

BY-LAW NUMBER 16-24

- 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 #8)

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 The County of Brant initiated a review of its Zoning By-Law to correct identified errors in mapping and text, ensure its conformity with provincial and municipal policies, and to clarify interpretative provisions, and wishes to amend the Comprehensive Zoning By-Law for the County of Brant (By-law 61-16, as amended) for technical and housekeeping purposes;

AND WHEREAS the amendments are in conformity with the Official Plan for the County of Brant (2012), consistent with the *Provincial Policy Statement (2020)* and conform to the policies of the *Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020)*;

AND WHEREAS the Council of the Corporation of the County of Brant deems these amendments 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 that By-Law 61-16, as amended, be further amended as follows:

1. THAT Section 5.7.f.) be hereby removed.
2. THAT Any requirement that provides there is a minimum of 1.8metres between dwellings or structures be removed from site specific zones, including *R1-18, R1-19, R1-20, R1-32, R1-38, R1-40, R1-44, R1-46, R1-48, R1-50, and RM1-8.*
3. THAT Section 4.21 – Lot Frontage Regulations, clause a.) be hereby removed and replaced as follows:
 - a.) Notwithstanding any other provision in this By-Law, no building or structure shall be erected, and no use shall be established on a lot that does not have frontage that provides direct access to an improved and currently maintained street, or have frontage on a private street as described in a registered Plan of Condominium.
4. THAT the clauses of Section 4.18 – Landscaped Open Space be hereby removed and replaced as follows:
 - a.) It is the intent of the landscape open space provisions of this By-law to facilitate the use of an area of land for the purposes of outdoor amenity space and prescribed drainage features in accordance with the definitions of Section 3 of this By-Law.
 - b.) The landscaped open space in any Residential Zone may include any part of the lot which is sodded or gardened, used as a pedestrian walk, play area, swimming pool, uncovered patio, or similar outdoor amenity space, but shall not include any part of the lot used for parking or access driveways or any part of the lot that is covered by a structure.
 - c.) The required landscaped open space in any Zone shall be kept free of buildings, structures, parking areas, loading spaces, driveways, and outdoor storage.

5. THAT any requirement that provides a minimum front yard landscaped open space in an urban residential zone b removed from site specific zones, including R2-39, RM1-37, RM2-11, RM2-21, RM2-23, and RM2-25
6. THAT Section 4.34.4 – Grading and Drainage Setbacks, clause b.) be hereby removed and replaced as follows:
 - b.) Any structure shall require a minimum setback of 0.6m to any side or rear lot line to facilitate the prescribed drainage feature(s) for the property.
7. THAT Section 4.44 – Yard Encroachments, Table 4.44.1, be hereby amended to add reference to cantilevered exterior stairs in addition to the existing table, and to amend the permitted encroachment description for accessibility ramps as follows:

Structure	Yard in which structure is permitted	Permitted encroachment into required yard
Cantilevered exterior stair (including landing)	All yards	No required setback provided no portion of a base, posts, or similar structural support is closer than 0.6m to any lot line and provided the cantilevered portion of the structure does not inhibit the function of a prescribed drainage feature or access through the required yard.
Accessibility Ramps	All yards	No required setback provided such an access ramp meets the applicable barrier-free requirements of the Building Code.

8. THAT Table 5.11.1 – Parking Requirements for Residential Uses Table be hereby amended under the “Apartment Dwelling” housing form and minimum required off-street parking space regulations as follows:

Housing Form	Minimum Required Off-Street Parking Space Regulations
Apartment Dwelling	1 space per unit (studio and/or 1 bedroom) +0.25 spaces per additional bedroom that goes beyond a studio/ 1-bedroom typology +0.35 visitor spaces per unit

9. THAT Section 3 – Definitions be hereby amended to replace the definition of a “Dwelling” as follows:

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. Notwithstanding any definition or standard of this By-Law to the contrary, the definition of a dwelling shall include any structure that can obtain approval for residential occupancy under the Ontario Building Code.

10. THAT Section 4.5 – Additional Residential Units, clauses x) and b.viii) be hereby replaced as follows:

x) Where a detached additional residential unit, or any related development area, is proposed on lands outside of a settlement area boundary as designated in the County of Brant Official Plan, such a proposal may be permitted provided: [...]

b.) viii) If the additional residential unit is located within an accessory structure, and not connected to the primary dwelling unit, the additional residential unit must meet the requirements for an accessory structure or building on the lot in accordance with Section 4.2, Table 4.4.1 of this By-Law,

11. THAT Section 10.4 – Regulations for Existing Dwellings be hereby replaced as follows:

10.4 – Regulations for Existing Dwellings

- a) Notwithstanding any other provisions of Section 10 to the contrary, where in any Commercial Zone a legally established dwelling unit exists, it shall be deemed to conform to the requirements of this By- Law provided it complies with the applicable requirements of the *Building Code Act* and/or *Fire Protection and Prevention Act* for the purposes of ensuring safe housing. Any additions, extensions, renovations, or repair to such dwelling shall be permitted provided it meets the Zone regulations as if it is located in the nearest Residential Zone.
- b) Any accessory uses, buildings, or structures, including Additional Residential Unit(s) and home occupation(s), shall be permitted as if it is in the nearest Residential Zone and shall comply with the applicable sections of this By-Law.

