City of Brampton COMPREHENSIVE ZONING BY-LAW REVIEW Zoning By-law Strategy Report



The Planning Partnership

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1. INTRODUCTION

The City of Brampton is undertaking a comprehensive review of its Zoning By-law in order to bring it into conformity with recent updates to the City's policy, including the Official Plan (2006). The Official Plan provides a framework for guiding decision making and growth planning to the year 2031. *The Planning Act, R.S.O. 1990, c.P.13* requires municipalities to update their Zoning By-laws within three years of an Official Plan update and in addition to this statutory requirement, this review provides an opportunity to modernize and streamline the City's zoning while implementing new land use zones, definitions, standards and other elements required to support the City of Brampton's approved vision.

The 2006 Official Plan was the first Official Plan prepared following the Province of Ontario's passage of the *Growth Plan for the Greater Golden Horseshoe* (2006), with a greater emphasis on intensification, sustainability and growth management. Recent changes to Ontario's planning regime through Bill 139 (*Building Better Communities and Conserving Watersheds Act, 2017*), and the evolution of the Ontario Municipal Board to the Local Planning Appeal Tribunal place an even greater importance on ensuring concordance between the policies espoused by the Province through the Growth Plan and Provincial Policy Statement, municipal Official Plans, and the local zoning by-laws. Comprehensive Zoning By-law 270-2004 consolidated the City's previous by-laws but did not include a thorough review and update. As such, many of its provisions date back to the 1980's and when one looks at the recent and fundamental changes that have taken place, the need for a comprehensive update is even more apparent and significant.

The Zoning By-law is the crucial piece of ensuring that the six-pillar vision contained in the Official Plan, and the accompanying objectives and policies, are realized on the ground and in the day-to-day management of change in the City. It translates that vision into the specifics of land use, lot sizes and dimensions and the location, character and scale of buildings and structures. As one of the fastest-growing and most diverse Cities, not just in the Greater Toronto Area. but in Canada, Brampton requires a by-law that is reflective of current policy, processes and best practices, and is easy to understand and accessible for landowners, business owners and residents.

The overall intent and purpose of this review is to replace By-law 270-2004 with a new Comprehensive Zoning By-law that responds to the changes that have taken place, and anticipates those still emerging. It will conform to and implement the post-Growth Plan vision for the City of Brampton as described in the 2006 Official Plan. The new By-law realized through this review process must:

- Implement and conform to the 2006 Official Plan, accurately reflecting the intent of the policies contained therein in a single, streamlined, new Zoning By-law and ensuring the document is consistent with the PPS, 2014 and conforms to the 2017 Provincial Plans as applicable to the Zoning By-law;
- Result in a more concise, direct, user-friendly document incorporating enhanced content and strengthened regulations that apply City-wide;
- Update the standards and definitions from By-law 270-2004, eliminating redundant and/or repetitive provisions and creating regulations that reflect and anticipate contemporary planning practice; and
- Prioritize user experience, not just for planners and professionals but also geared towards members of the public as an accessible and inclusive document, with wayfinding elements, clear and simple text, and illustrations and graphics that support the interpretation of the regulatory text.

1.1. PURPOSE

The purpose of this Zoning Strategy Report is to provide a framework and work plan for developing the new Zoning By-law. This Zoning Strategy Report (the "Report") will describe the background work to date – including a Background Report (Zoning Issues and Analysis Report), eight Draft Technical Papers and a Draft Parking and Loading Strategy – outline an implementation approach, proposed format, layout and mapping, and outline an approach for updating definitions, provisions, Special Sections, and a framework for managing the Zoning By-law using Geographic Information Systems (GIS). This set of recommendations establishes key directions and provides the foundation for preparing the new Comprehensive Zoning By-law.

It is intended that this Report be read in conjunction with previously completed background work, inclusive of the Zoning Issues and Analysis Report and the eight technical Papers and Parking and Loading Strategy. The Zoning Issues and Analysis Report provides fundamental background regarding the context and background of the Zoning By-law Review process and current planning policy, as well as identifying some of the issues to be addressed in the Draft Zoning By-law. The eight Technical Papers and the Parking Strategy, completed in draft, provide analysis and directions on a wide range of issues which complements the content of this Strategy.

1.2. REPORT STRUCTURE

The Zoning Strategy Report is structured to address and discuss the background research that has taken place and the key recommendations that will guide work in the next phase. The various topics are addressed in individual chapters of this Report as follows:

- Chapter 1 Introduction: describes the purpose and provides an outline of this Report.
- **Chapter 2 Background:** summarizes work and consultation undertaken to date through this Comprehensive Zoning By-law Review process.
- **Chapter 3 Implementing Policy:** discusses the critical relationship between the Zoning By-law and the Official Plan and Secondary Plans.
- Chapter 4 Zoning By-law Format and Layout: sets out a recommended structure for the new Zoning By-law and proposes a potential template.
- Chapter 5 Administration, Definitions and General Provisions: reviews these sections of the Zoning By-law and identifies some gaps and potential updates to guide the comprehensive update of these sections.
- Chapter 6 Zone Review: reviews the zone categories and identifies opportunities for consolidating and adding zone categories.
- **Chapter 7 Special Sections:** provides a methodology for updating the numerous Special Sections (site specific provisions) as part of this Comprehensive Zoning By-law Review process.
- Chapter 8 GIS and Zoning Data Management: sets out an approach and principles for integrating the new Zoning By-law in GIS.
- **Chapter 9 Future Ready Zoning:** discusses approaches for ensuring the Zoning By-law will be "Future Ready" and adaptable to upcoming studies and emerging policy in the City of Brampton.
- Chapter 10 Conclusions and Recommendations: summarizes key conclusions and recommendations in the Strategy.

2. BACKGROUND

2.1. ZONING ISSUES AND ANALYSIS REPORT

A background "Zoning Issues and Analysis Report" was prepared at the start of the project, in July 2017. The report outlined potential issues to be addressed through the forthcoming process, outlining preliminary options and recommendations as well as identifying areas requiring further study. It outlined best practices for the Zoning By-law review itself, summarized the existing planning framework and analyzed the Official Plan as it relates to the current Zoning By-law. Among the key recommendations and findings were:

- Zoning By-laws are increasingly designed to be user-friendly and the review process itself is increasingly transparent and inclusive;
- Many Ontario municipalities are in the process of updating, or have recently updated their zoning by-laws, providing resources and best practices from which Brampton can learn;
- Updated zoning is an important part of achieving intensification goals described in the Official Plan and various Secondary Plans;
- The technical nature of the Zoning By-law means that while the goal is to be as accessible as
 possible, a heightened level of customer service or supplementary information will likely be
 required;
- There is an opportunity to either update the current Zoning By-law (as an amendment) or to complete a new Zoning By-law, and for reasons noted in the report, a new Zoning By-law is recommended; and
- The report established a set of potential Technical Papers to explore certain issues in more detail.

2.2. TECHNICAL PAPERS

Up to 17 potential topics for further exploration through Technical Papers were identified in the Zoning Issues and Analysis Report. This list was narrowed down to eight Technical Papers and a Parking and Loading Strategy exploring individual issues in greater detail. Table 1 provides a summary of the various Technical Papers, their purpose and key recommendations.

Table 1 -	Table 1 - Summary of Technical Papers					
Paper #	Торіс	Purpose	Key Conclusions and Recommendations			
1	Mixed Use and Intensification Areas	To identify the policy framework from the Official Plan that articulates the City's directions for the various Mixed Use and Intensification Areas throughout the City and provide general approaches to zoning for development and buildings within these areas.	 Intensification corridors have many site-specific provisions which would benefit from consolidation and consistency; Intensification corridors are dominated by commercial zoning and require more mid-rise, high-rise and mixed-use zones to be established, to respond to a wide range of potential development typologies as contemplated by the Official Plan; It is recognized that the City's structure for intensification is likely to evolve through the new Official Plan; and Consideration needs to be made about whether to apply pre-zoning, by setting out the intended heights/densities as-of-right within various intensification areas. Alternatively, the Zoning By-law should at a minimum set out appropriate Mixed Use zones which can be applied in the future in response to development applications. 			
2	Commercial Areas	To provide further direction to the new Zoning By-law with regards to commercial land uses and associated zoning permissions and standards and determine the extent to which Zoning By-law 270-2004 is currently implementing the retail structure as established by the Official Plan.	 Given the degree to which the Official Plan defers to Secondary Plans to provide specific policy it is necessary to review, consolidate and monitor the Secondary Plans as part of the Zoning By-law review process; Zone provisions may be required to assist in the transition of commercial areas to a mixed-use hierarchy; Clarify the hierarchy by naming zones rather than simply having generic names like "Commercial One (C1) Zone"; Modernize permitted uses and be as comprehensive as possible in listing them; and More contemporary lot and building requirements (e.g. lower minimum standards, new maximum standards) can be useful in achieving a desired built form through zoning. 			
3	Minor Variances	To review, analyze and identify any trends with respect to minor variances to the City's current Zoning By-law.	 As the most frequent minor variances sought are related to permitted uses, a review is appropriate to better reflect contemporary needs for land uses and to appropriately expand the range of permitted uses in the Zoning By-law while achieving conformity with the Official Plan; The vast majority of minor variances were to site specific zones and most minor variances were in Service Commercial (SC) zones; and A review of parking standards may be appropriate given the number of applications in the Residential R1B zone for relief from parking requirements, and driveway provisions in residential zones should also be reviewed. 			

Table 1 -	Table 1 - Summary of Technical Papers				
Paper #	Торіс	Purpose	Key Conclusions and Recommendations		
4	Employment Areas	 To: Review municipal policy regarding permitted uses and other development policies within employment lands; Review permitted use conformity between the Official Plan and Zoning By-law 270-2004, to identify uses that are not being addressed by the Zoning By-law but are permitted by the Official Plan; To identify any uses that are permitted by zoning but not permitted by the Official Plan, and to compare Official Plan expectations regarding built form compared with the applicable zones; Identify alternative approaches based on a review of other municipal zoning by-laws; and Draw conclusions and identify recommendations to address any issues identified through this analysis in developing and implementing the new Zoning By-law. 	 Given the degree to which the Official Plan defers to Secondary Plans to provide specific policy, it is necessary to review, consolidate and monitor the Secondary Plans as part of the Zoning By-law review process; Clearer definitions and better descriptions (e.g. zone names) can help ensure development is in line with the intent of the zone; Employment zone permitted uses are generally not well-aligned with the Official Plan employment structure and can be better aligned and consolidated, while ensuring permitted uses in the Zoning By-law conform to those in the specific policies of the Official Plan. Some potential conformity issues with respect to permitted uses in the planned Employment Areas were noted; and Some lot and building requirements are more restrictive than similar zones in other municipalities and there is an opportunity to modernize the lot and building requirements to better achieve built form objectives. 		
5	Private Amenity Areas and Bonusing	To identify and analyze approaches to addressing amenity areas and density bonusing in the City of Brampton.	 Minimum standards for amenity areas should be considered to ensure social and recreational needs are addressed in new developments; An appropriate approach for Brampton is to provide flexibility for amenity areas with different unit types, complemented by guidelines to address aspects not suitably regulated by zoning; The City has had no experience implementing Bonusing agreements under Section 37 of the <i>Planning Act</i>, but opportunities may emerge as the City intensifies; 		

Table 1 -	Table 1 - Summary of Technical Papers				
Paper #	Торіс	Purpose	 Key Conclusions and Recommendations If, as contemplated in the Official Plan, the City intends to utilize density bonusing, guidelines or a protocol should be established before introducing bonusing as part of the Zoning By-law; and These guidelines can be based on additional experience negotiating Section 37 agreements, giving the City a clear, transparent and flexible approach to address proposals on a case-by-base basis. 		
6	Split and Dual Zoning	 To: Characterize and review the prevalence of split zoning and dual zoning in Brampton; Consider the issues and benefits associated with utilizing these zoning approaches; Identify alternative approaches based on a review of other municipal zoning by-laws; and Make recommendations about how to modify the zoning or the approach to zoning in the future to address the issues associated with these approaches. 	 Split zoning, where properties consist of more than one zone category, is sometimes unavoidable but is used frequently in Brampton, which also presents complications with analyzing GIS data; This review should aim to reduce existing instances of split zoning and further coordination with the City is required to manage split zoning data in GIS; Overlays can be an alternative to split zoning in some cases; Dual zoning is rarely used by other municipalities and can create a lack of clarity due to the broad range of permissions; Existing dual zoning permissions should be reviewed and updated for developed sites as the flexibility should no longer be required once the site is developed; and If the City wishes to continue applying dual zoning, consideration should be made to track in GIS data or within an administrative document. 		
7	Secondary Plan Conformity	To review the Secondary Plans and identify a methodology for ensuring the new Zoning By-law will be in conformity with the numerous Secondary Plans in place, including consideration for the ongoing Secondary Plan consolidation exercise.	 The City has 54 designated Secondary Plan Areas, with a wide range of Secondary Plans in effect, providing detailed guiding policy in many different contexts; The City is undertaking a Consolidation of some of the Secondary Plan areas, resulting in more simplified policy for the areas of the City that are now built out; The Secondary Plans based on a cursory review do not identify many explicit reference to direct the Zoning By-law Review, but typically intend for zoning to ultimately be amended to implement the Secondary Plan; There is a very high degree of alignment between Secondary Plan land use designations and current zoning, indicating that amongst many areas of the City, the zoning is likely to be in conformity; Some minor examples of potential conformity issues were noted and will be further explored: instances of agricultural zoning applied within Utility 		

Table 1 -	Table 1 - Summary of Technical Papers				
Paper #	Торіс	Purpose	Key Conclusions and Recommendations		
			designations; some misalignments between the land use designation and zoning (which may be permitted in the policy); a few instances of zoning which is inconsistent with the underlying land use; and some instances of remnant agricultural zoning within built-up areas.		
8	Accessory Uses, Buildings and Lot Coverage	To review and evaluate zoning standards related to accessory buildings and structures, driveways, large vehicle parking and landscaped open space/lot coverage.	 In regards to accessory buildings and structures: The City's standards are similar to other municipal by-laws, but there are some potential improvements (e.g., update permitted encroachments). In regards to driveways and parking: The City has indicated a high incidence of complaints/difficulties in administering the requirement for a two-foot strip of land to be unpaved between the driveway and side lot line (to allow water to drain); Driveway width may be measured as a percentage of required lot or yard area, or measure it as function of garage width, or maintain the current approach, measuring it as a function of lot frontage (with consideration made to update the categorization of or implement provisions for additional permissions with the use of permeable paving material). In regards to large vehicle parking: Permit parking of recreational vehicles in driveways/garages or allow storage between May 1st and October 31st or establish a maximum timeframe for storage. In regards to landscaped open space and lot coverage: There is increased prevalence of residential lots being covered with impermeable surfaces (patios, outdoor kitchens and other amenities) which can be associated with increased runoff and other environmental impacts. Revise definition of landscaped open space to exclude hardscaping or introduce a pervious surface requirement or explore non-zoning approaches, such as incentives or levies to achieve the required objectives. 		
N/A	Parking and Loading Study	To:Review the existing parking and loading standards against	 Consider revising the Zoning By-law parking definitions, space dimensions and geometry in light of the impact of autonomous vehicles; 		

Table 1 -	Table 1 - Summary of Technical Papers				
Paper #	Торіс	Purpose	Key Conclusions and Recommendations		
		 relevant city, regional and provincial policies; Provide a benchmark against which Brampton can compare its current approach to parking standards against other GTHA municipalities and other equivalent jurisdictions; and Identify a broad range of future transportation issues such as emerging technologies and trends with the potential to influence the demand for parking and explore how alternative approaches to conventional parking standards, such as parking management, might be adopted to help assist with responding to these trends. 	 Generally the minimum parking requirements for certain uses in Brampton were reviewed in comparison with other municipalities, and Brampton's requirements were found to be generally high compared with other GTA municipalities; Assess suitability and practicality of incorporating some (or all) of the Urban Design Guideline elements into the Zoning By-law to facilitate a more pedestrian-oriented built form that reduces automobile dependency; Examine opportunities to shift away from supply-based policy and make greater use of parking management approaches, such as shared parking and curbside management (including lay by areas for loading); Consider the suitability of relying on minimum parking requirements as the default consideration to achieve a certain level of parking and access at a site level; and Assess risk of relying on minimum parking requirements into the future, given policy statements of the Metrolinx Regional Transportation Plan and powers to intervene under the <i>Metrolinx Act, 2006.</i> 		

2.3. CONSULTATION

To date, meetings have been held to inform the issues and updates that will be required to the Zoning Bylaw. This section summarizes the consultation that has taken place to date including the following:

- City staff / technical meetings;
- Stakeholder meetings;
- Council presentation and workshops; and
- Public Open House.

