

# Shaping Your City

City of Pickering Zoning By-law Review

## Discussion Paper #1: Guiding Principles and Parameters

Final | February 2021

## Revision History

First Public Draft	
March 25, 2020	
Prepared by	Reviewed by
Abbas Ali, Planner	Bobby Gauthier, Project Manager
Final Discussion Paper	
February 16, 2021	
Prepared by	Reviewed by
Michaela Abatecola, Planner	Bobby Gauthier, Project Manager

# TABLE OF CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Purpose of the Zoning By-law Review.....	1
1.2	Zoning By-law Review Process.....	2
1.3	Purpose of this Discussion Paper .....	4
<b>2</b>	<b>What is Zoning? .....</b>	<b>5</b>
2.1	How a Zoning By-law Works.....	5
2.2	Overview of the City of Pickering’s Zoning By-laws.....	7
2.3	How is Zoning Enforced and Implemented?.....	9
<b>3</b>	<b>Federal Legislative and Policy Framework.....</b>	<b>11</b>
<b>4</b>	<b>Provincial Legislative and Policy Framework.....</b>	<b>12</b>
4.1	Planning Act.....	12
4.1.1	Smart Growth for Our Communities Act, Bill 73 (2015).....	14
4.1.2	More Homes, More Choices Act, Bill 108 (2019).....	15
4.1.3	Inclusionary Zoning (Bill 108).....	16
4.1.4	Community Planning Permit System.....	16
4.2	Provincial Policy Statement (2020) .....	17
4.3	Growth Plan for the Greater Golden Horseshoe (2019).....	18
4.4	Greenbelt Plan (2017).....	20
4.5	Oak Ridges Moraine Conservation Plan (2017).....	21
4.6	Clean Water Act (2016) and Source Protection.....	21
4.7	Central Pickering Development Plan (2012)....	22
4.8	Durham Region Official Plan (2017).....	25
4.9	City of Pickering Official Plan (2018).....	26

**Shaping Your City | City of Pickering Zoning By-law Review**  
Discussion Paper #1: Guiding Principles and Parameters

4.10	Downtown Pickering Intensification Study (2013).....	29
4.11	South Pickering and Kingston Road Corridor & Specialty Retailing Node Intensification Studies .....	30
4.12	Infill and Replacement Housing in Established Neighbourhoods Study .....	32
4.13	Identification of Key Policy Implementation Gaps .....	35
<b>5</b>	<b>Approaches to Zoning.....</b>	<b>37</b>
5.1	Traditional (Euclidean) Zoning .....	37
5.2	Form-Based Zoning.....	40
5.3	Pre-Zoning.....	43
5.4	Maps and Overlays.....	47
<b>6</b>	<b>Other Municipal Zoning By-law Reviews... ..</b>	<b>48</b>
6.1	City of Vaughan Zoning By-law Review.....	48
6.2	City of Kingston Zoning By-law Review .....	49
6.3	Town of Aurora Zoning By-law Review.....	50
6.4	City of Waterloo Zoning By-law Review .....	50
<b>7</b>	<b>Identification and Assessment of Key Policy Implementation Gaps and Issues.....</b>	<b>52</b>
7.1	Affordable Housing .....	52
7.1.1	Secondary Residential/Accessory Units.....	53
7.1.2	Inclusionary Zoning .....	55
7.2	Sustainability and Climate Change .....	55
7.3	Intensification Corridors and Downtown Development .....	57
7.4	Infill and Replacement Housing in Established Neighbourhoods .....	59
7.5	Public Transit and Active Transportation.....	60
7.6	Agricultural and Rural Areas .....	61

**Shaping Your City | City of Pickering Zoning By-law Review**  
Discussion Paper #1: Guiding Principles and Parameters

7.7	Cultivation and Production of Cannabis.....	62
7.8	Employment Areas.....	63
<b>8</b>	<b>Zoning By-law Format, Layout and Structure.....</b>	<b>65</b>
8.1	Review of Existing Zoning By-laws .....	65
8.2	Trends and Best Practice .....	68
8.2.1	Illustrations .....	68
8.2.2	Interactivity and Notations .....	68
8.2.3	Writing Style and Page Structure.....	69
8.2.4	Wayfinding Elements .....	69
8.2.5	Structural Options.....	69
8.2.6	Format and Structural Principles.....	70
<b>9</b>	<b>Zoning Maps, Data Management and Geographic Information Systems.....</b>	<b>72</b>
9.1	Review of Existing Mapping.....	72
9.2	GIS as a Zoning Data Management Tool .....	73
9.3	Best Practice, Trends and Principles.....	73
<b>10</b>	<b>Guiding Principles and Recommendations</b>	<b>75</b>
	<b>Appendix 1: Zoning By-law Best Practice Examples.....</b>	<b>77</b>
	<b>Appendix 2: Maps and Overlays Examples.....</b>	<b>86</b>

# 1 Introduction

Zoning By-laws are an essential planning tool that guide the way in which our cities are built. Zoning By-laws regulate the use of land, as well as the character, location and size of buildings and structures throughout the municipality. The municipality's official plan sets a broader vision and policies for the growth and development of the City, while the Zoning By-law implements the policies through detailed, legal regulation of development. This section outlines the purpose of the City of Pickering's Comprehensive Zoning By-law Review and the purpose of this Discussion Paper.

---

## 1.1 Purpose of the Zoning By-law Review

The City of Pickering is governed by six area specific Zoning By-laws (2511, 2520, 3036, 3037, 7364/14 and 7553/17) and by three Minister's Zoning Orders (Ontario Regulation 102/72, 19/74 and, 154/03) (see **Figure 2.2**, included in Section 2 of this Discussion Paper). The City has identified a need to conduct a comprehensive review of these Zoning By-laws. The purpose is to consolidate them into one by-law that conforms with recent updates to the City of Pickering's Official Plan, 2018 (the Official Plan). Zoning is required to be brought into conformity with its corresponding Official Plan within three years of an Official Plan conformity exercise being completed, per Section 26 (9) of the *Planning Act*. The Official Plan provides a framework for guiding decision-making and growth planning to the year 2031. The Zoning By-law implements the high-level policies and planning objectives identified in the Official Plan through detailed regulations and land use permissions. This Review also represents a significant opportunity for modernization by making the Zoning By-law accessible and available online, and by updating the City's key framework for regulating the use of land, buildings and structures.

The new Comprehensive Zoning By-law will replace the City's existing Zoning By-laws. Apart from the Seaton Zoning By-law 7364/14 and the City Centre Zoning By-law 7553/17, which were enacted more recently, the other four Zoning By-laws were enacted in the 1960s and have been amended numerous times by site specific amendments. As most of the Zoning By-laws are dated, many new local policy initiatives as well as substantial changes to provincial policy and legislation are not considered within the City's existing Zoning By-laws. Among these changes are the updated Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019), and the Region of Durham Official Plan (approved in 1993; amended and consolidated in 2017).

Within the City of Pickering, several Official Plan Amendments were approved over the last few years which may need to be implemented in the City's Zoning By-laws. This includes a revised vision for the Duffin Heights Neighbourhood, and new policies for the City Centre and intensification areas implementing the Provincial Growth Plan.

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

A new comprehensive Zoning By-law is required to conform to the Official Plan, provincial policy and legislation, as well as address emerging issues in regard to sustainable land use and community planning. The new Zoning By-law will:

- 1 Achieve conformity with the Official Plan and implement the policies of the Official Plan in a single, streamlined and concise Zoning By-law and ensure the document is consistent with the PPS, 2020 and conforms to Provincial Plans as applicable;
  - 2 Update standards, definitions, and regulations to reflect contemporary planning practice, market and development trends and eliminate redundant and/or repetitive provisions;
  - 3 Enhance the structure, format and usability of the document to ensure the document is readable by members of the public and not just planners and professions; and
  - 4 Produce an accessible document that has wayfinding elements, clear and simple text, illustrations, and graphics that support the interpretation of the regulatory text.
- 

## 1.2 Zoning By-law Review Process

The Zoning By-law Review is being completed in accordance with a three-stage work program, as shown in **Figure 1.1**. The stages are described in more detail below.

**Stage 1 – Discussion Papers**, focuses on a background review, review of the existing parent and amending Zoning By-laws and an analysis of the existing policy framework and emerging issues through the development of eight Discussion Papers. The fundamental purpose of the Discussion Papers is to set the foundation for writing the Zoning By-law, including an analysis of required updates needed to the current zoning. Each Discussion Paper will address a key topic, and will serve to communicate to the public what the key directions for writing the Zoning By-law will be. The topics of the eight Discussion Papers is as follows:

- 1 Guiding Principles and Parameters (this Discussion Paper)
- 2 Review and Assessment of Existing Zoning By-laws
- 3 Residential Development and Housing
- 4 Employment and Commercial Areas
- 5 Mixed Use and Intensification Areas
- 6 Agricultural/Rural/ Hamlet/ Open Space/ Environment
- 7 Parking, Active Transportation and Loading
- 8 Cannabis Production and Retail Businesses



Figure 1.1: Zoning By-law Review Work Program



## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

The Discussion Papers will be submitted in draft and final versions. Throughout this phase, there will also be various consultation opportunities for the public and stakeholders through Steering Committee Meetings, Public Open Houses, Stakeholder and Agency Workshops, and Outreach Booths throughout the City.

**Stage 2 – Zoning Summary Report and Draft Zoning By-law**, focuses on the writing of the Zoning By-law itself. This stage will implement the directions of the Discussion Papers while consolidating the existing Zoning By-laws (merging zones and standards), examining and consolidating site-specific exception zones, and modifying the standards throughout the By-law to implement the various directions and principles. Three draft iterations of the Zoning By-law will be produced, along with a fourth and final version being produced at the end of the Phase for adoption in Phase 3. This phase will also include consultation opportunities for the public and stakeholders through Statutory Public Meetings and Public Open Houses, Stakeholder and Agency Workshops, Community Workshops and Outreach Booths. A Zoning Summary Report will be developed in draft and final versions to accompany the Zoning By-laws.

**Stage 3 – Council Adoption**, involves Council's final adoption of the By-law, including a presentation to Planning & Development Committee. This could be followed by potential appeals.

---

### 1.3 Purpose of this Discussion Paper

The purpose of this Discussion Paper (this Paper) is to set the stage for the review with a high-level framework that will guide the Zoning By-law Review process. This Paper will provide an overview of the existing Zoning By-laws along with a discussion on what zoning is, its impact to the City, how it works, different approaches and how zoning relates to other planning policies and legislation at the local, regional and provincial levels. The Paper will also discuss recent best practice examples of other municipalities in Ontario that have completed comprehensive reviews of their zoning by-laws. The identified best practice examples will help inform common and unique issues that were addressed during the respective reviews and provide learning points on producing an effective, user-friendly, modern and innovative Zoning By-law for the City of Pickering. The paper will conclude with a discussion on the identification and assessment of key policy gaps and issues, layout, format and structure of zoning by-laws, graphic representation through maps and GIS, and finally some guiding principles to guide the development of the new Zoning By-law.

## 2 What is Zoning?

Zoning by-laws are an important planning tool in guiding the appropriate growth and development of our City. Under a zoning by-law, the City can regulate the use of land by specifying the uses that are permitted in each zone (i.e., a specific, delineated area of the City). This section will describe what a zoning by-law is, why it is important in shaping our communities, how it is used, enforced and implemented, and how it relates to the Official Plan and other policies and regulations.

---

### 2.1 How a Zoning By-law Works

In Ontario, a municipality's zoning by-law is governed by Section 34 of the *Planning Act*. The *Planning Act* is provincial legislation and is described further in Section 3.1. The requirements within Section 34 of the Act enables councils to pass zoning by-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as other characteristics.

The regulations within the zoning by-laws help create harmonious neighbourhoods and communities by managing land use conflicts and separating incompatible land uses to ensure that adjacent land uses are compatible. It allows for the many uses that are required to be accommodated in a municipality to be organized in a manner that is systematic and coordinated, while facilitating the creation of complete communities for residents to live, work and play.

The zoning by-laws collectively place every piece of property in a municipality into a particular zone category based on how the land should be used (e.g. residential, commercial, institutional, open space, etc.). As a result, every piece of land in the City of Pickering has a certain set of regulations regarding what kind of buildings and structures can be put there and how they can be used. Additionally, the zoning by-laws describe the character or built form of the buildings and structures that are permitted and how they are to be configured on the lot. This includes provisions regulating the size, height, density and location of the building and/or structure. **Figure 2.1** describes the step-by-step process of how a zoning by-law works and how a resident would check the zoning for their property.

Each zone category is represented by a symbol (e.g. R1, for Residential First Density) which represent how the lands are to be used with restrictions on the location and size of buildings. The zoning by-law is a written document containing the zone regulations, as well as additional sections for general provisions that are applicable to all of the zone categories and other standards. The document is associated with schedules (maps) showing where the various zone categories apply across the City.



Figure 2.1: Illustration of the Steps Required to Check Zoning for a Property

## 2.2 Overview of the City of Pickering's Zoning By-laws

In the City of Pickering, there are currently six existing Zoning By-laws that regulate how land is to be used. Each of these Zoning By-laws applies to a specific area of the City, which are distinctive and mutually exclusive as shown in **Figure 2.2**. The existing Zoning By-laws include:

- 1 Zoning By-law 2511 – Frenchman's Bay Area;
- 2 Zoning By-law 2520 – Bay Ridges Area;
- 3 Zoning By-law 3037 – Rural Area;
- 4 Zoning By-law 7364/14 – Seaton Urban Area;
- 5 Zoning By-law 7553/17 – City Centre; and
- 6 Zoning By-law 3036 – covers the remaining urban area.

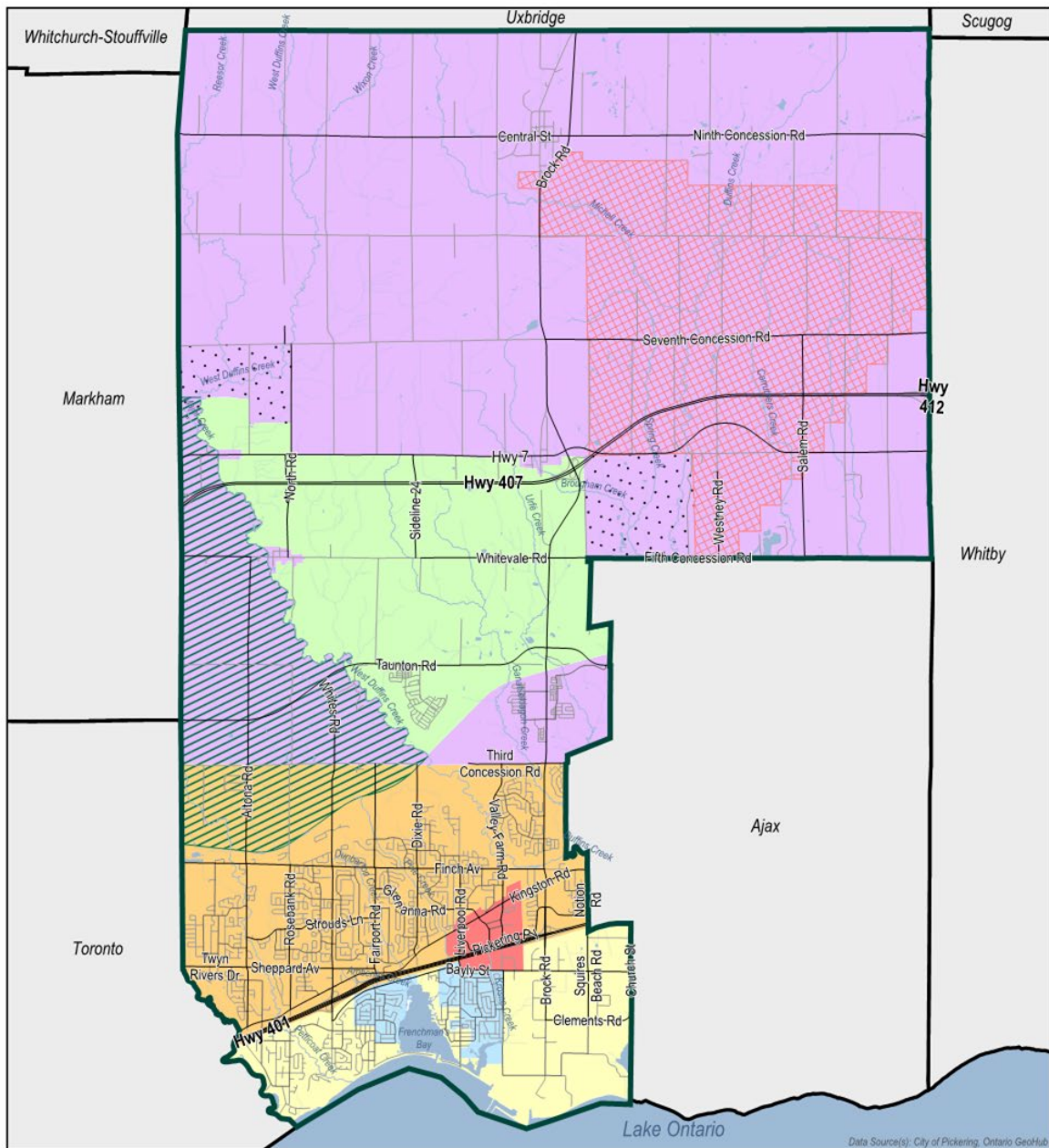
Zoning By-laws 2511, 2520, 3036 and 3037 were adopted in the 1960s, while the Seaton Zoning By-law 7364/14 was adopted by City Council in 2014 and the City Centre Zoning By-law 7553/17 was adopted by City Council in 2017. As is typical, each of these Zoning By-laws has been amended over the years to address housekeeping updates, site-specific development applications or other matters.

The City of Pickering is also subject to three Provincial Minister's Zoning Orders (MZO), which were enacted in 1972 to ensure land use and new development proposals on lands adjacent to federally-owned lands would remain compatible with a future airport and its operations. This includes MZO 1 – 102/72, MZO 2 – 19/74 and MZO 3 – 154/03. The areas where the MZO apply are shown on **Figure 2.2**. A Minister's zoning order controls the use of land and sets specific requirements for new development, such as minimum lot sizes, frontage, access and servicing requirements. A zoning order may also restrict certain types of development.

As the majority of the Zoning By-laws are dated, many recent local and provincial policies and legislation are not reflected in the documents. Additionally, the existence of six separate Zoning By-laws has resulted in a fragmented and uncoordinated system of zoning for the City. Different areas of the City are subject to different regulations even where these same areas might be subject to the same policies. As a result, the City has initiated this Zoning By-law Review to bring the Zoning By-laws into conformity with current local and provincial policies and also to create a harmonized and streamlined Zoning By-law for the entire City.

# Shaping Your City | City of Pickering Zoning By-law Review

## Discussion Paper #1: Guiding Principles and Parameters



**City of Pickering Zoning By-law Review**

**Parent Zoning By-laws**

**Legend**

- |  |   |  |
|--|---|--|
| <span style="display: inline-block; width: 20px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Zoning By-law 2511    | <span style="display: inline-block; width: 20px; height: 10px; background-color: purple; border: 1px solid black;"></span> Zoning By-law 3037     | <span style="display: inline-block; width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, red 2px, red 4px); border: 1px solid black;"></span> Minister's Zoning Order 1 (102/72)  |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Zoning By-law 2520 | <span style="display: inline-block; width: 20px; height: 10px; background-color: red; border: 1px solid black;"></span> Zoning By-law 7553        | <span style="display: inline-block; width: 20px; height: 10px; background: radial-gradient(circle, black 1px, transparent 1px); background-size: 4px 4px; border: 1px solid black;"></span> Minister's Zoning Order 2 (19/74)      |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: orange; border: 1px solid black;"></span> Zoning By-law 3036    | <span style="display: inline-block; width: 20px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> Zoning By-law 7364 | <span style="display: inline-block; width: 20px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, red 2px, red 4px); border: 1px solid black;"></span> Minister's Zoning Order 3 (154/03) |

*For internal discussion purposes only*

N



**Figure 2.2: Map of the City of Pickering's Existing Zoning By-laws and Minister's Zoning Orders**

## 2.3 How is Zoning Enforced and Implemented?

A zoning by-law is a legal tool that is used to regulate the use of land and buildings, size of lots, and the character, location, and height of buildings and structures. This includes lot coverage, size and width, setbacks, massing, driveways, parking and loading, accessory structures, and storage of items and vehicles.

The key process for implementing and enforcing zoning by-laws is via the building permit application process. A wide range of development and building activities will require a building permit to be issued by the City, as set out in the Ontario Building Code, the *Building Code Act* and the City's Building By-law which establishes the City's procedures for implementing and enforcing the Ontario Building Code. A building permit is required to be obtained by anyone who wishes to construct, renovate, demolish or change the use of a building, although certain types of works are exempt (e.g., sheds less than 10 square metres in area). The building permit application process requires the applicant to describe the work that is to be done, and existing and proposed uses. The City then has to review the application to see that the proposal complies with the Building Code and the applicable zoning by-law(s), along with other planning controls and applicable legislation.

If a development (or change in use) does not comply with the zoning by-law, the applicant may need to apply for an amendment to the zoning by-law or a minor variance. A zoning by-law amendment is an application that is required for major changes to the zoning by-law such as the change of use (i.e. asking to build a commercial building on lands that are zoned for residential) and is considered by Council. If the change is only minor in nature, such as allowing for a slightly taller building or slightly reduced setbacks, an application for a minor variance may be submitted. The Committee of Adjustment is a quasi-judicial administrative tribunal which evaluates the minor variance application based on the *Planning Act*, and members are appointed by City Council. Both the zoning by-law amendment application and minor variance application are planning applications made under the *Planning Act*, and therefore require notification of the application and meeting details, to public agencies and residents within a certain radius of the subject lands. Based on a review of the application and agency and resident comments, Planning Staff write a recommendation to either approve or refuse the zoning by-law amendment or a minor variance application to City Council/Committee of Adjustments.

A building permit will not be issued until the zoning change or minor variance, if required, has been fully approved. There are several building permit applications, depending on the development, including a Change of Use Building Permit or a Permit to Construct or Demolish. Occupancy Permits may also be required in order to confirm that the building is safe to be occupied after construction and that it abides by all City and Provincial policies, as well as zoning. The City recommends that potential applicants for building permits should consult with staff at before proceeding with a Building Permit application as staff can provide more information and guide applicants in terms of the necessary applications and permits that will be required.

