

City of MARKHAM



Comprehensive
Zoning By-law
Project



Task 1: **Guiding Principles
and Parameters & Recent
Trends in Zoning**

September 2014



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GUIDING PRINCIPLES AND PARAMETERS

The Guiding Principles and Parameters for the Markham Comprehensive Zoning By-law project are intended to provide a high-level framework to guide future work on this assignment. The principles and parameters summarized below are derived from a review of a number of documents that have been approved by Markham Council. These documents include the Official Plan 2013, Building Markham’s Future Together (the Corporate Strategic Directions Plan), Markham’s Greenprint Sustainability Plan, the Integrated Leisure Master Plan, Markham 2020, Strategic Directions for our Economy, and Markham’s Diversity Action Plan.

In developing these principles and parameters it is important to focus on what a new comprehensive zoning by-law can realistically accomplish. A zoning by-law is only one of many tools available to municipalities to implement their planning goals and objectives. The principal purpose of a zoning by-law is to regulate land use development and related standards, such as built form, parking, loading, setbacks, open space and amenities. The regulations need to be clear, consistent and legal-

ly defensible. More ambitious planning goals that relate to municipal-wide objectives such as overall growth management, provision of adequate transportation infrastructure or the development of recreational programs, are more effectively addressed through other municipal initiatives and regulatory means. Thus, in reviewing the documents cited above, attention was given to identifying guidance for the development of a zoning by-law, without overreaching into other implementation areas. However, recognizing the limitations of zoning regulations does not detract from the major opportunity that the Comprehensive Review of the Zoning By-law brings in terms of updating these regulations to give greater support to Markham’s city-building objectives. The principles and parameters set out below are designed to ensure that this opportunity is fully realized.

Traditional zoning by-laws have been very successful at protecting areas from undesirable change. They have been less successful or effective at guiding new development in areas where the municipality wishes to encourage change and growth.

The challenge in creating a new comprehensive Zoning By-law for Markham will be to explore how new regulatory zoning approaches can be more effectively applied in areas of Markham that are targeted for intensification in the new Official Plan; approaches that provide for a degree of flexibility based on desirable built form parameters, while at the same time providing a degree of certainty for developers and property owners.

The discussion paper attached as part of this deliverable, “Trends and Issues in Zoning Controls”, explores, among other things, options for creating a by-law that uses traditional zoning tools to protect stable residential areas while exploring the use of regulatory controls that place a greater emphasis on built form, versatility and robustness for areas where change is anticipated and encouraged.

ZONING BY-LAW GUIDING PRINCIPLES AND PARAMETERS

1. Implement the Official Plan

Markham’s new Official Plan was adopted by City Council in December 2013 and approved, in large part, by York Region in June 2014. The Official Plan provides guidance for future development and growth management in Markham as an urban, sustainable, diverse and socially responsible municipality. It contains policies on protecting the environment, promoting good urban design, supporting economic diversity, creating healthy communities, promoting transportation choices, protecting existing neighbourhoods and supporting intensification along designated corridors and centres. The Zoning By-law is intended to support the implementation of the Official Plan and thus, must conform to the Official Plan and reflect the intent of the policies contained in the Plan. The overall guiding principles for the design of zoning regulations contained in the Official Plan are provided below:

- Maintain the character and pattern of established neighbourhoods
- Protect the natural environment
- Protect agricultural lands
- Promote intensification in mid-rise and high-rise areas by judiciously combining certainty with flexibility
- Incorporate built form objectives including the transition of built form from low-rise to mid-rise and high-rise areas
- Protect employment areas and expand opportunities for a range of employment uses
- Incorporate provisions for shared housing and provide opportunities for secondary suites as required under the Planning Act
- Incorporate standards to achieve sustainability and transportation objectives
- Address unique issues related to specific uses, such as drive-through facilities and places of worship

2. Develop a single comprehensive zoning by-law for Markham

Markham currently has 46 active zoning by-laws covering all, or parts of, the City as well as about 3,000 site specific by-laws that provide for development approvals on particular parcels of land. Part of the challenge of creating a new comprehensive zoning by-law will be to develop one common by-law that covers all of Markham, while at the same time reflecting and accommodating the diversity of land uses and built forms across the City. Having a single by-law will reduce complexity and duplication, and will provide a straightforward roadmap to guide future development approvals.

3. Recognize development and property rights as provided for in existing by-laws

The new zoning by-law will need to incorporate the standards and permissions contained in existing zoning and site specific by-laws, as they affect property rights, while at the same time bringing them into conformity with the new Official Plan. In some instances the provisions contained in existing by-laws may be out of date. Where this is the case, the provisions will be updated in the new by-law, but otherwise, a prevailing principle in drafting the new zoning by-law will be to recognize and incorporate existing development permissions, as appropriate.

4. Consolidate, streamline and update the provisions and standards in the new zoning by-law

The creation of a new zoning by-law provides a unique opportunity to update standards and definitions contained in previous by-laws, eliminate repetitive provisions and formulate regulations that will stand the test of time. The intent will be to consolidate use categories where appropriate, simplify provisions and requirements as much as possible and use illustrations to create a document that is easy to understand and reflects current thinking.

5. Develop a zoning by-law that is web-based and easily accessible to the public

All users of the new zoning by-law including staff, developers and the general public, should be able to access the information they need quickly and in a way that is intuitive. Most users are likely to access the zoning by-law through the internet. Consequently, the by-law will need to be organized to provide user-friendly web-based access with a direct link from maps to text, and from text to map, including site-specific provisions.

6. Prepare a zoning by-law with an eye to ease of enforcement

Some of the existing by-laws in Markham are difficult to enforce because they are subject to a number of conflicting interpretations. The creation of a new zoning by-law provides an opportunity to develop clear rules that are: easier to administer and interpret; easier to enforce; and can withstand legal challenges, if necessary.

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RECENT TRENDS IN ZONING CONTROLS

1. INTRODUCTION

Markham's process of updating and integrating its many zoning by-laws into a consistent, user-friendly, comprehensive zoning by-law will require that it think about its basic approach to zoning and how it wants the new by-law to be structured. The last 20 years have seen significant changes in how zoning is designed, implemented, and communicated throughout North America, and some of those changes could pay rich dividends in helping Markham's new by-law become a model of clarity, efficiency, and plan implementation.

