

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /17

Being a by-law to amend Zoning By-law 1-H 86, as amended, of the Town of Haldimand in the name of Kieran and Mark Kelleher

WHEREAS Haldimand County is empowered to enact this by-law, by virtue of the provisions of Sections 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 those lands described as Seneca Tract Nelles Warner, Part Lots 3 & 11, 18R5242 Parts 1 and 2, Haldimand County, and being shown as Parts 1, 2, 3 and 4 on Maps 'A' and 'B' attached hereto to form part of this by-law.
2. **THAT** Schedule "A2" of Zoning By-law 1-H 86, as amended, is hereby further amended by repealing special provision 36.165 from Part 2 as shown on Maps 'A' and 'B' attached hereto.
3. **THAT** Schedule "A2" of Zoning By-law 1-H 86, as amended, is hereby further amended by rezoning the lands identified as Part 3 on Maps 'A' and 'B' attached hereto from 'Agriculture (A)' Zone to 'Agriculture – Holding (A-H)' Zone.
4. **THAT** Schedule "A2" of Zoning By-law 1-H 86, as amended, is hereby further amended by identifying the subject lands shown as Parts 3 and 4 on Maps 'A' and 'B' attached hereto and forming part of this by-law, as having reference to Subsection 36.437.
5. **THAT** the following subsections shall be added to Section 36 (Special Provisions for Particular Parcels of Land) of the said By-law 1-H 86:

36.437

Parts 3 and 4

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the 'Agricultural (A)' Zone, a one family dwelling shall not be permitted on the subject lands.

6. **THAT** the 'Holding – "H"' provision, applicable to Part 3 on Maps 'A' and 'B' attached hereto, shall remain in place until such time as noise analysis has been submitted and approved by the Ministry of the Environment and Climate Change and Haldimand County relating to any proposed truck depot and freight transfer station. The 'Holding – "H"' provision does not apply to the agricultural use of the lands or the construction of agricultural structures.
7. **AND THAT** this by-law shall take effect and force on the date of final approval of Official Plan Amendment HAL 27.

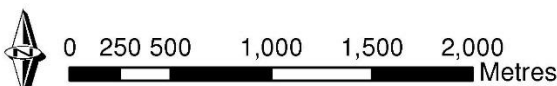
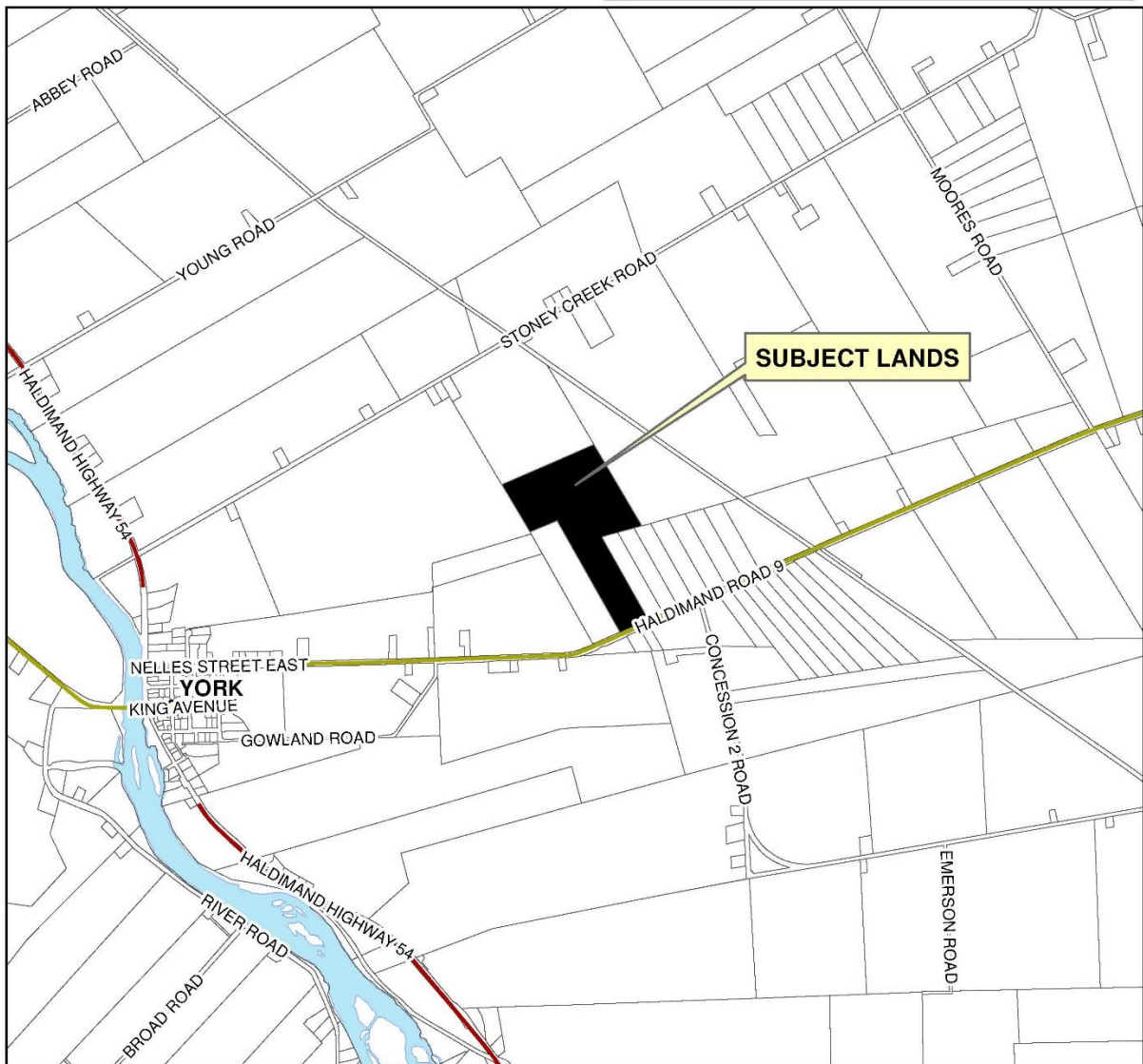
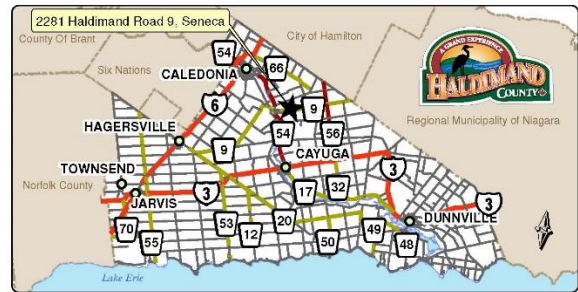
READ a first and second time this 11th day of December, 2017.

