

Public Meeting Under the Planning Act Revised Agenda

PCOW-02/2021 - Public Meeting Under Planning Act

Monday, February 8, 2021

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

If you require any accommodations for a disability in order to attend and participate in meetings or events, please contact the Office of the Clerk at 905-892-2607 ext. 315 or 320. Taping and/or recording of meetings shall only be permitted in accordance with the Procedure By-law. Rules of Decorum apply to observers.

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Notice of Public Meeting

Monday, February 8, 2021 at 5:30 p.m.

File Name: Second Dwelling Units

File Numbers: AM-04-2020 & OP-AM-01-2020



Town Council approved Public Hearings to be held remotely during an emergency via By-law No. 4231 (2020). The Town of Pelham will be livestreaming this Public Meeting at the following link: [youtube.com/TownOfPelham/live](https://www.youtube.com/TownOfPelham/live)

Public Meeting for a **Zoning By-law Amendment** and **Official Plan Amendment** in accordance with Section 34 and 22 of the Planning Act, R.S.O. 1990, as amended.

The Town has initiated amendments to the Official Plan and Zoning By-law to include policies and regulations with respect to second dwelling units within the Town. Changes to the Town's Zoning By-law (1987) and Official Plan (2014) are to implement changes to the Planning Act made by Bill 108/Regulation 299 of the Province of Ontario (More Homes, More Choice Act, 2019), which was given Royal Assent on June 6, 2019. Changes to the Act require that the Town permit second dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling as well as permitting these units in an accessory building.

The proposed Amendments would apply throughout the Town of Pelham. General Official Plan policies and Zoning By-law provisions that if approved would allow a Second Dwelling Unit to be permitted without the need for an Amendment to either the Official Plan or Zoning By-law.

We encourage you to visit our website for further information and project updates as we move through the process: www.pelham.ca/sdu

Your Input is Encouraged: Please provide input by speaking at the public meeting or by making a written submission to the Town of Pelham. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. To provide input in writing, or to request personal notice if the proposed amendments are adopted, please send all correspondence by 12:00 PM on Wednesday, February 3, 2021 for inclusion in the public meeting agenda package c/o Town Clerk, Nancy J. Bozzato, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario L0S 1E0, or by email at njbozzato@pelham.ca. Verbal comments will be received remotely at this public hearing using the Zoom platform. To participate remotely, please pre-register with the Clerks office by sending an email to clerks@pelham.ca before 12 p.m.

on February 5, 2021. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the Public Meeting. Registrants will also be notified of Council's decision. If you have not submitted written comments or pre-registered before the aforementioned deadlines, but wish to submit comments during the Public Meeting, you may livestream the meeting from the Town of Pelham's YouTube channel and email comments to clerks@pelham.ca during the public commenting portion of the subject application only. If your comments are not received prior to the closing of the public commenting portion of the meeting, they will not be considered.

For more information, contact Tara Lynn O'Toole at tlootoole@pelham.ca or 905-892-2607 x335. A copy of the staff report regarding the proposed application, and additional information may be obtained on the Town's website at <https://events.pelham.ca/meetings> or at Town Hall after 4:30 p.m. on, February 3, 2021.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham in respect of the proposed rezoning and/or plan of subdivision before Council gives or refuses to give approval to the rezoning and/or draft plan of subdivision, the person or public body is not entitled to appeal the decision of the Town of Pelham to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submission at a public meeting or make written submission to the Town of Pelham in respect of the proposed rezoning and/or plan of subdivision before Council gives or refuses to give approval to the rezoning and/or draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you wish to be notified of the decision of Town Council in respect of the proposed rezoning and/or plan of subdivision, you must make a written request to the Clerk of the Town of Pelham and such request must include the name and address to which such notice should be sent.

NOTICE REQUIREMENTS

**Town of Pelham
Official Plan and Zoning By-law Amendment
Second Dwelling Units
File Nos OP-AM-01-2020 & AM-04-2020**

Official Plan and Zoning By-law Amendments to permit Second Dwelling Units in the Town of Pelham.

The Planning Act requires under Sections 34 and 22 that Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed amendments.

This public meeting has been called to satisfy this requirement. Notice of this meeting was published in the Voice of Pelham on January 13th, 2021. The notice provided information on the official plan and zoning by-law amendments.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

If you wish to receive a copy of the Notice of Decision, please contact the Clerk in writing as soon as possible. Contact information is available on the Town's website and will also be displayed on the last slide of the staff Presentation to follow shortly.

In closing, we stress that at this point no decision has been made on the proposed amendments and therefore any comments received will be taken into account by Council in their consideration.



Vibrant • Creative • Caring

Public Meeting for Second Dwelling Units Policies and Regulations

Official Plan Amendment Application OP-AM-02-19
Zoning Amendment Application AM-07-19
February 8, 2021



20 Pelham Town Square P.O. Box 400 • Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055

pelham.ca
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Background & Process

- The Minister of Municipal Affairs and Housing introduced Bill 108, More Homes, More Choice Act, 2019 on May 2, 2019, which proposed amendments to the *Planning Act*.
- Staff have received a number of public inquiries in regards to Second Dwelling Units and the process to establish a unit on their property.
- Town staff conducted research on preparing policies and regulations for Second Dwelling Units, created a project specific website and prepared drafts for commenting.
- Project Specific Website was live as of January 13th, 2021.
- Public Meeting on February 8th, 2021 5:30pm
- Recommendation of Policies and Regulations to Council



Proposed Second Dwelling Unit Policies & Regulations

- Draft Official Plan Amendment
- Draft Zoning By-law Amendment



Draft Official Plan Amendment

Existing Policies	Proposed Policies
Section B1.1.2(b) permitted uses in the Urban Living Area allow for accessory apartments in single-detached dwellings as identified on Schedule A1, being the College and Emmett Street neighbourhood. In all other areas a Zoning By-law amendment is required.	Replacing Accessory Apartments with Second Dwelling Units and permitting these units in single, semi-detached and townhouse dwellings.
Section B1.1.3(e) Residential Intensification specifically regarding the creation of accessory apartments	Replacing Accessory Apartments with Second Dwelling Units



Draft Official Plan Amendment

Existing Policies	Proposed Policies
Section B1.1.4 Accessory Apartments	<p>Deleting and Replacing Accessory Apartments with Second Dwelling Units and adding the following:</p> <p>b) The floor area of the Second Dwelling Unit is less than, the gross floor are of the principal residential unit;</p> <p>e) Second Dwelling Units will not contribute to density but will be included in the Town's Intensification targets.</p> <p>For semi-detached and townhouse dwelling units, Second Dwelling Units are required to obtain an amendment to the Comprehensive Zoning By-law.</p>



Draft Official Plan Amendment

Existing Policies	Proposed Policies
Section B1.1.9(h) - Monitoring Housing	Replacing Accessory Apartments with Second Dwelling Units
Section B1.7.3.2(a(v)) – Affordable Housing	Replacing Accessory Apartments with Second Dwelling Units
Section B1.7.7.3.1(a(ii)) – EF Low Density Residential Permitted Uses	Replacing Accessory Apartments/Secondary Suites with Second Dwelling Units
Section B1.7.7.4.1(a(ii)) – EF Medium Density Residential Permitted Uses	Replacing Accessory Apartments/Secondary Suites with Second Dwelling Units
Section B1.7.8.3.1(b(xi)) – EF Mixed Use Permitted Uses	Replacing Accessory Apartments/Secondary Suites with Second Dwelling Units
Section B1.7.8.4.1(b(xi)) – EF Urban Commercial Highway Permitted Uses	Replacing Accessory Apartments/Secondary Suites with Second Dwelling Units



Draft Official Plan Amendment

Existing Policies	Proposed Policies
Appendix F – Residential Intensification Definitions	Replacing Accessory Apartments/Secondary Suites with Second Dwelling Units



Draft Zoning By-law Amendment

Existing Regulations	Proposed Regulations
No specific regulations permitting a Second Dwelling Unit.	The amendment will permit a SDU in the Agricultural (A) zone, Specialty Rural (SR) zone and Residential Village 1 (RV1) zone, Residential 1 (R1) zone and Residential 2 (R2) zone and comply with the provisions of the Town's Comprehensive Zoning By-law.



