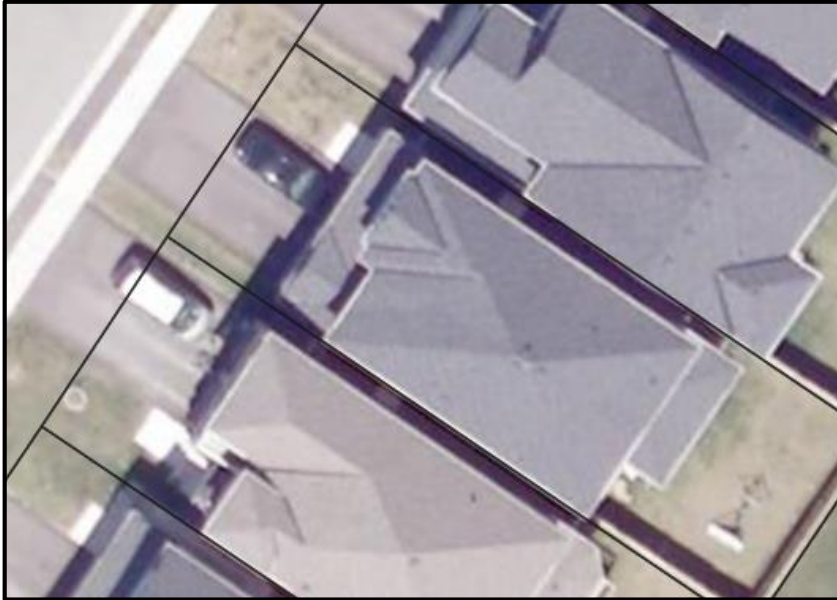
2007 airphoto of Fountainview (when subdivision was new). It appears most driveways are as-built and not yet widened.

3.1 Images of as-built driveway vs. widened, Fountainview Way



10.4 metre lot on Fountainview Way, original width of driveway approx. 6.7 metres.

3.2 10.4 metre lots on Fountainview Way, very little “soft” landscaping remains





10.4 metre lot, neighbouring property to previous image.

4. Streetscape: Maintaining the 0.6 Metre permeable strip. (and generally, driveway width)



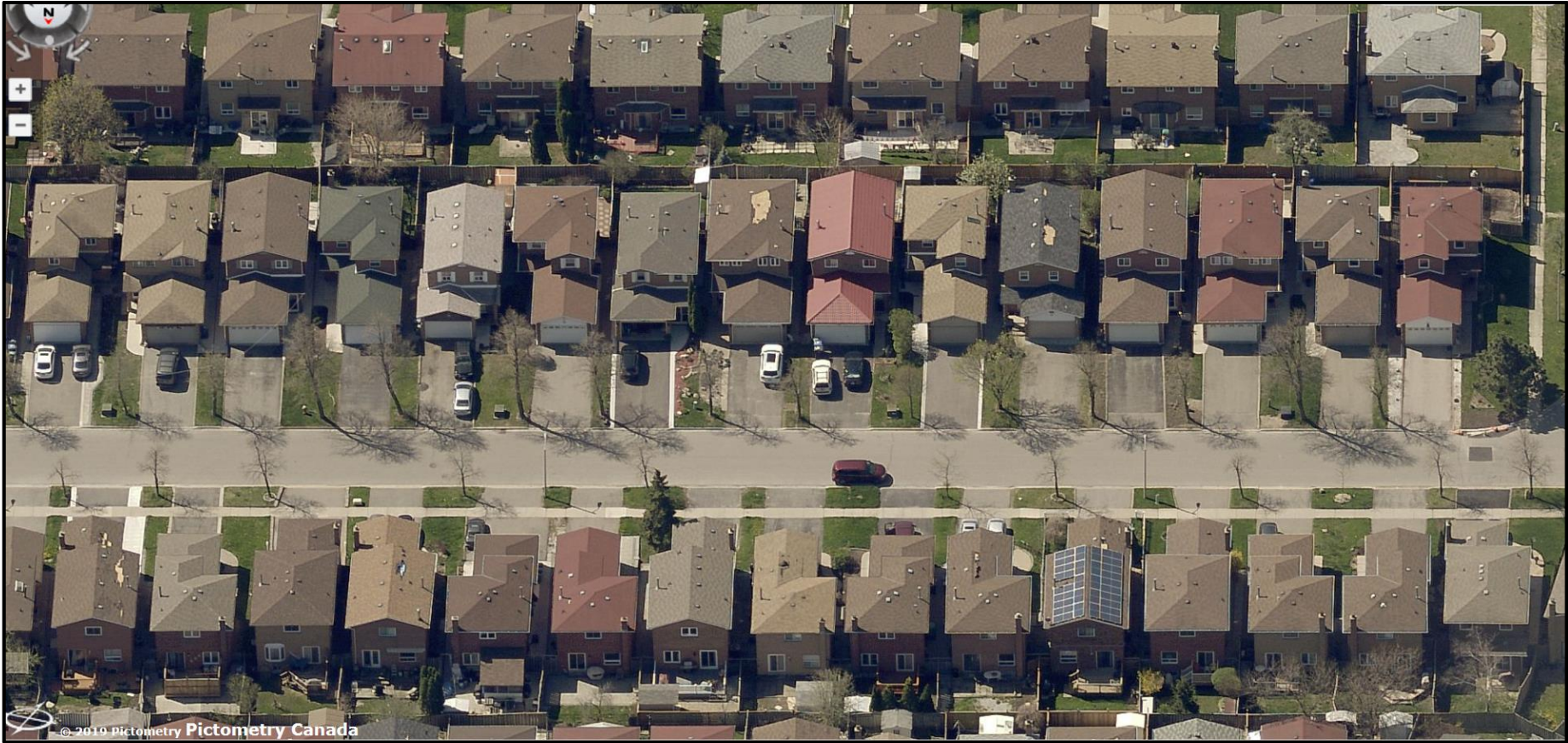
Alabaster Drive. These lots are approx. 9.15 metres wide, where generally the permeable strip has been retained, even where driveways are paired. These strips appear to be greater than the 0.6m minimum (1.2m combined). They appear to be 2.0 metres wide (combined). The driveways that are the exact width of the garage are approximately 5.2 metres wide

Lot widths: approx. 9.15

Allowable driveway width: 6.71 metres (5.2 metres if they are less than 9.14 metres wide).

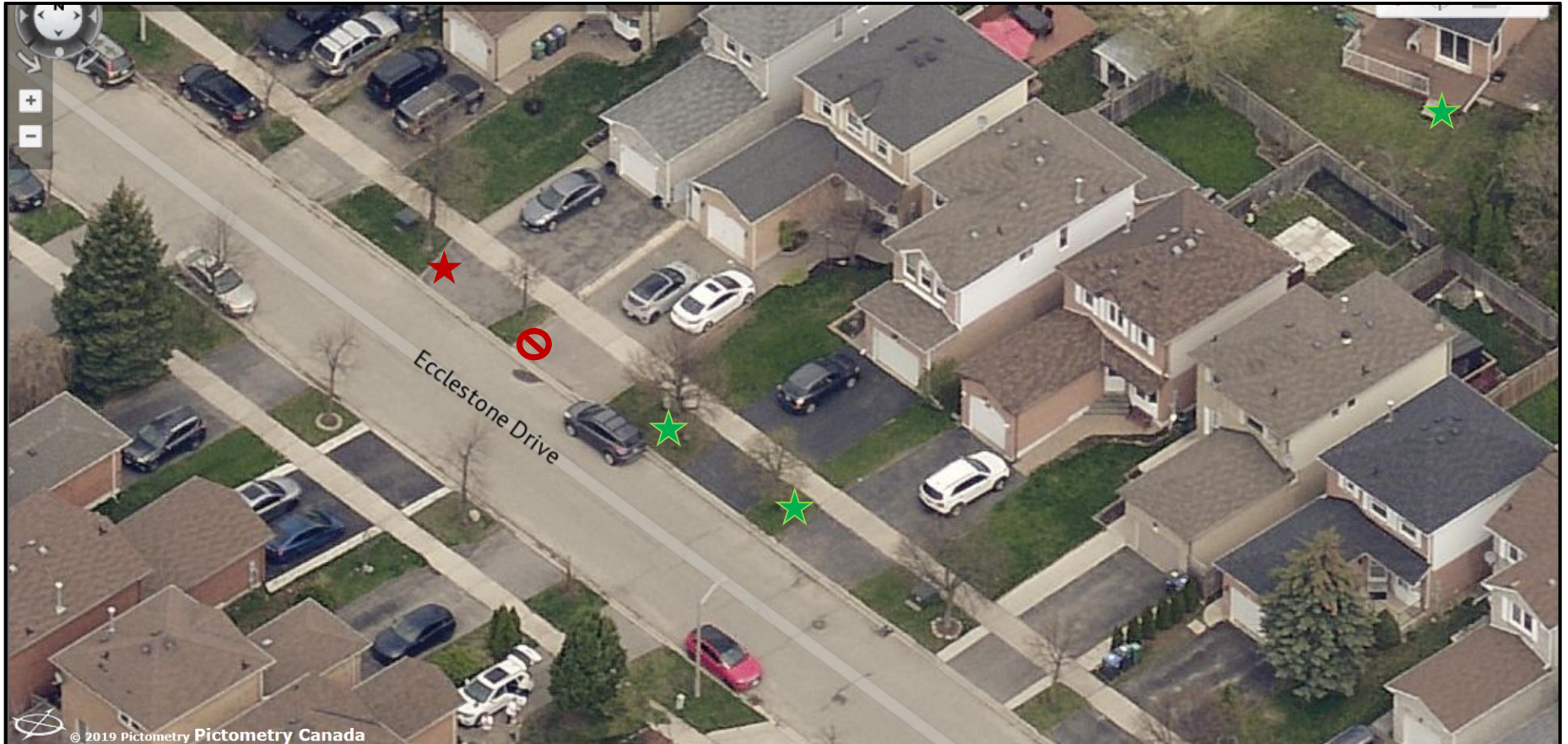


This driveway is approximately 7.2 metres wide, which exceeds the by-law maximum.



Other side of Alabaster Drive.

4.1 Ecclestone Drive, comparison where lots maintain strip and meet driveway, versus non-complying



Lot widths approx.: 9.0 metres

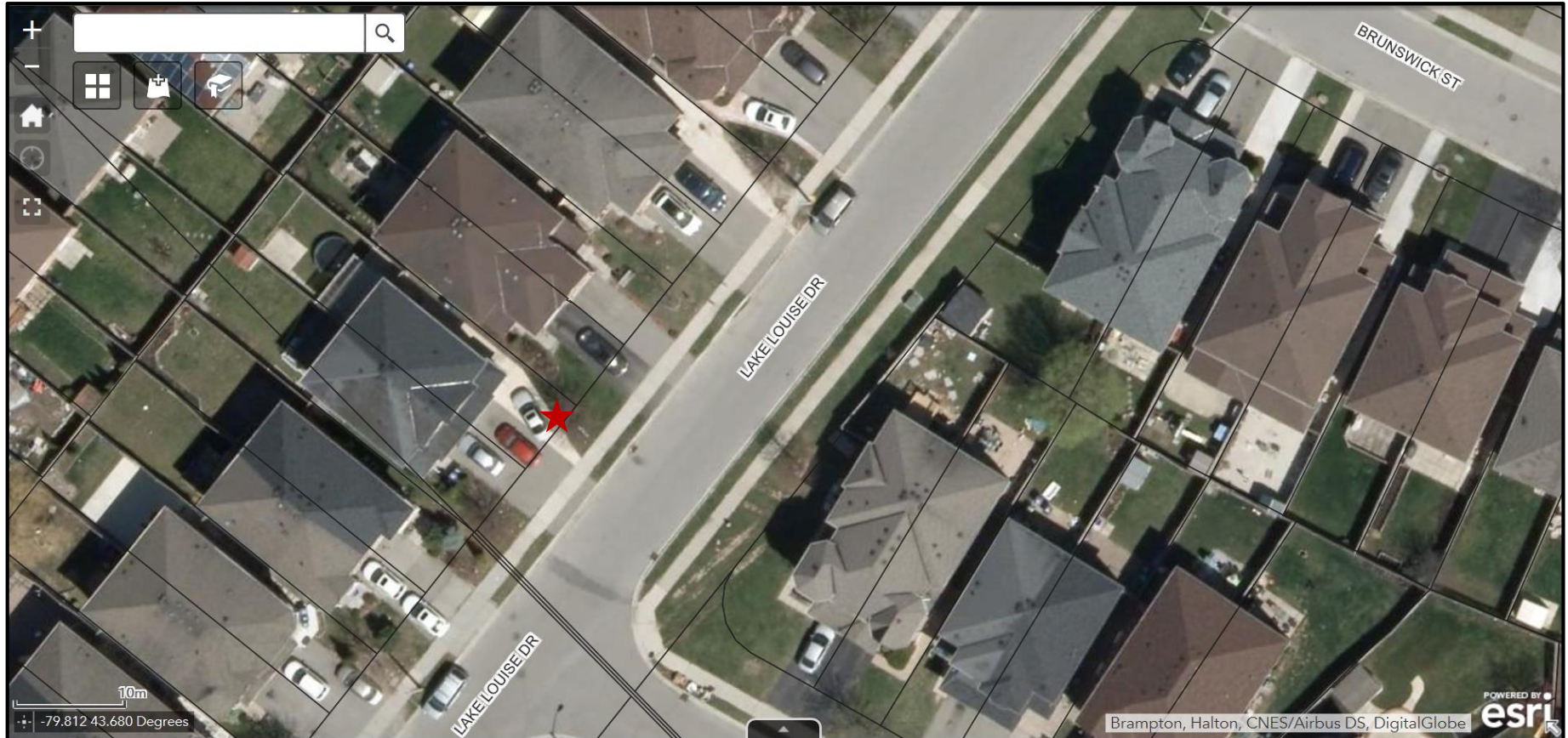
Allowable driveway width: 5.2 metres

- ★ This driveway appears to not comply, driveway is approx. 6.8 metres wide. No permeable strip retained.
- ★ These driveways appear to comply, driveways approx. 5.2 metres wide. Permeable strip retained.
- ⊘ This driveway appears to not comply, driveway is approx. 6.3 metres wide. No permeable strip retained.

5. Streetscape: Semi-detached dwellings



Lake Louise Drive, north of Williams Parkway, west of Chinguacousy Road.

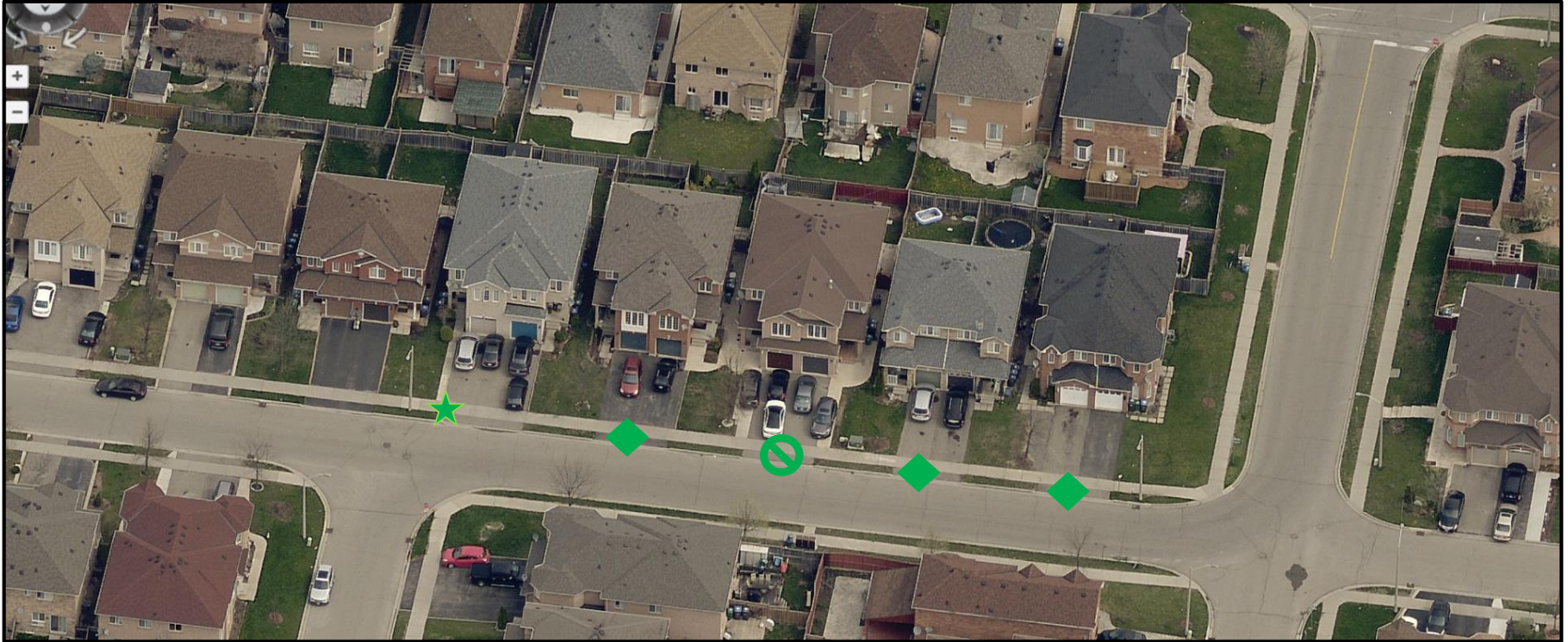


Lake Louise Drive, north of Williams Parkway, west of Chinguacousy Road. Semi-detached lots, driveways widened out in front of entrances. Vehicles parked on angles, in front of porch/entrance.

Lot widths: approx. 6.85 metres (13.7 metres for total semi-detached lot (both sides))
Allowable driveway width: 4.9 metres

- ★ This driveway is approximately 7.2 metres wide, which exceeds the by-law maximum. It also appears that the drainage swale along the side lot line has been impacted by the paving, which appears to go right to the property line by the entrance to the house (and along the interior side yard).

5.1 Semi-detached, comparison of un-widened vs widened



This image provides a good comparison between lots that appear un-widened, those that are widened and comply, and those that are widened and do not comply.

Lot widths: approx. 6.85 metres (13.7 metres for total semi-detached lot)

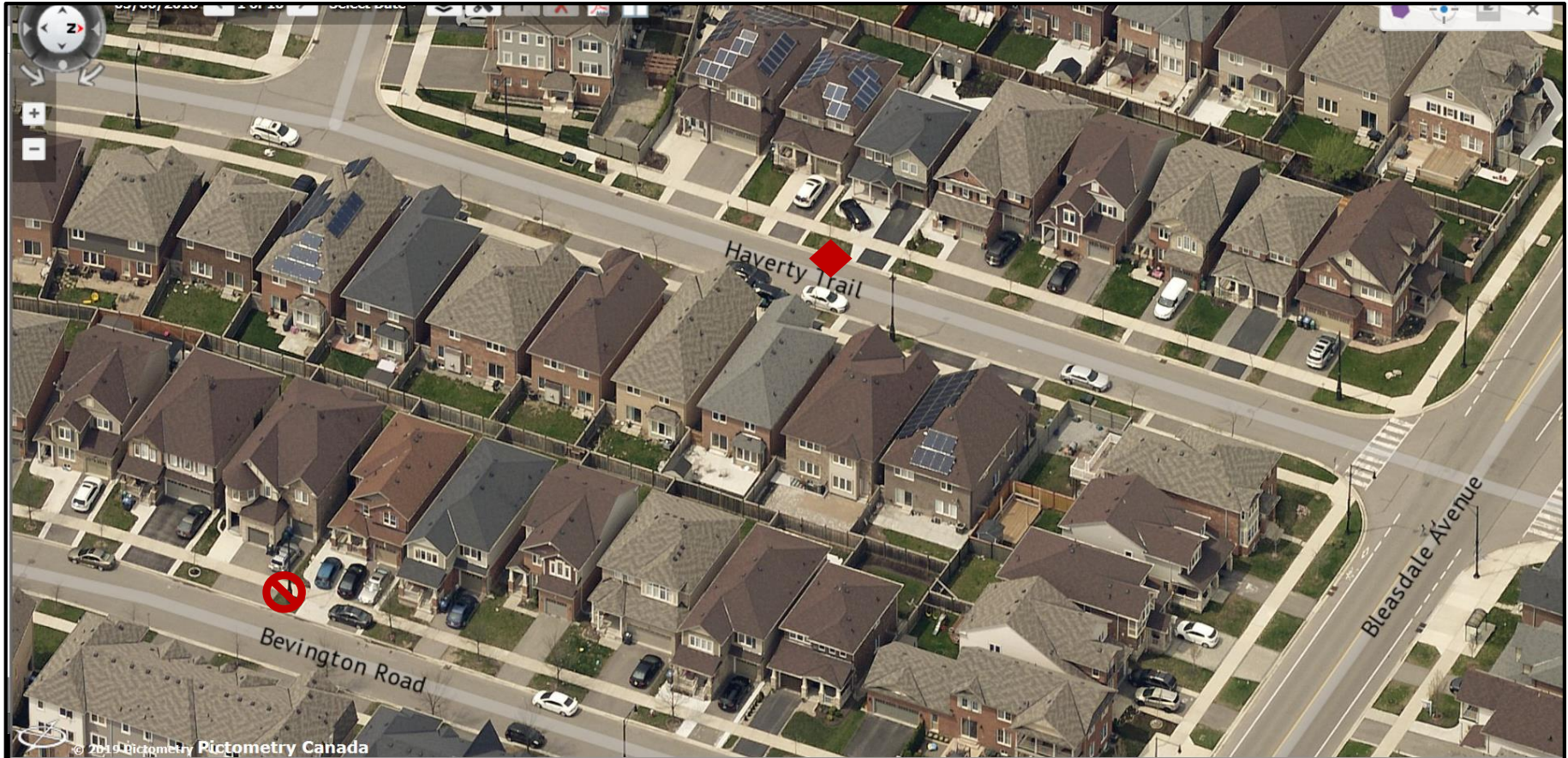
Allowable driveway width: 4.9 metres

- ★ This driveway is approximately 5.0 metres wide, slightly above the maximum permitted. Technically this allows 2 side-by-side parking on a narrow lot with a single car garage.
- ⊘ Each of these driveways are approximately 4.8 metres wide, within by-law limits. This results in 4-wide parking on a combined semi-detached lot with garage. Having cars parked in front of the entrance area of the house does detract from the aesthetics of the area. Given this, the by-law can be seen as being quite permissive.
- ◆ These driveways appear to be in their original as-built width. They are approx. 3.0 metres wide. The amount of remaining “soft” landscaping is noticeably greater than on lots with widened driveways (even those that are legal).

6. Lots in Mount Pleasant Village area




- ⊘ This is a 13.72 metre lot, a 6.72-metre wide driveway is permitted, the driveway is approximately 12 metres wide (effectively the whole front yard is paved). A vehicle is parked essentially perpendicular across the front yard in front of the entrance and porch. This lot has space for 2 cars in the garage and 2 in front of the garage in its un-widened configuration.
- ◆ This is similar situation to the above. This lot is 13.73 metres in width, the driveway approx. 9.5 metres (6.71 permitted). The vehicle is parked in front of the entrance to the dwelling. Virtually no “soft” landscaping is left. The adjacent property (40-metre-wide lot, 7.9-metre wide driveway - which may actually be permitted due to the width of this irregular lot) has an extended driveway and also has a hard-surfaced front yard. The result is two adjacent front yards with the area essentially hard-surfaced and the vast majority of the area dedicated to car parking. This does not constitute a balanced streetscape.



- ◆ This is a 9.15 metre lot in Mount Pleasant Village area. Essentially the whole lot has been paved. A car is parked at an angle in front of the porch and entrance. A 6.71-metre wide driveway is permitted (if the lot were 9.13 metres, a 5.2-metre wide driveway would only be allowed). A 6.71-metre wide driveway could likely not be achieved on this lot due to the front porch design which does not provide the required depth for a parking stall. Even where one could be achieved for lots with a single-garage design such as these (as may be possible on the neighbouring property to the south with the solar roof panels), this is not seen as desirable from a neighbourhood design perspective. Some municipalities restrict parking to only in front of the garage portion.

These siting and dwelling designs in Mount Pleasant Villages were intended to support a pedestrian-oriented, walkable community with more prominent (and sometime protruding) front porches to emphasize the dwelling entrance, smaller

setbacks to bring the entrance area closer to the street. Among other things, this is intended to help support neighbourhood interaction (e.g. people on porch talking with neighbours walking along street) found in older neighbourhoods. This creates challenges where modal split has not shifted sufficiently such that household vehicle ownership decreases.

-  This is also a 9.15-metre wide lot. The whole front yard has been paved. Four vehicles are seen parked on the property and driveway apron.

