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# HALDIMAND COUNTY

**Report PDD-25-2024 Application for Rezoning as per Condition for Final Approval of Consent Application of PLB 2024-049, - Shirton Farms, Canborough**



**For Consideration by Council in Committee on October 8, 2024**

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## **OBJECTIVE:**

To consider a Zoning By-law Amendment to recognize an oversized accessory building and prohibit future residential development to fulfil a condition of consent.

## **RECOMMENDATIONS:**

1. THAT Report PDD-25-2024 Application for Rezoning as per Condition for Final Approval of Consent Application of PLB 2024-049 – Shirton Farms, Canborough be received;
2. AND THAT application PLZ-HA-2024-124 to amend Haldimand County Zoning By-law No. HC 1-2020 to recognize an oversized accessory building and prohibit future residential development and home occupation opportunities on the retained farm lands at 420 Moote Road, Canborough, be approved for reasons outlined in Report PDD-25-2024;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement, 2020 (PPS) and the Growth Plan for the Greater Golden Horseshoe, 2020;
4. AND THAT the by-law attached to Report PDD-25-2024 be presented for enactment at a future Council meeting.

**Prepared by:** Shannon Van Dalen, MCIP, RPP, Manager, Planning and Development

**Respectfully submitted:** Mike Evers, MCIP, RPP, BES, General Manager, Community & Development Services

**Approved:** Cathy Case, Chief Administrative Officer

## **EXECUTIVE SUMMARY:**

The applicant submitted an application for a site-specific Zoning By-law Amendment to the Haldimand County Comprehensive Zoning by-law HC 1-2020 to recognize an oversized accessory structure and prohibit future residential development opportunities on the subject lands as a condition of consent for a surplus farm dwelling. The site-specific amendment is required to add a special provision to address an accessory structure that exceeds the maximum permitted floor area of 200 square metres (2,153 square feet) and exceeds the maximum permitted height of 6.5 metres (21.3 feet). Additionally, future residential uses will be prohibited on the retained farm parcel.

The total building area of the accessory structure is 552 square metres (5,942 square feet) with a building height of 8 metres (26 feet), therefore, relief of 352 square metres (3,789 square feet) and 1.5 metres (4.9 feet) respectively is required.

The subject application will also add a special provision to the retained farm lands which will serve to prohibit residential and home occupation uses on the lands. It will also align the zoning of the lands with the parcel to which they will be added and prevent the establishment of a new residential building opportunity (including home occupation permissions) that would otherwise be contrary to Provincial and local policy.

Planning staff are of the opinion that the subject application is consistent with the Provincial Policy Statement 2020 and the Provincial Growth Plan 2020, conforms to Haldimand County's Official Plan, and maintains the general intent and purpose of Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of the subject application for reasons set out within this report. A public notice sign was posted at the site when staff conducted a site visit.

## **BACKGROUND:**

The subject application is required to fulfill a condition of consent for consent application PLB-2024-049, which was conditionally approved by the Committee of Adjustment at its May 14, 2024 meeting. The purpose of the conditionally approved consent application is to sever a surplus farm dwelling with existing accessory building (barn), retaining the balance 16.9 hectares (41.76 acres) farm parcel for agricultural purposes. The zoning amendment will address deficiencies with several setbacks (accessory building area and height) as well as applying future residential development restrictions as required by provincial policy.

The subject property is legally described as Part Lot 8, Concession 2, RP 18R-7492, Part 1, Geographic Township of Canborough and municipally known as 420 Moote Road. The location of subject lands is identified on Attachment 1. The severed lands contain an existing two-storey detached dwelling and a large accessory building being approximately 552 square metres (6,706 square feet) in size, the storage shed has been deemed to be in good condition – and due to the location of the storage shed, it is inaccessible to the farmers and therefore was included as part of the surplus farm dwelling severance. The accessory building is not to be used for agricultural purposes.

The surrounding land uses are predominantly agricultural uses.

Planning staff supports the rezoning, and have not received any comments or concerns through the circulation of the proposal. The application is considered to be consistent with the Provincial Planning Statement, Provincial Growth Plan, conform to the Haldimand County Official Plan and maintain the general intent of the Zoning By-law.

## **ANALYSIS:**

Planning staff have determined the key planning issues related to this application as follows:

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development in Ontario. It is intended to be read in its entirety.

Policy 2.3.1 states, "Prime agricultural areas shall be protected for long-term use for agriculture."

The subject lands are part of the prime agricultural area. The severed lands will be used for agriculture, with no new non-agriculture uses permitted.

Policy 2.3.3.1 states, "In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses."

No new non-farm uses are being created through the subject application. The severed lands are intended to be used for crops, and the retained lands contain an existing single detached dwelling.

Policy 2.3.4.1 states, “Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
  1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and,
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.”

The subject application is part of a surplus farm dwelling severance, which is permitted under the PPS. The zoning amendment is fulfilling the requirements and conforms to the intent of the PPS.

