



Planning Advisory Committee Report

To: To the Chair and Members of the Planning Advisory Committee
From: Jessica Kitchen, Planner- Zoning By-Law Administrator
Date: March 5, 2019
Subject: PA-19-01a- Proposed Housekeeping Amendment to the Comprehensive Zoning By-Law 61-16 (ZBA24/18/JK)
Purpose: For Recommendation and Approval

Recommendation

THAT, Application ZBA24/18/JK initiated by the County of Brant, to amend By-law 61-16 BE APPROVED, as per the attached By-law.

Key Strategic Priority

To undertake specific actions that elevate the effectiveness of the working relationship between Council, Staff and the customers we serve.

Financial Considerations

None, as this is a recommendation report concerning the maintenance and updating of a municipal document undertaken by the County of Brant.

Executive Summary

Staff is undertaking a housekeeping amendment to the Comprehensive Zoning By-Law 61-16 which proposes the following changes:

- General amendments such as renumbering of the Table of Contents as a result of the proposed changes throughout this Housekeeping;
- Textual errors throughout the document which are noted on an ongoing basis;
- Mapping amendments to Schedule 'A' of By-Law 61-16 to implement changes brought forward through this Housekeeping;
- Amendments to specific sections as outlined through Attachment 1 Proposed Amendments;

This report recommends approval from Committee on the proposed Draft By-Law (Attachment 2) based on the changes outlined above and within the Proposed Amendments Chart (Attachment 1).

Background

The County of Brant Comprehensive Zoning By-Law 61-16 was approved by the Ontario Municipal Board and took effect on January 25th, 2017. Previously there have been two

Housekeeping Amendments which were approved by Council in July, 2017 and January, 2018 to amend this newly approved document. Since this time Staff has identified items outlined within Attachment 1 and 2 which require a subsequent amendment.

Report

The County of Brant Zoning By-Law is a living document and therefore requires Housekeeping Amendments to be undertaken on an ongoing basis. Staff intends on performing Housekeeping Amendments on an annual basis in order to properly maintain the document between the mandatory five year reviews, as per Section 34 of the Planning Act.

Interdepartmental Considerations

Staff had circulated various internal departments with respects to the proposed changes but have not received any comments at this time.

Public Considerations

Circulation of the proposed Housekeeping Amendment has been included within the necessary newspaper (Brantford Expositor) and on the County of Brant Website to ensure all residents within the County were aware of the proposal and had opportunity to comment on the proposed amendments of the by-law. Staff has not received any comments at this time.

Staff has received comments from GSP Group and MHBC Planning, private consulting firms, with respects to certain sections, clauses, and definitions within the County of Brant Zoning By-Law 61-16. These comments and Staff's responses have been attached to this report for Committee's review and reference (Attachment 3).

The undertaking of a Housekeeping Amendment to the County of Brant Zoning By-Law has not historically given consideration to Site Specific requests made by Property Owners nor has the current amendment before Committee. These requests are more appropriately considered through Planning Act Applications submitted by the Owner to request site specific relief on a property from the Committee and/or Council.

Recommendation

Staff is recommending that the Housekeeping Amendment be approved as it is consistent with the County of Brant Official Plan and corrects mapping and textual errors identified by Staff in working with the document.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kitchen.", is positioned above the typed name.

Jessica Kitchen, Planner-Zoning By-Law Administrator

Jessica Kitchen
Zoning By-Law Administrator

Rob Trotter
Director of Planning

Attachments

1. Proposed Housekeeping Amendment Chart
2. Proposed Amending By-Law and Schedules
3. Comments Received and Staff Responses

Copy to

1. Mark Pomponi, General Manager of Development Services

File # ZBA24/18/JK

In adopting this report, is a bylaw or agreement required?

By-law required (Yes)

Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (Yes)

Attachment 1

Proposed Housekeeping Amendments

Text Cleanup	General Throughout Document
Table of Contents	Amended as needed due to proposed changes throughout the document
Section 5 Parking Space Requirements for Non-Residential Uses Chart 5.5 Parking Requirements for non-residential Zones	Remove the parking requirement for a home occupation within Table 5.5 as the requirement is redundant and confusing
Section 3 Definitions and Section 4 Table 4.1	Clean up the definition of Gross Floor Area to exclude specifically the area within a principle building or structure devoted to vehicle parking.
Section 3 Definitions	Amendment to include a definition for a model home.
Section 3 Definitions	Amendment to include a definition for a temporary sales trailer
Section 5 Parking and Loading Requirements Subsection 5.13 Commercial Vehicle Requirements	Amendment to include a provision to park or store a commercial vehicle within the Agricultural Zones
Mapping Amendment- Map 56	Amendment to the current Zoning on a property being M3-9 which relates to a separate parcel which is located to the south. Parcel should be M3
Section 5 Parking and Loading Requirements Table 5.2	Amendment to include the Agricultural Zones within the chart for permitted parking requirements within all Zone Categories
Section 5 Parking and Loading Table 5.2 Parking Yard Requirements	Amendment to the Residential Section subsection a) to state a minimum setback of 3.0 metres to the street line not the lot line
Section 4 General Provisions Table 4.1 Accessory Use Regulations	Amendment to the wording within the first column, second row down of Table 4.1 by adding an "s" onto building and structure to recognize multiple structures
Section 4 General Provisions Subsection 4.9 Dwelling Units	Amendment to Subsection 4.9 to create 4.9.1 which provides the requirements for a lodging house, boarding house, and/or rooming house
Section 3 Definitions	Amendment to revise the existing definition of Lodging House/ Boarding house or Rooming House based on the aforementioned change.

Section 4 General Provisions Subsection 4.40 Uses Permitted in all Zones	Amendment to subsection 4.40 d) concerning services and utilities of a Public Agency to include the wording of "...but not limited to..."
Section 8 Table 8.3 Zone Provisions for Multiple Dwellings	Amendment to Table 8.3 to include the clause regarding lot coverage with an overall of 45% being permitted with an additional 5% being strictly for accessory structures
Amendment Maps 57 & 58	Amendment to switch the numbers on the properties pertaining to the current Site Specifics as these were intended to be placed on the opposite property
Amendment Maps 41 & 41B	Amendment to reflect the purchase of an unopened road allowance on Barkers Street
Amendment Map 26	Amendment to reflect the change in Regulation and Flood Plain information as submitted by the Grand River Conservation Authority
Section 8 Urban Residential Zones Table 8.3 Zone Provisions for Multiple Dwellings	Amendment to the current street setback for Triplex, Fourplex, Lodging House, Stacked Townhouse Street Rowhouse/ Rowhouse to stagger the setback based on habitable space versus a garage or carport
Section 3 Definitions	Amendment to the definition of porch or veranda to clarify the intent of the structure
Amendment Maps 83 & 84	Amendment proposes to change the exception number awarded to the property through a Site Specific Zoning By-Law Amendment as the current number was issued in duplication
Section 4 General Provisions Subsection 4.5 Second Unit	Amend the current provisions for second dwelling units to incorporate the Zone Categories of which the use is permitted within
Section 10 Subsection 10.7 Special Exceptions Neighborhood Commercial Zone	Amend the current Site Specific Zoning C1-11 to allow for a limited retail use as originally permitted within the Site Specific By-Law 89-747 which has remained unchanged
Section 10 Commercial Zones Table 10.2 Requirements for the Commercial Zones	Amend the current setbacks for the C1 Zone concerning interior side yard abutting a residential or institutional Zone,

	rear yard setback, and rear yard setback abutting a Residential or Institutional Zone
Section 5 Parking and Loading Subsection 5.4 Exemptions to Downtown Commercial Core	Amend the current wording of the clause to limit the parking exemption from Beverly Street East to the beginning of Victor Boulevard as set out within the County of Brant Official Plan Core Area Designation
Section 10 Commercial Zones Subsection 10.9 Special Exceptions C3 Zone	Amend the current Site Specific Zoning C3-1 where it currently states "C1" to state "C3" as per the parent Zone. This was a typo when incorporating the site specific zoning into By-Law 61-16.
Amendment-Map 105	Amend the Zoning on a portion of a property changing the current Zoning RM2 to A as this portion of the property was not subject to a Planning Act Application to change the Zoning and therefore was done in error through the Schedule A review associated with By-Law 61-16.
Amendment-Maps 105, 105B, 106B	Amend the Zoning on a property located at 103 King Street to recognize a Site Specific Zoning which was approved under the Township of Burford Zoning By-Law 87-97 which allowed for Site Specific Development Standards. These were not incorporated within By-Law 110-01 upon amalgamation and subsequently left out of By-Law 61-16.
Section 10 commercial Zones, Subsection 10.10 Special Exceptions C4 Zone	Amendment to include a Site Specific Zoning for a property which had not been carried over previously.
Section 11 Industrial Uses Subsection 11.6 Special Exceptions Light Industrial M2 Zone	Amend the current Site Specific Section of the By-Law to include the clause allowing for an additional use of a food processing plant which was a permitted use under By-Law 110-01.
Amendment-Maps 31 & 40B	Amend the current mapping to recognize a Site Specific Zoning on a property known as 49 Scott Avenue being M2-22 to allow for an additional use.
Section 3 Definitions	Amend the current definition of a Contractors Yard to remove the wording of "...occupied by a construction

	company or contractor and..." as this implies that the contractor or company must occupy the lot, building, or structure, as well as have storage on site.
Amendment-Maps 75, 93	Amend the current Zoning on the property located at 9 West Harris Road being A-9 to A, as there was already a dwelling established on the property previously. The current Zoning on the property only inhibits the Property Owner as the dwelling is existing and was legally established through the process of a Building Permit Application and Staff review.
Mapping Amendment- Maps 64 & 65	Amend current Zoning on the property located at 325 Highway #2 being Temporary T-15 to Agricultural (A) as the temporary use being for a festival event has since been removed and is no longer operating on the property.
Section 15.2 Temporary Zone Provisions, Table 15.2 Temporary Zone Provisions	General amendments to chart to remove any Site Specific Zoning which has expired.
Amendment Section 15 Temporary Uses	Amend Special Exception T-52 to include the date of expiry in the appropriate column of the chart.
Amendment Section 15 Temporary Uses	Amend Special Exception T-54 to include the date of expiry in the appropriate column of the chart.
Mapping Amendment-Maps 169 & 180	Amend the current Zoning on the property known as 223 Norwich Road from T-33 to T-62 to reflect the By-Law as passed on the property for the temporary use.
Amendment to Section 4.2 Accessory Uses Permitted in All Zones	Amend the wording of subsection a) of Section 4.2 with respects to the word "principle" this should be corrected to "principal".
Amendment to Section 2.10 Subsections a), c), and d)	Amend the current wording within the subsections as identified under Section 2.10 of the By-Law 61-16 to remove and replace the wording "construed" with "interpreted" as this is the intent of the By-law.
Section 3 Definitions	Amend the current Definition of Home Occupation to correct the current spelling of "veterinary".

Section 3 Definitions	Amend the current Definition of Livestock Facility to correct the current spelling of "digester".
Section 4, subsection 4.1	Amend the current subsection 4.1 to include a reference statement regarding a further subsection in General Provisions which sets out all uses which are otherwise prohibited within the County of Brant.
Text Amendment-Throughout the Document	Amend the current wording of the by-Law to remove the wording of livestock units and replace with nutrient units in order to comply with the Minimum Distance Setback Guidelines.
Section 4, Subsection 4.16 Home Occupation, 4.16.3 c)	Currently the wording implies that the home occupation can be a maximum of 10% of the lot area or 300 square metres in size whichever is lesser, if contained within an accessory building. The current wording is both confusing and not in keeping with the intent which is to limit the size of home occupations when contained within an accessory structure.
Mapping Amendment	Amend map 36 reverting the property back to the parent Zone being Agricultural (A) as the temporary zoning for a garden suite has expired.
Mapping Amendment	Amend maps 5, 6, 14, &15 reverting the property back to the parent Zone being Agricultural (A) as the temporary zoning for a farm help house has expired.
Mapping Amendment	Amend map 70 reverting the property back to the parent Zone being Agricultural (A) as the temporary zoning for a garden suite has expired.
Mapping Amendment	Amend map 82 reverting the property back to the parent Zone being Agricultural (A) as the temporary zoning for a garden suite has expired.
Mapping Amendment	Amend map 183 reverting the property back to the parent Zone being Agricultural (A) as the temporary zoning for a garden suite has expired.
Mapping Amendment	Amend maps 40B & 41 reverting the property back to the parent Zone being Built and Cultural Heritage Area

	Residential Singles and Semis (HA-R2) as the temporary zoning for a garden suite has expired.
Mapping Amendment	Amend map 87 reverting the property back to the parent Zone being Agricultural (A) as the temporary zoning for a farm help house has expired.
Mapping Amendment	Amend map 89 reverting the property back to the parent Zone being Agricultural (A) as the temporary zoning for a dog boarding and training facility has expired.
Section 4 General Provisions	Include a new subsection within Section 4 General Provisions which identifies the requirements relating to the Built and Cultural Heritage Areas as identified on Schedule 'A' of the By-Law. Currently these requirements are set out within the Official Plan but there is nothing within the By-Law.
Section 4 General Provisions	Include Section 50(5) relating to Part lot Control within the clause which relates to subsequent Applications and consideration of requirements of the By-Law to all lot boundaries in an effort to eliminate redundant review and Applications.
Section 3 Definitions	Remove and replace the current definition of Condominium with a simplified meaning referencing the Condominium Act.
Section 3 Definitions	Amend the existing wording of the definition of Shopping Centre to remove the word "corporation" when referenced in conjunction with the word condominium.
Section 3 Definitions	Amend the existing definition of private street by removing the wording of "...or pedestrian..." to ensure that a sidewalk within a plan of condominium is not construed as legal frontage.
Section 3 Definitions	Remove and replace the existing definition of lot to simplify the term while maintaining the intent.
Section 4 General Provisions	Subsection 4.2 Stacking Lane Requirements needs to be amended to allow for a combined number of stacking

	spaces to be considered if multiple stacking lanes are provided for on site.
Section 5 Parking and Loading Requirements	Subsection 5.11 table 5.4 parking requirements for residential zones is amended by making Accessory Dwelling plural with adding an "s".
Section 5 Parking and Loading	Subsection 5.8 Table 5.2 Parking Yard Requirements is amended by adding "Agricultural" into the Zone column.
Section 3 Definitions	Amend the current definition of a rowhouse dwelling and street fronting rowhouse dwelling to include a maximum number of units for a block being 8.
Section 4 General Provisions	Amend Subsection 4.23 Medical Marijuana Production Facilities to remove clause g) which precludes an individual from applying for a minor Variance to request relief from the Zoning By-Law.
Section 3 Definitions	Amend the defined term of a batching plant to include the reference to wet mixing and water consumption. This is based on past case law which reference decisions made at both the Ontario Municipal Board and Judicial Court which specifically review what a batching plant should be defined as.
Section 8.4 Special Exceptions R2 Zone	Amend the Site Specific Section relating to the R2 Zone to include a clause which was not carried over with the adoption of By-Law 61-16 but was previously approved under By-Law 110-01.
Map Amendment	Amend Maps 41, 41B, 41C to include a new Site Specific HA-R2-35 to recognize a previously approved zoning on a property which was not previously carried over.
Text Amendment	Amend Section 4 General Provisions, Subsection 4.5 Second Units, clause f) to clarify that a lot must be fully municipally serviced with capacity in the system before a second unit can be considered as permitted. Currently the wording just simply states serviced which is misleading as this could be interrupted to mean private or public services. The intent has always been that the lot be fully

	municipally serviced this change just clarifies the requirement.
--	--

Attachment 2

BY-LAW NUMBER XXX-19

- 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.

*Table of Contents section to be renumbered as needed due to the amendments proposed through this Housekeeping By-Law.

2. **THAT** Section 5 Parking and Loading Requirements subsection 5.12 Parking and Loading Requirements for Non-Residential Zones, Table 5.5 Parking Requirements for Non-Residential Zones is hereby amended by changing the requirement for Home Occupation from 1 per 50m² to a minimum of 1 parking space per home occupation.

<i>Home Occupation</i>	<i>1 per Home Occupation</i>
-------------------------------	-------------------------------------

*Section 4 General Provisions Subsection 4.16.2 sets out a requirement for one (1) additional parking space to be required for each home occupation. The proposed change ensures consistency within the requirements for Home Occupations throughout the Sections of the County of Brant Zoning By-Law 61-16.

3. **THAT** Section 3 Definitions, Gross Floor Area is hereby amended by adding the following wording "...if attached to a principal structure or building." To the existing defined term as follows:

Term	Definition
-------------	-------------------

FLOOR AREA, GROSS	<p>Means the sum of the areas of each floor of a <i>building</i>. Measurement shall be from the exterior face of outside walls, or from the center line of partition and common walls.</p> <p>Gross floor area shall not include floor space devoted to:</p> <p>a) <i>Vehicle</i> Parking, if attached to a principal <i>structure</i> or <i>building</i>;</p> <p>b) A <i>storey</i> having a <i>height</i> of 1.5 metres or less</p>
-------------------	---

*Amend the current definition of gross floor area to properly reflect the exclusion of space devoted to vehicle parking if the space is connected to a principal structure or building on the property. This would allow for Staff to include any detached structures or buildings which are proposed to be for the purpose of vehicle parking, as currently the definition excludes this space and therefore excludes any detached accessory structure or building from the area calculations and lot coverage calculations of the By-Law 61-16. This inclusion of further wording simply provides for the initial intent of which the By-Law was created which is to include all detached accessory structures or buildings no matter what the use of the structure or building when calculating area and lot coverage.

4. **THAT** Section 3 Definitions, is hereby amended by adding the following term for model home:

Term	Definition
MODEL HOME	Means a finished but uninhabited <i>dwelling unit</i> that is constructed to the provisions of the zoning category in which the <i>model home</i> is located and used as an example of the <i>dwelling units</i> offered for sale or rent to the general <i>public</i> within the related <i>subdivision</i> or <i>condominium</i> . A <i>model home</i> may include an <i>office</i> to conduct sales of the <i>development</i> .

*Currently within the County of Brant Zoning By-Law 61-16 there is no defined term for a model home but there are provisions and requirements within Section 4 General Provisions 4.26 which allow for this use.

5. **That** Section 3 Definitions is hereby amended by adding the following term for a temporary sales trailer:

Term	Definition
------	------------

TEMPORARY SALES TRAILER	<p>Means a temporary stand-alone uninhabited building used:</p> <p>a) to market the <i>development</i> to the general <i>public</i>;</p> <p>And/or,</p> <p>b) to sell or lease <i>dwelling units</i> or non-residential units within the <i>development</i> to the general <i>public</i>;</p> <p>A <i>temporary sales trailer</i> may include an <i>office</i> for the builder and/or developer of the <i>development</i>.</p>
-------------------------------	--

* Currently within the County of Brant Zoning By-Law 61-16 there is no defined term for a temporary sales trailer but there are provisions and requirements within Section 4 General Provisions 4.26 which allow for this use.

