
HALDIMAND COUNTY



Report PED-PD-22-2018 Zoning By-law Amendment To Permit Year-Round Residential Use – Price

For Consideration by Council in Committee on May 15, 2018

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-22-2018 Zoning By-law Amendment to Permit Year-Round Residential Use – Price be received;
2. AND THAT application PLZ-HA-2018-049 to amend the Zoning By-law 1-DU 80 to add a special provision to the 'Seasonal Residential (RS)' zone to permit year-round residential use and apply a Holding provision be approved for reasons outlined in Report PED-PD-22-2018;
3. AND THAT the By-law attached to Report PED-PD-22-2018 be presented for enactment;
4. AND THAT the Holding (H) provision removal By-law attached to Report PED-PD-22-2018 be presented for enactment and the General Manager of Planning and Economic Development be granted authority to remove the holding provision when the conditions relating to the matter are satisfactorily addressed;
5. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe.

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Reviewed by: Mike Evers, MCIP, RPP, BES, Manager, Planning and Development

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 add 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) (Owner's Sketch, Attachment 2). The subject lands are located in the Lakeshore Node of Johnson Road and Green's Line. In addition to the special provision permitting year-round residency, a Holding (H) provision is proposed to ensure that a suitable lot grading plan and final detailed design for a septic system is completed for the lot. The applicant has provided initial septic and grading plans to support development that demonstrates the feasibility of the development. These plans are to be finalized for construction prior to the removal of the Holding provision. 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 add 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)'. The applicant would like to amend the zoning of the subject lands in order to construct a dwelling on the property with permission for residency on a full time year-round basis.

The subject lands are located on the north side of Lighthouse Drive, east of Johnson Road, within the Lakeshore Node of Johnson Road and Green's Line, (Attachment 1) and are generally surrounded by agriculture uses with a designated cluster of residential uses (Stonehaven Road) located south of the subject lands. The subject lands are currently vacant and are described as Part Lot 19 DEP, Concession 5 SDR, Geographic Township of Dunn, Lighthouse Drive.

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, 2017

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 allow 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. Amendments such as the subject application are currently dealt with on a site by site basis to satisfy OP policy that establish 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 with adequate services (i.e. fire protection, waste collection, winter control, etc.). In general, if these criteria are met, conversion to year-round occupancy is permissible. Cottages on seasonal roads and lacking services will continue to be permitted only on a seasonal basis. Lighthouse Drive and Johnson Road are considered open and improved municipal roads. 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:

- i. 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 Official Plan, 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.

- ii. 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; a minority of lots within the node appear 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 one (1) 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.

- iii. Need to maintain public access and usage of the Lakeshore:

Planning Comment:

The subject lands are located on Lighthouse Drive in an area that is central to the Lakeshore Nodes of Johnson Road and Green's Line. The proposed development does not have direct access to Lake Erie and does not impact existing access to the Lake.

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

Planning Comment:

The subject lands have frontage onto Lighthouse Drive, which is an open municipal road of a reasonable standard of construction.

- v. 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, municipal winter control, etc.), and in addition, the residents of this area benefit largely from community facilities available in nearby Dunnville and Cayuga. Due to the proximity of these communities, the residents of the subject property would be adequately served by the present level of community facilities.

- vi. Suitability of soils and lot sizes to support individual sewage disposal systems:

Planning Comment:

The subject lands are generally considered appropriately sized for private servicing (0.26 hectares/0.65 acres) and are above-average for what is common for many Haldimand County seasonal residential properties. Preliminary assessment of the site has demonstrated functionality, but a final detailed design is still required for the purposes of a building permit. The proposed Holding provision is intended to ensure the applicant's septic designer produces detailed design plans for a required septic system.

- vii. 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.

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

Planning Comment:

The subject lands are currently vacant; no negative environmental impacts are anticipated with this proposal.

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

Town of Haldimand Zoning By-law 1-H 86

The subject lands are zoned 'Seasonal Residential (RS)' in the Town of Dunnville Zoning By-law 1-DU 80. The 'RS' zone, which is consistent with the County's Official Plan, 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 zoning convention is very dated and is something being assessed as part of the County's comprehensive zoning by-law project. The suitability of carrying on with this type of zoning for the majority of lakeshore properties needs to be examined and scope potentially narrowed (i.e. to those lots on private roads only). This zoning category is lakeshore specific and is based upon the locational context and historical usage of lands for seasonal purposes. Notwithstanding the conversion subject to this report, the seasonal nature of land usage still predominates the lakeshore.

The subject property is vacant and has never been utilized for year-round occupancy. The proposed amendment (Attachment 3) seeks to expand the permitted uses on the site to include a year-round dwelling. No zoning deficiencies have been identified or are proposed with this application; a detailed zoning review chart has been included as Attachment 5.

A Holding Provision is proposed to ensure suitable lot grading plan and detailed septic design are completed. The Holding provision may be removed once these matters have been addressed to the satisfaction of Haldimand County. A draft holding removal by-law is 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 – No objections.

Hydro One – No objections.

Conservation Authority – Not regulated.

Roads 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.
4. Draft Holding Removal By-law.
5. Zoning Review Chart.