2.3.1. CITY STAFF AND TECHNICAL COMMITTEE MEETINGS

Work to date involved several meetings with a wide range of City staff. These meetings have included:

- Project initiation (Dec. 2, 2016)
 - This meeting was an opportunity for the City to provide an overview and purpose of the project, finalize the conceptual schedule and establish protocols for communication between the City and consultant team.
- Steering committee (May 17, 2017)
 - Topics included an update on the project timeline, memoranda regarding research and best practices, interactive mapping and data and Official Plan conformity, identification of Technical Paper topics and planning for the first Public Open House.
- GIS Coordination (June 7, 2017)
 - The team discussed aspects of the data review and updates including dual zoning, data coordination and scheduling.
- Team call (Sept. 11, 2017)
 - The team discussed an updated schedule, the upcoming Planning Committee presentation and Public Open House, coordination with the Official Plan review and Technical Paper subjects.
- Planning and Development Committee (Oct. 16, 2017)
 - The consulting team presented an introduction to the City's Planning and Development Committee, outlining the purpose and scope of the review and next steps.
- Content Review Meeting #1 (Dec. 8, 2017)
 - WSP and City staff discussed the first set of Technical Papers.
- Content Review Meeting #2 (Jan. 22, 2018)
 - This meeting addressed the next round of Technical Papers and the Parking and Loading Strategy.
- Content Review Meeting #3 (March 16, 2018)
 - WSP walked through and discussed the remaining Technical Papers.

- GIS Coordination #2 (July 3, 2018)
 - The team discussed a framework and assumptions for developing the new Zoning By-law mapping and GIS considerations.

2.3.2. COUNCIL WORKSHOP

A workshop involving Brampton City Council took place on December 12, 2017. It was an opportunity for the consultant team and staff to update Council on the process and deliverables, consultation plans, issues, observations and challenges, recent studies and other aspects of the review process. As an outcome of this meeting, two follow-up workshops were held with some members of Council and involved a discussion of the types of issues and zoning gaps that members of Council have observed and general discussion about the direction and purpose of the Zoning By-law Review.

2.3.3. STAKEHOLDER MEETINGS

Two stakeholder meetings have taken place to date, on March 6, 2017 and May 18, 2018. The first was a launch meeting where the project was introduced to stakeholders, including a presentation and an opportunity for questions and answers. Attendees included invited landowners, agencies, City and Regional staff, and the Building Industry and Land Development Association (BILD).

The second meeting took place with representatives from BILD, following the receipt of a detailed letter of inquiry. This follow-up meeting, requested by BILD, included a status update and an opportunity to discuss issues of concern in greater detail. The input from BILD will be considered thoroughly as part of development of the new Draft Zoning By-law.

2.3.4. PUBLIC OPEN HOUSE

An introductory presentation and Public Open House took place on November 29, 2017. The Open House included a presentation that outlined the background, project purpose, timeline and process, online zoning, the Zoning Issues and Analysis Report, next tasks and a question-and-answer session. Attendees also received a questionnaire to offer comments.

2.3.5. FURTHER CONSULTATION AND NEXT STEPS

Another robust round of consultations is expected as the project moves into Phase 1-3, ahead of the preparation of the draft new Zoning By-law.

Another round of meetings is planned to occur in Fall 2018 with stakeholders, a second Public Open House to update residents on the Zoning Strategy Report, and meetings with the Steering Committee, and Planning and Development Committee. The purpose of these meetings will be to present this Zoning Strategy Report and the Technical Papers for review and input.

3. IMPLEMENTING POLICY

The City of Brampton Official Plan (2006) is the guiding policy document that lays out the goals, objectives, and land uses designations within the municipality. It is the document which pertains to matters including the urban structure and growth and development management for all lands in the City of Brampton over the 20-year planning horizon to 2031.

The Official Plan was first adopted by Council in 2006 and partially approved by the Ontario Municipal Board in 2008. The 2015 office consolidation reflects the latest version of the Official Plan and is the ineffect planning and policy document for the municipality. The use and development of individual parcels of land is in part guided by the Official Plan, which broadly identifies permitted uses and the form and character of development. The City of Brampton Official Plan often defers to the more detailed policies contained within the numerous Secondary Plans – which take high-level policy direction from the Official Plan. The Official Plan also stipulates that where there is a conflict between the Official Plan and Secondary Plan policies, the Official Plan prevails (Section 1.4). The Official Plan gives further guidance to remedy instances where a Secondary Plan refers to a repealed Official Plan policy. It is noted that there may be occurrences where there is a need to refer to the repealed Official Plan to gain a fulsome understanding of the Secondary Plan policies.

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. Schedule "G" of the Official Plan identifies the 54 Secondary Plan areas, which cover much of the City of Brampton, with some lands not currently subject to a Secondary Plan.

The City is advancing a review of its Secondary Plan areas and is working to consolidate some of the already built-out areas or areas not expected to undergo significant change. This housekeeping exercise is not intended to change the intent of the Secondary Plan policies, rather the review will culminate in the elimination of duplicated policies and a consolidation of similar lands use designations.

The purpose of this section is to identify a methodology for how the study team will review and update the Zoning By-law to ensure it is in conformity with the current Official Plan and Secondary Plans. This review builds upon the conclusions and analysis of zoning and Official Plan policies as identified in previously completed Technical Papers.

3.1. INTENSIFICATION AREAS

The Central Area, consisting of Downtown Brampton and extending easterly on Queen Street (Secondary Plan No. 25), is intended as the City's hub of office uses, mixed uses, cultural and entertainment uses, and is guided by detailed policies in the Official Plan to achieve a high quality of urban design and achieve high densities. In Downtown Brampton, the City has already identified and applied zoning (DC and DC1 zones) which reflects the policy intent. There are also a series of Schedules that illustrate detailed design related requirements. There will be a need to confirm the suitability of the current zoning in the Downtown in consideration of the Downtown Secondary Plan, but generally there appears to be good alignment between zoning and policy. There is an opportunity to integrate the existing design schedules as form-based codes in the Zoning By-law.

To the east of Downtown Brampton, the Queen Street Corridor is currently subject to a review of zoning to better align the zoning with policy (this could also result in an amendment to the Secondary Plan). The evolving nature of transit planning and Major Transit Station Areas could also result in identification of different densities and policies within this area. Accordingly, the approach within the Queen Street

Corridor east of Downtown Brampton will be to integrate and carry forward the zoning recommendations resulting from the ongoing Queen Street Corridor Zoning Review.

It is recognized that the City's intensification strategy may evolve through the ongoing Official Plan Review. Pre-zoning within other intensification areas outside the Central Area (i.e., Major Transit Station Areas, Mobility Hubs and Intensification Corridors) would generally be premature pending completion of the new Official Plan and related studies. The Zoning By-law can be more restrictive than the current Official Plan, and the Official Plan does not direct pre-zoning within the currently planned Intensification Areas. The notion of pre-zoning and development of Mixed Use Zones for Intensification Areas is discussed further in Technical Paper #1.

3.2. EMPLOYMENT AREAS

The various Employment Areas of the City are intended to be planned principally for the accommodation of specified employment uses to ensure the City will be able to attract and accommodate a range of different employment opportunities. There is a clear intent in the Official Plan to protect these areas for principally employment purposes. Technical Paper #4 – Employment Areas reviewed conformity between Employment Areas and current zoning and noted some inconsistencies in terms of the uses that are permitted in the Employment Areas. To better achieve alignment between the Official Plan and zoning, the zone categories should more clearly relate to the land use designations within the Employment Areas (namely, zone categories for Office, Business Corridor, Industrial). This could include sub-categories as required to accommodate the range of potential uses contemplated by the policies. A comprehensive review and update to Employment Area zoning will be required to ensure alignment between zoning, the Official Plan and the Secondary Plans. Further, as noted in the Technical Paper, there is opportunity to better align the lot and building requirements in the current Employment zones with contemporary building practice and urban design objectives.

3.3. COMMUNITY AREAS

Within the Community Areas of the City, including the wide range of residential, institutional and commercial uses, ensuring Official Plan conformity will be a matter of relating the current zoning to the applicable Secondary Plan and Official Plan designation to ensure alignment in the land use designation and the applicable zone category. For much of the City, the zoning is expected to be in conformity with current policy. The recent Secondary Plans would be prepared to implement the Official Plan, and in turn, the zoning would have been approved in accordance with the Secondary Plan. Generally, the Official Plan provides discretion to the Secondary Plan to identify appropriate locations for land use. This is typically detailed in the Secondary Plan (subject to final refinement). As noted in Technical Paper #7 – Secondary Plans – there is a high degree of alignment between zoning and Secondary Plan land use designations but some review and refinement is necessary. This will need to involve a thorough review of zoning as part of developing the new Zoning By-law.

A key matter to be considered is to ensure that the City's residential and commercial zone categories reflect contemporary development practice and meet urban design objectives. We note there are some gaps in the City's residential zone provisions for addressing certain development typologies, such as back-to-back townhouses. Further, the standards for Commercial Areas are outdated as discussed in Technical Paper #2 – Commercial Areas, and do not facilitate transition in the evolution of commercial plazas or contemporary built forms. Accordingly, it is recommended that some new zone categories or standards and revisions to existing zone standards will need to be identified to ensure that the City is positioned to respond to future development trends. We understand the City is contemplating the evolution of existing Commercial Areas towards mixed use formats, and consideration can be made to establish zone categories and provisions that will assist in facilitating this transition. However, without

policy in place to permit mixed uses within the Commercial Areas, there would not be opportunity to prezone for mixed uses. Rather, the focus of the new Zoning By-law will be to establish standards and zones that can be applied in the future.

3.4. POLICY OVERLAYS AND GENERAL POLICIES

The Official Plan identifies various overlays, guiding development and land use within broad areas, as follows:

- The **Northwest Brampton Urban Development Area** is intended to be developed for a new urban neighbourhood. Within this area, it is intended that existing zoning will remain Agricultural until a Secondary Plan is put in place to permit development applications including re-zonings to occur.
- The **Provincial Greenbelt Plan Area** is outside of the City's urban area, and represents a fairly small portion of the City. Within this area, the intent will be to maintain existing zoning for Agriculture and natural heritage, as applicable. Consideration will be made to review the definitions and permissions of agricultural uses to ensure conformity with the 2017 Greenbelt Plan.
- **Designated Greenfield Areas** represents an Overlay on the Official Plan. Within these areas, it is intended that a Secondary Plan will be prepared. Until that time, the zoning would remain in place as rural/agricultural.
- The **Parkway Belt West** corridor intends to ensure that any development is in conformity with the Provincial Parkway Belt West Plan. Generally it is intended that existing zoning will be reviewed and likely carried forward provided it meets the policy intent.
- The **Corridor Protection Areas** are intended to be protected from development until future Provincial Highway alignments are determined. Since these areas are also subject to a Secondary Plan process, the intent will be to maintain existing zoning until the Secondary Plan is completed and re-zonings can be brought forward. It appears that some of the Corridor Protection Area policies are under appeal as of the time of the current Official Plan Consolidation.
- The Lester B. Pearson International Airport Operating Area intends for sensitive uses to be prohibited within this area due to noise from the Airport. Schedule E of the Zoning By-law addresses these policies and a review is required to ensure the mapping and provisions are current.
- **Special Study Areas** consist of smaller scaled areas with specific policies, and zoning will be reviewed in comparison with the policies. In some cases, the policy framework appears to be intended to guide an implementing Zoning By-law and would not necessarily have an implication on the Zoning By-law Review.

3.5. NATURAL HERITAGE, HAZARDOUS LANDS AND SITES

The Zoning By-law is an important tool for protecting natural features and ensuring that development does not occur in hazardous lands such as floodplains. For the most part, these features are included within public ownership, but there may be instances of split-zoned properties which have protected features zoned in an appropriate zone category. It is difficult to proactively zone for these features as identified in the Official Pan until they are studied in detail. While the features are shown in the Official Plan, their mapping is subject to final confirmation through development application approval. In large part

it will be the intent to carry forward existing floodplain and environmental zoning and to ensure this zoning is aligned with the delineation of these areas in Secondary Plans. Consultation with the Conservation Authorities once the Draft Zoning By-law is completed will benefit an understanding of any available data which can form a suitable basis for identifying any updates. There is an option in the Zoning By-law to illustrate the Conservation Authority's regulated areas as an overlay or appendix to the Zoning By-law (as in Appendix C to the Official Plan) to provide convenience to the user.

3.6. RECENT PROVINCIAL POLICY CHANGES

Since the Official Plan came into effect in 2008, Provincial policy has evolved significantly. This has included the 2014 Provincial Policy Statement, which municipal decisions must be consistent with. Municipal planning decisions must also conform to or not conflict with the 2017 Growth Plan for the Greater Golden Horseshoe and the 2017 Greenbelt Plan. The current Official Plan reflects the 2005 Provincial Policy Statement, the 2005 Greenbelt Plan and 2006 Growth Plan.

Principally, these documents are intended to be implemented through a future review of the City of Brampton Official Plan, but there is some relevance to zoning which must be considered. Generally the PPS intends for zoning to be an important tool to implement Provincial Policy and zoning is to be up-todate with the Official Plan and the PPS (4.8).

