

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /21

Being a by-law to amend Zoning By-law HC 1-2020 in the name of Michael and Jacqueline Forbes

WHEREAS Haldimand County is authorized to enact this by-law, by virtue of the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, C. P13, 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 RANGE EPR PT LOT 4 PT LOT 5, former Geographic Township of Oneida, now in Haldimand County and being shown as the Subject Lands on Maps “A” and “B” attached hereto to form a part of this by-law.
2. **THAT** Schedule “A-E2” of the Haldimand County Zoning By-law HC 1-2020, as amended, is further amended by identifying the Subject Lands on Maps “A” and “B” attached hereto to form part of this by-law as having reference to subsection A.2.
3. **THAT** the following subsection shall be added to Section 11.4.1 (Special Exceptions) of said By-law HC 1-2020:

11.4.1.1 A.2 That on lands delineated as having reference to this subsection, the following shall apply:

Part 1

- i. That notwithstanding Subsection 11.2 ‘Permitted Uses in the Agricultural & Future Development Zones’, a single detached dwelling and all other residential uses shall be prohibited on the subject lands.

Part 2

- ii. That notwithstanding the Agricultural Zone provisions contained in Section 11.3, the following shall apply:
 - The minimum lot frontage shall be 20 metres on an improved street.
 - The height and size of the existing dwelling and two residential accessory structures existing on the date of passing of this by-law are grandfathered.

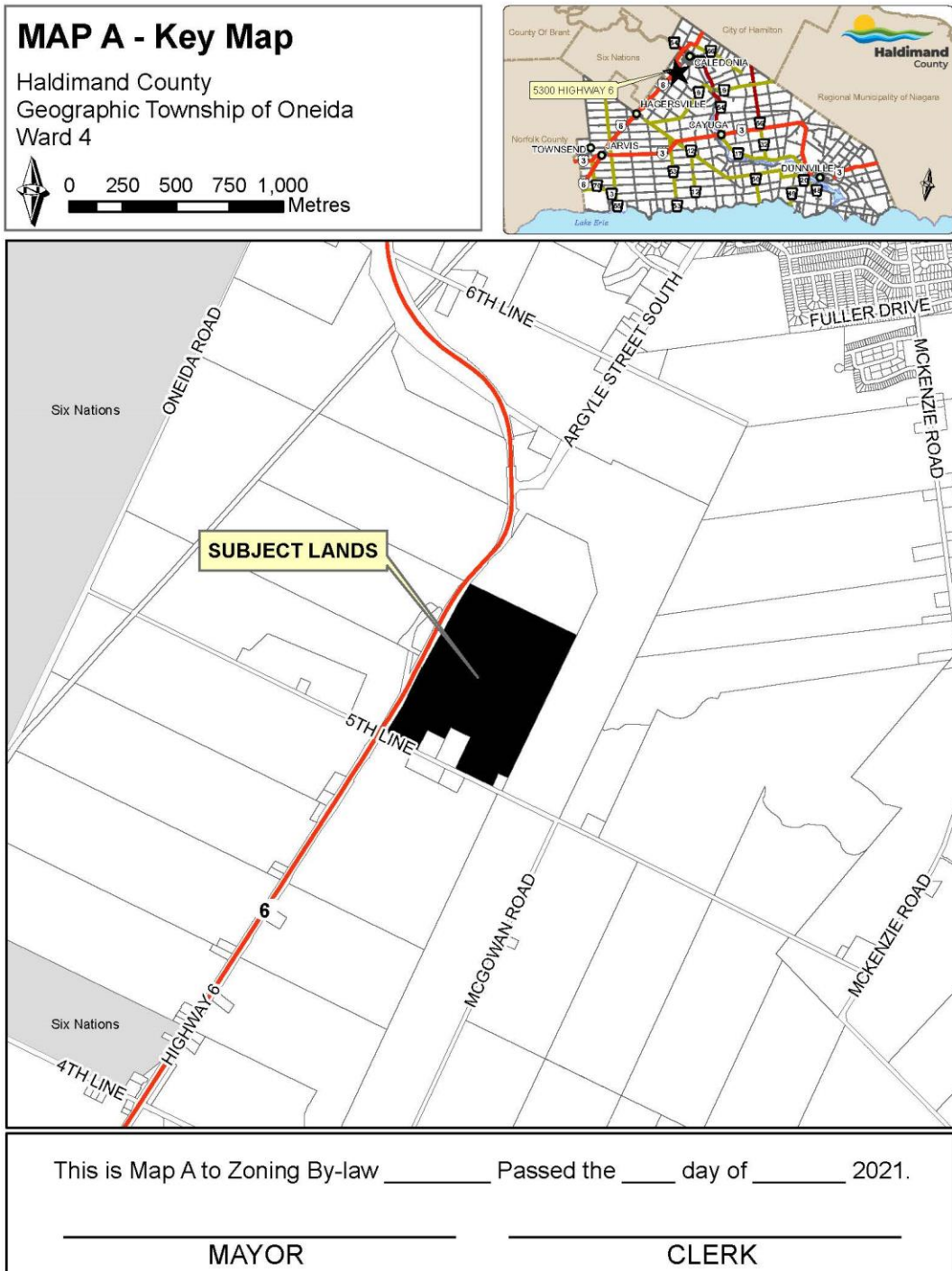
4. **AND THAT** this by-law shall take force and effect on the date of passing.