6. **That** Section 5 Parking and Loading Requirements Subsection 5.13 Commercial Vehicle Regulations is hereby amended by adding Agricultural Zone to the existing provisions as follows:
- a) A maximum of one (1) *commercial vehicle* shall be permitted to be parked or stored in any **Agricultural Zone** unenclosed, and in any Urban Residential Zone or Non-Urban Residential Zone entirely within an enclosed *garage*, provided that the required number of *parking spaces* for the *main use* is maintained.
 - b) No *commercial vehicle*, motorized construction equipment, tow truck, dump truck, tractor trailer, semi-trailer, bus or similar vehicles/equipment shall be parked or stored on any part of a lot in any Urban Residential Zone or Non-Urban Residential Zone, except within a fully enclosed *building* or *structure*.
 - c) A *commercial vehicle*, motorized construction equipment, tow truck, dump truck, tractor trailer, semi-trailer, bus or similar vehicles/equipment shall not be parked or stored in any required *yard* in any **Agricultural Zone**.
 - d) No *commercial vehicle*, in any **Agricultural**, Urban Residential Zone or Non-Urban Residential Zone, shall be permitted to idle or operate in a way that causes any nuisance including but not limited to noise, dust, or emissions on any part of a lot.
 - e) Notwithstanding clause (b) of this section, a maximum of one (1) *commercial vehicle* shall be permitted in any **Agricultural**, Urban Residential Zone or Non-Urban Residential Zone subject to following:
 - (i) The *commercial vehicle* shall not be more than or equal to 3 000 kg registered gross weight and be less than 6.0 metres in length and 2.6 metres in *height*;
 - (ii) No *commercial vehicle* shall be permitted to be parked or stored in a *front yard setback*, an *exterior side yard setback*, or closer than 3 metres to any other *lot line*.

(iii) Notwithstanding clauses (i) and (ii) above, school buses shall be permitted to be located in the *interior side yard and rear yard*. Parking of the school bus shall be provided in addition to the required parking on the property.

*Currently there are no regulations for the parking and/or storing of a commercial vehicle, motorized construction equipment, tow truck, dump truck, tractor trailer, semi-trailer, bus or similar vehicles/equipment within the agricultural zones. This is problematic from an Enforcement standpoint if a complaint is received. Staff is simply imposing similar requirements within the Agricultural Zones which already exist within the residential zone categories.

7. **That** Schedule 'A' Key Map, Map 56 is hereby amended by changing the current Zoning on the subject lands from Special Exception Heavy Industrial (M3-9) to Heavy Industrial (M3), as shown on Schedule 'A' of this by-law.

*The Site Specific Zoning on the lands to the south known as 707 Powerline Road which is currently used as a hydro facility were placed on the lands to the north known as 485 Paris Road in error through the Comprehensive Five Year Review of the Zoning By-Law. The property located at 485 Paris Road is privately owned and has not undergone any Planning Act Application to change the zoning on the property and therefore should not have been changed.

8. **That** Section 5 Parking and Loading Requirements, Table 5.2 Parking Yard Requirements is hereby amended by adding Agricultural Zone to the existing provisions as follows:

Zone	Yard in which required parking space is permitted
Agricultural, Commercial, Institutional, Employment, Open Space, Resource Extraction	<p>c) All <i>yards</i> provided that no part of any <i>parking area</i>, other than a <i>driveway</i>, is located closer than 3 metres to any <i>street line</i>,</p> <p>d) Notwithstanding clause (a) above, no commercial/industrial equipment or commercial/industrial <i>vehicle</i> or a <i>trailer</i> shall be permitted to be parked within the required <i>yard setback</i> abutting a residential use.</p> <p>e) In the Mixed Use (C5) <i>Zone</i>, parking shall not be permitted in the <i>front yard</i>.</p>

*Currently there are no regulations for the parking and/or storing of a vehicle within the agricultural zones. This is problematic from an Enforcement standpoint if a complaint is received. Staff is simply imposing similar requirements within the Agricultural Zones which already exist for all other zone categories.

9. **That** Section 5 Parking and Loading Requirements, Table 5.2 Parking Yard Requirements is hereby amended by removing and replacing the wording of "...lot line;" within clause a) to "...street;" as follows:

Residential	<p>a) In <i>front yard</i> and <i>exterior side yard</i> provided that no part of any <i>parking space</i> is located closer than 3 metres to the street;</p> <p>b) In <i>yards</i> leading directly to a <i>garage</i>, a <i>carport</i> or a <i>parking space</i>;</p>
-------------	---

- | |
|--|
| c) No <i>person</i> shall park or permit to park a <i>vehicle</i> in the <i>front yard landscaped open space</i> of any <i>lot</i> . |
|--|

*The intent when the By-law 61-16 was drafted was to provide for safe vehicle access and egress from parking areas on residential lots. The 3 metres setback was to be from the street and not the lot line in order to allow for better visibility when maneuvering in and out of parking spaces. The minimum 3 metres to a lot line is very restrictive when looking at accommodation of parking on site for almost all residential lots, new and existing. The intent of the By-Law was to create safe sight lines for maneuvering in and out of a parking space on a property however the current wording creates issues with the ability of providing parking on a property.

10. **That** Section 4 General Provisions, Table 4.1 Accessory Use Regulations is hereby amended by adding and “s” onto the words building and structure in order to recognize multiple structures and buildings as follows:

Regulations	Urban Residential Zones	All other Residential Zones	Accessory to a Dwelling in Agricultural Zones	All other Zones
<i>Lot Coverage, Maximum</i>	15%	15%	10%	In accordance with the zone provisions
<i>Gross Floor Area of Accessory Buildings or Structures, Maximum (square metres)</i>	95	140	Up to a maximum of 75% of the gross floor area of the Dwelling	95
<i>Interior Side Yard Setback, Minimum (metres)</i>	1.2	1.5	3	3*
<i>Rear Yard Setback,, Minimum (metres)</i>	1.2	1.5	3	3*
<i>Building Height, Maximum (metres)</i>	4.5	5.0	5.0	5.0

*Currently the wording of the section is singular. The correction to making the statement plural allows for Staff to interpret the intention of the By-Law 61-16 which is to review all accessory structures existing and proposed combined with respects to the requirements.

11. **That** Section 4 General Provisions, Subsection 4.9 Dwelling Units is hereby amended by adding the following;

c) The minimum requirements for a *lodging, boarding or rooming house* are as follows:

- (i) Maximum *building height* of three *storeys*,
- (ii) Maximum building area of 600m²;

*Currently the requirements for a lodging, boarding, or rooming house are contained within the definition of the term within Section 3 of the By-Law 61-16. There was an opinion received from the County Solicitor that these requirements should form part of Section 4 General Provisions in keeping with the current set up of the By-Law. All definitions should explain what the use or structure is but the further sections of the By-Law should provide the requirements which the use or structure needs to meet.

12. **That** Section 3 Definitions is hereby amended by removing the current definition of lodging house/boarding house or rooming house and replacing it with the following:

LODGING HOUSE/ BOARDING HOUSE OR ROOMING HOUSE	Means a <i>building</i> in which lodging is provided for more than four people in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both <i>private</i> bathrooms and kitchen facilities for the exclusive use of individual occupants. A lodging house shall not include a <i>hotel</i> , motel, <i>hospital</i> or <i>nursing home</i> or a residence of an educational institution.
---	---

*The proposed change separates the requirements of a use from the definition and explanation of the term itself.

13. **That** Section 4 General Provisions, Subsection 4.40 Uses Permitted in all Zones is hereby amended by adding the wording "...but not limited to..." within clause d) as follows:

d) Services and utilities of *public agency* such as **but not limited** to water lines, wastewater lines, gas distribution mains, telecommunications and other cabled services, district energy facilities without cogeneration, pumping stations, and local electric power lines or other communication lines not including *electricity generation facilities*. However, no goods, material or equipment shall be stored or processed in the open, unless such outside storage or outside processing is specifically permitted in the *Zone*;

*The amendment proposes to provide for flexibility within the By-Law 61-16 when considering the types of uses/services that a public agency may propose to serve the community and public.

14. **That** Section 8 Urban Residential (R) Zones, Table 8.3 : Zone Provisions for multiple dwellings in RM1, RM2, and RM3 Zones is hereby amended by adding the following asterisk and clause to the table:

Provisions*	Triplex, Fourplex, Lodging House, Stacked Townhouse Street Rowhouse/ Rowhouse*	Apartment Dwelling
Lot Area , Minimum (sq. m)	185 sq. m per unit	1800
Lot Frontage , Minimum (metres)	20.0**	30.0

Street Setback, Minimum (metres)	6.0	7.5
Interior Side Yard Setback, Minimum (metres)	3.0	7.5
Rear Yard Setback, Minimum (metres)	6.0	7.5
Lot Coverage, Maximum	40%***	40%
Landscaped Open Space, Minimum	30%	30%
Building Height, Maximum (metres)	12.0	20.0
Separation Distance between buildings on same lot, Minimum (metres)	3.0	3.0

* For the purposes of this By-Law, the parcels/units in the Plan of *Condominium* shall be deemed as *lots*.

** Minimum *Lot Frontage* for *Rowhouse Dwellings* and *Street Fronting Rowhouse Dwellings* shall be 9.0 metres.

*** Maximum *Lot Coverage* of 40% shall apply to *dwelling units*. Maximum overall *lot coverage* of 45% shall be permitted. The additional 5% shall only be used for *accessory buildings or structures*.

*Currently there is no provision within the higher multiple density residential zone categories to allow for the consideration of a percentage of the lot coverage to be allocated to accessory structures.

15. **That** Schedule 'A' Key Map, Maps 57 & 58 are hereby amended by changing the current Zoning on the subject lands from Special Exception Rural Residential (RR-28) to Special Exception Rural Residential (RR-27) and from Special Exception Rural Residential (RR-27) to Special Exception Rural Residential (RR-28), as shown on Schedule 'A' of this by-law.

*This amendment corrects the exception numbers on Schedule 'A' mapping to reflect the proper site specific amendments made to the properties known as 7 St. Andrew Court and 9 St. Andrews Court as set out within By-Laws 134-13 and 162-13 passed on the properties.

16. **That** Schedule 'A' Key Map, Maps 41 & 41B are hereby amended by Zoning the subject lands which were formerly an unopened road allowance Residential Multiple High Density (RM3) and Agricultural (A) as a result of the purchase of the property, as shown on Schedule 'A' of this by-law.

*The proposed amendment reflects the recent purchase of an unopened road allowance which then needs to be zoned accordingly. Open road allowances within the County of Brant Zoning By-Law are not zoned.

17. **That** Schedule 'A' Key Map, Map 26 is hereby amended by changing the current Zoning on the subject lands from Natural Heritage (NH) to Agricultural (A) to reflect the recent changes within the flood plain mapping on the property, as shown on Schedule 'A' of this by-law.

*The proposed amendment reflects the recent updates made within the flood plain mapping on the property.

18. **That** Section 8 Urban Residential (R) Zones, Table 8.3 : Zone Provisions for Multiple Dwellings in RM1, RM2, and RM3 Zones is hereby amended by adding the following staggered street setback to the table for habitable portion of the dwelling versus the garage or carport:

Provisions*	Triplex, Fourplex, Lodging House, Stacked Townhouse Street Rowhouse/ Rowhouse*	Apartment Dwelling
Lot Area , Minimum (sq. m)	185 sq. m per unit	1800
Lot Frontage , Minimum (metres)	20.0**	30.0
Street Setback , to the attached garage, Minimum (metres)	6.0	7.5
Street Setback , to habitable portion of the dwelling, Minimum (metres)*	4.5****	7.5
Interior Side Yard Setback , Minimum (metres)	3.0	7.5
Rear Yard Setback , Minimum (metres)	6.0	7.5
Lot Coverage , Maximum	40%***	40%
Landscaped Open Space , Minimum	30%	30%
Building Height , Maximum (metres)	12.0	20.0
Separation Distance between buildings on same lot , Minimum (metres)	3.0	3.0

* For the purposes of this By-Law, the *parcels/units* in the Plan of *Condominium* shall be deemed as *lots*.

** Minimum *Lot Frontage* for *Rowhouse Dwellings* and *Street Fronting Rowhouse Dwellings* shall be 9.0 metres.

*** Maximum *Lot Coverage* of 40% shall apply to *dwelling units*. Maximum overall *lot coverage* of 45% shall be permitted. The additional 5% shall only be used for *accessory buildings* or *structures*.

**** provided the minimum width of the *driveway* shall be 5.6 metres.

*Currently within the County of Brant Zoning By-Law there is a staggered approach for the street setback concerning the R1 through RM1(Singles and Semis only) Zones but not RM1-RM3. It makes

sense to take this same approach when looking at a Triplex, Fourplex, Lodging House, Stacked Townhouse Street Rowhouse/ Rowhouse development, but not for an apartment dwelling.

19. **That** Section 3 Definitions is hereby amended by adding the wording "...may have a roof..." within the defined term of porch or verandah as follows;

PORCH OR VERANDAH	Means a <i>structure</i> abutting a <i>dwelling</i> which is permanent, may have a roof and at least 50% unenclosed, excluding removable screens, storm sashes and awnings and is <i>used</i> for outdoor living space.
----------------------	--

*Currently Staff sees many proposals come forward for porches and/or verandas on the front of dwellings which do not have roofs and are not necessarily proposed to be 50% enclosed. The change in the existing definition allows Staff the flexibility to include these structures as a porch or verandah within the By-Law.

20. **That** Schedule 'A' Key Map, Maps 83 & 84 are hereby amended by changing the current Zoning on the subject lands from Special Exception Agricultural (A-126) to Special Exception Agricultural (A-136), as shown on Schedule 'A' of this by-law.

*This amendment corrects the exception numbers on Schedule 'A' mapping to reflect a separate number for the site specific amendment on the property.

21. **That** Section 4 General Provisions, Subsection 4.5 Second Unit is hereby amended by adding the zone categories of which the use of a second dwelling unit is permitted;

h) A *second dwelling unit* shall only be permitted in the following Zones:

- (i) Residential Singles (R1)
- (ii) Residential Singles and Semis (R2)
- (iii) Residential Multiple Low Density (RM1)
- (iii) Residential Multiple Medium Density (RM2)
- (iv) Residential Multiple High Density (RM3)

*Currently Subsection 4.5 sets out all the requirements for a second dwelling unit but does not indicate the specific Zone category of which the use is permitted within. The use is only permitted within the Urban Residential Zone Categories, which have full municipal services, if there is capacity in the existing system, and all requirements can be met. This is in keeping with the current County of Brant Official Plan Policies.

22. **That** Section 10 Commercial Zones, Subsection 10.7 Special Exceptions C1 Zone is hereby amended by adding further site specific wording into an already existing clause which permits a limited retail store use as follows:

Not Available	C1-11	<p>Notwithstanding any provisions of this By-Law to the contrary, within any area zoned C1-11 on Schedule "A" hereto, the permitted uses shall be limited to</p> <ul style="list-style-type: none"> a) <i>a business or professional office,</i> b) <i>a studio,</i> c) <i>an accessory workshop,</i> d) <i>accessory photographic processing room,</i> e) <i>parking lot,</i> f) <i>a warehouse not open to the general public,</i> g) <i>one accessory dwelling above the first floor, provided the minimum floor area is 60.0 square metres,</i> h) <i>a retail store, save and except for a convenience store, auction sales, or amusement machines;</i> <p>The following provisions shall also apply:</p> <ul style="list-style-type: none"> • Minimum <i>Lot Area</i> - 1820 square metres; • Minimum <i>Lot Frontage</i> - 29.8 metres; • Minimum <i>Lot Depth</i> - 61 metres; • Minimum <i>Front Yard</i> - 3 metres; • Minimum <i>Interior Side Yard</i> - 0.8 metres; • Minimum <i>Exterior Side Yard</i> - 5.5 metres; • Minimum <i>Rear Yard</i> - 7.5 metres; • Minimum <i>Landscaped Open Space</i> - 15%; • Maximum <i>Lot Coverage</i> - 50%; • Maximum <i>Building Height</i> - 9 metres; • Minimum 1 <i>parking spaces</i> are required for the <i>studio</i> and
---------------	-------	---

By-Law No.	Zone Code	Description
		<p>182.4 square metres.</p> <p>Furthermore, no <i>outside storage</i> is permitted and all signage shall be non-internally illuminated. All other requirements of the By-Law shall apply.</p>

*Currently the further wording and permission of a limited retail store on the property is absent. This wording formed part of the historical rezoning on the property when the Site Specific was initially created and was removed throughout the years when the Comprehensive By-laws were changed.

23. **That** Section 10 Commercial Zones, Table 10.2 Zone Provisions is hereby amended by correcting the interior side and rear yard setbacks to sensitive and non-sensitive land uses within the column pertaining to the C1 Zone as follows:

Provisions	Specifications					
	C1	C2	C3	C4	C5	C6
Lot Area , Minimum (sq. m)	1000	1000	1000	Nil	1000	3000

Lot Frontage , Minimum (metres)	15	15	30	15	15.0	15
Street Setback , Minimum (metres)	6.0	6.0	6.0	Nil	6.0	15
Interior Side Yard Setback , Minimum (metres)	3.0	3.0	3.0	Nil	3.0	7.5
-Yard abutting Residential or Institutional Zone	6.0	7.5	7.5	3.0	7.5	15
Rear Yard Setback , Minimum (metres)	3.0	3.0	3.0	Nil	3.0	7.5
-Yard abutting Residential or Institutional Zone	6.0	7.5	7.5	3.0	7.5	15
Lot Coverage , Maximum	60%	60%	60%	Nil	60%	40%
Landscaped Open Space , Minimum	10%	10%	10%	Nil	20%	30%
Building Height , Maximum (metres)	10.0	12.0	15.0	15.0	10.0	10.0
Commercial Floor Area , Maximum (sq. m)	500	-	-	2500	-	

*Currently the setbacks are lesser to a more sensitive land use such as residential and/or institutional but more restrictive with respects to neighboring land uses of the same zone or employment zone. This should be reversed as the intent is to provide a larger more restrictive buffer against sensitive land uses and a lesser buffer against the commercial and employment zones. This is an error which Staff is proposing to correct within the By-Law.

24. **That** Section 5 Parking and Loading, Subsection 5.4 Exceptions to Downtown Commercial Core is hereby amended by amending the boundary for consideration of parking exemption within the downtown core of St. George from on Main Street South between Beverly Street and Hawk Street changing it to "...on Main Street South between Beverly Street East and the northern portion of Victor Boulevard in St. George ..." as follows:

5.4 Exceptions to Downtown Commercial Core

Notwithstanding the requirements of Sections 5.11 and 5.12, no *parking spaces* or *loading spaces* shall be required for any *building* or *structure* or *use* located within a Core Area Commercial (C4) Zone on Grand River Street North between the Nith River and Charlotte Street in Paris, or on Main Street South between Beverly Street East and the northern portion of Victor Boulevard in St. George, or on King Street between Alexander Street and Park Avenue in Burford, or on Simcoe Street or Elgin Street in Scotland, or on Oakland Street in Oakland.

