

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /20

Being a by-law to amend Zoning By-law 1-H 86, as amended, in the name of Park and McClung Ltd. (Corrado) and McClung Properties Ltd. (Empire)

WHEREAS Haldimand County is empowered to enact this by-law, by virtue of the provisions of Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended;

AND WHEREAS this by-law conforms to the Haldimand County Official Plan,

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT** this by-law shall apply to lands described as Part of Lot 12, Range 2, East of Plank Road and Part of Lots 4, 5 & 6, Registered Plan No. 51; Township of Seneca, Haldimand County, being shown on Maps 'A' and 'B' attached hereto to form a part of this by-law.
2. **THAT** Schedule "A7-A" to Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning the lands shown as Part 1 on Map 'B' attached to this by-law from 'Agricultural (A)' to 'Urban residential Type 1-B – Holding (R1-B (H))'.
3. **THAT** Schedule "A7-A" to Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning the lands shown as Part 2 on Map 'B' attached to this by-law from 'Agricultural (A)' to 'Urban Residential Type 4 – Holding (R4 (H))'.
4. **THAT** Schedule "A7-A" to Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning the lands shown as Part 3 on Map 'B', from 'Agricultural (A)' to 'Open Space – Holding (OS (H))'.
5. **THAT** Schedule "A7-A" to Zoning By-law 1-H 86, as amended, is hereby further amended by identifying the lands shown as Part 4 on Map 'B' attached to this by-law from 'Agricultural (A)' and 'Hazard Land (HL)' to 'Hazard Land (HL)'.
6. **THAT** Schedules "A7-A" to Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by identifying the Subject Lands on Maps 'A' and 'B' and forming part of this by-law, as having reference to subsection 36.457.
7. **THAT** the following subsection be added to Section 36 of said Zoning By-law 1-H 86:

36.457

1. Zoning for Urban Residential Type 1-B (R1-B) – One and Two Family Dwellings

That on the lands delineated as Part 1 on Map 'B' attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 10.1 Permitted Uses – Urban Residential Type 1-B (R1-B), permitted uses shall include:
 - a) One family dwelling house
 - b) Two family dwelling house
- ii. That notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 10.2(a) Minimum Lot Area	220 square metres for an interior lot and 265 square metres for a corner lot
b) 10.2(b) Minimum Lot Frontage	8 metres for an interior lot and 10 metres for a corner lot
c) 10.2(c)(i) Minimum Front Yard	4.5 metres to the dwelling and 6.0 metres to the garage
d) 10.2(c)(ii) Exterior Side Yard	2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street
e) 10.2(c)(iii) Interior Side Yard	For one family dwelling house: 1.2 metres on one side and 0.6 metres on the other side For two family dwelling house: 1.2 metres, except no interior side yard is required along common lot line
f) 10.2(c)(iv) Rear Yard	7.0 metres

Any provision of the R1-B zone not specifically identified above, are applicable as set out in Section 10 of By-law 1-H 86.

- iii. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:

“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”

- iv. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
 - v. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
 - vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps / stairs may project into any required front yard or setback a distance of not more than 3.5 metres.
 - vii. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum of 3.1 metres by 2.5 metres.
 - viii. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
 - ix. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front yard setback.
 - x. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this by-law, hardscaping shall be considered as finished space of pavement, concrete, patio stones, interlock or other hard surface treatment.
 - xi. That a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.
2. Zoning for Urban Residential Type 4 (R4) – Townhouses, One and Two Family Dwellings

That on the lands delineated as Part 2 on Map ‘B’ attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 13.1 Permitted Uses – Urban Residential Type 4 (R4), permitted uses shall include:

- a) Street townhouses
 - b) Group townhouses
 - c) One and two family dwelling houses subject to the provisions outlined in paragraph 7)1. of this by-law
- ii. Notwithstanding the provisions of Section 13.2.1 Zone Provisions – Street Townhouses, the following shall apply:

a) 13.2.1(a)(i)(ii) and (iii) Minimum Lot Area	(i) interior lot – 150 square metres per unit (ii) interior lot with attached private garage – 150 square metres per unit (iii) corner lot with attached private garage – 210 square metres per unit
b) 13.2.1(b)(i) and (ii) Minimum Lot Frontage	(i) interior lot – 5.5 metres per unit (ii) corner lot – 8 metres per unit
c) 13.2.1(c) Minimum Front Yard	4.5 metres to the dwelling and 6.0 metres to the garage
d) 13.2.1(d) Minimum Exterior Side Yard	2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street
e) 13.2.1 (g) Minimum Rear Yard	6.0 metres

Any provisions of the R4 zone not specifically identified above, are applicable as set out in Section 13 of By-law 1 H 86.

