

The Corporation of the Municipality of Brockton

By-Law 2015-039

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

The Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, 1990, hereby enacts as follows:

1. By-Law No. 2013-26, being the Zoning By-law for the Municipality of Brockton, is hereby amended as follows:

i. Section 2 (Definitions) is hereby amended by adding the following definition:

Technology Industry means a use that makes or creates technology products or services but is not an industrial use. Technology industry does not include wholesale or retail trade except as an activity that is accessory to the primary creative use.

ii. Section 3.6.3 (Location) is hereby amended by replacing “herein” with “for each zone” as follows, to read:

Unless otherwise provided in this By-Law, the yard requirements ~~herein~~ for each zone shall apply to both main and accessory buildings. Attached buildings accessory to dwellings shall be considered as part of the main building and all yards shall be provided in accordance with the relevant yard regulations.

iii. Section 3.6.3.1 (Location – Residential Zones) is hereby amended by replacing “Despite any other” with “Subject to the” as follows, to read:

~~Despite any other~~ Subject to the provisions of this By-Law, any accessory building or structure, in any Residential Zone may be erected in any yard subject to the following restrictions:

iv. Section 3.6.3.1 (Location – Residential Zones) (i) and (ii) are hereby amended by replacing “1 metre (3.3 feet) with “1.2 metres (4 feet).”

v. Section 3.6.3.1 (Location – Residential Zones) (iii) is hereby amended by replacing “6 metres (19.7 ft)” with “4.3 metres (14 feet).”

vi. Section 3.6.5.3 (Number & Lot Coverage of Accessory Buildings and Structures) is hereby amended by replacing “10m² (107.6 ft²)” with “1.5m² (16 ft²).”

vii. Section 3.14.2 (Permitted Yard Encroachments) is hereby deleted and replaced with the following text:

.2 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 ft) provided that the building face on which such feature is located complies with the required yard setback..

viii. Section 3.16 (Landscaped Open Space) is hereby deleted in its entirety and replaced as follows:

3.16 Landscaped Open Space

.1 In Residential zones:

i. Unless otherwise specified, abutting property owners shall be responsible for the provision and maintenance of front yard landscaping to the travelled limit of the public road.

ii. In HR Hamlet Residential, Residential R1, and R2 Zones no less than fifty percent (50%) of the front yard must be landscaped and such landscaping shall not include driveways or parking areas.

iii. In the Residential R3 zone no less than thirty-five percent (35%) of the front yard must be landscaped and such landscaping shall not include driveways or parking areas.

.2 In all other zones:

Except as otherwise provided, ‘Landscaped Open Space’ shall be provided where required by this By-Law as follows:

- i. A minimum of 3 metres (9.8 ft) in width along all Front and Exterior yards; and
- ii. A minimum of 2 metres (6.6 ft) in width along all Interior and Rear yards.
- iii. No parking shall be permitted within the 'Landscaped Open Space'.
- iv. Landscaped Open Space shall be in addition to the requirements of Section 3.15 Planting Area/Visual Screening, where required.
- v. The Landscaped Open Space shall be located along the boundary of the lot.

ix. Section 3.22.2 (Provincial or County Street Right-of-Way Setbacks) is hereby amended by adding "Urban Area and" to read as follows:

No Building or structure shall be erected within a distance of 22.9 metres (75 ft) from the edge of the right-of-way of any County street outside of the Urban Area and Hamlet boundaries as identified on the Bruce County Official Plan.

x. Section 3.34 (Minimum Distance Separation Guidelines (MDS)) is hereby amended by adding "R" to "IN-1" to read "INR-1."

xi. Section 3.35.2 (Established Building Line) is hereby amended by replacing "from the building line to the line of occupation" with "with an equal or greater setback" to read:

Notwithstanding any other section of this By-law to the contrary, where an existing main building or structure encroaches into the required front yard or exterior yard setback as established in this By-law, additions to the existing main building or structure may be permitted ~~from the building line to the line of occupation~~ with an equal or greater setback, subject to all other applicable regulations of this By-law.

xii. Section 5.5.3 (Location) is hereby amended by:

a. Deleting "Despite any other provisions of this By-Law, any" to and capitalizing and pluralizing as required to read

"Accessory Buildings or Structures, in any 'Non-Farm Lot' in an Agricultural Zone, may be erected in any yard subject to the following restrictions:"

b. In points (i.) and (ii.), Replacing "1 metre (3.3 feet) with "1.2 metres (4 feet)"

c. In point (iv.) replacing "principle" with "principal"

d. Adding the following provision:

v. Notwithstanding any of the provisions of this By-Law, no accessory building, structure or use shall be erected or used until the principal building, structure or use is erected to the satisfaction of the Chief Building Official and in compliance with the provisions of this By-Law. This shall not apply to those uses covered under Section 3.1.2 'Temporary Buildings and Construction Facilities'.

xiii. Section 6.2 (Agriculture Zone Provisions) is hereby amended by:

a. deleting "or Exterior" from the Table titled "Provisions: Existing 'Non-Farm Lot' with a 'Minimum Lot Area' of 0.5 hectare or less"

b. Adding the following new row below "Minimum Front ~~or Exterior~~ Yard:

Minimum Exterior Yard	6 metres (20 ft)
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xiv. Sections 7.3 and 7.4 are hereby amended by adding the following row to the bottom of each table therein:

Landscaped Space	Open	Per Section 3.16.1
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xv. Section 8.2 (Hamlet Residential Zone Provisions) is hereby amended by adding the following:

- Uses, buildings and structures accessory to a permitted use as per Section 3.6

xvi. Section 9.2 (Inland Lake Residential Zone Provisions) is hereby amended by adding the following:

- Uses, buildings and structures accessory to a permitted use as per Section 3.6

xvii. Section 9.3 (Inland Lake Residential Zone Provisions) footnote (c) is hereby amended by replacing “a” with “at” to read “at least 3 metres”

xviii. Section 15.2 (Urban Industrial Zones – Permitted Uses) is hereby amended by:

- Deleting the checkmarks “√” in the row labeled “Non-Residential Uses”
- Adding rows labeled with the following uses:

	Light Industrial	Business Park 1 (BP1)	Heavy Industrial (M2)	Business Park 2 (BP2)
Funeral Home	Not Permitted	√	Not Permitted	Not Permitted
Automobile Car Wash	Not Permitted	√	Not Permitted	Not Permitted
Automobile Gas Bar	Not Permitted	√	Not Permitted	Not Permitted
Automobile Repair Establishment	Not Permitted	√	Not Permitted	Not Permitted
Automobile Sales Establishment	Not Permitted	√	Not Permitted	Not Permitted
Automobile Service Station	Not Permitted	√	Not Permitted	Not Permitted
Restaurant	Not Permitted	√	Not Permitted	Not Permitted
Research Establishment/Laboratory	Not Permitted	√	Not Permitted	√
Fitness Centre	Not Permitted	√	Not Permitted	Not Permitted
Business or Professional Office (see footnote 15.3(c))	Not Permitted	√	Not Permitted	√

- Adding a **check** mark (“√”) to the BP1 zone in the row titled “Retail, Large Format.”

xix. Section 15.3 (Urban Industrial Zones – Zone Provisions) is hereby amended by:

- Replacing “807.3 ft²” with 8073ft² in the row titled “Minimum Lot Area”
- Adding the following row under “Minimum Interior Side Yard”

And (b) (inserted within brackets under “Interior Side Yard”	(ii) All other uses	4 metres (13 feet) one side and 1.2 metres (4 feet) other side	4 metres (13 feet) one side and 1.2 metres (4 feet) other side
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- Adding the following footnotes under Section 15.3

(b) When any portion of a main building is greater than 12 metres (40 ft) in height, the Minimum Interior Side Yard and Minimum Rear Yard setbacks shall be increased by 0.5 metres (1.6 ft) for every metre over 12 metres (40ft).

(c) Business or Professional Offices minimum size 371.6m² (4000 ft².)

xx. Section 8.1 (Hamlet Residential – Scope) is hereby amended by adding “or Secondary Urban Area” to read

“The provisions of Section 8 apply only on lands designated ‘Hamlet’ or Secondary Urban Area’ on Schedule ‘A’: Land Use of the Bruce County Official Plan.”

xxi. Section 11.1 (Hamlet Commercial – Scope) is hereby amended by adding “or Secondary Urban Area” to read

“The provisions of Section 11 apply only on lands designated ‘Hamlet’ or Secondary Urban Area’ on Schedule ‘A’: Land Use of the Bruce County Official Plan.”

xxii. Section 16.1 (Hamlet Industrial – Scope) is hereby amended by adding “or Secondary Urban Area” to read

“The provisions of Section 16 apply only on lands designated ‘Hamlet’ or Secondary Urban Area’ on Schedule ‘A’: Land Use of the Bruce County Official Plan.”

2. Schedule ‘A’ to By-Law No. 2013-26, being the Zoning By-law for the Municipality of Brockton, is hereby amended by changing thereon:

i. from “HR Hamlet Residential” to “HC Hamlet Commercial” the zoning designation of those lands described as Plan 258 VL75 74 Main St N Elmwood and Plan 258 Lots 76 to 77 (84 Main St N Elmwood), Municipality of Brockton (geographic Township of Brant) as outlined on Schedule ‘A’, attached hereto and forming a part of this by-law.

ii. From “A1” to “IN Urban Institutional” the zoning designation of those lands described as Part Lot 1 Concession 14 (Pinkerton), Municipality of Brockton (geographic Township of Greenock) as outlined on Schedule ‘B’, attached hereto and forming a part of this by-law.

iii. From “A1” to “INR-1 Rural Institutional Special” the zoning designation of those lands described as:

- i. Pt Lot 3 Concession 6 (413 Chepstow Road)
- ii. Pt Lot 14, Pt Lot 15 Concession 14 (2281 Concession 14)
- iii. Pt Lot 46 Concession 1 NDR (3174 Highway 9)
- iv. Plan 107 Lot 25, Lot 27, and Pt Lot 29 (4532 Bruce Rd 1)
- v. Pt Lot 1 Concession 20 RP 3R4788 Part 1

Municipality of Brockton (geographic Township of Greenock) as outlined on Schedules ‘B,’ ‘C,’ ‘D,’ ‘E,’ ‘F,’ and ‘G,’ respectively, attached hereto and forming a part of this by-law.

