



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Brandon Kortleve, Planner
Date: November 2, 2021
Subject: RPT-21-248 - County Initiated Zoning By-Law Amendment Application
ZBA27-21-BK (Zoning Housekeeping)
Purpose: For Approval

Recommendation

That Staff Report RPT-21-248 – County-Initiated Zoning By-law Amendment Application ZBA 27-21-BK (Zoning Housekeeping) be received as information;

And that any comments / submissions regarding this application be referred to staff for review.

Strategic Priority

- 6. Sustainable and Managed Growth
- 5. Healthy, Safe, and Engaged Citizens
- 2. Effective Communications

Financial Considerations

None.

Background

Section 34 of *The Planning Act* provides municipalities the power to adopt a Comprehensive Zoning By-Law as well as subsequent amendments to the document. As part of County-initiated application ZBA2-21-BK to amend the County of Brant Comprehensive Zoning By-Law, staff will prepare the proposed technical amendments to Comprehensive Zoning By-Law 61-16, as outlined in this report and its attachments.

Report

This application will be the seventh housekeeping amendment made to the County's Comprehensive Zoning By-Law ("CZBL") since its original approval. Proposed changes have been included as Attachment 1 to this report, showing the existing zoning requirements compared with how the proposed changes would appear in the CZBL.

With respect to specific topics-of-interest that may require more comprehensive discussions and research, including additional residential units (Item 2.15, ATT 1) and shipping containers (Item 2.17, ATT 1), staff have also included further information specific to these topics.

As the draft version of the New Official Plan has been endorsed by Council, it is expected that the full review process of the CZBL will begin in Q1 of 2022 with background research for this upcoming project having already begun. The amendments proposed by this housekeeping file are expected to be the final technical amendments to the existing CZBL. This will allow staff time to begin the full review of the current CZBL for future implementation of the County's New Official Plan (A Simply Grand Plan, 2022) next year.

Additional Residential Units (Item 2.15)

Residents in rural areas who wish to make use of the County's Additional Residential Unit (ARU) policies have indicated barriers to implementation as they relate to the placement of an ARU on large rural properties. There is a current zoning standard that limits the placement of an ARU to within a radius of 40.0m (131.21 ft) of the primary dwelling, providing limited flexibility for some properties.

This 40.0m distance was primarily implemented for the following reasons:

1. To cluster buildings in rural areas, protecting agricultural land from fragmented residential development,
2. To encourage the use of the existing well and septic, reducing the need for more development area, and
3. To prevent the possibility of moving forward with a severance of an ARU in rural areas where 40.0m is the required minimum frontage for a new lot in the Rural Residential zone (The intention of an ARU is to remain secondary to a principal dwelling).

Recent inquiry and permit trends indicate that new septic systems are being constructed for ARUs regardless of the distance from the principal dwelling. Engagement has also indicated that applicants wish for more flexibility when it comes to the location of an ARU on large properties in both agricultural and hamlet areas of our countryside.

Staff are proposing to amend the requirements of the CZBL to better address the intent and flexibility of the policies of the Official Plan and remain responsive to the needs of the community. It is proposed that the CZBL consider differentiating in the approach to properties within the County's rural settlement areas (on private servicing) and to properties outside of these hamlets and villages.

Consideration is being given to supplementing the 40.0m separation maximum with additional permission for the placement of the ARU within a cluster of existing buildings. As shown in Figure 1 of this report, properties would be afforded this additional option if a cluster of buildings exists, adding to the placement opportunities of the ARU. This would provide more flexibility, understanding that there may be areas already impacted by the development and use of the property, but will continue to prevent fragmented residential uses in agricultural areas.

Additional requirements being considered include confining the overall ARU development area to a 450 square metres footprint size (4843.76 square feet, or the size of a lot in the R2 zone) and requiring the application to utilize the same entrance to the property as the primary dwelling.

