

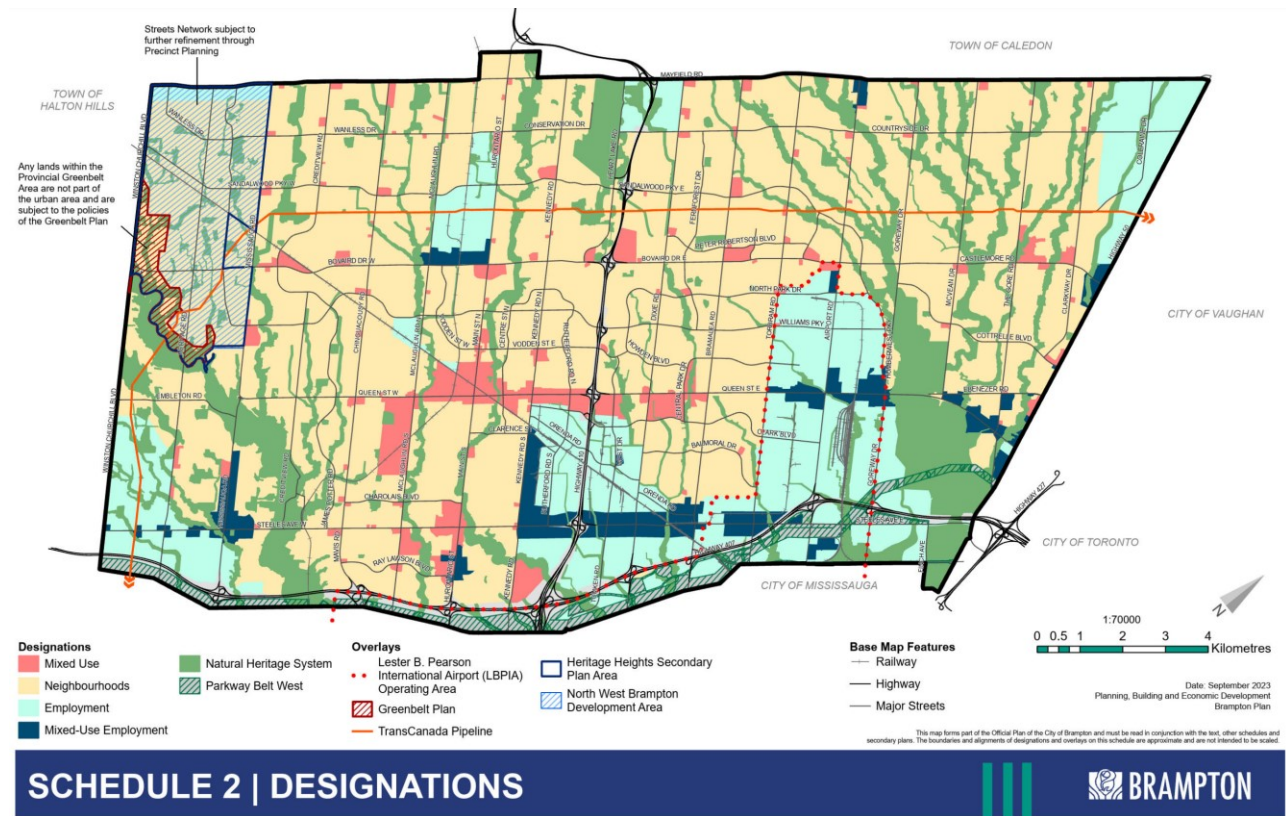
# Technical Memorandum

## Mixed Use / Intensification / Major Transit Station Areas

### 1 Introduction

The purpose of this memo is to confirm the approach to modifying zoning within the City’s Mixed Use designation, as identified in the new Brampton Plan, to bring the new Zoning By-law into alignment with the City’s new Official Plan in these areas. This memo also considers the types of urban design standards that should be included in the zoning by-law and aligned with the new City-wide Urban Design Guidelines. For reference, the Mixed Use Designations are shown below in Figure 1.

Figure 1: Land Use Designations (Brampton Plan, September 2023)



## SCHEDULE 2 | DESIGNATIONS

The Mixed Use Areas encompass a variety of shopping areas, corridors, and neighbourhood/community centres. Many of the Mixed Use Areas are subject to Major Transit Station Area studies, as discussed in the Zoning Strategy Report. These areas are anticipated to be rezoned to allow for intensification as appropriate. Those zoning recommendations will be integrated into the new Zoning By-law as the new Zoning By-law moves forward.

As indicated in the Zoning Strategy Report, it is generally not intended that the new zoning by-law will pre-zone for intensification, since the various intensification areas will usually require updates

to their Secondary Plans, Major Transit Station Area studies, and/or further planning to occur before updated zoning can be implemented. However, until then, the City is likely to receive development applications and will benefit from guidance in the zoning by-law to assess these applications. As such, the main intended outcome of this memo is to identify a series of Mixed Use Zones which can be created and incorporated into the new Zoning By-law. These zones, which may be referred to as “template zones” since they will not necessarily apply to lands in the Draft Zoning By-law, are to assist in reviewing development applications for intensification, which will continue to occur before and during Secondary Plan updates. As reviewed in this memo, there may be some areas where it is desirable to replace existing zoning with new, updated Mixed Use Zones (e.g., downtown). This memo also considers whether there are major conformity issues between the existing zoning and the new Official Plan. Finally, this memo identifies various design elements that should be incorporated as overlays into the new Zoning By-law, to provide more flexibility and facilitate site-specific development standards without having to create Special Sections.

## 2 Alignment with Major Transit Station Area Studies

A key contextual point is that the City is concurrently undertaking land use planning studies and associated implementing zoning for the City’s Major Transit Station Areas (MTSAs). The MTSAs encompass some of the Mixed Use designated areas of the City as shown in Brampton Plan. In order to avoid creating confusion and pre-empting the zoning recommendations being prepared as part of the MTSA work, it is recommended that all lands in the City subject to MTSA zoning reviews be excluded (greyed out) from the new Draft Zoning By-law, and that the zoning for the MTSAs be identified through that separate process. Once the MTSA work advances, the zoning can be incorporated into the Second or Third Draft Zoning By-law. The draft Mixed Use Zones prepared as part of the new Comprehensive Zoning By-law will need to be coordinated with Zones developed through the MTSA work, including using consistent terminology and similar design expectations.

