

Planning Justification Report

BOLTON DOWNTOWN CORE

ZONING BY-LAW AMENDMENT 2022-_____

To

Comprehensive Zoning By-law 2006-50 as amended

DRAFT



April 27, 2022

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1.0 INTRODUCTION

On April 28, 2020 Council adopted Caledon 2020-2030 An Economic Development Strategy for the Town of Caledon. One of the short-term actions in the Strategy was to develop a Bolton Revitalization Plan focused on the historic Bolton core area. The Bolton Downtown Revitalization Plan (BDRP) was consequently adopted by Council on March 30, 2021.

The BDRP states that intensive and concentrated efforts must be initiated now to position the Bolton Core for future success and revitalization. The BDRP identifies several key steps that can be done in the short term to improve the economic vitality of downtown Bolton. These steps include providing for a broader range of permitted uses, review and modification of parking requirements, and exploring site specific opportunities, such as the former Fire Hall on Anne Street, to further economic development initiatives within downtown Bolton.

The Zoning By-law Amendment attached as **Appendix A** to this report is intended to respond to some of the recommendations of the BDRP. More specifically, the attached Zoning By-law Amendment proposes to establish a Bolton Core Overlay Zone within Comprehensive Zoning By-law 2006-50 as amended. The key objectives of the proposed overlay zone are to:

- 1) Support economic development by permitting a broader range of uses in the Bolton downtown core commercial area;
- 2) Provide greater flexibility and opportunity for temporary, seasonal and occasional uses in the in Bolton downtown core and to provide for the use of the former Firehall as a flexible community space in particular; and,
- 3) Provide for a number of parking modifications within the Bolton downtown core commercial area that may assist in furthering the economic development goals for the Bolton downtown core.

It is noted that the Town of Caledon is currently undertaking a review of the existing Official Plan. Once the new Official Plan is adopted, the Town will also be initiating a Comprehensive Zoning By-law Review to update or replace Comprehensive Zoning By-law 2006-50. As a result, the zoning modifications proposed through the attached Zoning By-law Amendment, are intended to provide a short term, intermediary policy response to implement the recommendations of the Bolton Downtown Revitalization Plan in advance of these larger policy initiatives.

In formulating the attached Zoning By-law Amendment, two of the key directives were to work within the policy framework of the existing Caledon Official Plan, Bolton Core Area Secondary Plan and the Village of Bolton Heritage Conservation District Plan as well as to formulate the proposed zoning modifications within the context of the existing zoning framework of Comprehensive Zoning By-law 2006-50 as amended.

2.0 PROPOSED ZONING BY-LAW AMENDMENT

The attached Zoning By-law Amendment and implementing zone schedule propose to establish an overlay zone that would apply to all lands within the limits of the Bolton Core Secondary Plan Area as delineated on a new Schedule 'G' to Comprehensive Zoning By-law 2006-50 (attached).

Land uses within the Bolton Core Secondary Plan Area include general commercial and mixed uses within the downtown core with residential uses generally located along the periphery of the Secondary Plan Area. A number of institutionally zoned parcels are located west of Queen Street. The Humber River and associated riparian area forms the northern boundary of the Bolton Core Area Secondary Plan.

2.1 Permitted Uses Within the Bolton Downtown Core

Commercial lands within the Bolton downtown core are designated 'General Commercial' within the Bolton Core Area Secondary Plan and are zoned Core Commercial (CC) in accordance with Comprehensive Zoning By-law 2006-50. There are a number of site specific exceptions to the Community Core (CC) Zone within the downtown core area. These exceptions generally provide for a modified range of permitted uses as well as modified zone standards on a site specific basis.

The proposed Bolton Core Overlay Zone adds to the list of uses that are already permitted in the Core Commercial (CC) Zone that applies throughout the Bolton commercial core area. These additional uses would only be permitted in the Core Commercial (CC) Zone as well as some of the Core Commercial (CC) Site Specific Exception Zones that already provide for a broader range of uses at a site level. The Bolton Core Overlay Zone permits the following additional uses within the Core Commercial (CC) Zone and select exception zones:

- a) Accessory Outdoor Patio
- b) Accessory Outdoor Display or Sales Area
- c) Accessory Outdoor Seasonal Garden Centre¹
- d) Artisan Operation
- e) Bakery
- f) Catering Establishment
- g) Farmers Market¹
- h) Micro-Brewery
- i) Museum
- j) Occasional Use²
- k) Specialty Food Store
- l) Studio

Footnotes

1. Shall only be permitted within the Community Core (CC) Zone, Special Exception CC-195 Zone and Special Exception CC-247 Zone. Shall not be permitted within the Special Exception CC-44 Zone and Special Exception CC-581 Zone.

2. Permitted only on lands identified on Schedule G of Comprehensive Zoning By-law 2006-50.

The uses identified above are defined in accordance with the existing definitions of Comprehensive Zoning By-law 2006-50. For some of the permitted uses that are proposed, there is not already an existing definition in Comprehensive Zoning By-law 2006-50. As a result, this Zoning By-law Amendment includes a number of new definitions that would apply only to the additional uses permitted within the Bolton Core Overlay Zone. Although Comprehensive Zoning By-law 2006-50 does provide a definition for a 'bakery', it is recommended that the definition for a 'bakery' be broadened as it applies within the Bolton downtown core. As a result, a new definition for a 'bakery', to be applied within the Bolton Core Overlay Zone, is also included. The list of proposed new definitions is provided below.

"Bakery" means a premises used for the production, distribution and sale of baked goods and may include an accessory restaurant.

"Catering establishment" means a premises where food and beverages are prepared for consumption off-site, but are not served on the premises or for take-out.

"Micro-Brewery" means a premises used for the small-scale manufacturing of specialty or craft beer, wine, cider, and/or spirits produced for retail sale on or off site, and which may be consumed on-site in conjunction with a permitted restaurant.

"Studio" means a premises used for the study of an art or recreational pursuit such as visual arts, dancing, music, or instruction of other recreational interests but shall not include such uses operated as a home occupation.

2.2 Occasional Uses

One of the key economic development goals for the Bolton downtown core is to promote a more flexible use of space that could accommodate temporary and seasonal uses. As a result, the Zoning By-law Amendment introduces a new use being an 'occasional use' to address this economic development objective. An occasional use is defined as:

"Occasional Use" means the short term use of any land or building for a specific occasion or community event such as recreation, entertainment, community gathering or other similar activities. An occasional use may include uses such as but not limited to, blood donor clinics, bingo, benefit dances, shows, concerts, festivals, banquets or special purpose and/or seasonal sales such as bake sales, craft sales, plant and produce sales, and Christmas tree sales. An occasional use does not include *Household Sales* as defined by this By-law.

It is proposed that an occasional use be permitted on select properties within the Commercial Core (CC) Zone as well as the Institutional (I) Zone within the Bolton core. Those properties where an occasional use will be permitted are identified on a new Schedule G to Comprehensive Zoning

By-law 2006-50. Schedule G delineates the boundaries of the Bolton Core Overlay Zone and identifies those properties where an occasional use will be permitted. Schedule G forms part of the Zoning By-law Amendment and is attached within **Appendix A**.

The Zoning By-law Amendment further includes a number of zoning provisions to regulate the circumstances under which an 'occasional use' would be permitted. The proposed regulations for an occasional use are provided below.

"Where an *occasional use* is permitted in accordance with the locations identified on "*Schedule G Bolton Core Overlay Zone*" of this By-law, the following provisions shall apply:

- a) An *occasional use* is permitted in any *building, structure* or on any *lot* in accordance with the requirements of the zone in which it is located;
- b) An *occasional use* shall be permitted in accordance with the requirements of *Section 2.8 Conservation Authority Regulations* of this By-law;
- c) An *outdoor occasional use* shall only be permitted seasonally between May 1st and October 31st. Notwithstanding, the outdoor sale of Christmas trees is exempt from this requirement;
- d) An *outdoor occasional use* may be permitted to encroach into required parking on the *lot* on which it is located. Notwithstanding, an *outdoor occasional use* may not encroach upon required *barrier-free parking spaces* or required parking for a residential use."

2.3 Outdoor Patios

Over the past two years there has been a reliance and emphasis on finding creative ways for restaurants to respond to the challenges of COVID. One such response was to permit a broadening of permissions for outdoor patios in association with existing restaurants. The Town has expressed that it would like to continue to promote outdoor patios as a key element of the economic development strategy for the Bolton downtown core. This Zoning By-law Amendment proposes to explicitly permit an outdoor patio as an accessory use throughout the core commercial area. Accordingly, the zoning provisions provided below have been included within the Zoning By-law Amendment to regulate the placement of accessory outdoor patios.

"Where an *outdoor patio* is permitted within the *Bolton Core Overlay Zone* of this By-law, the following provisions shall apply:

- a) *Outdoor patios* shall only be permitted as an *accessory use*;
- b) An *outdoor patio* shall only be permitted seasonally between May 1st and October 31st;
- c) The maximum seating capacity of an *outdoor patio* shall not exceed 100% of the seating capacity of the principal use;

- d) An *outdoor patio* shall be completely enclosed by a fence or physical barrier with a minimum height of 1.2 metres above the patio floor;
- e) Notwithstanding Section 5.2.10 of this By-law to the contrary, within the Bolton Core Overlay Zone, no additional parking shall be required for an *outdoor patio* beyond that which is required for the principal use;
- f) An *outdoor patio* shall be permitted in accordance with the requirements of *Section 2.8 Conservation Authority Regulations* of this By-law;
- g) An *outdoor patio* shall be located in accordance with the following:
 - i) Notwithstanding any other provision of this By-law to the contrary, an *outdoor patio* shall be located in accordance with the following setback requirements:

Front Yard -	0 metres
Rear Yard -	3 metres
Interior Side Yard -	0 metres
Exterior Side Yard -	0 metres
 - ii) Notwithstanding the requirements of Section (4.41.4.1(g)(i)), the limits of an *outdoor patio* shall be setback a minimum of 10 metres from a Residential Zone. An *outdoor patio* located above the first story of the *building* in which it is located shall be set back a minimum of 20 metres from any Residential Zone. For the purposes of this provision, the minimum setback distance shall be measured horizontally from the nearest part of the *outdoor patio* to the nearest lot line of the Residential Zone;
 - iii) An *outdoor patio* may be permitted to encroach into a public road allowance where formal approval has been received from the applicable authority having jurisdiction for such public road allowance;
 - vi) Notwithstanding the requirements of Section (4.41.4.1(g)(i)), an *outdoor patio* shall not be located in a *sight triangle*; and,
 - v) An *outdoor patio* may be permitted to encroach into required parking for the associated principal use. Notwithstanding, an *outdoor patio* may not encroach upon required *barrier-free parking spaces* or required parking for a residential use."

