

Town of Pelham Committee Report
Public Meeting under the *Planning Act*
Wednesday, March 19, 2025

Subject: Information Report – Application for Zoning By-law Amendment – 286 Canboro Road

Prepared By: Shannon Larocque, MCIP, RPP Manager of Planning

Department: Community Planning and Development

Recommendation:

THAT Committee receive report 2025-075 “Information Report – Application for Zoning By-law Amendment – 286 Canboro Road” as it pertains to file no. AM-01-2025;

AND THAT Committee direct Planning Staff to prepare the recommendation report on this topic for Council’s consideration.

Summary:

An application for a Zoning By-law Amendment was received for the property located at 286 Canboro Road to rezone the lands from the Rural Residential (RR) and Village Commercial (VC) zones to a site-specific Rural Residential (RR) zone that will permit the construction of a single detached dwelling. The application also requests an increase to the maximum front yard to 21.5 metres for a single detached dwelling.

Location:

An application for a Zoning By-law Amendment was received for the property located at 286 Canboro Road known legally as Part Lot 5, Concession 8, being Part 2, Plan 59R-15861 in the Town of Pelham, Regional Municipality of Niagara (Figure 1).

Figure 1: Property Location



The property is located on the south side of Canboro Road, east of Effingham Street. The surrounding land has a mix of residential and commercial uses, including the bulk water station, retail and restaurant uses to the west, residential uses to the north, residential, office, and vehicle repair shop uses to the east, and office, residential, and agricultural uses to the south.

Project Description and Purpose:

The requested Zoning By-law Amendment would rezone the lands from the Rural Residential (RR) and Village Commercial (VC) zones to a site-specific Rural Residential (RR) zone that will permit the construction of a single detached dwelling. The application also requests an increase to the maximum front yard to 21.5 metres for a single detached dwelling.

The property currently contains an existing single-detached dwelling located close to Canboro Road in the RR zone portion. The remainder of the property is zoned VC, which does not permit a single-detached dwelling. The property also contains a watercourse which has been identified as Type II fish habitat.

The property owner would like to demolish the existing dwelling and construct a new, larger dwelling further back on the property in the area that is currently zoned VC (Figure 2). A 10 metre setback to the Type 2 Fish Habitat will be maintained and the area will be restored with plantings. Approval of the requested zoning by-law amendment is required to obtain a building permit to facilitate this.

Figure 2: New Dwelling Location



Policy Review:

Planning Act, R.S.O. 1990, c.P.13

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities, ie. 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 Planning Statement, 2024

The property is located within a rural settlement area, according to the Provincial Planning Statement, 2024 (PPS).

Healthy, integrated and viable rural areas should be supported by accommodating an appropriate range and mix of housing in rural settlement areas (2.5.1(c)). In rural areas, rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted (2.5.2). When directing development in rural settlement areas, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels (2.5.3).

Greenbelt Plan, 2024

The property is located within a settlement area identified by the Greenbelt Plan (GP). Generally, the GP does not apply to lands within the boundaries of Towns/Villages and Hamlets (settlement areas). Official plans will continue to govern land use within these settlement areas based on policy direction provided by the PPS. Limited growth is permitted through infill and intensification of Hamlets subject to appropriate water and sewage services (3.4.4.1).

Niagara Escarpment Plan, 2017

The property is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Niagara Official Plan, 2022

The property is located in a rural settlements area in the Niagara Official Plan, 2022 (NOP). Rural settlements are to be the focus of development outside of urban area boundaries (2.23.2). Development in rural settlements should be planned to:

- a. encourage residential infill development that builds on the rural character and characteristics of the surrounding area;
- b. ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community;
- c. consider the inclusion of active transportation infrastructure;
- d. protect the Region's natural environment system in accordance with the policies in the NOP; and

e. encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions, and increased resilience to climate change (2.2.3.3).

A portion of rural employment is to be planned within rural settlements to support the surrounding agricultural community. Local Area Municipalities should ensure that adequate lands are available for rural employment within rural settlement boundaries to satisfy long-term needs and support the rural economy (2.2.3.4).

Rural settlements will be serviced by sustainable private water and wastewater treatment systems (2.2.3.5).

The property is also impacted by the Region's Core Natural Heritage System consisting of Type 2 (Important) Fish Habitat. Mandatory buffers from natural heritage features and areas are required within settlement areas. Notwithstanding any other policy in the NOP, the Conservation Authority has its own buffer requirements for watercourses which shall apply. Reductions in any buffer required by the Conservation Authority may be considered in settlement areas where supported by a site-specific study that is approved by the Local Area Municipality, the Region, and the Conservation Authority.

