
HALDIMAND COUNTY

Report PDD-21-2023 Zoning By-law HC 1-2020 Update - General Amendments 2023



For Consideration by Council in Committee on December 12, 2023

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-21-2023 Zoning By-law HC 1-2020 Update - General Amendments 2023, 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-21-2023;
3. AND THAT the by-laws attached to Report PDD-21-2023 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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Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Cathy Case, 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. Similar general amendments have been completed over the last several years.

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. Several similar general amendment reports have been presented to Council over the last two years. 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 general 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
1.5.4 Site Plan Control	Pursuant to Section 41 of the <i>Planning Act</i> , R.S.O. 1990, c.P.13, as amended, the following zones are declared as site plan control areas and are subject to the provisions of Section 41 of the Planning Act: R3, R4, R5, R6, CD, CG, CN, CH, CM, CS, CRMG, MH, ML, MM, MR, MD, MX, IC, IN, IR, OS.	Site Plan Control will also apply to Public utility services, including transformer or similar utility service building or structure located within the A Zone.	The amendment will include public utility installations and facilities, including battery and energy storage facilities that are located in the Agricultural (A) zone. Currently Site Plan control does not apply to these types of developments and the County has no review/approval authority with respect to key technical details (visual buffers, grading/drainage) - this inclusion will rectify this situation.

SECTION	CURRENT PROVISION	PROPOSED CHANGE	COMMENT
3 – Definitions BALCONY	shall mean an outside platform projecting from the wall of a dwelling and located above the height of the floor of the first storey.	shall mean an standalone , outside platform projecting from the wall of a dwelling or structure, is not an attached balcony and not otherwise connected to a porch , and located above the height of the floor of the first storey.	The definition change is to recognize a balcony as a unique structure and to differentiate a balcony that is separate from one that is attached to a deck or unenclosed porch and is in conjunction with the proposed amendment to the definition to a Deck or Unenclosed Porch as noted in the next item.
3 – Definitions DECK OR UNENCLOSED PORCH	shall mean a structure at the front, side or rear of a building which exceeds average height of 0.3 metres above grade level, may be attached or detached from the main building and which may be covered by a roof with or without supporting columns provided the deck or porch remains unenclosed by walls, windows or screening.	shall mean a structure at the front, side or rear of a building which exceeds average height of 0.3 metres above grade level, may be attached or detached from the main building and which may be covered by a roof with or without supporting columns provided the deck, or porch or attached balcony remains unenclosed by walls, windows or screening.	This amendment adds the wording “or attached balcony” to clarify the definition and recognize that a balcony on top of an attached porch is considered part of the porch and permitted within the encroachment allowance.
3 – Definitions ANIMAL KENNEL	shall mean a place where domestic pets are kept, raised, boarded or trained.	<p>“Kennel” shall mean a Purebred Kennel and Commercial Kennel and includes:</p> <ol style="list-style-type: none"> 1. any premise of such an establishment, in which more than two (2) dogs over sixteen (16) weeks of age, are bred, or 2. any premise of such an establishment in which more than five (5) dogs are boarded or trained, 3. any premise of such an establishment in which more than five (5) dogs are kept as Rescue Dogs, 4. but does not include: <ol style="list-style-type: none"> i. a veterinary clinic or veterinary hospital; ii. a public pound or animal shelter used by the County for impounding animals; 	This amendment proposes to change the definition of Kennel to be in-line and consistent with the changes also proposed to the Animal Control By-law. This will clarify the description of kennel and what classifies under the use. Additionally, the need for clarification of this provision was identified as part of a recent Ontario Land Tribunal hearing and items raised through the discussion and negotiation relating to potential gaps in the Zoning By-law.

SECTION	CURRENT PROVISION	PROPOSED CHANGE	COMMENT
		<ul style="list-style-type: none"> iii. any premises licensed under any statute of the Province of Ontario or the Government of Canada, which permits the keeping of dogs and other animals under certain conditions; iv. a pet shop; v. a dog(s) kept as a pet(s), or companion dog. 	
3 – Definitions RESCUE DOG	N/A	shall mean a dog which has been seized from an owner or was otherwise homeless or abandoned, and is subsequently hosted, sheltered or harbored for sanctuary or protective care purposes.	Proposed new definition to be included within the Zoning By-law and in line with the amendments and updates to the Animal Control By-law and provide a framework that integrates the two by-law documents.
3 – Definitions “ACCESSORY BUILDING OR STRUCTURE”	shall mean a detached building or structure used for an accessory use, such as a detached private garage or the storage or shelter of materials, equipment or other items, but shall not contain a dwelling unit or a habitable room other than a secondary suite.	shall mean a detached building or structure used for an accessory use, such as a detached private garage or the storage or shelter of materials, equipment or other items, or a standalone secondary suite. but shall not contain a dwelling unit or a habitable room other than a secondary suite.	The change in this definition is to recognize secondary suites within the description for an accessory building as the Zoning By-law does permit one secondary suite in an accessory building. This also establishes setbacks for the building. This change clarifies intent to support secondary suites in accessory buildings.
3 – Definitions LOT LINE, FRONT	d) in the case of a through lot, the nearer street line to the main building,	d) in the case of a through lot, the nearer street line to the main building. For lots with frontage on both an open municipal road and on a private laneway, the frontage is on the <i>improved street</i>.	The addition of the second part of definition will clarify the defined frontage and allow for consistent application of the provision. By stating that the frontage is the improved street, it will establish a uniform application of the setbacks and street line.
3 – Definitions	shall mean a lot with two or more opposite lot lines being contiguous with the	shall mean a lot with two or more opposite lot lines being contiguous with the street line,	Similar to the above definition for Lot Line, Front, this amendment

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"THROUGH LOT"	street line, other than a corner lot, unless three or more lot lines of a corner lot are contiguous with a street line.	other than a corner lot, unless three or more lot lines of a corner lot are contiguous with a street line. For lots with frontage on both an open municipal road and on a private laneway, the frontage on the <i>improved street</i>.	will create consistency and clarity for application of the provisions.
3 – Definitions "RESTAURANT"	shall mean a building or part of a building wherein food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere. This definition includes a licensed dining room, a cafe, and a tearoom. A restaurant may contain an outdoor patio or cafe.	"RESTAURANT" shall mean an establishment where food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere. This definition may include a dining room, café, lunch counter, tearoom, coffee shop, or mobile food premise. A restaurant may also contain an outdoor patio or cafe.	The proposed amendment will see a new definition for Restaurant. This change is intended to be more encompassing for the different types of establishments and also to provide flexibility by removing the word "building" to allow for different types of operations (e.g. mobile food units). This change will also incorporate all types of restaurants within the definition.
3 – Definitions "RESTAURANT, DRIVE-THROUGH" "RESTAURANT, FAST FOOD" "RESTAURANT, TAKE-OUT"	<p>"RESTAURANT, DRIVE-THROUGH" shall mean an establishment where food is offered for sale or sold to the public for consumption within a motor vehicle parked on the premises.</p> <p>"RESTAURANT, FAST FOOD" shall mean a building or part of a building wherein food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere and where patrons order, obtain and pay for their food from a counter and/or a drive-through window. This definition includes a cafeteria, a lunch counter and a coffee shop.</p> <p>"RESTAURANT, TAKE-OUT" shall mean a building or part of a building wherein prepared food is</p>	All definitions to be deleted.	The intention is to delete all 3 definitions relating to a drive-through; fast food; and take-out restaurant. The classification into the different types of restaurants has created confusion and unnecessary complications with respect to interpretation and application. A singular definition for Restaurant is proposed.

