

# Technical Memorandum

## Special Sections

---

### 1 Introduction

A significant component of the Comprehensive Zoning By-law Review (CZBLR) involves a review of the City’s numerous Special Sections. Special Sections are site- and area-specific regulations and development / performance standards that have been applied to a site or neighbourhood through a zoning by-law amendment, usually as an outcome of a development application process.

While it is normal for the Zoning By-law to be amended, including in some cases to introduce site-specific provisions, the best practice is to only use this mechanism where there is no other feasible alternative to address a required provision or required provisions. This is because site- or area-specific zoning exceptions, such as Brampton’s Special Sections, introduce complexity and fragmentation which in turn increases the potential for confusion, error and inefficiency for users and administrators of the Zoning By-law.

While the new Zoning By-law is designed to lessen circumstances where Special Sections need to be created (as detailed in Section 4.3 of the City of Brampton Zoning Strategy Report), it cannot eliminate their use completely. Additionally, there were approximately 2,900 Special Sections already in existence as of the end of November 2024. This volume of site- or area-specific zoning exceptions can be cumbersome for municipalities to maintain and administer over time, and the CZBLR provides an opportunity to review these Special Sections, and potentially remove those that are no longer relevant.

However, there is also a need to consider how the new Zoning By-law and the Special Section review will affect existing planning applications in process. It is not the intent of this process to confuse recent or on-going planning applications, but rather to remove Special Sections that are no longer required to help increase efficiency and streamline the new By-law.

Given the large volume of Special Sections, establishing a consistent review methodology is essential and identifying opportunities to reduce the volume of Special Sections is recommended. This Technical Memo provides the review methodology, key principles and deletion criteria that have been used to guide this process.

#### 1.1 PURPOSE

The purpose of this Technical Memorandum (“Technical Memo”) is to examine the existing Special Sections and outline the recommended approach to reviewing and evaluating the Special Sections against the new draft Zoning By-law. This Technical Memo also provides an overview of the scope and characteristics of the Special Sections within the City’s existing Zoning By-law.

## 1.2 WHAT IS A SPECIAL SECTION?

Special Sections are exceptions from parent zone regulations / standards that are applied to specific sites and/or areas. Special Sections are created through zoning by-law amendments and are structured and treated as individual special and/or site-specific zones. Most Ontario municipal zoning by-laws have some form of Special Section. In other municipalities, they are usually called exception zones or zoning by-law exceptions.

Where a Special Section applies, it supersedes the other requirements of the Zoning By-law, including the requirements of the base zone category. A Special Section may add permitted uses or introduce more flexible lot and building requirements to the site or sites to which it has been applied. Conversely, a Special Section may also be more restrictive than the parent zone, introducing more detailed lot and building requirements, or restricting uses that would otherwise be permitted by the base zone category.

In some cases, for additionally clarity, Special Sections may refer to special diagrams/illustrations contained in Schedule C of the existing Zoning By-law.

## 1.3 OVERALL APPROACH

There are three major options for addressing the Special Sections when preparing the new city-wide Zoning By-law. These options were identified in the Zoning Strategy Report and summarized below:

1. Completely repealing the existing Special Sections in the current Zoning By-law, in favour of the new Zoning By-law and in favour of *Planning Act* permissions surrounding legal non-conforming uses and legal non-complying structures.
2. Completely carrying forward all current Special Sections, as-is, without review or amendment. This may be done through preservation of the current Zoning By-law for the subject properties, or as a separate section within the Site- and Area-Specific Exceptions section in the new Zoning By-law.
3. Reviewing and updating Special Sections in the current Zoning By-law, including consideration to delete/reduce provisions within individual Special Section and/or repealing the individual Special Section(s), where the new parent Zoning By-law has been updated to cover the intent of the current Special Sections. Any remaining Special Sections will be carried forward to the new Zoning By-law as individual Site- and Area-Specific Exceptions.

It was recommended in the Zoning Strategy Report that the City proceed with Option 3 identified above, as it aligns with the overall approach to shift away from site-specific zoning while acknowledging exceptions and amendments to the parent zones will be made.

