

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 Gardens Communities 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;

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 OND Range East of Plank Road, Part Lots 26 and 30, 18R-5944, Part 1, 2, 3 and 4, with no municipal address; Hagersville, Haldimand County, and being as shown on Maps 'A' and 'B' attached hereto to form a part of this by-law.
2. **THAT** Schedule "A9" to Zoning By-law 1-H 86, as amended, are hereby further amended by rezoning the lands shown as Part 1 on Map 'B' attached to this by-law from 'Development (D)', 'Urban residential Type 1-B (R1-B)' and 'Urban Residential Type 2 (R2)' to 'Urban Residential Type 1-B – Holding (R1-B (H))'.
3. **THAT** Schedule "A9" to Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning the lands shown as Parts 2 to 6 on Map 'B', including details 1, 2 and 3, attached to this by-law from 'Development (D)', 'Urban residential Type 1-B (R1-B)' and 'Urban Residential Type 2 (R2)' to 'Open Space (OS)';
4. **THAT** special provision 36.121 be repealed and the following subsection be added to section 36 of said Zoning By-law 1-H 86:

36.443

1. Zoning for Urban Residential Type 1-B (R1-B) - One and Two Family Dwellings

That on the lands delineated as Part 1 on Maps 'B, including Details 1, 2 and 3, attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 10.1 Permitted Uses – Urban Residential Type 1-B (R1-B), permitted uses shall include:
 - a) One family dwelling house
 - b) Two family dwelling house
- ii. That notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 10.2(a) Minimum Lot Area	220 square metres for an interior lot and 265 square metres for a corner lot
b) 10.2(b) Minimum Lot Frontage	8 metres for an interior lot and 10 metres for a corner lot
c) 10.2(c)(i) Minimum Front Yard	4.5 metres to the dwelling and 6.0 metres to the garage
d) 10.2(c)(ii) 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.
e) 10.2(c)(iii) Interior Side Yard	For one family dwelling house: 1.2 metres on one side and 0.6 metres on the other side. For two family dwelling house: 1.2 metres, except no interior side yard is required along common lot line.
f) 10.2(c)(iv) Rear Yard	7.0 metres

Any provisions of the R1-B zone not specifically identified above, are applicable as set out in Section 10 of By-law 1 H 86.

- iii. 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 risers or 0.61 metres, shall be permitted to encroach into this parking space.”

- iv. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, a bay window may project a distance of not more than 0.9 m into any required yard.
- v. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, 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.
- vii. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps / stairs may project into any required front yard, rear yard, exterior side yard or setback a distance of not more than 3.5 metres.

- viii. That notwithstanding Section 6.21(d) Exemptions 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.
- ix. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- x. That 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 front setback.
- xi. That 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.
- xii. That a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.

2. Zoning for Open Space (OS)

That on the lands delineated as Parts 2, 3, 4, 5 and 6 on Map B, including details 1, 2 and 3, attached to and forming part of this by-law, the following provisions shall apply:

- i. That notwithstanding the permitted uses of Section 32.1 Open Space Zone (OS), only the following uses shall be permitted on Parts 2, 3, 4, 5 and 6:
 - a) Park
 - b) Multi-use recreational trail and recreational space without buildings or structures
 - c) Stormwater management facilities, subject to the approval of the Grand River Conservation Authority and Long Point Region Conservation Authority.

3. General Provisions

The following General Provisions apply to the lands shown on Maps 'A', and '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 a minimum density of development be set for the entire subject lands shown on Maps ‘A’, and ‘B’ at 46 persons and jobs per hectare. The density measure is to be calculated based upon: 3.16 persons per one family dwelling house and 3.16 persons per two family dwelling house (each dwelling unit).
5. **THAT** the ‘Holding-“H”’ provision shall remain in place on the lands shown on Maps ‘A’ and B, including details 1, 2 and 3, attached to and forming part of this by-law until such time as:
- a. confirmation of availability of sanitary treatment capacity (wastewater treatment plant) and sanitary conveyance capacity (forcemain capacity, pumping station capacity);
 - b. conditions of draft approval for the subdivision are addressed and subdivision agreement is registered;
6. **THAT** Haldimand County By-law 236-HC-05, creating Special Provision 36.121, be repealed.
7. **AND THAT** this by-law shall become effective from and after the date of passing thereof.