2.4 Parking

Comprehensive Zoning By-law 2006-50 regulates parking and loading facilities within the Bolton Downtown Core. Modification of the existing parking requirements was identified as one of the zoning mechanisms that provided an opportunity to remove barriers to promoting economic development within the Bolton commercial areas of the downtown core. In this regard, the

Bolton Core Overlay Zone provides some modification to the existing parking standards to respond to the unique needs and characteristics of the Bolton core commercial area. The zoning modifications proposed in this Zoning By-law Amendment can be implemented in the short term until such time as a more comprehensive review of parking requirements is undertaken as part of the Comprehensive Zoning By-law Review.

The proposed Zoning By-law Amendment addresses parking and summarized below.

- a) Cash-In-Lieu of Parking - The cash-in-lieu of parking requirements are currently suspended in the Bolton downtown core. As the cash-in-lieu of parking program has not yielded tangible results in the Bolton downtown core to date, it is recommended that Section 5.2.9 (cash-in-lieu of parking) be deleted in its entirety.
- b) Reduction of Parking Rates – A review of a number of case study municipalities indicates that many municipalities seeking to support economic development initiatives have offered a reduction in the amount of minimum parking that is required within core areas. The Zoning By-law Amendment proposes to provide a 50% reduction to the minimum parking required in accordance with Comprehensive Zoning By-law 2006-50. This parking reduction is only proposed to apply within the Bolton Core Overlay Zone to commercial uses within the Community Core (CC) Zone. The Zoning By-law Amendment specifically excludes barrier-free parking spaces, residential uses, and the residential component of mixed-use buildings from this parking reduction. In no case shall the parking reduction result in less than a minimum requirement of one parking space.
- c) Change in Use – Parking requirements associated with change in use have been problematic within the Bolton commercial core area. The Zoning By-law Amendment proposes to ease the amount of parking required in association with a change in use based on a gross floor area threshold of 250 m². Within the Bolton Core Overlay Zone, any commercial property that is changing use from one commercial use to another commercial use will not be required to increase the amount of minimum parking if the commercial premises has an area less than 250 m². Any commercial premises above this threshold will have to satisfy the minimum parking requirements for the new use in accordance with Comprehensive Zoning By-law 2006-50.

In support of this work, a review of the gross floor area of commercial premises in the downtown core area was undertaken. Approximately 75% of the commercial premises in the Bolton downtown core are below this 250 m² threshold. Those properties that are above this threshold either provide parking on-site or are located in close proximity to municipal parking. This easing of the change in use parking requirements only applies to a scenario where a commercial premises is changing from one commercial use to another. It does not apply to a change in use between a commercial use and residential use or vice versa.

- d) Off-Site Parking – Comprehensive Zoning By-law 2006-50 currently permits parking for uses within the Community Core (CC) Zone to be provided off-site if the parking is within 150 metres of the use for which the parking is required. The map attached as **Appendix B** provides a conceptual application of this distance using the Queen Street/King Street intersection as a centre point. An extension of this distance to 200 metres would effectively encompass all of the commercial areas within the Bolton commercial core and provide greater flexibility to provide parking. The Zoning By-law Amendment proposes to apply the 200 metre distance to properties zoned Community Core (CC) within the Bolton Core Overlay Zone. In all other respects, the requirements for off-site parking would continue to apply.

2.5 Case Studies

A number of case study municipalities were reviewed to determine how other municipalities applied zoning within the downtown core. Case studies were chosen based on a similarity in context to the Bolton Core both in terms of being smaller hamlets as well as physical similarities being in a flood plain along a river. Case studies that placed an emphasis for zoning mechanisms to support economic development initiatives were also included in the review. The case studies relied upon for this study include:

- City of Guelph
- City of Kingston
- City of Burlington
- City of Toronto
- City of Vaughan
- City of London
- City of Ottawa
- City of Waterloo
- City of Hamilton
- City of Orillia
- County of Brant
- County of Haldimand
- Town of Newmarket
- Township of Woolwich
- Township of Wellington Centre

A summary of the comparative case study findings is included as **Appendix C**.

3.0 POLICY REVIEW

The key objective of this Zoning By-law Amendment process is to respond to the recommendations of the Bolton Downtown Core Revitalization Plan and to facilitate economic

development within the Bolton downtown core. There is policy support for this objective at the Provincial, Regional and municipal level as provided below.

3.1 Provincial Policy Statement

The Province recognizes the importance of long term economic prosperity in particular as it relates to the viability of downtowns in rural service centres and preservation of heritage resources. In that regard, the Provincial Policy Statement provides that:

“1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;*
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- h) providing opportunities for sustainable tourism development;”*

The zoning modifications as proposed through the attached Zoning By-law Amendment are supportive of and in conformity with these policy objectives of the Provincial Policy Statement (2020).

3.2 Growth Plan

The Growth Plan similarly has a number of policies that support the achievement of complete communities, integrate economic development objectives with land use planning, provide for economic opportunities within rural settlements as well as the conservation of heritage resources. In this regard, the policies of the Growth Plan provide that:

“2.2.1 Managing Growth

- 4. Applying the policies of this Plan will support the achievement of complete communities that:*
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*

- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*

2.2.5 Employment

1. *Economic development and competitiveness in the GGH will be promoted by:*
 - d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

2.2.9 Rural Areas

1. *Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.*
2. *Public service facilities in rural settlements should be co-located and integrated in community hubs, and priority should be given to maintaining and adapting existing public service facilities in community hubs to meet the needs of the community, where feasible.*

4.2.7 Cultural Heritage Resources

1. *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.”*

The zoning modifications as proposed through the attached Zoning By-law Amendment are supportive of and in conformity with these policy objectives of the Growth Plan (2020).

3.3 Region of Peel Official Plan

Bolton is identified as a Rural Service Centre within the Region of Peel Official Plan. Key among the Region’s objectives for Rural Service Centres are:

- “5.4.3.1.2 *To preserve and enhance the distinct character, cultural attributes, village atmosphere and historical heritage of Bolton and Caledon East.*
- 5.4.3.1.4 *To provide within Rural Service Centres opportunities for a wide range of goods and services for those living and working in the Rural System.*

5.4.3.1.5 *To establish healthy complete communities that contain, living, working and recreational activities, which respect the natural environment, resources, and characteristics of existing communities and services.”*

The zoning modifications as proposed through the attached Zoning By-law Amendment are supportive of and in conformity with these policy objectives of the Region of Peel.

3.4 Town of Caledon Official Plan/ Bolton Core Area Secondary Plan

Land use within the Bolton Core is subject to the policies of the Official Plan and more specifically, the Bolton Core Area Secondary Plan (BCASP) that is attached to and forms part of the Town’s Official Plan. Lands within the core area are generally designated ‘General Commercial’ with residential designations and a Low Density/Office Commercial designation around the periphery of the hamlet. Lands along the Humber River are within the Environmental Policy Area land use designation. Lands north of Sterne Street are designated to provide for an existing high density residential development. There are also 2 clusters of Institutionally designated lands with the core area. The limits of the BCASP and the configuration of land uses within the Secondary Plan Area are as shown on Schedule G in **Appendix A**.

The policies of the BCASP establish detailed land use policies for the Bolton hamlet within the context of the Official Plan. The Secondary Plan contains policies regarding future land use in the Core, historic conservation, an open space network, environmental considerations, the local transportation network, and other planning policy related aspects. In addition, the Secondary Plan establishes the development controls required to implement such policies.

In general, the BCASP allows for the revitalization of the Core as a historic community and commercial focus for Bolton through the provision of effective policies regarding development, intensification, heritage conservation, environment, pedestrian and vehicular movement, open space, and urban design. Some of the specific goals for the Core that are more pertinent to this planning exercise include goals to enhance the vitality and diversity of the Core, provide locational focus for retail and service commercial activities in the Core, provide orderly and appropriate development and intensification opportunities, minimize potential flood impacts and to preserve the existing stable low density residential areas on the periphery of the Core.

The primary commercial activity within the Bolton Core is centered on the intersection of Queen Street and King Street. It is the policy directive of the Secondary Plan that commercial activities be focused along the Queen Street and King Street corridors and lands radiating outward from those transportation spines. Further, the Secondary Plan supports the intensification and expansion of these commercial uses. The Secondary Plan policies provide that:

*“The Plan focuses the primary retail activity along Queen Street and King Street and encourages intensification and expansion of these activities.”
(BCASP Section 7.3.3.1(c))*

Section 7.3.5 of the BCASP provides specific, more targeted policies for land uses within the Bolton Commercial Core area. In this regard, the policies of the BCASP permit all General Commercial uses, as described in Section 5.4.4 of the Official Plan. However, notwithstanding the land use permissions of the General Commercial designation of the Official Plan, automotive related commercial uses are discouraged and drive-through facilities are specifically prohibited. Section 7.3.5.2(a) of the BCASP provides that:

“All General Commercial uses, as described in Section 5.4.4, shall be permitted, except that:

- i) All automotive related commercial uses shall be discouraged from locating in the Bolton Core; and,*
- ii) In order to achieve a pedestrian oriented streetscape, drive-through facilities, either stand-alone or in combination with other uses, shall not be permitted to locate in the Bolton Core.*

and these policies shall be reflected in the implementing Zoning Bylaw;”
(BCASP Section 7.3.5.2(a))

As provided for in Section 5.4.4.1 of the Official Plan, the following commercial uses are permitted within the General Commercial designation of the BCASP and form the basis from which the land use recommendations have been made in this report:

“General Commercial applies to the core areas and other specific sites within the Rural Service Centres. General Commercial permits uses which consist of a wide range of retail and service activities, including such uses as accommodation, apparel, automotive, clinic, convenience, department store, furniture, grocery, hardware, office, personal service, pharmacy, professional/office commercial services, restaurant, and other similar uses and are subject to the general policies and general design policies in Section 5.4.3 and 5.4.9.: (OP, Section 5.4.4.1)

The additional uses permitted by the Zoning By-law Amendment for lands in the BCASP add to this list and are in conformity with the Official Plan and the BCASP specifically.

The BCASP also contains a number of policy directives as it relates to parking within the Bolton Core area. In particular, the BCASP requires that adequate parking be permitted for all development thus, while parking rates may be reduced, they may not be eliminated altogether. Section 7.3.3.1(l) of the BCASP provides that:

“(l) Adequate parking is to be provided for all development, including appropriate provision of loading spaces for all commercial and multiple residential developments...” (BCASP Section 7.3.3.1(l))

Further, the BCASP requires that parking and loading be provided at the rear of structures or underground and that no driveways or entrances to parking areas shall be permitted to front on Queen Street or King Street. (BCASP Sections 7.3.5.2(c)(vii) and (viii)). The proposed amendments to the Town's Zoning By-law propose to reduce parking rates in the Bolton Commercial Core area and to increase the distance for off-site parking from 150 metres to 200 metres. These recommendations are in conformity with the BCASP and the Official Plan generally.

