



## Brant County Council Report

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**To:** To the Mayor and Members of Brant County Council  
**From:** Brandon Kortleve, Zoning Technician & Jessica Kitchen, Planner - Zoning Administrator  
**Date:** July 07, 2020  
**Subject:** RPT-20-57 -- General Housekeeping Amendment to Zoning By-Law 61-16  
**Purpose:** For Information & Direction

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### Recommendation

THAT report RPT-20-57 be received as information; and

THAT staff be directed to initiate a Zoning By-Law amendment to By-Law 61-16 for general housekeeping purposes, as outlined in this report.

### Strategic Priority

1. Sustainable and Managed Growth
2. Healthy, Safe, and Engaged Citizens

### Financial Considerations

None

### Background

Section 34 of the *Planning Act* grants municipalities the power to pass a Zoning By-Law as well as subsequent amendments to the document. Finding issues within a comprehensive Zoning By-Law is not unusual or uncommon. The intent of regular housekeeping amendments is to make technical updates to the document to address minor issues or discrepancies, and ensure that the policies of the Official Plan and the Province are effectively implemented.

### Report

The County of Brant Comprehensive Zoning By-Law 61-16 was approved by the Ontario Municipal Board and took effect on January 25<sup>th</sup>, 2017. There have been four (4) housekeeping amendments to-date, with the most recent having been approved by Council in August 2019. Consistent with previous housekeeping amendments, staff have continued to track possible changes to the Zoning By-Law with the intention of regularly bringing these proposed changes forward for Council consideration. The changes seek to improve the accuracy and function of the County of Brant Zoning By-Law and generally address:

- Formatting errors;
  - This may include typographical errors, misprints, and adjustments to the table of contents, section numbers and page numbers;

- Implementation barriers;
  - This may include changes to definitions, provisions, and requirements to address Provincial policy changes, general clarity issues, or improvements to everyday implementation of the Zoning By-Law;
- Consolidation errors and omissions;
  - This may include errors that have generally occurred during the consolidation of other Zoning By-Laws to be translated into the current Zoning By-Law; and
- Mapping errors and omissions
  - This may include noted misprints and errors, and includes changes that may be required as a result of amendments note in the preceding categories.

In line with the above noted categories, proposed changes to the Zoning By-Law have been included as Attachment 1 to this report. The amendments to the By-Law that will implement these changes will be determined through further research and consultation, and will be prepared in draft format for forthcoming Council consideration. Attachment 1 provides a brief overview of the proposed changes as well as which Section(s) of the By-Law may be impacted. County of Brant residents, internal departments, and interested stakeholders will be made aware of the proposed amendments and will have ample opportunity to submit comments, ask questions, and request clarification, as needed.

To fulfil the legal requirements under the *Planning Act* for public consultation, notice of the proposed Housekeeping Amendment will be included in the local newspapers. Additionally, notice of the project will also be circulated to various stakeholder groups and to the general public in collaboration with the County's Corporate Communications & Marketing staff. Further engagement may involve targeted stakeholder meetings, updates to the County of Brant website, and updates on the County of Brant Social Media, where applicable. Planning Staff are dedicated to on-going public education and will work to promote meaningful discussion around the proposed amendments.

### **Next Steps**

With Council's direction, staff are proposing to initiate the required process under the *Planning Act* in order to amend County of Brant Zoning By-Law 61-16. After a period of consultation, a draft by-law and recommendation report will be presented for Council consideration and decision. Staff are proposing the continuation of the following timeline for this project, noting that if adjustments to the timeline are required, Council will be updated on the process of the project:

Task 1 – Background Research (In Progress)

Task 2 – Information Report (July 2020)

Task 3 – Circulation to Staff, Agencies & Stakeholders for comments (July/August 2020)

Task 4 – Public Engagement (July/August 2020)

Task 5 – Presentation of Draft By-Law & Recommendation Report (August 2020)

Task 6 – Council Consideration & Decision (August 2020)

**Prepared By:** Brandon Kortleve, Zoning Technician & Jessica Kitchen, Planner – Zoning By-Law Administrator

**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. Information Chart – Example Housekeeping Changes to Zoning By-Law 61-16

**Copy to**

1. Heather Boyd, Clerk/Director of Council Services
2. Jennifer Mayhew, Planning Administrative Assistant
3. Jyoti Zuidema, Solicitor

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

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| 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) |

## Proposed Housekeeping Changes to By-Law 61-16

The following tables outline the proposed changes to Zoning By-Law 61-16 that staff will look to incorporate into the forthcoming housekeeping amendment, being file ZBA12-20-BK.

