

Proposed Zoning By-law Updates and Edits

Section 2 – Definitions

Existing:

“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.

Proposed:

“DWELLING, ADDITIONAL RESIDENTIAL UNIT ON FARM” definition:

Means an 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 or attached to a ‘Dwelling, Accessory Detached’, an accessory building, or may be in the form of a second ‘Dwelling, Accessory Detached’ on the lot.

Existing:

“VEHICLE, ELECTRIC” – No existing definition.

Proposed:

“VEHICLE, ELECTRIC” - means any motor vehicle that is fit, licensed and registered for operation on a public or private highway, road or street that relies either partially or exclusively on electrical energy from a grid, or an off-board source that is stored on-board via a battery for motive purposes. Electric vehicle includes battery electric vehicles and plug-in hybrid vehicles.

Existing:

“HEIGHT” – Does not address dormers on buildings or accessory structures.

Proposed:

“HEIGHT” – In addition to the existing definition:

Where a dormer, dormers or similar features exist or are proposed and where those features exceed 50% of the total roof area, the height of the roof shall be measured as the mean height between the lowest part of the dormer and topmost part of the roof.

Existing:

“PARKING SPACE, ELECTRIC VEHICLE” – No existing definition.

Proposed:

“PARKING SPACE, ELECTRIC VEHICLE” definition:

means a space enclosed in a principal or accessory building or unenclosed, that is available for the parking of an electric vehicle which is constructed and equipped with an appropriate electric vehicle charging device, which is accessible from a ‘street’, ‘private street’ or ‘lane’ for the purpose of charging an electric vehicle.

Existing:

"PLACE OF ENTERTAINMENT" – No existing definition.

Proposed:

"PLACE OF ENTERTAINMENT" definition:

Means a motion picture or other theatre, arena, auditorium, hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall, arcade, indoor miniature golf, indoor sport simulator, indoor paintball, indoor playcenter, trampoline park, wall climbing, axe throwing, martial arts, racquet sports, laser game or the like, or other similar indoor recreation uses but does not include any place of entertainment or amusement otherwise defined or classified in this by-law. A place of entertainment may also include the offering for sale, serving and consumption of food or drinks, which may include alcohol where appropriately licensed.

Existing:

“INDUSTRIAL USE, LIGHT” definition:

Means the use of land, buildings or structures for the purpose of an ‘Industrial Use’ which is wholly enclosed within a building or structure, except for parking and loading facilities and outside storage accessory to the permitted uses, and which in its operation does not result in

emission from the building of odours, smoke, dust, gas, fumes, noise, cinder, vibrations, heat, glare or electrical interference.

Proposed:

“INDUSTRIAL USE, LIGHT” definition:

Means the use of land, buildings or structures for the purpose of an ‘Industrial Use’ which is wholly enclosed within a building or structure, except for parking and loading facilities and outside storage accessory to the permitted uses, and which in its industrial operations does not result in emission from the building of odours, smoke, dust, gas, fumes, noise, cinder, vibrations, heat, glare or electrical interference.

Minimum Floor Area Dwellings

Existing:

Minimum Floor Area requirements are present for Dwelling, Accessory Apartments, and Dwelling, Accessory Detached dwellings, as well as dwellings in the General Agriculture (A1) Zone, Residential One (R1) Zone, Residential Two (R2) Zone, Residential Three (R3) Zone, Hamlet Residential (HR) Zone, Inland Lake Residential (LR) Zone, Mobile Home Park Residential (MHP) Zone.

Proposed:

Minimum Floor Area requirements are removed for Dwelling, Accessory Apartments, and Dwelling, Accessory Detached dwellings, as well as dwellings in the General Agriculture (A1) Zone, Residential One (R1) Zone, Residential Two (R2) Zone, Residential Three (R3) Zone, Hamlet Residential (HR) Zone, Inland Lake Residential (LR) Zone, Mobile Home Park Residential (MHP) Zone.

Section 3.8.3 – Dwelling, Additional Residential Unit

Existing:

.1 i) N/A

Proposed:

.1 i) The total lot coverage of all buildings and structures on a lot containing an Additional Residential Unit on full municipal services may be 45% except for lands located within the Flood Fringe Overlay which may permit the total lot coverage in accordance with the underlying zone.

Existing:

- .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.

Proposed:

- .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.
 - Two 'Dwelling, Additional Residential Unit' per lot of record shall be permitted if the lot area is greater than 0.6 hectares.

Existing:

- .3 Applicable permits under the Ontario Building Code have been provided by the Chief Building Official;

Proposed:

- .3 Applicable permits under the Ontario Building Code issued by the Chief Building Official are obtained and the building is constructed in conformity with the Ontario Building Code;

Existing:

- .5 Able to connect to water and septic or sewer services;

Proposed:

- .5 Shall connect to water and septic or sewer services;

Existing:

- .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](#).

Proposed:

- .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 or Section 5.5 as may be applicable based on the underlying zone.

