

CITY OF BRAMPTON
COMPREHENSIVE ZONING BY-LAW REVIEW

Technical Paper #6
Split and Dual Zoning

DRAFT | MAY 2018

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1. Introduction

A key matter raised for further evaluation is the notion of split and dual zoning in the City of Brampton’s current comprehensive Zoning By-law 270-2004. This paper defines and examines these two zoning approaches in more detail and provides an evaluation of alternative approaches.

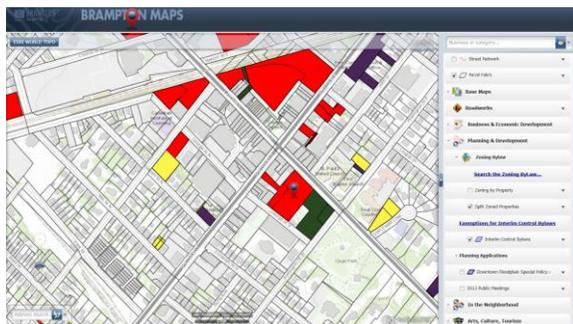
1.1 Background

The Brampton Zoning Issues and Analysis Report (Draft October 2017) identified the need to prepare this Technical Paper to further examine the notion of split zoning and dual zoning, which are approaches utilized in the current City of Brampton zoning by-law.

“Split zoning” refers to any parcel of land that is geographically divided into more than one zone. This may include, for example, a parcel that is partly zoned “R1” with the remaining portion of the parcel zoned “F” to recognize a flooding constraint. Further, this can also include a parcel that is in part subject to a certain Special Section (site-specific provisions) while the other part of the parcel is subject to a different Special Section.

Figure 1 highlights (in colour) those lands that are split zoned in a portion of downtown Brampton. Brampton City Hall is identified by the pin.

Figure 1 – Illustration of Split Zoning in the City of Brampton (Downtown Core)



“Dual zoning” refers to any lands that have multiple *alternative* permissions applied to it, typically identified through the special section provisions. For example, a site may be dual zoned to enable the development of a school or the development of housing (but not both

simultaneously on the subject lands). Dual zoned lands are not clearly evidenced in the mapping, but are rather defined by the special provisions applicable to the lands.

1.2 Purpose of this Technical Paper

The purpose of this Technical Paper is to:

1. Characterize and review the prevalence of split zoning and dual zoning in Brampton;
2. Consider the issues and benefits associated with utilizing these zoning approaches;
3. Identify alternative approaches based on a review of other municipal zoning by-laws; and
4. Make recommendations about how to modify the zoning or the approach to zoning in the future to address the issues associated with these approaches.

1.3 Overview of this Technical Paper

For the purposes of orienting the reader, this Technical Paper is structured as follows:

- **Section 2 Context** further describes the matters being addressed in this Technical Paper and identifies how these zoning approaches are used by other municipalities.
- **Section 3 Alternative Approaches** considers some alternative approaches to split and dual zoning, in consideration of other practices by similar municipalities, and evaluates the relative strengths and weaknesses of the different approaches compared with the approach used in Brampton.
- **Section 4 Conclusions and Recommendations** draws the conclusions of the analysis and identifies

recommendations for proceeding with the Zoning Strategy Report and Draft Zoning By-law to address the issues noted in this Paper.

2. Context

This section provides further discussion of the two key issues being examined in this Technical Paper, and characterizes the potential strengths/opportunities and issues associated with using these zoning approaches.

2.1 Split Zoning

2.1.1 Overview

As noted, a parcel is considered “split zoned” where it is subject to more than zone category, whether it split amongst different zone categories (e.g., a portion of an “R1” zoned lot is also zoned “F”), or whether different portions of a lot are subject to different special sections.

