

Section 4: General Provisions

4.1 Prohibited Uses

All *uses* are prohibited unless specifically permitted in this By-Law. Subsection 4.41 Uses Prohibited in all Zones can be referenced for further detail.

4.2 Accessory Uses Permitted in all Zones

Unless otherwise specified, *accessory uses* are permitted in all *zones* except that no *home occupation, open storage, or accessory dwelling* shall be permitted in any *zone* unless specifically listed as a permitted *use*. An *accessory use* shall be permitted if:

- a.) The principal *use, building or structure* is already established;
- b.) It is on the same *lot* as the *use* to which it is *accessory*; and
- c.) It is not *used* for human habitation unless expressly permitted in the By-Law.

4.3 Connected Structures

When an *accessory building or structure* is attached to a *main building* on the same *lot* by a *breezeway* or a roofed passage or an open or enclosed *structure* above grade or a floor or foundation which is above *grade* or any similar *structure* below grade, the *accessory structure* shall be deemed to be part of the *main building*, and shall maintain the *zone* requirements of the *main building*.

4.4 Regulations for Accessory Buildings and Structures

Where a *use* is permitted within a *zone* category, any *building and/or structure* that is *accessory* to such *use* is also permitted, subject to the provisions contained within this Section of the By-Law, or unless elsewhere specified.

- a) *Buildings or structures accessory to a dwelling unit* shall not be permitted prior to the construction of the *dwelling* and shall not be located within the required *front yard or exterior side yard*.
- b) *Accessory buildings or structures* having a *gross floor area* of less than 10 square metres, and/or a *height* of 0.6m or lesser above adjacent grade, may be located in a required *rear yard setback* or a required *interior side yard setback*; provided it is located a minimum of 0.6 metres from the *lot line* and is not located within any prescribed drainage feature.
- c) The cumulative *floor area* of all *buildings and structures* shall not exceed the allowable *lot coverage* for the *zone*.
- d) A *platform structure* provided *accessory to a dwelling unit* with a mutual *lot line*, including but not limited to a *semi-detached dwelling, rowhouse dwelling, or similar*,

shall be permitted a 0.0m interior side yard setback from the mutual lot line. All other requirements shall apply.

- e) A *platform structure* that is covered by a roof and is connected to a *dwelling* shall be considered part of the *dwelling* to which it is attached. If the *structure* remains unenclosed, the encroachments permissions of Table 4.44.1 may apply.
- f) A *patio* accessory to a residential use shall be considered *landscaped open space* provided it remains uncovered, is located a minimum of 0.6m from any *lot line*, does not cover more than 50% of the yard in which it is located, and provided is shall not be located within any prescribed drainage feature.
- g) In addition to the above noted requirements, *buildings* and *structures accessory* to a permitted *residential use* are subject to the provisions of Table 4.1, unless otherwise specified within this By-Law.

4.4.1 Accessory Use Regulations Table

Regulations	Urban Residential Zones	All other Residential Zones	All other Zones
Lot coverage, Maximum	The lesser of 15% of the total lot area or 95m ²	The lesser of 15% of the total lot area or 140m ²	5% of the total lot area
Street setback, Minimum	In accordance with the <i>street setback</i> provisions of the applicable zone.		
Interior side yard and rear yard setback, Minimum (metres)	1.2m	1.5m	3.0m
Structure height, Maximum (metres)	4.5m	5.0m	7.0m

4.5 Additional Residential Units

- a.) An *additional residential unit* shall be permitted in an area within the County having full municipal water and sanitary services, subject to the following requirements
 - i) A residential *use* is permitted as a principal *use* within the Zone Category of the lot,
 - ii) Municipal water, sanitary services, and capacity are available as verified by the County of Brant,

- iii) The *additional residential unit* has access from the *street* and/or *driveway* that is unobstructed, including from obstructions posed by potential *flooding and erosion hazards*,
 - iv) There are no other additional *dwelling units* or *garden suites* on the property,
 - v) One (1) additional *parking space* shall be provided in accordance with Section 5 of this By-Law.
 - vi) If an *additional residential unit* is located within the *primary dwelling*, or attached thereto, the *additional residential unit* must meet the requirements for a *dwelling*.
 - vii) If the *additional residential unit* is located within an *accessory structure*, and not connected to the *primary dwelling unit*, the *additional residential unit* must meet the requirements for an *accessory structure* or *building* on the property in accordance with Section 4.2, Table 4.1 of this By-law,
 - viii) The *additional residential unit* must meet all the requirements of the Ontario Building Code and Ontario Fire Code and required an approved Building Permit to establish the *additional residential unit*.
- b.) An *additional residential unit* shall be permitted in an area within the County having private well and septic services, subject to the following requirements:
- i) A residential *use* is permitted as a principal *use* within the Zone category of the *lot*,
 - ii) The *lot* is a minimum size of 0.4 hectares in *lot area*
 - iii) A well and septic report is required to accompany a Building Permit application in order to verify that any additional water/sewage capacity and usage will be supported on the *lot*,
 - iv) One (1) additional *parking space* shall be provided in accordance with Section 5 of this By-Law,
 - v) The *additional residential unit* shall have access from the *street* and/or *driveway* that is unobstructed, including from obstructions posed by potential *flooding and erosion hazard*,
 - vi) There are no other additional *dwelling units* or *garden suites* on the lot,
 - vii) If an *additional residential unit* is located within the *primary dwelling unit*, or attached thereto, the *additional residential unit* must meet the requirements for a *dwelling* within the applicable Zone Category,
 - viii) If the *additional residential unit* is located within an *accessory structure*, and not connected to the *primary dwelling unit*, the *additional residential unit* must meet the requirements for an *accessory structure* or *building* on the *lot* in accordance with Section 4.2, Table 4.1 of this By-Law,
 - ix) The *additional residential unit* must meet all requirements of the Ontario Building Code and the Ontario Fire Code and requires an approved Building Permit to establish the *additional residential unit*,

- x) Where a detached additional residential unit is proposed on lands outside of a settlement area boundary as designated in the County of Brant Official Plan, such a proposal may be permitted provided:
 - 1) The *development* area of the *additional residential unit* shall be confined to an area not exceeding 450 square metres, including the *additional residential unit*, and any attributed *accessory structures*, septic, well, *landscaped open space*, parking, and any additional *driveway* access area,
 - 2) The *additional residential unit* shall have no negative impacts on surrounding *farming operations*. An additional residential unit that would hinder a surrounding *farm operation* from building new farm buildings due to greater restrictions on MDS than what currently exists on the lands would be considered a negative impact.
 - 3) The *additional residential unit* shall use the same entrance from the municipal right-of-way as the *primary dwelling unit*, and
 - 4) The additional residential unit shall be located within 40.0m of the *primary dwelling unit* or within the existing *building cluster* of the lot.

- c.) In addition to the applicable requirements above, in any case where an additional residential unit is to be constructed on any property the following shall apply:
 - i) The *primary dwelling unit* shall be considered whichever *dwelling unit* has the greatest *gross floor area*.
 - ii) An *additional residential unit*, including any *accessory structures*, septic, or well, shall not be permitted on lands zoned Natural Heritage or on lands designated as 'Woodlands and Vegetation' on Schedule C of the County of Brant Official Plan (2012)
 - iii) An *additional residential unit* shall not be permitted within 30.0m metres of lands zoned Natural Heritage or designated as 'Woodlands and Vegetation' on Schedule C of the County of Brant Official Plan unless it has been approved by the County and, where applicable, the Conservation Authority having jurisdiction, and provided the following can be demonstrated
 - 1) There are no reasonable alternative locations on the property,
 - 2) Any expansion into or impact on the natural features is minimized and mitigated to the greatest extent possible, and
 - 3) The location of the additional residential unit, including attributed accessory structures, septic, landscaped open space and additional driveway access shall be subject to any provisions outlined in a completed Environmental Impact Statement and/or through consultation with the County of Brant and the Conservation Authority having jurisdiction.