*Currently within St. George the Core Area as designated within the County of Brant Official Plan the Core Area Designation begins at the intersection of Church Avenue and Main Street North and stretches down to the intersection of Main Street South and Victor Boulevard. The proposed change amends the By-Law and reflects the current Designation of the County of Brant Official Plan. Any properties outside of the designated boundary on Main Street would

need to provide parking on the same property in accordance with the requirements of Sections 5.11 and 5.12.

25. **That** Section 10 Commercial Zones, Subsection 10.9 Special Exceptions C3 Zone is hereby amended by removing the reference of “C1” Zone and replacing it with the “C3” Zone as follows”

By-Law No.	Zone Code	Description
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 subject to the following regulations or exceptions:</p> <ul style="list-style-type: none"> f) a <i>financial institution</i> shall not be permitted; g) the <i>floor area</i> occupied by any <i>pharmacy</i> shall not exceed 372 square metres; h) 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>cinema or theatre</i>; g) <i>continuum-of-care facility</i>; h) <i>data processing establishment</i>; i) <i>dwelling units</i> restricted to above the first floor; j) <i>funeral home</i>; k) <i>retirement lodge or retirement home</i>; l) <i>institutional use</i>; m) <i>laboratory</i>; n) <i>library</i>; o) <i>nursing home</i>; p) <i>parking lot</i>; q) <i>printing establishment</i>; r) <i>service and rental establishment</i>; s) <i>taxi stand</i>; t) <i>video rental establishment</i>; u) <i>wholesale establishment</i> accessory to a permitted use; <p>All other requirements of the By-Law shall apply.</p>

*Currently there is a typo within the Site Specific which refers to the "C1" Zone permitted uses. This is an error based on the clause being carried over into By-Law 61-16 from By-Law 110-01, previous County of Brant Zoning By-Law. The intent was to reference the parent Zone and provide for the uses permitted within such subject to site specific requirements as set out within the above noted clause.

26. **That** Schedule 'A' Key Map, Map 105 is hereby amended by changing the current Zoning on the subject lands from Residential Multiple Medium Density (RM2) to Agricultural (A), as shown on Schedule 'A' of this by-law.

*The RM2 Zoning on the property was a mapping error which was carried over through the original County of Brant Zoning By-Law 110-01 and then again within By-Law 61-16. This portion of the property has not undergone any Planning Act Applications to change the zoning. Therefore the zoning on the property should be Agricultural (A) as per the Township of Burford Zoning By-Law (1997).

27. **That** Schedule 'A' Key Map, Maps 105, 105B, and 106B 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 Special Exception Core Area Commercial (HA-C4-9), as shown on Schedule 'A' of this by-law.

*The proposed amendment proposes to correct the zoning on the property and recognize a Site Specific Zoning By-Law Amendment on the property which was granted by the Township of Burford under Zoning By-Law 87-97 and has remained unchanged throughout the years. This amendment should have been carried over upon amalgamation of the Townships in 2001 through the passing of the County of Brant Zoning By-Law 110-01.

28. **That** Section 10 Commercial Zones, Subsection 10.10 Special Exceptions C4 Zone is hereby amended by adding the following clause:

87-97	C4-9	<p>Notwithstanding any provisions of this by-law to the contrary, within any area zoned C4-9 on Schedule "A" hereto, the following requirements shall apply:</p> <ul style="list-style-type: none"> a) Lot Coverage (Maximum) 55% b) Rear Yard Setback (Minimum) 1.2m c) Exterior Side Yard Setback (Minimum) 1.2m d) Landscaped Open Space (Minimum) 10% e) Parking Spaces (Minimum) 40 Spaces <p>All other requirements of the By- Law shall apply.</p>
-------	------	--

*The amendment proposed to recognize a Site Specific Zoning By-Law Amendment which was approved under the Township of Burford and has remained unchanged.

29. **THAT** Section 11 Employment (M) Zones, Subsection 11.6 Special Exceptions Light Industrial M2 Zone is hereby amended by adding the following Site Specific Clause:

By-Law No.	Zone Code	Description
------------	-----------	-------------

-19	M2-22	Notwithstanding the provisions of this By-Law to the contrary, within any area zoned M2-22 on Schedule 'A' hereto, the additional use of a <i>food processing plant</i> shall also be permitted. All other requirements of the By-Law shall apply.
-----	-------	--

* The amendment proposes to incorporate a Site Specific clause within the By-law to allow for the additional use of a food processing plant on the lands known as 49 Scott Avenue which was previously permitted under By-Law 110-01.

30. **That** Schedule 'A' Key Map, Maps 31 & 40B are hereby amended by changing the current Zoning on the subject lands from Light Industrial (M2) to Special Exception Light Industrial (M2-22), as shown on Schedule 'A' of this by-law.

*The amendment proposes to incorporate the new Site Specific Zoning on the property known as 49 Scott Avenue.

31. **That** Section 3 Definitions is hereby amended by removing the wording of "...occupied by a construction company or contractor and used..." within the definition of a Contractors Yard as follows:

CONTRACTOR'S YARD	Means a <i>lot, building or structure used</i> as a depot for the storage and maintenance of equipment and includes the offices of general building contractors, general contractors, specialized trades and <i>building</i> maintenance services such as landscaping services, window cleaning and extermination services and also includes assembly work and the stockpiling or storage of supplies <i>used</i> in the business.
-------------------	--

*The amendment proposes to remove the wording which dictates that the property must be occupied by a construction company and/or contractor in order to be considered a contractors yard. The main function of these sites is always the storage and maintenance of equipment and materials used offsite and may also include the accessory use of having an office on site for the general building contractors, general contractors, specialized trades and building maintenance services. Currently the wording of the defined term poses some issues for By-Law Enforcement Staff having to prove that the lot, building or structure is occupied by a construction company or contractor.

32. **That** Schedule 'A' Key Map, Maps 75 & 93 are hereby amended by changing the current Zoning on the subject lands from Special Exception (A-9) to Agricultural (A), as shown on Schedule 'A' of this by-law.

*The amendment proposes to correct an error which was made through the wording of By-Law 50-04 which stated that a dwelling unit was not to be permitted. This was not however the intent of the Application ZBA65/03/MP which was to allow for a dwelling on the property but restrict the location by imposing more restrictive setbacks from the environmental feature at the rear of the property known as Fairchilds Creek. This restrictive setback from

the Creek has since been amended by the Grand River Conservation Authority and a dwelling was constructed on the property in 2005 by Building Permit after the passing of By-Law 50-04. Therefore Staff are simply cleaning up an error which was created due to wording of the Site Specific By-Law which did not reflect the intent of the Application at the time.

33. **That** Schedule 'A' Key Map, Maps 64 & 65 are hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-15) to Agricultural (A), as shown on Schedule 'A' of this by-law.

*The amendment reflects the removal of a temporary use and therefore the property reverts back to the parent zoning.

34. **That** Section 15.2 Temporary Zone Provisions, Table 15.2: Temporary Zone Provisions is hereby amended by removing the clause relating to T-15 which has expired.

*The amendment reflects the removal of a clause which is no longer in force and effect. Staff has received confirmation that the use has been removed from the property.

35. **That** Section 15.2 Temporary Zone Provisions, Table 15.2: Temporary Zone Provisions is hereby amended by including the date of expiry within the appropriate column relating to the Site Specific T-52.

*Currently the date of expiry is missing within the column next to this site specific amendment.

36. **That** Section 15.2 Temporary Zone Provisions, Table 15.2: Temporary Zone Provisions is hereby amended by including the date of expiry within the appropriate column relating to the Site Specific T-54.

*Currently the date of expiry is missing within the column next to this site specific amendment.

37. **That** Schedule 'A' Key Map, Maps 169 & 180 are hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-33) to Temporary Provision (T-62) in order to correct a duplicate exception number, as shown on Schedule 'A' of this by-law.

*The amendment is to correct a duplicate exception number on a property within the By-Law.

38. **That** Section 4 General Provisions, Subsection 4.2 a) is hereby amended by correcting the spelling of the word "principle" to "principal" in order to properly reflect the intent of the By-Law.

*Currently the wording of principle has been included which is not only spelt differently but also has a different meaning then what is actually intended through the clause within the By-Law.

39. **That** Section 2 Zones, Schedules, and Interpretation, Subsection 2.10 Interrupting Zone Boundaries is hereby amended by removing the wording of "construed" and replacing it with "interpreted" through subsections (a), (c), and (d).

*Currently the subsection is worded using construed when clearly speaking to the interpretation of zone boundaries. As the intent is to have the appropriate delegated Staff member interpret the zone boundaries when needed the wording should reflect such intent.

40. **That** Section 3 Definitions is hereby amended by correcting the current spelling of veterinary within the defined term of Home Occupation.

*The amendment proposes to correct a spelling error within the current By-Law.

41. **That** Section 3 Definitions is hereby amended by correcting the spelling of digester with respects to the defined term of Livestock Facility.

* The amendment proposes to correct a spelling error within the current By-Law.

42. **That** Section 4 General Provisions, Subsection 4.1 Prohibited Uses is hereby amended by adding the following wording to the existing clause to further reference Subsection 4.41 Uses Prohibited in all Zones:

4.1 Prohibited Uses

All *uses* are prohibited unless specifically permitted in this By-Law. Subsection 4.41 Uses Prohibited in all Zones can be referenced for further detail.

*Currently the clause speaks to uses prohibited but there is also an entire subsection which speaks to this in detail.

43. **That** the document in general be amended by removing the wording of “*livestock*” when referencing livestock units and replacing it with “*nutrient*” when referencing nutrient units as this has been changed within the Minimum Setback Guidelines (MDS) as governed by the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA).

*Currently By-Law 61-16 still references the term livestock units which has since been replaced with the term nutrient units based on the new technology available to better determine the measurement of livestock and the manure produced on site to ensure land use compatibility with respects to new and/or expanding livestock facilities.

44. **That** Section 4 General Provisions, Subsection 4.16 Home Occupation, 4.16.3 Size c) is hereby amended by removing the wording “...coverage of the lot area...” and replacing it with “...of the floor area of the building...” as follows:

c) The gross floor area for the *home occupation* if located within *accessory building* shall not exceed 10% of the floor area of the *building* or a total of 300 square metres of floor area of the *building*, whichever is the lesser.

*Currently the wording implies that the home occupation can be a maximum of 10% of the lot area or 300 square metres in size whichever is lesser, if contained within an accessory building. The current wording is both confusing and not in keeping with the intent which is to limit the size of home occupations when contained within an accessory structure.

45. **That** Schedule ‘A’ Key Map, Map 36 is hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-4) to Agricultural (A) as the temporary use for a garden suite has expired, as shown on Schedule ‘A’ of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a garden suite has expired.

46. **That** Schedule 'A' Key Map, Maps 5, 6, 14, & 15 are hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-19) to Agricultural (A) as the temporary use for a *farm help house* has expired, as shown on Schedule 'A' of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a farm help house has expired.

47. **That** Schedule 'A' Key Map, Map 70 is hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-6) to Agricultural (A) as the temporary use for a *garden suite* has expired, as shown on Schedule 'A' of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a garden suite has expired.

48. **That** Schedule 'A' Key Map, Map 82 is hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-7) to Agricultural (A) as the temporary use for a *garden suite* has expired, as shown on Schedule 'A' of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a garden suite has expired.

49. **That** Schedule 'A' Key Map, Map 183 is hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-25) to Special Exception Agricultural (A-23) as the temporary use for a *garden suite* has expired, as shown on Schedule 'A' of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a garden suite has expired.

50. **That** Schedule 'A' Key Map, Maps 40B & 41 are hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-24) to Built and Cultural Heritage Area Residential Singles and Semis (HA-R2) as the temporary use for a *garden suite* has expired, as shown on Schedule 'A' of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a garden suite has expired.

51. **That** Schedule 'A' Key Map, Map 87 is hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-22) to Agricultural (A) as the temporary use for a *farm help house* has expired, as shown on Schedule 'A' of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a farm help house has expired.

52. **That** Schedule 'A' Key Map, Map 89 is hereby amended by changing the current Zoning on the subject lands from Temporary Provisions (T-31) to Agricultural (A) as the temporary use for a *boarding and training facility* has expired, as shown on Schedule 'A' of this by-law.

*The amendment is to revert the parcel back to the parent zoning as the temporary use being for a boarding and training facility has expired.

53. **That** Section 4 General Provisions is hereby amended by adding a Section 4.43 Built and Cultural Heritage Areas as follows:

Built and Cultural Heritage Areas are identified by the prefix “HA” on Schedule ‘A’ hereto. Built and Cultural Heritage Areas include the County’s historical centres which have a significant number of built heritage resources. Several structures and areas within these areas have been designated under Part IV of the Ontario Heritage Act or identified as an important heritage resource. The following policies shall apply to Built and Cultural Heritage Areas:

- a) permitted uses shall be those permitted in the underlying Zone Category;
- b) all proposals for new development within Heritage Areas will be commented on by the County’s Municipal Heritage Committee who will advise Council of their position and comments.

*Amend Section 4 General Provisions to include requirements relating to the Built and Cultural Heritage Areas. Currently there is only reference to the Built and Cultural Heritage Area within Section 2 Interpretation and Section 3 Definitions. The above wording is strongly based on the current clauses within the County of Brant Official Plan.

54. **That** Section 4 General Provisions, Subsection 4.30 Subsequent Consent and/or Condominium Act is hereby amended by removing the existing wording and replacing it with the following:

4.30 Subsequent Consent and/or Condominium Act

Where any *land, buildings, or structures* have been subject to review under Section 41, 50(5), or 53 of the Planning Act, or under Section 9 of the Condominium Act then the requirements of this By-Law shall be deemed to apply to the *land, building, or structure* as a whole, as long as the *land, building, or structure* is continued to be used for the purpose for which the *development* is reviewed and approved.

* The proposed amendment includes Section 50(5) Part Lot Control within the Planning Act to allow for Staff to use the above clause if appropriate in instances where a development has been subject to Part Lot Control in an effort to eliminate further Planning Act Applications which are potentially redundant.

55. **That** Section 3 Definitions, is hereby amended by removing and replacing the existing definition of Condominium as follows:

CONDOMINIUM	Means lands described in a registered description and declaration as described in the Condominium Act.
-------------	--

* The proposed amendment is based on comments received from a Consulting Lawyer which met with Staff to discuss specific changes to the sections of the By-Law pertaining to Condominiums. The amendment proposes to simplify the existing definition.

56. **That** Section 3 Definitions, is hereby amended by removing the word “corporation” within the existing definition of Shopping Centre as follows:

Term	Definition
SHOPPING CENTRE	Means a <i>lot</i> , a <i>building</i> or <i>buildings</i> containing at least four individual commercial <i>uses</i> wherein no more than 30% of the gross leasable area is devoted to general offices, <i>medical offices</i> , designed, developed, and managed as a comprehensive development for which common <i>loading spaces</i> , <i>parking areas</i> , landscaping areas, and other common facilities may be provided, and which is held under one ownership or by participants of the <i>condominium</i> or commercial cooperative and where the predominant <i>use</i> is <i>retail stores</i> .

* Based on Consultation with a Consulting Lawyer which met with Staff to discuss specific changes to the sections of the By-Law pertaining to Condominiums. The amendment proposes to remove the word “corporation” from the shopping Centre as there should only be reference to a condominium as a form of ownership.

57. **That** Section 3 Definitions, is hereby amended by removing the wording “...or pedestrian...” from the existing definition of private street as follows:

STREET, PRIVATE	Means a <i>private right-of-way</i> or <i>lane</i> for vehicular access that is not owned or maintained by the County or Province of Ontario and includes a <i>right-of-way</i> that is maintained by a corporation created pursuant to the provisions of the Condominium Act.
-----------------	--

* Based on Consultation with a Consulting Lawyer which met with Staff to discuss specific changes to the sections of the By-Law pertaining to Condominiums. The amendment proposes to remove the wording “...or pedestrian...” from the existing definition of private street to exclude a sidewalk from being construed as having frontage.

58. **That** Section 3 Definitions, is hereby amended by removing the existing definition of lot and replacing it as follows:

LOT	Means a parcel of land which: a) is a separate parcel of land capable of conveyed, separate and apart from any other lands in compliance with the subdivision control provisions of Section 50 of the Planning Act; or b) is the whole of a lot or block on a registered plan of subdivision, excluding a plan of subdivision which has been deemed not to be a plan of subdivision under Subsection 50(4) of the Planning Act or any predecessor section thereto.
-----	--

* currently the definition is lengthy and redundant in areas. The proposed amendment proposes to condense and simplify the defined term while maintain the same intent.

59. **That** Section 4 General Provisions, Table 4.2 Stacking Space Requirements, is hereby amended by rewording clause i) as follows:

i) Where multiple stacking lanes are provided on a lot, the combined total of stacking spaces within all lanes shall meet the requirements of Table 4.2 of this By-Law for each use of which the lanes are provided.

*currently within the By-Law it states that where multiple stacking lanes are proposed that the requirements need to be met for stacking spaces in each land individually. This becomes very congested when even two stacking lanes are proposed. This amendment proposes to still provide the required staking space but allow for a combined total including all stacking lanes.

60. **That** Section 5 Parking and Loading, Table 5.4 Parking Requirements for Residential Zones, is hereby amended by adding an “s” to “Accessory Dwelling” as follows:

Accessory Dwellings	2 spaces per unit
----------------------------	-------------------

61. **That** Section 3 Definitions, is hereby amended by adding a maximum number of eight (8) units for rowhouse dwellings and street fronting rowhouse dwellings be included as follows:

(ix) DWELLING, ROWHOUSE	Means a <i>building</i> divided vertically into a minimum of three (3) to a maximum of eight (8) attached <i>dwelling units</i> with each unit having a separate entrance, and so located on a <i>lot</i> that individual units shall have <i>frontage</i> on a <i>private street</i> .
(xiv) DWELLING, STREET FRONTING ROWHOUSE	Means a <i>building</i> divided vertically into a minimum of three (3) to a maximum of eight (8) <i>dwelling units</i> with each unit having a separate entrance, and located such that individual units have frontage on a <i>public street</i> .

*currently by definition there is a minimum number of units for rowhouse dwellings but not a maximum. This means that a proposal could include any number of units combined in a block form as long as there is a minimum of three. Staff would like to impose a maximum number of units to be included.

62. **That** Section 4 General Provisions, Subsection 4.23 Medical Marijuana Production Facility is hereby amended by removing clause g) and renumbering the clauses as required:

g) Notwithstanding Section 1.9, no minor variance for regulations pertaining to the Medical Marijuana Production Facility shall be permitted by Committee of Adjustment and shall only be dealt through a Zoning By-Law Amendment.