In most circumstances, each individual lot or parcel is associated with a single zone category. This provides the least amount of need for interpretation when administering the zoning by-law. The approach of applying a single zone category to the entirety of the lot is generally assumed to be the more desirable approach. Where multiple zones are applied to a single lot, a number of potential interpretation challenges may emerge:

- The intended geographic limit of each zone on the single lot may be unclear based on the zoning map, and the associated interpretation may lead to disagreement or conflict (a general interpretation clause in the By-law can avoid this);
- The text may become cumbersome to understand, particularly where different special sections apply to each portion of the lot (e.g., different setbacks); and
- Managing split zoning may be relatively more onerous from a GIS data management perspective, and complicates the ability to conduct analysis of zoning.

Split zoning may be unavoidable in some circumstances. Most Zoning By-laws will need to utilize some form of split zoning, facing at least some circumstances where it is difficult to apply only a single zone to a lot. This could include:

- Split zoning is often commonly used to protect natural heritage features and to limit development within hazardous lands (e.g., flood plains), where there is a need to ensure that development will not occur within these features and/or to provide a required setback from the actual feature limit. Often, lot boundaries do not follow these features and there is a need to zone them separately with an environmental protection or floodplain zone or associated setback.
- During development processes, where zoning is applied before the subdivision is registered, a large lot may consist of many different zones that is intended to be subdivided in the future (see Figure 2). This is a temporary and technical situation, because most or all of the zoning will align with the new parcel fabric once the new lots are registered.

Figure 2 – Example of Split Zoning Prior to Registration of a Plan of Subdivision



- There may be some circumstances where a larger development proposal on one lot is associated with multiple zones or multiple special exception zones, to address different uses or requirements amongst different parts of a lot. This may range from limiting certain uses to certain parts of the lot, or to establishing certain built form expectations to different parts of the lot (e.g., a special setback, different height requirements). However, this can often be addressed through the text of a site specific exception zone that applies to a single lot, rather than applying different zones. Similarly, other large lots with multiple uses may be split zoned (e.g., a large park site may in part be zoned open space to reflect open-air

recreational uses, and other portions of the site may be zoned Institutional to recognize significant buildings on the lot, for example.

2.1.2 Prevalence of Split Zoning in Brampton

Table 1 summarizes the presence of multiple zones that attributed to individual lots (based on PIN numbers), per the City’s GIS data. In total, out of approximately 150,000 parcels in the City of Brampton (excluding road parcels), less than 1% are split zoned. This principally includes parcels split by two zones (0.74% of all parcels) but there are also some parcels split zoned with more than two zones (0.11% of all parcels).

Table 2 identifies the presence of split zoning by zone category. This Table identifies the portion of zones that fall within lots with one zone, lots with two zones, and lots with more than two zones. For example, amongst parcels with Agricultural zoning, 81% of parcels are only zoned Agriculture; 15% of parcels with Agriculture zoning are split with another zone; and 5% of parcels with Agriculture zoning are split with more than one other zone.

This analysis indicates that a wide range of zones are commonly split. Zones where less than 90% of parcels have one zone are bolded for convenience. This includes a wide range of commercial, agricultural, floodplain/open space, institutional, employment/industrial, as well as a few residential zones. Note this analysis was conducted on the basis of the number of parcels and not land area.

Table 1 – Summary of Multiple (Split) Zoning in the City

	No. of Parcels	% of Parcels in the City
One Zone	148,787	99.15%
Two Zones	1,105	0.74%
Three Zones	116	0.08%
Four Zones	30	0.02%
More than Four Zones	19	0.01%

Based on WSP’s experience, the frequency of split zoning is relatively high in the Brampton Zoning By-law, compared with the typical application of split zoning in other municipalities. Although the percentage of parcels with split zoning appears to be very low per Table 1, a large portion (land area) of the City has split zoning. **Figure 3** visually illustrates parcels associated with multiple zones. For reference, the Secondary Plan boundaries are shown.

Note that an analysis of land area associated with split zoning has not been conducted due to the work involved in conducting the analysis using GIS data and ensuring accuracy.

