



*A People Place, A Change of Pace*  
**SHELBURNE**  
ONTARIO, CANADA

---

**Meeting Date:** Monday, April 12, 2021

**To:** Mayor Mills and Members of Council

**From:** **Steve Wever, Town Planner**

**Report:** P2021-11

**Subject:** **Application for Zoning By-law  
Amendment Z21/01  
Michael Leonardelli  
105 Mill Street, Shelburne**

---

### Recommendation

Be it resolved that Council receive Report P2021-11 as information.

Be it resolved that, subject to the consideration of any input received at the public meeting, By-law 16-2021, being a by-law to amend Zoning By-law 38-2007, as amended, by rezoning the lands known municipally as 105 Mill Street and described legally as All of Lot 5, Plan 89, in the Town of Shelburne, County of Dufferin, from Residential Type Two (R2) Zone to Residential Type Two Exception Six (R2-6) as shown on Schedule "A1" to the By-law, be read a first, second, and third time and finally passed.

### Background

An application for a Zoning By-law Amendment has been submitted by the owner Michael Leonardelli. The purpose and effect of the application is to rezone the property at 105 Mill Street, from Residential Type Two (R2) Zone to Residential Type Two Exception Six (R2-6) to permit a converted dwelling with three (3) dwelling units.

## Analysis

The subject property is municipally known as 105 Mill Street and is legally described as All of Lot 5, Plan 89, Town of Shelburne, County of Dufferin. The property currently contains a one-storey single detached dwelling and attached garage.

The property is located near the intersection of Mill Street and Victoria Street and is 965 square metres in area. The property is designated 'Residential (Low Density)' in the Official Plan and is located within the built boundary. It is currently zoned Residential Type Two (R2) Zone.

### Proposed Development

The applicant is seeking to re-zone the lots from Residential Type Two (R2) Zone to Residential Type Two Exception Six (R2-6).

The application proposes to permit a converted dwelling with a maximum of three (3) units and parking to satisfy the requirements for the proposed 3-unit dwelling (3 parking spaces proposed within the required front yard). Relief from the Zoning By-law requirements related to dwelling units located below grade would also be required to permit dwelling unit(s) in the lower level of the existing dwelling which is defined as a "cellar" in the Zoning By-law.

The following table summarizes the requested site-specific provisions:

<b>Regulations</b>	<b>R2</b>	<b>Proposed R2-6</b>
Min. Lot Area	464 m <sup>2</sup>	464 m <sup>2</sup>
Min. Lot Frontage		
• Interior Lot	15.0 m	15.0 m
Min. Front Yard	6.0 m	6.0 m
Min. Interior Side Yard	1.2 m	1.2 m
Min. Rear Yard	7.5 m	7.5 m
Max. Setback from Street Centreline	20.0 m	20.0 m
Maximum Lot Coverage	35%	35%
Maximum Building Height	9.2 m	9.2 m
Parking	1 space per unit, not in required front yard	3 spaces within front driveway
Maximum number of units in a converted dwelling	2	3
Location of dwelling units	Not permitted in a "Cellar" (>50% below grade)	Two (2) dwelling units in a "Cellar" (>50% below grade)



Proposed Site-Specific Provisions

## Provincial Policy Statement (PPS)

The proposal is supported by the following PPS policies:

- Promoting efficient development and land use patterns (s. 1.1.1 a);
- Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) (s. 1.1.1 b);
- Promote cost-effective development patterns to minimize land consumption and servicing costs (s. 1.1.1.e);
- Settlement areas shall be the focus of growth and development (s. 1.1.3.1);
- Within settlement areas, sufficient land shall be made available through intensification and redevelopment (s.1.1.2)
- Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use available infrastructure and avoid the need for uneconomical expansion; support active transportation (s. 1.1.3.2);
- Planning authorities shall promote opportunities for intensification and redevelopment where suitable existing infrastructure is available to accommodate projected needs (s. 1.1.3.3);
- Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form (s. 1.1.3.4);
- Maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands designated and available for residential development, and land with servicing capacity sufficient to provide at least a 3-year supply of residential units through lands suitably zoned to facilitate intensification and redevelopment (s. 1.4.1);
- Provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area, by permitting and facilitating all housing options required to meet social, health and well-being requirements of current and future residents, all types of residential intensification including additional residential units, and directing new housing towards locations where adequate infrastructure and public service facilities are provided (s. 1.4.3 b, c);
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form; and

- Planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal services (s. 1.6.6.6).

