

City of Brampton

COMPREHENSIVE ZONING BY-LAW REVIEW

Zoning Issues and Analysis Report

August 2017

Draft

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Executive Summary

The City of Brampton is undertaking a review of its Comprehensive Zoning By-law No. 270-2004. The Comprehensive Zoning By-law is an important planning tool used to specifically regulate land use, lot sizes and dimensions, as well as the location, character and scale of buildings and structures. The current Comprehensive Zoning By-law dates back to 2004, in which the former municipal zoning by-laws were consolidated. The consolidation, however, did not necessarily represent a thorough review and modification to the provisions of the By-law, so while the current Zoning By-law was passed in 2004, its provisions date to the 1980s. The Review is being conducted in three phases, and this Report represents the culmination of background review in Phase 1-1. The next subphase, Phase 1-2, involves preparation of Technical Papers to identify directions to address key issues.

The purpose of this Zoning Issues and Analysis Report is to outline potential issues to be addressed through the Zoning By-law Review and outline preliminary options and recommendations to address or conduct further study on key issues. This Report outlines the proposed research methodology and zoning principles to be considered through the Zoning By-law Review process.

Section 2 of the Report presents a research methodology and an identification of principles and best practices for conducting a Zoning By-law Review. A number of major municipalities in Ontario are undertaking or have recently taken Zoning By-law Reviews, and it will be beneficial to consider lessons learned from these processes, to inform the work program and inform the options that are available to addressing policy issues. The findings indicate that the process for conducting Zoning By-law Reviews has changed within the past 10-15 years. There is a much greater emphasis on producing Zoning By-laws that are user-friendly and accessible to the general public.

Section 3 of this Report identifies and summarizes the relevant planning framework established by the Province of Ontario, specifically the *Planning Act*, the Provincial Policy Statement (PPS) and various Provincial Plans that have been implemented by the Province. The *Planning Act* represents the legislative framework within which Zoning By-laws are prepared, and the Comprehensive Zoning By-law must be prepared in accordance with Section 34 of the Act. The PPS (updated in 2014) and Provincial Plans (updated in 2017) are implemented principally through the Official Plan, but consideration will be made to ensure the Zoning By-law is consistent with and conforms to these documents as applicable. The City of Brampton's Official Plan implements Regional and Provincial policies at a more local and context specific level, providing high level direction on permitted uses, density and built form expectations. Further, the City identifies 54 Secondary Plan Areas. The Secondary Plans provide more detailed policy guidance for specific geographic areas. The City's new comprehensive Zoning By-law needs to conform to and implement the Official Plan and the Secondary Plans in accordance with the *Planning Act*.

Section 4 identifies an analysis of the Official Plan and its relationship to the City of Brampton's Zoning By-law. Based on this analysis, the relationship of zoning is largely as expected in comparison with the Official Plan's land use designations. The matter of Official Plan conformity will depend largely on conformity with the Secondary Plans. The Official Plan does not make many specific directives to the Zoning By-law. Rather, the Official Plan intends largely for the Secondary Plans to outline specific land uses in conformity with the broad criteria and policies of the Official Plan. However, a review of the Secondary Plans is currently underway, and further analysis of zoning conformity should await release of the new Secondary Plans consolidation, which is expected to result in modifications to the boundaries of the Secondary Plans and reduce the number of land use designations and streamline the policies amongst similar designations.

Section 5 of this Report identifies various options for improving the structure, format and readability of the Zoning By-law, based on a review of best practices in other municipalities. There are several key options available with respect to organizing general provisions, zone provisions and site specific (special exception zones). The use of tables and matrices to organize provisions is increasingly common as a

means of improving the Zoning By-law's readability. Furthermore, there will be substantial opportunity to improve readability through improved language, the addition of wayfinding features in the header/footer, and the use of illustrations and colour.

Section 6 of the Report identifies other issues, themes and considerations for further analysis, as raised through initial consultation with City staff. While the principal purpose of this exercise is to implement the Official Plan, there are opportunities to address other concerns. This section includes discussion on GIS considerations, which are anticipated to be considered further as the process advances. Additionally, the notion of developing a new Zoning by-law (repealing and replacing all existing zoning) versus amending the current Zoning By-law is discussed, and each option has advantages. Given the anticipated nature of this Reviews, and the substantial changes involved, the notion of creating a new Zoning By-law is generally favored at this time.

Section 7 identifies other studies and initiatives (ongoing and recently completed) that will be considered through the Zoning By-law Review. Coordination with the ongoing Official Plan Review and Secondary Plan Consolidation, in particular will be very key. Further, many recently completed studies resulting in zoning changes (e.g., places of worship, mature neighbourhoods, etc.) should be carried forward into the new zoning by-law, to recognize these studies were completed under the new Official Plan and represent recent planning directions.

Based on the analysis and identification of issues and opportunities throughout the Report, Section 8 summarizes options for Technical Papers to identify planning directions on key issues. The intent is for Phase 1-2 of the Review to involve development of technical Papers on more specific topics, to give recommendations for development of the Draft Zoning By-law.

A total of 17 options for Technical Papers are identified at this time for further review and consideration by the City and consulting team, as follows. Some of the Technical Papers, however, may be influenced by the ongoing Official Plan Review, as noted below. Further discussion and consultation is required to finalize the work program for Phase 1-2 of the Zoning By-law Review.

1. Mixed use and intensification areas (may be subject to policy direction changes through the Official Plan Review);
2. Employment areas (may be subject to policy direction changes through the Official Plan Review);
3. Commercial areas (may be subject to policy direction changes through the Official Plan Review);
4. Affordable and special needs housing (may be subject to policy direction changes through the Official Plan Review);
5. Special Study Areas (may be subject to policy direction changes through the Official Plan Review);
6. Greenbelt Plan, agricultural areas and uses (may be subject to policy direction changes through the Official Plan Review);
7. Natural heritage and hazardous lands (may be subject to policy direction changes through the Official Plan Review);
8. Places of worship (may be subject to policy direction changes through the Official Plan Review);
9. Cultural heritage/archaeological resources (may be subject to policy direction changes through the Official Plan Review);
10. Secondary plan conformity (subject to the ongoing Secondary Plans Consolidation exercise)
11. Urban design;

12. Minor variances;
13. Split and dual zoning;
14. Density/Height bonusing (Section 37 of the *Planning Act*);
15. Environmental sustainability;
16. Private amenity areas;
17. Accessory buildings/lot coverage/landscaping in residential areas; and/or
18. Short-term accommodation.

1 Introduction

The City of Brampton is undertaking a review of its Comprehensive Zoning By-law No. 270-2004. The Comprehensive Zoning By-law is an important planning tool used to specifically regulate land use, lot sizes and dimensions, as well as the location, character and scale of buildings and structures. The current Comprehensive Zoning By-law dates to 2004, in which former municipal zoning by-laws were consolidated. The consolidation, however, did not necessarily represent a substantial review and modification to the provisions of the By-law, so while the current Zoning By-law was passed in 2004, its provisions largely date to the 1980s.

Since the development of the current Zoning By-law, a number of new legislative and policy documents have been put into place by the Province, the Region and the City. As a result, there is a need for the City to update the Zoning By-law to ensure consistency and conformity with the latest planning documents and initiatives, including the City of Brampton's Official Plan, which was adopted in 2006 and partially approved by the Ontario Municipal Board in 2008. A municipal comprehensive zoning by-law is the key vehicle for implementing the official plan, and there is a clear need to review and update the zoning by-law to ensure conformity with current planning policy.

Further, there are a number of other recent initiatives from the City of Brampton that could be implemented and supported by the Zoning By-law, including Secondary Plans, urban design guidelines and Community Improvement Plans. In addition, the City's Zoning By-law is in need of a major review given its age, and numerous minor variances approved throughout the years. This Zoning Issues and Analysis Report represents an initial deliverable for this process and is intended to provide a high level framework to guide future work on this project, based on a preliminary understanding of the key issues to be addressed.

1.1 Background

This project is being completed in accordance with a three phased work program as illustrated in Figure 1.

Figure 1 | City of Brampton Comprehensive Zoning By-law Review Process



The work plan consists of three major phases as follows:

- **Phase 1-1 - Project Initiation:** Phase 1-1 is currently underway, and is comprised of a background review including an analysis of how the current zoning by-law conforms to the policies of the Official Plan, development of a research methodology as well as the preparation of this Zoning Issues Analysis Report. It also includes opportunities for public and stakeholder consultation, oriented towards the identification of issues observed with the current Zoning By-

law. The outcome of this phase is the finalization of the Zoning and Issues Analysis Report, and an understanding of the key issues and opportunities to be addressed through this Review process.

- **Phase 1-2 - Technical Papers:** Phase 1-2 involves the development of a number of detailed Technical Papers, as well as a review of parking and loading standards in the City. The Technical Papers will provide specific detailed analysis and recommendations for addressing the issues identified in the Zoning Issues and Analysis Report. The outcome of this phase is the presentation of the final Technical Papers and the Parking and Loading Standards Review to stakeholders and the public in the fall or late 2017.
- **Phase 1-3 - Zoning By-law Strategy Report:** Phase 1-3 involves the preparation of a Zoning By-law Strategy Report, which includes project philosophies and options for considering a number of approaches for the new By-law. This report will establish the detailed structure for the new Zoning By-law, including identification of new zone categories and specific recommendations for the format and appearance of the new Zoning By-law. This phase includes opportunities for consultation in early 2018.
- **Phase 2 - Preparing the New Zoning By-law:** Phase 2 will initially involve preparing the Draft Zoning By-law, which will be presented to the public and stakeholders. It also involves refinement of the Zoning By-law through further consultation with the public and stakeholders, and bringing the Zoning By-law forward to Council for adoption. This phase is anticipated for completion in early 2019.
- **Phase 3 - Implementation:** Phase 3 will involve an online by-law launch and concludes the Zoning By-law Review process. This phase is anticipated for completion in late 2019.

The outcome of the Zoning By-law Review is anticipated to be the development and implementation of a new Comprehensive Zoning By-law for the City of Brampton. The new Zoning By-law is principally intended to address Official Plan implementation and conformity. In order to implement the Official Plan, the new Zoning By-law is anticipated to modify various use permissions and regulations that currently exist for some lands. This document is also intended to integrate improvements to the readability, format and user-friendliness of the Zoning By-law, leading to more effective and efficient administration.

1.2 Purpose and Overview of this Report

The purpose of this Zoning Issues and Analysis Report is to outline potential issues to be addressed through the Zoning By-law Review and outline preliminary options and recommendations to address or conduct further study on key issues. The process of reviewing and updating a Zoning By-law is a complex, and often a very technical process, which may involve many minor changes and improvements to the current Zoning By-law. Accordingly, it is not the intent of this Report to outline all of the modifications that will be made, but to identify key issues that require more detailed evaluation, based on a review of background material and consultation with stakeholders and the public. In particular, the aim of this report is to identify the required Technical Papers that will be prepared in the next sub-phase of the Review process.

This Report is organized into the following sections:

- Section 2 – Research Methodology, Zoning Approaches and Principles provides a framework and a broad approach for conducting the Zoning By-law Review, in consideration of other approaches used by municipalities.
- Section 3 – Current Policy and Zoning Framework identifies and summarizes the applicable legislative, policy and regulatory framework in Ontario, and how it relates to this Zoning By-law Review.

- Section 4 – Official Plan Conformity Assessment provides a data-driven analysis of the alignment of the Zoning by-law and the Official Plan and Secondary Plan designations. The intent of the analysis is to identify key issues regarding Official Plan conformity.
- Section 5 – Zoning By-law Structure and Format Considerations identifies potential approaches for modernizing the Zoning By-law's format and structure, including tools such as a user's guide, illustrations, and annotations, in consideration of approaches used by other municipalities.
- Section 6 – Issues and Themes will confirm existing issues to consider in proceeding with the review that have been identified through consultation to date.
- Section 7 – Consideration of Other City Projects and Studies will review other recently completed initiatives that may be indicative of zoning issues and opportunities that should be considered.
- Section 8 – Summary and Conclusions summarizes the key conclusions of this Report including a summary of recommended Technical Papers to be prepared in Phase 1-2 of the Review process.

This Report is intended to provide a basis for consultation with stakeholders, agencies, City staff and residents. The forthcoming consultation process will greatly benefit the initiation of this Review so that clear, agreed-upon issues and analysis may be developed, and to ensure the public and stakeholders have an understanding of the implications and importance of preparing a new Comprehensive Zoning By-law for the City.

2 Research Methodology, Principles, and Zoning Approaches

The process of undertaking a Zoning By-law Review is a complex, detailed and technical process. At the outset of a zoning By-law Review, it is beneficial to consider how to structure and guide the technical review of the Zoning By-law. Since many municipalities have recently undertaken (or are undertaking) Zoning By-law Reviews in Ontario, there are many examples of different processes and examples of options to address various policy implementation challenges. The purpose of this section is to identify some common best practices and objectives for conducting a Zoning By-law Review, in consideration of the recent experiences of other municipalities. This section:

- Identifies recent and ongoing zoning by-law reviews and identifies notable unique and innovative aspects of each zoning by-law review and associated documentation;
- Considers common principles and objectives for conducting the Zoning By-law Review, such as creating a user-friendly document; and
- Identifies broad approaches to zoning, such as Euclidean zoning versus form-based zoning.

2.1 Zoning Research Methodology

The best practice case studies have been chosen from a number of municipalities in Ontario that have recently completed Zoning By-law reviews. In addition, there are a number of similar municipalities in the Greater Toronto Area that are currently in the process of undertaking a Zoning By-law Review. The purpose of this section is to identify the Zoning by-laws and Zoning by-law Reviews that represent relevant, contemporary approaches to zoning and which may be examined as a source of technical best practices in implementing zoning.

2.1.1 Ongoing Zoning By-law Reviews

City of Mississauga Zoning By-law 0225-2007

Mississauga City Council passed its Comprehensive Zoning By-law 0225-2007 on June 20, 2007. The City's Zoning By-law represents a contemporary Zoning By-law Review, which utilizes a number of design oriented approaches to regulate built form. This includes zone provisions that encourage walkable communities such as infill zones, and specific zones to guide mixed use and high-density development in the City Centre. The Mississauga Zoning by-law is relevant to Brampton in terms of its proximity, location in Peel Region and the similar planning policy implementation challenges, such as the need to support intensification and growth in some areas.

The By-law is comprised of 13 parts. Some notable aspects of the By-law are as follows:

- The By-law is organized traditionally, and is similar to many other Zoning By-laws in Ontario. The administration provisions, definitions and illustrations (Part 1), general provisions applying to all zones (Part 2), and parking/loading/stacking lane requirements (Part 3). Parts 4 through 12 identify the specific zone provisions.
- Parts 4 through 12 include a subsection outlining general provisions applying to the zones contained in each Part (e.g., Part 4.1 provides provisions for Residential zones). This is somewhat contrasted by other Zoning By-laws, which will organize general provisions all into a single chapter or part. The permitted uses, lot and building requirements are organized into a single matrix. An excerpt is shown in Figure 2. The matrix approach enables the user to compare provisions and permitted uses between similar zones.

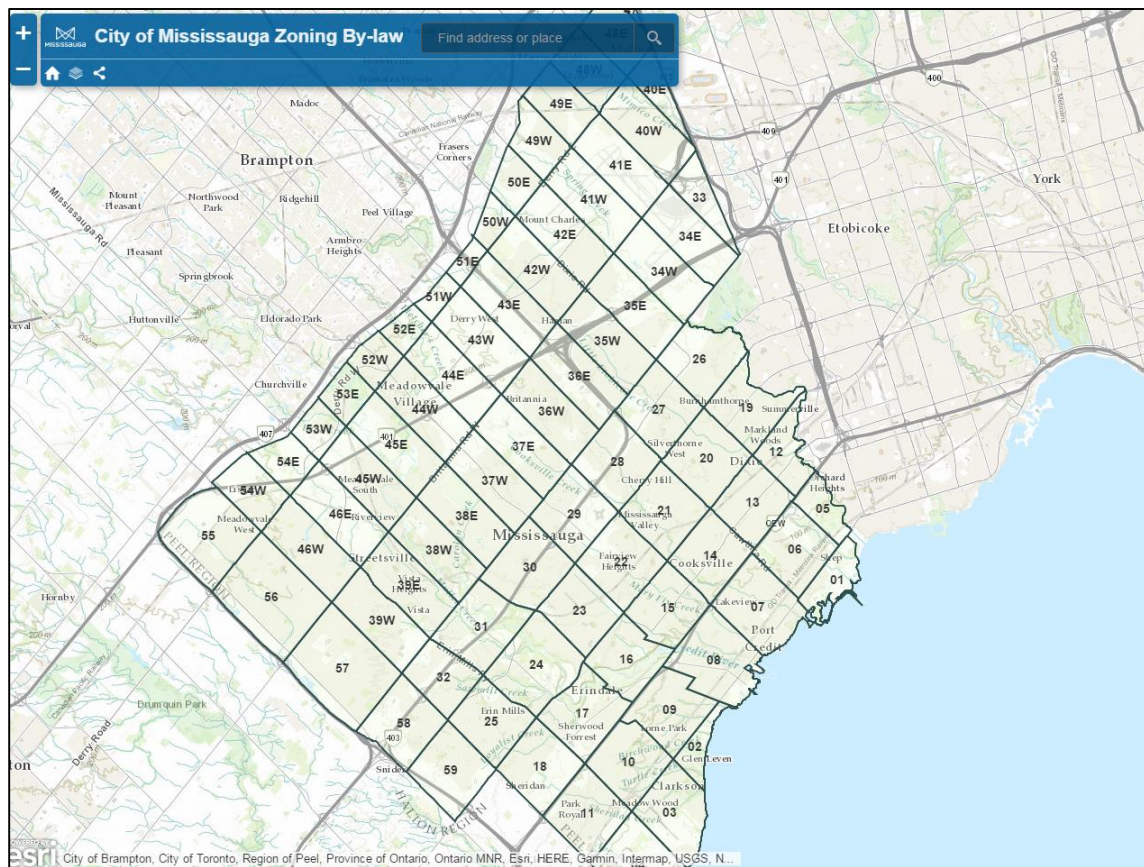
- The site-specific exception zones are organized along with each applicable zone in Parts 4 through 12. The exception regulation itself is laid out in a chart format, with reference to area maps that the subject lands would be found on and reference to the by-law number that brought in the exception to the Zoning By-law.
- The City Centre zones in Part 7 include many detailed regulations to implement built form objectives for the City Centre area, which is planned for continued intensification and where more detailed regulation is required to achieve urban design objectives. This includes requirements for streetwalls and build-to areas as required by separate schedules illustrating the applicability of these provisions for certain streets.

The City’s Zoning By-law website provides links to the various sections of the Zoning By-law and the maps. An index map is linked from this site (Figure 3). From the index map, a user can click on a relevant location within the City to load the specific zoning map. Once loaded, two versions of the zone map are included: a simple black and white version and a version in which the zones are colour coded. In both cases, the maps show streets, street names, zone labels and zone boundaries. The parcel fabric is not shown. In total, there are 59 zone maps, some of which are split up into separate “east” and “west” maps (also shown in Figure 3).

Figure 2 | City of Mississauga Zoning By-law – Excerpt of a Permitted Uses Matrix (Source: City of Mississauga)

Column	A	B	C	D	E	F
Line 1.0	ZONES	C1 Convenience Commercial	C2 Neighbourhood Commercial	C3 General Commercial	C4 Mainstreet Commercial	C5 Motor Vehicle Commercial
PERMITTED USES						
2.0	COMMERCIAL					
2.1	RETAIL					
2.1.1	Retail store less than or equal to 600 m ² GFA - non-residential	✓	✓	✓	✓	
2.1.2	Retail store greater than 600 m ² GFA - non-residential		✓	✓	✓	
2.1.3	<i>deleted by 0212-2015</i>					
2.1.4	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted			✓ ⁽¹⁾		
2.1.5	Motor Vehicle Rental Facility			✓		
2.2	SERVICE					
2.2.1	Restaurant	✓ ⁽¹⁾	✓ ⁽¹⁾	✓ ⁽¹⁾	✓ ⁽¹⁾	
2.2.2	Convenience Restaurant (0018-2015)		✓ ⁽¹⁾	✓ ⁽¹⁾⁽¹¹⁾		
2.2.3	Take-out Restaurant	✓ ⁽¹⁾	✓ ⁽¹⁾	✓ ⁽¹⁾	✓ ⁽¹⁾	
2.2.4	Veterinary Clinic	✓	✓	✓	✓	

Figure 3 | City of Mississauga Online Zoning By-law (Source: City of Mississauga)



Town of Newmarket By-law 2010-40

The Town of Newmarket Council adopted Comprehensive Zoning By-law 2010-40 on June 1, 2010. The By-law is consolidated to December 2013 and is comprised of 9 main sections, and separate zoning schedules. The By-law implements the Town's Official Plan, which was completed in 2006. This precedent is relevant to Brampton as it represents a municipality experiencing similar development pressures, particularly pressure for intensification along major transportation corridors.

