Report PED-PD-13-2017 Zoning By-law Amendment for Year-Round Residential Use-Bodo

For Consideration by Council in Committee on May 30, 2017

OBJECTIVE:
To amend the Town of Dunnville Zoning By-law 1-DU 80 to permit year round residency on lands zoned only to permit seasonal residency.

RECOMMENDATIONS:
1. THAT Report PED-PD-13-2017 Zoning By-law Amendment for Year-Round Residential Use-Bodo be received;
2. AND THAT application PLZ-HA-2017-020 to amend the Zoning By-law 1-DU 80 to add year-round residential uses to the permitted uses in the ‘Seasonal Residential (RS)’ zone be approved for reasons outlined in Report PED-PD-13-2017;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe;
4. AND THAT the By-law attached to Report PED-PD-13-2017 be presented for enactment.

Prepared by: Justin Miller, Planner
Reviewed by: Mike Evers, MCIP, RPP, BES, Manager of Planning and Development Division
Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development
Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:
The applicant is seeking to create a Special Provision to the Town of Dunnville Zoning By-law 1-DU 80 to permit year-round residency for a property zoned ‘Seasonal Residential’ (RS) and to recognize an existing deficiency in frontage. The subject lands are part of a subdivision between Rock Point and Mohawk Point that received approval in 1990; currently, approximately half of the subdivision lots have year round dwellings or seasonal dwellings constructed on them. Staff has reviewed the proposed zoning amendment on the subject lands against Provincial and County policy frameworks and the principle of land use is consistent with each. The Haldimand County Official Plan permits limited conversion of seasonal residential properties to year round residency. This application meets the criteria set out in the Plan, including the general character of the area, municipal road access and servicing capabilities.

Given the above, Planning staff recommends approval of this proposal for the reasons set out within this report.
BACKGROUND:

An application has been received to consider an amendment to the Town of Dunnville Zoning By-law 1-DU 80 to permit year-round living status for a property zoned ‘Seasonal Residential (RS)’ Zone and to recognize an existing deficiency in frontage. The type of residency currently permitted is restricted to seasonal (i.e. usage for vacations and recreation purposes). The applicant would like to amend the zoning of the subject lands in order to be able to reside in a dwelling on the property on a full time year-round basis. The subject lands are currently vacant, and this application is intended to allow the applicant to construct a year-round home on the vacant lands.

The subject lands are located on the north-west portion of Clearwater Court and are generally surrounded by seasonal residences – a number of which have already been granted special provisions to permit year-round residency. Clearwater Court is a cul-de-sac centred in an approved subdivision (registered in 1990) with 32 lots. Approximately half of the subdivision has been developed (17 lots), with the majority being year-round homes; the balance of the lots remain vacant. The subject lands are described as part of SHB Plan 121, Lot 24, known municipally as 11 Clearwater Court, Sherbrooke.

ANALYSIS:

Through the review of this proposal, Planning Staff have identified the following key planning issues:

Provincial Policy

Provincial Policy Statement 2014

The Provincial Policy Statement (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 PPS states that healthy, livable and safe communities are sustained, in part, by accommodating an appropriate range and mix of residential uses to meet long-term needs, as well as avoiding development and land use patterns that may cause environmental or public health and safety concerns. In addition, the PPS sets out that municipalities shall provide for an appropriate range of housing types to meet the projected requirements of current and future residents, in part, by directing development of new housing to locations where appropriate levels of infrastructure and public service facilities are or will be available. To that extent, the subject lands and surrounding area is such that there is a suitable level of services available in the neighbourhood (municipal road, waste collection, emergency response, etc.), and therefore, Planning staff is satisfied that this proposal is deemed to be consistent with the PPS.

Provincial Growth Plan, 2006

The Provincial Growth Plan sets out policies that require the optimal use of the existing and new infrastructure to support growth in a compact and efficient form. The current proposal to convert to year-round residential use conforms to this policy intent as the use of existing services are proposed (existing municipal road, waste collection, etc.) without the need for expansion or significant upgrades to such existing infrastructure and service. Further, there is sufficient room for private water and sanitary systems on-site. Planning staff is of the opinion that this proposal complies with the intent of the Provincial Growth Plan.
**County Policy**

**Haldimand County Official Plan**

The subject lands are designated ‘Resort Residential Node’ within Haldimand County’s Official Plan. The Official Plan (OP) sets out that seasonal residential uses shall be the predominant type of land use along the Lakeshore, although a limited amount of conversion and new infilling for year-round use may also be permitted within appropriately designated areas. The Official Plan has established a number of criteria to determine the suitability of a proposal for conversion to year-round use. New development identified for year round use must have frontage on an open and improved road; Clearwater Court is considered an open and improved municipal road. In addition to the Official Plan’s requirement for year-round development to have frontage on an open and improved road, the following criteria must be, and have been, evaluated:

**Suitability of the area relative to Hazard Lands, Regulatory Shoreline, Industrial Influence Area, and other land uses:**

Planning Comment: The subject lands are located completely within the ‘Resort Residential Node’ designation of the OP, are not subject to any Lake Erie hazards and are not regulated by a Conservation Authority. The subject lands are also located well outside of the industrial influence areas and are only surrounded by similar residential uses.