4.0 CONSULTATION

To be completed at a future date

5.0 RECOMMENDATION

It is recommended that the proposed Zoning By-law Amendment implements the recommendations of the Downtown Bolton Revitalization Plan and facilitates economic development opportunities for the Bolton Core Area. Further, the Zoning By-law Amendment is supportive of and in conformity with the policies of the Provincial Policy Statement, Growth Plan, Region of Peel Official Plan, Town of Caledon Official Plan and Bolton Core Area Secondary Plan.

APPENDIX A – DRAFT ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NO. [REDACTED]

Being a by-law to amend Comprehensive Zoning By-law 2006-50 as amended, to enhance the implementation of the Town of Caledon Bolton Core Area Secondary Plan Area policies with respect to permitted uses and parking provisions in the Bolton Core Area.

WHEREAS Section 34 of the Planning Act, as amended, permits the councils of local municipalities to pass zoning by-laws for prohibiting the use of land or the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it expedient to pass a zoning by-law to enhance the implementation of the Bolton Core Area Secondary Plan Area policies of the Town of Caledon Official Plan with respect to permitted uses and parking provisions in the Bolton Core Area on lands legally described as (Caledon staff to complete); Town of Caledon, Regional Municipality of Peel.

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts that By-law 2006-50 as amended, being the Comprehensive Zoning By-law for the Town of Caledon, shall be and is hereby amended as follows:

1. Schedule “A” to this Zoning By-law being a map to delineate the boundaries of the Bolton Core Overlay Zone as attached hereto, is hereby added as “Schedule G” to Comprehensive Zoning By-law 2006-50, as amended;
2. That Section 2.5 ‘Overlay Zones’ of Comprehensive Zoning By-law 2006-50 is hereby amended by adding a new Subsection v) as follows:

“Where lands fall within the boundary of the *Bolton Core Overlay Zone* as delineated on Schedule ‘G’ to this By-law, the applicable provisions and regulations of the underlying *zone* shall continue to apply, subject to the applicable provisions of Subsection 4.41 of this By-law.”

3. That Section 4 *General Provisions* of Comprehensive Zoning By-law 2006-50 is hereby amended by adding a new Subsection 4.41 *Bolton Core Overlay Zone* as follows:

“4.41 BOLTON CORE OVERLAY ZONE AREA

4.41.1 Additional Uses Permitted in the Core Commercial (CC) Zone

In addition to the *uses* permitted in the *Core Commercial (CC) Zone*, the following additional uses shall be permitted on lands zoned *Core Commercial (CC)* within the *Bolton Core Overlay Zone* as well as on lands subject to site specific zoning exceptions CC-44, CC-195, CC-247 and CC-581:

- a) *Accessory Outdoor Patio*
- b) *Accessory Outdoor Display or Sales Area*

- c) *Accessory Outdoor Seasonal Garden Centre*¹
- d) *Artisan Operation*
- e) *Bakery*
- f) *Catering Establishment*
- g) *Farmers Market*¹
- h) *Micro-Brewery*
- i) *Museum*
- j) *Occasional Use*²
- k) *Specialty Food Store*
- l) *Studio*

Footnotes

1. Shall only be permitted within the Community Core (CC) Zone, Special Exception CC-195 Zone and Special Exception CC-247 Zone. Shall not be permitted within the Special Exception CC-44 Zone and Special Exception CC-581 Zone.
2. Permitted only on lands identified on Schedule G of Comprehensive Zoning By-law 2006-50.

4.41.2 Additional Uses Permitted in the Institutional (I) Zone

In addition to the *uses* permitted in the *Institutional (I) Zone*, an occasional use shall also be permitted on lands within the *Institutional (I) Zone* as identified on Schedule G of Comprehensive Zoning By-law 2006-50.

4.41.3 Definitions

Within the *Bolton Core Overlay Zone*, the following definitions shall apply:

“*Bakery*” means a premises used for the production, distribution and sale of baked goods and may include an accessory restaurant.

“*Catering establishment*” means a premises where food and beverages are prepared for consumption off-site, but are not served on the premises or for take-out.

“*Micro-Brewery*” means a premises used for the small-scale manufacturing of specialty or craft beer, wine, cider, and/or spirits produced for retail sale on or off site, and which may be consumed on-site in conjunction with a permitted restaurant.

“*Occasional Use*” means the short term use of any land or building for a specific occasion or community event such as recreation, entertainment, community gathering or other similar activities. An occasional use may include uses such as but not limited to, blood donor clinics, bingo, benefit dances, shows, concerts, festivals, banquets or special purpose and/or seasonal sales such as bake sales, craft sales, plant and produce sales, and Christmas tree sales. An occasional use does not include *Household Sales* as defined by this By-law.

“*Studio*” means a premises used for the study of an art or recreational pursuit such as visual arts, dancing, music, or instruction of other recreational interests but shall not include such uses operated as a home occupation.

4.41.4 Use Provisions

4.41.4.1 Outdoor Patios

Where an *outdoor patio* is permitted within the *Bolton Core Overlay Zone* of this By-law, the following provisions shall apply:

- a) *Outdoor patios* shall only be permitted as an *accessory use*;
- b) An *outdoor patio* shall only be permitted seasonally between May 1st and October 31st;
- c) The maximum seating capacity of an *outdoor patio* shall not exceed 100% of the seating capacity of the principal use;
- d) An *outdoor patio* shall be completely enclosed by a fence or physical barrier with a minimum height of 1.2 metres above the patio floor;
- e) Notwithstanding Section 5.2.10 of this By-law to the contrary, within the Bolton Core Overlay Zone, no additional parking shall be required for an *outdoor patio* beyond that which is required for the principal use;
- f) An *outdoor patio* shall be permitted in accordance with the requirements of *Section 2.8 Conservation Authority Regulations* of this By-law;
- g) An *outdoor patio* shall be located in accordance with the following:
 - i) Notwithstanding any other provision of this By-law to the contrary, an *outdoor patio* shall be located in accordance with the following setback requirements:

Front Yard -	0 metres
Rear Yard -	3 metres
Interior Side Yard -	0 metres
Exterior Side Yard -	0 metres
 - ii) Notwithstanding the requirements of Section 4.41.4.1(g)(i), the limits of an *outdoor patio* shall be setback a minimum of 10 metres from a Residential Zone. An *outdoor patio* located above the first story of the *building* in which it is located shall be set back a minimum of 20 metres from any Residential Zone. For the purposes of this provision, the minimum setback distance shall be measured horizontally from the nearest part of the *outdoor patio* to the nearest lot line of the Residential Zone;
 - iii) An *outdoor patio* may be permitted to encroach into a public road allowance where formal approval has been received from the applicable authority having jurisdiction for such public road allowance;
 - vi) Notwithstanding the requirements of Section 4.41.4.1(g)(i) and 4.41.4.1(g)(iii), an *outdoor patio* shall not be located in a *sight triangle*; and,
 - v) An *outdoor patio* may be permitted to encroach into required parking for the associated principal use. Notwithstanding, an *outdoor patio* may not

encroach upon required *barrier-free parking spaces* or required parking for a residential *use*.

4.41.4.2 Occasional Uses

Where an *occasional use* is permitted in accordance with the locations identified on “*Schedule G Bolton Core Overlay Zone*” of this By-law, the following provisions shall apply:

- a) An *occasional use* is permitted in any *building, structure* or on any *lot* in accordance with the requirements of the zone in which it is located;
- b) An *occasional use* shall be permitted in accordance with the requirements of *Section 2.8 Conservation Authority Regulations* of this By-law;
- c) An outdoor *occasional use* shall only be permitted seasonally between May 1st and October 31st. Notwithstanding, the outdoor sale of Christmas trees is exempt from this requirement;
- d) An *outdoor occasional use* may be permitted to encroach into required parking on the *lot* on which it is located. Notwithstanding, an outdoor *occasional use* may not encroach upon required *barrier-free parking spaces* or required parking for a residential *use*.

4.41.5 Parking in the Bolton Core

Notwithstanding any other provisions of this By-law to the contrary, the following parking regulations shall apply with the Bolton Core Overlay Zone:

- a) Within the *Core Commercial (CC) Zone*, off-street parking for the *uses* permitted shall be provided at a rate equal to fifty percent (50%) of the parking required by *Section 5.2.3 Non-Residential Parking Requirements* of this By-law. In no case shall less than one (1) *parking space* be provided for each *use* permitted in the *Core Commercial (CC) Zone*. In all cases, where a fraction of a *parking space* is required by this calculation, the next highest whole number shall be deemed to be the minimum parking requirement;
- b) Notwithstanding *Section 4.41.5 (a)* above, within the *Core Commercial (CC) Zone*, a 50% reduction in parking shall not be applied to:
 - (i) required *barrier-free parking spaces*;
 - (ii) residential *uses*; or
 - (iii) the residential component of mixed use *buildings*;
- c) Where in the *Commercial Core (CC) Zone*, there is a change in the *use* of a *premises* or portion thereof from one non-residential *use* to another non-residential *use*, additional parking shall only be required for *premises* that have a *gross floor area* greater than 250 m². Where a change in *use* occurs between a residential use and a non-residential use or vice versa, the minimum parking requirement of this By-law shall apply;

- d) Notwithstanding the off-site distance for parking permitted by Section 5.2.8 *Location of Required Parking, Loading and Delivery Spaces*, required *parking, loading and delivery spaces* for any commercial use permitted within the *Community Core (CC) Zone* may be located on another *lot* within 200 metres of the *lot* on which *parking, loading or delivery spaces* would be required for a *use*. In all other respects, the requirements of Section 5.2.8 continue to apply.
4. That Section 5.2.3 Non-Residential Parking Requirements of Comprehensive Zoning By-law 2006-50 be amended by adding the following parking standard to Table 5.2:

Type of Nature of Use	Minimum Off-Street Parking Requirements
<i>Studio</i>	1 <i>parking space</i> per 100 m ² of <i>net floor area</i> or portion thereof

5. That Section 5.2.9 *Cash-In-Lieu of Parking* of Comprehensive Zoning By-law 2006-50 be deleted in its entirety.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

Read three times and finally passed on ____ day of _____, 2022.

