

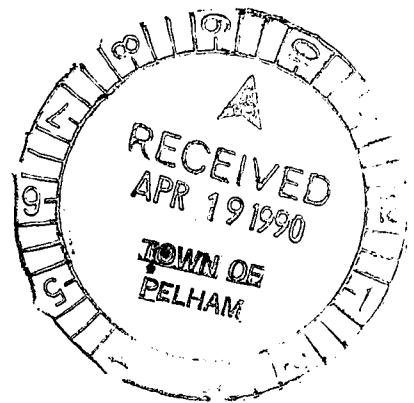
Amendment Number 18

to the  
Official Plan  
for the  
Town of Pelham

This amendment to the Official Plan for the Town of Pelham, which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby approved pursuant to Sections 17 and 21 of the Planning Act, S.O. 1983, as Amendment Number 18 to the Official Plan for the Town of Pelham.

Date: 1990-04-11

*Diana Jardine*  
Diana Jardine, M.C.I.P.  
Director  
Plans Administration Branch  
Central and Southwest



THE CORPORATION OF THE  
T O W N   O F   P E L H A M

BY-LAW NO. 1301 (1989)

Being a by-law to adopt Amendment No. 18  
to the Official Plan of the Town of Pelham.

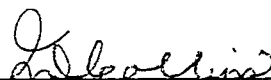
THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM  
IN ACCORDANCE WITH THE PROVISION OF THE PLANNING ACT, S.O.  
1983, HEREBY ENACTS AS FOLLOWS:

(1) Amendment No. 18 to the Official Plan of the Town of Pelham, consisting of the attached Text, is hereby adopted.

(2) THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Amendment No. 18 to the Official Plan of the Town of Pelham.

(3) THAT this by-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED THIS 6TH DAY OF NOVEMBER, 1989 A.D.




MAYOR



CLERK

CERTIFICATE  
OFFICIAL PLAN OF THE  
TOWN OF PELHAM  
AMENDMENT NO. 18

The attached text constituting Amendment No. 18 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning and Development Committee and was adopted by the Corporation of the Town of Pelham by By-Law #1301 (1989) in accordance with Section 17 of the Planning Act, 1983, on the 6th day of November, 1989.

  
MAYOR

  
CLERK

This Amendment to the Official Plan of the Town of Pelham which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby approved in accordance with Section 17 of the Planning Act, 1983 as Amendment No. 18 to the Official Plan for the Town of Pelham.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approval Authority

AMENDMENT NO. 18

TO THE

OFFICIAL PLAN

OF THE

TOWN OF PELHAM

## TABLE OF CONTENTS

### PART A - PREAMBLE

Introduction to the Official Plan Amendment

- i) Purpose
- ii) Location
- iii) Basis

### PART B - THE AMENDMENT

The Amendment which will be incorporated into the  
Town of Pelham Official Plan.

(includes Text and Map Changes)

### PART C - BACKGROUND

Relevant Data provides the background to the  
Official Plan Amendment

Note: Parts A and C are explanatory sections providing information regarding the Amendment and do not form a part of the body of the Official Plan Amendment. Only Part 2 constitutes the actual Amendment to the Official Plan of the Town of Pelham.

# **PART A**

## **PREAMBLE**

## PART A - PREAMBLE

### PURPOSE

The purpose of this amendment is to:

- i) introduce a new policy statement to the Special Village Residential Area policies for Fenwick of the Official Plan to permit a density of 35 dwelling units per hectare at the subject site.
- ii) permit the development of 4 additional dwelling units to an existing dwelling known municipally as 835 Foss Road.

### LOCATION

The lands subject to this amendment are located on the north side of Foss Road, some 207 metres west of Church Street and comprise 0.52 hectares. This property is known municipally as 835 Foss Road in the Village of Fenwick, Town of Pelham, and is illustrated on the attached key plan.

