

THE CORPORATION OF HALDIMAND COUNTY

By-law Number -HC/22

Being a by-law to amend Zoning By-law HC 1-2020, as amended, for property described in the name of Gardens Communities (Hagersville) Inc.

WHEREAS Haldimand County is authorized to enact this by-law, by virtue of the provisions of Section 34 and 36 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 lands described as Part of Lots 29 and 30, Range East of Plank, Geographic Township of Oneida, Haldimand County on Maps “A” and “B” attached hereto form a part of this By-law.
2. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of the subject lands identified as Part 1 on Map “B” (attached to and forming part of this by-law) from Agriculture (A) Zone to Urban Residential Type 1-B (R1-B) Zone.
3. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 1 of the subject lands on Map “A” (attached to and forming part of this by-law) as having reference to Subsection R1-B.1.
4. **THAT** Subsection 6.4.1 Special Exceptions is hereby further amended by adding the following:

6.4.1.2.1 R1-B.1 In addition to the uses *permitted* in the R1-B Zone, a *semi-detached dwelling* shall be *permitted*.

In lieu of the corresponding provisions in the R1-B Zone, the following shall apply:

- a) minimum *lot area (interior lot)*: 220 square metres;
- b) minimum *lot area (corner lot)*: 265 square metres;
- c) minimum *lot frontage (interior lot)*: 8 metres;

- d) minimum *lot frontage (corner lot)*: 10 metres;
- e) minimum *front yard*: 4.5 metres to the dwelling and 6.0 metres to the garage;
- f) minimum *exterior side yard*: 2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street;
- g) minimum *interior side yard*:
 - i. For one family dwelling house: 1.2 metres on one side and 0.6 metres on the other side.
 - ii. For two family dwelling house: 1.2 metres, except no interior side yard is required along common lot line.
- h) minimum *rear yard*: 7.0 metres;
- i) Notwithstanding the provisions of Subsection 4.2 Accessory Uses, Buildings and Structures to Residential Zones, an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- j) Notwithstanding the provisions of Subsection 4.15 Decks and Unenclosed Porches, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- k) Notwithstanding the provisions of Subsection 4.15 Decks and Unenclosed Porches, 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.
- l) Notwithstanding the provisions of Subsection 4.20(g) Exemptions from Yard Provisions, an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or setback.
- m) Notwithstanding the provisions of Subsection 4.20(h) and (i) Other Exceptions from Yard Provisions, steps / stairs may project into any required front yard or setback a distance of not more than 3.5 metres.

- n) Notwithstanding the provisions of Subsection 5.2.3 Parking Space Dimensions, 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 risers or 0.61 metres, shall be permitted to encroach into this parking space.
 - o) In lieu of the provisions for Minimum Landscaped Open Space – Required Front Yard, a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this by-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
 - p) Notwithstanding Subsection 5.2.9 Projection of an Attached Garage, a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.
 - q) The definition of a “Sight (or Daylight) Triangle” shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:
 - i. 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.
 - ii. 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 being measured 7.5 metres from the point of intersection of the street lines.
 - iii. That the front yard, side yard and rear yard setbacks shall be measured as if the Sight Triangle does not exist.
5. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of the subject lands identified as Part 2 on Map “B” (attached to and forming part of this by-law) from Agriculture (A) Zone to Urban Residential Type 4 (R4) Zone.

6. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 2 of the subject lands on Map “A” (attached to and forming part of this by-law) as having reference to Subsection R4.2.
7. **THAT** Subsection 6.4.4 Special Exceptions is hereby further amended by adding the following:

6.4.4.2 R4.2 In addition to the uses *permitted* in the R4 Zone, a *single detached dwelling and semi-detached dwelling* shall be *permitted*.

In lieu of the corresponding provisions in the R4 Zone, the following shall apply:

- a) minimum *lot area (interior lot)*: 150 square metres;
- b) minimum *lot area (corner lot)*: 210 square metres;
- c) minimum *lot frontage (interior lot)*: 5.5 metres;
- d) minimum *lot frontage (corner lot)*: 8 metres;
- e) minimum *front yard*: 4.5 metres to the dwelling and 6.0 metres to the garage;
- f) minimum *exterior side yard*: 2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street;
- g) minimum *rear yard*: 6.0 metres;
- h) Notwithstanding the definition of Dwelling, Street Townhouse, the following shall apply: Townhouses shall mean a dwelling house comprising three or more dwelling units with each dwelling unit being divided one from the other by an above grade vertical common wall, a minimum of 10 square metres in area and each dwelling unit having direct access to a yard. A maximum of eight dwelling units are permitted in a row.
- i) Notwithstanding the provisions of Subsection 4.2 Accessory Uses, Buildings and Structures to Residential Zones, an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- j) Notwithstanding the provisions of Subsection 4.15 Decks and Unenclosed Porches, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required

exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.

