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1 Introduction



The City of Brantford New Zoning By-law Project is a comprehensive phased approach that will establish a new Zoning By-law for the City of Brantford that is in conformity with the City's Official Plan - Envisioning our City: 2051, Provincial policies and emerging best practices. It will replace the current City of Brantford Zoning By-law 160-90 and the County of Brant Zoning By-law 61-16 that applies to the municipal boundary adjustment lands. The new Zoning By-law will regulate all lands within the City of Brantford, including the former County lands, and it will provide zoning direction in a clear, concise and easy to read document.

The New. Zoning By-law Project will occur over approximately twenty-seven months, divided into six phases, as outlined below.

Phase 1 included background research related to development activity within the City and variances to the existing Zoning By-law. In addition, the phase included a review of the City's reports related to land use, transportation, parking, and urban design.

Phase 2 included the preparation of the Public Consultation and Communication Plan, outlining the key timelines for engagement and presentation to the project's commenting Committees. Engagement feedback will be incorporated into the Discussion Papers in the third phase and the subsequent Comprehensive Zoning By-law.

Phase 3 includes the preparation of Discussion Papers, including this report, related to:

- Zoning By-law Structure;
- General Provisions;
- Definitions;
- · Parking and Loading Standards;
- Residential Zones:
- Mixed-Use Zones:
- Employment Zones;
- Institutional Zones;
- Agricultural Zones; and
- Other Zones.

Phase 3 will also include public input into the Discussion Papers, as well as presentations to the Council's Zoning By-law Task Force and the Committee of the Whole – Planning and Administration.

Phase 4 will include the preparation of the Strategic Directions Report, public engagement events, and a presentation to the Committee of the Whole – Planning and Administration.



Phase 5 will include the preparation of the first draft of the new Zoning By-law, as well as public consultations, and the circulation of the draft among City Departments and commenting agencies.

Phase 6 will include the preparation and approval of the final new Zoning By-law, as well as public consultations, and circulation among City Departments and commenting agencies.

1.1 What is a Zoning By-law?

A Zoning By-law implements the direction of the Official Plan and contains specific requirements for parcels of land including but not limited to:

- Permitted uses:
- Permitted building types;
- Building height;
- Where buildings and structures can be located on a lot i.e., front, side and rear yard setbacks;
- Lot standards such as minimum lot area and frontage; and
- Parking standards.

As noted above, a Zoning By-law implements the direction of the Official Plan, which is required to be consistent with and conform to the Provincial policies. Provincial land use documents in Ontario such as the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe outline the rules and direction for land use. Provincial policies typically provide more general direction for land uses whereas Official Plans provide more details for land uses. A Zoning By-law provides specific details for an individual property. Ontario's land use planning framework structure is illustrated in **Figure 1**.



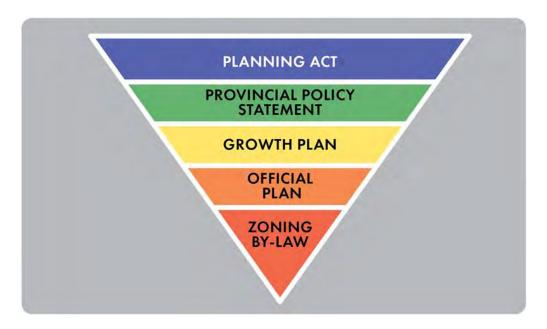


Figure 1: Ontario's land use planning framework

1.2 Why does it matter to you?

The new Zoning By-law will implement the vision of the City's new Official Plan - Envisioning our City: 2051, influencing the look and feel of the City.

As residents and stakeholders in and around the City, you have an important role to play in shaping the future of the City. As experts of your community, you can provide insights to help inform and influence a variety of aspects of the Zoning By-law such as urban design standards, provisions related to parking and park space, as well as building types and density.

1.3 Purpose of this Discussion Paper

The purpose of this Other Zones Discussion Paper is to identify a general blueprint for the remaining zones in the new Zoning By-law that have not already been addressed in the previous Discussion Papers 1 through 9 for the New Zoning By-law Project. This Discussion Paper reviews the remaining two land use designations of the Brantford Official Plan (Core Natural Areas Designation and Parks and Open Space Designation), followed by a review of existing zones found within those designations and other zones not already addressed including the Open Space and Natural Heritage Zones, the Planned Unit Development Type One Zone, and the Development Constraint Zone. This Discussion Paper also explores built form best practices for these types of zones in other municipal zoning by-laws. This analysis helps inform the recommended zone options and corresponding built form provisions to be included in the new Zoning By-law.



1.4 Structure of the Paper

The contents of this Discussion Paper are outlined below:

- Chapter 1: provides an overview of the New Zoning By-law Project, outlining what a Zoning By-law is and why it is relevant to the growth of the City and describes the purpose of the Other Zones Discussion Paper.
- Chapter 2: summarizes the structure of the Core Natural Areas Designation and the Parks and Open Space Designation within the City of Brantford Official Plan Envisioning Our City: 2051 and describes the existing zones that apply to lands within the designations. It also identifies discrepancies between these designations and the current zoning.
- Chapter 3: summarizes the best practices for Open Space and Core Natural Areas Zones in other municipal by-laws.
- Chapter 4: reviews the Development Constraint Zone, the Planned Unit Development Type One Zone, Holding, Flood and Temporary Use Zones, and source water protection requirements.
- Chapter 5: contains the conclusions and next steps.



2 Core Natural Areas and Parks and Open Space Designations and Related Zones

The Core Natural Areas Designation and the Parks and Open Space Designation are

The Core Natural Areas Designation and the Parks and Open Space Designation are the only designations of the City of Brantford Official Plan not previously addressed by other Discussion Papers for this New Zoning By-law Project. This chapter outlines the permitted uses in the Core Natural Areas Designation and the Parks and Open Space Designation and documents which zones apply within these designations. A review of each zone's permitted uses is compared with the relative designation to determine how to proceed with zoning these lands in the new Zoning By-law.

2.1 Core Natural Areas Designation

2.1.1 Core Natural Areas Designation Policies

The Core Natural Areas Designation in the City is shown in **Figure 2**, in pale green, and is generally located in the outer portions of Brantford and along the Grand River.

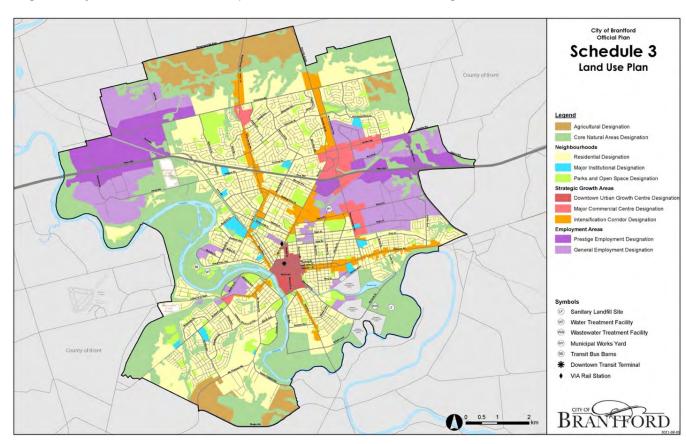


Figure 2: City of Brantford Official Plan Schedule 3 Land Use Plan



The Core Natural Areas Designation is comprised of provincially significant wetlands, woodlands, and valley lands, significant wildlife habitat attributes and functions, significant areas of natural and scientific interest, hazard lands, other natural heritage features, and enhancement/restoration areas. Subject to the results of an Environmental Impact Study, permitted uses within the Core Natural Areas Designation include:

- conservation uses:
- public parks and trails and other passive recreational facilities;
- buildings or structures supportive of public parks and trails and other passive recreation facilities;
- building or structures necessary for flood or erosion control;
- · existing golf courses and other existing uses; and
- agricultural uses.

Additionally, municipal infrastructure projects in alignment with the Official Plan, Secondary Plans, Plans of Subdivision and/or approved Environmental Assessments (EAs) are permitted subject to mitigation measures set out in approved Environmental Impact Studies.

