

BY-LAW NUMBER xxx-18

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To amend By-law Number 61-16, the Zoning By-law for the County of Brant, as amended, Armstrong Planning & Project Management, on behalf of Empire Communities (St. George) Ltd. And Brian and Maree Loveless, Applicants/Owners of Concession 3 Part Lot 8, Part Lot 9 RP 2R-6841 Pt 1 RP 2R-7202 Pts 1 to 6, Former Township of South Dumfries, Village of St. George, located at 205 and 209 Beverly Street West and 239 and 241 Highway #5, County of Brant

WHEREAS an application was received from Armstrong Planning & Project Management, Agent on behalf of Empire Communities Ltd (St. George), Ross Ilett Farms Ltd. and Brian and Maree Loveless, Applicants/Owners with respect to land described as Concession 3 Part Lot 8, Part Lot 9 RP 2R-6841 Pt 1 RP 2R-7202 Pts 1 to 6, Former Township of South Dumfries, Village of St. George, located at 205 and 209 Beverly Street West and 239 and 241 Highway #5, County of Brant, to amend By-law Number 61-16, to change the current Agricultural (A), Special Exception Agricultural (A-92) (A-99), Special Exception Agricultural Employment (AE-22), and Natural Heritage (NH) zoning to permit the development of residential, commercial (mixed use), institutional, open space, and natural heritage uses;

AND WHEREAS the *Planning Act* empowers a municipality to pass by-laws prohibiting the use of land and the erection, location and use of buildings or structures, except as set out in the by-law;

AND WHEREAS this by-law is in conformity with the Official Plan for the County of Brant;

AND WHEREAS the Local Planning Appeal Tribunal deems it to be desirable for the future development and use of the lands described above;

NOW THEREFORE THE ONTARIO MUNICIPAL BOARD HEREBY ENACTS as follows:

1. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Special Exception Agricultural (A-92) to Holding Provision Special Exception Residential Singles (h-R1-28), as shown on Schedule "A" of this by-law.
2. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Special Exception Agricultural (A-92) to Holding Provision Special Exception Residential Singles (h-R1-29), as shown on Schedule "A" of this by-law.
3. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Special Exception Agricultural (A-92) to Holding Provision Special Exception Residential Singles (h-R1-30), as shown on Schedule "A" of this by-law.
4. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Special Exception Agricultural (A-92) to Holding Provision Special Exception Residential Multiple Low Density (h-RM1-28), as shown on Schedule "A" of this by-law.

5. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Agricultural (A), Special Exception Agricultural (A-92), and Special Exception Agricultural Employment (A-22) to Holding Provision Special Exception Mixed Use Commercial (h-4-C5-3), as shown on Schedule "A" of this by-law.
6. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Agricultural (A) and Special Exception Agricultural (A-99) and Special Exception Agricultural (A-92) to Natural Heritage (NH), as shown on Schedule "A" of this by-law.
7. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Agricultural (A), Special Exception Agricultural (A-99), Special Exception Agricultural (A-92), Special Exception Agricultural Employment (AE-22), and Natural Heritage (NH) to Recreational Facilities (OS2), as shown on Schedule "A" of this by-law.
8. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Agricultural (A), Special Exception Agricultural (A-99) and Special Exception Agricultural (A-92) to Holding Provision Major Institutional (h-N2-3/h-4-C5-3), as shown on Schedule "A" of this by-law.
9. **THAT** Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Agricultural (A), Special Exception Agricultural (A-99) and Special Exception Agricultural (A-92) to Holding Provision Major Institutional (h-N2-3/h-6-R1-29), as shown on Schedule "A" of this by-law.
10. THAT Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Agricultural (A) to Holding Provision Residential Singles (h-8-R1), as shown on Schedule "A" of this by-law.
11. THAT Schedule 'A', Key Maps 18, 26, 27, and 27A, of By-law Number 61-16 are hereby amended by changing the zoning on the subject lands from Agricultural (A) to Holding Provision Residential Singles (h-8-NH), as shown on Schedule "A" of this by-law.
12. **THAT** Section 8.3 Special Exceptions R1 Zone, is hereby amended by adding the following:

