



Community Planning & Development Department – Planning Application Report  
March 22, 2021

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### **Report: Recommendation for Applications for Zoning By-law Amendment and Draft Plan of Subdivision – Park Place South**

#### **Recommendation:**

**THAT Committee receives Report #2021-52 for information as it pertains to File Nos. 26T19-02-2020 & AM-08-20 relating to Park Place South;**

**AND THAT the proposed changes to the draft plan of subdivision and zoning by-law amendment related to Park Place South are minor in nature and no further public meeting is required;**

**AND THAT Committee directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council's consideration.**

**AND THAT Council approves the Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B.**

#### **Executive Summary:**

The purpose of this report is to provide Council with a recommendation regarding applications for Zoning By-law Amendment and Draft Plan of Subdivision for Park Place South.

#### **Location:**

The property is located on the north side of Summersides Boulevard east of Station Street, legally described as Part of Lots 7, 8, 9, 13 & 14, Registered Plan 717, Part of Thorold Township; Lot 166 & 167, Geographic Township of Thorold, in the Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

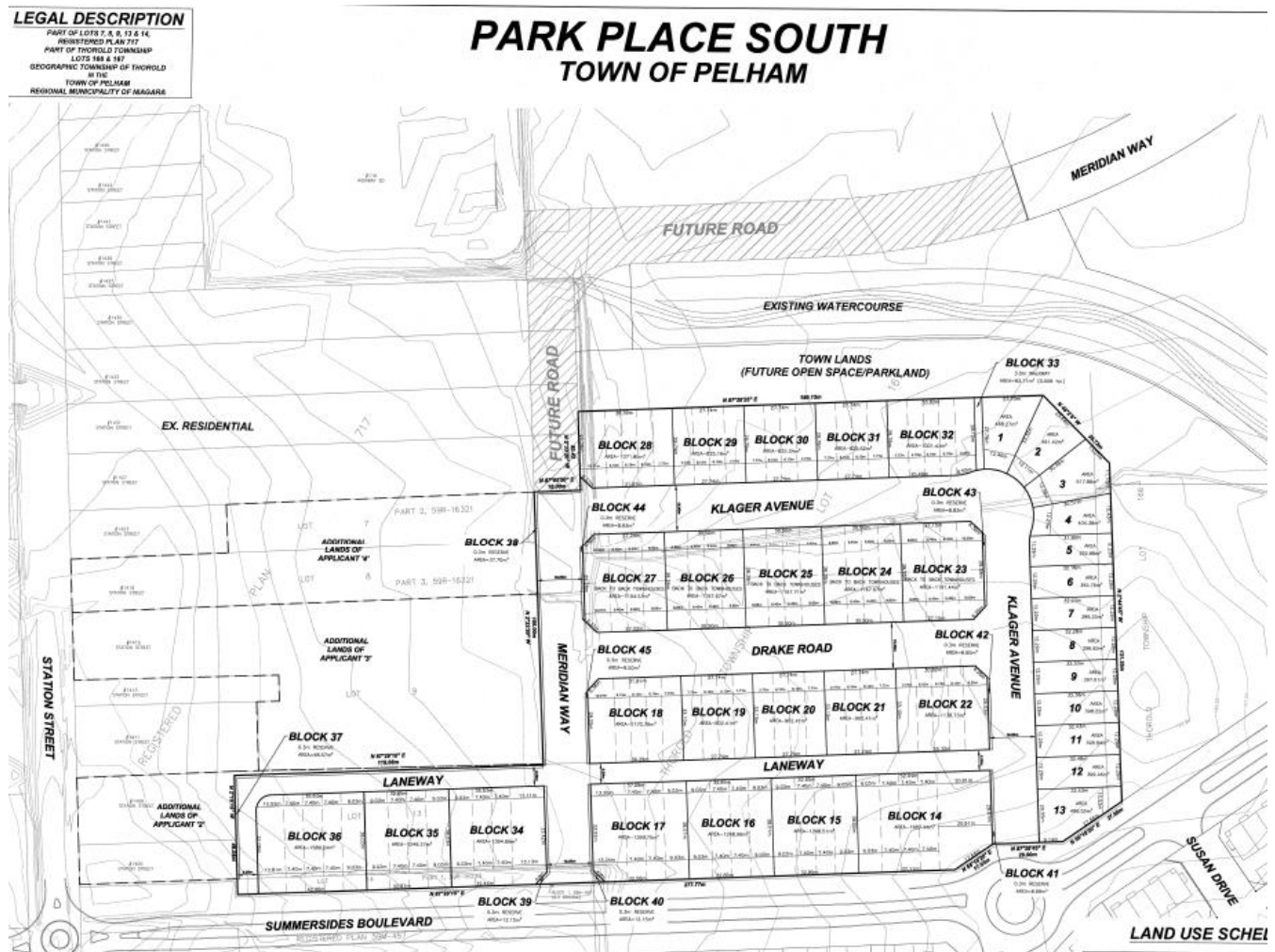
*Figure 1: Location of the Property*



### **Project Description and Purpose:**

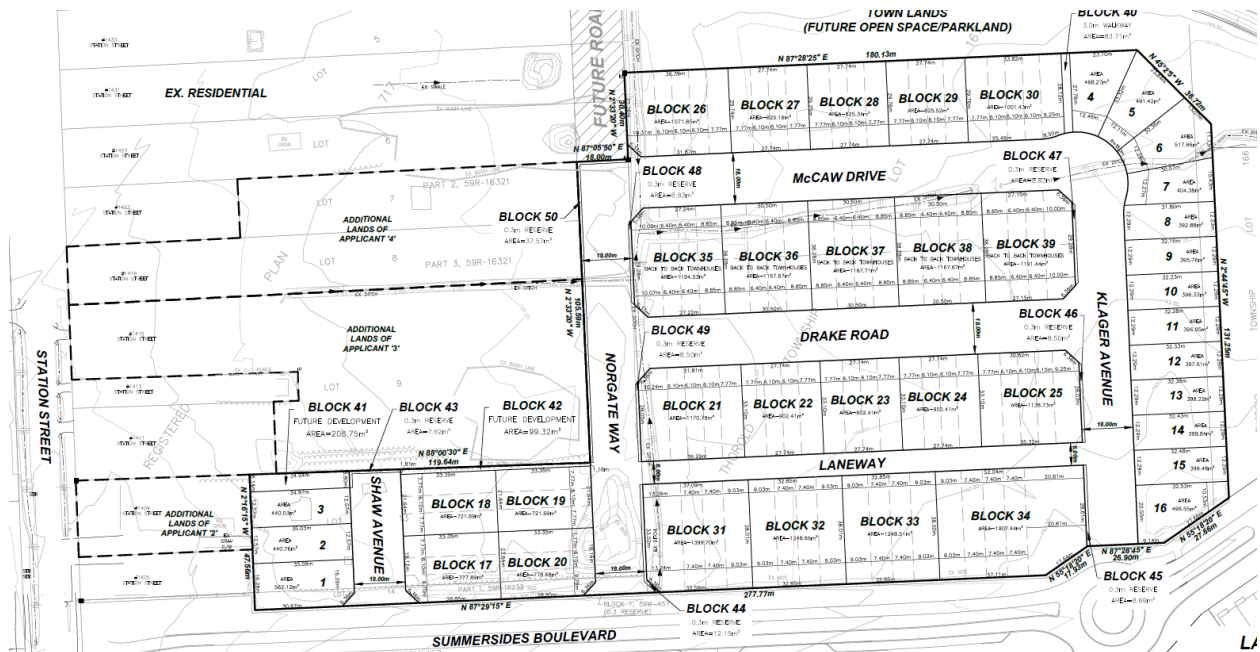
The property is a total of 4.46 ha (11.02 ac) of developable area. The developable area was originally proposed to be 13 single detached residential lots (0.55 ha), 7 blocks for 30 rear lane townhouse dwellings (1.004 ha), 10 blocks for 44 two-storey townhouse dwellings (0.957 ha), 5 blocks for 40 back to back townhouse dwellings (0.589 ha) and associated public streets (1.336 ha) and walkway (0.008 ha) (refer to Figure 2).

