

EXPLANATORY NOTE

TO

BY-LAW NO. 51-2022

This By-law applies to the lands which are located at 461 Blackburn Drive (legally described as Block 221 on Plan 2M-1964). The subject lands have an area of approximately 2.496 hectares and 209.37 metres of frontage along Blackburn Drive in the City of Brantford.

The property is currently zoned “Residential Type 4A Special Exception 61 Zone (R4A-61)” which permits residential dwellings, including block townhouse dwellings and back-to-back townhouse dwellings. The purpose of this By-law is to further modify the provisions of the “Residential Medium Density Type A - Exception 61 Zone (R4A-61)” to allow relief for reduced lot areas, rear yard setbacks, front yard setbacks, amenity space, and to provide clarification for front lot line and privacy fence provisions, This amendment facilitates the development of thee (3) Back-to-Back Townhouse blocks and nineteen (19) Block Townhouse blocks for a total of 131 townhouse units.

File No. PZ-11-21
Applicant: Losani Homes
Report No. 2022-73

BY-LAW NUMBER XX-2022

-OF-

THE CORPORATION OF THE CITY OF BRANTFORD

To amend By-law No. 160-90, being a By-law to regulate the use of lands and the location and use of buildings and structures in the City of Brantford.

WHEREAS the Council of The Corporation of The City of Brantford desires that By-law No. 160-90, as amended, be further amended as hereinafter set out;

AND WHEREAS such amendment will be within the terms and intent of the Official Plan for the City of Brantford;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD UNDER THE PROVISION OF SECTION 34 OF THE PLANNING ACT R.S.O. 1990 HEREBY ENACTS AS FOLLOWS:

1. TEXT AMENDMENTS TO BY-LAW NO. 160-90

.1 That Section 7.9.4.61 be repealed and replaced by the following subsection:

“.61 461 Blackburn Drive (R4A-61)

.1 Notwithstanding any provision of this By-law to the contrary, any lot within any R4A-61 Zone may be used for all of the uses permitted in the R4A Zone.

.2 Notwithstanding any provision of this By-law to the contrary, no person shall within any R4A-61 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

.1 Parcel of Tied Lands (POTL) shall mean that individual portion of the lot containing the dwelling unit and associated land which is described as one parcel in the last registered instrument and which is tied to the Common Element Condominium also located within the lot.

.2 Notwithstanding Section 2.12.9, Definition for a Lot, the private condominium road shall be recognized as a public road for the purpose of lot creation.

- .3 For the purpose of this By-law, a Back-to-Back Dwelling shall mean a group of buildings on a lot or lots, each group containing not less than six (6) and not more than fourteen (14) dwelling units, fully attached in two rows arranged back-to-back, being separated from the adjacent unit by a vertical, common wall on one or both sides and the rear, and with each dwelling have its own private entrance from outside, driveway from the street, and a private garage, carport or parking area.
- .4 Building Height (maximum) 12.5 m
- .5 Front Yard (minimum) 6.0 metres from the garage and 3.5 metres from the dwelling unit
- .6 Rear Yard (minimum)
 - 1. Street townhouse dwellings 6.0 m
 - 2. Block townhouse dwellings 12.0 m between blocks (or 6.0 metres per block)
- .7 Side yard (minimum)
 - .1 Interior
 - .1 Street townhouse dwellings 1.5 m
 - .2 Block townhouse dwellings 1.5 m (3.0 m between blocks)
 - .2 Exterior 2.4 m
- .8 Parking
 - .1 Notwithstanding the requirements of Section 6.18, stairs shall be permitted to encroach within the required parking space within the garage, a maximum of 0.5 metres.
- .9 Front Yard Landscaped Open Space
 - .1 Notwithstanding the requirements of Section 6.18.3.9, a minimum of 27% of the front yard shall be maintained as landscaped open space.

.10 Amenity Area

.1 For the purpose of this By-law, the minimum amenity area required shall be 1,141 m².

.3 Notwithstanding the requirements shown in Section 7.9.6.61 above, no person shall use any lot, or erect, alter or use any building or structure, except in accordance with the following provisions:

.1 For the purpose of this By-law, the front yard for corner lots shall be calculated perpendicular to the front lot line.

.2 Notwithstanding the requirements of Section 2.12.16, for the purpose of this By-law, the yards abutting Blackburn Drive shall be deemed the rear yard.

.3 Accessory buildings or structures shall not be permitted in any yard abutting Blackburn Drive.

.4 Notwithstanding Chapter 438 of the Municipal Code for Fencing, the yard abutting Blackburn Drive shall not be enclosed by an opaque privacy fence.

.5 POTL Lot Area (minimum)

.1	Street townhouse dwelling	180.0 m ²
.2	Block townhouse dwelling	95.0 m ²
.3	Back-to-back townhouse dwelling	79.0 m ²

.6 POTL Lot Width (minimum)

.1	Street townhouse dwelling	5.5 m
.2	Block townhouse dwelling	4.5 m
.3	Back-to-back townhouse dwelling	5.5 m

.7 POTL Lot Coverage Not applicable

.8 POTL Building Height (maximum) 12.5 m

.9 POTL Front Yard (minimum) 5.6 metres from the garage and 2.6 metres from the dwelling unit

.10 POTL Rear Yard (minimum)

.1 Block townhouse dwelling

	abutting Blackburn Drive	4.0 m	
.2	Block townhouse dwelling abutting Amenity Area (most northerly and southerly units only)	4.5 m	
.3	Back-to-back townhouse dwellings	0.0 m	
.4	All other dwellings	6.0 m	
.11 POTL Side yard (minimum)			
.1 Interior			
	.1 Street townhouse dwellings	1.5 m	
	.2 Block townhouse dwellings	1.5 m (3.0 m between blocks)	
.2 Exterior			2.4 m
.3 Common Walls			In accordance with Section 6.20
.12 POTL Front Yard Landscaped Open Space			
.1 Notwithstanding the requirements of Section 6.18.3.9, a minimum of 27% of the front yard shall be maintained as landscaped open space.			

That all remaining provisions of the R4A Zone in Section 7.9.2 to this Bylaw, and all other provisions of this Bylaw, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.”

2. **EFFECTIVE DATE**

- .1 THAT this By-law shall become effective from and after the date of passing thereof.

By-law 51-2022

READ THE FIRST TIME

MARCH 22, 2022

READ THE SECOND TIME

MARCH 22, 2022

PASSED

MARCH 22, 2022

MAYOR

DEPUTY CLERK