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**From:** Kyle Bentley  
Director, City Development & CBO

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**Subject:** Comprehensive Zoning By-law Review Work Program  
File: D-1100-101

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**Recommendation:**

1. That Council endorse the Work Program for Pickering's Comprehensive Zoning By-law Review and authorize staff to proceed as outlined in Appendix I to Report PLN 18-19, and
  2. That Council authorize staff to prepare and release a Request for Proposal to retain external planning consultants to assist with the completion of Phase 1 of the Comprehensive Zoning By-law Review as outlined in Appendix II to Report PLN 18-19, and report back to Council on the hiring recommendation.
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**Executive Summary:** A zoning by-law is a set of legally enforceable regulations and mapping that implements the objectives and policies of a municipality's Official Plan. The City is regulated by six parent Zoning By-laws. Recently, Council has enacted parent by-laws for Seaton and the City Centre. Four of the City's six parent by-laws were originally enacted by Council in the 1960's, and have been amended hundreds of times by site specific by-laws and minor variance applications. These older by-laws require updating to implement the City's Official Plan, and to provide a strategic direction on a range of zoning issues.

Staff is proposing a Comprehensive Zoning By-law Review (CZBR) of which the primary purpose will be to update and consolidate the City's current by-laws into one zoning by-law that conforms with and implements the City's Official Plan. A new by-law will also implement recent policy changes regarding intensification, built form, environmental matters and mapping changes. Performance standards will be updated, and current development and building practices will be reflected. A review also provides an opportunity to convert the by-laws to an accessible web-based format enhancing service delivery to City residents and the development community.

The scale of a CZBR requires both in-house and consulting expertise to direct the project and engage the community. Staff is proposing a work program consisting of 3 phases, with Phase 1 to be initiated later this year (see Appendix I, Proposed Work Program). Phase 1 will be conducted from 2019 to 2021, and includes: the preparation of discussion papers on various topics; hosting open houses to present the findings and obtain feedback from the community; and reporting the findings, including the community's comments, to Council (see Appendix II, Proposed Work Program – Phase 1).

It is recommended that Council authorize staff to initiate a CZBR, and issue a Request for Proposal to retain external planning consultants to assist staff in undertaking Phase 1 of the CZBR. Staff will report to Council with a hiring recommendation.

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**Financial Implications:** The 2018 Council approved budget included the amount of \$100,000.00 (2611.2392.0000 Consulting & Professional) to cover the initial portion of the first phase of a multi-year Comprehensive Zoning By-law Review. However, staff was unable to initiate the review in 2018 so the line item was re-budgeted in the 2019 Council approved budget submission. As a growth related study, 67.5 percent of the required funding is anticipated from Development Charges (\$67,500.00), with the remaining \$32,500.00 from the tax levy.

Staff anticipate that the \$100,000.00 budgeted to-date will only cover three or four discussion papers. Future budgets will be required to cover the remainder of the discussion papers, and complete Phases 2 and 3 of the Comprehensive Zoning By-law Review. Staff will report back to Council prior to proceeding with issuance of any further Requests for Proposal.

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## **1. Discussion**

### **1.1 Review of existing zoning by-laws and zoning framework**

The objectives and policies of a municipality's Official Plan are implemented by zoning by-laws which are a set of legally enforceable regulations and mapping. Generally, zoning by-laws regulate land use, the scale and intensity of development, and protect areas by preventing incompatible uses. More specifically, a zoning by-law outlines how land may be used by specifying permitted uses and other development criteria including where buildings and structures can be located, lot sizes, parking requirements, and building heights and setbacks.

Lands in Pickering are regulated by six parent Zoning By-laws 2511, 2520, 3036, 3037, 7364/14 and 7553/17 (see Attachment #1, Areas for Parent Zoning By-laws). With the exception of Zoning By-laws 7364/14 (Seaton Urban Area) and 7553/17 (City Centre), the other parent by-laws were originally enacted by Council in the 1960's and were prepared under different jurisdictional context and policy framework pre-dating the City's Official Plan. These parent by-laws have been amended by site specific zoning by-laws with standards regulating development for specific sites. Many of the provisions are dated and do not reflect current performance and development industry standards.