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

Enforcement is another way of ensuring that zoning is being adhered to. Municipal By-law Enforcement Officers can investigate issues that may arise based on inspections or complaints by other residents. Officers will work with the property owner to resolve the issues and bring the property into compliance with the zoning by-law requirements. This can be accomplished informally or via the issuance of orders and the associated legal process. Options to resolve the contraventions may include mandating the need to conform to the zoning by-law through a zoning by-law amendment or minor variance process within a certain period of time or taking action to relocate or remove structures that do not comply. Failure to comply may lead to prosecution with fines upon conviction. To enable enforcement of the zoning by-law, the zoning provisions must be clearly written so that any charges laid will hold up in court.

Lastly, there are several tools that may be used by the City to help ensure that development applications are considering and addressing the zoning by-law. Before an application for an official plan amendment, zoning by-law amendment, plan of subdivision or condominium and site plan control, the City requires a pre-consultation with City staff. At this time, staff provide a complete overview of planning policies that the application needs to abide by and provides a technical report checklist to ensure the applicant submits a complete application. The Site Plan Approval process allows for the review of site design features of a major development including building design, landscaping, grading and drainage, and other features, through the submission of various plans and reports.

### 3 Federal Legislative Considerations

While zoning is administered and legislated through Provincial policies, some lands within the City of Pickering are also impacted by federal legislation, which need to be considered in this Zoning By-law Review. In 1972, the Government of Canada acquired 75 km<sup>2</sup> (18,600 acres) of land within the City of Pickering, City of Markham and the Town of Uxbridge for the purpose of a future airport. In 1975, the plan to develop an airport was put on hold and since then, the lands have been leased by the government to residential, farm and commercial tenants. In 2001, the lands were declared an airport site by the Federal Minister of Transportation, and the lands became known as the Pickering Airport Lands.

In 2005, the Federal government enacted Airport Zoning Regulations (AZRs) to help ensure that potential and future development near the proposed airport site are compatible with the safe operation of aircrafts and an airport. AZRs comprise of regulatory zones that include restrictions on:

- The height of structures, objects and natural growth;
- Land uses and activities that cause electrical interference with communications or signals to and from aircraft and other aeronautical facilities, and,
- Land uses and activities that attract birds that could cause a hazard for aircrafts.

After it was determined that the full Pickering Airport Lands may not be required for an airport, in 2013, the Federal government announced plans to develop the Pickering Airport Lands and reduce the size of the airport site. 19.1 km<sup>2</sup> (4,700 acres) of land was transferred to Parks Canada Agency (PCA) for the creation of the Rouge National Urban Park along with an additional 21 km<sup>2</sup> (5,200 acres) in 2017. Transport Canada retained 35 km<sup>2</sup> (8,700 acres) for a potential future airport. As a result, revised AZRs were implemented and a smaller Airport Site was declared.

Since 2011, several studies have been conducted to determine whether an additional airport would be needed in the Greater Toronto Area, when it would be needed, and if the Pickering Airport Lands are an appropriate site. In May 2016, Transport Canada awarded a contract to KPMG to undertake an Aviation Sector Analysis of Southern Ontario, with a focus on the federally-owned Pickering Airport Lands. The focus of the KPMG Aviation Sector Analysis was on getting updated information and data regarding a potential new airport on the Pickering Airport Lands in the next 20 years.

At the time of completing this Discussion Paper, a final decision has not yet been made on the airport. Within the 35 square kilometers of land being protected for a future potential airport, only open space and agriculture uses will be permitted and any uses will not preclude a future airport.



## 4 Provincial Legislative and Policy Framework

The zoning by-law is one of many tools that help guide development and growth in local communities. The Province of Ontario has established the *Planning Act*, the Provincial Policy Statement (PPS) and other Provincial Plans as a framework for planning province-wide. These Provincial plans are primarily implemented through the Official Plan, and the Region of Durham Official Plan. **Figure 4.1** illustrates the hierarchy of Provincial law, policy and Regional and City policy, and how these documents relate to the zoning by-law.

The City of Pickering Official Plan implements Provincial and Regional policies on a more local and context specific basis. Several tools are provided for or addressed within the official plan including neighbourhood policies and plans, site plan control and zoning by-laws, to implement the Official Plan's policies. The zoning by-law subsequently implements the policies of the Official Plan and can also directly or indirectly support alignment of the Region and Province's planning policy.

This section summarizes relevant legislation, policies and studies that will guide the Zoning By-law Review. Included is a summary of major policy gaps and themes that require consideration. It is intended that this section will highlight key considerations that will impact the Zoning By-law Review rather than an exhaustive discussion of the policies.

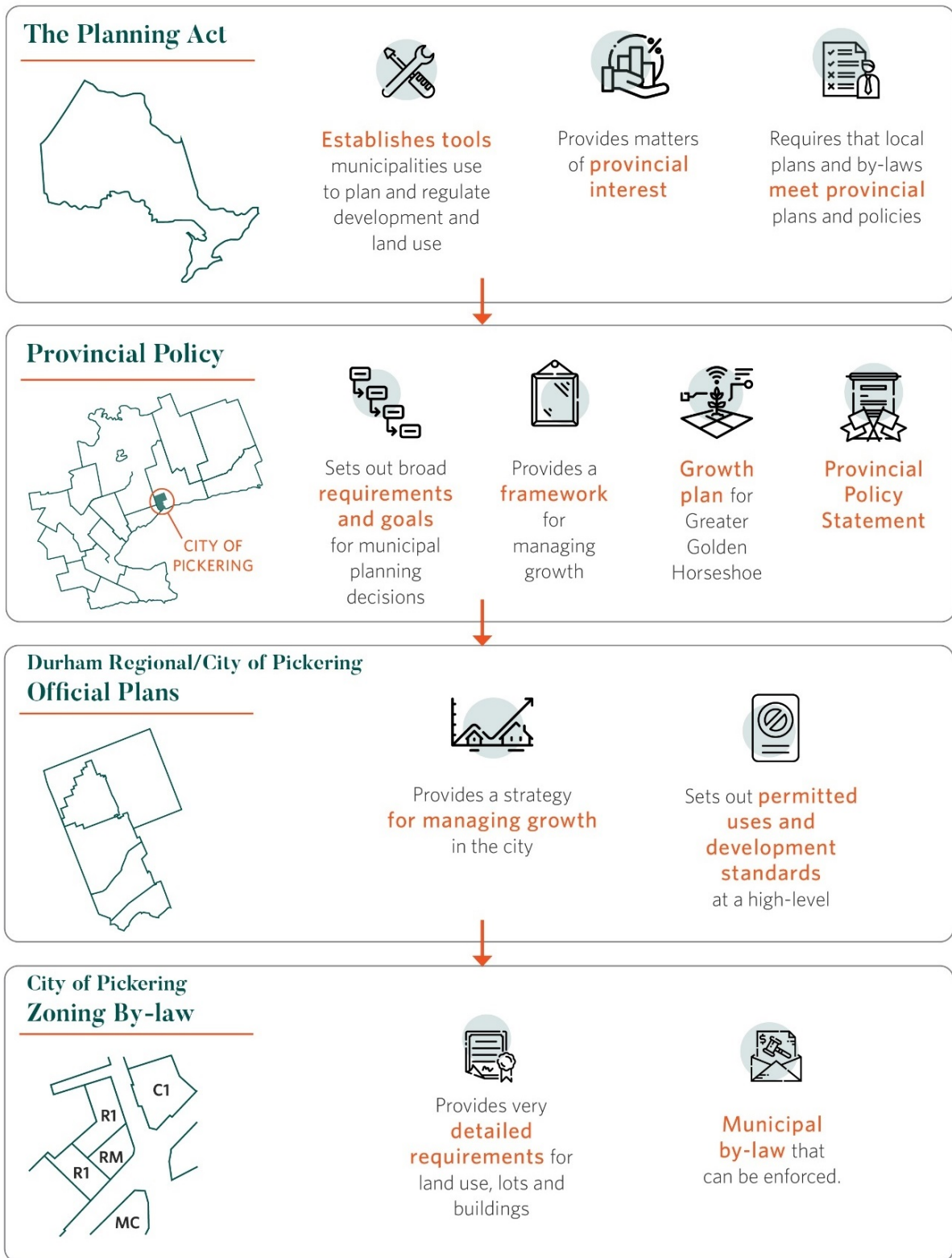
---

### 4.1 Planning Act

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

The *Planning Act* enables municipal councils to pass a variety of tools to plan and regulate the use of land and the placement of buildings and structures on a lot. Under Section 16 of the *Planning Act*, most municipalities, including the City of Pickering, are required to prepare and adopt Official Plans in accordance with the requirements of the Act. Official Plans contain goals, objectives and policies to guide decision making on land use planning matters. Municipal decisions, by-laws and public works are required to conform to the policies of the Official Plan (Section 24(1)).

**Shaping Your City | City of Pickering Zoning By-law Review**  
 Discussion Paper #1: Guiding Principles and Parameters



**Figure 4.1: Illustration of the Hierarchy of Planning Legislation, Policy and Zoning in Ontario**

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

Section 34 of the *Planning Act* enables councils to pass zoning by-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as parking and loading requirements and lot requirements. Additionally, zoning by-laws may be used to prohibit the use of land or erection of buildings and structures:

- in wetlands, lands with steep slopes or otherwise hazardous land;
- in contaminated lands or in areas with sensitive groundwater or surface water features;
- in significant natural features and areas; and/or
- in significant archaeological resource sites.

Section 34 of the *Planning Act* also requires consultation with the municipality before an applicant submits their application and allows municipalities to require additional information to assist in the consideration of the application.

Zoning by-laws are legally enforceable documents with very precise requirements for each property in the municipality. A property owner is not entitled to obtain a building permit unless their proposed building, structure or change in land or building use meets the requirements of the zoning by-law. Further, persons who have erected a building or structure or changed the use of land or the use of a building which does not meet the zoning by-law may be subject to penalties as outlined in the *Planning Act*.

If a person wishes to use their property or construct a building or structure that does not meet the zoning requirements, they may apply for a minor variance or a zoning by-law amendment as described previously in this Paper. Minor variances may be granted by the Committee of Adjustment in accordance with Section 45(1) of the *Planning Act*, provided the variance satisfies the four tests of the *Planning Act*. Major deviations from the requirements of the zoning by-law require an amendment to the By-law.

The *Planning Act* includes requirements for public notification when a zoning by-law amendment application is submitted, approved or refused by the municipal council. After 90 days of receipt, if a decision has not been made or if the application has been refused, the applicant may appeal the decision to the Local Planning Appeal Tribunal (LPAT). However, an appeal cannot be submitted when the application relates to the removal of employment lands, inclusionary zoning policies or the permission of renewable energy undertakings.

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

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

In total, the Bill proposed over 200 amendments to the *Planning Act*, with a number of major amendments proposed. Bill 73 adds “built form” as a matter of provincial interest to be regarded by municipalities in accordance with Section 2 of the *Planning Act*. The

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

Furthermore, changes to the Act remove the ability to apply for a minor variance 2 years following the passing of an applicant-initiated site-specific zoning by-law amendment, unless authorized by Council. Additionally, municipalities now have the authority to establish additional criteria through a municipal by-law that would better respond to the local context.

#### **4.1.2 More Homes, More Choices Act, Bill 108 (2019)**

On May 2, 2019, the new Provincial government unveiled its proposal for streamlining the development approvals process through proposed Bill 108, the *More Homes, More Choice Act*. The Act received Royal Assent on June 6, 2019 and includes amendments to several pieces of legislation, including the *Planning Act* and the *Local Planning Appeal Tribunal Act*, with the stated objective of making residential development faster and more affordable.

Among the most significant changes are:

- 1 The timeframe for making a decision has been reduced for most planning applications:
  - a Official Plan Amendment applications may be appealed by the applicant after 120 days (previously 210 days) without a decision.
  - b Zoning By-law Amendment applications may be appealed by the applicant after 90 days (previously 150 days) without a decision.
  - c Plan of Subdivision applications may be appealed by the applicant after 120 days (previously 180 days) without a decision.
- 2 New rules related to appeals of planning decisions:
  - a Third-party appeals of Plan of Subdivision decisions are limited to key participants (the Province, the Municipality, utility companies, applicant, etc.). Members of the general public may no longer appeal a subdivision decision.
  - b The Local Planning Appeal Tribunal (LPAT) may make decisions based on the best planning outcomes, rather than a strict reading of applicable policy only.
  - c The LPAT now has final say in appeals, whereas previously under the existing LPAT rules Council may have had the opportunity to reconsider decisions.
  - d Eliminating appeals of Plans of Subdivision by members of the public will result in fewer appeals of subdivisions overall and reduce the timeline from approval to clearance of conditions. Changes to the appeal process may result in faster resolution of appeals.

The new rules related to appeals of planning decisions may result in shorter approval timelines and reduced, or more predictable, costs of development. The government's objective for making these changes is to bring more residential units to the market more quickly and to provide greater cost certainty.

#### **4.1.3 Inclusionary Zoning (Bill 108)**

In December 2016, Ontario enacted legislation expanding municipalities' powers to require the provision of affordable housing in new residential developments through inclusionary zoning. Each municipality has wide discretion to define what inclusionary zoning will look like within its borders. The primary restriction was that inclusionary zoning can only be applied to developments containing more than 10 residential units. Beyond this size qualification, each municipality had significant discretion to establish the parameters of its inclusionary zoning regime through official plan policies. The City has not yet included polices to address inclusionary zoning in the Official Plan. Under the Regulation as enacted, municipalities were free to exercise their inclusionary zoning powers in respect of projects that propose purpose-built rental units as well as those that propose ownership units.

Due to recent changes to the *Planning Act* through Bill 108, inclusionary zoning only applies to protected major transit station areas and areas where a Community Planning Permit System is in place. The legislation describes a protected major transit station area as an area surrounding and including an existing or planned higher order transit station or stop. In turn, higher order transit is defined as transit that operates in whole or part in a dedicated right-of-way, including heavy rail, light rail and buses. All other regulations from the original introduction in 2016 are still in effect. Inclusionary zoning is implemented through zoning by-laws. Through the City's Zoning By-law Review, inclusionary zoning will be an important consideration in the development of the new Zoning By-law. This is discussed further in Section 7.1.2 of this paper.

#### **4.1.4 Community Planning Permit System**

The *Planning Act* allows municipalities to establish a Community Planning Permit System (CPPS) (may be referred to as the development permit system). The CPPS effectively consolidates site plan, zoning and minor variance applications into one process. It allows for a holistic approach to addressing local planning issues, promote community building, and facilitate and streamline development application processes.

The *Planning Act* also provides for limited powers of appeal within the areas affected by the CPPS. The Act also provides for greater flexibility in the planning framework to secure important land use, urban design, streetscape and other objectives.

"Discretionary Uses" which can be permitted without a by-law amendment may also be identified in addition to permitted uses within a CPPS.

In order to implement a CPPS in a specific area, the municipal council must amend its Official Plan in accordance with the prescribed requirements to identify the CPPS area and provide information on how it is intended to be used. For implementation, it is

important to consider the scale of the CPPS area including size, context, built and natural heritage.

The Official Plan, Section 16.28, broadly enables City Council to establish a development permit system by passing a Development Permit By-law and designate defined areas as Development Permit Areas. Currently, City Council has not passed a Development Permit By-law. Additionally, the Official Plan does not address some of the *Planning Act's* requirements regarding the policy guidance that is needed before a Community Planning Permit By-law can be passed. Under the Act and Ontario Regulation 173/16, the Official Plan is required to identify a community planning permit area, the scope of approval authority that may be delegated, a statement of goals/objectives, development criteria, and the types of conditions that may be imposed. It is interpreted that in order for the City complete a Community Planning Permit System, an update to the Official Plan would be required to address the necessary policy.

Due to recent changes to the *Planning Act* through Bill 108, the Minister may require a local municipality to adopt or establish a CPPS that applies to a specific area or an area that surrounds a specified location.

---

## 4.2 Provincial Policy Statement (2020)

On February 28, 2020, the Province of Ontario released the Provincial Policy Statement, 2020 (PPS, 2020). The PPS, 2020 replaces the Provincial Policy Statement, 2014 and comes into effect on May 1, 2020.

The PPS, 2020 retains many of the policies of the PPS, 2014 with some minor changes to language to improve clarity or to emphasize government priorities. The Provincial Policy Statement was issued under the authority of Section 3 of the *Planning Act*.

The release of the PPS, 2020 is part of the Government's "More Homes, More Choice: Ontario's Housing Supply Action Plan" which also includes amendments to the Growth Plan for the Greater Golden Horseshoe (see Section 4.3) and the *Planning Act* (see Section 4.1). The Province's goal of the PPS revisions was to increase the mix and supply of housing and to streamline the approvals process. The key policy changes found in the PPS, 2020 include:

- The addition of market demand as a consideration for the expansion of Settlement Areas.
- The ability of municipalities to allow adjustments to settlement areas outside of a Municipal Comprehensive Review process, subject to certain criteria.
- The addition of new language around market-based and affordable housing options.
- An increase of the planning horizon from 20 to 25 years and requirement for a 15-year, rather than 10-year, supply of residential land.
- An expansion of the Land Use Compatibility policies to emphasize protection of employment uses from sensitive land uses.

PPS, 2020 is a statement of the Province’s position on land use planning matters. The Provincial Policy Statement contains policies on community development, employment areas, housing, public space, infrastructure, economic development, energy, resource management, natural heritage, agriculture, cultural heritage and public health and safety. It promotes the development of healthy, livable and safe communities, and the efficient use of land and infrastructure through more compact development, a mix of uses, and access to multiple modes of transportation. Decisions on land use planning matters, including the goals, objectives and policies of Official Plans, must be consistent with the Provincial Policy Statement. It is intended that Official Plans are the primary vehicle for implementing the Provincial Policy Statement.

PPS, 2020, in Part I: Preamble, recognizes zoning by-laws as an important tool for implementing the Provincial Policy Statement, and planning authorities are required to keep their zoning by-law up to date and consistent with the Official Plan and the Provincial Policy Statement. For example, in Section 2.3.3, the PPS, 2020 specifically outlines the permitted uses within prime agricultural areas which are: agricultural uses, agriculture-related uses and on-farm diversified uses. The zoning by-law is the tool which would implement these agricultural policies at the local policy level.

---

### **4.3 Growth Plan for the Greater Golden Horseshoe (2019)**

Effective May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), herein referred to as the 2019 Growth Plan, replaces the 2017 Growth Plan for the Greater Golden Horseshoe. The 2019 Growth Plan is part of the Provincial Government’s More Homes, More Choice: Housing Supply Action Plan, which aims to address the needs of Ontario’s growing population, its diversity, its people and its local priorities. Section 3(5) of the *Planning Act* requires that all decisions that affect a planning matter shall conform to the Growth Plan. This would include zoning by-laws.

The 2019 Growth Plan establishes a growth management strategy to the year 2041 for municipalities within the Greater Golden Horseshoe Area. The 2019 Growth Plan aims to help accommodate forecasted growth in complete communities which are well designed to meet the population’s needs for daily living by providing an appropriate mix of jobs, local services, public service facilities and a range of housing to accommodate a range of incomes and household sizes through an entire lifetime.

The 2019 Growth Plan establishes several structural policy elements that have to be implemented through upper-tier and lower-tier municipal planning policies, namely the official plan and the zoning by-law. Before the 2019 Growth Plan policies can be implemented through the zoning by-law, it needs to be implemented through the official plan, which sets local policy directions that the zoning by-laws implement. The structural policy elements in the 2019 Growth Plan that impact Pickering include the implementation of, for example:

- Urban Growth Centres;
- Strategic Growth Areas;

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

- Provincially Significant Employment Zones; and
- Major Transit Station Areas.

The 2019 Growth Plan identifies Downtown Pickering as an Urban Growth Centre. An Urban Growth Centre is a regional focal point for accommodating population and employment growth where a vibrant mix of uses and transit-supportive development is encouraged. Per Section 2.2.3, Downtown Pickering is planned to achieve a minimum density target of 200 residents and jobs combined per hectare.

The Official Plan includes policies on the designation of Downtown Pickering as a City Centre Mixed Use Area, to implement the Growth Plan's requirements for the Urban Growth Centre. City Centre Zoning By-law 7553/17, which was adopted by City Council in 2017, implements the Official Plan's City Centre Mixed Use Area policies through zoning.

Strategic Growth Areas have also been identified within the Official Plan. The Kingston Road Corridor and Specialty Retailing Node have been identified as strategic growth areas and have been delineated in the Official Plan for mixed use development. The Kingston Road Corridor and Specialty Retailing Node have recently undergone a study that created a new vision for the redevelopment and intensification of the corridor and node to implement the strategic growth objectives of the Growth Plan and the corridor objectives of the Official Plan (See Section 4.9).

The City of Pickering also has the Durham South (Pickering and Ajax) Provincially Significant Employment Zone (PSEZ) within its boundaries. PSEZs are areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. PSEZs can consist of employment areas as well as mixed-use areas that contain a significant number of jobs. However, as the Zoning By-law relies on policy implementation in the regional and local official plans, the Zoning By-law cannot implement these policies before it has been implemented in the regional and local official plans.

Major Transit Station Areas (MTSAs) have also not yet been delineated in regional or local official plans. MTSAs are generally defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk, where intensification is encouraged. In some cases, the 2019 Growth Plan sets minimum expectations for density.

The new changes included in the 2019 Growth Plan and the associated structural policy elements could impact the Zoning By-law Review process, but it is understood that the Region and the City would need to complete a review of their Official Plan prior to the City considering the changes. The 2019 Growth Plan is principally implemented by the Official Plan as study must be undertaken to determine how to best implement the broader policies into local policy. However, consideration can be made for the Zoning By-law to align with any policy updates being considered by the Region or by the City.



