

# **CITY OF BRAMPTON COMPREHENSIVE ZONING BY-LAW REVIEW ZONING STRATEGY REPORT**

Revised Draft | January 2024

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# 1 Introduction

The City's Zoning By-law is a key planning and building tool that shapes the look, form, and function of the City. The City's new Official Plan, Brampton Plan, establishes a new vision and directions for the way the City will grow and develop over time. The main purpose of this Report is to set out a strategy for updating the City of Brampton's Zoning By-law to implement the new Official Plan (entitled Brampton Plan) and to address other improvements.

## 1.1 BACKGROUND

In 2016, the City of Brampton (the "City") initiated a fulsome review of its Comprehensive Zoning By-law to ensure policy conformity and to address other housekeeping, useability, and administrative improvements. The process began with the intention to conform to the City's 2006 Official Plan, to provide a framework for guiding decision making and growth planning to the year 2031. The Zoning By-law Review process began by preparing a background report (Zoning Issues and Analysis Report) and a series of Technical Papers exploring a wide range of zoning topics in Brampton, and engaging hundreds of Brampton residents in discussions about the project. Finally, an initial draft Zoning Strategy Report was completed in 2018 to establish a set of clear directions for updating the Zoning By-law.

However, beginning in 2019, the City began a separate project to prepare a new Official Plan that implements the City's 2040 Vision, the Region of Peel Official Plan, recent Provincial policy changes, and many other influences. To allow the Official Plan Review to proceed, the Zoning By-law Review project was paused until the new Official Plan had been significantly advanced. In Spring 2022, the draft Official Plan, called Brampton Plan, was presented to the community and stakeholders for review and comment. Brampton Plan was subsequently adopted by Council on November 1<sup>st</sup>, 2023.

The process for preparing Brampton Plan engaged thousands more residents in shaping the Plan's vision and objectives, and the policies making Brampton more sustainable – financially, environmentally, and socially – over the next 30 years. Brampton Plan contains many new policies and updated approaches to land use planning that will need to be implemented in the Zoning By-law.

In 2022, the Zoning By-law Review project was reinitiated with the clear mandate to implement Council's vision and key planning initiatives and studies, including Brampton Plan. This Report provides an updated strategy for completing the new Zoning By-law in a manner that will conform

An Official Plan sets the direction on how the city should grow and develop, and ensures the community meets the needs of current and future residents.

A Zoning By-law is a legal document prepared to follow legislation set out in Ontario's *Planning Act*. A Zoning By-law implements the policies of an Official Plan and provides specific regulations for development.

to the new Brampton Plan. Previously prepared reports and information, including the Zoning Issues and Analysis Report, Technical Papers and the previous Zoning Strategy Report, are considered resources and inputs into this updated Zoning Strategy Report. This Report supersedes the previously prepared Zoning Strategy Report and the associated Technical Memos completed in 2018. These previously prepared reports and information may be obtained by contacting the City of Brampton.

Additionally, to support implementation of Brampton Plan, it is noted that the City is completing or has recently completed other planning and policy initiatives, including the Parking Plan, a land use and policy framework for Major Transit Station Areas (MTSAs). This also includes new City-Wide Urban Design Guidelines, which must be aligned with the new Zoning By-law. Together, Brampton Plan, the new Zoning By-law, the new City-Wide Urban Design Guidelines, and other ongoing planning studies will provide a modern foundation for the City to guide growth and development in a manner that meets the City's vision for the future, as set out in Brampton Plan.

## 1.2 PURPOSE OF THE ZONING BY-LAW REVIEW

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The Zoning By-law is a crucial tool that can help to realize Brampton Plan's vision. Zoning translates the vision and policies of the into the specifics of land use, lot sizes and dimensions and the location, character and scale of buildings and structures. Since Brampton Plan sets out a significantly different vision from the 2006 Official Plan, a new Zoning By-law is being prepared to address substantial updates and to consider structural changes to create an easier to use document. The Review is also an opportunity to address various housekeeping amendments and Council directions on key planning initiatives and studies since the project was paused.

The Zoning By-law Review provides an opportunity to rethink how Brampton utilizes zoning as a city building tool. The most common and traditional approach to zoning in Ontario has been consistent with the concept of "Euclidean" zoning, which involves the distinctive separation of land use and the establishment of primarily minimum lot and building standards. Over time, variations on the traditional Euclidean zoning have been considered and implemented by municipalities to address many new planning challenges. A reduced emphasis on the need to separate land uses and promote more mixed use, pedestrian-focused communities, has resulted in more form-based zoning by-laws. There are various alternatives to Euclidian zoning, such as form-based zoning, which focuses much less on detailed land uses and is instead focused on achieving a certain built form and addressing the relationship of buildings to the street and adjacent uses. Different approaches to zoning must be considered to support Brampton Plan's emphasis on creating attractive and more vibrant, pedestrian-oriented urban environments.

As one of Canada's fastest growing and most diverse cities, the City requires a flexible Zoning By-law reflective of current policy as well as recent and anticipated development trends. The Zoning By-law should also be structured and formatted to be easy to understand and accessible for landowners, business owners and residents. The Zoning By-law Review is an opportunity to achieve these considerations and to address issues, omissions, and improvements City staff have been tracking while the Zoning By-law has been implemented over time.

The overall intent and purpose of the Zoning By-law Review is to replace Zoning By-law 270-2004 with a new Comprehensive Zoning By-law responding to the changes that have taken place and anticipates those still emerging. The review process is anticipated to result in substantial changes to the Zoning By-law, including structural changes to help make the Zoning By-law easier to use. As such, a new Zoning By-law is the intended outcome of the Zoning By-law Review, rather than an amendment to Zoning By-law 270-2004.

## 1.3 PURPOSE OF THIS REPORT

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The purpose of this Zoning Strategy Report (this “Report”) is to provide a framework and work plan for developing the new Zoning By-law. This Report identifies and reviews the various inputs that will influence the new Zoning By-law, such as the Official Plan, recent Provincial legislative changes, and other studies being completed by the City of Brampton. This Report also provides other recommendations to modernize and improve the Zoning By-law. A summary of this Report’s key conclusions and recommendations is included in Section 5.

This Report is accompanied by a series of Technical Memos which have been prepared to dive deeper into more complex policy and administrative topics. The Technical Memos are appended to this Strategy. The Technical Memos also contain specific recommendations for updating the Zoning By-law to address the findings of the analysis. The Technical Memos form a part of the overall Zoning Strategy and provide input into the preparation of the Draft Zoning By-law.

The Draft Zoning By-law has been prepared in conjunction with this Report and the Technical Memos. It is anticipated that this Report, the Technical Memos, and the Zoning By-law, may be updated to incorporate public and stakeholder input, and to integrate new studies or directions that may emerge from other City initiatives and the approval process for Brampton Plan. As such, this Report is presented as a “Revised Draft” for consultation purposes and will be revised and finalized following consultation with the public and key stakeholders.

## 1.4 TIMING AND COORDINATION WITH OTHER STUDIES

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The development of the new Zoning By-law represents the first key step for modernizing the City’s zoning and implementing the City’s policies. The Zoning By-law review will need to be closely coordinated with other studies and inputs. This section briefly describe how the Zoning By-law Review will be aligned with other driving initiatives.

This Report was completed concurrently with the finalization of Brampton Plan, helping to ensure that the new Zoning By-law is aligned with the City’s new vision and guiding policy. However, as Brampton Plan moves through the approval process after Council adoption, further updates to the new Zoning By-law may be needed or a subsequent housekeeping amendment may be required to incorporate any final revisions or changes made through the approval process. The approval process will be monitored by the Zoning By-law Review team over time.

The Zoning By-law Review must also be closely aligned with the new City-Wide Urban Design Guidelines. The Urban Design Guidelines are prepared in parallel with the Zoning By-law, therefore, updates may be required to ensure the documents stay aligned as they evolve through

subsequent drafts. This alignment will occur on an ongoing basis throughout both processes, and it is intended that both documents will be finalized for Council adoption within approximately the same timeframe.

Another key initiative is the completion of MTSA studies and associated zoning by-law updates, which are being completed in parallel with this Zoning By-law Review. It is anticipated that zoning updates within some MTSA's will be brought forward to Council for adoption by late 2024 in accordance with legislative requirements. It is intended that the Zoning By-law will be updated to integrate these recommendations. Therefore, the new Zoning By-law and this Report will not provide specific zoning recommendations for the Major Transit Station Areas that are under study. The MTSA's will be excluded from the new Zoning By-law until the recommendations can be integrated. However, the standards, terminology, and the zone categories should be coordinated on an ongoing basis between the new Zoning By-law and the MTSA study findings. The MTSA policies were incorporated into Brampton Plan, which was adopted in early November 2023.

There are other studies and initiatives which will influence the Zoning By-law, such as the Parking Plan, which are further identified and discussed in this Report. It is not anticipated that other studies will affect the timing of completion of the Zoning By-law. Rather, effort will be made to closely coordinate the Zoning By-law with other studies as they unfold, as well as any new upper-tier policy or legislative changes that may be introduced as the Zoning By-law Review moves forward.

It is further noted that the City is anticipated to initiate updates or reviews of some of the existing Secondary Plans to bring them into conformity with Brampton Plan. Secondary Plans are more detailed policy documents that guide development and land use within specific areas of the City. Secondary Plans provide more detail than Brampton Plan, but the City's existing Secondary Plans now pre-date Brampton Plan. The Secondary Plans may need to be updated with respect to land use permissions and restrictions, development standards, or other requirements. As such, it may be premature to make substantial zoning changes to areas which will be subject to a future Secondary Plan update. Once the City updates its Secondary Plans, it is anticipated that any required zoning updates will be made through a subsequent amendment to the new Zoning By-law. It is also possible that the City may conclude that zoning updates are not required in some of the Secondary Plan areas or portions thereof. Additionally, the City may also prefer to initiate a Community Planning Permit System study, rather than a Zoning amendment, to implement the findings of a Secondary Plan Review process. As much as possible, the new Zoning By-law should introduce a regulatory framework in which these updates will be easier to make by setting out appropriate zones and standards which implement the new Brampton Plan. It is noted that Brampton Plan defers to the Secondary Plans as taking priority over the Official Plan. As such, the Zoning By-law should generally not preclude or hinder future zoning updates in areas affected by Secondary Plans which will be updated.

**1.5 CORE PRINCIPLES FOR THE NEW ZONING BY-LAW**

It is useful to establish some key principles which will guide the preparation of the new Zoning By-law. The principles established below draw upon legislative requirements, good practice, the overarching objectives of the Zoning By-law Review project, and consider the previous studies and consultation undertaken in prior phases of the Zoning By-law Review. The principles proposed below will guide decision-making with respect to the look, feel and types of provisions in the Zoning By-law.

The following core principles are proposed to guide the new Zoning By-law:

- 1. The new Zoning By-law will implement Brampton Plan.** Brampton Plan represents the City’s future vision, and policy directions that can be implemented in the new Zoning By-law will need to be reviewed and considered. This may have implications on permitted uses, definitions/terminology, and urban design concepts. Alignment with the new Brampton Plan may have implications on the structure and organization of the Zoning By-law, having regard to Brampton Plan’s organization and its City structure. A policy conformity checklist for addressing implementation of Brampton Plan will be a useful tool for identifying any potential conflicts.
- 2. The new Zoning By-law will need to be consistent with the Provincial Policy Statement and conform to or not conflict with the applicable Provincial Plans,** such as the Growth Plan for the Greater Golden Horseshoe (2020 Consolidation, as amended) (“the Growth Plan”). While provincial policy is largely implemented via Official Plan policy, opportunities to support provincial policies in the Zoning By-law will need to be identified and addressed. In accordance with Section 3(2) of the *Planning Act*, municipal council decisions must address the most recent provincial policies in effect.
- 3. The new Zoning By-law will need to be closely coordinated with the new City-wide Urban Design Guidelines.** The City has initiated preparation of new City-wide Urban Design Guidelines to complement the Zoning By-law and the new Brampton Plan. The new Zoning By-law will need to coordinate in terms of implementation, alignment of language, and design principles/concepts.
- 4. The new Zoning By-law will prioritize user experience and embody the principles of a form-based code,** resulting in a more concise, direct, and user-friendly document incorporating enhanced graphics, illustrations, and modern structural elements. To the extent possible, the new Zoning By-law should incorporate elements of a form-based code which is more in line with the City’s vision for the future. A form-based code refers to a general approach to zoning in which the By-law focuses on creating built form rather than focusing on land use separation. More information regarding form-based zoning is discussed in the Zoning Issues and Analysis Report, prepared in the previous phase of the Zoning By-law Review project.
- 5. The new Zoning By-law should be “future ready”** in the sense that it should incorporate development standards for current and future development applications. By incorporating new zones and development standards, the need for site-specific



amendments can be reduced. Further, the Zoning By-law should establish expectations for development and applications should be measured against these expectations. This will in part allow the City to respond to evolving provincial legislation and policy through the Zoning By-law. Standards for future development should be aligned with the vision and directions in Brampton Plan, the City-Wide Urban Design Guidelines, and other identified key planning studies and initiatives. All three of these documents should be coordinated to support Brampton's vision for the future, as guided principally by Brampton Plan, the Draft City-Wide Urban Design Guidelines, and other key planning studies and initiatives.

