THE CORPORATION OF HALDIMAND COUNTY

By-law Number 1077-HC/18

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 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 the lands described as OND Range WCTR PT LOT 3 RP 18R6318 Parts 1 to 10, now in Haldimand County, and shown as Parts 1, 2, 3 and 4 and the subject lands on Maps 'A' and 'B' attached hereto forming part of this by-law.

2. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 1 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from a site specific "Urban Residential Type 1B – Holding (R1B-H) Zone" to a site specific "Urban Residential Type 1B – Holding (R1B-H) Zone".

3. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 2 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from a site specific "Urban Residential Type 4 – Holding (R4-H) Zone" to a site specific "Urban Residential Type 4 – Holding (R4-H) Zone".

4. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 3 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from a site specific "Urban Residential Type 4 – Holding (R4-H) Zone" to a site specific "Urban Residential Type 4 – Holding (R4-H) Zone".

5. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 4 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from "Open Space -Holding (OS-H) Zone" to a site specific "Open Space-Holding (OS-H) Zone".

6. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H-86, as amended, is herby further amended by identifying the Subject Lands on Maps 'A' and 'B' and forming part of this by-law, as having reference to Subsection 36.433.

7. **THAT** 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 Parcels of Land) of the 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 1

i. Notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
10.2 (a) Minimum Lot Area	270 square metres for an interior lot and 395 square metres for a corner lot
10.2 (b) Minimum Lot Frontage	9.14 metres for an interior lot and 13.3 metres for a corner lot
10.2 (c) (i) Front Yard Setback	4.5 metres from the dwelling and 6 metres from the garage
10.2 (c) (ii) Exterior Side Yard	2.4 metres exterior side yard
10.2 (c) (iii) Interior Side Yard	1.2 metres interior side yard on one side and 0.6 metres on the other side
10.2 (c) (iv) Rear Yard Requirement	6 metres rear yard setback

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

ii. That notwithstanding Section 6.21 (c) Exemption from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres and any required exterior side yard a distance of not more than 1.8 metres.

iii. That notwithstanding Section 6.21. (c) Exemption from Yard Provisions, steps/stairs may project into the required front yard not more than 3.8 metres.

iv. That notwithstanding Section 6.21 (d) Exemption 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 size of 3.1 metres by 2.5 metres.

Part 2

i. Notwithstanding the provisions of Section 13.2.1 Zone Provisions – Street Townhouses, the following shall apply:

Provision	Permitted
13.2.1. (b) (i) Minimum Lot Frontage	5.5 metres for interior lot
13.2.1. (c) (i) Front Yard Setback	4.5 metres from the dwelling and 6 metres from the garage
13.2.1 (d) Exterior Side Yard	2.4 metres exterior side yard
13.2.1 (g) Minimum Rear Yard	6.0 metres minimum rear yard
13.2.1. (h) Maximum Building Height	12 metres

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

Part 3

i. Notwithstanding the provisions of Section 13.2.2 Zone Provisions – Group Townhouses, the following shall apply:

Current 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. (d) Minimum Exterior Side Yard	3 metres exterior side yard
13.2.2. (g) Minimum Rear Yard	5 metres rear yard setback
13.2.2. (h) Maximum Building Height	12 metres

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

Part 4

i. Notwithstanding the provisions of Section 32.1 Permitted Uses, the uses shall be limited to the following:

(i) Park;
(ii) Recreational trails; and
(iii) Open space.

2. General Provisions

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

i. That the definition of "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 point being measured 7.5 metres from the point of intersection of the street lines.

ii. 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 riser or 0.61 metres, shall be permitted to encroach into this parking space."

8. **THAT** the 'Holding-"H"' provision shall remain in place until such time as that sufficient municipal servicing capacity (water and wastewater) is available for development, final clearance of the draft conditions of subdivision approval have been completed to the satisfaction of Haldimand County; and a subdivision agreement has been registered on title.

9. **THAT** By-laws # 144-HC-03, 145-HC-03-SP, 998-HC/17 & 999-HC/17 be repealed.

10. **AND THAT** this by-law shall become effective from and after the date of passing thereof.

READ a first and second time this 22nd day of May, 2018.

READ a third time and finally passed this 22nd day of May, 2018.