## 3 Review of Current Zoning in Mixed Use Areas

### 3.1 REVIEW OF EXISTING MIXED USE AND RELATED ZONES

To inform the development of new Mixed Use zones and consolidation opportunities, **Table 1** reviews existing mixed use and related zones currently included in the existing Comprehensive Zoning By-law. Overall, the range of mixed use zones is very limited and does not correspond to the building typologies identified in the Brampton Plan (reviewed in Section 3). The City has largely relied on Special Sections to address proposals for intensification. As such, each development process would require a significant review process wherein the developer is often preparing the by-law for City review. All participants in the development approval process will benefit from having up-to-date development expectations built into the new zoning by-law.

**Table 1: Review of Existing Mixed Use and Related Zones**

Existing zone	Preliminary approach in the new Zoning By-law
<p>Many of the R2, R3 and R4 zones permit townhouses which is a typology that may be appropriate in some mixed use districts.</p>	<p>Initially these zones will need to be retained and opportunities to consolidate/streamline them should be considered. Opportunity to consolidate them will be reviewed further in conjunction with the review of Special Sections, to confirm whether the base zones are required.</p> <p>Separate Townhouse zones will be included in the Residential zones chapter to provide standards for townhouse developments within mixed-use areas. The low-rise Mixed Use zone may contemplate some townhouses while the mid-rise and high-rise Mixed Use Zones may contemplate townhouses in conjunction with a broader development (e.g., podium townhouses).</p>
<p>The R4 zones permit apartments and townhouses/multi-unit development.</p>	<p>As above, these zones will be carried forward or consolidated as Residential zones as they are relied on by various Special Sections across the City. A separate memo regarding Residential zone consolidation provides more details about how these zones are being reviewed. However, the new Mixed Use zone chapter will need to contemplate a range of apartment uses which will replace the use of the R4 zones in rezoning processes over time. In consideration of the Official Plan, there may be opportunity to introduce new small-scale and localized commercial uses into these zones, such as convenience stores, to contribute positively to the existing uses.</p>
<p>The CRC zone permits low rise residential up to 4 units and a small range of commercial uses.</p>	<p>The CRC zone does not directly correspond to the Mixed Use District of the Brampton Plan or its typologies. The existing CRC zones will be reviewed in conjunction with the mapping and Special Sections, and will be replaced by new Mixed Use or Commercial Zones in order to set out modernized urban design standards. Special Sections may be added to maintain any specific requirements of the CRC zones which are required. If the CRC zones are only applied within the MTSAs, then these zones will be deleted in favour of the recommendations for zoning updates through the MTSA studies.</p>
<p>The DC and DC1 zones permit a mix of uses in the Downtown area.</p>	<p>Since these zones are largely applied in the MTSAs, and given the City will undertake a fulsome review of the Downtown Secondary Plan, these zones will not be carried forward into the Zoning By-law. For lands that are currently zoned DC or DC1 and are not part of the MTSA</p>

Existing zone	Preliminary approach in the new Zoning By-law
	zoning review, a suitable new Mixed Use zone will be applied which integrates more modern design standards and which applies equivalent development permission. A fulsome update to these zones should be completed as an outcome of the MTSA work and future updates to the Downtown Secondary Plan.
The CMU1 is a mixed use zone but does not permit residential uses.	Instances of this zone will be replaced by equivalent other commercial zones to maintain permissions and to integrate modernized lot and building standards. Any special permissions will be maintained through exception zones.
The HMU1 zone permits a wide range of commercial and apartment uses, and is intended to be applied in the Hurontario / Main Street Corridor.	As above, zoning for MTSA's is being reviewed, and so any instances of HMU1 zoning in the MTSA's will be updated in the future. HMU1 zoning has only been applied as an outcome of site-specific applications through rezoning. The Draft Zoning By-law will not incorporate the HMU1 zone directly but will establish the new Mixed Use Zone structure in its place. If there are existing instances of HMU1 zoning outside the MTSA's, then an equivalent new Mixed Use zone will be applied in its place to maintain existing height/density permissions while also setting out modernized design requirements, including the use of a Special Section as necessary.
There are exception zones which permit mixed uses. In Mount Pleasant, for example, some of the mixed use blocks are zoned with a variation on various Residential and CRC zones, which permit live-work townhouses and mixed use buildings as well as a variety of residential uses (e.g., see Special Section Nos. 2017, 2019).	These exception zones will be reviewed as part of the Special Sections review as part of the Second Draft Zoning By-law. The exceptions may inform updates to the Mixed Use zones or may become elevated as new base zones where the Special Section has been applied (or will be applied) broadly.

**3.2 REVIEW OF EXISTING ZONING IN THE MIXED USE AREAS**

**Table 2** below identifies each contiguous Mixed Use area in the City (per the December 2022 Draft Official Plan), and generally describes existing zoning for context. As indicated in the table, some of the Mixed Use areas are also associated with an employment area. The zoning has been reviewed

in a cursory (informal) manner and is not based on a GIS analysis. Following are the key observations:

- For the most part, existing zoning in the Mixed Use areas is reflective of existing uses and recent or historic development, rather than a transformative future vision.
- Many of the Mixed Use areas are also MTSA's, and so zoning is being reviewed updated through the MTSA studies and will be integrated into the 2<sup>nd</sup> or 3<sup>rd</sup> Draft Zoning By-law as previously noted.
- Mixed use zones permitting medium and higher density development typologies have been implemented in only a few areas, such as the Downtown (DC zoning), Mount Pleasant, and instances of Special Sections with mixed use permissions on the Hurontario/Main corridor and the Queen Street corridor. Special Sections have not yet been reviewed comprehensively, so there may be other instances.
- The most updated zoning for mixed use areas is in Mount Pleasant, where the zoning is likely to fully align with the Secondary Plan given it was a greenfield development and zoned in accordance with the Secondary Plan.
- There are instances of remnant residential and commercial zoning in some of the mixed use areas, which may not meet the Secondary Plan where mixed uses or employment uses are intended. These areas should be reviewed against the Secondary Plan to confirm any specific conformity issues. Solutions may include modifying the existing permitted uses; applying a future development zone which permits only existing uses; or applying a zone that meets the Secondary Plan. However, the intent of this exercise should not be to pre-zone for mixed use development but to remove major conflicting land use permissions that could compromise the vision.

