

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 2682249 Ontario Inc.

WHEREAS Haldimand County is authorized to enact this by-law, by virtue of the provisions of Section 34 and 36(1) 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 All of Lot 1 East Side of Maple Street Part of Lot 4 West Side of Tamarac Street Plan 69 Part of Buffalo and Brantford Railroad as Shown on Plan 1696 in the Village of Dunnville Now in the Geographic County of Haldimand and shown on Maps “A” and “B” attached to and forming 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 Parts 1, 2, and 3 of the subject lands identified on Map “B” (attached to and forming part of this by-law) from Urban Residential Type 3 (R3) *Zone* to Urban Residential Type 2 (R2) *Zone*.
3. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Parts 1, 2, 3 of the subject lands on Map “B” (attached to and forming part of this by-law) as having reference to Subsection R2.1.
4. **THAT** Subsection 6.4.2 Special Exceptions is hereby further amended by adding the following:

6.4.2.1 R2.1 Single Detached Dwellings are permitted in the R2.1 *Zone* subject to the R1-C *Zone* provisions. In lieu of the corresponding provisions in the R1-C and R2 *Zones*, the following shall apply for Single and Semi-Detached Dwellings:

- a) minimum *front yard*: 4.5 metres to the dwelling and 6.0 metres to the garage;

- b) minimum *interior side yard* (with attached *garage, private*): 1.2 metres on one side and 0.6 metres on the other side for single detached dwellings and 1.2 metres (0.0 m along the common wall) for semi-detached dwellings.

Notwithstanding the provisions of Section 4.2 d), “Accessory Uses, Buildings and Structures to Residential Uses”, 4.15 a) “Decks and Unenclosed Porches”, 4.20 a), b), d), g) “Exemptions from Yard Provisions”, the following provisions shall apply:

- a) a deck or unenclosed porch may project into any required yard setback a distance of not more than 2.0 metres, provided it is located no closer than 0.6 metres from a lot line, except a deck or unenclosed porch within a front or rear yard may be located 0.0 metres from a common interior lot line;
- b) sills, belt courses, cornices, chimneys, bay windows, pilasters, window projections, architectural elements, hydro meters or gas meters may project into any required yard or setback area a distance of not more than 0.6 metres, provided that they are no closer than 0.6 metres from a lot line, except sills, belt courses, cornices, chimneys, bay windows, pilasters, window projections, architectural elements, hydro metres or gas metres may be located 0.0 from a common interior lot line;
- c) for single detached dwellings, eaves and gutters for other than accessory building may project into any required yard or setback a distance of not more than 0.4 metres;
- d) canopies, awnings and/or steps may project into any required front yard area a distance of not more than 2.0 metres.

Notwithstanding the provisions of Section 5.2.3 b) “*Parking Space Dimensions*” a 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.

Notwithstanding the provisions of Section 5.2.6 “*Parking Lot and Garage Requirements*”, stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into a parking space located within a garage.

In addition to the provisions of the R2.1 Zone, the following provision shall apply to Part 1, if the built form of development is two storeys:

- a) for a Second *Storey* of a *Dwelling*, no glazing shall be permitted on the building’s side wall that abuts and is generally parallel to

Lot Line “A”, except for areas located within a bathroom, or a stairwell providing access to that second storey.

In addition to the provisions of the R2.1 Zone, the following provision shall apply to Part 3:

- a) minimum *Landscaped Open Space*: 35%
 - b) Lot Line “G” shall be defined as the “*Lot Line, Front*”
 - c) Lot Lines “H”, “I”, “J” and “L” shall be defined as “*Lot Line, Interior*”
 - d) Lot Line “K” shall be defined as “*Lot Line, Rear*”
 - e) Part 3 shall be considered an *Interior Lot*
5. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of Parts 4, 5, 6, 7, and 8 of the subject lands identified on Map “B” (attached to and forming part of this by-law) from Urban Residential Type 3 (R3) *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 Parts 4, 5, 6, 7, and 8 of the subject lands on Map “B” (attached to and forming part of this by-law) as having reference to Subsection R4.3.
7. **THAT** Subsection 6.4.4 Special Exceptions is hereby further amended by adding the following:

6.4.4.3 R4.3 In lieu of the corresponding provisions in the R4 *Zone*, the following shall apply:

- a) minimum *front yard*: 4.5 metres to the dwelling and 6.0 metres to the garage

Notwithstanding the provisions of Section 4.2 d), “Accessory Uses, Buildings and Structures to Residential Uses”, 4.15 a) “Decks and Unenclosed Porches”, 4.20 a), d), g) “Exemptions from Yard Provisions”, the following provisions shall apply:

- a) a deck or unenclosed porch may project into any required yard setback a distance of not more than 2.0 metres, provided it is located no closer than 0.6 metres from a lot line, except a deck or unenclosed porch within a front or rear yard may be located 0.0 metres from a common interior lot line;

- b) sills, belt courses, cornices, chimneys, bay windows, pilasters, window projections, architectural elements, hydro meters or gas meters may project into any required yard or setback area a distance of not more than 0.6 metres, provided that they are no closer than 0.6 metres from a lot line, except sills, belt courses, cornices, chimneys, bay windows, pilasters, window projections, architectural elements, hydro metres or gas metres may be located 0.0 from a common interior lot line;
- c) canopies, awnings and/or steps may project into any required front yard area a distance of not more than 2.0 metres.

Notwithstanding the provisions of Section 5.2.3 b) "*Parking Space Dimensions*" a 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.

Notwithstanding the provisions of Section 5.2.6 "*Parking Lot and Garage Requirements*", stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into a parking space located within a garage.

In addition to the provisions of the R4.3 Zone, the following provision shall apply to Part 8, if the built form of development is two storeys:

- a) for a Second Storey of a *Dwelling*, no glazing shall be permitted on the building's side wall that abuts and is generally parallel to Lot Line "E", except for areas located within a bathroom, or a stairwell providing access to that second storey.

In addition to the provisions of the R4.3 Zone, the following provision shall apply to Part 8:

- a) Lot Line "B" shall be defined as the "*Lot Line, Front*"
- b) Lot Lines "C", "E", and "F" shall be defined as "*Lot Line, Interior*"
- c) Lot Line "D" shall be defined as "*Lot Line, Rear*"

8. **THAT** Schedule "A" of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of Part 9 of the subject lands identified on Map "B" (attached to and forming part of this by-law) from Urban Residential Type 3 (R3) *Zone* to Urban Residential Type 2 – Holding (R2-H) *Zone*.
9. **THAT** Schedule "A" of By-law HC 1-2020, as amended, is hereby further amended by delineating the lands identified as Part 9 of the subject lands on Map "B" (attached to and forming part of this by-law) as having reference to Subsection R2.2.

10. **THAT** Subsection 6.4.2 Special Exceptions is hereby further amended by adding the following:

6.4.2.2 R2.2 Single Detached Dwellings are permitted in the R2.2 Zone subject to the R1-C Zone provisions. In lieu of the corresponding provisions in the R1-C and R2 Zones, the following shall apply for Single Detached Dwellings:

- a) minimum *front yard*: 4.5 metres to the dwelling and 6.0 metres to the garage;
- b) minimum *interior side yard* (with attached *garage, private*): 1.2 metres on one side and 0.6 metres on the other side for single detached dwellings.

Notwithstanding the provisions of Section 4.2 d), "Accessory Uses, Buildings and Structures to Residential Uses", 4.15 a) "Decks and Unenclosed Porches", 4.20 a), b), d), g) "Exemptions from Yard Provisions", the following provisions shall apply:

- a) a deck or unenclosed porch may project into any required yard setback a distance of not more than 2.0 metres, provided it is located no closer than 0.6 metres from a lot line;
- b) sills, belt courses, cornices, chimneys, bay windows, pilasters, window projections, architectural elements, hydro meters or gas meters may project into any required yard or setback area a distance of not more than 0.6 metres, provided that they are no closer than 0.6 metres from a lot line;
- c) for single detached dwellings, eaves and gutters for other than accessory building may project into any required yard or setback a distance of not more than 0.4 metres;
- d) canopies, awnings and/or steps may project into any required front yard area a distance of not more than 2.0 metres.