READ a first and second time this 30th day of April, 2018.

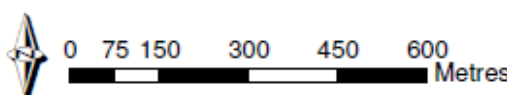
READ a third time and finally passed this 30th day of April, 2018.

MAYOR


CLERK

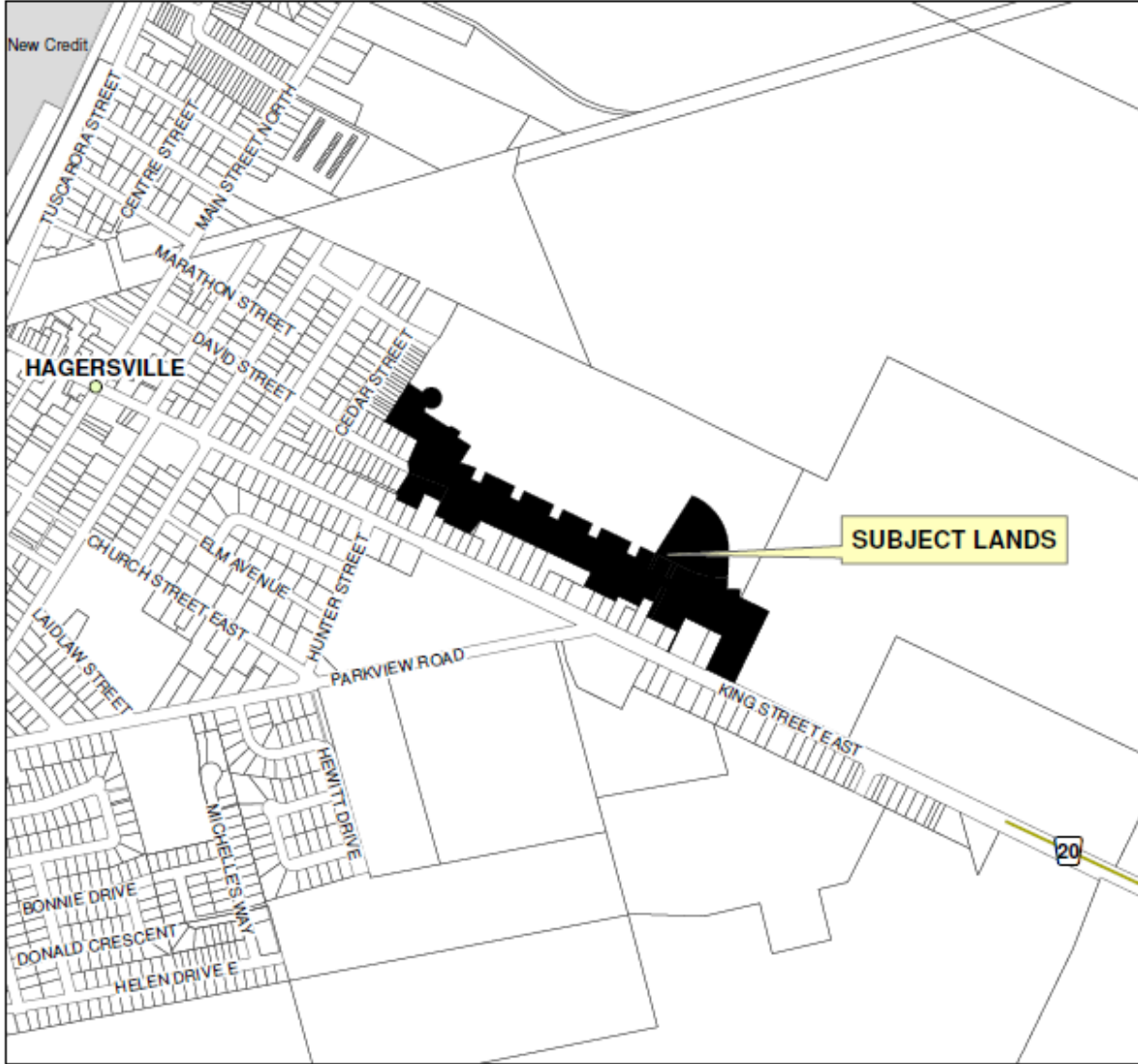
Schedule "A"