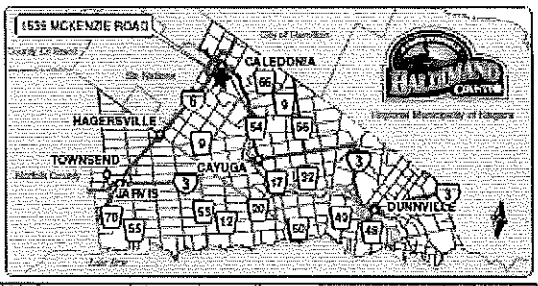
MAYOR

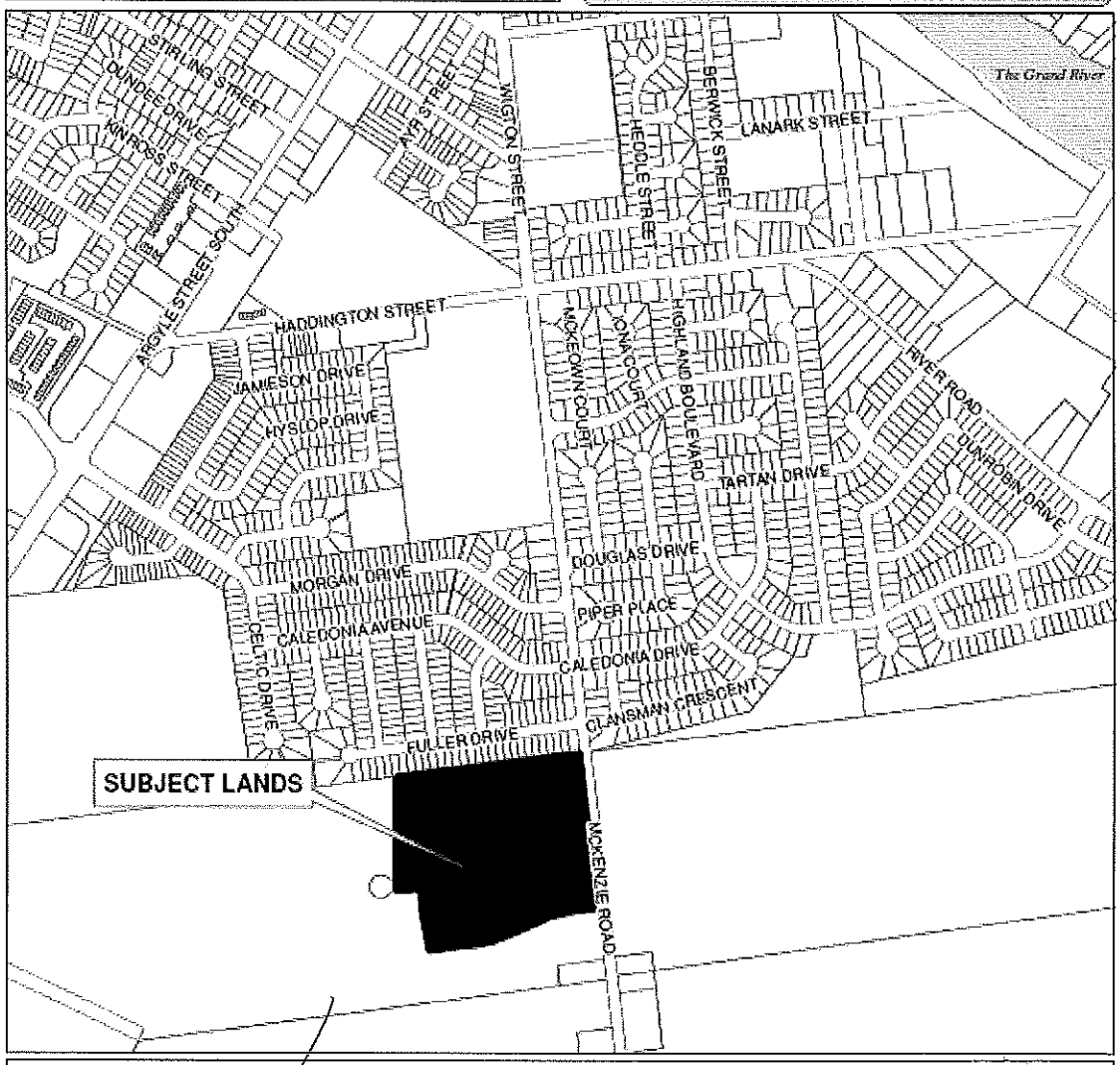
DEPUTY CLERK

Schedule "A"

MAP A - Key Map
Haldimand County
Urban Area of Caledonia
Ward 3

0 75 150 300 450 600 Metres





This is Map A to Zoning By-law 1077-HC/18 Passed the 22nd day of May 2018.

