

EXPLANATORY NOTE**TO****BY-LAW NO. ____-2020**

This By-law applies to a 21.9 hectare (54.1 ac.) parcel of land located on the south side of Colborne Street West, just east of the intersection of Pleasant Ridge Road/Forced Road (municipally known as 620 Colborne Street West).

The purpose of this By-law is to change the zoning on the lands from "Holding - Residential Type 1B (H-R1B)" to "Holding – Residential - Medium Density Type A – Exception 71 Zone (H-R4A-71)" , "Holding – Residential - Medium Density Type A Exception 72 Zone (H-R4A-72)" , "Holding – Residential - Medium Density Type A – Exception 73 Zone (H-R4A-73)" , "Holding – Residential - Medium Density Type A – Exception 74 Zone (H-R4A-74)", "Holding - Residential Estate Zone (H-RE)", and "Restricted Open Space Zone (OS3)", to facilitate a plan of subdivision to create 3 residential blocks consisting of a maximum of 267 dwelling units, 1 open space block, and blocks for road widening and a water booster station. The lands would later be developed via a Draft Plan of Condominium to create the individual dwelling units.

Site specific requirements are proposed to permit a total of 267 dwelling units. Special exceptions have been applied to the subject lands to define and permit back-to-back townhouses, dual frontage townhouses, and for site specific provisions related to lot area, lot width, lot coverage, building height, amenity area, landscape open space, planting strip, privacy fence, encroachments, parking requirements and yard setbacks.

The lands are also subject to Site Plan Control, which ensures that staff and the Ward Councillors have an opportunity to review built form, grading, drainage, servicing, parking, buffering, landscaping, lighting etc. prior to any development of the lands.

The "Holding (H)" provision will not be removed until the applicant has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities, and has addressed all servicing issues, financial and otherwise, to the satisfaction of the City of Brantford.

File No. PZ-15-17
(Related Files: OP-07-17 & 29T-17506)
Applicant: LIV Developments Ltd.

BY-LAW NUMBER __-2020

OF

THE CORPORATION OF THE CITY OF BRANTFORD

To amend By-law No. 160-90, being a By-law to regulate the use of lands and the location and use of buildings and structures in the City of Brantford.

WHEREAS the Council of the Corporation of the City of Brantford desired that By-law No. 160-90, as amended, be further amended as hereinafter set out;

AND WHEREAS such amendment will be within the terms and intent of the Official Plan for the City of Brantford.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT R.S.O. 1990 HEREBY ENACTS AS FOLLOWS:

1. SCHEDULE AMENDMENTS TO BY-LAW NO. 160-90

.1 THAT Schedule 'A' Map H-4 and Map H-5 be amended as shown on Schedule "A" Map 1, attached and forming part of this By-law, and as summarized as follows:

1. Part 1

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential - Medium Density Type A – Exception 71 Zone (H-R4A-71)".

2. Part 2

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential - Medium Density Type A – Exception 72 Zone (H-R4A-72)".

3. Part 3

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential Medium Density Type A – Exception 73 Zone (H-R4A-73)".

4. Part 4

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential Medium Density Type A – Exception 74 Zone (H-R4A-74)".

5. Part 5

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Open Space Restricted Zone (OS3)".

6. Part 6

Change from "Holding - Residential Type 1B Zone (H-R1B)" to "Holding - Residential Estate Zone (H-RE)".

2. TEXT AMENDMENTS TO BY-LAW NO. 160-90

- .1 THAT Section 7.9.4 "Exceptions" be amended by the addition of the following new subsections:

.71 620 Colborne Street West (Part 1)

- .1 The lands zoned H-R4A-71 may only be used in accordance with the permitted uses in the H-R4A-71 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:

- .1 The Owner has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,
 .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.

- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-71 Zone:

- .1 Semi-detached dwelling.
 .2 Accessory uses, buildings, and structures.
 .3 Uses permitted in Section 6.1.

- .3 For purposes of this By-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condominium unit or freehold lot).

