

CITY OF BRAMPTON
COMPREHENSIVE ZONING BY-LAW REVIEW

Technical Paper #8
Accessory Uses in Residential Zones

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1 Introduction

Through preliminary consultation with the City of Brampton, certain provisions and standards established through Zoning By-law 270-2004 for low-rise residential zones were identified as requiring further evaluation. These include the following:

1. Accessory buildings and structures;
2. Driveways;
3. Large vehicle/recreational vehicle parking; and
4. Landscaped open space and lot coverage.

This paper provides a detailed evaluation of these zoning regulations and provides options and preliminary recommendations for alternative zoning approaches where appropriate. The scope of analysis in this Technical Paper explicitly focuses on accessory uses (as noted above) within the low-rise residential zones.

1.1 Background

The Brampton Zoning Issues and Analysis Report (Draft October 2017) identified the need to prepare a Technical Paper that further examines accessory buildings and structures, lot coverage, and landscaped open space. Subsequent consultation with the City, including a Council workshop held on December 12, 2017, further confirmed existing concerns regarding provisions and standards regulated through Zoning By-law 270-2004. Specifically, these included:

- Driveway widths;
- Parking;
- Decks;
- Commercial and oversize vehicle parking;
- Garage dimensions;
- Landscaped open space;

- Residential mechanical equipment;
- Accessory structures and buildings;
- Permeable surface requirements; and
- Patios.

These are all provisions that are commonly regulated through zoning by-laws, and as such, are appropriate to be evaluated in greater detail within the context of the Comprehensive Zoning By-law Review. Given the relative age and genesis of the City of Brampton Zoning By-law, there is an expressed desire to ensure that applicable regulations implemented through the new zoning regime are consistent with more contemporary zoning by-laws. This includes provisions and standards that are appropriate given the current context of residential development and intensification found throughout the City of Brampton.

1.2 Purpose of this Technical Paper

The purpose of this Technical Paper is to review and evaluate zoning standards related to accessory buildings and structures, driveways, large vehicle parking and landscaped open space/lot coverage. For each of these topic areas, this Technical Paper seeks to:

1. Characterize and review the applicable provisions and standards established through Zoning By-law 270-2004;
2. Compare these standards and provisions to those of comparable municipalities, specifically the City of Mississauga, Town of Newmarket, Town of Oakville, and City of Ottawa;
3. Identify alternative approaches, provisions, and standards through this evaluation; and
4. Make recommendations and identify options and approaches to resolve any issues.

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 reviews applicable municipal policy and documents that inform the analysis in Section 3.
- **Section 3 - Analysis** reviews the applicable provisions and standards in City of Brampton Zoning By-law 270-2004, provides an overview of associated minor variance data, and evaluates the different approaches implemented through the zoning by-laws of comparable municipalities.
- **Section 4 - Recommendations** draws the conclusions of the analysis and identifies recommendations for proceeding with the Zoning Strategy Report and the Draft Zoning By-law to address any issues noted in this Paper.

2 Policy Context

This section reviews applicable municipal policy and associated documents regarding the four focus areas of this Technical Paper. This includes a review of the City of Brampton Official Plan, Secondary Plans, Community Block Plans, the Development Design Guidelines, and Zoning By-law 270-2004 itself.

2.1 Policy Considerations

2.1.1 City of Brampton Official Plan

The City of Brampton's Official Plan was adopted by City Council in 2006 and partially approved by the Ontario Municipal Board in 2008. The Plan provides an overarching vision and guidance for growth and development in the City. Accordingly, the Plan provides only limited direction with respect to the issues addressed by this Paper, as discussed below.

Accessory Structures

With respect to accessory structures in the residential context, the Official Plan only contains policy related to the Estate Residential designation. Specifically, policy 4.2.3.4 (vi) states that:

Accessory buildings shall be small in scale, designed and constructed in a fashion sympathetic to the primary intended use and regulated by the comprehensive zoning by-law.

Driveways

The Official Plan provides several guiding policies with respect to driveways in residential areas. Under Section 4.2.1 - General Policies (under Section 4.2 - Residential), Policy 4.2.1.14 (iii) states that in, accordance with the Development Design Guidelines, the following are recognized as key design elements for residential areas:

- *Garage placement and driveway design including attached garages, lot widths related to attached garages, rear yard garage locations and driveways.*

Under Section 4.2.7 - Design, one of the objectives for ground-related residential development is:

- *To avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complementary to the house and lot size.*

Policy 4.5.2.23 (ii) states that the City shall, in planning and providing access to roads, endeavour to achieve a safe and quiet atmosphere in residential areas by:

- *Requiring the provision of adequate off-street private parking (i.e. private driveways, garages, etc.).*

Large Vehicle Parking

The Official Plan does not contain specific policies addressing the parking or location of oversized, large or commercial vehicles.

Landscaped Open Space and Lot Coverage

The Official Plan does not address landscaped open space or lot coverage in the general residential context. The Plan does, however, include policies for landscaped open space specific to Retirement Housing and Long-Term Care Centres, directing that these uses shall be permitted in Residential, Commercial, Institutional and Public Use designations subject to adequate provision of landscaped open space (Policy 4.2.6.15 (ii) (c) and Policy 4.9.4.1 (ii) (c)).

With respect to second residential units, Policy 3.2.8.2 (c) (iv) states that landscaped open space requirements associated with second residential units may be required by Zoning By-law regulations.

The Official Plan also recognizes the importance of adapting to climate change, for example under Section 3.1 – Sustainable Planning Framework, the Plan states that this framework is built on principles that include the following:

- *Protect and enhance environmental and public health and improve the overall quality of life for residents by [...]*

identifying climate change adaption and mitigation strategies and measures.

In the context of increasingly severe storm events associated with climate change, landscaped open space and lot coverage can both be considered as part of mitigation strategies to address stormwater impacts.

2.1.2 Secondary Plans

Three Secondary Plans were reviewed to develop an understanding of secondary plan policy related to the focus areas of this Technical Paper. The Secondary Plans reviewed are as follows:

1. SPA 40(d): Bram West;
2. SPA 41: Bram East; and
3. SPA 50: Vales of Humber.

A review of SPA 40(d), SPA 41, and SPA 50 did not identify applicable policy regarding the topics addressed in this Paper, since detailed design guidelines, provisions, and standards are typically addressed by either the Community Block Plan, Community Design Guidelines or through the implementing Zoning By-law.

It is also noted that the City of Brampton is currently undertaking a comprehensive review of all Secondary Plans. The review of Secondary Plans is subject to any resulting modifications or revisions, and should be further confirmed once the review is complete. Technical Paper 7 addresses the topic of Secondary Plan conformity in more detail.

2.1.3 Community Block Plans and Design Guidelines

The City of Brampton's Community Block Plans are intended to build on Secondary Plan policies and designations by providing an added level of detail with respect to infrastructure provision, road layouts, parks, and open space corridors. Most community block plans are also accompanied by community design guidelines. Some community design guidelines provide direction related to accessory structures,

driveways, oversized vehicle parking, and landscaped open space.

In order to assess the degree to which accessory structures, driveways, landscaped open space, and oversized vehicle parking are addressed in community design guidelines for block plan areas, the following community design guidelines were reviewed:

- Block Plan Areas 50-1 and 50-2, The Vales of Humber (2013) prepared by Bogdan Newman Caranci Inc. and NAK Design Strategies;
- Block Plan Area 40-3, Riverview Heights (2012) prepared by the Planning Partnership;
- Block Plan Area 41-2, Bram East (2010) prepared by STLA Design Strategies and John G. Williams Limited Architects;
- Block Plan Area 41-1, Bram East Castlemore Crossing (2008) prepared by STLA Design Strategies Inc – NAK Design Strategies; and
- Block Plan Area 44-1, Mount Pleasant Village (2010) prepared by STLA Design Strategies and John G. Williams Architect.

These Block Plan Community Design Guidelines were selected to represent a cross-section of Brampton's geography (east, west, and central) as well as varying urban contexts (e.g. traditional greenfields vs. transit-oriented development). The findings of this review are discussed as follows.

Accessory Structures

Direction related to accessory structures is limited in the community design guidelines reviewed. Community design guidelines for Block Plan Areas 50-1 and 50-2, The Vales of Humber, provide some direction with respect to decks for certain lot types where decks may be publicly visible (e.g. dwellings facing/abutting parks or corner lot dwellings). Section 3.4.4 - Priority Lots states that:

- *Where publicly visible, decks shall be of an upgraded quality, with the use of cedar as a requirement.*

Guidance specific to executive dwellings with highly visible rear decks are provided in Section 3.4.3, Design Criteria for Upscale Executive Housing, specifically that:

- *Decks shall be designed with proportions compatible to the dwelling unit.*

The Community Design Guidelines for Block Plan Area 40-3, Riverview Heights, provide some specific direction with respect to air conditioning units in mixed-use areas under Section 4.3.2.2, specifically that:

- *Air Conditioning units shall be discretely located at the rear of all units (i.e. garage area recess or on deck level and screened from view.).*

Driveways

All Community Design Guidelines reviewed provide some level of direction with respect to the design of driveways. Community Design Guidelines for the Bram East 41-2 Block Plan area, Section 4.2.3.5.14 states that in order to minimize the visual impact of dwellings on the streetscape:

- *Driveway widths shall not exceed the width of the garage;*
- *Driveway widths should be consistent between the garage and the curb; and*
- *Driveways for dwellings adjacent to intersections, public walkways, open space and other non-residential land uses should be located as far from the adjacent use as possible.*

Community Design Guidelines for Bram East 41-1, Castlemore Crossing, includes the following direction for Driveways under Section 3.1.7:

- *Driveway widths shall not exceed the width of the garage;*
- *All driveways shall be finished with a hard surface paving material; and*

- *Where 3-car garages are permitted (60 ft. lot frontage or greater), the driveway width should taper to 6.5m maximum at the curb.*

Community design Guidelines for Block Plan Areas 50-1 and 50-2, The Vales of Humber, provide direction for driveways associated with Upscale Executive Housing in Section 3.4.3, specifically that:

- *All driveways shall be finished in hard surface of asphalt, interlock pavers or patterned concrete;*
- *Driveways accessing rear yard garages shall be no wider than a single lane until it approaches the garage; and*
- *Careful attention should be paid to the proper coordination of the position of main entrances and driveway locations and shall be reviewed on a case by case basis by the Control Architect.*

The Community Design Guidelines for Block Plan Area 40-3, Riverview Heights, include some direction with respect to driveways in Executive Housing Areas (Single Detached and Townhouse) under Section 4.3.3.3, specifically these include:

- *A variety of materials for driveways treatments shall be offered such as patterned concrete, unit pavers, etc. Other materials shall be considered based on the approval of the Control Architect and/or the City;*
- *Driveways shall be tapered to a maximum of 6.5m wide at the street curb; and*
- *Where a semi-circular driveway is contemplated, the maximum driveway width will be 3.5m at the curb.*

The Community Design Guidelines for Block Plan Area 44-1, Mount Pleasant Village, differ from other guidelines reviewed as they represent a more transit-oriented design vision.

The design guidelines discuss laneways as a means to reduce interruptions along street

frontages in some areas. With respect to ‘front-loaded’ driveways, Section 3.1.8 of the Mount Pleasant Community Design Guidelines state that “a mix of single and double car driveways within a streetscape is encouraged.”

Commercial and Oversized Vehicle Parking

The community design guidelines reviewed do not address commercial or oversized vehicle parking.

Landscaped Open Space and lot coverage

The community design guidelines reviewed typically include direction related to landscaping on medians, islands, parking areas, and other publicly-accessible areas. However, they do not address landscaped open space or lot coverage in the context of private residential lands.

2.1.4 City of Brampton Zoning By-law

The City of Brampton’s Zoning By-law 270-2004 establishes provisions and standards for all lands throughout the City of Brampton. Applicable sections of the By-law for the purposes of this paper are as follows:

- *Section 3.0 - Zone and Schedules* establishes all land use zones and associated schedules throughout the City, as shown on Schedules A, B, C, D, and E. There are a total 43 Residential (R) Zones in the City of Brampton; and
- General provisions are established in *Section 6.0 - General Provisions* for All Zones and *Section 10.0 General Provisions for Residential Zones*. Residential (R) zones are contained in Sections 11.0 through 19.0.

A more thorough review of applicable zoning provisions and standards is provided in Section 3.

2.2 Other Applicable Documents

2.2.1 Technical Papers

Technical Paper 3: Minor Variances produced as part of the Comprehensive Zoning By-law Review provides an analysis of minor variance applications under Zoning By-law 270-2004. The analysis provides insight into whether a particular zone provision or requirement is working well, or if there are opportunities to refine certain provisions and in doing so, reduce the number of minor variance applications through the implementation of the new zoning by-law.

The analysis was categorized into 14 different themes, including permitted uses, setbacks, driveway requirements, and accessory buildings and structures, for example. Using the data and results from Technical Paper 3, an individual analysis for each focus area of this paper is conducted and reviewed in greater detail in Section 3.

2.2.2 Development Design Guidelines

The City’s Development Design Guidelines (‘DDGs’) were endorsed by City Council in 2003 and set out principles of good design to guide future development throughout the City. The Guidelines provide minimum design standards. The DDGs provide guidelines for residential areas under *Part 6 – Site Planning and Built Form*. These relevant guidelines are summarized as follows.