It is also noted that Brampton Plan identifies many other instances of Mixed Use Areas to encompass various existing commercial plazas, shopping centres. These sites usually form neighbourhood-scale uses and which are not intended for major transformation, although some transformation and intensification may be appropriate in some cases. Brampton Plan contains criteria regarding their redevelopment. In these areas, the zoning generally corresponds to the Secondary Plan, and thus these areas are primarily zoned for existing (typically commercial) uses. It is noted that Brampton Plan also states that the Secondary Plan policies prevail over the parent Brampton Plan policies, meaning it is appropriate to maintain existing zoning and pre-zoning for intensification on these sites would not be in conformity with the new Official Plan. As such it is recommended that these areas retain their existing zoning and that upzoning be addressed through development application review so that the applicant can address conformity with the specific criteria of Brampton Plan. The new Zoning By-law will introduce a series of Mixed Use Zones and updates to Commercial Zones which can be applied through rezoning applications.

In lieu of fulsomely pre-zoning for intensification in the Mixed Use Areas, there may be some benefit in reviewing land use permissions and removing permissions where they will conflict with the future vision for the area as per Brampton Plan. There may also be a suitable approach to allow for a small amount of intensification which would meet both the Secondary Plan and advance the vision of Brampton Plan. However, any modifications along these lines should not contradict the existing Secondary Plan policies. Further review of this option will be conducted in conjunction with the Second Draft Zoning By-law, and this memo will be updated as required.

**Table 2: Review of Zoning in the Mixed Use Areas as designated by the New Brampton Official Plan**

Mixed Use Area (Schedule 5)	Applicable Secondary Plans	Existing Zoning	Potential conformity issues of existing zoning
Downtown, Queen Street Corridor and Bramalea Centre	Primarily 7 – Downtown and 36 – QSC but also portions are subject to 3 – Bramalea and 6 – Brampton Flowertown	<p>Downtown: mix of DC, DC1 zones, residential zones, institutional zones;</p> <p>Queen: FD, QMUT, residential zoning (zoning was updated to remove conflicting uses);</p> <p>Bramalea: mix of commercial zoning (C3), lots of high density residential zoning (R4) to relate to existing apartments, single detached zones.</p>	<p>The zoning for most of these areas is being reviewed through the City’s MTSA studies and updates will be integrated into the new Zoning By-law. Elsewhere, the following can be considered:</p> <ul style="list-style-type: none"> <li>• Consider updates/modernization of DC zones to align with UDGs and other resources, or apply Mixed Use zones in place of existing DC zones used outside of MTSA’s</li> <li>• Carry forward existing QMUT or other zoning until Secondary Plan updates are completed</li> </ul>
Mount Pleasant	Primarily 51 – Mount Pleasant but also subject to 44 – Fletcher’s Meadow. Subject to Precincts 51-3, 51-1, 44-1.	Zoning reflects recent greenfield development	None, as zoning is recently applied (greenfield) and intended to implement the Secondary Plan. Zone categories may change somewhat in order to align with the new Zone structure, but any existing permissions and Special Sections should be carried forward.
Main and Steeles	55 – Hurontario/Main Corridor	<p>Some HMU mixed use zones</p> <p>Mainly site specific commercial zones</p>	Some portions of this area is subject to MTSA work. Elsewhere, commercial and other zoning does not likely meet the secondary plan

Mixed Use Area (Schedule 5)	Applicable Secondary Plans	Existing Zoning	Potential conformity issues of existing zoning
		(existing uses, theatre etc.)	fulsomely, but there is limited risk in leaving the existing zoning, as the zoning reflects existing use. Generally, existing permissions should be maintained until a Secondary Plan update is completed.
Hurontario south of Steeles (also employment)	55 – Hurontario / Main Corridor plus some 24 – Fletcher’s Creek South)	Commercial zones including some site-specific commercial uses; residential reflecting existing uses; institutional, open space zones reflecting existing uses	<p>This area will be subject to MTSA study and zoning will be updated.</p> <p>Site-specific commercial zoning should be reviewed against the Secondary Plan to confirm conformity. If the uses are not permitted, a future development zoning should be considered or the zoning can be changed to a zone that meets the Secondary Plan, such as an employment zone. The residential zoning should be reviewed against the Secondary plan to consider whether it could compromise the vision, but the zoning appears to relate to remnant residential lots.</p>
Steeles and Bramalea (also employment)	9 – Brampton Mobility Hub	Mainly industrial zoning, a few exceptions; some minor instances of commercial zoning (HC – highway commercial)	<p>The area is subject to the MTSA studies. Zoning for industrial should be updated to meet employment policies (update permitted uses, etc.) but zone category changes should not be required.</p> <p>Commercial zoning should be reviewed against Secondary Plan.</p>

Mixed Use Area (Schedule 5)	Applicable Secondary Plans	Existing Zoning	Potential conformity issues of existing zoning
The Gore/ Ebenezer/ Queen area (also employment)	41 – Bram East	Mix of industrial zones including site-specific, plus residential zones, estate zones, commercial zones	The zoning in this area should be reviewed against the Secondary Plan but otherwise it appears in general alignment. This area is mostly subject to an MTSA study.
Other Commercial Plazas/Shopping Areas	Many Secondary Plans	Wide range of commercial and other zones that reflect existing uses	The zoning would have been developed and passed in conformity with the Secondary Plan, which is appropriate; further development permission would require updates to the Secondary Plan or would best be achieved through a rezoning application to assess conformity with the Secondary Plan and the Official Plan. Opportunities to consolidate/update existing commercial zones and their standards are addressed in the separate Commercial Uses Technical Memo.

