

CITY OF  
**BRANTFORD**



# New Zoning By-law Project

**2**

## General Provisions DISCUSSION PAPER

May 2022

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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-laws. In addition, the phase includes a review of 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 new Zoning By-law.

**Phase 3** includes the preparation of Discussion Papers 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 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 opportunities, and a presentation to the Committee of the Whole – Planning and Administration.

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

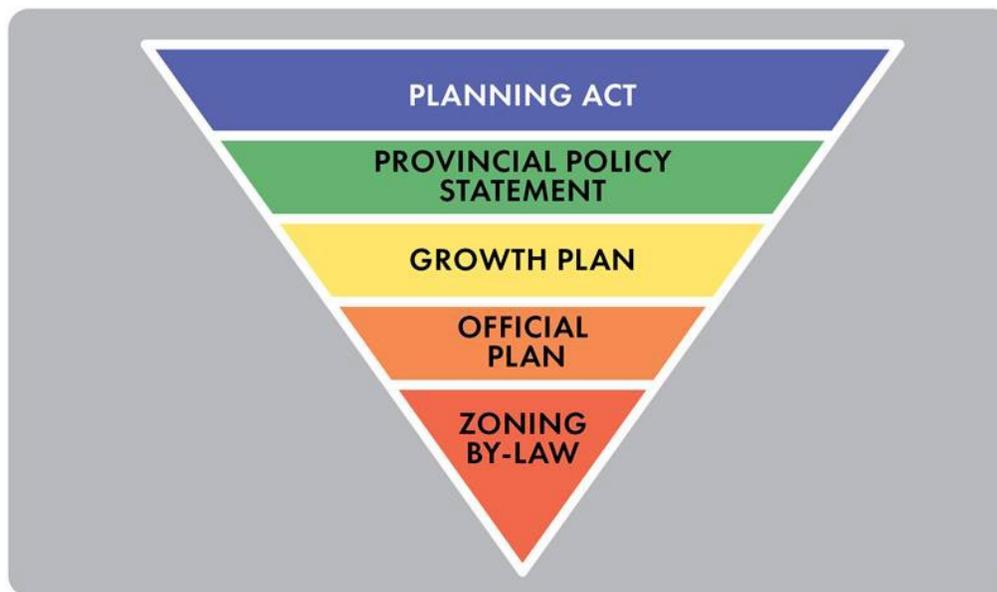
**Phase 6** will include the preparation and approval of the final new Zoning By-law, as well as public consultations, and circulation among City Departments and commenting agencies.

## **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 minimum lot area and frontage; and
- Parking standards.

As noted above, a Zoning By-law implements the direction the Official Plan, which is required to be consistent with and conform to 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 where 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 City.

As residents and stakeholders in and around 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 General Provisions Discussion Paper is to identify which general provisions should be carried forward, if appropriate, in the City's new Zoning By-law and any changes that should be made to those provisions, and to identify if any additional general provisions should be added to the new Zoning By-law. This Discussion Paper reviews Section 6.0 - General Provisions of the City's Zoning By-law 160-90, and Brant County Zoning By-law 61-16 followed by a review of the general provisions sections used in the Zoning By-laws of other Ontario municipalities. The Discussion Paper also explores layout, wording, and new formatting options to improve the readability of the new Zoning By-law. This information is intended to assist in preparing a comprehensive and clear General Provisions section for Brantford's 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 purpose of Discussion Paper #2 – General Provisions.
- Chapter 2: summarizes the structure of the City’s existing General Provisions.
- Chapter 3: summarizes the various structural approaches utilized in some other Ontario municipal zoning by-laws.
- Chapter 4: reviews and summarizes Official Plan policies that could be considered in the new Zoning By-law General Provisions.
- Chapter 5: outlines considerations for the new General Provisions section.
- Chapter 6: contains the conclusions and next steps of the New Zoning By-law Project.

## 2 Existing Zoning By-Law



### 2.1 Overall Structure and Organization of General Provisions

General provisions are standards that apply to all properties in all zones. The current general provisions can be found in Section 6 of the City of Brantford's Zoning By-law 160-90 and Section 4 of the County of Brant's Zoning By-law. The City's general provisions section includes 35 subsections and the County's includes 43 subsections related to but not limited to the following matters:

- Permitted and prohibited land uses;
- Accessory buildings and uses;
- Encroachments;
- Legal non-conforming uses;
- Lots and building standards including buffering requirements and height exceptions;
- Group homes, home occupations and bed and breakfasts;
- Parking and loading regulations; (City's by-law only)
- Public services;
- Development standards such as sight triangles; and
- Flood plains and temporary uses.

Although the existing General Provisions section addresses parking and loading provisions, these matters are reviewed in a separate Discussion Paper #4 and are thus not addressed as part of this Discussion Paper.

Based on experience interpreting and applying the General Provisions in the City's Zoning By-law, City of Brantford Staff and consultant members have provided comments on General Provisions that included in **Table 1**.