## 4.4 Greenbelt Plan (2017)

The 2017 Greenbelt Plan came into effect on July 1, 2017. The 2017 Greenbelt Plan updated the prior version, which was prepared and approved under the 2005 *Greenbelt Act*. The Greenbelt Plan is intended to complement the policies of the Growth Plan for the Greater Golden Horseshoe. The purpose of the Greenbelt Plan is to protect against loss and fragmentation of agricultural areas and to support maintenance, restoration and enhancement of natural heritage and water features and systems across the Greater Golden Horseshoe. The Greenbelt Plan also intends to support appropriate economic diversification within agricultural areas. The Greenbelt Plan designates and protects more than 2 million acres of environmentally sensitive land surrounding the Greater Golden Horseshoe Area, including lands in the Oak Ridges Moraine and on the Niagara Escarpment.

Working in partnership with the Growth Plan, the Greenbelt Plan establishes the limits of the region's urban structure, identifies where urbanization should not occur, and extends permanent protection to agricultural lands and ecological and hydrological features.

Schedule 1 of the Greenbelt Plan designates two major land use types in Pickering:

- 1 Protected Countryside; and
- 2 Urban River Valley.

The Protected Countryside lands identified in the Greenbelt Plan are intended to build on the agriculturally and environmentally significant lands that are protected by the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan while providing for linkages between these areas and the surrounding major lake systems and watersheds. The Greenbelt Plan also includes specific policies around the protection of agricultural lands within the Protected Countryside and permits a full range of agricultural uses, agricultural-related uses, and on-farm diversified uses based on the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

The Urban River Valley designation intends to protect the natural and open space lands along river valleys in urban areas and preserving the connections between the rest of the Greenbelt Area and the Great Lakes and other inland lakes.

The Greenbelt Plan policies regarding the Protected Countryside have been implemented in the Official Plan through policies protecting those lands within the City and identification within the land use schedule of the Official Plan. However, Pickering's Zoning By-law has not been amended to conform to the Official Plan. Furthermore, the policies for the Urban River Valley designation have not been implemented in the regional or local official plans and therefore the Zoning By-law Review would need to work in coordination with an update to the regional and local official plans in order to facilitate implementation through the Zoning By-law.

## 4.5 Oak Ridges Moraine Conservation Plan (2017)

The Oak Ridges Moraine Conservation Plan (ORMCP) was established under the *Oak Ridges Moraine Conservation Act*, 2001. The purpose of the Oak Ridges Moraine Conservation Plan is to provide land use and resource management planning direction to provincial ministers, ministries, and agencies, municipalities, landowners and other stakeholders on how to protect the Moraine's ecological and hydrological features and functions. The ORMCP divides the Moraine into four land use designations:

- **Natural Core Areas:** Lands with the greatest concentration of key natural heritage features and where only existing uses, agricultural uses and very restricted new resource management, low intensity recreational, home businesses, and infrastructure uses are allowed.
- **Natural Linkage Areas:** The critical natural and open space linkages between the Natural Core Areas, and along rivers and streams where only uses allowed in Natural Core Areas are permitted along with aggregate resource operations.
- **Countryside Areas:** Lands that provide an agricultural and rural transition between the Natural Core Areas and Natural Linkage Areas. and the Settlement Areas, where agricultural and rural uses are permitted.
- **Settlement Areas:** A range of existing communities with urban uses as outlined in municipal official plans.

Lands within the northern portion of the City of Pickering are within the Oak Ridges Moraine and subject to the ORMCP. ORMCP land designations within the City of Pickering are mostly Countryside Area with minimal Natural Core and Linkage Areas. The Official Plan includes policy 10.16 (Oak Ridges Moraine) which emphasizes the importance of the Moraine to the City, as it is the source of many of the City's streams and natural features and implements the ORMCP within the City. Schedule III B of the Official Plan identifies lands within the Oak Ridges Moraine.

As part of the Zoning By-law Review, the implementation of the ORMCP will be an important consideration in order to protect the Oak Ridges Moraine within the City of Pickering. It is noted that the City completed an update to its zoning to implement the ORMCP after it first came into effect. Recent changes to the ORMCP will have to be considered and the previously approved by-law will need to be integrated into the new comprehensive Zoning By-law for the City.

---

## 4.6 Clean Water Act (2016) and Source Protection

The *Clean Water Act*, 2016 was established to protect the sources of municipal drinking water supplies throughout Ontario. Source Protection Plans were introduced to identify the sources of drinking water, including municipal wells, river and lake intakes; to outline the threats to the quality and quantity of water in source areas; and proposed actions required to reduce and mitigate those threats and protect source water.

The City of Pickering is located within the CTC (Credit Valley – Toronto Region – Central Lake Ontario) Source Protection Region and the CTC Source Protection Plan, which was approved in 2019, applies in the City of Pickering. The Source Protection Plan identifies four different types of vulnerable areas that affect drinking water quality including:

- **Wellhead Protection Areas (WHPA)** – which are areas on the land around a municipal well, the size of which is determined by how quickly water travels underground to the well, measured in years;
- **Intake Protection Zones (IPZ)** – which are the areas on the water and land surrounding a municipal surface water intake;
- **Highly Vulnerable Aquifers (HVA)** – which are areas underground that are highly saturated with water – enough water that it can be drawn for human use; and,
- **Significant Groundwater Recharge Areas (SGRA)** – which are areas on the landscape that are characterized by porous soils, such as sand or gravel, that allows the water to seep easily into the ground and flow to an aquifer.

The Official Plan recognizes through City Policy 10.13 (Areas of Groundwater Protection) that areas of groundwater recharge and high aquifer vulnerability make significant contributions to the quality and quantity of groundwater and surface water and are impacted by land uses and activities in the short- and long-term. Schedule III D of the Official Plan identify High Aquifer Vulnerability and Groundwater Recharge Areas which need to be translated into zoning policy and mapping through the Zoning By-law Review.

---

## 4.7 Central Pickering Development Plan (2012)

The Central Pickering Development Plan (CPDP) was issued under the *Ontario Planning and Development Act* to improve the community of Central Pickering. The CPDP took effect on May 3, 2006 and was amended on June 6, 2012. The CPDP establishes a holistic vision for Central Pickering which includes an urban community in Seaton, a thriving agricultural community in the Duffins Rouge Agricultural Preserve and an extensive Natural Heritage System. The Development Planning Area is generally bounded by the CPR Belleville Line in the South, Sideline 16/Pickering Ajax boundary in the east, Highway 7 to the north and the York-Durham Town Line in the west as shown in **Figure 4.2**.

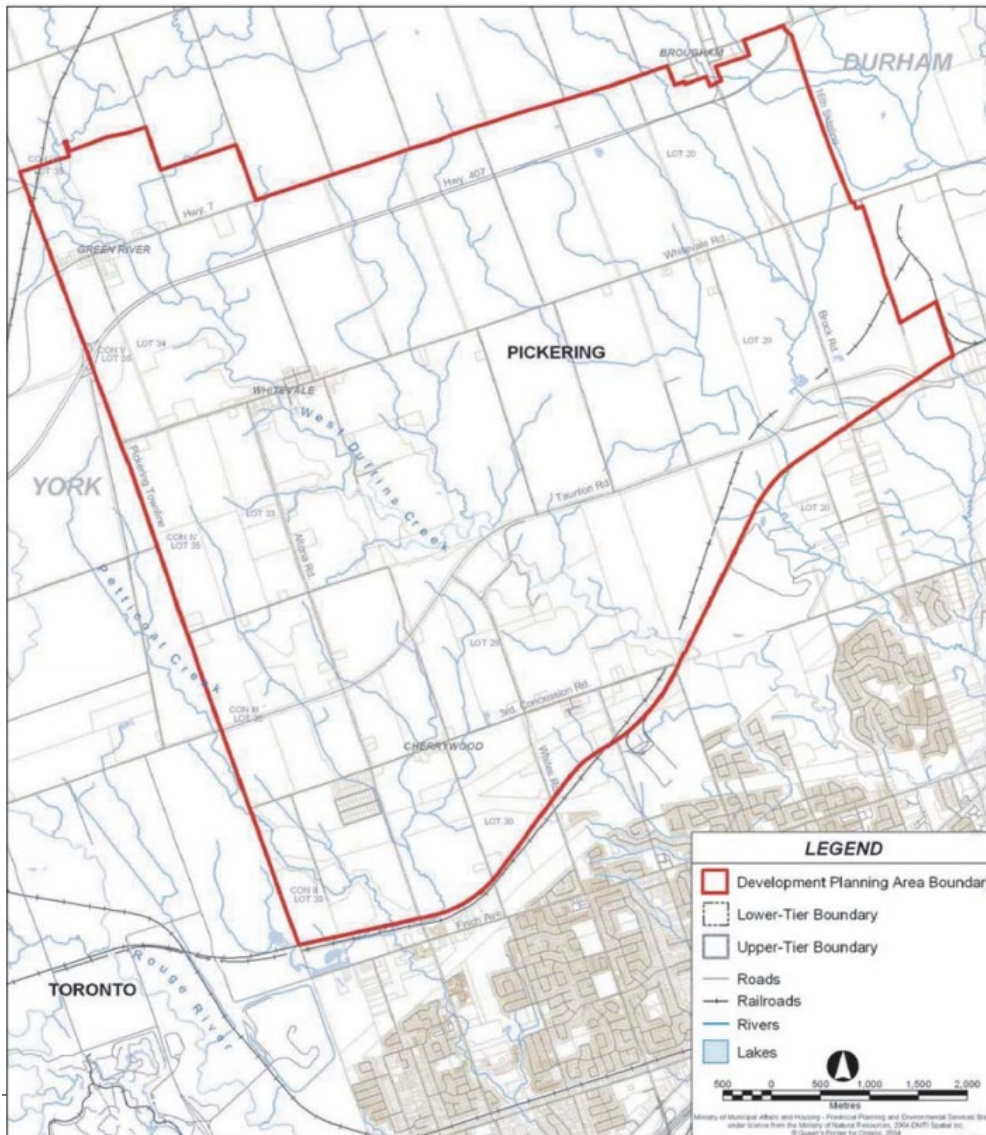
The CPDP works in concert with the Greenbelt Plan and the 2019 Growth Plan. The Greenbelt Plan applies to the Duffins Rouge Agricultural Preserve, a portion of the Development Planning Area, however the CPDP may establish policies that supersede the Greenbelt Plan. In regards to the 2019 Growth Plan, the objectives and policies within the CPDP are intended to support the implementation of the 2019 Growth Plan.

The CPDP plans for the development of 15 Neighbourhoods, providing a range of residential, mixed-use and employment uses for residents with connections to forests, fields and streams. A key objective of the CPDP is the permanent protection of prime

agricultural land and promoting agricultural land-uses within the Duffins Rouge Agricultural Preserve. The CPDP provides for an integrated system of urban and agricultural communities while protecting the regional ecological landscape through wetlands, woodlands and conserving local wildlife habitat.

The CPDP has eight goals for implementation:

- 1 Natural Heritage – protection, maintenance and enhancement of natural features, functions and systems to sustain a viable and permanent natural eco-system;
- 2 Cultural Heritage – drawing on the physical legacies of aboriginal and European occupations;
- 3 Agriculture – ensuring the protection and conservation of the Duffins Rouge Agricultural Preserve;
- 4 Social, Institutional, Open Space and Recreational Activities – the provision of an appropriate distribution of facilities to serve residents, workers and visitors linked by a system of natural parks and open spaces;
- 5 Transportation and Transit – designing a transit-supportive community designed for the provision of a multi-modal transportation system;
- 6 Servicing – provision of appropriate and sustainable network of utilities;
- 7 Employment – provision of a range of employment opportunities and identification of sufficient employment lands; and
- 8 Housing and Mixed-use – the provision of a range of housing types and densities that can accommodate a projected population of 70,000 residents.



**Figure 4.2: Central Pickering Development Plan - Planning Area Boundary**

The CPDP establishes basic land use designations, and identifies a Natural Heritage System, transportation network and a servicing system for the Development Planning Area of Central Pickering. As the CPDP is approved under the *Ontario Planning and Development Act*, the CPDP required several studies for implementation. These studies include a Master Environmental Servicing Plan, Highway 407 Economic Development Study, a Seaton Retail Market Analysis Study, Natural Heritage System Management Plan including a Trails Master Plan and environmental assessments. The CPDP also recommended the development of detailed Neighbourhood Plans to implement the recommendations and policies of the CPDP. Since 2012, the City has completed several studies in response to the CPDP and completed the detailed Neighbourhood Plans and related policies for the community of Seaton through the approval of Amendment 22 of the Official Plan. The City also implemented Zoning By-law 7364/14 for the Seaton Urban Area, which was adopted by City Council in 2014. Zoning By-law

7364/14 provided for a zoning framework based on the goals of the CPDP, the various studies completed and the Neighbourhood Plans which were completed.

The new Zoning By-law for the City of Pickering will need to consider incorporating the zoning framework from the Zoning By-law 7364/14 and conform to the policies and objectives of the CPDP. Zoning By-law 7364/14 zones three quarters of the developable lands, with the remaining quarter zoned agricultural. The new Zoning By-law may consider zoning the remaining developable lands and the natural heritage system in accordance with the neighbourhood plans.

It should be noted that, as part of the Zoning By-law Review process, comments have been received to request that Zoning By-law 7364/14 be maintained as a separate zoning by-law, and not consolidated into the new Zoning By-law. This relates to the specific nature of Zoning By-law 7364/14. This request is being considered by City of Pickering staff due to the area-specific nature of the Zoning By-law. It is intended that the Draft Zoning By-law, if it integrates Zoning By-law 7364/14, will preserve the requirements of Zoning By-law 7364/14.

---

## **4.8 Durham Region Official Plan (2017)**

The current Durham Regional Official Plan (the Regional OP) was approved by the Minister of Municipal Affairs and Housing in 1993 and consolidated in 2017. The Regional OP guides growth and development in the Regional Municipality of Durham by providing long-term policies to ensure improved quality of life for current and future residents of Durham Region, to establish the future development pattern, to guide Regional Council and the Councils of local municipalities in the development of local official plans and zoning by-laws, and to assist the federal and provincial governments in preparing plans and programs in the Region of Durham.

The Regional OP provides for a regional context in planning for growth and development, the protection of the natural environment, managing resources and planning for economic development in the Region. The Regional OP provides policy direction to the City of Pickering which is principally to be implemented through the Official Plan. The Regional OP is currently the subject of a municipal comprehensive review, Envision Durham. Envision Durham offers an opportunity to create a new plan with an advanced planning vision for the Region to 2041. The Zoning By-law Review is an opportunity to update the Zoning By-law to complement and implement Regional policies and initiatives, although the primary vehicle for implementing the Regional OP is the City's Official Plan. The City's Official Plan will only be brought into conformity with the new Regional OP after its approval by the Province. Following any required changes to the City's Official Plan, corresponding changes to the Zoning By-law will be made.

## 4.9 City of Pickering Official Plan (2018)

The City of Pickering Official Plan, which was consolidated in 2018 and adopted by City Council in 1997 (the Official Plan), is the eighth edition of the Official Plan. The Official Plan implements several Official Plan amendments including:

- 1 A revised vision for the Duffin Heights Neighbourhood;
- 2 New policies for the City Centre implementing the Provincial Growth Plan;
- 3 Implementation of the Greenbelt Plan and updated environment and countryside policies;
- 4 Implementation of the Central Pickering Development Plan (Seaton and the Agricultural Reserve);
- 5 Introduction of planning tools for sustainable placemaking resulting from changes to the *Planning Act*; and
- 6 A review of various policy tools.

The Official Plan provides the land use policy directions for long-term growth and development in the City of Pickering. The Official Plan lays the foundation for building a complete community and establishes a vision for the City along with a roadmap on how the vision can be achieved.

The Official Plan reflects matters of Provincial interest and applies to all lands within the City. The Official Plan expresses the goals and objectives for the community and identifies land use policies to help guide and direct growth and development over the next 20 years. The Plan directs the location and form of development, identifies how infrastructure is to be planned, and plans for the conservation of natural heritage features and areas. **Figure 4.3** illustrates a comparison between the Official Plan and Zoning By-law documents.



**Figure 4.3: Comparison of the Official Plan and Zoning By-law**



## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

The City's planning framework takes on a holistic view of the City of Pickering through its Official Plan. It is recognized that the City is made up of three distinct, yet interrelated systems: an ecological system, an urban system and a rural system. The ecological system, consisting of air, land, water, and nature, flows through the other two systems as it goes beyond the City's boundaries and is part of a larger ecological system. The urban and rural systems serve residents and visitors in their own unique ways. The urban system focuses on facilitating a range of complex uses, activities, experiences and opportunities involving various groups of people (residents, business-people, landowners, agencies, etc.), while the rural system is grounded on land as a viable, productive and lasting resource. This includes activities such as farming, forestry, aggregate extraction and others.

The key objective of the Official Plan is to provide for a complete long-term planning strategy that recognizes the interconnectedness of the three systems in the City of Pickering. In the same manner, the Zoning By-law Review provides an opportunity to build from the Official Plan and create a holistic and comprehensive Zoning By-law for the City of Pickering that addresses the various systems and activities that occur in Pickering.

The Official Plan also includes a compendium document containing Development Guidelines for Neighbourhoods within Pickering that require further guidance on what and where development should occur. The development guidelines are aimed to address:

- detailed land use mix and arrangement;
- scale and intensity of use;
- transportation networks;
- community design requirements; and
- servicing arrangements.

All planning applications and building permits must conform to the direction provided by the Development Guidelines, which are considered to be a bridge between Official Plan policy and implementing zoning by-laws. The Development Guidelines include area-specific guidelines for the City's 15 Neighbourhoods in Part I, and general development guidelines in Part II. The guidelines were adopted by City Council over the last 20 years, with the oldest guidelines having been adopted in 1996 and the most recent in 2003.

Each set of guidelines includes a map of the area where the development guidelines apply along with development guidelines. Some of them also include Land Use objectives and phasing information. The specificity of the guidelines depends on the neighbourhood, but they generally include:

- Provisions for minimum lot depth and frontages;
- Limiting the type of residential dwelling (i.e. single-detached and semi-detached);
- Policies regarding views and vistas;

- Identification of development blocks or design-precinct areas;
- Streetscape guidelines;
- Parking guidelines;
- Stormwater guidelines; and
- Transportation guidelines.

The compendium documents provide for detailed built form and urban design provisions that can guide the development of the Zoning By-law through the implementation of the Official Plan's policies. The division by neighbourhood allows for a neighbourhood specific approach that seriously considers the local context of the neighbourhood. The new Zoning By-law will need to consider these guidelines along with new Provincial and regional policies in order to create a Zoning By-law that is comprehensive, modern and effective.

---

## 4.10 Downtown Pickering Intensification Study (2013)

In response to the designation of Downtown Pickering as an Urban Growth Centre in the 2012 Growth Plan, the designation as an Anchor Hub in Metrolinx's Big Move document, and ongoing development interest in the area, the City of Pickering as part of the city-wide Growth Management Program began the Downtown Pickering Intensification Study (the DPIS) in 2012. The DPIS process included extensive engagement with residents and stakeholders including stakeholder interviews, a project kick-off and visioning workshop, a stakeholder charette and three more community open houses. The DPIS resulted in the development of the Downtown Pickering Vision and Redevelopment Framework (the Framework) which provided a framework for intensification, investment and growth management in the Downtown, which is now referred to as the City Centre. The Framework includes the establishment of a common vision for the downtown, recognition of downtown-wide systems or urban structure components, the division of the downtown area into six distinct precincts and concludes with recommendations on implementation.

As a result of this Study, the City of Pickering adopted Official Plan Amendment 26 to implement some of the recommendations of the Framework in 2015. The Amendment introduced the "City Centre" designation, replacing areas previously designated as Downtown Core, Mixed Corridors, Prestige Employment and Natural Areas as shown in **Figure 4.4**. This meant that the broadest diversity of use, greatest levels of activity, and highest quality of design shall be directed to two Mixed Use Areas: the City Centre; and the Mixed Corridor along Kingston Road, the City's main street. This was followed by the approval of the City Centre Zoning By-law 7553/17 in 2017. The new City Centre Zoning By-law 7553/17 includes new zoning categories, permits a broad range of uses, incorporates new development standards to regulate size, location, massing and height of buildings, identifies minimum and maximum density provisions, and introduces new vehicle and bicycle parking standards. City Centre Urban Design Guidelines were also approved in 2017 to guide decisions with respect to development proposals in the City Centre in terms of built form, streetscape and open space design.

