



**Community Planning & Development Department  
Planning Application Report**

August 22, 2022

**Subject:** Recommendation for Applications for Draft Plan of Subdivision & Zoning By-law Amendment – Park Place West

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2022-197 – Recommendation for Applications for Draft Plan of Subdivision & Zoning By-Law Amendment – Park Place West, for information;**

**AND THAT Council 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 West.

**Location:**

The property is located east of Station Street and north of Summersides Boulevard known legally as Part of Lots 5, 6, 7, 8, 9 and 11, Plan 717 in the Town of Pelham, Regional Municipality of Niagara (Figure 1). The surrounding land uses include an existing residential use to the north fronting Station Street and a commercial plaza, future residential development to the south and east (Park Place South) and existing residential uses along Station Street to the west.

*Figure 1: Property Location*



**Project Description and Purpose:**

The property is 1.8168 hectares in size. The property is land that was consolidated through acquisitions of the rear yards of the existing residential uses fronting Station Street through the consent process over a number of years.

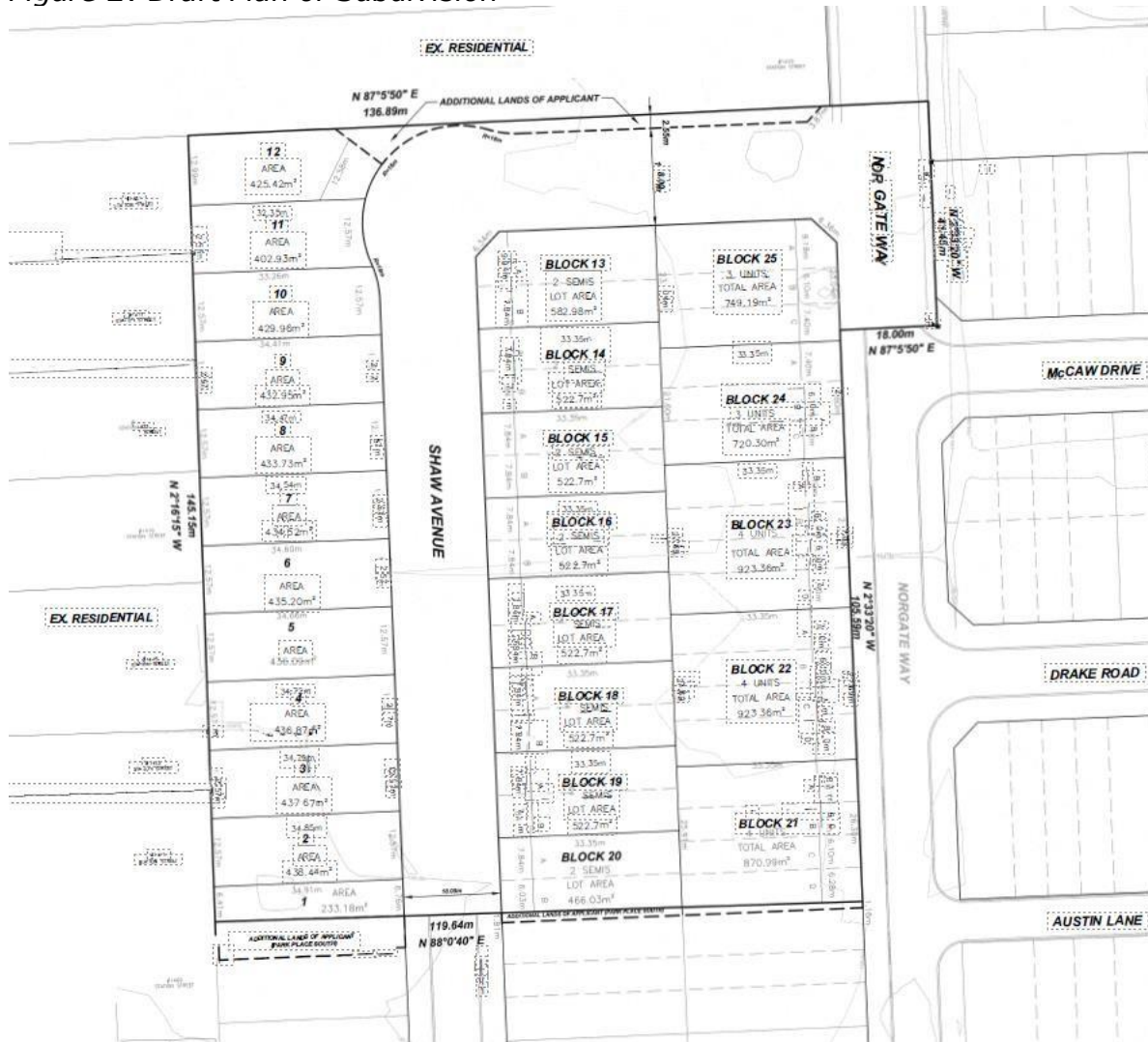
The draft plan of subdivision proposes 12 lots for single detached dwellings, 8 blocks for 16 semi-detached dwellings, 5 blocks for 18 street townhouse dwellings and 0.4595 hectares for future roadway (Figure 2). A total of 46 dwelling units is