Draft Zoning By-law Amendment

Existing Regulations	Proposed Regulations
Second Dwelling Unit not defined.	“SECOND DWELLING UNIT” means a Second Dwelling Unit on a lot with a principal dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building. Second Dwelling Units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.



Draft Zoning By-law Amendment

Existing Regulations	Proposed Regulations
<p>No specific regulations for allowing a Second Dwelling Unit within a principal dwelling.</p>	<p>Second Dwelling Units permitted within any principal residence dwelling (single detached, semi-detached or townhouse dwelling) subject to:</p> <ul style="list-style-type: none">• Only one (1) SDU is permitted per lot;• Maximum floor area does not exceed 65m² and one entrance is permitted to face a street, inclusive of the principal dwelling;• Entrance to a Second Dwelling Unit must be separate from the entrance provided for the principal dwelling;• A minimum of one (1) parking stall is required, may not be located in a private garage or carport and in accordance with Section 6.16 of the By-law; and• A building permit must be issued.



Draft Zoning By-law Amendment

Existing Regulations	Proposed Regulations
<p>No specific regulations for allowing a Second Dwelling Unit within an accessory structure.</p>	<ul style="list-style-type: none">• If located in a detached accessory building, the unit must be located within the cluster of buildings on the property;• No accessory residential building or structure shall exceed 7.2 m (23.62 ft) in height;• If the Second Dwelling Unit is in an accessory structure, and not connected to the principal dwelling, the Second Dwelling Unit must meet the requirements for accessory structures on the property; and• If the SDU is within the Agricultural Zone, the maximum distance a SDU is permitted from the closest portion of the principal dwelling located on a property with a well and/or septic servicing is 40m (131.2 ft).



Comments Received



Conclusion

- This presentation has provided information on the draft Second Dwelling Unit Policies and regulations.
- The purpose of this meeting and the release of draft policies and regulations is to receive information from the public. The policies and regulations may be revised after receiving comments from the public and commenting agencies.
- No recommendations or decisions concerning these applications have been or will be made at this meeting.



Questions and Comments

Thank-you for attending
this evening's meeting.

Following tonight's meeting, questions and
comments on these files may be directed
to:

Tara Lynn O'Toole, Policy Planner
905-892-2607 ext. 335
tlotoole@pelham.ca



Subject: Second Dwelling Units Public Meeting**Recommendation:**

THAT Council receive Report 2021-0038 as it pertains to Second Dwelling Units Policies and Regulations (OP-AM-01-2020 and AM-04-2020);

AND THAT Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration once all comments have been received.

Executive Summary:

The purpose of this report is to provide the Committee of the Whole and the public with an opportunity to receive information regarding Second Dwelling Unit policy and regulations. The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act*, 2019 on May 2, 2019. The Bill proposed a number of amendments to thirteen (13) different statutes including *the Planning Act*, the *Local Planning Appeal Tribunal Act* and the *Development Charges Act*. The changes to the *Planning Act* require that Municipal Official Plans and Zoning By-laws must contain provisions permitting additional residential units, subject to applicable provisions in the Ontario Fire Code, Building Code and municipal by-laws. Similar to the 2011 Bill 140 *Planning Act* amendments, there is no appeal related to Official Plan policies or zoning by-law regulations that authorize the use of Second Dwelling Unit (SDU's).

Project Description and Purpose:

Over the last few years, planning staff have received inquiries from the public regarding the establishment of SDUs and the process required to build such a unit in their dwelling and/or accessory building. The number of inquiries have grown considerably over the last few years with staff fielding approximately two to three inquiries a month regarding the provincial changes and establishing a SDU on their property. This level of inquiry is indicative of a need to update the Town Official Plan and Zoning By-law to address SDU's.

More Homes, More Choice Act (2019), require that municipalities support housing choices by 'identifying a diverse range and mix housing options', noting that SDUs play an important role in addressing affordable housing and contributing to housing options. Currently, the Town of Pelham Official Plan has limited policy guidance with respect to SDUs and the Zoning By-law does not speak specifically to permitting a Second Dwelling Unit(s), which results in red tape for property owners to maneuver through should they wish to pursue permission for a SDU.

Presently, to establish a Second Dwelling Unit a number of applications and permits are required, making it difficult and expensive to establish. This also means that instead of obtaining the necessary permissions people are establishing SDU's 'illegally' without the benefit of building permits or inspections to ensure compliance with Building and Fire Code requirements which can result in unintended life safety risks to the habitants of the SDU's. Staff have drafted Second Dwelling Units policies and regulations that will align with the recent Provincial updates while being specific to the needs of the Public engagement will be a key component of developing a "made in Pelham" solution.

Policy Review:

Planning Act

Consistent with the Provincial Policy Statement, the *Planning Act* guides planning in the Province of Ontario. Below is a summary of the relevant sections.

Subsection 2 j) of the *Planning Act* identifies "...the full range of housing, including affordable housing..." as a matter of Provincial interest.

Sections 17 and 34 of the *Planning Act* provide the process for consideration of Official Plan and Zoning By-law amendments. The *Planning Act*, R.S.O. 1990 provides that decisions of Council in respect to planning matters shall be consistent with provincial policy statements that are in effect as of the date of Council's decision and shall conform with provincial plans that are in effect.

Subsections 16.3 and 35.1 contain the additional residential unit regulations from Bill 108 – More Homes, More Choices Act given Royal Assent on June 16, 2019. They indicate Official Plans shall have policies allowing additional residential units and permit a maximum of one additional residential unit in a single detached, semi-detached or rowhouse primary dwelling and one additional residential unit in an accessory structure.

Regulation 299/19, which implements changes from Bill 108, was published August 29, 2019, to provide regulations to allow additional residential units in the Province. The changes included regulations to;

- Indicate that each unit shall have a parking space except where an approved zoning by-law amendment doesn't require parking;
- Indicate any additional required parking may be a tandem parking;
- Indicate the dwelling units on the property don't need to be owner-occupied; and,
- Indicate additional residential units can be located either in new or existing buildings.

Subsection 35.2 indicates that zoning by-laws cannot be enacting which regulate tenants on the basis of relationship.

Provincial Policy Statement (2020)

The Provincial Policy Statement provides the overriding policies for land use planning in Ontario. The 2020 Provincial Policy Statement (in force May 2, 2020) replaces the 2014 Provincial Policy Statement which came into effect April 30, 2014.

The PPS provides for and supports intensification under Part IV;

...."Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs."

Policies in Sections 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) and 1.4 (Housing) state that sufficient land needs to be available for a mix of affordable and market based residential uses, that development and land use patterns be efficient, and that settlement areas be the focus of future growth.

Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe, 2020 took effect on August 28, 2020. As the Greater Golden Horseshoe continues to grow, the Growth Plan must continue to value what makes this region unique to ensure the sustained prosperity of Ontario, its people, and future generations. People over the age of 60 are expected to comprise over 25% of the population by 2041, which will result in the need for more age-friendly development that can address their unique needs and circumstances.

One of the guiding principles outlined Policy 1.2.1 aim to “support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.”

Policy 2.2.1.4(c) provide for a diverse range of mix of housing options, including additional residential units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

Policy 2.2.6.1(a) and (e) states that Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and *affordable* housing to meet projected needs of current and future residents; and
 - ii. establishing targets for affordable ownership housing and rental housing;
- e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.

