

The Corporation of the Municipality of Brockton



By-Law 2023-046

Being a By-Law to Amend the Municipality of Brockton Comprehensive Zoning By-Law No. 2013-26, as Amended.

Whereas the Council for the Corporation of the Municipality of Brockton deems it expedient to amend By-law 2013-26, as amended, being the Comprehensive Zoning By-Law for the Municipality of Brockton;

Now therefore the Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, R.S.O. 1990, enacts as follows:

1. That By-Law No. 2013-26, as amended, is hereby further amended by:

a) Addition of a definition for “CONTRACTOR’S YARD” in Section 2:

“CONTRACTOR’S YARD” means a lot, building or structure used by a construction company or contractor as a depot for storage and maintenance of equipment used by the company or contractor but does not include the wholesale or retail sale of construction materials or supplies, home improvement supplies or a ‘Trades Person’s Shop’.

b) Addition of a definition for “WAREHOUSE” in Section 2:

“WAREHOUSE” means a building, structure or place used for the storage and distribution of goods, wares, merchandise, substances or articles and may include a transport depot.

c) Addition of a definition for “WAREHOUSE, MINI STORAGE” in Section 2:

“WAREHOUSE, MINI STORAGE” means a building, structure or place intended for the rental of separate storage areas usually with individualized external access for storage of personal property. Outdoor storage shall be permitted in accordance with the provisions of the applicable zone.

d) Addition of a definition for “DWELLING, ADDITIONAL RESIDENTIAL UNIT ON FARM” in Section 2:

“DWELLING, ADDITIONAL RESIDENTIAL UNIT ON FARM” means one additional dwelling unit located on an agriculture lot on which a ‘Dwelling, Accessory Detached’ is already established. A ‘Dwelling, Additional Residential Unit On Farm’ may be located within a ‘Dwelling, Accessory Detached’, an accessory building, or may be in the form of a second ‘Dwelling, Accessory Detached’ on the lot.

e) Addition of a definition for “DWELLING, ADDITIONAL RESIDENTIAL UNIT” in Section 2:

“DWELLING, ADDITIONAL RESIDENTIAL UNIT” means a residential dwelling unit either wholly contained within a ‘Dwelling, Single Detached’, a ‘Dwelling, Semi-detached’ or a ‘Dwelling, Townhouse Street’, or wholly contained within an accessory building on a lot containing a ‘Dwelling, Single Detached’, a ‘Dwelling, Semi-detached’ or a ‘Dwelling, Townhouse Street’.

f) Replacing all references to “DWELLING, SECONDARY SUITE” with “DWELLING, ADDITIONAL RESIDENTIAL UNIT”.

g) Replacing the definition of “DWELLING, ACCESSORY APARTMENT” in Section 2 with:

“DWELLING, ACCESSORY APARTMENT” means one or more dwelling units subordinate and incidental to the principal building or structure located on the same lot therewith, and which is constructed as part of the permitted Non-Residential Use principal building or structure.

h) Replacing Section 3.5.3 with:

Where a building or structure was lawfully used and is permitted by the provisions of the zone in which such building or structure is located but does not meet the zone provisions with respect to lot area, yards, setbacks, lot frontage, parking or any other provisions of this By-law applicable to that zone, the said building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of that building or structure with the provision(s) of the Bylaw to which it does not comply, and all other applicable provisions of this By-law are complied with. For greater clarity, where a building or structure does not comply with required yard or setback, no additional gross floor area may be constructed within the required yard or setback.

- i. In the case of a rezoning or severance, permitted and legally established existing buildings or structures or driveways shall be deemed to comply with any applicable zone provisions, except parking and loading requirements, resulting from such rezoning or severance.
- i) Replacing “5%” with “10%” for total lot coverage of all accessory buildings or structures Section 3.6.5.2.
- j) Replacing Section 3.7 with:

No person shall erect more than 1 ‘main building’ on a lot except those lots 4.0 hectares (9.9 ac.) in size or larger in a General Agriculture (A1) zone. Unless otherwise provided for in this By-law, in any zone where a ‘Dwelling, Single Detached’, ‘Dwelling, Semi-detached’, or Dwelling, Duplex’ is permitted, not more than one such building, or structure shall be permitted on a lot.

