

**Date:** 2024-01-12

**Subject:** **Recommendation Report – City-initiated Zoning By-law Amendments**

**Contact:** Simran Sandhu, Advisor, Special Projects, Planning, Building & Growth Management

**Report Number:** Planning, Bld & Growth Mgt-2024-064

**Recommendations:**

1. That the report from Simran Sandhu, Advisor, Special Projects, Planning, Building & Growth Management to the Planning and Development Committee Meeting of January 29<sup>th</sup>, 2024, re: **Recommendation Report – City-initiated Zoning By-law Amendments**, be received;
2. That the Zoning By-law Amendments attached hereto as Attachments 1 through 4 be adopted, on the basis that they represent good planning for the reasons set out in the Recommendation Report dated January 12, 2024; and,
3. That no further notice or public meeting be required for the attached Zoning By-law Amendment pursuant to Section 22(6.1) and Section 34(17) of the Planning Act, R.S.O c.P. 13, as amended.

**Overview:**

- **This report presents the final recommendations for amendments to various sections of the Zoning By-law that will reduce the number of minor variance applications submitted to the Committee of Adjustment and support the achievement of the City’s housing targets of 113,000 new homes by 2031.**
- **The proposed Zoning By-law will address the following:**
  - **Amend below grade entrance provisions for the exterior side yard of a residential lot;**
  - **Amend driveway width provisions for residential lots having widths of 8.32 metres and 9.14 metres;**
  - **Amend garage dimensions provisions for residential lots; and,**

- **Update provisions related to Supportive Housing Residence Type 1 and 2.**

- **These amendments are consistent with the City of Brampton Strategic Focus Areas of Health and Well-being and Growing Urban Centres and Neighbourhoods through achieving well-designed and well-designed residential neighbourhoods, and will achieve a balance between the interests for the residents with the intent of the Zoning By-law, which is to protect the safety and well-being of residents.**
- **The proposed Zoning By-law Amendment represent good planning, has regard for the Planning Act, is consistent with the Provincial Policy Statement and is in conformity with A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan and the City of Brampton Official Plan.**

**Background:**

A Statutory Public Meeting was held on November 20<sup>th</sup>, 2023 to provide information about the application to the public which satisfies the notice and statutory public meeting requirements in the Planning Act and the Planning Meeting policies in S. 5.30 of the Official Plan.

**Current Situation:**

This report presents final recommendations for amendments to various sections of the Zoning By-law. Specifically, the Zoning By-law amendments will address the following:

- amend the provisions for below grade entrances in the exterior side yard on residential lots;
- amend driveway width provisions for residential lots having widths of 8.23 metres and 9.14 metres;
- amend the provisions for garage dimensions for residential lots;
- update the provisions related to Supportive Housing Residence Type 1 and 2.

The proposed amendments are intended to be incorporated into the City's current Zoning By-law so that they may take effect at the earliest opportunity.

Proposed Amendments to the City's Zoning By-law

The basis for the staff recommendation contained within this Report were derived from a variety of sources including:

- A review of the existing Zoning By-law standards and provisions;
- Insight from City Staff identifying issues that need to be addressed; and,
- A review of Committee of Adjustment minor variance applications and decisions.

Below is a summary of the proposed amendments to the Zoning By-law. The Zoning By-law amendment for each of the amendments described below can be found in Attachments 1 through 4.

1. Below grade entrances in exterior side yards

For a single detached, semi-detached, or townhouse dwellings, the Zoning By-law does not permit the construction of below grade entrances in a required side yard, or front yard, or in a yard located between the main wall of a dwelling and a front of flankage lot line.

Over the years, the Committee of Adjustment has received a number of minor variance requests to permit below grade entrances in the required exterior side yard between the main wall of the dwelling and the flankage lot line. These requests for variance have significantly increased with the introduction of Additional Residential Units (ARU's). Staff has consistently recommended approval of these variances where appropriate screening is provided, facilitating access to the rear yard and where there are no impacts to lot drainage.

In reviewing minor variance applications involving below grade entrances, most applications pertained to dwellings on corner lots, which follows from the existing prohibition against below grade entrances located between the main wall of a dwelling and the flankage lot line given in 10.23.2 of the Zoning By-law. The current provisions for below grade entrances as set out in subsection 10.23.1 are inherently restrictive, and effectively only permit below grade entrances if located within the rear yard of a single detached, semi-detached or townhouse dwelling or if located within a required interior side yard of a single detached dwelling subject to the side yard on the opposite side of the dwelling having a continuous width of at least 1.2m, and if a minimum setback of 0.3m is maintained from the below grade stairway to the adjacent lot line.

This amendment proposes changes to the below grade entrance provisions to construct the entrance in the required exterior side yard as of right provided that a clear path of travel is provided to the rear yard along with appropriate screening for the below grade entrance. The amendment will be to subsection 10.23.1 of the Zoning By-law to remove the phrase *"or in a yard located between the main wall of a dwelling and a front of flankage lot line"*. This would have the effect of allowing below grade entrances within the exterior side yard of a corner lot for any dwelling for which below grade entrances would otherwise be permitted.

