

Amendment No. 17
to the
Official Plan
for the Town of Pelham

This Amendment to the Official Plan for the Town of Pelham, which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby modified under Sections 17 and 21 of the Planning Act, as follows:

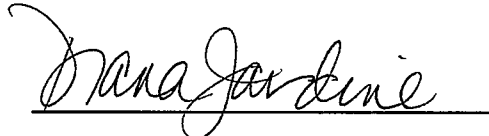
1. Part B - The Amendment, Section 1.57, Policy 1.3 is hereby modified by deleting it in its entirety and replacing it with the following:
 - 1.3 The Town shall endeavour to ensure that this mix of dwelling unit types, including lot size and tenure will enable at least 25% of all new residential development to be affordable, as defined in the Provincial Policy Statement on Land Use Planning for Housing.
 - 1.4 Development proposals providing for a range of affordable housing in the form of a mix of dwelling unit types, lot sizes and tenure, in accordance with the Provincial Policy, shall be given priority within Lot 177. Lot sizes and dwelling types, sizes and tenure will be based not only on historic household growth for the Town but also the unmet housing needs of the existing households, based on the municipal housing statement.
 - 1.5 To provide the opportunity to create affordable housing, the Town will review subdivision/rezoning applications to assess how 25% of all new units can be affordable. These opportunities can be:
 - . provided within the application itself;
 - . provided in conjunction with other developments;
 - . provided in another part of the Town which is designated and zoned by the Municipality to permit affordable housing.

- 1.6 When the servicing capacity for new development is limited, preference will be given to affordable housing projects.
2. Section 1.57, Policy 1.4 is hereby modified by renumbering it Policy 1.7.
3. Section 1.57, is hereby modified by adding the following new Policy 1.8:
 - 1.8 In the provision of a housing mix, varying lot sizes and tenure, the Town will consider applications for undersized single detached lots and semi-detached units providing the building designs and densities of proposals consider the character and identity of surrounding residential lands. To assist in this review, the developer will be required to provide a streetscape plan demonstrating how the proposal integrates with the neighbourhood.
4. Section 1.57, Policies 1.5 to 1.9 are hereby modified by renumbering them 1.9 to 1.13 respectively.

As thus modified, this amendment to the Official Plan for the Town of Pelham is hereby approved pursuant to Sections 17 and 21 of the Planning Act, as Amendment No. 17 to the Official Plan for the Town of Pelham.

Date:

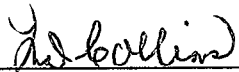
1992-04-24



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

CERTIFICATE
OFFICIAL PLAN OF THE
TOWN OF PELHAM
AMENDMENT NO. 17

The attached Schedule and text constituting Amendment No. 17 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning and Development Committee and was adopted by the Corporation of the Town of Pelham by By-Law #1296 (1989) in accordance with Section 17 of the Planning Act, 1983, on the 16th day of October, 1989.



MAYOR



CLERK

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

Date

Approval Authority

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

BY-LAW NO. 1296 (1989)

Being a by-law to adopt Amendment No. 17
to the Official Plan of the Town of Pelham.

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

(1) Amendment No. 17 to the Official Plan of the Town of Pelham, consisting of the attached Schedule and the Text, is hereby adopted.

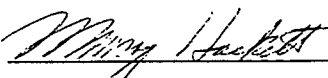
(2) THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Amendment No. 17 to the Official Plan of the Town of Pelham.

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

ENACTED AND PASSED THIS 16TH DAY OF OCTOBER, 1989 A.D.



MAYOR



CLERK

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Introduction to the Official Plan Amendment

- i) Purpose
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PART B - THE AMENDMENT

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

(includes Text and Map Changes)

PART C - BACKGROUND

Relevant Data provides the background to the
Official Plan Amendment

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

PART A

PREAMBLE

PART A - PREAMBLE

PURPOSE

The purpose of this amendment is to:

- i) satisfy the requirements of Policy 5.3 of the Official Plan through the further refinement and enunciation of Official Plan policies;
- ii) redesignate lands from the existing "Urban Residential" designation to an "Open Space", "Commercial", and "Multi Family" designation;
- iii) introduce new policies to the Official Plan for the Lot 177 area to appropriately regulate and guide development.

LOCATION

The lands subject to this amendment are within the Urban Area Boundary of Fonthill, and comprise Lot 177. The lands are situated at the southeast corner of the municipality's urban area and is bounded to the north by Merritt Road, to the west by Pelham Street, to the south by Quaker Road, and to the east by Line Avenue. Lot 177 represents the last major developable area within the Town.

BASIS

The basis of this amendment is to:

- i) provide a more contemporary direction to the development community;
- ii) remove uncertainty as to how the lands are to be developed;
- iii) coordinate land uses in an optimum way;
- iv) respond to the initiatives of the Municipality in providing a planned housing mix;
- v) establish a policy framework to guide and coordinate development;
- vi) maximize development opportunities within Lot 177 as this represents one of the last developable areas of the Town;

- vii) satisfy the various policy requirements of the Municipality as contained in the Official Plan;
- viii) provide for compatible development;
- ix) provide a centrally located park with linkages to other open space areas of the Town;
- x) take advantage of existing right-of-way and road allowances within Lot 177.

PART B AMENDMENT

PART B - THE AMENDMENT

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

"To further implement the intent of the Plan it may be necessary to prepare secondary plans. Section 1.57 provides Secondary Plans for the Town of Pelham."

2. Section 1, Land Use of the Official Plan for the Town of Pelham is hereby amended by the introduction of a new section which reads as follows:

"1.57 - SECONDARY PLANS

1.57.1 LOT 177

RESIDENTIAL

- 1.1 The residential neighbourhood of Lot 177 represents the last sizeable developable area within the Town's Urban Area Boundary, and therefore care must be exercised in its growth and development to provide an attractive and viable neighbourhood.

- 1.2 Development within Lot 177 will be co-ordinated with both short term housing demand and long range housing needs. Recognizing the need to increase housing types, the following residential mix should be achieved:

Low Density
(up to 12 u.p.a.)

80% Single Family and
Two Family Units

Medium Density
(12 to 26 u.p.a.)

20% Multiple Family
Attached & Low
Rise Apartments

MODIFICATION

No. 1
UNDER SECTION 17(9) OF
THE PLANNING ACT, 1983

1.3 To provide for a range of affordable housing, a mix of dwelling unit types and lot sizes will be provided within Lot 177. This mix of type and range of lot size will provide the opportunity for a range of affordable residential accommodation.

No. 2

UNDER SECTION 17(9) OF
THE PLANNING ACT, 1983

1.4 Housing types will be located within Lot 177 in such a manner as to enhance the physical and living environments of the neighbourhood. This will especially be the case for apartments and multiple attached housing so as to increase their desirability and viability as alternative forms of accommodation to the single family detached house.

MODIFICATION

No. 3
UNDER SECTION 17(9) OF
THE PLANNING ACT, 1983

1.5 To maximize accessibility for the largest number of people, medium density housing will be located next to or directly accessible to commercial areas and community facilities such as major parks and open space areas.

1.6 In order to minimize the impact of medium density living on the residents of the neighbourhood, medium density developments will be located adjacent to or directly accessible to parks and open space areas.

1.7 The development of medium density housing will be generally guided by the land use pattern shown on Schedule "D".

1.8 The building height of medium density developments shall not exceed three (3) storeys.

1.9 The low density character of the existing residential areas will be protected in the process of considering new development and residential infilling.

COMMERCIAL

2.1 The need for commercial and retail services in Lot 177 is limited due to the relatively small market area and the presence of the core shopping area. For these reasons, the provision of commercial and retail services should be limited to and cater to the day-to-day convenience shopping needs of the immediate neighbourhood residents.

2.2 The establishment of local convenience commercial facilities will be guided by the following policies:

- o Generally, local convenience commercial facilities will be encouraged to develop in areas presently zoned for such purposes. Conversely, rezonings for additional commercial space will be discouraged so as not to create conditions of over-supply.
- o Consideration will also be given to the compatibility of local convenience commercial uses and their potential effects on adjacent residential properties.

2.3 Where commercial facilities are proposed for development, every effort will be made to ensure a compatible arrangement of land uses and functional design.

- o All commercial facilities will be required to provide adequate buffering, landscaping and separation distances to protect adjoining residential lands.
- o Vehicle access to commercial establishments will be oriented to arterial or collector roadways. Access from local residential streets will be restricted to pedestrian walkways.
- o Loading ramps, parking areas and other similar facilities will be sufficiently screened to minimize potential disturbances caused by noise, glare and odors.
- o No development will be considered unless adequate servicing and off-street parking can be provided.

2.4 In addition to the local convenience nodes situate within Lot 177, the lands of Fonthill Motors have been used for purposes that cater to more than the day-to-day convenience shopping needs of the immediate neighbourhood. To ensure compatibility between these lands and the surrounding park and residential land uses, the permitted general commercial uses in the implementing zoning by-law will be limited to commercial activities that will not negatively impact on the abutting and surrounding lands.

INSTITUTIONAL

- 3.1 Population growth in Lot 177 is not expected to generate a need for new institutional facilities, inclusive of schools, within this area. Institutional demands are expected to be accommodated by existing institutional facilities located in other parts of the Municipality.

PARKS, RECREATION AND OPEN SPACE

- 4.1 The Municipality is desirous of achieving an integrated park system so that each park is readily accessible to other parklands and the neighbourhood residents.
- 4.2 To ensure that an adequate park is provided within Lot 177, it is intended that:
- o Between 2 to 3 acres of land be established for recreational purposes.
 - o The park be centrally located within safe convenient walking distance of the majority of neighbourhood residents.
 - o Appropriate linear parks or walkways should be developed to access the park.
- 4.3 The provision of a neighbourhood park within Lot 177 will be generally guided by the land use pattern shown on Schedule "D".
- 4.4 The detailed design of the neighbourhood park will be carried out as soon as possible after the lands are acquired so that landscaping and topographical modifications may be co-ordinated to the advantage of both the Town and developer.
- 4.5 The Town will endeavour to provide a basic level of recreational facilities in the newly acquired park so that immediate benefits may be derived from this facility. Generally, initial park development will include grading, seeding and the establishment of appropriate plant materials.

SERVICING AND TRANSPORTATION

5.1 The provision of sewerage, water, roads and other municipal services will be achieved with minimum costs to the Town and phased in an orderly and efficient manner.

5.1.1 Development of Lot 177 will occur in two phases:

- o Phase 1 comprising those lands situate generally to the north of Bacon Lane, and
- o Phase 2 comprising the balance of those lands within Lot 177, with development commencing at the southerly located Quaker Road and proceeding in a sequential northerly direction.

5.1.2 Out of phase development will only be considered where the developer is willing to pay the costs of oversizing services beyond the limit of the development to a suitable outlet.

5.1.3 In order to accommodate development within Lot 177, off-site road improvements and storm sewer extensions are required. The cost of undertaking such works shall be borne by the developers.

5.2 Lot 177 shall be developed with a high standard of services including sidewalks, paved roadways with curb and gutter, and underground wiring where necessary.

5.3 In order to achieve the proper co-ordination of services and consistence in development standards, the orderly subdivision of land by way of plan of subdivision will be promoted throughout Lot 177.

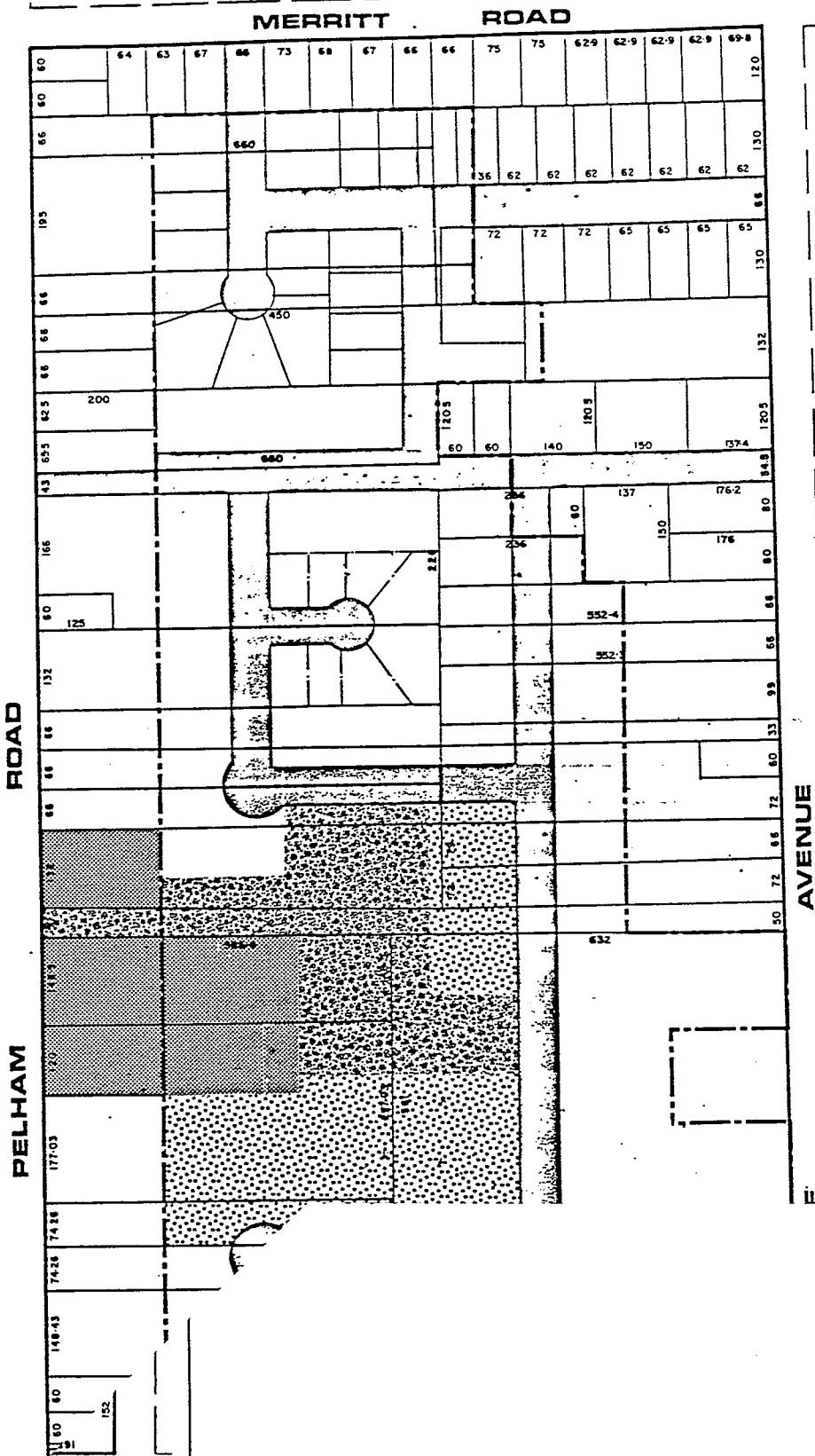
5.4 The road system required to serve Lot 177 is shown on Schedule "D". However, the final alignments of some of the roads may be varied depending on the development proposals that are submitted.

- 5.5 Where any proposed subdivision would preclude the development of a suitable system of interconnecting roadways, as outlined in this Plan, subdivision design modifications will be effected before development proceeds.

IMPLEMENTATION

- 6.1 The land use proposals contained in this Secondary Plan, as well as those aspects of the Official Plan which control development, shall be implemented through the combined actions of the public and private sector associated with the development/redevelopment of lands in Lot 177.
- 6.2 Development or redevelopment proposals will be required to be in conformity with the policies contained in this Secondary Plan and with the Land Use designations indicated on Schedule "D".
- 6.3 The land uses shown on Schedule "D" and the Land Use policies of this Secondary Plan shall be progressively implemented through Sections 34, 40 and 50 of the Planning Act."
3. Schedule A, Land Use Plan to the Official Plan for the Town of Pelham is hereby amended by Schedule "D" attached hereto and forming part of this amendment.

SCHEDULE "D"



PART C

APPENDICES

LIST OF APPENDICES

Appendix	A-1	Planning Report Lot 177 Secondary Plan
Appendix	A-2	Planning Report Lot 177 Secondary Plan - Public Comment Response, dated October 12, 1988
Appendix	A-3	Proposed Official Plan Amendment Lot 177 Secondary Plan, dated March 23, 1989
Appendix	A-4	Report on Municipal Servicing for Lot 177
Appendix	B-1	Planning Report Interim Control By-Law - Lot 177, dated April 5, 1988
Appendix	C-1	Commenting Agencies and Citizens
Appendix	D-1	Planning Report dated February 23, 1989
Appendix	E-1	Planning Report dated June 23, 1989
Appendix	F-1	Planning Report dated August 3, 1989
Appendix	F-2	Planning Report dated June 23, 1989
Appendix	G-1	Planning Report dated September 22, 1989
Appendix	H-1	Planning Report dated August 3, 1989

File '81-010-65

Chairman D. Hubbard
Mayor E.G. Bergenstein
Members of the Planning and Development Committee

Planning Report
Lot 177 Secondary Plan

Introduction

Policy 5.3 of the Pelham Official Plan states:

"Where, in the development of residential, commercial or industrial areas, or when any significant land use change is proposed, the general policies set out in this Plan need to be clarified or set out in greater detail, a secondary plan may be drawn up to facilitate implementation and shall be incorporated into the Plan by amendment."

This Official Plan requirement establishes that where a Secondary Plan is deemed necessary to further refine and enunciate Official Plan policies it shall provide a program of implementation and be established by the amendment process. The present Secondary Plan for Lot 177, although serving as a development guide and provides a good foundation for further plan initiatives it does not address the amendment requirement of the Official Plan. It should also be noted that the existing Secondary Plan does not reflect contemporary practices or policies of the Municipality. The preparation of a new Secondary Plan for the Town of Pelham and its adoption as an amendment to the Official Plan would therefore:

- satisfy the requirement of policy 5.3 of the Official Plan
- provide a more contemporary direction to the development community
- remove uncertainty as to how the lands are to be developed
- coordinate land uses in an optimum way

- respond to the initiatives of the Municipality in providing a planned housing mix
- establish a policy framework to guide and coordinate development

Secondary Plan Rationale

The preparation of the Lot 177 Secondary Plan was predicated upon the following variables:

- maximize development opportunities within Lot 177 as this represents one of the last developable areas of the Town
- provide a reasonable housing mix
- satisfy the various policy requirements of the Municipality as contained in the Official Plan
- provide for compatible development
- provide a centrally located park with linkages to other open space areas of the Town
- take advantage of existing right-of-way and road allowances within Lot 177
- due to the pattern of existing land use, and diversity of land ownership and lot configuration, provide a secondary plan which removes uncertainty and establishes a development plan which will guide the development industry

Secondary Plan Features

a) Location

Lot 177 is situate at the southeast corner of the municipality's urban area and is bounded to the north by Merritt Road, to the west by Pélham Street, to the south by Quaker Road, and to the east by Line Avenue. Lot 177 represents the last major developable area within the Town.

