



Planning Report

To: Municipality of Brockton Council

From: Benito Russo, Planner

Date: March 18, 2025

Re: Zoning By-law Amendment Application - Z-2023-094 (Brockton)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2023-094 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is to complete a housekeeping amendment to the Brockton comprehensive Zoning By-law, which will apply to the entire municipality of Brockton.

The proposed provision amendments, among others, include:

- Increased permitted uses of Additional Residential Units
- Increased maximum lot coverage in relation to use of Additional Residential Units
- Removal of minimum floor area requirements for dwellings
- The addition of new definitions and uses, including updating several existing definitions
- Increased permitted uses for industrial/commercial zones to permit recreational uses
- Updates to accessible parking requirements to follow provincial guidelines
- Minimum Distance Separation Formulae updates
- Reduction in parking requirements for higher density residential and care facility uses
- Electric vehicle parking requirements
- Increased permitted yard encroachments
- Re-numbering of sections, and improving the clarity of provisions

The inclusion of new provisions is proposed for Minor Lot Enlargements to recognize that the zoning of the receiving lands extends to incorporate the lands which are severed and merged when a Planning Act application for a Consent is approved.

These changes will result in improved clarity and flexibility for select provisions, facilitate additional residential units, and reflect recent legislative changes.

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.

Zoning By-law Amendments

The application includes proposed amendments to the text of the comprehensive zoning by-law document which applies to the entire Municipality of Brockton. The proposed changes are detailed in the Proposed Zoning By-law Updates and Edits document attached to this report and are summarized below.

A number of these changes are being proposed to bring the Zoning By-law into conformity with provincial direction, namely additional residential unit policies, and include provisions that reflect County Official Plan policies. If approved, the amendments would provide clarity and consistency in interpretation of the Zoning By-law, increase as of right permissions, enable greater variety of development options, and may reduce the number of requested variances or site-specific amendments.

Additional amendments were considered by Municipal and County staff but were deemed to require broader more in-depth review and/or amendments to the Municipalities Official Plan prior to amending the Municipal Zoning By-law. Municipal and County staff will continue to monitor application types and volumes and will bring additional housekeeping amendments forward for Council consideration if, and when, needed.

Dwelling Additional Residential Unit on Farm

In accordance with the 2024 Provincial Policy Statement, where a dwelling is permitted on a farm parcel, two (2) additional residential units are now required to be permitted for a total of three (3) dwelling units. The definition and provisions are proposed to be amended to recognize this change.

Provisions are proposed to be amended to; require connection to water and septic services, that construction occurs in accordance with the Ontario Building Code, permit establishment in association with an agricultural building. A new provision includes that a detached additional residential on farm unit shall comply with Minimum Distance Separation (MDS) Formulae requirements, except where the detached dwelling unit is located no closer to existing manure storage or anaerobic digesters, or livestock facilities than the existing 'Dwelling, Accessory Detached' on the same lot.

These changes will ensure the proper construction of additional residential units, reflect recent changes to the Ontario Building Code, and facilitate as of right construction for additional residential units on farm. No other changes are proposed to the existing provisions.

Dwelling, Additional Residential Unit

In accordance with Ontario Regulation 299/19, where an additional residential unit is present on residential parcels with full municipal services, it is required to permit a minimum lot coverage of 45% for all buildings and structures. The provisions are proposed to be amended to recognize this requirement. It is noted that this requirement does not circumvent environmental constraints, as such, parcels within the flood fringe overlay will be limited to the total lot coverage of the underlying zone.

Provisions are proposed to be amended to require connection to water and septic services, and that construction occurs in accordance with the Ontario Building Code. Provisions are proposed to permit a second additional residential unit on partial municipal services or private services provided the lot area is greater than 0.6 hectares.

These changes will ensure the proper construction of additional residential units and facilitate increased as of right construction for additional residential units. No other changes are proposed to the existing provisions.

Barrier Free Parking

Definitions and provisions are proposed to be amended to reflect the Accessibility for Ontarians with Disabilities Act, Ontario Regulation 413/12 Integrated Accessibility Standards for off street parking.