Allan Thompson, Mayor

Carey Herd, Clerk

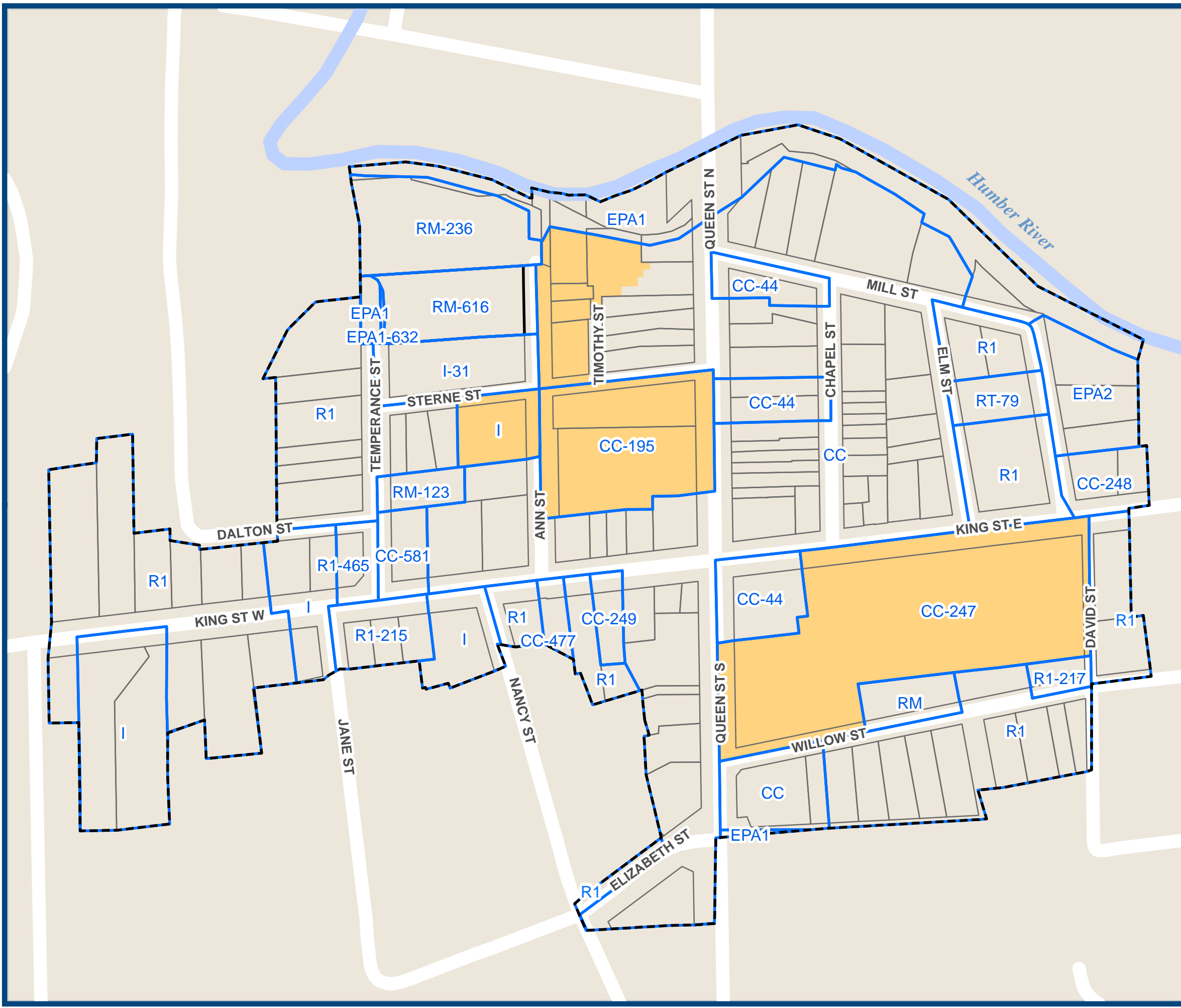
Schedule G

BOLTON CORE OVERLAY ZONE

- Boundary of Bolton Core and Business/Community Improvement Area
- Zoning
- Areas where Occasional Use is permitted






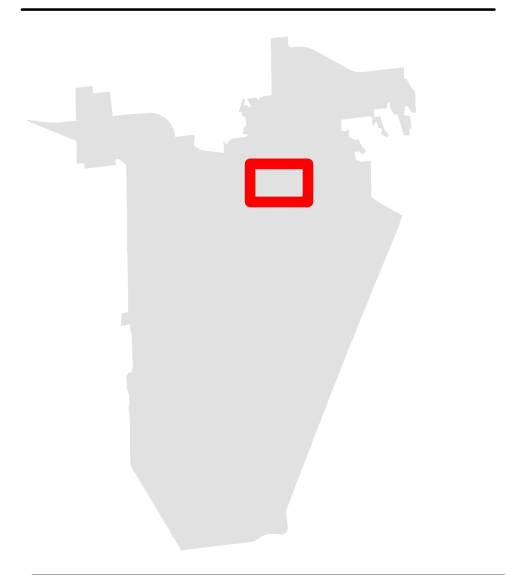
Base Data Source: Town of Caledon



APPENDIX B – OFF SITE PARKING RADIUS

Bolton Core Zone Aerial Map

-  150m Buffer from King and Queen Intersection
-  200m Buffer from King and Queen Intersection
-  Exempted Properties



Base Data Source: Town of Caledon



APPENDIX C – CASE STUDY SUMMARIES

OCCASIONAL USES

1. TERMINOLOGY

Municipality	Terminology & Definition
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	Occasional Use means a Use which occurs for a limited time period of not more than a total of 90 days per calendar year in accordance with the provisions of this By-law and consists of such uses as an Auction, bake sale, craft sale, plant and produce sale, Christmas tree sale, bingo, car wash, benefit dance, show, concert, festival and banquet and social gaming event;
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	Occasional use means a temporary use which occurs for a limited time period including an auction, bake sale, craft sale, plant and produce sale, a special event such as a charity event, social event, carnival, midway and garage sale.
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	Occasional Use means a use which only occurs for a maximum duration of four (4) consecutive weeks or a total of 28 days per year, as provided for in Section 5.20 of this By-Law and shall include only the following types of operations: auction sales, bake sales, blood donor clinics, craft sales, plant and produce sales, Christmas tree sales, bingo, car washes, benefit dances, shows, concerts, festivals, or banquets.
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	Occasional Use means the use of any lot or building which only occurs at limited and infrequent intervals.
Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021	Occasional Use means a use which occurs for a limited time period in accordance with the provisions of this by-law and includes an auction, bake sale, craft sale, charitable event, church gathering, garage sale, plant and produce sale, tree sale, bingo, car wash, benefit dance, show, concert, fair, festival and banquet and social gaming event, as well as the use of a temporary structure as defined herein.
City of Waterloo Comprehensive Zoning By-law 2018-050 Consolidated to March 2021	Occasional Use means an event within a City-owned facility or on City-owned land which is temporary in duration. Includes: <ul style="list-style-type: none"> • specialty sales and services • concerts • festivals • trade shows • fairs

Municipality	Terminology & Definition
	<ul style="list-style-type: none"> • auctions • recreational competitions <p>For the purposes of this definition, “temporary” shall mean established for an identified short period of time with the intent to discontinue upon the expiration of the time period.</p>
<p>Summary</p>	<ul style="list-style-type: none"> • Key elements of the definitions used in other municipalities include the temporary nature of the use or temporary use of the lot, building or structure; • Definitions in Guelph and Kingston currently include specific time limitations which are effectively regulations that have been embedded in the definition. The trend in both cities (see new Draft ZBLs) is to simplify the definition and remove those regulations from the definition. • Most definitions include examples of occasional uses. • The City of Waterloo is unique in that the definition stipulates that an occasional use may only occur on City-owned lands or within a City-owned facility. Definitions in Guelph, Kingston and Wellington Centre apply equally to private and municipally owned buildings and/or land.

OCCASIONAL USES

2. PERMITTED ZONES

Municipality	Zones/Permitted Uses
<p>City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020</p>	<p>C.1, NC, CC, RC, CR, D, SC, I.1, P.4 or P.5 Zones or any specialized Zone thereof:</p> <p>C.1 - Convenience Commercial (C.1) Zone NC - Neighbourhood Shopping Centre (NC) Zone CC - Community Shopping Centre (CC) Zone RC - Regional Shopping Centre (RC) Zone CR - Commercial Residential (CR) Zone D.1 - Downtown 1 (D.1) Zone D.2 - Downtown 2 (D.2) Zone D.3 - Downtown 3 (D.3) Zone D.3a - Downtown 3a (D.3a) Zone SC.1 - Service Commercial (SC.1) Zone SC.2 - Highway Commercial (SC.2) Zone I.1 - Educational, Spiritual, and Other Services (I.1) Zone P.4 - Regional Park (P.4) Zone P.5 - Commercial Recreation (P.5) Zone</p>
<p>City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021</p>	<p>Permitted in a mixture of commercial, mixed-use, downtown, open space and park zones:</p> <p>SC - Service Commercial (SC) Zone CMUC - Commercial Mixed-Use Centre (CMUC) Zone MUC - Mixed-Use Corridor (MUC) Zone NCC - Neighbourhood Commercial Centre (NCC) Zone D1 - Downtown One (D1) Zone D2 - Downtown Two (D2) Zone D3 - Downtown Three (D3) Zone D3a - Downtown Three (D3.a) Zone GC - Golf Course (GC) Zone US - Urban Square (US) Zone NP - Neighbourhood Park (NP) Zone CP - Community Park (CP) Zone RP - Regional Park (RP) Zone</p>
<p>City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020</p>	<p>Permitted in association with a primary use and type of occasional use more so than zones:</p> <ul style="list-style-type: none"> - auditorium or public hall in any zone - church or school in any zone - garage sales in any zone