**Table 1: General Provisions Comments**

General Provisions	Comments
<b>6.1 Uses Permitted in All Zones:</b> That this zoning by-law shall not prevent the use of any lot for the uses outlined.	
6.1.1.6	<ul style="list-style-type: none"> <li>• Ontario Hydro is no longer an entity and should be deleted.</li> </ul>
6.1.1.9	<ul style="list-style-type: none"> <li>• Consider adding timing provisions for temporary sales offices.</li> </ul>
<b>6.2 Uses Prohibited in All Zones:</b> That this zoning by-law shall prohibit those uses outlined.	
6.2.3	<ul style="list-style-type: none"> <li>• This provision on amusement arcades is outdated and should be deleted.</li> </ul>
<b>6.3.1 Accessory Uses, Buildings, and Structures:</b> Where a land use, building or structure is allowed, it shall include accessory uses and the location and height of such accessory buildings.	
6.3.1.1	<ul style="list-style-type: none"> <li>• This maximum coverage provision should additionally address gross floor area (GFA) for accessory structures in future employment zones (replacing industrial zones).</li> <li>• Accessory structures can be greater than 10% for future employment zones (replacing industrial zones).</li> </ul>
6.3.1.3	<ul style="list-style-type: none"> <li>• Provision requiring accessory buildings in residential zones to be no closer than 1.5m to the main building is not needed.</li> </ul>
6.3.2.1	<ul style="list-style-type: none"> <li>• Consideration should be given to allow swimming pools in exterior side yards and consideration should be given to drainage.</li> </ul>
6.3.2.6	<ul style="list-style-type: none"> <li>• This provision should include that above ground pools are considered an accessory structure and can be 0.6m to a property line.</li> </ul>

- 6.3.2.9 • This section should be revised with a separate subsection on hot tubs and should be required to meet the accessory structure setbacks.

6.3.3. Satellite Dishes: The permitted locations of satellite dishes.

- 6.3.3 • This provision is outdated and can be deleted.

6.3.5 Accessory General Offices: Addresses provisions for these uses in industrial areas.

- 6.3.5 • Consider deleting this provision and moving it to future employment areas (replacing industrial zones) as accessory offices are a standard component of many industrial operations.

6.3.6 Accessory Retail Sales: Addresses retail sales in industrial areas.

- 6.3.6 • Consider deleting this provision and move to future employment zones (replacing industrial zones) as that is the typical approach in most by-laws.

6.3.7 Accessory Motor Vehicle Sales: Provisions for an accessory use to an autobody repair shop, automobile service station, or public garage.

- 6.3.7 • Consider deleting this provision and move it to the commercial zones that permit the use.

**6.4 Permitted Encroachment in Required Yards:** Provisions applicable to ornamental structures to a principle building encroaching into yards.

- 6.4.1 • Provisions regarding fire escapes, exterior stairs and unenclosed steps need to be consistent. Reference to steps can be deleted as stairs covers it off. Stairs to the front door of a building should additionally be permitted in front yards.

**6.5 Non-Conforming Uses:** Addresses legal non-conforming use.

- 6.5.3      • The provision should address replacement of a non-conforming use.

**6.6 Non-Compliant Uses:** Addresses lots having insufficient area and/or frontage.

- 6.6      • Provisions should specify that changes to a non-conforming use need to remain compliant.  
• Consider combining 6.5, 6.6 and 6.7 as they all address non-conforming uses, setbacks and lots.
- 6.6.1.2      • Need clarification on whether extensions can be non-compliant or whether it's considered further deviating.

**6.10 Buffering:** Addresses setbacks of other uses to a residential or open space zone.

- 6.10.1      • 15m of landscaped open space seems excessive for commercial and institutional uses. Consider reducing standard to 3 to 4 metres which is in line with best practices.  
• Consider altering provisions allowing flexibility for reductions through Site Plan Approval.

**6.11 Planting Strip:** Addresses where planting strips are required.

- 6.11      • Consider addressing planting strips within the appropriate zones.  
• Urban settings such as the Downtown may benefit better from a hardscape sidewalk zone rather than a 3m planting strip.  
• Change wording of freeways to Provincial Highways.

**6.12 Open Storage:** Where outdoor storage is permitted on a lot.

- 6.12      • Consider deleting and moving these provisions to the appropriate zone section.

**6.14 Height Exceptions:** The structures on top of a roof which are in excess of the permitted height of the building.

- 6.14.1
  - Provision should also include a parapet.
  - The height exceptions should also address structures that are not on a roof.
  
- 6.14.2
  - The by-law should focus on screening rather than maximum coverage as it is very difficult to fit a mechanical penthouse into even less than 50% of the roof area where a slender tower form is sought, such as tower floor plate with a maximum tower size of 750sqm.
  
- 6.14.3
  - Provision is difficult to understand and may not be needed.

**6.15 Group Home, Mini-Group Home, Group Residence, Crisis Residence, Group Correctional Home, and Group Correctional Residence:** Definition of Group Homes, as well as where they are permitted.

- 6.15.2
  - Courts have struck down separation distances for these uses; therefore, this provision should be deleted.
  
- 6.15.8
  - Most municipalities address lot requirements by requiring the use to meet the provisions of the zone. Consider deleting.
  
- 6.15.10
  - Consider removing provision as it may not be needed.

**6.16 Bed and Breakfast Establishment:** Addresses provisions for bed and breakfast establishments.

- 6.16.6
  - Provision needs more clarification by indicating where parking spaces are required on the lot.

**6.19 Public Services:** That this zoning by-law shall not prevent use of land for public services/uses.

- 6.19.5
  - This section should be simplified.