*Staff has received a Solicitors opinion that an individual has the right to make an application to the Committee of Adjustment for relief from the By-Law if the request is minor in nature and demonstrated to meet the five tests. This is a right under the Planning Act as the Committee of Adjustment has delegated Authority to deal with these matters.

63. **That** Section 3 Definitions, is hereby amended by adding additional wording to the existing term of “batching plant” to recognize the wet mixing and water consumption which is standard in the process as follows:

BATCHING PLANT	Means a lot, building, or structure <i>used</i> for the production of <i>mixing cementing materials, aggregate, water and ad mixtures to produce concrete, asphalt, or products thereof used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished product. This does not include a dry plant used for the dry mixing of aggregate, concrete, or asphalt materials on site to produce or manufacture packaged products which are sold as ready mix off site.</i>
----------------	--

*There is much confusion over bathing plants versus dry mixing establishments which would be in keeping with the current defined term of a processed goods industry. Therefore Staff proposes to include the reference to water and wet mixing within the batching plant definition to clearly define what the use is and allow for a more consistent and concise interpretation of uses which are otherwise prohibited in future. This inclusion is based on past Ontario Municipal board and Judicial Court decisions specifically surrounding the discussion of batching plants. It has been very clearly decided that a batching plant must have wet mixing of materials on site. Dry mixing of materials has consistently been interpreted as not meeting the definition of a batching plant.

64. **That** Section 8.4 Special Exceptions R2 Zone is hereby amended by adding the following:

R2-35

Notwithstanding any provision of this By-Law to the contrary, within any area zoned R2-35 on Schedule "A" hereto, in addition to the uses permitted in the Residential Second Density (R2) Zone, a *business or professional office* shall also be permitted. All other requirements of the By-Law shall apply.

*This was a Site Specific Amendment on the property known as 7 William Street which was passed under the previous County of Brant Comprehensive Zoning By-Law 110-01 but was not carried over through the Five Year Review and adoption of By-Law 61-16. Staff is simply proposing to reinstate rights which were lost through the inclusion of a Site Specific Zoning.

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

*This was a Site Specific Amendment on the property known as 7 William Street which was passed under the previous County of Brant Comprehensive Zoning By-Law 110-01 but was not carried over through the Five Year Review and adoption of By-Law 61-16. Staff is simply proposing to reinstate rights which were lost through the inclusion of a Site Specific Zoning.

66. **That** Section 4 General Provisions, Subsection 4.5 Second Unit is hereby amended by adding the following wording of “...full municipal services...” to existing clause f) as shown below:

f) Servicing: The *lot* must be fully municipally serviced and servicing capacity must be available to the satisfaction of the *County*.

*This amendment proposes to clarify the intent to have full municipal services available and capacity within the system to the satisfaction of the County in order for a second dwelling unit to be permitted on a property. All other requirements of the By-Law 61-16 would also need to be met in addition to the above.

67. **That** Section 8 Urban Residential (R) Zones, Table 8.3 Zone Provisions for multiple dwellings in RM1, RM2, and RM3 Zones is hereby amended by modifying the following wording of shall “* For the purposes of this By-Law, the parcels/units in the Plan of *Condominium* shall be deemed as *lots*.” And replacing it with “may” to allow for flexible interpretation when appropriate.

*This amendment proposes to alleviate the imposed requirement of lots and/or units to be considered as lots within Plans of Condominium. There are many different types of Plans of Condominiums, some may have conveyable lots or units, whereas other types may take on a common element style of development. This clause currently causes an issue when reviewing different types of Condominium developments and therefore Staff is proposing to modify this stipulation all together. If a developer intends to have conveyable lots or units than this would be dealt with through the application and approval process on a case by case basis.

68. **THAT** this by-law shall come into force on the day it is passed by the Council of the Corporation of the County of Brant.

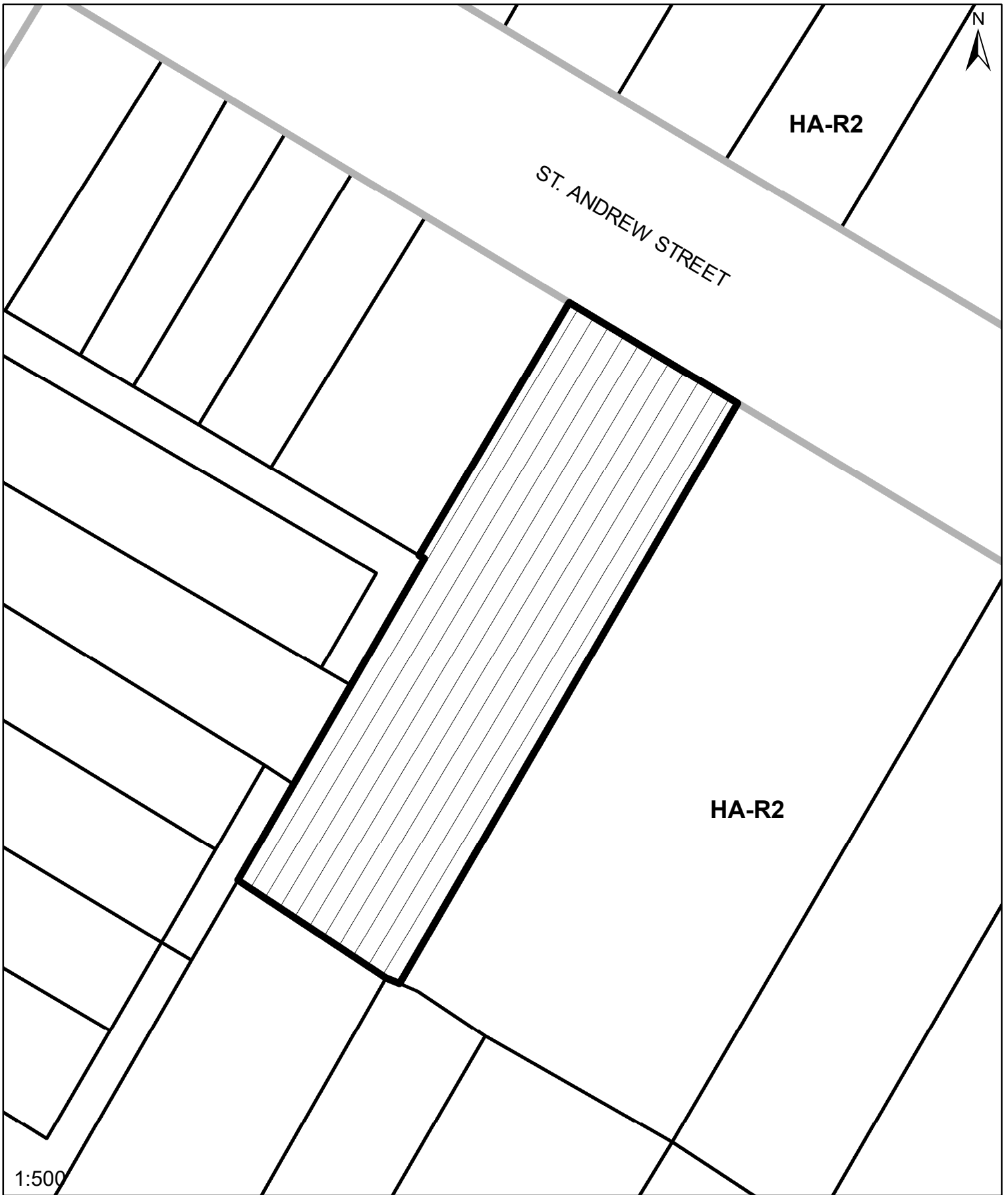
READ a first and second time, this ___ day of _____ 2019.

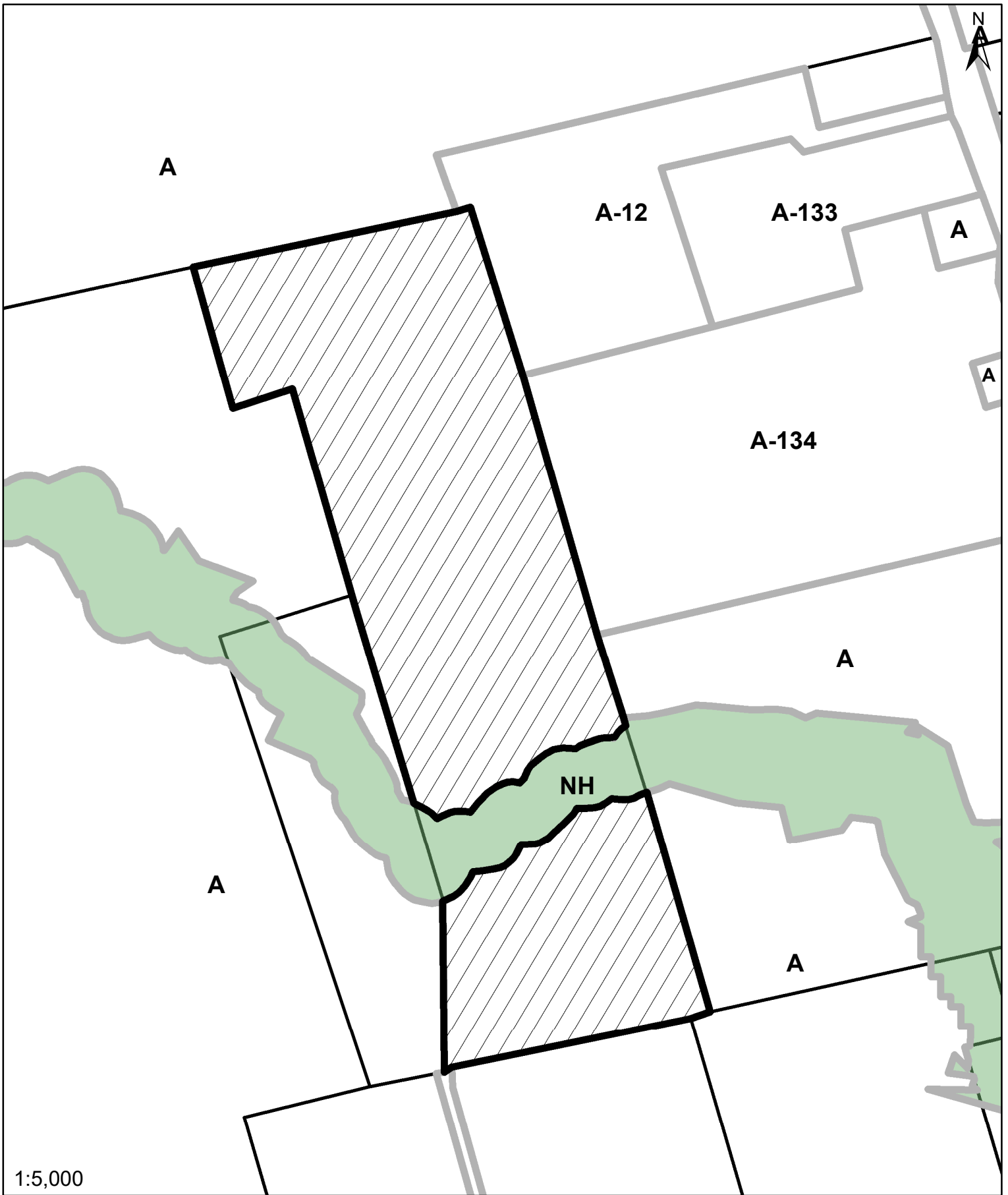
READ a third time and finally passed in Council, this ___ day of _____ 2019.