It is also noted that staff worked with the proponent to ensure the retained residential lot was an appropriate size and did not unnecessarily incorporate prime or functional agricultural lands. To that end, the resultant residential lot is deemed suitable and meets the intent of Provincial policy relative to protection of agricultural lands.

The subject application is consistent with the PPS.

### **A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020**

A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) was reviewed by Planning staff in relation to this proposal. The Growth Plan’s policies address the protection of prime agricultural lands both directly and indirectly. The zoning application will enact the intent of those policies. Based on review, staff is of the opinion that the subject proposal is in keeping with the overall intent of the Growth Plan.

### **Haldimand County Official Plan**

The subject lands are designated “Agricultural” in the Official Plan.

Policy 3.A.1)5. states, “The predominant use of lands within areas designated Agricultural shall be agriculture. Agriculture is defined as all forms of farming, including the growing of crops, market and nursery gardening, woodlot management, the raising of livestock and the raising of poultry, fish and other animals for food, fur or fibre, aquaculture, apiaries, aviaries and maple syrup production.”

The severed lands are currently used for agricultural purposes and will continue to be used in the same way. As noted in the PPS section above, the retained residential lot does not unnecessarily remove any potential or functional agricultural lands thus protecting the primacy of the agricultural use and land base.

The OP states that a severance may be granted for a habitable farm dwelling of a minimum age of 10 years, calculated from the date of occupancy of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is

located within the County. No new residential dwelling shall be permitted on the retained lands. The farm dwelling located on the subject lands was constructed greater than 10 years ago. The criteria for surplus farm dwelling lot creation identified under Section H(4), and include:

- a) The severance shall generally be 0.4 hectares to 0.6 hectares (1 acre to 1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production. Consideration of varying the size of the parcel include ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm buildings and structures.

The proposed Zoning By-law amendment will facilitate the consent application and the functionality and viability of the farm are not anticipated to be compromised.

The subject application conforms to the intent of the Official Plan.

### **Haldimand County Zoning By-law HC 1-2020**

The subject lands are zoned “Agricultural (A)” Zone in Haldimand County Zoning By-law HC 1- 2020. The proposed severed and retained lands conform to the provisions of the A Zone as it relates to uses and setbacks. The subject lands will receive a special provision number to reflect the amendment.

Section 4.2 (Accessory Uses, Buildings and Structures to Residential Uses) of the Zoning By-law provides a number of provisions that accessory buildings and structures must conform to which includes the requested increase to height (Section 4.2 (b)) and building area (Section 4.2 (f)). The severed property contains an existing two (2) storey dwelling and oversized accessory building. The height of the accessory structure is 8 metres (26 feet), which exceeds the maximum permitted height of 6.5 metres (21.5 feet). Additionally, the accessory structure has an area of 552 square metres (5,942 square feet), which exceeds the maximum 200 square metre (2,153 square feet) building area on a lot containing an area greater than 0.4 hectares (1 acre). Therefore, relief of 352 square metres (3,789 square feet) is required to facilitate the proposal. It is noted that no part of the accessory structure is proposed to contain any habitable space, including a secondary suite and will solely be used for personal purposes. The increase to the building size and height is considered acceptable in this situation as there are no other sensitive uses in proximity of the property, and the surrounding lands are an active farm operation. Further, the structure has existed for a number of years and there will be no actual change to visual appearance of the landscape. The balance of the provisions have been satisfied.

The PPS requires that any lot created through the surplus farm dwelling process, the balance of the farm lands is ‘frozen’ so that no new residential opportunities exist. As a result of this requirement, a special provision will be added to Part 2 of the subject lands to prohibit single detached dwellings, and accessory uses, on the retained farm parcel.

As the intent of this proposal is to fulfill the requirements of both provincial and local policy by prohibiting future residential development and associated home occupations on the severed farm lands, while also recognizing deficiencies in existing accessory buildings which are the result of the severance process, Planning staff are of the opinion that the subject proposal is appropriate. A draft Zoning By-law has also been completed and included as attachment 3 in this report.

It is Planning staff’s opinion that the subject proposal generally conforms with the Haldimand County Zoning By-law HC 1-2020 and that addressing the above-noted deficiencies will bring the subject property into complete conformity.

### **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Mississaugas of the Credit First Nation** – No comments received.

**Six Nations of the Grand River** – No comments received.

**Emergency/Fire Services** – No objections.

### **Building & Municipal Enforcement Services**

- Maintain accessory building setbacks.

**Planning & Development – Development Technologist** – no objections.

No comments of concern were received by any member of the public or neighbouring residents at the time this report was written.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **REFERENCES:**

None.

## **ATTACHMENTS:**

1. Subject Lands – Location Map.
2. Site Layout – Owner’s Sketch (only 1 of 3 documents required for this report).
3. Draft By-law.