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# HALDIMAND COUNTY

## Report PDD-27-2019 Zoning By-law Amendment to Rezone Severed Lots – Armstrong and Haupt



For Consideration by Council in Committee on August 27, 2019

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### OBJECTIVE:

To present the subject proposal to rezone a portion of the subject lands as a result of the approval of three consent (severance) applications along with a recommendation from Planning staff in order to assist Council in making a decision.

### RECOMMENDATIONS:

1. THAT Report PDD-27-2019 Zoning By-law Amendment to Rezone Severed Lots – Armstrong and Haupt be received;
2. AND THAT application PLZ-HA-2019-066 to amend the Town of Haldimand Zoning By-law 1-H 86 by rezoning a portion of the subject lands from the 'Agriculture (A)' Zone to the 'Hamlet Residential (RH)' Zone be approved for reasons outlined in Report PDD-27-2019;
3. AND THAT the zoning by-law amendment attached to Report PDD-27-2019 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
4. AND THAT the authorizing by-law attached to Report PDD-27-2019 to authorize the County to enter into a lot grading agreement with Elliot, Bruce, and Kathleen Armstrong, and Margareta Haupt be presented for enactment;
5. AND THAT the application is considered to be consistent with the Provincial Policy Statement (2014), Growth Plan (2019), and other matters of Provincial interest.

**Prepared by:** Ashley Taylor, MCIP, RPP, M.Pl., Planner

**Respectfully submitted:** Mike Evers, MCIP, RPP, BES, Acting General Manager, Community & Development Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The Committee of Adjustment conditionally approved consent applications to create three rural residential lots within the Hamlet of Kohler from a farm parcel that extends into the Hamlet settlement boundary. The proponents have submitted the subject zoning by-law amendment application to rezone the severed lands from the 'Agriculture (A)' Zone to the 'Hamlet Residential (RH)' Zone for sale purposes. The severed lots satisfy the minimum lot frontage and size provisions in the Zoning By-law and any future residential development will be required to conform to the setbacks, height, and dwelling size provisions within the Zoning By-law. It is Planning staff's opinion that the subject zoning by-law amendment application is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan (2019) and Haldimand County Official Plan (2009), and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86. As such, Planning staff recommend approval of the subject zoning by-law amendment.

## **BACKGROUND:**

The subject lands have no municipal address (Attachment 1). The subject lands are a 23 hectare (57 acre) farm parcel, located in the Geographic Township of North Cayuga, and are bound by Link Road to the north and Kohler Road to the east. There is a Quonset hut located on the north portion of the lot that is accessible via Link Road. A portion of the subject lands (0.55 hectares (1.35 acres) of area located north of 1175 Kohler Road) is located within the Hamlet of Kohler.

The Committee of Adjustment approved three consent applications (PLB-2019-026, 027, and 028) on April 9, 2019, subject to conditions (Attachment 2). The consent approvals are considered to be provisional until the conditions of approval are fulfilled and the consent certificates are signed by the Secretary Treasurer of the Committee of Adjustment. Once these items are completed, the consents are final.

The purpose of the consent applications was to sever three lots within the Hamlet of Kohler from the farmlands for residential purposes. The severed lots were approved to be 1,934 square metres (0.45 acres) in size, each having a frontage of 37.33 metres (122.5 feet). The severed lots are currently vacant. The retained farmlands were approved to be 22.52 hectares (55.65 acres) in size and will retain the Quonset hut.

Elliot, Bruce, and Kathleen Armstrong, and Margareta Haupt have submitted a zoning by-law amendment application to rezone the severed lands from the 'Agriculture (A)' Zone to the 'Hamlet Residential (RH)' Zone prior to the sale of the lots. The subject zoning by-law amendment application was originally included as a condition of the consent applications. However, recognizing the 'A' Zone and 'RH' Zone both permit a single family dwelling, Planning staff gave the applicant the choice to proceed or not to proceed through the subject zoning by-law amendment application process. The applicant decided to proceed with the subject zoning by-law amendment application for sale purposes (i.e. to clarify zone type, zone provisions specific to residential development, etc.).

Surrounding land uses include agriculture, residential, and institutional/commercial (Haldimand County Kohler Office/Yard). The Toronto Motor Sports Park is located to the south east of the subject lands.