To guide this review, principles have been identified in Section 4.1 of this Technical Memo. These principles can help to guide the review of Special Sections and have also informed the criteria to delete or maintain Special Sections within the context of the new Zoning By-law. The recommended deletion criteria are also included in section 4.3.

### 1.4 CHANGES TO SPECIAL SECTIONS IN THE NEW ZONING BY-LAW

In addition to the Special Section review, the City’s new Zoning By-law will also make some changes to how the Special Sections will be organized and administered. The new Zoning By-law will no longer use the term “Special Sections” and will instead be referred to as “Exception Zones”. In addition, these Exception Zones will be contained within Chapter 12 of the new Zoning By-law, and will include any Schedule C illustrations directly within the body of the related exception. Schedule C of the existing By-law will not be carried forward to the new By-law, but any illustrations that are necessary for interpretation of the exception will be maintained and integrated in Chapter 12.

Any lands that are subject to an Exception Zone will be denoted by a suffix containing the associated Exception number within the zone label shown on Schedule A of the new By-law.

## 2 Assessment of Special Sections

This section provides an overview of the Special Sections in the current Zoning By-law, including the scope, existing structure and content, and an overview of Schedule C.

### 2.1 SCOPE OF EXISTING SPECIAL SECTIONS

Prior to reviewing the Special Sections in detail, an analysis was undertaken using the City’s current zoning data using Geographic Information Systems (GIS) to better understand the scope and characteristics of the existing Special Sections. The City’s current Zoning By-law includes approximately 2,900 Special Sections based on the City’s zoning data as of November 2024. Each of these Special Sections will need to be evaluated as part of the Special Sections review.

Based on an initial screening of the Special Sections, it was identified that most exceptions address the following items:

1. Permitted or prohibited uses, including restricted set of uses, additional permitted uses, or comprehensively defined lists of permitted uses;
2. Lot and building requirements or restrictions, addressing a fulsome range of building and site matters as well as accessory uses and structures;
3. Holding provisions; and,
4. Specific definitions for uses or other terms created via the Special Section.

While Special Sections are most commonly applied to a single property, some have been applied to multiple properties. Special Sections applying to multiple properties may involve a relatively localized or contiguous area such as an entire block or neighbourhood, however, they can also apply to multiple properties that are not contiguous and may be spread out over significant distances from each other. The geographic application of the Special Sections will be considered in the review.

### 2.2 INITIAL SCREENING & CATEGORIZATION

In preparation for the Special Section review, the project team undertook an initial screening exercise to understand the nature of the Special Sections and to begin categorizing them to assist

with the more detailed review. As part of this initial screening, the project team gathered key background information on each Special Section, including its existing and proposed zone, Official Plan and/or Secondary Plan designations, whether it is within a Major Transit Station Area (MTSA), and whether the lands have been developed or not. This information will help assist with decision making related to deleting or maintaining the Special Section, and will help provide a rationale for why these decisions were made. The outcome of this activity was to produce an annotated list of Special Sections including policy and other contextual information, to aid in the review.

**2.3 EXISTING STRUCTURE & CONTENT**

To inform this Technical Memo, a sample of Special Sections were reviewed to better understand their structure and content. Based on this preliminary review, it appears that each Special Section usually follows a similar format, typically with permitted uses listed in the first subsection; lot and building requirements in a second subsection; and other requirements under a third subsection (such as specific definitions). It should be noted that parking requirements seem to be included in the second subsection, along with the lot and building requirements and are not typically separated into their own subsection.

Although the language, numbering, terminology and writing style varies slightly or modestly, the overall structure and format is fairly similar, but not consistent, amongst the Special Sections. It seems that most Special Sections are prepared in a relatively simple way and typically do not proceed beyond four subsections. While there may be some Special Sections with further complexity, the samples included in the review appear to have a consistent structure and did not include overly complex formatting, content, references or definitions. There is significant inconsistency with respect to the numbering style (e.g., roman numerous), hierarchy of numbering, spacing and other formatting matters. This is due to the fact each Special Section zone is likely managed and authored by a different person, leading to inconsistencies in the formatting and style.