Notwithstanding the provisions of Section 5.2.3 b) "*Parking Space Dimensions*" a 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.

Notwithstanding the provisions of Section 5.2.6 "*Parking Lot and Garage Requirements*", stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into a parking space located within a garage.

Notwithstanding the provisions of Section 4.62 “Uses Permitted in all Zones”, a Lane shall also be permitted.

Notwithstanding Section 3 “Definitions”, the definition of Lane shall be amended as follows:

“Lane” shall mean a public or private thoroughfare which affords only limited access for vehicular traffic to abutting lots and which is not intended for general traffic circulation and is not considered a Street or Road.

11. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by repealing the zoning from Part 10 of the subject lands identified on Map “B” (attached to and forming Part of this by-law).

12. **THAT** Schedule “A” of By-law HC 1-2020, as amended, is hereby further amended by changing the zoning of Part 11 of the subject lands identified on Map “B” (attached to and forming part of this by-law) from Urban Residential Type 3 (R3) *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 Parts 11 of the subject lands on Map “B” (attached to and forming part of this by-law) as having reference to Subsection OS.2.

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

10.4.1.2 OS.2 Notwithstanding the uses permitted in the OS *Zone*, only the following uses shall be permitted:

a) Stormwater management facilities and associated infrastructure.

The provisions of Section 10.3 “Zone Provisions” shall not apply.

15. **THAT** the Holding “(H)” provision of this by-law shall be removed from Part 9 of the subject lands once the emergency access easement is amended on title and emergency access is relocated and reconstructed in accordance with the Design Criteria to the satisfaction of Haldimand County and Haldimand Standard Condominium Corporation No. 15.