4.6 Day Care Regulations in Commercial and Employment Zones

A *day care*, where permitted in commercial or employment *zones*, shall comply with the following regulations:

- a.) No portion of a *day care* including on-site outdoor play space shall be located within 50.0 metres of any *automotive use*.
- b.) Parking shall be provided according to the regulations outlined in Section 5 of this By-Law. In addition, drop-off parking shall be provided as follows:
 - i) a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;
 - ii) each drop-off space shall be a minimum of 2.6 metres in width and a minimum of 5.5 metres in length; and
 - iii) the drop-off area shall be located within 60.0 metres from the main entrance of the *day care* facility.
- c.) Exterior lighting of the facility shall provide for a well-lit environment;
- d.) Where on-site outdoor play space is provided, it shall comply with the following regulations:
 - i) noisy, noxious or hazardous adjacent *uses* such as, but not limited to, loading/unloading areas, garbage bins, large *parking lots*, arterial roads, passenger drop-off areas, rail lines, or storm water management pond should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;
 - ii) outdoor play space shall be located at ground level and shall be securely enclosed on all sides;
 - iii) the outdoor play space shall not be located in any *yard* that abuts a *public street* unless it is fenced to the satisfaction of the County.

4.7 Daylight Corners / Visibility Triangles

Notwithstanding any other provisions of this By-Law, no *buildings* or *structures* or any *yard* encroachments, including a fence, *sign* or *driveway*, shall be permitted within a *visibility triangle* and no shrubs, foliage, *berm* or any landscaping materials shall be planted or maintained which exceed a *height* of 0.6 metres above the centreline *grade* of the intersecting *streets*.

4.8 Drive-Through Facilities

Drive-through facilities are subject to the following provisions:

- a.) Where *drive-through facilities* are permitted, *stacking lanes* are required and shall be exclusive of any other *parking space* and *loading space* and *aisle* or *driveway*

requirements contained within this By-Law and shall be provided in accordance with the provisions of this section.

- b.) No *drive-through facilities* including drive through *lanes* and all order boxes using voice communication to order shall be permitted closer than 15 metres to any *lot line* where the abutting *lot* contains a residential *use*.
- c.) The distance between the closest *driveway* access and the last *stacking space*, measured in a straight line from the middle point of the *driveway* at the *lot line*, shall be 15.0 metres.
- d.) The *stacking lane* shall have a minimum width of 3 metres.
- e.) The *stacking space* shall have a minimum length of 5 metres.
- f.) The minimum *stacking space* requirements within a designated *stacking lane* shall be as described in the following table:

4.8.2 Stacking Space Requirements Table

Use Associated with Drive- through Facility	Minimum Required Ingress Spaces
<i>Restaurant or any Eating Establishment</i>	12
<i>Automobile Service Station</i>	3
<i>Car Wash</i>	10
<i>Financial Institution and all other uses</i>	5
<i>School, Elementary or Secondary</i>	10

- g) Required ingress *stacking spaces* shall be located and calculated from 2.0 meters in front of the product pick-up window or dispensing machine. The *stacking spaces* at the product pick-up window shall count towards the minimum ingress *stacking spaces*.
- h) The length of the *stacking lane* associated with the *drive-through facility* shall be the total number of required ingress *stacking spaces*.
- i) Where multiple *stacking lanes* are provided on a *lot*, the combined total of *stacking spaces* within all lanes shall meet the requirements of Table 4.2 of this By-Law for each *use* of which the lanes are provided.
- j) *Stacking lanes* shall be unobstructed and shall be clearly delineated by pavement markings or physical barriers, and shall be independent of the balance of the *parking area* and loading area.

- k) No *stacking lanes*, order boxes and wall openings associated with a *drive- through facility* shall be located in the required minimum *front yard* or *exterior side yard* unless there is a landscaping buffer of 3 metres.

4.9 Dwelling Units

Deleted by amending By-law 103-20

4.10 Farm Production Outlet Regulations

4.10.1 Farm Production Outlet Regulations Table

Regulations	Setbacks
Minimum <i>Street Setback</i>	a) 15 metres for a permanent <i>building</i> ; b) 7.5 metres for a portable <i>building</i> that is removed at the end of the season.
Minimum <i>Interior Side Yard Setback</i>	7.5 metres
Minimum <i>Rear Yard Setback</i>	15 metres
Maximum <i>Building Height</i>	6 metres
Maximum <i>Floor Area</i> devoted to <i>Farm Production Outlet</i>	60 sq. m.
Parking	Must be contained on the <i>lot</i> according to the provisions of this By-Law

4.11 Garden Suites

A *garden suite* shall only be permitted where a site-specific temporary zoning by-law amendment has been approved, subject to the following:

- a) Only one (1) *garden suite* is permitted per *lot*.
- b) A *garden suite* shall only be permitted *accessory* to an existing *single detached dwelling* where a *single detached dwelling* is a permitted *use*.
- c) The existing *single detached dwelling* shall be considered the *primary dwelling unit*.
- d) A *garden suite* shall not be permitted on a property where there exists more than one *dwelling unit*.
- e) The *garden suite* shall comply with *Minimum Distance Separation Guidelines*, as per Section 4.24 of the Comprehensive Zoning By-Law of the County of Brant.

- f) A *garden suite* shall comply with the zone requirements for a *dwelling* in the applicable zone category.
- g) When located on a *lot* that is zoned Agricultural (A), the *garden suite* shall be located no further than 40.0m from the closest point of the existing *primary dwelling unit*.
- h) One (1) *parking space* shall be provided for the *garden suite* in addition to the parking required for other uses on the lot.
- i) All other applicable requirements of this By-Law shall apply.

4.12 Greenhouse Regulations

A *farm greenhouse* or a *commercial greenhouse* or a combination of both, having a *gross floor area* greater than 500 square metres shall not be permitted unless a Site Plan Agreement has been entered into with the County regarding stormwater management, lighting and other details as required by the County. A *farm greenhouse* or a *commercial greenhouse* shall be permitted in accordance with following regulations:

4.12.1 Greenhouse Regulations Table

Provisions	Specifications
Street Setback , Minimum (metres)	15
Interior Side Yard Setback and Rear Yard Setback , Minimum (metres)	6 metres, except: <ul style="list-style-type: none"> a) where the <i>yard</i> abuts a residential <i>use</i>, 25 metres is required, b) where ventilating fans exhaust into the <i>yard</i> facing the residential <i>use</i>, 25 metres is required, c) where artificial lighting is <i>used</i> for growing purposes, 150 metres is required.
Lot Coverage , Maximum	70%
Building Height , Maximum (metres)	5

Provisions	Specifications
Landscaped Open Space, Minimum	A landscaping area in the form of a 3 metres wide <i>visual barrier</i> shall be provided and maintained adjacent to the any <i>lot line</i> that abuts a Residential <i>Zone</i> or residential <i>use</i> .
Open Storage	<i>Open storage</i> of goods, materials or supplies is permitted in the <i>rear yard</i> or <i>interior side yard</i> , provided it is screened from any <i>street</i> or a residential <i>use</i> .
Other Regulations	No manure, compost or equipment related to, may be stored within 30 metres of a <i>road allowance</i> , or a watercourse, or a residential <i>use</i> on an adjacent <i>lot</i> .

4.13 Group Homes

Notwithstanding any other provisions of this By-Law to the contrary, *group homes* are permitted only within a *single detached dwelling* or *semi-detached dwelling* in those *Zones* which specifically permit the *use*.

The minimum *floor area* required for a *group home* shall be 18.5 sq.m. per *person* unless a greater *floor area* is required for the *Zone* in which said *use* is located.

4.14 Height and Density Bonus Provisions

Notwithstanding the *height* and *density* provisions which apply to a *lot*, the maximum permitted *height* and/or *density* may be increased in accordance with the provisions set out in this section on having entered into an Agreement with the County under Section 37 of the Planning Act.

4.15 Height Restrictions

4.15.1 General Height Restrictions

The following *structures* are exempt from the *height* restrictions of this By-Law:

- a.) barn or silo for an *agricultural use*;
- b.) *grain elevator* and *drying facility*;

- c.) chimney;
- d.) clock tower;
- e.) flag pole;
- f.) hydro tower;
- g.) minarets or monuments;
- h.) ornamental features, provided it is not *used* for signage;
- i.) radio, television or telecommunications antenna or tower;
- j.) steeple, spire, belfry or cupola;
- k.) *structures* for heating, cooling, or other mechanized equipment attached to a *building*, or a *structure* containing such equipment or containing elevator equipment or a stairway to the roof;
- l.) water tower, precipitating tower or cracking tower;
- m.) wind turbine or windmill;
- n.) parapet wall or similar structural element

4.15.2 Brantford Municipal Airport Height Restrictions

Notwithstanding Section 4.15.1 above, all *development* within the area affected by the ground surface projection of the Brantford Municipal Airport Obstacle Limitation Surface shall comply with the *height* restrictions as shown on Schedule 'B' of this By-Law.