In particular, the 2017 Growth Plan makes a number of references to zoning:

- Section 2.2.2.4 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)).
- Section 2.2.2.4 f) intends that zoning updates will be made to support the strategy for the City to achieve its minimum intensification target in the built-up areas.
- 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 2017 Growth Plan that has not been implemented in the Official Plan.
- Zoning By-laws will support an employment strategy as implemented through a municipal comprehensive review and Official Plan policies (2.2.5.5 c)).
- 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.
- Zoning By-laws will also support a housing strategy as implemented through official plan policies (2.2.6.1 d)).
- Zoning on all lands is to be in a manner that implements the Official Plan policies for minimum density targets amongst the various delineated areas of the City (5.2.5.5 (c)).

3.7. POLICY IMPLEMENTATION METHODOLOGY

3.7.1. WORK PLAN

Planning in the City of Brampton is guided by a framework of detailed planning policy. The task of ensuring the Zoning By-law implements the policy framework for the City of Brampton is a significant

exercise and the most critical aspect of the Zoning By-law Review. The Zoning By-law is the principal tool for implementing planning policy.

It is expected that the majority of zoning in the City of Brampton will be in conformity with planning policy. The City has been zoned and developed in a rigorous framework of Secondary Plan policy. Zoning within the various greenfield areas would be approved in accordance with a Secondary Plan. In particular, the various residential neighborhoods and associated uses (open space areas, complementary institutional and commercial areas) are generally of a stable nature and there is a high degree of alignment between zoning and Secondary Plan land use designations. This is explored in Technical Paper #7 – Secondary Plan Conformity.

However, some potential conformity issues have been noted, particularly with respect to alignment of permitted uses within the commercial zones and employment zones (as discussed in Technical Papers #2 – Commercial Areas and #4 – Employment Areas, respectively). Conformity issues would typically only exist where zoning was put in place prior to a Secondary Plan, or prior to the new Official Plan coming into effect.

Within many of the intensification corridors and nodes in the City, the zoning is not currently well aligned with the intensification policies. However, there are some stable areas within the various intensification corridors that would not reasonably be expected to intensify over the Official Plan's planning horizon. It is noted that the City's policy framework for intensification is evolving through the Official Plan Review and other processes. It will be desirable to establish appropriate zone categories to facilitate a wide range of mixed use development types, as discussed elsewhere in this Strategy and in Technical Paper #1 – Mixed Use and Intensification Areas. However, it is not anticipated that any pre-zoning for intensification will occur through this Zoning By-law review process. Rather, the focus of the new Zoning By-law will be on ensuring policy conformity, minimizing changes to development entitlement, and on developing a modern Zoning By-law that will best serve the City in the future by setting out a framework of up to date zone categories that can be applied to many different types of contexts anticipated by the Official Plan.

The exercise of bringing the Zoning By-law into conformity with the Official Plan will consist of the following activities (not necessarily sequential, but generally in the following order):

 Review and Update to Zone Categories: There is a need to align the zone categories as much as possible with Official Plan designations. This does not necessarily mean that each Official Plan land use designation must correspond with only one zone; rather, each Official Plan land use designation will likely have multiple implementing zones, and it is also possible that the zones may have applicability between multiple land use designations where different land use designations share permitted uses. In some cases, there may also be a need to apply Special Sections to permit certain uses, depending on the nature of the policies.

As a first principle, the priority will be on ensuring the zones align with the land use designations of the broader Official Plan. This is a logical starting point, since the Official Plan is intended to represent the broader policy direction which addresses the entirety of the City; furthermore, recent consolidation of some Secondary Plans almost entirely relies on the Official Plan for policy. Some further refinement (and potentially development of sub-zones) may be required subsequently to address the more detailed policies of the Secondary Plans. A review of zone categories is discussed in Section 6 of this Strategy.

This task involves modifying the names of zones, deleting or adding zones, modifying permitted uses to align with the broad intent of the land use category (with more detail). Additionally, lot and building requirements will be reviewed to ensure the built form achieves the City's urban

design objectives. As part of this process, consideration is also made to align the lot and building requirements of the zones with any applicable design guidelines and development guidelines.

- 2. **Policy Overlays and Other Permitted Uses**: The Official Plan and Secondary Plans also include policies that may affect permitted uses outside of the land use designation policies. For example, there are broad provisions regarding special needs housing, places of worship, and other uses that are contemplated in various land use designations or within defined areas. These types of policies will be identified and reviewed, and implemented in the Zoning By-law. This may require modifications to permitted uses, the introduction of general provisions or overlays. For the most part, there is already a good degree of alignment between these policies and the Zoning By-law, as the City has undertaken updates to the Zoning By-law to implement a wide range of policy issues over time (e.g., the Places of Worship study that was completed in 2010).
- 3. **Zone Map Review**: The zone maps will be reviewed to confirm how the revised zone categories align with the land use designations. This exercise is a manual process of confirming alignment, confirming the zoning against policy and land use designations and ensuring there are no conflicts between policy and implementing zoning. In much of the City, as noted, land use designations and zones are expected to be in good alignment already (e.g., the stable residential areas). The focus will be on reviewing zoning within the City's intensification areas, employment areas, commercial areas and natural features/hazardous lands.
- 4. **Special Sections**: A review of Special Sections is required to ensure Official Plan conformity. This is explored in Section 7 of this Strategy.
- 5. **Review of Definitions**: Where possible, the definitions used in the Zoning By-law should be in alignment with the Official Plan as well as Provincial policy. However, as the Zoning By-law often provides more detail, this principle is a guideline only. A fulsome review of the definitions will be required.
- 6. Review of General Provisions: Reviewing the general provisions to ensure conformity will be a matter of confirming where the Official Plan provides some direction on general zoning and technical issues and ensuring the provisions of the Zoning By-law are reflecting the intent of the Official Plan. For example, the policies of the Official Plan provide guidance on home occupations and there is a need to align the zone provisions with these policies.

The Official Plan does not always give direction on technical matters normally addressed by a comprehensive Zoning By-law. Zoning By-laws can regulate various technical matters without explicit Official Plan direction provided the provisions conform to related policy. For example, while the Official Plan may not give precise direction to establish stacking space and locational requirements for drive-throughs, a Comprehensive Zoning By-law will often include detailed provisions in the interest of meeting other policies of the Official Plan (land use compatibility, efficient traffic flow, reduced aesthetic impact to the streetscape, etc.). A general technical review and update, in consideration of best practice, input received through consultation with staff and the broader public, is required to bring the Zoning By-law up to date.

7. **Documentation**: Following completion of the Final Draft Zoning By-law, a checklist will be produced to describe how relevant policy is implemented in the Zoning By-law, as applicable, to provide a clear record of how the Zoning By-law implements the City's planning policy.

3.7.2. NON-CONFORMITY AND NON-COMPLIANCE

The process of bringing the Zoning By-law into alignment with the Official Plan and Secondary Plans may result in instances of legal non-conformity or legal non-compliance. A "legal non-conforming use" is a use of land/buildings that was legally established but is no longer permitted in the new Zoning By-law due to updates made to the uses permitted in the By-law. Similarly, a legal non-complying structure or building is a legally constructed building/structure which no longer complies with the various lot and building requirements of the By-law but was legally constructed in accordance with the Zoning By-law in place at the time of development.

The *Planning Act* confers legal status to any use of land or any buildings or structures and the buildings or structures themselves where they were constructed legally. Section 34 (9) of the Act states:

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act. R.S.O. 1990, c. P.13, s. 34 (9); 2009, c. 33, Sched. 21, s. 10 (1).

These provisions serve to protect existing landowners to continue their use provided there is an intent to do so. Under Section 45(2) of the *Planning Act*, the Committee of Adjustment has powers to permit an enlargement or extension of non-conforming uses.

Currently the City's Zoning By-law permits repair and renovation of legally non-conforming buildings or structures provided the works do not result in the contravention to be increased or cause other situations of non-compliance (Section 6.1). Further, Section 6.2 intends that a legally constructed building or structure that does not meet the minimum requirements (such as yard or lot requirements) is permitted to be used, renovated and also enlarged as long as the contravention is not increased and as long as no new contraventions are created. These provisions are typical in Zoning By-laws.

A principle of this Zoning By-law Review is to minimize any instances of legal non-compliance and nonconformity. However, it is also fundamental principle to ensure that the Zoning By-law is no more permissive than the Official Plan. Where permitted uses are modified, there is a need to ensure that the implications on any existing uses are understood and well-documented. The main risks for creating these situations could include:

- Deleting permitted uses in the employment and commercial zones to bring the zone into compliance with the Official Plan; and
- Merging or deleting residential or other zone categories and applying a new zone category. In this
 case, when merging/consolidating zones, as long as the minimum standards between the merged
 zones are carried forward and no new provisions are introduced, there will be no risk of creating
 legal non-complying situations.

4. ZONING BY-LAW FORMAT AND LAYOUT

As outlined in the Terms of Reference, this comprehensive review is intended to create a superior and progressive regulatory document that is effective, user-friendly, and easy to interpret by staff, the development industry, and the public. Acknowledging that the current Zoning By-law is a consolidation of four previous By-laws approved in the 1980s, this comprehensive review provides the opportunity to reimagine a contemporary Zoning By-law format and layout for the City of Brampton.

This section builds upon the Zoning Issues and Analysis Report, previously completed under this comprehensive review, which analyzed the existing format and structure of the Zoning By-law and identified issues and opportunities to be addressed. The purpose of this section is to establish the principles for the text and mapping of a new comprehensive zoning by-law and recommend a table of contents and mapping layout for the document.

4.1. ZONING BY-LAW TEXT

An objective of a comprehensive Zoning By-law review is to undertake editorial and housekeeping modifications to develop a contemporary and easy-to-read Zoning By-law which contains easily legible regulations. A properly structured by-law, from an administration perspective, is streamlined in its organization and facilitates and simplifies future by-law updates. The following principles have been established in the previous Zoning Issues and Analysis Report to guide the structural review exercise of the Zoning By-law text:

- The Zoning By-law will be used by a very diverse audience; therefore, the format and content of the By-law should be user-friendly to the greatest extent possible;
- The document should be accessible and navigable in both digital and print formats;
- Distinctive parts of the By-law should be separated into unique chapters to reduce the length of any given individual section (e.g., creating a separate parking and loading chapter is a means to reduce lengthy general provisions sections);
- Tables and matrices should be utilized to organize and present information, such as permitted uses and lot and building requirements, in lieu of separate text-heavy chapters;
- City staff, the development industry, and the public can efficiently use the document to identify the zoning and regulations of a property without inadvertently missing any provisions that are applicable to their lot or their project; and,
- Visual schematics and 3D illustrations should be provided to assist in the interpretation of complex definitions or provisions.

The City of Brampton's existing Zoning By-law represents an example of a more traditional structure of a zoning by-law. First, the By-law organizes its general provisions broadly across all zones (Section 6), and includes separate general provision chapters within each of the zone parts (e.g., Sections 10, 20 and 30). Each zone has its own chapter in the document, with a list of permitted uses, along with lot and building requirements. These sections are generally text-heavy and do not include schematics or footnotes which help clarify or depict the intent of a given provision. The specific layout of each Zone chapter may also be different. This current approach of text-heavy chapters in the Zoning By-law increases the risk that over time, as amendments are made to the by-law, the permitted uses and other terminology will become mismatched across the zones.

The existing Zoning By-law, as it is currently published online, can be challenging and inefficient to read, where each section or chapter is a standalone document which is accessed through a drop-down index. Finally, the existing By-law includes separate parking and loading related requirements within each section, which can lead to repetition.

The Zoning Issues and Analysis Report provides a further analysis of formatting options of the zoning bylaw pertaining to the organization of zone exceptions and provisions, headers and footers, and a user guide.

For discussion purposes, **Appendix A** illustrates the proposed format for the Zoning By-law text. This is not intended to represent any recommended provisions or zones but is intended to illustrate the general format and approach. The suggested template includes colour-coded sections for wayfinding which (as much as possible) should relate to the Official Plan's land use colour scheme. The setup also has white space on the side of the pages, which can be used for informal notations (one example is shown) and for including illustrations.

4.1.1. RECOMMENDED TABLE OF CONTENTS

A well-structured table of contents allows a wide range of users to understand the structure of the document from the outset. The Table of Contents can also include clickable links for easy access to a specific section of the document and improve overall wayfinding.

Based on best practice, the following overall table of contents is recommended for the comprehensive Zoning By-law:

- Chapter 1 | Administration this section contains clauses which govern how the Zoning By-law is to be read and interpreted, and penalties for someone in contravention of the By-law
- Chapter 2 | Definitions definitions are critical in ensuring the Zoning By-law is consistently and properly interpreted by all users
- Chapter 3 | General Provisions this section contains provisions that apply to all zones, but are only applicable in certain circumstances
- Chapter 4 | Specific Use Provisions this section contains provisions that are applicable to certain uses, such as drive-throughs (consideration may be made to integrate this Chapter into Chapter 3, but there is anticipated to be enough content to form a separate and distinctive Chapter of the By-law)
- Chapter 5 | Parking & Loading Requirements this section identifies parking and loading requirements according to land use, as well as other provisions regarding the design and location of parking and loading areas
- Chapter 6 | Residential Zones this section defines the permitted uses and lot and building requirements of lands categorized "residential" in the Zoning By-law Schedules
- Chapter 7 | Mixed-Use Zones this section lists the permitted uses and identifies lot and building requirements of lands categorized "mixed-use" in the Zoning By-law Schedules
- Chapter 8 | Commercial Zones this section lists the permitted uses and identifies lot and building requirements of lands categorized "commercial" in the Zoning By-law Schedules

- Chapter 9 | Employment Zones this section lists the permitted uses and identifies lot and building requirements of lands categorized "employment" in the Zoning By-law Schedules
- Chapter 10 | Other Zones this section lists the permitted uses and lot and building requirements of other zones in the Zoning By-law Schedules, such as open space, agricultural and institutional zones (consideration can be made to break this into multiple chapters rather than combining all remaining zones into one chapter)
- Chapter 11 | Enacting Provisions this section would include provisions that bring the Zoning Bylaw into effect

4.2. MAPPING

Approaches to zoning mapping have evolved over the last decade, with advancements in mapping technology using Geographic Information Systems (GIS) and a rise in demand for online availability. As municipalities have undergone comprehensive zoning by-law reviews, different approaches to mapping style have been employed to depict zoning across a municipality. It is important that municipalities consider the "look and feel" of their mapping, generally contained in schedules to the zoning by-law text, which can be accessed both as hard-copy maps and from online mapping databases. The Zoning Issues and Analysis Report identifies some examples of recent mapping and principles for producing legible, clear maps.

The following principles will guide the creation of new mapping schedules for the City of Brampton Comprehensive Zoning By-law Review:

- Any inconsistencies between map schedules and the By-law text will be identified and remedied;
- The maps can be published in both hard-copy and digital form;
- Digital mapping should be searchable and scalable, and allow a user to search for a specific property;
- An index map will be required which logically divides the City into evenly sized components that will legibly print on letter sized paper;
- A consistent template and format for all map schedules should be developed, including legends, scales, and colouring, where appropriate; and,
- As much as possible, the maps must be accessible to all users, particularly when considering the use of colour mapping, as this can be challenging for colour blind or visually impaired users to use.