Figure 2: Proposed Draft Plan Subdivision



In response to concerns raised by Council, neighbouring property owners and Town staff, the developer has submitted a revised draft plan. The modifications include removing the laneway originally proposed behind 1405 Station Street and replacing it with a street connection further east and replacing the proposed block townhouse dwellings abutting 1405 Station Street with single detached dwellings. The revised draft plan consists of 16 single detached residential lots (0.7 ha), 14 blocks for 2-storey townhouses (1.257 ha), 4 blocks for rear lane townhouses (0.580 ha), 5 blocks for back-to-back townhouses (0.589 ha) and associated public streets (1.301 ha) and walkway (0.008 ha) (refer to Figure 3).

Figure 3: Revised Draft Plan



The requested zoning change has also been updated to reflect the revised draft plan. The revised request would rezone the property from Agricultural (A) to site specific R2 (*Residential 2*) to permit single detached dwellings, site specific RM1 (*Residential Multiple 1*) to permit back to back and street townhouse dwellings and OS (*Open Space*) zones where the public walkway and parkland are located.

### Policy Review:

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

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

Section 51 of the Act allows for consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision regard shall be had, among other matters, to the health, safety, convenience,

accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- The dimensions and shapes of the proposed lots;
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- Conservation of natural resources and flood control;
- The adequacy of utilities and municipal services;
- The adequacy of school sites;
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
- The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

Analysis of Section 51 (24) of the *Planning Act* will be provided under the Town of Pelham Official Plan analysis below.

### ***Greenbelt Plan, 2017***

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

***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.

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.

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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 provides 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 proposed draft plan of subdivision will help to facilitate a mix of housing options in the East Fonthill neighbourhood and within the Settlement Area as a whole. The density of the development provides for the efficient use of land and

planned/existing infrastructure that minimizes land consumption and costs of servicing. Further, the redevelopment of the property for single detached and various types of townhouse dwellings will be transit and active transportation supportive due to the location along existing transit routes and will be well served by sidewalks and bike lanes. Furthermore, Town staff are recommending that the developer provide a pedestrian crossing of the watercourse north of the property as a condition of approval to ensure access to the nearby off road trail and commercial area to the north. There are adequate public service facilities, including a planned neighbourhood park directly north and east of the property. The Community Centre and library are also located within a short distance.

Based on this information, the proposed draft plan of subdivision and zoning by-law amendments are consistent with the Provincial Policy Statement subject to approval of the recommended conditions of draft plan approval.

### ***Growth Plan for the Greater Golden Horseshoe, 2019***

The subject parcel is identified as being within a Delineated Built-up Area (rear of 1409 Station Street) and Designated Greenfield Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

Policy 2.2.7.1 requires that new development in designated greenfield areas will be planned, designated and zoned that supports the development of complete communities, supports active transportation and encourages integration of transit services.

The minimum density target for designated greenfield areas is 50 jobs and persons per hectare (2.2.2.2(a)).

The proposed development will contribute to the creation of a complete community with a mix of residential land uses. The proposed sidewalks, walkway and bike lanes will provide connectivity to future neighbourhood parks, bike lanes and off-road trails. The development can be served by existing transit systems. The development of additional single detached and street townhouses on the 1409 Station Street property will intensify the Built-Up Area from its current single detached residential use. The varying built form (single detached, street and back to back townhouses) will support the formation of a vibrant neighbourhood. Adherence to the East Fonthill Urban Design Guidelines will assist in the creation of high quality residential construction. The proposed draft plan of subdivision has a density of approximately 80.9 persons and jobs per gross hectare ensuring that the overall 50 jobs and persons per hectare density is achieved. It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

***Regional Official Plan, consolidated August 2015***

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Built-up Area (rear of 1409 Station Street) and Designated Greenfield Area in the Regional Official Plan.

Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1).

Designated Greenfield Areas will: accommodate a range of land uses; make a significant contribution to the growth of the respective urban area as a complete community; provide opportunities for integrated, mixed land uses; create street patterns that are fine grain and in grid pattern; support transit and active transportation within the area and to adjacent areas; ensure that greenfield development is sequential, orderly, and contiguous with existing built-up areas; and, ensure that the provision of municipal servicing is in accordance with the water and wastewater servicing master plans (Policy 4.C.5.1).

The Region will require a minimum combined gross density target of 50 people and jobs per hectare across all designated greenfield areas.

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.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential development that: provides for active transportation; de-emphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

The proposed development provides a mix of housing types that contribute to the creation of a complete community. The street pattern will connect to existing and future neighbourhoods. Active transportation is supported through the sidewalks in a modified grid pattern, inclusion of bike lanes along Klager Avenue and McCaw Drive, as well as the pedestrian walkway providing access to the park and multi-use trail. The developer will also provide a pedestrian crossing of the watercourse to further support active transportation.

Municipal servicing will be in keeping with Regional and Town servicing plans. The 1409 Station Street property contained a single detached dwellings and its redevelopment will result in intensification and assist the Town in meeting the 15% intensification target. The minimum density target of 50 jobs and persons per hectare for greenfields is being achieved. The development will be serviced by municipal sewage and water services.

The building design will be energy efficient meeting the requirements of the Ontario Building Code. The development will be eligible for curbside Regional waste collection and the road network has been designed to accommodate the collection vehicles. The future building designs will be required to conform to the urban design guidelines for East Fonthill which encourage deemphasizing garages. For these reasons, it is Planning staff's opinion that the applications conform to the policies of the Regional Official Plan.

***Town of Pelham Official Plan, 2014***

The subject parcels are located within the East Fonthill Secondary Plan Area and designated EF- Medium Density Residential with a small portion of 1409 Station Street designated EF- Low Density Residential in the Town's Official Plan, 2014.