### Growth Plan for the Greater Golden Horseshoe

The proposal is supported by the following Growth Plan policies:

- Focusing growth and development within the delineated built-up area (s. 2.2.1.2 c);
- To provide a diverse range and mix of housing 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 (s. 2.2.1.4 c);
- Encourage intensification generally throughout the delineated built-up area (s. 2.2.2.3 c) and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities (s. 2.2.2.3 d); and
- Prioritizing planning and investment in infrastructure and public service facilities that will support intensification (s. 2.2.2.3 e).

### County of Dufferin Official Plan

The proposal is supported by the following County of Dufferin Official Plan policies:

- Encourage intensification within the existing built boundary/built up area wherever feasible and appropriate (s. 3.4.2 a);
- Encourage intensification within the urban settlement area that is of an appropriate scale and character and subject to other policies of the County Official Plan, including the availability of servicing, and the protection of existing stable neighbourhoods (s.3.4.2 b);
- Intensification will include: infill residential development and new residential development of vacant land or underutilized land within the built-up area (s.3.4.2 (c) ii);
- Urban settlement areas will have municipal sewage, water and appropriate stormwater services and provide a range of land uses and densities, and a mix of housing types (s.3.3.2 c); and
- Local municipalities are encouraged to promote intensification, infill and redevelopment of vacant/underutilized sites (s.3.3.2 e).

### Town of Shelburne Official Plan

In the Official Plan, the property is within an area designated “Residential” within the built boundary and is subject to Section 4.2 of the Plan including the following objectives, uses and criteria:

- To direct the majority of future housing development to the designated residential area through intensification, redevelopment and greenfield development on full municipal services (s. 4.2.2 a);
- To encourage and support the intensification of previously developed residential areas to optimize the use of land and infrastructure (s. 4.2.2 g);
- Council should promote intensification within the built-up area, including within existing residential area (s. 4.2.3.5 a);
- Intensification will be permitted in the form of accessory dwelling units in conjunction with non-residential uses and by the conversion of existing dwellings to accommodate a second unit (s. 4.2.3.5 b);
- In order to preserve the existing housing stock, the conversion of existing single detached dwelling should be permitted subject to the criteria set out in Section 4.2.3.6 a which include:
  - The Zoning By-law shall permit a second unit within single detached, semi-detached or townhouse dwellings and establishing regulations for the minimum lot area and frontage, minimum and maximum floor areas, permitted exterior alterations, parking requirements and other provisions;
  - Second units shall not be permitted on private or partial services and shall be subject to confirmation of adequate servicing capacity;
  - The requirements of the Ontario Building, Fire and Electrical Safety Codes must be satisfied;
  - The proposed development implements the Town's urban Design Guidelines for any proposed exterior alterations;
  - The proposed development will not have negative impacts on areas of natural heritage and will not create unsafe conditions in relation to natural or human-made hazards.

The current Official Plan policies and Zoning By-law provisions for second units pre-date more recent amendments to the Planning Act which require as follows:

#### Section 16(3) (Official Plans):

##### **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.
- 2019, c. 9, Sched. 12, s. 2 (1).

## Section 35.1 (Zoning By-laws):

### **By-laws to give effect to additional residential unit policies**

35.1 (1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3). 2011, c. 6, Sched. 2, s. 6.

### **Regulations**

(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). 2011, c. 6, Sched. 2, s. 6.