- iii. That notwithstanding Section 4.25.5 Definition of Townhouses, the following shall apply:

“Townhouses shall mean a dwelling house comprising three or more dwelling units with each dwelling unit being divided one from the other by an above grade vertical common wall, a minimum of 10 square metres in area and with each dwelling unit having direct access to a yard. A maximum of eight dwelling units are permitted in a row.”

- iv. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:

“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”

- v. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- vii. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps / stairs may project into any required front yard or setback a distance of not more than 3.5 metres.
- viii. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum of 3.1 metres by 2.5 metres.
- ix. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- x. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front setback.
- xi. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this by-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
- xii. That a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.
- xiii. That where a street townhouse block having 8 or more units is constructed at the intersection of a local street and a collector street, with the units facing the collector street, the driveway and garage of the corner lot shall be located on the local street.

For the purposes of this by-law, a collector street is a street with a right-of-way width of 20 metres or greater. A local street is a street with a right-of-way width with 18 metres or less.

3. Zoning for Open Space (OS)

That on the lands delineated as Part 3 on Map 'B' attached to and forming part of this by-law, the following provisions shall apply:

- i. That notwithstanding the permitted uses of Section 32.1 Open Space Zone (OS), only the following uses shall be permitted on Part 3:
 - a) Park
 - b) Stormwater management facilities

4. Zoning for Hazard Lands (HL)

That on the lands delineated as Part 4 on Map 'B' attached to and forming part of this by-law, the following provisions shall apply:

- i. No site alteration of development is permitted.

8. General Provisions

The following General Provisions shall apply to the lands shown on Maps 'A' and 'B' attached to and forming part of this by-law:

- i. That the definition of a "Sight Triangle" contained in subsection 4.85 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

- a) Intersections of Local Roads

"SIGHT TRIANGLE" shall mean the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each point being measured 4.5 metres from the point of intersection of the street lines.

- b) Intersections of Local Road / Collector Street

"SIGHT TRIANGLE" shall mean the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each being measured 7.5 metres from the point of intersection of the street lines.

- ii. That a minimum density of development be set for the entire subject lands shown on Maps 'A' and 'B' at 46 persons and jobs per hectare. The density measure is to be calculated based upon: 3.16 persons per one family dwelling house; 3.16 persons per two family dwelling house (each dwelling unit); 2.74 persons per townhouse dwelling unit; and, 1.86 persons per apartment dwelling unit.

