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# HALDIMAND COUNTY

## Report PDD-08-2022 Zoning By-law Amendment as Condition of Consent - Cronk



For Consideration by Council in Committee on March 1, 2022

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### OBJECTIVE:

To fulfill a condition of consent related to the severance of a new building lot.

### RECOMMENDATIONS:

1. THAT Report PDD-08-2022 Zoning By-law Amendment as Condition of Consent - Cronk be received;
2. AND THAT application PLZ-HA-2021-212 to amend the Haldimand County Zoning By-law HC-1-2020 to rezone the subject lands from "Agriculture (A)" to "Lakeshore Residential (RL)" be approved for reasons outline in Report PDD-08-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement, 2020, and the Growth Plan for the Greater Golden Horseshoe 2020;
4. AND THAT the by-law attached to Report PDD-08-2022 be presented for enactment.

**Prepared by:** Neil Stoop, Planner

**Reviewed by:** Shannon VanDalen, MCIP, RPP, Manager, 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 Zoning By-law Amendment is required as a condition of consent for the creation of a new building lot within the Hemlock Creek Lakeshore Node. The subject lands are currently zoned "Agriculture (A)", by rezoning the lands to "Residential Lakeshore (RL)" it will bring the lands in line with the Official Plan and is consistent with adjacent properties.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement 2020, complies with the Provincial Growth Plan 2020, conforms to Haldimand County's Official Plan and maintains the general intent and purpose of the Haldimand County By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons set out within this report.

A public notice sign was posted at the site and was visible when the Planner conducted a site visit.

### BACKGROUND:

The proposed zoning amendment is required as a condition of consent for severance application PLB-2021-179, which was conditionally approved by Committee of Adjustment at its meeting on November

15, 2021. Planning staff recommended approval of the application subject to conditions, including rezoning the lands to “Lakeshore Residential (RL)”. The consent application conformed to the Official Plan (OP), Provincial Policy Statement (PPS) and Growth Plan (GP). The severed lands have a frontage of approximately 33 metres (108.2 feet) and an approximate area of 0.13 hectares (0.33 acres) and is located within the Lakeshore Node of Hemlock Creek. The retained farm parcel will maintain an area of approximately 25.5 hectares (63 acres) as shown on Attachment 1. The subject amendment will reflect the proposed residential use of the property within the Hemlock Creek Node.

The site is located on the north side of Lakeshore Road, east of Erie Street South. The lands are legally described as Concession 1, Part Lot 2, Geographic Township of Rainham and known municipally as 99 Lakeshore Road. A General Location map can be found in Attachment 1; with the overall lot configuration being shown in Attachment 2 (Owner’s Sketch). Planning staff supports this rezoning and has not received any concerns through circulation of the proposal.

## **ANALYSIS:**

Planning staff have determined key planning issues related to this application. They are as follows:

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement, 2020 (PPS) states that settlement areas, including Resort Residential Nodes, shall be the focus of growth and development and their vitality and regeneration shall be promoted. The PPS states that development directed to rural settlement areas should give consideration to the rural character, scale of development and service levels. The proposed lot is located predominantly inside the boundary of Hemlock Creek. A portion to the rear is located outside of the node to align with the existing hydro lines. The predominant zoning within Resort Residential Nodes is Lakeshore Residential. The provisions of the Lakeshore Residential zone have regard for the rural character, scale of development and service levels. Planning staff are of the opinion that this proposal maintains the intent of these policies; therefore, the proposal is consistent with the PPS.

### **Provincial Growth Plan, 2020**

The Provincial Growth Plan – A Place to Grow was also reviewed by Planning staff in relation to this proposal. A Place to Grow directs limited development to existing settlement areas in the rural area with a defined boundary such as Hemlock Creek. The subject application will facilitate the creation of one new lot of sufficient size to accommodate on site servicing and low density residential development. It is Planning staff’s opinion the subject application complies with a place to grow.

### **Haldimand County Official Plan**

The subject lands are designated Resort Residential Node in the County’s Official Plan (OP), with a small portion along the rear designated as Agriculture. The OP supports limited development and infilling within existing Resort Residential Nodes, such as Hemlock Creek. The subject application will facilitate the creation of a new infill lot residential lot in Hemlock Creek. The proposed lot will have frontage on a public road and sufficient area to accommodate private water and sanitary services. The provisions of the Lakeshore Residential (RL) zone will allow the property to be developed in keeping with the policies of the OP. It is the opinion of Planning staff that the subject application conforms to the OP.

### **Haldimand County Zoning By-law HC 1-2020**

The subject lands are currently zoned “Agricultural (A)”. The Agricultural zone requires a minimum lot area of 1,855 square metres (0.45 acres) and a minimum frontage of 30 metres (98 feet). The subject lands have an area of 1,335 square metres (0.33 acres) and do not comply with the minimum lot area requirements of the A zone. The subject application is proposing to re-zone the lands to the “Lakeshore

Residential (RL)” zone. The Lakeshore Residential Zone requires an area of 925 square metres (0.22 acres), and a minimum frontage of 18 metres (59 feet). The severed lot complies with the minimum required lot provisions of the RL zone and any future construction will need to comply with the balance of the zoning provision including setbacks. The RL zone permits vacation home dwellings, with the conversation to year-round occupancy based on certain criteria. The development details surrounding this proposal – e.g. frontage on improved road, full septic and private water service) would support year round residency should it be desired by the applicant. No additional application would be required for that change of tenure.

Rezoning the subject lands will ensure they comply with the Zoning By-law and facilitate their development in keeping with the character of the surrounding area.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Canada Post** – No objections.

**Emergency Services** – No objections.

**Planning and Development (Development & Design Technologist)** – Entrance permit required prior to obtaining building permits.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. General Location Map.
2. Location of Lands Affected – Owner’s Sketch.
3. Draft Zoning By-law Amendment HC 1-2020.
4. Zoning Confirmation Chart.