R1-28

Notwithstanding any provision of this By-law to the contrary, within any area zoned R1-28 on Schedule 'A' attached hereto, the following development standards shall apply:

<i>Lot Area (Minimum):</i>	230 m ²
<i>Lot Frontage (Minimum):</i>	8.0 metres
<i>Interior Side Yard (Minimum):</i>	1.2 metres on one side and 0.6 metres on the other side;
<i>Exterior Side Yard (Minimum):</i>	2.4 metres
<i>Height (Maximum):</i>	12.0 metres
<i>Lot Coverage Dwelling (Maximum):</i>	47%
<i>Lot Coverage Overall (Maximum):</i>	52%

- Driveway Width (Minimum): 3.0m
- Porch Encroachment into required yards (Maximum): 3.0 metres including stairs;
- Visibility Triangle Setback (Minimum): 0.5m from the closest point of the structure to the established visibility triangle as long as the structure does not obstruct the line of sight.
- Garage Encroachment: Stairs may encroach a maximum of 0.5m into any required parking space located within the garage.

All other requirements of By-law shall apply. (Maps 18, 26, 27, & 27A)

13. THAT Section 8.3 Special Exceptions R1 Zone, is hereby amended by adding the following:

R1-29

Notwithstanding any provision of this By-law to the contrary, within any area zoned R1-29 on Schedule 'A' attached hereto, the following development standards shall apply:

- Lot Area (Minimum): 290 m²
- Lot Frontage (Minimum): 10.0 metres
- Interior Side Yard (Minimum): 1.2 metres on one side and 0.6 metres on the other side;
- Exterior Side Yard (Minimum): 2.4 metres
- Lot Coverage Dwelling (Maximum): 47%
- Lot Coverage Overall (maximum): 52%
- Height (Maximum): 12.0m
- Driveway Width (Minimum): 5.0m
- Landscaping Open Space (Minimum): 40% for front yard only
- Porch Encroachment into required yards (Maximum): 3.0 metres, including stairs;
- Visibility Triangle Setback (Minimum): 0.5m from the closest point of the structure to the established visibility triangle as long as the structure does not obstruct the line of sight.
- Garage Encroachment: Stairs may encroach a maximum of 0.5m into any required parking space located within the garage.

All other requirements of By-law shall apply. (Maps18, 26, 27, & 27A)

14. THAT Section 8.3 Special Exceptions R1 Zone, is hereby amended by adding the following:

R1-30

Notwithstanding any provision of this By-law to the contrary, within any area zoned R1-30 on Schedule 'A' attached hereto, the following development standards shall apply:

- Lot Area (Minimum): 350 m²
- Lot Frontage (Minimum): 12.0 metres

<i>Interior Side Yard</i> (Minimum):	1.2 metres on one side and 0.6 metres on the other side;
<i>Exterior Side Yard</i> (Minimum):	2.4 metres
<i>Lot Coverage Dwelling</i> (Maximum):	50%
<i>Lot Coverage Overall</i> (maximum):	55%
<i>Height</i> (Maximum):	12.0m
<i>Porch</i> Encroachment into required <i>yards</i> (Maximum): 3.0 metres, including <i>stairs</i> ;	
<i>Visibility Triangle</i> Setback (Minimum):	0.5m from the closest point of the structure to the established <i>visibility triangle</i> as long as the <i>structure</i> does not obstruct the line of sight.
<i>Garage</i> Encroachment:	Stairs may encroach a maximum of 0.5m into any required <i>parking space</i> located within the <i>garage</i> .

