

BY-LAW NO. 90-2018

-OF-

THE CORPORATION OF THE CITY OF BRANTFORD

Being a By-law to designate the City of Brantford as an area of Site Plan Control and to repeal City of Brantford By-law No. 50-2001 and County of Brant By-law No. 157-03 as it relates to the Annexed Area.

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13 provides that where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area;

AND WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13 provides that the council of a municipality may by by-law define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under that section and may delegate to either a Committee of the Council or to an appointed officer of the municipality any of the Council's power or authority under that section, except the authority to define any class or classes of development;

AND WHEREAS the City of Brantford Official Plan designates the entire City as a Site Plan Control Area;

AND WHEREAS the County of Brant Official Plan designates the entire County as a Site Plan Control Area;

AND WHEREAS on June 28, 2016 The Corporation of the City of Brantford (the "City") and The Corporation of the County of Brant (the "County") entered into a Boundary Adjustment Agreement to provide for the annexation of certain lands in the County to the City (the "Boundary Agreement");

AND WHEREAS a Restructuring Proposal, in the form of the Boundary Agreement, was submitted to the Ministry of Municipal Affairs and Housing and received Ministerial Consent on or around December 13, 2016, thereby giving the City legislative jurisdiction over the Annexed Area;

AND WHEREAS the Council of The Corporation of the City of Brantford desires to implement Site Plan Control under the provisions of Section 41 of the *Planning Act* R.S.O. 1990, c. P. 13;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD ENACTS AS FOLLOWS:

INTERPRETATION

1. In this By-law:

- a) **“Accessory Building or Structure”** shall mean an Accessory Building or Accessory Structure, as defined in the City of Brantford’s Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- b) **“Agricultural Use”** shall mean the use of land for the purpose of growing field crops, berry crops, or tree crops, flower gardening, market gardening, horticultural nurseries, aviaries, apiaries, or farms for the grazing, breeding, raising, boarding or training of livestock, or the breeding and raising of hogs, fish, or poultry, and the use of buildings and structures erected on the land which are necessary for and essential to the operation of the business, and including the sale of produce, crops, livestock, hogs, fish, or poultry produced on the said premises.
- c) **“Agriculturally Related Commercial Use”** shall mean a farm-related Commercial Use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.
- d) **“Agriculturally Related Industrial Use”** shall mean a farm-related Industrial Use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.
- e) **“Annexed Area”** shall have the same meaning as defined in Schedule “A” to By-law No. 101-2016, as amended, or any successor thereto.
- f) **“Cannabis Production Facility”** shall mean a lot, building, or structure used for producing, processing, testing, destroying, packaging and shipping of cannabis, or any combination thereof.
- g) **“City”** and **“City of Brantford”** have the same meaning and shall mean The Corporation of the City of Brantford.
- h) **“Commercial Parking Lot”** shall mean a lot, a building, or a portion thereof, used for the parking of three or more motor vehicles, including the parking spaces, traffic aisles, and driveways associated therewith, for which a fee is charged.

- i) "**Commercial Use**" have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- j) "**Converted Dwelling**" shall have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- k) "**Council**" means the municipal council of the City.
- l) "**Development**" shall have the same meaning as defined in Section 41 the *Planning Act, R.S.O. 1990, c. P.13*.
- m) "**Duplex Dwelling**" shall have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- n) "**Fish Farming Operation**" shall mean an Agricultural Use involved in the creation of ponds, waterways, and other facilities for the spawning, growing, feeding, and sale of fish.
- o) "**Greenhouse**" shall mean an Agricultural Use involved in the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items including the sale of associated items such as soil, mulch, planting mediums, fertilizers, and similar materials.
- p) "**Gross Floor Area**" have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- q) "**Industrial Use**" shall have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- r) "**Minor Addition or Alteration**" shall mean a Development consisting of an addition or alteration to a building or structure which increases the Gross Floor Area by no more than 10%, and which does not generate a requirement for more than two additional parking spaces or any additional loading spaces.
- s) "**Mushroom Operation**" shall mean an Agricultural Use involved in the growing, sorting, and/or storing of mushrooms and mushroom-related compounds.

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- t) **“Residential Use”** shall have the same meaning as defined in the City of Brantford’s Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- u) **“Semi-Detached Dwelling”** shall have the same meaning as defined in the City of Brantford’s Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- v) **“Single-Detached Dwelling”** shall have the same meaning as defined in the City of Brantford’s Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.
- w) **“Street Townhouse Dwelling”** shall have the same meaning as defined in the City of Brantford’s Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.

DESIGNATED AREA

- 2. The whole of the area within the boundaries of the City of Brantford is hereby designated as a Site Plan Control Area.

APPROVAL OF PLANS AND DRAWINGS

- 3. No person shall undertake any Development on land in the Site Plan Control Area unless Council, its delegate, or the Local Planning Appeal Tribunal has approved the plans, drawings, and any agreements in accordance with Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*.
- 4. An application for Site Plan approval shall include the submission of plans and drawings in accordance with Section 41(4) of the *Planning Act, R.S.O. 1990, c. P.13*.
- 5. Unless otherwise exempted from Site Plan Control as per Section 8 of this By-law, Council or its delegate may require an application for Site Plan approval for a Residential Use consisting of less than twenty-five (25) dwelling units to include the submission of plans and drawings in accordance with Section 41(4)2 of the *Planning Act, R.S.O. 1990, c. P.13*.
- 6. The approval of the plans and drawings referred to in Section 4 of this By-law shall be subject to the Northwest Industrial Area Supplemental Site Plan Requirements until they are superseded by Council-adopted Design Guidelines for the lands described as follows:
 - a. 375 Hardy Road, being Part Lots 19-20, Concession 3, Geographic Township of Brantford; and

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- b. 395 Hardy Road, being Part Lots 18-21 and Part of the Road Allowance between Lots 18 & 19, Concession 3, Geographic Township of Brantford.

PRE-CONSULTATION

7. Prior to the submission of any application for Site Plan approval within the Site Plan Control Area, the owner of land shall formally consult with the municipality, in order to identify the need for and scope of any information and materials considered to be necessary by the City and other affected agencies to allow for full consideration of the application.
8. Notwithstanding Section 7 of this By-law, the consultation requirement set out therein may be waived where Council or its delegate determines in their discretion that no reasonable purpose would be served by such a consultation due to the nature of the application.