Policy 2.2.6(2)(3) discusses the following:

- 2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:
 - a) planning to accommodate forecasted growth to the horizon of this Plan;
 - b) planning to achieve the minimum intensification and density targets in this Plan;
 - c) considering the range and mix of housing options and densities of the existing housing stock; and planning to diversify their overall housing stock across the municipality.
- 3. To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Regional Official Plan, consolidated August 2015

The Regional Official Plan (ROP) applies to all lands within the Town of Pelham. The Regional Official Plan encourages a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

The Region will encourage the local municipalities to adopt policies and zoning bylaws facilitating the creation of secondary suites throughout the urban area (Policy 11.A.6).

Niagara Escarpment Plan, 2017

The Niagara Escarpment Plan, 2017 (NEP) applies to lands designated Niagara Escarpment Plan Area in the Town of Pelham Official Plan, 2014. Policies of the NEP apply to these lands. Areas within the Town of Pelham are designated Escarpment Rural Area, Escarpment Protection Area and Escarpment Natural Area.

Part 1.1.1 of the NEP allows municipalities to set standards and policies that are more stringent than the requirements of the NEP unless doing so would conflict with the NEP. Zoning By-laws do not apply to the NEP area.

Part 1.5.3.5 of the Escarpment Rural Area, subject to Part 2, development Criteria, permits secondary *dwelling units*.

Part 2.2 General Development Criteria is used as minimum standards for assessing the conformity of local official plans, secondary plans and, where applicable, zoning by-laws and for administering site-plan control approvals. If an official plan, secondary plan, zoning by-law, or other planning approval is silent on one or more development criteria included in this Plan, the development criteria of this Plan still apply.

Part 2.2.11 of General Development Criteria specifically outlines provisions that apply to secondary *dwelling units* as follows:

- a) a single secondary *dwelling unit* may be permitted on an *existing lot of record*;
- b) notwithstanding the above, a secondary *dwelling unit* shall not be permitted on an existing lot of record where there is more than one *single dwelling*, including any dwelling approved under Part 2.2.7 of this Plan;
- c) the secondary *dwelling unit* shall be contained entirely within a *single dwelling* or in an addition to a *single dwelling* and shall not be permitted in a detached accessory facility;
- d) the floor area of a secondary *dwelling unit* shall be subordinate in size to the *single dwelling*;
- e) secondary *dwelling units* shall not be permitted in a group home or a *single dwelling* containing a *bed and breakfast*; and
- f) a *home occupation* or *home industry* shall not be permitted within a secondary *dwelling unit*.

Appendix 2 - Definitions of the NEP defines dwelling unit as: One or more habitable rooms with a private entrance, and designed for the use of one household in which sanitary and kitchen facilities are provided for the exclusive use of such household.

Greenbelt Plan, 2017

The Greenbelt Plan, 2017 applies to lands designated Specialty Agricultural and Rural Settlement Area (North Pelham) in the Town's Official Plan. The Specialty Agricultural areas are designated Protected Countryside and Niagara Peninsula Tender Fruit and Grape Area and the Rural Settlement Area is designated settlement area in the Greenbelt Plan.

The applicable section that discusses the permitted use of second dwelling unit(s) is Section 4.5 Existing Uses, specifically section 4.5.3 and 4.5.4.

Section 4.5.3, Outside of the Natural Heritage System, second dwelling units are permitted within single dwellings permitted in accordance with sections 4.5.1 and 4.5.2 or within existing accessory structures on the same lot.

In addition, Section 4.5.4, Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

Town of Pelham Official Plan, 2014 & Draft Official Plan Amendment

At present, the Official Plan does not contain policies specific to Second Dwelling Units but allows for Accessory Apartments only in single detached dwellings. The draft Official Plan amendment (Appendix A) proposes to delete and replace Accessory Apartments with Second Dwelling Units in Sections B1.1.2(b), B1.1.3(e), B1.1.4, B1.1.9(h), B1.7.3.2(a(v)), B1.7.7.3.1 (a(ii)), B1.7.7.4.1(a(iii)), B1.7.8.3.1(b(xi)), B1.7.8.4.1(b(xi)), B2.1.3.5 and Appendix F – Definitions (Residential Intensification (e)) of the Town of Pelham Official Plan to implement recommendations on Second Dwelling Units in the Town with the goal to achieve Council's strategic plan goal.

Furthermore, the proposed changes to Section B1.1.4 include:

- a) Second Dwelling Units** ~~The accessory apartment will comply with the Ontario Building and Fire Codes as well as 19 Town of Pelham Official Plan applicable provisions of the Town's Zoning By-law. A building permit will be required to obtain permission for a second dwelling unit;~~
- b) The floor area of the Second Dwelling Unit is less than, the gross floor area of the principal residential unit;**

e) Second Dwelling Units will not contribute to density but will be included in the Town's Intensification targets.

For semi-detached and townhouse dwelling units, **Second Dwelling Units** may be permitted subject to an amendment to the Comprehensive Zoning By-law. In considering such an application, Council shall be satisfied that the matters outlined in items a) to e) of this Section are met.

Zoning By-law 1136 (1987), as amended

Currently, the zoning by-law does not contain specific regulations permitting a Second Dwelling Unit (SDU). The zoning by-law amendment (Appendix B) seeks approval to permit Second Dwelling Units that are a self-contained dwelling unit with bathroom, kitchen and sleeping facilities that are separate from those of the principal dwelling on the same lot. The amendment will permit a SDU in the Agricultural (A) zone, Specialty Rural (SR) zone and Residential Village 1 (RV1) zone, Residential 1 (R1) zone and Residential 2 (R2) zone and comply with the provisions of the Town's Comprehensive Zoning By-law.

The draft zoning change proposes to allow a second dwelling unit within any principal residence dwelling (single detached, semi-detached, or townhouse dwelling) subject to:

- Only one (1) SDU is permitted per lot;
- Maximum floor area does not exceed 65m² and one entrance is permitted to face a street, inclusive of the principal dwelling;
- Entrance to a Second Dwelling Unit must be separate from the entrance provided for the principal dwelling;
- A minimum of one (1) parking stall is required, may not be located in a private garage or carport and in accordance with Section 6.16 of the By-law; and
- A building permit must be issued.

In addition to those changes listed above, to allow a second dwelling unit within an accessory structure the SDU is subject to the following:

- If located in a detached accessory building, the unit must be located within the cluster of buildings on the property;
- no accessory residential building or structure shall exceed 7.2 m (23.62 ft) in height;
- If the Second Dwelling Unit is in an accessory structure, and not connected to the principal dwelling, the Second Dwelling Unit must meet the requirements for accessory structures on the property in accordance with Section 6.1 of By-Law 1136 (1987); and

- If the SDU is within the Agricultural Zone, the maximum distance a SDU is permitted from the closest portion of the principal dwelling located on a property with a well and/or septic servicing is 40m (131.2 ft).

The proposed zoning change will add a definition for a Second Dwelling Unit as follows:

“SECOND DWELLING UNIT” means a Second Dwelling Unit on a lot with a principal dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building. Second Dwelling Units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.

Alternatives Reviewed:

Town staff have reviewed policies and regulations in a number of other municipalities and jurisdictions as well as literature on the subject of second dwelling units or additional residential units in an effort to inform potential policies and regulations for the Town. Revisions may occur after consideration of feedback received on the draft policies and regulations prior to final versions being presented to Committee for recommendation.

Public Comments:

On January 13th, 2021, a public notice was published in the Voice of Pelham, posted on the Town’s website and social media. Additionally, staff sent notice of the public meeting via email to those individuals who have inquired about SDU’s over the past years and requested to be added to the circulation list.

A webpage dedicated to the SDU’s project has been posted on the Town of Pelham website. This webpage includes explanations of what is required of the Town, why SDU’s are needed, the planning process that is being undertaken, how to comment, graphics, survey and contact information.