The structure of the Newmarket Comprehensive Zoning By-law is also fairly traditional:

- Section 1 includes administrative provisions, Section 2 establishes the zones and maps, Section 3 includes definitions, Section 4 outlines General Provisions, and Section 5 outlines parking/loading/queueing requirements.
- The provisions for the zones are included in Section 6. This includes 8 subsections for broad zone categories (e.g., Residential zones). Within each subsection, the permitted uses, lot and building requirements are organized in matrices.
- Section 7 outlines special provisions associated with overlays shown on the zone schedules (i.e., floodplain).

- Section 8 includes all of the special provisions (i.e., site-specific exception zones). Each site-specific zone is organized into a chart format. This is also where Temporary Use Zones, Holding provisions and Interim Control zones are organized.
- Section 9 includes enactment provisions.

The zone schedules include an index map and 21 zone maps. The zone maps are in colour, with parcel fabric and with thick black lines representing the zone boundaries. A natural hazards/regulation area is shown as an overlay. The maps include a detailed legend and key map (Figure 4).

In response to infill and intensification pressure, the Town of Newmarket initiated the Urban Centres Zoning By-law project in May 2016. The purpose of this project is to ensure that appropriate zoning is applied to the Yonge Street and Davis Drive Urban Centres to implement the Urban Centres Secondary Plan in a manner that encourages mixed use development with a high quality built form.

Town of Oakville By-law 2014-014

The Town of Oakville Zoning By-law 2014-014 applies to the lands south of Dundas Street and North of Highway 407 (other lands in the Town are subject to the North Oakville Zoning By-law No. 2009-189 as amended). The Zoning By-law was developed through the inZone project, which ran from October 2011 to February 2014. The By-law was initiated to implement the policies of the Town's new Official Plan.

The By-law is comprised of 20 parts. Structurally, it is organized similarly to the Mississauga and Newmarket Zoning By-laws as discussed previously. Parts 6 through 14 include the permitted uses and lot and building requirements for the various zone categories. However, the Oakville Zoning By-law is particularly notable for relatively concise and simple language, its use of matrices to organization information, and the use of illustrations to assist in interpretation (Figure 5).

Like the Newmarket Zoning By-law, the exception zones (referred to as special provisions) are organized into a single Part of the By-law, and the information is presented in chart format. Several appendices are attached to the By-law for convenience purposes to illustrate the conservation authority regulation limits, Provincial highways and railway corridors and pipeline corridors.

The project is an important precedent as it represents a modern and contemporary approach to Zoning. It is also relevant in terms of the process undertaken to develop the Zoning By-law. The Town of Oakville undertook an extensive communication plan which included the development of branding, an information sharing website, promotional and educational material, and numerous open houses and stakeholder engagement opportunities.

Additionally, the broader inZone project included multiple smaller studies. These studies investigated in detail issues that arose out of other projects or broader project consultation and research, including but not limited to:

- Automobile uses study;
- First and Second Street Heritage Conservation District zoning review (including detailed review of existing height and lot coverage conditions to identify a compatible existing residential character);
- Governmental authority study; and
- Stable neighbourhood design guidelines.

Figure 5 | Example Illustrations – Town of Oakville Zoning By-law (Source: Town of Oakville)

Part 2

Establishment of Zones

- d) As running substantially parallel to a *lot line* abutting any *road* and the distance from that *road* is not indicated, the boundary shall be parallel to the applicable *lot line* and the distance shall be determined according to the scale shown on the Zoning Maps; (2015-018)
- e) As following a *lot line* abutting an unopened *road* allowance, the boundary shall be the centre-line of such *road* allowance;
- f) As following a shoreline, the boundary shall follow such shoreline and in the event of a natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- g) As following the limits of the *Town*, the boundary shall be the limits of the *Town*; and,
- h) Where none of the above provisions apply, the *zone* boundary shall be scaled from the Zoning Maps.

2.3.2 Split Zoning

- a) Where a *lot* falls into two or more *zones*, each portion of the *lot* shall be subject to the applicable *use* permissions and regulations for the applicable *zone* applying to that portion of the *lot*.
- b) Notwithstanding subsection (a) above, *parking spaces* and *stacking spaces* required by this By-law may be provided anywhere on a *lot* that falls into two or more *zones* except that portion of a *lot* in any Environmental *Zone*.
- c) A *zone* boundary dividing a *lot* into two or more *zones* is not a *lot line* for the purposes of this By-law.

2.4 Special Zone Symbols

Where the *zone* symbol zoning certain lands on the Zoning Maps is preceded or followed by any combination of a hyphen, number, or letter, provisions relating to one or more of the following *special zone* regulations apply to the lands so designated on the Zoning Maps. Lands so identified shall be subject to all of the provisions and restrictions of the applicable parent *zone*, except as otherwise provided by the *special zone*.

2.4.1 Special Provisions

Where a *zone* symbol is followed by a hyphen and superscript number, the symbol refers to a Special Provision that applies to the lands so zoned.

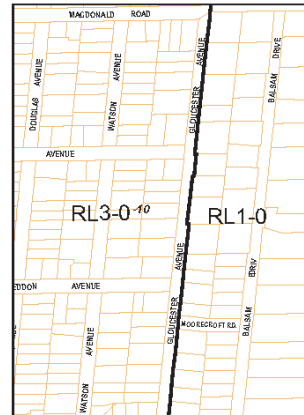
2.4.2 Holding Provisions

Where a *zone* symbol is preceded by an upper case letter "H", a number, and a hyphen, the symbol refers to a Holding Provision that applies to the lands so designated.

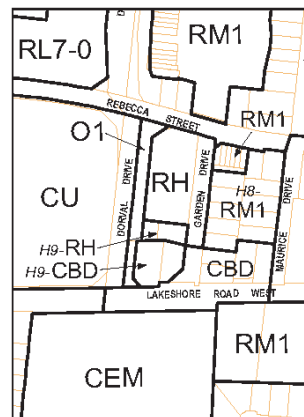
2.4.3 Temporary Use Permissions

Where a *zone* symbol is preceded by an upper case letter "T", a number, and a hyphen, the symbol refers to a Temporary Use Permission that applies to the lands so designated.

Portions of this by-law not yet in effect are covered with a blue tone. This version consolidates all amendments and orders of the OMB up to the consolidation date shown below. Contact the Building Services or Planning Services departments for more information.



Lots subject to a Special Provision have a superscript number following the parent zone symbol (see Part 15). Lands subject to a Suffix Zone have a normal-sized letter or number following the parent zone symbol.



Lots subject to a Holding Provision have a letter H and number before the parent zone symbol (see Part 16).

City of Ottawa By-law 2008-50

The City of Ottawa's Zoning By-law No. 2008-250 (consolidated to November 2016) implements the City's Official Plan, which was initially adopted in May 2003. The By-law is available online and zoning is public accessible through the GeoOttawa online system, which depicts zones as well as overlays such as heritage, village residential, and mature neighbourhood areas in an interactive map.

Zoning By-law 2008-50 contains 19 Parts, and is organized similarly to the previously highlighted By-laws. All sections in the By-law are sequentially numbered, across all parts (e.g., Part 2 begins with Section 55). Of note, the By-law has separate parts for General Provisions (Part 2) and for Specific Use Provisions (Part 3). The Exception zones are organized into Part 15, and further divided into two subsections: Urban Exceptions and Rural Exceptions. Part 16 includes some appendices outlining administrative processes. Part 17 of the By-law includes the schedules for site-specific or area-specific zoning regulations. Part 18 includes the zone maps. Part 19 includes provisions for Section 37 (bonusing), which is applicable to certain sites.

The City's website includes both a downloadable PDF version of the By-law, and the By-law can also be navigated directly on the website, with a webpage for each section of the By-law.

Zoning maps are available to be viewed through the City's website as part of an interactive map. Ottawa's zone maps include form-based codes, where particular lot and building requirements are integrated into the zone code. For example, the zone "MD H(30)" indicates that a maximum height of 30 metres applies to the zone. An example of these codes as illustrated in the mapping is shown in Figure 6.

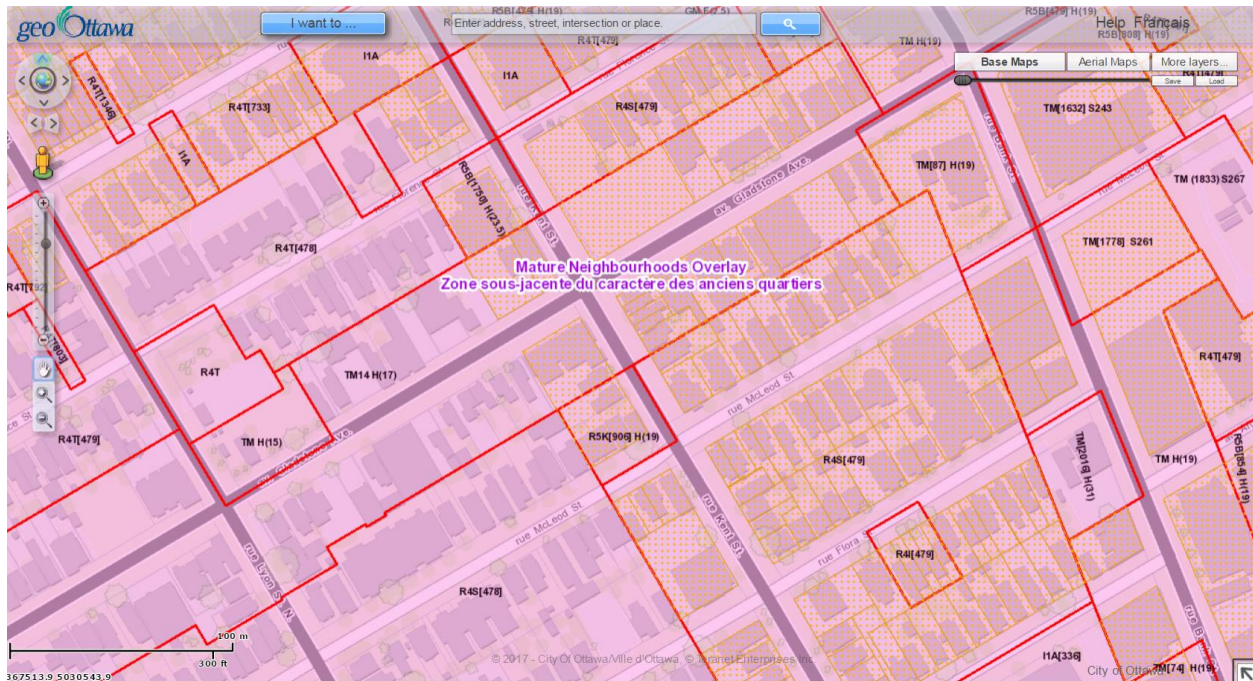
Since 2008, the City of Ottawa has undertaken a number studies and updates to the By-law. Some of the notable studies are as follows:

- In 2015, the City initiated a review on secondary dwelling units that was intended to determine the appropriate zones and standards to permit secondary dwelling units within accessory structures, in residential neighbourhoods. Additionally, By-law 2016-356 amended the Zoning By-law to address coach houses.
- The City has undertaken substantial work on developing zoning to help manage redevelopment and infill in mature residential neighbourhoods. This includes the development of a Streetscape Character Analysis in association with development applications in mature neighbourhoods. Areas subject to these provisions are identified as falling within the Mature Neighbourhoods Overlay that is shown in the zoning maps (also see Figure 6). The second part of this study was approved by Council in June 2015.
- The City undertook a local commercial study, aimed at understanding how small-scale commercial uses could be permitted in residential zones.

In summary, the City of Ottawa's Zoning By-law is a contemporary By-law that includes many innovative, in-depth and unique approaches to managing community character and achieving urban design objectives.

The City of Ottawa provides an example of a similarly sized municipality that is experiencing similar growth pressures as Brampton. Similar to Brampton, Ottawa has large and diverse employment areas, along with residential intensification occurring along major roads and transit stations within the City. The process covers a wide range of issues common within municipalities in Ontario including drive-through facilities, affordable and shared housing, and parking.

Figure 6 | City of Ottawa Zoning Map – Form-Based Zoning Codes (Source: City of Ottawa)



2.1.2 Zoning By-law Reviews to Monitor

The development of new Zoning By-laws is currently very active in Ontario, with many large municipalities undertaking Zoning By-law reviews. As these reviews progress, they will represent important sources of research and information which will be relevant to the Brampton Zoning By-law Review. This list is not intended to be an exhaustive list of on-going Zoning By-law Reviews, but rather a selective list of key, relevant Zoning By-law Reviews that may inform the process and content undertaken for the City of Brampton Zoning By-law Review.

City of Vaughan Zoning By-law Review

Similar to Brampton, the City of Vaughan is a fast growing municipality with a population of over 316,000 and an employment base providing over 186,000 jobs. The Review has been underway since early 2017.

The existing Zoning By-law 1-88 was passed by Vaughan Council on September 19, 1988, and was approved by the Ontario Municipal Board on July 17, 1989. Many development standards in Zoning By-law 1-88 are outdated and do not reflect the new policy direction of the City's Official Plan, adopted September 7, 2010 and is currently partially approved by the OMB. There are more than 1400 site-specific amendments to By-law 1-88, as well as numerous text and general regulation changes.

Vaughan will represent an important resource, as the City is similarly a large, growing urban municipality with some rural components. Further, a key purpose of the Vaughan Zoning By-law review will be to implement the City's Official Plan.

City of Markham New Zoning By-law Project

The City of Markham is undertaking a comprehensive review of its Zoning By-laws. As part of this major project, the City's Zoning By-laws will be reviewed, consolidated and updated to implement the policies of the City's new Official Plan. Markham's new Official Plan was adopted by Council on December 10, 2013, and was approved in part on October 30, 2015 and May 26, 2016. Some of Markham's Zoning By-laws date to the 1950s.

The Zoning By-law Review is sufficiently advanced and is comprised of a four phased approach. Phase 1 includes an issues analysis, which includes background work such as the completion of 20 discussion papers, which examined existing zoning issues in the City. Three open houses were held in 2013 to obtain stakeholder input for phase 1.

Phase 2 will be to identify the strategic direction of the new Zoning By-law. An open house was held in May 2016 to provide information and obtain input on the phase 2 recommendations. The Strategic Direction Report was endorsed in principle by Markham's Development Services Committee on June 14, 2016. The strategic directions identified 19 tasks for the undertaking of the Zoning By-law Review ranging from Site Specific Zoning Amendments to assessments of various issues.

Phase 3a includes Secondary Suites, Rooming Houses and Short-term accommodations and is currently underway. A public meeting was held on December 5, 2016 to obtain input. Phase 3b includes drafting the new Comprehensive Zoning By-law. The implementation of this process and the work undertaken will be monitored with respect to Brampton's Zoning By-law Review.

Ajax Comprehensive Review (95-2002)

The Town of Ajax is currently undertaking a Comprehensive Zoning Review of By-law No. 95-2002. The project was initiated in June 2015 with Phase 1, which included the development of discussion papers on topics such as stable neighbourhoods, intensification, employment areas and sustainability considerations. The by-law review is current in Phase 2a, which includes the development of technical reports. This phase is expected to conclude in June 2018, with Phase 2c – Draft Zoning By-law Amendments to be prepared by June 2019. Phase 3 will conclude in December 2019, which includes the final Zoning By-law Amendments. Notably, the project has already included development of an explanatory video as a consultation tool.

City of Kitchener Zoning By-law Review

The City's current Zoning By-law 85-1 was adopted through several amendments beginning in 1985. The By-law is over 30 years old and it requires an update to implement the City's new Official Plan. This review is planned to include an investigation of all components of the Zoning By-law including a detailed assessment of all zoning categories.

The project, branded as CRoZBy, has been on-going since at least 2015. The project is particularly noteworthy because the City is releasing and responding to comments in stages, rather than releasing a whole Zoning By-law for public review. In March 2015, the City released draft natural heritage zones; employment zones; mixed use zones; floodplain zones; definitions; general regulations; storm water management zone provisions; and recreation zone provisions. In May 2016, the City released its Urban Growth Centre zones; Major Infrastructure/Utility zones; and parking regulations. In November 2016, Institutional zones were released. Most recently, in April 2017, Commercial and Agricultural Zones were released and in May 2017 Residential zones were released. Generally, each component is tabled with Committee of Council to initiate a public consultation process. The public consultation process for the Residential zones component is anticipated to occur from Fall 2017 through Spring 2019.

There are some similarities between Kitchener and Brampton, given the size of the City and continued pressure for development in the form of both greenfield and intensification.

It is also noted that the Cities of Waterloo and Cambridge are also currently undertaking Zoning By-law Reviews. A second draft City of Waterloo Zoning By-law was released in 2017. Similarly, the second Draft City of Cambridge Zoning By-law is expected to be released sometime in 2017.

2.1.3 Preliminary Findings

The various completed and on-going Zoning By-law Reviews highlighted in this Report are intended to be reviewed, referenced and considered throughout the City of Brampton Zoning By-law Review process. However, it is noted that the content developed through the Brampton Zoning By-law Review will not be limited to the work undertaken by other municipalities; innovative, Brampton-specific solutions will need to be developed. However, these examples can help inform the options to be considered.

The preceding review of Zoning By-laws has highlighted a number of trends of Zoning By-laws processes which are noteworthy:

1. Zoning By-laws are increasingly becoming user-friendly documents, and are intended to be read and interpreted by residents as much as possible. This means avoiding convoluted and legalistic language, and structuring Zoning By-laws in an intuitive manner. This also means enabling online access to zoning information so interested persons may review zoning at their convenience. This is beneficial from the perspective of reducing administrative costs and staff time and is convenient for residents and the business community.
2. Zoning By-law Reviews are being conducted in a more inclusive manner, with the objective of getting input from a representative sample of the public. This is accomplished by having multiple opportunities for public events, maintaining a project website, and utilizing social media and other tools to increase awareness about the Zoning By-law and its importance in shaping communities.
3. There is a growing desire and effort to make zoning information readily accessible to the public on the Internet. This has mostly included posting zoning maps, but has also included developing and integrating interactive mapping, as Brampton has already done for its current Zoning By-law.
4. The overall structure of Zoning By-laws has not changed much in the past 30 or so years. However, in many cases, municipalities are organizing permitted uses and zone provisions into matrices, to enable comparison and reduce the number of parts or sections in the By-law.
5. Due to the nature of Zoning By-laws, most include numerous site-specific exceptions. While efforts are made to minimize the number of exceptions, they will likely continue to be a reality due to the prescriptive nature of zoning. Some municipalities organize their exceptions along with zone provisions, while others include them in a separate section of the Zoning By-law, since they can be lengthy sections and the majority of the information will not be relevant to the user.
6. There are differences in the appearance and function of the zone maps. Zone maps continue to be an important aspect of a zoning by-law, applying certain provisions and permitted uses to specific lands throughout the municipality. Some municipalities are opting to display various overlays to add complexity to the provisions. Other municipalities maintain more traditional, simple black and white maps with no overlays or form-based zone codes.
7. The large number of on-going Zoning By-law Reviews and recently completed contemporary Zoning By-laws provides a substantial resource for supplementing research on zone standards and best practices on a number of issues.

The process for conducting Zoning By-law Reviews has changed within the past 10-15 years. There is a much greater emphasis on producing Zoning By-laws that are user-friendly and accessible to the general public. Additionally, there is a greater acknowledgement of the critical role of zoning in implementing planning policy, resulting in Zoning By-laws that are less focused on land use separation, and more focused on achieving built form objectives. Zoning By-law Reviews are also being undertaken with a greater level of effort and an emphasis on fulsome consultation, similarly reflecting the importance of the Zoning By-law in implementing public policy.

2.2 Zoning By-law Development Principles

In order to develop a Zoning By-law that is reflective of the City's land use and built form, it is important to identify a number of zoning principles to guide future work through this process. The principles were derived from the review of precedent Zoning By-law Reviews as discussed in Section 2.1, as well as the City's planning framework which is explored in greater detail in Section 3 of this Report. Additionally, the Terms of Reference for the Zoning By-law Review identify principles and objectives which has informed the content of this section. It is critical to ensure that these overarching principles capture and work with the policy framework for the City of Brampton.

Principle 1: Legal Conformity

Section 34 of the *Planning Act* outlines the various purposes and uses of Zoning By-laws, and how they are to be prepared and adopted by Council. The ability of a Zoning By-law to regulate matters is limited by Section 34 of the *Planning Act*. It is a fundamental objective to prepare a Zoning By-law in a manner that is consistent with the *Planning Act*. Consideration of recent Ontario Municipal Board and Court decisions which have interpreted the provisions under Section 34 of the *Planning Act* can inform the development of standards that are appropriate.