Buildings or structures are not permitted in Core Natural Areas except with approval of the City in consultation with the Conservation Authority for the above-noted uses.

2.1.2 Existing Uses in the Core Natural Areas Designation

Lands within the Core Natural Areas Designation, shown on **Figure 2**, are predominantly undeveloped natural areas including forests and watercourses, as well as farms, and other open spaces or vacant lands. Several other uses are found within the designation including:

- A residential neighbourhood located west of the Grand River;
- A country club, golf course and residential neighbourhood located north of the Grand River;
- A cemetery along the western boundary of Brantford;
- A contractor's yard along Adams Road; and
- A landfill site along Mohawk Street.



2.1.3 Zones within the Core Natural Areas Designation

The majority of the lands within the Core Natural Areas Designation are zoned:

- Natural Heritage (NH) (County of Brant Zoning By-law 61-16) which represents natural features;
- Open Space Type 1 (OS1) which consists mostly of parks and a golf course:
- Open Space Cemetery Zone (OS2) which is intended for cemeteries and contains the Oakhill Cemetery; and
- Open Space Restricted (OS3) which applies along the Grand River corridor and floodplain.

There is no natural heritage or environmental protection zone in the Brantford Zoning By-law.

In addition, there are select sites within the Core Natural Areas Designation that are zoned:

- Development Constraint Zone (DC);
- Planned Unit Development Type One Zone (PUD1);
- Agricultural Zone (A) (County);
- Business Park Industrial Zone (M3);
- General Commercial Zone (C8);
- Residential Estate Zone (RE);
- Residential Type 1A Zone (R1A);
- Residential Type Zone (R1B); and
- Residential Type Zone (R3).

The remainder of this section describes the location of these zones found in the Core Natural Areas Designation and the existing uses in these zones, and provides recommendations for addressing these lands in the new Zoning By-law. The Development Constraint (DC) Zone and Planned Unit Development Type One Zone are discussed in **Chapter 4** of this Discussion Paper.

The Agricultural (A) Zone applies to some of the boundary adjustment lands that are designated Core Natural Areas. It is recommended that all lands zoned Agricultural within the Core Natural Areas Designation be changed to a Core Natural Zone in the new Zoning By-law to conform to the Core Natural Areas Designation.

The Business Park Industrial (M3) Zone within the Core Natural Areas Designation is located southwest of Oak Park Road and Highway 403 abutting the Grand River as shown on **Figure 3**. Per the Official Plan, the site is also located in Modified Policy Area (MPA) 24 (**Figure 4**) and known as the Cornell Lands (Northwest Business Park). Modified Policy Area 24 states that the Prestige Employment Designation development policies shall apply provided studies and a comprehensive plan are completed to the satisfaction of the City. Ancillary uses permitted in the Prestige Employment



designation, with the exception of automobile centres and repair shops and convenience retail are also permitted provided they do not front onto an Arterial or Collector Road. The site is currently vacant with a site-specific permission for additional aggregate uses and a holding provision (H-M3-1). It is recommended that this area be included in the Core Natural Zone in the new Zoning By-law with a site specific provision to address the MPA.

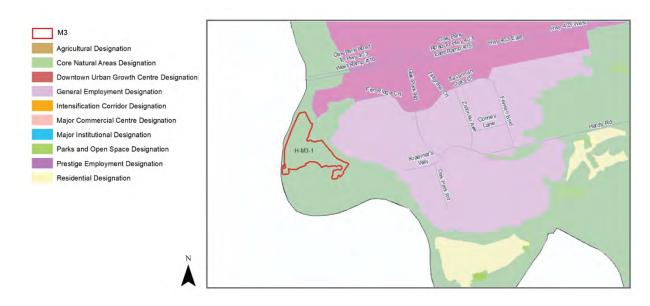


Figure 3: Business Park Industrial (M3) Zones in Brantford

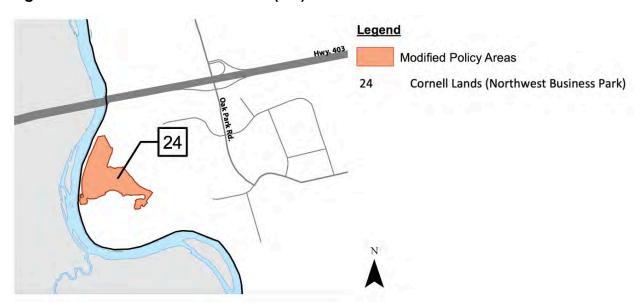


Figure 4: Brantford Official Plan Modified Policy Area 24 located at Cornell Lands (Northwest Business Park)

Three General Commercial (C8) Zones within the Core Natural Areas Designation are located south of Powerline Road and west of King George Road as shown on **Figure 5**.



These properties are municipally known as 333 King George Road (HC8-93), 319 King George Road (H-C8-5), and 464 Powerline Road (C8-5). Each of the zones has a site-specific provision (C8-5 and C8-93) and two have a holding provision. All three sites are currently vacant and located within a woodlot and stream corridor. It is recommended that they be included in the Core Natural Zone, consistent with the Core Natural Areas Designation.

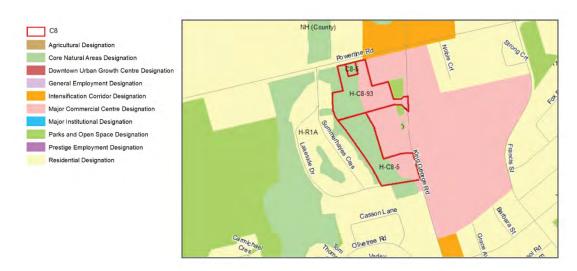


Figure 5: General Commercial (C8) Zones in the Core Natural Areas Designation

The Mixed Commercial Residential (R3) Zone applies within the Core Natural Areas Designation on the corner of Shellard Lane and Hillcrest Avenue as shown on **Figure 6** and is occupied by a steep wooded slope. The zone appears to encompass an undevelopable area at the rear of existing townhouse dwellings and should be included in a Core Natural Zone in the new Zoning By-law. Areas to the east are zoned OS1.

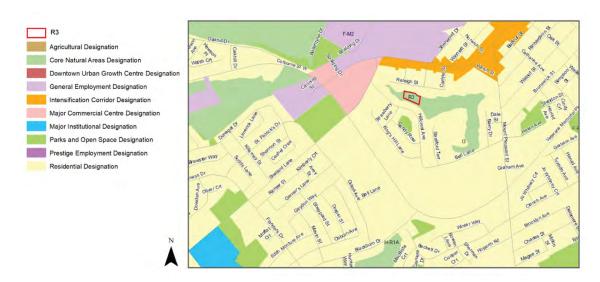


Figure 6: Mixed Commercial Residential (R3) Zones in the Core Natural Areas Designation



There are two instances in which the Residential Estate (RE) Zone is located in the Core Natural Areas Designation. There is one RE Zone located between the SC Johnson Trail and the Grand River at the end of Kerrs Lane as shown on **Figure 7** which consists of several residential homes. This zone is also part of the Official Plan's Modified Policy Area 7 as shown in **Figure 8** which states that existing development on the lands may be serviced by private sanitary sewage disposal systems. This zone is recommended to be carried forward as a Core Natural Zone with a site specific to allow for existing houses only.

