BY-LAW NO. 28-2023

-OF-

THE CORPORATION OF THE CITY OF BRANTFORD

Being a By-law to designate the City of Brantford as an area of Site Plan Control and to repeal City of Brantford By-law 90-2018

****

WHEREAS Section 41 of the *Planning Act,* R.S.O. 1990, c. P.13 provides that where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area;

AND WHEREAS Section 41 of the *Planning Act,* R.S.O. 1990, c. P.13 provides that the council of a municipality may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under that section and shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of site plan approval under that section;

AND WHEREAS the City of Brantford Official Plan designates the entire City as a Site Plan Control Area;

AND WHEREAS the Council of The Corporation of the City of Brantford desires to implement Site Plan Control under the provisions of Section 41 of the *Planning Act R.S.O. 1990, c. P. 13;*

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD ENACTS AS FOLLOWS:

INTERPRETATION

1. In this By-law:

   a) "**Accessory Building or Structure**" shall mean an Accessory Building or Accessory Structure, as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.

   b) "**Agricultural Use**" shall mean the use of land for the purpose of growing field crops, berry crops, or tree crops, flower gardening, market gardening, horticultural nurseries, aviaries, apiaries, or farms for the grazing, breeding, raising, boarding or training of livestock, or the breeding and raising of hogs, fish, or poultry, and the use of buildings and structures erected on the land which are necessary for and essential to the operation of the business, and including the sale of produce, crops, livestock, hogs, fish, or poultry produced on the said premises.

c) "**Agriculturally Related Commercial Use**" shall mean a farm-related Commercial Use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.

d) "**Agriculturally Related Industrial Use**" shall mean a farm-related Industrial Use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.

e) "**Cannabis Production Facility**" shall mean a lot, building, or structure used for producing, processing, testing, destroying, packaging and shipping of cannabis, or any combination thereof.

f) "**City**" and "City of Brantford" have the same meaning and shall mean The Corporation of the City of Brantford.

g) "**Commercial Parking Lot**" shall mean a lot, a building, or a portion thereof, used for the parking of three or more motor vehicles, including the parking spaces, traffic aisles, and driveways associated therewith, for which a fee is charged.

h) "**Commercial Use**" have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.

i) "**Council**" means the municipal council of the City of Brantford.

j) "**Development**" shall have the same meaning as defined in Section 41 the *Planning Act, R.S.O. 1990, c. P.13*.

k) "**Fish Farming Operation**" shall mean an Agricultural Use involved in the creation of ponds, waterways, and other facilities for the spawning, growing, feeding, and sale of fish.

l) "**Greenhouse**" shall mean an Agricultural Use involved in the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items including the sale of associated items such as soil, mulch, planting mediums, fertilizers, and similar materials.

m) "**Gross Floor Area**" have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.

n) "**Industrial Use**" shall have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.

o) "**Minor Addition or Alteration**" shall mean a Development consisting of an addition or alteration to an existing building or structure which increases the Gross Floor Area by no more than 10%, and which does not generate a requirement for more than two additional parking spaces or any additional loading spaces.

p) "**Mushroom Operation**" shall mean an Agricultural Use involved in the growing, sorting, and/or storing of mushrooms and mushroom-related compounds.

q) "**Residential Use**" shall have the same meaning as defined in the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.

DESIGNATED AREA

2. The whole of the area within the boundaries of the City of Brantford is hereby designated as a Site Plan Control Area.

APPROVAL OF PLANS AND DRAWINGS

3. No person shall undertake any Development on land in the Site Plan Control Area unless the authorized person appointed by Council or the Ontario Land Tribunal has approved the plans, drawings, and any agreements in accordance with Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*.

4. An application for Site Plan approval shall include the submission of plans and drawings in accordance with Section 41(4) of the *Planning Act, R.S.O. 1990, c. P.13*.

5. Unless otherwise exempted from Site Plan Control as per Section 8 of this By-law, Council or its appointed authorized person may require an application for Site Plan approval for a Residential Use consisting of less than twenty-five (25) dwelling units to include the submission of plans and drawings in accordance with Section 41(4)2 and Section 41(5) of the *Planning Act, R.S.O. 1990, c. P.13*.

PRE-CONSULTATION

6. Prior to the submission of any application for Site Plan approval within the Site Plan Control Area, the owner of land shall formally consult with the municipality, in order to identify the need for and scope of any information and materials considered to be necessary by the City and other affected agencies to allow for full consideration of the application.

7. Notwithstanding Section 6 of this By-law, the consultation requirement set out therein may be waived where Council or its appointed authorized person determines in their discretion that no reasonable purpose would be served by such a consultation due to the nature of the application.

CLASSES OF DEVELOPMENT EXCLUDED

8. In accordance with Section 41 of the *Planning Act,* R.S.O. 1990, c. P.13., the definition of Development for the purposes of Site Plan Control does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

9. The following classes of Development may be undertaken without the approvals referred to in Section 3 of this By-law:

    a. Buildings or structures used for an Agricultural Use;
    b. Buildings or structures used for aggregate resource extraction operating under a license issued by the Province of Ontario;
    c. Minor Addition or Alteration; and
    d. Accessory Building or Structure that is accessory to a Residential Use or Agricultural Use.

APPROVALS REQUIRED

10. The classes of Development exempted from Site Plan Control as per Section 9 of this By-law may require approval under Site Alteration By-law No. 28-2011, as amended, or any successor thereto, and may be required to provide grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface, and waste water from the land and from any buildings or structures thereon in accordance with Section 41(7)(a)9 of the *Planning Act, R.S.O. 1990, c. P.13*.