Municipality	Zones/Permitted Uses
	<ul style="list-style-type: none"> - construction trailers (not specified where permitted – all zones?) - real estate sales office (not specified where permitted – all zones?) - sidewalk sales in the Central Business System (C1) Zone, Market Square Commercial (CMS) Zone, and Park (P) Zone
<p>City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021</p>	<p>Permitted in association with a primary use and type of occasional use more so than zones:</p> <ul style="list-style-type: none"> - auction sales, bake sales, craft sales, plant and produce sales, seasonal sales, bingo, blood donor clinics, carwashes, benefit dances, festivals, shows, concerts, banquets, or other similar special events are permitted as an occasional use in a place of worship, elementary school or secondary school in the Central Downtown One (DT1) Zone, Central Downtown Two (DT2) Zone, Heritage District Two Market Square (HCD2) Zone, Minor Open Space (OS1) Zone and Major Open Space (OS2) Zone - garage sale on any lot in any zone - trade shows and specific day retail sales are permitted as an occasional use in a recreation facility, place of worship, community centre, club, hotel or banquet hall in the Institutional Zones, the Hamlet Institutional (HI) Zone and on any lot where the identified primary uses are permitted - public market in a Commercial Zone, Institutional Zone or the Minor Open Space (OS1) Zone and Major Open Space (OS2) Zone, Heritage District Two Market Square (HCD2) Zone, Rural Commercial (RC), Hamlet Commercial (HC) zone, and Hamlet Institutional (HI) Zone
<p>Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021</p>	<p>Permitted in any zone</p>
<p>City of Waterloo Comprehensive Zoning By-law 2018-050 Consolidated to March 2021</p>	<p>Only on City-owned or City-leased land, buildings or structures.</p>
<p>Summary</p>	<ul style="list-style-type: none"> • Approach varies across municipalities in terms of the level of detail as to where occasional uses are permitted – Guelph identifies those zones in which an occasional use is permitted; Kingston is more prescriptive in terms of the type of primary use

Municipality	Zones/Permitted Uses
	and type of occasional use that is permitted and where; Wellington Centre simply permits an occasional use in all zones

OCCASIONAL USES

3. LOCATION

Municipality	Location
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	<ul style="list-style-type: none"> - within a commercial or institutional zone, an occasional use is permitted within an enclosed building unless noted otherwise - an outdoor sales and display area is permitted in association with an occasional use however, may not occupy a required parking space, driveway, parking aisle or loading space - a midway or carnival operation is permitted as an occasional use outdoors
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	<ul style="list-style-type: none"> - within a commercial, mixed-use or employment zone, an occasional use is permitted within an enclosed building unless noted otherwise - an outdoor sales and display area is permitted in association with an occasional use and may occupy a required parking space, driveway, parking aisle or loading space - a special event and associated temporary structures are permitted as an occasional use
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	All occasional uses identified and permitted within the ZBL are permitted outdoors.
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	The draft ZBL does not specify however, a public market may be located in a parking lot such that it temporarily prevents the use of a portion of the required or provided parking spaces, drive aisles or driveways of another use on the same lot, provided that the public market does not obstruct access to a fire route.
Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021	Does not specify.

Municipality	Location
City of Waterloo Comprehensive Zoning By-law 2018-050 Consolidated to March 2021	Only on City-owned or City-leased land, buildings or structures.
City of Ottawa Comprehensive Zoning By- law 2008-250 Consolidated September 2021	Despite Subsection (1), an outdoor commercial patio, seasonal garden centre or temporary special event accessory to a restaurant, retail store, retail food store, shopping centre or place of worship, or a farmer's market accessory or ancillary to any use, may be located such that it temporarily prevents the use of a portion of the required or provided parking spaces, aisles or driveways, provided that: <ul style="list-style-type: none"> (a) The majority of the parking spaces continue to be available in compliance with this by-law, (b) The fire route remains unobstructed at all times, and (c) For the purpose of this subsection, a temporary special event includes a seasonal or short-term fair, carnival, show, exhibit or other similar events.
Summary	<ul style="list-style-type: none"> • Existing ZBL's are very prescriptive about what uses are permitted outdoors however, the new draft ZBLs for both Guelph and Kingston are less detailed in terms of regulating this. • The zoning trend in the case study municipalities appears to be to permit occasional uses to temporarily occupy required parking spaces, aisles, and driveways provided fire routes are not blocked.

OCCASIONAL USES

4. DURATION

Municipality	Restrictions on Duration
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	<ul style="list-style-type: none"> - restricted to a time period of not more than a total of 90 days per calendar year - a maximum of 3 garage sales are permitted to be conducted on any given property in any 1 calendar year and each separate sale shall be limited to a maximum duration of 2 consecutive days
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	<ul style="list-style-type: none"> - restricted to a time period of not more than a total of 90 days per calendar year
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	<ul style="list-style-type: none"> - restricted to a maximum duration of four (4) consecutive weeks or a total of 28 days per year - garage sales shall be permitted on any property, with a maximum number of three (3) garage sales being conducted on any one property in any calendar year. A single garage sale may consist of a maximum of two (2) consecutive days
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	<ul style="list-style-type: none"> - Does not specify other than for garage sales: - garage sales are permitted on any lot as an occasional use, with a maximum number of two garage sales being conducted on any one lot in any calendar year. A single garage sale consists of a maximum of two consecutive days
Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021	<ul style="list-style-type: none"> - restricted to a maximum duration of 28 days in any single year - a maximum of 3 garage sales are permitted to be conducted on any given property in any 1 calendar year and each separate sale shall be limited to a maximum duration of 2 consecutive days
City of Waterloo Comprehensive Zoning By-law 2018-050 Consolidated to March 2021	<ul style="list-style-type: none"> - Does not specify

Municipality	Restrictions on Duration
<p>Summary</p>	<ul style="list-style-type: none"> • Of the case studies above, Kingston and Wellington Centre are the most restrictive limiting an occasional use to not more than 28 days whereas the Guelph ZBL provides for a 90 day maximum. However, it should be noted that the new draft ZBL for Kinston does not include a maximum duration for occasional uses. • All case study municipalities regulate the duration and frequency of garage sales. This may not be as much of an issue within the Bolton Core. See zoning requirements in Section 4.17 of the existing ZBL.

OCCASIONAL USES

5. MANAGING IMPACTS

Municipality	Impacts
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	- no occasional use shall be offensive to any area resident by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odour or pollution of any kind
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	- no occasional use shall be offensive by way of the emission of light, heat, including a noxious use or pollution of any kind
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	- any occasional use shall be located and designed to avoid interference with the normal use of the abutting streets or with internal on-site vehicle circulation and loading activities - any occasional use shall not be offensive to area residents by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odour or pollution of any kind
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	- Does not specify - Would still be subject to other municipal by-laws (ie. Noise By-law, Licencing By-law)
Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021	- no occasional use shall be offensive to any area resident by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odour or pollution of any kind
City of Waterloo Comprehensive Zoning By-law 2018-050 Consolidated to March 2021	- None
Summary	<ul style="list-style-type: none"> • Most municipalities include a zoning clause to regulate nuisance impacts. Many of these can be regulated through other nuisance by-laws under the Municipal Act or through the municipal

Municipality	Impacts
	licencing system. Regardless, it may be prudent to include such a clause given the integration of commercial and residential uses in the Bolton Core Area.

OUTDOOR PATIOS

1. PERMITTED ZONES

Municipality	Permitted Uses
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	- Permitted only in association with a restaurant or licenced establishment
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	- Permitted only in association with a restaurant or licenced establishment
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	- Permitted on private lands in the Central Business System (C1) Zone
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	- An outdoor patio is permitted only as an accessory use on a lot containing a permitted commercial or hospitality use
County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020	- An outdoor patio is permitted only where it is operated as part of a restaurant, microbrewery, bar or nightclub, or golf course
City of Burlington Zoning By-law 2020.422 November 2020	- Temporary Outdoor Patios are permitted in association with an existing approved restaurant located in non-residential zones
City of Toronto Comprehensive Zoning By-law 569-2013 Consolidated March 2021	- uses which permit accessory outdoor patios vary by zone however, an accessory outdoor patio for a restaurant, bar or café is generally permitted in all applicable mixed-use, commercial or employment zones which such primary eating establishment uses are permitted

Municipality	Permitted Uses
City of Vaughan Comprehensive Zoning By-law 001-2021 Council Adopted November 2021	<ul style="list-style-type: none"> - An outdoor patio shall only be permitted as an accessory use to a restaurant use and only where an outdoor patio is expressly permitted in the following zone categories: <ul style="list-style-type: none"> • Mixed-Use Zones (all mixed-use zones including all three Main Street Mixed-Use Zones) • Commercial Zones (all commercial zones except the Convenience Commercial (CC) Zone) • Vaughan Metropolitan Centre Zones (all zones)
City of London Comprehensive Zoning By-law Z.-1 Consolidated February 2022	<ul style="list-style-type: none"> - Permitted only as an accessory use to a restaurant
City of Ottawa Comprehensive Zoning By-law 2008-250 Consolidated September 2021	<ul style="list-style-type: none"> - An outdoor commercial patio is permitted in any zone other than a residential zone, where associated with a permitted use.
Summary	<ul style="list-style-type: none"> • Outdoor patios are permitted as an accessory use in all case study municipalities. Most municipalities permit accessory outdoor patios as of right only to a restaurant or eating establishment whereas other municipalities permitted accessory outdoor patios to a broader range of primary uses (Kingston, Toronto, Ottawa) • No municipality permitted outdoor patios in a residential zone. Most case study municipalities permitted outdoor patios in mixed-use, commercial or employment zones. Some municipalities were more prescriptive than others in specifically including an ‘outdoor patio’ as a use within the permitted use tables for specific zones.

OUTDOOR PATIOS

2. NATURE OF USE

Municipality	Nature of Use
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	- None
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	- None
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	- None
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	- None
County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020	- None
City of Burlington Zoning By-law 2020.422 November 2020	- Recreation and /or entertainment uses are not permitted on temporary outdoor patios
City of Toronto Comprehensive Zoning By-law 569-2013 Consolidated March 2021	- Amplified and acoustic sound are prohibited on patios located on private properties - An outdoor patio may not provide entertainment such as performances, music or dancing

Municipality	Nature of Use
City of Vaughan Comprehensive Zoning By-law 001-2021 Council Adopted November 2021	- None
City of London Comprehensive Zoning By-law Z.-1 Consolidated February 2022	- Zoning distinguishes between outdoor patios and ‘seasonal’ outdoor patios and contains zoning regulations for seasonal uses including to preclude season outdoor patios between November 16 th and March 14 th ; to require that all structures and appurtenances associated with a seasonal patio be removed between November 16 and March 14
City of Ottawa Comprehensive Zoning By-law 2008-250 Consolidated September 2021	- Prohibited in association with an adult entertainment parlour - Where an outdoor commercial patio is within 30 m of a residential zone, it is not permitted to be served by an amplified system, directly or indirectly, for music or entertainment purposes
Summary	<ul style="list-style-type: none"> • Some of the case study municipalities specifically address the nature of the use in that certain uses or activities are precluded from occurring on the outdoor patio such as recreation, entertainment uses, performances, dancing or music (amplified or acoustic) • Many of the uses and activities addressed above can be addressed in a more comprehensive way through other municipal by-laws such as a Noise By-law or through the conditions attached to the municipal licencing system.

