

REPORT #: PLN-2024-36
DATE: 6-Aug-24
TO: Deputy Mayor and Members of Committee of the Whole
SUBJECT: **Proposed General/Housekeeping Zoning By-law Updates**
PREPARED BY: Thomas Dysart, Senior Planner

1. RECOMMENDATIONS:

That Report PLN-2024-36 be received for information; and

That Council directs staff to proceed with the proposed Town-initiated Zoning By-law 2010-050 updates, as amended, as outlined in report PLN-2024-36, and to proceed with public consultation on the proposed updates.

2. PREAMBLE:

The goal of this report is to initiate the process to streamline certain aspects of various bylaws to better align them with the Town's current objectives.

On June 8, 2010, Council adopted Zoning By-law 2010-050, a new comprehensive Zoning By-law for the Town of Bradford West Gwillimbury, consolidating the Zoning By-laws from the former Townships of Tecumseth, West Gwillimbury and the Village of Bradford.

Since then, the Town's Zoning By-law has been amended many times, whether through a Town-initiated general amendment or specific amendments, or through landowner-driven site-specific amendments.

An office consolidation of the Zoning By-law was last prepared and published in 2014 and included all amendments which were approved and in-effect up to that point. A new office consolidation of the Zoning By-law is currently underway, and staff will present its recommendations to Council in the latter half of 2024.

Zoning By-law 2010-050, has been in force and effect for 14 years, inclusive of various amendments as noted above. During that time, through administration and daily use of the by-law, staff have identified areas which have resulted in ambiguity and potential for varying interpretations. Further, staff have generally supported relief of some areas that then required applications for Minor Variance through the Committee of Adjustment.

The purpose of this report is to seek Council concurrence to proceed with the process on the proposed amendments of the areas below as these could provide greater clarity and flexibility for development proposals in a manner that is both supported, and not precluded by upper-tier and Provincial land use planning policies, and/or Provincial legislation. Should Council provide its concurrence, the next step shall be the public consultation phase, likely in the early fall of 2024.

Staff have identified the following areas for amendments to the Town's Zoning By-law:

- Accessible Parking Standards.
- Accessory Farm Employee Accommodations.
- Height for Accessory Dwellings in Residential Zones.
- Residential permissions in the Agricultural "A" Zone and in the Marsh Agricultural "AM" Zone.

In summary, Staff are recommending that the Town proceed to consult with the public on these items, by way of statutory public notice and a public meeting to solicit feedback and report back to Council on the items listed above.

3. BASIC DATA PERTAINING TO THE MATTER:

3.1 Background

A zoning by-law sets out permitted uses and standards, such as setbacks, structure height, parking requirements, and lot coverage for all properties within a Municipality. A zoning by-law is intended to help achieve relative consistency and cohesion in neighborhoods, provide a legal and precise way of managing land use, reduce land use conflicts and implements the objectives and policies of the Town's Official Plan and upper-tier Planning policies.

All properties in the municipality are regulated by the zoning by-law. Should a property owner wish to introduce a new use on a property or seek relief from a provision of the zoning by-law, the property owner could take an additional step in the planning process and seek amendments or approvals from the Town Council, or relief from the Town's Committee of Adjustment, as appropriate.

Zoning By-law 2010-050, the Comprehensive Zoning By-law for the Town of Bradford West Gwillimbury was approved by Council in June 2010, with an office consolidation occurring in November 2014.

As the by-law has continued to be used over time, it has become apparent that there are certain sections, prohibitions and zone standards that have been the source of continued inquiry/request for relief by residents, have tied up staff resources, and have resulted in the risk of inconsistency for Town staff in interpreting certain provisions. As such, staff have identified select areas which may be candidates for amendment in the interest of facilitating development in a manner that is both supportable and not precluded by Provincial and upper-tier land use planning policies and legislation.

3.2 Proposed Amendments

3.2.1 Accessible Parking Standards

[Accessible Parking By-law 2019-22](#) (**Attachment 5.2**) was passed by Council in 2019 under the *Municipal Act*, “to regulate accessible parking spaces and control the parking of vehicles in such spaces in the Town ... to meet the requirements of the [Integrated Accessibility Standards, Ontario Regulation 191/11, or “IASR”] and ensure that parking facilities are built to meet the needs of residents with disabilities” (per By-law 2019-22). In accordance with Provincial legislation, that By-law contains standards in areas that may also regulated by the Town’s Zoning By-law, such as the different types of accessible parking spaces (i.e., “Type A” and “Type B” spaces), their respective dimensions, and the minimum number of such spaces that must be provided in relation to parking areas of varying sizes.

The Town’s accessible parking requirements differ from the IASR, and the goal is to align the Town’s Accessible Parking By-law with the IASR recommendations. Examples of variations between the Town’s Zoning By-law and the IASR are provided in the table below.

	Zoning By-law	IASR		
Minimum Width	4.4 metres	Type A space: 3.4 metres ¹ Type B space: 2.4 metres ¹		
Minimum Length	6.0 metres	5.2 metres		
Minimum Number of Spaces relative to size of Parking Area	0: 0-4 spaces 1: 5-30 spaces 2: 31-60 spaces 3: 61-100 spaces 1 additional accessible space for each additional 30 spaces	Type A	Type B	Parking Area
		1	0	1-12 spaces
		4% ²		13-100 spaces
		1, plus 3% ²		101-200 spaces
		2, plus 2% ²		201-1,000 spaces
		11, plus 1% ²		More than 1,000 spaces
Notes: 1) Plus an access aisle with a minimum width of 1.5 metres, which may be shared by adjacent accessible parking spaces. 2) No fewer than 50% of accessible parking spaces to have Type A dimensions.				

