

DRAFT

BY-LAW NUMBER XXX-17

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To amend By-law Number 61-16, the Zoning By-law for the County of Brant, as amended
(County of Brant, Housekeeping Amendment)

WHEREAS the County of Brant initiated a review of its Zoning By-law to ensures currency, correct identified errors in mapping and text, and clarify interpretative provisions;

AND WHEREAS the Planning Act empowers a municipality to pass by-laws prohibiting the use of land and the erection, location and use of buildings or structures, except as set out in the by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the County of Brant;

AND WHEREAS the Planning Advisory Committee of the Corporation of the County of Brant has recommended approval of this by-law;

AND WHEREAS the Council of the Corporation of the County of Brant deems it to be desirable for the future development and use of the lands described above;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **That** Table of Contents is hereby amended to allow for renumbering as needed due to the subsequent aments within this by-law.
2. **That** Section 4: General Provisions, 4.2 Accessory Uses Permitted in all Zones is hereby amended by deleting the word “permitted” within the body of text as this is a duplication.
3. **That** Section 4: General Provisions, 4.2 Accessory Uses Permitted in all Zones c) is hereby amended by deleting a portion of the sentence “...except as...” and replacing it with “...unless expressly...”
4. **That** Section 4: General Provisions, 4.4 Regulations for Accessory Buildings and Structures is hereby amended by adding the following;
 - e) *Decks accessory to a semi-detached dwelling or townhouse dwelling shall be permitted within the interior side yard of the lot a minimum of 0.0 meters from the lot line.*
5. **THAT** Section13 Table 13.1 Uses Permitted is hereby amended to add an additional *use of mobile refreshment cart* within both the Minor Institutional (N1) and Major Institutional (N2) Zones.

* Section 4.25 Mobile Refreshment Cart- Inclusion of additional Zone Categories. Permit them within certain Institutional and Open Space Zones as well (ex. Holy food truck events). Currently within the C1, C2, C3, M1, M2, & M3 Zone categories specifically listed.

6. **THAT** Section 14 Table 14.1 Uses Permitted is hereby amended to add an additional *use of mobile refreshment cart* within both the Open Space (OS1) and Recreational Facilities (OS2) Zones.

* Section 4.25 Mobile Refreshment Cart- Inclusion of additional Zone Categories. Permit them within certain Institutional and Open Space Zones as well (ex. Holy food truck events). Currently within the C1, C2, C3, M1, M2, & M3 Zone categories specifically listed.

7. **That** Section 15: Holding (h) And Temporary (T) Zones 15.1 Holding “h” Zone Provisions is hereby amended by adding the following:

(c) h-2 To allow for the undertaking of appropriate studies to determine the depth of *development setbacks* to account for the natural environmental features, erosion hazards, safe access for *vehicles/people* during times of erosions as well as other emergencies and abutting land *uses* that surround the subject lands.

*Text Cleanup- 54 East River Road- Addition of the Site Specific Holding Provision (h-2) as per the report and By-Law 15-12 which was enacted on the property and amend the Site Specific Number. Maps 41 & 42

8. **That** Schedule ‘A’ Key Map, Maps 41 & 42 are hereby amended by changing the current Zoning on the subject lands from Holding Provision Special Exception Residential Singles (h-R1-14) to Special Exception Holding Provision special Exception Residential Singles (h-2-R1-23), as shown on Schedule ‘A’ of this by-law.

*Mapping Cleanup- 54 East River Road- Addition of the Site Specific Holding Provision (h-2) as per the report and By-Law 15-12 which was enacted on the property and amend the Site Specific Number. Maps 41 & 42

9. **That** Section 5: Parking And Loading Requirements, visitor parking requirements is amended by removing clause (b) in entirety and adding the following:

(b) In addition to the above, visitor parking for any *rowhouse dwelling, townhouse dwelling, stacked townhouse dwelling developments, accessory dwellings, and multiple dwellings* shall be required at 0.35 of the total number of units.

*Section 5.11 (b)(i) & (ii) Visitor Parking Requirements- Removal of (i) and (ii) and replacement with: In addition to above, visitor parking for multiple dwellings including accessory dwellings, shall be required at .35 of the total number of units within the development.

10. **That** Section 5: Parking And Loading Requirements, Table 5.4 Parking Requirements for Residential Zones, “All other housing forms not identified above with more than two (2) dwelling units” is hereby amended by removing the “0.25 visitor parking per unit” requirement and replacing with “0.35 visitor parking per unit”.

*Section 5.11 Table 5.4 Residential Parking Requirements- Change all other forms of housing development not identified from 0.25 to 0.35 visitor spaces per unit. This is to be consistent with the above noted changes.