CLASSES OF DEVELOPMENT EXCLUDED

9. The following classes of Development may be undertaken without the approvals referred to in Section 3 of this By-law:
 - a. Single-Detached Dwelling;
 - b. Semi-Detached Dwelling;
 - c. Duplex Dwelling;
 - d. Converted Dwelling containing a maximum of two (2) dwelling units;
 - e. Street Townhouse Dwelling within a registered plan of subdivision which has been registered after the date of passing of this By-law;
 - f. Buildings or structures used for an Agricultural Use;
 - g. Buildings or structures used for aggregate resource extraction operating under a license issued by the Province of Ontario;
 - h. Minor Addition or Alteration; and
 - i. Accessory Building or Structure that is accessory to a Residential Use or Agricultural Use.

APPROVALS REQUIRED

10. The classes of Development exempted from Site Plan Control as per Section 9 of this By-law may require approval under Site Alteration By-law No. 28-2011, as amended, or any successor thereto, and may be required to provide grading or

alteration in elevation or contour of the land and provision for the disposal of storm, surface, and waste water from the land and from any buildings or structures thereon in accordance with Section 41(7)(a)9 of the *Planning Act, R.S.O. 1990, c. P.13*.

11. Notwithstanding Section 9 of this By-law, the approvals referred to in Section 3 of this By-law shall be required where Development consists of the following:


- a. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure, for the following uses:
 - i. A Mushroom Operation;
 - ii. A Fish Farming Operation;
 - iii. A Greenhouse;
 - iv. A Cannabis Production Facility;
 - v. An Agriculturally Related Commercial use; or
 - vi. An Agriculturally Related Industrial use.
- b. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure that is accessory to a Residential Use or an Agricultural Use, on a lot created by a decision of the Committee of Adjustment for the City given on October 18, 2017 or thereafter;
- c. Any Development on a lot where Site Plan Control is required as a condition of a decision of the Committee of Adjustment for the City given on the date of final passing of this By-law or thereafter;
- d. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure that is accessory to a Residential Use or an Agricultural Use, on a lot identified in Schedule "A";
- e. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure that is accessory to a Residential Use or an Agricultural Use, on a lot abutting a road identified in Schedule "B" – "Road Widenings";
- f. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure that is accessory to a Residential Use or an Agricultural Use, on a lot identified in Schedule "C" – "Abandoned Landfill Sites and Impact Areas";
- g. Any Development on a lot subject to an "F" prefix as identified on Schedules "K" and "L" of the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto;


- h. Any Development, on a lot zoned Holding – Residential Type 1A Zone (H-R1A) in the City of Brantford’s Comprehensive Zoning By-law 160-90, as amended, or any successor thereto, and identified in Schedule “D”; or
- i. Any Development for Residential Use on the lands described as 395 Hardy Road, being Part Lots 18-21 and Part of the Road Allowance between Lots 18 & 19, Concession 3, Geographic Township of Brantford, provided that the approvals referred to in Section 3 of this By-law are limited to plans and drawings demonstrating conformity of each lot with the grading and drainage plan for the entire subdivision and plans and drawings demonstrating conformity with the approved Architectural and Design Guidelines.

EFFECTIVE DATE

- 12. THAT this By-law shall become effective on the day of final passing thereof.
- 13. THAT By-law No. 50-2001 shall be repealed in its entirety on the day of final passing of this By-law.
- 14. THAT County of Brant By-law No. 157-03 shall be repealed as it relates to the Annexed Area on the day of final passing of this By-law.

READ THE FIRST TIME	June 26, 2018
READ THE SECOND TIME	June 26, 2018
PASSED	June 26, 2018



 MAYOR


 CLERK

SCHEDULE "A"

1. 61 Dundas Street: described as Part of Lot 3, Registered Plan 111.
2. 20 Roy Boulevard: described as Lot 26, Registered Plan 1455 and Part 18, Reference Plan 2R-2815.
3. 58 Kennedy Street: described as Part 1, Plan 2R-5262.
4. 11 Echo Villa Avenue: described as Parts of Lots 4, 5 and 6, south of Colborne Street, Registered Plan 39.
5. Northeast Industrial Area: described as Part Lots 39 to 42, all inclusive in Concession 3.
6. 401 Henry Street: described as Part of Lot 41, in Concession 3.
7. 42 Summerhayes Crescent: described as Part of lot 37, Registered Plan 574.
8. 114 Marlborough Street: described as Parts 1 to 5 inclusive, Reference Plan 2R-5511.
9. Northwest Industrial Area: described as Draft Plan of Subdivision Application 29T-00501.
- 10.1 54 Paris Road: described as Part of Lots 10 and 11, Registered Plan 544.
- 10.2 96 Middleton Street: described as Part 1, Reference Plan 2R-4803 and Part 1, Reference Plan 2R-5729.
11. 2 Riverview Drive: described as Part of Lots A and C, Registered Plan 455.
12. 11 Roy Boulevard: described as Part 2, Reference Plan 2R-5723.
13. 58 Waterloo Street: described as Parts 1 to 5, Reference Plan 2R-6003.
14. 29 Golfdale Road: described as Lot 18, Registered Plan 558.
15. 210 Hachborn Road: described as Parts 2, 3, and 4, Reference Plan 2R-3315.
16. 79 Oakhill Drive: described as Parts 1, 2 and 3, Reference Plan 2R-6115.