There appears to be several different types of circumstances where split zoning has been used, based on a review of the mapping. This includes:

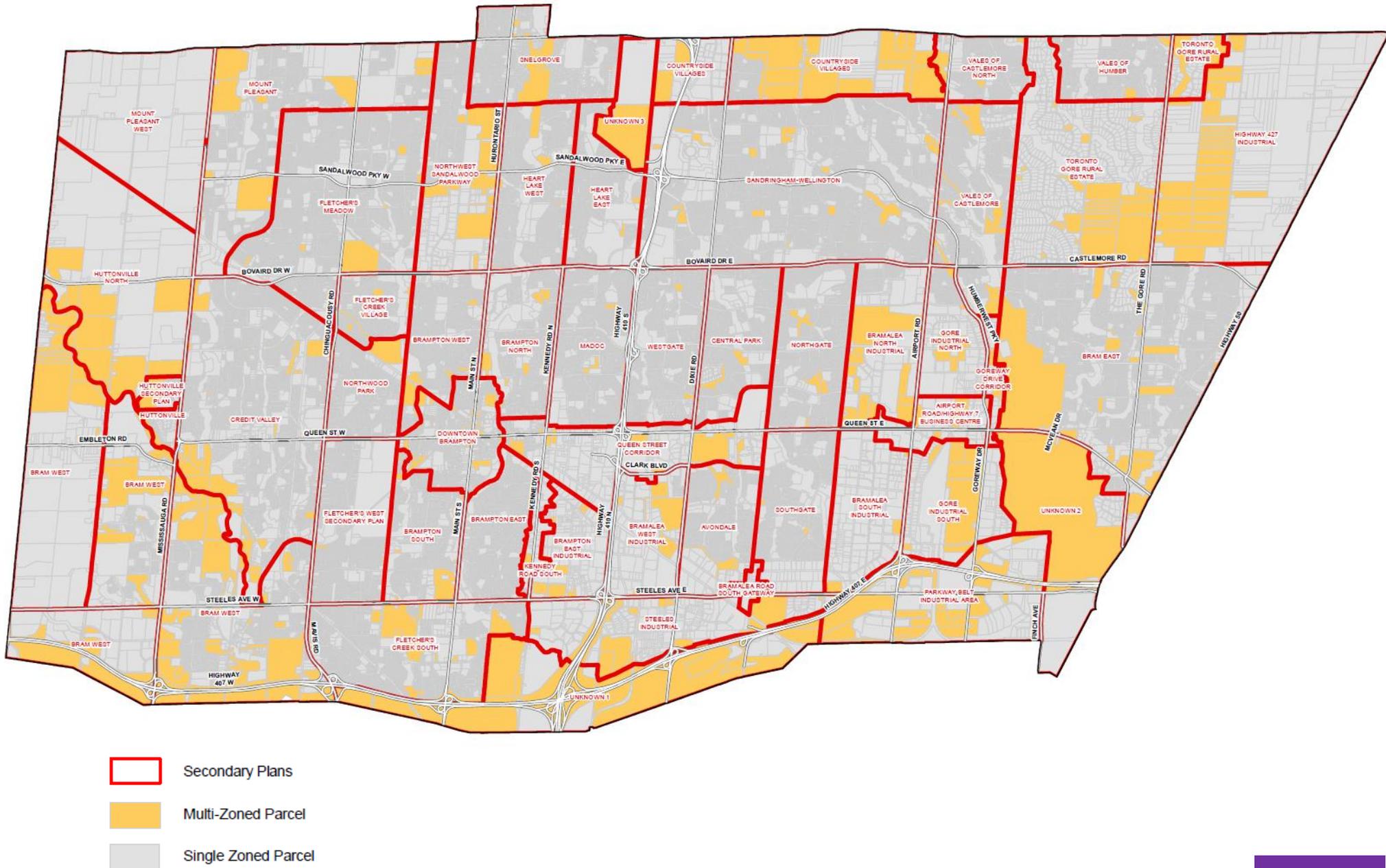
- Some properties are split zoned where there is a flood plain or environmentally protected feature on the property which falls under a different zone category.
- Some lands are split zoned to recognize different uses on different portions of the lot. This often includes Open Space and Institutional zoning but there are other examples.
- Some properties are split zoned with different exception (special) zones, applying different permitted uses or standards to different parts of the lot. For example, where lands are split between different plans of subdivision, the zoning may be completed differently for those lands in one subdivision and those lands in the abutting subdivision. An example of this is shown in Figure 10 later in this Paper.
- Some of the split zoned properties relate to ongoing development applications, where the new zoning has been applied but the lots have not been legally created (e.g., refer to Figure 2).