12. THAT Section 4.4 – Regulations for Accessory Buildings and Structures, clauses b) and f) be hereby replaced as follows:

b) Accessory structures or buildings having a floor area of 15 sq. m (161 square feet) or lesser that do not require a permit under the *Building Code Act* can be located in a rear yard or interior side yard setback, provided they are a minimum of 0.6m from any lot line.

f) A patio accessory to a residential use shall be considered landscaped open space provided it remains uncovered.

13. THAT Section 4.3 – Connected Structures be hereby replaced as follows:

When an accessory building or structure is attached to a main building on the same lot by a breezeway or similar roofed passage, or by an open or enclosed structure above grade, or by a floor or foundation which is above grade, the accessory structure shall be deemed to be part of the main building and shall maintain the zone requirements of the main building.

14. THAT Section 3 – Definitions be hereby amended to add a definition to subsection 3.1 – A as follows:

AGRICULTURAL EVENT

Means a temporary or intermittent activity that does not permanently displace agricultural land, require permanent alterations to existing buildings, or require the construction of new buildings.

15. THAT Section 3 – Definitions be hereby amended to replace the definition for ‘Farming Operation or Farm Operation’ as follows:

FARMING OPERATION or FARM OPERATION

Means lands that are assessed as farmland and have a valid Farm Business Registration Number or an official letter of exemption from Agricorp, for the purpose of on-site agricultural uses, but does not include cannabis production and processing.

16. THAT Section 6.3 – Agriculture-Related Uses, clause d.) be hereby replaced as follows:

d) The majority of the product processed, preserved, packaged and/or stored shall be from farm operations within the surrounding area, including crops used to produce wines, beers and spirits, feedstock, or similar products.

17. THAT Section 6.4 – On-Farm Diversified Uses, clauses i), n), and p) be hereby replaced as follows:

i) Production lands which are used for the growing of crops and are simultaneously used as part of an activity area, such as a corn maze, shall not be included in the area calculations for the on-farm diversified use. However, these activity areas shall not exceed five percent (5%) of the total lot area of the subject lands. Where production lands are used for the purposes of a pick-your-own operation, such lands shall not be included in the area calculations for the on-farm diversified use, but areas for the purpose of additional retail or visitor amenities shall be included.

n) Requirements related to the size and scale of an On-Farm Diversified Use are intended to limit the use to ensure that it remains secondary to the principal farm operation. The provisions of this section are considered cumulative maximums regardless of the number of diversified uses proposed on the property.

p) An agricultural event may be considered an on-farm diversified use and shall be subject to all requirements within Subsection 6.4 of the By-Law. Agricultural events that are beyond the scale of an on-farm diversified use (2% of the farm to a maximum of 1 hectare) shall only be permitted on a temporary basis through a temporary zoning by-law amendment. Any such agricultural event shall be subject to the provision of required parking on-site at a rate of 1 space per 25m² of event area.

18. THAT Section 6.4 – On-Farm Diversified Uses be amended to add clause q) and r) as follows:

q) As a wide variety of uses may qualify as an On-Farm Diversified Use, parking requirements shall be applied based on the type of use(s) proposed in accordance with Table 5.12.1. Where similar uses exist in Table 5.12.1, the more restrictive parking requirements shall apply.

19. THAT Table 5.12.1 – Parking Requirements for Non-Residential Uses be hereby amended to remove reference to On-Farm Diversified Use as a Type of Use and the corresponding Minimum Required Off-Street Parking Regulations so that parking requirements can be applied as per newly added Section 6.4.q).

20. THAT Subsection 15.2.2 – Temporary Home-Based Business Program, the preamble clause, be hereby amended to extend the temporary zoning expiry to September 1st, 2026, and to hereby add the following phrase:

A home industry, as defined by Section 3 of this By-Law, shall not be considered a home-based business.

- 21. THAT Section 3 - Definitions, subsection 3.8 – H, be hereby amended to add a new definition and amend the existing “Home Business” definition as follows:

**HOME-BASED BUSINESS PILOT PROJECT,
HOME-BASED BUSINESS**

Means a small-scale commercial or institutional service or activity that operates within a dwelling, accessory residential building, or located outdoors on a residential property, resulting in a product or service being provided to patrons, and is incidental to a permitted residential use.

**HOME BASED BUSINESS PILOT PROJECT,
HOME INDUSTRY**

Means a small-scale industrial activity that operates within a dwelling, accessory residential building, or located outdoors on a residential property, resulting in a product or service being provided to patrons, and is incidental to a permitted residential use. For greater clarity, a home industry shall be considered separate and excluded from a Home-Based Business and an On-Farm Diversified Use.

- 22. THAT Section 4.12 – Greenhouse Regulations, Table 4.12.1, specifically the “Open Storage” provisions, be hereby deleted.
- 23. THAT Section 10.6 – Outdoor Retail Display, specifically the preamble and clause a, be hereby replaced as follows:

A permanent outdoor retail display area shall be permitted in certain Commercial Zones as part of the main use, provided the following requirements are met:

- a) The outdoor retail display shall only be permitted in the C2, C3, and C6 Zones;

- 24. THAT Section 2.4.1 be hereby amended to remove reference to any “prefix” zoning and be replaced as follows:

Where a zone symbol is preceded by an additional zone symbol, such a zone is generally applied as an overlay zone. For each overlay zone, this By-Law sets out standards and special provisions that are applied in addition to the standards of the underlying zone category. Overlay standards are similar to site-specific standards in that they may apply or remove provisions of the underlying zone category in specific geographic areas. It is the general intent of this By-Law that overlay zones may be refined but are not to be removed. For the purposes of applying Overlay zone symbols, the classification of overlay zones of this By-Law shall be as noted in Table 2.4.1.