3. 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.

Read, Enacted, Signed and Sealed this 27th Day of April, 2015.

2 W J L Q D O
Mayor – David Inglis

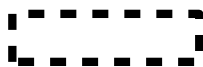
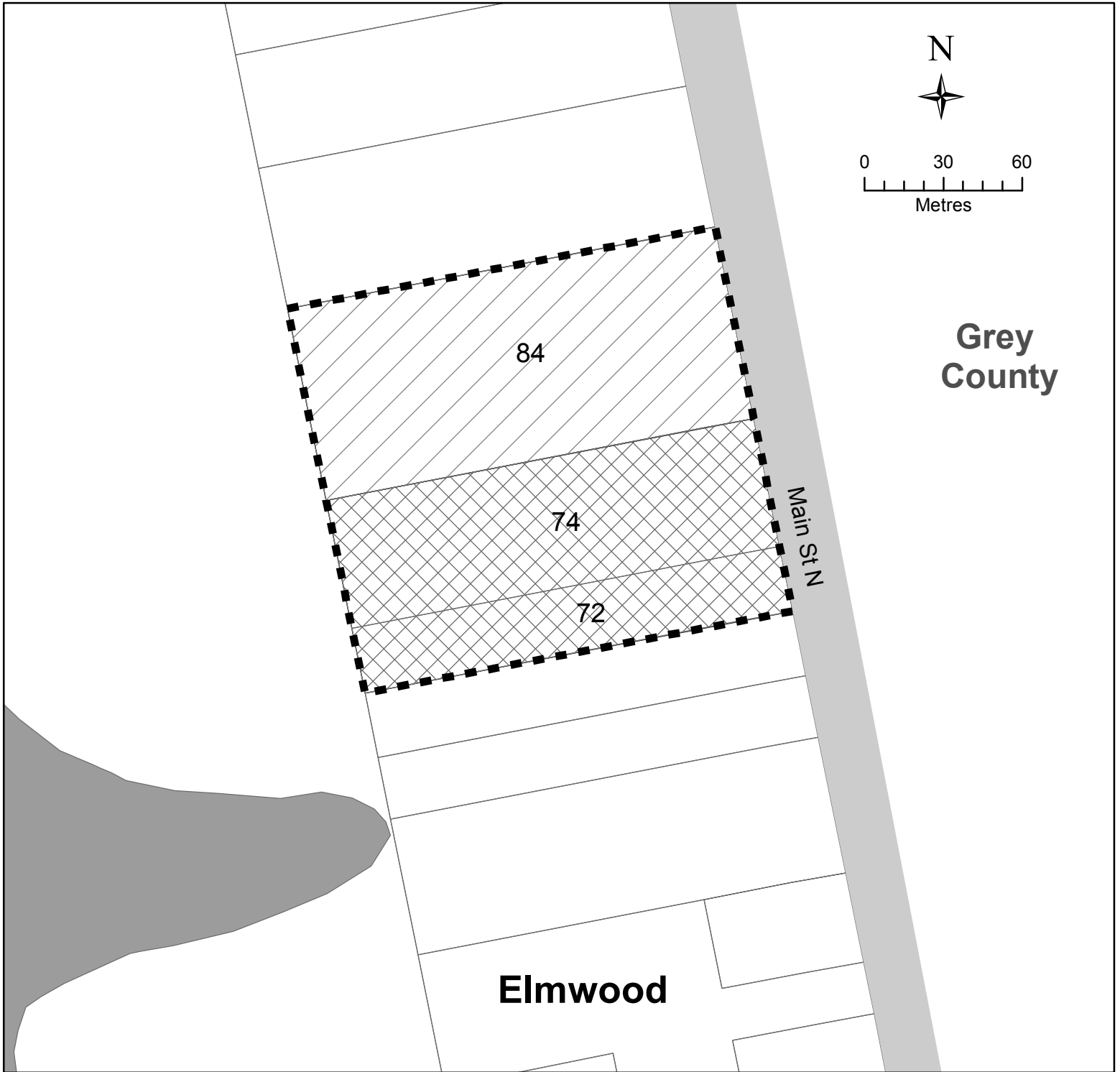
6 L J Q H G

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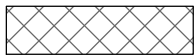
Clerk – Debra Roth

Schedule 'A'

Plan 258 VL75 (74 Main St N), Plan 258 VL74 (72 Main St N) & Plan 258 Lots 76 & 77 (84 Main St N)
Municipality of Brockton (geographic Township of Brant) Elmwood



Subject Properties



Lands to be zoned 'HC - Hamlet Commercial'



Lands to be zoned 'HR - Hamlet Residential'