It has also been noted that many large rural properties contain important natural features that need to be more appropriately addressed. Additional requirements are proposed to ensure that the placement of an ARU does not negatively impact the natural heritage system of the County of Brant and that the placement of the ARU is in a safe and accessible area.

These proposed changes are reflected in Item 2.15 of Attachment 1 and intend to better implement the intent of the ARU policies

Shipping Containers (Item 2.17)

A recent uptake in the use of shipping container structures for both private and commercial use in the County of Brant has resulted in an increase in inquiries and complaints in recent years.

The County's current regulatory approach (as well as the regulatory approach in several other municipalities) has been summarized and included as Attachment 2 to this report. Broadly speaking, shipping container structures are heavily restricted by current zoning requirements in the County. This has created some implementation and enforcement barriers for staff and the public as confusion exists around current permissions and restrictions.

There has also been a noted desire by some residents and businesses to reconsider the regulatory approach to shipping containers. Through the forthcoming housekeeping amendments, staff may suggest an update to incorporate the desires of property owners and businesses to permit these container structures as an alternative option to standard construction. Staff have included four preliminary (4) amendment options, summarized in Table 1 below. The proposed amendments for each option, if pursued, have also been included in the comparison chart in Attachment 1 to this report.

Staff are proposing public engagement and education on requirements related to the placement of a shipping container on properties within the County of Brant as well as providing an opportunity for public consultation to consider amending the regulatory framework in a way that meets the needs of the community.

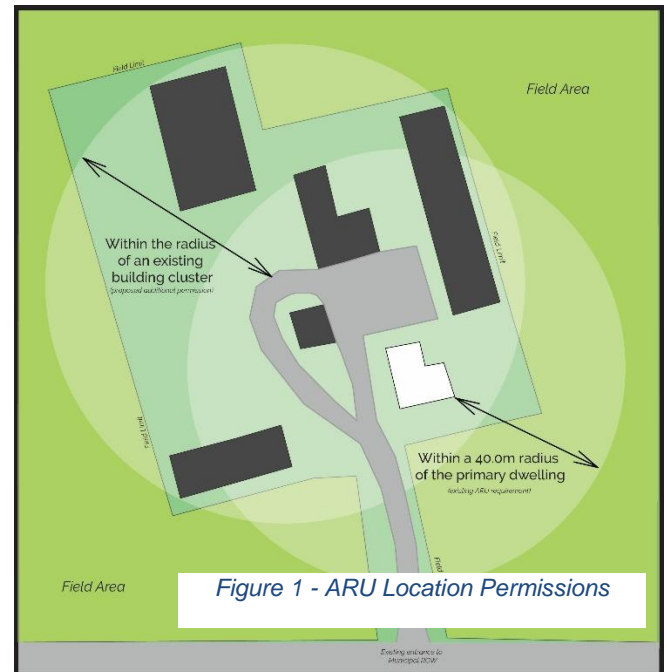


Table 1 - Shipping Container Regulatory Options

Option	Summary of Proposed Amendments
SC-1	The definition of a shipping container would be amended so that structures that have been altered to include exterior cladding, in keeping with the character of other residential structures, would be permitted. This change would provide property owners with an option to bring illegally established containers into compliance with zoning to simply require a building permit application as opposed to a zoning by-law amendment.
SC-2	To remove all references and requirements specific to Shipping Containers from By-law 61-16 so that such a structure is treated as any building/structure and zoning is applied based on its proposed use. The property standards by-law would regulate the upkeep of any shipping container in a manner consistent with other buildings/structures.
SC-3	Proposing a similar outcome to SC-2, reference to shipping containers as a specific structure/building would be maintained but specific requirements would be removed. Zoning would be applied as any building/structure based on its proposed use. This approach would be done for clarity and education purposes to address some of the current confusion around shipping containers.
SC-4	No changes would be made to the current requirements of the Zoning By-Law at this time and staff will undertake public education to focus on the safety, permissions, and requirements for the placement of a shipping containers on properties within the County of Brant. This could also be a transitional measure between the current CZBL and the new By-Law where staff could address possible changes at that time.