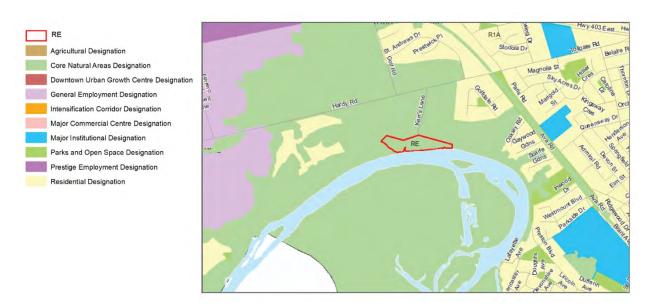


Figure 7: Residential Estate (RE) Zones in the Core Natural Areas Designation

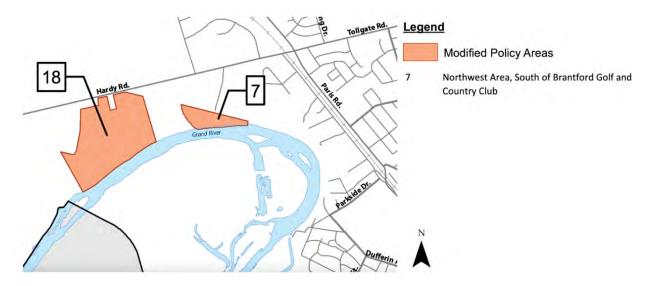


Figure 8: Brantford Official Plan Modified Policy Area 7 located at Northwest Area, South of Brantford Golf and Country Club



A second RE Zone is located between the CN Rail Trail and Shellard Lane consisting of farmland and natural features as shown on **Figure 9**. The lands are also subject to a holding provision and the Official Plan's Modified Policy Area (MPA) 20 as shown on **Figure 10**. Development within MPA 20 is not required to achieve a minimum density target if included within the Designated Greenfield Area (DGA). Permitted uses within this area include large lot single detached housing and low impact recreational uses provided several studies are completed. This zone is also recommended to be carried forward as a Core Natural Zone with a site specific to permit large lot single detached housing as per the MPA 20 in the Official Plan.

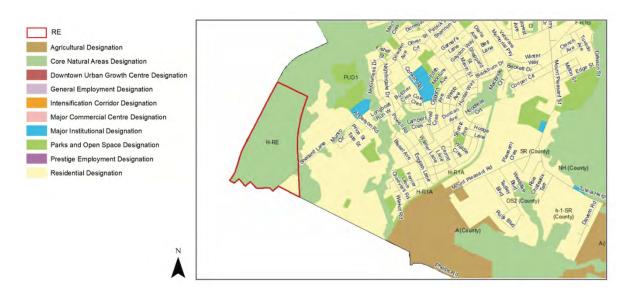


Figure 9: Residential Estate (RE) Zones in the Core Natural Areas Designation



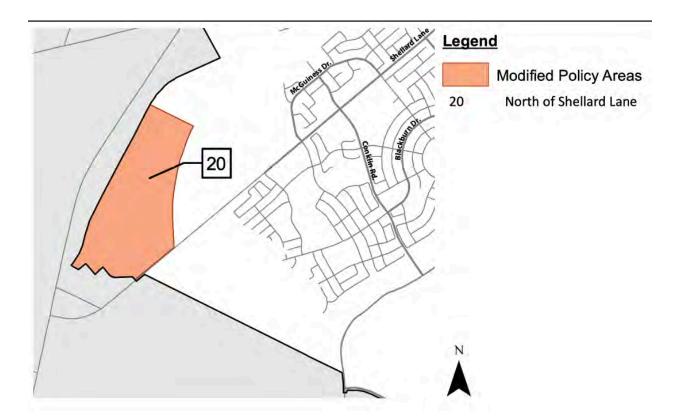


Figure 10: Brantford Official Plan Modified Policy Area 20 located at North of Shellard Lane

One Residential Type 1A (R1A) Zone within the Core Natural Areas Designation is located at the south of Powerline Road and east and west of Summerhayes Crescent as shown on **Figure 11**. Lands to the east of Summerhayes Crescent are currently vacant and occupied by a woodlot as are lands to the west of Lakeside Drive. The Core Natural Areas Designation in between these two streets is a small, wooded area in the rear of the residential lots. The zoning includes a special provision which allows a use, building or structure on the zone with private sanitary sewage disposable facilities subject to approval by the City. These lands within the Core Natural Areas Designation should be included in a Core Natural Zone in the new Zoning By-law, and the special provision should be carried forward.

Another R1A Zone in the Core Natural Areas Designation is located between Highway 403 and the railway and between the railway and Golf Road at 88 Golf Road as shown in **Figure 11**. The portion along Golf Road is also subject to a holding provision and the Official Plan's Modified Policy Area (MPA) 26 (**Figure 12**). It is occupied by two residential dwellings and a wooded area to the south and east of the dwellings. The MPA policies allow for this area to develop with low-rise residential dwellings provided they are accompanied by the required studies. The lands between Highway 403 and the railway should be zoned Core Natural. The two residential lots should be zoned within a Core Natural Zone with a site-specific provision to permit low-rise residential uses. The holding provision should remain which requires studies to be undertaken prior to development.



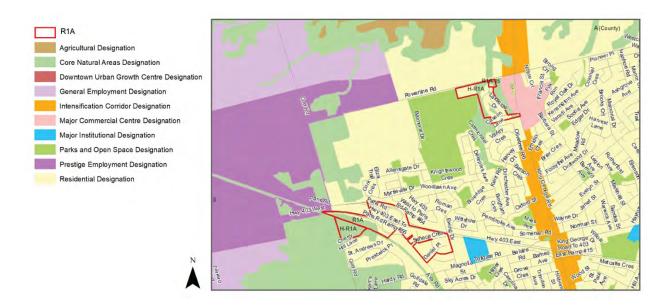


Figure 11: Residential Type 1A (R1A) Zones in the Core Natural Areas Designation

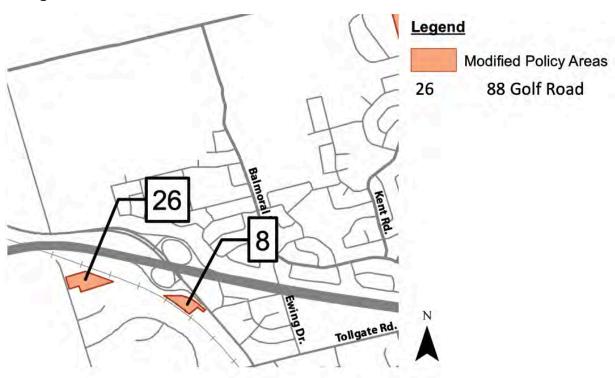


Figure 12: Brantford Official Plan Modified Policy Area 26 located at 88 Golf Road

There is one Residential Type 1B (R1B) Zone in the Core Natural Areas Designation generally located near Hardy Road and Golf Road as shown on **Figure 13**. A Holding provision applies to the property. There are a couple of homes located along Hardy Road with the rest of the zone being primarily wooded. An Ontario Municipal Board (OMB) decision (now called the Ontario Land Tribunal (OLT)) applies to parts of this



area with the developable area located outside of the Core Natural Areas Designation shown in **Figure 13**. Most of the area should be zoned Core Natural with the few houses on Hardy Road included with a site-specific permission for a single detached dwelling.



Figure 13: Residential Type 1B (R1B) Zones in the Core Natural Areas Designation

There are two sites located near Johnson Road and Harsford Drive as shown on **Figure 14** that were subject to an Ontario Municipal Board (OMB) decision. These sites were previously zoned R1B, but were changed to an H-OS3 Zone through the OMB decision. These lands should be changed to a Core Natural zone in the new Zoning By-law.



Figure 14: Residential Type 1B (R1B) Zones in the Core Natural Areas Designation



2.1.4 Updating Natural Heritage Zones to Match Core Natural Areas Designation

There are several instances of the County's Natural Heritage (NH) Zone occurring outside of the Core Natural Areas Designation in other designations, including:

- The Agricultural Designation;
- The Parks and Open Space Designation;
- The Prestige Employment Designation; and
- The Residential Designation.

Figure 15 provides an example of where the Core Natural Areas Designation and the County's Natural Heritage Zone do not match. It appears the discrepancy is largely due to the more updated mapping in the City's new Official Plan. The Natural Heritage Zone will need to be updated to reflect the more recent natural heritage mapping within the Official Plan.



Figure 15: Natural Heritage (County) Zones within the Prestige Employment Designation



2.2 Parks and Open Space Designation

2.2.1 Parks and Open Space Designation Policies

The Parks and Open Space Designation is shown in **Figure 2**, in neon green, and applies to various sites across the city.

The Parks and Open Space Designation permits a range of public parks and open spaces, golf courses, open space linkages and cemeteries. Accessory buildings and structures and limited commercial uses which serve the primary permitted use such as concession stands and restaurants may also be permitted.