The mapping of the City of Brampton's current Zoning By-law is currently administered in GIS and accessible via an interactive online mapping tool. The information displayed in the tool is drawn from a GIS database and contains zoning data for properties across the City. Once a property is selected in the interactive map, a window appears which displays the relevant zoning data (including pertinent special provisions) for the parcel and provides links to each of the related sections or chapters of the text document.

There is a limited selection of portable document format (PDF) map schedules available online, such as Schedule B-6: Downtown Floodplain Regulations and Schedule E: Lester B. Pearson International Airport Operating Area, which support the provisions of the By-law. These schedules do not follow a consistent format or template, and span a range of publication dates. Presumably, the original zoning maps were created for the purposes of Council adoption in 2004, but the City now administers and updates zoning within the GIS database.

In order to bring the new Zoning By-law forward for Council adoption, there is a need to produce hard copy zoning maps. The administration and future updates to the hard copy maps will need to be decided upon by the City. Ultimately, WSP will deliver the template and hard copy maps in appropriate digital formats so that the City can make updates and reproduce a consolidation of the zone maps in the future. **Appendices B** and **C** to this document provides, for discussion purposes, an example of the new mapping format for the City of Brampton in both colour (**Appendix B**) and black and white (**Appendix C**) formats. This style of mapping presents the option for the City to also offer hard copy maps as an option for By-law users. It is noted that:

- The maps are for illustrative purposes only and not intended to represent recommended zoning.
- Refinement to the zone boundaries, labelling, legend, etc. will be undertaken as part of completing draft mapping.
- For simplicity the maps currently do not show split zoned properties.

5. ADMINISTRATION, DEFINITIONS AND GENERAL PROVISIONS

The administration, definitions, and general provisions sections of a zoning by-law establish key provisions to guide the interpretation and use of the zoning by-law. A best practices analysis has been conducted of the existing administration, definitions, and general provisions of the City of Brampton's Zoning By-law to identify gaps and opportunities to be considered in the new Zoning By-law. The corresponding zoning by-law sections from the City of Mississauga, City of Ottawa, and Town of Oakville (the case study municipalities) have been reviewed to help establish some directions and guide the new Zoning By-law. The case study municipalities were chosen as best practice examples as established in the Zoning Issues and Analysis Report.

5.1. ADMINISTRATION

The administration section of a zoning by-law establishes the organizational responsibilities for administering the document, permissions for amendments, rules for enforcing the by-law, and guidance on how to read the document. The Brampton Zoning By-law outlines its generic and overarching administrative provisions in Sections 1.0 (Application), 2.0 (Administration), 3.0 (Zones and Schedules) and 4.0 (Interpretation) of the document.

- Section 1.0 outlines broad guidelines as to which lands the Zoning By-law applies
- Section 2.0 establishes administrative principles and notes to assist the reader of the by-law
- Section 3.0 establishes the zones and schedules of the By-law
- Section 4.0 outlines the scope, interpretation, and syntax framework of the by-law

Based on a best practice review of administration sections from the case study municipalities, the following key gaps and opportunities in the Brampton Zoning By-law have been noted. The provisions within the By-law's administration sections are generally quite similar to the case study municipalities.

- Section 1.2 of the Brampton 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.
 The 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.
- Brampton's Zoning By-law does not contain transitional provisions between the new Zoning Bylaw and repealed Zoning By-laws. The Town of Oakville Zoning By-law provides a very thorough transitional matters section (Section 1.8) which speaks to how in-process building permit applications and recently approved planning applications are dealt with following the adoption of the new By-law.
- Section 2.6 of the Brampton 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 to this, each differently worded. The Town of
 Oakville Zoning By-law provides a detailed provision (Section 1.5) that ensures its zoning by-law
 does not supersede other by-laws or regulations and states that textual references to former bylaws 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 and establishes provisions for reserves between a given yard and the street. 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 (i.e., Residential First Density Zone – R1)). The Town of Oakville Zoning By-law provides further clarification (Section 1.9) which includes, 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 that a decision of a court, which deems that 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 in lieu of strictly text chapters. 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 that the current City of Brampton Zoning By-law does not include provisions that allow 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; only if 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 City of Brampton 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 which establishes its own fines for those guilty of an offence.

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

5.2. **DEFINITIONS**

Section 5 of the City of Brampton Zoning By-law text contains numerous definitions to aid in the interpretation of the By-law. Definitions are an essential component of a Zoning By-law, providing consistency in the way that terms are interpreted throughout the administration of the By-law, and providing clarity to technical concepts.

The definitions are compiled alphabetically, and ensure the function, nature, or built-form 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. It is important that definitions do not contain further zoning regulations, as this can present discrepancies when interpreting the intent of the by-law. Terms that are not specifically defined by the 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. In Ontario, a use is considered prohibited unless it is explicitly permitted within the zoning by-law, therefore definitions must also be modernized where possible as they characterize the permitted use within a zone. Further, it is imperative that zoning by-law definitions reflect and are consistent with the intent of the official plan policies and land use designations. Where possible, terms used in a zoning by-law should align with the Official Plan, recognizing that there may be a need for the zoning by-law to have a greater level of detail or precision than the broader official plan.

The purpose of this section is to determine directions for revising the existing definitions contained within Section 5 of the City of Brampton Zoning By-law as part of this Comprehensive Zoning By-law review.

In reviewing definitions utilized in the Zoning By-laws for the City of Mississauga, City of Ottawa, and Town of Oakville, it is evident that 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 which leaves 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.

Further, defined terms within the existing Brampton Zoning By-law are not bolded or italicized to distinguish them from the By-law text, which may provide an easy way to know which terms are defined. The Town of Oakville italicizes defined terms, while the City of Mississauga bolds defined terms within the zoning by-law text. Defined terms incorporated within another definition can also be identified with bolding or italicizing within to distinguish defined terms.

5.2.1. RELATIONSHIP TO THE OFFICIAL 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 By-law. This relationship between the zoning provisions and definitions ensures that a given use is appropriately defined and meets the intent of the municipality's official plan. A core driver of this Comprehensive Zoning By-law Review is to bring the Zoning By-law into conformity with City policy, including the Official Plan (2006). 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.

The defined terms in the existing Brampton Zoning By-law generally aligns with the terms used in the City's Official Plan. For example, the Official Plan permits Second Units (Section 3.2.8.2) and permits a broad range of housing types (Section 4.2.1.2), which are subsequently defined in the Zoning By-law.

There are instances, however, where there are inconsistencies between the City's Official Plan and the defined terms in the existing Zoning By-law. For example, the Official Plan permits Live-Work Units (Section 4.3.8), whereas the Zoning By-law defines the term "Live-Work Townhouses", and permits Major Office uses (Section 4.4.1.2(ii)), which is not defined in the Zoning By-law. Broadly, the 2006 Official Plan emphasizes contemporary policy directions including intensification, sustainability, and growth management. Many provisions in the Existing Brampton Zoning By-law, however, are dated back to the 1980s and may not reflect these core policy directions.

As identified in the previously completed "Technical Paper #2: Commercial Areas", there are other definitions which require updating to ensure they conform to and are consistent with the Official Plan. An example of these definitions includes "custom workshop", which is broadly worded and could be implemented through a range of uses, including those outside the intent of the Official Plan.

This Zoning By-law Review will ensure that these consistencies and gaps between the Official Plan (2006) and existing Zoning By-law are identified, and ensure the new Zoning By-law conforms to the Official Plan.

5.2.2. DEFINITIONS OF PERMITTED USES

The City of Brampton's Zoning By-law provisions allow for a broad range of uses, most of which are defined in Section 5 of the text. It is a good practice to ensure that all permitted uses are associated with a definition. However, a review of the By-law provisions has identified some examples of permitted uses which are 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 is 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 host of uses which 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".

The Brampton Zoning By-law, a consolidation of four previous by-laws adopted in the 1980s, has not undergone a comprehensive review since that time. As such, definitions within the By-law may be outdated, such as "tavern" and explicit references to "billiard halls", while contemporary planning practices may not be reflected. 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 City of Brampton Zoning By-law.

5.2.3. EMBEDDED LISTS OF EXAMPLES

Some definitions within Section 5 include lists of embedded examples (such as specific business types or examples of the types of goods that 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 built-form of a use, as appropriate. This updated approach to describing permitted uses assists in ensuring that the uses will continue to be relevant over time. Some examples of this include:

- "Garden Centre Sales Establishment" which 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*, which relates the use to the primary use on the lot and rather than to the types of products permitted.
- "Place of Commercial Recreation" this definition lists a series of both defined and undefined uses and activities permitted under this parent use; some of which are outdated terms (ex. – billiard hall) and which may not reflect the present-day needs of the City.
- "Commercial school" this definition lists some specific types of programs which may be offered at this type of facility (i.e. – 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 examples will be identified through this review and be restructured to clearly articulate the nature, function, or built-form of a use.

5.2.4. DEFINITIONS OF TECHNICAL TERMS

The City of Brampton Zoning By-law contains a fulsome list of technical definitions which are 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 City of Brampton's 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, which would apply 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 that 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 intent of the consulting team to carry forward the technical, lot, and measurement related definitions into the new Zoning By-law, subject to feedback from City staff regarding necessary improvements or modifications.

5.2.5. CONCLUSIONS

Generally, the definitions employed in the current Brampton Zoning By-law are quite comprehensive in nature. However, there are opportunities to review some terms for their modernity, to ensure, where possible, the Zoning By-law reflects emerging planning and policy issues, and confirm consistency between permitted uses and defined terms. These gaps in defined terms will be addressed through this Comprehensive Zoning By-law Review.

5.3. GENERAL PROVISIONS

The general provisions of the City of Brampton Zoning By-law are located across multiple separate sections of the By-law document. 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 detailed below.

- Section 6 contains general provisions which are applicable to all zones
- Section 10 contains provisions which are applicable to residential zones
- Section 20 contains provisions which are applicable to commercial zones
- Section 30 contains provisions which are 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 the case study municipalities of the City of Mississauga, City of Ottawa, and Town of Oakville. Inconsistencies will also be 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 (Table 2) in comparison with the case study municipalities indicates that the City of Brampton is generally consistent with the other municipalities, while some gaps have been identified.

Section	Provision	Analysis
SECTION	6: General Provisions for All Z	ones
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 which provides relief to a lot subject to land acquisition by a public authority is consistent across the case study municipalities. The City of Ottawa,

Table 2 - Review of General Provisions (All Zones)

Section	Provision	Analysis
		however, includes this in their administration chapter (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 that 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 which abut 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 which allows 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 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

Section	Provision	Analysis
		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 th case study municipalities. The City of Ottawa employs a floodplain overlay which prohibits 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	Reserved	
6.19	Occupation of Trailers	These provisions are generally consistent with that in 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	Reserved	
6.22	Accessory Building for Animals	This provision is unique to the City of Brampton across the case study municipalities.
6.23	Reserved	
6.24	Provisions for Holding Zones	These provisions are generally consistent across the cas study municipalities. The Town of Oakville includes a 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.
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.
6.28	Dwelling Units for Display Purposes	These provisions are generally consistent across the cas 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 Bramptor 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.

Section	Provision	Analysis
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 that Downtown Brampton is located within a Special Policy Area.

The review of the case study municipalities also identified some other gaps from other by-laws which are not included 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, as will be elaborated in Section 6 of this report, 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 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 3 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 employed in the City of Mississauga's Zoning By-law.

Section	Provision	Analysis
SECTION 10: General Provisions for Residential Zones		
10.1	Introduction	N/A
10.2	One Dwelling Per Lot	This provision is generally consistent across the case study municipalities.
10.3	Accessory Buildings	These provisions are generally consistent across the case study municipalities, though they are contained in a general provision sections 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 that found in the Town of Oakville, however the Town includes this

Table 3 - Review of General Provisions for Residential Zones

Section	Provision	Analysis
		provision in its general provisions for all zones. The City o
		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. Municipalities vary in terms of whether they include any zoning provisions for fences or whether they strictly rely on a separate Fence By-law.
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 th 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 casistudy 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 Two-Unit Dwellings	These provisions are generally unique to the City of Brampton across the case study municipalities. The City of Ottawa addresses two-unit dwellings in its R2 – Residential Secondary Density zone.
10.17	Satellite Dish Antennae	These provisions are generally consistent with that found in the City of Mississauga. The City of Ottawa, rather, regulates antenna systems through its Municipal Concurrence and Public Consultation Process for Antenn Systems, rather than its Zoning By-law (s.91(4)).
10.18	Reserved	
10.19	Reserved	
10.20	Reserved	
10.21	Large Daylight Triangle	This provision is generally unique to the City of Brampton across the case study municipalities.
10.22	Reserved	
10.23	Below Grade Exterior Stairs and Windows	These provisions are generally consistent across the cas 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 cas 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 which regulate 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 this Comprehensive 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 4.

Section	Provision	Analysis				
SECTION	SECTION 20: General Provisions for Commercial Zones					
20.1	Introduction	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 that 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 that 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.				

Table 4 - Review of General Provisions for Commercial Zones

The City of Mississauga, which adopts a similar structure of a separate chapter for general provisions in commercial zones, outlines provisions in commercial zones, not found in the existing Brampton Zoning By-law, which regulate matters such as seating for food sales in retail uses.

The general provisions for industrial zones in the City of Brampton are similar to other jurisdictions, as summarized in Table 5.

Table 5 - Review of General Provisions for Industrial Zones

Section	Provision	Analysis			
SECTION	SECTION 30: General Provisions for Industrial Zones				
30.1	Introduction	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	Reserved				
30.12	Reserved				
30.13	Reserved				
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.			

