

**BY-LAW NUMBER 58-21**

- of -

**THE CORPORATION OF THE COUNTY OF BRANT**

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

**WHEREAS** the County of Brant initiated a review of its Zoning By-Law to ensure 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 said By-Law;

**AND WHEREAS** this By-Law is in conformity with the Official Plan for the County of Brant (2012);

**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 within the County of Brant;

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

1. **THAT** Section 3 Definitions “0.3 METRE RESERVE” is hereby amended to be replaced as follows:

RESERVE or ACCESS RESERVE

Means a narrow strip of land, owned in fee simple by the County, reserved for the purposes of restricting access.

2. **THAT** Section 3 Definitions “FARMING OPERATION” is hereby amended to be replaced as follows:

FARMING OPERATION or FARM OPERATION

Means lands that are assessed as farmland for the purpose of *agricultural uses* and, where applicable, have a valid Farm Business Registration Number, but does not include *cannabis production and processing*.

3. **THAT** Section 3 Definitions “AGRICULTURE-RELATED USE” and “FARM PRODUCTION OUTLET” are hereby amended to italicize the terms *farm operation* or *farming operation* therein.
4. **THAT** Section 15.2 Temporary “T” Zone Provisions, Table 15.2 Temporary Zone Provisions, T-33 is hereby amended to correct the ‘Date Temporary Use Expires’ from September 22, 2036 to November 22, 2036.
5. **THAT** Section 3 Definitions is hereby re-numbered and reflected in the consolidated Table of Contents so that each letter of the alphabet is numbered as a subsection number, whereby Section 3.1 applies to definition beginning with the letter A, Section 3.2 – B, Section 3.3 – C, and so forth to Section 3.26 - Z.

6. **THAT** Table 7.1 Uses Permitted and Table 11.1 Uses Permitted are hereby amended to replace the term Cannabis Production Facility with *Cannabis Production and Processing*
7. **THAT** Section 4.26 Model Home / Temporary Sales Trailer is hereby amended to replace "...considered a single detached dwelling constructed on an individual lot within the future registered plan..." as follows:

"... considered a *structure* constructed on an individual *lot* or *block* within the future registered plan..."

8. **THAT** Section 5.11 Parking Space Requirements for Residential Uses, including Table 5.4 Parking Requirements for Residential Zones, is hereby removed, and replaced as follows:

**Table 5.4 Parking Requirements for Residential Uses**

Housing Form	Minimum Required Off-Street Parking Space Regulations
<i>Accessory Dwelling</i>	2 spaces per unit
<i>Apartment Dwelling</i>	1 space per unit + 0.25 additional spaces per bedroom + 0.35 visitor spaces per unit
<i>Dwelling Unit with frontage on a public street</i>	2 spaces per unit
<i>Lodging House, Boarding House, Rooming House</i>	1 space per 3 lodging units / rooms
<i>Additional Residential Unit, Mobile Home, Modular Dwelling, Farm Labour Housing, Garden Suite</i>	1 space per unit
All other housing forms not specified herein	2 spaces per unit (for residents) + 0.35 visitor spaces per unit

- a) For any development on a *private street* containing housing forms other than single detached dwellings, and where the *development* is intended to be a private complex and/or *condominium* development, visitor parking shall be required at a rate of 0.35 visitor spaces per *dwelling unit*.
  - b) Not including parking provided in a *private driveway*, all required visitor, resident, and accessible *parking areas* shall be clearly identified, demarcated, and reserved for the respective user.
  - c) Accessible *parking spaces*, where required, shall be provided in addition to any other required *parking* or *loading spaces*, in accordance with the requirements of Section 5.6 of this By-law.
9. **THAT** Section 5.12 Parking Requirements for Non-Residential Uses, Table 5.5 Parking Requirements for Non-Residential Zones, be amended by adding 'Retirement Home' under the listed uses as follows:

**Table 5.5 Parking Requirements for Non-Residential Zone**

Type of Use	Minimum Required Off-Street Parking Space Regulations (per gross floor area space)
[...]	[...]
Restaurant	1 per 10m <sup>2</sup>
Retirement Home	0.75 spaces per unit
Retail Store	Less than 1000m <sup>2</sup> : 1 per 25m <sup>2</sup> More than 1000m <sup>2</sup> : 1 per 20m <sup>2</sup>
[...]	[...]

10. **THAT** Section 5.7 Specifications for Parking, Loading, and Access Regulations is hereby amended to add the following:

g.) A *driveway* shall be subject to the requirements and provisions of Section 4.34.4 to facilitate the need for any *prescribed drainage feature*, in accordance with any requirements and standards of the County of Brant Development Engineering Division.

h.) The width of *driveways* shall be subject to the requirements of Table 5.2 below, unless otherwise specified within this By-Law.

