



**Municipality of Brockton  
Planning Report**

<b>Application:</b>	Zoning By-Law Amendment
<b>File Number</b>	Z-69-18.36
<b>Date:</b>	January 22, 2019

**To:** Mayor Peabody and Council, Municipality of Brockton  
**From:** John Ghent, Planner for the Municipality of Brockton  
**Subject:** Rezoning Application by JDR Development to increase lot coverage

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**Recommendation:**

Subject to the submissions from the Public Meeting, the Bruce County Planning Dept recommends:

That the Municipality of Brockton **Approve** the proposed Zoning By-law Amendment submitted by JDR Development (Walkerton) Inc, File: Z-69-18.36 to increase the lot coverage on 66 detached and semi-detached lots from 30 % to 40 % and approve the attached site-specific By-law

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**Reasons for and Nature of the Application:**

The lands are currently zoned 'Urban Residential - R2'.

The application proposes to rezone the subject lands to increase the maximum lot coverage from the existing 30 % coverage to 40 % coverage.

**Location:**

The lands proposed to be rezoned are in Walkerton immediately south of the Bruce County administrative offices. The lots involved in the application are the westerly extensions of Second, Third and Fourth Streets (Lots 1 to 46 and lots 56 to 75 inclusive, Registered Plan 3M-242).

**Site Description:**

The total parcel of land is 5.6 ha in an established residential neighbourhood. The lands were part of a recently approved plan of subdivision that was registered in 2018.

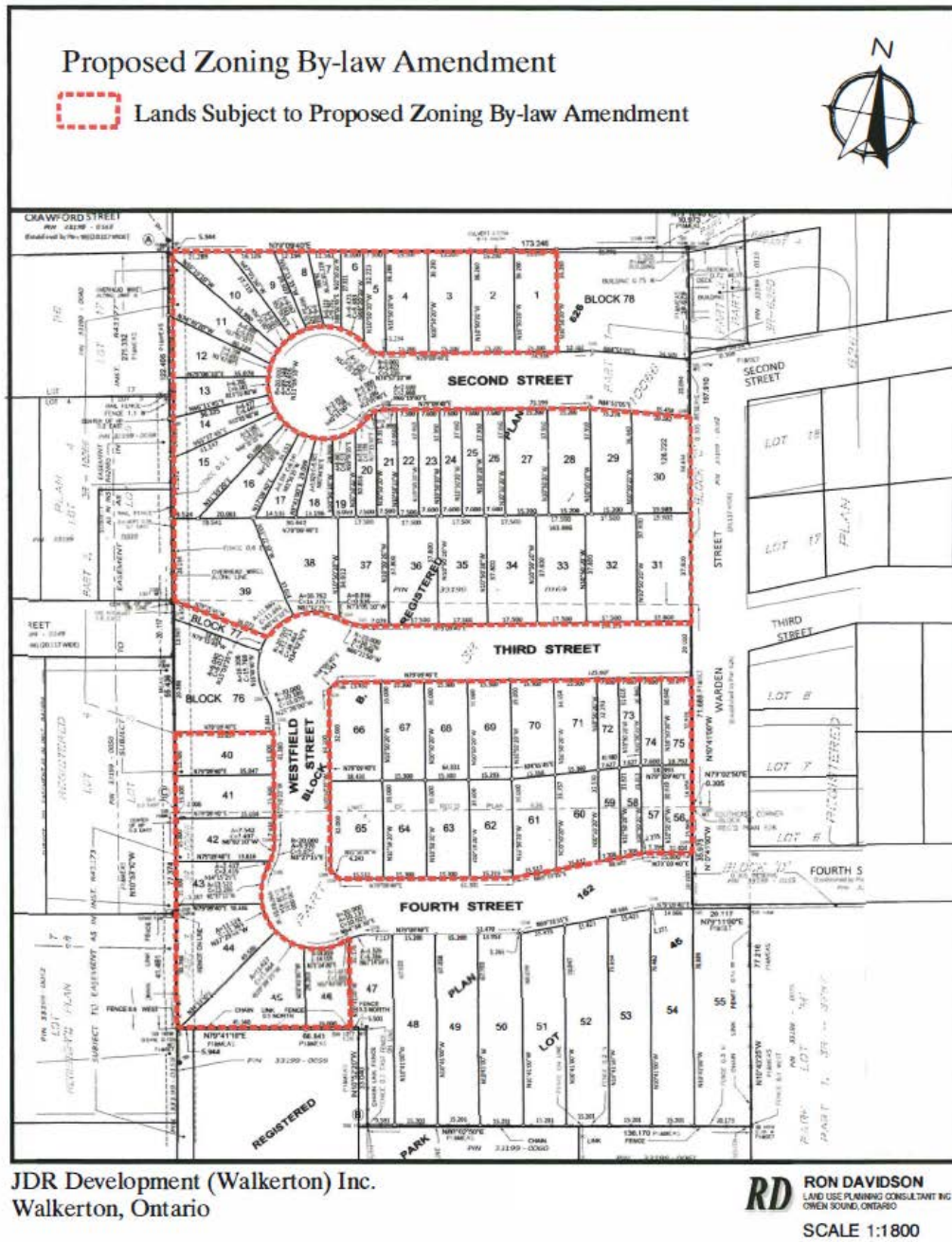
**Details of Proposal:**

The application deals with a total of 66 lots.

The lands are currently zoned Urban Residential - R2. The zone permits residential uses, specifically, detached and semi-detached dwellings, subject to regulations. The maximum lot coverage regulation for the R2 zone is 30 %.

The zoning amendment proposes to increase lot coverage to 40 %.

The effect of the increase in coverage is to increase the depth of the dwelling. There would be no change to the front, side and rear yard regulations. The appearance of the dwelling from the street would not change with the increase in coverage.