### **1.2 Why undertake a comprehensive zoning by-law review?**

It is intended that official plans and zoning by-laws work together and that zoning by-laws be updated to implement the current official plan objectives and policies. Section 26(9) of the *Planning Act* requires official plans to be in conformity with the Provincial Policy Statement (PPS), and in 2016, the requirement was added that zoning by-laws be brought into conformity with the official plan within three years of an official plan update.

The City's Official Plan review has resulted in a series of amendments to the Official Plan implementing changes in legislation, provincial plan and policy updates, and amendments to the Region of Durham Official Plan. The amendments to the Pickering Official Plan have included a revised vision for Duffin Heights, new policies for the City Centre, implementing the Urban Growth Centre designation under the Provincial Growth Plan, updated Environment and Countryside policies, implementation of the Greenbelt Plan and the Central Pickering Development Plan (Seaton and the Agricultural Preserve), introduction of planning tools resulting from changes to the *Planning Act*, and a general review of various policy topics.

With the exception of Seaton and the City Centre, Pickering's zoning by-laws in their present form do not implement the recent amendments to the Official Plan. In addition, the by-laws are not in an accessible format, and are not available online, making it difficult for the community and development industry to navigate and understand. The current by-laws also present administrative challenges for building and by-law enforcement staff.

The consolidation of various parent by-laws into a single comprehensive zoning by-law is an approach also underway by many other municipalities across the Greater Toronto Area and within the Province. Advantages of a comprehensive by-law review resulting in a consolidated by-law includes the replacement and removal of outdated definitions and provisions, the elimination and amalgamation of site specific provisions, and consistency in interpretations. In addition, certain legislative tools are available where City wide comprehensive by-laws exist. An example is the 'two year time out' provision of the *Planning Act* where amendments to City initiated zoning by-laws are prohibited two years following the adoption of a comprehensive zoning by-law.

### **1.3 What will the comprehensive zoning by-law review deliver?**

The zoning by-law review will update the by-laws that regulate development across Pickering recognizing current industry standards and recent legislative changes. The review will result in one new City wide zoning by-law that implements Pickering's future vision, and manages land use and development in a user friendly format that is also accessible on the internet. Typically, zoning by-laws have a number of main sections that apply to all zone categories including administration, general regulation, definitions and parking regulation, and will also contain sections for specific zone categories including residential, mixed use, employment, community use, utility, and natural heritage (see Attachment #2, Zoning By-law 7364/14 (Seaton Urban Area) Table of Contents).

### **1.4 How will studies and development applications that are underway be addressed by the review?**

The Kingston Road Corridor and Specialty Retailing Node Intensification Study, and the Infill and Replacement Housing in Established Neighbourhoods Study are underway. The findings of these studies will inform the comprehensive zoning by-law review, and be incorporated in the preparation of the City wide zoning by-law.

Private development applications submitted prior to the initiation of and during the zoning by-law review will not be impacted and will continue to be processed. The Committee of Adjustment will continue to consider applications for minor variances to the existing zoning by-laws during the zoning by-law review. Existing use and legal non-conforming rights will need to be reviewed and, where appropriate, addressed by special provisions in the new City wide zoning by-law.

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### **1.5 Staff is recommending that Council endorse the Work Program and authorize staff to initiate Phase 1 of the Comprehensive Zoning By-law Review**

A multi-year phased CZBR is proposed (see Appendix I, Comprehensive Zoning By-law Review Proposed Work Program). The scale of the proposed CZBR requires both in-house and consulting expertise to direct the project, conduct the required research and to engage the community.

Phase 1 includes the preparation of a series of discussion papers focused on various topics that will inform the preparation of the new comprehensive zoning by-law (see Appendix II, Proposed Work Program – Phase 1). The following is a list of discussion papers identified by staff:

- Guiding Principles & Vision
- Administration/Geographic Information/Technology
- General Provisions in All Zones/Definitions
- Minor Variances
- Secondary Suites
- Cannabis Production
- Residential Zoning
- Employment Zoning
- Mixed-use Areas/Intensification Areas
- Agricultural/Rural/Hamlet/Open Space & Environment
- Identification of Zone Categories
- Parking/Active Transportation

Each discussion paper will review the existing planning and zoning framework, identify the various issues, discuss the current policy context, address best practices from other municipalities and provide strategic directions in order to inform the preparation of the draft comprehensive zoning by-law (see Appendix III, Potential Topics for the Discussion Papers).