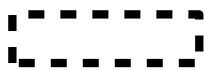
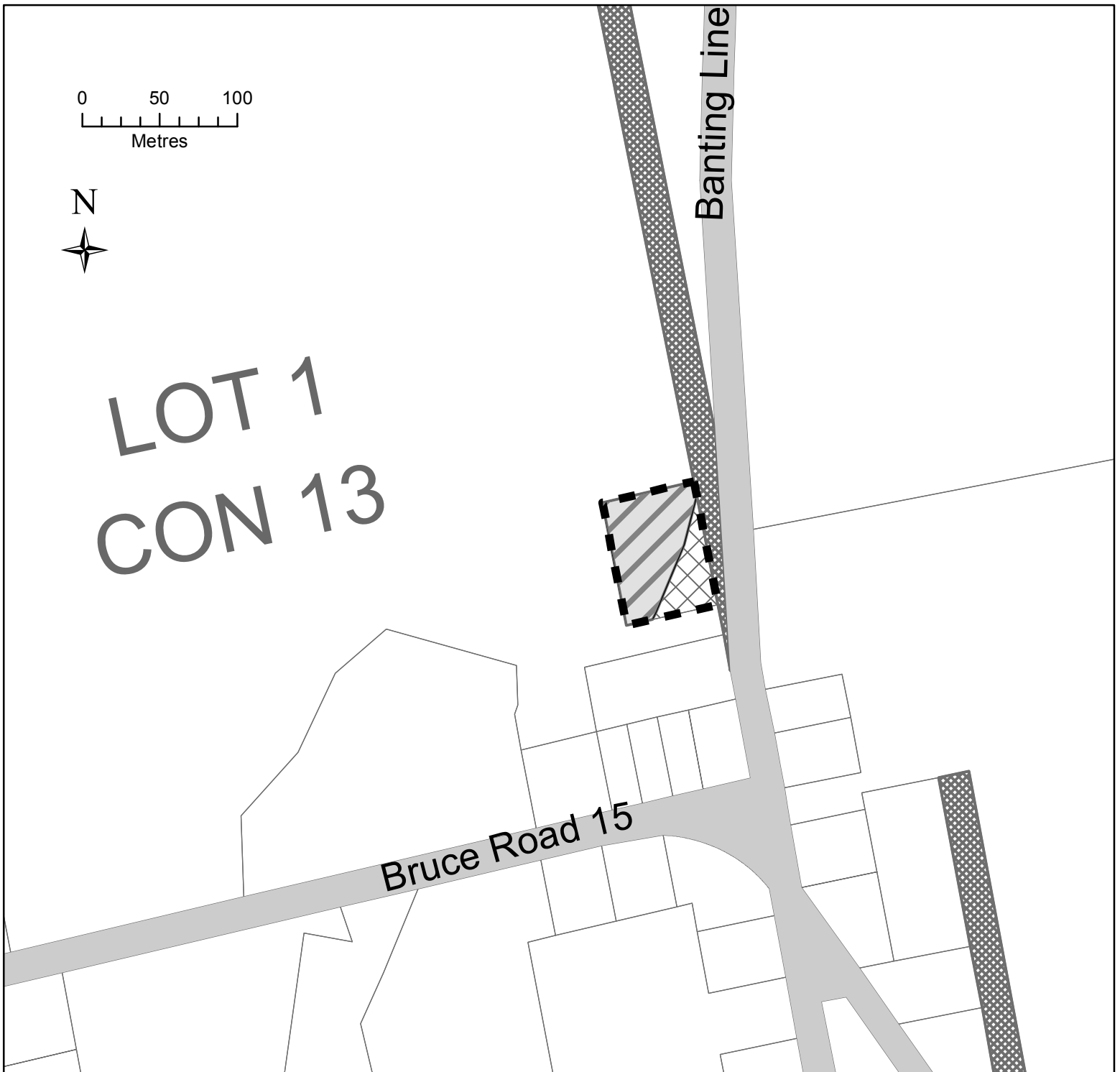


Lands zoned 'EP - Environmental Protection'

This is Schedule 'A' to the zoning by-law
Amendment NO. _____ passed this
_____ day of _____
Mayor _____
Clerk _____

Schedule 'B'

Pt Lot 1 Concession 13 (Pinkerton)
Municipality of Brockton (geographic Township of Greenock)



Subject Property



Lands to be zoned 'IN - Urban Institutional'



