

SECTION 34 – HAZARD (H) ZONE

34.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply in all “Hazard (H) Zones” on Schedule “A”.

34.2 PERMITTED USES

- Agricultural uses except dwelling units, accessory buildings, livestock operations or poultry operations.
- Conservation and management of plant and wildlife.
- Control structures to prevent flooding and/or erosion by water or wind.
- Uses permitted under the Niagara Parks Act, R.S.O. 1990 and amendments thereto in any successor legislation, or for Niagara Parks Commission purposes, only on lands under the jurisdiction of The Niagara Parks Commission

34.3 REGULATIONS

Minimum Lot Frontage	As existing or as created by consent
Minimum Lot Area	As existing or as created by consent
Maximum Lot Coverage	20 percent
Minimum Front Yard	10 metres
Minimum Side Yard	5 metres
Minimum Rear Yard	7.5m

34.4 REQUIREMENTS FOR CONTROL STRUCTURES

All Yards and Other Provisions	No municipal requirements except for compliance with the regulations of the appropriate federal and provincial government agencies
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EXCEPTIONS TO THE HAZARD (H) ZONE

H-19 (252-1990) Winger Road, east side, south of Eagle Street

These lands are zoned "Hazard H-19 Zone" and all of the provisions that relate to lands zoned "Hazard H Zone" by this by-law shall apply to those lands zoned "Hazard H-19 Zone" except that notwithstanding the regulations of Subsection 34.2 (Permitted Uses), these lands shall only be used for the following:

- (a) Conservation and management of plant and wildlife;
- (b) control structures to prevent flooding and/or erosion by water or wind.

H-105 (140-1993) Bowen Road, north side, east of Point Abino Road North

These lands are zoned "Hazard H-105 Zone" and all of the provisions that relate to lands zoned "Hazard H Zone" by this by-law shall apply to those lands zoned "Hazard H-105 Zone" except that in addition to the uses permitted in Subsection 34.2 - Permitted Uses in the Hazard H Zone, the existing barn on the lands shown as "H-105" on Schedule "A" may be used as a farm supply and service establishment.

H-284 (129-1990) Abino Dunes Development, Point Abino

That part of the land shown on Schedule "A" as "Hazard H-284 Zone" shall be subject to the following regulations:

- (a) No buildings, structures, pools, tennis courts or other man-made appurtenances shall be erected, constructed or placed on the said lands. Vegetation shall not be removed from the said lands and the lands shall not be graded or altered in any way whatsoever.

H-304(H) (15-2002) Point Abino Road South, south of Abino Dunes Road

These lands are zoned "Hazard Holding H(H)-304 Zone" and all of the provisions that relate to lands zoned "Hazard H Zone" by this by-law shall apply to those lands zoned "Hazard Holding H-304(H) Zone" on Schedule "A". Once the Holding has been removed, after the Town has approved a Site Plan Agreement these lands shall comply to all of the provisions that relate to lands zoned "Hazard (H) Zone" by that by-law except:

- (a) notwithstanding the provisions of Subsection 6.18(d), the existing dwelling on this property may be expanded through a one and one-half storey addition to the building not exceeding 103 square metres in area,
- (b) notwithstanding the provisions of Subsection 6.5, the lands shall not be required to have frontage on a public street, and;
- (c) notwithstanding the provisions of Subsection 5.151, the front lot line shall be the lot line that divides the lot from the private road.

H-329 (229-04) HOUCK CRESCENT (SS) AT WARWICK AVENUE

These lands are zoned Hazard H-329, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to those lands zoned Hazard H-329 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 34.2 – Permitted Uses, the subject lands shall only be used for the conservation of plant and wildlife.

H-334 Zone (By-law 58-05) Dominion Woods Subdivision, south of Dominion Road, east of Prospect Point Road South

These lands are zoned Hazard H Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall

apply to those lands zoned Hazard H-334 Zone subject to the following special provisions:

- b) Notwithstanding the list of permitted uses set out in Section 34.2 “Permitted Uses”, the lands shown as H-334 may only be used for:
- Conservation and management of plant and wildlife;
 - Control structures to prevent flooding and/or erosion by water or wind; and
 - Public Parks

H-335 Zone (By-law 106-05) Black Creek Meadows Subdivision, northeast corner of Baker Road and Netherby Road

These lands are zoned Hazard H Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to those lands zoned Hazard H-335 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the list of permitted uses set out in Section 34.2 “Permitted Uses”, the lands shown as H-335 on Schedule A may only be used for:
 - Conservation and management of plant and wildlife; and
 - Control structures to prevent flooding and/or erosion by water or wind;

H-344 (164-05) 4777 Bowen Road and N/E Corner of Point Abino Road and Sherk Road

These lands are zoned Hazard H-344 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to these lands zoned Hazard H-344 Zone on the attached Schedule A subject to the following special provisions:

- (a) Notwithstanding the list of permitted uses set out in Section 34.2 “Permitted Uses”, the lands shown as H-344 on Schedule A may be used for conservation and management of plant and wildlife and a television transmitter facility and associated equipment.

H-354 (192-05) 1407 Bertie Street

These lands are zoned Hazard H-354 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to these lands zoned Hazard H-354 Zone on the attached Schedule A subject to the following special provisions:

- (a) Notwithstanding subsection 34.2 “Permitted Uses” the use of the lands zoned Hazard H-354 Zone shall be limited to only “conservation and management of plant and wildlife”.

H-356(H) (226-05) DEE MC PROPERTIES LTED. (Bruno Dammizio), 3425 Niagara River Parkway (awaiting OMB Appeal)

These lands are zoned Hazard Holding H-356(H) Zone and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to those lands zoned Hazard Holding H-356(H) Zone on Schedule A subject to the following special provisions:

- a) That notwithstanding the requirements of subsection 34.2 Permitted Uses the lands shall be limited to only the conservation and management of plant and wildlife and golf cart pathway and fairway crossings provided that

the golf cart pathway or fairway crossings do not compromise the integrity of the natural area. The number of golf cart pathways and fairway crossings may be limited on the approved Site Plan.

H-371(H) (226-05) ZOOZ THEME PARK, 2821 STEVENSVILLE ROAD

These lands are zoned Hazard H-371 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard Zone by this by-law shall apply to those lands zoned Hazard H-371 Zone on the attached Schedule A subject to the following special provisions:

- a) These lands shall only be used for open space and conservation of the natural environment and nature trails and crossings that do not compromise the integrity of the natural area. The number of nature trails and crossings shall be limited on the approved site plan.