11. Notwithstanding Section 9 of this By-law, the approvals referred to in Section 3 of this By-law shall be required where Development consists of the following:

    a. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure, for the following uses:

i. A Mushroom Operation;
ii. A Fish Farming Operation;
iii. A Greenhouse;
iv. A Cannabis Production Facility;
v. An Agriculturally Related Commercial use; or
vi. An Agriculturally Related Industrial use.

b. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure that is accessory to a Residential Use or an Agricultural Use, on a lot identified in Schedule "A";

c. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure that is accessory to a Residential Use or an Agricultural Use, on a lot abutting a road identified in Schedule "B" – "Road Allowance Widenings";

d. Any Development, other than a Minor Addition or Alteration or an Accessory Building or Structure that is accessory to a Residential Use or an Agricultural Use, on a lot identified in Schedule "C" – "Abandoned Landfill Sites and Impact Areas"; or

e. Any Development on a lot subject to an "F" prefix as identified on Schedules "K" and "L" of the City of Brantford's Comprehensive Zoning By-law 160-90, as amended, or any successor thereto.

EFFECTIVE DATE

11. THAT this By-law shall become effective on the day of final passing thereof.

12. THAT By-law No. 90-2018 shall be repealed in its entirety on the day of final passing of this By-law.

READ THE FIRST TIME February 28, 2023

READ THE SECOND TIME February 28, 2023

PASSED February 28, 2023

By-law No. 28-2023

MAYOR

ACTING CLERK

SCHEDULE "A"

1.	61 Dundas Street:	described as Part of Lot 3, Registered Plan 111.
2.	20 Roy Boulevard:	described as Lot 26, Registered Plan 1455 and Part 18, Reference Plan 2R-2815.
3.	58 Kennedy Street:	described as Part 1, Plan 2R-5262.
4.	11 Echo Villa Avenue:	described as Parts of Lots 4, 5 and 6, south of Colborne Street, Registered Plan 39.
5.	Northeast Industrial Area:	described as Part Lots 39 to 42, all inclusive in Concession 3.
6.	401 Henry Street:	described as Part of Lot 41, in Concession 3.
7.	42 Summerhayes Crescent:	described as Part of lot 37, Registered Plan 574.
8.	114 Marlborough Street:	described as Parts 1 to 5 inclusive, Reference Plan 2R-5511.
9.	Northwest Industrial Area:	described as Draft Plan of Subdivision Application 29T-00501.
10.1	54 Paris Road:	described as Part of Lots 10 and 11, Registered Plan 544.
10.2	96 Middleton Street:	described as Part 1, Reference Plan 2R-4803 and Part 1, Reference Plan 2R-5729.
11.	2 Riverview Drive:	described as Part of Lots A and C, Registered Plan 455.
12.	11 Roy Boulevard:	described as Part 2, Reference Plan 2R-5723.
13.	58 Waterloo Street:	described as Parts 1 to 5, Reference Plan 2R-6003.
14.	29 Golfdale Road:	described as Lot 18, Registered Plan 558.
15.	210 Hachborn Road:	described as Parts 2, 3, and 4, Reference Plan 2R-3315.
16.	79 Oakhill Drive:	described as Parts 1, 2 and 3, Reference Plan 2R-6115.

17. 37 Spalding Drive: described as Part of Lot 2, Registered Plan 722.

18. 45 Dalkeith Drive: described as Parts 5 to 9, 11 and 12, Reference Plan 2R-4113.

19. East Side of Oak Park Road, North of Highway No. 403:
described as Parts 1, 4 and 5, Reference Plan 2R-6177.

20. Northern Portion of the Block Bounded by Queensway Drive, St. George Street, Henderson Avenue, and Franklin Street:
described as Parts 1 to 6 inclusive, Reference Plan 2R-6247.

21. East Side of Oak Park Road, North of Highway No. 403:
described as Draft Plan of Subdivision Application 29T-04501.

22. West Side of Oak Park Road, North of Highway No. 403:
described as Draft Plan of Subdivision Application 29T-04502.

23. East Side of Garden Avenue, North of Elgin Street:
described as Parts 3 to 10, Reference Plan 2R-1760.

24. 127 Waterloo Street: described as Lots 17-19, East side Waterloo Street and Lots 2 and 3, South side of Wadsworth Street.

25. 521 Elgin Street: described as Part of the Oneida Mission School Lot designated as Part 1, Plan 2R-6505.

26. 18 Hardy Road: described as Parts 1 and 2, Reference Plan 2R-5711.

27. West Side of Oak Park South of Hardy Road:
described as Part of Lots 19, 30 and 21, Concession 3, PIN 32275-0265.

28. 4 Edmondson Street: described as Parts 1 and 2, Reference Plan 2R-6985.

29. 44 Holme Street: described as Lots 59 to 62, and Part Lot 58, Registered Plan 322.

30. 22-60 Grand River Avenue: described as Parts 2 – 21 on Reference Plan 2R-7061.

31. Northwest Corner of Rushton Avenue and Usher Street: described as Lots 19 to 22, and Part Lot 23, Registered Plan 80.

32. Northwest Corner of St. Paul Avenue and Alpha Crescent: described as Lot 2, R.P. 1396 (492 St. Paul Avenue).

33. 143 Adams Boulevard: described as Part Lots 39 and 40, Concession 3, R.P. 2R-6246, Parts 1 and 2 (143 Adams Boulevard)

34. 26 Empey Street: described as Part Lot 4, Plan 1290 being Parts 4, 5 and 6 on 2R-6137 (26 Empey Street).

35. 111 Sherwood Drive: described as Part Lot F, North of Sherwood Drive.

36. 435 Elgin Street: described as Part Lot 33, Plan 1290, being Parts 1 & 2 on 2R-2824.

37. 92 Charlotte Street: described as Parts Plan Btfd, Pt Lot 18 S Sheridan, Pt Lot 19 N Chatham.

38. 91 – 93 Grey Street: described as Plan 207, Blk W, Pt Lot 11, Pt Lot 12, RP 2R1586, Part 2 Part 3.

39. 197 Murray Street: described as Plan Btfd, Pt. Lot 32N Wellington, subject to ROW.

40. 10 Lincoln Avenue: described as Plan 440, Lot 19, Lot 20.