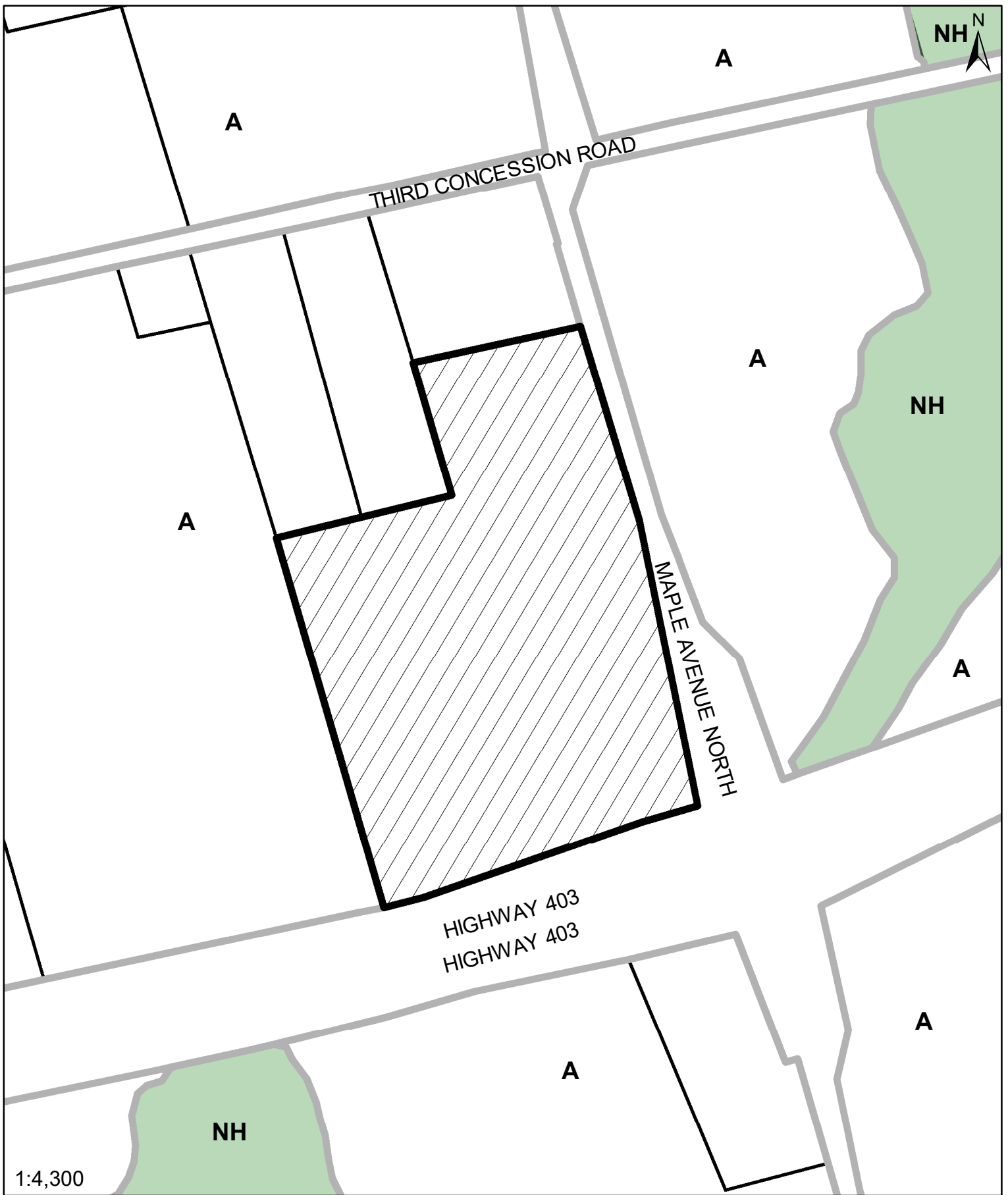
THE CORPORATION OF THE COUNTY OF BRANT

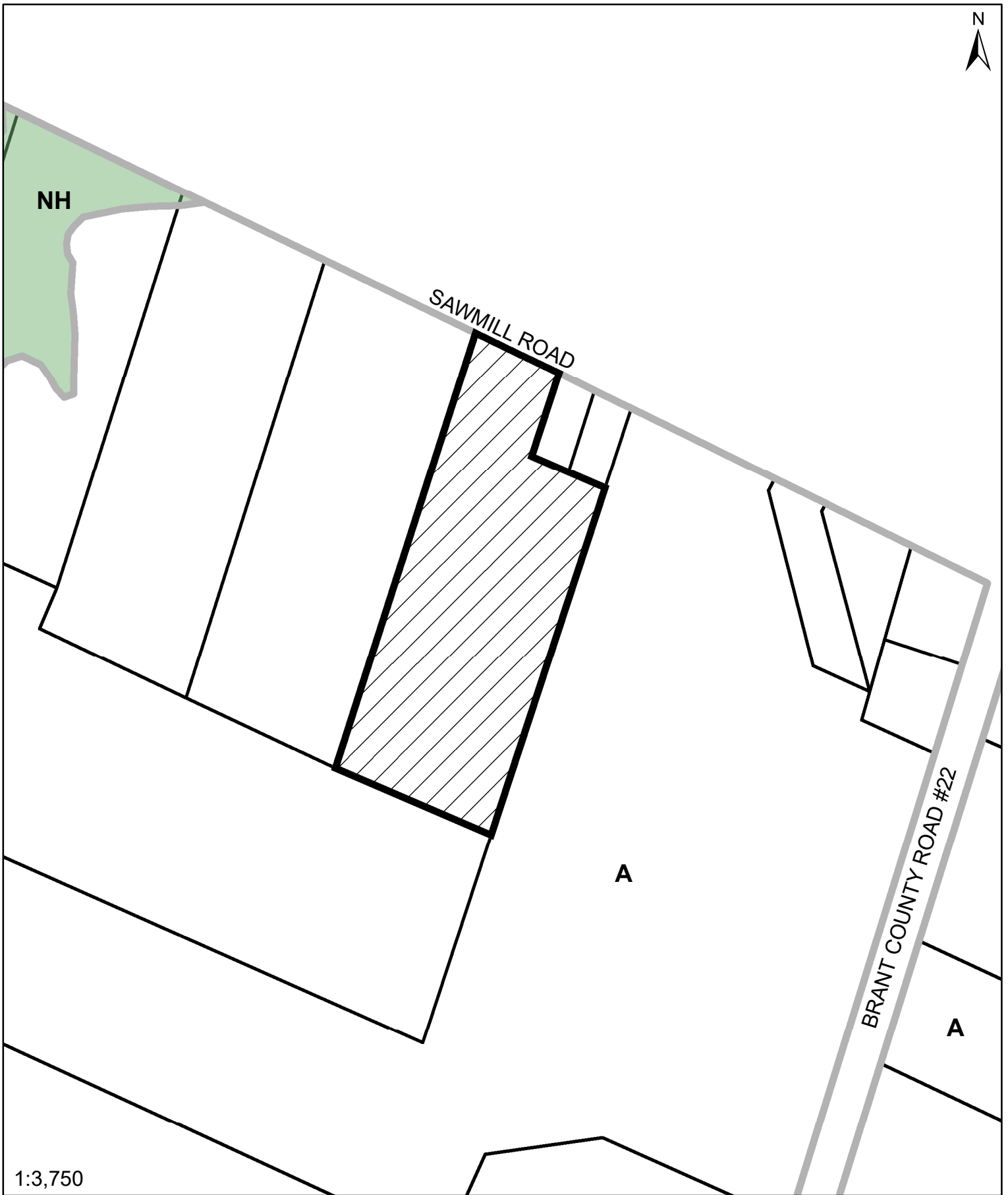
David Bailey, Mayor

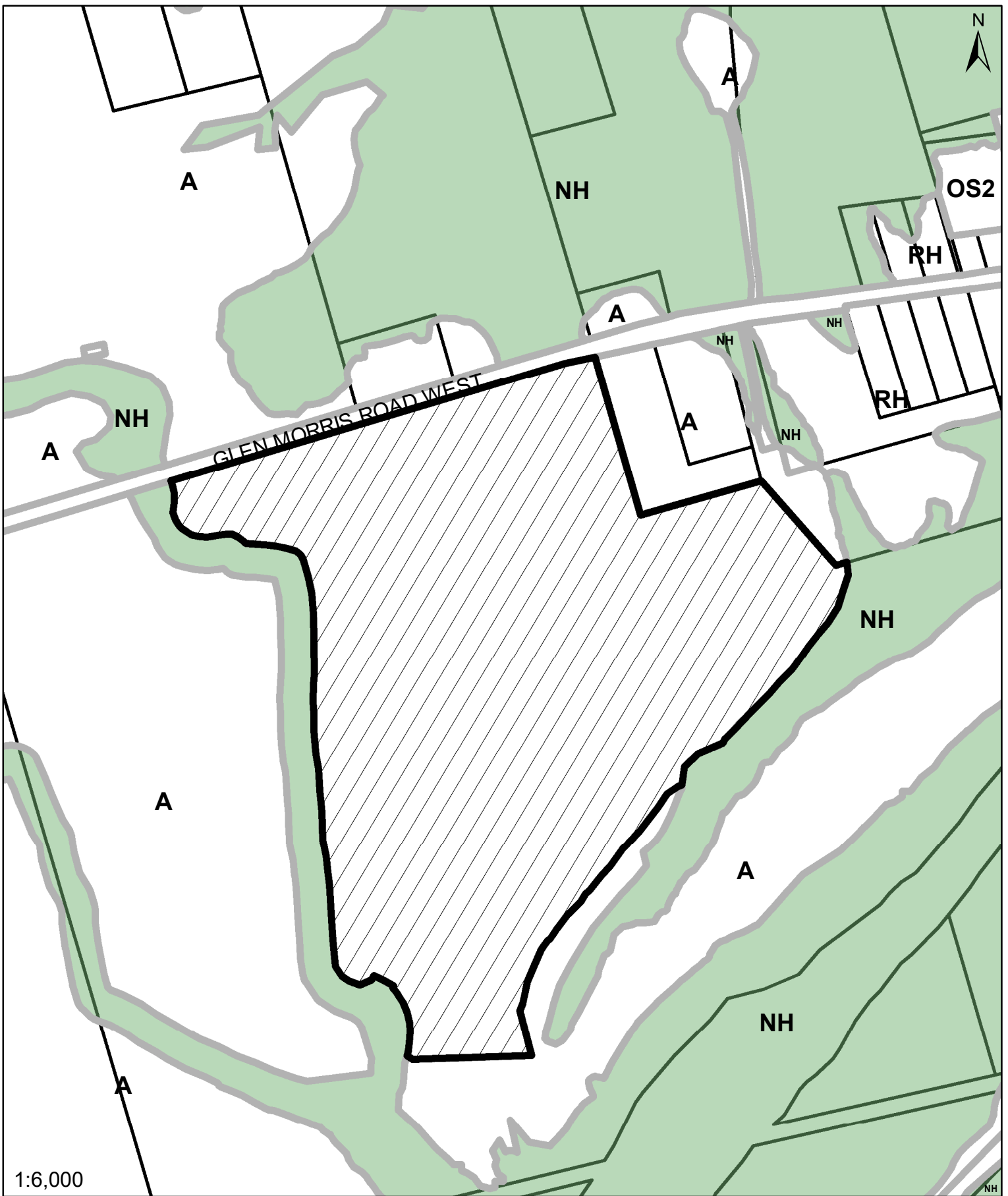
Heather Boyd, Clerk

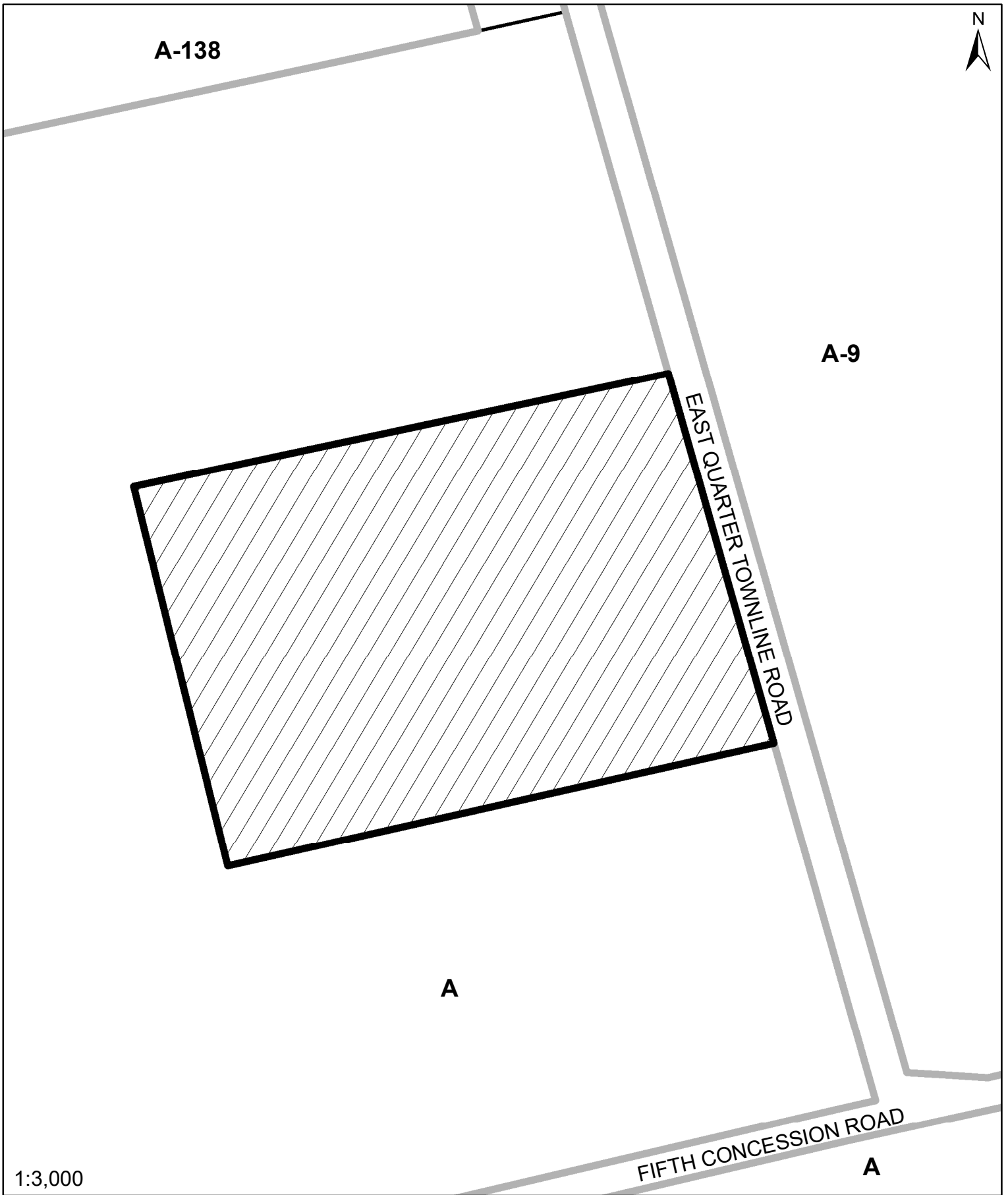














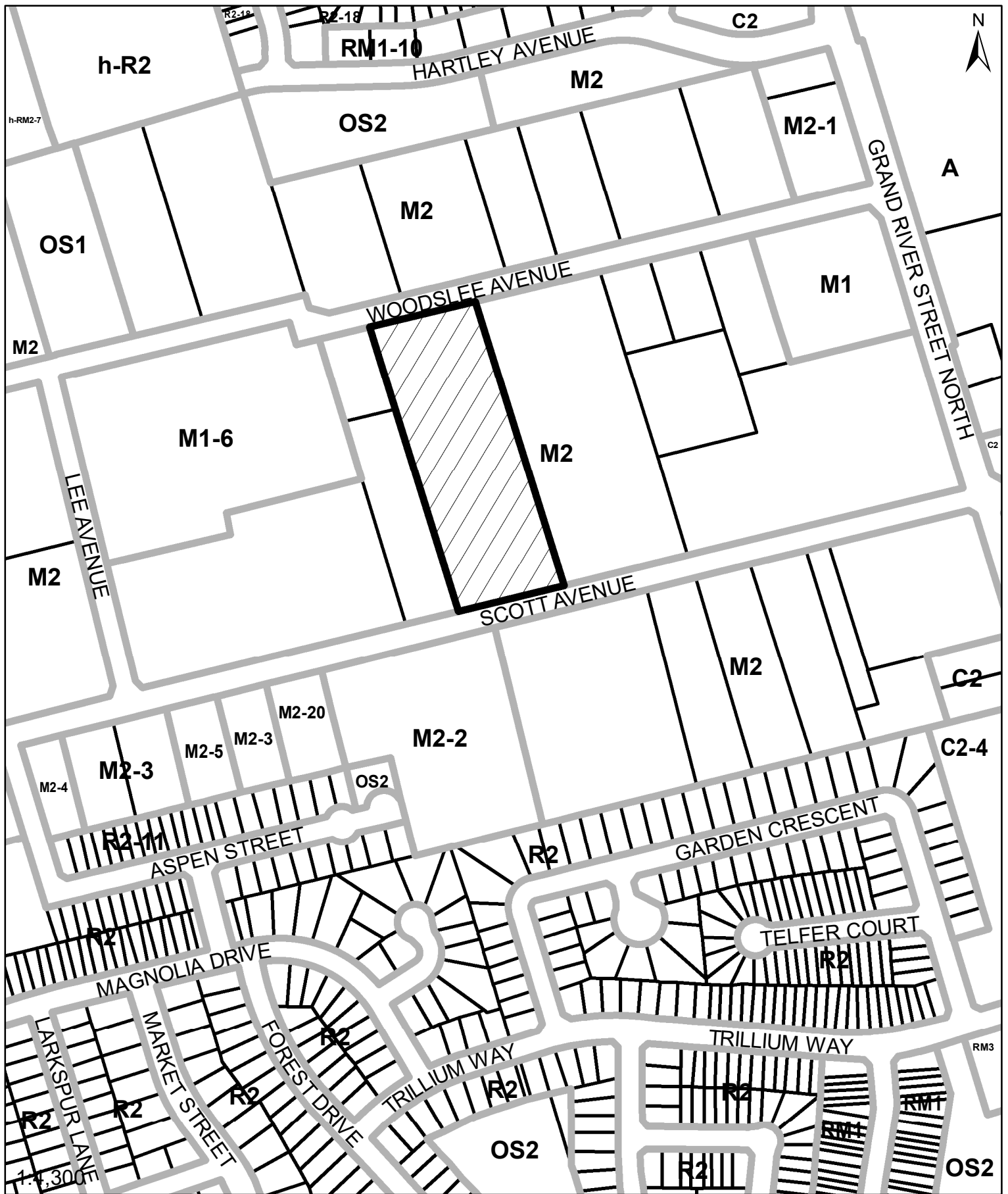


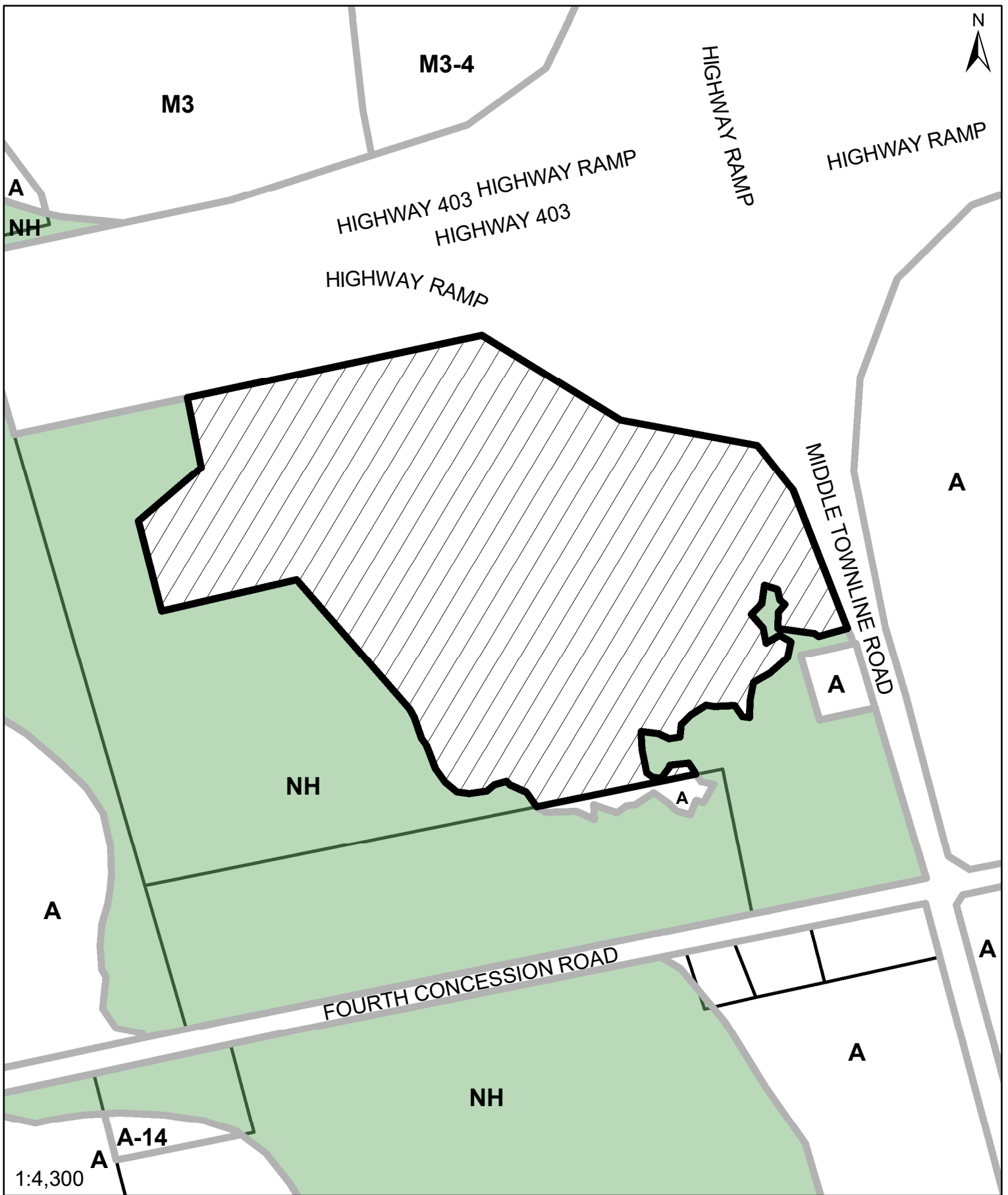
BISHOPSGATE ROAD

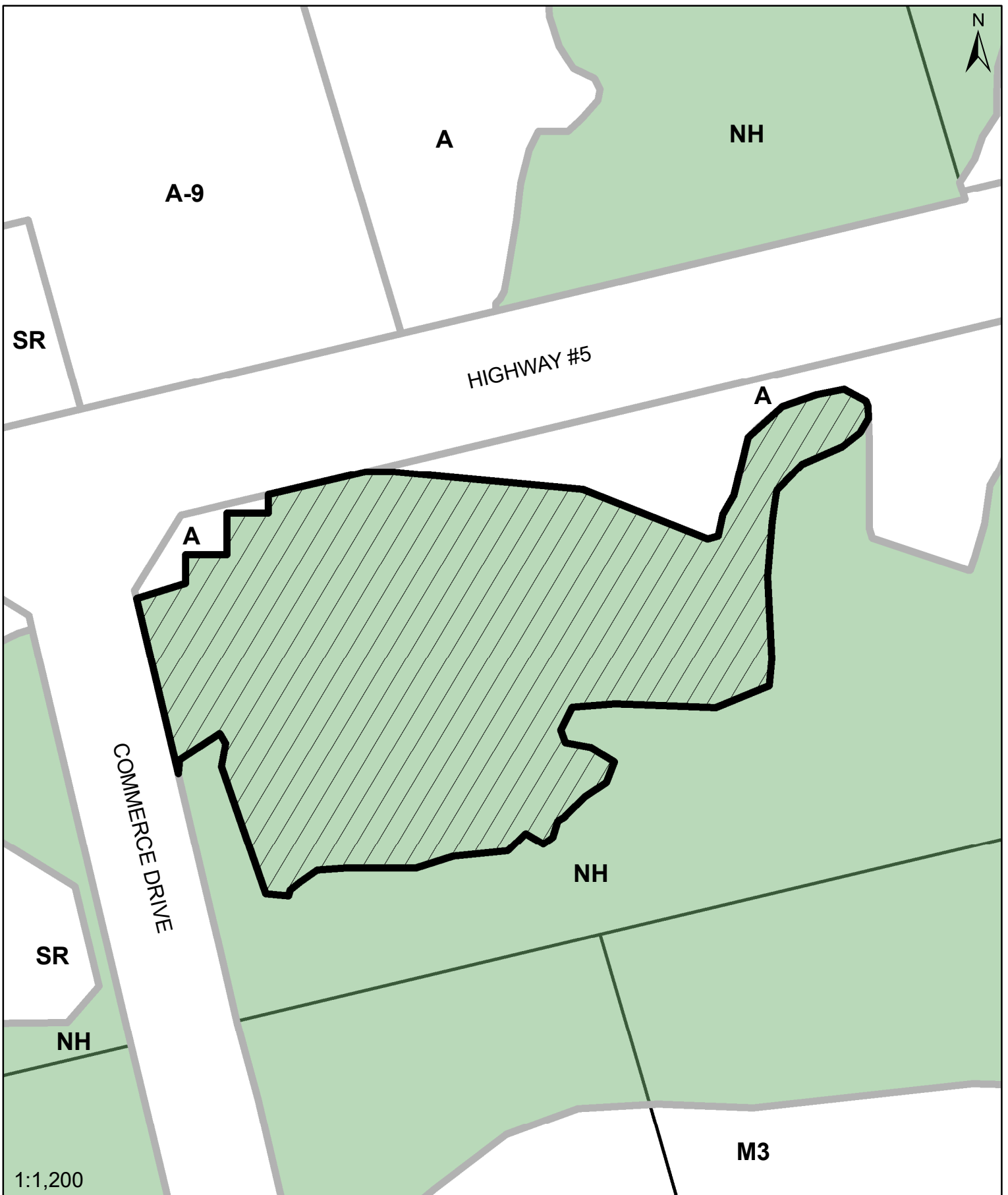
A

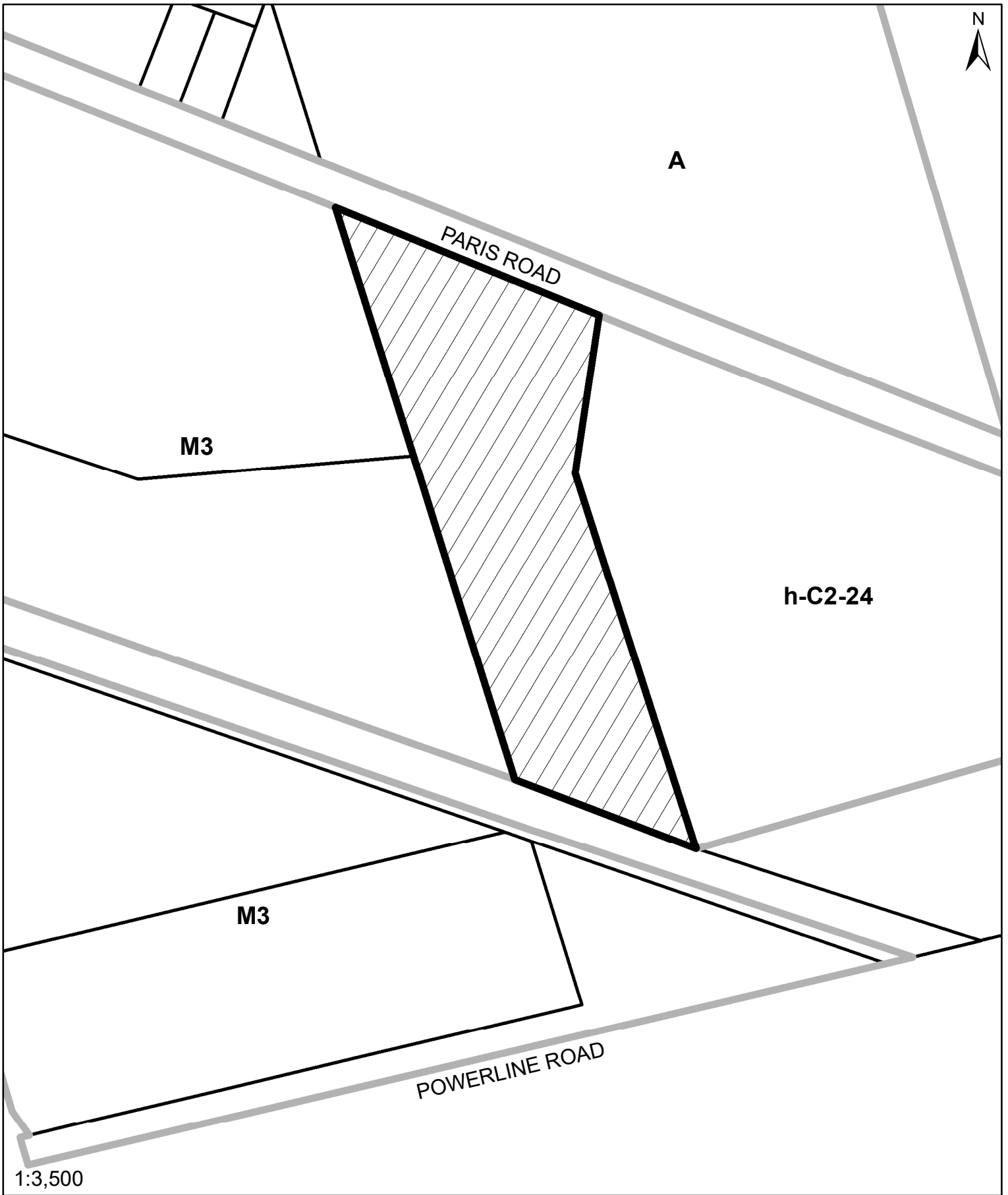
A

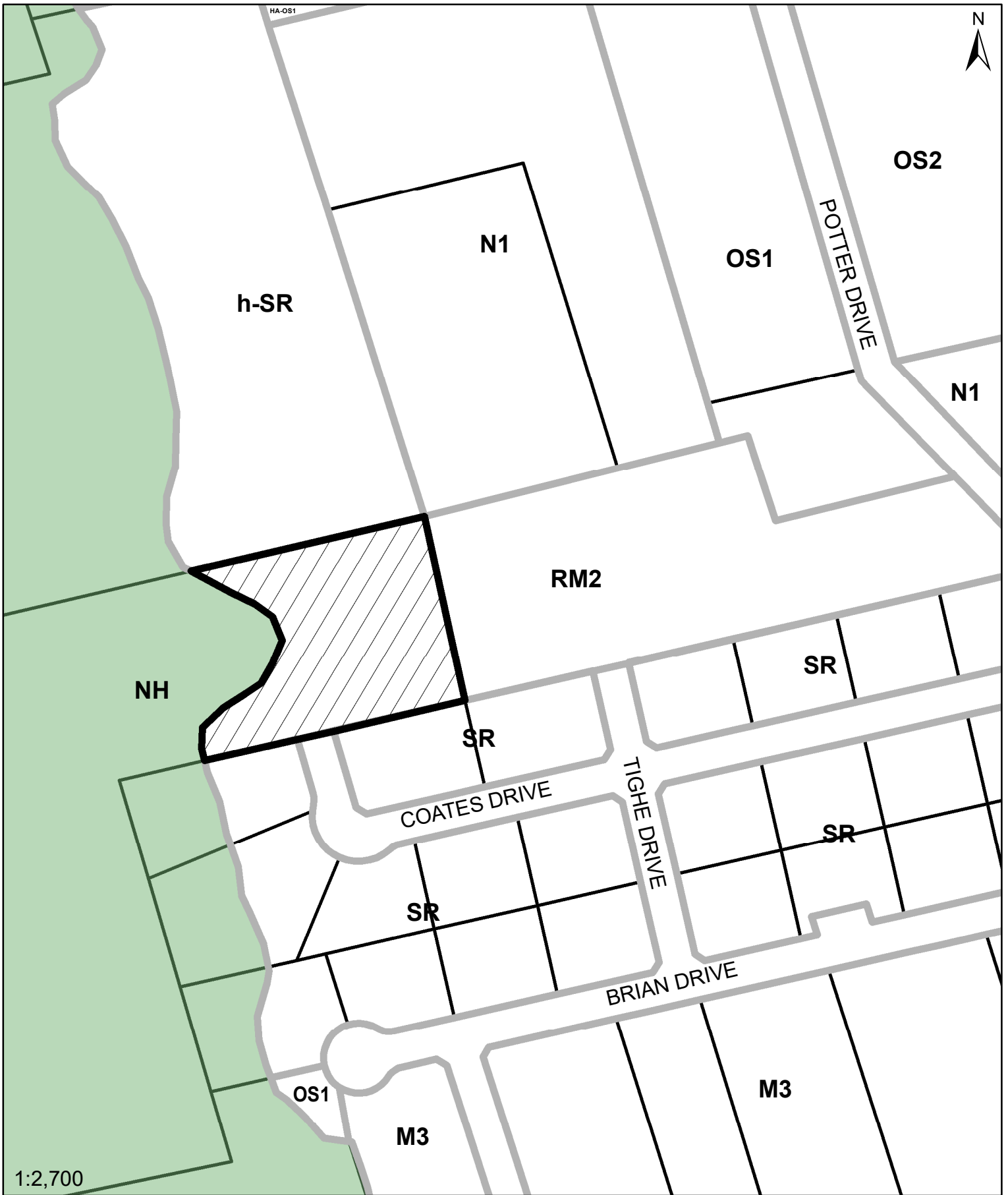
1:1,200

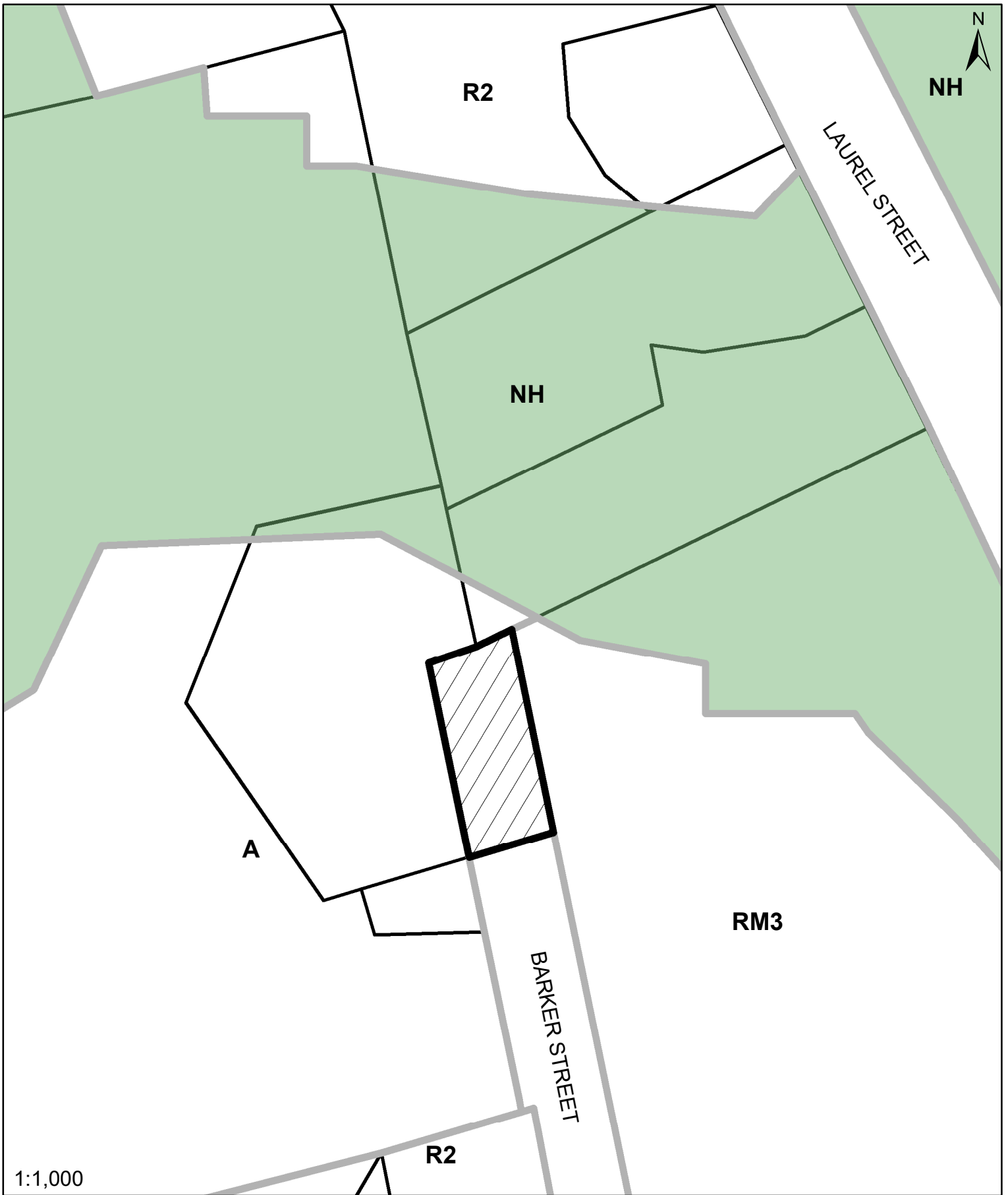


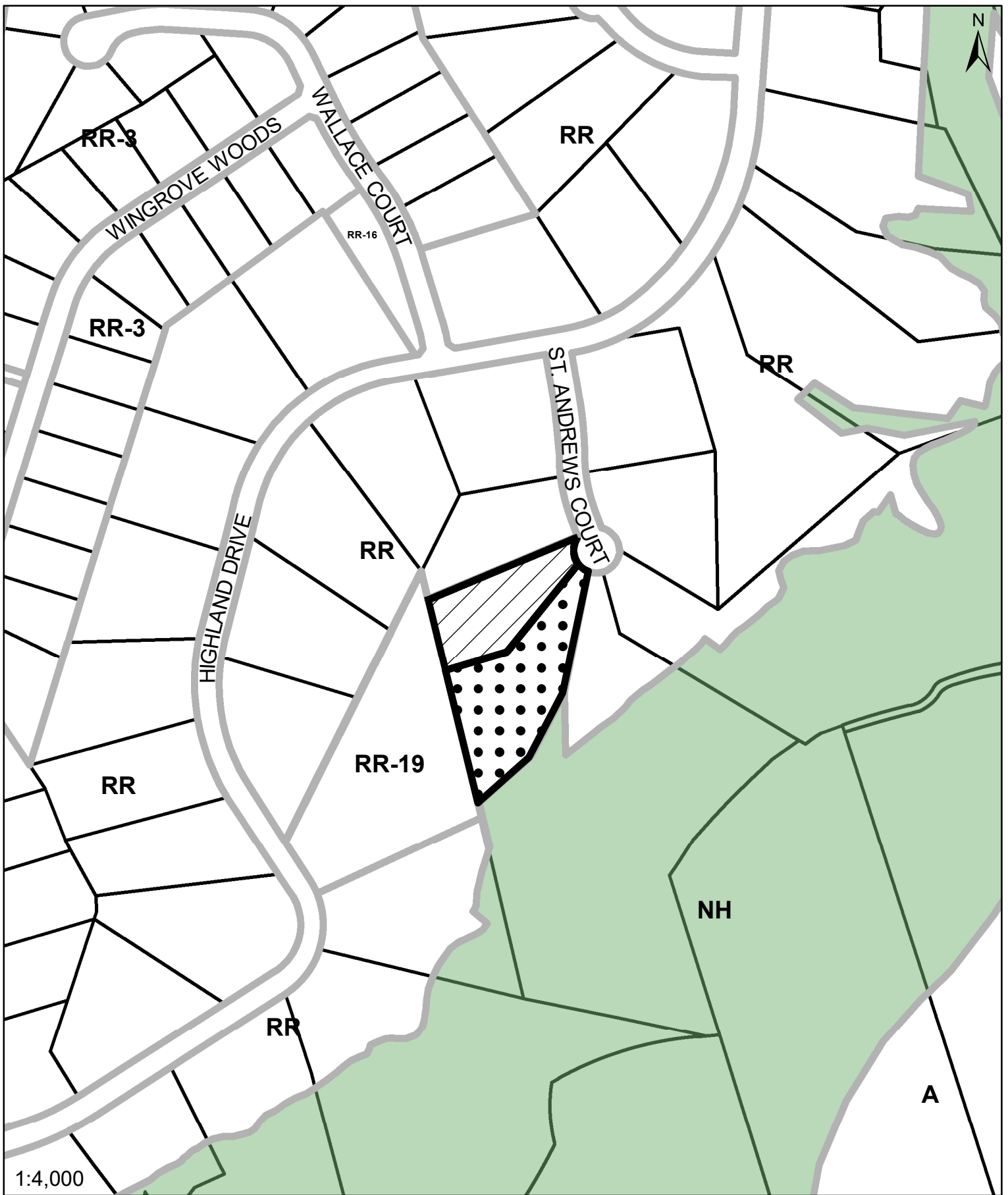


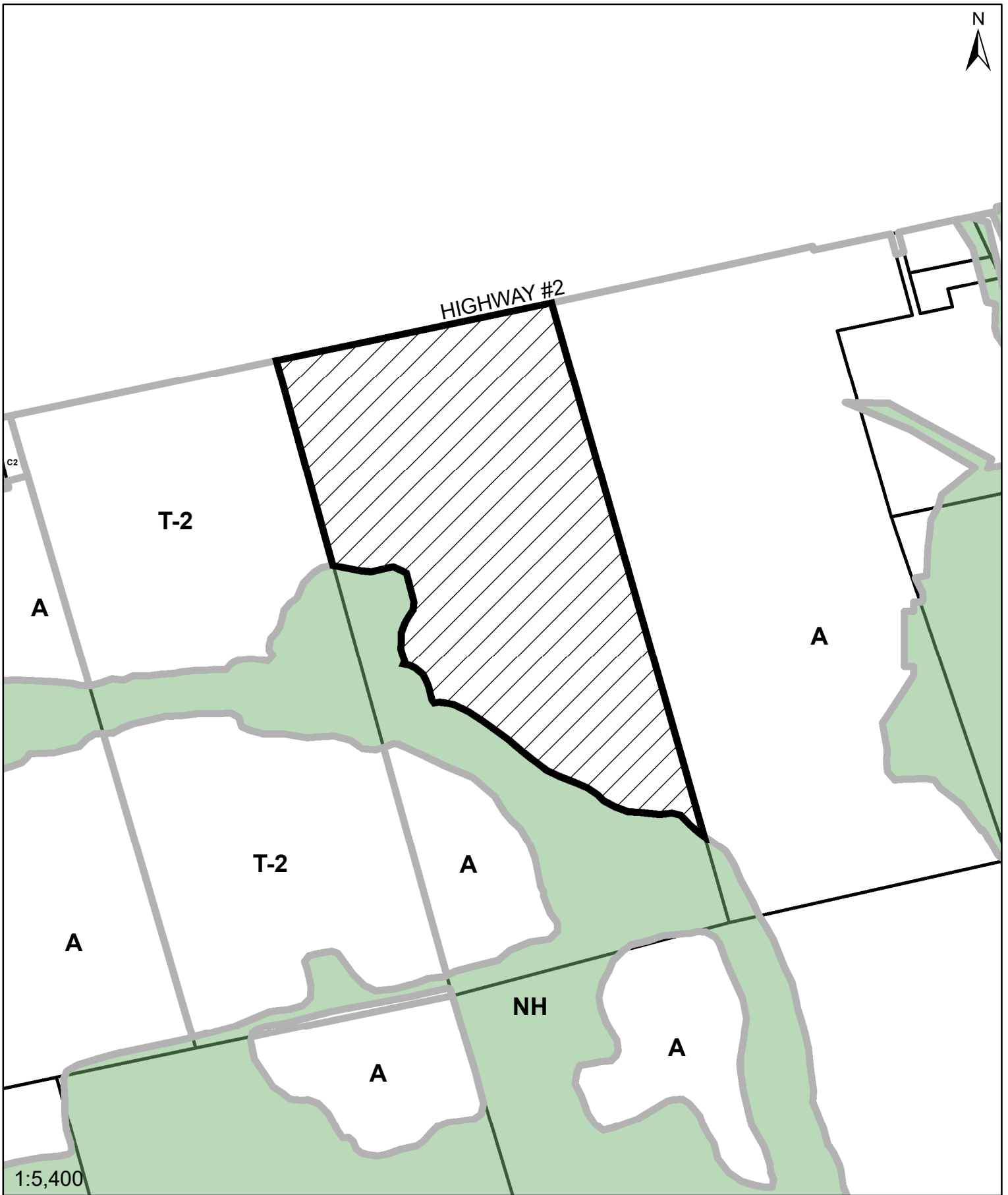


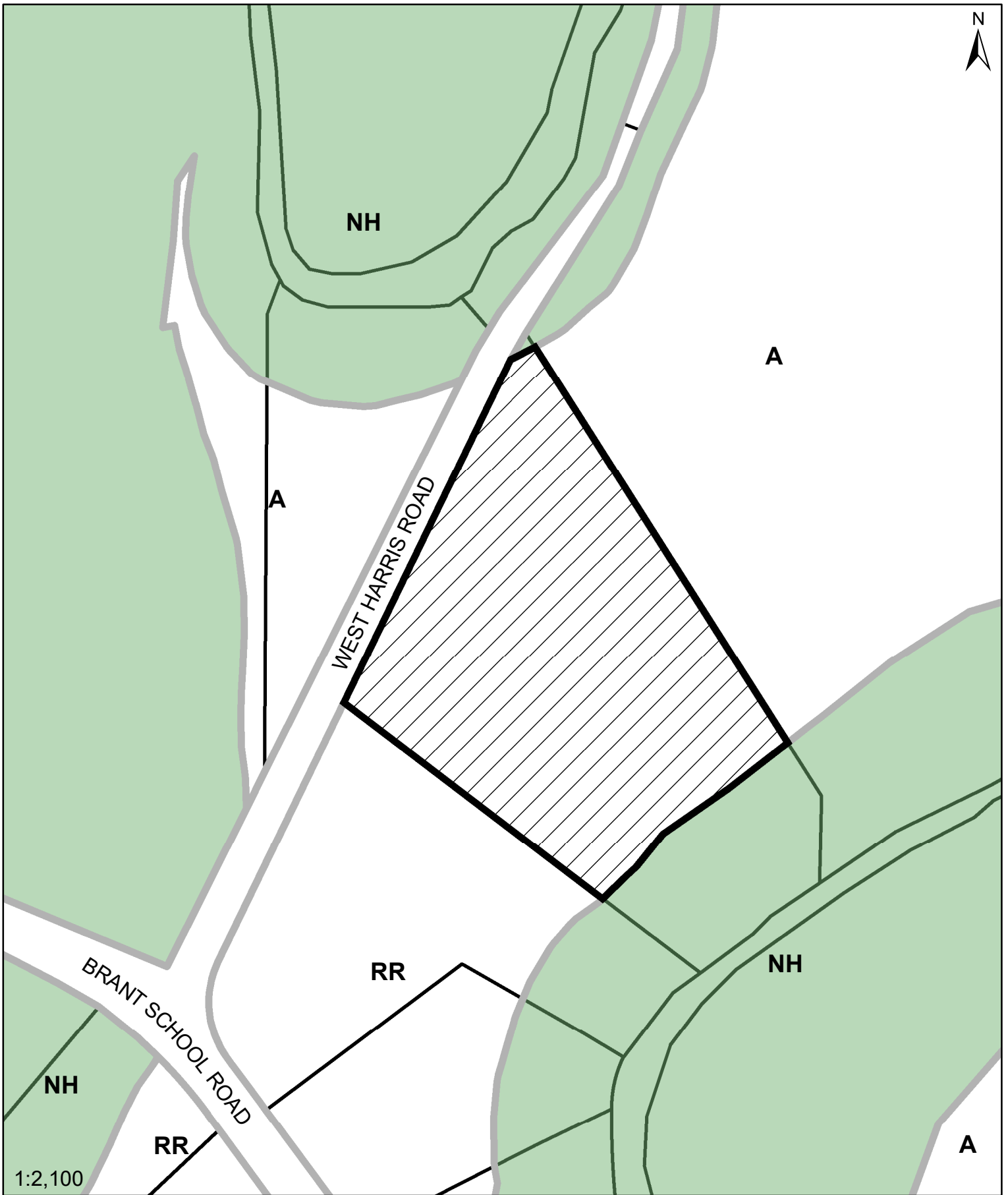






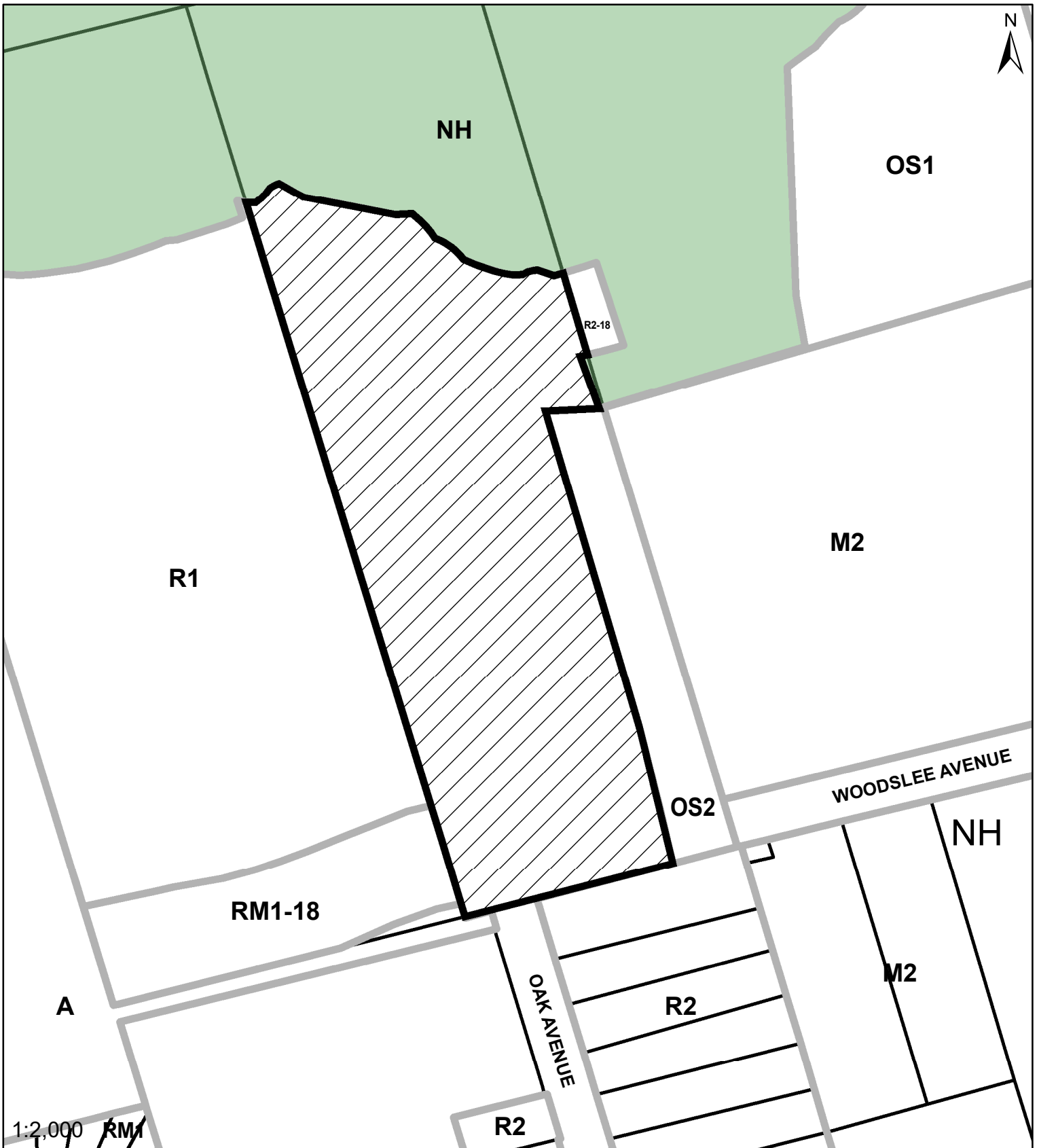


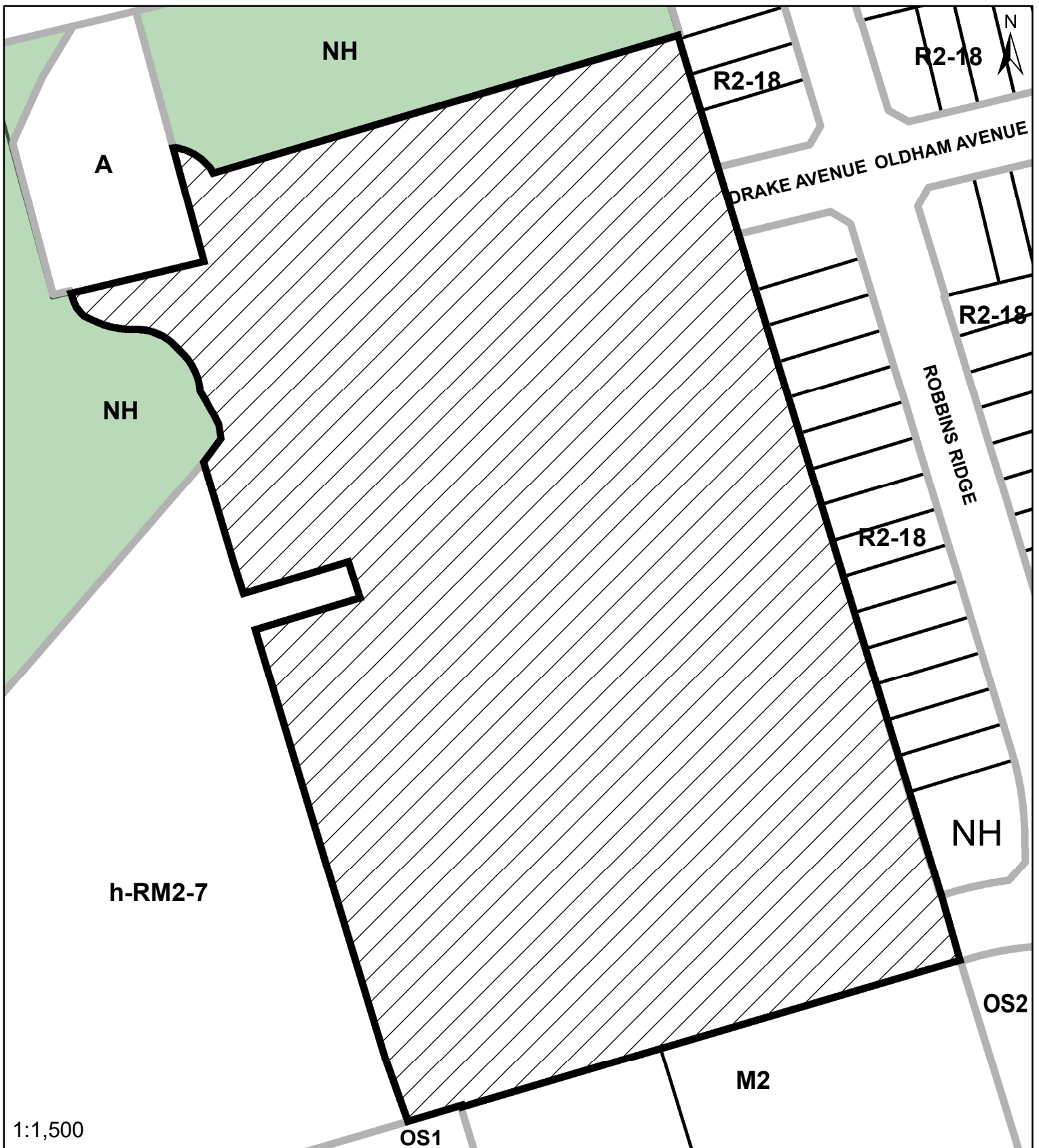












Jevons Capital Group Inc.

Financings • Equity Purchases • Privatizations

JEVONS CAPITAL GROUP INC.
100 Allstate Parkway, Suite 500
Markham, ON L3R 6H3 Canada
Tel: 905-475-8978
Fax: 905-475-3305
www.jevonscapital.ca

SENT BY EMAIL TO: Jessica.kitchen@brant.ca

December 31, 2018

Mayor Bailey and Council Members,
County of Brant
26 Park Avenue
Burford, Ontario
N0E 1A0

Dear Council, Ms. Kitchen:

RE: PA-19-01 – Proposed General Housekeeping Amendment - Comprehensive Zoning By-Law 61-16 (County File Number ZBA24/18/JK)

I am writing on behalf of our firm, Jevons Capital Group Inc. (“Jevons”), and Jevon’s affiliate company, 1873440 Ontario Limited (“1873440”), with respect to the general housekeeping amendments to the County Comprehensive Zoning By-law Amendment 61 -16, as they currently appear on the County’s website. We understand that these amendments are to be considered at the upcoming Planning Advisory Committee meeting on January 8, 2019. 1873440 owns the lands located at 49 Scott Avenue, Paris, Ontario (the “Property”). The proposed housekeeping amendments include zoning text and mapping changes applicable to this Property. For the reasons set out below, Jevons and 1873440 support this amendment.

The property-specific text and mapping changes, which are set out in paragraphs 30 and 31 of Attachment 2 of the draft amending by-law and associated mapping amendments, would restore the use of the previously permitted food processing plant on the Property. This use was previously permitted under the predecessor zoning in By-Law 110-01.

In our opinion these amendments represent good planning. This Property was previously used for a food processing plant and is appropriate and suitable for this use. The zoning change would be consistent with the predecessor zoning, and conforms to the County Official Plan and all applicable provincial policy documents. It ensures these lands will continue to be available for employment uses; an outcome that is in both the community’s and general public’s interest.

We thank staff for correcting this issue. We support staff’s recommendation that this amendment be supported by the Planning Advisory Committee to Council for approval.

Yours truly,



Bree Holt
President, Jevons Capital Group Inc. and 1873440 Ontario Limited

cc: Jessica Kitchen, Planner/County Zoning By-law Administrator

NOTICE OF PROPRIETARY INFORMATION: DIRECT OR INDIRECT DISCLOSURE OR USE OF THE INFORMATION HEREINABOVE, IN WHOLE OR IN PART, IS PROHIBITED, EXCEPT TO AN EMPLOYEE OF JEVONS CAPITAL GROUP INC. (“JEVONS”), UNLESS AND UNTIL AUTHORIZED IN WRITING BY AN OFFICER OF JEVONS.

