

**INTERNAL/EXTERNAL MEMO**

Dan,

These comments relate to the Zoning By-Law Amendment Application ZBA6/19/DN submitted by Armstrong Management, Agent/Applicant on behalf of Ross Ilett Farms Ltd., c/o Ross Ilett, Owner of CON 3 PT LOT 9 REG 124.09AC, in the former Township of South Dumfries and known as 239 Highway #5. The Applicant is proposing to rezone the subject lands from Agricultural (A) and Natural Heritage (NH) to Special Exception Agricultural (A-9) to prohibit a dwelling on the subject lands. There is also a modification proposed at this time through the same Application concerning the existing Site Specific Agricultural Employment (AE-22) Zoning pertaining to the boundary of the Zone lines.

Currently the above noted property is Zoned Agricultural (A), Special Exception Agricultural Employment (AE-22), and Natural Heritage (NH) within the County of Brant Zoning By-Law 61-16.

The Natural Heritage (NH) Zone on the property will remain unchanged throughout this Application.

Please see the following clause pertaining to the Site Specific Zoning AE-22:

77-08	AE-22	<p>Notwithstanding anything in this By-Law to the contrary, within any area <i>zoned</i> AE-22 on Schedule "A" hereto, the permitted <i>uses</i> shall be limited to:</p> <ul style="list-style-type: none"> <li>a) a <i>feed mill</i>;</li> <li>b) a <i>grain elevator and drying facilities</i>;</li> <li>c) an <i>open storage use</i> accessory to the <i>feed mill</i> or grain elevator;</li> <li>d) a <i>retail store, wholesale establishment or business office</i> accessory to the permitted <i>uses</i>;</li> <li>e) a truck repair business, excluding an <i>auto body shop</i>, located within <i>buildings existing</i> as of March 1, 2008 and</li> <li>f) <i>accessory uses, buildings and structures</i> accessory to the foregoing <i>uses</i>.</li> </ul> <p>All other requirements of the By-Law shall apply.</p>
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Please see the following permitted uses within the A Zone:

#### 6.1 Uses Permitted

No *person* shall within any Agricultural (A) *Zone*, *use* any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except for one or more of the following *uses* as identified by a "dot":

**Table 6.1: Uses Permitted**

List of Uses	Permitted
<i>Agricultural Use</i>	•
<i>Aviary</i>	•
<i>Dwelling, Single Detached</i>	•
<i>Farm Labour Housing</i>	•
<i>Farm Production Outlet</i>	•
<i>Forestry Uses</i> excluding any establishments that either process forestry products or sell processed forestry products such as <i>lumber mills</i> ;	•
<i>Farm Greenhouse</i>	•
<i>Livestock Facility</i>	•
<i>Medical Marijuana Production Facility</i>	•

As stated above within the permitted uses only one (1) single detached dwelling is permitted within the A Zone subject to meeting all requirements of the By-Law 61-16. Staff notes that there are two (2) existing dwellings on the property. Please be advised that if/when one of the existing dwellings is removed a second single detached dwelling would not be permitted on the property. Staff cannot confirm at this time whether the existing dwellings on the property are Legal Non-Conforming as the date of the uses established has not been provided as part of this application.

Staff had requested that the balance of the lands which are farmed and cultivated be rezoned to prohibit a dwelling through the Severance Application B1-2/19/DN. The Applicant is fulfilling a Condition of Consent by the submission of this application.

Please see the following requirements for the NH Zone:

#### 14.1 Uses Permitted

No *person* shall within any Open Space (OS) Zones, *use any lot or erect, alter or use any building or structure* for any purpose except for one or more of the following *uses* as identified by a “dot”.

The Open Space Zones established by this By-Law are as follows:

#### NH Natural Heritage Zone

#### OS1 Open Space

#### OS2 Recreational Facilities

#### OS3 Recreational Trailer Park

**Table 14.1: Uses Permitted**

List of Uses	Zones			
	NH	OS1	OS2	OS3
<i>Agricultural Use, Existing</i>	•			
<i>Boat Dock</i>	•	•	•	•
<i>Boat Ramp</i>	•	•	•	•
<i>Campground</i>			•	•
<i>Cemetery</i>		•		
<i>Community Centre</i>			•	
<i>Fairground</i>			•	

<i>Forestry Uses</i> excluding any establishments that either process or sell processed forestry products such as <i>lumber mills</i> ;	•	•		
<i>Golf Course</i>			•	
<i>Mobile Refreshment Cart</i>		•	•	
<i>Place of Worship</i>		•		
<i>Public Park or Private Park</i>			•	•
<i>Stormwater Management Facility</i>	•	•	•	•
<i>Wildlife Management</i>	•	•		
<i>Recreational Establishment</i>			•	
List of Uses	Zones			
	NH	OS1	OS2	OS3
<i>Recreational Trailer Park</i>				•

#### 14.2 Zone Requirements for NH Zone

No person shall within any Natural Heritage (NH) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

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

b) Any additions to the existing buildings or structures in NH Zone shall comply with the regulations of the abutting Zone on the same lot subject to approval from the appropriate Conservation Authority.

c) Within lands Zoned NH, a boat house and/or boat dock may be constructed, erected or located on lands or waters subject to approval from the Conservation Authority. Only one boat house and one dock shall be permitted on one lot.

Please be advised that the uses of a commercial business and/or a second dwelling are not permitted within the A, AE, or NH Zone.

Please send the Draft Amending By-Law to my attention for review and formatting prior to the By-Law proceeding to Committee and Council.

If you have any questions please do not hesitate to contact me.

Thank you,

Jessica.