



## **Community Planning and Development Department**

Wednesday, February 07, 2024

**Subject: Recommendation Report – Application for Zoning By-law Amendment – 61 Port Robinson Road**

### **Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2024-0011 – Recommendation Report – Application for Zoning By-law Amendment – 61 Port Robinson Road, for information;**

**AND THAT Council direct Planning staff to prepare the by-law for approval of the Zoning By-law Amendment for Council's consideration.**

### **Executive Summary:**

The purpose of this report is to provide Council with a recommendation regarding the application for Zoning By-law Amendment for 61 Port Robinson Road.

The proposed Zoning By-law Amendment would rezone the lands from the Residential Development Zone to a site-specific Residential Two (R2) zone. The zoning change would facilitate the future severance of the lands and the development of a semi-detached dwelling on the severed lot.

### **Location:**

The application for Zoning By-law Amendment was received for the property known as 61 Port Robinson Road and described legally as PLAN 25 PT LOT 17 NP717. The lands have 33.49 metres of frontage along Port Robinson Road and are 1,279.2 square metres in area. The lands currently host a single detached dwelling and detached garage.

Surrounding land uses are primarily residential, consisting of a mix of single detached dwellings, townhouse, and a small-scale apartment to the west. It is noted to the north and south of the lands are draft plan approved subdivision developments (Summersides Village, Forest Park) within the East Fonthill Secondary Plan Area.

**Project Description and Purpose:**

*Figure 1: Property Location*



**Project Description and Purpose:**

The proposed Zoning By-law Amendment would rezone the lands from the Residential Development Zone to a site-specific Residential Two (R2) zone. The zoning change would facilitate the future severance of the lands for the construction of a semi-detached dwelling on the western portion of the site (see Figure 2). The semi-detached dwelling is proposed at two storeys and is proposed to have a twinned garage and driveway configuration.

Figure 2: Concept Plan

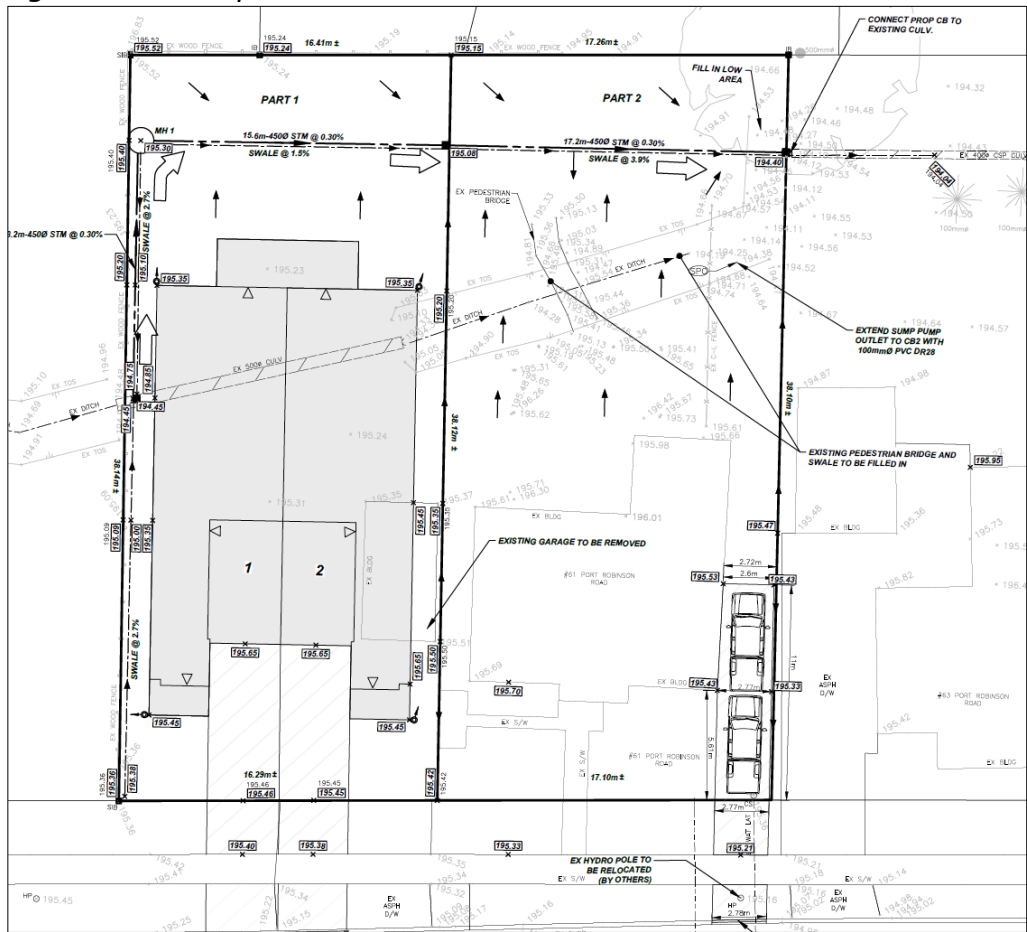


Figure 3: Rendering of Semi-Detached Dwelling



A future application for consent is required to sever the lands to create the building lot to facilitate the construction of the semi-detached dwelling.