6. **The new Zoning By-law will need to be an enforceable and easily administered document.** This will include updates to the standards and definitions from By-law 270-2004, eliminating redundant and/or repetitive provisions, addressing administrative improvements, and creating regulations that reflect and anticipate contemporary planning practice. The new Zoning By-law should avoid unnecessary complexity while providing for a flexible framework to guide development over the coming decades.
7. **The new Zoning By-law should support efficient and streamlined approval processes and reduce unnecessary barriers to business growth and retention.** The approach to the new Zoning By-law is to reduce the need for unnecessary variances and/or amendments. As much as possible, changes to the zoning should avoid the creation of legal non-conforming uses, particularly where the policy continues to allow the use. This effort should also include a fulsome review of permitted uses and lot/building standards to remove unnecessary requirements or outdated expectations. As mentioned previously, traditional Euclidian approaches to zoning in Ontario have been inflexible and prescriptive in nature, resulting in a need for proponents to vary the standard or initiate an amendment to change the standards. There is an opportunity for the Zoning By-law to move towards a form-based code, providing direction on the scale, design, and placement of buildings with the intent of remaining flexible. By improving adaptability within a broader regulatory framework, the need for site-specific amendments can be reduced, thereby streamlining approval processes and reducing unnecessary barriers to the creation and retention of economic development and business growth in the City.
8. **The new Zoning By-law should support an inclusive, diverse, and equitable city.** Reviewing and preparing a new Zoning By-law provides an opportunity to advance equity, an important priority entrenched in several of the City's processes and guiding documents, including Brampton Plan and Housing Brampton. The City and other municipalities are increasingly looking to incorporate equity into several aspects of municipal governance and administration, including the practice of land use and policy planning. Equity is usefully defined by the American Planning Association (APA) in its Equity in Zoning and Policy Guide (2022) as the "just and fair inclusion into a society in which all can participate, prosper, and reach their full potential." Many intersectional factors, such as race, socioeconomic status, gender, religion and ability have an impact on equity. Applying the relatively broad and complex concept of equity to a legal and regulatory tool such as zoning can be challenging. However, planning and regulatory

tools, such as zoning, have historically placed unfair burdens on certain segments of the population. Through the Zoning By-law Review, there is an opportunity to ensure that the Zoning By-law does not lead to the differential treatment, hardship or disadvantage of residents and visitors. This may be achieved through removing exclusionary zoning and promoting a range and mix of housing in appropriate zones, using a form-based approach, and using template zones, where appropriate, to equip the City and proponents with the tools necessary to plan for development that achieves the City's vision. These mechanisms and their relationship to creating an equitable and inclusive City are further discussed in this Report and the Technical Memos.

## 2 Policy and Legislative Implementation

Planning in the City is guided by a framework of detailed planning policy. The task of ensuring the Zoning By-law implements the policy framework for the City is a significant exercise and the most critical aspect of the Zoning By-law Review. It is a requirement of the *Planning Act* that the zoning be reviewed and updated to ensure conformity with the new Brampton Plan.

This section provides a summary of key provincial, regional, and local policies, studies, and initiatives that inform and provide direction for the Zoning By-law Review. Achieving an appropriate relationship between the Zoning By-law and these other documents is crucial to ensure a comprehensive and integrated view of the planning framework is maintained.

Sections 2.1 through 2.3 focus on identifying the key policies and documents that influence the new Zoning By-law. In some cases, further detailed analysis is needed to confirm specific recommendations. As such, Section 2.4 of this Report identifies the required Technical Memos which are needed to fulsomely address the key policy implementation topics.

### 2.1 PROVINCIAL POLICY AND LEGISLATION IMPLEMENTATION

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In Ontario, the Province guides land use planning through the *Planning Act*, the Provincial Policy Statement, and other plans such as the Growth Plan. Municipal governments implement these provincial requirements through their official plans and zoning by-laws. It is important to understand how provincial legislation, policies and strategies influence and inform the Zoning By-law. This section reviews provincial initiatives and provides key directions for the Zoning By-law.

#### 2.1.1 Planning Act

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The *Planning Act* establishes the rules for land use planning in Ontario. Section 34 of the *Planning Act* grants municipalities the authority to implement land use controls through Zoning By-laws, which can permit specified land uses and buildings and structures and regulate the development and construction of buildings and structures.

It is noted that the Zoning Issues and Analysis Report, prepared in the previous phase of the Zoning By-law Review, contains additional context and information about the *Planning Act* and the types of matters that can be regulated in zoning. A key relevant section of the *Planning Act* is Section 26(9), which states that zoning by-laws must be reviewed for Official Plan conformity within 3 years of completing an Official Plan revision made under Section 26 of the *Planning Act*. Given that Council adopted Brampton Plan in November 2023, Section 26(9) of the *Planning Act* applies to this Zoning By-law Review process.

The focus of this section is to identify the most recent legislative and regulatory changes to the *Planning Act* that have a direct impact on municipal zoning by-laws. These changes are discussed in the following subsections.

## Bill 108 (2019)

The province introduced the *More Homes, More Choice Act* (Bill 108) in 2019 in an effort to increase housing supply and affordability to help meet the needs of people across the province. Bill 108 amends 13 different pieces of legislation, including the *Planning Act* and *Development Charges Act*.

The most significant changes introduced through Bill 108 relate to planning appeals, additional residential units, development charges and community benefits charges (formerly known as Section 37 Benefits), and inclusionary zoning within Major Transit Station Areas (MTSAs). The new additional residential unit framework expands upon the previous second unit provisions of the *Planning Act* and authorizes the use of three units on a property containing a single detached, semi-detached, or townhouse dwelling. This new framework includes allowing an additional residential unit within the primary dwelling as well as a unit within an ancillary structure.

With regards to inclusionary zoning within MTSAs, the province introduced O. Reg 232/18 to establish further direction to municipalities. In order to enable inclusionary zoning, the regulation requires an Official Plan contain policies which establish the approach to authorizing inclusionary zoning and specifies the various policy areas (e.g., size of the development, locations and areas of inclusionary zoning) to be considered. Municipal official plans are also required to set out the approach to monitor and ensure the required affordable housing units are maintained secured for the required established period.

Overall, amendments to the *Planning Act* and the *Development Charges Act* and implications for the Zoning By-law Review are identified below:

- Permit homeowners to create an additional residential unit in their main residence and an additional residential unit in a building or structure ancillary to the main building. The City has since completed a policy review to implement additional residential unit policies in Brampton Plan and the Zoning By-law to conform to Bill 108. This involved changes to the Zoning By-law to reduce zoning barriers to the creation of additional residential units.
- Reduce the timeline for appeals of a municipality's or approval authority's failure to make a decision on a development application.
- Allow inclusionary zoning policies around major transit station areas or where a Community Planning Permit System exists.

For the purposes of the Zoning By-law Review, inclusionary zoning and permissions for additional residential units as established Brampton Plan will need to be translated through the Zoning By-law. The City authorized additional residential units in August 2022 and is currently working on drafting an inclusionary zoning policy framework as per amendments to the *Planning Act*.

## Bill 109 (2022)

The province introduced the *More Homes for Everyone Act* (Bill 109) in 2022, representing the first major legislative response to the recommendations of the Province's Housing Affordability Task Force Report of February 2022. The purpose of Bill 109 is to incentivize the timely processing of certain applications to bring more housing units to market. This is primarily based

on the premise that an inadequate supply of housing has contributed to housing affordability issues.

Bill 109 outlines a suite of concrete actions which support collaboration between municipalities and the province to increase the rate of development approvals and construction. Bill 109 implements the following amendments and associated implications to the City's Zoning By-law:

- Expedite applications by delegating authority to municipal staff to approve site plan, zoning and plan of subdivision applications within a statutory timeframe by mandating refunds if a decision is not made. The application and review process for these documents, including the Zoning By-law, should be straightforward for both applicants and City staff to ensure applications can be reviewed and approved, where appropriate, within statutory timeframes.
- Introduce modest changes to increase public reporting and consultations, and by-law renewals applying to the use of Development Charges or Community Benefit Charges.

While the implications of Bill 109 are largely process related, timelines for approvals on zoning matters may impact a municipality's ability to adequately assess development applications. This emphasizes the need to equip the City with a robust analysis framework to evaluate development applications, particularly high-rise development and intensification and infill opportunities.

## Bill 23 (2022)

In October 2022, the Province introduced Bill 23, the *More Homes Built Faster Act* that amends or enacts 10 different Schedules related to the stated goal of increasing the supply of housing in Ontario. Bill 23 commits to a province-wide target of 1.5 million homes by 2031, with Brampton identified as having a target of 113,000 new homes over the planning horizon. Bill 23 received Royal Assent in November 2022, with several changes coming into effect that day. The impacts to the Zoning By-law are far-reaching, with the need to conform to changes to allow up to three units per lot within residential areas as-of-right and completing MTSA zoning within one year of an MTSA being approved. The full impacts of all changes on the Zoning By-law Review project continue to be evaluated.

## Bill 97 (2023)

In April 2023, the Province announced several changes to the provincial planning framework, including the introduction of Bill 97 the *Helping Homebuyers, Protecting Tenants Act*. Bill 97 proposes amendments to the *Building Code Act*, the *Development Charges Act*, the *Planning Act* and the *Ministry of Municipal Affairs and Housing Act*, among other provincial legislation. Schedule 6 to Bill 97 amends the *Planning Act* with changes related to Areas of Employment, transitional matters, site plan approval, and other minor amendments.

Proposed amendments that may impact the Zoning By-law Review includes but is not limited to:

- Proposed deletion of the current definition of "area of employment" in Section 1(1) of the *Planning Act*. The proposed definition provides criteria for the types of businesses that may be included within an Area of Employment. The proposed new definition excludes institutional uses and commercial uses. This proposed revision would impact the types of uses permitted in zones that facilitate employment uses.

- Subsection 16(3.1) of the *Planning Act* is amended to clarify that the provision restricting Official Plans from requiring more than one parking space for additional residential units does not apply to the primary residential unit.

## 2.1.2 Provincial Policy Statement

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The Provincial Policy Statement, 2020 (the “PPS”) is a key provincial document providing guidance on matters of provincial interest, including growth and land use, infrastructure and management of resources. The PPS is largely implemented through Brampton Plan policies. However, the new Zoning By-law must be consistent with the PPS. Updating the Zoning By-law to implement Brampton Plan will help support the implementation of the PPS.

In April 2023, the Province released for comment the proposed Provincial Planning Statement, 2023. This document proposed to repeal A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Office Consolidation (the “Growth Plan”) and the PPS, thereby replacing both documents with the Provincial Planning Statement. The Province has targeted winter 2024 for the Provincial Planning Statement and policies to take effect. However, this has yet to be confirmed. Once in-effect, all planning decisions will be required to be consistent with the Provincial Planning Statement.

## 2.1.3 Growth Plan for the Greater Golden Horseshoe, 2020 Office Consolidation

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Municipal planning decisions, including the new Zoning By-law, must conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Office Consolidation (the “Growth Plan”) sets out policies specific to the rapidly growing Greater Golden Horseshoe Area, which includes the Region of Peel and the City of Brampton. While the Growth Plan is largely implemented by the Official Plan, there are relevant policies that should be considered in the new Zoning By-law as follows:

- Section 2.2.1.4 d) intends for zoning to support achievement of complete communities. Further, lands in designated greenfield areas is to be zoned to support complete communities, active transportation and to support transit (2.2.7.1 (a)).
- Zoning is a key tool for supporting implementation of minimum density targets for both intensification areas (2.2.2.3.f) and for employment lands (2.2.5.13.d) (also see 5.2.5.c).
- Similarly, Section 2.2.4.1 intends for zoning to be used to support implementing the policies of the plan for Priority Transit Corridors which are a new element of the Growth Plan.
- Zoning By-laws will support an employment strategy as implemented through a municipal comprehensive review and Official Plan policies (2.2.5.6).
- Municipalities are required to ensure that there is a three-year supply of residential units which can include lands suitably zoned for intensification. According to the policy, this can include only lands zoned for intensification (2.2.6.4).
- Zoning By-laws will also support a range of housing options as implemented through official plan policies and the municipal housing strategy/plan (2.2.6.1 d).
- In Brampton, policies for intensification areas are evolving. The policies and vision for the City’s Major Transit Station Areas is being addressed through a separate initiative, which

will be integrated into the new Zoning By-law in a subsequent draft, as previously mentioned in this Report.

## 2.2 REGION OF PEEL POLICY IMPLEMENTATION

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The City is a lower-tier municipality located in the Region of Peel (the “Region”). The City is required to conform to the Region’s policies. This section reviews Regional policies providing direction for the Zoning By-law.

### 2.2.1 Region of Peel Official Plan

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In 2013, Peel 2051 Official Plan Review commenced to review and update the Region’s Official Plan. The new Region of Peel Official Plan (RPOP) was approved by Regional Council in April 2022 and received provincial approval in November 2022.

The RPOP establishes a policy framework to guide development and growth in the Region through specific growth management designations, policy areas, and structural elements such as MTSAs, Urban Growth Centres, Built-up Areas, Employment Areas and Designated Greenfield Areas. Each of these areas have specific roles in managing growth and achieving intensification, employment density and greenfield density targets. The City is required to conform to the RPOP.

For the purposes of the Zoning By-law Review, the following provides an analysis of some key direction from the RPOP that will have implications for the City of Brampton’s Zoning By-law Review:

- Municipalities are required to establish policies in their official plans and adopt zoning by-law regulations for Strategic Growth Areas that support the appropriate scale, type, density, and transition for development. Strategic Growth Areas include Primary and Secondary MTSAs that are specifically required to achieve minimum density targets and provide transit-supportive built forms.
- The Region directs local municipalities to undertake comprehensive studies to plan for MTSAs to address such matters as built forms to accommodate density targets, permitted land uses that support complete communities, and land use compatibility and the separation or mitigation of sensitive land uses.
- The RPOP establishes a significant policy framework for the evolution of inclusionary zoning. Local municipalities are directed to establish an official plan policy framework to implement inclusionary zoning where deemed appropriate by the local municipality through zoning by-laws in applicable MTSAs.
- Newly defined terms, such as the compact built form, which describes a land use pattern that encourages the efficient use of land, mixed land uses, among other objectives of complete communities. The compact built form can include detached and semidetached houses on small lots as well as townhouses and walk up apartments, multi-storey commercial developments, and other built form typologies and land use designations.