Further, the nature of zoning and its role in regulating land and buildings means that it will likely overlap with various other matters addressed by Federal law, Provincial law, other municipal by-laws, and the jurisdiction and responsibilities of other Provincial and Federal agencies. Generally, zoning by-laws are not intended to replace, duplicate or supersede any other applicable law, and this should be made clear to users. Compliance with a zoning by-law is not intended to imply that compliance with any other law or by-law is achieved.

Principle 2: Ensure Conformity with the Official Plan

The Zoning By-law will be brought into conformity with the City's Official Plan. Upon the completion of an Official Plan, the *Planning Act* requires that a Zoning By-law must be prepared within 3 years of approval to implement the Plan's policies (Section 26(9)). The Official Plan provides guidance for future development and growth management in the City of Brampton as an urban, sustainable, diverse and socially responsible municipality. It outlines a vision for land use, development and City structure, which includes anticipated intensification in some areas and continued development of greenfield lands over time. The Official Plan is implemented in more detail by Secondary Plans, which have the same status as the Official Plan insofar as zoning must conform to the policies of the Secondary Plans.

The Zoning By-law is intended to support the implementation of the Official Plan and thus, must conform to and reflect the intent of the policies contained in the Official Plan. This means that the Zoning By-law should not be more permissive than the Official Plan allows, but it does not exclude the possibility of being more restrictive, where consistent with the intent of the policies.

Further to this principle, it is recognized that there are other studies, plans and guidelines the City has undertaken that should inform the Zoning By-law Review. As much as possible, opportunities to implement and support the City's objectives for urban design, built form, land use and related matters should be identified and considered through this process.

Principle 3: Minimizing Legal Non-Conformity/ Non-Compliance

An underlying principle of this Zoning By-law Review should also be to minimize situations of non-conformity and non-compliance while implementing the Official Plan. The new Zoning By-law provides a unique opportunity and need to consolidate several zone standards and definitions. It is desirable to recognize an existing, legally-established use as being legal; however, this is subject to whether the use

is permitted by the Official Plan and applicable Secondary Plan, and whether there is policy guidance on addressing any anticipated legally non-conforming uses. As a result, creating situations of legal non-conforming and non-complying uses may be inevitable in certain situations. There are existing situations of legal non-conformity, the Zoning By-law Review provides an opportunity to review these situations to ensure conformity with the Official Plan.

The process of updating a Zoning By-law inevitably leads to the creation of legal non-complying and legal non-conforming situations, but thoughtful consideration for these issues will help minimize these situations. Through the consolidation of zone standards, categories, definitions and provisions, there may be opportunities to reduce the number of legal non-conforming and legal non-complying uses that currently exist in the City. Any consideration for revising standards to ensure conformity with the Official Plan must include thoughtful consideration about whether the revisions will result in the creation of new legal non-complying/non-conforming situations. It is important to be cognizant of the implications of changing lot and building requirements as a result of this Zoning By-law Review. A small change to a zone's side yard setback, for example, could inadvertently lead to many new instances of legal non-compliance. It is imperative that the project team be aware of the implications of modifications to existing zoning regulations and examine these implications critically before changing the standards contained within the By-law. Generally, it is not desirable to have many instances of legal non-compliance and non-conformity, because they could precipitate the need for minor variances to the Zoning By-law. From a property owner's perspective, it is desirable for a use, building and structure to be in full compliance with the Zoning By-law.

Principle 4: Maintaining Existing Development Permissions and Entitlement

The Zoning By-law will incorporate the permissions and zone standards that are contained in the existing Zoning By-law to the greatest degree possible. Further, the preservation of existing site specific by-laws, as they affect property rights, is crucial. However, it is also important to ensure that these site specific by-laws conform to the Official Plan.

Entitlement and existing property zone permissions may need to be changed where the current permissions are no longer in conformity with the Official Plan. In accordance with the principles above, Official Plan conformity must be ensured, so it is expected that existing permissions will need to change in some circumstances. However, in some instances there may be discretion to recognize and carry forward existing development permissions into the new Zoning By-law, where it conforms to the Official Plan and other policy.

Principle 5: Creating a User Friendly By-law

Given that there are many administrative and public benefits to creating a user-friendly document, making decisions with respect to the Zoning By-law's format at the outset of the Review process is beneficial. Consideration should be made to integrate improvements to the structure, format, writing style and associated user-friendly tools. A key objective of the project, as stated in the Terms of Reference, is to develop an innovative and user-friendly Zoning By-law.

Creating a user friendly Zoning By-law has a number of benefits to all users including staff, developers and the general public. It is important to note that users of the Zoning By-law are a very diverse audience, and the format and content of the Zoning By-law should enable users to access and understand the Zoning By-law as much as possible. As a result, this reduces the costs of the municipality by allowing users to conveniently and independently access information.

However, there will be some limitations on creating a user-friendly zoning by-law. The complex, technical nature of a Zoning By-law and the display of mapping will always mean that some users will be unable to access and understand the Zoning By-law. In these cases there is a greater emphasis on creating

supportive documents and ensuring users will be able to contact City staff for assistance in reading and interpreting the Zoning By-law.

Together, these principles provide the basis for proceeding with this Zoning By-law Review and will assist in evaluating zoning options moving forward. The final Zoning By-law will be guided by each of these principles and provide an overarching roadmap of what the new By-law is intended to be.

2.3 Zoning Options and Approaches

In Ontario, under the requirements and limitations of the *Planning Act*, zoning has largely been carried out in a similar manner by all municipalities. The fundamental approach to zoning in Ontario has been “Euclidean”, which involves the distinctive separation of land use (i.e., the application of zones to different lands in the municipality). Over time, variations on the traditional Euclidean zoning have been considered and implemented by municipalities to address many new planning challenges. A reduced emphasis on the need to separate land uses and promote more mixed use, pedestrian-focused communities, has resulted in more form-based zoning by-laws. Municipalities have also introduced greater complexity into zone maps, including the use of overlays to apply provisions to certain areas of a municipality. Further, municipalities are more proactively implementing policy in zoning, by pre-zoning for certain land uses, heights and densities. The Province has also introduced a new Community Planning Permit System as an alternative to the more prescriptive nature of zoning. Most current and contemporary zoning by-laws do not reflect just one of these approaches; they combine most or all of them to address different circumstances and to implement different policy directions.

This section is intended to provide some context regarding different, broad approaches and options for zoning and implementing policy in zoning. This includes discussion of the following topics:

- Context regarding the traditional Euclidean zoning, involving the distinctive separation of land use;
- Form-based zoning codes, which provides a greater emphasis on built form, height and building requirements and reduces the emphasis on the need to regulate land use;
- Pre-zoning, in which municipalities are applying greater development permissions (land use, density, or height) as-of-right, with the intent of facilitating desired development in an area;
- Zoning Overlays, which are intended to apply provisions to certain geographies that may not be tied to specific zones;
- The Community Planning Permit System, which represents an alternative to a Zoning by-law under the *Planning Act*.

2.3.1 Traditional (Euclidean) Zoning

Euclidean zoning controls are premised on managing the impacts of land uses that are deemed to be incompatible. Initially, this included simple setbacks and segregation of uses. The philosophy behind this approach is that most negative land use impacts occur when the wrong uses are located next to one another, and if those uses were separated, the distance would mitigate certain impacts (e.g., noise, pollution, odour, etc.). The traditional Euclidean zoning approach essentially places urban design and built form as a secondary consideration.

Euclidean zoning is typically based on a system of zoning districts. Each zone district or zone includes a list of uses that are permitted within each district, along with various requirements for buildings and lot characteristics. The zones are typically categorized into agricultural, residential, commercial, industrial, institutional, or open space zones, in an effort to separate incompatible uses. Zone regulations such as specific height, setback, parking, and landscaping and floor space index help regulate the location, form

and character of buildings and the specific use of land within each zone. These standards are typically set as minimum requirements (e.g., minimum side yard setback), principally to ensure land use compatibility, rather than establishing minimum and maximum requirements, which would more specifically regulate the location of buildings and structures.

Elements of Euclidean zoning by-laws include a zoning map and associated zone categories, regulations and permitted uses for each zone, special district regulations, administration procedures, and definitions.

Euclidean zoning is inherently inflexible and prescriptive in nature, and zoning by-laws in Ontario follow the Euclidean approach. Zoning By-laws tend to establish minimum and maximum requirements. There is no opportunity for discretion. A proposed development is either compliant with a zoning by-law or it is not. In Ontario, where a development does not comply with the Zoning By-law there are opportunities to vary the standards (a minor variance application) or to initiate a zoning by-law amendment to change the standards. However, the inflexibility and prescriptiveness has benefits. It gives property owners relative predictability. Accordingly, this approach to zoning is especially suitable for managing the character and use of areas that are intended to be stable.

2.3.2 Form-Based Zoning

Form-based zoning is an alternative to Euclidean Zoning that helps provide flexibility to conventional zoning to address a number of urban design and built form issues. It focuses much less on detailed land uses and is instead focused on achieving a certain built form and addressing the relationship of buildings to the street and adjacent uses. A true form-based zoning by-law is likely to still distinguish different zones or zone districts on a map, but the list of permitted uses associated with each zone is much more generally described, and the built form requirements are very specific in order to achieve a desired built form.

There is increased pressure on municipalities in the Greater Golden Horseshoe to manage redevelopment and growth pressures within existing developed areas (intensification). Zoning by-laws that more closely resemble form-based codes are particularly advantageous in these areas, where there is a greater need to manage built form due to the need for higher density, mixed use forms. Typically, true form-based zoning codes identify geographic areas and identify zones for each area that is based on desired community character, intensity of land use, and built form. Within each zone or district, detailed requirements are provided to regulate the location and character of buildings and structures to ensure they address the streetscape and represent a desirable built form. This typically includes a clearly defined building envelope, intended to ensure that the building will be located close to the sidewalk, as well as provisions to manage the specific appearance and character of buildings. Parking standards are often strictly managed in form-based codes, usually directing parking areas to the rear of the property and to provide for maximum parking requirements. Under the more traditional Euclidean zoning, the use of only minimum standards has enabled the devilmint of dispersed built forms with parking located in the front yard.

A form-based approach in Ontario is somewhat limited by the *Planning Act*, which requires zoning to specifically define permitted uses. In Ontario, where permitted uses are not specifically defined, a minor variance or a zoning by-law amendment will often be required. Further, by generally defining permitted uses, there is an increased risk that different users will have a different interpretation of the zoning by-law. Accordingly, it is not possible to achieve a truly form-based zoning code under the *Planning Act*. However, municipalities are increasingly adopting zoning by-laws that integrate the principles and intent of form-based codes, including the provision of both minimum and maximum standards that more specifically regulate built form, and providing for a wide range of compatible permitted uses.

2.3.3 Pre-Zoning

Pre-zoning is not an alternative to Euclidean or form-based zoning, but rather an approach for implementing planning policy. Where an area is identified in the Official Plan as being intended to evolve (e.g., a corridor that is planned for intensification), there is an option to pre-zone for the uses, densities and building heights that are intended by the Official Plan. Pre-zoning involves developing zoning regulations and requirements in conformity with the Official Plan, and applying these provisions to enable development to occur in accordance with the Official Plan as-of-right.

Municipalities in Ontario, particularly in the Greater Golden Horseshoe, are proactively planning for intensification, in order to achieve Provincial, upper-tier and local objectives. In this context, pre-zoning is an option to help facilitate and direct intensification proposals to certain areas, by setting out permissions for higher densities, building heights and broader land use permissions as-of-right. Pre-zoning can create certainty for residents and for developers, eliminate some developer risk, and add certainty to the land use planning process, by clearly establishing (up-front) the municipality's expectations for development. Further, it has the potential to reduce cost and time by reducing the number of rezoning applications, provided the pre-zoned areas correctly reflect the market needs for development. Pre-zoning requires additional attention by the local municipality to ensure that zoning provides enough flexibility to encourage development. The effectiveness of pre-zoning is contingent on how the zoning is structured, as well as the level of detail, and potential flexibility of zoning regulations to accommodate a range of development.

However, pre-zoning is associated with some risks and considerations. Pre-zoning may potentially limit opportunities for public engagement, as pre-zoned properties will not be subject to the statutory, site-specific public consultation process that would otherwise be required for a rezoning application. Accordingly, there is an increased need to ensure the public is informed about how pre-zoning is to be applied through the comprehensive zoning by-law review process.

Furthermore, pre-zoning tends to rely on site plan control to manage site-specific issues. As a result, municipalities must ensure that the permitted zone permissions and regulations are appropriate and compatible with neighbouring areas. Pre-zoning is therefore often accompanied by detailed built form requirements and even accompanying design guidelines. However, to address any of the above noted issues, the pre-zoned properties may be zoned with a holding symbol which can help facilitate supporting studies and inform the site plan process. For context, under the *Planning Act*, holding symbols may be applied to lands to prohibit development in the underlying zone until such time as certain conditions are met, such as the preparation of supporting studies.

2.3.4 Zoning Overlays

Zoning By-law maps are traditionally very simple, illustrating the application of different zoning districts across the municipality, along with streets and sometimes the lot fabric. In the interest of advancing form-based codes, as well as integrating special considerations and provisions into zoning by-laws, municipalities are implementing overlay mapping features into the zone maps. Overlays are often represented as hatched areas and are associated with provisions that apply to the areas where the overlay is shown, in addition to the underlying requirements for the applicable zone.

Overlays are useful where there is a need to apply provisions that are geographically based but are not related to the application of zone districts. This may include, for example, provisions for floodplains or environmental features. The City of Ottawa developed an overlay to illustrate the portions of the City that are subject to provisions for mature neighbourhoods (refer to Figure 6 previously).




Consideration for overlays should be made where appropriate to address provisions that relate to geographies that are not consistent with the zone districts. This must be balanced with the need to create legible, clear zoning maps, which are fundamental to the interpretation of a zoning by-law. In some cases,

it may be beneficial to include such features on separate maps, rather than integrating them into the zone maps.

2.3.5 Community Planning Permit System

The Community Planning Permit System (CPPS), formerly known as a Development Permit System, is a land use planning system permitted for implementation by local municipalities under section 70.2 of the *Planning Act*. The CPPS is a land use approval framework that provides more tools to municipalities to address local planning issues, promote community building and facilitate and streamline development application processes. The system effectively consolidates the site plan, zoning and minor variance applications into one process. The only system implemented in a major urban area is the Main Street North Community Planning Permit System By-law implemented by the City of Brampton, which is further discussed in Section 7.2.6 of this Report (also refer to Figure 7).

Figure 7 | Excerpt from the Brampton Main Street North DPS By-law (Source: City of Brampton)

development permit system MAIN STREET NORTH		
<p style="color: green; text-align: center;">APPROPRIATE</p> 	<p>6.7.6.D - Overhead Signs</p> <p>D.1 Projecting Signs</p> <p>SG84. Design should be visually interesting and professionally crafted using high quality, vandal resistant materials.</p> <p>SG85. Shall relate to design/architecture of building.</p> <p>SG86. Signs shall be mounted below second floor window level</p> <p>SG87. Mounting devices shall be attractive, decorative and compatible with building design.</p> <p>SG88. Shall be indirectly illuminated only.</p> <p>SG89. Maximum of one sign per lot frontage.</p> <p>SG90. Maximum total sign area of 0.8 square metres.</p> <p>SG91. Minimum clearance from grade to be 2.4 metres.</p> <p>SG92. Maximum height of 0.9 metres.</p> <p>SG93. Upper limit of sign of 3.4 metres.</p> <p>SG94. Maximum width shall be 0.9 metres and maximum extension from the main wall of the building shall be 1.3 metres.</p> <p>SG95. Shall not be permitted in CMU3-DPS district.</p>	<p style="color: red; text-align: center;">INAPPROPRIATE (NOT RECOMMENDED)</p>  
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The *Planning Act* also provides for limited powers of appeal within the areas affected by the Community Planning Permit Systems. Some of the benefits include greater flexibility in the planning framework to secure important land use, urban design, streetscape and other objectives. In addition to permitted uses, a community planning permit by-law may also identify “discretionary uses” which can be permitted (without a by-law amendment) subject to meeting specified criteria.

Prior to using the CPPS, a municipal council must amend its Official Plan in accordance with the prescribed requirements to identify the CPPS area and provide information on how the system is to be used. Key policies to consider may include the scale of the proposed CPPS area include size, context, build and natural heritage. The implementation framework for the CPPS must be established in the by-law.

The intent of the Zoning By-law Review process, according to the Terms of Reference, is to conduct a review of the Zoning By-law with the goal of creating a new Zoning By-law that meets a variety of City objectives. Additionally, Official Plan policies are required to establish the basis for developing such a system. In the absence of specific Official Plan policies to guide the development of a Community Planning Permit System in other areas of the City, and inconsideration of the Terms of Reference for the Comprehensive Zoning By-law Review, consideration of implementing a CPPS for other areas of the City (or the City as a whole) is not anticipated to be an option considered further through this Review process.

3 Current Policy and Zoning Framework

Planning is undertaken within a framework established by the Province of Ontario, specifically the *Planning Act*, the Provincial Policy Statement (PPS) and various Provincial Plans that have been implemented by the Province. The Provincial Plans are implemented principally on a regional level through the Region of Peel Official Plan and by the City's Official Plan.

The City of Brampton's Official Plan implements Regional policies at a more local and context specific level. The City's Official Plan provides for a number of planning tools that may be used to implement the policies of the Plan. Such tools include, but are not limited to, secondary plans, community improvement plans, site plan control and Zoning By-laws. This section discusses each of the above noted documents and their relationship to the City's Zoning By-law Review.

The intent of this section is to introduce the relevant legislative and policy framework that will guide this review. This section is not an exhaustive discussion or identification of policies that will affect the Zoning By-law, but it is intended to highlight key considerations that will be made throughout the Review process.

3.1 Planning Act

The *Planning Act* is the principal legislation that describes how municipalities may plan, manage and regulate land use. The *Planning Act* outlines matters of Provincial interest and enables the Province to issue Policy Statements to provide direction to municipalities on matters of Provincial interest.

Section 34 of the *Planning Act* enables councils of local municipalities to pass Zoning By-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as parking, loading and lot requirements. Zoning By-laws may also be used to prohibit buildings and structures within flood-prone land or otherwise unsuitable or hazardous land (subsection 3), contaminated land (subsection 3.1), natural heritage features and areas (3.2), and significant archaeological resources (3.3). Section 34 of the Act includes provisions to address certain clarifications of what may be regulated (e.g., pits and quarries, mobile homes, etc.). The Act also provides for the issuance of Certificates of Occupancy, which can be required by the municipality to permit a change of use (subsection 6). Subsection 9 addresses the ability for legal non-conforming uses and non-complying buildings and structures to continue.

In accordance with Section 24(1) of the Act, Zoning By-laws must conform to the Official Plan and be consistent with the Provincial Policy Statement. Further, Section 24(1) clarifies that once a Zoning By-law is brought into effect (i.e., after expiry of the appeal period or resolution/decision on appeals, as applicable), the by-law is deemed to conform with the Official Plan. Zoning By-laws are viewed as one of the primary implementation tools for implementing the Official Plan, because Zoning By-laws translate the Official Plan's broader permitted uses and built form policies into more detailed permitted uses, lot and building requirements.

Several recent amendments to the *Planning Act* are further described in the following subsections.

3.1.1 Planning and Conservation Land Statute Law Amendment Act, Bill 51 (2005)

On December 12, 2005, the Minister of Municipal Affairs and Housing introduced Bill 51, implemented as the *Planning and Conservation Land Statute Law Amendment Act, 2006*. The legislation incorporated numerous major amendments to the *Planning Act*, as well as the *Conservation Land Act* which modified the land use planning process, while providing additional tools for the implementation of provincial plans. The law required that planning decisions be consistent with the PPS and conform to any Provincial Plans in effect, which greatly strengthened the role of the Province in municipal planning. This included increasing transparency and accessibility of the land use planning process, reforming the Ontario

Municipal Board, and supporting intensification and the development of sustainable well design communities.

Brampton's current Official Plan and Secondary Plans were undertaken in accordance shortly after Bill 51 came into effect in 2006. Bill 51 had a significant impact on land use planning and tools available to municipalities to implement provincial land use policy directions. A significant change to the *Planning Act* allowed for municipalities to refuse official plan and zoning by-law amendment proposals to convert employment lands. Further, it clarified that municipalities can establish minimum and maximum height, densities and minimum lot area to help achieve a more compact and efficient use of land.

While the legislation dates to 2005, consideration for changes to the *Planning Act* through this law should be considered, since it came into effect after the current Comprehensive Zoning By-law for the City of Brampton was passed.

3.1.2 Strong Communities Through Affordable Housing Act, Bill 140 (2011)

The *Strong Communities Through Affordable Housing Act* (Bill 140), 2011 included a wide range of legislative changes to improve the affordable housing system, including amendments to the *Planning Act*. The amendments provide municipalities with enhanced land use planning tools to support the creation of second units and garden suites. To further expand affordable housing opportunities, The *Planning Act* now requires municipalities to implement official plan policies and Zoning By-law provisions to allow second units. Changes to the *Planning Act* came into effect on January 1, 2012, requiring second unit policies to be implemented before or as part of a municipality's next Official Plan review. Section 35.1 requires councils to pass Zoning By-laws to give effect to the second unit policies.

