

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /19

Being a by-law to authorize a temporary use of certain lands, building and structures for a prohibited use by Zoning By-law 1-H 86, as amended, in the name of Timothy and Heather Lees

WHEREAS Haldimand County is empowered to enact this by-law, by virtue of the provisions of Sections 34, 36 and 39 of the *Planning Act*, R.S.O. 1990, C.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 RAINHAM CONCESSION 2, PART LOT 9 AND SOUTH, HALF PART LOT 10 REFERENCE PLAN 18R7315, PART 1, now in Haldimand County and identified as the 'Subject Lands' on Maps 'A' and 'B' attached hereto to form part of this by-law.
2. **THAT** in addition to the uses permitted in Subsection 28.1 – Permitted Uses of the 'Agricultural (A)' zone of By-law 1-H 86, as amended, a 'temporary dwelling' may also be permitted on the lands described in clause 1 of this by-law for a temporary time period commencing on November 25, 2019 and expiring on November 25, 2029.
3. **THAT** notwithstanding the provisions of Section 6.14 - Number of Dwelling Houses Per Lot, a second dwelling may also be permitted on the lands described in clause 1 of this by-law for a temporary time period commencing on November 25, 2019 and expiring on November 25, 2029.
4. **THAT** for the purpose of this by-law a 'temporary dwelling' shall be defined as follows:

'A mobile home unit that is placed on the same lot as a one family dwelling where such unit is established on a temporary basis to serve a person(s) requiring care, supervision and common living.'
5. **THAT** a "Holding "H" provision shall be applied to the zoning of the property referred to in clause 1 and shall remain in place on the subject lands until such time as:
 - a. an agreement has been executed; and
 - b. the Building and Municipal Enforcement Services is satisfied with the location and design of the septic system.

6. **AND THAT** this by-law shall take force and effect on the date of passing.

READ a first and second time this 25th day of November, 2019.

READ a third time and finally passed this 25th day of November, 2019.

MAYOR

DEPUTY CLERK

MAP A - Key Map

Haldimand County
Geographic Township of Rainham
Ward 2

0 150 300 450 600

Metres

This is Map A to Zoning By-law _____ Passed the ____ day of _____ 2019.

