

Staff Report 2021-0113

Meeting Date: April 20, 2021

Subject: Proposed Town Initiated Zoning By-law Amendment Application (RZ 19-08) Pertaining to Driveway Widths, Trailer Parking on Residential Lots, Transportation Depots, Contractor's Facilities, Open Storage and Truck and Trailer Parking, Town Wide

Submitted By: Stephanie McVittie, Acting Manager, Development Review Services, Planning Department

RECOMMENDATION

That, in accordance with Section 34(17) of the *Planning Act*, no further notice is required to be provided on the proposed Zoning By-law Amendment;

That the By-law attached as Schedule "A" to Staff Report 2021-0073 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended to amend and introduce permissions and standards relating to driveway widths, trailer parking on residential lots, transportation depots, contractor's facilities, open storage and truck and trailer parking; and,

That applications for minor variances for all lands subject to Comprehensive Zoning By-law 2006-50, as amended, be permitted prior to the second anniversary of the passing of any implementing Zoning By-law Amendment, pursuant to Section 45(1.4) of the *Planning Act*.

REPORT HIGHLIGHTS

- As part of the continuous process to implement customer service improvements, Planning staff initiated a Zoning By-law Amendment (RZ 19-08), relating primarily to agricultural and rural land uses and zones to amend and introduce permissions and standards relating to driveway widths, trailer parking on residential lots, transportation depots, contractor's facilities, open storage and truck and trailer parking.
- A statutory Public Meeting was held on December 3, 2019 in accordance with the requirements of the Planning Act.
- The proposed amendments are consistent with Provincial policies and conform to Provincial, Regional and local planning policy documents.
- Planning staff recommends that Council enact the draft Zoning By-law Amendment attached as Schedule "A" to this report.

DISCUSSION

The purpose of this Report is to recommend that Council enact the proposed Zoning By-law Amendments to amend and introduce permissions and standards relating to driveway widths, trailer parking on residential lots, transportation depots, contractor's facilities, open storage and truck and trailer parking.

Proposed Zoning By-law Amendment (RZ 19-08)

As part of the continuous process to implement customer service improvements, Planning staff identified a number of suggested updates to the Town's Comprehensive Zoning By-law 2006-50, as amended, relating primarily to agricultural and rural land uses and zones. Staff consulted with the Town's enforcement team and believe the amendments will assist the enforcement team when dealing with by-law infractions.

In response to these updates, the Town has initiated a Zoning By-law Amendment to amend the Zoning By-law to address the following key topics:

- To address the parking of tractor trailers and commercial vehicles on agricultural and rural lands, which also includes amending standards and uses relating to farm equipment storage buildings, open storage areas and the parking/storage of trailers and recreational trailers/vehicles; and,
- To review and increase maximum driveway width standards, clarify how driveways are measured, and associated permissions and standards, for both urban and rural areas.

Process and Limitations

To assist in the review of these topics, the Town retained Meridian Planning Consultants (Meridian) to provide recommendations on these topics. Meridian provided a Technical Report which contained a review of the topic and provided recommendations and options for the Town to implement appropriate zoning solutions. These recommendations and options have been reviewed by Town staff to prepare a draft by-law with proposed updates.

It is important to note, that a complete review of the Zoning By-law to conform to provincial policies cannot occur until the Town's Official Plan conformity exercise is completed. The items that have been identified for review at this time can be considered independent of the conformity review. A comprehensive and complete review of the Zoning By-law will be initiated towards completion of the Official Plan conformity exercise.

Transportation Depot

One of the most prevalent and complicated zoning issues within the agricultural and rural areas is the parking of commercial vehicles or tractor trailers, the establishment of open storage areas/contractors' yards, and the widening of driveways and parking areas. This is a complicated issue to address within Caledon, and, according to the research performed by Meridian, seems to be unique to Caledon.

In an effort to address this issue, it is recommended that a number of changes to the By-law be included to more strongly regulate the parking of tractor trailers on agricultural and rural properties, where the tractor trailer is not used for agricultural purposes and improve regulations on other uses.

To more effectively regulate the parking and dispatch of tractor trailers, the first recommendation is an update to the Town's existing definition of transportation depot to include reference to tractor trailers (instead of trucks), taxis, limousines, owner-operators and dispatching of tractor trailers.

