

Shaping Your City

City of Pickering Zoning By-law Review

Discussion Paper #2: Assessment of Existing Parent By-laws

Final | February 2021

— City of —
PICKERING

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TABLE OF CONTENTS

1	Introduction	1
2	Review of Existing Zoning By-laws	2
2.1	Current Zoning By-laws	2
2.1.1	Frenchman’s Bay Area Zoning By-law 2511	2
2.1.2	The Bay Ridges Area Zoning By-law 2520	2
2.1.3	Zoning By-law 3036.....	3
2.1.4	Rural Area Zoning By-law 3037	3
2.1.5	Seaton Zoning By-law 7364/14	3
2.1.6	Pickering City Centre Zoning By-law 7553/17	3
2.1.7	Minister’s Zoning Orders	7
2.1.8	Minister’s Zoning Order – Ontario Regulation 102/72	7
2.1.9	Minister’s Zoning Order – Ontario Regulation 19/748	7
2.1.10	Ontario Regulation 154/03	8
2.2	Recent Updates and Amendments	9
3	Assessment of Zone Categories	10
3.1	Review of Existing Zone Categories	10
3.1.1	Consolidation Opportunities for Zone Categories ..	19
3.2	Identification of Gaps in Zone Categories	19
4	Assessment of General Provisions	22
4.1	Redundancies Between General Provisions of Parent By-laws.....	22
4.2	Opportunities for Illustrations/User Friendly Elements	27
4.3	Identification of Gaps in General Provisions ...	29
5	Assessment of Definitions	31
5.1	Completeness of Definitions	31
5.2	Conflicts Amongst Definitions Between Parent By-laws	31
5.3	Consistency in Terminology Between and Within the Parent By-laws.....	32
5.4	Opportunities for Illustrations/User Friendly Elements	33
6	Review of Minor Variances.....	35
6.1	Authority to Grant Minor Variances	35
6.2	Overview of Minor Variances.....	36

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

6.2.1	Review of Minor Variances by Zone	38
6.3	Identification of Key Trends and Issues	48
7	Site-Specific Exception Zones	50
7.1	Overview of Site-Specific Exception Zones.....	50
7.2	Role of Site-Specific Exception Zones in Informing Zone Updates	51
7.3	Review and Assessment of Options for Addressing Site-Specific Exception Zones.....	51
7.3.1	Option 1: Delete All Site-Specific Exception Zones.	51
7.3.2	Option 2: Carry Forward All Site-Specific Exception Zones.....	52
7.3.3	Option 3: Selective Deletion and Comprehensive Review of Site-Specific Exception Zones.....	52
7.4	Preliminary Recommendation for Reviewing Site-Specific Amendments.....	53
8	Conclusions	54

1 Introduction

The City of Pickering is undertaking a review of its six existing Zoning By-laws. A municipality's zoning by-law is an important planning tool for regulating land use, lot sizes and dimensions, as well as the location, character and scale of buildings and structures. The City's existing Zoning By-laws cover discreet geographic areas of the City and date as far back as 1960. There have been many amendments and updates over the years, but this project represents the first city-wide review and update of zoning in the City of Pickering in over 60 years.

This paper provides a description and assessment of the existing Zoning By-laws applicable within the City of Pickering. This paper looks at the similarities and differences between the By-laws, opportunities for consolidation and harmonization, and assesses how minor variances and site-specific amendments can inform updates to the provisions of the new By-law. The intent of this paper is to inform the work program and discuss expected issues and challenges for consolidating the Zoning By-laws into a single, new comprehensive Zoning By-law for the City.

2 Review of Existing Zoning By-laws

2.1 Current Zoning By-laws

Development in the City is regulated by six Zoning By-laws and three Minister's Zoning Orders. Each applies to a different area of the City and uses similar, but in some cases very different, zone categories and provisions to regulate buildings, structures and uses. The purpose of this section is to provide a general description of each Zoning By-law and the Minister's Zoning Orders. **Figure 2.1**, included at the end of this subsection, illustrates the geographic applicability of each of these Zoning By-laws and the Minister's Zoning Orders. **Table 2.1**, also included at the end of this subsection, compares the Zoning By-laws in terms of number of amendments, amount of land area covered by each Zoning By-law, and other information.

2.1.1 Frenchman's Bay Area Zoning By-law 2511

Frenchman's Bay Area Zoning By-law 2511 was passed by the Council of the Corporation of the Town of Pickering on October 5, 1960 and approved by the Ontario Municipal Board on January 3, 1963. The Frenchman's Bay Area Zoning By-law applies to lands bounded on the north by the southerly limit of Highway 401, on the west by the centre line of the Rouge River and on the east by the westerly limit of the Town of Ajax, but excluding Parts of Lots 21-27, Range 3, Broken Front Concession. This area generally describes all lands within the City of Pickering south of Highway 401, excluding the area covered by the Bay Ridges Area Zoning By-law, described below. The area of the Frenchman's Bay By-law is primarily residential with a large area of industrial lands abutting the municipal boundary with the Town of Ajax to the east. Since coming into effect, the Frenchman's Bay Zoning By-law has been amended 243 times to provide site-specific exceptions, add permitted uses to properties and update certain regulations from time to time.

2.1.2 The Bay Ridges Area Zoning By-law 2520

The Bay Ridges Area Zoning By-law 2520 was passed by the Council of the Corporation of the Township of Pickering on June 3, 1960 and approved by the Ontario Municipal Board on March 22, 1961. The Bay Ridges Area Zoning By-law applies to Parts of Lots 21, 22, 23, 25, 26 and 27, Range III, Broken Front Concession and Part of Lot 23, Concession 1. This area generally coincides with the lands immediately east and west of Frenchman's Bay. The area of the Bay Ridges By-law is primarily residential with isolated pockets of commercial uses. Since coming into effect, the Bay Ridges Zoning By-law has been amended 57 times to provide site-specific exceptions, add permitted uses to properties and update certain regulations from time to time.

2.1.3 Zoning By-law 3036

Zoning By-law 3036 was adopted by the Council of the Town of Pickering on August 3, 1965 and approved by the Ontario Municipal Board on October 7, 1966. The applicable area of the by-law is described as, that part of the Town of Pickering lying south of the centre line of the road allowance between Concession 2 and Concession 3, but excluding that part of the Town lying west of the westerly boundary of the Town of Ajax and south of the southerly limit of Highway 401. Mapping provided by the City shows By-law 3036 as applying to lands south of Concession Road 3 and north of Highway 401 excluding the area of the City Centre Zoning By-law 7553/17. The area of By-law 3036 includes natural features, rural lands, a range of residential areas and large areas of commercial development including office, retail and service uses. At the time of preparing this report the number of amendments and their nature was not available as they are currently being reviewed.

2.1.4 Rural Area Zoning By-law 3037

Rural Area Zoning By-law 3037 was adopted by Council of the Town of Pickering on August 3, 1965 and approved by the Ontario Municipal Board on November 10, 1965. The applicable area of the Rural Area Zoning By-law 3037 is not precisely described in the By-law; however, based on mapping provided by the City of Pickering, the By-law applies to those lands north of Concession 3, except where the Seaton Zoning By-law applies. The area of the Rural Area By-law is primarily rural and agricultural with a number of clusters of residential and commercial uses which are designated “Hamlet” in the Official Plan and zoned “Villages”. This area also includes lands within the Oak Ridges Moraine. Since coming into effect, the By-law has been amended approximately 145 times to provide site-specific exceptions, add permitted uses to properties and update certain regulations from time to time.

2.1.5 Seaton Zoning By-law 7364/14

Seaton Zoning By-law 7364/14 was approved by the Ontario Municipal Board in decisions dated December 17, 2013 and January 24, 2014. The Seaton Zoning By-law 7364/14 applies to the Seaton Urban Area which is bound by the C.P. rail line to the south, the West Duffins Creek to the west, generally Highway 7 to the north and Sideline 16/the Pickering-Ajax boundary to the east. Also included in Seaton are lands approximately 600 metres north of Highway 7 and west of North Road, and approximately 1.1 kilometers north of Highway 7 and west of Sideline 32. The area of the Seaton By-law 7364/14 includes natural features, agriculture and areas designated for residential development as well as a planned corridor of employment uses adjacent to Highway 407. Since coming into effect, the Seaton Zoning By-law 7364/14 has been amended with site-specific changes twice.

2.1.6 Pickering City Centre Zoning By-law 7553/17

City Centre Zoning By-law 7553/17 was approved by the Ontario Municipal Board on February 16, 2018. The City Centre Zoning By-law 7553/17 applies to lands as shown

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Discussion Paper #2: Review and Assessment of Existing Parent By-laws

in Schedule 1 to the By-law (see **Figure 2.1**), generally within the area bounded to the south by Bayly Street, to the west by Liverpool Road and Pine Creek, to the north by properties on the north side of Kingston Road, and to the east by the Hydro corridor (Princess of Wales Park). The area of the City Centre Zoning By-law 7553/17 includes higher density residential and commercial uses including the Pickering Town Centre shopping mall and City Hall. Since coming into effect, the City Centre Zoning By-law 7553/17 has been amended four times, with the most recent currently under appeal.

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Discussion Paper #2: Review and Assessment of Existing Parent By-laws

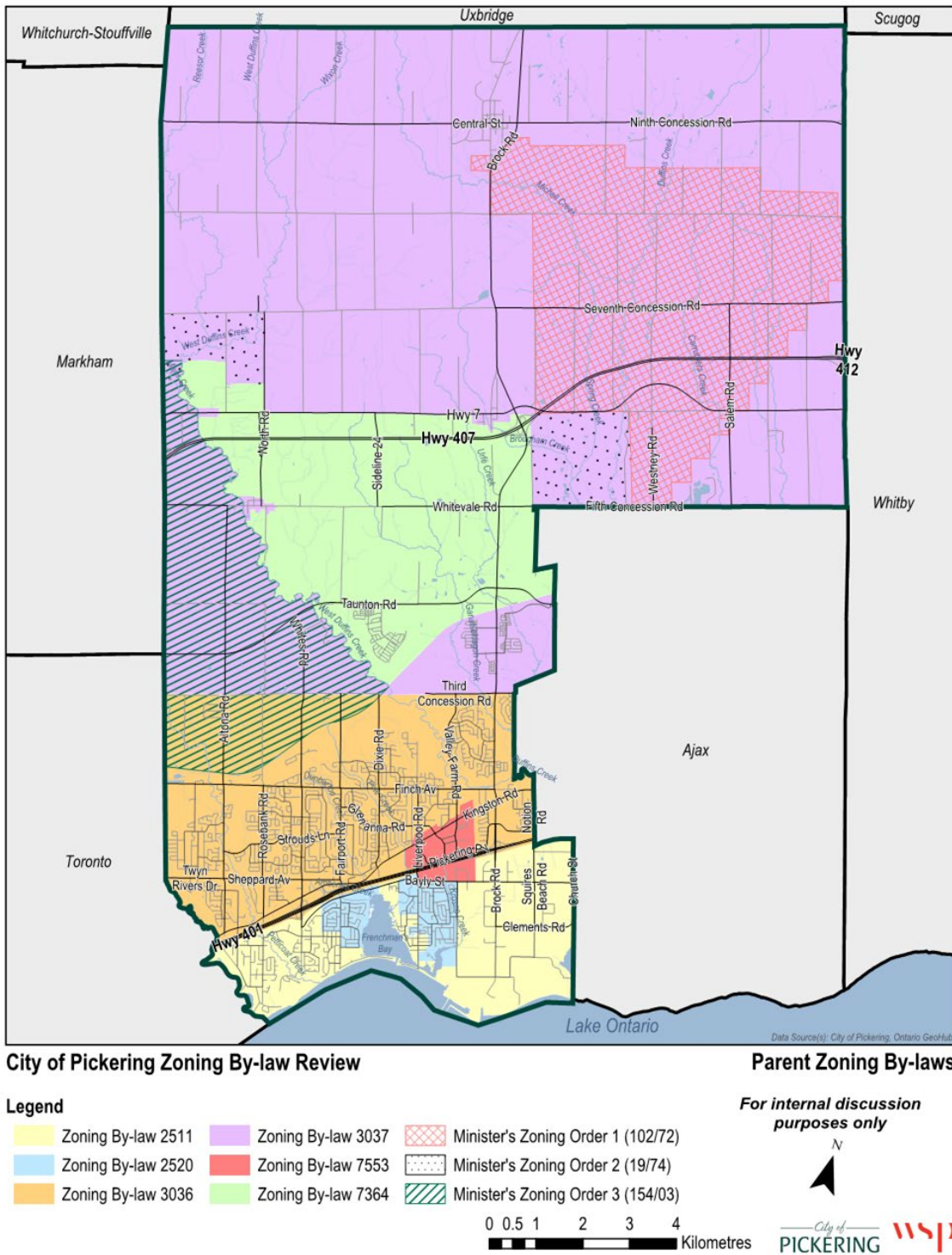


Figure 2.1: Applicability of City's Existing Zoning By-laws and Minister's Zoning Orders

