
HALDIMAND COUNTY



Report PDD-12-2025 Zoning By-law Amendment to Permit an Oversized Accessory Structure on the Severed Lands and to Remove Residential and Residential-Related Uses on the Retained Lands as Condition of Consent, Oneida

For Consideration by Council in Committee on June 17, 2025

Objective:

To consider a Zoning By-law Amendment application to add a special provision to permit an accessory structure for personal storage and a garage, which exceed the provisions of Zoning By-law HC 1-2020 for maximum height and area for accessory structure, and to remove residential and residential-related uses on the retained lands as condition of consent.

Recommendations:

1. THAT Report PDD-12-2025 Zoning By-law Amendment to Permit an Oversized Accessory Structure on the Severed Lands and to Remove Residential and Residential-Related Uses on the Retained Lands as Condition of Consent, Oneida be received;
2. AND THAT application PLZ-HA-2025-029, for a site-specific amendment to the Haldimand County Zoning By-law HC 1-2020, to facilitate the approval of an oversized accessory structure on the subject lands (severed), and prohibit residential and residential-related uses (retained lands) be approved for the reasons outlined in Report PDD-12-2025;
3. AND THAT the proposal is deemed to be consistent with the Provincial Planning Statement 2024, and generally conforms with the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020;
4. AND THAT the by-law attached to Report PDD-12-2025 be approved at a future Council meeting.

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Reviewed by: Shannon VanDalen, 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 Zoning By-law HC 1-2020 to facilitate the severance application PLB-2025-028, to sever a surplus farm dwelling with an oversized accessory structure to be used for storage and as a garage. The site-specific amendment is required to add a special provision to address an accessory structure that exceeds the provisions in the Haldimand County Zoning By-law HC 1-2020 for the severed lands, and to remove residential and residential-related uses on the retained lands.

The height of the existing accessory structure area is 11.6 metres (38 feet) where 6.5 metres (21 feet) is permitted. The total accessory structure area is 297 square metres (3197 square feet) where 200 metres (2153 square feet) is permitted. The structure was built legally and met the zoning requirements that were in place at the time. With the change of the lot fabric and the application of different zoning standards (due to the changing nature of the use), more restrictive standards are to be applied and require the relief that is recommended in the report. The removal of residential uses from the retained farm lands is required through the Provincial Planning Statement, 2024 for surplus farm dwelling severances.

Planning staff are of the opinion that the application is consistent with the Provincial Planning Statement 2024 and conforms with the Haldimand County Official Plan and Zoning By-law HC 1-2020.

Background:

The subject lands are located on the east side of Broad Rd, in the former township of Oneida. The lands are known municipally as 100 Broad Rd and legally described as Oneida Concession 5 And 6 Part Block, Cook Part Block Dennis Part Lots, 58 And 59 Registered Plan 18R4425 Part 29.

The applicant received conditional approval for a severance at the April 22, 2025 Committee of Adjustment hearing, to sever the surplus farm dwelling and the accessory structure. The subject lands are identified on Attachment 1, with the severed lands having an approximately 0.8 hectares (2 acres) and contains an existing residential dwelling and an oversized accessory structure. The retained lands are currently vacant and contains an active agriculture (cash crop) operation. The surrounding land uses are primarily agriculture and rural residential in nature. The application is to permit the oversized accessory structure on the severed lands and to remove residential and residential-related uses on the retained lands following the consent application PLB-2025-028.

Analysis:

Planning staff completed an analysis of the proposed Zoning By-law Amendment application against the applicable Provincial and Haldimand County land use planning policy documents and legislation. The summary of this analysis is below:

Provincial Planning Statement 2024 (PPS)

The PPS provides policy direction on matters of Provincial interest related to land use planning and development. The PPS provides direction of key provincial interests that must be consistently applied across the Province to ensure the collective, public good and quality of life are maintained or improved upon. The PPS states that Provincial plans and the Municipal Official Plan provide a frame work for the comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth for the long-term. However, the PPS does not provide direction regarding accessory structures that do not impact matters of provincial interests. Therefore, it is the opinion of the Planning staff that the proposal is generally consistent with the policies set out in the PPS regarding the oversized accessory structure.

While the PPS does not provide policy direction on accessory structures, it does provide policy direction to surplus farm dwelling severances. Section 4.3.3.1 c) states that:

“4.3.3.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted in accordance with provincial guidance for:

c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, 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 dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective”

Planning Staff Comment: The applicant has demonstrated that the severance is the result of farm consolidation and qualifies under this section for a surplus farm dwelling severance. The Official Plan also provides policies that speak to surplus farm dwelling severances which are included in the OP section below. The proposal does not qualify for the automatic rezoning for surplus farm dwelling severance due to the size of the lot and thus requires this zoning by-law amendment in order to meet the policies set out in the PPS. The zoning application is required to remove residential and residential-related uses due to the size of the lot.

With the reasons above, it is the opinion of Planning staff that the proposal is consistent with the PPS.

Haldimand County Official Plan (OP)

The subject property is designated “Agriculture” in the Haldimand County Official Plan (OP), which contains policies intended to preserve and protect the long-term viability of the agricultural land base for agricultural purposes and to maintain an environment conducive to such purpose.

Pursuant to Section 3.A.1) 6 f) of the OP, a single detached dwelling and accessory structure are permitted in an existing lot of record or on lot created by consent in accordance with the policies of this plan.

Planning Staff Comment: A consent application (PLB-2025-028) was conditionally approved at the April 22, 2025 Committee of Adjustment hearing to create a surplus farm dwelling lot with an area of 0.8 hectares (2 acres). The proposed severed lot contains a single family dwelling and an accessory structure, which are permitted in the “Agriculture” designation. The OP does not provide provisions that speak to size of the accessory structure and will be discussed further below regarding compliance to the Zoning By-law. Therefore, it is the opinion of Planning staff that the proposal generally conforms to this section of the OP.

The OP echoes the PPS and lot creation in the “Agriculture” designation shall be discouraged and may only be permitted in limited circumstances. Section 3.A.1) 10 d) states that a severance may be granted for a habitable farm dwelling of a minimum age of ten years, calculated from the date of occupancy of the dwelling 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. To ensure this, a zoning by-law amendment will be required that specifically excludes a dwelling from being permitted on the retained lands. If the title of the retained parcel is merged with the title of an adjacent farm holding, the zoning by-law amendment to restrict a new residential dwelling on the retained lands will not be required. The creation of the surplus farm dwelling lot will be based on the following:

- i) The severance shall generally be 0.4 hectares (0.99 acres) to 0.6 hectares (1.48 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 fermented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm building and structures;

Planning Staff Comment: The severed lands are approximately 0.80 hectare (2.0 acres) in size. While the proposed severance is larger than the upper limit provided in the OP, the OP does provide some flexibility as it states that the severance shall “generally” be between 0.4 to 0.6 hectares. The larger lot size is a result of the location of the dwelling as it is set approximately 76 metres (250 feet) back from the road, and there is additional space needed to accommodate the septic system and accessory structure. It is the opinion of Planning staff that the severance generally meets the intent of the OP.

- ii) No severance shall be granted unless the proposed lot can be serviced by an on-site sanitary sewage system designed and installed as per the Ontario Building Code;

Planning Staff Comment: The severed lands will be serviced by the existing cistern and septic system. A septic evaluation will be required as condition of consent to ensure that the existing services meet applicable Ontario Building Code requirements.

- iii) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;

Planning Staff Comment: The retained lands will contain an area of 44.03 hectares (109 acres), which is sufficient for a viable farming operation.

- iv) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted;

Planning Staff Comment: There is no livestock operation on the subject lands or adjacent to the subject lands, and therefore MDS does not apply.