### BASIS

The basis of this amendment is to:

- i) permit the development of an additional 4 apartment units to an existing 3 unit structure as a logical extension of the existing use;
- ii) provide for the adoption of a zoning by-law amendment which would permit an increase in the number of apartment units on the site;
- iii) provide for the development of the subject lands which responds to and satisfies the Official Plan's multiple family locational criteria;
- iv) help satisfy the need for new rental accommodation as identified in the Town's Municipal Housing Statement;
- v) respond in part to the Province's Policy Statement on Land Use Planning for Housing through the provision of an alternative, accessible and affordable type of housing.

# **PART B AMENDMENT**



PART B - THE AMENDMENT

1. Section 1, Land Use of the Official Plan for the Town of Pelham is hereby amended by the introduction of a new policy to the Special Village Residential Area policies, which reads as follows:

"1.15.4 (i) Notwithstanding policy 1.15.4 above, a residential density of 35 dwelling units per hectare shall be permitted on a 0.52 hectare site on the north side of Foss Road, 207 metres west of Church Street in the Village of Fenwick."

# **PART C**

# **APPENDICES**

**LIST OF APPENDICES**

Appendix A-1 Planning Report, dated September 22, 1989

Appendix B-1 Commenting Agencies

Appendix C-1 Amending Zoning By-Law No. 1302 (1989)

September 22, 1989

Chairman Alderman B. Walker and Members of  
the Planning and Development Committee

Application for Official Plan & Zoning  
By-law Amendment AM-2/89 - J. Rybiak  
835 Foss Road - Fenwick

## BACKGROUND

### Property Location and Description

The subject property is located at 835 Foss Road, and is properly known as Part Lot 19, Plan 16 in the Town of Pelham. It is situated within the approved Village area of Fenwick.

The site is 1.24 acres in size, with a frontage on Foss Road of 328 feet, and a depth of 165 feet. The property is currently developed for multiple family use with two existing buildings on the site; a 3-unit, 1.5-storey apartment structure on the west half, and a 10-unit, 3-storey apartment building on the east side. The site received OMB zoning approval in 1989 to accommodate the larger building. The owner entered into a site plan agreement for the development of the apartments with the municipality in June of 1988.

## PROPOSAL

The purpose of the requested official plan and zoning by-law amendment is to permit the construction of an additional 4 apartment dwelling units to the existing western building. The rationale for this construction is to maximize the fullest potential of the property, as well as to contribute to the provisions of rental accommodation within the Town of Pelham.

## PLANNING CONSIDERATIONS

### Regional Policy Plan

The subject lands lie within the prescribed village boundaries of the Fenwick area as designated in the Regional Policy Plan.

### Pelham Official Plan

The subject property is designated "Special Village Residential" under Schedule A - Land Use of the Town of Pelham Official Plan. Pursuant to the Official Plan's policies applicable to Fenwick, multiple-family residences and apartments are permitted subject to a site specific zoning by-law amendment and criteria as set out in policies 1.15.4 and 1.19.2 of the Plan.

MILLER O'DELL  
PLANNING ASSOCIATES

Policy 1.15.4 allows for residential densities of up to 25 units per hectare for multiple-family developments within the Fenwick area. The proposed development when combined with the existing 3-unit apartment, as well as the existing 10-unit apartment would result in a total unit count of 17 units on this 1.24 acre (0.50 ha) site. The resultant density is therefore 34.6 units per hectare, which is above the limits established in the Official Plan. This density limit was established to ensure the village atmosphere of Fenwick is maintained.