Lands within the Parks and Open Space Designation shall be developed in accordance with the City's Parks and Recreation Master Plan.

The Official Plan sets out additional policies for different permitted uses including cemeteries. New cemeteries or the expansion of existing cemeteries must include driveway access to the road in a manner that doesn't create traffic hazards. Cemeteries should also include adequate screening and landscaping to provide a buffer to adjacent land uses. Location and scale of any building or structure associated with cemetery uses will be regulated within the implementing Zoning By-law.

Section 5.1k) states that parks, open spaces and open space linkages are permitted in all designations.

2.2.2 Existing Uses in the Parks and Open Space Designation

The Parks and Open Space Designation, shown on **Figure 2**, is predominantly made up of parks, open spaces and vacant lands. There are a couple of instances in which other uses are present including:

- A community centre and a paramedic station along Francis Street and Powerline Road;
- A museum and other existing industries including a recycling industry for example at Greenwich Street and Mohawk Street; and
- A transit garage along the eastern edge of the Grand River.

2.2.3 Zones within the Parks and Open Space Designation

The open space zones that apply to lands within the Parks and Open Space Designation are as follows:

- Open Space Type 1 (OS1) which consists mostly of parks;
- Open Space Zone (OS1) County); which also consists mostly of parks;
- Open Space Cemetery Zone (OS2) which is intended for cemeteries;
- Open Space Restricted Zone (OS3) which seems to apply along the river corridor and floodplain; and



Natural Heritage (NH) (County) which represents natural features.

There are also some non-open space zones that apply to some lands in the Open Space Designation including:

- General Industrial Zone (M2);
- Institutional School Zone (I2);
- Institutional Service Zone (I1);
- Residential Medium Density Type A Zone (R4A);
- Residential Type 1B Zone (R1B); and
- Residential Type 2 Zone (R2).

The remainder of this section describes the location of these zones in the Parks and Open Space Designation, describes the existing uses in these zones and provides recommendations for addressing these lands in the new Zoning By-law.

A grouping of General Industrial (M2) Zones within the Parks and Open Space Designation, two with site specific provisions (M2-19 and M2-50), is located at 347 and 543 Greenwich Street and 66 Mohawk Street as shown on **Figure 16**. 66 Mohawk Street and 347 Greenwich Street are part of the former Greenwich Mohawk brownfield site and are partly vacant but also include a museum and remnant heritage structures. 543 Greenwich Street is developed with an industrial use. All three properties are located within the Mohawk Lake District and are subject to Modified Policy Area 4 of the Official Plan. Modified Policy Area 4 provides that development within this area shall be consistent with the policies of the underlying land use designations until the Mohawk Lake District Plan, approved in 2019, and implemented through an Official Plan Amendment. The Mohawk Lake District Plan provides a conceptual land use structure for the District. The subject properties are located within the Culture and Community Destination Area of the District Plan, which is planned to develop with parks and trails, as well as other uses that will need to be evaluated through individual development proposals including mixed-use residential, office, commercial, and institutional uses.

In the new Zoning By-law it is recommended 347 and 543 Greenwich Street and 66 Mohawk Street be changed to a new Open Space Zone in accordance with the land use designation, with a site specific exception for 543 Greenwich Street to permit the existing industrial use. Other uses for these properties will need to be considered through future individual Zoning By-law Amendment applications where further technical studies (e.g., noise study) will be required to ensure land use compatibility.



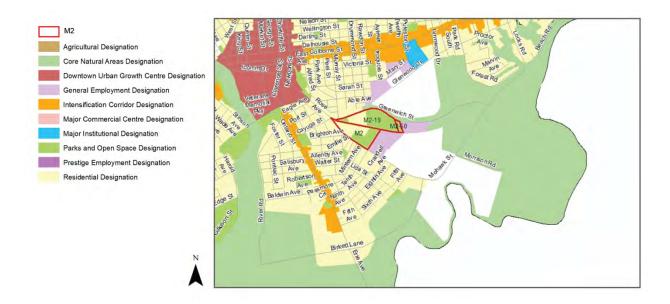


Figure 16: General Industrial (M2) Zones in the Parks and Open Space Designation

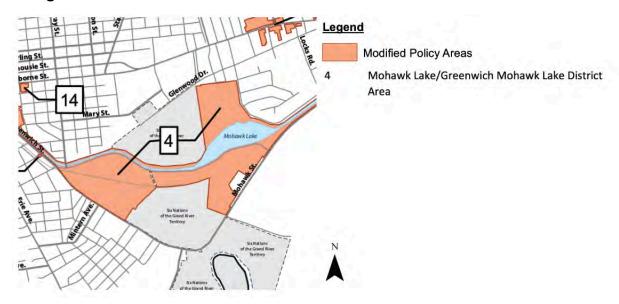


Figure 17: Brantford Official Plan Modified Policy Area 4 located at Mohawk Lake/Greenwich Mohawk Lake District Area

An Institutional Services (I1) Zone is located along Francis Street and Powerline Road as shown on **Figure 18** and contains Tranquility Park, the Tranquility Community Centre and a paramedic station which are located at 135 and 137 Francis Street. Public service facilities are permitted in all designations so this site should be changed to a new Open Space Zone.





Figure 18: Institutional Services (I1) Zones in Brantford

An Institutional School (I2) Zone is located near the Branlyn Community School at 21 Ponytrail Drive as shown on **Figure 19** and is occupied by a park that is split zoned OS1 and I2. The site should be zoned Open Space per the designation.

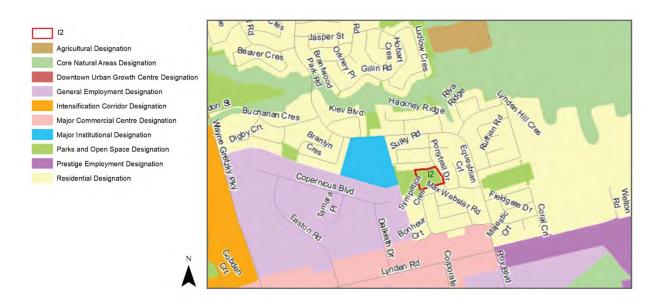


Figure 19: Institutional School (I2) Zones in the Parks and Open Space Designation

A Residential Type 1B (R1B) Zone is located near Graham Avenue and Catharine Avenue as shown on **Figure 20** and is occupied by Dogford Park Dog Park. The site should be changed to an Open Space Zone.



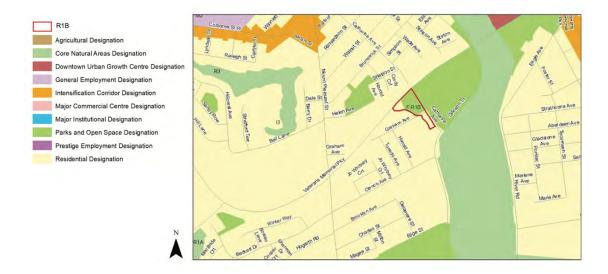


Figure 20: Residential Type 1B (R1B) Zones in Brantford

A Residential Medium Density Type A (R4A) Zone is located along West Street and Burnley Avenue, adjacent to Burnley Park as shown on **Figure 21**. The zone is occupied by two residential buildings and a commercial building. These properties which are known as 15, 17 and 19 Burnley Avenue have been included within the boundary of the Parks and Open Space Designation in the Official Plan in error and should be changed to be within the Residential Designation and a residential zone.

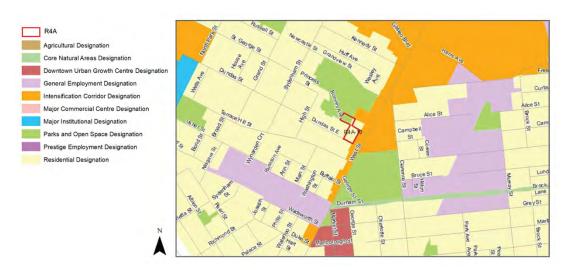


Figure 21: Residential Type 1B (R1B) Zones in the Parks and Open Space Designation

A Residential Type 2 (R2) Zone is located near the intersection of Brock Street and Alice Street as shown on **Figure 22**. The R2 Zone is part of Conklin Park and should be changed to a Parks and Open Space zone in the new Zoning By-law.