41. 120 Darling Street: described as Plan BTFD, Lot 17 to 19N Darling Street plus ROW.

42. 11 Burke Avenue: described as Lot 5, Plan 514.

43. 90 Morton Avenue: described as Part Lots 31 and 32, Plan 1125, being Parts 2 & 3 on 2R-6714.

44. 324 Henry Street: described as Con 4, Part Lot 40, Plan 1290, Part Lot 4 RP 2R6137 Parts 1 to 3.

45. 470 Colborne Street West: described as Part Block 4, Kerr Tract.

46. 242 Mount Pleasant Street: described as Part Steward Ruggles Tract (242 Mount Pleasant Street).

47. 64 Richardson Street: described as Plan Btfd, Pt. Lot 17, S Richardson

Street.

48. 247 Bruce Street: described as Plan 1378, Lot 13.

49. 375 Hardy Road: described as Part Lots 19-22, Concession 3, Geographic Township of Brantford.

50. 395 Hardy Road: described as Part Lots 18-21 and Part of the Road Allowance between Lots 18 & 19, Concession 3, Geographic Township of Brantford.

51. 16 Riverview Drive: described as Plan 31, Lot C.

52. 94 Herbert Street: described as Plan 383, Lot 83, Pt Lot 84.

53. 50, 52, 54, 56 Brunswick Street: described as Parts 1-3, Plan 2R-7803.

54. 67 Waterloo Street: described as [Plan Btfd, Pt Lots 3 & 4E].

55. 397 Brock Street: described as [Plan 466, Pt. Lot 44].

56. 185 Oak Park Road: described as [Pt Lot 18, Con 3].

57. 380 Chatham Street: described as [Plan 329, Lot 377, Lot 376].

58. 54 Baldwin Avenue: described as [PLAN 355 LOT 61 LOT 62].

59. 444 Elgin Street: described as [PLAN 1290 PT LOT 18 RP 2R-2049 PART 1].

60. 60 Paris Road: described as [PLAN 31 PT LOT 5].

61. 9 Sarah Street: described as [PLAN BTFD LOT 4 S SARAH ST].

62. 16 Huff Avenue: described as [PLAN 206 BLK B LT 9 PT LT 10].

63. 59 Cayuga Street: described as [PLAN 96 LOT 3 PT LOT 2 PT].

64. 85 Stanley Street: described as [PLAN 357 LOT 66 TO 67].

65. 65 Evelyn Street: described as [PLAN 614 LOT 53].

66. 19 Debby Crescent: described as [PLAN 1501 PT LOT 25].

67. Garden Avenue at County Road 18:
described as [PT GRANT JOSEPH THOMAS PT MARGARET FARLEY TRACT RP 2R1760 PART 4 TO 6].

68. 72 and a portion of 74 Tranquility Street:
described as [PLAN 624 PT LOT 78].

69. 304 & 306 Darling Street: described as [PLAN BTFD PT LOT 43].

70. 169-173 Mt. Pleasant Street:
described as Part Block C, Plan 480, Part Clench Tract, and Part 2 of 2R-7325, and Part Block A, Plan 480, and Part Block 64, Plan 1646.

71. 43 East Avenue: described as [PLAN BTFD PT LOT 9].

72. 76 North Park Street: described as [SURVEY KERBY PT LOT 9 W].

73. 4 Golfdale Road: described as [PLAN 558 LOT 12].

74. 232 & 236 Mount Pleasant Street:
described as [TRACT STEWART RUGGLES PT].

75. 116 Pearl Street: described as [PLAN BTFD LOT 23 W PEARL ST].

76. 371 Erie Avenue: described as [TRACT EAGLES NEST PT LOT 10].

77. 169 Mount Pleasant Street: described as [PLAN 480 PT BLK C TRACT CLENCH PT AND RP 2R7325 PART 2].

SCHEDULE "B"
"Road Allowance Widenings"

ROAD	LIMITS
Albion St	West St to Bedford St
Baldwin Ave	River Rd to Erie Ave
Ballantyne Dr	Sherwood Dr to Spalding Dr
Balmoral Dr	Smith's Ln to Powerline Rd
Bedford St	Brant Ave to Albion St
Birkett Lane	River Rd to Erie Ave
Birkett Lane	Erie Ave to Mohawk St
Brant Ave	Prince Cres to St Paul Ave
Catharine Ave	Laneway North of Spalding Dr to Sherwood Dr
Charing Cross St	King George Rd to West St
Clarence St	Colborne St to West St
Clarence St S	Colborne St to Erie Ave
Conklin Rd	Shellard Ln to Longboat Run
Conklin Rd	Gillespie Dr to Mt Pleasant Rd
Colborne St	Clarence St to Stanley St
Colborne St	Second Ave to City limits
Colborne St W	Gilkison St to Veterans Memorial Pkwy
Colborne St W	Veterans Memorial Pkwy to City limits
Dalhousie St	Clarence St to Stanley St
Dundas St	St Paul Ave to High St
Dundas St E	High St to West St
Dunsdon St	King George Rd to Memorial Dr
Eagle Ave	Foster St to Strathcona Ave
Elgin St	Hachborn Rd to Plant Farm Blvd
Erie Ave	Market St S to City limits
Fairview Dr	Hwy 403 ramp to West St
Garden Ave	Hwy 403 EB ramp to WB ramp
Garden Ave	Henry St to Colborne St
Gilkison St	Brunswick St to Veterans Memorial Pkwy underpass
Golf Rd	Paris Rd to Governor's Rd E
Governor's Rd E	Golf Road to Park Rd N
Greenwich St	Newport St to Mohawk St
Hardy Rd	Zatonski Ave to Paris Rd
Henry St	West St to Plant Farm Blvd
Icomm Dr	Hill St to Clarence St S
King George Rd	Elm St to Powerline Rd
King St	Colborne St to Dalhousie St
King St	Wellington St to Nelson St
Locks Rd	Lloyd St to Colborne St
Lynden Rd	West St to Wayne Gretzky Pkwy
Lynden Rd	Brantwood Park Rd to Garden Ave
Market St	Dalhousie St to West St
Market St S	Icomm Dr to Erie Ave