It is also recommended general provisions be introduced to regulate where parking, storing and staging for a transportation depot is permitted. The proposed amendment does not permit these uses in the front or exterior side yard (adjacent to a street) or in side or rear yards adjacent to a lot which is zoned residential or contains a residential use. This will assist staff in achieving compatibility with other adjacent land uses.

On the topic of transportation depots, the Town requested that the consultant review the building area and accessory business office requirements as these provisions are proving difficult to determine by staff and for business owners to meet. The proposed amendment removes the maximum accessory business office area and introduces a minimum building area of 10% for these uses.

Tractor Trailer/Commercial Motor Vehicle Parking

In creating a Zoning By-law Amendment, the By-law has to conform to the Official Plan. In reviewing the Official Plan, the parking of tractor trailers on agricultural and rural properties is not permitted, and therefore the proposed Zoning By-law will continue to prohibit the parking of tractor trailers within these areas.

It is recommended a new definition be added for a tractor trailer which will include the cab and trailer either together or individually, and licensed or unlicensed, but does not include a farm vehicle.

Both staff and the consultant noted that the Highway Traffic Act has increased the maximum weight for a commercial motor vehicle from 3,000 kg to 4,500 kg, and as a result, the existing permission (Section 5.2.20) to park a commercial motor vehicle on a residential lot required amending to increase the weight to align with the Highway Traffic Act.

Staff also noted that the permission currently only applied to residential lots and should also apply to agricultural and rural lots, so the provision was amended to include these areas.

Open Storage vs. Parking

It has been noted that there has been an increase in the open storage of goods, motor vehicles, trucks, trailers, etc. being established throughout the Town. Currently, the Town does not permit open storage on a lot without a principal use or building. Open storage areas must be accessory to something on the same lot.

To clarify this, the amendment proposes to define a stand-alone open storage use and then prohibit this use within the Town.

The definition of a farm equipment storage building is proposed to be updated to recognize that it may be storing farm vehicles, but does not permit storing commercial motor vehicles or tractor trailers unless they are required for the farm use.

When it comes to various vehicles, the current interpretation of open storage includes vehicles that are unlicensed or derelict, while parked vehicles must include a valid license plate and sticker and be capable of being driven. The definitions of parking area and accessory open storage area are being updated to align with this interpretation for clarity purposes.

Finally, the by-law proposes to establish open storage provisions for home industries in that the area is to be located in the rear or interior side yard, occupy no more than 50% of the floor area of the home industry, be screened similar to other open storage areas and not exceed 6 m in height, again in line with other open storage areas.

Trailer Parking Associated with a Residential Use (Urban and Rural)

Another aspect to this issue is the parking of trailers, such as those used for boats or other recreational vehicles/camping trailers on properties.

The proposed amendment creates a new definition for a utility trailer being portable, able to be attached to a motor vehicle and used for transporting goods/equipment.

The existing zone provisions recognize that a trailer can be parked subject to certain criteria in a residential zone, but does not address parking these items in agricultural and rural zones. Town staff are proposing to amend the By-law to amend the permissions for trailers to be parked in residential, rural and agricultural lots, subject to locational standards:

Zone	1 Trailer < 6 m (19.6 ft)	1 Trailer > 6 m (19.6 ft)
Residential	✓ (1)	
Undersized Agricultural and Rural	✓ (1)	
Agricultural and Rural		✓ (2)

- (1) Permitted in a garage, carport, building, driveway or parking area; a rear yard with a 0.6 m setback; an interior side yard with a 1.2 m setback
- (2) Permitted in a garage, carport, building, driveway or parking area; a rear yard or interior side yard with a 3 m setback

Refer to Schedule A, attached for further information.

Driveways (Urban and Rural)

The Town has noticed an increase in the number of minor variance applications to widen driveways and the lack of clarity/confusion on how to measure the driveway width. There are a number of factors which are to be considered in discussions of driveway width, including but not limited to, engineering/grading, traffic/sight lines, Town infrastructure, design and landscaping. Residents may be able to widen their driveways within their property but first must confirm with staff the applicable zoning requirements to determine if this is permitted.

It is recommended that increases in the maximum driveway width for single, semi-detached and townhouse dwellings as follows:

- For lots with a frontage of 12 m or less, a maximum driveway width of 6 m
- For lots with a frontage between 12 m and 18 m, 50% of the lot frontage, being 6 m to 9 m
- For lots with a frontage greater than 18 m, 10 m, which will provide for a 3 car garage

The amendment clarifies how driveway width is to be measured through both text and visuals in the form of an appendix to be attached to the Zoning By-law. Driveway width is measured perpendicular to the path of travel, anywhere along the driveway, from each edge of contiguous surface area.

