



Planning Report

To: Municipality of Brockton Council

From: Benito Russo, Planner

Date: July 11, 2023

Re: Zoning By-law Amendment Application - Z-2023-047 (JTL)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2023-047 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is for a Zoning By-law Amendment. It is proposed that if approved, the subject land be rezoned to add a permitted use of open storage including for travel trailers, boats, recreational vehicles, and other similar on or off-road vehicles. No changes are proposed to the existing light industrial use.

There are no areas on the subject property zoned or designated as Environmental Protection (EP) or Hazard Land Areas.

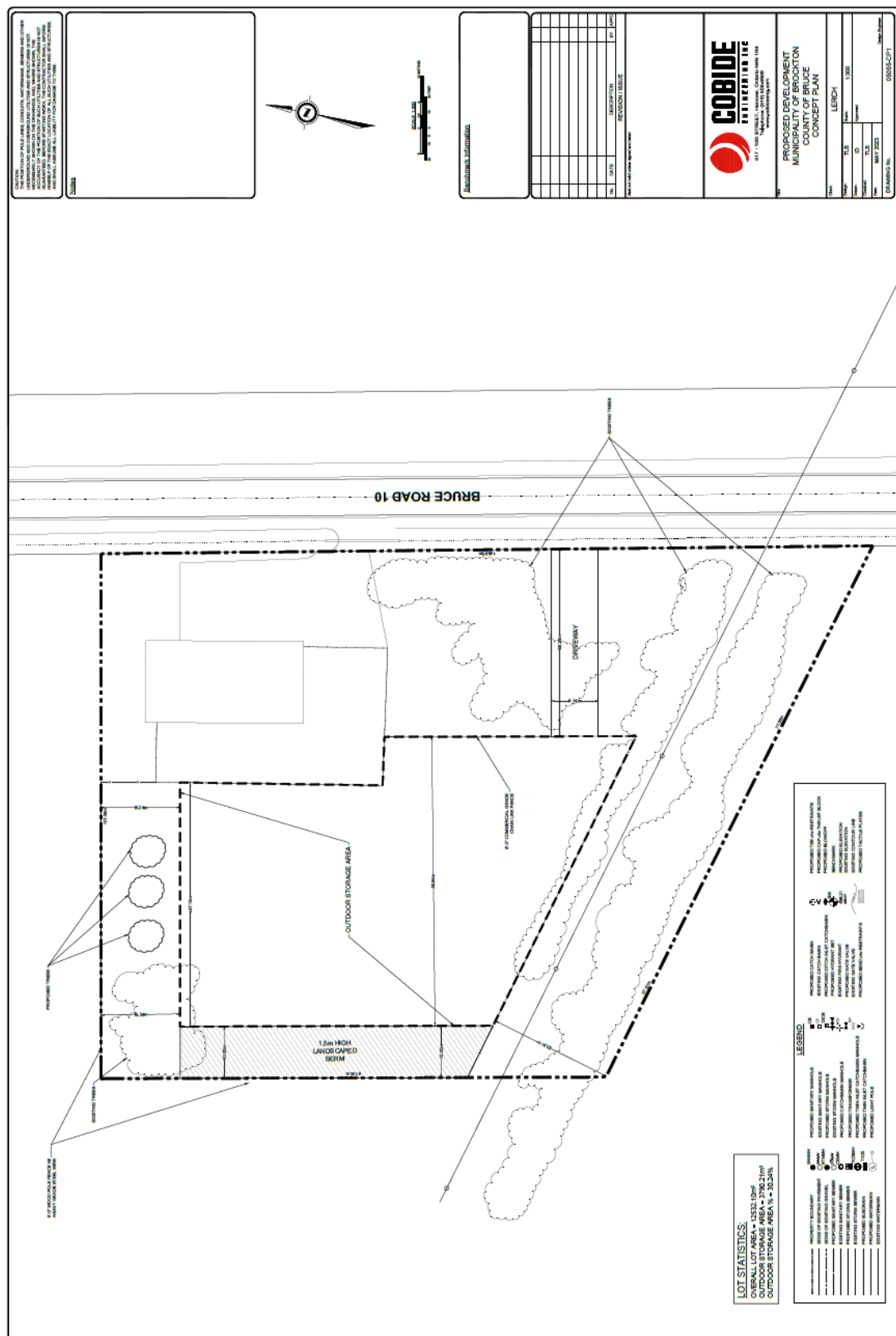
There are no areas on the subject property that are identified as having high archaeological potential.

