

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /18

Being a by-law to amend Zoning By-law 1-H 86, as amended, of the Town of Haldimand in the name of Foxgate Developments Inc.

WHEREAS Haldimand County is empowered to enact this By-law, by virtue of the provisions of Sections 34 and 36 of the *Planning Act, R.S.O. 1990*, Chapter P. 13, as amended;

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 the lands described as OND Range WCTR PT LOT 3 RP 18R6318 Parts 1 to 10, now in Haldimand County, and shown as Parts 1, 2, 3 and 4 and the subject lands on Maps 'A' and 'B' attached hereto forming part of this by-law;
2. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 1 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from a site specific "Urban Residential Type 1B – Holding (R1B-H) Zone" to a site specific "Urban Residential Type 1B – Holding (R1B-H) Zone";
3. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 2 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from a site specific "Urban Residential Type 4 – Holding (R4-H) Zone" to a site specific "Urban Residential Type 4 – Holding (R4-H) Zone";
4. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 3 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from a site specific "Urban Residential Type 4 – Holding (R4-H) Zone" to a site specific "Urban Residential Type 4 – Holding (R4-H) Zone";
5. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning Part 4 of the subject lands shown on Maps 'A' and 'B' attached to this by-law from "Open Space -Holding (OS-H) Zone" to a site specific "Open Space-Holding (OS-H) Zone";
6. **THAT** Schedule "A6" of the Town of Haldimand Zoning By-law 1-H-86, as amended, is hereby further amended by identifying the Subject Lands on Maps 'A' and 'B' and forming part of this by-law, as having reference to Subsection 36.433.

7. **THAT** the existing 36.433 subsection shall be removed and replaced with the following 36.433, with 36.433 being added to Section 36 (Special Provisions for Particular Parcels of Land) of the said By-law 1-H 86:

36.433 1. That on lands delineated as having reference to this subsection, the following provision shall apply:

Part 1

i. Notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

| Provision | Permitted |
|-------------------------------------|--|
| 10.2 (a) Minimum Lot Area | 270 square metres for an interior lot and 395 square metres for a corner lot |
| 10.2 (b) Minimum Lot Frontage | 9.14 metres for an interior lot and 13.3 metres for a corner lot |
| 10.2 (c) (i) Front Yard Setback | 4.5 metres from the dwelling and 6 metres from the garage |
| 10.2 (c) (ii) Exterior Side Yard | 2.4 metres exterior side yard |
| 10.2 (c) (iii) Interior Side Yard | 1.2 metres interior side yard on one side and 0.6 metres on the other side |
| 10.2 (c) (iv) Rear Yard Requirement | 6 metres rear yard setback |

Any provision of the R1-B Zone not specifically identified above, are applicable as set out in Section 10 of By-law H-86.

- ii. That notwithstanding Section 6.21 (c) Exemption from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres and any required exterior side yard a distance of not more than 1.8 metres.
- iii. That notwithstanding Section 6.21. (c) Exemption from Yard Provisions, steps/stairs may project into the required front yard not more than 3.8 metres.
- iv. That notwithstanding Section 6.21 (d) Exemption 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 rear yard is restricted to a maximum size of 3.1 metres by 2.5 metres.

Part 2

- i. Notwithstanding the provisions of Section 13.2.1 Zone Provisions – Street Townhouses, the following shall apply:

| Provision | Permitted |
|--------------------------------------|---|
| 13.2.1. (b) (i) Minimum Lot Frontage | 5.5 metres for interior lot |
| 13.2.1. (c) (i) Front Yard Setback | 4.5 metres from the dwelling and 6 metres from the garage |
| 13.2.1 (d) Exterior Side Yard | 2.4 metres exterior side yard |
| 13.2.1 (g) Minimum Rear Yard | 6.0 metres minimum rear yard |
| 13.2.1. (h) Maximum Building Height | 12 metres |

Any provision of the R4 Zone not specifically identified above, are applicable as set out in Section 13 of By-law H-86.

Part 3

- i. Notwithstanding the provisions of Section 13.2.2 Zone Provisions – Group Townhouses, the following shall apply:

| Current Provision | Special Provisions |
|--|--|
| 13.2.2. (a) (ii) Minimum Lot Area | 115 square metres minimum lot area |
| 13.2.2. (b) Minimum Lot Frontage | 5 metres for an interior lot and 9 metres for a corner lot |
| 13.2.2. (c) Minimum Front Yard | 3 metres front yard setback |
| 13.2.2. (d) Minimum Exterior Side Yard | 3 metres exterior side yard |
| 13.2.2. (g) Minimum Rear Yard | 5 metres rear yard setback |
| 13.2.2. (h) Maximum Building Height | 12 metres |

Any provision of the R4 Zone not specifically identified above, are applicable as set out in Section 13 of By-law H-86.

Part 4

- i. Notwithstanding the provisions of Section 32.1 Permitted Uses, the uses shall be limited to the following:

- (i) Park;
- (ii) Recreational trails; and
- (iii) Open space.

2. General Provisions

The following General Provisions apply to the lands shown on Maps A & B attached to and forming part of this by-law:

- i. That the definition of “Sight Triangle” contained in subsection 4.85 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

- a) Intersections of Local Roads

“SIGHT TRIANGLE” shall mean the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each point being measured 4.5 metres from the point of intersection of the street lines.

- b) Intersections of Local Road / Collector Street

“SIGHT TRIANGLE” shall mean the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each point being measured 7.5 metres from the point of intersection of the street lines.

- ii. That notwithstanding Section 7.1.3. (b) Parking Space Dimensions and Section 7.1.5. (d) Parking Lot and Garage Requirements, the following shall apply:

“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 riser or 0.61 metres, shall be permitted to encroach into this parking space.”

- 8. THAT** the ‘Holding-“H”’ provision shall remain in place until such time as that sufficient municipal servicing capacity (water and wastewater) is available for development, final clearance of the draft conditions of subdivision approval have been completed to the satisfaction of Haldimand County; and a subdivision agreement has been registered on title.
- 9. THAT** By-laws # 144-HC-03, 145-HC-03-SP, 998-HC/17 & 999-HC/17 be repealed.
- 10. AND THAT** this By-law shall become effective from and after the date of passing thereof.

READ a first and second time this 21st day of May, 2018.

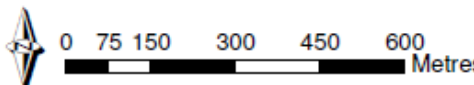
READ a third time and finally passed this 21st day of May, 2018.

MAYOR

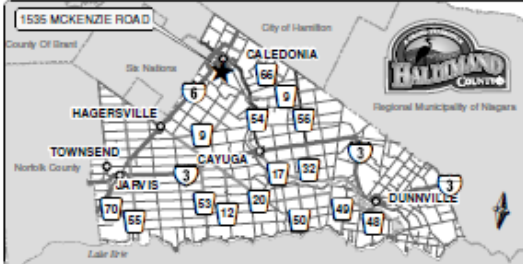
CLERK

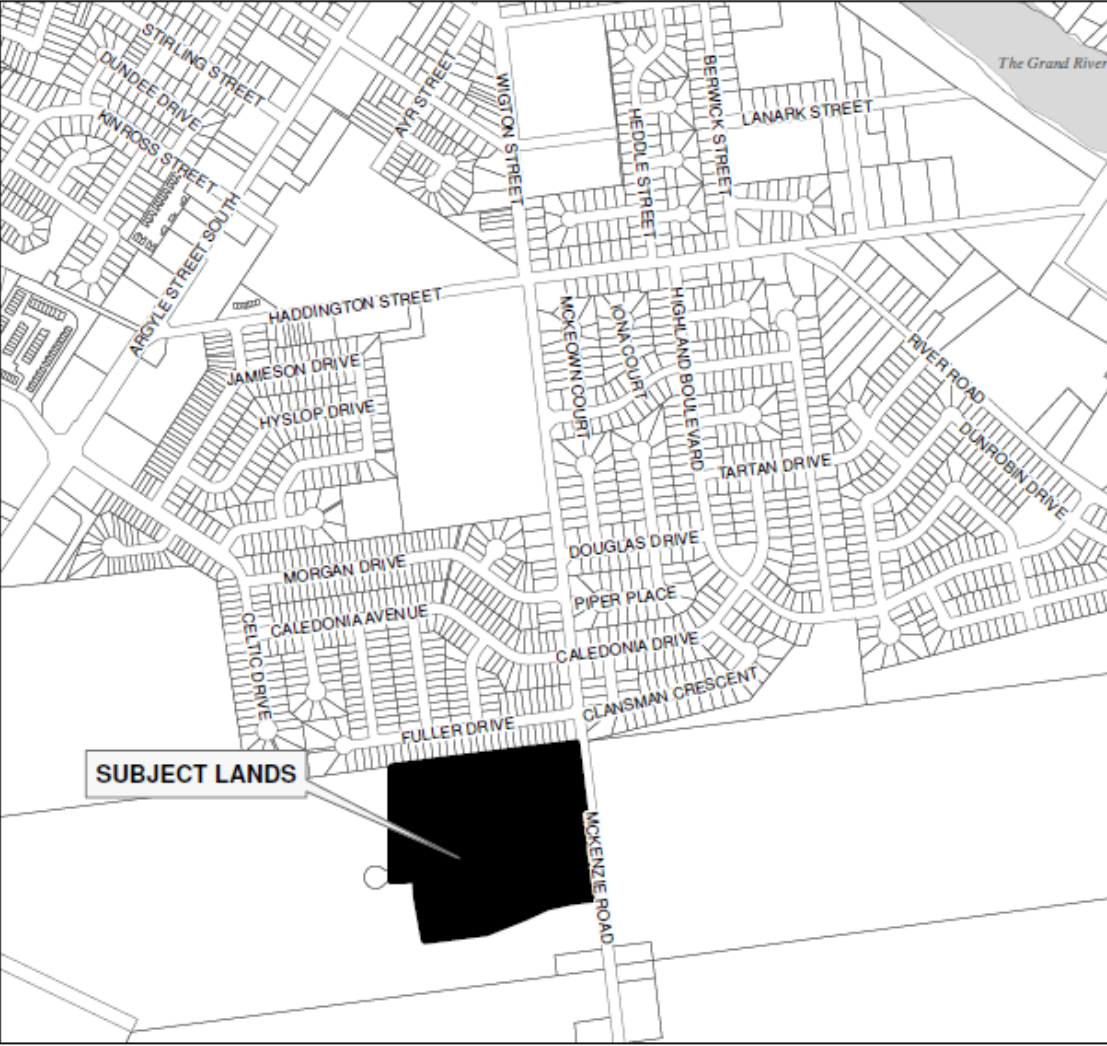
Schedule "A"

MAP A - Key Map
 Haldimand County
 Urban Area of Caledonia
 Ward 3



0 75 150 300 450 600 Metres







This is Map A to Zoning By-law _____ Passed the ____ day of _____ 2018.

MAYORCLERK

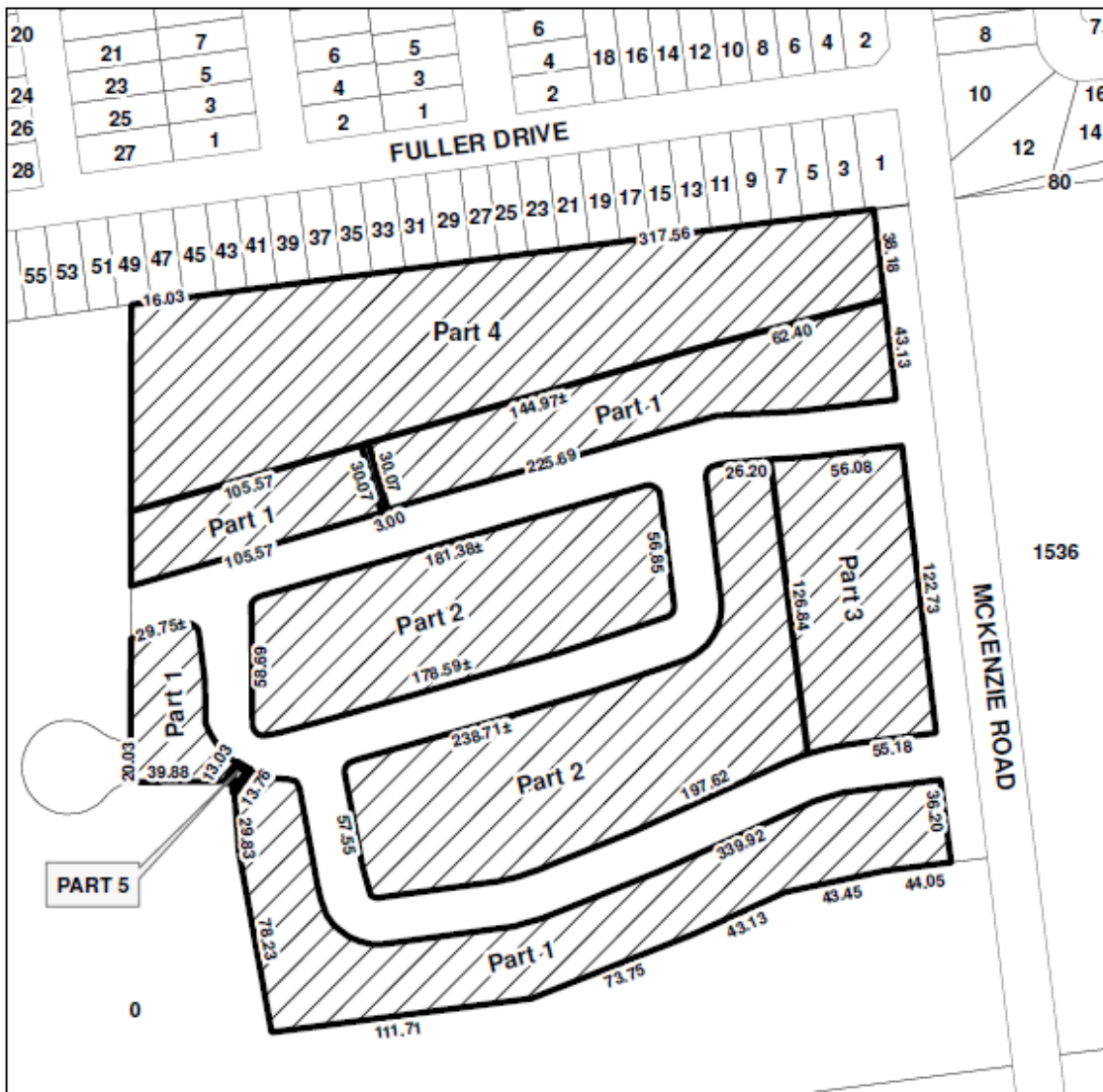
Ref: PLZ-HA-2018-035

MAP B - Detail Map
 Haldimand County
 Urban Area of Caledonia, Ward 3

SCALE: 1:2,500

0 10 20 30 40 Metres



NOTE: Measurements shown on this plan are in metres and may be converted into feet by dividing by 0.3048. Measurements indicated in this drawing are representational in nature. They have been obtained without the benefit of legal or cadastral surveys linked to coordinates and therefore should not be considered to be survey grade and should not be used for legal purposes.

This is Map B to Zoning By-law _____ Passed the ____ day of _____ 2018.

_____ MAYOR _____ CLERK

Ref: PLZ-HA-2018-035

PURPOSE AND EFFECT OF BY-LAW NO. _____ / 18

This By-law amendment applies to the lands located on the west side of McKenzie Road, within the urban area of Caledonia and are described as OND Range WCTR PT LOT 3 RP 18R6318 Parts 1 to 10, now in Haldimand County. The property is known municipally as 1535 McKenzie Road.

The purpose of this by-law is to rezone the subject lands from the current site specific 'Urban Residential Type 1-B-Holding (R1-B-H)' Zone for Part 1 and site-specific 'Urban Residential Type 4-Holding (R4-H)' Zone for Parts 2 and Part 3 to an *amended* site specific 'Urban Residential Type 1-B-Holding (R1-B-H)' Zone for Part 1 and site-specific 'Urban Residential Type 4-Holding (R4-H)' Zone for Parts 2 and Part 3. Part 4 will be re-zoned as 'Open Space-Holding (OS-H)' Zone with a site specific provision that limits the uses to a park, recreational trails and open space only. Further, the subject amendment will repeal the previous by-laws, but carry forward site specific approvals from 2017, and incorporate modified setbacks for porches, decks and stairs; modified garage widths, including the projection of stairs; and establish an increase of height for the townhouses only (i.e. Parts 2 and 3).

The lands are designated Residential within the Haldimand County Official Plan.

Report Number: PED-PD-21-2018
Zoning File Number: PLZ-HA-2018-035
Related File Number: PL28T-HA-2003-501 and PLZ-HA-2016-088
Name: Foxgate Developments Inc.
Roll No.: 2810.153.004.08250