5.4. OTHER TECHNICAL ISSUES

Through various technical meetings with City staff and stakeholders, a wide range of minor as well as significant technical issues have been raised which have not yet been addressed within the Technical Papers. The list below is not comprehensive. The Zoning Issues and Analysis Report and the various Technical Papers examine some other issues in detail. However, for the purposes of moving forward with the Draft Zoning By-law, there is a need to consider some of the matters that have been raised and identify a direction to proceed with the Draft Zoning By-law for recently raised issues as follows:

- Short term accommodations: The City has noted that short term accommodations are emerging as a planning issue in the City (e.g., AirBNB short term rentals). The Official Plan or other documents do not provide specific policy guidance on these uses. Generally, most municipalities looking at implementing a regulatory framework study this issue in detail, as it may involve implications to Official Plan policy, zoning and some municipalities have implemented licensing frameworks. Markham, Vaughan, Toronto, Ottawa and other municipalities have explored (or are exploring) this issue in detail. In Brampton, this use requires a separate study before zoning recommendations can be made. Until that time, it is recommended that the Draft Zoning By-law not address the matter.
- **Night clubs**: The City has requested a review of night clubs in the City which WSP understands are currently addressed the same as restaurants when the Zoning By-law is interpreted. While the uses have some similarities to restaurants, there are some distinctions (hours of operation, aesthetic appearance, relative potential noise impact, parking needs). There is a basis for differencing night clubs, with an appropriate definition, parking requirements, consideration for appropriate zones and potentially the introduction of specific use provisions. The Official Plan does not make specific reference to night clubs or similar uses, however, it is desirable to regulate the uses in the Zoning By-law. Consideration will be made to review other best practice and identify an approach suitable for Brampton based on an understanding of current context (i.e., demand for and distribution of existing night clubs).
- **Group homes**: It is noted that the Official Plan directs the establishment of separation distances and other restrictions on group homes. These policies may not be consistent with the Ontario Human Rights Commission, which has been advocating for removal of these types of provisions on the basis that they are discriminatory and limit housing choices. Further discussion with the City is required to establish the zoning directions.
- Places of worship: The City undertook a comprehensive study of places of worship in 2010, resulting in an Official Plan Amendment and Zoning By-law Amendment that permitted the use in many zones, subject to meeting criteria such as minimum lot size. It is suggested that these recommendations be carried forward in the new Zoning By-law. However, the City has noted that there may be some opportunity to make the provisions more user-friendly. Consideration will be made in the new Zoning By-law to reorganize the provisions without changing the intent in the interest of creating an easier to use Zoning By-law.
- **Payday loan establishments**: The City has requested a review of "payday loan" establishments, which are regulated by the Province as payday lenders and subject to the *Payday Loans Act*, 2008. From a zoning perspective, these uses are similar in nature to other financial establishments (e.g., banks). These uses typically occupy a small amount of office or retail space and would require some parking for employees and customers. In terms of impact, the use would be similar to banks and other establishments as they would operate principally during normal business hours and be conducted entirely indoors. Without policy guidance, there is no particular

basis to regulate these uses differently in zoning compared with other financial establishments or retail stores. However, it is recognized City staff may ultimately review these uses in more detail. At that time the Zoning By-law may include more specific zone provisions. It is noted that the *Municipal Act* was recently amended to allow municipalities to regulate Payday Loans establishments via a licensing by-law (154.1), including the number of the establishments and the areas in which they are permitted in the municipality. However, this would represent a by-law under the *Municipal Act* and not a zoning by-law under the *Planning Act*.

• Waste storage: As noted, there is a need to provide some provisions in the Zoning By-law for waste storage. This includes consideration for innovative technologies as well as circumstances where indoor waste storage is required to manage odour and visual impacts. As the City is intensifying, there is a need to ensure the Zoning By-law includes comprehensive provisions that will be applicable to a wide range of built form typologies and uses. It is recommended the Draft Zoning By-law be developed to include waste storage provisions in consideration of best practice in other municipalities, any applicable guidelines and recent developments in Brampton, and consultation with City staff.

6. ZONE REVIEW

A key exercise in updating the City of Brampton Zoning By-law will be the review and updates to the zone categories. The need to update zone categories is driven by a few matters:

- There is a need to align the zone categories with Official Plan land use designations. This does not necessarily mean that one zone is sufficient to implement each Official Plan designation. Rather, the complexity of policy and permitted uses often necessitates several zones to implement many land use designations. However, the City should be able to apply zones that are well aligned with the permitted uses and built form expectations of each land use designation.
- The exercise of bringing zones into alignment with the Official Plan will require modifications to existing zone categories, including:
 - Identifying the zones that will relate to the Official Plan designation and modifying the names of zones to better relate to the applicable Official Plan land use designation;
 - Modifying permitted uses to ensure the zones that relate to the land uses are as permissive as the Official Plan land use designation (or more restrictive); and
 - Modifying lot and building requirements to line up with the broad intent and principles of built form as may be outlined in the Official Plan policies and any applicable design guidelines in the City.
- There may be a need to establish new zone categories to appropriately implement the land use designations of the Official Plan.
- 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 noncompliance or non-conformity.

6.1 REVIEW OF EXISTING ZONE CATEGORIES

The City of Brampton's Comprehensive Zoning By-law has numerous (over 70) zone categories. Further, many of the zone categories are not clearly aligned with the Official Plan land use designations, and some of the categories are very generally named with no indication of the zone's purpose. As discussed in the Technical Papers for Commercial Areas (#2) and Employment Areas (#4), as much as possible it is desirable to name the zones to align with the related land use designations and to provide the reader with an understanding of the zone's intent.

Table 6 lists all the City's zone categories, the general purpose of each zone, and identifies some recommendations to guide the development of the Zoning By-law, including opportunities to consolidate the zone and to align it with the Official Plan. In particular:

There appears to be significant opportunity to consolidate Residential zones as some of the
zones are only differentiated in a minor way. As noted, any consolidation efforts will require
consideration of implications on creating legal non-compliance of zones standards. When zones
are consolidated, the minimum standard should essentially be selected (to minimize legal noncompliance). Potential impacts on community character should also be considered when merging
zones.

- There is a clear need to better align the Commercial and Employment ones with the intent and language used in the Official Plan. A detailed review is required.
- Minor modifications are noted below with respect to Institutional, Open Space and Agriculture zones to better align with the intent of the Official Plan.

Section	Zone Name	Description	Directions
11.1	RE1 – Residential Rural Estate One	Single detached dwellings on 60 m lots	These zones will likely be retained to maintain character of Estate areas in a
11.2	RE2 – Residential Rural Estate Two	Single detached dwellings on 45 m lots	manner consistent with the established zoning.
11.3	REH – Residential Rural Estate Holding	Single detached dwellings on 45 m lots	The application of this zone will be reviewed to determine where it is applied and whether it is required. It may be suitable to utilize the RE2 with holding symbols as an alternative.
11.4	RHm1 – Residential Hamlet One	Single detached dwellings on 45 m lots and other uses (parks, places of worship, cemetery, nursing home, etc.)	The application of this zone will be reviewed and opportunity to consolidate with Rural Estate 2 will be reviewed in conjunction with other Institutional/Open Space zones.
11.5	RHm2 – Residential Hamlet Two	Single detached dwellings on 30 m lots	This zone may be required as it is distinct from the other Hamlet/Estate zones.
11.6	RH – Residential Holding	Single detached dwellings on 30 m lots plus golf courses and agricultural uses permitted	The application of this zone will be reviewed for opportunity to consolidate with other zones and/or utilize holding symbols or Future Development zones.
12.1	R1A – Residential Single Detached A	Single detached dwellings on 18 m lots, plus places of worship permitted	Opportunity to consolidate this zone will be reviewed (other 18 m zones).
12.2	R1A(1) – Residential Single Detached A(1)	Single detached dwellings on 30 m lots, plus places of worship permitted	This zone will likely be retained as it is a unique 30 m urban residential zone.
12.3	R1A(2) – Residential Single Detached A(2)	Single detached dwellings on 22 m lots, plus places of worship permitted	This zone will likely be retained as it is a unique 22 m urban residential zone.
12.4	R1A(3) – Residential Single Detached A(3)	Single detached dwellings on 18 m lots, plus places of worship permitted	Opportunity to consolidate this zone will be reviewed (other 18 m zones).
12.5	R1B – Residential Single Detached B	Single detached dwellings on 15 m lots, plus places of worship permitted	Opportunity to consolidate these 15 m zones will be reviewed. If the specific developments are built-out, all of these
12.6	R1B(1) – Residential Single Detached B(1)	Single detached dwellings on 15 m lots, plus places of worship permitted	separate zone categories may not be required and some may be consolidated, with the minimum
12.7	R1B(2) – Residential Single Detached B(2)	Single detached dwellings on 15 m lots, plus places of worship permitted	requirement amongst consolidated zones selected to minimize legal non- compliance.
12.8	R1B(3) – Residential Single Detached B(3)	Single detached dwellings on 15 m lots, plus places of worship permitted	
13.1	R1C – Residential Single Detached C	Single detached dwellings on 12 m lots, plus places of worship permitted	Opportunity to consolidate these 12 m zones will be reviewed. If the specific developments are built-out, all of these

Table 6 - Review of Zone Categories

Section	Zone Name	Description	Directions
13.2	R1C(1) – Residential	Single detached dwellings on 12	separate zone categories may not be
	Single Detached C(1)	m lots, plus places of worship permitted	required as above.
13.3	R1D – Residential Single Detached D	Single detached dwellings on 9 m lots, plus places of worship permitted	This zone will be required as it is the only zone for 9 m lots.
13.4	R1E-x – Residential Single Detached E-x	Single detached dwellings on x m lots (the min. frontage is indicated by the zone symbol), plus places of worship permitted	Opportunity to consolidate this zone should be explored.
13.5	R1F-x – Residential Single Detached F-x	Single detached dwellings on x m lots (the min. frontage is indicated by the zone symbol), plus places of worship permitted	Opportunity to consolidate this zone should be explored.
15.1	R2A – Residential Semi-Detached A	Single and semi detached dwellings on 15 and 9 m lots, respectively, plus places of worship	Consideration should be made to delete this zone in favour of applying appropriate R1 (single) and R2D (semi) zones if possible.
15.2	R2A(1) – Residential Semi-Detached A(1)	Single and semi detached dwellings on 16.5 and 10.5 m lots, respectively, plus places of worship	Consideration should be made to delete this zone in favour of applying appropriate R1 (single) and R2D (semi) zones if possible. However, there are no other zones that address these specific lot frontages.
15.3	R2A(2) – Residential Semi-Detached A(2)	Single and semi detached dwellings on 18.0 and 9 m lots, respectively, plus places of worship	Consideration should be made to delete this zone in favour of applying appropriate R1 (single) and R2D (semi) zones if possible.
15.4	R2B – Residential Extended	Single and semi detached dwellings under the R2A(1) zone and other requirements	Consideration should be made to delete this zone in favour of applying appropriate R1 (single) and R2D (semi) zones if possible.
15.5	R2B(1) – Residential Extended One	Singles, semis, duplexes, triplexes, double duplexes, multiple dwellings up to four units, lodging houses and places of worship	This broadly permissive zone will be reviewed to determine potential to consolidate and apply other zones in its place.
15.6	R2C– Residential Semi-Detached C	Single and semi detached dwellings on 9.0 m lots, plus places of worship	Consideration should be made to delete this zone in favour of applying appropriate R1 (single) and R2D (semi) zones if possible.
15.7	R2D-x– Residential Semi-Detached D-x	Semi detached dwellings only on x m lots (as indicated in the zone symbol) plus places of worship	Consideration should be made to delete this zone in favour of applying appropriate R1 (single) and R2D (semi) zones if possible.
15.8	R2E-x– Residential Semi-Detached E-x	Semi detached dwellings only on x m lots (as indicated in the zone symbol) plus places of worship	Consideration should be made to delete this zone in favour of applying appropriate R1 (single) and R2D (semi) zones if possible.
16.1	R3A – Residential Townhouse A	Townhouse dwellings on 30 m lots plus places of worship	Consideration should be made to consolidate into a general Cluster Townhouse zone.
16.2	R3A(1) – Residential Townhouse A(1)	Single, semi, townhouse dwellings on 9 m lots plus places of worship	Consideration should be made to combine with the R3A(1) zone if the uses are built out and utilize the lower lot coverage.
16.3	R3A(2) – Residential Townhouse A(2)	Single, semi, townhouse dwellings on 9 m lots plus places	Consideration should be made to combine with the R3A(1) zone if the

Section	Zone Name	Description	Directions
		of worship (only distinction from A(1) is a slightly higher lot coverage)	uses are built out and utilize the lower lot coverage.
16.4	R3A(3) – Residential Townhouse A(3)	Townhouse dwellings on 36.5 m lots plus places of worship	Consideration should be made to consolidate into a general Cluster Townhouse zone.
16.5	R3A(4) – Residential Townhouse A(4)	Townhouse dwellings on 4.5 m lots plus places of worship	This zone will likely need to be retained as it is the only 4.5 m townhouse dwelling zone.
16.6	R3B – Residential Street Townhouse B	Street townhouse dwellings on 6 m lots plus places of worship	This zone will likely need to be retained as the only 6 m townhouse zone.
16.7	R3B(1) – Residential Townhouse B(1)	Single, semi, townhouse dwellings on at least 6 m lots and places of worship	Consideration should be made to delete this zone and apply other applicable zones based on what has been developed.
16.8	R3C – Residential Townhouse C	Townhouse dwellings on 5 m lots plus places of worship	This zone will likely need to be retained as the only 5 m townhouse dwelling zone.
16.9	R3D-x – Residential Townhouse D-x	Street townhouse dwellings on <i>x</i> m lots, where the min. lot frontage is identified in the zone symbol plus places of worship	Consideration should be made to delete this zone and apply other applicable zones based on what has been developed.
16.10	R3E-x – Residential Townhouse E-x	Street townhouse dwellings on <i>x</i> m lots, where the min. lot frontage is identified in the zone symbol plus places of worship	Consideration should be made to delete this zone and apply other applicable zones based on what has been developed.
18.1	R4A – Residential Apartment A	Multiple residential buildings on 33 m lots to a max. height of 12 storeys	This zone will likely be retained as it is unique.
18.2	R4A(1) – Residential Apartment A(1)	Townhouse dwellings, as well as multiple residential buildings up to 4 storeys	Consideration should be made to apply appropriate R3 (Townhouse) or R4 (Apartment) zones based on the ultimate development.
18.3	R4A(2) – Residential Apartment A(2)	Townhouse dwellings, as well as multiple residential buildings with no max. building height (Max FSI at 1.0)	Consideration should be made to apply appropriate R3 or R4 zones based on development.
18.4	R4A(3) – Residential Apartment A(3)	Townhouse dwellings, as well as multiple residential buildings with no max. building height (Max FSI at 1.5)	This zone will need to be retained as it is unique.
18.5	R4B – Residential Apartment B	Apartment buildings up to 22 storeys	This zone will need to be retained as it is unique.
19.1	CRC - Composite Residential Commercial	Singles, semis, multis, certain office uses, personal service shops and studios (applicable lot and building requirements are drawn from other zones, depending on whether non- residential or residential uses are proposed)	The application of this zone will be reviewed to consider the contexts in which it has been applied. Consideration could be made to integrate this into a new Mixed Use or Live-Work zone category or split into appropriate Residential, Commercial or Mixed Use Zones depending on how the zone is being applied.
21.1	C1 – Commercial One	Retail, office, restaurants, libraries, places of worship (excl. gas bars) with 15 m front yard setback	The commercial zones will need to be reviewed and realigned with the Official Plan and Secondary Plan hierarchy of commercial areas. The various zones
21.2	C2 – Commercial Two	Retail, offices, restaurants, service stations, places of	will likely be repurposed to fit within an appropriate hierarchy and the zones will