### **Regulation applies as zoning by-law**

(3) A regulation under subsection (2) applies as though it is a by-law passed under section 34. 2011, c. 6, Sched. 2, s. 6.

### **Regulation prevails**

(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. 2011, c. 6, Sched. 2, s. 6.

### **Exception**

(5) A regulation under subsection (2) may provide that a by-law passed under section 34 prevails over the regulation. 2011, c. 6, Sched. 2, s. 6.

### **Regulation may be general or particular**

(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. 2011, c. 6, Sched. 2, s. 6.

Ontario Regulation 299/19 under the Planning Act establishes the following requirements for additional residential units:

## **Requirements and standards — additional residential units**

- 2.** The following requirements and standards are established with respect to additional residential units:
  1. 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 paragraph 2.
  2. Where a by-law passed under section 34 of the Act 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.
  3. 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.
  4. An additional residential unit may be occupied by any person regardless of whether,
    - i. the person who occupies the additional residential unit is related to the person who occupies the primary residential unit, and
    - ii. the person who occupies either the primary or additional residential unit is the owner of the lot.
  5. Where the use of additional residential units is authorized, an additional residential unit is permitted regardless of the date of construction of the primary residential unit.

### **By-law prevails**

- 3.** A by-law passed under section 34 of the Act 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 requirement set out in paragraph 1 of section 2.

The Act does not require municipalities to permit the conversion of an existing single detached dwelling to allow a total of 3 units, but does require provisions for a second unit within the main dwelling and a third unit in a detached accessory building for a total of 3 units on a residential property. The regulations also require that municipalities are limited to requiring 1 parking space per dwelling unit and that “tandem parking” (e.g. parking one vehicle being another in residential driveway) must be permitted to address these parking requirements for additional residential units.

The existing dwelling at 105 Mill Street has a main floor area of approximately 102 square metres (1,100 square feet) and approximately the same floor area

in the unfinished lower level basement (defined as a “cellar” in the Zoning By-law). The dwelling is of sufficient size to permit up to 3 dwelling units.

According to the drawings provided by the applicant, two of the units will be located within the lower level. As the Zoning By-law does not permit dwelling units in a “cellar” where more than 50% of the vertical space between the finished floor and ceiling is below grade, the proposed Zoning By-law Amendment requests a provision to permit dwelling units below grade. A building permit will be required and compliance with Building, Fire and Electrical Safety codes must be demonstrated for the proposed dwelling units.

In order to provide required parking for future tenants, the applicant is proposing three (3) parking spaces within the required front yard. The existing driveway would be required to be widened to accommodate the proposed parking spaces, and can accommodate the required parking spaces within the maximum driveway width requirement of the Zoning By-law.

While each application is reviewed on its own merits and based on the specific attributes of the subject property, the development proposal and other factors which may vary by location, it is noted that site-specific zoning provisions for a converted dwelling with up to 3 units have been approved previously for a property on Wellington Street, a property on Greenwood Street, a property on Owen Sound Street and most recently a property on First Avenue East.

The subject property is located within Stage 1 for servicing and is connected to existing municipal water and sanitary sewer services. As of the most recent engineering analysis of remaining wastewater treatment servicing capacity within the current rated capacity of the WPCP, as of year end 2020 there was up to an estimated 75 units of unallocated capacity remaining for residential growth. If the application is approved, the remaining unallocated capacity would be reduced by 2 units.

### Financial Impact

The Development Charges Act provides that up to 2 additional residential units may be added within an existing single detached dwelling without requiring the payment of development charges if the units have a gross floor area that is less than the dwelling unit already in the building. The property owners are responsible for all costs associated with obtaining approvals to permit construction of the units.

### Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan  
Town of Shelburne Zoning By-law 38-2007



## Consultation and Communications

The application was circulated to the required agencies and the public meeting was advertised in accordance with the Planning Act. No objections to the approval of the application have been received as of the time of preparing this report.