Accessory Structures

The DDGs address detached garages in residential areas within backyards. *Section 1.3.3 - Rear Yard Garage Locations* states that “detached garages in rear yard locations [...] is encouraged as an alternate means of minimizing garage impact on the streetscape.” The following guidelines are also provided:

- *Where detached garages at rear yards are proposed, their location at the side lot*

line is preferred, as opposed to being attached to the rear wall of the dwelling. Garages shall be set back from the side and rear lot lines a minimum of 0.6 metres. The pairing of rear yard garages for adjacent properties at their common lot line is encouraged;

- *For rear yard garages on lots greater than 10.4 metres, the house shall be located no closer than 3.5 metres to one of the side lot lines; and*
- *The distance from the garage face to the pavement edge of the lane shall provide a sufficient area to facilitate snow clearance.*

Driveways

The DDGs provide considerable guidance with respect to the design of driveways. Under *Section 1.7 - Landscaping and Fencing on Private Property*, the following guidelines are provided:

- *Where a rear-yard garage is accessed by a driveway, the side yard setback shall be increased to a minimum of 3.5 metres.*

Section 1.3.2 - Lot Widths Related to Attached Garages provides the following guidelines:

- *In all cases, the driveway width shall not exceed the exterior width of the garage;*
- *For single detached lots with a width greater than or equal to 10.4 metres and less than 11.6 metres, garages shall be sized for one car with room for storage. The maximum interior garage width shall be 5.2 metres, with a maximum door width of 4.6 metres. The driveway width shall be permitted to accommodate two cars.*

Section 1.3.4 – Driveways notes that “the impact of driveways is strongly felt in the rhythm of the streetscape. The frequency and width of curb cuts for driveways should be kept to a minimum.” The following guidelines are provided:

- *Driveway widths shall be no wider than the garages they serve;*
- *Grouping of driveways in pairs with landscaping strips as dividers is encouraged where possible to reduce the frequency of driveway cuts at the curb. A variety of paired driveways and unpaired driveways is encouraged. For lots narrower than 10.4 metres, paired driveways without landscape dividing strips may be considered;*
- *The width of driveways accessing rear yard garages shall be kept to a single lane width until the driveway nears the garage door; and*
- *On corner lots at primary streets, garages and their access driveways shall be located on the narrower local street.*

Commercial and Large Vehicle Parking

The DDGs do not address commercial or oversized vehicle parking.

Landscaped Open Space and Lot Coverage

The DDGs address landscaping on medians and road buffers but do not address landscaped open space or lot coverage.

3 Analysis

This section provides an analysis of the definitions, provisions, and standards established through Zoning By-law 270-2004 for the following topics:

1. Accessory Building and Structures;
2. Driveways;
3. Large Vehicle Parking;
4. Landscaped Open Space and Lot Coverage.

The analysis includes a review of applicable regulations found in Zoning By-law 270-2004, a review of minor variance data, and an evaluative comparison with the City of Mississauga Zoning By-law 0225-2007, Town of Newmarket Comprehensive Zoning By-law 2010-40, Town of Oakville Zoning By-law 2014-014, and City of Ottawa Zoning By-law 2008-250. The intent of this analysis is to determine how the definitions, provisions, and standards of Zoning By-law 270-2004 compare with those established in comparable municipalities, and identify any associated zoning issues within the City of Brampton that may be addressed through alternative zoning approaches.

3.1 Accessory Buildings and Structures

Accessory buildings and structures may include structures such as gazebos, decks, sheds and garages and are often considered incidental or subordinate to the main use of a lot. For this reason, they are often regulated through zoning by-law regimes that may include provisions for maximum permitted heights, aggregate lot coverage, gross floor area, permitted encroachments, and location on a lot.

The intent of this section is to review the associated zoning provisions and standards in the City of Brampton Zoning By-law and evaluate those to comparable municipal zoning by-law approaches. Considering that development is increasingly required to

accommodate a higher and denser built form, it is important to ensure that the new zoning by-law establishes appropriate provisions for accessory structures and buildings that are commonly incidental or ancillary to residential land uses.

3.1.1 Review of Zoning By-law 270-2004

The following definitions are established through Section 5.0 of Zoning By-law 270-2004 as it relates to accessory buildings and structures. These include:

- *Accessory Buildings: shall mean detached building[s] located on the same lot and used for a purpose which is incidental, subordinate and exclusively devoted to the principal use of the lot and buildings on it, and shall include detached garages, sheds, barns and similar storage facilities;*
- *Building: shall mean any structure, whether temporary or permanent, used or erected for the shelter, accommodation or enclosure of persons, animals, materials or equipment, but shall not include a house trailer or mobile home;*
- *Garage, Private: shall mean an enclosed structure for the storage of one or more vehicles from which no business, occupation or service other than a home occupation is conducted for profit;*
- *Landscaped Deck: shall mean a deck or similar structure less than 0.6 of a metre above ground level used in the same manner as landscaped open space; and*
- *Structure: shall mean anything that is erected, built, or constructed, the use of which requires location on the ground or attachment to something having location on the ground, but shall not include fences.*

The Zoning By-laws definitions are fairly consistent with other municipalities, differentiating buildings as constituting enclosed structures, versus 'structures', which are much more broadly defined.

Section 10.3 of General Provisions for Residential Zones establishes that any accessory building or structure other than a detached garage are subject to the requirements and restrictions of the by-law for the particular zone in which said buildings or structures are located, and to the following additional requirements and restrictions:

- a. *Shall not be constructed in a front yard, exterior side yard or minimum required interior side yard for the main building, unless otherwise permitted;*
- b. *Shall not be constructed upon an easement;*
- c. *Shall not be used for human habitation;*
- d. *Not more than one swimming pool enclosure and two accessory buildings, other than a swimming pool enclosure, shall be permitted on a lot;*
- e. *The combined gross floor area of permitted accessory buildings, other than a swimming pool enclosure, shall not exceed:*
 - i. *40.0 square metres, with any individual accessory building not exceeding 23 square metres, on a lot in a Residential Hamlet or Residential Estate Zone or on a lot in an Agricultural Zone where the lot area is 2 hectares or less.*
 - ii. *20.0 square metres, with an individual accessory building not exceeding 15 square metres, on a lot in all other Residential Zones;*
- f. *All accessory buildings, except a swimming pool enclosure, may be located:*
 - i. *Only in the rear yard and no closer than 1.2 metres to the nearest lot line on a lot in a Residential Hamlet or Residential Estate Zone on a lot in an Agricultural Zone where the lot area is 2 hectares or less;*
 - ii. *In the rear yard and shall be no closer than 0.6 metres to the nearest lot line on a lot in all other Residential Zones; and*
 - iii. *In the interior side yard in all other residential zones provided the building does not encroach on the minimum required side yard of the main building and the accessory building is located no closer to the front wall of the main building than one-half (1/2) the length of the main building wall facing the interior side lot line;*
- g. *A building or structure that covers a swimming pool may be located only in the side or rear yard of a lot provided that it is:*
 - i. *No closer than 1.2 metres to a side lot line or a rear lot line; and*
 - ii. *No closer to a street than the required minimum front yard depth or the minimum exterior side yard width for the main building.*
- h. *On a lot in a Residential Hamlet or Estate Zone or an Agricultural Zone, the maximum height of any accessory building shall not exceed 4.5 metres, in the case of a peaked roof, and shall not exceed 3.5 metres in height, in the case of a flat roof; for all other residential zones, the maximum building height of any accessory building shall not exceed 3.0 metres;*

- i. *The exterior design of, and type of any building materials used for, all accessory building, other than swimming pool enclosures and greenhouses, shall be compatible with the exterior design and type of building materials used for the main building located on the lot;*
- j. *No person shall store or park and unlicensed or derelict or wrecked motor vehicle, or store or keep any construction vehicles or equipment on land to which these accessory building regulations apply, except within an enclosed building;*
- k. *Where a construction shed is necessary for the storage of tools and materials for use in connection with the construction of the main building on a lot to which these regulations apply, the construction shed may be erected on the lot before the erection of the main building, provided that no such construction shed shall be erected until after a permit has been issued for the main building on the lot. Such construction shed shall not be used for any purpose other than the storage of tools and materials for use in the construction of the main building and upon issue of an occupancy permit such construction shed shall be removed or renovated to comply with requirements and restriction applying to accessory buildings;*
- l. *No doors to an accessory building shall exceed 2.4 metres in height; and*
- m. *An accessory building or structure used in whole or in part for the purpose of keeping more than 2 pigeons shall be setback a minimum of 7.6 metres from any dwelling unit, school, or any building used for residential, institutional or commercial purpose.*

Detached garages and carports are considered accessory buildings and subject to specific provisions in accordance with subsection 10.4 of the Zoning By-law. These include:

10.4.1 *A detached private garage or carport as an accessory building may be located in a side yard of a lot in a Residential Zone subject to the following requirements and restrictions:*

- a) *Only one detached private garage or carport shall be permitted on each lot, and only if there is no attached private garage or carport already on the lot;*
- b) *It shall be no closer than 1.0 metres to a main building;*
- c) *It shall be no closer than 0.6 metres to an interior side lot line or rear lot line;*
- d) *It shall be no closer to a street than the required front yard depth for a main building, and in no case shall be closer to the front lot line than 6.0 metres;*
- e) *It shall be not be located in the required exterior side yard;*
- f) *When facing a flankage lot line, a carport or garage door opening shall have a minimum 6 metre setback to the flankage lot line;*
- g) *It shall have a maximum gross floor area of 48 square metres, and it shall have a minimum interior rectangular area of 2.7 metres by 5.4 metres with no more than a one step of a stairway encroachment within the rectangular area;*
- h) *It shall not exceed 4.5 metres in height in the case of a peaked roof, and 3.5 metres in height in the case of a flat roof;*
- i) *It is compatible, in exterior design and type of building material used, with the main building located on the lot; and*
- j) *Where a conflict occurs between the requirements and restrictions of this section, and the particular zone in which the accessory buildings or structures are situated, the latter shall apply.*

10.4.2 *A detached private garage or carport may be erected in a rear yard or interior side yard*

with no setback from the side lot line or the rear lot line subject to the following requirements and restrictions:

- a) The garages for the two lots abutting the said side or rear lot line are designed as one building,
- b) A common wall on and along the said side or rear lot line divides the garages; and
- c) The garages for the two lots abutting the said side or rear lot line are constructed or reconstructed simultaneously.

General provisions for attached garages and carports are established in Section 10.5:

- Where a garage or carport is attached to a dwelling unit it shall not be considered an accessory building and it shall comply with the yard and area requirements for the residential or agricultural zone in which it is located and the following requirements and restrictions:
 - The garage doors shall not exceed 2.4 metres in height;
 - A carport or garage door opening shall not be located closer than 6 metres from the front of flankage lot line; and
 - The interior space of a garage shall have a rectangular area not less than 2.7 metres by 5.4 metres with no more than one step encroachment.

Permitted yard encroachments in residential zones are regulated through Section 6.13 *Permitted Yard Encroachments* and are subject to the following provisions:

- Every part of any yard required by this by-law shall be open and unobstructed by any building or structure from the ground to the sky except by:

- An accessory building or structure permitted by the provisions of this by-law;
- The structures listed in Table 6.13A which may project into the minimum yards indicated for the distances specified;
- Drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, landscaped decks or similar accessory uses.

Table 1: City of Brampton Permitted Encroachments

Structure	Yard	Maximum Encroachment
Sills, belt courses, cornices, gutters, chimney, pilasters, eaves, parapets or canopies	Any yard	0.5m
Window bays	Front, rear and exterior side yards	1 metre to a maximum width of 3 metres
Balconies or decks	Front, and exterior side yards	1.5 metres
Balconies or decks	Rear yard	3.0 metres
Open, roofed porches not exceeding one storey in height.	Front, rear and exterior side yards	1.8 metres including eaves and cornices

It is noted that Quonset huts are not defined or regulated by the Zoning By-law. City staff have noted that Quonset huts are subject to site plan control. While Quonset huts may be appropriate in rural areas, they can be less desirable and aesthetically impactful within urban areas.

3.1.2 Minor Variance Data

It is beneficial to review minor variance data to glean an understanding of whether the provisions for accessory buildings are working well in Brampton. An analysis of the 2015-2016 Minor Variance data shows a total of sixteen (16) variances sought (as part of twelve (12) applications) in the Residential (R) zone during this time period related to accessory structures. A short description of each requested variance, and associated decision, is provided in Table 2.

Table 2: Summary of Minor Variance Applications Related to Accessory Structures 2015 – 2016

Zone	Description	Status
RE2	<ul style="list-style-type: none"> - To permit a proposed accessory building (storage shed) having a gross floor area of 111.48 sq. m (1,199.96 sq. ft.) whereas the by-law permits a maximum of 23 sq. m (247.56 sq. ft.) for any individual accessory building; and - To permit the accessory buildings combined gross floor area of 123.98 sq. m (1,334.50 sq. ft.) whereas the by-law permits the accessory buildings combined gross floor area of 40.0 sq. m (430.55 sq. ft.) in the RE2 zone. 	Approved
R4A(3)	<ul style="list-style-type: none"> - To permit an accessory structure (pavilion) having a maximum height of 5.0m (16.40 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure; and 	Approved

Zone	Description	Status
	<ul style="list-style-type: none"> - To permit an accessory structure (pavilion) having a gross floor area of 36 sq. m (387.50 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.45 sq. ft.) for a single accessory structure in the R4A(3) zone. 	
R1A	<ul style="list-style-type: none"> - To permit an accessory structure (Cabana/Pool Shed) with a maximum gross floor area of 44.32 sq. m (477.06 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.45 sq. ft.) for a single accessory structure in the R1A zone. The application was approved. 	Approved
R3A	<ul style="list-style-type: none"> - To permit an existing accessory structure (shed) in the exterior side yard whereas the by-law does not permit an accessory structure in the exterior side yard in the R3A (3) zone. 	Approved
R1F	<ul style="list-style-type: none"> - To permit an existing accessory building (shed) having a gross floor area of 29.4 sq. m. (316.46 sq. ft.) whereas the by-law permits a maximum of 15 sq. m. (161.46 sq. ft.) for any individual accessory building; and - To permit a combined gross floor area of 40.1 sq. m (431.63 sq. ft.) 	Approved in part.

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Zone	Description	Status
	ft.) for two (2) existing accessory buildings (shed and canopy) whereas the by-law permits two (2) accessory buildings with a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.) in the R1F zone.	
R1A	<ul style="list-style-type: none"> - To permit an accessory structure (cabana/gazebo) having a maximum gross floor area of 20.06 sq. m (215.92 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.45 sq. ft.) for a single accessory structure. - To permit an accessory structure (cabana/gazebo) having a maximum building height of 3.3m (10.83 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.), and to permit an accessory structure (cabana/gazebo) having a minimum setback of 5.0m (16.40 ft.) in the R1A zone. 	Approved
R1B	<ul style="list-style-type: none"> - To permit a 0.0 metre rear yard setback to an existing accessory structure (shed) whereas the by-law requires a minimum rear yard setback of 0.6m (1.97 ft.) in the R1B zone. 	Approved

Zone	Description	Status
R1A	<ul style="list-style-type: none"> - To permit an existing accessory structure (pergola) having a maximum gross floor area of 24.41 sq. m (262.75 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.45 sq. ft.) for a single accessory structure in the R1A zone 	Approved
RHM2	<ul style="list-style-type: none"> - To permit an accessory structure (shed) having a side yard setback of 0.6m (1.97 ft.) in the required interior side yard whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.) in the RHM2 zone. 	Approved
R1B	<ul style="list-style-type: none"> - To permit an accessory structure (pool storage and covered roof over BBQ and counter area) having a gross floor area of 15.61 sq. m (168.02 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.45 sq. ft.) for any individual accessory structure in the R1B zone 	Approved
R1B	<ul style="list-style-type: none"> - To permit an accessory structure (shed) in the exterior side yard whereas the by-law does not permit an accessory structure in the exterior side yard in the R1B zone. 	Approved
RE2	<ul style="list-style-type: none"> - To permit five (5) existing accessory structures (greenhouse, 2 sheds, 	Approved

Zone	Description	Status
	play structure and pizza oven) having a total combined area of 87.36 sq. m (940.34 sq. ft.) whereas the by-law permits two (2) accessory structures with a maximum combined area of 40 sq. m (430.55 sq. ft.). in the RE2 zone.	