Recently a number of municipalities in Ontario have passed new, updated zoning by-laws, many of which share similar trends and approaches with developments elsewhere. Some, however, include a number of unique features which may be of assistance to Markham in considering how to approach its new zoning by-law. A summary of the case studies examined in Ontario as part of this exercise is provided as an appendix to this paper.

This paper will review the evolution of basic approaches to zoning regulations, summarize how these approaches are reflected in the zoning by-laws recently passed by Ontario municipalities, summarize other trends towards simplifying and making the zoning by-laws easier to understand and provide some conclusions for Markham to consider going forward.

2. BASIC APPROACHES TO ZONING

In the beginning, zoning controls were based on those upheld in the landmark U.S. Supreme Court case of *Euclid v. Ambler Realty*, and were informally titled “Euclidean” zoning. These controls were based on the assumption that most negative land use impacts result when the wrong uses occur next to one another, and that if those uses were separated the problem would be solved.

Very little attention was given to the “form” of the buildings that were permitted – other than to set maximum heights and minimum setbacks from streets and surrounding properties. In the beginning there were only three zoning districts – residential, commercial, and industrial. As city officials became aware of the complexities of cities, however, those categories were divided into more and more districts, and the lists of permitted land uses in each were divided into narrower and narrower categories. The system became rigid.

Over the past almost 100 years, three different responses to the problems of rigidity in Euclidean zoning have emerged. First – starting in the 1950s, was the rise of “negotiated zoning”, which allowed each property owner to negotiate for the specific types of uses and buildings they wanted and have the city government approve that specific package of uses. These have been very widely used, but prove difficult to administer over time.

Second, municipalities developed “performance zoning”, which measures the impact of a proposed development on its neighbors rather than permit-

ting or not permitting it based on the name of the use or the type of building involved. While still used in some industrial areas (where the name of the use is a very poor predictor of its impacts on neighbors), performance zoning never caught on as a general zoning approach, for three reasons. It requires substantial effort, trained staff, and sometimes specialized equipment to predict the anticipated noise, traffic, odor, vibration, and lighting impacts of a proposed development. In addition, performance zoning is prospective – you must approve the development based on anticipated impacts, and if they turn out to be greater than you anticipated, the building is already built and occupied and it is difficult to “unapprove” it. Finally, some neighborhoods – particularly residential areas – value the predictability of what will be built nearby more than they value the flexibility that performance zoning offers.

A third response to Euclidean zoning is form-based zoning, which imposes additional detailed controls on the form, shape, and features of the building in return for more flexibility in the uses that can occupy the building. Virtually all efforts to update zoning controls consider whether and how they want to integrate form-based zoning controls – although many cities decide that they want to adopt these types of controls only in limited places or in limited ways (or not at all).

Form-based zoning theory holds that the long term urban health of an area turns much more on

ensuring that buildings “fit into” their surroundings (or into a preferred fabric when an area is in transition) and less on the uses occupying the building, since experience in older urban areas show that those uses often change over time anyway. Houses along busy streets may be converted into offices, and older warehouses may be converted into housing, for example.

In theory, form-based zoning controls can or should address:

- Building shapes and forms;
- Location of parking and building locations on the lot (i.e. in front or set back);
- Building frontages (how the building meets the street – e.g. a porch, stoop, or shopfront);
- Building entryway locations and ground floor windows;
- Façade articulation or design to match or create a preferred character for the area.

In practice, most cities that have decided to use form-based zoning controls have applied them selectively. They are usually targeted to neighborhoods that already are, or that the city wants to make, “walkable urban neighborhoods” – e.g. downtowns, commercial corridors, and transit nodes. In addition, they have sometimes been applied to preserve the character of pre-WWII traditional residential neighborhoods (and occasionally post-WWII more suburban neighborhoods). Where form-based controls are applied more broadly, they are often “optional” or “parallel” controls that may be used at the builder’s option as an alternative to updated traditional zoning controls.

Most current zoning by-laws do not reflect just one of these approaches; they combine most or all of them into a Euclidean hybrid mix. There are generally many areas of more-or-less-pure Euclidean zoning (often residential areas), some industrial

areas with more performance-oriented zoning, increasingly some downtown or transit-oriented areas with form-based controls, and often a long list of negotiated site specific by-laws approved throughout the city.

3. TRENDS IN RECENTLY PASSED ONTARIO ZONING BY-LAWS

In Ontario, the use of hybrid approaches to zoning is reflected in the experiences of most municipalities that have recently updated or passed new zoning by-laws. This section of the paper will draw on case studies that illustrate how different municipalities have integrated various types of controls into their zoning codes, and will highlight common elements and variations found across some of these practices.

3.1. Euclidian and Form-based Zoning

Many zoning by-laws that are currently in effect in Ontario have evolved from their original versions, which normally date back over several decades. While the Euclidean approach remains at their foundation, most of these by-laws have been modified over time to incorporate form-based zoning in situations where a greater emphasis on built form as opposed to control of uses is required.

In Ontario (and elsewhere) the case of mixed-use provisions is a primary example of this. To comply with the Provincial Policy Statement, Ontario municipalities have had to update their by-laws to include new land use designations that regulate mixed-use development, particularly in intensification and growth areas. Form-based controls have been used regularly to address elements that speak to the overall goal of mixed-use zones, such as coherent built form, parking location, and other features that aim to promote compact and walkable neighbourhoods.

A second common application of form-based zoning in Ontario is through area-based zoning by-laws and zoning overlays. A typical example is the use of form-based controls in specific areas that are targeted for change. The Town of La Salle, for example, developed a fully illustrated form-based zoning ordinance that applies specifically to the Bouffard and Howard Planning Districts. The zoning by-law establishes the provisions necessary for the implementation of the Bouffard and Howard Secondary Plan, which emphasizes the design and built form characters of the area and favors street connectivity, balanced transportation options and the integration of land uses.

