

**Date:** 2020-09-30

**Subject:** City-initiated Zoning By-law Amendments

**Secondary Title:** Recommendation Report - City-initiated Zoning By-law Amendments to Clarify and Improve Residential Development Standards – City-wide

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**Report Number:** Planning, Building and Economic Development-2020-176

**Recommendations:**

1. **THAT** the report titled “**Recommendation Report: City Initiated Zoning By-Law Amendments to Clarify and Improve Residential Development Standards–City-Wide**”, to the Planning and Development Committee meeting of October 26, 2020, be received;
2. **THAT** the Zoning By-law Amendments attached hereto as Appendices 1 through 7 be adopted, on the basis that they represent good planning, including that they are consistent with the Provincial Policy Statement, conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan and the City’s Official Plan for the reasons set out in the Planning Recommendation Report dated September 30, 2020; and
3. **THAT** Council hereby determines that no further public notice is to be given pursuant to Section 34(17) of the *Planning Act*.

**Overview:**

- This report presents 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, reduce the number of conflicting regulations in the Zoning By-law and allow the City to regulate previously undefined structures.

- **The proposed Zoning By-law amendments will address the following:**
  - **Amend the provisions related to boat and recreation equipment trailer parking on a residential lot;**
  - **Amend the below grade exterior stair provisions for the interior side yard of a residential lot to provide flexibility to accommodate side entrances in specific circumstances;**
  - **Add provisions to regulate residential accessory features, amenities, buildings and structures, including privacy screens and shade structures on raised decks;**
  - **Add definitions for balcony, deck and porch, amend some of the maximum permitted encroachments for these structures, and propose a modest increase to the permitted size of a roof projection extending above a residential balcony, deck and/or porch;**
  - **Add provisions to regulate the size and height for buildings and structures that serve as swimming pool enclosures;**
  - **Add definitions and regulations for new and unrecognized types of structures (including quonset huts and intermodal shipping containers); and**
  - **Add a provision to specify the minimum interior dimensions for a detached garage.**
- **The proposed amendments will assist in achieving well-designed and well-built residential neighbourhoods, and will achieve a balance between the interests of residents (i.e. their overall enjoyment of their life and property) with the intent of the Zoning By-law, which is to protect the safety and well-being of residents.**
- **The proposed Zoning By-law amendments were presented at a statutory public meeting on July 6, 2020.**

### **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 exterior stairs in the interior side yard of a residential lot to provide flexibility to accommodate side entrances in specific circumstances;
- amend the provisions related to boat and recreation equipment trailer parking on a residential lot;
- provide standards for residential accessory features, amenities, buildings and structures that are not specifically addressed in the Zoning By-law, including privacy

screens, shade structures on raised decks, and size and height standards for structures that serve as swimming pool enclosures;

- add definitions for balcony, deck and porch, amend some of the maximum permitted encroachments for these structures and propose a modest increase to the permitted size of a roof projection extending above a residential balcony, deck, and/or porch;
- add definitions and regulations for new and distinct types of accessory structures (e.g. quonset hut and intermodal shipping container); and
- add a provision to specify the minimum interior dimensions for a detached garage.

The proposed amendments are intended to be incorporated into the City's current Comprehensive Zoning By-law so that they may take effect at the earliest opportunity. Further refinements to the above noted amendments may occur through the Comprehensive Zoning By-law Review.

#### *Proposed Amendments to the City's Zoning By-law:*

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

- A review of existing Zoning By-law standards and provisions;
- Insights from City staff identifying issues that need to be addressed;
- A review of Committee of Adjustment minor variance applications and decisions;
- Interests of residents with respect to the overall enjoyment of their life and property; and
- A review and comparison of best practices in municipalities across Canada.

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 Appendices 1 through 6.

#### 1. Parking of Trailers, Boats and Recreational Vehicles/Equipment

In September 2019, a Zoning By-law amendment (By-law 201-2019) was enacted by Council to permit the parking of utility trailers carrying recreational vehicles, including personal motorized or non-motorized watercraft, all-terrain vehicles or snowmobiles in a residential driveway in the front yard or exterior side yard. The amendment expanded the previous permissions which only allowed parking of a specified type of camper trailers of a limited size to be parked in the driveway on a regular basis provided that it does not occupy a required parking space. All other trailers and recreational equipment would have only been permitted in the rear or interior side yards prior to the September 2019 amendment.

The recent amendment also included provisions to permit larger recreational equipment trailers to be parked in the driveway for a temporary period limited to two 72-hour periods twice per calendar month to allow time for loading/unloading and maintenance.