Finally, the proposed amendment establishes provisions for both circular and hammerhead driveways which, clarify setbacks from lot lines, widths and location and incorporates appendices to illustrate how a driveway is measured.

Lot Frontage	Maximum Driveway Width
< 12 m (39.3 ft)	6 m (19.6 ft)
12 m (39.3 ft) to 18 m (59 ft)	50% of the lot frontage, 6 m (19.6 ft) to 9 m (29.5 ft)
< 18 m (59 ft)	10 m (32.8 ft), equivalent to a 3 car garage

Planning Review

Documents that have been considered by the Town in its initiation of the proposed Zoning By-law Amendment include the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe 2020, the Greenbelt Plan 2017, the Oak Ridges Moraine Conservation Plan 2017, the Niagara Escarpment Plan, the Region of Peel Official Plan, the Town of Caledon Official Plan and Zoning By-law 2006-50, as amended.

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020 contains policy direction to the efficient use of land to support sustainable, strong, livable, healthy and resilient communities while protecting the environment, public health and safety and facilitating growth.

The properties subject to the proposed amendments are located in settlement areas and rural areas. Although the PPS, 2020 directs growth to settlement areas (Section 1.1.3.1), Sections 1.1.5.3 and 1.1.5.4 also provides for recreational, tourism and other economic development opportunities within the rural area provided that the development is compatible with the rural landscape. Within settlement areas, the PPS, 2020 states that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c). Similarly, rural areas are supported by building upon rural character, and leveraging rural amenities and assets, and conserving biodiversity and considering the ecological benefits provided by nature (Section 1.1.4.1.a and h). The amendments pertaining to driveway setbacks, transportation depots, and open storage align with the policy direction of the PPS, 2020.

The proposed amendment is consistent with the PPS, 2020.

Provincial Plans

The Growth Plan for the Greater Golden Horseshoe, 2020, the Greenbelt Plan, 2017, the Oak Ridges Moraine Conservation Plan, 2017 and the Niagara Escarpment Plan 2017, in conforming to the PPS, 2020, contains similar although refined policy direction to the PPS, 2020. The plans continue to direct growth and the majority of industrial and commercial uses to settlement areas, preserving natural features and rural lands for smaller-scale development appropriate for those areas. The proposed by-laws respect these policies, directing growth to settlement areas, encouraging appropriate agricultural uses within the rural areas, and preserving natural features. Within the Oak Ridges Moraine Conservation Plan, there are specific policies which restrict where agricultural-related industrial or commercial uses may be located, and which establishes specific definitions related to various agricultural uses. The proposed by-law amendments provide clarity to definitions and permitted uses, but also respects these policies. The Conservation Authorities and Niagara Escarpment Commission have reviewed the documents and has no concerns with them. The proposed housekeeping and enforcement amendments are general in nature and will apply to the entirety of the Town. The amendments conform to the Growth Plan, Greenbelt Plan and Oak Ridges Moraine Conservation Plan.

Region of Peel Official Plan

The Region of Peel Official Plan designates the properties as any one of Rural Service Centre, Rural System (Area with Special Policies), or Estate Residential Community on Schedule “D”, Regional Structure. The Region’s Official Plan provides for specific policies directing area municipalities to include more detailed objectives and policies for these designations in the local municipal official plans. The policies look to direct growth to the Rural Service Centres and Estate Residential Community, but also reflect a range of uses permitted within the Rural System. The Region’s Official Plan reflects the provincial policies and plans to protect, improve or restore the ecological integrity of natural features and permit uses as identified by provincial policies and plans.

There is no development proposed through this application. The Region of Peel has advised that there are no concerns with the proposed amendment. The amendments conform to the Regional Official Plan.

Town of Caledon Official Plan

While focusing on lands within the rural areas of Caledon, the amendments will apply to all lands within the limits of the Town of Caledon.

The other Zoning By-law Amendments respect existing permissions contained in the Official Plan by:

- Amending and introducing definitions, standards relating to driveway widths, utility trailer parking on agricultural and rural lots, all aligning with the existing use permissions of the Official Plan; and,
- Amending and introducing permissions and standards relating to transportation depots, contractor’s facilities, open storage and truck and trailer parking, focusing

these uses in settlement areas and removing these uses from agricultural and rural areas.