## Council Strategic Priorities

Council's Strategic Priorities has three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the Sustainable Goals within the Targets:

Target T4                      Promote balanced growth

## Supporting Documentation

Site plan  
Lower level floor plan  
Circulation comments

Prepared by:

---

Jenna Daum, Planner

Reviewed by:

---

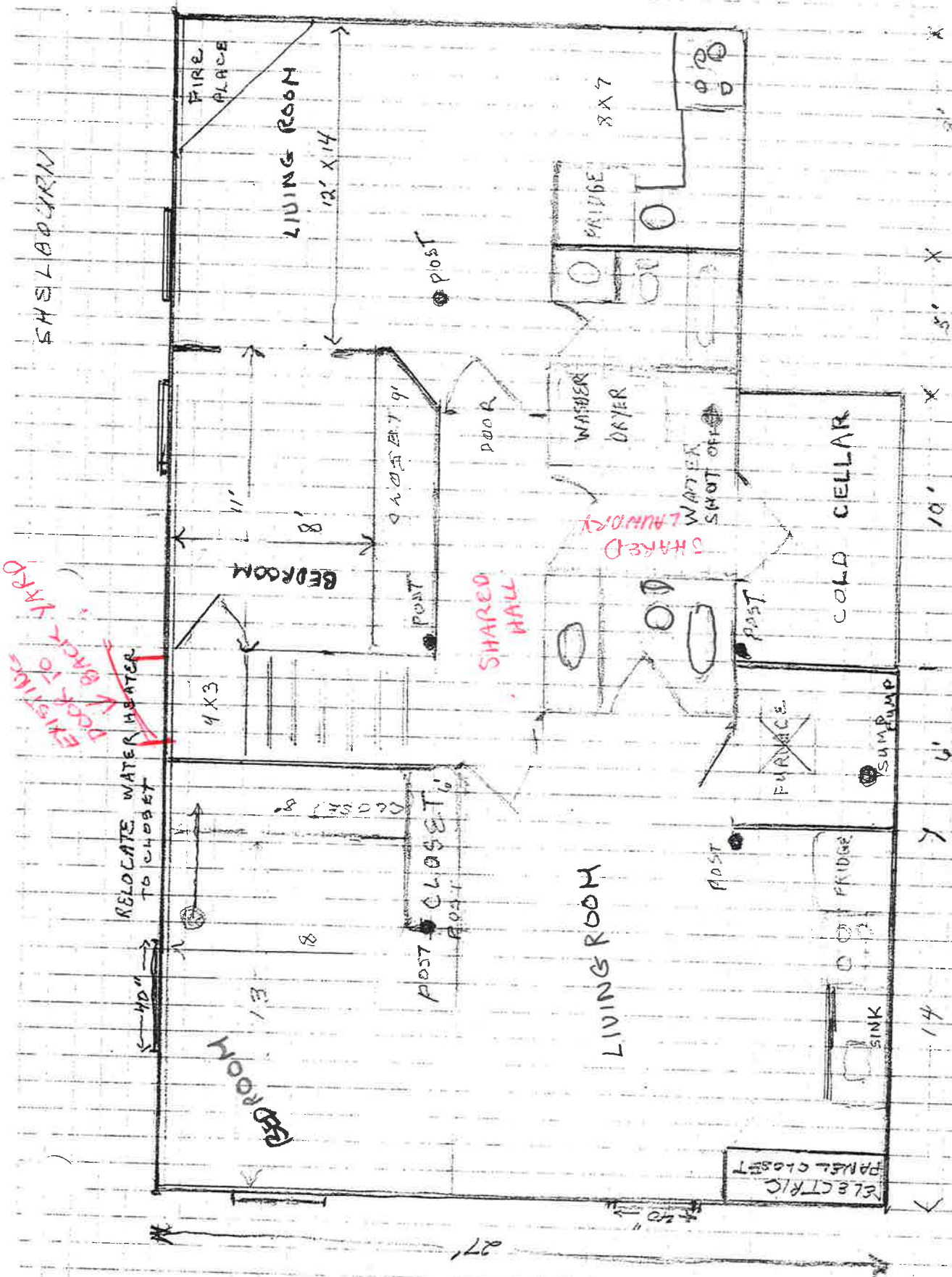
Steve Weber, Town Planner

Reviewed by:

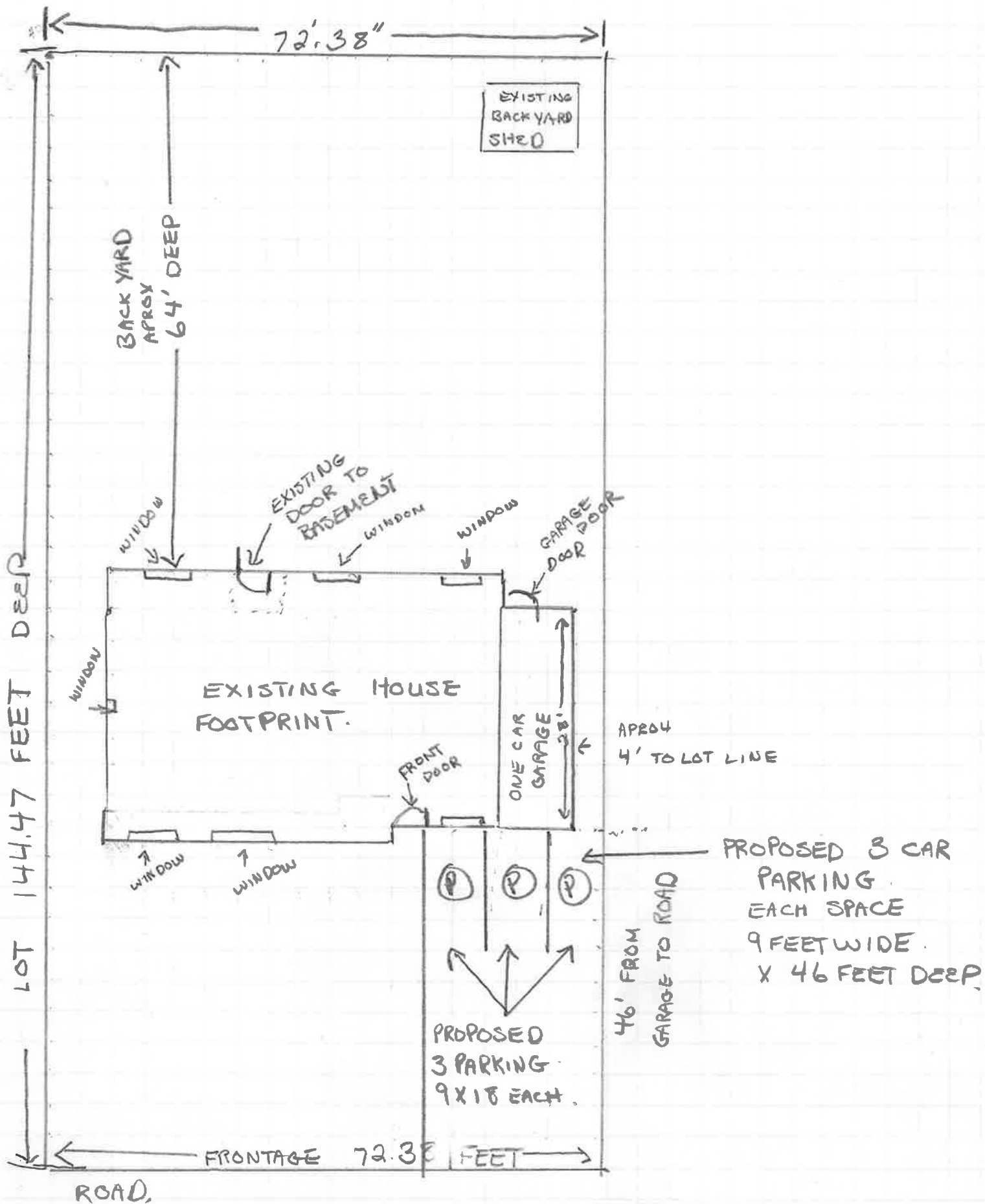
---

Denyse Morrissey, CAO

3



22



**Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street,  
B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street**