MAP A - Key Map
Haldimand County
Urban Area of Hagersville
Ward 4



0 75 150 300 450 600 Metres





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

MAYOR

CLERK

Ref: PLZ-HA-2017-128

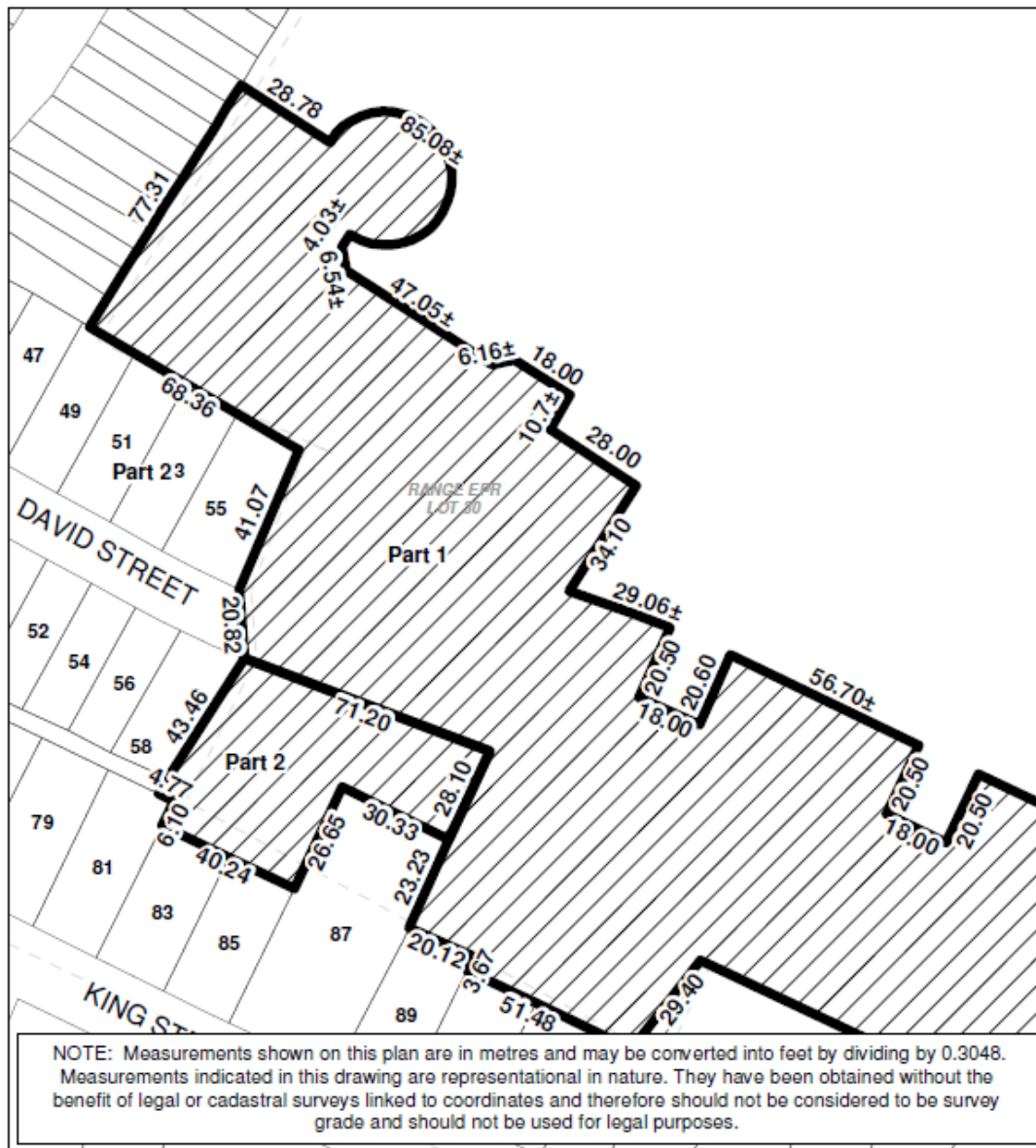
Schedule "B"