Of the sixteen variances shown in Table 2, five sought relief from maximum floor area provisions, five sought relief from combined maximum floor area provisions, two sought relief from side yard placement restrictions, two sought relief from setback requirements and one sought relief from maximum height provisions.

With respect to the structure type, eight (8) were related to sheds, seven (7) to pavilions, gazebos, cabanas, pool sheds, or pergolas. One (1) was with respect to five structures of various kinds.

There have not been only a limited number of variances to the accessory building provisions, suggesting the provisions are likely sufficient in most circumstances, and that there could even opportunity for increased stringency. In the interest of managing lot coverage in residential areas (as discussed elsewhere in this Paper), further reduction of the provisions is generally not a recommended approach moving forward, but opportunities to tighten restrictions may be considered. This may be informed by a review of other municipal practice (following subsection). However, further restrictions is likely to precipitate creating instances of legal non-compliance, where accessory uses have been previously established in accordance with the current requirements. It can be difficult for City staff to confirm whether a structure was legally non-complying, particularly if it does not require a building permit and there is no municipal record. All of these considerations must be identified and thoughtfully regarded in the potential further modification of accessory building/structure provisions.

3.1.3 Municipal Zoning By-law Comparison

A comparison of municipal zoning by-laws was conducted to examine the provisions and standards for air conditioning units, decks, detached garages, and sheds.

Residential Mechanical Equipment

The City of Brampton Zoning By-law 270-2004 does not establish provisions and standards for air conditioning units or similar mechanical equipment. Of the comparison zoning by-laws reviewed, all establish provisions for these types of incidental accessory structures.

City of Mississauga

Residential mechanical equipment is permitted in all yards except the front, with a minimum setback of 0.61 m to any lot line.

Town of Newmarket

The Town of Newmarket's zoning provisions for residential mechanical equipment are reviewed in Table 3.

Table 3: Town of Newmarket Residential Mechanical Equipment Provisions

Permitted Yards	Setback	
Single detached, semi-detached, and link dwellings	Front or exterior side yard	Maximum encroachment of 1.5m, no closer than 3.0 to the street line and is screened from the street by fencing, landscaping, or an enclosure
	Interior side or rear yard	Minimum 0.6m from lot line
Townhouses or other multiple dwellings, excluding apartment buildings	Front yard	Maximum encroachment of 1.5m, no closer than 3.0m to the street line and is screened

Permitted Yards	Setback	
		from the street by fencing, landscaping, or an enclosure
	Interior side yard	Minimum 0.3m from lot line
	Exterior side or rear yard	Minimum 1.8m from lot line
<p>Additional conditions:</p> <p>ii) Notwithstanding the provisions of 4.3(i) above, a minimum lateral separation of 4.6 metres to a window and/or door of a habitable room of a dwelling on an adjoining lot shall be provided.</p> <p>iii) Window or through-wall air conditioner units shall be permitted to encroach a maximum 0.5 metres into all required yards subject to a minimum setback of 0.6m from all lot lines.</p> <p>iv) Notwithstanding the provisions of Section 4.3 (i) above, central air conditioner and/or heat pump units for apartment buildings shall be roof-top mounted.</p>		

Accessory mechanical equipment is permitted in all yards, but with specific requirements for screening when located in the front yard. For interior, exterior, and rear yards, there are minimum required setbacks from the lot line. Additional conditions require a minimum lateral separation to a window and/or door, as well as exceptions for the permitted encroachment of window or through-wall air conditioners.

Town of Oakville

The Town of Oakville zoning provisions permit accessory mechanical equipment in flankage, interior, and side yards. A minimum setback of 0.6m from any lot line is required.

City of Ottawa

The City of Ottawa Zoning By-law only permits residential mechanical equipment in interior or rear yards with a maximum permitted encroachment of 1.0m, and a required setback of 0.3m from the lot line.

Decks

Provisions and standards for decks as established through Zoning By-law 270-2004 are generally consistent with those of the comparison municipalities. The maximum permitted encroachment for front and exterior side yards is 1.5m, and 3.0m for rear yards. One exception is that there are no explicit provisions for minimum setbacks from lot lines, or separate provisions for corner lots. The municipalities of Mississauga, Newmarket, Oakville, and Ottawa all establish specific regulations for these contexts.

City of Mississauga

The City of Mississauga Zoning By-law permits decks to be located in the front, exterior side, and rear yard. Required setbacks and permitted encroachments for decks are reviewed in Table 4.

Table 4: City of Mississauga Permitted Encroachments for Decks

Permitted Yard	Permitted Encroachment
Front and/or exterior side yard	1.6m
Rear yard	5.0m

In addition to permitted encroachments for decks, the Zoning By-law also establishes minimum setbacks for decks, inclusive of access stairs, as identified in Table 5.

Table 5: City of Mississauga Minimum Deck Setbacks

Lot Line	Setback
Rear	1.5m
Interior side	0.0m for a lot with a dwelling requiring 0.0m interior side yard
Interior side for a lot with a dwelling requiring more than a 0.0m interior side yard.	0.61m
Exterior side lot line	0.61m

For decks located in the interior side yard, inclusive of stairs, a minimum setback of 1.2m from the interior side yard lot line is required.

Town of Newmarket

The Town of Newmarket Zoning By-law prohibits decks in required front yards and establishes provisions for decks in all other required yards as reviewed in Table 6.

Table 6: Town of Newmarket Residential Deck Provisions

Deck Height	Yard	Setback
0.6m to grade	Side yard	Same as zone category
	Rear yard	1.2m
	Side yard setbacks to not apply between two attached units.	
0.6m to 3.0m	Side yard	Same as zone category
	Rear yard	2.4m
	May encroach into the rear yard 3.6m, but never closer than 2.4m of the rear lot line.	
	Side yard setbacks do not apply between two attached units.	
3.0m and above	Must maintain the side and rear yard setbacks of the zone category.	

Town of Oakville

The Town of Oakville permits decks in front and rear yards provided they have a height of 0.6m or greater and a maximum encroachment of 1.5m. In the Residential Low RL6 Zone, decks are only permitted in the rear yard, with a maximum encroachment of up to 3.0m from the rear lot, including access stairs.

City of Ottawa

The City of Ottawa Zoning By-law permits decks in the front, interior, corner inside, and rear yards with a maximum height of 0.6m above the adjacent grade. The permitted projections into the required yards are identified in Table 7.

Table 7: City of Ottawa Residential Mechanical Equipment Permitted Encroachment

Deck Height	Required Yard	Permitted Encroachment
0.6m above adjacent grade	Interior and rear yard	No limit
	Front yard and corner side yard	The greater of 2m or 50% of the required front yard or corner side yard, but no closer than 1m to a property line.
All other cases – 2 metres, but no closer than 1 metre from any lot line.		

The required setbacks for accessory structures, including decks, are identified in Table 8.

Table 8: City of Ottawa Residential Mechanical Equipment Required Setbacks

Required Yard	Required Setback
Front yard	Same as required for principal building.
Corner side or a rear lot line abutting a street	1.2m
Front or interior side yard not abutting a street	Same as principal building
Rear yard not abutting a street	0.6m
Minimum distance from any other building located on the same lot, except a hot tub	1.2m

Detached Private Garages

Provisions and standards for detached garages are established through *Section 10.4: Detached Garage or Carport* of Zoning By-law 270-2004. Standards are generally consistent with those of the comparison municipalities. This includes required setbacks that comply with the yard requirements of the parent zone in which they are located, and provisions that permit a shared detached garage that comply with specific standards and requirements, such as a shared lot line and a common party wall, for example.

Provisions for detached and attached private garages for each comparison municipal zoning by-law are reviewed below.

City of Mississauga

The City of Mississauga permits detached garages as an accessory structure, subject to the provisions identified in Table 9.

Table 9: City of Mississauga Detached Garage Provisions

Regulation	Standard	
Maximum number permitted per lot	1 (only one detached or one attached permitted per lot).	
Maximum floor area	75 sq. m.	
Minimum rectangular area measured from the inside face of walls (width x length)	2.75m x 6.0m	
Maximum lot coverage	10% of the lot area	
Minimum setback to front lot line	The greater of 6.0m or the same distance to the street as the front wall of the dwelling on the same lot.	
Minimum setback to exterior side lot line	The exterior side yard regulations of the applicable zone.	
Minimum setback to interior side lot line for accessory structures located in an interior side yard	The interior side yard regulations of the applicable zone shall apply.	
Minimum setback to interior side and rear lot lines for accessory structures located in the rear yard.	Lot area greater than or equal to 750 sq. m.	1.2m
	Lot area less than 750 sq. m.	0.6m
Minimum setback of detached garage located in the rear yard to the dwelling on the same lot	1.2m	

Town of Newmarket

The Town of Newmarket Zoning By-law requires detached garages to comply with the setbacks of the parent zone category. The maximum permitted size of detached garages must also comply with the maximum permitted lot coverage of the parent zone category. This approach to establishing zoning provisions for detached garages does implement separate provisions as is found in the other Zoning By-laws reviewed.

Town of Oakville

The Town of Oakville Zoning By-law 2014-014 establishes separate provisions for the maximum size of private garages, which includes attached garages, in *Part 5.8.6* and as follows:

- *For detached dwellings on lots having less than 12.0m in lot frontage, the maximum total floor area for a private garage shall be 28.0 square metres;*
- *For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres;*
- *Notwithstanding [the above] for lots located within the Residential Low (RL1) Zone, the maximum total floor area for a private garage shall be 56.0 square metres and the maximum width of the entrance to the private garage shall be 9.0m; and*
- *For semi-detached dwellings, the maximum total floor area for a private garage shall be 28.0 square metres.*

City of Ottawa

The City of Ottawa Zoning By-law considers detached garages as an accessory structure or building, and is therefore reviewed in the following *Accessory Structures* section.

Accessory Structures

A review of the provisions and standards for accessory structures under Brampton Zoning By-law 270-2004 demonstrates that the

requirements are generally consistent with the comparison municipalities, except for the maximum permitted gross floor area. This includes minimum setbacks and restrictions on the total number of accessory structures per lot. An additional exception is that Zoning By-law 270-2004 prohibits accessory structures in exterior side yards. Among the comparison municipalities reviewed, the City of Mississauga, Town of Newmarket, and City of Ottawa establish provisions that permit accessory structures in exterior side yards, with specific requirements.

City of Mississauga

The City of Mississauga Zoning By-law establishes provisions for accessory structures as identified in Table 10.

Table 10: City of Mississauga Provisions for Accessory Structures

Regulation	Standard	
Maximum number permitted on lot	1	
Maximum floor area	10 sq. m.	
Maximum lot coverage	Combined total of all accessory structures.	
Minimum setback to front lot line	The greater of 6.0m or the same distance to the street as the front wall on the same lot.	
Minimum setback to exterior side lot line	The exterior side yard regulations of the applicable zone shall apply.	
Minimum setback to interior side lot line for accessory structures located in the rear yard	The interior side yard regulations of the applicable zone shall apply.	
Minimum setback to interior side lot line for accessory structures located in the rear yard	Lot area greater than or equal to 750 sq. m.	1.2m
	Lot area less than 750 sq. m.	0.61m

Town of Newmarket

The Town of Newmarket Zoning By-law establishes two separate provisions for accessory structures and buildings depending on the height of the structure. Residential accessory structures with a height less than 2.4m are subject to the following provisions:

- Not permitted in the front yard;
- Must be located at least 1.0m from the side and rear property lines;
- Contributes to the maximum lot coverage permitted by the parent zone;
- Maximum size for all residential accessory structures on the property is 15% of the lot area or 75% of the footprint of the house (whichever is smaller); and
- Cannot be used for human habitation.

Residential accessory structures with a height of 2.4m to 4.6m (the maximum permitted height of accessory structures) are subject to the following provisions:

- Not permitted in the front yard;
- Must be located at least 2.4m from the side yard and rear property lines;
- Contributes to the maximum lot coverage permitted by the zone for the property;
- Maximum size for all residential accessory structures on the property is 15% of the lot area or 75% of the footprint of the house (whichever is smaller); and
- Cannot be used for human habitation.

Town of Oakville

The Town of Oakville Zoning By-law establishes provisions for accessory buildings and structures in residential zones through Section 6.5: Accessory Buildings and Structures. Table 11 reviews the required setbacks for accessory structures in the Town of Oakville.

Table 11: Required Setbacks for Accessory Structures in the Town of Oakville

Permitted Yard	Required Setback
Front or interior side yard	Minimum shall be the same as the dwelling on the lot
Flankage or rear yard	0.6m, provided the accessory structure has a minimum separation distance of 2.0m from the dwelling.

Additional provisions include a maximum height of 2.5m when located in the following yards:

- Flankage yard; and
- That portion of a rear yard defined by a distance equal to the minimum flankage yard required for the dwelling in the applicable zone from the flankage lot line.

Maximum lot coverage for accessory structures is also regulated, and is restricted to 5% of the total lot area or 42.0 sq. m. of the building area. The permitted lot coverage is in addition to the maximum lot coverage for the dwelling.

City of Ottawa

The City of Ottawa Zoning By-law establishes zoning provisions in Section 55. The required setbacks for accessory structures are identified in Table 12.

Table 12: City of Ottawa Required Setbacks for Accessory Structures

Lot Line	Required Setback
Front	Same as required for principal building
Corner	1.2m
Rear abutting a street	1.2m
Interior	Same as principal building
Rear not abutting a street	0.6m

The Zoning By-law establishes separate provisions for specific accessory structures as identified in Table 13.