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Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Table 2.1: City of Pickering Zoning By-law Overview

Zoning By-law	Year of Adoption / Approval	Area of Applicable Lands (hectares)	Number of Land Parcels*	Number of Amendments	Number of Minor Variances since 2015
Frenchman's Bay Zoning By-law 2511	October 5, 1960 / January 3, 1963	1,330	3674	243	81
Bay Ridges Zoning By-law 2520	June 3, 1960 / March 22, 1961	287	3865	57	33
Zoning By-law 3036	August 3, 1965 / October 7, 1966	3,149	20119	(Review of amendments is underway)	201
Rural Area Zoning By-law 3037	August 3, 1965 / November 10, 1965	15,270	3607	145	49
Seaton Zoning By-law 7364/14	Adoption date not provided / December 17, 2013 and January 24, 2014	2986	2108	2	68
City Centre Zoning By-law 7553/17	Adoption date not provided / February 16, 2018	177	1650	3	8

** Some parcels intersect multiple parent Zoning By-laws and therefore double-counting has occurred*

2.1.7 Minister's Zoning Orders

Section 47 of the *Planning Act* allows the Minister of Municipal Affairs and Housing to, by order, exercise any of the powers conferred upon Councils by Section 34 (zoning by-laws), 38 (interim control by-laws), and 39 (temporary use by-laws). Minister's Zoning Orders (MZOs) are enacted as regulation under the *Planning Act* and supersede any municipal Zoning By-law that may apply to the subject area. Landowners may apply to amend or remove a MZO from their property by making an application to the Ministry.

In 1972, the Government of Canada expropriated 7,530 hectares of land located in Pickering, Markham and Uxbridge for the potential development of a new airport. The majority of the expropriated lands are located in Pickering. At the same time, two MZOs were enacted to ensure that land use and new development proposals on lands adjacent to the Federally owned lands would remain compatible with a future airport and its operations.

Later in 2003, the province placed a third MZO on lands in Pickering to prevent new urban development on lands designated rural and agricultural within the greenbelt study area.

2.1.8 Minister's Zoning Order – Ontario Regulation 102/72

The MZO 102/72 is titled, "Restricted Areas – County of Ontario (now the Regional Municipality of Durham), Township of Pickering (now the City of Pickering)". Section 2 of the MZO describes the lands to which the MZO applies:

2. This Order applies to the following lands in the Town of Pickering in The Regional Municipality of Durham:

1. The north quarter of Lot 7, the north half of Lot 8, the north three-quarters of Lot 9 and Lots 10 and 11 in Concession V, excepting,
 - i. those lands shown as Parts 1 and 2 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Durham (No. 40) as Number 40R-6188, and
 - ii. those lands shown as Part 1 on a Reference Plan deposited in that Land Registry Office as Number 40R-6601.
2. The north quarter of Lot 3, the north half of Lot 4, the north three-quarters of Lot 5, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Concession VI.
3. The north three-quarters of Lot 1 and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Concession VII.
4. The southerly quarter of Lots 1, 2, 3 and 4, the southerly halves of Lots 5, 6, 7, 8, 9, 10 and 11, the south three-quarters of Lots 12, 13, 14, 15 and 16, the southerly 5,300 feet of Lot 17, the portion of Lot 18 lying south of the northerly limit of the Brock Road By-pass and Lot 19 in Concession

VIII, excepting the northerly 2,250 feet and the southerly 3,000 feet of Lot 19 in the said concession.

5. All original road allowances between or fronting the lands described in paragraphs 1 to 4. O. Reg. 959/78, s. 1; O. Reg. 165/82, s. 1; O. Reg. 194/83, s. 1.

The area of the MZO is primarily agricultural and rural. The intent of the MZO is to prohibit development that would not be compatible with an airport.

The MZO has 103 site-specific exceptions to provide regulations for the development of lands in areas not considered necessary for the future airport development. These exceptions include minimum standards for lot frontage, lot area, front yard, rear yard and other requirements commonly found in zoning by-laws. They permit a variety of uses including single-detached homes and commercial uses. Property owners within the MZO area may apply to amend the MZO by contacting the Ministry of Municipal Affairs and Housing.

2.1.9 Minister's Zoning Order – Ontario Regulation 19/74

Ontario Regulation 19/74 is a MZO for restricted areas within the Regional Municipality of Durham, Town of Pickering (now the City of Pickering) was passed on January 10, 1974. The MZO applies to lands described as:

1. Those lands described in Schedule 3 to Ontario Regulation 575/72; and
2. Lots 12 to 16, both inclusive, in Concession V.

Figure 2.1 (above) illustrates the affected area. The general provisions of the MZO stipulate that:

“No land shall be used and no building or structure shall be erected or used except in accordance with the terms of this Order, but nothing in this Order prevents the use of any land, building or structure for a purpose prohibited by the Order if such land, building or structure was lawfully used for such purpose on the day this Order comes into force or prevents the erection or use of any building or structure the plans for which have, prior to the day this Order comes into force, been approved by the Municipal Building Inspector”.

The MZO prohibits all uses except agricultural uses and buildings and structures accessory thereto and one single-family dwelling used in connection with each agricultural operation. The MZO also provides development standards for minimum lot frontage, area and setbacks. It establishes a minimum ground floor area for dwellings and regulations for accessory structures.

2.1.10 Ontario Regulation 154/03

MZO 3 (O.Reg. 154/03) was enacted on November 17, 2003 and applies to the area identified in Figure 2.1 (above). The primary purpose of the MZO is to prohibit new

development within the Greenbelt Plan Area, except Greenbelt Conservation Uses and any buildings or structures necessary for flood and erosion controls.

The MZO establishes development standards for accessory buildings, structures and uses, agricultural uses, agricultural related business uses and residential dwellings on existing lots. The MZO permits lawfully existing uses to continue and allows for the expansion or enlargement of existing buildings or structures provided they comply with the development standards of the MZO.

2.2 Recent Updates and Amendments

The majority of amendments to each of the existing Zoning By-laws have been site-specific and triggered by development applications. City-wide amendments have been made to the older by-laws over the years to update provisions related to street frontage, corner lots, and conversion of units of measurement to the metric system among other matters.

There have been no significant updates to the existing Zoning By-laws recently brought into effect in the City. Instead, new by-laws for Seaton (2013) and the City Centre (2017) areas provide all new regulations to accommodate new development in areas planned for significant growth or intensification. The great majority of amendments have been site-specific in nature.

3 Assessment of Zone Categories

Each of the existing Zoning By-laws sets out a series of zone categories, where land use and other requirements are established. Each zone is applicable to defined areas of the City, as illustrated in the zone schedules attached to the Zoning By-law. This section identifies and compares the zone categories of each existing Zoning By-law described in Section 2 and notes redundancies between categories. The ultimate intent of this process is to explore the opportunities of merging similar zones of the existing Zoning By-laws for the new comprehensive zoning by-law for the City. This assessment will help focus the review of specific zones in later discussion papers.

3.1 Review of Existing Zone Categories

Each of the existing Zoning By-laws include broad zone categories such as Residential, Commercial, Institutional/public and environmental protection zones among others. The zones within these categories address specific land uses or development standards. However, not all by-laws use the same zones to categorize uses and standards and zones with the same name may not have the same standards in different By-laws. This presents a challenge for consolidating the Zoning By-laws.

Taken altogether, the City of Pickering's existing Zoning By-laws include 17 residential zones and approximately 40 zones for other land uses. **Table 3.1** summarizes the zone categories by each Zoning By-law for the purposes of comparing the use of zone names and symbols used. The key distinction amongst the By-laws is that the City's two newest Zoning By-laws (Seaton and City Centre) include very different zone categories compared with the other Zoning By-laws.

For the purposes of informing this high-level, initial assessment of how the zone categories compare amongst the existing parent Zoning By-laws, the permitted uses amongst the residential zones was also compared. This is shown in **Table 3.2**.

Consolidating the existing zones in a single zoning by-law while retaining each of the different sets of requirements would result in an overly complex new comprehensive zoning by-law. For example, the Frenchman's Bay Zoning By-law 2511 includes six Residential Zones that permit single-detached dwellings at various densities, as well as semi-detached dwelling and duplex dwellings. The Seaton Zoning By-law 7364/14 includes eight different residential zones that permit the same types of residential uses as Zoning By-law 2511 but with different development standards that do not overlap. A direct consolidation of the By-laws would result in fourteen distinct zones for only eight types of residential uses.

In conclusion, there is a lack of consistency between the existing Zoning By-laws, which indicates that a closer examination is required. Generally, while the zones are all distinct, there may still be opportunity to consolidate zones. This will require a detailed analysis to assess the impact of eliminating zones. When zones are merged, and new

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Discussion Paper #2: Review and Assessment of Existing Parent By-laws

standards are adopted, the outcome may be to increase or decrease land use and development permission. Subsequent discussion papers will look closely at the similarities and differences between zones within categories, and assess how the zones can be consolidated into a single, comprehensive Zoning By-law, while considering the impact of eliminating zones and changing the standards or permitted uses.

Note that the MZOs do not zone by area and do not provide uniform standards for development of certain uses. The MZOs prohibit every use of land within the MZO areas except for those that predate the MZO, agricultural uses and dwellings and accessory structures associated with agricultural uses. However, there have been numerous site-specific amendments to provide exceptions.