- v) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;

Planning Staff Comment: There are no licenced quarries, waste sites or other potential land use conflicts within the required setback.

- vi) The lot created by severance shall be located with safe and direct access to a permanently maintained public road; and

Planning Staff Comment: The severed and retained lands will maintain frontage on an existing public road (Broad Road).

- vii) Potential impacts on natural environment areas and/or cultural resources shall be assessed and addressed, where necessary.

Planning Staff Comment: The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources. There are no natural heritage features, woodlands or watercourses on the subject lands.

With the reasons listed above, it is Planning staff’s opinion that the application conforms to the OP.

Haldimand County Zoning By-law HC 1-2020

The severed and retained lands are zoned “Agriculture (A)” zone in the Haldimand County Zoning By-law HC 1-2020. Single family dwelling and accessory structures are permitted in the “A” Zone. Section 4.2 of the Zoning By-Law provides the provisions for accessory uses, buildings and structures to residential uses. The surplus farm dwelling contains an existing residential dwelling and an accessory structure, which the uses are permitted in the “A” zone.

Section 4.2 Accessory Uses, Building and Structures to Residential Uses, of the Haldimand County Zoning By-law includes the following provision:

No building, or structure which is accessory to any permitted residential use in any zone shall:

- b) Exceed a building height of 4.5 metres in the R1, R2, R3, R4, R5, R6 and RL zones and 6.5 metres in all other zones where the use is permitted;

f) Occupy more than 10% of the lot area to a maximum of 75 square metres of building area whichever is lesser, for all accessory buildings or structures together, in the R1, R2, R3, R4, RL residential Zones; 100 square metres of building area on those lots measuring 0.4 hectare or less in all other zone where the use is permitted, and 200 square metres of building area on those lots measuring 0.4 hectares or more in all other zones where the use is permitted. Swimming pools shall not constitute a structure for the purpose of this provision; A detached secondary suite shall be included within the total lot coverage for a property.

Planning Staff Comment: The severed lands contains an existing residential dwelling and an oversized accessory structure. The height of the proposed accessory structure is 11.6 metres (38 feet) where 6.5 metres (21 feet) is permitted and an overall area of 297 square metres (3197 square feet) where 200 metres (2153 square feet) is permitted. The intent of the height and size provision is to ensure that the accessory structures remain accessory to the principal use. The existing accessory structure is approximately 100 metres away (328 feet) from the road and is screened by trees. It is noted that there is no habitable space within the accessory structure and the structure will only be used for storage purposes. The height and accessory structure area is considered acceptable in this situation as there are no other sensitive uses in proximity of the property and that the structure is well screened from the road. It should be noted also that the structure was built legally and met the zoning requirements that were in place at the time. With the change of the lot fabric and the application of different zoning standards (due to the changing nature of the use), the more restrictive standards are to be applied and must be complied with or granted relief from.

Additionally, in consistency with the PPS and in conformity with the OP, because the surplus farm dwelling did not qualify for the automatic rezoning process, this zoning by-law amendment will remove residential and residential related uses on the retained land once the consent application goes through.

It is the opinion of Planning staff 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 lands into conformity.

Financial/Legal Implications:

Not applicable.

Stakeholder Impacts:

Building & Municipal Enforcement Services:

- Accessory buildings to maintain a 1 meter setback to rear and side yard setbacks and outside required front yard setback.
- Set backs shall also comply with spatial separation requirements set out in subsection 9.10.15 division B of the OBC

Planning and Development – Development Technologist: No objection.

Emergency Services / Fire Services: No comment received.

Mississaugas of the Credit First Nation (MCFN): No objection.

Six Nations of the Grand River: No comment received.

Grand River Conservation Authority: No objection.

Hydro One: No objection.

Public: No comment received.

Report Impacts:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

References:

None.

Attachments:

1. Location Map
2. Owners Sketch
3. Draft Zoning By-law