Table 13: City of Ottawa Required Setbacks for Specific Accessory Structures

Structure	Yard	Required Setback	
Children's play structure	Interior side, not abutting a street	Abutting a residential zone	Equal to the height of the structure
		Not abutting a residential zone	0.6m
Walkable decking around above-ground pool or hot tub	Interior side, not abutting a street	Abutting a residential zone	Equal to the height of the structure
		Not abutting a residential zone	0.6m
Above ground pool or hot tub not equipped with walkable decking and not contained within a building	Interior side, not abutting a street	Abutting a residential zone	Equal to the height of the structure
		Not abutting a residential zone	0.6m

The maximum permitted size of all accessory buildings and structures are restricted to 50% of the yard in which they are located, but must not have a cumulative floor area of greater than 55 sq. m. as measured from the exterior walls of the building. The total number of accessory buildings on one lot is restricted to 2.

Quonset Huts

Many municipalities do not have separate provisions regarding Quonset Huts. The City of Cambridge's Zoning By-law, for example, does

not define a Quonset hut, due to the curved nature of its roof and undefined roof-wall transition, does establish the same height regulations as for inflatable structures. The City of Waterloo's Zoning By-law 2017-000, however, offers an explicit definition as follows:

a prefabricated shelter consisting of corrugated steel or other material fabricated to form a self-supporting structure often used for storage or weather protection of vehicles or other large material goods. The structure may or may not be anchored by a foundation system.

Section 8.33.1.1 then says Quonset Huts will not be recognized as permitted structures in any zoning category.

The City of Ancaster (now the City of Hamilton)'s By-law 87-57 similarly makes explicit statements about Industrial zones in which the huts are not permitted but does not offer an explicit definition or make any statements in regard to Residential zones.

If Quonset huts similarly represent an impactful use within Brampton, there is an opportunity to regulate these uses as an accessory structure.

Permitted Encroachments

Regulating permitted encroachments through zoning by-laws is a common approach to giving flexibility for minor structures normally proposed as part of residential development. Permitted encroachments allow structures or objects that are incidental to residential type dwellings to encroach upon a required yard setback.

Common examples of this include structures or equipment such as air conditioners, chimneys, or eaves. Decks are also regulated through permitted encroachments provisions, but are reviewed separately in this Technical Paper. Each of the comparison municipal zoning by-laws reviewed establish provisions for permitted encroachments, including the Town of Newmarket which are reviewed in

Table 14 and the City of Ottawa which is reviewed in Table 15.

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Table 14: Town of Newmarket Permitted Encroachments

Structure or Feature	Applicable Required Yards	Permitted Setback or Encroachment
Bay windows	Front, rear and exterior side yards	Minimum 1.0m. maximum 3.0m
Canopies and porticos	All yards	Maximum 2.4m into front, rear, and exterior side yards
		But in no instance shall the encroachment be closer than 1.5m to the front, exterior side and rear lot lines
		May encroach 1.2m into the required interior side yard
Balconies, landings, steps, fire escapes	Front, rear and exterior side yards only in Residential Zones, all yards in all other zones	Maximum 1.8m into the required yard
		Minimum 1.2m from lot line
Patios, uncovered	Rear and exterior side yards	Minimum 0.6m from lot line
Porches, open uncovered or covered (2.75m in height or less above finished grade)	Front, exterior side yards	Maximum 2.4m into required yards
		Minimum 1.5m to the lot line
Sills, cornices, parapets, pilasters, or other similar ornamental structures	Any yard	Maximum 0.6m into the required yard

Structure or Feature	Applicable Required Yards	Permitted Setback or Encroachment
Eaves	Interior side yard	Minimum 0.3m from side lot line
Chimneys	Any yard	Maximum 0.6m into the required yard
Drop awnings, clothes poles, flag poles, ornamental light poles, retaining walls, fences or other similar accessory structures	Permitted in any yard	No required setback
Accessibility ramps	Permitted in any yard	No required setback

Table 15: City of Ottawa Permitted Encroachments

Structure or Feature	Permitted Setback or Encroachment	
Chimney, chimney box and fireplace box	Maximum 1.0m, minimum 0.6m to lot line	
Eaves, eaves-troughs and gutters	Maximum 1.0m, minimum 0.3m to lot line	
Ornamental elements such as sills, belt courses, cornices, parapets and pilasters	Maximum 0.6m, but no closer than 0.6m to a lot line	
Canopies and awnings	Maximum 1.8m, minimum 0.6m to lot line	
Fire escapes, open stairways, stoop, landing steps and ramps	Wheelchair ramps	No limit
	Where are below the floor level of the first floor	Interior side yard or rear yard, no limit
		Front yard or corner

Structure or Feature	Permitted Setback or Encroachment	
		side yard, minimum 0.6m to lot line
	In other cases	Maximum 1.5m, minimum 1.0m to lot line in all yards
Covered or uncovered balcony, porch, deck, platform and verandah, with a maximum of two enclosed sides, excluding those covered by canopies and awnings	Below 0.6m above grade	Interior side and rear yard, no limit
		Front and corner side yard, greater of 2.0m or 50% of required yard, minimum 1.0m setback
	All other cases	Maximum 2.0m, minimum 1.0m to lot line
Bay windows where windows faces a lot line	Maximum 1.0m, minimum 1.2m from lot line	
Air conditioner condenser, heat pump or similar equipment	Maximum 1.0m, minimum 0.3m to lot line in front or corner side yard	

Exceptions to this include the following:

- The absence of provisions regulating air conditioners and other accessory mechanical equipment that are incidental to residential dwellings;
- In reviewing provisions for decks, it was common among the comparison zoning by-laws to establish minimum setbacks from lot lines and establish specific provisions for corner lots, neither of which are regulated through the current City of Brampton Zoning By-law;
- In regards to accessory structures, including detached and attached private garages, the current zoning by-law regulates the size of all accessory structures through a total maximum gross floor area. In comparison municipalities, permitted floor area for accessory structures are generally more permissive than the City of Brampton. Alternative zoning approaches for accessory structures include regulating the maximum gross floor area as a percentage of total lot area, as is done in the Town of Newmarket; and
- The type of structures regulated through permitted encroachments in the City of Brampton are currently limited. Among the comparison municipalities reviewed, all contained permitted encroachments for a broader range of structures.

Summary of Municipal Approaches

Overall, provisions for accessory buildings and structures regulated through Zoning By-law 270-2004 are generally consistent with the comparison municipal zoning by-laws reviewed. This includes required setbacks and permitted encroachments of decks and accessory structures.

3.2 Driveways and Parking in Low Density Residential Areas

Zoning requirements for driveways and parking are an important part of ensuring the provision of a sufficient amount of parking. These standards can contribute to the built form and character of a neighbourhood while also ensuring that an appropriate amount of permeable landscaped surface is maintained. Typically, driveways are required to be paved with a hard, impermeable surface such as asphalt or, more rarely, concrete. Driveways that are too large not only increase the quantity and decrease the quality of water runoff into the stormwater system, but may also negatively impact the visual aesthetic of a neighbourhood. Conversely, driveways that are too small and do not provide enough parking may have the ancillary impact of vehicles being parked illegally, in unsafe locations, or crowded onto driveways, all of which impact aesthetics.

Establishing an appropriate balance for the above considerations is a critical component to any Zoning By-law. Although it is common to find provisions and standards for driveways and parking separately within a Zoning By-law, it is important to ensure that the associated regulations work in concert to reach an appropriate outcome and are therefore reviewed together in the following analysis.

3.2.1 Review of Zoning By-law 270-2004

Residential driveways are defined in Section 5.0 of the Zoning By-law as:

- *Driveways, Residential: shall mean the hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone) on detached, semi-detached or townhouse dwelling lots, and that hard and level surface on the road right-of-way to the street edge, upon which vehicles drive and park, and such hard and level surface includes a*

surfaced walk situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part of the whole of a motor vehicle. The width of the Residential Driveway is measured parallel to the front of an attached garage or in the case of a lot where there is no garage or there is a detached garage, the driveway width is measured perpendicular to the direction in which motor vehicles drive and park on the driveway.

A further review of Section 5.0: Definitions of Zoning By-law 270-2004 confirms that there are no additional definitions for 'driveway'.

Residential driveways and associated parking space provisions and standards are established through *Section 10.9 Parking Space Requirements* under the *Section 10: General Provisions*. These include:

- *10.9.1 Parking spaces are required in Residential Zones in accordance with the following provisions:*
 - A. Unless otherwise specified in this by-law, for each dwelling unit within a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, double duplex dwelling or street townhouse dwelling a minimum of two parking spaces is required.*
 - B. Notwithstanding the minimum landscaped open space requirement in the applicable zone, where parking spaces are required or provided on single detached dwelling, semi-detached dwelling and street townhouse dwelling lots, except within RE1, RE2, RHm1, RHm2, RH and A zones,*
 - 1) A Residential Driveway (including the portion of the Residential Driveway within the road right-of-way) shall have a minimum width of 3.0 metres and a maximum width of:*
 - a. 4.9 metres on lots having a width less than 8.23 metres*

b. 5.2 metres on lots having a width equal to and greater than 8.23 metres but less than 9.14 metres

c. 6.71 metres on lots having a width equal to and greater than 9.14 metres but less than 15.24 metres

d. 7.32 metres, or the width of the garage, whichever is greater, on lots having a width equal to and greater than 15.24 metres but less than 18.3 metres

e. 9.14 metres, or the width of the garage, whichever is greater, on lots having a width equal to and greater than 18.3 metres

f. 6.71 metres, or the width of the garage, whichever is greater, for driveways on the flankage lot line on any lot

g. and in no case shall the Residential Driveway intersect the side lot lines of the lot projected towards the street

2) The portion of the area of the surface of an interior lot in front of the dwelling unit that is not part of the permitted unit that is not part of the permitted Residential Driveway shall be Residential Landscaping

3) The portion of the area of the surface of an exterior lot in the flankage street yard of the lot (where the driveway has access to the flankage street) that is not part of the permitted Residential Driveway shall be Residential Landscaping

4) The following surface areas of lots shall be maintained as only a permeable landscaped surface such as grass, trees, shrubs, flowers or

other plants or any other surface that permits the infiltration of water into the ground, but may include a portion of a noise wall or retaining wall that is not permeable:

a) An area at a minimum width of 0.6 metres abutting both side lot lines on interior lots of detached dwellings (where the driveway access the flankage street), except within 3 metres of the street lot line and within the road right-of-way for those lots where the side lot lines converge towards the front of the street, in which case less than 0.6 metres may be provided; and

b) An area at a minimum width of 0.6 metres abutting one side lot line on lots of semi-detached and townhouse dwelling units, except within 3 metres of the street lot line and within the road right-of-way for those lots where side lot lines converge towards the street in which case less than 0.6 metres may be provided.

5) Driving and parking of motor vehicles on the required Residential Landscaping areas shall not be permitted

6) Notwithstanding maximum driveway widths, on lots that are permitted semi-circular driveways (meaning those lots that are permitted two accesses to a street (or streets) where a driveway is connected between the two accesses, or those lots where the driveway leads to a garage (attached or detached) or carport that is generally perpendicular to the street) the surface area of the Residential Driveway shall not exceed 50 percent of the front yard area.

7) Where a conflict occurs between the maximum driveway width restriction of this section and that of the particular zone in which the driveway is situated, the restriction of this section shall apply.

C. Where parking spaces are required or provided for any single detached dwelling, semi-detached dwelling and street townhouse unit on a lot in RE1, RE2, REH, RHm1, RHm2, RH or A zones, and for a duplex dwelling, triplex dwelling or double duplex dwelling unit on a lot in all other residential zones, the following restrictions shall apply:

(i) except for a parking space on a driveway, no parking space shall be permitted in the front yard;

(ii) the minimum width of a driveway shall be 3.0 metres and the width of the driveway shall not exceed 50 percent of the width of the lot unless such maximum driveway width would conflict with the minimum landscaped open space yard requirement in the applicable zone, in which case, the minimum landscaped open space requirement shall prevail.

D. For a lot less than 0.2 hectares, the rear yard for the purpose of parking motor vehicles shall not be paved other than a driveway leading to a garage permitted by the By-law and provided such a driveway in the rear yard is not wider than 3 metres or the width of the garage whichever is greater.

E. Where more than one parking space is required for a residential unit excluding visitor spaces, tandem parking arrangements may be permitted provided that at least one parking space per dwelling unit has an unobstructed access to a driveway.

F. Where a medical or dental office is located in a private residence, a

minimum of 6 parking spaces shall be provided for each practitioner.

In summary, the intent of the provisions for driveways in Zoning By-law 270-2004 is to provide appropriate parking for residential dwellings, while ensuring appropriate landscape open space to manage stormwater runoff and maintain an appropriate aesthetic appearance.

3.2.2 Minor Variance Data

Five (5) Minor Variance applications were submitted seeking relief from driveway-related Zoning By-law provisions in residential zones between 2015-2016. All of these applications sought to increase driveway width beyond the maximum established in the Zoning by-law. These applications are summarized in Table 16.

Table 16: Summary of Driveway-related Minor Variance Applications 2015-2016

Zone	Variance Requested	Status
R1A	To permit an existing driveway width of 9.68m (31.76 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22.00 ft.).	Approved
R1F	To permit a maximum driveway width of 9.14m (29.98 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) or the width of the garage, whichever is greater, for a driveway on the flankage lot line.	Approved
R3B	To permit a driveway width of 2.84m (9.32 ft.) whereas the by-law requires a minimum driveway width of 3.0m (9.84 ft.).	Approved in part
R3E	To permit a driveway width of 5.4m (17.72 ft.) whereas the by-law permits a maximum driveway width of 4.9m (16.08 ft.).	Approved
R1B	To permit an existing driveway width of 8.4m	A16-173 Approved

Zone	Variance Requested	Status
	(27.56 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24.0 ft.).	

3.2.3 Municipal Zoning By-law Comparison

The following analysis compares the zoning by-laws of the City of Mississauga, Town of Newmarket, Town of Oakville, City of Ottawa and City of Waterloo with regards to low-rise residential driveway and parking regulations.