Changes to the existing provisions include updated required parking space widths and lengths, access isle requirements, and differentiation between a Type A and Type B barrier free spaces. These changes are intended to improve community infrastructure for those with accessibility needs.

Electric Vehicles

Definitions and provisions are proposed to be added for electric vehicles and electric vehicle parking spaces. The associated provisions apply to new or expanding residential apartment developments, for every twenty (20) required parking spaces a minimum of one (1) space shall be constructed and equipped with an appropriate electric vehicle charging device for electric vehicle parking. Where both electric vehicle parking and barrier free parking is required, a minimum of one (1) Barrier Free Type A Space shall be configured for electric vehicle parking.

These provisions recognize the growing use of electric vehicles, improve community infrastructure for those with accessibility needs, and will assist in providing greater availability of charging stations throughout the community.

Height of Buildings

The existing Zoning By-law does not provide guidance or provisions regarding dormers or similar features with respect to overall height of a building. Proposed amendments to the definition of building height are intended to account for and limit the increased scale and building height associated with constructing dormers on buildings.

Residential Minimum Floor Area Requirements

The Zoning By-law contains a variety of minimum floor area requirements for Dwelling, Accessory Apartments, and Dwelling, Accessory Detached dwellings, as well as dwellings in the General Agriculture (A1) Zone, Residential One (R1) Zone, Residential Two (R2) Zone, Residential Three (R3) Zone, Hamlet Residential (HR) Zone, Inland Lake Residential (LR) Zone, Mobile Home Park Residential (MHP) Zone.

Minimum floor area requirements can act as a barrier to housing development; restricting construction of smaller more affordable units, limit overall housing density, limit variety of dwelling types, and may not align with market demand and community lifestyles.

It is proposed to amend the Zoning By-law to remove these minimum floor area requirements for residential dwellings and instead allow the Ontario Building Code to regulate minimum floor area requirements.

Place of Entertainment

The existing Zoning By-law text does not account for a range of entertainment venues, such as sport simulators and trampoline parks. The proposed amendments include the addition of a new definition for a place of entertainment which includes a wide range of recreational and theatrical uses, which may also include offering for sale, servicing and consumption of food and drinks.

It is proposed to permit a place of entertainment use in the Commercial (C1, C2, & C3) Zones and the Business Park 1 (BP1) and Business Park 1 Special (BP1-2) Zones.

Permitted Yard Encroachments

It is proposed to increase the provisions for permitted yard encroachments. Where attached to the residence and located in the required rear yard setback with a height no greater than the first storey to permit a 3.7 metre encroachment for porches, decks, or steps. In addition, the encroachment may be no closer than 3.8 metres to the rear lot line.

This is a 2.2 metre increase from what is permitted and includes greater clarity that a setback must be maintained from the rear lot line. These changes are reflective of the increased demand for amenity areas in the rear yard, and to increase maximize usable area for small or irregularly shaped lots.

Multi-Unit Parking Requirements

It is proposed to amend the required number of parking spaces for apartment buildings, townhouse cluster dwellings, and residential care facilities. For apartments and townhouse cluster developments parking requirements will no longer require 0.25 parking spaces for visitor parking after the first 20 units. This would result in limiting the maximum number of required visitor parking spaces to five (5) for larger developments, developments may continue to have more parking spaces for visitor parking, however, it would not be required by the Zoning By-law.

For residential care facilities the number of parking spaces required per room is proposed to be reduced from one (1) parking space per resident room to one (1) parking space per two (2) resident rooms and introduces visitor parking of one (1) parking space per ten (10) resident rooms.

This will result in limiting the total number of parking spaces, increasing the available development opportunity of serviced lands, and permitting greater flexibility for landscaping elements/amenity areas.

Cemetery Minimum Distance Separation Formulae

The provincial Minimum Distance Separation Formulae (MDS) details that cemeteries are a Type B land use, requiring a greater separation from livestock facilities. However, where a cemetery which is closed, receives low levels of visitation, or where no place of worship is present shall be considered a Type A land use requiring a lesser setback from livestock facilities.

In accordance with the MDs guidelines, to permit the reduced setback without the need for subsequent planning applications, the municipal planning documents must contain a provision to this effect. The proposed amendment would recognize cemeteries which fit the criteria to be Type A land uses.