Proponents would still need to meet all other applicable zoning regulations that might be implicated by the development of a below grade entrance (e.g., side yard setbacks, landscaping requirements, requirements for a clear path of travel for access to a second unit, screening requirements, etc.). This amendment will help facilitate the development of more ARU's across the city, helping increase the overall supply of housing.

The draft Zoning By-law amendment can be found in Attachment 1.

## 2. Driveway Widths

Along with below grade entrances, driveway widening variances contribute to a high volume of applications and the proposed amendments could offer opportunities for reductions in applications and saving of staff time.

Staff observed that in relation to minor variance applications involving driveway provisions, most applications pertained to relief from the driveway width requirements and relief from maximum driveway widths of 6.71m or 5.2m. The proposed amendment to section 10.9 of the Zoning By-law will increase the permitted driveway width by 1 foot of 0.30m. This will change the previous maximum widths of 5.2 and 6.71 metres to 5.5 and 7 metres which will help in reducing the demand for Committee of Adjustment services associated with driveway width regulations while also respecting the intent of the Zoning By-law and being reflective of sound planning principles.

This amendment constitutes a relatively minor modification and offers a reasonable balance between efforts to seek greater efficiency in the delivery of Committee of Adjustment services while still maintaining the intent of the zoning by-law. For the types of cases where these amendments would apply, proponents would still need to meet all other applicable zoning regulations that might be implicated by the widening of a driveway including setbacks and landscaping requirements.

The expansion will also allow for increased maneuverability and space between parked vehicles, which will particularly be helpful on lots containing more than one ARU. However, the minor increase of 0.30m proposed will not result in any negative impacts on storm-water runoff and sufficient permeable landscaping can still be maintained.

The draft Zoning By-law amendment can be found in Attachment 2.

## 3. Garage Dimensions

The Zoning By-law included a provision that regulates the minimum interior dimensions of an attached garage to provide space to accommodate the parking of a motor vehicle; however, staff have found that the current dimensions do not provide for a functional garage as there is not enough space in an attached garage to park a vehicle and store waste bins. The increased garage size will accommodate a functional parking space and storage for waste bins while also enhancing residential streetscapes.

The proposed amendment will require the interior space of an attached garage to have a rectangular area not less than 3.3 by 7 metres. This change will apply to subsection 10.5(c) of the Zoning By-law. The draft Zoning By-law amendment will include an appropriate transition policy for any planning applications that have been approved.

As per the transition policy, the Zoning By-law (Attachment 3) will be in effect starting January 1<sup>st</sup>, 2025, after which time all development applications shall adhere to the new garage dimensions. Any development applications that have planning approvals and building permits issued prior to this date will not require any changes to the garage dimensions. Any development applications which only have planning approvals but no building permits or have not received planning approvals prior to January 1<sup>st</sup>, 2025, will be required to comply with the new garage dimensions as proposed in the Zoning By-law.

This transition period will allow for sufficient time for developers to receive all required planning approval and building permits for any of their applications that are currently in review while requiring all other applications which have required approvals after January 1<sup>st</sup>, 2025 to adhere to the new garage dimensions. The transition period will also satisfy any concerns with the implementation of the Zoning By-law for the City's Zoning and Building staff and ease the issuance of building permits for applications approved prior to this Zoning By-law being in effect. While allowing a 1-year transition period for current development applications to receive planning approvals and building permits, it will also incentivize applicants who have not yet applied for building permits to do so to avoid having to make changes to their plans. This in turn will help the city move forward on its housing pledge targets while achieving clarity and predictability with the development industry.

The draft Zoning By-law amendment can be found in Attachment 3.

#### 4. Supportive Housing Residence Type 1 and 2

A recommendation report on the City-initiated Official Plan and Zoning By-law Amendments to the City's Supportive Housing Polices and Amendments to the Group Home Registration By-law was presented at the September 13<sup>th</sup>, 2021 Planning and Development Committee meeting. Staff's recommendation within the report was to replace the existing 'Group Home' definitions with Supportive Housing Residence Type 1 and 2.

The Zoning By-law amendment as found in Appendix 3 of the report skipped two residential zones, including Residential Semi-detached E-x and Residential Apartment A zones.

The draft Zoning By-law amendment will include the following changes:

- Delete auxiliary group home as a permitted use from the residential semi-detached E-x zone;
- Relace group home type 1 with supportive Housing Residence Type 1 as a permitted use in Residential Semi-detached E-x zone;
- Replace “Group Home Type 2” with “Supportive Housing Residence Type 2” as a permitted use in Residential Apartment A zone;
- Add a specific provision in Section 10.14 to provide clarity on “Supportive Housing Residence Type 1”

The purpose of this amendment is to correct the previous Zoning By-law Amendment (253-2021), where the update to the 2 residential zones were omitted.

The draft Zoning By-law amendment can be found in Attachment 4.