MAP B - Detail Map 1

Haldimand County
Urban Area of Hagersville, Ward 4

SCALE: 1:1,500

0 15 30 45 60 Metres



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

MAYOR

CLERK

Ref: PLZ-HA-2017-128

Ref: PLZ-HA-2017-128

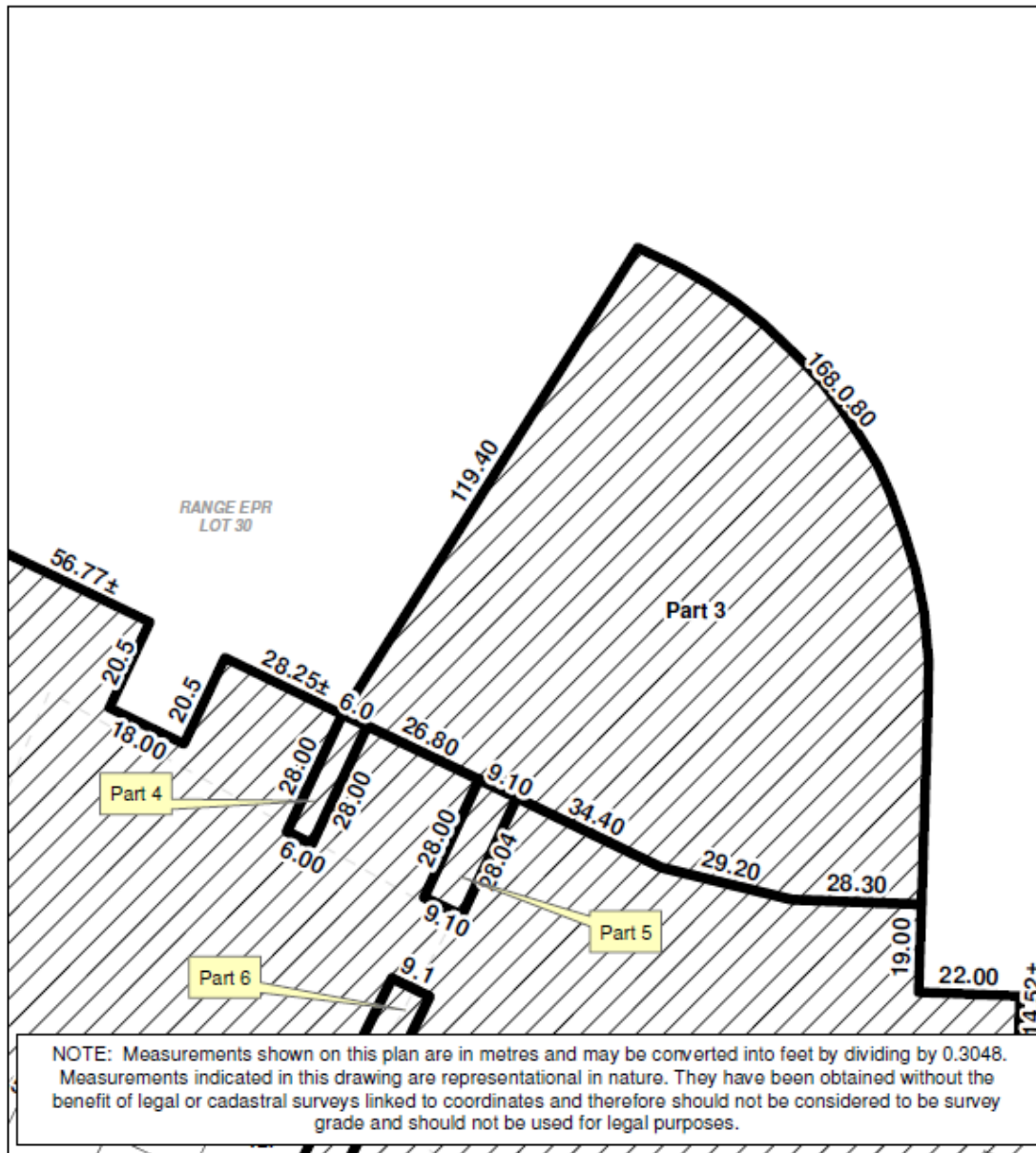
MAP B - Detail Map 2

Haldimand County
Urban Area of Hagersville, Ward 4

SCALE: 1:1,200



0 15 30 45 60 Metres



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

MAYOR

CLERK

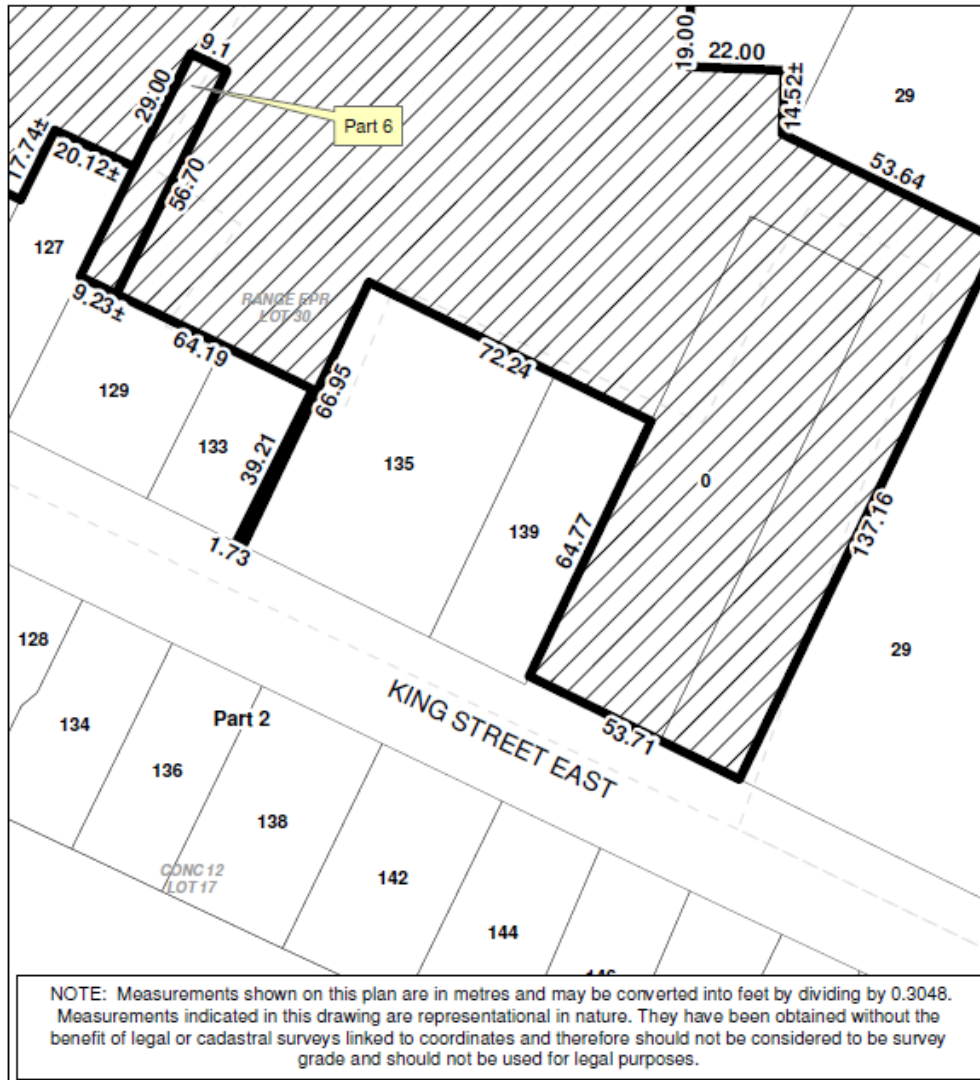
Ref: PLZ-HA-2017-128

MAP B - Detail Map 3
Haldimand County
Urban Area of Hagersville, Ward 4

SCALE: 1:1,200



0 15 30 45 60 Metres



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

MAYOR

CLERK

Ref: PLZ-HA-2017-128

PURPOSE AND EFFECT OF BY-LAW /18

This by-law affects lands located north side of King Street East within the urban area of Hagersville. The lands are described as OND Range East of Plank Road, Part Lots 26 and 30, 18R-5944, Part 1, 2, 3 and 4, with no municipal address, Hagersville.

The purpose of this by-law is to facilitate Phase One of a plan of subdivision through a site specific Zoning By-law Amendment to By-law 1-H 86.

In the Haldimand County Official Plan the subject lands are designated as 'Residential' which supports the proposed use.

PED-PD-19-2018
Zoning File – PLZ-HA-2017-128
Related File – PL28T-HA-2017-129
Roll No. 2810.153.002.00500
Gardens Communities Inc.