The City of Ottawa's zoning by-law uses an innovative approach to counterbalancing the rigidity of traditional zoning. In addition to making references to the built form and surrounding uses throughout the document, Ottawa has incorporated introductory sections that precede each zone category. These sections aim to clarify the purpose of that zone in terms of what it aims to achieve. For example, the by-law states that one of the purposes of the R4 Zone is to "permit ancillary uses to the principal residential use to allow residents to work at home". This approach is an interesting response to the Euclidean approach, which has traditionally focused on the regulation itself, without making reference to broader planning objectives.

3.2. Organization of By-laws

By-laws in Ontario tend to be organized according to a traditional structure, with slight variations in terms of their configuration. In general, this consists of the "administration", "definitions" and "general provisions applying to all zones" sections at the top, sections focusing on each main zone category in the body, followed by sections addressing unique conditions such as drive-throughs, places of worship and automobile uses with appendices, schedules and maps at the end.

Among the cases analyzed here, only one variation to this trend was observed. Rather than having the "definitions" section at the front, the City of Toronto has placed it towards the end of the document since they felt this was a more intuitive way for the average user to navigate the text, resembling books and articles which have references and bibliographies placed at the end.

3.3. Web Access

The advantage of accessing complex zoning documents electronically has motivated most municipalities in Ontario to start to transition into a web-based system. Among the cases reviewed here, all zoning by-laws were accessible online and as printable PDF files. Yet, the extent to which technologies such as GIS have been adopted and the types of resources made available online differs considerably from one case to the other. In general, this transition is still a work in progress for most municipalities, given that the technology itself is still evolving.

Nevertheless, a number of municipalities have been successful at leveraging GIS technology to manage information and improve the way zoning by-law contents are communicated. In Mississauga, for example, zoning information is available to users through three different webpages: the first contains the printable, PDF version of the text; the second is an interactive, GIS-based version that displays zoning regulations associated with any property identified in the map; and the third is a "Zoning Information Page" that contains detailed, user-friendly illustrated explanations of a number of zoning regulations.

The transition to web-based systems still poses some challenges to municipalities. For instance, a system has to be efficient enough to ensure consistency across all resources. In the case of Mississauga, for example, any changes made to the by-law require that the contents of information

sheets be adjusted accordingly. As of now, municipalities have opted to include a disclaimer, which normally indicates that the print document available at City Hall is the only legally-binding version of the by-law.

3.3. Use of Illustrations

A number of municipalities in Ontario have started to incorporate illustrations and photographs into their by-laws to assist users in interpreting the regulations. The case studies revealed a range of approaches for how this has been done: through explanatory photographs and diagrams added throughout the text (Ottawa, Oakville); through separate illustrated information sheets that provide visual representations of the most widely used regulations (Toronto, Mississauga); or as a key component of document (as in the case of La Salle's illustrated by-law).

In all examples above, images are considered to be strictly for explanatory purposes, which is made clear through notes such as "for illustration only". Nevertheless, many modern zoning by-laws are being conveyed through graphics and illustrations that replace text rather than just supplementing it. It appears from a legal perspective that under the Planning Act in Ontario there are no legal barriers that would prevent the adoption of illustrations that embody regulations and are considered to be part of the regulatory framework of the by-law. The question will be whether the standards are clear and precise enough so as to be enforceable. Any ambiguity or uncertainty would make the by-law potentially unenforceable, or cause litigation.

3.4. Sustainability Provisions

One of the strongest trends in zoning by-law reform is the desire to incorporate tools that will promote

"more sustainable" development. Under the Ontario planning context, by-laws have been particularly effective at addressing standards such as those relating to parking and green roofs.

The Town of Ajax is in the process of preparing new, innovative low impact sustainability development standards. In addition to dealing with the permeability of parking surfaces and setting standards for the installation of green and/or cool roofs, the new zoning standards will address permissions for the sale of locally grown foods, as well as waste reduction and recycling standards for multi-residential developments.

3.5. Other Features

Municipalities across the province have been working towards simplifying and making their zoning by-laws easier to understand. A key step in this direction has been improving the formatting of zoning codes and embedding features that improve user-friendliness. In Ontario, the Town of Oakville's zoning code serves as a useful example of innovation: after re-thinking the way content is communicated, the Town opted to add a parallel sidebar throughout the entire length of the by-law. The sidebar and all information contained in it are not considered to be part of the zoning code; they are included for reference and clarification purposes only. The sidebar contains numerous illustrations and diagrams designed to facilitate understanding of the contents of the by-law, as well as guidance notes that use plain text and explain the intent or interpretation of particular provisions.

4. DEVELOPMENT PERMIT SYSTEM

Section 70.2 of the Ontario Planning Act allows municipalities to establish a development per-

mit system to control land use development. The intent appears to be to provide for discretionary uses and greater flexibility in applying regulations as well as to collapse the procedures for regulating zoning, variances and site plan control. The Act also provides for limited powers of appeal within the areas affected by the development permit system. An Official Plan framework must be in place to use the development permit system. Approvals within an area covered by a development permit by-law can be delegated to staff.

To date few municipalities have adopted by-laws under the development permit system. Lake of Bays has a development permit system in place mainly to regulate the location of buildings relative to the watercourses. Gananoque and Carlton Place have adopted development permit by-laws largely to maintain the character of traditional neighbourhoods and Brampton has prepared a development permit by-law for a portion of their Main Street North. The objective of the Brampton initiative is to preserve the character of the area while encouraging infill development that is compatible with the character. At first glance it appears that the development permit by-law for Main Street North in Brampton is very detailed. The development permit by-law was passed by Council, but has been appealed to the OMB. At this point it is hard to say how it will function, but staff are optimistic about its benefits.

Toronto and Ajax are also considering the use of the development permit system and Toronto has adopted Official Plan policies to guide its implementation. Section 10.9.1.2 of Markham's new Official Plan requires an Official Plan Amendment prior to establishing a development permit system for a particular area.