Permitted uses in the EF- Medium Density Residential designation are all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities. Single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision (B1.7.7.4.1(b)). Townhouse dwellings shall be developed at densities ranging from 20 units per net hectare up to 60 (Policy B1.7.7.4.2(a)). Permitted singles and semi-detached dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare up to 50 units per net hectare (Policy B1.7.7.4.29 (c)).

Permitted uses in the EF- Low Density Residential designation are single detached and semi-detached dwelling units; accessory apartments/secondary suites; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities. Policy B.1.7.7.3.1(b) allows townhouses in the EF- Low Density Residential designation provided they are not more than 60% of the total number of dwelling units within any individual plan of subdivision.

The majority of the property is designated EF - Medium Density Residential. Section E5 Interpretation of Land Use Designation Boundaries of the Official Plan states that *"The boundaries between lands uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to the boundaries will not require amendment to this Plan."* In this circumstance, the use of the small portion of the

EF – Low Density Residential designation for the EF-Medium Density designation use, i.e. street townhouse units are appropriate and can be supported given that an adequate area remains to the north where Low Density Residential uses can be appropriately located and based on the Interpretation of Land Use Designation Boundaries policies in the Official Plan, without the need for an Official Plan amendment.

The uses proposed in the draft plan of subdivision are permitted in the EF – Medium Density Residential designation. Single detached dwellings constitute approximately 12.4% of the total number of dwellings within the proposed subdivision meeting the requirement of Policy B1.7.7.4.1(b). The townhouses are proposed at a density of approximately 46.5 units per net hectare meeting the requirements of Policy B.1.7.7.4.2(a). The single detached dwellings are proposed at a density of approximately 22.9 units per net hectare meeting the requirements of Policy B1.7.7.4.29 (c).

A portion of the property is also designated Highly Vulnerable Aquifer on Schedule B1. Policy C5.3 indicates to minimize risks posed by land uses on vulnerable groundwater areas, the following uses are prohibited on lands identified as Vulnerable Groundwater Area/Highly Vulnerable Aquifers: Generation and storage of hazardous waste or liquid industrial waste; New waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities; Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and, Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Ontario Regulation 347 of the Revised Regulations of Ontario, 1990, or its successor. For Committee's information, none of the prohibited uses, outlined in Policy C5.3, are proposed for the subject parcel.

The lands form part of Neighbourhood 1 on Schedule A4 'Structure Plan'. According to Policy B1.7.7.2 b)(i), Neighbourhood 1 shall achieve an overall minimum gross density of approximately 57 persons and jobs per gross hectare combined. Density calculations provided by the applicant indicate that the gross density of the development is approximately 80.9 persons and jobs per hectare. While this is substantially higher than the minimum gross density target for Neighbourhood 1, Planning staff advise that Appendix D to the Town of Pelham Official Plan contains the Development Yield/Density Calculations for East Fonthill. The expected density yield for the medium density designation was approximately 70 persons per gross

hectare. Using the net density assumptions by unit type in Appendix D, the proposed subdivision results in a density of approximately 68.8 persons per gross hectare which for all intents and purposes achieves the medium density target of 70 persons per gross hectare..

Policies B1.7.3.1(j), (k) and (l) speak to the importance of a well-designed, multi-modal, connected modified grid street network. Further, Policy B1.7.4.1 states that development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans attached to this Plan as Appendix A (Figure 4) and that refinements shall not require an amendment to the Official Plan, provided the intent and general design approach in the Demonstration Plans are achieved to the satisfaction of the Town.

*Figure 4: Excerpt from Appendix A Demonstration Plans*



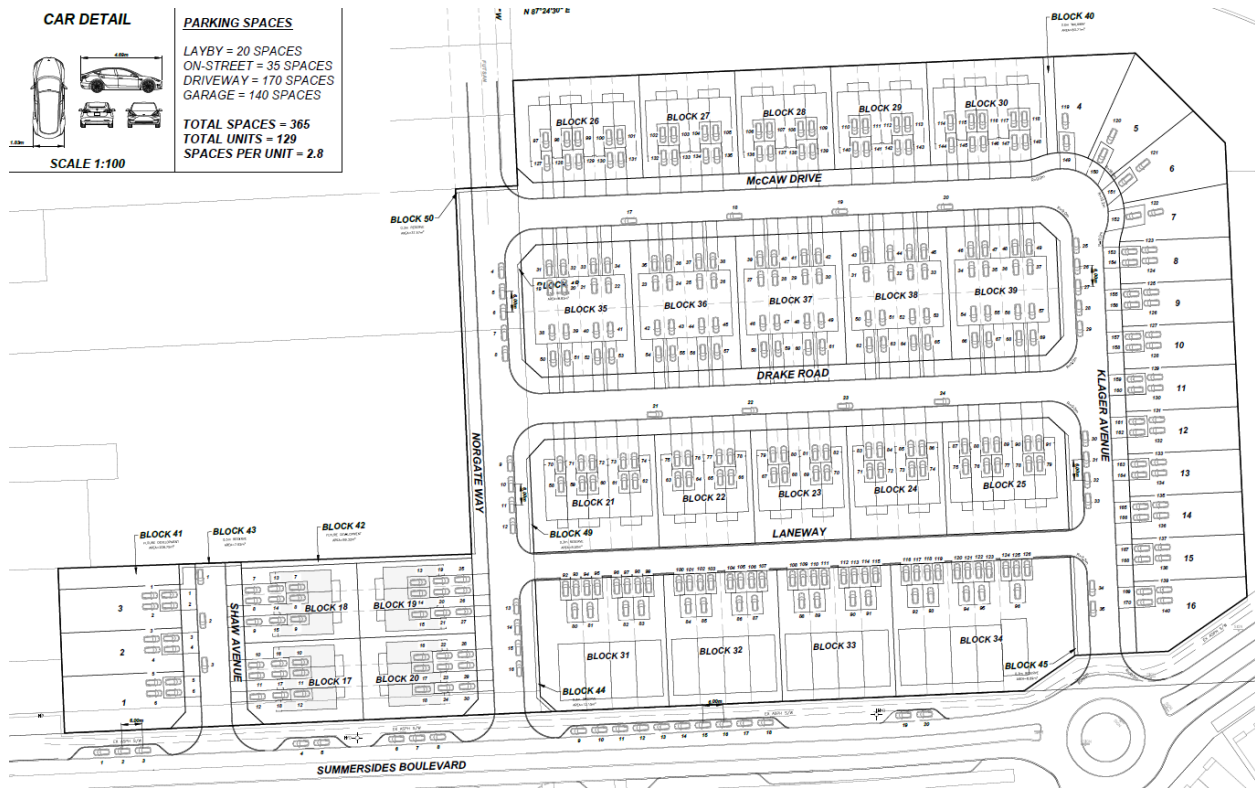
Revisions to the draft plan of subdivision and road network have resulted in the development generally conforming to the Demonstration Plans in Appendix A and policies B1.7.3.1(j), (k) and (l).