The subject lands are located within the Regional and Municipal urban area boundary and is intended to be developed for urban purposes.

b) Existing Official Plan & Zoning By-law

The Pelham Official Plan designates Lot 177 Urban Residential whereby the predominant use of the lands shall be for single-family residences, multiple-family residences of various kinds, and apartments. Associated institutional uses such as schools, churches and parks are permitted as well. The Urban Residential designation also permits retail commercial outlets provided these are in the nature of neighbourhood stores for the convenience of the nearby residences.

The Municipality's Zoning By-law 1136 (as amended) zones the majority of the lands Residential 1 (R1), permitting single-family dwellings. The two existing commercial areas are zoned Neighbourhood Commercial (NC) permitting banks, barber shops and beauty salons, business and professional offices, convenience retail stores, public and private parking areas, restaurants, studios, agencies and salons. The NC zone has also been tailored to accommodate the automotive dealership situate on the east side of Pelham Street.

c) Existing and Proposed Land Uses

Presently, the majority of the street frontages of Lot 177 are developed for single purposes with the interior lands being vacant. Two commercial blocks exist within Lot 177, one centrally located on the east side of Pelham Street, containing a car dealership, local convenience outlet and proposed personal service/professional office building. The other commercial block is located at the northwest corner of Line Avenue and Quaker Road containing a local convenience outlet.

For the purpose of identifying lands available for development within Lot 177, the principle established in the former development guide was utilized. That is, lot depths for the lands around the periphery of Lot 177 would be generally between 200 and 250 feet with the remainder of lands being considered for development purposes. Also, those lands fronting onto a boundary road, having developable frontage, were included into the development areas. Based upon this approach, the land area available for development totals some 53 acres. The balance of the lands, for the most part, are developed comprising 36 residential acres (inclusive of the Steflar proposal) and 3 acres for commercial purposes. The attached secondary plan illustrates the development envelope.

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The proposed land uses contemplated by the Secondary Plan are:

- 45.12 acres for single and two family dwellings
- 5.29 acres for multiple family dwellings
- 3.29 acres for open space (park)

The location of the proposed land use is illustrated on the attached Secondary Plan, and the appended Table 1 identifies the land use characteristics (existing and proposed) for Lot 177.

d) Road Pattern

The street pattern, as shown on the Secondary Plan, has been designed to maximize the use of the 53 developable acres, provide adequate access to the contiguous boundary roads, takes into consideration land ownership and use constraints, the provision of ready access to the multi-family blocks from Line Avenue, and takes advantage of existing road allowances and rights-of-way.

It should be noted that consideration was given to establishing a second point of access to Pelham Street, in the general vicinity of the southern leg of Spruceside Drive. However, it has been identified by the transportation planners that such a connection is not necessary. Due to the location of the multi-family block and only one point of access to Pelham Street, an additional connection may be required to provide ease of access for emergency vehicles.

e) Housing Mix

The proposed housing mix as contained in the Secondary Plan reflects an approximate mix of 72% single-family and two family units and 28% multiple-family units. The multi-family blocks are intended to be developed for low rise apartments (height not to exceed 3 storeys) and street/block townhousing units. The suggested mix is consistent with the municipality's draft Housing Policy Statement which is advocating housing production targets by the following unit type:

Single and two family units	75%
Apartment and townhouse units	25%

It is noted that the actual mix to be realized will in part be a result of market conditions, and therefore, the targeted mix within the Secondary Plan

policies (reference policy 1.2) has been relaxed to 80% single-family and two-family units, and 20% multiple-family units. This softening provides flexibility to the development industry, yet maintains the targeted intent of providing a reasonable housing mix.

The location of the multiple blocks was based upon the following:

- proximity to open space areas
- proximity to commercial facilities
- minimize impact upon existing residences
- the planned grouping of like uses

f) Open Space Area

The proposed open space area comprises some 3.29 acres and is centrally located to Lot 177. The design of the open space area also includes the opportunity for linkage to the other open space areas of the community as evidenced by the provision of access to Pelham Street and to the internal road network which accesses Line Avenue.

The centrally located open space area, coupled with the multiple blocks, achieves an effective land use distribution within the community, enhances land use compatibility and buffers the commercial areas.

The establishment of the open space area will be a result of land dedications and cash payments in lieu of land dedications, thereby facilitating land acquisition.

g) Commercial Opportunities

As previously noted, the commercial designation of the Secondary Plan generally reflects the Neighbourhood Commercial zoning of By-law 1136 and existing/approved developments. The proposed policies of the Plan therefore address and guide local convenience facilities that provide day-to-day convenience shopping needs of the immediate neighbourhood residents.

It is noted that the Plan also responds to the direction of the Municipality relative to having the lands of Fonthill Motors appropriately addressed in the Secondary Plan. In this regard, policy 2.4 provides commercial opportunities upon the site that are serving a larger market area than the immediate neighbourhood.

h) Future School Sites

Both the Niagara South Board of Education and the Welland County Separate School Board have stated that no additional school sites are required in Lot 177.

i) Servicing

Water Supply

Lot 177 can easily be provided with potable water supply simply by connection to one or more of the existing perimeter watermains, i.e. 300mm mains on Pelham Street and Quaker Road, 200mm/150mm mains on Merritt Road and the 150mm main on Line Avenue. Development of Lot 177 will permit the strengthening and improvement of the overall water distribution grid in this section of the Town. The water system in this area is fed from the Welland system and as such has the capacity to serve this area (Lot 177).

Sanitary Sewerage

Similar to the situation with the watermains, Lot 177 can easily be provided with a sanitary sewerage collection system simply by connections to the existing perimeter sewers, i.e. 200mm sewer on Merritt Road and 300mm sewers on Line Avenue and Quaker Road. Although there is a 500mm sanitary sewer on Pelham Street, it is a Regional trunk sewer and it is recommended that no further connections be made to this sewer from Lot 177 unless absolutely necessary.

The sanitary sewers in this area were all originally designed to handle sewage flows from Lot 177, hence development of this area should not pose any servicing problems with respect to the provision of sanitary sewerage collection.

Storm Drainage

Perhaps the most important servicing issue for Lot 177 is the provision of an adequately-sized and suitable outlet for storm drainage. The north section of the lot (Steflar Estates and Brookfield Estates) is currently designed to drain easterly to the natural watercourse lying east of Line Avenue and south of Merritt Road. This same watercourse is to be improved and provided with storm water management facilities to serve not only Steflar Estates but also Kunda Park.

The remainder of Lot 177 has been included in the drainage area tributary to Draper's Creek and the Draper's Storm Water Management Pond. The outlet for Lot 177 will be a new 1200-1500mm trunk storm sewer to be constructed on Quaker Road from Draper's Creek easterly to the east side of Pelham Street. The first section of this new trunk is being constructed currently from Draper's Creek to a point just west of Pelham Street as part of the servicing of the Quaker Road No. 1 plan (ROAD Developments).

The remaining section of this storm sewer to the east side of Pelham Street should be constructed in 1988 prior to planned intersection improvements at Quaker Road/Pelham Street by Regional Niagara. Once the storm sewer is completed to the east side of Pelham Street, the necessary outlet for Lot 177 will be available. It should be noted that the location of the storm drainage outlet at the south end of Lot 177 will necessitate an orderly development of the Lot in a south to north direction.

(It is noted that the servicing information has been furnished by the municipality's consulting engineers Proctor and Redfern.)

j) Staging

As noted above, Lot 177 can be readily serviced with water and sanitary systems and staging of development is not required. However, from a storm drainage perspective, Lot 177 is contained within two drainage areas and therefore a staging program is necessary.

Policy 5.1 of the Secondary Plan establishes that those lands lying to the north of Bacon Lane can be readily developed, and therefore are in Phase 1. The balance of Lot 177 is within the Draper's Creek drainage area and therefore, due to the storm sewer works required and location of the drainage outlet, these lands are in Phase 2, which will also warrant an orderly development of the lot in a south to north direction.

Recommendations

1. That the Planning and Development Committee receive the proposed Secondary Plan for Lot 177.
2. That staff be directed to convene a Public Information Meeting to present and discuss the proposed Lot 177 Secondary Plan.

Respectfully submitted:

G. A. Barker

G. A. Barker
Senior Planner

Table 1

Lot 177: Land Use Characteristics

Total Area	93.00 acres		
Existing Commercial	3.09 acres		
Existing Residential	36.90 acres	- 93 units at 2.8 p.p.u.	= 260
Available Land for Development	53.91 acres		
Proposed Single Family (infill)		12 units at 2.8 p.p.u.	= 34
Proposed Single Family and Two Family	45.12 acres	at 6 upa = 271 units at 2.8 p.p.u.	= 759
Proposed Multiple Family Townhouse Apartment	2.15 acres	at 12 upa = 26 units at 2.2 p.p.u.	= 58
	3.14 acres	at 26 upa = 82 units at 1.5 p.p.u.	= 123
Proposed Open Space	3.29 acres		
Total Units	271	(71.5%)	
single family and two family townhouses apartments	26	(28.5%)	
	82		
	379		
Total Population			1,234

DRAFT LAND USE POLICIES

Lot 177

1. RESIDENTIAL

- 1.1 The residential neighbourhood of Lot 177 represents the last sizeable developable area within the Town's Urban Area Boundary, and therefore care must be exercised in its growth and development to provide an attractive and viable neighbourhood.
- 1.2 Development within Lot 177 will be co-ordinated with both short term housing demand and long range housing needs. Recognizing the need to increase housing types, the following residential mix should be achieved:

Low Density (up to 12 u.p.a.)	80% Single Family and Two Family Units
Medium Density (12 to 26 u.p.a.)	20% Multiple Family Attached & Low Rise Apartments
- 1.3 To provide for a range of affordable housing, a mix of dwelling unit types and lot sizes will be provided within Lot 177. This mix of type and range of lot size will provide the opportunity for a range of affordable residential accommodation.
- 1.4 Housing types will be located within Lot 177 in such a manner as to enhance the physical and living environments of the neighbourhood. This will especially be the case for apartments and multiple attached housing so as to increase their desirability and viability as alternative forms of accommodation to the single family detached house.
- 1.5 To maximize accessibility for the largest number of people, medium density housing will be located next to or directly accessible to commercial areas and community facilities such as major parks and open space areas.
- 1.6 In order to minimize the impact of medium density living on the residents of the neighbourhood, medium density developments will be located adjacent to or directly accessible to parks and open space areas.
- 1.7 The development of medium density housing will be generally guided by the land use pattern shown on Schedule 'A'.

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- 1.8 The building height of medium density developments shall not exceed three (3) storeys.
- 1.9 The low density character of the existing residential areas will be protected in the process of considering new development and residential infilling.

2. COMMERCIAL

- 2.1 The need for commercial and retail services in Lot 177 is limited due to the relatively small market area and the presence of the core shopping area. For these reasons, the provision of commercial and retail services should be limited to and cater to the day-to-day convenience shopping needs of the immediate neighbourhood residents.
- 2.2 The establishment of local convenience commercial facilities will be guided by the following policies:
 - o Generally, local convenience commercial facilities will be encouraged to develop in areas presently zoned for such purposes. Conversely, rezonings for additional commercial space will be discouraged so as not to create conditions of over-supply.
 - o Consideration will also be given to the compatibility of local convenience commercial uses and their potential effects on adjacent residential properties.
- 2.3 Where commercial facilities are proposed for development, every effort will be made to ensure a compatible arrangement of land uses and functional design.
 - o All commercial facilities will be required to provide adequate buffering, landscaping and separation distances to protect adjoining residential lands.
 - o Vehicle access to commercial establishments will be oriented to arterial or collector roadways. Access from local residential streets will be restricted to pedestrian walkways.

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- o Loading ramps, parking areas and other similar facilities will be sufficiently screened to minimize potential disturbances caused by noise, glare and odors.
- o No development will be considered unless adequate servicing and off-street parking can be provided.

2.4 In addition to the local convenience nodes situate within Lot 177, the lands of Fonthill Motors have been used for purposes that cater to more than the day-to-day convenience shopping needs of the immediate neighbourhood. To ensure compatibility between these lands and the surrounding park and residential land uses, the permitted general commercial uses in the implementing zoning by-law will be limited to commercial activities that will not negatively impact on the abutting and surrounding lands.

3. INSTITUTIONAL

3.1 Population growth in Lot 177 is not expected to generate a need for new institutional facilities, inclusive of schools, within this area. Institutional demands are expected to be accommodated by existing institutional facilities located in other parts of the Municipality.

4. PARKS, RECREATION AND OPEN SPACE

4.1 The Municipality is desirous of achieving an integrated park system so that each park is readily accessible to other parklands and the neighbourhood residents.

4.2 To ensure that an adequate park is provided within Lot 177, it is intended that:

- o Between 2 to 3 acres of land be established for recreational purposes.
- o The park be centrally located within safe convenient walking distance of the majority of neighbourhood residents.
- o Appropriate linear parks or walkways should be developed to access the park.

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- 4.3 The provision of a neighbourhood park within Lot 177 will be generally guided by the land use pattern shown on Schedule 'A'.
- 4.4 The detailed design of the neighbourhood park will be carried out as soon as possible after the lands are acquired so that landscaping and topographical modifications may be co-ordinated to the advantage of both the Town and developer.
- 4.5 The Town will endeavour to provide a basic level of recreational facilities in the newly acquired park so that immediate benefits may be derived from this facility. Generally, initial park development will include grading, seeding and the establishment of appropriate plant materials.

5. SERVICING AND TRANSPORTATION

- 5.1 The provision of sewerage, water, roads and other municipal services will be achieved with minimum costs to the Town and phased in an orderly and efficient manner.
 - 5.1.1 Development of Lot 177 will occur in two phases:
 - o Phase 1 comprising those lands situate generally to the north of Bacon Lane, and
 - o Phase 2 comprising the balance of those lands within Lot 177, with development commencing at the southerly located Quaker Road and proceeding in a sequential north-erly direction.
 - 5.1.2 Out of phase development will only be considered where the developer is willing to pay the costs of oversizing services beyond the limit of the development to a suitable outlet.
 - 5.1.3 In order to accommodate development within Lot 177, off-site road improvements and storm sewer extensions are required. The cost of undertaking such works shall be borne by the developers.

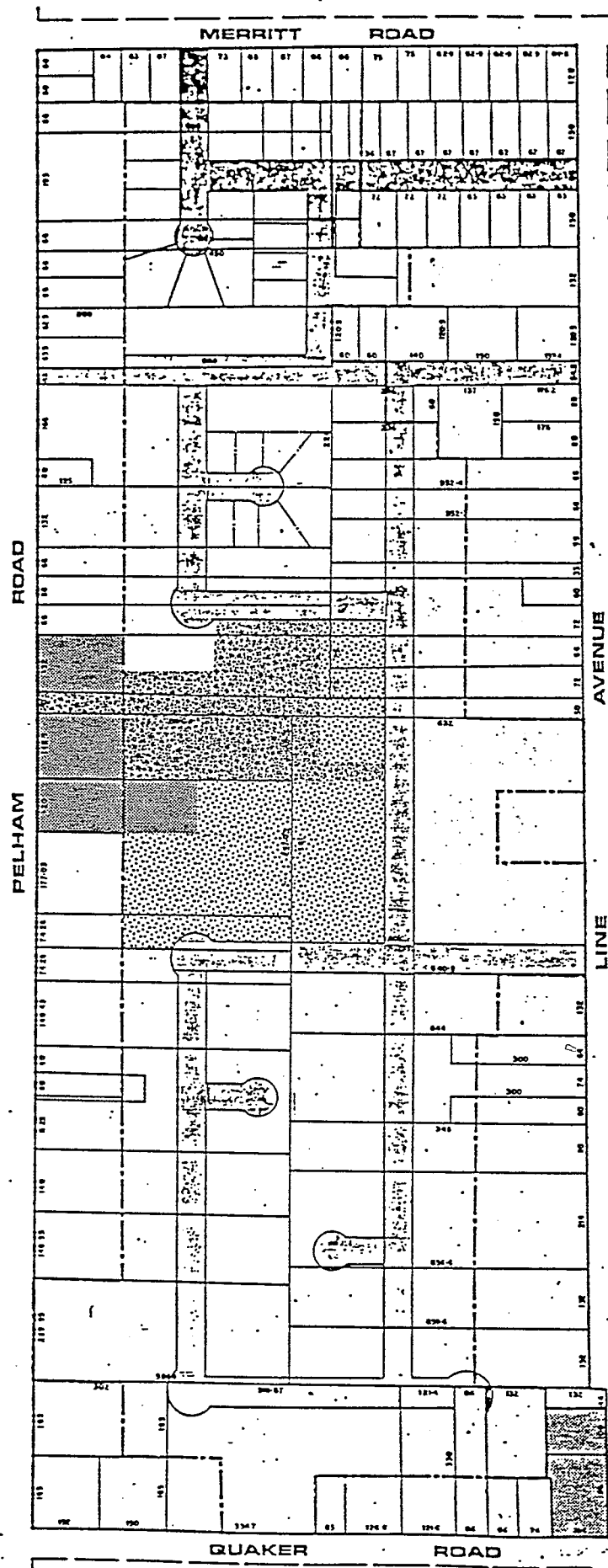
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- 5.2 Lot 177 shall be developed with a high standard of services including sidewalks, paved roadways with curb and gutter, and underground wiring where necessary.
- 5.3 In order to achieve the proper co-ordination of services and consistence in development standards, the orderly subdivision of land by way of plan of subdivision will be promoted throughout Lot 177.
- 5.4 The road system required to serve Lot 177 is shown on Schedule 'A'. However, the final alignments of some of the roads may be varied depending on the development proposals that are submitted.
- 5.5 Where any proposed subdivision would preclude the development of a suitable system of interconnecting roadways, as outlined in this Plan, subdivision design modifications will be effected before development proceeds.

6. IMPLEMENTATION

- 6.1 The land use proposals contained in this Secondary Plan, as well as those aspects of the Official Plan which control development, shall be implemented through the combined actions of the public and private sector associated with the development/redevelopment of lands in Lot 177.
- 6.2 Development or redevelopment proposals will be required to be in conformity with the policies contained in this Secondary Plan and with the Land Use designations indicated on Schedule 'A'.
- 6.3 The land uses shown on Schedule 'A' and the Land Use policies of this Secondary Plan shall be progressively implemented through Sections 34, 40 and 50 of the Planning Act.