- k) Replacing Section 3.8.3 with:

Except as provided by Section 3.8.4 (Additional Residential Unit On Farm), where listed as a permitted use (refer to “Uses Permitted” sections of this By-law), a ‘Dwelling, Additional Residential Unit’ shall be permitted, subject to the following provisions:

- 1) Where full municipal services are provided, up to two ‘Dwelling, Additional Residential Unit’ per lot of record shall be permitted;
- 2) Where private or partial municipal services are provided, one ‘Dwelling, Additional Residential Unit’ per lot of record shall be permitted if the lot area is greater than 0.4 hectares;
- 3) Applicable permits under the Ontario Building Code have been provided by the Chief Building Official;
- 4) It only exists along with its principal dwelling unit, and it is not a stand-alone, principal unit, capable of severance;
- 5) Able to connect to water and septic or sewer services;
- 6) Shall only be permitted where sufficient water service and sewer or septic capacity exists or can be made available;
- 7) In the case of a ‘Dwelling, Semi-Detached’ or ‘Dwelling, Townhouse Street’, each principal dwelling unit must be located on a separate lot of record;
- 8) When permitted to be located within a detached accessory building, only one ‘Dwelling, Additional Residential Unit’ is permitted per lot in a detached accessory building;
- 9) Where located in an accessory building the ‘Dwelling, Additional Residential Unit’ may be located in a new or existing detached accessory building and shall be in accordance with the provisions of Section 3.6;
- 10) Any ‘Dwelling, Additional Residential Unit’ shall be located within a maximum distance of 30 m from the principal dwelling;
- 11) The ‘Additional Residential Unit’ must share the parking and yards provided for the principal dwelling unit, and no new driveway may be created;
- 12) Requires conservation authority approval in areas identified in the flood fringe overlay;
- 13) ‘Home Occupation’ is not permitted in a ‘Dwelling, Additional Residential Unit’; and,

14) The combined total of a principal residential unit, additional residential unit(s) and a garden suite shall not exceed three units on a lot.

l) Adding Section 3.8.4:

A 'Dwelling, Additional Residential Unit On Farm' is permitted together with a 'Dwelling, Accessory Detached' farm residence on an agriculture lot.

- 1) Must be located within 30 metres of the 'Dwelling, Accessory Detached';
- 2) Applicable permits under the Ontario Building Code have been provided by the Chief Building Official;
- 3) It only exists along with the 'Dwelling, Accessory Detached' use, and shall not be considered for future severance;
- 4) Able to connect to water and septic or sewer services;
- 5) Must share the parking and yards provided for the 'Dwelling, Accessory Detached' unit, and no new driveway may be created;
- 6) May be located within a 'Dwelling, Accessory Detached', or may be located in a new, or existing, detached non-agricultural accessory building;
- 7) When the Dwelling, Additional Residential Unit On Farm' is proposed to be erected outside of the 'Dwelling, Accessory Detached' unit, it shall meet applicable MDS guidelines;
- 8) Requires conservation authority approval in areas identified in the flood fringe overlay; and
- 9) The combined total of a "Dwelling, Accessory Detached", a 'Dwelling, Additional Residential Unit On Farm', and 'Dwelling, Garden Suite' may not exceed two units on a lot.

m) Adding to Section 4.4.3 i):

- c) Includes engagement with the Saugeen Ojibway Nation in accordance with its process and standards.

n) Adding Section 4.4.4:

Where a Consent application for lot creation or lot enlargement has been approved by the County of Bruce, or its delegate, and/or when a Minor Variance is approved by the Municipality of Brockton. The appropriate Zone Map in this By-law shall be amended for areas of the land that are within an area noted as "High Archaeological Potential" in the Bruce County screening maps and will be zoned with a "-H1" holding. The "-H1" holding may be removed in accordance with Section 4.4.3. The appropriate zoning map will not be updated with a -H1 Holding where:

- i. An archeological assessment has been conducted by an archaeologist in the Province of Ontario, that includes engagement with the Saugeen Ojibway Nation in accordance with its process and standards, confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports and the recommendations of the assessment implemented to the satisfaction of the Zoning Administrator.
- ii. It has been demonstrated, in consultation with the Saugeen Ojibway Nation, and to the satisfaction of the Zoning Administrator, that deep ground disturbance has recently occurred.
- iii. In consultation with the Saugeen Ojibway Nation, a Minor Variance that does not facilitate new construction.