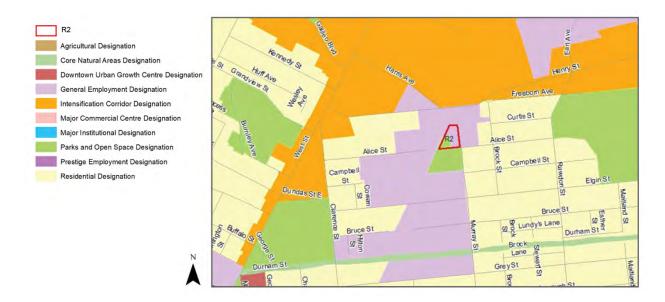


Figure 22: Residential Type 2 (R2) Zones in Brantford

Recommendations for these lands are further discussed in **Chapter 4** of this report.

2.2.4 Open Space Zones outside the Open Space Designation

There are select instances of Open Space Zones in the following designations:

- Downtown Urban Growth Centre Designation (i.e., OS1 Zone);
- Intensification Corridor Designation (i.e., OS1 Zone);
- Major Commercial Centre Designation (i.e., OS2 Zone); and
- Residential Designation (i.e., OS1, OS1 (County) and OS3 Zones).

These examples all represent relatively small parks. This situation is not unusual as parks and open spaces are permitted in all designations.

2.3 Natural Heritage and Open Space Zones Permitted Uses

Scope of Permitted Uses

Table 1 compares the permitted uses within each of the existing natural heritage and open space zones.



Table 1: Natural Heritage and Open Space Permitted Uses

	City of B	rantford Zo	County of Brant Zoning By law		
Zone	OS1	OS2	OS3	NH	OS1
Cemeteries, mausolea, crematoria, columbarium	-	Yes	-	Yes	-
Accessory caretaker's residence	-	Yes	-	Yes	Yes
Public parks	Yes	-	Yes	Yes	Yes
Private parks	Yes	-	Yes	-	-
Agricultural uses	Yes	-	Yes	Yes	-
Golf courses and driving ranges	Yes	-	-	Yes	-
Art galleries	Yes	-	-	-	-
Museums	Yes	-	-	-	-
Day nurseries	Yes	-	-	-	-
Accessory uses, buildings and structures	Yes	-	Yes	-	-
Boat dock	-	-	-	Yes	Yes
Boat house	-	-	-	Yes	Yes
Boat ramp	-	-	-	Yes	Yes
Conservation and Flood or Erosion Control Projects	-	-	-	Yes	-
Forestry	-	-	-	Yes	-
Mobile refreshment cart	-	-	-	-	Yes
Place of worship	-	-	-	-	Yes
Small-scale structures for passive recreational uses, including boardwalks, footbridges, fences and picnic facilities	-	-	-	Yes	Yes
Stormwater management facility	-	-	-	Yes	Yes
Wildlife management	-	-	-	Yes	Yes

Permitted Uses Reviewed

Uses permitted in the current Open Space and Natural Heritage Zones that require additional considerations are bolded and highlighted in yellow. This includes art galleries, museums, day nurseries and places of worship in Open Space Zones which are institutional uses and do not fall within the scope of permitted uses set out in the Official Plan policies for the Parks and Open Space Designation. These uses should not be carried forward in the Open Space Zones in the new Zoning By-law. There are some properties that contain museums or larger recreational facilities that are within the Parks and Open Space Designation and are currently within an Open Space Zone. It is recommended that the Official Plan be amended to clarify where these types of uses are intended to be located. Agricultural uses are not permitted in the Parks and Open Space Designation and should also be removed from the new Open Space Zone. The Core Natural Areas Designation permits agricultural uses subject to an Environmental Impact Study which should be reflected in the new Zoning By-law.

Several uses in the County of Brant Zoning By-law's OS1 and NH Zones, including boat dock, boat house, and boat ramps, are not found in Brantford on lands within these zones and are not needed in the new Zoning By-law.



Differences Amongst the Zones

As shown on **Table 1**, Brant County's Open Space Zone (OS1) permits a more extensive range of uses compared to the uses permitted in Brantford's Open Space Zones. This difference includes the addition of boating uses and places of worship. The City's Open Space Cemetery (OS2) Zone has the least amount of permitted uses, allowing only cemetery uses and accessory caretaker residences. The City's Open Space Restricted (OS3) Zone permits only parks, agricultural uses and accessory uses. The City's Open Space Type 1 (OS1) Zone permits the same uses as OS3, as well as several institutional uses that are not recommended to be carried forward as previously noted, as well as golf courses and driving ranges.

The options for combining these zones are discussed in **Chapter 5**.

The Natural Heritage (NH) Zone applies in the County Zoning By-law. While the City's Zoning By-law does not include a natural heritage zone, the OS3 zone applies to many natural heritage features along the Grand River including the floodplains. The NH Zone includes most of the OS3 uses and other uses appropriate in an NH Zone such as wildlife management, forestry, conservation and flood or erosion control projects and small-scale structures for passive recreation. It also permits cemeteries and golf courses, however these uses are only permitted in the Official Plan as existing uses in the Natural Heritage System, and therefore that caveat should be added to the new Zoning By-law.

2.4 Open Space Zone Provisions

Lot, Yard and Built Form Provisions

The different lot, yard and built form standards for the existing Open Space Zones are outlined in **Table 2.** Overall, there are several similarities among the zones, with minimum lot area ranging from 1,000 m² to 1,250 m². The maximum lot coverage in Brantford is 15% across the Open Space Zones compared to 40% in Brant County's Open Space zones. A minimum landscaped open space requirement is only provided for Brantford's OS1 Zone at 40%. A minimum landscape requirement is not necessary for parks and open spaces provided that institutional uses are removed from the permitted uses as described in the previous section. The minimum lot frontages range from 20 metres in Brantford's OS1 Zone to 15 metres in each of Brant's OS Zones.

However, for parks and open spaces, requirements for minimum lot area, lot frontage and landscaped open space are not necessary. A maximum lot coverage is also unnecessary, as most buildings will be accessory to the main open space use.

Height is relatively consistent across all zones ranging from 10 metres to 11 metres. Front yard setbacks requirements range from 6 metres to 15 metres, depending on the zone. The minimum rear and interior yard requirements also vary among the zones, from 3 metres to 30 metres. In Brantford's provisions, rear and interior yard setbacks also include different provisions for uses abutting a residential zone.



The Brantford OS1 requirements for parks and the OS2 requirements for cemeteries are appropriate and should be carried forward to the new Zoning By-law except for lot frontage, lot area, landscaped open space, and lot coverage. For the new Core Natural Zone, no lot or yard requirements are necessary.



Table 2: Brantford and Brant Zoning By-law Open Space Zone Provisions

	City of Brantford Zoning By-law			County of Brant Zoning By-law
Zone	OS1	OS2	OS3	OS1
Min. Lot Area	1250 m ²	-	-	1000m ²
Min. Lot Width/Lot				
Frontage	20m	-	-	15m
Max. Lot				
Coverage	15%	15%	15%	40%
Max. Height	11m	11m	11m	10m
Min. Front Yard	15m	-	15m	6m
		Mausoleum or columbarium no greater than 2m in height and no greater than 15m in volume: 7.5m		
Min. Rear Yard Abutting a Residential Zone	15m	All other mausolea or columbaria: 30m	-	-
Min. Rear Yard Abutting any other Zone	12m	Crematorium: 30m Mausoleum or columbarium: height of mausoleum or crematorium	12m	3m
Min. Interior Side Yard Abutting a Residential Zone	15m	Mausoleum or columbarium no greater than 2m in height and no greater than 15m in volume: 7.5m	15m	-



	City of Brantford Zoning By-law			County of Brant Zoning By-law
Zone	OS1	OS2	OS3	OS1
		All other mausolea or columbaria: 30m		
		Crematorium: 30m		
		Mausoleum or		
Min. Interior Side		columbarium:		
Yard Abutting any		height of		
other Zone or lot line	12m	mausoleum or crematorium	12m	3m
Min. Exterior Side				
Yard	15m	-	15m	-
Landscaped Open				
Space (% of lot				
area)	40%	-	-	-



3 Best Practice Considerations



The purpose of this section is to identify uses or elements that other existing Zoning Bylaws in Ontario address, to help inform Brantford's new Zoning Bylaw. The zoning bylaws reviewed in this Discussion Paper were chosen based on the following factors:

- Locale to review zoning by-laws within southern Ontario;
- Approval date to review more recent zoning by-laws, such as in the case of Kingston and Vaughan, neither of which are in effect yet; and
- Clarity to consider zoning by-laws that had been noted in other planning work as being clear, concise and well organized.

