



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

April 10, 2024

**Subject: Information Report – Applications for Draft Plan of Subdivision  
& Zoning By-law Amendment – Canboro Estates**

**Recommendation:**

**THAT Committee receive Report #2024-82 for information as it  
pertains to File Nos. 26T19-01-2024 & AM-02-2024;**

**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 applications for Draft Plan of Subdivision and Zoning By-law amendment for Canboro Estates.

The Plan of Subdivision will permit six (6) lots for single detached dwellings with four lots fronting on Canboro Road and two lots fronting on Daleview Drive. The existing dwelling (constructed in 1860) located at 90 Canboro Road will be preserved.

The requested Zoning By-law Amendment would rezone the additional lands from the RM2 (Residential Multiple Two) zone to the site-specific R2 (Residential Two) and RM2 (Residential Multiple 2) zones to allow the residential uses proposed in the draft plan of subdivision and to recognize the existing triplex dwelling located at 90 Canboro Road.

**Location:**

The subject property is municipally known as 82-90 Canboro Road and legally described as Part of Lots 3, 4, 5, 6, 7, 8, 9, 11 & 13 Registered Plan 717 and Part of Lot 167, Geographic Township of Thorold, now in the Town of Pelham, Regional Municipality of Niagara. The property is located on the south side of Canboro Road and north side of Daleview Drive (Figure 1).

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*Figure 1: Property Location*



The property is made up of three existing lots containing: an existing single detached dwelling with detached garage at 82 Canboro Road, an existing fourplex dwelling at 86 Canboro Road (fronting on Daleview Drive) and an existing triplex dwelling at 90 Canboro Road. The applicant proposes to demolish the 6 dwelling located at 86 Canboro Road and the single detached dwelling and detached garage at 82 Canboro Road. The triplex dwelling located at 90 Canboro Road will be retained.

The surrounding land use is primarily residential consisting of single detached dwellings on Canboro Road, Daleview Crescent and Daleview Drive.

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Figure 3: Proposed Site Plan



### 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”.



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Section 51 of the *Planning 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,





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- 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.

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

*Greenbelt Plan, 2017*

The subject parcel is 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 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



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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 considering 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, 2020*

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2020. 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.

*Niagara Region Official Plan, 2022*

The lands are designated as Built-Up Area in the new Niagara Region Official Plan.

Policy 2.2.2.5 requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas of the Region and in Pelham, this translates into an annual intensification rate of 25% of new residential units. The objective of intensification is to increase housing choice and housing affordability across the Region to meet future housing needs while at the same time making efficient use of infrastructure, community services and urban lands.

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:



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- 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 2.3.1 provides the 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 throughout settlement areas to meet housing needs at all stages of life.

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

*Town of Pelham Official Plan, 2014*

The lands are designated Urban Living Area/Built Boundary in the Town's Official Plan. The permitted uses in this designation are a full range of residential uses including single detached dwellings.

Policy B1.1.3 requires the Town to accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill and Fenwick (note: this is now superseded by the approved intensification target in the Region of Niagara Official Plan of 25%).

Further, Policy B1.1.3 (a) permits and encourages intensification on sites abutting arterial and collector roads. Canboro Road is identified as an arterial road and





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Daleview Drive is identified as a local road on Schedule C to the Town of Pelham Official Plan.

Policy B1.1.3 (b) states that residential intensification and redevelopment proposals are encouraged to achieve a unit density and housing type in keeping with the character of the density of the neighbourhood where it is proposed; Policy B1.1.3(f) encourages affordable housing in intensification areas.

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.

This policy is similar to the requirements in Section 51(24) of the Planning Act, as amended.

*Town of Pelham Zoning By-law 4481 (2022)*

The properties are zoned RM2 (Residential Multiple Two) which permits an apartment dwelling and uses, buildings and structures accessory thereto.

The requested zoning by-law amendment would rezone the portion of the property for the six new building lots to a site-specific R2 (Residential Two) zone that would



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allow the uses permitted in the R2 zone (Single Detached Dwelling; Duplex dwelling; Semi-detached Dwelling; Bed and Breakfast Establishment in a Single Detached Dwelling; Home Occupation; Second Dwelling Units; and Uses, Buildings and Structures Accessory to the Foregoing Uses) with a 17 metre maximum front yard setback requirement. This will ensure that the future dwellings can be sited further from the front lot line similar to the existing dwellings along Canboro Road in order to maintain consistency of the streetscape.

The zoning by-law amendment requests a site-specific RM2 (Residential Multiple Two) zone that will permit the existing triplex dwelling located at 90 Canboro Road. There are two zone site-specific regulations are being requested for the triplex. These are the maximum front yard of 22.06 metres and the minimum rear yard of 1.2 metres which reflect the location of the existing building.

### **Submitted Reports:**

Planning Justification Report prepared by Upper Canada Consultants Engineers/Planners dated February 2024

Functional Servicing Report prepared by Upper Canada Consultants Engineers/Planners dated January 2024

Site Servicing & Grading Plan prepared by Upper Canada Consultants Engineers/Planners dated February 8, 2024

Tree Inventory & Preservation Plan Report prepared by Jackson Arboriculture Inc. dated February 26, 2024

Tree Preservation Plan prepared by Jackson Arboriculture Inc. dated February 26, 2024

Stage 1 & 2 Archaeological Assessment Report prepared by Irvin Heritage Inc. dated May 1, 2023

The reports are available for viewing at: [www.pelham.ca/CanboroEstates](http://www.pelham.ca/CanboroEstates)

### **Agency Comments:**

The applications were circulated to commenting agencies and Town Departments. The following comments have been received at the time of writing of this report:



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*Bell* Provided conditions of approval

*Niagara Region* No objection subject to requested conditions of draft plan approval.

*Enbridge* No objection subject to conditions

*Town Public Works* Provided conditions of approval.

### **Public Comments:**

On March 19, 2024 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 Canboro Road and the Daleview Drive. At the time of writing of this report, no public comments had been received.

### **Staff Comments:**

The purpose of this report is to provide the Council and the public with information regarding the applications, applicable policies, and comments received. The purpose of the public meeting is to receive feedback and input from the public and for the applicant to respond to inquiries. Committee may also provide comments and suggestions for proposed changes to the applications based on the public, agency or staff input and consistency with approved plans and policies. A future report 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 make a decision on the draft plan of subdivision and zoning by-law amendment applications.

### **Attachments:**

Appendix A Agency Comments

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

Shannon Larocque, MCIP, RPP  
Senior Planner



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

**Reviewed and Submitted by:**

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