In stable already built-up areas, residents generally want certainty and a say in changes that may affect the physical character of the area, so there may be resistance to the flexibility and limited appeal pro-

cedures of a development permit system in these areas. On the other hand, no municipality has yet adopted a development permit approach for areas such as existing shopping malls or vacant lands along centres and corridors where redevelopment is to be encouraged in order to achieve mixed use, compact built form and intensification objectives and where a degree of flexibility regarding uses and form may be appropriate, depending on circumstances.

As Markham considers how to structure its zoning by-law it may wish to consider whether to introduce a development permit by-law for some of its intensification areas.

5. CONCLUSION

Over time, zoning by-laws in North America have evolved from a focus on rigid uses controls towards a consolidation and simplification of use categories, a greater emphasis on form-based controls, particularly in mixed use areas, the inclusion of sustainability provisions and the introduction of illustrations to assist in the interpretation of zoning intent. Zoning by-laws are also available online, often in a number of formats, although the challenge of updating by-laws as changes are introduced means that municipalities still refer to the paper copy of the by-law on file with the City Clerk as the official document.

In addition to learning from the approaches of Ontario municipalities that have recently approved new zoning by-laws, Markham's new zoning by-law may also consider including development permit by-laws in selected intensification areas or possibly for areas where special neighbourhood character is to be preserved.

CASE STUDIES

A number of municipalities in Ontario have updated and consolidated their zoning by-laws in recent years. Below are examples that demonstrate the experiences of six municipalities across the province: Mississauga, Toronto, Ottawa, Hamilton, LaSalle and Oakville. The review analyses the overall approach in terms of layout, structure and types of zoning controls adopted in each case. This review was prepared for the City of Markham as part of a background research process to inform the city's New Comprehensive Zoning By-Law Project.

1. CITY OF MISSISSAUGA ZONING BY-LAW 0225-2007

Background

The City of Mississauga passed its current zoning by-law in 2007, after a 5-year comprehensive review process. It was the first municipality in the Greater Toronto Area to comply with Bill 51 and have its zoning by-law aligned with the Official Plan. The document provides zoning regulations for all lands in the City of Mississauga.

Approach to zoning: Euclidean hybrid

Mississauga's zoning by-law is primarily a traditional (Euclidean) zoning code, with elements of the form-based approach applied to specific areas of the city. For example, the by-law identifies a number of mixed use zones, including five zones created for the City Centre. To provide flexibility for uses to change over time, these zones are subject to a holding provision stipulating that the only uses allowed are those legally existing on the date of passing of the by-law. A holding provision can only be lifted when Council passes a by-law authorizing it, which depends on a set of requirements being met (such as the installation of municipal works, the provision of parkland, etc.).

Format of the zoning by-law

Mississauga's by-law is a very extensive document. It is divided into 13 parts, which together consist of more than 40 individual PDF files. Given the large volume of information, the city contracted a company (Orderline) to publish both the online and printed versions of the by-law. The following resources are available to facilitate access to the by-law:

Profile of the City

Mississauga is Canada's sixth largest municipality and the third largest in Ontario. The city forms part of the Regional Municipality of Peel, located in the western part of the Greater Toronto Area.

- **Population: 713,443**
- **Number of private dwellings: 234,582**
- **Population density per km²: 2,439.9**
- **Land area: 292.4 km²**
- **Median household income: 66,464**
- **Immigrant population: 52.9%**

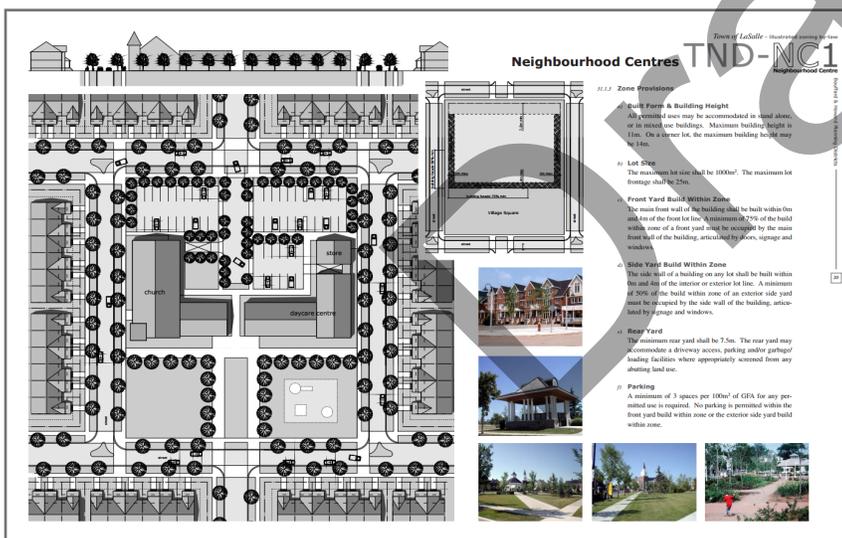
2. TOWN OF LASALLE – ILLUSTRATED ZONING BY-LAW

Background

The Town of LaSalle's Official Plan was approved in 1998 and amended in 2003 (Official Plan Amendment No. 1) to incorporate the new Bouffard and Howard Secondary Plan. The Town retained consultants to prepare an illustrated development standard manual for the Bouffard and Howard Planning Districts. The resulting Illustrated Zoning By-law, released in August 2005, applies to all lands in the Bouffard and Howard Planning Areas as specified in the Official Plan Amendment No. 1. Remaining lands are subject to By-law No. 5050, the Town of LaSalle's current comprehensive zoning document, available as a 288-page PDF file. The illustrated by-law for the Bouffard and Howard lands is attached to By-law No. 5050 as "Schedule 1".

Approach to zoning: form-based

The illustrated by-law adopts a form-based approach to zoning. The by-law favors visual understanding, emphasizes the human scale, and uses prescriptive language. The image and example below illustrate this:



Profile of the Town

Part of the Windsor/Essex County Region, the Town of LaSalle is Canada's automotive technology, research and manufacturing centre.