## Summary:

Under the **Provincial Policy Statement (PPS)**, residential development is directed to locate in established settlement areas. The PPS directs municipalities to provide for an appropriate range and mix of housing types to facilitate all forms of housing required to meet the social, health and well-being requirements of residents (Section 1.4.3 b).

Under the **Bruce County Official Plan**, the lands proposed to be developed are designated 'Primary Urban Communities'. The proposed use conforms to the County Plan.

Under the **Brockton Official Plan**, the lands are designated 'Residential'. Detached and semi-detached dwellings are permitted. Alternative development standards for residential uses are contemplated in the Plan.

The application is consistent with the Provincial Policy Statement (PPS), and is in conformity with the Bruce County and Brockton Official Plans.

Staff support the application and recommend the proposed zoning amendment be approved.

## Agency Circulation:

Brockton - comment re storm water capacity given the greater coverage proposed and greater amount of runoff.

Bluewater District School Board - no concerns or comments

Westario Power - no comment

Historic Saugeen Metis - no concerns or objections

SVCA - the application is acceptable to SVCA

Bruce County

The County of Bruce, as the property owner of 30 Park Street, Walkerton has reviewed the application by JDR Development c/o R. Davidson (Z-69-18.36)

The County has no objections to the Zoning Amendment.

The County notes that an increase in lot coverage for the JDR subdivision will have a material impact on the County's stormwater pond/facility at 30 Park Street. It is expected that water levels in the pond will be periodically higher and will last for a longer period of time as a result of increased stormwater flows. Regardless of the fact that the stormwater system was 'designed' for higher flows, this increased water/duration of flow may have a material impact on the County's property. The full extent of the impacts are unknown but are considered to be manageable provided maintenance/clean-out is performed as required.

The County notes that the management of the pond/facility (including maintenance) is a via agreement with the Municipality of Brockton. Higher levels of siltation as a result of increased stormwater flows may require additional clean-outs on behalf of the Municipality.

**Response to storm water capacity question:** The Engineer for the applicant has provided the following comment:

“The proposed ZBA will not affect the SWM calculations as the calculations were conservative and based on higher imperviousness as 40% is the typical lot coverage with neighbouring municipalities. The calculations also allowed for freeboard in the pond which provides additional storage.

We have reviewed the stormwater management modelling for the development to determine the changes in water level due to changing from 30% lot coverage to 40% lot coverage. Using 30% lot coverage the water level in the County pond would be 0-3 cm lower during the various design storm events than the levels indicated in the original modelling.”

#### **Public Comment:**

One member of the public (Carl Kuhnke) living close to the site contacted staff and raised questions regarding the proposed increase in coverage. The individual met with the owner and his planner, together with County planning staff. The individual provided a letter indicating that he was now satisfied with the application - letter attached as Appendix 7.1

A second property owner in the area (Peter and Kristin Thor) have identified a concern with the proposed increase in coverage. The letter indicates that they strongly oppose the amendment. The letter is attached as Appendix 7.2. The applicant’s planning consultant has responded directly to the concerns raised by the Thor’s and the planner’s response letter is attached as Appendix 7.3.

#### **Provincial Interest - Policy Statement or Plans**

Under Section 3(5) of the *Planning Act*, decisions of the Municipality of Brockton “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statement (PPS).

The land which is subject to the proposed rezoning application is part of the Walkerton settlement area where residential uses are directed to locate.

Comment:

Staff consider the application to be consistent with the PPS policy.

An overview of the PPS policies is provided in the appendices.

#### **Bruce County Official Plan**

The subject lands are designated ‘designated ‘Primary Urban Communities’. The proposed residential use conforms to the County Plan.

Comment:

Staff consider the proposal to be in conformity with the Official Plan.

#### **Brockton Official Plan**

The subject lands are designated ‘Residential’. Residential uses are permitted. The Plan provides policy direction that seeks to mitigate impacts on immediate neighbouring property owners when dealing with intensification proposals (Section 3.1.10)

It is the opinion of planning staff that the proposed increase in lot coverage will have minimal impact on the immediate area because the streetscape will not be affected. The minimum side yards and front yard will not change and therefore the appearance of the house to the street will remain the same. Also, the minimum rear yard will remain unchanged, so the position of where the house could be located relative the rear lot line under the current zoning regulations will not be affected.

### **Brockton Zoning:**

The lands proposed for the increase in lot coverage are currently zoned "Residential - R2". The maximum lot coverage for detached and semi-detached dwellings is 30 %.

Lot Coverage in the Zoning By-law is defined to mean:

"... that percentage of the lot area covered by buildings or structures, including accessory buildings or structures above finished grade level and permanent above or below ground swimming pools but shall not include sewage disposal systems."

Note: The larger and deeper lots at the southerly extent of the subdivision are zoned R2-5 which is a special provision requiring a minimum rear yard of 15 m. These lots are not included in this zoning amendment application.

### **Planning Comment / Analysis:**

Within the last year, the subdivision plan proposed for this site was given final approval and was registered (Plan 3M-242). The associated Zoning Amendment was also approved (File: Z-44-17.36). These approvals resulted in the creation of 45 lots to be developed with detached dwellings and 30 lots for semi-detached dwellings. Of these 75 lots, the 9 lots at the southerly portion of the plan are relatively deep with a large lot area and some construction has commenced on these lots. The proposed zoning amendment to increase the lot coverage excludes the nine relatively large lots. The zoning application applies to the remaining 66 lots.

The proposed increase in coverage will increase the roof area over the lot, which in turn, increases the impervious area of the lot, increasing runoff. This concern has been identified by Brockton staff. The applicant's engineer has provided additional information and Brockton staff are satisfied.

The Planning Consultant has advised that the builder is experiencing difficulty in marketing the lots, partly because of the constrained building size due to the limited coverage. Apparently, the trend toward single-story dwellings, resulting in a relatively greater footprint, has constrained interior layout options.