Policy B1.1.5 requires that when considering a Zoning By-law amendment to permit a townhouse development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) Can be easily integrated with surrounding land uses;
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and
- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to Policy B1.1.5, Planning staff are of the opinion that the development as proposed respects the character of adjacent residential neighbourhoods with respect to height, bulk and massing. All development will have to be consistent with the Urban Design Guidelines which will ensure that these items are considered in the design. The applicant has revised the subdivision plan to locate single detached dwellings next to adjacent residential uses which are primarily single detached dwellings. The back to back townhouses will be located centrally within the development away from adjacent residential neighbourhoods. The future residential development of these properties was considered during the preparation of the East Fonthill Secondary Plan and supporting studies including traffic. Traffic congestion is not anticipated as a result of the townhouses. Finally, the size of the property for street and back to back townhouse dwellings is sufficient to incorporate parking, recreational areas, landscaping and buffering. While parking was a concern raised by Town staff and some Council members based on the previous draft plan, the applicant has provided a parking plan demonstrating that for 129 units, there are 140 garage spaces, 170 driveway spaces and 35 on-street spaces and 20 layby spaces along Summersides Boulevard (Figure 5). This is 2.4 on-site spaces per unit plus an additional 0.4 spaces per unit off-site for a total of 2.8 spaces per unit.

Figure 5: Parking Plan



Official Plan Policy D5.3 requires that prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that: a) The approval of the development is not premature and is in the public interest; b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required; c) The density of the development is appropriate for the neighbourhood as articulated in the policies of these Plan that relate to density and intensification; d) The subdivision, when developed, will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation; e) The subdivision conforms with the environmental protection and management policies of this Plan; and, f) The proposal conforms to Section 51 (24) of the Planning Act, as amended. This policy is similar to the requirements in Section 51(24) of the Planning Act, as amended.

***Analysis of Section 51(24) of the Planning Act and Policy D5.3 of the Town's Official Plan, 2014******Effect of Development on Matters of Provincial Interest***

Planning staff have reviewed the applications to ensure that they are consistent with the Provincial Policy Statement, 2020 and conform to applicable Provincial plans. In Planning staff's opinion, the development addresses all matters of Provincial interest outlined in Section 2 of the Planning Act.

***Whether the Proposed Subdivision is Premature or in the Public Interest***

The proposed subdivision is not premature and is in the public interest.

***Whether the Plan Conforms to the Official Plan and Adjacent Plans of Subdivision***

The draft plan of subdivision conforms to the Official Plan and the East Fonthill Secondary Plan. The plan allows for connectivity to future plans of subdivision.

***Suitability of Land for the Purposes of which it is to be Subdivided***

The subject land is a Built-up Area within Fonthill's settlement area.

The density of the development is appropriate for the East Fonthill Secondary Plan – Neighbourhood 1 and lands designated Medium Density.

There are no changes to any environmental features as a result of the current applications.

***The Number, Width, Location, Proposed Grades, Elevations of Highways, their Adequacy, and the Highways linking the Highways in the Proposed Subdivision with the Established Highway System***

The subdivision will have access from Summersides Boulevard via Klager Avenue and Norgate Way which will connect with Meridian Way in the future. The proposed street networking provides connectivity to the established highway system, adjacent development and generally conforms to the street patterns depicted in the East Fonthill Demonstration Plans.

Grading and servicing will also be reviewed further and approved conditions of draft plan approval.

***Dimensions and Shapes of the Proposed Lots***

The proposed subdivision does not propose regularly shaped lots that will allow the appropriate siting of the future dwellings, driveways, amenity and parking areas.

***The Restrictions or Proposed Restrictions, if any, on the Land Proposed to be Subdivided or the Buildings and Structures Proposed to be Erected on it and the Restrictions, if any, on Adjoining Land***

There are no restrictions on the land proposed to be subdivided or on adjoining land.

The development must conform to the proposed zoning by-law (as well as other municipal by-laws, where applicable).

***Conservation of Natural Resources and Flood Control***

The proposed draft plan of subdivision will not negatively impact the conservation of natural resources or flood control. Stormwater management plans will be reviewed and approved by Public Works as part of the draft plan conditions.

***The Adequacy of Utilities and Municipal Services***

Utility companies have been circulated the applications and no comments have been received to indicate that services are not adequate.

***The Adequacy of School Sites***

The development applications were circulated to the local school boards and no comments were received to indicate that the school sites are not adequate.

***Adequacy of Parkland and Open Space, Community Facilities, and Other Amenities, as Required (D5.3)***

The proposed development abuts the future neighbourhood park on the north and east sides which will be easily accessible to the development. Future park designs and programming will be coordinated and implemented by the Department of Recreation, Culture and Wellness. The Community Centre is also located near the proposed development.

***The Area of Lane, if any, Within the Proposed Subdivision that, Exclusive of Highway, is to be Conveyed or Dedicated for Public Purposes***

The draft plan proposes to dedicate a 3.0 metre walkway (Block 40) to the Town to provide a connection to the park and future pedestrian bridge over the watercourse.

Section 51(3) of the Planning Act permits the Town, in lieu of accepting conveyed or dedicated land, to require the payment of money by the owner of the land to the value of the land (five (5) percent of the land included in the plan) otherwise to be conveyed. The Town will provide the developer with a credit for the installation of the pedestrian bridge to be constructed on Town property toward the payment of parkland dedication.

***The Extent to which the Plan's Design Optimizes the Available Supply, Means of Supplying, Efficient Use and Conservation of Energy***

The design of the proposed development optimizes the available land supply and will aid in the efficient use and conservation of energy.

***The Interrelationship between the Design of the Proposed Plan of Subdivision and Site Plan Control Matters Relating to any Development on the Land, if the Land is also Located Within a Site Plan Control Area designated under Subsection 41(2) of This Act.***

The proposed dwelling units within the draft plan of subdivision do not require site plan control.

In Planning staff's opinion, the proposed draft plan of subdivision and zoning by-law amendment will conform to Section 51 (24) of the Planning Act and Policy D.5.3 of the Town's Official Plan, 2014.

As discussed above, it is Planning staff's opinion that the draft plan of subdivision and requested zoning provisions conform to the policies of the Town of Pelham Official Plan.

***Zoning By-law 1136 (1987), as amended***

The subject parcel is zoned Agricultural (A) which permits agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations;

kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and forestry and conservation uses.

The zoning by-law amendment application seeks approval to amend Zoning By-law No. 1136 (1987) from the Agricultural (A) zone to site specific R2 (*Residential 2*), RM1 (*Residential Multiple 1*) and OS (*Open Space*) zones. The Open Space zone will apply to the pedestrian trail proposed in the draft plan of subdivision as well as the surrounding parkland. The site specific zoning regulations are provided in Tables 1, 2 and 3.