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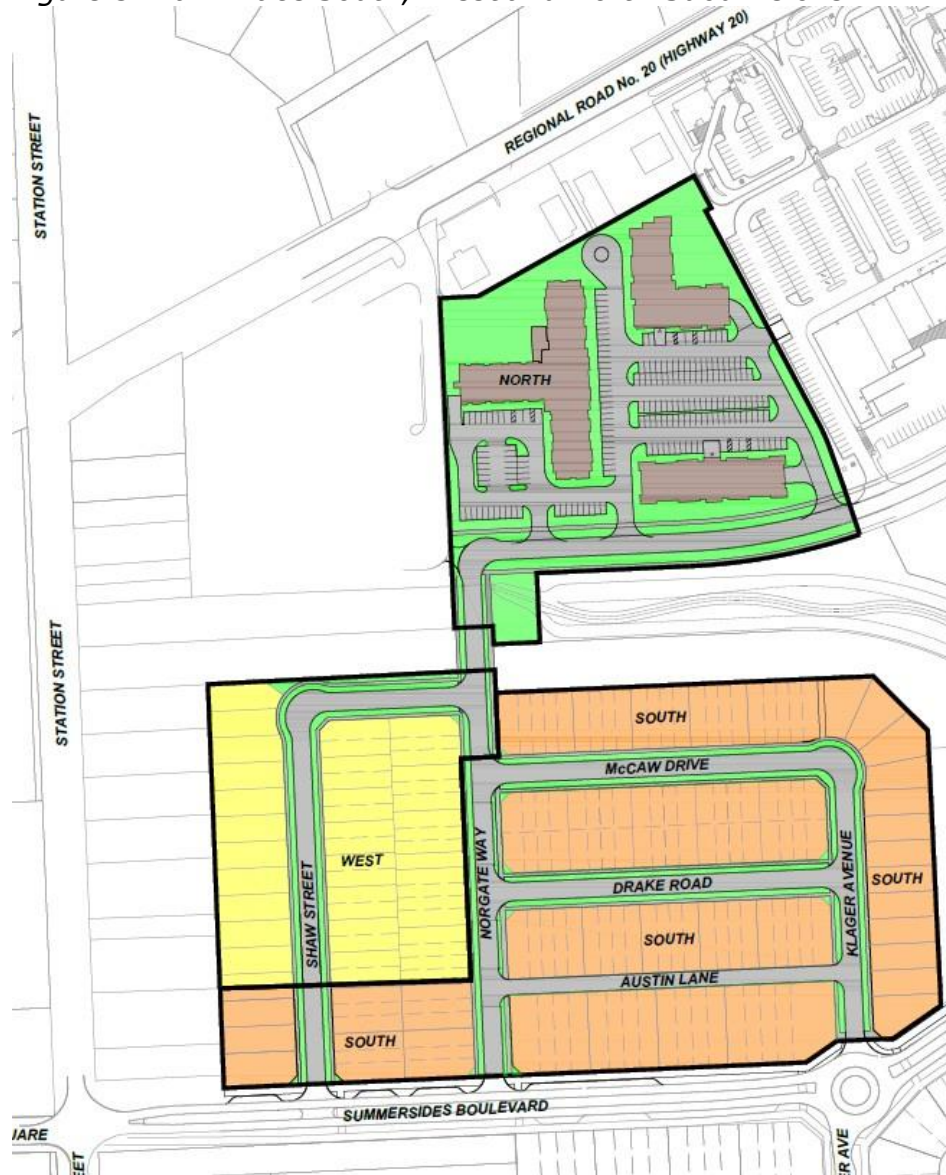
proposed. The proposed road (Shaw Avenue) will connect with the street network in the conditionally approved Park Place South and Park Place West draft plans of subdivision (Figure 3).

*Figure 2: Draft Plan of Subdivision*



For context, Figure 3 illustrates the location and layout of Park Place South, West and North Subdivisions and how they connect with one another and the adjacent road network in the East Fonthill neighbourhood, i.e. Summersides Boulevard and Meridian Way.