Section	Zone Name	Description	Directions
		worship with min. 21 m front yard	be appropriately named to align with the
22.1	C3 – Commercial Three	setback Retail, offices, restaurants, vehicle repair service stations,	Official Plan. This may result in modifications to some permitted uses.
		places of worship with min. 21 m front yard	The standards within the zones will also be reviewed to provide for more
23.1	SC – Service Commercial	Retail, office, restaurants, garden centres, personal service shops, group homes, places of worship, lodging houses with min. 5 m front yard	contemporary requirements. This is anticipated to generally include reducing minimum requirements (such as front yard setbacks), where appropriate, to avoid creating legal non-
24.1	HC1 – Highway Commercial One	Hotels, motels, motor vehicle sales, clubs/banquet facilities, restaurants, group homes, places of worship	compliance.
24.2	HC2 – Highway Commercial Two	Service stations/gas bars, car wash, accessory retail, place of worship	It is desirable to maintain a specific zone for automobile service stations and this zone will provide a basis. All commercial zones will likely be realigned with the Official Plan nomenclature and updated with contemporary provisions (mainly decreasing the minimum requirements).
25.1	RC – Recreation Commercial	Golf courses, driving range, indoor recreation, animal hospital	This zone will be reviewed. A specific zone for golf courses and similar open space recreational uses may be appropriate.
26.1	CA – Commercial Agricultural	Garden centres, farm produce stand, animal hospital	This zone and the application of the zone will be reviewed for conformity with the Official Plan and Greenbelt Plan.
27.1	OC – Office Commercial	Offices, banks	This zone will be reconsidered in conjunction with the review of Commercial and Industrial zones to align with the Official Plan.
28.1	DC – Downtown Commercial	Retail, personal services, restaurants, offices, clubs, vehicle sales/rental, hotel, apartments (up to 30% of GFA used for commercial), group homes, lodging house, place of worship	These Mixed Use zones will be carried forward but modifications to the naming may be considered. The zones should form a new category of Mixed Use zones. Consideration will be made to repurpose the Mixed Use Zones as form-based codes (e.g., identifying
28.2	DC1 – Downtown Commercial One	Retail, offices, personal services, restaurants, clubs, hotels, apartments provided the street- fronting portion is commercial; drive-throughs excluded	height, density or other requirements within the Zone code on the zone schedules to minimize the need for additional schedules or site-specific provisions).
29.1	CMU1 – Central Area Mixed Use One	Retail (max floor area), personal service shops, offices, restaurants (exclude drive- throughs), place of worship	
29.2	HMU1 – Hurontario Corridor Mixed-Use One	Retail (max. floor area), personal services, offices, hotels, apartment dwelling (subject to commercial requirements); gas bars/drive-throughs prohibited	
31.1	M1 – Industrial One	Manufacturing/processing/repair, vehicle repair, printing, warehouses, broadcasting,	The various industrial zones will be reviewed and updated to relate to the Official Plan's hierarchy of Employment

Section	Zone Name	Description	Directions
		furniture store, recreational facility, place of worship (subject to Schedules G, H, and I); accessory retail (15% of GFA), accessory offices	designations. This will likely result in modifications to permitted uses. Further, lot and building standards will be reviewed to reflect contemporary requirements and policy.
31.2	M1A – Industrial One A	Same uses as M1A, with different lot/building requirements	
32.1	M2 – Industrial Two	Manufacturing/processing/repair, printing, warehouses, freight yard, solid waste processing, wide range of open storage uses, hazardous waste processing thermal degradation use, building supplies, broadcasting, recreational facility, place of worship (in a Business Corridor per Schedule G); accessory office/retail/educational use	
33.1	M3 – Industrial Three	Manufacturing/processing/repair, printing, warehouses, solid waste processing, relatively limited range of open storage uses, hazardous waste processing thermal degradation use, broadcasting, recreational facility, place of worship (in a Business Corridor per Schedule G); accessory office/retail/educational use	
33.2	M3A – Industrial Three A	Same as M3, with different lot/building requirements	
34.1	M4 – Industrial Four	Manufacturing/processing/repair, printing, warehouse, broadcasting, place of worship in business corridor area, accessory office, community club, recreational facility, accessory retail	
34.2	M4A – Industrial Four A	Same as M4, with different lot/building requirements	
35.1	MBU – Industrial Business	Office, retail, personal service, restaurants, hotels, place of worship in some areas clubs, recreational facility	
43.1	I1 – Institutional One	Schools, place of worship, day nursery, parks, group homes	This zone is generally suitable as a minor institutional zone.
43.2	I2 – Institutional Two	Public authority office, arena, cemetery, college/university, community centre, fairground, library, nursing home, curling rink, park, group home, place of worship	This zone is generally suitable to relate to the Major Institutional designation but will be reviewed to align with the Official Plan.
44.1	OS – Open Space	Indoor or outdoor recreational facility, conservation area, accessory lounge/restaurant	This zone should be split into an Open Space or Park zone which would reflect non-constrained recreational areas, and an Environmental Protection or Conservation Zone to reflect areas that are protected.

Section	Zone Name	Description	Directions
44.2	F – Floodplain	Flood erosion control, golf course, public park	This zone may be carried forward or it may be integrated into an Environmental Protection or Conservation Zone with limited permissions (as noted above). To avoid creating instances of legal non- conforming uses, existing uses can be added as being permitted (provided they existed on the date of adoption of the By-law) and subject to policy.
46.1	A – Agriculture	Agricultural uses, single detached dwelling, group home, cemetery, animal hospital, kennel, home occupation	This zone and the application of the zone will be reviewed for conformity with the Official Plan and Greenbelt Plan.

6.2 RESIDENTIAL ZONE CONSOLIDATION

The widest range of zones are for residential uses. This is typical in Ontario zoning by-laws, since residential zones require a high degree of design control amongst different lot and building typologies, to ensure that development occurs as intended and that the streetscape character is maintained over time. The number of residential zones have increased in zoning by-laws used in Ontario municipalities, as there has been an increased need to manage stable residential character as neighbourhoods mature and there is pressure for building additions or house replacement. Further, the need to provide for a wider range of unit types and lot sizes has greatly increased. There is a far wider range of zone types applied within newer neighbourhoods compared with older neighbourhoods which increases complexity during development review processes.

In large part, Brampton's Zoning By-law has a mix of different residential types. Some of the residential zones are simple zones which permit one type of residential unit (e.g., single detached dwellings) and subject to minimum lot and building standards as set out in the zone. Some zones refer to other zones for provisions which can be cumbersome and create a risk of interpretation errors. A few zones permit multiple unit types (e.g., semis and townhouses) with different standards for each unit type. A few of the zones employ form-based codes, with the lot frontage noted in the zone code as shown in the maps.

There is significant opportunity to streamline the residential zones and create consistency in their format and style. It is expected that in a zoning by-law that is well over 30 years old, many different types of zones have been added to suit the various needs of the development application or policy context. When developing the new Zoning By-law, a clear and single approach to setting up residential zones should be identified from the outset. It is recommended that:

- To assist in reducing the number of residential zones, having zone categories that address different unit types (singles, semis and townhouses) is desirable and should be employed where possible, as long as the approach will not permit redevelopment to a denser form of housing asof-right. This approach helps to support the principle of promoting a mix of different unit types and will reduce the complexity of zoning in new neighbourhoods, and potentially reduce the need for rezonings to refine the zoning boundary as the development proceeds.
- The form-based codes (e.g., with the minimum lot frontage shown in the zone symbol on the maps) should not be carried forward in the interest of creating consistency amongst the format of the residential zones and align with the principle of creating an easy-to-use zoning by-law. For any existing zones with form-based codes, an appropriate zone will be selected with caution employed not to inadvertently change the zone standards through this process.

Finally, as noted, there will be opportunity to merge or consolidate zones by adopting the minimum standards amongst consolidated zones to avoid creating non-compliance.

6.3 GAPS IN ZONE CATEGORIES

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While the City maintains a wide range of zone categories, there are a few gaps noted:

- There is a gap with respect to the provision of a highly restrictive Environmental Protection or Conservation Zone which can be applied to private property. While the Floodplain zone is restrictive, it does permit public parks and golf courses, and it would only be applicable within Floodplains. Further, the Open Space zone is permissive of buildings and structures. The City appears to apply the Open Space (OS) zone to woodlots and other features which is permissive of recreation facilities and accessory restaurants. While this may not be a concern when lands are in public ownership, it is desirable for Zoning By-laws to have a zone which is highly protective to respond to policy regarding protection of certain features and areas.
- It may be desirable to establish a Future Development zone which can be applied to permit existing uses and require a rezoning at the time of development.
- The City does not utilize a Utility zone which can be useful to apply to significant transportation corridors and sites, like transformer stations. This was noted in Technical Paper #7 (Secondary Plan Conformity). Although these uses are often permitted in all zones as public uses, having a separate Utility zone can be useful to improve the clarity of the zone maps and ensure the zone maps align with the detailed Secondary Plan designations for utility sites and uses.
- The Zoning By-law has a very limited range of Mixed Use zones, which are designed to be applicable to certain areas of the City, such as the Downtown and Hurontario corridor. Given the detailed policy in the Official Plan, it is logical to have separate zones within the Downtown Area and other areas. However, as the City has indicated, there is a desire to enable some transition of commercial areas to move towards mixed use nodes, but there are no appropriate zones to support this intention. It is recommended that the Zoning By-law establish Mixed Use Zones as a specific category of zones, inclusive of the required Downtown and other Mixed Use Zones, and also identify new Mixed Use zones which address an appropriate range of different typologies as explored in the Mixed Use and Intensification Areas Technical Paper (#1). Consideration will be made to align the zones with the City's ongoing development of Urban Design Guidelines. While the zones may not necessarily be applied through the development of the new Zoning By-law, the intent is to have zones that are suitable for future application through development review and potential future pre-zoning as an outcome of a policy/design exercise (such as a Major Transit Station Area study). The development of new Mixed Use zones may also require integration of new definitions, terminology and provisions to address the design concepts and identify a formbased approach to zoning.
- There are some gaps in terms of provisions to guide certain development formats, particularly various types of townhouses. New zone categories may be developed, or specific provisions can be integrated into the relevant zones to guide various townhouse typologies (stacked townhouses, back-to-back townhouses, etc.). Rather, the townhouse provisions in the various zones do not fully serve to guide an intended built form and configuration. Further to this, there does not appear to be a zone that permits live-work units as of right with appropriate provisions. This appears to be typically addressed as Special Sections (e.g., Special Section No. 2103).
- Further, there are no zone categories established to address residential uses accessed via laneways. Further review is required to determine if the City has ever developed standards for

rear lane development as part of a Special Section, which can provide a basis for developing new provisions that the City has previously approved.

7. SPECIAL SECTIONS

The City of Brampton Zoning By-law includes well over 2,000 Special Sections, which are site-specific provisions applied to defined lands, and 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 Comprehensive Zoning By-law do not address the required provisions. 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 or restricting uses that would otherwise be permitted by the base zone category.

7.1 OVERALL APPROACH

A complete repeal of Special Sections would have significant impacts on current development entitlement and use and would likely generate many appeals and opposition. As Brampton is a rapidly growing and evolving City, it is expected that many of the Special Sections still have relevance and in some cases will relate to lands not currently constructed. 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 that were 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 Zoning By-law Reviews in recent years, 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.

7.2 REVIEW OF SPECIAL SECTIONS

All 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 Comprehensive Zoning By-law. 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 which have 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 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 Official Plan conformity**: There is also a need to confirm that 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 that were 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.
- **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.

7.3 FUTURE DIRECTIONS

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

The addition of Mixed Use zone categories as discussed in Section 7 as well as proposed additions to address other development typologies (townhouses and live-work units) will contribute to reducing the need for Special Sections to address these formats. Further, the modification of zone categories to better align with the Official Plan's intended land uses, as also identified in Section 7 of this Strategy, will similarly assist in reducing the need for Special Sections, since development will need to occur in accordance with the Official Plan and an appropriate implementing zone category will be available. Ensuring that the Residential zones will respond to a wide range of different typologies and lot sizes also helps to 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.

7.4 MORATORIUM ON SITE-SPECIFIC AMENDMENTS

Under recent changes to the *Planning Act*, once a new Zoning By-law comes into effect as part of a comprehensive update to address an Official Plan Review, it is intended that a moratorium on site-specific zoning by-law amendments will be in effect for a period of 2 years. Council may also pass resolutions to exempt an application or class of applications from this limitation. Discussion with the City is required to confirm the applicability of this Section of the *Planning Act* to this review process.

8. GIS AND ZONING DATA MANAGEMENT

8.1 CONTEXT

The City of Brampton currently uses Geographic Information Systems (GIS) extensively for reviewing and managing zoning information. The City's zoning data is maintained using a desktop GIS environment and made available for public consumption through a web-based mapping application called Brampton Maps. Rather than administering updates to zoning mapping using paper mapping, the City manages zoning data within the GIS environment, ensuring that its data is up to date and reflects all of the latest zoning by-law amendments.

The zoning data structure is based on the existing parcel fabric, with each parcel having associated zone attribute information such as parent category, Special Section and zone code. This data structure was selected as it allows for simple web integration and does not require frequent updates to shape geometry.

Brampton Maps is the primary means of viewing the City's Zoning By-law mapping and offers many tools for the user to explore zoning information. When a user selects a parcel, a "pop-up" report is returned which indicates the zone code, zoning history, amending by-law, interim control by-law, zone category, zone type and Special Section associated with the parcel. The report also provides links to the text version of the zone category, the Special Section, the General Provisions for the zone category and the General Provisions for the entire Zoning By-law.

8.2 KEY ISSUES AND OPPORTUNITIES

After reviewing the City's current zoning data, the following key issues were identified:

8.2.1 PARCEL-BASED ZONING LAYER VERSUS SEPARATED ZONING LAYER

Parcel-based zoning layers are structured so that each individual parcel within a parcel fabric contain zoning attribute information. Zoning layers structured in this way are easy to maintain as geometry changes are infrequent, meaning the user will typically only need to update a parcel's attribute information if any zoning information changes. Automating changes to the zone attribute information can be easily achieved by establishing standard procedures and workflows within GIS or database applications. The City's data management procedures are currently set to handle parcel-based zoning data, with a primary focus on streamlined integration with the Brampton Maps web application.

There are certain drawbacks when using parcel-based zoning layers. Parcel datasets contain large numbers of polygons and can be cumbersome to manage without proper workflows in place. Due to the large size of parcel datasets, performance can be an issue as more processing power is usually required to render the data. Parcel datasets often have issues with shape geometry such as overlapping polygons, gaps between features and polygon slivers. These type of geometry anomalies can cause issues when conducting spatial analysis or selecting groups of features, but can be corrected and maintained when topology rules are introduced.

Alternatively, a separated zoning layer can be used to display zoning information independent of the parcel fabric. Separated zoning layers consist of larger continuous polygons that represent a certain zone category, rather than attributing zoning information to each individual parcel. Structuring zoning data in this way can significantly reduce the number of polygons within a dataset, which can help improve overall performance and provide a more cohesive zoning layer. Separated zoning layers are conducive to performing spatial analysis and operations such as area calculations, conformity checks and group selections. When proper topology rules and digitizing techniques are used, separated zoning layers can

be maintained with little to no anomalies in feature geometry. However, separated zoning layers require further maintenance as feature geometries need to be updated more frequently than parcel-based layers. As a result, geometry errors can be introduced over time if proper digitizing techniques are not utilized.