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17. 37 Spalding Drive: described as Part of Lot 2, Registered Plan 722.
18. 45 Dalkeith Drive: described as Parts 5 to 9, 11 and 12, Reference Plan 2R-4113.
19. East Side of Oak Park Road, North of Highway No. 403:
described as Parts 1, 4 and 5, Reference Plan 2R-6177.
20. Northern Portion of the Block Bounded by Queensway Drive, St. George Street, Henderson Avenue, and Franklin Street:
described as Parts 1 to 6 inclusive, Reference Plan 2R-6247.
21. East Side of Oak Park Road, North of Highway No. 403:
described as Draft Plan of Subdivision Application 29T-04501.
22. West Side of Oak Park Road, North of Highway No. 403:
described as Draft Plan of Subdivision Application 29T-04502.
23. East Side of Garden Avenue, North of Elgin Street:
described as Parts 3 to 10, Reference Plan 2R-1760.
24. 127 Waterloo Street: described as Lots 17-19, East side Waterloo Street and Lots 2 and 3, South side of Wadsworth Street.
25. 521 Elgin Street: described as Part of the Oneida Mission School Lot designated as Part 1, Plan 2R-6505.
26. 18 Hardy Road: described as Parts 1 and 2, Reference Plan 2R-5711.
27. West Side of Oak Park South of Hardy Road:
described as Part of Lots 19, 30 and 21, Concession 3, PIN 32275-0265.
28. 4 Edmondson Street: described as Parts 1 and 2, Reference Plan 2R-6985.
29. 44 Holme Street: described as Lots 59 to 62, and Part Lot 58, Registered Plan 322.
30. 22-60 Grand River Avenue: described as Parts 2 – 21 on Reference Plan 2R-7061.

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31. Northwest Corner of Rushton Avenue and Usher Street:
described as Lots 19 to 22, and Part Lot 23,
Registered Plan 80.
32. Northwest Corner of St. Paul Avenue and Alpha Crescent:
described as Lot 2, R.P. 1396 (492 St. Paul Avenue).
33. 143 Adams Boulevard: described as Part Lots 39 and 40, Concession 3, R.P.
2R-6246, Parts 1 and 2 (143 Adams Boulevard)
34. 26 Empey Street: described as Part Lot 4, Plan 1290 being Parts 4, 5
and 6 on 2R-6137 (26 Empey Street).
35. 111 Sherwood Drive: described as Part Lot F, North of Sherwood Drive.
36. 435 Elgin Street: described as Part Lot 33, Plan 1290, being Parts 1 &
2 on 2R-2824.
37. 92 Charlotte Street: described as Parts Plan Btfd, Pt Lot 18 S Sheridan, Pt
Lot 19 N Chatham.
38. 91 – 93 Grey Street: described as Plan 207, Blk W, Pt Lot 11, Pt Lot 12,
RP 2R1586, Part 2 Part 3.
39. 197 Murray Street: described as Plan Btfd, Pt. Lot 32N Wellington,
subject to ROW.
40. 10 Lincoln Avenue: described as Plan 440, Lot 19, Lot 20.
41. 120 Darling Street: described as Plan BTFD, Lot 17 to 19N Darling Street
plus ROW.
42. 11 Burke Avenue: described as Lot 5, Plan 514.
43. 90 Morton Avenue: described as Part Lots 31 and 32, Plan 1125, being
Parts 2 & 3 on 2R-6714.
44. 324 Henry Street: described as Con 4, Part Lot 40, Plan 1290, Part Lot
4 RP 2R6137 Parts 1 to 3.
45. 470 Colborne Street West: described as Part Block 4, Kerr Tract.
46. 242 Mount Pleasant Street: described as Part Steward Ruggles Tract (242
Mount Pleasant Street).
47. 64 Richardson Street: described as Plan Btfd, Pt. Lot 17, S Richardson

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Street.

48. 247 Bruce Street: described as Plan 1378, Lot 13.
49. 375 Hardy Road: described as Part Lots 19-22, Concession 3, Geographic Township of Brantford.
50. 395 Hardy Road: described as Part Lots 18-21 and Part of the Road Allowance between Lots 18 & 19, Concession 3, Geographic Township of Brantford.
51. 16 Riverview Drive: described as Plan 31, Lot C.
52. 94 Herbert Street: described as Plan 383, Lot 83, Pt Lot 84.
53. 50, 52, 54, 56 Brunswick Street: described as Parts 1-3, Plan 2R-7803.
54. 67 Waterloo Street: described as [Plan Btfd, Pt Lots 3 & 4E].
55. 397 Brock Street: described as [Plan 466, Pt. Lot 44].
56. 185 Oak Park Road: described as [Pt Lot 18, Con 3].
57. 380 Chatham Street: described as [Plan 329, Lot 377, Lot 376].
58. 54 Baldwin Avenue: described as [PLAN 355 LOT 61 LOT 62].
59. 444 Elgin Street: described as [PLAN 1290 PT LOT 18 RP 2R-2049 PART 1].
60. 60 Paris Road: described as [PLAN 31 PT LOT 5].
61. 9 Sarah Street: described as [PLAN BTFD LOT 4 S SARAH ST].
62. 16 Huff Avenue: described as [PLAN 206 BLK B LT 9 PT LT 10].
63. 59 Cayuga Street: described as [PLAN 96 LOT 3 PT LOT 2 PT].
64. 85 Stanley Street: described as [PLAN 357 LOT 66 TO 67].
65. 65 Evelyn Street: described as [PLAN 614 LOT 53].
66. 19 Debby Crescent: described as [PLAN 1501 PT LOT 25].

