



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Lauren Graham, Junior Planner
Date: December 6, 2022
Report: RPT-0329-22
Subject: ZBA38-22-LG - Zoning By-Law Amendment Application – 249 Garden Ave, County of Brant
Purpose: **Recommendation Report** for Approval

Recommendation

That Zoning By-Law Amendment Application ZBA38-22-LG from LIV Communities, Agent on behalf of Paramjit Singh, Owner of Concession 3, Part Lots 43 to 45, Johnson Grant, Part of RP 2R-5685, Part 1, geographic Township of Brantford, municipally known as 249 Garden Ave, County of Brant, proposing the extension of a Temporary Use Zoning By-Law to permit the continued use of a sales trailer for a period of two (2) years, be approved.

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

Not applicable.

Executive Summary / Background

The purpose of this report is to provide the Planning and Development Committee with a recommendation from staff regarding application details to amend the County of Brant Zoning By-Law 61-16.

A previous Temporary Use Zoning By-Law Amendment (ZBA15-17-DN) was approved by Council on July 25, 2017, to permit the temporary sales trailer for a period of three (3) years. An extension to the Temporary Use Zoning By-Law (ZBA26-21-KD) was then approved by Council on September 28, 2021 to permit extension of the temporary sales trailer for a period of one (1) year.

This application proposes to extend the existing temporary sales trailer use for a period of two (2) years. The sales trailer will continue to advertise a LIV Communities development on a separate parcel of land, within the County of Brant. This will be the final extension to the Temporary Use Zoning By-Law Amendment for the temporary sales trailer.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law. This report recommends this Application be **Approved**.

Location

The temporary sales trailer is located on the East Side of Garden Ave (County Road 18) in the geographic Township of Brantford. The rezoned portion of lands have an approximate area of 4,700 square metres (50,590 square feet) to accommodate a temporary sales trailer of approximately 135 square metres (1,440 square feet).

Report

Planning Act R.S.O (1990)

Section 34 of the *Planning Act* establishes that Zoning By-laws may be passed by Councils of local municipalities. Section 34(10) of the *Planning Act* (see attached) provides policy direction to be considered when reviewing Zoning By-law Amendment Applications.

Section 39. (1) of the *Planning Act* establishes that the Council of a local municipality may, in a By-Law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the By-Law.

The proposal is in keeping with the policies of the Planning Act as it meets the criteria for an amendment to the Zoning By-Law.

Conformity with Municipal Policies/Plans

Provincial Policy Statement (PPS) – 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the Planning Act.

Section 1.1.3.1 of the *Provincial Policy Statement* identifies that Settlement Areas shall be the focus of growth and development. *Settlement Areas* can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).

The sales trailer is a temporary use to facilitate residential sales for LIV Communities Subdivision Developments within the County of Brant. It is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Policy 2.2.1 of the *Growth Plan* speaks to managing growth and directs the majority of development to settlement areas within municipalities.

The temporary sales trailer will permit the sale of residential units for LIV Communities Subdivision Developments within the County of Brant. It is my professional opinion the extension to the temporary sales trailer use request conforms to the policies of the Growth Plan.

County of Brant Official Plan (2012)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform to' the Municipal Policies, including but not limited to the County of Brant Official Plan.

The subject lands are designated as Employment, Agriculture and Natural Heritage with Woodland Vegetation areas per Schedule 'A' Land Use Plan of the County of Brant Official Plan. The proposed rezoning is an extension to the temporary use and allows for the lands to be used for future Employment designation as intended.

Section 6.5.3 advises policies for Temporary Use By-Laws. The County may, in a By-Law passed under Section 39 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-Law. With respect to the passing of a Temporary Use By-Law, the following shall be the policies of the County:

a. The County shall satisfy itself that the proposed use is temporary, and shall not create detrimental impacts on the surrounding area. Any temporary use permitted shall comply with the General Development Policies contained in Section 2.7 of this Plan.