The subject property is located North of Hanover, East of Lake Rosalind, South of Bruce Road 22, and on the West side of Bruce Road 10. It is surrounded by agricultural commercial industrial, agriculture, natural areas, and residential land uses.

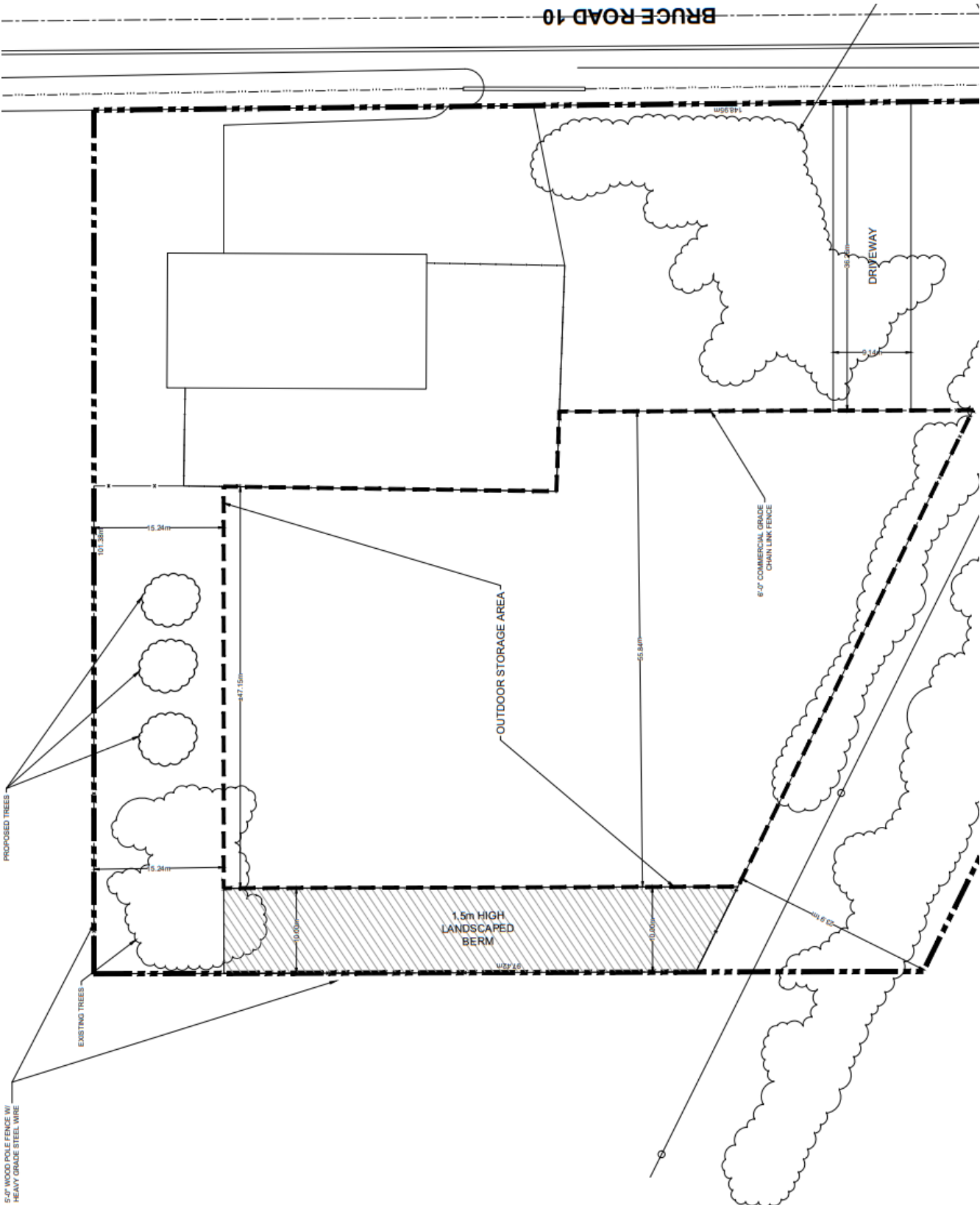
Airphoto



Site Plan - Entire Property



Site Plan - Detail



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Legal Conforming Use

The subject lands are designated Agricultural Area, in the Bruce County Official Plan.