- 25. THAT Table 2.4.1 Overlay Zone Symbols be hereby amended to add reference to Watercourse and Municipal Drains as follows:

Overlay Name	Overlay Zone Symbol	Overlay Description
<u>Watercourse and Municipal Drains</u>	<u>w</u>	<u>Where the symbol “w” appears on any map in Schedule ‘A’, the lands are identified as being within proximity to a watercourse or municipal drain. The provisions and standards applicable are detailed in Section 4.34 Special Setbacks</u>

26. THAT Section 3 – Definitions, subsection 3.18 – R be hereby amended to replace the definition for a “Recreational Establishment” as follows:

RECREATIONAL FACILITY

Means the use of a lot, building, or structure designed for the purpose of accommodating various forms of indoor or outdoor sports and recreational activities, regardless of public, private, or commercial ownership, and shall include but not be limited to a place of entertainment, recreational establishment, an arena, tennis, squash, handball and badminton courts, banquet hall or assembly hall, billiard or pool room, bingo hall, bowling alley, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, indoor playgrounds, but does not include campgrounds, recreational trailer parks, or a facility or area for war games.

27. THAT the following uses be amended in the permitted uses under Section 10 – Commercial Zones under Table 10.1.1, to be permitted as indicated below:

List of Uses	Zones					
	C1	C2	C3	C4	C5	C6
Assembly Hall		•	•	•	•	
Auditorium		•	•	•	•	
Recreational Establishment		•	•	•	•	
Place of Worship		•	•	•	•	

28. THAT Section 11.2.1 – Zone Requirements Table be amended to add the following to the “M3” column in the row denoting the “Commercial Floor Area, Maximum”:

“10% of the gross floor area of the permitted use to which it is accessory”

29. THAT The provision following Section 11.2.1, being the asterisk attributed to the “Building Height, Maximum (metres)” and the corresponding footnote text, be removed.

30. THAT Section 3 – Definitions related to “Trailer”, “Transport Terminal or Truck Terminal”, and “Vehicle, Commercial” be hereby replaced as follows:

TRAILER

Means a vehicle designed to be towed by a motor vehicle for the purpose of transporting or for the purpose of storing goods, materials, and equipment, including boat and snowmobile trailers. For further clarity, this definition does not include a tractor trailer, semi-trailer, or similar portable unit, which shall be considered a commercial vehicle as defined by this by-law and does not include any farm tractor or self-propelled implement of husbandry as defined by the Highway Traffic Act, R.S.O. 1990, c. H.8, as may be amended.

TRANSPORT TERMINAL or TRUCK TERMINAL

Means any premises used for the transfer of goods that primarily involves the loading and unloading of freight-carrying trucks, and accordingly, involving any storing, parking, servicing, and or dispatching of any freight-carrying trucks.

VEHICLE, COMMERCIAL

Means a vehicle having attached to it, or the ability to attach to it, a truck or delivery body and includes any ambulance, mobile refreshment cart, hearse, cube van, casket wagon, school bus, tilt and load truck, dump truck, fire apparatus, bus, tractor, or commercial trailer that may be used for hauling purposes on a public right-of-way.

- 31. THAT Table 15.2.1 Temporary Zone Provisions Table is amended to remove reference to any expired site-specific temporary use zoning codes, being any entry where the date under the “Date Temporary Use Expires” column is noted as occurring before February 28th, 2024.
- 32. THAT the provisions for site-specific zone SR-60 be added to Section 9.3 as further described in By-Law 093-22.
- 33. THAT the zoning of the property at 1,3, and 5 Market Street, subject to road widening and sale of land, be hereby amended from OS1 to C1 as illustrated on Schedule A attached to and forming part of this By-Law.
- 34. THAT the provisions for site-specific zone A-195 be added to Section 6.5 as further described in By-Law 055-22.
- 35. THAT the lands at 70 William Street be hereby zoned site-specific residential singles and semis (R2-42) and Paris Special Policy Area Floodplain (s) as illustrated on Schedule A attached to and forming part of this By-Law, and that Section 8.4 Special Exceptions R2 Zone be hereby amended to include the following:

By-Law No.	Zone Code	Description
<i>As described in this By-law</i>	R2-42	Notwithstanding any provision of this By-Law to the contrary, within any area zoned R2-42 on Schedule “A”, in addition to the uses permitted within the R2 zone, a Community Hall and attributed accessory uses shall also be permitted. All other applicable requirements of the By-Law shall continue to apply.

- 36. THAT the provisions for site-specific zone RR-60 be added to Section 9.5 as further described in By-law 095-22
- 37. THAT the zoning of the property at 170 Trillium Way be hereby amended from OS2 to RM3 as illustrated on Schedule A attached to and forming part of this By-Law.
- 38. THAT the zoning of the property located at 182 Maple Avenue be hereby amended to apply site specific residential hamlets and villages zone (RH-30) to permit a maximum accessory structure heigh of 5.5 metres, as previously permitted in By-Law 110-01 as amended (VR1-35) and as illustrated on Schedule A attached to and forming part of this By-Law, and that Section 9.4 Special Exceptions RH Zone be hereby amended to include the following:

By-Law No.	Zone Code	Description
<i>As described in this By-law</i>	RH-30	Notwithstanding any provision of this By-Law to the contrary, within any area zoned RH-30 on Schedule "A", an accessory building may have a maximum height of 5.5 metres. All other applicable requirements of the By-Law shall continue to apply.