This phase will be undertaken by staff with the assistance of external consultants. Information on the issues analysis will be presented to the public at open houses for their input, and staff will report to City Council on the findings after three or four discussion papers are completed.

## **2. Next Steps**

In late July or early August, staff propose to release a Request for Proposals to retain external land use planning consultants to assist with the preparation of the Phase I issues analysis and community engagement. Staff will report to Council with a hiring recommendation in the Autumn of 2019.

To-date staff have completed the scope of the work for the review and developed a preliminary communications strategy. For the remainder of 2019, prior to the initiation of Phase I, the request for proposals will be issued and a steering committee will be established. The steering committee will allow City departments, stakeholders and agencies to provide input with respect to the issues analysis.

Staff will report to Council prior to proceeding with the later portions of Phase 1.

**Appendices**

- Appendix I Comprehensive Zoning By-law Review Proposed Work Program
- Appendix II Proposed Work Program – Phase 1
- Appendix III Potential Topics for the Discussion Papers

**Attachments**

- 1. Areas for Parent Zoning By-laws
- 2. Zoning By-law 7364/14 (Seaton Urban Area) Table of Contents

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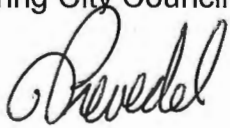
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**Approved/Endorsed By:**