11. **THAT** Section 5.7, Table 5.2 is hereby removed and replaced as follows:

Table 5.2 Driveway Regulations

	Residential Use – Lot width 11.0m or lesser	Residential Use – Lot width greater than 11.0m	All other Uses
Minimum Driveway Width (metres)	2.8m		4.5m for one-way circulation, 6.0m for two-way circulation
Maximum Driveway Width (metres)	55% of the lot width, or 6.0m, whichever is lesser	55% of the lot width, of 7.3m whichever is lesser	10.0m

12. **THAT** Section 4 General Provisions is hereby amended to add subsection 4.45 Site Plan Control as follows:

#### Section 4.45 Site Plan Control

Pursuant to Section 41 of the *Planning Act*, as amended, the County of Brant has by By-Law designated all lands within the County as a Site Plan Control Area, noting specific uses where Site Plan Control shall be in effect. By-Law 156-03, the 'Site Plan Control By-Law', as amended, should be referenced for further details pertaining to this process.

- a) The Site Plan Control By-Law provides exemptions from the provisions of Site Plan Control for the following uses:
  - i) Single detached dwellings, semi-detached dwellings, and duplex dwellings on one lot,
  - ii) Aggregate extraction under license issued by the Province of Ontario,
  - iii) *Farming operations* which do not consist of an *agriculture-related use* or *on-farm diversified use*,
  - iv) *Buildings* or *structures* owned, constructed by, for, or under the authority of the County of Brant,
  - v) *Structures* for floor control purposes constructed by, for, or under the authority of a Conservation Authority, and
  - vi) Where the Council of the County of Brant has granted an exemption under Section 8 of By-Law 157-03, as amended.
- b) In accordance with the Site Plan Control By-Law and the applicable requirements of the Comprehensive Zoning By-Law of the County of Brant, *development* pertaining to the following *uses* and *zones* shall be subject to the provisions of Site Plan Control:
  - i) *Dwellings* within a district designated under Section V of the *Ontario Heritage Act*
  - ii) *Greenhouses* with a *gross floor area* greater than 500 square metres
  - iii) *Cannabis Production and Processing*
  - iv) *Agriculture-Related Uses*
  - v) *On-Farm Diversified Uses*
  - vi) Any development where off-street parking in the Core Area (C4) zone, Mixed Use (C5) zone, or any Employment (M) zone is to be provided on another *lot* within 400m of the *lot* containing said *development*.
  - vii) Any *development* where off-street parking for a mix of commercial *uses*, developed as one holistic *development*, is to be provided at the average overall parking ratio, or, in the case where tenancy is unknown, at the ratio for a *shopping centre*.
  - viii) Any *development* in the Residential Multiple (RM1, RM2, and RM3) zones, but not including a *single detached*, *semi-detached*, *duplex dwelling*, *alteration*, *renovation*, or the *construction* of an *accessory structure*.
  - ix) Non-residential *uses* within the Agricultural Employment (AE) zone, Commercial (C) zones, Employment (M) zones, Institutional (N) zones, and Open Space (OS) zones, and any *zone* where a special exception or *legal non-conformity* permits a non-residential *use*.

13. **THAT** Section 3 Definitions, "STUDIO" is hereby removed and replaced as follows:

#### STUDIO

Means a *building*, or part thereof, used as a place for study and training in a specific skill or trade. When under a sole proprietorship and attributed to a permitted residential use, the *studio* may also include the instruction of said practiced skill or trade, such as the instruction of the arts, fitness, sport, languages, academic subjects or similar, provided said use will meet the requirements of a *home occupation*.

14. **THAT** Section 3 Definitions, BED AND BREAKFAST ESTABLISHMENT is hereby removed and replaced as follows:

#### BED AND BREAKFAST ESTABLISHMENT

~~Means a single detached dwelling in which no more than three rooms are made available by the owner, lessee or the proprietor of the said dwelling, for the purpose of providing temporary accommodation and meals for the travelling public. This does not include a hotel, motel, lodging house, or restaurant. Amended by By-Law XX-21~~

See 'SHORT-TERM ACCOMMODATION'

15. **THAT** Section 3 Definitions is hereby amended to add the following definition:

#### SHORT-TERM ACCOMMODATION

Means any part of a dwelling unit that, in exchange for payment, operates to provide temporary lodging to the travelling public for any rental period of lesser than 28 consecutive days throughout all or any part of a calendar year.