Table 2 – Summary of Multiple (Split) Zoning by Zone Category

Zone Category	1 Zone	2 Zones	More than Two Zones
A	81%	15%	5%
C1	92%	4%	4%
C2	87%	10%	3%
C3	86%	9%	5%
CA	71%	0%	29%
CMU1	94%	3%	3%
CRC	96%	4%	0%
DC	87%	9%	4%
DC1	92%	8%	0%
F	68%	24%	8%
HC1	90%	8%	2%
HC2	85%	11%	4%
HMU1	100%	0%	0%
I1	90%	7%	3%
I2	74%	18%	8%
M1	81%	13%	6%
M1A	80%	14%	6%
M2	95%	4%	1%
M3	89%	9%	2%
M3A	89%	9%	2%
M4	84%	10%	6%
M4A	89%	5%	5%
MBU	69%	23%	8%
NULL	76%	0%	24%
OC	82%	18%	0%
OS	80%	16%	4%
R1A	99%	1%	0%
R1A(1)	94%	3%	3%
R1A(2)	99%	1%	0%
R1A(3)	100%	0%	0%
R1B	99%	1%	0%
R1B(1)	100%	0%	0%
R1B(2)	98%	1%	0%
R1B(3)	99%	1%	0%
R1C	99%	0%	0%
R1C(1)	99%	1%	0%

Zone Category	1 Zone	2 Zones	More than Two Zones
R1D	99%	1%	0%
R1E	99%	1%	0%
R1F	99%	1%	0%
R2A	98%	2%	0%
R2A(1)	100%	0%	0%
R2A(2)	99%	1%	0%
R2B	99%	0%	0%
R2B(1)	96%	3%	0%
R2C	99%	1%	0%
R2D	99%	1%	0%
R2E	99%	1%	0%
R3A	98%	1%	1%
R3A(1)	97%	2%	1%
R3A(2)	100%	0%	0%
R3A(3)	99%	1%	0%
R3A(4)	100%	0%	0%
R3B	99%	0%	0%
R3B(1)	97%	3%	0%
R3C	98%	1%	0%
R3D	99%	1%	0%
R3E	99%	1%	0%
R4A	88%	10%	2%
R4A(1)	100%	0%	0%
R4A(2)	100%	0%	0%
R4A(3)	92%	0%	8%
R4B	79%	21%	0%
RC	58%	21%	21%
RE1	92%	5%	3%
RE2	95%	5%	0%
REH	72%	24%	3%
RH	90%	0%	10%
RHM1	94%	5%	1%
RHM2	86%	14%	0%
SC	86%	10%	4%

Figure 3 – Illustration of Split Zoned Properties in Brampton



2.1.3 Split Zoning in Other Municipalities

Several other zoning by-laws were reviewed to identify whether they utilize split zoning, as follows. Note that this analysis did not include a comprehensive review of all existing zoning, but was based on a sample review of several zone maps to characterize the use of split zoning.

- In the City of Mississauga (Zoning By-law 0225-2007), split zoning appears to typically consist of the City's Green zones which do not always follow lot lines and rather follow environmental features, associated setbacks, or hazardous lands. In the example image below (Figure 4), a portion of Cooksville Creek is zoned G1. These zone boundaries do not follow lot lines in all cases. The site largely zoned I-1 is split zoned with G1 zoning. Other types of split zoning were not identified in Mississauga.