ROAD	LIMITS
Mintern Ave	Mohawk St to Erie Ave
Mohawk St	Greenwich St to Greenwich St
Morton Ave	West St to Hill Ave
Mount Pleasant St	Colborne St W to Gilkison St
Mount Pleasant Rd	Gilkison St to City limits
Murray St	Greenwich St to Elgin St
North Park St	Dundas St to Fairview Dr
Paris Rd	Terrace Hill St to City limit
Park Rd N	Powerline Rd to Governor's Rd E
Powerline Rd	Oak Park Rd to Karek Rd
Queen St	Colborne St to Sheridan St
Rawdon St	Colborne St to Dalhousie St
River Rd	Strathcona Ave to Birkett Ln
Shellard Ln	Veterans Memorial Pkwy to Conklin Rd
Shellard Ln	Anderson Rd to City limits
St. George St	North Park St to St Paul Ave
St. Paul Ave	Grand River Ave to Eastbourne St
Stanley St	Colborne St to Elgin St
Terrace Hill St	West St to Abigail Ave
Tollgate Rd	King George Rd to Paris Rd
Tutela Heights Rd	Mount Pleasant Rd to City Limit
Wayne Gretzky Pkwy	Chatham St to Grey St
Wayne Gretzky Pkwy	Henry St to north ramp
Wellington St	West St to King St
West St	Brant Ave to Fairview Dr
William St	West St to Bedford St