January 22, 2018

File No: 18258

County of Brant
Development Services Department
66 Grand River Street North
Paris, ON
N3L 2M2

Attn: Ms. Jessica Kitchen
Planner – Zoning Administrator

Dear Ms. Kitchen

Re: **Zoning By-law Housekeeping Amendments
Marijuana Production Facilities**

GSP Group, on behalf of Grand Valley Organics, has reviewed the proposed Housekeeping Amendments for Zoning By-law 61-16 and offers the following comments regarding the definition of *Medical Marijuana Production Facility*.

The current definition of *Medical Marijuana Production Facility* in Zoning By-law 61-16 is as follows:

*“Means a lot, building or structure used for producing, processing, testing, destroying, packaging **and** shipping of Medical Marijuana authorized by a license issued by the federal Minister of Health, pursuant to the Marijuana for Medical Purposes Regulations, under the Controlled Drugs and Substances Act.”*

We would like to note that the interpretation of this by-law is ambiguous due to the use of ‘and’ within the definition. Use of ‘and’ implies that all of the listed operations must take place on a Site in order to be considered a Marijuana Production Facility. In some cases, not all of the listed operations take place in a single location. As such, it is recommended that the definition include ‘or’, as provided below, to clarify that one or more of the permitted operations may take place on a permitted Site.

It is also recommended that the use of ‘Medical’ be removed from the definition so as to not exclude the production of marijuana for recreational use. As marijuana use has been legalized in Canada, there is no reason to specify the ultimate purpose of its use within the definition.


As a result of the above comments, it is recommended that the definition be modified to read as:

*“Means a lot, building or structure used for producing, processing, testing, destroying, packaging **or** shipping of ~~Medical~~ Marijuana authorized by a license issued by the federal Minister of Health, pursuant to the **applicable legislation of the Government of Canada**”*

If you have any questions, or wish to discuss these comments further, please feel free to contact me. We respectfully request notification of all future circulations relating to this initiative.

Yours truly,

GSP Group

A handwritten signature in black ink, appearing to read 'M. Warzecha', written over the printed name.

Matthew Warzecha, MCIP, RPP
Planner

Cc: Nick Lowry, Grand Valley Organics
Chris Friel, Grand Valley Organics

From: Jessica Kitchen
To: ["mattheww@gspgroup.ca"](mailto:mattheww@gspgroup.ca)
Cc: [Rob Trotter](#)
Subject: Re: Response to By-law 61-16 Housekeeping Comments
Date: Thursday, February 7, 2019 11:01:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Ltr to J Kitchen re Housekeeping Comments.pdf](#)

Hi Matthew,