Table 3.1: Zone Categories

Zone Category	French- man's Bay 2511	Bay Ridges 2520	3036	Rural Area 3037	Seaton 7364/14	City Centre 7553/17
Residential Zones						
R1 – Residential First Density	X		X			
R2 – Residential Second Density	X					
R3 – Residential Third Density	X		X			
R4 – Residential Fourth Density	X	X	X			
R5 – Village Residential Zone				X		
RM1 – Multiple First Density	X	X				
RM2 – Multiple Second Density	X	X				

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 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone Category	French- man's Bay 2511	Bay Ridges 2520	3036	Rural Area 3037	Seaton 7364/14	City Centre 7553/17
LD1 – Low Density Type 1					X	
LD1-HL – Low Density Type 1 – Heritage Lot					X	
LD1-T – Low Density Type 1 – Townhouses					X	
LD2 – Low Density Type 2					X	
LD2 – Low Density Type 2 – Multiple					X	
MD-DS – Medium Density – Detached and Semi					X	
MD-M – Medium Density - Multiple					X	
H – High Density					X	
CCR1 – City Centre Residential One						X
CCR2 – City Centre Residential Two						X
Commercial Zones						
C1 – Local Commercial	X	X	X			

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 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone Category	French- man's Bay 2511	Bay Ridges 2520	3036	Rural Area 3037	Seaton 7364/14	City Centre 7553/17
C2 – General Commercial	X	X	X	X		
C3 – Highway Commercial	X	X	X	X		
PEG – Prestige Employment General					X	
PEN – Prestige Employment Node					X	
PE-HL – Prestige Employment – Heritage Lot					X	
ES – Employment Service					X	
Mixed Use Zones						
MC1 – Mixed Corridor Type 1					X	
MC2 – Mixed Corridor Type 2					X	
MC3 – Mixed Corridor Type 3 – Gateway Sites					X	
MCC – Minor Commercial Clusters					X	

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone Category	French- man's Bay 2511	Bay Ridges 2520	3036	Rural Area 3037	Seaton 7364/14	City Centre 7553/17
LN – Local Node					X	
CN – Community Node					X	
CN-PP – Community Node – Pedestrian Predominant Area					X	
CC1 – City Centre One						X
CC2 – City Centre Two						X
V – Village Zone				X		
Industrial Zones						
M1 – Storage and Light Manufacturing	X		X	X		
M2 – Industrial	X					
M2S – Yard Storage and Heavy Manufacturing	X					
ORM-M1 – Oak Ridges Moraine Industrial				X		
Q – Pit and Quarry Zone			X	X		

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone Category	French- man's Bay 2511	Bay Ridges 2520	3036	Rural Area 3037	Seaton 7364/14	City Centre 7553/17
Public Use and Environmental Protection Zones						
M3 – Public Service	X	X*				
01 – Public Open Space	X	X	X			
02 – Public and Private Open Space	X	X	X	X		
03A & 03B – Waterfront Zones	X	X				
G – Greenbelt	X	X	X	X		
ORM-R – Oak Ridges Moraine Recreational				X		
OS – Open Space					X	X
CU – Community Use					X	
DCP – District Community Park					X	
SWM – Stormwater Management					X	
GC – Golf Course					X	
HHOS – Hamlet Heritage Open Space					X	

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone Category	French- man's Bay 2511	Bay Ridges 2520	3036	Rural Area 3037	Seaton 7364/14	City Centre 7553/17
CE – Cemetery					X	
Utility Zone					X	
NHS – Natural Heritage System					X	X
CCC – City Centre Civic						X
Agricultural Zones						
A – Rural Agricultural Zone			X	X		

* Note: By-law 2520 refers to M3 as “Municipal Zone”

Table 3.2: Residential Permitted Uses

	Converted Dwelling for Boarding or Lodging	Live Work Dwelling	Apartment Dwelling	Stacked Dwelling	Back-to-back Townhouse Dwelling	Block Townhouse Dwelling	Apartment House Dwellings	Multiple Attached Dwellings	Street Townhouse	Duplex	Semi-Detached	Detached
French- man's Bay By- law 2511												
R1												X

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Converted Dwelling for Boarding or Lodging
Live Work Dwelling
Apartment Dwelling
Stacked Dwelling
Back-to-back Townhouse Dwelling
Block Townhouse Dwelling
Apartment House Dwellings
Multiple Attached Dwellings
Street Townhouse
Duplex
Semi-Detached
Detached

R2	X											
R3	X											
R4	X											
RM1	X	X	X									
RM2	X	X	X		X	X						
Bay Ridges By-law 2520												
R4	X											
RM1	X	X	X									
RM2	X	X	X		X	X						
By-law 3036												
R1	X											
R3	X											
R4	X											
Rural Area Zoning By-law 3037												

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Converted Dwelling for Boarding or Lodging
Live Work Dwelling
Apartment Dwelling
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Back-to-back Townhouse Dwelling
Block Townhouse Dwelling
Apartment House Dwellings
Multiple Attached Dwellings
Street Townhouse
Duplex
Semi-Detached
Detached

V	X											X
R5	X											X
Seaton By-law 7364/14												
LD1	X	X										
LD1-T			X	X								
LD1-HL	X											
LD2	X	X										
LD2-M			X	X	X		X	X				
MD-DS	X	X										
MD-M			X	X	X		X	X		X		
HD				X ¹	X ¹					X		
City Centre By-law 7553/17												
CC1				X ²			X ²	X ²	X ²	X	X	
CC2				X ²			X ²	X ²	X ²	X	X	
CCR1				X			X	X				
CCR2				X			X	X	X	X	X	

Notations to the table above:

¹ permitted only where an apartment building is the principal building on the lot.

² use prohibited in areas designated as Active at Grade Frontages on Schedule 6 to the By-law.

3.1.1 Consolidation Opportunities for Zone Categories

Given that the Seaton and City Centre Zoning By-laws are the newest Zoning By-laws (by five decades) and should therefore best reflect and contemplate recent development trends and practice, the greatest opportunity for consolidation would be to apply the zoning categories and provisions of these more-recent Zoning By-laws to the rest of the urbanized City, where it is most appropriate. As such, the Seaton and City Centre By-laws may be considered a logical starting point upon which to build the new Zoning By-law. However, this will require a fulsome comparison with the other Zoning By-laws to assess the impact associated with deleting any other zones.

The Seaton Zoning By-law 7364/14 includes provisions for Residential, Mixed-Use, Employment Area, Community Use, Natural Heritage and Open Space Zones, and Utility zones. This offers the widest range of uses among the existing by-laws and likely has strong applicability throughout the built-up area of the city, including areas currently regulated by By-law 3036. The City Centre Zoning By-law 7553/17 is distinctly more urban and includes provisions for higher densities of development. It applies to an area uniquely designated “City Centre” in the Official Plan and therefore may not be appropriate for replication in other areas.

Given the above, it may be desirable to consolidate By-laws 2511, 2520, 3036 and 3037 and replicate appropriate sections of the Seaton By-law 7364/14 for application in areas of the City not covered by the Seaton and City Centre By-laws, subject to further analysis and consideration of the impact of broadening the provisions. Other Discussion Papers examine how the new Zoning By-law may address each type of zone in more detail (e.g., residential versus commercial).

3.2 Identification of Gaps in Zone Categories

The new Zoning By-law will represent the most important tool to implement the policies of the City of Pickering Official Plan. The Official Plan identifies broad land use designations which generally identify permitted uses as well as policies and expectations about built form, urban design and character. The new Zoning By-law should establish a series of zone categories that relate to the land use designations of the Official Plan in order to be an effective implementation tool. In some cases, a single land use designation may be implemented by a series of zones since it is the role of a zoning by-law to be more detailed, and because the Official Plan may contain specific criteria surrounding contemplated land uses. The purpose of this section is to identify significant gaps in the zone categories, as they relate to the land use designations of the Official Plan.

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

The City of Pickering Official Plan includes policies, such as permitted uses and built form requirements, for the following land use designations:

- Rural Settlements
 - Rural Clusters
 - Rural Hamlets
 - Oak Ridges Moraine Rural Hamlets
- Urban Residential Areas
 - Low Density Areas
 - Medium Density Areas
 - High Density Areas
- Mixed Use Areas
 - Local Nodes
 - Community Nodes
 - Mixed Corridors
 - Specialty Retailing Node
 - City Centre
- Employment Areas
 - General Employment
 - Prestige Employment
 - Mixed Employment
- Open Space System
 - Seaton Natural Heritage System
 - Natural Areas
 - Active Recreational Areas
 - Marina Areas
 - Hamlet Heritage Open Space
 - Oak Ridges Moraine Natural Linkage Areas
 - Oak Ridges Moraine Natural Core Areas

Rural Settlements are generally implemented by the Villages and R5 zones of the Rural Area Zoning By-law 3037. Within Urban Residential Areas, low, medium and high density areas are generally captured by the various residential zones found in each Zoning By-law. The Frenchman's Bay and Seaton By-laws each include employment area zones and provisions.

The clearest gap between the Official Plan and the Zoning By-laws appears to be within the Mixed Use Areas. Schedule I to the Pickering Official Plan shows areas designated Local Nodes, Community Nodes, Mixed Corridor and Specialty Retailing Node in pockets throughout the area covered by Zoning By-law 3036. The lands subject to these

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

designations may have been the subject of site-specific Zoning By-law Amendments, but the parent Zoning By-law itself does not include provisions for mixed use development that align with the policies for these designations in the Official Plan.

All Mixed Use Area designations in the Official Plan permit residential, retail, office, and restaurant uses at varying scales and intensities, and in a range of different forms, including mixed-use buildings. The residential zones of Zoning By-law 3036 do not permit commercial uses, and the commercial zones do not permit residential uses. There is generally a lack of standards and guidance for mixed-use development, particularly mixed-use buildings. This means proposals for mixed use development within areas designated Mixed Use Area in the Official Plan may require a Zoning By-law Amendment to proceed if the lands have not already been the subject of a site-specific amendment.

By comparison, the Seaton and City Centre area also include pockets that are designated Mixed Use Areas within the Official Plan, but in this case the Seaton and City Centre Zoning By-laws include mixed-use zones that permit residential and commercial uses. Applying these zones to the areas within Zoning By-law 3036 area would help implement the Official Plan with regulations that would be familiar to residents and the development industry, provided the mixed-use zone regulations are appropriate and related to the Official Plan policies.

Discussion Papers 3-5 will focus on residential, employment and mixed use / intensification areas and will provide a deeper analysis of how the Official Plan's designations will be implemented in the Zoning By-law.

4 Assessment of General Provisions

The general provisions of a zoning by-law apply to all zone categories. General provisions typically provide direction on specific subjects including general setbacks and provisions for uses that permitted across multiple zones. This includes, for example, parking standards, sight triangles, interpretation of measurements, and any general prohibitions for uses not permitted in any zone. These provisions avoid the need to reproduce the same requirements for each zone and help reduce the overall bulk of a zoning by-law. This section reviews and assesses the general provisions of the existing Zoning By-laws in the City of Pickering.

4.1 Redundancies Between General Provisions of Parent By-laws

The existing Zoning By-laws address many of the same subject matter in each of their general provisions sections. However, the Seaton and City Centre Zoning By-laws are organized somewhat differently. Provisions related to the scope/application of the Zoning By-laws, for example, are located within an administration section rather than general provisions section. Other provisions found in the general provisions of the older Zoning By-laws, such as statements regarding lots reduced through public acquisition, are instead found in the Interpretation section of the newer by-laws.

Separating administrative and interpretative clauses from land use regulations can help improve the readability of a zoning by-law by reducing the bulk of the general provisions section.

General provisions related to residential uses that are found in Zoning By-laws 2511, 2520, 3036 and 3037 are instead found within the residential sections of the Seaton and City Centre Zoning By-laws. This is appropriate since these provisions only apply to residential development.

The more recent existing Zoning By-laws also tend to provide more direction related to issues that had not been contemplated in the older Zoning By-laws. For example, the City Centre Zoning By-law 7553/17 includes general provisions for live-work dwellings and bicycle parking space requirements which should apply to a variety of zones outside the City Centre area but are not contemplated by the older by-laws. Urban design issues such as mechanical penthouses that may not have been considered by the older Zoning By-laws are also addressed in the newer Zoning By-laws. It should be noted further that when some of the current zoning by-laws were passed (in the 1960s), their applicable area was rural in nature. Over time, the urban area of Pickering has grown, but the original rural by-laws have not been comprehensively reviewed to integrate a framework of general provisions for urban uses. As such, there are significant gaps in terms of providing appropriate general provisions for the areas that have urbanized over time.

