

**COMMITTEE OF THE WHOLE OCTOBER 22, 2001**

**ZONING BY-LAW NO. 1-88  
COMPREHENSIVE REVIEW  
FILE NO. 1.6.6.3**

**Recommendation**

The Commissioner of Planning recommends:

That the following amendments to the zoning standards of By-law 1-88 BE APPROVED, and that an implementing by-law be brought forward to a future meeting of Council for enactment:

- a) deleting shopping centre parking standards from the C1 Restricted Commercial, C2 General Commercial and C7 Service Commercial Zones; adding a shopping centre standard, with a maximum of 20% eating establishments GFA, to the Commercial Zone General Provisions;
- b) revising the parking standard for technical schools to be 4 spaces/classroom or 6 spaces/100sq.m, whichever is greater;
- c) consolidating the "Commercial School" and "Technical School" definitions under "Technical Schools" and updating all references to commercial/technical schools throughout the by-law;
- d) adding the Commercial Zone outdoor patio standards for eating establishments to the Employment/Industrial Zones;
- e) revising the "Shopping Centre" definition by adding "and buildings", and changing "site" to "lot"; and,
- f) adding standards to address loading areas adjacent to a street on a through lot, to prohibit loading opposite residential areas, and to eliminate loading for certain institutional uses.

**Purpose**

The purpose of the comprehensive review is to establish City-initiated amendments to the Commercial and Employment Zone Categories of By-law 1-88, to clarify and/or correct specific identified sections of the By-law.

**Background - Analysis and Options**

In 1999, P. Houghton Associates, Town Planners was retained by the City to undertake a comprehensive review of the Zoning By-law, consisting of:

- i) technical amendments that have occurred as a result of errors or omissions in the text, schedule and maps;
- ii) amendments that are substantive in nature, but non-controversial in respect of implementation, and are as a result of unclear or ambiguous language or where general standards have been superseded by more recent by-law amendments; and,
- iii) substantive amendments that may require more detailed study the City Staff over an extended period, prior to Council consideration.

In considering the results of the study, Council adopted a resolution on June 12, 2000, to prioritize those provisions identified as requiring a more thorough review through the public hearing process.

On May 30, 2001, Council approved the following four initial amendments to Zoning By-law 1-88:

“That the following amendments to the zoning standards of By-law 1-88 BE APPROVED, and that an implementing by-law be brought forward to Council for enactment:

- a) the addition of a parking standard for taverns of 1.0 space for each 4 persons design capacity or 16 spaces/100 sq.m GFA, whichever is greater;
- b) the deletion of definition for Eating Establishment/Restaurant Drive-In from Section 3.28;
- c) the addition of permitted uses accessory to an “Office Building” in Section 5.9 C8 Office Commercial Zone; and,
- d) the addition of appropriate standards to regulate accessory billiard tables in the C1, C2, C4, C5, C7, C9 and C10 Commercial Zones.”

This report addresses six additional amendments to the by-law, as identified through the original study.

#### Location

This is a City-wide application affecting Employment and Commercial Zones of the Zoning By-law.

#### Public Hearing

On March 1, 2001, a notice of public hearing was advertised in The Liberal. One response was received which stated that comments would be submitted upon further review of the proposed amendments.

On March 26, 2001, a Public Hearing was held and on April 2, 2001, Council ratified the recommendation to receive the public hearing and that a technical report be prepared for Committee of the Whole. Since that time, Staff has met with representatives of the public and the building industry who expressed interest and was able to reach consensus on some of the issues.

#### Proposed Amendments

##### 1. 20% Rule Commercial Zone

Section 5.2 C1 Restricted Commercial Zone of By-law 1-88 requires a shopping centre parking standard of 6 spaces/100m<sup>2</sup>, provided eating establishments are limited to 20% of the Gross Floor Area (GFA). Where eating establishments exceed 20% of the GFA, the required parking is 1 space/4 persons of seating capacity or 16 to 20 spaces per/100 m<sup>2</sup> GFA for the eating establishments, with the shopping centre standard applied to the remainder of the GFA on site.

The 20% limitation only applies in the C1 Zone, although eating establishments in shopping centres are also permitted in the C2, C4, C5 and C7 Zones. The C2 and C7 zones also include a note regarding the parking standards.

For consistency the parking standard used in the C1 Restricted Commercial Zone should be applied equitably across all commercial zones where shopping centres are permitted. Administratively, this is best accomplished by moving the current standards from the C1 Zone to

the General requirements applying to all Commercial Zones. The parking note in the C2 and C7 Zones would then be redundant and could be deleted.

## 2. Parking/Technical Schools

Commercial schools provide further education, primarily for adults or children accompanied by adults, often during after-school hours. Parking required for a Technical School is 4.0 spaces/teaching classroom, the same as a secondary school. However, it is expected that the number of driving students per classroom could be higher.