4.15.3 Brantford Municipal Airport Protection Overlay

The Brantford Municipal Airport Protection Overlay shall apply to all lands within the Brantford Municipal Airport Protection Overlay Zone as shown on Schedule 'C' of this By-Law.

Any *development* within the Brantford Municipal Protection Overlay as shown on Schedule 'C' shall require a noise study to be completed by a qualified professional and approvals Transport Canada.

4.16 Home Occupations

A *home occupation* shall be permitted in an Agricultural Zone, Urban Residential Zone and Non-Urban Residential Zone only as an *accessory use* to a residential use, in accordance with the following provisions:

4.16.1 Location and Residential Character

- a.) The residential appearance and character of the *dwelling* and the *lot* shall be maintained and no exterior *alteration* shall be made to the *dwelling* which would indicate that any part of the premises is being *used* for any purpose other than that of a residential *dwelling*.

- b.) A *home occupation* shall be clearly secondary and incidental to a *dwelling* occupied by the owner or tenant as their *main* residence.
- c.) A *home occupation* shall only be permitted within the residential *dwelling* except in Agricultural (A) Zone, Rural Residential (RR) Zone and Residential Hamlets and Villages (RH) Zone, the *home occupation* may be located within a *building* or *structure* which is *accessory* to the *main* residential or *agricultural* use.
- d.) Notwithstanding anything in this By-Law to the contrary, a maximum of two *home occupations* otherwise permitted in this section may be permitted within one *dwelling unit* provided the two *home occupations* cumulatively do not exceed the *gross floor area* requirements for *home occupations* as set out herein.

4.16.2 Parking

An additional *parking space*, in accordance with this By-Law, shall be provided for each *home occupation* in addition to those required by the By-Law for other permitted *uses* on the lot.

4.16.3 Size

- a.) No more than twenty-five percent (25%) of the *gross floor area* of the *dwelling unit* may be devoted to a *home occupation use*, to a maximum of 45 square metres.
- b.) The *gross floor area used* for a *home occupation* shall not reduce the *dwelling* area required by this By-Law except that a *bed and breakfast establishment* or a *private home day care* may be larger than 45 square metres.
- c.) The *gross floor area for the home occupation* if located within *accessory building* shall not exceed 10% of the *floor area* of the *building* or a total of 300 square metres of *floor area* of the *building*, whichever is the lesser.

4.16.4 Nuisance

- a.) No residential *home occupation* shall create or become a public nuisance, particularly with regard to noise, odour, fumes, vibration, traffic, emissions or parking nor shall it cause electrical interference or interference with telephone, television, and radio or satellite equipment reception.
- b.) The *home occupation* shall not create or become a fire, health or *building* hazard.

4.16.5 Employees/Customers

- a.) Any *home occupation* in any Urban Residential zone or Non-Urban Residential zone shall not employ anyone at any time.
- b.) No more than two (2) people who do not reside on the *lot* may be employed by the *home occupation* in an Agricultural Zone.

- c.) The *home occupation* shall not involve the *use* of the premises as a base of operations for people who are employed by or associated with the *home occupation*, nor shall the premises be *used* to assemble or rally such people for transportation to a work site.
- d.) No more than two (2) clients, customers or students shall be serviced at any one time.

4.16.6 Storage and Display

- a.) *Open storage* or display of merchandise, material or equipment is prohibited.
- b.) Merchandise may be displayed within the *dwelling or accessory building* provided it shall not be visible from outside the *dwelling or accessory building where it is displayed*.
- c.) Merchandise, material and equipment shall be stored within an *attached or detached* garage or other *accessory building* provided it shall not be visible from outside.
- d.) External advertising is prohibited except in accordance with the County's Sign By-Law.

4.16.7 Retail Sales

Any *gross floor area* used for retail sales shall be no more than 10% of the *gross floor area* of the *home occupation* and shall generally include good related to the *home occupation* or manufactured as part of the *home occupation*.

4.16.8 Medical Office

Where permitted a *medical office* shall be limited to one (1) practitioner.

4.16.9 Short-Term Accommodation

A Short-Term Accommodation shall be permitted as a home occupation, provided the following requirements are met:

- a) A short-term accommodation shall only be permitted within a single detached dwelling.
- b) The short-term accommodation shall have a maximum of three bedrooms for booking, and the total area for the short-term accommodation shall not exceed 25% of the gross floor area of the single detached dwelling.
- c) The short-term accommodation shall be operated by the property owner(s) residing in the same single detached dwelling in which the short-term accommodation is located.

- d) Parking for the short-term accommodation shall be provided in accordance with Section 5.12 of this By-Law and may be provided in tandem with the required parking for the primary dwelling.

4.17 Household Sales/Garage Sales/Auction Sales

See “Section 4.32 Temporary Sales Events”

4.18 Landscaped Open Space

Landscaped open space shall be provided in accordance with the *Zone* provisions for each *Zone* and the following general provisions:

- a.) Any part of a *lot* which is not occupied by *buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural use* or permitted outdoor storage areas shall be maintained as *landscaped open space*.
- b.) Landscaping requirements in any Residential *Zones* shall be:
- (i) The *landscaped open space* in any Residential *Zones* may include any part of the *lot* which is sodded or gardened or *used* as a pedestrian walk, play area, swimming pool or uncovered *patio* but shall not include any part of the *lot used* for parking or access *driveways* or for *accessory buildings*;
- (ii) Notwithstanding the provisions of clause (a) of this subsection, not less than 45% of the area of the required or established *front yard*, whichever is less, in any Residential *Zone* shall be maintained as *landscaped open space* and kept free of *accessory buildings* and *parking lots*.

4.19 Visual Barrier

- a.) Where a *lot* with a Commercial *use* or Employment *use* abuts any *lot line* of any residential *zone* or *use* or any *lot line* of any Institutional *zone* or *use*, a minimum strip of land measuring 3.0m in width from the applicable *lot line* on that *lot* shall be *used* for the purpose of a *visual barrier*.
- b.) All required *visual barriers*, as approved by the County of Brant, shall be suitably maintained by the property owner, and kept in a neat and tidy condition at all times, including adjacent boulevard areas where applicable.
- c.) Where in any *Zone*, a visual barrier is required to be provided and maintained, such barrier shall:
- (i) act as a continuous screen between *uses*;
- (ii) consist of a continuous row of trees or shrubs, noise wall, fence, earth *berm*, or any combination thereof;
- (iii) be constructed to a minimum *height* of 1.8m within 3.0m of the applicable *use, structure, or lot line*; and

- (iv) not disrupt any prescribed drainage feature.

4.20 Lighting

Where lighting, whether internal or external to any building or structure, is provided for any non-residential use with the purpose of illuminating *buildings, structures, parking spaces, signs, or other portions of the lot*, the following requirements shall apply:

- a) Where a property subject to Site Plan Control will contain external lighting or lighting with external impacts, the submission and peer-review of a lighting plan prepared by a Professional Engineer, including a photometric analysis of any lighting with external impacts, shall be required to verify that the lighting will have a level of illuminance and glare that does not negatively impact surrounding uses or the night sky.
- b) Where a proposed sign contains illumination, flashing, animation, video, electronic messaging capabilities, or similar, in addition to the requirements of The County of Brant By-Law to Prohibit and Regulate Signs and other Advertising Devices (121-08, as amended), the submission and peer-review of a lighting plan shall be required to verify that the lighting will have a level of illuminance and glare that does not negatively impact surrounding uses or the night sky.
- c) All external lighting shall be designed to minimize glare and light trespass and to facilitate better vision at night. When a lighting plan is required, it shall verify:
 - (i) That the proposed lighting will have a color temperature of no more than 3000 kelvins
 - (ii) That any lighting fixture will be a full cut-off or fully shielded fixture.
 - (iii) That sufficient mitigation efforts are in place to prevent light trespass on adjacent properties and the night sky.

4.21 Lot Frontage Regulations

- a.) Notwithstanding any other provision in this By-Law, no *building or structure* shall be *erected* on a *lot* that does not have frontage on an improved and currently maintained *street* or on a *private street* as described in a registered Plan of *Condominium*.
- b.) No *person* shall hereafter *erect* any *building or structure* on any *lot* in any *Zone* with a *0.3 metre reserve* along the frontage of the *lot*, except that this provision shall not:
 - (i) Limit frontage on a *street*.
 - (iii) Subtract from *lot area*.
 - (iv) Apply to a *lot* located on a Plan of Subdivision registered subsequent to the date of the passing of the By-Law.

