



Community Planning and Development Department

Monday, March 07, 2022

Subject: Recommendation Report for Application AM-09-2021,
1553 Pelham Street Zoning By-law Amendment

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022- 063 –
Recommendation Report for Application AM-09-2021, 1553 Pelham
Street Zoning By-law Amendment, for information; and**

**THAT Council direct Planning staff to prepare the By-law for approval
of the Zoning By-law amendment application AM-09-2021 to amend
the zoning from R2 (Residential 2) to R3-Exception-H (Residential 3
with Holding Provision) for Council's consideration.**

Background:

The purpose of this report is to provide Council with a recommendation regarding an application seeking approval to amend Zoning By-law No. 1136 (1987), as amended, to rezone the property known as 1553 Pelham Street.

The proposed zoning by-law amendment would rezone the property from Residential 2 (R2) to a site-specific Residential 3 (R3) zone with site specific provisions for maximum lot coverage and minimum interior side yard setback to accommodate the construction of a semi-detached dwelling on the existing lot.

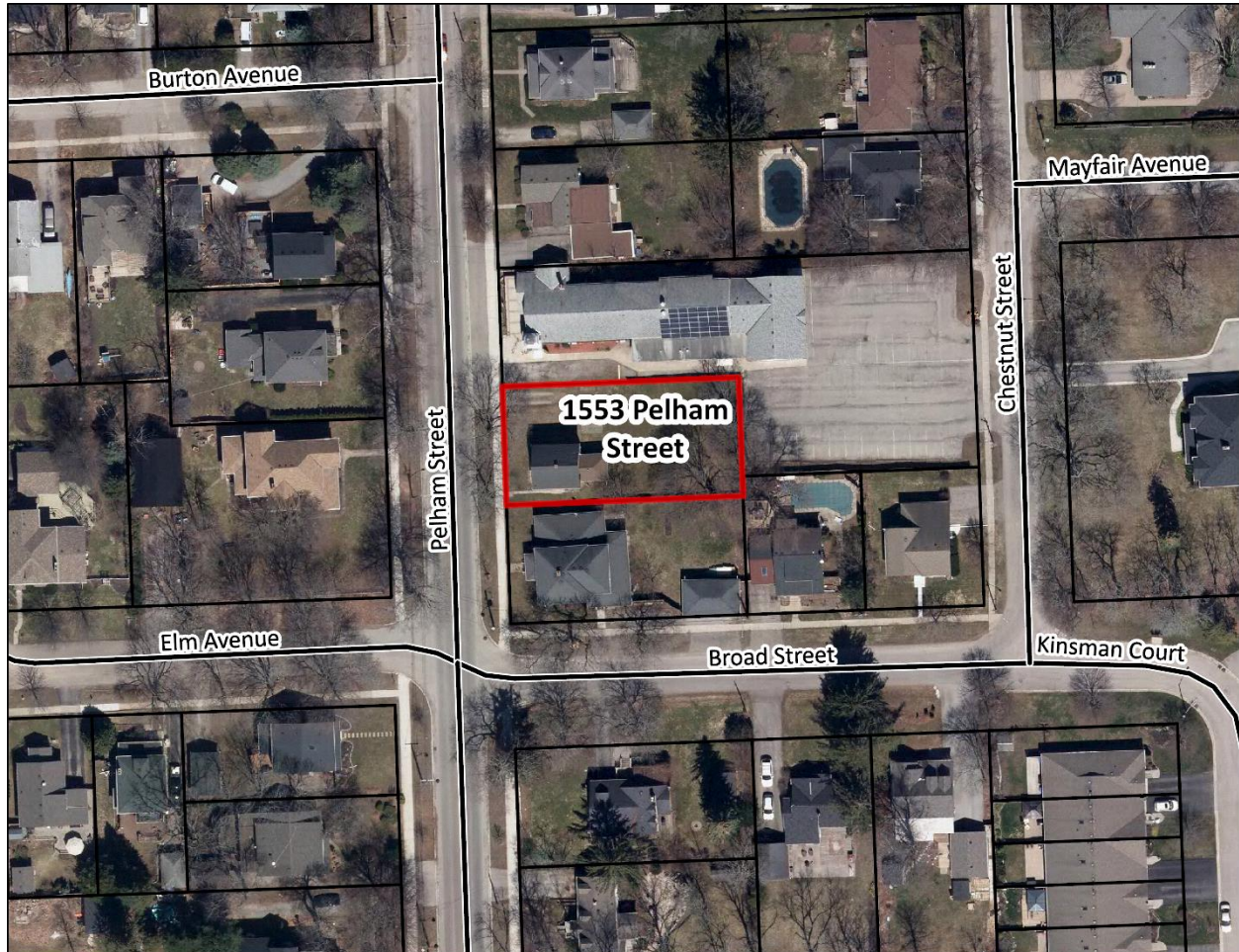
Location:

The subject property is located in close proximity to downtown Fonthill, and is situated on the east side of Pelham Street, lying north of Broad Street, municipally referred as 1553 Pelham Street (Figure 1). The legal description of the subject parcel is Plan 25 Lot 6 NP 716. The property currently contains one single detached dwelling, with a detached accessory structure on the approximately 809 square metre lot.

The property is within an established residential neighbourhood and is surrounded by an institutional building known as the Holy Trinity Church to the north, single

detached residential uses to the west and south, and single detached and townhouse residential use to the east.

Figure 1: Subject Lands (1553 Pelham Street)



Project Description and Purpose:

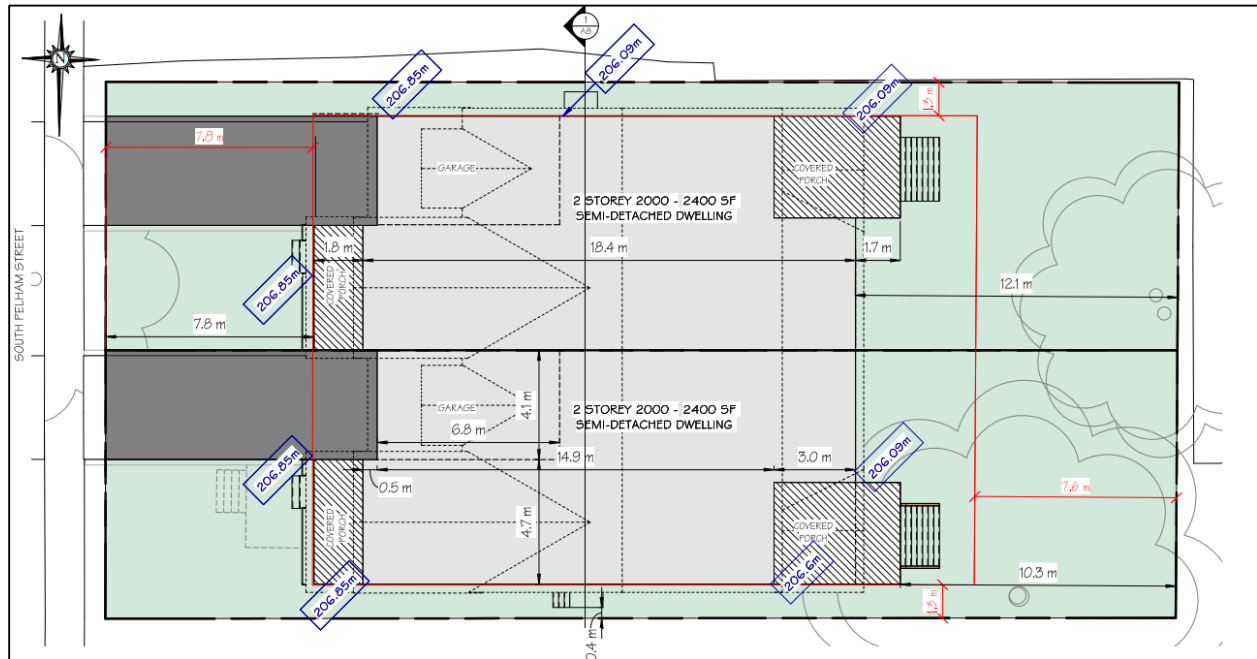
The subject parcel is currently Residential 2 (R2) zone according to Zoning By-law No. 1136 (1987), as amended.