Minor Lot Enlargements

A minor lot enlargement is a consent for a small area of land to be severed and transferred to an abutting lot. This is generally proposed to correct legal issues such as encroachments onto neighboring lands, and servicing purposes. In instances where the severed and receiving lands are within different zones, a minor lot enlargement may result in the need for a zoning by-law amendment.

It is proposed that for minor lot enlargements, where a consent is approved the zoning of the receiving lands shall extend to incorporate the lands which are severed and merged. This shall not apply to remove lands from the Environmental Protection (EP) Zone or remove Holding ‘-H’ zones where applicable. This will also recognize the resulting lots to comply with the zoning by-law requirements for lot area and frontage.

This section also applied when lands are closed and conveyed or created by the municipality (e.g., in the event of a road closure).

Appendices

- Agency Comments
- Public Comments
- Public Notice

Agency Comments

The Corporation of the Municipality of Brockton:

The subject application was initiated by the Corporation of the Municipality of Brockton, no further comments have been provided.

Historic Saugeen Métis: No objection or opposition.

Saugeen Valley Conservation Authority:

The application is generally acceptable to the SVCA. We are satisfied the existing policies for s. 3.8.3 & 3.8.4 will address concerns raised in column 2 and 3 of Schedule A submitted with our correspondence, dated February 26, 2025. It is recommended the updated by-law could be enhanced with the proposed provisions in Schedule A. As such, we look forward to working with the Municipality on the proposed CZB update later this year to continue this discussion. Full comments are attached below.

Transportation & Environmental Services: No comment.

Public Comments

No comments received at the time of this report's submission.

From: [Benito Russo](#)
To: [Bruce County Planning - Inland Hub](#)
Subject: FW: Additional Dwelling Units
Date: Wednesday, March 12, 2025 8:59:58 AM
Attachments: [image001.png](#)

Updated SVCA comments BRK Housekeeping

From: Brandi Walter
Sent: Wednesday, March 12, 2025 8:58 AM
To: Benito Russo
Subject: Additional Dwelling Units

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Benito,

Thanks for the good discussion yesterday. I am satisfied the existing policies for s. 3.8.3 & 3.8.4 will address concerns raised in column 2 and 3 of Schedule A submitted with our correspondence, dated February 26, 2025. However, it remains my opinion the updated by-law could be enhanced with the proposed provisions in Schedule A. As such, I look forward to working with the Municipality on the proposed CZB update later this year to continue this discussion.

Have a great day!

Kind Regards,

Brandi Walter

Environmental Planning Coordinator

Saugeen Valley Conservation Authority

1078 Bruce Rd. 12, PO Box 150, Formosa ON N0G 1W0

519-364-1255 ext. 236

b.walter@svca.on.ca

www.saugeenconservation.ca

SENT ELECTRONICALLY (brusso@brucecounty.on.ca)
February 26, 2025

County of Bruce
Planning and Development Department
30 Park Street, Box 848
Walkerton, ON NOG 2V0

ATTENTION: Benito Russo, Planner

Dear Benito Russo,

RE: Proposed Zoning By-law Amendment: Z-2023-094 (Housekeeping)
Municipality of Brockton

The above-noted application has been received by the Saugeen Valley Conservation Authority (SVCA) in accordance with the Mandatory Programs and Services Regulation (Ontario Regulation 686/21) made under the *Conservation Authorities Act* (CA Act). SVCA staff have reviewed the proposal for consistency with SVCA's environmental planning and regulation policies (https://www.saugeenconservation.ca/en/permits-and-planning/resources/Environmental-Regulations/January-2019-Consolidated-Manual_Interim.pdf) made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the application for conformity with the natural hazard policies of the applicable Municipality or County.

Recommendation

SVCA staff propose the recommendations in Schedule 'A' (attached) be incorporated into proposed [housekeeping] zoning by-law amendment Z-2023-094. It is staff's opinion the existing zoning by-law would benefit from enhanced natural hazard provisions to be consistent with the natural hazard policies of the Provincial Planning Statement (PPS, 2024), local, and county official plans. We elaborate in the following report.

