
HALDIMAND COUNTY

Report PDD-05-2025 Zoning By-law Amendment as a Condition of Consent,
Moulton (Hines)



For Consideration by Council in Committee on February 4, 2025

OBJECTIVE:

To consider an application received for a Zoning By-law Amendment to rezone the subject lands, which falls within the hamlet of Lowbanks from “Agriculture (A)” to “Hamlet Residential (RH)” to maintain consistency in zoning after the boundary adjustment.

RECOMMENDATIONS:

1. THAT Report PDD-05-2025 Zoning By-law Amendment as a Condition of Consent, Moulton (Hines) be received;
2. AND THAT application PLZ-HA-2024-212 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from “Agriculture (A)” zone to “Hamlet Residential (RH)” zone be approved for the reasons outlined in the Report PDD-05-2025;
3. AND THAT the application is considered to be consistent with the Provincial Planning Statement 2024, and the Haldimand County Official Plan, and has sufficient regard for matters of Provincial interest under the Planning Act, 1990;
4. AND THAT the By-law attached to Report PDD-05-2025 be approved at a future Council meeting.

Prepared by: Chris Tang, MCIP, RPP, 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 “Agriculture (A)” to “Hamlet Residential (RH)”. The Zoning By-law is a condition of consent to rezone the subject lands to bring the lot in conformity with the surrounding residential area and to ensure that the lot has a single zone category on the property.

Planning staff are of the opinion that this proposal is consistent with the Provincial Planning Statement 2024, conforms to the Haldimand County Official Plan and meets the general intent of Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons outlined in this report.

BACKGROUND:

The lands currently consist of both the severed and retained lands. The severed lands are located within the Hamlet of Lowbanks and are to be added to the adjacent lot (7 Hutchinson Road), which contains a single detached dwelling with an accessory structure and fronts onto Hutchinson Road. The retained lands contain an existing single detached dwelling that fronts onto North Shore Drive, with the balance of the property located predominately outside the hamlet boundary and designated Agriculture. It is noted that the zoning by-law amendment is for the severed lands only. The Zoning By-law Amendment application is required as a condition of consent to complete the severance application (PLB-2024-122).

The retained land—which will continue to be known as 2779 Northshore Drive and legally described as Part Lots 4 and 5, Concession 1 LE, Geographic Township of Moulton, Haldimand County—has an area of approximately 10.5 hectares (25.9 acres), with a frontage of 45.4 metres (149.0 feet) on North Shore Drive. The conditionally severed land has a total area of 0.29 hectares (0.72 acres), with no frontage on an improved road and is to be added to 7 Hutchinson Road.

ANALYSIS:

Planning staff completed an analysis of the proposed Zoning By-law Amendment application against the applicable Provincial and County land use planning policy documents and legislation. The summary of this analysis is below.

Provincial Planning Statement (PPS), 2024

The severed portion of the subject lands are located within the Hamlet of Lowbanks. The retained lands are located outside the Hamlet boundary and are considered to be within the prime agriculture area of the County.

Hamlets are considered rural settlement areas within which developments and growth are encouraged. The rezoning application is a result of a condition of consent application that was for boundary adjustment. The PPS does not provide policy direction and criteria for boundary adjustments within Hamlets. The settlement area boundary of Lowbanks has an irregular shape and extends to the rear of existing lots along Hutchinson Road. Additionally, the lands within the Hamlet boundary have natural features, such as trees, watercourses, and natural hazards. As a result, there is little development opportunity within the hamlet boundary in this location and the boundary adjustment would not have an impact on future development opportunities in the area or the adjacent agricultural system.

Therefore, it is the opinion of Planning staff that the application is consistent with the Provincial Planning Statement 2024.

