
HALDIMAND COUNTY

Report PDD-41-2021 Haldimand County Zoning By-law HC 1-2020 Updates For Consideration by Council in Committee on September 14, 2021



OBJECTIVE:

To consider general amendments to the Haldimand County Zoning By-law HC 1-2020 to address provisions that require revision, correct oversights, and ensure that the document is relevant and user friendly.

RECOMMENDATIONS:

1. THAT Report PDD-41-2021 Haldimand County Zoning By-law HC 1-2020 Updates be received;
2. AND THAT the proposed amendments to the Haldimand County Zoning By-law HC 1-2020 be approved for reasons outlined in Report PDD-41-2021;
3. AND THAT the Zoning By-law Amendment attached to Report PDD-41-2021 to amend the Haldimand County Zoning By-law HC 1-2020 be presented for enactment;
4. AND THAT the proposed amendments are deemed to be consistent with the Provincial Policy Statement 2020, the Provincial Growth Plan 2020 and other matters of provincial interest.

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Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

This report is being presented in conjunction with a public meeting to consider general text and mapping amendments to the Haldimand County Zoning By-law HC 1-2020, to correct operational items and improve the functionality of the document. The need for amendments has surfaced after the benefit of using the new County By-law on a day to day basis since its enactment in November 2020. Small errors, inconsistencies, and unintentional exclusions are common after the passage of a new comprehensive zoning by-law and typically surface once staff have had opportunity to utilize the new tool for a period of time.

Planning staff are of the opinion that the proposed amendments are in conformity with the Provincial Policy Statement (2020), complies with the Provincial Growth Plan (2020), conforms to Haldimand County's Official Plan, and maintains the general intent and purpose of the Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons set out within this report. Public notice was posted in the local newspaper within the County's coordinated ad and also through the County's website and social media platforms.

BACKGROUND:

The County's Comprehensive Zoning By-law (By-law) regulates properties and development within the County. The By-law was approved by Haldimand County Council on November 23, 2020 and replaced the County's three (3) previous Zoning By-laws (Town of Dunnville 1-DU 80, Town of Haldimand 1-H 86 and City of Nanticoke NE 1-2000) and created consistency across the municipality. The new By-law represents an updated and flexible document that is reflective of current development trends, ensures consistency across the municipality, and conforms to the policies of the Haldimand County Official Plan and Provincial legislation. The By-law contains updated definitions, permitted uses, zone provisions and mapping.

It is anticipated that with the new document, growing pains are expected and that general amendment reports, such as this one, will be needed from time to time. The amendments are intended to address operational issues and include provisions that were overlooked in the original document. These items were identified through the daily use of the by-law and application to various development applications and inquiries. The series of changes proposed by staff are included in table format in the Analysis section below.

ANALYSIS:

The amendments proposed by staff are generally housekeeping in nature. Given that the changes maintain the intent of the original provisions, whether through additional content, revised content or other, there are no policy implications – either Provincial or local (Official Plan). As such, staff are of the opinion that all changes maintain consistency with all applicable policy.

The changes recommended by staff are as follows with the additions noted in **bold** text and deletions noted in ~~strikethrough~~:

Section	Current Provision	Proposed Change	Comment
3 – Definitions CANNABIS PRODUCTION FACILITY	“CANNABIS PRODUCTION FACILITY” shall mean any building or structure licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, process, export and/or import cannabis for medical or non-medical purposes, including related research as defined an applicable Federal Regulation, as amended from time to time.	“CANNABIS PRODUCTION FACILITY” shall mean any building or structure licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, process, export and/or import cannabis for the commercial production of for medical or non-medical purposes, including related research as defined an applicable Federal Regulation, as amended from time to time.	The change to the definition is to include the wording for the commercial production to distinguish between a commercial facility and personal licenses. This is in keeping with the Health Canada regulations and provides clarity in terms of what the County has authority to regulate.
3 – Definitions “DWELLING, VACATION HOME”	“DWELLING, VACATION HOME” shall mean a dwelling containing only one dwelling unit which is used as a secondary place of residence, on an occasional basis for vacation, recreation and relaxation purposes and where the owner or occupant	“DWELLING, VACATION HOME” shall mean a dwelling containing only one dwelling unit which is used as a secondary place of residence, on an occasional basis from April through October inclusive in the same calendar year for vacation, recreation and relaxation	This inclusion of dates in the definition was used in previous by-laws to create a timeframe for seasonal dwellings and enforce the fact that the dwellings are intended to be used for secondary residential purposes. Also, this assists in the