16. **THAT** Section 4.16.9 is hereby removed and replaced as follows:

#### Section 4.16.9 Short-Term Accommodation

A *short-term accommodation* shall be permitted as a *home occupation*, provided the following requirements are met:

- a) A *short-term accommodation* shall only be permitted within a *single detached dwelling*.
- b) The *short-term accommodation* shall have a maximum of three bedrooms for booking, and the total area for the *short-term accommodation* shall not exceed 25% of the *gross floor area* of the *single detached dwelling*.
- c) The *short-term accommodation* shall be operated by the property owner(s) residing in the same *single detached dwelling* in which the *short-term accommodation* is located.
- d) Parking for the *short-term accommodation* shall be provided in accordance with Section 5.12 of this By-Law and may be provided in tandem with the required parking for the primary dwelling.

17. **THAT** Section 3 Definitions, DWELLING, PRIMARY UNIT, is hereby amended to be replaced as follows:

#### DWELLING, PRIMARY UNIT

Means the principal *dwelling unit* on a property where a subordinate dwelling unit may also be provided, such as an *additional residential unit* or *garden suite*.

18. **THAT** Section 3 Definitions, FLOOR AREA, GROSS, is hereby amended to be replaced as follows:

#### FLOOR AREA, GROSS

Means the total area of each floor or storey of a building, whether located above, at, or below grade, as measured from the exterior face of outside walls, or from the centre line of any common walls.

When calculating *gross floor area*, it shall be deemed to include:

- a) Any or interior space having a ceiling height of 1.5m or greater,
- b) Any interior area used for vehicle parking, such as a *garage*,
- c) Any exterior area or detached *structures* that are used *accessory* to or *used* for the same purpose as the *principal building*.

19. **THAT** Section 3 Definitions, DWELLING, is hereby amended to be removed as follows:

#### DWELLING

~~Means a place of residence occupied by one (1) or more people, with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit or containing more than one (1) units, but shall not include park model trailer, hotels, lodging house, nursing homes, motels, or trailers. Amended by By-Law XX-21~~

See 'DWELLING UNIT'

20. **THAT** Section 3 Definitions, DWELLING, including (i) DWELLING, ACCESSORY to (xvii) DWELLING UNIT is hereby amended to remove the roman numeration (i) through (xvii)

21. **THAT** Section 3 Definitions, STRUCTURE, is hereby amended to be replaced as follows:

#### STRUCTURE

Means anything constructed or erected, the *use* of which requires location on or in the ground or where the construction of which results in an attachment to something located on or in the ground. For the purpose of this By-Law a structure shall not include the permanent way of a railway, a fence, sign, light fixture, inground storage tank, or any paved surface located directly on the ground that is used as a *driveway, lane or street*.

22. **THAT** Section 3 Definitions is hereby amended to add the following:

#### PRESCRIBED DRAINAGE FEATURE

Means any works, natural or man-made, intended to concentrate, convey, detain, retain, infiltrate, or affect the flow rate of stormwater runoff to improve the topology and overall drainage characteristics of a *lot or development*.

23. **THAT** Section 4.34 Setbacks is hereby amended to retitle the section and subsections as follows:

#### Section 4.34 Special Setbacks

##### 4.34.1 Core Areas

##### 4.34.2 Built-Up Areas

##### 4.34.3 Watercourses and Municipal Drains

24. **THAT** Section 4.34 is hereby amended to add the following:

#### Section 4.34.4 Grading and Drainage

Notwithstanding any requirements of this By-law to the contrary, for the purposes of protecting a *prescribed drainage feature*, the following requirements shall apply:

- a) Where the side yard of any *lot* abuts the rear yard of a neighbouring *lot*, sharing a *common lot line*, the side yard shall require a minimum setback of 1.2m with no encroachments, unless otherwise permitted by the County of Brant Development Engineering Division.
- b) Any structure or any surface determined by the County of Brant Development Engineering Division to be impervious shall require a minimum setback of 0.6m from to any interior *lot line*.
- c) Notwithstanding the requirements of 4.34.4(b), in the case of attached *dwelling units* where the frontage of each *lot* is less than 10.0m, the driveway shall be required to be joint with the neighbouring *lot* on one side along a common *lot line*, providing a 0.0m setback on the one side.
- d) Notwithstanding the requirements of 4.34.4(c), in the case of attached *dwelling units* where there is an odd number of attached units along a *street*, the *dwelling unit* on one end shall not require a joint driveway.
- e) No *building* or *structure*, including any addition, alteration, renovation, restoration, patio, walkway, *parking space*, or *driveway*, including any *structure* described in Section 4.44 of this By-Law, shall be permitted to encroach into any *prescribed drainage feature* without the written permission of the County of Brant Development Engineering Division.