The lots proposed for greater coverage range in area from the smallest of 234 m<sup>2</sup> to the largest of 1269 m<sup>2</sup>. The predominant lot area appears to be in the range 300 m<sup>2</sup> to 600 m<sup>2</sup>. The following chart illustrates the effect on the floor area of increasing the coverage for lots in this range from 30 % to 40 %. It should be noted that the floor area noted in the chart is premised on a single-storey dwelling. If a two-storey house were constructed, the maximum floor area would be double that amount. Coverage includes all accessory buildings including garages.

	Lot size	Floor area (max) at 30 % coverage	Floor area (max) at 40 % coverage
Smallest lot	234 m2	70 m2 (755 sq ft)	94 m2 (1008 sq ft)
Largest lot	1269 m2	381 m2 (4098 sq ft)	508 m2 (5463 sq ft)
Predominant range of lot sizes	300 m2	90 m2 (969 sq ft)	120 m2 (1292 sq ft)
	600 m2	180 m2 (1938 sq ft)	240 m2 (2583 sq ft)

In comparing the maximum coverage regulation for detached and semi-detached lots in Brockton with the regulations that apply to the same dwellings in other municipalities in Bruce County, it is noted that the Brockton regulation at 30 % is the most restrictive. Two municipalities have a coverage regulation of 35 %; three municipalities have a coverage regulation of 40 %; and one has a coverage regulation of 45 %.

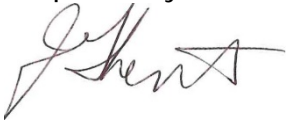
Staff are satisfied there is merit in increasing the current maximum coverage regulation of 30 % in this instance. This opinion is based on several considerations:

- the overall streetscape appearance will not change. The yards that are currently established in the Zoning By-law will not be changed. The increase in coverage will be expressed in a dwelling that is deeper on the lot. There may be less rear yard but the required rear yard under the by-law (7.5 m) would be maintained.
- the higher coverage regulation that prevails in other municipalities;
- the current trend toward construction of single-storey dwellings which increases the building footprint;

Staff recommend approval of the proposed increase in coverage. The amending by-law attached to this report is premised on increasing the coverage to 40 %.

The application conforms to the relevant Official Plans and is consistent with the PPS.

Respectfully submitted,

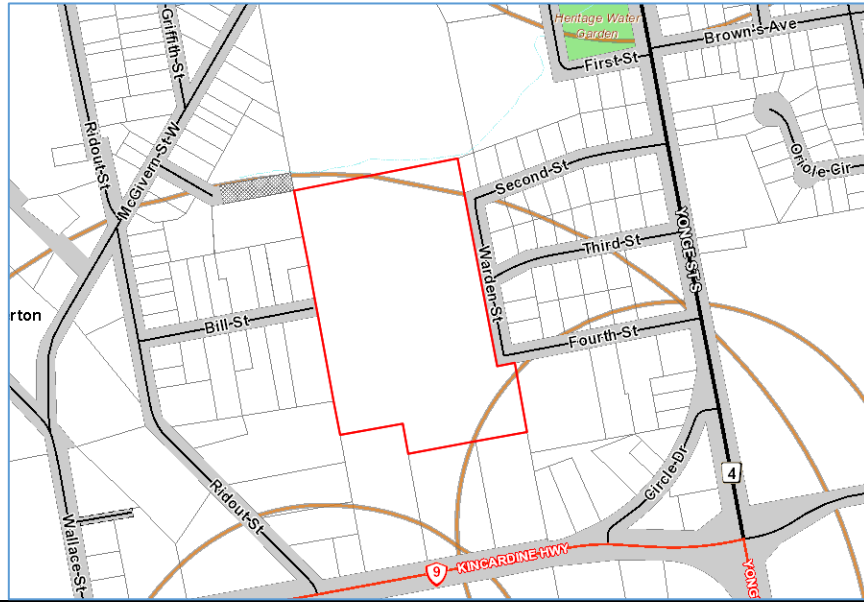


John Ghent, RPP  
Planner, County of Bruce Planning and Development Department

## Appendix 1 - Context

<b>Development Proposal Zoning By-law Amendment</b>	The purpose of the application is to permit increased lot coverage from 30% to 40% in the Residential (R2) zone.
<b>Related File(s)</b>	41T-2017-02.36 & Z-44-17.36
<b>Owner</b>	JDR Development (Walkerton) Inc.
<b>Applicant</b>	Ron Davidson Planning Consultant
<b>Legal Description</b>	Lots 1 to 46, 56-75, Registered Plan 3M-242
<b>Municipal Address</b>	No Civic Address
<b>Lot Dimensions</b>	<b>Entire Parcel (Including Blocks)</b>
<b>Lot Frontage</b>	+/-233.89 m (767.34 ft)
<b>Lot Depth</b>	+/- 183.95 m (603.51 ft)
<b>Lot Area</b>	+/- 5.60 ha (13.83 ac.)
<b>Existing Use</b>	Residential Subdivision
<b>Proposed Use</b>	Residential Subdivision
<b>Structures Existing</b>	Vacant
<b>Structures Proposed</b>	Low to Medium Density Residential Dwellings
<b>Existing Servicing</b>	Municipal water and sewer
<b>Proposed Servicing</b>	No changes
<b>Access</b>	Warden Street and Proposed Internal Access Roads
<b>County Official Plan</b>	Primary Urban Communities
<b>Local Official Plan</b>	Residential - Propane Buffer
<b>Zoning By-law</b>	Residential (R2) and Residential Special (R2-5)with propane overlay, Municipality of Brockton By-law 2013-026.
<b>Proposed Zoning By-law</b>	Increase in lot coverage in R2 zone.
<b>Surrounding Land Uses</b>	Residential (east & west), Institutional (north and north east); Highway Commercial/Light Industrial (south)