3.1.3 Smart Growth for Our Communities Act, Bill 73 (2015)

The *Smart Growth for Our Communities Act* (Bill 73), 2015, made significant amendments to the *Planning Act*, along with the *Development Charges Act*. In broad terms, the reforms introduced by Bill 73 are intended to give citizens a greater, more meaningful say in determining how their communities will grow, and to give municipalities more tools to fund community services and growth. In total, the Bill proposed over 200 amendments to the *Planning Act*, with a number of major amendments proposed.

Bill 73 adds "built form" as a matter of provincial interest to be regarded by municipalities in accordance with Section 2 of the *Planning Act*. The Bill also precluded global appeals of Official Plans, or polices that implement provincially approved matters, as well as providing for alternative notice provisions for planning applications. Of note, site specific amendments to new Zoning By-laws are not permitted within the first 2 years after they come into force, except as permitted by Council. The prohibition on site specific amendments only applies to comprehensive Zoning By-laws that repeal and replace all former Zoning By-laws and are related to a zoning review conducted under 26(9) of the Act. Council may pass resolutions on a case-by-case basis or to a class of applications in order to allow applications to be made.

Furthermore, changes to the Act remove the ability to apply for a minor variance for 2 years following the passing of an applicant-initiated site-specific zoning by-law amendment, unless the application is permitted by Council through resolution. Additionally, municipalities now have the authority to establish additional criteria through a municipal by-law that would better respond to the local context. It is noted that the City of Brampton passed by-law 217-2016 to enable minor variances in certain circumstances, including by minor variances identified as being required by City staff pursuant to final approval to an approved site plan application or minor variances identified by City staff pursuant to a zoning by-law that is passed as a condition of approval to a draft plan of subdivision.

3.2 Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement 2014 (PPS) came into effect on April 30, 2014 and replaces the previous 2005 PPS, which guided the preparation of the City's existing Official Plan. The 2014 PPS is issued under the authority of Section 3 of the *Planning Act*. The PPS provides direction on key matters of provincial interest related to land use planning and development in Ontario. In accordance with Section 4 of the *Planning Act*, the City's Official Plan and subsequent land use planning decisions "shall be consistent with" the PPS.

The "shall be consistent with" requirement means that Council must ensure that PPS policies are applied within the land use planning decision-making process. Section 4.8 also recognizes Zoning By-laws as an important tool for implementing the PPS, and planning authorities are required to keep their Zoning By-law up to date and consistent with the Official Plan and the Provincial Policy Statement. It will be important to ensure the new Zoning By-law will be consistent with the policies of the PPS.

3.3 Growth Plan for the Greater Golden Horseshoe (2017)

In May 2016, the Minister of Municipal Affairs issued for consultation the Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2016 pursuant to the *Places to Grow Act*, 2005 for consultation. The proposed changes came into force on July 1, 2017. The update to the Growth Plan was part of the 10 year review of the Growth Plan, pursuant to the Ministry's Coordinated Land Use Review.

The Growth Plan establishes a growth management strategy to the year 2041 for municipalities within the Greater Golden Horseshoe Area, inclusive of the City of Brampton. The Growth Plan represents the framework for implementing the Government of Ontario's vision for building stronger, prosperous communities through the development of more efficient, compact settlement patterns and development densities. The Growth Plan provides policies which support the building of healthy and complete communities, which are intended to be well-designed and provide efficient utilization of land.

Section 2.2.2 of the Growth Plan includes policies which impact the land use and built form of communities. These include building compact, transit-supportive communities in designated greenfield areas and ensuring the availability of sufficient employment land to accommodate forecasted growth to support economic competitiveness. The Growth Plan establishes expectations for cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local retail and services.

The updated Growth Plan brought forward a number of changes including the reorganization and revision of existing policy directions, and creation of new policies. Of the more significant changes, the minimum intensification target in built up areas has been increased from 40 per cent to 60 per cent, and revisions are made to the requirements and eligibility for an alternative target. The minimum density target for "designated greenfield areas" would be increased from 50 to 80 residents and jobs per hectare, and revisions would be made to the requirements and eligibility for an alternative target.

The Growth Plan directs municipalities to develop and implement, through their Official Plans and other supporting documents, strategies and policies to phase in and achieve the Growth Plan's intensification targets (S.2.2.3). These strategies include policy direction for intensification of the built up area and the achievement of the identified intensification target. The City of Brampton conformity exercise for the Growth Plan is discussed in Section 7.2.4 of this Report.

Municipalities are expected to review and update their official plans to conform with the updated Growth Plan. Upper- and single-tier municipalities' conformity work is required to be completed by 2022. This process would then be followed by a review of the Zoning By-law to conform to the updated local Official Plan. These changes will have significant implications to planning in Ontario, and the Zoning By-law Review should be cognizant of the new Provincial growth targets, areas and policy directions.

3.4 Greenbelt Plan (2017)

The 2017 Greenbelt Plan came into effect on July 1, 2017. The update to the Greenbelt Plan was part of the 10 year review of the Growth Plan which was part of the Ministry's Coordinated Land Use Review.

The Greenbelt Plan is intended to complement the policies of the Growth Plan for the Greater Golden Horseshoe. The purpose of the Greenbelt Plan is to protect against loss and fragmentation of agricultural areas and to support maintenance, restoration and enhancement of natural heritage and water features and systems across the Greater Golden Horseshoe. The Greenbelt Plan intends to support appropriate economic diversification within agricultural areas.

Only a very small portion of the City of Brampton is located within the Protected Countryside designation of the Greenbelt Plan. These lands follow a valleyland corridor and are part of the Greenbelt Plan's Natural Heritage System. Additionally, changes to the 2017 Plan have identified new Urban River Valleys, and several such features are identified within the City. These features are based on the River Valley Connections identified in the 2005 Greenbelt Plan. Consideration for implementing policies regarding the areas affected by the new Greenbelt Plan will need to be made.

3.5 Parkway Belt West Plan (1978)

The Parkway Belt West Plan was implemented in 1978 to create a multi-purpose utility corridor, urban separator and linked open space system. The Parkway Belt West Plan is a culmination of regional planning, greenbelt and greenway planning. Under the *Ontario Planning and Development Act* (now the *Planning Act*), amendments to the Parkway Belt West Plan can be initiated by the Minister of Municipal Affairs and Housing or by application to the Minister. Since 1978, over 200 amendments to the Plan have been approved, the majority of which have been related to the removal of lands from the Plan.

3.6 Peel Region Official Plan (October 2014, December 2016 Consolidation)

The Peel Region Official Plan (PROP) is the in-force and effect Plan that integrates several Regional Official Plan Amendments. The Region of Peel initiated its Growth Plan Conformity Exercise in 2007. The Conformity Exercise is entitled the Peel Region Official Plan Review (PROPR).

The purpose of the PROPR was to bring the PROP into conformity with the Provincial Policy Statement, the 2006 Growth Plan and the 2005 Greenbelt Plan. Some of the policies proposed through the PROPR have been appealed to the Ontario Municipal Board and are awaiting final decision. The PROP outlines strategies to guide growth and development in Peel Region to 2031 for the Urban System and to 2021 for the Rural System.

The Peel Region Official Plan is Regional Council's long-term policy framework for decision making. It sets the Regional context for detailed planning by protecting the environment, managing resources, directing growth and setting the basis for providing Regional services in an efficient and effective manner. The Official Plan provides direction for future planning activities and for public and private initiatives aimed at improving the existing physical environment.

The Peel Region Official Plan provides policy direction for growth and development for the City of Brampton. It also provides policies for the protection of natural resources. The Zoning By-law review is an opportunity to help support and implement Regional policy and initiatives.

3.7 City of Brampton Official Plan (2008 September 2015 Office Consolidation)

The City of Brampton last initiated a review of its Official Plan in 2002 which resulted in the adoption of a new Official Plan by Council in June 2006 and partial approval by the Ontario Municipal Board in October

2008. The Plan was updated in June 2010 through OPA 43, as part of the five year review under Section 26 (1) of the *Planning Act*. The five-year review requirement stems from the need for local planning documents to evolve in parallel with the issues and matters of upper-tier and Provincial interest, in order to provide a consistent policy framework that guides growth and development. The City of Brampton is currently undertaking an Official Plan Review, which is further discussed in Section 7.1.1 of this Report.

The Official Plan reflects matters of Provincial interest and applies to all lands within the City. The Official Plan expresses the goals and objectives for the community, and identifies land use policies to help guide and direct growth and development over the next 20 years. The Plan directs the location and form of development, identifies how infrastructure is to be planned, and plans for the conservation of natural heritage features and areas.

The use and development of individual parcels of land is also influenced by the Official Plan, which broadly identifies permitted uses and other expectations for the character of development. The Official Plan often defers to the more detailed Secondary Plans to specifically identify the arrangement and location of particular uses, in consideration of high level policy direction in the Official Plan. The Official plan also establishes more regulatory measures to more closely manage development and land use, including land subdivision, site plan control and the Zoning By-law. The Zoning By-law will implement the City's Official Plan. An analysis of the relationship of the Zoning By-law and the Official Plan is undertaken in Section 4 of this report.

3.8 Secondary Plans

Secondary Plans are an additional layer to the City-wide Official Plan, providing detailed land use and policy guidance for the regulation of development within the context of specific geographic areas of the City. Secondary plan areas represent detailed plans for specific areas of the City such as new communities, employment areas, older neighbourhoods and downtown. They also provide additional details for land use, community design, natural heritage, roads and parks. Secondary Plans and amendments to Secondary Plans form part of the Official Plan and are to be read in conjunction with all policies of the Official Plan. Secondary Plan conformity is reviewed in Section 4.3 of this report.

Currently, the City has 54 secondary plans, some of which are under appeal. The Secondary Plan areas identified on Schedule G of the Official Plan (Figure 8). This schedule identifies areas with Secondary Plans that are proposed to be prepared. Not all lands in the City are subject to a Secondary Plan, but much of the urban developed areas and the areas that are intended for development in the planning horizon are subject to an existing Secondary Plan or there is a Secondary Plan underway.

The City is currently undertaking a Secondary Plan Review, which is further discussed in Section 7.1.2 of this Report. Until these plans and the zoning provisions to implement the plans are adopted, it will be necessary to determine how to apply zoning categories and standards for these areas in the interim, and incorporate these into the comprehensive Zoning By-law.

4 Official Plan Conformity Assessment

A new comprehensive Zoning By-law needs to conform to and implement the official plan. An analysis of the current City of Brampton Official Plan is required to inform the development of the new City of Brampton Comprehensive Zoning By-law. It is critical for a Zoning By-law to be as restrictive, or in some cases more restrictive (as may be appropriate) than the Official Plan. However, the Zoning By-law cannot be more permissive than the Official Plan. In other words, a Zoning By-law cannot permit a use that is not contemplated by the Official Plan, and it certainly cannot permit a use that is expressly prohibited by the Official Plan. Resolving any existing such conformity matters will be a priority task of this Zoning By-law Review. Similarly, the Zoning By-law must reflect policies regarding lot and building requirements, such as minimum or maximum density and height requirements.

The purpose of this section is to describe the relationship of the current City of Brampton Official Plan and the current Zoning By-law for the City of Brampton, to identify any potential conformity issues that will need to be addressed. This section outlines:

1. A comparison of existing Official Plan and Secondary Plan land use designations (and other geographic features identified in the Official Plan) and the current zoning;
2. A narrative of the intent of the various Official Plan land use designations and comparison with zoning;
3. An analysis of the conformity of zoning with the Secondary Plans, including consideration for the ongoing Secondary Plan Review;
4. A discussion regarding conformity of zoning and the Community Block Plans; and
5. A summary of key potential gaps and conflicts between the Official Plan and Zoning By-law.

4.1 Comparison of Land Use Designations and Zoning

A key aspect of ensuring conformity is understanding how the various land use designations that apply to the City relate to the zone categories. To assist in undertaking this analysis, the City's Geographic Information Systems (GIS) data for Official Plan designations/features, Secondary Plan land use designations and zoning have been utilized.

Table 4.1 indicates how each Official Plan land use designation and other feature identified on Schedule A of the Official Plan are zoned. The first column of Table 4.1 indicates the land use designation. The following columns break down all lands within the designation by zone category. As there are numerous specific zone categories, Table 4.1 classifies the zoning into one of ten broader zone categories (Residential, Commercial, etc.). The largest zone category affiliated with each designation is bolded in the table for convenience.

Table 4.1 | Comparison of Zoning and Official Plan Land Uses (Source: Derived from City of Brampton GIS Data)

Official Plan Designation or Feature (Schedule A)	Zoning Classification (% of land zoned according to each designation)										Total
	% Residential	% Commercial	% Development Permit System	% Floodplain	% Industrial	% Institutional One	% Institutional Two	% Open Space	% Agriculture	% Not Zoned (1)	
Residential	48%	4%	0%	2%	0%	6%	1%	5%	11%	24%	100%
Estate Residential	76%	0%	0%	1%	0%	0%	0%	0%	11%	11%	100%
Village Residential	72%	0%	0%	5%	0%	0%	1%	4%	5%	13%	100%
Regional Retail	0%	84%	0%	0%	0%	0%	5%	0%	0%	10%	100%
Office	3%	48%	0%	5%	12%	0%	6%	2%	6%	18%	100%
Business Corridor	4%	25%	0%	1%	46%	1%	0%	0%	7%	17%	100%
Industrial	0%	2%	0%	1%	62%	0%	0%	0%	25%	9%	100%
Major Institutional	0%	1%	0%	1%	0%	4%	88%	0%	0%	7%	100%
Open Space	4%	1%	0%	36%	2%	1%	3%	25%	24%	4%	100%
Greenbelt	0%	3%	0%	18%	4%	6%	0%	1%	65%	3%	100%
Central Area	26%	16%	1%	0%	18%	2%	4%	12%	0%	20%	100%
N-W Brampton Urban Development Area	0%	0%	0%	0%	0%	2%	0%	0%	93%	4%	100%
Special Study Area	2%	1%	0%	1%	2%	0%	0%	0%	89%	4%	100%
Corridor Protection Area	1%	0%	0%	0%	2%	2%	0%	0%	91%	4%	100%
Parkway Belt West	1%	1%	0%	9%	1%	0%	0%	3%	80%	6%	100%
Provincial Highways	0%	0%	0%	7%	4%	0%	0%	2%	56%	30%	100%
Utility	2%	0%	0%	1%	0%	0%	2%	0%	3%	93%	100%
Lakes	0%	0%	0%	5%	0%	0%	0%	91%	1%	2%	100%
Appealed to OMB	0%	0%	0%	6%	8%	0%	0%	2%	81%	3%	100%
Deferral	3%	0%	0%	3%	0%	0%	0%	94%	0%	0%	100%
Total Land Area (Ha)	7,392	1,262	9	2,489	3,254	913	419	2,222	10,055	4,714	32,756
% of Land Area	23%	4%	0%	8%	10%	3%	1%	7%	31%	14%	100%

Notes to Table 4.1:

- (1) Since the zoning in the GIS data is parcel-based, lands that are “not zoned” in the City’s GIS Data consist principally of roadways. It should be noted that all lands in the City are technically zoned, even if not displayed as such in the GIS data. The Zoning By-law uses the centerline of the roadway to establish zone boundaries.

The following observations regarding the data in Table 4.1 are noted:

- Generally, the relationship of land use designations and zoning is logical and expected based on the data contained in Table 4.1. For example, the Residential designation is principally implemented by Residential zoning. However, other zoning applies within the Residential designation (e.g., Commercial and Institutional) – this may be appropriate since a broad range of uses are permitted within the Residential designation.
- Further to the point above, it is noted that many of the Official Plan land use designations are broad, and specific permitted uses and locations are intended to be designated by the Secondary Plans. For example, the Residential designation contemplates a range of different densities as well as complementary smaller scale commercial uses, institutional uses and parks which are designated in more detail by the Secondary Plans.
- Nearly one-third of the City of Brampton is zoned Agricultural. Nearly one-quarter of the City is zoned with a Residential zone classification.
- Much of the City is shown as being “not zoned” (nearly 15%) – this principally relates to roadways and similar public infrastructure within public rights-of-way as shown in the GIS data. However, for clarity, it is noted that these lands are in fact zoned by the Zoning By-law, since the legal zoning typically extends into the centerline of roads.
- It should be noted that the designations shown in the first column of Table 4.1 are not all mutually exclusive. Some lands are subject to multiple Official Plan designations/overlays. Accordingly, some lands may be double-counted amongst different designations listed in Table 4.1.
- The Central Area designation consists of a mix of different zoning, but is principally Residential zoning as well as a considerable amount of Industrial zoning. Given the intent of the Central Area designation to provide for a mix of uses as well as offices, there may be some conformity issues with respect to existing zoning permissions that will need to be reviewed in detail.

The following Table 4.2 similarly summarizes the relationship of Secondary Plan classifications and the zoning. The Secondary Plan classifications are an aggregated classification of all similar Secondary Plan land use designations. Since the City is subject to dozens of Secondary Plans with many different types of specific designations and specific policies (approximately 200 differently named designations are noted in the GIS data), Table 4.2 examines the relationship of the broader, aggregated Secondary Plan land use classifications and zoning. The Secondary Plan classifications were provided by the City of Brampton. It is recognized that these classifications may be subject to change through the Secondary Plan Review process.

Table 4.2 | Zoning and Secondary Plan Land Uses (Source: Derived from City of Brampton GIS Data)

Secondary Plan Classification (1)	Zoning Classification (% of land zoned according to each designation)										Total
	% Residential	% Commercial	% Development Permit System	% Floodplain	% Industrial	% Institutional One	% Institutional Two	% Open Space	% Agriculture	% Not Zoned (2)	
Residential	79%	1%	0%	1%	0%	1%	0%	1%	16%	1%	100%
Commercial	17%	71%	0%	6%	0%	0%	0%	0%	0%	6%	100%
Mixed	4%	35%	0%	1%	35%	0%	2%	5%	18%	0%	100%
Employment	3%	25%	0%	1%	7%	0%	0%	0%	64%	1%	100%
Industrial	0%	1%	0%	1%	77%	0%	0%	0%	20%	0%	100%
Institutional	3%	1%	0%	0%	1%	68%	23%	2%	3%	0%	100%
Open Space	2%	2%	0%	35%	1%	1%	3%	33%	22%	1%	100%
Special Study Area	25%	35%	17%	0%	7%	0%	1%	1%	11%	4%	100%
Transportation	1%	0%	0%	10%	1%	0%	1%	1%	68%	17%	100%
Utility	0%	0%	0%	13%	1%	0%	1%	3%	75%	7%	100%
Lands Unclassified	2%	0%	0%	2%	1%	1%	0%	2%	40%	51%	100%
Lands with No Secondary Plan / Unclassified	5%	1%	0%	1%	2%	0%	1%	1%	89%	0%	100%
Total Land Area (Ha)	7,392	1,262	9	2,489	3,254	913	419	2,222	10,055	4,714	32,756
% of Land Area	23%	4%	0%	8%	10%	3%	1%	7%	31%	14%	100%

Notes to Table 4.2:

- (1) The Secondary Plan classifications are based on the City of Brampton's GIS data. It is not necessarily reflective of the specific land use designations in the Secondary Plans.
- (2) Since the zoning is parcel-based, lands that are not zoned in the City consist principally of roadways. Lands not zoned also includes lands categorized as "public utilities" in the GIS data.

4.2 Summary of Official Plan Land Use Policies

The Official Plan provides a policy framework to guide land use change and development in the City of Brampton. The Plan divides the City up into various land use designations, and also identifies other conceptual or specifically delineated policy areas and features. This section identifies the various geographic components of the Official Plan, the broad intent of the policies, and how the designations relate to the current zoning, drawing from the information contained in Section 4.1.

4.2.1 Central Area

The Central Area is the principal location for mixed-use development in the City, including offices, retail, service, residential, cultural uses, hotels, government, institutional uses and transit-related uses. It is not surprising that the Central Area is implemented by a variety of zones as noted in Table 4.1. This includes a small portion of lands that are subject to a Development Permit System and not subject to the Zoning By-law.

4.2.2 Residential

This Residential designation permits a full range of dwelling types. Complementary uses such as institutional uses and some commercial uses are permitted subject to any applicable Secondary Plans. Places of worship are permitted except on lands in the Estate Residential area and subject to a zoning by-law amendment in Upscale Executive Special Policy Areas.