**6.20 Interior Side Yard – Common Walls:** No minimum side/rear yard applies for common walls.

- 6.20 • This provision should be addressed in the zones.

**6.22 Yards and Planting Strips:** Addresses yards adjacent to a highway and road allowance widths.

- 6.22 • Provision should be divided into two provisions and titled more appropriately:
  - a) Additional Yards along 400 Series Highways
  - b) Road Width Requirements

- 6.22.2 • Provision should be changed to only require the setback to be from the ultimate road right of way where a road is widening is required by the municipality as road widths might change through updated master transportation plans.

**6.27 Minimum Public Services:** No new land uses shall be permitted unless municipal services and related capacity are available.

- 6.27.2 • This provision could be written simpler and is very similar to 6.27.1 ii).
- Add reference to Wastewater Allocation Policy and remove 6.27.2 as the process would be laid out in the policy.

**6.28 Flood “F” Prefix:** Regulations for zones with this symbol.

- 6.28.8 • Provisions of this section should be reviewed with the Grand River Conservation Authority to determine whether they are still relevant.
- Revise the reference to accessory building to be 10m<sup>2</sup>.

## 3 Zoning By-law Best Practices



Municipalities across Ontario have taken various approaches to the general provisions sections of their zoning by-laws. This Chapter details these approaches and the ways in which they are similar to and different from the current general provision section in the City of Brantford’s zoning by-law.

This Discussion Paper relies on examples from other zoning by-laws in Ontario. The zoning by-laws used as examples were chosen based on the following factors:

- Location – southern Ontario;
- Size of the municipality – similar size and population as the City of Brantford;
- Approval date – recently approved;
- Clarity – by-laws noted as being clear, concise and well organized; and
- Uniqueness – by-laws that brought a unique or interesting element, such as the use of colour in the by-law in St. Catharines or illustrations in Oakville.

In some cases, examples from smaller municipalities are used where they implement novel or interesting provisions.

### 3.1 Comparison to Brantford General Provisions

**Table 2** compares the general provisions in the Brantford Zoning By-law and Section 4 of the County of Brant’s Zoning By-law to general provisions in other municipal zoning by-laws to identify differences and similarities.

The table is arranged in a number of sections (A to E) to assist in organizing information and highlighting best practices that should be considered as Brantford’s new Zoning By-law is prepared.

#### 3.1.1 Existing Brantford Provisions (Table 2A)

The first section of **Table 2A**, “Existing Brantford Provisions” compares which of the general provisions in Brantford’s Zoning By-law and Brant County’s Zoning By-law are also found in other municipalities’ zoning by-laws. This section is colour coded with green illustrating which provisions are common amongst the various municipalities, red identifying which are unique to Brantford, yellow identifying which are somewhere in between.

This review demonstrates that certain provisions are standard across many zoning by-laws, (i.e., those highlighted green). The prevalence of these provisions indicates their importance and the likely need for them to be incorporated into Brantford's new comprehensive Zoning By-law. These provisions include:

- Uses Permitted in all Zones;
- Uses Prohibited in all Zones;
- Accessory Uses;
- Accessory Buildings/Structures;
- Swimming Pools;
- Yard Encroachments;
- Non-Conforming Uses;
- Reduction of Requirements;
- Planting Strip/Landscaping;
- Height Exceptions;
- Group Homes;
- Home Based Business/Home Occupations;
- Sight Triangles;
- Availability of Municipal Services;
- Public Services/Uses;
- Temporary Uses;
- Setbacks from Railways;
- Accessory Dwelling Units;
- Number of Dwelling Units on a Lot; and
- Model Homes.

The section addressing “Accessory Dwelling Units” currently states that “units located at or above grade shall not be larger than 50% of the gross floor area for the principal dwelling or 110 square meters, whichever is lesser. If located in the basement of the principal dwelling the Accessory Dwelling Unit may occupy the entire basement area.” A new definition for principal dwelling will be added in the new Zoning By-law to help clarify uses such as “Accessory Dwelling Units” and is addressed in Discussion Paper #3 – Definitions Report.

It is also noted that accessory dwelling units are not currently permitted in the City's Residential Conversion (RC) Zone, Residential Type 2 (R2) Zone and Residential Type 3 (R3) Zone and should be updated to apply to the future relevant residential zones. This will be further addressed in future reports.

There are a number of less common provisions which are seen in Brantford's Zoning By-law and some of the other municipal zoning by-laws; these are highlighted yellow in **Table 2A**. Of these provisions, road allowance widths, day nurseries, height and density provisions and satellite dishes have been identified as likely not being necessary. There are several other provisions included in this list, such as highway corridor setbacks and bed and breakfast establishments, which although relatively rare, may still be appropriate to include within the new Comprehensive Zoning By-law.

There are also a number of provisions highlighted red in **Table 2** which indicate provisions only found in Brantford and/or Brant County. These include provisions for:

- Accessory Use Motor Vehicle Sale;
- Accessory Caretaker's Residence;
- Established Front Lot Line;
- Built and Cultural Heritage Area;
- Shipping Containers;
- Food Service Vehicles;
- Greenhouse Regulations;
- Lot Frontage Regulations;
- Connected Structures;
- Surplus Farm Dwellings;
- Special Setbacks;
- Subsequent Consent and/or Condominium Act;
- Special Policy Area;
- Steep Slopes;
- Location Propane of Storage Tanks;
- Site Plan Control;
- Flood; and
- Flood Lighting.

