

Site Plan Approval Report - 1651 Centre Street (SP 04-19)

Monday, May 06, 2019

Site Plan Approval 1651 Centre Street (SP-04-19)

Executive Summary:

The purpose of this report is to provide Council with information regarding an application for site plan control under Section 41 of the Planning Act for 1651 Centre Street.

The proposal is for the conversion of an existing single detached dwelling into a permanent farm help house and for the construction of a new single detached dwelling for the property owners.

Location:

The subject land is 10 hectares in size and is located on the southeast corner of Centre Street and Tice Road (Figure 1), municipally known as 1651 Centre Street, and legally as Concession 7, Part of Lot 9, in the Town of Pelham.



Figure 1: Subject Lands (1651 Centre Street)

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Project Description and Purpose:

The proposal is to enter into a site plan agreement to allow for the construction of a new single detached dwelling and the conversion of an existing dwelling into a permanent farm help house. No works are proposed within the road allowance for roadside ditches, culverts or driveway accesses as the existing driveway will continue to be used for both dwellings.

Policy Review:

Planning Act

Section 41 (2) of the Act authorizes the council of a local municipality to designate areas within their jurisdiction under a 'site plan control area'. Policy E1.4 of the Pelham Official Plan and By-law No. 1118 (1987) designates the entire Town as a site plan control area with certain exemptions. Farm help houses are not exempt from site plan control.

Provincial Policy Statement (PPS), 2014

The PPS designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Greenbelt Plan, 2017

The subject land is designated 'Tender Fruit & Grape Lands' within the Greenbelt Plan's *Protected Countryside*. Section 4.5.2 (Existing Uses) states that within the *Protected Countryside*, single dwelling are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. Municipalities are encouraged to retain existing lots of record for *agricultural* uses and discourage non-agricultural uses where appropriate.

The proposed farm help house will serve the fruit and vegetable farm operation and is compatible with the agricultural community.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Unique Agricultural Area' as part of the *Protected Countryside* lands in the Greenbelt Plan. Policy 5.B.11 permits additional permanent farm-related dwellings without severance for full time farm help where the size and/or nature of the farm operations makes the employment of such help necessary, where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability.

The proposed dwelling is situated within the existing building cluster, and the applicant has expressed difficulty in farming this section of land which is considerably high in gravel.

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Pelham Official Plan, 2014

The local Official Plan designates the subject land as 'Specialty Agricultural'. The principle use of these lands shall be for the production of specialty crops identified in the Greenbelt Plan. Uses which are not permitted in the *Specialty Agricultural* designation but were established prior to December 16, 2004, shall be deemed to be permitted uses.

Policy B2.1.3.5 permits the establishment of one additional dwelling units on a farm property for farm help, provided the lands are appropriately zoned to permit such a second dwelling. Council shall be satisfied that the second dwelling unit is required for farm help, is located within the existing farm-building cluster, is provided with sewage and water services, and will be designed to be compatible with the farm operation.

In no case, shall any detached residential dwelling unit established in accordance with Policy B2.1.3.5 be severed from the original parcel on which it was constructed.

Town of Pelham Zoning By-law Number 1136 (1987)

The subject land is zoned Agricultural (A) which permits agricultural uses, seasonal or permanent farm help houses on farms 10 hectares or larger, one single detached dwelling and accessory buildings.

Agency Comments:

On April 12th 2019, a 'Request for Comments' was circulated to internal Town departments (i.e. Public Works, Building, etc.). To date, the following comments have been received:

- Public Works Department (April 25, 2019)
 - No comments.
- Building Department (April 25, 2019)
 - All necessary permits are required prior to construction commencing.

Public Comments:

For Council's information, site plan control is not a public process under the Planning Act as it is an agreement between the land owner and the Town; therefore, there are no public notice requirements.

Staff Comments:

The proposal for the business currently known as Town & Country Farm is to convert the existing single detached dwelling into a permanent farm help house and to construct a 236 m² single detached dwelling beside an existing building cluster which contains the barn, shed and existing

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dwelling. It is also noted that the applicants farm this property and an additional farm on Canboro Road and are considered to be bone fide farmers.

Planning staff prefer the proposed location of the new dwelling as it concentrates the farm building cluster to one area and minimizes the impact on surrounding agricultural land currently in production. Staff are of the opinion that the proposed conversion / new dwelling will not result in any adverse impacts regarding land use compatibility, agricultural viability and drainage among other things.

The existing driveway access from Centre Street will be maintained and continue to serve the farm and both dwellings. A new septic system is required to serve the new dwelling. The Region of Niagara is responsible for private sewage systems approvals for systems capable of sewage flows less than 10,000 L / day. The Region's septic system permit will be a condition of the Site Plan Agreement and is also required upon building permit application regardless.

Planning staff are of the opinion that the executed site plan agreement will result in the continued successful operation of a fruit and vegetable farm with on-site farm worker(s). The applicant has addressed Town comments and is in the process of obtaining septic system approvals with the Region of Niagara. It is noted that the possibility for the farm help house to be severed from the original parcel is not permitted in the future.

Planning staff recommend that Council approve the By-law and enter into a Site Plan Agreement with the land owner as the application is consistent with Provincial, Regional and Town policies, and represents good land use planning.

Prepared by: Curtis Thompson, B.URPI, Planner

Reviewed by: Barb Wiens, MCIP, RPP, Director of Community Planning & Development

Alternatives:

Council may choose to not approve the by-law and enter into a site plan agreement with the Owner.

Recommendation:

BE IT RESOLVED THAT Council receives this Department of Community Planning & Development Report for information as it pertains to application File No. SP 04-19, 1651 Centre Street;

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AND THAT, Council approve the by-law and authorize the Mayor and Clerk to enter into a site plan agreement between the Town and Joseph & Teresa Hozjan.