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Parking standards are typically addressed within the general provisions of the older Zoning By-laws, but are included within their own parking section of the Seaton and City Centre Zoning By-laws. Other provisions found in the general provisions sections of the older Zoning By-laws are located within the Administration or Interpretation sections of the newer Zoning By-laws. Again, this helps with readability as users of the by-law who are interested in parking standards can easily turn to the relevant section.

The general provisions which can be found in all by-laws include only the following:

- Non-conforming uses;
- Accessory buildings and uses/structures;
- Prohibited uses; and
- Accessory dwelling unit.

There may be minor differences in how each by-law addresses the above subjects, but harmonizing these provisions will provide consistency throughout the city. **Table 4.1** shows the subjects included within the general provisions of each Zoning By-law.

Table 4.1 General Provisions

Subject	2511	2520	3036	3037	7364/14	7553/17
Accessory Buildings and Uses/Structures	X	X	X	X	X	X
Accessory Dwelling Unit	X	X	X	X	X	X
Air Conditioners					X	X
Area Requirements for Institutional Uses	X	X	X	X		
Automobile Service Station	X	X	X	X		
Coach Houses					X	
Corner Lots	X	X		X		
Day Nurseries within Cultural and Community Facilities	X	X	X	X		
Determination of Frontage	X	X*				
Discontinued Use	X	X*	X*	X		
Exceptions to Height Regulations		X				
Existing Uses within the Oak Ridges Moraine				X		
Frontage on a Street		X	X	X	X	

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Subject	2511	2520	3036	3037	7364/14	7553/17
General Provisions				X		
Height Requirements	X	X	X	X		
Highway 401 Corridor Setback						X
Holding Zone	X	X	X	X		
Holding Zone, Establishment	X	X	X*	X		
Holding Zone, Restriction	X	X	X*	X		
Holding Zone, Uses	X	X	X*	X		
Home Industry				X		
Home-Based Business				X	X	X
Human Habitation Not within Main Buildings					X	X
Irregular Lots	X	X	X	X		
Legal Non-Complying Buildings or Structures					X	X
Legal Non-Complying Lots					X	
Linear Utilities Permitted in All Zones					X	X
Live Work Unit					X	X
Lots Having Reduced Lot Area and/or Reduced Lot Frontage within the Oak Ridges Moraine				X		
Lots Having Split Zoning within the Oak Ridges Moraine				X		
Lots on Public and Private Streets					X	
Lots Reduced by Public Acquisition	X	X	X	X		
Minimum Distance Separation				X		
Minimum Off-Street Parking Requirements	X	X	X	X		
Model Homes					X	
Natural Heritage System Zone Setback						X

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Subject	2511	2520	3036	3037	7364/14	7553/17
Non-Complying Buildings or Structures within the Oak Ridges Moraine				X		
Non-Conforming Uses	X	X*	X	X	X	X
Obstruction of Yards	X	X	X	X		
Off-Street Loading Requirements		X				
Parks and Playgrounds / Recreation	X	X	X	X		
Partial Destruction of Existing Buildings	X	X	X	X		
Patios						X
Permitted Yard Encroachments					X	X
Primary Entrance Door Location on a Through Lot					X	
Prohibited Uses	X	X	X	X	X	X
Public Uses Permitted in All Zones					X	X
Public Utilities	X	X	X	X		
Rapid Infiltration Basins and Columns				X		
Reduction of Lot Area	X	X	X	X		
Residential Zone	X	X	X			
Restoration to a Safe Condition	X	X	X	X		
Rooftop Mechanical Equipment and Mechanical Penthouses						X
Satellite Dish Antenna					X	X
Scope	X	X	X	X		
Services	X	X	X	X		
Special Setbacks within ORM Zones				X		
Special Uses Permitted	X	X	X	X		
Standards for Attached Private Garages Accessed by a Driveway from a Street					X	

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Subject	2511	2520	3036	3037	7364/14	7553/17
Standards for Attached Private Garages on Lots Accessed by Lanes					X	
Standards for Detached Private Garages Accessed by a Driveway from a Street					X	
Standards for Detached Private Garages Accessed by a Lane					X	
Supplementary Parking Regulations	X	X	X	X		
Swimming Pools					X	
Temporary Sales Office						X
Through Lots			X	X		
Trailer Parks and Private Recreational Uses	X	X	X	X		
Transportation, Infrastructure and Utilities				X		
Truck, Bus and Coach Bodies	X	X	X	X		
Uses of Lots without Buildings	X	X	X	X		
Waste Management						X
Yard Requirements with Respect to Certain Streets			X	X		
Yards Abutting Daylighting Triangles					X	X

*Note: The provisions were revoked

A detailed review of the general provisions in conjunction with the provisions for each zone category and the definitions, administration and interpretation sections of the Zoning By-laws will determine those provisions that may be more appropriately located elsewhere. For example, “through lots” are found within the General Provisions of Zoning By-laws 3036 and 3037. The text states:

“Where a lot which is not a corner lot has frontage on more than one street, such lot shall have a front yard on each street in accordance with the provisions of the Zone or Zones in which each front yard is located”.

This provides a definition of the term and direction on how to implement regulations related to front yards of through lots. The Seaton Zoning By-law 7364/14 takes a different approach, providing a succinct definition of “Through Lot” in the definitions section and providing regulations in the general provisions under, “Primary Entrance Door Location on a Through Lot”.

This and other similar provisions will be assessed for clarity and simplicity as appropriate.

4.2 Opportunities for Illustrations/User Friendly Elements

In consideration of other Ontario zoning by-law examples reviewed, there is an opportunity to use illustrations, diagrams or explanatory notes to provide additional clarity within the general provisions. Concepts like yard encroachments, accessory building requirements, driveway standards or approaches to dealing with irregular lots can be communicated with drawings that show the effect of the provisions. Urban design subjects in particular benefit from three-dimensional illustrations to show elements such as angular plane, setbacks or floor space index requirements because the text may be complex and the intent of the provision may not be immediately clear. Setting out an illustration can provide a simple means of explaining the intent of the provisions more clearly to the reader. **Figure 4.1** shows an example of an illustration used in the general provisions of the City of Oshawa’s Zoning By-law.

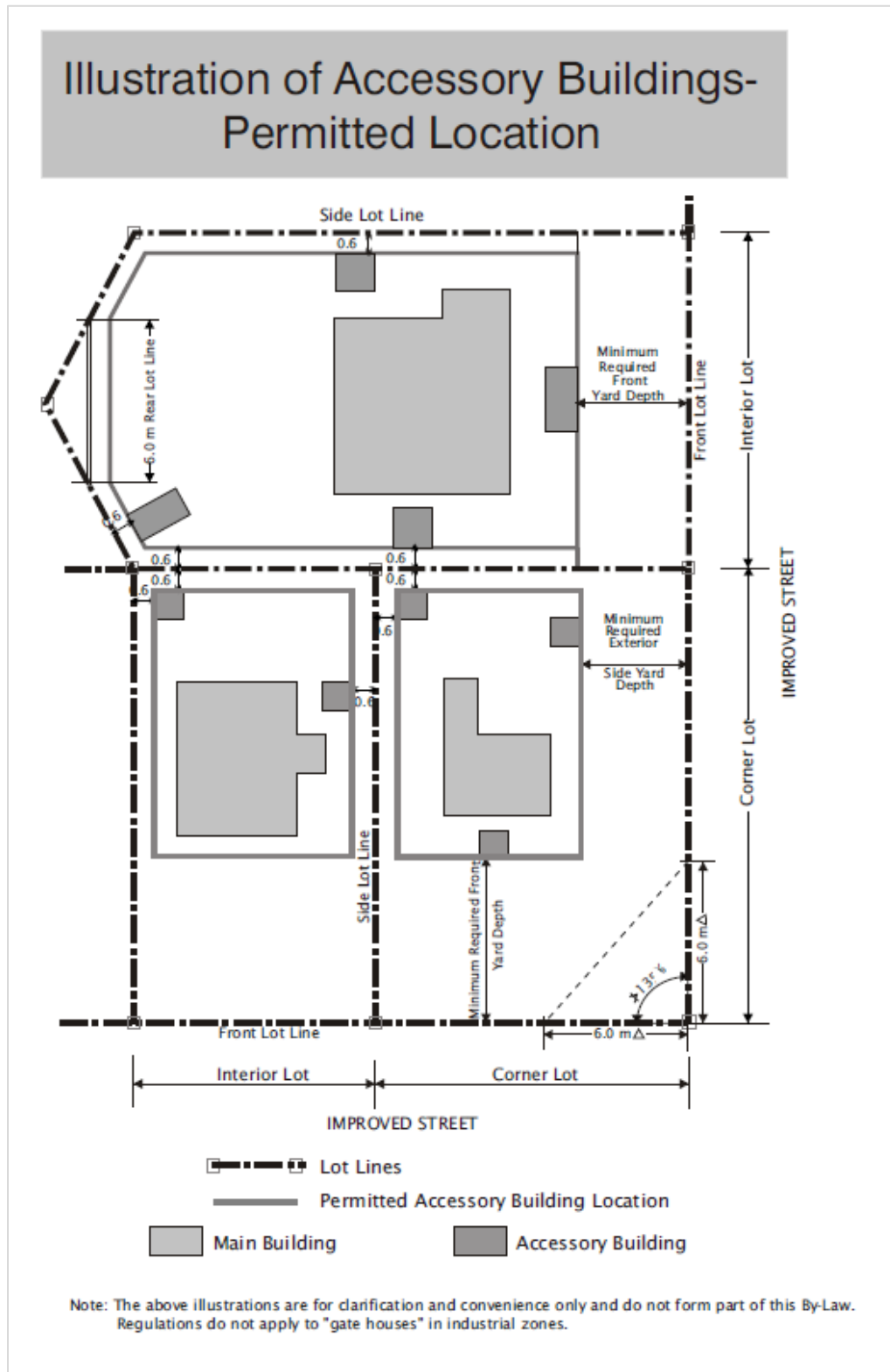


Figure 4.1: Illustration of General Provisions from City of Oshawa By-law 60-94

4.3 Identification of Gaps in General Provisions

This section considers potential gaps in the subjects covered by the general provisions. Overall, between all of the existing Zoning By-laws, the general provisions appear to be fairly comprehensive and collectively will represent a suitable starting point for compiling the new comprehensive zoning by-law. The key distinction is the lack of inclusion of essential general provisions consistently amongst all By-laws (e.g., permitted yard encroachments are only addressed in a couple of the Zoning By-law's General Provisions section, although this may be regulated in other sections in other ways). It is anticipated that a significant effort in developing the new Zoning By-law will involve the establishment of a City-wide General Provisions section and the impact of introducing new general provisions into areas of the City where they do not currently apply.

In comparison with other municipal by-laws, the most notable gap appears to be with respect to the inclusion of specific-use provisions and provisions for newer uses that municipalities are starting to regulate. Specific-use provisions refer to general provisions that apply to certain types of land uses, including both accessory or principal uses. Organizing specific-use provisions in the general provisions (or in its own chapter) can be efficient because it may eliminate redundancy between various zones where the specific use is permitted amongst many zone categories. The existing Zoning By-laws appear to include only a few sets of specific-use provisions, such as home industry and home occupation uses. However, it is possible that the Zoning By-laws simply do not need the specific-use provisions on the basis that the individual zone categories provide suitable standards.