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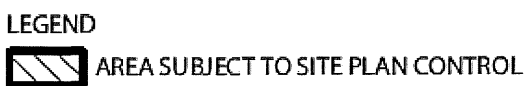
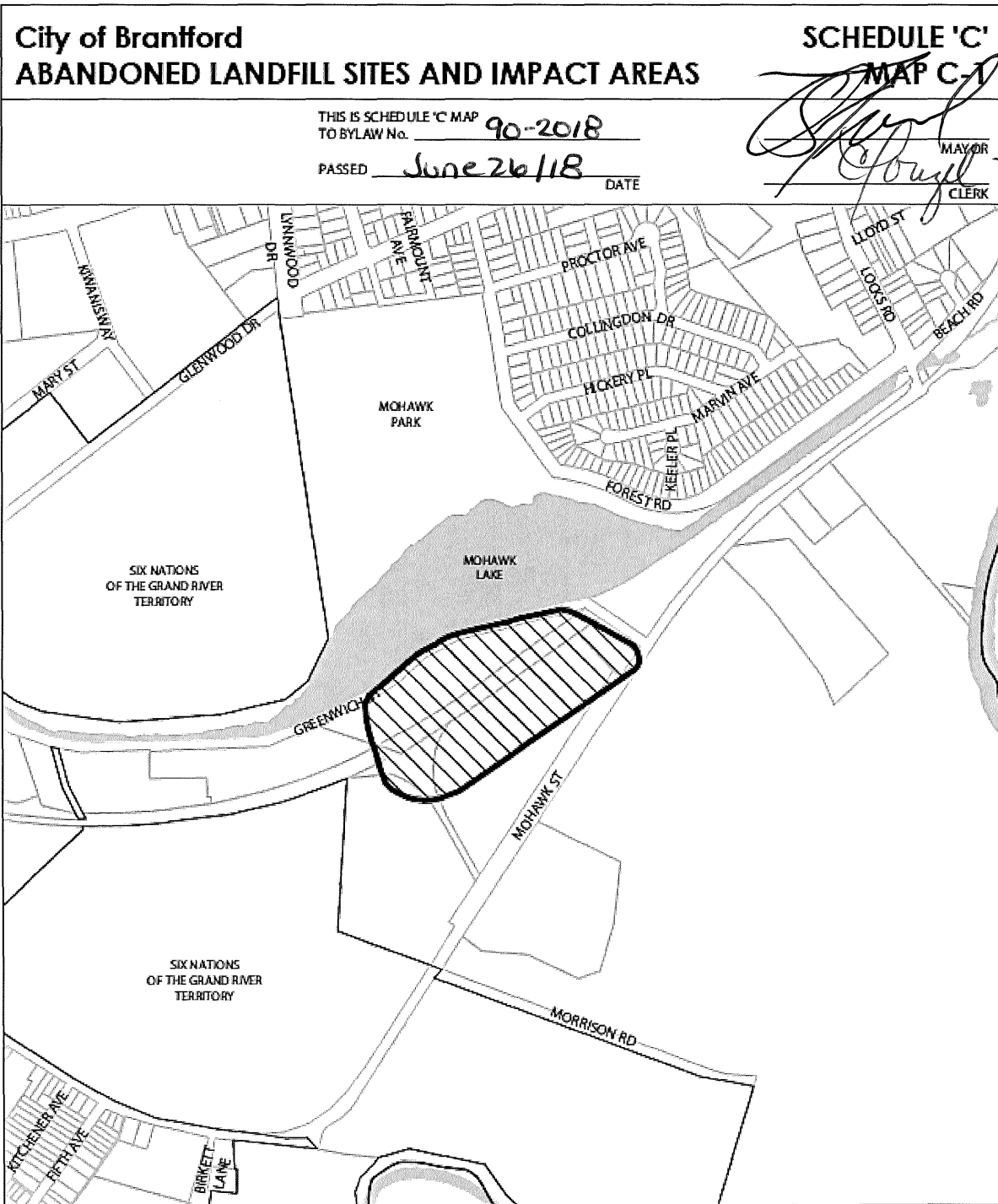
67. Garden Avenue at County Road 18:
described as [PT GRANT JOSEPH THOMAS PT MARGARET FARLEY TRACT RP 2R1760 PART 4 TO 6].
68. 72 and a portion of 74 Tranquility Street:
described as [PLAN 624 PT LOT 78].
69. 304 & 306 Darling Street: described as [PLAN BTFD PT LOT 43].
70. 169-173 Mt. Pleasant Street:
described as Part Block C, Plan 480, Part Clench Tract, and Part 2 of 2R-7325, and Part Block A, Plan 480, and Part Block 64, Plan 1646.
72. 76 North Park Street: described as [SURVEY KERBY PT LOT 9 W].
73. 4 Golfdale Road: described as [PLAN 558 LOT 12].
74. 232 & 236 Mount Pleasant Street:
described as [TRACT STEWART RUGGLES PT].
75. 116 Pearl Street: described as [PLAN BTFD LOT 23 W PEARL ST].
76. 371 Erie Avenue: described as [TRACT EAGLES NEST PT LOT 10].
77. 169 Mount Pleasant Street: described as [PLAN 480 PT BLK C TRACT CLENCH PT AND RP 2R7325 PART 2].

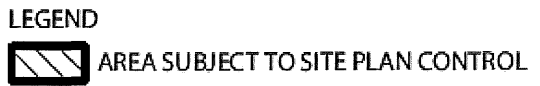
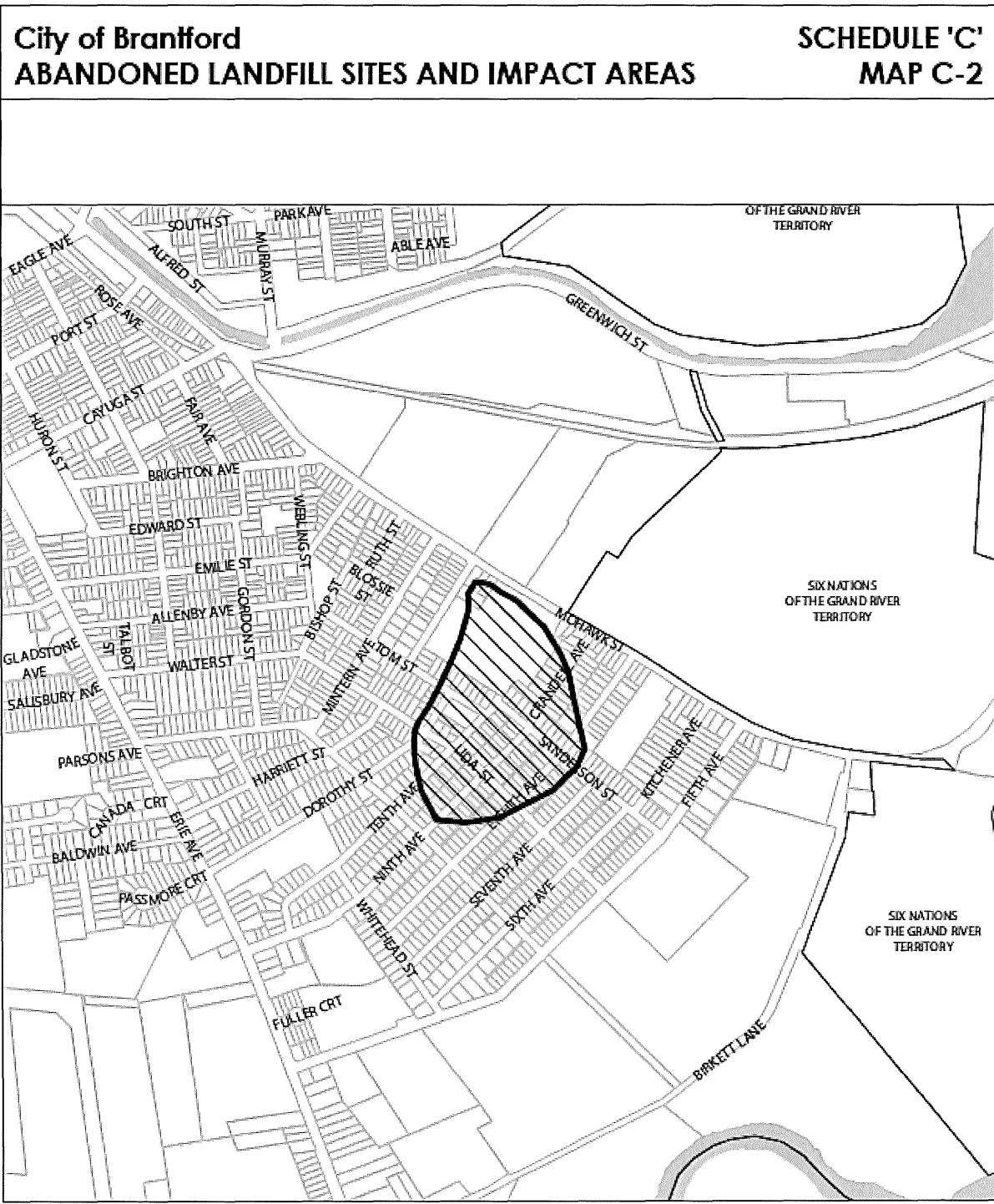
SCHEDULE "B"
"ROAD WIDENINGS"

