

**THE CORPORATION OF HALDIMAND COUNTY**

By-law Number -HC/23

**Being a by-law to amend Zoning By-law HC 1-2020, as amended, by Haldimand County**

**WHEREAS** Haldimand County is authorized to enact this by-law, by virtue of the provisions of Section 34 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 all within the municipal boundaries of Haldimand County.
2. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020, as amended, be further amended by deleting the definition for AGRICULTURE USE, ON-FARM DIVERSIFIED in its entirety and replace with the following:

AGRICULTURE USE, ON-FARM DIVERSIFIED shall mean uses that are secondary to the principal *existing agricultural use* of the property, and are limited in area. . *On-farm diversified agriculture uses* may include but are not limited to, *home occupations, home industries*, agri-tourism uses, and the uses that produce value-added agricultural products.

3. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020, as amended, be further amended by deleting the definition for DWELLING, APARTMENT in its entirety and replace with the following:

DWELLING, APARTMENT shall mean a dwelling containing multiple dwelling units with a shared or common entrance.

4. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020, as amended, be further amended by deleting the definition for STREET, IMPROVED in its entirety and replace with the following:

STREET, IMPROVED shall mean a *street*, excluding a *private road* or *private right-of-way*, as defined herein which has been constructed and is maintained in such a manner so as to facilitate its year-round use by automotive traffic and is intended to provide automotive access to abutting land.

5. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020, as amended, be further amended by adding the following definition for FARM BUILDING CLUSTER:

FARM BUILDING CLUSTER shall mean the grouping of one or more farm related buildings and farm dwelling(s) in an arrangement which maximizes the agricultural area and potential of the farm lot.

6. **AND THAT** Section 4.2 Accessory Uses, Buildings and Structures to Residential Uses of By-law HC 1-2020, as amended, be further amended by deleting 4.2 j) and replacing with the following:

j) a detached pergola or similar *structure* less than 16 square metres in area is not subject to the provisions of 4.2 'a' to 'i'.

7. **AND THAT** Section 4.3 Accessory Uses, Buildings and Structures to Non-Residential Uses of By-law HC 1-2020, as amended, be further amended by deleting 4.3 d) and replacing with the following:

d) a detached pergola or similar *structure* less than 16 square metres in area is not subject to the provisions of 4.3 'a' to 'c'.

8. **AND THAT** 4.14 - Conversion of a Vacation Home Dwelling for Permanent Occupancy of By-law HC 1-2020, as amended, be further amended by revising the provision to include a notwithstanding clause as follows:

Notwithstanding Provision 4.41.7, the conversion of a *vacation home dwelling* or seasonal *dwelling*, for permanent occupancy as a *single detached dwelling* may be *permitted* provided that:

9. **AND THAT** Section 4.20 Exemptions from Yard Provisions of By-law HC 1-2020, as amended, be further amended by deleting 4.20 g) and replacing with the following:

g) window or wall-mounted furnaces, heat pumps, gas fireplace vents and outdoor free-standing air conditioning units may project into any required rear yard, interior side yard, or exterior side yard a distance of not more than 1.5 metres and provided it is no closer than 6.0 m to a rear lot line or 1.5 m to an interior or exterior lot line; and

10. **AND THAT** Section 4.23 Frontage on an Improved Street of By-law of By-law HC 1-2020, as amended, be further amended by adding the following provision:

- e) notwithstanding the above provisions, a lot with access via a *private road* or *private right-of-way* which contains an existing permitted use, shall be permitted to have an accessory building or structure, subject to subsection 4.2.
11. **AND THAT** Section 4.25 Garden Suites of By-law HC 1-2020, as amended, be further amended by deleting provision 4.24 – Garden Suites iii).
12. **AND THAT** Section 4.33 – Location of an Animal Kennel of By-law HC 1-2020 be amended by deleting 4.33 c) and replacing with the following:
- c) 125 metres from an IC, IN, IR, OS, or A Zone or any residential use located on a separate lot, however, this shall not apply to an abandoned cemetery;
13. **AND THAT** Section 4. 55 – Outdoor Patio of By-law HC 1-2020, as amended, be further amended by deleting Section 4.55 d) and replacing with the following:
- d) Any temporary *outdoor patio* on private property that is operated on a seasonal basis from April 1<sup>st</sup> to November 30<sup>th</sup> in any given calendar year is not required to provide additional *parking spaces*. Any such temporary *outdoor patio* may occupy a maximum of three existing *parking spaces*, up to a maximum of 50% of the total *required spaces* under Section 5.1 without the need for relief from this By-law.
14. **AND THAT** Section 4.52 Railways and Setback from Railways Schedule “A” of By-law HC 1-2020, as amended, be further amended by deleting Section 4.52 i) and replacing with the following:
- i) for any residential or institutional use (excluding a *cemetery*), 30 metres from a main rail line and 15 metres from all other rail lines;
15. **AND THAT** Section 5.1 – Minimum Number of Required Parking Spaces – Outdoor Patio of By-law HC 1-2020, as amended, be further amended, by deleting the parking provisions for Outdoor Patio parking provisions.
16. **AND THAT** Section 5.2.8 – Residential Parking Driveway Requirements of By-Law 1-2020 as amended, be further amended by deleting Section 5.2.8 e).
17. **AND THAT** Section 6.2c - Zone Provisions for Residential Zones: Minimum Amenity of By-law 1-2020 as amended, be further amended by adding the following:
- Amenity Area: 20 sq. m per dwelling unit

18. **AND THAT** Section 6.2a and c – Zone Provisions for Residential Zones Minimum Gross *Floor Area* for Urban Residential Type 1 (R1-A), Urban Residential Type 2 (R2); Urban Residential Type 3 (R3); Urban Residential Type 4 (R4); Urban Residential Type 5 (R%); Urban Residential Type 6 (R6) and Hamlet Residential (RH) By-Law 1-2020 as amended, is hereby further amended by deleting the provision relating to Minimum Gross *Floor Area*.

19. **AND THAT** Section 7.3 Zone Provisions for the Commercial Zones Minimum Amenity Area of By-law HC 1-2020, as amended, be further amended for the Downtown Commercial (CD) zone by including the following provision:

Amenity Space - 20 sq. m per dwelling unit

20. **AND THAT** Subsections 6.395 1.vii; 36.395 2.vi; 36.469 6.v; 36.469 7.vi; 6.4.1.2.1 R1-B.1.j; 6.4.4.2 R4.2.j Special Exceptions of By-law HC 1-2020, as amended, be further amended by deleting the respective sections and replacing with the following:

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 *required rear yard* is restricted to a maximum size of 3.1 metres by 2.5 metres.

21. **AND THAT** Section 7.2 Permitted Uses in the Commercial and Mixed Use Zones of By-Law 1-2020, as amended, Table 7.1 be further amended for the General Commercial (CG) zone to permit the following use:

b) *Farmers Market*

22. **AND THAT** Section 9.2 Permitted Uses in the Permitted Uses in the Institutional Zones of By-Law 1-2020, as amended, Table 9.1 be further amended for the Neighbourhood Institutional (IC) zone to permit the following use:

b) Farmers Market

23. **AND THAT** Section 10.2 Permitted Uses in the Permitted Uses in the Open Space and Wetland Zones of By-Law 1-2020, as amended, Table 10.1 be further amended for the Open Space (OS) zone to permit the following use:

b) Farmers Market

24. **AND THAT** this by-law shall come into force in accordance with the provisions of the *Planning Act*.

READ a first and second time this 27<sup>th</sup> day of March, 2023.

READ a third time and finally passed this 27<sup>th</sup> day of March, 2023.

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MAYOR

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CLERK

**PURPOSE AND EFFECT OF BY-LAW -HC/23**

This amendment is to complete updates and general amendments to the Haldimand County Zoning By-law HC 1-2000 to regulate the use of land and *buildings* and the massing, location, height and character of buildings and structures for all lands within Haldimand County. All properties within the County are subject to the provisions of this Zoning By-law.

Report Number: PDD-05-2023