READ a third time and finally passed this 11th day of December, 2017.

MAYOR

CLERK

MAP A - Key Map
Haldimand County
Geographic Township of Seneca

This is Map A to Zoning By-law _____ Passed the ____ day of _____ 2017.

MAYOR

CLERK

Ref: PLZ-HA-2017-180

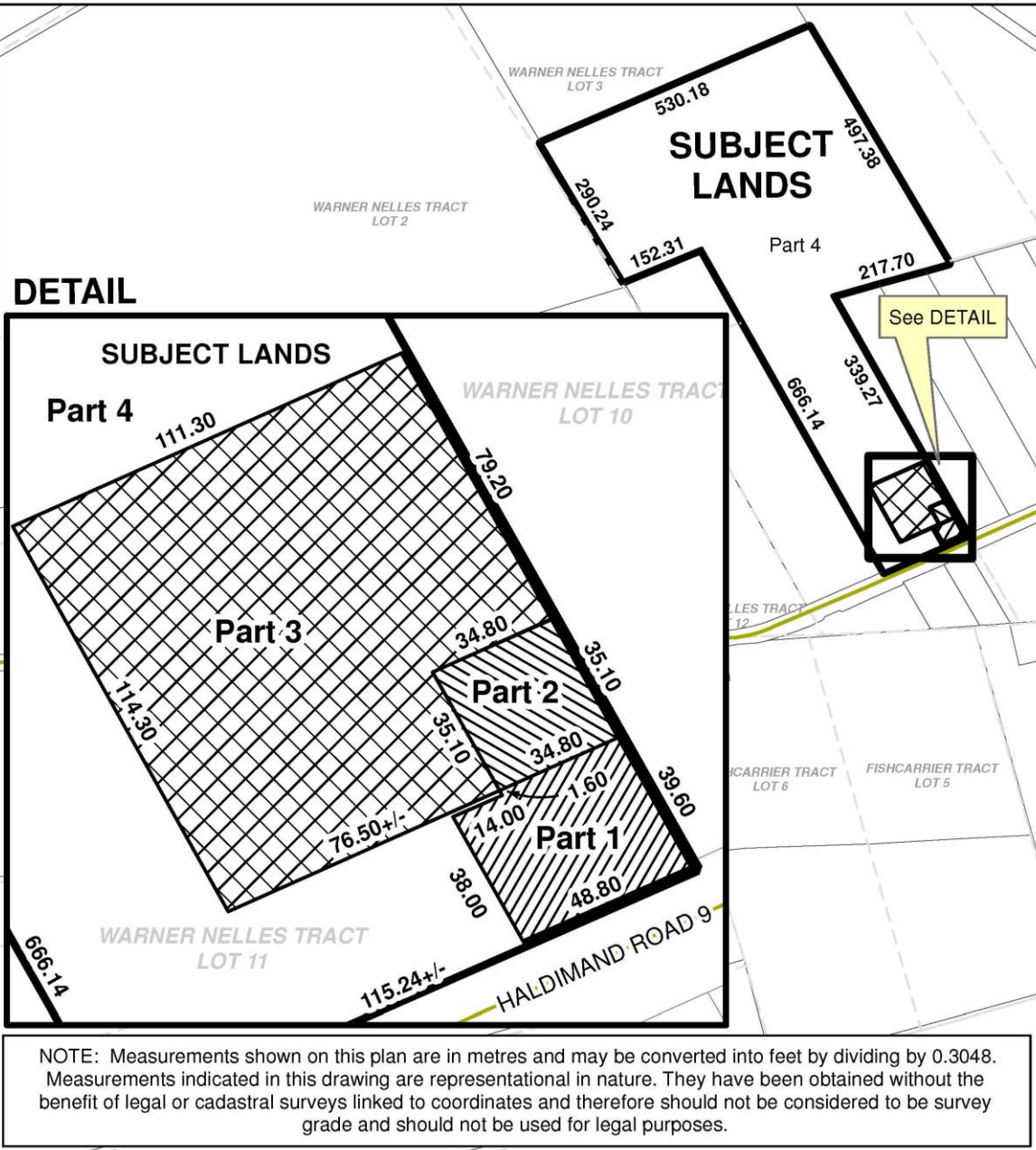
MAP B - Detail Map

Haldimand County
Geographic Township of Seneca

SCALE: 1:10,000



0 100 200 300 400
Metres



This is Map B to Zoning By-law _____ Passed the ____ day of _____ 2017.

MAYOR

CLERK

Ref: PLZ-HA-2017-180

PURPOSE AND EFFECT OF BY-LAW

/17

This by-law affects lands located north of Haldimand Road 9 in a predominantly agricultural area. The lands are described as Seneca Tract Nelles Warner, Part Lots 3 & 11, 18R5242 Parts 1 and 2, Haldimand County, and municipally known as 2281 Haldimand Road 9.

The purpose of this by-law is to:

- amend the zoning of Part 2 of the subject lands by repealing site-specific provision 36.165 which permits a truck depot and freight transfer station for the haulage of agricultural produce to finalize a surplus farm dwelling severance;
- remove a dwelling as a permitted use on the retained lands (Parts 3 and 4) as a result of the surplus farm dwelling severance; and
- place a holding on Part 3 of the subject lands which will require that noise analysis to the satisfaction of the Ministry of Environment and Climate Change and County is received to address a truck depot.

The subject lands are designated as 'Agriculture' in the Haldimand County Official Plan and Parts 2 and 3 are subject to special policy HAL 27 which provides policy permissions for a truck depot and freight transfer station for the haulage of agricultural produce. Through the supporting Official Plan Amendment HAL 27 will be removed from Part 2 of the subject lands such that the surplus farm dwelling lot does not partially permit a truck depot and freight station to be established on the residential lot.