The applicant seeks approval to change the zoning from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow for the redevelopment of the property for a semi-detached dwelling. The requested rezoning would allow the development of the property as shown on the proposed site plan (Figure 2).

To accommodate for the specific building design, the applicant is seeking for amendment for two provisions specific for the R3 zone (Maximum Lot Coverage and

Minimum Interior Side Yard), and the site-specific zoning provisions are described in greater detail in this report.

Figure 2: Proposed Site Plan



The applicant is proposing a two-storey semi-detached dwelling that is approximately 2,500 square feet in size. Each residential unit is proposed to have a covered porch in the front yard, as well as in the rear yard of the property as per the submitted plan (Figure 3). A total of 3 parking spaces are proposed for each semi-detached unit.

Figure 3: Proposed Front Building Elevation



An archaeological assessment on the subject parcel will have to be completed as it meets the criteria for the evaluation of archaeological potential: a known archaeological site is within 300 metres of the property. The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential.

If the requested zoning by-law amendment with a holding (H) provision is approved, the applicant would proceed with fulfilling all conditions that are required to lift the holding (H) provision, and construct the semi-detached building. At that stage, a consent application to the Committee of Adjustment will be required to divide the subject property into two parcels, each containing one semi-detached dwelling unit.

Analysis:

Planning Act

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) The supply, efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;

- n) The resolution of planning conflicts involving public and private interests;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

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.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Section 36 of the Act allows for the use of the holding (H) symbol in conjunction with any use designation in a zoning by-law passed under Section 34.

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.

The Provincial Policy Statement (PPS) designates the subject land as within a ‘Settlement Area’.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

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

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 (b) (2) indicates that planning authorities shall provide for an appropriate range and mix of housing types and densities by permitting and facilitating redevelopment in accordance with Policy 1.1.3.3.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved.

Consequently, an archaeological assessment is required and a Notice of Entry into the Ontario Public Register of Archaeological Reports for the required archaeological assessment must be issued by the Ministry of Tourism, Culture, and Sport (MTCS) prior to the holding (H) provision being lifted.

The proposed development will re-develop an underutilized parcel within the Settlement Area in the Town of Pelham. The redevelopment will make more efficient use of the land by permitting the construction of a two-storey semi-detached dwelling replacing the existing single-detached dwelling. The submitted site plan and building elevation indicate that the redevelopment takes into account the scale and massing of the surrounding built form. The proposed density of the development is appropriate given site and neighbourhood context, while the additional unit will add to the available housing options in the downtown Fonthill neighbourhood, ensuring the vitality of downtown Fonthill. The proposal would make more efficient use of existing infrastructure and public services which in turn minimizes land consumption and costs of servicing for the Town.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will be consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The subject lands are located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan (2017)

The subject lands are not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

The Growth Plan for the Greater Golden Horseshoe (2020)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is identified as being within a 'Delineated Built-up Area' according to the Growth Plan for the Greater Golden Horseshoe. Guiding principles (among others) regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and infrastructure.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1.2 states that forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of *complete communities*.

Policy 2.2.6.2 states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

The subject lands are located within the built boundary with access to existing infrastructure and is within walking distance to schools, public / private amenities, institutional uses and shopping facilities. The proposed rezoning will support the achievement of a complete community by adding additional residential dwelling units in an area that is appropriate to do so while contributing in providing diversified housing options in the neighbourhood.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will conform to the Growth Plan.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-Up Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates that 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states that *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Policy 10.C.2.1.13 states that *development and site alteration* shall only be permitted on lands containing *archaeological resources or areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.

The requested rezoning to allow for the construction of a semi-detached dwelling will facilitate additional residential intensification and redevelopment in an area that

is appropriate to do so. Further, regional staff provided comments on the archaeological potential of the subject land and offered no objections to the application.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will conform to the Regional Official Plan.