Since the enactment of this amendment, interpretation issues have been identified involving the integration of the new provisions into the existing regulatory framework of the By-law associated with trailer parking.

The boat and recreation equipment trailer parking provisions as supported by Council in September 2019 are proposed to be amended as follows:

- 1) Removing the new definition for Utility Trailer that was included in the September 2019 By-law amendment and which had the unintended effect of prohibiting previously permitted utility trailers that are not carrying recreational equipment from being stored in the interior side or rear yards. A provision is proposed to be included that will continue to permit the parking of utility trailers in an interior side yard or rear yard.
- 2) Establishing a maximum size restriction for permitted utility trailers not carrying recreational equipment/vehicles; and
- 3) Clarifying the size, height, location and number of trailers carrying various seasonal recreational equipment that may be parked/stored in each yard simultaneously. The current requirements of the by-law have resulted in uncertainty as to whether trailers carrying recreational equipment, can be parked in both the front and rear yard or whether only one trailer is permitted in either the front or rear yard. The proposed amendment will clarify that one trailer carrying recreational vehicles or equipment may be parked in each yard, subject to varying restrictions on size and height.

Generally, the proposed amendment balances the desires of those residents who own recreational vehicles and trailers and who wish to park them on their property with the overall intent of the Zoning By-law, which is to ensure adequate visibility when exiting a driveway, to protect the safety and well-being of residents and to limit the visual appearance of larger recreational vehicles and trailers on the streetscape. Overall, the proposed amendment is not expected to negatively influence the use and enjoyment of both the lot where the recreational vehicles and/or trailers are parked or stored and adjacent lots. The amendment is also consistent with the long-standing exception in the by-law which has permitted collapsible camper trailers of a limited size to be parked in the residential driveway.

The proposed maximum size (3.0 metres in height and 7.0 metres in length) restriction for utility trailers that are not carrying recreational equipment/vehicles is consistent with the maximum size restrictions for other boat and recreational vehicles/equipment trailers that would be permitted to be parked in an interior side yard or rear yard of a residential lot. Although the parking of utility trailers in the interior side yard or rear yard will generally be out of sight along the street frontage,

it is appropriate to include a maximum size restriction to minimize any potential visual annoyances that utility trailers could have on abutting properties. There is no change to the provision that prohibits the parking or storing of utility trailers on a residential driveway in the front yard.

The proposed amendment clarifies that trailers carrying recreational equipment may be parked/stored in two yards, subject to varying restrictions on size and height. The amendment reflects the reality that people may have more than one trailer carrying recreational equipment to support the enjoyment of their seasonal recreational pursuits. The proposed regulations that permit the parking/storing of one (1) utility trailer or recreational trailer/equipment in the interior side yard or rear yard (subject to size and height restrictions) and one (1) recreational trailer to be parked or stored on a residential driveway in the front yard or exterior side yard (subject to size and height restrictions and meeting the required parking spaces) attempts to balance the recreational interests of homeowners with the intent of the Zoning By-law, which is to maintain a safe and visually pleasing streetscape and to limit any potential visual impacts on neighbouring properties.

The draft Zoning By-law that was presented at the Public Meeting proposed to amend the minimum setback for the parking or storing of permitted trailers or recreational equipment to a rear lot line abutting a street or a reserve owned by a public authority from 7.5 metres to 6.0 metres. Staff has decided not to proceed with amending this specific provision at this time, therefore it has been removed from the draft Zoning By-law amendment contained in Appendix 1. This provision will be reviewed in greater detail through the Comprehensive Zoning By-law Review process.

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

## 2. Below Grade Exterior Stairs

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

Over the years, the Committee of Adjustment has received a number of minor variance requests to permit below grade exterior stairways in the required interior side yard and to permit a corresponding reduction in the side yard setback to accommodate the stairway. These requests for variance have significantly increased with the introduction of the second unit registration program. Staff has consistently recommended approval of those variances where a minimum 1.2 metre setback is provided on the opposite side of the dwelling from the below grade entrance, facilitating access to the rear yard and where there are no impacts to lot drainage.

This amendment proposes changes to the below grade exterior stairway provisions to permit the construction of a below grade entrance in the required interior side yard on a single detached dwelling provided that a continuous side yard setback of a minimum 1.2 metres is provided on the opposite side of the dwelling. The proposed amendment will continue to prohibit the construction of an exterior stairway below the established grade when a continuous side yard setback of less than 1.2 metres is provided on the opposite side of the dwelling. No changes are proposed with respect to prohibiting below-grade exterior stairways in the required side yard for a semi-detached dwelling or townhouse dwelling or within the front or exterior side yard (between the building and the street).

