
HALDIMAND COUNTY

Report PDD-31-2021 Zoning By-law Amendment to Facilitate Development of a Vacation Home Dwelling Use



For Consideration by Council in Committee on April 20, 2021

OBJECTIVE:

To rezone the subject lands in order to facilitate the development of a Vacation Dwelling Home on the subject lands.

RECOMMENDATIONS:

1. THAT Report PDD-31-2021 Zoning By-law Amendment to Facilitate Development of a Vacation Home Dwelling Use be received;
2. AND THAT Application PLZ-HA-2021-034, to amend the HC 1-2020 to rezone the subject lands to "Lakeshore Residential", be approved for reasons outlined in Report PDD-31-2021;
3. AND THAT the by-laws attached to Report PDD-28-2021 be presented for enactment;
4. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan 2020, and other matters of Provincial interest.

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Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning and Development

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

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

EXECUTIVE SUMMARY:

The proposed Zoning By-law amendment has been brought forward to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from Agricultural (A) to Lakeshore Residential (RL), to facilitate the development of a vacation home dwelling. Should this proposal be approved, it will represent a more appropriate use of appropriately designated lands by allowing development on the lands that conforms to the policies of the Haldimand County Official Plan.

BACKGROUND:

The purpose of this application is to rezone lands from Agricultural (A) to Lakeshore Residential (RL) to facilitate the development of a vacation home dwelling. The lands to be rezoned are located south of Hummingbird Lane, in the Lakeshore Node of Hoover Point, and are referred to as 4 Humming Bird Lane which is a private road. The site is currently vacant, and the applicants are proposing to develop a seasonal dwelling on these lands. The subject property has dimensions of approximately 30.5 metres (100 feet) by 71.1 metres (233.3 feet), which is identified as the 'Subject Lands' in Attachment 1. The applicant has provided a site sketch showing the location of the structure as seen in Attachment 2. The

subject lands are surrounded by existing lakeshore residential uses to the east and south, with agricultural lands to the north and an existing private campground to the west. It is noted that the private road is owned by the larger farm parcel to the north, however the lakeshore residential properties along Hummingbird Lane, Country Lane and English Manor Lane have right of use.

ANALYSIS:

Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (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 Provincial Policy Statement supports residential development in locations where there is no need to expand the provision of municipal services. The subject lands are located within the Lakeshore Node of Hoover Point, is large enough to accommodate private servicing, but does not have access to a municipal road that is maintained year round. In order to mitigate against the latter point, staff are recommending the subject zoning amendment to restrict usage and development of the site such that only seasonal uses are permitted due to the access to the site being provided by a private road. These factors represent consistency with the PPS.

Further, the PPS directs that development occurs in accordance with the policies that restrict development in relation to natural hazards. The hazards outlined within this section pertain to those found in relation to the Great Lakes and St. Lawrence Seaway, specifically flooding, erosion and dynamic beach. The subject lands are located in an area that is not subject to regulation from a Conservation Authority, thus natural hazards are not of concern for this general area in accordance with the policies set out in the PPS.

Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe, 2020 similarly supports development in situations where the works would result in intensification in terms of density, and use of existing infrastructure. The subject property would be serviced by private water and wastewater systems, but would benefit from the existing road network and will not require expansion or intensification of any of these County operated services. 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 (OP) directs policies for the conservation and preservation of agricultural lands and hazard lands throughout the County. Furthermore, the Haldimand County Official Plan guides residential development to occur within appropriate locations such as the residential, hamlet, and resort residential nodes of Haldimand County. The subject lands are designated Resort Residential Hamlet within the Haldimand County Official Plan.

The OP sets out that seasonal residential uses shall be the predominant type of land use along the Lakeshore. Amendments such as the subject application are dealt with on a site-by-site basis to satisfy OP policy while ensuring that development takes place in conformity with these policies. The Official Plan has established a number of criteria to determine the suitability of a proposal for development within lands that carry this designation, in particular staff note the requirement for year round development to take place where access can be provided by a public roadway. Humming Bird Lane is a private road, and as such precludes opportunities for year round development. These policies are

intended to maintain the safety of residents by reducing the opportunities for usage, so that concerns about inclement weather that may impact provision of emergency services are mitigated.

In order to appropriately review this policy disconnect, Planning staff are recommending that the zoning on the subject lands be changed to Lakeshore Residential, so that vacation residential uses are permitted which will conform to the policies of the Official Plan, should this proposal be approved.

Haldimand County Zoning By-law HC 1-2000

The lands are zoned Agricultural (A) within the Haldimand County Zoning By-law. The purpose and intent of the zone is to permit uses that support rural areas and agriculture throughout the County. The extent of these uses do not conform with the intent of the OP policies outlined above, primarily due to the location of the subject lands within a Lakeshore Node and being serviced by a private road. To remedy this, staff are recommending that the lands be rezoned to Lakeshore Residential (RL) which will reduce the list of uses including the permissions for a year round dwelling which is otherwise permitted in the 'A' zone, and in addition the amendment will include relief to allow frontage on a private road. The outcome of the zone change to RL will result in a Vacation Home Dwelling Use to be established on the site, which will maintain the policies outlined above and address safety concerns by limiting the residential use on the site to one of seasonal nature.

Upon review of the surrounding area, staff note that there are existing vacation home dwelling uses. Rezoning the subject lands to include permissions for a vacation home dwelling unit as a primary use, will conform with the other land uses that exist in the surrounding area. It is not anticipated that land use conflicts shall arise between the proposed use, and those that surround it.

Conclusion:

Planning staff recommends that the Zoning By-law Amendment application be approved on the basis that the proposed use is consistent with the Provincial Policy Statement, 2020, conforms to the Provincial Growth Plan, 2019, and maintains the intent and purpose of the Haldimand County Official Plan.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services – No objections.

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

Emergency Services – No objections.

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

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Concept Drawing.
3. By-law Amendment.