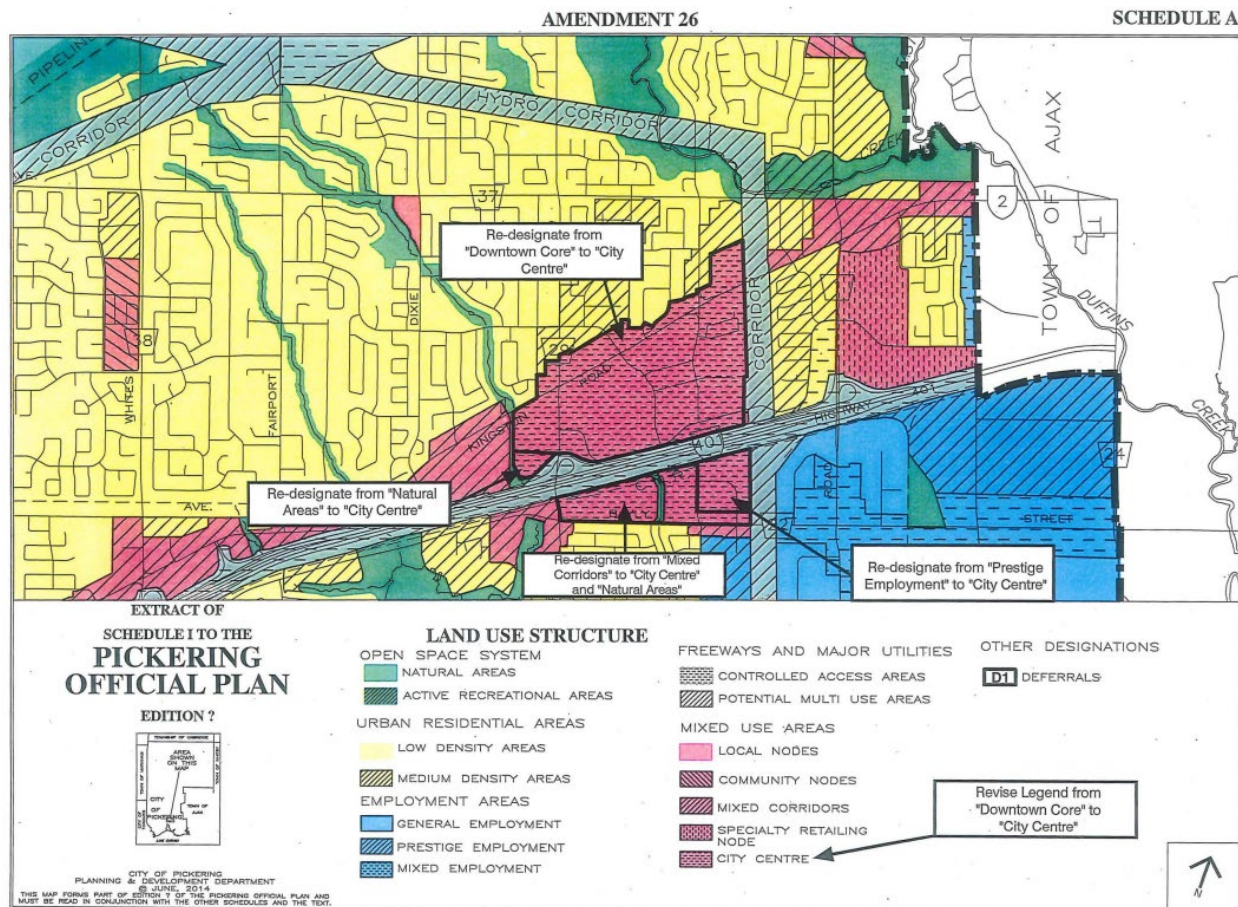


Figure 4.4: Land Use Schedule of the Pickering Official Plan, as Amended by OPA 26

## 4.11 South Pickering and Kingston Road Corridor and Specialty Retailing Node Intensification Studies

In 2015, Phase 1 of the South Pickering Intensification Study (the Study) was initiated with community engagement to obtain input from the public and stakeholders on where growth should occur in the City of Pickering outside of the City Centre, and to what extent the growth should occur. The designation of Pickering’s City Centre as an Urban Growth Centre in the Growth Plan, and the approval of Regional Official Plan Amendment No. 128, provided the policy foundation for the City to retain consultants to prepare its planning and urban design study for the redevelopment and intensification of the City Centre. Through roundtable discussions and an online interactive survey, the community expressed general support for:

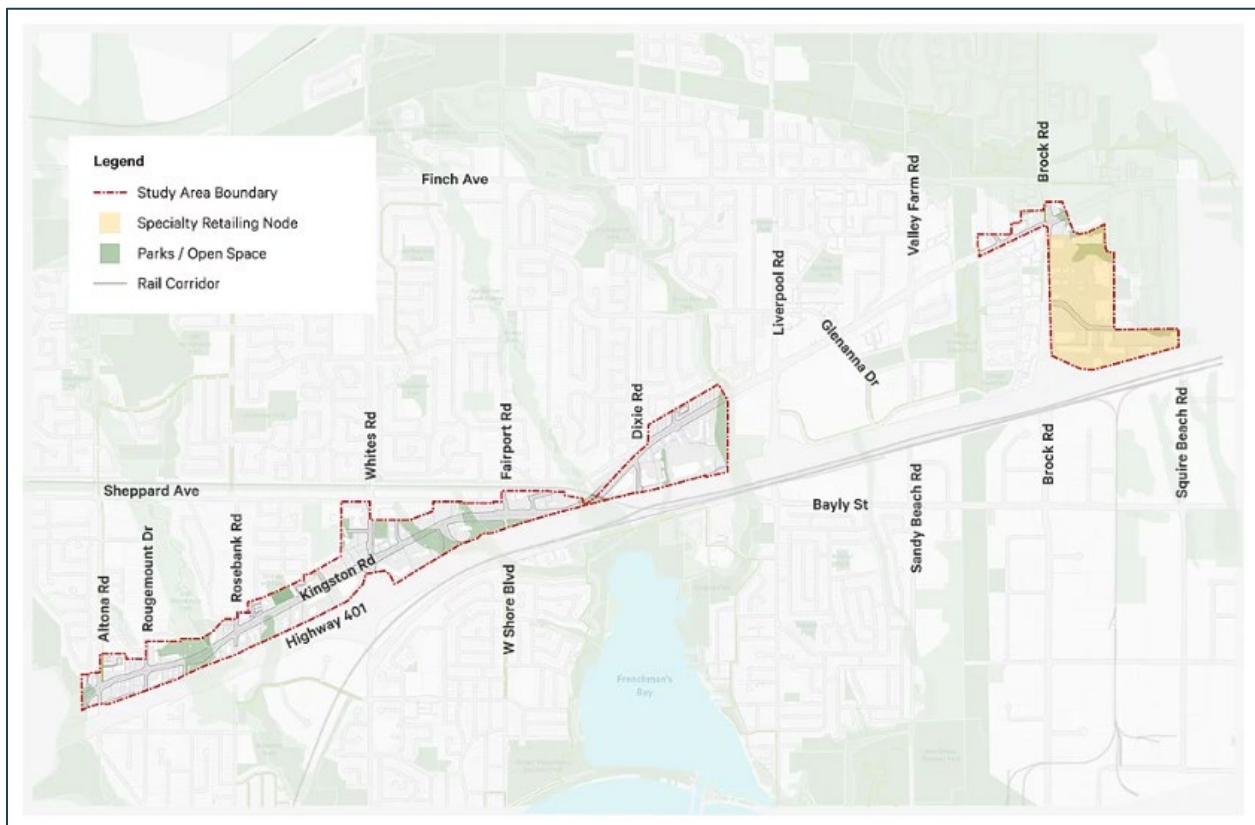
- Increasing diversification (condos, apartments) along the main corridors;
- Intensifying development along Kingston Road;
- Protecting stable residential neighbourhoods;

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

- Providing more spaces for Pickering’s diverse communities;
- Attracting more employment opportunities;
- Creating mixed-use and walkable neighbourhoods allowing residents to age in place;
- Keeping countryside, farmland and open spaces;
- Increasing the availability of an access to recreational spaces;
- Encouraging more medical and grocery store options; and
- Reducing traffic congestion and providing more bus routes.

Phase 2 of the study focused on the Kingston Road Corridor and Specialty Retailing Node (Kingston Road Corridor Study). The Kingston Road Corridor runs from the Rouge National Urban Park in the west to Brock Road in the east, and generally includes only those properties that front on to Kingston Road. It also includes a number of properties on the north and south side of Kingston Road west and east of Brock Road. The Specialty Retailing Node is to the east of Brock Road and south of Kingston Road as shown in **Figure 4.5**.



**Figure 4.5: Study Area for Phase 2: Kingston Road Corridor and Specialty Retailing Node Study**

The Kingston Road Corridor Study examined opportunities for intensification, supporting connections and public amenities within the corridor and the node. Phase 1 of the Study

focused on a review of existing conditions, an analysis of issues and opportunities and the development of a vision with associated goals and objectives. In Phase 2, the focus was to use the information from Phase 1 to develop and assess alternative intensification scenarios. Each scenario had different arrangements of open space, street networks, land use and built form, and was tested against a set of evaluation criteria based on the Study vision, goals and objectives. Through the lenses of Connectivity, Place-Making, and Land Use/Built Form, a recommended intensification scenario was determined.

During Phase 3, an Intensification Plan and Urban Design Guidelines were developed to implement the recommendations of the Study. In December 2019, City Council endorsed in principle the Intensification Plan and Draft Urban Design Guidelines for the Kingston Road Corridor and Specialty Node Study Area and authorized staff to proceed with an Official Plan Amendment to implement the vision and Intensification Plan. City staff will also be preparing a zoning by-law amendment to implement the new official plan policies for the Corridor and Node. This zoning by-law amendment will be informed by the Zoning By-law Review.

---

## 4.12 Infill and Replacement Housing in Established Neighbourhoods Study

Pickering is home to a range of neighbourhoods, including more mature residential neighbourhoods. The City's established neighbourhoods have been experiencing change in the form of infill and replacement housing over the last few years as people demolish, build or renovate older houses. Some new dwellings that are being built are sometimes two or three times taller and significantly larger than the existing dwellings in the neighbourhood. As result, the City initiated the Infill and Replacement Housing in Established Neighbourhoods Study in July 2018. The Study Area is shown in **Figure 4.6**. The Study is being completed in three phases:

- Phase 1: Existing Conditions and Preliminary Observations Report;
- Phase 2: Planning Options; and
- Phase 3: Recommendations.

Through this Study, the City considered an update to improve tools to address issues related to redevelopment specifically as it relates to neighbourhood character. This includes built form (i.e. height, lot coverage, house type and architectural style, etc.), streetscape (i.e. lot frontage, driveway width, and front yard setback and landscaping, etc.), and neighbourhood composition (i.e. street cross section, street trees, etc.). The Study aimed to examine which planning tools would be best to address these issues.

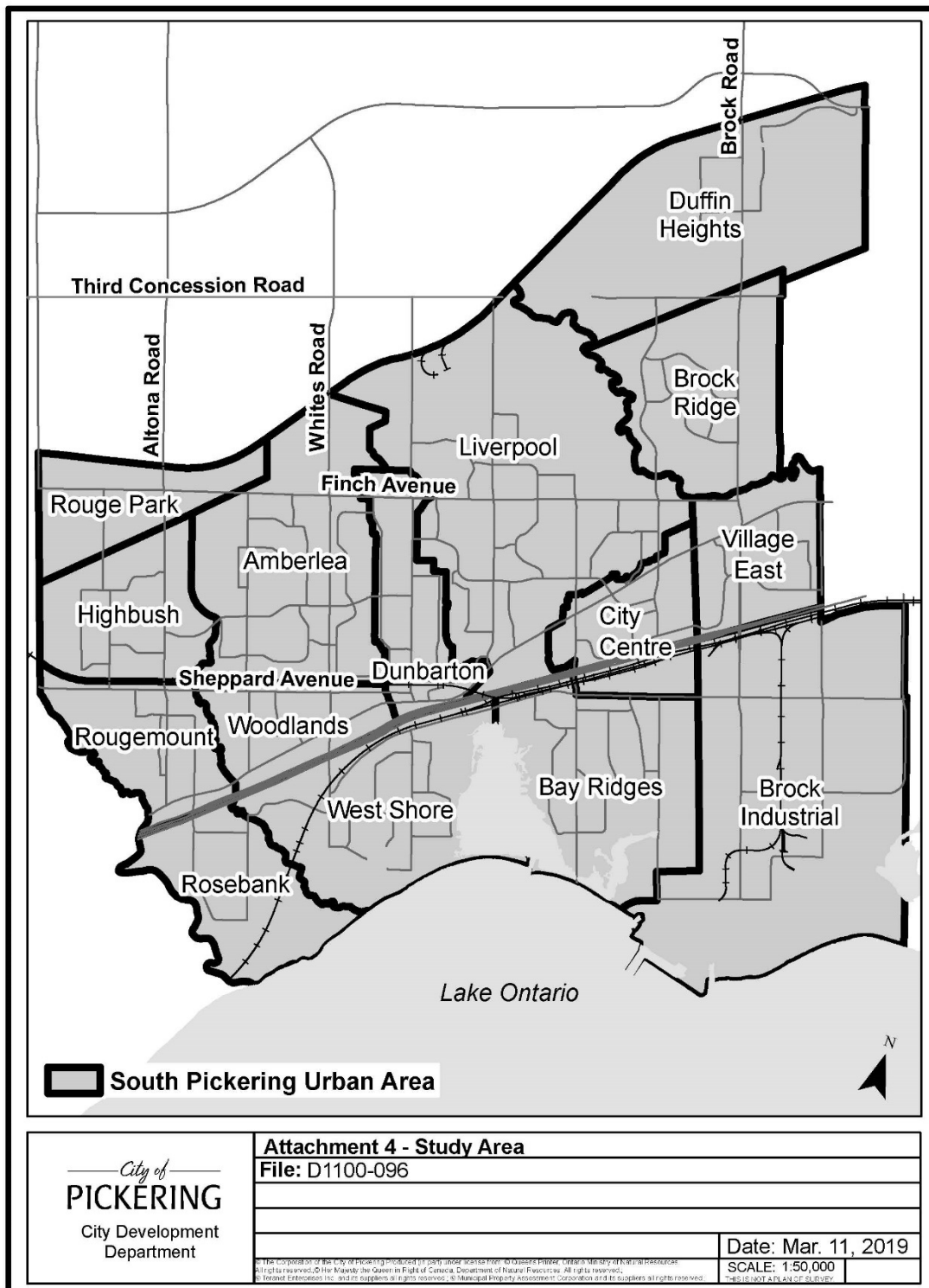
The Planning Options Report (Phase 2) identified various tools that can be used to address issues arising from the development of infill and replacement housing, each of which can be used individually or collectively. The report explains the tools and how they are, and/or could be, used in Pickering, and includes official plan policies, zoning by-law performance standards and urban design guidelines, among others.

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

Phase 3 of the Infill Study was concluded in September 2020 when City Council endorsed the Infill and Replacement Housing in Established Neighbourhoods, Planning Recommendations Report, prepared by SGL Planning & Design Inc, and authorized staff to initiate the recommended Official Plan and Zoning By-law Amendment processes. Implementation of any potential Zoning By-law recommendations resulting from the Study will likely be undertaken in the Winter of 2021.

**Shaping Your City | City of Pickering Zoning By-law Review**  
 Discussion Paper #1: Guiding Principles and Parameters



**Figure 4.6: Study Area for the Infill and Replacement Housing in Established Neighbourhoods Study**

## 4.13 Identification of Key Policy Implementation Gaps

In developing a new Comprehensive Zoning By-Law for the City of Pickering, there is an opportunity to address the major gaps that currently exist within the six separate Zoning By-laws in the City. Through the review of the provincial, regional and local policy framework in this section, it is evident that significant changes are required to ensure conformity with provincial, regional and local policies, and other applicable law. In summary, the significant potential policy implementation gaps that are required to be addressed through the Zoning By-law review process include:

- 1 Conformity with the City's Official Plan** – Over the years, there have been many changes to the Official Plan including a revised vision for the Duffin Heights Neighbourhood and new policies for the City Centre and intensification areas implementing the Growth Plan. Official Plan conformity is intended to be reviewed in detail in subsequent Discussion Papers, which address various areas of the City and various policy topics.
- 2 Apply the Urban Design Policies from the Official Plan Compendium Documents** – The Review will have to consider and implement the urban design and development guidelines established for the 15 Neighbourhoods in the City of Pickering. In some cases, this includes specific requirements for built form, so the zoning will need to be assessed for conformity.
- 3 Incorporation of Zoning By-laws for the Kingston Road Intensification Study and the Infill and Replacement Housing Study** – As part of the studies, new Zoning By-Laws are currently being established for the respective areas. These proposed zoning by-law changes will need to be incorporated in the new Zoning By-law.
- 4 Incorporate Zoning By-laws for the Seaton Urban Area and the City Centre** – The new Zoning By-law will need to consider incorporating the Seaton Zoning By-law 7364/14 and City Centre Zoning By-law 7553/17.
- 5 Consistency with Provincial Policy Statement** – As a result of the introduction of PPS, 2020 the Review will need to generally consider consistency with the various policies of PPS, 2020 as applicable, although the PPS is principally implemented through the Official Plan which can be more restrictive in some cases.
- 6 Conformity with the Growth Plan** – The Review will have to consider new policies from the 2019 Growth Plan related to Provincially Significant Employment Zones, Major Transit Station Areas and other directions, as they are implemented in the Regional and local Official Plans. While the Official Plan is the main vehicle for implementing the Growth Plan's policies, there may be specific opportunities for the Zoning By-law Review to advance the policies and intent of the Growth Plan, but this should be conducted in coordination with any emerging policy directions being undertaken by the Region and the City.
- 7 Conformity with the Greenbelt Plan and Oak Ridges Moraine Conservation Plan** – The Review will similarly have to consider new policies related to the Urban River Valleys within the Greenbelt Plan as they are implemented in the Regional and



local Official Plans, and any applicable policies related to Oak Ridges Moraine Conservation Plan.

- 8 **Compliance with Applicable Law:** The new Zoning By-law will need to ensure compliance with applicable law, including but not limited to the *Planning Act* and the *Conservation Authorities Act*.

## 5 Approaches to Zoning

In order to create a Zoning By-law that is appropriate for the City of Pickering, it is important to evaluate the various approaches to developing zoning by-laws. Based on the requirements and limitations of the *Planning Act*, the approach to zoning has generally been consistent among most municipalities in Ontario. The “Euclidean” zoning approach, which involves the distinct separation of land use (i.e. the application of zones to different lands in the municipality), is the common approach used. However, as new planning challenges have emerged, variations on the Euclidean approach to zoning have been considered and implemented by some municipalities. This includes an increased emphasis on mixed-use and pedestrian-focused communities which has resulted in form-based zoning by-laws. Other tools have also been used including more legible zoning maps with overlays over certain areas; pre-zoning certain land uses, heights and densities; and the introduction of Development Permit Systems. Municipalities often use a combination of these tools as they are required, based on the local context and needs of the community.

This section will include a description and assessment of the various approaches to writing and implementing zoning, including:

- Euclidean Zoning;
- Form-based Zoning as well as Hybrid Zoning;
- Pre-Zoning; and
- Maps and Overlays.

---

### 5.1 Traditional (Euclidean) Zoning

Euclidean zoning is based on the concept of managing the impacts of land uses that are determined to be incompatible by separating land uses appropriately. As a result, the distance would mitigate certain impacts such as noise, privacy, shadowing, pollution or odour. Urban design and built form are secondary in the Euclidean zoning approach.

Euclidean zoning is based on a system of zones where each zone has a list of permitted uses and the associated requirements for buildings and lot characteristics as shown in **Figure 5.1**. In order to separate incompatible land uses, the zones are often categorized into agricultural, residential, commercial, industrial, institutional, or open space zones. The associated requirements include specific heights, setbacks, parking, landscaping and other requirements. These requirements help regulate the location, form and character of buildings and the specific use of land within each zone.

This type of zoning was named after a court case in Euclid, Ohio, where a property owner took the Town to court for zoning his property in a manner that prevented industrial uses. At the time, zoning was a relatively new concept, but as the court sided with the local government, maintaining that they have a valid interest in maintaining the character of a neighbourhood and regulating where certain land uses should occur. This

case set a precedent for towns across the United States and the world. This began the implementation of Euclidean zoning, where land uses were separated to regulate where certain uses should occur to ensure compatibility.

Euclidean zoning by-laws are generally accompanied with a zoning map and associated zone categories, regulations and permissions for each zone, special district regulations, administration procedures, and definitions. Traditionally, Euclidean zoning focuses on a high degree of land use separation (with limited permitted uses) and implements minimum standards to focus on creating separation in the interest of achieving compatibility and other objectives. This will typically include minimum setbacks, minimum parking requirements and minimum lot size or lot width requirements. This approach will also usually include maximum building height and maximum lot coverage (i.e., the amount of the lot covered by buildings and structures) to further promote the conservation of neighbourhood character and to minimize impact.

Due to the specified land uses and requirements within each zone, Euclidean zoning is inherently inflexible and prescriptive. As much as it does not leave room for discretion, it ensures predictability and consistency for stable communities. If a proposed development is not compliant with the zoning by-law, there are opportunities to vary the standards through a formalized process (minor variance application or zoning by-law amendment).

## Euclidean Zoning

Euclidean Zoning traditionally focuses on **establishing minimum standards (setbacks), maximum height and on distinctly separating permitted land uses**. The main objective of this approach is to ensure land use compatibility by minimizing noise and other potential land use impacts and to create opportunity for landscaping and green space. The outcome of this approach is often to create a very automobile-oriented built form.

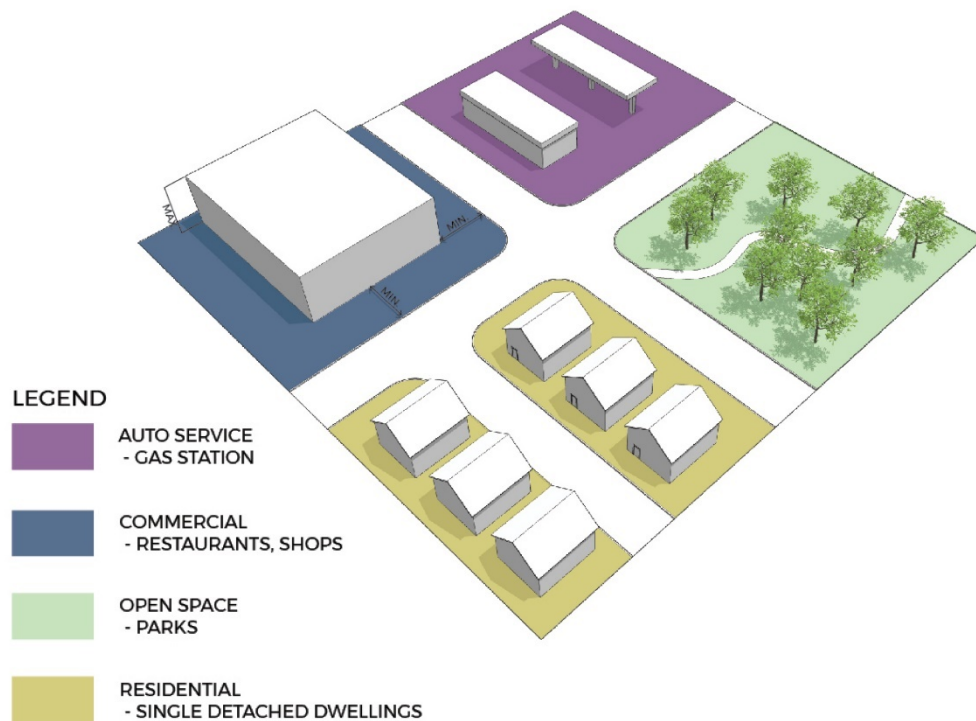


Figure 5.1: Description of Euclidean Zoning

## 5.2 Form-Based Zoning

In contrast to the Euclidean approach to zoning, form-based zoning provides flexibility and considers several urban design and built form issues. Instead of focusing on detailed land uses, this approach to zoning is focused on achieving a certain built form and addressing the relationship of buildings to the street and adjacent uses. While form-based zoning will still likely have different zones, the permitted uses tend to be more general while the built form requirements are more specific as shown in **Figure 5.2**.