Documents Reviewed by Staff

Staff have reviewed the following documents circulated to the SVCA:

- 1) Request for Agency Comments; Z94 Brockton Housekeeping, dated February 10, 2024,
- 2) Public Meeting Notice, Z94 Brockton Housekeeping, dated February 3, 2025,

- 3) Zoning By-law Edits Summary; Z94 Brockton Housekeeping, received February 10, 2025; and,
- 4) Application for Z94 Brockton Housekeeping, dated January 31, 2025.

Provincial Planning Statement (PPS, 2024)

In accordance with s. 7 of O. Regulation 686/21, SVCA shall act on behalf of the Province or as a public body under the *Planning Act* (PA) to ensure municipal decisions made under the PA are consistent with the natural hazards policies of the PPS, Chapter 5.

It is SVCA staff's opinion, the proposed housekeeping amendment should include the recommendations provided in Schedule "A", attached. The Municipality's zoning by-law would benefit from enhanced natural hazard provisions to be consistent with the natural hazard policies of the PPS, Chapter 5; specifically, regarding additional dwellings/additional residential units.

SVCA staff would be pleased to discuss this matter with municipal planning staff, should it be their opinion the existing comprehensive zoning by-law contains provisions that address our concerns.

County of Bruce Official Plan Policies

The following comments are made in accordance with the SVCA/County of Bruce MOA.

In general, the natural hazard policies of the County OP do not support new development within lands affected by natural hazards in addition to the natural hazard policies of the PPS concerning development and site alterations in hazardous lands and sites.

It is SVCA staff's opinion that the proposed housekeeping amendment be revised as recommended in Schedule 'A' to be consistent with the natural hazard policies of the County OP.

Community of Walkerton Official Plan Policies

The following comments are made in accordance with the SVCA/County of Bruce MOA.

It is SVCA staff's interpretation, as indicated in s. 3.7.1 of the Plan, the goal of the Municipality is to protect and preserve lands having inherent physical and environmental constraints to development, to avoid potential danger to life or property from the use of such lands.

It is SVCA staff's opinion that the proposed housekeeping amendment be revised as recommended in Schedule 'A' to be consistent with the natural hazard policies of the Community of Walkerton Official Plan.

Conservation Authorities Act and O. Regulation 41/24

Within SVCA's regulated areas and in accordance with the CA Act and O. Regulation 41/24, a permit from the SVCA is required to change or interfere with watercourses or wetlands and for development activities in or adjacent to hazardous lands, wetlands, river or stream valleys, Great Lakes, and inland lake shorelines. When reviewing an application, SVCA staff must assess the proposal for impacts to

the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock, and ensure the activity will not create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property. Provided staff are satisfied the proposal is consistent with SVCA's policies, designed to mitigate these risks, a permit can be issued.

In general, SVCA's policies do not permit development within hazardous lands and sites and where safe access through a hazard cannot be achieved.

Drinking Water Source Protection

The Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities. Please contact the Risk Management Official, Carl Seider (c.seider@greysauble.on.ca) directly for more information on the Source Protection Plan policies that may affect this update.

Summary

SVCA staff have reviewed the proposal for consistency with SVCA's policies made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the application for conformity with the natural hazard policies of the applicable Municipality or County.

SVCA staff recommend revisions (Schedules 'A') to the proposed housekeeping zoning by-law amendment to conform with Chapter 5, natural hazard policies of the PPS, County, and Municipal OP.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with the Natural Hazard policies of the PPS, Chapter 5 has not been demonstrated.
- 2) Consistency with local planning policies for natural hazards has not been demonstrated.
- 3) SVCA staff would be pleased to discuss our recommendations should it be the opinion of municipal planning staff that the existing zoning by-law contains provisions to address our concerns.

Please inform this office of any decision made by the Municipality regarding this update. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, or require this information in an accessible format, please contact the undersigned at b.walter@svca.on.ca.

February 26, 2024

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Sincerely,

A handwritten signature in cursive script that reads "Brandi Walter". The signature is written in black ink on a light-colored background.