Road	Limits
Baldwin Avenue	River Road to Erie Avenue
Balmoral Drive	Myrtleville Drive to Power Line Road
Birkett Lane	
Wayne Gretzky Parkway	North of Highway 403
Catharine Avenue	Spalding Drive to Sherwood Drive
Charing Cross Street	CNR to Henry Street
Clarence Street	West Street to Colborne Street
Colborne Street West	Oakhill Drive to Brant Avenue
Conklin Road	
Dunsdon Street	King George Road to Memorial Drive
Eagle Avenue	Foster Street to River Road
Erie Avenue	Market Street to Eagle Avenue Cayuga Street to City Limits
Fairview Drive	Highway 403 Ramps to Hayhurst Road/ Memorial Drive to Park Road North
Garden Avenue	Henry Street to Colborne Street East
Gilkison Street	Brunswick Street to BSAR Overpass
Grey Street	James Avenue to Rowanwood Avenue
Grey Street	WGP to James; Rowanwood Avenue to Garden Avenue
Hardy Road	

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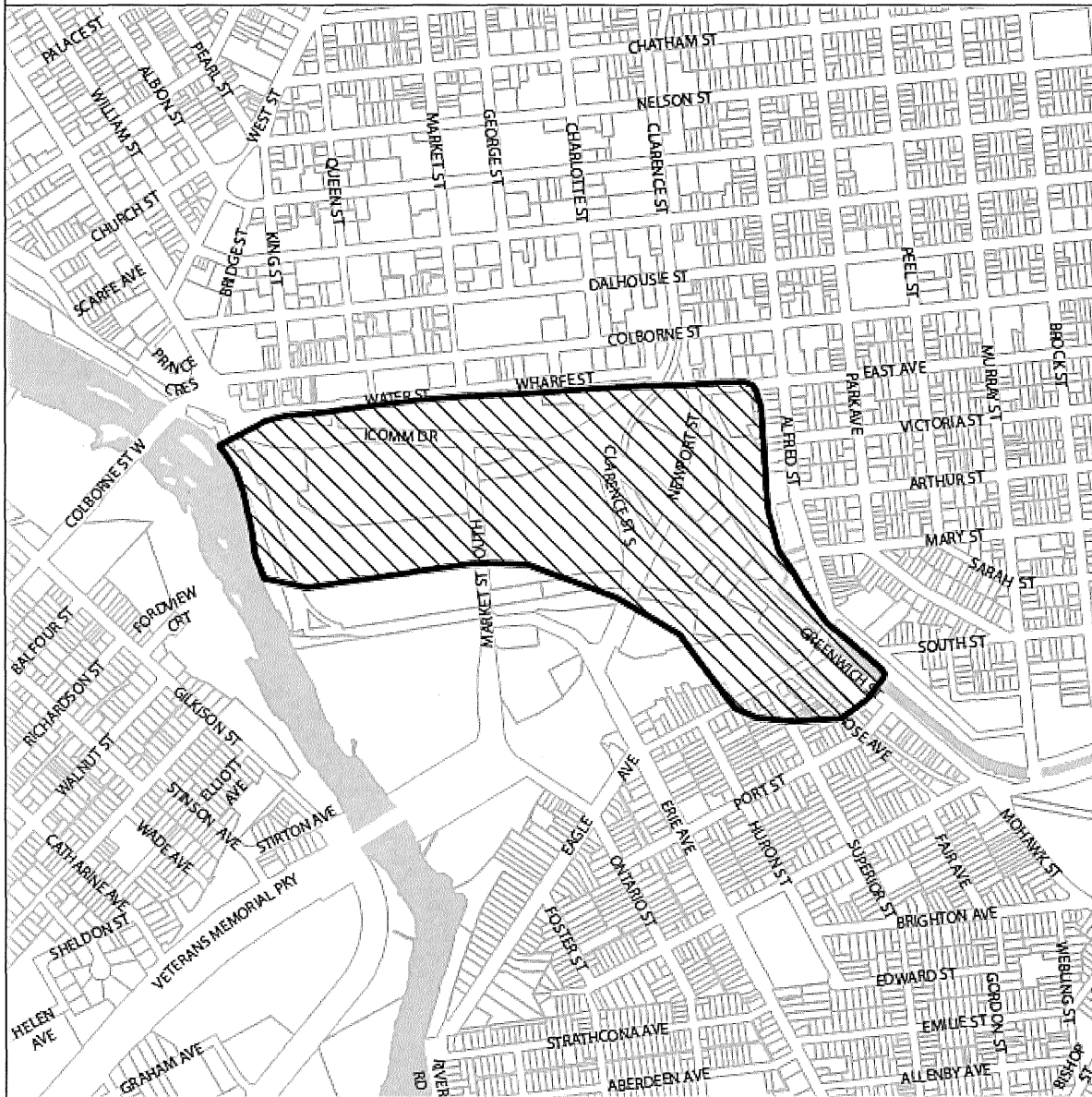
Henry Street	West Street to Wayne Gretzky Parkway/ Middleton Street to Plan Farm Road
King George Road	Kent Road to Fairview Drive
Locks Road	Lloyd Street to Colborne Street East
Market Street South	
Memorial Drive	Harvest Lane to Evelyn Street/ Buckingham Street to Fairview Drive
Mohawk Street	Greenwich Street to Birkett Lane
Morton Avenue	Hill Avenue to Furzey Avenue
Mt. Pleasant Street	
Murray Street	Grey Street to Elgin Street
North Park Street	St. George Street to Dundas Street
Oak Park Road	Highway 403 to City Limits
Oak Park Road	Highway 403 Southerly
Rawdon Street	Dalhousie Street to Colborne Street
River Road	Marlene Avenue to Birkett Lane/ Aberdeen Avenue to Strathcona Avenue
Shellard Lane	
St. Paul Avenue	Grand River Avenue to Dufferin Avenue
Stanley Street	CNR to Dalhousie Street
Tollgate Road	Highway 403 Overpass/ King George Road
West Street	Market Street to Clarence Street/ Harris Avenue to Charing Cross Street/ Farrington Drive to Fairview Drive
Wilkes Street	Morrell Street to St. Paul Avenue