Policy 1.19.2 establishes a list of criteria for assessment in the review of development proposals such as this. These are:

a) Type of development for the site

Given the existing development of the site, the proposed use is seen as simply an extension of the existing use, which would appear reasonable and compatible as it does not represent the introduction of a new use to the site and area and the proposed building height will not exceed three storeys in height.

b) Existing land uses within the general area of the site

The subject property is situated in an area of primarily lower density - single family - development. Due to the distance separation of buildings both on and off the site, an additional 3 units would not pose a significant impact.

c) Adequacy of available municipal services

Given the limited nature of the proposed development, it is not expected that the availability of additional servicing capacity to be an issue of concern. Preliminary engineering comments indicate that the site can be easily serviced, the details of which are to be addressed through the site plan process.

d) Total extent of the site

The size and configuration of the lot is acceptable for the subject development as frontage is readily available for both structures and the proposed addition and existing structures either meet or exceed the performance standards of the RMV2 Zone.

e) Provision of on-site amenities

The site plan provided for review does not identify the types of amenities provided on the site, although this does not appear to be a major concern given the size of the site.

MILLER O'DELL  
PLANNING ASSOCIATES

- f) Impact of traffic and parking on the adjacent single-family areas

The anticipated traffic generation from this additional development should be minimal on adjacent development and on the existing road system. The site has a more than adequate area to accommodate the required parking for this development. It will be necessary for the applicant to amend the site plan agreement with the municipality which will have regard for parking layout, buffering and fencing in order to ensure compatibility with adjacent uses.

- g) Adequacy of landscaping and buffering provisions

As detailed above, the applicant will have to address the matter of landscaping, buffering, etc. under the site planning process.

- h) Adequacy of school, park and neighbourhood commercial facilities

The Fenwick community is adequately served by these facilities. It is not anticipated that the proposed additional development on this site will have any impact on these facilities.

In addition to the above official plan requirements, it is noted that the proposed apartment would fulfil part of the need for rental accommodation identified by the Town of Pelham's Municipal Housing Statement. According to the Statement, "Since 1971, the proportion of the Town's rental housing stock has been declining. The construction of rental accommodation has not kept pace with the specific housing needs resulting from demographic change." In fact, one of the key conclusions of the Housing Statement was that: "emphasis should be placed on the construction of high density (i.e. apartments) housing."

## CONCLUSIONS

Further development of the site for multiple-family purposes is considered appropriate as:

- o the proposed development satisfies the locational criteria of the Official Plan;
- o The additional four units are a logical extension of the existing use;
- o the proposed units would help satisfy the need for new rental accommodation identified in the Town's Municipal Housing Statement;

MILLER O'DELL  
PLANNING ASSOCIATES

- o the proposed development will have no adverse impact on adjoining lands.

#### RECOMMENDATIONS

1. That the amendment application of Mr. Rybiak be approved (AM-7/89).
2. That staff be directed to prepare the necessary amendment to the Official Plan and Zoning By-law to provide for a density of 35 units per hectare on the subject lands.

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MILLER O'DELL  
PLANNING ASSOCIATES

TOWN OF PELHAM  
PUBLIC MEETING NOTICE CONCERNING  
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT #~~PM-12/89~~  
JOSEPH J. RYBIAK - 835 FOSS ROAD  
PART OF LOT 16, CONCESSION 10



NOTICE is hereby given that the Council of the Corporation of the Town of Pelham will be holding a Public Meeting to consider the matter of a proposed Official Plan Amendment and Zoning By-law Amendment, pursuant to the provisions of Section 17(2) and 34(12) of the Planning Act 1983, for the area shown on the attached key map.

The Public Meeting is scheduled for TUESDAY, SEPTEMBER 26TH, 1989 at 7:30 P.M. at the Town Municipal Bldg., Council Chambers, 20 Pelham Town Square.

**LOCATION:**

The property subject to this application is a parcel of land located on the north side of Foss Road, west of Church Street and east of Regional Rd. #24, being Part of Lot 16, Concession 10 in the Town of Pelham.

The attached key map may assist you in locating the site.

**PROPERTY DESCRIPTION:**

The subject land is formally described as being Part of Lot 16, Concession 10 in the former Township of Pelham now in the Town of Pelham. The property has a width of 98.97 metres± (328.0 ft.±) and a depth of 50.29 metres± (165.0 ft.±) and comprising a total area of .497 hectares (1.22 acres).