The subject lands are zoned 'Agriculture (A)' Zone. The permitted uses in the 'A' zone are: farm; animal kennel; farm produce grading station; storage of school buses; seasonal storage of recreational vehicles and equipment as a secondary use to a permitted farm; commercial radio, television and telecommunication towers, but excluding any office or studio associated there with; structures accessory to a mine ventilation or emergency access shaft; one airstrip and one hangar; motor homes and bunk houses for seasonal workers provided they are located on the farm on which the seasonal workers are employed; one family dwelling house; farm stand; on-farm market; farm-related processing; and experiential activities. Special provision 36.165 is to be removed from Part 2 of the subject lands. A single detached dwelling is to be removed as a permitted on the retained farmlands (Parts 3 and 4) in accordance with the Provincial Policy Statement requirements for surplus farm dwelling lots.

A holding is placed on Part 3 of the subject lands to ensure compatibility is reviewed between the surplus farm dwelling and the truck depot and freight station prior to the re-establishment of the use. The holding provision applies to the use of Part 3 of the subject lands for truck depot and freight transfer station purposes. The holding provision does not apply to agricultural use of Part 3 of the subject lands and the construction of agricultural structures. A building permit can be issued for agricultural structures without the removal of the holding.

In order to ensure appropriate on site development, this proposal will be subject to site plan control. Site plan control will ensure that development is compatible with the agricultural area and sensitive land uses in the area and is functional.

Report Number:	PED-PD-37-2017
File Number:	PLZ-HA-2017-180
Related File Number:	PLOP-HA-2017-179
Name:	Mark & Kieran Kelleher
Roll No.	2810-152-003-08220