Provided most of the current Special Sections follow the consistent structure observed in the samples, it should allow for easier translation into a new site- and area-specific template. The new template will carry over this existing structure to minimize manual effort. However, the new template will utilize more standardized numbering and formatting to ensure that the Special Section documents are consistent.

The City also administers the “Schedule C” sections of the current Zoning By-law, which incorporate figures or drawings which are associated with some of the Special Sections. The figures vary considerably, with some showing the extent of subject lands, while others show

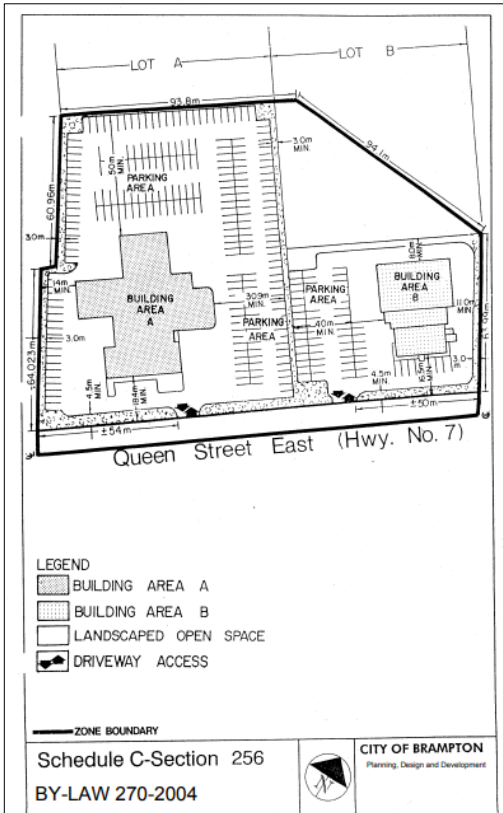


Figure 1: Schedule C Section Example

setbacks or other features such as landscaping. The figures or drawings are included often in lieu of written zoning regulations and development standards for the associated Special Sections. Schedule C is a legacy product from earlier zoning by-laws, with many of its contents pre-dating the current Zoning By-law. Based on the City's zoning data, there are approximately 221 Schedule C sections currently included in the Zoning By-law. Each of the Schedule C sections use a common template and title block.

The Schedule C sections will need to be incorporated as part of the Special Sections review. It should be noted that contemporary best practices dictate that zoning regulations and development standards should not be applied or interpreted solely through visuals. Further, the team has been made aware that many Schedule C illustrations are no longer legible; in these instances, if the building is constructed, the illegible illustration should be deleted as it cannot be recreated. There may be opportunities to delete many of the Schedule C sections where any associated Special Sections are proposed to be deleted, particularly in circumstances when buildings or structures on the properties have been constructed. It is recommended that any Schedule C illustrations that are required for interpretation of a Special Sections be carried forward to the new By-law, while those which are no longer relevant or are completely illegible be deleted. It is the intent that any Schedule C illustrations that are still required will be incorporated into the exception itself, rather than being maintained in a separate schedule.

### 3 Best Practice Considerations

To understand approaches to reviewing and updating special sections or exception zones available to the City, a selection of municipalities that have recently completed or are in the process of completing a review and update to their respective zoning by-laws have been reviewed. This includes the City of Toronto, City of Vaughan, City of Pickering, City of Edmonton, City of Guelph, City of Markham and City of Barrie. Findings from the best practice review are outlined below in **Table 1** and will be monitored over time as their processes move forward.