It is recommended that a separated zoning layer be used to improve performance and usability through the development of the Draft Zoning By-law. The City of Brampton prefers the parcel-based approach for zoning data as the City's current data management procedures are built upon this format. The new zoning layer will be developed as a separated layer to capitalize on the advantages noted above through the Zoning By-law Review process, and will later be converted to a parcel-based layer to fit the City's needs. Both the separated layer and the parcel-based layer will be provided in the final deliverable to meet the City's needs and provide the most flexibility moving forward.

8.2.2 PAPER MAPPING

As noted previously in this Strategy, the City currently administers its zoning and keeps it current within the GIS environment and accessible online via Brampton Maps. However, paper mapping will be required as an outcome of this Zoning By-law Review process, so that Council can adopt the maps, and also to help facilitate public consultation on the zoning maps and proposed updates. Ultimately, at the end of the project, WPS will deliver the GIS files which establish the framework for producing paper maps and the City will have the ability to maintain paper maps if desired. Recognizing the large number of zoning amendments processed by the City on a regular basis, generally speaking, the notion of managing zoning in GIS and maintaining an up-to-date web-based map is a suitable means of managing the information. However, there are benefits to creating an updated consolidated paper map from time to time.

8.2.3 SPLIT ZONING

Split zoning is defined as any lot which has more than one applicable zone category. Split zoning is an issue examined in detail in Technical Paper #6. As indicated in the Paper, there are no means of eliminating instances of split zoning altogether. There may be unavoidable circumstances where a property must be split into multiple zone categories. This may include application of floodplain zone on a portion of a lot that is subject to constraints. While this could be addressed as an overlay zone, it is desirable to reflect a high degree of constraints as a separate zone category to create a very clear indication that some lands are not developable.

However, as a best practice, the City can endeavor to minimize the application of split zoned Special Sections to different parts of a lot through rezoning processes. There may be circumstances where different parts of a lot need to be subject to different standards. If certain provisions, permitted uses or requirements are intended to apply to only certain parts of a lot, there is an opportunity to attach a schedule to the Special Section to illustrate the geographic extent of various requirements, rather than split zoning a lot with different Special Sections. Alternatively, the text of the Special Section can contain a description of the geographic extent of the provisions if it is simple enough.

It is acknowledged that split zoned properties represent a challenge with respect to undertaking analysis of zoning in a GIS environment. As noted, there is no clear means of eliminating split zoning altogether, but there are opportunities to reduce it as an administrative practice.

8.2.4 DUAL ZONING

Dual zoning is where lands have multiple alternative permissions. Dual zoning is typically employed to reserve lands for potential use for a future school or place of worship, and identified through the Secondary Plan and then plan of subdivision process. Dual zoning allows flexibility so that the lands can ultimately be developed for these institutional uses; if the institutional use is not required, the developer

can develop the lands for other purposes (such as residential). City staff have expressed a desire to retain the practice of utilizing dual zoning.

While this is not expressly a data management or GIS issue, the notion of dual zoning and its relationship to GIS was addressed as part of Technical Paper #6 – Split and Dual Zoning. It may be desirable for the City to consider adding an attribute to the data tables in GIS to indicate which sites are subject to dual zoning requirements to facilitate future analysis. At a minimum, lots that are dual zoned should be tracked so that the City can eliminate dual zone provisions once the lands are built-out and the dual zoning is no longer needed, as part of regular housekeeping amendments to the Zoning By-law.

9. FUTURE READY ZONING

The focus of the Zoning By-law Review is on bringing the Zoning By-law into conformity with the current Official Plan, as well as making other improvements and updates to the clarity and readability of the Zoning By-law. However, community planning policy in the City of Brampton is evolving, with the initiation of an Official Plan Review including a significant visioning exercise, as well as recent updates to the Provincial plans and many other relevant studies and initiatives. This section considers opportunities to ensure that the new Zoning By-law (which is planned for completion in 2019) will continue to be a relevant Zoning By-law which will easily adapt to an evolving policy framework in the future, and best positions zoning in the City of Brampton to be 'future ready.'

9.1. CONTEXT

The opportunity for a comprehensive, complete, and complementary planning tool box

Brampton will be the focus of tremendous growth over the next 20 to 30 years. The City is consciously working on establishing an up-to-date and state of the art planning regime to accommodate that anticipated growth. The Official Plan, Design Guidelines, and Zoning By-law will work together, along with Site Plan Approval, to ensure that the built form and community character that are desired by the City will be achieved over time.

Getting the correct zoning provisions in place, with the appropriate level of control versus flexibility, will be crucial in achieving the City's long-term vision and ensuring the overall planning framework is correct. The new Zoning By-law must be seen as a crucial component of a comprehensive and complementary planning tool box, that considers the important role of the statutory elements - the Official Plan, the Zoning By-law, and Site Plan Approval - as well as the non-statutory Design Guidelines, all of which are concurrently being revised.

The Zoning By-law can play multiple roles

The City has the opportunity to thoughtfully consider the role of the Zoning By-law in managing change. There are opportunities for the By-law to facilitate development through pre-zoning, to anticipate development by establishing zoning categories, without applying them on the ground (requiring applications for those categories), or to simply respond to development applications. There are positive and negative consequences to each of these fundamental options.

Notwithstanding the eventual role, or multiple roles, that the Zoning By-law might play in the development of Brampton, the provisions must achieve a balance between control and flexibility to ensure that the document can be responsive to innovation and can easily recognize changing demographic and economic contexts over time. It is an objective of the City to have a planning approval regime, including a new Zoning By-law, that is forward-thinking, that implements the new Official Plan and Design Guidelines, and can minimize the need for continuous future amendments.

9.2. OPPORTUNITIES AND OPTIONS

The role of major intensification initiatives

It is crucial to understand that the majority of anticipated future growth in Brampton will be accommodated through intensification. Given that the larger scale (taller and higher density) forms of development that are expected within the Central Area and Urban Growth Centre, Intensification Corridors, Mobility Hubs, and Major Transit Station Areas are expected to be zoned based on site or area-specific development

applications, there are a number of zoning tools that can be explored. These are the parts of the City that will experience significant change over the planning period and beyond. In our view, great care must be taken in developing zoning provisions for these areas that recognize existing development and provides for more intense development in accordance with the Official Plan, as appropriate.

Key issues of building separation, the protection of development potential on adjacent sites, and how development transitions to stable neighbourhoods are all fundamental issues that must be dealt with when exploring development compatibility and a well-functioning mixed-use, higher density district. The following key topics are to be considered to ensure that what is proposed is built as envisioned:

- 1. How a development or building sits on its site (Setbacks, Build-to-Lines, Build Within Zones, Building Separation Requirements);
- 2. How a development or building interrelates with adjacent existing or planned buildings (Building Separation Requirements, Setbacks);
- 3. How a development or building transitions to adjacent stable neighbourhoods (Setbacks, Stepbacks, Angular Planes); and,
- 4. How a development or building addresses adjacent streetscapes (Build-to-Lines, Setbacks, Build-Within Zones, Step-backs, Angular Planes).

Other key issues, not necessarily related to built form, include the ability to control the mix of land uses. In an evolving urban community, the desire is typically for a mixture of uses within a district, on a site, and even within buildings. The Zoning By-law will play a crucial role in establishing the appropriate mix of uses, and whether the achievement of the mix of uses is mandatory or permissive. In addition, there may be requirements for redevelopment to replace existing uses within new development in order to preserve or enhance the current function of the area or site within its context.

Mandating a mix of uses, including replacement zoning is an aggressive tool, but can be an important one where the mixture of uses, including the replacement of existing uses, is considered important in achieving a complete community, with multiple options to live, work, learn, and play in proximity.

The role of smaller scale intensification

Smaller scale intensification must also be understood. Infill developments are defined as new buildings within an existing built-up area. They are meant to make the best use of the available land, while complementing the character and style of both the surrounding streetscape and established built form. Infill development generally consists of low-rise building forms with a height of 2 to 4 storeys. The success and appropriateness of an infill development depends on:

- 1. High quality design with attention to detail;
- 2. Respect for, and sensitivity to, its context including established /desired character in terms of mixture of uses, built form, and streetscape; and,
- 3. An innovative approach to deal with potential restrictions/challenges.

Combined, these elements ensure infill developments are a 'good fit' in the community, integrate seamlessly to their surroundings, and enhance both their value and their environments. Infill development of high quality design could bring meaningful changes to the streetscape and create new possibilities for the surrounding urban form.

Important characteristics of an infill development are determined by the site's context, including scale of lots, unit widths, siting patterns (setbacks, orientation, etc.), appropriate height and massing, garage

widths and projections, architectural features, and materials/colour palettes. In these instances, the Zoning By-law must work in tandem with Site Plan Approval to ensure that all elements of compatibility can be appropriately controlled and/or managed.

The role of greenfield development

New greenfield development will be developed at much higher densities than ever before - 80 persons and jobs combined per hectare under the 2017 Growth Plan for the Greater Golden Horseshoe. Accommodating increased density in a reasonable urban structure will require a planning tool box that anticipates and facilitates higher density forms of development within identified centres and along corridors that are served by transit. The Zoning By-law is a key planning tool that will assist the City in achieving beautiful new greenfield communities that accommodate the appropriate built forms, in an environment that supports transit investment. Notwithstanding a focus on intensification, it is still necessary for the By-law to include a greenfield development regime that anticipates growth but does not have the constraint of an existing development context.

Format and usability of the Zoning By-law are important considerations

Zoning By-laws have multiple audiences and need to be user friendly and accessible to all. This is particularly important as society moves away from hard copy documents, to on-line formats. Readability and access are key elements to consider in the creation of the new By-law. Potential strategies that can be considered include:

- 1. Ensuring that new Official Plan policies are fully recognized through zoning provisions (where appropriate) and referenced;
- 2. Ensuring that the new Design Guidelines are fully recognized through zoning provisions (where appropriate) and referenced;
- 3. Developing illustrative examples for zoning provisions and definitions that are in tandem with the Design Guidelines;
- 4. Including the rationale for some zoning provisions in the new By-law for information purposes so the user more clearly understands the basis for a standard;
- 5. Ensuring on-line readability and accessibility of text and mapping; and
- 6. Preparing an online Zoning By-law that will allow for a customized and interactive on-line experience, including zone mapping, regulatory text, and fully functional interface between the two. Developing webpages to provide users access to a Comprehensive Zoning By-law and content query application. This task may incorporate the following types of access:
 - Browse the ability to scroll through the Comprehensive Zoning By-law, incorporating a table of contents.
 - Create Summary enter a property location and obtain a customized property report of the by-laws in effect.
 - Search utilizes a series of dropdown lists to isolate zoning provisions of interest.
 - Develop a "digital concierge" system to guide people through zoning regulations and review processes.
 - FAQs provides hyperlinks to the more commonly asked questions.
 - Preparation of online application user documentation.

Innovative approaches may be included in the Zoning By-law

In addition to readability and accessibility, the opportunity exists to utilize a number of new zoning techniques while in the drafting stages of the new Zoning By-law. Potential strategies that can be considered include:

- 1. Establish new zones to align with the ongoing Urban Design Guidelines for mixed use areas;
- 2. Ensuring permissiveness and flexibility for employment, commercial, and mixed uses to permit a wide range of uses (within the requirements of the Official Plan);
- 3. Not carrying forward existing site-specific exceptions as a first principle, and carrying forward an exception only where necessary as discussed in Section 7;
- 4. Using form-based development standards and/or urban design focused provisions to protect and reinforce character areas or to achieve specific planning goals;
- 5. Create overlay zones over base zones to recognize area-wide characteristics that should be protected. Overlay zones are intended to include provisions that work with the provisions in the base zone; and
- 6. Establishment of urban design-based zoning regulations that are intended to control the development of single detached, semi-detached, duplex, and townhouse development within the City's stable neighbourhoods.

9.3. FUTURE READY RECOMMENDATIONS

The following recommendations are identified to guide the development of a future ready zoning by-law:

- 1. A necessary component of the review will entail updating the many commercial and employment zones that exist to encourage primarily additional economic development and activity in the right areas to remove impediments to development where identified, and to ensure that the highest standards of urban design are implemented through the Zoning By-law.
- 2. Establishing a comprehensive approach to the zoning of established neighbourhoods in the City that does not rely upon lot coverage or FSI controls but relates on other controls which better articulate the intended building envelope.
- 3. Thinking through what the 'ultimate zone standards' could be within identified intensification areas and including them within the new Zoning By-law, since it is expected that the City will not want to pre-zone all of these areas in accordance with the Official Plan. In many cases, it may not be possible to pre-zone in accordance with the Official Plan because doing so would provide for a level of development that is inappropriate across the board and prevents the consideration of site-specific matters at the time a proposal to develop the lands are made. As a consequence of this, one of the approaches would be the identification of the potential zoning that could be applied in accordance with the Official Plan. Given the policies of the Official Plan, an 'up-zone' category could also be created that establishes permitted uses and development standards in accordance with the Official Plan. The 'up-zone' would be illustrative in nature only, but it would provide a road map to the future.
- 4. Developing a Comprehensive Zoning By-law content query application that utilizes the property address for ease of searching.

5. Including the rationale for some of the actual zoning provisions themselves in the new Zoning Bylaw for information purposes so that the user understands the basis for a standard - for example, why is the maximum permitted height 11 metres instead of 13 metres. This could be incorporated in informal notations within the text of the Zoning By-law.

10. CONCLUSIONS AND RECOMMENDATIONS

The City of Brampton will benefit from the development and implementation of a new Zoning By-law, which better positions the City to respond to the changing nature of land use and development in the City. Much of the current Zoning By-law, although its provisions are over 30 years old, is comprehensive in nature and addresses many of the topics addressed by other municipal zoning by-laws. However, there are many gaps and opportunities for updates to modernize the Zoning By-law. Additionally, there are opportunities to both consolidate and streamline the zone categories, particularly residential zones, to create more consistency, simplify the By-law and better align the Zoning By-law with the Official Plan.

The Zoning By-law Review process has resulted in the development of extensive background research, analysis and a wide range of recommendations. This Zoning Strategy Report, combined with the Technical Papers and Zoning Issues and Analysis Report, represents a basis for producing the new Draft Zoning By-law. The content of this Report and the Technical Papers will be presented for public input in Fall 2018.

