

The Corporation of the Municipality of Brockton



By-Law 2025-022

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) Amending the definition for "DWELLING, ADDITIONAL RESIDENTIAL UNIT ON FARM" in Section 2:

"DWELLING, ADDITIONAL RESIDENTIAL UNIT ON FARM" 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.

b) Addition of a definition for "VEHICLE, ELECTRIC" in Section 2:

"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.

c) Addition of a definition for "PARKING SPACE, ELECTRIC VEHICLE" in Section 2:

"PARKING SPACE, ELECTRIC VEHICLE" 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.

d) Addition to the existing definition for "HEIGHT" in Section 2:

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.

e) Addition of a definition for "PLACE OF ENTERTAINMENT" in Section 2:

"PLACE OF ENTERTAINMENT" 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.

- f) Amending the definition for “INDUSTRIAL USE, LIGHT” in Section 2:

“INDUSTRIAL USE, LIGHT” 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.

- g) Removing Minimum Floor Area, Ground and Minimum Floor Area, Gross for:

Dwelling, Accessory Apartments, and Dwelling, Accessory Detached, 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.

- h) For Section 3.8.3 Dwelling, Additional Residential Unit, adding subsection 3.8.3.1 i) as follows:

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.

- i) Replacing Section 3.8.3.2 with:

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.

- j) Replacing Section 3.8.3.3 with:

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;

- k) Replacing Section 3.8.3.5 with:

Shall connect to water and septic or sewer services;

- l) Replacing Section 3.8.3.9 with:

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.

- m) Replacing Section 3.8.4.2 with:

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;

- n) Replacing Section 3.8.4.4 with:

Shall connect to water and septic or sewer services;

- o) Replacing Section 3.8.4.6 with:

May be located within a ‘Dwelling, Accessory Detached’, or may be located in a new, or existing, detached accessory building;

- p) Replacing Section 3.8.4.7 with:

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.

q) Replacing Section 3.8.4.9 with:

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.

r) Replacing Section 3.14.2 with:

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.

- i) 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.

s) Replacing Section 3.25 with:

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.

t) Replacing Section 3.26.1 iii) with:

dwelling, apartment building; dwelling, townhouse cluster - 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.

u) Replacing Section 3.26.1 t) with:

residential care facility - 1 parking space per 2 patient room or resident rooms, plus 1 parking space per 10 resident rooms intended and clearly identified for visitor parking.

v) Adding Section 3.26.1 u) as follows:

hospital - 1 parking space per patient room

w) Replacing Section 3.26.2 with:

Total No. Parking Spaces	Total No. of Barrier Free Spaces Required	Type A Spaces	Type B Spaces
1 -12	1	1	0
13-100	4%	For lots with an even number of total Barrier Free Spaces – provide an equal number of Type A and Type B spaces.	
101-200	3% + 1		
201-1000	2% + 2		
1001+	1% + 11		
Note:	The number of spaces shall be rounded up to the nearest whole number.	For lots with an odd number of total Barrier Free Spaces – 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.

x) Adding Section 3.26.3 as follows:

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, inclusive for every 20 required parking spaces in accordance with Section 3.26. For all other uses, no minimum requirement applies.

y) Replacing Section 3.26.5 barrier free parking with Section 3.26.6 barrier free parking as follows:

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.

z) Replacing Section 3.34.2 with:

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.

aa) Adding Section 3.34.8 with:

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).

bb) Adding Section 4.4.4 iv) as follows:

The re-creation of original township lots.

cc) Section 4.7.4 Notes on Schedule 'A' re-number to Section 4.7.5 throughout the zoning text.

dd) New Section 4.7.4 Minor Lot Enlargements as follows:

Where a Consent for a minor lot enlargement is granted by the County of Bruce, or its 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).

ee) Replacing Section 5.2 v) with:

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.

ff) Adding a 'Place of Entertainment' to the list of permitted uses in Section 13 in the Commercial Business District (C1), Transition Commercial District (C2), and Highway Commercial (C3) Zones.

gg) Adding a 'Place of Entertainment' to the list of permitted uses in Section 15 and 15.2 in the Business Park 1 (BP1) and Business Park 1 Special (BP1-2) Zones.

hh) Adding the permitted use of a Dwelling, Additional Residential Unit in Section 25 v) as follows:

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.

Explanatory Note: Re-numbering of various sections of the Zoning By-law will occur, and may continue, through adoption of the above provisions. As per Section 1.6.2 Typographical and Section Reference Corrections. No amendment to the Comprehensive Zoning By-law shall be required in order for the Corporation to make typographical changes or changes to section references where, in the opinion of the Corporation, such corrections do not affect the intent of the By-law.

2. 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.
3. This By-law may be cited as the “Zoning Amendment By-Law – Brockton Housekeeping Z-2023-094”

Read, Enacted, Signed and Sealed this 18th day of March, 2025

Original Signed By
Mayor – Chris Peabody

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