Haldimand County Official Plan (OP)

The subject lands (i.e. severed lands) are within the Hamlet Boundary of Lowbanks and are designated Hamlet in the Haldimand County Official Plan (OP). The general development criteria of the Hamlet designation are:

- a) The traditional form of servicing in the Hamlet areas has been individual water services and on-site sanitary sewage system designed and installed as per the *Ontario Building Code*, and were serviced by an individual water supply and an on-site sanitary sewage system, such system shall be designated and installed as per the *Ontario Building Code*;

Planning Comments: The hamlet does not have municipal services and the existing lot (benefitting lands of the boundary adjustment) is on private services, and the rezoning application is a condition of a boundary adjustment application. The proposed development will

not result in the creation of a new lot and the existing service requirement has been met. It is the opinion of Planning staff that this provision has been satisfied.

- b) The availability and provision of adequate stormwater management facilities and legal and adequate drainage outlets;

Planning Comments: the existing lot uses open ditches as stormwater management. The boundary adjustment is to add the lands in the rear of the property and is not expected to create additional issues. Since the stormwater management on the existing lot is not an issue, and no additional development is proposed, the proposal has satisfied this provision.

- c) New development should be a logical extension of the existing built-up area;

Planning Comments: The proposal is for a boundary adjustment and is considered a logical property transfer within the existing Hamlet boundary. No additional building opportunities are being created through the subject applications.

- d) In-depth development rather than linear development along roads is the preferred form of developments in Hamlets;

Planning Comments: The lands to the rear of the benefitting lands consist of trees, watercourses and hazard lands, which cannot be used for development.

- e) Provision shall be made at appropriate locations to permit access from main roads to second or third tiers of lots behind existing development;

Planning Comments: The lands to the rear of the benefitting lot do not provide development opportunity and the severed lands do not have frontage to a public road. It is the opinion of Planning staff that this provision should be exempt and the test is satisfied.

- f) Proximity to, and the potential impact on Natural Environment Areas, Hazard Lands and cultural heritage resources should be addressed; and,

Planning Comments: The lands to the rear of the benefitting lands do consist of natural features and hazard lands, however, no development has been proposed on the subject lands. It is the opinion of Planning staff that this provision has been satisfied.

- g) The standards for separating residential uses from existing, new or expanding livestock facilities shall be the Minimum Distance Separation Formulae.

Planning Comments: There are no existing livestock facilities near or on the subject lands. The Minimum Distance Separation Formulae can be exempt and this criterion satisfied.

Further, the hamlet boundary of Lowbanks is irregular in shape and approximates but is not the exact configuration of the severed lands. The OP states that the boundaries of any land use designation on any schedule are considered approximate and with justification may be subject to appropriate minor variations without the need for an amendment to the OP, unless the boundaries are consistent with fixed definable physical features. It is Planning staff's opinion that the severed lands can be interpreted as wholly within the hamlet boundary, and that the proposal conforms to the policies of the Haldimand County Official Plan.

Haldimand County Zoning By-law HC 1-2020

The severed lands are currently zoned "Agriculture (A)" and is to be rezoned to "Hamlet Residential (RH)". The RH zone has a minimum required lot area of 1,855 square metres (19,967.05 square feet) and a frontage of 30 metres (98.42 feet). The resulting lot of the boundary adjustment will be approximately 5,200 square metres (55,972 square feet) and has a frontage of 74.9 metres (245.67 feet). The benefitting lands currently consist of a single-family dwelling and accessory structures which meets the general intent and complies with the minimum provisions of the zoning by-law. Rezoning the

severed lands will ensure that the lands are developed and used similarly with the surrounding area, which consists of single-family dwellings in the area and in line with the Official Plan policies.

It is the opinion of Planning staff that the proposal meets the general intent of the zoning by-law.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services: No concerns or objections.

Planning & Development – Development Technologist: No concerns or objections.

Mississaugas of the Credit First Nation (MCFN): No comments received.

Six Nations of the Grand River: No comments received.

Niagara Peninsula Conservation Authority (NPCA): No comments received.

Enbridge: No comments received.

Hydro One: No concerns or objections.

Emergency Services: No comments received.

MPAC: No comments received.

Clerks: No comments received.

Public: No comments received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

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