The Official Plan outlines various density categories, which are intended to reflect or be implemented by the Secondary Plans. Other development criteria include:

- Places of worship shall be located on arterial/collector roads subject to site of sufficient size to accommodate parking and other site design matters.
- Home occupations are permitted in singles, detached dwellings or accessory buildings subject to the Zoning By-law (4.2.1.13)
- In mature neighbourhoods, infill, replacement dwellings or building additions are intended to be consistent with the existing neighbourhood (4.2.1.18).
- The policies of Section 4.2.7 of By-law 270-2004 provide guidance on the design requirements for residential communities including attractive design, varied densities, attractive architectural features and other matters.

As expected, the majority of lands are zoned for Residential purposes in the Residential designation (Table 4.1). A portion of residentially designated lands are zoned for other uses, such as commercial and institutional. This may be appropriate where complementary uses are planned for and accommodated by the Secondary Plans. A detailed review is required to confirm conformity.

Upscale Executive Housing Areas

This designation is intended to accommodate upscale, homes at a lower density. Specific minimum lot sizes are set out for the various Estate Residential areas (4.2.3.3). Most lands within this designation are zoned for Residential uses. Ensuring conformity will require an assessment of whether the current zone standards are in line with the intended lower density format.

Estate Residential

This designation is also intended to recognize large lot residential, including some unserved areas. Major new estate development is not anticipated. Most lands in this designation are similarly zoned for

Residential purposes. Ensuring conformity will require assurance that the zoning is in line with the current density requirements.

Village Residential

Village Residential areas include lands in Huttonville and Churchville which were part of the original settlement areas of Brampton. This designation is intended to help maintain the historic character of those areas. Permitted uses are intended to be detailed in the secondary plans, and include residential uses, and convenience commercial/home occupations/community services in compliance with detailed criteria. Most lands in the Village Residential category are zoned Residential.

4.2.3 Retail

The Regional Retail areas are designated on Schedule A of the Official Plan. Schedule A2 identifies a retail structure, including the full range of retail designations across the City. There are three types of retail areas. The general policies for Retail areas restricts entertainment uses in all designations to ensure that they are of limited scale to the primary retail function of a retail centre. The restriction is also intended to protect the Central Area's role as the City's primary entertainment centre.

Regional Retail

Regional Retail sites are large scale multi-use centres with a diverse range of uses to serve large areas, and consist of over 46,500 square metres of gross leasable area. Permitted uses include a wide range of retail, restaurants, major offices, entertainment uses, and retail warehouses. Entertainment uses are intended to be further restricted by other Plan policies, any applicable Secondary Plans and implementing zoning. The majority of lands in this designation are zoned for Commercial purposes, and there are also some Institutionally zoned lands. A detailed review of Institutional and other zoning is required to evaluate conformity.

District Retail

District Retail areas are planned as multi use areas to serve nearby residential and business areas at a sub-regional scale. These areas are intended to accommodate in the order of 12,630 to 46,500 square metres of gross leasable area. Permitted uses include a variety of retail uses, restaurants, pharmacies, and retail warehouses. Complementary uses include places of worships and institutional uses in accordance with Secondary Plans and other policies of the Official Plan. Other complementary uses may include gas bars, car washes, service commercial, office uses and entertainment uses. The various permitted uses are subject to specific criteria surrounding their need and appropriate fit within the surrounding area. For example, Major Offices are permitted only within Mobility Hubs or Intensification Corridors and subject to other criteria, such as impact on the Central Area which is intended as the focus of major office development.

Local Retail

Local Retail areas consist of neighbourhood retail (3,700 to 11,620 square metres) and convenience retail (under 3,700 square metres) sites, usually located in residential areas to serve the shopping needs of the community. Neighbourhood Retail is intended to include a range of retail uses, restaurants and service establishments aimed at serving the surrounding residential area, typically anchored by a supermarket. Places of worship and complementary institutional/open space uses may also be permitted as determined through the applicable Secondary Plan. Automobile services may be permitted but motor vehicle sales, body repair shops and truck washes are not. Drive-throughs may be permitted subject to compatibility with surrounding residential areas.

4.2.4 Employment Lands

The Official Plan identifies a number of Employment Areas in the City (Schedule 1). The Employment Lands are designated as Business Corridor, Industrial or Office (Schedule A).

Business Corridor

The Business Corridor designation recognizes linear commercial and industrial areas along some sections of major transportation corridors. The designation permits a broad range of employment and employment-related uses as well as places of worship. Some uses are specifically prohibited such as commercial self-storage, auto body repair, outdoor storage. It is intended that the Business Corridor designations will be better defined and addressed by the Secondary Plans, including establishing appropriate sub-designations: Prestige Industrial, Office, Mixed Commercial/Industrial, Highway Commercial, Service Commercial, Highway and Service Commercial and Business. Supportive housing facilities are also permitted, subject to criteria.

Most lands in the Business Corridor are zoned Industrial and Commercial, which is generally in line with the intent of the designation. However, a specific and detailed review of permitted uses in the applicable zones is required to ensure conformity with the uses permitted by the Official Plan and the Secondary Plans.

Industrial

The Industrial designation is intended to provide for light to heavy industrial uses such as manufacturing, processing, repair/service, warehousing and distribution uses. A number of uses such as limited service and retail commercial uses, open space, public/institutional uses, and areas intended for open space, which may be permitted if identified by the applicable Secondary Plans as appropriate.

The Secondary Plans are intended to identify sub-designations, and to provide for limited supportive or complementary uses, such as restaurants, government offices, places of worship, retail and office uses. Policies apply to guide the integration of industrial and existing residential areas.

Most lands in the Industrial designation are zoned with an Industrial zone category, which is generally appropriate. Similarly, a detailed review of permitted uses will be required.

Office

The Office designation is intended to provide for a diverse range of office employment uses. Uses permitted in the office designation include major office, other offices, hotels/motels, convention centres, accessory retail, compatible recreation and limited multiple residential uses. The Office designation is further directed by the following:

- The Secondary Plans are intended to identify specific densities and concentrations of office uses.
- The scale of buildings should consider integration and impacts.
- Sections 4.4.4 through 4.4.7 provide more specific policies and permitted uses for the four Office designations currently identified in the City.

The Office designation is principally implemented by commercial and industrial zoning, which is generally appropriate. However, a detailed review of permitted uses will be required. Some other zoning also exists (residential, institutional), so a review of the Secondary Plans will be required to ensure conformity.

4.2.5 Open Space

A system of natural heritage features as well as recreational areas are identified collectively as “Open Space” on Schedule A of the Official Plan. This includes a number of different features identified on Schedule D: Valleylands/Watercourse Corridors; woodlands; provincially significant wetlands; other wetlands; lakes and ponds; special policy areas, environmentally sensitive/significant areas; Provincial Greenbelt/Protected Countryside; and Areas of Natural and Scientific Interest (Life and Earth Science). Schedule E identifies the recreational areas: City wide parks; community parks; private commercial recreation facilities; cemeteries and conservation areas.

The Open Space designation is principally implemented by Floodplain and Open Space zoning. Much of the lands are also zoned Agriculture. There are also significant lands zoned Residential or for other urban purposes. A detailed review of the policies will be required to identify an appropriate approach to zoning within the Open Space designation, in consideration of the various features that are included within the designation.

4.2.6 Institutional

Major Institutional areas are intended for hospitals, correctional facilities, post-secondary schools, major places of worship, military/cultural uses, libraries, fire/police and community recreational facilities. It is noted that Schedule A identifies “Major Institutional” but this appears to be referenced as “Institutional and Public Use” in the Official Plan text (there are no text references to “Major Institutional”). It is intended that smaller scale institutional and public uses be permitted as complementary uses within “all relevant designations” provided they are designated by a Secondary Plan. Additionally, secondary uses such as residential and convenience commercial uses may be permitted in Major Institutional Areas provided they do not detract from the area. Specific permitted uses are intended to be detailed in the Secondary Plans and Block Plans. Residential Care Facilities for more than 10 persons are permitted in the “Institutional and Public Uses” designation. The Plan permits long term care centres in the Institutional and Public Use, Residential and Commercial designations (4.9.4). Similarly, educational facilities are permitted in a variety of designations where designated by a Secondary Plan.

The Plan also contains policies regarding the location of Places of Worship, which are intended to be permitted in a variety of land use designations, subject to the specific designation policies and the applicable Secondary Plan (4.9.8).

The Major Institutional designation is mostly implemented by Institutional zoning, although there are significant amounts of land zoned for Residential or Commercial purposes. This may be appropriate where such uses are contemplated by the policies. A more detailed review of permitted uses and Secondary Plan designations will be required.

4.2.7 Greenbelt – Protected Countryside

Within the Protected Countryside designation, the Official Plan implements the Greenbelt Plan policies (4.6.14). These lands are not included in the Urban Area of the City of Brampton. The policies permit agricultural and related uses, single dwellings on lots of record, conservation uses, appropriate recreational and infrastructure uses, subject to criteria.

Most lands in the Greenbelt area are zoned for Agricultural purposes, as well as lands zoned for Floodplain. There also appear to be some lands zoned for Commercial, Industrial and Institutional purposes, according to Table 4.1 of this Report. A detailed review of the zoning is required to ensure conformity with the policies of the Official Plan and Greenbelt Plan.

4.2.8 Corridor Protection Area

A Corridor Protection Area is designated in two contiguous areas within the westerly portion of the City (the North-South Corridor Protection Area) and in one contiguous area at the northeasterly portion of the City (the Highway 427 and Arterial Network Corridor Protection Area). The Corridor Protection Area functions as an “overlay” designation. The North-South Corridor Protection Area remains subject to an ongoing OMB appeal (as of the September 2015 consolidation of the Official Plan). The policies of Section 4.14.2 apply to these areas (under appeal). It is intended that within these areas, planning applications that are considered to unduly restrict future transportation planning processes are prohibited.

The great majority of lands within the Corridor Protection Area are zoned for Agricultural uses. There are some instances of Residential, Institutional or other zoning which will need to be reviewed in consideration of the policies, and recognizing some of the policies are not in effect.

4.2.9 Parkway Belt West

The Parkway Belt West similarly functions as an ‘overlay’ designation. The intent of this designation is to implement the 1978 Provincial Parkway Belt West Plan for this transportation corridor (Highway 407). A detailed review of zoning is required to identify the relationship to the Provincial Plan.

4.2.10 Other Features and Areas

The Official Plan identifies other structural elements and designations:

- Major Transit Station Areas are shown conceptually on Schedule 1. Major Transit Station areas are areas around existing or future higher-order transit stations, and are intended as a focus for intensification. The policies of Section 3.2.4 address density and height objectives for Major Transit Station Areas.
- Mobility Hubs (Anchors and Gateways) are identified on Schedule 1. There are four mobility hubs including one Anchor Mobility Hub located at Main/Queen in Downtown Brampton and three Gateway Mobility Hubs. The Mobility Hubs are intended as an intense concentration of uses. The Mobility Hubs are focused at the intersection of major transit lines. The policies of Section 3.2.5 identify density targets and other policies for these areas.
- Schedule 1 identifies certain roads as Primary and Secondary Intensification Corridors to function as linkages between major transit services and transportation corridors. The Official Plan contains policies for achieving higher densities, including floor space index and height objectives under Section 3.2.6. It is intended that a Comprehensive Master Plan will be prepared to guide intensification, although individual development applications may proceed and be considered before the Plan is complete.
- The Lester B. Pearson International Airport Operating Area is delineated as an overlay and referenced in several places in the Official Plan. Generally, sensitive land uses are not permitted within this area. A detailed review of these policies against current zoning permissions is required to ensure Conformity.
- A few Special Study Areas are identified on Schedule “A” to recognize areas subject to ongoing land use studies. These areas are subject to Section 4.14.1 of the Official Plan. This includes specific sites and also relates to the Highway 427 and Arterial Network Corridor Protection Area. Specific policies for future land uses apply to these areas.

- Special Land Use Policy Areas are denoted by numbers on Schedule A and are subject to the policies of Section 4.14.3. This includes principally site-specific policies applying to 18 locations. A detailed review of these policies will be required to identify zoning implications.

4.3 Secondary Plan Conformity

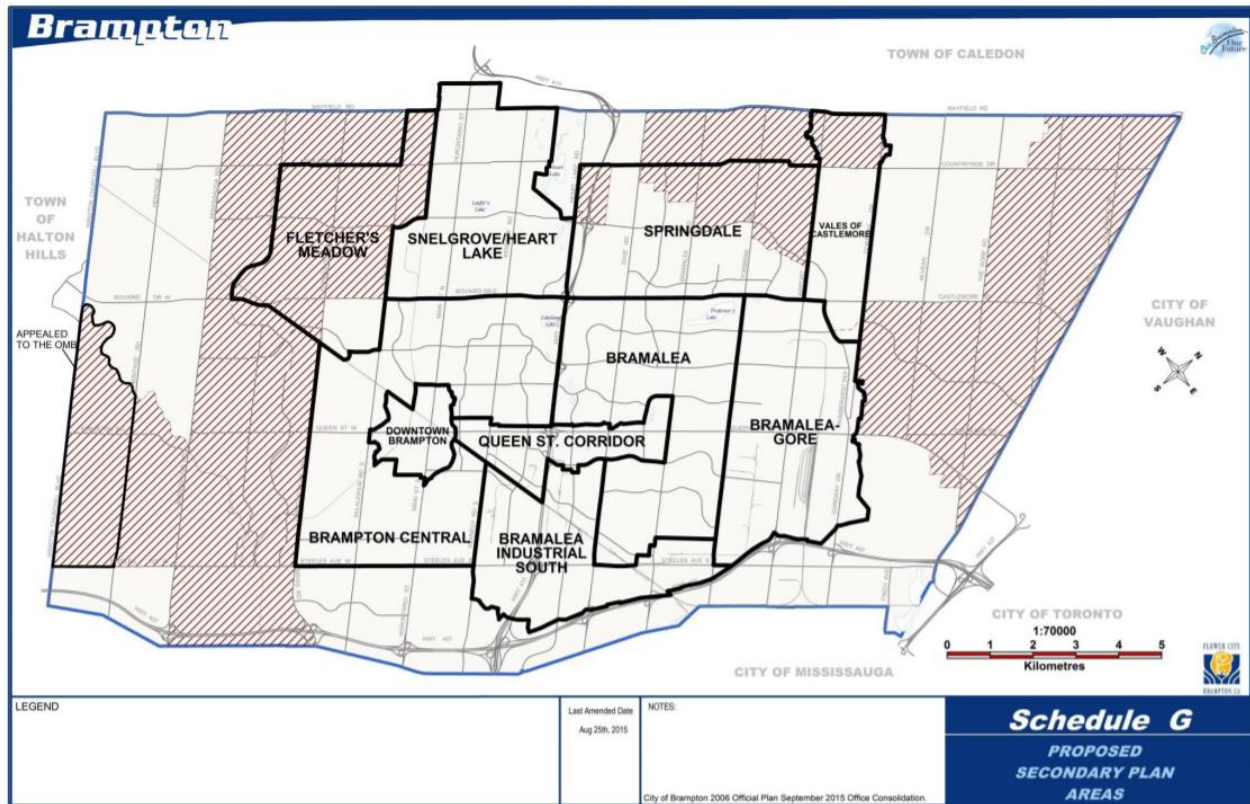
The Official Plan establishes broad land use permissions and policies. Secondary Plans form part of the Official Plan and are intended to conform to and implement the policies of the Official Plan in greater detail within a specific neighbourhood or district. Secondary Plans apply to much of the City, but not all lands in the City are subject to a Secondary Plan. Schedule “G” identifies the 54 Secondary Plan areas, although not all lands in the City are currently subject to an approved Secondary Plan.

The City is undertaking a review of the Secondary Plans, to ensure conformity with the 2006 Official Plan and also to make other administrative and clarity improvements. Further, the mapping associated with the Plans will be migrated to a GIS format for consistency. A significant outcome of the review will be to eliminate duplicated policies and consolidate similar land use designations. Additionally, the various boundaries of the Secondary Plan areas may change in order to consolidate similar areas and smaller Secondary Plans. Figure 9 is sourced from a staff report, indicating potential new Secondary Plan boundaries, but it is recognized that this is subject to change. This review is intended as a housekeeping exercise.

The exercise of ensuring the zoning conforms to the policies of the Secondary Plans is in some ways dependent on the progress made on the Secondary Plan consolidation exercise. The simplification of designations and policies will greatly impact the exercise of ensuring the zoning is in conformity with the Secondary Plan policies. In most cases, it would be expected that the zoning will conform to the detailed policies of the applicable Secondary Plan since development and zoning would have had to occur in accordance with the applicable policies. Some of the Secondary Plans date to the 1970s, while other Secondary Plan areas do not yet have Secondary Plans currently in effect. In many cases, the existing Secondary Plans have been amended, and the City maintains consolidated versions of the Secondary Plans.

Accordingly, it is recommended that the Secondary Plan Review process be considered as this process advances. At this time, the emphasis will be placed on Official Plan conformity. Confirming Secondary Plan conformity will be best undertaken at the conclusion of the Secondary Plan Review when the Plans are consolidated and policies and number of land use designations are streamlined.

Figure 9 | Potential Consolidated Secondary Plans (Source: City of Brampton Staff Report dated May 10, 2016)



4.4 Community Block Plans

The conformity of current zoning and Community Block Plans that is not anticipated to be a significant issue or conflict to be resolved. In most cases, it is likely that the zoning was developed in conformity with the applicable Community Block Plan and accordingly approved by the City. However, a detailed review and assessment of the Community Block Plans may be required to confirm Secondary Plan conformity, where the applicable Secondary Plan directs specific permitted uses to be outlined by the Community Block Plan.

4.5 Identification of Key Official Plan Conformity Issues

Generally, much of the development in the City of Brampton has been guided by detailed Secondary Plan policies, which were likely implemented through zoning by-law amendments that were reviewed against the policies of the applicable Secondary Plan. Accordingly, for many of the newer neighbourhoods in the City, there is unlikely to be major conflicts between the Zoning By-law, the Secondary Plan and the Official Plan. The City's Official Plan is intended as a robust but also flexible land use planning tool, providing for a general mix of uses that are in line with a broader intent. The Official Plan often defers decisions about the specific configuration and intensity of land use to the Secondary Plan. The Official Plan also makes very few directives to the Zoning By-law.

Based upon the preceding discussion, analysis and review of the Official Plan, Secondary Plans and Community Block Plans, the following key issues are noted:

1. **Mixed Use & Intensification Areas:** The Official Plan intends for intensification to occur along intensification corridors and within other nodes, conceptually identified as Mobility Hubs and Major Transit Station Areas. Furthermore, the Central Area is intended as a primary focal point of activity. A portion of the Central Area is further described as an Urban Growth Centre, as designated by the Province, and is intended to represent a significant focal point for intensification. There is significant opportunity to consider zoning as a potential tool to support implementation of these policies and help achieve the broader City structure concept. A Technical Paper may be prepared to specifically examine opportunities to support the implementation of these policies. This should include consideration for a wide range of options to support implementation of the Official Plan's intent for intensification. Pre-zoning for permitted uses and intensification, as appropriate, as well as the establishment of new zones and detailed requirements may be considered to achieve the specific design intent for these individual areas.
2. **Employment Lands:** The Official Plan identifies several different employment areas in the City, and establishes detailed policy direction to guide development and change within the various types of employment areas, and ensure the areas are protected for employment uses. To ensure the zoning conforms to these policies, a detailed review of zone categories and permitted uses may be completed as part of a Technical Paper.
3. **Commercial Areas:** The Official Plan outlines a clear structure for retail and commercial areas across the City. In some cases, this includes specific and detailed policies regarding permitted uses, floor area and other matters. In some cases, mixed uses may be encouraged or contemplated. A Technical Paper may be prepared to examine the implementation of the City's commercial areas in zoning in detail.
4. **Agricultural Uses:** Lands subject to the Protected Countryside are planned to function as agricultural areas over the long term. Additionally, the Official Plan permits existing agricultural uses within other designations, including the Open Space System and natural heritage system. The requirements of the Greenbelt Plan, as well as the Official Plan, and Provincial Guidelines and policies regarding various uses within agricultural areas identifies a need for a more in-depth review of policies and recommendations to ensure zoning is aligned with the policy framework.
5. **Affordable and Special Needs Housing:** The Official Plan contains policies and direction regarding a variety of different affordable and special needs housing types. In some cases, this includes specific direction for the Zoning By-law to establish permissions and regulations. A detailed review of zoning is required to identify conformity and inform any required changes. Accordingly, a Technical Paper may be prepared to provide detailed analysis and recommendations on this topic.
6. **Natural Heritage and Hazardous Lands/Sites:** The Official Plan contains clear restrictions on land use and development within areas identified as natural heritage features as well as hazardous lands and sites (e.g., floodplains). Zoning is an important tool for managing development within these areas, since it is at the front line of development control and functions as a legal regulatory tool. The gaps and opportunities for zoning to support implementation of these policies may be examined as part of a Technical Paper.
7. **Corridor Protection and Special Study Areas:** The Official Plan designates a number of areas that are subject to further study and protection, particularly due to ongoing studies where development is considered premature. The existing zoning within these areas and the general approach for utilizing zoning to support implementation of these policies may be considered through a Technical Paper.
8. **Environmental Sustainability:** Environmental sustainability is a key guiding theme of the Official Plan (e.g., Section 3.1). Environmental sustainability means considering environmental impacts at

all social, economic and cultural levels, to ensure that natural resources (e.g., air, water, ecological resources) will be retained or improved for indefinite enjoyment by future generations. Section 3.1 of the Plan contains broad policies for encouraging healthy, suitable and more complete communities that are compact, transit-oriented, pedestrian-friendly and provide a mix of uses and housing options. The Plan promotes other sustainable management practices including green building standards. While explicit conflicts between these policies of the Plan and the Zoning By-law may not be immediately identified, the Zoning By-law Review represents an opportunity to consider a wide range of approaches for contributing to the principles of environmental sustainability, such as land use permissions, built form and parking requirements and other means.