MAYOR

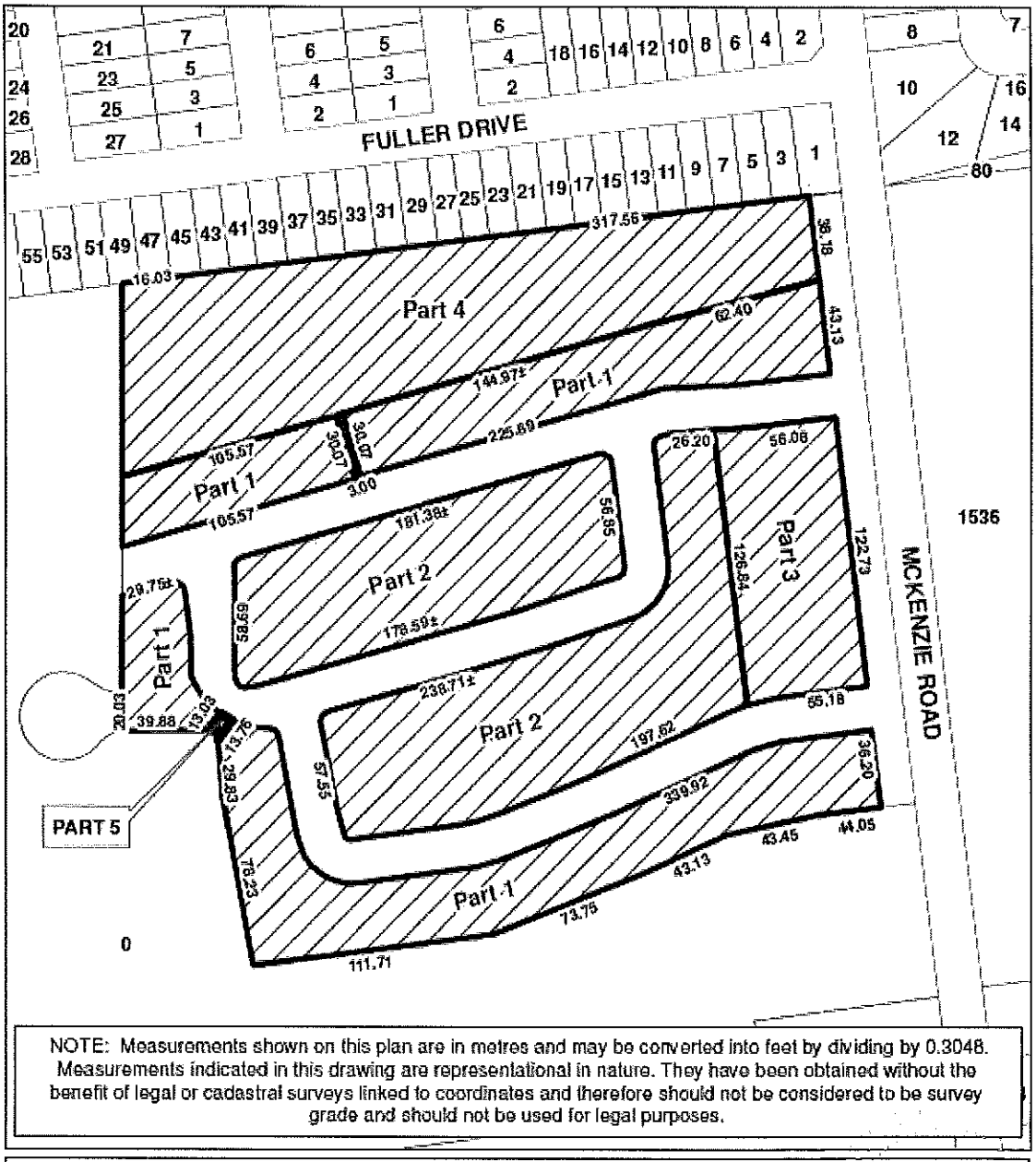
Deputy CLERK

Ref: PLZ-HA-2018-035

MAP B - Detail Map

Haldimand County
Urban Area of Caledonia, Ward 3

SCALE: 1:2,500
0 10 20 30 40
Metres



NOTE: Measurements shown on this plan are in metres and may be converted into feet by dividing by 0.3048. Measurements indicated in this drawing are representational in nature. They have been obtained without the benefit of legal or cadastral surveys linked to coordinates and therefore should not be considered to be survey grade and should not be used for legal purposes.

This is Map B to Zoning By-law 1077-HC/18 Passed the 22nd day of May 2018.

MAYOR

Deputy CLERK

Ref: PLZ-HA-2018-035

PURPOSE AND EFFECT OF BY-LAW NO. 1077-HC/18

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 OND Range WCTR PT LOT 3 RP 18R6318 Parts 1 to 10, now in Haldimand County. The property is known municipally as 1535 McKenzie Road.

The purpose of this by-law is to rezone the subject lands from the current site specific 'Urban Residential Type 1-B-Holding (R1-B-H)' Zone for Part 1 and site-specific 'Urban Residential Type 4-Holding (R4-H)' Zone for Parts 2 and Part 3 to an *amended* site specific 'Urban Residential Type 1-B-Holding (R1-B-H)' Zone for Part 1 and site-specific 'Urban Residential Type 4-Holding (R4-H)' Zone for Parts 2 and Part 3. Part 4 will be re-zoned as 'Open Space-Holding (OS-H)' Zone with a site specific provision that limits the uses to a park, recreational trails and open space only. Further, the subject amendment will repeal the previous by-laws, but carry forward site specific approvals from 2017, and incorporate modified setbacks for porches, decks and stairs; modified garage widths, including the projection of stairs; and establish an increase of height for the townhouses only (i.e. Parts 2 and 3).

The lands are designated Residential within the Haldimand County Official Plan.

Report Number:	PED-PD-21-2018
Zoning File Number:	PLZ-HA-2018-035
Related File Number:	PLZ-HA-2003-501 and PLZ-HA-2016-088
Name:	Foxgate Developments Inc.
Roll No.:	2810.153.004.08250