It should be noted that general provisions for shipping containers and food service vehicles are present in other example by-laws; however other example by-laws address

parking provisions for food service vehicles and allow shipping containers where open storage is permitted, whereas Brantford addresses food vehicles through its licensing and addresses shipping containers as a temporary use.

### **3.1.2 Example Provisions not found in Brantford Zoning By-laws**

The second section, **Table 2B** highlights provisions that are seen in multiple other zoning by-laws, but not in Brantford's existing Zoning By-law. These are broken down into two categories: "Use-related provisions" and "Other provisions.

Use-related provisions are often placed in the general provisions section of a zoning by-law as the use relates to multiple zones, and it saves repeating the different provisions in each zone. Some of the use-specific provisions that other municipalities' zoning by-laws address include:

- Outdoor Display and Sales Areas;
- Outdoor Lighting;
- Community Gardens;
- Accessory Farm Employee Accommodation;
- Kennels;
- Medical Marihuana Production Facilities;
- Waste Storage, Disposal, Processing and Transfer Areas;
- Garden Suites;
- Trail Corridors and Playgrounds; and
- Truck, Bus and Coach Bodies for human habitation.

Other (non-use) provisions in in the example municipal zoning by-laws include:

- Location of Propane Pumps and Canopies;
- Heating, Ventilation and Air Conditioning Equipment (HVAC); and
- Setbacks to pipelines, highways, etc.

The next phase of this project will consider whether these provisions should be incorporated into the City's new comprehensive Zoning By-law.

### 3.1.3 Unique Provisions

Not unexpected, some of the zoning by-laws had unique provisions. The use-related unique provisions include:

- Portable Classrooms;
- Adult Entertainment Uses;
- Campgrounds;
- Motor Vehicle Service Stations;
- Refreshment Trailers;
- Sleeping Cabins;
- Storage and Use of Hazardous Liquid or Leachable Chemicals;
- Garden Centres;
- Emergency Shelters;
- Home Daycare;
- Special Needs Housing; and
- Snow Storage Areas.

In addition to the above, a number of other (non-use) unique provisions were reviewed in the example zoning by-laws, these include the following:

- Area Requirements to Remain (areas reserved as open space shall continue to be reserved regardless of changes in ownership);
- Height (where and how height is measured for the purposes of this zoning by-law);
- Utilities (notwithstanding the other provisions of the zoning by-law, utilities or servicing infrastructure are permitted in any yard in any zone in accordance with the listed provisions);
- Regulations for Consolidated Lot Development (applicable to abutting lots under one identical ownership); and
- Established Neighbourhoods (provides provisions for existing residential zones).

Table 2: Comparison of General Provisions addressed in different municipalities' By-laws`

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan - *draft	Welland
<b>2A) Existing Brantford and Brant Provisions</b>													
<b>Uses Permitted in All Zones:</b> The uses identified in this subsection are permitted in all zones.	✓	✓		✓	✓	✓	✓		✓			✓	
<b>Residential Sales Offices (Temporary Sales Office):</b> Permitted locations.	✓	✓		✓	✓		✓	✓	✓			✓	
<b>Connected Structure:</b> Where an accessory building is attached to a main building, it shall be deemed to be part of the main building.		✓											
<b>Uses Prohibited in all Zones:</b> Outlines prohibited uses.	✓	✓	✓		✓	✓	✓		✓	✓		✓	✓
<b>Accessory Uses, Buildings and Structures:</b> Where a land use, building or structure is allowed, it shall include accessory uses and the location and height of such accessory buildings.	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
<b>Additional Residential Units:</b> Permissions for additional accessory residential units.		✓					✓	✓					
<b>Swimming Pools:</b> The permitted locations for swimming pools.	✓	✓			✓	✓	✓	✓	✓	✓		✓	✓

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Satellite Dishes:</b> The permitted locations and zones for satellite dishes.	✓		✓					✓	✓				
<b>Accessory Caretaker’s Residence</b>	✓												
<b>Accessory General Office:</b> addresses provisions for these uses in industrial areas.	✓											✓	
<b>Accessory Retail Uses:</b> Addresses retail sales in an Industrial Area.	✓	✓					✓						
<b>Accessory Used Motor Vehicle Sales:</b> Provisions as an accessory use to an autobody repair shop, automobile service station, or public garage.	✓												
<b>Permitted Encroachments in Required Yards:</b> Provisions applicable to ornamental structures to a principle building encroaching into yards.	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓
<b>Non-Conforming Uses:</b> Addresses legal non-conforming uses.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
<b>Non-Compliant Use:</b> Addresses non-conforming yard standards.	✓				✓		✓	✓	✓		✓		✓

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Non-Compliant Lots:</b> Addresses lots with deficient area and/or frontage.	✓		✓		✓								
<b>Reduction of Requirements:</b> Use, lot and building must meet zoning by-law requirements, and where conveyance for a public road occurs the remaining lot/use/building can continue to be used.	✓		✓	✓			✓	✓	✓			✓	✓
<b>Day Nursery Regulations:</b> Provisions for this use.	✓	✓				✓							
<b>Buffering:</b> Addresses setbacks of other uses to a residential or open space zone.	✓		✓	✓				✓	✓				
<b>Planting Strip/Landscaping/Visual Barrier:</b> Addresses where planting strips and landscaping are required.	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓
<b>Multiple Uses and Zones on one Lot:</b> On lots where multiple uses are permitted, the building or structure must comply with the provisions for all of the zones.		✓			✓		✓	✓				✓	✓
<b>Garden Suites:</b> Shall be permitted on lots zoned for single detached dwellings subject to a Temporary Use By-law.		✓					✓						✓