The proposal is for a temporary extension to an existing sales trailer and will permit the lands to be developed for Employment purposes in the future.

b. A By-Law authorizing a temporary use shall define the area to which the temporary use By-Law applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-Law (with the exception of by-laws authorizing Garden Suites). The three year time period may, by By-Law, be extended for a maximum additional three year term. The temporary use shall not become a legal nonconforming use at the date of expiry of the By-Law.

The temporary use By-Law will expire after the two (2) year period is over.

c. The type of uses envisaged by the County when passing a temporary use By-Law include, but not limited to, parking lots, fairs, special events, ploughing match, or the temporary use of a mobile home as a dwelling unit.

The sales trailer meets the intent of the types of uses that are intended to be temporary in nature.

d. In enacting a Temporary Use By-Law, the County shall consider the following:

i. the proposed use shall be of a temporary nature, and shall not entail major construction or investment on the part of the owner so that the owner shall not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;

ii. the compatibility of the proposed use with the surrounding land uses and character of the surrounding area;

iii. the proposed use shall be properly serviced and not require the extension or expansion of existing County services;

The residential sales trailer exists on the subject lands at this time. The use is compatible with the surrounding land uses and limited nuisance is expected as a result of the sales trailer use extension. The proposal does not

require the extension or expansion of County services.

e. The proposed use shall not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the areas roads;
The temporary sales trailer is pre-existing and no changes are being proposed.

f. Parking facilities shall be provided entirely on-site; and

g. The proposed use shall generally be beneficial to the surrounding community.

The site accommodates on-site parking and the sales trailer will service the LIV Communities Developments.

It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.

Source Water Protection

Source water protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.

County of Brant Zoning By-Law 61-16

The subject lands are zoned as Agricultural (A) and Natural Heritage (NH) within the Zoning By-Law 61-16. The portion of land in which the use is proposed, would be rezoned to special provision temporary (T-56) in the adopted Zoning By-Law. The Sales Trailer will comply with the required setbacks as outlined in the Zoning By-Law 61-16.

It is my professional opinion that the request is appropriate and maintains the intent of the County of Brant Zoning By-Law 61-16.

Interdepartmental Considerations

The following comments were received from departments/agencies as part of the circulation of this application:

Environmental Planning:

- Environmental Planning has reviewed the proposal for an extension of a temporary zoning by-law for a trailer. The proposed location is about 120 metres from the nearest wetland. Given the distance from natural heritage features, Environmental Planning has no concerns.

Fire:

- No issues with this application to extend the temporary use of their sales trailer.

Parks and Facilities:

- No comments.

Development Engineering:

- No comments.

The following departments/agencies did not provide any comments/ concerns as part of the circulation of this application:

- | | |
|------------------------|---|
| · Field Services | · Canada Post |
| · Operations | · Rogers |
| · Building | · Enbridge Gas |
| · Economic Development | · Six Nations |
| · GrandBridge Energy | · Mississaugas of the Credit First Nation |
| · Bell Canada | |

Public Considerations

Notice of the December 6, 2022 public meeting for this application including, Contact information and Public Hearing Date was circulated by mail on November 14, 2022 to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on November 14, 2022.

At the time of writing this report, no public comments or correspondence have been received.

Conclusions and Recommendations

The application proposes the extension of an existing temporary sales trailer use for a period of two (2) years. The sales trailer will continue to advertise a LIV Communities development on a separate parcel of land, within the County of Brant.

The planning analysis focuses on literature reviews of applicable policy (i.e. Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law), consultation with departments, and an inspection of the surrounding area. It is my professional opinion that the request for a temporary use extension for a period of two (2) years is appropriate and represents good planning and therefore it is my recommendation that the Zoning By-Law Amendment Application **ZBA38-22-LG** be Approved for an additional two (2) years.

Prepared by:



Lauren Graham
Junior Planner

Reviewed by: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Planning

Submitted By: Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Draft By-Law

Copy to

1. Pam Duesling, General Manager of Development Services
2. Mat Vaughan, Director of Development Planning
3. Alysha Dyjach, Clerk/Manager of Council Committee Services
4. Alyssa Seitz, Planning Administrative Assistant
5. Applicant/Agent/ Owner

File # ZBA38-22-LG

In adopting this report, is a bylaw or agreement required?