- c.) *Private streets* that existed on the date of passage of this By-Law shall be considered as *public streets* for the purpose of this By-Law despite the fact that such *private streets* have not been assumed by the County. This provision shall only have the effect for the purpose of applying the *Zone* regulations of this By-Law and not for consideration of granting consents. Furthermore, this provision shall not imply any obligation on the County to assume and/or develop and/or service any *private street* into a *public street*, or to maintain it for *private* or *public* purposes.

4.22 Lots with More than One Zone

4.22.1 Compound Zones

- a.) Notwithstanding any other provision of this By-Law, where two or more zoning symbols divided by a “/” are shown on the zoning maps as applying to a *lot* or as compounded by a Special Provision, that *lot* may be *used* exclusively for any *use* permitted in any one of the *Zones*, or for any combination of *uses* permitted in any of the *Zones* included in the compound *Zone* symbol.
- b.) In the case of a conflict when selecting a combination of *uses* from compound *zones*, the more restrictive *Zone* regulations apply.
- c.) The parking and loading required by this By-Law for each of the *uses* included in the *development* of the lands, whether for a single *use* or a combination of *uses*, shall be provided.

4.22.2 More Than One Zone

Where a *lot* is divided into two or more *Zones*, each such portion of the said *lot* shall be *used* in accordance with the provisions of this By-Law which are applicable to the *Zone* wherein such portion of the said *lot* is located except:

- a.) The *lot* shall be treated as one *lot* for the purpose of calculating *lot area* and the *lot coverage* for *existing lots of record* only.
- b.) No *lot* shall have more than one residential *dwelling* on the whole *lot* unless otherwise permitted.
- c.) Where the *main use*, which is conforming to the By-Law and is wholly situated in one *Zone*, an *accessory building or structure* or *use* may be permitted in the other *Zone* provided said *building or structure* complies with the provisions of the said *Zone* and General Provisions Section 4, except that non-residential *accessory structures* shall not be permitted in any Residential *Zones*.
- d.) Where any *lot* or the portion of the *lot* is *used* for any non-residential *use*, the more restrictive *Zone* requirements shall apply.
- e.) Where a portion of a *lot* is zoned Natural Heritage (NH), *yard* dimensions from the permitted *use(s)* shall be measured to the *lot line* rather than any *Zone* boundary that separates the Natural Heritage (NH) *Zone* from other *Zones*.

4.23 Cannabis Production and Processing

Notwithstanding any other provision of this By-Law, any *Cannabis Production and Processing Use* shall be subject to the following provisions:

- a.) A lot, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in Agricultural Zone (A) or Agricultural Employment (AE) Zone, Light Industrial Zone (M2) and Heavy Industrial Zone (M3) shall not be located closer to any Residential Zone or use, Institutional Zone or use, or Open Space Zone than 150 metres.
- b.) A lot, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with air treatment control situated in the Agricultural Zone (A) or Agricultural Employment (AE) Zone, Light Industrial Zone (M2) and Heavy Industrial Zone (M3) shall not be located closer to any Residential Zone or use, Institutional Zone or use, or Open Space Zone than 300 metres.
- c.) A lot, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in Agricultural Zone (A) or Agricultural Employment (AE) Zone , Light Industrial Zone (M2) and Heavy Industrial Zone (M3) shall not be located closer than 150m to any of the following uses:
 - i) Dwelling on a separate lot;
 - ii) Group Home;
 - iii) Lodging House;
 - iv) Art Gallery;
 - v) Community Centre;
 - vi) Day Care;
 - vii) Hospital;
 - viii) Library
 - ix) Museum;
 - x) Mobile Refreshment Cart;
 - xi) Nursing Home;
 - xii) Office, Medical;
 - xiii) Place of Worship;
 - xiv) Retirement Home;
 - xv) School, Elementary;
 - xvi) School, Private Elementary;
 - xvii) School, Post-Secondary;

- xviii) School, Private Secondary;
- xix) School, Secondary;
- xx) Boat Dock;
- xxi) Boat House;
- xxii) Boat Ramp;
- xxiii) Campground;
- xxiv) Cemetery;
- xxv) Fairground;
- xxvi) Forestry Uses;
- xxvii) Golf Course;
- xxviii) Public Park or Private Park;
- xxix) Wildlife Management;
- xxx) Recreational Establishment;
- xxxii) Recreational Trailer Park.
- xxxii) Hotel;
- xxxiii) Bed and breakfast;
- xxxiv) Banquet Hall;
- xxxv) Auditorium;
- xxxvi) Assembly Hall; and,
- xxxvii) Recreational Establishment

d.) A lot, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with air treatment control situated in the Light Industrial Zone (M2), Heavy Industrial Zone (M3), Agricultural Zone (A) or Agricultural Employment Zone (AE) shall not be located closer than 300m to any of the following uses:

- i) Dwelling on a separate lot;
- ii) Group Home;
- iii) Lodging House;
- iv) Art Gallery;
- v) Community Centre;
- vi) Day Care;
- vii) Hospital;
- viii) Library

- ix) Museum;
- x) Mobile Refreshment Cart;
- xi) Nursing Home;
- xii) Office, Medical;
- xiii) Place of Worship;
- xiv) Retirement Home;
- xv) School, Elementary;
- xvi) School, Private Elementary;
- xvii) School, Post-Secondary;
- xviii) School, Private Secondary;
- xix) School, Secondary;
- xx) Boat Dock;
- xxi) Boat House;
- xxii) Boat Ramp;
- xxiii) Campground;
- xxiv) Cemetery;
- xxv) Fairground;
- xxvi) Forestry Uses;
- xxvii) Golf Course;
- xxviii) Public Park or Private Park;
- xxix) Wildlife Management;
- xxx) Recreational Establishment;
- xxxi) Recreational Trailer Park;
- xxxii) Hotel;
- xxxiii) Bed and breakfast;
- xxxiv) Banquet Hall;
- xxxv) Auditorium;
- xxxvi) Assembly Hall; and,
- xxxvii) Recreational Establishment.

- e.) Facility operations, including loading spaces and storage, must be located within in a wholly enclosed building or fenced yard. Loading spaces may be located within the rear yard, not adjacent to a street Loading spaces shall not be permitted within any front yard or any yard adjacent to a street.

- f.) Open storage is prohibited on the property in which the Cannabis Production and Processing is located.
- g.) All development in relation to the establishment and or expansion to a Cannabis Production and Processing use shall be subject to the Site Plan Control process.
 - i) Including but not limited to the peer review of air treatment control and photometric drawings.
- h.) A building or structure used for security purposes for a Cannabis Production and Processing use may be located in the front yard and is not required to comply with the required minimum front yard, side yard and rear yard setbacks.
- i.) Illumination of Cannabis Production and Processing shall be subject to the requirements of Section 4.20 re: Lighting.
- j.) Cannabis Production and Processing shall only be permitted in the following Zones:
 - i) Agricultural Zone (A)
 - ii) Agricultural Employment Zone (AE)
 - iii) Light Industrial Zone (M2)
 - iv) Heavy Industrial Zone (M3)
- k.) Notwithstanding Subsections 4.23 a), b), c) and d) within the Agricultural Zone (A), an on-farm diversified use shall be permitted on the same lot as Cannabis Production and Processing subject to the requirements of Section 6.0 Agricultural (A) Zone.
- l.) Notwithstanding any provision above, all other provisions of the underlying Zone shall apply.

4.24 Minimum Distance Separation

- a.) Notwithstanding any other *yard* or *setback* provisions of this By-Law to the contrary, no *use* shall be established and no *building* or *structure* shall be *erected* or *altered* unless it complies with the *Minimum Distance Separation (MDS) Guidelines* developed by Ontario Ministry of Agricultural, Food and Rural Affairs.
- b.) MDS shall apply to *existing lots of record* located in an Agricultural (A) Zone, Rural Residential (RR) Zone or Agricultural Employment (AE) Zone, except in the cases of *renovation* or *restoration* of an existing *dwelling unit*.
- c.) MDS shall apply to the *uses* permitted in Agricultural Employment (AE) Zone in accordance with OMAFRA guidelines. For the purposes of calculating MDS setbacks, such *uses* shall be considered as Type A.
- d.) For the purposes of MDS guidelines, inactive cemeteries shall be considered as Type A land *use*.