- .4 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-71 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

- | | | |
|----|---------------------------|-------------------|
| .1 | Lot Area (Minimum) | 195m ² |
| .2 | Lot Width (Minimum) | 7.3m |
| .3 | Lot Coverage (Minimum) | Shall not apply |
| .4 | Building Height (Maximum) | 2 Storeys |

.5	Front Yard (Minimum)	5.5m to dwelling face; 5.8m to attached garage.
.6	Rear Yard (Minimum)	6.0m + 3.0m landscape buffer
.7	Side Yard (Minimum)	
	.1 Interior	1.2m
	.2 Exterior	2.4m
	.3 Common Walls	In accordance with Section 6.20
.8	Gross Floor Area (Minimum)	85m ²
.9	Landscaped Open Space (Minimum)	30% of the entire condominium block
.10	Private Amenity Space (Minimum)	9.0m ²
.11	Common Amenity Space (Minimum)	9.0m ² per unit in addition to private amenity area
.12	Parking	
	.1 The parking requirements existing at the date of the passage of this By-law shall continue to apply.	
	.2 Number of spaces (Min.)	1.0 space per unit, plus 0.5 visitor spaces per unit provided within the common parking area.
.13	Encroachments (Maximum)	<u>Front yard</u> Porches: 1.5m Steps with or without foundation: 3.9m, but no closer than 0.6m to a private condominium road.

Interior or
Exterior Side
Yard

Bay windows
with or without
foundation:
0.6m, but no
closer than
0.3m.

- .14 Notwithstanding any provision to the contrary, for purposes of calculating setbacks along a curved portion of a street or intersecting street, the unit setback shall be measured from the point of intersection of the two streets extended.
- .15 Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments.
- .16 That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

.72 620 Colborne Street West (Part 2)

- .1 The lands zoned H-R4A-72 may only be used in accordance with the permitted uses in the H-R4A-72 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:
 - .1 The Owner has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,
 - .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.
- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-72 Zone:
 - .1 Street townhouse dwelling.
 - .2 Back-to-back townhouse dwelling.
 - .3 Dual-frontage townhouse dwelling.
 - .4 Accessory uses, buildings, and structures.
 - .5 Uses permitted in Section 6.1.
- .3 For the purpose of this By-law, a Back-to-back Townhouse dwelling shall be defined as a group of buildings on a lot or lots, each group containing not less than six (6) and not more than

fourteen (14) dwelling units, fully attached in two rows arranged back-to-back, being separated from the adjacent unit by a vertical, common wall on one or both sides and the rear, and with each dwelling have its own private entrance from outside, driveway from the street, and a private garage, carport or parking area.

- .4 For the purpose of this By-law, a Dual Frontage Townhouse dwelling shall mean a building containing no more than ten (10) units in a block, on a lot or lots having frontage on two or more right-of-ways, either public or private, each dwelling being separated from the adjacent unit by vertical, common walls, and with each dwelling have its own private entrance from outside, driveway from the street, and a private garage, carport or parking area.
- .5 For purposes of this by-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condominium unit or freehold lot).
- .6 Notwithstanding any provision to the contrary, when a dwelling has frontage on both a public right-of-way and a private condominium road, the yard abutting the public right-of-way shall be considered the front yard.
- .7 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-72 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

.1	Lot Area (Minimum)	
.1	Street townhouse dwelling	120m ²
.2	Back-to-back townhouse dwelling	80m ²
.3	Dual-frontage townhouse dwelling	120m ²
.2	Lot Width (Minimum)	
.1	Street townhouse dwelling	4.8m
.2	Back-to-back townhouse dwelling	5.9m
.3	Dual-frontage townhouse dwelling	5.9m
.3	Lot Coverage (Minimum)	Shall not apply
.4	Building Height (Maximum)	3 storeys