25. **THAT** Section 3 Definitions, GARDEN SUITE, is hereby amended to be replaced as follows:

#### GARDEN SUITE

Means a detached residential *dwelling unit* provided *accessory* to a *primary dwelling unit* on the same *lot* and whereby the *dwelling unit* is designed to be portable and temporary and requires permissions by way of a site-specific temporary zoning by-law amendment.

26. **THAT** Section 4.11 Garden Suites is hereby amended to be replaced as follows:

#### Section 4.11 Garden Suites

A *garden suite* shall only be permitted where a site-specific temporary zoning by-law amendment has been approved, subject to the following:

- a) Only one (1) *garden suite* is permitted per *lot*.
- b) A *garden suite* shall only be permitted *accessory* to an existing *single detached dwelling* where a *single detached dwelling* is a permitted use.
- c) The existing *single detached dwelling* shall be considered the *primary dwelling unit*.
- d) A *garden suite* shall not be permitted on a property where there exists more than one *dwelling unit*.
- e) The *garden suite* shall comply with *Minimum Distance Separation Guidelines*, as per Section 4.24 of the Comprehensive Zoning By-Law of the County of Brant.
- f) A *garden suite* shall comply with the zone requirements for a *dwelling* in the applicable zone category.
- g) When located on a *lot* that is zoned Agricultural (A), the *garden suite* shall be located no further than 40.0m from the closest point of the existing *primary dwelling unit*.
- h) One (1) *parking space* shall be provided for the *garden suite* in addition to the parking required for other uses on the lot.
- i) All other applicable requirements of this By-Law shall apply.

27. **THAT** Section 3 Definitions, PATIO, OUTDOOR, is hereby amended to be replaced as follows:

#### PATIO, OUTDOOR

Means an outdoor eating area used in conjunction with a *restaurant, eating establishment, mobile refreshment cart*, or similar, where seating accommodation is provided in addition to indoor seating space and where meals or refreshments are served to the public for consumption.

28. **THAT** Section 4.39 Uses Associated with a Restaurant is hereby amended to be retitled and replaced as follows:

#### 4.39 Outdoor Commercial Patios

An *outdoor patio* shall be permitted if it is operated accessory to a *restaurant, eating establishment, mobile refreshment cart*, or similar, subject to the following:

- a) An *outdoor patio* shall be considered in the *lot coverage* calculation for the *building/use* at a discounted rate of 50% of the proposed patio size.
- b) An *outdoor patio* shall not be considered in the *gross floor area* calculation of the *use* to which it is attributed.
- c) Where an *outdoor patio* is located on a property adjacent to a residential zone, the *setback* requirements shall be the same as the required *setbacks* for the *principal structure* and the *outdoor patio* shall require a *visual barrier*.
- d) No additional *parking* is required for an *outdoor patio*.
- e) Outdoor patios shall not encroach on or eliminate any required *parking space or loading space*, except where permission has been granted for *Special Event Sales* on a temporary or seasonal basis.
- f) Where the *outdoor patio* has speakers for the playing and amplification of music or other entertainment, the requirements of the County of Brant By-law to Control Noise (185-00, as amended) shall apply.
- g) The size of an *outdoor patio* shall not exceed the *gross floor area* of the use with which it is associated, except in a situation where permission has been granted for *Special Event Sales* on a temporary or seasonal basis.
- h) Where an *outdoor patio* reduces the permeability of a site, a site alteration review and permit may be required at the discretion of the County of Brant Development Engineering Division.
- i) Where an *outdoor patio* is to be fully covered and enclosed, it shall be considered at the full rate of coverage for the building/use and no longer considered an *outdoor patio* by definition of this By-law.

29. **THAT** Section 4.20 Lighting is hereby amended to be replaced as follows:

#### 4.20 Lighting

Where lighting, whether internal or external to any building or structure, is provided for any non-residential use with the purpose of illuminating *buildings, structures, parking spaces*, signs, or other portions of the *lot*, the following requirements shall apply:

- a) Where a property subject to Site Plan Control will contain external lighting or lighting with external impacts, the submission and peer-review of a lighting plan prepared by a Professional Engineer, including a photometric analysis of any lighting with external impacts, shall be required to verify that the lighting will have a level of illuminance and glare that does not negatively impact surrounding uses or the night sky.