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- SINGLE FAMILY & SEMI-DETACHED
- MULTI FAMILY
- COMMERCIAL
- OPEN SPACE

EASTERLY LIMIT OF LOT 177

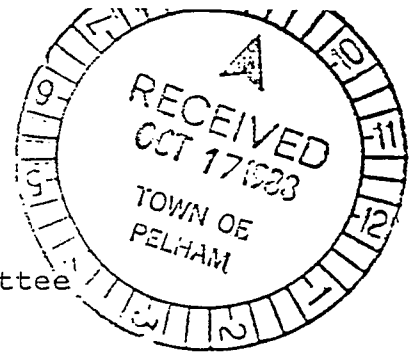
SECONDARY PLAN LOT 177

SCALE 1"=100'

123 PELHAM ROAD

October 12, 1988
Our File: 81-010-65

Chairman D. Hubbard
Mayor E. G. Bergenstein
Members of the Planning and Development Committee



Planning Report
Lot 177 Secondary Plan
Public Comment Response

Background

On June 6th, 1988 an "informal" public meeting was held by the Planning and Development Committee to provide information on the proposed Secondary Plan for Lot 177. During the course of the public meeting a number of questions were raised at which Committee requested additional information. Also, written responses were received which require Committees' attention. In this regard, this report has been prepared to respond to, clarify, and provide additional information on the questions and concerns raised. These can be catagorized into four principle areas: servicing, commercial opportunities, housing mix and development applications, and development envelope.

Servicing

Matters of a servicing nature that need to be addressed pertain to the reconstruction of Merritt Road, the impact on land drainage of new development versus existing development, infill development along Quaker Road, and the proposed street at Pelham Road.

Question has been raised as to the standard that Merritt Road is to be reconstructed to. It is my understanding that Merritt Road will be reconstructed to a standard utilized in other areas of the Municipality where a designed storm sewer system is not available. That is, the road surface will be asphalt, the shoulders of the road appropriately treated, and drainage provided by road side ditches and/or swales. From comments gleened by area residents, concerns exists over the adequacy of the existing fronting ditch. In this regard, an adequate storm outlet will be provided when the northerly located Kunda development proceeds thereby further improving area drainage.

Residents fronting onto Pelham Road and backing onto the proposed Brookfield development expressed concern related to drainage due to the areas topographical relief. This concern will be addressed through the subdivision process as the development of the Brookfield lands can not adversely affect surrounding lands and in fact the required lot grading and drainage plan(s) must embrace existing drainage patterns and abutting lands.

Mr. P. Pasko of 746 Quaker Road has questioned if infill development could occur along the Quaker Road frontage in the absence of a storm sewer. In this regard, lot creation along Quaker Road would be treated as an infill situation with storm water flows being accommodated by the existing road side ditch during the interim (i.e. until a storm sewer is constructed along Quaker Road). It is noted that with, the to be constructed trunk storm sewer at the intersection of Quaker and Pelham Roads an appropriate outlet for the existing Quaker Road roadside ditch will be provided.

Mr. K. Gonyou has questioned the appropriateness of the westerly extension of Bacon Lane opposite Spruceside Crescent as turning movements onto Pelham Road, especially on weekends and during rush hours, is becoming increasingly difficult and having a cross intersection at this point will further compound this problem. The Municipality's consulting engineer reviewed this point and noted that providing access to Lot 177 from Pelham Road is preferred at this location rather than at some midpoint. This point of view was also confirmed by Regional Niagara. Furthermore, it is felt that the signalization of Quaker and Pelham Roads will improve traffic movements within the general area.

Commercial Opportunities

Since tabling the Secondary Plan for Lot 177 3 requests for expanded commercial opportunities have been raised, all of which are centred around the existing commercial nodes of the plan area.

Mr. Rittenhouse, of Fonthill Motors has requested that his entire holding be appropriately recognized in the Secondary Plan for commercial purposes. The Secondary Plan presently recognizes only those lands that are actively used for commercial purposes with the balance of the lands being designated for multiple residential purposes. Based upon Mr. Rittenhouse wanting to maximize commercial development upon the lands, in particular the automobile dealership, the

lands being previously zoned Commercial General, and Council directing that the lands be appropriately designated, the Secondary Plan should be modified to include all of the lands of Fonthill Motors within a commercial designation. Presently, staff are working with the applicant in the preparation of a list of permitted uses for the implementing zoning by-law to ensure land use compatibility.

The group who own lands to the immediate south of Fonthill Motors have requested that approximately 1 acre of their holding be included into the commercial node. Unlike those lands which are designated commercial in the Secondary Plan and were zoned commercial by By-Law 279, the subject lands were always intended to be used for residential purposes. Consideration of additional commercial development along Pelham Road may initiate the formation of a commercial strip which would be undesirable and perhaps negatively impact upon other existing commercial areas. This, coupled with no justification for the request (e.g. market study) and no indication as to commercial type has resulted in the request not being supportable.

Mr. R. Benoit of F.T. LaPorte Realty Inc., representing the owner of 690 Quaker Road has requested that this parcel be recognized for commercial purposes. This is to accommodate the expansion of the existing local convenience outlet. Review has been undertaken of this request, without the benefit of a detailed site plan, and note that the commercial use of the subject lands has merited as:

- it is a reasonable expansion of the existing use
- will provide an opportunity to obtain a road widening dedication along Quaker Road and Line Avenue
- through the site plan control process an improved arrangement of points of ingress/egress and parking areas will result

Housing Mix/Development Applications

Considerable concern has been expressed about the provision of alternative forms of housing within Lot 177. The previous planning report and the information presented at the June 6th public meeting clearly demonstrated the rationale for a housing mix and as such further discussion is not warranted. What has to be addressed, however, is the location of the multiples. As previously noted, the location of the multiple block was based upon:

- proximity to open space areas
- proximity to commercial facilities
- minimize impact upon existing residences
- the planned grouping of like uses

Since the June 6th public meeting planning staff have met with Mr. Lucchetta to discuss the proposed 16 unit apartment building and Mr. Bruin to discuss the proposed 31 unit townhouse project. At the meetings, the following was suggested and revised plans are pending:

- Mr. Lucchetta - the subject proposal be designed to meet the requirements of the Residential Multiple 2 (RM2) Zone.
- the structure be reoriented onto the internal street rather than Line Avenue
 - consideration be given to land assembly to offset servicing costs, increase building design and land use considerations etc.
- Mr. Bruin
- the subject proposal be designed to reflect the road pattern of the Secondary Plan.
 - a townhousing development that is designed to provide frontage to the internal street once constructed
 - consideration of alternative uses on the lands either in whole or in part

Until additional plans are received and reviewed definitive direction cannot be provided as to the appropriateness of the two amendment applications. It is noted, that assessment of the applications will be based on the Secondary Plan principles, but also:

- the Fire Chief has suggested that if the centrally located multiple block develops as envisioned consideration should be given to providing an additional connection to Pelham Road
- the impact of a reduced multiple block due to the rear lands of Fonhill Motors being designated commercial
- the impact of not supporting the subject applications upon the overall development of Lot 177 as this the only interest of a residential nature being expressed in the southern tier of the Lot at this time.

Development Envelope

Question has been raised over the assumed development envelope. The identification of the development envelope was based upon a survey undertaken as part of the previous planning exercise for Lot 177 in 1978, air photo review, and identifying what was felt to be a reasonable lot depth. Obviously, the establishment of lot depth for those properties that perimeter Lot 177 will be a function at land assembly. For example, when lands were assembled for Brookfield Estates lot depths of 115 to 190 feet resulted along Merritt and Pelham Roads.

Other Comments

Other comments raised that required attention focus on the status of the unopened portion of Bacon Lane and the southerly located right of way, and nonconforming uses within Lot 177. The Municipality's solicitor has identified that title for the unopened portion of Bacon Lane and the southerly located right of way is not clear, however, it is quite evident that these pieces of property were set aside for access routes and that in establishing any secondary plan it would seem reasonable to show them as future and potential public roads.

Question has been raised as to the impact of the Secondary Plan upon nonconforming uses and recognition of them in the implementing zoning by-law. In this regard, the establishment of a Secondary Plan for Lot 177 by Official Plan Amendment would have the same affect as the Municipality's Official Plan. In fact, to assess the appropriateness of the nonconforming use Policy 1.4 of the Official Plan would be utilized to determine if said use, based upon performance standards, would be recognized in the zoning by-law. It is not however, necessary to amend the Official Plan to provide for this recognition. Based upon this established Official Plan criteria, the Secondary Plan should not recognize, by land use designation, nonconforming uses.

Recommendations

Based upon the review of comments from the public participation program and written comments received it is recommended:

1. that the Municipality proceed with the convening of the required public meeting pursuant to the Planning Act
2. that a further report be prepared to respond to the Lucchetta and Bruin applications.

March 23, 1989

Chairman B. Walker
Members of Planning & Development Committee

Re: Proposed Official Plan Amendment
Lot 177 Secondary Plan

Background

On March 2, 1989 a public meeting was convened by the Planning and Development Committee to present the Secondary Plan for Lot 177 to those in attendance. It was indicated that the Secondary Plan, as presented, was based upon the document previously reviewed by the Committee and public, and after considering comments raised.

As indicated in a report dated October 12, 1988, which responded to comments raised by the public, four principle areas of concern were identified. Those being: servicing, commercial opportunities, housing mix and development applications, and development envelope.

Servicing

Matters of a servicing nature that were previously raised as a result of the June 6th 1988 public meeting focused upon the reconstruction of Merritt Road, the impact on land drainage of new development versus existing development, infill development along Quaker Road, and the proposed street at Pelham Road. At the March 2, 1989 public meeting no additional significant concerns were raised other than the need to reconstruct Line Avenue which included the installation of sidewalks.

In response to the concerns raised it is felt that the current practices of the Municipality coupled with the proposed "servicing and transportation" policies of the Secondary Plan will ensure that the servicing and development of Lot 177 will occur in a desirable fashion and satisfy the needs of the existing and future residents of the area.

Commercial Opportunities

Three requests for expanded commercial opportunities have been made to the Municipality since the initial tabling of the Secondary Plan of Lot 177. These requests have been assessed and the Secondary Plan presented on March 2nd provided the following direction:

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- o The commercial designation for Fonthill Motors has been expanded in depth from 360 feet to 425 feet. Also, the commercial designation of the northerly located lands which are also to be used by the southerly located Fonthill Motors have been expanded in depth to correspond to the 425 foot depth. This change to the Secondary Plan will provide for the expansion of Fonthill Motors and the rounding out and creation of a more efficient commercial block.
- o The commercial designation at the corner of Quaker Road and Line Avenue has been expanded some 74 feet westerly to reflect the recently adopted zoning by-law amendment.
- o The commercial designation centering upon Fonthill Motors has not been expanded southerly, as requested by Mr. R. Marion, on behalf of Mr. Lavallee, as it is felt that this will contribute to the proliferation of strip commercial development along Pelham Road which is considered undesirable, no justification has been provided as to the need for further commercial development, and further commercial development at this location is not considered appropriate.

Housing Mix/Development Applications

Considerable concern has been expressed over the provision of a centrally located multiple block within Lot 177. The concern emanating from residents of the area not wanting the opportunity for multiple family developments to establish within Lot 177 and from interested developers wanting consideration of a multiple family designation at alternative locations within Lot 177.

The location of the central multiple block, as illustrated on the previous Secondary Plan, was based upon:

- proximity of open space areas
- proximity to commercial facilities
- minimize impact upon existing residences
- the planned grouping of like uses

However, the revised Secondary Plan as presented on March 2, 1989 provided for a reduction in the size of the centrally designated multiple block and the designation of two additional multiple blocks in the southern tier. The change to the Secondary Plan was a result of a number of variables that had to be addressed:

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- with the expansion of the commercial designation around Fonthill Motors, the resulting displacement of the open space area and therefore the reduction of the multiple block should additional lands be designated for multiple purposes in other areas of Lot 177
- the reduction of the size of the centrally designated multiple block responds to the access concerns of the Fire Chief
- the need to address an appropriate housing mix within Lot 177 which is recommended at 80% single and two family and 20% multiple family
- the Region has requested the Municipality reconsider the proposed housing mix with the view of providing a mix of 75% single and two family and 25% multiple family.
- the impact of not supporting the subject development applications (i.e. Bruin and Lucchetta) upon the overall development of Lot 177 as this is the only interest of a residential nature being expressed in the southern tier of the Lot at this time, which is the Phase I development area

It is noted that the Planning and Development Committee has not considered the development applications of Messrs. Bruin and Lucchetta at this time even though the Secondary Plan has designated the subject lands for multiple family purposes. As a result, a number of options exist for committee's consideration:

- o approve the Secondary Plan as presented on March 2, 1989 which designated three multiple blocks.
- o approve the Secondary Plan as presented on March 2, 1989 excepting the two southerly multiple blocks which would retain the single and two family designation
- o approve the Secondary Plan as presented on March 2, 1989, in principle, with the by-law adopting the required Official Plan Amendment not being enacted until such time as Committee considers the Bruin and Lucchetta applications

Development Envelope

It has been identified by the residents of Lot 177 that the lands to be retained by themselves should be approximately 250 feet in depth. It is felt that the Secondary Plan has sufficient flexibility to accommodate this principle. As a result, the

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Municipality should review each consent application and determine the appropriateness of lot depth in relation to the proposed design of the Secondary Plan.

Recommendations

Based upon the review of comments from the public participation program and members of Council, and written comments received it is recommended:

1. That the Secondary Plan as presented on March 2, 1989 be approved in principle, with the by-law adopting the required Official Plan Amendment not being enacted until such time as Committee considers the Bruin and Lucchetta applications.
2. That staff be directed to schedule public meetings for the Bruin and Lucchetta applications.
3. That staff be directed to prepare the necessary official plan amendment for enactment by Council after consideration of the Bruin and Lucchetta applications.

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REPORT ON MUNICIPAL SERVICING FOR LOT 177

This report has been prepared to identify servicing requirements and associated costs for the external servicing needs of Lot 177. Lot 177 is identified as that parcel of land bounded on the north by Merritt Road, on the west by South Pelham Street, on the east by Line Avenue, and on the south by Quaker Road. Existing development fronts on all four boundary roads.

To ensure the most efficient use of the vacant parcels in Lot 177 and provide for its orderly development and servicing, it will be necessary for the Town of Pelham to identify those external servicing requirements and their associated costs which will be generated as a result of the development of Lot 177. The following sections identify the specific external servicing requirements and their related cost in terms of 1988 dollars.

A. Water Supply

Lot 177 can easily be provided with potable water supply simply by connection to one or more of the existing perimeter watermain, i.e. 300mm mains on South Pelham Street and Quaker Road, 200mm/150mm mains on Merritt Road and the 150mm main on Line Avenue. Development of Lot 177 will permit the strengthening and improvement of the overall water distribution grid in this section of the Town. The water system in this area is fed from the Welland system and as such has the capacity to serve this area (Lot 177).

There will be no external servicing costs associated with the provision of potable water to Lot 177. Any and all costs for water servicing will be borne by new development directly.

B. Sanitary Sewerage

Similar to the situation with the watermain, Lot 177 can easily be provided with a sanitary sewerage collection system simply by connections to the existing perimeter sewers, i.e. 200mm sewer on Merritt Road and 300mm sewers on Line Avenue and Quaker Road. Although there is a 500mm sanitary sewer on South Pelham Street, it is a Regional trunk sewer and it is recommended that no further connections be made to this sewer from Lot 177 unless absolutely necessary.

The sanitary sewers in this area were all originally designed to handle sewage flows from Lot 177, hence development of this area should not pose any servicing problems with respect to the provision of sanitary sewerage collection.

As is the case with the water system, there will be no external servicing costs associated with the provision of a sanitary sewage collection system in Lot 177. All internal costs will be borne directly by the developments as they proceed.

Continued....

C. Storm Drainage

Perhaps the most important servicing issue for Lot 177 is the provision of an adequately-sized and suitable outlet for storm drainage. The north section of the lot (Steflar Estates and Brookfield Estates) is currently designed to drain easterly to the natural watercourse lying east of Line Avenue and south of Merritt Road. This same watercourse is to be improved and provided with stormwater management facilities to serve not only Steflar Estates but also Kunda Park.

The remainder of Lot 177 has been included in the drainage area tributary to Draper's Creek and the Draper's Stormwater Management Pond. The outlet for Lot 177 will be a new 1200-1050mm trunk storm sewer to be constructed on Quaker Road from Draper's Creek easterly to the east side of south Pelham Street. The first section of this new trunk is being constructed currently from Draper's Creek to a point just west of South Pelham Street as part of the servicing of the Quaker Road No. 1 plan (ROAD Developments).

The remaining section of this storm sewer to the east side of South Pelham Street should be constructed in 1988 prior to planned intersection improvements at Quaker Road/South Pelham Street by Regional Niagara. Once the storm sewer is completed to the east side of South Pelham Street, the necessary outlet for Lot 177 will be available. Further costs for the extension of this sewer along Quaker Road and into the Lot will be borne directly by developments as they proceed. It should be noted that the location of the storm drainage outlet at the south end of Lot 177 will necessitate an orderly development of the Lot in a south to north direction.

The external servicing costs for storm drainage will involve the cost of the trunk sewer extension from Draper's Creek to the east side of South Pelham Street. The estimated cost of this sewer construction inclusive of engineering and contingencies is \$271,500.00. There will be some cost-sharing with Regional Niagara and ROAD Developments resulting in the following cost split:

ROAD Development	-	\$ 24,500
Region of Niagara	-	\$ 6,800
Town of Pelham	-	\$240,200

The Town's share is directly assessable against the development in Lot 177. Another cost which may be assessable against the development in Lot 177 is the Town's share of costs related to the development of the Draper's Creek Detention Pond. The amount of \$127,409.24 has been recorded in Town records as that amount paid by the Town towards the cost of the Draper's Creek Detention Pond. Together with accrued interest (10% per annum), the current value of this original sum is now in the order of \$227,400.00.

Should the Town decide to recover this Pond cost from the development of Lot 177, then the total external storm drainage costs to be recovered from Lot 177 development will total \$467,600.00.

Continued....

D. Roadways

The current development plan for Lot 177 will provide access from Merritt Road (through Brookfield Estates), from Line Avenue through connections at Bacon Lane and a new roadway to the south, from South Pelham Street through connection opposite Spruceside Drive (north leg) and Quaker Road through a new road connection. We have reviewed the requirement for a second access to South Pelham Street with our transportation planners and are advised such a connection is not necessary. However, discussions with the Fire Chief reveal his concerns with the development of the Higher density use areas and his desire to have a second direct connection to South Pelham Street. If the proposed location of the higher density development is to remain as planned, then consideration may have to be given to a second access from South Pelham Street in the vicinity of the south leg of Spruceside Drive.

The external roadway costs associated with the development of Lot 177 are related directly to the necessary upgrading of three of its boundary roads, namely Merritt Street, Line Avenue and Quaker Road. Costs associated with the upgrading of Merritt Road have been collected or will be collected from new developments fronting on this street supplemented by fund generated by the current lot levy assessment. As a result, no costs are assessable against the development of the remainder of Lot 177.