# CITY OF BRAMPTON ZONING BY-LAW REVIEW

Table 1: Best Practice Review

Municipality	Status of the Zoning By-law	Approach to Exceptions
<b>City of Toronto</b>	<b>Zoning By-law 569-2013</b> is the City of Toronto’s Comprehensive Zoning By-law. The Zoning By-law underwent a comprehensive review and update in 2013.	<ul style="list-style-type: none"> <li>• When the City undertook their Comprehensive Review, all site-specific exceptions were carried forward into the new By-law. This includes exceptions from former municipal Zoning By-laws that were in place before the amalgamation of the City of Toronto in 1998.</li> <li>• This means that certain exceptions include reference to prevailing by-laws or prevailing sections. These are former municipal by-laws that still apply to lands or a portion of the lands.</li> <li>• This approach ensures that all site-specific exceptions are maintained, but can be much more cumbersome to maintain and administer.</li> </ul>
<b>City of Vaughan</b>	<b>Zoning By-law 001-2021</b> is the City of Vaughan’s Comprehensive Zoning By-law, in effect officially as of January 2023 following a comprehensive review and update.	<ul style="list-style-type: none"> <li>• A comprehensive review of site-specific amendments was part of the City’s most recent Zoning By-law review. The intent was to delete site-specific amendments, which would be permitted as-of-right based on the updated standards and regulations in the new Zoning By-law.</li> <li>• Where the new Zoning By-law did not comply with the site-specific amendments, a standardized, alternative approach to create special provisions was addressed through the review.</li> </ul>
<b>City of Pickering</b>	The <b>City of Pickering Zoning By-law 8149-24</b> is the City’s new Comprehensive Zoning By-law, passed in late 2024 and is now completely in effect as it received no appeals.	<ul style="list-style-type: none"> <li>• Overall the City largely carried forward its exception zones as-is, as the scope of the project was mostly limited to consolidation of zoning. The new Zoning By-law also does not repeal the older zoning, but instead supersedes the old zoning by-laws; since the exception zones refer to the old by-laws (defined terms and specific sections), the old zoning by-laws continue to function as a reference document to support interpretation of the exception zones.</li> </ul>

# CITY OF BRAMPTON ZONING BY-LAW REVIEW

<p><b>City of Edmonton</b></p>	<p>The City of Edmonton’s <b>Zoning By-law 2001</b> has been in effect since January 2024 following a comprehensive review and update to update and consolidate the former Zoning By-law.</p>	<ul style="list-style-type: none"> <li>• As part of the City of Edmonton’s new Zoning By-law, the need for site-specific exceptions was reduced through the creation of standard zones that permit a wider range of uses and development forms.</li> <li>• This approach provides greater flexibility within existing zones while reducing the volume of requests for amendments to the Zoning By-law received.</li> </ul>
<p><b>City of Guelph</b></p>	<p><b>Zoning By-law (2023)-20790</b> is the City of Guelph’s new Zoning By-law, which as been approved by Council. As of February 6, 2024, the Comprehensive Zoning Bylaw (is in force and effect, save and except for certain lands that are under appeal.</p>	<ul style="list-style-type: none"> <li>• All existing site- or area-specific exceptions were reviewed as part of the preparation of the Comprehensive Zoning By-law Review, together with the Official Plan and draft new zones to determine if they should be retained, deleted, or modified.</li> <li>• The key determining factor for retaining, modifying or deleting a specialized zone was conformity with the Official Plan.</li> </ul>
<p><b>City of Markham</b></p>	<p><b>The City of Markham’s Zoning By-law 2024-19</b> was approved by the Ontario Land Tribunal (OLT) on September 19, 2024. The OLT ruled that the new Zoning By-law shall be deemed to have come into effect on January 31, 2024.</p>	<ul style="list-style-type: none"> <li>• All existing site- or area-specific exceptions were reviewed to assess continued relevance based on the standards and regulations in the new Zoning By-law.</li> <li>• Remaining relevant site- or area-specific exceptions were carried forward to the new by-law and modified to fit within the context of the new by-law, where appropriate.</li> <li>• Site- or area-specific exceptions were also reviewed for conformity with the Official Plan. Any site-specific exceptions that did not conform to the Official Plan were either not carried forward or resulted in amendments to the Official Plan on a case-by-case basis.</li> </ul>
<p><b>City of Barrie</b></p>	<p>The City of Barrie is in the process of reviewing and updating its Zoning By-law. A third <b>Draft Zoning By-law (September 2024)</b> is currently available for public review and comment.</p>	<ul style="list-style-type: none"> <li>• The City of Barrie is reviewing special provisions through its Zoning By-law Review project.</li> <li>• City of Barrie staff have recommended removal of special provisions where development has occurred, and the area is built out. Any standards introduced by special provision by-laws will be replaced by standards in the Draft Zoning By-law.</li> </ul>

		<ul style="list-style-type: none"><li>• Special provisions related to ongoing development are proposed to be maintained and will form part of the new Zoning By-law, once finalized.</li></ul>
--	--	--



## 4 Review Methodology

This section outlines the proposed methodology for reviewing the Special Sections. This includes the general principles to guide the review methodology, an overview of the scope of the review and the recommended deletion criteria to be applied during the review process.