Generally, form-based zoning codes identify areas based on geography and organize them based on the desired community character, intensity of land use, and built form. The specific built form requirements regulate the location and character of the buildings to ensure they address the streetscape and represent a desirable built form for the area. This can include a clearly defined building envelope as well as provisions to manage the specific appearance and character of buildings. A building envelope refers to the three-dimensional space on a lot where a building is required or permitted to be located, when the height, building setbacks and other requirements are considered. Parking standards are an example of strictly managed requirements, as they are often directed to the rear of the property and have maximum requirements.

In Ontario, the *Planning Act* requires zoning to specifically define permitted uses, therefore making it difficult to achieve a truly form-based zoning code where uses are only generally defined. A minor variance or a zoning by-law amendment will be required when uses are not specifically defined. Specifically, Section 45(2)(b) of the *Planning Act* enables a Committee of Adjustment to permit the use of land, buildings or structures where the permitted uses are defined in general terms and where the proposed use conforms with the existing permitted uses. Defining uses only generally also increases the risk that different users will have a different interpretation of the zoning by-law requirements and can create uncertainty and difficulty with respect to by-law enforcement. However, municipalities are increasingly adopting zoning by-laws that integrate the principles and intent of form-based codes by permitting a very wide range of appropriate uses and by introducing minimum as well as maximum setback and height requirements, build-to line requirements and specific requirements for ground floor uses that activate the streetscape. Build-to line requirements refer to a requirement for locating a building within a specified area of a lot, usually close to the sidewalk, to ensure that a building will help to frame the streetscape. Active use requirements include prescriptive regulations for the types of uses that are permitted to be located close to the sidewalk, such as focusing restaurants and retail uses which will help create a more vibrant, walkable and pedestrian-oriented streetscape.

## Form-Based Zoning

Form-Based Zoning is an approach where **multiple land uses are permitted and development is subject to very detailed requirements**. This includes both minimum and maximum setbacks (build-to lines), minimum and maximum height, and many other types of requirements.

The result of form-based zoning is to create a great deal of certainty around how a community is going to look and feel. The approach is often used in the context of more dense, mixed-use and transit-oriented communities.



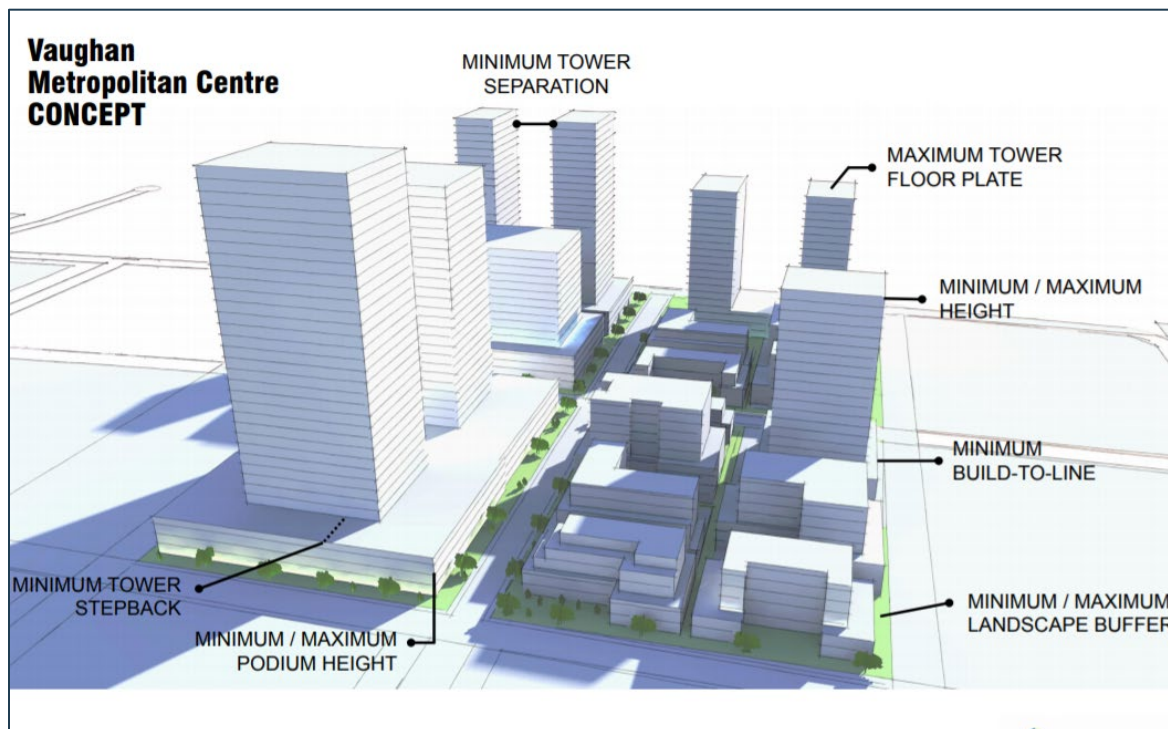
Figure 5.2: Description of Form-Based Zoning

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

In Pickering, the Downtown Pickering Intensification Study is an example of a study leading to form-based changes to the Zoning By-law. As noted in Section 4.10, as a result of this Study, the City of Pickering adopted the City Centre Zoning By-law 7553/17 in 2017. The new City Centre Zoning By-law 7553/17 introduced new zoning categories, permits a broad range of uses, incorporates new development standards to regulate size, location, massing and height of buildings, identifies minimum and maximum density provisions, and introduces new vehicle and bicycle parking standards. The new Zoning By-law substantially increased development opportunity on lands within the City Centre by permitting increased heights, higher density provisions and encouraging mixed-use developments.

In the City of Vaughan, several planning tools have been used to regulate the streetscape and the desirable built form for the Vaughan Metropolitan Centre (VMC), which is planned as new downtown for the City at the northeast of Highway 407 and Highway 400 and where a subway is now operating. The planning tools used included a Secondary Plan, a Streetscape and Open Space Plan, and Urban Design Guidelines. The idea was that these documents would set the stage for policy coordination and built form coordination in the development of VMC and then feed into the development of the new Zoning By-law that is currently being developed for the City. The draft Zoning By-law for the City of Vaughan includes a series of zone categories for the VMC area – Vaughan Metropolitan Centre Zones, which translate the various studies that have been completed into zoning. The provisions for the VMC zones include very specific regulations for active use frontage, build-to-line requirements, landscape buffer requirements, among others. These strictly managed requirements are a type of form-based codes that has been adapted to be compatible with the Provincial planning framework in Ontario. **Figure 5.3** illustrates conceptually how zoning is being used in the VMC to create a specific built form.



**Figure 5.3 Conceptual Illustration of Form-based Zoning in the Vaughan Metropolitan Centre**

In the United States, form-based zoning has been implemented in many communities. For example, in Beaufort, South Carolina, general zone categories were developed, with very strict standards on lot configuration, building placement, and even parking location. Throughout the document, numerous graphics and easy-to-read images are included to assist in understanding the very strict standards. This code was able to establish a zoning that encouraged neighbourhood-based planning, quality urban infill and the retrofit and improvement of existing buildings and neighbourhood public realm. The permitted uses are listed all in one table, organized by zone category and further described in the text relating to characteristics, accessory uses and exceptions.

**Appendix 1 – Example of form-based zoning in Beaufort, South Carolina** includes examples from the Town of Beaufort, South Carolina and how they implemented a form-based zoning code.

The Beaufort Code is an example of a zoning by-law that clearly regulates form with predictable physical outcomes and incorporates several, clearly labeled diagrams. Unlike Ontario's By-laws, the Beaufort Code integrates illustrations in the operative part of the By-law rather than just a convenience feature.

---

## 5.3 Pre-Zoning

Pre-zoning is an approach to zoning that can be used to implement policy. Pre-zoning is not necessarily an alternative to Euclidean or form-based zoning. Pre-zoning can be used to plan ahead for uses, densities and building heights when an area is identified in



an official plan as being intended to evolve (e.g. an intensification corridor). Specific zoning regulations and requirements in conformity with the official plan are developed for the identified area to allow for development to occur in accordance with the official plan as-of-right. As-of-right means that the official plan's permissions would be integrated directly into the zoning, allowing development to proceed in accordance with the official plan, without the need to obtain a site-specific zoning by-law amendment. Normally, when an existing built-up area is planned to evolve or transform, the existing zoning will simply reflect the previously built uses, and a zoning amendment is often required to permit redevelopment to occur in accordance with the official plan. Pre-zoning applies the Official Plan's requirements directly as-of-right and eliminates the need for an owner to change the zoning in order to permit what is contemplated by the official plan. However, the developer may still be required to obtain other planning approvals before receiving a building permit, such as a site plan or plan of subdivision, depending on the nature of the development.

Due to intensification pressures, many municipalities are pre-zoning specific areas to help facilitate and direct intensification to those areas. By setting out permissions for higher densities, building heights and broader land use permissions as-of-right, residents and developers are more likely to move to or build in those areas due to certainty and risk reduction. In order to be effective, pre-zoning needs to provide enough detail to encourage development but also be structured in a flexible manner that allows for a range of development options.

Pre-zoning also carries some risks including potentially limiting opportunities for engagement, as pre-zoned properties would not be subject to the statutory, site-specific consultation that is usually required for a rezoning application. At the same time, municipalities must ensure that the permitted zone permissions and regulations are appropriate and considerate of the neighbouring areas. Therefore, pre-zoning is sometimes accompanied by detailed built form requirements and even design guidelines.

However, to address some of the above noted issues with pre-zoning, the pre-zoned properties may be zoned with a holding symbol which can help facilitate supporting studies and inform the site plan process. For context, under the *Planning Act*, holding symbols may be applied to lands to prohibit development in the underlying zone until such time as certain conditions are met, such as the preparation of supporting studies like traffic impact studies or servicing studies.

Several municipalities in the Greater Toronto Area have proceeded with pre-zoning specific areas to encourage future development and add more certainty to the planning and development approval process. The cities of Markham and Vaughan have both used other planning tools such as Secondary Plans and Urban Design Guidelines to set policies in place to encourage higher density development in the proposed downtown areas. This included Downtown Markham and the Vaughan Metropolitan Centre. In the City of Vaughan, the policies for the VMC area are currently being implemented through the City's Zoning By-law Review, and the same is anticipated for Markham.

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

Within these cities, larger redevelopment blocks were also zoned with a holding symbol requiring submission of various studies, prior to removing the holding symbol, that would permit development to proceed.

## Pre-Zoning

Pre-zoning is an approach where the vision for a defined area is directly implemented in the zoning. This will mean that development will not be required to amend or change the zoning in order to develop what is intended by the Official Plan. This approach creates certainty in the planning process and can help to streamline approvals, but it may mean reduced opportunity for local community consultation, as well as other risks.

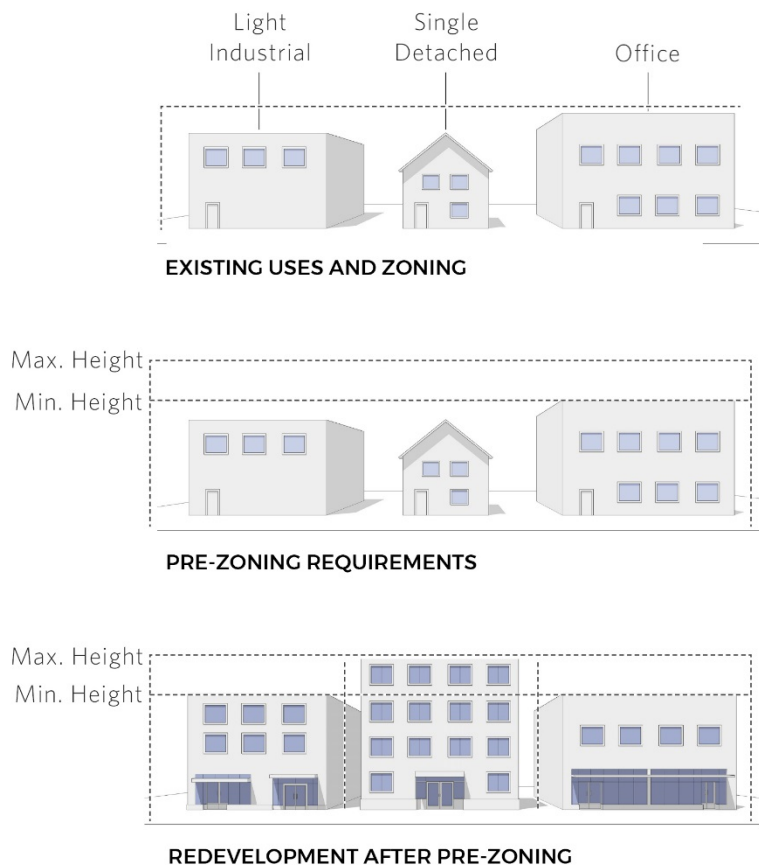


Figure 5.4: Description of Pre-Zoning

## 5.4 Maps and Overlays

Zoning by-law maps illustrate the application of different zones across the municipality, usually including streets and the lot fabric. The zoning maps complement the zoning by-law text, showing which zone applies to each parcel of land in the municipality. The use of colour, lines of different weight, and patterns is very common in zoning maps in order to show different zones or provisions that may apply. Any elements indicated on the zone maps must be accompanied by text (provisions) in the By-law. **Appendix 2** includes examples of maps from the City of Brockville.

In order to integrate special considerations and provisions into zoning by-laws, municipalities are introducing the implementation of overlay mapping features. Overlays can be represented as hatched, dotted or crossed areas and are associated with provisions specific to the areas where the overlay is shown in addition to the underlying requirements for that zone. Overlays are helpful in applying provisions that are geographically based, and which do not line up with zones. **Appendix 2** includes an example of a Mature Neighbourhoods Overlay used in the City of Ottawa. For example, overlays can be applied in cases where provisions for floodplains or environmental features need to be applied. The application of overlays needs to be carefully thought through as it can impact clarity and legibility of the mapping. A careful balance is necessary to ensure that the maps provide the information required but are also easy to read and understand.

## 6 Other Municipal Zoning By-law Reviews

The development of a comprehensive Zoning By-law for the City of Pickering is an opportunity to examine best practice examples from municipalities that have recently completed a Zoning By-law Review. Many lessons can be learned in terms of innovative approaches to make the Zoning By-law modern and accessible. This section examines several recent and on-going Zoning By-law reviews in Ontario and considers how we can apply findings to the City of Pickering Zoning By-law Review.

---

### 6.1 City of Vaughan Zoning By-law Review

The City of Vaughan Zoning By-law Review has been underway since early 2017 and is planned for completion by mid 2020. The existing Zoning By-law 1-88 was passed by Vaughan Council on September 19, 1988 and was approved by the Ontario Municipal Board (OMB) on July 17, 1989. Many development standards in Zoning By-law 1-88 are outdated and do not reflect the new policy direction of the Official Plan, (Adopted September 7, 2010 and partially approved by the OMB). There are almost 1,500 site-specific amendments to By-law 1-88, as well as numerous text and general regulation changes. The key objective of the Zoning By-law Review was to implement and conform to the Vaughan Official Plan, 2010 while developing a comprehensive, concise and streamlined Zoning By-law document that is accessible and user-friendly. The City also wanted to create a Zoning By-law that reflects the City's transformation into a vibrant and sustainable place and to respond to emerging urban issues and urban development trends.

The Review included the development of 11 technical papers which addressed several issues and areas of improvement for the Zoning By-law. An extensive Communications and Engagement Strategy was implemented with a dedicated website, social media presence, several open houses and other engagement activities.

The Zoning By-law Review is being completed in three phases:

- Phase 1: Community Outreach and Zoning Strategy Analysis
- Phase 2: Preparation of Draft Zoning By-law
- Phase 3: Passing of Zoning By-law

The new Zoning By-law is being developed with a new mapping component and a streamlined structure that is easily legible.

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

implement the City of Vaughan Official Plan. The Review focused on addressing key issues that were similar to the City of Pickering including:

- reformatting and consolidating site-specific zoning exceptions;
- modernizing the text of the Zoning By-law;
- implementing policies for the Vaughan Metropolitan Centre, Vaughan's new downtown; and
- implementing changes from the PPS and the Growth Plan.

The Review process for the City of Vaughan is very similar to the City of Pickering including the numerous discussion papers, the extensive consultation and engagement strategy, and the consolidation of a dated document. The Vaughan Zoning By-law Review involved the process of determining an appropriate zoning approach that balances policy direction from the new Official Plan with existing conditions and a robust strategy to reviewing and incorporating nearly 1,500 site-specific amendments. The situation is similar for the City of Pickering with the conformity of the Official Plan a key objective of the Review, while there needs to a consolidation of the many site-specific amendments to the existing Zoning By-laws.

---

## 6.2 City of Kingston Zoning By-law Review

The City of Kingston initiated its Zoning By-law Review process in April 2015, concurrently with the update of the City of Kingston's Official Plan (Official Plan Update). The resulting Official Plan Amendment (Number 50) from the Official Plan Update was approved in 2017.

The main purpose of the Zoning By-law Review was to create a City-wide Zoning By-law that would replace the five principal Zoning By-laws that currently exist in the City. The existing Zoning By-laws were outdated and prepared under a different jurisdictional context and policy framework. The City-wide Zoning By-law will provide the City with one comprehensive vision for planning and development in the City. As the Zoning By-law Review was conducted concurrently with the Official Plan Update, it allowed for an opportunity to create both documents within the same holistic vision and approach.

The first draft of the City-wide Zoning By-law was released to the public in October 2016 and was followed by several consultation events across the City. The release of the second draft of the City-wide Zoning By-law was put on hold pending the completion of the Official Plan Update and the Central Kingston Growth Strategy.

Some of the key issues that are to be addressed through the Zoning By-law Review are:

- Official Plan Conformity;
- Changes to Commercial land use policies;
- Parking Regulations;
- Addressing the Central Kingston Growth Strategy;
- Second Residential Units;

- Inclusionary Zoning;
- Short Term Rental Accommodations; and
- Heritage Conservation Districts.

It is anticipated that two additional drafts of the City-wide Zoning By-law will be released and a final draft of the by-law for Council's consideration in 2020.

The City of Pickering is similarly merging existing, separate, and older Zoning By-laws into one City-wide Zoning By-law. Some of the major issues are also similar including the implementation of a growth strategy, Official Plan conformity and addressing emerging policy trends such as inclusionary zoning.

---

### 6.3 Town of Aurora Zoning By-law Review

The Town of Aurora updated its Zoning By-law in 2017, completing the first review of the Zoning By-law since 1979. The goal of the Review was to update the Zoning By-law with the changes from new legislation in *Planning Act* and other Provincial policies. The Town's Official Plan also came in effect in 2012 and therefore the main goal of the Comprehensive Zoning Review was to revise and update current zoning standards to implement the policies of the Town's Official Plan. The Town also took this opportunity to address several key issues including:

- new standards for the Aurora Promenade;
- applying progressive planning practice and regulations;
- updating provisions for environmental protection and the Oak Ridges Moraine; and
- updating mapping and providing for an interactive online zoning map.

To assess the various topic areas that needed to be addressed in the review, the Town developed 13 technical papers to examine conformity with the Town's Official Plan, definitions, each zoning category and special provisions and exceptions, among others.

The final Comprehensive Zoning By-law was approved in 2017. An interactive zoning web application was also developed to allow for easy interpretation for the general public and a visual representation of the Zoning By-law.

Similar to the City of Pickering, the Town of Aurora's main goal of the Zoning Review was to implement the policies of the Town's Official Plan. A thorough review of how specific policies in the Town's Official Plan need to be implemented in the zoning through technical papers is a method that can be applied to Pickering's Zoning Review. The interactive zoning web application was also an additional tool to assist in making the document user-friendly and accessible.

---

### 6.4 City of Waterloo Zoning By-law Review

Upon completion of their new Official Plan in 2012, the City of Waterloo initiated the Zoning By-law Review to implement the City's 2012 Official Plan. The process involved

extensive public and stakeholder engagement over a period of three years. The new Zoning By-law, approved in 2018, modernizes zoning for Waterloo in a simple and user-friendly format. It aligns the City's zoning provisions with best practices in urban planning and enables the achievement of urban design and strategic objectives.

The new Zoning By-law implements contextual and local approach to zoning, with the introduction of tailored zones for station areas, the heritage conservation district, environmentally sensitive landscapes and other specialty zones. There was also an extensive effort to standardize as many regulations as possible to ensure consistency throughout the document and the City's new Official Plan. A zoning approach using tailored zones can be used in the City of Pickering, providing for specific and tailored zones based on the local context and to achieve the City's strategic objectives.

Some of the other key issues addressed were:

- standardizing regulations and ensuring consistency;
- introducing transit-oriented and transit focused provisions; and
- inclusion of urban design considerations.



## 7 Identification and Assessment of Key Policy Implementation Gaps and Issues

While the zoning by-law is most clearly a tool used to implement the development standards and land use permissions of the official plan, it can also be used to support other policy directions and issues. This section explores some of the key policy gaps and emerging issues that may be considered through this Review.

It should be noted that this section is meant to provide an overview of some considerations as we begin the Review, rather than a comprehensive review of each major policy gap and issue. The identified policy gaps and issues will be addressed in more detail throughout the Review through the remaining Discussion Papers and the new Zoning By-law itself. This is also not an exhaustive list of issues, as new issues and policy gaps will continue to emerge through consultation with stakeholders and the public.

---

### 7.1 Affordable Housing

In a growing City such as Pickering, it is important to facilitate a range of housing options, including single dwellings, townhouses, rental housing, secondary dwelling units and apartment/condominium units, among others, that are affordable. Having a diverse range of housing options is essential in building an affordable housing stock. Increasing the supply of affordable housing is a key policy direction at the Provincial level. Recent Provincial policies and legislation have emphasized the importance of encouraging the development of a range of new housing as noted in Section 1.4 of the PPS. Housing that is affordable to low- and moderate-income households is specifically noted as an important aspect of housing provision in Ontario municipalities with the establishment of minimum targets. The 2019 Growth Plan similarly encourages the provision of affordable housing and a range of housing options. Provincial policies also encourage the use of planning tools such as Inclusionary Zoning and the introduction of new policies for secondary residential units.

