

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD
BY-LAW No. 09-2021

Being a By-law to amend Zoning By-law No. 23-08, as amended.

**Lots 178 – 189, 164 – 168, Lots 1 – 4, 7 – 10, Block 9, Lots 1, 2, 9, 10, Block 15, Part Lot 8, Block 15, Lots 1, 9 Block 16, Part of Herbert Street, Registered Plan 6
In the geographic Village of Merrickville, Village of Merrickville-Wolford**

PURSUANT TO SECTION 34 OF THE PLANNING ACT, 1990, THE VILLAGE OF MERRICKVILLE-WOLFORD HEREBY ENACTS AS FOLLOWS:

1. THAT By-law Number 23-08 be and the same is hereby amended as follows:
 - (a) Schedule "B" to By-law 23-08 is amended by rezoning those lands described as Lots 178 – 189, 164 – 168, Lots 1 – 4, 7 – 10, Block 9, Lots 1, 2, 9, 10, Block 15, Part Lot 8, Block 15, Lots 1, 9 Block 16, Part of Herbert Street, Registered Plan 6, in the geographic Village of Merrickville, Village of Merrickville-Wolford, from Development (D) and Residential One (R1) to Residential One – Exception Two (R1-2), Residential Two – Exception Three – holding (R2-3-h), Residential Two – Exception Four – holding (R2-4-h), Residential Three – Exception One – holding (R3-1-h), and Open Space (O), as shown on Schedule "A" attached hereto.
 - (b) By adding the following subsection 5.1.4.2 Residential One – Exception Two (R1-2), immediately following subsection 5.1.4.1 Residential One- Exception One (R1-1):

"2. Residential One – Exception Two (R1-2)

Notwithstanding Section 5.1.2, or any other provision of this By-law to the contrary, for those lands described as Lot 4, Block 9, Registered Plan 6, in the geographic Village of Merrickville and delineated as Residential One-Exception Two (R1-2) on Schedule "B" to this By-law, the encroachment of the existing dwelling into the exterior side yard adjacent to and onto Wallace Street is recognized as legal non-conforming."
 - (c) By adding the following subsection 5.2.3.3 Residential Two – Exception Three (R2-3), immediately following subsection 5.2.3.2 Residential Two – Exception Two (R2-2):

"3. Residential Two – Exception Three (R2-3)

Notwithstanding Section 5.2.2, or any other provision of this By-law to the contrary, for those lands described as Lots 178 – 189, 167 – 168, Part Lot 166, Lots 1 – 3, Part Lots 9 – 10, Block 9, Lots 1, 9, 10, Block 15, Part of Herbert Street, Registered Plan 6, in the geographic Village of Merrickville, delineated as Residential Two-Exception Three (R2-3) on Schedule "B" to this By-law, the following provisions shall apply:

 - i. minimum lot frontage: 5.5 metres;
 - ii. minimum front yard setback 6.0 metres."
 - (d) By adding the following subsection 5.2.3.4 Residential Two – Exception Four (R2-4), immediately following subsection 5.2.3.3 Residential Two – Exception Three (R2-3):

"4. Residential Two – Exception Four (R2-4)

Notwithstanding Section 5.2.2, or any other provision of this By-law to the contrary, for those lands described as Part of Lots 165, 166, Plan 6, in the geographic Village of Merrickville and delineated as Residential Two-Exception Four (R2-4) on Schedule "B" to this By-law, the following provisions shall apply:

 - i. minimum lot area: 155 square metres;
 - ii. minimum lot frontage: 5.5 metres;
 - iii. minimum front yard setback 6.0 metres."

(e) By adding the following subsection 5.3.3.1 Residential Three – Exception One (R3-1), immediately following subsection 5.3.3 **Exception Zones**:

"1. Residential Three – Exception One (R3-1)

Notwithstanding Section 5.3.2, or any other provision of this By-law to the contrary, for those lands described as Part of Lots 1, 9 and 10, Lots 2 and 8, Plan 6, in the geographic Village of Merrickville and delineated as Residential Three-Exception One (R3-1) on Schedule "B" to this By-law, the maximum number of storeys permitted shall be 3 storeys and the maximum height will be 11 m."

(f) By adding the following new section **5.2.4 Holding Zones** immediately following **5.2.3 Exception Zones**:

"**5.2.4 Holding Zones**

1. Residential Two – Exception Three – holding (R2-3-h)

Until such time as the holding symbol is removed from lands described as part of Lots 178 – 189, 167 – 168, Part Lot 166, Lots 1 – 3, Part Lots 9 – 10, Block 9, Lots 1, 9, 10, Block 15, Part of Herbert Street, Registered Plan 6, in the geographic Village of Merrickville and delineated as Residential Two- Exception Three - holding (R2-3-h) on Schedule "B" (Merrickville Ward) to this By-law, in accordance with the conditions set forth herein, no person shall use land or erect or use a building or structure, except in accordance with the following:

(a) Permitted Uses

- Existing uses in existing locations
- Open space
- Passive recreation that does not require a building.