City of Brantford
ABANDONED LANDFILL SITES AND IMPACT AREAS

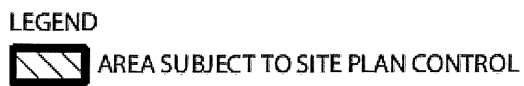
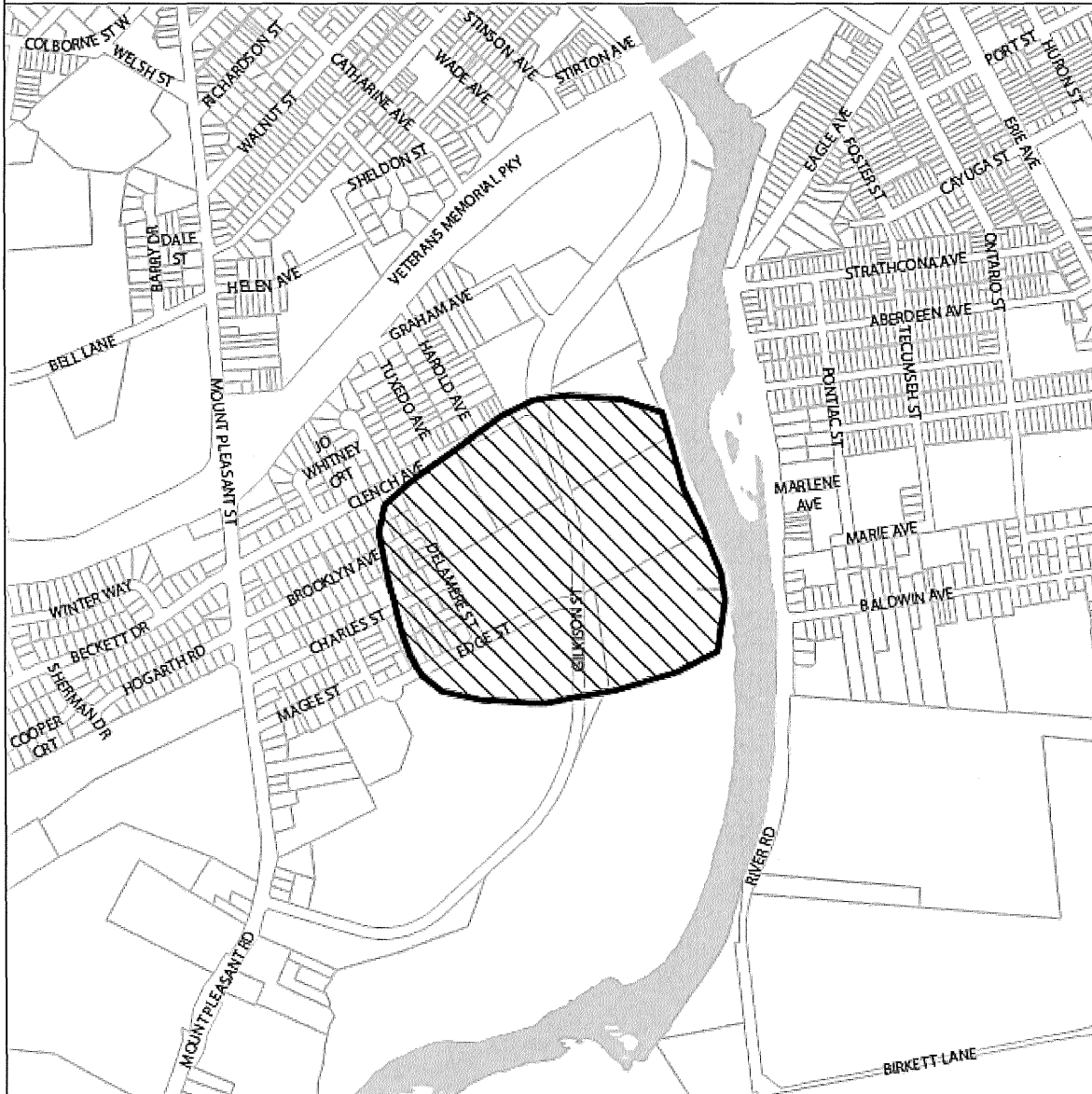
SCHEDULE 'C'
MAP C-3