Some potential new general and specific-use provisions could include, for example:

- 1 Some newer zoning by-laws address certain accessory uses in more detail, such as outdoor storage, shipping/sea containers, outdoor clothing drop-boxes/vending machines, or similar accessory uses.
- 2 Other zoning by-laws in Ontario incorporate standards for certain temporary uses, such as temporary outdoor sales tents, yard sales, and outdoor storage or parking of commercial and recreational vehicles, which do not appear to be thoroughly addressed in the City's existing zoning by-laws.
- 3 Many zoning by-laws provide additional provisions respecting certain automobile-oriented uses, such as drive-throughs, car washes and automobile service stations. This could include stacking requirements, special setbacks to ensure compatibility with surrounding uses.
- 4 Newer zoning by-laws are addressing short-term accommodations (i.e., temporary rental of bedrooms or dwelling units).
- 5 Newer zoning by-laws are addressing accessibility requirements, such as allowing flexible provisions to accommodate accessibility ramps.
- 6 Some by-laws integrate setbacks from rail lines.

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

- 7 Recently, municipalities are beginning to explore matters such as electric vehicle charging stations, car-sharing regulations, and other provisions that are responsive to transportation mode and technology trends.

Further input from City staff will be beneficial to assess where staff have observed gaps in general provisions.

5 Assessment of Definitions

Each of the existing Zoning By-laws applies to a distinct area of the City of Pickering and addresses different types of development and priorities for that area. The Rural Area Zoning By-law 3037 necessarily includes more discussion of agricultural uses, natural features and rural land uses, whereas the City Centre Zoning By-law 7553/17 focuses more on mixed-use urban development, higher density residential uses and commercial uses. The definitions of each Zoning By-law therefore include only those terms that are relevant to the Zoning By-law itself, and thus the list and extent of definitions differs between each document. The definitions in each Zoning By-law also reflect the time period in which each zoning by-law was written. Certain outdated terms can still be found in the older Zoning By-laws, and an evolution of thought can be seen when comparing definitions of the same term in different Zoning By-laws.

5.1 Completeness of Definitions

The definitions included in each existing Zoning By-law typically define all uses permitted within that zoning by-law. In some cases, uses that are explicitly prohibited in certain zones may be identified within the section of the zoning by-law for that category. For example, a list of uses prohibited as home-based businesses is provided within the general residential provisions of By-law 2511 and these uses are defined within that section rather than in the definitions section. Given that the zoning by-laws prohibit all uses not listed as permitted, this provision may not be necessary. Going forward, it will be desirable to include all uses mentioned in the by-law in the definitions section. A good practice is to ensure that all permitted use terms and all technical terms are defined.

5.2 Conflicts Amongst Definitions Between Parent By-laws

Overall, the differences between definitions found in the existing Zoning By-laws are minor. Typically, the older Zoning By-laws contain simpler definitions whereas the more recent definitions are more complex and intended to address more potential circumstances.

For example, the Rural Area Zoning By-law 3037 defines a “Day Nursery” as:

“Day Nursery” shall mean lands and premises duly licensed pursuant to the provisions of the *Day Nurseries Act*, or any successor thereto, for use as a facility for the daytime care of children.

The Seaton Zoning By-law 7364/14 instead uses the term, “Day Care Centre”, defined as:

“Day Care Centre” means:

- i. indoor and outdoor premises where more than 5 children are provided with temporary care and/or guidance for a continuous period but does not provide overnight accommodation and are licensed in accordance with the applicable Provincial Act; or,
- ii. indoor and outdoor premises in which care is offered or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.”

The more recent definition appears to reflect changes in Provincial legislation, and is also inclusive of day care for adults.

The older Zoning By-laws also include older terminology such as “one-family detached dwelling”, which is found in the Frenchman’s Bay Zoning By-law 2511. The definition of “Family” is provided as, “one person or two or more persons who are interrelated by bonds of consanguinity, marriage or legal adoption or a group of not more than five unrelated persons occupying with or without one or more domestic servants, a dwelling unit” (A note in the zoning by-law states that this definition was “invalidated by Bill 129, September 5, 1989”).

The more recent by-laws include other definitions intended to help with the implementation of urban design policies. These include, “podium”, “angular plane”, “tower floor plate” among others. Generally, given the age of the City’s older Zoning By-laws, the newer Zoning By-laws may represent a more suitable starting point for the new Zoning By-law, subject to further analysis and assessment of any impact associated with adopting a new definition.

5.3 Consistency in Terminology Between and Within the Parent By-laws

A detailed comparison of definitions found in the existing Zoning By-laws will be undertaken as part of the process of preparing the new comprehensive Zoning By-law. The analysis will include the preparation of a spreadsheet with all existing definitions presented alphabetically with an additional column with recommended harmonized definitions. Consolidating and harmonizing definitions will be a significant task as there are a total of 280 defined terms with some variation between definitions of the same term among the six existing Zoning By-laws.

The definitions will also need to be reviewed and updated for consistency with the Official Plan, Provincial Policy Statement, applicable Provincial Plans and consistency with Building and Fire Codes and other applicable legislation, where appropriate. The new zoning by-law will draw from other municipal by-laws and the Seaton and City Centre Zoning By-laws to provide current and appropriate definitions. When adopting a new term, it will be important to consider the impact of the new term, and whether it increases development permission or decreases it and could create legal non-conformity or expansions permission.

5.4 Opportunities for Illustrations/User Friendly Elements

Currently, the existing Zoning By-laws do not utilize illustrations or other user-friendly elements (e.g., side notations) to complement the definitions. The definitions section of a zoning by-law provides the greatest opportunity for illustrations to help the reader understand concepts used in the zoning by-law. Terms such as “Lot Depth”, “Top of Bank” or “Yard, Side” are simple to illustrate and can be used to show how these are addressed different based on different circumstances. For example, an illustration can clearly show which side on a corner lot is considered the front or side. **Figure 5.1** provides an example of an illustration used in the Town of Oakville’s Zoning By-law.

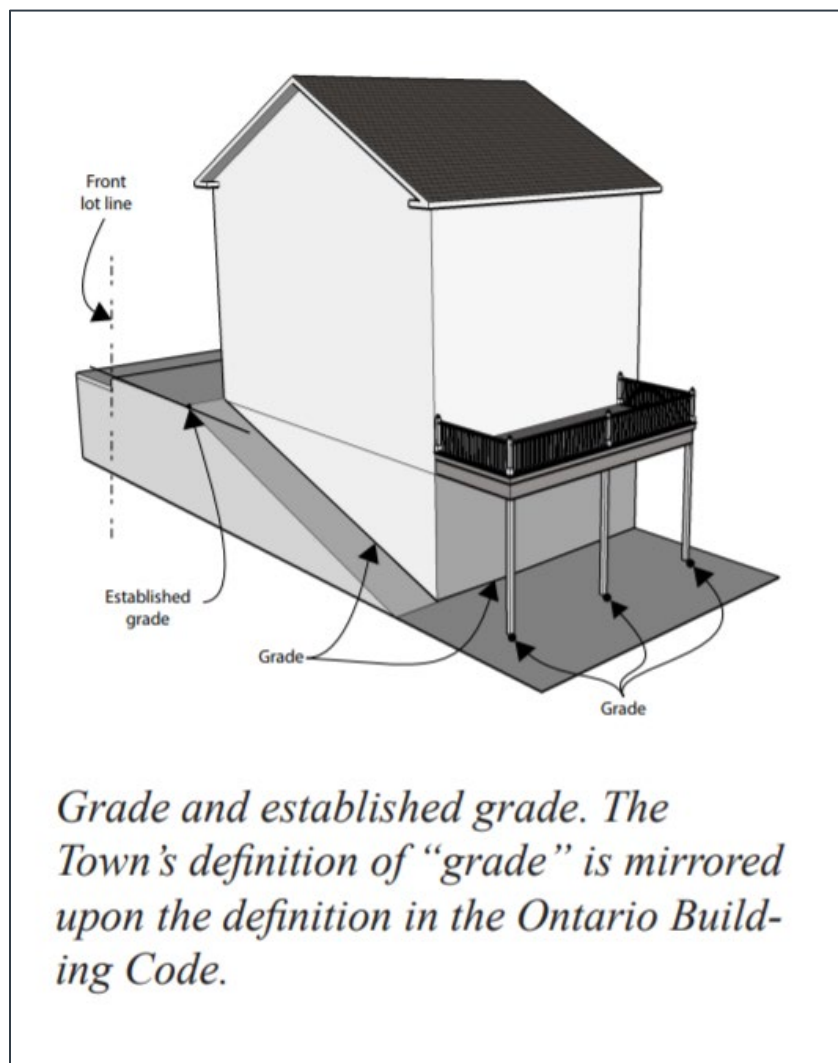


Figure 5.1: Example of an Illustration of a definition in the Town of Oakville Zoning By-law 2014-014

Further, a user-friendly element included in many new zoning by-laws is the incorporation of an index or table of contents of definitions, which can be hyperlinked. **Figure 5.2** is an example of an index of definitions from the Township of King’s Zoning By-law for the village of Nobleton.

Part 2 | Definitions

Part 2 | Definitions

2.1 Interpretation

a) For the purpose of this By-law, all words shall carry their customary meaning, as defined in the Webster’s New World Dictionary, except for those defined hereinafter in section 2.2.

b) In the event of conflict, *Council*, in consultation with the *Zoning Administrator*, shall have sole discretion for interpreting the meaning of words.

c) For convenience purposes only, the terms defined in section 2.2 are *italicized* throughout this By-law.

2.2 Defined Terms

The following index is provided for convenience only and does not form part of this By-law.

A			
Abattoir	10	Building Inspector	13
Accessory Building or Structure.....	10	Building Supply and Equipment Depot	13
Accessory Retail	10	By-law Enforcement Officer	13
Accessory Use	10	C	
Addition.....	10	Carport.....	14
Adult Entertainment Establishment.....	10	Cellar	14
Agricultural Use	11	Cemetery	14
Alter	11	Clinic.....	14
Amenity Area	11	Club	14
Art Gallery	11	Commercial Greenhouse.....	14
Attached.....	11	Commercial School	15
Automobile Body Repair Garage	12	Commercial Use	15
Automobile Repair Garage	12	Commercial Vehicle.....	15
Automobile Sales and Service Establishment	12	Committee of Adjustment	15
Automobile Service Station.....	12	Community Centre.....	15
Automobile Washing Establishment	12	Conservation Use	15
B		Convenience Retail Store.....	15
Bake Shop	12	Council.....	15
Bakery.....	12	Custom Workshop.....	16
Balcony.....	13	D	
Basement.....	13	Child Care Centre.....	16
Bed and Breakfast	13	Day Spa.....	16
Building	13	Deck	16
		Defined Area.....	16

Zoning By-law for the Nobleton Urban Area | Township of King 6
 Final for Council Adoption | July 11, 2016 | By-law No. 2016 - 71

Figure 5.2: Example of an Index of Definitions from the Township of King’s Nobleton Zoning By-law 2016-71

6 Review of Minor Variances

Minor variances are approved by the City's Committee of Adjustment to grant minor deviations from the requirements of the Zoning By-law, such as a minor deviation in building height, setbacks, or even to add a permitted use that is similar to other permitted uses but not explicitly contemplated. An assessment of the City's recent minor variances can provide insight into the provisions of the By-law that may not be working well.

