

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 8, 2021

FROM: Planning Services Department

DATE: January 26, 2021

SUBJECT: Public Meeting and Recommendation Report – Temporary Use Zoning By-law Amendment for 2512 Old Bronte Road (Palermo Pub), File No. Z.1431.19 - By-law 2021-019

LOCATION: 2512 Old Bronte Road

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RECOMMENDATION:

1. That the comments from the public with respect to the Temporary Use Zoning By-law Amendment application, File No. Z.1431.19, be received.
2. That the Temporary Use Zoning By-law Amendment application, File No. Z.1431.19, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and Livable Oakville Official Plan, has regard for matters of Provincial Interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated January 26, 2021.
3. That By-law 2021-019, an amendment to Zoning By-law 2014-014, be passed.
4. That notice of Council's decision reflects that Council has fully considered all written and oral submissions related to this matter and that these comments have been appropriately addressed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The proposed temporary use by-law to permit a seasonal patio tent structure would enable the Palermo Pub to continue the use of its outdoor tent throughout the winter weather from November 1 to April 30 as a mitigation measure in response to COVID-19 indoor dining restrictions.

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- A Building Permit will not be required, noting the existing tent is to be moved three metres away from the building.
- As per the Zoning By-law 2014-014, Public Health Regulations and Ontario Regulation 263/20, two sides of the tent must remain open at all times, however may be enclosed when not in use.
- The Fire Safety Plan shall be amended to reflect that the restaurant is responsible to remove snow off the tent at all times and indicate how this would be done (heaters, manually etc.).
- As a Building Permit is not required and the tent is seasonal, Development Charges would be exempt for the seasonal patio tent structure.
- The proposed Zoning By-law Amendment conforms to the Growth Plan (2020), is consistent with the Provincial Policy Statement (2020), and conforms to the Halton Region Official Plan.
- Approval of the Zoning By-law Amendment is recommended for a maximum period of three years.

BACKGROUND:

The purpose of this report is to provide a full staff review of the recommendation on the proposed Temporary Use Zoning By-law Amendment in conjunction with O. Reg. 345/20, as amended.

Proposal

Noting the existing Holding Zone (H1-MU3) on the subject lands, a Temporary Use Zoning By-law Amendment is proposed in order to permit the existing tent remain on the property, for a maximum period of three years. This would enable the Palermo Pub to continue the use of its outdoor tent throughout the winter as a mitigation measure in response to COVID-19 indoor dining restrictions.

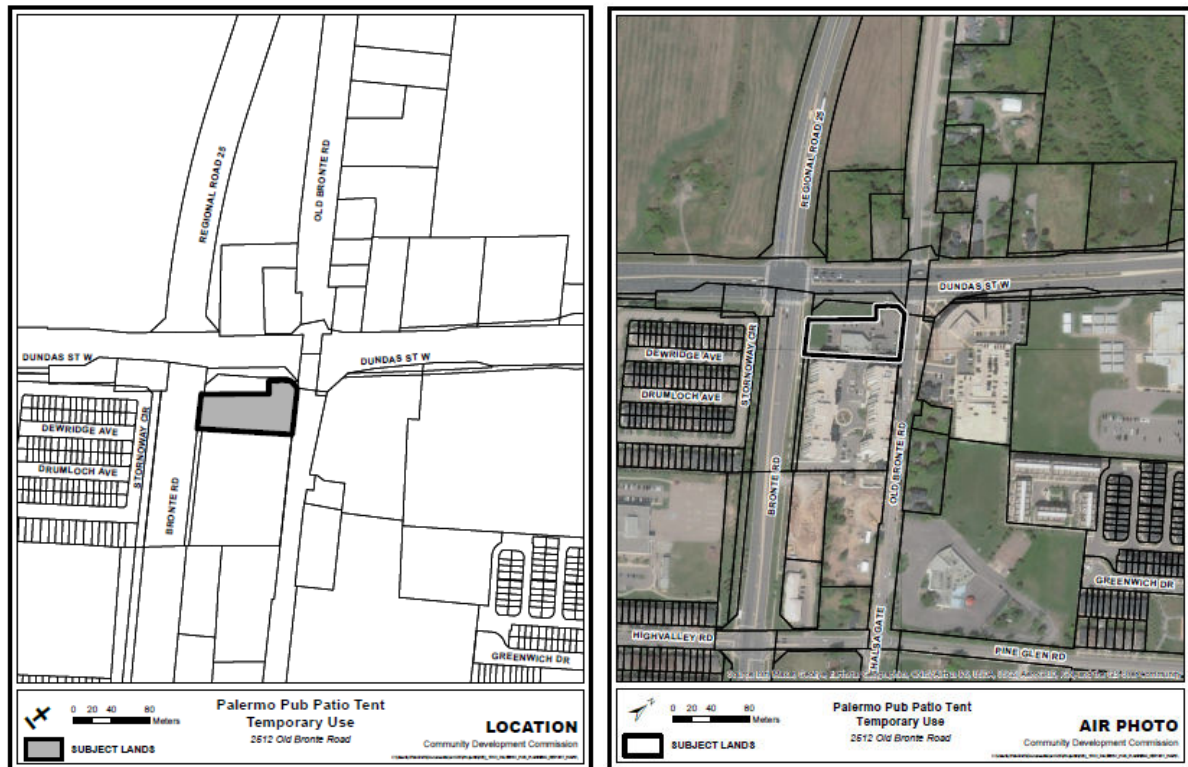
Location

The lands area located on the south side of Dundas Street West, between Old Bronte Road and Bronte Road, with a municipal address of 2512 Old Bronte Road as shown in the maps below:

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COMMENT/OPTIONS:

The proposed Temporary Use Zoning By-law Amendment has been reviewed relative to all applicable Provincial policy documents, the Region of Halton Official Plan, and the Livable Oakville Official Plan. A review of the policy framework is provided below.