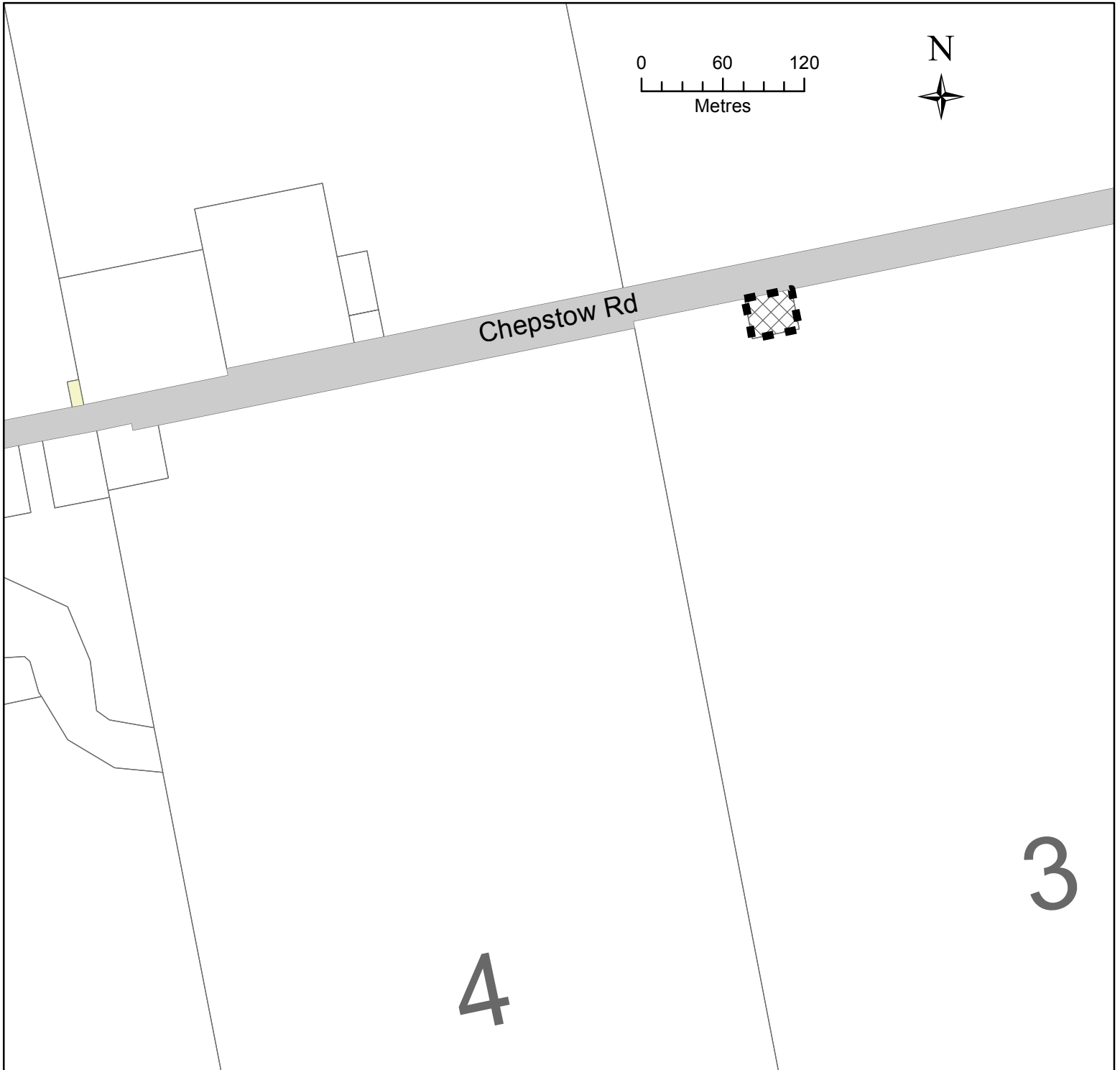
Lands zoned 'EP - Environmental Protection'

This is Schedule 'B' to the zoning by-law
Amendment NO. _____ passed this
_____ day of _____


Mayor _____
Clerk _____

Schedule 'C'

Pt Lot 3 Concession 6 (413 Chepstow Rd)
Municipality of Brockton (geographic Township of Greenock)



 Subject Property

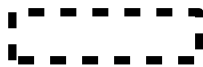
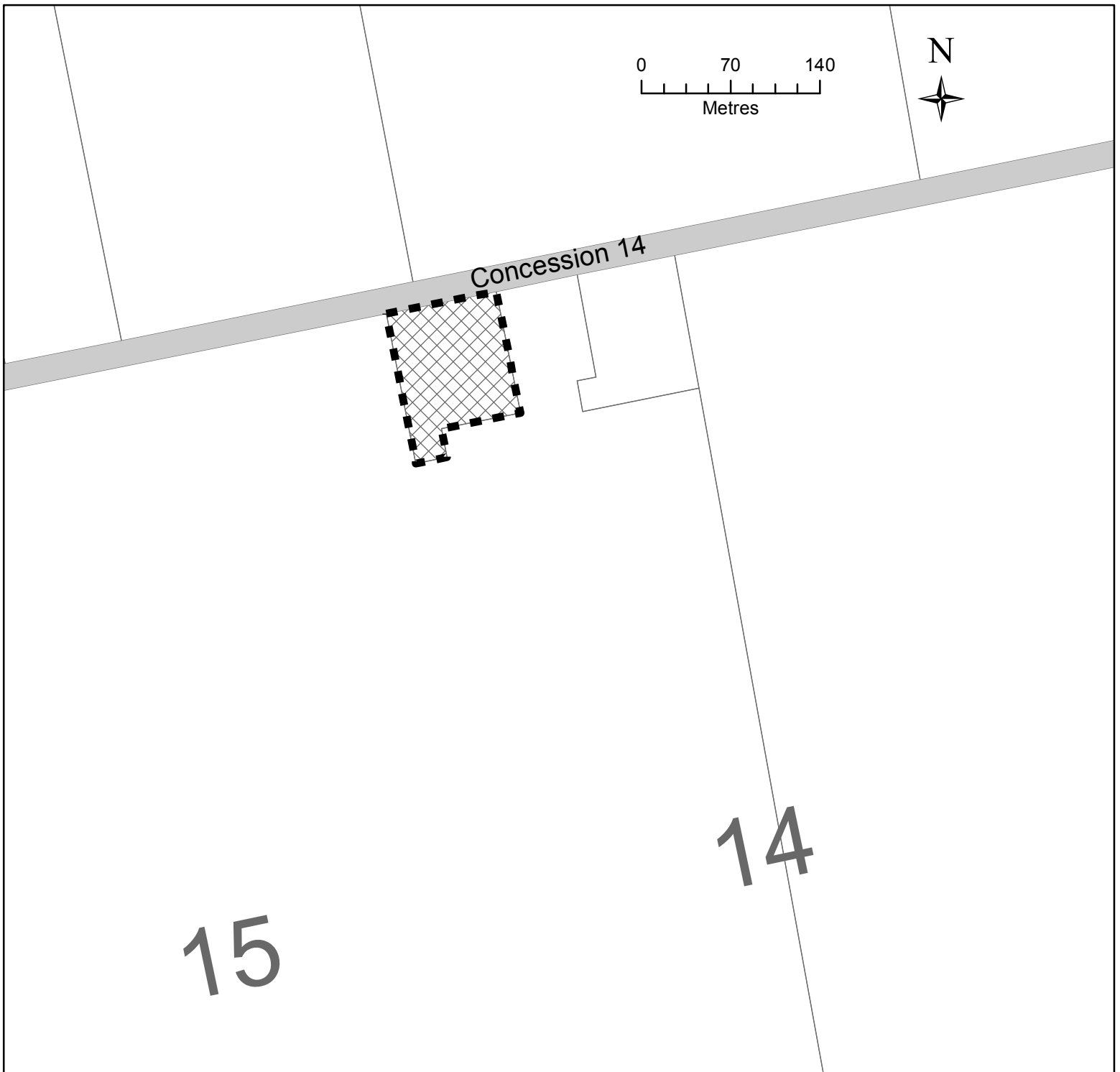
 Lands to be zoned 'INR-1 - Institutional Rural Special'