	of the dwelling has a principal place of residence elsewhere.	purposes and where the owner or occupant of the dwelling has a principal place of residence elsewhere.	transparency that the units are not intended for year-round occupancy. The inclusion of the date range provision was recommended by the County's Solicitor as well as the County's Emergency Services Division to ensure that usage takes place during times of the year most conducive to access.
4.7 Bed and Breakfast Establishments	<p>Bed and breakfast establishments shall be subject to the following provisions:</p> <p>f) a minimum of 40% of the front yard of a lot used for secondary suite purposes shall be provided and maintained as landscaped open space and such open space shall not be utilized for parking space and/or driveway purposes;</p>	<p>f) a minimum of 40% of the front yard of a lot used for the purpose of a bed and breakfast secondary suite purposes shall be provided and maintained as landscaped open space and such open space shall not be utilized for parking space and/or driveway purposes;</p>	<p>This is a modification to the provision to correctly relate to a bed and breakfast. Currently, the provision states a secondary suite which is an error for this section.</p>
4.24 Garden Suites	<p>A garden suite may be permitted by way of a development agreement with the County, and in accordance with the following provisions:</p> <p>a) only one garden suite shall be permitted per lot;</p> <p>b) all location criteria for a garden suite set out in the Official Plan are conformed to and satisfied;</p> <p>c) initial permissions for a garden suite shall be for no longer than ten (10) years, calculated from the date of issuance of a building permit; with extensions permitted on a three (3) year basis to a maximum of twenty (20) years;</p> <p>d) the garden suite shall be located on the same lot as a principal residential use building which shall be a single detached dwelling that</p>	<p>Delete Clause b) and replace with the following:</p> <p>b) the following locational criteria shall be satisfied:</p> <p>i) the garden suite shall be located on the same lot as a single detached dwelling that is legally permitted within the zone;</p> <p>ii) the suite is not placed in the front yard of the house or the required front yard as set out in the Zoning By-law;</p> <p>iii) the suite is compatible with adjacent residential or agricultural properties in terms of aesthetics, privacy and noise;</p> <p>iv) the garden suite is well removed from potential land use conflicts such as animal operations and operating pits or quarries;</p> <p>v) the garden suite is sited near the principal farm</p>	<p>Currently, clause b) refers to locational criteria as identified in the Official Plan; however, the Official Plan is not considered applicable law and is not enforceable from a zoning perspective. By including the provisions (from the Official Plan) in the by-law it provides clear direction and information when a garden suite is proposed and is enforceable. Additionally, the amendment will include the need for a development agreement to outline occupants and associated timelines for placement and use of the unit.</p> <p>The agreement is also being added as a provision to ensure that</p>