- b) Where a proposed sign contains illumination, flashing, animation, video, electronic messaging capabilities, or similar, in addition to the requirements of The County of Brant By-Law to Prohibit and Regulate Signs and other Advertising Devices (121-08, as amended), the submission and peer-review of a lighting plan shall be required to verify that the lighting will have a level of illuminance and glare that does not negatively impact surrounding uses or the night sky.
- c) All external lighting shall be designed to minimize glare and light trespass and to facilitate better vision at night. When a lighting plan is required, it shall verify:
  - i) That the proposed lighting will have a color temperature of no more than 3000 kelvins
  - ii) That any lighting fixture will be a full cut-off or fully shielded fixture.
  - iii) That sufficient mitigation efforts are in place to prevent light trespass on adjacent properties and the night sky.

30. **THAT** Section 2.10 Interpreting Zone Boundaries be amended to replace clause (b) as follows:

#### 2.10 Interpreting Zone Boundaries

[...]

b) Where the boundary of a Natural Heritage (NH) Zone, as interpreted in the field to the satisfaction of the Conservation Authority having jurisdiction, varies from the limit shown on Schedule 'A', the refined limit shall be deemed to be the Zone boundary.

31. **THAT** Section 3 Definitions, NATURAL HERITAGE, is hereby amended to be replaced as follows:

#### NATURAL HERITAGE

Means land that contains *key hydrologic features*, *key natural heritage features* and/or lands that have been identified by the conservation authority as *hazardous lands* or sites with *flooding hazard* or *erosion hazard*.

32. **That** Section 3 Definitions is hereby amended to add the following definitions:

#### EROSION HAZARD

Means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100-year erosion rate, being the average annual rate of recession extended over a one-hundred-year time span, the allowance for slope stability, and an erosion / erosion access allowance.

#### ESSENTIAL EMERGENCY SERVICE

Means services which would be impaired during an emergency because of flooding and/or the failure of floodproofing measures, protection works, or erosion.

#### HAZARDOUS or TOXIC SUBSTANCES

Means, for the purposes of Section 4.36.1 and Section 14.2, substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety, and the environmental. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive, or pathological.

## INSTITUTIONAL USE

Means, for the purposes of Section 4.36.1 and 14.2, land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency because of flooding, and/or the failure of floodproofing measures, protection works, or erosion.

## KEY HYDROLOGIC FEATURES

Means permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.

## KEY NATURAL HERITAGE FEATURES

Means habitat of endangered species and threatened species, fish habitat, wetlands, earth and life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands, and significant wildlife habitat.

33. **THAT** Section 4.34.3 Watercourses and Municipal Drains is hereby amended to be replaced as follows:

### 4.34.3 Watercourses and Municipal Drains

Buildings or structures in proximity to a watercourse or municipal drain shall be subject to the following:

- a) No *building* or *structure* shall be constructed closer than 15 metres to a warm-water watercourse or a *municipal drain*.
- b) No building or structure shall be constructed closer than 30 metres to a cool or cold-water watercourse, or 15m from the top-of-bank without prior written approval from the conservation authority and the County of Brant.
- c) The *setback* from the watercourse shall be measured horizontally from the edge of the watercourse.
- d) All other requirements of this By-Law shall apply.

34. **THAT** Section 4.36.1 Prohibited Uses is hereby amended to be replaced as follows:

### Section 4.36.1 Prohibited Uses

Notwithstanding any uses permitted by the underlying Zone the following uses shall be prohibited in a Special Policy Area Zone:

- a) an *institutional use* including hospitals, long-term care homes, *retirement homes*, *group homes*, pre-schools, nurseries, *day cares* and *schools*,
- b) an *essential emergency service* such as that provided by fire, police, and ambulance stations, and,
- c) uses associated with the disposal, manufacture, treatment, or storage of chemical, *hazardous* or *toxic substances*.

35. **THAT** Section 4.36.2 Additional Requirements is hereby amended to be replaced as follows:

#### 4.36.2 Additional Requirements

- a) Any residential *development* shall be permitted subject to approval by the Conservation Authority, and that the *habitable* floor space is located at the minimum elevation equal to the Regulatory Flood Level and that the structure is flood proofed to the Regulatory Flood Level.
- b) Additions and *alterations* up to fifty percent (50%) of the ground floor area of existing residential buildings and structures shall be permitted subject to approval by the Conservation Authority, provided the new *habitable* floor space is constructed no lower than the existing *habitable* floor space and flood proofed to the existing floor and/or opening elevation where feasible. Furthermore, the development of non-residential buildings and structures shall be permitted subject to the approval of the Conservation Authority and where flood proofing to the Regulatory Flood Level can be achieved.
- c) No *development* or redevelopment shall have an adverse effect on the hydraulics or storage capacity of the floodway.
- d) Where practical, new mechanical, electrical, and heating services shall be located above the Regulatory Flood Level. Where this is not feasible, such services shall be flood proofed to the Regulatory Flood Level.

