
HALDIMAND COUNTY

Report PDD-12-2024 Zoning Amendment to an Industrial Zone with Relief of Municipal Services, Dunnville



For Consideration by Council in Committee on June 18, 2024

OBJECTIVE:

To provide a Recommendation Report for consideration of a Zoning By-law Amendment application to rezone the subject lands to “Light Industrial (ML)” with site specific Special Exemptions to permit a proposed self-storage facility to proceed on private services and also to recognize a reduced rear yard setback.

RECOMMENDATIONS:

1. THAT Report PDD-12-2024 Zoning Amendment to an Industrial Zone with Relief of Municipal Services, Dunnville be received;
2. AND THAT application PLZ-HA-2022-091 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from “Disposal Industrial (MD)” to “Light Industrial (ML)” with Special Exception ML.1 be approved for the reasons outlined in Report PDD-12-2024;
3. 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*;
4. AND THAT the by-laws attached to Report PDD-12-2024 be presented for enactment at a future Council meeting.

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

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

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The proponent submitted the subject Zoning Amendment Application to rezone the lands at 1140 Broad Street East, Dunnville from “Disposal Industrial (MD)” to “Light Industrial (ML)” with Special Exception to facilitate the development of a self-storage facility on private services and relief of a rear yard setback.

Planning staff are of the opinion that this proposal has regard for matters of Provincial interest under the *Planning Act*, is consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, conforms to Haldimand County’s 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.

The proponent posted the public notice sign on the subject lands. Planning Staff observed the notice sign on a site visit.

BACKGROUND:

The subject lands are located at 1140 Broad Street East, on the south side of Broad Street East, immediately west of Hendershot Avenue, in the urban area of Dunnville. The property is a 1.09 hectare (2.69 acre) lot that is currently vacant. The surrounding land uses are a mix of commercial, residential and future development lands. The property falls outside the regulated area of the Grand River Conservation Authority. The subject lands are shown in Attachment 1.

The subject lands are currently zoned the “Disposal Industrial (MD)” Zone, which permits some limited commercial uses as well as a salvage yard, waste disposal facilities and animal hospital and kennel. The subject Zoning By-law Amendment is required to introduce a self-storage facility as a permitted use. The use is proposed to be constructed and operated on private services given the low requirement for water and sanitary services. A concept plan is included as Attachment 2.

ANALYSIS:

Planning staff have determined the key planning issues related to this application as follows:

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) states that settlement areas shall be the focus of growth and development. Land use patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for available infrastructure, among other criteria. The PPS also directs that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment, and that planning authorities shall promote economic development and competitiveness.

Additionally, the PPS outlines that infrastructure shall be provided in an efficient manner and in a way that promotes optimization of the use. Within settlement areas, development should occur on municipal services when available; when not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety. Where multi-unit/lot development is not the case (as in this application), private systems are appropriate.

The proposed zoning amendment to a light industrial use to facilitate the self-storage facility is considered as an appropriate use for the property and more compatible with the surrounding land uses. The zoning will be more in-line with adjacent properties and uses, and provide for development of vacant lands. The proposal is seeking permissions to proceed on private services, including a private cistern and septic system. It is acknowledged that while municipal services exist within the urban area of Dunnville, at this time it is not feasible to extend the services of approximately 450 metres (1,476 feet) to the subject lands due to topography and the existing pipe system. Haldimand County is currently undergoing a Master Servicing Plan (MSP) update for Dunnville, which will provide an assessment of the existing servicing conditions, and provide recommendations for future servicing opportunities and development. However, at this point, the in-effect MSP does not contemplate the provision of municipal services along this section of Broad Street East given that the lands are towards the eastern limit of the urban boundary.

The subject application is considered to be consistent with the policies of the PPS.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

Similar to the Provincial Policy Statement, the Provincial Growth Plan encourages growth and development within settlement areas and seeks to provide for complete communities, which includes a diverse mix of land uses, supportive and efficient infrastructure, vibrant public realms, and environmental and agricultural protection. The infrastructure framework of the Growth Plan requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan.

The amendment requested for the subject lands will maintain the intent of the Growth Plan and provide for an appropriate development opportunity. The proposed light industrial zoning will add additional uses from an employment perspective and clean-up an existing site. The development intends to proceed on private services, as there is no planned expansion to the infrastructure at this time. The intended use for self-storage is considered a dry industry with minimal water and sanitary demands. The application is considered to be consistent with the Provincial Growth Plan.

Haldimand County Official Plan

The subject lands are currently zoned *Community Commercial* within Haldimand County Official Plan (OP), as recently updated through the Municipal Comprehensive Review and Official Plan Update (Amendment 69). The Community Commercial designation recognizes a variety of commercial uses including retail and service facilities; business, personal and professional office; recreation and entertainment facilities, restaurants; community and cultural facilities, and public and private institutions. The property was previously designated Urban Business Park prior to Amendment 69, which permitted the proposed self-storage facility. The application was submitted in July 25, 2022, and while the land use designation has changed for the property, the use was permitted when the application was submitted and is deemed to conform to the Official Plan.