The below grade exterior stairway amendment that was presented at the statutory public meeting would have permitted a below grade exterior stairway to have a setback of 0 metres to the interior side yard. After discussing further with the Development Engineering Division, it has been determined that a below grade exterior stairway in the interior side yard with a 0 metre side yard setback could negatively impact the drainage of a lot, especially for those lots that have rear to front drainage. Therefore, to mitigate any potential drainage issues, it is now proposed that a minimum setback of 0.3 metres be maintained between the below grade exterior stairway and the side lot line. The proposed minimum 0.3 metre setback between the below grade exterior stairway and the side lot line is slightly more restrictive than the 0 metre setback that was presented at the Public Meeting, however, it is still more permissive than the current below grade exterior stair requirement that does not permit the construction of exterior stairways below the established grade in a required side yard. In staff's opinion, the proposed change to the below grade exterior stair provision since the public meeting is minor and does not warrant a further public meeting.

There was a question raised at the Public Meeting by the Planning and Development Committee members with respect to obtaining access to the rear yard by Emergency Services, when both interior side yards of a single detached or semi-detached dwelling could be encumbered by a below grade exterior stairway, an air conditioning unit, window wells or chimney projections.

Staff can advise that the interior side yards on a single detached and semi-detached lot are not "mandated" in the Zoning By-law as a path of travel to the rear yard except when the side yard is used as the path of travel to the principal entrance of a second unit. The proposed amendment to the by-law will not alter the requirement for a clear, unobstructed 1.2 metre path of travel to the principal entrance for a second unit, which could be located either in the side yard or rear yard. This clear path of travel will continue to be available to allow fire-fighting crews and emergency response teams to enter each dwelling, if necessary, through the primary entrance of each dwelling. Limited access along the side yard to the rear of the dwelling becomes a matter of convenience rather than one of risk where it is not required to access a principal entrance to a dwelling unit. In the case

of an interior unit on a block of townhouses, for example, there is no path of travel on the exterior of the building to the rear yard.

The proposed amendment to the below grade exterior stairway provisions for a single detached dwelling will allow homeowners to adequately obtain access to their rear yard along one side yard of the dwelling. In addition, the minimum setback of 0.3 metres between a below grade stairway and the interior side lot line will also ensure that there is room for someone to walk around the exterior stairway without entering the neighbouring property and it will also provide an adequate area to accommodate lot drainage. This amendment will assist in reducing the number of minor variance applications submitted to the City.

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

### 3. Swimming Pool Enclosures

The Zoning By-law includes the following provisions related to swimming pool enclosures:

- 1) A building or structure that covers a swimming pool may be located only in the side or rear yard of a lot provided that it is:
  - i) no closer than 1.2 metres to a side lot line or a rear lot line; and,
  - ii) no closer to a street than the required minimum front yard depth or the minimum exterior side yard width for the main building;
- 2) Not more than one (1) swimming pool enclosure and two (2) accessory buildings shall be permitted on a lot.
- 3) The total combined gross floor area of permitted accessory building excludes a swimming pool enclosure.

The above noted provisions do not include any limitations on the size or height of swimming pool enclosures.

The following new provisions are proposed to be added to Section 10.3 - Accessory Buildings of the Zoning By-law to regulate the size and height of a swimming pool enclosure:

- 1) A swimming pool enclosure shall have a maximum gross floor area of 23 square meters and a maximum building height of 4 metres on a lot in a Residential Hamlet or Residential Estate Zone or on a lot in an Agricultural zone where the lot area is 2 hectares or less; and

- 2) A swimming pool enclosure shall have a maximum gross floor area of 15 square metres and a maximum building height of 3 metres on a lot in all other Residential Zones.

The proposed size and height restrictions of the swimming pool enclosure are consistent with the maximum size and height of other permitted residential accessory structures. This amendment does not propose any changes to the maximum number of accessory structures permitted on a residential lot and will continue to permit a swimming pool enclosure in addition to two other accessory structures subject to the permitted maximum combined gross floor area. The addition of the proposed maximum size restrictions for a swimming pool enclosure is an improvement over the existing situation, which permits a third accessory structure (pool enclosure) with no limitation on size or height.

The maximum gross floor area restrictions that are being proposed for a swimming pool enclosure will strengthen the intent of the Accessory Use definition in the By-law, which defines accessory buildings and structures as being subordinate to the principal use of the lot. The proposed height restrictions, which is the same for all other residential accessory buildings, will ensure that a swimming pool enclosure does not create any adverse visual impacts on neighbouring properties.

