
HALDIMAND COUNTY

Report PDD-06-2019 Zoning By-law Amendment as a Condition of Consent-Rose



For Consideration by Council in Committee on February 26, 2019

OBJECTIVE:

To amend the Town of Dunnville Zoning By-law 1-DU 80 to recognize the long-standing boundaries of an existing recycling facility (salvage yard) as a condition of consent.

RECOMMENDATIONS:

1. THAT Report PDD-06-2019 Zoning By-law Amendment as a Condition of Consent-Rose be received;
2. AND THAT application PLZ-HA-2018-197 to amend the Zoning By-law 1-DU 80 to rezone lands from 'Agriculture (A)' to 'Disposal Industrial (MD)' and to rezone lands from 'Disposal Industrial (MD)' to 'Agriculture (A)' be approved for reasons outlined in Report PDD-06-2019;
3. AND THAT the by-law attached to Report PDD-06-2019 be presented for enactment;
4. AND THAT the proposal is deemed consistent with the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe.

Prepared by: Justin Miller, Planner

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

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

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The applicant is seeking to rezone lands in the Town of Dunnville Zoning By-law 1-DU 80 to recognize the long-standing boundaries of an existing recycling facility (salvage yard) that was conditionally severed on March 13, 2018. The conditional severance formally separates a salvage yard from the surrounding farmlands, and has been held in common ownership for multiple generations of the same family. The subject lands had previously been zoned 'Disposal Industrial (MD)' and 'Agriculture (A)'; however, those zone boundaries do not match the conditionally approved severance or the long-standing actual uses, and this application seeks to remedy the mismatched boundaries. The subject lands are located on the west side of Darling Road, just south-west of the Hamlet of Canborough. Staff has reviewed the proposed zoning amendment on the subject lands against Provincial and County policy frameworks and the principle of land use is consistent with each. Given the above, Planning staff recommends approval of this proposal for the reasons set out within this report.

BACKGROUND:

An application has been received to amend the Town of Dunnville Zoning By-law 1-DU 80 by rezoning lands to conform with the actual (on-the-ground) use of a long-standing recycling facility (salvage yard) (shown on Attachments 1 and 2). The recycling facility is licensed by the County and there are no outstanding by-law issues associated with the property. The facility was recently severed from the farm parcel via application PLB2018-014, which has received conditional approval of the Committee of Adjustment (lot configuration shown at Attachments 1 and 2). The current zoning does not match the conditionally approved severance or on-ground use; a portion of the farm is currently zoned 'Disposal Industrial' and a portion of the salvage yard is currently zoned 'Agriculture' (as shown in Attachment 4). This proposed zoning by-law amendment is intended to rezone lands into conformity with the conditionally proposed severance and on-ground uses which will legitimize activities that are (and for many years have been) taking place. In essence, this application represents a parcel swap.

The subject lands are located on the west side of Darling Road, south-west of the Hamlet of Canborough (Attachment 1) and are generally surrounded by agriculture uses. The subject lands contain a fenced auto recycling facility, offices, a trailer and a large accessory structure, and are described as Part Lots 15 and 16, Concession 2, Geographic Township of Canborough, and municipally known as 411 Darling Road.

ANALYSIS:

Through the review of this proposal, Planning staff have identified the following key planning issues:

Provincial Policy:

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest relating to land use planning and development. Decisions affecting planning matters "shall be consistent with" the policies of the PPS. Through the PPS, the Province determines that Building Strong Communities is a provincial interest and is to be addressed, in part, through promoting efficient land use and development patterns that support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

The PPS states that prime agricultural areas shall be protected for long-term use for agriculture. The conditionally approved severance defines and limits the existing salvage yard to its current boundaries and the proposed rezoning further commits only these lands to the existing non-agricultural (industrial) use. The proposed rezoning also accurately identifies the uses existing on the ground. Further, it serves to apply an agricultural zone onto agricultural lands to support those types of uses moving forward. Planning staff is satisfied that this proposal is consistent with the PPS.

