

EXPLANATORY NOTE

TO

BY-LAW NO. 22-2023

This By-law applies to the lands that are located on the south side of Colborne Street West between Pleasant Ridge Road and D'Aubigny Road in the City of Brantford. In total, the subject property is situated on 22.07 ha (54.5 acres), however, the area subject to the zoning amendment is approximately 0.5 ha (1.25 acres) in size. The area subject to this amendment is designated "Residential" in the City of Brantford Official Plan.

The purpose of this By-law is to change the zoning from "Holding - Residential Medium Density Type A – Exception 72 Zone (H-R4A-72)" to an "Open Space Restricted - Exception 7 Zone (OS3-7)" to address archaeological requirements for the proposed development, specifically, a condition of draft plan of subdivision (condition 59), as approved by the Local Planning Appeal Tribunal (LPAT) (Decision/Case # PL180358).

File No.: PZ-20-22
Applicant: MHBC Planning Ltd.
Report No.: 2023-44

BY-LAW NUMBER 22-2023

-OF-

THE CORPORATION OF THE CITY OF BRANTFORD

By-law 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 amendments 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 PROVISIONS OF SECTIONS 34 OF THE PLANNING ACT R.S.O. 1990 HEREBY ENACTS AS FOLLOWS:

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

- .1 THAT Schedule "A" Map H-4 and H-5 be amended as shown on Schedule "A" Map 1, attached to and forming part of this By-law, and summarized as follows:

Change from "Holding – Residential Medium Density Type A - Exception 72 Zone (H-R4A-72)" to "Open Space Restricted - Exception 7 Zone (OS3-7)".

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

- .1 That Section 11.3.3. be amended by the addition of the following new subsection:

.7 620 Colborne Street West (OS3-7)

- .1 Notwithstanding any provision of this By-law to the contrary, as shown on Schedule 'A', attached to and forming part of this By-law, any lot within any OS3-7 Zone may be used for only the following use:

- .1 Private Park

- .2 Notwithstanding Section 2.16.2 of this by-law, a private park

shall mean an area of land, other than a Public Park, consisting of open space or amenity space, and used primarily for active or passive recreational purposes.

- .3 Notwithstanding any provisions of this Bylaw to the contrary, no person shall within any OS3-7 Zone use any Private Park except in accordance with the following provisions:
 - .1 No buildings, structures or other uses that may require the use of a footing or base shall be permitted, including but not limited to: fountains, lighting, gazebos, benches, bollards or playground equipment;
 - .2 No excavation beyond the first layer of topsoil shall be permitted. Grasses and shrubs are permitted to be planted within the first layer of topsoil without additional archaeological assessment. Plantings may also occur in raised planter boxes;
 - .3 No heavy machinery shall be used in the maintenance and upkeep of a private park;
 - .4 No alteration of the existing grades or removal of any perimeter structures shall be permitted;
 - .5 All walkways are to remain woodchips;

That all the provisions of the OS3 Zone in Section 11.3.2 to this By-law, and all other provisions of this Bylaw, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

3. EFFECTIVE DATE

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

READ THE FIRST TIME February 28, 2023



READ THE SECOND TIME February 28, 2023

PASSED February 28, 2023

MAYOR

ACTING CLERK

**Schedule 'A'****Legend**

-  Application PZ-20-22 (620 Colborne Street West)
-  Area to be rezoned



Scale: N.T.S.

File Number: PZ-20-22

This is Schedule 'A' To Bylaw No. 22-2023
to amend Zoning Bylaw No. 160-90
Schedule 'A' Map(s):

H-4, H-5

Passed the 28 day of FEBRUARY, 2023.

MAYOR_____
CLERK