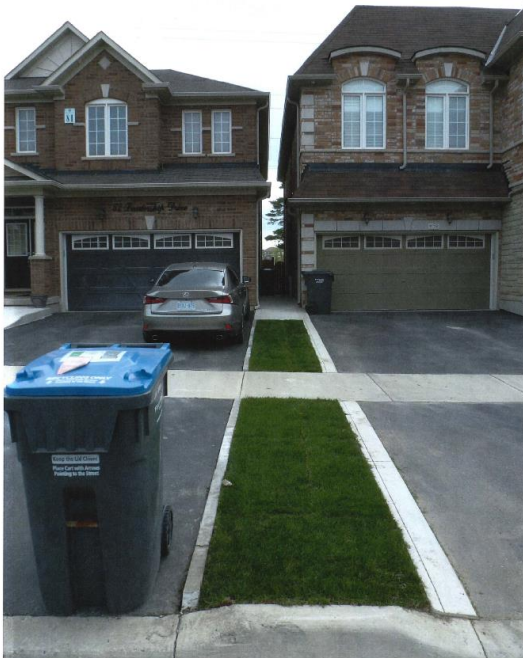
7. 0.6 metre permeable strip, removed and reinstated



0.6 metre permeable strip removed



After reinstatement. The green strip does help break up impression of an expanse of asphalt/concrete.



10.1-124

Appendix 4: Zoning By-law Definitions: Permeable, Residential Driveway and Residential Landscaping

The by-law defines “permeable” as:

“.. shall be maintained as only a permeable landscaped surface such as grass, trees shrubs, flowers or other plants or any other surface that permits the infiltration of water into the ground, but may include a portion of a noise wall or retaining wall that is not permeable”

The by-law defines a residential driveway as:

“**DRIVEWAY, RESIDENTIAL** shall mean the hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone) on detached, semi-detached or townhouse dwelling lots, and that hard and level surface on the road right-of-way to the street edge, upon which vehicles drive and park, and such hard and level surface includes a surfaced walk situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part or the whole of a motor vehicle. The width of the Residential Driveway is measured parallel to the front of an attached garage or in the case of a lot where there is no garage or there is a detached garage, the driveway width is measured perpendicular to the direction in which motor vehicles drive and park on the driveway.”

Residential Landscaping is defined as:

“**LANDSCAPING, RESIDENTIAL**, shall be either, or any combination of both, of the following surfaces on detached, semi-detached and townhouse dwelling lots: 1) the soft surface (level or otherwise) capable of supporting the growth of vegetation (such as grass, trees, shrubs, flowers or other plants), or 2) the rough or irregular surface that permits the infiltration of water into the ground (such as rocks and stones) that is not capable of being parked upon by part of the whole of a motor vehicle. Residential Landscaping may include nonpermeable portions of noise and retaining walls or non-permeable patios and walks not situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part of the whole of a motor vehicle. Residential Landscaping may also include non-permeable stairs or stepped surfaces not capable of being parked or driven upon by part or the whole of a motor vehicle.”

10.1-125

Appendix 5: 0.6 metre Permeable Swale And Residential Lot Drainage Design

The 0.6 metre permeable landscape strip includes the drainage swale for a lot. Swales are engineering features used around the house to capture and convey drainage for minor storms. The grading design of the subdivision will dictate the number of lots that can drain into a particular swale.

The City subdivision engineering design guidelines limit the number of lots that can drain to a rear yard swale to four.

There are two main lot grading drainage designs.

- **Rear to Front Drainage:**
With this design stormwater is collected in the rear yard swales and conveyed to the municipal right of way via the side yard swales. A rear to front design requires a 1.2 metre swale on a property.
- **Split Drainage:**
With a split drainage design, half of the lot is drained to the back into a rear lot swale ending up in a rear lot catchbasin, and the other half is drained to the municipal right of way via the side yard swale. A split drainage design requires a 0.6 metre swale along the side lot line.

The 0.6 metre/1.2 metre combined swale is seen by the City's Development Engineering section as the minimum width to ensure an appropriate swale is provided. With a maximum 3:1 slope a 1.2-metre wide width allows for a depth of 0.2 metres in the swale. Reducing the size of the swale reduces the depth and thus its effectiveness.

**Appendix 6:
General Observations with Regard to
Compliance with Zoning By-law**

Violations to the Zoning By-law regulations for driveways appear to be widespread. In certain areas, entire sections of streets have driveways which were widened. In other areas, in particular on smaller lots, vehicles are parked almost entirely across the front yard, including in front of the steps/entrance area to the dwelling. Appendix 3 shows images of typical conditions in Brampton. On larger lots, elaborately designed driveways are installed that include expanses in front of the house and walkways up to the entrance. As there is no physical barrier that would prevent parking on this expanded surface, the complete area is included in the calculation of driveway width as required by the Zoning By-law. Most often there is a design solution, and likely one that would work well with the homeowner's vision for the driveway and walkway. In terms of assessing the suitability of a barrier, staff requires as a minimum that such a barrier be at least two feet in height and is permanently affixed to the ground (e.g. secured with bolts). However, reconfiguring a driveway installation is difficult, particularly when a portion of the paved surface must be removed to reinstate the required permeable landscaped strip adjacent to the side lot line(s). Ideally, the homeowner would consult with Zoning Services staff to ensure compliance for the proposed works before construction is commenced. In this regard, better education of the public with respect to driveways and a requirement for obtaining a permit would help reduce these situations.

However, even where the installation is of high quality, there is a negative impact in that the amount of "soft landscaping area" or green space in the front yards and streetscape is significantly reduced. Further, where the widened driveway is non-complying, it still enables the excessive parking of vehicles in the front yard (and when vehicles are parked, the "decorative" driveway is no longer visible). This aesthetic impact is multiplied where a series of overly wide driveways have been constructed along a street. Appendix 3 provides such images.

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Appendix 7: Minor Variance Statistics And Planning Considerations for Minor Variances

Staff deals with many variances for driveway widenings. Often these are not a specific variance request but are identified by staff on their site inspections for an application associated with another variance request on the property (it is City practice to identify and address all required Zoning non-compliance matters with an application, not just the variances sought by the applicant). The City received the following number of applications which included variances to existing or proposed widened driveways (and/or the 0.6 metre permeable strip requirement):

Year	# of Applications involving existing/proposed widened driveways and/or variance requests to 0.6 metre permeable strip requirement
2015	6
2016	20
2017	24
2018	23

Of these staff recommended refusal of 41, supported 13 and supported 9 in part (e.g. a reduced width).

The Committee of Adjustment refused 30 applications, supported 15 and supported 18 in part (e.g. permitted a variance to a different extent).

Of applications that involved the required 0.6 metre permeable landscape strip (either reduction or elimination), staff recommended refusal of 28, supported 6, supported 3 in part. The Committee of adjustment refused 22, supported 7 and supported 8 in part.

11 applications were appealed. The Ontario Municipal Board/Local Planning Appeal (OMB/LPAT) Tribunal refused 6 and supported 1. One is still in progress and 3 were withdrawn. Of the applications that were appealed, 8 involved a variance related to the 0.6 metres of permeable landscaping. 3 of these were dismissed/refused by the OMB/LPAT, 1 was supported, 1 was supported in part and 3 were withdrawn.

In assessing variance applications staff considers, among other things:

- whether the widening would allow excessive parking of vehicles in the front yard (such as parking vehicles three across where the intent was to allow only two-across parking);
- how the parking is configured relative to the house design and siting (e.g avoid parking in front of the door/porch area and restrict it to the garage area);
- whether sufficient parking (e.g on a lot with a double-car garage, the two spaces in the garage and the two in front is seen as sufficient in balance against other objectives such as maintaining an attractive streetscape); and,
- whether drainage is impacted (in the case of a requested reduction in the 0.6 metre permeable strip).

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Appendix 8 Details of Current Business Licensing By-law -Driveway Paving Contractors

The City currently licenses Driveway Paving Contractors under Business Licensing By-law 332-2013, which defines Driveway and Driveway Paving Contractors as follows:

“Driveway” means a defined area that is paved, treated with a stable surface or constructed with interlocking stones, that provides access for motor vehicles from a public or private street to a property;

“Driveway Paving Contractor” means a Person engaged in the business of paving, repairing or sealing driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property.”

The Business Licensing By-law currently sets out a number of requirements and prohibitions in relation to driveway paving, including the following:

- Prohibits any person (which includes an individual or a corporation) from engaging in the business of a Driveway Widening Contractor without having a valid licence issued by the City (s. 5(1)(ii) and 5(4));
- Prohibits a person from publishing and holding themselves out as being licensed by the City as a Driveway Paving Contractor if they are not in fact licensed by the City (s. 5(6) and 5(7));
- Requires all Driveway Paving Contractors to have their licence with them when they are engaged in driveway work (s.35(2));
- Requires a Driveway Paving Contractor to sign a written contract before any work is commenced and requires the contract to describe and itemize prices for materials and services, identify any warranties or guarantees (if applicable) and provide an estimated completion date (Schedule 9, section (3)(d));
- Requires that a second or additional contract be entered into prior to extra or additional work being performed (Schedule 9, section 4(a)); and,
- Makes it an offence for a Driveway Paving Contractor to perform work without a permit (Schedule 9, section 4(c)).

There are currently approximately 15 paving contractors licenced with the City. It is well known that many more undertake paving works in Brampton and are thus in contravention of the City’s Licensing By-law.



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number ____ - 2019

A By-law to Amend Business Licensing By-law 332-2013, as amended

WHEREAS By-law 332-2013 provides for the licensing of businesses in the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it desirable to amend By-law 332-2013,

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 332-2013, as amended, is hereby further amended by deleting paragraph 23(l) and replacing it with the following:

“23(l) Any fee payable by the Licensee pursuant to this By-law has not been paid.”

2. By-law 332-2013, as amended, is hereby further amended by adding the following subparagraphs after paragraph 23(m):

“(n) The Applicant or Licensee has failed to pay an administrative monetary penalty imposed by the City or a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.

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- (o) The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector.
 - (p) The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.”
3. By-law 332-2013, as amended, is hereby further amended by deleting the reference to “and including (m)” at the end of paragraph 24 and replacing it with “and including (p)”.
 4. Schedule 9 of By-law 332-2013, as amended is hereby further amended by deleting the definition of “Driveway” and replacing it with the following and capitalizing the word Driveway throughout Schedule 9:

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.”
 5. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Driveway Paving Work” and replacing all references to “work” or “driveway paving” in Schedule 9 with the words “Driveway Paving Work”:

“Driveway Paving Work” means any work on a Driveway, including installing, constructing, paving, resurfacing, sealing, repairing, expanding or altering a Driveway, lane, roadway or parking area.
 6. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Permit” and capitalizing all references to “permit” in Schedule 9:

“Permit” includes a permit required by the Driveway Permit By-law _____ or any other City By-law.”
 7. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following subparagraphs after paragraph 4(c):
 - “(d) perform any Driveway Paving Work that requires a permit unless the permit is displayed in view of the public in the area in which the work is being performed;

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(e) perform any Driveway Paving Work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work."

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this day of _____, 2019.

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

Appendix 10

Benchmarking of Municipal Regulation of Driveway Paving and Widening

Municipality	Licensing of Driveway Paving Contractors	Public Posting of Licensed Pavers	Driveway Paving Permit	Driveway Widening Permit	Driveway Widening Permit and/or Curb Cut Permit Application Details
Brampton	Yes	No	No	Yes, curb cut only. Traffic By-Law 93-93, section 36, requires permits for curb cut.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Application for Driveway Widening/Curb Cuts 2. Road Occupancy & Access Permit will be granted if application is approved <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Completion of diagram (provided) with labelled metric measurements ✓ Legal lot survey <p><u>Associated Fees:</u> Road Occupancy & Access Permit: \$50</p> <p><u>Approx. Time to Issue Permit:</u> A few weeks</p>
Toronto	Yes	Public Look-Up for all Business Licensees, but not by category of license (i.e. not able to get list of contractors, need to have name of contractor to search if licensed).	Yes. City advises residents to contact Zoning Department to ensure compliance with zoning requirements.	Yes.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Apply for a Preliminary Project Review with Toronto Building to ensure compliance with Zoning By-law 2. Apply for a widening permit with Transportation Services, Right-of-Way Management, for the portion of the driveway on City property 3. Apply for Street Occupation Permit with Transportation Services, Right-of-Way Management <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Drawings of the proposed driveway design and location, drawn to metric scale ✓ Submission of financial securities to ensure that the driveway is constructed according to the approved plans ✓ Confirmation that the vehicle access driveway complies with the dimensions specified in any applicable Zoning By-law ✓ Separate sketch associated with Occupation Permit <p><u>Associated Fees:</u> Street Occupation Permit: \$153.46</p> <p><u>Approx. Time to Issue Permit:</u> 2 weeks</p> <p>Note: Could not locate any information exclusive to curb cuts.</p>

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Vaughan	Yes	Could not locate any.	No	Yes	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit drawing and application to Public Works Department, Roads Division in person 2. Public Works will visit the site prior to approval <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> - Drawing using a copy of property survey showing existing and proposed driveway width (metres) <p><u>Associated Fees:</u> Driveway Widening Permit: \$130 Curb Cut Fee for up to 4 metres (incl. DW permit): \$225 Each additional metre: \$23.75</p> <p>Note: Appears that Vaughan does not require a road occupancy permit for driveway widenings</p> <p><u>Approx. Time to Issue Permit: 2-4 weeks</u></p>
Burlington	Does not appear they do.	No	Yes	Yes	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Contact Capital Works Department for driveway widening application requirements; majority of info provided over the phone 2. Submit Road Occupancy Permit Application <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> - Electronic copy with lot and driveway measurements (drawing template provided by Capital Works upon request) <p>Note: Burlington used to require a legal survey but they found it was too difficult for homeowners to obtain</p> <p><u>Associated Fees:</u> Road Occupancy Permit: \$93.39</p> <p><u>Approx. Time to Issue Permit: 1-2 days</u></p>
Oakville	Yes	Yes	No. As long as there is no change to entrance, curbs, headwalls, or number of driveways a permit is not required to repave.	Yes, curb cut only. Permit only required for curb-cuts within municipal ROW; permit not required to widen driveway on private property.	<p><u>Application Process:</u></p> <ol style="list-style-type: none"> 1. Submit Driveway Permit Application 2. Submit Engineering Permit Application <p><u>Required drawings/ materials:</u></p> <ul style="list-style-type: none"> ✓ Two copies of detailed scalable plan showing the driveway location(s) existing and/or proposed ✓ Seek approval for curb cutting, curb removal and replacement or culvert installation at the time of permit application ✓ An arborist report

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					<p>✓ Specific requirements for Engineering Permit (additional drawings, reports, etc.) are listed on application form</p> <p><u>Associated Fees:</u> Engineering Permit Application (includes temporary street occupation permit): \$210</p> <p><u>Approx. Time to Issue Permit:</u> Up to 10 business days</p>
Mississauga	Yes	Could not locate any.	No.	Yes, curb cut only.	<p><u>Application Process:</u> 1. Submit application for Access Modification Permit to Transportation and Works Dept.</p> <p><u>Required drawings/ materials:</u> ✓ Existing and proposed measurements provided on the Curb Cut Details diagram (in metric) ✓ Owner's authorization allowing agent to act on their behalf (is applicable)</p> <p><u>Associated Fees:</u> Access Modification Permit Application Fee (driveway widening involving curb cuts and/or curb improvements): \$118 per application</p> <p>Curb Cuts (not incl. work on boulevard): \$63.00 per metre (minimum charge \$115)</p> <p><u>Approx. Time to Issue Permit :</u> Minimum 10 business days</p>
Collingwood	Does not appear they do.	No.	Yes, an Entrance Permit is required to pave an existing entrance.	Yes.	<p><u>Application Process:</u> 1. Submit Application for Work on Municipal Roads 2. Submit Road Occupancy Permit 3. Potential meeting with Associate Road Supervisor to ensure compliance</p> <p><u>Required drawings/ materials:</u> None required</p> <p><u>Associated Fees:</u> Application Fee: \$125 Curb Cut: Cost calculated by time and material required to complete cut Road Occupancy Permit: \$130</p> <p><u>Approx. Time to Issue Permit:</u> Up to 6 business days</p>

**THE CORPORATION OF THE CITY OF BRAMPTON**

BY-LAW _____

A By-law to Regulate the Resurfacing, Construction, Expansion and Alteration of Residential Driveways

WHEREAS The Corporation of the City of Brampton considers it desirable to regulate the resurfacing, construction, alteration and expansion of Driveways;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the "*Municipal Act, 2001*") provides that a municipality's powers are to be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Protection of persons and property, including consumer protection;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS for the purposes of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense, which that person is otherwise required to do under a by-law or otherwise has failed to do; and

AND WHEREAS subsection 446(3) of the *Municipal Act, 2001* provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting it in the same manner as taxes;

NOW THEREFORE the Council for The Corporation of the City of Brampton ENACTS as follows:

SHORT TITLE

1.1 This by-law shall be known as the "Driveway Permit By-Law".

2.0 ADMINISTRATION

2.1 This by-law shall be administered by the Commissioner of Public Works and Engineering or their designate.

2.2 The Commissioner may prescribe forms for purposes of this by-law, including amending the forms from time to time.

3.0 DEFINITIONS

3.1 In this by-law,

"Agent" means a Person authorized in writing by the Owner to act on their behalf to obtain a Driveway Permit, and includes a Driveway Paving Contractor;

"City" means The Corporation of the City of Brampton;

"Commissioner" means the Commissioner of Public Works and Engineering of The Corporation of the City of Brampton or their designate;

"Council" means the Council of The Corporation of the City of Brampton;

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“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle;

“Driveway Paving Contractor” means a Person licensed under the Business Licensing By-law 332-2013, as amended;

“Driveway Permit” means a permit issued by the Commissioner pursuant to the provisions of this by-law;

“Officer” means a Municipal Law Enforcement Officer or other person appointed by Council to enforce the City’s by-laws;

“Owner” includes

- (a) a Person who is the registered Owner of premises;
- (b) a Person who is in physical possession of premises;
- (c) a Person who has responsibility for and control over the condition of premises or the activities there carried on, or control over the persons allowed to enter the premises; and
- (d) a Person occupying premises.

“Person” means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Premises” means real property owned by Persons, other than property owned by The Corporation of the City of Brampton, used, or intended to be used for residential purposes and includes real property owned by individuals, local boards, corporations and public authorities; and

“Sight Distance” means the length of roadway ahead visible to the driver for safe and efficient operation of a vehicle.

4.0 APPLICATION

4.1 An Owner or Agent may apply for a Driveway Permit.

4.2 Every application for a Driveway Permit shall include:

- (a) a complete application in the form specified by the Commissioner;

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- (b) two (2) copies of a drawing, or other plans as requested by the Commissioner, showing the dimensions and layout of the work to be done;
- (c) complete details of the work to be done, including any additional information that may be requested by the Commissioner;
- (d) a copy of a any permits required by the City;
- (e) written approval from the appropriate authority where a Driveway is to be located within the minimum distance to a utility as described in Section 5.1(4) below;
- (f) written approval from the Commissioner where a Driveway is to be located within 0.9 metres of a tree located on City property;
- (g) written approval from the appropriate authority where poles, hydrants, manholes, signs and any other road works require relocation to facilitate a Driveway;
- (g) the Driveway Permit Fee as set out in the City's User Fee By-law 380-2003, as amended; and
- (h) such other information that may be required by the Commissioner.

4.3 The Driveway Permit Fee shall be refundable.

5.0 PERMIT REQUIREMENTS

5.1 Every Person that resurfaces, constructs, expands or alters a Driveway shall:

- (1) comply with the requirements of the City's Zoning By-law 270-2004, as amended, unless a valid permission, supporting decision or approval required by law is obtained and provided to the Commissioner with the application;
- (2) comply with the City's Fill By-law 143-95, as amended;
- (3) comply with the City's Traffic By-law 93-93, as amended;
- (4) ensure that the minimum distance of a Driveway edge to the face of a utility shall not be less than:

Any vertical pole installed with roadway lighting,
traffic signals or
carrying electrical/telecommunications cables

0.9 metre

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Fire Hydrant	0.9 metre
Communications Pedestals or boxes	0.9 metre
Hydro Transformer	0.9 metre

- (5) ensure that no Driveway obstructs or interferes with City approved on-street parking spaces;
- (6) comply with any requirements imposed by the Commissioner that in his or her opinion are reasonably necessary for the protection of the public safety and right to travel along the street, including, but not limited to:
 - (a) installation of bioswales or culverts along streets with ditches;
 - (b) provision of flag persons, uniformed police officers and/or traffic warning devices;
 - (c) supervision of the work site;
 - (d) provision of barricades, platforms or other structures necessary for the protection of the public; and
 - (e) any other condition that, in the Commissioner's opinion, is reasonably necessary for the protection of the public safety and right to travel along the street;
- (7) notify the Commissioner in writing when they have completed the work;
- (8) complete all maintenance work deemed necessary by the Commissioner within 72 hours of notice to undertake such repairs. In the case of emergency repairs deemed necessary by the Commissioner, the necessary works shall be completed immediately;
- (9) finish all Driveways with asphalt, paving stones, impressed concrete or such other hard durable surface as approved by the Commissioner;
- (10) construct and maintain Driveways to prevent surface drainage, dirt, dust, and debris from the Driveway entering the street from the Owner's property in an amount that, in the opinion of the Commissioner, constitutes a hazard or nuisance;

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- (11) concurrent with resurfacing, constructing or altering a Driveway, the Owner shall remove any existing Driveway that, in the opinion of the Commissioner, is redundant as a result of constructing or widening a Driveway, and shall restore that portion of the street previously occupied by the redundant Driveway to the satisfaction of the Commissioner;
- (12) restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the Commissioner; and
- (13) contract with a Driveway Paving Contractor licensed with the City, if the Driveway works are being performed for a fee by a Person other than the Owner.

6.0 PERMITS

- 6.1 The Commissioner shall issue a Driveway Permit where the application submitted complies with the permit requirements in this by-law and all applicable regulations and by-laws or approvals. Without limiting the generality of the foregoing, the Commissioner shall not issue a Driveway Permit unless the proposed work complies with the City's Zoning By-law 270-2004 and any other applicable regulations, by-laws or approvals.
- 6.2 The Commissioner may approve the issuance of a Driveway Permit where there is substandard Sight Distance in situations where there is no other means of access to the property, and in such cases the Commissioner may issue a permit subject to such special conditions as the Commissioner considers appropriate.
- 6.3 The Driveway Permit shall be valid only during the dates and times indicated on the permit.
- 6.4 Upon the expiry of the Driveway Permit, the Commissioner may inspect the Driveway for compliance.
- 6.5 A Driveway Permit may be renewed by the Commissioner for a further period at the discretion of the Commissioner upon submission of a written request for renewal to the Commissioner.

7.0 REFUSAL OR REVOCATION OF PERMIT

- 7.1 The Commissioner may revoke, refuse or refuse to renew a Driveway Permit where:
 - (a) the work being performed does not comply with the approved application or any conditions imposed by the Commissioner;

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- (b) the work being performed does not meet the standards and specifications of the Commissioner, including if required by the Commissioner and at no cost to the City, the installation of bioswales or culverts along streets with ditches;
- (c) the work is conducted at a date or time other than authorized;
- (d) the work, in the opinion of the Commissioner, constitutes a danger;
- (e) the Driveway Permit was issued on mistaken or false information;
- (f) after six months after its issuance, the work has not been seriously commenced.

7.2 Prior to revoking a permit in accordance with this by-law, the Commissioner may give written notice of intention to revoke the permit to the owner at their last known address and if, on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice.

8.0 PROHIBITIONS

- 8.1 No person shall install, construct, pave, resurface, expand or alter a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.
- 8.2 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.
- 8.3 No person shall install, construct, pave, resurface, expand or alter a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.
- 8.4 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.
- 8.5 No person shall install, construct, pave, resurface, expand or alter a Driveway except in accordance with the provisions of this by-law.
- 8.6 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway except in accordance with the provisions of this by-law.

9.0 SECURITIES

- 9.1 Prior to the issuance of a Driveway Permit, the Commissioner may require the Owner to pay any security and/or deposits in an amount calculated by the Commissioner based upon the Commissioner's estimate of the cost which will be incurred to reinstate the Driveway or highway and for other services provided by the City.
- 9.2 The Commissioner shall not require securities from any person where, in the opinion of the Commissioner, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.
- 9.3 If the Driveway and any associated work is not completed to the satisfaction of the Commissioner, or should the Owner or Agent fail to complete work ordered pursuant to this by-law, the Commissioner shall use the securities to cover the cost of the works done.
- 9.4 Upon satisfactory completion of the work and following a warranty period of twenty-four months (two years) or a term set by the Commissioner, the amount of the security and/or deposit which exceeds the cost incurred by the City will be returned to the applicant.
- 9.5 Where the costs exceed the amount of security and/or deposit provided to the City, the City shall invoice the applicant, who shall pay the amount invoiced within 30 days of receipt of the invoice from the City.
- 9.6 Where a person does not reimburse the City within 30 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- 9.7 Where the Agent deposits security, the Agent is responsible to advise their client of the requirements herein that may affect that security.