Overall, accommodating intensification and growth is a key consideration throughout the RPOP. The RPOP provides policy direction for the general intent of growth areas, which will be implemented through the Zoning By-law. Implications of Bill 23 in relationship to the Region as an

upper tier municipality with no planning authority is still being understood. The City is working with the Province and the Region to understand implications.

## 2.3 REVIEW OF RELEVANT LOCAL POLICY, INITIATIVES AND STUDIES

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The use and development of land is in part guided by the City's Official Plan, which broadly identifies permitted uses and the form and character of development. The new Zoning By-law must be prepared to conform to Brampton Plan and to be aligned with other initiatives, where applicable. This section identifies key current and relevant policy topics from Brampton Plan and other documents and discusses relevant direction for the new Zoning By-law. As set out in Section 2.4, many of the policy topics require more in-depth analysis and are further discussed in the Technical Memos.

### 2.3.1 Brampton 2040 Vision

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The City of Brampton's 'Brampton 2040 Vision' expresses its long-term vision from a social, economic, physical, and environmental perspective to create a place where people will live, work and play in harmony with nature. It reflects the principles of the community and the objectives of what is needed to become and innovative and forward-thinking suburb over the next 20 years.

The seven vision statements are identified to guide the future transformation of the City which focus on the following themes:

- Sustainability and the environment;
- Jobs and living centres;
- Neighbourhoods;
- Transportation and connectivity;
- Social matters and housing;
- Health; and
- Arts and culture.

Brampton Plan implements the 2040 Vision, providing focus and direction for all planning directions established within Brampton Plan. Several key areas expressed by the community during the 2040 Vision are areas of focus for Brampton Plan, including the development of 15-minute neighbourhoods and creating vibrant, mixed-use Town Centres and Corridors. Guided by the 2040 Vision, Brampton Plan will transition the city away from Designated Greenfield Area development and traditional suburban-style growth towards intensification over the next 30 years.

### 2.3.2 Brampton Plan

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Brampton Plan is the City's Official Plan, and it provides a path forward to implement aspirations of Brampton 2040 Vision. The Plan is the culmination of extensive public consultation and background and technical studies that set the stage for Brampton's future. Council decisions, including the new Zoning By-law, must be in conformity with Brampton Plan.

Brampton Plan contains the overall policies that apply city-wide and reiterates the City will rely on Secondary Plans to provide contextual development policies to guide growth and change in a defined area of the city. Secondary Plans allow for a comprehensive study of a secondary



planning area, considering the policies of Brampton Plan. Brampton Plan and the Secondary Plans are discussed in the following subsections.

## Brampton Plan

Significant background research and community input has informed Brampton Plan, including seven Discussion Papers focused on key policy topics as well as a Policy Directions Report that set the stage for Brampton Plan. The City-Wide Growth Management Framework, established in Brampton Plan, provides direction for how and where growth is to occur in the City. The following list describes elements of the growth management hierarchy and potential implications for built form:

- **Centres** are those areas where the highest concentration of growth and mix of uses is planned to occur. Centres are comprised of Urban Centres, Town Centres, and Neighbourhood Centres, which will be determined through subsequent planning studies. The tallest buildings and greatest density is directed to Urban Centres.
- **Boulevards** are vibrant streets that provide for a mix of uses and intensity of built form served by higher order transit. Boulevards are comprised of Primary and Secondary Urban Boulevards.
- **Major Transit Station Areas** are planned to transition over time into vibrant, high-density, walkable places. They accommodate employment uses, open spaces, and residential uses, among others.
- **Corridors** represent current and planned bus linkages that provide connections within and across Brampton. These areas provide for a mix of uses and transit supportive densities.
- **Community Areas** include a mix of new and existing residential, commercial, and residential-serving institutional areas. They are planned as 15-minute communities.
- **Employment Areas** include areas protected for employment uses and industrial areas. The Employment Area Technical Memo, introduced in Section 2.4, provides a focused review and analysis of Brampton Plan Employment Area policies and implications to the Zoning By-law Review in terms of the zone structure, permitted uses, built form, and additional zoning provisions.
- The **Natural System** includes natural spaces and water resource systems such as provincially, regionally, and locally significant woodlands, rivers, valleylands, wetlands, and ecological linkages, which require protection and enhancement. The Natural System policies set the context for conservation and protection. Lands within this system are to be maintained, restored, and enhanced for long-term sustainability of the Natural System. The Environment, Sustainability and Parks Technical Memo, discussed in Section 2.4, responds to the need to protect natural heritage features or natural hazards, such as floodplains, through the new Zoning By-law.

In addition to the growth management framework, the following list provides a description of high-level direction from Brampton Plan that has implications for the City's Zoning By-law Review:

- **Brampton Plan introduces the concept of overlays as a complementary policy layer to the land use designations.** Land use designations in Brampton Plan direct the use,

intensity, and form of development. Overlays apply to one or more underlying land use designation and provides further permissions related to use and form for specific areas. Brampton Plan explicitly states that the Zoning By-law and Secondary Plans will determine what, within this broader range, is permitted and required based on the policies of Brampton Plan.

- **The land use designations established in Brampton Plan are broad, with greater detail provided in the Secondary Plans.** For instance, Brampton Plan establishes the Neighbourhoods designation as a general land use designation permitting a mix of lower-scale building types. The overlays provide additional direction for the intensity of development (e.g., number of residential dwelling units) and form (e.g., building design). Brampton Plan also uses slightly different language to describe and define land use designations. For instance, lands referred to as Industrial in the current Official Plan are referred to as Employment in Brampton Plan.
- **Brampton Plan defers to the Secondary Plans in the event of conflict, unless otherwise specified in Brampton Plan.** As Brampton Plan introduces a new framework for intensification and mixed-use, as well as other policy direction, the Secondary Plans will need to be updated to implement Brampton Plan’s updated policy framework. Until that time, the Secondary Plans provide the priority guidance for development in some areas of the City.

To implement and be responsive to the objectives and policies of Brampton Plan, there is a need to align the Zoning By-law zone categories with the land use designations and building typology definitions identified in Brampton Plan. The land use designations and urban design policies established in Brampton Plan implement the City Structure, which directs where and how growth will occur. Land use designations shape the use, intensity, and form of development to manage growth and change. Brampton Plan also establishes overlays, which provide further permissions related to use and form for specific areas in the city. Table 1 provides an overview of the land use designations and overlays defined by Brampton Plan. The Zoning By-law, along with Secondary Plans, will determine what is permitted and required based on the policies of Brampton Plan.

Table 1 should be read alongside Table 2, which broadly characterizes the building typologies and height ranges defined in the City-Wide Urban Design Guidelines and Brampton Plan for comparison. The intent of these tables is to compare direction from the City-Wide Urban Design Guidelines and Brampton Plan relative to land use and built form typology. Where gaps are identified with respect to land use and building typologies, whether as-of-right or subject to additional study by the City, the Zoning By-law can help to provide direction for potential future site-specific conditions which are responsive to the agile approach established in Brampton Plan.

As mentioned, the Technical Memos introduced in Section 2.4 provide more detailed analysis of the land use designations and associated policies.

Table 1 – Land Use Designations and Building Typologies Permitted by Brampton Plan

Land Use Designation	Building Typology (As-of-Right Permissions)	Additional Permissions (Requires Additional Study to be permitted)
<p><b>Mixed-Use Areas</b> are generally identified as Primary Major Transit Station Areas and permit a higher density of development and a greater mix of uses than abutting areas.</p>	<p>Low-Rise Plus</p>	<p>Subject to the overlays, various typologies may be permitted. Major Transit Station Studies may identify appropriate locations for Low-Rise Plus, Mid-Rise and High-Rise buildings.</p>
<p><b>Neighbourhoods</b> exist across the city and permit a broad range of residential uses, neighbourhood-supportive commercial uses, and community services and facilities.</p>	<p>Low-Rise</p>	<p>Low-Rise Plus within 400 metres of a Support Corridor.</p>
<p><b>Employment</b> lands allow for a range of traditional heavy and light industrial uses, commercial uses, and waste management facilities, as well as some ancillary uses (e.g., open spaces, small-scale restaurants, etc.).</p>	<p>There is no explicit direction for non-residential building typologies. Employment areas are subject to the overlay and must have regard for City-Wide Urban Design Guidelines.</p>	<p>N/A</p>
<p><b>Mixed-Use Employment Areas</b> are generally located at the periphery of Employment Areas and accommodate a broad range of business, service, and institutional uses, providing a transition between Employment Areas and sensitive uses located in Mixed-Use Areas or Neighbourhoods.</p>	<p>Where an overlay applies, the form-based policies of the overlay prevail.</p>	<p>A broader range of uses may be permitted on Mixed-Use Employment lands that provide a buffer/transition between Mixed-Use Areas, Employment Areas, and Neighbourhoods subject to further planning studies. Permitted uses/development is also impacted by the presence of Boulevards and Major Transit Station Areas.</p>
<p><b>Major Institutional</b> recognizes major institutions, including post-secondary centres, hospitals, and major government facilities.</p>	<p>Directed to Mixed-Use Areas, the intent is to build on the role of prominent anchor institutions through high intensity urban design.</p>	<p>Development of Major Institutional uses within Mixed-Use Areas is intended to allow for their change end evolution over time, and to integrate them as important community resources and focal points in the city.</p>

Land Use Designation	Building Typology (As-of-Right Permissions)	Additional Permissions (Requires Additional Study to be permitted)
<p><b>Urban Centres (overlay)</b> permit a broad range of residential, retail, personal service, office, cultural, institutional, and other uses, and mixed-use buildings with active uses at-grade.</p>	<p>Low-Rise Plus, Mid-Rise, High-Rise</p>	<p>Determination of the appropriate height of High-Rise buildings will be determined through planning studies and Secondary-Level Plans.</p>
<p><b>Town Centres (overlay)</b> permit a broad range of residential, retail, personal service, office, cultural, institutional, and other uses, and mixed-use buildings with active uses at-grade.</p>	<p>Low-Rise Plus, Mid-Rise</p>	<p>High-Rise and High-Rise Plus buildings may be permitted subject to a Secondary Plan or Precinct Plan and where located within an MTSA.</p>
<p><b>Neighbourhood Centres (overlay)</b></p>	<p>Low-Rise Plus</p>	<p>Mid-rise buildings may be permitted subject to additional planning studies.</p>
<p><b>Primary Urban Boulevards (overlay)</b> connect Urban Centres and serve as the most vibrant and prominent streets in the City.</p>	<p>Low-Rise Plus, Mid-Rise</p>	<p>High-Rise buildings may be permitted subject to additional studies and where located within an MTSA.</p>
<p><b>Secondary Urban Boulevards (overlay)</b> are streets with a mix of uses supporting the public realm and provide a transition in scale and intensity of use between Primary Urban Boulevards and other areas of the City.</p>	<p>Low-Rise Plus, Mid-Rise</p>	<p>High-Rise buildings may be permitted subject to additional studies and where located within an MTSA.</p>
<p><b>Corridors (overlay)</b> represent current and planned Rapid Transit linkages with connections to MTSAs, permitting a broad mix of uses and more intense built forms.</p>	<p>Up to Mid-Rise</p>	<p>N/A</p>
<p>Support Corridor (overlay) provide connectivity through the City's Neighbourhoods to Strategic Growth Areas. They are local routes that connect to higher order transit.</p>	<p>Up to Low-Rise Plus</p>	<p>N/A</p>

Table 2 – Building Typologies and Height Ranges

	Height Range	
	City-Wide Urban Design Guidelines (Draft 2019)	Brampton Plan (2023)
Low-Rise	Between 1 and 3 storeys	Up to and including 3 full storeys
Low-Rise Plus	Not defined (would be considered Mid-Rise in the Guidelines)	Up to and including 4 full storeys
Mid-Rise	Between 4 and 9 storeys	Between 5 and 12 full storeys
High-Rise	Multi-storey structure greater than 9 storeys	13 full storeys or greater

**Secondary Plans**

Secondary Plans provide detailed local development policies to guide growth and change in a defined area of the City. Secondary Plans implement the objectives, policies, and land use designations of Brampton Plan to fit local contexts while providing direction for such matters as: the desired form and type of physical development, targets for population and jobs, the protection of natural and cultural heritage resources, targets for sustainable development, phasing, and the implementation of soft and hard infrastructure.

Secondary Plans constitute a part of the City’s land use planning framework and are intended to conform to and build upon the policies of the Official Plan within the boundaries of a defined neighbourhood or district. Secondary Plans cover much of the City of Brampton, with some lands not currently subject to a Secondary Plan.

Detailed policies and requirements for the preparation of Secondary Plans are provided in Brampton Plan. However, Brampton Plan directs Secondary Plans to provide more detailed policies to manage change within existing Secondary Plans, including transition between secondary plan areas. Secondary Plans are prioritized for Urban Centres, the Queen Street Corridor, and the Hurontario/Main Street Corridor, followed by other areas in the City. The framework for the development of key areas, such as Boulevards, are to be established by the Zoning By-law and the City-Wide Urban Design Guidelines.

**2.3.3 Alignment with City-Wide Urban Design Guidelines**

The urban design policies of Brampton Plan, detailed in Chapter 3 of Brampton Plan provide guidance for the built form in Brampton and envision Brampton as a community integrated by complete, connected neighbourhoods. This includes direction for the City to establish City-Wide Urban Design Guidelines to be read in conjunction with Brampton Plan and to inform all decisions related to urban design. The Draft Urban Design Guidelines are being prepared concurrently with the new Zoning By-law as both documents are key implementation tools for Brampton Plan.

