
HALDIMAND COUNTY

Report PDD-15-2024 Zoning By-law Amendment to Permit Rezoning From R1-A to R2, Caledonia



For Consideration by Council in Committee on June 18, 2024

OBJECTIVE:

To Consider an application received for a Zoning By-law Amendment to rezone the subject lands from “Urban Residential Type 1-A (R1-A)” to “Urban Residential Type 2 (R2)” with Holding “(H)”, to permit the construction of semi-detached dwellings.

RECOMMENDATIONS:

1. THAT Report PDD-15-2024 Zoning By-law Amendment to Permit Rezoning From R1-A to R2, Caledonia be received;
2. AND THAT application PLZ-HA-2023-209 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from the “Urban Residential Type 1-A (R1-A)” Zone to the “Urban Residential Type 2 (R2)” Zone with Holding “(H)” be approved for the reasons outlined in the Report PDD-04-2024;
3. AND THAT the General Manager of Community & Development Services be authorized to remove the Holding (H) provision from the subject lands when requirements relating to the archaeological assessment, lot grading and drainage have been satisfied;
4. AND THAT the application is considered to be consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 and the Haldimand County Official Plan, and has sufficient regard for matters of provincial interest under the *Planning Act, 1990*;
5. AND THAT the by-law attached to Report PDD-15-2024 be enacted at a future Council meeting.

Prepared by: Chris Tang, Planner, Planning & Development

Reviewed by: Shannon VanDalen, MCIP, RPP, Manager, Planning & Development

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

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The owner has submitted a Zoning By-law Amendment application to rezone the subject lands from “Urban Residential Type 1-A (R1-A)” to “Urban Residential Type 2 (R2)” with Holding “(H)”. The Zoning By-law Amendment is to facilitate the development of two (2) semi-detached dwellings on a recently severed lot in the urban boundary of Caledonia for residential purposes. This will bring the proposal inline with the Official Plan and consistent with the Zoning By-law.

The subject report summarizes the discussions conducted by staff with neighbourhood objectors and the applicant, as were directed through Council deferral resolution at the May 21, 2024 Council in

Committee meeting. There are no amendments to the application resultant from those discussions. Regardless of the fact that there are no changes to the application, staff's previous recommendations remain unchanged.

Planning staff remain of the opinion that this proposal is consistent with the Provincial Policy Statement, 2020 and the Provincial Growth Plan, 2020, and conforms to the Haldimand County Official Plan. Planning staff recommend approval of this amendment for the reasons outlined in this report.

A new public notice sign was posted at the site on May 28, 2024, and was visible when the Planner conducted a site visit.

BACKGROUND:

The subject lands are located on the north side of Caithness Street East and Robert Gordon Drive, in the urban boundary of Caledonia. The lands are known municipally as 322 Caithness Street East and legally described as Part Lot 20 North Caithness, Geographic Township of Caledonia, Haldimand County. The lot received conditional approval for a severance in November 15, 2022 to divide the lot in half to create a new building lot. The subject lands are approximately 0.17 hectares (0.43 acres) and is currently vacant.

The surrounding land uses are primarily residential in nature with single detached dwellings in the neighbourhood. It is also noted that there is access to Burke Park at the end of Robert Gordon Drive to the north. A general location map can be found in Attachment 1; with the concept plan showing the proposed building footprint in Attachment 2 and Attachment 3. The application is to change the zoning to Urban Residential Type 2 (R2) to facilitate the construction of a semi-detached dwelling (2 units).

The application was presented to Council in Committee on May 21, 2024 as part of the prescribed public meeting under the *Planning Act*. A number of neighbourhood objectors and project supporters made presentations at the meeting. Committee arrived at a decision of deferral and directed staff to meet with representation from both parties to discuss the matter further. The resolution passed was as follows:

THAT consideration of Report PDD-04-2024 be deferred to a future Council in Committee meeting to provide an opportunity for the opponents to discuss concerns regarding the application with staff and the applicant.

Staff have met with representatives of the neighbourhood objectors as well as the proponent (separately) to review concerns and discuss potential for compromise. The subject report lays out the positions of the two parties and the recommended changes to the proposal.

ANALYSIS:

In response to the deferral decision of Council, staff arranged separate meetings with representatives (2) from the neighbourhood objectors and the applicant. The following summarizes key outcomes of the meetings:

Neighbourhood objectors:

- Concerns raised at the public meeting were shared again – traffic impacts, congestion of street, lowered property values, too much density, loss of privacy, no design details;
- There is no scenario of semi-detached dwellings that would be acceptable, even with caps on height;

- The only acceptable proposal is to maintain the property zoning ‘as is’ and allow for a single detached dwelling on each lot (but, with the lots re-oriented north-south with access from Caithness, not Robert Gordon).