10.0 ENFORCEMENT & INSPECTION

- 10.1 The provisions of this by-law may be enforced by an Officer.
- 10.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this by-law is being complied with.

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- 10.3 For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.4 No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law, including refusing to identify themselves when requested to do so by an Officer.

11.0 ORDERS TO COMPLY

- 11.1 Where an Officer believes that a contravention of this by-law has occurred, the Officer may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to do work to correct the contravention; or
 - (c) an order to discontinue the contravening activity and to do work to correct the contravention.
- 11.2 An order under this Part shall identify:
- (a) the name of the Person who is believed to have contravened this by-law;
 - (b) the municipal address or location where the contravention occurred;
 - (c) the reasonable particulars of the contravention;
 - (d) the date and time by which there must be compliance with the order, and,
 - (e) if applicable, the work to be done and the date by which the work must be done.
- 11.3 An order under this section shall be given in writing.

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- 11.4 An order may be served personally or served by registered mail to the last known address of the Person and such other persons affected by it as determined by the Officer and a copy of the order may be posted on any property to which the contravention or Driveway Permit applies.
- 11.5 If an order is served by registered mail, the service shall be deemed to have been made five (5) days after the mailing.
- 11.6 Where service cannot be carried out in accordance with section 11.4, the Officer may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Driveway Permit applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
- 11.7 If the Person fails to do the work required by the order within the period specified in the order, the City, in addition to all other remedies it may have, may do the work at the Person's expense.
- 11.8 The City's cost of doing work pursuant to section 11.7 may be added to the tax roll and collected in the same manner as property taxes.
- 11.9 The City may register a notice of lien upon the land in the proper land registry office in the amount of all costs incurred by the City.
- 11.10 Every Person shall comply with an order issued pursuant to this by-law.

12.0 CONTRAVENTIONS AND PENALTIES

- 12.1 Every Person who contravenes any provision of this by-law is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.2 Every Person who fails to comply with an order made under this by-law, is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.3 Every Person who obstructs or attempts to obstruct any City employee in carrying out his or her duties under this by-law is guilty of an offence and on conviction is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.4 A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.5 In addition to sections 12.1, 12.2, 13.3 and 12.4, any Person who is convicted of an offence under this by-law is liable to the following fines:

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- (a) the maximum fine for an offence is \$100,000.00;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all fines for each included offence is not limited to \$100,000.00.
- 12.6 If a Person is convicted of an offence under this by-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 12.7 Where a Person fails to pay any part of a fine for a contravention of this by-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's designate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- 12.8 If any part of a fine for a contravention of this by-law remains unpaid after the final date specified in the notice given under section 12.7, the outstanding fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

13.0 INTERPRETATION, COMPLIANCE AND SEVERABILITY

- 13.1 In this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine; and the singular includes the plural and the plural the singular.
- 13.2 Wherever a word is used in this by-law with its first letter capitalized, the term is being used as it is defined in this by-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 13.3 The headings and subheadings used in this by-law shall not form a part of the by-law, but shall be deemed to be inserted for convenience of reference only.
- 13.4 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.5 If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the highway shall apply.
- 13.6 If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

14.0 FORCE AND EFFECT

- 14.1 This By-law shall come into force and effect on June 1, 2019.

ENACTED AND PASSED this day of , 2019.

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

DRAFT

I want to widen my driveway. How does this affect me?

-You or your contractor will have to obtain a permit for the widening. This will include any widening in the right-of-way. You will be required to fill out a form, provide a plan of the widening, and pay the applicable fees.
-The City's website will provide guidance as to what constitutes the driveway, how much you can widen the driveway, what information to provide on the drawing and contact points to discuss any questions with City staff.
-You will need to plan in advance as obtaining the permit will take a period of time.
-Your contractor will need to be licensed to do work in the City of Brampton. You can obtain information regarding licensed contractors from the City's website.
-Once the work is underway, you will have to post the permit in the window/door of your home, visible from the outside.
-If you fail to obtain a permit you may be charged. If your contractor is not licensed they may have their license revoked.
-If you undertake work that is not in accordance with the permit, you or your contractor may be charged. The contractor may have their license revoked. If the work does not conform to the by-law, further charges may ensue.

My neighbour is widening their driveway?

-You can ask them if they have obtained a permit.
-You can ask their contractor if they are licensed or have obtained a permit.
-You have the ability to submit a complaint to the City if you feel work is not being done in compliance with City regulations, in violation of a permit, or without a permit. City Enforcement staff will respond to such a complaint.

My neighbour widened their driveway last year?

-If you have some form of concern you can submit a complaint to the City, if you feel there is an issue with what was done, or it is impacting your property in some form. City Enforcement staff will respond to such a complaint.
-Part of staff's review would be to determine if the widening conforms to the City's by-laws and/or a curb cut permit was obtained (where such occurred). If it is not in compliance, staff will work with the homeowner to bring the driveway into compliance. The homeowner may get charged if they fail to rectify the situation.



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number ____ - 2019

A By-law to Amend Business Licensing By-law 332-2013, as amended

WHEREAS By-law 332-2013 provides for the licensing of businesses in the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it desirable to amend By-law 332-2013,

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 332-2013, as amended, is hereby further amended by deleting paragraph 23(l) and replacing it with the following:

“23(l) Any fee payable by the Licensee pursuant to this By-law has not been paid.”

2. By-law 332-2013, as amended, is hereby further amended by adding the following subparagraphs after paragraph 23(m):

“(n) The Applicant or Licensee has failed to pay an administrative monetary penalty imposed by the City or a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.

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- (o) The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector.
- (p) The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.”

3. By-law 332-2013, as amended, is hereby further amended by deleting the reference to “and including (m)” at the end of paragraph 24 and replacing it with “and including (p)”.

4. Schedule 9 of By-law 332-2013, as amended is hereby further amended by deleting the definition of “Driveway” and replacing it with the following and capitalizing the word Driveway throughout Schedule 9:

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.”

5. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Driveway Paving Work” and replacing all references to “work” or “driveway paving” in Schedule 9 with the words “Driveway Paving Work”:

“Driveway Paving Work” means any work on a Driveway, including installing, constructing, paving, resurfacing, sealing, repairing, expanding or altering a Driveway, lane, roadway or parking area.

6. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Permit” and capitalizing all references to “permit” in Schedule 9:

“Permit” includes a permit required by the Driveway Permit By-law _____ or any other City By-law.”

7. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following subparagraphs after paragraph 4(c):

- “(d) perform any Driveway Paving Work that requires a permit unless the permit is displayed in view of the public in the area in which the work is being performed;

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(e) perform any Driveway Paving Work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work."

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this day of _____, 2019.

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

**THE CORPORATION OF THE CITY OF BRAMPTON**

BY-LAW _____

A By-law to Regulate the Resurfacing, Construction, Expansion and Alteration of Residential Driveways

WHEREAS The Corporation of the City of Brampton considers it desirable to regulate the resurfacing, construction, alteration and expansion of Driveways;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the "*Municipal Act, 2001*") provides that a municipality's powers are to be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Protection of persons and property, including consumer protection;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS for the purposes of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

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AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense, which that person is otherwise required to do under a by-law or otherwise has failed to do; and

AND WHEREAS subsection 446(3) of the *Municipal Act, 2001* provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting it in the same manner as taxes;

NOW THEREFORE the Council for The Corporation of the City of Brampton ENACTS as follows:

SHORT TITLE

1.1 This by-law shall be known as the "Driveway Permit By-Law".

2.0 ADMINISTRATION

2.1 This by-law shall be administered by the Commissioner of Public Works and Engineering or their designate.

2.2 The Commissioner may prescribe forms for purposes of this by-law, including amending the forms from time to time.

3.0 DEFINITIONS

3.1 In this by-law,

"Agent" means a Person authorized in writing by the Owner to act on their behalf to obtain a Driveway Permit, and includes a Driveway Paving Contractor;

"City" means The Corporation of the City of Brampton;

"Commissioner" means the Commissioner of Public Works and Engineering of The Corporation of the City of Brampton or their designate;

"Council" means the Council of The Corporation of the City of Brampton;

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“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle;

“Driveway Paving Contractor” means a Person licensed under the Business Licensing By-law 332-2013, as amended;

“Driveway Permit” means a permit issued by the Commissioner pursuant to the provisions of this by-law;

“Officer” means a Municipal Law Enforcement Officer or other person appointed by Council to enforce the City’s by-laws;

“Owner” includes

- (a) a Person who is the registered Owner of premises;
- (b) a Person who is in physical possession of premises;
- (c) a Person who has responsibility for and control over the condition of premises or the activities there carried on, or control over the persons allowed to enter the premises; and
- (d) a Person occupying premises.

“Person” means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Premises” means real property owned by Persons, other than property owned by The Corporation of the City of Brampton, used, or intended to be used for residential purposes and includes real property owned by individuals, local boards, corporations and public authorities; and

“Sight Distance” means the length of roadway ahead visible to the driver for safe and efficient operation of a vehicle.

4.0 APPLICATION

4.1 An Owner or Agent may apply for a Driveway Permit.

4.2 Every application for a Driveway Permit shall include:

- (a) a complete application in the form specified by the Commissioner;

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- (b) two (2) copies of a drawing, or other plans as requested by the Commissioner, showing the dimensions and layout of the work to be done;
- (c) complete details of the work to be done, including any additional information that may be requested by the Commissioner;
- (d) a copy of a any permits required by the City;
- (e) written approval from the appropriate authority where a Driveway is to be located within the minimum distance to a utility as described in Section 5.1(4) below;
- (f) written approval from the Commissioner where a Driveway is to be located within 0.9 metres of a tree located on City property;
- (g) written approval from the appropriate authority where poles, hydrants, manholes, signs and any other road works require relocation to facilitate a Driveway;
- (g) the Driveway Permit Fee as set out in the City's User Fee By-law 380-2003, as amended; and
- (h) such other information that may be required by the Commissioner.

4.3 The Driveway Permit Fee shall be refundable.

5.0 PERMIT REQUIREMENTS

5.1 Every Person that resurfaces, constructs, expands or alters a Driveway shall:

- (1) comply with the requirements of the City's Zoning By-law 270-2004, as amended, unless a valid permission, supporting decision or approval required by law is obtained and provided to the Commissioner with the application;
- (2) comply with the City's Fill By-law 143-95, as amended;
- (3) comply with the City's Traffic By-law 93-93, as amended;
- (4) ensure that the minimum distance of a Driveway edge to the face of a utility shall not be less than:

Any vertical pole installed with roadway lighting,
traffic signals or
carrying electrical/telecommunications cables

0.9 metre

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Fire Hydrant	0.9 metre
Communications Pedestals or boxes	0.9 metre
Hydro Transformer	0.9 metre

- (5) ensure that no Driveway obstructs or interferes with City approved on-street parking spaces;
- (6) comply with any requirements imposed by the Commissioner that in his or her opinion are reasonably necessary for the protection of the public safety and right to travel along the street, including, but not limited to:
 - (a) installation of bioswales or culverts along streets with ditches;
 - (b) provision of flag persons, uniformed police officers and/or traffic warning devices;
 - (c) supervision of the work site;
 - (d) provision of barricades, platforms or other structures necessary for the protection of the public; and
 - (e) any other condition that, in the Commissioner's opinion, is reasonably necessary for the protection of the public safety and right to travel along the street;
- (7) notify the Commissioner in writing when they have completed the work;
- (8) complete all maintenance work deemed necessary by the Commissioner within 72 hours of notice to undertake such repairs. In the case of emergency repairs deemed necessary by the Commissioner, the necessary works shall be completed immediately;
- (9) finish all Driveways with asphalt, paving stones, impressed concrete or such other hard durable surface as approved by the Commissioner;
- (10) construct and maintain Driveways to prevent surface drainage, dirt, dust, and debris from the Driveway entering the street from the Owner's property in an amount that, in the opinion of the Commissioner, constitutes a hazard or nuisance;

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- (11) concurrent with resurfacing, constructing or altering a Driveway, the Owner shall remove any existing Driveway that, in the opinion of the Commissioner, is redundant as a result of constructing or widening a Driveway, and shall restore that portion of the street previously occupied by the redundant Driveway to the satisfaction of the Commissioner;
- (12) restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the Commissioner; and
- (13) contract with a Driveway Paving Contractor licensed with the City, if the Driveway works are being performed for a fee by a Person other than the Owner.

6.0 PERMITS

- 6.1 The Commissioner shall issue a Driveway Permit where the application submitted complies with the permit requirements in this by-law and all applicable regulations and by-laws or approvals. Without limiting the generality of the foregoing, the Commissioner shall not issue a Driveway Permit unless the proposed work complies with the City's Zoning By-law 270-2004 and any other applicable regulations, by-laws or approvals.
- 6.2 The Commissioner may approve the issuance of a Driveway Permit where there is substandard Sight Distance in situations where there is no other means of access to the property, and in such cases the Commissioner may issue a permit subject to such special conditions as the Commissioner considers appropriate.
- 6.3 The Driveway Permit shall be valid only during the dates and times indicated on the permit.
- 6.4 Upon the expiry of the Driveway Permit, the Commissioner may inspect the Driveway for compliance.
- 6.5 A Driveway Permit may be renewed by the Commissioner for a further period at the discretion of the Commissioner upon submission of a written request for renewal to the Commissioner.

7.0 REFUSAL OR REVOCATION OF PERMIT

- 7.1 The Commissioner may revoke, refuse or refuse to renew a Driveway Permit where:
 - (a) the work being performed does not comply with the approved application or any conditions imposed by the Commissioner;

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- (b) the work being performed does not meet the standards and specifications of the Commissioner, including if required by the Commissioner and at no cost to the City, the installation of bioswales or culverts along streets with ditches;
- (c) the work is conducted at a date or time other than authorized;
- (d) the work, in the opinion of the Commissioner, constitutes a danger;
- (e) the Driveway Permit was issued on mistaken or false information;
- (f) after six months after its issuance, the work has not been seriously commenced.

7.2 Prior to revoking a permit in accordance with this by-law, the Commissioner may give written notice of intention to revoke the permit to the owner at their last known address and if, on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice.

8.0 PROHIBITIONS

8.1 No person shall install, construct, pave, resurface, expand or alter a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.

8.2 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.

8.3 No person shall install, construct, pave, resurface, expand or alter a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.

8.4 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.

8.5 No person shall install, construct, pave, resurface, expand or alter a Driveway except in accordance with the provisions of this by-law.

8.6 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway except in accordance with the provisions of this by-law.

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9.0 SECURITIES

- 9.1 Prior to the issuance of a Driveway Permit, the Commissioner may require the Owner to pay any security and/or deposits in an amount calculated by the Commissioner based upon the Commissioner's estimate of the cost which will be incurred to reinstate the Driveway or highway and for other services provided by the City.
- 9.2 The Commissioner shall not require securities from any person where, in the opinion of the Commissioner, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.
- 9.3 If the Driveway and any associated work is not completed to the satisfaction of the Commissioner, or should the Owner or Agent fail to complete work ordered pursuant to this by-law, the Commissioner shall use the securities to cover the cost of the works done.
- 9.4 Upon satisfactory completion of the work and following a warranty period of twenty-four months (two years) or a term set by the Commissioner, the amount of the security and/or deposit which exceeds the cost incurred by the City will be returned to the applicant.
- 9.5 Where the costs exceed the amount of security and/or deposit provided to the City, the City shall invoice the applicant, who shall pay the amount invoiced within 30 days of receipt of the invoice from the City.
- 9.6 Where a person does not reimburse the City within 30 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- 9.7 Where the Agent deposits security, the Agent is responsible to advise their client of the requirements herein that may affect that security.

10.0 ENFORCEMENT & INSPECTION

- 10.1 The provisions of this by-law may be enforced by an Officer.
- 10.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this by-law is being complied with.

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- 10.3 For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.4 No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law, including refusing to identify themselves when requested to do so by an Officer.

11.0 ORDERS TO COMPLY

- 11.1 Where an Officer believes that a contravention of this by-law has occurred, the Officer may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to do work to correct the contravention; or
 - (c) an order to discontinue the contravening activity and to do work to correct the contravention.
- 11.2 An order under this Part shall identify:
- (a) the name of the Person who is believed to have contravened this by-law;
 - (b) the municipal address or location where the contravention occurred;
 - (c) the reasonable particulars of the contravention;
 - (d) the date and time by which there must be compliance with the order, and,
 - (e) if applicable, the work to be done and the date by which the work must be done.
- 11.3 An order under this section shall be given in writing.

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- 11.4 An order may be served personally or served by registered mail to the last known address of the Person and such other persons affected by it as determined by the Officer and a copy of the order may be posted on any property to which the contravention or Driveway Permit applies.
- 11.5 If an order is served by registered mail, the service shall be deemed to have been made five (5) days after the mailing.
- 11.6 Where service cannot be carried out in accordance with section 11.4, the Officer may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Driveway Permit applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
- 11.7 If the Person fails to do the work required by the order within the period specified in the order, the City, in addition to all other remedies it may have, may do the work at the Person's expense.
- 11.8 The City's cost of doing work pursuant to section 11.7 may be added to the tax roll and collected in the same manner as property taxes.
- 11.9 The City may register a notice of lien upon the land in the proper land registry office in the amount of all costs incurred by the City.
- 11.10 Every Person shall comply with an order issued pursuant to this by-law.

12.0 CONTRAVENTIONS AND PENALTIES

- 12.1 Every Person who contravenes any provision of this by-law is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.2 Every Person who fails to comply with an order made under this by-law, is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.3 Every Person who obstructs or attempts to obstruct any City employee in carrying out his or her duties under this by-law is guilty of an offence and on conviction is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.4 A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.5 In addition to sections 12.1, 12.2, 13.3 and 12.4, any Person who is convicted of an offence under this by-law is liable to the following fines:

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- (a) the maximum fine for an offence is \$100,000.00;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all fines for each included offence is not limited to \$100,000.00.
- 12.6 If a Person is convicted of an offence under this by-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 12.7 Where a Person fails to pay any part of a fine for a contravention of this by-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's designate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- 12.8 If any part of a fine for a contravention of this by-law remains unpaid after the final date specified in the notice given under section 12.7, the outstanding fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

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13.0 INTERPRETATION, COMPLIANCE AND SEVERABILITY

- 13.1 In this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine; and the singular includes the plural and the plural the singular.
- 13.2 Wherever a word is used in this by-law with its first letter capitalized, the term is being used as it is defined in this by-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 13.3 The headings and subheadings used in this by-law shall not form a part of the by-law, but shall be deemed to be inserted for convenience of reference only.
- 13.4 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.5 If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the highway shall apply.
- 13.6 If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

14.0 FORCE AND EFFECT

- 14.1 This By-law shall come into force and effect on July 2, 2019.

ENACTED AND PASSED this day of , 2019.

10.1-164

Approved as to
form.

Patrick Brown, Mayor

Approved as to
content.

Peter Fay, City Clerk

Date: 2019-05-03

Subject: **Recommendation Report**
Transmittal of Implementing By-laws
Driveway Widenings Review
City File: G.DX.

Contact: Bernie Steiger, Manager, Development Services, 905-874-2097,
bernie.steiger@brampton.ca

Recommendations:

1. **THAT** the report from Bernie Steiger, Manager, Development Services, dated May 3, 2019, to the Council Meeting of May 22, 2019, re: “**Recommendation Report**”, **Transmittal of Implementing By-laws, Driveway Widenings Review (File: G.DX.)**, be received; and
2. **THAT** the Driveway Permit By-law, attached as Appendix 1 to this report be adopted;
3. **THAT** the amendments to the Licensing By-law, attached as Appendix 2 to this report be adopted; and,
4. **THAT** the amendments to the User Fee By-law, attached as Appendix 3 to this report be adopted.

Overview:

- **At the May 13, 2019 Planning and Development Committee meeting staff presented a report which reviewed driveway widenings and the related regulatory framework.**
- **This report addressed a number of matters related to driveway widenings. A number of actions were recommended in this report. Planning and Development Committee, approved recommendations to, among other things, implement a Driveway Permit process (with associated amendments to the User Fee By-law, as well as undertake amendments to the Licensing By-law).**
- **In accordance with those recommendations, this report forwards the implementing Driveway Permit By-law, amendment to the Licensing By-law and amendment to the User Fee By-law, to Council for its consideration.**

10.1-166

Background:

At the May 13, 2019 Planning and Development Committee meeting staff tabled a report with the respect to driveway widenings.

This report recommended a number of actions to assist in making residents and contractors aware of the regulations pertaining to driveways, support enforcement and ensuring residents and contractors are accountable in terms of complying with City regulations. These changes were recommended to support broader objectives to ensure that City neighborhoods remain attractive places to live and balance the provision of landscaping and vegetation within the streetscape with that of accommodating driveways and vehicular parking.

Current Situation:

Of the actions identified in that report, a new Driveway Permit process, as well as changes to the Licensing By-law, was recommended. This report forwards the implementing Development Permit By-law, a related amendment to the User Fee By-law and an amending By-law to the Licensing By-law to Council for its consideration.

Draft versions of the Driveway Permit By-law and the Licensing By-law were attached to the May 13, 2019 report. The By-law attached to this report and recommended for approval contains mostly minor revisions, as well as the following more significant amendments:

- The addition of an exemption from the requirement to obtain a Driveway Permit where a Driveway is being installed pursuant to an approved site plan under the Planning Act;
- The addition of an exemption from the requirement to obtain a Driveway Permit, where a Driveway is being installed pursuant to an approved siting plan for a new dwelling in conjunction with a new subdivision (i.e. a builder-installed driveway as part of a new dwelling construction within a newly developing subdivision);
- The removal of the requirement that an Owner engage a licensed Driveway Paving Contractor, thereby leaving the onus (and any related by-law violation) on the Driveway Paving Contractor for failing to be registered under the Business Licensing By-law; and
- Changes to the penalty section of the by-law.

Corporate Implications:

Financial Implications

10.1-167

As noted in the report to the May 13, 2019 Planning and Development Committee meeting, the introduction of a driveway permitting system will likely have administrative and financial impacts. This includes potential increased staffing requirements for the Public Works and Engineering Department that will take in, circulate and review the applications, as well as for other departments that would also be involved in the review of such applications.

Current staffing levels should be sufficient to process a reasonable uptake in applications and the associated service requests and investigations, while still meeting customer service levels. While it is anticipated that the permitting process can initially be administered with current staff levels, uptake will likely increase as general awareness of the requirement grows across the City.

Should the increase exceed anticipated capacity or impact the overall level of service to the customer, a review of the personnel resources would be needed and brought forward in the 2020 operating budget submission, pending Council approval.

Other Implications:

2019-2022 Term of Council Priorities:

This report and the proposed recommendations align with the “Brampton is a well-run City” theme. The proposed actions will support enforcement and make residents and contractors accountable in terms of complying with City regulations.

As noted in the report to the May 13, 2019 Planning and Development Committee meeting, it would assist in ensuring that driveways remain balanced as part of a residential lot and streetscape and that the City’s neighbourhoods remain attractive places to live.

Living the Mosaic – 2040 Vision:

This Report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

In accordance with the direction provided at the May 13, 2019 Planning and Development Committee meeting, staff are presenting the implementing Driveway Permit By-law, amending By-law to the Licensing By-law and amending By-law to the User Fee By-law to Council for its consideration.