The future upgrading costs of Line Avenue and Quaker Road, however, should require contribution from the developers of Lot 177. In the case of Quaker road, there is no assessment in the current lot levy for its future upgrading. Therefore, the development of Lot 177 should be expected to fund a portion of this cost by virtue of the fact its development will generate a portion of the traffic volumes and the upgrading need. The estimated cost of upgrading Quaker Road (South Pelham Street to Line Avenue) to a full urban standard is \$188,000.00. Based on a 50% contribution, the sum of \$94,000 should be assessed against the development of Lot 177.

With respect to Line Avenue, the current lot levy provides for some assessment for growth related improvements (\$52,000.00). The total estimated cost for upgrading Line Avenue (Quaker Road to Merritt Road) to a full urban standard is \$360,000.00. Based on a 50% contribution, the sum of \$180,000.00 should be assessed against the development of Lot 177.

Summary

The external servicing costs attributable to and recoverable from the development of Lot 177 are as follows:

Water Supply	-	Nil
Sanitary Sewage	- -	Nil
Storm Drainage		
Quaker Road Sewer	-	\$240,200.00
Pond Contribution	-	\$227,400.00
Boundary Roads		
Quaker Road	-	\$ 94,000.00
Line Avenue	-	<u>\$180,000.00</u>
TOTAL		\$741,600.00

April 5, 1988

File: 81-010-65

Mayor E. G. Bergenstein
Members of Council

Planning Report
Interim Control By-law - Lot 177

Section 37 of the Planning Act provides municipalities with the opportunity to pass interim control by-laws to control development in areas where it wishes to review the existing land use and development policies, or where new policies will be developed. The interim control by-law is designed to prevent or at least limit new development pending completion of a planning study.

In this regard, the Town of Pelham should consider the passage of an interim control by-law for Lot 177. This is considered necessary as:

- o the Municipality has commissioned the preparation of a Secondary Plan for Lot 177.
- o discussions on secondary plan formulation are ongoing.
- o development pressure is being experienced within Lot 177 which may prejudice or jeopardize the preparation of a land use document that will represent planned and orderly development of the subject lands.

To ensure that development within Lot 177 is appropriately regulated and does not detract from secondary plan formulation, it is recommended that the term of the by-law be for one year, and the uses of the land be limited to those existing at the date of passage of the interim control by-law and accessory buildings and structures thereto.

The Municipality is not required to give prior notice regarding the passing of an interim control by-law; however, notice must be given within 30 days of the by-law's passing. The appeal period is 60 days from the passing of the by-law and any appeals must be filed with the municipal clerk. If an appeal is filed, the same provisions applying to a by-law passed and appealed under section 34 also apply.

An interim control by-law comes into effect when it is passed, even if it is appealed.

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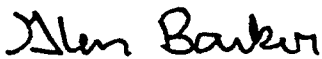
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With regard to public notice of council's passage of the interim control by-law, it is recommended that an advertisement be placed in the newspaper, and by prepaid first class mail to every owner of land within Lot 177. It is noted that this form of public notice exceeds the requirements of Provincial Regulation 405/83.

Attached to this report is a schedule of Lot 177 which identifies the lands to which interim control should apply. It is noted that the lands excluded are those that have recently received municipal approval for development or, alternatively, will not adversely affect secondary plan formulation. Also, Council, at a subsequent date, when direction has been provided relative to the secondary plan, can further redefine the areas to which the interim control by-law applies.

Based upon the above, it is recommended that the resolution and by-law listed on the council agenda be adopted.

Respectfully submitted:



Glen A. Barker
Senior Planner

GAB/md

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

BY-LAW NO. 1180 (1988)

Being a by-law to impose interim control on
certain lands within the Town of Pelham.

WHEREAS the Council of the Corporation of the Town of Pelham did on August 17th., 1987 ratify the following recommendation of the Planning & Development Committee - "THAT Staff and the Consultant be requested to bring forward as soon as possible a report on the Lot 177 Secondary Plan";

AND WHEREAS the Council of the Corporation of the Town of Pelham did on April 5th., 1988 enact the following resolution - "THAT the Council of the Corporation of the Town of Pelham hereby supports the preparation of a secondary plan for the Lot 177 area and further directs that the Town's Planning Consultants prepare and present a secondary plan to the Council at the earliest possible date";

AND WHEREAS the Planning Act, S.O. 1983, Chapter 1, Section 37 (1) provides as follows:

"Where the Council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the Council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law."

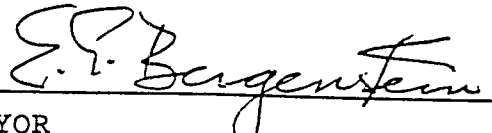
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AND WHEREAS the Council of the Corporation of the Town of Pelham considers it expedient to enact an Interim Control By-law with respect to the land shown on Schedule "A" attached hereto, which forms part of this by-law, in order to give effect to its resolution of April 5th., 1988 aforesaid;

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

- (1) No person shall use land or erect or use a building or structure within the area shown on Schedule "A" attached hereto and forming part of this by-law, for any purpose except that purpose for which the land, building or structure was used at the date of the passage of this by-law and uses, buildings or structures accessory to the foregoing permitted use providing they have a maximum floor area of 28m².
- (2) This by-law shall be in force and effect for a period of one year from the date of passage thereof.
- (3) Every person convicted of a breach of the provisions of this by-law shall be liable, upon conviction, to a fine not exceeding Two Thousand Dollars (\$2,000.00) per day.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
5th. DAY OF APRIL, 1988 A.D.


MAYOR

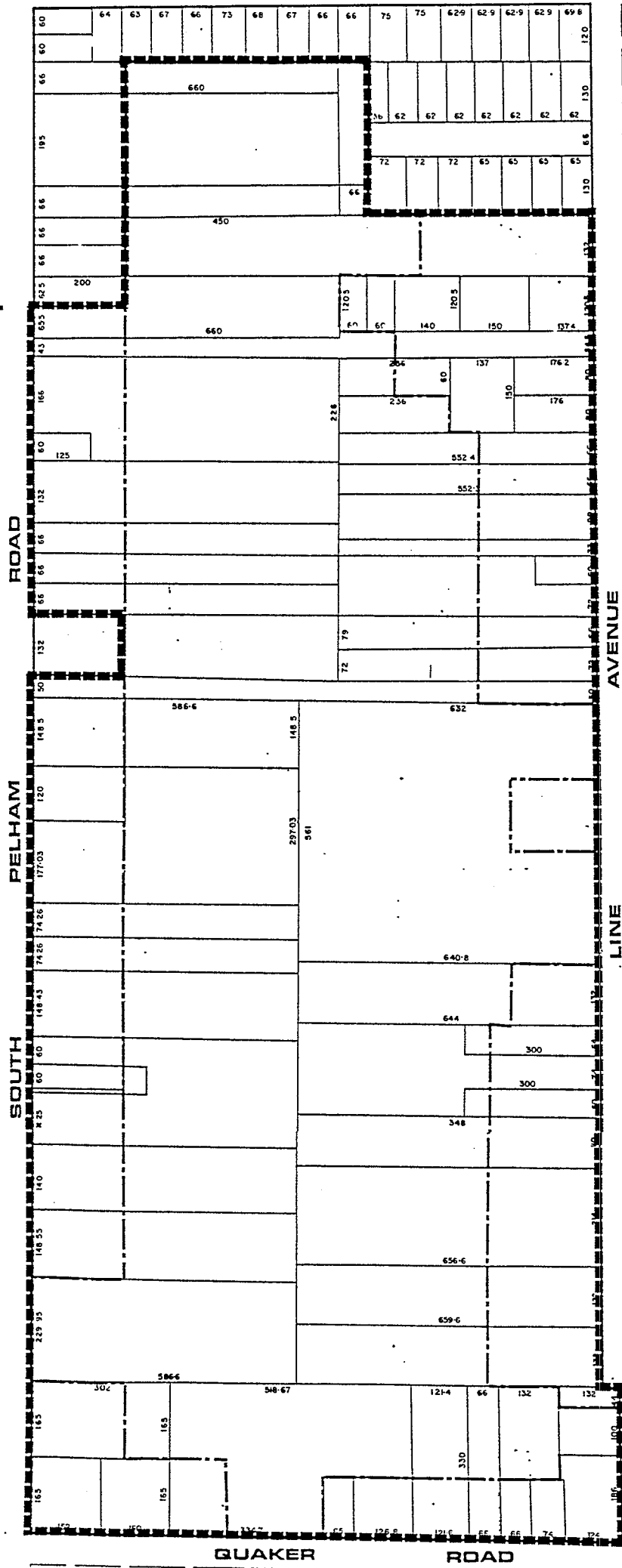
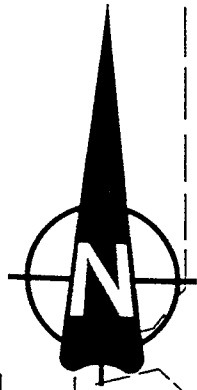

CLERK

TOWN OF PELHAM
SCHEDULE "A" TO BY-LAW N^o 1180 (1988)

LANDS SUBJECT TO INTERIM CONTROL

MAYOR

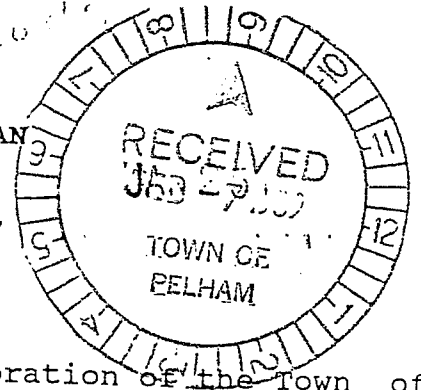
CLERK:



-EASTERLY LIMIT OF LOT 177

TOWN OF PELHAM

PUBLIC MEETING NOTICE CONCERNING AN
OFFICIAL PLAN AMENDMENT
FOR THE SECONDARY PLAN FOR LOT 177



NOTICE is hereby given that the Council of the Corporation of the Town of Pelham will be holding a Public Meeting to consider the matter of a proposed Amendment to the Official Plan to adopt the Secondary Plan for Lot 177, pursuant to the provisions of Section 17(2) of the Planning Act 1983, for the area illustrated on the attached Schedule.

The Public Meeting is scheduled for **THURSDAY, MARCH 2nd, 1989 at 7:30 P.M.** at the Pelham Arena (Community Hall - upstairs), 1120 Haist Street.

LOCATION:

The lands which are subject of amendment comprise the lands of Lot 177 being bounded by Pelham Street, Quaker Road, Line Avenue and Merritt Road and as illustrated on the attached Schedule.

PROPOSAL:

The proposed Official Plan Amendment will provide for the adoption of a Secondary Plan for Lot 177. The Secondary Plan will further refine and enunciate the Official Plan's policies and residential land use designation of Lot 177 and establish policies to regulate and direct land use within the secondary planning area. In particular, the Secondary Plan establishes a road network, land use types and distribution, a housing mix, and servicing strategy for the efficient and orderly development of Lot 177. This is reflected through proposed land use designations and policies for Lot 177.

The attached Schedule illustrates Lot 177 and the proposed land use designations. A copy of the Planning Reports and proposed Secondary Plan is available for viewing at the Pelham Public Library and the Municipal Offices.

NO OBJECTION	
DISTRICT MANAGER, NIAGARA	
MINISTRY OF NATURAL RESOURCES	
DATE <u>89.02.03</u>	416-892-2656



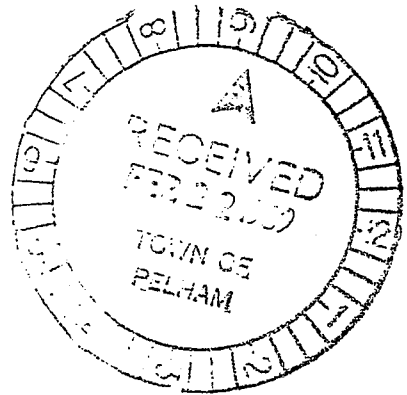
Ministry of
Agriculture
and Food

Ministère de
l'Agriculture et
de l'Alimentation

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

February 17, 1989.

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

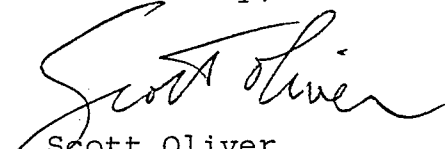


Dear Mr. Hackett:

Re: Official Plan Amendment
Lot 177, bounded by Pelham St., Quaker Rd; Line Ave.
and Merritt Road

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

Yours truly,


Scott Oliver,
Land Use Specialist.

SO/mcd

c.c. Donna Mundie,
District Manager, Toronto

TOWN OF PELHAM	
RECEIVED TO:	
DATE	_____
TIME	_____
BY	_____
FOR	_____
OFF	_____
OTHER	_____

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



TOWN OF PELHAM

NO OBJECTION

25 PUBLIC MEETING NOTICE CONCERNING AN OFFICIAL PLAN AMENDMENT
FOR THE SECONDARY PLAN FOR LOT 177

DATE _____

OFFICIAL PLAN AMENDMENT

FOR THE SECONDARY PLAN FOR LOT

Resources Planner

NOTICE is hereby given that the Council of the ☒ Corporat
Pelham will be holding a Public Meeting to ☐ ~~Consider~~
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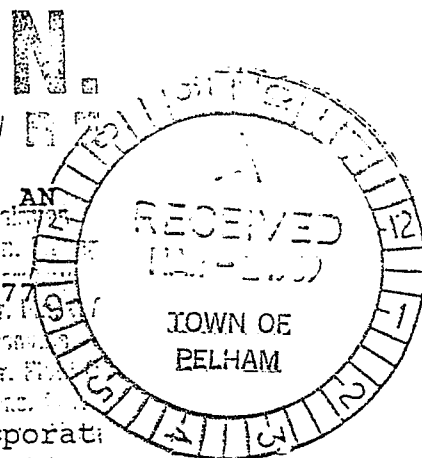
LOCATION:

The lands which are subject of amendment comprise the lands of Lot 177 being bounded by Pelham Street, Quaker Road, Line Avenue and Merritt Road and as illustrated on the attached Schedule.

PROPOSAL:

The proposed Official Plan Amendment will provide for the adoption of a Secondary Plan for Lot 177. The Secondary Plan will further refine and enunciate the Official Plan's policies and residential land use designation of Lot 177 and establish policies to regulate and direct land use within the secondary planning area. In particular, the Secondary Plan establishes a road network, land use types and distribution, a housing mix, and servicing strategy for the efficient and orderly development of Lot 177. This is reflected through proposed land use designations and policies for Lot 177.

The attached Schedule illustrates Lot 177 and the proposed land use designations. A copy of the Planning Reports and proposed Secondary Plan is available for viewing at the Pelham Public Library and the Municipal Offices.



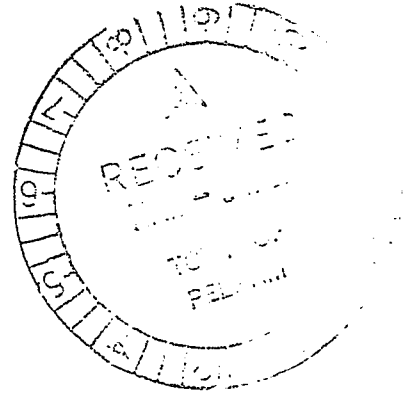


PLANNING AND DEVELOPMENT DEPARTMENT

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

March 1, 1989
File: M.19.20

Mr. Murray Hackett, Clerk
Town of Pelham
Box 400
43 South Pelham Street
Fonthill, Ontario
L0S 1E0



**Proposed Official Plan Amendment
Secondary Plan for Lot 177
Town of Pelham
Public Hearing: March 2, 1989**

The lands which are subject to the Secondary Plan for Lot 177 are bounded by South Pelham Street, Quaker Road, Merritt Road and Line Avenue. These lands represent one of the last large parcels of land that are undeveloped in the Town. The Secondary Plan will further define land uses in this area.

Currently this property is characterized by development fronting onto the peripheral roads with no internal development. Existing development is predominately composed of single family residential dwellings. There are two commercial nodes, one located midway along South Pelham Street and the other at the north west corner of Quaker Road and Line Avenue.

Basically the Secondary Plan proposes the retention of the existing development and the incorporation of an internal roadway. Proposed future lands uses are residential and open space.

The total area of Lot 177 is approximately 93 acres. Existing development is comprised of approximately 40 acres with 54 acres available for development. Table 1 indicates a land use mix and densities as follows:

<u>Use</u>	<u>Area</u>	<u>Density</u>
Single & two family residential	45 acres	6 upa
Townhousing	2.15 acres	12 upa
Apartments	3.14 acres	26 upa
Open space	3.29 acres	

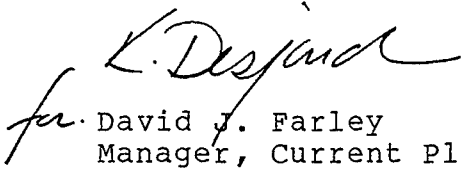
Development in accordance with Table I would result in 71.5 percent of the units being developed for single and two family residential purposes and 28.5 percentage for townhouses and apartments. However Policy 1.2 of the Secondary Plan advocates a housing mix of 80% single and two family residential and 20% multiple family. This later policy does not correspond to the Housing Policy Statement recently approved by the Town of Pelham. That policy recommended the following residential mix:

<u>Short Term</u>	<u>Long Term</u>
70%	75% Low Density
20%	15% Medium Density
10%	10% High Density

In addition the residential mix advocated in the Secondary Plan policy does not conform to the Regional Policy Statement which recommends a housing mix of 72% single and two family units and 28% townhouse and apartment units.

From a Regional perspective the only aspect that the Town may wish to clarify in this proposed Secondary Plan is the housing mix. This policy guideline should conform with the recently adopted Housing Policy Statement for the Town.

Yours truly,


for David J. Farley
Manager, Current Planning

KD:sm

3553C

Blackadder, LACAVERA, GREEN, LEON, MARION & HALINDA

Barristers & Solicitors

EARLE A. BLACKADDER, Q.C.
A.T. LACAVERA, L.L.B.
GLYNN R. GREEN, Q.C.
PAUL D. LEON, B.A., L.L.B.
RONALD A. MARION, B.A., L.L.B.
RICHARD S. HALINDA, B.A., L.L.B.
DOUGLAS R. THOMAS, B.S.S., L.L.B.
H. STERLING WOOD, B.A., L.L.B., L.L.M.

WELLAND
(416) 735-3620
ST. CATHARINES
(416) 384-9294
FONTHILL
(416) 892-2423
FAX
(416) 735-1577

□ 136 EAST MAIN STREET
P.O. BOX 580
WELLAND, ONTARIO L3B 5R3
□ 10 HIGHWAY # 20 EAST
FONTHILL, ONTARIO L0S 1E0
FILE NO.