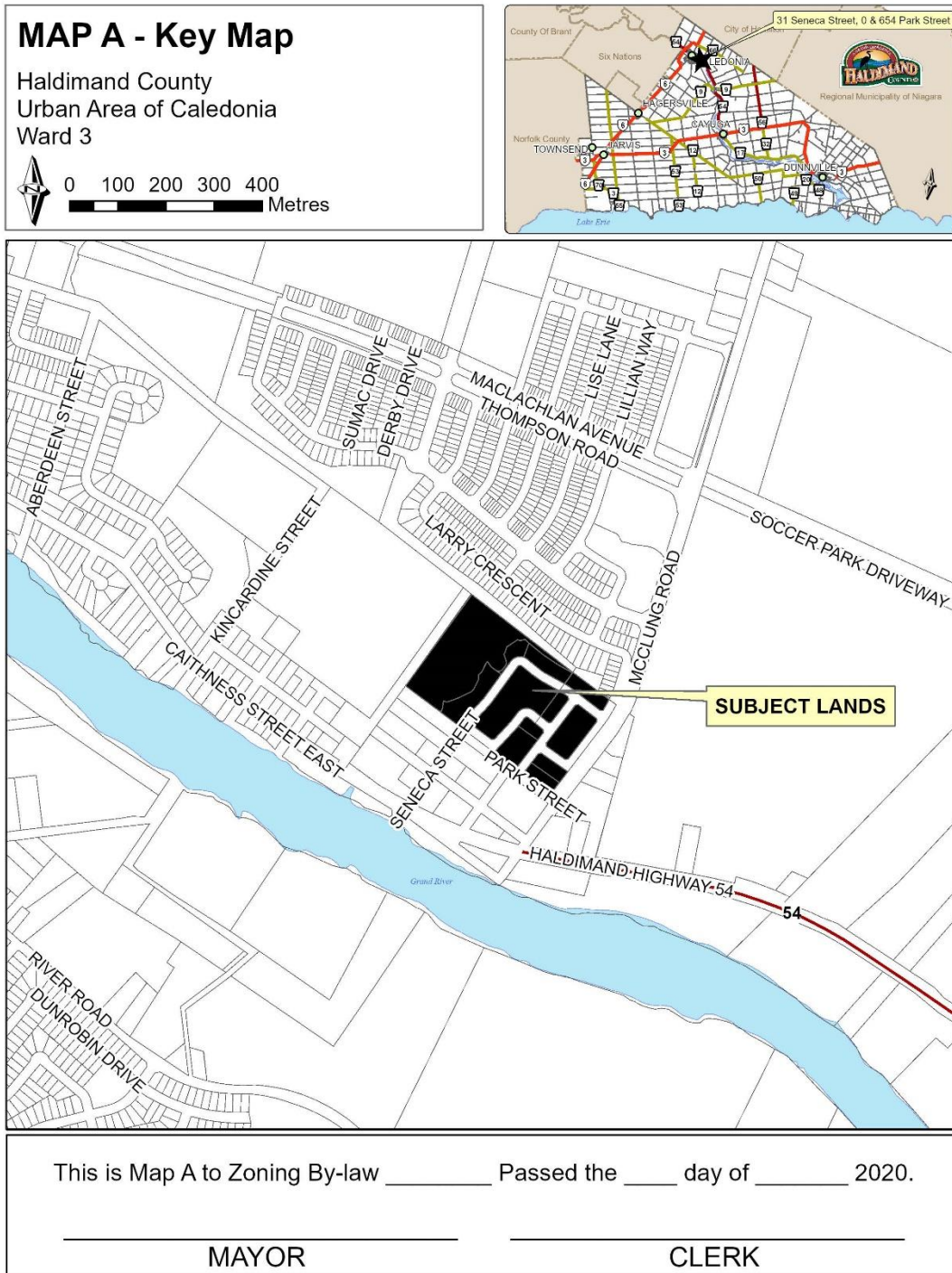
9. **THAT** the ‘Holding – “H”’ provision shall remain in place on the lands shown of Maps ‘A’ and ‘B’ attached to and forming part of this by-law until such time as:
- a. There is confirmation of availability and allocation of water and wastewater capacity;
 - b. The Ministry of Tourism, Culture, and Sport has approved the archaeological assessments; and
 - c. Conditions of draft approval for the subdivision are addressed and the subdivision agreement is registered.
10. **AND THAT** this by-law shall become effecting from and after the date of passing thereof.

READ a first and second time this 22nd day of January, 2020.

READ a third time and finally passed this 22nd day of January, 2020.