.5	Front Yard (Minimum)	
	.1 All uses except dual-frontage townhouse dwellings	4.5m to dwelling face; 5.8m to an attached garage
	.2 Dual-frontage townhouse dwelling	4.0m to dwelling face abutting a public right-of-way;
.6	Rear Yard (Minimum)	
	.1 Street townhouse dwelling	6.0m
	.2 Back-to-back townhouse dwelling	0.0m
	.3 Dual-frontage townhouse dwelling	4.5m to dwelling face; 5.8m to an attached garage
.7	Side Yard (Minimum)	
	.1 Interior	
	.1 Street townhouse dwelling	1.5m
	.2 Back-to-back townhouse dwelling	1.5m
	.3 Dual-frontage townhouse dwelling	1.5m
	.2 Exterior	
	.1 Street townhouse dwelling	1.0m to a parking space; 2.4m to the curb or sidewalk of a private road
	.2 Back-to-back townhouse	1.0m to a parking space; 2.4m to the curb or sidewalk of a private road
	.3 Dual-frontage townhouse dwelling	2.4m

.3	Common Walls Section 6.20	In accordance with
.8	Gross Floor Area (Minimum)	
	1. Street townhouse dwelling	70m ²
	2. Back-to-back townhouse Dwelling	55m ²
	3. Dual-frontage townhouse Dwelling	70m ²
.9	Landscaped Open Space (Minimum)	30% of the entire condominium block
.10	Private Amenity Space (Minimum)	
	.1 Street townhouse dwelling	9.0m ²
	.2 Back-to-back townhouse dwelling	Shall not apply
	.3 Dual-frontage townhouse dwelling	Shall not apply
.11	Common Amenity Space (Minimum)	
	All uses	9.0m ² per unit in addition to private amenity area
.12	Parking	
	.1 The parking regulations existing at the date of the passage of this By-law shall continue to apply.	
	.2 Number of spaces (Minimum)	
	All uses	1.0 space per unit, plus 0.5 visitor spaces per unit provided within the common parking area
.13	Encroachments (Maximum)	
	1. All uses except Dual-frontage townhouse dwellings	<u>Front yard</u> Porches: 1.5m Steps with or without

foundation:
3.9m, but no
closer than 0.6m
to a private
condominium
road

Interior or
Exterior Side
Yard

Bay windows
with or without
foundation:
0.6m, but no
closer than 0.3m

2. Dual-frontage units

Front Yard
(Colborne Street
West)

Porches and steps
with or without a
foundation: 2.5m but
no closer than 0.5m
to a public road.

Rear Yard (Private
Road)

Porches and steps
with or without
foundation: 1.5m

Interior or Exterior
side yard

Bay windows with or
without foundation:
0.6m, but no closer
than 0.3m

- .14 Notwithstanding any provision to the contrary, only dual frontage townhouse dwellings are permitted along the Colborne Street West and Pleasant Ridge Road frontages.
- .15 No accessory uses, buildings or structures are permitted in yards abutting Colborne Street West or Pleasant Ridge Road.
- .16 No privacy fencing shall be permitted in the front or rear yard of dual frontage townhouse dwellings.

- .17 Notwithstanding any provision to the contrary, for purposes of calculating setbacks along a curved portion of a street or intersecting street, the unit setback shall be measured from the point of intersection of the two streets extended.
- .18 Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments.
- .19 Notwithstanding anything to the contrary, the maximum number of units within a street townhouse block shall be 8 units.
- .20 That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

.73 620 Colborne Street West (Part 3)

- .1 The lands zoned H-R4A-73 may only be used in accordance with the permitted uses in the H-R4A-73 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:
 - .1 The Owner has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,
 - .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.
- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-73 Zone:
 - .1 Dual frontage townhouse dwellings.
 - .2 Accessory uses, buildings, and structures.
 - .3 Uses permitted in Section 6.1.
- .3 For the purpose of this By-law, a Dual-Frontage Townhouse shall mean a building containing no more than ten (10) units in a block, on a lot or lots having frontage on two or more right-of-ways, either public or private, each dwelling being separated from the adjacent unit by vertical, common walls, and with each dwelling have its own private entrance from outside, driveway from the street, and a privates, garage, carport or parking area.
- .4 For purposes of this by-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condo unit or freehold lot).