Respectfully submitted:

Allan Parsons, MCIP, RPP

Director, Development Services

Recommended by:

Richard Forward, MBA, M.Sc., P.Eng.
Commissioner, Planning and
Development Services

Attachments:

- Appendix 1: Driveway Permit By-law
- Appendix 2: Amending By-law to Licensing By-law
- Appendix 3: Amending By-law to User Fee By-law



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2019

**A By-law to Regulate the Installation, Construction,
Paving, Resurfacing, Expansion and Alteration of
Residential Driveways**

WHEREAS The Corporation of the City of Brampton considers it desirable to regulate the resurfacing, construction, alteration and expansion of residential Driveways;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the "***Municipal Act, 2001***") provides that a municipality's powers are to be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Protection of persons and property, including consumer protection;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS for the purposes of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense, which that person is otherwise required to do under a by-law or otherwise has failed to do; and

AND WHEREAS subsection 446(3) of the *Municipal Act, 2001* provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting it in the same manner as taxes;

NOW THEREFORE the Council for The Corporation of the City of Brampton ENACTS as follows:

1.0 SHORT TITLE

1.1 This by-law shall be known as the “Driveway Permit By-Law”.

2.0 ADMINISTRATION

2.1 This by-law shall be administered by the Commissioner of Public Works and Engineering or their designate.

2.2 The Commissioner may prescribe forms for purposes of this by-law, including amending the forms from time to time.

3.0 DEFINITIONS

3.1 In this by-law,

“**Agent**” means a Person authorized in writing by the Owner to act on their behalf to obtain a Driveway Permit, and includes a Driveway Paving Contractor;

“**City**” means The Corporation of the City of Brampton;

“**Commissioner**” means the Commissioner of Public Works and Engineering of The Corporation of the City of Brampton or their designate;

“**Council**” means the Council of The Corporation of the City of Brampton;

“**Driveway**” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle;

“**Driveway Permit**” means a permit issued by the Commissioner pursuant to the provisions of this by-law;

“**Officer**” means a Municipal Law Enforcement Officer or other person appointed by Council to enforce the City’s by-laws;

“**Owner**” includes

- (a) a Person who is the registered Owner of Premises;
- (b) a Person who is in physical possession of Premises;
- (c) a Person who has responsibility for and control over the condition of Premises or the activities there carried on, or control over the persons allowed to enter the Premises; and,
- (d) a Person occupying Premises.

“**Person**” means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Premises” means real property owned by Persons, other than property owned by The Corporation of the City of Brampton, used, or intended to be used for residential purposes and includes real property owned by individuals, local boards, corporations and public authorities; and,

“Sight Distance” means the length of roadway ahead visible to the driver for safe and efficient operation of a vehicle.

4.0 APPLICATION

4.1 An application for a Driveway Permit may be made by an Owner or Agent.

4.2 Every application for a Driveway Permit shall include:

- (a) a complete application in the form specified by the Commissioner;
- (b) two (2) copies of a drawing, or other plans (including a legal lot survey for the property) as requested by the Commissioner, showing the dimensions and layout of the work to be done;
- (c) complete details of the work to be done, including any additional information that may be requested by the Commissioner;
- (d) a copy of any permits required by the City;
- (e) written approval from the appropriate authority where a Driveway is to be located within the minimum distance to a utility as described in Section 5.1(4) below;
- (f) written approval from the Commissioner where a Driveway is to be located within 0.9 metres of a tree located on City property;
- (g) written approval from the appropriate authority where poles, hydrants, manholes, signs and any other road works require relocation to facilitate a Driveway;
- (h) the Driveway Permit fee as set out in the City’s User Fee By-law 380-2003, as amended; and,
- (i) such other information that may be required by the Commissioner.

4.3 The Driveway Permit application fee shall be non-refundable.

4.4 No Driveway Permit is required where a Person installs, constructs or paves a Driveway in accordance with:

- (a) an approved siting plan for a new dwelling constructed in conjunction with the initial development of a plan of subdivision; or
- (b) an approved site plan under the Planning Act.

5.0 PERMIT REQUIREMENTS

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By-law Number _____ - 2019

5.1 Every Person that resurfaces, constructs, expands or alters a Driveway shall:

- (1) comply with the requirements of the City's Zoning By-law 270-2004, as amended, unless a valid permission, supporting decision or approval required by law is obtained and provided to the Commissioner with the application;
- (2) comply with the City's Fill By-law 143-95, as amended;
- (3) comply with the City's Traffic By-law 93-93, as amended;
- (4) ensure that the minimum distance of a Driveway edge to the face of a utility shall not be less than:

Any vertical pole installed with roadway lighting, traffic signals or carrying electrical/telecommunications cables	0.9 metre
Fire Hydrant	0.9 metre
Communications Pedestals or boxes	0.9 metre
Hydro Transformer	0.9 metre

- (5) ensure that no Driveway obstructs or interferes with City approved on-street parking spaces;
- (6) comply with any requirements imposed by the Commissioner that in his or her opinion are reasonably necessary for the protection of the public safety and right to travel along the street, including, but not limited to:
 - (a) installation of bioswales or culverts along streets with ditches;
 - (b) provision of flag persons, uniformed police officers and/or traffic warning devices;
 - (c) supervision of the work site;
 - (d) provision of barricades, platforms or other structures necessary for the protection of the public; and
 - (e) any other condition that, in the Commissioner's opinion, is reasonably necessary for the protection of the public safety and right to travel along the street;
- (7) notify the Commissioner in writing when they have completed the work;
- (8) complete all maintenance work deemed necessary by the Commissioner within 72 hours of notice to undertake such repairs. In the case of emergency repairs deemed necessary by the Commissioner, the necessary works shall be completed immediately;
- (9) finish all Driveways with asphalt, paving stones, impressed concrete or such other hard durable surface as approved by the Commissioner;

- (10) construct and maintain Driveways to prevent surface drainage, dirt, dust, and debris from the Driveway entering the street from the Owner's property in an amount that, in the opinion of the Commissioner, constitutes a hazard or nuisance;
- (11) concurrent with resurfacing, constructing or altering a Driveway, the Owner shall remove any existing Driveway that, in the opinion of the Commissioner, is redundant as a result of constructing or widening a Driveway, and shall restore that portion of the street previously occupied by the redundant Driveway to the satisfaction of the Commissioner; and
- (12) restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the Commissioner.

6.0 PERMITS

- 6.1 The Commissioner shall issue a Driveway Permit where the application submitted complies with the permit requirements in this by-law. Without limiting the generality of the foregoing, the Commissioner shall not issue a Driveway Permit unless the proposed work complies with the City's Zoning By-law 270-2004 and any other applicable regulations, by-laws or approvals.
- 6.2 The Commissioner may approve the issuance of a Driveway Permit where there is substandard Sight Distance in situations where there is no other means of access to the property, and in such cases the Commissioner may issue a permit subject to such special conditions as the Commissioner considers appropriate.
- 6.3 The Driveway Permit shall be valid only during the dates and times indicated on the permit.
- 6.4 The Commissioner may inspect the Driveway at any time for compliance with a Driveway Permit.
- 6.5 A Driveway Permit may be renewed by the Commissioner for a further period at the discretion of the Commissioner upon submission of a written request for renewal to the Commissioner.

7.0 REFUSAL OR REVOCATION OF PERMIT

- 7.1 The Commissioner may revoke, refuse or refuse to renew a Driveway Permit where:
 - (a) the work being performed does not comply with the approved application or any conditions imposed by the Commissioner;
 - (b) the work being performed does not meet the standards and specifications of the Commissioner, including if required by the Commissioner and at no cost to the City, the installation of bioswales or culverts along streets with ditches;
 - (c) the work is conducted at a date or time other than authorized;
 - (d) the work, in the opinion of the Commissioner, constitutes a danger;
 - (e) the Driveway Permit was issued on mistaken or false information;

(f) if six months after the issuance of a Driveway Permit, the work has not been seriously commenced.

7.2 Prior to revoking a permit in accordance with this by-law, the Commissioner may give written notice of intention to revoke the permit to the owner at their last known address and if, on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice.

8.0 PROHIBITIONS

8.1 No person shall install, construct, pave, resurface, expand or alter a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.

8.2 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway without obtaining a Driveway Permit from the Commissioner prior to doing the work.

8.3 No person shall install, construct, pave, resurface, expand or alter a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.

8.4 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway that impedes a roadway's Sight Distance, horizontal or vertical alignment or other considerations, unless authorized by the Commissioner.

8.5 No person shall install, construct, pave, resurface, expand or alter a Driveway except in accordance with the provisions of this by-law.

8.6 No person shall permit the installation, construction, paving, resurfacing, expansion or alteration of a Driveway except in accordance with the provisions of this by-law.

9.0 SECURITIES

9.1 Prior to the issuance of a Driveway Permit, the Commissioner may require the Owner to pay any security and/or deposit an amount calculated by the Commissioner based upon the Commissioner's estimate of the cost which will be incurred to reinstate the Driveway or highway and for other services provided by the City.

9.2 The Commissioner shall not require securities from any person where, in the opinion of the Commissioner, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.

9.3 If the Driveway and any associated work is not completed to the satisfaction of the Commissioner, or should the Owner or Agent fail to complete work ordered pursuant to this by-law, the Commissioner shall use the securities to cover the cost of the works done.

9.4 Upon satisfactory completion of the work and following a warranty period of twelve months (one years) or a term set by the Commissioner, the amount of the security and/or deposit which exceeds the cost incurred by the City will be returned to the applicant.

9.5 Where the costs exceed the amount of security and/or deposit provided to the City, the City shall invoice the applicant, who shall pay the amount invoiced within 30 days of receipt of the invoice from the City.

- 9.6 Where a person does not reimburse the City within 30 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- 9.7 Where the Agent deposits security, the Agent is responsible to advise the Owner of the requirements herein that may affect that security.

10.0 ENFORCEMENT & INSPECTION

- 10.1 The provisions of this by-law may be enforced by an Officer.
- 10.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this by-law is being complied with.
- 10.3 For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and,
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.4 No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law, including refusing to identify themselves when requested to do so by an Officer.

11.0 ORDERS TO COMPLY

- 11.1 Where an Officer believes that a contravention of this by-law has occurred, the Officer may issue:
 - (a) an order to discontinue the contravening activity;
 - (b) an order to do work to correct the contravention; or
 - (c) an order to discontinue the contravening activity and to do work to correct the contravention.
- 11.2 An order under this Part shall identify:
 - (a) the name of the Owner of the Premises and any Person believed to have contravened this by-law;
 - (b) the municipal address or location where the contravention occurred;
 - (c) the reasonable particulars of the contravention;
 - (d) the date and time by which there must be compliance with the order, and

- (e) if applicable, the work to be done and the date by which the work must be done.
- 11.3 An order under this section shall be given in writing.
- 11.4 An order may be served personally or served by registered mail to the last known address of the Person and such other persons affected by it as determined by the Officer and a copy of the order may be posted on any property to which the contravention or Driveway Permit applies.
- 11.5 If an order is served by registered mail, the service shall be deemed to have been made five (5) days after the mailing.
- 11.6 If the Person fails to do the work required by the order within the period specified in the order, the City, in addition to all other remedies it may have, may do the work at the Person's expense.
- 11.7 The City's cost of doing work pursuant to section 11.6 may be added to the tax roll and collected in the same manner as property taxes.
- 11.8 Every Person shall comply with an order issued pursuant to this by-law.

12.0 CONTRAVENTIONS AND PENALTIES

- 12.1 Every Person who contravenes any provision of this by-law is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.2 Every Person who fails to comply with an order made under this by-law, is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.3 Every Person who obstructs or attempts to obstruct any City employee in carrying out his or her duties under this by-law is guilty of an offence and on conviction is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.4 A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable to penalties as provided for in the *Provincial Offences Act*.
- 12.5 In addition to sections 12.1, 12.2, 12.3 and 12.4:
 - (a) any Person who is convicted of an offence under this by-law is liable to a fine of not less than \$500.00 and not more than \$100,000.00; and
 - (b) notwithstanding section 12.5(a), any Person who is convicted of failing to comply with an order made pursuant to this by-law is liable to a fine of not less than \$500.00 and not more than \$10,000.00 for every day during which the failure to comply continues after the time given for complying with the order has expired; and the total of all daily fines for the offence is not limited to \$100,000.00.
- 12.6 If a Person is convicted of an offence under this by-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 12.7 Where a Person fails to pay any part of a fine for a contravention of this by-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's designate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- 12.8 If any part of a fine for a contravention of this by-law remains unpaid after the final date specified in the notice given under section 12.7, the outstanding fine is deemed

to be unpaid taxes for the purposes of the collection of the fine pursuant the *Municipal Act, 2001*.

13.0 INTERPRETATION, COMPLIANCE AND SEVERABILITY

- 13.1 In this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine; and the singular includes the plural and the plural the singular.
- 13.2 Wherever a word is used in this by-law with its first letter capitalized, the term is being used as it is defined in this by-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 13.3 The headings and subheadings used in this by-law shall not form a part of the by-law, but shall be deemed to be inserted for convenience of reference only.
- 13.4 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.5 If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the highway shall apply.
- 13.6 If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

14.0 FORCE AND EFFECT

- 14.1 This By-law shall come into force and effect on July 2, 2019.

ENACTED and PASSED this 22 day of May, 2019.

Approved as to
form.
2019/May/07
[DMS]

Approved as to
content.
2019/May/09
[CAK]

Patrick Brown, Mayor

Peter Fay, City Clerk

(File G.DX.)



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2019

A By-law to Amend Business Licensing By-law 332-2013, as amended

WHEREAS By-law 332-2013 provides for the licensing of businesses in the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it desirable to amend By-law 332-2013,

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 332-2013, as amended, is hereby further amended by deleting paragraph 23(l) and replacing it with the following:
“23(l) Any fee payable by the Licensee pursuant to this By-law has not been paid.”
2. By-law 332-2013, as amended, is hereby further amended by adding the following subparagraphs after paragraph 23(m):
 - “(n) The Applicant or Licensee has failed to pay an administrative monetary penalty imposed by the City or a fine or fines imposed by a Court for convictions for breach of this or any other City by-law or provincial offence.
 - (o) The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector.
 - (p) The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5(1)(a) to and including 5(1)(aa) applicable to the Applicant or Licensee.”
3. By-law 332-2013, as amended, is hereby further amended by deleting the reference to “and including (m)” at the end of paragraph 24 and replacing it with “and including (p)”.
4. Schedule 9 of By-law 332-2013, as amended is hereby further amended by deleting the definition of “Driveway” and replacing it with the following and capitalizing the word Driveway throughout Schedule 9:

10.1-179

By-law Number _____ - 2019

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.”

5. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Driveway Paving Work” and replacing all references to “work” or “driveway paving” in Schedule 9 with the words “Paving Work”:

“Paving Work” means any work on a Driveway, including installing, constructing, paving, resurfacing, sealing, repairing, expanding or altering a Driveway, lane, roadway or parking area.”

6. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following definition of “Permit” and capitalizing all references to “permit” in Schedule 9:

“Permit” includes a permit required by the Driveway Permit By-law _____ - 2019 or any other City By-law.”

7. Schedule 9 of By-law 332-2013, as amended is hereby further amended by adding the following subparagraphs after paragraph 4(c):

“(d) perform any Paving Work that requires a Permit unless the Permit is displayed in view of the public in the area in which the work is being performed;

(e) perform any Paving Work that is not in compliance with the City’s Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any work.”

8. This By-law shall come into force and effect on July 2, 2019.

ENACTED and PASSED this 22nd day of May, 2019.

Approved as to
form.
2019/May/07
[DMS]

Patrick Brown, Mayor

Approved as to
content.
20__/_/month/day
[insert name]

Peter Fay, City Clerk

(City File G.DX.)



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2019

A By-law to amend the User-Fee By-law 380-2003, as amended.

WHEREAS subsection 391(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass a by-law to impose fees and charges for services or activities it provides;

AND WHEREAS the Council of The Corporation of the City of Brampton has enacted By-law 380-2003, as amended, to prescribe a set of fees and charges;

AND WHEREAS The Corporation of the City of Brampton considers it desirable to impose a permit application fee under Driveway Permit By-law _____ - 2019;

NOW THEREFORE The Corporation of the City of Brampton enacts as follows:

1. By-law 380-2003, as amended, is hereby further amended by adding the following fee to Schedule H — Engineering and Traffic Sections of the Works and Transportation Department Fees/Charges:

Goods and/or Services	Fee Unit	Tax Applicable	Fee Effective as of July 2, 2019
Driveway Permit By-law			
Application for Driveway Permit	Each	No	\$50.00

2. This By-law shall come into force and effect on July 2, 2019.

ENACTED and PASSED this 22nd day of May, 2019.

Approved as to form.
2019/May/07
[DMS]

Patrick Brown, Mayor

Approved as to content.
2019/May/09
[CAK]

Peter Fay, City Clerk

Date: 2019-10-10

Subject: **City-Initiated Official Plan Amendment to Remove Shale Protection Policies from North-West Brampton (Heritage Heights)**

Contact: Anand Balram, Strategic Projects Coordinator,
anand.balram@brampton.ca, (905) 874-2945

Recommendations:

1. **THAT** the report from Anand Balram, Strategic Projects Coordinator, Planning and Development Services Division, dated October 10, 2019 to the Planning and Development Committee meeting of November 18, 2019 re: **Recommendation Report, City-initiated Official Plan Amendment to Remove Shale Protection Policies from North-West Brampton (Heritage Heights) Ward 6, be received;**
2. **THAT** the City adopt the amendments to the Official Plan as outlined in Attachment 2 to this Report to favour urban uses and remove shale protection policies in North West Brampton;
3. **THAT** staff be directed to support the Region of Peel in the appeal of ROPA32 before the Local Planning Appeal Tribunal, by consolidating the appeal of ROPA32 with any appeal that may be filed in relation to the Official Plan Amendment proposed to be adopted in Recommendation 2 above, or seeking party status in the pending appeal of ROPA32.

Overview:

- **A moratorium on development was in place in North West Brampton between 2006 and 2016 in order to protect shale resources.**
- **On June 17, 2019 Staff reported to Council advising of the Region of Peel's (the "Region") intention to pass a Regional Official Plan Amendment to remove shale protection policies in North West Brampton and received direction from Council to provide comments to the Region supporting the proposed amendments to the Regional Official Plan.**

- On July 11th, 2019, the Region adopted Regional Official Plan Amendment 32 (“ROPA 32”) to formally delete shale protection policies and permit urban uses in this area of Brampton.
- ROPA 32 was appealed to the Local Planning Appeal Tribunal (“LPAT”) by the Minister of Municipal Affairs and Housing (the “Minister”) on August 1st, 2019.
- On August 7, 2019 Planning and Development Committee directed Staff to bring forward a report regarding ROPA32 and the future expansion of North West Brampton.
- Staff prepared a local Official Plan Amendment to partially remove Shale Protection Policies in North West Brampton (the “Local OPA”), which was brought to Planning and Development Committee for public review and comment on September 9th, 2019.
- At the September 9th, 2019 Planning and Development Committee meeting, Committee directed staff to report back to Planning and Development Committee in November with respect to proceeding with a local OPA to lift shale restrictions in North West Brampton consistent with Staff’s report and Council’s direction in June 2019 and with ROPA32 which was unanimously supported by Regional Council (including all Regional Councillors that represent the City of Brampton).
- This report is consistent with the 2040 Vision with respect to the development of Heritage Heights and with the Term of Council Priorities with respect to complete communities and sustainable growth.

Background:

Shale is an aggregate resource that is required by the clay brick industry for the production of bricks for the construction industry. To ensure that shale is available for potential extraction by the construction industry, a number of sites were protected in north-west Brampton.

In 2006, the Ontario Municipal Board endorsed Minutes of Settlement between the Ministry of Municipal Affairs and Housing, the Region of Peel and the City of Brampton, which established a moratorium on development within the area defined as the Northwest Brampton Policy Area (“**NWBPA**”) for a period of 10 years. Policies were inserted into both the Region’s Official Plan and the City of Brampton’s Official Plan in

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2006 that would protect shale resources by restricting urban development. Any amendments to these policies were prohibited for a period of ten years.

In 2016, the 10-year moratorium expired and the Region, in collaboration with staff from the City of Brampton, initiated a process to determine if it is in the public interest to replace the NWBPA with general urban land use designations.

In December 2016, the Region of Peel retained Meridian Planning Consultants to prepare a report to make a recommendation as to whether or not it is in the public interest to replace the NWBPA with urban land use designations. The report was completed in June 2018, and concluded that the development of urban uses within the North West Brampton Urban Development Area is in the greater long-term public interest than protecting the same lands for shale extraction.

Accordingly, the Region of Peel adopted ROPA 32 on July 11th, 2019 (**Attachment 1**), which removed all of the shale protection policies within the NWBPA west of Mississauga Road, excluding the portion outside of the Regional Urban Boundary and within the Provincial Greenbelt Plan Area. However, ROPA 32 would continue to recognize existing shale extraction designations within North West Brampton, excluding the portions noted above, subject to any required lower-tier municipal planning and Provincial license permissions. While City staff prefers that no shale extraction be permitted within Heritage Heights, ROPA 32 was structured in this manner in order to maintain consistency with the 2014 Provincial Policy Statement (“**PPS**”), which requires the protection of aggregate resources.

Concurrent with the Region’s exercise leading to the adoption of ROPA 32, City staff prepared a Local OPA (**Attachment 2**) to remove shale protection policies from Heritage Heights (excluding the portion outside of the Regional Urban Boundary and within the Provincial Greenbelt Plan Area). In preparing the Local OPA, staff reviewed two financial analyses prepared by Meridian Planning Consultants and the Region of Peel, which demonstrated that current and future land values would likely render shale extraction in Heritage Heights cost-prohibitive. Additionally, during the 10-year moratorium, no shale extraction proposals were received. The combination of prohibitive land costs and apparent lack of interest from the clay brick industry indicates that a quarry within Heritage Heights is unlikely.

Provincial Position:

The City received a letter addressed to the Region of Peel, dated June 28 2019, from the Ministry of Municipal Affairs and Housing (**Attachment 3**). The letter indicated that there is a need to protect mineral aggregate resources, such as shale, for current and future generations while simultaneously addressing housing issues across Ontario. The letter went on to state that the Province intends to engage in conversations with various stakeholders in order to provide for a long-term supply of shale resources, while

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simultaneously releasing the vast majority of lands in North West Brampton for urban development.

MMAH Appeal of Regional OPA:

On August 1st, 2019, City staff received notice that the Minister of Municipal Affairs and Housing had appealed the July 11, 2019 decision of the Region of Peel to adopt ROPA 32. The Notice of Appeal (**Attachment 4**) stated that the basis for the appeal is that the proposed amendment to remove protection policies is neither consistent with the PPS, nor with the Growth Plan, as it relates to shale and aggregate protection.

Local OPA:

Staff are of the view that shale protection policies should be removed to permit urban uses at this time. Should Council adopt the Local OPA prior to resolution of the appeal to ROPA32, it is likely that the Minister would appeal the City's decision as adoption of the Local OPA would neither conform to the Regional Official Plan nor the applicable provincial plans, as required by the *Planning Act*. Nonetheless, staff held a statutory public meeting regarding the Local OPA on September 9th, 2019. At the public meeting, Committee passed motion PDC125-2019 as follows:

"Therefore be it resolved that staff be directed to report back on the OPA to the November Planning Committee so that we, the City of Brampton can protect our position and fate at the LPAT Hearing with the Region of Peel."

This report responds to that direction.

Procedure for Adoption:

While City staff are recommending the enactment of the local OPA, it should be noted that the Region of Peel is the approval authority for the City's official plan amendments. In some circumstances, the Region grants exemptions from requiring Regional Council approval on Local OPAs pursuant to its Exemption By-law No. 1-2000. However, as of the date of this report an exemption had not been granted. As a result, should the City enact the recommended local OPA, it will be required to be submitted to Regional Council for approval.

Current Situation:

Notwithstanding the appeal of ROPA32, Staff supports the removal of shale protections in the NWBPA as proposed in ROPA32 and, as such, recommend the City adopt the Local OPA attached as Attachment 2 to this Report.

Staff further recommend that direction be given for Staff to support ROPA32, through either the consolidation of any appeal of the Local OPA that may be filed (which should

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be expected given the appeal of ROPA32) or through a request for party status in the pending ROPA32 appeal.

Corporate Implications:

Financial Implications:

There are no financial implications associated with this report.

Other Implications:

There are no other implications associated with this report.

Living the Mosaic – 2040 Vision:

This report is consistent with the Brampton 2040 Vision in relation to supporting the development of the NWBPA. Furthermore, it addresses the Term of Council Priorities with respect to complete communities and sustainable growth.

Conclusion:

City staff supports the proposed Regional Official Plan Amendment that removes shale protection policies from Heritage Height and recommends adoption of a Local OPA.

Approved by:

Approved by:

Richard Forward
Commissioner, Planning &
Development Services

Diana M. Soos
Deputy City Solicitor,
Corporate Services Department

Attachments:

Attachment 1: Region of Peel Official Plan Amendment

Attachment 2: City of Brampton Official Plan Amendment

Attachment 3: Letter from the Ministry of Municipal Affairs and Housing

Attachment 4: Appeal by the Ministry of Municipal Affairs and Housing

Report authored by: Anand Balram, Strategic Projects Coordinator

REGION OF PEEL

REGIONAL OFFICIAL PLAN

REGIONAL OFFICIAL PLAN AMENDMENT
NUMBER 32

AN AMENDMENT TO UPDATE THE NORTH WEST BRAMPTON SHALE
RESOURCES PROTECTION POLICIES

THE CONSTITUTIONAL STATEMENT

Part A, THE PREAMBLE, does not constitute part of this Amendment

Part B, THE AMENDMENT, consisting of amendment to the Text and Schedule of the Region of Peel, constitutes Amendment Number 32 to the Region of Peel Official Plan.