MAYOR

CLERK



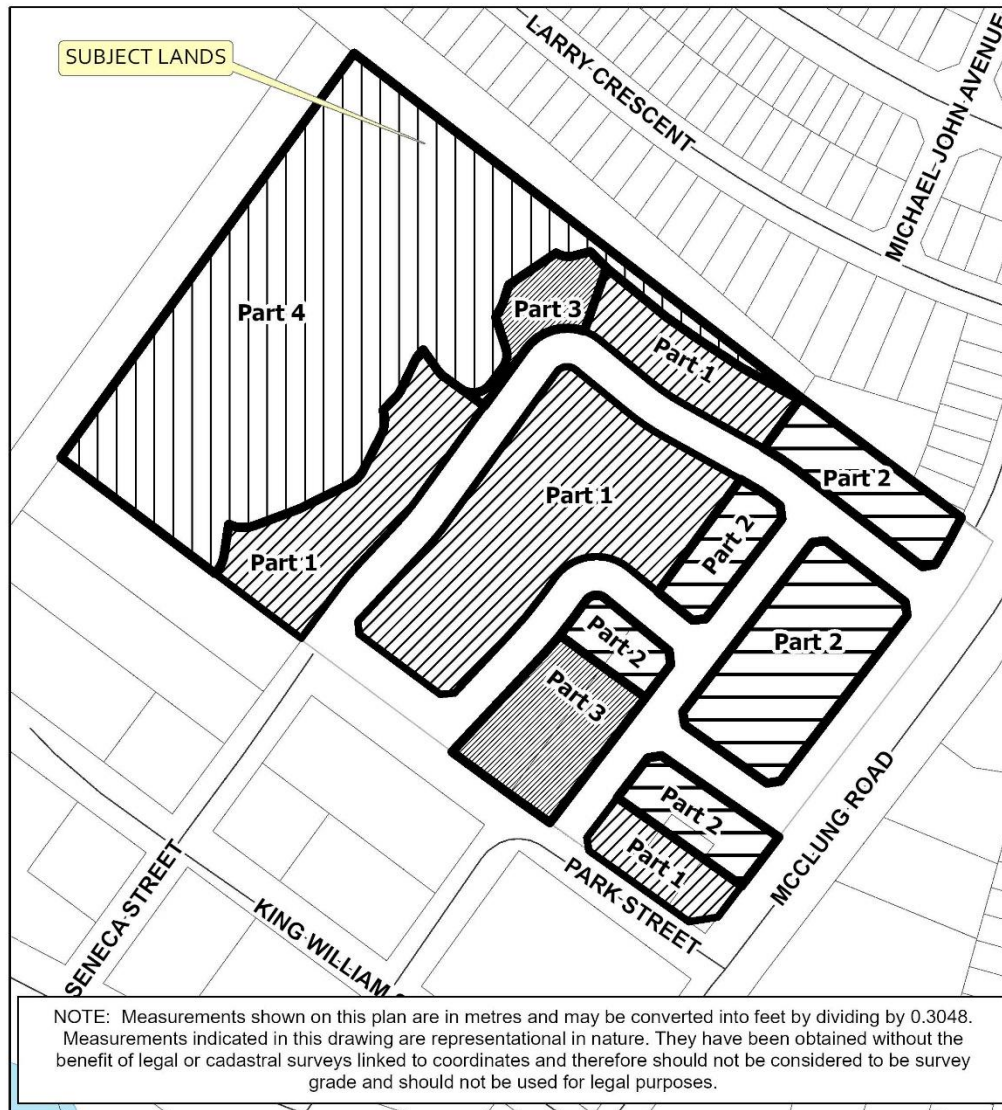
Ref: PLZ-HA-2014-020 & PLZ-HA-2018-075

MAP B - Detail Map

Haldimand County
Urban Area of Caledonia, Ward 3

SCALE: 1:2,500

0 15 30 45 60 Metres



This is Map B to Zoning By-law _____ Passed the ____ day of _____ 2020.

MAYOR

CLERK

Ref: PLZ-HA-2014-020 & PLZ-HA-2018-075

PURPOSE AND EFFECT OF BY-LAW NO. ____-HC/20

This by-law amendment applies to the lands located on the west side of McClung Road and north side of Park Street in Caledonia. The lands are legally described as Part of Lot 12, Range 2, East of Plank Road and Part of Lots 4, 5 & 6, Registered Plan No. 51 in the Township of Seneca, Haldimand County. The lands currently consist of three properties: 0 Park Street (no municipal address assigned), 31 Seneca Street, and 654 Park Street.

The purpose of this by-law is to rezone the lands with special provision 36.457 to:

1. "Urban Residential Type 1-B" for Part 1 with special provisions for customized setbacks, lot area and frontage, etc. and a holding provision until such time as there is sufficient servicing capacity, Ministry approval of the archaeological assessments, and subdivision agreement / condition completion.
2. "Urban Residential Type 4" for Part 2 with special provisions for customized setbacks, lot area and frontage, etc. and a holding provision until such time as there is sufficient servicing capacity, Ministry approval of the archaeological assessments, and subdivision agreement / condition completion.
3. "Open Space" for Part 3 with special provisions to limit the uses and a holding provision until such time as there is Ministry approval of the archaeological assessments, and subdivision agreement / completion.
4. "Hazard Land" for Part 4 with special provisions to ensure natural feature protection, floodplain protection, and archaeological resources protection.

The zoning on the lands is subject to a holding provision to ensure that:

- a. There is confirmation of availability and allocation of water and wastewater capacity;
- b. The Ministry of Tourism, Culture, and Sport has approved the archaeological assessments; and
- c. Conditions of draft approval for the subdivision are addressed and the subdivision agreement is registered.

Council will approve a holding removal by-law together with this zoning by-law, and final clearance of the holding provision will be processed by the General Manager of Community & Development Services once the conditions of the holding provision have been satisfied.

Report Nos.: PDD-02-2020 & PED-PD-36-2018 & PDD-25-2019

File Nos.: PLZ-HA-2014-020 & PLZ-HA-2018-075

Related File Numbers: PL28T-2014-022 & PL28T-2018-074

Roll Numbers: 2810.151.004.05200; 2810.151.004.05100; 2810.151.004.05000

Name: Park and McClung Ltd. (Corrado) and McClung Properties Ltd. (Empire)