4.25 Mobile Refreshment Carts

Mobile refreshment carts shall be permitted subject to the following regulations:

- a.) A *mobile refreshment cart* shall comply with the regulations of the County's Licensing By-Law.
- b.) The location of a *mobile refreshment cart* shall not diminish the minimum number of required off-street *parking spaces* for all of the *uses* situated on the *lot*.
- c.) No off-street *parking spaces* are required for a *mobile refreshment cart*.

Notwithstanding any other provision of this By-Law, *mobile refreshment carts* may be permitted in *public parks*.

4.26 Model Home/Temporary Sales Trailer

- a.) Notwithstanding any other provisions of this By-Law to the contrary, any model home(s) can be constructed only after the registration of a plan of subdivision or condominium plan, provided:
 - i) A subdivision agreement, and/or condominium agreement has been registered by the owner of said development to the satisfaction of the County of Brant,
 - ii) The model home(s) shall be located within the lands described in said agreement,
 - iii) The model home(s) shall comply with the provisions and performance standards of this By-Law,
 - iv) The lands described in said development agreement will not exceed a maximum of eight (8) Model Homes, and
 - v) The model home(s) shall comply with all applicable terms and conditions of the said development agreement.
- b.) Notwithstanding any other provisions of this By-Law to the contrary, a temporary sales trailer may be constructed on any lands where a plan of subdivision has been draft-approved by the County of Brant, provided:
 - i) The lands have frontage on an open and maintained municipal right-of-way to which safe access can be obtained, as reviewed, and approved by the applicable approval authorities, and
 - ii) The construction of the trailer shall be subject to any further requirements as may be prescribed within the conditions of draft plan approval, to the satisfaction of the County of Brant.

4.27 Municipal Services

No *buildings* or *structures* may be *erected, used,* or occupied in any *Zone*, unless the following requirements are met:

- a.) watermains, storm and sanitary sewer systems are *existing* and have adequate capacity or have been provided for in a binding and secured Development Agreement and all regulatory approvals have been received to the satisfaction of the County; or
- b.) where such services are not required or contemplated, an approved waste disposal system and potable water supply to sustain the *use* of land for *buildings* or *structures* are *existing* or have been provided for to the satisfaction of the Chief Building Official and all regulatory approvals have been received to the satisfaction of the County.

4.28 Non-Conforming Uses

4.28.1 Existing Lots of Record

A *lot* in existence prior to the effective date of this By-Law that does not meet the minimum *lot frontage* or minimum *lot area* requirement of the applicable *Zone* is permitted to be *used* and *buildings* and *structures* thereon be *erected, altered,* enlarged, repaired, or renovated provided:

- a.) the *use* conforms with the By-Law and the *buildings* and *structures* comply with all other provisions of the By-Law; and
- b.) is located within an Agricultural (A) *Zone* and has a minimum 20.0 metre *lot frontage*; or
- c.) is located within a Urban Residential *Zone* or Non-Urban Residential *Zone* and has a minimum 8.0 metre *lot frontage*; and
- d.) is able to obtain either municipal or *private* services.

The said *lot* shall be deemed to conform to the requirements of this By-Law and all other regulations of the By-Law shall apply.

4.28.2 Legal Non-Conforming Buildings and Structures

- a) A *building* or *structure* that has been lawfully established prior to the passing of this By-Law shall be permitted under Section 34(9) of *the Planning Act* as a legal non-conforming *building* or *structure* and considered as such for the purposes of this By-Law.
- b) Such a *building* or *structure* shall be permitted to be *altered* or *restored* without the need for evaluation and approval by the Committee of Adjustment under the powers granted by Section 45(2) of *the Planning Act* provided it can be shown to the satisfaction of the County of Brant that any *alteration* or *restoration* does not result in the following:

- i. The enlargement or extension of the building or structure that results in an increase to a situation of non-conformity with respect to any applicable performance standard of this By-Law,
 - ii. An increased risk to human health or wellbeing, and/ or
 - iii. The potential for undue adverse impacts to the surroundings.
- c) When the need arises for the evaluation of an alteration to a legal non-conforming structure by the Committee of Adjustment, it shall be justified as part of a complete application that no undue adverse impacts are expected to any surrounding real property or human health and wellbeing as demonstrated by objective evidence supporting the extension of the non-conforming structure.

4.28.3 Legal Non-Conforming Uses

Nothing in this By-Law applies to prevent the *use* of any land, *building*, or *structure* for any purpose prohibited by this By-Law if such land, *building*, *structure* or *use* was *lawfully used* for such purpose on the day of the passing of the By-Law, provided it continues to be *used* for that purpose.

4.28.4 Acquisition by Public Agency

Notwithstanding any other provision of this By-Law, where a *non-conforming lot, building or structure* is created as a result of the acquisition of part of the *lot* by a *public agency*, a *building* or *structure* may be *erected, altered* or repaired and *used* on such *lot*, provided that such *building* or *structure* comply with all other provisions of this By-Law other than the reduced frontage, reduced *lot area*, reduced *setbacks*, and *lot coverage* requirements. A *building* or *structure* may be *erected, altered* or repaired with reduced *lot coverage* as would have been allowed for the *lot* as it existed prior to such public acquisition or conveyance.

4.29 Surplus Farm Dwellings

Notwithstanding any other requirement of the By-Law to the contrary, where a lot is created (“the severed lands”) as the result of a consent granted with respect to a dwelling that is deemed surplus to a farming operation (“the retained lands”) as a result of a farm consolidation and where the farm is located outside of any settlement area boundary as defined within the County of Brant Official Plan, the following shall apply:

- a.) The severed lands shall be limited to an appropriate size to accommodate private on-site servicing, being generally less than 0.6 ha in size;
- b.) Where the severed and retained lands have a minimum 20.0 metre frontage, then said lot shall be deemed to comply with the requirements of this By-Law with respect to the required lot area and lot frontage;
- c.) The dwelling on the severed lands shall only be considered surplus to the farming operation if it was constructed a minimum of 15 years prior to the date the application for the surplus farm dwelling consent is received;

- d.) The dwelling must be considered habitable at the time of application, as may be determined by the local municipal Chief Building Official;
- e.) Minimum Distance Separation Guidelines shall apply to the severed lands as a Type B land use; and
- f.) For any retained lands, being the lands containing the farming operation, a Special Exception Agricultural Zoning shall be applied to the lands on 'Schedule A' of this By-Law and such amendment to 'Schedule A' shall be made as part of the granted consent without further notice being required provided the requirements of the Planning Act are met said special exception shall be applied to prohibit a dwelling unit on the retained lands and, provided there is a minimum of 20.0m of frontage, and applied to grant relief required under Section 6.2 for minimum lot area and lot frontage.
- g.) All other requirements of the By-Law shall apply.

4.30 Subsequent Consent and/or Condominium Act

Where any *land, buildings, or structures* have been subject to review under Section 41, 50(5), or 53 of the Planning Act, or under Section 9 of the Condominium Act then the requirements of this By-Law shall be deemed to apply to the *land, building, or structure* as a whole, as long as the *land, building, or structure* is continued to be used for the purpose for which the *development* is reviewed and approved.

4.31 Open Storage

Where specifically listed as a permitted *use* in a *Zone*, *open storage* shall be permitted in accordance with the following provisions:

- a.) No *open storage* area shall be located:
 - i) in the *front yard* or *exterior side yard*; or
 - ii) in a *yard* which abuts a *Residential use*; or
 - iii) closer than 6 metres to any *lot line* if combustible materials are stored there.
- b.) No *open storage* area shall be considered part of any *landscaped open space* required hereby.
- c.) No *parking spaces* or *loading spaces* required by this By-Law shall be *used* for *open storage* purposes.
- d.) Any part of any *lot used* for a permitted *open storage* shall be fenced in accordance with the provisions of the Fence By-Law.