OUTDOOR PATIOS

3. SIZE/CAPACITY

Municipality	Location
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	- The total number of persons permitted on all <i>Outdoor Patios</i> associated with the <i>Restaurant or Licensed Establishment</i> shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less.
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	- None
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	- No outdoor patio restaurant shall accommodate more than 50% of the licensed capacity of the restaurant or dining lounge in which the patio is associated.
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	- None
County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020	- None
City of Burlington Zoning By-law 2020.422 November 2020	- Notwithstanding the definition of <i>Outdoor Patios</i> , patio seating cannot exceed 100% of the capacity of the existing restaurant
City of Toronto Comprehensive Zoning By-law 569-2013 Consolidated March 2021	- The maximum size of an accessory outdoor patio is the greater of 50% of the interior GFA of the establishment up to a maximum of 50 m ² - in the case of a rooftop patio, the maximum size is the greater of 30% of the internal GFA of the establishment up to a maximum of 30 m ²

Municipality	Location
City of Vaughan Comprehensive Zoning By-law 001-2021 Council Adopted November 2021	- The total area of the outdoor patio shall not exceed 40% of the gross floor area of the principal use to which the outdoor patio is accessory.
City of London Comprehensive Zoning By-law Z.-1 Consolidated February 2022	- No outdoor patio shall accommodate more than 50 percent (50%) of the licenced capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.
City of Ottawa Comprehensive Zoning By-law 2008-250 Consolidated September 2021	- None
Summary	<ul style="list-style-type: none"> • Most of the case study municipalities identify a maximum size or capacity for an accessory outdoor patio. Generally this is for a percentage between 30 to 50 per cent of the GFA of the primary use.

OUTDOOR PATIOS

4. LOCATION

Municipality	Location
<p>City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020</p>	<ul style="list-style-type: none"> - No Outdoor Patio shall be permitted where more than 1 Lot Line adjoins lands which are in a Residential Zone. - Except in the Downtown (D.1) Zone, where only the Rear Lot Line adjoins a Residential Zone, an Outdoor Patio shall be permitted in the Front Yard or Exterior Side Yard provided it is a minimum of 3 metres away from the Street. - Except in the (D.1) Zone, where only the Side Lot Line adjoins a Residential Zone, an Outdoor Patio shall be permitted if it is located in the Side Yard or Exterior Side Yard which is not adjacent to a Residential Zone. - No Outdoor Patio shall be located above the first Storey floor elevation of the Main Building where the Outdoor Patio adjoins a residential Zone unless the Outdoor Patio is a distance of at least 30 metres or more away from the boundary of the Residential Zone. - Every Outdoor Patio shall be located a minimum of 3 metres away from any Loading Space, Parking Space, Parking Aisle or Driveway. - Where permitted, Outdoor Patios shall be permitted within the building envelope of the development on the site.
<p>City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021</p>	<ul style="list-style-type: none"> - No outdoor patio is permitted on a lot where more than one lot line adjoins lands which are in a residential zone. - Where the rear lot line adjoins a residential zone, an outdoor patio is permitted in the front yard or exterior side yard provided it is a minimum of 3 metres away from the street. - Where only the interior side lot line adjoins a residential zone, an outdoor patio is permitted if it is located in the interior side yard or exterior side yard which is not adjacent to a residential zone. - No outdoor patio shall be located above the first storey floor elevation of the main building where the outdoor patio adjoins a residential zone unless the outdoor patio is a distance of at least

Municipality	Location
	<p>30 metres or more away from the boundary of the residential zone.</p> <ul style="list-style-type: none"> - An outdoor patio shall be setback a minimum of 3 metres from any loading space, parking space, parking aisle or driveway. - Outdoor patios shall comply with the building setbacks in the zone.
<p>City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020</p>	<ul style="list-style-type: none"> - No outdoor patio restaurant shall be permitted where more than one lot line adjoins lands which are in a residential zone - Where only the rear lot line adjoins a residential zone, an outdoor patio restaurant shall only be permitted in the front yard provided it is a minimum of 3 metres (10 feet) from the street line. In addition, where the side lot line adjoins a residential use, an outdoor patio restaurant shall only be permitted if it is located in the opposite side yard which is not adjacent to a residential zone - An outdoor patio restaurant shall be located a minimum of 3 metres (10 feet) from any loading area, parking spaces, internal road or driveway located on the lot.
<p>City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021</p>	<ul style="list-style-type: none"> - Where the lot has a lot line that is adjacent to a lot in an Urban Residential Zone, HCD1 Zone or HCD3 Zone: <ul style="list-style-type: none"> (a) A minimum separation distance of 3.0 metres is required between an outdoor patio and such lot line - Outdoor patios are permitted to occupy required parking spaces on a lot in Parking Area 1 or Parking Area 2, excluding accessible spaces, car-share spaces or visitor spaces
<p>County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020</p>	<ul style="list-style-type: none"> - Any outdoor patio shall be established in accordance with the following criteria: <ul style="list-style-type: none"> • an outdoor patio is prohibited in a required yard abutting a Residential Zone; • where a Residential Zone is located on the opposite side of the street, an outdoor patio may only be established if it is located a minimum of 20 metres from the boundary of such zone - Notwithstanding any required yard setbacks contained in the applicable zone, an outdoor patio may project to within 1.2

Municipality	Location
	<p>metres of the lot line provided that the criteria set out in Section 4.45 [General Provision regulations for outdoor patios] are complied with</p> <ul style="list-style-type: none"> - An outdoor patio may be permitted to encroach on a public road allowance only where it will not interfere with pedestrian or vehicular traffic and only where a formal approval has been obtained from the County.
<p>City of Burlington Zoning By-law 2020.422 November 2020</p>	<ul style="list-style-type: none"> - A temporary Outdoor Patio may be located within a required parking area or space, or on an existing internal walkway, sidewalk or other hard surfaced area - Proposed temporary Outdoor Patio or temporary Outdoor Patio expansion must be adjacent to the existing restaurant - The provision of accessible parking and associated walkways shall be maintained at all times - Temporary Outdoor Patios are not permitted in a required landscape area or landscape buffer - Terrace Patios are not permitted on lands abutting a residential or DRL zone. - Not permitted within 45 m of a residential or DRM zone. - Sidewalk Patios are only permitted on Brant Street, Elgin Street, Pine Street, John Street, Elizabeth Street south of James Street, Pearl Street south of James Street, Locust Street south of Ontario Street, James Street between Brant Street and Pearl Street, Lakeshore Road, and Old Lakeshore Road
<p>City of Toronto Comprehensive Zoning By-law 569-2013 Consolidated March 2021</p>	<ul style="list-style-type: none"> - An outdoor patio must be at least 30 metres from all properties in a residential zone. If the patio is located above the first storey, the required minimum distance setback is 40 metres. - The outdoor patio must otherwise comply with the requirements of the zone in which it is located - An outdoor patio may occupy required parking spaces provided such spaces are not required for a residential use or are accessible parking spaces. The adjacent driving aisle between parking spaces may also be occupied provided it does not block access to other parking spaces.

Municipality	Location
City of Vaughan Comprehensive Zoning By-law 001-2021 Council Adopted November 2021	<ul style="list-style-type: none"> - An outdoor patio shall be provided in accordance with the required setbacks for the principal building as indicated in the zone, except in accordance with the permitted encroachments of this By-law. - An outdoor patio located at grade and with direct access from the first storey of a building shall be located a minimum distance of 30.0 m from any lot line abutting a Residential Zone, Open Space Zone or Institutional Zone. - An outdoor patio located above the first storey of a building shall be located a minimum distance of 40.0 m from any lot line abutting a Residential Zone, Open Space Zone or Institutional Zone. For the purpose of this provision, the minimum distance shall be measured horizontally from the nearest part of the outdoor patio to the nearest lot line abutting a Residential Zone, Open Space Zone, or Institutional Zone.
City of London Comprehensive Zoning By-law Z.-1 Consolidated February 2022	<ul style="list-style-type: none"> - No outdoor patio shall be permitted where any lot line adjoins lands which are in a residential zone class which is not in combination with another zone, or is separate therefrom by a lane. - Notwithstanding the provisions of Paragraph (a), where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard. - No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.
City of Ottawa Comprehensive Zoning By-law 2008-250 Consolidated September 2021	<ul style="list-style-type: none"> - An outdoor commercial patio may occupy a required parking space but may not encroach upon or eliminate an accessible parking space - No portion of an outdoor commercial patio may be located at an elevation higher than two metres above ground level in the [.....] Zones
Summary	A review of the case studies indicates that zoning provisions regulating the location of outdoor patios on a lot generally address the standards applicable to the siting of the use on the lot as well as setbacks from

Municipality	Location
	<p>Residential Zones, adjacent streets, and parking and loading facilities on the lot. The zoning standards will provide the broad regulatory framework for outdoor patios and will work in conjunction with the municipal licencing system provided for under the Municipal Act. A number of options for regulating the location of outdoor patios are provided below. These options will need to be discussed with staff to give direction to the recommended zoning approach moving forward.</p> <p>1) Applicable Zone Setbacks – Options:</p> <p>Apply standards of the zone in which the outdoor patio is located: <i>“An outdoor patio shall be subject to the requirements of the zone in which it is located.”</i></p> <p>Permit an encroachment into the required yard: <i>“Notwithstanding any required yard setbacks contained in the applicable zone, an outdoor patio may project to within 1.2 metres of the lot line providing that the outdoor patio complies with all other applicable zoning requirements.”</i></p> <p>2) Setbacks from Residential Zones - Options</p> <p>All case studies included zoning provisions to provide for setbacks from Residential Zones. The common approaches are provided below. Further discussion with staff is required to consider the applicability of such an approach to the Bolton context. Possible zoning regulations include the following:</p> <p><i>“Outdoor patios not permitted on a lot where more than 1 lot line abuts a Residential Zone.”</i></p> <p><i>“Outdoor patios not permitted in any yard that abuts a Residential Zone.”</i></p> <p><i>“Where only the rear lot line abuts a Residential Zone, an outdoor patio shall be permitted in the front yard or exterior side yard.”</i></p> <p><i>“An outdoor patio must be a minimum 30 metres from an adjacent Residential Zone boundary. If the patio is located above the first storey, the required minimum distance setback is 40 metres. Notwithstanding, where a Residential Zone is located on the opposite side of the street, an outdoor patio is</i></p>

Municipality	Location
	<p><i>only permitted if it is located a minimum of 20 metres from the Residential Zone boundary.”</i></p> <p>3) Setbacks from Street - Options</p> <p>Require a minimum setback from the public road allowance: <i>“An outdoor patio shall be setback a minimum of 3.0 metres from the adjacent public road allowance.”</i></p> <p>Permit outdoor patios to encroach into the public road allowance: <i>“An outdoor patio may be permitted to encroach on a public road allowance only where it will not interfere with pedestrian or vehicular traffic and only where a formal approval has been obtained from the applicable authority having jurisdiction of such public road allowance.”</i></p> <p>4) Setbacks from Parking and Loading - Options</p> <p>Prohibit an outdoor patio from occupying a required parking space: <i>“An Outdoor Patio may not occupy a required parking or loading space.”</i></p> <p>Prohibit an outdoor patio from occupying a required parking space and require a minimum setback from required parking spaces: <i>“An outdoor patio may not occupy and required parking or loading space and shall be located a minimum of 3 metres away from any such parking space, loading space, parking aisle or driveway.”</i></p> <p>Permit an outdoor parking space to occupy a required parking space: <i>“An outdoor commercial patio may occupy a required parking space but may not encroach upon or eliminate a barrier-free parking space or parking spaces required for a residential use.”</i></p> <p>5) Other Locational Requirements - Options</p> <p>There were some other locational considerations that were addressed in some of the case study municipalities. These include:</p>

Municipality	Location
	<ul style="list-style-type: none"> - require the accessory outdoor patio to be adjacent to the primary use on the lot; - preclude outdoor patios from locating in a required landscape area or landscape buffer; - preclude outdoor patios from locating in a sight triangle; - identify and map specific street-front locations or “patio sidewalk zones” where outdoor patios would be permitted in the front yard.