- k) Notwithstanding the provisions of Subsection 4.15 Decks and Unenclosed Porches, 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.
- l) Notwithstanding the provisions of Subsection 4.20(g) Exemptions from Yard Provisions, an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or setback.
- m) Notwithstanding the provisions of Subsection 4.20(h) and (i) Other Exceptions from Yard Provisions, steps / stairs may project into any required front yard or setback a distance of not more than 3.5 metres.
- n) Notwithstanding the provisions of Subsection 5.2.3 Parking Space Dimensions, 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 risers or 0.61 metres, shall be permitted to encroach into this parking space.
- o) In lieu of the provisions for Minimum Landscaped Open Space – Required Front Yard, a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this by-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
- p) Notwithstanding Subsection 5.2.9 Projection of an Attached Garage, a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.
- q) That where a street townhouse block having 8 or more units is constructed at the intersection of a local street and a collector street, with the units facing the collector street, the driveway and garage of the corner lot shall be located on the local street.

For the purposes of this by-law, a collector street is a street with a right-of-way width of 20 metres or greater. A local street is a street with a right-of-way width of 18 metres or less.

- r) The definition of a “Sight (or Daylight) Triangle” shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

iv. 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.

v. 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 being measured 7.5 metres from the point of intersection of the street lines.

- vi. That the front yard, side yard and rear yard setbacks shall be measured as if the Sight Triangle does not exist.

8. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of the subject lands identified as Part 3 on “Map B” (attached to and forming part of this by-law) from Agriculture (A) *Zone* to Urban Residential Type 1-B (R1-B-H) *Zone* with a holding.
9. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 3 of the subject lands on Map “A” (attached to and forming part of this by-law) as having reference to Subsection R1-B.1.
10. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of the subject lands identified as Part 4 on “Map B” (attached to and forming part of this by-law) from Agriculture (A) *Zone* to Urban Residential Type 4 (R4-H) *Zone* with a holding.
11. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 4 of the subject lands on Map “A” (attached to and forming part of this by-law) as having reference to Subsection R4.2.

12. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of the subject lands identified as Part 5 on Map “B” (attached to and forming part of this by-law) from Agriculture (A) *Zone* to Open Space (OS) *Zone*.

13. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 5 of the subject lands on Map “A” (attached to and forming part of this by-law) as having reference to Subsection OS.1.

14. **THAT** Subsection 10.4.1 Special Exceptions is hereby further amended by adding the following:

10.4.1.1 OS.1 Notwithstanding the uses *permitted* in the OS *Zone*, only the following uses shall be permitted:

- a) Park
- b) Passive use park
- c) Trail
- d) Pumping station
- e) Stormwater management pond
- f) Woodlot
- g) Emergency Access Route

15. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of the subject lands identified as Part 6 on Map “B” (attached to and forming part of this by-law) from Agriculture (A) *Zone* to Future Development (D) *Zone*.

16. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 6 of the subject lands on Map “A” (attached to and forming part of this by-law) as having reference to Subsection D.1.

17. **THAT** Subsection 11.4.2 Special Exceptions is hereby further amended by adding the following:

11.4.2.1 D.1 Notwithstanding the uses *permitted* in the D *Zone*, only the following uses shall be permitted:

- a) Park

- b) Passive use park
- c) Trail
- d) Emergency access route

The following shall apply: Residential development will only be permitted on these lands subject to a Zoning By-law Amendment application demonstrating:

- a) The Quarry Licence holder ceased operations entirely and surrendered its Licence in accordance with the Aggregate Resources Act, and the Licence holder and/or the Ministry confirmed this in writing to the County or;
- b) The Quarry Licence holder and/or the Ministry confirmed in writing to the County that the Licence or Site Plan has been amended such that the extraction limit is modified and the lands from which the holding provision is to be removed maintain a minimum distance of 300m from the modified extraction limit or;
- c) The Quarry Licence holder agreed to operational modifications and/or physical mitigation measures, in compliance with Ministry of the Environment, Conservation and Parks noise guidelines and as determined through the appropriate technical studies. The completion of any technical studies would be the responsibility of the Owner and would need to be peer reviewed by the County.

18. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of the subject lands identified as Part 7 on Map “B” (attached to and forming part of this by-law) from Agriculture (A) *Zone* to Future Development (D) *Zone*.

19. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 7 of the subject lands on Map “A” (attached to and forming part of this by-law) as having reference to Subsection D.2.

20. **THAT** Subsection 11.4.2 Special Exceptions is hereby further amended by adding the following:

11.4.2.2 D.2 Notwithstanding the uses *permitted* in the D *Zone*, only the following uses shall be permitted:

- a) Trail

The following shall apply: Residential development is prohibited on these lands until such time as the 'Excess Lands' designation in the Official Plan is removed and the lands are redesignated to an appropriate designation, and subject to a Zoning By-law Amendment application demonstrating:

- a) The Quarry Licence holder ceased operations entirely and surrendered its Licence in accordance with the Aggregate Resources Act, and the Licence holder and/or the Ministry confirmed this in writing to the County or;
- b) The Quarry Licence holder and/or the Ministry confirmed in writing to the County that the Licence or Site Plan has been amended such that the extraction limit is modified and the lands from which the holding provision is to be removed maintain a minimum distance of 300m from the modified extraction limit or;
- c) The Quarry Licence holder agreed to operational modifications and/or physical mitigation measures, in compliance with Ministry of the Environment, Conservation and Parks noise guidelines and as determined through the appropriate technical studies. The completion of any technical studies would be the responsibility of the Owner and would need to be peer reviewed by the County.

21. **THAT** the Holding "(H)" provision of this by-law shall only be removed from any portion of the lands when:

- a) The Quarry Licence holder ceases operations entirely and surrenders its Licence in accordance with the Aggregate Resources Act, and the Licence holder and/or the Ministry confirms this in writing to the County or;
- b) The Quarry Licence holder and/or the Ministry confirms in writing to the County that the Licence or Site Plan is amended such that the extraction limit is modified and the lands from which the holding provision is to be removed maintain a minimum distance of 300m from the modified extraction limit or;
- c) The Quarry Licence holder agrees to operational modifications and/or physical mitigation measures, in compliance with Ministry of the Environment, Conservation and Parks noise guidelines and as determined through the appropriate technical studies. The completion of any technical studies would be the responsibility of the Owner and would need to be peer reviewed by the County.

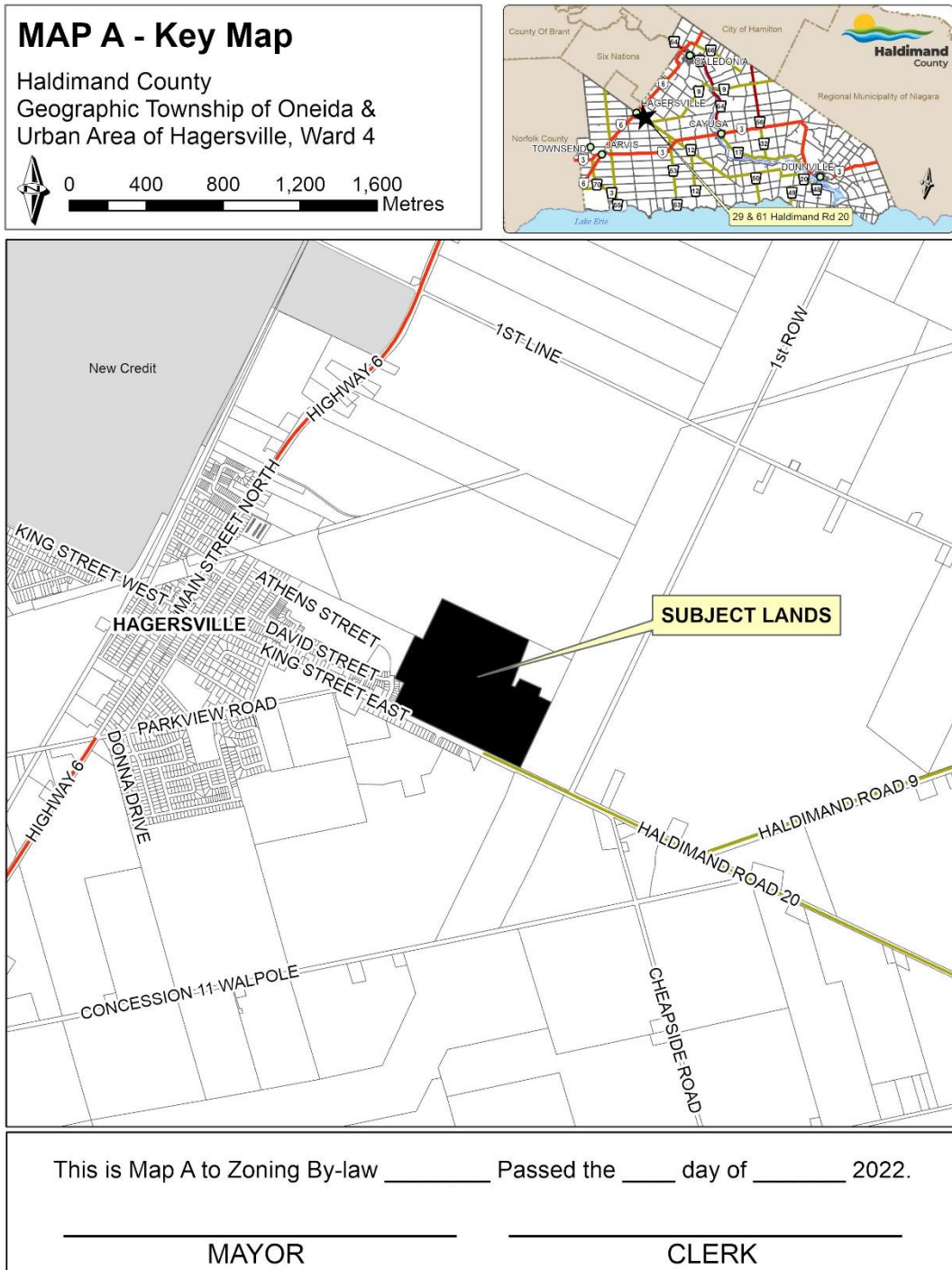
22. **AND THAT** this by-law shall come into force in accordance with the provisions of the *Planning Act*.