Section 3.8.4 – Dwelling, Additional Residential Unit On Farm

Existing:

- .2 Applicable permits under the Ontario Building Code have been provided by the Chief Building Official;

Proposed:

- .2 Applicable permits under the Ontario Building Code issued by the Chief Building Official are obtained and the building is constructed in conformity with the Ontario Building Code;

Existing:

- .4 Able to connect to water and septic or sewer services;

Proposed:

- .4 Shall connect to water and septic or sewer services;

Existing:

- .6 May be located within a 'Dwelling, Accessory Detached', or may be located in a new, or existing, detached non-agricultural accessory building;

Proposed:

- .6 May be located within a 'Dwelling, Accessory Detached', or may be located in a new, or existing, detached accessory building;

Existing:

- .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;

Proposed:

- .7 A 'Dwelling, Additional Residential Unit On Farm' shall comply with MDS requirements, except where such detached dwelling unit is located no closer to existing manure storage or anaerobic digesters, or livestock facilities than the existing 'Dwelling, Accessory Detached' on the same lot.

Existing:

- .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.

Proposed:

- .9 The combined total of a 'Dwelling, Accessory Detached', a 'Dwelling, Additional Residential Unit On Farm', and 'Dwelling, Garden Suite' may not exceed three units on a lot. Where two additional residential units are proposed, at least one of these additional residential units must be located within or attached to the principal dwelling.

Section 3.14.2 – Permitted Yard Encroachments

Existing:

On a main building, unenclosed porches, covered and uncovered steps, open steel fire escapes, sundeck patios and awning, or balconies are permitted to encroach into a required yard, but not more than 1.5 metres (5 feet) provided that the building face on which such feature is located complies with the required yard setback.

Proposed:

On a main building, unenclosed porches, covered and uncovered steps, open steel fire escapes, sundeck patios and awning, or balconies are permitted to encroach into a required yard, but not more than 1.5 metres (5 feet) provided that the building face on which such feature is located complies with the required yard setback.

- On a main building, an uncovered, unenclosed, attached porch/ attached sundeck patio/ attached deck, inclusive of uncovered steps to these features, are permitted to encroach into a required rear yard, but not more than 3.7 metres provided it is no greater in elevation than the first storey, and a minimum distance of 3.8 metres is provided to the rear lot line.

Section 3.25 – Sight Triangles

Existing:

In all zones, on a corner lot, no buildings, structures or Planting Area/Visual Screening shall be erected in such a manner as to materially impede vision of the intersection above a height of 0.5 metres (20 inches) and below a height of 4 metres (13 ft) above the centre line grade of the intersecting street in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines distant 10 metres (33 ft) from the point of intersection of said street lines.

Proposed:

In all zones, on a corner lot, no buildings, structures or Planting Area/Visual Screening shall be erected in such a manner as to impede vision of the intersection above a height of 0.5 metres (20 inches) and below a height of 4 metres (13 ft) above the centre line grade of the intersecting street in the triangular area bounded by the exterior lot line and front lot line of the corner lot and a line from the points along said exterior lot line and front lot line a distant of 10 metres (33 ft) from the point of intersection of said exterior lot lines.

Section 3.26 – Off-Street Parking Regulation

Existing:

No requirements for electric vehicle parking spaces.

Proposed:

Where a new parking area is being established or a parking area is being expanded, electric vehicle parking spaces are required as follows:

- (i) Where new development includes a 'Dwelling, Apartment Building', a minimum of 1 electric vehicle parking space shall be required for every 20 required parking spaces in accordance with Section 3.26. For all other uses, no minimum requirement applies.

Existing:

Dwelling, Apartment Building; Dwelling, Townhouse Cluster

Minimum Number of Spaces – 1 Parking space per dwelling unit plus 0.25 parking spaces per dwelling unit intended and clearly identified for visitor parking.

Proposed:

Dwelling, Apartment Building; Dwelling, Townhouse Cluster

Minimum Number of Spaces - 1 Parking space per dwelling unit, plus 0.25 parking spaces per dwelling unit for the first 20 units, intended and clearly identified for visitor parking. 1.0 parking spaces per dwelling unit where greater than 20 units.

Existing:

Residential Care Facility

Minimum Number of Spaces – 1 parking space per resident room.

Proposed:

Residential Care Facility

Minimum Number of Spaces – 1 parking space per 2 resident rooms, plus 1 parking space per 10 resident rooms intended and clearly identified for visitor parking.