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 our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' according to Schedule 'A1'.

The permitted uses in the Urban Living Area / Built Boundary designation include: single-detached residential dwelling units; accessory apartments in single-detached dwellings (subject to Policy B1.1.4); semi-detached, townhouse, multiple and apartment dwellings (subject to Policy B1.1.5); and, complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses (subject to Policy B1.1.8), etc.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the Urban Area specifically in proximity to the Downtown.

Policy A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy A2.7.2 states the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. The applicant must conduct an Archaeological Assessment prepared by a licensed archaeologist and receive clearance letter (s) from the Ministry of Heritage, Sport, Tourism & Culture. The Assessment must cover the building envelope of the proposed semi-detached dwelling, as well as any area that is subject to excavation. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the Urban Living Area / Built Boundary. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they're proposed.

In considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
 - ✓ The subject lands front Pelham Street, a collector road according to Schedule 'C'.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ The character of the neighbourhood density is defined by a range of mixed housing types and densities, with mainly single-detached dwellings in the surrounding established residential neighbourhood, townhouse residential dwellings to the east, multi-storey assisted

living building to the south, and an institutional building to the immediate north. The proposed density is in keeping with the character of the neighbourhood density.

- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
 - ✓ Not applicable.

Policy B1.1.5 requires that when considering a Zoning By-law amendment and site plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
 - ✓ The proposed dwelling is of similar size as existing dwellings in the adjacent neighbourhood, and the development does not egregiously exceed the maximum lot coverage permitted. The proposed building height of 8.74m is in keeping with adjacent dwellings in proximity and the massing of the building is moderate and should have minimal visual impact to the streetscape and neighbouring properties.
- b) Can be easily integrated with surrounding land uses;
 - ✓ The development is ground-oriented and the overall architectural style is compatible with the surround neighbourhood.
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and
 - ✓ Traffic congestion is not anticipated as a result of the development which adds 1 additional unit.
- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.
 - ✓ The proposal provides sufficient amount of parking and amenity area, and should have adequate amount of buffering which separates the new development from adjacent properties.

The proposal is in conformity with the Town of Pelham Official Plan by allowing for additional housing opportunities in an area where it is appropriate to do so, accompanied with building and site design that displays character compatibility with

the surrounding neighbourhood. The proposed development should not conflict with any policies as stated in the Official Plan.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will conform to the Town's Official Plan.

Pelham Zoning By-law No. 1136 (1987)

The subject parcel is zoned Residential 2 (R2) in accordance with Pelham Zoning By-law 1136(1987), as amended.

The zoning by-law amendment application seeks approval to rezone the property from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow a two storey semi-detached dwelling. The requested zoning change will also allow a Maximum Lot Coverage of 45%, and allow a Minimum Interior Side Yard Setback of 1.3 metres. The proposed dwelling adheres to all other R3 zone requirements.

The permitted uses in the Residential 2 (R2) zone include: a single detached dwelling, buildings and structures accessory to the residential use, and home occupations.

The permitted uses in the Residential 3 (R3) zone include: semi-detached dwellings, duplex dwellings and buildings and structures accessory to the residential use

Table 1 – Requested Zoning By-law Amendment

Zone Regulation	R3 Zone Default	Proposed Site-Specific R3 Zone
15.2 Zone Requirements for Semi-Detached Dwellings		
(c) Maximum Lot Coverage	35%	45%
(e) Minimum Interior Side yard	1.5 m plus an additional 0.5 m for every storey or part thereof above the ground floor	1.3 m

The proposed **R3-Exception (H)** (Residential 3-Exception with Holding Provision) is appropriate to accommodate the proposed redevelopment.

"H" Holding Symbol

Should this application be approved by Council, staff will request an "H" Holding Symbol which can be lifted upon:

- A Stage 1-2 Archaeological Assessment (s) has been completed and the clearance letter (s) from the Ministry of Heritage, Sport, Tourism & Culture Industries are provided to the Town.

