
HALDIMAND COUNTY



Report PDD-02-2025 Zoning By-law Amendment Application to Rezone the Subject Lands as a Condition of Consent, 146 Erie Street, Nanticoke

For Consideration by Council in Committee on February 25, 2025

OBJECTIVE:

To consider a Zoning By-law Amendment application for the subject lands, known municipally as 146 Erie Street, Nanticoke, as a condition of Consent to facilitate the future infill development of four (4) new hamlet residential lots.

RECOMMENDATIONS:

1. THAT Report PDD-02-2025 Zoning By-law Amendment Application to Rezone the Subject Lands as a Condition of Consent, 146 Erie Street, Nanticoke be received;
2. AND THAT application PLZ-HA-2024-186 to amend Haldimand County Zoning By-law HC 1-2020 to rezone Part 1 from “Agriculture (A)” to “Hamlet Residential (RH.7)” with site-specific provisions, and Part 2 from “Rural Institutional (IR)”, and “Agriculture (A)” to “Hamlet Residential (RH)” be approved for the reasons outlined in Report PDD-02-2025;
3. AND THAT the application is deemed to be consistent with the Provincial Planning Statement, 2024, conforms to the Haldimand County Official Plan and has sufficient regard to matters of Provincial interest under the Planning Act;
4. AND THAT the by-law attached to Report PDD-02-2025 be approved at a future Council meeting.

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

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The County has received an application for a Zoning By-law Amendment to rezone the subject lands as a Condition of Consent to facilitate the severance of four (4) new hamlet residential lots and retain one (1) hamlet residential lot.

A site-specific provision has also been requested to permit the existing cargo containers to remain on the retained lot.

Planning staff are of the opinion that the subject application is consistent with the Provincial Planning Statement, 2024, conforms to the Haldimand County Official Plan, maintains the general intent and purpose of Haldimand County Zoning By-law HC 1-2020, as amended and has sufficient regard for matters of Provincial interest.

BACKGROUND:

Related Applications

PLB-2024-182, PLB-2024-183, PLB-2024-184 & PLB-2024-185 (Consent Applications)

The applications were initially heard by the Committee of Adjustment on October 15, 2024, however, staff recommended deferral of the application to allow the proponent an opportunity to revise the lot configuration of the proposed lots fronting onto Church Street. The previous proposal intended driveways connecting on the curvature of Church Street, which was flagged by Haldimand County, Roads Operations as a concern for visibility hazards. Road Operations indicated that entrance permits would not be issued until the lots were reconfigured. Accordingly, the proposal was revised.

The Committee of Adjustment conditionally approved the revised consent applications at its January 21, 2025, which resulted in the creation of the four (4) new hamlet residential lots and one (1) retained hamlet residential lot as shown on Attachment 2, Parts 1-5. The conditions of approval included the submission of a lot grading and drainage plan for each of the severed lots, receiving entrance permits from Roads Operations for the severed lots, and approval of a Zoning By-law Amendment to rezone the subject lands to the “Hamlet Residential (RH)” Zone, to ensure compliance with the Zoning By-law and the Hamlet policies in Section 4.D. of the Haldimand County Official Plan.

Current Application

PLZ-HA-2024-186 (Zoning By-law Amendment Application)

Location and Description

The subject lands are located in the Hamlet of Nanticoke, legally described as Plan 2460, Part Block D and Part Block E, Geographic Township of Walpole and known municipally as 146 Erie Street (refer to Attachment 1 – Location Map). The subject lands are approximately 4.80 hectares (11.9 acres) in area, with frontage on both Erie Street and Church Street and make up an irregularly shaped parcel of land.

The subject lands currently contain a single detached dwelling, a large accessory structure and up to four (4) cargo containers (sea cans), all of which are proposed to remain on the retained parcel (Part 5 on Attachment 2). The topography is generally flat and the lands are predominantly in active agricultural use with a thicket of trees in the north-west portion of the subject lands. The thicket also contains a portion of a drainage feature which conveys flows to the west through a culvert under Erie Street and discharging into Nanticoke Creek on the west side of Erie Street.

A summary of the surrounding land uses is described as follows:

- North:** To the north of the subject lands are low density hamlet residential (single detached dwellings) and a place of worship (church) along Church Street.
- South:** To the south of the subject lands are active agricultural uses.
- East:** To the east of the subject lands are active agricultural uses.
- West:** To the west of the subject lands are low density hamlet residential (single detached dwellings) and Nanticoke Creek.

The purpose of this Zoning By-law Amendment application is to amend the Haldimand County Zoning By-law HC 1-2020 to:

1. Part 1 (on Attachment 3): Rezone the retained lands from the “Agriculture (A)” Zone to the “Hamlet Residential (RH.7)” Zone with a site-specific provision to bring the lot into compliance with the Official Plan Hamlet policies and to recognize and permit the existing cargo containers (sea cans); and,
2. Part 2 (on Attachment 3): Rezone the four (4) new hamlet residential lots from the “Rural Institutional (IR)”, and “Agriculture (A)” zones to “Hamlet Residential (RH)” Zone to permit future

residential development and to bring the new lots into conformity with the Official Plan Hamlet policies.

The four (4) new hamlet residential lots will facilitate future residential infill development.

ANALYSIS:

The following key planning considerations apply to this proposal:

Provincial Policy

Provincial Planning Statement, 2024:

The Provincial Planning Statement, 2024 (PPS), came into effect on October 20, 2024 and combined the previous Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The policies contained within the new PPS are similar to the previous provincial documents with respect to encouraging and focusing growth and development within existing settlement areas, including hamlets. However, there is increased emphasis on housing policies which is set out in the Vision of the PPS which prioritizes the provision of more residential dwellings:

“Ontario is a vast, fast-growing province that is home to many urban, rural and northern communities distinguished by different populations, economic activity, pace of growth, and physical and natural conditions. More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031.

Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.”

The PPS directs that Planning authorities are to continue providing an appropriate range and mix of housing options and densities to meet projected needs of current and future residents. The proposed zoning by-law amendment for the subject lands has been proposed to support infill residential development within a designated settlement area.

The subject lands are designated “Hamlet” on Schedule “C.14” (Hamlet of Nanticoke), which is considered a rural settlement area. Section 2.5.2 of the PPS states that in rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. In addition, Section 2.5.3 of the PPS advises that when directing development (i.e., lot creation) in rural settlement areas, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development, and the provision of appropriate service levels. The PPS encourages residential development and permits lot creation within existing settlement area boundaries, where other policies of the PPS can be upheld. The subject application supports lot creation within the Hamlet of Nanticoke, a designated rural settlement area. The retained and severed lands are similar in scale and retain the rural characteristics of the surrounding properties within the rural area and will be serviced by private water and septic systems in accordance with applicable Provincial and County policies.

Staff are of the opinion that the infill residential development supported by the proposed Zoning By-law Amendment application will provide opportunity for an appropriate range and mix of housing options and densities to meet current and future residential needs.

Haldimand County Official Plan (HCOP)

The Haldimand County Official Plan (HCOP), as amended creates the framework for guiding land use changes in the County over the long-term. The HCOP provides the avenue through which Provincial Policy is implemented into the local context, protects and manages the natural environment, directs and influences growth patterns, and facilitates the vision of the County as expressed through its residents.

The subject lands are located within the Hamlet of Nanticoke and are designated “Hamlet” on Schedule “C.14” in the Haldimand County Official Plan. Nanticoke is one of twenty-six (26) hamlets within the County. Traditionally, the hamlets developed as residential, social, and commercial centres servicing the surrounding agricultural community. More recently, hamlets have an increased role as residential settlements. The designation permits low density residential housing, including single detached dwellings subject to criteria regarding private servicing, stormwater management, and development configuration, including appropriately scaled infilling.

New lot creation within settlement areas shall meet the following criteria under the HCOP:

- a) The size of any parcel of land created by Consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

Planning Comment: The size of the lots are appropriate for the proposed use as they are similar in scale as the surrounding properties. The severed and retained lands are sufficiently sized to accommodate the proposed dwellings and meet all of the applicable “Hamlet Residential (RH)” provisions of the Haldimand County Zoning By-law HC 1-2020.

- b) The creation of new lots for development shall only be granted in accordance with relevant servicing policies contained in this Plan;

Planning Comment: The subject lands will be serviced by private water and septic systems in accordance with applicable Provincial and County policies. The Hamlet of Nanticoke does not have access to municipal services (i.e., water, storm and sanitary sewer).

- c) The proposed severed and retained lands front on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and,

Planning Comment: The severed (Parts 1-4) and the retained lot (Part 5) have frontage on Church Street and Erie Street, which are municipally owned and maintained roads. Both of these are local roads and the speed limit through the hamlet is reduced and already contains numerous parcels with frontage and access to both Erie and Church Streets. It is not anticipated that this will cause any negative impacts or safety concerns.

- d) Not more than five lots are being created.

Planning Comment: Four (4) new hamlet residential lots and one (1) retained hamlet residential lot were created and approved through the severance process.

Given that the proposed Zoning By-law Amendment application will permit future residential development on the subject lands, it is Planning staff’s opinion that this application will bring the subject lands into conformity and compliance with the Hamlet policies contained within the Haldimand County Official Plan.

Haldimand County Zoning By-law HC 1-2020

The purpose of the Haldimand County Zoning By-law HC 1-2020 is to regulate the use of land within the County by stating exactly how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they can be used, and the lot sizes and dimensions, parking space requirements, building heights, and setback from the street. The Zoning By-law implements the Official Plan policies and is legally enforceable.

The subject lands are currently zoned “Rural Institutional (IR)”, “Hamlet Residential (RH)” and “Agriculture (A)”. The application to amend the Zoning By-law is intended to rezone Part 1 (on Attachment 3) from “Agriculture (A)” to “Hamlet Residential (RH)” and include site-specific Special Exception 6.4.7.7 “RH.7”, and to rezone Part 2 (on Attachment 3) from “Rural Institutional (IR)” and “Agriculture (A)” to “Hamlet Residential (RH)” to recognize and permit the existing cargo containers (sea cans) on the retained parcel, whereas cargo containers are not permitted in residential zones, pursuant to Section 4.10 a) of the Zoning By-law.