Within Section 6.7.1 of the Bruce County Official Plan, in rural and agricultural areas, the local municipality Council has the authority to decide whether to allow the continuation, expansion, or enlargement of an existing use that is legal, or a change to a similar use, based on specific criteria.

Among others, the applicable criteria include that the proposed use is permitted in either the 'Rural' or 'Agricultural' designations, that the legal use is recognized in the Zoning By-law, the proposed use does not generate large volumes of water, has no adverse effect on the present uses of the surrounding lands, must be in appropriate proportion to the size of the existing use, the use will not create or further aggravate a traffic hazard.

The proposed Open Storage use can be considered consistent with the Bruce County Official Plan's requirements to expand legally existing uses in Agricultural Areas.

Open Storage

Within the Brockton Zoning By-law Section 3.17.1 details the requirements for permitting Open Storage uses. This includes, that Open Storage uses are accessory to the principle use on the lot, it shall not be in located with the front yard or exterior side yard, complies with the minimum yard requirements of the zone, and is visually screened from the street by a Planting Area/Visual Screening installation.

The proposed Open Storage use is consistent with all Zoning By-law requirements.

Required Zoning By-Law Amendments

An amendment to the Zoning By-law is required in order to facilitate the proposed Open Storage.

The subject property will be rezoned from the existing Agricultural Commercial Industrial Special (ACI-35) Zone to an amended Agricultural Commercial Industrial Special (ACI-35) Zone with the following provisions:

- Notwithstanding their 'ACI' Zoning designation, those lands delineated as 'ACI-35' on Schedule 'A' to this By-Law, shall be used in accordance with the 'ACI' Zone provisions contained in this By-Law excepting however that:

- i) Permitted uses shall be limited to 'Light Industrial' purposes as it existed on the date of passage of this By-Law, and 'Open Storage' including for travel trailers, boats, recreational vehicles, and other similar on or off-road vehicles.

Appendices

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Planning Brief - Cobide Engineering
- Public Notice

County Official Plan Map (Designated Agricultural Areas)



Local Zoning Map (Zoned 'ACI-35' -Agricultural Commercial Industrial Special)



Agency Comments

The Corporation of the Municipality of Brockton: No comments.

Enbridge: Service lines are running within the area which may or may not be affected by the proposed Site Plan. Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries.

Any Service relocation required would be at the cost of the property owner. If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

In the event that an easement is required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

Historic Saugeen Métis: No objection or opposition.

Saugeen Valley Conservation Authority: No objection. Full comments provided below.

Public Comments: No comments received at the time of submission.

SENT ELECTRONICALLY (brusso@brucecounty.on.ca and bcplwa@brucecounty.on.ca)

July 4, 2023

County of Bruce Planning and Development Department
30 Park Street
Walkerton, ON
N0G 2V0

ATTENTION: Benito Russo, Planner

Dear Mr Russo,

RE: Proposed Zoning By-law Amendment Z-2023-047 (JTD Ltd.)
013476 Bruce Road 10
Roll No. 410434001009101
Part Lot 74, Concession 2 NDR
Geographic Township of Brant
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). Staff have also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards. The application has also been reviewed through our role as a public body under the Planning Act as per our SVCA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of the application is for a Zoning By-law Amendment. If approved, a portion of the subject land will be rezoned to permit outdoor storage for travel trailers, boats and other similar recreational vehicles. No changes are proposed to the existing light industrial use.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Risk Management Official (RMO) at rmo@greysable.on.ca.

