

Attachment 2

DRAFT

BY-LAW NUMBER XXX-18

- 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>
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*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
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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>
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*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
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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 development of the <i>development</i>.</p>
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* 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**, 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 with 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 line;" 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 <i>street line</i>;</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>
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| c) No person shall park or permit to park a vehicle in the front yard landscaped open space of any lot. |
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*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 line 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
Lot Coverage, Maximum	15%	15%	10%	In accordance with the zone provisions
Gross Floor Area of Accessory Buildings or Structures, Maximum (square metres)	95	140	Upto a maximum of 75% of the gross floor area of the Dwelling	95
Interior Side Yard Setback, Minimum (metres)	1.2	1.5	3	3*
Rear Yard Setback,, Minimum (metres)	1.2	1.5	3	3*
Building Height, Maximum (metres)	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 interrupt 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.
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*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 is then divided between the land Owners on either side and therefore needs to be zoned accordingly. 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.
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*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
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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 zoned 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 zoned 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.

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>
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*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 5 Parking and Loading Requirement, Subsection 5.6 Requirements for Accessible Parking is hereby amended by removing the existing clause a) and replacing it with the following:

a) In addition to the *parking spaces* required under Section 5.11 and 5.12, accessible parking in accordance with the requirements of this subsection shall also be required for non-street fronting *developments* containing *rowhouse dwellings, 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.

*The proposed amendment clarifies that any and all required accessible parking shall be provided on site in addition to any required parking and visitor parking spaces. Currently the wording states that accessible parking is required for any uses which require “visitor parking”. As visitor parking is a defined term this does not properly reflect the intent of the By-Law which is to require accessible parking for all multiple density residential developments and non-residential uses within the By-Law.

30. **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.

31. **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.

32. **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 lot, <i>building</i> or <i>structure</i> used 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.
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*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.

33. **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.

34. **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.

35. **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.

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-52.

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

37. **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.

38. **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.

39. **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.

40. **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.

41. **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.

42. **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.

43. **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.

44. **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.

45. **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.

46. **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.

47. **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.

48. **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.

49. **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.

50. **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 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.

51. **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.

52. **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.

53. **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.

54. **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.

55. **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 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.

* 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.

56. **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.
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* 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.

57. **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.

58. **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.
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* 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.

59. **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.
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* 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.

60. **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.

61. **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:

<i>Accessory Dwellings</i>	2 spaces per unit
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62. **That** Section 5 Parking and Loading, Table 5.2 Parking Yard Requirements, is hereby amended by adding “Agricultural” to the first column under Zone:

Zone	Yard in which required parking space is permitted
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Agricultural, Commercial, Institutional, Employment, Open Space, Resource Extraction	<p>i) 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>j) 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>k) In the Mixed Use (C5) <i>Zone</i>, parking shall not be permitted in the <i>front yard</i>.</p>
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63. **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.

64. **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.

65. **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 mixing cementing materials, aggregate, water and ad mixtures to produce concrete, asphalt, or products thereof <i>used</i> in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials <i>used</i> 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.
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*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.

66. **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 _____ 2018.

READ a third time and finally passed in Council, this ___ day of _____ 2018.

THE CORPORATION OF THE COUNTY OF BRANT

DRAFT

David Bailey, Mayor

DRAFT

Heather Boyd, Clerk