Dionne, Chantale H <chantale.dionne@bell.ca>

on behalf of

Modifications 911 <modifications.911@bell.ca>

Fri 2021-03-19 10:09 AM

To: Planning Account <planning@shelburne.ca>

 18 attachments (7 MB)

B21 01, B21 02, A21 02 - Circulation Letter Consolidated Version.pdf; A21 02- Public Meeting Notice - Mailing.pdf; A21 02 - Circulation Response Form.pdf; A21.02-Application.pdf; A21.02-Drawings.pdf; B21 01- Public Meeting Notice - Mailing.pdf; B21 01 - Circulation Response Form.pdf; B21.01-Application.pdf; B21.01-Drawings.pdf; B21 02- Public Meeting Notice - Mailing.pdf; B21 02 - Circulation Response Form.pdf; B21.02-Application.pdf; B21.02-Drawings.pdf; Z21 01- Circulation Letter.pdf; Z21 01 - Public Meeting Notice - Mailing.pdf; Z21 01 - Circulation Response Form.pdf; Z21.01-Application.pdf; Z21.01-Drawings.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Good day,

Thank you for the information.

Regards,



Chantale Dionne

Modifications/Corrections 9-1-1

**Base de données des Services d'Urgence 9-1-1 /**

**9-1-1 Emergency Services data base**

** 1-800-309-0911 / 418-521-8961**

**RE: Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street, B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street**

Municipal Planning <MunicipalPlanning@enbridge.com>

Wed 2021-03-17 9:05 PM

To: Planning Account <planning@shelburne.ca>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Thank you for your circulation.

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

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact [SalesArea20@Enbridge.com](mailto:SalesArea20@Enbridge.com).

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**  
Municipal Planning Analyst  
**Long Range Distribution Planning**

---

**ENBRIDGE**  
TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)  
500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect.**

**RE: Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street, B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street**

Amy Knapp <aknapp@nvca.on.ca>

Wed 2021-03-31 2:21 PM

To: Planning Account <planning@shelburne.ca>

Cc: Steve Wever <swever@gspgroup.ca>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Good Afternoon Steve,

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the planning applications contained within this email and can offer the following for consideration:

**Zoning By-law Amendment - Z21/01 - 105 Mill Street**

NVCA staff have confirmed that the subject lands are not within:

- a flood susceptible area;
- a hazardous site (characterized by unstable soils or bedrock);
- an erosion hazard area, or;
- an area subject to this Authority's Development, Interference With Wetlands and Alterations To Shorelines and Watercourses Regulation (Ontario Regulation 172/06).
- No Natural Heritage Features present

Thank you for circulating these applications and please forward a copy of any decision and notice of any appeals filed for Minor Variance - A21/02 and Consent - B21/02.

Sincerely,

**Amy Knapp | Planner III**

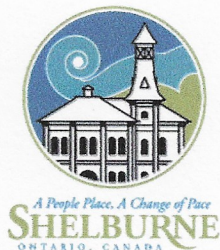
**Nottawasaga Valley Conservation Authority**

8195 8<sup>th</sup> Line, Utopia, ON L0M 1T0

**T** 705-424-1479 ext.233 | **F** 705-424-2115

**aknapp@nvca.on.ca | nvca.on.ca**





## TOWN OF SHELburne

### PLANNING & DEVELOPMENT

#### Zoning By-law Amendment Circulation Response Form

Files: Z21/01

Project: Application for Zoning By-law Amendment  
105 Mill Street  
All of Lot 5, Plan 89, Town of Shelburne

If you have no comments or objection to the approval of the above noted applications please complete this form and email it to the **Town Planner** at the Town of Shelburne by **April 8<sup>th</sup>, 2021**.