Figure 3: Park Place South, West and North Subdivisions



**Policy Review:**

*Planning Act, 1990*

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



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statements” issued under the *Planning 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*.



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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,



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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 (single detached, semi-detached and street townhouse dwellings) 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 residential 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. There are adequate public service facilities, including a planned neighbourhood park east of the property. The Community Centre, schools, library and neighbourhood retail opportunities 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 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

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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.

The proposed sidewalks and planned bike infrastructure on Norgate Way 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, semi-detached and street townhouse dwellings on the property will intensify the Built-Up Area from the current single detached residential uses. The varying built form (single detached, semi-detached and street townhouses) will support the formation of a vibrant neighbourhood and contribute to housing choice. 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 70 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 in the Regional Official Plan. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham.

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).

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





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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 street pattern will connect to existing and future neighbourhoods. Active transportation is supported through the sidewalks and streets in a modified grid pattern as well as inclusion of bike infrastructure along Summersides Boulevard and Norgate Way. These items provide access to the park and multi-use trail.

Municipal servicing will be in keeping with Regional and Town servicing plans. The property contained single detached dwellings and its redevelopment will result in intensification and assist the Town in meeting the 15% intensification target.

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 Fonhill 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.

### *Region of Niagara Official Plan Adopted June 23, 2022*

The Region of Niagara adopted a new Official Plan on June 23, 2022 and it has been forwarded to the Province for review and approval, and approval is pending. Nevertheless, the new Region of Niagara Official Plan provides the policy guidance for future development across the Region.

The lands continue to be designated as Built-Up Area in the new Official Plan, however the intensification rates have changed from and the policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Build-Up Areas and in Pelham, this translates into an annual intensification rate of



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25% of new residential units are to be within the Built-Up Area. The principle objective is to increase housing choice and housing affordability across the Region to meet future housing needs.

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (Note Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

Policy Section 2.3.1 provides the policy direction with regards to a mix a housing options and specifically policy 2.3.1.1 states that the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life. Policy 2.3.2.3 sets that target that 20% of all new rental housing is to be affordable and 10% of all new ownership housing is to be affordable.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

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

The subject parcels are located within the East Fonthill Secondary Plan Area and designated EF- Low Density Residential in the Town's Official Plan, 2014. 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

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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 uses proposed in the draft plan of subdivision and zoning by-law amendment are permitted in the EF-Low Density Residential designation. The townhouses will constitute less than 60% of the total units in the subdivision at 39%.

Policies B1.7.7.3.2(a), (b), (c) and (d) indicates that single-detached units should be developed at a density of 10 units per net hectare up to 30 units per net hectare; b) semi-detached units shall range from a minimum of 20 units per net hectare, up to 40 units per net hectare; and permitted street townhouse dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare up to 50 units per net hectare; the maximum building height for any building within the EF-Low Density Residential designation shall be 3 storeys, or 10.5 metres, whichever is less;

The single detached dwellings will be developed at a density of 24.1 units per hectare, semi-detached dwellings at 38 units per hectare and the street townhouse dwellings at 42.9 units per hectare. No buildings are proposed to exceed the lesser of 3 storeys or 10.5 metres.

The lands form part of Neighbourhood 1 on Schedule A4 'Structure Plan' and considered to be within the 'Built Boundary'. 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.

The draft plan of subdivision proposes a density of 70 persons and jobs per hectare which achieves the minimum gross density requirement.

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:



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- 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 draft plan of subdivision proposes single detached dwellings abutting the existing residential uses on Station Street which are primarily single detached dwellings. The future residential development of this property 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 development. Finally, the size of the property for street townhouse dwellings is sufficient to incorporate parking, recreational areas, landscaping and buffering.

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,



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- 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 EF – Low 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 Shaw Avenue and Norgate Way which will connect with Meridian Way and Summersides Boulevard in the future. The proposed



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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 proposes 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)***



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The proposed development is located in close proximity to the future neighbourhood park to the east 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***

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 require the developer to pay parkland dedication fees at the time of building permit.

***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.

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***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 the zoning from the Agricultural (A) zone to site-specific Residential 2 (R2) and Residential Multiple 1 (RM1) zones. The zoning change would permit the use of the lots for single detached dwellings, semi-detached dwellings and street townhouse dwellings as proposed by the draft plan of subdivision subject to special regulations. The site-specific zoning regulations are provided in Tables 1, 2, 3 and 4.

