

THE CORPORATION OF HALDIMAND COUNTY

By-law No. 810-HC/13

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

WHEREAS this by-law is enacted in accordance with Section 34 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 lands described as Part Lot 8, Plan 1037, Geographic Township of Moulton, Urban Area of Dunnville, now in Haldimand County, and being shown on Maps 'A' and 'B' attached hereto to form a part of this by-law.
2. THAT Schedule "A4-B" to Zoning By-law 1-DU 80 of the Town of Dunnville, as amended, is hereby further amended by rezoning the lands shown on Maps 'A' and 'B' attached hereto to form part of this by-law from 'Light Industrial (ML)' to 'Highway Commercial (CH)'.
3. THAT Schedule "A4-B" to Zoning By-law 1-DU 80 of the Town of Dunnville, as amended, is hereby further amended by identifying the Subject Lands shown on Maps 'A' and 'B' attached hereto as having reference to 37.333.
4. THAT the following subsection shall be added to Section 37 (Special Provisions for Particular Parcels of Land) of said By-law 1-DU 80.

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

a) Notwithstanding the provisions of Section 19.1 – *Permitted Uses* of the 'Highway Commercial (CH)' zone, permitted uses shall include:

- i. restaurant;
- ii. vehicle sales and/or rental establishment and may include open storage accessory thereto;
- iii. farm implement sales and service establishment and may include open storage accessory thereto;
- iv. office;
- v. government and public utility offices;
- vi. research and development facilities;
- vii. enclosed warehouse;
- viii. processing, manufacturing and light assembly plant which are deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;

- ix. fitness and / or health care facility;
- x. trade school;
- xi. park;
- xii. day nursery;
- xiii. place of worship;
- xiv. retail establishment;
- xv. convenience store;
- xvi. pharmacy and personal care store;
- xvii. service commercial store.

b) For the purposes of this by-law, a 'Retail Establishment' shall be defined as follows:

'A building or a part of a building in which the main use is the retail of non-food general merchandise; apparel & accessories; furniture and home furnishings; electronics & appliances; sporting goods, hobby, music & books, or other miscellaneous non-food retail. Liquor / beer retail outlets are not included in this category. A pharmacy and personal care store; convenience store and service commercial store as defined herein are also not included in this category.'

c) For the purposes of this by-law, a 'Pharmacy and Personal Care Store' shall be defined as follows:

'A building or a part of a building in which the main use is the retail of prescription drugs; cosmetics, beauty supplies and perfumes; optical goods; and other health and personal care items including but not limited to vitamin supplements, non-prescription drugs, health appliances, and similar items.'

d) For the purposes of this by-law, a 'Service Commercial Store' shall be defined as follows:

'A building or a part of a building in which the main non-retail commercial use is a service type use which may include, but not be limited to, a barber shop, beauty salon, dressmaking shop, shoe repair shop, tailor shop, photographic studio, music studio, real-estate office, travel agency, insurance brokerage, accountant office, architect office, dentist office, or other similar use. Financial Institution and Restaurant are not included in this category.'

e) The following uses are prohibited on the subject lands:

- i. Liquor / Beer Retail Outlet as defined herein;
- ii. Financial Institution as defined herein.

f) For the purposes of this by-law, a 'Liquor/Beer Retail Outlet' shall be defined as follows:

'A place, building or part of a building used solely for the retail sale of beer, wine and liquor products not intended for immediate consumption. A Liquor/Beer Retail Outlet excludes a Restaurant as defined.'

- g) For the purposes of this by-law, a 'Financial Institution' shall be defined as follows:
'A place, building or part of a building that focuses on dealing with financial transactions, such as investments, loans and deposits and which may include a use such as bank, trust company, savings and loan association or investment company.'
- h) Notwithstanding any provisions contained in subsection 19.2, the minimum gross useable floor area for a Retail Establishment, as permitted and defined herein, shall be 465 square metres.
- i) Notwithstanding any provisions contained in subsection 19.2, the maximum gross useable floor area for all Retail Establishments combined shall be 1,300 square metres.
- j) Notwithstanding any provisions contained in subsection 19.2, a Pharmacy and Personal Care Store, as permitted and defined herein, shall have a maximum gross useable floor area of 557 square metres.
- k) Notwithstanding any provisions contained in subsection 19.2, a Convenience Store shall have a maximum gross useable floor area of 93 square metres.
- l) Notwithstanding any provisions contained in subsection 19.2, the maximum gross useable floor area for all combined Restaurant(s) and Service Commercial Store(s), as permitted and defined herein, shall be 465 square metres.
- m) Notwithstanding any provisions contained in subsection 19.2, a Restaurant shall have a minimum gross useable floor area of 280 square metres.
- n) Notwithstanding any provisions contained in subsection 19.2, the maximum gross useable floor area for all combined Retail Establishments, Convenience Store, Pharmacy and Personal Care Store, Restaurant and Service Commercial Stores shall be 2,415 square metres.

5. AND THAT this by-law shall take force and effect on the day of passing.

READ a first and second time this 11th day of February, 2013.

READ a third time and finally passed this 11th day of February, 2013.

ACTING


MAYOR


CLERK