o) Replacing Section 5.1 with:

In any General Agriculture (A1) zone, a maximum of one 'Dwelling, – Accessory Detached' or 'Non-Farm Dwelling' and one 'Dwelling, Additional Residential Unit', or 'Dwelling, Additional Residential Unit On Farm' may be erected on a lot. Any legally established dwelling(s) are recognized to be in conformance with this By-law, in the case of a lot containing dwelling(s) legally merges with another lot containing dwelling(s).

p) Replacing Section 5.2 with:

Where the County of Bruce or its delegate has approved the severance of a surplus farm dwelling property the following provisions shall have effect:

- i. Notwithstanding the General Agriculture Zone Section 6.2 provisions to the contrary, the height, yard setbacks, lot coverage, and ground floor area for legally existing buildings and structures are recognized;
 - ii. The property containing the surplus farm dwelling(s) and any accessory buildings or structures is recognized as a non-farm lot in accordance with Section 6.1 a);
 - iii. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of this By-law;
 - iv. The Lot Frontage for severed surplus farm lots may be reduced below the required Zone provisions and shall be in accordance with Section 3.26.9;
 - v. Agricultural lot sizes may be reduced below the minimum required lot area provided that an agricultural lot is not reduced below 4.0 hectares;
 - vi. A minimum lot size of 0.4 hectares is required for the severed surplus farm dwelling lot;
 - vii. Shall comply with the requirements of the Minimum Distance Separation Formulae;
 - viii. Where a dwelling does not exist on the remnant agriculture parcel, the appropriate Zone Map in this By-law shall be amended to change the A1 General Agricultural Zone to A1-1 General Agricultural Special for the agricultural parcel preventing the future erection of a new dwelling; and
 - ix. The appropriate Zone Map in this By-law shall be amended for areas of the land that are within an area noted as “High Archaeological Potential” in the Bruce County screening maps and will be zoned with a -H1 holding in accordance with Section 4.4.
- q) Replacing Section 5.5.2 with:
- No accessory building or structure, shall: (1) be used for any occupation for gain or profit except as may be permitted in this By-Law; or (2) be used for human habitation except as may be permitted in this By-law.
- r) Replacing “5 meters (16 feet)” with “6 meters (19.7 feet)” in Section 5.5.4.
- s) Adding Dwelling, Additional Residential Unit as a permitted use in Section 6.1 a).
- t) Adding Dwelling, Additional Residential Unit On Farm as a permitted use in Section 6.1 b).
- u) Adding a footnote to Section 7.2:
- d) A ‘Residential Care Facility’ shall follow the Zone Provisions in accordance with Section 20.
- v) Replacing the maximum lot coverages in Section 7.3 with:

Dwelling, Single Detached	Dwelling, Duplex & Semi Detached	Dwelling, Townhouse	
		Cluster (c)	Street
35%	35%	40%	40%

Provisions: Connected to Municipal Sewer	
Dwelling, Semi-Detached & Duplex	Dwelling, Single Detached
25%	

Provisions: EXISTING LOT OF RECORD – No Connection to Municipal Services	
Dwelling, Semi-Detached & Duplex	Dwelling, Single Detached
20%	

- w) Replacing maximum lot coverages in Section 7.4 with:

Provisions: Connected to Municipal Water and Sewer Service			
Dwelling, Townhouse		Dwelling, Multiple	Apartment Building
Cluster (a)	Street		
45%	45%	45%	50%

- x) Replacing maximum lot coverages in Section 8.3 with:

Provisions: NEW LOT OF RECORD - No Municipal Water Service Connected	
Semi-Detached & Duplex	Single Detached Dwelling
20%	

Provisions: NEW LOT OF RECORD – Connected to Municipal Water Service	
Semi-Detached & Duplex	Single Detached Dwelling
25%	

Provisions: EXISTING LOT OF RECORD	
Semi-Detached & Duplex	Single Detached Dwelling
20%	

- y) Adding a footnote for section 8.3 for Existing Lot of Record:
- b. Where connected to municipal services Maximum Lot Coverage shall be 25%.
- z) Replacing maximum lot coverages in Section 11.3 with:

Provisions	Lots with Municipal Water	Lots with No Municipal Water
Maximum lot Coverage	30%	20%

