
HALDIMAND COUNTY

Report PDD-14-2023 Zoning By-law Amendment as a Condition of Consent - LePage



For Consideration by Council in Committee on May 2, 2023

OBJECTIVE:

To consider a Zoning Amendment related to the creation of a new building lot in the lakeshore node of Vola Beach.

RECOMMENDATIONS:

1. THAT Report PDD-14-2023 Zoning By-law Amendment as a Condition of Consent - LePage be received;
2. AND THAT application PLZ-HA-2023-034 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 outlined in Report PDD-14-2023;
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-14-2023 be presented for enactment.

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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 to facilitate the development of a recently created building lot in the lakeshore node of Vola Beach. The subject lands are currently zone "Agriculture (A)", by rezoning the lands "Lakeshore Residential (RL)" it will bring the lands inline with the Official Plan and consistent with adjacent properties within the node.

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 the Haldimand County Official Plan and maintains the general intent and purpose of the Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons outlined in 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 a result of a consent for severance application (PLB-2022-161) which was approved by Committee of Adjustment on December 20, 2022. Planning staff recommended approval of the application, subject to conditions. 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 19.8 metres (64.9 feet) and an area of 0.19 hectares (0.47 acres). The retained parcel has a frontage of 19.8 metres (64.9 feet) and an area of 0.17 hectares (0.44 acres) as shown on Attachment 1. The subject lands (both severed and retained) are currently vacant and would have the opportunity for a building permit.

The site is located on the south side of Bluewater Parkway in the lakeshore node of Vola Beach. The lands are legally described as Concession 1 Walpole Part Lot 22, Part 3 Plan 18R3026, Geographic Township of Walpole, Haldimand County. The lands have not yet been assigned a municipal address. A general location map can be found in Attachment 1; with the overall configuration shown in Attachment 2 (Owner's Sketch). Planning staff supports this rezoning and has not received any concerns through the circulation of this proposal.

ANALYSIS:

Planning staff have determined the 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 Lakeshore Nodes, shall be the focus of growth and development and their vitality and regeneration shall be promoted. The PPS states that the development directed to rural settlement areas should give consideration to the rural character, scale of development and service levels. The subject lands are located in the lakeshore node of Vola Beach, where the predominant zoning is "Lakeshore Residential (RL)". The provisions of the "Lakeshore Residential (RL)" zone have regard for the existing rural character, scale of development and service level of Vola Beach.

The PPS also requires that site alteration or development not occur on lands with archaeological potential unless an archaeological assessment has been completed and any significant resources have been conserved. As part of the previous consent application on the subject lands a Stage 1 and 2 assessment was completed by a qualified individual. The assessment determined no additional assessments were required, and development of the site would not negatively impact any significant archaeological resources. In keeping with provincial policy, the completed assessments were submitted for registration.

Planning staff are of the opinion that this proposal maintains the intent of these policies; therefore, the proposal is consistent with the PPS.

Haldimand County Official Plan

The subject lands are designated Resort Residential and Lakeshore Hazard Lands. The Haldimand County Official Plan permits appropriate lot creation and development within the Resort Residential Designation. The proposed development would take place outside of the areas designated as Lakeshore Hazard Lands. Comments from the Long Point Region Conservation Authority (LPRCA) have indicated no objections to the lot creation and subsequent rezoning of the subject lands. LPRCA review has confirmed that suitable development envelopes exist on the subject lands outside of the regulatory limit of the LPRCA and the Lakeshore Hazard Lands overlay.

The subject lands have frontage on a public road and sufficient area to accommodate private onsite water and sanitary services, outside of the hazard lands on the properties. The provisions of the

“Lakeshore Residential (RL)” zone will allow the property to be developed in keeping with the policies of the Official Plan. It is the opinion of Planning staff that the subject application conforms to the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are currently zoned “Agricultural (A)”, and are proposed to be zoned “Lakeshore Residential (RL)”. The RL zone has a minimum required lot area of 925 square metres (0.22 acres) and frontage of 18 metres (59 feet). The severed and retained lot from application PLB-2022-161 maintain the minimum lot standards for the RL zone and future construction will comply with the balance of the zoning provisions including setbacks. The RL zone permits the construction of Vacation Home Dwellings and related accessory buildings. The Zoning By-law also permits the conversion of a Vacation Home Dwelling for permanent occupancy subject to criteria outline in section 4.14 which includes matters such as municipal road frontage, septic system capabilities and approved lot grading. It is likely that a dwelling built on the subject lands would be eligible for permanent occupancy subject to the standards of construction.

Rezoning the lands will ensure the lands are developed similarly to the surrounding area.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Long Point Region Conservation Authority (LPRCA): No objections to the proposed zoning amendment. A suitable development envelope exists on the subject lands outside of the regulated areas on the subject lands.

Senior Building Official: LPRCA permit required prior to the issuance of a building permit. Review of submitted materials indicates the provisions of the RL zone will be met.

Development and Design Technologist: No objections to the proposed zoning amendment.

Emergency Services: No comments or concerns with the subject application.

Six Nations of the Grand River: Six Nations of the Grand River Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations’ traditional territory without consultation or consent of our Nation. The cumulative effects of this intense development have contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on our ability to exercise our Aboriginal and Treaty Rights that are not only set out in the treaties themselves, but are also recognized and affirmed in Section 35 of the *Constitution Act, 1982*. The Six Nations’ rights and interests in relation to these lands are defined in our 1701 Ft. Albany/Nanfan Treaty.

We oppose this application to rezone the property from agricultural to lakeshore residential. We’re always uneasy about proposals adjacent to waterbodies, but construction on lakeshore hazard lands should absolutely be forbidden.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

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.