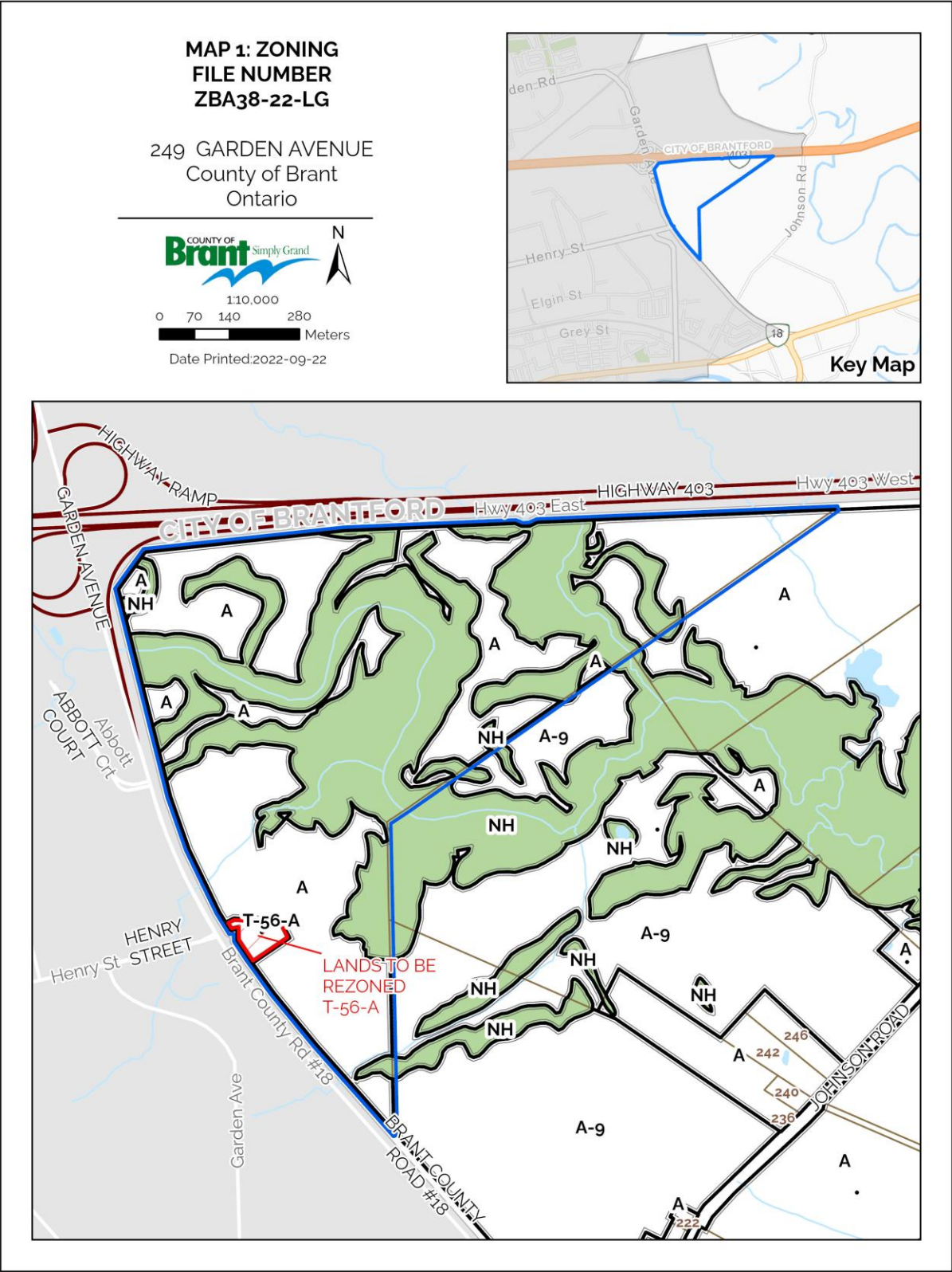
If so, it should be referenced in the recommendation section.