PART A – THE PREAMBLE**1. Purpose of the Amendment**

The purpose and effect of ROPA 32 is to delete and replace the shale protection policies of the Regional Official Plan that apply within the North West Brampton Policy Area with new policies that will continue to identify and protect shale resources in the Provincial Greenbelt Plan Area and retain permission for shale extraction without the need for an official plan amendment, in the North West Brampton Urban Development Area and the Greenbelt Plan Area.

2. Location

This Amendment applies to lands in the City of Brampton legally described as Part of Lots 7 to 17, Concession 5 and Part of Lots 8 to 14, Concession 6 West of Centre Road (now Hurontario Street) as shown on Schedule A, attached to this amendment.

3. Basis**Establishment of the North West Brampton Urban Development Area**

On June 16, 2005, Regional Council adopted Regional Official Plan Amendment 15 (ROPA 15) which extended the Regional Urban Boundary to include all of the lands west of Mississauga Road, south of Mayfield Road, North of the Greenbelt Boundary and East of Winston Churchill Boulevard, known as the “North West Brampton Urban Development Area” within the Region’s Urban System. ROPA 15 was appealed to the Ontario Municipal Board (OMB) and an OMB decision that implemented minutes of settlement among the parties was issued in December 2006. Through the Minutes of Settlement, the Region agreed to include shale protection policies in the Regional Official Plan, referred to as the North West Brampton Policy Area (NWBPA), to provide for the continued protection of shale resources in advance of urban development, recognizing that the population and employment forecasts that are the basis of the Regional Official Plan will ultimately require the development of all of North West Brampton to accommodate growth. The Region also agreed to insert official plan policies that prohibited any amendments to the NWBPA for a period of at least ten years following approval of the policy.

The policies for the protection of shale resources in North West Brampton included direction requiring that the policies be reviewed upon expiry of the ten-year moratorium to determine whether shale protection should continue or be removed, in whole or in part, in order to permit urban development to proceed. The relevant policy direction regarding the review of shale policies is provided below:

Policy 5.3.4.2.2 f) v):

No amendment to the areal extent of the NWBPA or to the associated policy framework may be made for at least 10 years from the date of approval of this policy. Following the expiry of this 10-year time period, the Region of Peel, in consultation with the Province and the City of Brampton, shall undertake a review to determine whether it is in the public interest to replace the NWBPA with general urban land use designations. The factors to be considered in the review will be limited to a review of the following:

- Whether any Licence under the Aggregate Resources Act has been issued for the extraction of shale on any lands in the NWBPA or whether any application has been made and is pending for such a Licence; and,
- An assessment of population and employment forecasts in the City of Brampton and the Region of Peel; and,
- Any relevant provincial policies then in effect .

If it is determined as a result of that review that the NWBPA is to be deleted in whole or in part and replaced by general urban land use designations in the Brampton Official Plan, an amendment to Schedule “C” of the Regional Official Plan shall be initiated by the Region to implement the result of the review by deleting any affected portions of HPMARA in North West Brampton, simultaneously with any necessary amendments to the Brampton Official Plan.

The ten-year moratorium on the review of the NWBPA policy expired on December 16, 2016 upon which the Region commenced a study to review the policies.

North West Brampton Shale Resources Policy Review Study Terms of Reference

On June 9, 2016, Regional Council approved terms of reference to undertake a review of the shale protection policies and to provide an analysis of the implications of continued shale protection and an opinion on whether the Regional Official Plan policies for the North West Brampton Policy Area should be retained or deleted in whole or in part. Components of the study included:

- The delineation of shale resources within the study area;
- A technical review to assess the quality, quantity and accessibility of shale resources;
- A summary of the current Provincial, Regional and City of Brampton policy context;
- An economic analysis of the factors that would apply to a decision to continue shale protection in whole or in part; and
- An analysis of the impact to the Region’s and City’s growth management planning within North West Brampton in relation to the accommodating planned growth to 2031 and 2041.

The study findings, planning opinion and recommendation to remove shale protection have fully addressed the factors to be considered in accordance with policy 5.3.4.2.2 f) v) of the Regional Official Plan.

North West Brampton Shale Resources Policy Review Study Findings

The North West Brampton Policy Area Review Study was completed by Meridian Planning in 2018. The Study considered the provincial policy direction related to shale protection and growth management in the context of North West Brampton. The conclusions provided in the Study confirmed that shale resources in the North West Brampton Urban Development Area are provincially significant, accessible and are subject to the policy direction for mineral aggregate resources in the Provincial Policy Statement, 2014. The Study found that the feasibility of extracting shale from the study area is remote due to land assembly and land cost constraints and that the Regional Official Plan policy protection for shale resources should be removed from the North West Brampton Urban Development Area to permit development.

In accordance with the policy direction for shale protection, the Region implemented a ten-year moratorium on planning approvals that was established when the Regional Urban Boundary was expanded to include North West Brampton in 2006. As noted in the Study, no quarry applications were made within the urban portion of the study area prior to or during the ten-year moratorium and no sites within the North West Brampton Urban Development Area have been acquired for the purposes of making an application for a new licence.

The Study concluded that urbanization of the North West Brampton Urban Development Area serves a greater long-term public interest than protecting the lands for shale extraction. The report concluded that the North West Brampton Urban Development Area lands have been approved to accommodate growth to 2031 and are currently being planned to accommodate additional population and employment growth to 2041 in accordance with policy direction in the Provincial Policy Statement and Growth Plan. It further concluded that servicing cost implications of continued shale protection scenarios varied and are potentially significant based on an economic analysis of impacts. The assessment of growth management and infrastructure implications indicated there would be significant implications to the Region's growth management and infrastructure planning programs if shale resource protection policies continued because the planned population and employment growth within Heritage Heights would need to be accommodated elsewhere in the Region, along with associated servicing costs. Partial shale protection options were considered and were determined to have the highest potential infrastructure cost implications as new infrastructure would be required in other greenfield locations in order to accommodate growth displaced by shale protection and to service the population and employment that would continue to be located in North West Brampton. The Study confirmed that extending urban development in Heritage Heights is logical and aligns with planned community, infrastructure and institutional investments.

The Study's recommendations to remove shale protection would result in the release of all lands inside the Regional Urban Boundary in the North West Brampton Urban Development Area for urban development. The removal of shale protection would not result in financial implications to the Region's infrastructure programs as development would proceed in accordance with planned improvements.

Draft Regional Official Plan Amendment Policy Framework

The Regional Official Plan Amendment will delete the existing policies for shale resources in the North West Brampton Policy Area and replace them with new policies that clarify where shale resources will be identified and protected and where policies for the permission of shale extraction will continue. The amendment will release the lands in the North West Urban Development Area for urban development and allow secondary planning to proceed with requirements to address land use compatibility and the protection of aggregate resource areas and licenced sites.

The implementation of the recommendations to release lands for urban development requires a corresponding amendment to Schedule C in the Regional Official Plan to remove the identification of High Potential Mineral Aggregate Resource Area on all lands within the North West Urban Development Area excluding lands outside the Regional Urban Boundary within the Greenbelt Plan Area. High Potential Mineral Aggregate Resource Area mapping within the Greenbelt Plan Area is recommended to be amended in accordance with updated shale resource mapping provided by the Province.

The amendment retains the policies that permit shale extraction without an amendment to the City of Brampton Official Plan on all lands west of Mississauga Road in the North West Brampton Urban Development Area and in the Greenbelt Plan Area. The policy continues to be relevant to the implementation of provincial policy direction for shale resources. Policies permitting shale extraction to proceed without an amendment to the Brampton Official Plan would continue to be subject to policies included in the Brampton Official Plan governing the rezoning of the lands for mineral extraction in the City's zoning by-law, and subject to the approval requirements and the issuance of a licence under the Aggregate Resources Act.

Consistency and Conformity with Provincial Plans and Policies

A detailed review of all applicable Provincial, regional and local policies related to the North West Brampton Shale Resources Policy Review was completed through the Regional Official Plan Amendment process, particularly through the completion of the background studies, consultation and development of the recommended Amendment for adoption. On the basis of this review it was determined that the development of urban uses in the North West Brampton Urban Development Area is in the greater long-term public interest than protecting these same lands for shale extraction. The recommended amendment that would delete shale protection policies and replace them with policies that allow for urban uses within the North West Brampton Urban Development Area is

consistent with matters of provincial interest as identified in the Planning Act, Provincial Policy Statement, Growth Plan and Greenbelt Plan.

PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the attached text and schedules constitute Amendment Number 32 to the Region of Peel Official Plan.

Amendments to Text and Schedules

1. Chapter 5, Regional Structure, is amended by deleting Policy 5.3.4.1.6 in its entirety and replacing it with the following:

“5.3.4.1.6 To provide for the availability and use of shale resources within the North West Brampton Urban Development Area and provide for the continued protection and use of Shale resources in the Greenbelt Plan Area adjacent to North West Brampton Urban Development Area.”

2. Chapter 5, Regional Structure, is amended by deleting policies 5.3.4.2.2 f) and g) in their entirety and replacing them with the following:

“ 5.3.4.2.2 f) That shale extraction be permitted and that the protection of provincially significant shale resources identified as High Potential Mineral Aggregate Resource Area (HPMARA) on Schedule C of this Plan be continued in accordance with the following:

i) The population, household and employment forecasts that are the basis of the Regional Official Plan require the utilization of all of the North West Brampton Urban Development area to accommodate growth;

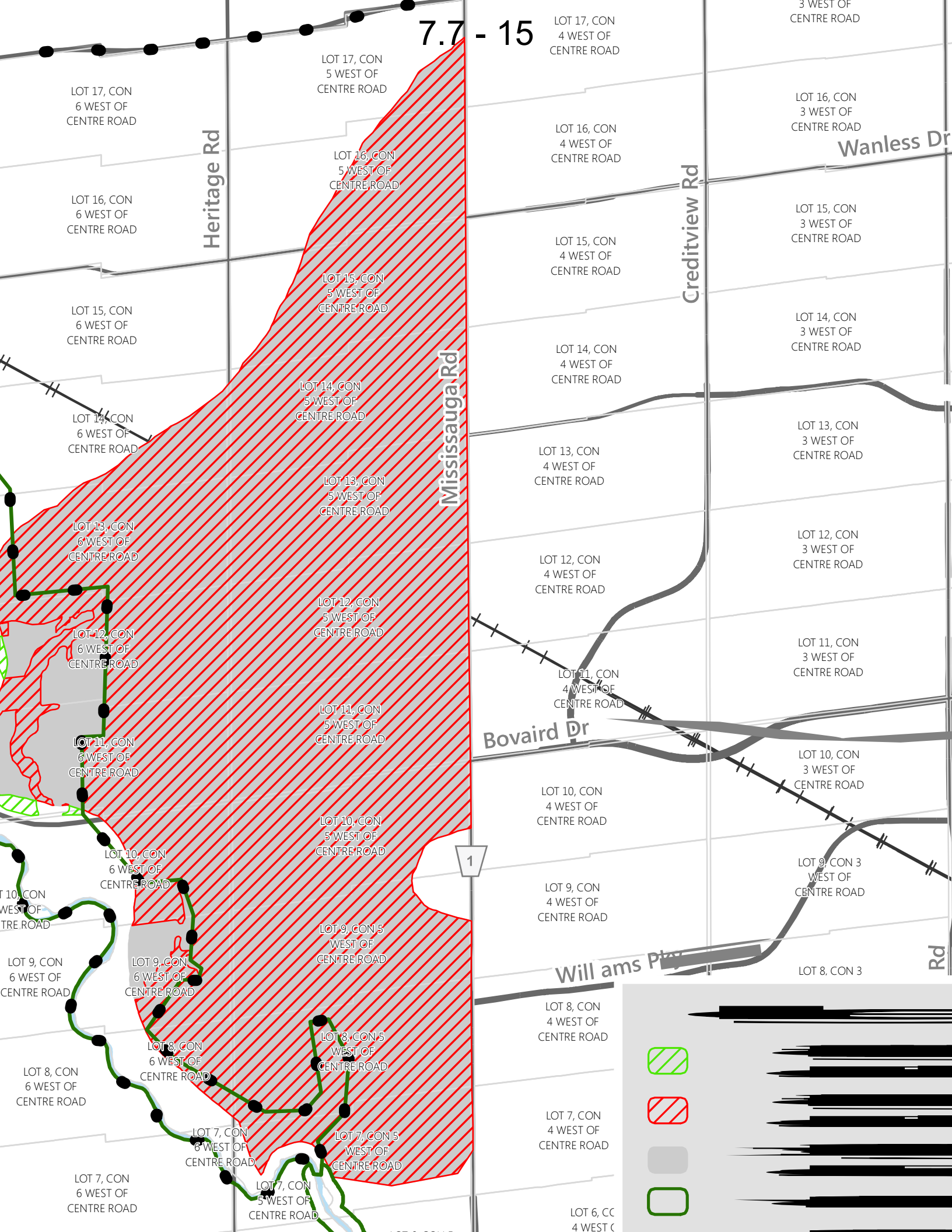
ii) Shale resources shall be protected, in accordance with the policies of Section 3.3 within the area identified as HPMARA on Schedule C and located in the Provincial Greenbelt Plan Area;

iii) The extraction of shale shall be permitted to occur on all lands in the North West Brampton Urban Development Area and in the Provincial Greenbelt Plan Area without an amendment to the City of Brampton Official Plan, subject to policies to be included in the City of Brampton Official Plan governing the rezoning of the lands for mineral extraction in the City’s zoning bylaw, and subject to the issuance of a licence under the Aggregate Resources Act;

iv) Notwithstanding the permissions for shale resource extraction, the City of Brampton is permitted to undertake secondary planning for land-uses in the North West Brampton Urban Development Area, subject to studies to determine appropriate separation, buffering and mitigation of land uses adjacent to lands identified as HPMARA in the Provincial Greenbelt Plan Area or adjacent to sites within the North West Brampton Urban Development Area that are subject to an application for a licence, or are licensed, for extraction under the Aggregate Resources Act.

- v) The City shall ensure that any shale extraction operation will not unduly restrict alternatives for the planning of a potential North-South Higher Order Transportation Corridor or alternatives for other infrastructure and transportation uses within the Northwest GTA Corridor Identification Study Area as identified by the Ministry of Transportation;
 - vi) The establishment of land uses within the North West Brampton Urban Development Area adjacent to HPMARA which could preclude or hinder future shale extraction shall only be permitted in accordance with the policies of Section 3.3 of this Official Plan and the applicable provincial policies.
 - vii) With the exception of policies 3.3.2.2 and 3.3.2.5, the policies of Section 3.3 of the Region of Peel Official Plan shall continue to apply for the purpose of permitting shale extraction without an amendment to the City of Brampton Official Plan;
 - viii) The City shall reflect and designate the HPMARA as shown on Schedule C, as amended.”
3. Schedule C, High Potential Mineral Aggregate Resource Areas (HPMARA) is amended by deleting the High Potential Mineral Aggregate Resource Areas shown in red hatching on Schedule A, attached hereto, adding in the High Potential Mineral Aggregate Resource Areas shown in green and by making such other housekeeping amendments to Schedule C of the Regional Official Plan to update the format and appearance of the Schedule.

7.7 - 15



LOT 17, CON 6 WEST OF CENTRE ROAD

LOT 16, CON 6 WEST OF CENTRE ROAD

LOT 15, CON 6 WEST OF CENTRE ROAD

LOT 14, CON 6 WEST OF CENTRE ROAD

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LOT 9, CON 3 WEST OF CENTRE ROAD

LOT 8, CON 3

Heritage Rd

Mississauga Rd

Creditview Rd

Bovaird Dr

Willams Pkwy

Wanless Dr

Rd



AMENDMENT NUMBER OP 2006 -
to the Official Plan of the
City of Brampton Planning Area

7.7 - 17

AMENDMENT NUMBER OP 2006 - TO THE OFFICIAL PLAN OF THE CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

The purpose of this amendment is to delete Section 4.15.4 and other affiliated policies of the Official Plan, which pertain to Shale protection within North West Brampton.

2.0 Location:

Secondary Plan Areas 52 and 53 (North West Brampton or Heritage Heights), are subject to this amendment.

3.0 Amendments and Policies Relative Thereto:

3.1 The document known as the Official Plan of the City of Brampton Planning Area shall be amended:

- (1) by deleting section 4.14.3.17.3 (vi) and re-numbering subsequent sections accordingly;
- (2) by deleting section 4.14.3.18.3 (vi) and re-numbering subsequent sections accordingly; and
- (3) by deleting section 4.15.4 and re-numbering subsequent sections accordingly.

3.2 The amendments referred to in 3.1 shall not take effect unless and until the date the Region of Peel Official Plan Amendment 32 (ROPA 32) comes into effect.

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
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Fax: 416 585-6470

**Ministère des
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et du Logement**

Bureau du ministre

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Tél. : 416 585-7000
Télééc. : 416 585-6470



JUN 28 2019

19-3578

Nando Iannicca
Regional Chair and Chief Executive Officer
Region of Peel
10 Peel Centre Drive, Suite A
Brampton ON L6T 4B9
chair@peelregion.ca

Dear Chair Iannicca: *Nando*

I am writing to you regarding a draft Regional Official Plan Amendment that was circulated to staff of the Ministry of Municipal Affairs and Housing, seeking to remove the shale protection policies and mapping from the North West Brampton urban area.

Our government shares your interest in realizing strong communities and addressing housing issues across the Province; however, in accordance with provincial policy direction, there is equally a need to protect mineral aggregate resources such as shale for current and future generations. I understand from the Ministry of Natural Resources and Forestry that North West Brampton contains a significant deposit of easily accessible shale resources. These resources are part of the Queenston Formation, which is the last primary source of raw material for brick-making in Ontario.

Provincial policies and legislation direct the wise use of local available mineral aggregate resources to generate employment (including indirect economic activity) and to provide for cheaper and more energy efficient transportation of raw materials, which is intended to keep building and construction costs lower in comparison to transporting these materials over longer distances.

With this in mind, the Ministry of Natural Resources and Forestry has advised that shale extraction is rather unique and does not require as much land as other aggregates to provide for a long-term supply. As such, I have directed my Ministry staff to coordinate with partner ministries, and engage in conversations with municipal staff and key stakeholders, to develop options for protecting a portion of the shale resources in North West Brampton. This approach would provide for a long-term supply of shale resources, while releasing the vast majority of lands in North West Brampton for urban development.

I look forward to finding a mutually beneficial solution to this matter. Please accept my best wishes.

Sincerely,



Steve Clark
Minister

- c: The Honourable John Yakabuski
Minister of Natural Resources and Forestry
The Honourable Caroline Mulroney
Minister of Transportation
The Honourable Greg Rickford
Minister of Energy, Northern Development and Mines
His Worship Patrick Brown
Mayor, City of Brampton

Ministry of the
Attorney General

Legal Services Branch
Ministry of
Municipal Affairs and Housing

16th Floor, 777 Bay Street
Toronto, Ontario M5G 2E5

Tel: (416) 585-6514
Fax: (416) 585-4003
Writer's Direct Line: (416) 585-6543

Ministère du
Procureur général

Direction des services juridiques
Ministère des Affaires
municipales et du Logement

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Toronto, Ontario M5G 2E5

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Télééc: (416) 585-4003
Ligne directe du rédacteur: (416) 585 -
6543



August 1, 2019

sent by Email - regional.clerk@peelregion.ca

Kathryn Lockyer
Regional Clerk
Regional Municipality of Peel
10 Peel Centre Drive
Brampton, ON L6T 4B9

Dear Ms Lockyer:

**Re: Notice of Appeal of July 11, 2019 Decision of the Region of Peel
To Adopt Official Plan Amendment No. 32**

Pursuant to subsection 17(36) of the *Planning Act*, the Minister of Municipal Affairs and Housing hereby appeals the July 11, 2019 decision (the "Decision") of the Region of Peel to adopt Regional Official Plan Amendment No. 32 (ROPA 32).

In accordance with subsection 17(37) of the *Planning Act*, the basis for this appeal is that the Decision is not consistent with the Provincial Policy Statement, 2014 (the PPS), and fails to conform and conflicts with The Growth Plan for the Greater Golden Horseshoe, 2019 (the Growth Plan).

The Decision to adopt ROPA 32 is not consistent with the PPS in that:

1. ROPA 32 removes the shale protection policies and mapping from the urban area of North West Brampton which is inconsistent with policies 2.5.1 and 2.5.2.1 of the PPS;
2. ROPA 32 permits development and activities in known deposits of shale resources and on adjacent lands in a manner which is inconsistent with and does not meet the criteria in policy 2.5.2.5 of the PPS;
3. The "High Potential Mineral Aggregate Resource Area To Be Deleted" as identified on Schedule A to ROPA 32 within the Greenbelt Plan area is inconsistent with policy 2.5.1 of the PPS; and

4. ROPA 32 does not include policies and mapping that protect the Greater Toronto Area West Environmental Assessment Study Area or the Transmission Corridor Identification Study Area, which is inconsistent with policies 1.6.8.1 and 1.6.8.3 of the PPS.

The Decision to approve ROPA 32 does not conform with and conflicts with the Growth Plan in that:

5. ROPA 32 does not conserve mineral aggregate resources, including the utilization or extraction of on-site resources, prior to development occurring, which does not conform with policy 4.2.8.1 of the Growth Plan; and
6. ROPA 32 does not include policies or mapping that protect for the Greater Toronto Area West Environmental Assessment Study Area, or the Transmission Corridor Identification Study Area, which does not conform with policy 3.2.5.1 of the Growth Plan.

Attached is a Credit Memo in the amount of \$300.00, which confirms payment from the Ministry of Municipal Affairs and Housing to the Local Planning Appeal Tribunal. This represents the appeal fee as charged under the *Local Planning Appeal Tribunal Act, 2017*.

Should you have any questions regarding this matter, please contact: Darryl Lyons, Manager, Community Planning and Development (West) at (416) 585-6048 or Erika Ivanic, Senior Planner, in this Ministry's Municipal Services Office for Central Ontario in Toronto, at (416) 585-6421.

Yours truly,



Irvin M. Shachter
Senior Counsel

Encl: *Credit Memo*

- C: Steve Jacques, Chief Planner, Peel Region
Mark Head, Manager, Regional Planning and Growth Management, Peel Region
Darryl Lyons, Manager, Municipal Services Office - Central Ontario, MMAH
Hoden Egeh, Senior Planner, Appeals and Information Coordination, MMAH

Ministry of
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and Housing

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Télécopieur: 416 585-7292



August 1, 2019

CREDIT MEMO

MEMORANDUM TO: Mary Ann Hunwicks
Registrar
Local Planning Appeal Tribunal

Re: **NOTICE OF APPEAL**
Appeal of July 11th, 2019 Decision of the Region of Peel
to adopt Official Plan Amendment No. 32
Credit Memo Number: 19-002

Please accept this Credit Memo as payment of the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$300.00.

This Memo authorizes payment from the responsibility centre for the Municipal Programs and Analytics Branch. By copy of this Credit Memo, the Financial Processing Operations Branch (Ontario Shared Services) is directed to transfer the above noted amount to the responsibility centre of the Local Planning Appeal Tribunal.

If you have any questions, please contact Hodan Egeh (Senior Planner, Appeals and Information Coordination) at 416-585-6659.

A handwritten signature in black ink, appearing to read "Dawn Palin Rokosh".

Dawn Palin Rokosh
Director
Municipal Programs and Analytics Branch

cc: General Accounting Unit, Ontario Shared Services
Michael Lewis, Environment and Land Tribunals Ontario

Date: 2019-10-28

Subject: **Site Specific Amendment - Sign By-law 399-2002 – Giant Tiger – 9065 Airport Road Unit 20**

Contact: Ross Campbell, Supervisor Zoning and Sign By-law Services, Building Division, 905-874-2442, ross.campbell@brampton.ca

Recommendations:

1. That the report from R. Campbell, Supervisor, Zoning and Sign By-law Services, dated November 7, 2019, to the Planning & Development Services Committee Meeting of November 18, 2019, re: **Recommendation Report – Site Specific Amendment to the Sign By-Law 399-2002, as amended – 9065 Airport Road Unit 20 – Ward 8 – Giant Tiger, File 26SI**, be received; and
2. That a by-law be passed to amend Sign By-law 399-2002, as amended, to permit the proposed site-specific amendment.