11. **That** Schedule 'A', Key Map, and Maps 36, 42, 43, 44, 45, 46, 56, 57, 58, 59, 60, 75, 76, 93, 112, 113, 114, 134, and 135 are hereby amended by updating the approved boundary adjustment with respects to the recent land sales, as shown on Schedule 'A' of this by-law.
12. **That** Section 5: Parking and Loading Requirements, 5.12 Parking Space Requirements for Non-Residential Uses, Table 5.5 Parking Requirement for Non-Residential Zones is hereby amended by adding the following:

<i>Medical Marijuana Production Facility</i>	1 per 100 m ²
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*Section 5.12 Parking Requirements for Non-Residential Uses- Inclusion of Medical Marijuana Production Facility within the chart. Parking required at 1 per 100m².

13. **That** Section 4 General Provisions, 4.22 Lots with More than One Zone, 4.22.2 More than one Zone e) is hereby amended by deleting the sentence "Notwithstanding the foregoing, the *lot area*, *lot frontage* and *lot coverage* requirements must be met after the area zoned Natural Heritage (NH) is excluded from the calculation."

Section 4.22 (e) Text Update- Deletion of the portion of subsection e) which related to the determination of requirements based on the exclusion of the NH Zone. Staff does not control this information which can fluctuate over time based on the Conservation Authorities information. All property Owners with NH Zoning should still get to enjoy the entire lot area when looking at construction as these areas will remain untouched and undevelopable and are therefore already subtracted from the "equation" due to the heavy restrictions.

14. **That** Section 15: Holding (h) And Temporary (T) Zones, Table 15.2: Temporary "T" Zone Provisions is hereby amended by removing T-21 from the chart as the *garden suite* has been removed.

*Garden Suite has been removed. Temporary exception no longer required.

15. **That** Schedule 'A' Key Map, Maps 68 and 69 are hereby amended by changing the current Zoning on the subject lands from Temporary Provision (T-21) to Agricultural (A), as shown on Schedule 'A' of this by-law.

*Garden Suite has been removed. Zoning reverts back to original Zone.

16. **That** Section 4 General Provision, 4.5 Second Unit is hereby amended by deleting clauses a through h and adding the following:

- a) Number Permitted: One (1) provided that the main residential *dwelling* on the same *lot* does not contain another *second unit* or a *garden suite* or a *mobile home*.
- b) Minimum Floor Area: 35 square meters.
- c) Storeys Permitted: One (1).

- d) Unenclosed Access/Egress: No *second unit* or portion thereof shall provide for access and egress by means of an unenclosed stairway or fire escape.
- e) Parking for a *second unit* must be provided on the same *lot* as the unit and must function at all times independently of the parking for the main *dwelling unit* and cannot be in tandem with the required parking for the main *dwelling unit*.
- f) Servicing: The *lot* must be fully serviced and servicing capacity must be available to the satisfaction of the *County*.
- g) Plumbing Limitations: The plumbing fixtures in a *second dwelling unit* shall be limited to:
 - One shower, bathtub, or shower/tub combination;
 - one lavatory sink;
 - one water closet;
 - one kitchen sink;
 - one external faucet.

* Section 4.5 Second Unit subsection (b) -Text Cleanup- Amended current provisions and requirements to reflect original By-Law passed in 2014 relating to second units.

17. **That** Section 4: General Provisions, 4.11 Garden Suites is hereby amended by deleting clauses a) and adding the following:

- a) One (1) *garden suite* shall be permitted on a *lot* provided the *lot* does not contain a *second dwelling unit* and shall comply with the provisions of the *Zone*.
- b) One (1) *parking space* shall be provided for the *garden suite* in addition to the parking required for other *uses* on the *lot*.
- c) Maximum Height Restriction: 4.5 meters.
- d) Maximum *Floor Area*: 93 square metres.
- e) Location Requirements: *garden suites* shall be located in conformity with the *yard* requirements of the *Zone*.

*Section 4.11 Garden Suites-Text Cleanup- Amend current provisions and requirements to reflect original By-Law passed in 2014 relating to garden suites.

18. **That** Section 10.7 Special Exceptions C1 Zone, Site Specific C1-11 is hereby amended by adding the following clause to the Site Specific Zoning:

- g) one *accessory dwelling* above the first floor, provided the minimum *floor area* is 60.0 square metres.

* Text Cleanup- 18 Rutherford Street- Amendment to the Site Specific text to include the one

residential apartment with requirements as per By-Law 89-747 under the Township of Burford.