READ a first and second time this 16th day of May, 2022.

READ a third time and finally passed this 16th day of May, 2022.

MAYOR

CLERK



Ref: PLZ-HA-2021-009 & PL28T-2020-196 T:\Planning and Economic Development\PO\GIS\Applications\2021\PL28T\PL28T-2020-196 and PLZ-HA-2021-009\PL28T-2020-196_PLZ-HA-2021-009\PL28T-2020-196_PLZ-HA-2021-009.aprx

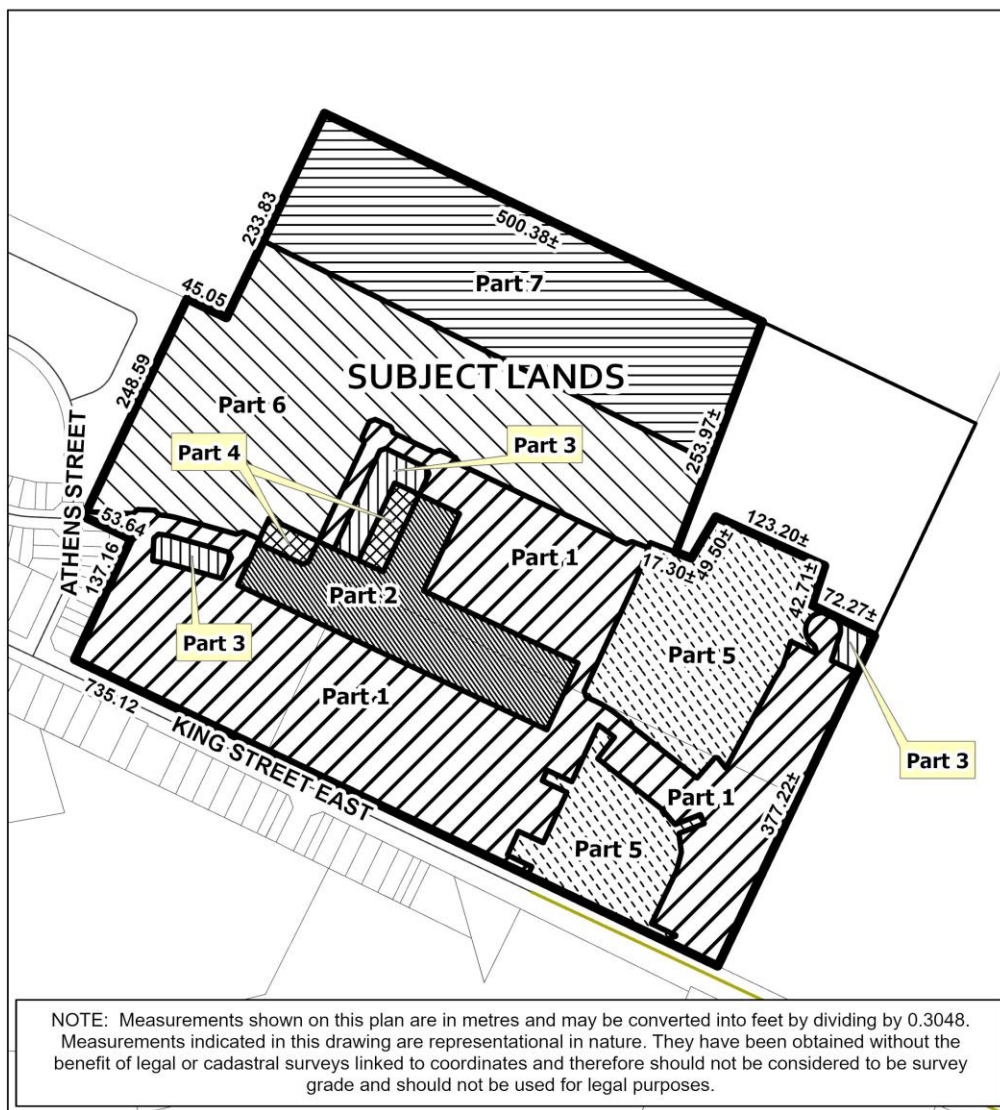
MAP B - Detail Map

Haldimand County

Geographic Township of Oneida & Urban Area of Hagersville, Ward 4

SCALE: 1:5,500

0 40 80 120 160
Metres



This is Map B to Zoning By-law _____ Passed the ____ day of _____ 2022.

MAYOR

CLERK

Ref: PL28T-2020-196 & PLZ-HA-2021-009

PURPOSE AND EFFECT OF BY-LAW /2022

The subject lands are legally described as Lots 29 and 30, Range East of Plank Road, Geographic Township of Oneida, Haldimand County. The subject lands are currently municipally addressed as 29 and 61 Haldimand Road 20.

The purpose of this by-law is to facilitate a draft plan of subdivision known as Smith Farms consisting of a maximum of 514 housing units, a stormwater management pond, pumping station, woodlot, and a recreational trail system. This by-law rezones the subject lands from the Agriculture (A) Zone to:

1. Urban Residential Type 1-B (R1-B) Zone for Part 1 with special provisions for customized setbacks, lot area, frontage, etc.;
2. Urban Residential Type 4 (R4) Zone for Part 2 with special provisions for customized setbacks, lot area, and frontage, etc.;
3. Urban Residential Type 1-B (R1-B) Zone for Part 3 with special provisions for customized setbacks, lot area, frontage, etc. and subject to a holding provision because the lands are within 300 metres of the blasting / extraction limit of the adjacent Quarry;
4. Urban Residential Type 4 (R4) Zone for Part 4 with special provisions for customized setbacks, lot area, frontage, etc. and subject to a holding provision because the lands are within 300 metres of the blasting / extraction limit of the adjacent Quarry;