Section 3.26.2 – Off-Street Parking Regulation Barrier Free Parking Spaces

Existing:

Included in the number of parking spaces required in Section 3.26.1 for all uses, save and except for Residential uses, shall be Barrier Free parking spaces in accordance with the following:

<u>Total Parking Spaces Required</u>	<u>No. of Barrier Free Spaces Required</u>
1-25	1
26-50	2
51-75	3
76-100	4
101 +	4 plus 2% of # over 100 spaces

Proposed:

Included in the number of parking spaces required in Section 3.26.1 for all uses, save and except for Residential uses without shared common parking facilities, shall be Barrier Free parking spaces in accordance with the following:

<u>Total No. of Parking Spaces</u>	<u>Total No. of Barrier Free Spaces Required</u>	<u>Type A Spaces</u>	<u>Type B Spaces</u>
1 -12	1	1	0
13-100	4%		

101-200	3% + 1	<u>For lots with an even number of total Barrier Free Spaces</u> – provide an equal number of Type A and Type B spaces.
201-1000	2% + 2	
1001+	1% + 11	
Note:	The number of spaces shall be rounded up to the nearest whole number.	<u>For lots with an odd number of total Barrier Free Spaces</u> – provide an equal number of Type A and Type B spaces. The additional space may be a Type B space.

- i) Where electric vehicle parking and barrier free parking is required a minimum of one (1) Barrier Free Type A Space shall be configured for electric vehicle parking.

Section 3.26.5 – Off-Street Parking Regulation Barrier Free Parking

Existing:

Notwithstanding the parking space size requirements listed in Sections 3.26.4(1) and 3.26.4(2), the minimum parking space width for Barrier Free Parking shall be 4 metres (13 ft). Where two or more angled Barrier Free Parking spaces are located together, the minimum parking space width shall be 3.2 metres (10.5 ft).

Proposed:

Notwithstanding the parking space size requirements listed in Sections 3.26.5(1) and 3.26.5(2), the minimum parking space for Barrier Free Parking shall be:

- i) Type A – minimum width of 3.4 m and a minimum length of 5.2m.
- ii) Type B – minimum width of 2.4 m and a minimum length of 5.2m.

An access aisle 1.5 m in width is required to abut the length of each barrier free space. Where two or more barrier free parking spaces are required, the access aisle may be shared between the accessible parking spaces.

Section 3.34.2 – Minimum Distance Separation Guidelines

Existing:

- .2 Notwithstanding any other provisions of this By-Law to the contrary, where a dwelling is destroyed in whole, or in part, by a catastrophe, MDS I will not be applied when the dwelling is rebuilt, provided it is built no closer to livestock facilities than before the catastrophe.

Proposed:

- .2 Notwithstanding any other provisions of this By-Law to the contrary, where a dwelling is destroyed in whole, or in part, by a catastrophe, MDS I will not be applied when the dwelling is rebuilt, provided it is built no closer to livestock facilities or an anaerobic digester than before the catastrophe.

Existing:

- .8 N/A

Proposed:

- .8 For the purposes of preparing an MDS I or MDS II calculation, a cemetery which is closed, which receives low levels of visitation, or where no place of worship is present shall be considered a Type A land use (i.e., less sensitive use).

Section 4.4.4 – Special Holding Provisions

Existing:

Where a Consent for lot creation or lot enlargement application 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 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.

Proposed:

In addition to the existing provisions:

- iv. The re-creation of original township lots.

Section 4.7.4 – Notes on Schedule ‘A’

Existing section 4.7.4 re-numbered to Section 4.7.5

New Section 4.7.4 – Minor Lot Enlargements

Existing:

No existing provisions for Minor Lot Enlargements.

Proposed:

Section 4.7.4 Minor Lot Enlargement

Where a Consent for a minor lot enlargement is granted by the County of Bruce, or it’s delegate, the zoning of the receiving lands shall extend to incorporate the lands which are severed and merged. This shall not apply to remove areas from the Environmental Protection (EP) Zone, the Environmental Protection Special (EP-1) Zone, or to remove ‘-H’ Holding zones where applicable. The resulting lot area and frontage of the retained parcel is deemed to comply with the provisions of this Zoning By-law.

This section also applies when lands are closed and conveyed or created by the Municipality (e.g. in the event of a road closure).

Section 5.2 – Surplus Farm Dwelling Severance

Existing:

- 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.

Proposed:

- v. The retained agricultural lot shall be deemed to comply with the minimum lot area and lot frontage requirements of the General Agriculture (A1) Zone provided that an agricultural lot is not reduced below 4.0 hectares.

Section 13 Commercial Zones (C1, C2, & C3)

Existing:

No existing permitted uses for a Place of Entertainment

Proposed:

Add the following permitted use:

In the Commercial Business District (C1), Transition Commercial District (C2), and Highway Commercial (C3) Zones a Place of Entertainment is permitted.

Section 15 & 15.2 Urban Industrial Zones (BP1, BP2, M1, M2)

Existing:

No existing permitted uses for a Place of Entertainment

Proposed:

Add the following permitted use:

In the Business Park 1 (BP1) and Business Park 1 Special (BP1-2) Zones a Place of Entertainment is permitted.

Section 25 Planned Development (PD)

Existing:

No existing permitted uses for an Additional Residential Unit.

Proposed:

v) Dwelling, Additional Residential Unit in accordance with Section 3.8.3, except that a detached Dwelling, Additional Residential Unit shall be located within a maximum distance of 15 metres from the principal dwelling.