- aa) Replacing “35%” with “40%” for maximum lot coverage in Section 11.3 for the Transition Commercial Zone.
- bb) Replacing Section 15.5.1 with:
- Notwithstanding their ‘BP1’ Zoning designation, those lands delineated as ‘BP1-1’ on Schedule ‘A’ to this By-law shall be used in accordance with the ‘BP1’ Zone provisions contained in this By-law, excepting however, that:
- i. Uses permitted shall include a ‘municipal complex’ in addition to uses permitted in the ‘BP1-2’ Zone.
- cc) Replacing “15%” with “20%” for maximum lot coverage in Section 16.3.
- dd) Replacing “15%” with “20” for maximum lot coverage in Section 17.3.
- ee) Replacing “15” with “20%” for maximum lot coverage in Section 18.3.
- ff) Adding Conservation Areas as a permitted use in Section 20.2.
- gg) Adding Section 25.1 ii:
- c) On lands in Walkerton in accordance with the provisions of the ‘R1’ Zone.
2. That Schedule ‘A’ to By-Law No. 2013-26, as amended, is hereby further amended by changing the zoning symbol as shown on the attached Schedule to this by-law that applies to:
- a) CON 1 NDR PT LOTS 32; TO 34 RP 3R5161 PT PART 1 RP; 3R7092 PT PART 1 RP 3R10502; PART 1 (Former Township of Brant) [50 Eastridge Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) and Business Park 2 (BP2) to Business Park 1 Special (BP1-1).
- b) CON 1 NDR PT LOTS 32 TO 35 PLAN 162 PT PARK LOTS 47 AND 48 RP 3R9442 PT PARTS 2 TO 5 RP 3R10640 PARTS 1 2 4 6 8 TO 10 24 42 TO 50 (Former Township of Brant), Municipality of Brockton, from Business Park 1 Special (BP1-2), Business Park 1 (BP1), Business Park 1 Special (BP1-2), Residential 3 (R3), Residential 3 Special (R3-14), and Environmental Protection (EP) to Business Park 2 (BP2), Business Park 1 Special (BP1-2), Business Park 1 Special (BP1-1), Residential 3 (R3), Residential 3 Special (R3-14), and Environmental Protection (EP).
- c) CON 1 NDR PT LOTS 33; AND 34 RP 3R10451 PART 1 (Former Township of Brant) [38 Eastridge Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 1 (BP1).
- d) CON 1 NDR PT LOT 34 RP; 3R10368 PART 2 (Former Township of Brant) [30 Eastridge Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 1 (BP1).
- e) CON 1 NDR PT LOT 34 RP; 3R10368 PART 1 (Former Township of Brant) [35 Ontario Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 1 (BP1).
- f) CON 1 NDR PT LOT 34 RP; 3R9642 PART 1 (Former Township of Brant) [45 Ontario Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 1 (BP1).

- g) CON 1 NDR PT LOT 34 RP;3R10027 PART 2 (Former Township of Brant) [53 Ontario Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 1 (BP1).
 - h) CON 1 NDR PT LOT 35 RP 3R10640 PART 3 (Former Township of Brant) [14 Creighton Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 2 (BP2).
 - i) CON 1 NDR PT LOTS 34 AND 35 RP 3R10640 PART 54 (Former Township of Brant) [20 Creighton Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 2 (BP2).
 - j) CON 1 NDR PT LOT 34 RP 3R10640 PARTS 5 AND 7 (Former Township of Brant) [24 Creighton Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 2 (BP2).
 - k) CON 1 NDR PT LOT 34 RP 3R10640 PART 11 (Former Township of Brant) [32 Creighton Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 2 (BP2).
 - l) CON 1 NDR PT LOTS 33 AND 34 RP 3R10640 PART 12 (Former Township of Brant) [36 Creighton Road], Municipality of Brockton, from Business Park 1 Special (BP1-1) to Business Park 2 (BP2).
3. That this By-law shall come into force and effect on the final passing thereof by the Council of the Municipality of Brockton, subject to compliance with the provisions of the Planning Act, R.S.O. 1990.
4. This By-law may be cited as the “Zoning Amendment By-Law – Brockton Housekeeping Z-2023-007”

Read, Enacted, Signed and Sealed this 25th day of April, 2023

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton