

**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 1.5.4 – Site Plan Control) of By-law HC 1-2020 be amended by adding the following statement:

Site Plan Control will also apply to Public utility services, including transformer or similar utility service building or structure located within the A Zone.

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

“BALCONY” shall mean a standalone, outside platform projecting from the wall of a *dwelling* or *structure*, not otherwise connected to a porch, and located above the height of the floor of the *first storey*.

4. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definition for DECK OR UNENCLOSED PORCH in its entirety and replacing with the following:

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, porch or attached balcony remains unenclosed by walls, windows or screening.

5. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definition for ANIMAL KENNEL in its entirety and replacing with the following:

ANIMAL KENNEL shall means a Purebred Kennel and Commercial Kennel and includes:

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:
    - i. a veterinary clinic or veterinary hospital;
    - ii. a public pound or animal shelter used by the County for impounding animals;
    - 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
6. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by adding the following definition for RESCUE DOG:
- RESCUE DOG 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.
7. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definition for ACCESSORY BUILDING OR STRUCTURE in its entirety and replacing with the following:
- 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, or a standalone *secondary suite*.
8. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definition for LOT LINE, FRONT d) in its entirety and replacing with the following:
- LOT LINE, FRONT 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 *improved street*.

9. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definition for THROUGH LOT in its entirety and replacing with the following:

THROUGH LOT shall mean a lot with two or more opposite lot lines being contiguous with the *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 *lane*, the frontage on the *improved street*.

10. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definition for RESTAURANT in its entirety and replacing with the following:

“RESTAURANT” shall mean an establishment where food is offered for sale or sold to the public for immediate consumption either within the establishment 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*.

11. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definitions for “RESTAURANT, DRIVE-THROUGH, RESTAURANT, FAST FOOD and RESTAURANT, TAKE-OUT.

12. **AND THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by deleting the definition for MOBILE FOOD PREMISE in its entirety and replacing with the following:

MOBILE FOOD PREMISE shall mean a vehicle, trailer or other itinerant food preparation premise from which food prepared therein is offered for sale to the public.

13. **AND THAT** Section 4.2 Accessory Buildings or Structures to Residential Uses of By-Law HC 1-2020 be amended by deleting 4.2 d) and replacing with the following:

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*;

14. **AND THAT** Section 4.2 Accessory Buildings or Structures to Residential Uses of By-Law HC 1-2020 be amended by deleting 4.2 f) and replacing with the following:

f) occupy more than 10% of the *lot area* to a maximum of 75 square metres of building 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.

15. **AND THAT** Section 4.55 Secondary Suites – General Provisions, of By-Law HC 1-2020 be amended by adding the following:

- 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.

16. **AND THAT** Section 4.55 Secondary Suites – General Provisions, of By-Law HC 1-2020 be amended by revising the following:

- iv) The *secondary suite* shall be located within 45 metres of the primary residence or *farm building cluster*, if located on a farm.

17. **AND THAT** Section 4.55 Secondary Suites – Parking (per unit) i), of By-Law HC 1-2020 be amended by revising the following provision:

- That the minimum parking dimension for the permitted secondary suite may have a *parking space* dimension of 2.75 metres X 5.2 metres

18. **AND THAT** Section 4.6 Backyard Hens of By-Law HC 1-2020 be amended as follows:

The housing of hens shall be *permitted* on a *lot* in the Hamlet Residential (RH) or Agricultural (A) zone subject to the following provisions:

19. **AND THAT** Section 4.22 Mobile Food Premises of By-Law HC 1-2020 be amended by deleting and replacing with the following:

*A mobile food premises* may be operated, on a temporary basis on a County-owned property, in all zones, excluding Residential zones, provided that such *mobile food premises* is erected and/or operated in association with a Council approved special event.

20. **AND THAT** Section 4.33 Location of An Animal Kennel i) c) of By-Law HC 1-2020 be amended by deleting and replacing with the following:

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*, however, this shall not apply to an abandoned cemetery;

21. **AND THAT** Section 4.33 Location of An Animal Kennel of By-Law HC 1-2020 be amended by adding the following provision:

- ii) The Minimum *Lot Area* for an *Animal Kennel* shall be 2.0 hectares

22. **AND THAT** Section 4.61 Temporary Dwelling b) and c) of By-Law HC 1-2020 be amended by deleting and replacing with the following:

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

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.

23. **AND THAT** Section 5.1 – Minimum Number of Required Parking Spaces, Group Home Dwelling of By-Law HC 1-2020 be amended by deleting and replacing with the following:

- 1 parking space per 3 supervised group home residents that can be accommodated in the group home dwelling

24. **AND THAT** Section 5.2.3 – Parking Space Dimensions a) of By-Law HC 1-2020 be amended as follows:

a) Every parking space shall be based upon a rectangular shape having a width of 2.75 metres and a depth of 5.8 metres.

25. **AND THAT** Section 5.2.3 – Parking Space Dimensions b) of By-Law HC 1-2020 be amended as follows:

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 metres and a depth of 5.8 metres

26. **AND THAT** Section 6.2a – Zone Provisions for the Residential Zones – Gross Floor area) of By-Law HC 1-2020 be amended by deleting the minimum gross floor area requirements for the R1-B; R1-C and RL zones.

27. **AND THAT** Section 7.2 – Table 7.1: Permitted Uses in the Commercial and Mixed Use Zones of By-Law HC 1-2020 be amended by deleting Restaurant, drive-thru, Restaurant, fast food and Restaurant, take-out from the list of uses.

28. **AND THAT** Section 7.2 – Table 7.1: Permitted Uses in the Commercial and Mixed Use Zones of By-Law HC 1-2020 be amended by adding (4) to *Restaurant* use CD Zone, with the following being added to the Notes section below of the By-law:

(4) \*drive-thrus shall not be permitted within the CD Zone

29. AND THAT Section 10.1 – Table 10.1: Permitted Uses in the Open Space and Wetland Zones, Uses (c) be amended by permitted a *Parking Lot or Structure* in the OS Zone

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

READ a first and second time this 18<sup>th</sup> day of December, 2023.

READ a third time and finally passed this 18<sup>th</sup> day of December, 2023.

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MAYOR

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CLERK

**PURPOSE AND EFFECT OF BY-LAW /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.

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