Subject Lands





## Appendix 2 - Provincial Policy Statement 2014

Apply?	Policy Area
X	1.0 Building Strong Communities
X	1.1 Managing and Directing Land Use
X	1.1.3 Settlement Areas
	1.1.4 Rural Areas in Municipalities
	1.1.5 Rural Lands in Municipalities
	1.1.6 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
X	1.4 Housing
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space
	1.6 Infrastructure and Public Service Facilities
	1.6.6 Sewage, Water and Stormwater
	1.6.7 Transportation Systems
	1.6.8 Transportation and Infrastructure Corridors
	1.6.9 Airports, Rail and Marine Facilities
	1.6.10 Waste Management
	1.6.11 Energy Supply
	1.7 Long-Term Economic Prosperity
	1.8 Energy Conservation, Air Quality and Climate Change
	2.0 Wise Use and Management of Resources
	2.1 Natural Heritage
X	2.2 Water
	2.3 Agriculture
	2.3.3 Permitted Uses
	2.3.4 Lot Creation and Lot Adjustments
	2.3.5 Removal of Land from Prime Agricultural Areas
	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas
	2.4 Minerals and Petroleum
	2.4.2 Protection of Long-Term Resource Supply
	2.4.3 Rehabilitation
	2.4.4 Extraction in Prime Agricultural Areas
	2.5 Mineral Aggregate Resources
	2.5.2 Protection of Long-Term Resource Supply
	2.5.3 Rehabilitation
	2.5.4 Extraction in Prime Agricultural Areas
	2.5.5 Wayside Pits & Quarries, Portable Asphalt Plants and Portable Concrete Plants
	2.6 Cultural Heritage and Archaeology
	3.0 Protecting Public Health and Safety
	3.1 Natural Hazards
	3.2 Human-made Hazards

Other Provincial Interests

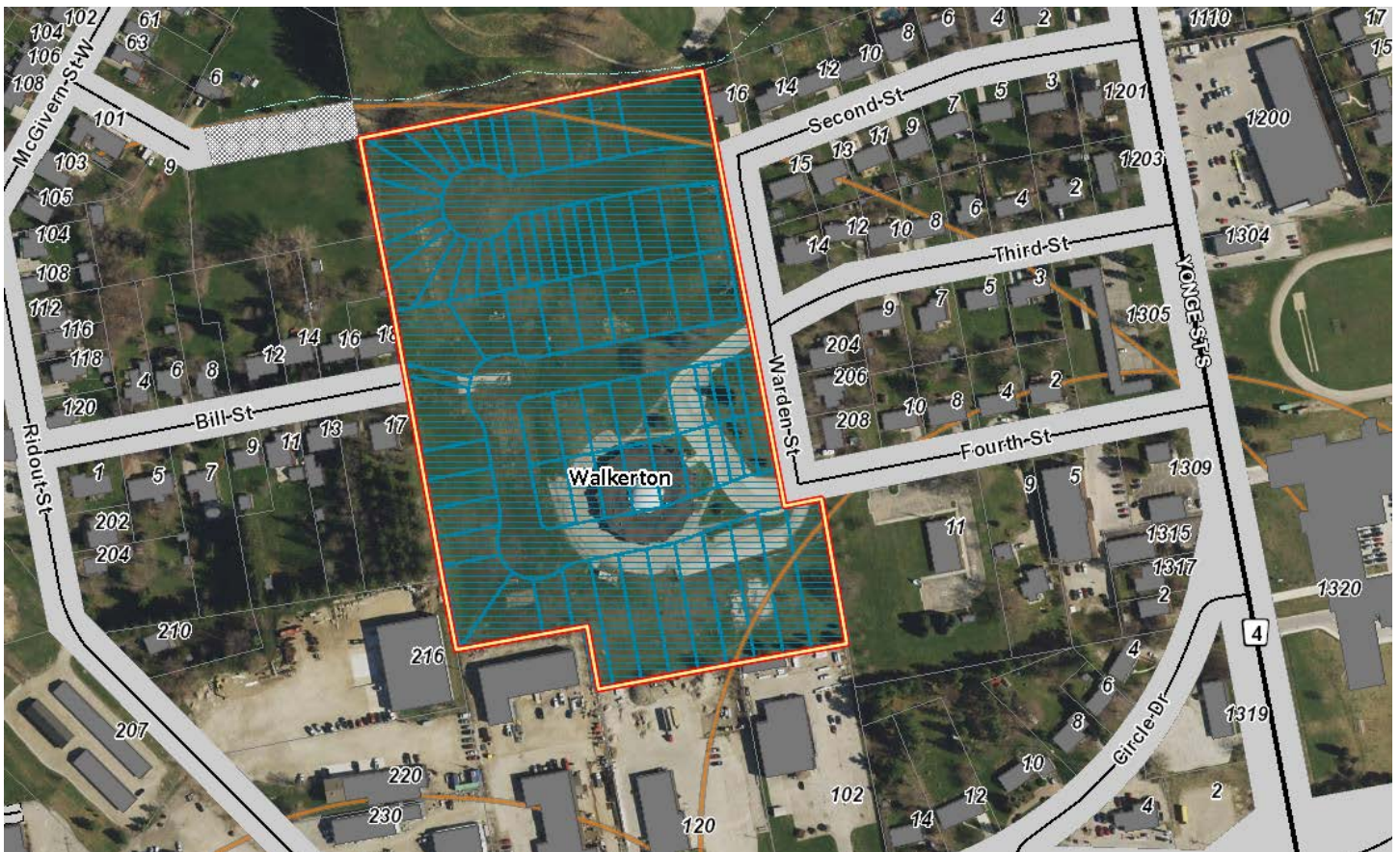
Ministry	Policy	Comment
MMAH	NA	
MCul	NA	
MOE	NA	
MTO	NA	
MNR	NA	
OMAFRA	NA	

