

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /20

Being a by-law to amend Zoning By-law 1-H 86, as amended, of the Town of Haldimand in the name of Foxgate Developments Inc.

WHEREAS Haldimand County is authorized to enact this by-law, by virtue of the provisions of Section 35 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 PT LT 3 RANGE WEST OF TOWNSEND TO CALEDONIA ROAD, GEOGRAPHIC TOWNSHIP OF ONEIDA, NOW HALDIMAND COUNTY, DESIGNATED AS PARTS 1-10 INCL. 18R-6318, S/T EASEMENTS AS IN 06293, HC32424, HC119162 & HC119163, and being shown as the Subject Lands on Maps "A" and "B" attached hereto to form a part of this by-law.
2. **AND THAT** Part 3 of the existing 36.433 subsection shall be removed and replaced with the following 36.433, with 36.433 being added to Section 36 (Special Provisions for Particular Parcel of Land) of said By-law 1-H 86:

36.433 1. That on lands delineated as having reference to this subsection, the following provision shall apply:

Part 3:

- i. Notwithstanding any provisions of this By-law to the contrary, for Part 3, as shown on Schedule B, attached to and forming part of this By-law, the following shall apply:
 - a) Lot shall mean those lands described as Part 3, as shown on Schedule B, attached to and forming part of this By-law.
 - b) 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.
- ii. Notwithstanding the provisions of Section 6.15 Frontage on An Improved Street, the POTLS are permitted to front onto

a private (condominium) street that has been constructed and is maintained in such a manner so as to facilitate year-round use by automotive traffic.

- iii. Notwithstanding the provisions of Section 13.2.2 Zone Provisions – Group Townhouse, the following shall apply to the lot:

Current Minimum Provision	Special Provisions
13.2.2. (d) Minimum Exterior Side Yard	3 metres exterior side yard
13.2.2. (g) Minimum Rear Yard	5 metres rear yard setback

- a) Notwithstanding Section 4.48.1, Definition for a Front Lot Line, there shall be no front lot line.
- b) Notwithstanding Section 4.48.4, Definition for an Exterior Side Lot Line, the exterior side lot line shall be recognized as the lot line abutting Street A (Mead Road) and Street C (Nico Road).
- c) Notwithstanding Section 4.48.2, Definition for a Rear Lot Line, the rear lot line shall be recognized as lot line farthest from and opposite the private (condominium) road.

- iv. Notwithstanding the provisions of Section 13.2.2 Zone Provisions – Group Townhouses, the following shall apply to the POTLs:

Current Minimum Provision	Special Provisions
13.2.2. (a)(ii) Minimum Lot Area	115 square metres minimum lot area
13.2.2. (b) Minimum Lot Frontage	5 metres for an interior lot and 9 metres for a corner lot
13.2.2. (c) Minimum Front Yard	3 metres front yard setback
13.2.2. (h) Maximum Building Height	12 metres

- v. Notwithstanding any section of this By-law and for the purposes of condominium registration, the frontage and size of the POTLs may be reduced to the satisfaction of the General Manager of Community & Development Services, or designate.
- vi. Any provisions of the R4 Zone not specifically identified above, are applicable as set out in Section 13 of By-law 1-H 86.

3. **AND THAT** this by-law shall take force and effect on the date of passing.

READ a first and second time this 13th day of October, 2020.

READ a third time and finally passed this 13th day of October, 2020.