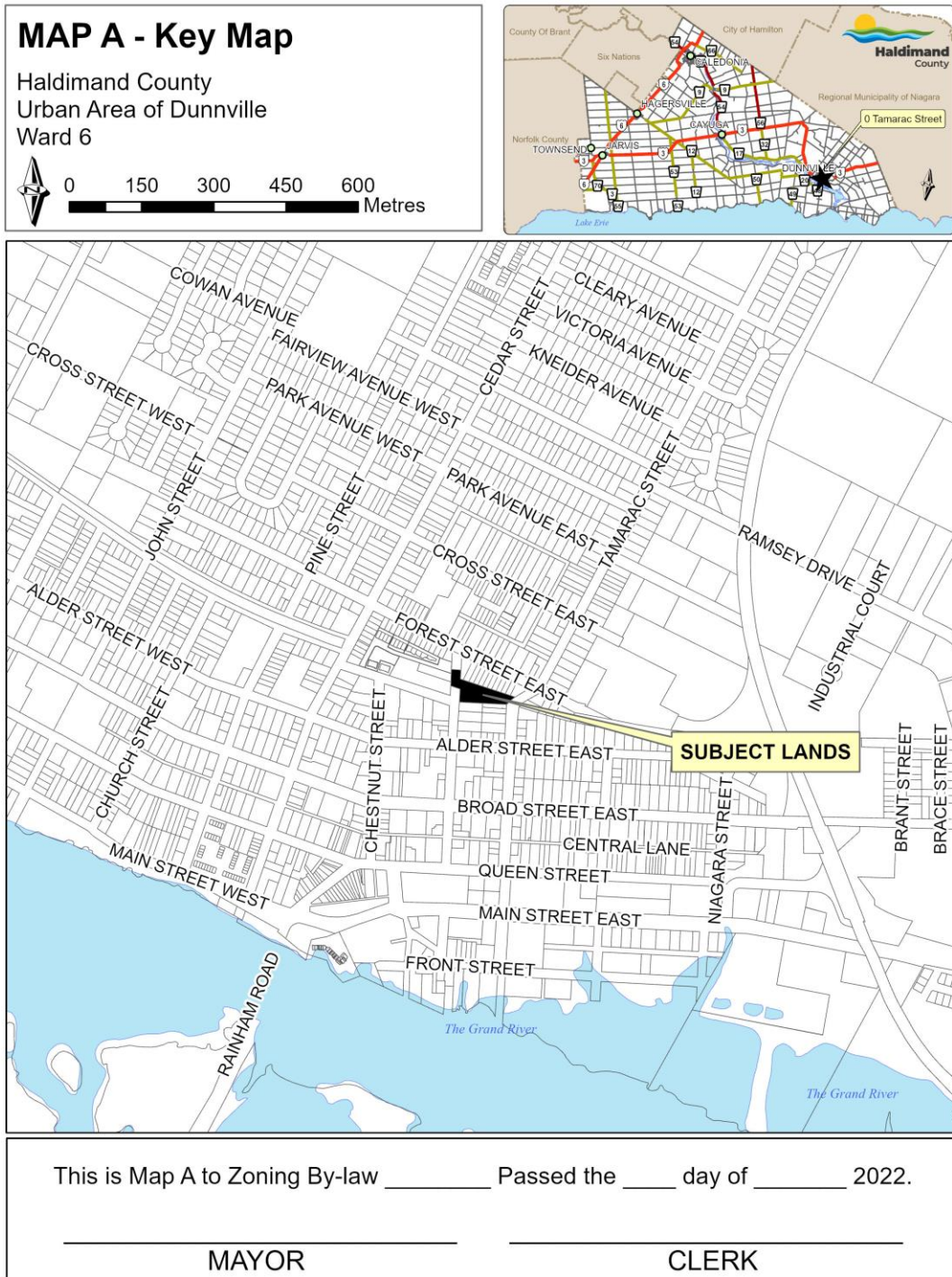
16. **THAT** this by-law shall come into force in accordance with the provisions of the *Planning Act*.

READ a first and second time this 6th day of June, 2022.

READ a third time and finally passed this 6th day of June, 2022.

MAYOR

CLERK



Ref: PLZ-HA-2021-079 & PL28T-2021-078 T:\Planning and Economic Development\PD\GIS\Applications\2021\PL28T\PL28T-2021-078 & PLZ-HA-2021-079 (Eidebs - Tamarac St)\PL28T2021078_PL2HA2021079\PL28T2021078_PL2HA2021079.aprx

