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Date June 19, 2024 **Report No.** 2024-406

To Chair and Members
Zoning By-law Task Force

From Joe Muto, MCIP RPP
Acting Chief Planner and Director of Planning and Development Services

1.0 Type of Report

Consent Item []
Item For Consideration [X]

2.0 Topic **New Zoning By-law Project – Draft Zoning By-law Update [Financial Impact – None]**

3.0 Recommendation

- A. THAT Report 2024-406, titled “New Zoning By-law Project – Draft Zoning By-law Update”, BE RECEIVED; and
- B. THAT all comments from the Zoning By-law Task Force BE FORWARDED to Staff.

4.0 Background

This Report provides an update on the new Zoning By-law Project and remaining schedule. Planning Staff are preparing to release an updated, second draft document next week for public review over the summer months. This is a major milestone for the Project and follows the release of the first draft in December 2023 and various changes and edits made in response to public and stakeholder input, as well as the addition of more site specific provisions. The new Zoning By-law will be finalized for a statutory public meeting at a Special

Committee of the Whole – Planning and Administration and Council adoption in September.

The City of Brantford's New Zoning By-law Project is a comprehensive phased approach to establishing a new Zoning By-law for Brantford in conformity with the City's Official Plan – Envisioning Our City: 2051, Provincial policies and emerging best practices. The Official Plan was approved by the Minister of Municipal Affairs and Housing on August 4, 2021, taking effect on August 5, 2021. In accordance with the *Planning Act* (Section 26(9)), the City is required to bring its Zoning By-laws into conformity with the new Official Plan. The City's current Zoning By-law 160-90 as amended is well over 30 years old. The new Zoning By-law will replace Zoning By-law 160-90 in its entirety as well as the County of Brant Zoning By-law 61-16 where it currently applies to the municipal boundary adjustment lands that were annexed to the City of Brantford from the County of Brant in 2017. The new Zoning By-law will regulate all lands within the City of Brantford, including the former County lands. The draft document contains specific requirements for parcels of land including, for example, permitted uses, building height and setbacks, and parking requirements.

Brantford's New Zoning By-law Project is a key initiative that implements the recommendations of the City's Development Approvals Process (DAP) Review and demonstrates our continued commitment to streamlining development through the advancement of new and improved regulatory tools and processes. Modernizing the City of Brantford Zoning By-law will provide a clear, concise, and easy to read document for residents, the development community and Staff. The new Zoning By-law will guide future growth and development more efficiently alongside the changing needs of the city and modern development industry trends, and should result in fewer Zoning By-law amendment applications being necessary to support development.

The Zoning By-law Task Force was established in September of 2021 (refer to [Report 2021-497](#)) with a mandate to review and provide comments to Planning Staff and the consulting team on key deliverables prepared throughout the New Zoning By-law Project, including the background Discussion Papers, Strategic Directions Report, and the Draft Zoning By-law (November 2023).

- The background [Discussion Papers](#) reviewed key topics and provided preliminary recommendations to inform the format and content of the new Zoning By-law and were presented to the Task Force on June 1, 2022 (refer to [Report 2022-392](#)), and to the Committee of the Whole – Planning and Administration on July 12, 2022 through [Report 2022-424](#).

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- The [Strategic Directions Report](#) utilized the Discussion Papers and findings from public consultation activities to set out the structure for the new Zoning By-law and was presented to the Task Force on February 15, 2023 (refer to [Report No. 2023-26](#)). [Report No.2023-212](#), considered by the Committee of the Whole – Planning and Administration and Council in March of 2023 provides further information about the consultation undertaken including a hybrid Public Information Centre (PIC) held at City Hall on February 27, 2023.
 - The first Draft Zoning By-law (November 2023) was released for public review and comment on December 4, 2023. Staff requested public comments by the end of January 2024 so that they could be considered as the next draft was finalized. Staff utilized a variety of tools to notify residents and stakeholders about the draft Zoning By-law and provided various opportunities to submit feedback (refer to [Report No. 2024-48](#)).

Since the end of the January 2024 commenting period, Planning Staff and the consulting team continued to receive feedback from members of Council, residents and stakeholders looking to engage and provide additional feedback on the Draft Zoning By-law (November 2023). Staff modified project timelines to create additional opportunities for information sharing and engagement and to address additional questions and comments received. A summary of the consultation program, submitted feedback, and changes made to the November 2023 draft and next steps are provided in the Analysis Section of this Report.

5.0 Analysis

5.1 Consultation Program (January – May 2024)

A Public Information Centre (PIC) was held in Council Chambers on January 29, 2024, for those looking to learn more about the Draft Zoning By-law released December 4, 2023. A formal presentation was provided, and the public was encouraged to share feedback and ask questions during the open house portion of the meeting. At the conclusion of the meeting and during the weeks that followed, staff heard from members of Council and various stakeholder groups who were seeking additional opportunities for information and education on the Draft Zoning By-law. As a result, Planning Staff and the project team advanced several opportunities for public engagement and information sharing. The additional engagement included:

Council Workshops

Planning Staff met with the Mayor and members of Council on a ward by ward basis to review the Draft Zoning By-law, the interactive online mapping tool, and discuss proposed zoning and issues within each of the five wards. During these meetings, staff advised members of Council how to navigate the Draft Zoning By-law to review information on permitted uses and building types; building height; front, side and rear yard setbacks; and parking standards; for potential development scenarios.