Figure 4 – Example of Split Zoning in the City of Mississauga



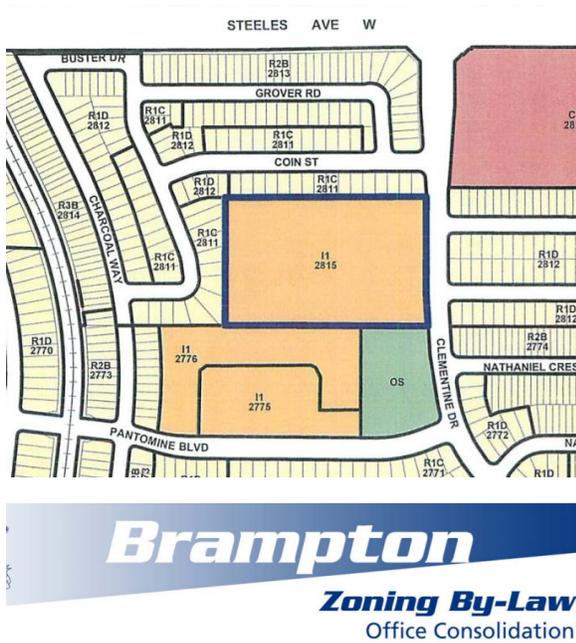
- In the Town of Oakville (By-law 2014-014), split zoning appears to be related near-exclusively to the Natural Area (N) feature zoning, as shown in Figure 5 below, where the rear of some residentially zoned lots are subject to the N zone. There are only limited examples of lots split into multiple urban zone categories on the main maps. Some properties do split up zoning on a lot into individual development blocks within a special provision (through the use of special mapping tied to that text).

Figure 5 – Example of Split Zoning in the Town of Oakville



- The **City of Ottawa's** zoning by-law uses split zoning for several different purposes. In the first image included in Figure 6 below, the property identified is zoned MD, but each half of the property is subject to a separate Schedule, as denoted by S46 and S47. The schedules, which are contained in Part 17 of the by-law, are used to identify maximum building height requirements in consideration of elevation above sea level. In the second image included in Figure 6, the highlighted property is similarly subject to different suffices which set out building height requirements. Other instances of split zoning with EP and other zones were identified in Ottawa.

Figure 8 – Example Provisions for a Dual Zoned Property in Brampton



2815 The lands designated I1 – SECTION 2815 on Sheet 73 of Schedule A to this by-law:

2815.1 shall only be used for the purposes permitted by section 2815.1(a), or the purposes permitted by section 2815.1(b), but not both sections and not any combination of both sections;

either:

(a) the following:

- (1) a public or private school;
- (2) a day nursery;
- (3) a park, playground or recreation facility operated by a public authority; and,
- (4) purposes accessory to the other permitted purposes;

or:

(b) the following:

- (1) those purposes permitted in a R1D – SECTION 2812 zone;
- (2) a park, playground or recreation facility operated by a public authority; and,
- (3) purposes accessory to the other permitted purposes.

2815.2 shall be subject to the following requirements and restrictions:

- (a) for those purposes permitted in a R1D – SECTION 2812 zone, the requirements and restrictions as set out in a R1D – SECTION 2812 zone;

2.2.2 Prevalence of Dual Zoning in Brampton

It is difficult to ascertain the specific number of dual zoned properties in Brampton, since this information is not directly recorded as a field in GIS data. Rather, confirming whether a site is dual zoned would require a manual review of the site specific exceptions. At least a few instances have been identified, which are zoned with an Institutional Zone symbol, but provide for either

the development of institutional uses or the development of residential uses, in accordance with some other Residential zone which provides the desired lot and building standards. It appears that dual zoning is typically utilized through rezoning processes in relation to a plan of subdivision where park and institutional uses need to be confirmed. Further discussion with the City is required to confirm the number of dual zoned properties and any other specific reasons for implementing this approach. The dual zoned properties observed in Brampton appeared to be related to potential school sites.

