



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

December 12, 2022

**Subject: Information Report – 1114 Haist Street Application for Zoning  
By-law Amendment**

**Recommendation:**

**THAT Committee receive Report #2022-286 for information as it  
pertains to File No. AM-08-2022;**

**AND THAT Committee direct Planning staff to prepare the  
Recommendation Report on this topic for Council's consideration.**

**Executive Summary:**

The purpose of this report is to provide Council and the public with an opportunity to receive information regarding the application for zoning by-law amendment for 1114 Haist Street.

The proposed Zoning By-law Amendment would rezone a portion of the lands (Lots 1-7 on the approved Emerald Trail draft plan of subdivision) by reducing the rear yard of the future single detached dwellings from 10.0 metres to 7.5 metres and allow a covered porch to encroach 3.5 metres into the rear yard.

**Location:**

The property is municipally known as 1114 Haist Street, and described legally as Part of Lot 3, Concession 9. The requested zoning by-law amendment pertains to the portion of the property outlined in red on Figure 1. The property is located on the west side of Haist Street north of Welland Road.

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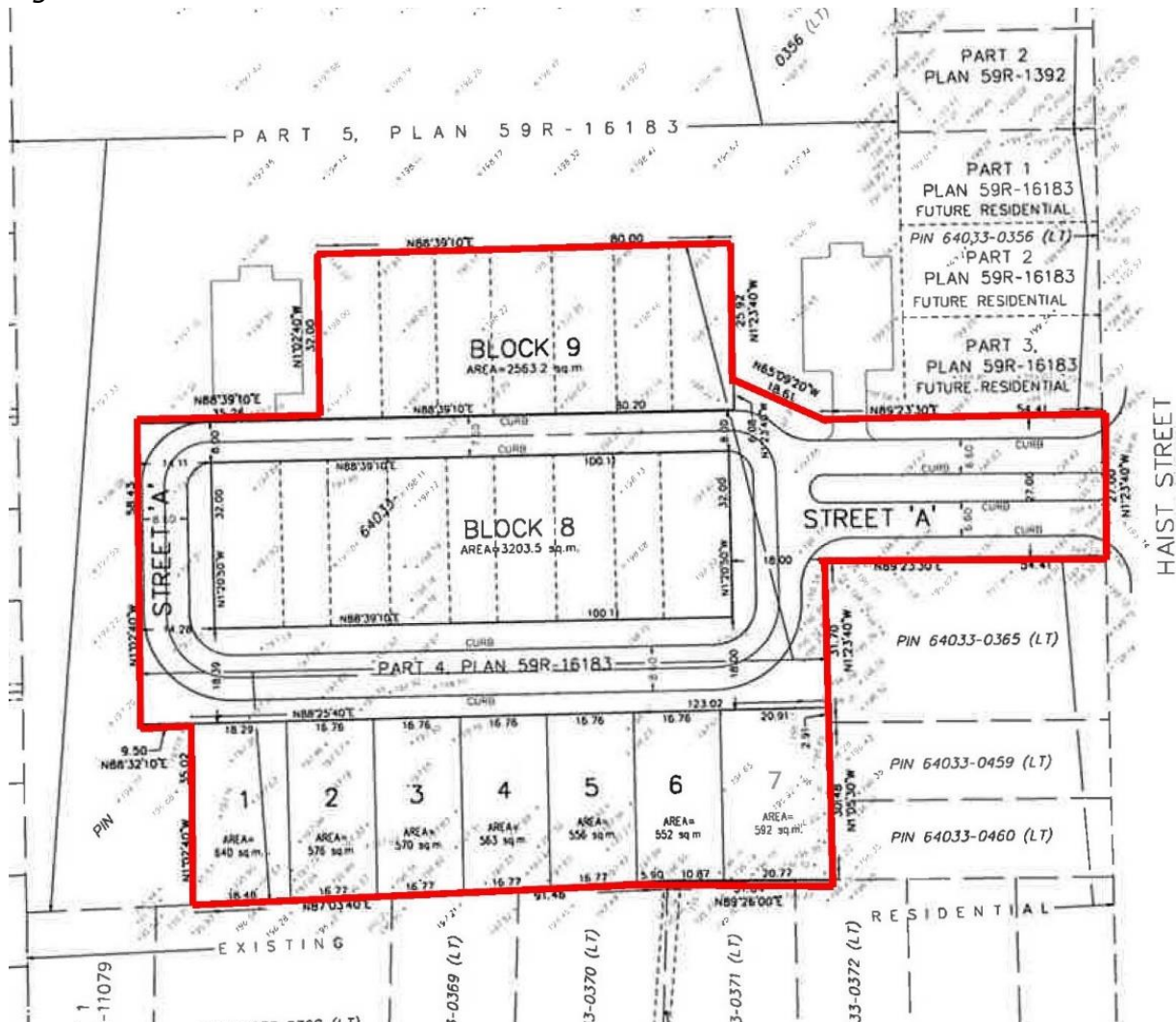
*Figure 1: Property Location*

The surrounding land uses include Town owned parkland and open space lands on the west and north sides and single detached dwellings on the east and south sides. The property is currently vacant, but was the formerly the location of the arena and associated parking area prior to being declared surplus and sold by the Town. Draft approval of the Emerald Trail subdivision (Figure 2) was granted for the property in February 2022 and the owner is actively working to meet conditions and receive final approval.