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	offered for sale or sold to the public for immediate consumption in places other than in the building where the food is prepared.		
3 – Definitions MOBILE FOOD PREMISE	shall mean a vehicle or other itinerant food preparation premise from which food prepared therein is offered for sale to the public.	shall mean a vehicle, trailer or other itinerant food preparation premise from which food prepared therein is offered for sale to the public.	The proposed amendment will include the word trailer to the definition to incorporate clarity for mobile food operations.
4.2 Accessory Uses, Buildings and Structures to Residential Uses	d) be nearer than 1.0 metres of a lot line within an interior side yard or 1.0 metres of an interior lot line within a front yard;	d) be nearer than 1.0 metres of a lot line within an interior side yard or rear yard or 1.0 metres of an interior lot line within a required front yard;	This change sees the addition of rear yard for the setback to ensure that there is a provision that requires a minimum setback for accessory buildings to the rear lot line and also restricting an accessory building within the required front yard setback. Currently these provisions are not included within the By-law – this is rectifying a gap in the By-law.
4.2 Accessory Uses, Buildings and Structures to Residential Uses	f) occupy more than 10% of the lot area to a maximum of 75 square metres of useable floor area, whichever is lesser, for all accessory buildings or structures together, in the R1, R2, R3, R4, RL residential Zones; 100 square metres of building area on those lots measuring 0.4 hectares or less in all other zones where the use is permitted, and 200 square metres of building area on those lots measuring 0.4 hectares or more in all other zones where the use is permitted. Swimming pools shall not constitute a structure for the purposes of this provision;	f) occupy more than 10% of the lot area to a maximum of 75 square metres of building area square metres of useable floor area , whichever is lesser, for all accessory buildings or structures together, in the R1, R2, R3, R4, RL residential Zones; 100 square metres of building area on those lots measuring 0.4 hectares or less in all other zones where the use is permitted, and 200 square metres of building area on those lots measuring 0.4 hectares or more in all other zones where the use is permitted. Swimming pools shall not constitute a structure for the purposes of this provision. A detached secondary suite area shall be included within the total lot coverage for a property.	The proposed amendment in this section amends the wording from useable floor area to building area to ensure consistency through the provision and uniform application of the requirement. The building area is also used in the Ontario Building Code and evaluates the building footprint or envelope for the accessory building – so, this creates consistency of terms and application. It also includes wording to identify that secondary suites, when detached from the primary dwelling, shall be

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			included within the lot coverage.
4.55 Secondary Suites – General Provision	Setback for secondary suite in an accessory building = N/A	v) be nearer than 1.0 metres of a lot line within an interior side yard or rear yard vi) shall not occupy any part of a required exterior side yard or required front yard of the zone where the use is permitted	Currently the setback provisions for a secondary suite are not clearly identified, and the addition to the Secondary Suite section will specifically outline the location requirements. These provisions are inline with the provisions for accessory buildings and are necessary to ensure proper separations occur from abutting properties.
4.55 Secondary Suites – General Provision	iv) The secondary suite shall be located within 30 metres of the primary residence or farm building cluster, if located on a farm.	vi) The secondary suite shall be located within 30 45 metres of the primary residence or farm building cluster, if located on a farm.	To provide additional flexibility and location opportunities for secondary suites, this also takes into account separation to septic systems.
4.55 Secondary Suites – Parking (per unit)	i) In addition to the parking requirements for the principal dwelling in accordance with the provisions of Section 5.0, the required additional parking spaces for a secondary suite shall be located on the same lot, in accordance with the following:	In addition to the parking requirements for the principal dwelling in accordance with the provisions of Section 5.0, the required additional parking spaces for a secondary suite shall be located on the same lot, in accordance with the following: <ul style="list-style-type: none"> That the minimum parking dimension for the permitted secondary suite may have a <i>parking space</i> dimension of 2.75 metres X 5.2 metres 	This amendment to the minimum parking standard will apply only for the space associated with secondary suites and will provide opportunity and flexibility for additional dwelling units to be provided, while still providing a functional space for the residential use and recognize on-site accommodate of the parking.
4.6 Backyard Hens	The housing of hens shall be permitted on a lot in the Hamlet Residential zone subject to the following provisions	The housing of hens shall be permitted on a lot in the Hamlet Residential (RH) or Agricultural (A) zone subject to the following provisions...	The amendment provides opportunity to accommodate backyard hens on properties within the A zone which is appropriate.
4.22 Mobile Food Premises	A mobile food premises may be erected and/or operated, on a temporary basis, in any Public Park as provided for within the	A mobile food premises may be erected and/or operated, on a temporary basis on a County-owned property, in any Public Park as provided for within the	The mobile food premise section is intended only to apply to County properties and be permitted for special