- **Population:** 28,643.
- **Number of private dwellings:** 9,901
- **Population density per km²:** 438.6
- **Land area:** 65.3 km² (around 50% is urban; the remaining is rural, comprising cash-crop farming, rural residences and natural heritage features).
- **Median household income:** \$98,361
- **Immigrant population:** 16%

34.1.3 Street-related Employment Area Zone Provisions

d) Rear Yard: "Where abutting a residential use, the interior side yard shall be a minimum of 25m, and shall be appropriately buffered with a minimum 5m landscape strip including fencing and tree planting, necessary to mitigate visual and noise related impacts."

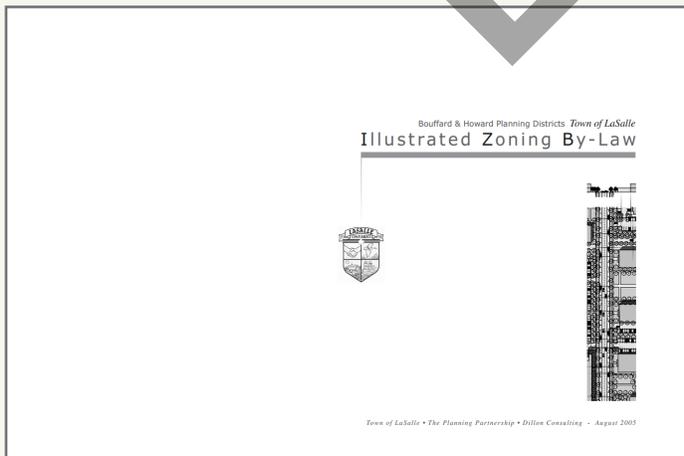
Format of the by-law

The LaSalle Illustrated Zoning By-law is available as a concise, 60-page PDF document. The text uses clean and simple text and graphics to facilitate readability. All text and illustrations are in black and white, and pictures are in colour. The document is structured in the following manner:

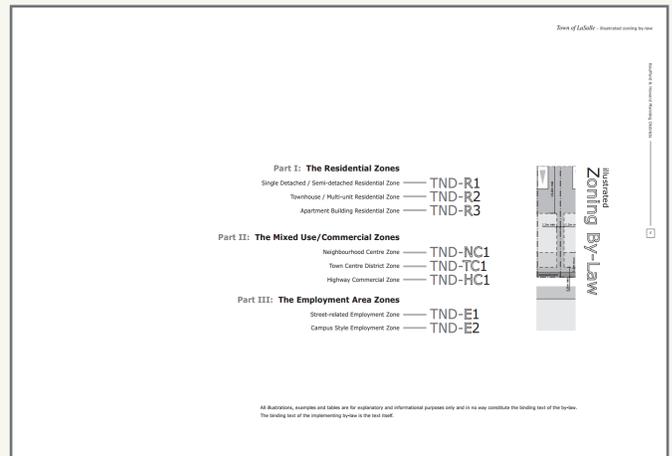
- Cover, Index, Explanatory Note, Definitions
- Zoning by-law (30 pages)
 - Part I: The Residential Zones
 - Part II: The Mixed Use/Commercial Zones
 - Part III: The Employment Area Zones
- Development standards (30 p.)
 - Street standards (15 p.)
 - Engineering standards (15 p.)

The index page contains the following disclaimer:

“All illustrations, examples and tables are for explanatory and informational purposes only and in no way constitute the binding text of the by-law. The binding text of the implementing by-law is the text itself.



Cover page



Index page

3. TORONTO'S CITY-WIDE ZONING BY-LAW 569-2013

Background

The City of Toronto and its current political boundaries were formed through the amalgamation of six former municipalities in 1998. This led the city to inherit a total of 43 individual zoning by-laws, each with distinct regulations. Toronto's first effort to consolidate its by-laws occurred in 2010, through the enactment of By-law 1156-2010. Due to transition issues, By-law 1156-2010 was repealed by City Council in 2011. In 2013, the city passed By-law 569-2013, which enacts the new harmonized city-wide zoning by-law. This single comprehensive zoning by-law regulates all lands within the geographic boundaries of the amalgamated City of Toronto.

Approach to zoning: Euclidean hybrid

Toronto's approach to zoning evolved from a purely traditional (Euclidean) into a hybrid approach that enables the application of more flexible zoning controls selectively across the city. An example of this is "The Kings Regeneration" – a strategy that involved replacing the former, inflexible zoning by-law with an innovative code that promoted the areas' regeneration through mixed-use. The former industrial zone was replaced with the Regeneration Area designation, which enables uses such as residential, retail, commercial, live/work, entertainment, and light industrial.

Format of the by-law

Toronto's City-wide Zoning By-law is an extensive 3-volume document comprising of a total of almost 2,000 pages. It contains detailed text and a large number of maps. The text can be viewed online, and each section can be downloaded as an individual PDF file. In addition, the by-law may be accessed via an interactive map through the city's website.

The by-law itself does not contain illustrations. Nonetheless, Chapter 1 of the by-law states the following under section 1.5.9:

(1) Items that are not Part of this By-law

The following are not part of this By-law:

(A) headings and titles in the body of this By-law are included for convenience and reference purposes;

(B) references within square brackets are included for convenience and reference purposes;

(C) a drawing or other visual representation that is labelled as an "Illustration" is included for convenience and reference purposes; and

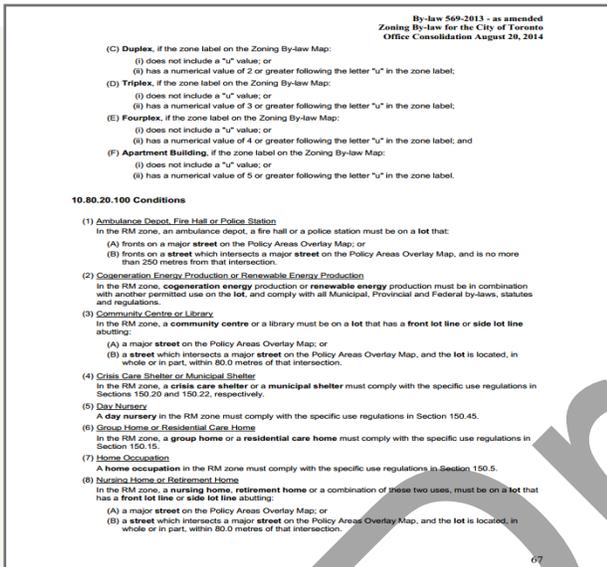
(D) margin notes that give information, clarify intention, provide examples or information, or refer to legislation or other by-laws or to other parts of this By-law are included for convenience and reference purposes.