Brandi Walter

Environmental Planning Coordinator

Saugeen Conservation

BW/

Encl: Schedule A

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)

Gregory McLean, SVCA member (via email)

Land Use Planning, County of Bruce (via email)

**SCHEDULE A
MUNICIPALITY OF BROCKTON HOUSKEEPING ZBA: Z-2023-094
SVCA Disposition Table**

Section	Recommendation	Comments	Applicable PPS 2024 Policy
<p>3.8.3 .1 i) (Dwelling, Additional Residential Unit)</p>	<p>Amend the following provision as follows:</p> <p>“The total lot coverage of all buildings and structures on a lot containing an Additional Residential Unit on full municipal services may be 45% except for lands located within the Flood Fringe Overlay. or spill area.”</p> <p>Additionally, we recommend the above provision should clarify what the permissible max lot coverage is for the Food Fringe Overlay areas, or where to find the existing parameters.</p>	<p>SVCA is satisfied with the intent of the proposed provision, which appears to restrict lot coverage in the flood fringe areas of Walkerton.</p> <p>The recommended edits are for clarification and to be consistent with language used in the Walkerton zoning by-law.</p>	<p>5.2.2</p>
<p>3.8 (Accessory Dwellings – subsections 3.8.1 to 3.8.4)</p>	<p>The housekeeping amendment should include provisions that prohibit accessory dwellings in the “EP” Environmental Protection zone and/or where safe access cannot be achieved through the hazard (i.e. flooding hazard, erosion hazard, and/or unstable soils or bedrock.)</p>	<p>The natural hazard policies of the province do not support development within lands affected by natural hazards. Specifically, where:</p> <ul style="list-style-type: none"> • there is an unacceptable risk to public health or safety or of property damage, • in areas that would be rendered inaccessible to people and vehicles during 	<p>5.2.1, 5.2.3, 5.2.7, and 5.2.8</p>

Section	Recommendation	Comments	Applicable PPS 2024 Policy
	<p>Similarly, the housekeeping amendment should include provisions that prohibit accessory dwellings/ARUs for properties within the Walkerton Flood Fringe Overlay lands:</p> <ul style="list-style-type: none"> • where floodproofing to the regulatory floodplain elevation cannot be achieved, • where safe access through the flood hazard cannot be achieved; and, • [in cases where an accessory dwelling is proposed within an existing structure] where the existing structure is not floodproofed to the regulatory floodplain elevation. <p>Additionally, for both the EP zone and Walkerton Flood Fringe Overlay, accessory dwellings should not be permitted within the basement of structures that are located within a flooding hazard.</p>	<p>times of flooding hazards and erosion hazards; and,</p> <ul style="list-style-type: none"> • [where a two-zone concept for floodplains is applied] where the hazard cannot be mitigated in accordance with provincial standards (i.e. floodproofing.) 	



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



February 3, 2025

File Number(s): Z-2023-094

Public Meeting Notice

You're invited:

Hybrid Public Meeting

to consider Zoning By-law Amendment / file #Z-2023-094

Tuesday, March 18, 2025 at 7:30 p.m.

Bruce County Council Chambers (30 Park Street, Walkerton)

A change is proposed in your neighbourhood: The purpose of this application is to complete a housekeeping amendment to the Brockton comprehensive Zoning By-law, which will apply to the entire Municipality of Brockton.

The proposed provision amendments, among others, include increased permitted uses of Additional Residential Units, increased maximum lot coverage in relation to use of Additional Residential Units, removal of floor area requirements for dwellings, the addition of definitions for several undefined uses and updates to industrial/commercial zones to permit expanded recreational uses, updates to accessible parking requirements to follow provincial guidelines, MDS updates, reduction in parking requirements for higher density residential and care facility uses, electric vehicle parking requirements, and increased permitted yard encroachments.

These changes will result in improved clarity and flexibility for select provisions, facilitate additional residential units, and reflect recent legislative changes. The inclusion of new provisions is proposed for Minor Lot Enlargements to recognize that the zoning of the receiving lands extends to incorporate the lands which are severed and merged when a Planning Act application for a Consent is approved.

This amendment applies to the entire Municipality of Brockton.

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. 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 March 10, 2025 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.

For more information about this matter, including information about appeal rights, contact 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 Council 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 www.brockton.ca under "Current Council Meeting Agenda".

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.