39. THAT the zoning of the property located at 205 Beverly Street be hereby amended to reduce the property's NH1 zone and apply an OS1 zoning consistent with the recommendations of the St. George Comprehensive Masterplan Study, while the holding provision (h-21) and flood plain overlay (fp) remain the same, as further illustrated on Schedule A attached to and forming part of this By-law.
40. THAT the provisions for site-specific zone A-23 be added to Section 6.5 as further described in By-law 068-22.
41. THAT the provisions for site-specific zone A-184 be added to Section 6.5 as further described in By-Law 057-22.
42. THAT the provisions for site-specific zone T-101 as related to the framework for the Temporary Home-Based business provisions also extended by this By-Law, be hereby extended to September 27th, 2026.
43. THAT the zoning of the lands being all of PIN 320570075 located abutting Ellis Avenue be hereby amended from A to NH for the purposes of prohibiting developing in relation to surrounding natural heritage features as further illustrated on Schedule A attached to and forming part of this By-law.
44. THAT the zoning of the lands at 291 and 301 Brant County Road #18 be hereby amended to rezone the lands from A to site-specific zone A-186 to recognize an undersized farm parcel of approximately 10.2ha as further illustrated on Schedule A attached to and forming part of this By-Law, and that Section 6.5 be further amended to include the following:

By-Law No.	Zone Code	Description
<i>As described in this By-law</i>	A-186	Notwithstanding any provision of this By-Law to the contrary, within any area zoned A-186 on Schedule "A", a lot area of 10.2 hectares for an undersized agricultural parcel shall be permitted All other applicable requirements of the By-Law shall continue to apply.

45. THAT the zoning of the lands at 526 and 528 Scenic Drive, as applied by By-law 50-22 and the decision rendered by the Ontario Land Tribunal (OLT-22-002017) be hereby amended to assign RR-59 to the site-specific zoning of the subject lands.
46. THAT the zoning of the properties along Bowen Place, being all of the properties in Plan of Subdivision 2M-1969 registered on October 1, 2021 as plan document BL413767 be hereby amended from SR and SR-52 to an amended SR-52 as further illustrated on Schedule A attached to an forming part of this By-Law, and that Section 9.3 be hereby amended to replace SR-52 as follows:

By-Law No.	Zone Code	Description
104-19	SR-52	Notwithstanding any provisions of this by-law to the contrary, any area zoned SR-52 on Schedule "A" attached hereto, shall permit a minimum lot frontage of 20.0m for lots 7,8,9,10, 18 and 19 as described on Plan of Subdivision 2R-1949.

47. 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 Ontario Land Tribunal (OLT) or any of its predecessors.
48. **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 27th day of February 2024.

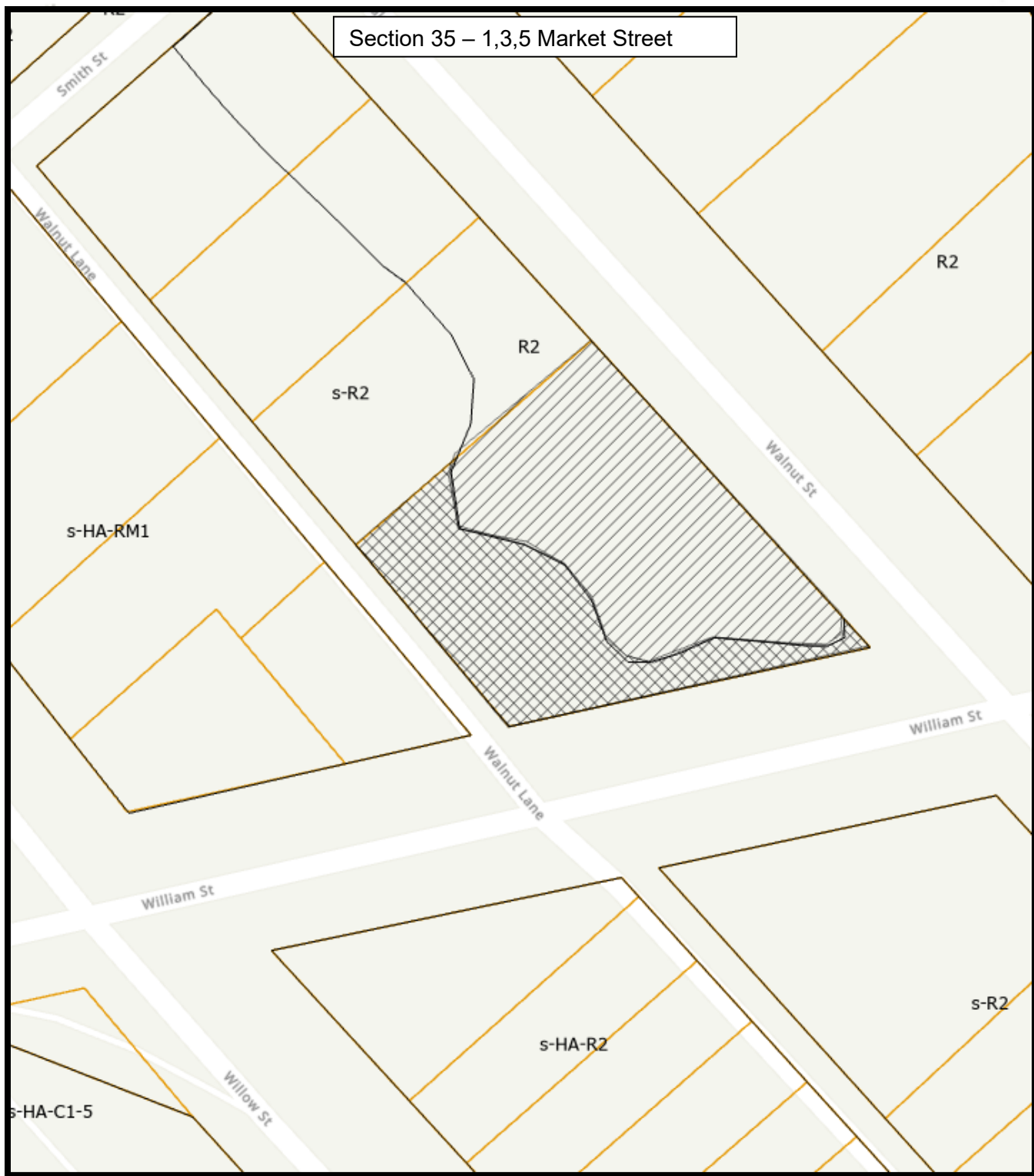
READ a third time and finally passed in Council, this 27th day of February 2024.



THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk

Section 35 – 1,3,5 Market Street



-  s-R2 to s-R2-42
-  R2 to R2-42



SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. 16 -24



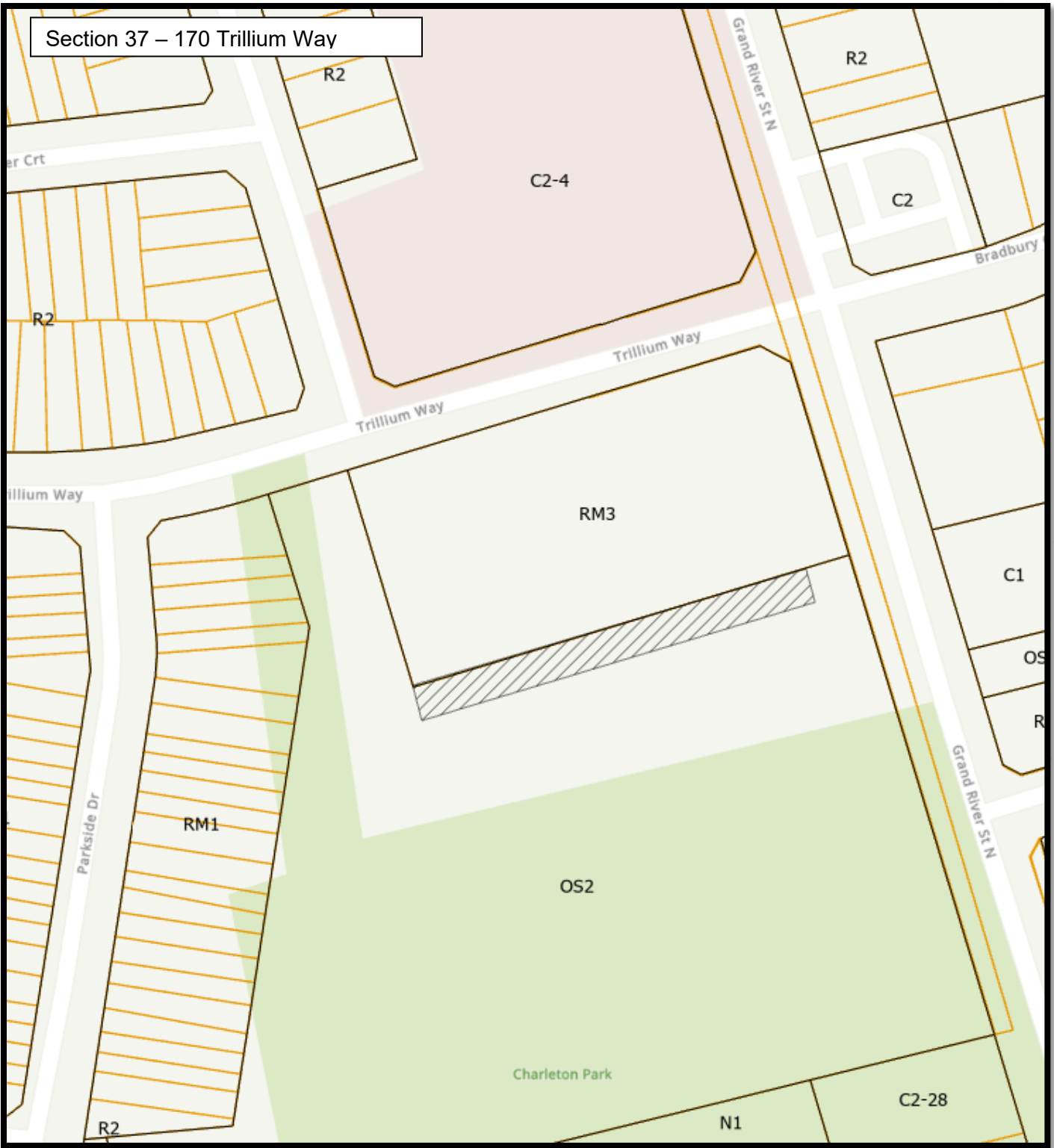
SCHEDULE 'A'
COUNTY OF BRANT
 BY-LAW No.