This is Schedule 'C' to the zoning by-law
Amendment N0. _____ passed this
_____ day of _____

Mayor _____
Clerk _____

Schedule 'D'

Part Lot 14, Part Lot 15 Concession 14 (2281 Concession 14)
Municipality of Brockton (geographic Township of Greenock)



Subject Property



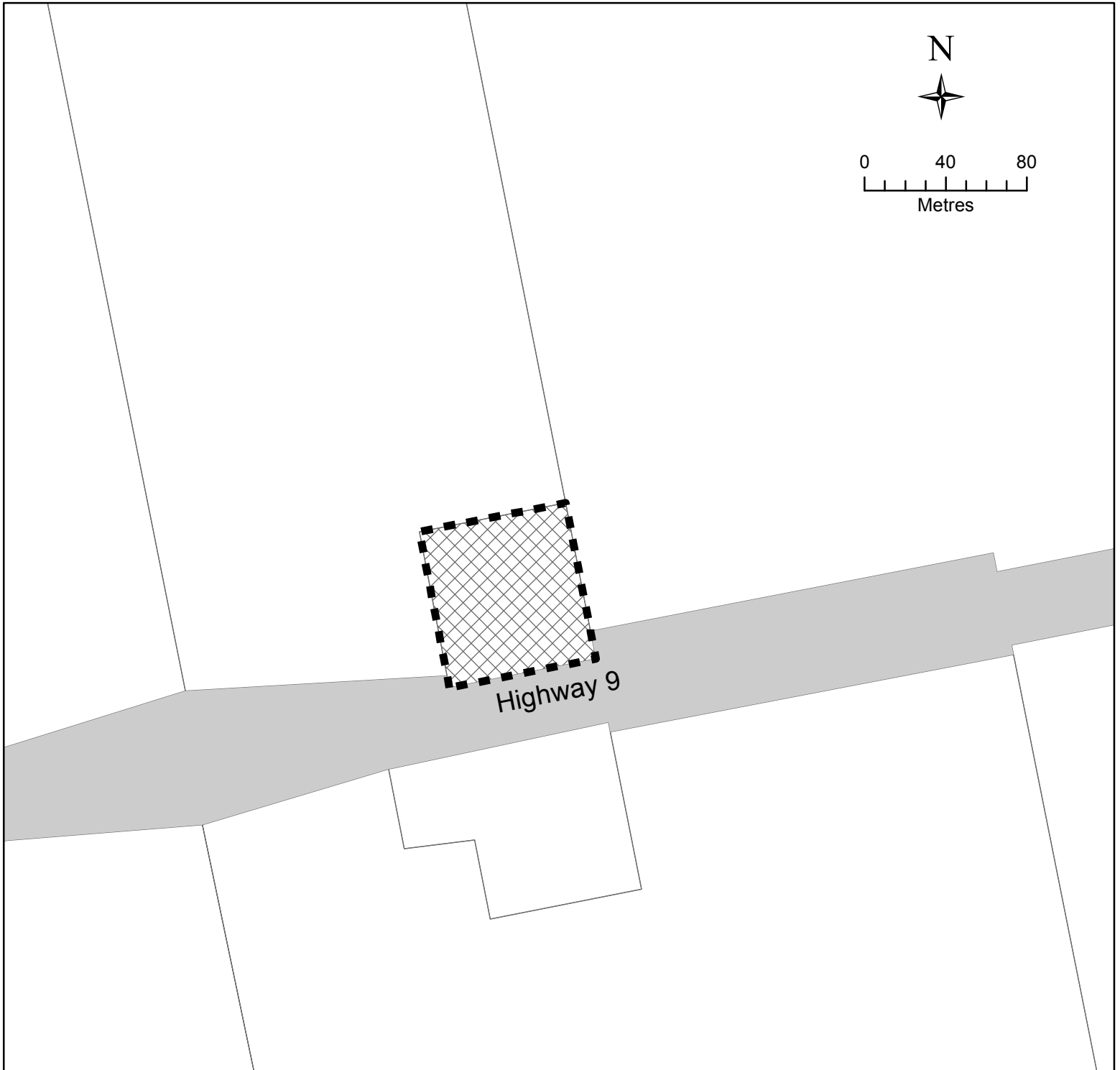
Lands to be zoned 'INR-1 - Institutional Rural Special'

