
HALDIMAND COUNTY

Report PDD-33-2019 Information Report – Fisherville Estates Zoning Implementation

For Consideration by Council in Committee on August 27, 2019



OBJECTIVE:

To request that Council consider a proposed amendment to the Town of Haldimand Zoning By-law 1-H 86 to facilitate the development of the Fisherville Estates plan of subdivision.

RECOMMENDATIONS:

1. THAT Report PDD-33-2019 Zoning Amendment to Facilitate Plan of Subdivision – Fisherville Estates be received;
2. AND THAT application PLZ-HA-2019-010 to amend the Town of Haldimand Zoning By-law 1-H 86 by Black Tower Investments be approved for reasons outlined in Report PDD-33-2019;
3. AND THAT the zoning by-law amendment attached to Report PDD-33-2019 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
4. AND THAT the holding (H) provision removal by-law attached to Report PDD-33-2019 be passed and the General Manager of Community and Development Services be granted authority to remove the Holding provision when all conditions relating to the matter are satisfactorily addressed;
5. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2014, Provincial Growth Plan 2019 or other matters of provincial interest.

Prepared by: Benjamin Kissner, Planner

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

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

EXECUTIVE SUMMARY:

A seven lot residential infill subdivision and an accompanying zoning by-law amendment were submitted by Black Tower Investments to facilitate a residential development in the settlement of Fisherville in December of 2018. The project would consist of a maximum build-out of 7 single-detached residential units. The subdivision would be constructed with an extension of an existing cul-de-sac and will have an emergency exit through Fisherville Park. The development will be privately serviced by cisterns and septic tanks on each individual lot. The proposed draft plan of subdivision was presented to Council on May 7, 2019 and meets County and Provincial density targets, addresses functional requirements, and has received draft plan approval. The proposed zoning would implement the subdivision proposal including special provisions allowing for a range of alternative lot area and frontage standards.

BACKGROUND:

On May 7, 2019, a Public Meeting was held before Council in Committee regarding the review of a draft plan of subdivision for Fisherville Estates. At that time, an information report was presented which examined the development details including a planning assessment of the Plan of Subdivision and Zoning By-law Amendment application. The subdivision consists of 7 units (single detached dwellings). The draft approved plan can be seen in Attachment 2.

Following the public meeting component, a draft plan was formally approved by the General Manager of Community & Development Services. As part of that draft plan approval, a series of conditions were established and one of those conditions is the requirement for implementing a zoning by-law amendment to be passed by Council. The purpose of this report is to present that amending by-law to establish the necessary zoning to facilitate the development of the approved subdivision and to satisfy the aforementioned condition.

Land Location and Description

The subject lands are located west of Erie Avenue North, and at the southern end of the road network of Nablo Street and Held Crescent. The site is legally described as Rainham Concession 5 Part Lot 6 Regular, and currently have not been assigned civic addresses (Attachment 1). These lands have an area of approximately 1.33 hectares (3.3 acres) in size with frontage and access to Held Crescent. The subject lands are vacant and used for agricultural purposes.

ANALYSIS:

All matters pertaining to Provincial and County policy frameworks were reviewed and appropriately addressed as part of the previous information report PDD-14-2019, and approval of the draft Plan of Subdivision has been granted. Since there are no issues with the principle of land use, a detailed planning analysis was not required for this report.

City of Nanticoke Zoning By-law NE 1-2000

The zoning that is currently in place for the subject lands is an assemblage of 'Agriculture (A)', 'Hamlet commercial (CHA)' and 'Hamlet Residential (RH)'. The subject zoning application seeks to establish site specific zone provisions (i.e. narrower lot frontages, reduced lot area) to facilitate an efficient use of the subject lands. The lots sizes however, are appropriately sized and suitable for private services. The Holding provision has been applied to the entire site to ensure that: final clearance of the draft conditions of subdivision approval have been completed to the satisfaction of Haldimand County; and archaeological study has been accepted by the Ministry of Tourism, Culture and Sport, and a subdivision agreement has been registered.

There is a block of land that has been identified to be utilized for storm water management infrastructure, which will be accessed through a 4 metre wide easement shown in Attachment 2. This block of land has been proposed to receive 'Open Space (OS)' zoning with special provisions to limit the permitted uses and to provide relief for the frontage as it relates to the affected property.

Zoning Rationale

All of the proposed site specific zoning provisions would facilitate the implementation of the draft plan of subdivision as approved and ultimately permit development that incorporates housing types and lot fabric exhibiting similar traits to the neighbouring properties. Planning staff are of the opinion that the requested relief of lot area and frontage facilitates a functional and attractive design that effectively uses available land.

A copy of the draft amending by-law to the Town of Haldimand Zoning By-law 1-H 86 is included as Attachment 3. A draft 'Holding (H)' removal by-law has been drafted for the development, and is

included as Attachment 4. This is in accordance with the 'H' removal delegation process approved by Council to streamline development approvals.

FINANCIAL/LEGAL IMPLICATIONS:

All commenting agencies and departments have provided their input regarding the principle of land use during the processing of the plan of subdivision application, and all technical concerns (i.e. those relating to lot grading, drainage, etc.) will be addressed through the subdivision approval process. Further, the required statutory public meeting was held on May 7, 2019, and at that time, the required zoning changes and plan of subdivision were presented to Council in Committee. Notice of the Public Meeting was provided to area residents two weeks prior to the meeting in accordance with the requirements of the *Planning Act*, and no members of the public provided staff and Council with concerns. Furthermore, the proponents organized and held their own open house, to satisfy the newly established requirements of the *Planning Act*. Concerns relating to engineering matters such as drainage, transportation and stormwater management; construction timelines, and parkland dedication were discussed. These concerns will be dealt with through the review of the final plans for the subdivision, and through the application of the applicable zoning provisions. The Plan of Subdivision has been draft approved by the General Manager of Community & Development Services and is now through the appeal period. In follow-up for the Zoning By-law Amendment, Notice of the Passing of the By-law will be circulated to all parties as required under the *Planning Act* once a decision has been rendered by Haldimand County Council. The required 20 day appeal period will apply to the zoning amendment.

STAKEHOLDER IMPACTS:

All commenting agencies and departments have provided their input regarding the principle of land use during the processing of the plan of subdivision application, and all technical concerns (i.e. those relating to lot grading, drainage, etc.) will be addressed through the subdivision approval process. Further, the required statutory public meeting was held on May 7, 2019, and at that time the required zoning changes and plan of subdivision were presented to Council in Committee. Notice of the Public Meeting was provided to area residents two weeks prior to the meeting in accordance with the requirements of the *Planning Act*, and no members of the public provided comments and concerns through the use of oral or written submission. Notice of the Passing of the By-law will be circulated to all parties as required under the *Planning Act* once a decision has been rendered by Haldimand County Council. The required 20 day appeal period will apply to the zoning amendment.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Draft Approved Plan of Subdivision (Owners Sketch).
3. Draft Zoning By-law Amendment 1-H 86.
4. Draft Holding (H) Removal By-law.