5 Zoning By-law Structure and Format Considerations

A key objective of the Zoning By-law Review, as stated in the Terms of Reference, is to create a user-friendly Zoning by-law. This section highlights key issues regarding structure and format of the current Zoning By-law. Excerpts from other municipal zoning-by laws have been provided for use of comparison and illustration purposes. This section includes a discussion on overall Zoning By-law structure options, and is followed by a review of format considerations and options for accessibility. The purpose of this discussion is not to make specific recommendations regarding the structure or format of the new Zoning by-law, but to outline preliminary options for future consideration. The Zoning By-law Structure Report, prepared in Phase 1-3 of the Zoning by-law Review process, will identify specific recommendations based on staff, agency and public consultation.

5.1 Overall Structure Options

5.1.1 Review of Other Zoning By-laws

The Zoning By-law Review represents an opportunity to improve the structure and format of the current Zoning By-law, including consideration for opportunities to reduce repetition and create a Zoning By-law that is more intuitively structured.

Based on the preceding discussion in this Report regarding potential best practices, the following recent Zoning By-laws have been reviewed to assist in identifying options for structuring the By-law:

- City of Mississauga;
- City of Ottawa;
- Town of Newmarket; and
- Town of Oakville.

All Zoning By-laws are organized into Parts which are grouped by related content. For example:

- City of Mississauga has 13 Parts: one is administrative in nature, one contains maps, and the remaining sections address provisions for ten broader zone categories.
- City of Ottawa has 19 Parts: two are administrative in nature (including appendices containing administrative lists and processes), five contain different types of provisions, nine contain zone regulations, one is for exceptions, and two contain maps/schedules.
- Town of Newmarket has 9 Parts: one is administrative in nature, one relates to the establishment of zones, one is for definitions, three contain different types of provisions, one contains parking and loading requirements, one contains provisions related to overlay zones, and one part is for enactment.
- Town of Oakville has 20 Parts plus Appendices: one part is administrative in nature, one relates to the establishment of zones, one is for definitions, two contain different types of provisions, nine contain zone regulations, two contain provisions, one contains interim control by-laws, one contains temporary use permissions, one contains maps, and one is for enactment.

5.1.2 Options for Organizing General Provisions

There are two approaches typically used by municipalities to organize general provisions:

1. To organize some of the general provisions separately within each of the zone Parts (or Chapters). This is the approach generally used by the City’s current Zoning By-law, as well as the City of Mississauga.
2. To keep general provisions self-contained within one section that would apply to multiple (or all) zones. City of Kingston, City of Markham, Town of Oakville, Town of Newmarket and Town of Ajax are examples of Zoning By-laws that use this approach.

Additionally, there is an option to identify parking and loading requirements in a separate part, rather than integrating into the overall general provisions.

At a more granular level, consideration should also be made to organize individual general provisions into lists and tables, rather than writing lengthy provisions. Organizing information in this way is helpful for improving the By-law’s readability. **Figure 10** below illustrates the organization of provisions regarding day cares in the City of Mississauga’s Zoning By-law.

Figure 10 | Example of Organizing Provisions in a Matrix (Source: City of Mississauga Zoning By-law)

Day Care		
In addition to the provisions contained in Parts 1 to 3 of this By-law, a day care shall comply with the provisions contained in Table 2.1.9.4 - Day Care.		
Table 2.1.9.4 - Day Care		
Column	A	B
Line		
1.0	A day care is permitted only in these zones	R1 to R16, RM1 to RM9 and RA1 to RA5, C1 to C4, CC1 to CC4, CCOS, OS1, OS2 and I zones ⁽¹⁾
2.0	A day care in a non-residential zone shall comply with the regulations of the zone in which it is located, except that:	
2.1	Minimum setback from a railway right-of-way	30.0 m
2.2	<i>deleted by 0379-2009</i>	
3.0	A day care in a Residential Zone shall comply with the regulations of the zone in which it is located, except that:	⁽¹⁾
3.1	Every lot shall have frontage on a street identified on Schedules 2.1.9.2(1) or (2)	✓
3.2	Where a day care is accessory to a public school , the regulations of Line 3.1 shall not apply	✓
3.3	Minimum setback from a railway right-of-way	30.0 m
3.4	Minimum setback of a parking area to an abutting lot in a Residential Zone	4.5 m
3.5	Minimum depth of a landscaped buffer measured from a lot line that is a street line <i>(0190-2014)</i>	4.5 m
NOTE: (1) See Subsection 2.1.23 of this By-law.		

5.1.3 Options for Organizing Zone Exceptions

The City of Brampton contains numerous site-specific exception zones, so consideration will need to be made to organize this large volume of text. There are two overall approaches to organizing site-specific exception zones:

1. To include exceptions as part of the Zoning By-law standards provisions. Exceptions are applied for each zone and are typically numbered as a suffix to the underlying base zone (e.g., R1-1, R1-2, etc.). City of Mississauga also uses this approach.
2. To place exceptions within a separate Part of the Zoning By-law. Any modifications to regulations are thus housed separately from the parent Zoning By-law in a Schedule or distinctive Part, and are usually numbered sequentially across all zones. The City's current Zoning By-law, the Town of Oakville and the Town of Newmarket use this approach.

The current Zoning By-law has a long list of site specific exceptions (over 1300). While there is a potential to integrated site specific exceptions into the different Parts of the Zoning By-law, it is important to consider how these exceptions will be integrated into the new Zoning By-law and potential implications due to the large number of exceptions that exist and may be carried forward. Based on early consultations with some City staff, staff have identified that they prefer the current approach to organizing site-specific exceptions, involving sequentially numbered exceptions that are separate from the parent zone.

Further, some newer Zoning By-laws often organize the provisions associated with each exception into tables. Figure 11 illustrates how the Town of Oakville's Zoning By-law utilizes matrices to organize provisions for each exception.

Figure 11 | Example of Site-Specific Exception Zone Provisions (Source: Town of Oakville Zoning By-law)

Part 15		Portions of this by-law not yet in effect are covered with a blue tone. This version consolidates all amendments and orders of the OMB up to the consolidation date shown below. Contact the Building Services or Planning Services departments for more information.
Special Provisions		
4	Area Surrounding the Bronte GO Station (Part of Lots 25-30, Concession 3 S.D.S.)	Parent Zone: E3 (2014-014) LOP 14.1.7 (2017-025)
Maps 19(5), (6)		
15.4.1 Additional Permitted Uses		
The following additional <i>uses</i> are permitted:		
a)	<i>Major transit station</i>	
b)	<i>Accessory uses to a major transit station limited to restaurants, retail stores, dry cleaning/laundry and service commercial establishments.</i>	
c)	<i>Business office, and Footnote 1 of Table 10.2, relating to multiple uses on a lot and maximum net floor area, shall not apply.</i>	
d)	<i>The permissions and regulations of Special Provision 3 shall additionally apply.</i>	
15.4.2 Zone Provisions		
The following additional provisions apply to <i>accessory uses to a major transit station</i> :		
a)	<i>Accessory uses may be stand-alone or within shared premises</i>	
b)	<i>Maximum total net floor area</i>	500.0 sq. m.
15.4.3 Parking Provisions		
The following parking provisions apply:		
a)	<i>Accessory uses to a major transit station shall be exempt from the parking regulations of this By-law</i>	

5.1.4 Options for Organizing Zone Provisions

The City of Brampton’s Zoning By-law contains over 50 zone categories, and each category is associated with a list of permitted uses as well as provisions regarding lot requirements and requirements for buildings and structures. It is important to carefully consider the options for organizing the provisions. Currently, each of the zone categories is organized into an individual section.

There are two approaches typically used by municipalities to organize zone provisions:

1. Each zone has its own chapter or section, as in the case of Brampton. Within that chapter or section is a list of permitted uses, along with lot and building requirements. This is a more traditional means of structuring the zone provisions.
2. Permitted uses, lot and building requirements are organized into matrices. This approach is more frequently being used in newer Zoning By-laws.

A key benefit of utilizing tables to organize permitted uses and/or lot and building requirements is that they ensure terminology will be used consistently between zones. When zone provisions and permitted uses are organized within individual chapters, there is a risk that consistency between the names of permitted uses and other terminology as well as the structure of each zone section will start to deviate over time as amendments are made to the zones. The table approach also enables comparison between zones, so the user can identify the zones where a certain use is permitted and to compare lot and building requirements amongst similar zones. Figure 1 in this report provides an example of a permitted

uses table from the City of Mississauga and Figure 12 below provides an example of a zone provisions table from the Town of Oakville’s Zoning By-law.

There are other advantages to organizing the zones into separate chapters. Some users may prefer the simplicity of having separate chapters for each zone, and it allows the zones to be more clearly listed referenced in the Table of Contents.

Figure 12 | Example of a Zone Provisions Uses Table (Source: Town of Oakville Zoning By-law)

10.3 Regulations

No person shall within any Employment *Zone use* or permit the *use* of any *lot* or erect, alter or *use* any *building* or *structure* except in accordance with the *zone* standards in Table 10.3 below.

	E1	E2	E3	E4
Minimum <i>lot area</i>	0.2 ha	0.2 ha	0.2 ha	6.0 ha
Minimum <i>lot frontage</i>	30.0 m	30.0 m	30.0 m	30.0 m
Minimum <i>front yard</i>	3.0 m	3.0 m	3.0 m	3.0 m
Maximum <i>front yard</i>	17.5 m (1)	n/a	n/a	n/a
Minimum <i>flankage yard</i>	3.0 m	3.0 m	3.0 m	3.0 m
Maximum <i>flankage yard</i>	17.5 m (1)	n/a	n/a	n/a
Minimum <i>interior side yard</i>	3.0 m	3.0 m	3.0 m	3.0 m
Minimum <i>interior side yard</i> abutting a <i>lot</i> in any Residential <i>Zone</i> , Institutional (I) <i>Zone</i> , or Community Use (CU) <i>Zone</i>	15.0 m	15.0 m	15.0 m	15.0 m
Minimum <i>interior side yard</i> abutting any <i>railway corridor</i>	7.5 m	7.5 m	7.5 m	7.5 m
Minimum <i>rear yard</i>	3.0 m	3.0 m	3.0 m	3.0 m
Minimum <i>rear yard</i> abutting a <i>lot</i> in any Residential <i>Zone</i> , Institutional (I) <i>Zone</i> , or Community Use (CU) <i>Zone</i>	15.0 m	15.0 m	15.0 m	15.0 m
Minimum <i>rear yard</i> abutting any <i>railway corridor</i>	7.5 m	7.5 m	7.5 m	7.5 m
Maximum <i>height</i>	18.5 m (2)(3)	n/a (2)(3)	n/a	18.5 m (3)
Minimum <i>landscaping coverage</i>	10%	10%	10%	10%

5.2 Format Considerations

5.2.1 Format and Wayfinding Options

Zoning By-laws are documents which are highly technical in nature, so consideration must be given to wayfinding features which assist the user in navigating the Zoning By-law. The use of headers, footers and similar wayfinding elements can assist in document navigation. The Town of Oakville’s Zoning By-law utilizes headers and footers that contain reference information such the Zoning By-law number, the consolidation date, and clearly labelled the current part and page number in the document (Figure 13).

Figure 13 | Zoning By-law Headers and Footers (Source: Town of Oakville Zoning By-law)

Part 6

Residential Zones

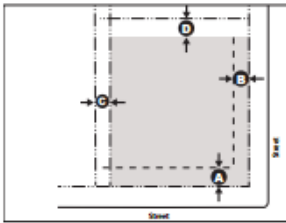
Portions of this by-law not yet in effect are covered with a blue tone. This version consolidates all amendments and orders of the OMB up to the consolidation date shown below. Contact the Building Services or Planning Services departments for more information.

Table 6.3.2: Regulations in the Residential Low (RL7) Zone

	Detached dwellings	Semi-detached dwellings
Minimum lot area	557.5 m ²	743.0 m ²
Minimum lot frontage	18.5 m	21.0 m
Minimum front yard (2015-018) A	7.5 m (-0)	7.5 m
Minimum flankage yard B	3.5 m	3.5 m
Minimum interior side yard C	1.8 m and 1.2 m (1)	3.0 m (2)
Minimum rear yard D	7.5 m (3)	7.5 m
Maximum number of storeys H	n/a (-0)	n/a
Maximum height H	12.0 m (-0)	12.0 m
Maximum lot coverage for the dwelling	35% (-0)	35%

Additional Regulations for Zone Regulations Table 6.3.2

- 0. Where lands are shown on the Part 19 Maps of this By-law to be in the -0 Suffix Zone, the regulations of Section 6.4 shall apply.
- 1. The minimum interior side yard shall be reduced to 1.2 metres on both sides where an attached private garage meeting the minimum dimension requirements of Section 5.2.3(b) of this By-law is provided.
- 2. The minimum interior side yard shall be reduced to 1.8 metres where an attached private garage meeting the minimum dimension requirements of Section 5.2.3(b) of this By-law is provided.
- 3. The minimum rear yard shall be reduced to 3.5 metres on a corner lot where an interior side yard of 3.0 metres is provided.



The black circles are letters corresponding to the applicable yard in the regulations table. The shaded area represents the potential building envelope remaining once minimum yards are removed. This area is further reduced by maximum lot coverage and maximum floor area standards where those standards apply.

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In addition, the .pdf version has a linked Table of Contents that redirects the user to the desired Part or Section of the Zoning By-law. This is also a function in other digital versions of Zoning By-laws such as City of Kingston and Town of Newmarket.

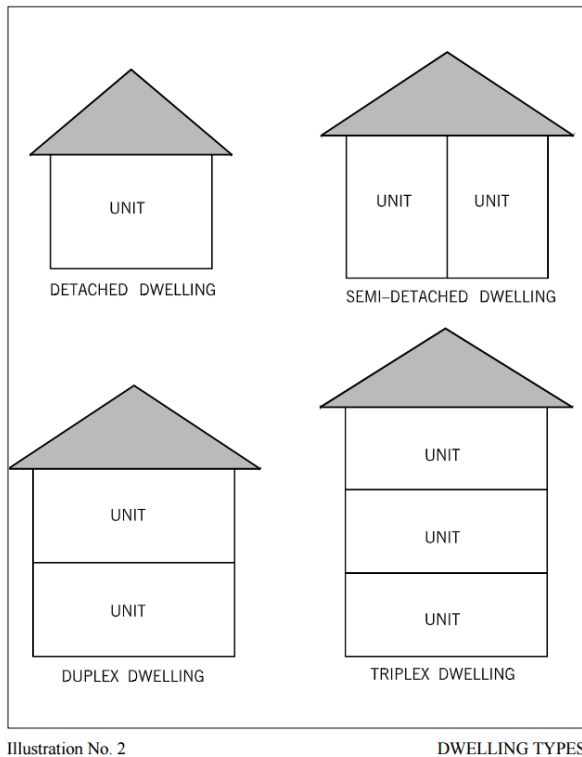
Separate tables of contents for parts of the Zoning By-law is another option to help assist users in navigating lengthy portions of the By-law (i.e., General Provisions).

5.2.2 Illustrations

The incorporation of illustrations or graphics in the new Zoning By-law may assist in conveying complex provisions and terminology, in an alternative representation that can be more easily understood and interpreted by the user. Both two- and three-dimensional illustrations can be incorporated within the body of the Zoning By-law to clarify definitions and zoning provisions.

One way that graphics can be effectively used is to explain definitions. The City of Mississauga dedicates an entire section to Illustrations in Part 1: Administrative, Interpretation, Enforcement and Definitions. An example of an illustration to show different dwelling types is identified in Figure 14.

Figure 14 | Dwelling Types Illustration (Source: City of Mississauga Zoning By-law)



Some current Zoning By-laws are relying on both supporting and replacing text with illustrations, which serve as a useful approach in assisting with interpretation of the Zoning By-law. Illustrations are typically not part of the operative text, because they are difficult to be 100% accurate or applicable to every scenario. Instead, they are provided as convenience features and are excluded from being an operative part of the Zoning By-law via an associated administrative provision.

5.2.3 User Guide

Some municipalities have implemented a supplemental User's Guide to explain how to use the Zoning By-law. The City of Mississauga and the Town of Newmarket include a general 'How To' section which help to guide the user. The Town of Oakville has a comprehensive User Guide, including a step-by-step overview of the different Parts of the Zoning By-law, how to locate a specific property/parcel of lands, and guidance on receiving support from municipal staff.

User guides are typically located as an introduction or preface, or as supplementary to the Zoning By-law document. They do not form an operative part of the Zoning By-law, but are intended as a helpful

convenience feature which is typically added into a digital document or provided separately on a municipal webpage.

5.3 Options for Accessibility

The new Zoning By-law will need to consider accessibility standards wherever possible. However, there is a need to recognize that a Zoning By-law is, by nature, a lengthy and detailed regulatory document. There are limitations on how 'accessible' the Schedules can be when trying to balance the need to communicate certain pieces of information.

For aspects of the Zoning By-law that are not reasonably produced in a highly accessible format, the City should be prepared to offer a heightened level of customer service or supplementary information. The following opportunities for providing materials to support customer service have been identified:

- To account for people with disabilities and consider how they will access the document or receive support to access the document;
- To use a font size that is easily and legibly scalable, clear and crisp;
- To explore the use of colour-coded Parts or Sections, or use of symbols/icons;
- To provide a balance of text-based and illustration-based information to allow for enhanced explanation of regulations; and
- To incorporate wayfinding elements such as page numbering, to assist users in navigating the document.

6 Issues and Themes

The evaluation of the Official Plan has yielded a number of issues that must be explored in greater detail. In addition, there are other matters that must be considered through this Review based on preliminary consultation with City staff.

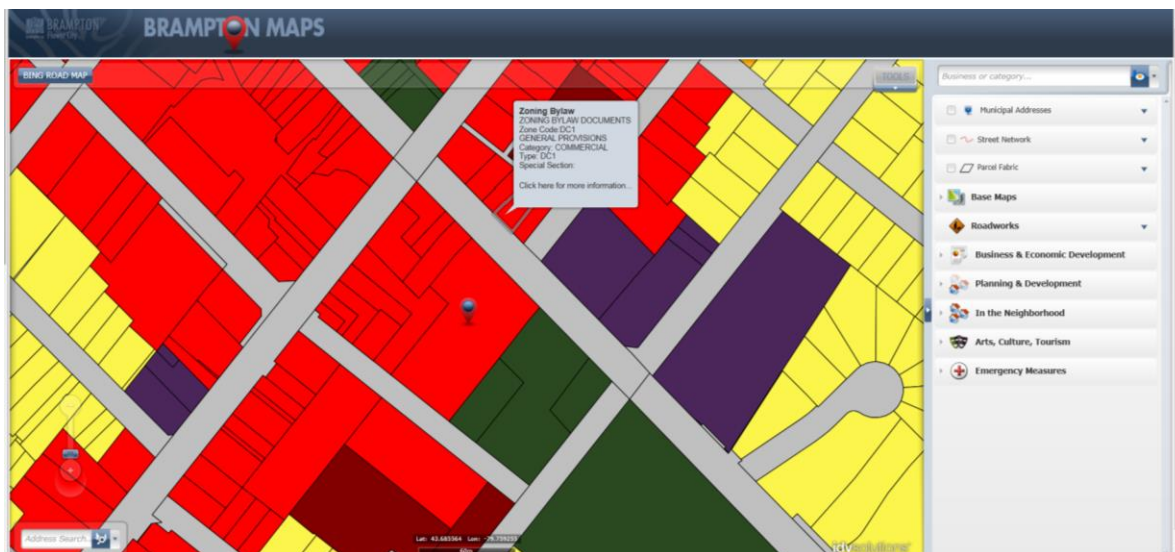
6.1 Geographic Information Systems (GIS)

With nearly 200,000 distinct parcels of land in the City of Brampton, the management and administration of zoning information is an important administrative consideration. The City currently manages its zoning using a Geographic Information System (GIS). GIS is a database that manages spatial information. GIS is commonly used by municipalities to maintain zoning and other spatial data. In addition to storing data and displaying spatial data, GIS is an analysis tool. It can be utilized to relate zoning information to other data, such as Official Plan designations, to confirm conformity. The zoning data managed within the City's GIS is tied to the parcel fabric and includes the following information:

- The applicable zone symbol and category;
- A history of site-specific by-laws and OMB decisions tied to the parcel;
- Any associated special exceptions; and
- Whether the property is associated with other zones.

