

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /19

Being a by-law to amend the Town of Dunnville Zoning By-law 1-DU 80, as amended, in the name of DeHaan Homes Inc.

WHEREAS this by-law is enacted in accordance with Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, which provides that Council may pass zoning by-laws for the purpose of land use control and related administration;

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 the lands described as PART OF BUFFALO AND BRANTFORD RAILROAD AS SHOWN ON PLAN 1696 IN HALDIMAND COUNTY designated as PARTS 1 AND 2 ON PLAN 18R-5603, AND PART 5 ON PLAN 18R-5965, and being shown on Maps 'A' and 'B' attached hereto to form a part of this by-law.
2. **THAT** Schedule "A4B" to Town of Dunnville Zoning By-law 1-DU 80, as amended, is hereby further amended by rezoning the subject lands shown on Maps 'A' and 'B' attached hereto to form a part of this by-law from 'General Commercial (CG) Zone, Special Provision 37.238' to 'Urban Residential Type 5 Zone - Holding (R5-H) Zone'.
3. **THAT** Schedule "A4B" to Zoning By-law 1-DU 80 of the Town of Dunnville Zoning By-law 1-DU 80, as amended, is hereby further amended by removing special provision 37.238 from the subject lands shown on Maps 'A' and 'B' attached hereto and forming part of this by-law.
4. **THAT** Section 37 of said Zoning By-law 1-DU 80 is amended by removing special provision 37.238.
5. **THAT** Schedule "A4B" to Zoning By-law 1-DU 80 of the Town of Dunnville Zoning By-law 1-DU 80, as amended, is hereby further amended by identifying the subject lands shown on Maps 'A' and 'B' attached hereto and forming part of this by-law, as having reference to Subsection 37.581.
6. **THAT** the following subsection be added to Section 37 of said Zoning By-law 1-DU 80 and apply to the subject lands on Maps 'A' and 'B' attached hereto:

"37.581 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- i. Notwithstanding any provisions contained in subsection 12.1, the apartment dwelling house may contain a maximum of 30 dwelling units.
 - ii. Notwithstanding any provisions contained in subsection 12.2, the yard requirements shall be:
 - (i) Minimum front yard setback to building – 5.8 metres
 - (ii) Minimum front yard to building entrance – 3.3 metres
 - (iii) Maximum front yard setback to building – 7.0 metres
 - (iv) Maximum rear yard setback – 19.3 metres
 - iii. Notwithstanding any provisions contained in subsection 6.22, the canopy may project 1.0 metre from the building entrance;
 - iv. That for the purposes of this by-law, the maximum floor area ratio shall be 0.77;
 - v. Notwithstanding any provisions contained in subsection 7.2.3, the following shall apply:
 - (i) no parking lot shall be located within 1.5 metres of the apartment dwelling house dwelling on the lot
 - (ii) no parking lot shall be located within 1.1 metres of the rear lot line
 - (iii) no parking lot shall be located within 2.0 metres of the interior lot line
 - vi. That for the purposes of this by-law, the maximum height for an apartment dwelling house shall be 3 storeys.
7. **THAT** the 'Holding – H' provision shall remain in place until:
- i. a site plan has been approved;
 - ii. water and wastewater servicing has been allocated to the project;
 - iii. the Ministry of Environment, Conservation and Parks issues a Record of Site Condition; and
 - iv. the Chief Building Official approves the noise mitigating windows and walls to be installed in the apartment dwelling house.
8. **AND THAT** this by-law shall take force and effect on the date of final approval of the related Official Plan amendment.

READ a first and second time this 3rd day of September, 2019.

READ a third time and finally passed this 3rd day of September, 2019.

MAYOR

DEPUTY CLERK

MAP A - Key Map

Haldimand County
Urban Area of Dunnville
Ward 5

0 125 250 375 500

Metres

This is Map A to Zoning By-law _____ Passed the ____ day of _____ 2019.

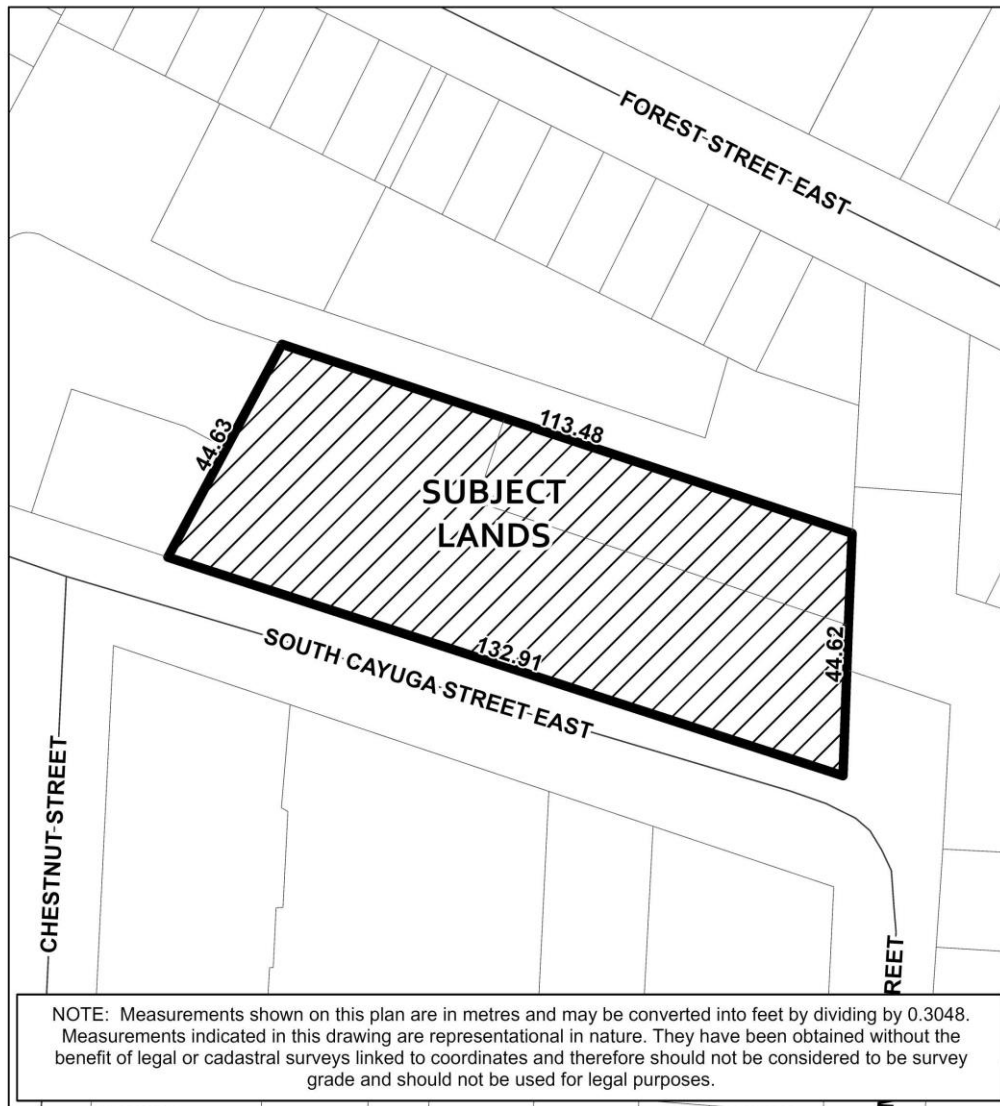
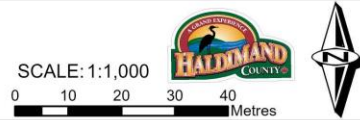
MAYOR

CLERK

Ref: PLZ-HA-2019-053

MAP B - Detail Map

Haldimand County
Urban Area of Dunnville, Ward 5



This is Map B to Zoning By-law _____ Passed the ____ day of _____ 2019.

MAYOR

CLERK

Ref: PLZ-HA-2019-053

PURPOSE AND EFFECT OF BY-LAW NO. /19

The subject lands are described as PART OF BUFFALO AND BRANTFORD RAILROAD AS SHOWN ON PLAN 1696 IN HALDIMAND COUNTY designated as PARTS 1 AND 2 ON PLAN 18R-5603, AND PART 5 ON PLAN 18R-5965, and are municipally known as 205 South Cayuga Street East, Dunnville. The location of the subject lands is illustrated on attached Schedules 'A' and 'B'. The subject lands are currently vacant.

The purpose of this by-law is to amend the zoning of the subject lands from a site specific 'General Commercial (CG)' Zone which permits the sale of pet products, garden products, agricultural products and the processing and warehousing of feed to a site specific 'Urban Residential Type 5 (R5)' Zone to permit a three storey, thirty unit apartment dwelling house with customized zone provisions for the front yard setback, maximum floor area ratio, and location of the parking lot area relative to the apartment dwelling house and lot lines. Customized 'build to' and height provisions are included to ensure the development is built as proposed.

The Holding 'H' provision has been affixed to the zoning to restrict the issuance of a building permit until the General Manager of Community & Development Services has approved a site plan application and issued water and wastewater allocation to the project, the Ministry of Environment, Conservation and Parks has issued the Record of Site Condition, and the Chief Building Official approves the noise mitigating windows and walls to be installed in the apartment dwelling house.

A related Official Plan Amendment to the Haldimand County Official Plan to redesignate the subject lands from 'Community Commercial' to 'Residential' also affects the subject lands.

Report:	PDD-26-2019
File Number:	PLZ-HA-2019-053
Related File Number:	PLOP-HA-2019-052
Roll Number:	2810.024.005.32980 & 2810.024.005.32985
Name:	DeHaan Homes Inc.