The Urban Design Guidelines help implement the urban design policies of Brampton Plan and complement the City's new Zoning By-law, as follows:

- Brampton Plan establishes broad policies and principles for urban design. Brampton Plan is the overarching document that expresses Brampton's vision for creating attractive and well-designed communities. Brampton Plan intends that the Zoning By-law and City-Wide Urban Design Guidelines will be the primary tools used to help implement the urban design policies of Brampton Plan. Brampton Plan sets out a framework of designations and overlays to help realize the vision and City Structure for the city, including high-level intentions for design and built form in different areas of Brampton. The City-Wide Urban Design Guidelines will play an integral role in realizing the design vision for the different areas that make up Brampton.
- The City-Wide Urban Design Guidelines establish a comprehensive set of guidelines which build on Brampton Plan's policies. Not all of the Guidelines will be applicable to all development.
- The Zoning By-law helps implement Brampton Plan and the City-Wide Urban Design Guidelines by incorporating certain minimum design expectations, such as minimum building and lot requirements. Zoning is the legal tool used to regulate land use and development. Not all of the City-Wide Urban Design Guidelines are implemented in zoning, as the Zoning By-law focuses mainly on setting minimum expectations to allow for some flexibility in the design process. As such, the Zoning By-law and Urban Design Guidelines are considered complementary implementation tools, while the Urban Design Guidelines help inform some of the development standards set in the Zoning By-law.

As such, a close degree of alignment and coordination is required amongst the three documents. The documents should not be repetitive, but rather focus on alignment of terminology and principles and providing complementary provisions which will collectively best advance the City's urban design vision. Both documents are informed by and rooted in the Brampton 2040 Vision. Brampton Plan describes the five lenses that form the vision for the City-Wide Urban Design Guidelines, including but not limited to achieving walkable, green, and age-friendly communities. These are reiterated in the City-Wide Urban Design Guidelines. The following high-level observations address alignment between the two documents and implications for the Zoning By-law Review:

- **Good urban design plays a pivotal role in creating sustainable communities:** The City-Wide Urban Design Guidelines implement Section 3.1 of the City's current Official Plan, which details a Sustainable Planning Framework. The Sustainable Planning Framework provides design guidance to the development industry and function as a tool for the City to review and evaluate development applications. Overall, creating attractive, more vibrant, sustainable and interesting neighbourhoods is a key thrust of Brampton Plan and this overarching intent must be reflected in the new Zoning By-law.
- **Buildings that are responsive to the existing context:** The Zoning By-law contains very precise requirements for land uses and permissions. The as-of-right permissions in the Zoning By-law may be responsive to the City's current context in terms of guiding the siting of buildings and how land is used. However, there is opportunity for the Zoning By-

law to allow for a certain level of adaptability to ensure building and site design can respond to the natural evolution of neighbourhoods and communities overtime.

- **Providing appropriate transitions:** The Zoning By-law will need to contain precise requirements for ensuring appropriate transition down to lower scale buildings. This could include the application of angular planes, minimum horizontal separation distances and other building controls. This is consistent with direction in Brampton Plan with respect to high-rise buildings and developments adjacent to nearby residential properties, which are required to have heights, massing, and scales suitable for the surrounding context. Some of these requirements will be appropriately regulated in zoning.
- **Building and site design:** While Bill 23 eliminated the ability to address the basic elements of building design and character through the site plan control, the *Planning Act* still allows zoning to regulate the design and character of buildings. While zoning should not be used to micromanage design, basic standards of design sensitivity should be incorporated in the Zoning By-law. Brampton Plan and specifically the City-Wide Urban Design Guidelines contain guidance on various matters of specific building location and site design considerations.
- **Ground floor activation:** Brampton Plan and the City-Wide Urban Design Guidelines strongly encourage the provision of both residential and non-residential uses on the ground floor to create an active, engaging streetscape for pedestrians in appropriate areas of the City. This includes community uses and amenities, retail, lobbies, porches, and other features at the lower level(s). Both documents also recommend primary pedestrian entrances feature prominently and visibly, with direct access from public sidewalks in appropriate locations.
- **Framing the public realm:** Continuous building frontage, high quality pedestrian environment along streets and public places should be used as private realm design interventions to frame and animate the public realm. The City-Wide Urban Design Guidelines emphasize the strong relationship between the right-of-way width and street wall height. The Guidelines also define and address various types of public spaces, including guidance which can be supported in zoning.
- **Requirements and definitions of different building typologies:** Brampton Plan and the City-Wide Urban Design Guidelines refer to various development typologies and contain guidance for different typologies. High-Rise Design Guidelines, for example, apply to various forms of high-rise development (e.g., residential, commercial, office, etc.) and aim to create a vibrant and street-focused built form that is compatible with the surrounding context, while creating pedestrian-scaled public spaces. There is a need to ensure consistency in the definitions of typologies used by these documents.

## 2.3.4 Other Climate and Sustainability Initiatives

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Zoning plays a significant role in shaping the built environment. There is a role for zoning to play in meeting climatic objectives related to orientation, exposure, and the interaction between buildings and the public realm. As the impacts of climate change become more prevalent (e.g., more extreme hot and cold days, increased flooding, etc.), universally accepted approaches to the design of the urban environment must be considered.

The City has undertaken several sustainability initiatives that provide direction for the City's Zoning By-law. This includes but is not limited to the Environmental Master Plan and the Sustainable New Communities Program, which are broadly described below with relevant implications for the Zoning By-law Review:

The **Environmental Master Plan**, first released in 2014 and last refreshed in 2020, is a comprehensive framework to improve Brampton's environmental performance. The Environmental Master Plan directs the City to expand the City's Alternative Design Standards for public rights-of-way (e.g., roads, streets, sidewalks) to improve active transportation, naturalization, street tree health, and stormwater management. The Zoning By-law can support the Environmental Master Plan by setting development standards in areas such as permeable surfaces and other soft landscaping elements that can improve stormwater management and naturalization, as well as provisions for electric vehicle charging structures.

The **Sustainable New Communities Program**, last updated in January 2023, is a point-based system in which development proposals earn points for achieving specific criteria organized around four categories. Development proposals are required to achieve a minimum score threshold. Several metrics may be reinforced by and/or have implications for the Zoning By-law, including but not limited to direction for mixed-use developments, bicycle parking requirements, EV charging, strategies to reduce the urban heat island effect, and others.

The **Community Energy and Emissions Reduction Plan (CEERP)**, 2020 was established to act as guide to help residents and businesses improve energy efficiency, reduce GHGs, ensure energy security, create economic advantage and increase resilience to climate change. The CEERP identifies the important role proper land use policies and tools play to address climate change, including but not limited to:

- Targeted introduction of height/density bonusing;
- Community improvement plans focusing on energy conservation (district energy, green roofs, solar);
- Minimum/maximum zoning standards;
- Incentive programs for specific development applications focusing on energy/emission reduction;
- Web-based energy modelling of development applications; and
- Incentive programs for developers/builders who exceed the Ontario Building Code.

### 2.3.5 Integrated Downtown Plan

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The Integrated Downtown Plan (IDP) is an ongoing initiative building on the Brampton 2040 Vision and will guide Downtown Brampton on a planning horizon of 30 years to 2051. Its purpose is to link and coordinate the various ongoing Downtown Brampton initiatives and infrastructure and ensure they are aligned. The IDP will provide a comprehensive and strategic framework to guide future development and employment throughout the area through upgrades to existing infrastructure, quality urban design and the creation of new programs, including enhanced public spaces.



## 2.3.6 Heritage Heights Secondary Plan

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The Heritage Heights Secondary Plan was adopted by Council in April 2022. It expresses its planned function and long-term vision regarding the City's last undeveloped areas, known as Huttonville North and Mount Pleasant West to 2051 and beyond.

The Heritage Heights Community was originally identified within the Brampton 2040 Vision as a location for a town centre exemplifying a sustainable, complete, urban and resilient community providing an array of development and economic opportunities for its residents. The Vision for this Secondary Plan is stated as positioning the Heritage Heights community as a place where people, business, arts and culture thrive and where the built environment will support a connected, walkable, sustainable, and resilient community.

It is anticipated that any zoning implementation work for Heritage Heights will occur separately from the new Zoning By-law project. Should these recommendations be made available before the Zoning by-law is complete, then the recommendations can be integrated into the new Zoning By-law.

## 2.3.7 Bram West Secondary Plan Review

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The Bram West Secondary Plan Area is located in southwest Brampton. The Bram West Secondary Plan came into effect in 1998 and is currently being reviewed and updated by the City to reflect new market conditions and to update environmental protection measures, address various urban design issues, and to provide for an effective road and transit network, among other objectives.

As noted, the City began the review and update process in January 2023. The Secondary Plan process will explore infill and greenfield planning contexts to the year 2051. Additional technical analyses and studies will continue to be prepared to further inform policy development for the Secondary Plan. Once completed, appropriate and relevant regulations will be integrated into the Zoning By-law.

## 2.3.8 Parks and Recreation Master Plan

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The Parks and Recreation Master Plan was endorsed by Council in 2017 and is intended to provide residents with equitable access to facilities that enhance and promote healthy and active living. It assists in guiding the location and creation of new facilities, outlines strategies for existing facilities, and provides recommendations to ensure optimal use of existing/future parks and recreational facilities.

The Parks and Recreation Master Plan directs the Zoning By-law to include appropriate setbacks and vehicular and bicycle parking requirements for parks, where permitted. Notably, Brampton Plan establishes a new parks hierarchy informed by the Parks and Recreation Master Plan. It is important that the Zoning By-law contemplate parkland in urbanized areas in accordance with this hierarchy. This may include permissions for parks and open spaces in Strategic Growth Areas prioritized for intensification and higher-density, mixed-use areas. This may include setting out separate parkland zones and/or ensuring that public spaces are permitted in appropriate zones.

## 2.3.9 Brampton Parking Plan

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The Brampton Parking Plan is a city-wide initiative that provides guiding principles and recommendations on policies and efficient parking management. The Parking Plan covers on-street and off-street parking for automobiles, bicycles, and trucks. The Parking Plan has been developed in two phases. The first phase included a background document and best practices review, parking policy framework and public and stakeholder engagement. The second phase addressed the parking business, financial model, and public and stakeholder engagement. The Brampton Parking Plan was brought forward to Committee of Council and adopted with modification in November 2023.

The Brampton Parking Plan recommends several items to be integrated within the new Zoning By-law, including but not limited to reduced parking minimums in certain areas, parking maximums for select land uses, and accessible parking requirements. However, separate studies may be required before recommendations from the Brampton Parking Plan can be fully integrated into the new Zoning by-law, including maximum parking rates.

## 2.3.10 Housing Brampton

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Housing Brampton is the City's housing strategy and action plan. Housing Brampton was endorsed by Council in 2021 following comprehensive and engagement with the public. Between 2021 and 2025, Housing Brampton will be implemented through numerous policy and process changes. This includes but is not limited to the Zoning By-law.

With respect to the Zoning By-law Review, Housing Brampton states that more than 80% of Brampton's residential land is zoned exclusively for low-rise dwellings. This can disproportionately burden disadvantaged and vulnerable communities.

Action Items identified in Brampton Plan that are relevant to the Zoning By-law Review are further identified in the Housing Technical Memo. At a high level, this includes but is not limited to:

- Establishing zoning regulations for the Single Room Occupancy Housing (SRO) typology;
- Implement and permit Additional Residential Units (ARUs);
- Update provisions and standards for lodging houses;
- Review the Zoning By-law to provide for a wider range of housing options, including missing middle housing typologies; and
- Permit building typologies that can accommodate seniors-oriented units and housing as-of-right in appropriate zones.

In addition to reviewing and identifying direction in Housing Brampton to inform the new Zoning By-law, the Housing Technical Memo also acknowledges and considers work being completed by the City in parallel to the Zoning By-law Review that will impact housing options in Brampton. For example, in October 2023, the City and the Federal government reached an agreement through the Housing Accelerator Fund (HAF) to fast track over 3,000 new housing units over the next three years. The City has committed to expanding the as-of-right zoning permissions for housing, including permissions for four residential units and four storeys within 800 metres of transit. This commitment, as well as other parallel housing initiatives being led by the City, will be considered and incorporated into the new Zoning By-law, where appropriate.

## 2.4 IMPLEMENTATION OF POLICY AND OTHER STUDIES

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Sections 2.1 through 2.3 have identified key policies and studies and generally noted their relevance to the Zoning By-law Review. In order to prepare a new Zoning By-law that is aligned with these various initiatives, several Technical Memos have been prepared and are appended to this Report. The Technical Memos provide the rationale for key decisions in the Zoning By-law Review process and will be updated over time in conjunction with updates made to the Draft Zoning By-law.

The Technical Memos related to the studies discussed in Section 2 of this Report are introduced as follows:

- The **Mixed Use Areas Technical Memo** focuses on providing recommendations for implementing the policies of the Mixed Use areas, as designated by the new Brampton Plan. The Mixed Use Areas are the key focal point for growth and intensification in the City and the zoning needs to be reviewed for alignment with these policies. However, many of these Mixed Use Areas are also subject to ongoing Major Transit Station Area studies, so zoning recommendations will have to be coordinated between the Zoning By-law Review and the MTSA work. Additionally, the Mixed Use Areas Technical Memo identifies key urban design policies and City-Wide Urban Design Guidelines that will also influence zoning in the Mixed Use areas.
- The **Employment Areas Technical Memo** identifies recommendations to ensure the Zoning By-law will conform to Brampton Plan's policies for the Employment Areas as well as the Mixed Use Employment Area. In accordance with Provincial policy, Employment Areas must generally be planned to accommodate principally employment uses, so there is a need to review permitted uses and zones as well as opportunities to modernize lot and building standards.
- The **Commercial Areas Technical Memo** assesses the need for commercial zones in the City. This Memo focuses on providing permitted uses and recommendations for zoning of existing commercial areas in the Neighbourhoods.
- The **Housing Technical Memo** reviews Brampton Plan and opportunities to implement Housing Brampton. This includes a review of key housing typologies and forms, such as ARUs, seniors housing, co-living options, and supportive housing. The Housing Technical Memo informs typologies and provisions for housing requirements to ensure the City is equipped to promote a wide and diverse range of housing options through the Zoning By-law.
- The **Residential Zone Technical Memo** explores opportunities to consolidate residential zones, in part to simplify the By-law, but also to consider opportunities to expand housing opportunities, in support of Brampton Plan and Housing Brampton.
- The **Environment, Sustainability and Parks Technical Memo** addresses several related topics. This includes a review of opportunities for the Zoning By-law to support the Natural System identified in Brampton Plan. The Memo also explores potential ways the Zoning By-law can contribute to the City's sustainability policies and development guidelines.