(b) Conditions for removal of Holding (h) Symbol

A site plan pursuant to Section 41 of the Planning Act for the development permitted under the Residential Two – Exception Three (R2-3) Zone is submitted to the municipality and Council gives final approval to the site plan whereupon a Site Plan Agreement under Section 41 of the Planning Act is executed and registered on title. The site plan and site plan agreement will be in accordance with the Village's Site Plan Control Area By-law, and will include, but is not limited to:

- a. The staggering of front yard setbacks for the proposed townhomes;
- b. Landscaping/tree planting plan;
- c. Fencing and fence design; and
- d. Phased park development plan.

(c) Phased removal of Holding (h) Symbol

The (h) Holding Symbol may be removed in phases provided the conditions set out in clause (b) above for removal of the Holding Symbol have been met, to the satisfaction of the Village, for the phase.

2. Residential Two – Exception Four – holding (R2-4-h)

Until such time as the holding symbol is removed from lands described as Part of Lots 165, 166, Plan 6, in the geographic Village of Merrickville and delineated as Residential Two- Exception Four - holding (R2-4-h) on Schedule "B" (Merrickville Ward) to this By-law, in accordance with the conditions set forth herein, no person shall use land or erect or use a building or structure, except in accordance with the following:

(a) Permitted Uses

- Existing uses in existing locations
- Open space
- Passive recreation that does not require a building.

(b) Conditions for removal of Holding (h) Symbol

A site plan pursuant to Section 41 of the Planning Act for the development permitted under the Residential Two – Exception Four (R2-4) Zone is submitted to the municipality and Council gives final approval to the site plan whereupon a Site Plan Agreement under Section 41 of the Planning Act is executed and registered on title. The site plan and site plan agreement will be in accordance with the Village's Site Plan Control Area By-law, and will include, but is not limited to:

- a. The staggering of front yard setbacks for the proposed townhomes;
- b. Landscaping/tree planting plan;
- c. Fencing and fence design; and
- d. Phased park development plan.

(c) Phased removal of Holding (h) Symbol

The (h) Holding Symbol may be removed in phases provided the conditions set out in clause (b) above for removal of the Holding Symbol have been met, to the satisfaction of the Village, for the phase."

- (g) By adding the following new section **5.3.4 Holding Zones** immediately following **5.3.3 Exception Zones:**

"5.3.4 Holding Zones

1. Residential Three – Exception One – holding (R3-1-h)
Until such time as the holding symbol is removed from lands described as Part of Lots 1, 9 and 10, Lots 2 and 8, Plan 6, in the geographic Village of Merrickville and delineated as Residential Three- Exception One - holding (R3-1-h) on Schedule "B" (Merrickville Ward) to this By-law, in accordance with the conditions set forth herein, no person shall use land or erect or use a building or structure, except in accordance with the following:

(a) Permitted Uses

- Existing uses in existing locations
- Open space
- Passive recreation that does not require a building.

(b) Conditions for removal of Holding (h) Symbol

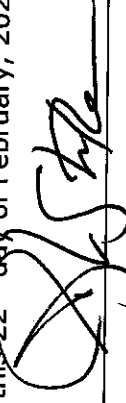
- A site plan pursuant to Section 41 of the Planning Act for the development permitted under the Residential Three – Exception One (R3) Zone is submitted to the municipality and Council gives final approval to the site plan whereupon a Site Plan Agreement under Section 41 of the Planning Act is executed and registered on title."

2. THAT save as aforesaid all other provisions of By-law 23-08, as amended, shall be complied with.

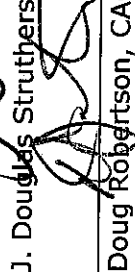
3. This By-law shall come into force and take effect on the day of final passing thereof.

This By-law given its FIRST and SECOND reading this 22nd day of February, 2021.