The City also manages an online, interactive website that enables users to identify the applicable zoning by clicking on the map. The pop-up window displays links to the provisions that are applicable to the lot, including the zone provisions as well as any special sections that apply. The information displayed is drawn from the GIS data (Figure 15).

Figure 15 | Example of Current “Brampton Maps” system (Source: City of Brampton)



The development of the new Zoning By-law by the consulting team will require consideration to integrate with the City's preferred GIS structure. Additionally, opportunities for improvements should be identified and discussed by the consulting team and the City regularly through the progression of this project. It is anticipated that GIS considerations will be identified further in the Zoning Structure Report, which will be prepared in Phase 1-3 of the Review process.

6.2 Split and Dual Zoned Lands

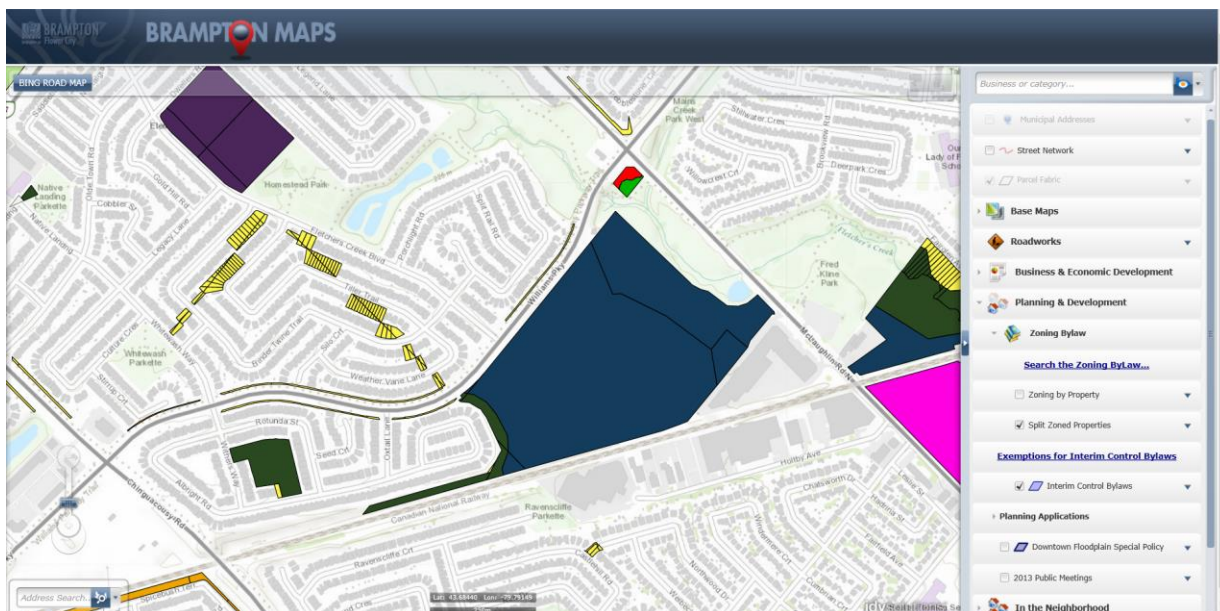
An issue raised by City staff is the existence of parcels that contain more than one applicable zone category. In general, for the purposes of managing an easy-to-use Zoning By-law, it is desirable for a parcel to be associated with one zone. In this way, the permitted uses, building setbacks and other requirements are applicable to the entire lot. Where a lot is split zoned, the uses permitted on the lot and the building requirements will be applicable to only certain portions of a lot. Split zoning is most commonly used in Zoning By-laws for the zoning of natural heritage features and hazardous lands, which will not always follow parcel fabric. In these cases, split zoning is appropriate.

Split zoning is fairly prevalent in the City of Brampton's Zoning By-law. Many properties are split zoned to apply different provisions to different parts of the lot. For example, the lot for Brampton City Hall is zoned DC1, but a portion of the lot is subject to Special Section 3276 which applies a special minimum side yard width and exceptions for provisions regarding special schedules. Figure 16 illustrates some examples of split zoned properties within a small portion of the City (all coloured lands in Figure 16 are split zoned). There appear to be several reasons for applying split zoning, such as:

- A desire to associate certain provisions to only a certain portion of a lot (e.g., setback or other requirements);
- Limit certain land uses to certain portions of the lot, potentially to manage land use compatibility or other considerations; and
- To provide for the protection of environmental or other features;

Additionally, some lands are considered by the City to have dual zoning, to provide for the establishment of schools, for example. This approach enables some flexibility to confirm the need for certain institutional uses as part of a plan of subdivision, and if the uses are not required, the lands may be developed for homes. Once the development is complete, the dual zoning is no longer needed, but is carried forward. The City has indicated this approach has created challenges with respect to communicating zoning to landowners that are affected by dual zoning.

Figure 16 | Example of Split Zoned Properties (City of Brampton Interactive Map)



A Technical Paper may be prepared to examine split and dual zoning in detail, and identify potential solutions or alternatives to dual zoning and potentially simplify occurrences of split zoning.

6.3 Minor Variances

In accordance with Section 44 of the *Planning Act*, the City's Committee of Adjustment may approve minor variances from the provisions of the Zoning By-law to provide some relief from its requirements. This is commonly used to provide minor changes to setback requirements, parking requirements, height requirements or other provisions. Under recent changes to the *Planning Act*, the Province (via regulations) or the City (via by-law) may establish other criteria to form the basis for evaluating minor variances. To date, no criteria have been established in this regard.

Additionally, the Committee may authorize minor variances to permit expansions to legal non-conforming uses and structures, or to permit uses similar or more compatible than an existing legally non-conforming use, and also to add permitted uses where the use is similar to the other uses permitted on the lands. A Technical Paper may be prepared to examine minor variances in detail in Phase 2 of this Review.

6.4 Site Specific Exceptions (Special Sections)

Thousands of site-specific exceptions (referred to as Special Sections in the City of Brampton Zoning By-law) have been passed and consolidated into the City's Zoning By-law. The application of a Special Section is noted in the zone symbol: for example, R1C-832 is subject to the provisions of the R1C zone and the provisions contained in Special Section 832. Special Sections are used to provide special provisions to certain lands, and may include greater restrictions or increased permissions on the uses or the lot and building requirements of the underlying zone.

It is desirable to consolidate and eliminate Special Sections to simplify and streamline the Zoning By-law as much as possible. Opportunities to eliminate Special Sections can include:

- Where the zoning changes due to other recommendations made through this process (e.g., Official Plan conformity or consolidation of zone categories), the need for the Special Section may be eliminated due to the newly applicable provisions.
- The Special Section is old, was not implemented, and the permission is no longer desirable to carry forward based on landowner interest or Official Plan conformity; and/or
- The intent of the Special Section was to guide the development of the site, and now that it has been constructed, the provisions of the Special Section no longer provide value.

It is recommended that a detailed review of Special Sections take place as part of developing the Draft Zoning By-law, since it will be desirable to compare the Special Sections against the new provisions of the Draft Zoning By-law to maximize potential for eliminating Special Sections.

Given the large number of site specific amendments, a Technical Paper could be prepared to characterize the site specific amendments and consider opportunities to reduce them. However, the City has expressed that it prefers the current structure and use of site specific exceptions. Some staff have noted there may be opportunities to consolidate or reduce the number of site specific exceptions. The latter exercise of reducing and eliminating exceptions (i.e., where the new proposed zoning accommodates the exception as-of-right) is best undertaken upon development of draft zoning provisions. Accordingly, it is recommended that site specific provisions be addressed at the time of producing the Zoning Strategy Report and a Technical Paper addressing site-specific amendments is not considered a priority.

6.5 Parking and Loading

Parking and loading requirements are an important component of a comprehensive Zoning By-law and are often included as a separate section or chapter. Generally, the policies of the Official Plan regarding parking and loading are broad, and generally encourage standards that are considerate of transit availability and the desire to achieve more walkable, multi-modal communities. Additionally, consideration for Provincial and City requirements for accessible parking will need to be addressed. Given the highly technical nature of this component of the Zoning By-law and the age of the current parking standards in the City of Brampton's Zoning By-law, a Technical Paper will be developed to consider options and improvements to parking and loading provisions. This Technical Paper will be based on Brampton's context, Official Plan policies and consider best practices by other municipalities and organizations.

6.6 Zoning in Employment and Areas

The City has raised the need to review permitted uses and Official Plan conformity within all of the employment areas of the City. Consideration for the location of heavy and other industrial uses, as well as separation distances (and the relationship of separation distances and existing and future residential development) should be considered. A Technical Paper may be prepared to address these issues.

6.7 New Zoning By-law Versus Update

One of the first major decisions in a Zoning By-law review is to assess whether to complete a brand new Zoning By-law or to update the existing Comprehensive Zoning By-law as an amendment. The first approach requires repealing and replacing the existing by-law and implementing a new document for the municipality. The second approach requires reviewing the existing by-law and modifying the existing structure without changing the underlying intent of the Zoning By-law itself. The decision to repeal and replace or amend will determine the level of effort, approach and deliverables. Each approach requires careful consideration, but results in different benefits, which are summarized in Table 6.1 below.

Table 6.1 | Comparison of New Zoning By-law versus an Update

Consideration	New Zoning By-law (repeal and replace)	Zoning By-law Update (amend existing)
Consultation	An understanding of the implications of repealing the Zoning By-law (as outlined below) should be made to participants	The consultation program may be more focused on specific updates, recognizing that some of the Zoning By-law will remain the same
User Friendliness	There are more opportunities to integrate improvements to structure, format, wayfinding, since the new Zoning By-law will be developed from the ground up	Improvements to Zoning By-law structure and format may result in a very complex amendment
Amendments	Under revisions to the <i>Planning Act</i> , site-specific amendments may be frozen for two years, subject to the Act's criteria (i.e., a new Zoning By-law conducted within 3 years of undertaking an Official Plan Review). Council has the authority to pass resolutions to allow for a class of ZBLAs to be accepted or for ZBLAs to be accepted on a case-by-case basis	The ability for persons to apply for site-specific amendments is not affected

Consideration	New Zoning By-law (repeal and replace)	Zoning By-law Update (amend existing)
OMB Appeals	The entire new Zoning By-law is open for appeal. Further, any by-laws not yet in force would be amended to fit the new By-law.	Only the revisions are open to appeal and amendments to specific sections are less likely to be made.
Minor Variances	Any previously approved minor variances would cease to be in effect. Consideration could be made to integrate transition provisions to allow for the construction to occur under recently approved minor variances.	All previously approved minor variances would be preserved.
Ongoing Building Permits and Planning Applications (e.g., Site Plans, Plans of Subdivision)	Ongoing applications would similarly be affected by the new By-law, but consideration could be made to integrate transition provisions to allow those applications to continue to be evaluated under the previous Zoning By-law.	Amendments might affect certain building permit applications and planning applications where the specific provisions have been changed.

In general, repealing and replacing a current Zoning By-law with a comprehensive new Zoning By-law is a more favourable approach due to its relative simplicity compared to an update, particularly where a major update is contemplated, such as in the case of a Zoning By-law update associated with the development of a new Official Plan. Furthermore, it provides an opportunity to engage the public on a wide range of issues and provides the most comprehensive update to provincial and official plan conformity. Where possible, it also streamlines previous minor variance applications into the new zone structures, and provides the City with an opportunity to update mapping and by-law formatting with the latest user friendly methods and technology. Furthermore, comprehensive new by-laws are now exempt from amendments for 2 years from the date a previous by-law is repealed and replaced. This is a relatively new legislative change, which resulted from the latest changes to the *Planning Act* from Bill 73, as explored previously in this report.

A Zoning By-law update provides a number of benefits as well, such as providing a municipality and the public with continuity with respect to mapping and text. Minor variance applications approved under the current By-law would be carried forward under the Zoning By-law update. It also provides the municipality with an opportunity to target consultation to specific areas that are being updated, and limits opportunities for appeal.

6.8 Environmental Sustainability

The City has identified the Zoning By-law as an opportunity to advance general goals and objectives for sustainability, including but not limited to:

- Facilitating the development of more complete communities, which reduces automobile trips, more efficiently utilizes infrastructure and is associated with other benefits;
- Opportunities for the Zoning by-law to contribute to the urban tree canopy.
- The potential for the Zoning By-law to contribute to energy conservation (e.g., building/solar orientation) and the wise use of water (e.g., permissions for rain barrels).

- Opportunities for the Zoning By-law to contribute to more sustainable stormwater management and green infrastructure, such as permeable paving and coverage/landscaped open space requirements, and broader considerations regarding climate change resiliency.
- Encourage transit use and active transportation through supportive, street-oriented built forms and land use patterns as well as parking requirements.

To consider the issues, options and opportunities in detail, a Technical Paper would need to be prepared.

6.9 Miscellaneous Technical Issues and Other Considerations

Through initial consultation with City staff and other stakeholders to date, the following other technical issues have been identified for consideration:

- Drainage and landscaping requirements (pervious surfaces, minimum lot coverage) in residential areas. The City has observed instances where landowners are increasing impervious surfaces on their lots, resulting in drainage issues. A review of landscaping requirements may be required. The City's Stormwater Master Plan and the Stormwater Management Financing Strategy may provide guidance and context in this regard. As noted in the previous section, this issue may be examined as part of a technical paper regarding environmental sustainability or as a separate piece.
- There is increased demand for short term accommodations and short-term rentals of homes (e.g., through Airbnb). This is an emerging issue in the GTA and other areas and other municipalities are beginning to address it, including some zoning solutions.
- The school boards (Peel District School Board and Dufferin-Peel Catholic District School Board) have noted the Ministry of Infrastructure's 'community hub' initiative, in which public spaces (such as schools) are better used to accommodate other public uses to save on infrastructure costs and provide enhanced public access to many different services. This Ministry initiative is currently evolving, and the notion of a community hub has not yet been specifically defined. Consideration to accommodate the Community Hub initiative may be considered further as the matter evolves. Related to this, the School Boards have expressed a need to ensure that child care/day care facilities are expressly permitted as accessory uses in association with schools. Additionally, the Boards have requested a review of parking requirements for school sites, which are considered to be high in Brampton.
- Consideration may be made to specifically define and manage night clubs. Currently the uses are treated similarly as restaurants.
- The City has identified a potential need to examine private area amenity requirements in association with certain residential uses. As internal work is being completed by the City, the consulting team could coordinate with the City's efforts. A Technical Paper could be prepared on this topic.
- The City has identified that zoning may be a tool to assist in the conservation of heritage resources, citing examples of other Zoning By-laws (e.g., City of Ottawa). Further technical analysis may be required to identify potential options for assisting in conserving heritage buildings, based on an understanding of the location, extent and types of heritage resources in the City.
- The City has raised the potential for zoning to be used to assist in the protection of archaeological sites. Further technical analysis would be required to understand the location and extent of archaeological resources and the options for zoning to assist in their protection.

- The City has identified that in some cases the general provisions permit certain uses, but ideally the list of permitted uses should be identified in the zones. For example, a veterinary clinic is permitted in some areas by a general provision, even if it is not listed in the zone requirements.
- The City has generally raised the potential to utilize bonusing under Section 37 of the *Planning Act* and in accordance with the policies of the Official Plan. Further technical analysis would be required to consider opportunities to establish a bonusing framework in the new Zoning by-law and/or to provide general guidance about the use of bonusing on a site-specific basis in the context of the new Zoning By-law. Generally, bonus by-laws are enacted on a site-specific basis, in order to consider the specific bonusing and benefits being offered, as well as impacts, which will vary greatly from site to site. Section 5.12 of the City's Official Plan provides a policy framework for establishing bonusing by-laws. However, further technical analysis may be undertaken by the consulting team provide additional guidance and best practice.
- There may be a need to review height restrictions in relation to the Greater Toronto Airport Authority's requirements.
- Permissions for places of worship may be made more clear and user-friendly.

The City has also identified other minor technical issues, typos and similar changes that could be considered, and are being documented through this process on an on-going basis, to be addressed as part of the Draft Zoning By-law development.

6.10 Stakeholder Meeting (March 6, 2017)

On March 6, 2017, an initial meeting with identified stakeholders was conducted to present the purpose of the project and begin to solicit input on the issues and revisions to the Zoning By-law. Participants included a wide range of potentially interested persons, such as City staff; stakeholders in the development community; agency representatives; City committee members and other participants. The intent of the meeting was to introduce the project with potentially interested persons. A public launch will be conducted in Fall 2017.

Some of the input received during the meeting, inclusive of completed participant questionnaires, a question and answer session, and informal discussions, is as follows:

1. Some participants appreciated online zoning by-law access and noted there could be potential for improvements.
2. Participants had some specific suggestions for improvements to the Zoning by-law, such as simpler language, additional clarity around definitions, and use of diagrams.
3. The issue of the range of permitted uses being too broad, narrow and/or inconsistently referenced was raised.
4. Additional clarity and consistency with accessible parking requirements and accessibility requirements (e.g., affecting walkways) may be required.
5. It was noted that parking requirements for certain industrial uses may be too restrictive.
6. The notion of the Ministry of Infrastructure's 'community hubs' initiative was noted.

7 Consideration of other City Projects and Studies

While the focus of the Zoning By-law Review will be on ensuring conformity with local, Regional and Provincial policy, other recently completed initiatives may be indicative of zoning issues and opportunities that should be considered. The City of Brampton has undertaken a number of new and innovative policy studies, which have resulted in recent updates to both the Official Plan and Zoning By-law. These studies have been categorized into ongoing and recently completed studies in Sections 7.1 and 7.2 respectively.

7.1 Ongoing Projects and Studies

7.1.1 Official Plan Review

The City of Brampton last initiated a review of its Official Plan in 2002 which resulted in the Council adoption of a new Official Plan in June 2006 and partial approval by the Ontario Municipal Board in October 2008. Since 2008, the majority of the appeals have been settled. Staff reported to Council in June 2013 in association with a Special Meeting of Council and in October 2013 with a proposed scope of work to undertake the Official Plan Review. The Official Plan Review was scheduled to be complete by the end of 2017.

The work undertaken to date has involved advancing the background studies including defining the specific background study objectives and detailed work program. A number of policy reviews currently underway are being prepared within the context of the Official Plan Review, each of which are further explored in the following subsections.

Given the *Planning Act* requirement for zoning to be brought into conformity with a new Official Plan within three years of the Official Plan coming into effect, it is essential that coordination between the two processes is undertaken at this time. The new Zoning By-law must conform to the Official Plan that is currently in effect. In the event that the Official Plan review is not completed, there may be a need for a Zoning By-law Amendment to bring the new Zoning By-law into alignment of the new Official Plan upon approval by Council. However, coordination between the Zoning By-law review and Official Plan review can help minimize the number of changes needed to ensure conformity.

Conformity will be explored in greater detail through the various Technical Papers that will occur in Phase 1-2 of this Review. However, coordination with the Official Plan Review is essential as the two reviews are currently ongoing. These reviews will provide direct synergies between each other and will set the planning framework for the City of Brampton to 2031. The Official Plan will be implemented by the Zoning By-law and ongoing coordination between the two exercises are vital to the successes of each review and their effectiveness on day-to-day planning practice in Brampton.

7.1.2 Secondary Plans Consolidation

The City of Brampton is current undertaking a review and consolidation of its 54 secondary plans. The objective of this review is to reduce the number of secondary plans, while ensuring that the plans are consistent with provincial policy and the City's Official Plan. Many of these plans date back to the mid-1970s and have become outdated. Some of them also reference old versions of the Official Plan, which leads to policies being interpreted inconsistently.

Currently, the City is completing the final stage of the review, which includes combining smaller secondary plans into larger areas, renaming secondary plans based on more current community names and landmarks, standardizing policies and working to ensure consistency between plans, as well as eliminating duplicate policies that already exist in the Official Plan. The new Zoning By-law will work with the updated policies within the updated and revised Secondary Plan areas. It will implement the proposed

changes and the modernized development policies, while reflecting the individualized context of each area. The proposed consolidated Secondary Plans are depicted in Figure 9.

7.1.3 Natural Heritage and Environmental Management Strategy (December 2015)

In 2016 the City of Brampton approved its first Natural Heritage and Environmental Management Strategy (NHEMS). The NHEMS provides a framework, action plan and targets for improved protection, enhancement and restoration of Brampton's natural heritage system. Brampton's Natural Heritage System is a mixture of connected natural features including valley lands, watercourses, woodlands, wetlands and meadows. The NHEMS supports the Official Plan by: defining a natural heritage system; identifying actions to address policy, program and best management practice gaps; and by recommending targets to monitor and track Brampton's environmental performance to sustain its natural heritage and built green spaces. The Zoning By-law will need to implement any subsequent Official Plan policies that are modified as a result of this study. These policies are implemented by the Zoning By-law, which will zone natural heritage features and the natural heritage system identified by the NHEMS.