In response to the comments received (above attached) pertaining to the current definition for a medical marijuana production facility use within Section 3 Definitions of the County of Brant Zoning By-Law 61-16, Staff are not proposing to make any changes to any regulations at this time which pertain to marijuana or cannabis within the By-Law. Council made a Decision to "opt in" in early January 2019. As such Staff has not had the ability to look at the current or any proposed requirements pertaining to marijuana/cannabis with respects to the County of Brant Zoning By-Law 61-16. Further amendments to the County of Brant Zoning By-Law 61-16 with respects to cannabis regulations will be coming in future, however the date has yet to be determined.

This definition was purposely included within By-Law 61-16 to state that all elements must be present on site to be considered a "medical marijuana production facility". If a proposal is received which does not meet all of the criteria of the definition for the permitted term than the use would not be permitted under the County of Brant Zoning By-Law 61-16. This was recently the case on one such property within the west of the County and a Site Specific Zoning By-Law was sought in order to request that a warehouse facility for medical marijuana be permitted.

Staff does not entertain site specific amendment requests to the By-Law through Housekeeping Amendments in order to facilitate a development request from individuals for what would otherwise be considered a site specific relief request and more appropriately addressed through the submission of a Planning Act Application. The defined term was established within the By-Law purposefully and as there have been no working errors or issues identified with respects to the wording of the defined term there would be no grounds to initiate a change at this time. If there are site specific issues pertaining to a development proposal on a property within the County of Brant Staff would be available to have a preconsultation meeting to discuss the submission of a Planning Act Application to address the relief request required.

Hopefully the above information is helpful. If you have any questions please do not hesitate to contact me.

Thank you,

Jessica.

Jessica Kitchen



SHAPING GREAT COMMUNITIES

January 16, 2018

File No: 16232

County of Brant
Development Services Department
66 Grand River Street North
Paris, ON
N3L 2M2

Attn: Ms. Jessica Kitchen
Planner – Zoning Administrator

Dear Ms. Kitchen

Re: **141, 149 and 150 Paris Links Road
Housekeeping Amendment Comments**

GSP Group, on behalf of Paris Grand Estates Inc, has reviewed the proposed Housekeeping Amendments for Zoning By-law 61-16. Paris Grand Estates Inc support the proposed amendments and offer the following comments:

Definitions

The current definition of “Storey” includes both attics and basements. We request that the definition be refined to exclude basements and attics from the definition as they are not typically included in Zoning By-laws when calculating the number of storeys of a building. Typical lexicon would consider a 2-storey house as two levels above grade as well as a basement and, in some cases, an attic. Similarly, a building with 10 storeys above grade would be considered 10-storeys despite potentially having underground parking or a servicing room on the roof. While most zones regulate height by metres, the Paris Grand development is regulated by number of storeys with the understanding that ‘storey’ applied to above grade only.