	<p>is legally permitted within the zone; and</p> <p>e) where a garden suite is located on a lot, a bed and breakfast establishment, group home, rooming house, secondary suite, or home occupation shall be prohibited on the same lot.</p>	<p>residence or existing dwelling; if situated on a farm;</p> <p>vi) the garden suite does not require additional separate access to a municipal road;</p> <p>vii) the proposed site is capable of being connected to municipal services or can accommodate a water supply system and is serviced by an on-site sanitary sewage system designed and installed as per the Ontario Building Code;</p> <p>viii) the location of the unit shall have regard to the Minimum Distance Separation formulae, from livestock operations on adjacent properties; and</p> <p>ix) there is adequate on-site parking.</p> <p>Add Clause f).</p> <p>f) where a <i>garden suite</i> is to be permitted, an implementing development agreement is required.</p>	<p>the requirement is satisfied.</p>
4.59 Surplus Farm Dwelling Severance Properties	<p>f) for any lands becoming subject to this section, a special provision within the Agriculture (A) Zone of A-[X] shall be added to the appropriate Zoning By-law map Schedule to reference this General Provision and its applicability. These amendments may be permitted from time to time without further public notice being required.</p>	<p>Amend:</p> <p>f) for any lands becoming subject to this section, a special provision within the Agriculture (A) Zone of A-[X]A.1 shall be added to the appropriate Zoning By-law map Schedule to reference this General Provision and its applicability. These amendments may be permitted from time to time without further public notice being required.</p>	<p>This change is to address an oversight in the drafting of the by-law and include a special provision number to link the automatic zoning to the provisions and facilitate the mapping updates.</p>
4.55 Secondary Suites	<p>Detached Secondary Suites (per unit)</p> <p>i) The maximum permitted height for a detached secondary suite shall be 5 metres.</p>	<p>Delete Clause 4.55 i) and replace with the following:</p> <p>i) The maximum permitted height for a detached secondary suite shall be 5 metres in the urban areas and 6.5 metres in the</p>	<p>This change reflects the accessory building height provisions and is keeping consistency between the provisions while maintaining character within the zones. It allows more flexibility for</p>

		Agricultural and Hamlet Residential Zones.	rural properties where distance between lots is greater and higher buildings (e.g. agriculturally related buildings) abound.
4.55 Secondary Suites	<p>Detached Secondary Suites (per unit)</p> <ul style="list-style-type: none"> i) The maximum permitted height for a detached secondary suite shall be 5 metres. ii) Detached secondary suites shall only be permitted on a lot that has a minimum lot area equal to or greater than 1,000 square metres. iii) Detached secondary suites shall comply with the zone provisions and general provisions of the applicable zone category as the principal use on the lot. 	<p>Add:</p> <p>iv) The secondary suite is to be sited in close proximity to the principal farm residence or building cluster, if located on a farm.</p>	The inclusion of this provision will ensure that the unit is located in proximity to the primary dwelling and existing building cluster on the property to minimize the impact to and potential loss of agricultural lands. This is consistent with the approach to garden suites.
4.8 Campgrounds, Tent and Trailer Parks	h) recreational vehicles shall not be occupied on an overnight basis between October 31st and May 1st in any year;	<p>Amend:</p> <p>h) recreational vehicles shall not be occupied on an overnight basis between October 31st and May 1st April 15th in any year;</p>	The provision is proposed to be amended to change the occupancy date of trailers from May 1 st to April 15 th . This will keep consistency with other County requirements, including licencing by-laws and grant the same provisions previously recognized under the Town of Haldimand and Town of Dunnville zoning by-laws. It also increases the flexibility and permits a wider window of use for tent and trailer parks.
5.1 Minimum Number of Parking Spaces	<p>Section 5.1: Minimum Number of Parking Spaces</p> <p>Residential Uses</p> <p>Apartment Dwelling in the Downtown Commercial (CD) Zone:</p>	<p>Amend:</p> <p>Section 5.1: Minimum Number of Parking Spaces</p> <p>Residential Uses</p> <p>0.5 for each dwelling unit (refer to Section 5.1.1 for visitor parking). Notwithstanding, where less than 5 apartment</p>	The change in this section amends the text to read 5 apartments as opposed to 10 parking spaces. As it is currently interpreted and applied, this provision would allow for 20 apartment dwelling units to be