Citywide Mailouts and Social Media Blasts

Throughout March and April of this year, property owners, tenants, and business owners were all notified through post mail about the new Draft Zoning By-law. Through postcards and utility bill inserts delivered to over 32,000 homes, residents were given information on the new Draft Zoning By-law and new online mapping tools. Social media advertising on the City's accounts (Instagram, Facebook, X (formerly Twitter)) were again utilized to promote project awareness and engagement with members of the community.

Meetings with Community Groups and Agencies

With growing interest in the new Zoning By-law Project, throughout Q1 and Q2 of this year staff continued to engage with community groups and agencies, including meetings and presentations to:

- Six Nations of the Grand River
- Mississaugas of the Credit First Nation
- Chamber Of Commerce Brantford-Brant
- Brantford Home Builders' Association
- Internal City Departments
- Brantford Heritage Committee
- Planning Advisory Committee
- Neighbourhood Alliance of Brantford
- Brantford Accessibility Advisory Committee
- County of Brant
- Individual Property Owners

Intensification Corridor Zone Open House

On Monday, April 22, 2024, a public open house was held at City Hall to share additional information specifically focused on the new Intensification Corridor (IC) Zone. The intent of the open house was for project team staff

to meet with property owners and residents located within or in close proximity to the proposed Intensification Corridor Zone. Information was displayed at different stations throughout Council Chambers to share more information on the proposed IC zone and display visual examples of potential development scenarios under the proposed zoning provisions of the Intensification Corridor Zone.

The project team gained greater insight on submitted comments and concerns through the consultation events, which also allowed members of the public to utilize new interactive tools to review zoning regulations proposed to be applied to their properties. The extended commenting period concluded with the preparation of a comment matrix to summarize the comments received on the first Draft Zoning By-law (November 2023). The comment matrix will be released next week along with the second draft of the new Zoning By-law.

5.2 Submitted Comments

As of May 1, 2024, Staff had received over 100 submitted comments on the Draft Zoning By-law (November 2023). Comments were received via post mail, email, phone, and through the Let's Talk Brantford: New Zoning By-law Project webpage. Comments were submitted by residents, land use and legal consultants, external agencies, internal staff, and members of Council. A summary of the submitted comments have been captured in **Table 1** below:

Table 1: Summary of Comments Submitted on the First Draft Zoning By-law (November 2023)

Submitted Comments Type	Summary of Comment / Request
Definitions & Permitted Uses	<ul style="list-style-type: none"> • Adding definitions and terminology (examples: Triplex, Duplex, Hospice). • Revising definitions to align with new city by-laws (examples: Landscape Open Space, Aviary, Designated Heritage Property). • Reviewing permitted uses within each of the 22 zone categories, ensuring conformity with the City of Brantford Official Plan
Select Zone Previsions (Setbacks, Height, Parking etc.)	<ul style="list-style-type: none"> • Reviewing requests for reductions in setbacks and parking requirements. • Reviewing requests to decrease and increase different zone height minimums and maximums.
Addition of Site Specifics (not included in the first draft)	<ul style="list-style-type: none"> • Comments requesting site specific zoning under the current By-law 160-90 be carried forward to allow for uses and provisions supported under previous

	planning approvals.
Formatting, Errors, and Graphics	<ul style="list-style-type: none"> • Edits to terminology to ensure consistency throughout the Draft Zoning By-law. • Grammatical errors and edits. • Graphic changes and modifications.
Schedules and Interactive Mapping	<ul style="list-style-type: none"> • Refinements to zone mapping and property boundary lines. • Removal of redundant mapping references contained in other master plan documents (Official Plan Schedules and Appendices).
Ground Truthing	<ul style="list-style-type: none"> • Review of aerial imagery, site visits, and public feedback to better understand current site conditions and appropriate zone categorization of properties.
Official Plan Conformity – Identifying Required Official Plan Amendments	<ul style="list-style-type: none"> • Identified required amendments to the Official Plan to ensure proposed zoning aligns with updated Provincial planning policy, best practice and recent development trends in the City of Brantford.

An overview of comments submitted on the first Draft Zoning By-law (November 2023) from the public and external stakeholders will be released alongside the next draft at the end of June 2024 in a Comment and Response Matrix. The Matrix demonstrates how comments have been addressed or were considered in the next draft of the Zoning By-law.

5.3 Overview of Key Changes and Considerations in the Draft Zoning By-law

Some key changes made to the draft Zoning By-law (November 2023) are a result of the consultation completed from January to May of this year. Staff and the project team are grateful for the feedback provided by members of Council, residents, and various stakeholder groups. With the additional input Planning Staff believe the next Draft Zoning By-law will advance a document that is in conformity with the City’s new Official Plan, Provincial policies, emerging best practices and the needs of a growing community and its residents.