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Figure 2: Emerald Trail Draft Plan of Subdivision



### Project Description and Purpose:

The requested zoning changes relate to the construction of future single detached dwellings on lots 1-7 on the draft plan of subdivision. The application requests a reduction to the rear yard of the future single detached dwellings from 10.0 metres to 7.5 metres and the allowance for a covered porch to encroach 3.5 metres into the rear yard resulting in a 4 metre setback from the rear lot line.



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The owner has indicated that the requested zoning changes are resulting from an unexpected reduction to the lot sizes through the absolute title process as well as his preference to build bungalows with a larger footprint on the properties rather than two-storey dwellings which he believes is preferable to the residents on Welland Road.

**Policy Review:**

*Planning Act, 1990*

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities, i.e. decisions of Council, "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.

*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.



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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.

### *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 development to occur within the delineated built-up area.





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

*Niagara Region Official Plan, 2022*

The subject land is designated Delineated Built-up in the Regional Official Plan.

Policy 2.2.2.5 requires a Regional minimum of 60 per cent of all residential units occurring annually to be within built-up areas. Policy 2.2.2.6 establishes the intensification target for the Town of Pelham at 25%.

Policy 2.3.1.1 requires the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, to be planned for throughout settlement areas to meet housing needs at all stages of life.

Policy 2.3.1.4 states 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*

Schedule A7 1120 Haist Street – Special Policy Area of the Town of Pelham Official Plan designates the property as Urban Living Area. The policies in B.1.1.13 apply:

**B.1.1.13.1 Public Realm**

- a) Rows of trees on the north and south edges of the park shall be preserved.
- b) The wooded area shall be maintained as an important community feature, be highly visible from future development and made accessible via new trail connections. In addition:
  - Drainage and vegetation within the wooded area should be enhanced to function as a sustainable public asset requiring little future

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maintenance. This may include selective tree removal, re-naturalization and new planting, grading and drainage works.

- Existing private property encroachments on public land must be addressed.
  - Trails within the wooded area should be located on the easterly edge, to minimize disruption on the area's habitat function.
- c) Evergreen plant material will be provided to screen headlight glare from the ends of the street and laneway to the rear yards of homes along Rhodes Court.
- d) Direct street and park lighting from poles shall be directed away from existing residents and wooded area. Fixtures shall direct light downward and not create light pollution.
- e) Open space shall be maintained as passive, flexible green space with seating and other amenities to be determined.
- f) Wide zones shall be maintained without buildings that provide views and access to the green space from within the new development.
- g) A median will be provided in the entrance boulevard with a minimum width to sustain plant material including trees and low vegetation such as grasses, forbes and shrubs.
- h) A variety of street trees shall be provided on both sides of all streets, spaced approximately 6 -10 metres on centre. Species must:
- be large canopy trees with wide spreading crowns at maturity;
  - have measurable annual growth (not slow to establish or grow);
  - perform an infrastructural role including attenuating stormwater and enhancing ecological function;
  - have seasonal appeal such as flowers and vivid leaf colours;
  - promote biodiversity and avoid monoculture.

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**B.1.1.13.2 Circulation**

- a) Pedestrian movement shall be promoted through street network design with linkages to surrounding streets.
- b) Sidewalks, walkways and trails are to be paved in hard surface, accessible and a minimum of 2.1 metres in width.
- c) A window shall be provided to the wooded area from the internal street network that facilitate direct trail connections.
- d) The connection that links the laneway and the street shall be designed to laneway standards (minimum width).
- e) A continuous trail shall be provided, uninterrupted by roads, linking the stormwater management facility, the existing playground, new roads, new parking lots and sidewalks along Haist Street and Welland Road. The trail will facilitate a connection south across Welland Road to the Steve Bauer Trail.
- f) A continuous vehicular loop shall be provided using the internal street and laneway to create two points of entry/exit for emergency vehicles.
- g) A walkway or sidewalk shall be provided in front of the townhouses facing the green space.
- h) Public parking shall be provided in two parking lots, not a single large lot, to minimize large asphalt areas, and to provide parking both near the platform tennis/playground and the soccer fields.
- i) The boulevard entrance shall provide two entry/exit points of minimum width for emergency vehicles.
- j) Sidewalks shall be provided on both sides of the boulevard entrance with connections to other trails and sidewalks.
- k) A sidewalk shall be provided on the internal street and on one side at a minimum on the side of the laneway townhouses.