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Chief Planner

Kyle Bentley, P.Eng.  
Director, City Development & CBO

Recommended for the consideration  
of Pickering City Council



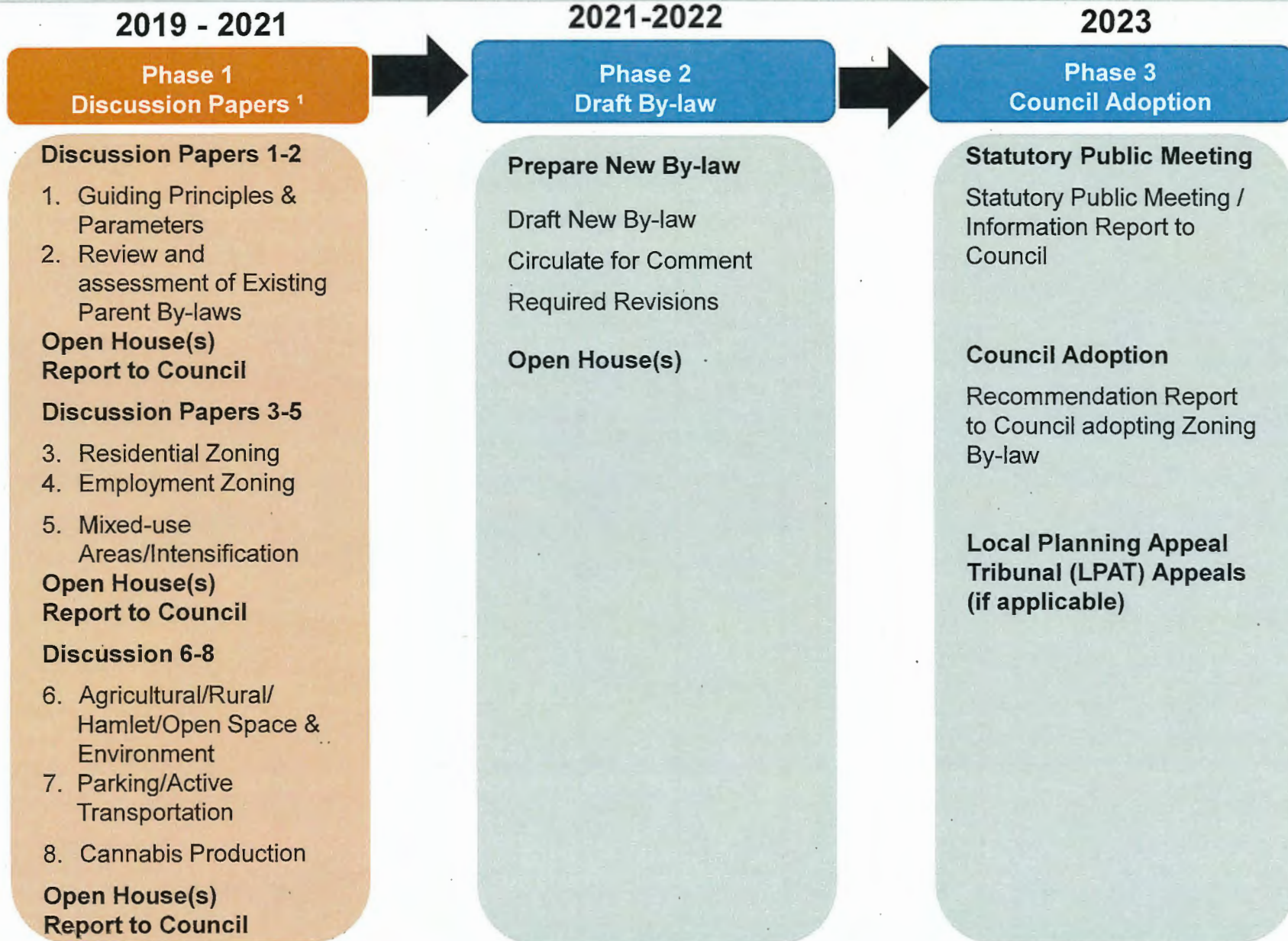
June 3, 2019

Tony Prevedel, P.Eng.  
Chief Administrative Officer

**Comprehensive Zoning By-law Review Proposed Work Program**



# Comprehensive Zoning By-law Review Proposed Work Program



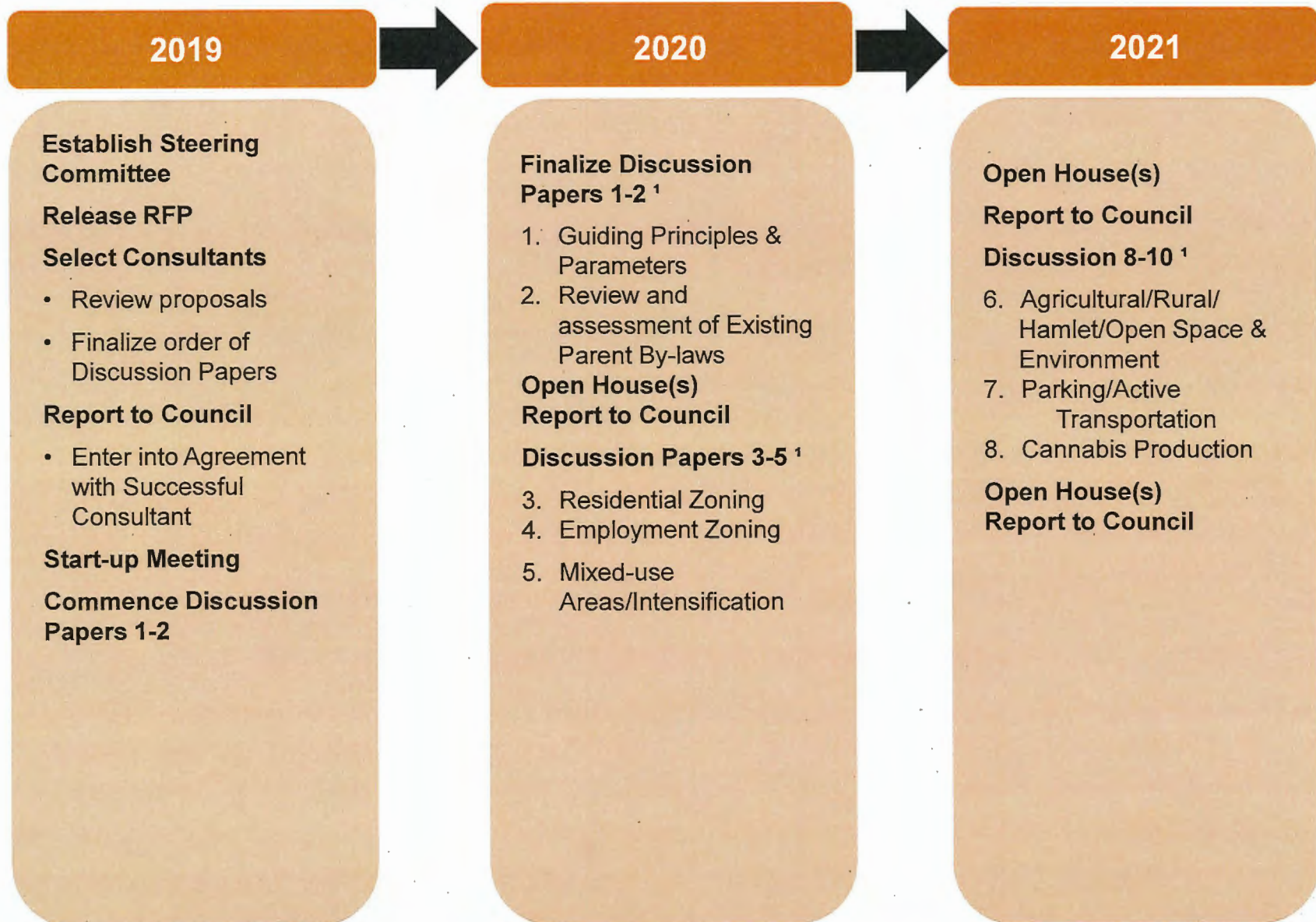
<sup>1</sup> Order of Discussion Papers is subject to review and finalization by the Steering Committee and Consultant