## 4 Policy and Urban Design Guidance

Brampton Plan provides overarching guidance about permitted uses and building typologies in the Mixed Use Areas, which will largely inform the required new Mixed Use template zones. The City’s various design guidelines documents will provide input on design intent and approaches which the zoning can support. Overall, these documents should be coordinated and complementary. Coordination amongst the documents is ongoing amongst the various project teams.

### 4.1 BRAMPTON PLAN POLICIES

Brampton Plan provides policy guidance for development in the Mixed Use Areas, which can inform the establishment of template zones. In the Mixed Use Areas, the permitted “default” building typology is low-rise plus (up to 4 storeys). Other typologies are permitted, subject to criteria. Actual permitted typologies are also influenced by overlays. Lands in Urban Centres, Town Centres, Primary and Secondary Urban Boulevards and Corridors permit potentially a wide range



of typologies depending on circumstances, including tall buildings. The Draft Brampton Plan is not explicit with respect to where build-to lines, active frontages, and other design elements are required, but the Plan contains general locational criteria. For example, typically, tall buildings will largely be associated with a mix of uses, as they are usually directed to major corridors where there is a desire to frame the street and encourage street-level activity associated. However, this may not always be the case. Generally, a flexible approach is recommended to give the City a range of tools to respond to a very wide variety of policy and locational contexts and varied landowner intentions.

The Official Plan also includes a low rise “plus” variation which accommodates up to 4 storeys. The plus variation only pertains to height, and the Official Plan does not indicate any other different requirements such as permitted uses.

It is further noted that Draft Brampton Plan (September 2023) states that Secondary Plans prevail in the event of conflict, and Secondary Plans and the Official Plan should be read in conjunction. It is intended that the City will update the Secondary Plans over time to incorporate new directions from Brampton Plan. As such, while the Official Plan may be contemplating more development opportunity compared to the Secondary Plan, the Secondary Plan would first need to be updated before the zoning can be updated to incorporate newer permissions from the Official Plan.

## 4.2 CITY WIDE URBAN DESIGN GUIDELINES

The Draft City-Wide Urban Design Guidelines also provide input into the required template zones to guide future intensification. To inform the mixed-use template zones, the Urban Design Guidelines will continue be reviewed for coordination with the requirements of the Mixed Use Zones:

- Confirm the typologies described in the Official Plan (low-rise, mid-rise and tall);
- Identify design requirements for “plus” typologies;
- Use consistent terminology and definitions;
- For each typology, identify applicable design requirements which can be supported in zoning, such as:
  - Setbacks and pedestrian realm;
  - Build-to line requirements and approach;
  - Active frontage/ground floor land use requirements;
  - Application of angular plane;
  - Maximum and minimum height;
  - Step-back requirements;
  - Tower treatment requirements (floor plate, separation);
  - Rooftop mechanical;
  - Parking location and ingress/egress; and

- Landscaping requirements.

## 5 Approach to New Mixed Use Zones

Generally speaking, the new “template” mixed use zones will be designed to align with the new Brampton Plan and the Urban Design Guidelines, as they are intended to guide future development applications. They will also need to be aligned with the zoning proposed for the MTSA’s. As above, the approach should be one that allows for flexibility so that the zones can be applied broadly across the City to respond to a variety of specific policy contexts and design requirements. As per the Zoning Strategy Report, it is intended that the new Zoning By-law will be organized to correspond to the new Brampton Plan and the City’s ongoing work to plan for MTSA’s. A chapter for Mixed Use Zones will incorporate a wide range of zones that are applicable to the planned Mixed Use areas of the City. Over time, these zones will be applied through development applications or through comprehensive updates as an outcome of an MTSA study or Secondary Plan review.

**Table 3** below identifies a preliminary framework for mixed use zones to be included in the Draft Zoning By-law. It is anticipated that the structure of zones will be refined through subsequent iterations of the Zoning By-law to consider 1) integration of principles from the UDGs as the UDGs are also refined/finalized, 2) updates to the Brampton Plan as the document moves through approval processes; 3) alignment with the MTSA studies to create a coordinated set of zones; and 4) to consider the review of Special Sections which can inform the standards and zone structure.

The new Mixed Use zones below are proposed to include permissions for a mix of uses. The intent is for these zones to work with the comprehensive by-law’s framework of Overlays to provide custom regulations for individual sites or streets. Overlays are discussed further in the next section.

As discussed previously, some of the existing Mixed Use zones (Downtown zones, Queen Street Mixed Use zoning, etc.) will not be carried forward into the Draft Zoning By-law. These zones will be reviewed through the MTSA work and/or replaced by equivalent new zones in the new Mixed Use zone framework. Any specific requirements for those zones may be added through Special Sections.

**Table 3: Preliminary Mixed Use Zone Framework**

Proposed Zone(s)	Basis / Notes
New Low Rise Mixed Use Zone	<ul style="list-style-type: none"> <li>○ Create a new low rise mixed zone to permit a range of townhouses (stacked and ground-related) and apartments corresponding to the low-rise typology</li> <li>○ This should also contemplate live-work townhouses and low-rise mixed use buildings</li> <li>○ The zone will address both Low Rise and Low Rise Plus typologies (permission for up to four storeys)</li> </ul>