Since the publication of the notice and the project website going live, Town staff have received a number of phone calls and emails regarding interest in building a SDU on their property and support of the proposed Official Plan and Zoning By-law Amendments. A recurring question heard from residents is in regards to the maximum size of a SDU in an accessory building on an agriculturally zoned property. This proposed increase in size must be less than the gross floor area of the principal dwelling unit as specified in the proposed Official Plan Amendment. Staff are seeking Committees input on the proposed increase to the size of the SDU on an agriculturally zoned property.

Staff Comments:

The purpose of this report is to provide the Committee of the Whole and the public with information regarding the requirement of Second Dwelling Units, applicable policies, and comments received. Committee may also provide recommendations for proposed changes to the official plan amendment and zoning by-law amendment request based on the public, agency or staff input.

Attachments:

Appendix A Draft Official Plan Amendment

Appendix B Draft Zoning By-law Amendment

Prepared and Recommended by:

Tara Lynn O'Toole, B.A (Hons.)
Policy Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

AMENDMENT NO. XX
TO THE
OFFICIAL PLAN (2014)
FOR THE
CORPORATION OF THE TOWN OF PELHAM

DRAFT

CONTENTS

PART “A” – THE PREAMBLE

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- Section 3 Location of the Amendment
- Section 4 Basis of the Amendment
- Section 5 Implementation of the Amendment

PART “B” – THE AMENDMENT

- Introductory Statement
- Details of the Amendment

PART “A” – THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the *Planning Act, R.S.O. 1990*, as amended and shall be known as Amendment No. XX to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. XX to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Sections B1.1.2(b), B1.1.3(e), B1.1.4, B1.1.9(h), B1.7.3.2(a(v)), B1.7.7.3.1 (a(ii)), B1.7.7.4.1(a(iii)), B1.7.8.3.1(b(xi)), B1.7.8.4.1(b(xi)), B2.1.3.5 and Appendix F – Definitions (Residential Intensification (e)) of the Town of Pelham Official Plan to implement recommendations on Second Dwelling Units in the Town with the goal to achieve Council’s strategic plan goal.

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are all lands within the Town of Pelham.

SECTION 4

BASIS OF THE AMENDMENT

1. The *Planning Act, R.S.O. 1990*, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:
 - i. The policies will ensure compatibility with the surrounding land uses.
 - ii. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.
2. The Provincial government has legislated that municipalities develop and implement Official Plan policies and Zoning By-law provisions in order to allow additional dwellings including second dwelling units as accessory to primary residential dwellings.
3. The proposed amendments will update the Official Plan to ensure conformity with the recent Provincial legislative updates in Bill 108, *More Homes, More Choice Act, 2019*. This Official Plan update will assist staff with implementing opportunities for a range and mix of housing options, as mandated by the Provincial Policy Statement (2020).
4. The overall purpose of this Provincial legislation is to provide additional affordable housing opportunities, help homeowners with mortgage payments, and to support the flexible housing needs of youth, young families and seniors. As such, in supporting the aims of this Provincial Legislation, allowing additional dwelling units will provide important community benefits within the Town of Pelham.
5. The provision of second dwelling units will also respond to a need identified by the local community and the desire to have second dwelling units to provide housing choice and flexibility.

SECTION 5 IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

DRAFT

PART “B” – THE AMENDMENT

The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by:

1. Deleting Section B1.1.2(b) and replacing it with the following:
 - b) ~~Accessory apartments~~ **Second Dwelling Units** in single-detached ~~dwelling, semi-detached, and townhouse dwellings~~ subject to Policy B1.1.4;
2. Deleting Section B1.1.3(e) and replacing it with the following:
 - e) The creation of ~~accessory apartments~~ **Second Dwelling Units** and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of ~~accessory apartments~~ **Second Dwelling Units** shall occur in accordance with Policy B1.1.4 and Council may reduce the application fee for such amendments under the Town's Tariff of Fees By-law;
3. Deleting Section B.1.1.4 and replacing it with the following:

~~Accessory Apartments~~ **Second Dwelling Units**

~~Accessory apartments~~ **Second Dwelling Units** may be permitted in single detached dwellings in the Urban Living Area designation in the areas identified on Schedule A1 to this Official Plan, without the need of a Zoning By-law amendment provided that:

 - a) **Second Dwelling Units** ~~The accessory apartment will comply with the Ontario Building and Fire Codes as well as 49 Town of Pelham Official Plan applicable provisions of the Town's Zoning By-law. A building permit will be required to obtain permission for a second dwelling unit;~~
 - b) **The floor area of the Second Dwelling Unit is less than, the gross floor area of the principal residential unit;**
 - c) Adequate parking is available on the lot for both dwelling units in compliance with the Zoning By-law;
 - d) The second dwelling unit is designed and located to maintain the **external appearance and** character of a detached dwelling as viewed from the public street ~~as viewed from the streetscape;~~ and,
 - e) **Second Dwelling Units will not contribute to density but will be included in the Town's Intensification targets.**

For semi-detached and townhouse dwelling units, **Second Dwelling Units** may be permitted subject to an amendment to the Comprehensive Zoning By-law. In considering such an application, Council shall be satisfied that the matters outlined in items a) to e) of this Section are met.

4. Deleting Section B1.1.9(h) and replacing it with the following:
 - h) Identify how many ~~accessory apartments~~ **Second Dwelling Units** have been legally created in accordance with Policy B1.1.4 of this Plan.
5. By deleting Section B1.7.3.2(a(v)) and replacing it with the following:
 - v) Encouraging the development of ~~accessory apartments/secondary suites~~ **Second Dwelling Units**.
6. Deleting Section B.1.7.7.3.1(a(ii)) and replacing it with the following:
 - ii) ~~Accessory apartments/secondary suites~~ **Second Dwelling Units;**
7. Deleting Section B1.7.7.4.1(a(ii)) and replacing it with the following:
 - iii) ~~Accessory apartments/secondary suites~~ **Second Dwelling Units;**
8. Deleting Section B1.7.8.3.1(b(xi)) and replacing it with the following:
 - xi) ~~Accessory apartments and/or secondary suites~~ **Second Dwelling Units;**
9. Deleting Section B1.7.8.4.1(b(xi)) and replacing it with the following:
 - xi) ~~Accessory apartments and/or secondary suites~~ **Second Dwelling Units;**
10. Deleting a portion of Section B2.1.3.5 and replacing it with the following:

The establishment of a ~~secondary suite~~ **Second Dwelling Unit** within an existing detached dwelling shall also be permitted subject to the following:

 - a) The ~~secondary suite~~ **Second Dwelling Unit** is compliant with requirements of the Ontario Building Code;
 - b) The ~~secondary suite~~ **Second Dwelling Unit** is capable of being sustained by the existing water supply and septic service located on the lot; and,

- c) The ~~secondary suite~~ **Second Dwelling Unit** is compliant with the provisions set out in the Town Zoning By-law.
11. Deleting and replacing the following of Appendix F – Definitions:

Residential Intensification

- e) The conversion or expansion of existing residential buildings to create new residential units or accommodation, including ~~accessory apartments, secondary suites~~ **Second Dwelling Units** and rooming houses. (PPS)

THE CORPORATION OF THE TOWN OF PELHAM

By-Law No. XXXX - 2021

A BY-LAW TO ADOPT SECOND DWELLING UNITS

**BEING A BY-LAW TO AMEND ZONING BY-LAW 1136 (1987), AS AMENDED, WITH
RESPECT TO SECOND DWELLING UNITS IN THE TOWN OF PELHAM**

File No. AM-04-2020

WHEREAS, Section 34 of the *Planning Act*, RSO 1990, as amended provides that the governing body of a municipal corporation may pass By-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS, the Council of the Corporation of the Town of Pelham has initiated as application to amend By-Law No. 1136 (1987) otherwise known as the Zoning By-law, insofar as is necessary to establish provisions that apply to Second Dwelling Units in the Town of Pelham;

AND WHEREAS, the Council of the Corporation of the Town of Pelham conducted a public hearing in regard to this application, as required by Section 34(12) of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended;

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it advisable to amend Zoning By-law 1136 (1987), as otherwise amended, with respect to the above described lands, and under the provisions of the Planning Act has the authority to do so;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** By-law 1136 (1987), as amended, is hereby amended by adding and alphabetically inserting this new definition in Section 5, as follows:

“SECOND DWELLING UNIT” means a Second Dwelling Unit on a lot with a principal dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building. Second Dwelling Units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.