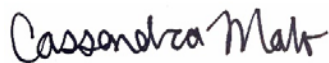
Summary

SVCA staff find the application acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to SVCA or as per our MOA with the County of Bruce. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard policies of the Provincial Policy Statement (PPS, 2020) and the County of Bruce. Additionally, the property is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required.

Please inform this office of any decision made by County of Bruce and/or the Municipality of Brockton with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

Sincerely,



Cassandra Malo
Environmental Planning Technician
Saugeen Conservation
CM/

cc: Gregory McLean, Authority Member, SVCA (via email)
Fiona Hamilton, Clerk, Municipality of Brockton (via email)

Planning Brief

To: B. Russo, Planner

From: D. Kieffer, MCIP, RPP, Senior Development Planner

On behalf of our client, Cobide Engineering Inc. is pleased to submit this Planning Brief in support of the Zoning By-law Amendment application for the property located at 013476 Bruce Road 10 (hereinafter called the subject lands).

This Planning Brief serves analyze the land use planning merits of the applications and determine the appropriateness of the proposed uses. The request will be analyzed within the context of the surrounding community and the relevant planning documents, including the Provincial Policy Statement, the Bruce County Official Plan and the Municipality of Brockton's Comprehensive Zoning By-law.

Site Context:

The subject lands are located in the Municipality of Brockton in the former Township of Brant, but have a Hanover address and are part of lands that form a natural extension of the Town of Hanover. It is a mixed-use area with commercial, industrial and residential uses in the immediate vicinity. The subject lands are serviced by municipal water and sanitary sewer.

Planning Context:

The lands are designated Agriculture in the Bruce County Official Plan and are zoned Agricultural Commercial Industrial Special (ACI-35). The lands are permitted to be used for "Light Industrial" uses and have traditionally hosted the business Linde Canada (formerly Praxair).

Development Concept:

In order to maximize the site's functionality, the proponent is proposing to add the use "open storage including trailer trailers, boats and similar vehicles" to the property to store boats, trailers, and the like on a portion of the property. It is proposed that the Light Industrial use be continued in the building located on the site.

Agricultural Policies:

The Provincial Policy Statement and the Bruce County Official Plan permit three uses on lands designated Agriculture including: agriculture, agriculture-related uses and on-farm diversified

uses. While the subject lands are specially zoned to permit Light Industrial, they have not been specially designated in the Official Plan for this purpose.

Section 6.7.1 of the Bruce County Official Plan permits local municipalities to zone to permit the continuation, expansion, or enlargement of a legally existing use, or change to a similar use in an Agricultural designation. It is proposed that using this provision, the property be re-zoned to expand the suite of uses available to the business to include open storage of boats and trailers.

Section 6.7.1 of the Bruce County Official Plan provides the following framework to consider these types of applications:

i)	The proposed use is permitted in either the 'Rural' or 'Agricultural' designations; and	An on-farm diversified use entails a broad range of uses permitted in Agriculture designations. The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas lists the seasonal storage of boats and trailers as an example of a home industry on-farm diversified use (page 23).
ii)	The existing use of the land, buildings or structures is a legal use currently recognized in the implementing comprehensive zoning by-law or is a legal non-conforming use in the implementing comprehensive zoning by-law; and	The existing use is a legal use currently recognized in the Comprehensive Zoning By-law.
iii)	The proposed use does not require large volumes of water nor generate large volumes of effluent; and	The proposed addition of the open storage for travel trailers, boats and similar vehicles will not require large volumes of water or create effluent.
iv)	The proposed use has no adverse effect on the present uses of the surrounding lands or the implementation of the provisions of this Plan; and	Given the nature of the mixed-use area, and the special permission for Light Industrial uses (which permits outdoor storage associated with that use already), and the proposed fencing and construction of a berm, the addition of open storage for boats and trailers is not expected to have an impact on surrounding uses.
v)	The proposed use is not located in a floodplain or floodway; and	The proposed use is not located in a floodplain or floodway.

