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# HALDIMAND COUNTY

## Report PED-PD-23-2018 Zoning Amendment to Fulfill a Condition of Consent - Houwer



For Consideration by Council in Committee on June 5, 2018

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### OBJECTIVE:

To fulfill a condition of consent relating to new lot creation in the Hamlet of Nanticoke.

### RECOMMENDATIONS:

1. THAT Report PED-PD-23-2018 Zoning Amendment to Fulfill a Condition of Consent - Houwer be received;
2. AND THAT application PLZ-HA-2018-053 to amend the City of Nanticoke Zoning By-law NE 1-2000 to change the zoning of the subject lands from 'Agricultural (A)' to 'Hamlet Residential (RH)' be approved for reasons outlined in Report PED-PD-23-2018;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe;
4. AND THAT the By-law attached to Report PED-PD-23-2018 be presented for enactment.

**Prepared by:** Benjamin Kissner, Planner

**Reviewed by:** Mike Evers, MCIP, RPP, BES, Manager, Planning and Development

**Respectfully submitted:** Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

**Approved:** Donald G. Boyle, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The applicant is proposing to re-zone the subject lands from 'Agricultural (A)' to 'Hamlet Residential (RH)' in order to satisfy a condition of consent applications PLB-2018-051 and PLB-2018-052. These applications were approved by the Committee of Adjustment on April 10, 2018 to create two (2) residential building lots of approximately 0.2 hectares (0.5 acres) each. The application represents a straightforward zoning change and does not include a request for any unique zoning provisions, as the applicants have not submitted any building envelopes or structure details for staff to review.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement 2014, complies with the Provincial Growth Plan 2017, conforms to Haldimand County's Official Plan, and maintains the general intent and purpose of the City of Nanticoke Zoning By-law NE 1-2000. Planning staff recommend approval of this proposal for the reasons set out within this report. A public meeting has been scheduled to correspond with the presentation of this report. A public notice sign has been posted at the site and was visible when the Planner conducted a site visit.

## **BACKGROUND:**

The proposed zoning amendment is required to fulfill a condition of consent within a pair of severance applications PLB-2018-051 and PLB-2018-052, which were conditionally approved by the Committee of Adjustment at its meeting on April 10, 2018. The severances will result in the creation of two lots that each have an area of 0.2 hectares (0.5 acres) that are vacant at this time (shown on Attachments 1, 2 and 3) and which are located in a designated settlement area. The subject proposal is required to fulfill a condition of consent because the conditionally severed parcels currently have 'Agricultural (A)' zoning under the City of Nanticoke Zoning By-law NE 1-2000, which is not representative of what the end use of the lands will be, as well this re-zoning will bring the use of the properties into conformity with the Official Plan.

The subject lands are located on the south side of Rainham Road in Nanticoke. The site is legally described as Part Lot 6, Concession 1, Geographic Township of Walpole, Rainham Road and currently has no municipal address. A General Location map can be found in Attachment 1 with the overall lot configuration being shown in Attachment 2 and 3. The conditionally severed parcels are regularly shaped and each are approximately 0.2 hectares (0.5 acres) in size, each with frontage of 35 metres. The retained farm parcel is approximately 21.38 hectares (52.82 acres) in size and is intended to continue to be used for agricultural purposes. There is an area of land that will continue to provide frontage and access to Rainham Road directly to the east of the lots to be severed, beyond that are rural residential uses, to the west and north are more rural residential uses and to the lands to the south are made up of a Hydro One corridor, and agricultural use.

## **ANALYSIS:**

### **Provincial Policy Statement, 2014**

The Provincial Policy Statement, 2014 (PPS) generally supports new lot creation that is proposed in existing settlement areas. As described in more detail within the Haldimand County Official Plan, the subject lands are located within the settlement area known as the Hamlet of Nanticoke. The creation of these additional lots in this settlement area constitutes infill development, which allows for opportunities to intensify the use of existing infrastructure. Planning staff are of the opinion that this proposal maintains the intent of these policies; therefore, the proposal is consistent with the PPS.

### **Growth Plan for the Greater Golden Horseshoe, 2017**

The Growth Plan for the Greater Golden Horseshoe, 2017 similarly supports infill development in situations where lot creation would result in intensification in terms of density, and use of existing infrastructure. The properties would be serviced by private water and wastewater systems, but benefit from the existing road network and other municipal services provided within the Hamlet of Townsend. Planning staff is of the opinion that the subject proposal is not in conflict with and maintains the overall intent of the Provincial Growth Plan.

### **Haldimand County Official Plan**

The Haldimand County Official Plan supports new lot creation in line with the policies outlined in the previously described provincial documents. That is to say, that new lot creation within settlement areas such as Hamlets is a practice that is generally supported within Haldimand County. In addition to the fact the lands are located within a settlement area, the subject lands were deemed to conform to the servicing standards outlined in servicing policies outlined in the Non-Urban Areas subsection of the Community Building section of the Haldimand County Official Plan. These policies require that in order to construct a single detached dwelling on lands within a Hamlet area:

- The lot has access and frontage on open public road;

- The lot is capable of accommodating a water supply system and an on-site sanitary sewage system designed and installed per the Ontario Building Code; and
- The site has appropriate drainage patterns.

In review, the lands are accessible by Rainham Road, which is an established municipal road that is maintained year round by Haldimand County. The subject properties will exceed the minimum lot area provision of the Hamlet Residential zone and staff are satisfied that there will be sufficient space on the properties to locate a septic system. Preliminary assessment has demonstrated the lots can function with private service installations; however, the owner is required to submit final detailed septic evaluation forms for the subject lands which will need to be approved by the Building Controls and By-law Enforcement Division prior to receiving final approval of the severance application. Finally, the Committee of Adjustment has applied a condition that a lot grading and drainage plan be submitted and approved by the County prior to completion of the severance. This plan will ensure that there will be no deleterious effects of creating the lots, and subsequently constructing upon them.

### **City of Nanticoke Zoning By-law NE 1-2000**

The subject lands are currently zoned 'Agricultural (A)' within the City of Nanticoke Zoning By-law NE 1-2000. The owner has identified a desire to use the lands for the construction of single detached dwellings on the resulting parcels, and as such in order to better reflect this use, the applicants are seeking to rezone the property to 'Hamlet Residential (RH)'. The remaining farm will remain zoned Agricultural (A).

### **Conclusion:**

Planning Staff recommends that this Zoning By-law Amendment application be approved on the basis that the proposed use is consistent with the Provincial Policy Statement, 2014, conforms to the Provincial Growth Plan, 2017 and maintains the intent and purpose of the Haldimand County Official Plan and the City of Nanticoke Zoning By-law NE 1-2000 with respect to the change of zoning.

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

Not applicable.

### **STAKEHOLDER IMPACTS:**

Haldimand Norfolk Health Unit – No objections.

Roads Operations – No objections.

Planning and Development (Development & Design Technologist) – No objections.

Emergency Services – No objections.

Hydro One – No objections.

Bell Canada – No objections.

Canada Post – Should homes be constructed, these new houses will receive mail delivery through a centralized Community Mailbox. The customers will need to register for mail delivery through the Selkirk Post Office.

No comments were received from the public or the Mississaugas of New Credit Council, Six Nations Council, Building Controls and By-law Enforcement Division, MPAC, and Union Gas.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. General Location Map.
2. Detail Map.
3. Location of Lands Affected–Owner’s Sketch.
4. Draft Zoning By-law Amendment.