### 4.1 PRINCIPLES

The Special Sections review will be undertaken in accordance with a series of guiding principles, as identified below. The principles are based on the recommendations in section 4 of the Zoning Strategy Report, best practice examples, implementation of Official Plan policy as well as the scope and timing of the Zoning By-law Review.

The following principles will be applied in a balanced manner through the Special Sections review:

1. The first key principle is to ensure implementation of Brampton Plan. As the City has a new vision for the future, the review of Special Sections will take into account the new policy. The new zoning by-law must conform to the Official Plan to meet the *Planning Act*.
2. Another principle is to create flexibility for businesses and reduce barriers to development of housing and other uses. To achieve this, it is desirable delete as many Special Sections as possible to streamline the zoning, while not frustrating existing permissions, businesses, or development opportunities. This will also provide opportunity to learn from the Special Sections to inform the Zoning By-law and minimize the need for future exceptions.
3. A key principle to guide this review is to avoid frustrating ongoing and recent development. The City should retain Special Sections that pertain to ongoing development as they will very likely be appealed and cause landowner frustration. To implement this principle, any exception which is recent should be carried forward to the new Zoning By-law, subject to considering other steps/principles outlined in this memo.
4. Next, it is a principle to simplify the City's zoning, so we will consider opportunities to delete the Special Sections that are no longer required because they conform to the new zones in the Zoning By-law. These exceptions simply are not needed as their permissions are now covered by the new Zoning By-law. Further, to support this principle, there is an opportunity to review the existing Schedule C figures or integrate them into the Exceptions which provide additional requirements for certain sites or areas.
5. It is also a principle to ensure that the work conducted in the review of Special Sections is defensible and fair. To support this, the team should avoid making numerous small modifications to the Special Sections. The focus of this review is primarily on deciding whether to delete or retain a Special Section. Some editing may be required to support interpretation or to resolve conflicts with recent mandatory City or Provincial requirements. Specific modifications to the Special Sections will need to be carefully scoped and applied consistently.

6. As much as possible, it is a principle to streamline the administration, formatting and consistency of Special Sections now and in the future. The structure of the Special Sections currently is generally consistent. The new exception template will utilize this same structure, but will enforce further consistency in numbering and formatting.

The principles above are intended to serve as a basis for the Special Sections review. The following sections provide further detail on the scope of the review process and the deletion criteria that will be applied.

### 4.2 SCOPE

The scope of the Special Section review process is affected by the current project schedule and the additional on-going work that is being undertaken by the City. There are certain limitations at the time that impact what can be accomplished during this review based on the sequencing of other land use planning work. The City will be undertaking updates to the various Secondary Plans to ensure they conform to Brampton Plan. Given that these updates have not yet taken place, the Special Sections cannot be reviewed against these updated policies. This limitation will need to be considered during the Special Section review, and a more conservative approach may need to be applied in the Secondary Plan areas to ensure conformity with the existing Secondary Plans.

The Study Area for this review also does not include any Specials Sections in the Downtown Brampton PMTSA and the Main Street North Development Permit System area. These areas are not subject to the new Zoning By-law and are therefore, not included in the Special Sections review.

Due to the project timeline, the Special Sections review will primarily involve deleting or carrying forward Special Sections in their entirety. There will be minimal manual amendments or modifications to the provisions or standards of the Special Sections, or manual updates to the documents (i.e., adding additional uses, adjusting heights, etc.). However, to support interpretation and specific policy conformity matters, some editing may be required as discussed in Section 5.

### 4.3 METHODOLOGY (DELETION CRITERIA)

To ensure that the Special Sections review is completed in a consistent manner, it is critical that clear deletion criteria be applied. The deletion criteria are used to determine which exceptions continue to be relevant and should be carried forward to the new By-law, versus those that are no longer relevant and can be removed.