The proposed Zoning By-law Amendment conforms to the Town's current Official Plan.

It should be noted that the Town of Caledon is currently undertaking a comprehensive update of its Official Plan (Future Caledon - Our Official Plan) in conjunction with the provincial conformity review being undertaken by the Region of Peel. Upon approval of these documents the Town will be undertaking a comprehensive review of the Zoning Bylaw 2006-50. Should there be additional land use changes identified during that official plan reviews the implementing zoning bylaw will be updated to reflect that direction.

Consultation

Notice of Application and Public Meeting

In accordance with the *Planning Act*, a combined Notice of Application and Public Meeting was posted on the Town's website and placed in the Caledon Enterprise, Brampton Guardian, Erin Advocate, Georgetown Independent and Orangeville Banner on or before November 7, 2019.

Public Meeting

A statutory Public Meeting was held on December 3, 2019 in accordance with the requirements of the *Planning Act*. The following questions and comments were raised through the processing of this application:

Question/Comment	Response
Clarification was sought on how various vehicles/machinery/trailers would be classified in the proposed amendments.	Staff responded to these inquiries on a case-by-case basis considering the type of vehicle/machine, the use of it, the location in which it is kept, etc. These factors must be considered when interpreting the proposed amendments.
Clarification was sought on how unlicensed vs. licensed vehicles/machinery/trailers were contemplated within the by-law.	
Discussions were had with the Peel Federation of Agriculture to understand and provide responses to various questions surrounding how interpretations related to farm operations would be made.	Confirmed that the intent of the by-law is to permit agricultural uses in agricultural areas, but restrict non-agricultural uses from operating in these areas, directing them to areas within the Town which would permit the use. There are cases where these discussions led to minor amendments in the by-law to continue to support the agricultural community.

During the processing of the applications, staff also received numerous letters of both support and opposition related to restricting the locations of transportation depots, contractors' facilities and accessory open storage areas to settlement areas, and identifying a stand alone open storage use as a prohibited use.

Agency and Department Review

The proposed amendment was circulated to external agencies and internal departments for review and comment. Comments are attached to this report as Appendix "B" – Agency and Department Comment Sheet. No objections to the proposed Zoning By-law Amendment were received.

Minor Variances

Section 45 (1.3) of the *Planning Act* prohibits any owner or applicant to apply for a Minor Variance application within two years of the approval of a Zoning By-law Amendment. Normally, variances would proceed to the Committee of Adjustment, however prior to the expiration of that two year period, any request for a variance would need to appear before Council to allow a landowner to make an application to the Committee. This step may cause significant delay in processing of related Site Plan and Building Permit applications if a Minor Variance is required.

Section 45 (1.4) of the *Planning Act* allows Council to declare by resolution that such application is permitted within the two years. Staff is therefore recommending that Council, pursuant to the above *Planning Act* reference, permit Minor Variance applications to be applied as a precautionary measure to ensure development can proceed in a timely manner. Any variance application submitted would still require consideration and approval by the Committee of Adjustment.

No Further Notice (Section 34(17) of the *Planning Act*)

Since the Public Meeting, through the processing of the Zoning By-law Amendment, minor refinements to the draft by-law has occurred to refine the zoning language of the amendments. In addition, staff has reviewed another development application (RZ 19-04) which is proceeding to Council in Staff Report 2021-0072 on the same day and due to the timing of approvals, through the by-law, is recognizing that certain standards of the attached by-law not be applicable to those zones as the matters were reviewed and captured through the site specific by-law contemplated in Staff Report 2021-0072.

Staff is of the opinion that the clarifications are minor and maintain the intent of the application and therefore request that Council confirm that no further notice or a Public Meeting is required as per Section 34(17) of the *Planning Act*.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report. The amended policies and standards may result in development applications being received by the Town; however, it is not anticipated that these applications will create a noticeable change in revenue.

COUNCIL WORK PLAN

Connected Community: Discourage non-agricultural storage on rural land

Improved Service Delivery: Update and standardize by-laws, including implementation, to meet the best practices of other municipalities

ATTACHMENTS

Schedule A: Proposed Zoning By-law Amendment Related to Driveway Widths, Trailer Parking on Residential Lots, Transportation Depots, Contractor's Facilities, Open Storage and Truck and Trailer Parking

Schedule B: Agency and Department Comment Sheet