19. **That** Section 11: Employment (M) Zones 11.6 Special Exceptions M2 Zone is hereby amended by adding the following:

43-16	M2-20	<p>Notwithstanding any provision of this by-law to the contrary, within any area zoned M2-20 on Schedule “A” hereto, the permitted <i>uses</i> shall be limited to:</p> <ul style="list-style-type: none">• <i>Business or professional offices;</i>• <i>Community centre/recreational establishment;</i>• A retail outlet, wholesale outlet or <i>business office accessory</i> to a permitted <i>use</i>;• <i>Service or repair shop;</i>• <i>Warehouse;</i>• <i>Contractor’s yard;</i>• <i>Restaurant;</i>• <i>Convenience store;</i>• Self-serve <i>car wash</i>;• Automatic <i>car wash</i>;• Self-serve <i>laundromat</i>;• <i>Vehicle sales and rental establishment;</i>• Pet grooming facility. <p>Hours of operation for an automatic <i>car wash use</i> on the property shall be limited to 7 a.m. to 11 p.m. Furthermore, <i>outside storage</i> shall be prohibited in the <i>rear yard</i> and loading shall only be permitted in the <i>front yard</i>. All other requirements of the By-Law shall apply.</p>
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Text Cleanup- 190 King Edward Street- Amend the Site Specific Chart to remove reference to By-Law 15-15 as this was an unrelated By-Law passed on a separate parcel.

20. **That** Section 5: Parking And Loading Requirements, 5.14 Recreational Vehicle Regulations c) (ii) 2. is hereby amended by deleting the word “*street*” from the sentence.

*duplicate wording.

21. That Section 3: Definitions is hereby amended by deleting the definition of Automobile Sales or Rental Establishment in entirety and replacing it with the following:

AUTOMOBILE SALES OR RENTAL ESTABLISHMENT	Means a <i>lot, building or structure</i> for the sale, rental or leasing of <i>vehicles and vehicle parts</i>
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	<i>and accessories and includes an establishment engaged in the sale of farm implements and equipment, boats, all terrain, ski and other recreational vehicles, but does not include a salvage or scrap yard.</i>
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* Section 3-Definitions Text Cleanup- Addition of the word “parts” and a restriction on scrap or salvage yard to the defined term of Automobile Sales or Rental Establishment.

22. That Section 4: General Provisions, 4.23 Medical Marijuana Production Facility, clause c) is hereby amended by adding the following:

- c) The facility operations, including *loading spaces* and storage, must be located within a wholly enclosed *building*. *Loading spaces* may be located within the *rear yard*, not adjacent to a *street*, if the property is fully fenced and the property has security fencing in place. *Loading spaces* shall not be permitted within any *front yard* or any *yard* adjacent to a *street*.

* Section 4 General Provisions, 4.23 Medical Marijuana Production Facility-Modification of clause c) to incorporate an exception for loading spaces which are wholly enclosed within a security area. No loading within the front yard.

23. That Section 3: Definitions is hereby amended by deleting the definition of Propane Transfer Facility in entirety and replacing it with the following:

PROPANE TRANSFER FACILITY	Means a facility licensed under the Ontario Energy Board Act which shall not have an aggregate propane storage capacity in excess of 155,000 litres and shall not permit retail sale of propane fuel to the <i>public</i> .
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* Section 3 Definitions- Propane Transfer Facility- Text Cleanup- Remove the wording of “...having not more than one storage container...” from the definition as the only restriction shall be a maximum of 155, 000 litres of aggregate storage.

24. **That** Section 15: Holding (h) and Temporary (T) Zones 15.2 Temporary Zones is hereby amended by adding the following:

79-16	223 Norwich Road	Notwithstanding any provisions of this by-law to the contrary, within any area zoned T-44 on Schedule "A" hereto, a kennel for up to 40 dogs and 10 cats shall also be permitted for a period of up to 3 years, being removed on or before June 28, 2019. All other requirements of the By-Law shall apply.	June 28, 2019
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* Mapping & Text Update- 223 Norwich Road- Cleanup the exception number assigned to the property T-44. A duplicate was awarded to this property in error.

25. **That** Schedule 'A' Key Map, Map 55B is hereby amended by removing the current Zoning on the subject lands of Agricultural (A) as this is a proposed right of way which does not have a Zone Code, as shown on Schedule 'A' of this by-law.

*Right of ways are not to be illustrated on mapping as having a Zone. The Zones are interpreted to go to the centerline of a right of way.

26. **That** Schedule 'A' Key Map, Map 79 is hereby amended by changing the current Zoning on the subject lands from Special Exception Rural Residential (RR-49) to Rural Residential (RR), as shown on Schedule 'A' of this by-law.