2. **THAT** By-law 1136 (1987), as amended, is hereby amended by replacing Section 6.1 (c) with the following:

(c) MAXIMUM HEIGHT

Except as otherwise provided herein, no accessory residential building or structure shall exceed 7.2 m (23.62 ft) in height.

3. **THAT** By-law 1136 (1987), as amended, is amended by adding c) iii) and iv) to Section 6.16, as follows:

c) PARKING AREA SURFACE

- iii. In Residential zones, the maximum width of a surface devoted to parking may not exceed the exterior width of an attached garage.
- iv. Notwithstanding Subsection 6.16 c) iii), on a lot having an attached garage less than 5 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum width of 5 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;

4. **THAT** Section 6.2, Dwelling Units Below Grade, and replacing as Section 6.2, Second Dwelling Units, as follows:

6.2 SECOND DWELLING UNITS

- 1. A Second Dwelling Unit shall be permitted in the Agricultural (A) zone, Specialty Rural (SR) zone and Residential Village 1 (RV1) zone, Residential 1 (R1) zone and Residential 2 (R2) zone and comply with the provisions of the Town's Comprehensive Zoning By-law.
- 2. A Second Dwelling Unit shall be a self-contained dwelling unit with bathroom, kitchen and sleeping facilities that are separate from those of the principal dwelling on the same lot. The Second Dwelling Unit can be contained within the principal dwelling or within a detached accessory building on the lot.
- 3. Only one Second Dwelling Unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling or their detached accessory building provided:
 - i. The maximum floor area does not exceed 65 m².
 - ii. A maximum of one entrance is permitted to face a street, inclusive of the principal dwelling.
 - iii. The Second Dwelling Unit, if located in a detached accessory building, the unit must be located within the cluster of buildings on the property.
 - iv. The entrance to a Second Dwelling Unit must be separate from the entrance provided for the principal dwelling:
 - a. For Second Dwelling Units that are contained within or attached to the principal dwelling, the separate entrance may be accessed directly from the outside or from a vestibule, common hallway or stairway inside the building.

- b. Where the only entrance to a Second Dwelling Unit is provided from the rear yard or side yard, the entrance must be accessed by a continuous, unobstructed path of travel of at least 1 metre wide between the front wall of the building and the side lot line.
 - v. A minimum of one (1) parking stall is required.
- 4. A Second Dwelling Unit and a garden suite dwelling shall not be permitted on the same lot.
- 5. A Building Permit must be issued.
- 6. If located within the principal dwelling, the Second Dwelling Unit must meet the requirements for a dwelling in the applicable zone category.
- 7. If the Second Dwelling Unit is in an accessory structure, and not connected to the principal dwelling, the Second Dwelling Unit must meet the requirements for accessory structures on the property in accordance with Section 6.1 of By-Law 1136 (1987).
- 8. One parking space shall be provided for the second dwelling unit. The parking space may not be located in a private garage or carport.
- 9. Parking shall be in accordance with Section 6.16 of By-law 1136 (1987).
- 5. **THAT** By-law 1136 (1987), as amended, is hereby amended by replacing Section 7.7 (d) with the following:

7.7 REQUIREMENTS FOR BUILDINGS AND STRUCTURES ACCESSORY TO DWELLINGS

(d) Maximum Building Height 7.2 m (23.62 ft)

- 6. **THAT** By-law 1136 (1987), as amended, is hereby amended by adding Section 7.7 (e) with the following:

7.7 REQUIREMENTS FOR BUILDINGS AND STRUCTURES ACCESSORY TO DWELLINGS

(e) The maximum distance a Second Dwelling Unit is permitted from the closest portion of the principal dwelling located on a property with a well and/or septic servicing is 40m (131.2 ft).

- 7. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

Read a first, second and third time and finally passed and enacted this XXX day of 2021.

Nancy Bozzato, Clerk

Marvin Junkin, Mayor

DRAFT

From: [Anne Marie Matthews](#)
To: [clerks pelham](#)
Subject: Re: Participation Registration for the Feb. 8th Public Hearing
Date: Monday, January 18, 2021 10:58:13 AM

Hello,

I would like to register to participate in the Town of Pelham's Second Dwelling Units public hearing scheduled for February 8th at 5:30pm.

I would like to communicate at the hearing that a second dwelling unit would make a substantial difference to my elder care responsibilities, especially as I live on 10 acres in Fenwick. It would allow me to care for my parents without an hour commute, which is not sustainable; it would keep them out of long-term care for as long as possible; it would reduce loneliness and offer a better quality of life with readily available daily support; it allows for intergenerational living while preserving my own family's privacy, and it offers an uplifting nature setting, which they will not get living in an apartment.

This new policy could offer a dramatically different elder care experience to my parents' quality of life, empower my family to be involved in compassionate elder care in a sustainable way and thus limit the burden to provincial health care facilities.

Please let me know if you require anything further from me to complete my registration for participation.

Kind Regards,

Anne Marie

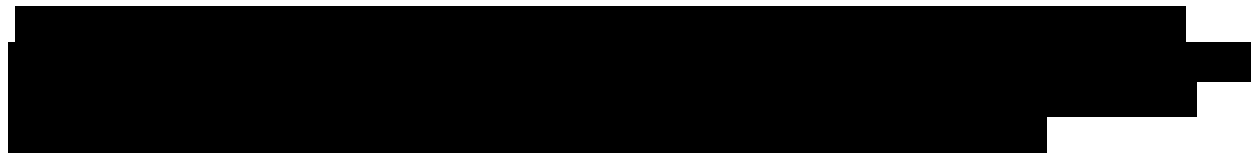
--

Anne Marie Matthews

P: [REDACTED] E: [REDACTED]

After a long and tedious time of reviewing “An Innovation guide More Homes, More Choice: Ontario Housing Supply Action Plan”, the Voice January 13 2021 Edition on page 6 “Notice of Public Meeting, Monday, February,8,2021 at 5:30p.m. File Name: Second Dwelling Units File Numbers: AM-04-2021 &OP-AM-01-2021 Pelham Niagara, “Pelham Niagara Community Planning & Development Department – Planning Application Report January 11, 2011, Report: Information on Second Dwelling Units”, <https://www.pelham.ca/en/business-and-development/second-dwelling-units.aspxReports 1/12/2021>, and The CORPORATION OF THE TOWN OF PELHAM BY-LAW No.XXXX-2021, A BY-LAW TO ADOPT SECOND DWELLING UNITS , I find no harm in a holding future Public Meetings now and when the Pandemic is over.

Here’s a novel idea on how to deal with this by-law amendment. Now that the File Name: Second Dwelling Units, File Numbers: AM04-2020 & OP-AM-01-2021 , has been set in motion by the Planning Department of Pelham, why don’t we finish this meeting tonight by making a motion to stay the amendment until we can hold other public meetings in the future and also when the pandemic is over.



Whatever the case is, I feel that this by-law amendment is such a major change in the fabric of our Town’s identity and life style that a motion to stay this change is a must. I believe we need a stay on this motion to allow for true democracy. We need this because it affects the whole town’s population not just one small portion. We need to stay the motion until the pandemic is over so that all who wish to be heard and those wanting to show support can be seen. We need this because of the vast majority of residents do not even realize what has been put forward due to the lack of transparency. A major amendment like this warrants a letter to all the citizens in the Town of Pelham not just a onetime notice in our Local Paper, other papers or a notice on the Town’s website. Too many citizens don’t have the knowledge of how to maneuver the website or have a computer that will be affected by this amendment. Many people do not get hard copy news print and other do not receive online news because in today’s world people receive news through social media. I am not saying this because I’m against these notices but I feel that many citizens are not aware of the amendment.