Abandoned Landfill Sites and Impact Areas

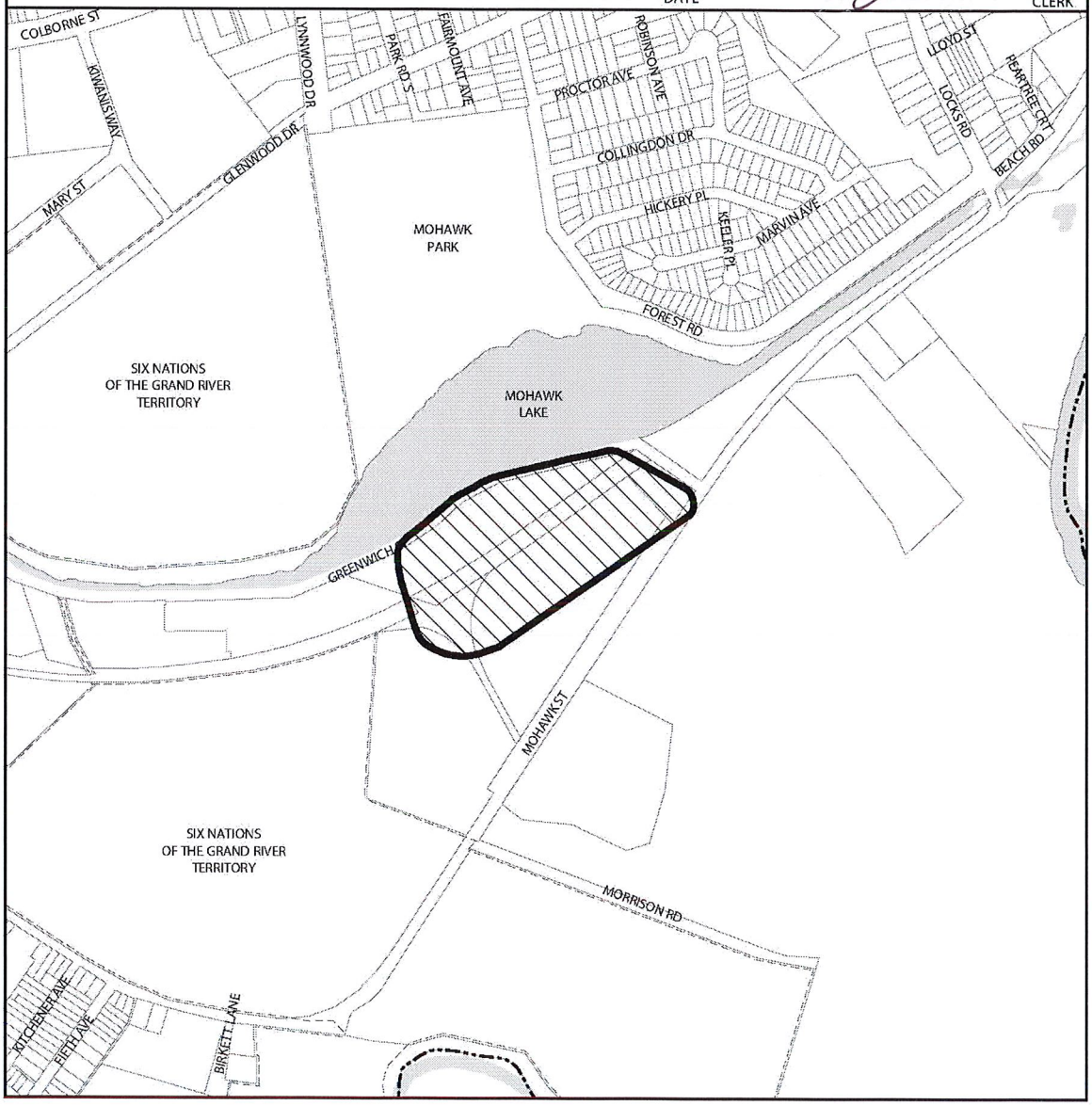
Schedule 'C' Map 1

THIS IS SCHEDULE 'C' TO BYLAW No. 28-2023

PASSED February 28, 2023 DATE

MAYOR

CLERK



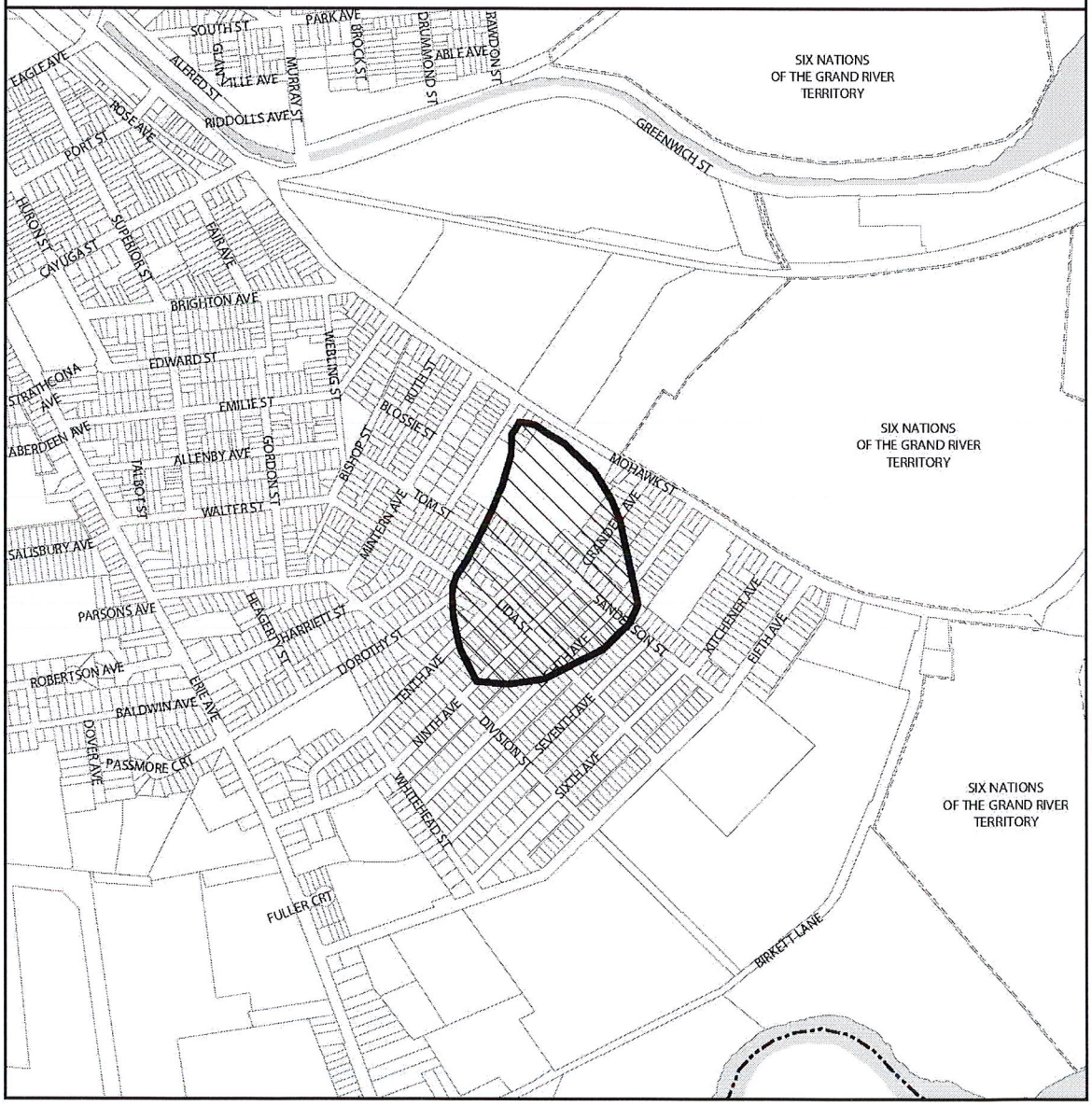
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LEGEND

AREA SUBJECT TO SITE PLAN CONTROL

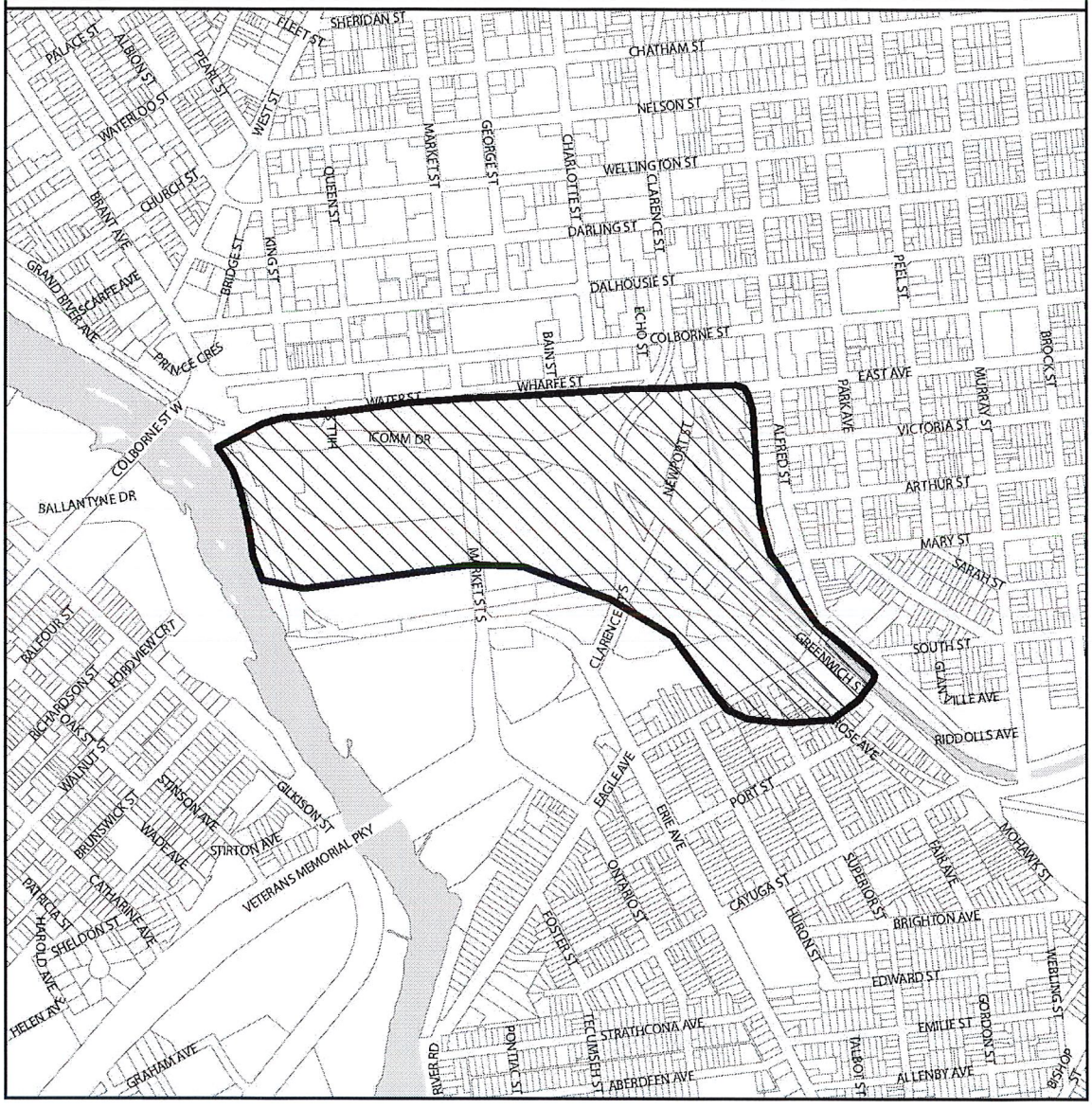
Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 2



Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 3



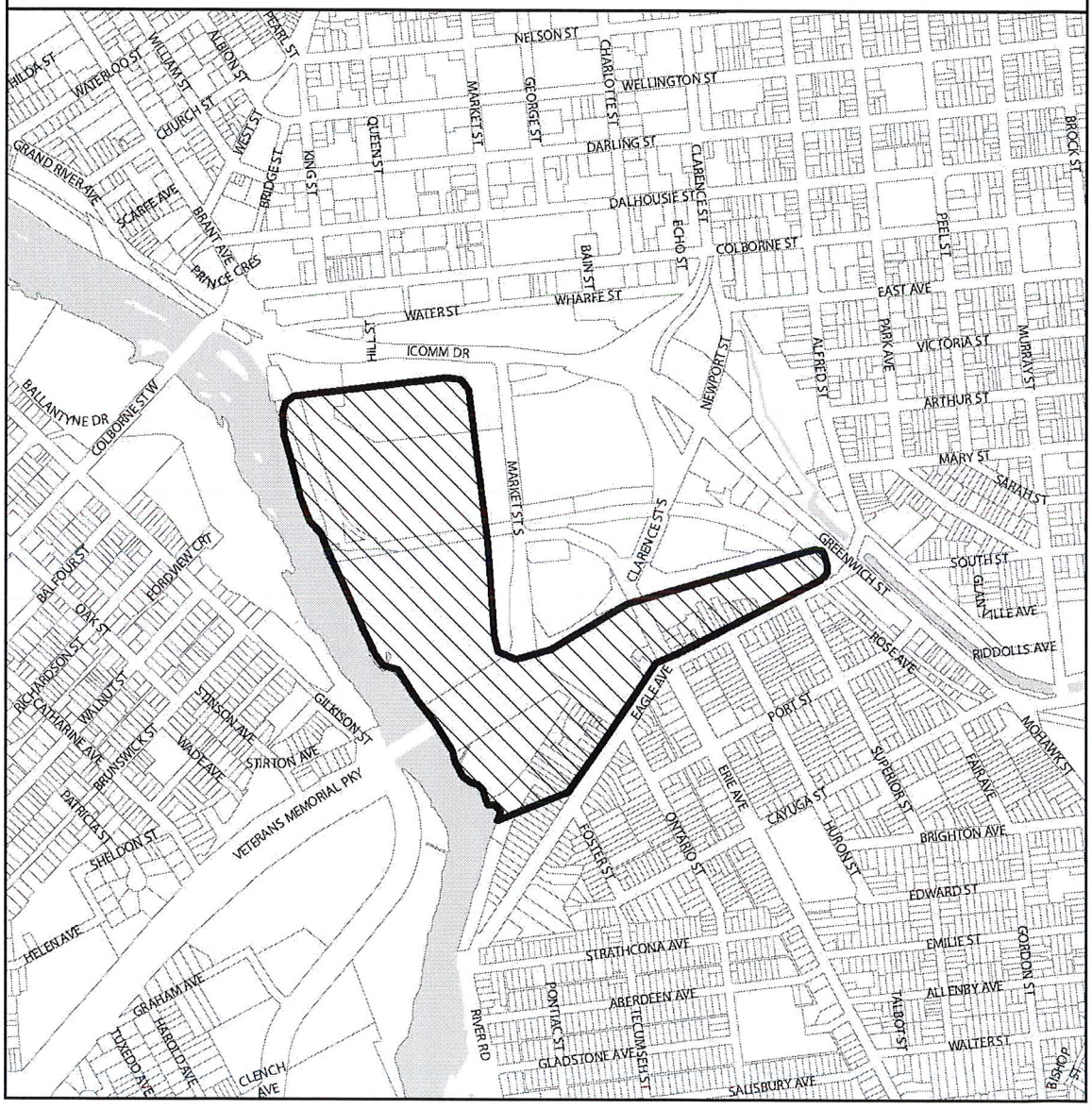
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LEGEND