All other requirements of By-law shall apply. (Maps18, 26, 27, & 27A)

15. **THAT** Section 8.5 Special Exceptions RM1 Zone, is hereby amended by adding the following:

RM1-28

Notwithstanding any provision of this By-law to the contrary, within any area zoned RM1-28 on Schedule 'A' attached hereto, the following development standards shall apply:

<i>Lot Area</i> (Minimum):	150 m ²
<i>Lot Frontage</i> (Minimum):	6.0 metres <i>street fronting rowhouse dwellings</i> ;
<i>Interior Side Yard</i> (Minimum):	1.5 metres
<i>Exterior Side Yard</i> (Minimum):	2.4 metres
Separation Distance between <i>buildings</i> on same <i>lot</i> (Minimum): 0.0 metres	
<i>Lot Coverage Dwelling</i> (Maximum):	55%
<i>Lot Coverage Overall</i> (maximum):	60%
<i>Height</i> (Maximum):	12.0 metres
<i>Landscaping Open Space</i> (Minimum):	34% for front yard only
<i>Porch</i> Encroachment into required <i>yards</i> (Maximum): 3.0 metres, including <i>stairs</i> ;	
<i>Visibility Triangle</i> Setback (Minimum):	0.5m from the closest point of the structure to the established <i>visibility triangle</i> as long as the <i>structure</i> does not obstruct the line of sight.
<i>Garage</i> Encroachment:	Stairs may encroach a maximum of 0.5m into any required <i>parking space</i> located within the <i>garage</i> .

All other requirements of By-law shall apply. (Maps18, 26, 27, & 27A)

16. **THAT** Section 10.11 Special Exceptions C5 Zone, is hereby amended by adding the following:

C5-3

Notwithstanding any provision of this By-law to the contrary, within any area zoned C5-3 on Schedule 'A' attached hereto, in addition to the *uses* permitted within the C5 Zone the following *uses* shall also be permitted:

- *Drive Through Facility;*
- *Dry Cleaning Laundromat;*
- *Nursery and Garden Centre;*
- *Office, Medical;*
- *Veterinary Clinic;*

A *daycare* shall not be a permitted *use* within the C5-3 Zone.

No Residential Uses (accessory or otherwise) shall be permitted in C5-3 Zone.

The following *development* standards shall apply:

<i>Lot Area</i> (Minimum):	Nil.
<i>Lot Frontage</i> (Minimum):	Nil.
<i>Lot Depth</i> (Minimum):	40.0 metres
<i>Street Setback</i> (Minimum):	3.0 metres
<i>Interior Side Yard</i> (Minimum):	3.0 metres, abutting Residential or Institutional Zones;
<i>Rear Yard</i> (Minimum):	5.0 metres
<i>Height</i> (Maximum):	12.0 metres

All other requirements of By-law shall apply. (Maps 18, 26, 27 & 27A)

17. **THAT** Section 13.4 Special Exceptions N2 Zone, is hereby amended by adding the following:

N2-3

Notwithstanding any provision of this By-law to the contrary, within any area zoned N2-3 on Schedule 'A' attached hereto, the permitted uses shall be limited to the following:

- School, Elementary*
- School, Post Secondary*
- School, Secondary*
- Community Center* – excluding *day care*

All other requirements of By-law shall apply. (Maps 18, 26, 27 & 27A)

18. **THAT** Section 15.1 Holding "h" Zone Provisions, is hereby amended by adding the following:

e) h-4 To ensure the commercial uses do not negatively impact the Downtown Core of St. George, a Retail Impact Market Analysis shall be required prior to the removal of the holding provision.

g) h-6 To ensure no negative impact on the future residences, a detailed Noise Study shall

be required prior to the removal of the holding provision.

h) h-8 To ensure the orderly development of lands, the “h” symbol shall not be removed until an Archaeological Assessment is completed to the satisfaction of the County and the Ministry of Tourism, Culture and Sport. No site alterations or soil disturbances shall be permitted on the lands.

19. **THAT** this by-law shall come into force on the day the related Official Plan Amendment No. 9 (File No.OPA-B08) to the County of Brant is approved by Local Planning Appeal Tribunal.