*Table 1: Site-Specific R2 Zone Regulations*

14.2 R2 Zone Requirements	Standard R2 Regulation	Requested Site-Specific R2 Regulation
(a) Minimum Lot Area	360 m <sup>2</sup>	No change
(b) Minimum Lot Frontage	12 m; 15 m corner lot	No change
(c) Maximum Lot Coverage	50%	No change
(d) Minimum Front Yard	6.5 metres	4 m to building face; 6 m to garage
(e) Minimum Interior Side Yard	1.5 m on one side and 3 m on the other side where no attached carport or garage; 1.5 m with an attached carport or garage	1.2 m
(f) Minimum Exterior Side Yard	Greater of 5 m from the side lot line or 15 m from the centre line of the road	No change
(g) Minimum Rear Yard	7.5 metres	6.0 metres
(h) Maximum Height for a Dwelling	10.5 metres	No change



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14.2 R2 Zone Requirements	Standard R2 Regulation	Requested Site-Specific R2 Regulation
(i) Minimum Ground Floor Area	(i) one storey 93 m <sup>2</sup> ; (ii) two storeys 55 m <sup>2</sup>	(i) one storey 88m <sup>2</sup> ; (ii) two storey no change

*Table 2: Requested RM1 Zone Regulations for Semi-Detached Dwellings*

16.2 RM1 Zone Requirements for Semi-detached Dwellings	Standard RM1 Zone Regulations	Requested RM1 Zone Regulations
(a) Minimum Lot Frontage	19 m	7.8 m
(b) Minimum Lot Area	156 m <sup>2</sup> per dwelling unit	No change
(c) Maximum Lot Coverage	Deleted	No change
(d) Minimum Front Yard	7.7 m	3 m to building face; 6 m to garage
(e) Minimum Interior Side Yard	Greater of one-half of the building height or 3 m	1.2 m
(f) Minimum Exterior Side Yard	Greater of one-half of the building height or 5.5 m	3 m
(g) Minimum Rear Yard	7.7 m	6.0 m
(h) Maximum Building Height	10.5 m	No change
(i) Minimum Floor Area	55m <sup>2</sup>	No change

*Table 3: Requested RM1 Zone Regulations for Street Townhouse Dwellings*

16.3 Zone Requirements for Street Townhouses	Standard RM1 Requirement	Requested RM1 Requirement
(a) Minimum Lot Frontage	6 m per dwelling unit; 9 m interior lot containing a dwelling attached on one side only	6 m per dwelling unit; 7.5 m interior lot attached on one side only
(b) Minimum Corner Lot Frontage	14 m	7.5 m
(c) Minimum Lot Area	230 m <sup>2</sup> per dwelling unit	170 m <sup>2</sup> per dwelling unit
(d) Minimum Front Yard	7.5 m	3 m to building face; 6 m to garage
(e) Minimum Exterior Side Yard	7.5 m	3 m

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16.3 Zone Requirements for Street Townhouses	Standard RM1 Requirement	Requested RM1 Requirement
(f) Minimum Interior Side Yard	3 m	1.2 m or 0 m to common wall
(g) Minimum Rear Yard	7.5 m	6 m
(h) Maximum Building Height	10.5 m	No change
(i) Minimum Ground Floor Area	one storey 88 m <sup>2</sup> ; two storeys 50 m <sup>2</sup>	No change
(j) Planting Strips	1.5 metres where abutting R1 or R2 zone	Delete

Council may note that Lot 1 and Block 20 are undersized with respect to the zone regulations, however the intention is that Lots 1 and Block 20 will be merged with other lands owned by the applicant in the Park Place South subdivision to meet the zone requirements. This will be ensured through a condition of draft plan approval.

*Table 4: Requested Changes to General Provisions for Site-Specific R2 and RM1 zones*

6.0 General Provisions	Standard General Provisions	Requested General Provisions
6.27 Daylighting Triangle	On a corner lot within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5 m in height above the elevation of the ground at the street line, regardless of whether or not any such landscaping materials form part of a required planting strip.	A building or structure shall be permitted within the daylighting triangle subject to meeting the minimum exterior side and front yard regulations.

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6.0 General Provisions	Standard General Provisions	Requested General Provisions
6.35 Yard Encroachments Permitted (c) Unenclosed Porches, Balconies, Steps & Patios	Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, 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 0.6m above grade.	Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and 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.