I see the lack of public notices as the same way that the two new proposed developments off Port Robinson and the Steve Bauer Trail proposal changes went. This created a major change in the proposal due to the motion on January 11 and created unnecessary work load on the planning department just because of the lack of notice to the general public.

In this time of major shutdowns we need governments on all levels to be innovated in ways to connect with their constituents. We need our Town to be able to find ways be listened to the wishes of our citizens. We need to have the voices of the grass roots to be heard not discarded as trouble makers. We need our town administrators to prove to the public that they are listening to the public request to be heard. The town must inform the entire population of the changes that they are proposing by finding and using tools at their disposal. Letters sent out to the all residents when major changes are be sought after must be just one tool. Weekly notifications in our local papers of major changes are another tool, making an open chat line on their Website can create more people to bring forward ideas. By having more public meetings on topics not just one would allow and encourage more to participate. The ways they have been following does not give a clear form of transparency or real democracy to the constituents. It has been clearly demonstrated that follow the protocols and procedures that have been put in place during normal times is not enough to inform or to allow for proper debate during this pandemic.

Again I will repeat

- 1) A motion to stay this amendment is needed to provide true democracy.
- 2) That it is imperative that a hard copy letter is required to be sent out to all residents prior to all major change in by-laws
- 3) That is a major attempt to change the Town's identity and life style.
- 4) That this amendment must be stayed and must be delivered in real time not zoom calls at our Meridian Centre, where a large enough space that any of the citizens wanting to be heard or wanting to show support can attend.
- 5) This amendment must be put on hold to when it is possible to hold such meetings due to the major effect it will have on the Town as a whole.

Respectfully Mike Jones ■ Emmett St. Fonthill

J. PATRICK MALONEY
905-688-5403 – Direct Line
pmaloney@sullivanmahoney.com
Please reply to St. Catharines Office

February 4, 2021

Mayor Junkin and Members of Council
20 Pelham Town Sq., P.O. Box 400
Fonthill, ON L0S 1E0

Dear Sir/Madame:

**Re: Public Meeting-Proposed OPA and ZBLA re: Secondary Dwelling Units
Our File No. 128477**

We are the solicitors for Homes By Antonio Inc. and Tony Mancini, who have several development interests in the Town of Pelham. We will be appearing to speak during the public meeting scheduled for February 8, 2021 related to proposed amendments to the Town's Official Plan and Zoning By-law related to secondary dwelling units ('SDU'). We wish to summarize our client's position in writing.

Primarily, our clients are concerned with the proposed Official Plan policies that do not permit, as of right, a SDU within a semi-detached dwelling or townhouse dwelling. Instead, the proposed Official Plan policy requires a further zoning amendment if a SDU is planned within one of those types of dwelling units.

Proposed Policy B.1.1.4 includes the following language:

For semi-detached and townhouse dwelling units, second dwelling units may be permitted subject to an amendment to the Comprehensive Zoning By-law. In considering such an application, Council shall be satisfied that the matters outlined in items a) to d) of this Section are met.

It is our opinion that this restriction is contrary to law, namely subsection 16(3) of the *Planning Act*, which reads as follows:

16(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

sullivanmahoney.com

- a. the use of two residential units in a detached house, semi-detached house or rowhouse; and
- b. the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. (my emphasis added).

In our view, the proposed Official Plan policy does not “authorize” the use of two residential units in a semi-detached or rowhouse (i.e., townhouse) as required. Instead, the proposed amendments necessitate a further application to Town Council seeking a further authorization for the use (by way of a zoning amendment), which is fully capable of being refused. In those circumstances, the Town is not authorizing the use as required by the *Planning Act*. The only way to comply with subsection 16(3) of the *Planning Act* is to remove the requirement for a rezoning and allow the use outright.

We do feel that the Town is within its rights to otherwise regulate the use of an SDU in the form of zoning performance standards, but it cannot implement an Official Plan policy that does not authorize the use altogether.

Moreover, to restrict the use of a SDU to single detached dwellings appears to be contrary to the intent and purpose of the Province’s mandate given to municipalities that support SDUs. In addition to the recent legislative requirements mandating permissions for a SDU, the proposed limitation is not consistent with Provincial, Region and Local Planning Policies. In particular, secondary dwelling units are intended to increase the supply and range of housing options, including affordable housing. It will also assist the Town in meeting the intensification and density targets imposed upon it. Limiting the use of a SDU to single detached dwellings in Pelham is not consistent with these policy objectives.

In our view, if the Town were to permit a SDU in semi-detached dwellings and townhouse dwellings, there is little difference between the impacts a SDU might have on a neighbourhood when compared to a SDU within a single detached dwelling. There would still be parking requirements, and limitations on size and height etc. In such case, a SDU would be properly regulated. Moreover, areas where semi-detached dwellings and townhouses are permitted are areas that likely could support greater intensification.

Finally, if the Town did require a zoning amendment to be passed to allow the use of a SDU in semi-detached dwellings and townhouse dwellings, it opens the door for a proponent to seek further amendments to the regulations for a SDU, thereby weakening the intent of such regulations.

In conclusion, we have had some productive discussions with the Town’s Planning Staff on this issue. Overall, we are requesting that the Town remove any restriction on allowing the use of a SDU within a semi-detached dwelling or townhouse dwelling, and making any associated amendments with that in mind.

Yours very truly,

Sullivan Mahoney LLP

Per:

A handwritten signature in black ink, appearing to be 'JPM', written over a faint circular stamp.

J. Patrick Maloney

JPM/ke

Cc: Clients
Barb Wiens
Tara Lynn O'Toole
Minister of Municipal Affairs and Housing

From: Murray and Helen Downie [REDACTED]
Sent: Thursday, January 28, 2021 9:03 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Public Meeting Re: Second Dwelling Units - Files AM-04-2020 and OP-AM-01-2020

Hello

I realize that the Town has to conform to this Provincial initiative but never the less I do have some concerns. My primary concern is with vehicle parking associated with the second units. Our street currently deals with overflow parking from a nearby court and will soon be dealing with overflow parking from a nearby townhouse development. Add in parking for second dwelling units and you can see where this will create parking problems on some streets. Regulation 299/19 (follows) requires that every additional residential unit have a dedicated parking space unless a zoning bylaw is passed that doesn't require a dedicated parking space for one or both residential units. I believe that the Town currently has parking space requirements for every unit.

Question 1 - Does the Town have any plans to pass a zoning bylaw waiving the requirement for dedicated parking spaces for either one or both residential units (primary and second units) in a dwelling?

Regulations Pursuant to s.35.1 (By-laws to give effect to second unit policies) - O. Reg. 299/19 - Additional Residential Units

The provisions of s.35.1 permit the making of regulations by the Minister to facilitate additional residential units and read as follows:

(2) The Minister may make regulations,

(a) authorizing the use of residential units referred to in subsection 16 (3);

(b) establishing requirements and standards with respect to residential units referred to in subsection 16(3).

(3) A regulation under subsection (2) applies as though it is a by-law passed under section 34.

(4) A regulation under subsection (2) prevails over a by-law passed under section 34 to the extent of any inconsistency, unless the regulation provides otherwise.

(5) A regulation under subsection (2) may provide that a by-law passed under section 34 prevails over the regulation.

(6) A regulation under subsection (2) may be general or particular in its application and may be restricted to those municipalities or parts of municipalities set out in the regulation.