**Appendix II to  
Report PLN 18-19**

**Proposed Work Program – Phase 1**



# Comprehensive Zoning By-law Review Proposed Work Program – Phase 1



<sup>1</sup> Order of Discussion Papers is subject to review and finalization by the Steering Committee and Consultant

**Potential Topics for the Discussion Papers**



## Potential Topics for the Discussion Papers

Paper	Topic	Details
1	Guiding Principles and Parameters	<ul style="list-style-type: none"> <li>• Intended to provide a high-level framework to guide future work on this assignment</li> <li>• Review and assess zoning methods, format, structure, layout and mapping to identify issues and options for addressing these issues in the new comprehensive zoning by-law</li> <li>• Review recent best practices of other municipal zoning by-laws in Ontario that have undertaken comprehensive reviews of their respective by-laws</li> <li>• Identified issues (common and unique issues discovered in the parent by-laws) together with the best practice review, to provide a list of options for consideration for the new comprehensive zoning by-law and provide some general conclusions. This may include: <ul style="list-style-type: none"> <li>• Options and associated requirements for the implementation of an innovative and interactive GIS, web-based comprehensive zoning by-law</li> <li>• Exploring the possibility of including sustainable provisions in the zoning by-law</li> <li>• Analysis of the benefits and weaknesses of implementing a development permit system</li> <li>• Zoning to implement the affordable housing strategy</li> <li>• Inclusionary zoning, and</li> <li>• Bonusing</li> </ul> </li> </ul>
2	Review and Assessment of Existing Parent By-laws	<ul style="list-style-type: none"> <li>• Review and assessment of: <ul style="list-style-type: none"> <li>• Site-specific amendments</li> <li>• Minor variances to the parent by-laws</li> <li>• Definitions and exploring the use of illustrations for effective communication</li> <li>• General provisions for all zones</li> <li>• Zone categories</li> </ul> </li> </ul>
3	Residential Zoning Provisions	<ul style="list-style-type: none"> <li>• Conduct a detailed review of: <ul style="list-style-type: none"> <li>• Existing Provincial, Regional and City Policies</li> <li>• Existing residential zones within the parent by-laws and site-specific amendments</li> <li>• Existing issues, including residential minor variances</li> <li>• Best practices from other municipalities</li> </ul> </li> </ul>



