

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 Miranda Curley and Justin Moore.

WHEREAS Haldimand County is authorized to enact this by-law, by virtue of the provisions of Section 34 and 36 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 SHERBROOKE CON BF PT LOT 14, 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 “M” of the Haldimand County Zoning By-law HC 1-2020, as amended, is further amended by deleting from the Subject Lands on Maps “A” and “B” attached to this by-law Special Provision 37.294.
3. **THAT** Schedule “M” 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 to this by-law as having reference to Subsection A.4.
4. **THAT** the following subsection shall be added to Section 11.4.1 (Special Exceptions) of said By-law HC 1-2020:

11.4.1.4 A.4 That on the lands delineated as having reference to this subsection, the following shall apply:

- i. That notwithstanding Subsection 11.2 ‘Permitted Uses in the Agricultural & Future Development Zones’, a seasonal vacation home and residential accessory buildings shall be permitted on the subject lands.
- ii. That notwithstanding Subsection 11.2 ‘Permitted Uses in the Agricultural & Future Development Zones’ the following uses are prohibited on the subject lands: bed and breakfast, single detached dwelling, secondary suite, home-based businesses, on-farm diversified uses, agriculture-related processing, bunk house, cannabis production facility, farm produce outlet, farm stand, animal hospital, animal kennel, commercial greenhouse, and recreational vehicle storage are prohibited on the subject lands.
- iii. Notwithstanding the definition of “vacation home” in said By-law HC 1-2020 and for the purposes of this By-law, a “seasonal vacation home” shall be defined as a dwelling containing only one dwelling unit which is used

as a seasonal place of residence on an occasional basis from April 1st to October 31st in the same calendar year for recreation and relaxation purposes. Occupation of the vacation home outside of April 1st to October 31st is not permitted.

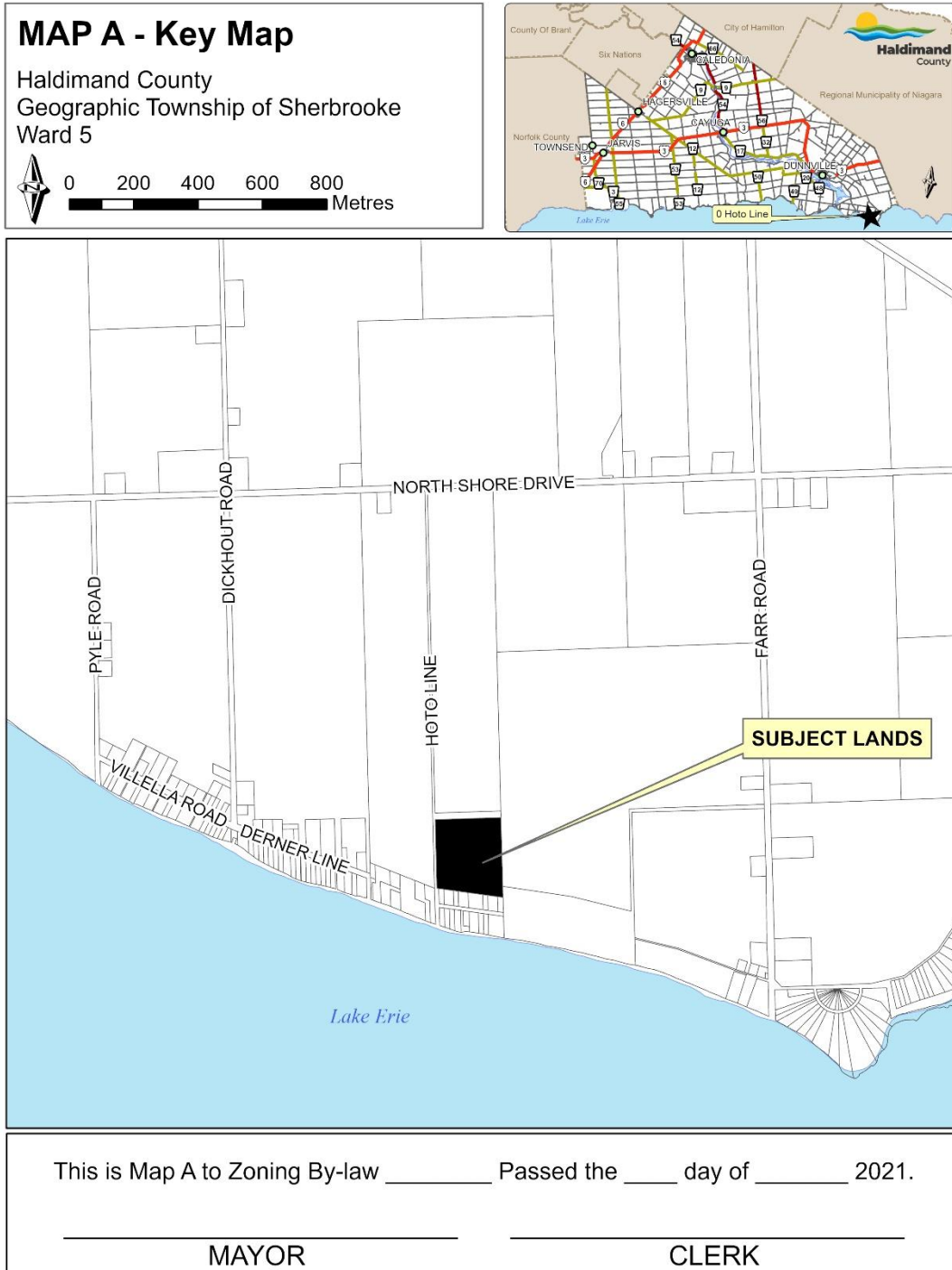
- iv. Section 4.23 'Frontage on an Improved Street' shall not apply for the purposes of construction of a vacation home and residential accessory buildings.
 - v. That notwithstanding Section 11.3 Zone Provisions for the Agricultural and Development Zones, the required lot frontage shall be 0 metres on an improved street.
5. **AND THAT** the 'Holding – "H"' provision shall remain in place until:
- i. The owners enter into a Landowner Acknowledgement Agreement with Engie Canada Inc. and Engie Canada Inc. confirms satisfaction to that affect.
 - ii. The owners enter into a limited servicing agreement with the County and provide proof that the limited servicing agreement has been registered on the title of the subject lands.
6. **AND THAT** this by-law shall take force and effect on the date of final approval of the related Official Plan amendment.