2.2.3 Dual Zoning in Other Municipalities

One other municipality has been identified that utilizes dual zoning: the Town of Bradford West Gwillimbury. It is also noted that the Town of Oakville previously utilized the dual zoning approach, and it has retained some site-specific exception zones that retain dual zoning permissions. It is likely that other municipalities use this approach.

2.3 Geographic Information Systems - Organization of Zoning Data

The City manages its zoning data within a Geographic Information System, which is a database that stores and manages spatial information. The City also manages a web-based mapping application that enables residents to identify their zoning through the City's website.

Each parcel of land in the City is associated with unique PIN number in the GIS database. Where a parcel is associated with only one zone, the ownership parcel (PIN number) would only appear once within the database, along with associated zoning information, including: the base symbol; a notation about applicable special section (if any); a notation about whether a property is split-zoned; any notations regarding OMB decisions; a zone category (e.g., "Residential" for the R1 zone). For any split zoned properties, the PIN number would appear multiple

times in the database, depending on how many zones make up the parcel.

There are some challenges to this approach, such as the ease and accuracy of conducting GIS analysis on zoning data as well as the complexity of the data. However, there are alternatives to the approach of attributing zoning to parcel fabric, such as maintaining a separate zoning layer. The intent of the Zoning Strategy Report, a major deliverable being completed as part of this Zoning By-law Review process, will be to identify options and recommendations for the management of zoning information in GIS moving forward, in close consultation with City staff, to ensure that the recommendations will be in line with the City's data management practices and plans.

As noted, dual zoning is not in any way identified within the GIS data and consideration could be made to identify dual zoning in GIS, or to set up a framework for the City to track and administer dual zoned lands over time.

3. Alternative Approaches

This section identifies alternative approaches and relative benefits/issues in comparison with utilizing split zoning and dual zoning, respectively.

3.1 Alternatives to Split Zoning

As noted previously, split zoning may be inevitable in some circumstances. However, there are alternatives to providing split zoning in some cases.

3.1.1 Overlay Zone

An overlay zone approach is an alternative to split zoning and is valuable where particular provisions apply across certain geographic areas of a municipality, but where these required areas are not aligned with lot lines. An overlay zone is often depicted in zone maps as a hatching over a geographic area, within which particular provisions apply. Alternatively, the geographic area may be illustrated on a separate schedule. This approach is mostly commonly utilized in association with environmental constraints, such as flood plains (and other hazardous lands) or environmental features which require protection or further study before development permissions can be determined. Overlay zoning is also sometimes used to apply provisions for other circumstances, such as heritage districts, lands in proximity to wellheads, lands in proximity to landfills, or lands in proximity to airports.

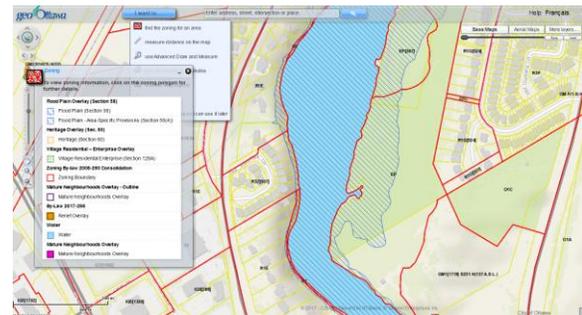
Figure 9 illustrates the use of an overlay zone in the City of Ottawa, which is used to delineate the extent of the floodplain. Where the overlay is shown, the provisions of Section 58 of the Ottawa Zoning By-law apply. Ottawa also uses an overlay with respect to Mature Neighbourhoods.

In the context of Brampton's current zoning by-law, a common use of split zoning is to apply the Floodplain (F) Zone. While this could be addressed as an overlay, since development is highly restricted in the Floodplain, it may also be appropriate to utilize split zoning which clearly

identifies those areas that are not suitable for development. To provide the highest degree of clarity, overlay zones are best applied to circumstances which “build” on the provisions of the underlying base zone. The firm Floodplain zone conveys the lands do not have development potential. The overlay approach would need to be accompanied by an approach to designing base zones that clearly also prohibit development.