Proposed Zone(s)	Basis / Notes
	<p>may be allowed by assigning a special height requirement using Overlays</p> <ul style="list-style-type: none"> <li>○ A limited range of convenience and personal service commercial uses should be permitted as contemplated by the Mixed Use designation of Brampton Plan</li> <li>○ Active use frontage requirements, height, build-to line, etc. can be assigned to the zone or specific properties using Overlays</li> </ul>
<p>New Mid Rise Mixed Use Zone</p>	<ul style="list-style-type: none"> <li>○ Range of apartments and mixed use buildings corresponding to the mid-rise typology</li> <li>○ As required by the Official Plan, achieve a podium-tower configuration for taller mid rise buildings</li> <li>○ Standards for height transition will be identified along with other design requirements</li> <li>○ Active use frontage requirements, build-to line, etc. can be assigned to the zone or specific properties using Overlays</li> </ul>
<p>New High Rise Mixed Use Zone</p>	<ul style="list-style-type: none"> <li>○ Range of apartments corresponding to the high-rise typology</li> <li>○ Permitted uses will incorporate a range of mixed uses</li> <li>○ Podium-tower configuration will be required as well as requirements for height transition</li> <li>○ Separate requirements for office versus residential towers</li> <li>○ Active use frontage requirements, build-to line, etc. can be assigned to the zone or specific properties using Overlays</li> <li>○ Height requirements and density requirements can be modified through Overlays</li> </ul>

## 6 Approach to Overlays

### 6.1 OVERVIEW

Overlays can be used to add other requirements to sites and areas which do not always correspond specifically with one or more zone categories. An overlay is a regulation or series of regulations that are applied to a geographic area depicted on a map. Overlays are useful when a regulation applies that crosses multiple zone boundaries. Overlays may be shown simply as suffices or prefixes to a zone code (see the City of Toronto's approach to overlays in Figure 3), or as a hatched or coloured area over the zone map (see the City of Ottawa's approach to overlays in Figure 2). They may also be shown on separate schedules (see the City of Guelph's approach to overlays in Figure 5).

Overlays usually take precedence over the underlying zone requirements. For example, maximum building height can be shown as an overlay to give flexibility to a zone's default maximum building height requirement. To help move towards a form-based approach to zoning, the new Zoning By-law should incorporate an overlay framework for the City to utilize moving forward. This is particularly important since the new Brampton Plan identifies a wide variety of policy requirements and contexts which are difficult to implement without overlays; the alternative would be to incorporate numerous different zone categories but even this would still require Special Sections to be created. Larger, urban cities such as Ottawa, Toronto, Guelph, and Edmonton utilize overlays to help manage increasingly complex zoning in the face of intensification pressure.

Based on a review of other municipalities and review of the policies of the new Brampton Plan, the following preliminary overlays are recommended to be identified in the new Zoning By-law to be used for lot and building standards. These overlays will be populated in the mapping over time through area-specific zoning amendments (such as to implement a Secondary Plan Review or MTSA study) or through site-specific amendments:

- Minimum and maximum building height;
- Podium height;
- Minimum and maximum density (note: density can be regulated in many ways, so the proposed approach will be to use FSI in the draft);
- Active frontage requirements; and
- Build to line requirements (front/exterior setback range and percentage of the frontage dedicated to buildings).

Other types of overlay provisions may be needed. Other overlays may be identified in other Technical Memos to support implementation of policy.

The various policies reviewed also create the potential to incorporate various design-related elements into zoning. The specific matters that should be regulated in zoning versus being included in other documents will be refined through various iterations of the Zoning By-law and the Urban Design Guidelines.

Other requirements could be incorporated into overlays, such as lot size/width/frontage, lot coverage, and setbacks. Creating a framework for these requirements would be useful for consolidating residential zones. However, these overlays would have limited utility in the Mixed Use Areas, where the variation on zone standards should pertain more to built form. The introduction of too many overlay scenarios can unnecessarily complicate the By-law and create interpretation issues. Additionally, having numerous Overlays will have an impact on the complexity of conducting the Special Sections review (refer to a separate Technical Memo). Based on this, Overlays for setbacks, lot size, frontage, etc. will be too complicated. Rather, it is recommended that the framework of overlays focus on creating guidance for mixed use development and intensification and necessary policy implementation.

City staff have expressed some concerns with respect to the use of overlays, such as interpretation (clarity), and complexity. The use of overlays enables a degree of flexibility and precision that is otherwise not possible with zones. If overlays are not utilized, there will be a need to have numerous zone categories or to utilize Special Sections for development. As indicated in the Zoning Strategy Report, it is a goal of the new Zoning By-law to be easy to use, but it is also a goal that the By-law take a form-based approach and that the By-law be designed to minimize the need for Special Sections in the future.

There are opportunities to ensure that these issues are minimized or eliminated. Currently, it is understood there are issues with utilizing the Schedule B maps, which illustrate built form requirements in Downtown Brampton. Moving forward, it is recommended that the use of overlays be incorporated into the City's interactive mapping to ensure the mapping is clear and that elements are mapped precisely using GIS. The City should not rely on paper maps to confirm zoning requirements.

Further, to minimize complexity, the Overlays are intended to be organized into a single chapter in the new Zoning By-law. The By-law will include documentation to guide users in this regard as this will differ somewhat from other Ontario Zoning By-laws.

## 6.2 BEST PRACTICE REVIEW AND ANALYSIS

To help inform the City's approach to overlays, a review and analysis of best practices is provided. The City of Ottawa, the City of Toronto, the City of Guelph, and the City of Edmonton all enable and establish a framework for overlays. The approach implemented varies in terms of what types of overlays are used, the level of detail presented, how the municipality illustrates overlays on schedules, appendices or interactive maps, and the provisions included in the actual by-law. The purpose of the review is to present options for the City's approach to overlays with the ultimate goal of achieving a simplified approach to overlays.

### **City of Ottawa Zoning By-law**

The City of Ottawa uses overlays in various forms. Figure 2 below shows an example of the City of Ottawa's Zone Map. There are two types of overlays depicted: policy overlays and suffix.