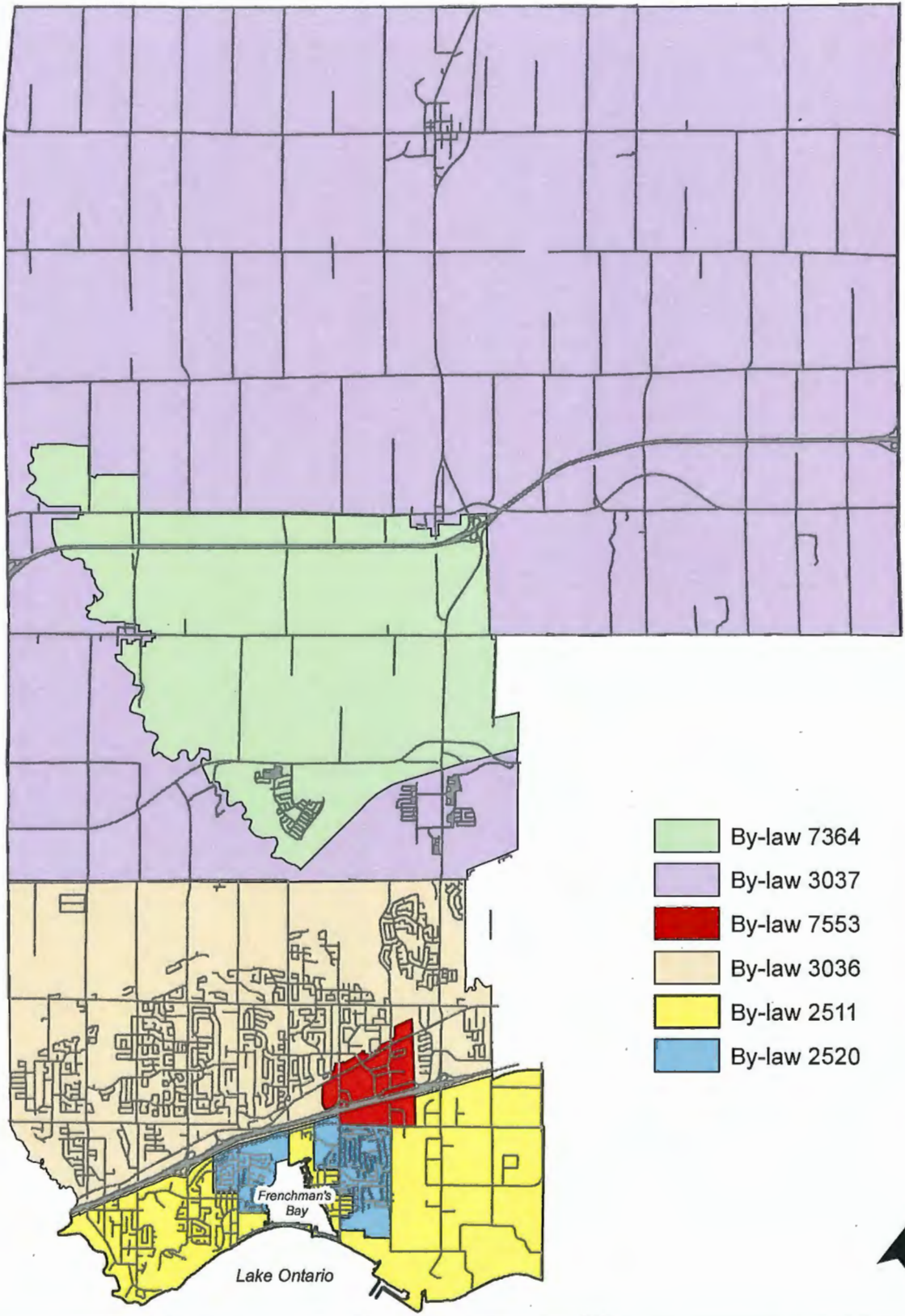
Paper	Topic	Details
		<ul style="list-style-type: none"> <li>• Identify the proposed zone categories (e.g., low, medium and high density) and permitted uses</li> <li>• Review and assess general residential provisions, for instance: <ul style="list-style-type: none"> <li>• Residential amenity space</li> <li>• Driveway widths/garage standards/restrictions on residential parking</li> <li>• Minimum landscaped areas</li> <li>• Accessory buildings and structures</li> <li>• Decks and platforms</li> <li>• Home occupations</li> </ul> </li> <li>• Conduct a detailed review and assessment on secondary suites, rooming, lodging, group homes, and temporary short-term residential/student housing <ul style="list-style-type: none"> <li>• Review existing Provincial, Regional and City's Official Plan</li> <li>• Distance separation for crisis care facilities</li> <li>• Location/standards for group homes and boarding houses</li> <li>• Standards for secondary suites and short-term residential</li> </ul> </li> </ul>
4	Employment Zoning Provisions	<ul style="list-style-type: none"> <li>• Conduct a detailed review of: <ul style="list-style-type: none"> <li>• Existing Provincial, Regional and City Policies</li> <li>• Existing employment zones within the parent by-laws and site-specific amendments</li> <li>• Existing issues, including employment area minor variances</li> <li>• Best practices from other municipalities</li> </ul> </li> <li>• Identify the proposed zone categories and permitted uses</li> <li>• Review and assess existing zoning issues: <ul style="list-style-type: none"> <li>• Outdoor storage</li> <li>• Sensitive land uses (minimum separation distance)</li> </ul> </li> </ul>
5	Mixed-use Areas/Intensification Areas	<ul style="list-style-type: none"> <li>• Conduct a detailed review of: <ul style="list-style-type: none"> <li>• Existing Provincial, Regional and City Policies</li> <li>• Existing mixed-use/intensification zones within the parent by-laws and site-specific amendments</li> <li>• Existing issues, including mixed-use/intensification area minor variances</li> <li>• Best practices from other municipalities</li> </ul> </li> <li>• Identify the proposed zone categories and permitted uses</li> </ul>