AREA SUBJECT TO SITE PLAN CONTROL

Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 4



Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 5



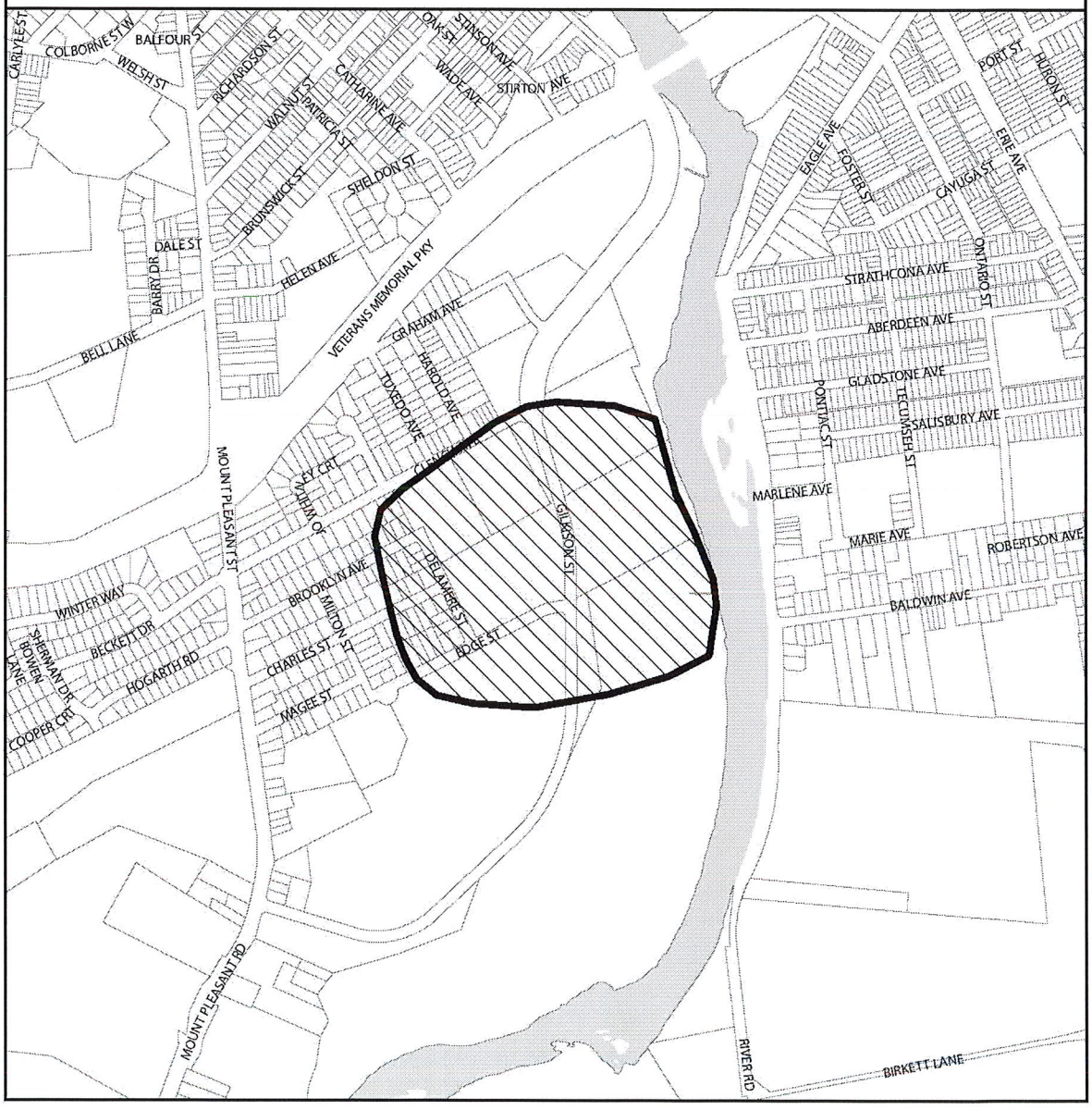
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LEGEND

AREA SUBJECT TO SITE PLAN CONTROL

Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 6



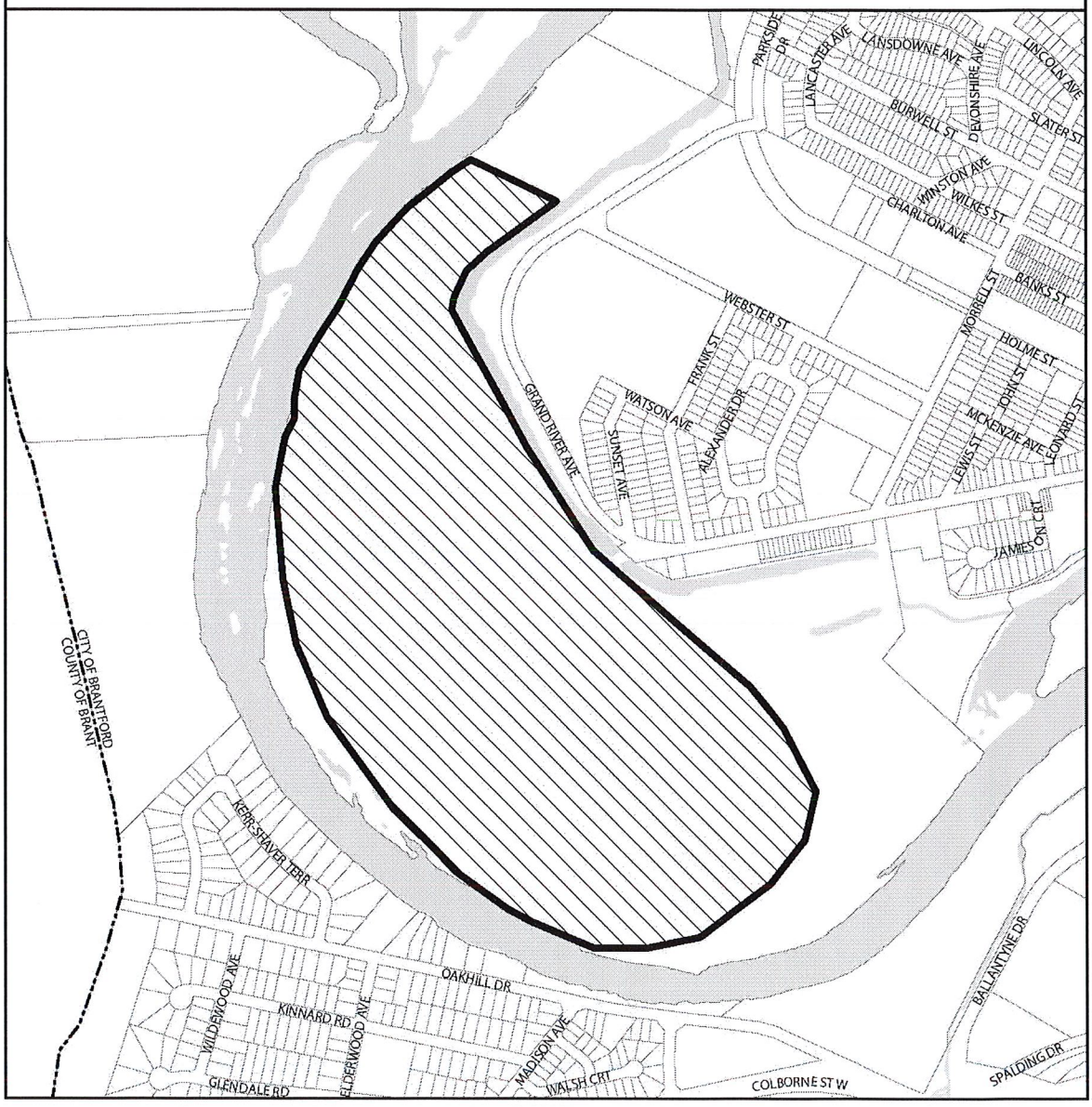
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LEGEND