The following table, **Table 3**, provides a summary of open space zone provisions from other municipal zoning by-laws that could be considered for implementation in the new Comprehensive Zoning By-law. There are no provisions for natural heritage zones. Trends emerging from the Summary **Table 3**, are summarized in the following themes:

- Structure:
- Lot Standards;
- Landscaped Open Space;
- Height; and
- Other.

Structure

The majority of Zoning By-laws reviewed have multiple open space zones, with three zones being the most common approach. However, it is not always clear what the rationale is for the different zones. Some of these zones are based on specific uses such as golf courses. Only one other municipality, Oakville, has a Cemetery zone.

Lot Standards

Lot area requirements range from 0 metres to 40 hectares but are only included in Guelph, Kingston, London and St. Catharines. Lot frontages range from 0 metres to 300 metres with different frontages required for different uses.

All setbacks range from about 4 metres to 12 metres with the exception of the Open Space - Golf Course Zone in Milton requiring 25 metres. These are relatively similar to the requirements in Brantford; however, none of the zones include a separate setback provision for uses abutting a residential zone.



A maximum lot coverage was provided in several municipalities ranging from 2% to 40% with no consistent approach.

Landscaped Open Space

Kingston was the only municipality that included a requirement for minimum landscaped open space of 30%, which is lower than Brantford's requirement of 40%. Peterborough also included a 9 metre landscape strip requirement.

Height

Except for Guelph, London and Peterborough, all municipalities reviewed utilize maximum height permission in metres. The permitted heights ranged from 9.5 metres to 23 metres, however most municipalities ranged generally between 10 and 15 metres which is consistent with Brantford and Brant's provisions.



Table 3: Best Practices Summary Table

Municipality	Zone	Min. Lot Area	Min. Lot Frontage		Min. Yaı	rd Setback		Max. Height	Coverage	Landscape
		(sq.m.)	(m)	Front (m)	Rear	Int.	Ext.			
				(***)	(m)	Side (m)	Side (m)			
Barrie	Open Space	-	-	10m	10m	10m	10m	10m	40%	-
Guelph	Neighbourhood Park	-	50m, despite	6m	7.5m	7.5m	7.5m	-	-	-
	Community Park	-	this minimum,	6m	7.5m	7.5m	7.5m	-	-	-
	Regional Park	-	a lot frontage calculation formula of 1m of frontage for every 100m ² of park space is required	6m	7.5m	7.5m	7.5m	-	-	-
	Commercial Recreation Park	1200m²	30m	6m	7.5m	7.5m	7.5m			
Kingston	Major Open Space 1	0m	0m	4.5m	7.5	7.5	4.5m	-	-	-



Municipality	Zone			Min. Lot Frontage		Min. Yar	d Setback		Max. Height	Coverage	Landscape
			(sq.m.)	(m)	Front (m)	Rear	ear Int.	Ext.			
					(,	(m)	Side (m)	Side (m)			
	Major Open Space 2	Dwelling unit in a mixed-use building, single detached house	Municipal services: 371.6m Partial Services: 1393.6m Private Services: 2043.9	Municipal services: 15.2m Partial Services: 30.5m Private Services: 45.7m	6.1m	7.5m	1.2m	6.1m	23m	-	30%
		All other permitted use:	0m	0m	7.5m	7.5m	7.5m	7.5m	23m	-	-
London	OS2		1500m²	3m	-	-	2.8m	-	-	42%	-



Municipality	Zone	Min. Lot Area (sq.m.)	Min. Lot Frontage (m)		Min. Yar	d Setback		Max. Height	Coverage	Landscape
				Front (m)	Rear (m)	Int. Side (m)	Ext. Side (m)			
Milton	Open Space	-	-	6m	12m	12m	6m	Recreation al uses: 12m Other uses: 11m	20%	-
	Open Space – Storm Water Management	-	-	0m	0m	0m	0m	-	-	-
	Golf Course	40ha	300m	25m	25m	25m	25m	Detached dwelling: 11m	2%	-
								Recreation al uses: 14m		
	Future Development	-	-	4m	7.5m	1.2m	4m	-	-	-
Peterborough	Open Space District	-	-	9m	9m	9m	9m	-	5%	9m landscape strip
Oakville	OS1	-	-	0m	4.5m	4.5m	0m	14m	25%	-



Municipality	Zone	Min. Lot Area	Min. Lot Frontage	Min. Yard Setback				Max. Height	Coverage	Landscape
		(sq.m.)	(m)	Front (m)	Rear	Int.	Ext.			
				(,,,	(m)	Side (m)	Side (m)			
	OS2	-	-	12m	12m	12m	12m	14m	25%	-
	CEM	-	-	5m	7.5m	5m	5m	14m	30%	-
St. Catharines	Greenspace 1	-	-	-	-	-	-	-	-	-
	Greenspace 2	700m ²	-	6m	11m	3m	4.5m	11m	10%	-
	Greenspace 3	700m ²	-	6m	11m	3m	4.5m	16m	25%	-
Vaughan	Environmental Protection	-	-	15m	15m	15m	15m	9.5m	5%	-
	Open Space 1	-	12m	9m	15m	4.5m	4.5m	11m	10%	-
	Open Space 2	-	20m	15m	15m	15m	15m	11m	10%	-



4 Additional Other Zones



4.1 Development Constraint (DC) Zone

The Development Constraint (DC) Zone is located only along Cainsville Trail and includes the Grand River as shown on **Figure 23**. It is within the Core Natural Areas Designation.

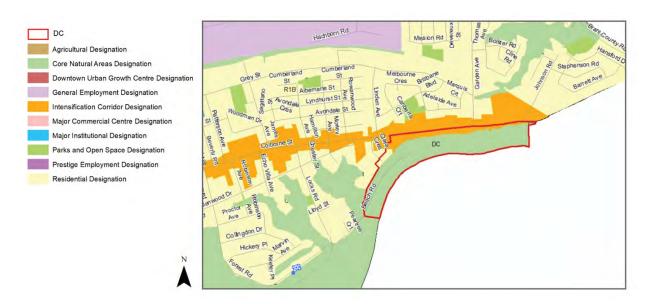


Figure 23: Development Constraint (DC) Zones in Brantford

The uses permitted in this zone include:

- Municipal or public works undertaken by the City or the Conservation Authority;
 and
- Construction or repair of the Canadian Pacific Railway (T.H. & B. Railway) in order to restore or impose rail service through the Zone, provided that a certificate from a qualified and competent engineer has been submitted which certifies that the soil conditions are sufficiently stable to support the reconstruction and that the reconstruction will not exacerbate the instability of the surrounding slope.

In this zone, buildings are not to be restored except where the damage of the building does not exceed 50% and where a certificate of a qualified engineer is submitted. No placing or dumping of fill shall be permitted either.

The zone is also located within Modified Policy Area (MPA) 5, which is called the Colborne Street Slope Failure Area as shown in **Figure 24**. These lands were part of a



Class Environmental Assessment to improve, manage and mitigate slope stability concerns in the area. According to the MPA policies, development shall not be permitted in this area until the lands above and below the slope failure area are certified to support a proposed development. It is recommended that this zone be combined with the new Core Natural Zone with a site-specific provision to address the slope hazard. The reference to the railway is no longer relevant as the railway has been removed and it is now a rail trail.