LEGEND
 **AREA SUBJECT TO SITE PLAN CONTROL**

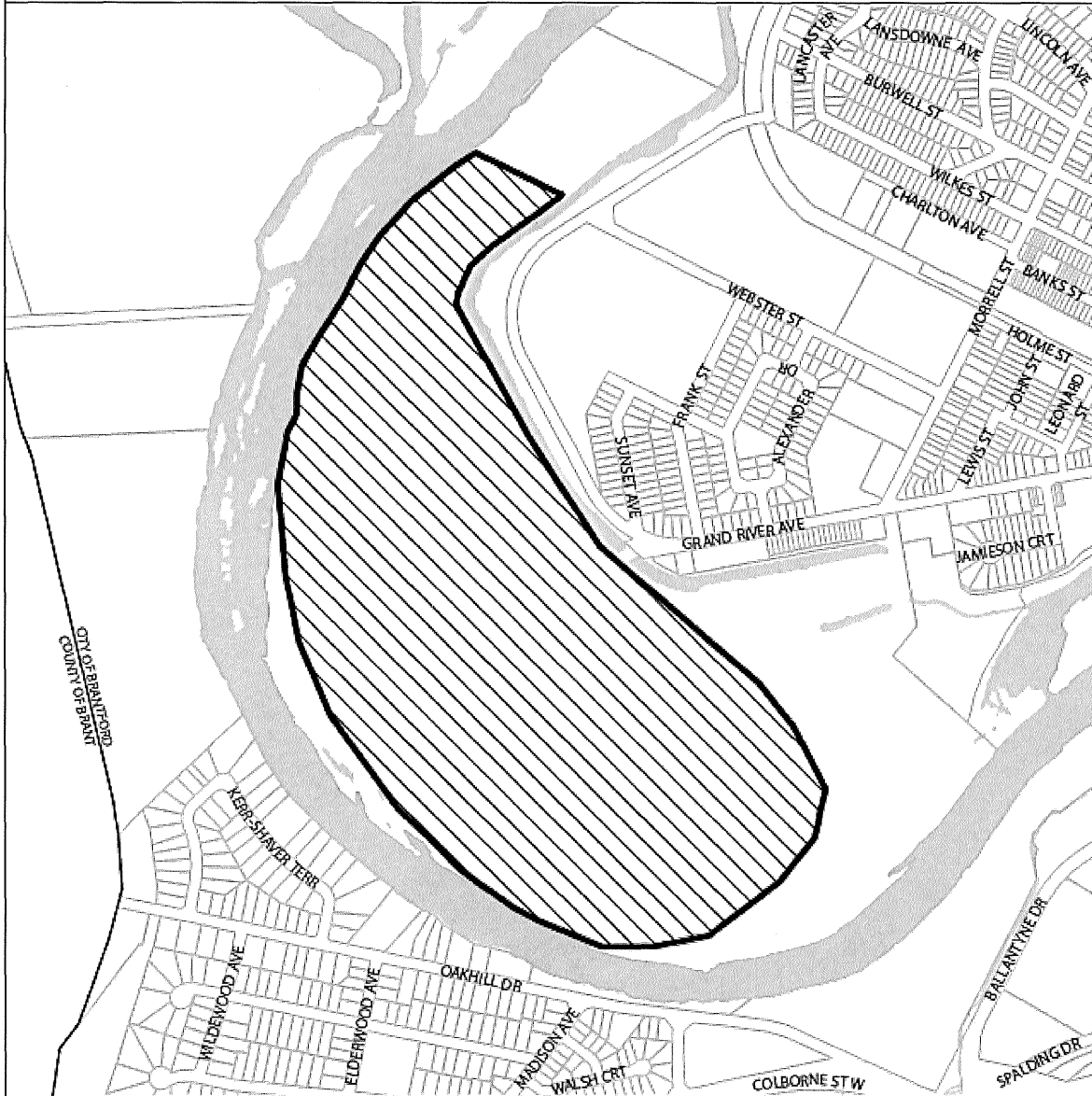
City of Brantford
ABANDONED LANDFILL SITES AND IMPACT AREAS


SCHEDULE 'C'
MAP C-6



City of Brantford
ABANDONED LANDFILL SITES AND IMPACT AREAS

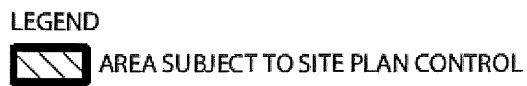
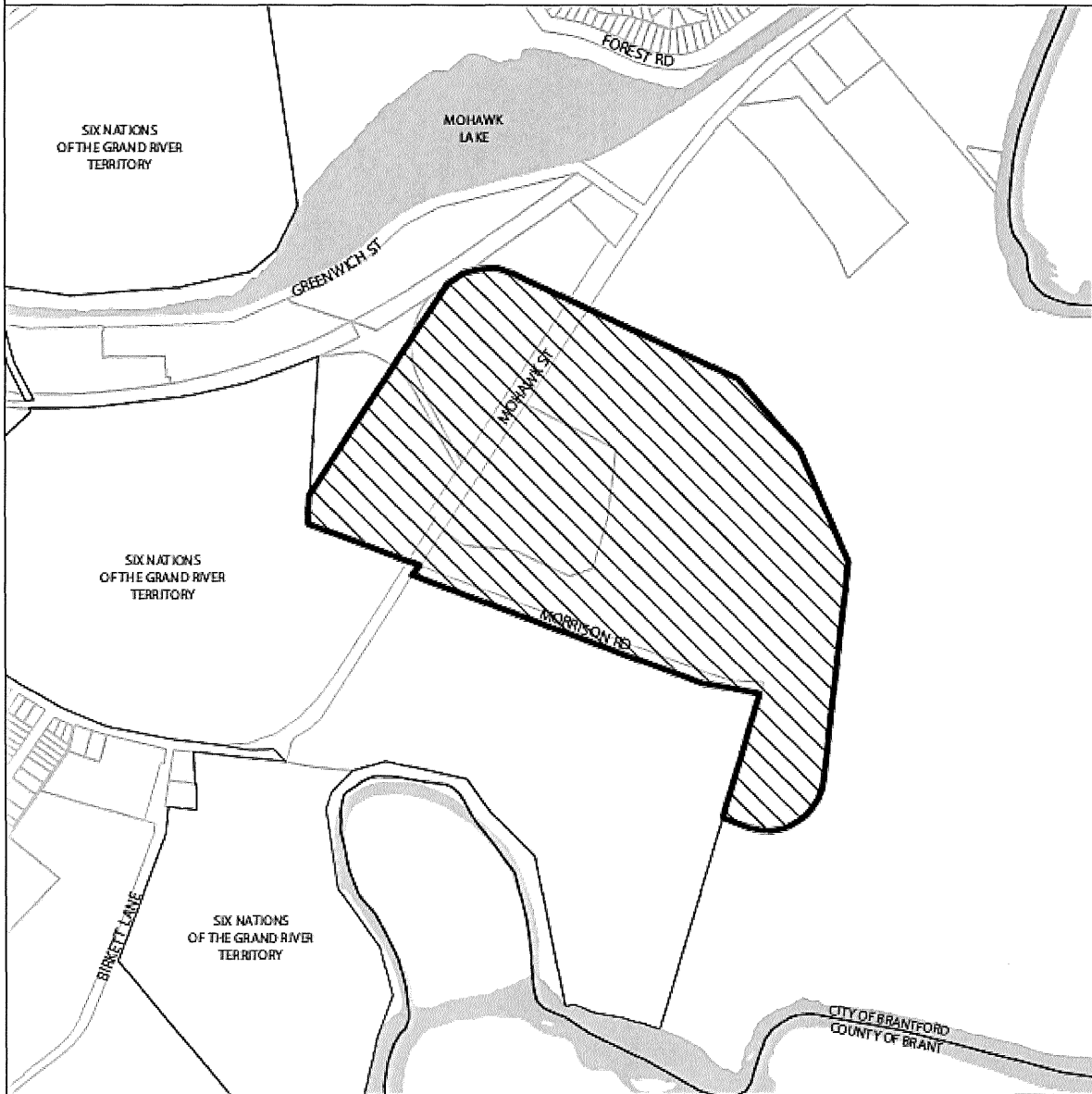
SCHEDULE 'C'
MAP C-7