6.1 Authority to Grant Minor Variances

The *Planning Act* enables municipal councils to appoint a Committee of Adjustment to authorize variances to the zoning by-law to facilitate development that may not meet the requirements of the zoning by-law. Section 45 (1) of the *Planning Act* provides the Committee of Adjustment with the authority to permit minor variances related to the use of land, building or structures. Minor variances may be approved, if in the opinion of the Committee, the application meets the four tests prescribed under the *Planning Act*:

- Is the proposed variance minor in nature?
- Is the variance desirable for the appropriate development or use of the land, building or structure?
- Is it in keeping with the general intent and purpose of the Zoning By-law?
- Is it in keeping with the general intent and purpose of the Official Plan?

Section 45 (2) enables the Committee of Adjustment to permit the enlargement or extension of legal nonconforming uses and to allow for uses that are similar to an existing legal non-conforming use or to permit uses that are more compatible than an existing legal non-conforming use. The Committee may permit the use of land where the permitted uses are defined in general terms and where the proposed use conforms to the permitted uses.

Section 45 (1.0.1) of the *Planning Act* enables Council to establish additional approval criteria by by-law. Applications would be assessed based on the traditional four tests prescribed under the *Planning Act*, as well as any additional criteria prescribed by regulation and any local criteria established through municipal by-law. This effectively allows for the municipality to determine context specific criteria in reviewing minor variance applications.

Section 45 (1.3) of the *Planning Act* places a two-year freeze on minor variance applications for properties that have been subject to a site-specific zoning by-law amendment. This is intended to prevent development proponents from changing development plans through the minor variance process after completing the rezoning process. It may also reduce administrative cost on municipalities. In some cases, Council may find it reasonable to allow a minor variance to proceed. Section 45 (1.4) of

the *Planning Act* allows Council to pass a resolution to permit certain classes, or types of applications to proceed with minor variances. This can be done on an ad hoc basis, or as a blanket statement.

6.2 Overview of Minor Variances

According to the City of Pickering's data, since 2015, the City has processed 462 minor variance applications with most applications requesting multiple types of variances at a time. The overwhelming majority of applications, 409, were approved. This may indicate there are opportunities to update the Zoning By-laws to incorporate slight changes to the permissions or standards and to reduce the need for minor variances. However, this requires more fulsome evaluation. **Figure 6.1** breaks down the number of minor variance applications that were approved or otherwise dealt with.

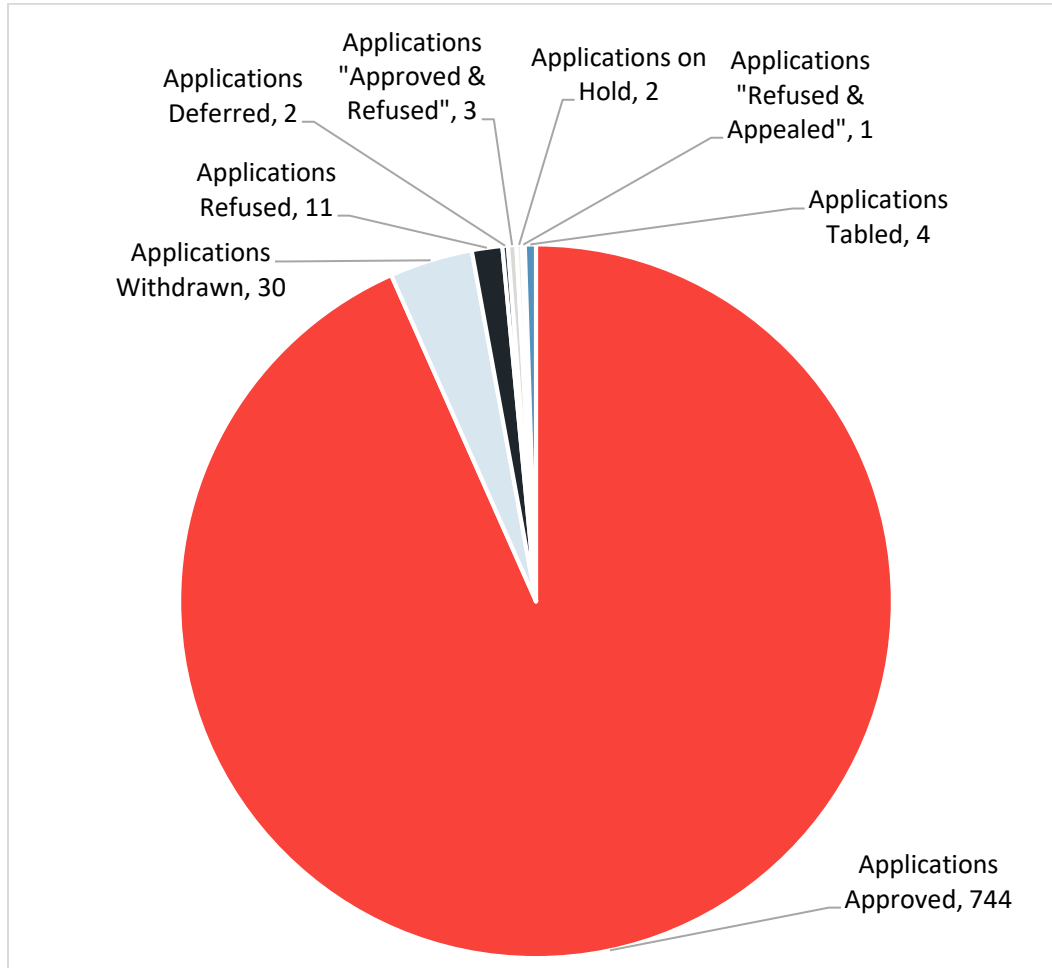


Figure 6.1: Minor Variance Application Status (2015 - 2020)

Only 11 applications were refused in 2015-2020, while 30 applications were withdrawn. This may suggest that the city has an effective practice of communicating to applicants the likelihood of approval and are successful at redirecting applications that are unlikely to be supported by the Committee of Adjustment.

The minor variance records provided by the City date back to 2015 and include the file number, address, status (including type of decision), and, in almost all cases, a summary of the relief requested by the application. Many of the applications include relief for multiple zoning provisions. **Figure 6.2** shows the number of minor variance applications by subject matter. The descriptions of each application were searched for certain common key words and tallied to provide an indication of how often certain types of variances are requested. This includes applications that were refused or withdrawn. Variances recognizing an existing condition or use were also included in the search. The most common types of variances requested are related to height (116), lot coverage (82), side yard width (75), and lot frontage (62). 82 applications were related to decks and porches, 81 applications were related to accessory buildings and structures, 58 were related to use, 59 were related to garages, and 19 were related to parking. A large number of height-related variances are related to accessory structures, decks and porches. 17 minor variance applications were to recognize an existing condition, such as an existing undersized lot or setback for an existing building proposed to be expanded.

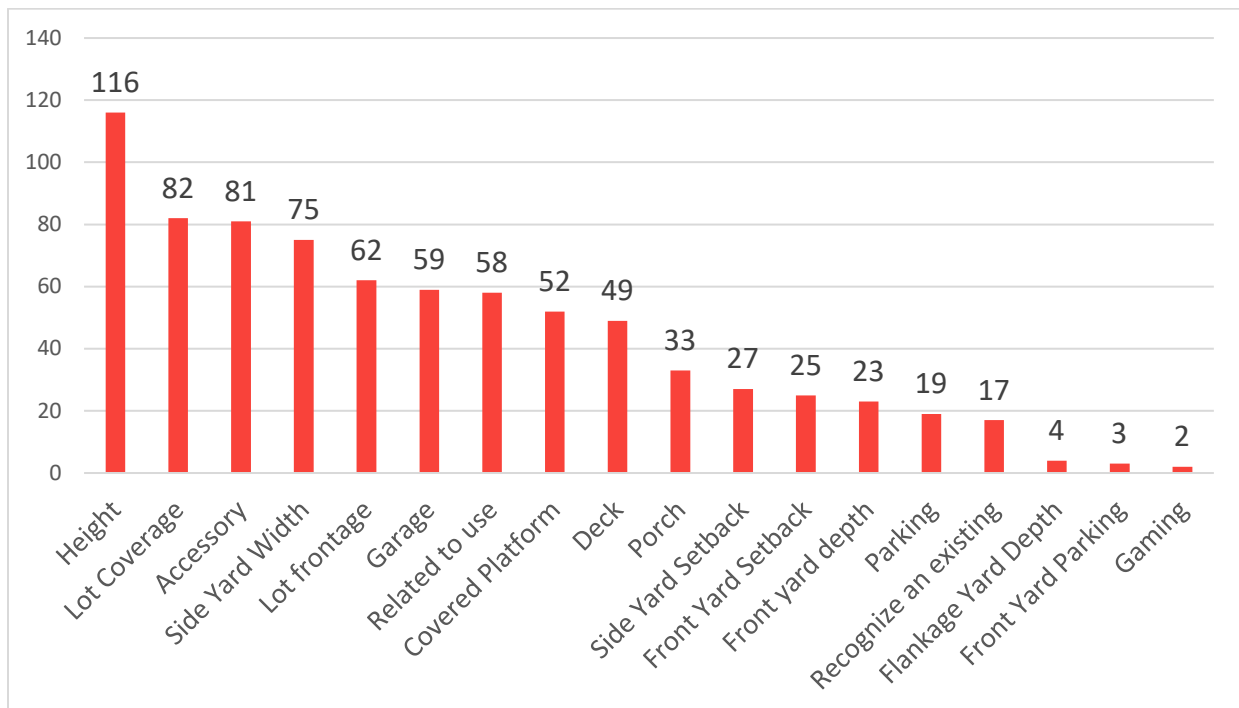


Figure 6.2: Number of Minor Variance Applications by Subject Matter (2015 - 2020)

The process of applying for a minor variance can be onerous and if the Committee of Adjustment has demonstrated support for a common type of variance then it may be

desirable to amend the zoning provisions to allow development in line with what has been approved. This would reduce the burden on applicants as well as the City, which is required to process each minor variance application that is submitted and may be required to defend the Committee’s decisions in the case of an appeal.

6.2.1 Review of Minor Variances by Zone

This subsection builds upon the analysis above by cross-referencing the zones with the requested number of minor variances. This provides an additional layer of analysis by identifying the frequency of minor variances types within specific zones.

Table 6.1 (below) provides the total number of variance types per zone for the period from 2015-2020 based on data provided by the City of Pickering. These numbers were derived by searching for the variance types noted above and tallying their frequency within each zone of each zoning by-law. Many minor variance descriptions included multiple keywords resulting in an overall total that exceeds the number of minor variance applications. For example, a single application that requests variances to height, side yard setback and parking requirements would be counted as having three variances. Analyzing the variances in this way provides a better representation of the variances required across the City than simply counting the number of applications.

