

**Committee Report**  
**Community Planning and Development Department**  
Monday, February 14, 2022

**Subject:** Information Report – Zoning By-law  
Amendment Application (AM-09-2021)

**Recommendation:**

**THAT Committee receive Report # 2021-044 for information and recommend to Committee;**

**THAT Planning staff be directed to prepare the Recommendation Report on this topic for Council’s consideration once all comments have been received.**

**Background:**

The purpose of this report is to provide the Committee of the Whole and the public with an opportunity to receive information regarding an application seeking approval to amend Zoning By-law No. 1136 (1987), as amended, to rezone the property known as 1553 Pelham Street.

The proposed zoning by-law amendment would rezone the property from Residential 2 (R2) to a site-specific Residential 3 (R3) zone with site specific provisions for maximum lot coverage and minimum interior side yard setback to accommodate the construction of a semi-detached dwelling on the existing lot.

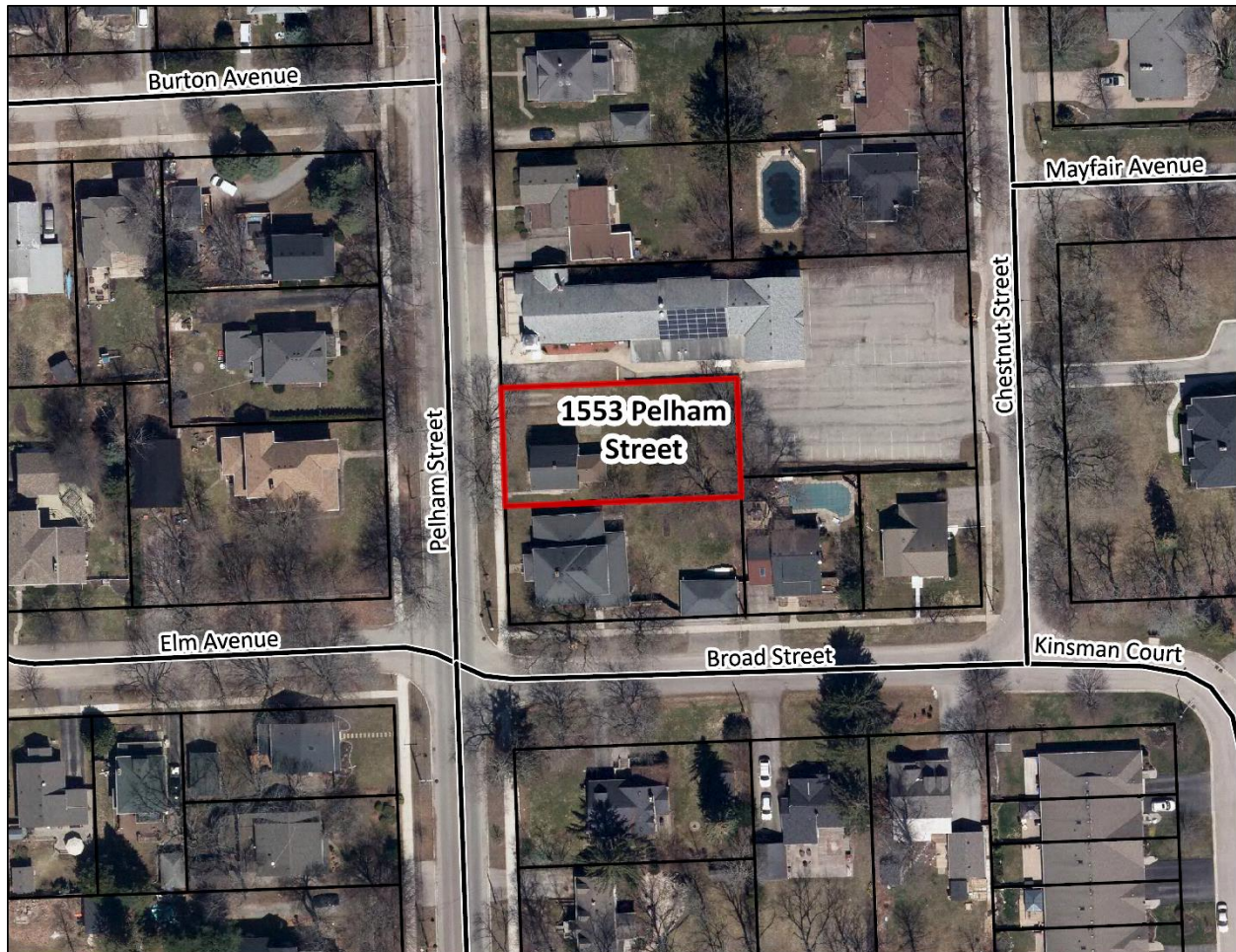
**Location:**

The subject property is located in close proximity to downtown Fonthill, and is situated on the east side of Pelham Street, lying north of Broad Street, municipally referred as 1553 Pelham Street (Figure 1). The legal description of the subject parcel is Plan 25 Lot 6 NP 716. The property currently contains one single detached dwelling, with a detached accessory structure on the approximately 809 square metre lot.