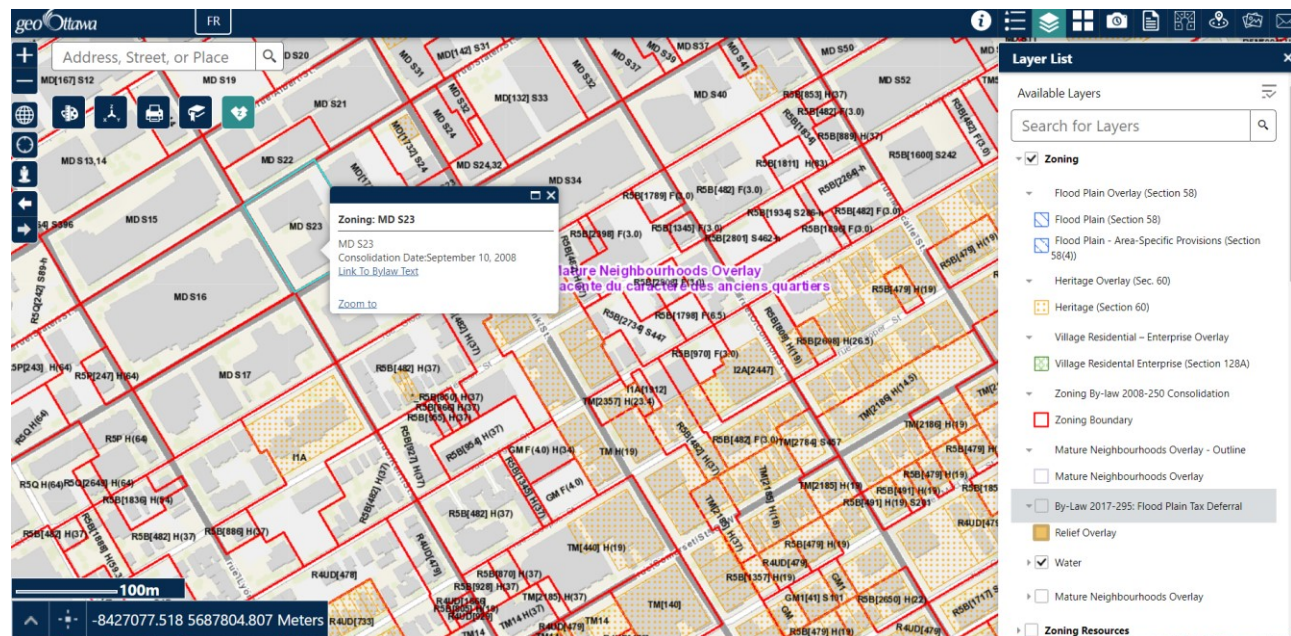
Policy overlays, as indicated in the legend in Figure 2, include overlays for Heritage, Mature Neighbourhoods, and Flood Plain. Each overlay corresponds to a section in the Zoning By-law with

associated provisions. Notably, the Heritage overlay is clearly visible and is depicted as following lot lines.

The other type of overlay used by the City of Ottawa is the suffix. The example in Figure 2 shows a property selected with a zoning of MD S23. This indicates the size is zoned as Mixed Use Downtown, with a maximum building height of 23 storeys. The suffix overlay establishes a site-specific maximum zoning height. This approach is similar to that used in the City of Toronto, which is discussed below. Other overlays shown in Figure 2 include exception zones, which are depicted as a number in square parentheses, such as [132], density (e.g., F(3.0) which depicts a maximum FSI requirement.

The City of Ottawa example demonstrates how an interactive mapping platform can be used to map overlays clearly and precisely with reference to the applicable sections of the Zoning By-law.

**Figure 2: Use of Overlays in the City of Ottawa Zoning By-law**



## City of Toronto Zoning By-law

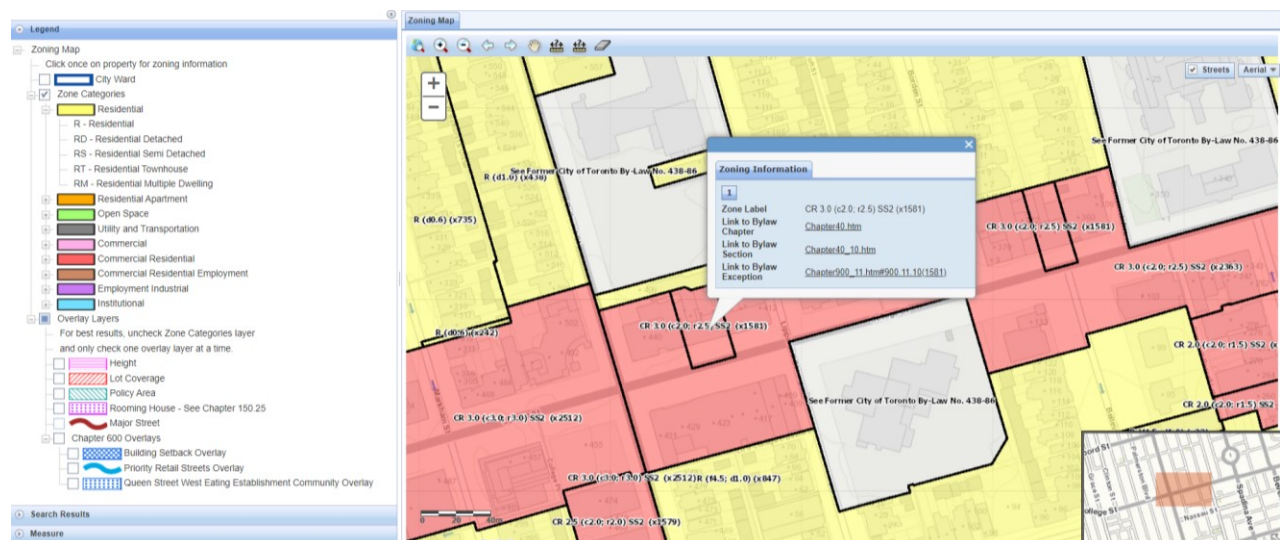
The City of Toronto uses overlays extensively in its Zoning By-law. Overlays in Toronto include various features that correspond with lots and some features that follow lot lines. Toronto includes overlays for height, lot coverage requirements, policies, and priority retail areas which are depicted as following specific lot lines. As the overlays are complex, they cannot be legibly viewed all at once. Instead, Toronto’s Zoning Map feature allows overlays to be individually checked/unchecked along with zone category information.