City of Mississauga Zoning By-law 0225-2007

The City of Mississauga Zoning By-law 0225-2007 establishes parking provisions and standards in *General Provisions Section 4.1.9 Driveways and Parking*. A maximum of one driveway is permitted in most low-rise residential zones, and parking of motor vehicles on landscaped is prohibited soft landscaped areas, such as a front yard, for example. The calculation for driveways is described in Section 4.1.9.2 as follows:

- *Any hard surface area used or accessible for the purpose of parking a motor vehicle shall be included in the driveway width calculation.*

For low-rise residential dwellings, including detached, linked, semi-detached and street townhouse dwellings, the minimum off-street parking requirements is 2.0 spaces per unit. Maximum driveway widths are generally determined by the width of the garage door opening, with an additional 2.0 metres permitted up to a maximum of 8.5 metres. If there is no garage, the maximum width of the driveway is 6.0 metres. An additional provision establishes a minimum landscaped soft area in the yard containing the driveway, generally being 40% of the front and/or exterior side yard.

Town of Newmarket Zoning By-law 2010-40

Low-rise residential parking and driveway standards are established under *Section 5: Parking, Loading, and Queuing Requirements*

and *Section 6.2: Residential Zone Provisions* of the Town of Newmarket Zoning By-law 2010-40. The minimum number of off-street parking requirements for low-rise residential uses, including detached, linked, and semi-detached dwellings is 2.0 parking spaces per dwelling unit. Maximum driveway widths for detached dwellings range between 5.5m to 9.0m, depending on lot size. For example, lots with an area of 265 sq. m. have a maximum driveway width of 5.5m, whereas lots with an area of 743 square metres are permitted to have a maximum driveway width of 6.0m. A further requirement applying to low-rise residential driveways requires a minimum setback of 0.6m from the side lot line, except for where a mutual driveway exists, in which case the required setback is 0.0m.

Town of Oakville Zoning By-law 2014-014

Driveway and parking provisions and standards are established in *Part 5.2.1: Ratios of Minimum Number of Parking Spaces* and *Part 5.8: Driveways and Private Garages Associated with Residential Uses of the Town of Oakville Zoning By-law 2014-014*. The minimum required number of parking spaces for detached, semi-detached, and townhouse dwellings is 2.0, whereas for stacked townhouses it is 1.5. *Section 5.8.2* establishes a minimum driveway width of 3.0m, and the maximum width of a driveway is subject to the following requirements:

- *6.0 metres for a lot having a lot frontage of 12.0 metres or less;*
- *Equal to 50% of the lot frontage on a lot having greater than 12.0 metres and less than 18.0 metres of lot frontage; and*
- *9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.*

An additional provision establishes restrictions on the calculation of the driveway width as follows:

- *The calculation of driveway width shall apply along the entire length of the driveway. The measurement shall be*

calculated including any continuous hard surface or discontinuous hard surface area within 0.6m of the widest part of continuous hard surface area on the same lot, measured along the entire length of the driveway perpendicular from one edge of the continuous hard surface area.

The Zoning By-law also permits a driveway width of 9.0m when crossing a flankage lot line in a rear yard or flankage yard. Requirements for driveway setbacks are established as follows:

- *A driveway crossing a front lot line on a corner lot or through corner lot shall be located no further from the interior side lot line than a distance equal to the minimum interior side yard required for the dwelling, plus the maximum width of the driveway permitted on the lot, plus 1.0 metre, measured along all points of the driveway;*
- *[The above] shall not apply where a driveway is located a minimum of 15.0 metres from the point of intersection of the front and flankage lot lines or where the lot lines do not intersect the point of intersection of the projection of the front and flankage lot lines, measured along all points of the driveway;*
- *A driveway crossing a flankage lot line on a corner lot or through corner lot shall be located a minimum of 15.0 metres from the point of intersection of the front and flankage lot lines or where the lot lines do not intersect the point of intersection of the projection of the front and flankage lot lines, measured along all points of the driveway;*
- *Notwithstanding [the above subsection], a driveway crossing a front lot line on a lot with a semi-detached, back-to-back townhouse, or townhouse dwelling may be located on the same interior side lot line having the common wall shared between the two dwellings;*

- *Where a private garage is detached from the main building and is accessed by a driveway crossing the flankage lot line, the driveway shall be located no closer to the rear lot line than the applicable minimum setback required for the private garage, measured at the point where the driveway crosses the flankage lot line; and*
- *Where a private garage is detached from the main building and is accessed by a driveway crossing the front lot line, the driveway shall be located no closer to the side lot line than the minimum interior side yard required for the private garage, measured at the point where the driveway crosses the front lot line.*

City of Ottawa Zoning By-law 2008-250

Part 4: Parking, Queuing and Loading
Provisions of the City of Ottawa Zoning By-law 2008-250 establishes the provisions and standards for parking and driveways. The minimum number of parking spaces for low-rise residential, including detached, semi-detached and townhouse dwellings is 1.0 per unit. For stacked dwellings, the minimum required parking spaces ranges from 0.5 to 1.2 per unit, depending on location within the City (as determined through zoning schedules). Zoning standards for residential driveways are established in *Part 4: Section 107 (3)*, with a minimum width of 2.6m, and the following additional provisions:

- *Where a driveway is providing access to a permitted parking space located outside of the front yard and corner side yard, it may be located in a front yard, in a corner side yard, in the extension of an interior side yard into the front yard or in the extensions of a corner side yard into a rear yard provided that:*
 - *In the R1, R2, R3, R4 and R5 zones, no part of the driveway may be located between the front wall of the residential use building and the street nor, in the case of a corner lot,*

between the corner side wall of the residential use building and the street; and

- *The area of the driveway does not exceed the greater of:*
 - *50 percent of the area of the yard in which it is located, or*
 - *2.6 metres times the depth of the yard in which it is located.*

In addition, *Section 109(3)* regulates parking abutting a street prohibited in residential zones through the following provisions:

- *No parking space may be established and no person may park a motor vehicle:*
 - *In a required and provided front yard;*
 - *In a required and provided corner side yard; or*
 - *In the extension of a required and provided corner side yard into a rear yard.*
- *A walkway is permitted in any yard, provided that:*
 - *The walkway does not exceed 1.8m in width; and*
 - *The walkway consists of hard landscaping.*
- *All portions of the front yard and the corner side yard not occupied by parking spaces, driveways, aisles, permitted projections, accessory buildings or structures or walkways must be landscaped with soft landscaping; and*
- *All portions of any other yard not covered by parking spaces driveways, aisles, permitted projections, walkways, buildings or structures must be landscaped.*

City of Waterloo Zoning By-law 2017-000

The City of Waterloo is in the midst of consolidating its own zoning by-laws as part of a *Comprehensive Zoning By-Law* review. The draft by-law has a new definition of 'driveway:'

an area of land that provides for the passage of vehicles from a street or lane to a parking space, drive aisle, or loading area.

Minimum parking requirements for Residential zones are contained in Section 7 of the by-law. Most residential zones require a minimum of 1 parking space per unit. In the R6 zone, 2 spaces per detached dwelling unit are required and 1.4 spaces per dwelling unit are required for townhouses in the R6 or R8 zones.

Section 6.7 specifically addresses three-car, private garages, including some driveway requirements for three car garages. If a property is zoned (R3) and has a lot frontage of at least 18.9m, a three-car garage may be permitted. Front-facing garages may occupy up to 58% of the façade length of the home and driveways cannot be wider than the garage. In addition to this existing provision, Section 6.7.3 identifies a maximum percentage of the total width of the building that may be occupied by three-car garages for flankage (exterior) side lot line. The specific percentage has not been identified in the Draft Zoning By-law and is under review.

Under Section 6.7.7, also related to three-car private garages, the driveway may not exceed 7m if the garage doors do not face the street line and may range from 8.9m to 10.24m, depending on the lot frontage, for street-facing garages. Significantly, Section 6.7.8 dictates no portion of the driveway can be in front of the habitable floor space on the first storey. This provision is also included in the City's current zoning by-law.

General driveway regulations are included in Section 6.8. For a lot containing fewer than 10 parking spaces, the width must be between 3m and 7m. For lots containing 10 or more spaces, the driveway must range from 6.1m minimum to 7.0 m maximum. Again, Section 6.8.5 prescribes that no portion of the driveway may be in front of

any habitable floor space on the building's first storey, subject to a few exceptions:

a.) *Townhouse buildings without private garages, provided the parking space(s) are located behind the building line.*

b.) *Semi-detached building with single car private garages that share a common wall, provided that the maximum driveway width is five-point-six metres (5.6m) or less.*

c.) *A recessed area of the building provided that:*

i. *the required parking space(s) are behind the building line;*

ii. *no private garage exists on the lot; and*

iii. *both side yards are less than three metres (3m) in width.*

Further details for Residential zones are contained in *Section 7.5. – Residential Five Zone (R5)*. Section 7.5.8 requires that for homes zoned R5, the garage and driveway may not be wider than 55% of the front building façade and Section 7.5.10 says the driveway may extend 0.3m wider than the garage, so long as it is not in front of the habitable floor space on the first storey. Similar requirements for the R6 Zone are in Section 7.6. Section 7.6.10 allows a driveway to be as wide as 58% of the front building and Section 7.6.12 permits the garage to extend up to 1.8m beyond the habitable floor space on the first storey provided there is a covered front porch at least 1.2m deep. The driveway may not be wider than the garage but may extend up to 0.3m towards the side lot line so long as none of it is in front of the habitable floor space on the first storey.

Summary of Municipal Approaches

Each zoning by-law reviewed in the preceding comparison was generally consistent in the minimum number of required parking spaces, except for the Cities of Ottawa and Waterloo. In regulating maximum driveways, the intent of the zoning approaches in the comparison municipalities are consistent with those of the

City of Brampton. The overall objective is to provide adequate parking, but ensure appropriate stormwater management and maintain the aesthetics of the property. Each zoning by-law reviewed establishes driveway requirements as reviewed in Table 17.

Table 17: Summary of Municipal Approaches for Driveways

	Brampton	Mississauga	Newmarket	Oakville	Ottawa	Waterloo
Minimum Parking	2.0	2.0	2.0	1.5 or 2.0	1.0	1.0 – 2.0
Minimum Driveway Width	3.0m	0.0	3.0m	3.0m	2.6m	3.0m - 6.1m
Maximum Driveway Width	Relative to Lot width	8.5m If no garage door, max width of 6.0m	9.0m	9.0m	50% of yard area, or 2.6m x yard depth	7.0m – 10.24 m (also not greater than width of garage)
Minimum landscaped soft area in the yard containing the driveway	All area not part of driveway	40%	Same as zone	Same as zone	All area not part of driveway	Ne driveway in front of habitable part of dwelling

	Brampton	Mississauga	Newmarket	Oakville	Ottawa	Waterloo
Minimum setback from interior lot line	0.6m	0.6m	0.6m	1.2m	-	-
Maximum residential walkway	-	1.5m	1.2m	1.8m	1.8m	-

very detailed requirements regarding three-car garages.

The following provisions are implemented to regulate maximum driveway width among the zoning by-laws reviewed:

- City of Mississauga: Maximum driveway width is determined by the width of the garage door, plus an additional 2.0m, up to a maximum of 8.5m. The minimum landscaped soft area in the yard containing the driveway is generally required to be 40%;
- Town of Newmarket: Maximum driveway width is regulated by the Zone category, but ranges between 5.5m to 9.0m as per the minimum required lot area;
- Town of Oakville: Maximum driveway width is determined by the lot frontage, ranging from 6.0m to a maximum of 9.0m; and
- City of Ottawa: Maximum driveway width is regulated by yard area or yard depth.
- City of Waterloo: Maximum driveway width is regulated both by the lot frontage by not permitting driveways to be extended in front of the habitable portion of the house. There are also

3.3 Large Vehicle Parking

3.3.1 Review of Zoning By-law 270-2004

Under the Comprehensive Zoning By-law's General Provisions, *Section 6.3.1 - Parking of Oversized Motor Vehicle*, provides the following:

- *No person shall park or store, or permit to be parked or stored on any property, an oversized motor vehicle unless:*

(a) the oversized motor vehicle is being used to make a delivery or provide a service on the property where it is parked, or

(b) the oversized motor vehicle is accessory to a permitted agricultural, commercial, industrial, institutional or public use, but not a home occupation, occurring on the property, or

(c) the oversized vehicle is a small school bus or bussing van which in such case, shall only be parked on the property between 9 p.m. Sunday and 4 p.m. Friday from September 1 to June 30 of each year.

Oversized Motor Vehicle is defined in *Section 5.0 – Definitions*, as:

- *Any motor vehicle having a height greater than 2.6 metres or overall length greater than 6.7 metres or combination of both. External attachments to the vehicle are included in the measurement of height and length.*

As per *Provision 6.3.1 (b)*, oversized motor vehicle parking is prohibited in residential zones unless being used for delivery purposes. The only exception is for a small school bus (no more than 5 rows) from early September until the end of June.

Trailers and Recreational Vehicles

Under *Section 6 - General Provisions for all Zones, Provision 6.19 – Occupation of Trailers* states that:

(a) Travel trailers, house trailers and mobile homes may not be located in any zone if used or intended to be used in that location for the accommodation of and occupation by persons.

(b) Travel trailers and house trailers may be stored in any zone in accordance with the other provisions of this by-law.

Under *Section 10.6- General Provisions for Residential Zones, Provision 10.6.1 - Parking of Trailers*, states that:

- *Except as permitted by any other clause of this by-law, a person shall not park or store, or permit to be parked or stored, a boat, a snowmobile, or any truck trailer, mobile home, house trailer, travel trailer, or any other type of trailer, in an exterior side yard or in the front yard, including the part of the driveway therein, of any lot in a residential zone.*

Provision 10.6.2 states that:

- *A travel trailer not exceeding 5.0 metres in length when closed may be parked or stored in the part of the driveway that is in the front yard.*

Travel Trailer is defined in *Section 6.0 – Definitions* as:

- *A trailer that is used or intended to be used for short-term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.*

Section 10.6.3 states that:

- *Only one (1) of the following vehicles or vehicle combinations may be parked or stored on any one lot in a residential zone in the interior side yard or rear yard:*

(a) a boat,

(b) a snowmobile,

(c) a personal motorized water craft,

(d) a utility trailer,

(e) a boat on a trailer, together not exceeding 7.0 metres in length; and,

(f) one or two snowmobiles on a trailer, together not exceeding 7.0 metres in length; and,

(g) one or two personal motorized water crafts on a trailer, together not exceeding 7.0 metres in length.

Section 10.6.4 (a) states that a boat or trailer:

- *Shall not occupy any parking space required under this by-law, unless otherwise permitted.*

To summarize the provisions with respect to trailers, in residential zones, storage of boats, snowmobiles, truck trailers, mobile homes, house trailers, travel trailers, or any other type of trailer is not permitted in side yards, front yards or in driveways. The exception is a Travel Trailer ('pop-up trailer') not exceeding 5 metres in length when closed. The by-law is silent on the parking or storage of any such trailers or recreational vehicles in garages.