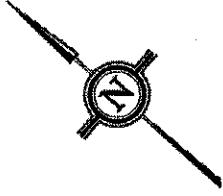
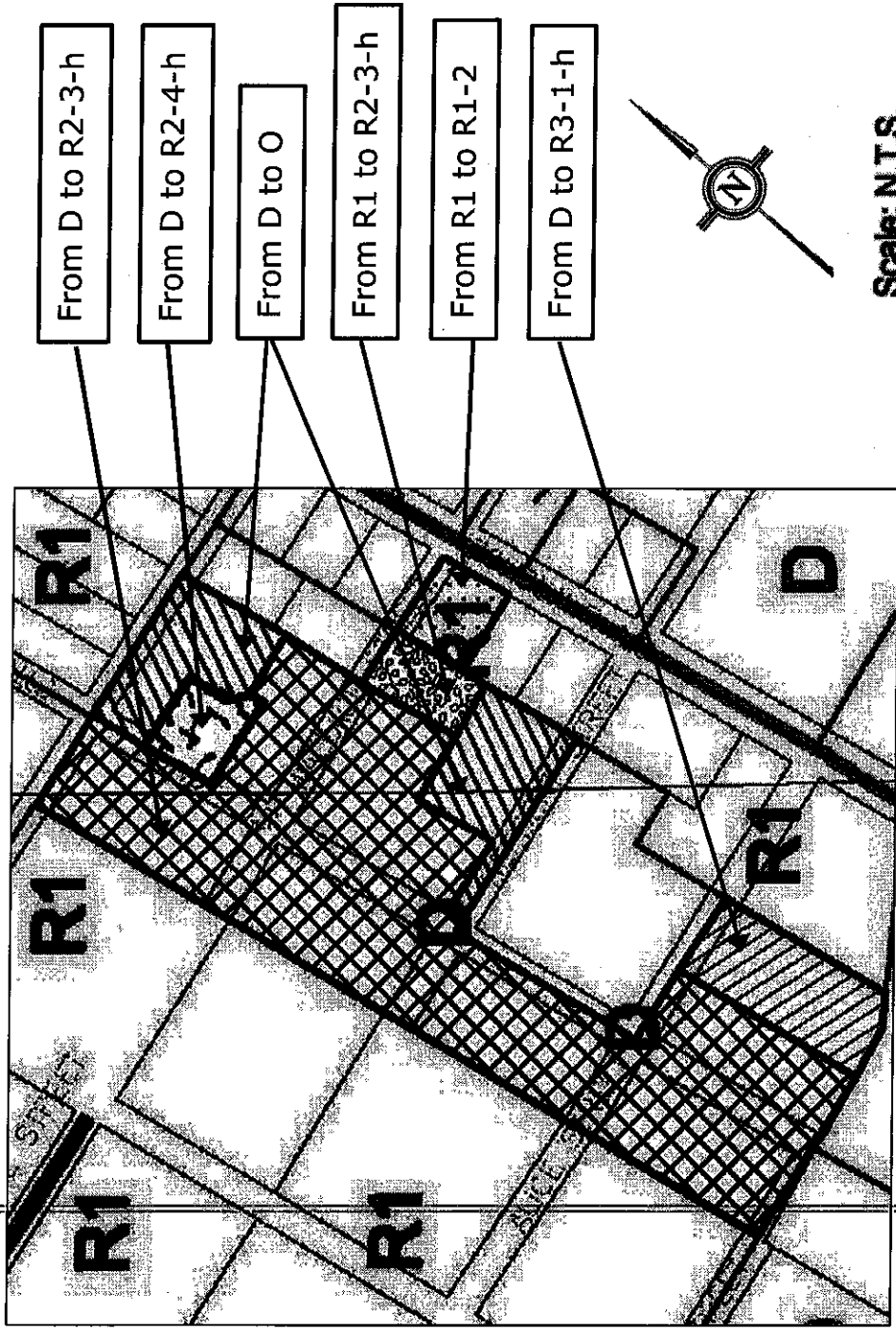
This By-law read a THIRD time and finally passed this 22nd day of February, 2021.



J. Douglas Struthers, Mayor



Doug Robertson, CAO/Clerk



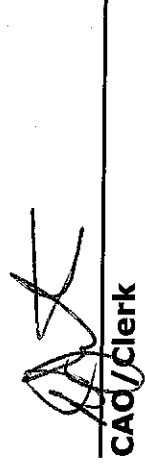
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Corporation of the Village of Merrickville- Wolford

This is Schedule 'A' to the By-law Number 09-2021.
Passed the 22nd day of February, 2021

Signature of Signing Officers

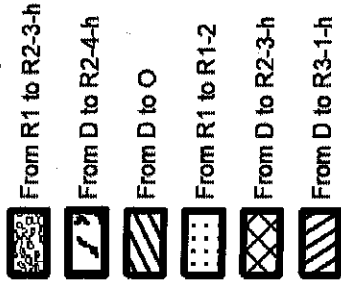

Mayor


CAD/Clerk

LEGEND

Residential Type One
Residential Type Two
Residential Type Three
General Commercial
Institutional
Development
Open Space

Area affected by this amendment



R1
R2
R3
C1
I
D
O