March 1, 1989

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

ATTENTION: Mr. Murray Hackett

Re: Our Client: Raynald Lavallée
(PUBLIC MEETING - RE: Amendment
to Official Plan)

Dear Sir:

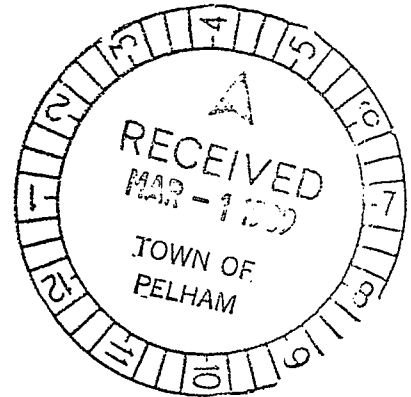
Please be advised that we represent Mr. Raynald Lavallée, who owns property along Pelham Road in the Town of Pelham. His property has a frontage of approximately 92.3 feet on Pelham Road and consists of approximately 0.371 acres in area. On the property is located two buildings, one being a single family detached dwelling and a two storey garage with residential uses on the top floor.

This property is immediately adjacent to the south of the property presently occupied by Fonthill Motors.

Mr. Lavallée has previously indicated his interest in developing the property for commercial purposes.

At this time, we wish to re-iterate his request and intention to apply for a zoning change. Mr. Lavallée also wishes to advise you that he objects to the proposed amendment to the official plan to adopt a secondary plan for lot 177. Immediately to the east of his lands is proposed to develop the property for multi-family use. In Mr. Lavallée's opinion, this will significantly affect the use and value of his property.

We propose to address you in the Public Meeting scheduled for tomorrow evening in regard to the Town's proposed amendment.

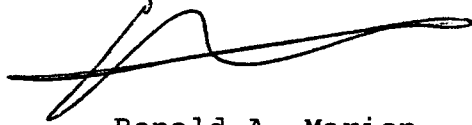


I thank you for your consideration, and remain,

Yours truly,

BLACKADDER, LACAVERA, GREEN,
LEON, MARION & HALINDA

Per:

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Ronald A. Marion

RAM:cb

5 Cynthia Court
Box 5077
Fonthill, Ontario
LOS 1EO

June 17, 1988

Town of Pelham
P. O. Box 400
Pelham Municipal Building
20 Pelham Town Square
Fonthill, Ontario
LOS 1EO

Attention: Murray Hackett

Dear Sir:

Re: Proposed Secondary Plan
Lot No. 177

Following are my personal comments and/or concerns regarding the above noted Official Plan Amendment:

(a) Is it really necessary to include a neighbourhood park in the plan as Woodstream Park is located very close to this neighbourhood and another small park is being developed to the south of Spruceside Crescent? Both of these parks will be easily accessible to the Lot 177 neighbourhood. Perhaps some consideration could be given to taking a cash-in-lieu park dedication as development proceeds and the funds used to up-grade the quality of parks in town rather than attempting to provide park "space" in each and every neighbourhood.

(b) Rather than attempt to dictate exactly where the multiple family housing should be located, perhaps consideration should be given to the parcels under application or where interest is being expressed. It may also be appropriate to locate the multi-family blocks where they have access to arterial roads to avoid imposing traffic on the local residential streets.

(c) The commercial development along South Pelham Road is starting to create a north-south strip. To avoid further undesirable extensions, perhaps a policy should be included in the plan to note that no further expansions of this commercial node will be permitted which will have the effect of extending the strip further.

...2

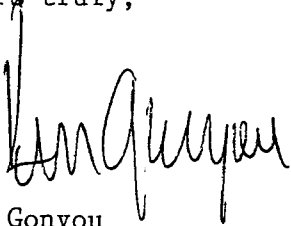
...2

(d) A policy should be included in the plan requiring development to include full urban services to avoid subsequent problems to be overcome at the expense of the public.

(e) It is becoming more difficult, as area development proceeds and traffic increases, to exit from Spruceside Crescent onto South Pelham Road, especially on weekends and during rush hours. In this regard, it may be appropriate to consider relocating the Lot 177 entrance to South Pelham away from the Spruceside entrances to avoid a cross intersection which will have the effect of creating more congestion. Separate locations would disperse the traffic and avoid the need for signalization in the future.

Thanks for your consideration.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Ken Gonyou', written in a cursive style.

Ken Gonyou
5 Cynthia Court

c.c. - John Rodey
M.O.P.

FLETT BECCARIO CROUCH QUINN & D'AMICO

(FOUNDED 1919)

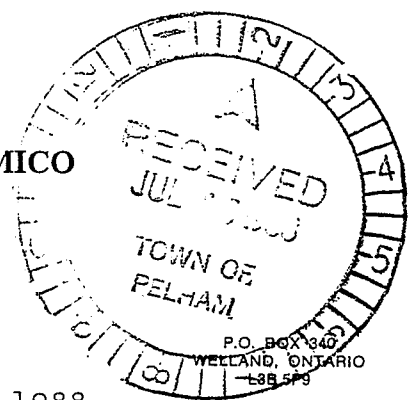
BARRISTERS & SOLICITORS

190 DIVISION STREET

WELLAND, ONTARIO

JOHN H. FLETT (RETIRED)
CARL D. BECCARIO, Q.C. (1949-1987)

PHILIP CROUCH, Q.C.
JOSEPH W. QUINN, B.A., LL.B.
ANTHONY D'AMICO, LL.B.
HAROLD G. ELSTON, B.E.S., LL.B.



July 11th, 1988

TELEPHONE 732-4481
AREA CODE 416
FAX NO. 732-2020

THE TOWN OF PELHAM
Box 400
PELHAM, Ontario
LOS 1E0

ATTENTION: Mr. Murray Hackett, Clerk Administrator

Dear Sirs:

RE: PROPOSED SECONDARY PLAN FOR LOT 177

You will recall that we are solicitors for Ugo Lucchetta, the owner of certain property fronting on Line Ave.

You will also recall that Mr. Lucchetta presented a re-zoning application for his property for the purposes of obtaining the necessary amendments to the zoning by-law for the purposes of authorizing him to construct an apartment building. Particulars of his proposal are included with the application.

We are requesting, on his behalf, that you give serious consideration to revising the proposed secondary plan for Lot 177 in order to allow Mr. Lucchetta to proceed with his proposed development.

Thank you for your anticipated cooperation in this matter.

Yours truly,

ANTHONY D'AMICO
for the Firm

AD:lm

cc Mayor Bergenstein
cc Miller, O'Dell & Paul
cc Mr. Ugo Lucchetta

February 23, 1989

Chairman Alderman Brian Walker
Members of Planning & Development Committee

Application for Zoning By-law Amendment
#AM-17/88 - Rosati, Don
690 Quaker Road Part Lot 177
Our File: 81010-94

LOCATION

The subject property is located on the northwest corner of Quaker Road and Line Avenue. The property is contained within Lot 177 and is part of the proposed Secondary Plan for this area.

PROPOSAL

The applicant is proposing to rezone the property next to an existing commercial building in order to enlarge this existing facility. The addition will add 4,250 square feet of commercial floor space to the existing building at 1047 Line Avenue.

OFFICIAL PLAN

The Official Plan for the Town of Pelham designates the subject property as "Urban Residential". Within the Urban Residential Area the major uses permitted are single-family residences, multiple family residences of various kinds, and apartments. In addition to these uses, and subject to an amendment to the general zoning by-law, ancillary retail commercial outlets will be permitted provided these are in the nature of neighbourhood stores for the convenience of the nearby residents.

LOT 177 SECONDARY PLAN

Policy 2.1 of the proposed Secondary Plan for Lot 177 recognizes that the need for commercial and retail services in Lot 177 is limited due to the relatively small market, and suggests that the provision of commercial and retail services should be limited to and cater to the day-to-day convenience shopping needs of the immediate neighbourhood residents. In addition, under Policy 2.2, the plan indicates that, generally, local convenience commercial facilities will be encouraged to develop in areas presently zoned for such purposes. The remainder of the policies deal with maintaining compatibility between the commercial facility and the surrounding residents.

MILLER O'DELL & PAUL

ZONING BY-LAW

The property which is the subject of this application is presently zoned Residential 1 "R1", which only permits single detached dwellings and uses accessory thereto. The intent of this application is to develop this property in conjunction with the property to the east which is already zoned Neighbourhood Commercial.

SURROUNDING LAND USE

The subject site is bounded to the south by Quaker Road and to the east by Line Avenue. The immediate character of the area is predominantly of a single-family nature.

The lands to the west of the site are zoned Residential 1 (R1) recognizing the single-family residences, and the northerly lot is zoned Neighbourhood Commercial. The lands to the northwest of the site are presently vacant and an application for zoning by-law amendment to accommodate a low rise apartment building is presently being considered by the Town.

PLANNING CONSIDERATIONS

In a memo to Planning Committee, dated October 12, 1988, a response was given with respect to this property at 690 Quaker Road. Mr. R. Benoit of F. T. LaPorte Realty Inc. requested that this parcel be recognized for commercial purposes to accommodate the expansion of the existing local convenience outlet. The memorandum indicated that detailed site plans for the property were not available at this time for review and comment, but did identify that the commercial use of the subject lands had merit as:

- it is a reasonable expansion of the existing use;
- will provide an opportunity to obtain a road widening dedication along Line Avenue;
- through the site plan control process, an improved arrangement of points of ingress/egress and parking areas will result.

Since the initial memorandum of October 12, 1988, Mr. Rosati, through his architect, R. Belvedere, has submitted six alternative site plans illustrating various building configurations and sizes, and parking arrangement. From review of the submitted site plans, the proposed structure, in conjunction with the existing structure, represents over development of the site. This is evidenced by the reductions required to various by-law requirements (e.g. rear yard setback, parking requirements, loading space requirements, planting strips, etc.)

As previously noted, the proposed by-law amendment to accommodate neighbourhood commercial development upon the lands is appropriate. However, in consideration of surrounding land uses, the performance standards of the Neighbourhood Commercial (NC) Zone should not be compromised to the extent identified by the site plan alternatives.

In summary, the rezoning of the subject lands for Neighbourhood Commercial purposes conforms with the Municipality's Official Plan and the "draft" Secondary Plan for Lot 177. Through the site plan control process, the design details of the development such as site access, road widening, parking arrangements, and layout and landscaping can be addressed to ensure land use compatibility. In addition, the necessary development levies for Lot 177 (e.g. boundary road improvements and storm sewer works) can be secured through the site plan control process.

RECOMMENDATIONS

1. That the Planning and Development Committee support the proposed rezoning of the subject lands from Residential 1 (R1) to Neighbourhood Commercial (NC).
2. That staff be directed to prepare the necessary by-law amendment.
3. That the lands being rezoned and those to the east be subject to the site planning process.

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 1241 (1989)

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

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

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

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

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

(1) THAT the lands shown in the sketch attached hereto, designated as Schedule "A" to this by-law, be and are hereby zoned Neighbourhood Commercial NC Zone.

(2) Neighbourhood Commercial - Subject to the general provisions of Section 6 of By-law #1136 (1987) and all other applicable requirements and sections of By-law #1136 (1987), the provisions of this section shall apply throughout the Neighbourhood Commercial NC Zone.

2.1 PERMITTED USES

(a) Banks, barber shops and beauty salons, business and professional offices, convenience retail stores, public and private parking areas, restaurants, studios, agencies and salons.

(b) Uses, buildings and structures accessory to the foregoing permitted uses.

con't...

2.2 REGULATIONS FOR COMMERCIAL USES

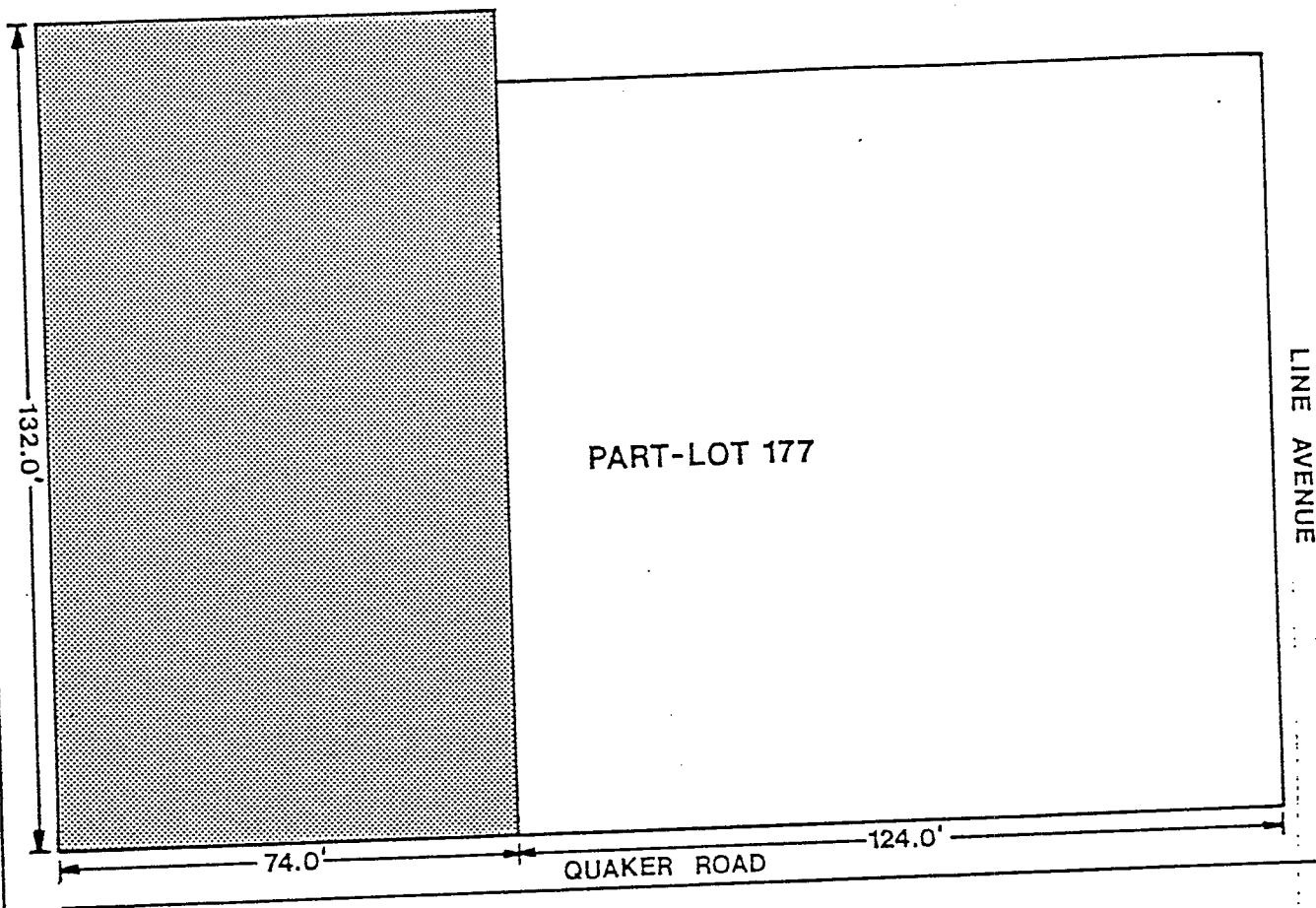
- (a) Minimum Lot Frontage 15.5m
- (b) Minimum Lot Area 700m²
- (c) Maximum Lot Coverage 30 per cent
- (d) Maximum Gross Floor Area 60 per cent of lot area
- (e) Minimum Front Yard 12m
- (f) Minimum Exterior Side Yard 3m
- (g) Minimum Side Yard:
 - abutting a Commercial or Industrial Use Nil
 - abutting a Residential or Institutional Use or Zone 4.5m
- (h) Minimum Rear Yard:
 - abutting a Commercial or Industrial Use 6m
 - abutting a Residential or Institutional Use or Zone 10.5m
- (i) Maximum Building Height 10.5m

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

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED BY
COUNCIL THIS 20TH DAY OF
M A R C H , 1989 A.D.

And Bollens
MAYOR

Mary Hackett
CLERK



TOWN OF PELHAM



CHANGE FROM R1 TO NC ZONE.

THIS IS SCHEDULE A TO BY-LAW No. 1241 (1989)
PASSED THIS 20 DAY OF March, 1989

MAYOR

John Collins

CLERK

Mary H. Pitt

June 23, 1989

Chairman B. Walker
Members of the Planning and Development Committee

Proposed Rezoning
Part of Lot 177 - West side of Line Ave.
Mr. V. Lucchetta

Background

On September 30, 1987 Mr. V. Lucchetta made application to amend the Town's Zoning By-law to permit the development of a 16 unit apartment building. The subject land is located within Lot 177, which at the time of the application was being reviewed for the purposes of preparing a secondary plan. In November of 1987, the application and a planning report was considered by the Planning and Development Committee of which it was recommended that the application for a by-law amendment not be processed at that time, but rather that it be assessed as part of the secondary planning process.

Proposal

Mr. Lucchetta's proposal is to rezone 0.9 acres to a RM2 zone to facilitate construction of two story apartment building. The subject lands are "T" shaped, having a frontage of 100 feet (30.5m) on Line Avenue, a depth of 266 feet (81m) and a rear yard width of 198 feet (60.4m). The apartment building is being placed to the rear of the property and the required parking area is located in the front. Sixteen apartment units are proposed.

Planning Review

The subject lands are designated Urban Residential in the Official Plan whereby single family residences, multiple family residences of various kinds, apartments, and neighbourhood stores for the convenience of nearby residents are permitted.

The Secondary Plan for Lot 177 which is intended to amend the Official Plan proposes that the subject property be designated for multiple family use.

By-law 1136 dual zones the subject lands. The fronting lands to a depth of 132 feet are zoned Neighbourhood Commercial and the remainder of the lands are zoned Residential 1 (R1).

The proposal can comply (through site plan redesign) with all the zoning requirements of the Residential Multiple 2 (RM2) zone with the exception of the following:

MILLER O'DELL & PAUL

- o The minimum rear yard is only 25 feet (7.6m) whereas the required minimum rear yard is 39 feet (12m). A special exception would be required for the subject property to permit its development with a rear yard that does not conform to the minimum standards set out in the zoning by-law. It is noted that this reduction in rear yard is considered appropriate taking into consideration lot configuration, orientation of the structure on the lot to minimize impact on abutting residences and the relationship between the proposed development and the abutting street to the west of the property as proposed by the Secondary Plan.
- o The by-law requires that tenant parking (16 spaces) be provided in a garage whereas the proposal does not provide for this. A special exception would be required to permit tenant parking without being housed in a garage. Not having tenant parking in a garage is considered palatable due to lot configuration; a parking garage would mask a portion of the apartment building; landscaping treatments can appropriately buffer the parking area; the subject lot will become a through lot when the internal street is constructed and therefore the garage could not be placed in a rear yard, removed from public view; the existing NC zone permits uncovered grade parking.
- o A 24.6 foot (7.5 metre) setback is required between the proposed parking area and the street line. The provision of this setback would affect the viability of the subject development as it would result in the reduction of the number of apartment units by at least 4. Also, no opportunity exists to shift the parking area and apartment building in a westerly direction; a 3 metre (10 feet) road widening is required; no alternative designs exists for the parking area as a need exists to provide an appropriate buffer area between the parking area and northerly located residences; the NC zone which currently applies to the fronting lands would permit parking within 0.9 metres (3 feet) of the street line.