16 -24



OS1 to C1

Section 37 – 170 Trillium Way

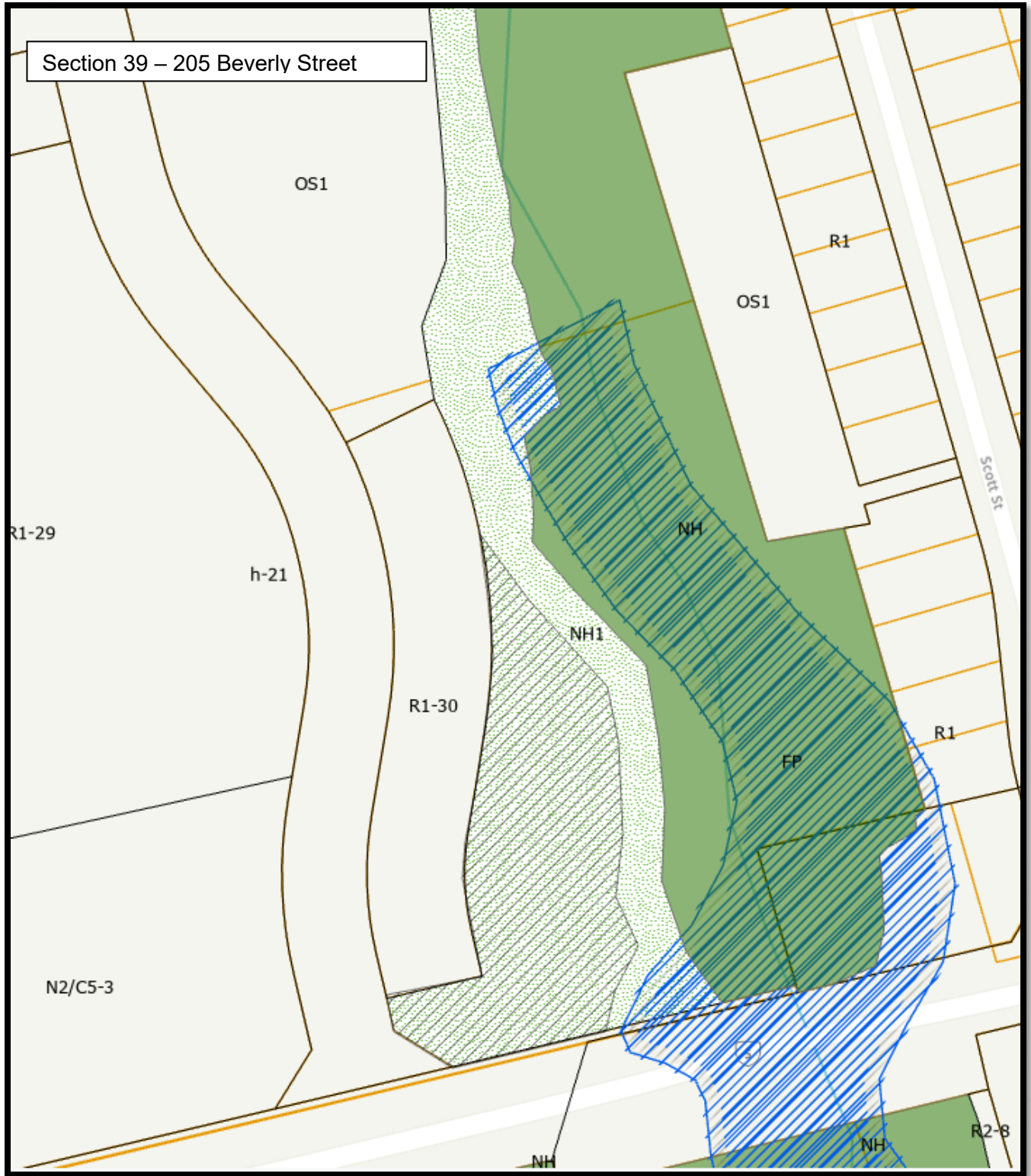


SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. 16-24




OS2 to RM3

Section 39 – 205 Beverly Street



SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. 16-24

 NH1 to OS1

Section 38 – 182 Maple Avenue