Provincial Growth Plan, 2017

The Provincial Growth Plan sets out policies that require the optimal use of the existing and new infrastructure to support growth in a compact and efficient form. The current proposal is to recognize existing uses confirmed through a conditionally approved severance and conforms to this policy intent, as the use of existing services are proposed (existing municipal road, waste collection, etc.) without the need for expansion or significant upgrades to such existing infrastructure and service. Planning staff is of the opinion that this proposal complies with the intent of the Provincial Growth Plan.

County Policy:

Haldimand County Official Plan

The subject lands are designated 'Agriculture' within Haldimand County's Official Plan. From a policy and land use designation perspective, the salvage yard is considered a legal non-conforming use. The proposed rezoning is intended to recognize a long-standing legal non-conforming industrial use in its actual historical 'footprint'. The Official Plan allows for legal non-conforming uses to be recognized in the zoning by-law and extended or enlarged under a number of conditions. In staff's opinion, the proposed zoning amendment does not represent an extension or enlargement of a non-conforming use per se, but a recognition of the long-established use boundaries which were different from the current zoning. In this respect there is an extension of zoning but not an expansion to the existing recycling facility. The proposal conforms to the Official Plan.

Town of Dunnville Zoning By-law 1-DU 80

The subject lands are zoned 'Disposal Industrial (MD)' and 'Agriculture (A)' in the Town of Dunnville Zoning By-law 1-DU 80. The MD Zone permits the existing "salvage yard" and the A Zone permits the surrounding agricultural uses. This proposed zoning amendment seeks to have those zone boundaries accurately reflect the on-ground uses and does not represent an expansion of the salvage yard use. The current 'MD' zoned parcel is approximately 2.73 hectares (6.75 acres) and will become 2.87 hectares (7.09 acres) when rezoned according to the conditionally approved severance; the retained farmlands will be rezoned (to 'A') from approximately 25.6 hectares (63.25 acres) to approximately 25.46 hectares (62.91 acres). This zoning amendment is a condition of consent that saw the salvage yard severed from the surrounding agricultural uses along the current and historic division of uses represented by fencing. The intent now is that the zoning match the severance boundary and actual on-ground use.

To clarify the current and proposed zoning, the sketch has been broken out into "parts" in the draft zoning by-law (Attachment 4). Within the draft zoning by-law's "Map B–Detail Map", much of the existing farmland is contained within "Part 1". "Part 2" represents a portion of the subject lands currently zoned 'Disposal Industrial' which has historically been used agriculturally, and is to be re-zoned 'Agriculture'. "Part 3" represents a portion of the subject lands currently zoned "Agriculture" that has historically been part of the salvage yard. "Part 4" has been historically zoned and used as part of the salvage yard. Parts 3 and 4 make up the area of the conditionally severed lands and are to be zoned 'Disposal Industrial'; parts 1 and 2 make up the retained lands and are to be zoned 'Agriculture'.

A front yard setback zoning deficiency has been identified with this application as a result of an existing dwelling which is required to be demolished or converted to an office as a condition of consent; a zoning review chart is included as Attachment 5.

Planning Opinion:

Planning staff has reviewed the proposed zoning amendment on the subject lands relative to both Provincial and County policy frameworks and the principle of land use is consistent with each. Both the Provincial Policy Statement and the Haldimand County Official Plan permit development that is appropriate in relation to the infrastructure which is planned or available, and avoids the potential demand for increased municipal servicing and major infrastructure improvements. The zoning amendment addresses both policy requirements and is therefore, consistent with the Provincial Policy Statement 2014 and conforms to the policies in the Haldimand County Official Plan.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services—No objection.

Hydro One—No objections.

Conservation Authority—No objections.

Roads Operations—No objections.

Planning and Development (Development and Design Technologist)—No objections.

Emergency Services—No objections.

Municipal Property Assessment Corporation—No objections.

No comments were received from the public or the Mississaugas of Credit First Nation Council, Six Nations Council and Union Gas.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Detail Map.
3. Owner's Sketch.
4. Draft Amendment to Zoning By-law.
5. Zoning Review Chart.