From review of the preliminary plans, the following could not be determined, however, as noted, these matters can be addressed at the time of the site plan process:

- o No enclosed children's play area is shown on the site plan. The size of the play area required for the building is based on the number of dwelling units in the building, and the number of bedrooms per unit. The number of bedrooms per unit is not indicated on the site plan; however, there appears to be sufficient space behind the building to accommodate a play area that would comply with the zoning requirements for the subject property;

MILLER O'DELL & PAUL

- o Due to the lack of a schedule indicating the number of bedrooms per unit the minimum floor area per dwelling unit cannot be precisely calculated. Based on the size of the building, however, it appears as though the minimum required floor area per dwelling unit can easily be achieved in the proposed building.

The site plan that is presently being submitted by Mr. Lucchetta differs from the plan that was initially submitted to the Town. These revisions were made in response to suggestions by Staff to the applicant and his solicitor on August 23rd, 1988, following a preliminary public meeting to present the "draft" Secondary Plan for Lot 177. The suggestions to the applicant included the following:

- o The subject proposal be designed to meet the requirements of the Residential Multiple 2 (RM2) Zone.
- o The structure be reoriented onto the internal street rather than Line Avenue.
- o Consideration be given to land assembly to offset servicing costs, increase building design and land use considerations, etc.

In regard to these three suggestions the following points should be noted:

1. The number of variances required to the zoning by-law have been reduced as the only zoning requirement of an RM2 zone that the proposed development does not comply with is the rear yard requirement and those that apply to the parking area (ie. setback and garage).
2. On the revised site plan, the building has been partially reoriented onto the internal street; a possible pickup/dropoff point, and a future walkway to the internal road allowance are shown on the new site plan.
3. The owner of the subject property made an effort to assemble land, but these efforts were unsuccessful due to the unwillingness of surrounding landowners to sell.

In addition, changes necessary to the site plan to address zoning by-law conformity are:

- o shifting the apartment building in a northerly direction to provide a 6 metre (19.7 feet) side yard;
- o reduction in the length of the parking stalls to 5.8 metres (9 feet) to provide for the required parking aisle width.

MILLER O'DELL & PAUL

The official plan contains criteria to assist in the review of applications for zoning by-law amendments for the purposes of constructing apartment buildings. The criteria are:

- o apartment heights be limited to a maximum of 5 storeys;
- o apartment densities shall be in the range of 12 to 27 units per acre;
- o the type of development proposed for the site;
- o the nature and extent of existing land uses within the general area of the site;
- o the adequacy of available municipal services;
- o the total extent of the site;
- o provisions of on-site amenities;
- o impact of traffic and parking on adjacent single-family areas;
- o adequacy of landscaping and buffering provisions;
- o adequacy of schools, parks and neighbourhood commercial facilities;
- o conformance with by-law performance standards.

Review of the subject development application in relation to these criteria has resulted in the following observations:

- o The subject development is in keeping with the height and density requirements of the Official Plan.
- o The proposed apartment would fulfil part of the need for rental accommodation identified by the Town of Pelham's Municipal Housing Statement. According to the Statement, "Since 1971, the proportion of the Town's rental housing stock has been declining. The construction of rental accommodation has not kept pace with the specific housing needs resulting from demographic change." In fact, one of the key conclusions of the Housing Statement was that: "emphasis should be placed on the construction of high density (i.e. apartments) housing."
- o The proposed development generally satisfies the performance standards of the RM2 zone.
- o The proposed development can be adequately serviced by schools, parks and commercial facilities as it is within acceptable threshold distances of these facilities.

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- o The proposed building has been orientated on the lot in such a manner that the separation distances between the proposed apartment building and existing residences is maximized.
- o The utilization of site plan control will assist in achieving land use compatibility.
- o Water and sanitary sewer services are readily available at the subject site. On-site management facilities would be required to control drainage outflow from this development coupled with the need for connection to the Quaker Road storm sewer. In addition, due to the nature of development, the acreage development levy for storm drainage and boundary road improvements should be assessed.
- o To ensure that the traffic to be generated by the proposed development will not have a negative impact on existing and proposed streets, it is recommended that site access only be provided to Line Avenue which road will be upgraded to function as an arterial roadway.

Summary

Development of the site for multiple family purposes is considered appropriate as:

- o The proposed development addresses the need for an appropriate housing mix within Lot 177 and would help satisfy the need for new rental accommodations identified in the Town of Pelham's Municipal Housing Statement.
- o The proposed development satisfies the locational criteria of the Official Plan.
- o The proposed development is approximately located within the Phase I development area of the Lot 177 Secondary Plan and is one of the first residential developments within the southern tier.

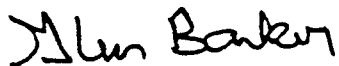
Recommendations

1. That the zoning amendment application of Mr. V. Lucchetta proposing a 2 storey, 16 unit apartment building be approved.
2. That staff be directed to include the subject site into the Lot 177 Secondary Plan as a multiple family designation.

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3. That staff be directed to prepare the necessary zoning by-law amendment rezoning the subject lands from R1 and NC to a site specific RM2 zone addressing the three exceptions noted in this report.
4. That the proposed development be assessed the acreage levy for Lot 177.

Respectfully submitted,



G. Barker
Senior Planner

GB/sp

MILLER O'DELL & PAUL

November 5, 1987

Chairman Alderman D. Hubbard
Mayor E. G. Bergenstein
Members of the Planning and Development Committee

Planning Report
Proposed Rezoning
Part of Lot 177
West Side of Line Avenue
V. Lucchetta

BACKGROUND

On September 30, 1987 Mr. V. Lucchetta made application to amend the Municipality's Zoning By-law of which we were requested to prepare a planning report for Committee's consideration. It is noted that the lands subject of rezoning are located within Lot 177 which is presently being reviewed for the purposes of preparing a Secondary Plan.

PROPOSAL

Mr. Lucchetta's proposal is to rezone 0.9 acres to a RM2 zone to facilitate construction of a two storey apartment building. The subject lands are "T" shaped, having a frontage of 100 feet on Line Avenue, a depth of 264 feet and a rear yard width of 198 feet. The apartment building is being placed to the rear of the property and the required parking area is located in the front, next to two existing single family residences.

PLANNING REVIEW

The subject lands are designated Urban Residential in the Official Plan whereby single family residences, multiple family residences of various kinds, apartments and neighbourhood stores for the convenience of nearby residences are permitted. The Plan establishes criteria to assist in the review of the appropriateness of multi-family developments.

By-law 1136 dual zones the subject lands. The fronting lands, to a depth of 132 feet, are zoned Neighbourhood Commercial and the remainder of the lands are zoned Residential 1 (R1). It is noted that the By-law intended



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URBAN AND RURAL PLANNING CONSULTANTS INC

the lands situated at the corner of Line Avenue and Quaker Road be developed for local convenience purposes as the residential properties to the immediate north and south of the subject lands are zoned NC.

The subject proposal, although achieving the desired increase in density over single family development and providing an alternative form of accommodation, calls into question the following:

- due to lot configuration and existing land use patterns site planning considerations, such as landscaping provisions, become very important in the assessment of this application and the need to ensure land use compatibility.
- consideration should be given to the type of emergency access, if required, and the method of fire protection.
- Line Avenue has a substandard road allowance width at this location and it is not known at this time if a dedication is required.
- a Secondary Plan is presently being formulated for Lot 177, and in particular, consideration is being given to methods of increasing densities within the area and the appropriate placement of multi-family developments.
- approval of the subject proposal at this time may predetermine that this area develop for multi-family purposes.

Due to the above concerns, it would be in the applicant's best interest to await Secondary Plan formulation as this document will provide the required direction.

RECOMMENDATIONS

It is therefore recommended that the application for By-law amendment not be processed at this time, but rather be assessed as part of the Secondary Plan process.

Respectfully submitted,



Glen Barker
Senior Planner



MILLER O'DELL & PAUL
URBAN AND RURAL PLANNING CONSULTANTS INC

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

BY-LAW NO. 1265 (1989)

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

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

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

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

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

(1) THAT the lands identified on Schedule A attached hereto
be and are hereby zoned as Residential Multiple 2
"RM2-87".

(2.0) Residential Multiple 2 RM2-87 Zone

Subject to the general provisions of Section 6 of By-Law
#1136 (1987) with the exception of Sections 6.16(a) and
(i) and all other applicable requirements and sections of
By-Law #1136 (1987), the provisions of this section shall
apply throughout the Residential Multiple 2 RM2-87 Zone.

(2.1) Permitted Uses

(a) Apartment dwellings and uses, structures and
buildings accessory thereto.

(2.2) Zone Requirements

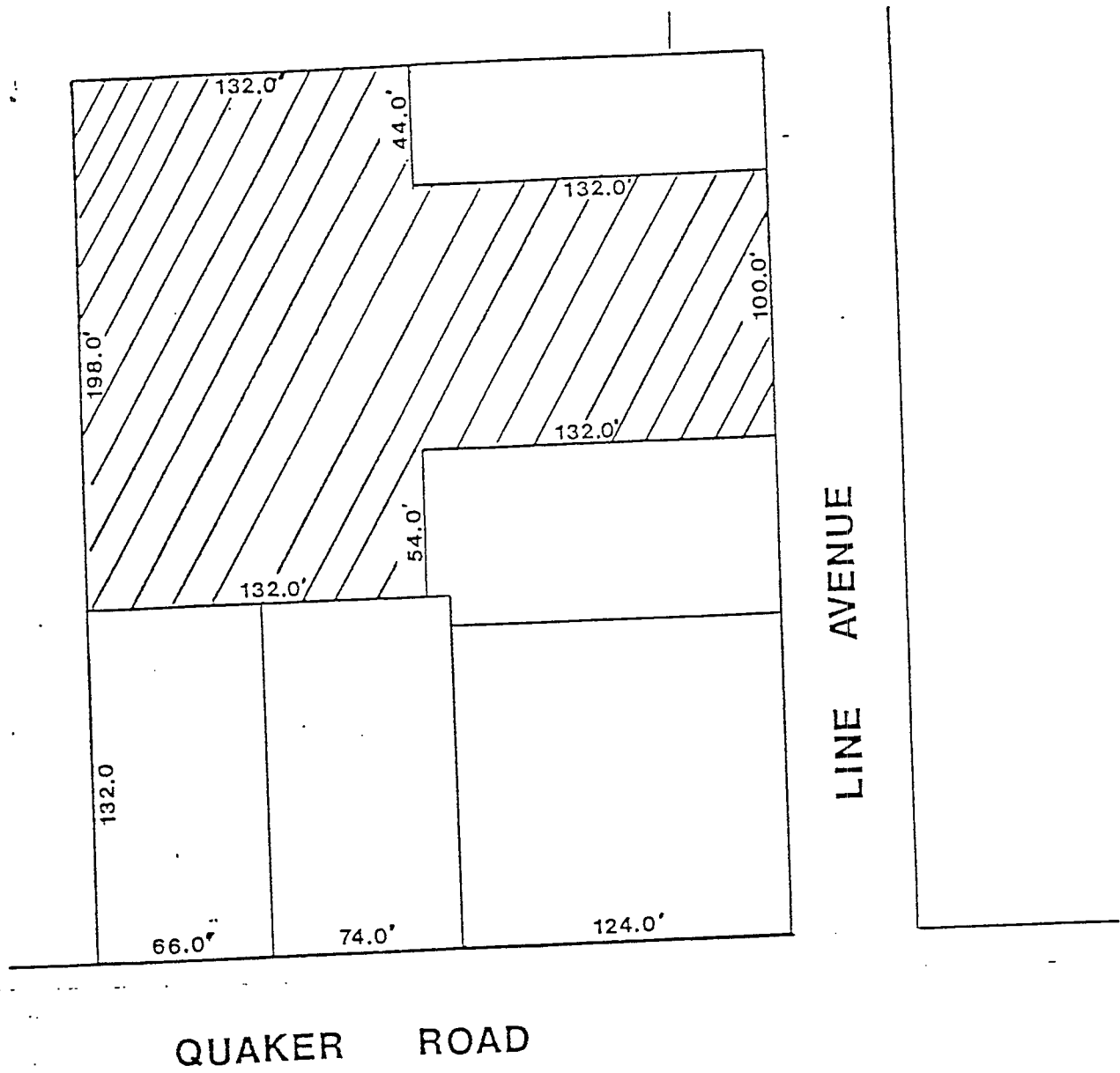
(a) Minimum Lot Area	150m ²
(b) Minimum Lot Frontage	30m
(c) Minimum Lot Depth	38m
(d) Maximum Density	65 dwelling units per ha
(e) Maximum Lot Coverage	30 percent of lot area
(f) Minimum Front Yard	One-half the height of the building or 7.5m, whichever is the greater

- (2.2) (g) Minimum Rear Yard 7.6m
- (h) Minimum Interior Side Yard One-half the height of the building or 6m, whichever is the greater
- (i) Minimum Exterior Side Yard One-half the height of the building or 7m, whichever is the greater
- (j) Minimum Landscaped Open Space 35 percent of lot area
- (k) Maximum Building Heights 2.5 storeys
- (l) Minimum Floor Area per Dwelling Unit:
- Bachelor 42m²
- One Bedroom 56m² plus 9m² for each additional bedroom
- (m) A children's play area shall be provided for each project, except for a building containing all bachelor units, of a size that will contain at least 2.5m² of play space for each one-bedroom unit and at least 5m² of play space for each two or more bedroom units in one location at the rear of the building accessible to the building without crossing a parking lot and located at least 4.5m from the nearest wall of the building and enclosed with a chain link or equally durable fence.
- (n) The required parking shall be provided on an uncovered surface parking area and located 0.3 metres from the street line.
- (3) THAT this by-law will come into force and take effect pursuant to Sections 34(19) and 34(31) of the Planning Act, S.O. 1983.

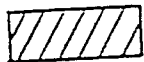
READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED BY COUNCIL
THIS DAY OF , 1989 A.D.

MAYOR

CLERK



TOWN OF PELHAM



TO RESIDENTIAL MULTIPLE 2
RM2-87 ZONE

THIS IS SCHEDULE A TO BY-LAW No. 1265 (8)
PASSED THIS 17 DAY OF July, 1989.

MAYOR _____

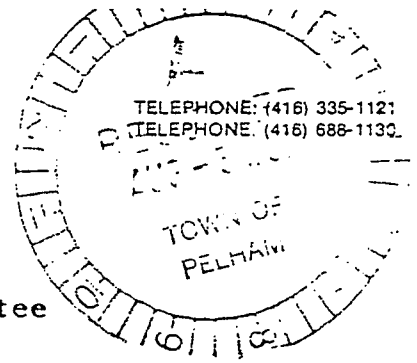
CLERK _____



MILLER O'DELL & PAUL

URBAN AND RURAL PLANNING CONSULTANTS INC.

3215 NORTH SERVICE ROAD, BOX 220, BURLINGTON, ONTARIO L7R 3Y2
8 CENTRE STREET, ST. CATHARINES, ONTARIO L2R 3A7



August 03, 1989

REPLY TO:

Chairman B. Walker

Members of the Planning and Development Committee

Proposed Zoning By-law Amendment
East of Pelham Street
Tiara Gardens

Background

At the last regular meeting of the Planning and Development Committee, the Zoning By-law Amendment application of Messrs. Tonnos and Bruin proposing a 22 unit townhouse complex was tabled so that the applicants could consider an alternative site plan design and the concerns of the ratepayers expressed at the public meeting.

Revised Proposal

On July 24th, the Town received a revised site plan for the townhousing complex inclusive of front and rear elevations and a sight line diagram which are appended hereto. The revised site plan has:

- o maintained the orientation of the two internal townhousing blocks, comprising 7 units a piece, on the internal street;
- o divided the visitor parking areas onto each respective side of the townhousing units;
- o shifted the internal townhousing units in an easterly direction as well as closer to the internal street;
- o provided general landscaping details.

Site Plan Assessment

Based upon review of the revised site plan, elevation diagram and sight line diagram the following comments are provided:

- o Messrs. Bruin and Tonnos have assessed the alternative design which was attached to our report of June 23 and feel that the design concept is unacceptable for marketing and construction reasons.
- o The internal townhouse units have been shifted 15 feet easterly and 7 feet towards the internal roadway to maximize separation distance between the townhousing dwellings and contiguous single family dwellings.

- o To soften the appearance of the development from the proposed internal street, as advocated by the Lot 177 Secondary Plan, the visitor parking area has been divided to either side of the townhouse blocks, the exposed parking area (stall numbers 9, 10, 11 and 12) is to be appropriately screened by vegetative plantings and the side elevation of the two end townhousing units has been designed with a large bay window.
- o The proposed development will have no adverse affect on the southerly located residence due to building orientation, separation distances, landscaping features and existing ancillary buildings on the southerly located property.
- o The proposed development will have no adverse affect on the northerly located residence as:
 - adequate separation distances are proposed between the face of the townhousing units and the northerly residence and amenity area (in excess of 90 feet);
 - the opportunity exists to create an infill lot between the townhouse complex and the northerly residence thereby providing a buffer of compatible housing types;
 - the construction of a privacy fence will "mask" at grade overviews onto abutting properties;
 - appropriate placement of tree plantings will "mask" second storey overviews onto abutting properties.

Recommendations

1. That the recommendations detailed in the June 23rd report be adopted.

Stephanie Park

for Glen Barker
Senior Planner

attach.
GB/sp

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODE OF THE CITY OF LOS ANGELES.
2. ALL PAVING AND CURB WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF CALIFORNIA.
3. ALL MEASUREMENTS SHALL BE MADE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF CALIFORNIA.
4. ALL MEASUREMENTS SHALL BE MADE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF CALIFORNIA.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL MEASUREMENTS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL MEASUREMENTS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL MEASUREMENTS.

