



Planning Report

Application: Zoning By-law Amendment
File(s): Z-15-19.36
Date: September 10, 2019
To: Council of the Corporation of the Municipality of Brockton
From: Mark Paoli, Senior Planner

Recommendation:

That the Zoning By-law Amendment Z-15-19.36 submitted by the Municipality of Brockton be **approved** and the necessary By-Law be forwarded to Council for adoption.

Summary:

The application proposes new and revised wording to clarify the regulation of lot coverage for accessory buildings and structures. The proposed change would apply to the entire municipality of Brockton.

The proposed change is consistent with the Provincial Policy Statement and conforms to the County Official Plan and Local Official Plan, is in keeping with the intent and purpose of the local zoning by-law and would be good land use planning.

Proposal Details:

Currently, the Lot Coverage definition states (with emphasis in bold added):

“Lot Coverage” means 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.

The proposed amended definition would change the definition to distinguish between lot coverage for the main building vs lot coverage for accessory buildings and structures, as follows:

1. The Lot Coverage definition would change the word '*including*' to '*excluding*' so that the definition for the main building would state:

"Lot Coverage – Main Building"

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

2. The new definition of lot coverage for accessory buildings and structures would state:

"Lot Coverage – Accessory Buildings and Structures"

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

In addition, the Lot Coverage regulation for accessory buildings and structures (Section 3.6.5.2) would be changed so that unenclosed decks, and decks without roofs would be excluded from the 5 % maximum coverage but would be regulated by a separate 5% coverage maximum for these structures. The revised 3.6.5.2 provision would read as follows:

"The total lot coverage of all accessory buildings or structures on a lot shall not exceed 5% of the lot. Notwithstanding the foregoing, **in the case of unenclosed decks, and decks without roofs**, these structures shall not be included in the lot coverage for accessory buildings and structures but in no case shall unenclosed decks, and decks without roofs structures be permitted to have a lot coverage greater than 5% of the lot."

Planning Analysis:

Under the current definitions and general provisions for accessory buildings and structures, there is potential for confusion between the General lot coverage provisions and the lot coverage provisions that apply in each Zone Category.

Although building staff have been able to address this through interpretation, such that accessory buildings and structures are allowed an additional 5 % coverage, staff identified the proposed wording changes to make the regulations easier to understand.

With this clarification, the processing of building permits is expected to be smoother. The actual results on the ground are not intended to change.

Summary

Staff recommend approval of the proposed clarifications to the accessory building lot coverage provisions. The amending by-law attached to this report is premised on the proposed changes.

Respectfully submitted,



Mark Paoli, Senior Planner
County of Bruce, Planning and Development

Section 'A': Agency Comments

Municipality of Brockton: No concerns

Saugeen Valley Conservation: Proposal is acceptable.

Historic Saugeen Metis: No objection or opposition

Bruce-Grey Catholic District School Board: No comments

Municipality of Huron-Kinloss: No comments

Bruce County Transportation and Environment: No comments

Section 'B': Public Comments

At the time of writing this report, no comments have been received from the Public.

Appendix 'A':

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, as amended, is hereby further amended by deleting the current definition of Lot Coverage in Section 2 and replacing the definition of Lot Coverage as follows:

- Definition to be deleted:

"Lot Coverage" means 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.

- Definitions to be added:

"Lot Coverage – Main Building" means that percentage of the lot area covered by buildings or structures, excluding accessory buildings or structures above finished grade level and excluding permanent above or below ground swimming pools and shall not include sewage disposal systems.

"Lot Coverage – Accessory Buildings and Structures" means that percentage of the lot area covered by accessory buildings or structures above finished grade level and permanent above or below ground swimming pools and shall not include sewage disposal systems.

2. Section 3.6.5.2 is deleted and replaced with the following provision:

"The total lot coverage of all accessory buildings or structures on a lot shall not exceed 5% of the lot. Notwithstanding the foregoing, in the case of unenclosed decks, and decks without roofs, these structures shall not be included in the lot coverage for accessory buildings and structures but in no case shall unenclosed decks, and decks without roofs structures be permitted to have a lot coverage greater than 5% of the lot.

3. 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 – Chris Peabody

Clerk – Fiona Hamilton