vi)	The proposed use has regard for the Provincial Minimum Distance Separation Formula as amended from time to time; and	<p>Guideline 10 in the Minimum Distance Separation Document exempts amendments to rezone or redesignate land already zoned or designated for a non-agricultural use from being required to meet MDS I setbacks if the amendment(s) permits a use that is similar sensitivity to what currently exists.</p> <p>The storage of boats and trailers for the off-season is not going to greatly increase human occupancy, habitation or activity that is characterized by more sensitive, Type B Land Uses. The addition of this use can still be considered a Type A land use, or similar sensitivity to what currently exists on the site, and the amendment is therefore exempt from MDS I.</p>
vii)	The proposed use is accessible by a public road which is maintained by the appropriate authority as open to traffic on a year-round basis; and	The subject lands front 7 th Avenue/ Bruce County Road 10
viii)	The proposed use is subject to any conditions that may be contained in a local Municipal Official Plan; and	No Local Official Plans apply to the subject lands.
ix)	The proposed use must be in appropriate proportion to the size of the existing use; and	The property its entirety is zoned for Light Industrial uses
x)	The proposed use will not create or further aggravate a traffic hazard.	The subject lands are located on an arterial road and propose a second entrance to service the use.

Therefore, the proposed Zoning By-law Amendment can be considered consistent with the Bruce County Official Plan's requirements to expand legally-existing uses in Agricultural Areas.

Zoning Bylaw

Provision	Required	Provided
Minimum Lot Area	0.8 ha	1.17 ha
Minimum Lot Frontage	30 m	146 m
Minimum Front Yard	15 m	16 .5 m

Maximum Height- main building	10 m	4.5 m
Maximum Lot Coverage	15%	4%
Minimum Separation Distance from Accessory Detached Dwelling	30 m	n/a

Open Storage

The amendment requests the addition of the use ‘open storage of travel trailers, boats and similar vehicles.’ It should be noted that the open storage definition “... does not include motor vehicles, commercial motor vehicles, travel trailers, boats, recreational vehicles, tractors and other similar on or off-road vehicles.” Therefore, the amendment will have to specifically address this.

It is also confirmed that all other provisions of the by-law are met, including limiting the open storage areas to not cover more than 35% of the lot.

Conclusions:

It is my professional opinion that this application represents good land use planning for the following reasons:

1. The subject lands are located in a highly fragmented region of the Agricultural Area with a number of commercial, residential and industrial uses in the immediate vicinity. The expansion of the permitted uses on the subject lands is not expected to impact the viability of agriculture in the area.
2. The proposed expansion of the Light Industrial use is consistent with the Bruce County Official Plan;
3. The proposed addition of the ‘open storage including travel trailers, boats and other similar vehicles’ is similar to what is currently permitted on the property, and the impacts from the addition of the use to neighbouring properties will be mitigated with landscaping and fencing;
4. The addition of the use will maximize the use of the property for the property owners and provide a service to the surrounding community.

Thank you for the consideration of this application, please contact the undersigned with any questions.

Kind regards,

Cobide Engineering Inc.



Dana Kieffer, M.Sc. (Planning), MCIP, RPP

Senior Development Planner,
Cobide Engineering Inc.
519-506-5959 ext. 106
dkieffer@cobideeng.com



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



June 15, 2023

File Number(s): Z-2023-047

Public Meeting Notice

You're invited:

Hybrid Public Meeting

To consider Zoning By-law Amendment / Z-2023-047

July 11, 2023 at 7:00 p.m.

A change is proposed in your neighbourhood: The purpose of this application is for a Zoning By-law Amendment. If approved, a portion of the subject land will be rezoned to permit outdoor storage for travel trailers, boats, and other similar recreational vehicles. No changes are proposed to the existing light industrial use.



013476 Bruce Road 10

CON 2 NDR PT LOT 74
RP 3R734;PART 3 RP
3R4223 PART 29
(Brant)

Municipality of Brockton

Roll Number:
410434001009101

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be

viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Benito Russo

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after July 5, 2023 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

You can submit comments by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Committee for its consideration.

How to access the public meeting

For information on how to participate in the public meeting, please visit the municipal website at <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

Please contact the Municipality at fhamilton@brockton.ca or 519-881-2223 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of Municipality of Brockton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Municipality of Brockton before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Brockton before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

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