Email: [planning@shelburne.ca](mailto:planning@shelburne.ca)

---

*By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.*

TOWN OF SHELburne  
Agency Name  
(Please Print)

Jim Moss  
Representative Name  
(Please Print)

DIRECTOR OF DEVELOPMENT & OPERATIONS  
Representative Title  
(Please Print)

[Signature]  
Signature

March 25<sup>th</sup> / 2021  
Date

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NO. 16-2021

BEING A BY-LAW TO AMEND BY-LAW 38-2007, AS AMENDED.

**WHEREAS** an Official Plan has been approved for the Town of Shelburne.

**AND WHEREAS** authority is granted under Section 34 of the Planning Act, R.S.O. 1990, C.P.13 and amendments thereto, to enact this By-law.

**NOW THEREFORE** the Council of the Corporation of the Town of Shelburne enacts as follows:

1. That Schedule “A” of By-law 38-2007, as amended, be further amended by rezoning the land known municipally as 105 Mill Street and described legally as All of Lot 5, Plan 89 in the Town of Shelburne, County of Dufferin, from Residential Type Two (R2) Zone to Residential Type Two Exception Six (R2-6) Zone as shown on Schedule “A1” to this By-law.
2. That subsection 4.2.3 of By-law 38-2007, as amended, be further amended by inserting one exception zone after subsection 4.2.3.5, as follows:

“4.2.3.6 Residential Type Two Exception Six (R2-6) Zone

Notwithstanding the permitted uses, regulations and definitions in subsections 3.4.1 (ii), 3.4.2, 3.15.6 (ii), 4.2.1, 4.2.2, 5.41 and 5.68, on the lands zoned R2-6 the following special provisions shall apply:

  - i) The permitted uses shall include a converted dwelling with a maximum of three (3) dwelling units, subject to all other applicable regulations of this By-law except that:
    - a) A maximum of two (2) dwelling unit(s) shall be permitted in the lower level of the existing dwelling if all other requirements of subsection 3.4.1 (ii) are met;
    - b) Three (3) required parking spaces shall be permitted within a driveway in the required front yard.”
3. That except as amended by this By-law, the subject lands as shown on Schedule “A1” to this By-law shall be subject to all other applicable regulations of By-law 38-2007, as amended.
4. Schedule “A1” attached hereto forms part of this By-law.
5. This By-law shall take effect from its date of passage by Council and shall come into force either upon approval by the Local Planning Appeal Tribunal or upon compliance with Section 34 of the Planning Act, R.S.O. 1990, C.P. 13.