POLICY FRAMEWORK:

The applications are subject to the following policy framework: the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), the Halton Region Official Plan, the Livable Oakville Official Plan and Zoning By-law 2014-014.

Provincial Policy Statement

The Provincial Policy Statement 2020 (“PPS”) is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land

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use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, and appropriately use the infrastructure and public service facilities that are planned or available.

Staff are satisfied that the proposed amendment is consistent with the policies of the Provincial Policy Statement (2014) as the tent does not present any negative impacts on the existing restaurant, or the surrounding area.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan (2020) is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services and public service facilities, and provide a diverse range and mix of housing options.

Staff have undertaken an analysis of the application in relation to the Growth Plan (2020) and considers the proposal to be in conformity with this Plan, as it supports complete communities within a designed Growth Area.

Region of Halton Official Plan

The subject lands are designated “Urban Area” in the Halton Region Official Plan. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

Livable Oakville Official Plan

The Livable Oakville Official Plan was prepared to conform to the Provincial Growth Plan for the Greater Golden Horseshoe, 2006 and to be consistent with the Provincial Policy Statement, 2005. The Official Plan was adopted by Council on June 22, 2009 and approved by the Region of Halton on November 30, 2009, with

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modifications. The Ontario Municipal Board approved the majority of the Plan with modifications on May 10, 2011. The Plan is currently undergoing a five year review to bring it into conformity with the Growth Plan, and to be consistent with the Provincial Policy Statement.

Section 28.5 states that the Town may authorize a temporary use of land, buildings or structures in a Zoning By-law for a purpose otherwise prohibited by the Zoning By-law. Policy 28.5.2 provides the following criteria when considering a Temporary Use Zoning By-law Amendment:

- “a) is in general conformity with the intent and policies of this Plan;*
- b) is compatible with adjacent land uses;*
- c) is temporary in nature, appropriate for a limited time span and can be terminated when the authorizing by-law expires;*
- d) has sufficient services such as water, sewage disposal and roads; and,*
- e) does not adversely impact traffic or transportation facilities in the area and provides for adequate on-site parking facilities.”*

The subject lands are considered Nodes and Corridors within the Town’s Urban Structure and are designated Urban Centre on Schedule N – Palermo. The property is within the Palermo Village Growth Area and in the fullness of time, is intended to be developed as a mixed use centre with transit-supportive development.

In accordance with Section 12.4 of the Plan, the Urban Centre designation shall incorporate a mix of uses including retail and service commercial, office and residential uses. Development should be oriented to the street and shall contribute to a high quality pedestrian-oriented and transit-supportive environment. A wide range of retail and service commercial uses, including restaurant, may also be permitted. The existing use complies with the Official Plan, and is also recognized by the Zoning By-law.

Zoning By-law 2014-014

The subject lands are zoned H1-MU3 – Holding Provision Urban Centre. Section 16.3.1.2 – Zone Regulations Prior to the Removal of the “H” states:

For such time as the “H” symbol is in place, only the following replacements, additions or expansions of *buildings* or *structures* legally existing on the effective date of this By-law shall be permitted.

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- a) The replacement or addition of architectural features such as, but not limited to, an awning, canopy, cornice, cove, belt course, eaves, gutters, pilasters, sills, or weather shielding *structure*.
- b) The replacement or addition of an existing non-walk in bay, box out and bow window, without foundation.
- c) The replacement or addition of a fire escape.
- d) An addition of *floor area* on the *first storey*, provided that the additional *floor area* does not project beyond the *main wall* on the *storey* above the *first storey* as it legally existed on the effective date of this By-law.
- e) Improvements to a building façade.

A Temporary Use By-law would permit the seasonal patio tent structure accessory to the existing restaurant to be utilized during the winter weather between November 1 and April 30. The tent could be enclosed when not in use and open when required by applicable health regulations. Noting that the tent was not legally existing on the effective date of the by-law, it is required to comply with the applicable Zoning regulations. However, no additional barrier free parking spaces are required for the seasonal patio tent structure.

Public Input

Staff have not received any correspondence from the public regarding this application as of the date of this Staff report. No Public Information Meeting was held for this application.

This report is a combined statutory public meeting and recommendation report as Staff do not anticipate significant public interest in this application.

Should any public input be received at the public meeting, the recommendations of this report could be amended to address how such submissions have affected Council's planning decision.

CONCLUSION:

Staff is satisfied that the proposed amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2020) and the Halton Region Official Plan. Further, the proposal is consistent with the principles and overall policy direction of the Livable Oakville Plan. Staff recommend approval of the Temporary Use Zoning By-law Amendment

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as it represents good planning and is in the public interest and will not compromise the future planned and intended development of the subject lands.

CONSIDERATIONS:

(A) PUBLIC

Notice for the meeting regarding this development application was provided through a mailing to all properties within 120 metres of the subject lands and published in the Oakville Beaver on January 14, 2021.

(B) FINANCIAL

No financial implications are resulting from this application.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

No concerns of issues were raised as a result of the circulation to the Town departments and agencies, subject to amendments to the Fire Safety Plan.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposal is consistent with the guiding principles of the Livable Oakville Plan to enhance economic environments.

APPENDICES:

Appendix A – By-law 2021-019

Appendix B – Winter Patios and Advocacy for Restaurants Memo

Prepared by:

Brandon Hassan, B. Urpl

Planner

Current Planning

Recommended by:

Gabe Charles, MCIP, RPP

Senior Manager

Current Planning and Urban Design

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director

Planning Services