Table 6.1: Total Number of Variance Types per Zone (2015-2020)

Zone	Total number of Variance Types by per Zone
Frenchman’s Bay Zoning By-law 2511	
M1	7
M1-1	4
M2	6
M2S	8
MC-21	0
MC-7	0
MD-S-SD	2
R2	3
R3	33
R4	160
R4 & G	1
R4 -10	2

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Total number of Variance Types by per Zone
R4-13	1
R4-21 & OS-HL	3
R4-22	4
S	4
S4	4
SD	4
S-SD-1	11
UR & MTD(H-2)(H-3)	4
Bay Ridges Zoning By-law 2520	
C3	3
MU-13	1
R4	21
RM1	49
SD	2
Zoning By-law 3036	
(H)RH/M U-2	3
(H)RH/MU-2, RH/MU-2, SA-LW, MD-H6	2
(H)RH/MU-3	0
A	14
C1	1
ES	1
G	1
G & R3	0
I(C)-DN	0
LCA-6 & OS-A	3

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Total number of Variance Types by per Zone
M1-SC30	2
MCA-1	0
MCA-2	0
MD-H9	2
MU-20	6
MU-22	1
MU-27	1
MU-SRN	1
R3	96
R3 & G	12
R3 & S2	6
R3-3	2
R3-9	2
R4	70
R4 & G	3
R4-19	4
RH/MU-2, SA-LW, SA-8, MD-H6	0
RH/MU-7	0
RM/MU	6
RMM	13
S1	17
S1-15	2
S2	27
S2 & S4	4
S2-13	4
S2-9	0
S2-DB	3

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Total number of Variance Types by per Zone
S3	28
S3-13	9
S4	13
S4-11	0
S4-12 & S4-13	0
S4-SD	2
SA	4
SA-15	3
SA-2	0
SA-8	4
SC-17	0
SC-22/GS3	0
SD	7
SD-A	4
SD-A & S4	3
SPC-3	1
S-SD	32
S-SD-3	10
S-SD-4	4
S-SD-SA	3
Rural Zoning By-law 3037	
A	20
CL-CA	0
ER	1
HMC8	6
HMC9	1
HMR3	11

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Total number of Variance Types by per Zone
MU-24	2
MU-32	1
MU-MD-1	8
MU-MD-2	0
ORM-A	3
ORM-A & ORM-EP	4
ORM-C2	9
ORM-EP	4
ORM-M1	2
ORM-R5	27
ORM-R6	2
S-SD-SA-3	3
V	1
Seaton Zoning By-law 7364/14	
H	3
HD	2
LD1	2
LD1 & LD2-M	9
LD2 & LD2-1	2
MC1 & LD1	13
MC1-2	2
MC1-2 & McC2-1	2
MC1-2-3 & LD1	10
MC2	2
MC2-1	2
MC2-1-3	2
PEG-1	0

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Total number of Variance Types by per Zone
City Centre Zoning By-law 7553/17	
CC1	6
CC2	2
CC2 & NHS	3
CC2-H7	1

Following is a summary of the zones with the most variances, which may be indicative of a need to review the zone provisions, but it also is likely tied to the frequency of the zone's application:

- Based on the results of Table 6.1, within the Frenchman's Bay Zoning By-law 2511, the zones with the greatest number of variances has been R4 with 152 variances, followed by R3 with 33, S-SD-1 with 10 and M2S with 8.
- Within the Bay Ridges Zoning By-law 2520, the zones with the greatest number of variances has been the RM1 zone with 49, followed by R4 with 21.
- Within Zoning By-law 3036, the zones with the greatest number of variances has been the R3 zone with 91, followed by R4 with 70, S-SD with 32, S3 with 28, S2 with 27, S1 with 15, A with 14, RMM with 13, and R3 & G with 12.
- Within the Rural Area Zoning By-law 3037, the zones with the greatest number of variances has been the ORM-R5 zone with 26, followed by A with 19 and HMR3 with 11.
- Within the Seaton Zoning By-law 7364/14, the zones with the greatest number of variances has been MC1 & LD1 with 13, followed by MC1-2-3 & LD1 with 10.
- Within the City Centre Zoning By-law 7553/17, there have been a total of 12 minor variances with the greatest number being within the CC1 zone with 6.

Table 6.2 breaks down the number of minor variances by subject matter and zone for each of the zoning by-laws of the City of Pickering. The total number of variances related to each subject matter is provided in the bottom row. A detailed excel spreadsheet was created to produce this data. This will be used to focus attention on specific zones and subject matter during the process of consolidating the existing zoning by-laws.

The benefit of conducting this analysis is that it points out aspects of each zone that are receiving a high number of minor variances and which should receive attention and consideration for modifications. This is not always indicative of a specific need to modify

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

a standard, as it could be desirable to require the minor variance so that a site-specific evaluation and public process can take place.

The assessment in Table 6.2 also include some site-specific zones and these are retained in the analysis. The current Zoning By-laws contain a significant number of site-specific exception zones, which are intended to recognize context-specific provisions for a particular zone, and are typically implemented as an outcome of a site-specific zoning by-law amendment process, in response to a development application. These are included in the tallies separately to illustrate that minor variances may still be required following a site-specific zoning by-law amendment and because a minor variance to a site-specific zone could be very different from a minor variance to the parent zone category as the standards may be different. This data will help inform the review of site-specific amendments discussions around the consolidation or elimination of these zones.

Table 6.2: Number of Minor Variances by Subject Matter and Zone (2015-2020)

Zone	Covered Platform		Deck	Existing Use/Structure	Flankage Yard	Front Yard Depth	Front Yard Parking	Front Yard Setback	Gaming	Garage	Height	Lot Area	Lot Coverage	Lot Depth	Lot Frontage	Parking	Porch	Rear Yard	Side Yard Setback	Side Yard Width	Use	
	Accessory																					
Frenchman's Bay Zoning By-law 2511																						
M1	1			1	1					1						1	1				1	
M1-1	1					1									1						1	
M2	2					1									1						2	
M2S	3					1									2		1				1	
MD-S-SD		1	1																			
R2	1								1	1												
R3			1	1	1		3	4	4	4	4	4	4	7			1			7		
R4	6	11	3	8	6	8	7	5	23	8	18	14	14	14	14	7	10	11	11	1		
R4 & G	1								1													

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Accessory	Covered Platform	Deck	Existing Use/Structure	Flankage Yard	Front Yard Depth	Front Yard Parking	Front Yard Setback	Gaming	Garage	Height	Lot Area	Lot Coverage	Lot Depth	Lot Frontage	Parking	Porch	Rear Yard	Side Yard Setback	Side Yard Width	Use
R4 -10											1									1	
R4-13																		1			
R4-21 & OS-HL	1										1	1									
R4-22	1			1							1	1									
S		1	1								1							1			
S4	1										1	1									1
SD			1								1	1						1			
S-SD-1		2	1		1						3						1	3			
UR & MTD(H-2)(H-3)									2							1					1
Bay Ridges Zoning By-law 2520																					
C3	1				1																1
MU-13																					1
R4	1	2	1	1	1	1					1	4					2	4	2	1	
RM1	4	5	5	1	1	3	1	1	1	8		3					5	8	2	2	
SD																		1		1	
Zoning By-law 3036																					
(H)RH/M U-2											1						1				1
(H)RH/MU-2, RH/MU-2, SA-LW, MD-H6											1										1
A	1									1	2	1	3						3	3	
C1																1					

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Covered Platform		Deck	Existing Use/Structure	Flankage Yard	Front Yard Depth	Front Yard Parking	Front Yard Setback	Front Yard Setback	Gaming	Garage	Height	Lot Area	Lot Coverage	Lot Depth	Lot Frontage	Parking	Porch	Rear Yard	Side Yard Setback	Side Yard Width	Use
	Accessory																					
ES																						1
G				1																		
LCA-6 & OS-A											1	1					1					
M1-SC30	1																					1
MD-H9														2								
MU-20								1									2		1	1		1
MU-22																						1
MU-27																	1					
MU-SRN																						1
R3	10	4	5	6	15	18	14	4	4	2	7	2	3			1	1					
R3 & G									4							4						4
R3 & S2																4						2
R3-3		1																	1			
R3-9										2												
R4	4	3	3	2			2	1	5	15	8	1				5	2	19				
R4 & G		1							1								1					
R4-19	1		1						1	1												
RM/MU		1		1				1		1					1	1						
RMM			1						1									6			5	
Rural Area Zoning By-law 3037																						
A	5	1	1	2					2	2	1	2						1				3

Shaping Your City | City of Pickering Zoning By-law Review
 Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Accessory	Covered Platform	Deck	Existing Use/Structure	Flankage Yard	Front Yard Depth	Front Yard Parking	Front Yard Setback	Gaming	Garage	Height	Lot Area	Lot Coverage	Lot Depth	Lot Frontage	Parking	Porch	Rear Yard	Side Yard Setback	Side Yard Width	Use	
CL-CA																						
ER	1																					
HMC8				1	1					1							1			1	1	
HMC9																					1	
HMR3	3			1			1			2	2				1		1					
MU-24								1												1		
MU-32																					1	
MU-MD-1	1									6	1											
ORM-A	1									1	1											
ORM-A & ORM-EP	2									1							1					
ORM-C2	1			1	1							1	1		2		1				1	
ORM-EP	2									2												
ORM-M1			1								1											
ORM-R5	6			2	1		3			3	3	2	3				2	2				
ORM-R6												2										
V						1																
Seaton Zoning By-law 7364/14																						
H					1		1										1					
HD																						2
LD1			1															1				
LD1 & LD2-M																						9

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

Zone	Use	Side Yard Width	Side Yard Setback	Rear Yard	Porch	Parking	Lot Frontage	Lot Depth	Lot Coverage	Lot Area	Height	Garage	Gaming	Front Yard Setback	Front Yard Parking	Front Yard Depth	Flankage Yard	Existing Use/Structure	Deck	Covered Platform	Accessory	
LD2 & LD2-1				2																		
MC1 & LD1																						13
MC1-2				1													1					
MC1-2 & MCC2-1																	2					
MC1-2-3 & LD1																						10
MC2														2								
MC2-1														1		1						
MC2-1-3												1					1					
City Centre Zoning By-law 7553/17																						
CC1																					3	3
CC2											1							1				
CC2 & NHS											2											1
CC2-H7																						1

6.3 Identification of Key Trends and Issues

While height is the most common type of minor variance, it is often related to accessory structures, decks and porches. This suggests that the heights of houses and apartment buildings as set out in the zoning by-law may be appropriate, but that regulations around accessory structures, decks and porches may be amended to better meet the needs of the community or clarify the intent of the regulation. Alternatively, the large number of variances may be suggesting that the height regulation is appropriate but that there is a need to improve the clarity of terminology in the regulations.

It should be noted that a significant number of variances does not necessarily mean the provisions are not working well. Rather, in some cases, the variance may be desirable as it provides a public process for evaluating the application.

A large number of variances were related to use, including applications to permit street townhouse dwellings in lower density residential zones, for example. This indicates a demand for townhouses in areas zoned for lower densities, and the fact these applications were approved without third party appeals suggests this housing type may be generally acceptable in the community. In some cases, these applications affected pre-construction subdivisions that had been approved for single-detached homes. A more detailed review of minor variance applications related to height, accessory structures, decks and porches will be undertaken in the discussion paper regarding residential uses to identify opportunities to update standards and eliminate the need for similar variances in the future. The range of uses permitted within lower-density zones should also be reviewed to identify opportunities to allow gentle intensification without the need for zoning by-law amendments or minor variances for housing type.

Within the R4 zone of the Frenchman's Bay Zoning By-law 2511, the most frequent types of variances have been related to height (21), lot coverage (17), lot frontage (14), porches (13), side yard width (11), and covered platforms (11). These are also the most frequent variance types within the R3 zone.

Within the RM1 zone of the Bay Ridges Zoning By-law 2520, the most frequent types of variances have been related to height (8), rear yards (8), covered platforms (5), decks (5), and porches (5).

Within the R3 zone of Zoning By-law 3036, the most frequent variance types have been related to lot frontage (18), garages (13), side yard width (15) and height (10). Within the R4 zone the most frequent variances have been related to side yard width (19) and lot coverage (15).