At Home in Durham, 2014 sets out the Region of Durham's long-term vision for housing to meet the provincial requirement to complete a Housing Strategy. The Region's Housing Strategy commits to:

- Reducing chronic homelessness to zero;
- Increasing the supply of affordable rental housing by 1,000 units;
- Increasing the supply of medium- to high-density housing; and
- Significant progress in the regeneration of community housing.

The Region of Durham also established the Affordable Rental and Seniors' Housing Task Force in 2015 to develop a better understanding of the issues and to consider potential solutions. In 2017, the Task Force released its report setting out a six-point

plan of action and 34 recommendations to address the need to create more affordable rental housing for low- and moderate-income households as well as for more housing choices for seniors in Durham. At Home in Durham and the Senior's Housing Task Force recommendations commit to a review of the Regional OP to ensure that it creates a supportive and permissive environment for affordable rental and seniors' housing choices. Many policies in the Regional OP promote a diverse range of housing options, protection of rental housing units and support the conversion of single-detached homes to multiple residential units. The Regional OP is currently being updated through a Municipal Comprehensive Review process where a key objective is updating policies for affordable housing.

Chapter 6 of the Official Plan includes policies to encourage a broad diversity of housing by form, location, size, tenure, and cost within the neighbourhoods and villages of the City. The Official Plan defines affordable as the annual housing costs (rent or mortgage payments) that do not exceed 30 percent of gross household income. Section 6.4 states that a minimum of 25 percent of new residential construction, on a City-wide basis, be of forms that would be affordable to households of low or moderate income. In addition, policies (d) and (e) in section 6.4 state that City Council shall:

- Zone to permit the operation of group homes within all residential areas;
- Zone to permit accessory apartments, garden suits and rooming houses where appropriate.

Through Section 34 of the *Planning Act*, one of the purposes of a municipality's zoning by-law is to regulate the type, character and use of buildings or structures that are within the boundaries of the municipality. Therefore, zoning by-laws are an important tool in facilitating affordable housing opportunities in the City. The zoning by-law plays a role in contributing to affordable housing by ensuring that there are standards and permissions for a wide range of unit types.

A notable progressive approach to affordable housing is the approach recently undertaken by the City of Minneapolis in Minnesota, USA, which fully eliminated single-family zoning across the entirety of the City and allowing three-unit dwellings on any lot in the City. This was an approach aimed at tackling the affordable housing issues the City has been facing.

Two specific tools that will be considered as part of the Review are secondary residential units and Inclusionary Zoning, which are discussed in the following subsections.

### **7.1.1 Secondary Residential/Accessory Units**

The *Planning Act* requires municipalities to consider permitting secondary residential units (also known as accessory dwelling units/suites/apartments) to increase the range of available housing options. Policies for secondary residential units are to be implemented in municipal official plans (Section 16(3)), and zoning by-laws are required to give effect to such policies (Section 35.1(1)).

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

The Official Plan indicates in Section 6.4 that City Council shall: “Zone to permit accessory apartments, garden suites, and rooming houses where appropriate.” ‘Secondary Suites’ are noted as part of the Affordable Housing Strategy within the Seaton Urban Area through Section 11.48, and as an Affordable Strategy for Lower Income Tenants and Owners where builders are encouraged to construct single and semi-detached units containing accessory dwelling units.

Section 35.1 of the *Planning Act* directs that municipal councils shall ensure that zoning by-laws give effect to official plan policies related to Secondary Residential/Accessory Units. The intent of Section 35.1 of the *Planning Act* is to ensure that Secondary Residential/Accessory Units are permitted “as of right” by the zoning by-law, meaning there should be no need for a home owner to apply for a zoning by-law amendment or minor variance to add a Secondary Residential/Accessory Unit. Currently, the City of Pickering permits Secondary Residential/Accessory Units as specified in the Zoning By-law but requires registration with the City for a one-time registration fee of \$500.

The Zoning By-law may include provisions related to Secondary Residential/Accessory Units such as minimum parking rates and maximum floor area requirements.

The recently introduced Bill 108 brought forward changes that permit the creation of additional dwelling units in prescribed classes of existing residential buildings or in prescribed structures ancillary to existing residential buildings.

It should be noted that Garden Suites are not considered Second Units under the *Planning Act*. As a temporary housing option, Garden Suites are intended to be permitted on a case-by-case basis through site-specific temporary use by-laws. The *Planning Act* allows Garden Suites to be permitted for a period up to 20 years, subject to 3-year extensions thereafter.

As part of Pickering’s Zoning Review, it will be important to consolidate the different names and definitions for Secondary Residential/Accessory Units to ensure consistency throughout the document and with the *Planning Act*. A refined approach to treating secondary residential/accessory units through the new Zoning By-law will achieve greater conformity with the Official Plan and encourage a greater range of housing options within the City. A clear definition and zoning requirements will help remove barriers for the creation of new Secondary Dwelling Units and reduce the need for lengthy planning review processes. Before the implementation of secondary unit provisions in the zoning by-law, it is required that the official plan be updated to include the latest policies regarding secondary units.

Many other Zoning By-laws address these uses, and some municipalities have conducted very in-depth studies related to Secondary Suites, in particular, in response to the Province’s legislative changes. As an example, in the County of Brant’s Zoning By-law, Section 4.5 under General Provisions, addresses the provisions for ‘Second Unit’, while Section 4.11 addresses ‘Garden Suites’. Both types are clearly defined in the Definitions section of the Zoning By-law. To encourage these units only in residential areas, the County’s Zoning By-law restricts second dwelling units to only Residential Zones but provides provisions for minimum floor area, access/egress,

parking, servicing, and only allowing for one, one-storey, unit on the same lot as the main dwelling.

### 7.1.2 Inclusionary Zoning

As discussed previously in this Discussion Paper, inclusionary zoning is a land use planning tool that requires affordable housing to be provided in all residential developments of 10 or more units. Inclusionary zoning is an important tool that can be used to substantially increase the provision and availability of affordable housing in the City of Pickering. As per changes to the *Planning Act* through Bill 108, inclusionary zoning is now only permitted within major transit station areas, or where a community planning permit system is in place.

Under the *Planning Act* and O. Reg. 232/18, inclusionary zoning can only be implemented through a zoning by-law where official plan policies are in full force and effect. Should the City determine that inclusionary zoning is an appropriate tool to achieve the affordable housing objectives of the Official Plan, an Official Plan Amendment will be required to establish policies to direct the Zoning By-law. The City must also complete an assessment report that includes information related to housing need and demand, and the potential impacts of inclusionary zoning on the housing market and the financial viability of development. The City has to update this report every 5 years, as per Provincial legislation.

Many very large cities across North America have implemented inclusionary zoning policies and zoning including Vancouver, New York, San Francisco and Boston. New York implemented inclusionary zoning in 2016 and over 1500 permanently affordable homes were approved in the first nine months of the program. Each inclusionary zoning policy approach is tailored to the housing needs, market conditions and planning frameworks of the respective municipality. Some key trends include:

- affordability periods range from 30 – 99 years and some are in perpetuity;
- policies provide for options to provide units on-site, payment in-lieu (i.e., paying the municipality instead of providing the units, so that the municipality can provide the units elsewhere) and/or provision of off-site units; and
- the application of the policy ranges from the full municipal boundary to specific areas of the City.

Based on the examples of inclusionary zoning application across North America, it is important that the City of Pickering evaluate the housing needs, market conditions, and planning framework in the City to evaluate if inclusionary zoning is desired and how it is to be applied in the Official Plan and the City's Zoning By-law.

---

## 7.2 Sustainability and Climate Change

With an expansive natural system in the City of Pickering, sustainability and climate change are important issues that can be addressed through the new Zoning By-law. The PPS recognizes the importance of an interconnected natural heritage system which

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

includes significant wetlands, woodlands, valleylands, and areas of natural and scientific interests among others. The PPS aims to conserve, protect and enhance natural heritage features and areas and includes policies that only permit development or site alterations in or adjacent to natural heritage features and areas, if it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The 2019 Growth Plan focuses on accommodating forecasted growth in complete communities. Complete communities support the quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. Complete communities also support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form.

As per the City's Official Plan, it is recognized that the City is made up of three distinct, yet interrelated systems: an ecological system, an urban system and a rural system. The ecological system, consisting of air, land, water, and nature, flows through the other two systems as it goes beyond the City's boundaries and is part of a larger ecological system. Therefore, it is important to require the preservation and protection of natural areas and features that run through the City from the Oak Ridges Moraine in North Pickering to the Lake Ontario waterfront.

A zoning by-law can include provisions that can support sustainability and address climate change by, for example:

- Enhancing landscaping around buildings and structures;
- Requiring the use of pervious surfaces that can improve drainage and stormwater management;
- Implementing appropriate setbacks to encourage a pedestrian-friendly environment and direct buildings to the street;
- Restricting development in flood-prone areas and other hazardous lands, including setbacks;
- Restricting development in the natural heritage system, including buffers;
- Requiring development standards that mitigate impacts to wildlife, where possible in the context of the zoning by-law (e.g., building height requirements that take potential bird collisions into account);
- Reduced minimum parking requirements and/or maximum parking requirements in areas well served by transit that reduce automobile dependency and associated emissions;
- Facilitating opportunities for active transportation such as bicycles and e-scooters or requirements for electric vehicle parking;
- Facilitating transit-oriented development and the intensification of transit corridors and other compact development; and
- Permitting community gardens in appropriate locations/zone categories.

The Review is an opportunity to modernize the existing Zoning By-laws to address these emerging issues of sustainability and climate change and develop complete communities that are considerate of nature and our environment. The existing Zoning By-laws in Pickering include a Greenbelt – Conservation Zone, protecting provincially designated Greenbelt lands and the Oak Ridges Moraine Plan Area with specific provisions. Many municipalities are implementing zoning categories that specifically protect natural areas. However, there are also indirect provisions that can be implemented in zoning by-laws, as listed above, that positively contribute to building a sustainable community that is considerate of climate change.

In other cities, the incorporation of regulations that consider sustainability and climate change have taken different forms. For example, in the City of Buffalo in the United States, the City recently implemented the Green Code Unified Development Ordinance (Green Code UDO), which acts as the zoning by-law for the City. The Green Code UDO was the first major overhaul of Buffalo's zoning laws since 1953. The Green Code places high importance on the enhancement of landscaping and stormwater on properties throughout the City including provisions for tree conservation, street trees, parking lot landscaping, buffer yards, and stormwater as shown in **Appendix 1 - Form-based requirements from the City of Buffalo's Zoning Code**.

The code also has very specific zone categories for natural areas including C-W Waterfront, D-OS Square, D-OG Green and D-ON Natural. Each zone within the Green Code UDO includes specific provisions for building types, and general provisions ranging from frontage elements, landscape site impacts, access for pedestrians, bicycles and cars, and even regulations for Transportation Demand Management as shown in the figure.

Generally, within the limitations of Provincial requirements for what can be regulated in a zoning by-law, there is a considerable opportunity to ensure that sustainability and climate change is emphasized. This can be achieved throughout the new Pickering Zoning By-law through the identification and protection of natural areas and features and other regulations such as landscaping requirements, bicycle parking requirements, pervious surface requirements, and other approaches.

---

### 7.3 Intensification Corridors and Downtown Development

As the City of Pickering continues to grow, the City has emphasized the importance of directing an increasing share of growth in the form of intensification, to contribute to more compact, complete communities and reduce sprawl. As discussed in Sections 4.10 and 4.11, over the last few years the City has initiated several studies to examine intensification corridors and downtown development in the City of Pickering. The studies led to the identification of the City Centre area, and the Kingston Road Intensification Corridor, along with a specialty retail node. The Official Plan was amended to include policies recognizing the intensification anticipated in those areas, along with the introduction of the City Centre Zoning By-law 7553/17.

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

Provincial policies continue to encourage the identification of growth and intensification areas, specifically the Growth Plan, which identifies the City Centre/Downtown Pickering area as an Urban Growth Centre. An Urban Growth Centre is a regional focal point for accommodating population and employment growth where a vibrant mix of uses and transit-supportive development is encouraged. Per Section 2.2.3 of the 2019 Growth Plan, Downtown Pickering is planned to achieve a minimum density target of 200 residents and jobs combined per hectare. The 2019 Growth Plan also identifies a minimum intensification target of 50 percent for all residential development within the delineated built-up area in the Region of Durham.

Therefore, to ensure the goals and objectives of the Official Plan and Provincial policies are achieved, the Zoning By-law has to implement the policies through specific regulations and provisions. The new City of Pickering Zoning By-law will consolidate the current City Centre Zoning By-law 7553/17 with the rest of the Zoning By-laws in the City.

The Review also presents an opportunity to address other mixed-use areas, as identified in the Official Plan. As the City continues to grow, it is important to plan and zone for further growth and intensification areas. This includes the Kingston Road Intensification Corridor, north areas of Brock Road, and areas along Taunton Road. The Kingston Road Intensification Plan, discussed in Section 4.11, will provide for a land use planning framework and complementing zoning by-laws for implementation in that area and the Specialty Retailing Node on Brock Road. The incorporation of those zoning by-laws will be essential in establishing a comprehensive framework for growth and intensification in Pickering.

The Town of Aurora implemented a zoning category for their Downtown, entitled the Promenade Zone. The Aurora Promenade comprises Downtown Aurora along Yonge Street and Wellington Street East. Zoning in the Promenade Area was a mix of Commercial, Residential, Institutional, Industrial and mixed exception uses. The Aurora Promenade Plan and the Town of Aurora Official Plan (2011) were the guiding documents for permitted uses, siting specifications, built form and parking standards for lands within the Aurora Promenade. Policy from the Promenade Plan and the Official Plan directed the creation of new zones for lands within the Promenade. These new zone categories in the new Zoning By-law reflected the policies of the Promenade as prescribed in the Official Plan.

The Review is an opportunity to further regulate and develop provisions for appropriate development, intensification and growth in the identified intensification corridors and the City Centre. This can be done through standards such as reducing setbacks, maximum parking requirements, increased height and density requirements, and providing for a range of housing options, along with the creation of specific zoning categories for the area. This will be discussed further in subsequent Discussion Papers including Discussion Paper #5, which is focused on the City's Mixed-Use Areas.

## 7.4 Infill and Replacement Housing in Established Neighbourhoods

In 2018, the City of Pickering initiated the Infill and Replacement Housing Study in response to concerns from residents regarding the impact of infill or replacement housing in the City's mature or established neighbourhoods. These concerns have stemmed from residents demolishing, building or renovating older houses into much larger or taller houses than the original homes in the neighbourhood. As Section 34 of the *Planning Act* stipulates, the zoning by-law is the appropriate tool to implement standards for the placement and built form of houses and structures. Provincial policies encourage the provision of a range of housing and densities, including single-detached dwellings.

The Official Plan designates certain areas as Neighbourhoods and Rural Settlements. For planning purposes, the South Pickering Urban Area is divided into 15 Neighbourhoods, each with its own Neighbourhood Plan. The Neighbourhood Plans include policies on the overall characteristics and the land use mix within them along with permitted uses, restrictions and limitations.

The new Zoning By-law is an opportunity to include provisions or regulations that can better manage the built form of the houses being built or rebuilt in established neighbourhoods. As noted in Section 5.2, the form-based zoning approach allows for the incorporation of built form and urban design provisions that can guide how dwelling heights, lot frontage setbacks, driveway widths and even landscaping elements impact, or mitigate the impacts to adjacent properties and/or the streetscape. Zoning examples mentioned earlier in the paper from Buffalo and Cincinnati provide examples of very restrictive but effective regulations that prescribe a certain desired built form in a neighbourhood or area.

In Ontario, many cities have conducted Mature Neighbourhood studies which have precipitated zoning by-law amendments. For example, the City of Mississauga conducted a similar study for the Malton neighbourhood. The Malton Infill Housing Study was conducted to ensure that new dwellings and additions are constructed in a manner that is sensitive to the surrounding context by introducing new zoning regulations to control massing. After extensive community input, the study determined that changes were required to the City's Zoning By-law to the identified study area in order to ensure the protection of the existing neighbourhood character. The zoning changes included changes to the maximum lot coverage, maximum heights, and regulations for an attached garage.

Zoning regulations similar to those implemented in Malton can also be implemented in the City of Pickering within certain neighbourhoods. The zoning recommendations from the City's Infill and Replacement Housing Study will be implemented through this Review.



## 7.5 Public Transit and Active Transportation

The City of Pickering has several major transportation corridors as well as active transportation corridors, including:

- Highways 7, 401 and 407;
- The GO Transit Lakeshore East/CN Rail corridor, the CP mainline and CP Havelock line; and,
- Kingston Road, Brock Road, Whites Road, Bayly Street and Taunton Road.

These transportation corridors provide for important connections for residents and visitors to travel to and from the City of Pickering. Through planning policy and the on-going Integrated Transportation Master Plan, it is important to enhance these connections and improve the transportation experience for the residents of Pickering.

Recent updates to Provincial policies have emphasized the enhancement of public transportation corridors and transit-oriented development, focusing mixed-use development around transit hubs. Pickering's City Centre is home to the Pickering GO Station and is designated as a Mobility Hub by Metrolinx, the Province's regional transportation agency. With connections to Durham Transit, GO Transit buses and trains, and local highways, the City Centre is positioned to leverage the high number of transportation connections. At the same time, accommodating for cyclists and pedestrians through a network of bike lanes and trails throughout the City can truly make Pickering a complete community.

The 2019 Growth Plan emphasizes the importance of increasing the modal share for transit and active transportation in the pursuit of achieving complete communities. The 2019 Growth Plan also directs growth and intensification in Major Transit Station Areas (MTSAs), to provide a focus for investments in transit and other infrastructure. Transit is identified as a first priority for major transportation investments by aligning a regional vision for transit with growth and intensification in priority transit corridors and MTSAs.

A key principle of the Official Plan is to create a sustainable, transit-supportive, and pedestrian-oriented neighbourhoods, with specific emphasis on the City Centre. The Official Plan promotes a land use pattern in urban areas that can support active transportation and public transit. Section 4.6 of the Official Plan specifically lists transit priorities for the City, which include:

- recognizing corridors for higher levels of transit service and for transit feeder service;
- support the introduction of transit priority lanes on specific rights-of-ways;
- support the planning and development of the Mobility Hub; and
- prioritizing transit stops and key transit transfer points are priority areas for bicycle parking, wide sidewalks, paths, and similar facilities to promote an integrated and active transportation network.

With the City Centre already designated as a Mobility Hub by Metrolinx, the City of Pickering has implemented City Centre Zoning By-law 7553/17 to implement the Mobility Hub guidelines. Some of the provisions that have been included are:

- creating zone categories that reflect planned transit-oriented development;
- consideration for pre-zoning for intensification in appropriate areas of the City;
- introducing bicycle parking requirements;
- introducing setbacks and built form requirements that contribute to a more pedestrian-oriented environment;
- considering suitable minimum parking standards or introducing maximum vehicle parking requirements that reflect the City's planned modal split and context; and
- considering opportunities for more flexible parking standards.

Discussion Paper #7 focuses on parking and loading, and explores and assesses opportunities to modernize the City's current regulations related to parking and loading. This includes approaches such as revising minimum standards, considering maximum standards and considering requirements for bicycle parking City-wide.

---

## 7.6 Agricultural and Rural Areas

The City of Pickering has extensive agricultural and rural areas, specifically agricultural and rural lands include the Duffins Rouge Agricultural Preserve, lands in north and north east Pickering. Some agricultural and rural lands are also subject to the Greenbelt Plan and the ORMCP (see Sections 4.4 and 4.5). As noted in Section 3, a large portion of agricultural lands are owned by the Federal government for the purpose of an Airport, however the lands are currently being leased to residents.

The protection of prime agricultural land and rural land for a diversifying range of agricultural uses is a key component of the Official Plan and the PPS. The PPS strongly emphasizes the protection of prime agricultural land with non-agricultural uses being extremely limited and lot creation being discouraged. The province also implemented the Minimum Distance Separation Formulae (MDS) to prevent land use conflicts and minimize nuisance complaints related to odour from agricultural facilities (e.g., a livestock operation near a residential neighbourhood). Recently, Provincial policies and guidelines have updated definitions and included considerations for Agriculture-related uses, Agri-tourism and On-Farm Diversified uses which expand the range of uses permitted in Agricultural areas. Outside of prime agricultural areas, recreational uses are permitted.

As a zoning by-law is the principal tool to implement an official plan, it is critical that the new Zoning By-law addresses specific agricultural issues and considerations including appropriate uses and establish provisions for:

- Rural Agricultural Uses;
- Agricultural, Agriculture-related Uses; and

- On-farm Diversified Uses, including agri-tourism.

The City also has rural lands and settlements, where the objective is to accommodate economic diversity while protecting the agricultural and open space resource base. With the extensive agricultural and rural lands in the northern Greater Toronto and Hamilton Area, many municipalities have incorporated Agricultural or Rural zone categories. The Town of Innisfil differentiates its Agricultural zones as follows:

- **Agricultural General:** Provides for a broad range of agricultural and agricultural-related uses.
- **Agricultural Specialty Crop:** Provides for agricultural uses in the Town's specialty crop areas which are designated by the Province.
- **Agricultural Rural:** Provides for agricultural and secondary agricultural uses in the rural area.

The differentiation in Agricultural zones allows for some differentiation between the various types of agricultural and rural lands that may be present in the municipality.

Discussion Paper #6 addresses agricultural and rural areas in more detail and includes an assessment of currently permitted uses in the agricultural areas to ensure conformity with Provincial requirements and guidance given recent policy changes and the age of much of the City's rural zoning.

---

## 7.7 Cultivation and Production of Cannabis

The Zoning By-law Review provides an opportunity to implement a comprehensive approach on how to regulate cannabis uses in the City. It is incumbent upon the Zoning By-law Review process to provide a recommendation on how to regulate development associated with cannabis cultivation and production.

Although it may be difficult to regulate and remediate through a zoning by-law since odours and light are hard to quantify in terms of strength or character, a proactive approach is needed to identify tools, whether it be through the zoning by-law, official plan, or other municipal by-laws.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) considers the growing of cannabis as an agricultural use. Some municipalities have implemented policies to accommodate cannabis as an agricultural crop, no different from any other crop. The primary concerns of odour, high-water use, and electrical needs would be like any indoor growing crop.