The existing one and half storey single detached dwelling on the eastern portion of the site is to remain. However, the existing detached garage is to be removed to accommodate the proposed semi-detached dwelling. The original location of the driveway that services the existing dwelling was proposed to be moved to the east in front of the existing dwelling. The applicant revised the location of the driveway proposal following comments from staff and Council. The revised proposal relocates the driveway to service the existing dwelling to the east side of the dwelling and includes the ability to park two vehicles in tandem.

## **Policy Review:**

### ***Planning Act, 1990***

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities, i.e., decisions of Council, "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34 of the Act allows for 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.

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.

The subject land is in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on a range of 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 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated considering the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The lands are identified as displaying archaeological potential per the Town's Heritage Master Plan. The applicant submitted an archaeological assessment with the proposal that identified no archaeological resources in the study area.

### ***Growth Plan for the Greater Golden Horseshoe (2019)***

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2020. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The Growth Plan directs Planning Authorities to develop housing strategies that will ensure that forecasted growth can be accommodated, density targets are achieved, and that a mix of housing options be available. Residential uses and incidental uses are supported in the Delineated Built-Up Area.

### ***Niagara Region Official Plan (2022)***

The lands are designated as Built-Up Area in the Niagara Region Official Plan ("NOP"). The NOP permits a full range of residential, commercial, and industrial uses within the Urban Area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, compatibility, and environmental conservation/preservation.

Policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units are to be within the Built-Up Area. The principal objective is to increase housing choice and housing affordability across the Region to meet future housing needs.

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (Note Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and,
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

### ***Town of 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 natural heritage features.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the urban areas as diverse, livable, safe, accessible, and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The property is located within the East Fonthill Secondary Plan area. The subject lands are designated East Fonthill - Medium Density Residential, according to Schedule 'A5' of the Official Plan.

Permitted uses in the EF - Medium Density Residential designation are all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes, and open space linkages; and public uses and

public and private utilities. Single and semi-detached dwellings may also be permitted provided they are limited in number, i.e., less than 15% in a plan of subdivision.

Section B1.7 provides the policy base for the East Fonthill Secondary Plan area. Plan objectives are contained in Section B1.7.3.1. Objectives include, but are not limited to:

- To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction
- To create a complete community with a safe, healthy and functional environment that can accommodate between 6,500 and 7,500 new residents and jobs combined;
- To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks;

The lands form part of Neighbourhood 1 on Schedule A4 'Structure Plan'. According to Policy B1.7.7.2 (b)(i), Neighbourhood 1 shall achieve an overall minimum gross density of approximately 57 persons and jobs per gross hectare combined.

Sub policy B1.7.7.4.2(c), permits singles and semi-detached dwellings to be developed at densities between 20-50 units per net hectare.

Based on this information, the amendment conforms to the Town's Official Plan.

### ***Town of Pelham Zoning By-law 4481 (2022)***

The property is zoned Residential Development (RD) according to Schedule 'C' of the Comprehensive Zoning By-law.

The intent of the Residential Development zone is to act as a placeholder zone that requires the submission of a Zoning By-law Amendment application to permit future development. The RD zone permits existing single detached dwellings and existing uses at the date of passing of the Zoning By-law.

The applicant is requesting to amend the zoning on the property to a site specific Residential 2 (R2-X) zone. Permitted uses in the R2 zone include single detached dwellings, duplex dwellings, semi-detached dwellings, and accessory uses, among other residential uses. The requested rezoning would facilitate the future development of a semi-detached dwelling on a portion of the lands, as well as continue to permit the existing single detached dwelling currently on site.

The site-specific zoning requested as part of the proposed Zoning By-law Amendment is provided below:

<b>R2-X Requirements</b>	
Notwithstanding the regulations of the Residential 2 (R2) zone, the following site-specific regulations shall also apply:	
Maximum Front Yard	Requesting a maximum front yard setback of 6.13m whereas 6.0m is required.
Parking Requirements	Requesting a minimum length for a tandem parking space of 5.5 metres whereas a minimum length of 6.7 metres is required.
Encroachment	Requesting an encroachment into the side yard of the chimney of 0.52 metres whereas an encroachment of 0.50 metres is permitted.