## **ANALYSIS:**

The key planning considerations are the following:

### **1.0. Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (PPS) provides direction on matters of provincial interest related to land use planning and development. The PPS speaks to directing, promoting, and sustaining development to meet the full range of current and future needs, achieving efficient development patterns, and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. The *Planning Act* requires planning decisions to be consistent with the PPS.

The PPS states that settlement areas (including hamlets) shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The PPS also states that rural residential lot creation is not permitted in prime agricultural areas. The severed lots are located entirely within the Hamlet of Kohler. The retained farmlands are located within the prime agricultural area (i.e. outside of the Hamlet boundary).

Overall, the proposal is consistent with the PPS.

### **2.0. Provincial Growth Plan (2019)**

The Growth Plan for the Greater Golden Horseshoe (2019) seeks to address challenges related to the magnitude of growth that is expected over the coming decades for the Greater Golden Horseshoe

(GGH) and to ensure the protection and effective use of finite resources. The *Places to Grow Act* requires planning decisions to conform to the Growth Plan.

The Growth Plan permits (limited) growth within existing rural settlement areas, such as hamlets. The new lots will 'fill out' the southern development area within the Hamlet. There is no additional rural residential severance opportunity on the retained farmlands. The proposal conforms to the Growth Plan.

### **3.0. Haldimand County Official Plan**

The Haldimand County Official Plan (OP) creates the framework for guiding land use changes in the County to 2026 by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County as expressed through its residents. The OP also provides the avenue through which Provincial Policy is implemented into the local context.

The OP identifies that the severed lots are located within the Hamlet of Kohler and are designated 'Hamlet'. The retained farmlands are located within the prime agricultural area of the County (i.e. outside the hamlet boundary) and are designated 'Agricultural' and 'Riverine Hazard Lands'.

The Hamlet of Kohler is one of twenty-five hamlets within the County. These hamlets developed as residential, social and commercial centres serving the surrounding agricultural community. The OP recognizes that changes and improvements to transportation facilities over time have lessened the emphasis on hamlets as agricultural service centres and increased their role as residential settlements. Further, the OP identifies that the predominant land use within the 'Hamlet' designation is low density residential housing. It is the intent of the County to provide a hamlet environment conducive to rural residential living while permitting appropriately scaled and located commercial, industrial and institutional development in a manner that will minimize land use conflicts.

It is clear that there is policy support for minor residential development within the existing hamlets. The OP contains lot creation and development criteria to ensure new development within hamlets is appropriate and compatible. The criteria include items such as ensuring:

- the development conforms to the OP (in terms of use and compatibility) and Zoning By-law (in terms of use, size, frontage, setbacks, height, etc.);
- can be privately serviced (via cisterns/wells and septic systems);
- availability and provision of adequate stormwater management facilities and legal and adequate drainage outlets;
- the development is a logical extension of the existing built-up area;
- all lots will have appropriate road frontage/access;
- potential impacts on Natural Environment Areas, Hazard Lands and cultural heritage resources are addressed; and
- Less than five lots are being created.

These items were reviewed through the consent application process and the consents were deemed to conform to the criteria. Most importantly, residential development is permitted within the existing Hamlet boundary. The existing institutional/commercial developments (Kohler Office/Yard and the Toronto Motor Sports Park) are considered compatible with the new residential lots, as these uses must conform to Ministry standards in terms of noise and there are existing residences (which are closer than subject lands) surrounding these uses. The severed lots exceed the minimum required lot frontage and area provisions in the Zoning By-law and any future residential development will be required to conform to the setbacks, height, and dwelling size provisions. Septic evaluations, a comprehensive lot grading plan, and a lot grading agreement will need to be approved/executed prior to finalization of the consent applications. All other items were addressed appropriately. The septic evaluations must be completed by a registered septic installer and approved by the local building inspector prior to finalization of the consent applications (i.e. signing of the consent certificates). A comprehensive lot

grading plan and lot grading agreement are also required prior to finalization of the consent applications. The lot grading plan must demonstrate that stormwater is managed appropriately onsite and there is a legal and adequate outlet for stormwater. The lot grading agreement will legally bind the current and future property owners to the approved lot grading plan. The lot grading plan must be completed by a professional engineer and approved by the development and design technologist. The lot grading agreement process is completed with a planner and results in the registration of an agreement on the title of the property.

Overall, the proposal conforms to the OP as the consent applications were deemed to conform to the lot creation and development criteria in hamlets and the subject zoning amendment will legally implement the ‘Hamlet’ designation on the severed lands.