4.32 Temporary Sales Events

Notwithstanding any other provisions of this By-Law, the temporary sale and/or display of goods or commodities shall be permitted in any *zone* subject to the following provisions:

- a.) Temporary sales and/or displays such as a *household sale, garage sale*, or similar, shall be permitted provided:
 - i) They are *accessory* to a permitted residential *use*,

- ii) There shall not be more than two such sales per calendar year,
 - iii) No such sale shall exceed three (3) consecutive days in duration, and
 - iv) The area for the temporary sales and/or display shall not impede pedestrian or vehicular circulation.
- b.) Temporary sales and/or displays that are considered *Special Event Sales* shall be permitted provided:
- i) The *Special Event Sales* are accessory to a permitted use,
 - ii) An application made to the County of Brant, including but not limited to a Special Event Application to the County of Brant Special Event Advisory Team, or similar, has been approved,
 - iii) Approval shall only apply to the specific event, occurring within the same calendar year, and any additional *special event sales* shall require a resubmission and review for a new approval upon the beginning of a new calendar year.
 - iv) All other provisions of this By-Law shall apply.

4.33 Propane Fuel Storage and Handling Facilities

Unless otherwise specified in the *Zone*, the following provisions shall apply for propane fuel storage and handling facilities:

- a.) The propane fuel storage and handling facility shall comply with the Technical Standards and Safety Authority (TSSA) requirements.
- b.) An above ground propane *fuel storage tank* shall be located in accordance with the *yard* requirements of the *Zone* it is located in.
- c.) Notwithstanding Clause a), no part of a propane fuel dispensing island or an above ground propane *fuel storage tank* shall be located closer than 4.5 metres to a *street line* or *lot line*.
- d.) *Fuel storage tanks* or equipment *used* in the dispensing, storage, handling or transfer of propane fuel in a *propane transfer facility* shall not be located within 30 metres of a residential *use*.
- e.) A visual barrier in accordance with Section 4.19 of the By-Law shall be provided for any propane fuel storage and handling facility.

4.34 Special Setbacks

4.34.1 Core Areas

Notwithstanding any other provisions of this By-Law, where a *building* or *structure* is located adjacent to a *street* listed below, no minimum *street setback* shall be required:

Road	Location
Grand River Street North and South	Paris Settlement Area, from Charlotte Street to Dumfries Street
William Street	Paris Settlement Area, from Broadway Street West to the Grand River

Road	Location
Mechanic Street	Paris Settlement Area, from Broadway Street West to the Grad River
King Street	Burford Settlement Area, from Alexander Street to Park Avenue
Main Street South	St. George Settlement Area, from Beverly Street to Victor Boulevard North

4.34.2 Built-Up Areas

Unless permitted under Section 4.28, Non-Conforming Uses, the minimum *setback* required for a *building* or *structure* on a *lot* that is situated between two adjacent *lots* on which are located *existing buildings* not more than 90 metres apart shall be the average of the *established building lines* on the said adjacent *lots*, provided that no *setback* requirement calculated in accordance with this Clause shall exceed the applicable *setbacks* required by the appropriate *Zone* provisions.

4.34.3 Watercourses and Municipal Drains

Buildings or structures in proximity to a watercourse or municipal drain shall be subject to the following:

- a) No *building* or *structure* shall be constructed closer than 15 metres to a warm-water watercourse or a *municipal drain*.
- b) No building or structure shall be constructed closer than 30 metres to a cool or cold-water watercourse, or 15m from the top-of-bank without prior written approval from the conservation authority and the County of Brant.
- c) The *setback* from the watercourse shall be measured horizontally from the edge of the watercourse.
- d) No buildings or structures shall be permitted in development areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and/or erosion hazards unless it has been demonstrated to the satisfaction of the County and Conservation Authority.
- e) All other requirements of this By-Law shall apply.

4.34.4 Grading and Drainage

Notwithstanding any requirements of this By-law to the contrary, for the purposes of protecting a *prescribed drainage feature* on a property, the following requirements shall apply to any property with a *prescribed drainage feature*:

- a) Where the side yard of any property abuts the rear yard of a neighbouring property, sharing a common lot line, the side yard shall require a minimum setback of 1.2m with no permitted encroachments.
- b) Any structure or any surface determined by the County of Brant Development Engineering Division to be impervious shall require minimum setback of 0.6m from to any *side* or *rear lot line*.

- c) Notwithstanding the requirements of 4.34.4(b), in the case of attached *dwelling units* where the frontage of each lot is less than 10.0m, the driveway shall be required to be joint with the neighbouring lot on one side along a common *lot line*, providing a 0.0m setback on the one side.
- d) Notwithstanding the requirements of 4.34.4(c), in the case of attached *dwelling units* where there is an odd number of attached units along a street, the *dwelling unit* on one end shall not require a joint driveway.
- e) No building or structure, including any addition, alteration, renovation, restoration, patio, walkway, parking space, or driveway, including any structure described in Section 4.44 of this By-Law, shall be permitted to encroach into any *prescribed drainage feature*.

4.35 Shipping Containers

A shipping container as defined in Section 3 of this By-Law shall be a permitted structure in any zone category subject to the following requirements:

- a) Where any shipping container exceeding a floor area of 10 square metres (108 square feet) is erected on lands within the County of Brant and attributed to a permitted use of the lands, such a structure shall be permitted provided a building permit has been obtained for its lawful establishment.
- b) The character of any shipping container shall be deemed appropriate for the area in which the structure is erected. To be deemed appropriate during the building permit review process, the structure may require modifications to include appropriate cladding, roofing, access doors or windows that will make the structure appropriately compatible with surrounding structures of a similar use.
- c) The placement of any shipping container structure or any development incorporating a shipping container structure as a building component, in part or in whole, may still be subject to Site Plan Control as determined by the County of Brant Site Plan Control By-law (By-Law157-03, as amended) upon evaluation of the proposed use(s) of the shipping container structure.
- d) Notwithstanding section 4.35 a., where any shipping container, regardless of its floor area, is to be temporarily placed on lands for uses attributed to moving or renovation purposes, such a temporary accessory structure may not require a building permit, as determined by the Chief Building Official, and shall be subject to the following requirements:
 - i.) For the purposes of Section 4.35 of this By-Law, the placement of the temporary shipping container shall not exceed a period of thirty-one (31) days in any given calendar year,
 - ii.) The shipping container shall be subject to the accessory use regulations table of Section 4.4 with respect to only the side and rear setbacks and height restriction, but not the front yard setback or lot coverage restrictions
 - iii.) The structure shall be located wholly on private property and a minimum of 3.0m from any street, and
 - iv.) The structure shall not be erected in any required parking space.

- e) All other applicable requirements of this By-Law shall apply.

4.36 Flooding Hazards

4.36.1 Flood Plain Overlay

(Amended by By-law 81-23 and only applicable in the settlement area of St. George only at this time).

- a) Despite the provisions of the underlying zone or other zoning provisions of the Zoning By-Law, development shall generally be prohibited within any area subject to the floodplain overlay.
- b) Development in the floodplain is regulated under the Conservations Authorities Act and therefore requires a permit from the Conservation Authority having jurisdiction over the flood plain.

Certain portions of the Paris Settlement Area are located within the *flooding hazard* of the Grand River and the Nith River and are subject to special regulations. These lands are identified by the symbol “s” preceding the applicable *Zone* symbol and shall be subject to all of the regulations and requirements of the *Zone* following the symbol “s” as well as the following requirements.

4.36.2 Special Policy Area

Notwithstanding any uses permitted by the underlying *Zone* the following uses shall be prohibited in a Special Policy Area *Zone*:

- a) an *institutional use* including hospitals, long-term care homes, *retirement homes, group homes, pre-schools, nurseries, day cares and schools,*
- b) an *essential emergency service* such as that provided by fire, police, and ambulance stations, and,
- c) uses associated with the disposal, manufacture, treatment, or storage of chemical, *hazardous, or toxic substances.*

4.36.3 Additional Requirements

- a) Any residential *development* shall be permitted subject to approval by the Conservation Authority, and that the *habitable* floor space is located at the minimum elevation equal to the Regulatory Flood Level and that the structure is flood proofed to the Regulatory Flood Level.
- b) Additions and *alterations* up to fifty percent (50%) of the ground floor area of existing residential buildings and structures shall be permitted subject to approval by the Conservation Authority, provided the new *habitable* floor space is constructed no lower than the existing *habitable* floor space and flood proofed to the existing floor and/or opening elevation where feasible. Furthermore, the development of non-residential buildings and structures shall be permitted subject to the approval of the Conservation Authority and where flood proofing to the Regulatory Flood Level can be achieved.

- c) No *development* or redevelopment shall have an adverse effect on the hydraulics or storage capacity of the floodway.
- d) Where practical, new mechanical, electrical, and heating services shall be located above the Regulatory Flood Level. Where this is not feasible, such services shall be flood proofed to the Regulatory Flood Level.