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- l) On-street parallel parking shall be provided on the side of the street adjacent to the laneway townhouses, where there are no driveways.

**B.1.1.13.3 Built Form**

- a) Buildings shall be located close to the front property line to define the street or park edge and to create pedestrian scale.
- b) The façade of houses shall be designed to face all public open spaces, streets and trails and is encouraged to include principal front entrances, windows, porches and walkways to houses.
- c) Exposed facades shall be articulated with variation in massing, colour, materials, detailing and window and door treatments.
- d) All materials must be durable, attractive and of high quality, with a preference for stone, brick, metal or fibre-cement/high quality vinyl.
- e) Main front entrances shall be emphasized in architectural design, such as through stoops, porches, pediments or massing.
- f) Enhanced architectural treatment shall be provided at corners and view terminii locations. Enhanced treatments include:
- modest exceptions to heights and massing for emphasis;
  - features such as porches, turrets, bays, gables and dormers;
  - substantial openings (windows and doors);
  - providing a frontal design, including locating the main front entrance, on corner (side) elevations;
  - creative use of materials such as stone and detailing such as soldier courses, patterning or enhanced trim;
  - placing garage doors and driveways away from the corner or view terminus.
  - be large canopy trees with wide spreading crowns at maturity;
- g) Rear garages of townhouses are encouraged to be two storey where visible to the boulevard entrance road and can be used for accessory apartments or home occupations, notwithstanding Policies B1.1.4 and B1.1.6 and in compliance with the Comprehensive Zoning By-law.



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- h) Decorative privacy fencing shall be provided for end units or corner lots flanking public spaces and streets. The fence shall not hide the side elevation.

The Official Plan policies relate to the development as a whole rather than being specific to the future single detached lots that are subject to the application. Conformity with the Official Plan policies will be ensured through the subdivision final approval through meeting required conditions of draft plan approval.

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

The portion of the property that is subject to the application is zoned R2-284. The R2-284 zone permits one single detached dwelling, uses, buildings and structures accessory thereto and home occupations. The R2-284 zone applies to lots 1 through 7 on the draft plan where the single detached dwellings are proposed. The following special regulations apply:

- a) Minimum lot depth 32.0 m
- b) Minimum front yard 4.5 m; 6.0 m to a garage
- c) Minimum interior side yard 1.2 m
- d) Minimum exterior side yard 3.0 m
- e) Minimum rear yard 7.5 m or 10.0 m where backing onto an existing residential property
- f) Maximum garage door width the lesser of 50% of the lot width or 60% of dwelling width
- g) Minimum setback from an internal roadway 4.5 m; 6.0 m to a garage
- h) Minimum setback between single detached dwellings 2.4 m
- i) Minimum setback from east or west lot line 1.2 m
- j) Minimum setback from the south lot line 10.0 m

Notwithstanding Section 6 of the General Provisions, the following special regulations shall apply:

- a) Minimum depth for a porch 2.0 m



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- b) Porches may encroach a maximum of 2.0 m into a required front or exterior side yard or closer to an internal roadway. Steps associated with a porch may encroach up to the lot line or internal roadway.

The requested changes to the R2-284 zone include a reduction to the minimum rear yard to 7.5 metres from 10.0m where backing onto an existing residential property and an encroachment of 3.5 metres into the rear yard for a covered deck or porch. The encroachment of the covered porch or deck will be 4 metres from the rear lot line.

*Zoning By-law 4481 (2022)*

Council approved the new comprehensive Zoning By-law on August 30, 2022. The by-law is under appeal and therefore Zoning By-law 1136 (1987) remains in effect. For Council's information, the subject lands are zoned Residential Two - 89 (R2-89) in Zoning By-law 4481(2022).

The site-specific regulations of the R2-89 zone remain the same as the R2-284 zone in the Zoning By-law 1136 (1987).

**Submitted Reports:**

Planning Justification Report prepared by Quartek dated October 2022

**Agency Comments:**

The application was circulated to commenting agencies and Town Departments. The following comments have been received:

*Public Works*            No comments or concerns

**Public Comments:**

On November 18, 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 Haist Street. No comments have been received at the time of writing of this report.



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### **Staff Comments:**

The purpose of this report is to provide the Committee of the Whole and the public with information regarding the application, applicable policies, and comments received. The purpose of the public meeting is to receive public feedback and input on the application and for the applicant to respond to public inquiries. A future report with recommendations will be presented to Council for decision once all feedback is received.

### **Alternatives:**

There are no alternatives as Council is statutorily obligated to host a public meeting and to make a decision on the application.

### **Attachments:**

Appendix A            Agency Comments

### **Prepared and Recommended by:**

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### **Reviewed and Submitted by:**

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