*Table 1: Requested Site Specific Zoning Regulations*

Zoning Regulation	General Provisions	Requested Site Specific General Provisions
5.54 Definitions		<p>Add definition:</p> <p><i>Back-to-back townhouse dwelling means a townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls.</i></p>
5.55 Second Dwelling Unit		<p>Add definition:</p> <p>Second Dwelling Unit means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g.</p>

		in-law suite, basement suite, coach house)
6.1 Accessory Uses (a) General		<p>Only one second dwelling unit is permitted per lot in a single detached, semi-detached or townhouse dwelling, provided:</p> <ul style="list-style-type: none"> <li>i) The maximum floor area does not exceed 60m<sup>2</sup>.</li> <li>ii) A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling.</li> <li>iii) A minimum of one parking stall is required.</li> <li>iv) Compliance with the Ontario Building Code and Fire Code, as applicable.</li> </ul>
6.1 (b) Location	Except as otherwise provided herein, in a Residential zone any accessory building or structure which is not part of the main building shall be erected to the rear of	Detached garages shall be located in the rear yard with a minimum rear yard setback of 6.0 m to laneways, minimum 1.5 m setback from end wall to interior side lot line or 0 m setback from

	the required front yard and shall not be located closer to any lot line than 1.2 m (3.94 ft) or closer to any street than the required yard for the main building or structure. In all other zones any accessory building or structure which is not part of the main structure shall be erected to the rear of the front yard and shall not be located closer to any lot line than the required yard of the main building or structure.	common wall to interior side lot line
6.1(c) Maximum Height	3.7 m	3.7 m  6.0 m where the accessory building contains a second dwelling unit
6.1(d) Lot Coverage	10%	15%
6.2 Dwelling Units Below Grade	No dwelling unit shall in its entirety be located in a cellar.  A dwelling unit, in its entirety, may be located in a basement provided that the floor	delete

	level of such basement is not more than 1.2 metres below the adjacent finished grade.	
6.16 (d) Parking Area Regulations  Ingress and Egress	<p>(i) Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m wide, where only one-way traffic is permitted, and have a minimum width of 7.5 m, but not more than 9.0 m in perpendicular width where two-way traffic is permitted.</p> <p>(ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 m.</p>	<p>i) Ingress and egress, to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3 m wide, where only one-way traffic is permitted or if the number of residential units is three or less, and have a minimum width of 6.5 m, but not more than 8.0m in perpendicular width where two-way traffic is permitted.</p> <p>All uses fronting Summersides Boulevard shall be accessed from a public or private laneway.</p> <p>ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 8.0 m.</p>
6.35 Yard Encroachments Permitted	Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches,	Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and

(c) Unenclosed Porches, Balconies, Steps & Patios	balconies, steps and patios, covered or uncovered may project into any required yard a maximum distance of 1.5 m provided that, in the case of porches, steps or patios, such uses are not more than 1.3 m above ground. Patios may project into any required rear yard provided they are not more than 0.6 m above grade.	patios, covered or uncovered shall not be permitted within 2 m of the front lot line or exterior side lot line, and 4.5 m of the rear lot line provided that, such uses are not more than 2.0 m above ground. Uncovered patios and decks shall not be permitted  within 1.2 m of a rear or side lot line provided that, such uses are not more than 0.3 m above ground.
Zoning Regulation	Residential 2 (R2)	Requested Site Specific Regulations for Single Detached Dwellings
14.2(c) Maximum Lot Coverage	50%	delete
14.2(d) Minimum Front Yard	6.5 m on either a street or an internal roadway	4.0metres to building face 6.0 metres to a garage
14.2(e) Minimum Interior Side Yard	1.5 m on one side and 3 m on the other side where there is no carport or garage attached, or 1.5 m on both sides where a	1.2 metres

	carport or garage is attached	
14.2(f) Minimum Exterior Side Yard	5 m from the side lot line or 15 m from the centre line of the road whichever is the greater	3.0 metres
14.2(g) Minimum Rear Yard	7.5 m	6 m
14.2(h) Maximum Height for a Dwelling	10.5 m	3 storey or 12m, whichever is greater
14.2(i) Minimum Ground Floor Area for a Dwelling	(i) one storey 93m <sup>2</sup> (ii) two or three storey 55m <sup>2</sup>	(i) one storey 88m <sup>2</sup> (ii) two or three storey 50m <sup>2</sup>

Zoning Regulation	Residential Multiple 1 – no requirements for back-to back townhouse dwellings	Requested Site Specific Regulations for Back-to Back Townhouse Dwellings
16.1(a) Permitted Uses		Add back-to-back townhouse dwellings
16.5(a) Minimum Lot Frontage		6.0 metres
16.5(b) Minimum Corner Lot Frontage		10.0 metres
16.5(c) Minimum Lot Area		110 m <sup>2</sup> per dwelling unit

Zoning Regulation	Residential Multiple 1 – no requirements for back-to back townhouse dwellings	Requested Site Specific Regulations for Back-to Back Townhouse Dwellings
16.5(d) Minimum Front Yard		6.0 metres
16.5(e) Minimum Exterior Side Yard		3.0 metres
16.5(f) Minimum Interior Side Yard		2.0 metres or 0 metres to a common wall
16.5(g) Minimum Rear Yard		0 metres
16.5(h) Maximum Building Height		12.5 metres or 3 storeys, whichever is greater
16.5(i) Minimum Ground Floor Area for Dwelling		(i) One storey 88m <sup>2</sup> (ii) Two or Three storey 22m <sup>2</sup>

Zoning Regulation	Residential Multiple 1	Requested Site Specific Regulations for Street Townhouse Dwellings
16.3(a) Minimum Lot Frontage	6 m per dwelling unit, except that in the case of an interior lot containing a dwelling attached on one side only, the minimum lot	6.0 metres

Zoning Regulation	Residential Multiple 1	Requested Site Specific Regulations for Street Townhouse Dwellings
	frontage required shall be 9 m	
16.3(b) Minimum Corner Lot Frontage	14.0 m	7.5 metres
16.3(c) Minimum Lot Area	230m <sup>2</sup> per dwelling unit	170 m <sup>2</sup> per dwelling unit
16.3(d) Minimum Front Yard	7.5 metres	3.0 metres to a dwelling 6.0 metres to a garage
16.3(e) Minimum Exterior Side Yard	7.5 metres	3.0 metres
16.3(f) Minimum Interior Side Yard	3.0 metres	1.2 metres or 0 metres to a common wall
16.3(g) Minimum Rear Yard	7.5 metres	6.0 metres
16.3 (h) Maximum Building Height	10.5 metres	12 metres or 3 storeys, whichever is greater
16.3 (j) Planting Strips	1.5 m minimum in width shall be provided where the boundary of a (RM1) zone abuts an (R1) or (R2) zone	delete

The proposed zoning change will conform to the policies of the Official Plan. The zone standards will allow for efficient residential development while respecting the needs of future residents. In Planning staff's opinion, the proposed zoning change will apply good planning principles.