MAYOR

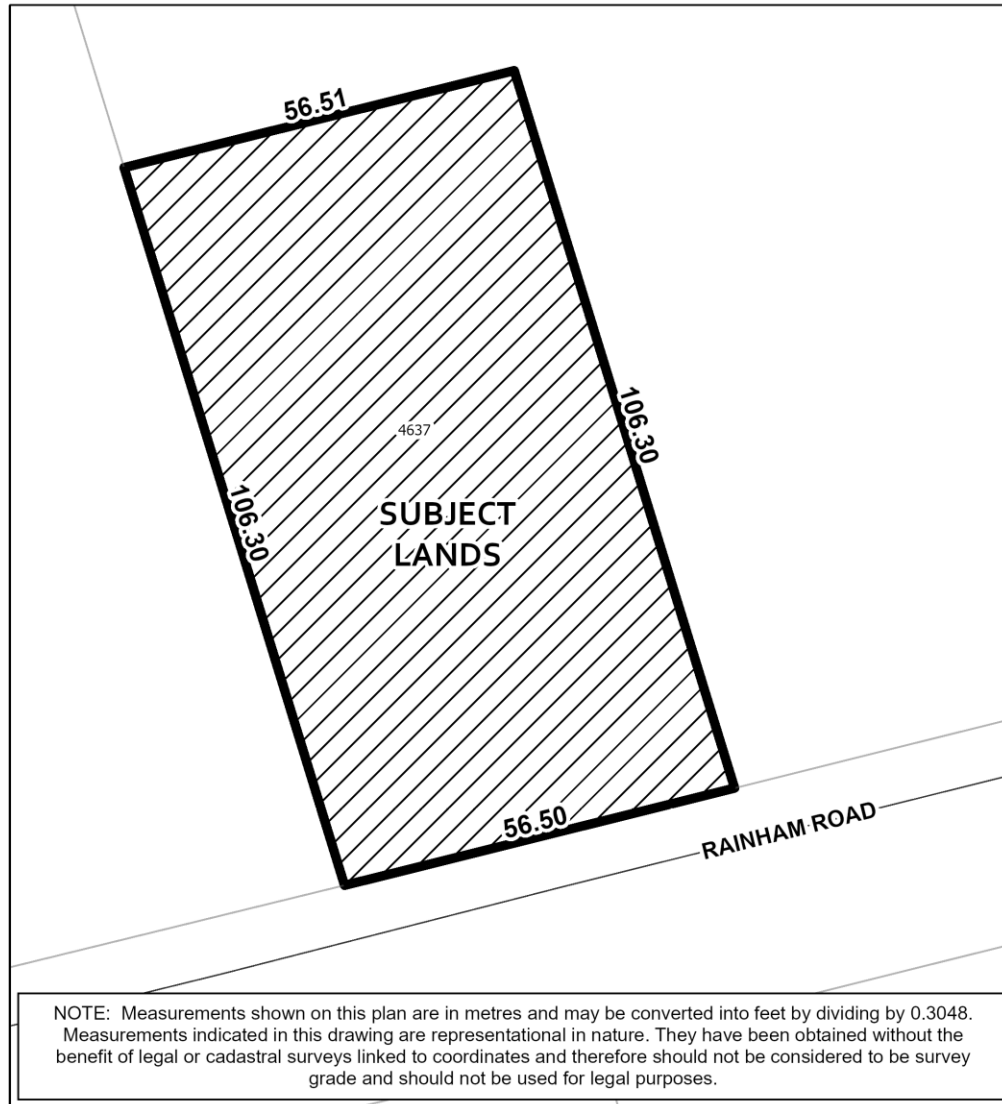
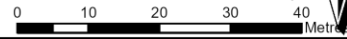
CLERK

Ref: PLZ-HA-2019-159

MAP B - Detail Map

Haldimand County
Geographic Township of Rainham, Ward 2

SCALE: 1:750



This is Map B to Zoning By-law _____ Passed the ____ day of _____ 2019.

MAYOR

CLERK

Ref: PLZ-HA-2019-159

PURPOSE AND EFFECT OF BY-LAW NO. _____/19

This by-law affects lands located in the rural area of Haldimand County which are described as Geographic Township of Selkirk, RAINHAM CONCESSION 2, PART LOT 9 AND SOUTH, HALF PART LOT 10 REFERENCE PLAN 18R7315, PART 1, now in Haldimand County, and known municipally as 4637 Rainham Road. The subject lands are shown in the attached maps.

This by-law has been enacted to permit a mobile home as a temporary dwelling for the care, supervision and common living of the landowners' parents/in-laws needing the care of their family members in their day-to-day living in the 'Agriculture (A)' Zone. This by-law provides for such a use for a temporary period commencing November 25, 2019 and expiring on November 25, 2029. Any extension to the time limit set out in this by-law will require the passing of a further by-law by Council.

A site specific rear yard setback of 13 metres and a minimum usable floor area of 113 square metres has been established for the temporary dwelling. All other setbacks in the 'Agriculture (A)' Zone apply.

This by-law will be implemented and enforced through the additional tool of an agreement between the owners and Haldimand County.

The 'Holding "H"' provision has been included with zoning on the subject lands to ensure that:

- a. an agreement has been executed;
- b. a permit for the septic system has been issued by the Grand River Conservation Authority; and
- c. the Building and Municipal Enforcement Services is satisfied with the location and design of the septic system.

A permit cannot be issued by Building and Municipal Enforcement Services for the septic system for the garden suite or for the garden suite itself until the "H" provision has been removed.

Report Number: PDD-40-2019
File Number: PLZ-HA-2019-159
Roll #: 2810-158-002-57720
Name: Timothy and Heather Lees