Submitted Reports:

The applicant provided digital copies of the following reports in support of the applications:

- Conceptual Site Plan and Proposed Building Elevations, prepared by Maxwell Homes
- Planning Justification Report, prepared by Upper Canada Consultants

Digital copies of the reports are available by contacting the Planning Division.

Agency Comments:

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. See attached document for comprehensive agency / staff comments. Agency comments received to date are summarized below:

- Building Division (January 5, 2022)
 - A demolition permit is required for the existing dwelling.
 - Building permits are required for the proposed semi-detached dwellings.
- Publics Works Department (January 5, 2022)
 - Public Works note that the site is currently serviced with 1 sanitary and 1 water service connection. Each unit is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.
 - Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All costs associated with this permit are the responsibility of the owner.
 - A comprehensive Lot Grading and Drainage Plan will be required at Building Permit stage, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.
- Niagara Region Planning & Development Services (December 6, 2021)

- Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300 metres) to a registered archeological site.
- Regional staff will defer to the Town on whether an archeological assessment and/or warning clauses respecting the possible discovery of deeply buried remains during construction will be required for this application.
- Enbridge Gas (December 7, 2021)
 - No objections.

Public Comments:

On Friday, the 21st day of January 2022, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, a Public Notice Sign was posted facing Pelham Street.

One (1) public comment was received at the time of writing of this report following the public meeting:

Doug Carncroft

Opposed to the rezoning application with the following reasons: Bylaws should not be changed to accommodate the short-term needs of single interested parties. Many other alternative locations to accommodate semi-detached dwellings.

Planning Staff Comments:

In summary, the proposed rezoning will enable an additional residential unit on an urban lot. The redevelopment of the property for a semi-detached residential use is an example of a gentle form of residential intensification within an existing neighbourhood that will have virtually no impact on adjacent land uses. The proposed building design is compatible with the existing built form of the area and the re-investment into the neighbourhood will replace an existing dwelling in poor condition with new construction will aid in maintaining the stability of the area.

In response to the public comments received, while the proposal is to replace an existing single detached dwelling with a semi-detached dwelling, the proposal is supported by the Town Official Plan policies that encourage infill within existing built up areas and this supports the long term public interest in terms of minimizing impact on agricultural lands, supporting re-investment in existing communities to maintain their stability and vibrancy, and providing a small degree of housing choice in the community.

During the public meeting a Councillor questioned the age of the existing dwelling and whether it was a heritage building. Staff advise that the property is not designated under the *Ontario Heritage Act* and the property is not included on the proposed list of non-designated properties that have cultural heritage or interest. While the dwelling is over 100 years old, it has not been identified as having cultural heritage value or interest.

Town staff have evaluated the rezoning application against the Provincial Policy Statement, applicable Provincial Plans, Region of Niagara Official Plan and Town Official Plan. The proposed rezoning is acceptable from a planning perspective and should be approved for the following reasons:

1. The proposed rezoning application is consistent with the Provincial Policy Statement (PPS), conforms with the Growth Plan for the Greater Golden Horseshoe;
2. The proposed use and lot are in conformity with the overall intent, purpose and objectives of the Regional and Town Official Plan and are compatible with the existing adjacent uses of land.
3. The proposed zoning standards are appropriate to accommodate the proposed development application based on the submitted plan.

Staff recommend the application be approved subject to an "H" holding provision to address outstanding archaeological potential matters. The proposed By-law would note that the Holding (H) provision would be lifted once the following condition has been satisfied:

- A Stage 1-2 Archaeological Assessment (s) has been completed and the clearance letter (s) from the Ministry of Heritage, Sport, Tourism & Culture Industries are provided to the Town.

Should the rezoning application be approved by Council, the implementing zoning by-law will be brought forward to Council at a future date.

Financial Considerations:

The applicant is responsible for all costs associated with the rezoning process.

Alternatives Reviewed:

Council could choose to not approve the proposed zoning by-law amendment, however, it is noted that the applicant would then be in a position to appeal to the Ontario Land Tribunal on Council failing to make a decision.

Other Pertinent Reports/Attachments:

- Information Report 2022-044
- Zoning By-law Amendment Application AM-09-2021
- Agency comments
- Public comment

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