Parking Setbacks

Table 5.2 of the Zoning By-law outlines Parking Yard Requirements. Section a) for Residential uses prohibits any part of a parking space being located within 3 metres of the lot line. We request that this setback be eliminated as it could, in effect, require 8.5 metre long driveways in certain circumstances.

For example, all single detached dwellings require a minimum of 2 parking spaces. If a single detached dwelling were to have a single car garage, one space could be provided within the garage while the second could be located on the driveway. In this circumstance, the driveway would need to be a minimum of 8.5 metres in length to accommodate a 5.5 metre long parking space and the 3.0 metre setback.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

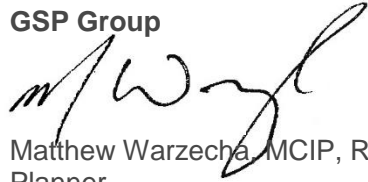
72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
gspgroup.ca

A driveway of this length would be unnecessarily long, and could create building frontages with large setbacks to the garage and promote inefficient use of land.

If you have any questions, or wish to discuss these comments further, please feel free to contact myself or Glenn Scheels. We respectfully request notification of all future circulations relating to this initiative.

Yours truly,

GSP Group

A handwritten signature in black ink, appearing to read 'M. Warzecha', written over the printed name.

Matthew Warzecha, MCIP, RPP
Planner

Cc: Kathy Di Silvestro, Crystal Homes
Glenn Scheels, GSP Group
Marcus Davidson, County of Brant

From: Jessica Kitchen
To: ["mattheww@gspgroup.ca"](mailto:mattheww@gspgroup.ca)
Cc: [Rob Trotter](#); [Marcus Davidson](#)
Subject: Re: Response to Housekeeping Amendment Comments
Date: Thursday, February 7, 2019 11:30:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Ltr to J Kitchen re Housekeeping Comments.pdf](#)

Hi Matthew,

Thank you for providing the above attached and below comments regarding the proposed changes to the County of Brant Comprehensive Zoning By-Law 61-16. In response to the comments Staff offers the following:

With respects to the requested change to the defined term of “storey” within the By-Law by excluding basements and attics Staff understands that this change would alleviate the current issue with respects to the product proposed through the Paris Grand Estates development on Paris Links Road, concerning the Site Specific height maximum of 2 storeys previously approved through a Planning Act Application Process. With that said, the definition of Storey is consistent with the Ontario Building Code with respects to interpretation of both the basement and attic spaces being included. Furthermore, when looking at surrounding Municipal Zoning By-Law’s (City of Brantford, Norfolk County) the defined terms of Storey included both the basement, if the ceiling is a minimum of 1.8 metres above grade and the attic space. As such Staff finds that at this time the concern with the definition is a Site Specific matter which pertains to only one property with respects to the interpretation of height and the product being proposed. Unfortunately, this request should most appropriately take the form of a Planning Act Application through a further Site Specific request to Committee in order to alleviate any issues with respect to the initial Council approved Zoning on the lands within the Plan of Subdivision.

With respects to the request to eliminate requirement a) of Section 5, Table 5.2 of the By-Law, Staff agrees with the comment that the current wording of the clause which imposes a minimum 3.0 metres setback from the lot line not only creates an oversized driveway parking area but also can potentially be very difficult to meet, depending on the area of which a property is located within. As such the proposed amendment to the requirement takes the required 3.0 metres setback from the parking area (different than the parking space) to the street as opposed to the lot line and/or street line. This would eliminate the possibility of the oversized driveway as discussed within the above attached memo, as it would allow for the additional space between the lot line and the traveled portion of the street to be considered, while preserving the initial intent for visibility. This clause was included within the County of Brant Five Year Review of the Zoning By-Law intentionally to create safe visual maneuvering for motorists to and from parking spaces between abutting properties, especially within the newer developments where the lot frontage is typically decreased. There were many complaints received with respects to individuals parking a vehicle plus, a recreational vehicle, trailer, and/or additional car, creating visual impairments for the abutting lot owners when accessing the parking space. In Staff’s

opinion this comment has been addressed through the current amendment proposed.

Hopefully the above information is helpful. If you have any questions please do not hesitate to contact me.

Thank you,

Jessica.

Jessica Kitchen

Planner-Zoning Administrator

Development Services
County of Brant
66 Grand River Street North
Paris, ON N3L 2M2

T. 519-442-6324 X. 3031 | F. 519-442-3461 | E. Jessica.kitchen@brant.ca
www.brant.ca



From: Matthew Warzecha [mailto:matthewww@gspgroup.ca]
Sent: January-17-19 11:31 AM
To: Jessica Kitchen
Cc: Marcus Davidson; Glenn Scheels; Kathy Di Silvestro
Subject: Housekeeping Comments

Hi Jessica,

On behalf of Paris Grand Estates Inc, please find attached comments regarding the Proposed Housekeeping Amendments for By-law 61-16.

If you have any questions, or wish to discuss these further, please feel free to contact me.

Thank you,

Matthew Warzecha, MCIP, RPP
Planner

GSP Group Inc.

Planning | Urban Design | Landscape Architecture
72 Victoria Street South, Suite 201
Kitchener, ON N2G 4Y9
519 569 8883



Planner-Zoning Administrator

Development Services
County of Brant
66 Grand River Street North
Paris, ON N3L 2M2

T. 519-442-6324 X. 3031 | F. 519-442-3461 | E. Jessica.kitchen@brant.ca
www.brant.ca



From: Matthew Warzecha [mailto:matthewww@gspgroup.ca]
Sent: January-22-19 2:26 PM
To: Jessica Kitchen
Subject: By-law Housekeeping Comments

Hi Jessica

On behalf of Grand Valley Organics, please find attached letter regarding the County's proposed Housekeeping Amendments for By-law 61-16.

If you would like to discuss further, please feel free to contact me.

Thank you,

Matthew Warzecha, MCIP, RPP
Planner

GSP Group Inc.

Planning | Urban Design | Landscape Architecture
72 Victoria Street South, Suite 201
Kitchener, ON N2G 4Y9
519 569 8883



Please consider the environment before printing this email.

From: [Jessica Kitchen](#)
To: ["Dave Aston"](#)
Cc: [Rob Trotter](#); [Kate Wills](#); [William Liske](#); [Marcus Davidson](#)
Subject: RE: Housekeeping Zoning By-law - Preliminary Comments
Date: Wednesday, January 9, 2019 10:03:33 AM

Hi Dave,

In response to the below, please review the above attached proposed amendments and provide any comments that you may have by January 22nd, 2019 at the latest to ensure that Staff has time to review and respond back.

Please note that the changes proposed are not to Site Specific amendments made previously through Applications but rather to include definitions of terms which are present in the By-Law but undefined at this time, specifically model home and sales trailer. Staff has proposed the inclusion of definitions to relate to the terms used within the document currently. There are no changes proposed to the requirements pertaining to temporary sales trailers and model homes at this time.

The definition of Condominium within the By-Law is suggested to change and refer back to the Act as opposed to a lengthy definition such as the one which currently exists. This will not impact the current Site Specific Zoning on the lands which have been approved for the Plan of Condominium.

There is also a change to the clause which speaks to the subsequent applications after a property has been subject to a Zoning By-Law Amendment, Site Plan, or Part Lot Control to clarify when consideration can be given to requirements having been met. This clause is proposed to become more inclusive with respects to further consideration for Applications which have been subject to Part lot Control.

Hopefully the above information is helpful. Please review the above attached and provide any questions and/or comments to my attention at your earliest convenience, by no later than the 22nd of January.

Thank you,

Jessica.

Jessica Kitchen
Planner-Zoning Administrator

Development Services
County of Brant
66 Grand River Street North
Paris, ON N3L 2M2

T. 519-442-6324 X. 3031 | F. 519-442-3461 | E. Jessica.kitchen@brant.ca
www.brant.ca

-----Original Message-----

From: Dave Aston [<mailto:daston@mhbcplan.com>]
Sent: January-08-19 8:17 PM
To: Jessica Kitchen
Cc: Rob Trotter; Kate Wills; William Liske; Marcus Davidson
Subject: Housekeeping Zoning By-law - Preliminary Comments

Hi Jessica,

We are interested in the Housekeeping By-law and some of the details, for example, making sure the condo provisions are in place as we have amended for the previous townhouse block.

We also have some other detailed questions on definitions, such as model home and sales trailer, as we have been in discussion on both items as it relates to the Losani lands.

We choose not to speak tonight as we have not had the chance to discuss and these are details that we can work through.

A more formal letter will be submitted for the record, but I just wanted to give you some input as I understand you will be presenting on this matter later.

David Aston, MSc, MCIP, RPP
MHBC Planning

February 19, 2019

Jessica Kitchen
Planner-Zoning Administrator
Development Services
County of Brant
66 Grand River Street North
Paris, Ontario, N3L 2M2

Dear Jessica:

RE: County of Brant – Housekeeping By-law
OUR FILE 14196K, 14196D, 14196AV, 14196AW, 14196AX, 14196AY

Thank you for the opportunity to provide input to the proposed Housekeeping By-law to amend By-law Number 61-16, Zoning By-law for the County of Brant).

This letter summarizes a list of provisions that we have particular interest to and ask that staff consider the changes proposed.

Temporary Sales Trailer:

We have no issue the County of Brant providing a definition in their Zoning By-law relating specifically to a Temporary Sales Trailer, but ask that Staff consider amending provision 4.26a) and b).

We ask that County Staff consider changing the provisions from:

4.26a) The lands on which the model home/temporary sales trailer is to be constructed have received draft plan approval under the planning Act and the Subdivision or Condominium and any other Agreement has been registered.

4.26b) The model home/temporary sales trailer shall be located within the approved plan of Subdivision or Condominium and that sales are restricted to the units within that development only.

to:

4.26a) The lands on which the model home/temporary sales trailer is to be constructed have received draft plan approval under the Planning Act.

4.26b) *The model home/temporary sales trailer shall be located within the approved Draft Plan of Subdivision or Condominium.*

Section 8, Table 8.3: Zone Provisions for Multiple Dwellings in an RM1, RM2, and RM3 Zone:

The County is proposing a change to the table to include a minimum street setback to the attached garage, minimum street setback to the habitable portion of the dwelling as well as a minimum driveway width.

We ask that the County reconsider the proposed minimum driveway width of 5.6m for the RM1, RM2 and RM3 zones as the typical uses proposed in these zones include rowhouses and stacked townhouses, who will likely require a minimum driveway width of 3.0m. Generally these building footprints are smaller and have single car garages. The width of the unit can range from 5.6m to 6.0m and a minimum driveway width of 5.6m will take up the entire front yard.

Section 5: Parking and Loading Requirement (Subsection 5.6):

The County is proposing amending Subsection 5.6 clause a) and replacing it with:

- a) In addition to the parking spaces required under 5.11 and 5.12, accessible parking in accordance with the requirement of this subsection shall also be required for non-street fronting developments containing rowhouse dwelling units, townhouse dwellings, stacked townhouse dwellings, apartment dwellings, multiple dwellings and non-residential uses. Any required accessible parking shall be provided in addition to any visitor parking and required parking spaces.

We ask that the County clarify why accessible parking should be provided in addition to the visitor parking requirement and not considered as part of the total visitor parking requirement. Generally by-laws typically regulate accessible parking as a percentage within the overall parking requirement and not in addition to the parking requirement.

Section 4 General Provisions, Subsection 4.30 Subsequent Consent and/or Condominium Act:

The County is proposing to replace Subsection 4.30 to:

Where any land, buildings, or structures have been subject to review under Section 41, 50 (5) or 53 of the Planning Act, or under Section 9 of the Condominium Act then the requirements of this By-law pertaining specifically to setbacks, lot coverage, and landscaped open space shall be deemed to apply to the land, building or structure as a whole, as long as the land, building or structure is continued to be used for the purpose for which the development is reviewed and approved.

Can you please clarify if the intent of the change to this provision is to eliminate instances of parcels/units in multiple blocks but subject to a further plan of condominium are considered as individual lots/parcels for the purposes of the By-law?

As you are aware, the Losani Homes Site Plan for Simply Grand I (Blocks 55 and Part of 56) was caught up though the site plan process of requiring a minor zoning amendment for a number of provisions as the special provision in Section 8.3 of the Zoning By-law states that parcels/units in the Plan of Condominium shall be deemed as lots. It was our intention that the site plan be reviewed for the lot as a whole and not

individual lots. Where there are other existing instances in the Zoning By-law, we would ask that a “notwithstanding” clause be considered.

We kindly ask the County to consider removing the special provision in Table 8.3 which states that “For the purposes of this By-law, the parcels/units in the Plan of Condominium shall be deemed as lots”, so that the contradicting clauses do not create further planning applications that are redundant.

Thank you for your consideration.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'DAA', followed by a long horizontal line.

Dave Aston, BA, MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'Kate Wills', followed by a long horizontal line.

Kate Wills, BES, MCIP, RPP
Planner

cc. *Bill Liske, Lorraine Roberts, Myles Smith, Losani Homes*

From: Jessica Kitchen
To: ["kwills@mhbcpplan.com"](mailto:kwills@mhbcpplan.com)
Cc: ["Dave Aston"](#); ["William Liske"](#); ["Myles Smith"](#); [Rob Trotter](#)
Subject: Re: Response to Comments Received- ZBA-24-19-JK- Housekeeping Amendment
Date: Thursday, February 21, 2019 11:12:00 AM

Hi Kate,

In response to the comments received concerning the current ongoing application initiated by Staff concerning a Housekeeping Amendment to the Comprehensive County of Brant Zoning By-Law 61-16, Staff offers the following:

4.26 Model Home/Temporary Sales Trailer

The proposed amendment concerning temporary sales trailers and model homes is only with respects to Section 3 Definitions to incorporate defined terms for both structures/uses where there has been an absence identified by Staff. Section 4 Subsection 4.26 sets out the requirements relating to both model homes and temporary sales trailers but these terms are not currently defined within By-Law 61-16 which can lead to issues when interpreting how these structures are intended to be used. This is an error within the By-Law which Staff is proposing to correct at this time through the addition of two defined terms within Section 3 Definitions of the By-Law 61-16. There are currently no proposed amendments to Section 4 Subsection 4.26 with respects to the specific requirements pertaining to both model homes and temporary sales trailers, as there have not been any issues/errors identified at this time. The timing and restrictions associated with when and where a model home or temporary sales trailer can be placed on a property were intentionally included when the By-Law was initially drafted and approved. As such Staff will not be including the requested change to these requirements at this time.

Table 8.3: Zone Provisions for multiple dwellings in RM1, RM2, and RM3 Zones

The slight change to the requirements pertaining to the RM1 Residential Multiple Low Density, RM2 Residential Multiple Medium Density, and

RM3 Residential Multiple High Density Zones is to incorporate the existing provision for optional staggered building setbacks to a proposed structure within the R1 Residential Singles, R2 Residential Singles and Semis, and RM1 Residential Multiple Low Density for single, semi-detached, and duplex dwellings. This staggered option approach currently allows for the habitable portion of the dwelling to be located a minimum of 4.5 metres from the front or exterior lot line, if a minimum width of 5.6 metres is maintained for the proposed driveway. The other option would be that the structure be pushed back to 6.0 metres from the front and exterior side lot lines. Currently a minimum required front and exterior side yard setback of 6.0m is required for all dwelling types within the RM1, RM2, and RM3 Zones. The requirement is proposed to be applied to the higher density Zones in the exact same format that is currently applied to the lower density Zones. The staggered setback approach is only permitted if a minimum width of 5.6 metres can be met and maintained which is consistent with the current application of the requirements of the By-Law to date. This required stipulation within the By-Law was included intentionally by Staff to ensure that required parking could still be provided on private property, off street, in accordance with the By-Law if the Developer/Owner chose to design using a staggered approach. If this stipulated requirement is not included for the higher density residential zones but the staggered setbacks are approved through the amendment there is a possibility that required parking may not be able to be met on private property given that typically the lot area and lot frontages are lesser in size. In Staff's opinion the request is Site Specific in nature and does not directly correspond with any issues or errors which have been identified at this time through working with the document. If a development or property needs relief from the driveway requirements of the By-Law due to lot area and frontage being reduced than this request should be vetted through a Site Specific Planning Act Application to request such, providing Staff the opportunity to ensure that parking requirements on private property can still be met.

Section 5.11 and Table 5.4 Clause a)

Staff has reviewed the comment and does agree that perhaps the proposed amendment could be further clarified to stipulate that

accessible parking be required for all off street forms of development based on the number of required visitor parking. Staff are going to remove this amendment from the proposed Housekeeping at this time in order to research what is being done and typical practice with respects to the accessible parking requirement within the required visitor parking for developments. Staff will bring this amendment forward in a future housekeeping, date to be determined in future.

Section 4 Subsection 4.30 Subsequent Consent and/or Condominium Act

In response to the comment regarding subsection 4.30 and the proposed modification, the intent of this clause is to allow for a review of the entire land, building, or structure as a whole if the development has been subject to and approved under Section 41 pertaining to Site Plan Control, Section 50(5) pertaining to Part Lot Control, and/or Section 53 pertaining to Consents under the Planning Act and apply the requirements to the entire land, building, or structure as a whole. This clause was originally included within By-Law 61-16 to eliminate the subsequent and multiple application review of a development if the requirements of the By-Law were maintained when looking at the development as a whole. Staff will make the slight modification to the proposed amendment to eliminate the specific requirements listed and state “requirements” to mean all requirements of the By-law which would be applicable to a development, building, or structure.

In addition to the above Staff will be modifying the clause which speaks to the consideration of lots and units within a Plan of Condominium being as follows “For the purpose of this By-law, the parcels/units in the Plan of Condominium shall be deemed as lots.” Staff recognizes that this clause may impose issues onto a development based on the type of Condominium being proposed. As such Staff is proposing to modify the existing clause to include the wording of “may” as opposed to “ shall” allowing the clause to become optional and be applied when appropriate. In Staff’s opinion this should address any concerns of this clause negatively impacting a proposed Condominium development inappropriately.

Hopefully the above information is helpful. If you have any questions please do not hesitate to contact me.

Thank you,

Jessica.

Jessica Kitchen

Planner-Zoning Administrator

Development Services
County of Brant
66 Grand River Street North
Paris, ON N3L 2M2

T. 519-442-6324 X. 3031 | F. 519-442-3461 | E. Jessica.kitchen@brant.ca
www.brant.ca