READ a first and second time this 16th day of February, 2021.

READ a third time and finally passed this 16th day of February, 2021.

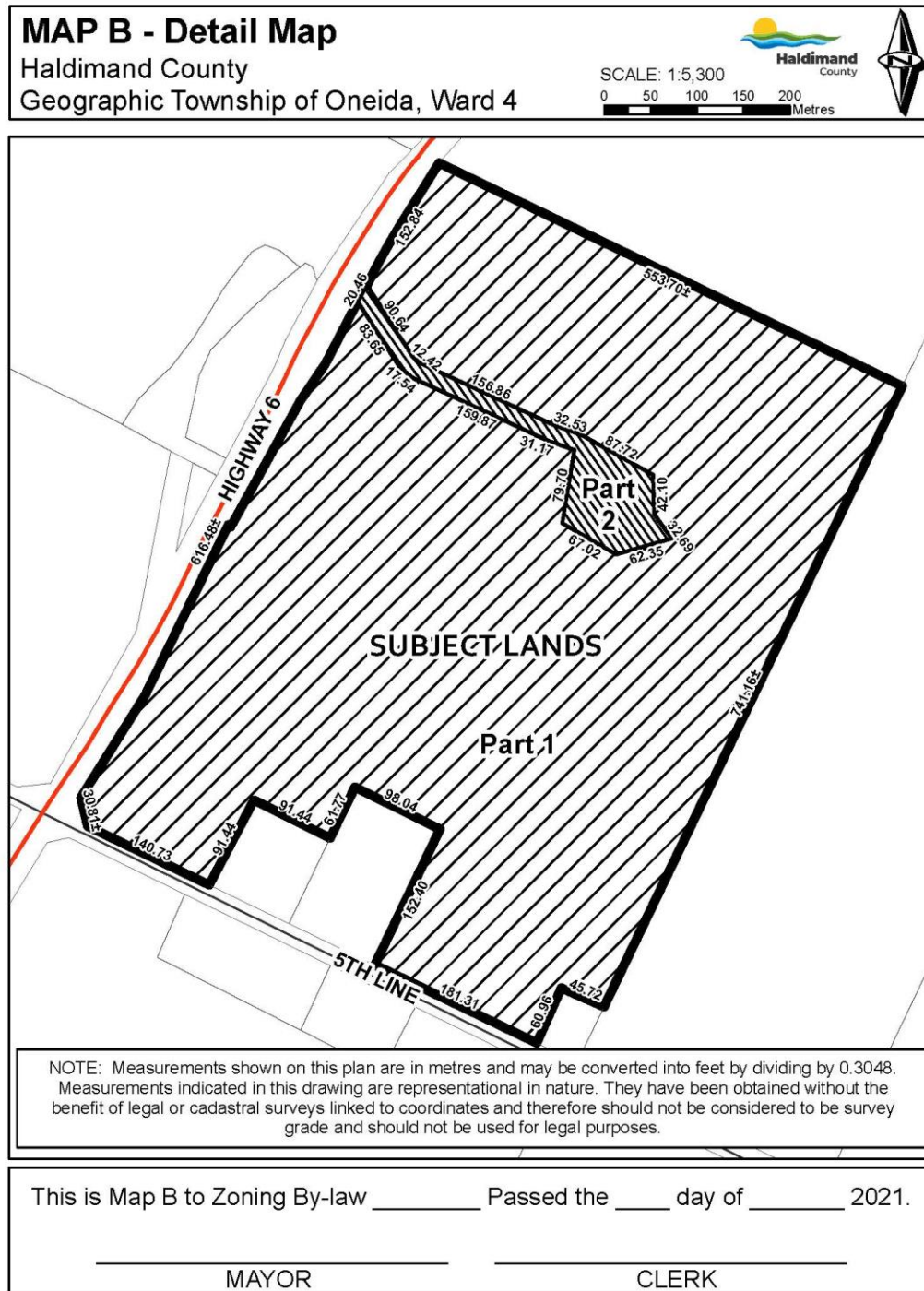
MAYOR

CLERK



Ref: PLZ-HA-2020-136

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PURPOSE AND EFFECT OF BY-LAW NO. -HC/21

This by-law affects the subject lands shown in Maps “A” and “B”. The subject lands are described as Range East of Plank Road, Part of Lot 4, Part of Lot 5, former Geographic Township of Oneida, now in Haldimand County. The subject lands are municipally known as 5300 Highway 6. The subject lands are currently 45.14 hectares (111.61 acres) in size and are currently an agricultural property containing a driveway, a gravel area where recreational vehicles are stored, a dwelling and two accessory buildings, croplands, and McKenzie Creek which runs north-south through the subject lands.

The Committee of Adjustment conditionally approved consent application PLB-2019-201 to create a surplus farm dwelling lot (Part 2 on Map B). Part 1 (the retained farmlands) includes contains the gravel area, crop lands, and McKenzie Creek. Part 2 (the surplus farm dwelling lot) contains the driveway, surplus farm dwelling, and two accessory buildings. Part 2 (the surplus farm dwelling lot) also contains an easement over the driveway to provide access to Part 1 (the retained farmlands). Part 1 contains an easement over the private hydro infrastructure in favour of Part 2.

The purpose of this by-law is to:

1. rezone Part 1 of the subject lands (the retained farmlands) by adding a special provision to the retained farmlands which prohibits future residential development in accordance with Provincial policy;
2. permit a lot frontage of 20 metres (65.6 feet) for Part 2 of the subject lands (the surplus farm dwelling lot) whereas the Zoning By-law requires a minimum lot frontage of 30 metres (98.43 feet); and
3. permit any existing deficiency (building size, height, etc.) to continue on Part 2 of the subject lands (the surplus farm dwelling lot).

Part 1 (the retained farmlands) are designated ‘Agriculture’ and ‘Riverine Hazard Lands’ around McKenzie Creek. Part 2 (the surplus farm dwelling lot) is designated ‘Agriculture’. The subject lands are located in the prime agricultural area of the County.

Report Number: PDD-03-2021
File Number: PLZ-HA-2020-136
Name: Michael and Jacqueline Forbes
Roll Number: 2810-153-004-00700-0000