Finally, the Memo also addresses required zoning provisions to address the various types of parks and open spaces contemplated by Brampton Plan and other documents.

- The **Parking Technical Memo** builds on the Parking Plan recommendations and provides specific directions for establishing parking regulations in the new Zoning By-law. The Parking Technical Memo recommendations are informed by the City's existing regulations, the recommendations of the Parking Plan, related future parking studies, and policy directions per Brampton Plan.

## 3 Zoning By-law Modernization

In addition to implementation of studies and policies, preparing the new Zoning By-law represents an important planning tool to implement the Brampton Plan, and to reflect the most up-to-date Provincial legislation and regulations. The new Zoning By-law is also intended to be a progressive regulatory document that is effective, user-friendly, and easy to interpret by staff, the development industry, and the public. This can principally be achieved through modernized requirements, administrative procedures and document format. The administration, definitions, and general provisions sections establish key provisions to guide the interpretation and use of the zoning by-law.

The Zoning By-law Review provides the opportunity to reimagine a contemporary zoning framework for the City. It also presents an opportunity to restructure the sections of the Zoning By-law and include visual elements to reflect a shift towards a more form-based approach. To this end, a best practices analysis has been conducted of the existing administration provisions, general provisions, and definitions of the current Zoning By-law to identify gaps and opportunities to be addressed through the new Zoning By-law.

Zoning by-laws from the City of Mississauga, City of Ottawa, Town of Oakville and other municipalities have been reviewed to help establish some benchmarking to evaluate these existing standards in Brampton. The case study municipalities were chosen as best practice examples, and have been highlighted in previous resources for the Zoning By-law Review, such as the Zoning Issues and Analysis Report.

### 3.1 ADMINISTRATION

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The administration section of a zoning by-law establishes the applicability of a zoning by-law, how it is administered, and how it is to be interpreted. Based on a best practice review of administration sections from the case study municipalities, the following key gaps and opportunities in the current Zoning By-law are noted.

Section 1.2 of the current Zoning By-law provides a basic and legalistic statement regarding previously adopted by-laws which no longer apply, with no reference to previous by-law numbers. Zoning By-laws in the Town of Oakville (Section 1.2) and City of Ottawa (Section 7), for example, both offer detailed provisions pertaining to the repeal of specific former by-laws and commencement of the updated by-law.

The current Zoning By-law does not contain transitional provisions relating to the repeal of the former Zoning By-laws. The Town of Oakville Zoning By-law provides a very thorough transitional matters section (Section 1.8) speaking to how in-process building permit applications and recently approved planning applications are dealt with following the adoption of the new By-law. Many other municipalities have recently incorporated similar provisions. Section 4.4 of this Report addresses transition in more detail.

Section 2.6 of the current Zoning By-law provides a general statement that the by-law shall not reduce or mitigate any restrictions imposed by a government authority. The case study municipalities reviewed have a similar provision but each differently worded. The Town of Oakville Zoning By-law, for example, provides a detailed provision (Section 1.5) ensuring its zoning by-law does not supersede other by-laws or regulations and states that textual references to former by-laws in other documents are deemed to refer to the new by-law.

Section 4 of the Brampton Zoning By-law provides an overview of matters related to interpreting the By-law. The City of Ottawa Zoning By-law, however, offers detailed guidance on interpreting the document (Sections 29-45) which may benefit first-time readers and acts as a user manual to reading and interpreting zoning information. These provisions in the City of Ottawa Zoning By-law include how the document is structured, how to read maps, and the establishment of zones and codes (the short-form identifier of the zones (e.g., Residential First Density Zone – R1)). The Town of Oakville Zoning By-law provides further clarification (Section 1.9) including, amongst other matters, how to interpret margin notes and illustrations and how defined terms are referenced throughout the document.

The Brampton Zoning By-law does not include a severability clause in its administrative chapters which would stipulate a decision of a court, which deems a section of text or map is invalid, does not affect the validity of other provisions of the By-law. This clause is used in the City of Mississauga (Section 1.1.17) and the Town of Oakville (Section 1.7) zoning by-laws to ensure the document shall remain in-force despite any potential appeal or litigation regarding other sections.

A goal of the new City of Brampton Zoning By-law is to improve the readability and legibility of the document. This will in part be accomplished through matrices to organize provisions. It will be important to define the types of symbols used within these tables, explain how appendices, footnotes, and notes will interact with these tables (e.g., notes adjacent to tables are editorial in nature and are included for convenience purposes only), and outline how the document should be read to determine the zoning of a given property. The City of Mississauga (Sections 1.1.8 – 1.1.10) and Town of Oakville (in its Introductory Pages) provide this type of guidance to readers to ensure the document is properly interpreted. Further, the City of Ottawa provides a great amount of detail (Sections 10-28) regarding the grammatical structure of the by-law wording and provides definitions of some technical abbreviations and system of division (e.g., section numbering) of the provisions. The City of Ottawa and Town of Oakville additionally combine their administration and interpretation sections into a singular “Part 1” of their respective by-law.

It is also noted the current City of Brampton Zoning By-law does not include provisions allowing for technical and housekeeping interpretations and corrections. A municipality will often undertake housekeeping amendments to the by-law to correct technical issues and gaps such as spelling, syntax, and punctuation, provided the purpose, effect, and intent of the zoning by-law are not affected. The City of Ottawa provides a detailed provision (Section 6) allowing for technical revisions of their zoning by-law, while the Town of Oakville allows for technical interpretation (Section 1.10).

Additionally, the current Zoning By-law sets out a general provision regarding penalties for those who contravene the zoning by-law (Section 2.2), with references to fines under the *Planning Act*.

This approach is also adopted by the Town of Oakville, whereas the City of Ottawa sets out a detailed penalties provision establishing its own fines for those guilty of an offence.

The above review of the administrative provisions in the current Zoning By-law effectively confirms administrative and interpretation provisions have not changed much over the years and found Brampton’s provisions are comparable to the case study municipalities. However, there are some gaps and opportunities identified to add additional clarity and improve the organization that is more representative of a contemporary zoning by-law document.

**3.2 GENERAL PROVISIONS**

The general provisions of the current Zoning By-law are located across multiple separate sections. The provisions contained within these sections apply generally to all zones (Section 6) and then to specific zone types/chapters (Sections 10, 20, 30), as indicated below:

Section 6 – contains general provisions applicable to all zones;

Section 10 – contains provisions applicable to residential zones;

Section 20 – contains provisions applicable to commercial zones; and

Section 30 – contains provisions applicable to industrial zones.

The following tables provide an analysis of the general provisions found in Sections 6, 10, 20, 30 to help understand where the City of Brampton is consistent with other Ontario municipalities and recent planning legislation and regulation changes. Inconsistencies are also identified to ensure the new Zoning By-law general provisions reflect best practices while responding to the City’s individual context and administrative preferences.

The analysis of the general provisions for all zones is contained in Table 3. This table compares existing sections in the City of Brampton’s Zoning By-law with the case study municipalities. Generally, the City of Brampton is consistent with the other municipalities, while some gaps and opportunities for improvement or elaboration have been identified.

**Table 3 – Analysis of General Provisions**

<b>Section</b>	<b>Provision</b>	<b>Analysis</b>
6.1	Non-Conforming Uses	These provisions are generally consistent across the case study municipalities.
6.2	Non-Complying Buildings	These provisions are generally consistent across the case study municipalities.
6.3	Lot Width, Depth or Area Reduced by Public Action	This provision is generally consistent across the case study municipalities.
6.4	Yards or Building Setbacks Reduced by Public Action	This type of provision provides relief to a lot subject to land acquisition by a public authority is consistent across the case study municipalities. The City of Ottawa, however, includes this in their administration chapter

Section	Provision	Analysis
		(Section 4) and defines the <i>Planning Act</i> and explicitly refers to expropriation.
6.5	Road Allowances and Setback shown on Schedule B	This provision sets out minimum setback standards for certain roads, and generally applies to lands at the intersection of Main Street and Queen Street. This type of provision is not typically included in Zoning By-laws, but is sometimes necessary to implement specific setbacks on certain roads (which can be applicable to many different zones). Where possible, it would be preferable to rely on the zones to identify setbacks, and notations can be made to relate the zones back to this section to ensure these additional setback requirements are not missed by the reader.
6.6	Frontage on Road or Street	This provision is generally consistent across the case study municipalities. However, the Town of Oakville sets out further detailed regulations for lots abutting existing private and common element roadways, and planned common element roadways. The City of Ottawa sets out further lot frontage requirements for severed properties and exemptions for uses such as utility installations, urban agriculture, and parks.
6.7	Building to be Moved	This provision is unique to the City of Brampton across the case study municipalities, but this type of provision has been used in many older Zoning By-laws.
6.8	Multiple Uses	This provision is unique to the City of Brampton across the case study municipalities though many older Zoning By-laws have included this provision.
6.9	Parent Zones and Special Sections	The nature of this provision is generally consistent across the case study municipalities. However, this administration related provision is instead addressed by the Town of Oakville in their <i>Establishment of Zones</i> chapter (Section 2). The City of Ottawa includes this in their interpretation section as well.
6.10	Utility Uses Permitted	The City of Mississauga employs a similar approach to this in their general provisions. The Town of Oakville includes a general provision allowing infrastructure to be generally permitted across the Town (Section.4.10). The Town of Oakville’s Zoning By-law further defines a “Utility” zone for significant infrastructure.
6.11	Temporary Uses Permitted	The City of Mississauga employs a similar approach to this in their general provisions, and includes provisions for temporary stages and tents. The Town of Oakville provides a detailed general provision for temporary uses



Section	Provision	Analysis
		related to construction uses, model homes, and temporary sales offices.
6.12	Home Occupations	These provisions are generally consistent across the case study municipalities. However, the City of Ottawa and Town of Oakville elaborate in detail and provide a more generous maximum gross floor area of the home occupation.
6.13	Permitted Yard Encroachments	The approach taken in these provisions (e.g., a table/list outlining projections/encroachments) is consistent across the case study municipalities. However, the other jurisdictions provide a much more thorough inventory of permitted encroachments and projections. The City of Mississauga includes this section in the specific use general provisions.
6.14	Floodplain Zone	This provision is unique to the City of Brampton across the case study municipalities. The City of Ottawa employs a floodplain overlay prohibiting certain uses.
6.15	Visibility Triangle	This provision is generally consistent across the case study municipalities. The Town of Oakville, however, provides some greater detail on the applicability of visibility/sight triangles.
6.16	Height Regulations	These provisions are also employed by the City of Ottawa to exempt certain structures/permit certain projections above the height limits. The Town of Oakville further provides detail on how height is measured.
6.17	Parking Spaces	These provisions are generally contained within the specific parking chapter of the zoning by-law in the case study municipalities.
6.18	<i>Reserved</i>	
6.19	Occupation of Trailers	These provisions are generally consistent with the Town of Oakville’s prohibited uses.
6.20	Loading Space	These provisions are generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.
6.21	<i>Reserved</i>	
6.22	Accessory Building for Animals	This provision is unique to the City of Brampton across the case study municipalities.
6.23	<i>Reserved</i>	
6.24	Provisions for Holding Zones	These provisions are generally consistent across the case study municipalities. The Town of Oakville includes a

Section	Provision	Analysis
		separate chapter pertaining to holding zones and provisions.
6.25	Provisions for the Parkway Belt West	These provisions are unique to the City of Brampton across the case study municipalities. The City of Mississauga and Town of Oakville employ Parkway Belt environmental zones. The proposed revocation of the Parkway Belt West Plan may have consequences to the provisions and the Zoning By-law at large.
6.26	Gas Regulator Facilities	These provisions are unique to the City of Brampton across the case study municipalities.
6.27	One Dwelling Per Lot	This provision is generally consistent across the case study municipalities. This provision will be reviewed and updated to implement Brampton Plan and to reduce duplication with Section 10.2 in the current Zoning By-law.
6.28	Dwelling Units for Display Purposes	These provisions are generally consistent across the case study municipalities. However, it is generally covered in “temporary use” sections in other jurisdictions.
6.29	Animal Hospitals	These provisions are generally unique to the City of Brampton across the case study municipalities.
6.30	Composting Facility	This provision is generally unique to the City of Brampton across the case study municipalities.
6.31	Parking of Oversized Motor Vehicle	These provisions are generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.
6.32	Adult Uses	The City of Ottawa employs similar provisions in its specific use general provisions. The Town of Oakville addresses this in its permitted uses, while the City of Mississauga identifies a minimum distance separation.
6.33	City of Brampton Public Uses Permitted	These provisions are generally unique to the City of Brampton across the case study municipalities. The City of Mississauga provides some provisions for essential emergency health care.
6.34	Lester B. Pearson Airport Operating Area	These provisions are generally consistent to those found in the Cities of Mississauga and Ottawa for the respective Airport operating areas.
6.35	Downtown Floodplain Regulations	These provisions are generally unique to the City of Brampton, recognizing Downtown Brampton is located within a Special Policy Area.

The review of the case study municipalities also identified some gaps in Brampton’s existing Zoning By-law. For example, the City of Ottawa and Town of Oakville both establish provisions regarding adequate municipal servicing as a requirement for development, while the Town of Oakville establishes calculations for determining landscaping requirements on a property. Additionally, the Brampton Zoning By-law is unique amongst the case study municipalities reviewed in that it incorporates its parking and loading requirements into the overall general provisions. Overall, the general provisions for all zones of the existing City of Brampton Zoning By-law are consistent with the case study municipalities, with some exceptions related to the modernity of the document.