A-172

A

A

Fairfield Rd

OS1

RH

RH

Maple Ave S

Maple Ave S

A

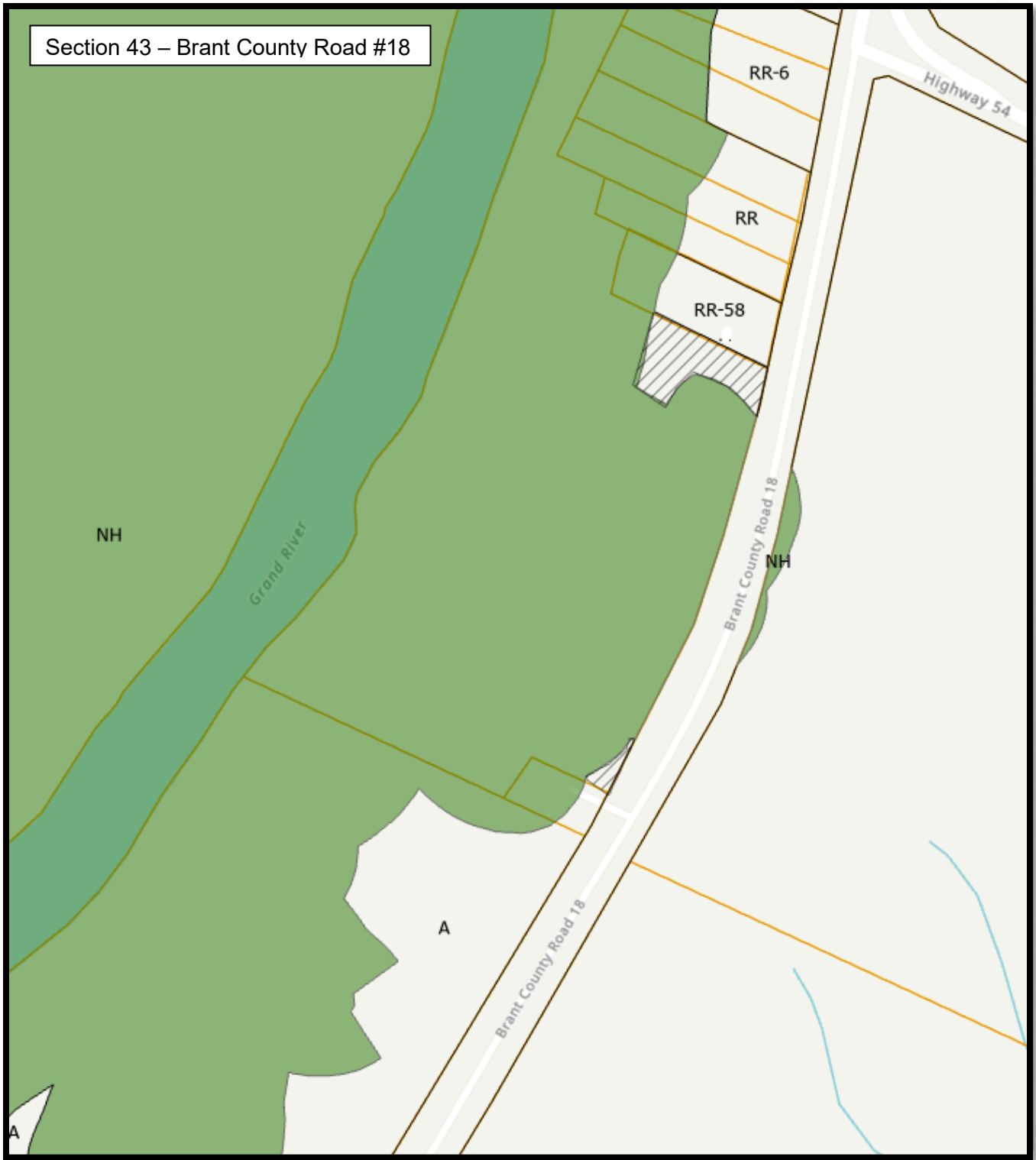


SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. 16 -24



RH to RH-30

Section 43 – Brant County Road #18

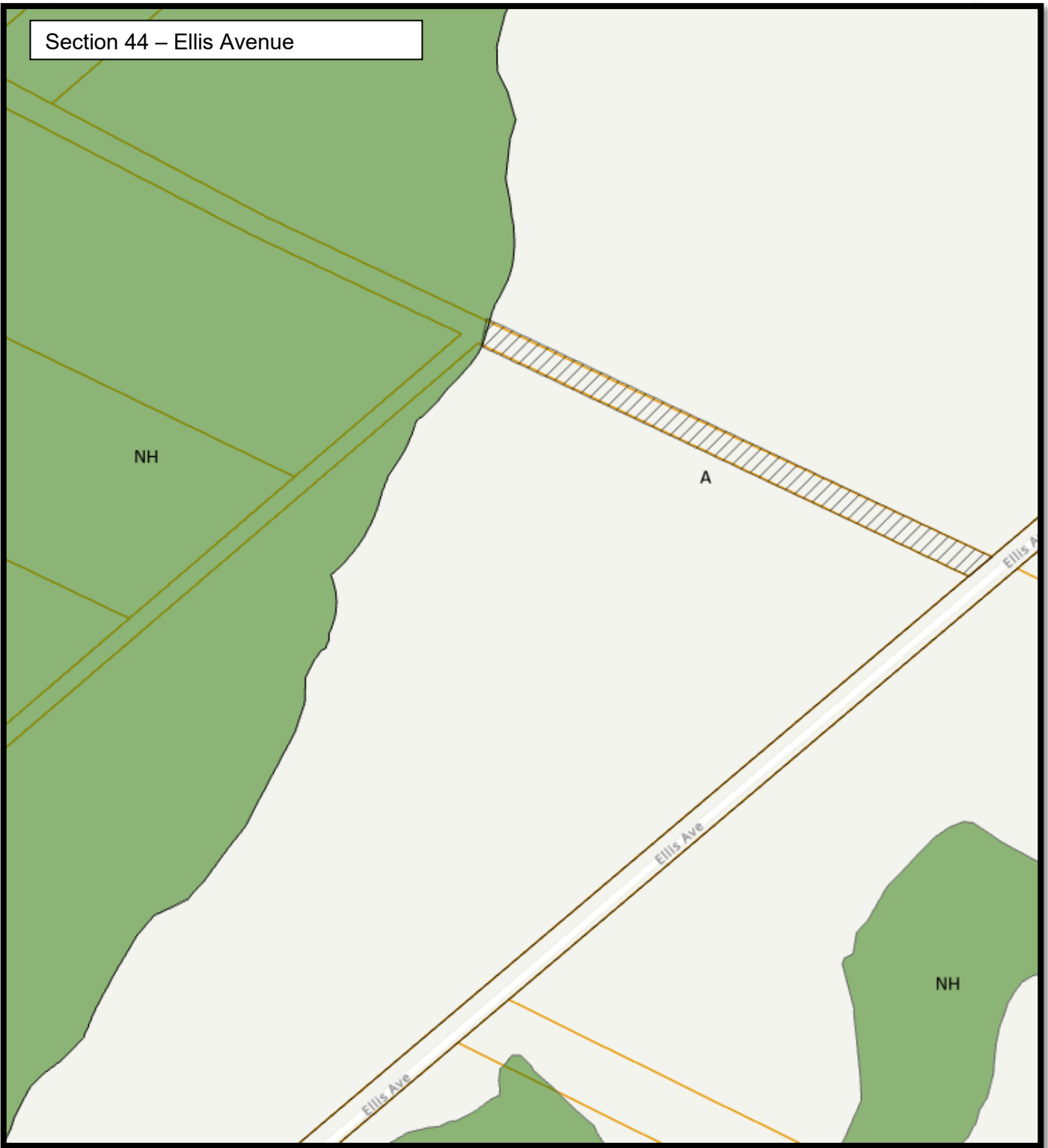


SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. 16-24