7.1.4 Cultural Heritage Policy Review (ongoing)

A Cultural Heritage Policy Review is currently underway to inform policy updates made through the Official Plan Review as it relates to cultural heritage. This will include alignment with other legislation and Provincial policy, best practices and generally aim to promote heritage conservation in the context of a growing City.

7.1.5 Second Units Policy Review (2017)

In accordance with Bill 140, the City of Brampton undertook a Second Units Policy Review to establish a policy framework for permitting second units across the City. On April 22, 2015, City Council approved new Official Plan policies and revised the Zoning By-law to permit second units in the City of Brampton. As a result of the approval, second units are permitted in detached, semi-detached and townhouse dwellings, subject to zoning requirements in accordance with the following provisions:

1. Only one second unit is permitted per house;
2. In a bungalow, the second unit can be up to 75 per cent of the primary unit's gross floor area (GFA). For all other houses, the second unit can be up to 45 per cent of the primary unit's Gross Floor Area;
3. There must be one parking space for the second unit, in addition to the required parking for the primary unit; and
4. There must be a 1.2 metre clear path of travel to a door in the side or rear yard that provides access to a second unit.

A public meeting was held on February 13, 2017, to present minor revisions to the second units Zoning By-law and registration program. These minor amendments to the zoning requirements related to parking, size and location of units are intended to provide more flexibility to register additional second units without impacting the overall intent of the policies. The amendments were approved by Council in June 2017 and are now in effect. Consideration to integrate these zoning improvements will be made through this process.

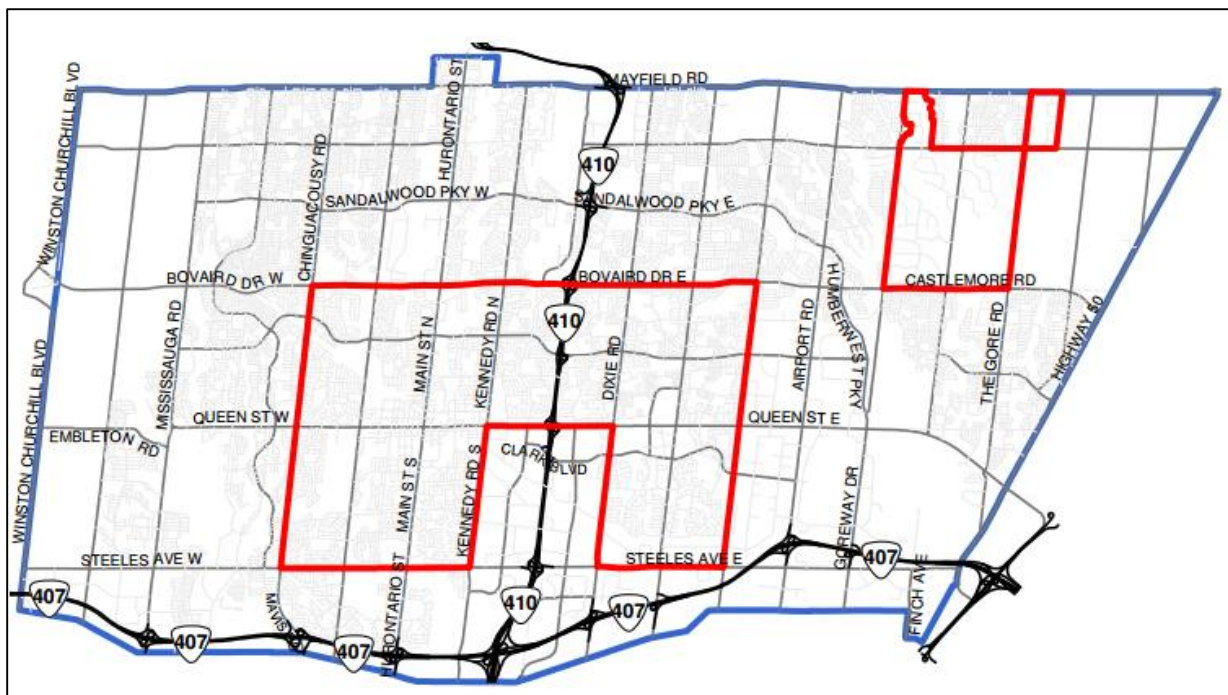
7.2 Recently Completed Projects and Studies

7.2.1 Infill Development in Mature Neighbourhoods (2013)

In February 2013, City Council passed Interim Control By-laws 35-2013, 052-2014 which resulted in building additions or replacement dwellings exceeding 15 per cent of the existing dwelling's gross floor area requiring a Council-approved exemption to the by-law before a building permit could be issued. This review examined existing built form, development trends, and defining characteristics of mature neighbourhoods within Brampton, but also the impact of infill development on mature neighbourhoods in the City. On September 10, 2014, City Council adopted an Official Plan Amendment (OP2006-107) and a Zoning By-law Amendment (By-law 280-2014) respecting mature neighbourhoods. OP2006-107 is deemed to have come into effect on October 9, 2014 and By-law 280-2014 is deemed to have come into force on September 10, 2014.

On January 25, 2017, Council approved By-law 3-2017, which required detached garages that are proposed within Mature Neighbourhood Areas be subject to Site Plan Approval. Furthermore, the Toronto Gore Rural Estate Area was added as a Mature Neighbourhood Area. Figure 17 illustrates the current areas subject to the Mature Neighbourhoods Overlay.

Figure 17 | Mature Neighbourhood Areas (Source: City of Brampton)



The study found that the character of mature neighbourhoods could be retained through an update to the performance standards of the City's residential zones. The study recommended that a scoped site plan approval process may provide more understanding of the built context and characteristics of an area such as unit type, colour, materials and landscaping. Building permit applications for additions and replacement dwellings in mature neighbourhoods are evaluated against zoning regulations, which include additional criteria to be implemented as part of the policy review. A scoped site plan process will be triggered if the proposal represents an increase of greater than 50 square metres (540 square feet). Further, additional zoning regulations added criteria to evaluate building additions or replacements in mature neighbourhoods, which include rear yard depth, interior yard depth, lot coverage and building height.

Mature neighbourhoods are subject to a Mature Neighbourhoods Overlay, which captures these unique zoning regulations.

In preparing the new Zoning By-law, a decision will need to be made on whether to continue to have infill by-law overlays as is currently used in the mature neighbourhoods of Brampton. This approach could make the Zoning By-law somewhat cumbersome to navigate. An alternative approach is to incorporate the zone standards within each particular zone. Consideration as to how infill is to occur within the City is instrumental in implementing provincial direction with respect to intensification targets. These approaches should provide for gradual increases to density, while in keeping with the surrounding neighbourhood context. Given that the study was prepared under the current Official Plan, it will be important to implement the findings and recommendations.

7.2.2 Places of Worship (2010)

The City of Brampton initiated a review of its places of worship policies to meet the growing needs of the City's many faith groups. The City undertook the Places of Worship Policy Review in 2005, which examined issues including the need to reserve lands for future places of worship. The Places of Worship Official Plan Amendment and Zoning By-law were adopted by Council at the June 9, 2010 meeting. In addition, 25 sites that had temporary permissions were recommended for permanent approval, but only 10 of them required site-specific Zoning By-laws, which were also adopted by Council.

The revised Official Plan policies provided more clarity regarding the land use designations which permit places of worship, as well as criteria to assess site-specific rezoning proposals for a place of worship. The definitions for places of worship as well as accessory and auxiliary use were also updated to reflect the increased community role and multiple functions undertaken by places of worships. With respect to the implementing Zoning By-law, places of worship are permitted in most residential, commercial, business and light industrial zones, subject to the special specific performance standards and provisions, including revised parking rates. The by-law implemented performance standards such as maximum gross floor area for places of worship within industrial areas, and setbacks and landscaping to ensure compatibility with adjacent land uses.

Places of Worship are an important land use that contributes to the municipality's healthy and stable communities. These uses tend to generate significant traffic during peak times, and often require additional parking considerations. The Zoning By-law Review will examine the Places of Worship Policy Review for opportunities to carry forward recommendations from the study into the Zoning By-law.

7.2.3 Downtown Brampton Special Policy Area (2014)

Downtown Brampton is within in the floodplain of the Etobicoke Creek. To allow for the continued viability of the historic downtown core, the Province approved a Special Policy Area (SPA) in 1986. The area has grown rapidly, and a balance between accommodating a moderate level of residential growth, while managing flood risks necessitated a review of the SPA.

A review of the Downtown Brampton SPA policies was undertaken to allow revitalization and redevelopment within the historic downtown while appropriately mitigating the flood risks. In 2009, the Province established procedures for amending Special Policy Areas. In January 2011, Council directed staff to submit a request to amend the Downtown Brampton SPA to the Province in accordance with the provincial requirements. The Province approved the revised Special Policy Area on April 30, 2014.

To correspond with the Secondary Plan policy update, a new section to the zoning by-law was proposed to reflect the floodplain development requirements. These amendments did not preclude a landowner from undertaking an individual Zoning By-law Amendment to achieve Secondary Plan policies related to height or density, but the additional floodplain requirements remained as an underlying policy foundation

to new applications. A portion of the SPA lies within the Main Street North Community Planning Permit System, and these areas were removed.

Special Policy Areas require a zoning approach that conforms to the Official Plan and is simple and straightforward, to ensure that lands within these areas are protected from flooding associated with the creek. There are a number of approaches available which include the use of overlays that provide additional zone requirements, which will be explored as part of this Zoning By-law Review. However, it is noted that modifications to zoning within the Special Policy Area may be subject to Provincial approval.

7.2.4 Growth Plan Response Review (2009)

On March 28, 2007, Brampton Council approved a staff report outlining a work plan for the City of Brampton to meet the requirements of the Growth Plan. The work plan identified the data, studies and roles and responsibilities necessary to satisfy the Growth Plan requirements. The *Places to Grow Act* (2005) required that all municipalities affected by the Growth Plan amend their Official Plans to implement the requirements of the Act. This process identified how the Growth Plan policies could be implemented in a manner that was best for Brampton ensuring that growth continues to be well managed and sustainable. A staff report together with a draft Official Plan conformity amendment was considered by Brampton Council on September 9, 2009.

The City of Brampton initiated a number of a studies, which included a Greenfield, Employment Land, and Intensification inventory and analysis, as well as a population and employment allocation forecast to review how and where Brampton should grow to conform to the new Growth Plan policies. Further, it also studied impacts to infrastructure capacity, transportation, financial and operational management, and natural heritage. Through these studies, it was identified that the City promote intensification along public transit corridors and direct highest density uses to the Central Area and Urban Growth Centre, and to preserve the City's inventory of employment lands.

7.2.5 Main Street North Development Permit System (2015)

Main Street North has been identified as a distinct "Character Area" within the Downtown Brampton precinct of the Central Area. It is a significant area in Brampton, which acts as an entry point into the Downtown core, and Central Area as a whole. There has been gradual and ongoing transition of the area from residential to commercial type uses. The Official Plan Amendment to permit the Main Street North Development Permit By-law was approved by Council in 2012, but was appealed to the OMB. In December 2015, the Main Street North Development Permit System, came into force for the lands that generally straddle Main Street North between Church Street and Vodden Street. The objective of this by-law is to preserve the character of the area while encouraging compatible infill development.

To date, few municipalities have adopted by-laws under the Community Planning Permit System/Development Permit System. The Main Street North CPPS provides a new approach to regulate built form and neighbourhood character within an area. Whereas a Zoning By-law typically uses the term "zone" this has been substituted by the term "district" to distinguish that this is a Development Permit By-law and not a Zoning By-law. The previous zoning under By-law 270-2004 was repealed for the district, and replaced with the requirements under the Development Permit System By-law.

7.2.6 Brampton Grow Green Environmental Master Plan (2014)

Brampton Grow Green establishes strategic directions, actions and targets to improve natural features, systems and processes across the whole City. The Plan addresses a wide range of topics, Opportunities to support implementation of the Plan may be considered through the Zoning By-law Review in the context of environmental sustainability and options to zone and protect natural features and areas.

7.2.7 Sustainable Community Development Guidelines (2013)

The City's Sustainable Community Development Guidelines are integrated as a new chapter in the City's Development Design Guidelines, providing guidance on the more sustainable design of new communities, neighbourhoods, sites and buildings. Accompanying the document is a web-based Sustainability Score system that developers can use to quantify sustainable aspects of a development. The content and information contained in these documents may inform the development of environmentally sustainable zoning approaches and may be further reviewed as part of a technical paper.

7.2.8 Development Design Guidelines (2003)

For the purposes of context, it is noted that the City administers Development Design Guidelines. Although not a recent document (endorsed by Council in 2003), there may be opportunities to better align the Zoning By-law with the document or minimize conflicts since the current Zoning By-law was developed in 2004 and was not necessarily reviewed against the Development Design Guidelines. At the time of writing this Report, the City has not raised alignment off the Zoning By-law and the Development Design Guidelines as a concern, but the document is considered to represent an important technical reference that will inform development of the Zoning By-law.

8 Conclusions

The City of Brampton Comprehensive Zoning By-law Review is an important planning exercise, aimed at supporting the implementation of the Official Plan. Additionally, the exercise of developing a new comprehensive Zoning By-law is an opportunity to respond to other issues and opportunities, and to create a Zoning By-law that best advances the City's policy vision.

This report has identified principles for conducting the Zoning By-law Review, based on best practices and lessons learned from other municipalities. The development of the new Zoning By-law is first intended to ensure that zoning conforms to the policies of the Official Plan and various Secondary Plans. Additionally, the new Zoning By-law will be an easy-to-use, user-friendly and easily administered document.

There are many policies, studies and related reports that must be considered. The *Planning Act* provides the legislative basis for preparing the new Zoning By-law. Conformity with the City's Official Plan is critical, and opportunities to proactively implement the Plan's policies should be explored. Many issues have been examined by the City in detail, and the findings and recommendations of those studies should be considered in the new Zoning By-law. Further, the ongoing Official Plan Review and Secondary Plan Review may serve to inform the development of the new Zoning By-law. Likewise, the input received through the Zoning By-law Review may benefit the Official Plan Review and Secondary Plan Review.

The next stage of the work program is the development of Technical Papers to develop initial directions for implementing the Official Plan and addressing other issues. Further discussion with the City is required to determine the specific work program for Phase 1-2 of the Zoning By-law Review, in which the specific Technical Papers will be determined. Additionally, input from the public may benefit the consulting team's understanding of specific issues and influence priorities for Technical Papers.

Some Technical Papers recommended throughout this report, while desirable, may be considered premature due to the ongoing Official Plan Review, where it is expected that significant changes to the current policy may be made. Accordingly, it may not be worthwhile to prepare Technical Papers on the following subjects at this time. Further coordination with the Official Plan Review will be required to determine opportunities to align the new Zoning By-law with the Official Plan Review.

However, ultimately, the final Zoning By-law must be prepared to conform to the in-effect Official Plan, and decisions will be required about the Zoning By-law's directions for the project, and whether it is being geared to conform to the current City of Brampton Official Plan or whether it will be intended to align with the revisions to the Official Plan made through the ongoing Official Plan Review.

The potential options for Technical Papers which are influenced by the Official Plan Review are identified as follows. These Technical Papers are considered options at this time and subject to budget and work program evaluation in Phase 1-2 of the process.

1. **Mixed use and intensification areas:** The Official Plan intends for intensification to occur within some areas and along some transportation corridors. Additionally, it has been noted that there are conformity issues between current zoning and Official Plan policy, in which the zoning is permitting automobile-oriented built forms whereas the Official Plan is intending for higher density and mixed use formats. This conformity conflict is particularly impactful to the Queen Street Corridor. However, it is noted that the Official Plan Review is reconsidering the City structure to better reflect appropriate intensification areas. Accordingly, it may be best to await Official Plan directions before proceeding with analysis of zoning options for intensification areas.
2. **Employment areas:** The extent of employment areas and issues observed regarding land use compatibility and appropriate zoning in these areas has indicated there is value in preparing a Technical Paper to consider the options moving forward. However, depending on how this issue

is being addressed through the Official Plan Review, it may be efficient to await advancement of that process before undertaking the Technical Paper.

3. **Commercial areas:** A Technical Paper could be developed to ensure zoning reflects the City's hierarchy and specific policies for various commercial areas in the City. Again, it may be prudent to wait for the Official Plan Review to advance prior to undertaking a Technical Paper on this subject.
4. **Affordable and special needs housing:** The Official Plan contains fairly specific direction regarding certain forms of affordable and special needs housing. There is value in reviewing the zoning options and jurisprudence on these matters in more detail, to inform necessary changes to the Zoning By-law. It is noted that the Official Plan Review could result in modifications to these policies or new zoning directions, so it may be suitable to await advancement of the project.
5. **Special Study Areas:** A review of the special study areas as identified in the Official Plan (i.e., where development and land use determination is subject to further study due to major highway corridor assessments taking place), may be required to inform the key zoning recommendations in these areas.
6. **Greenbelt Plan, agricultural areas and uses:** Consideration may be made to develop a Technical Paper to specifically review the implications of the Greenbelt Plan, and ensure the appropriate range of agricultural uses being permitted is in conformity with Provincial policy and guidelines.
7. **Natural heritage and hazardous lands:** A Technical Paper would benefit understanding of how the zoning implements and relates to various natural heritage features and hazardous lands in the City, and inform the development of zoning options.
8. **Places of worship:** Consideration may be made to identify the options for better integrating permissions and requirements for places of worship, to ensure the Zoning By-law is more intuitive to users.
9. **Cultural Heritage/Archaeological Resources:** The City has noted zoning may be used to assist in the protection and enhancement of cultural heritage resources and also sites considered to have archaeological potential. A Technical Paper may be prepared to outline zoning options. However, as the City is currently undertaking a Cultural Heritage Policy Review (to feed into the Official Plan), this paper may be premature at this time.
10. **Secondary Plan conformity:** upon completion of the Secondary Plan Consolidation, further analysis will be required to evaluate conformity of zoning with the new Secondary Plan designations that are implemented.

Other potential technical papers which are not anticipated to be significantly influenced by the ongoing Official Plan Review have been identified, based on the various discussions contained throughout this report. These Technical Papers address more general topics and consider zoning options on the basis of best practice. These Technical Papers are considered options at this time, and the ability to complete all technical papers will be subject to budget considerations and the finalized work plan.

1. **Urban design:** A review of how zoning may be used to advance urban design objectives and principles amongst different contexts may be considered through a Technical Paper. This could include consideration for form-based approaches to zoning, such as angular plane requirements, podium/tower requirements, active frontage requirements, build-to lines and street wall requirements.
2. **Minor variances:** A Technical Paper should be prepared to analyze recent minor variance applications to inform any issues or trends in the relief being sought from the Zoning By-law.

3. **Split and dual zoning:** The high prevalence of split zoning in the City and the difficulties of dual zoning means that some analysis is required regarding alternative approaches in the interest of making the Zoning By-law more user friendly.
4. **Bonusing:** As noted, City staff have expressed an interest in understanding best practice and options for integrating a bonusing framework, to implement the provisions of Section 5.12 of the Official Plan. As noted in this report, bonusing is typically addressed through site-specific by-laws to consider specific exchanges and ensure any impacts are mitigated. However, there is an option to prepare a technical paper generally on the topic of bonusing to inform City administration of the policies of Section 5.12 of the Official Plan and identify potential implications on the Zoning By-law Review. This could include a review of bonusing to advance specific goals/benefits, such as environmental protection or cultural heritage conservation.
5. **Environmental Sustainability:** A Technical Paper may be useful to provide options and recommendations for advancing the theme of environmental sustainability, such as potential mechanisms for zoning to contribute to energy/water efficiency, compact/complete communities; active transportation; stormwater/green infrastructure and other matters. Relevant context and directions may be considered from the City's Official Plan, the Natural Heritage and Environmental Management Strategy (NHEMS), the Environmental Master Plan, and the Sustainable Community Development Guidelines and associated metrics.
6. **Accessory buildings/lot coverage/landscaping in residential areas:** The City has raised some issues regarding drainage and lot coverage in residential areas. Consideration could be made to examine these issues in more detail in a Technical Paper.
7. **Private amenity areas:** The City has identified a potential need to examine amenity area requirements in the context of a variety of residential uses and mixed uses.
8. **Short-term accommodation and other modern housing issues:** The City has raised concerns regarding emerging demand for short-term accommodation in residential areas, and a Technical Paper could be considered to identify zoning options. However, without policy guidance on this issue, zoning solutions may be limited through the Comprehensive Zoning By-law Review process. Rather, this may benefit from a separate study which could inform the Official Plan Review and any required changes to licensing by-laws.