County of Bruce Official Plan: Section 5.2 and 5.2.2

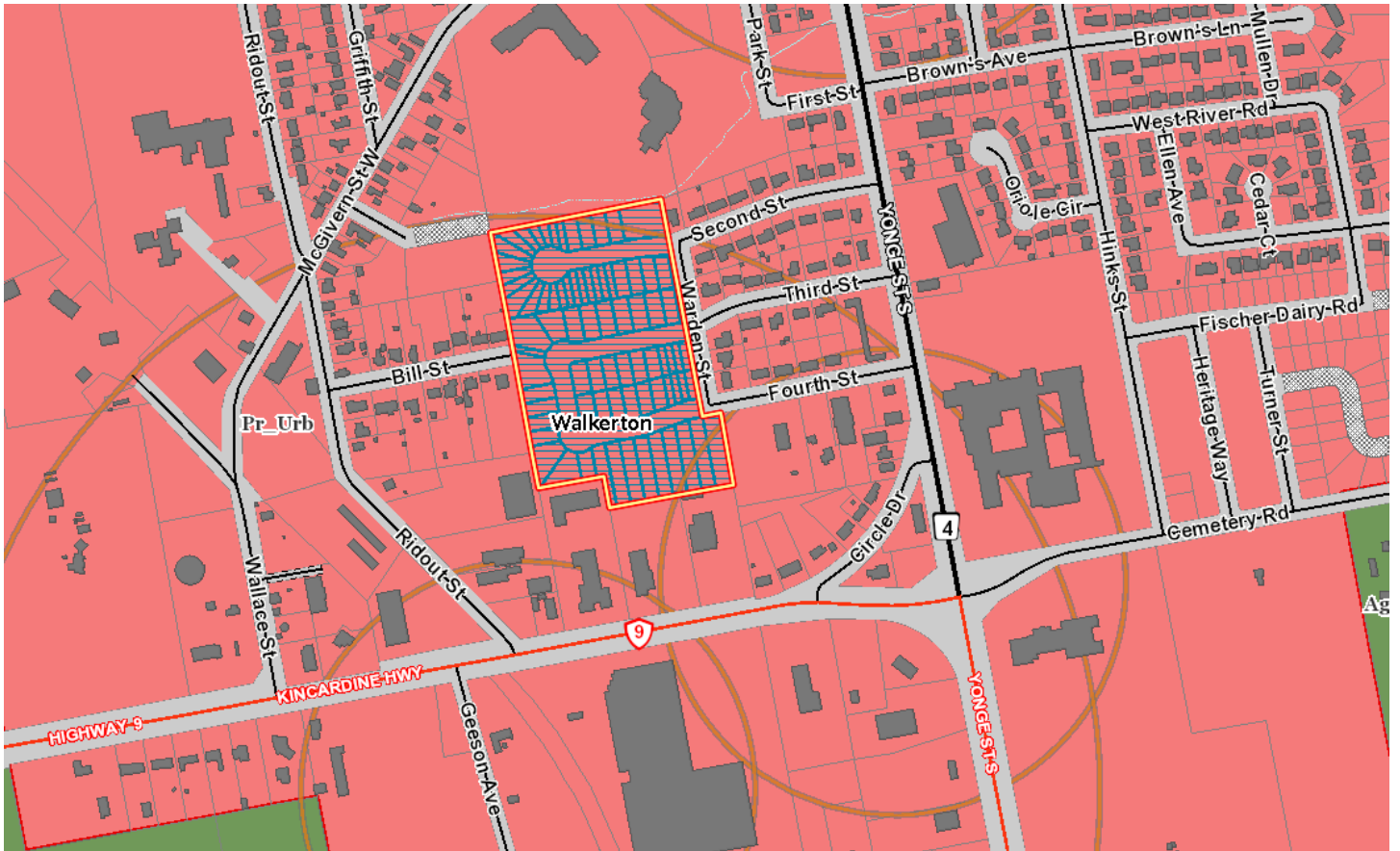
Municipality of Brockton Official Plan: Section 3.1