AREA SUBJECT TO SITE PLAN CONTROL

Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 7



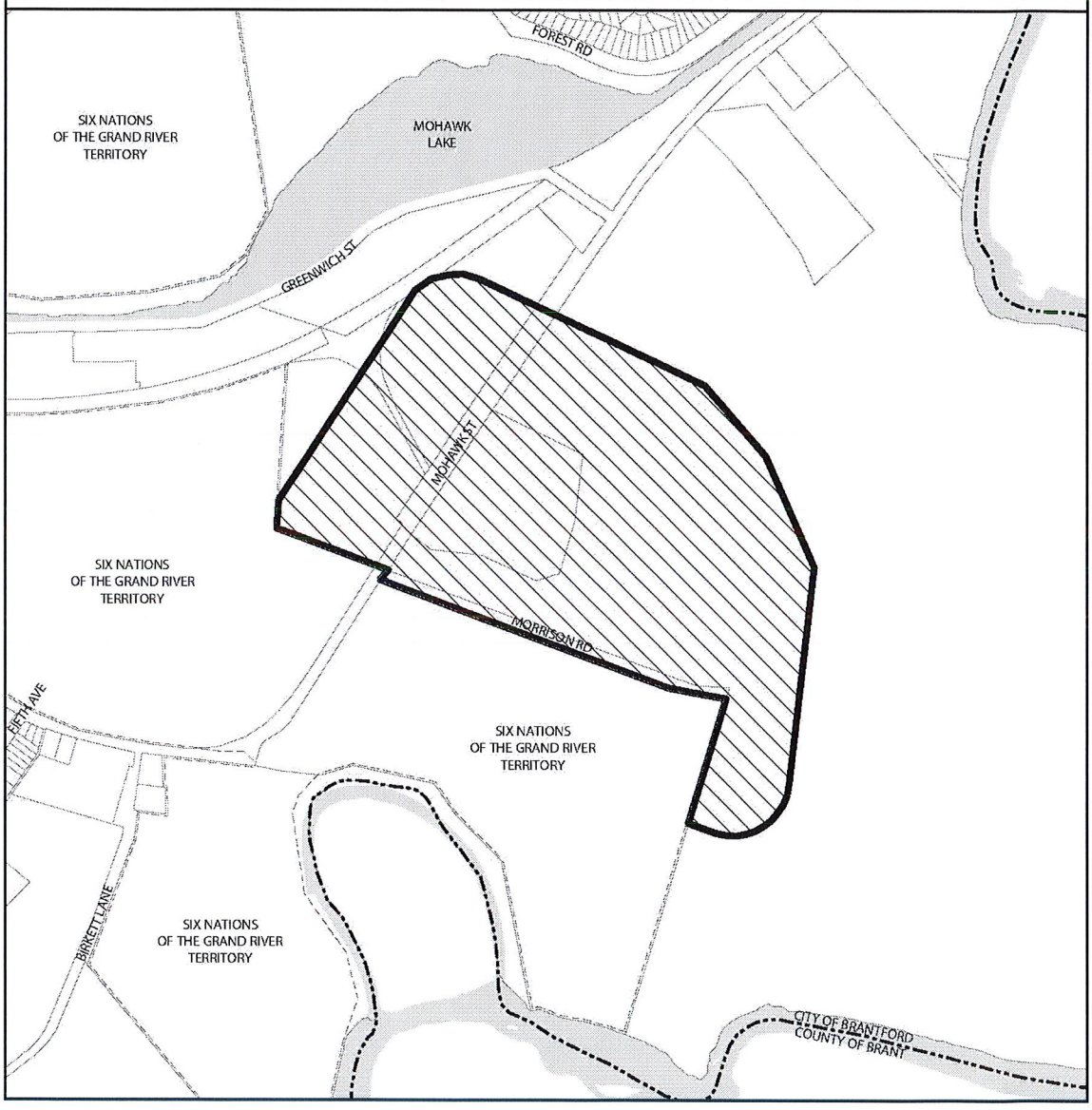
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LEGEND

AREA SUBJECT TO SITE PLAN CONTROL

Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 8



Abandoned Landfill Sites and Impact Areas

Schedule 'C' Map 9