5. Open Space (OS) Zone for Part 5 for trail development, woodlot management, and pumping station and stormwater management facilities;
6. Development (D) Zone for Part 6 for trail and emergency access development with residential development prohibited until the impacts from the adjacent quarry are removed or mitigated; and
7. Development (D) Zone for Part 7 for trail development with residential development prohibited until the 'Excess Lands' designation in the Official Plan is removed and the lands are required to accommodate forecasted growth, and the impacts from the adjacent quarry are removed or mitigated

in accordance with the Official Plan designation for the subject lands.

The Holding Provision can only be removed from Parts 3 and 4 when:

- a) The Quarry Licence holder ceases operations entirely and surrenders its Licence in accordance with the Aggregate Resources Act, and the Licence holder and/or the Ministry confirms this in writing to the County or;
- b) The Quarry Licence holder and/or the Ministry confirms in writing to the County that the Licence or Site Plan is amended such that the extraction limit is modified and the lands from which the holding provision is to be

- removed maintain a minimum distance of 300m from the modified extraction limit or;
- c) The Quarry Licence holder agrees to operational modifications and/or physical mitigation measures, in compliance with Ministry of Environment, Conservation and Parks noise guidelines and as determined through the appropriate technical studies. The completion of any technical studies would be the responsibility of the Owner and would need to be peer reviewed by the County.

Report Number: PDD-26-2022
File No: PLZ-HA-2021-009
Related File No.: PL28T-2020-196
Name: Gardens Communities (Hagersville) Inc. (Empire)
Roll No. 2810.153.002.00300 & 2810.153.002.00400