**DEVELOPMENT PROPOSAL:**

The applicant proposes to amend the Zoning By-law to permit the addition of four apartment units to the present three unit apartment building located on the most westerly portion of the property.

The property presently contains two apartment buildings, a three unit building to the west and a ten unit building to the east.

**OFFICIAL PLAN AMENDMENT:**

The Town's Official Plan designates the subject property as Special Village Residential. The predominant use in this category shall be multiple family residences and apartments.

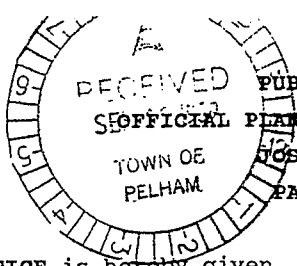
NIAGARA PENINSULA CONSERVATION AUTHORITY

**NO OBJECTION**

FILE MPR. 4.22 DATE Sept 21/89

*Christi Rowlett*  
Resources Planner





TOWN OF PELHAM  
PUBLIC MEETING NOTICE CONCERNING  
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT #AM-12/89  
JOSEPH J. RYBIAK - 835 FOSS ROAD  
PART OF LOT 16, CONCESSION 10

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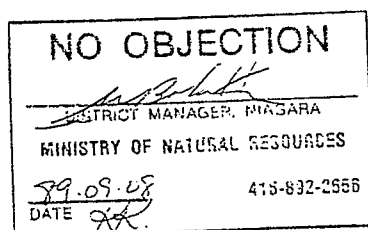
DEVELOPMENT PROPOSAL:

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The property presently contains two apartment buildings, a three unit building to the west and a ten unit building to the east.

OFFICIAL PLAN AMENDMENT:

The Town's Official Plan designates the subject property as Special Village Residential. The predominant use in this category shall be multiple family residences and apartments.





Ministry of  
Agriculture  
and Food

Ministère de  
l'Agriculture et  
de l'Alimentation

Foodland Preservation Branch,  
617 Hwy. #53 East, R. R. #1,  
Ancaster, Ontario. L9G 3K9  
(416) 527-2995  
1-800-263-8520

September 7, 1989.



Mr. Murray Hackett, Clerk,  
Town of Pelham,  
20 Pelham Town Square,  
P.O. Box 400,  
Fonthill, Ontario.  
L0S 1E0

Dear Mr. Hackett:

Re: Official Plan and Zoning Bylaw Amendment #AM-12/89,  
Joseph J. Rybiak - 835 Foss Road,  
Part of Lot 16, Conc. 10.

The proposed application was reviewed in light of the Food  
Land Guidelines. Based on present knowledge, this Ministry  
has no objections.

Yours truly,

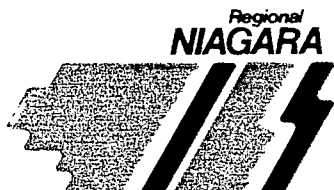
Scott Oliver,  
Land Use Specialist.

SO/mcd

c.c. Scott MacLeod,  
Acting District Manager, Toronto

Ontario, there's no taste like home  
Un bon goût de chez nous

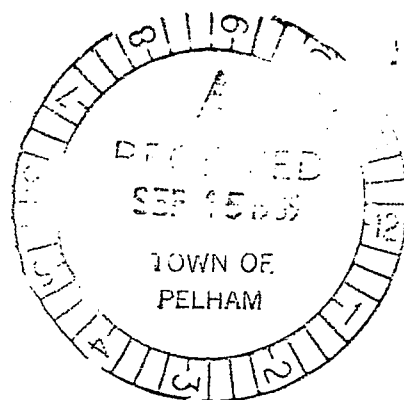




## PLANNING AND DEVELOPMENT DEPARTMENT

The Regional Municipality of Niagara  
2201 St. David's Road, P.O. Box 1042  
Thorold, Ontario L2V 4T7  
Telephone: (416) 685-1571