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Open Storage:</b> Where outdoor storage is permitted on a lot.	✓	✓		✓		✓	✓		✓		✓	✓	
<b>Lot Frontage Regulations:</b> Where lot frontages are required and provisions for them.		✓											
<b>Flood Lighting:</b> Lighting shall be directed away from habitable living space	✓												
<b>Height Exceptions:</b> The structures on top of a roof which are in excess of the height of the building.	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓
<b>Group Homes:</b> Definition of Group Homes, as well as where they are permitted.	✓	✓	✓		✓	✓	✓	✓			✓	✓	✓
<b>Bed and Breakfast Establishment:</b> Permitted in a detached dwelling with the listed provisions.	✓			✓		✓	✓			✓	✓	✓	✓
<b>Temporary Sales Events:</b> The provisions applying to temporary sales events.		✓		✓			✓	✓					
<b>Home Occupations:</b> The provisions applying to home based businesses.	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Conformity with an Established Building Line:</b> Structures built between existing buildings may be built with a setback equal to that of the buildings around them.	✓				✓	✓		✓	✓		✓		
<b>Drive-Through Facilities and Stacking Lane/Spaces:</b> Stacking Space Requirements for various drive through facilities.	✓	✓		✓			✓						✓
<b>Interior Side Yard - Common Walls:</b> No minimum side/rear yard applies for common walls.	✓										✓		
<b>Sight Triangles:</b> Sight requirements on corner lots.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
<b>Surplus Farm Dwellings:</b> Addresses frontage, minimum distance separation and other regulations.		✓											
<b>Yards and Planting Strips / Roads Widths:</b> Addresses yards adjacent to a highway and road allowance widths.	✓					✓	✓		✓				
<b>Highway Corridor Setback:</b> Minimum setback distance from the lot line abutting the boundary of the highway corridor.	✓									✓		✓	✓
<b>Wayside Pits and Quarries:</b> Use is permitted for public road purposes for the extraction of road building materials.	✓			✓			✓	✓					✓

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Minimum Distance Separation:</b> Between Livestock Agricultural Uses and Other Land Uses.		✓	✓				✓						✓
<b>Farm Production Outlet Regulations:</b> Provisions for farm production outlets.		✓											
<b>Greenhouse Regulations:</b> Provisions for greenhouses.		✓											
<b>Outdoor Lighting:</b> Provisions for outdoor lighting.		✓				✓							
<b>Location of Propane Storage Tanks:</b> Provides provisions for these uses.	✓	✓											
<b>Subsequent Consent and/or Condominium Act:</b> Outlines the use of the Condominium Act.		✓											
<b>Steep Slopes:</b> Requires geotechnical studies by unstable steep slopes.		✓											
<b>Site Plan Control:</b> Outlines uses in which site plan control shall be in effect.		✓											
<b>Special Setbacks:</b> Special setbacks and provisions for core areas, built-up areas, watercourses and municipal drains and grading and drainage.		✓											

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Established Front Building Line:</b> Calculating front building lines.	✓												
<b>Availability of Municipal Services:</b> No new land uses shall be permitted unless municipal services and related capacity are available.	✓	✓		✓		✓	✓		✓	✓		✓	✓
<b>Public Service/Uses:</b> That this zoning by-law shall not prevent use of land for public uses.	✓		✓	✓			✓	✓	✓	✓			✓
<b>Refreshment Trailers/Food Service Truck:</b> Provisions applicable to refreshment trailers/food service trucks including in accordance with a Licencing By-law.	✓	✓					✓						
<b>Flood:</b> Regulations for zones with this symbol.	✓												
<b>Temporary Uses:</b> provisions applicable to temporary uses related to construction, sales and customer services.	✓		✓	✓	✓		✓	✓	✓	✓	✓		✓
<b>Setbacks from Railways:</b> Special setbacks apply from Railways, Lake Ontario, pipelines and highways.	✓		✓	✓	✓		✓	✓		✓			✓
<b>Detached Garage and Car Ports:</b> Provides yard, height and coverage requirements.	✓						✓	✓				✓	

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Restaurant Patios:</b> Permitted as an accessory use to a restaurant subject to the listed provisions.		✓			✓	✓	✓	✓		✓		✓	✓
<b>Accessory Dwelling Units:</b> Provides provisions for accessory apartments in single detached or semi-detached dwellings.	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓
<b>Number of Dwelling Units on a Lot:</b> The maximum number of residential dwelling units permitted on a lot.	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	
<b>Shipping Containers:</b> addresses the temporary use of shipping containers.	✓												
<b>Model Homes:</b> Permitted locations.	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
<b>Wellhead Protection Areas:</b> Provisions applicable to Wellhead Protection Areas which have Restricted Land Uses under the Clean Water Act.		✓			✓		✓					✓	
<b>Short-Term Accommodation:</b> Provides provisions for this use.	✓	✓								✓		✓	