O.Reg 299/19 was made pursuant to s. 35.1(2) and provides as follows in regard to the provision of parking spaces for the additional residential units:

- Each additional residential unit shall have one parking space that is provided and maintained for the sole use of the occupant of the additional residential unit, subject to the following.
- Where a zoning by-law does not require a parking space to be provided and maintained for the sole use of the occupant of the primary residential unit, a parking space is not required to be provided and maintained for the sole use of the occupant of either additional residential unit.
- A parking space that is provided and maintained for the sole use of the occupant of an additional residential unit may be a tandem parking space [defined as being a parking space that can only be accessed by passing through another parking space from a street, lane or driveway].
- A zoning by-law that requires that no parking space be provided and maintained for the sole use of the occupant of one or both additional residential units prevails over the requirements above.

The Ontario Government has published a document titled “**Adding a Second Unit to an Existing House**”. The document highlights various requirements of the Ontario Building Code for Second Units such as exits, room size, ceiling height, etc. which I’m sure will be rigidly enforced by the Town. The Document also notes that there may be zoning bylaws that require that the second unit be licensed or registered with the municipality.

Question 2 - Will the Town have a bylaw in place to require new second units be registered/licensed with the Town?

Question 3 -If the new second units must be registered/licensed, will the Town collect an annual license fee to create a new revenue stream for the Town?

Yours truly

Murray and Helen Downie

Dear Council Members:

We are Jessica and Evan Leung and we are the homeowners of a property on Webber Rd in the Town of Pelham, ON, along with our two children Lucas (age 5) and Ellie (age 3). We are upstanding citizens with full-time careers; Jessica is employed as a police officer for the Niagara Regional Police Service and Evan is employed as a sprinkler fitter for Niagara Regional Fire Protection. We were both born and raised in the Niagara Region and have always dreamed of raising our family in a more rural setting. We purchased this property last year with the intention of making it our forever home, as we are completely in love with the absolutely stunning property and its peaceful location within the Town of Pelham.

With the proposed changes to the Town of Pelham Zoning By-Laws, we hope to build a secondary dwelling unit so that Jessica's parents, who are coming to the age of retirement, will be able to downsize from their home in the City of St. Catharines and move out here to enjoy our property with us. Jessica's parents want to be close to their grandchildren, however, there is nothing that is affordable or suitable for them in the area nearby. Having Jessica's parents living on the property would ease the financial burdens for all parties while providing Jessica's parents with a peaceful country setting to enjoy their time in. With that being said, it is our dream to be able to keep this property within our family for generations to come, as we hope to be able to pass the primary dwelling down to our children and move in to the secondary dwelling unit ourselves one day.

Due to the layout of our property and the fact that it is a densely treed lot spanning approximately 11 acres, our primary residence with the addition of a secondary dwelling unit would be well hidden and would not negatively impact any of our direct neighbors. We feel that the proposed Zoning By-Law changes would have an extremely positive impact on the Town of Pelham for many reasons. As previously stated, allowing for secondary dwelling unit's eases the financial burdens for homeowners, which in turn allows for more disposable income to be reinvested into the community. Allowing for secondary dwelling units will increase the tax base for the Town of Pelham while also increasing the spending into local businesses and services.

We have been extremely thankful to have the opportunity to live in such a beautiful and family oriented Town. We believe that it is important to provide opportunities for more people to enjoy all of the beauty that the Town of Pelham has to offer.

We hope that the zoning changes are approved and we look forward to working with the Town on our hopeful future endeavors.

Thank you so much for taking the time to read this letter and for your consideration on the matter.

Sincerely,

Jessica and Evan Leung

February 2, 2021

Mayor, Councillors, Planning Department, I am speaking today to voice my concerns over SECOND DWELLING UNITS. I am hoping you will answer my questions.

Each home in the Pelham's older established areas is unique in their own way. In the old established neighbourhoods there are oversized lots and mature trees canopying our streets. We bought our home because of the quiet area and the zoning of single family homes. We have lived on Emmett Street for 45 years.

All of the Councillors, the Mayor, the Planning Department, and the By-law officers, know what we went through in 2019, when 42 Emmett Street tried and were successful for a while to change a single family home into a second dwelling unit. It took nearly a year for this second dwelling house to be changed back to a single family home. We lived through a nightmare, and

[REDACTED]. Now if the town allows all homeowners to create multi-family dwelling, our zoning will be completely lost. This will create a nightmare for residents who have lived happily in their homes prior to this change. People moved into these areas because of the zoning. We will be put under constant stress because of the new by-laws removes zoning for single family dwelling. This kind of a situation will happen to citizens all over Pelham when this new by-laws come into effect.

If this by-law becomes law without changes being made to the second dwelling unit by-law proposal, I believe it will create nightmares to homeowners. I am speaking tonight, because I feel this new zoning by-law, could get out of hand very easily.

QUESTIONS:

-If the sq footage is over 700sq ft, will the by-law officer order the second dwelling to be corrected to only have 700 sq ft? Or will he overlook the infraction?

-If an application for a variance is presented to the town, will the adjoining neighbors receive a notification? And have the right to voice their opinion. I believe this is very important.

-After this by-law change I believe the Town is planning another by-law change that under (the Province of Ontario, More Homes, More Choice Act 2019) would allow a owner not only to have a second unit attached to the house or in the basement but will also allow another unit on top of the garage or a unit detached from the home. Is the Town planning on adapting this change that the government of Ontario would like to see happen? Is the Town planning on allowing three units on one parcel of land?

-We now have different zonings (A,r1, r2, sr, rv1, etc). Will each zone regulation remain the same? Or will Pelham be under one zone? Each zone has different maximum footage allowed for buildings on each property. For instance Emmett Street is R2 with the max. is 50%, Fern Gate is R1 with max. of 30%. (larger lots). This will create overcrowding in R2 if the 50% coverage is not changed. Will this be changed?

Allowing this by-law change and perhaps, the three unit by-law change down the road, would allow for three families to live on one lot. I did not invest in my property to have two or three families living beside me. This new by-law, and the other by-law change that the provincial government would like to see (total of three units), would invade our privacy and the value of our main investment. Seriously would any of you, be happy with three families living beside you, when you have already bought into a single family zone? The town is working in baby steps, and I believe the three dwelling on one lot is in the near future, the present Ontario Government wants this. Everyone think about your street and how this change and the next by-law change will affect your home and your life style.

I believe in the new subdivisions have this second dwelling unit already in place in the official plans, that a second dwelling is permitted and encouraged. In the new sub-divisions the prospect buyer is aware of this plan/by-law before they move in. Again in established neighbourhoods we bought our home, because the zoning is single family homes. We completely object to the re-zoning in the established areas.

IN CLOSING I WOULD LIKE THE COUNCILLORS TO CONSIDER THE FOLLOWING:

- That second dwelling units, only be acceptable in new sub-divisions.
- no variance or by-law changes with applications over 700sq ft. Keep the square footage at 700 sq ft.
- only a basement unit.
- no detached units on a property.
- All application for a second unit to be present to the town, THEN notices sent to neighbours, so neighbours have the opportunity to object or agree with the application.
- Change the R2 zone, max footage to 30%.

Thank you in advance for answering all my questions.

Carol Jones ■ Emmett St

Michael and Mary Hughes
■ Berkwood Pl.
Fonthill, Ontario

3 February 2021

I respectfully submit this statement for the February 8, 2021 Public Meeting related to Second Dwelling Units, File numbers AM-0402020 and OP-AM-01-2020.

The “More Homes, More Choice Act, 2019, S.O. 2019, c. 9 - Bill 108” mandates the following to municipal by-laws and planning policies.

“Additional residential unit policies

(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.”

The intent of this revision and other portions of the act, are to increase the supply of “affordable” housing to municipalities in Ontario. It is well known that affordable housing, especially for first-time buyers had become all but unattainable in certain locales in Ontario (most significantly and historically the GTA). In the past Pelham/Niagara, has had lower housing costs and was reasonably affordable. This has recently changed, particularly since 2016, with double-digit percentage increases in housing costs due to the influx of families escaping the high housing costs of the GTA and willing to commute or retire in Pelham. This has made Pelham and Niagara for the most part, unaffordable for first-time homebuyers in the region.