- .5 Notwithstanding any provision to the contrary, when a dwelling has frontage on both a public right-of-way and a private condominium road, the yard abutting the public right-of-way shall be considered the front yard.
- .6 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-73 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- | | | |
|-----|---------------------------------|--|
| .1 | Lot Area (Minimum) | 110m ² |
| .2 | Lot Width (Minimum) | 5.9m |
| .3 | Lot Coverage (Maximum) | Shall not apply |
| .4 | Building Height (Maximum) | 3 Storeys |
| .5 | Front Yard (Minimum) | 3.0m to any dwelling face abutting a public right-of-way |
| .6 | Rear Yard (Minimum) | 3.0m to a dwelling face abutting a private condominium road;

5.8m to an attached garage, abutting a private condominium road; |
| .7 | Side Yard (Minimum) | |
| | .1 Interior | 1.5m |
| | .2 Exterior | 2.4m to a lot line |
| | .3 Common walls | In accordance with Section 6.20 |
| .8 | Gross Floor Area (Minimum) | 60.0m ² |
| .9 | Landscaped Open Space (Minimum) | 25% for entire condominium block |
| .10 | Private Amenity Space | Shall not apply |
| .11 | Common Amenity Space (Minimum) | 18m ² per unit |
| .12 | Parking | |
| | .1 | The parking regulations existing at the date of the passage of this By-law shall continue to apply. |
| | .2 | Number of spaces (Minimum) |

- All uses 1.0 space per unit, plus 0.5 visitor spaces per unit provided within the common parking area
- .13 Encroachments
- Front Yard (Colborne Street West)
Porches and steps with or without a foundation: 2.5m
- Bay Windows with foundation: 0.6m, but no closer than 0.3m
- Interior or Exterior side yard
Bay Windows with foundation: 0.6m, but no closer than 0.3m
- .14 No accessory uses, buildings or structures are permitted in yards abutting Colborne Street West.
- .15 No privacy fencing shall be permitted in the front yard or rear yard of dual frontage units.
- .16 Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments.
- .17 That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

.74 620 Colborne Street West (Part 4)

- .1 The lands zoned H-R4A-74 may only be used in accordance with the permitted uses in the H-R4A-74 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:
- .1 The Applicant has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,

- .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.
- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-74 Zone:
- .1 Street townhouse dwelling.
 - .2 Accessory uses, buildings, and structures.
 - .3 Uses permitted in Section 6.1.
- .3 For purposes of this by-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condo unit or freehold lot).
- .4 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-74 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- .1 Lot Area (Minimum) 120m²
 - .2 Lot Width (Minimum) 5.4m
 - .3 Lot Coverage (Minimum) Shall not apply
 - .4 Building Height (Maximum) 3 Storeys
 - .5 Front Yard (Minimum) 4.5m to dwelling face;
5.8m to attached garage.
 - .6 Rear Yard (Minimum) 6.0m
 - .7 Side Yard (Minimum)
 - .1 Interior 1.5m
 - .2 Exterior 2.4m
1.0m to parking space
 - .3 Common Walls In accordance with Section 6.20
 - .8 Gross Floor Area (Minimum) 70m²
 - .9 Landscaped Open Space (Minimum) 30% of the entire condominium block
 - .10 Private Amenity Space (Minimum) 20.0m²

(unscreened)

- .11 Common Amenity Space (Minimum) 9.0m² per unit in addition to private amenity area
- .12 Parking
- .1 The parking regulations existing at the date of the passage of this By-law shall continue to apply.
- .2 Number of spaces (Min.) 1.0 space per unit, plus 0.5 visitor spaces per unit provided within the common parking area
- .13 Encroachments (Maximum)
- Front yard
Porches: 1.5m
Steps with or without foundation: 3.9m, but no closer than 0.6m to a private condominium road
- Interior or Exterior Side Yard
Bay windows with or without foundation: 0.6m, but no closer than 0.3m
- .14 Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments.
- .15 Notwithstanding any provision to the contrary, for purposes of calculating setbacks along a curved portion of a street or intersecting street, the unit setback shall be measured from the point of intersection of the two streets extended.
- .16 Notwithstanding anything to the contrary, the maximum number of units within a street townhouse block shall be 8 units.

.17 That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

3. EFFECTIVE DATE

.1 THAT this By-law shall become effective from and after the date of passing thereof.

**READ THE FIRST TIME
READ THE SECOND TIME
PASSED**

MAYOR

CLERK

Schedule A – Map 1



Schedule 'A'