The general provisions for residential zones in the City of Brampton are generally similar to those across the other jurisdictions. Table 4 summarizes a review of Brampton’s provisions for residential zones with other municipalities. This structure of having a separate chapter for general provisions in residential zones aligns with the general provisions structure of the City of Mississauga’s Zoning By-law.

**Table 4 – Review of General Provisions for Residential Zones**

<b>Section</b>	<b>Provision</b>	<b>Analysis</b>
10.1	<i>Introduction</i>	N/A
10.2	One Dwelling Per Lot	This provision is generally consistent across the case study municipalities. This provision, and the name of the provision, will be updated to implement Brampton Plan and to reduce duplication with Section 6.27 in the current Zoning By-law.
10.3	Accessory Buildings	These provisions are generally consistent across the case study municipalities, though they are contained in a general provision section in other zoning by-laws.
10.4	Detached Garage or Carport	These provisions are generally consistent across the case study municipalities. Some jurisdictions have grouped this under the broader “accessory buildings” provision.
10.5	Attached Garage or Carport	These provisions are generally consistent across the case study municipalities. Some jurisdictions have grouped this under the broader “accessory buildings” provision.
10.6	Parking of Trailers	These provisions are generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.
10.7	Uncovered Swimming Pools and Recreation Facilities	These provisions are generally consistent to those found in the Town of Oakville, however the Town includes this provision in its general provisions for all zones. The City of Mississauga regulates swimming pools in the specific zone provisions (i.e. – R3).
10.8	Through Lots	This provision is generally unique to the City of Brampton across the case study municipalities.
10.9	Parking Space Requirements	These provisions are generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.
10.10	Fences	This type of explicit provisions related to fences are unique to the City of Brampton across the case study municipalities.

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Section	Provision	Analysis
10.11	Setback to Public Walkway	This type of explicit provision related to setbacks from a public walkway is unique to the City of Brampton across the case study municipalities.
10.12	Minimum Distance between Driveway and Street Intersection	This provision is unique to the City of Brampton across the case study municipalities.
10.13	Semi-detached or Street Townhouses	These provisions are generally consistent across the case study municipalities.
10.14	Provisions for Group Homes	These provisions are generally consistent across the case study municipalities.
10.15	Provisions for Lodging Houses	These provisions are generally consistent with those found in the City of Mississauga and Town of Oakville.
10.16	Provisions for Additional Residential Units	These provisions are generally unique to the City of Brampton across the case study municipalities. Provisions for Additional Residential Units will be updated to implement new policies introduced in Brampton Plan.
10.17	Satellite Dish Antennae	These provisions are generally consistent with those found in the City of Mississauga. The City of Ottawa, rather , regulates antenna systems through its Municipal Concurrence and Public Consultation Process for Antenna Systems, rather than its Zoning By-law (s.91(4)).
10.18	<i>Reserved</i>	
10.19	<i>Reserved</i>	
10.20	<i>Reserved</i>	
10.21	Large Daylight Triangle	This provision is generally unique to the City of Brampton across the case study municipalities.
10.22	<i>Reserved</i>	
10.23	Below Grade Exterior Stairs and Windows	These provisions are generally consistent across the case study municipalities.
10.24	Above Grade Side Entrances	This provision is generally consistent across the case study municipalities.
10.25	Places of Worship	This provision is generally consistent across the case study municipalities.
10.26	(Places of Worship cont.)	These provisions are generally consistent across the case study municipalities.
10.27	Older, Mature Neighbourhoods	These provisions are unique to the City of Brampton across the case study municipalities. The City of Ottawa employs a “Mature Neighbourhoods Overlay”.

The City of Mississauga further outlines general provisions in residential zones regulating matters such as common element condominiums, setbacks from railway rights-of-way, external heating and air conditioning, and home-based medical offices. The analysis also identified some gaps in provisions between the City of Brampton and the other jurisdictions. For example, the City of Brampton does not provide a definition nor provisions for home-based daycare uses in residential zones. These gaps, along with those identified in the definition analysis will need to be considered through the Zoning By-law Review.

The general provisions for commercial zones in the existing City of Brampton Zoning By-law are similar to those across the other jurisdictions, as noted in Table 5.

Table 5 – Review of General Provisions for Commercial Zones

Section	Provision	Analysis
20.1	<i>Introduction</i>	N/A
20.2	Accessory Buildings	This provision is generally consistent across the case study municipalities.
20.3	Parking Spaces	This provision is generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.
20.4	Drive Through Facilities	This type of provision is generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail, pertaining to the location and setbacks of drive through facilities. The City of Mississauga employs this provision in both its general provisions for all zones and commercial zones chapters.
20.5	Restaurant Uses in Commercial Zones	This provision pertaining to restaurant-related refuse storage is unique to the City of Brampton in that it is a standalone provision. The Town of Oakville employs a similar provision in its general provisions for all zones, which regulates all garbage containers.
20.6	Loading Spaces	This provision is similar to what is employed by the City of Ottawa in their specific parking and loading chapter. The Town of Oakville also includes loading space requirements, but does not specify a minimum number of spaces.
20.7	Provisions for Group Home Type 2 or Supportive Housing Facility	This provision sets out minimum separation distance restrictions for group homes. This approach is consistent with what is found in the City of Ottawa Zoning By-law, whereas the City of Mississauga does not specify any separation requirements for group homes.
20.8	Provisions for Lodging Homes	This provision is unique to the Brampton Zoning By-law in that it is contained in its general provisions and that it requires a minimum separation distance between lodging houses. The Town of Oakville instead regulates this use as a permitted use in certain zones, and does not set out minimum separation distances.
20.9	Places of Worship	This provision is generally consistent across the case study municipalities.
20.10	(Places of Worship)	This provision is generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.

The general provisions for industrial zones in the City of Brampton are similar to other jurisdictions, as summarized in Table 6.

Table 6 – General Provisions for Industrial Zones

Section	Provision	Analysis
30.1	<i>Introduction</i>	N/A
30.2	Environmental Concerns	This provision is generally unique to the City of Brampton across the case study municipalities.
30.3	Accessory Buildings	This provision is generally consistent across the case study municipalities.
30.4	Loading Spaces	This provision is generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.
30.5	Parking Spaces	This provision is generally contained within the specific parking chapter of the zoning by-law in the case study municipalities, with added requirements and detail.
30.6	Fences	This type of explicit provision prohibiting fences in front yard of industrial zones is unique to the City of Brampton across the case study municipalities.
30.7	Commercial Uses in Industrial Zones	This provision is generally consistent across the case study municipalities.
30.8	Restaurant Uses in Industrial Zones	This provision is generally unique to the City of Brampton. The Town of Oakville employs a similar provision in its general provisions for all zones, which regulates all garbage containers.
30.9	Waste Transfer or Processing Station	This provision is generally unique to the City of Brampton. The Town of Oakville employs a similar provision in its general provisions for all zones, which regulates all garbage containers.
30.10	Outdoor Storage	This provision is generally consistent across the case study municipalities.
30.11	<i>Reserved</i>	
30.12	<i>Reserved</i>	
30.13	<i>Reserved</i>	
30.14	Automobile Impound Facilities	This provision is generally unique to the City of Brampton across the case study municipalities. The Town of Oakville includes provisions for this under motor vehicle storage.
30.15	Torbram Road	This provision is unique to the City of Brampton.
30.16	Mechanical Sterilization	This provision is generally unique to the City of Brampton across the case study municipalities.
30.17	Places of Worship	This provision is generally consistent across the case study municipalities.
30.18	(Places of Worship)	This provision is generally consistent across the case study municipalities.
30.19	(Places of Worship)	This provision is generally consistent across the case study municipalities.

## 3.3 DEFINITIONS

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The purpose of this section is to determine directions for revising the definitions contained within Section 5 of the City's current Zoning By-law as part of the Zoning By-law Review. Definitions are an essential component of a Zoning By-law, providing consistency in the way terms are interpreted throughout the administration of the Zoning By-law, and providing clarity to technical concepts.

In the current Zoning By-law, definitions are compiled alphabetically, and are intended to ensure the function, nature, or other characteristics of a use is properly articulated. Consistent and robust definitions provide the opportunity to reduce the need for interpretation once the updated by-law comes into effect. There are several principles to be recognized when reviewing the definitions of the existing Zoning By-law:

- Terms not specifically defined by the Zoning By-law are assumed to have the meaning ordinarily used in the English language and zoning by-laws occasionally reference the Oxford English Dictionary or Webster's English Dictionary as a supplementary resource.
- It is important that definitions do not contain regulations, as this can present discrepancies when interpreting the intent of the Zoning By-law. As a rule of thumb, definitions should be written in a manner so that they will not be subject to minor variances to the wording or content of the definition. The use of regulations or specific numbers in definitions may precipitate a definition to be modified on a site-specific basis if an application does not satisfy a requirement established through a definition. This is not desirable and should be avoided.
- In Ontario, a use is considered prohibited unless it is explicitly permitted within a zoning by-law. Definitions must also be modernized where possible as they characterize the permitted use within a zone. Where a use is not permitted, it may also be desirable to define the term(s) to assist with interpretation and administration. A defined term that is not permitted provides administrators of a zoning by-law an opportunity to clearly demonstrate to an applicant that a certain use may be prohibited, by virtue of the fact that it is defined but not recognized as a permitted use. There is also an opportunity to explicitly state that a use that is not listed is considered to be prohibited.
- The formatting of a defined term assists with interpretation by communicating to a user it has a specific corresponding definition as established in a zoning by-law. Defined terms within the current Zoning By-law are not bolded or italicized to distinguish them from other text, which would otherwise provide an easy way to understand when certain terms are defined. Defined terms incorporated within another definition can also be identified with bolding or italicizing within to distinguish defined terms.
- It is imperative zoning by-law definitions reflect and are consistent with the intent of Brampton Plan policies and land use designations. Where possible, terms used in a zoning by-law should align with the Official Plan, recognizing there may be a need for the zoning by-law to have a greater level of detail or precision than the broader official plan.

In reviewing definitions utilized in the Zoning By-laws for the City of Mississauga, City of Ottawa, and Town of Oakville, it is evident each municipality takes a varied approach to definitions within

their zoning by-law. The City of Ottawa employs a thorough and detailed definitions chapter in their zoning by-law leaving little room for interpretation. The Town of Oakville depicts certain technical definitions, such as yards and setbacks, in illustrations and 3D diagrams to assist a reader in understanding the definition and improve legibility. The illustrations do not form part of the By-law, per Section 1.9 (a) of the Oakville Zoning By-law.

### 3.3.1 Relationship to Brampton Plan

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A core driver of this Zoning By-law Review is to bring the Zoning By-law into conformity with City policy, including Brampton Plan. As a principle in creating a consistently interpreted and easy to use Zoning By-law, permitted uses listed in the general provisions and zone categories of a zoning by-law should always be defined in the Zoning By-law. This relationship between the zoning provisions and definitions ensures a given use is appropriately defined and will meet the intent of Brampton Plan. In employment zones, for example, defining permitted uses is important since the policy framework has a very clear intent for limiting non-employment related uses and provides various defined terms and concepts to assist in meeting this policy intent.

Brampton Plan represents an entirely new Official Plan for the City, and contemplates a contemporary land use planning framework, including updated and new land use designations. The following is noted with respect to the alignment of definitions with Brampton Plan:

- Some defined terms may need to be reviewed to reflect Brampton Plan and better align with recent updates to provincial legislation. An example is the term “second units”, as noted previously, which are now referenced in Brampton Plan as “additional residential units”.
- Certain building typologies, including residential building typologies, are defined with considerable detail and in doing so, offer clear direction for implementation through zoning. For example, Brampton Plan defines “apartment” with reference to a minimum number of dwelling units and certain built form considerations such as entrance and common element requirements. Through an update to the defined terms of the new Zoning By-law, consideration may be given to ensure certain terms are aligned with Brampton Plan, where there is detailed policy direction.
- It is anticipated that some defined terms will need to be introduced to establish clarity for provisions that treat urban design considerations. In this regard, requirements for certain urban design concepts such as “angular plane”, “podium”, “tower”, “tower separation” and “build-to-zones” or “built-to-lines” may need to be defined to ensure the new Zoning By-law is advancing policy that contemplates urban design related matters.
- As a contemporary land use planning policy document, Brampton Plan contemplates many new and emerging topics relevant to the City. These include, for example, short term rentals or green infrastructure. In some cases, these terms may need to be defined where recognized in the new Zoning By-law under certain general provisions or as a permitted use.

This section has identified several examples of how the new Zoning By-law will implement terms and concepts that are contemplated by the policies of Brampton Plan. In some cases, this review has identified a need to ensure certain definitions are established by the new Zoning By-law to



implement Brampton Plan, while other examples demonstrate there may be some gaps. The Zoning By-law Review will need to ensure that these consistencies and gaps are addressed.