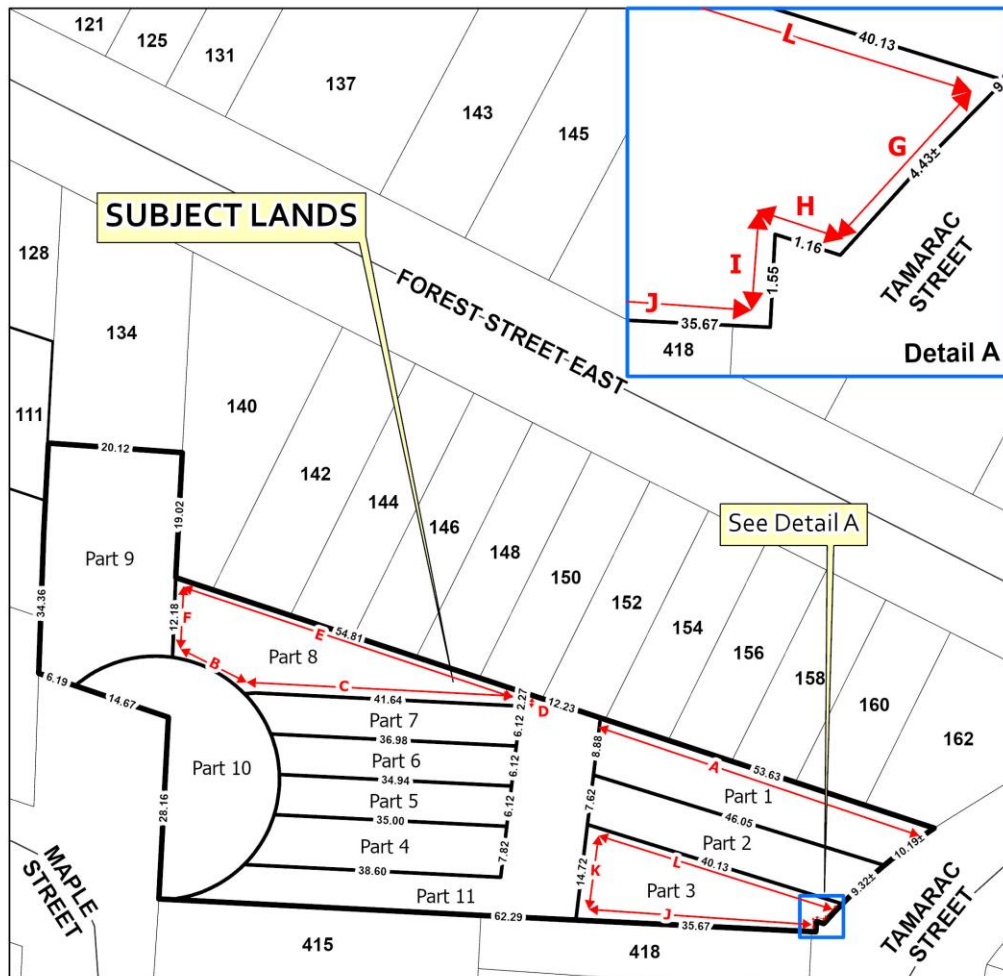
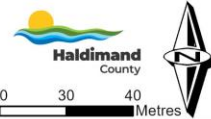
MAP B - Detail Map

Haldimand County

Urban Area of Dunnville, Ward 6

SCALE: 1:800

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 _____ 2022.

MAYOR

CLERK

Ref: PL28T-2021-078 & PLZ-HA-2021-079

PURPOSE AND EFFECT OF BY-LAW -HC/22

The subject lands are legally described as All of Lot 1 East Side of Maple Street Part of Lot 4 West Side of Tamarac Street Plan 69 Part of Buffalo and Brantford Railroad as Shown on Plan 1696 in the Village of Dunnville Now in the Geographic County of Haldimand.

The purpose of this by-law is to implement a Draft Plan of Subdivision consisting of one (1) single detached dwelling (Part 1), two (2) semi-detached dwelling units (Parts 2 and 3), five (5) street-townhouse dwellings (Parts 4 to 8), one (1) future single detached dwelling and emergency access (Part 9), a cul-de-sac (Part 10), and stormwater management ponding area (dry pond) (Part 11).

The subject lands are being rezoned from “Urban Residential Type 3 (R3)” to:

- Parts 1 – 3 – “Urban Residential Type 2 (R2)” with Special Provisions;
- Parts 4 – 8 – “Urban Residential Type 4 (R4)” with Special Provisions;
- Part 9 – “Urban Residential Type 2 (R2)” with Special Provisions and a Holding (H) Provision to prevent construction of a dwelling until the emergency access easement encumbering this Part is amended on title and emergency access is relocated and reconstructed in accordance with the Design Criteria to the satisfaction of Haldimand County;
- Part 10 – Zoning repealed (zoning does not apply to public roadways);
- Part 11 – (Part 11 = Block 3) – “Open Space (OS)” with Special Provisions.

Report Number:	PDD-22-2022
File No:	PLZ-HA-2021-079
Related File No.:	PL28T-2021-078
Name:	2682249 Ontario Inc.
Roll No.	2810.024.005.32960.0000