4.37 Steep Slopes

On lands located adjacent to a watercourse or *wetland* where the *Conservation Authority* has identified unstable steep slopes (recognized by symbol “ss”), geotechnical studies, prepared by a qualified engineer, may be required in association with *development* proposals along such lands.

4.38 Swimming Pools

4.38.1 Private Outdoor Swimming Pools

The following provisions shall apply with respect to the *erection* or *use* of any private outdoor swimming pool:

- a.) Outdoor swimming pools and hot tubs or related *accessory structures* shall not be included in the maximum *lot coverage* requirement for *accessory buildings and structures* in any Residential Zones.
- b.) Residential Uses: Where an outdoor swimming pool or hot tub is provided *accessory* to a residential *use*, the following regulations apply:
 - i) If located in the *rear yard* or *interior side yard*, the swimming pool or hot tub shall be set back 1.2 metres from the applicable *lot line*.
 - ii) In the case of a *corner lot*, the swimming pool or hot tub shall be set back 3.5 metres from the *exterior side lot line*.
 - iii) The swimming pool or hot tub shall not be located in a *front yard*.
 - iv) The maximum *height* of a swimming pool or hot tub shall be 1.5 metres above *grade*.
 - v) Any *accessory structures* such as saunas, pump houses and change rooms, shall be located minimum 1.2 metres to any *side or rear lot line*. However, all unenclosed water circulating or treatment equipment such as pumps or filters shall be located minimum 3 metres to the *lot line*.
 - vi) All *setbacks* shall be measured to the water’s edge.
- c.) All Other Uses: Where an outdoor swimming pool or hot tub is provided *accessory* to any other *use*, the minimum *yard setbacks* for the applicable *Zone* shall apply and shall be measured to the water’s edge.
- d.) *Decks* associated with an above ground swimming pool that is attached to the *main building* on the *lot* shall be permitted in an any *side yard* and *rear yard* where such *deck* is 1.2 metres or less in *height* and otherwise complies with the provisions of this By-Law regarding *accessory structures*;

- e.) All swimming pools shall be fenced *erected* in accordance with the *County's Fence By-Law*.

4.38.2 Private Indoor Swimming Pool

An indoor swimming pool shall comply with the relevant provisions of this By-Law regarding *accessory buildings and structures* including the determination of *lot coverage*.

4.38.3 Public Swimming Pools

Any *public* swimming pool and any related *buildings* or *structures* shall comply with the *Zone* requirements set out herein for the *Zone* in which such swimming pool is located.

4.39 Uses Associated with a Restaurant

An *outdoor patio* shall be permitted if it is operated accessory to a *restaurant, eating establishment, mobile refreshment cart*, or similar, subject to the following:

- a) An *outdoor patio* shall be considered in the *lot coverage* calculation for the *building/use* at a discounted rate of 50% of the proposed patio size.
- b) An *outdoor patio* shall not be considered in the *gross floor area* calculation of the *use* to which it is attributed.
- c) Where an *outdoor patio* is located on a property adjacent to a residential zone, the *setback* requirements shall be the same as the required *setbacks* for the *principal structure* and the *outdoor patio* shall require a *visual barrier*.
- d) No additional *parking* is required for an *outdoor patio*.
- e) Outdoor patios shall not encroach on or eliminate any required *parking space* or *loading space*, except where permission has been granted for *Special Event Sales* on a temporary or seasonal basis.
- f) Where the *outdoor patio* has speakers for the playing and amplification of music or other entertainment, the requirements of the County of Brant By-law to Control Noise (185-00, as amended) shall apply.
- g) The size of an *outdoor patio* shall not exceed the *gross floor area* of the use with which it is associated, except in a situation where permission has been granted for *Special Event Sales* on a temporary or seasonal basis.
- h) Where an *outdoor patio* reduces the permeability of a site, a site alteration review and permit may be required at the discretion of the County of Brant Development Engineering Division.
- i) Where an *outdoor patio* is to be fully covered and enclosed, it shall be considered at the full rate of coverage for the building/use and no longer considered an *outdoor patio* by definition of this By-law.

4.40 Uses Permitted in all Zones

Notwithstanding any provision contained in this By-Law to the contrary, the following *uses* shall be permitted in all *Zones*, including those *Zones* subject to special provisions, unless such *use* is specifically identified as not being permitted:

- a.) a *street* or a *public right-of-way*
- b.) a site for a public memorial or ornamental *structure* including, but not limited to, a statue, a monument, a cenotaph, clock tower, or a fountain;
- c.) A *stormwater management facility*;
- d.) Services and utilities of *public agency* such as but not limited to water lines, wastewater lines, gas distribution mains, telecommunications and other cabled services, district energy facilities without cogeneration, pumping stations, and local electric power lines or other communication lines not including *electricity generation facilities*. However, no goods, material or equipment shall be stored or processed in the open, unless such outside storage or outside processing is specifically permitted in the *Zone*;
- e.) A *use, building, structure, or lot* used by a *public agency* to provide or support services to the *public*. This may include, but is not limited to, a municipal office building, a public community centre, public auditorium, a public library, public washroom, the provision of emergency services and related training, and a municipal or provincial works yard.
Federal or Provincial use;
- f.) *Wayside pits, wayside quarries, portable asphalt plants and portable concrete plants used on public agency contracts* shall be permitted in all *Zones* except those areas of *existing development* or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.
- g.) Works of *Conservation Authority*;
- h.) *Existing* places of worship;
- i.) A Canada Post mailbox;
- j.) *Accessory uses*, in accordance with the requirements of General Provisions Section 4 of the By-Law;
- k.) A temporary construction camp, tool shed, scaffold or other such *building, structure, ore* related *development* works which are incidental to or supportive of the construction on-site and provided it is:
 - i) located on the site where such work is underway,
 - ii) not *used* for human habitation,
 - iii) located on a site for which a valid building permit or development agreement for said construction remains in force, and
 - iv) removed from the site within 60 days of completion of the work.

4.41 Uses Prohibited in all Zones

The following *uses* are prohibited, either alone or in conjunction with other *uses*, unless specifically listed as a permitted *use* in a specific *Zone*:

- a.) the tanning or storage of raw hides, skins, leather and/or hair;
- b.) the boiling of blood, tripe, bones or soaps; fat, grease, lard or tallow rendering or refining operation; the extracting of oil from fish or animal matter;
- c.) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- d.) an *abattoir, livestock yard, livestock* exchange, or dead stock depot;

- e.) the keeping or raising of any *livestock* or *poultry* or *aviary* or birds. This provision shall not prevent the keeping of *household pets* in compliance with the County's Animal Control By-Law;
- f.) the keeping of any species that is prohibited in County's Animal Control By-Law;
- g.) a *kennel* or a *boarding facility kennel*;
- h.) a track or facility for the driving, racing or testing of motorcycles, snowmobiles or any other motorized *vehicles*;
- i.) a *salvage yard*;
- j.) a *waste disposal site*;
- k.) facilities generating, treating or disposing hazardous wastes;
- l.) any facility generating *energy from waste* products;
- m.) the refining, storage or *use* in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, bensole, benzene, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted or in conjunction with a permitted *use* in any *Employment Zone*. This provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and *accessory* to an *agricultural use*, or the *use* of natural gas, propane or fuel oil for domestic purposes, in conjunction with a residential *use* or for commercial or industrial *uses*;
- n.) any *use* which causes the emission of corrosive gasses, toxic gasses or radioactive gasses electromagnetic fields, heat, glare, dust, dirt, fly ash or smoke, in any *Zone* other than *Employment Zones* or which does not comply with emission regulations as established by any Public agency;
- o.) an explosive, ammunition or fireworks manufacturing and/or storage facility;
- p.) an airport;
- q.) the repair or servicing of any *vehicle* unless such *vehicle* is owned by and registered in the name of an owner or occupant of such *lot* or *building*;
- r.) any establishment *used* as an *adult entertainment parlour*;
- s.) furniture or wood stripping or refinishing and/or wood preserving and treating;
- t.) outdoor storage of road salt, or other de-icing materials and dumping of salt- laden snow;
- u.) chemical/biological laboratory;
- v.) electroplaters and metal fabricators;
- w.) *batching plants*;
- x.) a *campground*, except as a temporary *use* within a *public park*, with the approval of the *County*;
- y.) The use of temporary structures, including but not limited to tents, trailers, shipping containers, or recreational vehicles, for the purposes of living, business, storage, or other temporary purposes, is prohibited except where:
 - i) Where the temporary tent structure is used for children's play accessory to a residential or recreational use,
 - ii) Where the temporary tent structure is used for a special occasion on a property provided the structure is not erected for a period exceeding 10 calendar days, is not located closer than 3.0m to any property line and has obtained an approved building permit where the structure exceeds 60 square metres in aggregate ground area.