Profile of the City

Toronto is the provincial capital of Ontario. It is Canada's largest city, and the fourth largest in North America. The city is a global centre for business, finance, arts and culture.

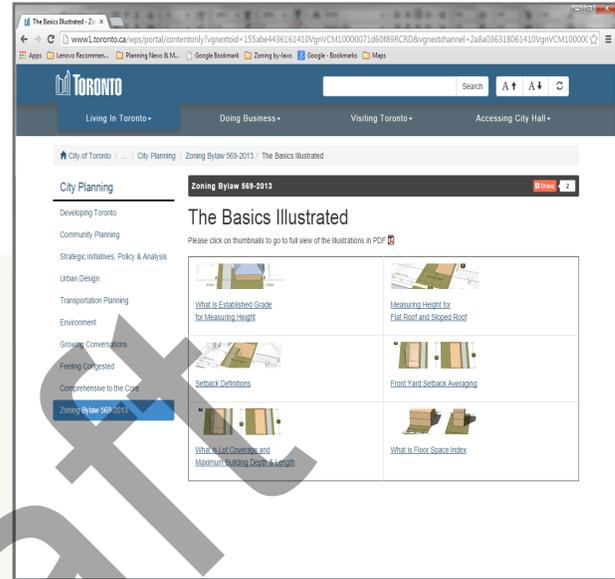
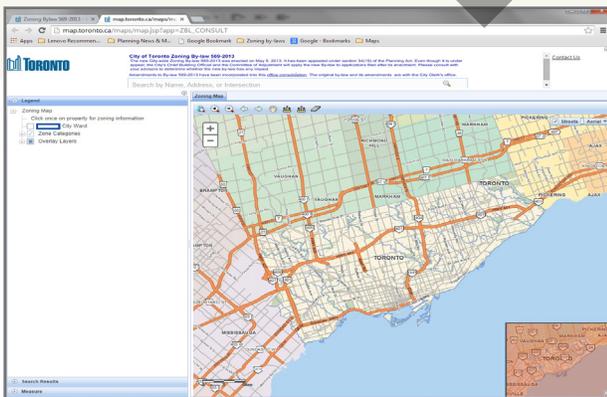
- **Population: 2,615,060**
- **Number of private dwellings: 1,047,877**
- **Population density per km²: 4,149.5**
- **Land area: 630 km²**
- **Median household income: \$58,381**
- **Immigrant population: 51%**

In addition, the City of Toronto's website has a section entitled "The Basics Illustrated", intended to help users understand the regulations and determine how to perform calculations.



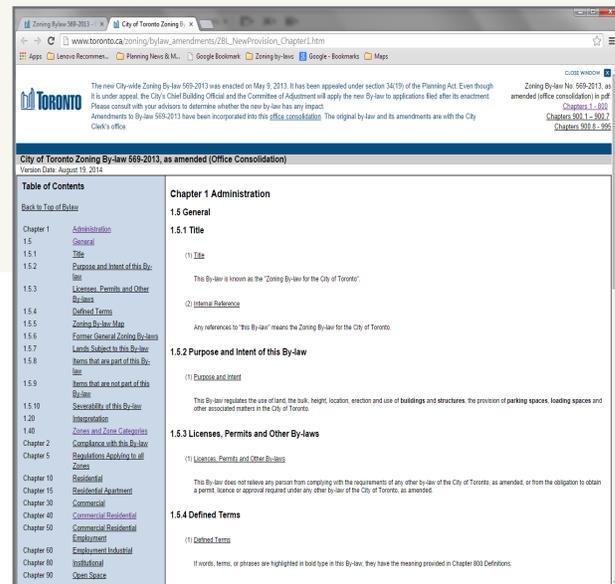
Document body: detailed text, black & white, no images

Map-based access to the by-law



The Basics Illustrated

Online version of the by-law text



4. TOWN OF OAKVILLE – ZONING BY-LAW 2014-014

Background

Council passed the new Town of Oakville Comprehensive Zoning By-law 2014-014 on February 25, 2014. The new by-law is currently under appeal in the Ontario Municipal Board (OMB). It aims to implement the policies of the Livable Oakville Plan (the town's new official plan) and was developed through the inZone project, which ran from October 2011 to February 2014. The new by-law applies to all properties in Oakville south of Dundas Street and north of Highway 407. Properties located between Dundas Street and Highway 407 fall under the North Oakville Zoning By-law 2009-189.

Approach to zoning: Euclidean hybrid

Oakville's zoning by-law integrates a number of elements of form-based zoning into the traditional Euclidean zoning model. For example, the by-law emphasizes built form by setting standards such as the proportion of main walls and minimum first storey heights. Other mechanisms to enable flexibility are also adopted. An example is a provision for cash-in-lieu of parking, where parking requirements can be altered in selected lots in mixed-use zones in exchange for a payment.

Format of the by-law

The by-law is extensive and is available as a 520-page PDF document. It is also divided into sections based on 32 maps to help users navigate the document according to a specific geographic location. The introductory part contains a detailed guide explaining to users how to navigate the document.

The new draft Zoning By-law is available online. Additionally, it can be accessed via a map-based feature through the Town's 'Explore Oakville' system, which allows users to locate a zoning designation based on a property's location.

Graphics represent a distinguishing feature of Oakville's by-law. The document was designed for readability and contains a sidebar intended specifically for notes to assist users in comprehending the text. In addition, a number of figures and illustrations are embedded in the document, to complement the explanatory notes. These images, however, are not part of the by-law. The following passage is included under the by-law's "Administration" section:

1.9 Clarification and Convenience

a) Examples, margin notes, and illustrations are for the purpose of explanation, clarification, and convenience and do not form part of this By-law.

Profile of the Town

Oakville is about 60 kilometres west of downtown Toronto. The town is part of the Halton Region, in the western portion of the Greater Toronto Area (GTA).