* Mapping Cleanup- 407 McBay Road- Removal of site specific on the neighboring lands to the east of the property known as 407 McBay Road from RR-37 to RR. Map 79

27. **That** Schedule 'A' Key Map, Maps 55, 55A, & 55B are hereby amended by changing the current Zoning on the subject lands from Open Space (OS1) to Recreational Facilities (OS2), as shown on Schedule 'A' of this by-law.

* Mapping Cleanup- Grandville Subdivision- Error in park land Zoning from OS1 to OS2. Maps 55, 55A, & 55B

28. **That** Schedule 'A' Key Map, Map 77 is hereby amended by changing the current Zoning on the subject lands from Natural Heritage (NH) to Agricultural (A), as shown on Schedule 'A' of this by-law.

* Mapping Cleanup- East Harris Road- Portion of the property to remain Agricultural (A) and not Natural Heritage (NH). Map 77

29. **That** Schedule 'A' Key Map, Maps 48 & 61 are hereby amended by changing the current Zoning on the subject lands from Temporary (T-5) to Agricultural (A), as shown on Schedule 'A' of this by-law.

*Mapping Cleanup- 94 Molson Road- Portion of the property to change to Agricultural (A). Garden Suite has since been removed. Maps 61 & 48

30. **That** Section 14.2 Zone Requirements for NH Zone, clause a) is hereby amended by removing the existing clause and replacing it with the following:

a) Other than *buildings* and *structures existing* at the date of passing of this By-Law, no new *buildings* or *structures* are permitted unless in accordance with the regulations of the *Conservation Authority* and/or for flood control purposes.

* Text Cleanup-Natural Heritage Zone- Amend the current wording of clause 14.2 a) to allow for new uses and structures within areas which are Zoned NH subject to satisfying the Authority.

31. **That** Section 11 Employment (M) Zones, Table 11.2 Zone Provisions be amended changing the current street setback of the M3 Zone from 50.0m to 15.0m* within the

table and adding the additional clause below the chart as follows;

**provided that if any M3 property abuts a residential Zone, arterial, and/or collector road the minimum setback from any building and/or structure from that lot line shall be a minimum of 50.0m.*

*Text Cleanup-M3 Zone Requirements- Amend table 11.2 changing the M3 street setback from 50.0m to 15.0m. As well as adding the clause “provided that if any M3 property abuts a residential Zone, arterial, and/or collector road the minimum setback from any building and/or structure from that lot line shall be a minimum of 50.0m.”

32. **That** Section 10: Commercial (C) Zones 10.9 Special Exceptions C3 Zone is hereby amended by removing the existing site specific wording and adding the following:

PL2452, 63-08	C3-1	<p>Notwithstanding any provision of this By-Law to the contrary, within any area <i>zoned</i> C3-1 on Schedule “A” hereto, the permitted <i>uses</i> shall be limited to a <i>shopping centre</i> which may contain any of the <i>uses</i> of the C3 Zone and listed below subject to the following regulations or exceptions:</p> <ul style="list-style-type: none">a) a <i>financial institution</i> shall not be permitted;b) the <i>floor area</i> occupied by any <i>pharmacy</i> shall not exceed 372 square metres;c) any area <i>zoned</i> C3-1 shall be and remain a single <i>lot</i> and the <i>floor area</i> of all <i>buildings and structures</i> on that <i>lot</i> shall not exceed 12,077 square metres.d) <i>amusement game establishment</i>;e) <i>assembly hall</i>;f) <i>auditorium</i>;g) <i>continuum-of-care facility</i>;h) data processing establishment;i) <i>dwelling unit</i> restricted to above the first floor;j) <i>funeral home</i>;k) <i>home improvement centre</i>;l) <i>retirement lodge or retirement home</i>;m) institutional use;n) laboratory;o) <i>library</i>;p) <i>nursing home</i>;q) <i>parking lot</i>;r) <i>printing establishment</i>;s) <i>public agency</i>;t) <i>service and rental establishment</i>;
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		u) <i>taxi stand</i> ; v) video rental establishment; w) <i>wholesale establishment</i> accessory to a permitted use; All other requirements of the By-Law shall apply.
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* Text Cleanup- 2920 018 009 11005 Rest Acres Road- Amendment to the Site Specific Text of C3-1 to reflect the uses which were permitted within By-Law 110-01 which were removed in error through the Zoning By-Law Review.

33. **That** Schedule 'A' Key Map, Map 164 are hereby amended by changing the current Zoning on the subject lands from Neighborhood Commercial (C1) to General Commercial (C2), as shown on Schedule 'A' of this by-law.