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:**

*Planning Justification Report prepared by Upper Canada Engineers/Planners dated March 2022*

The report concludes that the Park Place West development is an appropriate intensification proposal that represents an efficient, well-designed development with access to full municipal services. The proposal is consistent with the Provincial Policy Statement and conforms to applicable Provincial Plans and policies of the Region of Niagara Official Plan and Town of Pelham Official Plans. The application proposes compatible and appropriate development for the subject lands, represents



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good planning and should be supported.

*Stage 1-2 Archaeological Assessment for Rear Lands of 1409, 1415, 1419 & 1423 Station Street prepared by Detritus Consulting Ltd. dated September 2018*

*Stage 1-2 Archaeological Assessment for part of 1411, 1413, 1415, 1419, 1423, 1427, 1431, 1433 & 1435 Station Street prepared by Detritus Consulting Ltd. dated January 2021*

*Stage 3 Archaeological Assessment & Supplementary Documentation for 1409 Station Street prepared by Detritus Consulting Ltd. dated April 2021*

The assessments indicate that no further cultural heritage value and interest for the properties exist and therefore further Stage 4 mitigation of the site is not warranted. The Ministry of Heritage, Sport, Tourism and Culture Industries provided a letter accepting the findings of the assessments. The Niagara Region has recommended conditions of draft plan approval with respect to archaeological warning clauses.

*Environmental Noise Feasibility Study prepared by Valcoustics Canada Limited dated February 2022*

The study predicts that indoor and outdoor sound levels for the future dwelling units will comply with the MECP NPC-300 guidelines, provided standard warning clauses are included in all property and tenancy agreements and offers of purchase and sale regarding potential adverse noise impacts. Conditions to implement the recommendations of the noise study are included in Appendix B.

*Functional Servicing Report prepared by Upper Canada Engineers/Planners dated May 2022*

The report indicates that the existing watermains will be extended from Summersides Boulevard to service the development. The sanitary sewer has capacity to service the development and the stormwater management facility and downstream infrastructure will be able to accommodate stormwater flows.

Copies of the reports are available by contacting the Planning Division.



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**Agency Comments:**

The applications were circulated to commenting agencies and Town Departments. The following comments have been received:

*Niagara Region Planning & Development Services*

No objection to the proposed Zoning By-law Amendment and Draft Plan of Subdivision from a Provincial and Regional perspective, subject to any local requirements, and the conditions included in the Appendix.

*Enbridge Gas* Requests standard conditions of approval.

*Canada Post* No conditions or concerns.

*Public Works* Technical comments to be included as conditions of draft plan approval and detailed engineering design.

All requested conditions of draft plan approval from commenting agencies and Town departments have been included in the recommended conditions in Appendix B.

**Public Comments:**

On June 17, 2022 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Summersides Boulevard. A public meeting was held on July 11, 2022. No members of the public attended the public meeting. The following written comments have been received at the time of writing of this report:

*Hummel Properties Inc.*

Supportive of the applications on the basis that they provide additional housing types, respect approved road networks and are good planning.

*Bill Heska*

Asked questions about parking, the road network and where future residents would have access to parkland.



## **Community Planning & Development Department Planning Application Report**

August 22, 2022

### **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.

With respect to the questions asked by Bill Heska, Planning staff advise that future residents will park in their own driveways and garages which can accommodate some visitors (driveways) also. On-street parking will also be permitted in the development. Shaw Street will be a local road with an 18 m right of way. No difficulty is expected for the occasional use of delivery trucks, emergency services, etc. The development can be accessed by the future Shaw Avenue and Norgate Way from Summersides Boulevard. There is a large public park planned north and east of Park Place South which will be walkable and in close proximity to Park Place West. All units will also have private amenity space (rear and front yards).

A Councillor raised concerns about the lot size and frontage for the proposed semi-detached dwellings being inadequate to allow a sufficiently sized living space. The applicant provided some preliminary elevation and floor plans for these units, which demonstrate approximately 1750 ft<sup>2</sup> of living space above grade including 3 bedrooms is proposed for each semi-detached unit (Appendix C). It is also noted that the zone requirements for semi-detached dwelling units in the current zoning by-law are for two units whereas, the proposed zoning requirements is for one unit, which is also a reason why it appears that the zone requests seem considerably different, i.e. the current lot frontage requirement is 19m for two units which would translate in a lot frontage of 9.5m for each and what is proposed is a lot frontage requirement of 7.8 a difference of 1.7m for each unit, as an example.

In light of the above analysis, 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.



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**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.

**Attachments:**

- Appendix A            Park Place West Draft Plan of Subdivision
- Appendix B            Recommended Conditions of Draft Plan Approval
- Appendix C            Preliminary Plans for Semi-Detached Units

**Prepared and Recommended by:**

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