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>2B) Example Provisions not seen in Brantford or Brant By-law - Use</b>													
<b>Frontage on Public Street:</b> That a lot must front on a public street.			✓	✓	✓	✓	✓		✓		✓	✓	✓
<b>Outdoor Display and Sales Area:</b> Permitted as an accessory use with the listed provisions.			✓	✓	✓	✓		✓	✓	✓		✓	✓
<b>Food Vehicles:</b> Gives parking provisions for this use.						✓			✓				
<b>Shipping Containers:</b> Shall be permitted on lots where outside storage is a permitted use.								✓		✓		✓	
<b>Restaurant Patios:</b> Permitted in non-residential zones as an accessory use to a restaurant subject to the listed provisions.					✓	✓	✓	✓		✓		✓	✓
<b>Home Industries:</b> Shall be permitted as an accessory use within an agricultural or rural zone subject to the listed provisions.						✓	✓	✓	✓			✓	✓
<b>Community Garden:</b> Shall be permitted in all zones except conservation/natural area zones.				✓							✓	✓	

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Accessory Farm Employee Accommodation:</b> May be permitted subject to a zoning by-law amendment.					✓		✓						
<b>Kennels:</b> Minimum gross floor area, setbacks and separation distance for this use.					✓			✓					
<b>Medical Marihuana Production Facilities:</b> Where permitted in the zoning by-law, the listed provisions shall apply.					✓		✓						
<b>Waste Storage, Disposal, Processing and Transfer Areas:</b> Zones and locations on a lot where these uses are permitted along with their specific provisions.					✓		✓	✓	✓	✓		✓	✓
<b>Trail Corridors and Playgrounds:</b> Shall be permitted in any zone through a plan approved by a municipal authority.								✓			✓		
<b>Truck, Bus and Coach Bodies:</b> Shall not be used for human habitation.			✓	✓		✓			✓				
<b>Micro-Industrial Uses:</b> Provides provisions for these uses.									✓			✓	

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<p><b>Garden Centres:</b> Shall be permitted as an accessory use to retail and food stores, a contractor’s yard, a building supply store and a warehouse membership club.</p>								✓		✓			

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>2C) Example Provisions not seen in Brantford or Brant By-law – Other</b>													
<b>Heating, Ventilation and Air Conditioning Equipment (HVAC):</b> Regulations for ground level HVAC.								✓	✓		✓		✓
<b>0.3 m Reserves:</b> Addresses treatment of 0.3 reserves, which are to be part of the abutting road and not the lot.										✓		✓	
<b>Conservation Authority Regulated Areas:</b> Written approval of the Conservation Authority having jurisdiction shall be obtained and submitted with any building permit application.				✓								✓	

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>2D) Unique Provisions - Use</b>													
<b>Portable Classrooms:</b> Buildings formerly used as portable classrooms shall not be located on a residential lot for use as an accessory use.			✓										
<b>Residential Backyard Hens:</b> Permission for hens on lots greater than an acre in a residential zone.					✓								
<b>Adult Entertainment Uses:</b> Provision for this use where permitted in the zoning by-law.					✓								
<b>Campgrounds:</b> Lot size, accessory uses, outdoor recreation space provisions for this land use.							✓						
<b>Motor Vehicle Service Stations:</b> Provisions applying to motor vehicle service stations where permitted by the zoning by-law.							✓						
<b>Storage and Use of Hazardous Liquid or Leachable Chemicals:</b> Shall be contained within an enclosed building and shall be subject to approvals and regulations of the Ministry of Environment.							✓						

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Emergency Shelters:</b> Provisions applicable where an emergency shelter is permitted.										✓			
<b>Home Daycare:</b> Subject to the provisions of a Home Based Business.											✓		
<b>Special Needs Housing:</b> Shall be permitted in all dwelling types.											✓		
<b>Apartment Units in Commercial and Mixed Use Zones:</b> Where permitted in the By-law, apartment uses in these zones shall be in accordance with the listed provisions.													✓
<b>Day Care Centres:</b> When located in a commercial or mixed use building of a certain size, the area of a day care centre shall not be included in calculations of gross floor area or parking requirements.													✓
<b>Snow Storage Areas:</b> Minimum area required for snow storage in industrial, institutional and residential zones.													✓
<b>Barrier-Free Access Ramps and Lifts:</b> Nothing in this By-law prevents the establishment of barrier-free entrances and ramps.					✓	✓							

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>Hazardous Uses:</b> Uses that are hazardous to health are not permitted.									✓				
<b>Uses Restricted:</b> Requires separation distance for certain industrial/commercial uses.									✓				
<b>Motor Vehicle Dealership Displays:</b> Addresses provisions for this use.										✓			
<b>Place of Worship:</b> Addresses dwellings in association with these uses.												✓	
<b>Seasonal Farm Stand and Commercial uses:</b> Provides provisions for these uses.												✓	
<b>Portable Asphalt Plants:</b> Shall be dismantled at the completion of the construction project.								✓					
<b>Clothing Donation Boxes:</b> Provides provisions for this use.								✓					
<b>Dog Daycare:</b> Provisions for dog daycares.								✓					