Reviews
 11/17/89 - can. P.D.
 11/17/89 - 19/02 17/17

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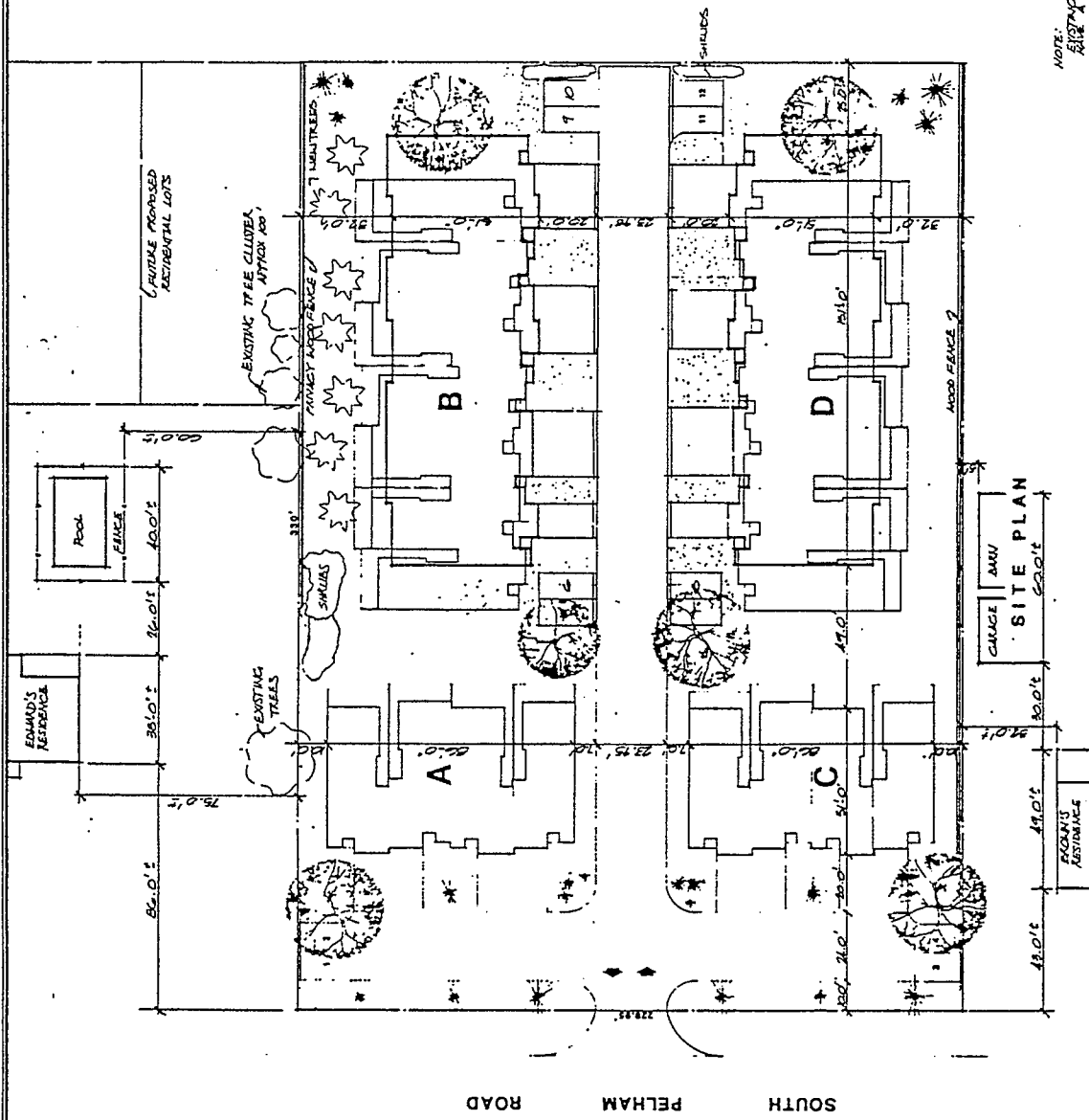
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2

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TITTLE ARDEN'S
GARDENS

NOTE: EXISTING RESIDENCE WITH EXISTING DRIVE

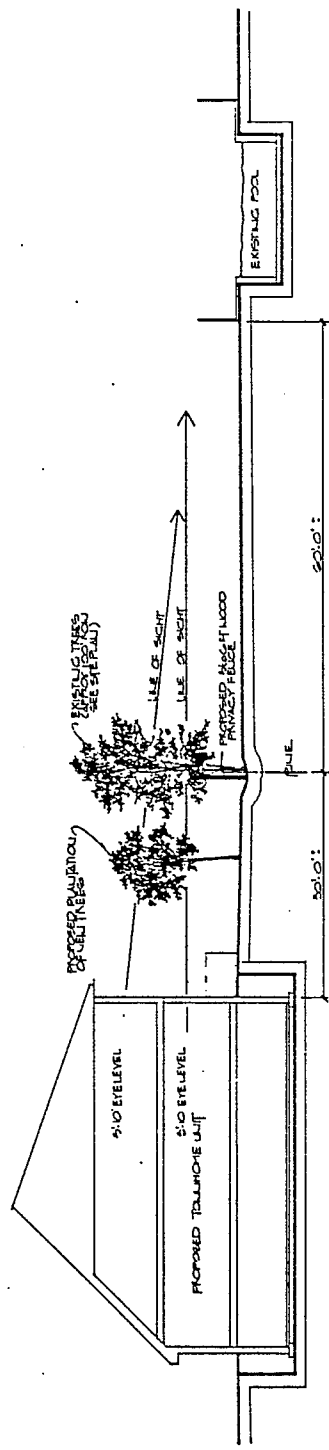
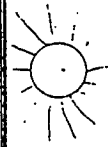


CURVE | DRAW

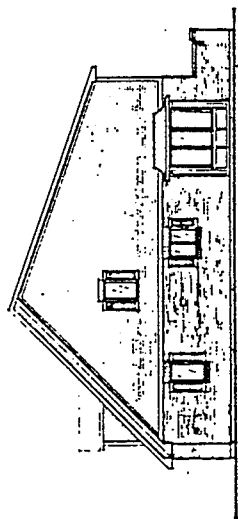
SITE STATISTICS

	100 %
1. SITE AREA: 78,964 SQFT	
2. BUILDING AREA: 32,054 SQFT	25 %
<div style="margin-left: 100px;"><div style="width: 40%;"></div>DIVISION A - 4 UNITS DIVISION B - 7 UNITS BUILDINGS C & D - 1 UNIT <div style="float: left;"></div>BUILDINGS E & F - 1 UNIT</div>	
	50 LANT TOWNHOME COMPLEX

3. LANDSCAPING:	31,362.00 FT	4.4 %
4. PARKING & PAVING:	20,878.00 FT	37.4 %
• 32 CARS (RESERVANCE)		
18 CARS (VISITORS)		



SIGHT LINE DIAGRAM



END VIEW of BLOCKS B & D

Notes:

1. ALL CONSTRUCTION SHALL COMPLY WITH THE DIST. BUILDING CODE 1997.
2. ALL FLOOR AND CEILING FINISHES SHALL BE IN ACCORDANCE WITH THE DIST. BUILDING CODE 1997.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND LOCATIONS SHALL BE AS SHOWN ON THE DRAWING AND NOT TO BE DEPENDENT ON THE CONTRACTOR'S INTERPRETATION OF THE DRAWING.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION.

Drawn: _____

Check: _____

Project Title: _____

Drawing Title: _____

Scale: 1/4" = 1'-0"

Sheet: 1 of 1

Bruin Home Design

893-2172

1997 Bruin & Associates

June 23, 1989

Chairman B. Walker
Members of the Planning and Development Committee

Proposed Zoning By-law Amendment
East Side of Pelham Street
Tiara Gardens - 22 Unit Townhouse Complex

Background

On October 14 1987, Messrs. Bruin and Tonnos made application to amend the Town's Zoning By-law to permit the development of a 31 unit townhouse complex on 2.98 acres of land situate on the east side of Pelham Street, north of Quaker Road, within Lot 177. The application was not processed to the public participation stage due to the formulation of the Lot 177 Secondary Plan.

In June of 1988, a preliminary public meeting was convened to present the "draft" Secondary Plan, of which the lands were slated for single family/two family purposes. At that meeting, concern was expressed over the proposed land use designation by the applicant which resulted in a subsequent meeting between the applicant and staff. At that time, it was suggested that revised plans be filed with the municipality embracing the following:

- o the subject proposal be designed to reflect the road pattern of the Secondary Plan;
- o a townhousing development that is designed to provide frontage to the internal street once constructed;
- o consideration of alternative uses on the lands either in whole or in part.

The applicants subsequently filed revised plans which resulted in the consideration of a multiple family designation on part of their holdings in the Lot 177 Secondary Plan which was presented to the public at a March 2, 1989 public meeting. In March of 1989, the Planning and Development Committee recommended that the appropriateness of designating the subject lands as "multiple family" be considered concurrent with the applicants' rezoning application.

Proposal

As previously noted, the initial application for by-law amendment was to rezone the subject 2.98 acre parcel from R1 to RM1 to accommodate 31 block townhousing units. Due to the Secondary Plan process and concerns previously expressed over the October 1987 development, Messrs. Bruin and Tonnos have revised the amendment application to provide for the rezoning of the lands fronting Pelham Street to a depth of 330 feet from R1 to RM1 to accommodate:

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- o 2 4-unit blocks of street townhousing fronting Pelham Street, and
- o 2 7-unit blocks of block townhousing on the balance of the lands.

Existing Land Uses

At the present time, the subject lands are vacant.

Surrounding Land Uses

The following land uses surround the subject property:

- o To the north and south, the lands fronting Pelham Street are developed for one and a half and two and a half storey single family dwellings.
- o To the west, Pelham Street, which is a Regional Road.
- o To the east, vacant lands of the applicant.

Town of Pelham Official Plan

The subject lands are designated Urban Residential in the Official Plan whereby single family residences, multiple family residences of various kinds, apartments and neighbourhood stores for the convenience of nearby residents are permitted. The Official Plan also contains criteria to assist in the review of applications for zoning by-law amendments for the purposes of accommodating multiple family housing developments.

The Secondary Plan for Lot 177, which is intended to amend the Official Plan, proposes that the subject property (ie. the fronting 1.74 acres) be designated for multiple family use. The balance of the site is to be designated for single family and two family purposes.

Zoning By-law 1136

By-law 1136 zones the subject lands Residential 1 (R1), permitting single family dwellings on lots having a minimum lot frontage of 19m and a minimum lot area of 700m². The rezoning of the fronting 1.74 acres to a Residential Multiple 1 (RMI) zone would accommodate street and block townhousing dwellings.

Planning Review

As previously noted, the official plan contains criteria to assist in the review of applications for zoning by-law amendments for the purposes of constructing multiples. The criteria are:

- o the type of development proposed for the site;

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- o the nature and extent of existing land uses within the general area of the site;
- o the adequacy of available municipal services;
- o the total extent of the site;
- o provisions of on-site amenities;
- o impact of traffic and parking on adjacent single-family areas;
- o adequacy of landscaping and buffering provisions;
- o adequacy of schools, parks and neighbourhood commercial facilities;
- o conformance with by-law performance standards.

Review of the subject development application in relation to these criteria has resulted in the following observations:

- o The proposed development can be adequately serviced by schools, parks and commercial facilities as it is within acceptable threshold distances of these facilities.
- o The utilization of site plan control will assist in achieving land use compatibility.
- o The subject development is providing a site density of 12.6 unit per acre which is below the By-law's maximum density requirement of 14 units per acre.
- o Water and sanitary sewer services are readily available at the subject site. To accommodate storm drainage from the site, an appropriate connection to the Quaker Road/Pelham Street trunk storm sewer will be required. In addition, due to the nature of development, the acreage development levy for storm drainage and boundary road improvements should be assessed.
- o The proposed development can be designed to satisfy the performance standards of the RMI zone.
- o The proposed development has been designed to provide street townhousing fronting onto Pelham Street and block townhousing on the interior lands. This design is of concern due to the appearance of the development when the internal road is constructed. As a result, the appended schedule illustrates an alternative design which provides for the establishment of 2 4-unit blocks of townhouses to front onto the proposed street. Only 6 units will be internal to the development and considered as "block" townhousing. The unit fronting Pelham Street and the

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internal road will constitute "street" townhousing units. This proposed design is felt to integrate better with the long term objectives of the Secondary Plan and provides for a building orientation which minimizes impact on adjoining single family residences.

- o The proposed multiple development would fulfil part of the need for rental accommodation identified by the Town's Municipal Housing Statement. Also, it comprises part of the planned housing mix for the Secondary Plan for Lot 177.

Summary

Development of the site for multiple family purposes is considered appropriate as:

- o The proposed development addresses the need for an appropriate housing mix within Lot 177 and would help satisfy the need for new rental accommodations identified in the Town of Pelham's Municipal Housing Statement.
- o The proposed development satisfies the locational criteria of the Official Plan.
- o The proposed development is approximately located within the Phase I development area of the Lot 177 Secondary Plan and is the second residential development within the southern tier.

Recommendations

1. That the zoning amendment application of Messrs. Bruin and Tonnos proposing 22 housing units be approved.
2. That staff be directed to include the subject site into the Lot 177 Secondary Plan as a multiple family designation.
3. That staff be directed to prepare the necessary zoning by-law amendment rezoning the subject lands from R1 to an R1 zone.
4. That the proposed development be assessed the acreage levy for Lot 177.

Respectfully submitted,

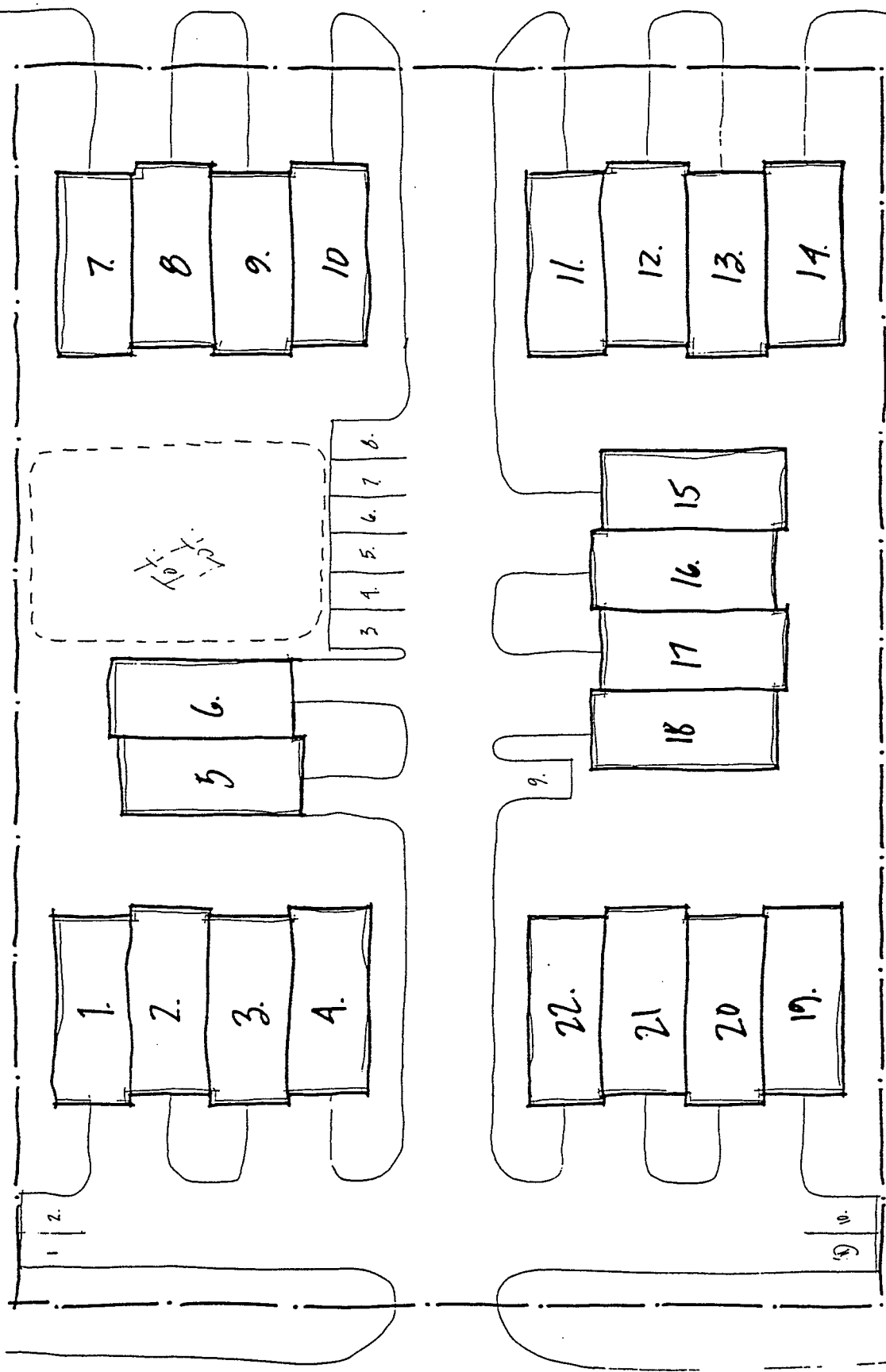
Stephane Paul

for G. Barker
Senior Planner

GB/sp

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PROJECT. INTERIOR. STREET



Tlaxa GARDENS.
ALTERNATIVE DESIGN:

scale 1"=20'

September 22, 1989

Report to: Chairman Alderman B. Walker and
Members of Planning & Development Committee

Application for Zoning By-law Amendment
AM-11/89 R & S Rittenhouse
Fonthill Motors

BACKGROUND

Property Location and Description

The subject properties are located at 1145 and 1149 Pelham Street, being part of Lot 177 in the Town of Pelham. The lands are located on the east side of Pelham Street mid-block between Quaker Road and Meritt Road.

Both parcels are contiguous and front onto Pelham Street with 1145 Pelham Street having a frontage of 120 feet, a depth of 584 feet and comprising 1.6 acres in size, and 1149 Pelham Street having a frontage of 148.5 feet, a depth of 586 feet and comprising 1.99 acres in size.

The lands are partially developed as 1145 Pelham Street, housing Fonthill Motors, is developed to an approximate depth of 360 feet and 1149 Pelham Street, housing a vacant local convenience outlet, is developed to an approximate depth of 130 feet. The remainder of both parcels are vacant.

Proposal

The purpose of the proposed zoning amendment application is to rezone the properties in the following manner:

1145 Pelham Street: o rezone the westerly 425 feet from NC-28 to a site specific General Commercial Zone;

o rezone the remainder of the lands from NC-28 to Open Space.

1149 Pelham Street: o rezone the westerly 425 feet from Neighbourhood Commercial and Residential 1 to a site specific General Commercial Zone;

o rezone the remainder of the lands from Residential 1 to Open Space.

.....2

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PLANNING ASSOCIATES

The rezoning application would therefore result in the creation of a developable block of commercial land having a combined frontage of 268.5 feet by a depth of 425 feet and comprising 2.62 acres. This rezoning application would:

- o implement the Lot 177 Secondary Plan;
- o provide expansionary opportunities for Fonthill Motors;
- o provide additional development opportunities on the lands for selective commercial purposes.

Surrounding Land Uses

The land uses surrounding the site are varied as to the south fronting Pelham Street are single-family residences, to the east vacant lands and single-family residences, to the north a proposed street, and local convenience plaza, and to the west Pelham Street and single-family residences.