Under the *Planning Act*, a Zoning By-Law may regulate the construction of buildings or structures, including the type of construction, height, bulk, location, size, floor area, spacing, character, and use (S. 34(1)4). Difficulty arises where regulatory concerns go beyond the 'character' of a structure and become more subjective, focusing on maintenance and aesthetic.

Concerns about the aesthetics of a structure, including exterior design, may be better regulated by Design Guidelines, and implemented through other tools under *the Planning Act*, such as Site Plan Control or a Community Planning Permit System. Concerns about the maintenance of a property may be better regulated under *the Building Code Act* through a Property Standards By-Law. Understanding the concerns of the community will inform staff's recommended approach to shipping containers in the County of Brant and future implementation tools.

As further outlined in Attachment 2, a review of the regulatory approach to these containers in the County of Brant indicates that shipping containers on many properties would be considered non-conforming with the current standards of the CZBL. Legal non-conformity would only apply to the structure if they were lawfully established, which would include meeting the zoning requirements at the time of establishment and obtaining a building permit for the structure.

It is also worth noting that the New Official Plan will set the foundation to coordinate the implementation tools that can be used to improve the County's regulatory approach to

shipping containers in the future. As an interim approach, an update to the current CZBL may be desired to transition to more comprehensive design policies and implementation under the New Official Plan.

Policy Review and Consultation

This application proposes amendments that will improve the implementation of the County's Zoning By-Law. Proposed updates to the CZBL will ensure further consistency with the *Provincial Policy Statement (2020)* and conformity with the *Growth Plan for the Greater Golden Horseshoe (2019)* and the County of Brant Official Plan (2012).

The proposed changes and supporting policy review have been summarized and included in Table 2 of this report, below.

Table 2 - Policy Review

Topic	Proposed Amendment (Further outlined in Attachment 1)	Official Plan Policy	Provincial Planning Legislation
Housing Options & Intensification	2.15 Additional Residential Unit Program Permission Updates	<ul style="list-style-type: none"> 1.11.2.2.2. – Providing opportunities for compatible residential infill 2.2.3.4 – Providing opportunities for housing that protect agricultural lands 2.4.5.1 – Providing sufficient flexibility for the creation of additional residential units 	<p><i>The PPS</i></p> <ul style="list-style-type: none"> 1.1.4.1(d) – appropriate redevelopment of housing stock on rural lands. 1.4.3 – Providing an appropriate range and mix of housing options. <p><i>The Growth Plan</i></p> <ul style="list-style-type: none"> 2.2.6.1.a.i – Provide a diverse range and mix of housing options and densities. 2.2.6.2.d – Diversify overall housing stock across the municipality.

Topic	Proposed Amendment (Further outlined in Attachment 1)	Official Plan Policy	Provincial Planning Legislation
Mixed Uses & Economic Development	2.12 Definition of Sawmill + Lumber Mill 2.13 Personal Clean Energy Generation Device Definition	<ul style="list-style-type: none"> 1.11.2.3.2.h – Sustainable Energy use and green technology 2.5.1 – General Economic Development policies that balance social, cultural, natural environment and other factors. 	<p><i>The PPS</i></p> <ul style="list-style-type: none"> 1.7.1 – Support for long-term economic prosperity <p><i>The Growth Plan</i></p> <ul style="list-style-type: none"> 1.2.1 – Economic Resilience & Flexibility 2.2.5.1.d – Economic Development and Land use planning integration
Orderly Development & Implementation	2.1 Temporary Tent Structures 2.2 Structure Height 2.3 Landscaped Open Space 2.4 Alterations to Existing Structures 2.5 Accessory On-Site Construction Permissions 2.6 Model Home Permissions 2.11 Exterior Stairs / Landings 2.16 Taxi Stand Definition 2.17 Shipping Containers	<ul style="list-style-type: none"> 1.11.2.1.2.b – Infrastructure provisions 1.11.2.1.2.h – Orderly development 3.2.b – Accessory uses 6.7 – Site Plan Control 	<p><i>The PPS</i></p> <ul style="list-style-type: none"> 1.1.1 – Sustaining healthy, livable and safe communities through efficient and resilient development patterns 1.6.6.7 – Stormwater management 1.6.7.2 – Efficient transportation systems infrastructure <p><i>The Growth Plan</i></p> <ul style="list-style-type: none"> 3.2.7 – Stormwater management 2.2.1 – Managing growth