36. **THAT** Section 14, Table 14.1 Uses Permitted, is hereby amended to be replaced as follows:

Table 14.1: Uses Permitted

List of Uses	Zones			
	NH	OS1	OS2	OS3
<i>Agricultural Use</i>	•			
<i>Boat Deck</i>	•	•	•	•
<i>Boat House</i>	•	•	•	•
<i>Boat Ramp</i>	•	•	•	•
<i>Campground</i>			•	•
<i>Cemetery</i>		•		
<i>Community Centre</i>			•	
Conservation and Floor or Erosion Control Projects	•			
<i>Fairground</i>			•	
<i>Forestry</i>	•	•		
<i>Golf Course</i>			•	
<i>Mobile Refreshment Cart</i>		•	•	

<i>Place of Worship</i>		•		
<i>Public Park or Private Park</i>	•	•	•	•
Small-scale <i>structures</i> for passive recreational uses, including boardwalks, footbridges, fences, and picnic facilities	•	•	•	•
<i>Stormwater Management Facility</i>	•	•		
<i>Wildlife Management</i>	•	•		

37. **THAT** Section 14.2 Zone Requirements for Natural Heritage is hereby amended to be replaced as follows:

#### 14.2 Zone Requirements for Natural Heritage

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) Notwithstanding the permitted uses in Table 14.1, where a building, structure, or use legally existed as of the date of passing of this By-Law, the building, structure, or use may continue to be used for the same purposes and shall be deemed to be legal non-conforming. An addition, expansion, replacement, relocation, or alteration may be permitted to a legal non-conforming building or structure and an accessory building or structure may be added in the Natural Heritage Zone subject to the provisions in this By-Law and approval of the County and the Conservation Authority having jurisdiction.
- b) No new buildings or changes to an existing building, structure, or use are permitted unless listed as a permitted use in Table 14.1 or permitted as per Section 14.2 a), and written authorization is granted by the Conservation Authority having jurisdiction. A permit may be required from the Conservation Authority under The Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, as may be amended.
- c) No new building or structure for an agricultural use, public park, private park, or any accessory use may be located within a key natural heritage feature or key hydrologic feature.
- d) An addition, expansion, replacement, relocation, or alteration of or to an existing building or structure in the Natural Heritage Zone shall comply with the following provisions:
  - i) The structure shall meet all requirements of the abutting zone on the same lot or, in the case of a legal non-conforming use or structure located on a property that is wholly zoned Natural Heritage, the regulations of the predominant zone category in proximity to the lot as determined by the County of Brant.
  - ii) No addition, expansion, replacement, or relocation to or of an existing building or structure shall be within a key natural heritage feature or key hydrologic feature unless it is demonstrated that there is no alternative location, and expansion into the feature is minimized and mitigated to the greatest extent possible.

38. **THAT** Section 3 Definitions, SPECIAL EVENT SALES, is hereby amended to be replaced as follows:

#### SPECIAL EVENT SALES

Means the temporary use of land, *buildings*, or *structures* for the purpose of an event or sales, the principal intent of which is to enhance a permitted use with additional space and opportunities for patronage.

39. **THAT** Section 4.32 Temporary Sales Events clause (b) is hereby amended to be replaced as follows:

#### Section 4.32 Temporary Sales Events

[...]

b) Temporary sales and/or displays that are considered *Special Event Sales* shall be permitted provided:

- i) The *Special Event Sales* are accessory to a permitted use,
- ii) An application made to the County of Brant, including but not limited to a Special Event Application to the County of Brant Special Event Advisory Team, or similar, has been approved,
- iii) Approval shall only apply to the specific event, occurring within the same calendar year, and any additional *special event sales* shall require a resubmission and review for a new approval upon the beginning of a new calendar year.
- iv) All other provisions of this By-Law shall apply.