Provision/Intent	Brantford	Brant	Ajax	Barrie	E. Gwillimbury*	Guelph	Innisfil	Milton	Newmarket	Oakville	St. Catharines	Vaughan -*draft	Welland
<b>2E) Unique Provisions - Other</b>													
<b>Area Requirements to Remain:</b> Areas reserved as open space shall continue to be reserved regardless of changes in ownership.			✓										
<b>Holding Zones:</b> Provisions applicable to holding zones identified in Schedule “A” to the zoning by-law.							✓						
<b>Height:</b> Where and how height is measured for the purposes of this zoning by-law.											✓		
<b>Setbacks from Pipelines:</b> Special setbacks apply to uses from Lake Ontario, pipelines and highways.			✓	✓	✓		✓	✓	✓	✓		✓	✓
<b>Location Propane of Pumps and Canopies:</b> Provides provisions for these uses.									✓			✓	
<b>Planned Width of Street Allowance:</b> That the lot line shall be determined to be the boundary of the planned street allowance.									✓	✓			
<b>Through Lots:</b> Front yard requirements applies on all streets for through lots.								✓	✓				✓



## 4 Official Plan Policies



A review of the City's new Official Plan identified policies which should be considered for the general provisions section of the new Zoning By-law. As the study progresses, it may be determined that it is more appropriate to address some of these policies in other sections of the Zoning By-law, or otherwise through the development process. The policies are simply flagged here for further consideration.

Relevant policies include:

- Policy 3.5 (e) land uses with significant drinking water threats will either be prohibited or regulated;
- Policy 5.2.1 (o) which require live-work units to provide amenity areas and sufficient planting and/or fencing to provide buffers adjacent to residential dwellings and adequate parking and drop off/pick-up facilities. The general provisions could be updated to include provisions for live-work units;
- Policy 5.2.1 (r) which provides additional requirements for day care facilities in the Residential Designation which should be addressed in the by-law. The by-law also refers to the use as a day nursery;
- Policy 5.2.1(s) and 5.2.2 (i) set out specifications for small-scale and large-scale places of worship. A general provision may be appropriate to address where these uses may be permitted and any specific requirements thereto, or they may be addressed in an institutional zone;
- Policy 5.3 (e) prohibits auto-focused uses such as drive-through facilities, automobile service centres and repair shops, and automobile dealerships from the Historic Main Streets Precinct;
- Policy 5.5.1 (k)(l)(m) and (n) set out specifications for home industries and on-farm diversified uses. These uses are not currently addressed within the by-law;
- Policy 6.6 permits wayside pits and quarries and portable asphalt and concrete plants on a temporary basis in all land use designations without an amendment or an implementing zoning by-law except when adjacent to sensitive land uses incompatible with aggregate extraction or within lands designated as part of the Natural Heritage System. The Zoning By-law does not currently specify this as a temporary use and further requires a permit issued pursuant to the Aggregate Resources Act. The general provisions should be revised to ensure that permissions for these uses align with these policies.

## 5 Considerations for a New General Provisions Section



From the analysis provided in this Discussion Paper, there are some consistencies and inconsistencies identified across the general provisions sections of the existing Brantford and Brant County Zoning By-laws and other example zoning by-laws reviewed.

There are a number of provisions which are typical to both the existing Brantford and Brant County Zoning By-laws and other municipal zoning by-laws that will need to be incorporated into the new general provisions section of the new Zoning By-law, including, for example, public uses, legal non-conformity, etc. In addition, a number of the existing provisions may need to be updated and incorporated into the new Zoning By-law. The next steps of the New Zoning By-law Project will provide updated wording to reflect the comments in this Discussion Paper. Finally, as a result of the review of the example zoning by-laws from other municipalities, there are a number of additional general provisions that could be considered in the new Zoning By-law.

**Table 3** lists existing provisions that are recommended to be brought forward, updated as needed, into the new Zoning By-law and identifies new provisions that should be added to the new Zoning By-law. The list of provisions to not carry forward into the new Zoning by-law is based on the analyses in Chapters 2 and 3. The following describes the rationale for not including the provisions:

- Satellite Dishes:
  - This has become outdated and is a less common provision.
- Accessory General Office:
  - This use should be addressed in future Employment Zones.
- Accessory Caretaker's Residence
  - This use should be addressed in future Employment Zones.
- Accessory Used Motor Vehicle's
  - This use should be addressed in Commercial Zones.
- Accessory Retail Sales
  - This use should be addressed in future Employment Zones.
- Open Storage
  - This use should be addressed in the appropriate applicable zones.
- Ontario Hydro as a Use Permitted in All Zones
  - Ontario Hydro is no longer an entity.
- Amusement Arcades as a Use Prohibited in All Zones
  - This use has become outdated.
- Flood Lighting
  - This is already a standard in the Site Plan Manual.
- Location of Propane Storage Tanks

- This is usually found in the rural areas to heat dwellings where other energy sources are not available. Not needed in the urban area and yards are large enough to accommodate it.
- Interior Side Yard – Common Walls
  - This regulation should be addressed in the appropriate applicable zones.
- Steep Slopes
  - This is not a common provision and is more of an Official Plan policy than a zoning provision
- Site Plan Control
  - This regulation is addressed in the Site Plan Manual.
- Special Setbacks to Core Areas
  - This regulation should be addressed in the appropriate applicable zones.
- Special Setbacks to Built-Up Areas
  - This regulation should be addressed in the appropriate applicable zones.
- Built and Cultural Heritage
  - This regulation refers to a zone overlay in Brant which isn't present in Brantford.
- Surplus Farm Dwellings
  - This provision should be addressed in the Agricultural Zone section.
- Accessory Uses Permitted in all Zones
  - This is not a common provision and is typically addressed in each zone.
- Connected Structure
  - This is not a common provision and is more of an interpretation matter that is not needed.