The Zoning By-law may include similar provisions to further regulate potential issues; however, the Cannabis Regulations have their own enforcement regulations in the form of the Federal/Provincial licencing process. Attempts to zone cannabis cultivation and production facilities with standards beyond the requirements of the Cannabis Regulations may raise issues as they may be challenged or appealed by cannabis producers. Several municipalities across Canada have used a range of tools to address this issue, one of which is through the Zoning By-law.

Among other actions, the municipality of Norfolk County adopted a County-wide Zoning By-law update to include new definitions and general provisions for cannabis production and processing. Haldimand County took it a step further by including setback requirements based on the size of the production facility and its adjacent use. The City of Pickering can take either of these approaches in the development of the new Zoning By-law, or cannabis production facilities can be deemed as falling within existing definitions and zoning permissions.

This topic is discussed in more detail in Discussion Paper #8.

---

## 7.8 Employment Areas

The City of Pickering has a range of employment areas including in South Pickering along Highway 401, the City Centre, and proposed employment areas along Highway 407 in the new Seaton community. Rural employment is limited but still present in North Pickering. The PPS encourages a mix and range of employment uses to support long-term economic prosperity by providing opportunities for a diversified employment base and encouraging compact, mixed-use development that can incorporate employment uses within settlement areas. It is also important to maintain a range of suitable sites for employment uses and ensuring that the necessary infrastructure is in place to support current and future needs.

As noted in Section 4.3, the 2019 Growth Plan introduced Provincially Significant Employment Zones (PSEZs) across Ontario, including one in Pickering – the Durham South (Pickering and Ajax) Provincially Significant Employment Zone (PSEZ). PSEZs are areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. PSEZs can consist of employment areas as well as mixed-use areas that contain a significant number of jobs.

The Official Plan has four categories for Employment Areas:

- **General Employment:** Mainly manufacturing, assembly, processing of goods, service industries, research and development facilities, warehousing, storage of goods and materials, waste transfer and recycling, waste processing, freight transfer, transportation facilities, automotive and vehicle sales and repair, including minor office, community, cultural and recreational uses;
- **Prestige Employment:** Light manufacturing, assembly and processing of goods, light service industries, research and development facilities, warehousing, equipment and vehicle suppliers, automotive and vehicle sales and repair, offices, corporate office business parks, limited personal service, restaurants, retail sales as a minor component of an industrial operation, hotels, financial institutions; and, community, cultural and recreational uses;
- **Mixed Employment:** All uses permissible in prestige employment areas and limited retailing of goods and services serving the area; and,
- **Hamlet Employment:** Manufacturing, assembly, processing of goods, service industries, research and development facilities, warehousing, storage of goods

and materials, offices, limited retailing associated with an industrial operation, automotive uses, existing residential uses and home occupations.

The Official Plan also states that restrictions and limitations on the uses permissible will be detailed in zoning by-laws. Currently, the existing Zoning By-laws include zones for commercial uses and industrial uses, but not specifically for employment zones. In order to conform with the Official Plan and to follow a similar framework, the new Pickering Zoning By-law can follow the same employment categories as above in order to provide specific provisions for each of the employment uses. A similar approach was taken in the County of Brant and the City of Waterloo, where separate zoning categories are provided for commercial and employment uses, and then further divided into subcategories.

## 8 Zoning By-law Format, Layout and Structure

One of the objectives of this Review is to create an improved and progressive regulatory document that is effective, user-friendly and easy to interpret by staff, the development industry and the public. Considering the existing by-laws are from the 1960s, this Review provides an opportunity to create a modernized and contemporary Zoning By-law for the City of Pickering.

---

### 8.1 Review of Existing Zoning By-laws

There are currently six existing Zoning By-laws in the City of Pickering that cover all the lands in the City. Each existing Zoning By-law applies to a specific area. The existing Zoning By-laws are:

- 1 Zoning By-law 2511 – Frenchman’s Bay Area;
- 2 Zoning By-law 2520 – Bay Ridges Area;
- 3 Zoning By-law 3037 – Rural Area;
- 4 Zoning By-law 7364/14 – Seaton Urban Area;
- 5 Zoning By-law 7553/17 – City Centre; and
- 6 Zoning By-law 3036 – covers the remaining urban area.

All of the existing parent Zoning By-laws, except for the Seaton Zoning By-law 7364/14 and the City Centre Zoning By-law 7553/17, are structured in the same format with some differences in sections. Each Zoning By-law consists of 16 to 24 sections, with all of them beginning with sections for Title, Definitions, Schedule, Zones and General Provisions for All Zones. Each of the Zoning By-laws include zone-specific provisions including provisions for Agricultural zones, Residential zones, Commercial zones, Industrial zones, Open Space zones and Greenbelt and Pits and Quarry zones. The concluding sections are Administration, Repeal of By-laws, and Conflict and Validity. Zoning By-law 3037 also includes additional sub-zones to implement the Oak Ridges Moraine Conservation Plan. For comparison purposes, **Table 8.1** identifies the sections within Zoning By-laws 2511, 2520, 3036 and 3037.

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

**Table 8.1 List of Sections in the Existing City of Pickering Zoning By-laws**

Section	Zoning By-law 2511	Zoning By-law 2520	Zoning By-law 3036	Zoning By-law 3037
Title	X	X	X	X
Definitions	X	X	X	X
Schedule	X	X	X	X
Zones	X	X	X	X
General Provisions for all Zones	X	X	X	X
General Provisions for all Residential Zones	X	X	X	
Rural Agricultural Zone – “A”			X	X
Village Zone – “V”				X
Detached Dwelling First Density Zone – “R1”	X		X	
Detached Dwelling Second Density Zone – “R2”	X			
Detached Dwelling Third Density Zone – “R3”	X		X	
One-Family/Detached Dwelling Fourth Density Zone – “R4”	X	X	X	
Village Residential Zone – “R5”				X
Multiple Family Dwelling First Density Zone “RM1”		X		
Multiple Family Dwelling Second Density Zone “RM2”		X		
Local Commercial Zone – “C1”	X	X	X	
General Commercial Zone – “C2”	X	X	X	X
Highway Commercial Zone – “C3”	X	X	X	X

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

Section	Zoning By-law 2511	Zoning By-law 2520	Zoning By-law 3036	Zoning By-law 3037
Storage and Light Manufacturing Zone – “M1”	<b>X</b>		<b>X</b>	<b>X</b>
Industrial Zone – “M2”	<b>X</b>			
Yard Storage and Heavy Manufacturing Zone – “M2S”	<b>X</b>			
Public Service/ Municipal Zone – “M3”	<b>X</b>	<b>X</b>		
Public Open Space Zone – “01”	<b>X</b>	<b>X</b>	<b>X</b>	
Public and Private Open Space Zone – “02”	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Waterfront Zones – “03A” and “03B”	<b>X</b>	<b>X</b>		
Greenbelt – Conservation Zone – “G”	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Pit and Quarry Zone – “Q”			<b>X</b>	<b>X</b>
Administration	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Repeal of By-laws	<b>X</b>	<b>X</b>		
Conflict and Validity	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

Through the examination of the structure of the Zoning By-laws 2511, 2520, 3036 and 3037, it is evident that there is some consistency in the sections structure that has been implemented. The existing Zoning By-laws have a standardized, text-heavy format with a limited number of maps and images to accompany the text. Therefore, the documents can be difficult to read and are not considered to be user-friendly.

The Seaton Zoning By-law 7364/14 and City Centre Zoning By-law 7553/17 are structured slightly differently as they were both written more recently. Both Zoning By-laws include sections for Administration, General Regulations, and Parking Regulations. The Seaton Zoning By-law also lists regulations based on specific zones – Residential, Mixed-Use, Employment Area, Community Use, Natural Heritage and Open Space, and Utility. The By-law includes Definitions, Holding Provisions, and Zoning Maps in the latter sections. The City Centre Zoning By-law, due to its limited scope and area, only has one section with zone regulations: Permitted Uses and Zone



Regulations. It also includes Definitions, Exceptions, Holding Provisions, Schedules and a section for Reading and Signatures.

An important aspect of this Review will be to take these standardized documents and make them more visually appealing with the addition of graphics and images in a more modern format. The consolidation of all existing Zoning By-laws will allow for a comprehensive document that is not repetitive and will allow for easy reading and understanding by the public. It will also bring together the more dated format of the Zoning By-laws that were adopted in the 1960s with the formats of the Seaton and City Centre Zoning By-laws.

---

## 8.2 Trends and Best Practice

Newer zoning by-laws in Ontario have implemented new approaches to make the documents more progressive, accessible and user-friendly. This includes incorporating illustrations, interactivity and notations, and wayfinding elements to the zoning by-laws to improve the user experience.

### 8.2.1 Illustrations

The inclusion of images or illustrations in the new Zoning By-law can assist in conveying complex provisions and terminology to the reader in a format that is easier to comprehend. Both two- and three-dimensional illustrations can be incorporated in the Zoning By-law to help clarify definitions and zoning provisions. Infographics can also be helpful to describe certain processes that may apply in the application of zoning by-laws, along with maps, to show where certain provisions may apply.

One way that images can be used is to describe specific parts of the General Provisions. **Appendix 1 – Example of illustrations within the City of Waterloo Zoning By-law** is an example from the City of Waterloo Zoning By-law, where images are used to describe Corner Lots and the related lot lines and sightlines.

Some current Zoning By-laws are relying on both supporting and replacing text with illustrations, which serve as a useful approach in assisting with interpretation of the Zoning By-law. It is also important to consider whether to include illustrations as part of the operative text, because of ensuring accuracy and applicability in every scenario. Usually, zoning by-laws in Ontario will only incorporate illustrations as a convenience feature and will rely on the text as the operative provision.

### 8.2.2 Interactivity and Notations

As a zoning by-law is often a very technical document requiring reference to several sections, interactivity and notations are an important aspect of creating a user-friendly document. While in the past zoning by-laws were only available in physical paper format, they are now often made available online in PDF format or within an interactive webpage. This format allows for the opportunity to link words in the zoning by-law text with their respective definitions in a different section, or directly link specific sections from the table of contents. Other by-laws also include side notations to assist in the

reading of the zoning by-law, such as the Town of Oakville as shown in **Appendix 1 - Example of Notations in the Town of Oakville Zoning By-law (2014)**.

### 8.2.3 Writing Style and Page Structure

To ensure the document is legible, it is important to consider the writing style used within the document and how each page is structured. As it is a technical document, using clear and concise sentences with commonly used words can help the user better understand the provisions outlined in the document. Using lists of provisions instead of longer sentences and identifying which words are defined in the Definitions section of the document by underlining or italicizing can also help the reader better understand the provisions. Small images or graphics may also be used to help orient the reader.

Similarly, the use of charts with colour helps organize information in a way that enables comparison. The draft City of Brockville Zoning By-law provides an example of using clear writing styles and a clear structure on each page as shown in **Appendix 1 - Example of writing style and page structure from the City of Brockville Zoning By-law**.

### 8.2.4 Wayfinding Elements

Zoning By-laws are legal documents and hence are often very technical in nature. Therefore, it is crucial to include wayfinding elements and features to guide and assist the reader in navigating the document. Elements such as headers, footers and similar wayfinding elements can help orient the reader through the legal and technical text through the document. The date, page numbers, and the Zoning By-law number are also useful to have on each page to allow for quick reference, as shown in **Appendix 1 - Example of Notations in the Town of Oakville Zoning By-law (2014)**.

Additionally, some Zoning By-laws also include PDF versions which have a linked Table of Contents, that redirects the user to the desired Part or Section of the Zoning By-law.

### 8.2.5 Structural Options

This section will assess the current format, layout and structure and illustrate some other examples and options in consideration of best practice.

As described in Section 8.1, the existing Zoning By-laws range in structure based on when they were created and what areas they apply to. The consolidation of the Zoning By-laws into one comprehensive version, is an opportunity to find a common structure that can be effective for all lands within the City of Pickering. Generally, most zoning by-laws begin with an Administration section, which outlines the specific administrative aspects of the by-law including title, compliance, transition, applicability in terms of Building Permit and the Official Plan, and editorial clarifications. This is generally followed by sections on definitions and general regulations/provisions. Some zoning by-laws will break out general provision into separate chapters for specific use provisions and for parking and loading requirements or bicycle parking requirements. This is typically based on the length of the section. The general regulations/provisions can vary significantly by each municipality as they are based on the local context. Most

zoning by-laws also include a section to establish the various zone categories and to provide clauses regarding how the schedules should be interpreted.

The next major aspect of a zoning by-law is the zone provisions, which differ between municipalities based on local context. Zone categories are typically organized into one of two ways. Older zoning by-laws have tended to include a separate chapter for each zone category, with the permitted uses and lot and building requirements listed in each chapter. Newer zoning by-laws often organize zones into broader chapters (e.g., Residential zones) and organize the various permitted uses lot and building requirements for the various specific zone categories into matrices. Matrices are beneficial because they allow comparison between zones but can also become cumbersome with more complex provisions and where there are numerous zones organized into each table. The preferred approach becomes a matter of preference as both approaches have positive and negative aspects.

Site-specific exception zones are similarly organized in one of two ways. Some zoning by-laws organize them by zone chapter, and sequentially number the exceptions based on the base zone category (e.g., R1-1, R1-2 for exceptions 1 and 2 to the R1 zone, respectively). Other by-laws will incorporate all exceptions into one chapter and number them sequentially regardless of their base zone. Where there are numerous exceptions, a single chapter is often beneficial because the section will be very lengthy to navigate.

### **8.2.6 Format and Structural Principles**

As the City of Pickering consolidates the existing Zoning By-laws, there are several options that can be pursued in ensuring that the City's comprehensive Zoning By-law is concise, clear and effective. Based on the best practice research, it is important to outline certain principles that should be applied when implementing the format and structure of the Zoning By-law. Some proposed preliminary principles and recommendations for the City's new Zoning By-law are as follows:

- To create a Zoning By-law that is structured in a manner that addresses the unique environments within the City of Pickering from the natural, to the rural to the urban City Centre, and considers the alignment of the zone categories with the land use designations of the Official Plan;
- The new Zoning By-law will leverage illustrations, notations and images to enhance the user-friendliness of the document;
- The new Zoning By-law will use easy-to-understand and clear language to ensure the document is appropriate for the general public and avoids misinterpretation;
- The specific structure of the Zoning By-law should be informed by the length of the section, and very long sections should typically be organized into its own section (e.g., separating parking provisions from the general provisions);
- The Zoning By-law can make use of matrices, but this may become highly complex if there is too much information to present in the matrix;

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

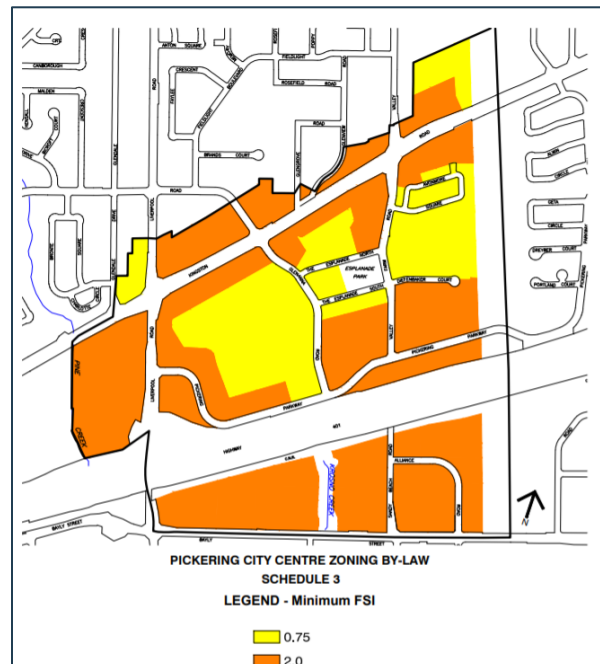
- The new Zoning By-law will be formatted with wayfinding elements such as headers, footers, interactive features and reference information to guide the reader in understanding the Zoning By-law; and
- The new Zoning By-law will address and consider potential future uses and development by accommodating holding provisions and other tools for long-term implementation.

## 9 Zoning Maps, Data Management and Geographic Information Systems

The maps attached to the zoning by-law are a key component of the By-law. Maps are used to show the geographic application of the provisions of the By-law. As such, zoning by-laws have an inherent spatial attribute. Municipalities often use Geographic Information Systems (GIS) to manage zoning data and to produce zoning maps efficiently. This section reviews the City's existing use of mapping and considers various options and

### 9.1 Review of Existing Mapping

The existing Zoning By-laws each have associated maps outlining the respective areas the zoning applies to. Aside from the Seaton and the City Centre Zoning By-laws, which have maps that are clearer and more legible, the existing Zoning By-laws have very dated mapping which can be unclear and difficult to read due to the age of the mapping. The Seaton Zoning By-law 7364/14 also has neighbourhood plans as part of the schedules for that by-law. The City Centre Zoning By-law 7553/17 includes a zone map as well as additional schedules that illustrate the applicability of other requirements, such as minimum floor space index, which is a measure of density calculated by dividing floor area of a building by the lot area. An example is shown in **Figure 9.1**.



**Figure 9.1: City Centre Zoning By-law - Schedule 3**

## 9.2 GIS as a Zoning Data Management Tool

A Geographic Information System (GIS) is a database that manages spatial information. GIS is commonly used by municipalities to maintain zoning and other spatial data. In addition to storing data and displaying spatial data, GIS is an analysis tool and is used to produce maps. It can be utilized to relate zoning information to other data, such as Official Plan designations, to assess spatial relationships. Generally, the zoning data managed within the City's GIS and includes the following information:

- The applicable zone symbol and category;
- A history of site-specific by-laws and decisions tied to the parcel;
- Any associated special exceptions;
- Associated minor variances, holding by-laws, or other approvals; and
- Whether the property is associated with other zones.

Many municipalities now also manage an online, interactive website that enables users to identify the applicable zoning by clicking on a map. A pop-up window displays links to the provisions that are applicable to the lot, including the zone provisions as well as any special sections that apply. The information displayed is usually drawn from a linked GIS database.

A key outcome of the Zoning By-law Review will be the production of a new zoning layer. Further discussion with the City will be required to assess how the specific format and structure for delivering the new zoning layer produced for the new Zoning By-law. Consideration will be made regarding the City's existing GIS capability and preference. The City currently manages an Open Data and Maps site including an interactive Map Portal, and there is an opportunity to incorporate zoning information through this site. The City may also have other expectations and preference regarding how the zoning data is to be administered.

---

## 9.3 Best Practice, Trends and Principles

The improvement or introduction of GIS based mapping is often a key aspect of Zoning By-law Reviews. Many municipalities take the opportunity of a Review to update their zoning mapping, whether it be through interactive mapping tools or through providing for more accessible and modern zoning maps.

As noted in the section above, many municipalities have introduced improved mapping through their Zoning By-law Reviews. This includes the preparation of maps that use colour, more complex overlays and also introduce more complexity in response to the desire to implement more form-based approaches to zoning.

Many municipalities also utilize an interactive mapping tool, which allows users to check up to date zoning at any time, since the interactive map is linked to a database which is often utilized to manage zoning data. Using an interactive map, a user can select a

property to generate a zoning report. This can also be linked to other data, such as building permit information, wards, community facilities and so on.

Based on best practice research and preliminary background review, the new Pickering Zoning By-law should:

- 1 Implement a robust and modern GIS database with zoning data that can complement the Zoning By-law text and provide for opportunities of analysis;
- 2 Have clear, legible and easy-to-understand zoning maps that will orient the reader in understanding the Zoning By-law provisions; and
- 3 Work towards creating an interactive zoning mapping tool that will easily allow for residents to search up their properties and find the applicable zoning.

# 10 Guiding Principles and Recommendations

The purpose of this Discussion Paper was to introduce the Zoning By-law Review process by discussing the state of the current Pickering Zoning By-laws, the policy and legislative framework, how zoning by-laws work, and to go over best practice examples on how zoning by-laws are being modernized for easier use. Through this discussion there are several conclusions and guiding principles that can be established as the Review moves forward. Those key guiding principles are:

- 1 Consolidation of existing Zoning By-laws** – Currently there are six separate Zoning By-laws in the City. In order to ensure consistency and to have a holistic approach to zoning in the City, it is crucial to have one comprehensive Zoning By-law that addresses the needs of the City. It is anticipated that the Zoning By-law will be based upon a consolidation and modernization of the existing Zoning By-laws. Other discussion papers will explore the harmonization and modernization of the standards and zones in more detail.
- 2 Conformity with the Official Plan and local studies** – Over the years, there have been many changes to the Official Plan and several planning studies conducted that impact zoning in the City and ensuring that the new Zoning By-law conforms to the applicable policy is a key requirement of this Review process.
- 3 Conformity with Provincial and Regional Plans and policies** – There have been several updates to the policies within the Growth Plan and the PPS which require the zoning by-law conformity. It is important to ensure these are implemented through the Official Plan to the Zoning By-law, where it is possible to do so. In many cases, Provincial and regional policy will need to be implemented initially through the local official plan prior to zoning.
- 4 Creating a User-Friendly Document** – As the current Zoning By-laws are dated, this Review is an opportunity to create a document that is accessible, easily understandable and clear in its style and structure.
- 5 Addressing Emerging Issues** – Many emerging issues are not addressed in the existing Zoning By-laws including contemporary issues such as climate change and sustainability, affordable and diversified housing, promoting a mix of uses and pedestrian-friendly environments, and protecting natural resources such as source water, among many others. The new Zoning By-law has a role in contributing to these broad policy and public issues and these issues will be explored further in subsequent Discussion Papers.
- 6 Innovation** – Several best practice examples were presented in this paper proposing innovative approaches to zoning, such as the use of overlays, form-based zoning and the use of illustrations and notations to create a user-friendly Zoning By-law. In order to create a modern and contemporary Zoning By-law, it is important that the City takes the opportunity to implement innovative approaches that are locally and contextually appropriate.



- 7 **Contemporary Mapping** – As the current Zoning By-laws are dated, it is crucial that the new Zoning By-law implement a robust and modern GIS database with zoning data that can complement the Zoning By-law text and provide for opportunities of analysis and also have clear, legible and easy-to-understand zoning maps that will orient the reader in understanding the Zoning By-law provisions.