We live in Fonthill where a significant amount of new home inventory has been constructed. Generally, the new housing inventory is not in an affordable range with the exception of families selling in the higher GTA market and moving to Fonthill, or existing owners that gained a significant amount of equity (great for us long time house owners) in the upsurge in prices (particularly around 2016). From what I have observed, there has been limited affordable housing in the new east Fonthill and other locations.

Therefore, in principle we agree that more affordable housing is required and, other than through requiring developers to do it (I don’t think a new luxury condominium project is the way to do it, but it provides the highest profit to the developers and the greatest tax revenue), allowing additional suites within existing housing is one way. Notwithstanding the other issues I have with the way Fonthill has evolved (not part of this submission), the addition of an additional residential unit in existing homes is one way to provide affordable housing both for the existing home owner and the renter. However,

this must, I believe, be done in such a fashion that it does not significantly impact the nature and atmosphere of Fonthill (and greater Pelham). In particular:

1. The existing parking bylaws limiting parking on streets to 12 hours maximum and not between 2 am and 4 am must be maintained and enforced to ensure that the streets don't become a residential parking lot.
2. That adequate and acceptable paved parking be available at the residence for all vehicles for both residences (not parking on the front lawns which has become an observable issue in many places). The requirement with the bylaw for ensuring that adequate parking is provided and maintained on the property must be on the rentor/owner. Adequate parking should also limit the number of vehicles and amount of paved front yard that can be used for parking.
3. That the relaxation of the bylaws is such that the additional residential unit is in the premise of the occupying homeowner (i.e., single family homes not being converted to duplex residential units).

One of the many attractions to Fonthill when we moved here 30 years ago, was the fact that the area primarily had two car garages and most people used them. Also, the bylaws and parking enforcement prevented a parking lot on the street which you will find in many places for example in St. Catharines and other larger cities.

We have experienced the complications of a house next door that was converted to a two-unit rental home (we believe without rezoning/permit). Initially cars parked on the front lawn and after discussion with the owner, he did pave the front lawn. However due to the nature of the rentals (non-resident homeowner), there have been generally more cars than could be adequately parked on the available paved parking. This has resulted in many instances of cars continuously parking on the street and in front of our home (they are on a corner and could not park in front of their house) in contravention of parking bylaws. This has caused problems with snow clearing and street cleaning on numerous occasions which caused direct inconvenience to us requiring us to physically clear/clean the street as well as the visual impact of the vehicles. The current renters have been cooperative and have tried to put the additional vehicle onto the existing parking area which is not adequate for this purpose. I in no way blame the renters. We believe that the onus should be on the owner/city to ensure the requirements of the existing bylaws are maintained. We believe that the additions to the bylaws indicated above would put the onus on the owner to ensure that adequate and acceptable parking is available.

Yes, we have no option but to move with the times and consider its many issues including affordability, but we need to do it in a smart and controlled manner to maintain the attraction and livability of Fonthill/Pelham which I believe is being sorely eroded.

From: [Tim Nohara](#)
To: [Tara Lynn O'Toole](#)
Cc: [Nancy Bozzato](#)
Subject: RE: SDUs and proposed OPA/ZBA for Pelham
Date: February 4, 2021 10:43:32 PM

04 February 2021

Good evening Tara,

Please take this e-mail as my comments regarding the proposed OPA/ZBA for Second Dwelling Units (SDUs) in Pelham, which are found at <https://www.pelham.ca/en/business-and-development/second-dwelling-units.aspx#Policies-and-Regulations>.

I have lived with my wife and family and worked in Pelham since 1995; and I thank you for the opportunity to comment on the proposed OPA/ZBA.

Let me start by saying that with an elderly parent who owns her home and married children trying to buy or rent their first home here in Niagara, I have experienced first-hand the housing crisis in Ontario, where housing has simply become too expensive because of supply shortages. As a result, I am supportive of the Province's effort to creating additional rental units or SDUs on properties throughout Ontario to increase supply and improve affordability for all. And I am grateful that Pelham is bringing forth recommendations as a result of the Provincial Guidance.

OPA Comments:

The OPA Paragraph 10 proposes an amendment to OP Policy B2.1.3.5 Accessory Residential Uses on Farm Properties. The proposed amendment does not provide for a free standing SDU for the purpose of creating an additional rental unit as contemplated by the Provincial Guidance, but only for farm help. Please give consideration to allowing a free standing SDU in Policy B2.1.3.5 as contemplated by the Provincial Guidance so that Pelham residents living on these large agricultural lands in the Town can also benefit from this OPA/ZBA.

ZBA Comments:

The proposed amendment Section 6.2(3)(i) states: *The maximum floor area does not exceed 65 m².*

I believe this maximum area is far too small to be considered useful in meeting the aforementioned Provincial objectives. My mother would find this too small as a nanny suite. And my married son and daughter-in-law with their child could simply not make 65 m² work for them. In this COVID-19 world and beyond where many of us will telecommute from home, how is one to work remotely, self-isolate or visit safely with such a maximum size? And would a homeowner in Pelham invest in creating an SDU as a rental unit with a maximum area of 65 m²? For many, the return on investment would simply not be worth the trouble.

May I suggest that consideration be given to the following:

1. Treat the maximum area differently for attached versus free standing SDUs.
2. For attached SDUs, consider the size of the existing dwelling in determining a maximum area (e.g., not more than 50% of the existing area). This method is used in OP Policy B1.1.4(b) Accessory Apartments.
3. For a free standing SDU, the size of the existing dwelling and the size property in determining the maximum area.
4. If a fixed maximum area is needed, I would give consideration to 150 m² or larger.
5. You might set a hybrid maximum using a formula such as the greater of 150 m² and 50% of the area of the existing dwelling.

The proposed amendment for Section 7.7(e) states: *The maximum distance a Second Dwelling Unit is permitted from the closest portion of the principal dwelling located on a property with a well and/or septic servicing is 40m (131.2 ft).*

May I suggest this distance could be overly restrictive, especially for larger rural properties (say 5 acres or larger). Privacy is a key consideration for a property-owner considering adding a free standing SDU to assist with the housing crisis or provide rental income to help pay down a mortgage. Why couldn't this limit be 100m or larger if the size and design of the property affords it? If there is a technical issue associated with this limit, I would appreciate understanding that. Thank you.

Thank you for your consideration of these comments, and for your effort in bringing the proposed amendments forward.

Best regards,
Tim

Tim J. Nohara,
[REDACTED] Effingham St.,
[REDACTED] Fonthill, ON.

-----Original Message-----

From: Tara Lynn O'Toole <Tlotoole@pelham.ca>
Sent: February 4, 2021 10:56 AM
To: Tim Nohara [REDACTED]
Subject: RE: SDUs and proposed OPA/ZBA for Pelham

Good Morning Tim,

You can provide your comments to myself or directly to Nancy Bozzato by end of day Friday at the latest for inclusion as an amendment to the agenda for the public meeting.

If you have any questions please do not hesitate to contact me.

Thanks,
Tara

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-----Original Message-----

From: noreply@pelham.ca [<mailto:noreply@pelham.ca>] On Behalf Of Tim Nohara
Sent: February 4, 2021 10:13 AM
To: Tara Lynn O'Toole <Tlotoole@pelham.ca>
Subject: SDUs and proposed OPA/ZBA for Pelham

Good morning Tara Lynn,

I just downloaded the draft OPA/ZBA concerning SDUs in Pelham. I understand there will be a Public Meeting on February 8th. I intend to review the OPA/ZBA and provide you with comments.

Can I email them to you?

Thanks so much,

Tim

Origin: <https://www.pelham.ca/en/business-and-development/second-dwelling-units.aspx>

This email was sent to you by Tim Nohara [REDACTED] through
<https://www.pelham.ca/>.