Thus, a Floodplain zone or environmental protection zone is appropriate where it prohibits development, even if it results in providing multiple zones on a lot.

Figure 9 – Overlay Zone in the City of Ottawa Zoning By-law



3.1.2 Zoning Text

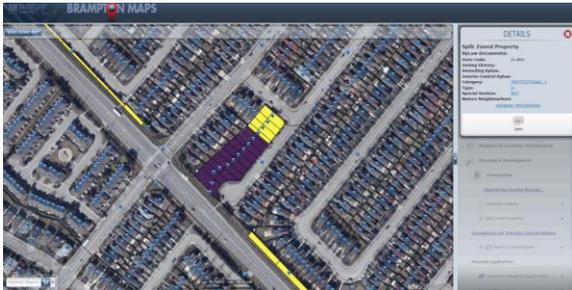
Some of the split zones in Brampton are related to the application of different permitted uses or lot and building requirements to different geographic portions of a lot. In most cases, this consists of the application of different special sections to different parts of the lot.

This type of split zoning has not been specifically observed in the cursory review conducted in other municipalities. Rather, the need to apply different permissions to different parts of a lot can usually be addressed through site-specific provisions, which can include a specific map of the property should there be a need to illustrate particular pieces of a lot.

Figure 10 illustrates an example of split zoned lots in Brampton, to which different special provisions apply. Amongst the lands coloured yellow, the front portions of the lots are subject to the provisions of R1D-807. The rear portions of the lot are subject to the provisions of R2C-808.

This appears to have occurred because the lands were included within different plans of subdivision and the zoning was not coordinated. The two different exceptions apply different provisions for interior versus corner lots, and could likely be addressed via the provisions of one exception zone.

Figure 10 – Example of Split Zoned Properties



There is an opportunity to consider consolidating this type of split zoning through the more detailed review of mapping and site-specific provisions which will form a component of developing the new Draft Zoning By-law.

3.2 Alternatives to Dual Zoning

Most other municipalities reviewed try to avoid the application of dual zoning to avoid the resulting interpretive issues. Rather, the need to utilize dual zoning may alternatively be addressed through other approaches or development approvals tools such as:

- Receiving confirmation of the need for school sites, parks, places of worship, etc. prior to giving rezoning approval.
- Utilizing holding symbols to prohibit development until such time as the specified criteria are satisfied.
- Making interpretive decisions to harmonize “split-designated” lands within the Official Plan or Secondary Plan when applying new zones (e.g. adjusting zone boundaries to follow lot lines where a minor deviation occurs in the Official Plan).
- Creating a robust interpretation clause with clear criteria to direct an interpretation where

a lot is split zoned (e.g. how use permissions shall apply, where yards are measured).

While dual zoning offers the benefit of flexibility in avoiding a future zoning by-law amendment, there are risks and issues associated with the dual zoning approach:

- If the lands are ultimately built for the institutional use and the dual zoning is retained over a long period of time, once the institutional use is no longer required, the lands could be developed for residential uses without the need to amend the zoning by-law. This can be associated with confusion from residents who would likely expect a more public planning process where a school is being redeveloped for residential—either a greenfield site or a closed site within an established area.
- Dual zoning is not clear in the Zoning By-law and can only be confirmed by reviewing the special section. For example, the lands shown purple on Figure 10 are dual zoned for institutional and residential uses (residential uses were ultimately developed). The zone symbol that is ultimately retained is the Institutional zone, even though the lands are used for residential uses.
- Further to the point above, for undeveloped sites which are dual zoned (and typically showing an Institutional zone symbol), residents may expect institutional uses to be developed. If the site is ultimately planned for residential uses, some neighbours may express concerns with the lack of up-front clarity.