The purpose of the proposed housekeeping amendment would be to align the provisions of the accessible by-law with IASR and also an update to the Town’s Zoning By-law in pursuit of consistency between the Zoning By-law and Provincial standards. Currently, Accessible Parking By-law 2019-22 and the IASR are used as a guide to inform site-specific relief (e.g., Zoning By-law Amendment, Minor Variance).

3.2.2 Accessory Farm Employee Accommodation

The Town of Bradford West Gwillimbury has a history linked to agriculture, with many parcels of land being predominantly, primarily or solely used for agricultural production, with operators requiring the human resources to support the cultivation of those lands.

In consideration of that need, and recognizing that the accommodation of farm employees is effectively accessory to the agricultural use of land, the provision of accommodations for farm

employees in a flexible manner is necessary. The purpose of the proposed amendment to the Zoning By-law could provide farm operators with greater flexibility on where to accommodate farm employees.

Currently the Zoning By-law provisions for farm employee accommodations currently includes the following:

Any lot upon which accessory farm employee accommodation is located shall be occupied as a residence by the operator of the business;

As written, this provision requires that any/all farm employee accommodations required for the agricultural operation must be on the same property occupied by the residence of the farm business operator. In reality, this requirement may not be feasible or represent an efficient location to locate farm employee accommodations in light of the lands being cultivated as part of the farm operation.

Business operators have had to seek relief from this provision, supported by staff, which can cause delay in delivering the accommodations required to support farm employees' needs. As such, staff wish to pursue an amendment to the Zoning By-law to remove this provision, and provide greater flexibility to farm operations' accommodation of farm employees.

3.2.3 Heights for Detached Accessory Buildings

A detached accessory building is a structure that is subordinate to the principle use on the lot. In the case of a residential use, an accessory structure to a residential use may be in the form of a garage or shed. Currently, permitted heights for accessory buildings are as follows:

Table 1	
Zone Category	Permitted Heights
Residential One, Residential Two, Residential Three Zones	3.0 metres
Rural Settlement, Residential or Estate Residential	5.0 metres
All other zones	Height restrictions from the applicable zone would apply.

For the purpose of this exercise, Staff wish to pursue an amendment that would increase the permitted height of an accessory building in the Residential One, Residential Two and Residential Three zones only, to provide greater flexibility in accommodating the needs of residents, and in so doing, bring the Town's provisions closer in line with neighbouring municipalities.

Based on a cursory overview of neighboring municipalities, Bradford West Gwillimbury has the lowest permitted height for accessory buildings in Residential Zones. A comparison of permitted heights from other jurisdictions is listed in Table 2.

Table 2	
Aurora , By-law 6000-17	Where lot area less than 460 sq.m, 3.5 m Where lot area is more than 460 sq.m, 4.5 m
Barrie , By-law 2009-141	4.0 m
Bradford , By-law 2010-050	3.0 m
East Gwillimbury , By-law 2018-043	4.5 m
Innisfil , 080-013	5.0 m
King Township	
- Schomberg and King City, By-law 2017-66	4.5 m
- Nobleton, By-law 2016-71	4.5 m
Newmarket , By-law 2010-040	4.6 m
Springwater , By-law 5000	4.5 m

Staff recommend the Town pursues an amendment to the Zoning By-law to increase the maximum permitted height of a detached accessory building in the aforementioned residential zones, from 3.0 metres to 4.0 meters. This would provide greater flexibility for residents while still preventing such buildings from compromising the prominence of the primary residential use of the property.

3.2.4 Residential Permission in the Agricultural “A” Zone and Marsh Agricultural “AM” Zone

In the Agricultural “A” Zone, Detached Dwellings are a permitted use in principle, however, a 1967 restriction exists that prevents a property owner from building a detached dwelling on those Agricultural zoned lots with an area of between 4.04 hectares (9.9 or 10.0 acres) and 10.10 hectares (24.9 or 25.0 acres).

In the Marsh Agricultural “AM” Zone, Detached Dwellings are also a permitted use in principle, provided that the lot existed as of the date the Greenbelt Plan came into effect, and the zoning in effect at that time permitted such residential development. However, a restriction exists that prevents a property owner from building a detached dwelling on those Marsh Agricultural zoned lots with an area greater than 4.00 hectares (9.9 acres).

These restrictions were effectively carried forward from the former Township of West Gwillimbury Zoning By-law that put the restrictions in place in 1967 due to a relaxed lot creation framework that existed at the time (**Attachment 5.3**). It is understood that the intent of the restriction was to deter the fragmentation of agricultural land for potential residential development, which could result in the long-term loss of productive agricultural land. Today, lot creation policies at the local, County and Provincial level exist to preserve agricultural lands, and prevent their fragmentation.

Today, these restrictions in the Town’s Zoning By-law affect approximately 100 properties. These restrictions have not previously been the subject of site-specific request for relief; however, removing or relaxing these provisions may provide an opportunity to increase the supply of lots on which residential dwellings may be constructed, in a manner that is supported or not precluded by upper-tier or Provincial policy.

3.3 Next Steps

Should Council direct staff to proceed with public consultation on proposed revisions to the Zoning By-law to the effect outlined above, a Public Meeting would be scheduled in early fall to present an overview of all proposed revisions. Notice for the meeting will be provided through standard practice in accordance with the *Planning Act*.

4. EFFECT ON TOWN FINANCES:

The Office of Community Planning does not anticipate any impacts on the Town's finances directly resulting from receiving this report.

Advertising for future public meeting would come out of the existing Community Planning operating budget.

5. ATTACHMENTS:

Attachment 5.1 – Zoning By-law 2010-050

Attachment 5.2 – Accessible Parking By-law 2019-22

Attachment 5.3 – By-law 1134