Municipality of Brockton Zoning By-law 2013-26: Section 7.0

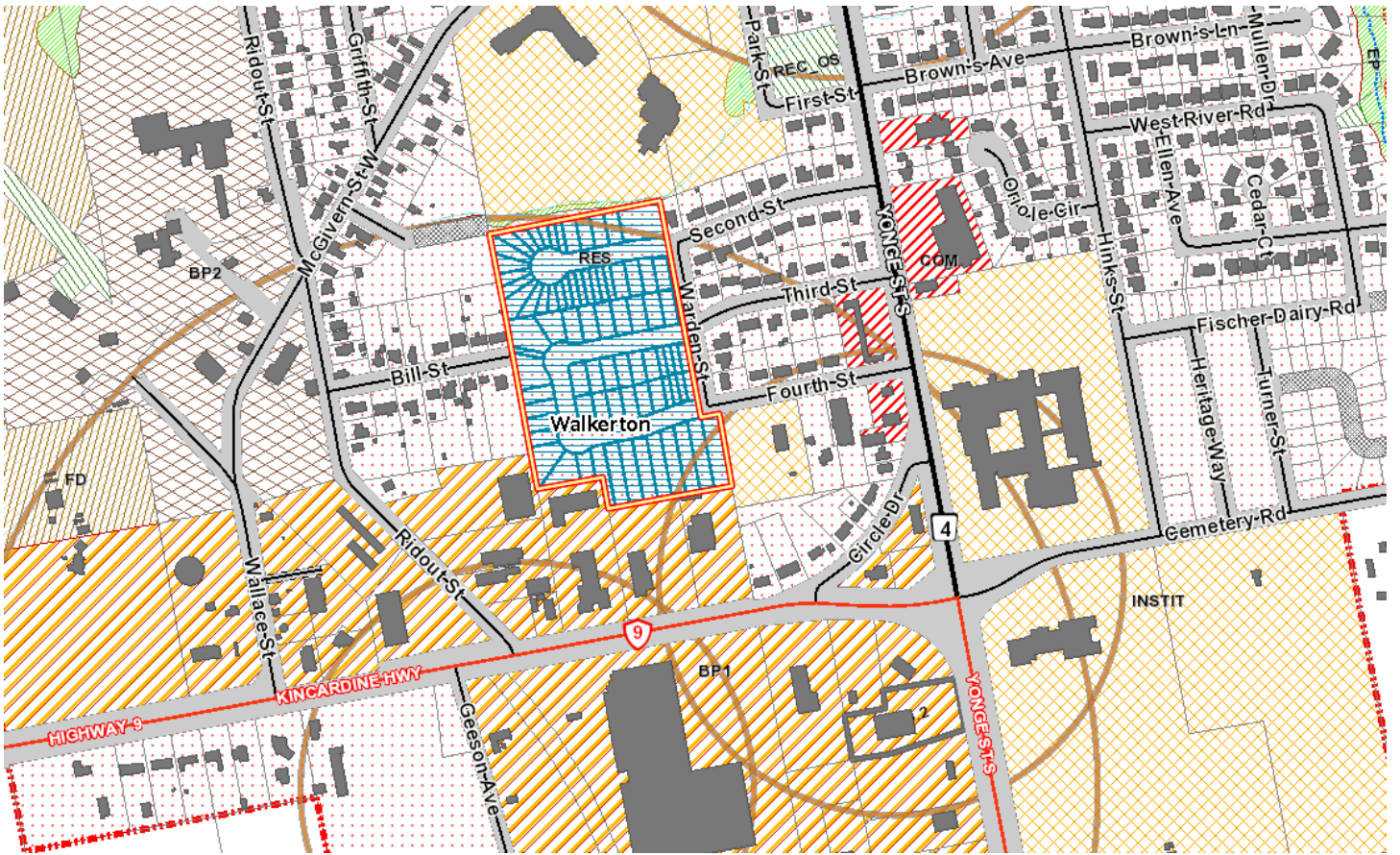
Appendix 3 - Air Photo



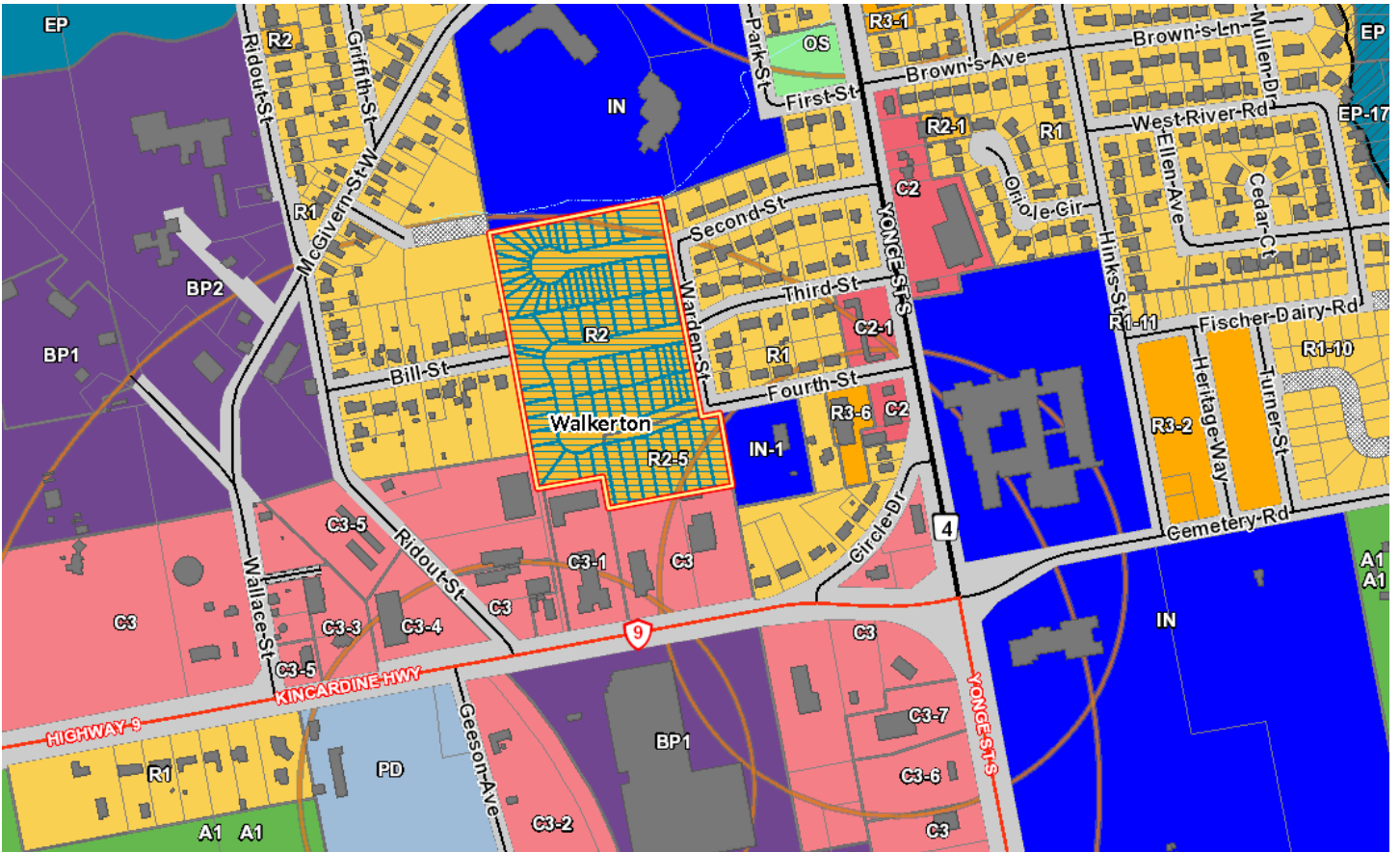
# Appendix 4 - Bruce County Official Plan



Appendix 5 - Brockton Official Plan



# Appendix 6 - Brockton Zoning By-law



## Appendix 7.1 - Letter from adjacent resident

January 9, 2019

Bruce County Planning and Development Department  
Walkerton, Ontario

Ref: Proposed Zoning Bylaw Amendment by JDR File : 41T-2017-02.36 and Z-44  
17.36

Attn: John Ghent

Thank you for arranging a meeting with the developer's planning consultant and the developer himself.