### **Submitted Reports:**

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

*Stage 1, 2 and 3 Archaeological Assessments prepared by Mayer Heritage Consultants Inc.*

The Stage 3 Archaeological Assessment recommended no further investigation and a letter was provided by the Ministry of Culture concurring with this recommendation.

*Functional Servicing Report prepared by Upper Canada Consultants*

The Functional Servicing Report makes recommendations for stormwater management, water and sanitary servicing. These recommendations will be required to be integrated into the engineering design for the subdivision which is required to be reviewed and approved by the Town as a condition of approval.

*Planning Justification Report prepared by Upper Canada Consultants*

The Planning Justification Report concludes that the proposed subdivision is efficient and well designed, compatible and appropriate development of the lands, represents good planning and conforms to Provincial Plans and local Plans and should be supported.

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

### **Agency Comments:**

On October 30, 2020 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. Full versions of

comments received to date have been included in Appendix A to this report. The following is a summary of those comments:

Hydro One: No comments or concerns.

Bell: Requests conditions for easements.

Public Works: No objections subject to conditions of draft plan approval.

Niagara Region:

Regional staff have no objection to the proposed Zoning By-law Amendment and Draft Plan of Subdivision from a Provincial and Regional perspective subject to the conditions.

Pelham Active Transportation Committee:

Supportive of:

- Pedestrian bridge crossing over the watercourse
- Pathway to park
- Cycling infrastructure on Klager and McCaw

Requests that the Town:

- Ensure active transportation facilities move forward as identified in the Active Transportation Master Plan, particularly Map 10.
- The ATMP should be shared with the developers, as well as the Active Transportation Demonstration Plan in the East Fonthill Secondary Plan which provides more detail.
- Ensure safe crossing at the roundabout at Klager, particularly as traffic increases
- If fencing along lane/pathway, consider visibility
- Ensure lighting that meets accessibility needs (across bridge, on pathways)

Ideally, the PATC would like to see:

- Winter snow removal (heated trails/sidewalks)
- A trail or pathway on both sides of the waterway
- Signage to identify the multi-use paths, including distance in km, for example, to a location (e.g., Steve Bauer Trail) or markers to mark distance along a pathway.
- Benches or seating at certain vistas.

**Planning:**

The Demonstration Plans contained in Appendix A to the Official Plan, 2014 show a north-south road connection on the subject property connecting to properties to the north. Policies B1.7.3.1(j), (k) and (l) speak to the importance of a well-designed, multi-modal, connected modified grid street network. Further, Policy B1.7.4.1 states that development within the East Fontheil Secondary Plan Area shall be generally consistent with the Demonstration Plans attached to this Plan as Appendix A and that refinements shall not require an amendment to the Official Plan, provided the intent and general design approach in the Demonstration Plans are achieved to the satisfaction of the Town.

**Public Comments:**

On October 30, 2020 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Station Street and Summersides Boulevard. A public meeting was held on November 23, 2020. The following comments were received:

*Randy Zwierschke & Marleah Proulx:* Request that the laneway proposed behind their property be relocated due to noise and privacy concerns.

*Stephen Kaiser:* Supports the proposal as it fits the original vision for East Fontheil.

*Warren Calvert:* Concerned that there are no splash pads or playgrounds in the area for families, lack of seniors programming and activities, parking, narrow roads, narrow driveways, snow removal and the ability for firetrucks to access the development. Feels that the proposal is high density and is opposed to high density development.

**Staff Comments:**

Commenting agencies, departments and utilities offered no objections to the applications subject to conditions. All requested conditions of approval from agencies and utilities have been included in the recommended conditions contained in Appendix B to this report.

Comments from the Pelham Active Transportation Committee (PATC) are noted and items such as roundabout, sidewalk, fencing and lighting designs will be addressed as part of the detailed engineering design which is required as a condition of

approval. The engineering plans will be brought back to the PATC for review and comment when received.

Concerns originally noted by Planning staff regarding the need for a north-south road connection have been addressed through the revised draft plan of subdivision.

The changes to the draft plan of subdivision (removal of the laneway behind 1405 Station Street and replacement with single detached dwellings) have addressed the concerns of Randy Zwierschke and Marleah Proulx with respect to their privacy and potential noise impacts.

In response to the concerns raised by Mr. Calvert, Planning staff advise that the development of the parks is being planned and there will be consideration given to playgrounds and other amenities geared toward families with children. It is noted that a splash pad is planned for Marlene Stewart Streit Park and the lands are within walking distance to the Meridian Community Centre that provides recreational opportunities for families and is a designated seniors' centre with seniors programming available. Adequate parking will be available. The proposed roads and driveways meet the requirements of the Town, are of standard widths and will allow access for snowplowing and Fire and Emergency Services. The property is designated EF – Medium Density and the uses proposed (single detached and townhouse dwellings) are permitted in the Medium Density designation and are not considered high density uses and are consistent with the planned density approved through the East Fonthill Secondary Plan.

In summary, it is Planning staff's opinion that the proposed draft plan of subdivision and zoning by-law amendment are consistent with Provincial policy and plans, conform to the Regional and Town Official Plans and represent good planning and therefore, should be approved subject to the recommended conditions of draft plan approval contained in Appendix B.

### **Alternatives:**

Council could choose not to approve the applications for draft plan of subdivision and amendment to the Zoning By-law.

Council could choose to approve the applications subject to modifications.

**Prepared and Recommended by:**

Shannon Larocque, MCIP, RPP  
Senior Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

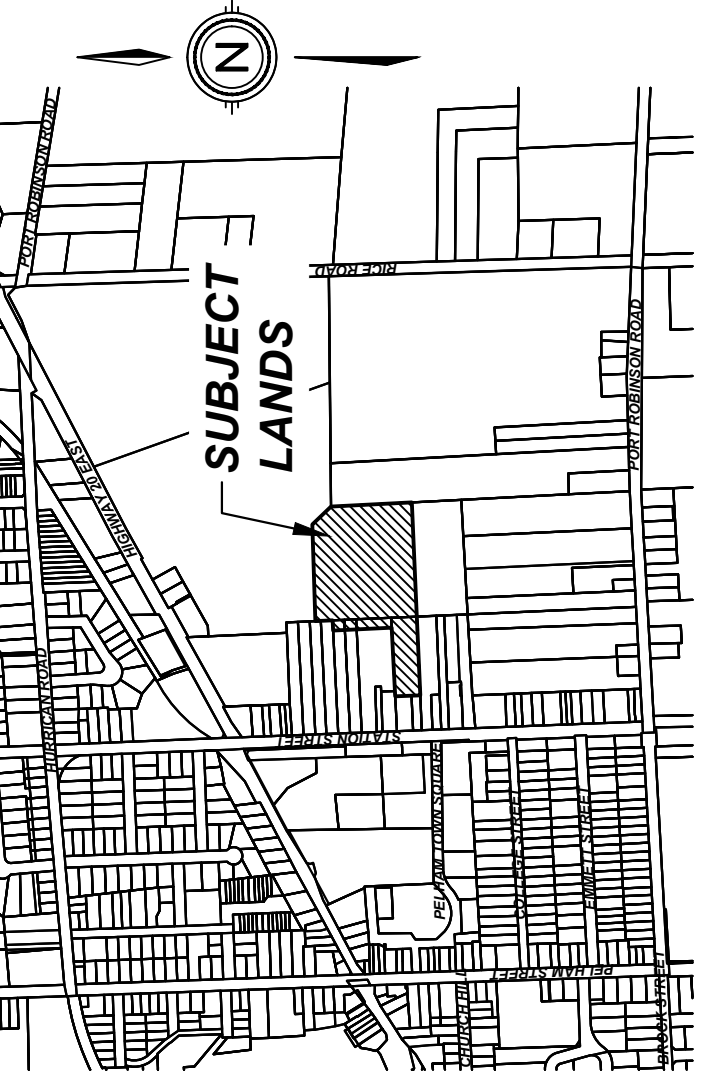
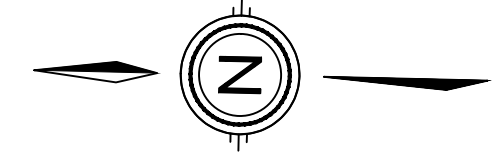
**Reviewed and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