September 12, 1989  
File: M.19.23



Mr. M. Hackett, Clerk  
Town of Pelham  
20 Pelham Town Square  
Box 400  
Fonthill, Ontario  
L0S 1E0

Dear Mr. Hackett:


RE: **Proposed Official Plan  
and Zoning By-Law Amendment AM-12/89  
N/S Foss Road, between Church Street and NR24  
Part Lot 16, Concession 10  
Town of Pelham  
Public Meeting Date: September 26, 1989**

This application proposes to amend Pelham's Official Plan and Zoning By-Law in order to permit the addition of four (4) apartment units to the existing three unit apartment buildings located on the most westerly portion of the property. The subject lands are approximately .497 ha. in size (1.22 acres) and contain two apartment buildings. A three (3) unit building is located to the west, and a ten (10) unit building to the east.

The subject parcel is located within the southwest corner of the hamlet of Fenwick and is designated as Special Village Residential in Pelham's Official Plan. The proposed designations would permit additional units. These lands are currently zoned Residential Multiple RM2-143.

Regional Planning staff have no objection to this proposal, provided that all municipal and other concerns, if any, are addressed and subject to the approval of Regional Health Services. Regional Public Works comments, if any, will be forwarded to your office as soon as they become available.

Yours truly,

  
David J. Farley  
Manager, Current Planning  
TT:sm

cc: Mr. D. Beresh, Regional Health Services  
Mr. K. Bolechowsky, Approvals Supervisor

5120C

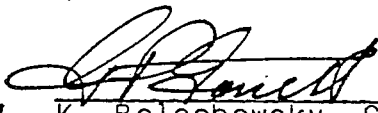


September 18, 1989

Memorandum to: Tareef Talala, Planner

Zoning Bylaw Amendment AM-12/89  
'RM2-143' with Special Exception  
835 Foss Road  
Town of Pelham  
Our File: F.06.000.560. (AM-12/89)

Public Works has no objection to the amendment. As we understand, two buildings presently occupy the site; One ten unit and a three unit. The existing bylaw permits thirteen total units. Four more units to the existing three unit building are proposed.

  
for K. Bolechowsky, C.E.T.  
Approvals Supervisor

JJZ:rm(6711G)

cc: DEP Report



Ontario



Niagara  
Escarpment  
Commission

Commission de  
l'escarpement  
du Niagara

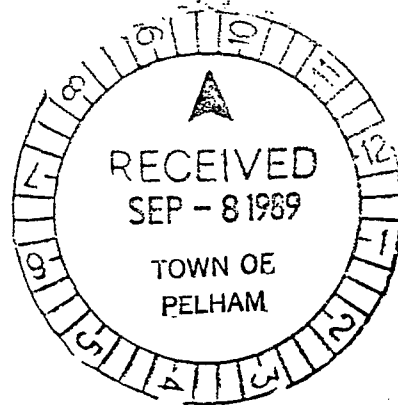
(416) 945-9235

166 Main Street West  
Grimsby, Ontario  
L3M 1S3

166, rue Main ouest  
Grimsby (Ontario)  
L3M 1S3

September 5, 1989

Murray Hackett, Clerk  
Town of Pelham  
20 Pelham Town Square  
P.O. Box 400  
Fonthill, Ontario  
L0S 1E0



Dear Sir:

RE: ZONING BY-LAW AMENDMENT &  
OFFICIAL PLAN AMENDMENT  
Joseph J. Rybiak, 835 Foss Rd.  
Lot 16, Conc. 10, Town of Pelham

The parcel for the proposed amendment is not located within the area of the Niagara Escarpment Plan.

As the Niagara Escarpment Commission has not prepared policies for this area, the comments of the local and regional municipalities should be considered.