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

#### 4. Residential Balcony, Deck and Porch

The Zoning By-law does not currently define a residential balcony, deck or porch. For clarity purposes, the following definitions are proposed to be added to Section 5 – Definitions of the Zoning By-law:

**BALCONY** shall mean an unenclosed attached platform projecting from the face of a wall that is only directly accessible from within a building with no direct exterior access to grade and may be surrounded by a balustrade, partial wall, or railing, where required.

**DECK** shall mean an attached or freestanding unenclosed platform or series of platforms, 0.6 meters or greater above ground level, which is located on the same level as or lower than the first storey of the building associated with the platform, with direct access to the ground, but shall not include a Landscaped Deck.

**PORCH** shall mean an attached unenclosed platform, with or without a foundation and/or basement with direct access to the ground.

The following amendments to Section 6.13 – Permitted Yard Encroachments of the Zoning By-law are also being proposed:



- 1) A change in Table 6.13.A to add the words “with or without foundation” to the window bay structure encroachment; and
- 2) A change in Table 6.13.A to add a minimum setback for a balcony, deck and porch to a lot line, notwithstanding the maximum permitted encroachments for these structures.

These new provisions are being proposed to mitigate privacy or overlook conditions on adjacent properties, to reduce the massing impact of a dwelling, as these features may add to the overall building mass, and to retain an area around these structures for any maintenance that may be required to these structures.

In addition, to the proposed amendments to Table 6.13.A, the provision related to the permitted size of a roof projection extending above a residential balcony, deck and/or porch is proposed to be modified to provide clarity of application and to allow a modest increase to the amount it may encroach (including eaves and cornices). The proposed amendment would permit an increase encroachment into the required rear yard setback from the current 1.8 metres to a maximum 2.0 metres, or the depth of the associated deck, balcony or porch whichever is less.

The modest increase of 0.2 metres in size for a roof projection extending above a residential balcony, deck and/or porch is not expected to create any adverse visual effects on neighbouring properties and will not increase the overall massing of the dwelling as the area below the roof projection is not permitted to be fully enclosed.

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

## 5. Privacy Screens and Shade Structures on Raised Decks

The Zoning By-law does not specifically include any provisions related to the addition of privacy screens and shade structures on residential raised decks. As a result, the current height restrictions for residential fencing and accessory structures must be applied as being measure from the ground. This results in what amounts to a prohibition for these features to be added on most elevated decks.

In order to permit these structures and allow for enhancement that will improve the enjoyment of the outdoor amenity space available on an elevated residential deck, a new definition for a Privacy Screen is proposed to be added to Section 5 – Definitions of the Zoning By-law:

**PRIVACY SCREEN** shall mean a constructed barrier or feature with a maximum of two vertical sides or segments, that is designed to obscure otherwise unimpeded sightlines, and provide privacy for a patio, porch, deck, landscaped deck or balcony.

The following new requirements and restrictions are proposed to permit privacy screens and a single open-sided shade structure gazebo or pergola on an elevated deck:

- 1) A privacy screen shall be permitted on any patio, porch, deck, landscaped deck or balcony subject to the following:
  - (i) shall not exceed a maximum height of 1.8 meters measured from the walking surface of the deck, landscaped deck, porch, or balcony patio;
  - (ii) an individual side or segment of screening shall not project more than 2 metres from the wall of the dwelling or the depth of the walking platform to which it is affixed, whichever is less; and
  - (iii) a privacy screen affixed to a landscaped deck shall have a minimum setback of 0.6 metres from any lot line.
- 2) One open-sided shade structure, gazebo or pergola shall be permitted on an elevated platform (deck, landscaped deck, porch or balcony) provided that the building height of the accessory structure does not exceed 3 metres when measured from the walking surface of the platform and the structure has a maximum gross floor area of 10 square metres.

Allowing a privacy screen and/or one open-sided shade structure on a residential raised deck, subject to the proposed setbacks, maximum gross floor area and height restrictions, will allow an owner to enjoy their outdoor amenity area, while limiting the visual impacts on neighbouring properties. Allowing one open-sided shade structure, gazebo or pergola to be located on an elevated platform (deck, landscaped deck, porch or balcony) will not increase the overall massing of the dwelling, as they are not permitted to be fully enclosed.

The draft Zoning By-law amendment can be found in Appendix 5.

## 6. New and Distinct Types of Accessory Structures

The Zoning By-law has not kept pace with changing building technology and as a result, it does not address new industrial and agricultural building types that have been introduced into residential neighbourhoods as accessory buildings.