LEGAL DESCRIPTION

PART OF LOTS 3, 8, 9, 13 & 14,  
REGISTERED PLAN 1717  
PART OF THOROLD TOWNSHIP  
LOTS 166 & 167  
GEOGRAPHIC TOWNSHIP OF THOROLD  
IN THE  
TOWN OF PELHAM  
REGIONAL MUNICIPALITY OF NIAGARA

PARK PLACE SOUTH  
TOWN OF PELHAM



KEY PLAN  
N.T.S.

DRAFT PLAN OF SUBDIVISION

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY  
AUTHORIZE UPPER CANADA CONSULTANTS TO  
PREPARE AND SUBMIT FOR THE TOWN OF PELHAM  
FOR APPROVAL

MOUNTAINVIEW HOMES (NIAGARA) LTD. (APPLICANT '1') DATE  
JUNE 17, 2020

MICHAEL DEFazio (APPLICANT '2') DATE  
AUGUST 10, 2020

FRANK DEFazio (APPLICANT '2') DATE  
AUGUST 10, 2020

FRANCESCO GROTTOLO (APPLICANT '2') DATE  
AUGUST 10, 2020

ALEXANDER MACKAY (APPLICANT '3') DATE  
AUGUST 10, 2020

BERYL GEORGIEV (APPLICANT '3') DATE  
AUGUST 10, 2020

ROBIN BURNS KAISER (APPLICANT '4') DATE  
AUGUST 10, 2020

VICTORIA BALD (APPLICANT '4') DATE  
AUGUST 10, 2020

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF  
THE LANDS TO BE SUBDIVIDED ARE  
CORRECTLY SHOWN.

J.D. BARNES LIMITED  
20-16-044-01  
DATE  
Dec. 17, 2020

REQUIREMENTS OF SECTION 51(17)  
OF THE PLANNING ACT

- a) SEE PLAN  
b) SEE PLAN  
c) SEE PLAN  
d) SEE PLAN  
e) SEE PLAN  
f) SEE PLAN  
g) SEE PLAN  
h) SEE PLAN  
i) SILTY SAND  
j) SEE PLAN  
k) FULL SERVICE  
l) SEE PLAN

#	ISSUED FOR APPROVAL	REVISION	DATE	M.K.	INIT
0			2020-12-17		



DRAWING TITLE

DRAFT PLAN OF  
SUBDIVISION

DRAFTING M.K.

DATE JANUARY 13, 2020

PRINTED FEBRUARY 26, 2021

SCALE 1:750

DWG No.

REV

1890-DP

## APPENDIX B

### Conditions of Draft Plan Approval

#### Park Place South Plan of Subdivision (File No. 26T19-02-2020)

The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions. The conditions of final approval and registration of the Park Place South Plan of Subdivision by Mountainview Homes (Niagara) Ltd. (file no. 26T19-02-2020) Town of Pelham are as follows:

#### DRAFT PLAN

1. This approval applies to the Park Place South Draft Plan of Subdivision, Part of Lots 7, 8, 9, 13 & 14, Registered Plan 717; Part of Thorold Township Lots 166 & 167, Geographic Township of Thorold in the Town of Pelham, Regional Municipality of Niagara prepared by J.D Barnes Ltd. dated January 13, 2020 printed February 26, 2021 showing:
  - 16 single detached dwelling lots
  - Blocks 17-30 for 56 two-storey townhouses
  - Blocks 31-34 for 17 rear lane townhouses
  - Blocks 35-39 for 40 back to back townhouses
  - Block 40 for 3.0 metre walkway
  - Blocks 41-42 for future development
  - Blocks 43-50 for 0.3m reserves
  - 1.299 ha for right of way
2. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Developer wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for Town Council's consideration, prior to the lapsing date.
3. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
4. It is the Developer's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town, quoting file number **26T19-02-2020** and referencing the conditions that are cleared.

#### AGREEMENTS AND FINANCIAL REQUIREMENTS

## **APPENDIX B**

5. The Developer shall provide an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Department of Community Planning and Development stating how all the conditions imposed have been or are to be fulfilled.
6. The Developer shall provide an electronic copy of the lot priority plan to the Department of Community Planning and Development.
7. The Developer shall agree to pay to the Town of Pelham all required processing and administration fees.
8. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the Department of Community Planning and Development prior to the preparation of the Subdivision Agreement.
9. That the Subdivision Agreement between the Developer and the Town of Pelham be registered by the Municipality against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.
10. That the Developer shall pay the applicable Town of Pelham, Niagara Region, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
11. That the Developer agrees in writing to satisfy all of the requirements, financial and otherwise, of the Town of Pelham concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fire hydrants, streetlighting, the extension and installation of services, stormwater management and drainage including the upgrading of services and the restoration of existing roads damaged during the development of the Plan of Subdivision.
12. That the Developer agrees to pay their proportionate share of the costs associated with the establishment of the Singers Corner Municipal Drain.
13. That the Developer will not negatively impact trees on neighbouring properties.
14. That the Developer agrees to pay the required cost allocation for oversizing of the Storm Water Facility and Storm Sewer.
15. That the Developer agrees to construct a steel framed wood deck pedestrian crossing over the watercourse connecting the development to the trail on the north side of the watercourse to the satisfaction of the Town noting that a development permit is required from the Niagara Peninsula Conservation Authority.

## **LAND TRANSFERS AND EASEMENTS**

## **APPENDIX B**

16. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
17. That the Developer shall provide the following 0.3m wide reserves to the Town of Pelham: Blocks 43 – 50. These must be free and clear of any mortgages, liens and encumbrances.