This is Schedule 'D' to the zoning by-law
Amendment NO. _____ passed this
_____ day of _____


Mayor _____
Clerk _____

Schedule 'E'

Pt Lot 46 Concession 1 NDR (3174 Highway 9)
Municipality of Brockton (geographic Township of Greenock)



 Subject Property

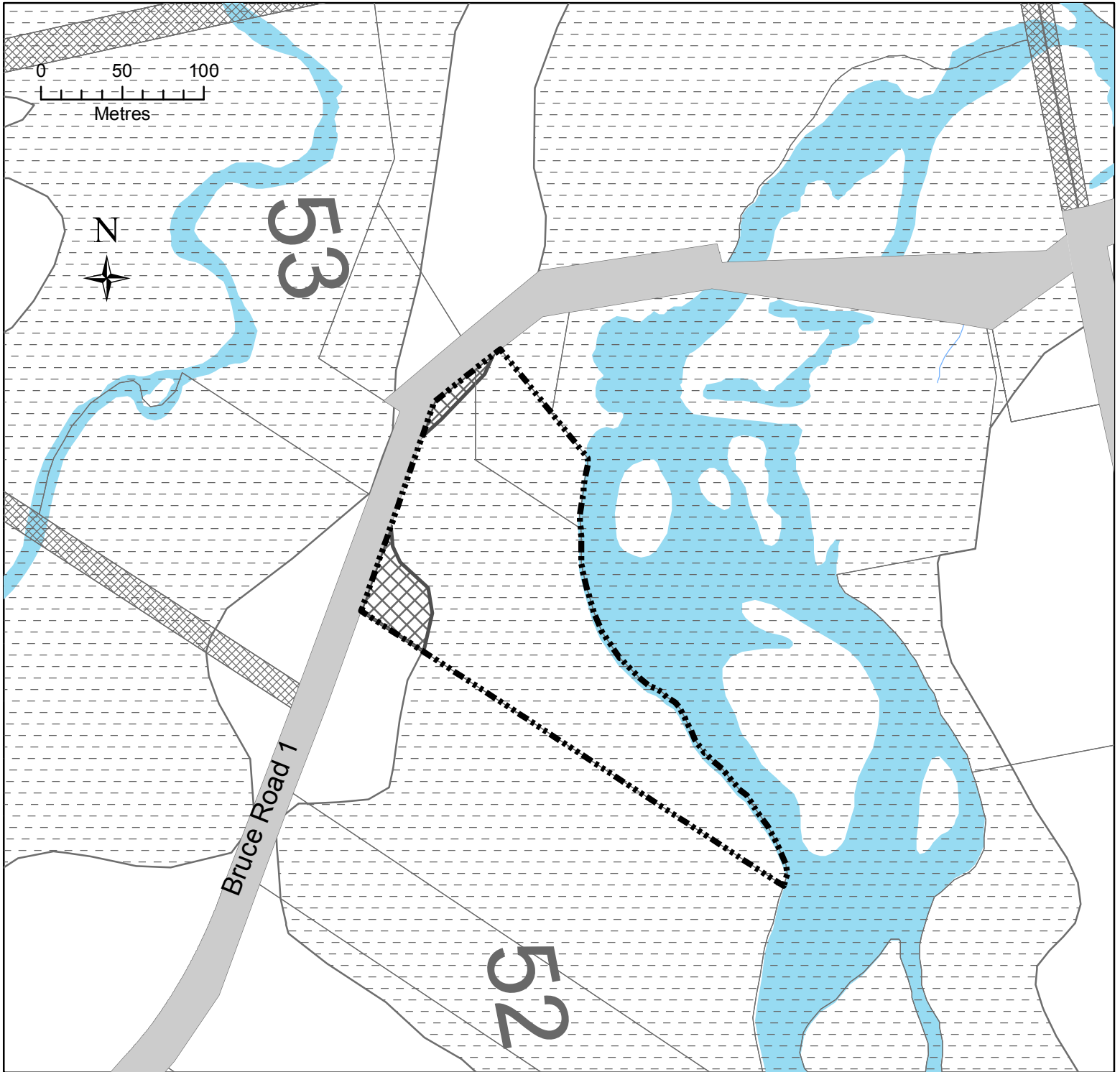
 Lands to be zoned 'INR-1 - Institutional Rural Special'