PLANNING CONSIDERATIONS

Official Plan

The lands of Fonthill Motors (R & S Rittenhouse) and the northerly located parcel (formerly Masons Investments Ltd.), are designated urban residential by the municipality's official plan. Said designation provides that the predominant use of land shall be for single-family residences, multiple-family residence of various kinds and apartment buildings, associated institutional uses, and retail commercial outlets that are of a neighbourhood nature, providing convenience goods for the nearby residents.

Zoning By-law

Implementing the residential designation of the Official Plan, the municipality's Zoning By-law 1136, adopted June of 1987, zones the Rittenhouse holding as NC-28 and dual zones the northerly located former Mason property NC and R1. The NC-28 zone provides that in addition to the permitted uses of the Neighbourhood Commercial Zone (NC) nothing in the by-law shall prevent the use of the lands indicated as NC-28 on Schedule A5 of the By-law for a vehicle sales and rental establishment and accessory vehicle repairs shop and/or vehicle body shop. The rationale for the lands of Fonthill Motors being zoned Special Exception was to implement the Urban Residential designation of the municipality's official plan and provide for recognition of the existing use of the subject lands. With regard to the northerly located lands, the fronting lands to a depth of 130 feet are zoned Neighbourhood Commercial.

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PLANNING ASSOCIATES

The Neighbourhood Commercial zone provides that the menu of permitted uses are those that are related to the provision of convenience goods and services, and include banks, barber shops and beauty salons, business and professional offices, convenience retail stores, public and private parking areas, restaurants, studios, agencies and salons. The balance of the subject lands are zoned Residential 1 (R1), whereby a single-family detached dwelling on a lot having a minimum lot frontage of 62 feet is permitted.

It is noted that during the appeal period of By-law 1136, Mr. Rittenhouse appeared before the Planning and Development Committee expressing concern over the NC-28 zoning of his lands and requested that the municipality maintain the Commercial General zoning of the property as provided for by By-law 279. The Planning and Development Committee, after reviewing the request of Mr. Rittenhouse, and in recognition that the existing urban residential designation of the lands would not permit the requested Commercial General zone, directed staff to prepare the necessary amendments to the official plan and zoning by-law to recognize the operations of Fonhill Motors and retain the previous Commercial General zoning.

Secondary Plan

As a result of Committee's direction, and in recognition that a secondary plan was being prepared for Lot 177 (in which the subject lands are located) it was felt that the secondary plan, which is to be adopted as an amendment to the official plan, could appropriately recognize Fonhill Motors. The secondary plan was therefore drafted, which:

- o designated the lands presently being actively used by Fonhill Motors, to a depth of 360 feet, as Commercial;
- o the remaining lands of Fonhill Motors, that is those beyond the 360 foot depth, were designated Multiple Family Residential,
- o provide land use policies to recognize the activities of Fonhill Motors and direct that the implementing zoning by-law zone the fronting lands Commercial General, but limiting the uses to those that will not negatively impact on the abutting and surrounding lands.

With regard to the northerly located parcel, the fronting lands are to be designated Commercial to a depth of 200 feet and the balance of the lands Open Space, in the Secondary Plan.

During the public participation process for the secondary plan, Mr. Rittenhouse expressed concern over the proposed land use designations contemplated by the secondary plan for the lands of Fonhill Motors. This resulted in a planning report dated October

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PLANNING ASSOCIATES

12, 1988, which recommended that the entire holdings of Fonhill Motors (i.e. lands having dimensions of 120 feet by 575 feet) be designated Commercial and an appropriate implementing zone be established.

Mr. Rittenhouse subsequently approach the municipality and presented an alternative development scenario for the lands of Fonhill Motors and those to the north:

- o the utilization of those lands fronting Pelham Street with a combined frontage of 268 feet by a depth of 425 feet, to be used for automotive purposes;
- o the balance of the holdings would be developed in a manner consistent with the Secondary Plan.

The development scenario was incorporated into the Secondary Plan and carried forward to the March 2, 1989 public meeting. On March 23, 1989, the Planning and Development Committee adopted a planning report which recommended:

- o The commercial designation for Fonhill Motors be expanded in depth from 360 feet to 425 feet. Also, the commercial designation of the northerly located lands which are also to be used by the southerly located Fonhill Motors be expanded in depth to correspond to the 425 foot depth. This change to the Secondary Plan will provide for the expansion of Fonhill Motors and the rounding out and creation of a more efficient commercial block. (It is noted that the net effect of this rounding out was the addition of 0.57 acres to the existing commercial complement of the lands).
- o The remaining lands be designated for open space purposes.

CONCLUSIONS

The proposed applications for Zoning By-law are considered appropriate as they:

- o implement the Secondary Plan for Lot 177 as approved in principle by the municipality;
- o provides a tailored list of permitted uses to ensure neighbourhood compatibility;
- o creates an efficient commercial block one which also minimizes impact on adjoining lands;

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PLANNING ASSOCIATES

- o brings the establishment of a neighbourhood park one step closer as the lands beyond the 425 foot depth are to be zoned Open Space;
- o provides the opportunity for expansion of the existing Fonthill Motors;
- o does not expand the commercial frontage of lands along Pelham Street as the frontage of the subject lands is development.

It is noted that since it is intended that the subject lands be held under separate and distinct ownership, a specific zone category is to apply to both parcels, and a site plan for those lands to be zoned is not before the municipality for consideration, it is recommended that 1149 Pelham Street be zoned with the Holding (H) prefix. This will give the municipality the opportunity to consider site development/redevelopment of both properties in a comprehensive fashion without jeopardizing any immediate plans of Fonthill Motors.

RECOMMENDATIONS

1. That the application to rezone 1145 Pelham Street from NC-28 to GC - Special Exception and Open Space be approved.
2. That the application to rezone 1149 Pelham Street from Neighbourhood Commercial and Residential 1 to GC - Special Exception and Open Space be approved and also the Holding (H) provision apply.
3. That staff be directed to prepare the necessary amending by-law for consideration by Council.

MILLER O'DELL
PLANNING ASSOCIATES

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

BY-LAW NO. 1284 (1989)

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

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

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

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

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

(1) That the lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "General Commercial GC-89" and "Open Space (OS)".

(2) Subject to the general provisions of Section 6 of By-law 1136 (1987) and all other applicable requirements of By-law 1136 (1987), the provisions of this section shall apply throughout the General Commercial GC-89 Zone.

2.1 PERMITTED USES

- (a)
 - o professional and business offices
 - o restaurants
 - o retail stores
 - o service shops
 - o barber shops
 - o beauty salons
 - o clinics
 - o custom workshops
 - o day nursery
 - o dry cleaning outlet
 - o vehicle sales and rental establishments and accessory vehicle repair shop and/or vehicle body shop

- o motor fuel retail outlet limited to a gas bar with a maximum of two (2) islands and four (4) pumps
- o banks and trust company
- o undertaking establishments

(b) Uses, buildings and structures accessory to the foregoing permitted uses.

2.2 REGULATIONS FOR PERMITTED USES IN CLAUSE (a) OF SUBSECTION 2.1

- | | | |
|-----|--------------------------|---|
| (a) | Minimum Lot Frontage | 15.5m |
| (b) | Minimum Lot Area | 465m ² |
| (c) | Maximum Lot Coverage | 40 percent |
| (d) | Maximum Gross Floor Area | 50% of lot area |
| (e) | Minimum Front Yard | 6.0m |
| (f) | Minimum Side Yard: | |
| | (i) | where the yard abuts a Commercial Zone and access is available to the rear yard by a public or private lane, minimum nil. |
| | (ii) | where the yard abuts a Commercial Zone and no access is available to the rear yard except by means of the said yard, one yard shall have a minimum width of 0.4m, the other yard shall have a minimum width of nil. |
| | (iii) | where the yard abuts a street, minimum 3.0m. |
| | (iv) | where the yard abuts any Residential Zone, minimum 4.5m. |
| (g) | Minimum Rear Yard: | |
| | (i) | where the yard abuts a Commercial or Industrial Zone and access is available to the rear of the building on the said lot by means of a public or private lane, minimum nil. |
| | (ii) | where the yard abuts a Commercial or Industrial Zone and no access is available to the rear of the said building except by means of a yard, minimum 6.0m. |

(iii) where the building contains residential accommodation of one or more storeys in height, minimum 10.5m.

(iv) where the yard abuts any Residential Zone, minimum 10.5m.

(h) Maximum Building Height 10.5m

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

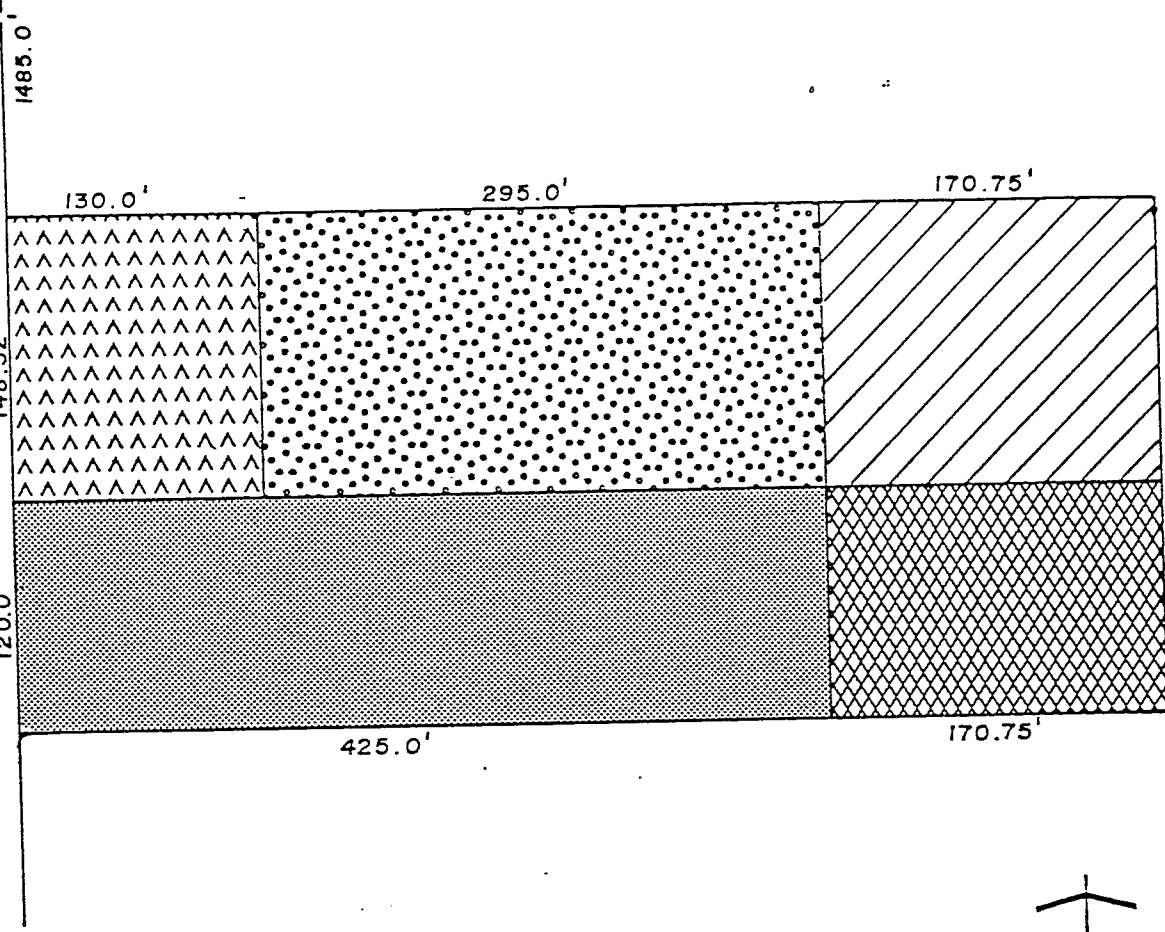
READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
2ND DAY OF OCTOBER, 1989 A.D.

MAYOR

CLERK




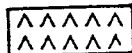

MERRITT ROAD

PELHAM ROAD



1" = 100'

TOWN OF PELHAM

-  CHANGE FROM NC-28 TO GC-89 ZONE
-  CHANGE FROM RI TO GC-89 ZONE
-  CHANGE FROM NC-28 TO OS ZONE
-  CHANGE FROM NC TO GC-89 ZONE
-  CHANGE FROM RI TO OS ZONE

THIS IS SCHEDULE ____ TO BY-LAW NO. ____
PASSED THIS ____ DAY OF ____, 1989.

MAYOR _____

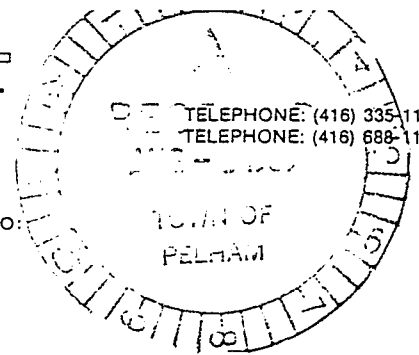
CLERK _____



MILLER O'DELL & PAUL

URBAN AND RURAL PLANNING CONSULTANTS INC.

3215 NORTH SERVICE ROAD, BOX 220, BURLINGTON, ONTARIO L7R 3Y2
8 CENTRE STREET, ST. CATHARINES, ONTARIO L2R 3A7



REPLY TO:

August 03, 1989

Chairman B. Walker

Members of the Planning and Development Committee

Proposed Official Plan and Zoning By-law Amendment

Raynald Lavallee - 1133 Pelham Street, Part of Lot 177

BACKGROUND

Property Location and Description

The subject lands are located on the east side of Pelham Street and abutting the Mazda Fonthill Motor Sales to the north, and is known municipally as 1133 Pelham Street. It has a frontage of 92 feet, and comprises a total area of 0.35 acres.

Proposal

The applicant is proposing to construct a two storey professional office building containing a total floor area of 7,200 square feet. A Zoning By-law and Official Plan amendment has been filed to permit the use of the subject property for this purpose.

Existing Land Use

The existing use of the property is for residential purposes. Two buildings exist on-site; one being a single family detached dwelling and the other a two storey garage with residential uses on the top floor.

Surrounding Land Use

The subject property is surrounded by a mix of land uses. The site is bounded to the north by a car dealership, a vacant commercial building and commercial plaza. To the east, the properties are predominately vacant, awaiting residential development. South of the property, along Pelham Road, are single residential dwellings. To the west, across Pelham Road are single family dwellings.

Apart from the commercial uses in the immediate vicinity of the subject property, the area is generally of a low-density residential character.

PLANNING CONSIDERATIONS

Regional Policy Plan

The subject property lies within the Urban Area Boundary for the Fonthill Urban Area in the Regional Plan.

Official Plan

The subject property is designated Urban Residential in the Pelham Official Plan. The major land uses permitted under this designation are single family residences, multiple family residences of various kinds and apartments, and associated institutional uses such as schools, churches and parks. Under Section 1.18 of the Official Plan, ancillary retail commercial outlets are also permitted uses, provided that:

- o an amendment to the zoning by-law is obtained;
- o they are in the nature of neighbourhood stores for the convenience of the nearby residents.

The proposed Official Plan Amendment intends to redesignate the lands from Urban Residential to Commercial. A Commercial designation would permit such major uses as retail outlets, offices and personal and professional services, among other uses. The intent of the Commercial Area policies is:

- o to maintain the centre of Fonthill as the principle focus of commercial activity, and
- o to maintain existing and proposed commercial areas in a compact form and to prevent their scattering or developing in a ribbon like fashion.

Secondary Plan

The Municipality has approved in principle a Secondary Plan for Lot 177. The purpose of the Secondary Plan satisfies the requirements of Policy 5.3 of the Official Plan for Secondary Plans to provide more discreet land use direction and implementation for the area.

The subject property is designated for single family and semi-detached land uses, permitting the same uses as the Official Plan.

The Secondary Plan further enunciates and clarifies the Pelham Official Plan. Based upon the direction provided by the Official Plan, the Secondary Plan limited further commercial opportunities for the area, particularly, Section 2.1 states that "The need for

commercial and retail services in Lot 177 is limited due to the relatively small market area and the presence of the core shopping area. For these reasons, the provision of commercial and retail services should be limited to and cater to the day-to-day convenience shopping needs of the immediate neighbourhood residents. Commercial Policies under the Secondary Plan set out the following guidelines for evaluating future commercial development in the area (Section 2.2);

- o Generally, local convenience commercial facilities will be encouraged to develop in areas presently zoned for such purposes. Conversely, rezonings for additional commercial space will be discouraged so as not to create conditions of over-supply.
- o Consideration will also be given to the compatibility of local convenience commercial uses and their potential effects on adjacent residential properties.

Zoning By-law

The subject lands are currently zoned Residential 1 (R1) Zone in Zoning By-law No. 1136. This zone permits only single detached dwelling and uses, buildings and structures accessory thereto. The applicant proposes to rezone the subject land to Neighbourhood Commercial (NC) Zone which permits a range of uses such as banks, barber shops and beauty salons, business and professional offices, convenience retail stores, public and private parking areas, restaurants, studios, agencies and salons.

Planning Concerns

The proposed Official Plan and Zoning By-law Amendment application presents a number of planning concerns. Of primary concern is the magnitude of the proposed development in relation to the purpose and intent of future land use policies for the Lot 177 area and Town. First, the proposal represents the development of 7,200 sq.ft. of professional office floor space. The future development of Lot 177 will not be of a magnitude to require such expansive services. Hence, the intended local service nature of commercial development in Lot 177 would be undermined by this proposal.

Second, commercial development outside of the core area, particularly within a small municipality such as Pelham, is always a major concern. Policies of the Official Plan were instituted to support and protect the future of the core area. This proposal is located within one kilometre of the core area, and, as previously stated, represents a development more appropriate to the core area. The proposal therefore stands in competition and opposition to the general commercial intent of the Official Plan.

Third, the planning policies for the Town attempt to protect both the nature of planning communities, and to protect against strip development. This proposal appears to conflict with both of these objectives in that it will extend the length of the existing commercial area along Pelham Road, as well as begin to establish a more significant commercial node, eroding the residential nature of the area, as it exists and as it is planned.

Fourth, the size of the proposed commercial use, in comparison to the market potential of Lot 177, and surrounding area appears excessive. Justification for the market acceptance or absorption capability of such a proposed facility at this location has not been brought forward by the applicant.

Finally, the proposal has not been designed consistent with zoning by-law or secondary plan standards. For example, the lot depth is only 175 feet and inadequate parking is being provided.

CONCLUSIONS AND RECOMMENDATIONS

The proposed application for Official Plan and Zoning By-law amendment represents a major divergence from the principles enunciated in the Secondary Plan and is not in keeping with the intent of the Official Plan as:

- o the proposal, may have a negative impact on the core area;
- o the size and nature of the proposed development is not in keeping with the intended neighbourhood scale of commercial development for the area;
- o the proposed development would further erode the residential character of the area, and promote strip development.

For the above noted reasons, it is recommended that the application for Official Plan and Zoning By-law amendment not be supported.

Glen Barker

fb Glen Barker
Senior Planner

RK/sp