- **Population: 182,520.**
- **Number of private dwellings: 62,412**
- **Population density per km²: 1,314**
- **Land area: 138.88 km²**
- **Median household income: \$93,400**
- **Immigrant population: 31%**

Part 8
Mixed Use Zones

Additional Regulations for Zone Regulations Table 8.3.1

- The maximum front yard and maximum flankage yard requirements do not apply when an urban square measuring no less than 300.0 square metres in area and having a minimum length of 10.0 metres is provided along the length of the main wall oriented toward the front or flankage lot line.
- The maximum front and flankage yard shall be 5.0 metres where a dwelling occupies the entire first storey on a lot having lot frontage onto any public street other than Lakeshore Road West, Lakeshore Road East, Kerr Street, Oak Park Boulevard, or Old Bronte Road.
- Shall only apply to the first 12.0 metres of building height, measured along the main wall oriented toward the front or flankage lot line.
- The minimum yard shall be increased to 7.5 metres for that portion of a building greater than 13.5 metres in height.
- The minimum yard shall be increased to 10.0 metres for that portion of a building greater than 13.5 metres in height.
 - The maximum number of storeys shall be 3 and the maximum height shall be 12.0 metres where the lot is adjacent to a lot in any Residential Low RL Zone.
 - Notwithstanding Section 4.6.4(a), a mechanical penthouse shall not exceed 3.0 metres in height, measured from the top of the roof on which the mechanical penthouse is directly situated, where the lot is adjacent to a lot in any Residential Low RL Zone.
- Any building legally existing on the effective date of this By-law not complying with this provision shall be permitted.

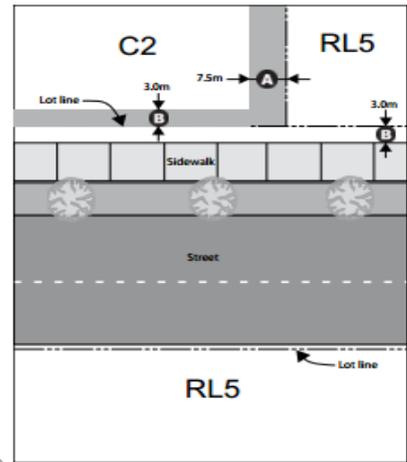
Table 8.3.2: Regulations for Permitted Detached, Semi-Detached, and Townhouse Dwellings

	Detached dwellings	Semi-detached dwellings	Townhouse dwellings
Minimum lot area	As legally existing on the effective date of this By-law		
Minimum lot frontage	As legally existing on the effective date of this By-law less 1.0 metre (1)		
Minimum flankage yard	A 3.0 m	3.0 m	3.0 m
Minimum interior side yard	D 1.2 m	1.2 m (2)	1.2 m (2)
Minimum rear yard	D 7.5 m	7.5 m	7.5 m
Maximum number of storeys	H 3	3	3
Maximum height	H 12.0 m	12.0 m	12.0 m
Maximum lot coverage for the dwelling	35%	n/a	n/a
Regulations for accessory buildings and structures	Section 6.5 shall apply		

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Consolidated to February 27, 2014
Page 8-4

Document body: tables, images and explanatory notes to assist users in understanding the text

Subsection (c) provides some flexibility to permit walkways within a width of landscaping. Orientation, layout, and width shall be reviewed at the Site Plan Approval stage.



Snapshot of figure & notes in the sidebar of Oakville's by-law

5. CITY OF HAMILTON - ZONING BY-LAW 05-200

Background

The new Comprehensive Zoning By-Law 05-200 for the City of Hamilton came into effect in 2005. It replaced the former Zoning By-laws of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek, with the intent of becoming a single, easier to use and more flexible code. The by-law is being implemented in phases - the first phase created zones for the Downtown Core of Hamilton, and subsequent phases brought forward Open Space and Park Zones; Institutional Zones and New Industrial (Employment) Zones. The remaining phases are still in the process of being implemented.

Approach to zoning: mainly Euclidean

Hamilton's new by-law is, for the most part, a traditional zoning code. It uses proscriptive language and focuses mainly on outlining permitted uses by zone, as well as minimum and maximum building standards. Its most flexible component is the Downtown Mixed Use Zone category, which allows for a variety of uses and sets provisions pertaining to built form.

Profile of the City

Hamilton is a port city located at the foot of the Niagara Escarpment in the western tip of Lake Ontario, between Toronto and Niagara Falls.

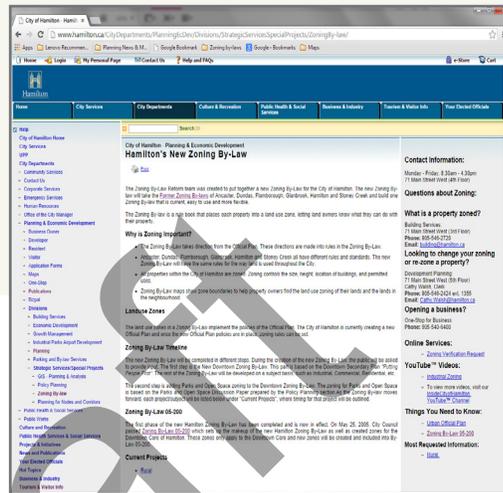
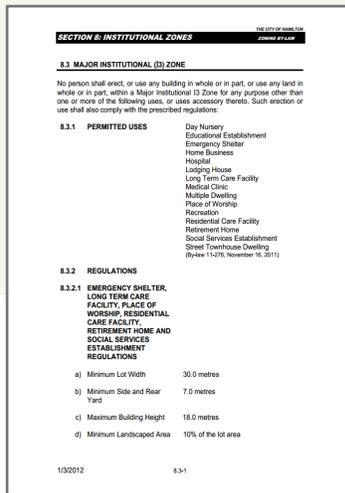
- Population: 519,949.
- Number of private dwellings: 203,806
- Population density per km²: 465.4
- Land area: 1,117.23 km²
- Median household income: \$60,259
- Immigrant population: 25%

Format of the by-law

The new by-law is a concise document, which is divided into 9 sections. The text is succinct in comparison with other by-laws, and contains no accompanying images or diagrams.