The Zoning Map depicts two typeset overlays, as in Ottawa. Suffixes are used, as well as geographically depicted overlays. In Figure 3, a snapshot of the City’s Zoning Map, the selected property shows a suffix that includes density information (c2.0 and r2.5 refer to maximum FSI for commercial and residential uses, respectively), development standards (“SS2” refers to a set of

development standards such as angular plane and setback requirements), and an exception zone (x1581).

In some instances, the City of Toronto applies an overlay to certain geographic areas as a package of standards where certain built form requirements apply. For instance, the Priority Retail Streets Overlay, which applies to lots in the CR, CRE, I or IH zones, which abut a street identified as a priority retail street on the Priority Retail Street Overlay Map. Provisions applicable to these lots include lot frontage and use requirements for mixed-use buildings or non-residential buildings, and minimum requirements for windows and doors for walls facing the priority street.

**Figure 3: Use of Overlays in the City of Toronto Zoning By-law**



## City of Guelph Zoning By-law

The City of Guelph reviewed and updated the Zoning By-law, approving the Zoning By-law in April 2023. As an introduction to Section 16 of the Zoning By-law, which includes provisions for the overlays, the City explicitly states that overlays modify other provisions of the by-law for specific areas. This provides a clear and concise description of the purpose, function, and intent of the overlay.

Overlay boundaries are shown on Overlay Maps, which are attached as Schedule B and form part of the Zoning By-law. There are twelve overlay schedules with corresponding provisions established in the Zoning By-law. This includes but is not limited to:

- Downtown Height Overlay which establishes minimum and maximum building heights that apply to lands within the downtown (see Schedule B-4, shown in Figure 5). Section 9.3 of the Zoning By-law establishes regulations for all Downtown Zones and includes reference to and provisions for lots where the Downtown Height Overlay applies, as well as graphics to illustrate building regulations for development in the Downtown Zones (see Figure 4).
- Downtown Active Frontage Area Overlay requires active uses on key streets within the downtown (see Schedule B-5, shown in Figure 5). Section 9.3 of the Zoning By-law

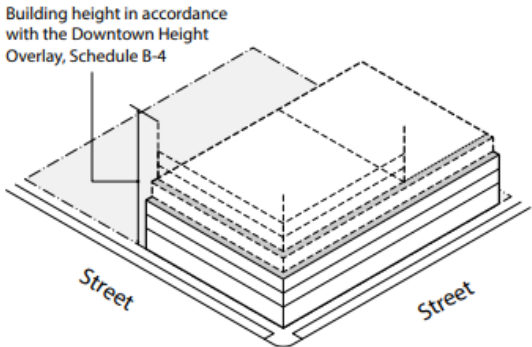
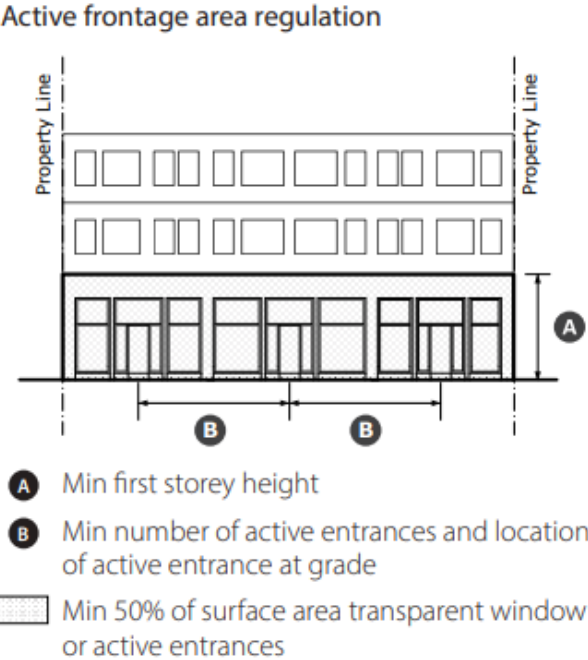
includes provisions for the active frontage area as well as a visual graphic depiction of the active frontage area regulation (see Figure 4).

- Low Density Greenfield Residential Overlay, which applies to lands within the greenfield area of the city and permits additional heights and densities. These areas are guided by provisions in Section 16.5 and Schedule B-13 to the Zoning By-law. Where this overlay applies, the maximum building height is six storeys and the maximum density is 60 units. This overlay provides some guidance to the City where greenfield development is anticipated and expected.

These overlays, as well as others used by the City of Guelph, establish a framework for flexible zones that permit multiple building types and updated mixed-use zones. The Zoning By-law describes where overlay boundaries are identified in Section 2.3. In Section 2.4, the City describes the relationship between zone and overlay boundaries. Then, overlays are described in detail, with reference to other sections of the Zoning By-law, in Section 16.

The City of Guelph’s overlay framework adds flexibility and adaptiveness to the Zoning By-law. The regulations and schedules are clear concise, and the Zoning By-law includes graphical elements that illustrate the relationship between the overlays and regulations.