Overview:

- **Giant Tiger is opening a new location at the Northeast corner of Airport Road and Queen Street East.**
- **An amendment to the Sign By-law has been requested to permit wall signs totaling 28.6m² on the South elevation and 30.1m² on the West elevation. Whereas, the Sign By-Law permits a maximum accumulative sign area of 25m² on each elevation.**
- **The Giant Tiger building is set back approximately 85m from Airport Road and approximately 130m from Queen Street East.**
- **Public notice has been provided pursuant to the Procedure By-law.**

Background:

7.4-2

Giant Tiger is a retail chain that is currently constructing their third location in Brampton at 9065 Airport Road. The retail store is located on the commercial property in the Northeast corner of Airport Road and Queen Street East. The Giant Tiger unit is located 85m from Airport Road and 130m from Queen Street East. Additionally the commercial property consists of a number of smaller buildings abutting the street right-of-way, which can obscure vehicular view of the Giant Tiger unit.

Current Situation:

This report is being brought forward in an expedited fashion at the request of the applicant and supported by the local Councillor. Giant Tiger has requested permission to install two signs each with an area of 28.6m². One sign will be located on the south elevation facing Queen Street East. The other sign will be located on the west elevation, which also contains a 1.5m² logo sign. The accumulative sign area on the west elevation will be 30.1m².

The Sign By-law permits each elevation to contain wall signs to a maximum area of 20% of the area of the building wall face on which the sign is located to a maximum of 25m². The applicant is requesting permission to exceed the maximum area of 25m² on the South and West elevations of the building while still complying with the maximum permitted coverage of 20% of the building wall face. The following table demonstrates the percentage of wall face area of the proposed wall signs:

Elevation	Total Sign Area	Percentage of wall face area
South	28.6m ²	7.66%
West	30.1m ²	6.83%

Staff are recommending approval of the proposed signs for the following reasons:

1. The Giant Tiger is setback 85m from Airport Road and 130m from Queen Street East.
2. The commercial plaza contains other buildings between the Giant Tiger unit and the road which partially obscures the view of the store from the street, and
3. All other requirements as specified in the Sign By-law are met.

Corporate Implications:

Financial Implications:

None

7.4-3

Other Implications:

Staff of the Urban Design Section have no concerns with the proposed amendment.

2019-2022 Term of Council Direction - A Compass for our Community:

This report is consistent with the “A City of Opportunities” theme. Approval of this request is consistent with the priority of attracting investment and employment.

Living the Mosaic – 2040 Vision

This Report has been prepared in full consideration of the overall Vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

While the proposed signs are larger than the maximum 25m² that would be permitted by the Sign By-law, the building is of sufficient scale that the proposed signage does not exceed the 20% maximum coverage permitted. Additionally, due to the limited visual presence of the retail unit, the proposed signage will allow additional visibility to passing motorists. The following recommendations are submitted:

1. Approval of the requested additional signage is recommended in accordance with the following table:

Elevation	Individual Sign Area	Total Sign Area
South	28.6m ²	28.6m ²
West	28.6m ²	30.1m ²
	1.5m ²	

Approved by:

Approved by:

Elizabeth Corazzola
Manager of Zoning & Sign
By-Law Services
Building Division

Rick Conard
Director of Building and
Chief Building Official

Attachments:

7.4-4

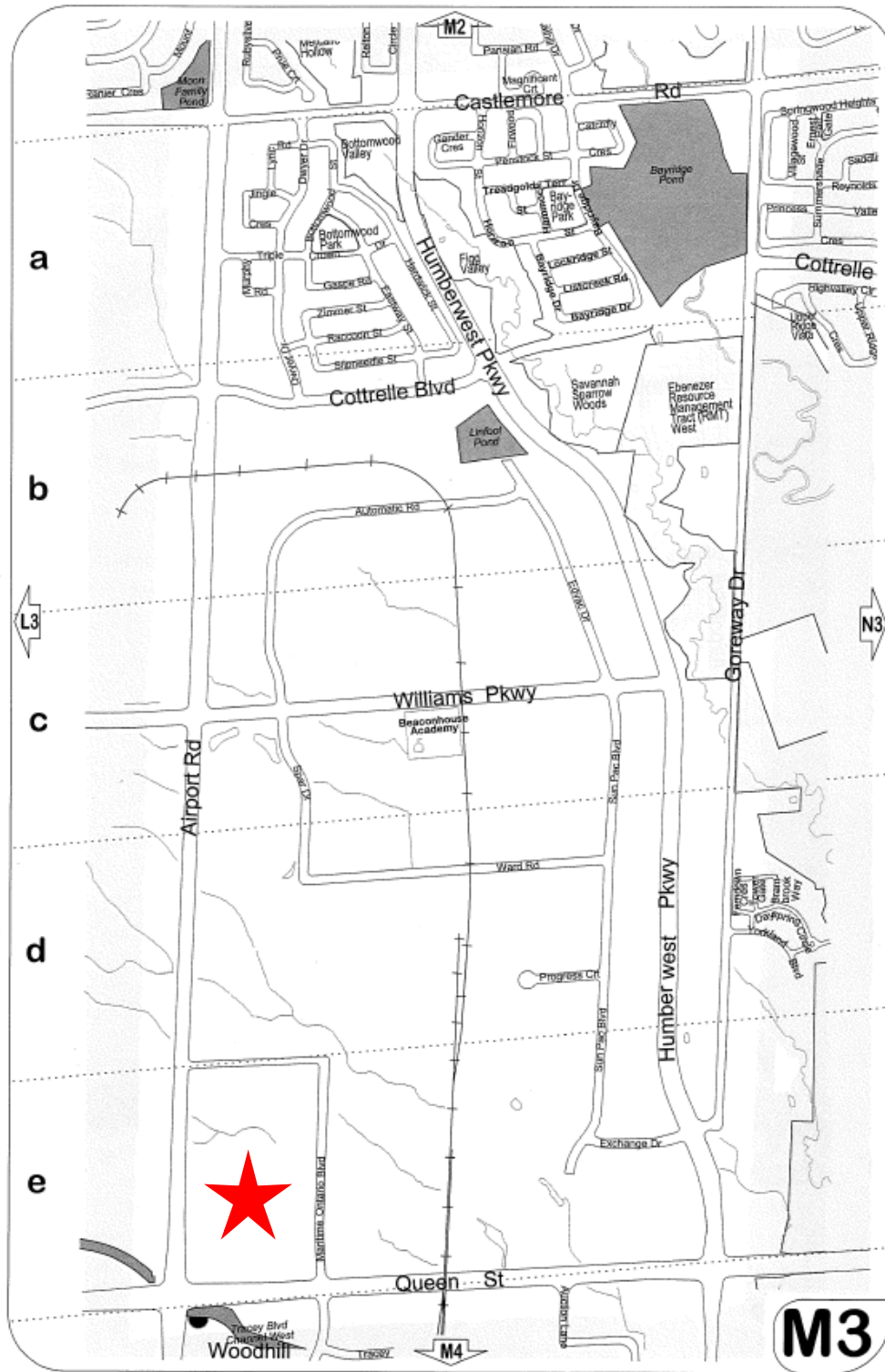
Schedule 1 - Location Map

Schedule 2 - Site Plan

Schedule 3 - Proposed Signage

Schedule 4 - Site Photograph

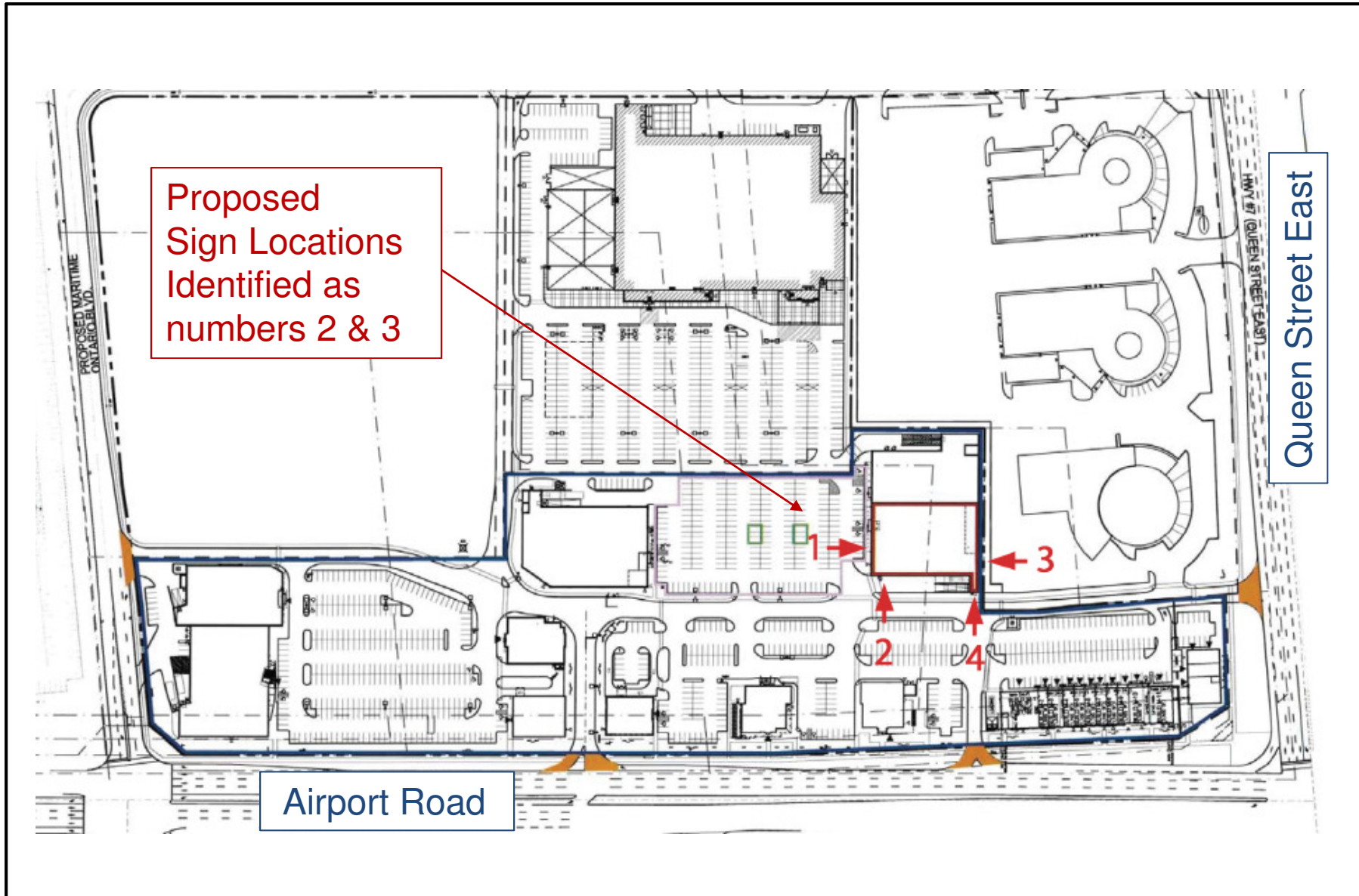
Report authored by: Ross Campbell



Schedule 1
Giant Tiger
9065 Airport Road
Location Map



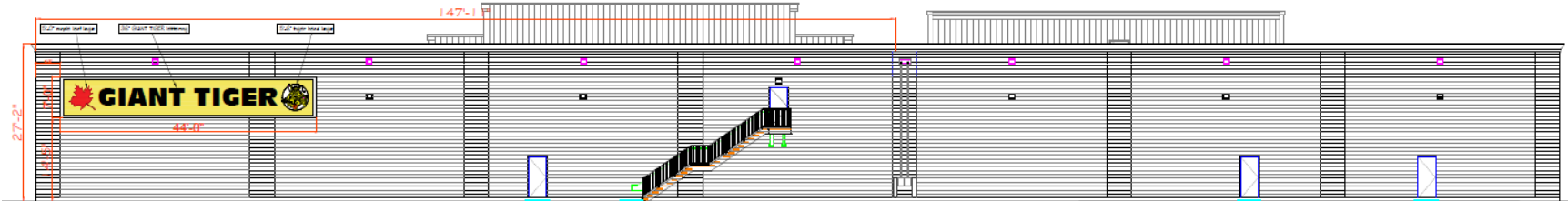
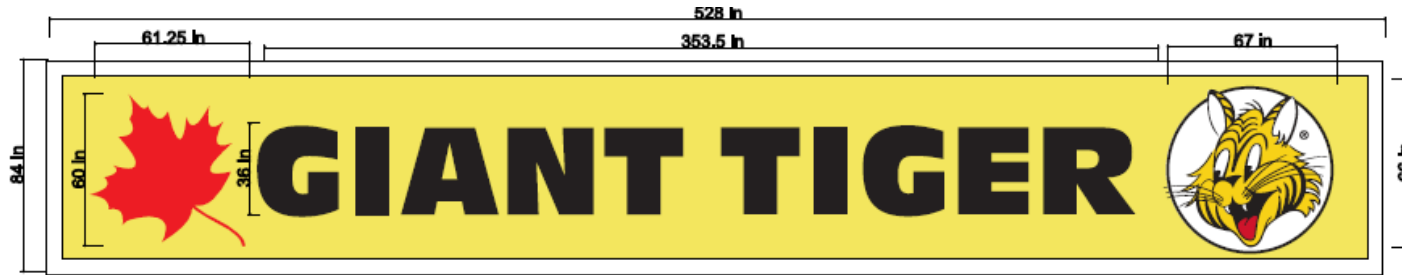
CITY OF BRAMPTON
Planning & Development
Services Department
Building Division



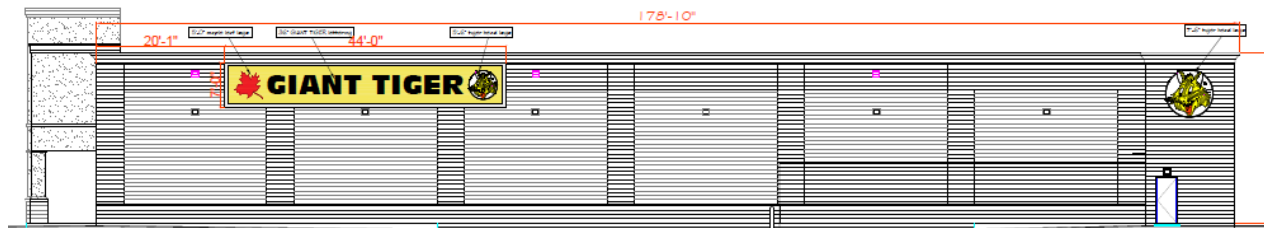
Schedule 2
Giant Tiger
9065 Airport Road
Site Plan



CITY OF BRAMPTON
Planning & Development Services Department
Building Division



South Elevation



West Elevation

Schedule 3
Giant Tiger
9065 Airport Road
Proposed Signage

CITY OF BRAMPTON
Planning & Development Services Department
Building Division



South Elevation



West Elevation

Schedule 4
Giant Tiger
9065 Airport Road
Site Photograph

CITY OF BRAMPTON
Planning & Development Services Department
Building Division

Date: 2019-11-13

Subject: **Information Report**
Supportive Housing (Group Home Type 1 & 2 and Supportive Housing Facilities) Review: Interim Control By-Law Considerations

Contact: Mirella Palermo Policy Planner, Planning and Development Services, mirella.palermo@brampton.ca, 905-84-2457, and Malik Majeed Acting Manager, Land Use Policy, Planning and Development Services, malik.majeed@brampton.ca.

Recommendation:

1. **THAT** the report from Mirella Palermo, Policy Planner, Planning and Development Services, dated November 7, 2019, to the Planning & Development Committee Meeting of November 18, 2019, re: **“Supportive Housing (Group Home Type 1 & 2 and Supportive Housing Facilities) Review: Interim Control By-Law Considerations”**, be received.

Overview:

- **On November 4, 2019, an Information Report outlining the City’s Group Home policies and registration requirements was presented to Planning & Development Committee. This report also provided a status update on the registration of a Group Home Type 1 at 23 Hillside Drive.**
- **Arising from the report, the Committee directed staff to report back on November 18, 2019, identifying the implications of implementing an Interim Control By-Law (ICBL) that would prohibit Supportive Housing applications in appropriate areas of the City, including Ward 7, during the comprehensive review of the City’s Supportive Housing policies as directed through Council Resolution C364-2019.**
- **Accordingly, this report identifies considerations in moving forward with an ICBL as a measure to freeze the processing of Group Home applications while staff undertake a comprehensive review of the City’s Supportive Housing policies.**

10.2-2

Background:

An interim control by-law (ICBL) is a tool available to municipalities through the Planning Act (*Section 38*) that will prohibit the use of land, buildings or structures within the municipality or within a defined area of the municipality for, or except for, such purposes as are set out in the by-law, while a municipality is studying or reviewing its land use policies. The ICBL can be in force for only a year, with a maximum extension of another year.

As per the Planning Act, no public notice is required prior to passing an ICBL. The Clerk's office of the municipality is required to give notice of the passing of the ICBL within thirty days of passing of the by-law. Only the Minister of Municipal Affairs and Housing may appeal the initial ICBL to the Local Planning Appeal Tribunal (LPAT) within 60 days after the passing of the by-law. If the initial ICBL is amended to extend the period of time during which it will be in effect, any person or public body may appeal it to the LPAT within 60 days after the passing of the by-law. The appeal is filed with the Clerk's office and provides reasoning in support of the objection.

Once the ICBL has expired or is repealed, Council cannot pass another ICBL that applies to any lands to which the original ICBL applied for a period of three years. This restriction is especially important to note as it could have a significant impact on the City's ability to use an ICBL in the future to respond to emerging land use issues not related to supportive housing.

For example, if the City decides to impose a supportive housing ICBL on certain lands across the City, that would mean that upon the expiry of that ICBL the City would not be able to pass another ICBL with respect to those same lands even if the intended purpose of a new ICBL is unrelated to supportive housing. Council would not be able to enact another ICBL until the three year period has expired.

City's Official Plan Policies and Previous ICBLs Regarding Group Homes

The City's Official Plan (OP) policies regarding Interim Control By-Laws (*Section 5.11*) states that an ICBL may, when appropriate, be used as a mechanism to prohibit certain uses for a limited period of time, to provide reasonable opportunity to complete planning policy studies.

The last major review of the City's Supportive Housing policies took place in 2000 and took two years to complete a thorough review. During the review of the Group Home and Lodging House policies the City passed an ICBL (51-2000) to prohibit the opening of new group homes, supportive lodging houses and lodging houses in the City. At that time, several exemptions to the ICBL were granted by Council for Group Home registration and

10.2-3

lodging house licensing applications that had been submitted prior to the passing of the ICBL.

Current Situation:

As per Planning and Development Committee's motion on November 4, 2019, Planning and Development Services staff were directed to present a report and draft by-law to the November 18, 2019, Planning and Development Committee meeting to enable the implementation of an ICBL that would restrict Supportive Housing applications in appropriate areas of the City, including Ward 7, during the comprehensive review of the City's Supportive Housing policies as directed through Council Resolution C364-2019.

Staff anticipate that the review will take approximately one year to complete, which will involve reviewing existing policies, conducting engagement with interested stakeholders and the public, and adopting the recommended policies.

Considerations of Implementing an ICBL:

Option 1 – Applying a City-wide ICBL

Option 1 involves enacting a City-wide ICBL. The ICBL would exclude lands that currently have an ICBL in place or had an ICBL that expired within the past 3 years and zones where residential group homes are not permitted. The ICBL would also not apply to retirement homes, nursing homes and senior citizens residence as defined by the Zoning By-law.

The implementation of a City-wide ICBL would freeze the registration of new group homes and supportive housing facilities (as defined by the Zoning By-Law) within a prescribed area for a year with the possibility of extending the ICBL for an additional year, until the study is completed.

Section 45 of the Planning Act allows applicants to apply for a minor variance through the Committee of Adjustment to get relief from the ICBL. Council has the right to appeal the Committee of Adjustment's decision to the LPAT should it not agree with the decision.

Option 2 – Continue to Conduct the Policy Review without Implementing an ICBL

Option 2 involves a thorough review of the Supportive Housing policies without implementing an ICBL. Staff will report to Council with the scope and timeline of the review. Not having an ICBL in place means staff will continue to register new Group Home applications in accordance with the existing regulatory framework until new policies are adopted following completion of the review. On average, staff process one to three Group Home applications per year. In 2019, the City registered one group home application and is in the process of registering a group home application for 23 Hillside Drive. Staff anticipate that in 2020 they will be processing three to four applications based on discussions with various stakeholders to date.

10.2-4

Implications for Current Applications

Once an ICBL is enacted new applications that are received as well as those currently under review will be placed on hold until the study is completed, unless an exemption from the by-law is passed by Council or approved by the Committee of Adjustment. Staff could not process applications to register a group home since compliance with the Zoning By-law is mandatory for registration. Once an ICBL is in place, as-of-right permissions under the Zoning By-law are suspended in accordance with the terms of the ICBL.

There are three (3) Group Home applications being processed at this time, including 23 Hillside Drive. The other two applications under review have a few outstanding issues to be addressed (i.e. inspection reports). Staff have also received notification that another group home application will be submitted in the coming month as the applicant is close to completing the registration requirements. Two of the three applications (including 23 Hillside Drive) currently under review are located in Ward 7. The property associated with the pending application expected to be submitted in the coming month is also within Ward 7.

Summary

Staff recommend that an ICBL not to be enacted while the Supportive Housing policy review is underway. Should Council proceed with passing an ICBL, staff recommend that the applications that have already been submitted be exempt from the ICBL so that they continue to be processed while the Supportive Housing policy review is underway. The associated applicants have already been advised by staff that their Group Home applications will satisfy the City's registration requirements and are permitted 'as-of-right' by the Zoning By-law. It is also recommended that the ICBL exclude retirement homes, nursing homes and senior residences as defined in the Zoning By-law, in areas where these uses are specifically permitted and/or as may be permitted through subsequent amendments to the Zoning By-law.

Draft Interim Control By-Law

Planning Committee directed staff to prepare a draft ICBL. Depending on the direction of Committee in consideration of the two options outlined in this report staff will prepare an appropriate Interim Control By-Law for consideration by Council, if necessary.

Corporate Implications:

Financial Implications:

There are no financial implications associated with the report at this time. Budget for any additional consulting resources required to complete the Supportive Housing review will be allocated from the approved 2019 budget.

10.2-5

Economic Development Implications

There are no economic development implications associated with this report.

Legal Implications

Specific legal implications associated with this report will be addressed in the closed session report to Committee to be received on the same date as this report.

Term of Council Priorities:

This report supports the Term of Council Priority of 'A City of Opportunities' to manage growth to achieve societal and economic success, and the associated goal of building complete communities to accommodate residents of Brampton.

Living the Mosaic – 2040 Vision

This Report aligns with Action #5-2 "Housing" of the Planning Vision by providing special needs housing for vulnerable groups.

Conclusion:

The City recognizes the need to offer a variety of housing options that meet the needs of all residents and provide affordable options. The City's Affordable Housing Strategy - Housing Brampton, will examine ways to address the needs of the community as a whole.

The current Group Home provisions in both the City's Official Plan and Comprehensive Zoning By-Law require revisions to outdated sections and definitions to meet current legislation and align with supportive housing demands.

Staff will be updating Supportive Housing policies of the Official Plan in advance of the completion of the City's Official Plan review and a Comprehensive Zoning By-Law review. Staff do not recommend adopting an ICBL during the policy review period so that Group Home applications can continue to be reviewed and registered to ensure that housing opportunities for vulnerable populations continue to be provided.