Based on the principles and scope of the Special Sections review, as well as best practice examples, we recommend the following criteria be applied:

1. **Retain recent Special Sections:** Carry forward all Special Sections which are less than 5 years old (i.e., approved from January 1, 2020 onwards). This is to ensure that any ongoing developments or approvals are not frustrated. Due to timelines, a thorough policy review is not being conducted for all Special Sections but will be targeted. In the PMTSAs, where the City's planning policy has evolved substantially since the zoning was passed, the Special Sections will be reviewed for policy conformity per step (2) below. In other areas of the City, which are still subject to Secondary Plans or ongoing Secondary Plan processes, the

zoning would be in conformity with the applicable Secondary Plan which are still in effect per the policies of Brampton Plan.

2. **Review Special Sections in the PMTSAs for policy conformity:** Exceptions that are located within Protected Major Transit Station Areas (PMTSAs) will be reviewed for conformity with the PMTSA policies of Brampton Plan, as the policy has evolved significantly in these areas. Any Special Sections that do not conform to the land use designations in the PMTSAs will be deleted or modified. As the City is planning for transit-oriented development, development permissions that are not in line with this vision cannot be retained as the new Brampton Plan introduces a transformative land use framework in some areas. The Zoning By-law must conform to the Official Plan to meet the *Planning Act*. As a result of this criterion, it is expected that some exceptions in the PMTSAs will be recommended for deletion.
3. **Delete overly constraining Special Sections for site-specific developments:** Any Special Sections that have been built and are highly and unnecessarily constraining (i.e., provisions that are overly limiting or restrictive) will be considered for deletion. In such cases, the zoning for the property would rely on the parent zone rather than the Special Section. Special Sections will only be deleted if it would result in a reasonable increase in permission in line with the new base zone. Official Plan and Secondary Plan policy will also be reviewed in such cases to ensure conformity in support of a recommendation to delete the Special Section. This will likely encompass a deletion of Special Sections which were passed to allow a specific development. Provided the new base zone will capture the permissions, the exception can be deleted. If the exception also contains site-specific lot and building requirements, a case-by-case decision can be made as to whether the site-specific lot and building requirements are necessary.
4. **Delete Special Sections that are now fully captured by the new parent zone (or assign a new zone to capture the Special Section):** Any Special Sections whose standards and regulations are completely captured by the new parent zone and are built will be deleted. These types of Special Sections are no longer relevant and would not serve a purpose in the new By-law. Further to this, there are likely some Special Sections which can be deleted through a simple zone category change. Due to the changes to the parent zones, it is likely that some existing Special Sections no longer fit with the new base zone. The specific anticipated scenarios include:
  - **R1, R2 and R3 Base Zone:** The new zoning by-law categories residential zones into three density levels. Due to these zone changes, it is likely that some of the Special Sections are now mismatched with their new parent zone's permissions. Consideration should be made to shift Special Sections to a suitable new residential zone without removing entitlement or density. For example, there may be lands zoned R1 which does not normally allow townhouses; if the exception allows townhouses, it may be best to change the zone to an R2 category, which provides for townhouses. The team will recommend changes to base zones so that the new base zone better matches the intent of the Special Section.

- **R3 and “M” Subzones:** The new zoning by-law categorizes higher-density residential development (i.e., apartments) and mixed-use developments into low, medium and high sub-zones, referring to their height and typology. Due to this change it is likely that some Special Sections would be better categorized in another subzone depending on the height that is allowed by the Special Section. The team will make recommendations on a case by-case basis to shift base zones so that the Special Section corresponds to the zone.
  - **Utility, natural system, open space, and parks:** The new zoning by-law also has a new framework of zones for environmentally sensitive lands (Natural System Zone), parks (new Park zone), open space areas (new Open Space zone) and a defined Utility and Transportation zone. There may be exceptions that can be deleted if the lands are simply placed in a more suitable zone category. For example, if an exception zone allows a storm water management facility in a Natural System Zone, the lands could be placed in an OS zone and the exception deleted. The team will make recommended category changes in this regard to eliminate Special Sections in favour of a new base zone.
5. **Delete the Special Sections which are built and no longer necessary as the uses are now allowed:** Special Sections that are built and have their permitted uses captured within the new parent zone, but are not fully captured by the lot and building requirements in the Special Section, may also be considered for deletion. These Special Sections will be reviewed on a case-by-case basis to assess whether the lot and building requirements serve a specific purpose (i.e., are required for character of a development) or if the standards of the new parent zone are sufficient. In large part, these areas are zoned R1 but there are other circumstances.