### 3.3.2 Definitions of Permitted Uses

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The City of Brampton's Zoning By-law permits a broad range of uses, most of which are defined in Section 5. It is a good practice to ensure all permitted uses are associated with a definition. However, a review of the Zoning By-law has identified some examples of permitted uses not defined in Section 5 and other gaps in consistency. These include:

- **“A taxi or bus station”** – this use is permitted in some commercial and mixed-use zones (e.g., Commercial Three – C3, Hurontario Corridor Mixed-Use One – HMU1, and Highway Commercial One – HC1); however, the term is not defined.
- **“Medical offices”** – a medical office is referred to in the general parking provisions for commercial zones (in addition to other defined and permitted uses) and in the definition of a health centre, however, it is not defined as a stand-alone use.
- **“A bank, trust company or finance company”** – this use is permitted in several zones (e.g., Commercial Three – C3) and is not defined.
- **“Laundromat”** – this use is permitted in several zones (e.g., Commercial One – C1) and is not defined.
- **“Printing and copying establishment”** and **“Printing establishment”** – these uses are permitted in several zones (e.g., Industrial One – M1 and Hurontario Mixed-Use One – HMU1) and are not defined.
- **“Seniors residence”** – this use is permitted in some zones; however, the term is defined as senior citizen residence.
- **“Banquet facilities”** – this use is permitted in some zones; however, the term is defined as banquet hall.
- **“Temporary open-air market”** – this use is permitted in some zones (e.g., Commercial Three – C3) and is not defined.
- **“An art gallery, museum, or art/photo studio”** – this use is permitted in some zones (e.g., Hurontario Mixed-Use One – HMU1); however, museum and art/photo studio are not defined terms.
- **“A travel agency”** – this use is permitted in some zones (e.g., Hurontario Mixed-Use One – HMU1); however, the term is not defined.
- **“Movie theatre”** – this use is permitted in some zones (e.g., Hurontario Mixed-Use One – HMU1); however, the term is not defined.
- **“A motor vehicle or boat sales establishment”** – this use is permitted in some zones (e.g., Commercial Three – C3); however, the term “boat sales” is not defined.
- **“Radio or television broadcasting and transmission establishment”** – this use is permitted in some zones (e.g., Industrial One – M1); however, the term is not defined.
- **“Retail outlet”** – this use is permitted in some zones (e.g., Industrial One – M1); however, the term is not defined.
- **“An art studio”** – this use is permitted in some zones (e.g., Composite Residential Commercial – CRC); however, the term is not defined.

- **“A semi-detached”** – this use permitted in the Composite Residential Commercial – CRC zone is missing the word “dwelling”, which would correspond to the defined term semi-detached dwelling.
- **“Agricultural purposes”** – this term is permitted in some zones (e.g., Residential Holding – RH); however, agricultural use is defined.
- **“A greenhouse or nursery”** – this use is permitted in some zones (e.g., Residential Hamlet One – RHm1); however, the term is not defined.
- **“Freight classification yard”** – this use is permitted in some zones (e.g., Industrial Two – M2); however, the term is not defined.
- **“A building supplies sales establishment”** – this use is permitted in some zones (e.g., Industrial Two – M2); however, the term is not defined.
- **“An associated educational use”** – this use is permitted in some zones (e.g., Industrial Two – M2); however, the term is not defined.
- **“A retail outlet”** – this use is permitted in some zones (e.g., Industrial Two – M2); whereas the term retail establishment is defined.
- **“Balconies or decks”** – this is a structure permitted to encroach into required yards (Table 6.13.A). The definition for “deck” is included in the definition of “landscaped deck”. Consistency between the general provisions and definitions may assist in the legibility of the document. This approach to defining a “deck” is generally similar to the City of Ottawa’s definition, while the Town of Oakville has defined the term “uncovered platform” to encompass decks and related structures. The City of Mississauga has also defined the term “porch.”
- **“Purposes accessory to other permitted purposes”** – this use is permitted in some zones (e.g., Commercial One – C1); however, “purposes accessory” is not defined, whereas accessory use is.
- The Institutional Two – I2 zones, for example, permits a number of uses that are not defined. This includes: “an administrative office or facility of a public authority”, “an arena”, “a college or university”, “a fairground”, “a library”, “a reform or penal institution”, “a YMCA, YWCA, or similar use”, and “a curling rink”.

In other cases, some definitions within the By-law may be outdated or no longer relevant, such as “tavern” and explicit references to “billiard halls”. These examples are not consistent with contemporary planning practices and will need to be reviewed, updated, or deleted.

Further, any references to Provincial or other government legislation should be reviewed to ensure they reflect the most recent versions of the legislation. For example, references to the *Day Nurseries Act* should reflect the current legislation, the *Child Care and Early Years Act, 2014* to ensure this definition is legally supported as intended.

The gaps between permitted uses and defined terms will need to be identified through the Zoning By-law Review process and will form a part of the broader work involved in developing the updated set of definitions for the new Zoning By-law.

### 3.3.3 Embedded Lists of Examples

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Some definitions within Section 5 include lists of embedded examples (such as specific business types or examples of the types of goods which can be sold) that are permitted within the parent use. Definitions should avoid the use of long lists, and should rather clearly describe the nature, function, or characteristics of a use, as appropriate. This updated approach to describing permitted uses assists in ensuring the uses will continue to be relevant over time. Some examples of this include:

**“Garden Centre Sales Establishment”** – provides a list of products permitted to be sold by this type of use. The Town of Oakville, in contrast, provides concise definitions of a seasonal garden centre and outdoor sales and storage area. The Town of Oakville permits these uses as accessory to the primary use on the lot. The definitions are not based on the types of products being produced or sold.

**“Place of Commercial Recreation”** – this definition lists a series of both defined and undefined uses and activities permitted under this parent use; some are outdated terms (ex. – billiard hall) and may not reflect the present-day needs of the City.

**“Commercial school”** – this definition lists some specific types of programs that may be offered at this type of facility (e.g., training in language skills, secretarial skills, or other trade skills, or training in sports, dance, or other recreational skills).

The preceding examples demonstrate some of the challenges that can arise with longer lists of examples embedded into a definition. Those definitions with embedded lists of use examples will be identified through this review and be updated to clearly articulate the nature, function, or built form of a use to assist with interpretation and administration.

### 3.3.4 Definitions of Technical Terms

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The City of Brampton Zoning By-law contains a fulsome list of technical definitions used to interpret terms such as lot size, setback/yard requirements, lot frontage requirements, site configuration, and the massing of structures on the lot. Generally, the Zoning By-law technical definitions align with those utilized in the case study municipalities; however, the following gaps are noted:

- There is no definition of an interior side lot line, applying to corner lots with a flankage lot line. This could be remedied through adding a definition of an interior lot line or by updating the definition of a side lot line to mean it does not include flankage lot lines. These two approaches have been adopted by the Town of Oakville and City of Ottawa, respectively.
- The By-law provides a definition of “daylighting triangle/rounding”, whereas the general provisions make references to a “visibility triangle”. A consistent term should be adopted across the document.
- The general provisions of the By-law exempt structures used to house mechanical equipment of any building (Section 6.15(b)) from height regulations; however, mechanical equipment has not been defined. The Town of Oakville has opted to define the term “mechanical penthouse” to offer greater certainty in the interpretation of this provision.

It is the overall intent to carry forward the technical, lot, and measurement related definitions into the new Zoning By-law, subject to ensuring the terms are reflective of contemporary development standards and are achieving the intended built form outcomes. The technical definitions will also benefit from input from City staff regarding necessary improvements or modifications to assist with interpretation and implementation.

## 3.4 ZONE REVIEW

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A key exercise in the Zoning By-law Review is to review and update the zone categories. Zones are the distinct areas of land that are subject to specifically permitted uses and lot and building standards. The zones form the main component of the Zoning By-law, and are supported by the definitions and other provisions. Aligning the zone categories with Brampton Plan's land use designations will be important. However, as Brampton Plan is a strategic policy document, one land use designation is likely to be implemented by various different zones to provide more detail than Brampton Plan.

The need to update zone categories is driven by several influences:

- There is a need to conform to Brampton Plan and the various Secondary Plans. This will require modifications to existing zone categories, as well as consideration for new zones, including:
  - Identifying the zones that will implement Brampton Plan land use designations and modifying the names of those zones to better relate to the applicable land use designation and applicable policies;
  - Evaluating the current zones, and where appropriate, modifying the permitted uses to ensure the zones are as permissive as Brampton Plan policies (or more restrictive, as may be appropriate);
  - Modifying lot and building requirements to align with the broad intent and principles of built form as may be contemplated by Brampton Plan and any applicable design guidelines of the City; and,
  - Consideration for a range of Template Zones informed by Brampton Plan and the City-wide Urban Design Guidelines, as presented in this Report.
- There is opportunity to consolidate zone categories. Over time, as a Zoning By-law is amended, there may be duplication amongst zone categories and minimal distinction amongst the zones. Opportunities to consolidate should be carefully considered to minimize creating legal non-compliance or non-conformity. The zones will also be informed by the review of Special Sections. The Special Sections will provide input into more contemporary zone requirements the City has applied through recent development. It may be desirable to utilize some of these requirements and language to inform the new zones.
- There is a need to recognize urban design principles. Consideration will need to be given to ensuring the new zone structure gives effect to key urban design principles desirable for the City, where feasible and appropriate to do so within the context of a Zoning By-law.

The current Zoning By-law has more than 70 zone categories. Many of the zone categories are not aligned with Brampton Plan land use designations, and some of the categories are very generally named with no indication of the zone's purpose or intent. As much as possible it is desirable to base the zone on applicable land use designations, with clear, intuitive names to provide the reader with an understanding of the zone's overall intent and function.

Based on a review of the existing zone categories provided in various Technical Memos, the following opportunities have been identified for zone categories in the new Zoning By-law:

- **Residential Zones:** It is anticipated some Residential zones will be carried forward under the new Zoning By-law, with some updates and consolidation to align with Brampton Plan and codify certain urban design principles more appropriately. The Residential zones will closely align with those areas of the City designated Neighbourhood under Brampton Plan. The proposed approach to reviewing the Residential zones is provided in the Residential Zones Technical Memo, appended to this Report.
- **Mixed Use Zones:** The Mixed Use zones will largely be comprised of a range of Template Zones applied on a site-specific basis through future rezoning applications. It is expected the Template Zones will be established to correspond to the various typologies identified in Brampton Plan, with appropriate use permissions and standards. The exception to this is the existing Central Area Mixed Use One, Hurontario Corridor Mixed Use One and Queen Street Mixed Use Transition zones, which are likely to be replaced by other Mixed Use Zones and/or Special Section zones. Given the planned intensification and redevelopment contemplated for these areas over time, it is likely the Mixed Use zone standards will have heightened regard for certain urban design principles and seek to codify those principles where feasible. This is further contemplated in the Mixed Use Areas Technical Memo, appended to this Report.
- **Commercial Zones:** The Zoning By-law establishes a range of commercial oriented zones that generally do not permit a mix of uses. Consideration will need to be given regarding the evolution of these zones given Brampton Plan envisions a more mixed-use built form and does not contain a corresponding land use designation. This is further explored in the Commercial Areas Technical Memo, appended to this Report.
- **Employment Zones:** There is a need to recognize designated Employment Areas within the City through a corresponding employment zone category. There is likely an opportunity to consolidate some of the existing employment zones, while there may be a need to develop new employment zones to align with Brampton Plan (e.g., Mixed-Use Employment). It is critical the zoning by-law establish prescriptive regulations to ensure the overall intent and function of the Employment Areas are maintained and protected over the long-term. This is further explored in the Employment Areas Technical Memo, appended to this Report.
- **Agriculture Zones:** The existing Agriculture zone is likely to be carried forward with modest updates to expand permissions for agricultural-related uses.
- **Open Space and Natural Feature Zones:** An identified gap in the City's current zoning regime is the absence of a highly restrictive zone protecting natural heritage features or natural hazards, such as floodplains. Certain existing zones may be too permissive to

conform to Brampton Plan. A highly protective zoning regime is needed to respond to policy regarding protection of certain features, areas of environmental significance, or ones posing a risk to public health. This is further considered in the Environment, Sustainability and Parks Technical Memo, appended to this Report.

- **Other Zones:** There are a range of zones that may be aggregated into a single zone category under 'Other Zones'. This might include, for example, a Utility Zone that more intentionally recognizes significant transportation and infrastructure corridors. A zone which applies to permit existing uses, such as a Future Development Zone, would also fall under the Other Zone category.
- **Overlay Zones:** Brampton Plan contain policies that may be appropriately implemented through an Overlay Zone. Overlay Zones can be used to implement policies specific to certain areas of the City, such as applying additional restrictions or permissions to an area which may be subject to more than one zone. For example, an Overlay Zone can be used to restrict certain uses within identified floodplains, or establish more permissive zone standards and permitted uses, as may be appropriate in some intensification areas within the City. The Mixed Use Areas Technical Memo contemplates some urban design-related Overlays that may be incorporated into the new Zoning By-law.

## 3.5 ZONING BY-LAW FORMAT AND USEABILITY

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Modernizing the format, appearance and useability of the Zoning By-law is a key objective of the Zoning By-law Review. In consideration of the Zoning Issues and Analysis Report, which provides general principles, as well as other case studies, the following principles are proposed to guide the format, template, and useability of the new Zoning By-law:

- The document should incorporate wayfinding features, such as chapter names, as well as an interactive table of contents.
- Elements of form-based zoning by-laws in other jurisdictions should be explored and desirable graphical elements or structural approaches should be considered.
- Long sentences/provisions should be avoided and broken down where possible. The use of convoluted language should be avoided.
- Visually, the template should correspond to Brampton Plan to emphasize the role of the Zoning By-law as an implementation tool. This can include the use of similar graphics, fonts and colours.
- Matrices may be used to organize standards and provisions where appropriate, including permitted use requirements, parking requirements, and lot and building standards.
- The document should be visually appealing, with alignment of graphic elements, headings, and tab spacing.
- The document must consistently use a suitable hierarchy of sections, subsections, and provisions.
- Future amendments to any sections of the Zoning By-law, as well as any potential future sections under appeal, should be easily referenced.
- Where possible, illustrations should be used to add clarity to complex terms or to help visualize general provisions. Illustrations, renderings or photos can be considered to help

illustrate the intent of zones. Illustrations should be considered as non-operative elements of the Zoning By-law.

- It is anticipated that the zone maps will be hosted on the City's interactive map website. Any mapping should be clear and legible.
- All elements of the document should be easily accessible and searchable through the City's website.