Rezoning the subject lands to the “Hamlet Residential (RH)” and site-specific “(RH.7)” zones will align the zoning of the subject lands with the “Hamlet” designation of the Official Plan, and will reflect the intended hamlet residential use of the subject lands. It will also provide zoning permissions and provisions consistent with the surrounding lots.

Further as noted above, the retained lands (Part 5) contain a number of cargo containers (sea cans). The retained lands are currently zoned “Agriculture (A)” Zone. The (A) Zone permits cargo containers provided they are located in the rear yard (the yard between the rear lot line and the nearest part of the main building on the lot). By rezoning the subject lands (including the retained lands) to the “Hamlet Residential (RH)” Zone, the cargo containers will no longer be permitted as cargo containers are prohibited on the residentially zoned lots (including the (RH) Zone). Therefore, the cargo containers need to be removed or included as a request within the Zoning By-law Amendment application. The latter has been requested by the proponent and is supported by staff given the long-standing legal use and fact that nothing is changing relative to the use, position or style of said units.

The four (4) new hamlet residential lots (Parts 1-4 on Attachment 2) are proposed to be rezoned to the “Hamlet Residential (RH)” Zone, and will comply with the provisions of the (RH) zone (i.e., minimum lot area, lot frontage, etc.). The retained lot (Part 5 on Attachment 2), complies with the applicable (RH) provisions, however, requires a site-specific provision to recognize and permit the cargo containers in a residential zone. Accordingly, the retained lot (Part 5 on Attachment 2) is proposed to be zoned (RH.7), and includes the special exception to permit the existing cargo containers on the subject lands.

A draft by-law has been prepared and is included in Attachment 3 for consideration.

Staff are of the opinion that the subject application and Zoning By-law Amendment are consistent with the PPS, conforms to the policies of the Haldimand County Official Plan, and has sufficient regard for matters of Provincial Interest.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Public Consultation

The application for the subject Zoning By-law Amendment (PLZ-HA-2024-186) was circulated to County departments and external agencies for review and comment. Public notice was given and signs posted in accordance with *Planning Act* requirements.

Building & Municipal Enforcement Services

There are multiple zones applying to the subject lands that will need to be amended. The geotechnical investigation includes a minimum septic tank size of 3,200 litres, whereas 3,600 litres is the minimum size per Ontario Building Code requirements, based on a 3-bedroom dwelling. Further, sewage system evaluations (i.e., septic evaluation) have not been provided. These are required, which shall include the proposed site plan/layout for each lot to ensure a Class 4 septic system can be accommodated.

Planning Comment: The requirements for a septic evaluation and associated geotechnical studies were identified through the Consent process, and were included as conditions of each Consent application for each new lot. The proponents have 2 years to fulfill any applicable conditions, otherwise, the Consent lapses and is no longer valid. Based on the lot size and soil type in this area, staff do not anticipate any issues in the ability to accommodate suitable septic designs and installations.

Haldimand County Planning & Development – Development Technologist

Through the related Consent applications, it was identified that the following will be required:

- Full grading and drainage plans will be required for all of the severed lots; and,
- Entrance permits will be required from Road Operations for all of the severed lots.

Planning Comment: These conditions will be fulfilled through the Consent process and were included as conditions of Consent for each of the 4 applications for each new hamlet residential lot. The proponents have 2 years to fulfill the conditions of Consent.

Haldimand County Emergency Services

No comments received.

Mississaugas of the Credit First Nation

No comments received.

Six Nations of the Grand River

No comments received.

Haldimand County Facilities, Parks, Cemeteries & Forestry Operations

Forestry has no concerns with the proposed lot severance application as the zoning amendment will have no impact on Woodlands regulated under the County's Forest Conservation By-law 2204/20 or Significant Woodlands identified in the Official Plan.

There may be some County-owned trees regulated under the County Tree By-law 2516/24 along Erie Street that will have to be surveyed/identified and then evaluated for protection when the applicant or future applicants decide to build on the severed lots.

Haldimand County Water and Wastewater Engineering & Compliance

No comments received.

Haldimand County Engineering Services – Transportation Technologist

There are no traffic concerns with the proposed division of parcels. The driveway accesses to Part 1 and Part 2 onto Church Street, will be reviewed to ensure that the proposed driveways will have minimal impact on the road network.

Canada Post Corporation

Please be advised that Canada Post does not have any comments on the creation of 4 residential lots. If these lots require mail delivery, they will be assigned to a compartment in the Community mailboxes within the community. The customers will have to register for mail delivery at the Jarvis Post office to obtain their keys and bring identification showing their address.

Long Point Region Conservation Authority (LPRCA)

The subject lands are not regulated by the LPRCA but they do regulate lands within proximity to the subject lands. Therefore, Planning staff circulated the LPRCA. No comments were received.

Hydro One

Hydro One has no assets on the indicated lands, no requirement for an easement.

Trans-Northern Pipelines (TNPI)

We can confirm that TNPI has no infrastructure in the mentioned area.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map.
2. Concept Plan.
3. Draft Zoning By-law.