**4.0. Town of Haldimand Zoning By-law 1-H 86**

The OP sets out the County’s general policies for future land use. The Town of Haldimand Zoning By-law 1-H 86 (together with the other two zoning by-laws) puts the OP into effect and legally controls the use of land in the County by stating how land may be used; where buildings and other structures can be located; the types of buildings that are permitted and how they can be used; and the lot sizes and dimensions, parking requirements, building heights and setbacks from the street.

The subject lands are currently zoned ‘Agriculture (A)’ Zone. The ‘A’ Zone permits a number of uses including a single family dwelling, a farm, and compatible farm related uses. The proponents are proposing to rezone the severed lots from the ‘A’ Zone to the ‘Hamlet Residential (RH)’ Zone, which permits a single family dwelling.

If approved, the severed lots will have more flexible building envelopes that are consistent with adjacent lots. More specifically, the affected zoning provisions include:

Setback (Minimum)	‘A’ Zone Provisions	‘RH’ Zone Provisions
Front Yard	13 metres	10 metres
Interior Side Yard	3 metres	3 metres and 1.2 metres adjacent to attached garage
Rear Yard	13 metres	9 metres

All other zone provisions, including the lot frontage and area, building height, and usable floor area provisions remain the same. As stated in the Section above, the severed lots exceed the minimum required lot frontage and area provisions in the Zoning By-law and any future residential development will be required to conform to the setbacks, height, and dwelling size provisions. The retained lands conform to the Zoning By-law. A zoning confirmation chart has been included as Attachment 3. A draft zoning by-law has been included as attachment 4.

Overall, the proposal conforms to the general intent and purpose of the Zoning By-law.

**5.0. Conclusion**

The subject zoning amendment was necessitated by consent applications to create three lots within the Hamlet of Kohler settlement boundary. It is Planning staff’s opinion that the subject zoning by-law amendment application is consistent with the PPS (2014), conforms to the Growth Plan (2019) and OP, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86. As such, Planning staff recommend approval of the subject zoning by-law amendment application.

**FINANCIAL/LEGAL IMPLICATIONS:**

Council must pass an authorizing by-law to permit the County to enter into a lot grading agreement with the proponents. The draft authorizing by-law is included as Attachment 5. The proponents, Mayor and

Clerk will need to review and sign the lot grading agreement once the comprehensive lot grading plan is reviewed/approved and the agreement is prepared. The proponents' lawyer will need to register the agreement on the title of the property and provide proof of registration prior to finalization of the consent applications.

## **STAKEHOLDER IMPACTS:**

**Canada Post Corporation:** Please be advised that Canada Post does not have any comments on this application for severance. Please have the new businesses register at the Cayuga Post Office for mail delivery before putting up any rural mailbox.

**Hydro One:** Hydro One has no comment or objection. Service is available under Hydro One's "Conditions of Service".

**Emergency Services:** No objections.

**Planning & Development (Development & Design Technologist):** No additional comments beyond the previous comments provided for the consent applications, which include:

- Retained parcel is partially within GRCA Regulated Lands.
- A comprehensive Overall Lot Grading and Drainage Plan which incorporates all three proposed lots is necessary and mutual drainage agreement may be required for the severed lands. Individual lot grading plans (which conform to Overall Lot Grading Plan) will be required at time of building permits.
- Additionally, entrance permits will be needed.

**Planning Comment:** All of these items will be addressed as conditions of consent prior to finalization of the severance applications (i.e. actual lot creation). Required conditions include approval of a grading plan, registration of a lot grading agreement, receipt of a letter from the Road Operations Division indicating that they have no objections to the future issuance of entrance permits, etc. The subject zoning amendment will serve to align the zoning with the Official Plan designation. Lot creation will not occur until these technical items are addressed.

**Building & Municipal Enforcement Services:** The severance comments apply, which include:

- Evaluation that a class 4 septic system can serve the proposed severed parcels with required setbacks is required.
- Confirmation that any drainage systems are contained within the parcels to which they serve is required.

**Rogers Communications:** No objections.

No comments were received from Bell Canada, Mississaugas of the Credit First Nation, Six Nations Council, Union Gas, and Municipal Property Assessment Corporation.

## **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

**ATTACHMENTS:**

1. Location Map.
2. Detail Map.
3. Zoning Confirmation Form.
4. Draft Zoning By-law.
5. Draft Authorizing By-law.