By-Law required? (Yes)

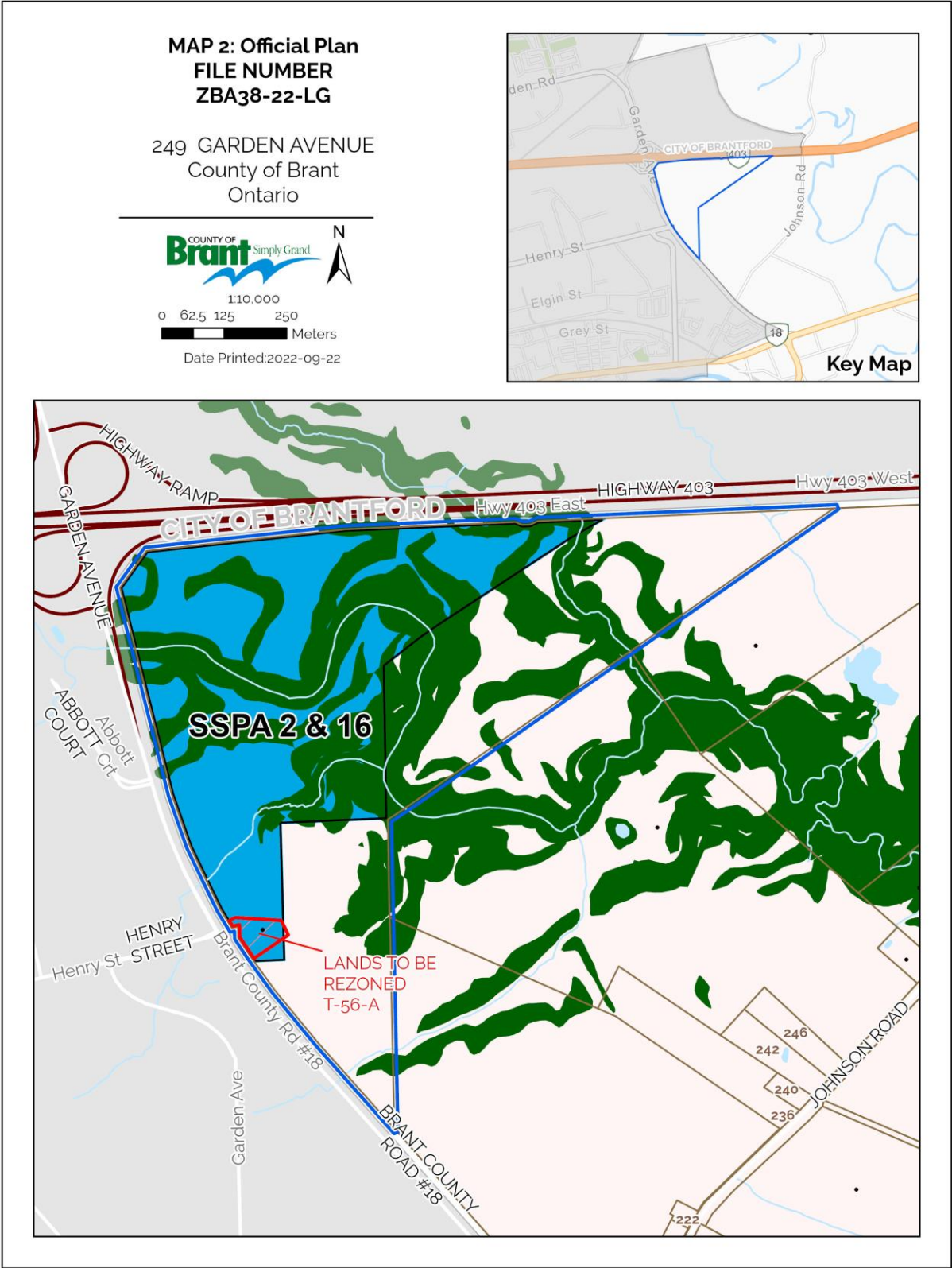
Agreement(s) or other documents to be signed by Mayor and /or Clerk? (No)

Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

Attachment 1 - Zoning Map



Attachment 2 - Official Plan Map



Attachment 3 - Aerial Photo