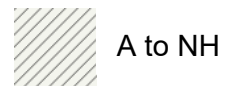


A to A-186

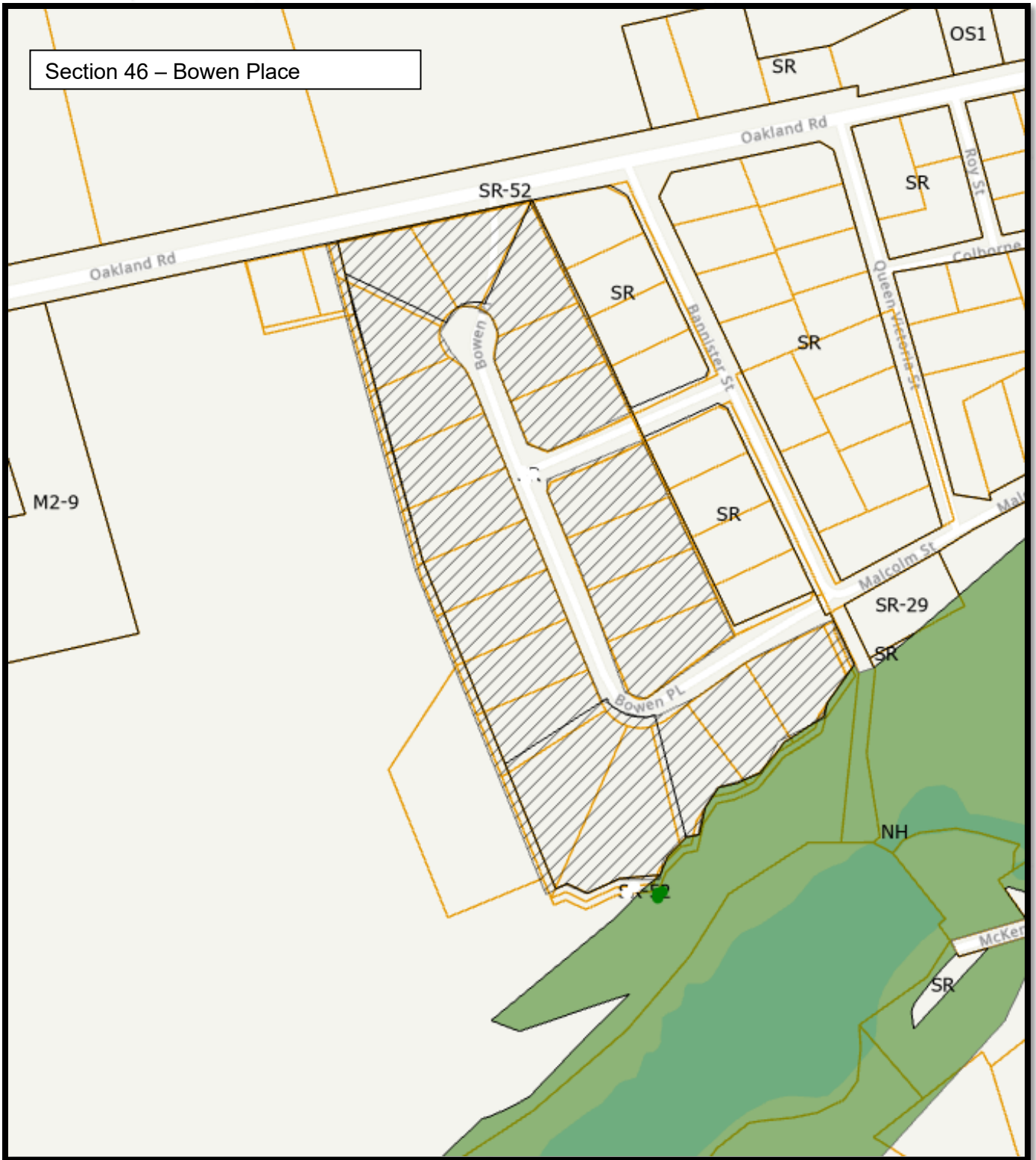
Section 44 – Ellis Avenue




SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. 16-24



Section 46 – Bowen Place



SCHEDULE 'A'
COUNTY OF BRANT
BY-LAW No. 16 -24

 SR and SR-52 to
SR-52 (amended)