The Niagara Escarpment Commission staff has reviewed the proposal with regard to the purpose and objectives of the Niagara Escarpment Planning and Development Act, R.S.O., 1980, and offers no objection to the proposal.

THIS IS A STAFF COMMENT ONLY. The Niagara Escarpment Commission, as a whole, will deal with the amendment at the time of formal circulation.

Yours very truly,

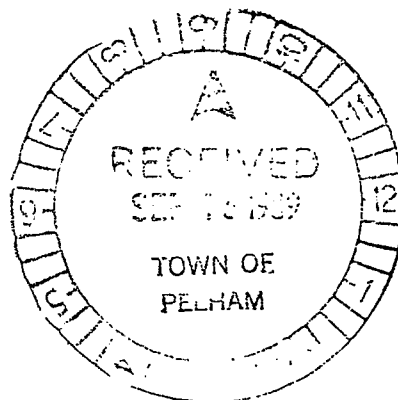
Bruno A. Carusetta  
Senior Planner

cs



## HEALTH SERVICES DEPARTMENT

Office of The Medical Officer of Health  
130 Lockhart Drive  
St. Catharines, Ontario L2T 1W4  
Telephone: (416) 688-3762  
Toll Free: 1-800-263-7248



September 7, 1989

Town of Pelham  
P.O. Box 400  
FONTHILL, Ontario  
LOS IEO

Attention: Mr. Murray Hackett, Clerk

Dear Sir/~~Madam~~:

RE: Application for Rezoning  
Your File # AM 12/89  
Plan of Subdivision #

Our Public Health Inspector has reported on the above-mentioned transaction and has provided the following details:

NAME OF OWNER OR APPLICANT: Joseph Rybiak  
LOCATION: 835 Foss Road LOT # 16 CONCESSION# 10  
IN THE CITY, TOWN OR TOWNSHIP OF: PELHAM

COMMENTS:

No objection to zoning by-law amendment as stated.

Yours very truly,

JAMES WADDLETON, C.P.H.I. (C)  
FOR: J. N. Burkholder, M.D., D.P.H.  
Medical Officer of Health  
JTW/pas

I 2006

THE CORPORATION OF THE  
T O W N   O F   P E L H A M

APPENDIX C - 1

BY-LAW NO. 1302 (1989)

Being a by-law to regulate the use of lands and the character and use of buildings and structures within certain areas of the Town of Pelham.

WHEREAS Section 34 of the Planning Act, S.O. 1983, as amended, provides that the governing body of a Municipal Corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Planning & Development Committee of the Town of Pelham has recommended that such a by-law be enacted;

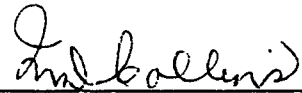
AND WHEREAS the Council of the Corporation of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the lands identified on Schedule A attached hereto be and are hereby zoned as Residential Multiple 2 "RM2-88".
- (2) Residential Multiple 2 "RM2-88" Zone  
Subject to the general provisions of Section 6 of By-Law #1136 (1987) and all other applicable requirements and sections of By-Law #1136 (1987), the provisions of this section shall apply throughout the Residential Multiple 2 "RM2-88" Zone.
- (3) Nothing in this by-law shall prevent the use of lands indicated as RM2-88 on Schedule "A" to this by-law for a maximum of seventeen (17) apartment units. Open air parking shall be provided at a rate of not less than 1.5 spaces per unit.

- (4) THAT this by-law will come into force and take effect pursuant to Sections 34(19) and 34(31) of the Planning Act, S.O. 1983.

READ A FIRST TIME BY COUNCIL  
THIS 6TH DAY OF NOVEMBER, 1989 A.D.

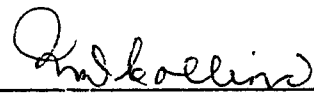


MAYOR

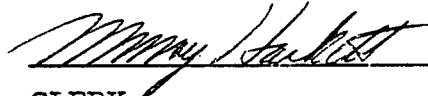


CLERK

READ A SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL  
THIS 6 DAY OF NOVEMBER 1989 A.D.