This amendment is proposing that the following definitions be added to Section 5 – Definitions of the Zoning By-law and that regulations be added to Section 10.3 – Accessory Buildings and Section 10.4 – Detached Garage or Carport of the Zoning By-law for new and distinct types of accessory structures (e.g. quonset huts, intermodal shipping containers):

**QUONSET HUT** shall mean a building or structure made of corrugated steel, plastic or fabric covering or any combination of steel, plastic, fabric and concrete, having a semi-circular or rounded peak cross-section, which may or may not include end walls.

**INTERMODAL SHIPPING CONTAINER** shall mean an enclosed metal structure designed to facilitate the transportation of goods by several different means of transportation, and shall include shipping containers, sea cans, transport truck trailers, and straight truck boxes and similar prefabricated metal storage units.

- 1) A Quonset hut, intermodal shipping container or transport trailer shall not be used as an accessory building or structure in any Residential Zone or in an Agricultural Zone where the lot area is 2 hectares or less.

While Quonset huts or repurposed shipping containers may be appropriate in rural areas or industrial areas, they are undesirable and aesthetically impactful within urban residential areas. These types of structures are not complementary in character, building material, exterior design or style when compared to other accessory buildings typically designed for and found in urban residential areas. The proposed regulation that will prohibit these structures from being used as an accessory structure, detached garage or carport in any Residential Zone or in an Agricultural Zone, where the lot area is 2 hectares or less will ensure that the integrity and character of residential neighbourhoods is maintained.

Regulations associated with these types of structures in Commercial, Industrial and Institutional zones will be reviewed through the on-going Comprehensive Zoning By-law Review.

The draft Zoning By-law Amendment can be found in Appendix 6.

## 7. Minimum Interior Dimensions for a Detached Garage

The Zoning By-law includes a provision that regulates the minimum interior dimensions of an attached garage to provide sufficient space to accommodate the parking of a motor vehicle; however, there are no minimum interior dimensions for a detached garage in the Zoning By-law.

Some “detached garages” that are being proposed have small interiors, which essentially amounts to a large storage structure, rather than a detached garage that is intended to be used for the parking of motor vehicles. The proposed minimum size requirements will ensure that the structure is capable of being used as intended by the Zoning By-law, and will close the existing loophole with respect to building oversized storage sheds.

To ensure that a detached garage is used for the purposes of parking motor vehicles, this amendment proposes to add the following new provision to Section 10.4 - Detached Garage or Carport of the Zoning By-law:

- 1) The interior space shall have a rectangular area not less than 2.7 metres by 5.4 metres with no more than one step encroachment.

The draft Zoning By-law Amendment that includes this new provision can be found in Appendix 6.

### *Planning Analysis*

The proposed Zoning By-law amendments promotes liveable communities by appropriately regulating accessory buildings and structures, below grade exterior stairways, detached garages, fences and the parking of trailers on residential lots 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 Ontarians.

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 Appendix 7 – Planning Analysis.

### *Statutory Public Meeting*

The proposed Zoning By-law amendments were published in the Brampton Guardian on June 11, 2020 as per *Planning Act* requirements. The virtual public meeting for this application was held on Monday, July 6, 2020. There were no members of the public in attendance at the virtual public meeting (see Appendix 8).

### **Corporate Implications:**

#### Financial Implications:

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

#### Economic Development Implications:

There are no economic development 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;
- Reduction in conflicting regulations in the Zoning By-law; and
- Ability to regulate previously undefined structures.

### Term of Council Priorities (2019-2022)

The proposed Zoning By-law amendments will help to deliver the strategic directions outlined in the 2019-2022 Term of Council Priorities. Specifically, the proposed amendments will assist with interpretation and application of the Zoning By-law and to help reduce the number of minor variance applications submitted to the City.

### Living the Mosaic – Brampton 2040 Vision

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.

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Appendices:

- Appendix 1: Parking of Trailers, Boats and Recreational Vehicles/Equipment  
Draft Zoning By-law Amendment
- Appendix 2: Below Grade Exterior Stairs Draft Zoning By-law Amendment
- Appendix 3: Swimming Pool Enclosure Draft Zoning By-law Amendment
- Appendix 4: Balcony, Deck and Porch Draft Zoning By-law Amendment
- Appendix 5: Privacy Screens and Shade Structures on Raised Decks Draft  
Zoning By-law Amendment
- Appendix 6: New and Distinct Types of Accessory Structures and Detached  
Garage Draft Zoning By-law Amendment
- Appendix 7: Planning Analysis
- Appendix 8: Public Meeting Minutes – July 6, 2020