Paper	Topic	Details
		<ul style="list-style-type: none"> <li>• Review and assess existing zoning issues:               <ul style="list-style-type: none"> <li>• Automotive uses</li> <li>• Zoning approach for mid and high rise buildings</li> <li>• Development transition to lower density development</li> </ul> </li> </ul>
6	Agricultural, Rural, Hamlet, Open Space and Environment	<ul style="list-style-type: none"> <li>• Conduct a detailed review of:               <ul style="list-style-type: none"> <li>• Existing Provincial, Regional and City Policies</li> <li>• Existing Agricultural, Rural, Hamlet, Open Space and Environment zones within the parent by-laws and site-specific amendments</li> <li>• Existing issues, including residential minor variances</li> <li>• Best practices from other municipalities</li> </ul> </li> <li>• Identify the proposed zone categories and permitted uses (including for Hamlets, Natural Heritage System)</li> <li>• Review and assess existing zoning issues:               <ul style="list-style-type: none"> <li>• Develop strategy for Natural Heritage System</li> <li>• Zoning strategy for lands within the Rouge National Park</li> <li>• Ministry Zoning Orders</li> <li>• Accessory parking</li> <li>• Zoning strategy for Federal airport lands</li> <li>• Agri-related uses</li> </ul> </li> </ul>
7	Parking, Active Transportation and Loading	<ul style="list-style-type: none"> <li>• Conduct a detailed review of:               <ul style="list-style-type: none"> <li>• Existing Provincial, Regional and City Policies</li> <li>• Existing parking standards, including setbacks for parking areas, drive aisle widths, minimum landscaped areas within parking facilities</li> <li>• Best practices from other municipalities</li> </ul> </li> <li>• Review and assess the following topics:               <ul style="list-style-type: none"> <li>• Shared parking formulates</li> <li>• Bicycle parking requirements</li> <li>• Drive-through facilities</li> <li>• Loading facilities</li> <li>• Cash-in-lieu of parking</li> <li>• Maximum parking (City Centre/Intensification Corridors)</li> </ul> </li> </ul>

Paper	Topic	Details
8	Cannabis Production Facilities and Retail Businesses	<ul style="list-style-type: none"><li>• Conduct a detailed review of relevant legislation (e.g., Federal, Provincial)</li><li>• Conduct a detailed review of best practices from other municipalities</li><li>• Health Canada requirements/licenses</li><li>• Appropriate locations</li><li>• Zoning standards</li></ul>





- By-law 7364
- By-law 3037
- By-law 7553
- By-law 3036
- By-law 2511
- By-law 2520



*City of*  
**PICKERING**  
 City Development  
 Department

**Areas for Parent Zoning By-laws**  
 (2511, 2520, 3036, 3037, 7634/14 & 7553/17)  
**Applicant:** City Initiated

**Date:** May. 21, 2019

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