OUTDOOR PATIOS

5. BUILT FORM

Municipality	Built Form
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	<ul style="list-style-type: none"> - If any part of the Outdoor Patio is covered above by a permanent or temporary material of any kind, the covered Outdoor Patio or the portion thereof so covered above shall not be enclosed by any material by more than 50%. This percentage includes the adjacent building walls. - Every Outdoor Patio shall be defined by a wall or Fence with a minimum height of 0.8 metres above the patio floor
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	<ul style="list-style-type: none"> - Every outdoor patio shall be enclosed by a wall or fence with a minimum height of 0.8 metres above the patio floor.
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	<ul style="list-style-type: none"> - Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets - An outdoor patio restaurant shall be defined by a wall or fence with a minimum height of 0.8 metres (3 feet) above the patio floor
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	<ul style="list-style-type: none"> - Where the lot has a lot line that is adjacent to a lot in an Urban Residential Zone, HCD1 Zone or HCD3 Zone: <ul style="list-style-type: none"> (b) A continuous, solid privacy fence with a minimum height of 1.8 metres must be provided along the portion of such lot line adjacent to the outdoor patio
County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020	<ul style="list-style-type: none"> - the elevation of an outdoor patio must not exceed 2.0 metres above ground level and shall not be covered by a permanent structure
City of Burlington Zoning By-law 2020.422 November 2020	<ul style="list-style-type: none"> - Tents of up to 60m² are permitted on temporary outdoor patios - Tents greater than 60m² may be permitted on temporary outdoor patios, in accordance with the Ontario Building Code

Municipality	Built Form
	- Tents within 3m of a building/structure are not permitted
City of Toronto Comprehensive Zoning By-law 569-2013 Consolidated March 2021	- An outdoor patio in the rear yard of a lot which abuts a lot in the Residential Zone category or Residential Apartment Zone category must have a fence installed along the portion of the outdoor patio parallel to the rear lot line
City of Vaughan Comprehensive Zoning By-law 001-2021 Council Adopted November 2021	- None
City of London Comprehensive Zoning By-law Z.-1 Consolidated February 2022	- Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets
City of Ottawa Comprehensive Zoning By-law 2008-250 Consolidated September 2021	- None
Summary	<ul style="list-style-type: none"> • Various of the case study municipalities addressed matters of built form through the zoning provisions applicable to outdoor patios. Generally, these zoning provisions addressed a requirement to delineate the boundary of the patio through fencing, outdoor lighting and the establishment of temporary structures such as tents in conjunction with the outdoor patio.

OUTDOOR PATIOS

6. PARKING

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Municipality	Parking
City of Guelph Comprehensive Zoning Bylaw (1995) – 14864 Consolidated to December 2020	- By-law silent
City of Guelph New Draft Comprehensive Zoning By-law First Draft November 2021	- By-law silent
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	- Parking spaces shall be required for the gross floor area associated with the outdoor patio restaurant at fifty (50) per cent of the ratio for restaurants - No additional loading space shall be required for an outdoor patio restaurant
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	- No additional loading spaces or parking space are required for an outdoor patio - By-law silent in regards to parking required for outdoor patio
County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020	- Additional parking spaces are required for any temporary outdoor patio on private property that is operated on a seasonal basis from May 1st to October 31st in any given calendar year. Parking requirements for a temporary outdoor patio is a reduction of up to 50% of the total parking required

Municipality	Parking
City of Burlington Zoning By-law 2020.422 November 2020	- No additional parking required for outdoor patio
City of Toronto Comprehensive Zoning By-law 569-2013 Consolidated March 2021	- By-law silent
City of Vaughan Comprehensive Zoning By-law 001-2021 Council Adopted November 2021	<p>- Parking required for an outdoor patio:</p> <ul style="list-style-type: none"> • In the LMU, KMS, MMS AND WMS (Main Street Mixed Use Zones) – a maximum of 10 spaces per 100 m² of GFA (or 1 space per 10 m² GFA) (no minimum parking requirement) • In the MMU, HMU, CMU, GMU, and EMU (Mixed Use Zones) – a maximum of 6 spaces per 100 m² of GFA (no minimum parking requirement) • In the VMC – a maximum of 2.5 spaces per 100 m² (no minimum parking requirement)
City of London Comprehensive Zoning By-law Z.-1 Consolidated February 2022	<p>- Parking spaces shall be required for the gross floor area associated with the outdoor patio at the same ratio as for restaurants. There is no parking requirement for those outdoor patios associated with an adjacent restaurant zoned Downtown Area (DA).</p> <p>- No loading space shall be required for an outdoor patio restaurant</p>
City of Ottawa Comprehensive Zoning By-law 2008-250 Consolidated September 2021	- No additional parking is required for an outdoor commercial patio
Summary	<ul style="list-style-type: none"> • Many of the case study municipalities do not require additional parking for an outdoor patio while others do require parking or provide for a reduced parking rate for outdoor patios

PARKING

1. REDUCED PARKING REQUIREMENTS IN THE CORE

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Municipality	Reduced Parking Requirements
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	<p>Parking Exemption in Downtown Core – Parking Not Required</p> <ul style="list-style-type: none"> - There shall be no parking requirements for an Education Centre or Facility or for commercial uses permitted in the “Central Business System (C1)” Zone or in the “Market Square Commercial (CMS)” Zone. - For heritage buildings, no parking spaces, visitor spaces or car-share spaces are required. Where parking spaces are provided, accessible spaces must be provided based on the ratio required by Clause 7.1.1. before other parking spaces are permitted to be provided.
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	<p>Adjusted Parking Rates Allocated to ‘Parking Areas’</p> <ul style="list-style-type: none"> - The new Draft ZBL divides the City into 4 different parking areas. Parking rates based on use vary across the different parking areas.
Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021	<p>Parking in Downtown Core – Reduced Percentage (50%)</p> <ul style="list-style-type: none"> - When calculating the parking requirement for development within any Central Business District Commercial (C1) Zone, the parking requirement shall be 0.5 times the number of parking spaces determined by Table 5A.
County of Haldimand Comprehensive Zoning By-law HC 1–2020	<p>Parking in Downtown Core – Existing Uses (2009) Parking Grandfathered</p>

Municipality	Reduced Parking Requirements
Approved November 2020	<ul style="list-style-type: none"> - For any permitted use, within the Downtown Commercial zone, located in all or part of a building existing prior to June 1, 2009; no additional parking spaces are required provided that the number of parking spaces which existed on June 1, 2009 shall continue to be provided and maintained. Where a proposed addition, alteration or expansion of an existing building results in an increase in gross leasable floor area, this subsection shall not apply.
City of Hamilton Comprehensive Zoning By-law 05-200 Consolidated October 2021	<p>Parking Schedule for Downtown Zones – Exemptions and Prescribed Parking By Use</p> <ul style="list-style-type: none"> - No parking shall be required unless specifically listed in the subsection below. <ul style="list-style-type: none"> a) Commercial School - 1 space for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use. b) Financial Establishment - 1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use. c) Hotel - 0.6 per guest room. d) Conference or Convention Centre - 1 for each 100 square metres of gross floor area in excess of 450 square metres, which accommodates such use. e) Medical Clinic - 1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use. f) Office - 1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use. g) Veterinary Service - 1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use. - Notwithstanding Section 5.6 a) above, for any permitted use, except a Medical Clinic, within any Downtown Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of

Municipality	Reduced Parking Requirements
	<p>parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 5.6 a) above, shall only apply to the increased gross floor area.</p>
<p>City of Orillia Comprehensive Zoning By-law 2014-44 Consolidated July 2021</p>	<p>Parking Exemption in Downtown Core – Parking Not Required</p> <ul style="list-style-type: none"> - Non-residential development in the Main Street Commercial (C1) Zone shall be exempt from any minimum parking requirement; <p>Parking in Downtown Area Overlay Zone – Reduced Percentage (50%)</p> <ul style="list-style-type: none"> - A reduction of 50% shall apply in the Downtown Area Overlay Zone as shown on Schedule C. [Downtown Area Overlay Zone far broader geographic area incorporating various zone categories – applies to non-residential AND residential properties]
<p>County of Brant Comprehensive Zoning By-law 61-16 Consolidated August 2021</p>	<p>Parking Exception to Downtown Core – Parking Not Required</p> <ul style="list-style-type: none"> - <i>No parking spaces or loading spaces shall be required for any building or structure or use located within a Core Area Commercial (C4) Zone on Grand River Street North between the Nith River and Charlotte Street in Paris, or on Main Street South between Beverly Street East and the northern portion of Victor Boulevard in St. George, or on King Street between Alexander Street and Park Avenue in Burford, or on Simcoe Street or Elgin Street in Scotland, or on Oakland Street in Oakland.</i>
<p>Town of Newmarket Comprehensive Zoning By-law 2010-40 Consolidated September 2021</p>	<p>Parking in Downtown (UC-D1) Zone – Parking Minimums May Not Be Exceeded + Application of Site Plan</p> <ul style="list-style-type: none"> - the parking requirements for non-residential uses for the UC-D1 Zone shall be in accordance with the following: <ul style="list-style-type: none"> i) the required parking spaces shall not exceed the minimum requirements; ii) notwithstanding Sections 4.14.1, 5.4 and 5.5 of this By-Law, parking areas, parking lots, approaches, driveways, entrances, exits, buffer areas, and loading areas do not apply and shall be established in accordance with an approved site plan

Municipality	Reduced Parking Requirements
<p>Township of Woolwich Comprehensive Zoning By-law 55-86 Consolidated July 2020</p>	<p>Parking in Downtown Core – Reduced Percentage (50%)</p> <ul style="list-style-type: none"> - Notwithstanding any other provisions of this By-law, off-street parking shall be provided equal to fifty per cent (50%) of the requirements for each specific use as set out in sub-section 6.13 of this By-law entitled “Off-Street Parking Requirements”. - In no case shall less than one (1) space be provided for each permitted use. In all cases where a fraction of a parking space is required by this calculation, the next highest whole number shall be deemed to be the minimum requirement.