For those Special Sections where the use is now addressed by the base zone but the lot and building standards are not the same:

- Firstly, if the development is not yet built, the exception should typically be retained.
- Second, as much as possible, consideration will be made to delete Residential zone exceptions in favour of the base zone, particularly where there are similarities to the base residential zone. There are many R1 Special Sections which apply to broad neighbourhoods, streets or areas, with development-specific standards. With respect to these areas, if the lands have been built, generally it is desirable to delete the exception and for the City to retain the modern provisions of the R1 zone. These properties are now managed by the homeowner/tenant, who is more concerned about provisions regarding driveways, accessory structures, etc. For example, exceptions in the Mature Neighbourhoods may be desirable with respect to retaining existing setbacks which help define the neighbourhood character.
- Exception zones that apply widely different standards and are applicable to a single site will generally be retained. A case-by-case review will be needed and specific thresholds are not identified. However, if the development has been constructed it could be desirable to rely on the new parent zone. This will be reviewed on a case-by-case basis with the rationale documented.

## 4.4 APPROACH TO LANDOWNER CONSULTATION AND REQUESTS

As a matter of scoping and to maintain timelines, only a limited range of requests for the Special Sections should be contemplated. Specific individual landowner requests to amend their Special Section by adding uses or other permission generally should not be accommodated as the City should not be responsible for the rationale or effort unless it is a minor housekeeping type of change. It is recommended that landowner requests/changes be limited to the following:

1. Requests to review the appropriateness of the base zone or subzone will be considered on a case-by-case basis. The team's objective is to ensure the base zone and subzone generally fits the intent of the Special Section and meets the City's policies. A request to shift to different zones for the purposes of adding different or new permission should not be contemplated.
2. Specific requests to retain Special Sections will be considered. It is useful for the project team to receive input from landowners about their development intent which can help the team understand if the Special Section is still desired.
3. Requests to delete a Special Section in favour of a base zone will be considered on a case-by-case basis. For example, if the Special Section is unnecessarily constraining and the base zone would work better, the team could consider applying the base zone.
4. Requests of a correctional nature or requests aimed at clarifying interpretation of the Special Section (E.g., section reference or linkages to the parent zoning by-law) will be considered on a case-by-case basis.

## 5 Other Considerations for Reviewing and Interpreting the Exception Zones

This section covers additional items that will need to be considered when undertaking the review and interpretation of the Exception Zones.

### 5.1 INTERPRETATION OF EXCEPTION ZONES (DEFINED TERMS)

Given that numerous changes and updates have been made in preparation of the new parent Zoning By-law, there is a high likelihood that some of the defined terms included in the former By-law and in the Special Sections may have changed. This means that certain terms in the Special Sections may not have clear definitions if those defined terms were not carried forward into the new Zoning By-law, making interpretation of the Special Sections more challenging. There are three options we have identified to address this issue:

1. Update the defined terms and terminology included in the Special Sections to align with the new Zoning By-law. This option would provide the greatest clarity, but it would also likely impact the meaning of the exceptions. Due to the project schedule, it will not be possible to undertake this exercise within the current scope so it is not recommended.