The property is within an established residential neighbourhood and is surrounded by an institutional building known as the Holy Trinity Church to the north, single

detached residential uses to the west and south, and single detached and townhouse residential use to the east.

*Figure 1: Subject Lands (1553 Pelham Street)*



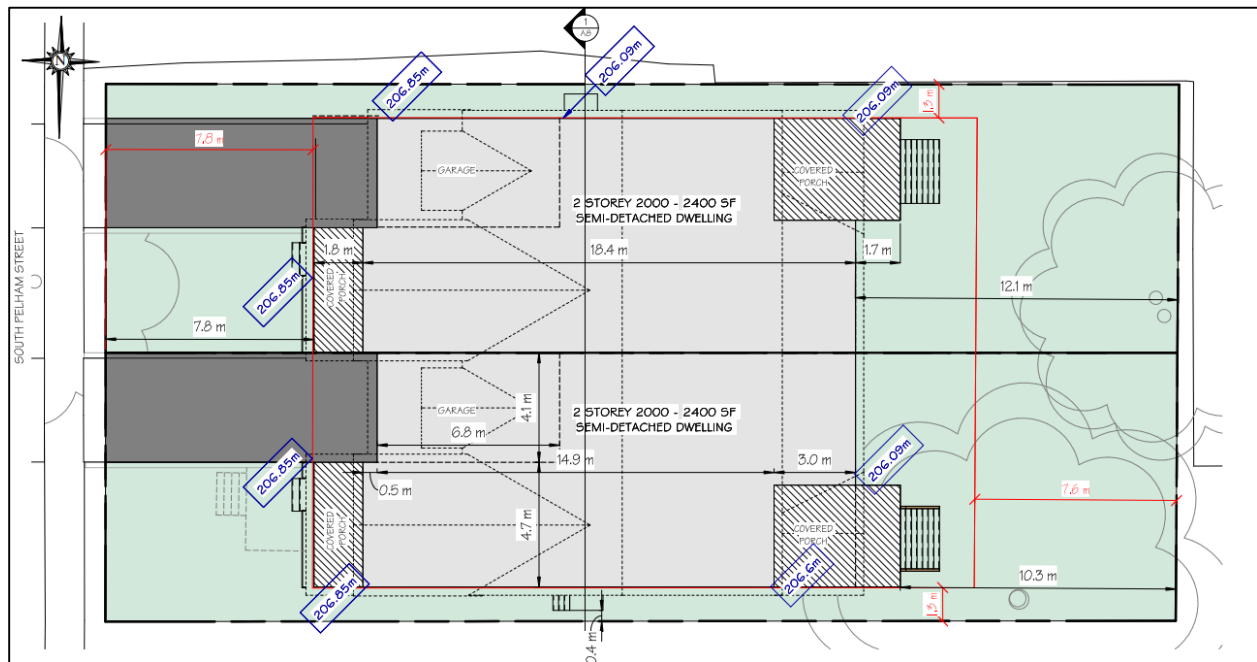
### **Project Description and Purpose:**

The subject parcel is currently Residential 2 (R2) zone according to Zoning By-law No. 1136 (1987), as amended.

The applicant seeks approval to change the zoning from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow for the redevelopment of the property for a semi-detached dwelling. The requested rezoning would allow the development of the property as shown on the proposed site plan (Figure 2).

To accommodate for the specific building design, the applicant is seeking for amendment for two provisions specific for the R3 zone (Maximum Lot Coverage and Minimum Interior Side Yard), and the site-specific zoning provisions are described in greater detail in this report.

*Figure 2: Proposed Site Plan*



The applicant is proposing a two-storey semi-detached dwelling that is approximately 2,500 square feet in size. Each residential unit is proposed to have a covered porch in the front yard, as well as in the rear yard of the property as per the submitted plan (Figure 3). A total of 3 parking spaces are proposed for each semi-detached unit.

*Figure 3: Proposed Front Building Elevation*





An archaeological assessment on the subject parcel will have to be completed as it meets the criteria for the evaluation of archaeological potential: a known archaeological sites within 300 metres of the property. The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential.

If the requested zoning by-law amendment is approved, the applicant would proceed with the construction of the semi-detached building and submit a consent application to the Committee of Adjustment to divide the subject property into two parcels, each containing one semi-detached dwelling unit.

### **Applicable Planning Policies:**

#### ***Planning Act***

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) The supply, efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- n) The resolution of planning conflicts involving public and private interests;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
  - (i) Is well-designed,
  - (ii) Encourages a sense of place, and
  - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

Section 34 of the Act allows for the consideration of amendments to the zoning by-law.

### ***Provincial Policy Statement (2020)***

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The Provincial Policy Statement (PPS) designates the subject land as within a 'Settlement Area'. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 states that municipalities shall identify appropriate locations and provide for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 (b) (2) indicates that planning authorities shall provide for an appropriate range and mix of housing types and densities by permitting and facilitating redevelopment in accordance with Policy 1.1.3.3.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved.