Now that the group has clarified that the requested larger footprints will only be via additional build out the back of the homes into the back yard, and that no frontage will be sacrificed, I am can readily withdraw my earlier January 4 enquiry. Details of how the larger footprint would be accommodated were not available at that time, and the drawings presented at our meeting are actually quite satisfactory to me from a 'look and feel' of the neighbourhood aspect. Clearly even the expanded foundation length-wise will still be well within the setback regulations currently in force.

Sincerely,



B. Carl Kuhnke  
Owner  
14 – 3rd Street  
(3<sup>rd</sup> and Warden)

cc. Brockton CAO  
Candue Homes  
Ron Davidson

## Appendix 7.2

*Rec'd  
Jan-11-19*

**Peter and Kristin Thor**  
14 Bill Street Box 2164  
Walkerton, Ontario N0G 2V0

January 4, 2019

John Ghent  
Planner  
Bruce County Planning and Development  
30 Park Street  
Box 848  
Walkerton, Ontario N0G 2V0

Proposed Zoning By-Law Amendment  
File Number Z-69-18.36  
JDR Development  
Lot 1 to 46, 56-75 Registered Plan 3M-242

The application is to increase lot coverage from 30% to 40% for all but 9 lots in this development.

This is disappointing. The community spent a great deal of time and effort to approve a development that seemed to please most of the members of the community at large. This is like starting all over again. It would appear that 30% is the maximum coverage allowed in the official plan without a specific bylaw amendment. If this is the case then 30% it should be without exception. There is nothing unique about this development that requires an exception. Oversized houses are an eyesore and diminish the quality of life of all future owners of these properties who will have less outdoor space to enjoy. The change is not reversible.

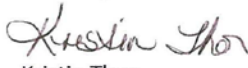
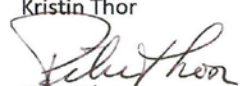
If the developer wished to build larger homes, then the developer should have made larger lots initially.

If people need larger homes then they can purchase one of the 9 large lots not subject to this bylaw amendment or purchase lots in other developments.

To be clear we strongly oppose this By-Law Amendment.

We are out of province on the public meeting date and will be unable to attend in person.

Sincerely

  
Kristin Thor  
  
Peter Thor

PS: We wish to be informed of the Municipality's decision in this matter.  
Our Email: [pthor@wightman.ca](mailto:pthor@wightman.ca)

Cc Municipality of Brockton

## Appendix 7.3



RON DAVIDSON  
LAND USE PLANNING CONSULTANT INC.

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January 15, 2019

Peter and Kristin Thor  
14 Bill Street  
Walkerton, ON  
N0G 2V0  
Sent via e-mail

Dear Mr. and Mrs. Thor:

**Re: Application to amend the Brockton Comprehensive Zoning By-law  
Lots 1 to 46, 56-75, Registered Plan 3M-242  
Geographic Town of Walkerton, Municipality of Brockton  
Owner: JDR Development (Walkerton) Inc.**

In response to your recent letter to the County of Bruce Planning Department regarding the above-noted application, as the applicant I wish to provide the following information to you at this time since you are unable to attend the upcoming Public Meeting:

To begin with, this particular size of the lots within this subdivision was established in order to comply with the County of Bruce Official Plan policies pertaining to lot density. The developer had no choice but to create single family lots of a minimum size and to create some semi-detached lots. A subdivision involving larger single-family lots and no semi-detached parcels would have been preferred by the developer.

To date, detached dwellings have been erected on some of the lots located along the southern boundary of the subdivision. These parcels are excessively deep and provide ample building envelopes in compliance with the provisions of the 'R2' zone. No building, however, has occurred as of yet on the balance of the lots within this development due primarily to the limitation on lot coverage. The home builder within this subdivision, Don Tremble of Candue Homes, is experiencing difficulty in fitting a home of any desirable size and layout under the current 30% lot coverage provision. This problem has arisen primarily due to the trend in the new housing market where most new dwellings are now in the form of a bungalow (i.e. one storey house), which

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TEL: 519-371-6829      265 BEATTIE STREET      OWEN SOUND      ONTARIO      N4K 6X2      ronaldavidson@rogers.com      www.rondavidson.ca  
FAX: 519-371-3131



means that the footprint of a dwelling must be larger. Complying with a 30% maximum lot coverage will no longer yield a desirable interior layout. Several people have chosen not to purchase a lot within this subdivision at this time because their desired home cannot be constructed.

Please note that that an increase in lot coverage will not result in a wider house because the minimum side yard requirement is not changing. In the same manner, the houses will not be constructed any closer to the street. The proposed lot coverage increase will only affect the depth of the dwellings, and this could not possibly have a visual impact on the streetscape or have a negative effect on the neighbourhood.

Furthermore, please note that the existing 30% lot coverage provision contained in the Brockton Zoning By-law is the most restrictive lot coverage provision in the County. The table below illustrates the manner in which Comprehensive Zoning By-laws across Bruce County deal with lot coverage in residential zones:

Maximum Lot Coverage Provisions for Detached and Semi-detached Lots in Bruce County

<i>Municipality</i>	<i>Maximum Lot Coverage for Detached and Semi-detached Lots on Fully-serviced Lots</i>
Arran-Elderslie	35%
<b>Brockton</b>	<b>30%</b>
Huron-Kinloss	40%
Kincardine	40%
South Bruce	35%
South Bruce Peninsula	40%
Saugeen Shores	45%

Based on the table above, it is evident that the requested 40% lot coverage would be in keeping with development standards in most other municipalities. It is highly likely that the lot coverage provision for all new detached and semi-detached parcels will be increased when the Brockton Zoning By-law is updated.