10.2-6

Approved by:

Bob Bjerke, MCIP, RPP
Director, Policy Planning
Planning & Development
Services Department

Attachment:

Appendix 1: Comprehensive Zoning By-Law (270-2004) Section 5 Excerpt Supportive
Housing Definitions

Report authored by: Mirella Palermo

Appendix 1 - Zoning Definitions

Section 5 – Definitions		Clientele	Provincial Regulator
<p>Group Home Type 1</p>	<p>Shall mean a supportive housing facility located within a dwelling unit that is occupied by four (4) to six (6) persons, exclusive of staff and/or receiving family, who live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved pursuant to Provincial Statute within the jurisdiction of the Ontario Ministry of Community and Social Services or the Ministry of Health</p>	<p>The persons being cared for or obtaining services at a facility established under the <i>Developmental Services Act</i>;</p> <p>Individuals over sixty (60) years of age as a satellite residence under the <i>Homes for the Aged and Rest Homes Act</i>;</p> <p>Children under the <i>Child and Family Services Act</i>; and,</p> <p>Persons under the <i>Mental Hospitals Act</i> and <i>Homes for Special Care Act</i>.</p>	<p>Ministry of Children, Community and Social Services</p> <p>Children and Youth Licensed Residential Services – includes group homes, foster homes, provincially operated facilities and youth justice open and secure custody/detention facilities.</p> <p>Developmental Services Ontario is funded by the Ministry of Children, Community and Social Services provides support services, including housing, to adults (18 years or age and older) that have a developmental disability.</p> <p>Retirement Home Regulatory Authority is responsible for licensing and regulating retirement homes on behalf of the government. The RHRA’s duties under the Act include licensing homes, handling complaints about homes and enforcing the standards in the Act. The RHRA defines ‘retirement home’ as a building, group of buildings, or part of a building (with more than one rental units): occupied primarily by persons who are 65 years of age or older; occupied by at least six persons who are not related to the operator of the home; and, where the operator of the home makes at least two care services available (directly or indirectly) to residents.</p>

10.2-8

<p>Group Home Type 2</p>	<p>Shall mean a supportive housing facility occupied by four (4) to ten (10) persons, exclusive of staff located within a single detached dwelling or dwelling unit within a commercial building</p>	<p>Persons who have been placed on probation under the <i>Ministry of Correctional Services Act</i>, the <i>Criminal Code</i> or any Act passed to replace the foregoing Acts;</p> <p>Persons who have been released under the provisions of the <i>Ministry of Correctional Services Act</i>, <i>Corrections and Conditional Release Act</i> or any Act passed to replace the foregoing Acts;</p> <p>Persons who have been charged under the Youth Criminal Justice Act, but who have been placed in open or secure custody;</p> <p>Persons who require temporary care, and transient or homeless persons;</p> <p>Persons requiring treatment and rehabilitation for addiction to drugs or alcohol; or</p> <p>Persons housed in a group home that satisfies all of the requirements of a Group Home Type 1 except that it accommodates in excess of six residents.</p>	<p>Ministry of Children, Community and Social Services</p> <p>Children and Youth Licensed Residential Services – includes group homes, foster homes, provincially operated facilities and youth justice open and secure custody/detention facilities.</p> <p>Ministry of the Solicitor General</p>
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13.1-1

Subject: FW: Matter of 23 Hillside Dr. Brampton

From: Rebecca Altamira

Sent: 2019/11/17 2:23 PM

To: MayorBrown <MayorBrown@brampton.ca>; Bowman, Jeff - Councillor <Jeff.Bowman@brampton.ca>; Dhillon, Gurpreet - Councillor <Gurpreet.Dhillon@brampton.ca>; Fortini, Pat - Councillor <Pat.Fortini@brampton.ca>; Medeiros, Martin - Councillor <Martin.Medeiros@brampton.ca>; Palleschi, Michael - Councillor <Michael.Palleschi@brampton.ca>; Singh, Harkirat - Councillor <Harkirat.Singh@brampton.ca>; Vicente, Paul - Councillor <Paul.Vicente@brampton.ca>; Whillans, Doug - Councillor <Doug.Whillans@brampton.ca>; Williams, Charmaine - Councillor <Charmaine.Williams@brampton.ca>; Tino Ngoy <tino.ngoy@rhra.ca>; Palermo, Mirella <Mirella.Palermo@brampton.ca>

Cc: Jagtoo, Ingrid <Ingrid.Jagtoo@brampton.ca>; ; Fay, Peter <Peter.Fay@brampton.ca>; Santos, Rowena - Councillor <Rowena.Santos@brampton.ca>;

Subject: Matter of 23 Hillside Dr. Brampton

Dear Mayor Patrick Brown, Regional and City Councillors,

As I may be unavailable to attend tomorrow's planning meeting regarding the matter of "23 Hillside Dr.", please see the following documents in the email below for your review, pertaining to the current agenda item.

- 1) Letter- Aug. 6,2019 from Ester Williams, applicant of 23 Hillside Dr.
- 2) Application status from RHRA website
- 3) Map of Hillside Dr. used in previous correspondence from City of Brampton. (Provided for Councillors that may be unfamiliar with our neighbourhood).
- 4) doc. From RHRA re: how to find compliance issues.
- 5) Email from City Staff with regard to usage of 23 Hillside Dr.
- 6) Email from Mirella Palermo and documentation regarding notes and bylaw from Aug. 26, 19 meeting.
- 7) Letter from Councillor Williams to residents regarding application type.
- 8) FB post of Nov. 1, 19 regarding "Application to Retirement Home".
- 9) Email of Nov. 16, 19 from Councillor Williams re: consultation with Mayor Brown.
- 10) Several additional pages from RHRA website referring to Retirement Home being a for profit business including tenancy and landlord rights and responsibilities as well as the difference between a Retirement Home business and that of Long Term Care etc.
- 11) Lastly, article from Brampton Guardian referring to lack of Councillors knowledge or her willingness to follow bylaws.

13.1-2

My position has been , and remains, that I do not want a business of any kind on Hillside Dr., or surrounding Bramalea Woods area. We do not need the added traffic burden in an already problematic area.

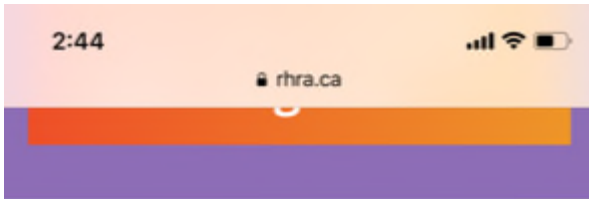
This is not about supporting our Seniors! It is about keeping businesses out of our neighbourhood. I'm officially considered a senior when dining at Denny's! How great is that?

Aside, I would like to personally thank Regional Councillor Pat Fortini for his continued support, and listening to his constituents regarding this matter.

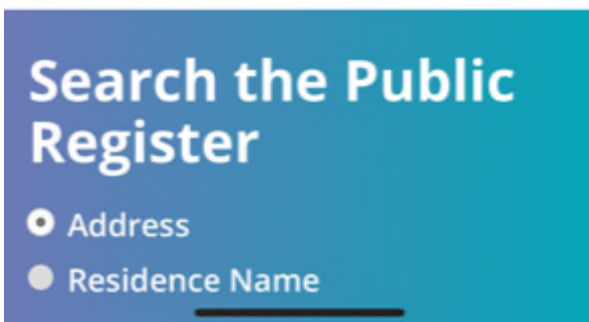
I personally believe that Council does not have the full background regarding 23 Hillside, which is why I have tried to address it in my email. This is not meant as a criticism, but rather it is a matter not pertaining to their wards. I also believe for whatever reason the Bylaw Office and supporting staff do not understand their bylaws and the agenda item of 23 Hillside, hence the attached document from RHRA website clearly showing the application for a Retirement Home.

Thank you for you time regarding this matter.

Rebecca Altamira



The RHRA's Public Register gives you a more complete history of a retirement home's track record of compliance with the Act. You can access more than 700 licensed retirement homes located across Ontario including those in your community. Get the facts needed to make an informed decision about where you want to live.



2:45



rhra.ca

place where it is easily seen in the retirement home. A "retirement home" for the purposes of the Act is as follows:

+ Building or related group of buildings, or a part of a building or a part of a related group of buildings, with one or more rental units of living accommodation that meets the following criteria:

- Occupied primarily by persons who are 65 years or older;
- Occupied or intended to be occupied by at least six persons who are not related to the operator of the home;
- Makes at least two of the 13 care services set out in the Act (and listed below) available, directly or indirectly, to residents.

"CARE SERVICES" FOR THE PURPOSES OF THE ACT ARE AS FOLLOWS:

- Administration of a drug

2:48		ontario.ca
PART II		
TENANCY AGREEMENTS		
10.	Selecting prospective tenants	
11.	Information to be provided by landlord	
12.	Tenancy agreement	
12.1	Tenancy agreement in respect of tenancy of a prescribed class	
13.	Commencement of tenancy	
14.	"No pet" provisions void	
15.	Acceleration clause void	
16.	Minimize losses	
17.	Covenants interdependent	
18.	Covenants running with land	
19.	Frustrated contracts	
PART III		
RESPONSIBILITIES OF LANDLORDS		
20.	Landlord's responsibility to repair	
21.	Landlord's responsibility re services	
22.	Landlord not to interfere with reasonable enjoyment	
23.	Landlord not to harass, etc.	
24.	Changing locks	
25.	Privacy	
26.	Entry without notice	
27.	Entry with notice	
28.	Entry by canvassers	
29.	Tenant applications	
30.	Order, repair, comply with standards	
31.	Other orders re s. 29	
32.	Eviction with termination order	
PART IV		
RESPONSIBILITIES OF TENANTS		



SAFEGUARDING ONTARIO'S RETIREMENT HOME RESIDENTS

The RHRA provides the expertise and oversight to protect the safety, security, and rights of Ontario's more than 70,000 retirement home residents. The RHRA, working in close collaboration with community partners, helps residents make informed choices about where they live and the care they receive in the home.



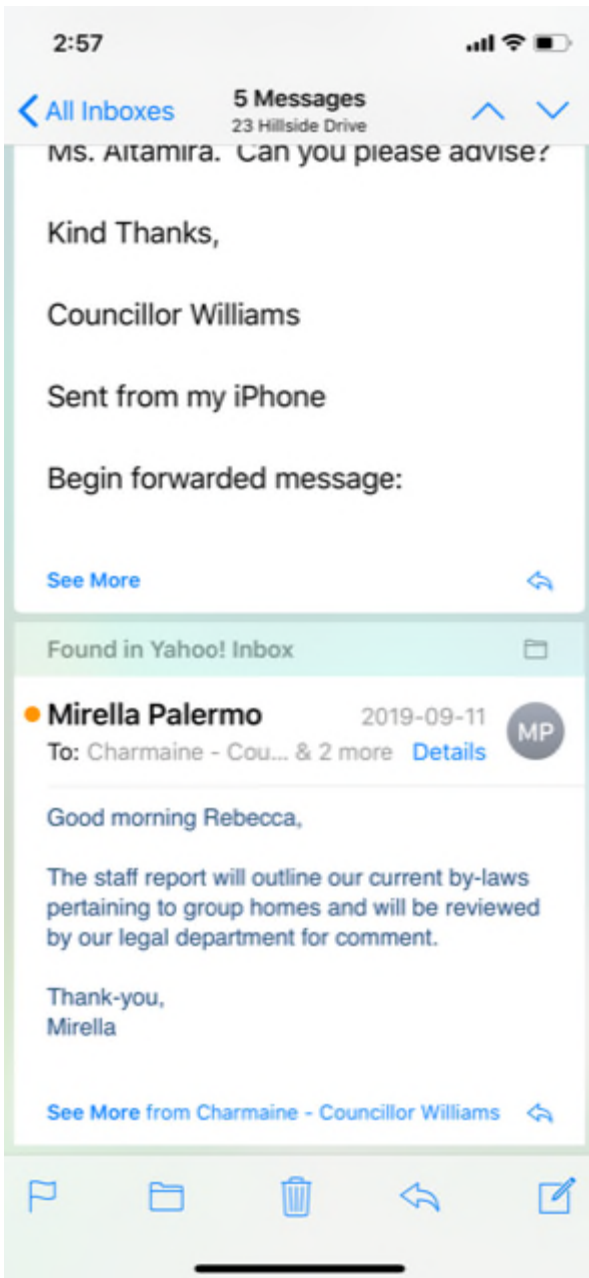
RHRA
committed to

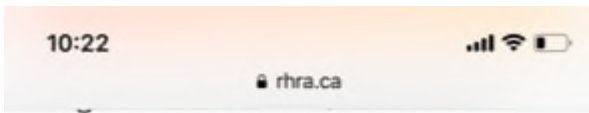
13.1-7

Hi Rebecca, Councillor Fortini and Williams met with the owner Ester and City staff to discuss the project.

The project is a supportive housing facility located within a dwelling unit that is occupied by four (4) to six (6) persons, exclusive of staff and/or receiving family, who live as a unit under responsible supervision consistent with the requirements of it residents and which is licensed or approved pursuant to Provincial Status within the jurisdiction of the Ontario Ministry of Children, Community & Social Services or the Ministry of Health. A group home type 1 may provide accommodation, supervision and treatment for: individuals over the sixty (60) years of age as a satellite residence under the Homes for the Aged and Rest Homes Act.

This is not a youth group home. Its primary for seniors living. The owner Ester will also be living in the home.





nursing homes, are different from retirement homes. They are regulated by the Ministry of Health and Long-Term Care and receive government funding. Retirement homes do not receive government funding.

Residents of retirement homes pay for the full cost of their accommodation and any care services they purchase from the home. Retirement homes decide the type of care services they will provide. Residents can purchase any of the care services offered by the home, or arrange for private care from external care providers (or a combination of both).

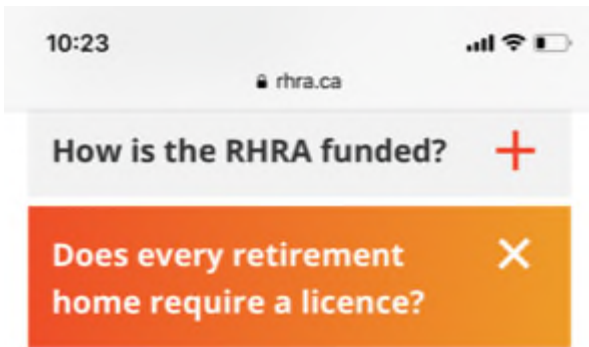
It is important to remember that retirement homes are homes, not institutions. Many residents are capable and independent, and can come and go as they please.

What is the RHRA?



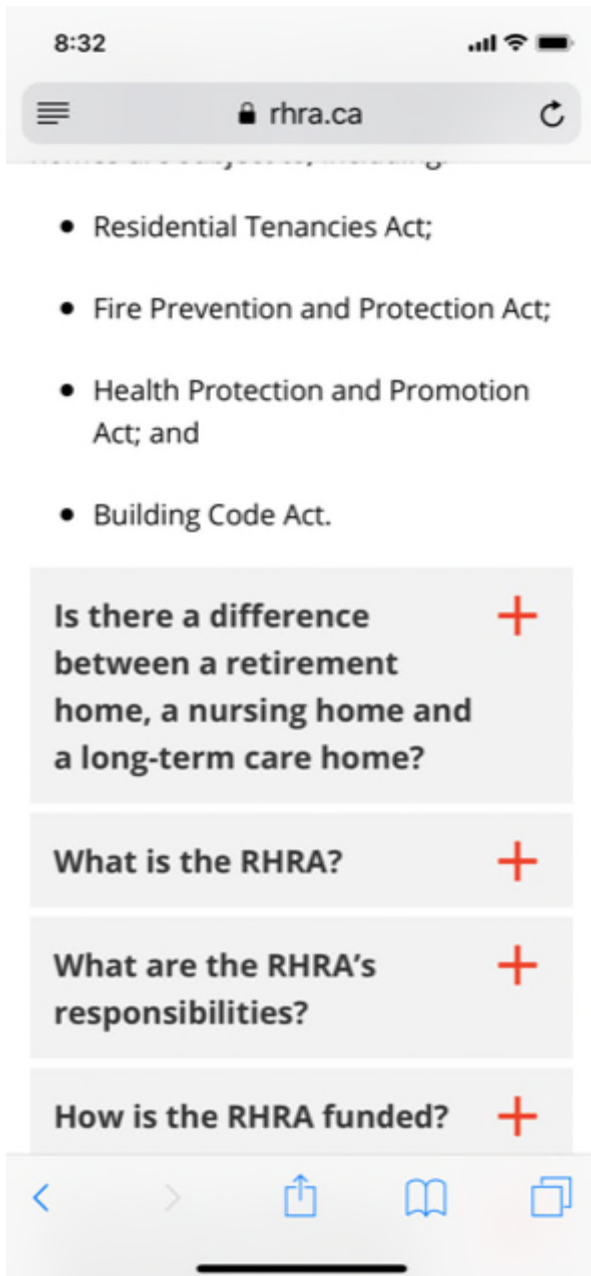
What are the RHRA's responsibilities?





Businesses that meet the definition of a retirement home under the Act must obtain a licence to operate a retirement home. A retirement home is a building, group of buildings, or a part of a building (with one or more rental units):

- occupied primarily by persons who are 65 years of age or older;
- occupied or intended to be occupied by at least six persons who are not related to the operator of the home; and
- where the operator of the home makes at least two care services available (directly or indirectly) to residents. Some facilities that meet these criteria may be exempt from the Act, for example if they receive certain government funding



8:32



rhra.ca

between a retirement home, a nursing home and a long-term care home?

Long-term care homes, often called nursing homes, are different from retirement homes. They are regulated by the Ministry of Health and Long-Term Care and receive government funding. Retirement homes do not receive government funding.

Residents of retirement homes pay for the full cost of their accommodation and any care services they purchase from the home. Retirement homes decide the type of care services they will provide. Residents can purchase any of the care services offered by the home, or arrange for private care from external care providers (or a combination of both).

It is important to remember that retirement homes are homes, not institutions. Many residents are capable and independent, and can come and go as they please

10:35 📶 🔋

Done 23 Hillside GH Open House N... 📍

Open House - 23 Hillside
August 26, 2019

Meeting notes:

- Need clarification about the definition of "supportive" and the Zoning interpretation of this
- If a supportive home, then 632m separation distance is required from Group 1 or 2 home
- Questioning what was in the application - will the residents require assistance?
- Believes the City has made a mistake in its zoning interpretation
- If it is indeed a correct interpretation then the community will welcome it, if not the community will oppose
- Does the application meet the 286 definition?
- What process exists to appeal?
- Councillor Fortin indicated at the meeting that an appeal process exists
- City staff will consult with legal to seek an opinion as to whether 23 Hillside is supportive or Group 1 as well as the impact that this could have on the distance separation.
- 2 Heath does not meet the 286
- 26 Linden has property standards issues
- Please look into ownership of 2 Heath
- Need some research done on 2 Heath to determine if it is Group 1
- If it is, then no recourse for 23 Hillside.
- Want a plan going forward - joint of contact
- Want to clearly know when opening
- Safety concerns, no basement egress
- Want entire community notified
- Want to know how to stop this application?
- If approved, how often will it be inspected?
- Answer: 6 month assessment from Ministry | random health inspections (Property Standards 3/yr)
- What happens if conditions of residents change and they require more assistance?
- Answer (owner): go to hospital for assessment
 - If not able to return then they will be placed elsewhere.
 - Need to be licensed to deal with dementia, etc., which will not occur at 23 Hillside.
- Would like a timely answer from legal
- When will the next meeting be?
- Answer (Mirella): get back to the community by the end of the week re: timelines for a response
- Want clear understanding that this home will not open until all matters resolved
- Want clear notification to the entire neighbourhood
- Owner is smart, don't fault her
- Don't feel safe in neighbourhood
 - 26 Linden - mysterious behaviour
 - City not listening to us

- Definition of Group 1 is a mistake
- Councillor needs to work with us as our representative
- 632m separation should apply
- Confusing interpretation as 23 Hillside seems to meet both definitions of Group 1 and Supportive. If that stands then the 632m should apply
- How do we appeal?
- Don't want businesses to have more rights than residential in the neighbourhood
- 2 Heath - parking an issue
- Reference made to 43, 61 and 65 Hillside as problematic homes
- Concerned property values going down
- Increased noise/traffic
- Quality of life declining

📄

- Need to be formed to deal with dementia, etc., which will not occur at 23 Hillside.
- Would like a timely answer from legal
- Will the next meeting be?
- or (Miriya) get back to the community by the end of the week re: timelines for a response clear understanding that this home will not open until all matters resolved
- Want clear notification to the entire neighbourhood
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- How do we appeal?
- Don't want businesses to have more rights than residential in the neighbourhood
- 2 Heath - parking an issue
- Reference made to 41, 41 and 45 Hillside as problematic homes
- Concerned property values going down
- Increased noise/traffic
- Quality of life declining
- Want the ZRL changed
- Can there be some process such as C of A where signs go on/over for Group Homes?
- Not everyone got letters - he instructed staff to provide (Councillor Fortin)
- Is this home dealing with dementia patients or not - getting conflicting messages from owner
- City should disclose who living and what care required for residents
- Wants to understand timelines for approvals
- Is there a chance for an appeal?
- 2 Heath should regret 23 Hillside because of separation distance
- Would like a copy of the initial application
- Was there a building permit?
- Is there a minimum age for residents (answered by owner - 55 years)
- Can we pull data from 311 to understand complaints that have been issued against some of the neighbouring illegal group homes?




By-law


- Call 311 if have concerns
- Some of neighbouring homes are illegal and charges have been issued

Commitments made:

- Staff to follow up with legal re: definition interpretation
- Follow-up meeting to be scheduled
- Mail-outs to entire community to occur



10:35   


Done REBECCAVILLE 23 Hillside Dr... 

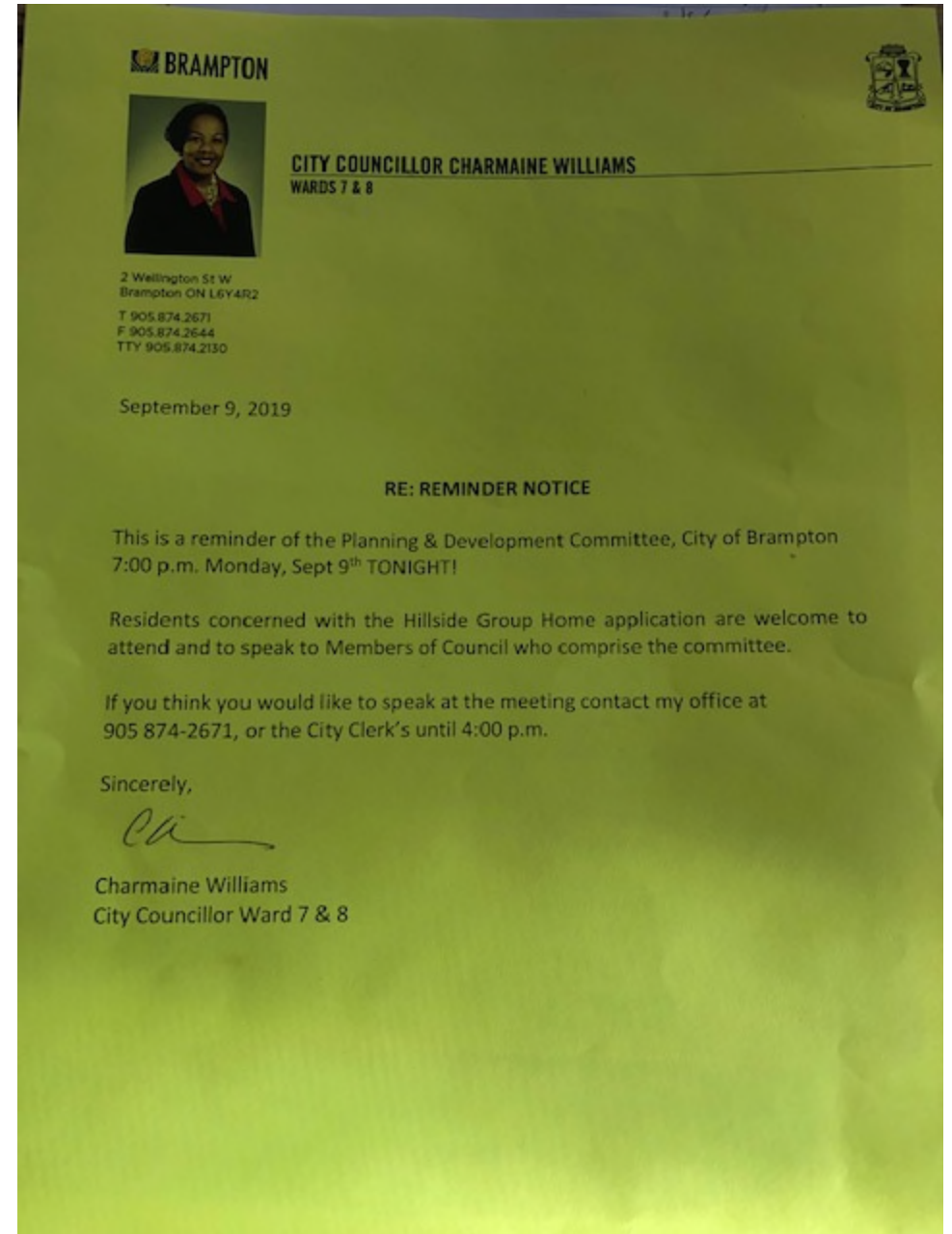
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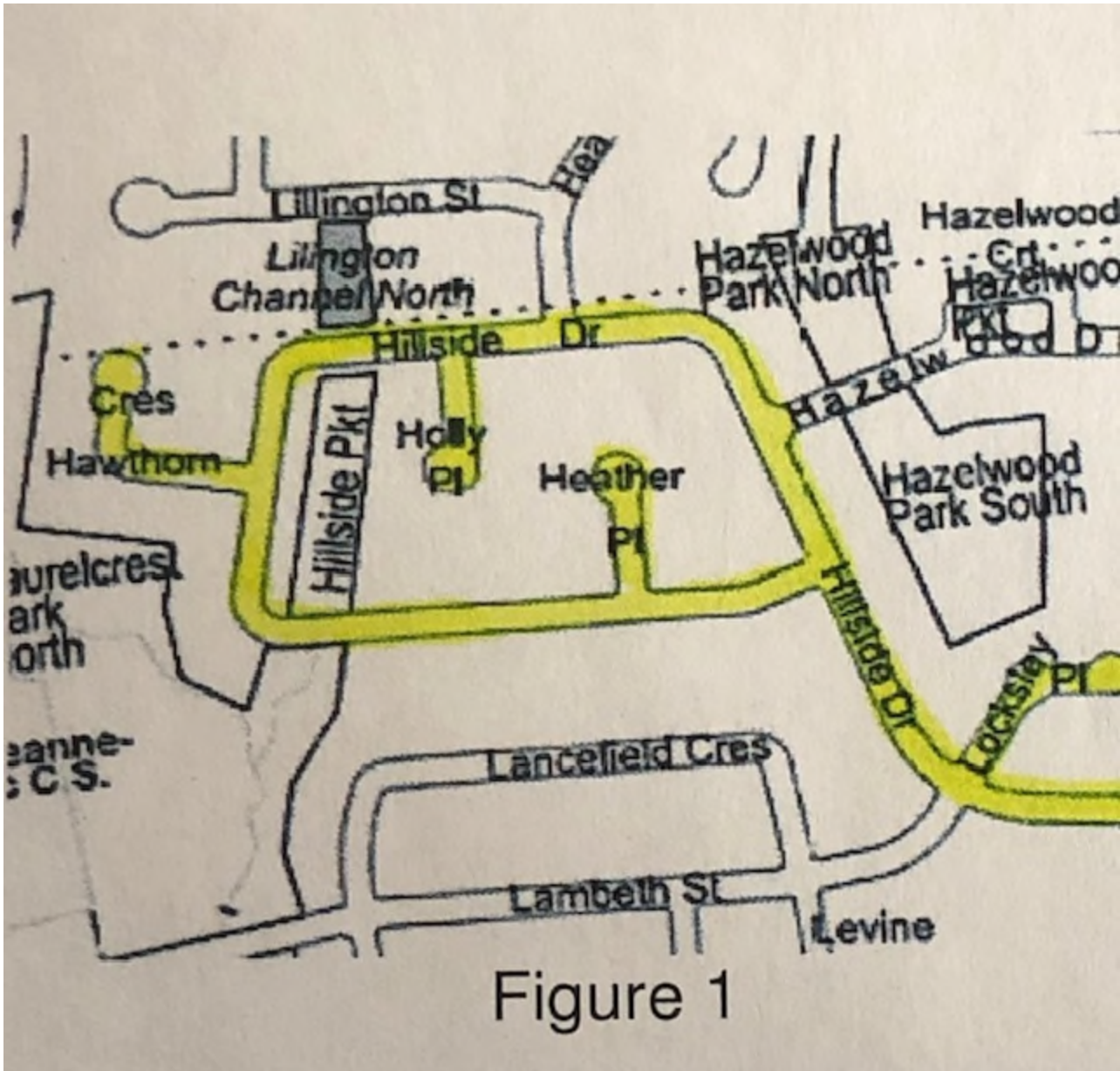
Questions about Rebeccaville:

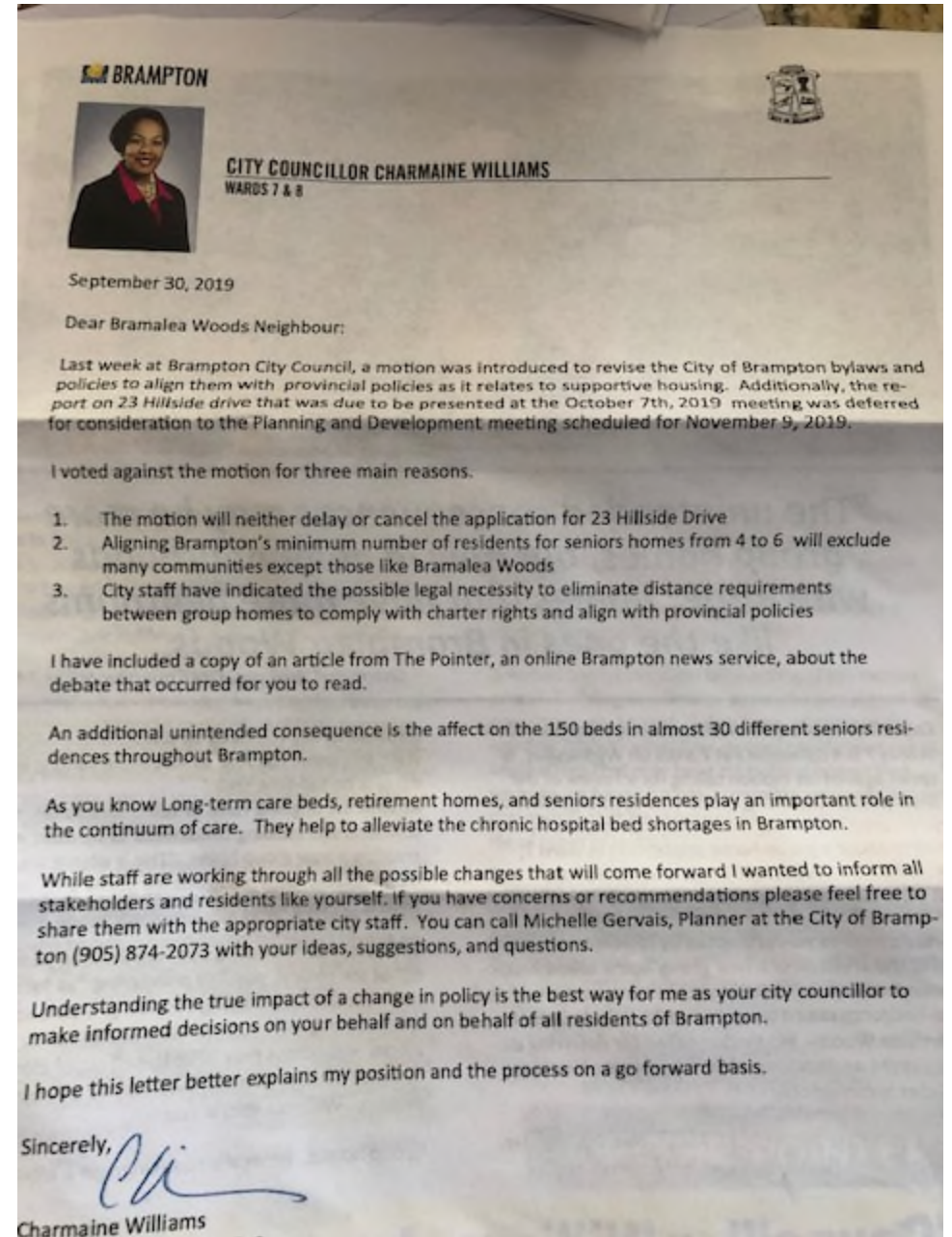
- 1. The age of Clients in Home.**
A. The home will be occupied primarily by persons who are 65 or older.
- 2. The number of residents in the home?**
B. The Home will be occupied by at least six people not related to the operator and make available at least two of the thirteen care services set out in the RSRRA Act. These include providing meals, assistance with bathing, personal hygiene, dressing or ambulation, providing a dementia care program, administering medicine, providing incontinence care or making available the services of a doctor, nurse or pharmacist.
- 3. The type and level of care?**
C. please note, some of these care services are only offered once the residents health care needs have changed. If a resident's care needs change from independent to an assisted level of care, the management of the home along with the family, Central West LIn and all other community supports will work together to find an alternate home that will service the resident changing care needs.
- 4. How are clients selected to come to the home?**
D. Retirement homes are about choices. They are designed for seniors who want to live a somewhat independent lifestyle but who may need minimal to moderate support with their daily living activities. They are referred by hospitals around the GTA, Central West LIN (CCAC), allied health from within the community and advertisement.
- 5. The cognitive level of the residents living in the home.**
Anyone can apply to live in the home. The home will assess each potential resident medical needs to ensure that the home can provide the requisite support level. If a resident in the home is hospitalized, and the hospitalization results in a higher care need, i.e., (Cognitive impairment) the home will reassess whether we are adequately equipped, and able to provide the requisite level of care.
- 6. Advise whether you obtained a building permit for interior renovation recently completed.**
Home was purchase as is, no renovation was recently done, except for the safety features installed as per the fire department recommendation, e.g., exit signs, smoke etc.
- 7. Advise whether they are proceeding with the building addition.**
The present building addition permit will be cancelled, and a new application will be submitted under the intended use of the group home, and not under a single family detached as was previously submitted.

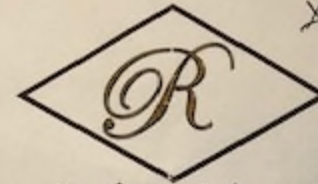
****If you require further clarification on any of the answers we have provided please feel free to forward your questions, and we would be happy to address all your concerns.**











X no one else got this

Rebeccaville Assisted Living Residence

August 6th, 2019

Dear Resident,

Re: Invitation to Attend Open House for a New Group Home at 23 Hillside Drive on August 26th at 6pm

Please be advised that Rebeccaville Assisted Living Residence is seeking to open a new group home at 23 Hillside Drive. In accordance with the City of Brampton's group home registration process, an application for a license to operate the home was submitted to the Retirement Home Regulatory Authority, and is currently under review. The group home will accommodate up to six (6) seniors and is anticipated to open on September 1st, 2019.

As part of the City of Brampton's group home registration process, an open house is being held for residents in the surrounding area. Please accept this letter as a formal invitation to explore the facility's amenities available to our residents. Staff will be on-hand to answer any questions and concerns you might have. Light refreshments will be served.

Open House Details:

- **Date: Monday, August 26th, 2019**
- **Time: 6pm to 8 pm**

Provided below is an overview of the support and services offered to residents of the group home:

- 24-hour supervision with qualified nursing staff;
- To give our residents a balanced diet, our delicious meals are prepared in accordance with Canada's Food Guide;
- Supervision of daily living activities;
- A pleasant variety of programs to encourage mental stimulation and to address the social, recreational and spiritual needs of the residents;
- The home will be operated in accordance with all municipal and provincial laws; and,
- In keeping with best practices, we will have an on-call physician who will see our residents if and when the need arises.

In the interim, should you have any questions regarding the registration of the proposed group home, please contact:

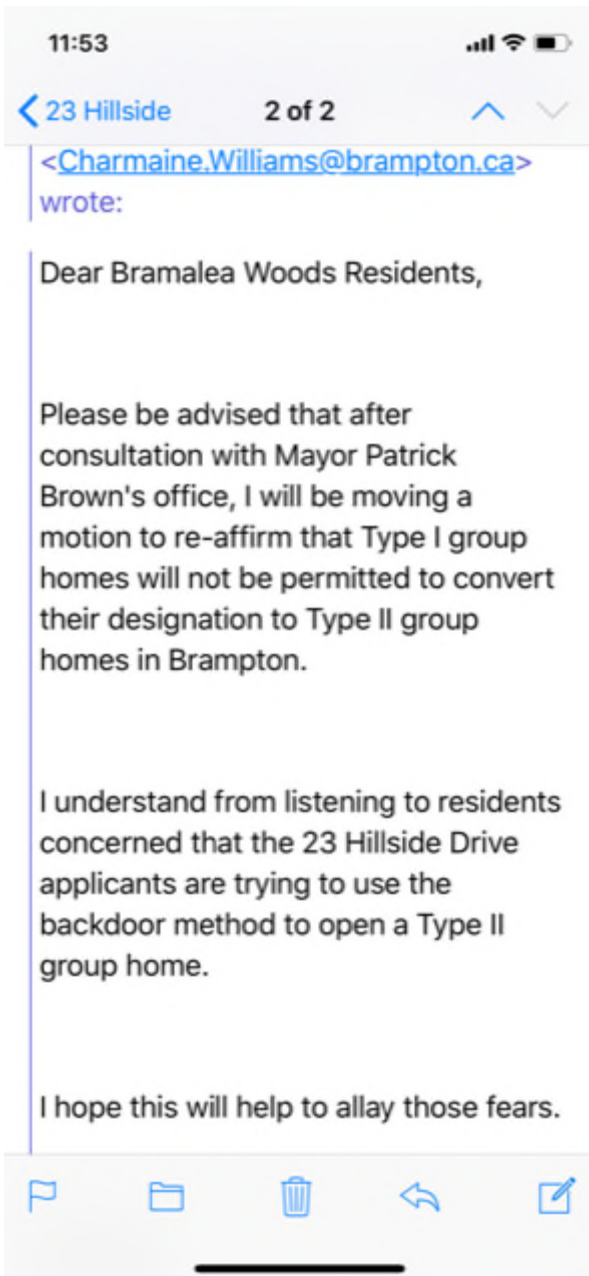
- Mirella Palermo, Policy Planner, City of Brampton 905-874-2457
- Esther Isaacs, Rebecca Ville Assisted Living Residence, Administrator 416-886-4950

Yours Truly,

Esther Isaacs, Administrator

Cc: Mirella Palermo, City of Brampton.







Brampton councillor remains defiant of city's sign bylaws despite ethics complaints

NEWS Oct 30, 2019 by [Graeme Frisque](#)

Brampton Guardian



Brampton wards 7 and 8 Coun. Charmaine Williams said she plans to restart her "Please slow down" lawn sign campaign despite an ongoing ethics probe by the city's integrity commissioner. - Bryon Johnson

Brampton wards 7 and 8 Coun. Charmaine Williams isn't backing down after being hit with

Try your first month of thespec.com digital access for just 95c plus tax. [View Offers](#)

SBX19 SUSTAINABLE BUSINESS CONFERENCE & EXPO TAP HERE

Sent from my iPhone

Re: 5.2-1 - Delegation - Warren Parkes

Intro – Mayor & Council

My understanding of our governance is each Councillor here, represents a specific group of wards. Each Councillor was elected to a ward, by taxpaying constituents, living in those specific wards. When conducting City business, a Councillor's first responsibility is to the ward which they were elected and in the way they fulfill those roles. Their personal beliefs, should not interfere with how they represent their constituents. How they conduct City governance and apply rules and by-laws should be their first concern in making decisions and conducting business for the city.

In saying this, at the last planning meeting I asked about steps to take when a Councillor crosses a line. I misinterpreted an email that was sent out about a Facebook rant and a flyer that was distributed in our neighbourhood on Hillside Drive. Both have the same inaccurate information regarding this matter, but the flyer was not hand delivered for Councillor Williams nor did it have the City of

Re: 5.2-1 - Delegation - Warren Parkes

Brampton's name on it. Although it does appear to have come from Councillor Williams.

I will proceed with a complaint that provides accurate information as to her behavior in this matter and I am sure her constituents votes will reflect their opinions of this matter at our next election.

This single incident, however, should lead to us to look at where we are today and the history of this matter regarding 23 Hillside Drive.

The City of Brampton has a process that tries to make sure things are done right and everyone's wishes and concerns are respected. If someone wishes to change or amend a by-law, they must go through the process that is set out to do that.

Bramalea Woods originally was a single family, detached home neighborhood that continues to be that on streets such as Hillside Drive, Hawthorne Crescent, Holly Place, Hazelwood Drive and Heather Place. With average size lots close to 100' x 200' since the original development, this area should be considered an

Re: 5.2-1 - Delegation - Warren Parkes

executive estate, under its original plan. Additional streets and homes have been added outside Bramalea Woods that include town homes, semi detached and detached homes with large lots, but smaller than Bramalea Woods. Bramalea Woods original planning should not change without further review, as both the Official Plan and Living The Mosaic 2040 Vision both clearly mention. The correct facts, the misinterpretation and distribution of incorrect information and inaccurate information and one specific Councillor's behavior has led us to where we are today.

The Facts are as of today:

There were a group of persons represented by or representing Esther Isaacs.

They met and discussed opening a retirement residence in Bramalea Woods as they did on at least two additional occasions previously for addresses in other wards in Brampton. I believe those applications met with no opposition and there was no further review. I would expect the Councillors in those wards would have

Re: 5.2-1 - Delegation - Warren Parkes

given the same response as ours, in this application. They would support it if it met with current city by-laws.

Their next step was to begin the application process which required specific steps to be followed, which includes an information session for surrounding

neighbours. This session, was attended by a large contingency of Bramalea

Woods residences. Prior to the meeting I assume various people involved were contacted by residents, including Councillor Fortini, Councillor Williams, Esther Isaacs and her staff, which is where the misinformation starts.

The only issue other than this matter that are a concern should be; did they do anything to the residence prior to applying to open the residence. They say they did not which is where it should stand unless there is any real evidence otherwise.

It is their explanations inconsistencies that have confused everyone and created displeasure, regarding building code compliance, type of residence, number of residents, services provided etc.

Re: 5.2-1 - Delegation - Warren Parkes

From that meeting, the City was to minute and provide information that clarified the issues that were raised at the meeting.

Most of the items that were raised, concerning this application, have been addressed by providing the information in the City's Information Report – dated 2019/09/17, issued to the Planning & Development Committee, from Mirella Palermo.

This report gives responses to the issues. Here is where it is unclear how they are interpreting and applying the by-laws and the official plan.

What is the City of Brampton's official plan for retirement residences –

4.1 applies and should be referenced, especially as a Group Home application to residential areas not 4.2 reference is made in the report to section 4.2.6. This does not mention retirement residences and classifications, but does state “must comply with all relevant zoning and registration requirements.

Re: 5.2-1 - Delegation - Warren Parkes

Item 4.2.6.10 is referenced as supportive housing (ie. Retirement residence). But would only apply if it is a Type 2 Group Home which is not allowed in a low density, residential area “unless an application is made to change the zoning or a change is made to the by-law.

4.1 is the residential application of the official plan

4.1.1 are the objectives of general policies

4.1.2 Upscale executive housing is referenced in this review A-1 Type homes require special review, have different density. Density categories (not referenced)

4.1.7 is where special needs housing objectives are listed (not referenced)

4.1.7.6 explains group homes and planning objectives (not referenced)

4.8.4 is the section for long term care home policies and objectives

Re: 5.2-1 - Delegation - Warren Parkes

The City report, as issued, gives more confusion and use of policies that are, or seem to be misinterpreted, or are not explained properly. The Official Plan is broken into various sections. Section 4 refers to policies and the general land designation use. The objectives under section 4 are broken down into sub headings.

4.1 Refers specifically to residential area (not referenced)

4.2 Refers to commercial areas (should not be used)

4.3 Appears to refer to industrial uses

4.8. Institutional and public uses which includes 4.8.4 long term care centres

From the Official Plan we go to

Living the mosaic 2040 – Vision

Re: 5.2-1 - Delegation - Warren Parkes

The first step in its “Steps to Achieve Success” is to obtain public engagement.

We have not started that process. This is one direction we could head with this matter as part of it.

Action 5-2 is housing related but doesn't give a direction or clarification in this matter, other than to propose to adopt a Brampton made comprehensive housing strategy for partnerships and to implement through a local civic agency – target to end homelessness.

In all matters and references there seems to be little consideration as to what are the special needs of a retirement home and transition from what is accepted and the correct way of dealing with changes to the accepted model, and deciding on if the City of Brampton and its residents are okay with those changes as an entire community.

Re: 5.2-1 - Delegation - Warren Parkes

- We should not reference data for social housing or assisted housing for special needs to come up with these decisions when it's regarding retirement residences, which aren't even mentioned in most of this data.

The city currently addresses all special housing needs in its current by-laws. We have 2 categories for group homes in our by-laws that would apply to retirement residences, in residential and commercial zoned areas. This should be as simple as applying the specific language of the by-law and not expanded interpretations.

SECTION 5.0 (Excerpt) DEFINITIONS GROUP HOME TYPE 1 shall mean a supportive housing facility located within a dwelling unit that is occupied by four (4) to six (6) persons, exclusive of staff and/or receiving family, who live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved pursuant to Provincial Statute within the jurisdiction of the Ontario Ministry of Community and Social Services or the Ministry of Health. A Group Home Type 1 may provide accommodation, supervision and treatment for:

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- The persons being cared for or obtaining services at a facility established under the Developmental Services Act;
- Individuals over sixty (60) years of age as a satellite residence under the Homes for the Aged and Rest Homes Act;
- Children under the Child and Family Services Act; and
- Persons under the Mental Hospitals Act and Homes for Special Care Act.

No supervision or treatment shall be provided to any persons not residing in the group home.

A group home type 1 shall not include a residence defined as a group home type 2, lodging house, a foster home, or a supportive housing facility.

GROUP HOME TYPE 2 shall mean a supportive housing facility occupied by four (4) to ten (10) persons, exclusive of staff located within a single detached dwelling or dwelling unit within a commercial building which shall be operated primarily for:

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- Persons who have been placed on probation under the Ministry of Correctional Services Act, the Criminal Code or any Act passed to replace the forgoing Acts;
- Persons who have been released under the provisions of the Ministry of Correctional Services Act, Corrections and Conditional Release Act or any Act passed to replace the foregoing Acts;
- Persons who have been charged under the Youth Criminal Justice Act, but who have been placed in open or secure custody;
- Persons who require temporary care, and transient or homeless persons;
- Persons requiring treatment and rehabilitation for addiction to drugs or alcohol; or
- Persons housed in a group home that satisfies all of the requirements of a Group Home Type 1 except that it accommodates in excess of six residents.

A group home type 2 shall not include a residence defined as a group home

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type 1, supportive lodging house, lodging house, foster home, or a supportive housing facility.

Under Group Home Type 1 definition it states – Individuals 60 years plus at a satellite residence under Homes for the Aged and Rest Homes Act.

The Satellite Home definition was not used in the new 2010 New Homes For the Aged Act which replaces the Homes for the Aged and Rest Homes Act. This should have been reviewed in this 5 Year review, after 2010, but no amendment has been made to the by-law.

I could not find a definition in the Act, for satellite residence, but since the primary writing in this by-law is related to municipally run residences, it should be deemed to apply to municipally run sites only that have a legislated standard of care to the residents and a commitment to the community.

Any change to this should have had a planning committee review, and or Council direction, previous to now, to allow for changes that are now coming up.

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We do not have access to the City's interpretations and what happens at non council meetings, but based on feedback and the open ended lack of correct information, it can be assumed this home could have up to 6 residents who have vehicles, potential visitors, family, in-home care givers, and medical staff, the driveway is properly sized as a four car driveway. This is potentially just another rooming house, but using seniors as residents.

For any of the other classifications under "Group Home Type 1", there is a Ministry or Group that provides residents to the group home, and ensures that rules are made by the agency are followed. That agency, or ministry, pays for the lodging and support of this residence, based on a legislated formula.

23 Hillside Drive is a for profit residence that can set its own fees based on market value, not legislated formulas. Based on the interpretation of the by-law, they can offer services to anyone who applies without any governance other than their own service plan for each resident (the violations mentioned to date are related to those plans from their other homes) and a 60 plus age requirement. They are a

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rental residence, and should be classified as such until by-laws are reviewed and changed to meet everyone's concerns or needs.

The Region of Peel administers the municipally run services for retirement care residences in Brampton so they are the only ones that would have satellite sites for this reasoning under the current bylaw, so they should be the only ones that receive a Type 1 Group Home classification.

It is the City of Brampton's responsibility to ensure a fair process takes place, advocating for the residents first, before allowing changes. Especially when they don't meet the requirements of the by-law.

Before someone opens a business, and does their business plan, they should be consulting with their own lawyer and getting correct information that they can base their decisions on, and understand the potential costs and requirements related to them, especially when it comes to municipal affairs and changes. This is just a part of being an independent, private business.

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City of Brampton residents should expect protection at all steps with the City looking to err on the side of caution when it is directly related to residents and their homes. This is far too complicated and potentially damaging a decision to be made without proper review either through an application by the business, to amend the applicable by-law, or wait for Council's review of existing, outdated by-laws that should allow for public input, before changing.

Residents should not have to hire lawyers to fight interpretations of an outdated by-law.

Once a by-law is made, the set as the right to allow unhindered open for business policies. But, in this case that does apply because the City is changing the wording of the by-law without proper consultation.

I have been asked to speak on behalf of the residents of Bramalea Woods. I am not a lawyer, but as a business owner, and resident. I have done my best to decipher the by-laws and official plans as well as the misinterpreted information.

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I appreciate Council taking the time to hear our concerns, and hope time will be taken to fully understand all the information available before going ahead with any decisions.

There should be only one of two decisions today.

1. The bylaw as it stands, does not allow for this type of residence at 23 Hillside

Drive under current by-laws and the owners can make application for a variance to the bylaw or

2. The current bylaw must be reviewed and updated properly before any decision

can be made as it is outdated and does not take care of where Brampton is in

2019 and the direction it is going with its Mosaic 2040 Vision.

Thank you for your time

Warren Parkes