MAYOR

CLERK



Ref: PLZ-HA-2020-089

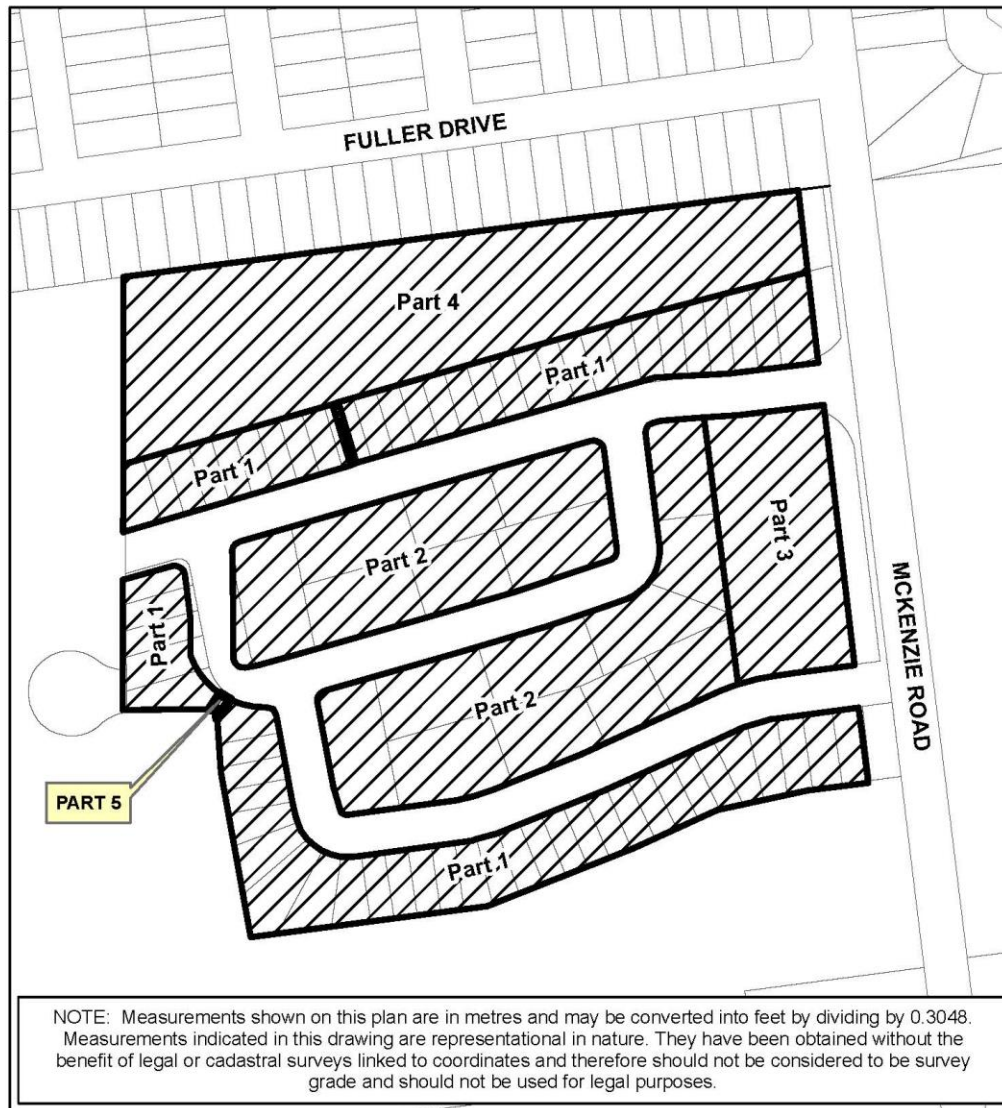
MAP B - Detail Map

Haldimand County

Urban Area of Caledonia, Ward 3

SCALE: 1:2,500

0 20 40 60 80 Metres



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

MAYOR

CLERK

Ref: PLZ-HA-2020-089

PURPOSE AND EFFECT OF BY-LAW -HC/20

This by-law amendment applies to the lands located on the west side of McKenzie Road, within the urban area of Caledonia and are described as PT LT 3 RANGE WEST OF TOWNSEND TO CALEDONIA ROAD, GEOGRAPHIC TOWNSHIP OF ONEIDA, NOW HALDIMAND COUNTY, DESIGNATED AS PARTS 1-10 INCL. 18R-6318, S/T EASEMENTS AS IN 06293, HC32424, HC119162 & HC119163, now in Haldimand County. The property is known municipally as 1535 McKenzie Road.

The subject lands were rezoned on May 22, 2018 via By-law 1077-HC/18 to set the land uses and regulatory framework for Draft Plan of Subdivision PL28T-2003-501 known as McKenzie Meadows. The applicant has submitted a site plan application (known municipally as PLSP-HA-2020-089) for Part 3 of the subject lands to facilitate the development of 35 townhouse units. The development requires further relief from the Town of Zoning By-law to:

1. Permit the POTLs to front onto a private (condominium road), where frontage on a public, improved street is required.
2. Identify that there is no front lot line for the lot.
3. Redefine the exterior side lot line to identify that the exterior side yard is to be measured from the exterior wall of the townhouse unit to the exterior lot line for the lot, not the POTL. This is to recognize that a portion of the rear yards may be in condominium rather than individual ownership.
4. Redefine the rear lot line to identify that the rear lot line is to be measured from the rear wall of the townhouse unit to the rear lot line for the lot, not the POTL. This is to recognize that a portion of the rear yards may be in condominium ownership rather than individual ownership.
5. Permit the frontage and size of the POTLs to be reduced to the satisfaction of the General Manager of Community & Development Services, or designate to accommodate condominium registration, where appropriate.

The purpose of this by-law is to amend the special provision for Part 3 of the subject lands by removing the existing provisions and replacing them with the provisions contained in this by-law to facilitate the proposed development.

Report Number: PDD-22-2020
File Number: PLZ-HA-2020-089
Name: Foxgate Developments Inc.
Roll Number: 2810.153.004.08250.0000