3.3.2 Minor Variance Data

Oversized Vehicles

An analysis of minor variance data from 2015-2016 shows that four (4) minor variance applications during this period related to the storage of oversized vehicles, only one (1) of which was within a residential (RE2) zone.

This requested variance was to park and store nine (9) landscaping vehicles, trailers and oversized vehicles on the property for a temporary period of five (5) years. The application was approved.

Trailers and Recreational Vehicles

There were no minor variance applications related to recreational vehicles or trailers between 2015 and 2016.

3.3.3 Municipal Zoning By-law Comparison

City of Mississauga Comprehensive Zoning By-law 0225-2007

Oversized (Commercial) Vehicles

Under Section 4.1, General Provisions for Residential Zones, Provision 4.1.10 provides that:

- *The parking of a commercial motor vehicle in Residential Zones shall comply with the provisions contained in Part 3 of this By-law and the following:*

4.1.10.1: A commercial motor vehicle shall only be parked on a driveway or within a garage;

4.1.10.2 A maximum of one (1) commercial motor vehicle shall be parked on a lot in a Residential Zone subject to the following:

4.1.10.2.1 The commercial motor vehicle shall be less than or equal to 3,000 kg registered gross weight or 2,600 kg vehicle curb weight and be less than 5.6 m in length and 2.0 m in height;

4.1.10.2.2 The required number of motor vehicle parking spaces for the applicable Residential Zone shall be maintained, not including the space used for the parking of a commercial motor vehicle.

4.1.10.3 A commercial motor vehicle that is actively engaged in a delivery and/or service is deemed not to be in contravention of this By-law.

4.1.10.4 A maximum of one (1) commercial motor vehicle shall be permitted to park entirely within an enclosed garage provided that the vehicle can legally access the property and provided that the required number of parking spaces for the applicable Residential Zone is maintained.

The City of Mississauga's Zoning By-law 0225-2007 defines a Commercial Motor Vehicle as:

- *A motor vehicle having attached thereto, a truck or delivery body and may include but is not limited to a catering or canteen truck, bus, cube van, tow truck, tilt and load truck, dump truck, tractor trailer, ambulance, hearse, fire apparatus and tractor, used for hauling purposes.*

As per Provision 4.1.10.2.1, commercial motor vehicles are not allowed to park in a residential driveway if any of the following apply:

- Over 3,000 kg registered gross weight (i.e. maximum operating weight)
- 2,600 kg vehicle curb weight (i.e. exclusive of occupants or load)
- 5.6m or more in length
- 2.0m or more in height

The by-law also stipulates, as per Provision 4.1.10.2.2, that the required number of parking spaces must be maintained. Section 3.1.2.1 - Required Number of Parking Spaces for Residential Units, provides that detached dwellings, linked dwellings, semi-detached dwellings, and street townhouse dwellings are required to provide a minimum of 2 spaces per unit. Duplex dwellings and triplex dwellings are required to provide 1.25 spaces per unit.

Trailers and Recreational Vehicles

Under *Section 4 – General Provisions for Residential Zones*, Provision 4.1.11.1.1 states that:

- *One (1) trailer, with or without one (1) boat, or up to two (2) personal watercraft or snowmobiles, or one (1) recreational vehicle, is permitted on a driveway subject to the following:*
 1. *The maximum combined length of a trailer, exclusive of tongue, with or without a boat, inclusive of attached motor, personal watercraft or snowmobile, or a recreational vehicle shall be 5.2 m;*

2. *The maximum combined height of a trailer, with or without a boat, inclusive of attached motor, personal watercraft or snowmobile, or a recreational vehicle shall be 2.0 m;*
3. *The parking space used for a trailer, with or without a boat, personal watercraft or snowmobile, or a recreational vehicle shall be in addition to the required number of parking spaces for the applicable Residential Zone;*
4. *The minimum setback of a trailer, with or without a boat, personal watercraft or snowmobile, or a recreational vehicle to a lot line shall be 0.6 m.*

To summarize these provisions: one trailer or recreational vehicle is permitted in a driveway if under 5.2 metres in length and 2.0 metres in height, provided the stipulations above are met. Additionally, as with commercial vehicles, the required amount of parking must be maintained.

City of Ottawa Zoning By-law 2008-250

Oversized ('Heavy') Vehicles and Trailers

The City of Ottawa's Zoning By-law 2008-250, adopted by Ottawa City Council in 2003 (consolidated to November 2016) defines heavy vehicle as follows:

- *A commercial motor vehicle as defined in the Highway Traffic Act, as amended or re-enacted from time to time, and includes a bus and any other passenger motor vehicle with capacity for more than ten passengers, fire apparatus, road-building machine or farm vehicle as defined in that Act, and all other types of construction equipment, but excludes a motor vehicle.*

The *Highway Traffic Act* defines a Commercial Motor Vehicle "a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway."

Under Part 5 – Residential Provisions, Section 126(1) states that “no person may park a trailer or heavy vehicle associated with a residential use or with one or more home based businesses on the same lot as the associated residential use or home based business unless the trailer or heavy vehicle is parked within a building or the trailer or heavy vehicle is parked in accordance with Table 126 of the Zoning by-law, which sets out the maximum number and permitted location.

The detailed provisions for heavy vehicle parking, adapted from Table 126 in the City of Ottawa’s Zoning By-law are shown below in Table 18.

Table 18: City of Ottawa Heavy Vehicle Parking Provisions

Type of Vehicle		Residential zones (R1 to R5, RM, RR)
If greater than 6m in length and not a school bus.	a) heavy vehicle that consists of a recreational vehicle, or a trailer for camping or a boat	provided it is parked in the rear yard or interior side yard and set back 0.6 m from the lot line: (i) one – in R1 to R5 zones and those RM zones located in Areas A, B and C on Schedule 1 (Urban Area) b) two – all other residential zones (Rural Area)
	b) a heavy vehicle other than a) above, or a trailer other than a trailer for	not permitted

Type of Vehicle		Residential zones (R1 to R5, RM, RR)
	camping or a boat	
If 6m or less in length and is a heavy vehicle that is a tractor trailer or portion thereof		not permitted
If 6m or less in length and is a trailer, or a heavy vehicle that is neither a tractor-trailer, or a school bus.		two, but no person shall park in a required front or corner side yard, except in a driveway, and where located outside of the front or corner side yard, must be at least 0.6 metres from all lot lines
School bus		One provided that the school bus is no longer than 6.8 m and that no other heavy vehicle is permitted on the lot
Cumulative number of heavy vehicles and trailers permitted per lot		Except where otherwise specified no more than two trailers, heavy vehicles or school buses on the lot, and the required parking for the dwelling or farm must continue to be legally provided on the lot

To summarize the provisions shown in Table 18, parking of heavy vehicles and trailers is generally not permitted in driveways in urban areas unless it is a recreational vehicle, camping trailer, or boat.

In the case of recreational vehicles, camping trailers, and boats, two such vehicles are permitted to be parked in a residential driveway provided that they are less than 6 metres long.

Town of Newmarket Comprehensive Zoning By-law 2010-40

Commercial Vehicles

The Town of Newmarket's comprehensive Zoning By-law was adopted by Town of Newmarket Council on June 1, 2010, and consolidated to December 2013.

Section 5.8.1 pertains to commercial vehicles in residential zones and states that:

- *On any lot within a Residential Zone, the parking or storage of any commercial motor vehicle exceeding a registered gross vehicle weight of 762 kilograms or an overall length of 7 metres is not permitted unless wholly located within an enclosed garage. Only one such vehicle may be stored or parked within a garage on a lot in a Residential Zone.*

Commercial motor vehicle is not further defined in the Zoning By-law's definitions.

In summary, Newmarket's Zoning By-law does not permit driveway parking of commercial motor vehicles exceeding of the local size (7 metres long) or weight (762 kg) threshold in residential zones.

Recreational Vehicles and Trailers

Section 5.8.2 pertains to Recreational Vehicles and Trailers in a Residential Zone and states that:

- i. *Where the recreation vehicle or trailer is stored internally, such vehicle or trailer must be wholly contained within the dwelling unit or private garage or carport.*

- ii. *Only 1 recreational vehicle or a trailer may be externally parked on a lot. No more than 1 trailer, or 1 boat and associated trailer, or 1 recreational vehicle not on a trailer up to a maximum length of 7 metres exclusive of hitch or tongue, may be parked or stored on a lot in any residential zone in accordance with [Table 19].*

Table 19: Town of Newmarket Commercial Vehicle Provisions

Zone	Location of Outdoor Parking or Storage
R1, R2	<p>Interior side yard to the rear of the front wall of the main building.</p> <p>Notwithstanding the above, in the case of a lot where the exterior side and/or rear lot line abuts a street or a 0.3 metre reserve, parking or storage may be permitted in the exterior side yard or rear yard but not closer than 7.6 metres from the exterior or rear lot line.</p>
R3, R4, R5	<p>No outdoor parking or storage permitted. Parking and storage only permitted in a building and shall only occupy parking spaces that are additional to the minimum parking requirement for the use.</p>

- iii. *Notwithstanding Section 5.8.2 (ii), no more than 1 trailer, boat or recreational vehicle may be temporarily parked or stored on a driveway in the front yard for a total*

period of not more than 72 hours in any 1 calendar month.

Recreational Vehicles and Trailers are defined in the by-law as:

- *1) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a mobile home; and/or*
- 2) boats, personal watercraft, snowmobiles, all terrain vehicles and other similar vehicles used for recreational pursuits.*

In summary, the parking of trailers, boats or recreational vehicles in driveways is prohibited for periods of more than 72 hours.

Town of Oakville Zoning By-law 2014-014

Oversized (Commercial) Vehicles

Town of Oakville Zoning By-law 2014-014 was adopted by Town of Oakville Council in 2014. Under *Part 5, Section 5.9 - Parking Provisions for Other Vehicles Associated with Residential Use*, Provision 5.9.1 states:

- *Parking in a driveway of one commercial vehicle is permitted provided the commercial vehicle:*
 - a) Does not exceed a gross weight of 4,500.0 kilograms registered with the Province;*
 - b) Does not exceed a maximum vehicle length of 6.0 metres; and,*
 - c) Does not exceed a maximum vehicle height of 2.3 metres.*

The By-law defines a Commercial Vehicle as “a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire

apparatus, tow trucks, buses and tractors used for hauling purposes on the highways.”

Provision 5.11 - Vehicles Prohibited in Residential and Mixed-Use Zones states that the following vehicle types are prohibited on all lots in Residential Zones:

- Motor vehicles equipped with more than three axles
- Buses
- Construction vehicles
- Vehicles in a wrecked, dismantled, or inoperative condition

To summarize the provisions with respect to Commercial Vehicles, one such vehicle can be parked in a driveway if under the specified size (6.0m long / 2.3 metres high) and weight (4,500 kg) thresholds.

Trailers and Recreational Vehicles

With respect to trailers and recreational vehicles, *Provision 5.9.2 – Trailers and Recreational Vehicles*, states:

- *a) Any trailer or recreational vehicle that does not exceed a height of 2.3 metres and a maximum length of 7.0 metres exclusive of hitch or tongue may be parked in any flankage yard, interior side yard or rear yard year-round.*
- b) Any trailer or recreational vehicle that does not exceed a height of 2.3 metres and a maximum length of 7.0 metres exclusive of hitch or tongue may be parked on a driveway only between May 1st and October 31st.*
- c) Any trailer or recreational vehicle that exceeds a height of 2.3 metres and a maximum length of 7.0 metres exclusive of hitch or tongue may be parked on a lot only between May 1st and October 31st and only in any flankage yard, interior side yard, or rear yard. The trailer or recreational vehicle shall be set back 10.5 metres from the flankage lot line. D) The maximum total number of*

trailers and recreational vehicles permitted on a lot is 2.

Recreational Vehicles are defined in Part 3 of the By-law as:

- *A vehicle requiring a license and designed to be used primarily for travel, recreation or vacationing and includes such vehicles commonly known as travel trailers, camper trailers, truck camper, motor homes, boats, snowmobiles or other similar vehicles but does not include a mobile home.*

A trailer is defined as:

- *A vehicle designed to be towed by a motor vehicle for the purpose of transporting or storage of goods, materials and equipment, including boat and snowmobile trailers.*

To summarize the provisions with respect to trailers and recreational vehicles, one such vehicle, including boats, ATVs, and snowmobiles, may be seasonally parked in a driveway if under the size threshold (7 metres long and 2.3 metres high).

Summary of Municipal Approaches

The municipalities examined take varying approaches to the regulation of oversize vehicle parking in residential areas. A summary of the approaches taken is shown in Table 20.

Table 20: Summary of Municipal Approaches – Oversized Motor Vehicles and Recreational Vehicles

Municipality	Commercial/Oversized Vehicles		Trailers/Recreational Vehicles	
	Under Local Size Threshold	Over Local Size Threshold	Under Local Size Threshold	Over Local Size Threshold
Brampton	No explicit limit	0 (except school bus)	Travel trailer up to 5 m in length, within rear/interior side yards only Must not occupy required parking spaces	0
Mississauga	1 in driveway or garage Must not occupy required parking spaces	0	1 trailer or recreational vehicle in driveway up to 5.2m in length Must not occupy required parking spaces	0
Ottawa	2 in driveway or rear yard Must not occupy required parking spaces	0 (except school bus)	2 Must not occupy required parking spaces	1 in rear yard or interior side yard (urban area)
Newmarket	No explicit limit	1 in garage only	72 hours/mo. Max in driveway 1 in garage or interior side yard in R1 and R2 zones only	72 hours/mo. Max in driveway 1 in garage only
Oakville	1 in driveway	0	1 seasonally in driveway 2 in flankage yard, interior side yard or rear yard	2 seasonally in flankage yard, interior side yard, or rear yard

Similar to the City of Brampton, the municipalities examined address oversized commercial vehicles separately from oversized recreational vehicles. All municipalities examined use a size threshold for such vehicles, after which their storage or parking in driveways is generally not permitted. These thresholds are shown in Table 21 and Table 22 for commercial and recreational vehicles, respectively.

driveways for a maximum of 72 hours per month.