# Appendix 1:

## Zoning By-law Best Practice Examples

## Shaping Your City | City of Pickering Zoning By-law Review

### Discussion Paper #1: Guiding Principles and Parameters

#### 3: Land Use Provisions | 3.2 Table of Permitted Uses

District. Conditions may be listed in the "Additional Standards" section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.

G. **Prohibited Uses (—):** The use is prohibited in the specified district.

### 3.2 TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4. The zoning designation of water is the same as the land it is adjacent to.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>RESIDENTIAL</b>												<b>3.3</b>
<b>Household Living</b>												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	C	C	C	C	C	C	C	C	C	C	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
<b>Group Living</b>												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
<b>PUBLIC AND CIVIC</b>												<b>3.4</b>
Civic / Government Facilities	C	—	SE	SE	P	P	P	P	P	P	—	3.4.2.A
<b>Educational Facilities</b>												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
<b>Parks and Open Space</b>												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
<b>INSTITUTIONAL</b>												<b>3.5</b>
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—
<b>Day Care Facility</b>												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											

*P=Permitted Use C=Conditional Use SE=Special Exception E=In Existing Building/Facility Only RF=Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only —=Prohibited use*

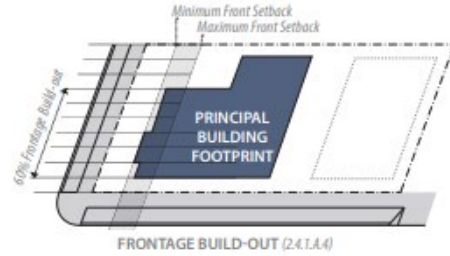
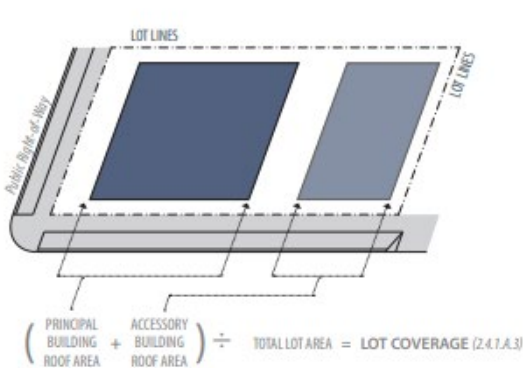
### Example of form-based zoning in Beaufort, South Carolina

# Shaping Your City | City of Pickering Zoning By-law Review

## Discussion Paper #1: Guiding Principles and Parameters

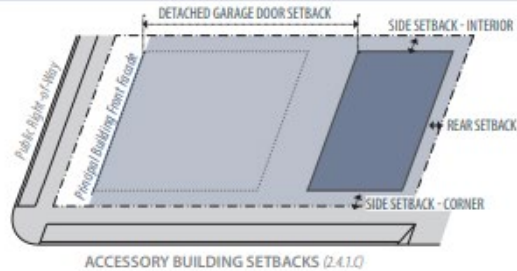
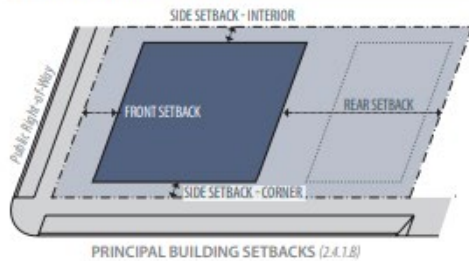
### 2: Map & Districts | 2.4: District Development Standards

#### LOT CONFIGURATION (2.4.1.A)



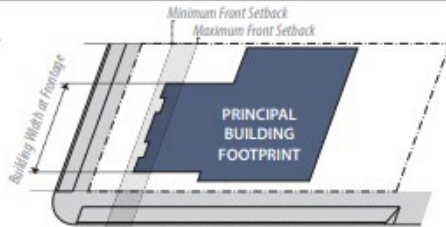
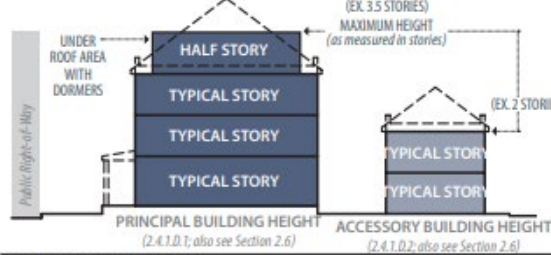
Frontage build-out is the percentage of the lot width where the front elevation of the building is located between the minimum and maximum front setbacks established for the district.

#### BUILDING PLACEMENT (2.4.1.B - C)



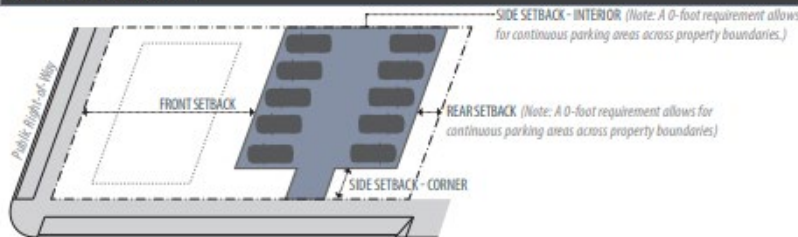
#### BUILDING FORM (2.4.1.D)

Maximum height in stories is measured by counting the number of floors, or a portion thereof.  
 If maximum heights are listed by a dimensional standard, height is measured from average grade, or first floor above base flood elevation, if applicable, to mean roof height.



The building width at frontage is measured as the width of any portion of the front elevation located between the minimum and maximum front setbacks established for the district.

#### PARKING LOCATION (2.4.1.E)

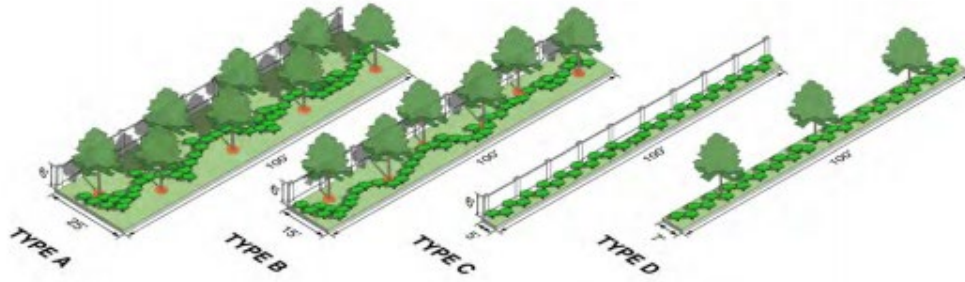


### Example of form-based zoning in Beaufort, South Carolina

Shaping Your City | City of Pickering Zoning By-law Review  
 Discussion Paper #1: Guiding Principles and Parameters

DECEMBER 2016

TABLE 7A: BUFFER YARDS



	TYPE A	TYPE B	TYPE C	TYPE D
Buffer yard depth (min)	25'	15'	5'	7' or required corner side or front yard depth for the zone, whichever is greater
Fence/wall type	Solid	Solid	Solid	N/A
Fence/wall height (min/max)	6'/10'	6'/8'	6'/7'	N/A
Shade trees (min per 100')	8	6	N/A	3
Ornamental trees (min per 100')	In lieu of planting a required shade tree, 3 ornamental trees may be planted	In lieu of planting a required shade tree, 3 ornamental trees may be planted	N/A	In lieu of planting a required shade tree, 3 ornamental trees may be planted
Shrubs (min per 100')	50	40	33	33

Form-based requirements from the City of Buffalo's Zoning Code

DECEMBER 2016

### 3.1.4 N-2C MIXED-USE CENTER



#### A. Purpose

The N-2C zone addresses mixed-use, walkable centers of Buffalo's most compact neighborhoods, many of which were fully developed before the automobile became prominent.

#### B. Building Types

The form requirements of the neighborhood zones are tailored to each building type in accordance with Section 3.2. The following building types are permitted in the N-2C zone:

- Attached House
- Carriage House
- Civic Building
- Commercial Block
- Detached House
- Flex Building
- Loft Building
- Shopfront
- Shopfront House
- Stacked Units
- Tower

#### C. General

All development in the N-2C zone must comply with the form standards of Section 3.2, as well as any applicable standards in other sections, including the following:

Frontage Elements	Section 3.3
Principal Uses	Section 6.1
Accessory Uses	Section 6.2
Temporary Uses	Section 6.3
Landscape	Section 7.1
Fences and Walls	Section 7.2
Stormwater	Section 7.3
Outdoor Lighting	Section 7.4
Corner Visibility	Section 7.5
Site Impacts	Section 7.6
Pedestrian Access	Section 8.1
Bicycle Access and Parking	Section 8.2
Vehicle Access and Parking	Section 8.3
Transportation Demand Management	Section 8.4
On-Premise Signs	Section 9.2
Blocks	Section 10.1
Rights-of-Way	Section 10.2
Nonconformities	Section 12.1

## Form-based requirements from the City of Buffalo's Zoning Code

## CITY OF WATERLOO

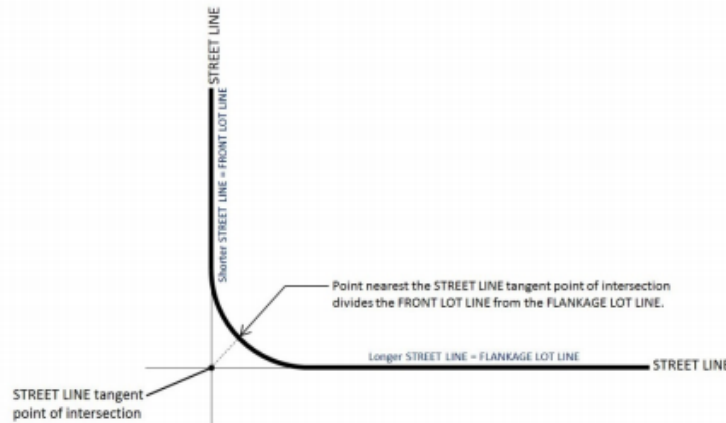
---

### 3.C.11 CONFLICTING REGULATIONS

3.C.11.1 Where regulations in this BY-LAW conflict, the most restrictive regulation shall apply.

### 3.C.12 CORNER LOTS – LOT LINE MEASUREMENT

3.C.12.1 Where a CORNER LOT has a curve, the FRONT LOT LINE will be distinguished from the FLANKAGE LOT LINE at that point on the STREET LINE nearest to the STREET LINE tangent point of intersection.



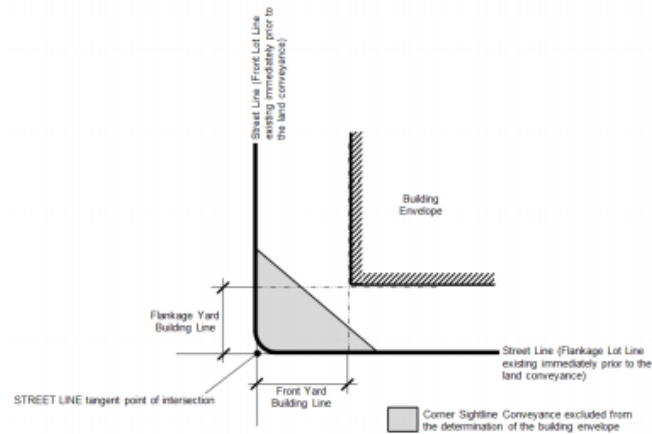
### 3.C.13 CORNER LOTS – SIGHTLINE TRIANGLE CONVEYANCE

3.C.13.1 Notwithstanding anything to the contrary, where lands are conveyed to a municipality for the purposes of a sightline triangle on a CORNER LOT, the FRONT YARD BUILDING LINE shall be measured from the FRONT LOT LINE that would have existed if the sightline triangle was not conveyed to the municipality, after the conveyance of all other highway widenings.

3.C.13.2 Notwithstanding anything to the contrary, where lands are conveyed to a municipality for the purposes of a sightline triangle on a CORNER LOT, the FLANKAGE YARD BUILDING LINE shall be measured from the FLANKAGE LOT LINE that would have existed if the sightline triangle was not conveyed to the municipality, after the conveyance of all other highway widenings.

Example of illustrations within the City of Waterloo Zoning By-law

## CITY OF WATERLOO



### 3.C.14 CORNER LOTS – REAR YARD REDUCTION

3.C.14.1 In a LOW RISE RESIDENTIAL AREA, the REAR YARD setback requirement on a CORNER LOT shall be satisfied if the sum of the SIDE YARD setback and the REAR YARD setback equals or exceeds the required REAR YARD setback, provided that neither the SIDE YARD nor the REAR YARD is less than three metres (3.0m).

### 3.C.15 CUSTOM SERVICE SHOP

3.C.15.1 A maximum of twenty-five percent (25%) of the BUILDING FLOOR AREA of a CUSTOM SERVICE SHOP may be used for the display and retailing of goods stored, produced, assembled, and or serviced (repaired) on the premises.

Example of illustrations in the City of Waterloo Zoning By-law





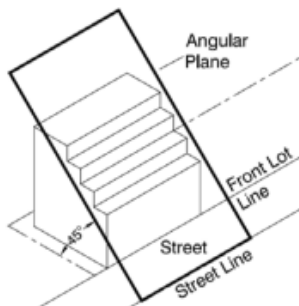
City of Brockville Comprehensive Zoning By-law No. 050-2014

- xviii) YARD, SETBACK AND HEIGHT ENCROACHMENTS  
PERMITTED (applicable to certain accessory buildings and  
structures) – Subsection 3.53.

### 3.4 AMENITY AREAS FOR MAISONNETTE DWELLINGS, APARTMENT DWELLINGS, MIXED COMMERCIAL/ RESIDENTIAL BUILDINGS AND RETIREMENT HOMES

Amenity areas shall be provided for each maisonnette dwelling unit, apartment dwelling unit, apartment dwelling unit within a mixed commercial residential building and retirement home suite or unit in accordance with the following requirements:

- a) 10.0 square metres of amenity area shall be provided for each bachelor and one (1) bedroom dwelling unit;
- b) 20.0 square metres of amenity area shall be provided for each two (2) bedroom dwelling unit;
- c) 35.0 square metres of amenity area shall be provided for each three (3) bedroom dwelling unit;
- d) 50.0 square metres of amenity area shall be provided for each four (4) bedroom dwelling unit or dwelling unit with more than four (4) bedrooms; and
- e) In addition to the amenity area requirements above, a children's play area shall be provided where a maisonnette or apartment dwelling development contains ten (10) or more dwelling units. A children's play area shall be provided at a rate of 2.5 square metres per dwelling or apartment unit. The minimum size of any children's play area shall be 46.0 square metres, while the maximum size of such children's play area shall be 140.0 square metres.



### 3.5 ANGULAR PLANES

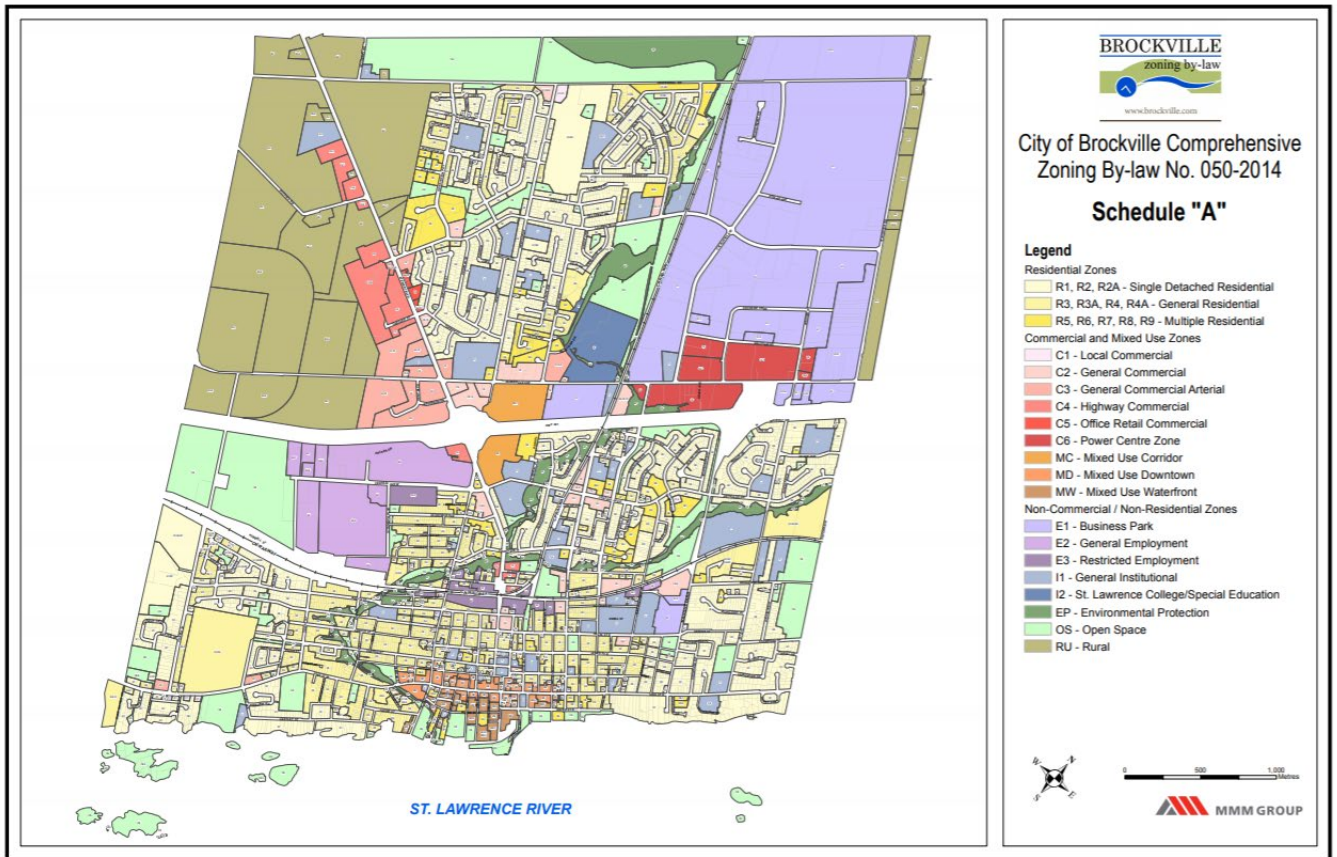
Where the maximum height of a building is subject to the angular plane, as indicated in the Zone provisions, the following provisions shall apply:

- a) The maximum height of a building shall be further restricted to the height of a plane, extending from the street line on the opposite side of the road and upwards at a forty-five degree (45°) angle. The upper storeys of the building shall be stepped back in accordance with the angular plane.
- b) The angular plane shall be applied in addition to the maximum building height as indicated in the zone provisions.

## Appendix 2: Maps and Overlays Examples

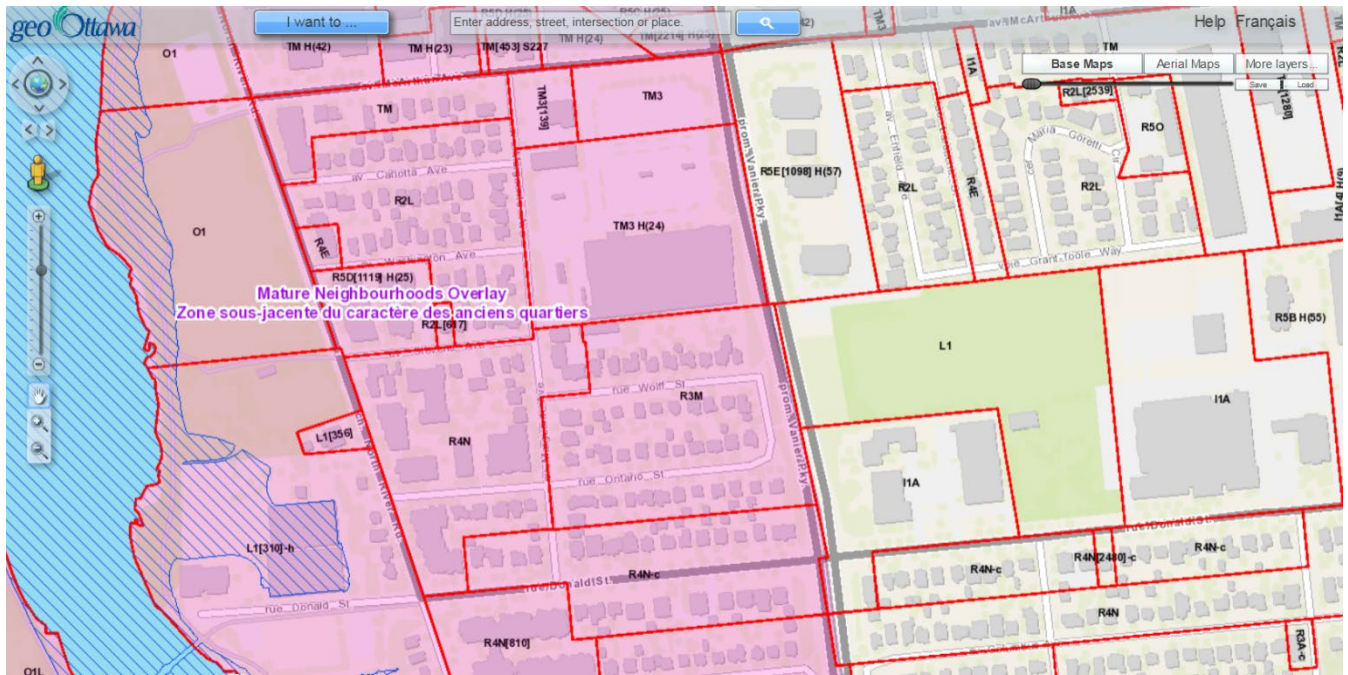
# Shaping Your City | City of Pickering Zoning By-law Review

## Discussion Paper #1: Guiding Principles and Parameters



Zone Map Example from the City of Brockville, Ontario

Shaping Your City | City of Pickering Zoning By-law Review  
Discussion Paper #1: Guiding Principles and Parameters



Zone Map Overlay Example from Ottawa, Ontario (Accessed via the City's Interactive Zoning Map)