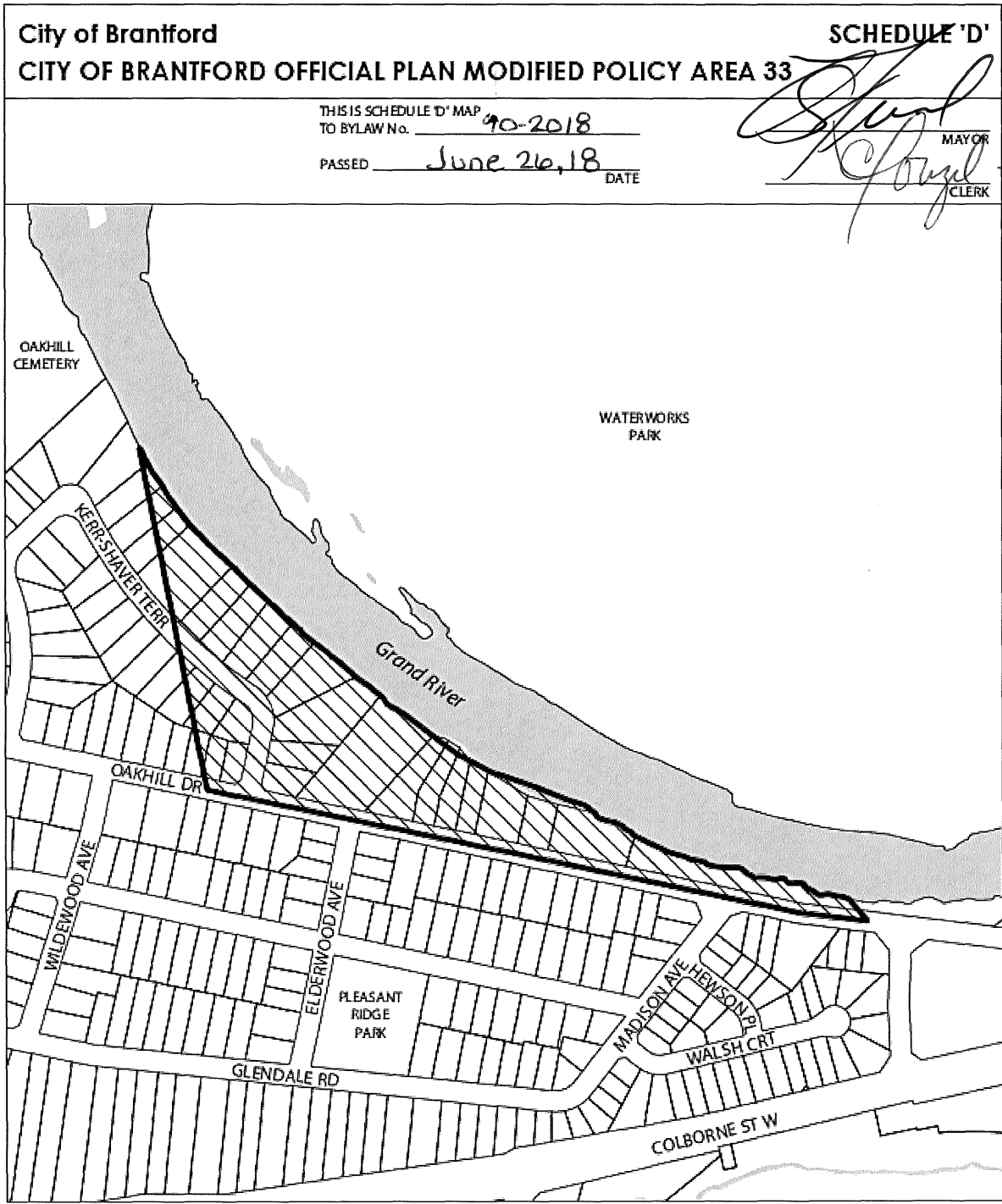


LEGEND
 **AREA SUBJECT TO SITE PLAN CONTROL**

City of Brantford
ABANDONED LANDFILL SITES AND IMPACT AREAS

SCHEDULE 'C'
MAP C-8





City of Brantford

SCHEDULE 'D'

CITY OF BRANTFORD OFFICIAL PLAN MODIFIED POLICY AREA 33

THIS IS SCHEDULE 'D' MAP TO BYLAW No. 90-2018

PASSED June 26, 18 DATE

[Signature]
MAYOR
[Signature]
CLERK



LEGEND
 AREA SUBJECT TO SITE PLAN CONTROL