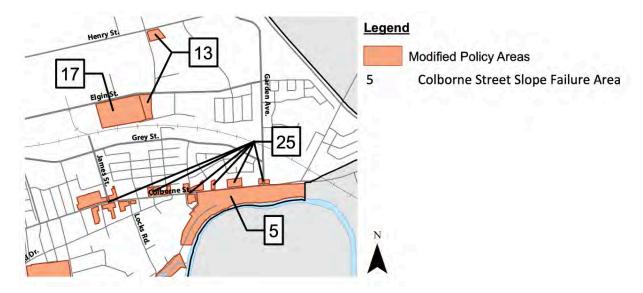


Figure 24: Brantford Official Plan Modified Policy Area 5 located at Colborne Street Slope Failure Area

4.2 Planned Unit Development Type One (PUD1) Zone

The Planned Unit Development Type One (PUD1) Zone applies to lands within the Parks and Open Space, Core Natural Areas, Residential, and Institutional Designations and is located along Shellard Lane near the TH&B Rail Trail as shown on **Figure 25**.



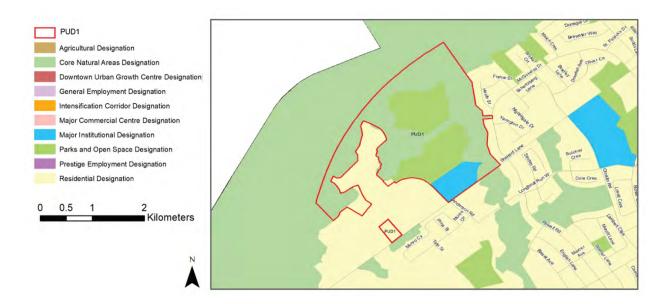


Figure 25: Location of PUD1 Zones in Brantford

The lands are currently made up of core natural features and farmland including a parcel that is the future home to the Southwest Community Centre and Park. The PUD1 Zone is divided into five subcategories, as shown on Schedule E (**Figure 26**) of the Zoning By-law, each with their own general provisions. The sub-category zones include:

- Residential Low-Density Development (RLDD);
- Residential Medium Density Development (RMDD);
- Community Centre (CC);
- Community Open Space (COS); and
- Transportation (T).



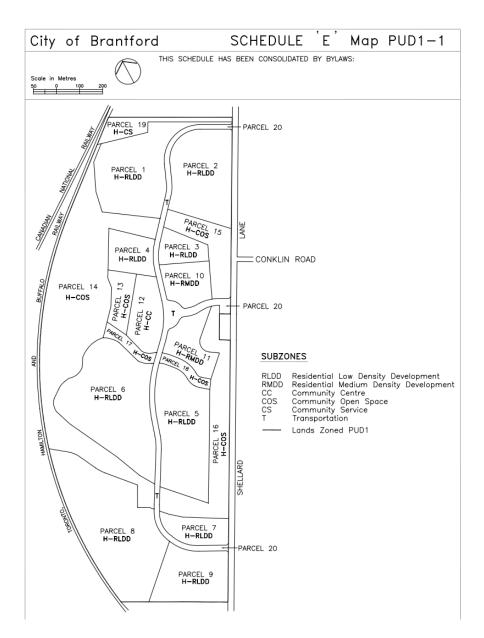


Figure 26: Schedule E, Map of PUD1 Subcategory Zones

According to Schedule E (**Figure 26**), the PUD1 Zone used to apply to a larger area of land that has since been developed as neighbourhoods and changed to other residential, institutional, commercial, and open space zones. This area is part of a draft plan of subdivision that was approved in July 2020 as amended to allow a total of 385 lots and blocks of residential units and 5 non-residential blocks, 11 streets and one laneway that will include a commercial/mixed use block, a park and 2 stormwater management facilities.

For the remaining PUD1 Zone, two options are proposed to address these zones in the new Zoning By-law:



- Option 1: This approach would rezone the remaining PUD1 Zones as a
 Development Zone which would recognize existing uses only. This option would
 ensure the need for approval from the City before proceeding with any
 development.
- Option 2: This approach would zone the remaining PUD1 Zones per the Official Plan designations including appropriate residential, open space, core natural and institutional zones.

Option 2 is preferred as it will closely implement the intent of the Official Plan.

4.3 Zones not Used in Brantford

Two zones are set out in the Brantford Zoning By-law but are not applied to any properties. These include:

- the Highway Commercial Residential (C5) Zone; and
- the Industrial Extraction (M4) Zone.

These zones are not recommended to be included in the new Zoning By-law.

4.4 Archaeological Sites

There are several archaeological sites zoned OS3-6 in Brantford. These are located South of Shellard Lane, West of Powell Road and North of Longboat Run. It is recommended that a site-specific Open Space or Core Natural Zone apply to all archaeological sites to limit the use of the lands to open space purposes and prohibit the erection of any buildings or structures to ensure the protection of these sites.

4.5 Source Water Protection

Source water protection is part of a multi-barrier approach to ensure clean, safe and sustainable drinking water, by protecting sources of municipal drinking water supplies. Under the *Clean Water Act, 2006*, the <u>Drinking Water Source Protection Program</u> was established by the Government of Ontario which resulted in the development of science-based assessment reports and local source protection plans by multi-stakeholder source protection committees, supported by Source Protection Authorities. Brantford's Source Protection Plan is part of the <u>Grand River Source Protection Plan</u>, which is in turn part of the Lake Erie Source Protection Region.

The main purpose of the Brantford Source Protection Plan is to protect the municipal intake from anthropogenic and non-anthropogenic activities that may pose a significant threat to raw water quality. Mandatory mitigation measures can only be assigned to existing and future land use activities identified as significant threats within Intake Protection Zones.



4.5.1 Intake Protection Zones

A map of the intake protection zones which pinpoints vulnerable areas with significant drinking water threat policy applicability is shown in Figure 27.

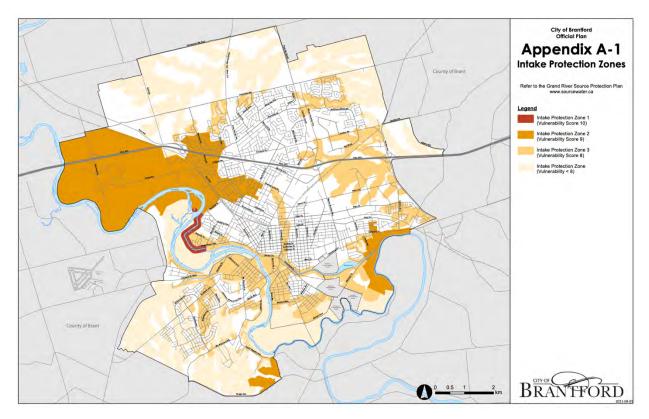


Figure 27: Brantford Intake Protection Zones

There are three intake protection zones as follows:

- Intake Protection Zone 1 (IPZ-1) having a vulnerability score of 10 and located along the Grand River and at Grand River Avenue;
- Intake Protection Zone 2 (IPZ-2) having a vulnerability score of 9 and located mainly in the northwest portion of Brantford as well as pockets in Tutela Heights along Phelps Road and in the east portion of Brantford near Colborne Street; and
- Intake Protection Zone 3 (IPZ-3) having a vulnerability score of 8 and scattered through Brantford, especially south of Governor's Road and within Tutela Heights.

The higher the vulnerability score for a given IPZ reflects the likelihood of a contaminant adversely impacting the raw water supply, which translates into more restrictive policy measures in Brantford's Source Protection Plan. IPZ-1 has the highest vulnerability score because the area was identified in the Brantford Assessment Report as the most susceptible to high-impact contamination intrusion, hence prescribed activities that have



the potential to release chemical and pathogenic contaminants are the most regulated. In turn, IPZ-3 has the lowest vulnerability score of the three delineated areas and as such, is the least regulated. The plan also protects downstream watersheds that have intake protection zones overlapping within City boundaries.