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	Public Parks and Facilities By-law and in all other zones, excluding Residential zones, provided that such mobile food premises is erected and/or operated in association with a Council approved special event or has otherwise been authorized or licensed to operate within the County.	Public Parks and Facilities By-law and in all other zones, excluding Residential zones, provided that such mobile food premises is erected and/or operated in association with a Council approved special event. or has otherwise been authorized or licensed to operate within the County.	events. The proposed change is intended to provide clarity for the section as to when it can apply. This will permit food trucks on a temporary basis at parks and other County properties that are associated to a special event, such as a festival or function. Food trucks as a general use on private lands are permitted wherever a Restaurant is permitted. This has been introduced through the above noted change to the Restaurant definition.
4.33 Location of An Animal Kennel	An Animal Kennel shall not be located closer than: 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;	i) An Animal Kennel shall not be located closer than: c) 125 metres from an IC, IN, IR, OS zone or any residential use, including outdoor amenity area, located on a separate lot in the A Zone or any residential use located on a separate lot , however, this shall not apply to an abandoned cemetery;	The amendment for the kennels is to separate the residential component, in particular within the Agricultural area, and distinguish where the setback distance should be measured from. Need for this change to clarify the intent of the provision was identified as part of a recent OLT hearing
4.33 Location of An Animal Kennel	Minimum lot size = N/A	ii) The Minimum Lot Area for an Animal Kennel shall be 2.0 hectares	Currently, within the Zoning By-law there is no minimum lot area requirement for a kennel, whereas, there is such a requirement for the keeping of other animals (livestock). This provision proposes to establish the minimum required lot size and creates consistency in how properties are considered for accommodating all animal types. This is also to address items

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			raised as part of a recent Ontario Land Tribunal hearing and potential gaps within the document relating to kennels. This will also assist with the separation of the use to other potentially sensitive uses.
4.61 Temporary Dwelling	<p>b) the use of a recreational vehicle as a principal place of residence on a parcel of land containing a principal dwelling and where said principal dwelling is being demolished and replaced with a new principal dwelling. The permission for the recreational vehicle residency is limited to a maximum of one year. Any time limit beyond 1 year would require a temporary use by-law, and</p> <p>c) the use of an existing principal dwelling where said dwelling is to be demolished and replaced with a new principal dwelling. Occupancy of the existing principal dwelling is permitted during the construction of the new principal dwelling on the same lot with an upscale time limit of one year or when the new dwelling is occupied, whichever is less.</p>	<p>b) the use of a recreational vehicle as a principal place of residence on a parcel of land containing a principal dwelling and where said principal dwelling is being demolished and replaced with a new principal dwelling, or where the existing dwelling is being renovated to the extent that the dwelling is uninhabitable. The permission for the recreational vehicle residency is limited to a maximum of one year. Any time limit beyond 1 year would require a temporary use by-law, and</p> <p>c) the use of an existing principal dwelling where said dwelling is to be demolished and replaced with a new principal dwelling or where the existing dwelling is being renovated to the extent that the dwelling is uninhabitable. Occupancy of the existing principal dwelling is permitted during the construction of the new principal dwelling on the same lot with an upscale time limit of one year or when the new dwelling is occupied, whichever is less.</p>	Adding the opportunity for temporary accommodation to apply also for renovations to an existing dwelling. Provides additional flexibility for property owners during extensive or significant renovations.
5.1 – Minimum Number of Required Parking Spaces Group Home Dwelling	1 parking space per 3 supervised group home residents that can be accommodated in the group home dwelling, in addition to the required parking spaces for the dwelling	1 parking space per 3 supervised group home residents that can be accommodated in the group home dwelling, in addition to the required parking spaces for the dwelling	Remove the requirement for parking for the single detached dwelling (2 additional spaces) because when converted or used for a group home, the function as a single detached dwelling is