Applicant:

- The plan for semi-detached remains unchanged – these are much needed units in the community and the site lends itself to this development;
- Given the unit design is still in the early stages, there is a reluctance to agree to a height limit (e.g., to limit to single storey) at this time.

A few things of note relative to the meeting outcomes and in response to some of the comments from the previous public meeting:

- Engineering staff have (re)reviewed the concerns around traffic and have (re)concluded that the impacts will be negligible. Included in that review was an assessment of triggers for an ‘all-way’ stop at Robert Gordon Drive and Haller Crescent. The assessment concluded that the minimal increase in vehicle volume and movements does not warrant an additional stop sign. With that said, should the neighbourhood desire the additional installation, they could petition for such through the Ward Councillor;
- The subject application is to establish principle of land use – it is not a design review exercise. Zoning amendments are not a vehicle to regulate any aspect of design—other than height, setbacks and size—nor is there any established authority in the *Planning Act* for a municipality to do so. This is the same for both single and semi-detached dwellings. Given this, there is no established or available process to govern how a dwelling will look with respect to exterior materials used, colour, type/amount of glazing, etc.;
- A proposal that would see the two oversized lots for single detached dwellings only, would present the potential for three (3) ‘as of right’ dwellings on each property, for a total of 6 dwelling units. More specifically, the current R1 zoning allows for two secondary suites on each lot which can be accommodated in the main dwelling as well as a detached accessory building. These are development rights that exist today and which do not require any Council approvals or public meetings – in fact, they are provincially enacted rights that a municipality cannot override through any zoning restrictions. While the secondary suites have to comply with certain zoning provisions (e.g., minimum setbacks, maximum size, additional parking space), the oversized lots would afford ample opportunity for such to be accommodated. Whereas, and as was described by staff at the May 21st public meeting, the construction of semi-detached dwellings on the lots would pose practical limitations to the development of secondary suites (smaller lot size, less space available, reduced ability to accommodate parking). While secondary suites are permitted in the R2 zoning, the above-noted practical limitations would make the development of such less likely. The main point is, the legally existing rights of today could see up to 6 dwelling units established, meaning the intensity level could be equal to or greater than what is proposed in the application.

Staff acknowledge that the subject application represents a change in the housing style that is most common in the area. That change is representative of the shift seen over the last number of years, which has been mandated by the Province, to permit more infill and intensification to:

- use land more efficiently/reduce need to expand urban boundaries; and
- to provide for more residential units, quickly and with greater affordability range.

These mandated shifts are reflected in Official Plan policies that encourage this type of development. It is that policy basis that gives opportunity for consideration of a zoning change such as this. There are many examples throughout the County where semi-detached dwellings have fit seamlessly into similar well-established neighbourhoods. As is often the case, the footprint, massing, height, setbacks, etc. of semi-detached homes are akin to those of single detached homes. That is similarly the case with the

subject proposal which would result in lot sizes that are more closely aligned with the R1 zone than the R2 zone and setbacks and height that are equal to the R1 zone.

The balance of the detailed planning analysis from PDD-04-2024 remains unchanged and the report is attached. Planning staff remains in support for the rezoning from R1-A to R2.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services: No comments.

Planning & Development – Development Technologist: No comments.

Mississaugas of the Credit First Nation (MCFN): The MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environment Study reports and that a stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

Six Nations of the Grand River: No comments received.

Bell Canada: No comments received.

Canada Post Corporation: No comments received.

Clerks: No comments received.

Emergency Services: No comments received.

Enbridge Gas: No comments received.

Engineering Services: No comments received.

Facilities, Parks, Cemeteries, and Forestry Operations: No comments received.

Haldimand Norfolk Health Unit: There is an acute need for purpose built rental units and affordable home ownership in Haldimand County. Provided the proposed development meets the intent and purpose of applicable policy, by-laws, codes and servicing capacity, Housing Services is supportive of the establishment of new purpose built rental and affordable home ownership units in the community.

Hydro One: No comments received.

Legal & Support Services: No comments received.

Metro Loops: No comments received.

Ministry of Municipal Affairs & Housing: No comments received.

MPAC: No comments received.

Rogers: No comments received.

Public: Concerns regarding parking, lot grading and traffic have been received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

1. [Report PDD-04-2024 Zoning By-law Amendment to Permit Rezoning from R1-A to R2, 322 Caithness Street East, Caledonia.](#)

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch 1.
3. Owner's Sketch 2.
4. Draft By-law.