
HALDIMAND COUNTY

Report PD-43-2018 Removal of a Holding Provision–Island View Estates For Consideration by Council in Committee on December 11, 2018



OBJECTIVE:

To request Council's approval to remove a historical holding (H) provision from a registered subdivision development within the resort residential node of Niece Road.

RECOMMENDATIONS:

1. THAT Report PD-43-2018 Removal of a Holding Provision–Island View Estates be received;
2. AND THAT the attached by-law for the removal of a holding (H) provision be presented for enactment;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2014 and the Provincial Growth Plan 2017 and other matters of provincial interest.

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Reviewed by: Mike Evers, BES MCIP RPP, Director of Planning & Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Community & Development Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The intent of the subject report is to obtain Council's approval to remove a historical holding (H) provision from the zoning that was placed on a swath of development lands in the resort residential node of Niece Road in 1989. The removal of the holding (H) provision will allow for the issuance of building permits on the lots within the subdivision of Island View Estates, which was registered by the County in early 2018. All the requirements (conditions) relating to the holding removal have been satisfied and staff are recommending approval of the removal by-law.

BACKGROUND:

The subject lands are located within the resort residential node of Niece Road with access gained via Warnick Road and Lyons Road, with Lyons Road being a private road. The existing holding (H) provision was put in place in 1989 via by-law 29-DU-89, with this by-law also rezoning the property to 'Seasonal Residential-Holding' (RS-H) Zone. This by-law ultimately allows some year round dwellings to be permitted on Warnick Road (i.e. five (5)) and the remainder of the lots (i.e. four (4)) being seasonal dwellings proposed to have access onto Lyons Road. Another by-law 29-DU-98, was then passed to grant relief from the required minimum lot frontage, to allow seasonal dwellings to be constructed on a private road (i.e. Lyons Road).

In the 1990's, draft approval was granted to facilitate the development of a nine (9) lot subdivision on Warnick Road and Lyons Road, within the resort residential node of Niece Road. Since that time, the developer (Merdry Developments) has been through a minor red line revision in 2016, which was approved by the County, and has since completed and cleared all required draft approval conditions and has entered into a subdivision agreement with the County. The subdivision, which is known municipally as Island View Estates, has since been registered with the Land Registry Office along with a subdivision agreement and construction of all infrastructure has been completed. The developer is now nearing the stage where building permits will be sought and thus has requested the holding provision be removed from the zoning to facilitate this.

ANALYSIS:

As the subject proposal has been through an extensive review, Planning staff are satisfied that the future development of this site and the removal of the holding (H) provision is appropriate and consistent with all levels of Provincial and local policy.

Removal of a Holding-H Provision:

Due to the antiquity of the by-law placing the subject lands under a holding provision (i.e. 1989), the by-law does not identify any specific conditions to be met prior to the holding provision being removed. Notwithstanding, the previous staff report that introduced the zoning in 1989 laid out that the holding was intended to remain in place until a development (subdivision) agreement was completed and required securities were posted. On both accounts, staff can confirm that the developer has met his obligations; more specifically, the subdivision and associated agreement were fully registered in January 2018 and appropriate securities have been submitted, and are still held by the County, to ensure all infrastructure works are completed to County standards and meet warranty periods. Based on this Planning staff are satisfied that the removal of the holding (H) provision is appropriate.

Notice Requirements:

The *Planning Act* only requires public notice to be given to those individuals or groups that have given the Clerk of the municipality a written request for notice of the intention to pass an amending by-law to remove a holding (H) provision from a zoning by-law under subsection 36(4) of the *Act*. No such requests were made; therefore, public notice is not required.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

All agencies and departments required to provide input have provided such input via the review and approval process for the subdivision.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Holding (H) Removal By-law with Maps A and B.