Topic	Proposed Amendment (Further outlined in Attachment 1)	Official Plan Policy	Provincial Planning Legislation
Environmental & Agricultural Systems	2.7 Farm Labour Dwelling + Bunkhouse Definition 2.8 Prime Agricultural Land Protection 2.9 Farm Production Outlet Permissions in AE Zone 2.10 Surplus Farm Dwelling and Farm Consolidation Requirements 2.14 Natural Heritage Refinements	<ul style="list-style-type: none"> • 3.3.1 – Agricultural permitted uses • 3.16.2 – Natural Heritage System permitted uses 	<i>The PPS</i> <ul style="list-style-type: none"> • 2.1.1 – Protection of natural features • 2.2.1.3 – Environmental and Agricultural Protection and Conservation + Growth Management • 2.3.1 – Protection of prime agricultural areas • 2.3.3.1 – Permitted uses in prime agricultural areas • 3.1.1 – Public safety and natural hazards <i>The Growth Plan</i> <ul style="list-style-type: none"> • 4.2.2 – Natural Heritage System protection • 4.2.6 – Agricultural System protection

Public & Stakeholder Engagement

Updates have been made to the County of Brant website to invite opportunities for feedback prior to the recommendation report which is expected to return to the Committee in early 2022 (www.brant.ca/ZBLHousekeeping).

To fulfil the legal requirements for public consultation under *The Planning Act*, notice of the proposed housekeeping project will be included in the Brantford Expositor prior to the presentation of the recommendation report. Notice of the project has also been circulated to internal staff, various stakeholder groups, and applicable property owners for comments.

Regarding the implementation of the County's New Official Plan, extensive engagement will occur in 2022 to collect input on updating the Zoning By-Law and the creation of other implementation tools to conform with the policies of the New Official Plan.

Interdepartmental and Agency Considerations

Ongoing collaboration with staff, stakeholders, and the public has assisted Planning Staff with the preparation of the proposed amendments. A formal request for comments has been sent to agencies and County departments informing them of this report and

inviting discussion and formal comments to be submitted prior to the recommendation report.

Several divisions have provided ongoing comments which have been incorporated into the proposed amendments. Further interdepartmental and agency considerations will be included with the recommendation report and any comments received will be considered in the proposed amendments to best facilitate the implementation of the Zoning By-Law.

Conclusions and Next Steps

Staff will prepare the recommendation for technical amendments to the CZBL to come forward for Council consideration early in 2022. Public consultation will take place in the next months to provide opportunities for feedback on the proposed changes and to further inform the recommendation of staff.

The amendments as outlined in Attachment 1 are in conformity with the *Provincial Policy Statement (2020)*, *The Growth Plan for the Greater Golden Horseshoe (2019)*, *The County of Brant Official Plan (2012)*, and would improve the overall implementation of the Comprehensive Zoning By-Law of the County of Brant prior to the comprehensive review of the CZBL scheduled for 2022.

Should Committee or Council wish to provide further direction on the matters of this application, or have any questions, staff is available for assistance.

Attachments

1. Amendment Comparison Chart – Proposed Updates to Zoning By-Law 61-16
2. Regulatory Approach to Shipping Containers – A Summary

Copy to

1. Alyssa Seitz, Planning Administrative Assistant

In adopting this report, is a by-law or agreement required?

By-law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary by-law or agreement being sent concurrently to Council?	(No)