**Need to maintain a reserve of cottage properties for seasonal use:**

Planning Comment: The proposed conversion would not have a significantly adverse impact on the existing seasonal supply within the area; approximately half of the land mass within the node appears to have been converted to year-round residency. This application does not represent a conversion of an existing seasonal cottage to year-round, but permits the creation of a purpose built year-round home. Any future conversion requests for other properties would be reviewed based on individual merit and the composition of the area at that time. Generally speaking, the conversion of a seasonal cottage for full time occupancy can only take place on publically maintained roads where services are already available. Cottages on private or seasonal roads will continue to provide the seasonal supply.

**Need to maintain public access and usage of the Lakeshore:**

Planning Comment: The subject lands are located within a cul-de-sac that is near the Lake; however, the development of the individual lot will not impact access to the Lake.

**Implications of assuming and / or upgrading existing private roads and rights-of-way:**

Planning Comment: The subject lands front onto Clearwater Court, which is an open municipal road, of a reasonable standard of construction.

**Need to provide services such as recreational facilities, schools and busing, parks, garbage collection, medical, fire and police services, etc.:**

Planning Comment: Soft services are already provided to this area (i.e. waste collection, school busing, emergency services, etc.), and in addition, the residents of this area benefit largely from community facilities available in nearby urban Dunnville. Due to the proximity of this urban centre, the residents of the subject property would be adequately served by the present level of community facilities.

**Suitability of soils and lot sizes to support individual sewage disposal systems:**

Planning Comment: The subject lands are similarly sized to surrounding built residential properties (0.29 ha/0.73 acres) and are larger than what is common for many Haldimand County seasonal
residential properties. The applicant has submitted a document to the satisfaction of Haldimand County, Building Controls and By-law Enforcement Division staff, confirming that the subject lands can adequately contain the proposed home and private services, including individual sewage disposal systems.

**Potential demands for municipal servicing and major infrastructure improvements:**

Planning Comment: The extent and scale of the proposed development is not anticipated to result in an increased demand for municipal (hard) services such as water and wastewater or significant upgrades to any existing infrastructure (i.e. roads). Water and wastewater services are not anticipated or likely to be provided for this portion of the County.

**Potential Negative Impacts on Natural Environment, areas such as wetlands, forested areas and fish habitat:**

Planning Comment: The subject lands have previously been cleared, and some minor grading appears to have taken place during the creation of the surrounding lots; no negative environmental impacts are anticipated with this proposal.

In summary, the proposal conforms to the criteria in the Official Plan.

**Town of Dunnville Zoning By-law 1-DU 80**

The subject lands are zoned ‘Seasonal Residential (RS)’ Zone in the Town of Dunnville Zoning By-law 1-DU 80. The ‘RS’ zone permits a summer cottage and an existing one family dwelling house (i.e. year-round dwelling that has existed and has been used continuously as a year-round dwelling since the implementation of Zoning By-law 1-DU 80 in 1980). This property has never been utilized for year-round occupancy and is a vacant lot within a plan of subdivision. The proposed amendment seeks to expand the permitted uses on the site to include a year-round dwelling. Additionally, the existing lot has a frontage deficiency of 4.616 metres (30 metres required; 25.384 provided). A draft amending by-law is included as Attachment 3. No other zoning deficiencies have been identified or are proposed with this application; a detailed zoning review chart has been included as Attachment 4.

**Planning Opinion:**

Planning staff has reviewed the proposed zoning amendment on the subject lands relative to both Provincial and County policy frameworks and the principle of land use is consistent with each. Both the Provincial Policy Statement and the Haldimand County Official Plan permit development that is appropriate in relation to the infrastructure which is planned or available, and avoids the potential demand for increased municipal servicing and major infrastructure improvements. The Official Plan also permits limited year-round residential use within the Lakeshore Areas subject to certain criteria being satisfied. The zoning amendment addresses both policy requirements and is therefore consistent with the Provincial Policy Statement 2014 and conforms to the policies in the Haldimand County Official Plan.

**FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

**STAKEHOLDER IMPACTS:**

Building Controls and By-law Enforcement Division – No objections.
Haldimand County Hydro – No objections.
Grand River Conservation Authority – Not regulated.
Rocks Operations – No objections.
Planning and Development (Development & Design Technologist) – No objections.
Emergency Services – No objections.
Municipal Property Assessment Corporation – No objections.
No comments were received from the public or the Mississaugas of New Credit Council, Six Nations Council, and Union Gas.

**REPORT IMPACTS:**

Agreement: No
By-law: Yes
Budget Amendment: No
Policy: No

**ATTACHMENTS:**

1. Location Map.
2. Owner’s Sketch.
3. Draft Amendment to Zoning By-law.