Through the continued review of the current Zoning By-law and the Comprehensive Zoning By-law, staff will continue to identify any amendments which can be captured through future city-initiated Zoning By-law Amendments to continue streamlining the development review process.

### Planning Summary

The proposed Zoning By-law amendments promote livable communities by appropriately regulating below grade entrances, driveway widths and garage dimensions on residential lots, along with the housekeeping amendment for Supportive Housing Residence Type 1 and 2, without compromising the aesthetic integrity of residential neighbourhoods which is consistent with provincial, regional and municipal policy direction to enhance the quality of life for all residents.

The proposed Zoning By-law amendments are consistent with the Provincial Policy Statement and are in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, as well as the Region’s Official Plan. The proposed Zoning By-law amendments are also generally consistent with Brampton’s Official Plan, and appropriately consider matters of provincial interest as set out in Section 2 of the Planning Act. A summary of the relevant Provincial, Regional and City policies can be found in Attachment 5 – Planning Analysis.

### Community Engagement

The proposed Zoning By-law amendments were published in the Brampton Guardian on November 3<sup>rd</sup>, 2023 as per *Planning Act* requirements. The virtual public meeting for this application was held on November 20<sup>th</sup>, 2023. There were no members of the public in attendance at the at the public meeting however, sixteen (16) written correspondences were received expressing concerns with the garage dimension amendment. Details of this meeting are included in Attachment 6 of this report. A summary chart is included below:

<b>Concerns Raised at Public Meeting</b>	<b>Staff Response</b>
<p>Concerns that expanding the garage dimensions will impose new conditions on existing development applications which have already advanced detail designs through a site plan process</p>	<p>Staff have included a transition period to allow current developments enough time to receive planning approvals and building permits within the Zoning By-law Amendment. Applicants will have until January 1<sup>st</sup>, 2025 to receive planning approvals and building permits, after which time all development applications will be subject to the new garage dimensions.</p>
<p>The proposed 3.3m by 7.0m minimum for garages could result in a disproportionate streetscape design for residential units. The proposed amendments could create challenges with facilitating compact built forms and affordable housing</p>	<p>Staff has found that when reviewing site plan applications, the current size of a garage is not sufficient to provide for a functional garage. Staff want to avoid approving small garage spaces that will barely fit a car.</p> <p>The minimum garage size is often mandated to accommodate the parking needs of residents. In many areas, adequate parking space is crucial for maintaining a functional space which can allow residents to not only park their vehicles but also store their waste bins and other items such as bicycles.</p> <p>Providing more space within a garage to store waste bins will help eliminate the need for residents to place their bins in their front yards which contributes to an enhanced streetscape.</p>
<p>The current provisions should be maintained so as to not create unintended consequences of having existing designs and approvals that are no longer compliant with the City's by-law standards</p>	<p>As stated above, staff have included a transition period of one year for developments to receive planning approvals and building permits prior to the new garage dimensions being in effect.</p>
<p>Concerns related to the impacts of the zoning changes on projects that are approved and the need for proper transition provisions for said approved projects</p>	<p>As stated above, staff have included a transition period of one year for developments to receive planning approvals and building permits prior to</p>

	the new garage dimensions being in effect.
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**Corporate Implications:**

Financial Implications:

There are no financial implications associated with the proposed Zoning By-law Amendments.

Other Implications:

The following corporate implications have been identified at this time:

- Fewer minor variance applications submitted to the Committee of Adjustment;
- Streamlined development; and,
- Clarification on current use defined in the Zoning By-law

**Strategic Focus Area:**

This application is consistent with the “Health and Well-being” and “Growing Urban Centres and Neighbourhoods” focus areas. It achieves this through well-designed and well-designed residential neighbourhoods, and will achieve a balance between the interests of the residents with the intent of the Zoning By-law, which is to protect the safety and well-being of residents.

Living the Mosaic – 2040 Vision

This report directly aligns with the vision that Brampton will be a mosaic of complete neighbourhoods and vibrant centres with quality jobs. This report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

**Conclusion:**

This report presents for approval, City-initiated amendments to the Zoning By-law that will assist with the interpretation and application of the Zoning By-law, assist in achieving well-designed and well-built residential neighbourhoods, and assist in reducing the number of minor variance applications submitted to the City.

Staff is satisfied that the proposed Zoning By-law amendments represent good planning, including that they are consistent with the Provincial Policy Statement and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and the Region of Peel Official Plan and Brampton’s Official Plan.

Through the continued review of the current Zoning By-law and the Comprehensive Zoning By-law, staff will continue to identify any amendments which can be captured



through future city-initiated Zoning By-law Amendments to continue streamlining the development review process.

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**Attachments:**

- Attachment 1 – Below grade entrances in exterior side yards Draft Zoning By-law
- Attachment 2 – Driveway Widths Draft Zoning By-law
- Attachment 3 – Garage Dimensions Draft Zoning By-law
- Attachment 4 – Supportive Housing Residence Type 1 and 2
- Attachment 5 – Planning Analysis
- Attachment 6 – Public Meeting Minutes – November 20<sup>th</sup>, 2023