Within the ORM-R5 zone of the Rural Area Zoning By-law the variances have been very closely spread between accessory structures (5), existing uses (2), front yard depth (1), front yard setback (3), garages (3), height (3), lot area (2), lot coverage (3), porches (2) and rear yards (2). Variances within the A zone are similarly distributed between the same subject matter.

Within the Seaton Zoning By-law 7364/14 the only significant type of variances in any zone have been related to use, specifically to allow townhouse dwellings within site-specific zones (23 between two zones).

There have been only 12 variances within the City Centre Zoning By-law 7553/17. These have been related to accessory structures (3), existing uses (1), height (3), parking (1) and use (4).

A review of this data indicates that the majority of variances are requested for residential uses, particularly within the R3, R4 and RM1 zones. This will help focus analysis within the Discussion Paper #3 – Residential Areas.

7 Site-Specific Exception Zones

The City has passed a number of site-specific exception zones, which provide specific regulations that are applicable only to defined areas, a single property or to a grouping of lots related to one development application, such as a plan of subdivision or plan of condominium. A site-specific exception zone is required when a development does not conform to the provisions of an existing zone category in the zoning by-law and a zoning by-law amendment is needed to permit the development or use. The site-specific exception zones form part of the overall by-law, and consideration must be made regarding how this content will be reviewed and incorporated into the new Zoning By-law. This section provides a preliminary assessment of the existing site-specific exception zones.

7.1 Overview of Site-Specific Exception Zones

Over time, a zoning by-law is amended to implement zoning permissions for a specific development application or for City-initiated housekeeping improvements to the zoning by-law. In some cases, an amendment might take the form of a zone change, in which a property or group of properties is modified from one zone category to another zone category (e.g., an Agricultural zone is changed to a Residential zone category). This can occur to permit a newly developing area and can only require an update to the zone maps.

In other cases, a zoning amendment can take the form of a site-specific exception zone, in which a section of the by-law is created with site-specific requirements, including permitted uses, lot and building requirements and even definitions that are only applicable to that individual development. The creation of a site-specific section also requires an update to the zone maps to change the zone and reference the newly applicable section. While it is normal to create site-specific exception zones, a zoning by-law that thoughtfully implements the Official Plan should help to reduce the number of site-specific exception zones, because the parent zone categories will be more aligned with the type of uses and development permitted by the Official Plan. Ideally, the new Zoning By-law will implement a range of zones that will address the City's various development trends and types.

The number of existing exceptions varies by Zoning By-law. Frenchman's Bay Zoning By-law 2511 has incorporated 243 site-specific zones, the Bay Ridges Zoning By-law 2520 includes 57 site-specific zones, and the Rural Area Zoning By-law 3037 has included 145 exception zones. The majority of these amendments have been development-driven site-specific amendments. The Seaton Zoning By-law 7364/14 and City Centre Zoning By-law 7553/17 have been amended just twice and four times respectively. However, the three City Centre amendments were to remove holding provisions from specific lands and the fourth was to facilitate the Pickering Town Centre redevelopment. At the time of completing this Discussion Paper, the number of

amendments for Zoning By-law 3036 was not available as they are currently being assessed.

7.2 Role of Site-Specific Exception Zones in Informing Zone Updates

Site-specific exception zones represent a valuable resource of information that should inform the new comprehensive zoning by-law for the City of Pickering. Recent site-specific regulations may be more representative of recent development practice than older parent zone categories, informing setbacks, building heights, and even permitted uses that reflect current business and development practice. The process of reviewing and addressing site-specific exception zones through this process will need to include an assessment of potential improvements to the new Zoning By-law.

It is noted that the process of developing the new Zoning By-law will be iterative in nature. The first internal draft will involve a consolidation of the existing Zoning By-laws. This consolidated Zoning By-law will be updated to implement the Official Plan and other policy directions. Further, the Zoning By-law will be informed and refined to implement findings through consultation. Similarly, the review of site-specific exception zones as well as minor variances will inform refinements to the Zoning By-law to reflect development trends.

7.3 Review and Assessment of Options for Addressing Site-Specific Exception Zones

The process of developing the new Zoning By-law will need to include consideration for the existing site-specific exception zones. There are three main options for dealing with site-specific exception zones, as discussed in this section.

7.3.1 Option 1: Delete All Site-Specific Exception Zones

One option is to simply delete (repeal) all site-specific exception zones, thereby passing only a parent zoning by-law. This option is least costly in terms of labour and effort, and creates some administrative efficiency, but it comes with significant risks. Deleting all site-specific exception zones would create implementation challenges as those properties attempt to expand or add uses in the future. The owners would be required to demonstrate legal, non-conforming status to obtain future building permits, which may become more difficult over time. A use is legal non-conforming if it was legally constructed or established in accordance with the zoning in place at the time, but no longer meets the new zoning by-law's requirements.

The deletion of site-specific exception zones will also mean that many built structures could become legal non-complying, as the site-specific lot and building standards would

be removed and the standards of the parent zone would become applicable (and could be more restrictive). Legal non-compliance refers to a building or structure that was legally constructed in accordance with the zoning in place at the time, such as the height and setback requirements, but no longer complies to the new Zoning By-law's requirements.

Overall, if all of the exceptions are deleted, there will also be a risk of appeal by property owners who wish to maintain legal status.

Finally, the deletion of site-specific exception zones also might mean an increase in permitted uses and lot and building standards where the existing site-specific amendment is more restrictive than the parent zone. However, this is a somewhat limited risk, since the parent zones will be reviewed and updated to conform to the Official Plan through this process, so an increase in permission will simply enable development of uses already permitted by the Official Plan.

7.3.2 Option 2: Carry Forward All Site-Specific Exception Zones

Retaining all site-specific exception zones may be preferable for ease of implementation. However, there may be certain land uses that are not intended to remain on a property over the long term.

Given the age of some of the Zoning By-laws, carrying forward all site-specific exception zones may not be desirable in terms of implementing the Official Plan. Many of the amendments will pre-date the Official Plan and could be permitting uses that are no longer contemplated by the City's policy. Carrying forward these exception zones would grant them legal status which would enable their long-term expansion and continuation without any restriction. It may, in some cases, be preferable to remove the legal status and make the use legal non-conforming if the use does not support the Official Plan's vision.

Likewise, retaining all site-specific exception zones will mean that the lot and building requirements in the exception zone will be carried forward. As some of the exception zones are decades old, they may be contemplating a built form that is no longer supported by the Official Plan and development practice. These permissions would be carried forward and would enable redevelopment and expansion to occur in a manner that could be contrary to the City's intended built form vision.

7.3.3 Option 3: Selective Deletion and Comprehensive Review of Site-Specific Exception Zones

Option 3 involves a comprehensive review of all exception zones, potentially including the deletion of some exception zones, partial deletion of some provisions, and other updates. This option is the most laborious, involving a fulsome review of each exception zone and editing. However, this option enables a process which can balance risk of appeals as described above with the need to ensure Official Plan conformity and the potential to introduce more consistency. This option would require the establishment of criteria or guidance regarding:

- 1 When an exception zone is to be deleted (e.g., age of the exception; whether the exception is not needed based on updated permissions in the parent zone; conformity with the Official Plan; and/or whether the development has been constructed);
 - 2 Whether any aspects of an exception zone can be deleted in part (e.g., deleting lot and building requirements while leaving the permitted uses; deleting lot and building requirements or permitted uses selectively because they are no longer needed due to changes made to the new parent zone; and/or deleting site-specific definitions or other clauses in favour of relying on the parent Zoning By-law);
 - 3 What kinds of updates to the exception zones would be beneficial (e.g., alignment with the terminology in the new parent Zoning By-law; consistent wording/phrasing in common phrases used amongst site-specific zones); and
 - 4 How the exception zones are to be formatted and structured, as there is inconsistency in this regard.
-

7.4 Preliminary Recommendation for Reviewing Site-Specific Amendments

At this time, it is recommended that Option 3 be carried out. The end of Phase 1 of the Zoning By-law Review process will involve the preparation of more detailed methodology for reviewing site-specific exception zones. This will require consideration of criteria for deleting exception zones, a methodology for making required updates, and the creation of an overall template for exception zones. Consideration should be made to format and structure exception zones in a consistent manner in the new Zoning By-law, to improve readability and set a consistent template for preparing future exception zones. Additionally, the methodology should address the possibility that the review of exception zones could result in improvements to the parent draft new Zoning By-law, as the exception zones may be indicative of recent development trends and standards.

The timing of the review of the site-specific exception zones should also be considered. It is beneficial to review the site-specific exception zones at a point in the process when the parent draft Zoning By-law is in a refined state, since many decisions to delete or modify the exception zones will be made based on the content of the new parent Zoning By-law. It is suggested that the review of site-specific exception zones should be conducted in conjunction with a second or final draft of the Zoning By-law. However, the City's intention and work plan with respect to the site-specific exception zones can be communicated to the public well beforehand to ease concerns about any deletion of site-specific exception zones. Additionally, preliminary work can be undertaken beforehand, such as conducting a restructuring or updating to the exception zones to fit the new recommended template/structure of the Zoning By-law.

8 Conclusions

The outcome of this Zoning By-law Review will be a new comprehensive Zoning By-law to replace the existing Zoning By-laws. Rather than fulsomely replace all elements of the By-laws with new text, this discussion paper suggests an approach of consolidating and harmonizing the provisions of the By-laws to provide a level of continuity for residents, development proponents and City staff. This would also help communicate how the zoning regime within the City will change, allowing for comparisons that are close to apples-to-apples. The definitions, general provisions, administration and interpretation sections of the by-laws will be reviewed with the aim of simplifying and streamlining the by-law text. This may include moving certain provisions to different sections, combining direction or updating terminology to reflect current practices. The objective will be to retain the general intent of the current Zoning By-laws, ensuring the new document conforms with the Official Plan and reflects the current approach to development within the City.

Consolidating and harmonizing the existing six Zoning By-laws into a single new Zoning By-law will require the elimination of some zones by name, and collapsing various zones/provisions into one zone. The result will be a streamlined suite of zones that conform with the Official Plan and provide consistency across the City.

The minor variances and site-specific amendments that have been approved over the years provide an indication of changes to the parent by-laws that may be considered reasonable and desirable. Variances related to decks and porches suggest the current zoning provisions may not reflect today's attitudes towards these features. The prevalence of site-specific amendments within "one-family detached" zones, for example, may indicate acceptance of more housing types with different standards than those that have been in place since 1960.

As discussed previously, it is recommended that a comprehensive review of site-specific exception zones be conducted to assess opportunities to delete, update and restructure the exception zones in a comprehensive fashion. This provides the best balance of minimizing appeal risk, ensuring Official Plan conformity and providing the City with a more streamlined, consistent structure to administer moving forward.

Future Discussion Papers will explore how specific issues are currently addressed by the existing Zoning By-laws and how they may be regulated under the new Zoning By-law. Discussion Papers #3-6 will specifically discuss the following:

- Residential Areas;
- Employment Areas;
- Mixed Use / Intensification Areas; and
- Agricultural / Rural / Hamlet / Open Space / Environment.

Each Discussion Paper will provide a deep dive on its topics, looking at data, Official Plan and other policy direction and best practices related to each subject matter. The

Shaping Your City | City of Pickering Zoning By-law Review
Discussion Paper #2: Review and Assessment of Existing Parent By-laws

papers will provide options for addressing key issues identified through public consultation and stakeholder input. Specific recommendations for new zoning provisions will be provided and the papers will be written to help communicate the recommended direction to residents, stakeholders and City staff.