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	<p>for the <i>parking space</i> deficiency and entering into a cash-in-lieu agreement. However, presently Council has suspended the cash-in-lieu process as it would apply to Bolton.</p>
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PARKING

2. OFF-SITE PARKING REQUIREMENTS

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Municipality	Off Site Requirements
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	<ul style="list-style-type: none"> - Parking not required for commercial uses in the Central Business System (C1) and Market Square Commercial (CMS) Zones - Parking for residential units that is not located on the same lot may be located on a lot not more than 60.0 metres (196 feet) from the lot upon which the main building is situated, but shall not occupy any front yard space. Parking shall only be permitted in such instances where an agreement is registered on title.
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	<ul style="list-style-type: none"> - Required parking spaces may be provided on a different lot than the use requiring the parking spaces in the following circumstances: <ol style="list-style-type: none"> 1. For non-residential uses, off-site parking spaces must be provided within 150.0 metres of the lot; and 2. Where a building that exists as of the date of passing of this By-law is converted and results in an increase in the number of dwelling units, off-site parking spaces must be provided within 60.0 metres of the lot.
Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021	<ul style="list-style-type: none"> - The required parking spaces for any use within the C1 zone may be located on another lot within 300 metres (984.3 ft) of the lot on which parking would be required for a use, provided such lot is held in the same ownership as the lot for which off-street parking is required and such lot is also in a Central Business District.

Municipality	Off Site Requirements
<p>County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020</p>	<p>- With the exception of Commercial and Institutional Zones and Zones permitting multi-residential development, all required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street, lane, or driveway. Within Commercial and Institutional Zones and Zones permitting multi-residential development, the required parking spaces may be supplied within 120 metres of the main pedestrian access of the building, structure or use for which the parking spaces are required, provided that the required parking spaces cannot be appropriately located on the site and a Site Plan Agreement is registered on the title of the lands used for parking committing said parking spaces to the related commercial, institutional or multi-residential site.</p>
<p>City of Hamilton Comprehensive Zoning By-law 05-200 Consolidated October 2021</p>	<p>- ii) Notwithstanding Subsection 5.1 a) i), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided:</p> <p>a) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted;</p> <p>b) Such off-site parking shall be subject to Subsection 5.1 a) iii);</p> <p>iii) Where the required parking is provided in accordance with Subsection ii) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.</p> <p>iv) Parking as provided for in Subsection iii) may be transferred to another lot in accordance with Subsection ii), provided that an agreement as required by Subsection iii) is registered on title of said other lot.</p>
<p>City of Orillia Comprehensive Zoning By-law 2014-44 Consolidated July 2021</p>	<p>- No parking requirement in the downtown so no need to allow off-site parking.</p>

Municipality	Off Site Requirements
<p>County of Brant Comprehensive Zoning By-law 61-16 Consolidated August 2021</p>	<p>- Notwithstanding Clause (a) above, where the provision of off-street parking on the same lot as the use requiring such off-street parking is not possible, such off-street parking facilities may be located on another lot within 400 metres of the lot containing the use requiring the parking. Such alternate parking shall only be situated in a Core Area (C4) Zone, Mixed Use (C5) Zone or any Employment Zone provided a Site Plan Agreement is registered on title of the lot used for parking committing said parking spaces to the related use.</p>
<p>Town of Newmarket Comprehensive Zoning By-law 2010-40 Consolidated September 2021</p>	<p>- Where required, parking lots shall be located in accordance with the following requirements:</p> <p>Downtown, Urban Centre and Commercial Zones(*1) Parking spaces may be provided on another lot within a different Urban Centre or Commercial Zone but not more than 150 metres from the lot line of the use it is intended to serve. (*1) Excluding Elementary and Secondary School Uses</p>
<p>Township of Woolwich Comprehensive Zoning By-law 55-86 Consolidated July 2020</p>	<p>- Where in a Zone C-1 the provision of off-street parking on the same lot as the use, building or structure requiring such off-street parking as located is impossible (or impractical), such off-street parking facilities maybe located on another lot within Zone C-1 or Zone C-2. Where off-street parking is provided on a lot other than the lot containing the building or use for which the parking is required, the owner of the lot upon which the parking is located shall, at his own expense, cause to be registered in the Registry Office an undertaking from the owner to the Township of Woolwich against the title of the property to guarantee that the land required for parking by this By-law shall continue to be so used only for this purpose until such time as the Township shall relieve the owner of said undertaking, at which time the owner shall have provided alternate parking space in conformity with the regulations contained in this By-law.</p>
<p>Summary</p>	<ul style="list-style-type: none"> • Caledon’s existing Comprehensive Zoning By-law provides for off-site parking to be provided within 150 metres of the use for which it is required subject to an Off Site Parking, Loading, and/or Delivery Agreement with the Town. • Similarly, all case study municipalities provide for off-site parking however the maximum permitted distance of that off-site parking from the use for which it is required varies. A

Municipality	Off Site Requirements
	number of the case study municipalities require that the off-site parking be registered on title for the lot upon which the parking is located.

PARKING

3. CHANGE IN USE

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Municipality	Change in Use Requirements
City of Kingston Downtown and Harbour Zoning By-law 96-259 Consolidated to December 2020	<ul style="list-style-type: none"> - Where a building or structure has insufficient parking spaces on the date of passing of this By-Law to comply to the requirements of this By-Law, this by-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions respecting parking spaces and areas. <p>However,</p> <ul style="list-style-type: none"> - There shall be no parking requirements for an Education Centre or Facility or for commercial uses permitted in the “Central Business System (C1)” Zone or in the “Market Square Commercial (CMS)” Zone
City of Kingston New Draft Comprehensive Zoning By-law Second Draft August 2021	<ul style="list-style-type: none"> - When a lot or building has insufficient parking on the date of passing of this By-law to conform to the provisions herein, this By-law is not interpreted to require that the deficiency be made up prior to the construction of any addition. However, an addition or change of use which has the effect of requiring additional parking spaces is not permitted unless the total number of required parking spaces is provided.

Municipality	Change in Use Requirements
<p>Wellington Centre Comprehensive Zoning By-law 2009-045 Consolidated to February 2021</p>	<ul style="list-style-type: none"> - The parking and loading space requirements of this By-law shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased and the use of the building or structure remains the same as on the date of passing, or if a change of use is to a use that requires the same or fewer parking spaces. - If an addition is made to the building that increases the floor area, additional parking and loading spaces shall be provided for the additional floor area as required by the regulations of this By-law.
<p>County of Haldimand Comprehensive Zoning By-law HC 1–2020 Approved November 2020</p>	<ul style="list-style-type: none"> - Within the Downtown Commercial zone, any required parking resulting from new development or construction on the said land shall be granted a reduction of up to a maximum of twenty percent of the total parking requirements under Section 5.1 (Minimum Number of Required Parking Spaces).
<p>City of Hamilton Comprehensive Zoning By- law 05-200 Consolidated October 2021</p>	<ul style="list-style-type: none"> - For any permitted use, except a Medical Clinic, within any Downtown Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 5.6 a) above, shall only apply to the increased gross floor area. - Where an addition or expansion of an existing building is proposed, the parking requirements of Section 5.6 a) above, shall only apply to the increased gross floor area.
<p>City of Orillia Comprehensive Zoning By- law 2014-44 Consolidated July 2021</p>	<ul style="list-style-type: none"> - If the use of a building changes, the net increase in the number of parking or loading spaces required shall be provided in addition to the existing supply of parking or loading spaces. This provision shall not apply within the Main Street Commercial (C1) Zone.
<p>County of Brant Comprehensive Zoning By-law 61-16 Consolidated August 2021</p>	<ul style="list-style-type: none"> - Additional parking spaces or loading spaces shall be provided in accordance with the provisions of this By-Law for all uses on a lot in the following circumstances: <ul style="list-style-type: none"> a.) Where any addition to an existing building or structure or additional gross floor area is added to a legal non-conforming building or structure.

Municipality	Change in Use Requirements
	<p>b.) Where a change in use occurs that has the effect of requiring the additional parking spaces or loading spaces</p>
<p>Town of Newmarket Comprehensive Zoning By-law 2010-40 Consolidated September 2021</p>	<ul style="list-style-type: none"> - Parking requirements for dwelling units not in existence on the date of approval of the By-Law shall be provided in accordance with Section 5.3.1 of this By-Law, however existing on-site parking currently used for commercial purposes may be used for new dwelling units and the reduction of parking for commercial purposes may be taken as cash-in- lieu of parking - the parking requirements for non-residential uses for the UC-D1 Zone shall be in accordance with the following: <ul style="list-style-type: none"> iii) a change from one permitted use to another within the confines of any existing building, need not provide additional parking. Any increase in floor space through additions or expansion into space not presently used for commercial purposes shall provide additional parking at the rate of 1 parking space per 31 m2 of gross floor area or cash-in-lieu of parking
<p>Township of Woolwich Comprehensive Zoning By-law 55-86 Consolidated July 2020</p>	<ul style="list-style-type: none"> - An existing parking area developed for an existing commercial building on a property within the C-1 zone shall be sufficient to satisfy the parking requirements for one or more uses permitted within the C-1 zone that may establish and/or convert (i.e. change of use) within the existing commercial building. For the purpose of this section, an existing parking area and an existing commercial building shall mean the parking area and commercial floor space that was developed on the C-1 zoned property prior to June 23, 2020. Any expansion or additions to the existing commercial building shall comply to the parking requirements contained in Section 6.13.4 and 16.3.5 of this By-law.
<p>Summary</p>	<ul style="list-style-type: none"> • Caledon’s existing Zoning By-law doesn’t specifically address parking requirements based on a change in use as opposed to an addition to a building that increases floor area. • Most case study municipalities require additional parking in accordance with the applicable parking rates for a change in use however, some municipalities specified that the additional parking required would only be calculated based on the added GFA and not the cumulative total. Other municipalities provided an exemption from additional parking if the change of use is within the confines of an existing building.