I hope this information will be of some assistance to you.

Sincerely,



Ron Davidson, BES, RPP, MCIP

c.c. John Ghent, County of Bruce  
 JDR Development (Walkerton) Inc.  
 Travis Burnside

**Appendix 8**  
**Draft Zoning By-law**  
**The Corporation of the Municipality of Brockton**  
**By-law No. 2019 - xxx**

Being a By-Law to Amend the Municipality of Brockton Comprehensive Zoning By-Law No. 2013-26, As Amended,

The Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, 1990, therefore enacts as follows:

1. That By-Law No. 2013-26 is amended as follows:
2. That Schedule 'A' to By-Law No. 2013-26, as amended, is hereby further amended by changing the zoning symbol on Lots 1 to 46, 56-75, Registered Plan 3M-242, Municipality of Brockton, from Urban Residential (R2), to Urban Residential Special Provisions R2-6 as shown on Schedule 'A' attached hereto and forming a part of this By-law.
3. That Section 7.6 Special Provisions to By-law No. 2013-26, as amended, is further amended by adding the following subsection:
  - i. For lands zoned R2-6, the maximum lot coverage shall be 40 %
4. That this By-law shall come into force and effect on the final passing thereof by the Council of the Municipality of Brockton, subject to compliance with the provisions of the Planning Act, R.S.O. 1990.

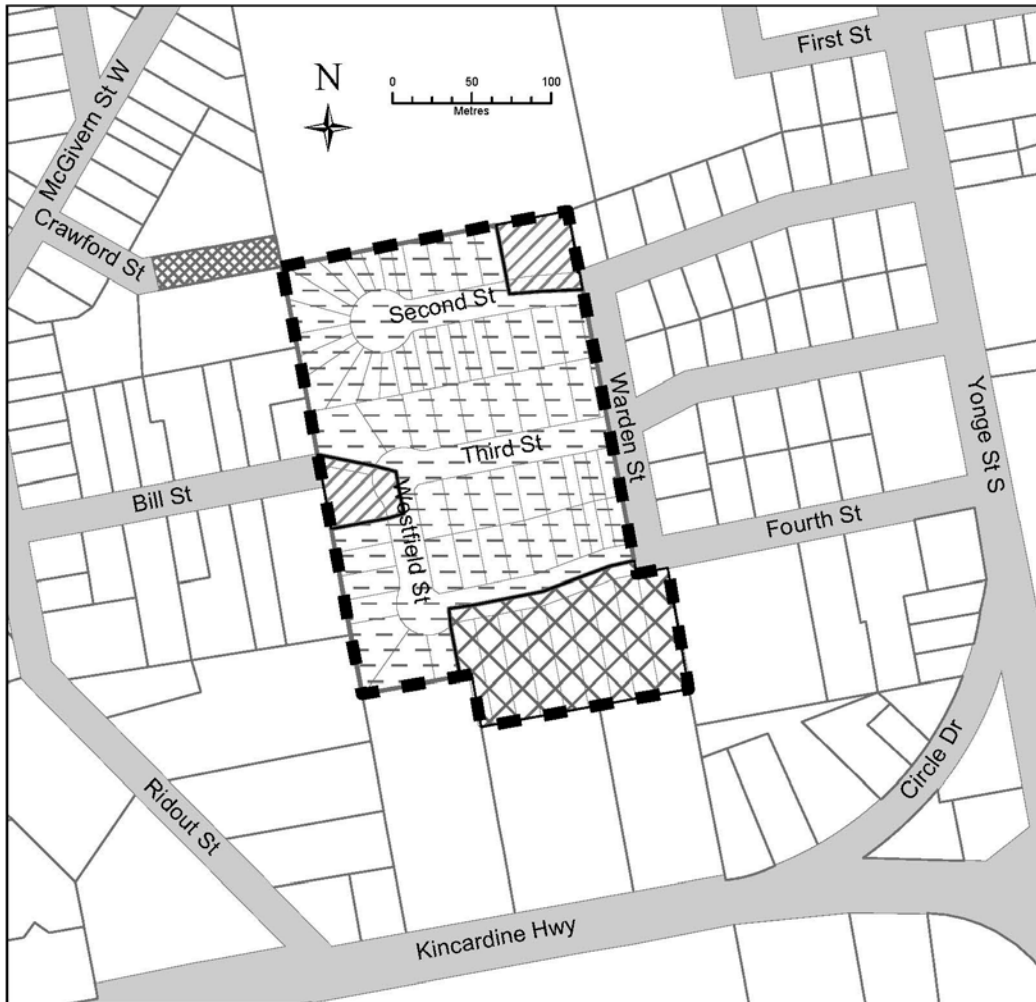
Read, Enacted, Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Mayor - C Peabody

\_\_\_\_\_  
Clerk - Fiona Hamilton

## Schedule 'A'

Lots 1 to 46, 56-75, Registered Plan 3M-242  
Municipality of Brockton (geographic Town of Walkerton)



- Subject Property
- Lands to be zoned 'R2-6 - Residential Zone 2 Special'
- Lands zoned 'R2 - Residential Zone 2'
- Lands zoned 'R2-5 - Residential Zone 2 Special'

This is Schedule 'A' to the zoning by-law  
Amendment NO. \_\_\_\_\_ passed this  
\_\_\_\_\_ day of \_\_\_\_\_

Mayor \_\_\_\_\_  
Clerk \_\_\_\_\_

File: Z-69-2018.36

Applicant: JDR Development Inc.  
c/o Ron Davidson Planning Consultant

Date: December, 2018