Table 21: Municipal Thresholds for Commercial Vehicles

Municipality	Length (m)	Height (m)	Weight
Brampton	6.7m	2.6m	3 000 kg gross weight or 2 600 kg vehicle curb weight
Mississauga	5.6m	2.0m	n/a
Ottawa	6.0m	n/a	n/a
Newmarket	7.0m	n/a	Registered weight of 762 kg
Oakville	6.0m	2.3m	4,500 kilograms

Table 22: Municipal Thresholds for Recreational Vehicles

Municipality	Length (metres)	Height (metres)
Brampton	5.0m (trailer only)	n/a
Mississauga	5.2m	2.0m
Ottawa	6.0m	n/a
Newmarket	7.0m	n/a
Oakville	7.0m	2.3m

Where municipalities do permit oversized commercial motor vehicles or recreational vehicle parking in driveways, most stipulate that the required parking must continue to be provided.

Unique approaches examined include the Town of Oakville, where trailers and recreational vehicles are permitted to be parked seasonally in driveways. In the Town of Newmarket, trailers and recreational vehicles may be parked in

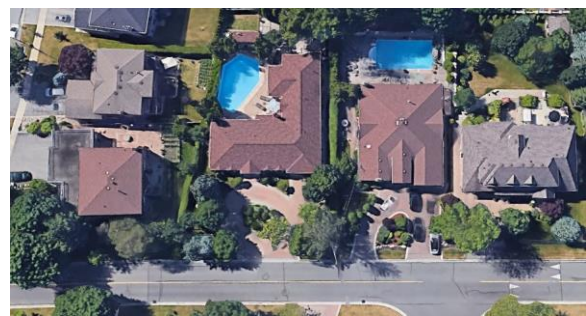
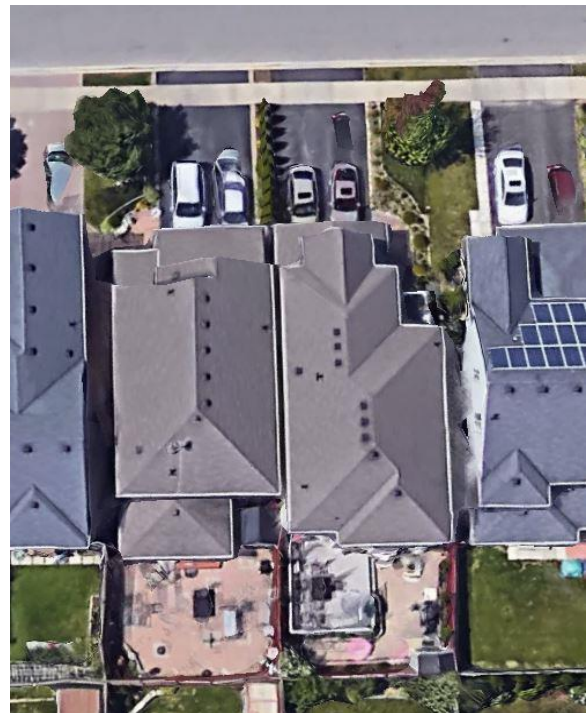
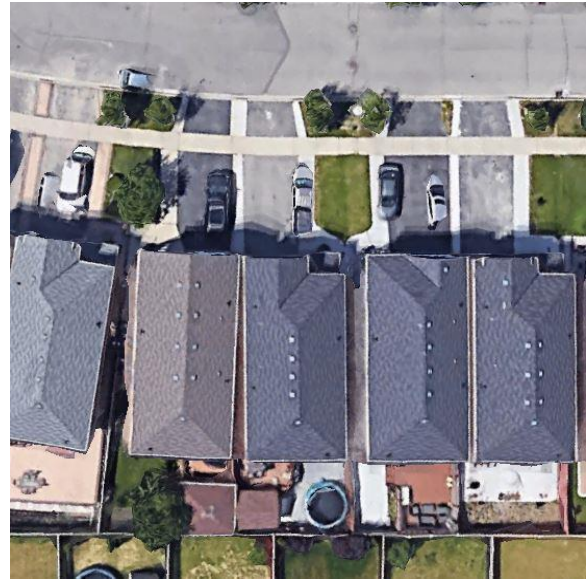
3.4 Landscaped Open Space and Lot Coverage

Zoning requirements for minimum landscaped open space and maximum lot coverage in residential zones can help define and maintain the character of a neighbourhood. These standards can also play an important role in stormwater management by ensuring that a certain amount of pervious surface is provided, thus reducing stormwater runoff.

As residents make landscaping alterations to their properties over time, the amount of pervious landscaping may change. The construction of patios, walkways, pools, and other landscaping or amenities could contribute to a reduction in pervious surface. Figure 1 shows examples of impervious surface ('hardscaping') of a few homes identified in the City of Brampton.

This may pose a challenge to municipalities, as some works that result in increased imperviousness will not always be subject to building permits. Generally, stormwater management facilities and systems are designed with an assumed degree of perviousness in mind. More recent building trends have resulted in larger homes on smaller lots, with much smaller yards. As homeowners increase the extent of paved driveways and outdoor amenities, perviousness on a lot can be reduced to very low amounts, approaching 0-10% in some cases.

Figure 1: Impervious Surfaces and Landscaping (Source: Google Maps)



While landscaped open space and lot coverage are closely related topics, they are typically addressed separately in municipal zoning by-laws and, as such, have been addressed separately in this section.

Bridging the two topics, the City has a requirement that residential landowners maintain 0.6m (2 feet) of landscaping between their paved driveway and the lot line has proven difficult to enforce. Beyond aesthetic considerations, this has potential stormwater impacts as pervious surface is reduced and runoff increased.

However, because driveway construction does not require a building permit, there are limitations on the efficacy on zoning regulations and enforcement is typically limited only by By-Law Enforcement Officers observing the violation after the fact or receiving a complaint.

One tool beyond the use of zoning regulations that may be employed is to introduce a levy based on stormwater runoff, as the City of Mississauga did in 2015. Added to local water tax bills, it directs funding to stormwater system investments and charges homeowners based on the size of their rooftop and, in effect, their contribution to runoff. Alternatively, other municipalities offer incentives for the use of rain barrels and other features that reduce storm runoff.

If this issue is one the City wishes to address, a more fulsome discussion that extends beyond this paper (and beyond the limits of the Comprehensive Zoning By-Law Review) will be required to fulsomely examine the issue and its facts and to identify practical solutions.

3.4.1 Review of Zoning By-law 270-2004

Landscaped Open Space

The following definitions are established through Section 5.0 of Zoning By-law 270-2004 as it relates to Landscaped Open Space and Lot Coverage:

- *Landscaped Buffer Area: open space in a yard which is used exclusively for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation and may include a noise attenuation wall.*
- *Landscaped Open Space: an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*
- *Coverage: the percentage of the land or lot area covered by buildings.*

Under the Zoning By-law's General Provisions for Residential Zones, Provision 10.9.1 B) 4) states that the following surfaces must be maintained as permeable landscaped surface:

- *a) An area at a minimum width of 0.6 metres abutting both side lot lines on interior lots of detached dwellings (or the rear lot line on exterior lots of detached dwellings where the driveway accesses the flankage street), except within 3 metres of the street lot line and within the road right-of-way for those lots where the side lot lines converge towards the front of the street, in which case less than 0.6 metres may be provided; and*
- *b) An area at a minimum width of 0.6 metres abutting one side lot line on lots of semi-detached and townhouse dwelling units, except within 3 metres of the street lot line and within the road right-of-way for those lots where the side lot lines converge towards the street in which case less than 0.6 metres may be provided.*

The Zoning By-law also contains specific requirements for landscaped open space in each residential zone. For zones where single-detached dwellings are the principal permitted use, the requirements only pertain to the front yard and are typically between 50-70% of the front yard for interior lots. Residential exception zones throughout the City also provide site specific requirements.

In some zones (e.g. R1 and R2 zones), corner lots are required to provide a greater amount of landscaped open space in the front yard (typically 10 percentage points higher than interior lots). In some zones, lots where side lot lines converge towards the front lot line (pie-shaped lots), the requirement is lower than for square-shaped lots (typically 10 percentage points lower).

In some residential zones (e.g. R2E and R3E), the Zoning By-law requires that the entire yard areas, other than driveways, encroachments, or accessory buildings, be landscaped open space.

In the case of zones where townhouses are the primary permitted use (e.g. R3), 50% of the entire lot area is required to be landscaped open space. In the case of multiple residential dwellings, 60% of the entire lot area is required to be landscaped open space.

Maximum Lot Coverage

The City of Brampton's Zoning By-law contains maximum lot coverage provisions for certain single-detached zones. For example, the R1A (1-3) zones which require a maximum lot coverage of 25-35% and R1B (1-3) zones which require a maximum lot coverage of 30-40%. The majority of residential zones where single-detached dwellings are the principal form of development, do not provide maximum lot coverage requirements.

Maximum lot coverage requirements are more common in zones where multiple residential dwellings are the principal permitted form of development, for example Townhouse zones such as the R3 zone, which requires a maximum of 30% lot coverage and the multiple residential zone (R4) which requires a maximum lot coverage of 25%.

3.4.2 Minor Variance Data

Landscaped Open Space

A review of 2015-2016 minor variance applications shows that during this period, a total of twenty (20) minor variance applications related to landscaped open space. Of these, eight (8) were in residential zones, representing 2.35% of all minor variance applications during this period.

Lot Coverage

A review of 2015-2016 minor variance applications reveals that seven (7) applications were related to lot coverage. Of these, six (6) were in residential zones, specifically the R1B zone. This represents 1.76% of all applications during that time. A short description of these applications and associated decisions is provided below.

- To allow a lot coverage of 32.8% whereas the by-law permits a maximum lot coverage of 30% in the R1B zone. Application approved.
- To allow a lot coverage of 33.4% whereas the by-law permits a maximum lot coverage of 30% in the R1B zone. Application approved.
- To permit a maximum lot coverage of 39.76% whereas the by-law permits a maximum lot coverage of 30% in the R1B zone. Application approved.
- To permit no requirement for lot coverage whereas the by-law limits lot coverage to 40% in the R1B(3) zone. Application refused and referred to Ontario Municipal Board.
- To permit lot coverage of 32.8% whereas the by-law permits maximum lot coverage of 30% in the R1B zone. Application approved.
- To permit lot coverage of 32.8% whereas the by-law permits a maximum lot coverage of 30% in the R1B zone. Related to a severance application and

the previously described minor variance application. Application approved.

3.4.3 Municipal Zoning By-law Comparison

City of Mississauga Zoning By-law 0225-2007

Landscaped Open Space

The City of Mississauga's Zoning By-law contains provisions for minimum landscaped open space ('landscaped soft area') in most residential zones. In the case of zones where single-detached dwellings are the principal permitted form of dwelling, 40% of the yard containing the driveway is required to be landscaped soft space.

In the case of zones where denser housing forms are the principal permitted use, requirements for 'landscaped area' are applied to the total lot area. Landscaped area differs from landscaped soft area in that the former can include some hard surfaces, such as walkways, retaining walls, and amenity areas.

In the case of zones where townhouses are the principal permitted use, 40% of the lot area is required to be landscaped area. In the case of multiple residential dwellings (4-6 units), 30% of the lot area and 50% of the front yard area are required to be landscaped area.

Maximum Lot Coverage

The City of Mississauga's Zoning By-law includes maximum lot coverage requirements for most residential zones. These range between 25-40% for zones where single detached dwellings are the principal permitted use.

In the case of zones where townhouse dwellings are the principal permitted use (e.g. RM4 zone), no maximum lot coverage standard applies. In the case of multiple residential dwellings (e.g. RM8 zone), a maximum lot coverage of 40% applies.

City of Ottawa Zoning By-law 2008-250

Landscaped Open Space

The City of Ottawa's Zoning By-law does not contain minimum 'landscaped area' requirements for zones where detached

dwellings are the principal permitted use but does contain requirements for some multiple residential zones. In the R4 zone, for example, 30% of the lot area is required to be landscaped open space.

Landscaped area is defined in the City of Ottawa's Zoning By-law as including hard landscaping (pavers, tile, concrete, etc.), soft landscaping (vegetation, trees, grass, etc.) and certain architectural elements including gazebos, fencing, and planters.

Lot Coverage

The City of Ottawa's Zoning By-law contains maximum lot coverage requirements for most zones where single detached dwellings are the principal permitted use. These range between 15-45% depending on the sub-zone. In the case of higher-density housing forms, no maximum lot coverage requirements apply.

Town of Newmarket Zoning By-law 2010-40

Landscaped Open Space

The Town of Newmarket's Zoning By-law contains no provisions for minimum landscaped open space in residential zones.

Lot Coverage

The Town of Newmarket's Zoning By-law provides a maximum lot coverage between 15-57% depending on the 'regulatory set' associated with the property, as indicated in the Zoning By-law. In zones where denser housing forms are permitted, a lot coverage of 40% typically applies for link dwellings, 45% for semi-detached dwellings, 45% for duplex dwellings, 35% for triplexes and four-plexes, 40% for townhouses and 40% for apartment buildings.

Town of Oakville Zoning By-law 2014-014

Landscaped Open Space

The Town of Oakville's Zoning By-law provides minimum standards for the provision of landscaping coverage in only the Residential High and Residential Medium zones (10%).

'Landscaping' is defined in the Town of Oakville's Zoning By-law as including trees, plants, permeable surfaces, fences and walls

but no impermeable surfaces such as concrete or pavers.

Lot Coverage

The Town of Oakville's Zoning By-law imposes maximum lot coverage requirements in most residential zones. In zones where single detached dwellings are the principal permitted use (i.e. R1 to R5), maximum lot coverage requirements are between 30-35%, depending on the zone. In the case of zones where back-to-back townhouses, stacked townhouse dwellings, and apartment dwellings are the principal permitted use, a maximum lot coverage of 10% applies.

Township of King – Nobleton Urban Area Zoning By-law 2016-71

Minimum Pervious Surface

The Township of King offers a unique approach to pervious surface requirements in its Nobleton Urban Area. The Zoning By-law for this area requires minimum pervious surface in all residential zones. Pervious surfaces are defined to include sod, soil, flower plantings, gardens, trees or shrubs.

The By-law includes separate provisions for pervious surface as a percentage of the lot and pervious surface as a percentage of the front yard. For zones where single-detached dwellings are the principal permitted dwelling type, the minimum required amount of pervious surface on a lot ranges between 35-70% depending on the zone. The minimum required amount of pervious surface as a percentage of the front yard ranges between 30-50% depending on the zone.

Lot Coverage

The Nobleton Urban Area Zoning By-law also regulates maximum lot coverage in residential zones, which range between 10% to 35%, depending on the zone.