**Table 3: Potential Treatment of Existing Provisions in the new Comprehensive Zoning By-law**

Existing provisions to carry forward into the new comprehensive Zoning By-law	Existing provisions NOT to carry forward into new comprehensive Zoning By-law
Uses Permitted in All Zones	Satellite Dishes
Uses Prohibited in All Zones	Accessory General Offices
Accessory Uses, Buildings and Structures	Accessory Caretaker's Residence
Swimming Pools	Accessory Used Motor Vehicle Sales
Permitted Encroachments in Required Yards	Accessory Retail Sales
Non-Conforming Uses	Open Storage

Existing provisions to carry forward into the new comprehensive Zoning By-law	Existing provisions NOT to carry forward into new comprehensive Zoning By-law
Reduction of Requirements	Ontario Hydro as a Use Permitted in All Zones
Buffering	Amusement Arcades as a Use Prohibited in All Zones
Planting Strip/Visual Barrier	Flood Lighting
Height Exceptions	Location Propane of Storage Tanks
Group Homes	Interior Side Yard – Common Walls
Home Occupations	Steep Slopes
Sight Triangles	Site Plan Control
Availability of Municipal Services	Special Setbacks to Core Areas
Public Services	Special Setbacks to Built-Up Areas
Temporary Uses	Built and Cultural Heritage Area
Setbacks from Railways	Surplus Farm Dwellings
Accessory Dwelling Units	Accessory Uses Permitted in all Zones
Number of Dwelling Units on a Lot	Connected Structures
Model Homes	
Residential Sales Office	
Day Nursery	
Buffering	
Bed and Breakfast Establishment	
Conformity with an Established Building Line	
Drive-Through Facilities and Stacking Lanes/Spaces	

Existing provisions to carry forward into the new comprehensive Zoning By-law	Existing provisions NOT to carry forward into new comprehensive Zoning By-law
Common Walls on Lot Lines	
Yards and Planting Strips/Roads Widths	
Highway Corridor Setback	
Wayside Pits and Quarries	
Detached Garage and Car Ports	
Flood “F” Prefix	
Mini Group Homes, Crisis Residence, Group Correctional Home and Group Correctional Residence	
Greenhouse Regulations	
Minimum Distance Separation	
Refreshment Trailers	
Temporary Sales Events	
Wellhead Protection Areas	
Location of Gasoline and Propane Pumps and Canopies/Fuel Tanks	
Restaurant Patios (Uses Associated with a Restaurant)	
Cannabis Production Facilities	
Special Policy Area	
Short-Term Accommodations	

The following is a preliminary list of additional provisions, which should be considered for inclusion in the new Zoning By-law in the next phase of this New Zoning By-law Project, based on the review of other municipal zoning by-laws:

- Temporary Uses
- Outdoor Display and Sales Areas
- Setbacks to Pipelines
- Frontage on a Public Street
- Community Gardens
- Accessory Farm Employee Accommodation
- Kennels
- Medical Marijuana Production Facilities
- Waste Storage, Disposal, Processing and Transfer Areas
- Garden Suites
- Restaurant Patios
- Trail Corridors and Playgrounds
- Truck, Bus and Coach Bodies for human habitation
- Location of Gasoline and Propane Pumps and Canopies/Fuel Tanks
- Multiple Uses and Zones on one Lot (both apply)
- Conservation Authority Regulated Areas
- Through lots
- Portable Classrooms
- Adult Entertainment Uses
- Home Daycare/Daycare Centres
- Snow Storage Areas
- Barrier-Free Ramps
- Hazardous uses
- Heating, Ventilation and Air Conditioning Equipment (HVAC)
- Emergency Shelter
- Micro-Industrial Use
- Utilities
- Home Industries
- Outdoor Lighting
- Minimum Distance Separation
- 0.3 metre reserves

The new Zoning By-law must conform with the Official Plan as well as other Provincial plans and legislation. As noted in Chapter 4 of this Discussion Paper, it may be appropriate to address a number of the Official Plan policies in the General Provisions section of the new Zoning By-law by introducing new provisions or updating existing provisions regarding the following:

- Special needs housing, communal housing;
- Live-work units;
- Home industries and on-farm diversified uses;
- Small scale and large-scale places of worship;
- Day care facilities;
- Permissions for wayside pits and quarries;
- Permissions for auto-focused uses; and
- Prohibition of land uses posing significant drinking water threats.

The next phases of this New Zoning By-law Project will identify the specific provisions and wording that will be recommended for inclusion in the new Zoning By-law.

## 6 Conclusion



The purpose of this Discussion Paper is to identify which existing general provisions should be carried forward into the new Zoning By-law and what changes should be made to them, and to identify additional general provisions that should be added to the new Zoning By-law. In Phase 4 of this New Zoning By-law Project, the information collected and summarized in this Discussion Paper 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.