*Changed Zoning in error on the property through the Adoption of By-Law 61-16.

34. **That** Schedule 'A' Key Map, Maps 27 & 27B are hereby amended by changing the current Zoning on the subject lands from Built and Cultural Heritage Area Core Area Commercial (HA-C4) to Built and Cultural Heritage Area Residential Singles and Semis (HA-R2), as shown on Schedule 'A' of this by-law.

*This portion of the property was severed to create a residential lot. Due to timing of By-Law 61-16 coming into effect the property was picked up as commercial in error. Previously RO within 110-01 and would not have required a ZBA.

35. **That** Schedule 'A' Key Map, Maps 41 & 41C are hereby amended by changing the current Zoning on the subject lands from Built and Cultural Heritage Area Residential Singles and Semis (HA-R2) to Built and Cultural Heritage Area Neighborhood Commercial (HA-C1), as shown on Schedule 'A' of this by-law.

*The Zoning on the property was inadvertently changed when 61-16 took affect and removed rights from the property.

36. **That** Schedule 'A' Key Map, Maps 61 & 48 are hereby amended by changing the current Zoning on the subject lands from Temporary Provision (T-5) to Agricultural (A), as shown on Schedule 'A' of this by-law.

*A portion of the property separated by a Rail Trail was picked up through the temporary rezoning application. This portion of the property does not have a garden suite located on it nor should it have any garden suite located on it.

37. **That** Section 11: Employment (M) Zones 11.7 Special Exceptions M3 Zone is hereby amended by removing the existing site specific wording of the special exception and replacing it with the following:

176-02, 242-05, 70-12	M3-12	Notwithstanding any provision of this By-Law to the contrary, within any area zoned M3-12 on Schedule "A" hereto, the permitted uses of land shall be limited to the following:
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		<ul style="list-style-type: none"> a) <i>Manufacturing facility;</i> b) <i>Works yard, Municipal or Provincial;</i> c) <i>office, support;</i> d) <i>open storage use of goods or materials if accessory to a permitted use;</i> e) <i>parking lot;</i> f) <i>printing establishment;</i> g) <i>transport/truck terminal;</i> h) <i>automobile repair garage;</i> i) <i>office, business or professional;</i> j) <i>contractor's yard;</i> k) <i>research and development establishment;</i> l) <i>nursery and garden centre;</i> m) <i>office supply outlet;</i> n) <i>public use;</i> o) <i>recreational establishment;</i> p) <i>service and rental establishment;</i> q) <i>retail accessory to a permitted use;</i> r) <i>service shop;</i> s) <i>veterinary clinic;</i> t) <i>warehouse;</i> u) <i>wayside pit or wayside quarry;</i> v) <i>wholesale establishment;</i> <p>Minimum <i>Street Setback</i> 9.0 metres</p> <p>Minimum <i>Rear Yard Setback</i> 8.0 metres</p> <p>Minimum <i>Interior Side Yard Setback</i> 3.0 metres</p> <p>A <i>processed goods industry</i> shall not be permitted. All other requirements of the By-Law shall apply.</p>
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*the site specific setback requirements of the previous 110-01 By-law were not carried over within the special exception after the passing of 61-16.

38. **That** Section 3: Definitions is hereby amended by removing the existing definition of retail store and replacing it with the following:

RETAIL STORE	Means a <i>building</i> where goods, wares, merchandise, articles or things are stored, offered or kept for retail sale or for rental to the public, but does not include any <i>wholesale establishment</i> or an <i>automotive use or marijuana dispensary and/or sales</i> .
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*to prevent the use of marijuana retail sales and/or dispensary.

39. **That** Section 8: Urban Residential (R) Zones, 8.3 Special Exceptions R1 Zone is hereby amended by adding the following;

By-Law No.	Zone Code	Description
15-12	R1-23	Notwithstanding any provisions of this By-Law to the contrary, within any area <i>zoned</i> R1-23 on Schedule "A" hereto, the minimum <i>lot area</i> shall be 3,000 square metres and the minimum <i>lot frontage</i> shall be 35.0 metres. All other requirements of the By-Law shall apply.

*Mapping Cleanup- 54 East River Road- Addition of the Site Specific Zoning as per the report and By-Law 15-12 which was enacted on the property and amend the Site Specific Number. Maps 41 & 42

READ a first and second time, this ___th day of ____, 2017.

READ a third time and finally passed in Council, this ___th day of ____, 2017.

THE CORPORATION OF THE COUNTY OF BRANT

R.E.F. Eddy, Mayor

Heather Boyd, Clerk