Town of Pelham Official Plan, 2014

The property is designated Specialty Agriculture in the Town of Pelham Official Plan, 2014 (TOP). The principle use of land in the Specialty Agricultural designation shall be for the production of the full range of specialty crops identified in the Greenbelt Plan. Permitted uses in the Specialty Agricultural designation include agricultural uses, farm wineries, single detached dwellings, accessory residential uses on farm properties, bed and breakfast establishments, home occupations and home industries, mineral aggregate operations, forestry and resource management uses, retail commercial uses, agricultural related exhibitions and tourism establishments. A number of these uses are subject to meeting policy tests in other sections of the TOP.

As Council is aware, Town Planning staff are working on a new TOP which will redesign the property to a Rural Settlement designation to conform with the NOP and the GP.

Zoning By-law 4481(2022)

The property is zone Rural Residential (RR) and Village Commercial (VC).

The RR zone permits a single detached dwelling; home occupation; second dwelling units; and uses, buildings and structures accessory to the foregoing uses.

The VC zone permits apartment dwellings, bakery, cultural use; dwelling unit(s) above a commercial use, existing single detached dwelling, hotel, institutional use, micro brewery, office uses, parking facility, parks and urban square, places of entertainment,

restaurant, retail use, second dwelling units, service shop, short term accommodation, townhouses and live-work units and uses, buildings and structures accessory to the foregoing uses.

The required and requested zone regulations are identified in Table 1 for the RR zone. All zoning regulations will be met with the exception of the maximum front yard requirement.

Table 1: Requested Zone Regulation

6.7.2 Regulation	Requirement	Requesting
Minimum Lot Frontage	15.0m or 17.0m on a corner lot	No change
Minimum Lot Area	0.4ha	No change
Minimum Front Yard	3.0m	No change
Maximum Front Yard	6.0m	21.49 m
Minimum Side Yard	1.2m and 3.0m on the other side 1.5m on each side where carport or garage is attached	No change
Maximum Building Height	12.0 m	No change
Minimum Rear Yard	5.0 m	No change
Maximum Lot Coverage	50%	No change

Submitted Reports:

Planning Justification Brief prepared by Upper Canada Consultants Planners / Engineers dated February 13, 2025

The brief states that the lands are located within a rural settlement area where limited growth and development are encouraged. Single detached dwellings are a permitted use within a rural settlement area, provided that private servicing needs can be met. The subject property is of sufficient size to accommodate a private septic system and has historically accommodated a dwelling on private services.

The subject lands contain a watercourse which is identified as containing Type 2 (Important) Fish Habitat. The application has been submitted with a buffer planting plan which will ensure that the proposed development does not negatively impact these features for the long term.

The brief concludes that the proposed amendment will result in appropriate and compatible development on lands which are suitable for the proposed uses and that in the author's opinion, the application represents good planning and should be supported.

Stage 1 & 2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated October 23, 2024

The Stage 2 investigation identified and documented no archaeological resources. Therefore, no further archaeological assessment of the Study Area is recommended.

Landscape Planting Plan prepared by Beacon Environmental dated December 12, 2024

The property contains a watercourse that has been identified as a Type 2 Fish Habitat. A 10 metre setback will be maintained from the watercourse, and a restoration planting plan has been prepared for implementation through a Niagara Peninsula Conservation Authority (NPCA) work permit.

Agency Comments:

The applications were circulated to commenting agencies and Town Departments. The following comments have been received at the time of writing this report:

Town Community Planning and Development

Please provide Ministry of Citizenship and Multiculturalism archaeological clearance letter when in receipt.

Building

No comment at this time; however, building permits will be required at time of application.

Town Public Works

No issues with the proposed setback locations.

An overall lot grading and drainage plan demonstrating that the drainage does not negatively impact nor rely on neighbouring properties will be required at the time of a building permit application.

The construction of new driveways or the modification of existing driveways will require a Driveway Entrance Permit through the Public Works Department. The owner is responsible for all associated costs with this permit.

Public Comments:

On February 26, 2025, a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Canboro Road and Effingham Street. At the time of writing this report, no public comments had been received.

Staff Comments:

The report's purpose is to provide Council and the public with information regarding the application, applicable policies, and comments received. The purpose of the public meeting is to receive feedback and input from the public and for the applicant to respond to inquiries. Committee may also provide comments and suggestions for proposed changes to the application based on the public, agency or staff input and consistency with approved plans and policies. A future report will be presented to Council for decision once all feedback is received.

Alternatives:

There are no alternatives as Council is statutorily obligated to host a public meeting and make a decision on the zoning by-law amendment application.

Attachments:

Appendix A Agency Comments

Approved and Submitted by:

Dr. Pamela Duesling, MCIP, RPP, EcD, CMM3
Director of Community Planning and Development