	0.5 for each dwelling unit (refer to Section 5.1.1 for visitor parking). Notwithstanding, where less than 10 parking spaces are required, the required apartment dwelling parking shall be nil.	dwelling units are proposed 10 parking spaces are required , the required apartment dwelling parking shall be nil.	established in the downtown core with zero parking provisions. That was not the intention of the initial provision, which was aimed at affording some leniency to smaller development projects such as those in the range of 5 units. The amendment will reduce this down to 5 units with zero parking requirement. Any additional units would have to accommodate on-site parking.
6.1 Residential Zones – Permitted uses Vacation home dwelling	Permitted RL (Lakeshore Residential Zone)	Add: Note 1: Where a vacation home dwelling is located on a private road, a Limited Servicing Agreement is required.	This amendment will include a note within the permitted uses chart to flag the need for a limited servicing agreement where a vacation home is proposed on a private road. This agreement would be registered on-title to identify that the County may not be able to provide certain services, including emergency services, to the property based on road conditions, weather or other. This requirement has stemmed from a recent legal review of providing development permissions for new dwellings on private roads and represents a municipal best practice which is used in many other Ontario municipalities.
6.1 Residential Zones – Permitted uses	Hamlet Residential (RH)	Add: Garden Suite	Garden Suites are proposed to be included as a permitted use within the RH Zone. Garden suites are an accessory residential component which are appropriate and secondary to single detached dwellings on

			larger lots, which is what a hamlet property allows for.
11.2 Agricultural Zone – Permitted Uses	a) residential uses <ul style="list-style-type: none"> • bed and breakfast establishment • single detached dwelling • secondary suite • home-based business, home office • home-based business, home occupation • home-based business, home industry 	Add: <ul style="list-style-type: none"> • Group home dwelling • Garden Suite 	<p>A group home dwelling is permitted in any zone that allows a single detached dwelling and its exclusion from the list in the Agricultural Zone was an oversight. This provides the clarification within the by-law document and under all zones that allow a single detached dwelling.</p> <p>Additionally, garden suites are being added as a permitted use. This was an omission in the drafting of the by-law as garden suites have traditionally been recognized and utilized in the agricultural area. This amendment will correct the oversight.</p>
11.3 Agricultural Zone	Minimum Lot Area to keep livestock 2 ha	Amend: Minimum Lot Area to keep livestock 2 ha, except for the housing of backyard hens.	<p>This amendment will include the Agricultural (A) zone to also allow the housing of backyard hens on properties that are zoned Agriculture. The way the provision is currently worded it does not allow for any livestock on parcels that are less than 2 hectares. This conflicts with the 'back yard hen' provisions in the By-law and was not the intent (i.e. to restrict this use).</p>

It is noted that these amendments are to deal with the text portion of the by-law and subsequent report will be presented to Council to address mapping component to the Zoning By-law. The mapping items require more specific discussions with property owners, while the text amendments are general in nature and do not directly impact specific parcels. The mapping amendment report is anticipated to be presented to Council in November 2021.

Summary

The zoning provisions were reviewed and considered in context of the Provincial Policy Statement, 2020, the Provincial Growth Plan for the Greater Golden Horseshoe 2020, and the Haldimand County

Official Plan. The Zoning By-law will implement the specific provisions to facilitate growth and development within the municipality. The Zoning By-law is considered to be consistent with the provincial legislation and in conformity with the Haldimand County Official Plan. The Zoning By-law is being passed through the regulations of the *Planning Act*, R.S.O. 1990, c. P.13. The *Planning Act* is provincial legislation and establishes the fundamentals for the land use planning systems in Ontario. It outlines how land uses may be controlled, and sets the administration for transparency and accountability in the planning process. Zoning By-laws are located in Section 34 of the Act. The proposed amendments to Zoning By-law HC 1-2020 have been processed in accordance with the regulations of the *Planning Act*.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

These amendments were raised and discussed through operational use of the by-law by Building and Planning staff. The amendments have been reviewed and are considered to improve the functionality of the by-law and applicability of the provisions.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Draft By-law.