Consequently, an archaeological assessment is required that may be provided prior to passing the zoning by-law amendment or through the inclusion of a Holding (H) provision.

### ***Growth Plan for the Greater Golden Horseshoe, 2019***

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is identified as being within a 'Delineated Built-up Area' according to the Growth Plan for the Greater Golden Horseshoe. Guiding principles (among others) regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1.2 states that forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing municipal water / wastewater systems; and
  - iii. can support the achievement of *complete communities*.

Policy 2.2.6.2 states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- 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
- d) planning to diversify their overall housing stock across the municipality.

### ***Niagara Region Official Plan (Consolidated, August 2014)***

The Regional Official Plan designates the subject land as 'Built-Up Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates that 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states that *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Policy 10.C.2.1.13 states that *development* and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.

### **Pelham Official Plan (2014)**

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' according to Schedule 'A1'.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the Urban Area specifically in proximity to the Downtown.

Policy A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy A2.7.2 states the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. The applicant must conduct an Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. The Assessment must cover the building envelope of the proposed semi-detached dwelling, as well as any area that is subject to excavation. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the Urban Living Area / Built Boundary. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they're proposed.

#### Pelham Zoning By-law No. 1136 (1987)

The subject parcel is zoned Residential 2 (R2) in accordance with Pelham Zoning By-law 1136(1987), as amended.

The zoning by-law amendment application seeks approval to rezone the property from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow a



two storey semi-detached dwelling. The requested zoning change will also allow a Maximum Lot Coverage of 45%, and allow a Minimum Interior Side Yard Setback of 1.3 metres. The proposed dwelling adheres to all other R3 zone requirements.

The permitted uses in the Residential 2 (R2) zone include: a single detached dwelling, buildings and structures accessory to the residential use, and home occupations.

The permitted uses in the Residential 3 (R3) zone include: semi-detached dwellings, duplex dwellings and buildings and structures accessory to the residential use.

*Table 1 – Requested Zoning By-law Amendment*

<b>Zone Regulation</b>	<b>R3 Zone Default</b>	<b>Proposed Site-Specific R3 Zone</b>
<b>15.2 Zone Requirements for Semi-Detached Dwellings</b>		
(c) Maximum Lot Coverage	35%	45%
(e) Minimum Interior Side yard	1.5 m plus an additional 0.5 m for every storey or part thereof above the ground floor	1.3 m

### **Submitted Reports:**

The applicant provided digital copies of the following reports in support of the applications:

- Conceptual Site Plan and Proposed Building Elevations, prepared by Maxwell Homes
- Planning Justification Report, prepared by Upper Canada Consultants

Digital copies of the reports are available by contacting the Planning Division.

### **Agency Comments:**

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. See Appendix A for comprehensive agency / staff comments. Agency comments received to date are summarized below:

- Building Division (January 5, 2022)
  - A demolition permit is required for the existing dwelling.
  - Building permits are required for the proposed semi-detached dwellings.

- Publics Works Department (January 5, 2022)
  - Public Works note that the site is currently serviced with 1 sanitary and 1 water service connection. Each unit is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.
  - Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All costs associated with this permit are the responsibility of the owner.
  - A comprehensive Lot Grading and Drainage Plan will be required at Building Permit stage, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.
- Niagara Region Planning & Development Services (December 6, 2021)
  - Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300 metres) to a registered archeological site.
  - Regional staff will defer to the Town on whether an archeological assessment and/or warning clauses respecting the possible discovery of deeply buried remains during construction will be required for this application.
- Enbridge Gas (December 7, 2021)
  - No objections.

### **Public Comments:**

On Friday, the 21<sup>st</sup> day of January 2022, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, a Public Notice Sign was posted facing Pelham Street. No public comments were received at the time of writing of this report.

### **Planning Staff Comments:**

The purpose of this report is to provide Committee of the Whole and the public with information regarding the proposed rezoning application for 1553 Pelham Street, applicable policies and comments received to date. Committee may also provide

recommendations for proposed changes to the zoning by-law amendment request based on the public, agency or staff input and consistency with approved plans.

A pre-consultation was held with the applicant(s) of the property and Town staff on Thursday, July 15, 2021 to discuss the subject application.

Planning staff note that an archaeological assessment is required. Rezoning the lands to the site specific Residential 3 (R3) Zone with a Holding (H) provision would be appropriate in this case. The proposed By-law would note that the Holding (H) provision would be lifted once archaeological clearance is obtained from the Ministry of Tourism Culture and Sport after the archaeological report has been prepared and submitted to them.

Subject to the input received at the Public Meeting, the next steps are for staff to prepare a Recommendation Report for Council's consideration at a future meeting.

**Financial Considerations:**

The applicant is responsible for all costs associated with development.

**Alternatives Reviewed:**

Committee could choose to not direct Planning staff to prepare the recommendation Report on this topic. However, it is noted that the applicant would then be in a position to appeal to the Ontario Land Tribunal on Council failing to make a decision.

**Other Pertinent Reports/Attachments:**

- Appendix A:
  - Agency Comments

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