As outlined in RPT-20-57, the changes can be categorized as follows:

### 1.0 Formatting Errors

Proposed Change	Explanatory Note / Rationale
Error in Section 4.16.1	Replacement of 'his main residence' with 'their main residence'
Omission in Section 4.34.1	The addition of the word 'street' to specify the 'street setback'
Error in Table 10.1	Accessory Dwelling should be pluralized to read 'Accessory Dwellings'
Error in Table 11.2	Double asterisk should be reflected in both the table and the corresponding footnote
Duplication error in Section 5.7 (h) & (k)	Removal of a duplicate requirement

### 2.0 Implementation Barriers

Proposed Change	Explanatory Note / Rationale
Defined term - 'Public'	To remove unintentional limitations of the current definition to broaden permissions for services provided to the benefit of the public and services provided on municipally owned property
Addition of Defined Term – 'Visual Barrier'	To broaden the currently used terminology of 'Planting Strip' to be replaced with term Visual Barrier, and allow for more general requirements applicable to buffering
Defined Terms – 'Porch or Verandah', 'Deck', 'Balcony', 'Patio'	To improve the regulations for these structures, whereas the current regulations sometimes prove overly complicated for the review and building permit process
Defined Term – 'Accessory'	To address inconsistencies with accessory structures related to agricultural uses and accessory structures related to residential uses on a property within an agricultural zone
Defined Term – 'Building Height' or 'Height'	To address the determination of deck/porch height, whereas the definition includes information that may be considered unnecessary
Defined Term – 'Boat House'	To specify further requirements for boat house structures in order to better reflect the intent of regulations in place by the applicable Conservation Authority
Addition of Defined Term(s) to address special events/sales	To address a desire to use lands for temporary outdoor events, such as street-side patios and

	sales, beneficial for the purpose of assisting business owners adapt to current Public Health requirements
Defined Term – ‘Shipping Container’ & Section 4.35	To further regulate the use of ‘shipping containers’ particularly the temporary storage of items accessory to a residential use
Defined Term – ‘Cannabis Production Facility’	To remove the reference to retail cannabis, in line with the County’s resolution to opt-in and with the Provincial framework for Cannabis retail with further forthcoming amendments to address cannabis production and sales within the County of Brant
Section 4 - Model Homes / Temporary Sales Trailers	To improve regulations for these structures, whereas the current regulations sometimes prove inefficient; and may also include amendments to the defined terms, as required
Section 4 – Table 4.1 Accessory Use Regulations	To address the current limitations for accessory structures related to residential uses on larger lots in the Agriculture zone, based on Planning Act Application frequency and public comments
Section 4.4 – Accessory Buildings & Structures	To address unintentional limitations due to the wording of various requirements and simplify the requirements for small scale building projects (ie: decks, sheds, porches etc.)
Section 4 – Table 4.6 Yard Encroachments	To address inconsistencies regarding a 0.6m undisturbed strip around private properties, as required by the Development Engineering Standards, to be consistently reflected in the zoning requirements
Section 5 – Parking Requirements	To address implementation barriers with parking spaces when located inside a garage/ carport on residential property; including size and encroachment permissions
Section 5 – Table 5.2 Residential Driveways	To improve and simplify regulations for driveway widths and setbacks
Section 5 – General Amendments	To improve the clarity of the requirements for parking and loading in the County of Brant

### 3.0 Consolidation Errors/Omissions

Proposed Change	Explanatory Note / Rationale
Section 9.3 – SR-50 Zone	To address errors in the original amending By-Law
Section 11.7 – M3-22 Zone	To address an omission in the original amending By-Law
Section 10.7 – C1-11 Zone	To address omissions and errors that occurred during By-Law consolidation

Section 15, Table 15.2 – T-56 Zone	To address an error in the original amending By-Law
Section 6.3 – A-33 Zone	To address an errors that occurred during By-Law consolidation

#### 4.0 Mapping Errors/Omissions

Proposed Change	Explanatory Note / Rationale
Map 93 – Updated Survey Information	Where zoning lines formally followed the property lines in the area, updated property survey information requires a change to Map 93
Map 70 – Removal of (h-)	Where the zone category still applies to the lands directly abutting, The holding provision (h-) is required to be removed from the lands on which the OPP station has been constructed as shown on Map 70