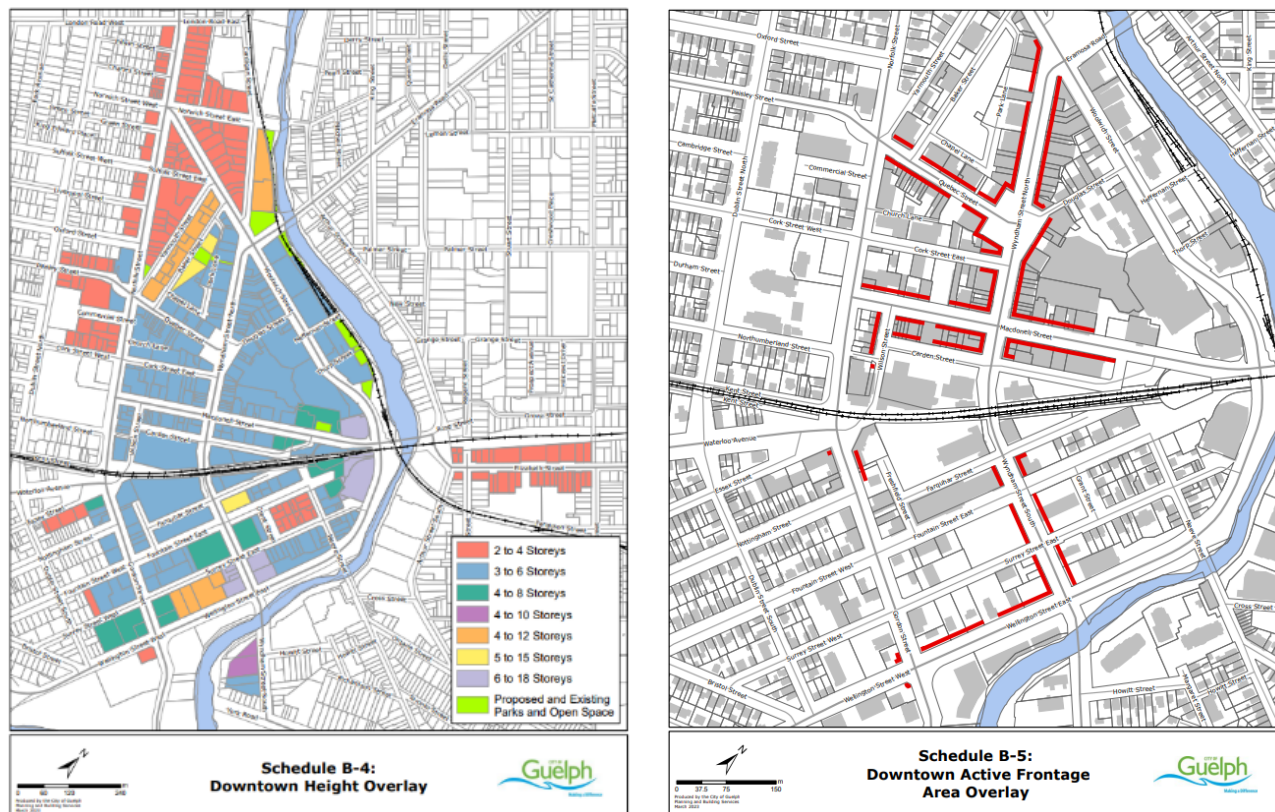
**Figure 4: Excerpts from the City of Guelph Zoning By-law, illustrating the active frontage area regulation (left) and the building height overlay (right)**



<b>Building height</b> (min & max)	In accordance with Section 9.3(c)
<b>Building stepbacks</b> (min)	In accordance with Sections 9.3(a)(iii) and 9.3(a)(iv)
<b>Floor space index (FSI)</b> (min)	1.5, except on properties fronting onto Elizabeth Street where the minimum FSI is 1.0



**Figure 5: Schedule B-4 to the City of Guelph Zoning By-law, which shows the Downtown Height Overlay (right) and Schedule B-4 to the City of Guelph Zoning By-law, which shows the Downtown Active Frontage Area Overlay (left)**



### City of Edmonton Zoning By-law

The City of Edmonton uses four categories of overlays: Protection Overlays, Commercial Overlays, Industrial Plan Overlays, and Residential Overlays. The Main Streets Overlay, for example (see Figure 6), is intended to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians. Regulations for setbacks to accommodate street related pedestrian activities, vehicular access, surface parking and underground parking, and other development regulations are provided in the Zoning By-law.

As noted above, the City’s existing Zoning By-law uses overlays as a tool to achieve specific development outcomes and manage risk across specific geographic areas. Through the Zoning By-law Review, the City has updated existing and removed outdated overlays in favour of more comprehensive standard zone. The City has proposed removing four of the existing overlays for various reasons. For example, regulations established by the Major Corridors Overlay are consolidated into the proposed General Commercial and Business Employment Zones to support good design for commercial development. In other cases, the City is proposing the integration of



3. Zoning in the Mixed Use areas should be reviewed for conformity as part of a detailed mapping review exercise (i.e., in conjunction with the second Draft Zoning By-law and the Secondary Plans).
4. Existing mixed use zones and related zones (e.g., zones for apartments and townhouses) should be carried forward and consolidated where possible. However, fulsome updates and consolidation should occur in conjunction with the review of Special Sections so that the implications of updates can be confirmed. If the parent zones are tweaked, then this may require the Special Sections to be updated subsequently and so the tweaks may not be worthwhile.
5. Consider updates to the DC series of zones to incorporate elements from the UDGs or replace the DC zones outside MTSAs with Mixed Use Zones.
6. Incorporate new mixed use zones that address low-, mid- and high-rise forms as contemplated in the Official Plan. This will only require 3 zones, which utilize Overlays (see the following recommendation) to add flexibility to the requirements. The UDGs, tall building guidelines and Official Plan will inform the zones.
7. Overtime, the Mixed Use zones should be coordinated with the MTSA work, to provide for a coordinated set of Mixed Use Zones in the next draft Zoning By-law.
8. To address the criteria-based requirements of the Official Plan, an overlay framework is required in the zoning. Incorporate a framework of overlays into the new Zoning By-law which focuses on built form elements in mixed use areas (height, density, active uses, build-to requirements) to add more flexibility and adaptiveness to the mixed use zones to respond to development applications and not require creation of a Special Section with each application. The overlays will not address lot size and setbacks to avoid too much complexity.
9. Overlays will need to be managed within the City's interactive map to ensure that they are accurately depicted and to allow customized views of zoning and overlay information. The City should no longer utilize paper maps for this purpose. Further coordination with the City's GIS department will be required.
10. As much as possible, overlays should be clear and tied to an entire property or depicted as following a street line (i.e., a lot line adjacent to a street). Interpretation clauses will assist in managing interpretation issues.
11. Overlays that apply to portions of a site, rather than the whole lot, should be minimized, as they create interpretation challenges. Overlays that address portions of a site should only relate to environmentally sensitive areas or similar policy overlays. These overlays should not relate to built form requirements to avoid interpretation issues. A separate figure should be incorporated into a Special Section where this is needed, but this approach should be avoided.