Summary of Municipal Approaches

The municipalities reviewed take varying approaches to regulating minimum landscaped open space and maximum lot coverage. As shown in Table 23, which illustrates approaches for zones where single detached dwellings are

the principal permitted dwelling type, many municipalities regulate lot coverage or landscaped open space but not both (i.e. Ottawa, Newmarket, and Oakville).

The City of Mississauga and Township of King require a minimum amount of pervious surface in single-detached zones. In Mississauga, these requirements apply only to front yards whereas in the Township of King, separate provisions apply to the front yard and entire lot, respectively.

Table 23: Summary of Municipal Approaches to Landscaped Open Space and Lot Coverage – Single Detached Zones

Municipality	Max. Lot Coverage	Min. Landscaped Open Space	Min. Pervious Surface
Brampton	n/a in most zones	50-70%	n/a
Mississauga	25%-40%	n/a	Front Yard: 40%
Ottawa	n/a	15-45%	n/a
Newmarket	15-57%	n/a	n/a
Oakville	30-35%	n/a	n/a

4 Preliminary Options and Recommendations

This section identifies options and recommendations based on the preceding analysis, and are largely based on the review of comparable municipal zoning by-laws. Alternative approaches to regulate each of the four zoning areas are addressed, with a set of associated options for further consideration. While overall it appears that the City of Brampton Zoning By-law is working well and is generally consistent with other municipalities, there are alternative approaches that may be taken under consideration in developing and implementing the new zoning by-law regime, as addressed in greater detail through the following sections.

4.1 Accessory Buildings and Structures

The City of Brampton's Zoning By-law is generally consistent with the comparison zoning by-laws reviewed in its approach to regulating the following aspects of accessory buildings and structures:

- Accessory buildings
- Encroachments
- Private garages
- Landscaped deck

Minor Variance data for the years 2015 to 2016 (further reviewed in Technical Paper 3) demonstrates that applications seeking relief from the associated zoning requirements is not common. Within residential zones, only four Minor Variance applications were submitted. This may suggest that these zoning regulations are working well in the City of Brampton.

However, there are many possible approaches to regulating these accessory residential structures. Accordingly, the following potential

alternative approaches or refinements can be considered:

Option 1: Regulate air conditioners and similar mechanical equipment that are incidental to residential dwellings

Among the comparison municipal zoning by-laws reviewed, a common zoning approach was to regulate air conditioners and similar mechanical equipment that are incidental to residential dwellings. The following best practices were identified through the analysis:

- Only permitted in side or rear yards, prohibited in front yards
- The Town of Newmarket permits mechanical equipment in the front yard, but it must have appropriate screening
- Generally, a maximum encroachment of 1.5m into a required yard and a minimum 0.6m setback from the lot line

However, initial consultation with City staff has indicated that there may not be a need to regulate these structures in detail in the Zoning By-law as they can represent administrative challenges in enforcement, application review and regulation. If the City's has had a satisfactory experience not regulating air conditioning units and similar equipment, then it may not be desirable to add unnecessary complexity. The introduction of any such regulations should be to address an issue, and in the absence of an issue, it would not be desirable to introduce new regulations.

Option 2: Establish minimum setbacks and provisions for decks located on corner lots

All zoning by-laws reviewed established specific regulations and provisions for decks in corner lots, including permitted encroachments into required yards and minimum setbacks from lot lines. The following zoning approaches were common among the comparison municipal Zoning By-laws reviewed:

- Most Zoning By-laws reviewed established both permitted

encroachments into required yards and minimum setbacks from lot lines

- Generally, the permitted encroachment for exterior side yard decks was 0.6m to 1.2m
- The minimum required setback ranged from 1.2m in the City of Ottawa to the same main building setback requirements as the parent zone, as established in the Town of Newmarket.

The options identified above are modest potential improvements which can be considered in the Draft Zoning By-law.

Option 3: Maximum permitted size of accessory structures

The analysis determined that the maximum permitted gross floor area of accessory structures, including detached garages, is somewhat more restrictive in the City of Brampton than other comparable municipalities. Alternative zoning approaches include:

- Increasing the maximum permitted gross floor area of all accessory structures;
- Regulating maximum gross floor area of accessory structures as a function (percentage) of lot size, to a maximum (which can be based on the zone category); or
- Implementing separate provisions and standards for detached garages.

However, if the more restrictive approach is working well, as suggested by the limited number of minor variances for these provisions, it should be retained as it would be difficult to revert to a more restrictive approach in the future. Increasing restrictiveness may also be impactful as it could precipitate legal non-complying situations for some existing uses.

Option 4: Permitted encroachments

The types of structures with encroachment permissions in the City of Brampton are limited when compared to other municipal zoning by-

laws. An option for further consideration in developing the new zoning by-law is to update the permitted encroachments and adopt general provisions for those structures that are consistent with the zoning by-laws reviewed.

4.2 Driveways and Parking

The City of Brampton's Zoning By-law is generally consistent in its approach to regulating the minimum number of required parking spaces with the comparison municipalities reviewed. In regards to regulating maximum driveway width, each zoning by-law established a different approach. The Minor Variance data (further reviewed in Technical Paper 3) demonstrates that applications seeking relief from maximum permitted driveway size or a reduction in the minimum required setback is not common. This may suggest that the zoning approach for regulating maximum driveway widths in the City of Brampton is working well.

Further, the provisions appear to be designed to address a variety of objectives, related to streetscape aesthetics and stormwater runoff, which is consistent with the intent of driveway provisions in other zoning by-laws.

However, in the interest of exploring other approaches, the following options may be considered:

Option 1: Maximum driveway width as percentage of required yard or lot area

Option 1 is to implement a zoning approach that regulates maximum driveway width as a function or percentage of the required applicable yard or lot area. This is an approach consistent with those of the City of Ottawa and Town of Newmarket. As a function of the minimum required yard or lot area, an appropriate driveway-to-yard ratio can be maintained, while giving consideration to the surrounding built-form and to decreasing the quantity and poor quality of stormwater runoff.

Option 2: Maximum driveway width as a function of garage width (expand current provisions)

A second option is to regulate maximum driveway width as a function of garage width, which would represent a modification to the current zoning approach in the City of Brampton. Currently there are only two exceptions in Zoning By-law 270-2004 that permit the driveway to be the same width as the garage, as follows:

- Equal to or more than 18.3m, driveway must be no wider than 9.14m or the width of the garage (whichever is greater)
- For driveways on the side lot line of any lot, driveway must be no wider than 6.71m or the width of the garage (whichever is greater)

The remaining provisions establish driveway width as a function of lot frontage. Driveway width as a function of garage width is an approach consistent with the City of Mississauga as well as the *City of Brampton Development Design Guidelines Section 1.3.2* as reviewed in *Section 2 Policy Review*.

A variation on this is the City of Waterloo's approach which, rather than focusing on the driveway relative to the garage per se, regulates driveways in relation to the habitable portion of the house. In both cases the aesthetic goal is to ensure cars are parked in front of the garage rather than the residential façade but slightly different means are used to achieve the goal.

If either of these approaches were to be implemented, consideration must be given to establishing more specific provisions that regulate garage size relative to lot width, both for attached and detached structures. This would ensure an appropriate amount of landscaped open space in the applicable yard. Further regard may be given to permitting an additional width allowance beyond the garage width, up to a maximum amount, as is permitted in the City of Mississauga

Option 3: Maximum driveway width as a function of lot frontage (maintain current approach)

Maximum driveway width as a function of lot frontage is an approach consistent with the current City of Brampton Zoning By-law 270-2004, and that of the Town of Oakville. This option is akin to maintaining the status-quo, which is supported by the Minor Variance data reviewed. However, the zoning provisions regulating both minimum and maximum lot frontages must be evaluated to determine if this is an appropriate approach, given the driveway width-to-lot frontage calculation.

Initial consultation with City staff has indicated that the current approach of relating driveway width to lot width is generally appropriate, but the lot size thresholds and driveway widths may be refined. Further, City staff have requested further direction and guidance regarding driveway and parking configuration for townhouse, live-work and other dwelling formats, to ensure that the provisions are working well and are proactive in terms of addressing a wide range of development applications that may come forward.

Option 4: Additional permissions with the use of permeable paving material

A final option for consideration is to implement provisions that permit greater driveway widths with the use of permeable surface treatment. This may include the application of porous paving, turf block, honeycomb block, cobblestone, or simple pavers. This alternative approach to regulating driveway widths may provide an opportunity to provide additional residential driveway parking area, while addressing the more traditional concerns associated with driveways, such as the use of impermeable material and consideration for the negative aesthetic impact of large driveways. However, this could be difficult to enforce and regulate.

4.3 Large Vehicle Parking

The City of Brampton's approach to regulating the parking of oversized motor vehicles is similar to other municipalities reviewed. However, with respect to recreational vehicles / motor homes, the City of Brampton appears to be somewhat more restrictive than comparable municipalities, as trailers up to 5 metres are permitted to be parked in driveways, but recreational vehicles of the same size are not.

Minor variance data reviewed indicates that between 2015-2016, only one minor variance application pertaining to a residential zone sought relief from oversized motor vehicle provisions in the by-law. This could suggest that the provisions of the existing by-law are not overly onerous. Alternatively, the low number of minor variances could relate to the challenge of enforcing oversized and recreational vehicle parking.

It is suggested that the City may wish to explore options to introduce greater flexibility with respect to recreational vehicle parking and as such, the following options should be considered in the development of the Draft Zoning By-law.

Option 1: Permit parking of recreational vehicles in driveways/garages

Under the Zoning By-law's General Provisions for Residential Zones, Provision 10.6.2 allows one travel trailer of up to 5 metres in length to be parked in a driveway. The same permission could be extended to recreational vehicles of the same size. This would be consistent with the approach used in the City of Mississauga. The impact of a recreational vehicle is likely no greater than a trailer if the size and function is similar, and as such, resulting impact on surrounding neighbourhoods can be expected to be minimal. Currently, the parking recreational vehicles is relatively highly restricted, as they may only be parked in side/rear yards, which may not be feasible in newer developments which have limited space.

A variation on this option may be to contemplate parking of these vehicles within the garage, provided the minimum parking area is complied

with and provided sufficient area is maintained for waste receptacle storage, amongst other considerations.

Option 2: Seasonal approach

This approach would involve establishing a seasonal exemption period during which the storage of recreational vehicles up to a certain size would be permitted. This approach has been taken in the Town of Oakville where such vehicles are permitted to be parked in driveways between May 1st and October 31st.

Option 3: Maximum time approach

This approach would involve establishing a maximum timeframe under which recreational vehicles could be parked in driveways. Such added flexibility may be of benefit of those who have visitors using oversized recreational vehicles, or those who require parking of their oversized recreational vehicles between trips. This approach has been used in the Town of Newmarket where such vehicles are permitted to be parked for a maximum of 72 hours per month.

4.4 Landscaped Open Space and Lot Coverage

The City of Brampton's Zoning By-law currently includes minimum standards for landscaped open space in residential zones. As the By-law defines Landscaped Open Space as including certain non-pervious surfaces such as a surfaced walks, patios, screening, and pools, there is the potential for large amounts of hardscaping to count towards minimum landscaped open space requirements. While the Zoning By-law's General Provisions for Residential Zones also include a provision requiring permeable landscaped buffer strips (0.6m) along lot lines, in many cases this is likely to represent a modest proportion of the total lot area.

With respect to maximum lot coverage, these zoning standards apply in certain residential zones where higher-density housing (e.g. townhouses and multiple residential) is the principal permitted form of development.

Maximum lot coverage standards, however, are not typical for single-detached residential zones.

A review of minor variance data from 2015-2016 shows a low proportion of minor variance applications seeking relief from landscape buffer or landscaped open space requirements. This suggests that the existing standards are not onerous.

As residential development patterns in the City of Brampton continue to densify, and concerns related to extreme storm events increase, the City may wish to consider ways of ensuring more pervious surfaces in residential areas. As such, the following options should be considered:

Option 1: Revise definition of landscaped open space to exclude hardscaping

Revising the definition of landscaped open space to exclude hard surfaces could help ensure that a certain amount of pervious surface is being included in residential areas, where a minimum amount of landscaped open space is regulated.

This approach would be in-line with the approach taken by the City of Mississauga, which requires a minimum amount of 'landscaped soft area,' typically 40% of the front yard/exterior side yard in zones where single-detached dwellings are the primary permitted dwelling type.

It should be noted that this approach would likely require re-consideration of existing standards for landscaped open space in order to accommodate a certain amount of hardscape such as patios and walkways. Standards for landscaped open space would likely need to be reduced from current standards ranging from 50-70% for typical single-detached zones to a standard more comparable with the City of Mississauga (e.g., 40% of front yard/exterior side yard).

Option 2: New pervious surface requirement

In addition to the existing requirements for landscaped open space, the City could introduce a requirement that a certain amount of that space be pervious in nature. This would be

similar to the approach taken in the Township of King's Urban Areas. In this case, the zoning includes both a maximum lot coverage standard, and a minimum pervious surface standard in residential zones. The City of Mississauga's Zoning By-law also contains separate definitions for landscaped soft area (excluding impervious surfaces) and landscaped area (including impervious surfaces) though only requires landscaped soft area in single-detached zones.

Option 3: Explore alternative non-zoning approaches and solutions

As noted, the objective of managing coverage of lots is aesthetic and is also related to stormwater management. However, these objectives may not be fully achieved through zoning requirements, and consideration of other approaches may be appropriate in Brampton, such as the use of incentives or levies on highly impermeable lots. Further review with City staff is required, and specific zoning recommendations will be identified as part of the Zoning Strategy Report.

4.5 Discussion

In considering the options presented in this paper, it is important to note that any change to zoning standards can be expected to result in situations of non-compliance with the Zoning By-law. Properties which do not comply with new standards would be permitted to continue as legal non-complying uses until the use ceases on the property.

The City's in-effect Zoning By-law considers situations of legal non-conformity and legal non-compliance under the General Provisions for all Residential Zones. Specifically, *Provision 6.2 – Non-Complying Buildings*, states that buildings and structures which were constructed prior to the passing of the Zoning By-Law, but do not comply with the By-law's minimum requirements may be occupied, reconstructed, repaired, renovated or enlarged provided that doing so does not contravene the By-law to a greater extent. Doing so must also not cause non-compliance with any other provisions of the By-

law. Similar provisions are recommended to be included in the new Zoning By-law.