This analysis focuses on the example of dual zoning with institutional/residential uses. Other examples of dual zoning will need to be confirmed with the City (e.g., commercial or mixed use examples). In some cases, dual zoning can offer a beneficial approach where it is implementing policy that supports that direction, but there is a need to provide clear standards and provisions to avoid interpretation issues.

4. Conclusions and Recommendations

Split zoning and dual zoning are approaches to zoning used by the City of Brampton as well as other municipalities. Based on the analysis contained in this Paper, and a review of alternative approaches and the challenges and benefits associated with each approach, the following conclusions are identified:

- Generally, compared with other municipalities, Brampton utilizes split zoning fairly often and for multiple different purposes. In particular, many municipalities commonly use split zoning in relation to zoning flood plains or environmentally protected features. Additionally, some sites are split zoned where zoning approval is obtained but where the lots are not legally created. This is an unavoidable instance of split zoning which is also only temporary. Once the lots are created, the lots will be single-zoned. In other cases, lots are split zoned to recognize different uses on different portions of a lot, and there are examples of split zoned subdivisions where lots were addressed as part of different plan of subdivision and zoning amendment processes.
- Split zoning is sometimes unavoidable, and may represent a suitable approach in some circumstances. Provided clarity is provided on how to interpret a split-zoned property, the tool can address a number of policy goals.
- Split zoning creates complications with respect to analyzing GIS data. If all lands in the City were single zoned, analysis and management of zoning data would be greatly simplified. However, as noted, split zoning may be unavoidable. There is a need to consider other zoning data management approaches to overcome the challenges.
- There is no information managed in the GIS data which would indicate which areas of the City are dual zoned. Dual zoning

permissions are only confirmed by reading the special sections (site-specific provisions) of the By-law. Accordingly, updating dual zoning as part of regular housekeeping activities is a very manual process.

- Dual zoning is not typically utilized by other municipalities and is likely associated with some risks and issues, stemming from a lack of clarity about which sites are dual zoned and the broad permissions that this approach provides. This can lead to future redevelopment that may be unexpected by neighbours. However, the City has indicated that it supports continued use of dual zoning to provide flexibility in the development application review process.

Based on these conclusions and the analysis of alternatives in this Paper, it is recommended that:

- Opportunities to reduce existing instances of split zoning should be undertaken as part of development of the new zoning by-law and the review of special provisions. This should include consolidating lots that are split zoned for the purposes of applying different lot and building standards across different portions of the lot. In these circumstances, the exception should be re-written to accommodate the requirements within a single site-specific zone. In very limited circumstances, this could require the use of a specific map as part of the special section.
- Further coordination with the City is required to identify options and preferences regarding the management of zoning in GIS to help overcome the challenges associated with managing split zoning data. This will be addressed in more detail in the Zoning Strategy Report.
- Overlays may be considered as an alternative to split zoning in some cases. Where provisions are required to “build” on the existing base zone provisions, an overlay is suitable. This approach can be considered as part of implementing other provisions and approaches as may be recommended through other Technical Papers or through the Zoning Strategy

Report which will be prepared as part of this Review process.

- It is recommended that dual zoning permissions be reviewed for sites that are now developed. This would need to occur as part of reviewing the site specific exception zones, which is a component of the overall Zoning By-law Review, but is currently intended as a responsibility by the City (under direction provided by WSP). Dual zoning is understood to provide flexibility during the plan of subdivision process, and once the process is complete, the flexibility should no longer be required. In most cases, particularly where the site has been developed for residential uses (and is now under many different owners), this should not result in any negative impact. In the case of existing institutional sites with residential development entitlement, the impact of this change would be a reduction in development entitlement so there may be a need to consult with these landowners.
- Should the City wish to continue to apply dual zoning in the interest of creating flexibility in development application review, consideration should be made to track dual zoned properties as part of GIS data, or at least within an administrative document. By tracking dual zoned areas, the City will be able to consolidate and remove dual zoning permissions as part of regular housekeeping amendments where the dual zoning is no longer required.