40. **THAT** Section 4 General Provisions, Table 4.1 Accessory Use Regulations is hereby amended to be replaced as follows:

Table 4.1 Accessory Use Regulations

Regulations	Urban Residential Zones	All Other Residential Zones	All Other Zones
<i>Lot Coverage</i> , Maximum	The lesser of 15% of the total lot area or 95m <sup>2</sup>	The lesser of 15% of the total lot area or 140m <sup>2</sup>	5% of the total lot area
<i>Street Setback</i> , Minimum (metres)	In accordance with the <i>street setback</i> provisions of the applicable zone		
<i>Interior Side Yard and Rear Yard Setback</i> , Minimum (metres)	1.2m	1.5m	3.0m
<i>Building Height</i> , Maximum (metres)	4.5m	5.0m	7.0m

41. **THAT** Section 6 Agricultural Zone, Table 6.2 Zone Requirements, is hereby amended to be replaced as follows:

Table 6.2: Zone Requirements

Provisions	All Other Uses	Cannabis Production and Processing	Greenhouse	Structures Accessory to a Dwelling	Dwelling, Single Detached	Farm Production Outlet
<i>Lot Area</i> , Minimum (hectares)	40.0	In accordance with <b>Section 4.23</b>	In accordance with <b>Section 4.12</b>	In accordance with <b>Section 4.4</b>	40.0	In accordance with <b>Section 4.10</b>
<i>Lot Frontage</i> , Minimum (metres)	150.0				150.0	
<i>Street Setback</i> , Minimum (metres)	25.0				10.0	
<i>Interior Side Yard Setback</i> , Minimum (metres)	15.0				4.0	
<i>Rear Yard Setback</i> , Minimum (metres)	15.0				10.0	
<i>Lot Coverage</i> , Maximum	30%				30%	
<i>Landscaped Open Space</i> , Minimum	30%				30%	
<i>Building Height</i> , Maximum (metres)	10.0				10.0	

42. **THAT** Section 6 Agricultural Zone, Table 6.1: Uses Permitted is hereby amended to be replaced as follows:

Table 6.1 Uses Permitted

List of Uses	Permitted
<i>Agricultural Use</i>	•
<i>Agricultural-Related Use</i> in accordance with Section 6.3	•
<i>Cannabis Production and Processing</i> in accordance with Section 4.23	•
<i>Dwelling, Single Detached</i>	•

<i>Farm Production Outlet</i> in accordance with Section 4.10	•
<i>Forestry Uses</i>	•
<i>Greenhouse</i> in accordance with Section 4.12	•
<i>On-Farm Diversified Use</i> in accordance with Section 6.4	•
<i>Shipping Container</i> in accordance with Section 4.35	•

43. **THAT** Section 7 Agricultural Employment Zone, Table 7.1 Permitted Uses is hereby amended to be replaced as follows:

Table 7.1 Permitted Uses:

List of Uses	Permitted
<i>Agricultural Use</i>	•
<i>Agricultural-Related Use</i> in accordance with Section 6.3	•
<i>Cannabis Production and Processing</i> in accordance with Section 4.23	•
<i>Dwelling, Single Detached</i> <i>accessory to the permitted principal use</i>	•
<i>Forestry Uses</i>	•
<i>Greenhouse</i> in accordance with Section 4.12	•
<i>On-Farm Diversified Use</i> in accordance with Section 6.4	•
<i>Shipping Container</i> in accordance with Section 4.35	•

44. **THAT** Section 3 Definitions, AGRICULTURAL USE, AGRICULTURE-RELATED USE, and FORESTRY USE are amended to be replaced as follows:

## AGRICULTURAL USE

Means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; *agroforestry*; and maple syrup production. Agricultural uses may include associated on-farm buildings and structures, including, but not limited to *livestock facilities*, manure storage, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. *Agricultural uses* shall also include any use that is deemed to be consistent with *normal farm practices*.

## AGRICULTURE-RELATED USE

Means *farm-related commercial* and *farm-related industrial* uses that are directly related to farm operations on the *lot* or in the area, and that provide direct products and/or services to farm operations as a primary activity, supporting agriculture and benefitting from being near *farm operations*.

## FORESTRY USE

Means the practice, as defined by the Forestry Act, 1990 as amended, of planting, managing, and caring for forests in accordance with good forestry practices. Good forestry practices shall mean the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape. A forestry use shall not include a *lumber mill*.

45. **THAT** Section 3 Definitions be amended to add the following definitions:

## AGROFORESTRY

Means the use of a lot, or part thereof, for the purpose of growing trees and/or other perennial plants together with annual crops and/or animals in the expectation of gain or reward.

## FARM-RELATED COMMERCIAL USE

Means an *agriculture-related use* that supports farm operations within proximity, whereby the provision of services and products to local farm operations is the primary focus of the business. To be considered a farm-related commercial use, the business shall provide services or retail opportunities for local farms and commodities, be directly related to local farm operations, support, and not hinder agriculture, not be a high-water-user or effluent generator and can prove benefit from being near *farm operations*. Examples of farm-related commercial uses may include, but are not limited to, an *agricultural service and supply establishment*, *bulk sales establishment*, *commercial greenhouse*, *farm production outlet*, *livestock sales market*, a *nursery* and garden centre for plants grown in the area, a *veterinary clinic* with services for livestock and other farm animals, or a farmer's markets selling local products.