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			removed. Do not have the 2 uses occurring at the same time.
5.2.3 Parking Space Dimensions	a) Every parking space shall be based upon a rectangular shape having a width of 3.0 metres and a depth of 5.8 metres.	a) Every parking space shall be based upon a rectangular shape having a width of 3.0 2.75 metres and a depth of 5.8 metres.	The proposed amendment represents a move to contemporary parking standards that are used by many Ontario municipalities, including those surrounding Haldimand. The reduction in the width would still place Haldimand on the higher end of the range (most sit at 2.7 metres) and is a suitable width to accommodate small to large vehicles. In residential areas, this will facilitate the ability to better accommodate on-site parking, especially in more dense contemporary subdivisions. It also allows for less area to be dedicated to asphalt, which when combined over all developments moving forward would allow for more permeable (green) surface and benefits to drainage and stormwater management.
5.2.3 Parking Space Dimensions	b) Notwithstanding anything to the contrary, where the length of a parking space is located adjacent to a wall or fence said parking space shall have a width of 3.3 metres and a depth of 5.8 metres.	b) Notwithstanding anything to the contrary, where the length of a parking space is located adjacent to a wall or fence said parking space shall have a width of 3.3 metres and a depth of 5.8 metres.	Similar to the minimum width above, this provision would adjust the minimum width adjacent to a wall or fence from 3.3 metres (10.8 feet) to 3.0 metres (9.8 feet). The resultant stall dimension still allows for ample space to open a vehicle door.
6.2a Zone Provisions for the Residential	R1-B = 65 sq. m R1-C = 55 sq. m RL = 65 sq. m	Remove the minimum requirement from the Zoning By-law	This is a housing amendment to remove the remaining gross floor area minimums

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Zones - Gross Floor Area			from the By-law. It was removed previously from other zones, and this will keep the consistency in the document. Minimum floor areas for residential dwellings are also regulated through the Ontario Building Code and not required to be engrained in a municipal zoning by-law.
7.1 Permitted uses in the Commercial and Mixed Use Zones	Restaurant Restaurant, drive-thru Restaurant, fast food Restaurant, take-out	Restaurant Restaurant, drive-thru Restaurant, fast food Restaurant, take-out Note: (4) *drive-throughs not permitted within the CD Zone	The proposal will amend the By-law to only have one definition and use for restaurants. This will reduce confusion for the interpretation of the different types of restaurants and provide flexibility for the operation of such uses. It is noted that restaurants are to be permitted in all commercial zones, however, drive-throughs will continue to not be permitted in "Downtown Commercial (CD) zone".
10.1 Permitted Uses in the Open Space and Wetland Zone	N/A	Open Space - Parking lot or structure	Permit a parking lot or structure within the Open Space OS.

Mapping Amendments

PROPERTY	CURRENT ZONE	PROPOSED ZONE	COMMENT
153.002.15035	Open Space (OS)	Community Institutional (IC)	This zone change is for a parcel within Hagersville, and part of Grant Kett Park (adjacent to the arena). The property functions as part of the park facility, however, has a different zone than the balance of the lands. This amendment will create a single and

			consistent zone for the whole of the County facility lands. These lands will also be part of the new library and active living centre development and thus is it sensible to have a consistent zone apply to the different parts of that project.
152.005.19600	Rural Institutional (IR)	Marine Commercial (CM)	This zone change relates to the property at 2305 Haldimand Highway 54 (Harrison Landing Marina). As part of the mapping generated for the new County Zoning By-law, this property had the zoning inadvertently changed to. This amendment will rectify that mapping error and re-establish the proper CM zoning for the property that has and continues to function as a marina.

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:

The proposed amendments have been discussed and prepared through extensive discussing between Building and By-law Enforcement staff and Planning and Development staff. Also, the affect

properties have been advised of the changes. 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

REFERENCES:

None.

ATTACHMENTS:

1. Draft Zoning By-law text amendments.
2. Draft Zoning By-law mapping amendments – Hagersville Park.
3. Draft Zoning By-law mapping amendments – Haldimand Hwy. 54.