The by-law can be downloaded as a series of separate PDF files or it can be visualized online. The City's website also has a GIS-based online map feature; however, it is not linked to the zoning by-law document. The map shows building footprints, land parcels and the location of certain facilities such as cemeteries, parks and parking lots.

Document body:
concise text,
black & white, no
images



Online
access to
the by-law
text

6. CITY OF OTTAWA ZONING BY-LAW 2008-250

Background

The City of Ottawa adopted the new Comprehensive Zoning By-law 2008-250 in 2008. It affects all properties within Ottawa. By-law 2008-250 replaces the 36 Zoning By-laws of the former municipalities that were amalgamated in 2001.

Approach to zoning: Euclidean hybrid

The by-law integrates elements of form-based zoning into the traditional zoning model. In addition to adopting common form-based elements, such as emphasizing considerations for surrounding uses and built form, the by-law incorporates other unique elements - for each zone category, for example, it contains a brief introductory description of the purpose of that specific zone. This introduction establishes a "vision". An example is the Arterial Mainstreet Zone, which falls under the Mixed Use/Commercial Zones part. The by-law states the following:

Profile of the City

The City of Ottawa is the national capital of Canada. It is Ontario's second - and Canada's fourth- largest city. In addition to a number of civic buildings, Ottawa is one of Canada's main technology centres.

- Population: 883,391
- Number of private dwellings: 353,244
- Population density per km²: 316.6
- Land area: 2,790.22 km²
- Median household income: \$93,440
- Immigrant population: 23.4%

The purpose of the AM – Arterial Mainstreet Zone is to:

- (1) accommodate a broad range of uses including retail, service commercial, offices, residential and institutional uses in mixed-use buildings or side by side in separate buildings in areas designated Arterial Mainstreet in the Official Plan; and (2) impose development standards that will promote intensification while ensuring that they are compatible with the surrounding uses.

Format of the by-law

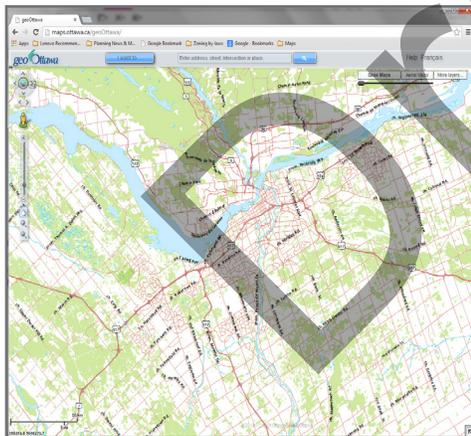
The by-law is divided into 19 extensive parts. The text is available online and each section can be downloaded as a PDF file. A map-based version of the by-law can also be accessed through the GeoOttawa website.

Some sections of Ottawa’s by-law contain explanatory images integrated directly into the text, as illustrated in the figure to the right.

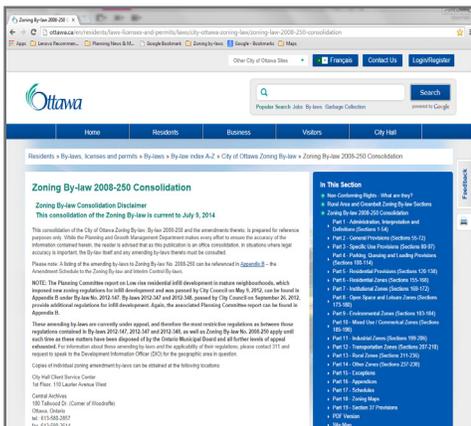
The following is stated under the General Rules of Interpretation section of the by-law:

26. Appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, references to former enactments or enabling legislation do not form part of the by-law and are editorially inserted for convenience of reference only.

GeoOttawa:
map-based
access to zoning
information



Online access to
the by-law text



Document body: detailed black & white text, tables and color images

- (5) All motor vehicle parking spaces and queuing and loading spaces must have unobstructed access directly to a public street by:
 - (a) a driveway or private way;
 - (b) an aisle leading to a driveway; or
 - (c) a public lane.
- (6) All motor vehicle parking spaces, queuing and loading spaces and aisles and driveways leading to those spaces must have a surface which is:
 - (a) hard, stable and dust preventative (see illustration below) in Areas A (Central Area), B (Inner City) and C (Suburban) on Schedule 1; and
 - (b) usable in all seasons in Area D (Rural) on Schedule 1.

ILLUSTRATION OF SOME ALTERNATIVES TO STANDARD CONCRETE AND ASPHALT PAVING



- (7) Despite subsection (1), where a motor vehicle parking space required by this By-law or predecessor by-law must be eliminated as a result of the need to widen another parking space for the purpose of complying with a legal requirement in the City of Ottawa Traffic and Parking By-law to provide parking for the physically disabled, the use for which the parking is provided is to be treated as though it meets the requirements of this by-law provided that the use otherwise complies with the parking provisions of this by-law, or a predecessor to this by-law, immediately prior to the elimination of the parking space. (By-law 2008-302)
- (8) Where the parking, queuing or loading required by this by-law is expressed as a rate or in multiples of more than one, calculations are:
 - (a) to be pro-rated; and
 - (b) where the sum of the total calculation of the required spaces results in a fraction, the required spaces are to be the next higher whole number if the fraction is 0.5 or greater, and the next lower whole number if the fraction is less than 0.5.
- (9) A stacked dwelling may have a common parking garage provided the parking garage is located no more than 1.2 metres above grade.
- (10) Where one parking, queuing or loading space required by this by-law or a predecessor to this by-law is eliminated as a result of providing barrier-free access to a building existing as of June 25, 2008, the use for which the parking, queuing or loading space is provided is to be treated as though it meets the requirements of this by-law or a predecessor to this by-law immediately prior to the elimination of the parking, queuing or loading space. (By-law 2009-302)
- (11) Despite subsection (10), a parking space may only be eliminated to enable barrier-free access to a use within a building where at least one parking space continues to be provided for that use. (By-law 2009-302)