Site Specific Exceptions

From February to May, the project team reviewed closed to 650 current site-specific exceptions and special provisions in the existing Zoning By-

laws (By-law 160-90 and By-law 61-16) against the provisions in the new Draft Zoning By-law. Alongside staff review, additional comments and input were received from members of the public to support site-specific exceptions that remain relevant and necessary and those no longer needed in the next draft. Site specific exceptions apply special provisions to a specific property or properties. For example, a parcel of land zoned 'NLR – Neighbourhood Low-Rise' may have the abbreviation NLR-10. Site-specific exception "10" may indicate special provisions for that parcel of land which differs from the regulations that would otherwise apply within the NLR zone category, such as permitting 'Office Uses' not otherwise permitted in the Neighbourhood Low-Rise zone. With the release of the next draft of the new Zoning By-law, the project team anticipates receiving feedback on site-specific exceptions now added to the draft document.

Development in the Expansion Lands (Greenfield Areas)

The Greenfield Neighbourhood Low-Rise Zone (GLNR) is intended to permit a range of low-rise, multiple-unit dwellings across new residential areas in the City of Brantford. Planning Staff and the project team have created one set of provisions for this zone that are contemporary and based on comparator municipal review, development trends, and the application of planning principles specific to the Brantford context. Throughout the commenting period staff received feedback from the development community requesting further reductions to provisions such as front, side, and rear yard setbacks, lot coverage and increases to building heights in low-density forms of development.

As part of the New Zoning By-law Project, Staff visited surrounding municipalities to review development trends within greenfield areas. Staff identified several positive aspects of new development in these comparator municipalities and recognized areas for improvement to ensure adequate setbacks and minimum landscape open space requirements on individual lots. Planning Staff and the project team identify the importance of density distribution within future greenfield areas while also balancing the need to accommodate services and infrastructure and sufficient space to accommodate vehicles and an attractive landscaped streetscape. In some cases, staff and the project team have revised the draft Zoning By-law to provide Brantford specific provisions to guide future development within new residential areas across the City.

Reviewing Strategic Growth Areas – Intensification Corridor Zone

The City of Brantford Official Plan identifies intensification corridors along key arterial roads that function as connective spines for the City and serve as destinations for their surrounding neighbourhoods. Aligning with the Official Plan, the Intensification Corridor Zone (IC) permits a broad range of commercial and residential use in mid-rise and high-rise developments (3 -12 storeys), to support transit and major roads linking Downtown and the Major Commercial Centres. Building height is limited in certain corridors, including along Erie Avenue which is capped at six storeys and the Brant Avenue Heritage Conservation District, at three storeys. Within the IC zone, the Zoning By-law also outlines where ground floor commercial is required in planned “pedestrian-predominant” areas. These areas are identified on the zoning maps (Schedule A of the draft by-law) with the abbreviation “IC-PP”.

As outlined in Section 5.1 above, staff and the project team hosted an Intensification Corridor Zone Open House April 22, 2024, sharing additional information on the new IC Zone. During the meeting staff heard from residents and stakeholders in support of IC zone provisions and those requesting modifications. After reviewing submitted comments and meeting with various residents and stakeholder groups, staff has made refinements to the draft provisions. Key changes to the IC Zone provisions include:

- Maximum building height along Erie Avenue changed from 6 storeys to 4 storeys.
- Minimum building height for non-residential uses in the IC zone changed from 3 storeys to 1 storey.
- Some refinement to the IC Zone boundaries, particularly in the vicinity of Ada Avenue and Palmerston Avenue, now changed to “NLR – Neighbourhood Low-Rise”.
- Refinement to areas zoned “pedestrian-predominant (IC-PP) on Schedule A.

5.4 Next Steps and Schedule

The updated Draft Zoning By-law will be released at the end of this month, June 2024, along with the Comment and Response Matrix. The new draft will be available for public review over July and August. A statutory public meeting will then be held at a Special Committee of the Whole – Planning and Administration in accordance with the requirements of the *Planning Act* in September 2024. Following the statutory public meeting, the Project team will make any final revisions to the Draft Zoning By-law as necessary before presenting the final version of the new comprehensive Zoning By-law for approval at the September 2024 Council meeting. Staff recommends holding a Special Committee of the Whole meeting that includes all members of Council and to ensure there is adequate time for public delegations and Committee discussion at the statutory public meeting.

The final stage of the Zoning By-law Project includes the potential for appeal(s) to the Ontario Land Tribunal (OLT). If appeal(s) against the City's new comprehensive Zoning By-law are received, Planning Staff and the consulting team would participate in the OLT process which may include hearings and/or mediation.

6.0 Financial Implications

There are no financial implications to the City arising from this Report.

7.0 Conclusion

This Report provides an update on the City of Brantford's New Zoning By-law Project. Planning Staff and the consulting team have prepared an updated draft to be released at the end of June 2024, along with a comment matrix which demonstrates how public input has been considered.



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By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no