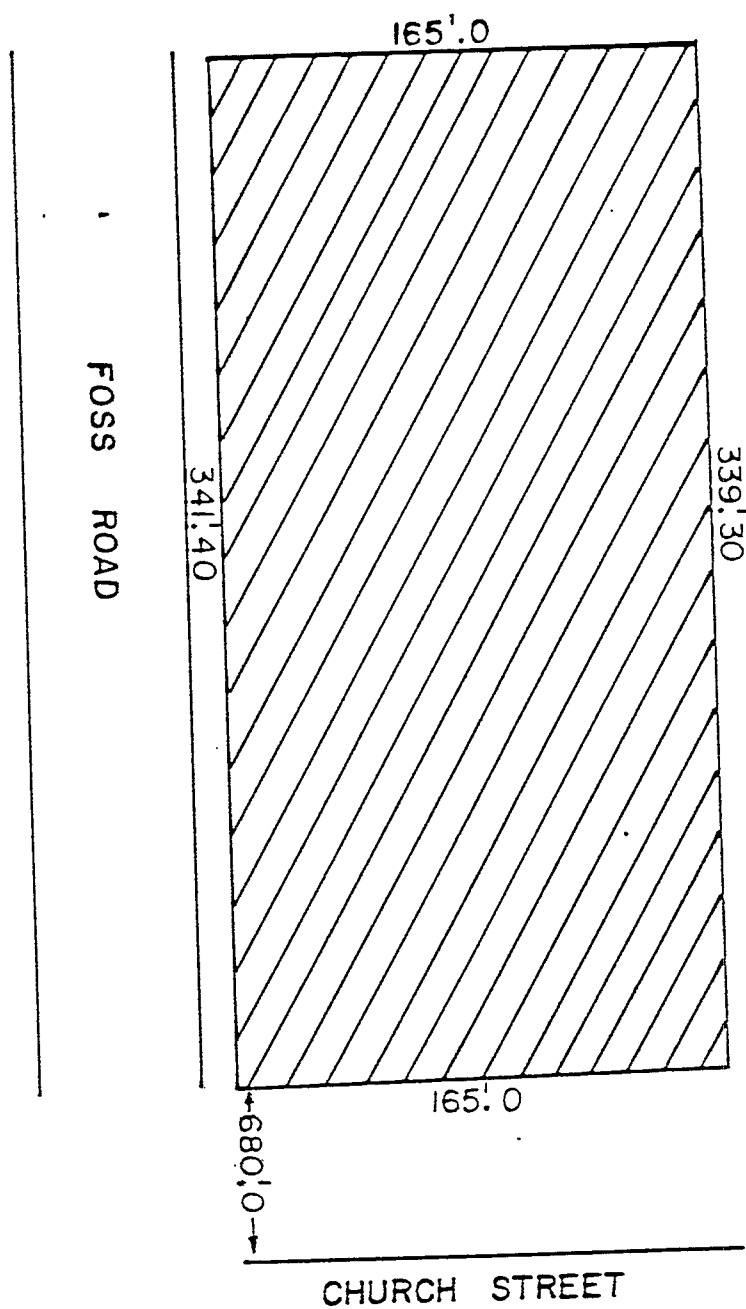


MAYOR



CLERK





N.T.S.

## TOWN OF PELHAM



CHANGE FROM RESIDENTIAL  
MULTIPLE 2 (RM2)-143  
TO RESIDENTIAL MULTIPLE 2  
(RM2)-88 ZONE

THIS IS SCHEDULE A TO BY-LAW NO. 1302 (1989)  
PASSED THIS 6 DAY OF November, 1989.

MAYOR

*Indelline*

CLERK

*Murray Hackett*