4.5.2 Prescribed Activities

There are 21 threats that are prescribed under *the Clean Water Act, 2006*, 19 of which are related to raw water quality and two related to raw water quantity. Drinking water threats that are managed in Brantford's Source Protection Plan include but are not limited to:

- i. waste disposal sites;
- ii. sewage systems, storage, including septic systems;
- iii. management and application of agricultural source material;
- iv. handling, storage and application of non-agricultural source material;
- v. handling, storage and application of commercial fertilizers, pesticides and/or road salt:
- vi. storage of snow;
- vii. handling and storage of fuel, dense non-aqueous phase liquids and/or organic solvents;
- viii. livestock grazing, pasturing, outdoor confinement areas and farm-animal yards; and
- ix. establishment and operation of a liquid hydrocarbon pipeline.

4.5.3 Enforcement Tools

Policies in Brantford's Source Protection Plan were established to ensure that drinking water threats cease to be or never become significant risks to source water quality. The City of Brantford enforces the Source Protection Plan by means of three main tools as listed below:

- 1. Section 57, the Risk Management Official prohibits certain activities within specific Intake Protection Zones as detailed in Brantford's Source Protection Plan.
- Section 58 requires a person engaged in an activity considered a Significant Drinking Water Threat to prepare a (site-specific) Risk Management Plan. Once approved by written notice from the Risk Management Official, the person carrying out that activity will be subject to routine inspections by the Risk Management Inspector.



3. Section 59, restricted land uses, requires a person to seek approval from the Risk Management Official as part of the complete application requirements under the Planning Act and the Building Code Act respectively prior to the approval of a development application or building permit. Under Part IV of the *Clean Water Act, 2006*, Section 59, the completion of a Restricted Land Use Declaration Form is a regulatory requirement for development, redevelopment or site alteration when the property is located wholly or partially within an intake protection zone and a notice shall be issued to state whether any policy applies under the City of Brantford Source Protection Plan.

It is recommended that the city include an overlay zone in the new Zoning By-law that identifies the intake protection zones. The overlay zone should be accompanied by a provision to require the submission of a Restricted Land Use Declaration Form prior to development which will facilitate enforcement of the Source Protection Plan under Sections 57, 58, and 59 of the Clean Water Act, 2006.

4.6 Holding, Flood and Temporary Use Zones

Several zones contain an H- symbol which denotes a Holding provision. Removal of the "H" can occur once specified conditions have been satisfied in accordance with City requirements. The uses permitted under a zone with an H symbol include uses existing at the date of adoption of the by-law and a public service. Holding Zones are addressed in section 4.1.7 of the existing Brantford Zoning By-law and are outlined in the exceptions section for each zone where the Holding provision applies.

Flood Zones, denoted by the letter 'F' are addressed in Section 4.1.8 of the existing Brantford Zoning By-law. The Flood Zones are generally an overlay zone and apply in addition to the zone noted on the zoning schedule. Lands subject to an "F" are not to be developed or redeveloped or converted for any uses permitted in the "underlying" zone except in accordance with Section 6.28. Section 6.28 states that lands identified in Schedule K and L of the Zoning By-law require a permit by the Grand River Conservation Authority unless located on a lot abutting an OS3 Zone that includes unenclosed porches, verandahs or decks, outdoor swimming pools, accessory buildings and structure less than $9.3m^2$ in size located within all Residential Zones. No new openings, windows or doors shall be located below elevation of the first floor of any residential use and basements are not to be permitted in any new development. Section 6.28 also states that all additions to existing developments will require floor elevation and that pipe and utility spaces be provided below elevation while mechanical and electrical service be located above elevation. The following uses shall be prohibited from these areas:

- i. "a new elementary school;
- ii. a new private school;
- iii. a new secondary school;
- iv. a hospital;



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- v. a home for the aged;
- vi. a nursing home;
- vii. a retirement home;
- viii. a group home;
- ix. a mini-group home;
- x. a group residence;
- xi. a crisis residence;
- xii. a group correctional home;
- xiii. a group correctional residence;
- xiv. a police station;
- xv. a fire station;
- xvi. an ambulance station;
- xvii. day nursey;
- xviii. recycling uses; and
- xix. an emergency shelter."

Temporary Zones, denoted by the letter 'T' are addressed in Section 4.1.9 of the existing Brantford Zoning By-law and may be developed on a temporary basis in accordance with Section 6.29 of the existing Brantford Zoning By-law which sets out the current temporary by-laws.

These zone symbols will need to be carried forward in the new Zoning By-law.



5 Options and Recommendations for the Structure of the Other Zones



This section provides recommendations for the overall organization and structure of the City's other zones.

5.1 Open Space Zones

Three options are proposed to address parks and open space in the new Zoning Bylaw:

- Option 1: One Open Space Zone This approach streamlines the Open Space Zones into one simple zone. It would permit all open space uses including cemeteries and golf courses in one zone which would simplify the zoning and match the Official Plan. Separate provisions will be included for cemeteries and golf courses;
- Option 2: Two Open Space Zones This approach would dedicate one Open Space Zone to permit cemeteries and one Open Space Zone to permit all other uses outside of the Core Natural Areas Designation.
- Option 3: Three Open Space Zones This approach would provide a zone for public and private parks, a separate zone for cemeteries and a separate zone for golf courses.

Going forward Option 1 is recommended as it closely matches with the Official Plan designation.

5.2 Core Natural Zones

Currently, the Brantford Zoning By-law does not contain a Natural Heritage Zone whereas as the County Zoning By-law does. Two options are proposed to address the Natural Heritage Zone as outlined below.

Option 1: Typical Zones: The Core Natural Zone could be developed as a typical zone. It would be mapped with permitted uses like the other zones and would be modelled after the existing County Natural Heritage (NH) Zone. The Core Natural Zone will follow the boundaries of the Core Natural Areas Designation irrespective of property lines. If the boundaries of the Core Natural Areas change through detailed studies in support of development applications, the boundaries of the zones would need to be altered through an amendment to the Zoning By-Law.



 Option 2: Overlay Zones: Alternatively, the Core Natural Zone could be an overlay zone which sits on top of other zones. The benefit of this approach is if technical studies confirm the boundaries of the features should be refined, the underlying zones would apply. However, there are no underlying designations in the Official Plan.

Option 1 is recommended as it will mostly closely conform to the Official Plan.

5.3 Permitted Uses

As discussed in **Section 2**, several permitted uses should not be included in the new Open Space Zone and Core Natural Zone to conform with the Official Plan.

Additionally, a handful of uses in the Brant Open Space Zones including boat dock, boat house and boat ramps are not found in the Open Space zones in Brantford and are not needed.

5.4 Other Zones

There are also several other existing zones not addressed within the other discussion papers as discussed in **Section 4**. The recommendations for these zones in the new Zoning By-law include:

- The Development Constraint Zone should be combined into the new Natural Heritage Zone;
- The Planned Unit Development Zone should either be zoned as a Development Zone or will be zoned per the Official Plan designations which would include a Residential Zone, an Institutional Zone, an Open Space Zone and a Natural Heritage Zone;
- The Highway Commercial Residential and the Industrial Extraction Zone will not be carried forward into the new Zoning By-law as they are not found anywhere in Brantford;
- The flood zones overlay is recommended to be carried forward in the new Zoning By-law; and
- A new overlay zone for intake protection zones for source water protection is recommended.



5 Conclusions and Next Steps

Development Type One Zone (PUD1).

The purpose of this Discussion Paper was to identify and assess the remaining zones not already discussed in the previous Discussion Papers, and to identify changes that should be made in the new Zoning By-law to ensure these zones conform with the City's new Official Plan. The majority of these zones are open space zones occurring in the Parks and Open Space Designation and the Core Natural Areas Designation. A few other zones include the Development Constraint Zone and the Planned Unit

It is recommended to include one Open Space Zone in the new Zoning By-law to implement the Parks and Open Space Designation and one Core Natural Zone to implement the Core Natural Areas Designation.

The Development Constraint Zone is recommended to be rezoned as a new Core Natural Zone.

The Planned Unit Development Zone is recommended to be rezoned per the Official Plan designations.

An overlay zone for Source Water Protection and an overlay zone for Flood Zones are also recommended.

In Phase 4 of the New Zoning By-law Project, the information collected and summarized in this report will be further examined and used to inform the overall Strategic Directions report which brings together all the findings of the Phase 3 Discussion Papers.