READ a first and second time this 28th day of June, 2021.

READ a third time and finally passed this 28th day of June, 2021.

MAYOR

CLERK



Ref: PLZ-HA-2020-192

T:\Planning and Economic Development\PD\GIS\Applications\2020\PLZ\PLZ-HA-2020-192\PLZ-HA-2020-192 0 Hoto Line (Curley)\FLOP2020191PLZ2020192\FLOP2020191PLZ2020192.aprx

MAP B - Detail Map

Haldimand County

Geographic Township of Sherbrooke, Ward 5

SCALE - 1:2,500

0 25 50 75 100 Metres



This is Map B to Zoning By-law _____ Passed the ____ day of _____ 2021.

MAYOR

CLERK

Ref: PLZ-HA-2020-192

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

The subject lands are described as SHERBROOKE CON BF PT LOT 14, and have no municipal address. The subject lands front onto the east side of Hoto Line (a private road) and have access to North Shore Drive (a public road) via Hoto Line. The subject lands are illustrated on the attached Maps "A" and "B".

The subject lands are zoned 'Agriculture' in the Town of Haldimand Zoning By-law HC 1-2020 and are subject to special provision 37.294 which permits, together with the property to the north, a windmill. The subject lands are currently vacant and front onto a private road (Hoto Line). The purpose of this Zoning By-law is to:

1. Permit a seasonal vacation home and related accessory buildings on the subject lands;
2. Define a seasonal vacation home as a dwelling containing only one dwelling unit which is used as a seasonal place of residence on an occasional basis from April 1st to October 31st in the same calendar year for recreation and relaxation purposes to ensure appropriate use of the subject lands;
3. Remove special provision 37.294 from the subject lands, which permitted the windmill and continues to apply to 17 Hoto Line where there is a windmill; and
4. Remove the following uses from the subject lands, as they are not considered appropriate on a long, private road: bed and breakfast establishment, single detached dwelling, secondary suite, home-based businesses, on-farm diversified uses, agriculture-related processing, bunk house, cannabis production facility, farm produce outlet, farm stand, animal hospital, animal kennel, commercial greenhouse, and recreational vehicle storage. The remaining uses will include agriculture use and forestry use, plus a vacation home and related accessory buildings.

A single family dwelling and severance of the subject lands continue to be prohibited.

The 'Holding - "H"' provision has been affixed to the zoning of the subject lands to restrict the issuance of building permits until the owners have:

1. Entered into an agreement with the adjacent wind turbine company relating to proximity between the wind turbine and approved vacation home. Removal of the H provision requires approval from the General Manager of Community & Development Services; and
2. Enter into a limited servicing agreement with the County and provide proof that the limited servicing agreement has been registered on the title of the subject lands.

A related Official Plan Amendment to the Haldimand County Official Plan to add a special policy to the 'Agriculture' designation on the subject lands to permit a vacation home and related residential accessory structures also affects the subject lands.

Report Number:	PDD-26-2021; PDD-35-2021
File Number:	PLZ-HA-2020-192
Related File Number:	PLOP-HA-2020-191
Name:	Miranda Curley and Justin Moore
Roll Number:	2810-025-002-11302-0000