### **ZONING**

18. That prior to final approval, the zoning by-law amendment application (File No. AM-08-20), which reflects the layout of the draft plan of subdivision has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
19. The Developer shall submit to the Department of Community Planning and Development an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
20. That the Director of Community Planning and Development be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

### **ROADS**

21. That all roads and laneways within the subdivision be conveyed to the Town of Pelham as public highways.
22. That the streets be named to the satisfaction of the Town of Pelham.
23. That the Developer provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the Director of Public Works for review and approval.
24. The Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding, in accordance with the policies of the East Fonthill Secondary Plan Area Urban Design Guidelines.
25. That the Developer agrees to provide decorative street lighting to the satisfaction of the Director of Public Works.
26. That the Developer agrees to provide a detailed streetscape plan in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Community Planning and Development and the Director of Public Works

## **APPENDIX B**

illustrating street trees, on-street parking and driveway entrances.

27. That the Developer agrees to install sidewalk and grade and sod boulevards in accordance with the requirements of the East Fonthill Secondary Plan Area Urban Design Guidelines. All sidewalks shall be deemed to be Secondary Services and shall be completed within six (6) months of occupancy of each dwelling, except between November 15<sup>th</sup> and April 15<sup>th</sup> at which time the sidewalks must be installed as soon as possible, at the locations shown on the Plans and in accordance with the approved Subdivision Grade Control Plan or as amended by the Director of Public Works. The sidewalks are to be constructed in their entirety in block long sections.
28. That the Developer agrees to provide curb side parking in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Public Works.
29. That the Developer agrees to provide lay-by parking on Summersides Boulevard in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Public Works.
30. That the Developer agrees to pay for the north half of Summersides Boulevard abutting the subdivision lands as per the Summersides Boulevard Cost Sharing Agreement.
31. That prior to any construction taking place within the Town road allowance, the Developer shall obtain a Town of Pelham Temporary Works Permit. Applications must be made through the Department of Public Works.

### **MUNICIPAL SERVICES**

32. Prior to any site alteration, or final approval, the Developer shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the Town or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Director of Public Works, and any other applicable authority.
33. That a Servicing Study Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the Town of Pelham for review and to the satisfaction of the Director of Public Works and the Fire Chief.
34. That the Developer will provide the Town of Pelham with the proposed site servicing plans for the subject property. The Director of Public Works shall approve the plans prior to final approval of the subdivision.

## **APPENDIX B**

35. That the Developer submit to the Town of Pelham for review and approval by the Director of Public Works a Geotechnical Study, prepared by a qualified engineer, that verifies the soil bearing capacity, recommends appropriate sewer pipe design, pipe bedding, backfill and roadway designs.
36. That the design of all Municipal and public utility services for the Subdivision be coordinated with adjacent development.
37. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Regional Public Works Department for review and approval. (Note: Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto). The Town of Pelham is responsible for the review and approval of watermains under the MOE Water License Program.
38. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment 'Form 1' Record of Watermain.
39. At the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the Town of Pelham and the Regional Municipality of Niagara.
40. That all foundation drainage be directed to a sump pump in each house discharging via storm laterals. Foundation drains will not be connected to the sanitary sewer system.
41. Roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property.

### **STORMWATER MANAGEMENT, GRADING AND SEDIMENT AND EROSION CONTROL**

42. That the subdivision agreement between the Developer and the Town of Pelham contain provisions whereby the Developer agrees to implement the approved stormwater management plan required in accordance with Condition 32.
43. That the Developer prepare a detailed subdivision grade control plan showing both existing and proposed grades and the means whereby major storm flows will be

## **APPENDIX B**

accommodated across the site to be submitted to the Town of Pelham and Regional Municipality of Niagara Development Services Division for review and approval.

44. That prior to approval of the final plan or any on-site grading, the Developer submit to the Town of Pelham for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual (March 2003)" and "Stormwater Quality Guidelines for New Development (May 1991)", and in accordance with the Town of Pelham's Lot Grading and Drainage Policy, and the Town of Pelham's Stormwater Management Facility Standards:
- a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
  - b) Detailed sediment and erosion control plans.

### **PUBLIC PARK**

45. That the Developer shall install black wrought iron style fencing or acceptable alternative along the rear and exterior side yards of the lots backing on the park to the satisfaction of the Director of Community Planning and Development.
46. That the Developer shall convey land for park purposes as permitted in Section 51.1 of the *Planning Act R.S.O. 1990, c. P.13* or alternatively, the Town may accept cash-in-lieu of the conveyance and under the provisions of Section 51.1 (3) of the *Planning Act R.S.O. 1990, c. P.13* and pursuant to the Town Parkland Dedication By-law 3621(2015).

### **ARCHITECTURAL CONTROL**

47. The Developer/Owner agrees to comply with the East Fonthill Secondary Plan Area Urban Design Guidelines and retain the services of a Design Architect. The submission of building permit application shall include the building's licensed Architect/Designer stamp and a statement on the submitted plans comply with the East Fonthill Secondary Plan Area Urban Design Guidelines.

### **UTILITIES**

48. That the Developer shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
49. The Developer agrees that should any conflict arise with existing Niagara Peninsula Energy Inc. facilities or easements within the subject area, the owner shall be responsible for the relocation of any such facilities or easements at their own cost.

## **APPENDIX B**

50. That the Developer shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Pelham. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

### **CANADA POST**

51. The Developer shall include on all offers of purchase and sale, a statement that advises the prospective purchaser that:

- i) the home/business mail delivery will be from a designated Central Mail Box;
- ii) the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

52. The Developer agrees to:

- i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development;
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
- iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

### **NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

53. That a Stage 3 Archaeological Assessment, prepared by a licensed archaeologist, be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval for AgGt-265. The report must be accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition. If the consultant recommends / the MHSTCI requires further Archaeological Assessments, these report(s) must also be submitted to and accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearing this condition. NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter

## APPENDIX B

from the MHSTCI confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

54. That the following clause be included in the subdivision agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

55. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to the curb side collection of waste and recycling throughout all phases of development. If developed in phases, where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

56. That the owner submits a written undertaking to the Niagara Region that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.

57. That the owner submits a written undertaking to the Niagara Region that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.

58. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environmental Compliance Approval under the Transfer of Review Program.

## **APPENDIX B**

59. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
- i. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
  - ii. Detailed erosion and sedimentation control plans.
60. That the subdivision agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.

### **Clearance of Conditions**

#### **FINAL APPROVAL**

1. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the Town

#### **CLEARANCE OF CONDITIONS**

Prior to granting final plan approval, the Department of Community Planning and Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions

Town Department of Community Planning and Development for Conditions 5-22 (Inclusive), 45-47 (Inclusive),

Town Department of Public Works for Conditions 23-44 (Inclusive), 48 and 50

Niagara Peninsula Energy Inc. for Condition 49.

Canada Post for 51-52 (Inclusive)

Niagara Region Planning and Development Services Department for Conditions 53-60 (Inclusive)