## FARM-RELATED INDUSTRIAL USE

Means an *agriculture-related use* that supports farm operations within proximity, whereby the provision of services and products to local farm operations is the primary focus of the business. To be considered a farm-related industrial use, the business shall provide services that process local farm commodities for retail, add to or retain the value of local commodities, be directly related to *local farm operations*, support, and not hinder agriculture, not be a high-water-user or effluent generator, and can prove benefit from being near *farm operations*. Examples of farm-related industrial uses may include, but are not limited to, an *agricultural processing facility*, *feed mill*, *fertilizer blending station*, *grain elevator and drying facility*, cold/dry storage facilities, *lumber mill*, and distribution facilities.

## NORMAL FARM PRACTICES

Means a practice, as defined in the Farming and Food Production Protection Act, 1998, (FFPPA, 1998), as amended, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with property advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act. Where questions arise about considerations for normal farm practices, the Normal Farm Practices Protection Board (NFPPB), as established by applicable legislation, shall be the authority to determine if a use meets the criteria to be considered a normal farm practice.

46. **THAT** Section 3 definitions be amended by removing GREENHOUSE, FARM and GREENHOUSE, COMMERCIAL, to be replaced as follows:

## GREENHOUSE

Means a *structure* that may be predominantly constructed of transparent or translucent material and is used or intended to be used for growing plants or crops in regulated climactic conditions. This definition shall include greenhouse structures that are temporary in nature or are intended to extend a growing season for plants that are germinated indoors to be subsequently transplanted outdoors. A greenhouse shall be subject to the requirements of Section 4.12 of this By-law.

Where plants or crops are grown in a greenhouse *structure* for personal use or consumption, or where a greenhouse is not related to a *farming operation* or *agricultural use*, the *structure* may be considered *accessory* to a permitted residential *use* and subject to the requirements applicable thereto.

This definition shall not include *cannabis production or processing* as defined within this By-Law.

47. **THAT** Section 4.40 Uses Permitted In All Zones, clause (e), is hereby amended to be replaced as follows

[...]

e) A *use, building, structure, or lot* used by a *public agency* to provide or support services to the *public*. This may include, but is not limited to, a municipal office building, a public community centre, public auditorium, a public library, public washroom, the provision of emergency services and related training, and a municipal or provincial works yard.

[...]

48. **THAT** Section 8 Urban Residential Zones, Table 8.5 Special Exceptions RM1 Zone, Zone Code RM1-18, be amended to replace the Minimum Lot Area and Minimum Lot Frontage with the applicable figures from finalized OMB/LPAT on the subject lands, being files PL160014 and PL160641, to be replaced as follows:

Minimum Lot Area: 180m<sup>2</sup>  
Minimum Lot Frontage: 6.0m

49. **THAT** Section 1.7 Administration is hereby amended to be replaced as follows:

#### Section 1.7 Administration

This By-Law shall be administered by the Policy Planning Division or, in the event of staffing changes, such other persons appointed by the General Manager of Development Services.

50. **THAT** Section 3 Definitions, DWELLING, SEASONAL / COTTAGE is hereby amended to be replaced as follows:

#### DWELLING, SEASONAL / COTTAGE

Means a *structure* used only for recreation or seasonal habitation purposes, with temporary living accommodations which are intended not be a year-round and not considered as a permanent residence and may include a trailer or a mobile home. Unless otherwise specified, the intent of 'seasonal purposes' as included within this definition shall mean between the dates of April 1<sup>st</sup> and October 31<sup>st</sup> in any calendar year.

51. **THAT** Schedule A of By-Law 61-16 is hereby amended to remove and replace Map 24 (304 East River Road), Maps 27 and 27C (43A Victor Boulevard), Map 74 (17 Ewart Avenue), Map 102 (427 West Quarter Townline Road), and Map 154 (311 Harley Road) with the attached Schedule A mapping of the corresponding map number to amend noted mapping errors.
52. **THAT** Schedule A of By-Law 61-16 is hereby further amended and updated to reflect any changes and consolidations as required by this amending By-Law or by decisions rendered final by the Local Planning Appeal Tribunal (LPAT).
53. **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 25<sup>th</sup> day of May, 2021.

**READ** a third time and finally passed in Council, this 25<sup>th</sup> day of May, 2021.

#### **THE CORPORATION OF THE COUNTY OF BRANT**

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David Bailey, Mayor

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Heather Boyd, Clerk