A survey of surrounding municipalities indicates that most determine parking based on GFA, rather than the number of classrooms, and that the standard ranges from 3.57 spaces to 5 spaces/100sq.m. The City of Brampton applies a standard of 4 spaces per classroom or 5 spaces/100sq.m, whichever is greater. This method avoids the possibility of the classroom size affecting the parking requirements.

During meetings with the ratepayers and building industry representatives, it was suggested that 5 spaces/100sq.m was not high enough. Based on their input and the survey information, Staff recommend that the parking standard for Technical Schools be 4 spaces/classroom or 6 spaces/100sq.m of gross floor area, whichever is greater.

## 3. Technical and Commercial Schools

Through the review of parking standards for commercial schools it was noted that there are discrepancies in the definitions for Technical Schools and Commercial Schools. The definition of a Technical School even includes a reference to commercial schools.

To provide clarification, definitions for both types of schools should be consolidated under "Technical School". All references to both commercial and technical schools throughout the by-law, including the parking standard noted in 2 above, will then need to be revised to apply to "Technical School" only.

## 4. Outdoor Patios in Employment Areas Zones

Standards for outdoor patios for Eating Establishments and Convenience Eating Establishments are set out in Commercial zones only. Both types of eating establishments are permitted in all Employment Zones, and Eating Establishments are permitted in the M1 Zone Commercial Complexes. However, there are no standards for outdoor patios in these zones.

It is appropriate to regulate patios where they are permitted in the employment/industrial zones in the same manner as in commercial zones. Therefore, the by-law should be amended to include same standards from the Commercial Zones in the Employment and Industrial Zones.

It is also noted that outdoor patios are typically added to occupied buildings, affecting parking spaces, traffic movement and pedestrian walkways. It is recommended to allow review of these situations, that the by-law require site plan approval for all outdoor patios.

## 5. Shopping Centres

The definition for a shopping centre is outdated and does not reflect the current campus style development. The definition currently reads - "Means a unified group of commercial establishments on a site..." it is recommended that the definition be changed to - "Means a unified group of commercial establishments **or buildings** on a **lot**..." This more clearly identifies that a shopping centre can consist of multiple buildings, rather than a single building with multiple units, on a single lot.

## 6. Loading Spaces

- a) Section 3.9 d) of the By-law provides loading space requirements for Industrial and Commercial Zones. As certain Commercial and Industrial Zones permit Institutional uses, these uses would require loading spaces. However, there little need for loading facilities for many institutional uses, such as, schools, community centers, etc.

It is suggested that the general provisions for loading spaces be amended by deleting the need for loading spaces for specific institutional uses, being a place of worship, public or elementary or secondary school, community center, or day nursery.

- b) Section 3.9 d) prohibits loading and unloading between a building and a street. In addition, for all lots having less than 45.5m frontage and not a through lot, all loading must be in the rear yard. For through lots, loading can be anywhere on the lot except between a building and a highway or an arterial road

In certain instances the configuration of the lot or the building forces the loading area to be between the building and the street line, contrary to the By-law. This can result in either reconfiguration of the site plan or a request to amend the By-law to accommodate the loading.

In a few circumstances, where loading has been proposed adjacent to an arterial road, the site plan has been modified to include a screen wall to buffer part of the loading space. The screen wall was an extension of the main building wall and built with the same material. To accommodate the situation where loading on a through lot is proposed adjacent to a local or arterial road, Section 3.9 d) i) could be replaced with the following provisions:

- i) Loading and unloading shall not be permitted between a building and a street.
- ii) Notwithstanding i) above, and subject to iii) below, where a lot is a through lot, loading and unloading shall take place anywhere on a lot except between a building and a Highway.
- iii) Notwithstanding i) above, wherever loading is proposed between a building and a street, it shall be screened from the street by a screen wall. The screen wall shall be of similar material as the main building, must be a continuation of the main building and must be a minimum of 10 metres in length and a minimum of 4.2 metres in height.

Concern has also been raised that the above amendment could result in loading spaces in industrial areas being opposite residential uses. To avoid this possibility It is suggested that the following provision be included within the General Provisions of the Employment Area Zones 6.1: *“Loading spaces shall not be permitted in any yard located between the building and any “Residential Zone.”*

## Conclusion

Staff have proposed a number of amendments to Zoning By-law which would clarify or introduce standards that are necessary for the improved implementation of the By-law.

The amendments regarding the 20% rule for eating establishments in commercial zones and the outdoor patio requirements will ensure that the same standards are applied throughout all commercial and employment zones. The new parking standards for Technical Schools addresses the specific requirements for this type of use, and the consolidation of the definitions for Commercial and Technical Schools will eliminate duplication in the by-law.

The revised Shopping Centre definition will bring the definition up-to-date with current development. The new standards regarding loading spaces deletes the requirement of loading spaces for institutional uses and addresses specific situations where loading may occur adjacent to a street.

Should Committee concur, the amendments proposed can be approved with the adoption of the Recommendation of this report.

**Attachments**

n/a

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Respectfully submitted,

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