This is Schedule 'E' to the zoning by-law
Amendment N0. _____ passed this
_____ day of _____

Mayor _____
Clerk _____

Schedule 'F'

Plan 107 Pt Lot 29, Plan 107 Lot 25, Lot 27 and Pt Lot 29 (4532 Bruce Road 1)
Municipality of Brockton (geographic Township of Greenock)



Subject Properties



Lands to be zoned 'INR-1 - Institutional Rural Special'



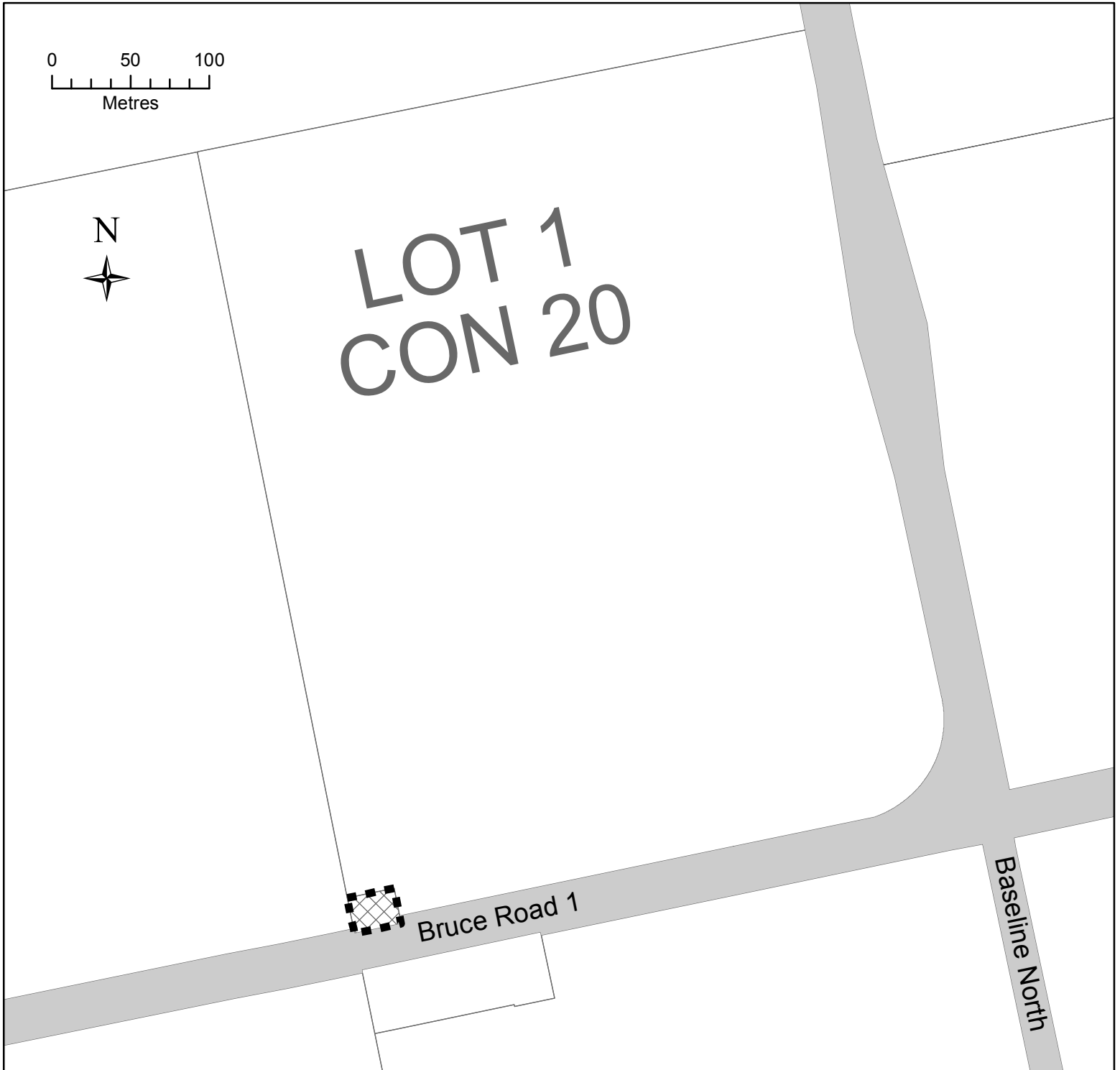
Lands zoned 'EP - Environmental Protection'

This is Schedule 'F' to the zoning by-law
Amendment NO. _____ passed this
_____ day of _____


Mayor _____
Clerk _____

Schedule 'G'

Pt Lot 1 Concession 20 RP 3R4788 Part 1
Municipality of Brockton (geographic Township of Greenock)



 Subject Property

 Lands to be zoned 'INR-1 - Institutional Rural Special'

This is Schedule 'G' to the zoning by-law
Amendment NO. _____ passed this
_____ day of _____

Mayor _____
Clerk _____