**BY-LAW READ A FIRST AND SECOND TIME THIS 12<sup>th</sup> DAY OF APRIL, 2021**

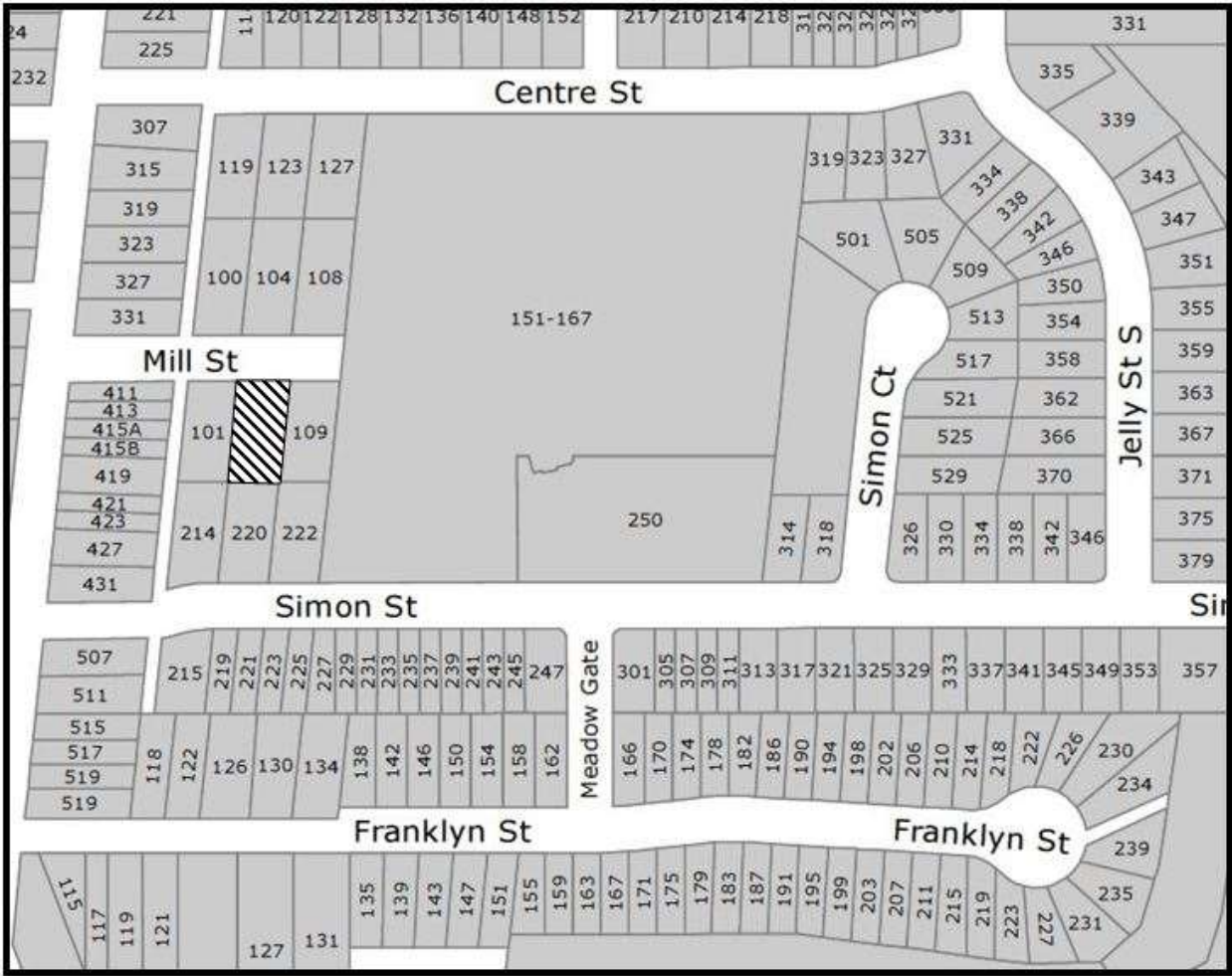
**BY-LAW READ A THIRD TIME AND ENACTED THIS 12<sup>th</sup> DAY OF APRIL, 2021.**

.....  
**MAYOR**

.....  
**CLERK**



SCHEDULE A1 TO BY-LAW NO. 16-2021



 Zone change from R2 to R2-6

## **EXPLANATORY NOTE**

The purpose and effect of this amendment to Zoning By-law 38-2007 is to change the zoning of the property known municipally as 105 Mill Street and described legally as All of Lot 5, Plan 89 in the Town of Shelburne, County of Dufferin, from Residential Type Two (R2) Zone to Residential Type Two Exception Six (R2-6) Zone as shown on Schedule "A1" to this By-law.

The re-zoning of the land to R2-6 applies appropriate zone standards to permit the proposed conversion of the existing dwelling to a converted dwelling with 3 units. A minimum of 3 parking spaces are required for the proposed converted dwelling (1 space per unit) and will be located in a driveway in the required front yard. Notwithstanding the definition of a "cellar", up to two (2) of the three (3) dwelling units in the proposed converted dwelling may be located in the lower level of the dwelling if the other requirements for converted dwellings and dwelling units are met.