It is noted the site-specific provisions sought as part of the application are requested (a) to recognize the existing front yard setback of the existing single detached dwelling on site; and (b) to permit the proposed parking configuration for the single detached dwelling following the removal of the existing garage and completion of a future severance application to sever the lands. The proposal is in compliance with all other aspects of the Zoning By-law. As a result, the amendment applies good planning principles.

#### **Submitted Reports:**

- Covering Letter prepared by Upper Canada Consultants;
- Planning Justification Report prepared by Upper Canada Consultants;
- Functional Servicing Brief prepared by Upper Canada Consultants;
- Preliminary Site Servicing and Grading Plan prepared by Upper Canada Consultants;
- Stage 1 and 2 Archaeological Assessment prepared by AMICK Consultants Limited; and,
- Parcel Abstracts and PIN Map for the subject lands.

#### **Agency Comments:**

##### *Public Works*

- Side yard walkways will not be permitted in order that the proposed side yard swales are maintained.
- New lots are to be self-draining. East swale must be on the private property not on property line.
- The applicant must obtain a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards.
- The sump pump can not connect to proposed CB, must discharge to grade.
- Please label proposed CB's.
- The swale on East side of 61 Port Robinson Road must be on private property.
- The Town does not allow water services to be located under driveways, the water service for the existing house will need to be relocated to accommodate the proposed driveway.



- The proposed concave driveway will collect and direct all runoff to the sidewalk which may cause ice build up in winter months.

*Fire and By-law Services*

- No comments.

*Enbridge Gas Inc.*

- Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

*Niagara Region Growth Strategy & Economic Development*

- Regional Planning and Development Services offer no objection to the proposed Zoning By-law Amendment application and consider the proposal to be consistent with the *Provincial Policy Statement* and conform to Provincial and Regional plans. As noted above, staff request that a letter of acknowledgement from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to any construction activities commencing.

*Town Community Planning and Development*

- Do not support one parking space for the existing single detached dwelling and the location of the parking area in front of the existing dwelling is not consistent with the East Fonthill design guidelines.
- It is noted that the semi-detached units and the existing dwelling cannot accommodate second dwelling units due to inadequate parking.

**Public Comments:**

On November 21, 2023, a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Port Robinson Road. No public comments were received. A public meeting was held on December 13, 2023 and no members of the public attended the public meeting other than the agent for the applicant and the applicant.

Council had several questions and comments which are summarized below:

- Councillor Niznik asked for clarification with respect to planning staff's position the driveway would be better suited to the sideyard. Councilor asked if the Town would support the widening of the driveway; expressed that on street parking is not ideal from a safety standpoint. Asked if it is possible for the semi-detached dwelling to be further setback to provide space for the parking area.
- Councillor Hildebrandt commented on the cost feasibility of moving the existing hydro pole on the east side of the property.
- Councillor Eckhardt expressed concern that one parking space is not enough; enquired about drainage and underground infrastructure.
- Councillor Kerr expressed no concerns with the location of the driveway to the front of the existing dwelling as it is likely to be a temporary condition until

such time as Part 2 is to be redeveloped. Expressed that the depth of the spaces is the same as the proposed semi-detached dwelling.

- Councillor Wink asked the applicant what assurances the Town has that the existing dwelling will be redeveloped and what the timeframe is. Expressed concern that if approved the Town does not have assurance that Part 2 will be redeveloped, and the driveway as proposed could be a long-term condition.

With respect to the questions and comments raised by Council, the following comments are provided.

The East Fonthill Urban Design Guidelines encourage parking areas to be located to the rear or side of dwellings to encourage an inviting streetscape. With respect to the cost feasibility of moving the hydro pole, the applicant met on site with NPEI to discuss the feasibility. The applicant has advised the pole is able to be moved at a reasonable cost and thus the applicant has revised the plan to address staff comments.

The applicant has revised the site plan submitted with the application to relocate the parking area to the east side of the dwelling. Planning staff share the opinion one parking space is not adequate to service the dwelling. Initially, staff provided comments to the applicant that they are not supportive of one parking space. The applicant has since revised the site plan to relocate the parking area and provided an additional on-site parking space. Staff are now supportive of the application.

### **Staff Comments:**

In summary, it is Planning staff's opinion that the requested zoning by-law amendment is appropriate and there will be minimal impact on adjacent properties and on the existing stormwater management system. In addition, it is Planning staff's opinion that the requested zoning by-law amendment is consistent with Provincial policy and plans, conforms to the Regional and Town Official Plans and represents good planning and therefore, should be approved.

### **Alternatives:**

Council could choose not to approve the application for zoning by-law amendment, however that decision could be appealed by the owner to the Ontario Land Tribunal. Council could choose to approve the requested zoning by-law amendment with modifications.

### **Prepared and Recommended by:**

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