The Servicing policies of the Official Plan (as amended by OPA No. 69) states that it is the County's preference that all urban industrial development proceed on the basis of full municipal water and sanitary sewer services. However, it is also recognized that these services may not be available in all areas. For the County to consider the private or partial servicing option, the proponent of the development proposal is required to undertake and commit to the following:

- a) Prepare a hydro-geological study that demonstrates the private servicing systems on the property containing the proposal will meet Ministry of Environment, Conservation and Parks guidelines with respect to establishing such systems;

Comment:

A hydrogeological report (prepared by: C.F. Crozier & Associates Inc.), as well as an Environmental Summary Report (prepared by Wood Canada Limited) was provided as part of the complete application. The information provided notes that the soils and ground water in the area can accommodate the proposed private services. The intent for the development is to proceed on a private cistern and a class 4 septic bed, which can be appropriately developed on site.

- b) Consider options for providing fire protection for the proposal;

Comment:

A proposed cistern has been included on the conceptual plan for fire fighting purposes, and through the required Site Plan Application the technical details of the development will be confirmed, including the final location of the fire cistern, any hydrants/standpipes and the overall fire design. This has been confirmed with Emergency Services.

- c) Enter into a servicing agreement that requires the following:

- i. Connection to full municipal services when such services are made available to the property along with the payment of any associated fees or charges required for connection;
- ii. That the effluent to the private sanitary services will be from employee waste only;
- iii. That the Development Charge, based on the provision of full municipal services, is paid when a building permit is issued, to allow the County to obtain funds to assist in financing the municipal servicing infrastructure for LEIP.

Comment:

A Development Agreement is required through the site plan process and, as part of the final approvals, a servicing agreement will be required to be registered on title.

The HCOP states that where the Master Servicing Study determines full servicing of urban business parks or industrial areas is feasible, existing development will be required to pay and connect to these services when they are made available at a cost determined by the County.

There are currently no water or wastewater municipal services along this portion of Broad Street East, and the Dunnville Master Servicing Plan does also not currently contemplate municipal services along the entire frontage of this property in the future servicing scenario given that the lands are towards the eastern limit of the urban boundary. There is a substantial amount of development east, west and north of the subject lands that is already serviced privately. Lastly, the proposed use is also considered a “dry industrial” use, that only uses water/wastewater for employees and fire protection, and does not use any water or wastewater for industrial processes. Based on the above, the request for relief from municipal services is considered appropriate and meets the criteria of the OP.

Industrial developments situated in proximity to Provincial highways or arterial roads shall generally be required to provide a higher standard of amenity related to landscaping, buffering and the provision of outdoor storage than those industries situated on internal service roads. As such, the proposal will be required to provide a higher level of landscaping adjacent to the public realm. This could also include high quality building materials on all street-facing facades and where possible, windows and entrances that face the street for the proposed administrative office component. The components will be evaluated and included as part of the required Site Plan Application.

The proposal is considered to conform to the Haldimand County Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are presently zoned “Disposal Industrial (MD)”, and the intention is to rezone to “Light Industrial (ML)” with Special Exception ML.1 to recognize the development on private services and also for a reduced rear yard setback of 6 metres (19.6 feet), whereas 9 metres (29.5 feet) is required. The subject application is seeking relief from this provision to permit development without connecting to municipal sanitary system or municipal water, as the services are not currently available and also not planned for extension. Future development on the subject lands is required to proceed on private services, including a cistern and septic system. In the future, if services are available, the proponent will be expected to connect to the system.

It is noted that the change from the MD Zone to the ML zone is considered more compatible with the surrounding area and adjacent uses. The current MD zone permits a number of intensive or potentially noxious uses such as a salvage yard, waste disposal site, waste processing or transfer sites and recycling centres, which could have more significant negative impact on the existing residential dwellings and other businesses. The proposed ML zone provides for the opportunity for cleaner uses within the urban area of Dunnville and represents a much better fit with the surrounding area. The use that would result—mini-storage—is a very innocuous use that does not emit odour, vibration or significant levels of noise or activity as would other uses currently permitted in the MD zone.

The proposal is also seeking relief of the rear side setback to 6 metres (19.6 feet), which is partly due to the irregular rear lot line. The subject lands back onto lands that are zoned “Development (D)” zone, and the future use is unknown at this time. Additionally, the area immediately adjacent to the rear year is also subject to regulations by the Conservation Authority, which may impact future development of the property. The 6 metre (19.6 metre) setback is considered acceptable in terms of spacing, and additional screening and buffering can be addressed through the required Site Plan application.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building and Municipal Enforcement Services: Building Permits are required for each storage unit, which will include construction drawings with anchorage. Additionally, the following information is required as part of the Site Plan location of:

- Emergency Water Service Cisterns;
- Class 4 Septic System to be installed; and
- Fire Route.

Planning and Development Technologist: No objections to the zoning amendment application.

Economic Development and Tourism: Haldimand County’s Economic Development and Tourism Division have no concerns with this proposal.

Ministry of Transportation: The MTO has no objection to the application.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map of the subject lands.
2. Concept Plan.
3. Draft By-law.