## 4 Special Sections and Transition

A significant component of the new Zoning By-law will involve the review of the City's numerous Special Sections, which are site and area-specific exceptions to the corresponding parent zones applied through a zoning by-law amendment, usually as an outcome of a development application process. Additionally, there is a need to consider how the new Zoning By-law will affect existing planning applications in process. This Chapter identifies a preliminary approach and next steps for addressing the existing Special Sections and for considering new transition provisions in the new Zoning By-law

### 4.1 OVERALL APPROACH TO SPECIAL SECTIONS

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The current Zoning By-law includes well over 2,000 Special Sections, which are site-specific or area-specific provisions applied to defined lands within a parent zone. Special Sections are added through a zoning by-law amendment process. In most cases, a Special Section is applied to one property, but it may be applied to multiple properties including an entire block or neighbourhood. Overtime, it is normal for the Zoning By-law to be amended, with site-specific provisions introduced in circumstances where the provisions of the Zoning By-law do not address the required provisions. In some cases the City has also adopted special diagrams/illustrations which are included in Schedule C of the existing Zoning By-law.

Special Sections are structured and treated as individual special and/or site-specific zones. Where a Special Section applies, it is considered to supersede the other requirements of the Zoning By-law, including the requirements of the base zone category. This may include adding permitted uses or introducing more flexible lot and building requirements. A Special Section may also be more restrictive than the parent by-law, introducing more detailed lot and building requirements or restricting uses that would otherwise be permitted by the base zone category.

Overall, there are three major options for addressing the Special Sections in the context of preparing a new Zoning By-law for the entire City:

1. Completely repealing the Special Sections, 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 Special Sections, as-is, without review or amendment.
3. Reviewing and updating Special Sections, including consideration to delete/reduce the provisions where the new parent Zoning By-law has been updated to cover the intent of the Special Sections.

A complete repeal of Special Sections as proposed by Option 1 would have significant impacts on current development entitlement and use permission, likely generating many appeals and opposition. As Brampton is a rapidly growing and evolving city, it is expected many of the Special Sections still have relevance and, in some cases, will relate to proposed developments not yet constructed but conform to the policy in effect when the development was proposed. Many of the



Special Sections would have been passed after the new Official Plan was completed, so in large part the Special Sections will represent zoning provisions developed to conform to the policies of the Official Plan. In some cases, Special Sections may be required to implement specific policies of the Official Plan or Secondary Plan, so a wholesale repeal of Special Sections is not recommended.

Other municipalities, when conducting their Zoning By-law Reviews, rarely undertake a complete repeal of site-specific provisions. Rather, it is typical for municipalities to review the site-specific provisions to determine relevance and integrate them into the new Zoning By-law.

As per Option 2, it is possible to simply carry forward Special Sections in their totality, without weaving them into the new Zoning By-law through editorial changes. However, as the Special Sections likely reference sections of the existing Zoning By-law, the provisions would not be comprehensible and would often not function as intended, especially if they now reference an updated section of the new Zoning By-law. Option 2 is not recommended although it may be explored further should it be desirable.

As such, Option 3 is preliminarily recommended as the overall approach to shift away from site-specific zoning while acknowledging exceptions and amendments to the parent zones will be made. Consideration should be made to review and update the Special Sections to ensure they are correctly integrated into the new Zoning By-law. Criteria for deleting or reducing Special Sections, based on Brampton Plan conformity or development/construction status, would need to be developed to guide this review.

## 4.2 METHODOLOGY FOR REVIEWING SPECIAL SECTIONS

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The Special Sections should be reviewed to ensure they are synced up with the new Zoning By-law. Measures should be taken to reduce or eliminate Special Sections to reduce the volume of the Zoning By-law and rely as much as possible on the new Zoning By-law. The necessity of carrying forward existing Special Sections into the new Zoning By-law will vary. In some cases, Special Sections are needed to guide development when the proposed development has not yet been constructed. In other cases, where the use has been built and the Special Section pertains to lot and building requirements, the Special Section may no longer be required and the standards of the new Zoning By-law could be considered. Further, Special Sections may be permitting uses that are no longer permitted by Brampton Plan should be reviewed for conformity and it may be desirable for some uses to become legal non-conforming. This is expected to be minimal, since zoning has been largely guided by the Secondary Plans. Rather, there are more likely to be instances of misalignment between the Special Sections and the policy directions of the new Draft Official Plan to be considered.

A review of all Special Sections is recommended to be carried out to:

- **Confirm the overall relevance of the Special Section:** There may be very old Special Sections having lost their relevance, as ownership has changed and the intent of the property owner has changed. Deleting a Special Section for these reasons requires a good knowledge of the particular site, its history and current use.

- **Confirm the relevance of the Special Section against the new Zoning By-law:** The development of the new Zoning By-law is likely to result in modifications to permitted uses and lot and building requirements. Where the parent/base zone has changed, a Special Section may no longer be needed if the permissions were added as-of-right. This could result in completely deleting the Special Section or eliminating some of its provisions.
- **Confirm Brampton Plan conformity:** There is also a need to confirm the Special Section conforms to the policies of the Official Plan and Secondary Plan. Where a Special Section was applied after the policies were completed, the zoning would have been passed and a decision made that the zoning amendment conformed to applicable policy. Accordingly, this review could be “screened” based on an understanding of dates and relationship to the timing of policy. Where an Official Plan conformity review is required, the focus would be on determining whether permitted uses and other requirements (e.g., permitted retail floor area) are in line with the intent of the Official Plan. If not, a decision would need to be made to modify the Special Section to conform to the policies of the Official Plan.
- **Identify opportunity to trim down the provision:** If the use has been constructed and established in accordance with the provisions, there may be opportunity to eliminate some of the provisions needed at the time of development. This could result in some instances of legal non-compliance which may be acceptable depending on the use.
- **Integrate the Special Section into a new streamlined format:** Finally, once the provisions are reviewed and modified as above, the Special Section would need to be integrated into the new template of the Zoning By-law. Section references would need to be updated.
- **Modify/edit the Special Section:** Modifications to the Special Section should be made to weave it more cleanly into the new Zoning By-law. At a minimum, section references will need to be updated or removed. Consideration should be made to aligning the Special Section with the defined terms of the new Zoning By-law. However, care should be taken as the meaning of terms may have changed and it may be desirable to maintain the original language to preserve the original intent of the exception.
- **Renumbering:** Once the steps above are complete, the remaining Special Sections would be comprehensively renumbered in the text and mapping of the By-law to form a sequential order.

It is recommended that the overall approach to Special Sections (Section 4.1) and methodology to Special Sections review above be presented as part of the external consultation process for public and stakeholder input. The actual review of Special Sections will take place in conjunction with the Second Draft Zoning By-law. The review of Special Sections will benefit from having an updated parent draft Zoning By-law, since a number of tasks will depend on how the Special Sections relate to the parent Zoning By-law. A refined version of the Zoning By-law that reflects public consultation is preferred to be used as the basis for reviewing Special Sections. A subsequent new Technical Memo will be prepared to outline a more specific approach to reviewing Special Sections, once the overall approach is confirmed.

## 4.3 SPECIAL SECTIONS IN THE NEW ZONING BY-LAW

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Moving forward, it is desirable to consider opportunities and approaches to reduce the need for Special Sections as much as possible. The new Zoning By-law should be written to best implement Brampton Plan, and to respond to various development typologies reducing the need for Special Sections. It is not realistic to expect the need for Special Sections can be completely eliminated due to the prohibitive nature of the Zoning By-law and the pace of change and growth occurring in the City. However, steps can be taken to reduce the likelihood of Special Sections.

The addition of Mixed Use zone categories as well as proposed additions to address other development typologies (townhouses and live-work units) will help reduce the need for Special Sections to address these formats. Further, the modification of zone categories to better align with Brampton Plan's intended land uses, will similarly assist in reducing the need for Special Sections, since development will need to occur in accordance with Brampton Plan and an appropriate implementing zone category will be available. Ensuring the Residential zones responds to a wide range of different typologies and lot sizes also helps reduce the need for special Residential zone categories. Finally, addressing the various gaps in definitions and general provisions as described earlier in this Strategy will help reduce the need for the City to apply Special Sections to address missing provisions, and better able to rely on the Comprehensive Zoning By-law.

Another key mechanism for reducing Special Sections is to incorporate a framework to allow site-specific provisions be added into the by-law without requiring a Special Section. In particular, the new Zoning By-law can incorporate a framework of overlay zones allowing certain requirements to be added onto a map, eliminating the need for special provisions. For example, a separate height overlay zone could show various minimum/maximum height requirements that can be modified through amendment as a result of a development application without having to create Special Sections. This approach allows the Zoning By-law to incorporate detailed requirements across different sites without the need to have numerous zone categories or Special Sections. Alternatively, the new Zoning By-law can incorporate zone codes by integrating special requirements into the code through suffixes or prefixes defined within the Zoning By-law.

As proposed, the introduction of a new Overlays chapter also creates the option of incorporating Special Sections themselves as a type of Overlay zone. The organization of Special Sections and the specific methodology should also be confirmed and addressed in a future Special Sections Technical Memo, which will be added into Appendix A in a subsequent draft of this Report.

## 4.4 ZONING BY-LAW TRANSITION

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The new Zoning By-law should include a section to address transition between the old Zoning By-law and the new Zoning By-law, once approved by Council. As reviewed earlier in this Report, many other municipalities incorporate transition provisions to assist with ensuring applications or recent approvals are not unnecessarily interrupted by the completion of the new Zoning By-law, and that any such approvals are allowed to proceed to construction without requiring a further zoning approval under the new Zoning By-law. Including transition provisions will help reduce appeal risks and eliminate the need for additional variances to grant approval status to recently

approved development applications. Consideration may be made to utilize transition provisions addressing:

- Recent building permit approvals;
- Recent zoning amendments (however, these should be incorporated directly into the new Zoning By-law as Special Sections or within the parent zones);
- Recent minor variances (recognizing repealing of the old Zoning By-law may cause concern with respect to the legality of recognizing a minor variance to a repealed by-law. In some cases, municipalities have chosen not to fully repeal the old by-law but to incorporate language enabling previous minor variances to be recognized for the purposes of enabling the transitional provisions);
- Recent site plan approvals; and
- Recent plan of subdivision approvals (although the underlying zoning should be carried forward so this may not be necessary).

Normally, transition provisions are also associated with a sunset clause, indicating the transitional status expires within a few years of the Zoning By-law coming into effect. The effect of the transition provisions varies across other municipalities and is usually 3-5 years in duration. A sunset clause may be considered for the new Brampton Zoning By-law.

It is recommended that the overall approach to transition as above be presented for external consultation. A Technical Memo will be prepared to document the preferred approach as part of a subsequent version of this Report.

## 5 Conclusions and Recommendations

The City will benefit from the development and implementation of a new Zoning By-law, better positioning the City to respond to the changing nature of land use and development. Although some of its provisions are over 30 years old, the current Zoning By-law is comprehensive in nature and addresses many of the topics addressed by other municipal zoning by-laws. Many aspects of the existing Zoning By-law have been updated over time to address emerging challenges. However, there are gaps and opportunities to modernize the zoning and to consolidate and streamline the zone categories to create consistency, simplify the Zoning By-law and better align the Zoning By-law with Brampton Plan and the City-wide Urban Design Guidelines, amongst other initiatives.

The Zoning By-law Review process has included extensive background research, analysis, and a wide range of recommendations. This Report, combined with the Technical Memos, represents a basis for producing the new Zoning By-law. The Zoning Issues and Analysis Report, prepared in a previous phase of the Zoning By-law Review, also represents a resource and provides general background information.

Following is a summary of the major recommendations resulting from this Report:

1. Technical Memos have been prepared to address a range of technical matters contemplated in this Report, particularly alignment with Brampton Plan and other driving initiatives. These Technical Memos are included as appendices to this Report and contain recommendations specific to each topic.
2. A policy conformity checklist is recommended to ensure the policies are addressed and to track conflicts in achieving conformity between these documents. This should be prepared in conjunction with the Second Draft Zoning By-law and the final Zoning By-law.
3. Section 3.5 of this Report identifies principles for the new Zoning By-law text to incorporate a range of accessibility, wayfinding and other features typical amongst modern Zoning By-laws. It is recommended the text be developed using Microsoft Word to ensure compatibility and ease of administration.
4. The City's various general provisions are quite comprehensive in nature. However, a comprehensive technical review of administrative provisions, definitions and general provisions is required in conjunction with preparing the new Zoning By-law. This Report notes some of the gaps and potential updates forming the starting point for this update.
5. It is recommended the new Zoning By-law be aligned with the City-Wide Urban Design Guidelines. The Zoning By-law should be providing zones and standards in line with the typologies and design expectations in the City-Wide Urban Design Guidelines. Likewise, the City-Wide Urban Design Guidelines will need to be aligned with Brampton Plan. Further discussion will be required to assess the level of detail to be incorporated into zoning.

6. It is generally recommended the Special Sections be carried forward, with an eye towards reducing and eliminating the Sections as much as possible, based on criteria. It is recommended a detailed review of all Special Sections will be required in conjunction with the next draft Zoning By-law. The review of Special Sections should only take place when there is a suitable refined version of the parent Zoning By-law text. It is recommended a detailed Technical Memo outlining a methodology and criteria for the review of Special Sections be completed after the initial approach is consulted upon.
7. It is recommended that a Technical Memo regarding Zoning By-law Transition be prepared following consultation on the preliminary approach to transition, as identified in this Report.

# APPENDIX

Mixed Use Areas Technical Memo

Employment Areas Technical Memo

Commercial Areas Technical Memo

Housing Technical Memo

Residential Zones Technical Memo

Environment, Sustainability and Parks Technical Memo

Parking Technical Memo

Special Sections Technical Memo (note: this memo will be added into next draft)

Transition Technical Memo (note: this memo will be added into next draft)