- iii) Where the temporary *tent structure* is used in conjunction with a special event permit or the sale of goods or merchandise or similar *Temporary Sales Event*, provided the requirements of Section 4.32 Temporary Sales Events are met and, where applicable, any further requirements of the event may have through an approved application to the County of Brant,
- iv) Where the temporary *tent structure* is used for the parking or storage of a vehicle on a *residential property*, provided said *structure* is located a minimum of 3.0m from any street, located wholly on private property, meets the *side yard, rear yard, height, and lot coverage* requirements of an *accessory structure* in the applicable zone category as prescribed by Table 4.4.1, and does not exceed 60 square metres in aggregate ground area,
- v) Where the temporary *tent structure* is otherwise permitted by this By-Law, and
- vi) For further clarity, Section 4.41 y. shall not refer to temporary *greenhouse structures*, as further defined in Section 3 of this By-Law.

4.42 Wellhead Protection Areas

Schedule 'D' identifies Wellhead Protection Areas (WHPA) and groundwater recharge areas that shall be protected to ensure the protection of municipal water. Within an identified WHPA and groundwater recharge area, the following uses shall not be permitted:

- a.) underground transmission of oil, gasoline, or other petroleum liquid products;
- b.) commercial wood preserving and treating;
- c.) furniture and wood stripping and refinishing;
- d.) outdoor storage of road salt, or other de-icing materials and dumping of salt- laden snow;
- e.) petroleum product refining and manufacturing;
- f.) landfills;
- g.) chemical/biological laboratory;
- h.) chemical manufacturing/industrial areas;
- i.) disposal of leachable waste;
- j.) electroplaters and metal fabricators;
- k.) facilities generating, treating or disposing hazardous wastes;
- l.) automobile wrecking yards;
- m.) bulk fuel oil storage yards;
- n.) car washes;
- o.) cemeteries;
- p.) dry cleaning facilities;
- q.) gasoline service stations;
- r.) underground storage tanks.

4.43 Heritage Area Overlay

Notwithstanding the provisions of the underlying zone, the following provisions apply to land uses within any area affected by the Heritage Area overlay, indicated by the zone code HA on Schedule 'A' of this By-Law. This overlay encourages the evaluation and retention of existing buildings with potential heritage value by offering zoning incentives to reuse the

buildings, as well as to regulate the height, bulk, location, spacing, and character of buildings or structures that have the potential to impact the heritage character of the area.

- a.) Where a building in an area to which the heritage area overlay applies is proposed to be removed, or where such a building is removed or destroyed, the provisions and standards for (re)development of the site may be imposed through site-specific provisions to the underlying zone category that will determine the appropriate character, scale, massing, volume, floor area and location as being compatible with the heritage character and value of the area. To determine these provisions, comments by the municipal heritage committee, or delegate, will be provided after an evaluation of the key heritage attributes of the area, and provided as part of the pre-application process.
- b.) Additions to structures and the construction of accessory structures in an area to which the heritage area overlay applies are permitted without a heritage evaluation by staff where they are located in the rear yard or where it has been shown that it will not adversely affect the existing heritage character of the property.
- c.) Additions to structures and the construction of accessory structures in an area to which the heritage areas overlay applies are permitted where the character, scale, massing, volume, and floor area has been evaluated by staff as part of the underlying zone requirements.
- d.) The provisions of this section shall also apply to any property that has been designated under Parts IV or V of the Ontario Heritage Act, which shall have the overlay applied to the properties and illustrated on Schedule 'A' of this By-Law as result of the designation under the Act without the need for an amendment to this By-law.
- e.) Where development is proposed in an area to which the heritage area overlay applies and where an adaptive reuse is proposed to maintain an existing structure that has been evaluated by the municipal heritage committee to have heritage value, the parking space requirements of Section 5.12.1, as related to the proposed adaptive reuse of the heritage building, may be discounted by 25% without the need for an amendment to this By-Law. This discount may be applied to the cumulative parking requirements of a site only where it has been shown that there will be no adverse impacts as a result of the reduced parking.

4.44 Yard Encroachments

Any structural encroachments into the required *yards* on a *lot* shall be subject to the following requirements. Notwithstanding the below requirements (Table 4.44.1), no *yard* encroachments shall be permitted in any *visibility triangles* or within any prescribed drainage feature.

4.44.1 Yard Encroachments in Required Yards Table

Structure	Yard in which structure is permitted	Permitted encroachment in the required yard
Accessibility Ramps	All yards	No required setback.
Architectural adornments including, but not necessarily restricted to, sills, belt courses, chimneys, bay windows, cornices, eaves, gutters, awnings, canopies, cantilevered wall, parapets and pilasters	All yards	0.5 metres, provided any adornment that is lesser than 2.0m above grade is no closer than 0.6m to any lot line.
Covered platform structure connected to a Dwelling	Front yard and rear yard	1.5 metres provided no part of the structure is closer than 0.6m to any lot line
Canopy (attached to an apartment dwelling)	Front yard and side yards	6.0 metres, provided the projection is no closer than 3.0 metres to a lot line
Gate House within any Employment Zone	Front yard or side yard	No required setback provided it is no closer than 0.6m to any lot line
Heat pumps, air conditioners, and/or air exchangers	All yards	1.5 metres, provided the projection is no closer than 0.6 metres to any lot line
Railway spur	All yards	No required setback
Roofless functional and ornamental structures including, but not necessarily restricted to, drop awnings, clotheslines, poles, ornamental fountains, statues, monuments, picnic tables, benches, planters, garden trellises, and retaining walls.	All yards	No closer than 0.6m to any lot line
Satellite Dishes (not attached to the main building)	Front yard or exterior side yard	No closer than 0.6 metres to any lot line.

4.45 Site Plan Control

Pursuant to Section 41 of the *Planning Act*, as amended, the County of Brant has by By-Law designated all lands within the County as a Site Plan Control Area, noting specific uses where Site Plan Control shall be in effect.

- a) By-Law 157-03 to establish Site Plan Control, as amended, provides exemptions from the provisions of Site Plan Control for the following uses:
- (i) Single detached dwellings, semi-detached dwellings, and duplex dwellings on one lot,
 - (ii) Aggregate extraction under license issued by the Province of Ontario,
 - (iii) *Farming operations* which do not consist of an *agriculture-related use, on-farm diversified use*,
 - (iv) *Buildings or structures* owned, constructed by, for, or under the authority of the County of Brant,
 - (v) *Structures* for flood control purposes constructed by, for, or under the authority of a Conservation Authority, and
 - (vi) Where the Council of the County of Brant has granted an exemption under Section 8 of By-Law 157-03, as amended.
- b) In accordance with By-Law 157-03, as amended, and the applicable requirements of the Comprehensive Zoning By-Law of the County of Brant, *development* pertaining to the following *uses and zones* shall be subject to the provisions of Site Plan Control:
- (i) *Dwellings* within a district designated under Section V of the *Ontario Heritage Act*
 - (ii) *Greenhouses* with a *gross floor area* greater than 500 square metres
 - (iii) *Cannabis Production and Processing*
 - (iv) *Agriculture-related uses*
 - (v) *On-farm diversified uses*
 - (vi) Any development where off-street parking in the Core Area (C4) zone, Mixed Use (C5) zone, or any Employment (M) zone is to be provided on another *lot* within 400m of the *lot* containing said *development*.
 - (vii) Any *development* where off-street parking for a mix of commercial *uses*, developed as one holistic *development*, is to be provided at the average overall parking ratio, or, in the case where tenancy is unknown, at the ratio for a *shopping centre*.
 - (viii) Any *development* in the Residential Multiple (RM1, RM2, and RM3) zones, not including a *single detached, semi-detached, or duplex dwelling*.
 - (ix) Non-residential *uses* within the Agricultural Employment (AE) zone, Commercial (C) zones, Employment (M) zones, Institutional (N) zones, and Open Space (OS) zones, and any *zone* where a special exception or *legal non-conformity* permits a non-residential *use*.