

## THE CORPORATION OF HALDIMAND COUNTY

By-law Number -HC/25

### 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. **THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by adding the following definition:

**“ACCESSORY BUILDING OR STRUCTURE, ATTACHED”** shall mean a portion of a *building* or *structure*, not used for human habitation, unless it has been approved as an *additional residential unit*, the use of which is naturally and normally incidental to, subordinate to, and exclusively devoted to a principal use and attached to the primary residential dwelling.

3. **THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by adding the following definition:

**“DWELLING”** shall mean a building containing one or more dwelling units used or intended to be used for human habitation but excludes a motor home, mobile home, or bunkhouse. A dwelling may include an attached private garage. To be considered attached, the building or structure may include a covered walkway, with a maximum width and length of 2 metres, open on all sides from the eaves of the roof to the ground, connecting two or more *structures* on the same *lot*.”

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

**“DWELLING, APARTMENT”** shall mean a building containing multiple dwelling units with or without a shared or common entrance.”

5. **THAT** Section 3 (Definitions) of By-law HC 1-2020 be amended by adding the following definition:

**“DATA CENTRE”** shall mean *a building or cluster of buildings used to house computer systems and associated components for data input, processing and storage.*

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

**“ADDITIONAL DWELLING UNIT”** shall mean a self-contained living accommodation for an additional *person* or *persons* living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located within the primary *dwelling* on the *lot* or in an attached or detached accessory *structure* on the lot.

7. **THAT** By-law HC 1-2020 be amended by deleting any reference of SECONDARY SUITE therein, and replacing with the term ADDITIONAL DWELLING UNIT.

8. **THAT** Section 4.10 Cargo Containers used for Storage Purposes of By-law HC 1-2020 be amended by adding the following provision:

d) a storage container may be used on a temporary basis accessory to a residential use for renovations or moving purposes for a period of no longer than 60 days while maintaining a minimum *setback* of 1.2 metres from the front and side *lot* lines.

9. **THAT** Section 4.20 Exemptions from Yard Provisions of By-law HC 1-2020 be amended by revising 4.20 d) and adding ‘generators’ to the items that may project into a yard.

10. **THAT** Section 4.20 Exemptions from Yard Provisions of By-law HC 1-2020 be amended by deleting 4.20 f) and replacing with the following:

h) for entrances above 0.6 metres, including landings, above or below grade entrances or staircases may project into any *required rear yard*, or *exterior side yard* area a distance of not more than 1.5 metres; into a *required front yard* not more than 2.0 metres; and into an *interior side yard* but must maintain a setback of 1.2 metres.

11. **THAT** Section 4.33 Location of an Animal Kennel of By-law HC 1-2020 be amended by adding the following provisions as 4.33 iii); iv); v) and vi):

iii) the minimum *side yard setback* shall be 15 m or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater;

iv) the minimum *rear yard setback* shall be 15 m or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater; and

v) notwithstanding the above *setback* provisions, if there is an existing *dwelling* on a separate *lot*, the minimum separation distance is required to be 30 metres from the *lot* line.

vi) If a new *dwelling* is proposed on a separate conveyable parcel, the *dwelling* is required to have a minimum *setback* of 15 metres from the *lot* line or at the location furthest available from the operating kennel.

12. **THAT** Section 4.34 Location of a Dwelling of By-law HC 1-2020 be amended by amending 4.34 a) from 300 metres to 125 metres.

13. **THAT** Section 4.34 Location of a Dwelling of By-law HC 1-2020 be amended by amending 4.34 d) by including commercial greenhouse, or cannabis production facility to the provision following agricultural-related processing use.

14. **THAT** Section 4.34 Location of a Dwelling of By-law HC 1-2020 be amended by amending 4.34 g) by including commercial greenhouse to the provision following cannabis production facility.

15. **THAT** Section 4.38 Minimum Services of By-law HC 1-2020 as amended, is hereby further amended by revising Section 4.38. a) i) and 4.38 b) i) to remove the reference to “and hydro service” from the provisions.

16. **THAT** Section 4.38 Minimum Services of By-law HC 1-2020 as amended, is hereby further amended by adding the following provision Section 4.38 f):

f) Notwithstanding Section a) and b) above, no *building or structure* shall be used or occupied until hydro service has been installed and energized.

17. **THAT** Section 4.55 Secondary Suites – General Provisions, of By-law HC 1-2020 be amended by adding the deleting any reference to Secondary Suites and replacing with “Additional Dwelling Units”.

18. **THAT** Section 4.55 Secondary Suites – Number of Secondary Suites i) be deleted and replaced with the following provision:

i) Maximum of 2 *additional dwelling units* per lot in a *detached, semi-detached* or *townhouse*, which is a legally permitted *use* on the *lot*. Where 2 *additional dwelling units* are located on a *lot*, a minimum of 1 *additional dwelling unit* is required to be located within the primary *dwelling*.

19. **THAT** Section 4.55 Secondary Suites – Permitted Dwelling Types i) be deleted and replaced with the following provision:

i) An *Additional Dwelling Unit* may be contained within the primary *dwelling* or in an *attached* or detached *accessory structure* or in a standalone structure on the lot associated with a *single-detached, semi-detached* or *townhouse dwelling*.

20. **THAT** Section 4.55 Secondary Suites – Maximum size (per unit) i) be deleted and replaced with the following provision:

i) No greater than 40% of the *gross floor area* of the primary residential *dwelling* on the lot, if *additional dwelling unit* is located within the primary *dwelling*, or if located in a basement, may occupy the entire floor area of the basement.

21. **THAT** Section 4.55 Secondary Suites – Maximum size (per unit) ii) and iii) be deleted in their entirety.

22. **THAT** Section 4.55 Secondary Suites – maximum number of bedrooms (per unit) i) be deleted in its entirety.

23. **THAT** Section 4.55 Secondary Suites – General Provision for Secondary Suites (per unit) i); ii); iii); iv); v) and vi) be deleted and replaced with the following provisions:

i) The maximum permitted height for a detached *additional dwelling unit* shall be 6.5 metres.

ii) An *Additional Dwelling Unit* located in a detached *accessory building* shall comply with the provisions of Section 4.2 Accessory Uses, Buildings and Structures to Residential Uses.

iii) The *building or structure* shall be at least 4 metres from another *building or structure* on a parcel if the other *building or structure* contains a residential unit.

iv) For a parcel of urban residential land, for any *buildings and structures lot* coverage shall be a maximum of 45%.

v) The *additional dwelling unit* shall not be severed from the *lot* of the primary *dwelling*.

vi) Shall not occupy any part of a *required exterior side yard* or *required front yard* of the *zone* where the use is *permitted*.

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

24. **THAT** Section 5.1 – Minimum Number of Required Parking Spaces, of By-law HC 1-2020 be amended by adding the following provisions for Data Centre:

DATA CENTRE

- Office space, 1 space per 30m<sup>2</sup> of gross leasable floor area
- 1 space per 1,000 m<sup>2</sup> of gross leasable floor area

25. **THAT** Section 5.2.7 Garages Accessed by a Rear Lane of By-law HC 1-2020 be repealed in its entirety and that the section be noted as 5.2.7 – Repealed.

26. **THAT** Section 5.2.11 Snow Storage Requirements of By-law HC 1-2020 be amended by deleting and replacing with the following:

5.2.11 Commercial, industrial, institutional, multi-residential (of 5 or more units), or mixed-use developments accommodating 5 or more *parking spaces* shall provide a location equivalent to 2% of the total development area of the number of required spaces for the purpose of snow storage. The snow storage shall not be located in any part of a required *parking space*.

27. **THAT** Section 5.2.12 Location of Parking on a Lot of By-law HC 1-2020 be amended by deleting Section 5.2.12 c) i), in its entirety and renumbering the section accordingly.

28. **THAT** Section 5.2.14 Parking of Vehicles in Residential Zones of By-law HC 1-2020 be amended by deleting 5.2.14 c) and replacing with the following:

c) recreational vehicles, boats, personal water craft, horse trailers, general use trailers, motorized racing vehicles and snowmobiles shall be prohibited from parking in any *required front yard* or *required exterior side yard*. No *parking space* shall be permitted within an auto shelter located within the *required front yard* or *exterior side yard* of a *lot*.

29. **THAT** Section 5.2.14 Parking of Vehicles in Residential Zones of By-law HC 1-2020 be amended by adding the following provision as 5.2.14 d):

d) Notwithstanding the above, personal *recreational vehicles* or general use trailers with a maximum *height* of 2 metres may be permitted on a temporary basis within the *front yard* however must maintain 3 metres to the *front lot line*, and 1.5 metres from a side *lot line*.

- 30. **THAT** Section 8.2 – Table 87.1: Permitted Uses in the Industrial Zones of By-law HC 1-2020 be amended by permitted *DATA CENTRE* in the MH; MG; and ML zones.
- 31. **THAT** Section 8.2 – Table 8.2: Permitted Uses in the Industrial Zones, Uses (c) be amended by permitted a *BUSINESS SUPPORT SERVICES* in the MG Zone.
- 32. **THAT** Section 11.3 – Table 11.2 Zone Provisions for the Agricultural and Future Development Zones of By-law HC 1-2020 be amended by deleting the Minimum Gross Floor Area (per dwelling) from the A and D zone requirements.
- 33. **AND THAT** this by-law shall come into force in accordance with the provisions of the *Planning Act*.

**ENACTED** the 3<sup>rd</sup> day of March, 2025.

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MAYOR

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CLERK

**PURPOSE AND EFFECT OF BY-LAW -HC/25**

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 Haldimand County are subject to the provisions of this zoning by-law.

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