2. The City could retain the existing Zoning By-law for interpretation purposes. In this case, a provision would state that the terminology in the exceptions shall be as per their meaning under the current Zoning By-law. In the City of Pickering, the old zoning by-laws continue to provide an interpretation function in support of the exception zones. This approach is the most effective with respect to preserving original permissions. However, this approach can be costly from an administrative perspective and may impede the implementation of the new Zoning By-law.
3. Include the defined terms from the Special Sections as is and allow the City to make interpretation decisions, while relying on the new parent Zoning By-law as much as possible where terminology is the same. In addition, the project team can update the draft Zoning By-law as the Special Sections are reviewed to incorporate the defined terms whenever possible. The impact of this approach is that the meaning of the Special Sections will change slightly where definitions have changed, but the interpretations also be more modern and in line with the new By-law. This is the recommended approach given the current project schedule and scope.

### **5.2 ALIGNMENT WITH THE NEW PARENT ZONING BY-LAW**

As stated in Section 1 of this Technical Memo, the intent is to align the Special Sections review with the overall new Zoning By-law. The Special Sections review and preparation of the third draft Zoning By-law will be undertaken in parallel, which may result in updates to the parent Zoning By-law and decisions about the Special Sections. This may include the inclusion of modern terms from more recent Special Sections into the new Zoning By-law, or updates to permitted uses in certain parent zones if many Special Sections seem to allow similar uses within the same zone.

It is also likely that the project team will need to perform editorial updates to the Special Sections to ensure that appropriate references are made, and interpretation is clear. The existing Special Sections make reference to zones, section numbers and other items within the existing Zoning By-law. These references will need to be updated to reflect the updated zones and sections from the new Zoning By-law. The alternative option would be to retain the former By-law for interpretation purposes and avoid updating the references in the Special Sections; however, this can be administratively taxing and will hold back implementation of the new Zoning By-law.

### **5.3 CONFORMITY WITH RECENT POLICY & LEGISLATION**

Certain Special Sections may have conflicts with more recent policy and legislation as they have not been updated to reflect these changes (i.e., permissions for up to 3 units on a lot, Brampton Plan's prohibition on gas stations on major corridors, or the Province's removal of minimum parking in PMTSAs, etc.). Reviewing and updating the individual Special Sections for these matters is not possible in the scope and timing of the project. Furthermore, the existing Secondary Plans are still in effect and have not been updated for conformity with Brampton Plan since its adoption and an update should be completed before comprehensively updating the zoning. This would make an Official Plan conformity review of the Special Sections premature for any areas outside of the MTSAs.

To address some of these potential conformity issues, it is recommended that new general text be included in the parent By-law (i.e., in Chapter 12) to implement certain overarching legislative and policy matters that are in conflict with the Exceptions until a proper review can be conducted (i.e., by stating that 3 units on a lot as-of-right prevails in spite of any statement in an Exception). Of note, the City of Toronto undertook a similar approach by allowing multiplexes in spite of the exception zones. The City subsequently initiated a review of the Exception zones to address the conflicts specifically as it is a large exercise in itself.

### **5.4 MINOR VARIANCES**

In addition to Special Sections, landowners have also received certain permissions through minor variance approvals for the existing Zoning By-law. Certain municipalities have taken the approach of carrying forward minor variance approvals into the new By-law when undertaking Comprehensive Zoning By-law Review projects. While this may ensure that all approvals are maintained, it also creates additional burden for the City in terms of administration and management. At this time, it is recommended that minor variance approvals are not carried forward to the new Zoning By-law, and that any previous approvals be recognized through the Transition provisions of the new Zoning By-law. This means that if landowners wish to maintain their minor variance approvals, they must meet the transition criteria included in the new Zoning By-law. The Transition provisions are addressed in a separate memo.

The project team is also open to reviewing requests to integrate recent variances into the Special Sections, however, this will only be completed on a case-by-case basis. Further, any such requests would have to be reviewed for Official Plan conformity so a rationale would need to be submitted by the requestor.

## **6 Conclusion**

It is recommended that the review of Special Sections be conducted as outlined in this Technical Memo. A Special Section tracking sheet will be prepared to document all deletion decisions for all Special Sections included in the review. This tracking sheet will indicate whether a Special Section will be carried forward into the new By-law, or if it is recommended for deletion. The tracking sheet will also include other pertinent information and a brief rationale for the deletion decisions. The tracking sheet will be released for public viewing and comment after the initial review is complete. Consideration should be made to notify effected landowners of deletion decisions on a case-by-case basis.