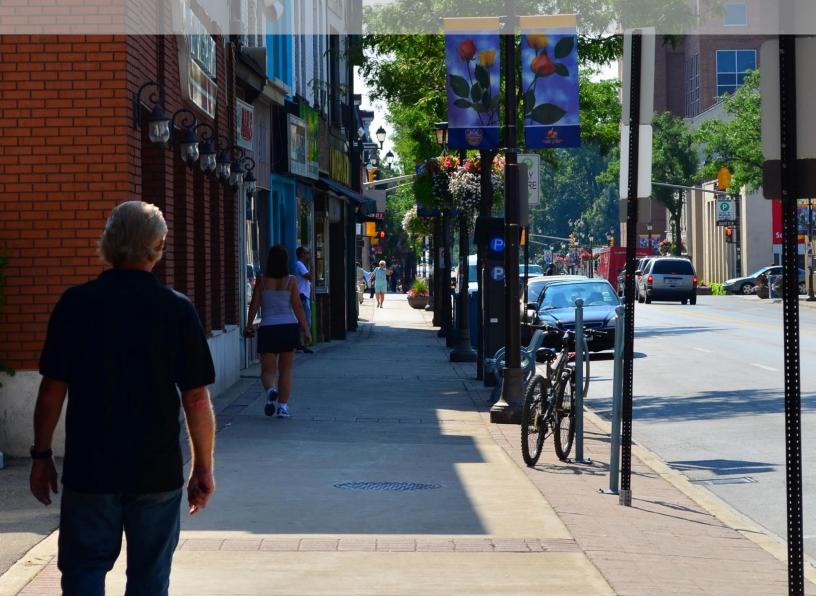
Following is a summary of the key recommendations resulting from this Strategy:

- 1. The Zoning Issues and Analysis Report, the Eight Technical Papers and the Parking and Loading Strategy establish analysis and recommendations for addressing Official Plan conformity as well as an examination of a wide range of technical matters. The recommendations of those reports have been built upon in this Strategy and will be carried forward (refer to Section 2 and Table 1 of this Strategy). Further updates to the Parking and Loading Strategy will be undertaken.
- 2. The Zoning By-law will need to be reviewed to ensure conformity with the Official Plan and Secondary Plans, and a methodology is identified in Section 3 of this Strategy.
- 3. This Strategy identifies a recommended table of contents which is recommended to form the main overall structure of the new Zoning By-law (Section 4 of this Strategy).
- 4. This Strategy identifies a template for the new Zoning By-law text (Appendix A) which incorporates a range of accessibility, wayfinding and other features that are typical amongst modern Zoning By-laws. It is recommended the text be developed using Microsoft Word to ensure compatibility and ease of administration. The attached template was produced in Word.
- 5. 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. Section 5 of this Strategy notes some of the gaps and potential updates which will form the starting point for this update.
- 6. A wide range of technical issues have been noted by City staff and participants in this process. The Zoning By-law will require a comprehensive review of these issues. Some of the significant directions for addressing these issues in the new Zoning By-law are as follows:
 - a. It is recommended that payday loan establishments be regulated in the same manner as other similar uses, such as financial institutions. A separate definition can be introduced, recognizing the City may initiate a study and ultimately consider a by-law regulating these uses under the *Municipal Act*.
 - b. The Zoning By-law will address appropriate permissions and provisions for night clubs.
 - c. The Zoning By-law will incorporate provisions for waste storage facilities.
 - d. The City will need to undertake a Short Term Accommodations study to provide directions to the Zoning By-law before zoning provisions can be integrated.

- e. There is a need to review Group Home policies and provisions with staff to ensure consistency with recent advocacy and legal decisions.
- f. It is noted that there are a number of recent studies resulting in zoning recommendations that will be carried forward, such as the Places of Worship study, which resulted in a significant update to the Zoning By-law in conformity with new Official Plan provisions. However, consideration will be made to improve the ease of use of these provisions and to fit them into the new Zoning By-law structure.
- 7. There is a need to establish a greater range of mixed use zones which responds to various contexts in the City. These zones should be aligned with emerging Urban Design Guidelines and other policy initiatives as much as possible, such as consideration being made to transition the Commercial Areas of the City to appropriate Mixed Use formats. However, per the recommendations of this report, it is not anticipated that the new Mixed Use zones will necessarily be applied (pre-zoning) given the City's intensification strategy is evolving. There may be limited circumstances where pre-zoning is appropriate, but at a minimum, the new structure of Mixed Use zones should be established to better position the City to respond to various development typologies as intended by the policies.
- 8. There are significant opportunities to streamline the residential zone categories, reducing the number of zones without impacting legal compliance. Further, a consistent approach to the residential zones should be established as the current approach varies. It is recommended that consideration be made to establish flexible residential zones (which address multiple unit types as permitted uses, with applicable lot and building requirements for each use).
- 9. There is a need to establish residential zones that address a wider range of typologies, particularly various townhouse dwelling types.
- 10. The commercial and employment zones will need to be reviewed to ensure consistency with applicable Official Plan land used designations, to provide for intuitive names for the zones, and to ensure the permitted uses represent a wide range of modern uses which best enables flexibility and economic development while being consistent with the Official Plan's intent for these areas.
- 11. It is recommended that a utility zone be established to apply to major transportation uses and utility sites.
- 12. It is recommended that an environmental protection (or conservation) zone be established to apply to strongly protected features outside of Floodplains, in addition to a more permissive Open Space zone. This environmental protection or conservation zone can integrate the existing floodplain zone or they may be kept separate. Consideration can be made to integrate the Conservation Authority Regulated Area as an overlay or appendix to provide convenience to the reader.
- 13. It is recommended that a Future Development or Existing Development/Use zone be established to apply to future development areas.
- 14. Zone maps will need to be prepared on the basis of the attached templates (Appendices B and C). However, it is recognized the City may continue to manage the administration of mapping updates in GIS and may not utilize the maps once the By-law is adopted. However, the maps need to be produced for the purposes of Council adoption.
- 15. There are no clear opportunities to completely eliminate split zoning as there will always be limited circumstances where multiple zones must be applied to a single lot. However, the City should endeavour, as an administrative principle, to limit split zoning. Split zoning should not usually be required to address different provisions for different portions of the lot.

- 16. The City has expressed a desire to continue to utilize dual zoning (multiple alternative permissions) which is a suitable approach to providing flexibility in the development approval process. WSP will provide recommendations to remove instances of existing dual zoning in the City which is no longer required. This will require updates to the Special Sections.
- 17. It is assumed that the City will continue to manage zoning data in GIS as an attribute of the parcels. For the purposes of completing the mapping, WSP will undertake the zoning maps as a separate layer. The final deliverable to the City will include the separated layer and zoning identified in the City's preferred format as an attribute in the parcel layer.
- 18. Further discussion is required to confirm the applicability of the *Planning Act's* two-year moratorium on site-specific zoning by-laws after the new comprehensive Zoning By-law comes into effect.
- 19. It is recommended that the Special Sections be carried forward with an eye towards reducing and eliminating the Sections as much as possible.
- 20. It is recommended that a detailed review of Special Sections will be required. As noted, this aspect of the work is not a component of WSP's work plan. Section 8 of this Report provides a recommended methodology for reviewing Special Sections. The review of Special Sections should only take place when there is a suitable Final Draft of the parent Zoning By-law text.
- 21. Building upon the recommendations above, establishing a future ready Zoning By-law should include consideration for enhanced online user experience; implementing form-based zone standards; ensuring a broad range of permitted uses and inclusivity in the interest of promoting business development and growth; and identifying explanatory text in the Zoning By-law to describe the purpose of the zones.

APPENDIX A | SAMPLE ZONING BY-LAW TEMPLATE



Notation:

Part 6 | Residential Zones

6.1. List of Residential Zones

For convenience purposes, the Residential zones, as defined in Table 6.1, are listed as follows along with a brief description of the purpose of each zone:

The full list of zones defined in this By-law is

found in Part 5.

Table 6.1 – Residential Zones

Zone	Zone Symbol	Zone Purpose
Residential First Density	R1	To restrict development to single detached dwellings
Residential Second Density	R2	To restrict development to single detached and semi-detached dwellings
Residential Third Density	R3	To restrict development to semi- detached and townhouse dwellings
Residential Fourth Density	R4	To restrict development to townhouse dwellings and live-work units

6.2. Permitted Uses

Uses permitted in the Residential Zones are denoted by the symbol " \checkmark " in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 6.2.

Table 6.2 – Uses Permitted in the R1, R2, R3 and R4 Zones

		R1	R2	R3	R4
(a) Residential Uses					
Single detached dwelling		√	√		
Semi-detached dwelling			\checkmark	\checkmark	
Townhouse dwelling					\checkmark
Group home type 1	(1)	\checkmark	√	\checkmark	\checkmark
Live-work dwelling	(1)				\checkmark
(b) Accessory Uses					
Home occupation	(1)	\checkmark	\checkmark	\checkmark	\checkmark
Private home day care	(1)	\checkmark	\checkmark	\checkmark	\checkmark
Second suite	(1)	\checkmark	√	\checkmark	\checkmark
Other accessory uses	(1)	\checkmark	\checkmark	\checkmark	\checkmark

Notations to Table 6.2

(1) This *use* is subject to specific use provisions in Part 3 of *this By-law*.

6.3. Zone Regulations

Lots, buildings and *structures* in a Residential Zone shall be in accordance with the regulations of Table 6.3, inclusive of any Additional Regulations identified following Table 6.3, and all other requirements of *this By-law*:

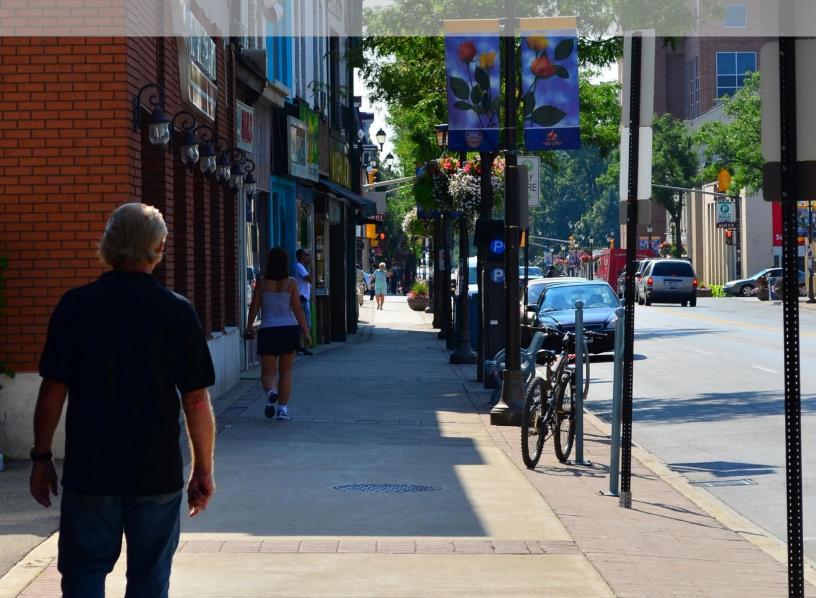
Table 6.3 – Zone Standards for R1, R2, R3 and R4 Zones

	R1	R2	R3	R4
(a) Single Detached Dwe	lling			
Minimum <i>lot area</i>	600.0 m ²			
Minimum lot frontage	12.0 m			
Minimum front yard	6.0 m			
Minimum exterior side yard	6.0 m			
Minimum interior side yard	See (1)			
Minimum rear yard	7.5 m			
Maximum <i>height</i>	9.0 m			
Maximum lot coverage	40%			
(b) Semi Detached Dwell	ing			
Minimum <i>lot area</i>	N/A			
Minimum lot frontage	N/A			
Minimum front yard	N/A			
Minimum exterior side yard	N/A			
Minimum interior side yard	N/A			
Minimum rear yard	N/A			
Maximum <i>height</i>	N/A			
Maximum lot coverage	N/A			
(c) Townhouse Dwelling				
Minimum <i>lot area</i>	N/A			
Minimum lot frontage	N/A			
Minimum front yard	N/A			
Minimum exterior side yard	N/A			
Minimum interior side yard	N/A			
Minimum rear yard	N/A			
Maximum <i>height</i>	N/A			
Maximum lot coverage	N/A			

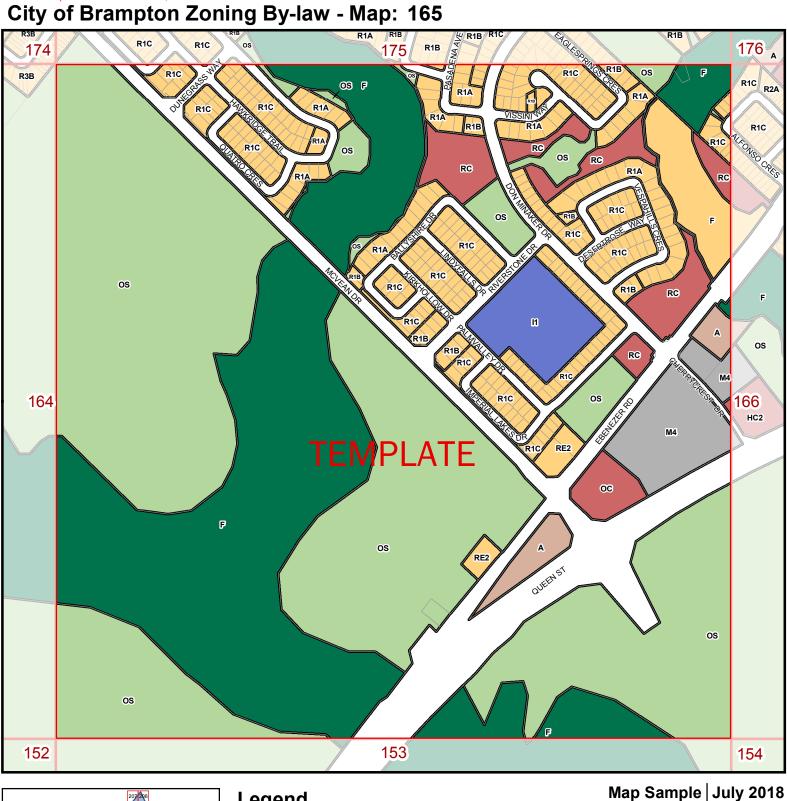
Additional Regulations to Table 6.3

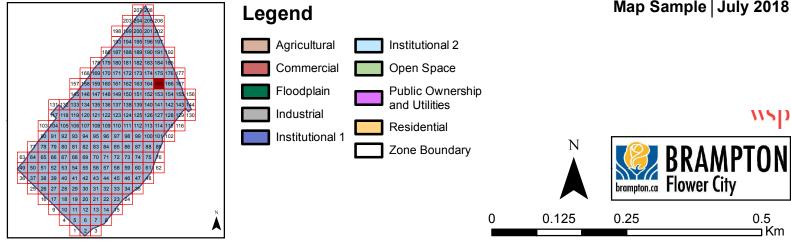
- (1) The minimum interior side yard in the R1 zone shall be the greater of:
 - a. 1.8 m; or
 - b. The *height* of the *dwelling* divided by two.

APPENDIX B | SAMPLE ZONING BY-LAW MAP (COLOUR)



*Note: Template for demonstration, and is not a recommendation on zones.





APPENDIX C | SAMPLE ZONING BY-LAW MAP (BLACK & WHITE)

